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INDEX AND TABULAR GUIDES

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VOLUME 23 NUMBER 64

Washington, Tuesday, April 1, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10762

DELEGATING TO THE SECRETARY OF DEFENSE THE AUTHORITY OF THE PRESIDENT TO ORDER TO ACTIVE DUTY MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES WHO ARE IN MEDICAL, DENTAL, OR ALLIED SPECIALIST CATEGORIES AND TO PRESCRIBE REGULATIONS GOVERNING THE APPOINTMENT, REAPPOINTMENT, AND PROMOTION OF SUCH MEMBERS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. There is hereby delegated to the Secretary of Defense:

(a) The authority vested in the President by section 4 (*l*) (1) of the Universal Military Training and Service Act, as added by section 2 of the Act of June 27, 1957 (P. L. 85-62; 71 Stat. 206), to order to active duty (other than for training) for a period of not more than 24 consecutive months, with or without his consent, any member of a reserve component of the armed forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and who has not performed at least one year of active duty (other than for training).

(b) The authority vested in the President by section 5 (c) of the Universal Military Training and Service Act, as added by section 5 of the Act of June 27, 1957 (P. L. 85-62; 71 Stat. 207), to prescribe regulations with respect to the appointment, reappointment, or promotion of any qualified person who (1) is liable for induction or (2) as a member of a reserve component is ordered to active duty as a physician or dentist or in an allied specialist category in the armed forces of the United States.

2. Executive Order No. 10478 of August 5, 1953, as amended by Executive Order No. 10658 of February 15, 1956, is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 28, 1958.

[F. R. Doc. 58-2432; Filed, Mar. 28, 1958; 4:49 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 7—FACILITIES FOR INSPECTION

PART 16—MARKING, [illegible]NDING, AND IDENTIFYING P[illegible]UCTS

PART 24—EXPORT STAMPS AND CERTIFICATES

PART 25—TRANSPORTATION

PART 27—IMPORTED PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71-91) and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), the Meat Inspection Regulations (9 CFR, Chapter I, Subchapter A, as amended) are hereby amended as follows:

1. Section 7.7 is deleted.

2. Section 16.17 is amended to read as follows:

§ 16.17 *Transferring inspected and passed product for export.* When inspected and passed products for export are transferred from tank cars to other containers on boats, such transfer shall be done in accordance with the provisions outlined in Part 40 of this subchapter.

3. Section 24.3 (a) is amended to read as follows:

(a) No person operating any steam or sailing vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to Great Britain or Ireland, or any of the countries of continental Europe, or to Canada, Venezuela, Argentina, Peru, Colombia, the French Antilles, Cuba, Bermuda, or Algeria, any product, except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution, unless and until a certificate of inspection covering the same has been issued and delivered as provided in this part. The requirement of export certificates is waived for product exported to countries other than those named in this paragraph. The waiving of the requirement of export certificates for product ex-

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FEDERAL REGISTER

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(As of January 1, 1958)

The following Supplements are now available:

Title 8, Rev. Jan. 1, 1958 ($3.25)
Title 9 ($0.75)
Titles 40–42 ($1.00)
Title 46, Parts 1–145 ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39, ($0.60); Title 46, Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

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ported to certain countries does not waive the requirements of § 24.1.

4. Section 24.5 (i) is amended to read as follows:

(i) *Netherlands.* Forms MI-415-5 and MI-412-9 shall be issued for animal casings destined to the Netherlands.

5. Section 25.10 is amended to read as follows:

§ 25.10 *Exemption; certificate for shipment of uninspected product.* When any product which has not been inspected and passed under the provisions of Parts 1 through 29 of this subchapter is offered for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, by any retail butcher or retail dealer who holds a certificate of exemption issued in compliance with the provisions of Parts 1 through 29 of this subchapter, the carrier shall require and such retail butcher or retail dealer shall make and deliver to the carrier, a certificate in duplicate in the following form printed on paper 3½ x 8 inches:

SHIPMENT OF MEAT OR MEAT FOOD PRODUCTS BY RETAIL BUTCHERS OR DEALERS

Make in duplicate; send one copy to Director, Meat Inspection Division,
U. S. Department of Agriculture, Washington 25, D. C.

I hereby certify that I am a retail butcher or a retail dealer in meat or meat food products; that the following described meat or meat food products are offered for shipment in interstate or foreign commerce under a certificate of exemption issued to me by the United States Department of Agriculture, and that at this date they are sound, healthful, wholesome, and fit for human food, and contain no preservative or coloring matter or other substance prohibited by the Federal meat inspection regulations.

Name of carrier	Exemption certificate No.	Month	Day	Year

Shipper's name and point of shipment City State

Consignee's name and destination City State

	Fresh meats							Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
Species	Beef (1)	Veal (2)	Mutton (3)	Lamb(3)	Pork (5)	Goat (4)	Goat kid	
Number of carcasses								
Number of pounds.								Pounds

Signature of shipper and address

The signature of the shipper or of his agent shall be written in full, and each certificate shall show the exemption number of the shipper. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Director of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

6. Section 25.11 is amended to read as follows:

§ 25.11 *Farmers; certificate for shipment of uninspected product.* When cattle, sheep, swine, or goats have been slaughtered by a farmer on the farm, and any product derived therefrom is offered to a carrier for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, the carrier may so transport such product which is identified as derived from any of such animals slaughtered by a farmer on the farm. The carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the following form printed on paper 3½ x 8 inches:

SHIPMENT OF MEAT OR MEAT FOOD PRODUCTS FROM ANIMALS SLAUGHTERED BY A FARMER ON THE FARM

Make in duplicate; send one copy to Director, Meat Inspection Division,
U. S. Department of Agriculture, Washington 25, D. C.

I hereby certify that the following described uninspected meat or meat food products are from animals slaughtered by a farmer on the farm, and are offered for transportation in interstate or foreign commerce as exempted from inspection according to the Meat-Inspection Act of March 4, 1907, as amended, and that at this date they are sound, healthful, wholesome, and fit for human food, and contain no preservative or coloring matter or other substance prohibited by the Federal meat inspection regulations.

Name of Carrier	Month	Day	Year

Shipper's name and point of shipment City State

Consignee's name and destination City State

	Fresh meats							Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
Species	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)	Goat kid	
Number of carcasses								
Number of pounds								Pounds

Signature of shipper and address

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Director of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

7. All footnotes formerly referred to in §§ 25.10 and 25.11 are deleted.

8. Section 27.8 (m) is amended to read as follows:

(m) A sufficient sampling inspection shall be made of each consignment of foreign frozen fresh meat, including defrosting if necessary, to determine its condition.

9. Section 27.8 (n) is amended to read as follows:

(n) Foreign canned products are required to be sound, healthful, wholesome, and otherwise fit for human food at the time they are offered for importation into the United States. Therefore, consignments of such products containing more than one-fourth of 1 percent of unsound or suspicious cans (leakers, swellers, short vacuums, overstuffed), or both, will not be passed for entry. The initial inspection of foreign canned products shall consist of a 5 percent sample inspection. If more than one-fourth of 1 percent of unsound or suspicious cans (leakers, swellers, short vacuums, overstuffed), or both, are found upon initial sample inspection, then an additional sample inspection of not more than 5 percent shall be made, and if the percentage of unsound or suspicious cans, or both, still exceeds one-fourth of 1 percent the matter shall be referred to the Division and the product held in Customs custody pending further instructions. (If on the initial 5 percent inspection the percentage of unsound or suspicious cans exceeds the tolerance permitted for the 10 percent inspection, then the second 5 percent inspection will not be made.)

The foregoing amendments are issued to make the Meat Inspection Regulations consistent with prior changes in law or regulations or the requirements of foreign countries, and to formalize orders and instructions previously given to the field operating forces of the Meat Inspection Division and to inspected establishments. The changes impose no restriction not now being adhered to by affected persons.

Deletion of the provisions of § 7.7 was made mandatory by Act of Congress (Pub. Law 83-156; 67 Stat. 205). Section 16.17 is amended to provide that certain export procedures shall be performed under other existing provisions of the regulations. These two changes relieve restrictions called for by the present regulations. The amendment to § 24.3 (a) adds Bermuda to the list of countries for which a certain export certificate has been required at the instance of the countries involved. The amendment to § 24.5 (1) relieves certain restrictions applying to the exportation of hog casings to the Netherlands, and makes certain formal changes in general requirements for certificates for animal casings exported to such country. The amendments to §§ 25.10 and 25.11 provide for new forms of certain certificates required by existing regulations, forms which make no substantial changes in the content of such certificates and which are presently in use. The amendments to § 27.8 (m) and (n) make technical changes in import inspection requirements for frozen fresh meat that impose no new burdens on importers and make such requirements consistent with existing inspection practices.

Under section 4 of the Administrative Procedures Act (5 U. S. C. 1003), it is, therefore, found upon good cause that notice and other public rule making procedure with respect to the foregoing amendments would be impracticable and unnecessary, and good cause is found for making such amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

The amendments shall become effective on March 29, 1958.

Done at Washington, D. C., this 26th day of March 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-2350; Filed, Mar. 31, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

REVISION OF APPORTIONMENT TO STATES OF THE NATIONAL ACREAGE ALLOTMENT FOR THE 1958 CROP OF PEANUTS

Correction

In F. R. Document 58-2164, appearing in the issue for Saturday, March 22, 1958, at page 1911, make the following change:

In the table of § 729.903 (a), the column heading now reading *"1959 State acreage allotment"* should read *"1958 State acreage allotment"*.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter M—International Traffic in Arms

[Dept. Reg. 108.358]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The regulations of the Secretary of State, issued August 26, 1955, and amended December 27 and December 31, 1957, are amended as follows:

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

1. Sections 121.1 (a), 121.6, 121.8 and 121.9 are amended to read:

§ 121.1 *General.* (a) The list of articles designated as arms, ammunition, and implements of war pursuant to the authority of section 414 of the Mutual Security Act of 1954 and Executive Order No. 10575 cited supra shall be named the United States Munitions List.

§ 121.6 *Definition of major aircraft components.* The articles listed in this section shall be considered as major components of aircraft:

(a) Air frames and components thereof:

Fuselages or hulls.
Wings, wing panels, and sections.
Rudders and fins.

(b) Complete engines and superchargers including jet engines and afterburners.

(c) Propellers:

Complete assemblies.
Propeller blades.

(d) Landing gear:

Complete assemblies.
Wheels.
Brakes.

(e) Automatic pilots.

(f) Aircraft radio:

Transmitters.
Receivers.

(g) Aircraft radar.

(h) Components, instruments, accessories and attachments peculiarly military in nature which are installed in or attached to tactical aircraft shall be considered as major components.

§ 121.8 *Technical data.* The term "technical data" as used in Category XVIII of the United States Munitions List refers to any professional, scientific, or technical information relating to arms, ammunition, and implements of war, including but not limited to, any model, design, photographic negative, document or any other thing containing a plan, specification, or descriptive information of any kind. (See also § 125.1 of this subchapter.)

§ 121.9 *Classified information.* Classified military information, including classified technical data, is designated as arms, ammunition and implements of war under Category XVII of the United States Munitions List and refers to any material or information which has been officially assigned a military security classification, for example, "top secret", "secret", or "confidential", by any officer or agency of the United States Government. (See also § 125.4 of this subchapter.)

2. Section 121.21, Categories III (b), IV (a) and (b), V (a), IX, and X (c) are amended to read:

CATEGORY III—AMMUNITION

* * * * *

(b) The following components, parts, accessories, and attachments: Cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuses and components thereof, primers and other detonating devices for such ammunition.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, MINES, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, military demolition blocks and blasting caps, rockets, guided missiles, depth charges, chemical and incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation or detection of items enumerated in paragraph (a) of this category, including inter alia the following components and parts: Fuses and components thereof; bomb racks and shackles; bomb shackle release units; bomb ejectors; torpedo tubes; torpedo and guided missile boosters; launching racks and projectors; control mechanisms and control systems; pistols (exploders); igniters, fuse arming devices; and the following items related thereto: Intervalometers and components thereof; bomb lift trucks; bomb and torpedo handling trucks; trailers, hoists, and skids for handling bombs; guided missile launchers, and specialized handling equipment.

* * * * *

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

(a) Fire control, gun tracking, missile tracking and guidance, infrared, and other nightsighting equipment: Range, position, and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights; bombing computers, military television sighting units, inertial platforms; gun sights, and periscopes for the articles enumerated throughout this List.

* * * * *

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battle ships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, minesweepers, frigates, escorts, and submarines. (See §121.27).

(c) Submarine and torpedo nets. Components, parts, attachments and accessories specifically designed for these articles.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components thereof.

CATEGORY X—AIRCRAFT

* * * * *

(c) Miscellaneous equipment used with aircraft, as follows:

(1) Catapults and cartridge-actuated devices utilized in emergency escape of personnel from aircraft;

(2) Pressurized breathing equipment and partial pressure suits for use in aircraft; anti "G" suits, military crash helmets, aircraft liquid oxygen converters. Components and parts specifically designed for such articles.

(3) Complete parachutes utilized for personnel, cargo, or deceleration purposes and complete harnesses and platforms therefor.

(4) Aircraft landing mats.

(5) Aircraft launching and recovery equipment.

3. Section 121.26 (b) is amended to read:

(b) The term "military high explosives" includes but is not limited to one or more of the following materials or mixtures with various powdered metals: Ammonium picrate, black soda powder, potassium nitrate powder, hexanitrodiphenylamine, ammonium perchlorate, nitrocellulose, nitrostarch, nitroglycerin, pentaerythritol tetranitrate, (penthrite, pentrite or PETN) trinitrophenylmenitramine (tetryl), trinitrophenol (picthylnitramine (tetryl), trinitrophenol (picric acid), ethylenedinitramine, cyclotrimethylene - trinitramine (RDX, Cyclonite, Hexogen or T4), cyclotetramethylenetetranitramine (HMX), hexanitrodiphenylamine, trinitroanisol, trinitronapthalene, dinitronaphthalene, tetranitronapthalene, trinitrotoluene (TNT), and trinitroxylene. Explosive mixtures or devices which are not listed above but which contain not more than one per cent of the types of explosives listed here are not considered to be arms, ammunition, and implements of war.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Part 123—Licensing Controls

1. Section 123.1 is amended to read:

§ 123.1 *Application for license.* (a) Persons who intend to export from or import into the United States, its territories or possessions, any of the articles enumerated in the United States Munitions List shall make application for license to the Department of State on the forms prescribed by it unless an exemption from these requirements is authorized by this subchapter. No such exports or imports shall be made until the application has been approved and the license issued.

(b) Applications for license to export helium gas should show the quantity to be exported in terms of cubic feet; the approximate net value of the helium gas; the number and type of containers and the approximate gross weight.

(c) Applications for written authorization from the Department of State to export technical data are required in accordance with the provisions of §§ 125.1 and 125.4 of this subchapter.

2. Sections 123.2, 123.3, 123.4 (a), 123.5, and 123.22 are amended to read:

§ 123.2 *Export licenses.* Licenses to export articles on the United States Munitions List including related unclassified technical data and helium gas must be applied for on Form DSP-5. That form is also proper in applying for licenses to export technical data whenever customs clearance is required. The Department of State will not issue export licenses if a proposed exportation is not considered to be in furtherance of world peace and the security and foreign policy of the United States. Prior to the issuance of an export license, the Department of State may also require documentary evidence pertinent to the proposed transaction. Licenses are applicable only to articles physically within the territorial jurisdiction of the United States.

§ 123.3 *Import licenses.* Licenses to import articles on the United States Munitions List must be applied for on form DSP-38. The Department of State will not issue import licenses if a proposed importation is not considered to be in furtherance of world peace and the security and foreign policy of the United States. Prior to the issuance of an import license, the Department of State may also require documentary evidence pertinent to the proposed transaction. (See also § 123.11.)

§ 123.4 *Intransit licenses.* (a) When articles are to be moved in transit through the United States, its territories or possessions, an intransit license must be obtained, except as provided in paragraphs (b) and (c) of this section, and an application for license must be submitted on form DSP-61. The Department of State will not issue intrasit licenses if the proposed shipment is not considered to be in furtherance of world peace and the security and foreign policy of the United States. (See also § 123.11.)

§ 123.5 *Validity and terms of licenses.* Licenses are valid for six months from the date of issuance unless a different period of validity is stated thereon at time of issuance. No extensions may be granted on licenses which have expired or are about to expire. If shipment cannot be made during the period of validity of a license, a new license may be applied for to authorize its exportation or importation. Licenses are not transferable and are subject to revocation, suspension or revision. Licenses which have expired or have been suspended or revoked must be returned immediately to the Department of State.

§ 123.22 *Shipments to or from certain countries.* The exemptions provided by this part do not apply to shipments destined for or originating in the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

3. Section 123.23 is amended by the addition of paragraph (d) as follows:

(d) The provisions of paragraph (a) of this section do not apply to shipments of arms, ammunition, and implements of war which were imported into Canada from a third country within one year. An intransit license is required in such cases.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Part 124—Licensing Agreements; Transmission of Information

Sections 124.2 and 124.3 are amended to read:

§ 124.2 *Technical service and assistance agreements.* Agreements entered into between persons or companies resident in the United States and persons or companies resident abroad for the servicing abroad of equipment manufactured in the United States or for the furnishing of technical assistance relating to articles designated as arms, ammunition, and implements of war or for the sale of such articles do not constitute authorization for the exportation without a license of technical data relating thereto unless the Department of State has indicated in writing that it has no objection to the agreement or to its provisions. (See § 125.26 of this subchapter.) In order to take full advantage of any special provisions set forth in the regulations with respect to such agreements persons or firms desiring to enter into agreements of this kind are advised to communicate with the Department of State at the inception of preliminary negotiations and negotiations should not be concluded until the matter has been reviewed by the Department of State.

§ 124.3 *General provisions in agreements.* (a) Proposed technical assistance or manufacturing license agreements which may involve the transfer or interchange of technical data (see §§ 121.8 and 121.9 of this subchapter) should set out in detail the terms and conditions of such transfer or interchange and define in precise terms the following:

(1) The equipment and technology involved.

(2) The scope of the information to be furnished.

(3) The period of duration of the agreement.

(b) It is the general policy of the United States Government not to pay in connection with its purchases, or allow to be paid in connection with purchases made with Mutual Security Program funds, a charge for patent rights in which it holds a royalty-free license, or for technical data which it has a right to use and disclose to others for purposes of the Mutual Security Program, or which is in the public domain, or with respect to which it has been placed in possession without restriction upon its use and disclosure to others. Reasonable charges for reproduction, handling, mailing and other similar administrative costs do not fall within this policy. Pursuant to the above policy, agreements generally will not be approved unless written in such a way that (a) purchases of items by or for the United States Government, or with funds derived through the Mutual Security Program, will not include a charge (1) for technical data in the possession of the United States Government, or in which the United States Government has a right to possession, and regarding which there is no prohibition against use by the United States Government and disclosure to others and (2) for royalties or amortization for patents or inventions in which the United States Government holds a royalty-free license; and (b) the license rights transferred by such agreements will be subject to existing rights of the United States Government.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Part 125—Technical Data

Sections 125.1, 125.4, 125.23, 125.46, and 125.47 are amended to read:

§ 125.1 *General.* Written approval by the Department of State is required in all cases for the exportation of unclassified technical data, Category XVIII of the United States Munitions List, to any of the destinations referred to in § 125.42. (See also § 121.8 of this subchapter.)

§ 125.4 *Classified information.* Classified military information, including classified technical data, Category XVII, United States Munitions List, may only be transferred or exported on a government-to-government basis or under other procedures established by the cognizant military agency (see also § 121.9 of this subchapter). Should classified data be involved in any proposed commercial transaction, the matter must be taken up with the Department of State by letter. Such a letter should contain full details of the proposed transaction and be accompanied by aditional documents to assist in the consideration of the proposal. The letter and documents submitted for this purpose should be in triplicate.

§ 125.23 *Unclassified technical data on ~~small arms~~ and ammunition.* Collectors of customs or postal authorities may permit the exportation without written approval (subject to the provisions of § 125.41) of unclassified technical data relating to small arms and machine guns not in excess of caliber .50 and ammunition for such weapons except unclassified technical data containing advanced design, processes and manufacturing techniques.

§ 125.46 *Government contracts.* Under the exemption provided by § 125.25 the exporter must certify that the technical data are being shipped directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer. Certification as to these facts may be made in accordance with the provisions of § 125.41.

§ 125.47 *Licensing agreements.* Under the exemption provided by § 125.26 the exporter must certify that the technical data are being shipped directly in furtherance of a licensing agreement to which the Department of State has, in writing, expressed no objection and which does not pertain to a more recent design, process, or manufacturing technique. Certification as to these facts may be made in accordance with the provisions of § 125.41.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

PART 126—VIOLATIONS AND PENALTIES

Sections 126.1 and 126.3 (a) are amended to read:

§ 126.1 *Violations in general.* It shall be unlawful for any person to export or attempt to export from the United States any of those articles designated by the United States Munitions List as arms, ammunition, and implements of war or to import or to attempt to import such articles into the United States without first having obtained a license therefor unless an exemption from this requirement is authorized by this subchapter.

§ 126.3 *Authority of collectors of customs.* (a) Collectors of customs are authorized to take appropriate action to insure observance of this subchapter as to the importation, or attempt to import, or exportation or attempt to export, arms, ammunition, and implements of war, whether or not authorized by the licenses issued under this subchapter, including but not limited to inspection and loading or unloading from carriers.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

PART 128—ADMINISTRATIVE PROCEDURES

Section 128.1 is deleted and replaced by the following:

§ 128.1 *Exclusion of functions under section 414 of the Mutual Security Act of 1954.* The functions conferred by section 414 of the Mutual Security Act of 1954 are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by sections 1003 and 1004 thereof.

§ 128.2 *Exclusion of functions under section 6 (a) of the Air Commerce Act of 1926.* The functions conferred by section 6 (a) of the Air Commerce Act of 1926, as amended (49 U. S. C. 176, as amended by section 1107 (i) (3) of the Civil Aeronautics Act, 49 U. S. C. 401 following), are excluded from the operations of the Administrative Procedures Act as contemplated by sections 1003 and 1004 thereof.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

The above amendments shall become effective on April 1, 1958.

Dated: March 27, 1958.

For the Secretary of State.

RODERIC L. O'CONNOR,
Administrator,
Bureau of Security,
and Consular Affairs.

[F. R. Doc. 58-2411; Filed, Mar. 31, 1958; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

PART 702—FORMS

MISCELLANEOUS AMENDMENTS

Part 701 and Part 702 of Title 26, CFR, appearing at 22 F. R. 278 and 6765 are amended in the following respects:

1. In the introduction, the last sentence, second paragraph is changed to "Refer to the Internal Revenue Code of 1954, and particularly to sections 6211 through 6215, 7483, and 7502."

2. In § 701.7 *Initiation of a case; petition; filing fee; form,* paragraph (a) subparagraph (2), the second sentence is changed to "(See also section 6213 (a), and section 7502, Code of 1954, in regard to absolute statutory time limit on filing.)"

3. In § 701.35 *Briefs,* the second sentence of paragraph (d) is changed to "An original and 6 copies shall be filed on Internal Revenue Code of 1939 section 722 and section 721 (a) and (2) (C) issues."

4. In § 701.44 *Subpoenas,* at the end of this section delete "For matters relating to fees and mileage, see Rule 60."

5. In § 701.53 *Court records; removal; fees for copies,* paragraph (b), at end of paragraph, add "No copy of any exhibit or original document in the files of the Court shall be furnished to other than the parties until the decision in the case becomes final."

6. In § 701.64 *Renegotiation of contract cases,* paragraph (a), first sentence, after "Renegotiation Acts" change footnote reference "3" to "2". In second sentence, after "(or the United States when substituted therefor)" change footnote reference "4" to "3". In footnotes, change footnote numbers from "3" to "2", and "4" to "3".

7. In § 701.65 *Bond to stay execution of order of Renegotiation Board,* paragraph (b), subparagraph (2) is changed to read as follows:

(2) At 112 percent of an amount equal to the full amount of the excessive profits determined in that order reduced by the credit authorized by section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, and is accompanied by a statement from the district director of internal revenue[4] for the district in which the return for the taxable year was filed, showing the amount of the credit to which the petitioner is entitled as a result of the determination.

8. In footnote, change footnote number from "5" to "4".

9. Sections 702.4, 702.5, 702.6, 702.7, and 702.8 are amended to read as follows:

§ 702.4 *Entry of appearance.* (Available—Ask for form 305) (See Rule 24).

To Be Filed in Duplicate

TAX COURT OF THE UNITED STATES

WASHINGTON

Docket No. --

------------------------------------,
Petitioner,
v.
COMMISSIONER OF INTERNAL REVENUE,
Respondent.

ENTRY OF APPEARANCE

The undersigned, being duly admitted to practice before the Tax Court of the United States as Attorney C. P. A. Practitioner,[1] herewith enters his appearance for the petitioner in the above-entitled case.

(Signed)

(Type signature)

(Office address)

(City)

[1] Cross out qualification class not applicable.

§ 702.5 *Appeal bond, corporate surety.* The following is a satisfactory form of bond for use in case bond with a corporate surety approved by the Treasury Department is to be furnished to stay the assessment and collection of tax involved in an appeal from a decision of the Tax Court. Only the original bond is required. There are no printed forms. Each petitioner must execute the bond, and the corporate seal or a designation of seal in the case of individuals must be affixed.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Docket No. --

-------------------------------------, *Petitioner,*

v.

COMMISSIONER OF INTERNAL REVENUE, *Respondent.*

BOND

Know all men by these presents that we ------------ as principal, and -------------, as surety, are held and firmly bound unto the above-named Commissioner of Internal Revenue and/or the United States of America, in the sum of $------ (double the deficiency or such sum as the Tax Court has fixed upon petitioner's prior motion), to be paid to the said Commissioner of Internal Revenue and/or the United States of America for the payment of which well and truly to be made we bind ourselves and each of us and our successors and assigns jointly and severally firmly by these presents. Sealed with our seals and dated the ------ day of ----------, in the Year of our Lord One Thousand Nine Hundred and ------.

Whereas, the above named -------------- is filing or is about to file with the Tax Court of the United States, a petition for review of the said Court's decision in respect of the tax liability of the above petitioner for the taxable year or years ------, by the United States Court of Appeals for the ------ Circuit to reverse the decision rendered in the above-entitled cause.

Now, therefore, the condition of this Obligation is such that if the above-named --------- shall file its petition for review and shall prosecute said petition for review to effect and shall pay the deficiency as finally determined, together with any interest, additional amounts or additions to the tax provided for by law, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

--------------------- [SEAL]
(For an individual petitioner)

--------------------- (For a corporate petitioner)
By ---------------------
(Title)

[CORPORATE SEAL]
--------------------- (Surety)
By ---------------------
(Title) (Surety corporate seal)

Attest:
--------------------- (Secretary)

§ 702.6 *Appeal bond, approved collateral.* A satisfactory form of bond for use in case an appellant desires to furnish approved collateral (Treasury Department Circular No. 154, Revised), instead of furnishing a corporate surety bond, and also forms of powers of attorney covering the pledged collateral are shown below. Only the original is required in either case. There are no printed forms. Each petitioner must execute the bond, and the corporate seal or a designation of seal in the case of individuals must be affixed.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Docket No. --

-------------------------------------, *Petitioner,*

v.

COMMISSIONER OF INTERNAL REVENUE, *Respondent.*

BOND

Know all men by these presents that ---------- is held and firmly bound unto the above-named Commissioner of Internal Revenue and/or the United States of America in the sum of ---------- ($------) Dollars, to be paid to the said Commissioner of Internal Revenue and/or the United States of America, for the payment of which, well and truly to be made, the ---------- binds itself and its successors, firmly by these presents. Sealed with our seals and dated the ------ day of ----------, in the year of our Lord One Thousand Nine Hundred and ------.

Whereas, the above-named ------------ is filing or is about to file with the Tax Court of the United States, a petition for review of the said Court's decision in respect of the tax liability of the above petitioner for the taxable year or years ------ by the United States Court of Appeals for the ------ Circuit to reverse the decision rendered in the above-entitled cause.

Now, therefore, the condition of this obligation is such that if the above-named --------- shall file its petition for review and shall prosecute said petition for review to effect and shall pay the deficiency as finally determined, together with any interest, additional amounts or additions to the tax provided for by law, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

The above-bounden obligor, in order the more fully to secure the Commissioner of Internal Revenue and/or the United States in the payment of the aforementioned sum, hereby pledges as security therefor bonds/notes of the United States in a sum equal at their par value to the aforementioned sum, to wit: ---------- dollars ($------), which said bonds/notes are numbered serially and are in the denominations and amounts, and are otherwise more particularly described as follows: -- which said bonds/notes have this day been deposited with the Clerk of the Tax Court of the United States and his receipt taken therefor.

Contemporaneously herewith the undersigned has also executed and delivered an irrevocable power of attorney and agreement in favor of the Clerk of the Tax Court of the United States, authorizing and empowering him, as such attorney to collect or sell or transfer or assign the above-described bonds/notes so deposited, or any part thereof, in case of any default in the performance of any of the above-named conditions or stipulations.

--------------------- [SEAL]
(For an individual petitioner)

[CORPORATE SEAL]
--------------------- (For a corporate petitioner)
By ---------------------
(Title)

Attest:
--------------------- (Secretary)

§ 702.7 *Bond with corporate surety in renegotiation cases.* The following is a satisfactory form of bond for use in case bond with a corporate surety approved by the Treasury Department is to be furnished to stay the execution of an order of the Renegotiation Board (created by the act of March 23, 1951) involved in a petition to the Tax Court. Only the original bond is required. There are no printed forms. Each petitioner must execute the bond, and the corporate seal or a designation of seal in the case of individuals must be affixed.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Docket No. --

-------------------------------------, *Petitioner,*

v.

-------------------------------------, *Respondent.*

BOND

Know all men by these presents: That we ------------ as principal, and ------------, as surety, are held and firmly bound unto the Renegotiation Board and/or the United States of America, in the sum of $------ (See Rule 65 (*b*) as to amount), to be paid to the Renegotiation Board and/or the United States of America, for the payment of which well and truly to be made we bind ourselves and each of us and our successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed, and dated this ------ day of ----------, 19--.

Whereas, the Renegotiation Board by its order dated ---------- determined that the above-named principal derived excessive profits from contracts and subcontracts subject to renegotiation, during the fiscal year ended ------, in the amount of $------; and

Whereas, said principal has filed or is about to file a petition in the Tax Court of the United States for a redetermination of the amount of the aforesaid excessive profits.

Now, therefore, the condition of this obligation is such that if the above-named principal shall well and truly pay the amount of profits adjudged by the Tax Court of the United States to be excessive, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, or if said principal, in the event that said proposed proceeding in the Tax Court of the United States is not timely filed, or after filing is dismissed or otherwise concluded without an adjudication by said Court as to the amount of excessive profits, shall well and truly pay the amount of profits determined by the Renegotiation Board to be excessive by its said order dated ----------, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

--------------------- [SEAL]
(For an individual petitioner)

[CORPORATE SEAL]
--------------------- (For a corporate petitioner)
By ---------------------
(Title)

--------------------- (Surety)
By ---------------------
(Title) (Surety corporate seal)

Attest:
--------------------- (Secretary)

§ 702.8 *Bond with approved collateral in renegotiation cases.* A satisfactory form of bond for use in case the petitioner in a renegotiation filed under the Act of March 23, 1951, desires to furnish approved collateral under Rule 65 (c) (2), instead of furnishing a corporate

surety bond, follows. Forms of power of attorney covering the pledged collateral for use with bonds secured by collateral, both in appeals from this Court in tax cases and in petitions to this Court in such renegotiation cases, are also shown below. Only the original instrument is required in each instance. There are no printed forms. Each petitioner must execute the bond, and the corporate seal or a designation of seal in the case of individuals must be affixed.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Docket No. --

-------------------------------------,
Petitioner,
v.
-------------------------------------,
Respondent.

BOND

Know all men by these presents: That ---------- is (are) held and firmly bound unto the Renegotiation Board and/or the United States of America in the sum of ---------- ($------) Dollars (see Rule 65 (*b*) as to amount), to be paid to the Renegotiation Board and/or the United States of America, for the payment of which, well and truly to be made, the said ---------- bind(s) himself (herself, itself, or themselves) and his (her, its, or their) successors and assigns, firmly by these presents.

Signed, sealed and dated this ------ day of ----------, 19--.

Whereas, the Renegotiation Board by its order dated ---------- determined that the above-named ---------- derived excessive profits from contracts and subcontracts subject to renegotiation, during the fiscal year ended ------ in the amount of $------; and

Whereas, the above-named ---------- has (have) filed or is (are) about to file a petition in the Tax Court of the United States for redetermination of the amount of the aforesaid excessive profits,

Now, therefore, the condition of this obligation is such that if the above-named ---------- shall well and truly pay the amount of profits adjudged by the Tax Court of the United States to be excessive, less any tax credit applicable thereunto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, or if the above-named ----------, in the event that said proposed case in the Tax Court of the United States is not timely filed or after filing is dismissed or otherwise concluded without an adjudication by said Court as to the amount of excessive profits, shall well and truly pay the amount of profits determined by the Renegotiation Board to be excessive by its said order dated ----------, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

The above-bounden obligor(s) in order the more fully to secure the Renegotiation Board and/or the United States in the payment of the aforementioned sum, hereby pledge(s) as security therefor bonds/notes of the United States in a sum equal at their par value to the aforementioned sum, to wit: ---------- ($------) Dollars, which said bonds/notes are numbered serially and are in the denominations and amounts, and are otherwise more particularly described as follows: ------------------------------
----
which said bonds/notes are being herewith deposited with the Clerk of the Tax Court of the United States and his receipt taken therefor.

Contemporaneously herewith the undersigned has also executed and delivered an irrevocable power of attorney and agreement in favor of the Clerk of the Tax Court of the United States, authorizing and empowering him, as such attorney to collect or sell or transfer or assign the above-described bonds/notes so deposited, or any part thereof, in case of any default in the performance of any of the above-named conditions or stipulations.

---------------------- [SEAL]
(For an individual petitioner)

[CORPORATE SEAL]

(For a corporate petitioner)
By ----------------------------
(Title)

Attest:

(Secretary)

(Sec. 7453, 68A Stat. 884; 26 U. S. C. 7453)

By the Court.

Dated: March 27, 1958.

[SEAL] J. E. MURDOCK,
Chief Judge,
Tax Court of the United States.

[F. R. Doc. 58-2380; Filed, Mar. 31, 1958; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 35—TORT CLAIMS AGAINST THE GOVERNMENT

TIME LIMIT

Section 35.4 (e) of Part 35, Title 45 CFR is hereby amended by substituting the word "may" in lieu of the word "shall" where it appears in each of the last two sentences thereof so that the paragraph now reads as follows:

(e) *Time limit.* All evidence required to be submitted by this section shall be furnished by the claimant within a reasonable time. Failure of the claimant to furnish evidence necessary to a determination of his claim within six months after a request therefor has been mailed to his last known address may be deemed an abandonment of the claim. The claim may thereupon be disallowed.

(Sec. 2672, 62 Stat. 983, as amended; 28 U. S. C. 2672)

Dated: March 26, 1958.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-2384; Filed, Mar. 31, 1958; 8:50 a. m.]

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 111—FEDERAL ASSISTANCE UNDER TITLE IV, AFTER JUNE 30, 1956, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

DEADLINE FOR APPLICATIONS

Subpart B of Part 111, 45 CFR Chapter I (21 F. R. 6193), as amended (22 F. R. 7281), issued pursuant to title IV of Public Law 815, 81st Congress (64 Stat. 967), as amended, is hereby further amended by adding a new section (§ 111.22) in order to establish a new deadline date for filing applications with respect to funds available or to be made available. The section added reads as follows:

§ 111.22 *Second deadline for filing applications with respect to funds available or to be made available.* Pursuant to section 401 (c) of title IV, June 2, 1958, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title IV from funds then available or to be made available for payment of such applications shall be filed.

(Sec. 208, 64 Stat. 975; 20 U. S. C. 278)

Dated: March 25, 1958.

[SEAL] L. G. DERTHICK,
United States
Commissioner of Education.

Approved: March 26, 1958.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-2383; Filed, Mar. 31, 1958; 8:50 a. m.]

PART 112—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES UNDER TITLE III IN AREAS AFFECTED BY FEDERAL ACTIVITIES WITH RESPECT TO APPLICATIONS FILED AFTER JUNE 30, 1956

ADDITIONAL PAYMENTS; DEADLINE FOR APPLICATIONS

1. Paragraph (b) of § 112.8, Part 112, 45 CFR Chapter I (21 F. R. 6194), as amended (22 F. R. 7281), issued pursuant to title III of Public Law 815, 81st Congress (64 Stat. 967), as amended, is hereby further amended by inserting immediately before the semicolon at the end of subparagraph (2) thereof the following: "(except that if the first year of the increase period has been included in a previous application with respect to which any payment has been or may be made, the applicable percentage shall be 5 percent instead of 10 percent)". As so amended, paragraph (b) reads as follows:

§ 112.8 *Additional payments under section 308 of the act.* * * *

(b) Under the authority of paragraph (a) (1) of this section, a complete application under title III (except an application with respect to which the Commissioner has waived or reduced eligibility requirements under section 305 (e) of the act and § 112.5) may be considered for payment of part or all of the non-Federal share of the cost of any project which does not include more than minimum facilities for unhoused children, provided: (1) That the application contains a request for payment hereunder; (2) that the estimated number of children countable for payment under section 305 of the act for the two-year increase period under consideration equals or exceeds the number obtained by taking 10 percent of the average daily membership of the applicant school district for the base year (except that if the first year of the increase period has been included in a previous application with respect to which any payment has been or may be made, the applicable percentage shall be 5 percent instead of 10 percent); (3) that the applicant has exhausted all fiscal resources, including State aid, bonding authority, and Federal aid, which are practicably available to it and is unable to pay the non-Federal share of the cost of the project; (4) that it has been reached on the priority indices established by this part; and (5) that Federal monies reserved under paragraph (a) of this section are available. The additional payment to the applicant under this provision shall not exceed the non-Federal share of the cost of the project less all financial resources practicably available to the applicant; nor shall it exceed the difference between (i) the actual cost of providing minimum facilities for the federally connected pupils eligible for payment under the act, or the average cost in the State of providing such facilities, whichever is the lesser, and (ii) the Federal funds made available to the applicant under section 305 of the act.

2. Subpart B of Part 112, 45 CFR Chapter I (21 F. R. 6197), as amended (22 F. R. 1552, 22 F. R. 7281), is hereby further amended by adding a new section (§ 112.23) in order to establish a new deadline date for the filing of applications. The section added reads as follows:

§ 112.23 *Second deadline for filing applications with respect to funds available or to be made available.* Pursuant to section 303 of title III, June 2, 1958, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title III from funds then available or to be made available for payment of such applications shall be filed.

(Sec. 206, 64 Stat. 975; 20 U. S. C. 278)

Dated: March 25, 1958.

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: March 26, 1958.

M. B. FOLSOM,
Secretary of Health, Education and Welfare.

[F. R. Doc. 58-2385; Filed, Mar. 31, 1958; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

WAIVER OF RULES ON FREQUENCY USE

In the matter of request of Southeastern Fisheries Association, Tallahassee, Florida, for waiver of §§ 7.306 (b) and 8.354 (a) (1) of the Commission's rules to permit unlimited hours of use of the frequency pair 2550 kc. (coast)—2158 kc. (ship) in the vicinity of Tampa, Florida, for a temporary period and related Special Temporary Station Authorization.

The Commission having under consideration the above-captioned request of Southeastern Fisheries Association;

It appearing that the rule amendments adopted in Docket No. 12053 concerning the availability on a 24-hour basis of the frequency pair 2466 kc. (coast)—2009 kc. (ship) in the Tampa, Florida, area, and the limitations on the use of the frequency pair 2550 kc. (coast)—2158 kc. (ship) in the same area, pursuant to the Commission's Order adopted on September 11, 1957, became effective on December 15, 1957; and

It further appearing that in connection with the annual "day only" limitation which was placed on the frequency pair 2550 kc. (coast)—2158 kc. (ship) beginning April 1, 1958, Southeastern Fisheries Association has requested a waiver of §§ 7.306 (b) and 8.354 (a) (1) of the rules of the Commission so as to permit unlimited hours of use of the frequency pair 2550 kc. (coast)—2158 kc. (ship) in the vicinity of Tampa, Florida for a temporary period; and

It further appearing that although a transition period was provided for in the Commission's order finalizing the Tampa frequency changes, petitioners have not yet completed the equipment changes necessary to effect a changeover to use of the frequency pair 2466 kc. (coast)—2009 kc. (ship) which is now available on a 24-hour basis at Tampa; and

It further appearing that the requested waiver would serve the public interest in that it would accommodate ships at sea desiring to change over to the frequency pair 2466 kc. (coast)—2009 kc. (ship);

It is ordered, That effective April 1, 1958, and pursuant to section 0.291 (b) (7) of the Commission's rules, §§ 7.306 (b) and 8.354 (a) (1) of the Commission's rules are hereby waived so as to permit unlimited hours of use of the frequency pair 2550 kc. (coast)—2158 kc. (ship) in the vicinity of Tampa, Florida, for a temporary period until July 1, 1958; and

It is further ordered, That effective April 1, 1958, and pursuant to section 0.291 (a) of the Commission's rules:

(1) Special Temporary Authorization is hereby granted for the period April 1, 1958, to July 1, 1958, to public coast station WFA at Tampa, Florida, of the Southern Bell Telephone Company, and to any ship station communicating therewith, authorizing the use of the frequency pair 2550 kc. (coast)—2158 kc. (ship) on a 24-hour basis;

(2) A copy of this order shall be posted with the current station authorization for public coast station WFA at Tampa, Florida, and with the current station authorizations of ship stations in the Tampa area availing themselves of the Special Temporary Authorization herein granted.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2416; Filed, Mar. 31, 1958; 9:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1606]

[Los Angeles 0139895]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws and the Act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Department of the Air Force for military purposes:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 3 E.,
Sec. 2, SW¼.

The area described contains 160 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

MARCH 26, 1958.

[F. R. Doc. 58-2353; Filed, Mar. 31, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

WITNESS EXAMINATIONS; ORDER OF PROCEDURE

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 24th day of March A. D. 1958.

There being under consideration § 1.74 of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That § 1.74 be amended to read as follows:

§ 1.74 *Witness examination; order of procedure.* Witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal-complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing, except at further hearings granted on petition the petitioner requesting further hearing shall open and close; and except, further, that parties other than the respondent shall open and close in investigations in which the burden of proof is not upon the respondent. Interveners shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any other party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

It is further ordered, That this order shall become effective on May 8, 1958.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-2359; Filed, Mar. 31, 1958; 8:46 a. m.]

PART 110—DESTRUCTION OF RECORDS

SUBPART C—SLEEPING CAR COMPANIES

LIST OF ACCOUNTS, RECORDS, AND MEMORANDA, AND PERIODS OF RETENTION

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 10th day of March A. D. 1958.

Having under consideration the matter of regulations to govern the destruction of records of sleeping car companies which were prescribed by an order entered November 28, 1949 (14 F. R. 7382) pursuant to authority contained in section 20 (7) (b) of the Interstate Commerce Act, as amended (24 Stat. 383, 386, as amended; 49 U. S. C. 12, 20, as amended); and,

It appearing that certain provisions of such regulations are more restrictive than necessary for proper administration of Part I of the act; relaxing which restrictions would be permissive in nature and therefore not subject to the public rule making requirements of section 4 (a) of the Administrative Procedure Act; and otherwise good cause appearing:

It is ordered, That effective with the date of this order the title of this subpart be, and it is hereby, changed to conform to the heading of this order.

It is further ordered, That effective April 15, 1958 the Regulations to Govern the Destruction of Records of Sleeping Car Companies, Issue of 1950, be, and they are hereby, modified as shown below.

And it is further ordered, That a copy of this order shall be served on The Pullman Company as the only sleeping car company subject to provisions of the Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director of the Division of the Federal Register.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

1. In § 110.50 *List of accounts, records, and memoranda, and periods of retention*, change the prescribed periods of retention as follows:

Item	Description of accounts, etc.	Period to be retained	
		Now in effect	As revised
2	Code and cipher books, file copies of	Permanent	Optional.
3	Capital stock records:		
	(a) Capital stock ledger	do	10 years.
	(b) Capital stock certificates, record of or stubs of	do	Do.
	(c) Stock transfer register	do	Do.
4	Bond records:		
	(a) Registered bond or note ledger	do	Do.
	(b) Record of stubs of bonds or notes	do	Do.
	(d) Records of interest coupons paid and unpaid	3 years	2 years.
5	Corporate elections:		
	(b) Lists of holders of voting securities presented at meetings.	6 years	3 years.
	(e) Ballots cast and tabulations of vote	do	Do.
	(f) Judges' reports of election results	do	Do.
8	Record of securities owned, in treasury, or with custodians	Permanent	10 years after disposition.
11	Ledgers:		
	(b) Balance sheets of general ledgers	do	10 years.
	(c) Trial balance sheets of general and auxiliary ledgers	do	Do.
16	Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds, and other securities.	do	Permanent when approved, optional when denied.
34	Insurance records:		
	(a) Schedules of fire and other insurance, also records of payment of premiums and amounts recovered.	4 years	3 years.
	(d) Inspectors' reports of condition of property	2 years	Optional.
51	Statistical records and supporting papers, not provided for elsewhere, which relate to the income account or general balance sheet statement, or which show revenue passenger miles and car movement by divisions, lines, or states.	5 years	Do.
79	Agents' and conductors' balance sheets and supporting papers.	6 years	3 years.
94	Records showing detail distribution of labor expenditures charged to all accounts.	do	4 years.
99	Vouchers:		
	(a) All vouchers or accounts payable, and supporting papers.	10 years	6 years.
	(b) Paid and canceled vouchers	do	Do.
140	Tickets:		
	(a) Used and canceled tickets, the reports of the sale of which have been properly audited.	6 months after audit.	Optional.

2. In the same § 110.50 cancel Items 13, 14, and 15, including the description of accounts, etc., and the prescribed periods they are to be retained, and substitute the following for them:

Item	Description of accounts, etc.	Period to be retained
13	Journal entries:	
	(a) Original general journal entries	Permanent.
	(b) Copies of general journal entries and supporting papers	15 years.
14	Cash books:	
	(a) Original general cash books	Do.
	(b) Auxiliary cash books	6 years.
15	Tax records:	
	(a) Copies of schedules and returns to taxing authorities for tax purposes.	Do.
	(b) Records of appeals, tax bills and statements	6 years after settlement.
	(c) United States and foreign revenue and excise taxes, state sales taxes, working papers and reports.	5 years after settlement.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

[F. R. Doc. 58-2358; Filed, Mar. 31, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 251]

IMPORTATION OF DISTILLED SPIRITS, BEER, AND WINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

In order to conform regulations to the provisions of Public Law 85-211 relative to the importation of certain samples of alcoholic beverages free of internal revenue tax imposed on or by reason of importation, 26 CFR Part 251 is amended as follows:

PARAGRAPH 1. By inserting immediately following § 251.48 the following new undesignated centerhead and new section:

EXEMPTION OF CERTAIN SAMPLES FROM INTERNAL REVENUE TAXES

§ 251.49 *Commercial samples of alcoholic beverages.* Samples of distilled spirits, beer, and wine, to be used in the United States by persons importing alcoholic beverages in commercial quantities, are, subject to the limitations in this section, exempt from the payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for products of foreign countries. In no case shall this exemption apply to more than one sample of each alcoholic beverage product admitted during any calendar quarter for the use of each such person. No sample of beer shall contain more than 8 ounces, no sample of wine shall contain more than 4 ounces, and no sample of distilled spirits shall contain more than 2 ounces.

(71 Stat. 486; 19 U. S. C. 1201)

PAR. 2. Section 251.74 is amended:

(A) By inserting ", other than those provided for in § 251.49," in the second sentence between the word "spirits" and the word "imported" so that the sentence will begin, "Samples of distilled spirits, other than those provided for in § 251.49, imported for any purpose * * *."

(B) By inserting the following new sentence between the present second and third sentences, "Samples of beer and wine brought into the United States pursuant to § 251.49 are exempt from the labeling requirements of the Federal Alcohol Administration Act and regulations issued thereunder."

(71 Stat. 486; 19 U. S. C. 1201)

Since the amendments made by Public Law 85-211 apply to articles entered for consumption or withdrawn from warehouse for consumption on or after October 17, 1957, the date on which the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material came into force for the United States, these regulations are being made retroactively effective to that date pursuant to section 7805 of the Internal Revenue Code of 1954.

[F. R. Doc. 58-2386; Filed, Mar. 31, 1958; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO-210-A10]

HANDLING OF MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Tulsa, Oklahoma, on December 6, 1957, pursuant to notice thereof issued on November 26, 1957 (22 F. R. 9600).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 3, 1958 (23 F. R. 1602) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

No exceptions to the recommended decision were filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (23 F. R. 1602; Doc. 58-1717) are hereby approved and adopted as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of February 1958 is hereby determined to be the representative period for the conduct of such referendum.

Richard E. Arnold is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 26th day of March 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service, on March 3, 1958, and published in the Federal Register on March 6, 1958 (23 F. R. 1602; Doc. 58-1717), shall be and are the terms and provisions of this order, as if set forth in full herein.

[F. R. Doc. 58-2368; Filed, Mar. 31, 1958; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

FABRIC AND LEATHER GENERAL INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and pursuant to authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165) and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, notice is hereby given that I propose to amend Part 545 by revising Schedule C of § 545.13, entitled Piece Rate Schedule for the Fabric and Leather Glove Industry in Puerto Rico, to read as follows:

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO[1]

No.	Operation	(1) Ladies' woven or knitted fabric gloves	Leather gloves[2] (2) Ladies'	Leather gloves[2] (3) Men's	Unit of payment
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			52.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole glove.			70.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.326			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.480		Do.
192	Feather stitch, 5 to 6 stitches per inch	.391	.603		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.432	Do.
194	Regular stitch, 5 to 6 stitches per inch	.256	.453	.432	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.166	.310	.310	Do.
196	Slip stitch; reinforcement on slip, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.310	.310	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.256	.453	.432	Do.
198	Whip stitch, 5 to 6 stitches per inch	.256	.453	.432	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing," see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

This amendment is necessary to reflect the appropriate piece rates to be paid commensurate with the new minimum hourly rates for this industry as recommended by Industry Committee No. 36-C for Puerto Rico and as contained in the order of the Acting Administrator (23 F. R. 1569).

Prior to the final adoption of the above proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing to the Acting Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., within fifteen (15) days from publication of this notice in the Federal Register.

Signed at Washington, D. C., this 26th day of March 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-2381; Filed, Mar. 31, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 5, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 2 N., R. 43 E.,
Sec. 21, S½NW¼NE¼, S½NE¼NW¼.

The above area aggregates 40 acres.

E. G. NIELSEN,
Acting Commissioner.

[Idaho 08612]

MARCH 25, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-2354; Filed, Mar. 31, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

DELEGATIONS OF AUTHORITY

In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Definitions. The term "CCC" shall mean Commodity Credit Corporation.

The term "ASC" shall mean Agricultural Stabilization and Conservation.

The term "administrative officer" shall mean the State Administrative Officer who is responsible for directing the operations of any ASC State office, or the Acting State Administrative Officer.

The term "other employee" shall mean any employee of the State ASC office other than the administrative officer.

The term "committee member" shall mean any member of an ASC county committee within the State.

Delegation. The administrative officer or, upon written designation by him, any other employee or any county committee member may sign or countersign CCC sight drafts or CCC certificates properly issued pursuant to any ASC-administered program in which the use of CCC sight drafts or CCC certificates is prescribed.

Revocation of delegations of authority. Delegations of authority dated May 28, 1956 (Authorization No. CA-61), and August 27, 1956 (Authorization No. CA-64), with respect to the signing of CCC sight drafts and acreage reserve certificates are hereby revoked. Redelegations of authority which were issued by ASC State Chairmen to administrative officers pursuant to Authorization No. CA-61 are hereby revoked. All other redelegations of authority which were issued pursuant to Authorizations Nos. CA-61 and CA-64 shall remain in effect until revoked in writing by the administrative officer.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 27th day of March 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-2392; Filed, Mar. 31, 1958; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 161-58]

DIRECTOR OF BUREAU OF PRISONS

DELEGATION OF AUTHORITY

FEBRUARY 12, 1958.

When the Director of the Bureau of Prisons shall determine and certify that proper and adequate treatment, facilities and personnel are available, he is authorized to exercise the power vested in the Attorney General by section 5003 of Title 18 of the United States Code relative to contracting with the proper officials of a State or Territory for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses in the courts of such State or Territory.

WILLIAM P. ROGERS,
Attorney General.

[F. R. Doc. 58-2382; Filed, Mar. 31, 1958; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. HARDING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of Apr. 10, 1956, 21 F. R. 2303; Sept. 25, 1956, 21 F. R. 7301; Apr. 4, 1957, 22 F. R. 2257; Oct. 1, 1957, 22 F. R. 7777.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 19, 1958.

Dated: March 19, 1958.

GEORGE E. HARDING.

[F. R. Doc. 58-2352; Filed, Mar. 31, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8217]

RAILWAY EXPRESS AGENCY, INC.; AIR TAXI INVESTIGATION

NOTICE OF CANCELLATION OF ORAL ARGUMENT

In the matter of an investigation of the authority of Railway Express Agency, Inc., to operate, pursuant to sections 1 (2), 205 (a), 412, and 1002 (b) of the Act.

Notice is hereby given that the oral argument in the above-entitled proceeding now assigned to be held on April 9, 1958, is canceled.

Dated at Washington, D. C., March 26, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2388; Filed, Mar. 31, 1958; 8:50 a. m.]

[Docket No. 8619]

CALIFORNIA AIR CHARTER, INC.; ENFORCEMENT PROCEEDING

NOTICE OF FURTHER HEARING

Notice is hereby given that further hearing in the above-indicated proceeding will be held on April 8, 1958, at 10 a. m., P. s. t., in Room 535, United States Post Office and Court House, Los Angeles, California, before Examiner Herbert K. Bryan.

Dated at Washington, D. C., March 26, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2389; Filed, Mar. 31, 1958; 8:50 a. m.]

[Docket No. 9315]

AMERICAN EXPRESS CO.

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation to determine whether the conduct of air freight forwarder operations by American Express under Part 297 of the Economic Regulations will be inconsistent with the public interest. See Order No. E-12214.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on April 10, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., March 26, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2390; Filed, Mar. 31, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6804]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

MARCH 26, 1958.

Take notice that on March 7, 1958, as amended March 24, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of $3,000,000 principal amount of First Mortgage Bonds __ percent Series due 1988 and 57,362 shares of Common Stock par value of $7.50 per share. Applicant proposes to issue and sell the Bonds at competitive bidding and requests an exemption from the Commission's competitive bidding requirements under § 34.2 (k) (2) (ii) of the rules with respect to the sale of said Common Stock. The proposed Bonds will be dated as of April 1, 1958 to mature April 1, 1988. The Shares of Common Stock are to be offered pro rata to the Common Stockholders of the company at a subscription price per share of not less than 90 percent of the bid price of the Common Stock of Applicant in the over-the-counter market at the close of business next preceding the fixing of said subscription price by Applicant's Board of Directors, pursuant to preemptive rights of Common Stockholders on the basis of one share for each twelve shares of Common Stock held of record with an oversubscription privilege subject to allotment. Rights to subscribe will be evidenced by transferable subscription warrants, approval of which is also requested by Applicant. Applicant proposes to enter into an underwriting agreement with respect to the proposed issuance of Common Stock with Kidder, Peabody & Co. for the underwriting of the Common Stock. Kidder, Peabody & Co. proposed to purchase all unsubscribed shares of Common Stock at the above-mentioned subscription price, subject to the payment by Applicant of an underwriting commission, based upon current market conditions, which would range from $.16 to $.23 per share of the proposed issuance unsubscribed.

The Bonds and said Common Stock are to be issued by Applicant to obtain funds to pay bank loans, to reimburse treasury of Applicant for construction expenditures heretofore made and to finance additional construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 14th day of April, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2360; Filed, Mar. 31, 1958; 8:46 a. m.]

[Docket No. E-6806]

CENTRAL ELECTRIC & GAS CO.

NOTICE OF APPLICATION

MARCH 26, 1958.

Take notice that on March 18, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Central Electric & Gas Company (hereinafter referred to as "Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of Nebraska and South Dakota with its principal business office at Lincoln, Nebraska, seeking an order disclaiming jurisdiction in respect of any of Applicant's facilities and disclaiming jurisdiction in respect of the issuance of the Bonds described below or, in the alternative, an order authorizing the issuance of $975,000, principal amount of additional series of First Mortgage Sinking Fund Bonds, to be designated Series I, to bear interest at the rate of 4⅜ percent per annum, to mature 25 years after date of issue and to have a date of issue 90 days prior to their authentication and delivery. Said Bonds will be subject to redemption at the option of Applicant on not less than 30 days' notice at any time after five years from date of issue, at redemption prices beginning at 104.375 percent of principal amount of said Bonds called for redemption and scaling down over the next 20 years to 100 percent at maturity.

Said Bonds are proposed to be sold to the following institutional investors:

Purchaser	*Amount*
The Equitable Life Assurance Society of the United States	$475,000
Life Insurance Company of Virginia	200,000
Equitable Life Insurance Company of Iowa	150,000
Wilmington Savings Fund Society	100,000
Lincoln Liberty Life Insurance Company	50,000

The proceeds from the sale of said Bonds may be used by Applicant in part to reimburse its treasury for amounts expended to purchase common stock of Applicant's subsidiary, Central Telephone Company, and may use part of such proceeds for further purchases of common stock of Central Telephone Company or Applicant's subsidiary, Southeastern Telephone Company. Applicant states that each of these subsidiaries will require substantial amounts of additional capital for its 1958 construction program. Applicant may use part of the net proceeds from the sale of said Bonds for construction, completion, extension or improvement of its facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 14th day of April, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2361; Filed, Mar. 31, 1958; 8:47 a. m.]

[Docket No. E-6808]

SOUTHERN UTAH POWER CO. AND CALIFORNIA-PACIFIC UTILITIES CO.

NOTICE OF APPLICATION

MARCH 26, 1958.

Take notice that on March 19, 1958, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Southern Utah Power Company, of Cedar City, Utah (hereinafter referred to as "Southern Utah"), and California-Pacific Utilities Company, of San Francisco, California (hereinafter referred to as "California-Pacific"). Southern Utah is incorporated under the laws of the State of Utah and doing business in the States of Utah and Arizona. California-Pacific is incorporated under the laws of the State of California and doing business in the States of California, Oregon, Nevada, Idaho and Wyoming. Applicants seek an order authorizing the merger of Southern Utah with and into California-Pacific, with California-Pacific to be the continuing and resulting corporation under its existing name. Southern Utah is engaged in the wholesale and retail electric utility business in three counties in the southwestern section of Utah and is also engaged in the retail electric utility business in one county in Arizona. California-Pacific is engaged in the electric, gas, water, and telephone utility business in California, Oregon, Nevada, Idaho, and Wyoming. After consummation of the proposed merger California-Pacific will also be qualified to do business in the States of Utah and Arizona. The merger will become effective when an Agreement of Merger, dated March 1, 1958, has been approved by the stockholders of both Corporations. After consummation of the proposed merger, the separate existence of Southern Utah will cease and California-Pacific will succeed by operation of law to all the rights, franchises, facilities and properties and be subject to all the debts, except long-term debt, and duties of Southern Utah. The public utility electric system of Southern Utah will then be operated as a separate division of California-Pacific without substantial change in its personnel or operations. The Agreement of Merger provides for the conversion of securities of Southern Utah as follows:

Each share of Southern Utah Common Stock, $10.00 par value, will be converted into two-thirds of a share of Common Stock, $10.00 par value, of California-Pacific (in lieu of the issuance of fractional shares of Common Stock or fractional scrip certificates, cash payments will be made for such fractional share interests);

Each share of 5 percent Preferred Stock, $100.00 par value, of Southern Utah will be converted into five shares of a newly created series of Preferred Stock of California-Pacific designated as 5½ percent Cumulative Convertible Preferred Stock, $20.00 par value.

Pursuant to an agreement with the holders of Southern Utah long-term debt securities, such securities will be exchanged for an equal principal amount of First Mortgage Bonds of California-Pacific. Consummation of the proposed merger is conditioned upon consummation of such exchange.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of April 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2362; Filed, Mar. 31, 1958; 8:47 a. m.]

[Docket No. G-14726]

DAVIS & WHARTON DRILLING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MARCH 26, 1958.

Davis & Wharton Drilling Company (Operator), et al. (Davis & Wharton) on March 3, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jursidiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter agreement,[1] dated February 7, 1958. (2) Notice of Change, undated. (3) Letter agreement,[1] dated February 6, 1958. (4) Notice of change, undated.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: (1) Supplement No. 1 to Davis & Wharton's FPC Gas Rate Schedule No. 1. (2) Supplement No. 2 to Davis & Wharton's FPC Gas Rate Schedule No. 1. (3) Supplement No. 1 to Davis & Wharton's FPC Gas Rate Schedule No. 3. (4) Supplement No. 2 to Davis & Wharton's FPC Gas Rate Schedule No. 3.

Effective date: April 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

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[1] In the absence of a favored-nation clause in contract parties agree to a 1.0¢ per Mcf rate increase.

In support of the proposed renegotiated rate increases, Davis & Wharton cites the letter agreements and states that the increased price is not above that received by other producers in the immediate area and to deny the proposed increased rate would be discriminatory.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 1 and 2 to Davis & Wharton's FPC Gas Rate Schedule No. 1, and Supplement Nos. 1 and 2 to Davis & Wharton's FPC Gas Rate Schedule No. 3, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 1 and 2 to Davis & Wharton's FPC Gas Rate Schedule No. 1, and Supplement Nos. 1 and 2 to Davis & Wharton's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commssion (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2363; Filed, Mar. 31, 1958; 8:47 a. m.]

[Docket No. G-14727]

DAVIS & WHARTON DRILLING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MARCH 26, 1958.

Davis & Wharton Drilling Company, (Operator), et al. (Davis & Wharton) on March 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 1 to Davis & Wharton's FPC Gas Rate Schedule No. 2.

Effective date: April 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Davis & Wharton cites the favored-nation clause of the contract and states that the increased price is not above that received by other producers in the immediate area and to deny the proposed increased rate would be discriminatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Davis & Wharton's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Davis & Wharton's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 3, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2364; Filed, Mar. 31, 1958; 8:47 a. m.]

[Docket No. G-14728]

MONSANTO CHEMICAL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MARCH 26, 1958.

Monsanto Chemical Company, (Operator), et al., (Monsanto), on March 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 2 to Monsanto's FPC Gas Rate Schedule No. 20.

Effective date: April 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Monsanto states that the entire schedule of prices is an integral part of the consideration upon which the contract was based, and to deny seller the price due under such contract which was arrived at by arm's-length bargaining would amount to confiscation of seller's property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Monsanto's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Monsanto's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 3, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commissions' rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2365; Filed, Mar. 31, 1958; 8:48 a. m.]

[Docket No. G-14730]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MARCH 26, 1958.

Pan American Petroleum Corporation (Operator) et al., on February 24, 1958, tendered for filing a proposed change in its presently effective[1] rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 18, 1958.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 173.
Effective date: April 1, 1958 (effective date is the effective date proposed by Pan American).

In support of the proposed rate increase, Pan American, among other things, cites the contract price provisions and states that the increase is a contractual obligation arising from arm's length negotiations in a competitive market and non-approval by the Commission of the increase would be unfair and unjust. Pan American also states that since the contract was executed, the U. S. Department of Labor Wholesale Price Index of Commodities, other than farm products and foods, has increased 11 percent, cost of steel shapes has increased 46 percent and production employees average hourly wages 26 percent. Pan American further states that the proposed rate is lower than the current market price and as proof cites several contracts for gas sales in the area having higher initial prices.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 173 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 173.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2366; Filed, Mar. 31, 1958; 8:48 a. m.]

[Docket No. G-14737]

WESTERN NATURAL GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MARCH 26, 1958.

Western Natural Gas Company (Western Natural), on February 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 6 to Western Natural's Gas Rate Schedule No. 20.
Effective date: March 27, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Western Natural states that the contract was arrived at by arm's length bargaining and the consideration was for the entire contract term of 20 years. In addition, Western Natural submits a copy of a letter from the buyer agreeing to the redetermined rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Western Natural's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Western Natural's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 27, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2367; Filed, Mar. 31, 19[illegible]; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IV-5 (Rev. [illegible])]

BRANCH MANAGER, BALTIMORE, MARYLAND

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 19[illegible], there is hereby delegated to the Branch Manager, Baltimore Branch Office, Small Business Administration, the authority:

A. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Limited Loan Participation Loans.

b. Disaster Loans not in excess of $20,000.00.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-[illegible], Agency Policy Manual, and SBA-[illegible], Procurement and Technical Assistance Manual:

2. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining set-asides and representation at procurement centers.

ADMINISTRATIVE

3. To administer oaths of office.

4. To approve annual and sick leave for employees under his supervision.

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12285.

B. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority in IA1, 3, and 4 and IB may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Baltimore, Maryland, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: March 10, 1958.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 58-2387; Filed, Mar. 31, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill.; effective 4-1-58 to 3-31-59 (men's and boys' cotton twill matched pants).

Byrds Manufacturing Corp., Star City, Ark.; effective 3-21-58 to 3-20-59 (men's and boys' sport shirts).

Champion Garment Co., Ltd., 100½ West Second Avenue, Rome, Ga.; effective 4-1-58 to 3-31-59 (men's and boys' semi-dress pants).

The H. W. Gossard Co., 316 Sixth Street, Logansport, Ind.; effective 3-14-58 to 3-13-59 (women's foundation garments).

Kahn Manufacturing Co., Inc., 150 North Royal Street, Mobile, Ala.; effective 4-1-58 to 3-31-59 (men's and boys' trousers).

Ottenheimer Bros. Manufacturing Co., Inc., Victory and Second Streets, Little Rock, Ark.; effective 3-14-58 to 3-13-59 (women's and misses' cotton washable dresses, uniforms, smocks and rayon dresses).

Ottenheimer Bros. Manufacturing Co., Inc., Shirt Division, 1000 Spring Street, Little Rock, Ark.; effective 3-14-58 to 3-13-59 (women's, misses' and children's cotton washable blouses and jackets).

Publix Manufacturing Corp., Gallitzin, Pa.; effective 3-13-58 to 3-12-59 (men's and boys' sport shirts).

Rome Manufacturing Co., 210 East Second Avenue, Rome, Ga.; effective 3-13-58 to 3-12-59 (men's and boys' trousers).

Stone Manufacturing Co., New Duncombe Road, Greenville, S. C.; effective 4-1-58 to 3-31-59 (children's and ladies' cotton and nylon slips, children's playwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Cassville Manufacturing Co., Cassville, Mo.; effective 3-17-58 to 3-16-59; 10 learners (children's clothing and men's work shirts).

Daut Manufacturing Co., Red Hill, Pa.; effective 3-14-58 to 3-13-59; 10 learners (children's dresses).

M. L. Gift Co., Mifflin County Allensville, Pa.; effective 3-17-58 to 3-16-59; 10 learners (men's and boys' pajamas, and ladies' pajamas).

Keyser Garment Co., Keyser, W. Va.; effective 3-12-58 to 3-11-59; 10 learners (women's dresses).

Sally Blouse & Sportswear Manufacturing Co., 648 South Main Street, Old Forge, Pa.; effective 3-17-58 to 3-16-59; 10 learners (ladies' blouses).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 3-14-58 to 3-13-59; 10 learners (ladies' blouses).

The following certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Covington Industries, Inc., Opp, Ala.; effective 3-14-58 to 9-13-58; 50 learners (Government utility jackets).

Men's Wear of America, Inc., Lepanto, Ark.; effective 3-17-58 to 9-16-58; 50 learners (work pants).

Pickens Manufacturing Co., Pickens, S. C.; effective 3-14-58 to 8-19-58; 35 learners (supplemental certificate) (men's dress, and sport shirts).

Sweet-Orr and Co., Inc., 68 First Street, SW., Pulaski, Va.; effective 3-14-58 to 9-13-58; 15 learners (men's and boys' pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Marso & Rodenborn Manufacturing Co., Fort Dodge, Iowa; effective 3-14-58 to 3-13-59; five learners for normal labor turnover purposes (Canton flannel work gloves and mittens).

Riegel Textile Corp., Brundidge, Ala.; effective 3-12-58 to 9-11-58; 15 learners for plant expansion purposes (work gloves).

Tex-Sun Glove Co., 321 South 14th Street, Corsicana, Tex.; effective 3-14-58 to 3-13-59; 10 learners for normal labor turnover purposes (work gloves).

20th Century Glove Co., Reeseville, Wis.; effective 4-2-58 to 4-1-59; six learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 3-18-58 to 9-17-58; five learners for plant expansion purposes (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 3-18-58 to 9-17-58; 20 high school students for part-time employment, in the occupation of looping only for a learning period of 816 hours at the rates of 80 cents an hour for the first 432 hours of employment and not less than 87½ cents an hour for the remaining 384 hours (seamless).

The Nolde & Horst Co., Dayton, Tenn.; effective 3-27-58 to 9-26-58; 25 learners for plant expansion purposes (seamless).

Seneca Knitting Mills Co., Inc., 34 Water Street, Seneca Falls, N. Y.; effective 3-17-58 to 9-16-58; 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Swanknit, Inc., 100 North Mohawk Street, Cohoes, N. Y.; effective 3-12-58 to 3-11-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knit infants' and children's underwear and dress and topper sets).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Alco Ranch Washable Footwear Co., San Angelo, Tex.; effective 3-12-58 to 9-11-58; 40 learners for plant expansion purposes (moccasins).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Picariello & Singer Inc., 163 Orleans Street, East Boston, Mass.; effective 3-17-58 to 9-16-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (boy's tailored suits, etc.).

Timely Clothes, Inc., 1415 North Clinton Avenue, Rochester, N. Y.; effective 3-17-58 to 9-16-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's suits, outercoats, and slacks).

Timely Clothes, Inc., 65 Sullivan Street, Rochester, N. Y.; effective 3-17-58 to 9-16-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's suits, outercoats, and slacks).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Brammer Vee Link Belting, Inc., P. O. Box 1537, St. Thomas, V. I.; effective 3-1-58 to 8-31-58; authorizing the employment of 10 learners for plant expansion purposes, in the occupations of foot press operators and riveting machine operators, each for a learning period 160 hours at the rate of 45 cents an hour (manufacture of detachable vee link belting).

Finrico, Inc., P. O. Box 1127, Cayey, P. R., effective 3–1–58 to 2–28–59; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of machine stitching and pressing, each for a learning period of 320 hours at the rate of 68 cents an hour for the first 160 hours and at 80 cents an hour for the remaining 160 hours (full fashioned sweater finishing).

Pedro Ochoa, Sucr., Inc., P. O. Box 434, Caguas, P. R.; effective 2–24–58 to 8–23–58; authorizing the employment of 50 learners for plant expansion purposes, in the occupations of: (1) sewing machine operators, and final pressing and folding, each for a learning period of 480 hours at the rate of 50 cents an hour for the first 240 hours, and 58 cents an hour for the remaining 240 hours; (2) Final inspection of fully assembled garments for a learning period of 160 hours at the rate of 50 cents an hour. (Learners employed under this certificate are to be used only in the manufacture of pajamas and ladies' guayaberas) (pajamas and ladies' guayaberas).

Ponce Narrow Fabric Mills Inc., Arroyo, P. R.; effective 2–10–58 to 8–9–58; authorizing the employment of 40 learners for plant expansion purposes, in the occupations of weaving, blocking, quilling, skeining, twisting, and harnessing, each for a learning period of 240 hours at the rate of 50 cents an hour (weaving of narrow fabrics).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 21st day of March 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58–2355; Filed, Mar. 31, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 27, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34572: *Fertilizer solutions—Roseport, Minn., to Southern Points.* Filed by W. J. Prueter, Agent (WTL No. A–1972), for interested rail carriers. Rates on nitrogen fertilizer solution and fertilizer ammoniating solution, tank-car loads from Roseport, Minn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 61 to Agent Prueter's I. C. C. A–4171.

FSA No. 34573: *Glassware—Illinois Points to Baton Rouge and New Orleans, La.* Filed by O. W. South, Jr., Agent (SFA No. A–3633), for interested rail carriers. Rates on glassware, other than cut, namely, bottles, carboys, etc., carloads from Alton, East St. Louis, and Hillsboro, Ill. to Baton Rouge and New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 98 to Agent Spaninger's I. C. C. 1548. Supplement 126 to Agent R. G. Rassch's I. C. C. 776.

FSA No. 34574: *T. O. F. C. service—Between Illinois and Iowa and points in the southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7250), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in trailers and transported on railroad flat cars between specified points in Illinois and Iowa, on the one hand, and specified points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, also Memphis, Tenn., and Natchez, Miss., on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 18 to Agent Kratzmeir's I. C. C. 4274. Supplement 41 to Agent Kratzmeir's I. C. C. 4254.

FSA No. 34575: *Superphosphate—Southwestern points to points in western territory.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7251), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate nor feed grade superphosphate, in bulk, carloads from specified points in Arkansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas to specified points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 258 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 34576: *T. O. F. C. service—Between central and eastern points and points in the southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7255), for interested rail carriers. Rates on various commodities, moving on class and commodity rates, loaded in trailers and transported on railroad flat cars between specified points in central, trunk-line, and New England territories, on the one hand, and specified points in Arkansas, Louisiana (west of the Mississippi River), New Mexico, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 27 to Agent Kratzmeir's I. C. C. 4256. Supplement 5 to Agent Kratzmeir's I. C. C. 4280.

FSA No. 34577: *Iron pipe—Southern points to northern and western points.* Filed by O. W. South, Jr., Agent (SFA No. A3630), for interested rail carriers. Rates on cast iron pipe and fittings, carloads from specific points in southern territory in Alabama, Florida, Georgia, North Carolina, Tennessee and Virginia to specified points in southwestern, western trunk line, and Illinois territories, as described in the application.

Grounds for relief: Short-line distance formulas, grouping, and maintenance of rates on different bases.

FSA No. 34578: *Iron pipe—Southern points to Illinois, Kansas, and Missouri.* Filed by O. W. South, Jr. (SFA No. A3631), for interested rail carriers. Rates on cast iron pipe and fittings, carloads from specific points in southern territory in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia to Alton, Ill., and other points in southern Illinois intermediate thereto, St. Louis, Mo., other points in northern and central Missouri, Atchison, Kans., and other points in Kansas, on, south, east, and west of the lines in Missouri and Kansas described in the application.

Grounds for relief: Short-line distance formulas, grouping, and maintenance of different bases of rates.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58–2357; Filed, Mar. 31, 1958; 8:46 a. m.]

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D. McCoy,
Secretary.

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TITLE 6—

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PART 10—FE

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Effective March 19, 1958, the interest rate on loans being closed through national farm loan associations by the Federal Land Bank of Louisville and by the Federal Land Bank of Wichita was reduced from 5½ percent per annum to 5 percent per annum; and effective April 1, 1958, the interest rate on loans being closed through national farm loan associations by the Federal Land Bank of St. Louis will also be 5 percent per annum instead of 5½ percent per annum. In order to reflect such changes and restate § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318, 1586, 2095, 3863, 6214, 7129, 7833, 8847; 23 F. R. 1547, 1669, 1823), in its entirety, said § 10.41 is amended to read as follows:

INTEREST RATES

§ 10.41 *Interest rates on loans through associations.* On loans being made by the banks through associations, the per annum interest rate is as indicated below for each bank:

Federal Land Bank of:	*Interest rate (percent)*
Springfield	5½
Baltimore	5½
Columbia	6
Louisville	5
New Orleans	5½
St. Louis	5
St. Paul	5
Omaha	5
Wichita	5
Houston	5
Berkeley	5½
Spokane	5½

Under section 12 (Second) of the Federal Farm Loan Act, as amended (12 U. S. C. 771), the interest rate on loans made by the banks may not exceed by more than 1 percent per annum the interest rate in the last series of farm loan bonds issued by the banks, except with the approval of the Governor of the Farm Credit Administration. Such approval has been given as to any of the foregoing loan interest rates which exceed the last bond interest rate by more than 1 percent per annum.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12, 17, 39 Stat. 370, as amended, 375, as amended; 12 U. S. C. 771, 831)

[SEAL] HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F. R. Doc. 58-2413; Filed, Apr. 1, 1958; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter B—Federal Home Loan Bank System

[No. 11511]

PART 125—ADVANCES

EXTENDING PERIOD FOR NON-AMORTIZED ADVANCES

MARCH 26, 1958.

Resolved that, pursuant to Part 108 of the General Regulations of the Federal Home Loan Bank Board (24 CFR Part 108), § 125.10 of the regulations for the Federal Home Loan Bank System (24 CFR § 125.10), be amended to read as follows:

§ 125.10 *Terms of advances.* The Banks may make advances to members on the security of home mortgages and/or obligations of the United States, as provided in section 10 of the act, for periods of not to exceed ten years, on a monthly or quarterly amortization basis, with interest thereon payable monthly or quarterly, except that advances for periods not exceeding one year need not be amortized: *Provided, however,* That Banks may, with the prior approval of the Board, also make such advances on a nonamortizable basis to members for periods in excess of one year and not exceeding ten years, subject to such terms, conditions and limitations as the Board may, by resolution or otherwise, prescribe.

Resolved further, that, since this amendment makes provision for the extension

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1958)

The following Supplements are now available:

Title 8, Rev. Jan. 1, 1958 ($3.25)
Title 9 ($0.75)
Titles 40–42 ($1.00)
Title 46, Parts 1–145 ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39, ($0.60); Title 46, Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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and expansion of credit facilities to members of the Federal Home Loan Bank System by authorizing Federal Home Loan Banks to make advances to members without amortization of such loans for periods up to ten years, with the prior approval of the Board, in lieu of the existing regulation limiting nonamortized loans to one year, the Board, for good cause and in the light of existing economic conditions, finds that notice and public procedure thereon under the provisions of section 4 (a) of the Administrative Procedure Act is impracticable and would not be in the public interest. Also, since the amendment relieves restriction, the deferment of the effective date of this amended regulation for thirty days is not required under section 4 (c) of the Administrative Procedure Act.

This amendment shall be effective upon publication.

(Sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 58-2410; Filed, Apr. 1, 1958; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 325—DESTRUCTION OF RECORDS

PRESCRIBED PERIODS OF RETENTION

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 7th day of March A. D. 1958.

Having under consideration the matter of revised regulations to govern destruction of records of carriers by water which were prescribed by an order entered May 27, 1957 (22 F. R. 4123) pursuant to authority contained in section 313 (g) of the Interstate Commerce Act, as amended (54 Stat. 944, 49 U. S. C. 913, as amended); and,

It appearing that a provision of such revised regulations is more restrictive than necessary for proper administration of Part III of the act; relaxing such restriction would be permissive in nature and therefore not subject to the public rule making requirements of section 4 (a) of the Administrative Procedure Act; and otherwise good cause appearing:

It is ordered, That effective with the date of this modifying order the period for retention of ships' logs as prescribed by Item 83 (a) in § 325.7 Prescribed periods of retention, be and it is hereby modified to read "6 years" instead of "permanent."

It is further ordered, That in all other respects the said order entered May 27, 1957, shall remain in full force and effect as therein ordered.

And it is further ordered, That this modifying order shall be served on all carriers by water which are subject to provisions of the said order entered May 27, 1957, and that notice of this modifying order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 304, 54 Stat. 933; 49 U. S. C. 904)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2406; Filed, Apr. 1, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 29]

MEAT INSPECTION REGULATIONS; INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCTS THEREOF

ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION OF HORSE MEAT AND HORSE MEAT PRODUCTS INTO THE UNITED STATES

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedures Act (5 U. S. C. 1003 (a)) that pursuant to the authority conferred by paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)), the Horse Meat Act (21 U. S. C. 96), and the Meat Inspection Act (21 U. S. C. 71 et seq.), it is proposed to amend § 29.10 (b) of the Meat Inspection Regulations (22 F. R. 3848) to read as follows:

(b) It has been determined that horse meat and horse meat food products from the following foreign countries covered by foreign horse meat inspection certificates of the country of origin as required by § 29.11 are eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 through 39 of this subchapter and upon compliance with any requirements of the Animal Inspection and Quarantine Division of the Agricultural Research Service:

Argentina.
Mexico.

The foregoing proposed amendment will relieve restrictions by permitting the importation of horse meat and horse meat food products from Argentina which has now been found to have an adequate horse meat inspection system.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of March 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-2433; Filed, Apr. 1, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 10, 40, 41, 42, 43]

[Special Civil Air Reg. SR-422]

[Draft Release 58-6]

TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN; SPECIAL CIVIL AIR REGULATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Special Civil Air Regulation No. SR-422 as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 15, 1958. Copies of such communications will be available after May 20, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation No. SR-422 was adopted by the Board on July 23, 1957. It includes a new set of performance requirements applicable to all turbine-powered transport category airplanes type certificated after August 27, 1957. In the preamble of SR-422 the Board indicated that changes to the provisions contained therein would be made if further studies and experience indicated such changes to be necessary.

At the Annual Airworthiness Meetings held September 9 through 13, 1957, certain changes to SR-422 were recommended. In the main, the proposed changes involved matters which affected the level of required performance. Clarification of intent in certain areas was also recommended.

The proposed amendments to SR-422, along with other proposed amendments stemming from the 1957 Annual Airworthiness Review, were included in a notice of proposed rule making which was published in the FEDERAL REGISTER (22 F. R. 9116) and issued as Civil Air Regulations Draft Release No. 57-1C, dated November 7, 1957. Although numerous issues with respect to SR-422 were raised at the 1957 Annual Airworthiness Meetings, not all of them could be resolved, mainly because of the lack of sufficient substantiating technical data. Such unresolved issues were considered to require further study and, consistent with the Board's expressed interest, it was intended to give them further consideration as warranted.

As a result of continued study and from the comments received on Draft Release 57-1C, it became clear that some of the proposed changes with respect to SR-422 and, in addition, several new issues which had arisen were in need of further evaluation. Accordingly, proposed changes to SR-422 in Draft Release 57-1C have not been adopted and new proposals contained herein are being circulated for comment.

The proposed amendments contained herein reflect consideration of all outstanding issues on SR-422 which have promise of being resolved and of leading to the adoption of amendments by the Board. These proposed changes involve the following issues:

Substantive changes concerning the unbalanced take-off field length concept are proposed. Currently effective SR-422 does not preclude unbalancing of field lengths provided that the unbalancing is within the runway. Other countries have employed unbalancing with respect to so-called "stopways" and "clearways." It appears that U. S. operators ultimately will resort to the use of unbalancing but probably not to the same extent as practiced in other countries. In the belief that only clearways will be utilized, the proposed amendments have been formulated accordingly. Clearways as defined herein are not considered adequate for stopping in the event of an aborted take-off but afford additional take-off distance for climbout. To safeguard operations utilizing clearways, it is proposed to establish a take-off run which operationally determines the minimum runway length required and to limit the length of the clearway to be included in the take-off to a distance not greater than the take-off run. The take-off run is defined as the greater of the distances to accelerate to V_2 speed with one engine inoperative or with all engines operating, with a margin of 115 percent applicable to the latter.

A substantive change is being proposed to the take-off distance requirement which now prescribes this distance to be along the take-off path where the airplane reaches a height of 35 feet above the take-off surface. Because of the increased acceleration on turbine-powered airplanes, the all-engines-operating take-off distance tends to approach the one-engine-out distance now prescribed in SR-422. To insure that an adequate margin of safety will exist for day-in and day-out operations, it is proposed to relate the minimum take-off distance to the distance now prescribed and to the distance taken with all engines operating to reach a height of 35 feet, a factor of 1.15 being applied to the latter.

There are also proposed substantive changes with respect to the speeds applicable to the take-off path. The currently effective provisions of SR-422 prescribe that the airplane shall be accelerated on or near the ground to speed V_2. This provision has been subject to varying interpretations having a marked difference in effect on the resultant level of safety. The issue in this matter is whether or not the airplane should be permitted to lift off at some speed below

V_2. Because of the increased acceleration of turbine-powered airplanes, the tendency to overshoot the lift-off speed will be greater than on piston-engine airplanes and this tendency increases with reduction in weight. To restrict lift-off to the minimum take-off safety speed would extend the take-off distance where overshooting of speed occurs. It appears that such a restriction might be unduly conservative and unrealistic if procedures without such restrictions can be safely employed in practice. There is no reason to believe that such procedures cannot in fact be safely executed if adequate safeguards are taken. To this end it is proposed to permit lift-off at a speed lower than the V_2 speed. This lift-off speed is governed by the specification of a rotational speed which must not be less than 95 percent of the minimum V_2 speed and must be 110 percent greater than a speed at which no adverse conditions exist such as a relatively high drag condition or ground stall. The V_2 speed has been redefined to be that speed which is the sum of the rotational speed and the increment in speed arising from overshoot tendencies. Under the proposed definition of V_2 speed, the minimum V_2 speed corresponds with the minimum take-off safety speed as now defined in SR-422. With respect to the take-off path, it is proposed that V_2 must be attained prior to reaching a height of 35 feet above the take-off surface and such attainment is related to the selection of the rotational speed. Further it is being proposed that V_2 be maintained at a constant value from the 35-foot point to a height of 400 feet above the take-off surface.

There are proposed substantive changes with respect to the prescribed minimum altitude of 1,000 feet relative to the take-off path and to the prescribed climb gradients for the one-engine-inoperative and two-engine-inoperative operating requirements which are applicable to the vicinity of the airport. For many years now, the Civil Air Regulations have incorporated the reference altitude of 1,000 feet in respect of performance criteria over the airport. Obscure as is the significance of this altitude operationally, the altitude of 1,500 feet has worldwide precedent of being used operationally as the altitude above the airport at which, generally, IFR approaches are initiated and go-around procedures executed. For this reason it is proposed to extend the take-off path to a minimum altitude of 1,500 feet and to make this altitude applicable to the prescribed performance criteria above the airport for the one- and two-engine-inoperative en route operating requirements. It is not anticipated that these proposed changes will create any problem with respect to the en route stages of flight, however, it is realized that a further extension of the take-off path might add to the problem of insufficient data for obstacles far from the airport. It is considered that the extension of the flight path to 1,500 feet is warranted in light of the operational significance of this altitude and because an extended flight path will further insure that the en route operating clearance is met within the take-off path.

There is also proposed a significant change with respect to the take-off path in which the take-off flight path is established as starting from a 35-foot height at the end of the take-off distance and a net take-off flight path is prescribed for operational use. This latter change is for consistency with the specification of net flight paths for the en route stages of flight and to simplify determination of obstacle clearances operationally. The net flight path is specified to be the actual flight path diminished by a gradient of 1.0 percent which is now prescribed in SR-422 as an operational requirement. It is intended that the net flight path be obtained from the gross flight path by simple geometric means.

Taking into account the proposed increase in altitude from 1,000 to 1,500 feet, previously mentioned, and the proposed reduction in climb gradients contained in Draft Release 57-1C, further changes to the affected gradients are being proposed herein. The gradients of 1.4 and 1.8 applicable to the take-off path and the final take-off climb are being reduced to 1.2 and 1.7 for two-engine and four-engine airplanes, respectively. In addition, the gradients of 1.4 and 1.8 for the one-engine-inoperative en route case are being reduced to 1.1 and 1.6, respectively.

Further substantive changes are being proposed with respect to the one-engine-inoperative take-off climb by inter-relating more realistically the prescribed airplane configuration, weight, and power. These proposals are the same as contained in Draft Release 57-1C and, in effect, they would permit meeting the prescribed gradients of climb at higher airplane weights than would be possible under the presently effective provisions.

There is proposed a substantive change to the provisions applicable to the one-engine-inoperative take-off climb with landing gear extended by increasing the prescribed minimum gradient from substantially zero to 0.5 percent for four-engine airplanes. This change is made to attain consistency in the difference in gradients applicable to twins and fours.

Substantive changes are proposed in connection with the two-engine-inoperative en route requirements. Representations have been made that the gradients of 0.6 percent now prescribed is unduly conservative. On the other hand, it has been pointed out that the fuel requirements for this case are not realistically covered. It is found that both of these contentions warrant consideration. Therefore, it is proposed to reduce the margin gradient from 0.6 to 0.5 percent, to reduce the prescribed minimum altitude from 5,000 to 2,000 feet, and to require consideration in scheduling the flight so that there is sufficient fuel on board to reach the airport and subsequently to fly for 15 minutes at cruise power or thrust.

Substantive changes are also proposed relative to the approach and landing stages of flight. It is being proposed to require the establishment of procedures for the execution of missed approaches and balked landings, such procedures to comply with the conditions now prescribed in SR-422. Since the landing phases of flight will be more critical with turbine-engine airplanes than piston-engine airplanes, it is necessary to insure that the applicable procedures are established in accordance with the basic minimum requirements for safety. A question has been raised as to whether the speed limitation of 1.5 V_s applicable to the approach condition is realistically related to the normal day-in and day-out landing procedures. To insure that it will be, it is proposed to require that the speed used for demonstrating the approach climb be established consistent with the landing procedures and not exceed the existing speed limitation. In addition, the approach gradient of 2.8 percent prescribed for four-engine airplanes is being reduced to 2.7 to obtain consistency in the differences between gradients applicable to twins and fours.

A substantive change is being proposed to the "all-engines-operating landing climb" which now requires at least a 4.0 percent gradient of climb in the landing configuration. On the premise that requiring the landing configuration during the climb after a balk is unduly conservative, it was proposed in Draft Release 57-1C to permit showing of compliance with the 4.0 percent gradient of climb in the configuration which would exist 5 seconds after the initiation of the climb. Further study of this proposed change indicated that such a rule would tend to introduce operations and complications in design leading to less favorable conditions which ultimately would not contribute to safety. It is now being proposed that the power used in showing compliance with the climb gradient be that power or thrust attained 5 seconds after movement of the power controls to take-off position from the position normally used for the landing and that the required climb gradient be reduced from 4.0 to 3.2 percent. In addition, for consistency with the procedures used for determining the landing distance, it is proposed that the speed limitation of 1.4 V_s be reduced to 1.3 V_s.

Since the landing stage is expected to be more critical for turbine airplanes, some concern has been indicated to the effect that any reduction in the prescribed gradient of 4.0 percent might not insure in all cases the ability of the airplane to continue out of the airport after a balk. To provide a safeguard, it is proposed to make the take-off weight-altitude-temperature limitations (WAT limitations stemming from the application of the one-engine-inoperative take-off climb requirements) applicable to the maximum landing weight at the airport of landing. In the past, the landing weight limitations were not applicable to the weather alternate, however, there appears no reason why they should not be. Therefore, the proposed changes make the take-off weight and landing weight limitations equally applicable to the airport of destination and the weather alternate.

In addition to the substantive changes being proposed there are three significant proposals of a clarifying nature, two of which were proposed in Draft Release 57-1C. The first deals with the determination of the landing distance as affected by devices or means other than wheel brakes. It is being proposed that a provision similar to the one applicable to the accelerate-stop distance be made applicable to the landing distance. This provision permits the use of means other than wheel brakes in the determination of the landing distance. Additionally, it is proposed to amend the provision which requires in some cases the determination of the landing distance with one engine inoperative. It is believed that the proposed requirement expresses the intent more clearly. One of the more obvious applications of this provision is in respect of turbo-propeller airplanes. Such airplanes usually are landed with the propellers in a relatively high drag position. If one of the engines is inoperative, its propeller would be expected to be in a relatively low drag position with the consequence of a longer landing distance than with all engines operating. In such a case it is required that the landing distance be determined with one engine inoperative unless use could be made by the crew of other means (e. g., reverse thrust not otherwise considered in determining the landing distance) which would reduce the landing distance at least to that determined for all-engine operation. Representation has been made that the air distance should be excluded from consideration in this proposal since the air distance with turbo-propeller airplanes is not substantially different from that with piston-engine airplanes. While a change to this provision can not be justified at this time, this matter is being given further study.

The second clarification being proposed deals with the provisions setting forth the procedures which must be included in the Airplane Flight Manual. The language of this provision includes airplane configuration, power settings, and indicated air speeds, which are variables defining the conditions under which the information or limitations are applicable and are not necessarily related to any procedures. Since the aforementioned variables must be defined in connection with the determination of performance information and limitations and the two are explicitly related, inclusion of these variables under the procedures provision might be misleading. Furthermore, the subject provision does not make clear what procedures are involved and whether the procedures are considered limitations. The proposed clarification in language deletes reference to the aforementioned variables, specifies those procedures which are covered by § 4T.111 (c), and indicates that such procedures as are required to be included with the performance limitations are considered to be guidance material.

The third clarification being proposed concerns the applicability of the performance limitations of SR-422. These consist of the "certificate limitations" and the "operating limitations." The former relate to maximum take-off and landing weights, minimum take-off distances, accelerate-stop distances, and any operational limits imposed upon the airplane by the manufacturer. These limitations being part of the conditions of the type and airworthiness certificate, must be complied with at all times irrespective of the type of operation being conducted (e. g., air carrier, private, cargo). The "operating limitations," distinct from the "certificate limitations" are only applicable when required by the operating parts of the regulations (Parts 40, 41, and 42 require compliance for passenger operations). Although it appeared that previous Board pronouncements regarding this general principle as well as the explanation contained in the preamble to SR-422 would make the issue quite clear, it has come to the Board's attention that there might still be some misunderstanding of this matter. Apparently the misunderstanding stems from the fact that SR-422 prescribes operating rules for air carrier operations which contain both the "certificate limitations" and the "operating limitations" while no prescription is given to non-air-carrier operations; thus giving an impression that not even the "certificate limitations" are applicable to non-air-carriers. The inclusion of "certificate limitations" for air carrier operations with the "operating limitations" was meant only to provide the operators with the convenience of having together the complete prescription of the applicable performance limitations, notwithstanding that such an inclusion in fact, duplicates the general requirement of compliance with the "certificate limitations" contained in the Airplane Flight Manual. In view of the possible misunderstanding which might exist from the aforementioned inclusion, it is proposed for clarification additionally to include in revised SR-422 the same "certificate limitations" for application to all operations under the provisions of Part 43 of the Civil Air Regulations.

In addition, other proposed changes of a minor nature are included herein, the most significant of which is the generalization of the stall speed as V_s thus eliminating reference to V_{s_0} and V_{s_1}.

In connection with the changes being proposed herein, the question arises as to their applicability. Experience with the certification of at least one airplane under SR-422 indicates that a lead time of two months between the effective date of the regulations and the date of issuance of the type certificate might be adequate. In the interest of having uniform regulations applicable to most of the turbine-powered airplanes pending certification, it is considered advisable to apply the revised provisions of SR-422 as herein proposed to all airplanes for which a type certificate is issued after September 30, 1958. This date will provide at least the same lead time relative to the date of issuance of the type certificate as was applicable in SR-422. Further, it is proposed that for airplanes for which a type certificate is issued prior to the aforementioned date, the applicant may elect to comply with the revised provisions of SR-422 in lieu of complying with the currently effective SR-422. If this option is exercised, it is intended that compliance be shown with all the provisions of revised SR-422 and it is not intended to permit a showing of compliance with portions of the two different regulations. The revised SR-422 will comprise the currently effective provisions of SR-422 and such amendments as the Board might adopt in connection with the proposed changes contained herein.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Special Civil Air Regulation No. SR-422 be amended:

1. By amending the introductory paragraph to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which a type certificate is issued after August 27, 1957, shall comply with Special Civil Air Regulation No. SR-422 or, alternatively, with the following provisions, except that those airplanes for which a type certificate is issued after September 30, 1958, shall comply with the following provisions.

2. By amending item 1 by deleting the words "the effective date of this special regulation" and inserting the date "August 27, 1957".

3. By amending § 4T.111 (c) by adding between the first and second sentences the following sentence: "In addition, procedures shall be established for the execution of balked landings and missed approaches associated with the conditions prescribed in §§ 4T.119 and 4T.120 (d), respectively".

4. By amending § 4T.112 by deleting paragraph (a) and redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively; and by deleting "V_{s_1}" from the introductory sentence and from subparagraphs (2) and (3) of the newly designated paragraph (a) and inserting in lieu thereof "V_s".

5. By amending § 4T.114 (b) by deleting from the introductory sentence the word "minimum".

6. By amending § 4T.114 (b) by deleting from subparagraphs (1) and (2) the expression "V_{s_1}" and inserting in lieu thereof the expression "V_s".

7. By amending § 4T.114 (b) by adding a new subparagraph (4) to read as follows:

§ 4T.114 *Take-off speeds.* * * *

(b) * * *

(4) The rotation speed V_R plus the increment in speed attained in compliance with § 4T.116.

8. By amending § 4T.114 (c) to read as follows:

§ 4T.114 *Take-off speeds.* * * *

(c) The minimum rotation speed V_R shall be selected by the applicant, except that it shall not be less than:

(1) The speed V_1;

(2) A speed equal to 95 percent of the highest speed obtained in compliance with subparagraphs (1) through (3) of paragraph (b) of this section;

(3) A speed which permits the attainment of the speed V_2 prior to reaching a height of 35 feet above the take-off surface as determined in accordance with § 4T.116;

(4) A speed equal to 110 percent of the minimum speed above which the airplane can be made to lift off the ground without displaying any hazardous characteristic.

9. By amending the introductory paragraph of § 4T.116 by deleting the numerals "1,000" and inserting in lieu thereof the numerals "1,500".

10. By amending § 4T.116 (b) to read as follows:

§ 4T.116 *Take-off path.* * * *

(b) The airplane shall be accelerated on the ground to the speed V_1, at which point the critical engine shall be made inoperative and shall remain inoperative during the remainder of the take-off. Subsequent to attaining speed V_1, the airplane shall be accelerated to speed V_2 during which time it shall be permissible to initiate raising the nose gear off the ground at a speed not less than the rotation speed V_R.

11. By amending § 4T.116 (e) to read as follows:

§ 4T.116 *Take-off path.* * * *

(e) The speed V_2 shall be attained prior to reaching a height of 35 feet above the take-off surface and shall remain constant until a height of 400 feet above the take-off surface is reached.

12. By amending § 4T.116 (g) by deleting the numerals "1.4" and "1.8" and inserting in lieu thereof the numerals "1.2" and "1.7", respectively.

13. By amending § 4T.117 to read as follows:

§ 4T.117 *Take-off distance and take-off run*—(a) *Take-off distance.* The take-off distance shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface, as determined in accordance with § 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the take-off path, with all engines operating, from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface, as determined by a procedure consistent with that established in accordance with § 4T.116.

(b) *Take-off run.* If the take-off distance is intended to include a clearway (see item 5), the take-off run shall be determined and shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains the speed V_2, as determined in accordance with § 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the take-off path, with all engines operating, from the start of the take-off to the point where the airplane attains the speed V_2, as determined by a procedure consistent with that established in accordance with § 4T.116.

14. By adding a new § 4T.117a to read as follows:

§ 4T.117a *Take-off flight path.* (a) The take-off flight path shall be considered to begin at a height of 35 feet above the take-off surface at the end of the take-off distance as determined in accordance with § 4T.117 (a).

(b) The net take-off flight path data shall be determined in such a manner that they represent the airplane's actual take-off flight paths, determined in accordance with paragraph (a) of this section, diminished by a gradient of climb equal to 1.0 percent.

15. By amending § 4T.119 to read as follows:

§ 4T.119 *All-engine-operating landing climb.* In the landing configuration, the steady gradient of climb shall not be less than 3.2 percent, with:

(a) All engines operating at the power and/or thrust which is available 5 seconds after movement of the power and/or thrust controls to the take-off position from the position established for use in the landing procedures in accordance with § 4T.111 (c).

(b) A climb speed not in excess of 1.3 V_s.

16. By amending § 4T.120 (a) and (a) (1) to read as follows:

§ 4T.120 *One-engine-inoperative climb*—(a) *Take-off; landing gear extended.* In the take-off configuration existing at the point of the flight path where the airplane's speed first reaches V_2, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall be positive for two-engine airplanes and shall not be less than 0.5 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with § 4T.116 at the time retraction of the airplane's landing gear is initiated, unless subsequently a more critical power operating condition exists along the flight path prior to the point where the landing gear is fully retracted.

17. By amending § 4T.120 (b) by inserting the word "existing" between the words "configuration" and "at".

18. By amending § 4T.120 (b) (1) to read as follows:

§ 4T.120 *One-engine-inoperative climb.* * * *

(b) *Take-off; landing gear retracted.* * * *

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with § 4T.116 at the time the landing gear is fully retracted, unless subsequently a more critical power operating condition exists along the flight path prior to the point where a height of 400 feet above the take-off surface is reached.

19. By amending § 4T.120 (c) by deleting from the introductory paragraph the numerals "1.4" and "1.8" and inserting in lieu thereof the numerals "1.2" and "1.7", respectively.

20. By amending § 4T.120 (c) (2) and (3) to read as follows:

§ 4T.120 *One-engine-inoperative climb.* * * *

(c) *Final take-off.* * * *

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the end of the take-off path.

(3) The speed equal to not less than 1.25 V_s.

21. By amending the introductory paragraph of § 4T.120 (d) to read as follows:

§ 4T.120 *One-engine-inoperative climb.* * * *

(d) *Approach.* In the approach configuration such that the corresponding V_s for this configuration does not exceed 110 percent of the V_s corresponding with the related landing configuration, the steady gradient of climb shall not be less than 2.2 percent for two-engine airplanes and not less than 2.7 percent for four-engine airplanes with:

22. By amending § 4T.120 (d) (3) to read as follows:

§ 4T.120 *One-engine-inoperative climb.* * * *

(d) *Approach.* * * *

(3) A climb speed established by the applicant in connection with normal landing procedures, except that it shall not exceed 1.5 V_s.

23. By amending § 4T.121 (a) by deleting the numerals "1.4" and "1.8" and inserting in lieu thereof the numerals "1.1" and "1.6", respectively.

24. By amending § 4T.121 (b) by deleting the numerals "0.6" and inserting in lieu thereof the numerals "0.5".

25. By amending § 4T.122 by deleting from the last sentence of the introductory paragraph the reference "(f)" and inserting in lieu thereof the reference "(g)".

26. By amending § 4T.122 (b) by deleting the expression "1.3 V_{s_0}" and inserting in lieu thereof the expression "1.3 V_s".

27. By amending § 4T.122 (f) to read as follows:

§ 4T.122 *Landing distance.* * * *

(f) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the landing distance, provided such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

28. By amending § 4T.122 by adding a new paragraph (g) to read as follows:

§ 4T.122 *Landing distance.* * * *

(g) If the characteristics of a device (e. g., the propellers) dependent upon the operation of any of the engines noticeably increase the landing distance when the landing is made with the engine inoperative, the landing distance shall be determined with the critical engine inoperative unless the Administrator finds that the use of compensating means will result in a landing distance not greater than that attained with all engines operating.

29. By amending § 4T.123 (a) (1) by inserting between the word "with" and the reference "§ 4T.120 (a)" the words "the take-off climb provisions prescribed in".

30. By amending § 4T.123 (a) (2) by deleting the reference "§§ 4T.119 and 4T.120 (d)" and inserting in lieu thereof the following: "the landing and take-off climb provisions prescribed in §§ 4T.119 and 4T.120".

31. By amending § 4T.123 (a) (3) by amending the title thereof to read "*Accelerate-stop distance, take-off distance, and take-off run*" and by deleting the reference "4T.117" and inserting in lieu thereof the following: "4T.117 (a), and with 4T.117 (b) if the take-off distance is intended to include a clearway,".

32. By amending § 4T.123 (b) by deleting the reference "4T.116" and inserting in lieu thereof the reference "4T.117a (b)".

33. By amending § 4T.743 (c) to read as follows:

§ 4T.743 *Performance limitations, information, and other data.* * * *

(c) *Procedures.* Procedures established in accordance with § 4T.111 (c) shall be given to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section. Such procedures, in the form of guidance material, shall be included with the relevant limitations or information, as applicable.

34. By amending § 40T.81 (b) to read as follows:

§ 40T.81 *Airplane's certificate limitations.* * * *

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See §§ 4T.123 (a) (2) and 4T.743 (a).)

35. By amending § 40T.81 (c) to read as follows:

§ 40T.81 *Airplane's certificate limitations.* * * *

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for take-off. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (a) (3) and 4T.743 (a).) If the take-off distance includes a clearway as defined in Item 5, the take-off distance shall not include a clearway distance greater than the take-off run.

36. By amending § 40T.82 by deleting the first sentence and inserting in lieu thereof the following: "No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a net take-off flight path which clears all obstacles either by at least a height of 35 feet vertically or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond the boundaries."

37. By amending § 40T.83 (a) (2) (iii) by deleting the numerals "1,000" and inserting in lieu thereof the numerals "1,500".

38. By amending § 40T.83 (b) (2) by deleting from the first sentence the numerals "5,000" and inserting in lieu thereof the numerals "2,000".

39. By amending § 40T.83 (b) (2) (ii) to read as follows:

§ 40T.83 *En route limitations.* * * *

(b) *Two engines inoperative.* * * *

(2) * * *

(ii) The airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,500 feet directly over the landing area and thereafter to fly for 15 minutes at cruise power and/or thrust.

40. By adding a new Item 4 to read as follows:

4. In lieu of § 43.11 of Part 43 of the Civil Air Regulations, the following shall be applicable:

§ 43T.11 *Transport category airplane weight limitations.* The performance data in the Airplane Flight Manual shall be applied in determining compliance with the following provisions:

(a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See §§ 4T.123 (a) (1) and 4T.743 (a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See §§ 4T.123 (a) (2) and 4T.743 (a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for take-off. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (a) (3) and 4T.743 (a).) If the take-off distance includes a clearway as defined in item 5, the take-off distance shall not include a clearway distance greater than the take-off run.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See §§ 4T.123 (a) (4) and 4T.743 (a).)

41. By adding a new item 5 to read as follows:

5. The following definitions shall apply:

DEFINITIONS

Clearway. A clearway is an area beyond the airport runway not less than 300 feet on either side of the extended center line of the runway, at an elevation no higher than the elevation at the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., March 26, 1958.

By the Civil Aeronautics Board.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58-2431; Filed, Apr. 1, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

RECORDS OF TRIAL BALANCES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend § 240.17a-3 under the Securities Exchange Act of 1934 which specifies the books and records which must be maintained and kept current by members of a national securities exchange who transact a business in securities directly with others than members, brokers and dealers who transact a business through the medium of a member, and registered brokers and dealers. The amendment would require such persons to prepare a record of the proof of money balances of all ledger accounts in the form of trial balances as of a date approximating the last day of each month.

The principal purposes of such trial balances would be to serve as a check upon the current status and accuracy of the ledger accounts which members, brokers and dealers are required to maintain and keep current, and to assist in keeping such members, brokers and dealers currently informed of their capital positions. Maintenance of such trial balances should also reduce the number of violations of bookkeeping and capital rules which are found to exist. The Commission is informed that most members, brokers and dealers already prepare such trial balances as a part of their regular bookkeeping procedures.

The above action would be taken under the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof.

The text of the new subparagraph (11) to be added at the end of paragraph (a) of § 240.17a-3 is as follows:

(11) A record of the proof of money balances of all ledger accounts in the form of trial balances. Such trial balances shall be prepared currently at least once each month as of a date approximating the last day of the month.

All interested persons are invited to submit their views and comments on the proposed amendment in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before May 1, 1958. Unless a person submitting any such comments or suggestions requests in writing that they be held confidential they will be public records available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 25, 1958.

[F. R. Doc. 58-2397; Filed, Apr. 1, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Correction

In Federal Register Document 58-1857, published on page 1741 in the issue for Thursday, March 13, 1958, the following changes should be made:

1. The headnote, now reading "Montana", should read "South Dakota", as set forth above.
2. In the description of lands, the entries for Walworth County should read as follows:

County	Township	Range	Section	Subdivision	Acres
Walworth	123 N. 123 N. 123 N	74 W. 74 W. 75 W.	30 31 25	Lot 4 Lots 1 and 2, SE¼NW¼ SE¼	 335.51

CIVIL AERONAUTICS BOARD

[Docket No. 9220]

AMERICAN AIRLINES, INC.; ENFORCEMENT CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of schedules filed and published by American Airlines, Inc., Enforcement Proceeding.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on April 16, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., March 27, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2429; Filed, Apr. 1, 1958; 8:52 a. m.]

[Docket No. 9223]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the unrealistic schedules filed and published by National Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 23, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., March 26, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2430; Filed, Apr. 1, 1958; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8283, between American Mail Line, Ltd., and American President Lines, Ltd., provides for the appointment of American President Lines, Ltd., as the husbanding and soliciting agent of American Mail Line, Ltd., for Southern California.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 28, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2412; Filed, Apr. 1, 1958; 8:48 a. m.]

MEMBER LINES OF ATLANTIC AND GULF RED SEA AND GULF OF ADEN CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7530-4 between the member lines of the Atlantic and Gulf Red Sea and Gulf of Aden Conference, modifies the basic conference agreement (No. 7530, as amended) by changing the voting procedure under the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 28, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2414; Filed, Apr. 1, 1958; 8:49 a. m.]

T. R. SPEDDEN AND A. J. ARANGO

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8284 between T. R. Spedden, New Orleans, Louisiana, and A. J. Arango, Tampa, Florida, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 28, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2415; Filed, Apr. 1, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11978 etc.; FCC 58M-299]

CHARLES R. BRAMLETT ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

The Hearing Examiner having under consideration the desirability of continuing the date for further hearing conference;

It appearing that any attempt to proceed with this hearing prior to the resolution of certain matters raised by pleadings to the Commission would be wasteful and of no effect; and

It further appearing that these pleadings are still pending before the Commission;

It is ordered, This 26th day of March 1958, on the Hearing Examiner's own motion, that the further hearing conference now scheduled for April 2 is continued to May 1, 1958.

Released: March 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2417; Filed, Apr. 1, 1958; 8:50 a. m.]

[Docket Nos. 12055-12057; FCC 58M-306]

RADIO TAMPA ET AL.

ORDER SCHEDULING HEARING

In re applications of Richard M. Seidel, Bernice Schwartz and Harold H. Meyer, d/b as Radio Tampa, Tampa, Florida, Docket No. 12055, File No. BP-10348; Rand Broadcasting Company, Tampa, Florida; Docket No. 12056, File No. BP-11010; B. F. J. Timm, Lakeland, Florida; Docket No. 12057, File No. BP-11031; for construction permits.

It is ordered, This 27th day of March 1958, that the hearing in the above-entitled matter, heretofore continued without date, is hereby rescheduled to commence at 9:30 a. m., April 2, 1958, in the Commission's offices in Washington, D.C.

Released: March 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2418; Filed, Apr. 1, 1958; 8:50 a. m.]

[Docket No. 12072; FCC 58-279]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

TERMINATION OF PROCEEDINGS INVOLVING MUSICAL ISLE BROADCASTING CO.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of March 1958;

The Commission having under consideration a request, filed on February 28, 1958, by legal counsel for John H. Poole, d/b as Musical Isle Broadcasting Company, that the Commission terminate the above-captioned rule making proceeding;

It appearing that on June 27, 1957, the Commission adopted a notice of proposed rule making (FCC 57-696) (duly published in the FEDERAL REGISTER on July 6, 1957, 22 F. R. 4771) to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Santa Catalina Island, Calif.	....	264
Ventura, Calif.	264	236
Santa Barbara, Calif.	236	260
San Luis Obispo, Calif.	260	223
Palm Springs, Calif.	264	279

It further appearing, that the amendment was proposed to facilitate consideration of an application by John H. Poole, d/b as Musical Isle Broadcasting Company, for a construction permit for a new Class B FM station to operate on Channel 264 at Santa Catalina Island, File No. BPH-2223; and

It further appearing, that comments opposing adoption of said amendment were received from Tri-Counties Broadcasting Company; Richard T. Sampson; Anaheim-Fullerton Broadcasting Co., Inc.; Armin H. Wittenberg, Jr.; KVVC, The Voice of Ventura County; RKO Teleradio Pictures, Inc.; and KMLA Broadcasting Corporation; and

It further appearing, that no comments giving unqualified support to adoption of the amendment were filed except by Musical Isle Broadcasting Company; and

It further appearing, that, since the above described notice of proposed rule making was adopted to facilitate consideration of an application by Musical Isle Broadcasting Company, the company's instant request to terminate said proceeding should be granted;

It is ordered, That the aforementioned request on behalf of John H. Poole, d/b as Musical Isle Broadcasting Company, is granted; and that this proceeding is terminated.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2419; Filed, Apr. 1, 1958; 8:50 a. m.]

[Docket Nos. 12105, 12271; FCC 58M-302]

WILLIAMSBURG BROADCASTING CO. AND WDDY, INC. (WDDY)

ORDER CONTINUING HEARING

In re applications of Mary Cobb & Richard S. Cobb, d/b as Williamsburg Broadcasting Company, Williamsburg, Virginia, Docket No. 12105, File No. BP-11199; WDDY, Incorporated (WDDY), Gloucester, Virginia, Docket No. 12271, File No. BP-11508; for construction permits.

By unanimous agreement made by all parties concerned on the record of a prehearing conference in the above-entitled matter held this day, and for good cause shown,

It is ordered, This 26th day of March 1958, that the hearing presently scheduled for March 31, 1958, is hereby rescheduled to commence at 2:00 p. m., April 8, 1958, in the Commission's offices in Washington, D. C.

Released: March 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2420; Filed, Apr. 1, 1958; 8:50 a. m.]

[Docket No. 12243; FCC 58M-304]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER ADVANCING DATE OF HEARING

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding and agreements reached by the parties with reference to the further prehearing session herein;

It is ordered, This 27th day of March 1958, that the prehearing session presently scheduled for April 3, 1958 is advanced to April 2, 1958, at 2:00 p. m.

Released: March 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2421; Filed, Apr. 1, 1958; 8:50 a. m.]

[Docket No. 12310-12312; FCC 58M-309]

ENTERTAINMENT SERVICE, INC., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Entertainment Service, Inc., Solvay, New York, Docket No. 12310, File No. BP-10988; Joseph A. Marturano and Philip S. Marturano d/b as Rome Community Broadcasting Company, Rome, New York, Docket No. 12311, File No. BP-11262; James A. McKechnie, North Syracuse, New York, Docket No. 12312, File No. BP-11329; for construction permits.

The Hearing Examiner having under consideration a motion filed March 27, 1958, by Rome Community Broadcasting Company, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for March 28, 1958, be continued until April 14, 1958;

It appearing, that counsel for the other parties to this proceeding have indicated their consent to the immediate consideration and grant of the motion and good cause has been shown therefor;

It is ordered, This 27th day of March 1958, that the motion be and it is hereby granted and the prehearing conference in the above-entitled proceeding be and it is hereby continued from March 28, 1958, to April 14, 1958, at 10 a. m.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2422; Filed, Apr. 1, 1958; 8:50 a. m.]

[Docket Nos. 12313, 12314; FCC 58M-308]

LOUIS ADELMAN AND GUINAN REALTY CO.

ORDER CONTINUING HEARING

In re applications of Louis Adelman, Hazelton, Pennsylvania, Docket No. 12313, File No. BP-11134; Daniel F. Guinan, Richard H. Guinan, Francis D. Guinan and Lawrence E. Guinan d/b as Guinan Realty Company, Mount Carmel, Pennsylvania, Docket No. 12314, File No. BP-11589; for construction permits.

Pursuant to agreements reached by all parties as shown by the transcript record of the prehearing conference held on this date,

It is ordered, This 27th day of March 1958, that the hearing in this proceeding now scheduled to be commenced on April 15, 1958, is continued to 10:00 a. m. on Tuesday, June 3, 1958.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2423; Filed, Apr. 1, 1958; 8:51 a. m.]

[Docket No. 12326; FCC 58M-307]

HARDIN COUNTY BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Harvard C. Bailes and Val D. Hickman d/b as The Hardin County Broadcasting Company, Silsbee, Texas, Docket No. 12326, File No. BP-11166; for construction permit.

It is ordered, This 27th day of March 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 10:30 o'clock a. m., April 15, 1958, in the Commission's offices, Washington, D. C.

Released: March 27, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2424; Filed, Apr. 1, 1958; 8:51 a. m.]

[Docket No. 12360; FCC 58-280]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Washington, D. C.	290	
Woodbridge, Va.		290

3. The purpose of the proposed amendment is to make available Channel 290 in Woodbridge, Virginia, for a proposed new Class B FM broadcast station there as requested in an application (File No. BPH-2387) submitted by S & W Enterprises, Inc.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before April 25, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 27, 1958.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2425; Filed, Apr. 1, 1958; 8:51 a. m.]

[Docket No. 12361; FCC 58-281]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

Genera. area	Channel	
	Delete	Add
Sacramento, Calif.		233

3. The purpose of the proposed amendment is to make available Channel 233 in Sacramento, California, for a proposed new Class B FM broadcast station there as requested in an application (File No. BPH-2395) submitted by KROY, Inc.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before April 25, 1958 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 27, 1958.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2426; Filed, Apr. 1, 1958; 8:51 a. m.]

[Docket No. 12362; FCC 58-282]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Sacramento, Calif.		[illegible]
Santa Rosa, Calif.	273	[illegible]

3. The purpose of the proposed amendment is to make available Channel 273 in Sacramento, California, for a proposed new Class B FM broadcast station there as requested in an application (File No. BPH-2389) submitted by Dale W. Flewelling.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission or before April 25, 1958 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 27, 1958.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2427; Filed, Apr. 1, 1958; 8:51 a. m.]

[FCC 58-283]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March, 1958.

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
San Diego, Calif.	223	251

It appearing, that the Los Tres Diablos Broadcasters have filed an application, File No. BPH-2327, for a new Class B FM broadcast station in San Diego, California, to operate on Channel 223, but that such proposed operation would result in mutual interference within 1 mv/m contours with Station KFAC-FM, Los Angeles, California; and

It further appearing, that should Los Tres Diablos Broadcasters operate on Channel 251 no objectionable interference within 1 mv/m contours would be involved with any existing or proposed FM broadcast stations or other allocations in the area and in a letter dated March 19, 1958 it is stated that the Los Tres Diablos Broadcasters is preparing an amendment to specify Channel 251 in lieu of Channel 223; and

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended; and

It further appearing, that because the proposed amendment merely represents a substitution of one channel for another with no objectionable interference being involved with existing or proposed stations or other allocations, the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act is unnecessary;

It is ordered, That effective March 26, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
San Diego, Calif.	223	251

Released: March 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2428; Filed, Apr. 1, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14731]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MARCH 27, 1958.

Pan American Petroleum Corporation (Pan American), on February 25, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated February 21, 1958.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 4 to Pan American's FPC Gas Rate Schedule No. 140.

Effective date: March 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Pan American states, among other things, that the contract resulted from arm's-length bargaining under competitive conditions, that it would be inequitable, unfair and confiscatory for the Commission to fail to approve the increase and at the same time require continued delivery of the gas, that the increase is insufficient to make up for the decline in purchasing power since the contracts were executed, that the granting of the increase would furnish incentive to explore for and produce new gas revenues and that intrastate gas is being bought in the area for 11.0 cents per Mcf.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Pan American's FPC Gas Rate Schedule No. 140 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Pan American's FPC Gas Rate Schedule No. 140.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2401; Filed, Apr. 1, 1958; 8:46 a. m.]

[Docket No. G-14732]

SIDNEY G. MYERS, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MARCH 27, 1958.

Sidney G. Myers, Jr., et al (Myers), on February 25, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated February 24, 1958.

Purchaser: Louisiana Nevada Transit Company.

Rate schedule designation: Supplement No. 4 to Myers' FPC Gas Rate Schedule No. 1.

Effective date: March 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Myers states that the increased rate would remain in effect for three years, that it is the weighted average price of recent rate schedules, that it is no higher than the prevailing price level in North Louisiana and that it is just and reasonable.

Protest to the acceptance of this rate filing was filed by Louisiana Nevada Transit Company, which purchases the gas here involved and which urged rejection of this rate filing for the reason that the Cotton Valley Operators Committee is the sole party seller of the gas and is the operator of the facilities by which the gas is delivered.

This proposed increased rate is similar to those involved in other proceedings consolidated with Docket No. G-9086, In the Matter of Cotton Valley Operators Committee, wherein is present the issue, among others, whether that Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule. The matters of Docket Nos. G-9086, et al., are now pending before the Commission upon appeals from the decision filed by the Presiding Examiner in these proceedings.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rates filed by Myers should be accepted conditionally pending the final determination in the consolidated proceedings, inclusive of Docket No. G-9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings by Myers and others.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Myers' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rates filed by Myers, is accepted conditionally, pending the final determination in the consolidated proceedings, inclusive of Docket No. G-9086, of the issue whether Cotton Valley Operators Committee should be required to file its gas sales contract with Louisiana Nevada Transit Company as a rate schedule in lieu of filings of that contract by Myers, as well as by others.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Myers' FPC Gas Rate Schedule No. 1.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2402; Filed, Apr. 1, 1958; 8:46 a. m.]

[Docket No. G-14755]

PANHANDLE EASTERN PIPE LINE CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED TARIFF SHEETS

MARCH 27, 1958.

Panhandle Eastern Pipe Line Company (Panhandle), on February 25, 1958, tendered for filing Third Revised Sheets Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 22, 23, 24, 29, and 31, Fourth Revised Sheet No. 27 and Seventh Revised Sheet No. 25 to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective on April 1, 1958. The revised tariff sheets are described as containing no changes other than uniform increases in the level of rates and as providing for a general increase in rates of approximately $12,050,000 annually, or 12.7 percent, based upon sales for the year ended September 30, 1957. The proposed increase would be over and above the $7,134,500 increase reflected in rates which are now in effect, subject to possible refund of excess charges in Docket No. G-2506, and which are pending before the presiding examiner for decision.

In support of its proposed increased rates, Panhandle states that the increased rate level is required to compensate it for revenue deficiencies due to higher costs experienced since its existing rates took effect on January 1, 1955, based upon a 1954 cost of service computation. Among such higher costs cited by Panhandle are wage and salary increases, tax increases, costs related to plant additions, increases in the price of gas supply, and materially higher costs of capital. Examination of Panhandle's supporting statements reveals that the increase is based principally on (1) a rate of return of 7 percent and associated income taxes without deduction for all tax benefits available to it, (2) substitution of a higher commodity value for actual cost of gas produced, (3) increased purchased gas costs, and (4) increased wages and salaries.

Upon analysis of Panhandle's filing and supporting statements, it appears that they include a number of questionable items of cost, which can be resolved only after investigation and hearing. In fact, Panhandle has, through this tender, continued its position relative to the issues pending decision in the aforementioned proceedings in Docket No. G-2506; such as, working capital allowance, commodity value in lieu of cost for produced gas, allocation of joint costs, credit to other costs for hydrocarbons and gasoline extractions, and other items.

In support of its claimed rate of return, Panhandle asserts that a 7 percent rate is necessary in order that the investment committed to the enterprise yield a fair and reasonable return and in order that the company be enabled to maintain its credit and attract the capital necessary for continued successful operation and growth. The need for a rate of return higher than the 5¾ percent rate established for Panhandle by the Commission in its Opinion No. 269 should be established by the company on the basis of a hearing record.

Panhandle has eliminated from its claimed cost of operation the cost of producing its own gas, and has substituted therefor a commodity value for gas produced. The substitution of commodity value for production costs is one of the issues pending in Docket No. G-2506. Furthermore, such claimed commodity value should be established by evidence in hearing before being considered by the Commission. It is noted also, that the average prices used by Panhandle for this purpose are apparently based in some instances on the minimum prices prescribed by orders of Kansas and Oklahoma state authorities which have been declared invalid by the U. S. Supreme Court. Natural Gas Pipeline Co. of America v. Corp. Comm. of Oklahoma, 349 U. S. 44 (1955) and Cities Service Gas Co. v. Corp. Comm. of Kansas, 355 U. S. 391 (1958).

Panhandle has adjusted its purchased gas costs by $1,784,960. Such adjustments have not been shown to be fully justified.

The cost allocation methods utilized by Panhandle are similar to those it used in Docket No. G-2506 and are not consistent with those heretofore used by the Commission. They have not been shown to be reasonable and appropriate. The over-all effect of its allocation method (exclusive of questionable cost of service items) is to assign to jurisdictional customers considerably more costs than would result from application of methods of allocation previously accepted by the Commission.

Among additional questionable items it appears that the Zones 2 and 3 rates proposed by Panhandle would not yield revenues sufficient to meet the costs allocated by Panhandle to wholesale sales in those Zones, such deficiencies being made up under Panhandle's approach by higher rates proposed for Zone 1 customers.

Up to the present, approximately 2 customer companies and two state commissions have responded with varying degrees of objection and protest against the proposed increased rates. Many request suspension of the increase, full investigation and hearing prior to any determination by the Commission.

The increased rates and charges and the revised tariff sheets, as tendered for filing on February 25, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Third Revised Sheets Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 22, 23, 24, 29, and 31, Fourth Revised Sheet No. 27 and Seventh Revised Sheet No. 25 to Panhandle's FPC Gas Tariff, Original Volume No. 1; and that said revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's FPC Gas Tariff, Original Volume No. 1, as proposed to be revised by the revised tariff sheets aforementioned as tendered for filing on February 25, 1958.

(B) Pending such hearing and decision thereon, Panhandle's aforementioned proposed revised tariff sheets are each hereby suspended and the use thereof deferred until September 1, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2403; Filed, Apr. 1, 1958; 8:46 a. m.]

[Docket No. G-13143 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF APPLICATIONS, SEVERANCE OF PROCEEDINGS, CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

MARCH 28, 1958.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket Nos. G-13143, G-13590, G-13745; New York State Natural Gas Corporation, Texas Eastern Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Docket No. 13793; Seaboard Oil Company, Docket No. G-13169; Placid Oil Company, Docket No. G-13183; Placid Oil Company, Docket No. G-13184; J. R. and R. R. Frankel, Docket No. G-13197; Lone Star Producing Company, Docket No. G-13218; Atlantic Refining Company, Docket No. G-13219; Pan American Petroleum Corporation, Docket No. G-13231; Pan American Petroleum Corporation, Docket No. G-13232; Pan American Petroleum Corporation, Docket No. 13233; The California Company, Docket No. G-13293; Amerada Petroleum Corporation, Docket No. G-13356; Arkansas Fuel Oil Corporation, Docket No. G-13591; Republic Natural Gas Company, Docket No. G-13642; Sun Oil Company, Docket No. G-13710; Magnolia Petroleum Company, Docket No. G-13746; Newmont Oil Company, Docket No. G-13757; Continental Oil Company, Docket No. G-13758; Magnolia Petroleum Company, Docket No. G-13780; Sohio Petroleum Company, Docket No. G-13973; Hassie Hunt Trust, Docket No. G-14109; Oil Participations, Inc., Docket No. G-14164; Union Oil Company of California, Docket No. G-14203; C. G. Glasscock-Tidelands Oil Company, Docket No. G-14240; Oil Participations, Inc., Docket No. G-14242; Oil Participations, Inc., Docket No. G-14243; Phillips Petroleum Company, Docket No. G-14244; Sun Oil Company, Docket No. G-14254; Monterey Oil Company, Docket No. 14256; The Ohio Oil Company, Docket No. G-14346; The Pure Oil Company, Docket No. G-14351; Cities Service Production Company, Docket No. G-14355; Cities Service Production Company, Docket No. G-14356; Union Oil Company of California, Docket No. G-14362; Tidewater Oil Company, Docket No. G-14385; Union Oil & Gas Corp., La., Docket No. G-14227; Humble Oil & Refining Company, Docket No. G-14604; Humble Oil & Refining Company, Docket No. G-14605; Humble Oil & Refining Company, Docket No. G-14606; Humble Oil & Refining Company, Docket No. G-14607.

By notice of the Secretary dated February 12, 1958, which was published in the FEDERAL REGISTER on February 15, 1958 (23 F. R. 1018-1019), the applications of Transcontinental Gas Pipe Line Corporation, Docket Nos. G-13143, G-13590 and G-13745; New York State Natural Gas Corporation, Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation (Transco), Docket No. G-13793, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act were consolidated for hearing with 34 applications for similar certificates filed by independent producers proposing to sell natural gas to Transco for transportation and resale in interstate commerce. Such independent producer applications were filed in Docket Nos. G-13169, G-13183, G-13184, G-13197, G-13218, G-13219, G-13231, G-13232, G-13233, G-13293, G-13356, G-13591, G-13642, G-13710, G-13746, G-13757, G-13758, G-13780, G-13793, G-14109, G-14164, G-14203, G-14240, G-14242, G-13243, G-13244, G-14254, G-14256, G-14346, G-14351, G-14355, G-14356, G-14362 and G-14385.[1]

By the notice issued February 21, 1958, a hearing with respect to the applications filed in Docket Nos. G-13143, G-13590, G-13745 and G-13793 was set to commence on March 10, 1958, and by notice issued March 28, 1958 was set to reconvene after a recess in the proceedings had been taken.

Take notice that the applicants, independent producers, listed in the following tabulation, filed applications on the dates shown for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the sale of natural gas to Transco from the fields indicated opposite the name of each:

Docket No.; Applicant; Address; Location of Field, County or Parish, and State; and Date Filed

G-14227; Union Oil & Gas Corp.; 811 Rusk Avenue, Houston, Texas; Lower Vacherie Field, St. James and LaFourche Parish, Louisiana; 1-10-58.

G-14604; Humble Oil & Ref. Co.; P. O. Box 2180, Houston, Texas; Rousseau Field, LaFourche Parish, Louisiana; 3-3-58.

G-14605; Humble Oil & Ref. Co.; P. O. Box 2180, Houston, Texas; Las Des and Allemands Field, St. Charles Parish, Louisiana; 3-3-58.

G-14606; Humble Oil & Ref. Co.; P. O. Box 2180, Houston, Texas; Lucy Field, St. Charles Parish, Louisiana; 3-3-58.

G-14607; Humble Oil & Ref. Co.; P. O. Box 2180, Houston, Texas; Thibodaux Field, LaFourche Parish, Louisiana; 3-3-58.

Take further notice that, pursuant to direction of the Commission, the proceedings upon the 34 independent producer applications be and they are hereby severed from the proceedings upon the applications filed in Docket Nos. G-13143, G-13590, G-13745 and G-13793, and that such 34 independent producer applications be and they are hereby consolidated for purpose of hearing with the proceedings upon the applications filed in Docket Nos. G-14227, G-14604, G-14605, G-14606 and G-14607.[2]

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 5, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the 34 producer applications and the applications filed in Docket Nos. G-14227, G-14604, G-14605, G-14606 and G-14607.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2404; Filed, Apr. 1, 1958; 8:47 a. m.]

[Docket No. 13143 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF SEVERANCE AND FIXING DATE FOR RECONVENING HEARING

MARCH 28, 1958.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket Nos. G-13143, G-13590, G-13745; New York State Natural Gas Corporation, Texas Eastern Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Docket No. G-13793; Seaboard Oil Company, Docket No. G-13169; Placid Oil Company, Docket No. G-13183; Placid Oil Company, Docket No. G-13184; J. R. and R. R. Frankel, Docket No. G-13197; Lone Star Producing Company, Docket No. G-13218; Atlantic Refining Company, Docket No. G-13219; Pan American Petroleum Corporation, Docket No. G-13231; Pan American Petroleum Corporation, Docket No. G-13232; Pan American Petroleum Corporation, Docket No. G-13233; The California Company, Docket No. G-13293; Amerada Petroleum Corporation, Docket No. G-13356; Arkansas Fuel Oil Corporation, Docket No. G-13591; Republic Natural Gas Company, Docket No. G-13642; Sun Oil Company, Docket No. G-13710; Magnolia Petroleum Company, Docket No. G-13746; Newmont Oil Company, Docket No. G-13757; Continental Oil Company, Docket No. G-13758; Magnolia Petroleum Company, Docket No. G-13780; Sohio Petroleum Company, Docket No. G-13973; Hassie Hunt Trust, Docket No. G-14109; Oil Participations, Inc., Docket No. G-14164; Union Oil Company of California, Docket

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[1] Hereinafter referred to as the "34 independent producer applications."

[2] See also notice issued February 21, 1958, in Docket Nos. G-13143, G-13590, G-13745, and G-13793.

No. G-14203; C. G. Glasscock-Tidelands Oil Company, Docket No. G-14240; Oil Participations, Inc., Docket No. G-14242; Oil Participations, Inc., Docket No. G-14243; Phillips Petroleum Company, Docket No. G-14244; Sun Oil Company, Docket No. G-14254; Monterey Oil Company, Docket No. G-14256; The Ohio Oil Company, Docket No. G-14346; The Pure Oil Company, Docket No. G-14351; Cities Service Production Company, Docket No. G-14355; Cities Service Production Company, Docket No. G-14356; Union Oil Company of California, Docket No. G-14362; Tidewater Oil Company, Docket No. G-14385.

By notice dated February 12, 1958, the applications in Docket Nos. G-13143, et al., were consolidated for the purpose of hearing. Subsequently, on February 21, 1958, in conformity with the notice of hearing as of that date, the applications in Docket Nos. G-13143, G-13590, G-13745 and G-13793 were set for hearing to commence on March 10, 1958. The notice provided that "in accordance with the directions of the Commission, Applicants, Transcontinental Gas Pipe Line Corporation, New York State Natural Gas Corporation and Texas Eastern Transmission Corporation, shall go forward with their direct case by submitting testimony and exhibits in support of their applications and the Presiding Examiner shall thereafter recess the hearing to a date to be hereafter fixed by the Commission."

The direct case of the applicants aforementioned was completed on March 11, 1958 and the Examiner recessed the hearing to a date to be hereafter fixed by the Commission.

Thereafter, Transcontinental Gas Pipe Line Corporation filed a motion for an order reconvening the hearing for further proceedings for the purpose of expediting the early disposition of the applications in the above-designated matters.

Memoranda in support of the motion have been submitted by various customer companies of Transcontinental Gas Pipe Line Corporation in order to expedite the disposition of the applications herein so that they may obtain additional quantities of natural gas for distribution in their various marketing areas. The motion referred to has been the subject of consideration by the Commission and the Commission has directed that the applications in Docket Nos. G-13143, G-13590, G-13745 and G-13793 be severed for hearing from the proceedings in Docket Nos. G-13169, et al.

Accordingly, and by direction of the Commission, the applications in the aforementioned Docket Nos. G-13143, G-13590, G-13745 and G-13793 are hereby severed for hearing from the proceedings in Docket Nos. G-13169, et al.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and regulations thereunder, the hearing in Docket Nos. G-13143, G-13590, G-13745 and G-13793 will be reconvened on April 15, 1958 at 10:00 a. m. e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications in said dockets.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2405; Filed, Apr. 1, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1913]

SPERRY RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MARCH 27, 1958.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Sperry Rand Corporation, common stock purchase warrants; File No. 7-1913.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before April 14, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2398; Filed, Apr. 1, 1958; 8:45 a. m.]

[File No. 54-184]

UNITED CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATIONS FOR APPROVAL AND ALLOWANCES OF FEES AND EXPENSES

MARCH 26, 1958.

The Commission having on June 26, 1951, issued its order approving an amended plan, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by The United Corporation ("United"), a registered holding company, proposing certain action designed to complete compliance with a prior order issued by the Commission on August 14, 1943, pursuant to section 11 (b) (2) of the act and for the transformation of United into an investment company ("Investment Company Plan"); and

Said order having, among other things, reserved jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by United for services rendered in connection with the plan and the transactions incident thereto; and

The Commission having on June [illegible], 1956, issued its order in respect of certain applications for the payment of fees for services rendered and reimbursement of expenses incurred, up to September 15, 1954, in connection with United's Investment Company Plan; said order also having denied an application by the General Protective Committee for Holders of Option Warrants of United for an interim allowance of expenses;

Notice is hereby given that supplemental applications for the payment of fees for services rendered and reimbursement of expenses incurred, subsequent to September 15, 1954, in connection with United's Investment Company Plan have been filed by the persons and in the amounts indicated below:

	Fees	Expenses
Whitman, Ransom & Coulson, counsel for United	$65,000	[illegible]
John J. Burns, special counsel for United	7,500	[illegible]
Randolph Phillips, a common stockholder of United	12,000	
Total	84,500	[illegible]

In addition to the foregoing, applications for the allowances of fees for services rendered and reimbursement of expenses incurred in the course of proceedings had in respect of United's Investment Company Plan, have been filed by representatives of holders of option warrants of United as indicated below:

	Fees	Expenses
General protective committee for holders of option warrants of The United Corp.:		
Drinker, Biddle & Reath and M. Quinn Shaughnessy, counsel for the committee	$115,000	
Charles Lathum, Jr., secretary and expert witness of the committee	20,000	
Gordon L. Becker, committee member	1,000	
Harold C. Bladel, committee member	1,000	
Expenses of committee		[illegible]
Berlack, Israels & Liberman, counsel for certain holders of option warrants of United	6,000	[illegible]
Total	143,000	[illegible]

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the applications set forth above:

It is ordered, That a hearing on said applications be convened on April [illegible], 1958, such hearing to commence at 10:[illegible] a. m., at the office of the Securities and Exchange Commission, Washington 25, D. C. Any person who is not already a party, or who has not been granted leave to participate in the above-entitled proceeding, who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of this Commission on or before April 14, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing is and are hereby authorized to exercise all power granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of said applications and on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions for examination;

1. Whether the services and disbursements for which remuneration is sought are compensable out of the estate and whether it is lawful or appropriate to approve or grant any allowances for fees and expenses to the applicants making such claims.

2. Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plan involved and whether the requested amounts are reasonable and, if not, what amounts should be fixed by the Commission.

3. Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered which would make any of the requests for compensation or reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on The United Corporation and on the applicants herein, that notice of the entry of this order shall be given to all other persons by general release of the Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-2399; Filed, Apr. 1, 1958; 8:45 a. m.]

[File No. 54-167]

UNITED CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATIONS FOR APPROVAL AND ALLOWANCE OF FEES AND EXPENSES

MARCH 26, 1958.

The Commission having on October 20, 1949 issued its Order approving an amended plan, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by The United Corporation ("United"), a registered holding company, providing for the distribution to its common stockholders, as a special capital dividend, of shares of common stock of Niagara Hudson Power Corporation; and

Said Order having reserved, among other things, jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by United in connection with the amended plan and the transactions incident thereto;

Notice is hereby given that applications have been filed for approval and allowance of fees and expenses for services rendered in connection with United's amended plan, as follows:

	Fees	Expenses
Whitman, Ransom, Coulson, & Goetz, counsel for United	$16,000.00	$135.50
John J. Burns, special counsel for United	1,000.00	
United's Exchange and Transfer Agent (J. P. Morgan & Co., Inc.):		
Services and expenses		14,029.35
Postage costs		23,441.79
United's advertising and publicity costs		3,741.51
United's printing and related services		3,501.17
Miscellaneous		898.00
Randolph Phillips, a common stockholder of United	12,000.00	
Total	29,000.00	45,747.32

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the applications set forth above:

It is ordered, That a hearing on said applications be convened on April 22, 1958, such hearing to commence at 10:00 a. m., at the office of the Securities and Exchange Commission, Washington 25, D. C. Any person who is not already a party, or who has not been granted leave to participate in the above-entitled proceeding, who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of this Commission on or before April 14, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing is and are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of said applications and on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions for examination:

1. Whether the services and disbursements for which remuneration is sought are compensable out of the estate and whether it is lawful or appropriate to approve or grant any allowances for fees and expenses to the applicants making such claims.

2. Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plan involved and whether the requested amounts are reasonable and, if not, what amounts should be fixed by the Commission.

3. Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered which would make any of the requests for compensation or reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on The United Corporation and on the applicants herein, that notice of the entry of this order shall be given to all other persons by general release of the Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-2400; Filed, Apr. 1, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Amdt. 6 to Taylor's I. C. C. Order 70]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 70 and good cause appearing therefor: *It is ordered,* That:

Taylor's I. C. C. Order No. 70, be, and and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 12:01 a. m., August 1, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1958, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 26 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-2407; Filed, Apr. 1, 1958; 8:47 a. m.]

[Notice 30]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 28, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-31919 (Deviation No. 2), CROWE & CO., INC., 60 Meadow Street, Waterbury, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Southern Terminus of New York State Thruway and the Western Terminus of the said Thruway, as follows: from the Southern Terminus of the New York State Thruway at Yonkers, N. Y., over the New York State Thruway and access routes to the Western Terminus of the said Thruway at Albany, N. Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Albany, N. Y., and Yonkers, N. Y., over the following pertinent routes: from Albany over U. S. Highway 9 to junction unnumbered highway near Valatie, N. Y., thence over unnumbered highway to Valatie, thence over unnumbered highway to junction U. S. Highway 9, thence over U. S. Highway 9 to Yonkers; and from Albany over U. S. Highway 9 to junction unnumbered highway near Valatie, N. Y., thence over unnumbered highway to Valatie, thence over unnumbered highway to junction U. S. Highway 9, thence over U. S. Highway 9 to junction New York Highway 9D, and thence over New York Highway 9D to Peekskill, N. Y., and thence over U. S. Highway 9 to Yonkers.

No. MC-60875 (Deviation No. 1), RUTHERFORD FREIGHT LINES, INCORPORATED, 201 Pierce Street, Bristol, Va., filed March 21, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Bristol, Va.-Tenn., and Lincolnton, N. C., as follows: from Bristol over U. S. Highway 19-E to Elk Park, N. C., thence over North Carolina Highway 194 to Newland, N. C., thence over North Carolina Highway 181 to Morganton, N. C., thence over North Carolina Highway 18 to junction of North Carolina Highway 27 (near Toluca), thence over North Carolina Highway 27 to Lincolnton, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Bristol, Va., and Lincolnton, N. C., over the following pertinent route: from Bristol over U. S. Highway 58 to Damascus, Va., thence over Virginia Highway 91 to the Virginia-Tennessee State line, thence over Tennessee Highway 91 to Mountain City, Tenn., thence over U. S. Highway 421 to Boone, N. C., thence over U. S. Highway 221 to Blowing Rock, N. C., thence over U. S. Highway 321 to Lincolnton.

No. MC-66788 (Deviation No. 1), RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway Northeast, Minneapolis 13, Minn., filed March 25, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Paul, Minn., and Tomah, Wis., as follows: from St. Paul over U. S. Highway 12 to junction Minnesota Highway 56, thence over Minnesota Highway 56 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to junction U. S. Highway 61 at Hastings, Minn., thence over U. S. Highway 61 to La Crosse, Wis., thence over U. S. Highway 16 to Tomah and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Paul, Minn., and Tomah, Wis., over U. S. Highway 12.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2408; Filed, Apr. 1, 1958; 8:47 a. m.]

[Notice No. 210]

MOTOR CARRIER APPLICATIONS

MARCH 28, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub No. 195), filed March 13, 1958. Applicant: RISS & COMPANY, INC., 15 West Tenth Street, Kansas City, Mo. Applicant's attorney: Ivan E. Moody, 15 West Tenth Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, live poultry, commodities in bulk, and those requiring special equipment, serving the site of the Caterpillar Tractor Company plant located on Illinois Highway 29, approximately five miles south of Chillicothe, Ill., and one and one-half miles north of Mossville, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Peoria, Ill. Applicant is authorized to conduct operations in Missouri, Colorado, Kansas, Texas, Oklahoma, Illinois, Iowa, Ohio, New York, Pennsylvania, New Jersey, Michigan, Nebraska, Indiana, Massachusetts, Kentucky, Connecticut, West Virginia, Maryland, Virginia, and the District of Columbia.

HEARING: April 17, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 629 (Sub No. 12), filed March 6, 1958. Applicant: HELM'S EXPRESS, INC., P. O. Box 268, Pittsburgh 30, Pa. Office: R. D. No. 5, Route No. 30, Irwin, Pa. Applicant's attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Delaware, Ohio, and Columbus, Ohio, from Delaware over U. S. Highway 23 to Columbus, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Charleroi, Pa., Cincinnati, Ohio, and Greensburg, Pa., and London, Ohio, and Natrona, Pa. Applicant is authorized to transport similar commodities in New Jersey, New York, Pennsylvania, Ohio, and West Virginia.

HEARING: May 15, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2306 (Sub No. 3), filed January 9, 1958. Applicant: STRICKLAND MOTOR FREIGHT LINES, INC., Box 5689, 3011 Gulden Lane, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City [illegible], Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., and site of Chrysler Corporation plant on U. S. Highway 66 near Valley Park, Mo., from St. Louis over U. S. Highway 66 to site of Chrysler Corporation plant on U. S.

Highway 66 near Valley Park, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, New Jersey, New York, and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 4405 (Sub No. 296), filed March 6, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *trailers, semi-trailers, trailer and semi-trailer chassis,* other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Boyertown, Pa. to points in the United States; and (b) *truck-tractors,* in secondary movements, by driveaway method, only when drawing trailers moving in initial movements in driveaway service from Boyertown, Pa., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 4405 (Sub No. 297), filed March 6, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Truck and trailer bodies,* in carrier or shipper owned trailers, from Boyertown, Pa., to points in the United States; (2) *Truck and trailer bodies,* when loaded in trailers transported in secondary movements, by truckaway and driveaway service, from Boyertown, Pa., to points in the United States; (3) (a) *Trucks* in secondary movements, in driveaway service, and (b) *truck-tractors and trailers,* in secondary movements by driveaway service, from Boyertown, Pa., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 4405 (Sub No. 298), filed March 17, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer and semi-trailer chassis,* other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Omaha, Nebr., to points in the United States; and (2) truck-tractors, in secondary movements, by driveaway method, only when drawing trailers moving in initial movements in driveaway service from Omaha, Nebr., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 4405 (Sub No. 300), filed March 17, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Truck bodies* and *trailer bodies,* from Omaha, Nebr., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 8, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 6616 (Sub No. 7), filed February 5, 1958. Applicant: TOEDEBUSCH TRANSFER, INC., 926 Cass Avenue, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, transporting: *General commodities,* except those of unusual value, high explosives, commodities in bulk, and commodities requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between East St. Louis, Ill., and Kansas City, Kans., over U. S. Highway 40. Applicant is authorized to conduct operations in Illinois, Kansas, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 7555 (Sub No. 28), filed February 27, 1958. Applicant: TEXTILE MOTOR FREIGHT, INC., Box 788, Laurinburg, N. C. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods* and *groceries,* (1) from points in Monroe, Orleans and Wayne Counties, N. Y., to points in Georgia and South Carolina; (2) from points in Adams County, Pa., to points in Alabama, Florida, Georgia, North Carolina and South Carolina; (3) from North East, Pa., to points in Georgia; (4) from Milton, Pa., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. *Empty pallets,* from points in Alabama, Florida, Georgia, North Carolina, and South Carolina to points in Monroe, Orleans, and Wayne Counties, N. Y., and points in Adams County, Pa. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

HEARING: May 21, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 11220 (Sub No. 63), filed March 17, 1958. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James N. Clay, III, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, transporting: *General commodities,* except those of unusual value, automobiles set up on wheels, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant located at Valley Park, Mo., which is approximately 19½ miles west of St. Louis, Mo., on U. S. Highway 66 as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 13674 (Sub No. 2), filed March 10, 1958. Applicant: JAMES A. FLEMING, East Street, Suffied, Conn. Applicant's representative: Jess J. Williams, P. O. Box 790, Waterbury, Conn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, agricultural insecticides, fungicides and herbicides,* dry, liquid or gaseous, from Portland, East Windsor and North Haven, Conn., to points in Rhode Island, Connecticut and those in Rensselaer, Columbia, Dutchess, Putnam, Westchester, Suffolk, Nassau, Clinton, Essex, Warren, and Washington Counties, N. Y.; (2) *Lime, limestone* and *lime products,* from Lee, West Stockbridge, Adams, and North Adams, Mass., to points in Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and those in Columbia, Rensselaer, Clinton, Essex, Warren, Washington, Dutchess, Putnam, Westchester, Nassau, and Suffolk Counties, N. Y., and *damaged* and *shipments made in error* of the above commodities on return. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, and Connecticut.

HEARING: May 5, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Leo W. Cunningham.

No. MC 15852 (Sub No. 7), filed March 19, 1958. Applicant: FORBES TRUCKING CO., INC., 10 Morton Street, P. O. Box 98, Carlton Hill, N. J. Applicant's attorney: John T. Hildemann, P. O. Box 457, Woodbridge, N. J. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry sugar,* in bulk, between New York and Yonkers, N. Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: May 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William E. Messer.

No. MC 22675 (Sub. No. 4), filed February 14, 1958. Applicant: HAROLD GOLTZMAN, doing business as GOLTZMAN BROS., 120–78 Queens Boulevard, Kew Gardens, Queens, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, between New York, N. Y., on the one hand, and, on the other, points in Maine, Michigan, and Alabama. Applicant is authorized to conduct operations in Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

HEARING: May 2, 1958, at 346 Broadway, New York, N. Y. before Examiner Leo W. Cunningham.

No. MC 30451 (Sub No. 17), filed February 13, 1958. Applicant: THE LUPER TRANSPORTATION COMPANY, a Corporation, 404 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh carcass meats* and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, from Houston, Tex., to Wichita, Coffeyville, and Arkansas City, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: May 27, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 30605 (Sub No. 99), filed February 10, 1958. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Atchison, Topeka, and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Class A and B explosives*, except liquid nitroglycerine, between Wichita, Kans., and Harper, Kans., from Wichita over Kansas Highway 42 to junction Kansas Highway 2, thence over Kansas Highway 2 to Harper, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Manhattan, Kans., and Oklahoma City, Okla., and between Wellington, Kans., and Fairview, Okla. RESTRICTION: Subject to the following conditions: The service to be performed by the carrier in the transportation of Class A and B explosives shall be limited to service which is auxiliary to, or supplemental of, rail service of the railway. The carrier shall not serve, or interchange traffic at, any point not a station on a rail line of the railway. No shipment shall be transported by the carrier between any of the following points, or through, or to, or from more than one of said points: Wichita, and Hutchinson, Kans., and Pueblo, Colo.

HEARING: May 26, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 30697 (Sub No. 36), filed March 3, 1958. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati, Ohio. Applicant's attorney: Clarence D. Todd, 1821 Jefferson Place, NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, scrap paper*, and *machinery and supplies* used in the manufacture of pulpboard and pulpboard products, (1) between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky, except Louisville, and (2) between Circleville, Ohio, on the one hand, and, on the other, points in Kentucky. Applicant is authorized to conduct operations in Illinois, Missouri, Indiana, Ohio, Michigan, Kentucky, West Virginia, Iowa, and Minnesota.

NOTE: The Commission has instituted a proceeding on its own initiative under section 212 (c) of the Interstate Commerce Act for determining whether the carrier's outstanding contract carrier authority as of August 22, 1957, should be revoked and a certificate of public convenience and necessity issued in lieu thereof.

HEARING: May 13, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 31444 (Sub No. 45), filed March 10, 1958. Applicant: SCHREIBER TRUCKING CO., INC., 1315–1399 Washington Boulevard, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Cumberland, Md., and points within fifteen (15) miles thereof, as intermediate or off-route points in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Baltimore, Md. Applicant is authorized to conduct operations in Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

NOTE: Duplication with present authority to be eliminated.

HEARING: May 7, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 31520 (Sub No. 1), filed February 27, 1958. Applicant: SALVATORE SOLDANI, doing business as SOLDANI OF BOSTON, 43 Fenno Street, Cambridge, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, except household goods as defined by the Commission, from Boston, Mass., to Albany and Troy, N. Y., and *damaged shipments* of furniture and *empty containers or other such incidental facilities* (not specified) used in transporting the requested commodity on return to the factory only. Applicant is authorized to transport similar commodities in Connecticut, Massachusetts, New York, and Rhode Island.

HEARING: May 12, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo W. Cunningham.

No. MC 31600 (Sub No. 441), filed February 17, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: H. C. Ames, Jr., 216 Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Buffalo and Solvay, N. Y., to port of entry on the International Boundary between the United States and Canada at Rouses Point, N. Y. RESTRICTION: Applied-for authority to be limited to shipments consigned to points in the Province of Quebec, Canada. Applicant is authorized to transport liquid chemicals in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

HEARING: May 20, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 35320 (Sub No. 52), filed February 17, 1958. Applicant: T. I. M. E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., 1105 Great Plains Life Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation's new plant located on U. S. Highways 50 and 66, near Valley Park, Mo. as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kentucky, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 35628 (Sub No. 215), filed March 17, 1958. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving the plant site of the Chrysler Corporation, located approximately 19½ miles west of St. Louis, Mo., as an intermediate or off-route point in connection with applicant's authorized regular route operations from and to St. Louis, Mo. over U. S. Highways 66 and 67. Applicant is authorized to conduct operations in Delaware, Iowa, Illinois, Kentucky, Indiana, Massachusetts, Michigan, Maryland, Minnesota, Missouri, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 36144 (Sub No. 4), filed March 3, 1958. Applicant: LAW & INGHAM TRANSPORTATION COMPANY, Airport Road, Nashua, N. H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *commodities in bulk*, but excepting those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between points in Hillsboro County, N. H., on the one hand, and, on the other, ports of entry located in Vermont on the International Boundary line between the United States and Canada. Applicant is authorized to conduct operations in Massachusetts and New Hampshire.

HEARING: May 16, 1958, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 132, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 40007 (Sub No. 54), filed March 12, 1958. Applicant: RELIABLE TRANSPORTATION COMPANY, 4817 Sheila Street, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, in tank vehicles, from Anaheim, Calif., to Henderson, Nev. Applicant is authorized to conduct operations in California, Arizona, New Mexico, Texas, and Nevada.

HEARING: May 14, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 44290 (Sub No. 10), filed February 27, 1958. Applicant: HUSMANN & ROPER FREIGHT LINES, INC., 1717 North Broadway, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Cincinnati, Ohio, and between Centralia, Ill., and St. Louis, Mo., over U. S. Highway 50. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 44605 (Sub No. 9), filed February 12, 1958. Applicant: MILNE TRUCK LINES, INC., 1000 South Third West Street, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 1501 Walker Bank Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and the site of the U. S. Atomic Energy Commission plant, at or near Mercury, Nev., from Las Vegas over U. S. Highway 95, via Indian Springs, Nev., to junction unnumbered highway, and thence over unnumbered highway to the site of the U. S. Atomic Energy Commission plant, at or near Mercury, and return over the same route, serving no intermediate points. Applicant presently holds the applied-for authority in Certificate No. MC 44605 with service restrictions and it is the purpose of this application to have deleted the following: "with service restricted to traffic originating at or destined to points in New Mexico". Applicant is authorized to conduct operations in Arizona, California, Nevada, and Utah.

HEARING: May 6, 1958, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128.

No. MC 45657 (Sub No. 20), filed February 7, 1958. Applicant: PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division, Plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Arkansas, Tennessee, Illinois, Indiana, and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 45813 (Sub No. 5), filed March 3, 1958. Applicant: THE DUMFORD TRUCKING COMPANY, a Corporation, 1700 Plum Avenue, Middletown, Ohio. Applicant's attorney: Taylor C. Burneson, 3520 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Greenville, Ohio, and points within one mile thereof, to points in Blackford, Dearborn, Decatur, Delaware, Fayette, Franklin, Hancock, Henry, Jay, Jefferson, Jennings, Madison, Ohio, Randolph, Ripley, Rush, Scott, Shelby, Switzerland, Union, and Wayne Counties, Ind. Applicant is authorized to transport other specified commodities in Indiana, Kentucky, and Ohio.

HEARING: May 15, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 48958 (Sub No. 33), filed February 13, 1958. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorneys: Truman J. Stockton, Jr., and John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper-owned or Government-owned trailers, and *empty gas cylinders*, when moving on shipper-owned trailers, or trailers and vehicles owned by the U. S. Government; and *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Kingman, Ariz., and the plant site of the Atomic Energy Commission near Mercury, Nev., from Kingman over U. S. Highway 93 to Las Vegas, Nev., thence over U. S. Highway 95 to Desert Rock Junction, Nev., thence over unnumbered highway to the plant site of the Atomic Energy Commission near Mercury, and return over the same route, serving no intermediate points. RESTRICTION: The service authorized above is subject to the following conditions: The service authorized above is limited to service only in connection with truckload traffic moving for or on behalf of the U. S. Government Atomic Energy Commission. The service authorized is restricted to traffic having origin or destination in New Mexico, Texas, or Oklahoma. *Empty motor equipment* and *tractors*, between the plant site of the Atomic Energy Commission near Mercury, Nev., and Los Angeles, Calif., restricted to such equipment having origin or destination in New Mexico, Texas, or Oklahoma, from the above-specified plant site near Mercury over an unnumbered highway to junction U. S. Highway 95 at Desert Rock Junction, Nev., thence over U. S. Highway 95 to Las Vegas, Nev., and thence over U. S. Highway 91 to Los Angeles, and return over the same route, serving no intermediate points.

NOTE: Certificate No. MC 48958 (Sub No. 24) authorizes the above commodities over the routes specified herein with the service restricted to the described commodities having origin or destination in the State of New Mexico. Applicant states no duplicating authority is sought by this application; and that applicant's purpose is to broaden its present authority to permit the movement of the described traffic having an origin or destination in Texas or Oklahoma, as well as in New Mexico.

HEARING: May 6, 1958, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 166.

No. MC 49387 (Sub No. 11), filed March 19, 1958. Applicant: ORSCHELN BROS. TRUCK LINES, INC., 339 North Williams Street, Moberly, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Caterpillar Tractor Company plant located on Illinois Highway 29, approximately 5 miles south of Chillicothe, Ill., and one and one-half miles north of Mossville, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Peoria, Ill. Applicant is authorized to conduct operations in Missouri, Illinois, Iowa, and Kansas.

HEARING: April 17, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 51018 (Sub No. 4), filed March 8, 1958. Applicant: THE BESL TRANSFER COMPANY, a Corporation, 5550 Este Avenue, Cincinnati, Ohio. Applicant's attorney: John L. Muething, Keating, Muething & Keating, 3901 Carew Tower, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, construction and contractors' equipment, structural steel, such commodities as require special handling or rigging* because of size or weight and *such incidental materials* and *supplies*, usually transported in connection therewith, (1) between points in Hamilton, Butler, Preble, Montgomery, Greene, Clinton, Brown, Clermont, Warren, and Highland Counties, Ohio, on the one hand, and on the other, points in Indiana and Kentucky; (2) between points in Dearborn, Ohio, Switzerland, Ripley, and Franklin Counties, Ind., on the one hand, and, on the other, points in Ohio and Kentucky; and (3) between points in Kenton, Campbell, Boone, Pendleton, Grant, and Gallatin Counties, Ky., on the one hand, and, on the other, points in Ohio and Indiana. Applicant is authorized to conduct operations in Indiana, Kentucky, and Ohio.

HEARING: May 14, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 52657 (Sub No. 512), filed March 6, 1958. Applicant: ARCO AUTO CARRIERS, Inc., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck and trailer bodies*, from Reading and Boyertown, Pa., to points in the United States and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 52657 (Sub No. 513), filed March 6, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: (a) *trailers*, in initial truckaway and driveaway service, from Boyertown, Pa., and South Hackensack, N. J., to points in the United States and Alaska; and (b) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Boyertown, Pa. and South Hackensack, N. J., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, the District of Columbia, and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 52657 (Sub No. 514), filed March 6, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *trailers*, in secondary truckaway service, from Boyertown, Pa., to points in the United States and Alaska; (b) *tractors and trailers*, in secondary driveaway service, from Boyertown, Pa. to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, the District of Columbia and Alaska; and (c) *truck and trailer bodies*, when loaded in trailers moving in secondary truckaway and driveaway service, from Boyertown, Pa. to points in the United States and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 52709 (Sub No. 81), filed March 14, 1958. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except livestock, commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of Chrysler Corporation at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo. Applicant is authorized to transport similar commodities over regular routes in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, Utah, and Wyoming.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 55811 (Sub No. 37), filed February 20, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* and *articles generally sold in grocery stores*, from St. Louis, Mo., and East St. Louis, Ill., to points in Indiana and Ohio and Louisville, Ky., and *damaged or rejected shipments* thereof, on return, for the purpose of eliminating the following gateways under applicant's authorized operations, for operating convenience only: Chicago, Ill., (MC 55811); Vandalia, Ill., (MC 55811 Sub-25); and Illinois gateway in a territory bounded on the west by Illinois Highway 29, on the north by U. S. Highway 6, on the east by the Indiana-Illinois State line, and on the south by Illinois Highway 9 (MC 55811 Sub-12). Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: May 5, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 56082 (Sub No. 23), filed February 13, 1958. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiators, boilers* and *accessories and parts* for radiators and boilers, from Dunkirk, N. Y., to New York City, N. Y., the Philadelphia, Pa., commercial zone, and all points in New Jersey. Applicant is authorized to transport commodities other than those applied for herein in Kentucky, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: May 19, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 58954 (Sub No. 32), filed March 20, 1958. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Caterpillar Tractor Company plant located on Illinois

Highway 29, approximately 5 miles south of Chillicothe, Ill., and 1½ miles north of Mossville, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Peoria, Ill.

HEARING: April 17, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 59264 (Sub No. 23), filed March 18, 1958. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a Corporation, How Lane, New Brunswick, N. J. Applicant's attorney: Robert De Kroyft, Woolworth Building, 233 Broadway, New York 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution*, in containers, in boxes or cartons, from Camden, N. J., to Baltimore, Md., and Washington, D. C. Applicant states it is presently transporting the above commodity from Camden, N. J., to Baltimore, Md., and Washington, D. C., and under its present authority it is necessary to operate via Mercer County, N. J., as a gateway. The purpose of this application is to secure authority which will permit the applicant to eliminate the necessity of operating via Mercer County, N. J., as a gateway. Applicant is authorized to transport similar commodities in New York, New Jersey, Pennsylvania, and the District of Columbia.

HEARING: May 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 59630 (Sub No. 123), filed December 6, 1957, STRICKLAND TRANSPORTATION CO., INC., Box 5689, 2917 Gulden Lane, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., and the site of the Chrysler Corporation plant (on U. S. Highway 66), near Valley Park, Mo., over U. S. Highway 66, serving no intermediate points. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Louisiana, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Tennessee, and Texas.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 60430 (Sub No. 14,) filed February 27, 1958. Applicant: FRIEDMAN'S EXPRESS, INC., 220 Conyngham Avenue, Wilkes-Barre, Pa. Applicant's attorney: Charles L. Casper, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic latex rubber*, in bulk, in insulated tank vehicles, from Cambridge and Lynn, Mass., and Naugatuck, Conn., to Bloomsburg, Pa. Applicant is authorized to conduct operations in New York, New Jersey, and Pennsylvania.

HEARING: May 7, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles H. Riegner.

No. MC 62362 (Sub No. 3), filed October 30, 1957. Applicant: ROYAL F. LYON, doing business as LYON TRANSFER, Columbus, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Nebraska as follows: (1) from Newman Grove to and from Lincoln, Nebr., from Newman Grove over Nebraska Highway 91 to Snyder, thence over County Road to North Bend, thence over Nebraska Highway 79 to junction Nebraska Highway 2, and thence over Nebraska Highway 2 to Lincoln, and return from Lincoln over U. S. Highway 6 or Nebraska Highway 2 to Seward, thence over Nebraska Highway 15 to junction Nebraska Highway 64, thence over Nebraska Highway 64 to Columbus, thence over U. S. Highway 81 to Humphrey, thence over Nebraska Highway 91 to Newman Grove, serving the intermediate points of Clarkson, North Bend, Humphrey, Prague, Columbus, Lindsay, and Cornlea, and the off-route points of Albion, Petersburg, Elgin, Neligh, Oakdale, Tilden, Battle Creek, Madison, and Norfolk; (2) from Newman Grove to and from Omaha, Nebr., from Newman Grove over Nebraska Highway 91 to Scribner, and thence over U. S. Highway 275 to Omaha; and return from Omaha over U. S. Highway 275 and U. S. Highway 30 to Columbus, (also over Nebraska Highway 8 to Fremont, thence U. S. Highway 30 to Columbus), thence over U. S. Highway 81 to Humphrey, and thence over Nebraska Highway 91 to Newman Grove, serving the intermediate points of Clarkson and North Bend and the off-route points of Albion, Petersburg, Elgin, Neligh, Oakdale, Tilden, Battle Creek, Norfolk, and Madison; (3) between Central City and Omaha over U. S. Highways 30–275, serving all intermediate points; (4) between the junction of Nebraska Highway 15 and U. S. Highway 30–A and the junction of U. S. Highway 81 and Nebraska Highway 64 over U. S. Highway 30–A to junction U. S. Highway 81 and thence over U. S. Highway 81 to junction Nebraska Highway 64; (5) between Albion and Columbus from Albion over Nebraska Highway 39 to junction Nebraska Highway 22 to Genoa, and thence over Nebraska Highway 22 to Columbus, serving all intermediate points and the off-route points of Bradish and Boone; (6) Circuitous route from and to Albion, from Albion to Spalding over Nebraska Highway 91 thence east over Nebraska Highway 91 to junction Nebraska Highway 52, thence south over Nebraska Highway 52 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to Albion, serving all intermediate points. Alternate routes (a) between Cedar Rapids and St. Edward over Nebraska Highway 56, and (b) between Spalding and Cedar Rapids over County Road formerly designated as Nebraska Highway 101 to junction Nebraska Highway 56, and thence over Nebraska Highway 56 to Cedar Rapids, as alternate routes for operating convenience only, serving no intermediate or off-route points.

NOTE: This application is filed to obtain a certificate of public convenience and necessity in lieu of filing of intrastate certificate under section 206 (a) (1) of the Interstate Commerce Act.

HEARING: May 29, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 62835 (Sub No. 7), filed December 26, 1957. Applicant: C. E. S. TRUCK LINES, INC., U. S. Highway 61–67, Crystal City, Mo. Applicant's attorney: B. W. La Tourette, 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and junction County Road "VV" and Combined U. S. Highways 61 and 67, from St. Louis over County Road "V" to junction County Road "VV", thence over County Road "VV" to junction Combined U. S. Highways 61 and 67, and return over the same route, serving Flamm City and Oakville, Mo., and all intermediate points, and all intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and the off-route point of the site of the Union Electric Co., Meramec Plant on Fine Road. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, and Missouri.

NOTE: Duplication with present authority to be eliminated.

HEARING: May 19, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 69236 (Sub No. 9), filed February 27, 1958. Applicant: SCHIEN TRUCK LINES, INC., 416 West Main, Sedalia, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including commodities in bulk*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Illinois, and Kansas.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 70451 (Sub No. 198), filed January 13, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcey Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities including Class A and B explosives* and excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving St. Charles, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo.

HEARING: May 20, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 75406 (Sub No. 13), filed February 24, 1958. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66, at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arkansas, Missouri, and Illinois.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 76032 (Sub No. 121), filed February 10, 1958. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 54½ San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities, including government-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) or empty, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kingman, Ariz., and the plant site of the Atomic Energy Commission near Mercury, Nev., from Kingman over U. S. Highway 93 to Las Vegas, Nev., thence over U. S. Highway 95 via Indiana Springs, Nev., to junction unnumbered highway, thence over unnumbered highway to the above-specified plant site near Mercury, and return over the same route, serving no intermediate points. (2) *Government-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) or empty, between Needles, Calif., and the plant site of the Atomic Energy Commission near Mercury, Nev., from Needles over U. S. Highway 66 to junction U. S. Highway 95, thence over U. S. Highway 95 via Indian Springs, Nev., to junction unnumbered highway, thence over unnumbered highway to the above specified plant site near Mercury, Nev., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Indiana, Oklahoma, Iowa, Kansas, and Nevada.

NOTE: Applicant's attorney states the following: It is the purpose of this application to remove the restriction now existing relating to the transportation of general commodities, with noted exceptions, and government-owned compressed gas trailers, so as to allow the applicant to move such trailers between the plant site at Mercury, Nev., and all points on its operating authority, and to likewise remove such restriction as appertains to general commodities with exceptions.

HEARING: May 6, 1958, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 166.

No. MC 78400 (Sub No. 12), filed February 10, 1958. Applicant: JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN AND OLIN FLOTTMANN, doing business as BEAUFORT TRANSFER, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities in bulk*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (1) between a plant site of Kingsford Charcoal Company located in Gasconade County, Mo., approximately 6 miles northwest of Owensville, Mo., and Rosebud, Mo., from said plant site over an unnumbered county road to junction of U. S. Highway 50, thence over U. S. Highway 50 to Rosebud, and return over the same route, serving no intermediate points. (2) between a plant site of Kingsford Charcoal Company located in Gasconade County, Mo., approximately 6 miles northwest of Owensville, Mo., and Kansas City, Mo., from said plant site over an unnumbered county road to junction of U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, Mo., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois and Missouri.

NOTE: Applicant states that the authority sought under 1 above will be tacked to its present authority; and the authority sought under 2 above will be restricted as follows: No service shall be rendered by applicants between the Kansas City, Mo., Kansas City, Kans., Commercial Zone and points which applicants are now authorized to serve.

HEARING: May 21, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36.

No. MC 73632 (Sub No. 101), filed March 13, 1958. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., and the site of the Chrysler Corporation Assembly Plant located at or near Valley Park, Mo., on U. S. Highway 66, over U. S. Highway 66, serving no intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Kentucky, Mississippi, Missouri, Ohio, and Tennessee.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 92873 (Sub No. 4), filed February 10, 1958. Applicant: PAUL EATON, doing business as EATON TRUCK LINE, 301 South Orchard, Clinton, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Garden City, Mo., to National City, Ill., from Garden City over Missouri Highway 35 to Clinton, Mo., thence over Missouri Highway 52 to junction U. S. Highway 65, thence over U. S. Highway 65 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 66, thence over U. S. Highway 66 to East St. Louis, Ill., thence over Illinois Highway 3 to National City, serving the intermediate points of Creighton, Urich, Clinton, Lewis Station, Calhoun, Windsor and St. Louis, Mo., and East St. Louis, Ill., and the off-route points of Montrose, Deepwater, La Due, Powersite, Leeton, and Green Ridge, Mo. Applicant is authorized to conduct similar operations over regular routes in Kansas and Missouri, and over irregular routes in Illinois and Missouri.

HEARING: May 20, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 13

No. MC 95473 (Sub No. 6), filed March 11, 1958. Applicant: HAROLD A. DAUB, Reinerton, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Berks County, Pa., to points in Maryland. Applicant is authorized to conduct operations in Maryland, New York, and Pennsylvania.

HEARING: May 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Gerald F. Colfer.

No. MC 96907, filed January 6, 1958. Applicant: RICHARD BRADLEY, doing business as BRADLEY'S TRANSFER, Town Hill Road, New Hartford, Conn. Assigned for hearing to determine whether the motor vehicle operations of the said carrier are and will be managed and operated in a common interest and management with those of Anna Bradley, doing business as Bradley's Express, and the eligibility of Richard Bradley, doing business as Bradley's Transfer, to engage in operations in interstate or foreign commerce within the State of Connecticut under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

HEARING: May 7, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Leo W. Cunningham.

No. MC 98040 (Sub. No. 1), filed October 30, 1957. Applicant: JOHN DERICKSON doing business as DERICKSON TRANSFER, Lexington, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and comodities requiring special equipment, between points in Nebraska as follows: between North Platte, Nebr. and Grand Island, Nebr. over U. S. Highway 30, serving the intermediate points of Maxwell, Brady Island, Gothenburg, Willow Island, Cozad, Darr, Lexington, Overton, Elm Creek, Odessa, Kearney, Gibbon, Shelton, Wood River, and Alda.

NOTE: This application is filed to obtain a certificate of public convenience and necessity in lieu of filing of intrastate certificate with this Commision under section 206 (a) (1), Interstate Commerce Act.

HEARING: May 29, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 99464 (Sub No. 2), filed October 30, 1957. Applicant: HENRY G. FREAR, doing business as PAWNEE TRANSFER, Humboldt, Nebr. Applicant's attorney: J. Max Harding, IBM Bldg., 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Nebraska as follows: (1) between Pawnee City and Lincoln, from Pawnee City over Nebraska Highway 4 to Table Rock, thence over Nebraska Highway 65 to junction Nebraska Highway 51, thence over Nebraska Highway 50 to Tecumseh, thence over Nebraska Highway 41 to junction Nebraska Highway 42, thence Nebraska Highway 42 to junction Nebraska Highway 2, and thence over Nebraska Highway 2 to Lincoln, and return from Lincoln over U. S. Highway 77 to Beatrice, thence over Nebraska Highway 4 to Pawnee City, serving all intermediate points and the off-route points of DuBois, Steinauer, and Humboldt, Nebr.; (2) between Pawnee City and Omaha, from Pawnee City over Nebraska Highways 4–50 to junction Nebraska Highway 3, thence over Nebraska Highway 3 to junction U. S. Highway 75, and thence over U. S. Highway 75 to Omaha, and return over the same routes, serving all intermediate points and the off-route point of Steinauer, Nebr. ALTERNATE ROUTE NO. 1: over Nebraska Highways 4, 65, and 50 to junction Nebraska Highway 3, thence over Nebraska Highway 3 to junction U. S. Highway 75, and thence over U. S. Highway 75 to Omaha and return over the same route, serving all intermediate points; ALTERNATE ROUTE NO. 2: over Nebraska Highway 4 to junction U. S. Highway 75, thence over U. S. Highway 75 to Omaha and return over the same routes, serving the intermediate point of Humboldt, Nebr.

NOTE: This application is filed to obtain a certificate of public convenience and necessity in lieu of filing of intrastate certificate with this Commission under section 206 (a) (1), Interstate Commerce Act.

HEARING: May 29, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 99577 (Sub No. 1) filed October 30, 1957. Applicant: HENRY G. FREAR, doing business as SUPERIOR TRANSFER, Superior, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Nebraska as follows: (1) between Superior and Hastings, Nebr., from Superior over Nebraska Highway 14 to intersection U. S. Highway 6, thence over U. S. Highway 6 to Hastings, and return over the same routes, serving the intermediate points of Nelson and Clay Center and the off-route point of Deweese; (2) between Superior and Franklin, from Superior over Nebraska Highway 14 to southern junction Nebraska Highway 3, and thence over Nebraska Highway 3 to Franklin, and return over the same routes, serving all intermediate points and the off-route point of Guide Rock; (3) between Fairbury and northern junction Nebraska Highway 14 with Nebraska Highway 3 over Nebraska Highway 3, serving the intermediate points of Nora, Ruskin, Deshler, Hebron, and Gilead.

NOTE: This application is filed to obtain a certificate of public convenience and necessity in lieu of filing of intrastate certificate with this Commission under section 206 (a) (1) Interstate Commerce Act.

HEARING: May 29, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 99919 (Sub No. 1), filed October 30, 1957. Applicant: HERBERT PETERS, doing business as FREMONT EXPRESS, 136 East Washington, Fremont, Nebr. Applicant's attorney: J. Max Harding, I B M Bldg., 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Fremont, Nebr., and Omaha, Nebr. (1) over U. S. Highway 275, serving all intermediate points; (2) from Fremont over U. S. Highway 275 to junction Nebraska Highway 36, thence over Nebraska Highway 36 to junction Nebraska Highway 133, thence over Nebraska Highway 133 to junction Nebraska Highway 38, and thence over Nebraska Highway 38 to Omaha, and return over the same routes, serving all intermediate points; (3) from Fremont over U. S. Highway 275 to junction Nebraska Highway 64, thence over Nebraska Highway 64 to Omaha, and return over the same routes, serving all intermediate points.

NOTE: This application is filed to obtain a certificate of public convenience and necessity in lieu of filing of intrastate certificate under section 206 (a) (1) of the Interstate Commerce Act.

HEARING: May 29, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 101126 (Sub No. 97), filed March 10, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 12, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable glycerine*, in bulk, in insulated, stainless steel tank vehicles, from St. Bernard, Ohio, to West Chicago, Ill. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 101126 and Subs thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: May 16, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 103993 (Sub No. 106), filed March 11, 1958. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Corona, Calif., and points within 10 miles thereof, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 7, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 104675 (Sub No. 7), filed March 3, 1958. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trailers, from points in Warren County, Pa., to ports of entry on the boundary between the United States and Canada at or near Champlain and Rouses Point, N. Y., and Thousand Island Bridge near Alexandria Bay, N. Y., and *refused or unclaimed* shipments of petroleum and petroleum products, on return. Applicant is authorized to conduct similar operations from, to or between specified points in New York, Pennsylvania, New Jersey, and Ohio.

HEARING: May 22, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 106398 (Sub No. 96), filed March 11, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 896, Dawson Station, Tulsa, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Corona, Calif., and points within 10 miles thereof, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 7, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 108446 (Sub No. 18), filed March 10, 1958. Applicant: FISCHBACH TRUCKING CO., a Corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Books*, from Burlington, Mass., to Chicago, Ill., and Columbus, Ohio; and *Damaged, rejected, or returned books*, and *empty book containers* and *skids*, from Chicago, Ill., and Columbus, Ohio to Burlington, Mass. Applicant is authorized to transport similar commodities in Illinois, Massachusetts, and Ohio, and other commodities in Arkansas, Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and West Virginia.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 108446 and Subs thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: May 12, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo W. Cunningham.

No. MC 108696 (Sub No. 3), filed March 10, 1958. Applicant: JACOB A. TIGELAAR, ADA TIGELAAR, HENRY J. DeWEERD, AND CORNELIA DeWEERD, doing business as TIGELAAR & DeWEERD, 235 South School Street, Hudsonville, Mich. Applicant's attorney: George W. Loomis, 909 Prudden Building, Lansing 16, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides* and *fungicides*, and on occasions, parts for *sprayers and spray equipment*, when accompanying shipments of insecticides and fungicides, from Middleport, N. Y., to points in Ottawa, Van Buren, Allegan, and Muskegon Counties, Mich., and the City of Erie (Monroe County), Mich. Applicant is authorized to transport similar commodities in Michigan and New York and other commodities in Illinois, Michigan, and New York.

NOTE: Duplication with present authority to be eliminated.

HEARING: May 16, 1958, at the Olds Hotel, Lansing, Mich., before Examiner William R. Tyers.

No. MC 109095 (Sub No. 7), filed January 27, 1958. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66, at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Akron, Ohio, over U. S. Highway 40. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Missouri, and Ohio, and irregular route operations in Indiana and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 110505 (Sub No. 41), filed March 10, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble, granite*, and *stone*; cut, uncut, finished and in the rough, from points in Vermont to points in Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, Missouri, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and *damaged or rejected shipments* of the above-specified commodities, from the above destination territory to points in Vermont. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: May 14, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Leo W. Cunningham.

No. MC 110988 (Sub No. 49), filed March 13, 1958. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable juices*, in bulk, in tank vehicles, from points in Florida to points in Wisconsin, Illinois, Michigan, Iowa, Minnesota, Indiana, Missouri, Ohio, and Pennsylvania. Applicant is authorized to conduct operations in Wisconsin, Illinois, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, and Tennessee.

HEARING: May 7, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 112588 (Sub No. 3), filed March 5, 1958. Applicant: RUSSELL TRUCKING LINE, INC., Bay Bridge, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plaster, plasterboard, plasterboard joint system*, and *gypsum block plank, slab or tile*; from plant site of United States Gypsum Company at Gypsum, Ohio, to points in Crawford, Mercer, Venango, Clarion, Jefferson, Lawrence, Butler, Armstrong, Indiana, Westmoreland, Fayette, Beaver, Allegheny, Washington, and Greene Counties, Pa., and points in Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Doddridge, Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson, Mason, and Cabell Counties, W. Va., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to transport cement from Baybridge, Ohio, to specified points in Michigan.

HEARING: May 13, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 112750 (Sub No. 28), filed January 29, 1958. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building 22–17 Northern Boulevard, Bayside, Long Island, N. Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place, Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin, bullion, and negotiable securities), as are used in the businesses of banks and banking institutions, when transported in containers other than trace-alarm bags and in vehicles other than armored vehicles, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, (1) between points in Dubuque County, Iowa, and points in Jo Daviess County, Ill.; (2) between points in Clinton County, Iowa, and points in Whiteside County, Ill.; (3) between points in Scott County, Iowa, and points in Rock Island County, Ill.; (4) between points in Des Moines County, Iowa, and points in Henderson County, Ill.; (5) between points in St. Louis County, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill.; (6) between points in St. Charles County, Mo., and points in

Madison County, Ill.; (7) between points in Cook County, Ill., on the one hand, and, on the other, points in Dubuque, Clinton, Scott, and Des Moines Counties, Iowa; and (8) between points in St. Louis County, Mo., on the one hand, and, on the other, points in Cook, Macoupin, Madison, Montgomery, Christian and Sangamon Counties, Ill. Applicant is authorized to transport the commodities specified in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: May 19, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 46.

No. MC 113908 (Sub No. 32), filed February 17, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, P. O. Box 706, Springfield, Mo., Mail address: Coon Valley, Wis. Applicant's attorney: Turner White, III, 809 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *liquid acids*, in bulk, in tank vehicles, from Louisville, Ky., to St. Louis, Mo. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Texas.

HEARING: May 21, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 298.

No. MC 113908 (Sub No. 33), filed March 7, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo., Mail: Coon Valley, Wis. Applicant's attorney: Chinn and White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Chicago, Ill., to points in Ohio, Indiana, Michigan, Minnesota, Wisconsin, Iowa, Missouri, Kansas, and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Kentucky, South Dakota, Iowa, Missouri, Kansas, Minnesota, Nebraska, and Texas.

HEARING: May 5, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 115297 (Sub No. 2), filed March 18, 1958. Applicant: RAY MOLDER CARRIER CORPORATION, 4444 17th Street, Extension, SW., Canton, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Canton, Ohio to points in the lower peninsula of Michigan. Applicant is authorized to transport similar and other commodities in Michigan and Ohio.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 115297. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: May 16, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 116371 (Sub No. 2), filed March 10, 1958. Applicant: LIQUID CARGO LINES LIMITED, Box 269, Clarkson, Ontario, Canada. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tar residual oil*, from Cleveland and Warren, Ohio, and Buffalo, N. Y., to the International Boundary line between the United States and Canada at the ports of entry of Detroit, Mich., and Buffalo, N. Y. Applicant proposes the service to be limited to traffic destined to points in Canada.

HEARING: May 22, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 116762 (Sub No. 1), filed July 17, 1957. Applicant: NEWPORT TRANSPORTATION COMPANY, a corporation, Hooper Cate Building, Newport, Tenn. Applicant's attorney: Donald M. McSween and D. M. Amick, Second Floor, Minnie Building, Newport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Paint and dye intermediates, metal parts* and *wooden dimensional parts*, (more fully described in Docket), between Newport, Tenn., and Chicago, Ill., from Newport over U. S. Highway 25 to Mt. Vernon, Ky., thence over U. S. Highway 150 to Danville, Ky., thence over Kentucky Highway 35 to Frankfort, Ky., thence over U. S. Highway 421 to Madison, Ind., thence over Indiana Highway 7 to Columbus, Ind., thence over U. S. Highway 31 to Indianapolis, Ind., thence over U. S. Highway 52 to Kentland, Ind., thence over U. S. Highway 41 to Chicago, Ill., and return over the same routes, serving no intermediate points. (2) *Paint and dye intermediates*, (more fully described in Docket), from Newport, Tenn., to Holland, Mich., from Newport over the highways described in (1) above to Indianapolis, Ind., thence continue over U. S. Highway 31 to Holland, Mich., serving no intermediate points. (3) *Agricultural products* (such as dried beans to be used in canning process), from Saginaw, Mich., to Newport, Tenn., from Saginaw over Michigan Highway 47 to Perry, Mich., thence over Michigan Highway 78 to Lansing, Mich., thence over U. S. Highway 27 to Cincinnati, Ohio, thence over U. S. Highway 25 to Newport, Tenn., serving no intermediate points. (4) *Drug intermediates*, under refrigeration, (as more fully described in Docket), (a) from Newport, Tenn., to Jersey City, N. J., in seasonal operations during Summer months, from Newport over U. S. Highway 25E to Bean Station, Tenn., thence over U. S. Highway 11 to Winchester, Va., thence over U. S. Highway 340 to Frederick, Md., thence over U. S. Highway 40 to Baltimore, Md., thence over U. S. Highway 1 to Jersey City, serving no intermediate points, and (b) from Newport, Tenn., to Nutley, N. J., in seasonal operations during Winter months, from Newport over the routes described in 4 (a) above to Baltimore, Md., thence over U. S. Highway 1 to Newark, N. J., thence over New Jersey Highway 21 to Belleville, N. J., thence over New Jersey Highway 7 to Nutley, N. J., serving no intermediate points. (5) *Deslaging agent, wooden dimensional parts, finished and unfinished lumber, metal parts* and *leather* (as more fully described in Docket) between Newport, Tenn., and Philadelphia, Pa., New York, N. Y., and Boston, Mass., from Newport over the routes described in 4 (a) above to Baltimore, Md., thence over U. S. Highway 1 to New York, N. Y., thence over U. S. Highway 1 to New Haven, Conn., thence over U. S. Highway 5 to Interchange No. 9 of the Massachusetts Turnpike, thence over said turnpike to Boston, and return over the same routes transporting *frozen fish and frozen food, agricultural products*, and *drugs* (as more fully described in Docket), from the above-described cities to Newport, Tenn., serving no intermediate points, but with the right to forward such shipments to Knoxville, Tenn., and Atlanta, Ga. (6) *Food products, deslaging agents, leather*, and *dimensional* wooden parts (more fully described in Docket), from Newport, Tenn., to Jacksonville, Fla., from Newport over U. S. Highway 25 to Jessup, Ga., thence over U. S. Highway 301 to Folkston, Fla., thence over U. S. Highway 1 to Jacksonville, and return over the same routes transporting, *agricultural products, canned foods*, and *frozen foods*, (more fully described in Docket) to Newport, Tenn., serving no intermediate points. (7) *deslaging agent, metal parts, food products* and *dimensional wooden parts* (more fully described in Docket), between Newport, Tenn., and New Orleans, La., from Newport over U. S. Highways 25 and 70 to Knoxville, Tenn., thence over U. S. Highway 11 to New Orleans, and return over the same route, serving no intermediate points, transporting *agricultural products* and *frozen foods* on return to Newport. (8) *Muriatic acid*, in shipper-owned tank semi-trailers, rubber lines, in bulk, over irregular routes, from Newport, Tenn., to points in Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. (9) *Green or raw hides*, over irregular routes, from St. Louis, Mo., and East St. Louis, Ill., to Newport, Tenn., and Hazelwood, N. C.

HEARING: May 5, 1958, at the U. S. Court Rooms, Knoxville, Tenn., before Examiner Alfred B. Hurley.

No. MC 116779 (Sub No. 1), filed February 14, 1958. Applicant: PHILIP C. SCHUSTER, doing business as P. C. SCHUSTER CONTRACT HAULING, 618 South Buffalo Street, Orchard Park, N. Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glazed tiles*, from Summerville, Pa., to points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Ontario, Monroe, Orleans, Steuben, and Wyoming Counties, N. Y.; (2) *Bricks*, from

Summerville, Pa., to points in Niagara County (except Lockport), N. Y.; (3) *Hollow building tile*, from New Bethlehem, Pa., to points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Monroe, Niagara, Ontario, Orleans, Steuben, and Wyoming Counties, N. Y.; (4) *Brick*, from New Castle, Pa., to points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Monroe, Niagara, Ontario, Orleans, Steuben, and Wyoming Counties, N. Y.; and (5) *Empty pallets* used in transporting the above-specified commodities, from the above-described destination points to the above-described origin points.

NOTE: Applicant requests that duplication with previously filed application in MC 116779 be eliminated.

HEARING: May 19, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 117041 (Amendment), filed November 18, 1957, published issue of January 22, 1958. Applicant: JEROME MICHEL and JOSEPH MICHEL, JR., a Partnership, doing business as MICHEL BROS. GARAGE & TOWING SERVICE, Route No. 2, Box 373, Franksville, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, in truckaway service, between points in Wisconsin and points in Illinois.

NOTE: Applicants state they propose rendering towing and repair service to members of the Motor Vehicle and Affiliated Truck Owners Association in Wisconsin and Illinois.

Application as originally filed requested contract carrier authority. The purpose of this republication is to reflect applicant's amendment to seek common carrier authority.

CONTINUED HEARING: April 29, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 117090 (Sub No. 1), filed February 5, 1958. Applicant: HAROLD BROCK, Roark, Ky. Applicant's attorney: Robert R. R. Boone, P. O. Box 294, Pineville, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Roark, Ky., to Asheville, Azalea, High Point, Hickory, Lenoir, Marion, Morganton, North Wilkesboro, and West Jefferson, N. C., Bristol, Elizabethton, Greeneville, Johnson City, Knoxville, Loudon, Morristown, Newport, Oneida, and Sevierville, Tenn., Bristol, Marion, and Pulaski, Va., and Cincinnati, Dayton, and Hamilton, Ohio.

HEARING: May 6, 1958, at the U. S. Court Rooms, Knoxville, Tenn., before Examiner Alfred B. Hurley.

No. MC 117156, filed February 3, 1958. Applicant: BENJAMIN J. FERGUSON, doing business as FERGUSON HAULING, 1229a Lami, St. Louis 4, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, green, green salted, pickled, or tanned, and *empty containers or other such incidental facilities* (not specified) used in transporting hides, between Alton, Ill., and St. Louis, Mo.

HEARING: May 20, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 117177, filed February 10, 1958. Applicant: RAYMOND FOWLER, doing business as BLUE STEM TRUCK LINE, 509 State Street, Emporia, Kans. Applicant's attorney: Floyd D. Strong, 701 Jackson Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feed*, in bulk and in bags and containers, and *refused or returned shipments* of processed mill feed, between Emporia, Kans., and points in Oklahoma.

HEARING: May 26, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 39.

No. MC 117193, filed February 21, 1958. Applicant: CHERRO TRANSPORTATION CORP., 300 Park Avenue, New York, N. Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drawn, extruded and rolled brass, bronze and copper bars, billets, rods, rough cast brass, bronze and copper bars and billets, brass, bronze and copper projectile bands, ingots, slabs, scrap, borings, grindings, turnings, skimmings and residue, copper cathodes, brass, bronze, copper, Cupro-Nickel and nickel-copper pipe and tubing, Cupro-Nickel and nickel-copper scrap and all of the component parts and materials used in the manufacture and composition of the foregoing;* (2) *Textile waste materials, including rags, clippings of all kinds of natural and synthetic fibres, hosiery and knit goods scraps, cotton, rayon, mixed and cotton waste, cotton rovings and garnetted cotton stock, remnants of cotton piece goods and cotton mill end remnants;* (3) *Electric, brass, bronze, steel armored, lead covered and armored lead covered cable, cable clamps and joints, covered, insulated and plain brass, bronze, copper wire, wrought steel pipe, flexible and steel conduits and conduit connections and the raw materials thereof consisting of, among other things, copper, rubber, cotton, jute, lead, steel, aluminum and zinc and chemicals used for plastic compounds employed in the manufacture of the aforesaid commodities*, between points in the United States.

PRE-HEARING CONFERENCE: May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner Frank R. Saltzman presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) the possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by the applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organization, if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 117204, filed February 24, 1958. Applicant: HAROLD J. BOWLEY, doing business as GEORGE H. BOWLEY & SON, 50 Cooper Street, Pawtucket, R. I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require dump trucks for transportation and can be unloaded by dumping, between points in Rhode Island, and those in Connecticut and Massachusetts within 25 miles of the Rhode Island State line.

HEARING: May 8, 1958, in Room [illegible], Main P. O. Building, Providence, R. I., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117212, filed February 28, 1958. Applicant: LEAMINGTON TRANSPORT (WESTERN) LIMITED, [illegible] Wall Street, Winnipeg, Manitoba, Canada. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat-products and meat by-products*, and *dairy products* as defined by the Commission in Ex Parte No. MC-38, Lists A and B, (1) from the port of entry on the international boundary line between the United States and Canada at or near Noyes, Minn., to points in New York, those in that part of Connecticut on and west of U. S. Highway 5, those in that part of New Jersey on and north of New Jersey Highway 33, and Boston, Mass., and Philadelphia, Pa., (2) from the port of entry on the international boundary line between the United States and Canada, at or near Noyes, Minn., to the ports of entry on the international boundary line between the United States and Canada, at or near Detroit, Mich., and Buffalo, N. Y., and points in New York, those in that part of Connecticut on and west of U. S. Highway 5, those in that part of New Jersey on and north of New Jersey Highway 33, and Boston, Mass., and Philadelphia, Pa.

NOTE: Applicant states the following: The transportation herein shall be restricted to shipments originating in the Province of Manitoba and destined to points in New York, that part of Connecticut on and west of U. S. Highway 5, that part of New Jersey on and north of New Jersey Highway 33, Boston, Mass., and Philadelphia, Pa.

HEARING: May 6, 1958, in Room [illegible], U. S. Custom House, 610 South Canal

Street, Chicago, Ill., before Examiner Donald R. Sutherland.

No. MC 117241, filed March 10, 1958. Applicant: DARWIN CLARK, Eastford, Conn. Applicant's representative: Jess J. Williams, P. O. Box 790, Waterbury, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fertilizer, fertilizer materials, agricultural insecticides, fungicides* and *herbicides*, dry, liquid or gaseous, from Portland, East Windsor, and North Haven, Conn., to points in Rhode Island, points in Barnstable, Bristol, and Plymouth Counties, Mass., and those in Rensselaer, Columbia, Dutchess, Putnam, Westchester, Suffolk, and Nassau Counties, N. Y. (B) *Lime, limestone*, and *lime products*, from Lee, West Stockbridge, Adams, and North Adams, Mass., to points in Rhode Island and Connecticut, points in Barnstable, Bristol, and Plymouth Counties, Mass., and those in Rensselaer, Columbia, Dutchess, Putnam, Westchester, Suffolk, and Nassau Counties, N. Y. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *rejected, refused, damaged and returned shipments* of the commodities specified in this application on return.

HEARING: May 5, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Leo W. Cunningham.

No. MC 117242, filed March 10, 1958. Applicant: CHESTER C. MATUSZKO, doing business as MAT Farms Company, 9 Ball Lane, North Amherst, Mass. Applicant's representative: Jess J. Williams, P. O. Box 790, Waterbury, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, agricultural insecticides, fungicides* and *herbicides*, dry, liquid or gaseous, from South Deerfield, Mass., to points in Vermont, New Hampshire, and Rhode Island, and points in Clinton, Essex, Warren, Washington, Columbia, and Rensselaer Counties, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *refused, damaged and returned shipments* of the commodities specified in this application on return. Applicant holds contract carrier authority to conduct seasonal operations in Permit No. MC 112402. Section 210, dual operations, may be involved.

HEARING: May 5, 1958, at the U. S. Court Rooms, Hartford, Conn., before Examiner Leo W. Cunningham.

No. MC 117243, filed March 7, 1958. Applicant: PLANTATIONS ENTERPRISES, INC., 642 Potters Avenue, Providence, R. I. Applicant's attorney: Thomas F. Kelleher, 49 Westminster Street, Providence 3, R. I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise as is dealt in by dental, medical, and optical laboratories or supply houses*, normally wrapped and shipped as parcels, between Providence, R. I., and points in Massachusetts and Connecticut, within twenty-five (25) miles of the Rhode Island State line.

HEARING: May 8, 1958, in Room 308, P. O. Building, Providence, R. I., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

MOTOR CARRIERS OF PASSENGERS

No. MC 727 (Sub No. 1), filed March 5, 1958. Applicant: ARTHUR P. BOWMAN, WILLIAM H. BOWMAN, GLENN A. BOWMAN, AND FRED J. BOWMAN, doing business as BOWMAN BROS. BUS AND TRUCK SERVICE, Main Street, Valley View, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) in charter operations, beginning and ending at Lykens, Williamstown, Wiconisco, Elizabethville, Berrysburg, Gratz, Erdman, and Loyalton, located in Dauphin County, Pa., and extending to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Ohio; (2) in round trip special operations, beginning and ending at Lykens, Williamstown, Wiconisco, Elizabethville, Berrysburg, Gratz, Erdman, and Loyalton, located in Dauphin County, Pa., and extending to points in New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Ohio, Maryland, Delaware, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New Jersey, Delaware, Virginia, and the District of Columbia.

HEARING: May 5, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles H. Riegner.

No. MC 48561 (Sub No. 5), filed March 15, 1958. Applicant: WILSON BUS LINES, INC., Central Street, Ashburnham, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Winchendon, Gardner, Templeton, Baldwinville, Athol, Orange, Erving, Millers Falls, Turner Falls, Greenfield, Bernardston, and Warwick, Mass., on the one hand, and, on the other, Brattleboro and Bellows Falls, Vt., and Winchester, Swanzey, and Keene, N. H. Applicant is authorized to conduct operations in Massachusetts, Maine, New Hampshire, Rhode Island, Vermont, Connecticut, New York, New Jersey, Pennsylvania, Virginia, Ohio, Delaware, Maryland, West Virginia, and the District of Columbia.

NOTE: Applicant states that the above authority will be restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destination points for the purpose of participating in games commonly referred to as beano and bingo games.

HEARING: May 13, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 189, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 75289 (Sub No. 13), filed February 12, 1958. Applicant: D. C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington 7, D. C. Applicant's representative: O. Roy Chalk, President (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage*, and *newspapers* in the same vehicle with passengers, in seven-passenger sedans (limousines), not including the driver thereof (1) Between Washington, D. C., and New York, N. Y., in an express service, over regular routes, serving no intermediate points; (a) From Washington, D. C., over the Baltimore-Washington Parkway to junction Baltimore Harbor Tunnel Expressway, thence over Baltimore Harbor Tunnel Expressway to junction U. S. Highway 40, thence over U. S. Highway 40 via the Delaware Memorial Bridge to junction New Jersey Turnpike, thence over the New Jersey Turnpike to Interchange No. 16 over access roads and depressed highway to the Lincoln Tunnel, thence via the Lincoln Tunnel to New York City, and return from New York, N. Y., to Washington, D. C., over the same route. (b) From Washington, D. C., over the Baltimore-Washington Parkway to junction Baltimore Harbor Tunnel Expressway, thence over the Baltimore Harbor Tunnel Expressway to junction U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 13 at Farnhurst, Del., thence over U. S. Highway 13 to junction alternate U. S. Highway 13, thence over alternate U. S. Highway 13 to its rejoinder with U. S. Highway 13, thence over U. S. Highway 13 to junction with Pennsylvania Highway 291, thence over Pennsylvania Highway 291 to Philadelphia, Pa., thence over the Walt Whitman Bridge to junction New Jersey Highway 42, thence over New Jersey Highway 42 and access roads to New Jersey Turnpike Interchange No. 3, thence over the New Jersey Turnpike to Interchange No. 4, (also from junction New Jersey Highway 42 and Walt Whitman Bridge approach, over New Jersey Highway 42 to junction U. S. Highway 130, thence over U. S. Highway 130 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction N. J. Highway 73, thence over N. J. Highway 73 to New Jersey Turnpike Interchange No. 4), thence over the New Jersey Turnpike to junction U. S. Highway 46, thence over U. S. Highway 46 to the George Washington Bridge, thence over the George Washington Bridge to New York (also from New Jersey Turnpike Interchange No. 16 over access roads and depressed highway to the Lincoln Tunnel, thence via the Lincoln Tunnel to New York), (also from junction New Jersey Turnpike and Newark Bay Extension New Jersey Turnpike over Newark Bay Extension New Jersey Turnpike to Holland Tunnel approach road, thence via Holland Tunnel approach road and the Holland Tunnel to New York), and return from New York, N. Y., to Washington, D. C., over

the same routes. (c) From Washington, D. C., over routes as described in (b) above to Farnhurst, Del., thence over U. S. Highway 40 via the Delaware Memorial Bridge to junction New Jersey Turnpike, thence over New Jersey Turnpike to Interchange No. 4, thence over routes described in (b) above to New York, and return from New York, N. Y., to Washington, D. C., over the same routes. (2) Between Washington, D. C., and New York, N. Y., over regular routes, from Washington, D. C., over the Baltimore-Washington Parkway to Friendship International Airport Interchange, thence over Maryland Highway 46 to Friendship International Airport, Md., thence return over Maryland Highway 46 to the Baltimore-Washington Parkway thence over the route described in 1 (b) above to New Jersey Turnpike Interchange No. 14, thence over unnumbered highway to Newark (N. J.) Airport, thence return over unnumbered highway to New Jersey Turnpike Interchange No. 14, thence over routes described in 1 (b) above to New York; thence over city streets in New York, N. Y., and access roads leading to La Guardia Airport and return over the same routes, and over city streets and access roads leading to Idlewilde Airport and return over the same routes; serving Friendship International Airport (Md.), Philadelphia (Pa.) International Airport, Newark (N. J.) Municipal Airport, La Guardia Airport (N. Y.), Idlewilde International Airport (N. Y.), Baltimore, Md., and Philadelphia, Pa., as intermediate points, and return from New York, N. Y., to Washington, D. C., over the same routes; (3) Between Washington, D. C., and Washington National Airport, from Washington, D. C., over the Memorial Bridge to the District of Columbia-Virginia State Line, thence over the Mount Vernon Memorial Highway to access roads leading to Washington National Airport, and thence over such access roads to the Washington National Airport, and return over the same route, serving no intermediate points; (4) Between New York, N. Y., and Idlewilde and La Guardia Airports, as follows: (a) From New York, N. Y., over city streets and access roads to La Guardia Airport, and return over such access roads and city streets to New York, N. Y., serving no intermediate points. (b) From New York, N. Y., to access roads leading to Idlewilde International Airport, and return over such access road and city streets to New York, N. Y., serving no intermediate points.

NOTE: Service to the above-named Airports will be conducted separately and also in conjunction with the operations described in 1 (a), 1 (b) and 1 (c) above.

(5) Applicant also proposes to conduct operations transporting: *Passengers and their baggage* and *newspapers*, in the same vehicle with passengers, in special operations, in seven (7) passenger sedans (limousines), not including the driver thereof, over irregular routes. (a) Beginning and ending at Washington, D. C., and extending to New York, N. Y., and the above-named Airports, and also, (b) Beginning and ending at New York, N. Y., and extending to Washington, D. C., and the above-named Airports.

HEARING: May 7, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Robert A. Joyner.

No. MC 85945 (Sub No. 5), filed February 7, 1958. Applicant: FRED LARSEN, JR., doing business as WINNER BUS LINE, P. O. Box 604, Winner, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between O'Neill, Nebr., and Norfolk, Nebr., from O'Neill over U. S. Highway 275 to Norfolk, and return over the same route serving the intermediate points of Inman, Eqing, Clearwater, Neligh, Oakdale, Tilden, Meadow Grove, and Battle Creek. Applicant is authorized to conduct similar operations in Nebraska and South Dakota.

HEARING: May 28, 1958, at 11:00 a. m., United States standard time (or 11:00 o'clock a. m. local daylight saving time, if that time is observed), at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 117202, filed February 24, 1958. Applicant: LACKAWANNA TAXICAB CO., INC., 100 South Washington Avenue, Scranton, Pa. Applicant's attorney: Edward M. Murphy, Connell Building, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip and/or one-way charter operations, beginning and ending at points in Lackawanna County, Pa., and extending to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: May 8, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles W. Riegner.

No. MC 117213, filed February 26, 1958. Applicant: J. HUBERT TALIAFERRO, doing business as NEW SALEM-CHATTANOOGA BUS CO., 316 McBrien Road, Chattanooga 11, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between New Salem, Ga., at or near junction Georgia Highways 157 and 143, and Chattanooga, Tenn., from New Salem, at or near junction Georgia Highways 157 and 143, over Georgia Highway 157 to the Georgia-Tennessee State line, thence over Tennessee Highway 58 to Chattanooga, and return over the same route, serving all intermediate points.

HEARING: May 6, 1958, at the U. S. Court Rooms, Knoxville, Tenn., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 117215, filed March 3, 1958. Applicant: LEO RAYMOND BOUFFARD, 88 Arlington Avenue, Warren, R. I. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passe* in special operations, between Fall Mass., and Warren, R. I., from River over Massachusetts Highway the Massachusetts-Rhode Island line, thence over Rhode Island Hig 103 to Warren, R. I., and return over same route, serving no interme points.

HEARING: May 9, 1958, in Room Main P. O. Building, Providence, R. before Joint Board No. 18, or, if Joint Board waives its right to part pate, before Examiner Leo W. Cunnin ham.

APPLICATION FOR BROKERAGE LICE

MOTOR CARRIERS OF PROPERTY

No. MC 12676, filed February 28, Applicant: DEWEY TAYLOR, 1015 low Avenue, Niagara Falls, N. Y. License (BMC 4) to engage in opera as a *broker* at Niagara Falls, N. Y. arranging for the transportation motor vehicle, in interstate or for commerce, of *household goods*, as de by the Commission, between points the United States, including Ports Entry located on the Internati Boundary line between the United St and Canada.

HEARING: May 20, 1958, at the Buffalo, Washington and Swan St Buffalo, N. Y., before Examiner Leo Cunningham.

APPLICATIONS IN WHICH HANDLING W OUT ORAL HEARING IS REQUEST

No. MC 52676 (Sub No. 6), filed 17, 1958. Applicant: T. E. FLETCH doing business as FLETCHER TR LINE, R. D. No. 1, Hadley, Pa. cant's Representative: G. H. Dilla, Superior Avenue, Cleveland 14, Authority sought to operate as a *contr carrier*, by motor vehicle, over irre routes, transporting: *Coal*, in bulk, open top or dump vehicles, from and coal yards in Butler, Mercer, Vanango Counties, Pa., to points in portion of New York on, south and of a line beginning at Lake Erie on numbered highway near Athol Spr N. Y., and extending along unnumb highway to junction U. S. Highway thence along U. S. Highway 20 to tion U. S. Highway 62, thence south U. S. Highway 62 to the New York-P sylvania State line, and to points in tabula, Cuyahoga, Geauga, Lake, Lor Mahoning, Medina, Portage, Sum and Trumbull Counties, Ohio, *containers or other such incidental cilities* (not specified) used in trans ing coal on return. Applicant is auth ized to conduct operations in Maryl Pennsylvania, and West Virginia.

No. MC 66562 (Sub No. 1402), March 10, 1958. Applicant: RAIL EXPRESS AGENCY, INCORPORAT 219 East 42d Street, New York 17, Applicant's attorney: William H. same address as applicant. Auth sought to operate as a *common car* by motor vehicle, over a regular transporting: *General commodities, cluding Class A and B explosives*, mov in express service between Peters Va., and Roanoke, Va., over U. S. way 460, serving the intermediate of Blue Ridge, Montvale, Bedford, Goode, Lynchburg, Concord, Appomattox, Evergreen, Pamplin, Prospect, Farmville, Rice, Burkeville, Crewe, Blackstone, Wellville, Wilson, Ford, Forest, and Vinton, Va. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1405), filed March 14, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. Authority sought to operate at a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Keyser, W. Va., and Parsons, W. Va., from Keyser over U. S. Highway 220 to the junction of Maryland Highway 135, thence over Maryland Highway 135 to Luke, Md., thence over Maryland Highway 135 to the junction of Maryland Highway 38, thence over Maryland Highway 38 to Blaine, W. Va., thence over West Virginia Highway 42 to the junction of West Virginia Highway 46, thence over West Virginia Highway 46 to Shaw, W. Va., thence return over West Virginia Highway 46 to the junction of West Virginia Highway 42, thence over West Virginia Highway 42 to junction of U. S. Highway 50, thence over U. S. Highway 50 to the junction of Maryland Highway 560, thence over Maryland Highway 560 to Gorman, Md., thence return over Maryland Highway 560 to junction of U. S. Highway 50, thence over U. S. Highway 50 to the junction of West Virginia Highway 90, thence over West Virginia Highway 90 to Bayard, W. Va., thence over West Virginia Highway 90 to the junction of U. S. Highway 219, thence over U. S. Highway 219 to Thomas, W. Va., thence return over U. S. Highway 219 to the junction of West Virginia Highway 72, thence over West Virginia Highway 72 to Hendricks, W. Va., thence return over West Virginia Highway 72 to the junction of U. S. Highway 219, thence over U. S. Highway 219 to Parsons, W. Va., thence return over U. S. Highway 219 to the junction of West Virginia Highway 90, thence over West Virginia Highway 90 to the junction of U. S. Highway 50, thence over U. S. Highway 50 to the junction of U. S. Highways 50 and 220, thence over U. S. Highway 220 to Keyser, W. Va., serving the intermediate points of Luke and Gorman, Md., and Shaw, Blaine, Bayard, Thomas, and Hendricks, W. Va. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 114004 (Sub No. 18), filed March 14, 1958. Applicant: ARKANSAS TRUCKING CO. INC., P. O. Box 1715, 8828 New Benton Highway, Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels* and *Material* for construction of buildings of all types in prefabricated class, from Camden, Ark., and points within 25 miles thereof to points in the United States including District of Columbia and *damaged or refused panels and material*, and *materials* used in said building on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 114004 (Sub No. 19), filed March 17, 1958. Applicant: ARKANSAS TRUCKING CO., INC., P. O. Box 1715, 8828 New Benton Highway, Little Rock, Ark., Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by haulaway method, (except utility trailers), from points in Arkansas, except Jacksonville and Newport), and points within 9 miles of Newport to points in the United States, except from Camden and points within 10 miles thereof to points in the United States, and except from Walnut Ridge and points within 15 miles thereof to points in the United States and the District of Columbia, except Mt. Clemons, Flint and Detroit, Mich., and *damaged* or *refused trailers* on return movement from points in the United States and the District of Columbia to points in Arkansas. Applicant is authorized to conduct operations throughout the United States.

No. MC 114238 (Sub No. 2), filed March 13, 1958. Applicant: OHIO SOUTHERN EXPRESS, INC., 630 14th Street NW., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment, between the site of The Ford Motor Company Lorain Assembly plant, located at the intersection of U. S. Highway 6 (Ohio Highway 2) and Baumhardt Road, Brownhelm Township, Lorain County, Ohio, on the one hand, and, on the other, Atlanta, Albany, Columbus, and Fort Benning, Ga., and points in Georgia within 100 miles of Atlanta, Ga. Applicant is authorized to conduct operations between specified points in Georgia, West Virginia, Ohio, and Pennsylvania.

NOTE: Applicant presently holds authority between the above-specified points in Georgia, and Akron, Ohio, and points in Ohio within 25 miles of Akron; it states the new plant is just beyond the 25-mile radius of Akron.

No. MC 117174, filed February 10, 1958. Applicant: MORTIE N. JONES and MORTON A. JONES, a Partnership, doing business as JONES WRECKING, Route 2, The Dalles, Oreg. Applicant's attorney: Harry J. Hogan, 215 East Fourth Street, The Dalles, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked vehicles*, from points in Klickitat County, Wash., and points in that part of Yakima County, Wash., bounded by a line beginning at Byron, Wash., and extending northerly along Washington Highway 3A to Toppenish, thence along Washington Highway 3B to White Swan, thence along a line extending west to the west boundary of Yakima County, thence south, east and north along the boundary of Yakima County to point of beginning at Byron, including points on the portions of the highways specified, to The Dalles, Oreg.

MOTOR CARRIERS OF PASSENGERS

No. MC 1508 (Sub No. 26), filed March 17, 1958. Applicant: RICHMOND GREYHOUND LINES, INC., Transportation Building, Broad at Jefferson Street, Richmond, Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between the junction of U. S. Highway 1 and Virginia Highway 207, at or near Carmel Church, Va., and the junction of U. S. Highways 301 and 17, at or near Port Royal, Va., from the junction of U. S. Highway 1 and Virginia State Highway 207 over Virginia State Highway 207 to its junction with U. S. Highway 301, thence over U. S. Highway 301 to its junction with U. S. Highway 17, and return over the same route, serving no intermediate points, (2) between the junction of new and old U. S. Highway 301, at a point approximately 2½ miles south of Glen Burnie, Md., and Baltimore, Md., from the junction of new and old U. S. Highway 301 over new U. S. Highway 301 to its junction with the Washington-Baltimore Expressway at a point just south of Baltimore, thence over the Washington-Baltimore Expressway to Baltimore, and return over the same route, serving no intermediate points, the above two routes being alternate routes for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Virginia, Maryland and District of Columbia.

No. MC 109385 (Sub No. 16) (CORRECTION) Conversion proceeding under section 212 (c) of the act. Applicant: SUBLER TRANSFER, INC., Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque Tower, Columbus 15, Ohio. The subject proceeding

previously published in the Federal Register issue of December 12, 1957, inadvertently omitted to include a portion of the authority authorized to the subject carrier in Permit No. MC 109385 at sheet 4 of said Permit. The authority omitted in error reads: *Dressed poultry*, from Versailles, Ohio, to New Haven, Conn.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6599 (amendment) published in the March 12, 1958, issue of the Federal Register on page 1713. The following operating rights of DIXIE OHIO EXPRESS, INC., should have been included: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes, between Akron, Ohio, and Atlanta, Ga., and Birmingham, Ala., between Akron, Ohio, and Niagara Falls, N. Y., between Akron, Ohio, and Cartersville, Ga., and between Atlanta, Ga., and Conley, Ga., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Cincinnati, Ohio, and Knoxville and Chattanooga, Tenn., between Chattanooga, Tenn., and Atlanta, Ga., and between Akron, Ohio, and Cleveland and Canton, Ohio, serving certain intermediate and off-route points; alternate route for operating convenience only between Cleveland, Ohio, and Lodi, Ohio; *frozen concentrated fruit juice* and *frozen concentrated vegetable juice*, from Brocton and Westfield, N. Y., and North East, Pa., over carrier's authorized route operations to points in Alabama, Georgia, Kentucky, and Tennessee: *tires, tubes, rubber articles, cotton factory products, cotton cord tire fabric, cotton fabrics, wooden winding cores, burlap discs*, in truckloads, over regular and irregular routes, between Akron, Ohio, and points in Alabama and Georgia. Application No. MC-F 6599 assigned for further hearing May 14, 1958, at Columbus, Ohio.

No. MC-F 6854, published in the March 12, 1958, issue of the Federal Register on page 1714. Supplement filed March 24, 1958, to show joinder of F. A. GERMANN, H. D. GERMANN and HAZEL L. RASH, all of 19 Main Street, Ripley, Ohio, and A. J. GERMANN, 415 Tyler, Maysville, Ky., as the persons in control of vendee.

No. MC-F 6855, published in the March 20, 1958, issue of the Federal Register on page 1879. Supplement filed March 20, 1958, to show joinder of PAUL W. HIVELY, Zinn's Quarry Road, York, Pa., as the person in control of MILLER'S MOTOR FREIGHT, INC.

No. MC-F 6857, published in the March 12, 1958, issue of the Federal Register on page 1714. Supplement filed March 21, 1958, to show joinder of JOSEPH C. CALORE, 83 Merry Mount Drive, Warwick, R. I., as the person in control of vendee. Kenneth B. Williams, 89 State Street, Boston 9, Mass., is attorney for the applicants.

No. MC-F 6869. Authority sought for purchase by VAN STONE, doing business as STONE TRUCKING COMPANY, 4927 South Tacoma, Box 2012, Tulsa, Okla., of a portion of the operating rights of ROBERT G. COURTNEY, doing business as COURTNEY'S MOVING & STORAGE, 513 North Market Street, Marion, Ill. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla., and Mack Stephenson, 203 East Adams Street, Springfield, Ill. Operating rights sought to be transferred: *Heavy machiney*, as a *common carrier* over irregular routes, between points in Williamson, Franklin, and Saline Counties, Ill., on the one hand, and, on the other, points in Kentucky, Indiana, Ohio, Missouri, Arkansas, Kansas, and Oklahoma. Vendee is authorized to operate as a *common carrier* in Oklahoma, Montana, North Dakota, South Dakota, Arkansas, Illinois, Texas, Kansas, New Mexico, Louisiana, and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6871. Authority sought for purchase by HAROLD MORSE AND HENRY J. HOLIEN, doing business as HELPHREY MOTOR FREIGHT, North 407 Perry, Spokane 24, Wash., of the operating rights and property of WASHINGTON AUTO FREIGHT, INC., North 407 Perry, Spokane 24, Wash. Applicants' attorney: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier* over regular routes, between Endicott, Wash., and Kahlotus, Wash., and between junction unnumbered highway and Washington Highway 11-B, west of Dusty, Wash., and Dusty, Wash., serving all intermediate points and the off-route point of Benge, Wash.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Spokane, Wash., and La Crosse, Wash., between Ritzville, Wash., and Spokane, Wash., and between Sprague, Wash., and Lamont, Wash., serving certain intermediate points and the off-route point of Ewan, Wash.; *household goods*, as defined by the Commission, over irregular routes, between certain points in Washington, on the one hand, and, on the other, certain points in Idaho; *used or new heavy machinery, fuel, lumber, poles*, and *building materials*, between certain points in Washington, on the one hand, and, on the other, certain points in Idaho; *feed* and *flour*, from Ritzville, Wash., to certain points in Idaho. Vendee is authorized to operate as a *common carrier* in Washington, Montana, and Idaho. Application has not been filed for temporary authority under section 210a (b).

No. MC-6872. Authority sought for control by MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind., of HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, 1255 Corwin Avenue, Hamilton, Ohio, and for acquisition by HARRY J. ADAMS and ESTHER ADAMS, both of Terre Haute, of control of HAECKL'S EXPRESS, INCORPORATED, through the acquisition by MOTOR FREIGHT CORPORATION. Applicant's attorneys: Noel F. George, 44 East Broad Street, Columbus, Ohio, and Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes from Omaha, Nebr., to Fort Crook, Nebr., between Columbus, Ohio, and Cincinnati, Ohio, between Dayton, Ohio, and Wilmington, Ohio, between London, Ohio, and Cedarville, Ohio, between Springfield, Ohio, and South Charleston, Ohio, between Indianapolis, Ind., and Chicago, Ill., between Remington, Ind., and Muncie and Anderson, Ind., between Chicago, Ill., and Lincoln, Nebr., and between Harrison, Ohio-Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Cincinnati, Ohio, and Indianapolis, Ind., between Cincinnati, Ohio, and Dayton, Ohio, between Dayton, Ohio, and Eaton, Ohio, between Dayton, Ohio, and the Dayton Municipal Airport, and between Cincinnati, Ohio, and the Kenton County, Ky., Municipal Airport, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain execptions including household goods and commodities in bulk, over irregular routes, between Harrison, Ohio-Ind., and points within 10 miles thereof, on the one hand, and, on the other, certain points in Indiana, Ohio and Kentucky; *general commodities*, except Class A and B explosives, livestock, sand, gravel, and household goods as defined by the Commission, between Cincinnati, Ohio, on the one hand, and, on the other, certain points in Kentucky when the transportation from and to such points is not exempt from such grant of authority under section 203 (b) (8) of the Interstate Commerce Act, and between Speedway, Ind., on the one hand, and, on the other, certain points in Ohio; *new furniture*, uncrated, from Hamilton, Ohio, to Chicago, Ill., and points in Indiana. MOTOR FREIGHT CORPORATION is authorized to operate as a *common carrier* in Illinois, Indiana, and Missouri. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6874. Authority sought for control and merger by FORTIER TRANSPORTATION COMPANY, P. O. Box 431 (East and Jensen Avenues), Fresno 8, Calif., of the operating rights and property of SACRAMENTO

FREIGHT LINES, INC., P. O. Box 1379 (213 13th Street), Sacramento 14, Calif., and for acquisition by W. J. FORTIER, also of Fresno, of control of such rights and property through the transaction. Applicants' attorney: Berol and Silver, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be transferred: Operations under the Second Proviso of section 206a (1) of the Interstate Commerce Act in the transportation of *general commodities*, as a common carrier over regular routes between Los Angeles, Calif., and Sacramento, Calif., and all intermediate points, between San Francisco, Calif., and Los Angeles, California, between Sacramento, Calif., on the one hand, and, on the other, San Bernardino, Calif., between 41 named military installations in the State of California, between Los Angeles, Calif., on the one hand, and, on the other, points intermediate between Sacramento and Redding, between Nimbus, Calif., and Sacramento, Calif., between Los Angeles, Calif., and San Bernardino, Calif., and between San Francisco Bay points and Sacramento, Calif., on the one hand, and, on the other, Quincy, Herlong, Portola, and Loyalton, Calif., serving certain intermediate points; *fresh fruits and vegetables*, between certain points in California; *canned goods*, between certain points in California; *explosives*, between Sacramento and Nimbus, Calif., on the one hand, and, on the other, Port Chicago, Calif., and between Sacramento and Nimbus and Sacramento, Calif., on the one hand, and, on the other, Los Angeles and Azusa, Calif. FORTIER TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in California, and also under the Second Proviso of section 206a (1) in the State of California. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 6870. Authority sought for merger into THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., of SOUTHWESTERN GREYHOUND LINES, INC., 210 East Ninth Street Fort Worth, Tex. Applicants' attorney: Raymond H. Warns, 5600 Jarvis Avenue, Chicago 31, Ill. Operating rights sought to be merged: *Passengers and their baggage*, as a *common carrier* over regular routes, between Little Rock, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate points; *passengers and their baggage*, and *express*, *newspapers* and *mail*, in the same vehicle with passengers, between St. Louis, Mo., and Albuquerque, N. Mex., between Amarillo, Tex., and Raton, N. Mex., between Salina, Kans., and Trinidad, Colo., between Oklahoma City, Okla., and Laredo, Tex., between Memphis, Tenn., and El Paso, Tex., between specified points in Texas, between San Antonio, Tex., and Lake Charles, La., between specified points in Arkansas, between specified points in Missouri, between Rowe, N. Mex., and Glorietta, N. Mex., and between Sapulpa, Okla., and Dallas, Tex., serving certain intermediate points; alternate routes for operating convenience only between Oklahoma City, Okla., and Yukon, Okla., and between Calvin, Okla., and Atoka, Okla.; *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Houston, Tex., and Port Arthur, Tex., between junction Texas Highways 73 and 61 (east of Wallisville, Tex.), and Winnie, Tex., between Winnie, Tex., and Beaumont, Tex., between Joplin, Mo., and junction U. S. Highway 66 and Will Rogers Turnpike (east of Tulsa, Okla.), between Claremore, Okla., and junction Will Rogers Turnpike and an unnumbered access highway, between Vinita, Okla., and junction Will Rogers Turnpike and an unnumbered access highway, between Miami, Okla., and junction Will Rogers Turnpike and an unnumbered access highway and between Afton, Okla., and junction unnumbered access highway, serving all intermediate points; several alternate routes for operating convenience only. THE GREYHOUND CORPORATION is authorized to operate as a *common carrier* in Illinois, Missouri, Indiana, Michigan, Ohio, New York, New Jersey, Virginia, Pennsylvania, Kentucky, West Virginia, Georgia, Alabama, Louisiana, Florida, Wisconsin, Mississippi, Tennessee, Arkansas, Oregon, Washington, North Dakota, Idaho, Montana, Iowa, Massachusetts, New Hampshire, California, Arizona, Nebraska, Wyoming, Utah, Minnesota, South Dakota, Kansas, Maryland, Delaware, Maine, Connecticut, Rhode Island, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6873. Authority sought for purchase by CRISPELL CHARTER SERVICE, INC., 716 West Clinton Street, Ithaca, N. Y., of a portion of the operating rights and property of DEAN OF ITHACA, INC., 401-409 East State Street, Ithaca, N. Y., and for acquisition by HARRY T. CRISPELL and LESLIE I. CRISPELL, both of Slaterville Springs, N. Y., of control of such rights and property through the purchase. Applicants' attorney: Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N. Y. Operating rights sought to be transferred: *Passengers and their baggage*, in round-trip charter operations, as a *common carrier* over irregular routes, from certain points in New York and Pennsylvania to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia, and from Auburn and Syracuse, N. Y., to Ithaca, N. Y., and return, restricted to traffic originating at Auburn and Syracuse; *passengers and their baggage*, in special operations on round-trip sightseeing or pleasure tours, restricted to traffic originating and terminating at the point indicated, from Burdett, N. Y., to Watkins Glenn, N. Y., and return. Vendee holds no authority from this Commission, but its controlling stockholders presently hold authority from this Commission as a partnership, doing business as Crispell Brothers, as a *common carrier* in New York, New Jersey, Virginia, Michigan, Connecticut, Pennsylvania, Ohio, Maryland, Delaware, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2409; Filed, Apr. 1, 1958; 8:48 a. m.]

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TITLE 3—

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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 66

Washington, Thursday, April 3, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3228

ENLARGING THE TUMACACORI NATIONAL MONUMENT, ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Tumacacori National Monument in Santa Cruz County, Arizona, established by Proclamation No. 821 of September 15, 1908, contains the ruins of the Tumacacori Mission, built largely of burned brick and cement mortar and one of the oldest Spanish missions in the Southwest; and

WHEREAS the Southwestern Monuments Association has offered to donate to the United States, for inclusion in such monument, a tract of land adjacent thereto containing the ruins of a lime kiln which was a part of the original mission establishment and which is likewise of historic interest; and

WHEREAS it appears that it would be in the public interest to include such tract of land, hereinafter described by metes and bounds, and the ruins thereon in the Tumacacori National Monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to valid existing rights, the following-described tract of land shall, upon acquisition of title thereto by the United States, be added to, and become a part of the Tumacacori National Monument:

> Being a part of the southeast quarter, section 30, Township 21 South, Range 13 East, Gila and Salt River Meridian, and beginning at a point on the north boundary line of Tumacacori National Monument as established by Proclamation No. 821 of September 15, 1908, from which the northwest corner of the said monument bears west 125 feet; thence, east, 70 feet, along the said boundary line; north, 92 feet; west, 70 feet; and south, 92 feet, to the point of beginning; containing 0.15 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument, and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of March in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
The Secretary of State.

[F. R. Doc. 58-2492; Filed, Apr. 1, 1958; 1:38 p. m.]

PROCLAMATION 3229

DETERMINING ALPHA AND BETA 3-ETHYL-1-METHYL-4-PHENYL-4-PROPIONOXYPIPERIDINE TO BE OPIATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4731 (g) of the Internal Revenue Code of 1954 provides in part as follows:

> OPIATE. The word "opiate", as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201 (g); 21 U. S. C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. * * *;

WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

α-3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine

β-3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine;

AND WHEREAS a previous finding with respect to the beta isomeric form of the drug, described in Proclamation

(Continued on p. 2171)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1958)

The following Supplements are now available:

Title 8, Rev. Jan. 1, 1958 ($3.25)
Title 9 ($0.75)
Titles 40–42 ($1.00)
Title 46, Parts 1–145 ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39, ($0.60); Title 46, Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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No. 2851 of August 26, 1949, and discovered to have been prematurely made, has been withdrawn by the Secretary of the Treasury as of August 26, 1949, and replaced by the above-described finding:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

α-3-Ethyl-1-methyl-4-phenyl-4 - propionoxypiperidine

β-3-Ethyl-1-methyl-4-phenyl-4 - propionoxypiperidine

And I do further proclaim that a previous finding with respect to the beta isomeric form of the drug, described in Proclamation No. 2851 of August 26, 1949, and discovered to have been prematurely made, has been withdrawn by the Secretary of the Treasury as of August 26, 1949, and replaced by the finding herein proclaimed; and the said Proclamation No. 2851 is modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this 28th day of March in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-2493; Filed, Apr. 1, 1958; 1:38 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

1. Paragraph (a) (1) of § 6.111 is amended as set out below.

§ 6.111 *Department of Agriculture*—(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service. After May 1, 1958, this authority is not applicable to poultry inspection positions, and after June 1, 1958, it is not applicable to tobacco inspection positions, in the Agricultural Marketing Service.

2. Effective May 1, 1958, paragraph (h) (5) is added to § 6.111 as follows:

§ 6.111 *Department of Agriculture.* * * *

(h) *Agriculture Marketing Service.* * * *

(5) Positions of poultry inspectors at GS-9 and below employed on a temporary, intermittent, or seasonal basis. Employment under this authority shall not exceed 130 working days a year.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2470; Filed, Apr. 2, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CORN-ON-THE-COB[1]

On November 5, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 8876) regarding a proposed revision of the United States Standards for Grades of Frozen Corn-on-the-cob.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Corn-on-the-cob are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, COLOR, AND GRADES

Sec.	
52.931	Product description.
52.932	Colors of frozen corn-on-the-cob.
52.933	Grades of frozen corn-on-the-cob.
	FACTORS OF QUALITY
52.934	Ascertaining the grade of a sample unit.
52.935	Ascertaining the rating of the factors which are scored.
52.936	Color.
52.937	Uniformity of size.
52.938	Development.
52.939	Defects.
52.940	Tenderness and maturity.
	LOT INSPECTION AND CERTIFICATION
52.941	Ascertaining the grade of a lot.
	SCORE SHEET
52.942	Score sheet for frozen corn-on-the-cob.

AUTHORITY: §§ 52.931 to 52.942 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR, AND GRADES

§ 52.931 *Product description.* Frozen corn-on-the-cob is the product which is prepared from sound, properly matured, fresh, sweet corn ears by removing husk and silk; by sorting, trimming, washing, and blanching; and which sweet corn ears are then frozen and stored at temperatures necessary for the preservation of the product.

§ 52.932 *Colors of frozen corn-on-the-cob.* (a) Golden (or yellow);
(b) White.

§ 52.933 *Grades of frozen corn-on-the-cob.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen corn-on-the-cob that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically uniform in size; that is well developed; that is practically free from defects; that is tender; and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided,* That the frozen corn-on-the-cob may be reasonably uniform in size and reasonably well developed if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen corn-on-the-cob that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that is reasonably uniform in size; that possesses a reasonably good color; that is reasonably well developed; that is reasonably free from defects; that is reasonably tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen corn-on-the-cob that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

---

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

FACTORS OF QUALITY

§ 52.934 ***Ascertaining the grade of a sample unit***—(a) A sample unit of frozen corn-on-the-cob is six ears per primary container. If the primary container contains less than six ears the entire content is the sample unit.

(b) In addition to considering other requirements outlined in the standards, the grade of a sample unit is ascertained by considering the following quality factors:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Uniformity of size	10
Development	10
Defects	30
Tenderness and maturity	30
Total score	100

(c) The scores for the factors of color and defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals. The evaluation of the factors of tenderness and maturity, and flavor of frozen corn-on-the-cob is made after thawing and after the product is cooked.

(d) "Good flavor" means that the product has a good characteristic, normal flavor, and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.935 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "27 to 30 points" means 27, 28, 29, or 30 points.)

§ 52.936 *Color*—(a) *(A) classification.* Frozen corn-on-the-cob that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(b) *(B) classification.* If the frozen corn-on-the-cob possesses a reasonably good color a score of 14 to 16 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn and that the product is reasonably bright and reasonably free from "off-variety" kernels.

(c) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.937 *Uniformity of size*—(a) *(A) classification.* Frozen corn-on-the-cob that is practically uniform in size may be given a score of 9 or 10 points. "Practically uniform in size" means that the length of the longest ear does not exceed the length of the shortest ear by more than one inch and that the largest diameter of the ear does not exceed the largest diameter of the smallest ear by more than one-half inch.

(b) *(B) classification.* Frozen corn-on-the-cob that is reasonably uniform in size may be given a score of 7 or 8 points. "Reasonably uniform in size" means that the length of the longest ear does not exceed the length of the shortest ear by more than two inches and that the largest diameter of the largest ear does not exceed the largest diameter of the smallest ear by more than ¾ inch.

(c) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.938 *Development*—(a) *(A) classification.* Frozen corn-on-the-cob that is well developed may be given a score of 9 or 10 points. "Well developed" means that the ear is well filled with kernels and the appearance is not materially affected by missing and shrunken kernels.

(b) *(B) classification.* Frozen corn-on-the-cob that is reasonably well developed may be given a score of 7 or 8 points. "Reasonably well developed" means that the ear is reasonably well filled with kernels and the appearance is not seriously affected by missing and shrunken kernels.

(c) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.939 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from pieces of loose cob, attached or loose husk, silk, or other harmless extraneous vegetable matter, from poorly trimmed ears, crushed kernels, ragged kernels, and from damaged or seriously damaged kernels.

(1) "Poorly trimmed ear" means that the end or ends of an ear are rough or ragged in appearance and that any attached stalk which may be present exceeds one-quarter inch in length.

(2) "Damaged kernel" means any kernel damaged by mechanical injury and any kernel damaged by pathological injury, insect injury, discoloration, or damaged by other means to such an extent that the appearance or eating quality is materially affected. Mechanical injury means that the kernel is materially damaged by cutting or crushing. Kernels on the ends of the ear which are damaged by cutting shall not be considered as damaged by mechanical injury.

(3) "Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected except that kernels damaged by mechanical injury only shall not be considered seriously damaged.

(b) *(A) classification.* Frozen corn-on-the-cob that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that:

(1) The presence of pieces of loose cob, husk, silk or other harmless extraneous vegetable matter, poorly trimmed ears, crushed kernels, ragged kernels, damaged or seriously damaged kernels, individually or collectively, do not materially affect the appearance or eating quality of the product; and

(2) Not more than 5 percent, by count of kernels in the sample unit, are damaged or seriously damaged, but not more than one-half of one percent, by count of all the kernels, are seriously damaged.

(c) *(B) classification.* Frozen corn-on-the-cob that is reasonably free from defects may be given a score of 21 to 24 points. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) The presence of pieces of loose cob, husk, silk or other harmless extraneous vegetable matter, poorly trimmed ears, crushed kernels, ragged kernels and damaged or seriously damaged kernels, individually or collectively, do not seriously affect the appearance or eating quality of the product; and

(2) Not more than 10 percent, by count of the kernels in the sample unit, are damaged or seriously damaged, but not more than 1 percent, by count of all the kernels, are seriously damaged.

(d) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.940 *Tenderness and maturity*—(a) *General.* The tenderness and maturity of the kernels is determined by examining at least three complete adjacent rows of kernels or an equivalent number if kernels are not in rows, after removal from each ear in the sample unit. The kernels are removed from the ear by cutting just above the point of attachment to the cob.

(b) *(A) classification.* Frozen corn-on-the-cob that is tender may be given a score of 25 to 30 points. "Tender" means that the kernels are in the milk or early cream stage of maturity and have a tender texture.

(c) *(B) classification.* If the frozen corn-on-the-cob is reasonably tender a score of 21 to 24 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels are in the cream stage of maturity and have a reasonably tender texture.

(d) *(SStd.) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.941 *Ascertaining the grade of a lot.* The grade of a lot of frozen corn-on-the-cob covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 through 52.87; 22 F. R. 3535). For the purpose of determining primary container net weight in applying the official sampling procedures set forth in this subpart, an ear of corn shall be considered to weigh 9 ounces.

SCORE SHEET

§ 52.942 *Score sheet for frozen corn-on-the-cob.*

Size and kind of container	
Container marks or identification	
Label	
Net weight (ounces)	
Number of ears (count)	
Length of ears (inches)	
White or golden (yellow)	
Similar varietal characteristics	
Kernels per ear (count)	

Factors	Score points			
Color	20	(A)	17-20	
		(B)	[1] 14-16	
		(SStd.)	[1] 0-13	
Uniformity of size	10	(A)	9-10	
		(B)	7- 8	
		(SStd.)	[1] 0- 6	
Development	10	(A)	9-10	
		(B)	7- 8	
		(SStd.)	[1] 0- 6	
Defects	30	(A)	25-30	
		(B)	[1] 21-24	
		(SStd.)	[1] 0-20	
Tenderness and maturity	30	(A)	25-30	
		(B)	[1] 21-24	
		(SStd.)	[1] 0-20	
Total score	100			

Flavor and odor	
Grade	

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen Corn-on-the-cob (which is the second issue) contained in this subpart shall become effective May 15, 1958, and thereupon will supersede the United States Standards for Grades of Frozen Corn-on-the-cob (7 CFR Part 52) which have been in effect since August 7, 1950.

Dated: March 31, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-2472; Filed, Apr. 2, 1958; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER ESTABLISHING REVISED ADMINISTRATIVE RULES AND REGULATIONS

Notice was published in the FEDERAL REGISTER of January 29, 1958 (23 F. R. 595, 912) that the Secretary was considering establishment of revised administrative rules and regulations of the Walnut Control Board. This action was proposed to be taken in accordance with applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984; 22 F. R. 7885, 8775), regulating the handling of walnuts grown in California, Oregon, and Washington. Said marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposed revision. The prescribed time has expired and one exception has been filed. A handler who shells and processes walnuts at more than one location objected to proposed § 984.446 (c) which requires that shelled walnuts be inspected on the premises where shelled prior to moving them to any other location. The exception was based on the contention that this regulation would cause undue restriction of handlers' operations and it was requested that the provision be liberalized to permit transfer of uninspected shelled walnuts between plants owned by the same handler.

The inspection and classification of walnuts as merchantable or substandard at the point of shelling is the basis of control of shelled walnuts in the walnut marketing order program. It is essential that all shelled walnuts be held where surveillance is possible until they are inspected and certified as merchantable or set aside and disposed of as substandard. This is to avoid the possibility of substandard shelled walnuts being disposed of in normal markets contrary to the intent of the program. Although changes in some handlers' operations are necessary to comply with the rule as proposed, these adaptations have generally already been made in recognition of the desirability of the rule as proposed and have been made with little difficulty. In view of the foregoing, the exception is hereby denied.

After consideration of all relevant matters, it is hereby found that the revised administrative rules and regulations (7 CFR Part 984; Subpart—Administrative Rules and Regulations) as set forth herein will tend to implement the objectives of the program. *Therefore, it is ordered,* That present §§ 984.401, 984.404-984.412, 984.415-984.417, 984.420-984.428, and 984.430-984.434 of the administrative rules and regulations (7 CFR Part 984; Subpart—Administrative Rules and Regulations) applicable to the Walnut Control Board and to handlers of walnuts grown in California, Oregon, and Washington be revised to read as follows:

GRADE AND SIZE REGULATION OF UNSHELLED WALNUTS

Sec.
984.444 Information on certificates for merchantable unshelled walnuts.

GRADE AND SIZE REGULATION OF SHELLED WALNUTS

984.446 Inspection and certification.

ALLOCATION OF MERCHANTABLE UNSHELLED WALNUTS

984.449 Crediting merchantable restricted walnuts withheld.

CONTROL OF SURPLUS WALNUTS

984.454 Withholding surplus walnuts.
984.455 Inspection procedure.
984.456 Minimum sound kernel content requirements for surplus.
984.457 Inspection, certification, and reporting of surplus walnuts withheld.

DISPOSITION OF CONTROLLED WALNUTS

984.461 Applications for disposition of controlled walnuts.
984.462 Disposition of surplus walnuts.
984.463 Disposition of substandard walnuts.

REPORTS

984.468 Reports of handler carryovers.
984.469 Reports of merchantable unshelled walnuts shipped from stock.
984.470 Report of merchantable restricted and surplus walnuts held.
984.471 Reports of merchantable shelled walnuts handled.
984.472 Reports of disposition of merchantable restricted walnuts withheld.
984.473 Reports of interstate shipment of unshelled walnuts with the area of production.
984.474 Reports of receipt of merchantable restricted walnuts for shelling.
984.475 Report of substandard walnuts.
984.476 Report of intention to handle merchantable shelled walnuts.

MISCELLANEOUS PROVISIONS

984.480 Cancellation of certificates.
984.481 Postponement of control obligation upon filing of a bond.
984.488 Exemption from regulations.

AUTHORITY: §§ 984.444 to 984.488 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

GRADE AND SIZE REGULATION OF UNSHELLED WALNUTS

§ 984.444 *Information on certificates for merchantable unshelled walnuts.* In addition to the information required pursuant to § 984.44, each certificate issued shall show the year of production of the walnuts covered thereby, as stated by the handler.

GRADE AND SIZE REGULATION OF SHELLED WALNUTS

§ 984.446 *Inspection and certification*—(a) *Information on certificates for merchantable shelled walnuts.* In addition to the information required pursuant to § 984.46 (a), each certificate issued shall show the type, net weight, and number of containers, and the year of production of the walnuts, as stated by the handler.

(b) *Certification of shelled walnuts for processing.* Each certificate issued for shelled walnuts for processing pursuant to § 984.46 (e) shall show the identity of the handler, the quantity of shelled walnuts covered thereby, and the date of inspection. Each such certificate shall bear the notation "Certified for Processing Only." Shelled walnuts so certified for processing may not be processed by anyone other than the handler obtaining such certificate.

(c) *Inspection.* Inspection of all shelled walnuts shall be made on the premises of the sheller prior to moving them to any other location.

ALLOCATION OF MERCHANTABLE UNSHELLED WALNUTS

§ 984.449 *Crediting merchantable restricted walnuts withheld.* Credit shall be given to each handler for withholding merchantable restricted walnuts upon submission to the Control Board of a report on WCB Form No. 1 showing the quantity, size and quality, handler's lot number, location, and the applicable certificate number of the lot of walnuts withheld.

CONTROL OF SURPLUS WALNUTS

§ 984.454 *Withholding surplus walnuts*—(a) *Containers for surplus walnuts.* All surplus walnuts withheld by any handler for pooling shall be held and delivered to the Control Board in clean, serviceable bags or cartons. Shelled surplus walnuts exported shall be packed in new, standard cartons of the type normally used for the packing and shipping of shelled walnuts in regular commercial channels.

(b) *Identification of surplus.* Each lot of surplus withheld by any handler shall be stored separately from other walnuts in the handler's premises and shall be identified by tags bearing the handler's lot number, the number of containers in the lot and the "declared weight" (the weight stated by the handler) of the lot. Each container of surplus walnuts withheld by any handler shall be identified by an appropriate seal, in the case of bags, or an appropriate stamp, in the case of cartons. The tags, seals, and stamps shall be furnished by the Control Board and affixed by the handler under the direction and supervision of the Control Board or its designated inspectors.

§ 984.455 *Inspection procedure*—(a) *Sound kernel weight.* The sound kernel weight of any lot of walnuts unshelled or shelled shall be determined on a sample basis by the Control Board's designated inspectors. In inspecting a sample for sound kernel weight, portions of kernels that will pass through a round opening $\frac{6}{64}$ inch in diameter shall be excluded and portions of kernels that do not meet the requirements of "sound kernels" shall be trimmed off in order that the parts affected shall be excluded in determining the weight of sound kernel in the sample and in the entire lot.

(b) *Accessibility for sampling and sealing or stamping.* Each handler shall make each container of each lot of walnuts accessible for sampling and sealing or stamping in connection with the inspection and certification of any lot of shelled or unshelled walnuts.

(c) *Reinspection of modified lots of surplus.* If any lot of surplus walnuts previously inspected is modified because of an exchange of surplus walnuts or because of an adjustment due to a reduction in the surplus percentage or for any other reason, the certificate covering such lot shall be cancelled and the entire lot as modified shall be reinspected at the handler's expense.

(d) *Weight.* The weight shown on the inspection certificate for any lot of walnuts offered in satisfaction of surplus shall be the "declared weight" (as described in § 984.454 (b)) for such lot. This weight shall be used by the Control Board for accounting purposes until such time as a public weighmaster's certificate has been issued for such lot as provided in § 984.462 (d). Final Control Board accounting shall be based on the weight shown on the weighmaster's certificate.

§ 984.456 *Minimum sound kernel content requirements for surplus*—(a) *For unshelled walnuts.* Any lot of unshelled walnuts, the kernel weight of which is offered to meet any part or all of the handler's surplus obligation, must contain a minimum weight of sound kernels equal to 12 percent of the unshelled weight of the lot: *Provided,* That any lot that is to be disposed of as surplus in export channels must meet the minimum requirements for merchantable unshelled walnuts effective pursuant to § 984.43.

(b) *For shelled walnuts.* Any lot of shelled walnuts offered to meet any part or all of a handler's surplus obligation must contain a minimum weight of sound kernels equal to 8 percent of the total weight of the lot: *Provided,* That any lot that is to be disposed of as surplus in export channels must meet the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.45.

§ 984.457 *Inspection, certification, and reporting of surplus walnuts withheld.* Each lot of surplus walnuts withheld shall be inspected by the Control Board's designated inspectors, and if found to meet the minimum requirements for surplus as set forth in § 984.456, shall be certified as "Surplus." Such surplus certificates shall show in addition to the information required in § 984.57, the handler's lot number, the location at time of withholding, the place in which it will be stored, and the year of production of the walnuts, as stated by the handler. Credit shall be given to each handler for the withholding of such walnuts upon submission to the Control Board of a report on WCB Form No. 2, showing the quantity withheld, whether shelled or unshelled, the handler's lot number, location, and the applicable certificate number covering the lot of surplus walnuts withheld.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.461 *Applications for disposition of controlled walnuts*—(a) *Authorized shelling of merchantable restricted walnuts.* Applications for permission to become an authorized sheller pursuant to § 984.61 shall be submitted to the Control Board on WCB Form No. 3.

(b) *Authorized agents for export of controlled walnuts.* Applications for permission to export merchantable restricted or surplus walnuts as an agent of the Control Board shall be approved after the applicant and the Control Board have executed an "Export Agreement for Controlled Walnuts" in which the applicant agrees to observe the conditions pertaining to such export transactions as set forth in the agreement.

§ 984.462 *Disposition of surplus walnuts*—(a) *Exclusion from surplus credit of walnuts exported.* Any handler who does not wish to have merchantable restricted or surplus walnuts exported by him credited against his surplus obligation shall notify the Control Board on WCB Form No. 16 prior to July 31 of each marketing year. Such notification shall show, with respect to the walnuts covered thereby (1) the name of the export agent, (2) the number or numbers of Export Report Form C on which the export sales were reported to the Control Board, (3) the lot number of numbers, and (4) the quantity of walnuts in each lot.

(b) *Transfer of surplus export credits.* Any handler who desires to transfer surplus export credits to another handler shall submit a request to the Control Board for such transfer on WCB Form No. 17. The request shall show (1) the name of the handler requesting the transfer, (2) the name of the handler to whom the transfer is to be made, and (3) the net kernel weight of the surplus credit to be transferred. Prior to submission of such form to the Control Board, it shall be endorsed by the handler to whom the export credit is to be transferred.

(c) *Determination of condition and weight of surplus walnuts for pooling*—(1) *Condition.* Prior to the acceptance of any lot of surplus walnuts delivered to the Control Board for pooling and disposition, the Control Board may require reinspection at the handler's expense to determine whether such walnuts are in substantially the same condition as when they were certified for surplus. If, as a result of reinspection, it is determined that they have deteriorated, only that portion of the lot meeting the requirements for surplus shall be accepted by the Control Board.

(2) *Weight.* Each lot of surplus walnuts delivered to the Control Board for pooling and disposition shall be separately weighed by a public weighmaster, either upon removal from the handler's premises or in transit to Control Board storage facilities or diversion point by a common carrier. A tare of one pound per bag shall be used in determining net weight. A copy of each such weighmaster certificate shall be forwarded to the Control Board and to the handler.

(3) *Weight variations.* Any deficiency in obligation resulting from a variation between the "declared weight" (as described in § 984.454 (b)) and the weight determined by public weighmaster for any lot of walnuts shall be met by the handler within ten days after receipt of notice from the Control Board of such deficiency.

§ 984.463 *Disposition of substandard walnuts.* Each handler who delivers substandard walnuts to another person for disposition pursuant to § 984.63 shall furnish to the Control Board a statement signed by the receiver certifying that he will dispose of the walnuts in the manner specified, and authorizing the Control Board to examine his operations and books and records to verify such disposition. This certified statement shall be made on WCB Form No. 20 furnished by the Control Board.

REPORTS

§ 984.468 *Reports of handler carryovers.* Reports of merchantable walnut carryovers (unshelled and shelled) as of August 1 and January 1 of each marketing year, covering information specified in § 984.68, and showing the quantities sold and unsold, shall be submitted to the Control Board on or before August 15 and January 15, respectively, of such marketing year. Such information pertaining to unshelled walnuts shall be submitted on WCB Form No. 4, and that pertaining to shelled walnuts on WCB Form No. 5.

§ 984.469 *Reports of merchantable unshelled walnuts shipped from stock.* Reports of merchantable unshelled walnuts shipped from stock, covering information specified in § 984.69, shall be submitted to the Control Board on WCB Form No. 6, not later than the fifth day of each month with respect to all such walnuts shipped from stock during the preceding month.

§ 984.470 *Reports of merchantable restricted and surplus walnuts held.* Reports of merchantable restricted and surplus walnuts held, covering information specified in § 984.70, shall be submitted to the Control Board on WCB Forms Nos. 7 and 8, respectively.

§ 984.471 *Reports of merchantable shelled walnuts handled*—(a) *Reports of merchantable shelled walnuts shipped.* Reports of merchantable shelled walnuts shipped shall be submitted to the Control Board on WCB Form No. 9 not later than the fifth day of each month with respect to merchantable shelled walnuts shipped during the preceding month. Such reports shall include all shipments to points outside the area of production and shipments to buyers within the area of production, and shall show, with respect to the merchantable shelled walnuts covered thereby, (1) the year of production, (2) the total net weight, and (3) whether they were shipped into domestic or export channels. If a handler makes no shipments during a reporting period, he shall submit a report marked "No shipments." If a handler has completed his shipments for the marketing year, he shall so indicate by marking "Completed" on his final report and no further report shall be required of such handler during such marketing year unless he acquires additional merchantable shelled walnuts for handling.

(b) *Reports of merchantable shelled walnuts purchased from growers for manufacturing.* Reports of shelled walnuts purchased by manufacturers within the area of production directly from growers shall be submitted to the Walnut Control Board on WCB Form No. 9a not later than the fifth day of each month with respect to the shelled walnuts purchased during the preceding month. Such reports shall include only shelled walnuts which have been determined to be merchantable by the required inspection and shall show, with respect to the merchantable shelled walnuts covered thereby (1) the year of production, and (2) the total net weight.

§ 984.472 *Reports of disposition of merchantable restricted walnuts withheld*—(a) *Reports of intention to dispose.* Reports of intention to dispose of merchantable restricted walnuts pursuant to the provisions of § 984.72 (a) shall be submitted to the Control Board on WCB Form No. 12.

(b) *Report of disposition accomplished.* Reports of disposition accomplished pursuant to the provisions of § 984.72 (b) shall be submitted to the Control Board on WCB Form No. 13.

§ 984.473 *Reports of interstate shipment of unshelled walnuts within the area of production*—(a) *Report of shipper.* Reports of interstate shipments within the area of production required pursuant to the provisions of § 984.73 shall be made to the Control Board on WCB Form No. 14.

(b) *Report of consignee.* Reports of receipt of shipments of walnuts required pursuant to the provisions of § 984.73 shall be made to the Control Board on WCB Form No. 15. Each such report shall contain a certification by the consignee to the United States Department of Agriculture and the Walnut Control Board that he will handle such walnuts in accordance with the provisions of this part.

§ 984.474 *Reports of receipt of merchantable restricted walnuts for shelling.* Pursuant to the provisions of § 984.74 reports of merchantable restricted walnuts received by an authorized sheller for shelling shall be reported to the Control Board on WCB Form No. 19, and reports of the actual disposition of such walnuts shall be made to the Control Board on WCB Form No. 13.

§ 984.475 *Report of substandard walnuts.* Reports required pursuant to § 984.75 relating to substandard walnuts shall be submitted to the Control Board on WCB Form No. 21 on or before January 15 covering the preceding period August 1 through December 31, and on or before August 15 covering the preceding period January 1 through July 31.

§ 984.476 *Report of intention to handle merchantable shelled walnuts.* Any handler who, pursuant to the provisions of § 984.54 (b), desires to declare his intention to handle merchantable shelled walnuts which he has on hand and owns, shall make such declaration to the Control Board on WCB Form No. 10 showing with respect to the walnuts covered thereby (a) the net weight of the merchantable shelled walnuts intended to be handled, and (b) the location or locations at which such merchantable shelled walnuts are stored.

MISCELLANEOUS PROVISIONS

§ 984.480 *Cancellation of certificates.* Requests for cancellation of certificates pursuant to the provisions of § 984.80 shall be submitted to the Control Board on WCB Form No. 23.

§ 984.481 *Postponement of control obligation upon filing of a bond*—(a) *Bonds acceptable to the Control Board.* Cash, cashier's or certified checks, or surety bonds submitted on an appropriate WCB form shall be acceptable to the Control Board under the provisions of § 984.81 (b). The surety on any such bond shall guarantee the bond on the basis of assets that are entirely separate and apart from the principal named in the bond. If a bond is secured by a personal surety, the Board shall have the right to require an acceptable financial statement of the surety's assets.

(b) *Bonding rates.* The bonding rate for surplus pursuant to § 984.81 (c) (2) shall be calculated to the nearest one-hundredth of a cent per pound.

§ 984.488 *Exemption from regulations*—(a) *Sales by growers direct to consumers.* Any walnut grower may sell shelled or unshelled walnuts of his own production free of the provisions of this part under the following types of exemptions:

(1) If sold directly to consumers in the area of production at roadside stands and farmers markets;

(2) If sold directly to consumers in the area of production (at locations other than those specified in subparagraph (1) of this paragraph) in quantities not exceeding an aggregate of 500 pounds of unshelled walnuts or 200 pounds of shelled walnuts during any marketing year; and

(3) If shipped by parcel post or express directly to consumers in quantities not exceeding 10 pounds of unshelled walnuts or 4 pounds of shelled walnuts to any one consumer in any one calendar day.

(b) *Green walnuts.* Walnuts which are green and which are so immature that they cannot be used for drying and sale as dried walnuts may be shipped without regard to the provisions of this part.

It is hereby found that good cause exists for making this order effective five days after publication in the FEDERAL REGISTER rather than 30 days thereafter for the reasons that (1) the administrative rules and regulations were revised to bring operating procedures of the Walnut Control Board and walnut handlers into conformance with the amended Marketing Agreement No. 105 and Order No. 84 which were amended effective October 4, 1957, (2) handlers generally have already made necessary preparations and adjustments, and are now operating on the basis of the administrative rules and regulations as proposed to be revised, and (3) compliance with the revised administrative rules and regulations will require of handlers no special preparation in addition to that already made.

Dated: March 28, 1958, to become effective five days after publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-2456; Filed, Apr. 2, 1958; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 384, Amdt. 9]

PART 79—SCRAPIE IN SHEEP

AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 79.2, Part 79, Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the disease of sheep known as scrapie and establishing a quarantine because of such disease, is hereby issued to read as follows:

§ 79.2 *Notice and quarantine.* Notice is hereby given that sheep in Ohio are affected with scrapie, a contagious, infectious, and communicable disease, and the following areas in such State are hereby quarantined because of said disease:

(a) That part of Wayne Township in Warren County lying south of Mt. Holly Road, east of Xenia Road, north of Cook-James Road, and west of U. S. Route No. 42.

(b) That part of New Jasper Township in Green County lying east of Stringtown Road, south of U. S. Route No. 35, west of Ballard Road, northeast of New Jasper Station, and north of the Baltimore and Ohio Railroad tracks.

Effective date. The foregoing amendment shall become effective upon issuance.

Hereafter, the restrictions pertaining to the interstate movement of sheep from and through quarantined areas as contained in 9 CFR, 1956 Supp., Part 79, as amended, will apply to these areas. The amendment imposes certain restrictions necessary to prevent the spread of scrapie, a communicable disease of sheep, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111, 120, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 28th day of March 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-2473; Filed, Apr. 2, 1958; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 50]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

CHEMICALS AND MEDICINES

Section 373.55 *Chemicals and medicinals* is amended by deleting paragraph (c) *Poliomyelitis vaccine* and paragraph (d) *Influenza vaccine, Asian (Far East) strain.*

This amendment shall become effective as of April 2, 1958.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-2462; Filed, Apr. 2, 1958; 8:51 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. P. L. 18]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
81224	Influenza vaccine, Asian (Far East) strain (formerly 812200).

2. The following entry is amended by deleting the symbols B and G in the column headed "Commodity Lists":

Dept. of Commerce Schedule B No.	Commodity
81215	Poliomyelitis vaccine, all forms (formerly 812200).

This amendment shall become effective as of April 2, 1958.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-2463; Filed, Apr. 2, 1958; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6912]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN ASPHALT CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* History; producer status of dealer or seller: *Manufacturer;* § 13.155 *Prices:* Discount savings; § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1800 *Discounts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, David E. Fischer et al. trading as American Asphalt Company, New York, N. Y., Docket 6912, Feb. 27, 1958]

In the Matter of David E. Fischer, and Rose Berr, Individuals Trading and Doing Business as American Asphalt Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in New York City of waterproof roof coatings and specialty paints with representing falsely in letters and advertising literature mailed to members of the consuming public that they had certain specified quantities of "Kantleek" asbestos roof coating "left over" from a larger shipment for sale at or near the residence of the addressee at a "substantial discount * * * 20 % off"; and that they were "Manufacturers of waterproofing specialties" and "Established 1909".

Having failed to answer the complaint and to appear at scheduled hearings, respondents were deemed to be in default. Thereafter the hearing examiner made his initial decision and order to cease and desist which became on February 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents David E. Fischer and Rose Berr, individually and trading and doing business as American Asphalt Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of waterproof roof coatings, specialty paints or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That any quantity of roof coating or other products is available for sale in any locality at reduced prices because of an excess shipment, or for any other reason, unless such is the fact;

2. That the customary or regular price of respondents' products is any price which is in excess of the price at which such products are regularly and customarily sold by respondents in the normal and usual course of business.

3. That the price at which respondents offer their products for sale constitutes a special, reduced or discount price, when in fact such price is the usual and customary price at which respondents sell their products in the normal and usual course of business.

4. That respondents manufacture the products sold or distributed by them.

5. That their business was started at an earlier date than it actually was or that they have been in business longer than they actually have.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2443; Filed, Apr. 2, 1958; 8:47 a. m.]

[Docket 6909]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LYTTON'S, HENRY C. LYTTON & CO.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; exaggerated as regular and customary; § 13.235 *Source or origin:* Place. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1785 *Comparative;* § 13.1805 *Exaggerated as regular and customary.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2345 *Source or origin:* Place.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Lytton's, Henry C. Lytton & Company, Chicago, Ill., Docket 6909, Feb. 27, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Chicago with violating the Fur Products Labeling Act by failing to conform to the labeling and invoicing requirements; by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products, described fur products by names connoting false geographical origin, represented prices as reduced from regular prices which were in fact fictitious, and used comparative prices not based on current market value; and by failing to keep adequate records as a basis for such purported price reductions.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Lytton's, Henry C. Lytton & Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals that produced the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

2. Describes fur products by animal names which connote a false geographic origin of the animal producing the fur.

3. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such product in the recent regular course of its business.

4. Makes use of comparative prices and percentage savings claims in advertisements unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

5. Makes price claims or representations referred to in 3 and 4 above unless there are maintained by respondents full and adequate records disclosing the facts on which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: February 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2444; Filed, Apr. 2, 1958; 8:47 a. m.]

[Docket 6490]

Part 13—Digest of Cease and Desist Orders

ASHEVILLE TOBACCO BOARD OF TRADE, INC., ET AL.

Subpart—*Combining or conspiring:* § 13.397 *To control or restrict marketing or trading methods, practices and conditions;* § 13.470 *To restrain and monopolize trade.* Subpart—*Cutting off competitors' or others' access to customers or market:* § 13.573 *Limiting new warehouse facilities.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Asheville Tobacco Board of Trade, Inc. (Asheville, N. C.), et al., Docket 6490, Feb. 14, 1958]

In the Matter of Asheville Tobacco Board of Trade, Inc., a Corporation, and Max M. Roberts, President and Director, J. Carlie Adams, Vice President and Director, Fred D. Cockfield, Secretary-Treasurer and Director, Jeter P. Ramsey, ex Officio Assistant to the Secretary, Supervisor of Sales and General Director of the Asheville Market, L. G. Hill, Director, James W. Stewart, Director, and James E. Walker, Jr., Director, All Individually and as Officers and Directors of Asheville Tobacco Board of Trade, Inc., and James E. Walker, Jr., and John B. Walker, Part Owners, Co-managers and Operators of Bernard-Walker Warehouses; J. Carlie Adams and Luther Hill, Co-partners Trading Under the Name and Style of Adams & Hill Warehouses; Farmers Federation Cooperative, Inc., a Corporation, Leasing and Operating Carolina Warehouse; Fred D. Cockfield, and James W. Stewart, Co-partners Trading Under the Name and Style of Planters Warehouses; Henry B. Duncan, A. R. Johnson, Jr., Sherrod N. Landon, J. W. Moore, E. G. Anderson, J. E. Godwin, Beverly G. Connor, W. G. Maples, Members of Asheville Tobacco Board of Trade, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the Tobacco Board of Trade in Asheville, N. C., and its member-dealers in leaf tobacco, including owners of the twelve auction warehouses operating on the Asheville burley tobacco market and independent tobacco buyers in the area, with restricting the establishment of competitive warehousing on the Asheville market by unreasonable limitations on the selling time allotted to new entrants, specifically failing to give reasonable credit for the full size and capacity of new entrants, and limiting the possible gain or loss in selling time allotted to any warehouse for any one selling season to a specific percentage of the selling time allotted for the preceding selling season.

Following hearings, etc., in due course, the hearing examiner made his initial decision from which respondents appealed. The Commission, having heard the matter on the whole record, on February 14 rendered its decision denying the appeal in part and granting it in part and adopting as its own decision the initial decision as modified by its accompanying opinion.

The order to cease and desist, as modified by the Commission's opinion, is as follows:

It is ordered, That Respondents Asheville Tobacco Board of Trade, Inc., a corporation, and Max M. Roberts, President and director, J. Carlie Adams, Vice President and director, Fred D. Cockfield, Secretary-Treasurer and director, Jeter P. Ramsey, ex officio Assistant to the Secretary, Supervisor of Sales and General Director of the Asheville market, L. G. Hill, director, James W. Stewart, director, and James E. Walker, Jr., director, all individually and as officers and directors of Asheville Tobacco Board of Trade, Inc., and James E. Walker, Jr., and John B. Walker, part owners, co-managers and operators of Bernard-Walker Warehouses; J. Carlie Adams and Luther Hill, co-partners trading under the name and style of Adams & Hill Warehouses; Farmers Federation Cooperative, Inc., a corporation, leasing and operating Carolina Warehouse; Fred D. Cockfield, and James W. Stewart, copartners trading under the name and style of Planters Warehouses; Sherrod N. Landon, J. W. Moore, E. G. Anderson, J. E. Godwin, Beverly G. Connor, W. G. Maples, members of Asheville Tobacco Board of Trade, Inc., individually and as officers, directly or through any corporate or other device, in connection with procuring, purchasing, offering to purchase, selling or offering for sale leaf tobacco, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from devising, adopting, using, adhering to, maintaining or cooperating in the carrying out of any plan, system, method, policy or practice which:

1. Allots selling time to new entrant warehouses on the Asheville tobacco market on any basis or in any manner which fails to take into account and give reasonable credit for the full size and capacity of a new entrant;

2. Limits the possible gain or loss in selling time allotted to any warehouse, under the performance system or any other system, for any one selling season to $3\frac{1}{2}$ percent, or any other specific percentage, of the selling time so allotted to such warehouse for the preceding selling season; or

3. Has the purpose or effect of foreclosing or preventing any new entrant warehouse on the Asheville tobacco market, or any other warehouse doing business on that market, from competing therein on a fair and equal basis.

It is further ordered, That the complaint herein, insofar as it relates to Respondents Henry B. Duncan, designated in the record as H. B. Duncan, and A. R. Johnson, Jr., deceased, be, and the same hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision, as modified.

Issued: February 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2446; Filed, Apr. 2, 1958; 8:48 a. m.]

[Docket 6835]

Part 13—Digest of Cease and Desist Orders

INTERNATIONAL SHOE CO. AND SHOENTERPRISE CORP.

Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, International Shoe Company and Shoenterprise Corporation, St. Louis, Mo., Docket 6835, Mar. 6, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the world's largest manufacturer of shoes, with sales in the year ending November 30, 1955, of over $262 million, the majority of which were to family-type shoe stores in towns of less than 10,000 population, with engaging in exclusive-dealing arrangements with shoe dealers or prospective shoe dealers involving loans of substantial sums of money or the furnishing of special supervisory and advisory services and other special assistance to such dealers, on the condition that the dealer feature, handle, and advertise only respondent's shoes to the exclusion of any other line of shoes and merchandise not approved by it.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became, on March 6, 1958, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents International Shoe Company and Shoenterprise Corporation, corporations, and their respective officers, directors, agents, representatives, and employees, directly or through any corporate or other de-in or in connection with the offering for sale, sale and distribution of shoes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

---

[1] New.

(1) Contracting to make loans, granting loans, or offering to grant loans, on the condition or understanding, that the recipient thereof shall not deal in, handle, or sell, shoes or other similar or related products supplied by any competitor, or competitors, not approved by respondents.

(2) Contracting to furnish, or make available, services or offering to furnish, or make available, services on the condition or understanding that the recipient thereof shall not deal in, handle, or sell, shoes or other similar or related products supplied by any competitor, or competitors, not approved by respondents.

(3) Selling, or making any contract or agreement for the sale of, shoes or other similar or related products on the condition or understanding that the purchaser thereof shall not deal in, handle, or sell, shoes or other similar or related products supplied by any competitor or competitors, not approved by respondents.

(4) Enforcing, or continuing in operation or effect, any condition or understanding in, or in connection with, any existing contract of sale, which condition or understanding is to the effect that the purchaser of said products from respondents shall not deal in, handle, or sell shoes or other similar or related products supplied by any competitor or competitors, not approved by respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 6, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2445; Filed, Apr. 2, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MANEB

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of maneb (manganous ethylenebisdithiocarbamate) in or on various raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order, in lieu of the tolerances originally requested, will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.110 (22 F. R. 1842)) are amended by changing § 120.110 to read as follows:

§ 120.110 *Tolerances for residues of maneb.* Tolerances for residues of maneb (manganous ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, are established in or on raw agricultural commodities, as follows:

(a) 10 parts per million in or on apricots, beans (succulent form), cabbage, celery, Chinese cabbage, collards, endive (escarole), kale, lettuce, mustard greens, nectarines, peaches, spinach, turnip tops.

(b) 7 parts per million in or on apples, beans (dry form), carrots (roots), carrots (tops), cranberries, cucumbers, eggplants, figs, grapes, melons, onions, peppers, summer squash, sweet corn (kernels plus cob with husk removed), tomatoes, turnip roots, winter squash.

(c) 0.1 part per million in or on almonds, potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: March 27, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2467; Filed, Apr. 2, 1958; 8:52 a. m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

PART 304—ADJUDICATION AND LICENSING PROCEDURE

CROSS REFERENCE: For order proclaiming and making effective the findings of the Secretary of the Treasury with regard to certain drugs having addiction-forming or addiction-sustaining liability similar to morphine, see Proclamation 3229, Title 3, Chapter I, *supra.*

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6290]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

PART 220—PRODUCTION OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 231—TAXPAID WINE BOTTLING HOUSES

PART 235—RECTIFICATION OF SPIRITS AND WINES

PART 240—WINE

MISCELLANEOUS AMENDMENTS

In order to conform with the requirements of 27 CFR Parts 4 and 5, with respect to the withdrawal proof of whisky and to the labeling of wine and distilled spirits, 26 CFR Parts 175, 220, 230, 231, 235, and 240 are amended as follows:

1. Part 175—Traffic in Containers of Distilled Spirits is amended by striking from § 175.42 the phrase, "legibly marked, in the manner prescribed in § 175.34, in the bottles" and inserting in lieu thereof the phrase "marked on the side of the bottle in the manner prescribed in § 175.34".

2. Part 220—Production of Distilled Spirits is amended by adding immediately after § 220.548 the following new section.

§ 220.548a *Whisky for experimental storage.* The distiller may, prior to July 1, 1960, withdraw from the cistern room for experimental storage a maximum of 1,000 barrels of whisky at above 110 degrees of proof but at not more than 160 degrees of proof. Such whisky, notwithstanding the provisions of § 220.548, may, under the provisions of 27 CFR 5.21 (b), be given the designation to which it would have been entitled but for the fact that it was withdrawn at over 110 degrees of proof. The report of gauge and subsequent transfer and withdrawal forms covering such whisky shall have noted thereon that the whisky was withdrawn for experimental storage and the proof of the spirits. Such notation shall be in the following form: "Withdrawn for experimental storage at ------ degrees of proof."

3. Part 230—Bottling of Taxpaid Spirits is amended by deleting from the second sentence of § 230.206, which begins "Each bottle", the phrase "unless legibly blown in the bottle" and inserting in lieu thereof the phrase "unless displayed on the bottle as provided in 27 CFR 4.37 (d)".

4. Part 231—Taxpaid Wine Bottling Houses is amended by deleting from paragraph (d) of § 231.82 the phrase "unless legibly blown in the bottle" and inserting in lieu thereof the phrase "unless displayed on the bottle as provided in 27 CFR 4.37 (d)".

5. Part 235—Rectification of Spirits and Wine is amended by deleting from the second sentence of § 235.631, which begins "Each bottle", the phrase "unless legibly blown in the bottle" and inserting in lieu thereof the phrase "unless displayed on the bottle as provided in 27 CFR 4.37 (d)".

6. Part 240—Wine is amended by deleting from paragraph (d) of § 240.579 the phrase "unless legibly blown in the bottle" and inserting in lieu thereof the phrase "unless displayed on the bottle as provided in 27 CFR 4.37 (d)".

The provisions of this Treasury decision were considered at public hearings on proposals similarly to amend Title 27, Code of Federal Regulations, and no objections were made thereto. Therefore, because this Treasury decision merely conforms the regulations to which it applies to those changes made after notice and public hearing, it is hereby found unnecessary to issue the Treasury decision with notice and public procedure thereon under section 4 (a), or subject to the effective date limitation of section 4 (c), of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 7805, 70A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

Approved: March 28, 1958.

DAN THROOP SMITH,
Deputy to the Secretary of the Treasury.

[F. R. Doc. 58-2466; Filed, Apr. 2, 1958; 8:52 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6288]

[Reg. 5]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

Notice of public hearing to be held in Washington, D. C., on November 28, 1956, and in San Francisco, California, on December 5, 1956, with respect to certain proposals to amend Regulations No. 5, relating to labeling and advertising of distilled spirits, was published in the FEDERAL REGISTER on October 31, 1956 (21 F. R. 8321). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to Regulations No. 5 (27 CFR Part 5) are hereby adopted:

1. In order to permit the labeling as a "whisky", or the appropriate type thereof, of limited quantities of a distillate conforming to the standard for such type, except for the fact that it was withdrawn from the cistern room of the distillery at more than 110° proof, section 21, class 2 (27 CFR 5.21 (b)) is amended by changing the period at the end of the first sentence to a colon and inserting the following proviso: "*Provided,* That a maximum of 1,000 barrels of whisky per registered distillery withdrawn prior to July 1, 1960, from the cistern room of such distillery at above 110° proof for experimental storage but at not more than 160° proof may be designated as whisky or any type thereof to which it would have been entitled under these standards of identity but for the fact that it was withdrawn at over 110° proof."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

2. In order to remove from the standards of identity the standard for "blended Scotch type whisky" (Scotch type whisky—a blend), and to remove from the regulations any recognition of this product as a type of whisky:

(A) Section 21, class 2 (27 CFR 5.21 (b)) is amended by deleting subparagraph (n) (27 CFR 5.21 (b) (14)) thereof.

(B) Section 21, class 8 (d) (27 CFR 5.21 (h) (4)) is amended by deleting the parenthetical phrase "(except for the use of the word 'Scotch' in the type designation 'blended Scotch type whisky')".

(C) Section 34 (f) (27 CFR 5.34 (f)) is amended by changing the parenthetical phrase in the last sentence to read "(other than American type whisky)".

(D) Section 39 (27 CFR 5.39) is amended by deleting the proviso at the end of the undesignated paragraph following paragraph (a) (7) and by deleting paragraph (c) and relettering paragraphs (d) and (e) as (c) and (d).

(E) Section 73 (a) (3) (27 CFR 5.73 (a) (3) is amended by deleting the words "and Scotch and Irish type whisky".

These amendments shall become effective three years after date of publication in the FEDERAL REGISTER.

3. In order to base the minimum sugar content of cordials and liqueurs on the amount of sugar or dextrose or both contained in the finished product rather than on the amount of added sugar or dextrose or both, section 21, class 6 (a) (27 CFR 5.21 (f) (1)) is amended to deleting the words "to which sugar or dextrose or both have been added in an amount not less than 2½ percent by weight of the finished product.", and inserting in lieu thereof the words "containing sugar or dextrose or both in an amount not less than 2½ percent by weight of the finished product."

This amendment relieves a restriction presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

4. In order to permit the addition of a natural flavoring material made from an integral part of the cherry (crushed cherry pits) to a cherry product without requiring the product to be designated as an imitation, section 21, class 7 (c) (27 CFR 5.21 (g) (3)) is amended by changing the semicolon at the end thereof to a colon and inserting the following proviso: "*Provided,* That the word "imitation" shall not be required to appear as a part of the designation of a cherry product by reason of the addition of a natural flavoring material derived from crushed cherry pits;".

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

5. Section 30 (b) (1) (27 CFR 5.30 (b) (1)) is amended by changing the proviso at the end of this subparagraph to read: "*Provided,* That the assistant regional commissioner, Alcohol and Tobacco Tax, or the storekeeper-gauger, if any, assigned to the premises may, upon written application, permit additional labeling or relabeling of bottled distilled spirits with labels, covered by certificates of approval issued by the Director, which comply with the requirements of this part and with State law."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

6. In order to permit the net contents of bottles to be stated in fluid ounces in the case of containers of less than a pint; in pints and fluid ounces in the case of containers of more than a pint but less than a quart; and in quarts, pints, and fluid ounces in the case of containers of more than a quart, but less than a gallon, except in the case of distilled spirits for which a standard of fill is prescribed in section 73 (a) (27 CFR 5.73 (a)):

(A) Section 37 (a) (27 CFR 5.37 (a)) is amended to read as follows:

(a) The net contents of distilled spirits for which a standard of fill is prescribed in § 5.73 (a) shall be stated in the same manner and form in which such standard of fill is set forth in said section.

(B) Section 37 (27 CFR 5.37) is further amended by relettering paragraphs (b) and (c) as (c) and (d) and inserting a new paragraph (b) reading as follows:

(b) The net contents of distilled spirits for which no standard of fill is prescribed in § 5.73 (a) shall be stated as follows:

(1) If one pint, one quart, or one gallon, the net contents shall be so stated.

(2) If less than a pint, the net contents shall be stated in fractions of a pint, or in fluid ounces.

(3) If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces.

(4) If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces.

These amendments are of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

7. In order to permit the statement of net contents to be omitted from the label if permanently marked on the sides, front, or back of the bottle, the first sentence of section 37 (c) (27 CFR 5.37 (c)) is amended to read as follows: "The net contents need not be stated on any label if the net contents are displayed by having the same blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, on the sides, front, or back of the bottle, in letters and figures in such manner as to be plainly legible under ordinary circumstances, and such statement is not obscured in any manner in whole or in part."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

8. In order to simplify the manner of stating the age and percentage of the straight whisky contained in blended whisky, the second, third and fourth sentences of the second paragraph of section 39 (a) (3) (27 CFR 5.39 (a) (3)) are amended to read as follows: "If only one straight whisky and one other whisky is in the blend, the statement of age shall read: 'The straight whisky in the product is -- (years and/or months) old; -- percent straight whisky, -- percent whisky -- (years and/or months) old' or '-- percent straight whisky -- (years and/or months) old, -- percent whisky -- (years and/or months) old.' The age blanks shall be filled in with the respective ages of the straight whisky and the other whisky. If more than one straight whisky and more than one other whisky is in the blend, the statement of age shall read: 'The straight whiskies in this product are -- (years and/or months) or more old; -- percent straight whisky, -- percent whisky -- (years and/or months) or more old' or '-- percent straight whiskies -- (years and/or months) or more old; -- percent whisky -- (years and/or months) or more old.' "

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

9. In order to permit statements on labels as to the use of selected or choice materials, without requiring the submission of proof and a finding as to each such representation by the Director, Alcohol and Tobacco Tax Division, section 40 (g) (27 CFR 5.40 (g)) is amended by deleting the proviso at the end thereof.

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

10. In order to authorize the Director, Alcohol and Tobacco Tax Division, to require under certain circumstances a certificate of origin and identity for any imported distilled spirits similar to those now required in the case of Scotch whisky, Irish whisky, Canadian whisky, and Cognac:

(A) The first sentence of section 41 (b) (2) (27 CFR 5.41 (b) (2)) is amended to read as follows: "If imported distilled spirits are covered by a certificate of origin or of age issued by a duly authorized official of the appropriate foreign government, the label, except where prohibited by the foreign government, may refer to such certificate or the fact of such certification, but shall not be accompanied by any additional statement relating thereto."

(B) Section 46 (27 CFR 5.46) is amended by inserting the following new paragraph at the end thereof:

(e) Distilled spirits (other than Scotch, Irish and Canadian whiskies, and Cognac) in bottles shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the appropriate foreign government, if the issuance of such certificates with respect to such distilled spirits has been authorized by the foreign government concerned, certifying as to the identity of the distilled spirits and that the distilled spirits have been manufactured in compliance with the laws of the respective foreign government regulating the manufacture of such distilled spirits for home consumption.

(C) Section 51 (27 CFR 5.51) is amended by inserting the following new paragraph at the end thereof:

(e) Distilled spirits (other than Scotch, Irish and Canadian whiskies, and Cognac) imported in bulk may not be bottled in the United States unless the bottler possesses a certificate of origin issued by a duly authorized official of the appropriate foreign government, if the issuance of such certificates with respect to such distilled spirits has been authorized by the foreign government concerned, certifying as to the identity of the distilled spirits and that the distilled spirits have been manufactured in compliance with the laws of the respective foreign government regulating the manufacture of such distilled spirits for home consumption.

These amendments shall become effective 90 days after publication in the FEDERAL REGISTER.

11. In order to eliminate the requirement that an "Affidavit for Release of Distilled Spirits, Wine, or Malt Beverages under the Federal Alcohol Administration Act" on Form 1652 be deposited with the appropriate customs officer at the port of entry before bottled distilled spirits may be released from customs custody:

(A) Section 45 (b) (27 CFR 5.45 (b)) is amended to read:

(b) *Certificate of label approval.* No bottled distilled spirits shall be released from customs custody unless there shall have been deposited with the appropriate customs officer at the port of entry the original or a photostatic copy of a "Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1649). Such certificate shall be issued by the Director upon application made on the form designated "Application for Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1647), properly filled out and certified to by the importer or transferee in bond.

(B) Section 45 (c) (27 CFR 5.45 (c)) is amended to read:

(c) *Release.* If the original or photostatic copy of the "Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1649) bears the signature of the Director, then the brand or lot of bottled distilled spirits bearing labels identical with those shown thereon may be released from customs custody.

These amendments relieve a restriction presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: March 28, 1958.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 58-2464; Filed, Apr. 2, 1958; 8:52 a. m.]

[T. D. 6289]

[Regs. 7]

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

MISCELLANEOUS AMENDMENTS

Notice of public hearing to be held in Washington, D. C., on June 1, 1955, with respect to certain proposals to amend Regulations No. 7, Relating to Labeling and Advertising of Malt Beverages, was published in the FEDERAL REGISTER on May 7, 1955 (20 F. R. 3113). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to Regulations No. 7 (27 CFR Part 7) are hereby adopted:

In order to eliminate the requirement that an "Affidavit for Release of Distilled Spirits, Wine, or Malt Beverages under the Federal Alcohol Administration Act" on Form 1652 be deposited with the appropriate customs officer at the port of entry before imported malt beverages may be released from customs custody.

1. Section 31 (b) (27 CFR 7.31 (b)) is amended to read:

(b) *Certificate of label approval.* No imported malt beverages shall be released from customs custody unless there shall have been deposited with the appropriate customs officer at the port of entry the original or a photostatic copy of a "Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1649). Such certificate shall be issued by the Director upon application made on the form designated "Application for

Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1647), properly filled out and certified to by the importer or transferee in bond.

2. Section 31 (c) (27 CFR 7.31 (c)) is amended to read:

(c) *Release.* If the original or photostatic copy of the "Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1649) bears the signature of the Director, then the brand or lot of imported malt beverages bearing labels identical with those shown thereon may be released from customs custody.

This Treasury decision relieves a restriction presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: March 28, 1958.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 58-2465; Filed, Apr. 2, 1958; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Rev. 2]

REG. 11—MERCURY REGULATION: PURCHASE PROGRAM FOR MERCURY MINED IN THE CONTINENTAL UNITED STATES (INCLUDING TERRITORY OF ALASKA)

This revision of General Services Administration Regulation 11, establishing a purchase program for mercury mined in the United States (including the Territory of Alaska), modifies the packaging requirements of and makes other miscellaneous changes in the previously published Revision 1 of said regulation.

Sec.
1. Basis and purpose.
2. Specifications.
3. Deliveries.
4. Price.
5. Program duration and quantity limitations.
6. Participation.
7. Access to books and records.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093, E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Basis and purpose.* The purpose of this regulation is to encourage expansion in the production of prime virgin mercury in the Continental United States (including the Territory of Alaska) and to provide a uniform price in accordance with the purchase program described herein, as certified by the Director of the Office of Defense Mobilization. The Administrator of General Services will buy prime virgin mercury mined in the Continental United States (including the Territory of Alaska) in accordance with the terms and conditions set forth herein.

SEC. 2. *Specifications.* Purchases under this program shall be restricted to prime virgin mercury mined in the Continental United States (including the Territory of Alaska) which shall have a mercury content of not less than 99.9 percent and shall be bright and clean.

SEC. 3. *Deliveries.* (a) All purchases under this program shall be delivered by the seller f. o. b. delivery point as directed by the appropriate Regional Commissioner of the General Services Administration (see section 6 of this regulation).

(b) Deliveries shall be offered to the Government under this program in lots containing not less than five flasks of prime virgin mercury.

(c) All shipments found not to meet the specifications provided for herein shall be rejected and shall be removed at the expense of the seller.

(d) All shipments of mercury shall meet the packing and other requirements of paragraph (e) of this section: *Provided, however,* That shipments delivered prior to May 15, 1958 may, in lieu thereof, meet the packing and other requirements contained in section 3 (d) of the previously published Revision 1 of this regulation.

(e) All mercury shall be packed in flasks conforming to the following specifications, and the seller shall present with each lot tendered for Government acceptance, a test certificate issued by a Government approved testing facility, certifying conformance with the following specifications (the Government reserves the right to inspect for such conformance at any time): The body of the flask will be fabricated of seamless or welded wrought-iron or low carbon steel tubing and shall have a minimum thickness of 0.100-inch in any area of the finished flask. The bottom and the top of the flask shall be of wrought-iron or low carbon steel of the same minimum thickness, welded to the body or swaged from the body. Deep-drawn wrought-iron or low carbon steel flasks or one-piece cast iron flasks are also acceptable provided the 0.100-inch minimum thickness is maintained throughout. All welds must be uniform, sound and complete, and each of the finished flasks shall pass a hydrostatic pressure test of 300 pounds per square inch, while subjected to a three-foot free drop to a concrete slab. Any indication of moisture due to leakage appearing on the outside of the flask during the test is cause for rejection. The inside surfaces of each flask must be free of all oxidation products and foreign materials, including oil, dirt and weld slag, and must be completely clean and dry at time of filling with prime virgin mercury. Each flask must also be thoroughly cleaned on the outside surface, followed by the application of a good quality zinc chromate or equal primer paint plus an enamel-type outer abrasion resistant coat of paint. All coatings are to be applied in such a manner as to resist blistering, peeling or cracking. The neck of the flask shall be fabricated in such a manner that it joins the body of the flask smoothly and does not entrap mercury when the flask is being emptied. It should be taper threaded to securely fit an iron or steel screw plug or cap. After filling the flask and prior to closure, shellac, which is immiscible with mercury, shall be sparingly applied to the threads on the neck or the plug to further insure against leakage in handling or in storage. Oil, grease, graphite or similar materials must not be used on the threads of the neck, plug or cap. The base of the flask may be either concave or flat; however, the base must be formed in such a manner that the flask will stand steadily and erectly on a flat surface. Each flask shall have a capacity to contain seventy-six (76) pounds of mercury. Flasks, including the cap or plug protrusion, shall not exceed eighteen (18) inches in height. All flasks in each lot delivered under this program shall be of the same nominal size and shape. There shall be attached to the top of each flask through a securely welded lug or a hole of at least one-fourth (¼) inch diameter through the plug or cap, a metal tag upon which shall be permanently metal-stamped, engraved, or punched, the following information with respect to such flask:

(1) The participation certificate number followed by the lot number.

(2) Origin. (The word "Domestic" will satisfy this requirement.)

(3) The individual flask number followed by the total number of flasks in the lot. (For example: If a lot contains 200 flasks, they would be numbered 1/200, 2/200, 3/200 and so on, through 200/200.)

(4) The words "Gross," "Tare" and "Net" with the applicable weight in pounds and ounces under each.

Tags may be of stainless steel or of high nickel alloys of sixty (60) percent nickel content or higher, by weight, and must have a minimum thickness of 0.035-inch. Fastening wires must be of stainless steel and must have a minimum diameter of 0.050-inch.

(f) Inspection of each shipment shall be made by a representative of the Government at the designated delivery point. The decision of the Government with regard to acceptance (including chemical, physical or other requirements) or rejection will be final.

(g) At least thirty (30) days prior to each shipment, the seller shall inform the appropriate Regional Commissioner, General Services Administration. Shipment shall be made only upon and in accordance with instructions issued to the seller by the said Regional Commissioner. Each shipment shall be accompanied by a certificate executed by the seller disclosing the source of the mercury.

SEC. 4. *Price.* For deliveries accepted under this program, the price shall be two hundred twenty-five dollars ($225.00) per flask containing at least seventy-six (76) pounds of mercury, f. o. b. delivery point.

SEC. 5. *Program duration and quantity limitations.* This program shall terminate at the close of business December

31, 1958. The total quantity of such mercury to be accepted under this program during the calendar year 1958 shall be limited to the equivalent of thirty thousand (30,000) flasks containing at least seventy-six (76) pounds of mercury each.

SEC. 6. *Participation.* Any person or firm wishing to participate in this program shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction of the area in which the mercury is mined, as indicated below:

Region No.	Location of Regional Office	Area of jurisdiction
1	Regional Commissioner, General Services Administration, 620 Post Office and Court House, Boston 9, Mass.	Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island.
2	Regional Commissioner, General Services Administration, 250 Hudson St., New York 13, N. Y.	New York, Pennsylvania, New Jersey, Delaware.
3	Regional Commissioner, General Services Administration, Regional Office Bldg., 7th and D Sts. SW., Washington 25, D. C.	District of Columbia, Maryland, West Virginia, Virginia.
4	Regional Commissioner, General Services Administration, Peachtree-7th Bldg., 50 7th St. NE., Atlanta, Ga.	North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida.
5	Regional Commissioner, General Services Administration, U. S. Courthouse, 219 South Clark St., Chicago 4, Ill.	Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio.
6	Regional Commissioner, General Services Administration, GSA Bldg., 2306 E. Bannister Road, Kansas City 14, Mo.	Missouri, Kansas, Iowa, Nebraska, North Dakota, South Dakota, Minnesota.
7	Regional Commissioner, General Services Administration, 1114 Commerce St., Dallas 2, Tex.	Texas, Louisiana, Arkansas, Oklahoma.
8	Regional Commissioner, General Services Administration, 41 Denver Federal Center, Denver 2, Colo.	Colorado, Wyoming, Utah, New Mexico.
9	Regional Commissioner, General Services Administration, 4th Floor, 49 4th St., San Francisco 3, Calif.	California, Arizona, Nevada.
10	Regional Commissioner, General Services Administration, Federal Office Bldg., 909 1st Ave., Seattle 4, Wash.	Washington, Oregon, Idaho, Montana, Territory of Alaska.

Such notice shall be in the form of a letter, post card or telegram stating that participation in this program is desired. The notice must be signed and return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant, authorizing delivery of prime virgin mercury conforming to the requirements of this regulation.

SEC. 7. *Access to books and records.* By participating in the program each seller agrees to permit authorized representatives of the United States Government, during the duration of the program, and for a period of three years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the program.

Dated: March 28, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-2459; Filed, Apr. 2, 1958; 8:51 a. m.]

[Rev. 2]

REG. 12—MERCURY REGULATION: PURCHASE PROGRAM FOR MERCURY MINED IN MEXICO

This revision of General Services Administration Regulation 12, establishing a purchase program for mercury mined in Mexico, modifies the packaging requirements of and makes other miscellaneous changes in the previously published Revision 1 of said regulation.

Sec.
1. Basis and purpose.
2. Specifications.
3. Deliveries.
4. Price.
5. Program duration and quantity limitations.
6. Participation.
7. Access to books and records.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093, E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Basis and purpose.* The purpose of this regulation is to encourage expansion in the production of prime virgin mercury in Mexico and to provide a uniform price in accordance with the purchase program described herein, as certified by the Director of the Office of Defense Mobilization. The Administrator of General Services will buy prime virgin mercury mined in Mexico in accordance with the terms and conditions set forth herein.

SEC. 2. *Specifications.* Purchases under this program shall be restricted to prime virgin mercury of Mexican origin which shall have a mercury content of not less than 99.9 percent and shall be bright and clean.

SEC. 3. *Deliveries.* (a) All purchases under this program shall be delivered by the seller f. o. b. Government Purchase Depot at El Paso, Texas, duty paid by the seller.

(b) Deliveries shall be offered to the Government under this program in lots containing not less than five flasks of prime virgin mercury.

(c) All shipments found not to meet the specifications provided for herein shall be rejected and shall be removed at the expense of the seller.

(d) All shipments of mercury shall meet the packing and other requirements of paragraph (e) of this section; provided, however, that shipments delivered prior to May 15, 1958, may, in lieu thereof, meet the packing and other requirements contained in section 3 (d) of the previously published Revision 1 of this regulation.

(e) All mercury shall be packed in flasks conforming to the following specifications, and the seller shall present with each lot tendered for Government acceptance, a test certificate issued by a Government approved testing facility, certifying conformance with the following specifications (the Government reserves the right to inspect for such conformance at any time): The body of the flask will be fabricated of seamless or welded wrought-iron or low carbon steel tubing and shall have a minimum thickness of 0.100-inch in any area of the finished flask. The bottom and the top of the flask shall be of wrought-iron or low carbon steel of the same minimum thickness, welded to the body or swaged from the body. Deep-drawn wrought-iron or low carbon steel flasks or one-piece cast iron flasks are also acceptable provided the 0.100-inch minimum thickness is maintained throughout. All welds must be uniform, sound and complete, and each of the finished flasks shall pass a hydrostatic pressure test of 300 pounds per square inch, while subjected to a three-foot free drop to a concrete slab. Any indication of moisture due to leakage appearing on the outside of the flask during the test is cause for rejection. The inside surfaces of each flask must be free of all oxidation products and foreign materials, including oil, dirt and weld slag, and must be completely clean and dry at time of filling with prime virgin mercury. Each flask must also be thoroughly cleaned on the outside surface, followed by the application of a good quality zinc chromate or equal primer paint plus an enamel-type outer abrasion resistant coat of paint. All coatings are to be applied in such a manner as to resist blistering, peeling or cracking. The neck of the flask shall be fabricated in such a manner that it joins the body of the flask smoothly and does not entrap mercury when the flask is being emptied. It should be taper threaded to securely fit an iron or steel screw plug or cap. After filling the flask and prior to closure, shellac, which is immiscible with mercury, shall be sparingly applied to the threads on the neck or the plug to further insure against leakage in handling or in storage. Oil, grease, graphite or similar materials must not be used on the threads of the neck, plug or cap. The base of the flask may be either concave or flat; however, the base must be formed in such a manner that the flask will stand steadily and erectly on a flat surface. Each flask shall have a capacity to contain seventy-six (76) pounds of mercury. Flasks, including the cap or plug protrusion, shall not exceed eighteen (18) inches in height. All flasks in each lot delivered under this program shall be of the same nominal size and shape. There shall be attached to the top of each flask through a securely welded lug or a hole of at least one-fourth (¼) inch diameter through the plug or cap, a metal tag upon which shall be permanently metal-stamped, engraved, or punched, the following information with respect to such flask:

(1) The participation certificate number followed by the lot number.

(2) Origin. (The word "Mexican" will satisfy this requirement.)

(3) The individual flask number followed by the total number of flasks in the lot. (For example: If a lot contains 200 flasks, they would be numbered 1/200, 2/200, 3/200 and so on, through 200/200.)

(4) The words "Gross," "Tare" and "Net" with the applicable weight in pounds and ounces under each.

Tags may be of stainless steel or of high nickel alloys of sixty (60) percent nickel content or higher, by weight, and must have a minimum thickness of 0.035-inch. Fastening wires must be of stainless steel and must have a minimum diameter of 0.050-inch.

(f) Inspection of each shipment shall be made by a representative of the Government at the Government Purchase Depot. The decision of the Government with regard to acceptance (including chemical, physical or other requirements) or rejection will be final.

(g) At least thirty (30) days prior to each shipment, the seller shall inform the Regional Commissioner, General Services Administration, 1114 Commerce Street, Dallas 2, Texas of a delivery to be made to the Purchase Depot. Shipment shall be made only upon and in accordance with instructions issued to the seller by the said Regional Commissioner. Each shipment shall be accompanied by a certificate executed by the seller disclosing the source of the mercury.

SEC. 4. *Price.* For deliveries accepted under this program, the price shall be two hundred twenty-five dollars ($225.00) per flask containing at least seventy-six (76) pounds of mercury, duty paid f. o. b. Government Purchase Depot, El Paso, Texas.

SEC. 5. *Program duration and quantity limitations.* This program shall terminate at the close of business December 31, 1958. The total quantity of such mercury to be accepted under this program during the calendar year 1958 shall be limited to the equivalent of twenty thousand (20,000) flasks containing at least seventy-six (76) pounds of mercury each.

SEC. 6. *Participation.* Any person or firm wishing to participate in this program shall give notice to the Regional Commissioner, General Services Administration, 1114 Commerce Street, Dallas 2, Texas. Such notice shall be in the form of a letter, post card or telegram stating that participation in this program is desired. The notice must be signed and return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant, authorizing delivery of prime virgin mercury conforming to the requirements of this regulation.

SEC. 7. *Access to books and records.* By participating in the program each seller agrees to permit authorized representatives of the United States Government, during the duration of the program, and for a period of three years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the program.

Dated: March 28, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-2460; Filed, Apr. 2, 1958; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1607]

[1906338]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 334 OF DECEMBER 19, 1946, WHICH WITHDREW LANDS FOR HIGHWAY PURPOSES

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 334 of December 19, 1946, which withdrew lands in Alaska for use of the Department of Agriculture for highway purposes, is hereby revoked so far as it affects the following-described lands;

A strip of land 200 feet wide, 100 feet on each side of the center line of the former Copper River and Northwestern Railroad extending from the south boundary of United States Survey 449, Station 61 + 95 southeasterly and easterly approximately 3,800 feet to the west boundary of United States Survey 1434A extended south.

The tract described contains approximately 17 acres.

2. Subject to valid existing rights, the following-described lands, which are a portion of the lands described in Paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for townsite purposes, to be hereafter disposed of under applicable townsite laws:

Tract 1; that portion lying within United States Survey 2981 A and B, extending from the south boundary of United States Survey 449, southeasterly approximately 900 feet to the shore line of Odiak Slough. (Approximately 4 acres).

Tract 2; that portion lying south of and adjoining United States Survey 3345 A and B and extending from the east boundary of United States Survey 251, easterly approximately 1,800 feet to the west boundary of United States Survey 1434A extended south. (Approximately 8 acres).

3. The lands released from withdrawal by Paragraph 1 of this order, and not rewithdrawn by Paragraph 2, have either been patented or are tidelands.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MARCH 28, 1958.

[F. R. Doc. 58-2434; Filed, Apr. 2, 1958; 8:45 a. m.]

[Public Land Order 1608]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF THE BUREAU OF LAND MANAGEMENT AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Bureau of Land Management as administrative sites;

[COLORADO 017768]

Frontier Investment Company, Subdivision of the Town of Kremmling—

Block 23, lots 11 to 20, inclusive.

The tracts described aggregate 0.7 acre.

[COLORADO 018387]

NEW MEXICO PRINCIPAL MERIDIAN

T. 45 N., R. 13 W.,

Sec. 27, part of the NE¼NE¼, described as follows:

Beginning at a point on the south right-of-way line of State Highway No. 145 from which the north quarter corner of sec. 27 bears N. 0°40′ W., 30 feet and S. 89°52′ W., 2,323.5 feet; thence

N. 89°52′ E., 100 feet along the south right-of-way line of State Highway 145;
S. 0°40′ E., 300 feet;
S. 89°52′ W., 100 feet;
N. 0°40′ W., 300 feet to the point of beginning.

The tract described contains 0.688 acre.

SIXTH PRINCIPAL MERIDIAN

T. 7 N., R. 91 W.,

Sec. 35, the south one acre in a tract of land in the SE¼SE¼ described as follows:

Beginning at a point on the north right-of-way line of U. S. Highway No. 40 from which the southeast corner of sec. 35 bears South 140 feet and East 24 feet, thence

West, 131.00 feet along the north right-of-way line of Highway No. 40;
North, 332.52 feet;
East, 131.00 feet;
South, 332.52 feet to the point of beginning.

The tract described contains one acre.

The tracts described total approximately 2.388 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MARCH 28, 1958.

[F. R. Doc. 58-2435; Filed, Apr. 2, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 918, Amdt. 2]

PART 95—CAR SERVICE

NEW YORK, ONTARIO AND WESTERN RAILROAD CO. AND ERIE RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of March A. D. 1958.

Upon further consideration of Service Order No. 918 (22 F. R. 2239, 7562) and good cause appearing therefor:

It is ordered, That:

Section 95.918 *Service Order No. 918* be and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 30, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1958.

It is further ordered, That copies of this order and direction shall be served upon the Public Service Commission of New York and the Pennsylvania Public Utilities Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2448; Filed, Apr. 2, 1958; 8:48 a. m.]

[S. O. 919, Amdt. 2]

PART 95—CAR SERVICE

NEW YORK, ONTARIO AND WESTERN RAILROAD CO. AND DELAWARE AND HUDSON RAILROAD CORP.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of March A. D. 1958.

Upon further consideration of Service Order No. 919 (22 F. R. 3929, 7562), and good cause appearing therefor:

It is ordered, That:

Section 95.919 *Service Order No. 919* be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 30, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1958.

It is further ordered, That copies of this order and direction shall be served upon the Public Service Commission of New York and the Pennsylvania Public Utilities Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2449; Filed, Apr. 2, 1958; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

[Departmental Reg. 108.359]

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953.

Sec.	
301.1	Regulatory areas.
301.2	Length of halibut fishing seasons.
301.3	Closed seasons.
301.4	Catch limits in Areas 2 and 3A.
301.5	Size limits.
301.6	Licensing of vessels.
301.7	Retention of halibut taken under permit.
301.8	Conditions limiting validity of permits.
301.9	Statistical return by vessels.
301.10	Statistical return by dealers.
301.11	Closed nursery grounds.
301.12	Dory gear prohibited.
301.13	Nets prohibited.
301.14	Retention of tagged halibut.
301.15	Responsibility of master.
301.16	Supervision of unloading and weighing.
301.17	Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part II, 1353.

§ 301.1 *Regulatory areas.* (a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A (South of Heceta Head) shall include all convention waters southeast of a line running northeast and southwest through Heceta Head Light, as shown on Chart 5802, published in July, 1947, by the United States Coast and Geodetic Survey, which light is approximately latitude 44°08′18″ N., longitude 124°07′36″ W.

(c) Area 1B (Heceta Head to Willapa Bay) shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July, 1939, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43′17″ N., longitude 124°04′15″ W.

(d) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11′57″ N., longitude 136°38′18″ W., thence south one-quarter east and except in the year 1958 is exclusive of the nursery areas closed, except in the year 1958, to all halibut fishing in § 301.11.

(e) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34′08″ N., longitude 159°36′00″ W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May, 1954 (2d Edition) by the United States Coast and Geodetic Survey, Washington, D. C.

(f) Area 3B (West of Shumagin Islands including Bering Sea) shall include all the convention waters off the coast of Alaska which are not included in Area 3A or in Area 2 or in the nursery area described in paragraph (b) of § 301.11.

§ 301.2 *Length of halibut fishing seasons.* (a) In Area 1A, the halibut fishing season shall commence at 6:00 a. m. of the 4th day of May and terminate at 6:00 a. m. of the 16th day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(b) In Area 1B, the halibut fishing seasons shall commence and terminate at the same times as the halibut fishing seasons in Area 2 shall commence and terminate.

(c) In Area 2, except as provided in paragraph (d) of this section, there shall be two halibut fishing seasons: the first season commencing at 6:00 a. m. on the 4th day of May and terminating at 6:00 a. m. on a date to be determined and announced under paragraph (b) of § 301.4; the second season commencing at 6:00 a. m. on the 31st day of August and terminating at 6:00 a. m. on the 7th day of September.

(d) During the second halibut fishing season in Area 2, provided in paragraph (c) of this section, the Cape Scott-Goose Islands area shall be closed to halibut fishing and no person shall fish for halibut in said closed area or shall have halibut in his possession while fishing for other species therein or shall have halibut of any origin in his possession therein excepting in the course of a continuous transit across said closed area. The boundaries of said area, stated in terms of the magnetic compass, are: from Bush Point on Don Peninsula, approximately latitude 52°15′38″ N., longitude 128°18′54″ W., to McInnis Island Light on McInnis Island, approximately latitude 52°15′48″ N., longitude 128°43′22″ W.; thence southwest by south one-quarter south approximately ninety-five miles to a point approximately latitude 51°24′00″ N., longitude 130°48′00″ W.; thence approximately eighty-one and one-half miles southeast by east one-quarter east to a point approximately latitude 50°17′10″ N., longitude 129°36′00″ W.; thence approximately fifty-four miles northeast by north one-quarter north to Cape Scott Light on Vancouver Island, approximately latitude 50°47′13″ N., longitude 128°25′50″ W.; thence along the eastern shore of Vancouver Island to Dillon Point, approximately one mile southeast of Masterman Island Light, approximately latitude 50°44′50″ N., longitude 127°24′22″ W.; thence to Tomlinson Point at the easterly entrance of Blunden Harbor on the mainland, approximately latitude 50°54′10″ N., longitude 127°15′24″ W.; thence along the mainland shore to the point of origin at Bush Point. The points on Bush Point and McInnis Island shall be determined from Chart 328, as published July 1930 by the Canadian Hydrographic Service, Department of Marine, Ottawa; the points on Cape Scott, Dillon Point and Tomlinson Point shall be determined from Charts 3593, 3572 and 3574 respectively as published May 1955, June 1956 and March 1956 respectively, by the Canadian Hydrographic Service, Surveys and Mapping Branch, Department of Mines and Technical Surveys, Ottawa, provided that the duly authorized officers of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

(e) In Area 3A, the halibut fishing season shall commence at 6:00 a. m. of the 4th day of May and terminate at 6:00 a. m. on a date to be determined and announced under paragraph (b) of § 301.4.

(f) In Area 3B, the halibut fishing season shall commence at 6:00 a. m. of the 1st day of April and terminate at 6:00 a. m. of the 16th day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(g) All hours of opening and closing of areas in this section and other sections of this part shall be Pacific Standard Time.

§ 301.3 *Closed seasons.* (a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations in this part, shall be closed to halibut fishing at 6:00 a. m. of the 1st day of December and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Pacific Halibut Commission, hereafter in the regulations in this part referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

§ 301.4 *Catch limits in Areas 2 and 3A.* (a) The quantity of halibut to be taken during the first halibut fishing season in Area 2 and during the halibut fishing season in Area 3A in 1958 shall be limited to 26,500,000 pounds and 30,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the first halibut fishing season in Area 2 and to the single halibut fishing season in Area 3A.

§ 301.5 *Size limits.* The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 *Licensing of vessels.* (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8 and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 must be validated at a port or place within Area 1A prior to each such fishing operation during the second halibut fishing season in Areas 1B and 2 as defined in paragraphs (b) and (c) of § 301.2 and when Areas 1B and 2 are closed to halibut fishing.

(f) The halibut license of any vessel fishing for halibut in Area 3B when Area 3A is closed to halibut fishing must be validated at a port or place within Area 3B prior to such fishing, except that a vessel already fishing in Area 3B with a halibut license that was validated for halibut fishing in Area 3B or in Areas 3A and 3B prior to the date of closure of Area 3A, may continue to fish in Area 3B until first entry at a port or place with a validating officer or until any halibut is unloaded.

(g) The halibut license of any vessel departing from Area 3B with any halibut on board when Area 3A is closed to halibut fishing, must be validated at a port or place in Area 3B subsequent to fishing and prior to such departure.

(h) A halibut license shall not be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas; nor for departure for halibut fishing in Areas 3A or 3B from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in said areas; nor for departure for halibut fishing in Areas 3A or 3B from any port or place outside said areas more than 5 days prior to the commencement of the halibut fishing season in said areas.

(i) A halibut license shall not be valid for halibut fishing in more than one of Areas 1A, 1B, 2 or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(j) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale and as provided in paragraph (m) of this section.

(k) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(l) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(m) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B.

(n) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 *Retention of halibut taken under permit.* (a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed: *Provided*, That it shall not be a violation of this regulation for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (e) of this section.

(b) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing for species of crab by that vessel in that part of Area 3B known as Bering Sea after 6:00 a. m. of the 1st day of April of the year 1958 with bottom trawl nets (of the type commonly used in the Bering Sea king crab fishery) whose cod ends or fish bags shall consist of webbing whose dry-stretched mesh shall measure not less than 12 inches between knots or hog rings, not to exceed at any time one pound of halibut for each five pounds drained weight of salable picked crab meat or the equivalent drained weight of crab meat in the shell or in vacuum-packed heat processed containers. The equivalent weight of meat in the shell shall be computed on the basis of 15 pounds of meat in the shell being equal to 6 pounds of drained picked crab meat and the equivalent weight of processed meat shall be computed on the basis of 6½ ounces of drained weight of processed crab being equal to 8 ounces of picked crab meat.

(c) Halibut retained under such permit shall not be filleted, flitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(d) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish or crabs shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(e) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(f) Permits for the retention and landing of halibut caught in Areas 1A, 1B, 2, 3A or 3B, exclusive of that part known as Bering Sea, in the year 1958 shall become invalid at 6:00 a. m. of the 16th day of November of said year or at such earlier date as the Commission shall determine.

(g) Permits shall become invalid for the retention of halibut caught in that part of Area 3B known as Bering Sea after 6:00 a. m. of the 15th day of November in the year 1958 and shall become invalid for the landing of halibut caught under permit in that part of Area 3B known as Bering Sea after 6:00 a. m. of the 15th day of December of the year 1958 or at such earlier dates as the Commission shall determine.

§ 301.8 *Conditions limiting validity of permits.* (a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish or crabs of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) or (b) of § 301.7.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery except in that part of Area 3B known as Bering Sea as provided in paragraph (b) of § 301.7.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) A permit shall not be valid for the landing of halibut caught incidentally to fishing for crabs in that part of Area 3B known as Bering Sea unless the vessel shall show documentary evidence of date of departure from some port or place within said area, or from Akutan, Alaska, subsequent to such fishing. Such documentary evidence may consist of a certified written statement of a properly identified and responsible resident within that part of Area 3B known as Bering Sea or at Akutan.

(h) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) or (b) of § 301.7.

(i) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

§ 301.9 *Statistical return by vessels.* (a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.10 *Statistical return by dealers.* (a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (d) of § 301.7. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B after the closure of Area 3A unless the license of said vessel has been validated at a port or place in Area 3B as required in paragraphs (f) and (g) of § 301.6 or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 *Closed nursery grounds.* (a) The following areas have been found to be populated by small, immature halibut and are designated as nursery grounds and except in the year 1958 are closed to halibut fishing, and, except in the year 1958, no person shall fish for halibut in either of such areas, or shall have halibut in his possession while fishing for other species therein, or shall have halibut of any origin in his possession therein except in the course of a continuous transit across such area, or during continuous transit through such area for landing at the Port of Masset, Q. C. I.

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: from the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33′48″ N., longitude 133°43′36″ W., to the south extremity of Wood Island, approximately latitude 55°39′44″ N., longitude 133°42′29″ W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41′47″ N., longitude 133°47′42″ W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41′46″ N., longitude 133°48′01″ W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°34′46″ N., longitude 134°14′40″ W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22′23″ N., longitude 134°12′48″ W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26′11″ N., longitude 133°49′12″ W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8151, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March 1933, and reissued March 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the northern coast of Graham Island, British Columbia, within the following boundary, as stated in terms of the magnetic compass unless otherwise indicated; from the outer Entry Point Light, latitude 54°02′40″ N., longitude 132°11′30″ W.; thence northwest ten miles to a point approximately latitude 54°12′20″ N., longitude 132°16′30″ W.; thence true east approximately fourteen and one-half miles to a point which shall lie northwest of the highest point of Tow Hill, Graham Island, latitude 54°04′34″ N., longitude 131°48′00″ W.; thence southeast to the said highest point of Tow Hill. The points on the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.12 *Dory gear prohibited.* The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 301.13 *Nets prohibited.* (a) It is prohibited to retain halibut taken in Areas 1A, 1B, 2, 3A, and in Area 3B, exclusive of that part known as Bering Sea, with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets: *Provided,* That the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

(b) It is prohibited to retain halibut taken in that part of Area 3B known as Bering Sea with any net which does not have a cod end or fish bag of webbing whose dry-stretched mesh measures 12 inches or more between knots or hog rings, nor shall any license or permit held by any vessel fishing for crabs in that part of Area 3B known as Bering Sea be valid for the possession of halibut during the use or possession on board of any net which does not have a cod end or fish bag of webbing whose dry-stretched mesh measures 12 inches or more between knots or hog rings.

§ 301.14 *Retention of tagged halibut.* Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture: *Provided,* That such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.15 *Responsibility of master.* Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.16 *Supervision of unloading and weighing.* The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.17 *Previous regulations superseded.* The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

SETON H. THOMPSON,
Chairman.
WILLIAM M. SPRULES,
Vice-Chairman.
HAROLD S. HELLAND.
MATTIAS MADSEN.
J. W. MENDENHALL.
RICHARD NELSON.

Signed:

SETON H. THOMPSON,
Chairman.

Signed:

H. A. DUNLOP,
Secretary.

Approved: March 28, 1958.

DWIGHT D. EISENHOWER.

[F. R. Doc. 58-2498; Filed, Apr. 2, 1958; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-225-A9]

MILK IN DETROIT, MICH., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CRF Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Detroit, Michigan, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Lansing, Michigan, on December 10–13, 1957, and at Detroit, Michigan, on December 16–17, 1957, pursuant to notice thereof which was issued November 18, 1957 (22 F. R. 9294).

The material issues of the record of hearing relate to:

1. Various proposals for expansion of the marketing area;
2. Location differentials to handlers and to producers;
3. The price for Class II milk;
4. The establishment of interim bases for new producers and old producers relinquishing their bases;
5. Automatic revision of seasonality of normal percentages included in supply-demand adjustors;
6. Pool plant requirements applicable to distributing plants;
7. The type of pool;
8. Classification of milk transferred to nonpool plants;
9. Equivalent price provisions, and
10. Provisions applicable to producer-handlers.

The notice of hearing contained proposals for realignment of the Class I price differential and for changes in the method of computing producer prices but no supporting testimony was offered with respect to these proposals.

In view of the extensive testimony with respect to proposals for expansion of the marketing area and the closely related issues with respect to location differentials, decision with respect to these issues is reserved for a later decision. In this decision consideration is restricted to other issues of the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II milk price.* The provisions for pricing Class II milk should not be changed on the basis of this record except to revise, in conformity with present operating conditions, the list of Michigan plants used.

Class II milk under the Detroit order includes all skim milk and butterfat disposed of for consumption as fluid cream, manufactured into dairy products, disposed of for livestock feed, dumped skim milk and allowable plant loss. Since September 1956, Class II milk has been priced at the higher of the average paying prices of certain Michigan milk manufacturing plants or a butter-powder formula price (that used as an alternative basic formula price, less 18.3 cents) for the months of February through September. For the four months of October through January, twenty cents per hundredweight is added to this price.

Prior to adoption of the present provisions for pricing Class II milk the local plant price determined the Class II price in all months of the year. The change effective in 1956 was based upon evidence that this price had not always reflected the full value of milk used for manufacturing purposes. Addition of the 20 cents on a seasonal basis was designed to make the annual average price for Class II milk more representative while encouraging handlers to add to their operations only such supplies of milk as would be required for operating reserves rather than for manufacturing purposes. The alternative butter-powder formula price was designed to prevent the Class II price from sinking to unreasonably low levels in any month. This alternative price has never been the effective price.

Michigan Milk Producers Association proposed in the notice of hearing that for the months of February through September the Class II butter-powder formula price alternative apply to milk used in pool plants to produce nonfat dry milk, whole milk powder, and butter. At the hearing, however, they did not support this proposal; instead they advocated that for the four months of April through July a credit of 5 cents per pound apply to butterfat manufactured into and disposed of as butter without requiring that such manufacture be in pool plants. Others advocated that the credit apply for additional months.

The cooperative association proposing a lower price for Class II milk manufactured into butter in the flush production season alleges that it is being required to handle a constantly increasing proportion of the Class II milk of the market and must provide facilities for manufacturing in order that the milk supply of the market will be handled in an orderly fashion and that its members may be provided with a market at all times. It alleges that it cannot avoid processing the reserve supplies from producers who are not members of the association and that losses in processing such milk should not be borne by their membership. No figures showing processing costs or losses were presented, however. The volumes of butter manufactured by the proponent was shown to be substantial, particularly in the four months for which the five cents credit was proposed. Another producer cooperative with manufacturing facilities showed that its butter manufacture was more evenly distributed over the year and proposed credit be given for at least eight months of the year.

An operator of cheese manufacturing plants in Michigan protested the establishment of a special price for butter not likewise applicable to American cheese. Both products are purchased under the Government price support program at prices designed to reflect a single national average level of price to dairy farmers for manufacturing milk. Selection of butter as the product to which a credit should apply was evidently based upon the fact that this is the product to which the proponent and other cooperatives supporting the proposal are equipped to convert milk for which no other market can be found.

No claim was made that there had been any essential change in the operating or procurement policies of the local manufacturing plant upon which it should be concluded that the annual level of the Class II price in relation to the local plant prices should be reduced in order to be representative of the value of manufacturing milk. Neither is there evidence that there is need of greater seasonality in the Class II milk price. For a part of the time since the present pricing became effective, particularly from September 1956 through April 1957 the local plant price averaged somewhat higher in relation to other manufacturing milk prices than had formerly been the case. For this period the local plant price exceeded the midwest condensery price of the order by an average of 7 cents per hundredweight. For the months of September through December 1957 (official notice is hereby taken of official price announcements by the market administrator for the months of November and December 1957) the local plant price averaged 4.4 cents less than the condensery price, a more usual relationship.

Production of manufacturing grade milk in Detroit milkshed area is decreasing at the same time that the volume of milk in the Detroit pool is increasing. A number of manufacturing plants have ceased operations. While this situation may in time affect the validity of prior conclusions with respect to the level of the local plant price such change is not evident on this record. Increased demand for pool milk for Class II use in nonpool plants was shown by an operator of nonpool plants in connection with a proposed modification of the provision for classification of pool milk moved to nonpool plants.

It is concluded that no change in the provisions for pricing Class II milk should be made on the basis of this record other than to modify the list of named local plants to represent present operating conditions.

The plants operated by the Borden Company at Perrington, Michigan, and by the Pet Milk Company at Hudson, Michigan, which are two of the nine named local plants, have ceased operations. The Grand Ledge Milk Company operations at Grand Ledge, Michigan, have been acquired by the Lansing Dairy Company, a cooperative association which also operates a Detroit pool plant and a disrtibuting plant at Lansing. Current payments to farmers delivering milk at Grand Ledge may represent only partial returns for the milk with additional returns being received as patronage dividends.

It is concluded that these three plants should be deleted from the list of named local plants. A Borden plant at Mt. Pleasant, Michigan, at which operations and pay prices have paralleled closely those of the Perrington plant, should be added. The resulting seven plant list is representative of current manufacturing operations in the Detroit milkshed.

2. *Base rules.* The provisions with respect to establishment of interim bases and payments to producers while establishing such bases should not be modified on the basis of this record. Provision should be included for producers losing herds through brucellosis or tuberculosis to retain their bases for 12 months and for computation of bases for producers supplying distributing plants acquiring pool status.

Each Detroit producer who delivers milk 122 days or more of the August 1-December 31 period each year establishes a base equal to his average deliveries during that period; such base is then used as a basis of payment for deliveries for the 12 month period beginning with the following February. A producer without an established base establishes an interim base by his deliveries during the first three full calendar months of his deliveries. While establishing this interim base he is paid the uniform or market average price for the base forming months of August through December and for other months the base price for a seasonally varied percentage of his monthly deliveries and the excess price for the remainder. The interim base is then established as the daily average of the quantities for which base price was to be paid except that the interim base is computed on 80 percent of deliveries for August and September and 90 percent of deliveries for other base forming months. A producer with an established base may elect to relinquish his base and establish an interim base once each year. It was proposed that the period required for formation of interim bases be extended to five months, that the percentage of deliveries to be paid at the base price and used in the computation of the interim base be reduced 5 or 10 points in all months other than April through July, and that payments at the uniform price in base forming months be eliminated. This proposal was made by the cooperative association representing more than 80 percent of all producers supplying the market.

It was not shown that the changes proposed would bring about a more even flow of milk to the market throughout the year. Effect on the total supply of the market rather than its seasonal distribution appears to be the principal purpose of the proposal. It was argued that the present provisions are too attractive in fall months to new shippers and for old shippers to increase production in an already overshipped market.

In the Detroit market the average daily delivery per farm has somewhat less seasonal variation than formerly, in that a somewhat greater proportion of the yearly production is in fall and winter months and somewhat less in the spring and early summer months. Considerably more noticable is the constantly increasing production per farm. Since 1954 daily deliveries per farm have increased 21 percent. For the August-December period this increase has been 25 percent. Such changes are not peculiar to Detroit, but are representative of trends in many markets.

The proposal is evidently designed to make it less attractive for producers to increase the average size of their deliveries. It is concluded that the proposal should not be adopted on the basis of this record.

The base rules should provide that a producer losing the principal part of his herd through brucellosis or tuberculosis may retain this base without loss for one year. Such a provision now applies when a producer loses his barn through fire or windstorm. Loss of seventy percent of the milking herd for which evidence issued under State or Federal authority is presented represents a reasonable standard for operation of the provision.

Provision should also be made for computation of bases for producers supplying distributing plants when such plants first achieve pool plant status on the basis of deliveries to such plant during the preceding base making period. The principal need shown for such a provision was related to producers supplying plants that would be affected by proposals to increase the marketing area. Other distributing plants may also enter the market and achieve pool status. Producers supplying such plants in the preceding base forming months evidently supplied milk for Class I use at that time and if satisfactory evidence of their deliveries at that time can be furnished should have bases computed from such deliveries. The provisions set forth above for new producers appear appropriate for producers delivering to plants which first qualify as supply plants.

3. *Supply-demand adjustment.* Provision for automatic adjustment of the seasonality of the normal percentages used in supply-demand adjustment of the Class I price should not be made on the basis of this record.

The Class I price of the Detroit order is adjusted for the extent to which the average percentage that producer milk receipts were of Class I sales in the most recent two month period varies from the average of predetermined monthly "normal" percentage relationships which vary seasonally. A handler proposed that the seasonal relationship of these "normal" percentages be revised annually to reflect the seasonal relationships for the most recent 4 years.

Producers opposed this proposal on the basis that under the method of computation proposed a reduction in the annual level of the Class I price would result, and that proposals they had submitted to increase this annual level were not included in the notice of hearing.

While it would be possible to reflect recent seasonality of supply-demand relationships automatically without affecting the resulting annual level of price, it does not appear that this record provides an adequate basis for such action. No serious seasonal maladjustment in the present provision was shown. It is concluded that no change should be made on the basis of this record.

4. *Pool plant requirements.* Pool plant requirements applicable to distributing plants should be modified to permit plants which have qualified in each of the months of September through February to remain qualified for the months of March through August if they maintain the minimum required route distribution in the marketing area. The receipts of which a specified percentage of route sales are required for qualification should include only receipts from producers and from supply plants.

In order to qualify as a pool plant under present order provisions a distributing plant must have route distribution of Class I milk in the marketing area of 600 pounds or more per day and in addition must have 55 percent or more of its total receipts on routes either inside or outside the marketing area for the months of September through February or 45 percent for other months.

A handler proposed that the required proportion of fluid sales be 50 percent for the months of October through March and that no percentage apply for other months. The producers supplying this handler have a considerably wider seasonal variation in deliveries than the average of the market while the handler has considerable seasonality in his Class I sales, due to school contacts. As a consequence, the handler has with difficulty maintained status in summer months while he has had no problem in other months. As a result of this situation he can no longer take care of summer surpluses of small distributing plants in his section of the market. The manufacturing facilities of this handler provide the most accessible surplus disposal outlet for these small plants.

There was no opposition to some modification of the provisions to meet this situation. The pool plant requirements for distributing plants serve, however, as a means of preventing plants which fail to qualify as supply plants from pooling their receipts on the basis of token route operations. For this reason requirements applicable to summer months must be retained. They may be waived, however, with respect to plants which have qualified as distributing plants in each of the immediately preceding fall and winter months, and it is concluded that the order should so provide.

The volume of receipts from other plants used in the computation should be that from supply plants only. Such shipments form the basis upon which supply plants may qualify as pool plants. Movements from distributing plants on the other hand, have no bearing upon pool qualification of such plants.

5. *Pooling.* Handler pooling should not replace market-wide pooling. A handler proposal to change pooling of producer returns from the present market-wide basis to an individual handler basis was not supported by the proponent but was supported by a producer on behalf of certain producers in a location near the market. It was contended that under handler pooling dealers would restrict purchases from producers to a volume nearer to Class I needs and the producers supplying them would benefit by higher base blend prices. The proposal was not supported by producer organizations accepting responsibility for orderly marketing of the inspected milk supply of the market. The Detroit market supply is organized on the basis of market-wide pooling. This record provides no basis for changing the type of pool.

6. *Transfers to nonpool plants.* Milk transferred to nonpool plants is now allocated to the highest available use in the nonpool plant, except for the months of April, May, and June when it is allocated to the lowest available use. The highest use allocation provision was adopted in 1955 to discourage the practice of nonpool handlers with Class I disposition from depending upon the Detroit pool to carry their daily and seasonal reserves. The exception for the flush production months recognizes that in these months there is little likelihood of a nonpool plant depending upon Detroit pool milk for bottling purposes.

It was proposed that transfers to nonpool plants be so allocated as to give local dairy farmers' milk priority over Detroit pool milk transferred to the nonpool plant. The principal basis upon which any change was advocated however, was in connection with transfers to a manufacturing plant with no bottled milk sales, but from which bulk milk is transferred to a second nonpool plant for manufacture of cottage cheese. The second nonpool plant processes milk for fluid use. Under present order provisions the same allocation provisions apply to the second movement as to the original transfer.

Under Michigan regulations, plants which have no farm supply of inspected milk are not qualified as sources of supply for fluid milk plants, and inspected pool milk entering such plants loses its approval for fluid use. The milk transferred from such a plant for segregated manufacturing use does so under control and authorization of a recognized health authority.

It is concluded that an exception can be made to the allocation rules with respect to retransfers from nonpool plants not approved by any health authority to handle milk for fluid use when such retransfers are authorized for segregated manufacturing use by a recognized health authority. In order that actual receipt at the first nonpool plant may be established, the person operating such plant should not be the handler operating the pool plant from which the milk first moves. If these conditions are met, the second transfer may be allocated to the highest use remaining in excess of receipts from inspected dairy farmers and pool plants.

7. *Equivalent prices.* An "equivalent prices" provision should be incorporated in the order. Various price quotations have become unavailable with little, if any, advance notice. Plants used as sources of prices for computing basic formula prices and manufacturing milk prices have ceased operations. Provisions have been incorporated into orders to meet emergency situations in which particular price quotations necessary for price formulas or other provisions in the orders, may not be available to the market administrator. In such case, the Secretary would determine a price equivalent to the price quotation specified in the order. Some provision of this type is necessary to meet emergency condi-

tions since the mechanics involved would not permit sufficient time to consider and issue an order amendment. The provision likewise will remove uncertainty as to the procedure to be followed in the absence of price quotations specified in the order and thus will prevent unnecessary interruption in the operation of the order.

8. *Producer-handlers.* The order presently defines a producer-handler as a handler who produces milk but receives no milk from other producers, or from a cooperative association. Cooperative associations operate a number of pool plants in the Detroit market. Under the present provision a producer-handler may lose his status as a producer-handler by purchases from the pool plant of a cooperative association when a like purchase from a pool plant operated by a proprietary concern would not affect his status. There appears to be little reason for such distinction. It is concluded that the restriction should only apply to receipts from producers, and that provisions should be made to classify any milk transferred from a pool plant to the plant of a producer-handler as Class I milk. Producer-handlers buy pool milk only for use in connection with their Class I business.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Detroit, Michigan, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Revise § 924.8 to read as follows:

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from producers.

2. Amend § 924.16 (a) to read as follows:

(a) Any plant, hereinafter referred to as a "distributing plant"

(1) In which milk is pasteurized or packaged for distribution in the marketing area;

(2) From which Class I milk is disposed of on a route(s) in the marketing area; and

(3) From which the total quantity of Class I milk distributed on all routes operated inside or outside the marketing area equals the percentage specified below of receipts from producers and from supply plants of milk approved by the appropriate health authority for fluid use:

(i) 55 percent during any of the months of September through February; or

(ii) 45 percent during any of the months of March through August, except that no such percentage requirement shall apply during such months with respect to any such plant which qualified as a distributing plant during each of the immediately preceeding months of September through February.

3. In § 924.43 (b) delete the last sentence, and substitute therefor the following: "If any milk or skim milk is transferred from such nonpool plant to a second nonpool plant, the same conditions of audit, classification and allocation shall apply, except that, during the months of July through March, if the first nonpool plant is (1) operated by a person other than the handler operating the pool plant, (2) not approved by any health authority to handle milk to be used for fluid consumption, and (3) disposes of no Class I milk on routes, milk or skim milk transferred to a second nonpool plant under authorization of a recognized health authority for segregated manufacturing use may be allocated to the highest use remaining at the second nonpool plant after receipts at such plant of inspected milk direct from dairy farmers and pool plants are allocated to the highest use."

4. Add the following as § 924.43 (d):

(d) Skim milk and butterfat transferred from a pool plant to the plant of a producer-handler in the form of milk or skim milk shall be Class I utilization.

5. Add the following as § 924.54:

§ 924.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

6. Add the following as § 924.70 (e):

(e) When a plant first becomes a pool plant pursuant to § 924.16 (a) bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

7. Amend § 924.71 (c) to read as follows:

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base, except the following producers may retain their bases without loss for twelve months:

(1) A producer who suffers the complete loss of his bases as a result of fire or windstorm; or

(2) A producer for whom loss of seventy percent or more of the milk herd from brucellosis or bovine tuberculosis is shown by evidence issued under State or Federal authority.

Issued at Washington, D. C., this 28th day of March 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2471; Filed, Apr. 2, 1958; 8:53 a. m.]

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

PROPOSED REVISION OF INTERPRETATIVE RULE WITH RESPECT TO MEANING OF "PRODUCER"

Notice is hereby given that the Secretary of Agriculture has under consideration the approval of a revision, as hereinafter set forth, of the Interpretative Rule with respect to meaning of "Producer" (22 F. R. 1371), which was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125, and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than five days following publication of this notice in the FEDERAL REGISTER. The proposed revision is as follows:

The final paragraph of the said Interpretative Rule is hereby revised to read as follows:

A producer eligible to vote is a person who produced tomatoes for market in a proprietary capacity in the production area during the then current fiscal period, i. e., between August 1 of the previous year and July 31 of the then current year. If a person who would otherwise qualify as a producer in a proprietary capacity in the production area planted tomatoes for market as fresh tomatoes during the current fiscal period, but (1) did not market any tomatoes in the fresh market during the current fiscal period due to adverse weather conditions, or (2) has tomatoes in production for fresh market during the current fiscal period, although still unharvested, he shall, nevertheless, be eligible as a producer to vote for committee nominees, if he produced and marketed tomatoes grown in the production area in the next preceding fiscal period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 610)

Dated: March 28, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-2455; Filed, Apr. 2, 1958; 8:50 a. m.]

[7 CFR Part 995]

[Docket No. AO-197-5]

HANDLING OF MILK IN NORTH CENTRAL OHIO MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Central Ohio marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Lima, Ohio, on January 7, 1958, pursuant to notice thereof which was issued on December 18, 1957 (22 F. R. 10464).

The material issues of record relate to:

1. Revision of the order provisions dealing with:

(a) The classification of milk transferred between pool plants;

(b) The sharing of the Class I utilization at distributing plants with supply plants which are regular sources of milk for such distributing plants; and

(c) Computation of allowable shrinkage.

2. Expansion of the marketing area.

3. Inclusion in the order of stated location adjustments for Class I prices.

4. Provision for eligible milk quotas based on deliveries under another Federal order.

5. Reports by the market administrator to cooperative associations of the utilization of producer-members' milk and butterfat overages and shortages at pool plants supplied by such members.

Findings and conclusions. 1. Provisions for the classification of milk moved between pool plants (§ 995.43) should be amended to provide for (a) the diversion of milk between pool plants, (b) changes in the method of classifying milk transferred or diverted between pool plants, and (c) changes in the method of equalizing Class I utilization between distributing plants and supply plants which furnish such distributing plants with milk.

Proposals were considered to permit the diversion of milk between pool plants during the months of March through June. Another proposal would provide for the pooling of milk receipts and utilization at supply plants with that of distributing plants served by such plants. Arguments were made at the hearing also for the pooling of milk receipts and utilization at two or more distributing plants operated by the same handler.

The present order provides for individual plant pricing of producer milk. Milk from producers is considered as a receipt at the plant at which it is physically received. Thus, diversion of milk between plants is not recognized. Transfers of milk between distributing plants are classified as Class I milk if transferred in consumer packages and as Class II milk if transferred in the form of bulk milk to the extent available before assigning producer milk at the receiving plant to Class II.

The provisions governing the receipt and classification of milk moved between distributing plants have tended to limit somewhat the flow of milk between pool plants. Distributing plants, in some instances, serve as temporary suppliers of bulk milk for other distributing plants. Class II classification of milk transferred from a distributing plant to another distributing plant, which needs the milk to fill Class I uses, has resulted in producers at the transferring plant carrying the necessary reserve supply associated with such milk and to some extent the reserve supply for direct receipts of producer milk at the transferee-plants. At the same time, producers delivering milk directly to the transferee-plant have realized a Class I classification for substantially all of their milk deliveries. For these reasons, provision should be made for classifying bulk milk transferred between pool plants on the basis of the classification claimed by the operators of such plants, provided that the claimed classification does not result in a higher proportion of the producer milk at the transferring plant being classified as Class I milk than the producer milk at the transferee-plant. Also, the claimed classification must result in the assignment of the available Class I milk in both plants to producer milk to the fullest extent possible. These limitations on the classification of milk transferred between pool plants are necessary to protect the effectiveness of the Class I pricing plan and to promote the goals of the individual-handler pool which have been found necessary for this market.

With the above stated limitations, the proposed method of classification may be applied to the diversion of milk between pool plants. Furthermore, unlimited diversion of milk between pool plants may be permitted by providing that diversions of milk from a pool plant will be deemed to have been received by the operator of such plant at the location (for the purpose of pricing—§§ 995.50 and 995.60) of the pool plant to which it is diverted. The definition of producer milk (§ 995.12) should be changed accordingly. This change will preclude any advantages that might otherwise be gained by multiple plant operators in diverting Class I milk from a plant located in one zone to another plant in a higher priced zone. The proposed method of pricing diverted milk will remove any need to limit diversion of milk to other pool plants, in amount or to particular seasons of the year, as was proposed to safeguard the pricing plan. The recommended method will assure that each handler will pay the same Class I price for diverted milk as is paid for producer milk which is received directly from producers at the plant to which it is diverted.

With the proposed changes in the classification of milk transferred or diverted between pool plants, there is no need to provide for the pooling of receipts and utilization at distributing plants operated by the same handler. The proposed change will provide an appropriate and reasonable basis for producers to share in the Class I utilization of milk transferred between such plants.

The present order provides for the exchange of Class I utilization at distributing plants for Class II utilization at supply plants which previously qualified as pool plants and supplied such distributing plants during the immediately preceding period of September through December. The extent of such exchange is limited to the least of:

(a) The average monthly volume of Class I milk supplied to the distributing plant during the preceding period of September–December;

(b) A volume computed by applying the percentage of the Class I milk furnished by the supply plant during such period to the total Class I milk at the distributing plant during the current month; and

(c) The receipts of producer milk at the supply plant during the current month.

At the present time, there is but one supply plant under the order which regularly furnishes a distributing plant with milk. This plant, located at Bluffton, Ohio, acts as a receiving station for a distributing plant located at Mansfield, Ohio. In conjunction with the receiving station facilities at this plant, manufacturing facilities are maintained for converting reserve supplies of milk into manufactured dairy products. The Mansfield distributing plant has little or no manufacturing facilities and is engaged almost exclusively in the processing and bottling of fluid milk products. Approximately one-half of the fluid milk requirements at the Mansfield plant is procured directly from producers in the Mansfield area. During the low production season, nearly all the producer milk received at the Bluffton supply plant is moved to Mansfield where it is needed to fill the requirements for fluid disposition. In other seasons of the year, only a portion of the Bluffton milk is required to meet the bottling requirements at the Mansfield plant. Reserve supplies can be most economically marketed by processing such milk at the Bluffton plant.

Under the provisions of the present order, the amount of milk received at the Bluffton plant which could be classified as Class I milk has resulted in substantially lower blend prices to producers in the Bluffton area as compared with prices to producers delivering their milk directly to the Mansfield plant. Production and sales conditions have changed materially from those which prevailed at the time the present order provisions were formulated. Also, the number of the producers supplying the Mansfield plant has declined as producers have withdrawn from the market and transferred to other competing markets.

As a result of these changed conditions, some of the limitations on the classification of milk at supply plants were suspended during the months of July and August 1957. By October 1957, substantial differences again prevailed between the blend prices received by producers at the Bluffton and Mansfield plants. In order to reduce this difference in subsequent months, milk was moved between the Bluffton and Mansfield plants even though such movement was not necessary to fulfill Class I requirements. Such back hauling of milk is an economic waste.

The Bluffton plant serves as a regular and dependable source of Grade A milk for the Mansfield distributing plant. Such milk is needed to supply the year-around requirements at the Mansfield plant. Under the individual pool plant pricing arrangement of this order, however, it is not appropriate to pool the receipts and utilization of milk at all pool plants operated by the same handler. In order to promote equality in relative returns for milk among producers delivering their milk to supply plants with the producers at distributing plants which are regularly supplied by such supply plants, provision for exchanging Class I utilization at distributing plants for Class II utilization at supply plants should be made. The present provisions of the order which limit the amount of Class I utilization that can be assigned a supply plant (which was a pool plant and supplied milk during the immediately preceding months of September through December) to the extent that the percentage of producer milk classified as Class I milk at the supply plant shall not exceed the corresponding percentage at the distributing plant should be continued. This is necessary to assure that the blend price at a distributing plant cannot be depressed unduly by assigning Class I utilization to supply plants and also that blend prices at supply plants cannot be increased unduly at the expense of producers at the distributing plant. The handlers over-all cost of Class I milk which is processed at the distributing plant should not be altered by this exchange. The present method of computing the handler's obligation to producers as provided by the present order, therefore, should be continued. This will preserve the advantage accruing to producers of direct shipped milk because of their more favorable location in relation to the distributing plant and will promote also the most efficient use of marketing resources. The proposed changes in the method of assigning Class I utilization to producer receipts at supply plants will not change the cost of milk to the handler. A handler assigning Class I milk to a supply plant over and above the amount of milk moved to the distributing plant will have the same cost of milk as he would have had if such Class I milk were received directly from producers at the distributing plant.

A proposal was made to include producer milk diverted from a pool plant to another pool plant with receipts at the second pool plant for the purpose of computing the maximum allowable shrinkage in Class II milk. Adoption of this proposal will not change the total allowable shrinkage on producer milk. The shrinkage allowance will accrue to the plant where the milk is physically received. This is reasonable and conforms with the recommended change to permit the diversion of milk between pool plants. The proposal should be adopted.

2. The definition of the marketing area should not be changed. A proposal was made to expand the present marketing area to include the cities of Bellefontaine and Kenton, Ohio. The proponent, who operates a plant in Marion, Ohio, sells milk in both cities. Sales also are made here by other handlers whose plants are subject to regulation. It was estimated that between 30 and 40 percent of the milk sold in these cities is supplied by regulated handlers and 60 to 70 percent by unregulated plants. The operators of these unregulated plants sell milk outside of Kenton and Bellefontaine in competition with sales from other unregulated plants. Regulated handlers have not experienced a loss of sales in these areas. There was no evidence of disruptive competitive practices by unregulated distributors. Regulated handlers have increased or at least maintained their respective proportions of total sales. The proponent failed to present any evidence which would indicate that disorderly marketing conditions would prevail if the marketing area were not extended. Producers who supply milk to regulated handlers who supply the Kenton and Bellefontaine markets favored the extension of regulation. However, there was no evidence to indicate that the proposed extension of the marketing area is necessary to promote or maintain orderly marketing of such producers' milk. The proposal should be denied.

3. The location adjustment provisions should not be changed.

The present order provides for establishing the Class I price at pool plants under the North Central Ohio marketing area by applying the minimum Class I price f. o. b. the Cleveland marketing area (Order No. 75) less the location adjustment rate on Class I milk which would be applicable at a plant under Order No. 75 at the same location as the location of the pool plant under the North Central Ohio order. It was proposed that stated location adjustments be included in the North Central Ohio order for adjusting the Cleveland Class I price. The primary reason for proposing stated adjustments was to "make definite and certain the exact amount which should be deducted as a location adjustment and will permit handlers to know what the Class I price should be * * * so that any one working with Order No. 95 will not have to refer to Order No. 75 to determine location differentials."

The market administrator announces the Class I price which is applicable at each pool plant each month. The location adjustment applied in determining the Class I price at each pool plant has been the same each month since the order was issued July 1, 1957 and will continue the same month after month unless the Cleveland location adjustments are changed by amendment of that order. Such an amendment would require a public hearing and official notice as prescribed by the regulations governing such rule making procedures.

The need for maintaining close alignment between minimum Class I prices in the North Central Ohio area and Class I prices under the Cleveland order was discussed previously in the Secretary's decision of May 17, 1957 (22 F. R. 3567) of which official notice is hereby taken. For these reasons, no change should be made in the method of applying location adjustments at this time.

4. Provision should be made for assigning "eligible milk quotas" to producers who transfer to the North Central Ohio market from other Federal order markets.

A proposal was made which would provide for the establishment of eligible milk quotas on the basis of herd production records regardless of where the milk was shipped for the period July through December of each year. The establishment of milk quotas on the basis of herd production records is administratively impracticable. No evidence was given supporting a change in the quota forming period from October through December. The proponent's testimony was directed primarily to the need for assignment of quotas to producers who transfer from another Federal order market to the North Central Ohio market following the quota forming period. Records of deliveries under other orders are available to the market administrator from the records of the respective other market administrators. Under such circumstances, it is feasible to provide for the assignment of quotas to such producers. The order should be amended accordingly.

5. The market administrator should report to each cooperative association the total receipts and class utilization of producer-members' milk.

information on the class utilization of producer-member milk is helpful to the cooperative association in furnishing milk to pool plants in accordance with their needs for Class I milk. This will tend to promote more orderly marketing of producer milk. Under the individual-handler pool, close estimates of utilization percentages can be derived for each pool plant from the market administrator's reports on class and blend prices. However, such derived figures are subject to error as a result of audit adjustments or variation in the average tests of milk in each class which are reflected in blend prices. It is desirable, therefore, to supply the association with the actual utilization percentages. For the purpose of this report the class utilizations at a pool plant should be prorated to member-milk in accordance with the relationship that the receipts from producer-members is to total receipts of producer milk at the pool plant.

A proposal was considered which would provide reports to a cooperative association of butterfat overages or shortages in producer-member milk at pool plants supplied by the cooperative. The cooperative associations claimed that the reporting of butterfat overages or shortages of member milk would assist them in evaluating their program for checking the weights and butterfat content of producer-members' milk. Butterfat shortages or overages may result from causes not related to the testing of producer milk, including errors or oversights made in reporting by handlers. The order provides for correction of any errors in such reports at a later date through the market administrator's auditing program. Reports to cooperatives necessarily would have to be based on the unaudited reports submitted by the handler to be of timely value to the cooperative. For these reasons, the application of such reports are limited and they could be the cause of misunderstanding. The proposal should not be adopted at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the North Central Ohio marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 995.11 (b) delete "to a nonpool plant".

2. Delete § 995.12 and substitute therefor the following:

§ 995.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk of a producer which is: (a) Received at a pool plant directly from such producer or diverted from a pool plant by the operator of such plant to another pool plant, and (b) diverted during the months of January through September from a pool plant by the operator of such plant or by a cooperative association for its account to a nonpool plant for not more than one-third of the days of delivery for such producer during any month in such period, except the months of March through June: *Provided,* That milk diverted pursuant to paragraphs (a) and (b) of this section shall be deemed to have been received by the diverting handler at the pool plant from which it is diverted, except that for the purpose of §§ 995.50 and 995.60, milk diverted pursuant to paragraph (a) of this section shall be deemed to have been received by the diverting handler at a location of the plant to which it is diverted.

3. At the end of § 995.22 add a new paragraph (l) as follows:

(l) On or before the 15th day after the end of each month, upon request by a cooperative association qualifying pursuant to § 995.74 (b), report to such cooperative association the classification of its producer-member milk at each pool plant for such month.

4. Delete § 995.42 and substitute therefor the following:

§ 995.42 *Shrinkage.* The market administrator shall allocate shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at such plant;

(b) To the producer milk at such plant, add the producer milk diverted to such plant and subtract producer milk diverted from such plant to another pool plant; and

(c) Prorate the amount computed pursuant to paragraph (a) of this section between the receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (b) of this section and in other source milk received at such plant in the form of a fluid milk product in bulk.

5. Delete § 995.43 and substitute therefor the following:

§ 995.43 *Transfers.* Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product in consumer packages to another pool plant;

(b) As mutually claimed by the operators of both plants in their reports submitted pursuant to § 995.30, if transferred or diverted in the form of a fluid milk product in bulk to another pool plant and:

(1) The transferee-plant has an equivalent amount of skim milk and butterfat, respectively, remaining in the claimed classification, following the subtraction of other source milk pursuant to § 995.46 (a) (3) and the corresponding step of § 995.46 (b) and the milk classified and assigned to supply plants pursuant to paragraph (d) of this section;

(2) The amount of transferred or diverted milk claimed as Class I milk during the month does not result in a higher proportion of the total producer milk at the transferer-plant being classified as Class I milk than the proportion classified as Class I milk at the transferee-plant during the month; and

(3) The claimed classification results in the assignment of the maximum available Class I utilization of skim milk and butterfat, respectively, to the producer milk at both plants.

(c) As Class I milk if transferred or diverted to a nonpool plant in the form of milk, skim milk or cream in bulk unless:

(1) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to § 995.30 for the month;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification of such indicated utilization; and

(3) An equivalent amount of skim milk and butterfat was used in products in Class II milk at such nonpool plant;

(d) A handler operating a distributing plant may assign Class I milk to a supply plant(s) which was a pool plant and

which transferred milk to such distributing plant during at least three of the months of September through December, immediately preceding, even though such milk is not transferred physically to such distributing plant during the current month: *Provided,* That the pounds of Class I milk to be designated as Class II milk in the distributing plant and the corresponding pounds of Class II milk to be designated as Class I milk in the supply plant for the month shall not result in a higher proportion of the total producer milk at such supply plant being classified as Class I milk than the proportion classified as Class I milk at such distributing plant during such month; and

(e) As Class I milk if transferred to a producer-handler in the form of a fluid milk product.

6. At the end of § 995.64, change the period to a colon and add the following: "*Provided,* That in the case of a producer whose total milk deliveries are subject to the provisions of this part during the current month and whose milk deliveries were priced pursuant to another order issued pursuant to the Act during the preceding period in which quotas are established pursuant to this part, the market administrator shall assign a daily quota in accordance with the foregoing provisions of this section on the basis of such deliveries under such other order during such period."

Issued at Washington, D. C., this 28th day of March 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-2454; Filed, Apr. 2, 1958; 8:50 a. m.]

[7 CFR Parts 1002, 1009]

[Docket No. AO-268-A4]

MILK IN GREATER WHEELING AND CLARKSBURG, WEST VA., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Greater Wheeling and Clarksburg, West Virginia, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Wheeling, West Virginia, on February 14, 1958, pursuant to notice thereof which was issued February 5, 1958 (23 F. R. 854).

The material issue on the record of hearing relates to the supply-demand provisions of the Greater Wheeling and Clarksburg orders.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

There should be deleted the provisions whereby the Class I prices in these orders are adjusted by the supply-demand adjustment effective in the Cleveland order during the preceding month. The prices for Class I milk in each of the orders should be subject to adjustments based on the relationship of the supply of producer milk in the market to the volume of Class I milk at pool plants, excepting those pool plants which do not depend primarily on producer milk.

Under the Greater Wheeling and Clarksburg orders, the Class I prices are adjusted each month by the amount of Cleveland order supply-demand adjustment for the previous month. The lag of one month is due to the earlier announcement of prices in these markets than in the Cleveland market. The Cleveland supply-demand adjustment is based on the combined utilization of milk in the Cleveland and Akron-Stark County markets.

Dairymen's Co-Operative Sales Association, which represents producers in the Wheeling and Clarksburg markets, stated that the Cleveland supply-demand adjustment did not reflect marketing conditions in the West Virginia Federal order markets. They proposed that the Wheeling and Clarksburg Class I prices be adjusted each month according to the deviation from a "standard utilization percentage" of the ratio of combined producer receipts to Class I sales in the two markets. According to their proposal, a schedule of standard utilization percentages would be constructed based upon the relationship in 1956 and 1957 of producer receipts to Class I sales combined for both markets. Class I prices in both markets would be adjusted each month by an amount depending on the difference of the combined utilization in the two markets from the standard utilization percentages. This method of price adjustment would maintain the 25-cent differential between the markets.

Producers also requested immediate suspension of the provisions tying the Class I prices in these West Virginia markets to the supply-demand adjustment effective in Cleveland.

In orders suspending certain provisions of the Greater Wheeling and Clarksburg orders, issued February [illegible], 1958, the Acting Secretary found that the Cleveland supply-demand adjustment is not reflecting current conditions in these marketing areas. The provisions which adjust the Class I prices in these markets by the Cleveland supply-demand adjustment were suspended for March and April 1958.

Some handlers in the Wheeling market stated that Class I prices in Wheeling, at least, should not be adjusted pursuant to Cleveland's supply-demand adjustment. They proposed the adoption of a supply-demand adjustment with a standard utilization schedule based upon the relationship in each month of 1957 of producer receipts to Class I sales.

There is considerable difference in the levels of utilization in the Wheeling and Clarksburg markets and the Cleveland and Akron-Stark County markets. The average of the ratios of producer receipts to Class I sales used in the computation of the Cleveland supply-demand adjustment for the price months of February through December 1957 was about 13[illegible] percent, while the average of similar ratios for Wheeling and Clarksburg in plants receiving producer milk was about 118 percent. Production for the Cleveland and Akron-Stark County markets has been such as to reduce the Wheeling and Clarksburg Class I prices by 7 cents in December 1957, and 13 and 19 cents, respectively, in January and February 1958. The Cleveland supply-demand ratios for these months were 127, 130 and 133 percent, respectively. The supply-demand ratios in plants receiving producer milk computed for the same months for Wheeling and Clarksburg combined were 113, 115 and 116 percent, respectively. While the facts in the record show a need for maintaining a relationship with Cleveland and Akron-Stark County prices, it is also evident that prices in these markets could give better recognition to local supply-demand conditions.

The Wheeling and Clarksburg orders have now been in effect over two years, and the record gives a basis for constructing a schedule of standard supply based on the seasonal relationship of receipts and sales. However, use of such standard supply schedule as a basis for adjusting prices should give recognition to the necessity that Class I prices in Wheeling and Clarksburg must be aligned with prices in Cleveland and Akron-Stark County. During 1957, over 11 million pounds of Class I milk from Cleveland and Akron-Stark County plants were distributed in the Wheeling market, and over 6 million pounds of Wheeling Class I milk were distributed in Clarksburg.

A principal difference between the schedule of standard supply as proposed by producers and by handlers is that producers proposed higher normal percentages in the flush months than did handlers. The annual average of producers' proposed normals of about 119 percent is approximately 2 percent higher than the annual average of handlers' proposed normals.

The producer proposal would use a standard utilization schedule based on averaging the receipts and sales ratios in the same calendar months of 1956 and 1957. Production differed considerably in like months of these two years, partly because of favorable pasture in one year and drought conditions in the other. Because of the abnormal weather conditions affecting some of these periods, such an averaging of like months in the two years is likely to be misleading in developing an estimate of normal seasonal changes in production. The same difficulty could be expected in using utilization percentages experienced only in the year 1957, as proposed by handlers.

The standard utilization schedule developed herein is based on a reasonable level of supply in short production months with seasonal changes for other months. Producer and handler representatives testified that in the shortest production months a supply of producer milk equal to 110 percent of Class I disposition would be adequate to cover Class I sales and the necessary reserve. This figure is adopted herein as the minimum standard utilization percentage in the shortest month. The standard percentages to be used in other months should vary seasonally in recognition of the natural tendency for milk production to increase in spring months and decrease in late summer and fall. The seasonal pattern would tend to eliminate the effect of abnormalities of weather shown in the utilization figures for the last two years.

The standard utilization percentages for each month should provide a range of three points within which no price adjustments occur. This will recognize short-time variations in production and sales, and will guard against fluctuating plus and minus price adjustments unless there is a significant change in the relation of supplies to Class I needs.

The price adjustment for each month should be based upon the utilization figures for the first and second preceding months. Two months will give a more reliable indication of market conditions than a single month. The use of the first and second rather than the second and third preceding months in the computation of the supply-demand adjustment will provide a more timely indication of current marketing conditions.

Use of the first and second preceding months will require that the market administrator announce the Class I price somewhat later than currently indicated in the orders. Announcement of the Class I price on the 11th day of the month will allow adequate time for the market administrator to make the required computations.

The following table contains the standard utilization percentages for each two-month period and the corresponding month in which the price would be affected:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	116
February	December-January	115	118
March	January-February	115	118
April	February-March	115	118
May	March-April	118	121
June	April-May	130	133
July	May-June	137	140
August	June-July	127	130
September	July-August	113	116
October	August-September	110	113
November	September-October	110	113
December	October-November	113	116

Only receipts and Class I sales at regulated plants which depend primarily on milk from producers for their Class I needs should be included in the computation of standard utilization percentages. One handler regulated under the terms of the Wheeling order receives no milk from producers, but receives his entire supply from a plant regulated under another Federal order. It was suggested at the hearing that sales of such a plant be added into total sales of Wheeling handlers and that an equal volume be added into receipts for the purpose of computing a supply-demand ratio. This procedure would not give a true representation of supply-demand relations since it would not include the necessary reserve supply associated with the sales of such a plant, which is, in fact, being carried in the other Federal order market.

For purposes of price adjustments in these markets, a better representation of the supply of and demand for producer milk would be arrived at by taking the utilization of milk in those pool plants which obtain half or more of their supply from sources not regulated by another Federal order.

Provisions of the orders for these markets maintain the Clarksburg Class I price 25 cents per hundredweight over the Wheeling Class I price. During the past two years there have been, from time to time, considerable differences in the utilization in these two markets.

During 1956, Clarksburg producer receipts were approximately 113 percent of Class I sales, while in Wheeling, producer receipts were about 122 percent of Class I sales of plants receiving producer milk. For 1957, the average utilization percentage of the two markets was very close. During the months of November 1955 through June 1957, the ratios of producer receipts to Class I sales in the Wheeling market generally exceeded the similar ratios computed for the Clarksburg market. In each of the last seven months through January 1958, the ratio of producer receipts to Class I sales in the Clarksburg market has been higher than the ratio computed for the Wheeling market. The average of such ratios for Clarksburg was about 122 percent and the average for Wheeling was about 117 percent.

The average daily rate of production per Clarksburg producer in December 1957 was about 16 percent higher than in the same month a year ago. There were also 42, or 8 percent, more producers on the Clarksburg market in December 1957 than in December 1956. In the Wheeling market in December 1957, the average daily rate of production per farm was up about 8 percent, and 3 percent fewer producers shipped to the market as compared with December 1956.

It is therefore appropriate that these markets have separate supply-demand adjustments based on their individual utilizations.

The price adjustments in Wheeling should be limited by the relation to Cleveland in view of the inter-relation of supplies, and similarly, the price adjustments in Clarksburg should be limited by the relationship to Wheeling. Variation of the Clarksburg Class I price from the Wheeling order price should be restricted to an upper limit of the Wheeling Class I price plus 30 cents and a lower limit of the Wheeling Class I price plus 15 cents.

Producers proposed that the Wheeling Class I price be confined at its lowest limit to the Akron-Stark County Class I price and at the highest limit to the Akron-Stark County Class I price plus 30 cents. Wheeling's Class I differential is 15 cents higher than that effective in Akron-Stark County. Since the Akron-Stark County and Cleveland Class I prices for a particular month are announced approximately a month later than are Wheeling Class I prices, and there are seasonal price changes in all of the markets, limitation of the Wheeling Class I price for a specific calendar month based on the Akron-Stark County Class I price of the same month is not practical. However, a price relationship may be maintained by providing that the supply-demand adjustment in the Wheeling order for the current month cannot differ from the adjustment in the Cleveland order for the preceding month by more than plus or minus 15 cents. Such a method of limiting the Wheeling Class I adjustment and maintaining a relationship with the Cleveland and Akron-Stark County Class I prices is adopted.

A rate of price adjustment of 2 cents per point of variation of the actual utilization percentage from the standard percentage would be used in each order.

The supply-demand provisions in effect in the Wheeling and Clarksburg orders during the 10-month period of March through December 1957 resulted in an average plus adjustment of 3.4 cents. If the supply-demand adjustments herein contained had been in effect during this same 10-month period, the utilization percentages in the two markets would have resulted in an average plus adjustment of 2 cents in Wheeling and a plus adjustment of 1.3 cents in Clarksburg. In January and February 1958, the actual adjustments in the two markets were minus 13 cents and minus 19 cents, respectively. For the same two months, the adjustments pursuant to the decision herein contained would have been zero and minus 4 cents, respectively, in Wheeling; and minus 10 cents in both months in Clarksburg.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

One of the parties present at the hearing requested a continuance of the hearing in order to present additional testimony with respect to the proposal to revise the supply-demand formula. The motions for continuance were overruled by the presiding officer at the hearing, whereupon such request was renewed in a brief following the close of the hearing. The views expressed at the hearing and in the brief were carefully reviewed in the light of the evidence presented at the hearing. The rulings of the presiding officer are affirmed for the reasons stated by him in connection with his rulings.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended Marketing Agreement and Amendments to the Greater Wheeling, West Virginia, Marketing Order

The following order amending the order regulating the handling of milk in the Greater Wheeling marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 1002.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1002.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add the amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.50
All others	1.95

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided,* That the result of the computation pursuant to this subparagraph shall be adjusted to an amount which does not differ by more than 15 cents from the "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of Part 975 of this chapter.

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	[illegible]
February	December-January	115	[illegible]
March	January-February	115	[illegible]
April	February-March	115	[illegible]
May	March-April	118	[illegible]
June	April-May	130	[illegible]
July	May-June	137	[illegible]
August	June-July	127	[illegible]
September	July-August	112	[illegible]
October	August-September	110	[illegible]
November	September-October	110	[illegible]
December	October-November	113	[illegible]

Recommended Marketing Agreement and Amendments to the Clarksburg, West Virginia, Marketing Order

The following order amending the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 1009.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1009.71 and 1009.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1009.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That the Class I price shall not be more than 30 cents in excess of, nor less than 15 cents in excess of, the Class I price effective for the same month under the terms of Part 1002 of this chapter.

(1) Add the amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.75
All others	2.20

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk

from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	116
February	December-January	115	118
March	January-February	115	118
April	February-March	115	118
May	March-April	118	121
June	April-May	130	133
July	May-June	137	140
August	June-July	127	130
September	July-August	113	116
October	August-September	110	113
November	September-October	110	113
December	October-November	113	116

Issued at Washington, D. C., this 28th day of March, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2452; Filed, Apr. 2, 1958; 8:49 a. m.]

[7 CFR Part 1012]

[Docket No. AO-278-A1]

MILK IN BLUEFIELD MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Bluefield marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Bluefield, West Virginia, on February 11, 1958, pursuant to notice thereof which was issued January 23, 1958 (23 F. R. 538).

The material issues on the record of the hearing relate to:

1. The price for Class I milk.
2. The milk manufacturing plants from which prices should be obtained for formula purposes.
3. Definition of "producer" with respect to diversion.
4. Classification of shrinkage.
5. Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The price for Class I milk.* The Class I price differentials in the order should be continued for a period of 18 months.

The pricing provisions of the order were made effective November 1, 1956. For Class I milk, the differentials over the basic formula price of $1.45 for the months of April, May and June, $1.70 for the months of March and July, and $2.10 for the months of August through February were made effective only for the first 18 months of order pricing. It was contemplated at the time of order issuance that the Class I price provisions would be reviewed at a public hearing before the end of such 18-month period.

A producer association which represents a large percentage of the producers for this market proposed that the Class I price differential for each of the months of April, May and June should be $1.70, and that the differentials for the other months should be the same as now in the order. The producer association supported its proposal on the basis that supply of producer milk for the market is short, and other considerations largely related to price situations in surrounding markets. It was pointed out by the association that the proposed price change would make the Class I prices under the Bluefield order identical to the prices under the Appalachian order, and that this would remove some difficulty experienced by the association in attempting to transfer producers from the Appalachian to the Bluefield market. The association claimed that special state sanitation requirements have made it difficult to qualify new producers. About 15 members of the association left the market during the year, it was claimed, because of higher prices paid in some nearby markets not regulated under Federal orders. The association representative argued that the proposed prices would not be out of line with the prices being paid by handlers under the Tri-State order, considering the premiums paid by such handlers.

The association manager stated that 17 producers formerly on the Appalachian market had been induced to shift to the Bluefield market in the past year, but that further shifting of producers to this market was resisted because of the lower Class I price in April, May, and June.

The same Class I price proposal was supported by another producer association which has members in both the Bluefield and Tri-State markets.

The number of producers on the Bluefield market dropped from 324 in January 1957 to 271 in January 1958. Some of this change in number of producers came about because one plant serving the market was closed. Also, the change by some handlers to receiving only milk in bulk from farms with tanks resulted in some eliminations.

The total volume of producer milk has increased even though the number of producers is less. In November and December 1957 and January 1958, the percentages of increase over the same month a year previous were 10, 8 and 10 percent, respectively. The average production per producer increased from 432 pounds in January 1957 to 522 in January 1958.

During the year 1957, the supply of producer milk exceeded Class I needs only in the months of May, June, July, and December, and during the entire year the volume of producer milk was about 96 percent of the volume of handlers' Class I sales. In recent months, the ratio of producer milk to Class I sales has been running about 5 percent higher than a year earlier. Supplemental milk from other sources was needed by handlers in most months to cover Class I sales. Some of this milk came from plants regulated under the Appalachian order.

The relationship of the Appalachian market to the Bluefield market is principally in the overlapping of supply areas and movement of milk in bulk and packaged form from Appalachian to Bluefield plants. The supply of producer milk in the Appalachian market is more ample than the supply in the Bluefield market. During the last quarter of 1957, in the Appalachian market producer milk was about 122 percent of all Class I utilization of handlers as compared to the similar figure of about 98 percent in Bluefield. If all the reserve milk in the Appalachian market had been available for the Bluefield market, both markets would have had, in most months of 1957, an adequate supply. In the shortest supply month, the excess of Appalachian producer milk over Class I use in that market was approximately equal to the volume of other source milk used by Bluefield handlers.

Between the Tri-State and Bluefield markets there is overlapping of both supply systems and distribution systems. Tri-State plants in the Huntington district compete with Bluefield handlers in Kentucky areas, and a Tri-State plant in Athens, Ohio, distributes milk in some West Virginia and Kentucky counties in competition with Bluefield handlers. One Bluefield handler claimed that the major portion of his sales are in competition with Tri-State handlers.

Points in Pike County, Kentucky, where Bluefield and Tri-State handlers compete, are approximately 80 miles from Huntington, slightly over 100 miles from Bluefield, and about 70 miles from Welch, all in West Virginia.

During 1957, the Class I prices for 4 percent milk averaged 9 cents higher under the Bluefield order than under the Tri-State order in the Huntington district. (The standard test under the Bluefield order is 4 percent, and under the Tri-State order is 3.5 percent.) The annual average of the Class I differentials over the basic formula price is approximately $1.87 in in the Bluefield order, and about $1.59 in the Tri-State order, Huntington district. The 28-cent difference in the average of the Class I price differentials was during 1957 to a large extent offset by the effect of the supply-demand adjustment under the Tri-State order, which added an average of 23 cents per hundredweight. Official notice is taken of public announcements by the administrator of the Tri-State order which show that for the first three months of 1958, the Tri-State supply-demand adjustment is zero.

Under the Tri-State order, the Class I prices in the Gallipolis-Scioto district and the Athens district are 10 cents and 20 cents less, respectively, in each month than the price for the Huntington district. The seasonal Class I price differentials in the Huntington district are $1.10 per hundredweight in April, May, June, and July, $1.55 in February, March, and August, and $2.00 for September through January.

Although the Bluefield market has continued to be short of an adequate year around supply of producer milk, the consideration of whether the price in April, May, and June should be increased as proposed by producers is affected, in a large part, by relationships with the Appalachian and Tri-State markets. A large part of the sales of Bluefield handlers are outside the marketing area in areas served also by Tri-State handlers. The Class I price under the Tri-State order, on an average basis, has been somewhat lower than the Bluefield average price, although in the latter part of 1957 the Tri-State price was the higher. In January and February 1958, however, the Tri-State, Huntington price was 9 cents and 55 cents, respectively, less than the Bluefield Class I price, and a difference of about 10–15 cents is estimated for March. In April, May, and June, the Tri-State order Huntington Class I differential is 35 cents less than the Bluefield order differential. In view of the generally higher level of price under the Bluefield order and the fact that handlers under both orders serve a number of the same counties between the two marketing areas, an increase in price as proposed by producers would result in a misalignment of price relations between the two markets.

The relationship between the Bluefield and Appalachian markets does not require that the prices be identical in each month. Under the present pricing arrangement, reserve milk regularly moves from the Appalachian to the Bluefield market when the supply of Bluefield producer milk is not adequate. Because of this situation, handlers do not need to carry in Bluefield order plants a reserve supply of milk to cover variations in production and sales. In these circumstances, it is not necessary to raise the level of prices with the objective of obtaining a full year around supply from producers whose milk is priced under this order. It is concluded that no change should be made at this time in the Class I price differentials. In view of the variance in the price relationship between Bluefield and neighboring markets in recent periods, a longer history of market conditions and relationships is needed before a permanent system of pricing can be established. The seasonal price differentials now in the order should be extended for a period of 18 months.

2. *Manufacturing plants.* The list of manufacturing plants named in the order for the purposes of establishing a Class II price and also as one of the alternatives for the basic formula price should be changed by deleting the Pet Milk Company plants at Mayfield, Kentucky, and Bowling Green, Kentucky, and inserting the Kraft Foods Company plants at Independence, Virginia, and Greeneville, Tennessee.

A producer association proposed that the list of milk manufacturing plants used in arriving at the Class II milk price should be changed by deleting the Pet Milk Company plants at Bowling Green and Mayfield, Kentucky, and inserting in the list the Kraft Foods Company plants at Independence, Virginia, and Greeneville, Tennessee. The plant at Independence, Virginia, has been the association's outlet for surplus milk. Both of the plants proposed to be added to the list are considerably closer to the center of the milk production area for this market than the plants proposed to be deleted. Paying prices of these plants submitted on the record compare favorably with the average of prices paid by plants now in the list. The list now includes four Pet Milk Company plants. No Kraft Foods Company plants are in the list.

It is concluded that the deletion of the plants at Mayfield and Bowling Green and the substitution of the plants at Independence, Virginia, and Greeneville, Tennessee, would give a better representation of the price level for manufacturing milk in this area than would the present list.

A handler proposed the additional of the Carnation Company plant at Maysville, Kentucky. Information was not given as to the prices paid at that plant. The handler stated that it would be a convenient plant to which he could divert some of his producers. The appropriateness of this plant's prices as a basis for order prices was not established.

The handler also made a statement on the record to the effect that the classification provisions should be modified so that milk could be diverted to the Maysville plant and classified according to use. Such a diversion would now be classified as Class I milk because the plant is more than 200 miles from Bluefield. The matter of mileage limitation on the classification of diverted milk according to use was not within the scope of proposals contained in the hearing notice, or appropriate modifications thereof.

3. *Diversion of producers to nonfluid milk plants.* The definition of "producer" should be changed to allow diversion of a producer's milk to a nonfluid milk plant at any time during the year.

The present definition of "producer" in the order includes those farmers whose milk the handler diverts from the producer's farm directly to a nonfluid milk plant, subject to the restriction that such diversion for a producer shall not be more than 15 days of the month during any of the months of August through March.

Handlers under the Bluefield order do not have facilities for manufacturing surplus milk. Accordingly, surplus milk is for the most part diverted to unregulated manufacturing plants. Although the present order restrictions on diversion have not caused any difficulty, largely due to the fact that supply of producer milk in most months has been very close to, or less than, the amount of Class I sales, the changes in rate of production indicated elsewhere in this decision may result in greater need for diversion in the future. It was pointed out by the proponent association that an equalization of supplies between the Appalachian and Bluefield markets would also bring about a need for more frequent use of diversion to nonfluid milk plants, and that it is more economical to divert a few producers for an entire month than to shift the diversion operation among groups of producers so as to stay within the limitation.

Under the Appalachian order, diversion may be used by a handler at any time. Under both the Bluefield and Appalachian orders, the term "handler" is limited to operators of approved plants, and accordingly diversion is not performed by any farmers' cooperative association which is not operating an approved plant. There are not now any plants in the Bluefield market operated by a cooperative association.

In view of the close relationship between the supply of milk and Class I sales, and the individual handler pooling arrangement which makes each handler responsible for the amount of reserve milk he carries, there is no need to continue the present 15-day limit on diversion, and its elimination would enhance orderly marketing. The proposal is adopted.

4. *Classification of shrinkage.* The classification of shrinkage should be modified.

The order now provides for proration of shrinkage between Class I and Class II milk. The amount of shrinkage to be so prorated is limited to 2 percent of the amount of butterfat and skim milk in producer milk (excepting diverted milk) and other source milk. The proration between Class I milk and Class II milk is on the basis of the volume of milk accounted for as Class I milk (excluding shrinkage) and the volume of milk accounted for as Class II milk for specific product uses, not including livestock feed, dumped skim milk or inventory. This proration includes milk diverted to nonfluid milk plants.

Milk assigned to Class II by this procedure is then further prorated between producer and other source milk.

A producer association proposed that the Class II milk volume used in the proration of shrinkage should include also the volumes accounted for as livestock feed and dumped skim milk, but not diverted milk. The association witness pointed out that the weight of diverted milk accounted for by the handler is the number of pounds weighed in by the operator of the nonfluid milk plant to which milk is diverted.

A handler proposal made at the hearing was that the classification of shrinkage of producer milk should be allowed in Class II up to 2 percent of the volume of producer milk. It was also pointed out that under the Tri-State order, a similar allowance for shrinkage classification exists, and that Bluefield order handlers and Tri-State order handlers compete in areas between the markets.

The proration of shrinkage between Class I and Class II milk in this market, which has a high percentage of producer milk used in Class I, results in shrinkage being largely a Class I cost to the handler. It is apparent that actual milk loss would occur very largely in connection with Class I milk processing. The shrinkage provisions apply uniformly to all handlers under the order and, thus, do not result in inequity between handlers. The difference from shrinkage provisions under other orders, particularly those orders under which handlers compete with Bluefield handlers, is only part of the problem of alignment of prices. As between the Bluefield and Appalachian orders, the shrinkage provisions are closely similar; as between the Tri-State and Bluefield orders, the more important factor in comparative Class I costs is the difference between the Class I price formulas.

With respect to diverted milk, since such milk is not part of the handler's plant operations, it should not be a basis for proration of plant shrinkage. Skim milk used for livestock feed or dumped should be included with other Class II usage in proration of shrinkage.

5. *Miscellaneous and conforming changes.* The proviso in § 1012.80, which refers to the computation of producer bases for the specific period of April through July 1957, is no longer needed and should be deleted. For the same reason, the proviso in § 1012.82 (a) should be deleted. The computation of producer bases under § 1012.80 should be clarified by specifying that milk received from the producer during the preceding months of September of the prior year through February of the current year shall be used in the computation of the bases to be used in months of the current year.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The following order amending the order regulating the handling of milk in the Bluefield marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 1012.11 and substitute the following:

§ 1012.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

2. Delete § 1012.42 (c) and substitute the following:

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk which is Class II milk in the case of butterfat and skim (excluding that in milk diverted pursuant to § 1012.11 and shrinkage determined pursuant to paragraph (a) of this section) classified pursuant to § 1012.41 (a) and (b) (1), (2) and (3). The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

3. Delete § 1012.51 (a) and substitute the following:

(a) *Class I milk price.* For each month, ending with and including the month of October 1959, the Class I milk price shall be the basic formula price for the preceding month, plus $1.45 during the months of April, May and June; plus $1.70 during the months of March and July; and plus $2.10 during the months of August, September, October, November, December, January, and February.

4. In § 1012.51 (b) (1), delete the list of plants and substitute the following:

Company and Location

Pet Milk Company, Greeneville, Tenn.
Pet Milk Company, Abingdon, Va.
Carnation Company, Galax, Va.
Carnation Company, Murfreesboro, Tenn.
Carnation Company, Statesville, N. C.
Borden Company, Lewisburg, Tenn.
Borden Company, Chester, S. C.
Kraft Foods Company, Independence, Va.
Kraft Foods Company, Greeneville, Tenn.

5. Delete § 1012.80 and substitute the following:

§ 1012.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months beginning with September of the preceding year and through February of the current year, by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

6. Delete § 1012.82 (a) and substitute the following:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months beginning with September of the preceding year through February of the current year.

Issued at Washington, D. C., this 28th day of March 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2453; Filed, Apr. 2, 1958; 8:50 a. m.]

[7 CFR Ch. IX]

[Docket No. AO-306]

HANDLING OF APPLES GROWN IN WASHINGTON

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part

908); notice is hereby given of a public hearing to be held in the Masonic Hall, Chelan, Washington, beginning at 9:00 a. m., P. s. t., May 6, 1958, and in the Pacific Power and Light Auditorium, 7 North Third Street, Yakima, Washington, beginning at 9:00 a. m., P. s. t., May 12, 1958, with respect to a proposed marketing agreement and order regulating the handling of apples grown in Washington. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof.

The Washington State Horticultural Association submitted and requested a hearing on the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

§ 1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 4 *Production area.* "Production area" means all of the territory included within the State of Washington.

§ 5 *Apples.* "Apples" means all varieties of apples grown in the production area, classified botanically as Malus sylvestris.

§ 6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Malus sylvestris.

§ 7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period ending on July 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 8 *Committee.* "Committee" means the Apple Quality Control Committee established pursuant to § 20.

§ 9 *Grade.* "Grade" means any one of the officially established grades of apples as defined and set forth in:

(a) United States Standards for Apples (§§ 51.300 to 51.327 of this title; 21 F. R. 5084) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for Apples issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 10 *Condition.* "Condition" means any of the officially established standards for condition on apples as defined and set forth in:

(a) United States Standards for Apples (§ 51.317 of this title, Standards for Export; 21 F. R. 5084) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Condition Standards for Apples issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 11 *Grower.* "Grower" is synonymous with producer and means any person who produces apples for market and who has a proprietary interest therein.

§ 12 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apples owned by another person) who handles apples.

§ 13 *Handle.* "Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport apples or cause the sale, consignment, delivery, or transportation of apples or in any other way to place apples, or cause apples to be placed in the current of the commerce within the production area or from any point within the production area to any point outside thereof: *Provided,* That the term "Handle" shall not include the transportation within the production area of apples from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery or sale of such apples to such packing facility for such preparation.

§ 14 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 31 (m):

(a) "District 1" shall include the County of Okanogan and that part of Douglas County included within Horticultural District No. 11, Washington State Department of Agriculture.

(b) "District 2" shall include the Counties of Chelan, Grant and that part of Douglas County included within Horticultural District No. 4, Washington State Department of Agriculture.

(c) "District 3" shall include the Counties of Yakima, Kittitas, and Benton.

(d) "District 4" shall include all other Counties in the State of Washington not included in Districts 1, 2 or 3.

ADMINISTRATIVE BODY

§ 20 *Establishment and membership.* (a) There is hereby established an Apple Quality Control Committee consisting of seventeen members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Twelve of the members and their respective alternates shall be growers or officers or employees of corporate growers. Five of the members and their respective alternates shall be handlers, or officers or employees of handlers. Two of the grower members and their respective alternates shall be producers of apples in District 1, four of the grower members and their respective alternates shall be producers of apples in District 2, five of the grower members and their respective alternates shall be producers of apples in District 3, and one of the grower members and his respective alternate shall be a producer of apples in District 4. One of the handler members and his respective alternate shall be a handler of apples in District 1, two of the handler members and their respective alternates shall be handlers of apples in District 2, and two of the handler members and their respective alternates shall be handlers of apples in District 3.

(b) The committee shall be authorized to select such persons deemed necessary to serve as advisers, or counselers, to the committee, and such persons may include, but not be limited to, representatives from the Washington State Department of Agriculture, Washington State College Extension Service and Washington State Apple Commission.

§ 21 *Term of office.* The term of office of each member and alternate member of the committee shall be for two years, beginning August 1 and ending July 31: *Provided,* That the term of office of six of the initial grower members and alternates and two of the initial handler members and alternates shall end on July 31, 1959. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 22 *Nomination*—(a) *Initial members.* Nominations for each of the twelve initial grower members and five initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified, in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than June 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces apples. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of apples, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles apples. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of apples, such person may vote either as a grower or as a handler but not as both.

§ 23 *Selection.* From the nominations made pursuant to § 22, or from other qualified persons, the Secretary shall select the twelve grower members of the committee, the five handler members of the committee, and an alternate for each such member.

§ 24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 20.

§ 25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 22 and 23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 20.

§ 27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 31 *Duties.* The committee shall have among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request.

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apples;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in apple production within the districts and the production area.

§ 32 *Procedure.* (a) Fourteen members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least eleven members. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided,* That such meeting shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing.

§ 33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10.00 per day or portion thereof spent in performing such duties: *Provided,* That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 34 *Annual report.* The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; and (b) any recommendations for changes in the program.

EXPENSES AND ASSESSMENT

§ 40 *Expenses.* The committee is authorized to incur such expenses including the reserve fund provided for in § 42 (a) (2), as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 41.

§ 41 *Assessments.* (a) Each person who first handles apples shall, with respect to the apples so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of apples handled by him as the first handler thereof during the applicable fiscal period and the total quantity of apples so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all apples handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal period's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal period, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

REGULATIONS

§ 50 *Marketing policy.* (a) Each season prior to making any recommendations pursuant to § 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of apples within the production area;

(2) The expected general quality and size of apples in the production area and in other areas;

(3) The expected demand conditions for apples in different market outlets;

(4) The expected shipments of apples produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of apples; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for apples, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apples in the manner provided in § 52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apples during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of apples whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Establish standards of quality, condition, maturity and grade on any or all varieties of apples during any period or periods, and may prohibit shipment of such lots of apples which fail to meet such standards: *Provided*, That nothing in this section shall be construed to authorize the establishment of shipping quotas, embargoes, or any other limitation on the shipment of any lots of apples meeting these quality, condition, maturity or grade standards;

(2) Regulate the shipment of apples by establishing minimum standards of quality, condition, maturity and grade during any period when season average prices are expected to exceed the parity level.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended or terminated with respect to any or all shipments of apples in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

§ 54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 41, 52, 53, and 55, and the regulations issued thereunder, handle apples (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to § 41, § 52, § 53, or § 55, the handling of apples in such minimum quantities, or types of shipments, or for such specified purposes as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apples handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apples pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apples will not be used for any purpose not authorized by this section.

§ 55 *Inspection and certification.* (a) Whenever the handling of any variety of apples is regulated pursuant to § 52 or § 53, each handler who handles apples shall, prior thereto, cause such apples to be inspected by the Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation.

(b) Inspection and certification shall be required for apples which previously have been so inspected and certified if such apples have been regraded, resorted, repackaged, or in any other way further prepared for market.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee, with the approval of the Secretary.

(d) Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such apples.

REPORTS

§ 60 *Reports.* (a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of apples received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such apples, and (4) the destination of each shipment of such apples.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the apples received, and of apples disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 61 *Compliance.* Except as provided in this part, no person shall handle apples, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apples except in conformity with the provisions of this part.

§ 62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 64.

§ 64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period, determined by the Secretary, were engaged in the production area in the production of apples for market: *Provided,* That such majority has produced for market during such period more than 50 percent of the volume of apples produced for market in the production area; but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 69 *Derogation.* Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission, or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 71 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 72 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

§ 73 *Additional parties.* After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

§ 74 *Order with marketing agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of apples in the same manner as is provided for in this agreement. * * *

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1218 Southwest Washington Street, Portland 5, Oregon.

Dated: March 28, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 58-2457; Filed, Apr. 2, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 163-58]

UNITED STATES ATTORNEYS

DELEGATION OF AUTHORITY TO COMPROMISE LAND-CONDEMNATION CASES

United States Attorneys are hereby authorized to accept or reject offers in compromise of claims against the United States for just compensation in land-condemnation proceedings in any case in which the gross amount of the proposed settlement does not exceed $4,000; except:

1. The settlement must be approved in writing (to be retained in the file of the United States Attorney) by the authorized field representative of the acquiring agency, unless it does not exceed the amount deposited with the declaration of taking as to the particular tract.

2. The amount of the settlement should be compatible with the sound appraisal(s) upon which the Government would rely as evidence in the event of trial, due regard being had for probable minimum trial costs and risks.

3. This delegation of authority shall not apply

(a) When, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling an amount in excess of $4,000, or

(b) When, because a novel question of law or a question of policy is presented, or for any other reason, the offer should, in the opinion of the United States Attorney concerned, receive the attention of the Lands Division of the department.

The procedural functions necessary for completing the matter, including the entry of judgment and distribution of the award, should be performed promptly when a settlement has been made pursuant to this order. The United States Attorney concerned should immediately forward to the department a letter or memorandum signed by the United States Attorney or showing his personal approval. The letter or memorandum, an initialed copy of which should be retained in the file of the United States Attorney, shall record the action taken and shall contain an adequate statement of the reasons therefor. The Assistant Attorney General in charge of the Lands Division may prescribe a suitable form for use in making the record herein required.

This order does not change existing procedure relating to compromise settlements in excess of $4,000. The authority delegated hereby shall not be exercised in matters involving the revestment of any land or improvements or any interest or interests in land under section 258f of title 40 of the United States Code.

Order No. 86-55, dated June 15, 1955, is hereby revoked.

Dated: March 24, 1958.

WILLIAM P. ROGERS,
Attorney General.

[F. R. Doc. 58-2468; Filed, Apr. 2, 1958; 8:52 a. m.]

[Order No. 164-58]

CERTAIN OFFICERS OF THE LANDS DIVISION

DELEGATION OF AUTHORITY TO COMPROMISE CLAIMS

The First Assistant in the Lands Division of the Department of Justice is hereby authorized to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $25,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $50,000; and the Chief of the Land Acquisition Section and the Chief of the Trial Section of the Lands Division are hereby authorized to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $10,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $20,000; except:

(1) When, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated above;

(2) When because a novel question of law or a question of policy is presented, or for any other reason, the offer should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General in charge of the Lands Division; and

(3) When the agency or agencies involved are opposed to the proposed acceptance or rejection of the offer in compromise.

Order No. 88-55, dated June 24, 1955, is hereby revoked.

Dated: March 24, 1958.

WILLIAM P. ROGERS,
Attorney General.

[F. R. Doc. 58-2469; Filed, Apr. 2, 1958; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 39]

AREA DIRECTORS ET AL.

REDELEGATION OF AUTHORITY

Order No. 551, as amended, is further amended to add a new section under the heading Functions Relating to Indian Lands and Minerals, to read as follows:

SEC. 7. *Land exchanges.* The approval of exchanges of lands between individual Indians, between individual Indians and Indian tribes, between individual Indians and non-Indians, and between Indian tribes and non-Indians.

GLENN L. EMMONS,
Commissioner.

MARCH 26, 1958.

[F. R. Doc. 58-2458; Filed, Apr. 2, 1958; 8:51 a. m.]

Bureau of Land Management

[Classification Nos. 21-206-249]

CALIFORNIA

SMALL TRACT CLASSIFICATION; REVOCATION

MARCH 25, 1958.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby revoke the following Small Tract Classification Orders to the extent of the lands hereinafter described:

CALIFORNIA NO. 21—JULY 17, 1944

T. 4 N., R. 14 E., M. D. M.,
Sec. 27, Lots 17 to 26, inclusive.

CALIFORNIA NO. 206—APRIL 14, 1950

T. 13 N., R. 9 E., M. D. M.,
Sec. 28, N½SW¼SW¼, W½SE¼SW¼SW¼, E½SW¼SW¼SW¼.

CALIFORNIA NO. 249—JANUARY 12, 1951

T. 11 N., R. 8 W., M. D. M.,
Sec. 14, N½SW¼,
Sec. 22, NE¼NE¼NE¼, S½NE¼NE¼, W½NW¼NE¼NE¼, NW¼NE¼.

RICHARD G. SPORLEDER,
Officer in Charge,
Northern Field Group,
Sacramento, California.

[F. R. Doc. 58-2436; Filed, Apr. 2, 1958; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Fairbanks 018557, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an administrative site and a fire guard station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PORT YUKON

Beginning at Corner No. 1 which bears N. 60°11′ E., 1,400 feet, and S. 80°26′ E., 315.21 feet from Corner No. 9 of U. S. Survey No. 2760 A, thence by metes and bounds;
S. 29°49′ E., 660 feet to Corner No. 2; N. 60°11′ E., 1,320 feet to Corner No. 3; N. 29°49′ W., 660 feet to Corner No. 4; S. 60°11′ W., 1,320 feet to Corner No. 1 and the point of beginning.

Containing 20 acres.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-2437; Filed, Apr. 2, 1958; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 28, 1958.

The Department of Agriculture has filed an application, Serial No. Idaho 08878, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to valid, existing claims. The applicant desires the land for a public boat launching site and picnic area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 24 N., R. 20 E.,
Sec. 24, SE¼SW¼SW¼.

This area includes 10 acres, located in Lemhi County.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-2438; Filed, Apr. 2, 1958; 8:46 a. m.]

[California No. 538]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER

MARCH 26, 1958.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following-described lands, totaling approximately 278.41 acres in Lassen County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 36 N., R. 7 E.,
Sec. 31, SW¼NE¼, SE¼NW¼, Lot 2 (SW¼NW¼), Lot 3 (NW¼SW¼), NE¼SW¼, N½SE¼.

Containing 278.41 acres, subdivided into 105 small tracts, of which 42 are covered by applications from persons entitled to preference under 43 CFR 257.4 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized office, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to March 26, 1958 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer in Charge,
Northern Field Group,
Sacramento, California.

[F. R. Doc. 58-2461; Filed, Apr. 2, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14733]

ANDERSON-PRICHARD OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MARCH 28, 1958.

Anderson-Prichard Oil Corporation (Operator) et al. (Anderson-Prichard); on February 26, 1958, tendered for filing proposed changes in its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated February 24, 1958.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 19. Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 11.

Effective date: March 29, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Anderson-Prichard states, among other things, that the contracts resulted from arm's-length bargaining under competitive conditions, that it would be inequitable, unfair, and confiscatory for the Commission to fail to approve the increase and at the same time require continued delivery of the gas, that the increase is insufficient to make up for the decline in purchasing power since the contracts were executed, that the granting of the increase would furnish incentive to explore for and produce new gas revenues, and that intrastate gas is being bought in the area for 11.0 cents per Mcf.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 19 and Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 19 and Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until August 29, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2439; Filed, Apr. 2, 1958; 8:46 a. m.]

[Docket No. G-14734]

ANDERSON-PRICHARD OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MARCH 28, 1958.

Anderson-Prichard Oil Corporation (Anderson-Prichard), on February 26, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated February 24, 1958.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 55. Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 13.

Effective date: March 29, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Anderson-Prichard states, among other things, that the contracts resulted from arm's-length bargaining under competitive conditions, that it would be inequitable, unfair, and confiscatory for the Commission to fail to approve the increase and at the same time require continued delivery of the gas, that the increase is insufficient to make up for the decline in purchasing power since the contracts were executed, that the granting of the increase would furnish incentive to explore for and produce new gas revenues, and that intrastate gas is being bought in the area for 11.0 cents per Mcf.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 55 and Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 55 and Supplement No. 2 to Anderson-Prichard's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until August 29, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2440; Filed, Apr. 2, 1958; 8:46 a. m.]

[Docket No. G-14735]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MARCH 28, 1958.

The Atlantic Refining Company (Atlantic), on February 26, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 24, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 172.

Effective date: March 29, 1958 (effective date is the first day after expiration of the required 30 days notice).

In support of the proposed rate increase, Atlantic cites the contract price provision and states that supply is important together with price, that periodic increase provisions are common in long term contracts, that such an arrangement is economically desirable to all parties and that the contract is an arm's-length transaction.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 172 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 172.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 29, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2441; Filed, Apr. 2, 1958; 8:46 a. m.]

[Docket No. G-14736]

DONNELL DRILLING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MARCH 28, 1958.

Donnell Drilling Company (Donnell) on February 26, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 24, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 7 to Donnell's FPC Gas Rate Schedule No. 1.

Effective date: March 29, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Donnell submits a letter notifying of the increase due under the favored-nation provision of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Donnell's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Donnell's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 29, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2442; Filed, Apr. 2, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 31, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34579: *Petroleum oil—Oak Point, La., to points in New York.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7230), for interested rail carriers. Rates on petroleum oil, noibn, tank-car loads from Oak Point, La., to Blissville, Rochester, and Wellsville, N. Y.

Grounds for relief: Commercial competition with other destinations in the East.

Tariff: Supplement 129 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 34580: *Vegetable oils between southwest and south.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7258), for interested rail carriers. Rates on vegetable oils and related articles, carloads between points in southwestern territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula, grouping, and maintenance of rates including short or weak line and Florida arbitraries.

Tariff: Supplement 6 to Agent Kratzmeir's tariff I. C. C. 4275.

FSA No. 34581: *Lumber from and to points in southern territory and adjacent points.* Filed by O. W. South, Jr., Agent (SFA No. A-3632), for interested rail carriers. Rates on lumber and related articles, carloads from points in southern states and from points in border states along the Ohio and Mississippi Rivers including points in West Virginia to points in the same states and to points in central, Illinois, and Mid-east territories.

Grounds for relief: Short-line distance formulas, grouping, and motor truck competition.

Tariffs: Supplement 201 to Agent C. A. Spaninger's tariff I. C. C. 1293 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2447; Filed, Apr. 2, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

MARCH 28, 1958.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On March 20, 1958 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending March 30, 1958.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, March 31, 1958, to April 9, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2451; Filed, Apr. 2, 1958; 8:49 a. m.]

[File No. 812-1141]

ROANOKE BUILDING CO.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

MARCH 27, 1958.

Notice is hereby given that The Roanoke Building Company ("Roanoke") has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act a proposed borrowing by Roanoke from Investors Syndicate of America, Inc. ("ISA") under a mortgage loan agreement.

ISA is registered under the act as a face-amount certificate company and is engaged in the issuance of face-amount certificates and investment of the proceeds principally in mortgages. ISA is a wholly-owned subsidiary of Investors Diversified Services, Inc. ("IDS"), also registered under the act as a face-amount certificate company.

Roanoke owns the Roanoke Building, a commercial office building in Minneapolis, Minnesota. Roanoke is controlled by Baker Properties, Inc. which owns 51 percent of the outstanding capital stock of Roanoke and manages and operates the property of Roanoke. An additional 22 percent of the outstanding capital stock of Roanoke is owned by IDS.

The mortgage loan commitment agreement by ISA is for a loan to Roanoke in the amount of $550,000 for the purpose of providing funds to finance certain capital improvements in the Roanoke Building and, in connection therewith, to refinance the unpaid principal balance of approximately $255,000 on a mortgage loan made by IDS to Roanoke prior to the affiliation between the two companies. The proposed loan will be secured by a first mortgage upon the first leasehold estate owned by Roanoke in the property, will bear interest at the rate of 5½ percent per annum, and is to be fully amortized over a fifteen-year period by monthly payments of approximately $4,494. The application states that the security for the proposed loan and the terms thereof are satisfactory to ISA and that the loan will be a qualified investment under the insurance code of the District of Columbia, which code determines the eligibility of investments of ISA.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, or borrowing from any such company, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since Roanoke is an affiliated person of IDS which in turn controls ISA, the proposed transaction is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than April 16, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2450; Filed, Apr. 2, 1958; 8:49 a. m.]

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L. DuBois,
Secretary.

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 67

Washington, Friday, April 4, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

RETIREMENT OF STOCK

Section 10.53 of Title 6 of the Code of Federal Regulations is hereby amended by redesignating paragraph "(f)" therein as "(g)" and by inserting a new paragraph "(f)" therein as follows:

(f) Where the mortgaged security for a land bank loan is transferred and the present owner thereof assumes the mortgage indebtedness, is or becomes a member of the association endorsing the loan, and owns or acquires stock therein to the extent of 5 percent of the unpaid balance of the loan to be held as collateral for such loan.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies sec. 7, 39 Stat. 365, as amended; 12 U. S. C. 721)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 58-2480; Filed, Apr. 3, 1958; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev., Supp. 22]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

CALIFORNIA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation California State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 206,041 acres established for California by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 2020 Milvia Street, Berkeley, California, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of California. These bases and procedures incorporate the following:

§ 850.75 *California*—(a) *Proportionate share areas.* California shall be divided into two proportionate share areas, one of which shall comprise all of California except Imperial County and the other shall be Imperial County. These areas shall be designated the "Northern Area" and the "Imperial Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 206,041 acres. Acreage allotments computed as aforestated are established as follows: Northern Area—160,615 acres, and Imperial Area—45,426 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Area—3,212 acres each for new producers and appeals and 10,253 acres for adjustments in initial shares; Imperial Area—1,136 acres for new producers, 1,817 for appeals and 1,646 for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, Revised.

(d) *Establishment of individual farm proportionate shares*—(1) *For old pro-*

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 32, Parts 700–799 ($0.60)

Title 43 ($0.70)

Title 49, Part 165 to end ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

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ducers—(1) *Farm bases.* For each farm in each proportionate share area whose operator is a tenant, the farm base shall equal the "1956-crop share established for the farm" which was operated by him for the 1956 crop year, provided that he produced sugar beets in one or more of the crop years 1953 through 1956. For each farm whose operator is a tenant without a personal sugar beet production record in the period used in the area in which the farm is located for establishing shares for the 1956 crop (§ 850.30, Supplement 4, 21 F. R. 7323), and for each farm in each proportionate share area whose operator is not a tenant, the farm base shall equal the "1956-crop share established for the farm", provided that sugar beets were produced on such farm in one or more of the crop years 1953 through 1956. The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, and Supplement 4 thereto (21 F. R. 7323) if it had been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subdivision.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, Rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, Rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in one area shall be reallotted to the other area.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103-A or other similar written notice.

(6) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, Rev.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation California State Committee for determining farm proportionate shares in California in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. California is again divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers, if the tenant-operator of the farm had a sugar beet production record within the crop years 1953-56. The procedure for establishing farm shares for new producers meets the related requirements of § 850.53, Revised.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, as amended, 930, as amended; 7 U. S. C. 1131, 1132)

Dated: March 5, 1958.

A. L. Fourchy,
Chairman, Agricultural Stabilization and Conservation California State Committee.

Approved: March 19, 1958.

[SEAL] Lawrence Myers,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-2393; Filed, Mar. 31, 1958; 8:51 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 2]

Part 101—Loan Policy Statement

TERMS AND CONDITIONS OF LOANS

The Loan Policy Statement issued by the Loan Policy Board of the Small Business Administration (21 F. R. 5044), is hereby amended by:

1. Deleting subdivisions (i), (ii) and (iii) of § 101.3 (b) (1) and substituting the following in lieu thereof:

(i) For an amount not in excess of 50 percent of the loan, ½ of 1 percent per annum on the portion of the loan which Small Business Administration is obligated to purchase;

(ii) For an amount in excess of 50 percent of the loan, but not in excess of 75 percent of the loan, ¾ of 1 percent per annum on the portion of the loan which Small Business Administration is obligated to purchase; and

(iii) For an amount in excess of 75 percent of the loan, but not in excess of 90 percent of the loan, 1 percent per annum on the portion of the loan which Small Business Administration is obligated to purchase.

2. Adding a new subparagraph (3) to § 101.3 (b) as follows:

(3) *Service fees.* (i) In immediate participation loans made and serviced by the bank, the bank may deduct only out of funds collected for the account of Small Business Administration a service fee of ½ of 1 percent per annum on the unpaid principal balance of Small Business Administration's portion of the

loan, so long as the bank is servicing the loan, and provided such fee shall not be added to any amount which borrower is obligated to pay under the loan.

(ii) In deferred participation loans where Small Business Administration has purchased its share of the loan, the bank may deduct only out of funds collected for the account of Small Business Administration a service fee of ½ of 1 percent per annum on the unpaid principal balance of Small Business Administration's portion of the loan, so long as bank is servicing the loan, and provided such fee shall not be added to any amount which borrower is obligated to pay under the loan.

The foregoing amendment shall be effective April 1, 1958.

(Sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634. Interprets or applies sec. 207, 69 Stat. 548, as amended; 15 U. S. C. 636)

Dated: March 18, 1958.

SMALL BUSINESS ADMINISTRATION
LOAN POLICY BOARD,
WENDELL B. BARNES,
Chairman.

[F. R. Doc. 58-2488; Filed, Apr. 3, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

FINAL ORDER AMENDING DEFINITION OF "CHEMICAL PRESERVATIVE" AND EXEMPTING FRUITS AND VEGETABLES BEARING CHEMICAL PRESERVATIVES APPLIED PRIOR TO HARVEST FROM LABELING REQUIREMENTS

There was published in the FEDERAL REGISTER of July 31, 1957 (22 F. R. 6019), a notice of proposal to amend the definition of the term "chemical preservative" contained in § 1.12 (a) (3) of the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.12 (a) (3)) and to exempt from the labeling requirements of section 403 (k) of the act fruits and vegetables with respect to chemical preservatives applied as pesticide chemicals prior to harvest.

The time for filing views and comments on the proposed amendments was extended by notice published in the FEDERAL REGISTER on September 14, 1957 (22 F. R. 7382).

There was no objection to the proposed amendment of the term "chemical preservative."

A number of statements were submitted suggesting that the exemption from the labeling requirements of section 403 (k) be broader than the one proposed. No one suggested that the proposed exemption should not be established.

With respect to a broadening of the proposed exemption, a notice of a proposal to grant certain exemptions from the labeling requirements of section 403 (i) (2) is being published in the FEDERAL REGISTER. This will permit interested persons to comment further on this matter.

After considering the comments that were filed and other relevant and material information: *It is ordered*, Pursuant to sections 403 (k) and 701 (a) of the Federal Food, Drug, and Cosmetic Act, That the regulations for the enforcement of the act (21 CFR 1.12) be amended as follows:

1. In § 1.12 *Food; labeling; artificial flavoring or coloring, chemical preservatives* paragraph (a) (3) is changed to read:

(3) The term "chemical preservative" means any chemical that, when added to food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.

2. Section 1.12 is further amended by adding a new paragraph (f) reading as follows:

(f) A fruit or vegetable shall be exempt from compliance with the requirements of section 403 (k) of the act with respect to a chemical preservative applied to the fruit or vegetable as a pesticide chemical prior to harvest.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended, 21 U. S. C. 371. Interprets or applies sec. 403, 52 Stat. 1047, as amended, 21 U. S. C. 343)

Dated: March 31, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2496; Filed, Apr. 3, 1958; 8:49 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PROCAINE PENICILLIN-STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) POLYMYXIN OINTMENT

Under the authority vested in the Secretary of Health, Education and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR, Parts 141a, 146a) are amended by adding thereto the following new sections:

§ 141a.96 *Procaine penicillin-streptomycin-neomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin-neomycin-polymyxin ointment*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.35 (a) (1), (2), and (3). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141a.35 (a) (4). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in §141a.35 (a) (5). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Neomycin content.* Proceed as directed in § 141a.65 (a) (4). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(5) *Polymyxin content.* Proceed as directed in § 141b.129 (a) (3) of this chapter. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c).

§ 146a.22 *Procaine penicillin-streptomycin-neomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin-neomycin-polymyxin ointment.* Procaine penicillin-streptomycin-neomycin-polymyxin ointment and procaine penicillin-dihydrostreptomycin-neomycin-polymyxin ointment conform to all requirements and are subject to all procedures prescribed by § 146a.89 for penicillin-streptomycin-neomycin ointment and penicillin-dihydrostreptomycin-neomycin ointment, except that:

(a) They contain not less than 25,000 units of polymyxin B per single-dose container. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter.

(b) In addition to complying with the requirements of § 146a.89 (b), each package shall bear on the outside wrapper or container and the immediate container the number of units of polymyxin B in each gram or prescribed dose.

(c) In addition to complying with the requirements of § 146a.89 (c), a person who requests certification of a batch shall submit with his request a statement showing the number of units of polymyxin B in each gram of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the polymyxin B used in making the batch for potency and toxicity. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the polymyxin B used in making the batch.

(d) The fee for each immediate container of the polymyxin B used in making the batch, submitted in accordance with paragraph (c) of this section, shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of these new antibiotic products.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: March 31, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2497; Filed, Apr. 3, 1958; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are hereby made to Chapter II of Title 24:

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

1. In § 201.11 paragraph (c) (2) is amended to read as follows:

§ 201.11 *Claims.* * * *

(c) *Maximum claim period.* * * *

(2) All other installment notes, whenever an installment is 9 months in default, claim shall be made within 31 days thereafter, and interest is to be allowed as provided in paragraph (e) of this section up to the full period of 9 months and 31 days on claims filed on or after April 1, 1958.

2. In § 201.13 paragraph (a) is amended to read as follows:

§ 201.13 *Insurance charge*—(a) *Rate.* The insured shall pay to the Commissioner on loans made or refinanced on or after April 1, 1958, an insurance charge equal to fifty one-hundredths (0.50) of one percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance: *Provided,* That in the case of a Class 1 (b) loan in excess of $3,500, exclusive of financing charges, and in the case of a Class 2 (b) loan having a maturity in excess of 7 years and 32 days, such insurance charge shall be forty-five one-hundredths (0.45) of one percent per annum. In computing the insurance charge, no charge shall be made for the fractional period of a month of 14 days or less, and a charge for a full month shall be made for the fractional period of a month of more than 14 days.

3. Section 201.15 is amended to read as follows:

§ 201.15 *Amendments.* The regulations in this part may be amended by the Commissioner at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made. Unless otherwise provided, no amendment shall apply to any loan or the refinancing of any such loan when the original loan was made before the effective date of such amendment.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. In § 221.17 paragraph (a) (4) and (5) are amended to read as follows:

§ 221.17 *Maximum amount of mortgage and mortgagor's minimum investment.* (a) * * *

(4) 97 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the dwelling was approved for insurance prior to the beginning of construction, or if construction was completed more than one year preceding the date of the application for insurance; or

(5) 90 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the dwelling was not approved for insurance prior to the beginning of construction and construction was completed within one year preceding the application for insurance.

2. Section 221.19 is amended to read as follows:

§ 221.19 *Maximum interest rate.* The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5¼ percent. Interest shall be payable in monthly installments of the principal then outstanding.

3. In § 221.26 the introductory text of paragraph (a) and paragraph (a) (4) are amended; paragraphs (b) and (c) are revoked; and paragraph (d) is amended as follows:

§ 221.26 *Maximum charges, fees or discounts.* (a) The mortgagee may collect from the mortgagor the following charges, fees or discounts:

* * * * *

(4) Reasonable and customary charges in the nature of discounts if the mortgagor is:

(i) A builder constructing houses for sale who executes the mortgage in his own name;

(ii) Constructing a dwelling for his own occupancy; or

(iii) Refinancing a prior mortgage covering property owned by the mortgagor.

(b) [Revoked.]

(c) [Revoked.]

(d) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing any charge, fee or discount collected by the mortgagee from the mortgagor. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U. S. C. 1709)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBLITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

In § 232.2 paragraphs (f), (g) and (h) are revoked as follows:

§ 232.2 *Issuance of commitment.* * * *

(f) [Revoked.]

(g) [Revoked.]

(h) [Revoked.]

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

In § 241.4 paragraphs (f), (g) and (h) are revoked as follows:

§ 241.4 *Issuance of commitment.* * * *

(f) [Revoked.]

(g) [Revoked.]

(h) [Revoked.]

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b)

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

1. In § 243.14 the text is designated paragraph (a) and a paragraph (b) is added as follows:

§ 243.14 *Payments to include other charges.* (a) * * *

(b) Mortgages involving an original principal obligation not in excess of $8,000 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding.

2. In § 243.18 the introductory text of paragraph (a) is amended; paragraph (b) is revoked and paragraph (c) is amended to read as follows:

§ 243.18 *Maximum charges, fees or discounts.* (a) The mortgagee may collect from the mortgagor the following charges, fees or discounts: * * *

(b) [Revoked.]

(c) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it, from the mortgagor, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

1. In § 261.7 paragraph (a) (1), (2), (3), and (4) are amended to read as follows:

§ 261.7 *Maximum mortgage amounts; loan-to-value limitation.* * * *

(a) * * *

(1) 97 percent of $13,500 of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such cost in excess of $13,500 but not in excess of $16,000 and 70 percent of such cost in excess of $16,000, if the application for insurance is for construction of a proposed dwelling which is approved for insurance prior to the beginning of construction; or

(2) 97 percent of $13,500 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such value in excess of $13,500 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the application for insurance covers an existing dwelling, the construction of which was completed more than one year preceding the date of the application for insurance; or

(3) 90 percent of $13,500 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such value in excess of $13,500 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the application for insurance covers a dwelling under construction at the time the application is filed or, an existing dwelling, the construction of which was completed within one year prior to the application for insurance; or

(4) 97 percent of $13,500 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such value in excess of $13,500 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the proceeds of the mortgage are used to finance the rehabilitation of a dwelling.

2. Section 261.9 is amended to read as follows:

§ 261.9 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U. S. C. 1715k)

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

1. Section 292a.12 is amended to read as follows:

§ 292a.12 *Maximum interest rate.* The mortgage shall bear interest, not exceeding 4¼ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee.

2. Section 292a.19 is amended to read as follows:

§ 292a.19 *Maximum charges, fees or discounts.* The mortgagee may collect from the mortgagor the amount of the application and commitment fees provided for in this subpart and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f. Interprets or applies sec. 803, 69 Stat. 646, as amended; 12 U. S. C. 1748b)

3. In § 292a.54 paragraphs (a) and (b) are amended to read as follows:

§ 292a.54 *Maximum mortgage amount: loan-to-value limitation.* * * *

(a) 97 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the dwelling was approved for insurance prior to the beginning of construction, or if construction was completed more than one year preceding the date of the application for insurance; or

(b) 90 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the dwelling was not approved for insurance prior to the beginning of construction and construction was completed within one year preceding the application for insurance.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f. Interprets or applies sec. 809, 70 Stat. 273; 12 U. S. C. 1748h-1)

Issued at Washington, D. C., April 1, 1958.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 58-2479; Filed, Apr. 3, 1958; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Supp. [illegible]]

DMO VII-6—EXPANSION GOALS

TRANSFER FROM OPEN TO CLOSED LIST

1. Defense Mobilization Order VII-6 dated December 3, 1953 (18 F. R. 78[illegible]) is supplemented as follows:

The following expansion goals are hereby transferred from List III, Open to List I, Closed:

Goal No., Title, and Delegate Agency

206; Laboratories, Research and Development (Defense); Commerce.

224; Production Facilities for Military and Atomic Energy Procurement; Commerce.

227; Roll-on, Roll-off Ships; Commerce.

229; Liquid Oxygen and Liquid Nitrogen for Defense Use; Commerce.

2. This supplement shall be effective Mar. 31, 1958.

OFFICE OF DEFENSE
MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58-2484; Filed, Apr. 3, 1958; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 58-1[illegible], published at page 1729 in the issue for Thursday, March 13, 1958, the following changes should be made:

1. In § 13.201, the third from the end line should read: "recovered and should be rerated as to com-".

2. Section 13.220 should be preceded by amendatory paragraph 6, reading as follows: "6. Section 13.220 is revised to read as follows:".

PART 36—SERVICEMENS' READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4302, subparagraphs (1), (2), and (3) of paragraph (a) and paragraph (c) are amended to read as follows:

§ 36.4302 *Computation of guaranties or insurance credits.* (a) * * *

(1) *501 loans.* Sixty percent of the original principal amount, or $7,500, whichever is less.

(2) *Real-estate loans except 501 loans.* Fifty percent of the original principal amount, or $4,000, whichever is less.

(3) *Non-real-estate loans except 501 loans.* Fifty percent of the original principal amount, or $2,000, whichever is less.

* * * * *

(c) Subject to the provisions of paragraph (g) of § 36.4303, the following formula shall govern the ascertainment of the amount of the guaranty or insurance entitlement which remains available to an eligible veteran after prior use of entitlement: Add to the amount of such entitlement previously used for realty twice the amount previously used for non-realty purposes. Subtract this sum from $4,000. The sum remaining is the amount available for the guaranty or insurance of a real-estate loan other than a section 501 loan and one-half of such sum is available for a non-real-estate loan. For the purpose of ascertaining the amount of guaranty entitlement which remains available for a section 501 loan after prior use of entitlement, add to the amount of such entitlement previously used for realty twice the amount previously used for nonrealty purposes. Subtract this sum from $7,500. The sum remaining is the amount of entitlement available for section 501 purposes.

2. In § 36.4303, paragraph (b) is amended to read as follows:

§ 36.4303 *Reporting requirements.* * * *

(b) Loans made pursuant to section 508 of the act although not entitled to automatic insurance thereunder, may, when made by a lender of a class described in section 500 (d) thereof, be reported for issuance of an insurance credit, or a certificate of commitment as provided in paragraph (a) of this section.

3. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 *Interest rates.* (a) Excepting non-real-estate loans insured under section 508 of the act, the interest rate on any loan guaranteed or insured wholly or in part may not exceed $4\frac{3}{4}$ per centum per annum on the unpaid principal balance: *Provided*, That if a certificate of commitment was issued by the Administrator prior to April 1, 1958, the interest rate charageable on the loan to which the certificate relates may not exceed $4\frac{1}{2}$ per centum per annum.

4. In § 36.4312, the headnote is amended and paragraphs (e) and (f) are revoked as follows:

§ 36.4312 *Allowable charges and fees.* * * *

(e) [Revoked.]

(f) [Revoked.]

5. In § 36.4320, paragraph (j) is amended to read as follows:

§ 36.4320 *Sale of security.* * * *

(j) Except as provided in paragraph (h) (6) of this section, the provisions of this section shall not be in derogation of any rights which the Administrator may have under § 36.4325. The Chief Benefits Director, or the Director, Loan Guaranty Service, may authorize any deviation from the provisions of this section, within the limitations prescribed in the act, which may be necessary or desirable to accomplish the objectives of this section if such deviation is made necessary by reason of any laws or practice in any State or Territory or the District of Columbia: *Provided*, That no such deviation shall impair the rights of any holder not consenting thereto with respect to loans made or approved prior to the date the holder is notified of such action.

6. In § 36.4335, the introductory paragraph preceding paragraph (a) is amended to read as follows:

§ 36.4335 *Supplementary administrative action.* Notwithstanding any requirement, condition or limitation stated in or imposed by the regulations concerning the guaranty or insurance of loans to veterans, the Chief Benefits Director, or the Director, Loan Guaranty Service, within the limitations and conditions prescribed by the Administrator, is hereby authorized, if he finds the interests of the Government are not adversely affected, to relieve undue prejudice to a debtor, holder, or other person, which might otherwise result, provided no such action may be taken which would impair the vested rights of any person affected thereby. If such requirement, condition, or limitation is of an administrative or procedural (not substantive) nature, any employee designated in § 36.4342 is hereby authorized to grant similar relief if he finds the failure or error of the lender was due to misunderstanding or mistake and that the interests of the Government are not adversely affected. Provisions of the regulations considered to be of an administrative or procedural (nonsubstantive) nature are limited to the following:

7. In § 36.4342, paragraphs (b) and (c) are amended to read as follows:

§ 36.4342 *Delegation of authority.* * * *

(b) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Manager, regional office.
Manager, Veterans' Benefits Office (Washington, D. C.).
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under section 504 (a) or section 508 (b) of the act, or to sue, or enter appearance for and on behalf of the Administrator, or confess judgment against him in any court without his prior authorization; or (2) to include the authority to exercise those powers delegated to the Chief Benefits Director, or the Director, Loan Guaranty Service, under §§ 36.4320 (j); 36.4335, 36.4343, or 36.4344: *Provided*, That anything in the regulations concerning guaranty or insurance of loans to veterans to the contrary notwithstanding, any evidence of guaranty or insurance issued on or after July 1, 1948, by any of the employees designated in paragraph (b) of this section or by any employee designated an authorized agent or a loan guaranty agent shall be deemed to have been issued by the Administrator, subject to the defenses reserved in section 511 of the act.

8. In § 36.4343, paragraph (a) is amended to read as follows:

§ 36.4343 *Loans which may not be processed automatically.* (a) Any loan, which is (1) related to an enterprise in which more than 10 individuals will participate; or (2) to be made for the purchase or construction of residential units in any housing development, cooperative or otherwise, the title to which development or to the individual units therein is not to be held directly by the veteran-participants, or which contemplates the ownership or maintenance of more than 3 units or of their major appurtenances in common; or (3) to be made for business or farm purposes in the amount of $25,000 or more, to be eligible for guaranty or insurance shall require prior approval of the Chief Benefits Director, or the Director, Loan Guaranty Service, who may issue such approval upon such conditions and limitations as he may deem appropriate, not inconsistent with the provisions of the act and the regulations concerning guaranty or insurance of loans to veterans.

9. Section 36.4344 is revised to read as follows:

§ 36.4344 *Loans for corporate or partnership purposes.* A loan of less than $25,000 to an eligible veteran, for the purchase of an interest in a corporation or partnership to enable him to engage in business, may be guaranteed or insured, if otherwise eligible, provided such veteran has or upon completion of the loan transaction will have control of the management of the enterprise through ownership of more than 50 percent of the outstanding voting stock of the corporation or at least a 50 percent interest in the partnership, and such veteran is or as a result of the purchase will become actively engaged in the conduct of the business on a full- or part-time basis. Any loan to be made for the purchase of an interest in a business in which the veteran does not have or will not acquire the control above prescribed for loans eligible for automatic guaranty shall require the prior approval of the Chief Benefits Director, or the Director, Loan Guaranty Service. A loan, otherwise eligible, may be approved for guaranty or insurance under this section provided that the conditions under which the veteran will engage in the business are such as reasonably to assure the right to an active participation by the veteran in the operation, management, supervision, and control of the business during the life of the loan.

10. Section 36.4346 is revised to read as follows:

§ 36.4346 *Purchase, construction, or improvement of a farmhouse.* No loan for constructing or improving a farmhouse shall be eligible for guaranty or insurance pursuant to section 502 (b) of the act unless approved by the Administrator prior to disbursement.

11. Section 36.4348 is revised to read as follows:

§ 36.4348 *Purchase, construction, alteration, improvement, or repair loans made under section 501.* Loans for the purchase, construction, alteration, improvement, or repair of residential property (including a farm residence) shall be ineligible for guaranty or insurance under section 501 of the act if made in combination with a section 502 or section 503 loan. A loan to refinance delinquent indebtedness pursuant to section 507 of the act may not be guaranteed under section 501 thereof.

12. Section 36.4353 is revised to read as follows:

§ 36.4353 *Combination residential and business property.* If otherwise eligible, a loan for the purchase or construction of a combination of residential property and business property which the veteran proposes to occupy in part as a home will be eligible under section 501 if the property is primarily for residential purposes and no more than one business unit is included in the property. A loan for the purchase or construction of residential property containing more than four separate family units plus an added unit for each veteran participating in the ownership thereof, or more than one business unit, must be classed as a business loan and satisfy the requirements of eligibility prescribed under section 503.

13. Section 36.4356 *Downpayment limitations* is revoked.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

These regulations are effective April 4, 1958.

[SEAL] SUMNER G. WHITTIER,
Administrator.

[F. R. Doc. 58-2531; Filed, Apr. 3, 1958; 9:42 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 174]

PART 91—LOCOMOTIVE INSPECTION

RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING OF LOCOMOTIVES OTHER THAN STEAM

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of March A. D. 1958.

It appearing that on April 20, 1955, and May 26, 1955, notices of proposed rule making were issued in the above-entitled proceeding (20 F. R. 2993 and 3879) pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003), accompanied by a copy of Special Rules of Practice applicable thereto, and by a copy of the proposed changes in the Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam issued under the provisions of the Locomotive Inspection Act (45 U. S. C. 22), as amended;

And it appearing that all evidence filed pursuant to said Special Rules of Practice has been fully considered and oral argument has been had;

And it further appearing that the Commission has, on the date hereof, made and filed its report in this proceeding containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:[1] And good cause appearing therefor:

It is ordered, That all of the rules and instructions set forth below shall, on the effective date specified in this paragraph supersede all corresponding rules and instructions prescribed by the order of December 14, 1925, as amended, without disturbing the continuity of application of such other rules and instructions prescribed by said order which are not the subject of this proceeding, and they shall be, and are hereby, prescribed to become effective on January 1, 1959.

And it is further ordered, That 49 CFR Part 91, Subpart C be, and the same is hereby, amended by adding thereto one new § 91.262 *Engines and accessories* and new §§ 91.201 (c) and (d), 91.204 (b), 91.205 (f), 91.211 (d), 91.222 (c), 91.227 (o), 91.229 (h) and (i), 91.307 (c), 91.317 (g), (h) and (i), 91.321 (d) and (e); and also by amending §§ 91.205 (a) and (b), 91.206 (a), 91.208 (a), 91.209 (b), 91.210, 91.212 (a), (f), (g) and (h), 91.219, 91.220, 91.221, 91.223 (a), 91.225, 91.226 (a), 91.227 (h), 91.229 (b), (d), (f) and (g), 91.232, 91.247 (a), 91.249, 91.251, 91.255 (b), 91.259, 91.303 (b), 91.308, 91.316 (a), 91.317 (a), (b) and (c), 91.320 (b), 91.323 (b), 91.327 (a) and (b), 91.334 (d) and 91.337, reading as shown by the following correspondingly numbered sections:

§ 91.201 *Locomotive unit.* * * *

(c) *Control of units.* When locomotive units are coupled in multiple control all parts and components of each unit capable of providing power for propulsion or supplying the retarding effect which will enable the enginemen to control the speed or stop the locomotive or train, shall respond to control from the enginemen's compartment of the controlling unit.

(d) *Slipping or sliding wheel alarms.* Means shall be provided whereby alarms and indications of either slipping or sliding driving wheels on any unit in a locomotive used in road service will be shown in the enginemen's compartment of the controlling unit.

BRAKE EQUIPMENT; AIR BRAKES

§ 91.204 *Brake pipe valve.* * * *

(b) Each road locomotive unit propelled by power other than steam built on or after January 1, 1957, shall be equipped with a brake pipe valve which is accessible to the fireman when stationed in his usual position in the enginemen's compartment. On car body type units a brake pipe valve shall be attached to the well adjacent to each end exit door. The words "EMERGENCY BRAKE VALVE" shall be legibly stenciled near each brake pipe valve or shall be shown on a badge plate adjacent thereto. Each road locomotive unit propelled by power other than steam built before January 1, 1957, shall be so equipped the first time said unit receives heavy repairs after January 1, 1957, but not later than December 31, 1958.

§ 91.205 *Main reservoir system*—(a) *Safety valve.* (1) The main reservoir system of each unit shall be equipped with at least one safety valve, which shall prevent an accumulation of pressure of more than 15 pounds per square inch above the maximum working air pressure fixed by the chief mechanical officer of the carrier operating the locomotive.

(2) Each unit that has a pneumatically actuated system of power controls shall be equipped with a separate reservoir of air under pressure to be used for operating such controls, other than brake controls, which reservoir shall be provided with means to automatically prevent loss of pressure in event of failure of main reservoir air pressure, shall have storage capacity to permit not less than 3 complete operating cycles of control equipment and shall be so located that it will not be readily susceptible to damage.

(b) *Compressor governor.* A suitable governor shall be provided that will stop and start or unload and load the air compressor within 5 pounds above or below the pressures fixed.

* * * * *

(f) *Prevention of oil passage.* Each air brake system shall by January 1, 1959, be provided with a device in the air compressor discharge line which will effectively restrict passage of oil throughout the system. Such device shall be kept clean and drained before each trip or day's work.

§ 91.206 *Main reservoir tests*—(a) *Hydrostatic tests.* Every main reservoir before being put in service, and at least once every 18 months thereafter, shall be subjected to hydrostatic pressure not less than 25 percent above the maximum working pressure fixed by the chief mechanical officer, and report made on Form No. 1-A.

§ 91.208 *Cleaning.* (a) Distributing valve, control valve, triple valve, brake application valve, equalizing piston portion, feed and reducing valves, straight air double check valves, transfer valve, safety valves, brake pipe vent valves, relay valves, magnet valves, electro-pneumatic master controller, dirt collectors and filters must be cleaned, repaired and tested as often as conditions require to properly maintain them in a safe and suitable condition for service, and not less frequently than once each 6 month period.

§ 91.209 *Piston travel.* * * *

(b) When locomotive is standing the maximum brake piston travel shall not exceed the following:

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[1] Filed as part of original document.

	Inches
Driving wheel brake	6
Swivel type truck brake with brakes on more than one truck operated by one brake cylinder	7
Swivel type truck brake equipped with one brake cylinder	6
Swivel type truck brake equipped with 2 or more brake cylinders	6

Slack adjusters, when used, shall be properly maintained.

§ 91.210 *Foundation brake gear.* Foundation brake gear shall be maintained to the standard for the locomotive. Levers, rods, brake beams, hangers, and pins shall be of ample strength, and shall not be fouled in any way which will affect the proper operation of the brake. All pins shall be properly secured in place with cotters, split keys, or nuts. Brake shoes must be properly fastened in place, and kept approximately in line with the tread of the wheel.

§ 91.211 *Leakage.* * * *

(d) *Control reservoir.* Leakage from control air reservoir, related piping, and pneumatically operated controls shall not exceed an average of 3 pounds per minute in a test of 3 minutes duration.

DRAWGEAR BETWEEN LOCOMOTIVE UNITS, CONNECTIONS BETWEEN TRUCKS AND DRAFT GEAR

§ 91.212 *General provisions*—(a) *Drawgear.* Draft and drawgear, and connections between trucks, and all attachments shall be of ample strength and shall be maintained in a safe and suitable condition for service.

* * * * *

(f) *Drawgear consisting of automatic couplers and friction or spring draft gear.* Automatic couplers used between units with friction or spring draft gear shall be maintained in such condition that the lost motion in each draft gear assemblage, not absorbed by the springs or friction devices, will not exceed ½ inch.

(g) *Drawgear consisting of automatic couplers without friction or spring draft gear.* Automatic couplers used between units without friction or spring draft gear or rubber draft gear shall have lost motion kept to a minimum and lost motion between coupler and coupler pocket shall not exceed ¼ inch in each assemblage. If the couplers are attached by means of pivot pins, the pins shall be removed and inspected not less frequently than once every 12 months and date of last removal and inspection of pins shall be legibly marked on the heads of pins and all prior dates obliterated.

(h) *Draft gear.* M. C. B. contour (1904) couplers measuring 5⅛ inches or more between point of knuckle and guard arm shall not be continued in service. Types D and E couplers measuring 5$^{5}/_{16}$ inches or more between point of knuckle and guard arm shall not be continued in service.

RUNNING GEAR

§ 91.219 *Driving boxes, shoes, and wedges.* Driving and other journal boxes, shoes, and wedges shall be maintained in safe and suitable condition for service. Broken and loose bearings shall be renewed. Not more than one shim may be used between box and bearing if bearing is pressed in box. Where shoes and wedges are not provided, total longitudinal clearance between journal box and pedestals shall not exceed ½ inch.

§ 91.220 *Lateral motion.* The total uncontrolled lateral motion between the hubs of the wheels and boxes, between boxes and pedestals or both, on any pair of wheels shall not exceed the following limits: Truck wheels, 1 inch; driving wheels, more than one pair of wheels, ¾ inch. These limits may be increased if upon application to the director his investigation shows that conditions require additional lateral motion. The lateral motion shall in all cases be kept within such limits that the driving wheels, rods, crank pins, or armatures will not interfere with other parts of the locomotive.

§ 91.221 *Frames and parts*—(a) *Maintenance.* Frames, deck plates, tailpieces, pedestals, braces, body bolsters, transom plates, body center plates and locking devices shall be maintained in safe and suitable condition for service and shall be cleaned and thoroughly inspected each time a unit is in shop for general or heavy repairs.

(b) *Cleaning underframe.* Underframe, trucks, fuel tanks and brake rigging shall be kept free of accumulations of oil, grease and debris that would constitute a fire hazard.

§ 91.222 *Safety hangers.* * * *

(c) In absence of protective construction, safety hangers shall be provided which will prevent spring planks, spring seats or bolsters from dropping to track structure in event of hanger or spring failure.

§ 91.223 *Trucks*—(a) *Center plates.* Truck center plates shall fit properly and be securely fastened. The male center plate shall extend into the female center plate not less than ¾ inch. On trucks constructed to transmit tractive effort through center plate or center pin, the male center plate shall extend into the female center plate not less than 1½ inches. Center plates shall be securely fastened, and ones of the type requiring lubrication, shall be properly lubricated and maintained. Maximum lost motion in a center plate assemblage shall not exceed ½ inch. These limits may be adjusted if upon application to the director his investigation shows that conditions so require.

§ 91.225 *Clearance above top of rail.* No part or appliance of locomotive, except the wheels and flexible non-metallic sand pipe extension tips, shall be less than 2½ inches above the top of rail.

WHEELS

§ 91.226 *Wheels*—(a) *Tight on axle.* (1) Wheels shall be securely pressed on axles except wheels and axles of special design and construction where other proper and safe means are provided for holding the wheels on the axles. Prick punching, shimming wheel fit, or pins driven in ends of axles will not be permitted.

(2) Mill scale shall be removed from plate and entire wheel then inspected before application to axle. Wheels shall be kept free from accumulations of oil, grease, or other material that could conceal cracks or other defects.

§ 91.227 *Defects.* * * *

(h) *Burst or cracked.* Wheel cracked from the wheel fit outward; cracked tread; cracked flange; cracked plate; one or more cracked brackets; wheel loose on axle.

* * * * *

(o) *Fusion welding.* Fusion welding shall not be used on tires or rolled steel wheels including building up of worn flanges, flat spots, shelled-out spots or for repair of cracks, except on locomotives used in switching and transfer service, and then only for repair of flat spots and worn flanges.

CABS, CAB APRONS, PILOTS

§ 91.229 *Cabs and aprons.* * * *

(b) *Fastening and bracing; windows.* Cabs and superstructures shall be securely attached and braced. Cab windows shall be so located and maintained that the enginemen may have a clear view of track and signals from their usual and proper positions in the cab. All glass used in doors and windows of enginemen's compartments shall be of the shatter-proof type. Units not presently so equipped shall have shatter-proof glass installed at the first general repairs but not later than December 31, 1958.

* * * * *

(d) *Floors.* Deck plates and floors of cabs, passageways, and compartments shall be kept free from oil, water, waste, or any obstruction that will create unnecessary peril. Deck plates and metal floors shall be properly roughened or other provisions made to afford secure footing.

* * * * *

(f) *Heating.* (1) Enginemen's compartments shall be provided with heating arrangements that will maintain therein a temperature of not less than 50° F. Temperature shall be taken at substantially the center of compartment under normal winter weather conditions, under the running conditions of the locomotive, with doors and windows closed.

(2) Operating cabs or compartments shall be provided with proper ventilation.

(g) *Passage between units.* Safe and suitable means shall be provided for passage between units with open-end platforms.

(h) *Fusees and torpedoes.* Containers shall be provided for carrying fusees and torpedoes. These containers may be separate, or a single container with suitable partition to separate the fusees from the torpedoes.

(i) *Fan openings.* Fan openings in hazardous locations shall be properly protected.

LIGHTS

§ 91.232 *Classification or marker lights.* Each locomotive shall be provided with such classification and marker lamps as may be required by the rules of the railroad company operating the

locomotive. When such lamps are used they shall be kept clean. The classification lights shall be electrically lighted and adequate head clearance shall be provided. Necessary safe and suitable steps, toe boards, handrails and/or handholds shall be provided in order to make cab windows, headlights, classification lights, marker lights, pantographs and trolleys accessible for attention and care.

ELECTRICAL EQUIPMENT

§ 91.247 ***Jumpers; cable connections*—(a)** ***General precautions.*** **Jumpers or cable connections between locomotives or units shall be so located and guarded to prevent unnecessary peril, and shall not be allowed to hang with one end free.**

§ 91.249 ***Motors and generators.*** **(a) Motors and generators shall be securely fastened in place. Axle collars shall be maintained tight on the axle. Axle-bearing and armature-bearing caps shall be securely bolted in place. Motors or generators with any of the following defects shall not be continued in service: Broken and loose or excessively worn bearings; excessive sparking or flashing over at the commutator; defective collector ring, brush holder, yoke or insulator; loose or broken connection; armature striking pole piece; short circuited armature or field coil; loose or broken armature coil bands or wedges.**

(b) Motors, generators and their related wiring shall be maintained free from oil and sediment that could cause flash or fire hazard.

§ 91.251 *Rheostats and grid resistors.* Rheostats and resistors shall be maintained free from accumulations of dirt or extraneous matter.

INTERNAL COMBUSTION EQUIPMENT

§ 91.255 *Fuel tanks and piping; safety cut-out valve.* * * *

(b) A safety cut-out valve shall be provided in the fuel line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

§ 91.259 *Exhaust gases.* Exhaust gases shall be released entirely outside of cab or other compartments. Exhaust stacks shall be of sufficient height or other means provided which will prevent entry of exhaust gases into enginemen's compartments under usual conditions of operation.

§ 91.262 *Engines and accessories*—(a) *Tagging for repairs.* Internal combustion engines shall be maintained in a safe and suitable condition for service. Whenever any internal combustion engine has been shut down because of defects and the unit is continued in service a distinctive tag giving reason for the shut-down shall be conspicuously attached near the engine starting control and shall remain attached until repairs have been made.

(b) *Cleaning.* All engines and accessories shall be kept reasonably free from oil and water leaks and from accumulations of oil or debris.

(c) *Alarms.* Temperature and pressure alarms, controls and related switches shall be properly maintained.

BOILERS USED WITH LOCOMOTIVES OTHER THAN STEAM

§ 91.303 *Boiler number; badge plate, location.* * * *

(b) A metal badge plate showing the name and boiler number and safe working pressure shall be atached to each boiler. The badge plate on each steam boiler, except those boilers of the forced circulation type, shall be provided with a line indicating the lowest permissible water level and shall be attached to the boiler adjacent to the water glass. The badge plate on each hot-water boiler shall be attached to the boiler adjacent to the firing opening. If boiler is lagged, the lagging and jacket shall be cut away so that plate can be seen.

§ 91.307 *Fuse plugs; low water alarm.* * * *

(c) All other alarms and protective devices with which the boiler is equipped shall be inspected and tested at least once every 3 months, and record of such inspections and tests maintained by the railroad using the boiler.

§ 91.308 *Exterior boilers*—(a) *Inspection.* The exterior of every boiler and steam separator shall be thoroughly inspected before it is put into service, and whenever the jacket and lagging, or casing, are removed. The jacket and lagging shall be removed at least once every 5 years from internally fired boilers, and from pressure parts of other boilers, and a thorough inspection made of the entire exterior surface while under hydrostatic pressure. The jacket and lagging shall also be removed whenever on account of indication of leaks the United States inspector or the railroad company's inspector considers it desirable or necessary.

(b) *Testing after repairs.* Before a boiler that has been out of service for 3 consecutive months or more is again used all automatic controls and safety devices shall be tested; any found defective shall be repaired and statement to effect that said devices are in proper working condition made on back of Form No. 1-B.

§ 91.316 *Safety valves—(a) Capacity, connection to boiler, location.* Every steam boiler shall be equipped with at least two safety valves and every hot-water boiler shall be equipped with at least one water relief valve, the capacity of which shall be sufficient to prevent, under any conditions of service, an accumulation of pressure of more than 5 pounds above the allowed working pressure. The safety valves shall be connected with the boiler independent of any other connection, and located as closely to the boiler as may be consistent without discharging inside of cab. Water relief valves may be mounted on the expansion tank of hot-water boilers provided no valves are interposed between the expansion tank and the boiler. Sufficient clearance to prevent damage shall be provided where safety or relief valves or connections pass through cab structure. Ends of safety valve discharge lines shall be so located or protected as to not constitute a hazard from discharged steam.

§ 91.317 *Water glass and gauge cocks*—(a) *Lowest reading; danger line.* Every steam boiler, except those of the forced circulation type, shall be equipped with at least one water glass, and 3 gauge cocks which can be easily opened and closed by hand. The lowest gauge cock and the lowest reading of the water glass and the line on the badge plate shall correspond and be not less than 2 inches above the danger line. The danger line shall be that at which there will be no danger of overheating any part of the boiler. The danger line for vertical fire-tube boilers shall be not less than one-half the length of the tube above the lower tube sheet; and for vertical submerged tube boilers, the upper surface of the top tube sheet.

(b) *Water-glass valves.* All water glasses shall be supplied with two valves, one in the upper and one in the lower connection to the boiler, and a drain valve, so constructed and located that the valves can be easily opened and closed by hand. Drain pipes shall discharge below decks or into a drain pipe so arranged to prevent splash from steam and water.

(c) *Cleaning.* The spindles of all gauge cocks, fill-test valves and water-glass valves shall be removed and cocks and valves thoroughly cleaned each time the boiler is washed.

* * * * *

(g) *Drip pans.* Drip pans shall be provided for gauge cock discharge so arranged to prevent splash from steam and water.

(h) *Water-flow indicators.* Forced circulation boilers of the spill-over type not equipped with water glass and gauge cocks shall be equipped with a visual return water flow indicator.

(i) *Fill test valves.* Forced circulation boilers shall be equipped with a fill test valve or other means of determining when the boiler is filled with water.

§ 91.320 *Boiler washing.* * * *

(b) *Record.* An accurate record of all boiler washouts shall be kept in the office of the railroad company and a copy of the last record kept in the boiler compartment. The following information must be given on the day that the boiler is washed: Number of boiler; number of locomotive unit on which it is mounted; date of washout; signature of boiler washer or inspector who knows that boiler was washed; statement if spindles of gauge cocks, fill-test valves, test cocks and water-glass valves were removed and cocks and valves cleaned; signature of the inspector or employee who removed the spindles and cleaned the cocks and valves.

§ 91.321 *Leaks.* * * *

(d) In new construction, or when renewals are made of iron or steel pipe in cabs that are subject to boiler pressures of more than 150 pounds per square inch, commercially designated extra [illegible] pipe and extra heavy valves and fittings shall be used.

(a) Whenever any boiler or steam generator has been shut down because of defects and the unit in which it is installed is continued in service, a distinctive tag giving reasons for the shut-down shall be conspicuously attached near the starting controls and shall remain attached until repairs have been made.

§ 91.323 *Fuel tanks and piping.* * * *

(b) *Safety cut-out valve.* A safety cut-out valve shall be provided in the fuel line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

§ 91.327 *Oil burning fire boxes*—(a) *Gases in fire box.* Means shall be provided for expelling accumulated gases from fire box of oil-burning boilers before fire is lighted. Products of combustion shall be released entirely outside of cab or other compartments. Boilers shall be so arranged and exhaust stacks shall be of sufficient height or other means provided which will prevent entry of products of combustion into enginemen's compartments under usual conditions of operation.

(b) *Remote controlled ignition.* Remotely controlled means shall be provided to electrically ignite oil fired boilers.

TIME OUT OF SERVICE

§ 91.334 *Extensions.* * * *

(d) *Brake equipment.* Cleaning of distributing valve, control valve, triple valve, brake application valve, equalizing piston portion, feed and reducing valves, straight air double check valves, transfer valve, safety valves, brake pipe vent valves, relay valves, magnet valves, electro-pneumatic master controller, dirt collectors and filters, as required by § 91.208 (a), will be due after 6 calendar months' service, provided such service is performed within 12 consecutive months.

ACCIDENTS

§ 91.337 *Changes to meet requirements.* Changes in construction which are necessary to meet the requirements of the rules in this part shall be made as rapidly as conditions permit, and all such changes, except as otherwise specified shall be completed before January 1, 1959.

(Sec. 5, 36 Stat. 914, as amended; 45 U. S. C. 28. Interpret or apply sec. 2, 36 Stat. 913, as amended; 45 U. S. C. 23)

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2489; Filed, Apr. 3, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 15]

MATTER MAILABLE UNDER SPECIAL RULES

RADIOACTIVE MATERIALS

The Department proposes to adopt further restrictive rules with respect to the mailing of radioactive materials. These proposed rules are set out in the amendment to Title 39, Chapter I, Part 15, Code of Federal Regulations, which follows. Adoption of the amendment will achieve the desired purpose.

It is proposed to make the amendment effective May 15, 1958.

The regulations relate to a proprietary function of Government and hence are exempt from the rule making requirements of 5 U. S. C. 1003. The Postmaster General, however, desires to voluntarily comply with the requirements in matters of this nature, and to afford Postal Service patrons an opportunity to present written views concerning the proposed amendments. Such written views may be submitted to Edwin A. Riley, Director, Postal Services Division, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to April 30, 1958.

In § 15.2 *Adequacy of preparation and packaging* add the following to paragraph (d): "The package must not contain more than 0.1 millicuries of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second."

NOTE: The corresponding Postal Manual section is 125.24.

(R. S. 161, 396, as amended; sec. 24, 20 Stat. 361, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-2485; Filed, Apr. 3, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

[Docket No. AO-249-A3]

MILK IN SOUTHWEST KANSAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Southwest Kansas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Dodge City, Kansas on November 15, 1957, pursuant to notice thereof which was issued November 5, 1957 (22 F. R. 8986).

The material issues on the record of the hearing relate to:

1. The definition of approved plant.
2. The cooperative association as the handler on bulk tank milk of its members.
3. The Class I price.
4. The application of location differentials to handlers and producers.
5. The use of equivalent prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The definition of approved plant.* The approved plant definition should provide for two different types of plants which could serve the marketing area. One is a distributing plant which could qualify as an approved plant if it sold 5 percent or more of its total receipts of milk from producers as Class I on routes in the marketing area or if it sold on a daily average 300 pounds or more of Class I milk on routes in the marketing area, whichever is less. The other type of an approved plant is a supply plant operated by a cooperative association which could qualify as an approved plant if 50 percent or more of the total milk from producer members of such association is

either delivered directly from the farms to the plants of other handlers or is transferred by the association from its receiving station to the approved plant of other handlers.

Under the present order, any plant from which Class I milk is disposed of on routes in the marketing area, regardless of the amount, is subject to full regulation. It is very likely under the present approved plant definition that a plant could easily become fully regulated during any month of the year by making token sales in the market area. The incentive to participate on this basis is greatest during the pay-back period of the fall incentive plan. During this period, the Class I differential to the handler is the same as in all other months, but payments to producers are enhanced by the pay-back fund accrued during the preceding flush months. The recommended changes in the approved plant definition would reduce the possibility of pool participation by such plants but would not eliminate it entirely. A plant should show a substantial degree of identification with the market before it should become an approved plant and not be fully regulated through an accidental or an opportunity sale of Class I milk in the marketing area.

It is concluded that the quantity limitation should be the determining factor as to whether a plant is sufficiently identified with a market to be fully subject to the pricing, payment and pooling provisions of the order. The limit of 5 percent or 300 pounds whichever is less is designed to represent a wholesale route which has more than one or two accounts in the marketing area. Such a comparatively small volume of milk would not constitute a significant factor in the market and it is therefore not necessary that such a handler be subject to all the provisions of the order. In order that the status of such plant may be determined, the operator should be required to furnish such reports as the market administrator may deem necessary and should be required to submit his records for verification of such reports. It is further concluded that plants selling less than 5 percent of their total receipts or 300 pounds per day should not be subject to an administrative assessment on their sales of Class I milk in the marketing area because of the small volume of milk.

The Southwest Milk Producers Association, a cooperative bargaining association, operates a Grade A receiving station at Dodge City, Kansas. Under the present order, this plant is defined as an unapproved plant. A substantial portion of the milk of its members is delivered to approved plants of other handlers. It would be uneconomic for the association to receive all the milk of its members at its receiving station and then transfer milk to approved plants of other handlers. In order to facilitate the allocation of milk among handlers the association has its members deliver milk directly to approved plants of other handlers and may at times perform the service of receiving and cooling milk of some of its members and transferring it to other approved plants.

At the time of the hearing, the association was negotiating with one of the handlers to receive all the milk delivered by producer members and then transfer it in bulk tank lots to the handlers' plant. The association, at times, also receives Grade A milk of its members at this plant and disposes of it to other markets or to manufacturing plants when local requirements are satisfied. It is desirable, therefore, that the Grade A receiving station operated by the cooperative association be considered as an approved plant under the order. In this manner the milk of producers regularly associated with the market will be pooled even though such milk is not received directly from producers' farms at a distributing plant. The designation of a plant such as is operated by the cooperative association will facilitate the transfer of milk from such a plant to other handlers as an interhandler transfer. It is concluded that the requirement of not less than 50 percent of the milk of the cooperative association's producer members be received during the month directly at the approved plants of other handlers or transferred by the cooperative association is a reasonable standard to assure identification as an integral part of the market supply.

The order should be amended to recognize that milk incurs relatively little shrinkage in its receipt and much more in its processing, bottling, and distribution. The receiving station operated by the association has experienced approximately one-half percent shrinkage on that milk received and transferred to another plant for processing and bottling. It is concluded that the order should be amended to recognize that the greatest amount of shrinkage occurs in the processing and bottling phases of the milk distribution. Up to one-half of one percent shrinkage should be allowed on that milk which is physically received at a receiving plant and transferred to another plant for bottling and distribution. The bottling plant should be allowed up to one and one-half percent shrinkage on that milk received in bulk from a receiving station or other handler.

2. *Bulk tank milk.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

A bargaining cooperative association operates insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Since late 1956 there has been a steady expansion in the number of bulk cooling tanks being installed on the farms. At the present time 18 percent of the total producers are bulk tank shippers and these producers deliver over 25 percent of total producer receipts. It is extremely likely that the trend in this direction will continue.

The transportation of milk from farm to market in insulated tank trucks owned, operated or controlled by a cooperative association has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned, operated, or controlled by the cooperative association, the weight of each producer's milk is checked by, and a sample of the milk for butterfat testing is taken by, a person who is an employee of or directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

Under these circumstances, it is preferable to make the cooperative association responsible for the payment to a producer for a given quantity of milk at a particular test since the handler has no direct means of verifying such weights and test. Rather, any cooperative association which qualifies as such under the order should be made the handler for such milk and should be required to account to the pool for it. The cooperative association should also be required to charge at least the class prices to the plant operator for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

With respect to milk received from producers' farms in cans or in tank trucks owned or operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

3. *Class I price.* The price for Class I milk should be subject to an automatic adjustment based on the relationship of the supply of producer milk to the volume of Class I disposition.

The cooperative association proposed that the Class I price differential should be $1.90 per hundredweight during all months of the year. This represents an increase of 25 cents per hundredweight above the present Class I differential of

$1.85 per hundredweight during all months of the year. The Class I differential of $1.65 has been in effect since the inception of the order in July 1954 except for two emergency price increases, one of which covered the months of May, June and July of 1956 in the amount of 46 cents, 46 cents and 26 cents respectively, and a second increase of 25 cents during the months of September, October, November and December of 1956.

The proposal to increase the Class I differential was based mainly on price relationships with the Wichita and Texas Panhandle orders. The Class I price differential in the Wichita order is $1.65 during all months of the year, while the Class I differential in the Texas Panhandle order averages $2.05 and ranges from $1.85 during the flush months of March, April, May and June to $2.15 in the other eight months. The proposed premium over the Wichita price was based on the fact that any Wichita handlers distributing milk in the Southwest Kansas market will have incurred significant transportation costs and that, therefore, the Southwest Kansas handlers would not be placed at a competitive disadvantage by a moderate increase in the Southwest Kansas price. The price increase would also reflect the higher cost of milk production prevailing in the Southwest Kansas milkshed and the fact that supplementary milk from the North Central states incurs a greater transportation cost to Southwest Kansas than to Wichita.

The two most serious problems in connection with the proposed price increase are that Wichita handlers already have a significant volume of sales in the Southwest Kansas market and that prices in some other Federal order markets are lower than Wichita prices when transportation costs are added. At the time of the hearing there were three Wichita handlers distributing milk on routes in the Southwest Kansas area despite the additional transportation costs involved. Any increase in the Southwest Kansas Class I differential would inevitably reduce the ability of the local handler to compete with the Wichita handlers. A partially offsetting factor is that one of the Southwest Kansas handlers has developed sales in the Texas Panhandle area. There has not been any route distribution or regular supplies of bulk milk from order areas other than Wichita. However, both the Kansas City and Ozarks markets are potential sources of such supply under modern transportation conditions. The Kansas City Class I differential averages $1.35 and regulated plants at Emporia, Kansas, and Council Grove are only 230 miles from Dodge City. The Ozarks Class I differential averages 89 cents per hundredweight and the largest population center, Springfield, Missouri, is 413 miles from Dodge City.

A supply-demand adjustment would provide an automatic adjustment of the Class I price to various conditions which might develop. If the Southwest Kansas market maintains its present relationship between producer supplies and Class I sales, the adjustment will provide a moderate increase in the Class I price. If Class I sales are reduced by the competition from Wichita or other Federal order markets or there is an increase in the receipts of producer milk, the supply-demand adjustment will reduce the Class I price. On the other hand, if the Class I sales in the Texas Panhandle or other areas are increased, or the supply of producer milk is reduced, the Class I price will be automatically raised. Such adjustment should be limited in its increase or decrease by the Class I prices in the Wichita and Texas Panhandle markets. The limitations placed on the adjustment would keep the prices in the three markets in proper alignment, thus, not giving any handler a competitive advantage in any of the markets.

The supply of producer milk was ample in relation to local Class I needs at the time of the hearing. Official notice is hereby taken that in October 1957, receipts of producer milk at approved plants were 116 percent of Class I disposition by such plants and in November 1957 were 117 percent of Class I disposition. However, during the first five months of 1957 producer receipts ranged from 145 percent of the Class I sales in January to 167 percent in June. In 1956 the utilization percentages ranged from a high of 150 percent in May to a low of 127 in September. In 1955 the utilization percentage ranged from 151 percent in May to 105 percent in September. The only time other source milk was imported in any appreciable amount for Class I purposes was during the fall of 1955.

The Class I differential in the order has been sufficient to encourage the production of milk in a quantity which is adequate to meet Class I requirements of the market on a year round basis. However, it is difficult to predict accurately the level of prices necessary to assure the market will continue to be supplied adequately. To this end provision should be made for automatic adjustments of the Class I price in response to changes in the relationship between market supply and demand.

The record contains complete statistics for the three and one-half years the order has been in operation. An analysis of these data reveals the pattern of production and Class I sales, which, it is believed, reflects the characteristics of the dairy industry in the Southwest Kansas marketing area. A system of Class I pricing based on the relationship of deliveries to Class I sales can be developed which will reflect conditions in the market and maintain supplies in a proper balance with Class I requirements.

Under the authority by the Agricultural Marketing Agreement Act, prices established by milk marketing orders are required to reflect supply and demand conditions in the market. As these supply and demand conditions change from time to time, they should be appropriately reflected in order prices. One method commonly used to reflect such conditions which generally affect the dairy industry is to determine the Class I price by adding a differential to a representative value for milk used in manufacturing dairy products. This type of pricing system is used in the Southwest Kansas order. The basic formula price reflects the national market for dairy products, and thus reflects changes in production costs and market demands that follow national trends. The differential added to the basic formula represents the higher cost of obtaining a supply of Grade A milk, and the amount of such differential should be related to conditions peculiar to the market.

Inasmuch as conditions in the market change from time to time, the level of price should be adjusted to reflect such changes. Changes in relationship of producer milk received at approved plants and Class I disposition by such plants reflect changes in supply and demand conditions. A persistent upward trend in the relation of production to sales would indicate that the price level is at least sufficient to attract an adequate supply, and if the continuation of the upward trend in production would result in burdensome surplus, the price is higher than needed to attract adequate supply. On the other hand, a declining trend in production in relation to sales which threatens to bring market supplies below an adequate level would be a strong indication that the Class I price is too low. In such situations, the Class I price would either be decreased or increased by such amount that the supply deviated from what was determined as an adequate supply.

A ratio of total producer receipts to gross Class I sales in the most recent two-month period for which figures are available should be used as the measure by which to estimate the relationship in the month to be priced. Use of the experience of the most recent two-month period requires that a representative ratio of supply to sales for successive two-month periods be developed to serve as the norm from which the deviation of the actual experience may determine what change, if any, should be made in the Class I price.

The schedule of standard utilization percentages which is provided herein is based on a minimum percentage of 120 during the shortest month of production in relation to sales. It is felt that such percentage recognizes the need for some reserve supplies to cover short-time variations in production and sales. The standard percentages used in other months vary seasonally in recognition of the natural tendency for milk production to increase in spring months and decrease thereafter to a lower level in the summer and fall.

The price adjustment for each month would be based upon the utilization figures for the second and third preceding months. These months will provide a more reliable indication of current market conditions than any longer series of months. Also, they will be the latest available figures for use in computing the utilization percentage in advance of the pricing month. In the following table there are shown the standard utilization percentages for each two-month period and the corresponding month in which the price would be affected thereby:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	October-November	125	129
February	November-December	127	131
March	December-January	128	132
April	January-February	130	134
May	February-March	135	139
June	March-April	140	144
July	April-May	144	148
August	May-June	144	148
September	June-July	140	144
October	July-August	134	138
November	August-September	126	130
December	September-October	120	124

As a safeguard against erratic movements in the supply-demand adjustment, provision should be made for the rate of adjustment per point of variation from the standard utilization percentages adopted to be nominal when such variations first appear, but to be increased progressively as a variation of like deviation and amount persists through two or three consecutive two-month periods. Such a provision will serve as a brake on the rapidity of price changes and will avoid substantial price increases or decreases based on short-term nonrecurring deviations from the established percentages.

Substantial price adjustments will occur, however, when undersupply or oversupply representing a significant variation from the established percentage persists for any period of time.

This is accomplished by providing that for each two percentage points of deviation from the standard utilization percentage the price shall be adjusted one cent, plus one cent for each two percentage points for which there was a deviation of like extent and character in the percentage computed for the second preceding month plus an additional one cent for each two percentage points for which there was a deviation of like extent and character in the percentage computed for the third preceding month.

However, the Southwest Kansas Class I price should be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following: (1) the price of Class I milk at 3.8 percent butterfat for the same month in the Wichita, Kansas, milk marketing order; or (2) the price of Class I milk at 3.8 percent butterfat for the same month in the Texas Panhandle milk marketing order during the months of March, April, May, and June and less 25 cents in all other months.

The recommended supply-demand adjustment would have increased the average Class I price at 3.8 percent in 1955 from $4.94 to $4.96. The range of the supply-demand adjustment during the same year was from a zero adjustment to a plus 16 cents in December with the average adjustment being 2 cents per month. In 1956 the average Class I price would have increased from $5.21 to $5.24 and the range of adjustment would have been from a plus 21 cents in January to a minus 2 cents in December with the average adjustment being a plus 3 cents. In 1957 the Southwest Kansas Class I price would have been identical with the Wichita Class I price during every month of the year. In January and February of 1958 the Class I prices would have been increased by 4 cents each month.

4. *Location differentials.* Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation charge if moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the marketing area is therefore worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional cost of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the market area in lieu of incurring the additional cost of hauling his milk into the central market. Under these conditions the value of producer milk delivered to plants located some distance from the central market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the central market.

It is conceivable that a distant plant not subject to another order, such as the one located at Sabetha, Kansas, could become regulated by this order. The Sabetha plant is located approximately 270 miles from the closest point in the marketing area. Thus, the operator of this plant would incur a substantial transportation cost on the bulk or packaged milk before reaching any portion of the marketing area and should be allowed an offsetting credit in order to be fully competitive with the approved plants located within the marketing area. Under the present order the Sabetha plant could sell a small volume of Class I milk in the marketing area and become fully regulated. It would absorb the cost of transporting such milk sold in the marketing area and would be able to pay its producers the full f. o. b. market price on all its receipts of producer milk. This would be contrary to the basic principle of location differentials which places a lower value on milk received from producers at points distant from the marketing area. In order to allow for the cost of moving Class I milk from distant plants that might become route distributors in the Southwest Kansas marketing area, it is necessary to establish the Class I price for such milk delivered to plants at a point in the market and then provide a schedule of deductions from the Class I price as location differentials. This will place all handlers on an equal competitive basis on the Class I milk distributed in the marketing area.

Dodge City is the geographical center of the marketing area and represents a central point from which location differentials should be based. The distance used in determining location differentials should be measured from the Courthouse at Dodge City, Kansas, by the shortest highway distance, as determined by the market administrator.

The location differential rates in nearby order areas where hauling cost might be expected to be similar vary considerably. The Texas Panhandle rates are 35 cents in 100–110 mile zone plus [illegible] cents for each additional 10-mile zone. The Greater Kansas City rates are [illegible] cents in the 50–70 mile zone plus one-half cent for each additional 10 miles thereafter. The Oklahoma Metropolitan rates are 10 cents in the 50–150 mile zone, 2 cents per each 15 miles in the 150–240 mile zone and plus one cent for each additional 15 miles in excess of 240 miles. The Neosho Valley rates are 10 cents in the 50–60 mile zone plus 2 cents for each additional 15 miles. The Ozarks rate is 1.5 cents per 10 miles distance from the nearest point in the marketing area.

The initial mileage zone should not be quite as large as the initial mileage zone in the Oklahoma Metropolitan market but large enough to encompass all the approved plants presently serving the marketing area. Since all the approved plants serving the marketing area are located within 100 miles of Dodge City, there should not be any location differential applicable at plants located in the 0–100 mile zone. The 100–110 mile zone rate should not be as high as the Kansas City or Oklahoma Metropolitan markets since the Southwest Kansas is characterized by numerous small cities rather than large centers of population. Accordingly, a rate of 7.5 cents should be established for the 100–110 mile zone plus 1.5 for each additional 10-mile zone. The location differential applicable to Wichita plants would be 15 cents.

A method should be provided for determining, if necessary, the priority of milk from various plants in allocating to Class I for the purpose of computing the aggregate of location differentials to be allowed. Such differentials would be made for each handler in sequence beginning with milk received directly from producers and then milk received from those plants which have the lowest location differential.

The producer should receive less for milk delivered to points which are distant from the marketing area in lieu of incurring the additional cost of hauling his milk to the marketing area. Under these conditions the value of producer milk delivered to plants should be reduced in proportion to the distance that such plant is from Dodge City by the same rate that applies to Class I milk.

5. *Equivalent prices.* The order should include a provision that whenever a price quotation is not available, a price which is determined by the Secretary to be equivalent should be used. Price series may be unavailable through such causes as failure to report, termination of market quotations resulting from changes in dairy marketing, and combining or termination of other Federal orders.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Southwest Kansas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 919.7 and substitute the following:

§ 919.7 *Approved plant.* "Approved plant" means any milk plant approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which during any month a volume of Class I milk equal to 5 percent or more of the total receipts of milk from producers or an average of 300 pounds or more per day, whichever is less, is disposed of under a Grade A label on routes in the marketing area, or

(b) Which is operated by a cooperative association and 50 percent or more of the milk delivered during the month by producers who are members of such association is delivered directly or is transferred by the association from its approved plant to approved plants of other handlers.

2. Delete § 919.9 and substitute the following:

§ 919.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of on route(s) in the marketing area;

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such association. (Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.); or

(d) Any cooperative association which reports as a handler with respect to the milk of any producers which is delivered to an approved plant of another handler in a tank truck owned, operated, or controlled by such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.)

3. In § 919.30 delete the phrase "except a producer-handler" and substitute the following "except a producer-handler or a handler as defined pursuant to § 919.9 (b)".

4. Revise § 919.32 (a) to read as follows:

(a) Each producer-handler and each handler defined pursuant to § 919.9 (b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

5. In § 919.41 (b) (4) replace the semicolon at the end of the subparagraph with a comma and add the following: "plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from approved plants of other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk to approved plants of other handlers".

6. Revise § 919.42 (b) to read as follows:

(b) Prorate the resulting amount between the receipts of skim milk and butterfat in producer milk and of other source milk. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such skim milk and butterfat was diverted, and excluded from receipts of the diverting handler.

7. Revise the introductory paragraph of § 919.44 to read as follows:

§ 919.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from an approved plant or pursuant to § 919.9 (d) shall be classified as follows:

8. In § 919.46 (a) (1) change the phrase "pursuant to § 919.41 (b) (5)" to read "pursuant to § 919.41 (b) (4)".

9. In § 919.51 delete the phrase "subject to the provisions of § 919.52" and substitute the following "subject to the provisions of §§ 919.52 and 919.53".

10. Revise § 919.51 (a) to read as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price plus $1.65 during all months of the year plus or minus a supply-demand adjustment, computed as follows:

(1) Divide the total receipts of milk from producers in the second and third months preceding by the total volume of Class I milk at approved plants (excluding interhandler transfers and milk fully subject to pricing under another Federal order issued pursuant to the Act) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	October-November	125	129
February	November-December	127	131
March	December-January	128	132
April	January-February	130	134
May	February-March	135	139
June	March-April	140	144
July	April-May	144	148
August	May-June	144	148
September	June-July	140	144
October	July-August	134	138
November	August-September	126	130
December	September-October	120	124

(3) For a minus net deviation percentage the Class I price shall be increased and for a plus deviation percentage the Class I price shall be decreased as follows:

(i) One cent for each two such percentage points of net deviation; plus

(ii) One cent for each two such percentage points of net deviation for which a percentage point of net deviation of like direction and amount was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each two such percentage points of net deviation for which percentage points of net deviation in like direction and amount were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for

the first and second month immediately preceding.

The price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the price for Class I milk of 3.8 percent butterfat content established for the same month or delivery period pursuant to Part 968 of this chapter regulating the handling of milk in the Wichita, Kansas, marketing area or the price of Class I milk of 3.8 percent butterfat content established for the same month or delivery period pursuant to Part 911 of this chapter regulating the handling of milk in the Texas Panhandle marketing area during the months of March, April, May, and June and 25 cents less than such price computed for the Texas Panhandle marketing area in all other months.

11. Add a § 919.53 to read as follows:

§ 919.53 ***Location differentials to handlers.*** **For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Dodge City, Kansas, and which is classified as Class I milk the prices computed pursuant to § 919.51 (a) shall be reduced by 7.5 cents if such plant is located more than 100 miles but not more than 110 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles:** ***Provided,*** **That for the purposes of calculating such differential transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence at which the lowest location differential credit would apply.**

12. Add a § 919.54 to read as follows:

§ 919.54 ***Use of equivalent price.*** **If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.**

13. Revise § 919.60 to read as follows:

§ 919.60 ***Exempt handlers.*** **Sections 919.40 through 919.46, 919.50 through 919.54, 919.70 through 919.71 and 919.80 through 919.89 shall not apply to a producer-handler or a handler defined pursuant to § 919.9 (b).**

14. In § 919.70 (a) delete the phrase "(adjusted pursuant to § 919.52)".

15. In § 919.71 redesignate paragraphs "(e)" and "(f)" as "(f)" and "(g)", respectively, and add a new paragraph (e) as follows:

(e) Add the aggregate of the value of all allowable location differentials to producers pursuant to § 919.81 (b).

16. In § 919.80 (a) delete the phrase "adjusted by the butterfat differential" and substitute the following "adjusted by the butterfat and location differentials".

17. Add a § 919.80 (d) as follows:

(d) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 919.9 (d), not less than the value of such milk as classified pursuant to § 919.44 (a) at the applicable class prices.

18. Revise § 919.81 to read as follows:

§ 919.81 *Producer differentials*—(a) *Butterfat differential.* In making payments pursuant to § 919.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

(b) *Location differential.* For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Dodge City, Kansas, there shall be deducted 7.5 cents per hundredweight of milk if such plant is located more than 100 miles but not more than 110 miles from such courthouse, and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

Issued at Washington, D. C., this 1st day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2499; Filed, Apr. 3, 1958; 8:50 a. m.]

Agricultural Research Service

[7 CFR Part 301]

JAPANESE BEETLE

DOMESTIC QUARANTINE NOTICE

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36, 71 Stat. 32, 33), is considering amending § 301.48-2 of the regulations supplemental to notice of quarantine No. 48 (7 CFR 301.48-2) to read as follows:

§ 301.48-2 *Regulated areas.* The following States, District, counties, townships, cities, towns, villages, and magisterial districts, or parts thereof, are hereby designated as regulated areas:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, and Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Monroe, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; towns of Amherst, Cheektowaga, and Tonowanda, and cities of Buffalo and Lackawana, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown in Jefferson County; town of Mount Morris, and village of Mount Morris, in Livingston County; town of Manchester, in Ontario County; towns of Granby, Hannibal, Mexico, Minetto, New Haven, Oswego, Palermo, Schroeppel, Scriba, and Volney, and cities of Fulton and Oswego, in Oswego County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County.

North Carolina. Counties of Alamance, Beaufort, Bertie, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Chowan, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Henderson, Hertbord, Hyde, Johnston, Jones, Lenoir, Martin, McDowell, Mecklenburg, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Polk, Randolph, Rockingham, Rowan, Sampson, Transylvania, Tyrrell, Vance, Wake, Warren, Washington, Watauga, Wayne, and Wilson; township of Beaver Dam and city of Canton, in Haywood County.

Ohio. Counties of Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lake, Mahoning, Medina, Monroe, Morgan, Muskingum, Nobel, Portage, Stark, Summit, Trumbull, Tuscarawas, Washington, and Wayne; townships of Ames, Athens, Bern, Canaan, Carthage, Dover, Lodi, Rome, and Troy, in Athens County; townships of Adams, Bethlehem, Franklin, Jackson, Lafayette, Linton, Oxford, Tuscarawas, Keene, Virginia, and White Eyes, and city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, Upper Arlington, and Whitehall, in Franklin County; townships of Addison, Cheshire, Clay, Gallipolis, Green, Harrison, and Ohio and city of Gallipolis, in Gallia County; township of Prairie, in Holmes County; townships of Bowling Green, Franklin, Granville, Hanover, Hopewell, Licking, Madison, Mary Ann, Newark, Newton, and Perry and cities of Granville and Newark, in Licking County; townships of Amherst, Avon, Avon Lake, Black River, Elyria, Sheffield, and Ridgeville and city of Elyria, in Lorain County; townships of Adams, Sylvania, and Washington and cities of Sylvania and Toledo, in Lucas County; townships of Bedford, Chester, Lebanon, Letart, Olive, Orange, Salisbury, and Sutton and cities of Middleport and Pomeroy, in Meigs County; township of Madison and city of Mansfield, in Richland County.

Pennsylvania. The entire State.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Arlington, Bedford, Botetourt, Brunswick, Campbell, Caroline, Charles City, Chesterfield, Clarke, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greene, Greensville Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Middlesex, Montgomery, Nansemond, Nelson, New Kent, Norfolk, Northhampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, Wythe, and York; magisterial districts of Glade Springs and Holston, in Washington County; and cities of Alexandria, Charlottesville, Clifton Forge, Colonial Heights, Danville, Falls Church, Fredericksburg, Hampton, Hopewell, Lynchburg, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, Virginia Beach, Williamsburg, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Braxton, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Kanawha, Lewis, Marion, Marshall, McDowell, Mineral, Monongalia, Morgan, Ohio, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, and Wood; city of Huntington, in Cabell County; city of Montgomery, in Fayette County; magisterial districts of Blue Sulphur (including the town of Alderson), Fort Spring, Irish Corner, Lewisburg, and White Sulphur, and cities of Caldwell, Lewisburg, Ronceverte, and White Sulphur, in Greenbrier County; city of Logan in Logan County; magisterial districts of Clendenin and Lewis, and city of Point Pleasant, in Mason County; magisterial districts of Beaver Pond, East River, and Rock, and cities of Bluefield and Princeton, in Mercer County; city of Williamson, in Mingo County; magisterial district of Wolfe Creek and town of Alderson, in Monroe County; city of Beckley, in Raleigh County; magisterial districts of Greenbrier (including the city of Hinton), Jumping Branch, and Talcott, in Summers County; town of Ceredo and city of Kenova, in Wayne County; and city of Pineville, in Wyoming County.

This proposed amendment would add to the Japanese beetle regulated area 12 counties in North Carolina; 1 county and parts of 12 other counties in Ohio; 2 counties, 3 cities, and portions of 4 other counties in Virginia; as well as 6 counties and parts of 17 others in West Virginia.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85–36, 71 Stat. 32, 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 1st day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–2500; Filed, Apr. 3, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

NOTICE OF PROPOSED DECISION IN REDETERMINATION OF PREVAILING MINIMUM WAGES IN SURGICAL INSTRUMENTS AND APPARATUS INDUSTRY

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U. S. C. 35 and 43a), hereinafter referred to as the Act, to redetermine the prevailing minimum wages for persons employed in the surgical instruments and apparatus industry, has been certified to me by the Hearing Examiner. The parties having waived their rights to present proposed findings and conclusions, the record was closed at the conclusion of the hearing on December 17, 1957. Now that the hearing has been transcribed and the record fully considered, the Rules of Practice, 29 CFR 203.21 (b), require issuance of a proposed decision, including a statement of findings and conclusions, as well as the reasons and basis therefor, and the appropriate proposed wage determination.

Definition. The notice of hearing defined the surgical instruments and apparatus industry as that industry which manufacturers instruments, apparatus, and equipment used in, or in connection with, or in the aid of the practice of medicine and surgery, such as surgical and diagnostic instruments, apparatus, and equipment for medical and surgical treatment. This definition shall include the manufacture of sutures and sterilizers for surgical purposes, but shall not include the manufacture of (1) surgical dressings, (2) electrosurgical instruments and apparatus in which electricity is the diagnostic, therapeutic or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultra-violet and infra-red ray and other therapeutic and heating lamps, apparatus and equipment, and (3) orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings.

The differences in this definition from the one currently in effect were adopted for these proceedings after consultation with a panel of labor and management representatives. The word "ligatures" in the currently effective definition was deleted, because its meaning is the same, and it adds nothing to the word "sutures" which also is in the currently effective definition and which is retained in this one. The words "and equipment" have also been added after the word "apparatus." This change is intended to broaden the scope of the definition to include such things as operating and delivery room tables, operating room lights, recovery room stretchers and instrument cabinets.

All of the parties at the hearing expressed satisfaction with the definition in the notice, and it will be adopted for the purpose of this proposal.

Locality. An analysis of shipments and offers to ship the products of this industry pursuant to invitations to bid on contracts subject to this act was prepared by the Public Contracts Division of this Department and introduced in evidence at the hearing. The purpose of this analysis is to provide evidence for decision as to whether there should be one determination for all the area in which this industry operates or separate determinations for smaller geographic areas. For this purpose, and to provide related wage data, the bid and shipment analysis and the wage survey each presents data as to three regional divisions of the country, as well as for the industry as a whole. The regional division is as follows:

Region I____	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.
Region II___	Delaware, New Jersey, New York, and Pennsylvania.
Region III__	Remainder of the United States.

Excluding contracts of indefinite total amount (which are less than 10 percent of all contracts in the industry), the Government procurement analysis covers over 98 per cent of the Government procurements in the industry resulting from invitations issued in calendar year 1956.

Though manufacturers in the surgical instruments and apparatus industry have their plants in all three of the regions used for purpose of the analysis, Government supply depots and warehouses, which are the destinations of shipments to the Government, are located only in Regions II and III.

The most illuminating fact which appears from the Government procurement analysis is that over 40 per cent of the invitations to bid on contracts to supply the Government's needs in this industry, require the successful bidder to obligate himself to deliver the product to any of the Government supply depots or warehouses that may thereafter be designated. In other words, there is no delivery point specified in these invitations to bid which would limit the area of competition. The competition for this 40 percent of the contracts necessarily must be industry-wide. The pattern is the same on those invitations which do specify a delivery point, and though awards are made on the basis of the lowest delivered price, all six origin-delivery combinations made possible by the regional form of analysis are represented substantially in both the total bids and successful bids count.

Both labor and management representatives at the hearing agreed that the competition in this industry was industry-wide, and that none of the regions into which the wage and procurement data were divided could be described as self-contained. The management proposal of three different prevailing minimum wage determinations for application in the three geographic areas is unrelated to competitive factors, and is based entirely on the differing median wage rates for the three geographic regions. This contrasting combination of industry-wide competition and geographic divergence in wage practice posed the "locality" issue in the judicial review of the textile industry wage order. In Mitchell v. Covington Mills, 299 F. 2d 506 (C. A. D. C.) certiorari denied 351 U. S. 934, the court, after reviewing the terms and purposes of the act, held that "only an industry-wide minimum will serve this purpose, because the competition is industry-wide."

The undisputed facts of record here make it plain that a procurement officer composing an invitation for bids in this industry will be unable to predict even the broad geographic region in which the successful bidder's plant will be located. I find that the locality in which surgical instruments and apparatus are to be manufactured and furnished under contracts subject to the act, cannot be defined more narrowly than all that area in which the industry has its plants.

Wages. The evidence of wages paid in the surgical instruments and apparatus industry is a wage survey made specially for this purpose by the Bureau of Labor Statistics. In March of 1957 there were 142 establishments with a total of five or more employees whose major product was in this industry as defined above. These establishments employed a total of 13,376 workers, of whom 9,679 are regarded as "covered", because their minimum wages are protected by the determinations made for this industry when they are engaged on the work to which those determinations apply. Three hundred and two of these covered workers, employed in 35 of the establishments in this industry, were classified as "beginners," because they were new plant employees hired at rates lower than those established for their specific jobs during a period of time required to receive orientation or initial training for their jobs.

Usable data were obtained from 96 percent of the establishments in the industry, employing 94 percent of both its total and covered workers. In accordance with generally accepted statistical procedures, these data were adjusted to more nearly represent the wage practices of the whole group of establishments in the industry by ascribing to the 4 percent of establishments employing 6 percent of the covered workers from which no usable data were received, the same wage characteristics reported by other establishments of comparable size, location, and other factors.

Management proposed a separate prevailing minimum wage determination for each of the three regions identified in the wage survey and the Government procurement data. For the reasons discussed in some detail under "Locality" above, this proposal will not be adopted.

The unions proposed an industry-wide rate of $1.30, based on $1.25 per hour said to be justified by Table 4 of the wage survey, plus 5 cents per hour for post survey increases. Table 4 lists the several establishment minimum wages paid to covered workers (except beginners) in the industry, and gives, for each such minimum wage, the total number of covered workers employed by establishments which pay that minimum wage, as well as the number of such establishments. It appears from this table that at the time of the survey 58 percent of the workers in the industry were employed in the 49 percent of its establishments which paid no covered worker, except beginners, less than $1.25 per hour. As such a group includes at least half of the industry, the prevailing minimum wage in the industry is not less than the lowest minimum wage they pay. On the other hand, the next higher minimum wage paid in the industry, $1.26 per hour, appears to be too high. Fifty-two percent of the workers are employed in the 58 percent of its establishments which, at the time of the survey, paid a minimum wage to their non-beginner covered workers of less than $1.26 per hour. For these reasons, it is found that the unions are correct in contending that $1.25 was the prevailing minimum wage at the time of the survey for the employees whose wages are considered in Table 4.

I cannot adopt the contention, however, that $1.25 was the prevailing minimum wage for all of the covered workers in this industry at the time of the survey, because this contention is based on data which excludes covered workers who are beginners. Table 6 is like Table 4 except that it includes minimum wages paid beginners. It appears from this table that at the time of the survey 54 percent of the workers were employed in 61 percent of the establishments, all of which paid minimum wages of less than $1.25. Thus, recognition of $1.25 as the minimum wage prevailing at the time of the survey, in accordance with the union recommendation, is appropriate if, but only if, contrary to the union recommendation, a tolerance is provided for beginners.

Management proposed a tolerance for beginners of 10 cents, to be effective for a three-month period. It appears from Table 5 that 49 percent of the plants employing beginners with 57 percent of the covered workers in such plants paid no beginner less than $1.16 per hour. Table 10 indicates that 27 plants had a differential between the lowest established hiring rate and the lowest established job rate. In this group, the median plant had a differential of 10 cents. Table 10 further discloses that twenty-four plants reported the periods of time needed to progress from a lowest established hiring rate for beginners to the lowest established job rate for covered workers other than beginners. Half of them reported periods not exceeding two months. These data concerning wage patterns for beginners in this industry lend support to the suggested 10-cent differential, but point to a somewhat shorter learning period than the three months suggested by the management group. A 10-cent differential for beginners limited to 320 hours seems more appropriate.

Finally, the unions urge that the prevailing minimum wages revealed by the March 1957 survey have increased 5 cents per hour since that time. They gave testimony to the effect that though no one union has organized a significant portion of the workers in this industry, there are many unions with contracts in it. Examination of a number of these agreements is said to show a 5 cent per hour increase in minimum wages since March of 1957. In addition, the unions point out, the Bureau of Labor Statistics hours and earnings data published in the Monthly Labor Review show that adjusted average hourly earnings for the Surgical, Medical, and Dental Instruments Industry rose from $1.76 in March of 1957 to $1.81 in August of 1957.

The information concerning increases in union contracts is not an adequate base for finding an increase in the prevailing minimum wage, because there is no showing that it affected enough plants and employees to be truly representative of the industry as a whole. The five cent increase in average hourly earnings reported by the Bureau of Labor Statistics will not support a finding of the type requested for two reasons. The first is that there is no showing minimum wages have paralleled average wages in such increase. The second is that the Surgical, Medical, and Dental Instruments Industry, in which the Bureau of Labor Statistics found a post survey increase in average hourly earnings, is a much larger industrial group than is included in the definition of this industry. It includes orthopedic appliances and supplies, the great majority of which are excluded from the definition here, and dental equipment and supplies, all of which are excluded from the definition here. There is no showing that the average increase reported by the Bureau for the larger industry applies to this smaller one. The record does not contain sufficient evidence to support a finding of a post survey increase in prevailing minimum wages in this industry.

Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sec. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, § 202.48 (a) (b) and (c) to read as follows:

§ 202.48 *Surgical instruments and apparatus industry*—(a) *Definition.* The surgical instruments and apparatus industry is defined as that industry which manufactures or furnishes instruments, apparatus, and equipment used in, or in connection with, or in the aid of the practice of medicine and surgery, such as surgical and diagnostic instruments, apparatus, and equipment for medical and surgical treatment. This definition shall include the manufacture of sutures and sterilizers for surgical purposes, but shall not include the manufacture of (1) surgical dressings, (2) electro-surgical instruments and apparatus in which electricity is the diagnostic, therapeutic, or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultra-violet and infra-red ray and other therapeutic and heating lamps, apparatus and equipment, and (3) orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of the products of the surgical instruments and apparatus industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1 25 per hour.

(c) *Tolerance.* Beginners as defined in this paragraph may be employed in the surgical instruments and apparatus industry for a period of not more than 320 hours at a rate not less than $1.15 per hour. A beginner for the purpose of this paragraph is defined as a new plant employee hired at a rate lower than that established for a specific job during the period of time required to receive orientation or initial training for that job, and who has less than 320 hours experience in the plant in which he is employed.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington, 25, D. C.

Signed at Washington, D. C., this 31st day of March 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-2491; Filed, Apr. 3, 1958; 8:48 a. m.]

Wage and Hour Division

[29 CFR Part 545]

FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 58-2381, published on page 2130 in the issue for Tuesday, April 1, 1958, the subject headnote should reads as set forth above.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42]

[Draft Release No. 58-7]

SUPPLEMENTARY OXYGEN REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Parts 4b, 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 5, 1958. Copies of such communications will be available after May 7, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Heretofore the supplemental oxygen requirements for transport category airplanes have been based primarily upon the needs of airplanes certificated for operations at altitudes at or below 25,000 feet. Current requirements have proved to be satisfactory for operations within this limit; however, deficiencies appear when the existing provisions are retained to meet the needs of higher altitudes. To overcome these deficiencies, revisions to Part 4b of the Civil Air Regulations are being proposed, and revisions of the appropriate sections of Parts 40, 41, and 42 are being proposed to maintain consistency with the airworthiness requirements and for clarification.

The advent of turbine-powered airplanes which operate at higher altitudes than airplanes powered by reciprocating engines requires that some changes be made in the supplementary oxygen requirements for airplanes utilizing these higher altitudes. Flight at these higher altitudes increases the severity of the problems which are associated with the use of supplemental oxygen. Because of the operational demands of turbine engines, flight altitudes as high as 40,000 feet and above must be anticipated. Cabin depressurization at these altitudes would rapidly affect all occupants of the airplane and require that immediate aid in the form of adequate supplemental oxygen be available to avoid high casualty rates. In addition to the immediate oxygen problems associated with depressurization, these airplanes are further faced with the possibility of being forced by fuel consumption factors to continue flight at altitudes that would require supplemental oxygen to be furnished all occupants.

In the event of cabin depressurization at altitudes above 25,000 feet, the urgent need for supplemental oxygen would require that it be furnished to all occupants during the descent to a habitable environment. This oxygen dispensing equipment must be readily available and of a type which can be utilized by the occupants without delay. The oxygen flow rate provided by this equipment must be adequate to insure that adverse physiological reaction to low atmospheric pressures is not significant.

Fuel consumption factors often require operations for an extended period of time at an altitude requiring supplemental oxygen and thereby necessitating that a large quantity of oxygen be carried aboard the airplane. The oxygen flow rate now prescribed by Figure 4b-21 of Part 4b has been found to be greater than necessary for these conditions. The new oxygen flow rate prescribed by this proposed amendment is generally agreed to be adequate and is defined in terms that specify the oxygen pressure as delivered at the point of usage rather than the pressure when delivered from the system. Since this requirement is for sustained flight at an altitude where oxygen is required, it will be applicable to all airplanes flying at cabin pressure altitudes greater than 10,000 feet.

During normal flight or following depressurization, some passengers may suffer varying degrees of disability which will require undiluted oxygen for first-aid purposes. For this contingency, a requirement for a quantity of first-aid oxygen is contained in this proposal.

A requirement for a positive visual and aural alarm indicating the need for supplemental oxygen by the occupants of the airplane is proposed because of the necessity for the immediate use of oxygen following depressurization at high altitudes.

It is essential that the flight crew be alert, mentally efficient, and in good physical condition at all times. To insure this, a greater amount of oxygen than that necessary for passengers is required. In the event of unexpected cabin depressurization at altitudes above 25,000 feet, there is a real danger that neither the pilot nor the copilot would be able to use his oxygen equipment within a safe period of time unless at least one of them wears his oxygen mask at all times when flying at such altitudes. A requirement is, therefore, proposed which would require that one flight crew member at the controls of the airplane wear an oxygen mask at all times or have one immediately available when flight is conducted above 25,000 feet.

The flight attendants, in the course of their normal duties, may be at any place in the cabin at the time of depressurization. Since at altitudes above 25,000 feet sufficient time may not be available for them to return to a designated oxygen station, it is necessary that either a portable oxygen supply be carried by each attendant or that sufficient additional outlets and units of dispensing equipment be available throughout the cabin to insure that it will be attainable at all times. In view of the fact that turbine-powered airplanes will probably be required to continue operations at flight altitudes requiring supplemental oxygen, it will be necesary to provide portable oxygen equipment for the cabin attendants in order to insure mobility of these attendants so that they may give assistance to passengers as needed even though portable oxygen equipment is not required to satisfy the emergency descent provisions.

Since it is possible that an adult and a child might be in a lavatory at the time of a depressurization, a requirement that two units of oxygen dispensing equipment be provided in each lavatory is included in these proposed amendments.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that Parts 4b, 40, 41, and 42 of the Civil Air Regulations be amended:

1. By amending § 4b.375 (f) of Part 4b to read as follows:

§ 4b.375 *Pressure control.* * * *

(f) Visual and aural warning devices shall be provided to indicate when the safe limits of cabin pressure differential, absolute cabin pressure, and rate of change of absolute pressure are exceeded. These visual and aural warning devices and the instruments required by paragraph (e) of this section shall be located in a group at the pilot or flight engineer station.

2. By deleting figure 4b-21.

3. By amending § 4b.651 (a), (b), (d), and (e) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* * * *

(a) *General.* The oxygen system installed shall be free from hazards in itself, in its method of operation, and in its effect upon other components of the airplane. Means shall be provided to enable the crew to determine the quantity of oxygen available in each source of supply. These indicators shall be located in the same group as or adjacent to the instruments required by § 4b.375 (e) and (f).

(b) *Required minimum mass flow of supplemental oxygen.* The minimum mass flow of supplemental oxygen required per person at various cabin pressure altitudes shall be that necessary to comply with the following requirements as applicable:

(1) Where continuous flow equipment is used by flight crew members in an aircraft certificated to operate at flight altitudes not exceeding 25,000 feet, the minimum mass flow of supplemental oxygen required for each crew member shall not be less than that which will maintain a tracheal oxygen partial pressure of 149 mm Hg. when breathing 15 liters per minute, BTPS, and having a maximum tidal volume of 700 cc. with a constant time interval between respirations.

(2) Where demand equipment is used by flight crew members in an aircraft certificated to operate at flight altitudes not exceeding 40,000 feet, the minimum mass flow of supplemental oxygen required for each crew member shall be not less than that which will maintain a tracheal oxygen partial pressure of 122 mm Hg. to and including a flight altitude of 35,000 feet and 95 percent oxygen between flight altitudes of 35,000 and 40,000 feet, when breathing 20 liters per minute, BTPS.

(3) Where continuous flow equipment is used by the passengers and cabin attendants, the minimum mass flow of supplemental oxygen required for each person at various cabin pressure altitudes shall be not less than that which will maintain the following tracheal oxygen partial pressures when using the oxygen equipment provided including masks:

(i) A tracheal oxygen partial pressure of 100 mm Hg. when breathing 15 liters per minute, BTPS, and having a tidal volume of 700 cc. with a constant time interval between respirations.

(ii) At flight altitudes not exceeding 25,000 feet, a tracheal oxygen partial pressure of 83.8 mm Hg. when breathing 30 liters per minute, BTPS, and having a tidal volume of 1,100 cc. with a constant time interval between respirations.

(iii) Above flight altitudes of 25,000 feet but not exceeding 32,000 feet, a tracheal oxygen partial pressure of 149 mm Hg. and above flight altitudes of 32,000 feet but not exceeding 40,000 feet 95 percent oxygen when breathing 30 liters per minute, BTPS, and having a tidal volume of 1,100 cc. with a constant time interval between respirations.

* * * * *

(d) *Equipment standards for dispensing units.* Where oxygen dispensing units are required, they shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) An individual dispensing unit shall be provided for each occupant for whom supplemental oxygen is required to be furnished. All units shall be designed to cover the nose and mouth. (For crew masks to be used for protective breathing purposes, see paragraph (h) of this section.)

(2) In airplanes certificated to operate at flight altitudes not exceeding 25,000 feet, there shall be available to and within reach of each flight crew member an oxygen supply terminal and unit of oxygen dispensing equipment to provide for the immediate use of oxygen by such crew member. For all other occupants the supply terminals and dispensing equipment shall be located so as to provide for a timely use of oxygen as required by the operating rules.

(3) In airplanes certificated to operate above 25,000 feet flight altitude, the provisions of subdivisions (i) through (iii) of this subparagraph shall apply:

(i) An oxygen dispensing unit shall be immediately and automatically available to each occupant wherever seated;

(ii) Not less than two outlets and units of dispensing equipment shall be located in each lavatory; and

(iii) Portable oxygen equipment shall be available for each cabin attendant.

(e) *Means for determining use of oxygen.* Means shall be provided to enable the crew to determine whether oxygen is being delivered to each user and to indicate whether the automatic presentation system functions properly. These indications shall be located in the same group as or adjacent to the instrumentation for the oxygen system and pressurization system required by § 4b.375 (f) and paragraph (a) of this section.

4. By amending § 40.202 of part 40 to read as follows and by similarly amending § 41.24 of Part 41 and § 42.26 of Part 42:

§ 40.202 *Supplemental oxygen for sustenance and first-aid.* Sustaining and first-aid oxygen and dispensing equipment shall be furnished by the air carrier for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (a), (b), and (c) of this section. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at a time during flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such failure the cabin pressure altitude shall be the same as flight altitude.

(a) *Crew members.* It shall be shown that a supply of oxygen for crew members is provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet and not exceeding 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crew members during the entire flight at such altitudes.

(b) *Passengers.* The air carrier shall show that a supply of oxygen for passenger safety is provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet but not exceeding 14,000 feet, a supply of oxygen shall be provided for the duration of flight in excess of 30 minutes to 10 percent of the number of passengers carried.

(2) For flights at cabin pressure altitudes above 14,000 feet but not exceeding 15,000 feet, a supply of oxygen shall be provided for the duration of flight at such altitude to 30 percent of the number of passengers carried.

(3) For flights at cabin pressure altitudes above 15,000 feet, a supply of oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

(4) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen, a supply of oxygen shall be provided to furnish 95 percent oxygen for the duration of flight at cabin pressure altitudes above 8,000 feet to 2 percent of the occupants on flights of 4 hours or less, or to 4 percent of the occupants on flights of more than 4 hours, but in no case to less than

persons. An appropriate number of dispensing units shall be provided.

5. By amending § 40.203 to read as follows and by similarly amending §§ 41.24a and 42.27:

§ 40.203 *Supplemental oxygen for emergency descent of pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in this section in the event of cabin pressurization failure.

(a) *Crew members.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 40.202 except that not less than a 2-hour supply shall be provided for the flight crew members on flight deck duty. The oxygen required by § 40.205 may be included in determining the supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(b) *Use of oxygen mask by pilot.* One pilot at the controls of the airplane shall wear and use an oxygen mask at all times when operating at flight altitudes above 25,000 feet unless it can be shown that the oxygen mask although not in use can be worn by the pilot in a manner that will permit it to be placed on his face in position for use and properly secured and sealed with the use of one hand only, that control of the airplane can easily be maintained while positioning the mask, and that no probable circumstance leading to the loss of cabin pressure will result in the loss of the oxygen mask or its function.

(c) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment shall be carried by each attendant during the entire time flight is conducted above 25,000 feet unless it is shown that sufficient spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(d) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certified to operate at flight altitudes not exceeding 25,000 feet, oxygen shall be provided for 30 minutes to 10 percent of the number of passenger cabin occupants carried if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes.

(2) When an airplane is operated at flight altitudes not exceeding 25,000 feet and cannot descend safely to 14,000 feet within 4 minutes, and when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be provided for 10 percent of the number of passenger cabin occupants carried for the duration of flight at cabin pressure altitudes above 10,000 feet but not exceeding 14,000 feet and, as applicable, to permit compliance with § 40.202 (b) (2), and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(e) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crew member shall give the passengers instructions regarding the location and operation of the oxygen dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

6. By amending § 40.204 by adding "and § 40.203" after the reference "§ 40.202", and by changing "July 20, 1950" to the effective date of the latest amendments applicable to § 4b.651; and by similarly amending §§ 41.24b and 42.28.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., March 27, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58-2474; Filed, Apr. 3, 1958; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

REGULATIONS FOR ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF CITRUS FRUIT BEARING CHEMICAL PRESERVATIVE FROM LABELING REQUIREMENTS AT TIME OF RETAIL SALE

Notice is hereby given that petitions have been filed by American Farm Bureau Federation, United Fresh Fruit and Vegetable Association, and Sunkist Growers, requesting that fresh fruits and vegetables be exempted from the requirements of section 403 (k) of the Federal Food, Drug, and Cosmetic Act, with respect to added chemical preservatives. These petitions have been supported by a number of growers, grower organizations, and members of the wholesale and retail grocery trade.

Sunkist Growers and the retail grocers who supported that firm's petition furnished evidence from six geographic areas which led them to believe that the declaration of chemical preservative required by section 403 (k) of the act is impracticable with respect to fresh citrus fruit, because:

1. A retail grocer may have at the same time several lots of the same citrus fruit bearing different preservative treatments;

2. The presence of such lots in the retail market may lead to errors in the labeling of bins despite efforts to apply proper labels to the fruit being displayed for sale; and

3. To keep each of the several lots separated and separately labeled in the retail market would result in prohibitive expense because of the increased labor cost and display space required.

From a study of the petitions it is apparent that the difficulty encountered in the proper labeling of citrus fruit treated with chemical preservatives arises principally because section 403 (i) (2) of the act requires the common or usual name of each preservative to be declared on its label.

Section 403 (i) provides that "to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable * * * exemptions shall be established by regulations promulgated by the Secretary." The data submitted by Sunkist Growers and the grocers who supported the firm's petition indicate that it is desirable to secure further information on the practicability of declaring at time of retail sale the common or usual name of chemical preservative ingredients on citrus displayed in bulk. This notice is being published to obtain additional facts upon which to base a decision.

If adopted, the proposal made below would:

1. Leave citrus fruit in package form subject to section 403 (i) (2) and (k) of the act. Thus, the package would have to bear a label declaring both the presence of any chemical preservative and the common or usual name of the preservative.

2. Exempt citrus fruit displayed in a retail market in bins (or other nonpackage form) from the necessity of bearing a label that names the chemical preservative present in or on the fruit (exempt it from a portion of section 403 (i) (2)).

3. Leave such fruit subject to the full requirements of section 403 (k) of the act. Thus, it would still have to bear labeling (such as a legend stamped on the fruit, or a counter card displayed with the fruit) which declared that it bears or contains a chemical preservative.

4. Leave other fruits or vegetables subject to the requirements of section 403 (i) (2) and (k). They would have to bear labeling which declared the name and presence of any chemical preservative present, whether or not in package form, and whether or not offered for retail sale.

The petitions do not furnish reasonable grounds for publishing a proposed exemption that would apply to citrus in package form, to citrus before it is offered for retail sale, or to any other fruit or vegetable, whether or not in package form.

Now, therefore, notice is given that the Commissioner of Food and Drugs, under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 403 (i), 701 (a), 52 Stat. 1048, 1055 as amended; 21 U. S. C. 343 (i), 371 (a)), proposes to amend § 1.10 of the general regulations for the enforcement of the act by adding thereto a new paragraph (g) reading:

(g) Fresh citrus fruit not in package form shall be exempt while held for retail sale from the requirements of section 403 (i) (2) of the act with respect to any chemical preservative ingredient present.

Any interested person is invited to submit, within 30 days after publication of this notice in the Federal Register, evidence showing the practicability or impracticability of labeling fresh citrus fruit which has been treated after harvest with a chemical preservative, with the name of each chemical preservative ingredient at time of retail sales. Comments should be submitted in quintuplicate to the Hearing Clerk, Room 5440, Department of Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C.

Dated: March 31, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2495; Filed, Apr. 3, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 7-60, 23-565]

INDUSTRIE-WARENVERKEHR AND GEORG EIGLER

ORDER FURTHER EXTENDING ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Industrie-Warenverkehr, and Georg Eigler, Liliengasse 1, Vienna, Austria, respondents; File 7-60, 23-565.

Upon the application of the Investigation Staff of the Bureau of Foreign Commerce and, it appearing that the Agent-in-Charge, Investigation Staff, has commenced a proceeding against the respondents for an order denying to them all privileges of participating in exportations from the United States by reason of their conduct in connection with the unauthorized transshipment of 100 tons of tetraethyl lead originally exported from the United States to Austria as the place of ultimate destination and, it further appearing that the respondents admit their participation in such unauthorized transshipment and acquiesence in the temporary order heretofore issued against them.

It is ordered, That the order of December 17, 1957 (22 F. R. 10310) temporarily denying export privileges to Industrie-Warenverkehr and Georg Eigler, heretofore extended on February 14, 1958 until March 31, 1958, be, and the same hereby is further extended until the completion of the said proceeding and the entry of a final order determining the same.

Dated: April 1, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-2490; Filed, Apr. 3, 1958; 8:48 a. m.]

Federal Maritime Board

SHEPARD STEAMSHIP CO. ET AL.

NOTICE OF TERMINATION OF BAREBOAT CHARTERS

Notice of annual review of bareboat charters covering the vessels "John M. Bozeman", "Thomas Paine", and "Samuel F. Miller" (Charterers: Shepard Steamship Company, American Coal Shipping, Inc., and Boston Shipping Corporation, respectively), appeared in the Federal Register issue of March 28, 1958 (23 F. R. 2081), in which comments were invited with respect to justification for continuing or discontinuing said charters.

The Federal Maritime Board has determined that conditions do not exist justifying the continuance of the charters beyond a year's period of operation of the vessels named above.

Dated: April 2, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-2530; Filed, Apr. 3, 1958; 8:58 a. m.]

Office of the Secretary

CURT OHEIM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of September 25, 1956, 21 F. R. 7301; March 29, 1957, 22 F. R. 2093; October 1, 1957, 22 F. R. 7777.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 19, 1958.

Dated: March 24, 1958.

CURT OHEIM.

[F. R. Doc. 58-2475; Filed, Apr. 3, 1958; 8:45 a. m.]

VERN I. MCCARTHY, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of September 26, 1956, 21 F. R. 7351; March 29, 1957, 22 F. R. 2093; October 1, 1957, 22 F. R. 7777.

A. Deletions: None.
B. Additions: Delta-f, Inc., Hoffman International Corp., Triune Holdings Co.

This statement is made as of March 14, 1958.

Dated: March 27, 1958.

VERN I. MCCARTHY, Jr.

[F. R. Doc. 58-2476; Filed, Apr. 3, 1958; 8:45 a. m.]

MORLAN J. GRANDBOIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of April 12, 1957, 22 F. R. 2512; October 8, 1957, 22 F. R. 8008.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 26, 1958.

Dated: March 26, 1958.

MORLAN J. GRANDBOIS.

[F. R. Doc. 58-2477; Filed, Apr. 3, 1958; 8:45 a. m.]

CLARENCE BLUMOEHR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of April 28, 1956, 21 F. R. 2795; October 2, 1956, 21 F. R. 7553; April 11, 1957, 22 F. R. 2441; October 10, 1957, 22 F. R. 8072.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 22, 1958.

Dated: March 22, 1958.

CLARENCE BLUMOEHR.

[F. R. Doc. 58-2478; Filed, Apr. 3, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license to Massachusetts Institute of Technology substantially in the form set forth in Annex "B" unless within thirty (30) days after filing of this notice with the Federal Register Division a request for formal hearing is filed with the Commission in accordance with the Commission's rules of practice (10 CFR Part 2). There is included as Annex "A" the proposed findings and conclusions concerning the proposed license. The proposed license would authorize Massachusetts Institute of Technology to operate the nuclear research reactor at the site described in its application for license. Construction of the facility was authorized by Construction Permit No. CPRR–5 issued on May 7, 1956 (21 F. R. 3150). Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the terms and conditions of the construction permit.

For further details see (1) the application submitted by Massachusetts Institute of Technology, and amendments thereto; (2) a report dated January 13, 1958, from the Chairman, Advisory Committee on Reactor Safeguards, to the Chairman, Atomic Energy Commission, reporting as to the Committee's review of the application, as amended, and (3) a memorandum dated March 27, 1958, submitted by the Director, Division of Licensing and Regulation, which summarizes the principal safety factors considered in reviewing the application for license, all on file at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Germantown, Md., this 31st day of March 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing
and Regulation.

ANNEX "A"

PROPOSED FINDINGS AND CONCLUSIONS

A. *Proposed findings.* 1. On February 20, 1956, the Massachusetts Institute of Technology (hereinafter referred to as MIT) submitted an application for the necessary licenses to construct and operate a research reactor.

2. MIT is a nonprofit, private, educational institution organized under the laws of the State of Massachusetts. MIT is not owned, controlled, or dominated by an alien, foreign corporation, or foreign government.

3. The MIT reactor is a one megawatt (thermal) heavy water-cooled and -moderated, heterogeneous, enriched uranium reactor. The reactor is to be used for the conduct of research. Experimental facilities are provided for use in neutron diffraction work, horizontal beam experiments, neutron beam therapy experiments, exponential assembly experiments, and neutron irradiation studies.

The reactor core and the heavy water moderator are contained in an aluminum pressure vessel. The experimental facilities located outside of the pressure vessel in the graphite reflector, consist of horizontal ports, rotary changing ports, instrument ports, pneumatic tube changers, thimble tubes, thermal columns, and a medical therapy radiation facility. The only experimental facilities located inside of the pressure vessel are six small sample tubes in the heavy water moderator.

The fuel consists of 19 curved plate-type fuel elements, similar to those in the Materials Testing Reactor at Arco, Idaho.

For control and regulation of the reactor, there are six top entry shim-safety rods which penetrate vertically through seals in the pressure vessel into the core region. The control rod drive mechanisms are located between two concrete plugs at the top of the reactor tank.

The pressure vessel for this reactor is an aluminum cylinder 4 feet in diameter and ¼ inch thick. This vessel was designed to be in accordance with the ASME Code for Unfired Pressure Vessels to withstand a pressure of 40 psig. The top lid of the pressure vessel is designed to withstand 80 psig. The pressure vessel is surrounded by two feet of graphite. The graphite is enclosed in a boral-lined steel gas-tight container. Outside of this container is a water-cooled thermal shield consisting of a layer of steel and lead. Surrounding the thermal shield is a layer of high density concrete about six feet thick which serves as the biological shield.

The coolant system consists of a primary heavy water loop heat exchanger, a secondary light water loop, and a cooling tower in the secondary loop. The coolant pipes enter at the bottom of the pressure vessel and circulate upward through the core.

4. On May 7, 1956, the AEC issued Construction Permit No. CPRR–5 to MIT for the construction of the reactor for which they are now seeking an operating license.

5. The construction permit CPRR–5 provided that "MIT is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, Code of Federal Regulations; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time." There has been no information developed with respect to the financial qualifications of MIT which significantly changes the facts upon which this conclusion was based.

6. The Massachusetts Institute of Technology has had many years experience in conducting a program of instruction and experimentation in the field of nuclear engineering and related subjects. The MIT staff is well trained in the theoretical aspects of reactor operation and several members of the staff have had operating experience with reactors.

7. The construction permit specified certain additional information required of the applicant prior to the issuance of the operating license. Such information included:

(a) A standard operating procedure, including start-up routine and non-routine operation, and shut-down;

(b) A description of critical experiments to be performed, including procedures to be followed; and

(c) A plan of action for disaster control in event of an accident or incident resulting in a radioactive hazard to the public.

Information on these matters has been supplied and is discussed in Findings Number 8, 9, and 10, respectively.

8. During the initial start-up, the reactor coolant system is to be filled with light water and flow tests are to be conducted using primarily dummy fuel elements. After these tests are completed, the fuel elements are to be removed and the reactor is to be drained, dried and then filled with heavy water. Checks are then to be made to insure that all operating conditions, instrumentation and controls, experimental facilities, and safety systems are in proper order.

The reactor is to be operated five days per week. At the beginning of each operating period all safety systems are to be checked and, if necessary, a new fuel element is to be loaded. Each time a new loading has been made, an experiment is to be performed to determine the critical position of shim and control rods.

The applicant has established operating rules for this facility including administrative regulations for routine and emergency procedures, procedures for reviewing reactor experiments, and procedures for determining the qualification and responsibilities of operators. The proposed operating procedures appear to be adequate to provide reasonable assurance that the reactor can be operated safely.

9. MIT is to conduct a number of initial critical experiments including calibration of shim rods, regulating rod, heavy water level, and neutron absorbers; oscillation frequency experiments; reactivity experiments involving non-uniform loadings, neutron flux and spectral distribution measurements; radiation surveys; fission product poisoning measurements; instrumentation adjustments and calibrations; temperature distribution measurements; temperature and void coefficient measurements; and general performance, inspection, checks and tests with simulation of possible failures. The experiments described and the means for conducting such experiments appear adequate to provide the necessary initial operating data.

10. MIT has established a detailed disaster control plan. This plan provides for the evacuation of people under the immediate control of MIT and for immediate liaison, where necessary, with appropriate State and local officials. This plan appears adequate to provide for emergency situations.

11. The reactor is located in a steel containment building. The building has been designed in accordance with the American Petroleum Institute Recommended Rules for Large Welded Low-Pressure Storage Tanks to withstand an internal pressure of 1 psi. A concrete shadow shield 2 feet thick and 33 feet high surrounds the interior of the containment building.

The containment building is penetrated by a personnel air-lock, a truck air-lock, an inlet air duct, an aluminum neutron window, a hot-plug storage tank, two hydraulic lifts, an exhaust air duct, an emergency escape air-lock and several pipes and conduits. MIT is providing in both the inlet and outlet lines of the ventilation system for an automatically controlled valve, and a manually operated valve in series.

The control mechanisms provided at the points of penetrations in the containment building and the nature and frequency of proposed leakage tests appear adequate to provide reasonable assurance that the leakage rate specified will be maintained. The leakage of the building will be measured after all penetrations have been installed and there will be annual tests for leak tightness.

The construction permit approved the substitution of a single steel door in place of the truck air-lock in the containment building subject to two conditions. These conditions are not relevant, since MIT has constructed the reactor with the truck air-lock. The air-lock is adequate.

12. The MIT reactor is generally similar to the CP–5 research reactor at Argonne National Laboratory and should exhibit similar characteristics. Negative temperature and void coefficients and a long neutron lifetime, which are characteristics of a reactor of this general design concept, provide a high degree of inherent stability.

The temperature and void coefficients are expected to be sufficiently negative to assure safe operation. However, the information on which this finding is based consists of theoretical calculations. The sign and magnitude of these coefficients cannot be definitively established until measurements are made during actual operation of the reactor.

13. The maximum credible accident for this facility consists of the instantaneous insertion of not more than 2.3 percent excess reactivity. MIT has stated that such an insertion of excess reactivity could be caused by dropping a fuel element into the central fuel element position in the core of the reactor. The initiating mechanisms for this accident would require a combination of circumstances the concurrent occurrence of which are highly improbable.

The instantaneous insertion of 2.3 percent excess reactivity would place the reactor on a period of approximately 40 milliseconds. Based on the postulated thermal characteristics and temperature coefficient values for the MIT reactor, the temperature reached in the fuel is calculated to be well below the melting point of the fuel. The resulting excursion would be terminated by inherent shutdown characteristics of the core itself before any significant damage would result to the reactor.

Based upon information presently available, the acceptance of this accident as the maximum credible accident is dependent upon a limitation of the amount of excess reactivity which can be inserted by the loss of a single experiment. MIT has calculated that the amount of excess reactivity which could be added to the reactor as a result of flooding all of the experimental facilities with light water would be approximately 1½ percent. Such flooding could credibly occur concurrently with the loss of a single experiment.

14. The greatest possible release of fission products under the conditions of containment specified for this facility from accidental spillage in the handling of the largest experiment to be conducted in this facility would be considerably less than 1.5 r of gamma radiation and an integrated dose of 92 rep to the thyroid from iodine 131 to a person continuously exposed at the site boundary for one hour. While a release of sufficient magnitude to result in such exposures is highly unlikely, these doses would not result in any clinically observable damage to those exposed.

15. MIT has submitted data describing the control and safety instrumentation and the administrative procedures relating to the use of the facility for neutron beam therapy experiments and medical therapy. The instrumentation and procedures appear to provide adequate protection for the health and safety of the public and personnel participating in the use of the facility for these purposes.

16. On January 27, 1958, MIT filed with the Commission, as proof of financial protection pursuant to 10 CFR Part 140, copies of binder No. 14, issued by Mutual Atomic Energy Liability Underwriters, covering this facility in the amount of $2,000,000.

17. The application has been referred to the Advisory Committee on Reactor Safeguards for a report with respect to the hazards of the facility. The report of the Committee has been made available to the public.

18. The AEC staff and the Commission's Advisory Committee on Reactor Safeguards believe that the MIT reactor can be operated with an acceptable degree of risk to the health and safety of the public. The advisory Committee recommended that provision be made for an auxiliary system of closing the inlet and outlet lines of the ventilation system. Since the ACRS considered this matter, MIT has provided an adequate manually operated valve which is auxiliary to the automatically controlled valve already proposed.

B. *Proposed conclusions.* 1. The processes to be performed, the operating procedures, the facility and equipment, the use of the facility and other technical specifications provide reasonable assurance that the applicant will comply with the regulations in Chapter 1 of Title 10 of the Code of Federal Regulations, including the regulations in Part 20, and that the health and safety of the public will not be endangered by the operation of this facility, subject to the following conditions:

(a) No experiment shall be introduced into or permitted to remain in the reactor if more than one percent excess reactivity would be introduced into the reactor by the withdrawal or loss of that experiment.

(b) The reactor shall not be operated at a power level in excess of that necessary to measure the temperature and void coefficients until MIT has measured these coefficients and found them to be of the sign, and substantially of the magnitude, calculated in its application.

2. MIT is technically qualified to operate the proposed reactor.

3. MIT is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, of the Code of Federal Regulations, and to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

4. MIT has submitted proof of financial protection which satisfies the requirements of Commission regulations which are currently in effect.

5. The issuance of a license will not be inimical to the common defense and security or to the health and safety of the public.

For the Atomic Energy Commission.

——— ———,
Director,
Division of Licensing and Regulation.

Annex "B"

PROPOSED LICENSE

License No.

1. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Massachusetts Institute of Technology (hereinafter referred to as "MIT"):

a. Pursuant to section 104a and c of the Atomic Energy Act of 1954 as amended, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the nuclear research reactor facility (hereinafter "the facility") designated below;

b. Pursuant to the act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use 12 kilograms of uranium enriched to approximately 93 percent in the uranium 235 isotope as fuel for operation of the facility;

c. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced in the operation of the facility.

2. This license applies to the facility which is owned by MIT and located in Cambridge, Massachusetts, and described in MIT's application filed on February 20, 1956, and amendments to the application, filed on May 13, 1957, September 16, 1957, November 27, 1957, January 2, 1958, January 9, 1958, January 27, 1958, February 24, 1958, and March 25, 1958 (hereinafter "the application").

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below.

a. *Operating restrictions.* (1) MIT shall operate the facility in accordance with the procedures and limitations described in the application.

(2) MIT shall not operate the facility at a power level in excess of 1,000 kilowatts (thermal).

(3) No experiment shall be introduced into or permitted to remain in the reactor if more than one percent excess reactivity would be introduced into the reactor by the withdrawal or loss of that experiment.

(4) The reactor shall not be operated at a power level in excess of that necessary to measure the temperature and void coefficients until MIT has measured these coefficients and found them to be of the sign, and substantially of the magnitude, calculated in its application.

b. *Records.* In addition to those otherwise required under this license and applicable regulations, MIT shall keep the following records:

(1) Facility operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of MIT as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

c. *Reports.* (1) MIT shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

(2) MIT shall, upon completion of the start-up experiments described in its application, submit a report to the Commission describing such experiments and the results thereof.

4. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to MIT, for use in the operation of the reactor, 11.63 kilograms of uranium 235 contained in uranium (enriched to approximately 93 percent in the isotope uranium 235). Estimated schedules of special nuclear material transfers to MIT and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to MIT in accordance with column 2 in Appendix "A" will be conditioned upon MIT's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

5. This license is effective as of the date of issuance and shall expire at midnight May 7, 1996 unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

——— ———,
Director,
Division of Licensing and Regulation.

Appendix "A" to Massachusetts Institute of Technology Facility License

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO MASSACHUSETTS INSTITUTE OF TECHNOLOGY AND TO THE COMMISSION FROM MIT

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to MIT, kgs. U-235	(3) Returns by MIT to AEC, kgs. U-235		(4) Net yearly distribution including cumulative losses, kgs. U-235	(5) Cumulative distribution including cumulative losses, kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1957	5.00	....	....	5.00	[illegible]
1958	1.04	3.04	0.92	(2.92)	[illegible]
1959	3.33	1.66	1.37	0.30	[illegible]
1960	2.50	1.25	1.00	0.25	[illegible]
(1)	(1)	(1)	(1)	(1)	(1)
1996	2.50	1.25	1.00	0.25	[illegible]
Inventory to be returned	....	....	2.23	(2.23)	[illegible]
	101.87	50.95	41.52	9.40	

[1] In years 1960 through 1996, columns (2) through (4) carry the same quantities. Column (5) increases by [illegible] kg. each year.

[F. R. Doc. 58-2494; Filed, Apr. 3, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9386]

PARSONS AIRWAYS LTD.

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 7, 1958, at 9:30 a. m., e. s. t., in Room E-224, Temporary Building No. 5, [illegible] Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 31, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2501; Filed, Apr. 3, 1958; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VII-6 (Revision 1)]

BRANCH MANAGER, MADISON, WISCONSIN

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F. R. 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Madison Branch Office, Small Business Administration, the authority:

A. *Specfic.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.00; and

b. Participation loans in an amount not exceeding $100,000.00.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline Disaster loans not exceeding $50,000.00. Declination of a disaster loan is extended only to an original application and not to reconsideration of such application.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400 Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual.

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The authority delegated in I. A. 1, 2, 3, 5, 6, and I. B, may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Madison, Wisconsin is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: February 28, 1958.

WILLIAM H. KELLEY,
Regional Director,
Chicago Regional Office.

[F. R. Doc. 58-2487; Filed, Apr. 3, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1056]

NEW YORK, ONTARIO AND WESTERN RAILWAY CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 31, 1958.

In the matter of New York, Ontario and Western Railway Company, general mortgage 4% gold bonds, due June 1, 1955; File No. 1-1056.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company does not meet the Exchange's requirements for continued listing since the aggregate market value of the bonds has been reduced below $200,000.

Upon receipt of a request, on or before April 15, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2486; Filed, Apr. 3, 1958; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6809]

DUKE POWER CO.

NOTICE OF APPLICATION

MARCH 31, 1958.

Take notice that on March 24, 1958, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Duke Power Company ("Applicant"), seeking an order authorizing Applicant to acquire the transmission line and distribution facilities of Carolina Mountain Power Corporation ("Carolina") and to merge and consolidate said properties with the facilities of Applicant. Applicant is a corporation organized under the laws of the State of New Jersey, authorized to do business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina. Carolina is a corporation organized under the laws of the State of Delaware, authorized to do business in North Carolina, with its principal business office at Wilmington, Delaware. Carolina is a small public utility operating in northeastern Henderson County, Northwestern Rutherford County, North Carolina, and a small part of northern Polk County, North Carolina. Carolina owns a 44,000 volt transmission line 6.33 miles in length extending from Carolina's hydroelectric power station near Lake Lure in Rutherford County, North Carolina. Under the terms of a contract entered into November 25, 1957 between Carolina and Applicant, Carolina proposes to sell its distribution facilities and its transmission line to Applicant and to retain only its hydroelectric plant near Lake Lure, North Carolina. Following such acquisition of said facilities of Carolina, Applicant proposes to continue to use the facilities acquired and to serve the communities now being served by Carolina. Under the terms of the aforesaid contract Applicant agrees to pay Carolina the sum of $105,000 for the facilities acquired and to enter into a new contract with Carolina for the sale and purchase of the entire output of the aforesaid hydroelectric power station of Carolina for a term of twenty-five years. The new contract governing the sale and purchase of the output of the hydroelectric power station is to become effective upon the transfer of the transmission line and distribution facilities as referred to above.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of April 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18

CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2481; Filed, Apr. 3, 1958; 8:46 a. m.]

[Docket No. G-12816]

MITCHELL, SMITH AND ARCHER

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 31, 1958.

Take notice that Mitchell, Smith and Archer, Operator (Applicant), independent producers of natural gas, filed an application on June 28, 1957, for permission and approval to abandon service and for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The application seeks authority for:

(1) Applicant to abandon its sale of natural gas from the Langley Lease, located in the East Panhandle Sweet Gas Field, Wheeler County, Texas, to Lone Star Gas Company (Lone Star), which sale is covered by a gas sales contract dated November 2, 1949, between Applicant, as seller, and Lone Star, successor in interest to United Gas Pipe Line Company, as buyer.

(2) Applicant to sell the gas from the aforesaid lease to Warren Petroleum Corporation (Warren), under a contract dated May 10, 1957.

In support of the proposed abandonment of service to Lone Star, Applicant states that because of the relatively small reserves and the low pressure of the gas produced, the lease does not constitute an important source of supply for Lone Star, and, further, that Lone Star purchased gas only during four months in the 12-month period prior to June 1, 1957. Applicant adds that such purchases were of very small quantities, although a much greater quantity was available from the lease, and that the low income derived from these small purchases by Lone Star could result in premature abandonment of the lease with loss of the remaining gas reserves. Applicant states, in addition, that Warren can utilize all of the available gas production from the lease by processing such gas in Warren's Sitter Gasoline Plant and making the residue available to present purchasers at the outlet of said plant. Lone Star and Applicant executed on May 10, 1957, an agreement providing for the cancellation of the contract of November 2, 1949.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 1, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2482; Filed, Apr. 3, 1958; 8:46 a. m.]

[Docket No. G-14136]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 31, 1958.

Take notice that Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business in Dallas, Texas, filed a budget-type application on December 26, 1957, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the construction and operation of various lateral pipelines, compressor stations and treating plants to enable it to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system from time to time during the calendar year 1958, at a total cost not in excess of $1,750,000, with the total cost of any single project limited to $350,000.

Applicant states that the authorization sought herein will eliminate numerous certificate filings during 1958 for the single purpose of installing facilities to attach new supplies of gas to its system where expansion of its overall transmission facilities are not involved, and will further augment its ability to act with reasonable dispatch in securing new supplies of gas in various areas generally co-extensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 1, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2483; Filed, Apr. 3, 1958; 8:46 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 68

Washington, Saturday, April 5, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (g) (1) of § 6.102 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2523; Filed, Apr. 4, 1958; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (3) of § 6.310 is amended as set out below.

§ 6.310 *Department of the Interior.* * * *

(h) *National Park Service.* * * *

(3) One Assistant Director.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2524; Filed, Apr. 4, 1958; 8:50 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.361]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (a) is amended by the deletion of the following:

Belgian Congo (including Ruanda-Urundi), all posts except Bukavu, Elisabethville and Leopoldville.
Estancia Barrerito, Paraguay.
General Saavedra, Bolivia.
Pucallpa, Peru.
Semarang, Indonesia.
Somoto, Nicaragua.
Tarapoto, Peru.
Villa Arteaga, Colombia.

2. Effective as of the beginning of the first pay period following August 11, 1956, paragraph (b) is amended by the deletion of the following:

Dar-es-Salaam, Tanganyika.
Tanganyika, all posts except Dar-es-Salaam.

3. Effective as of 12 o'clock midnight, March 17, 1958, paragraph (b) is amended by the deletion of the following:

Medan, Indonesia.

4. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (b) is amended by the deletion of the following:

Colombia, all posts except Barranquilla, Bogota, Cali, Medellin and Villa Arteaga.
David, Panama.
Elliston Ridge, Canada.
India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalio, Hazaribagh, Hyderabad, Izatnagar, Jodhpur, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Rajkot, Simla, Trivandrum, Udaipur and Vellore.
La Scie, Canada.
Paramaribo, Surinam.

5. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (c) is amended by the deletion of the following:

Bukavu, Belgian Congo.
Cartwright, Canada.

6. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (d) is amended by the deletion of the following:

Soulac, France.

(Continued on next page)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1958)

The following Supplements are now available:

Title 32, Parts 700–799 ($0.60)
Title 43 ($0.70)
Title 49, Part 165 to end ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

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7. Effective as of 12:01 a. m. March 18, 1958, paragraph (a) is amended by the addition of the following:

Medan, Indonesia.

8. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (a) is amended by the addition of the following:

Belgian Congo (including Ruanda-Urundi), all posts except Elisabethville and Leopoldville.

9. Effective as of the beginning of the first pay period following August 11, 1958, paragraph (b) is amended by the addition of the following:

Tanganyika, all posts.

10. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (b) is amended by the addition of the following:

Colombia, all posts except Barranquilla, Bogota, Cali and Medellin.

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hydarabad, Izatnagar, Jodhpur, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Poona, Rajkot, Simla, Sindri, Trivandrum, Udaipur and Vellore.

11. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (c) is amended by the addition of the following:

David, Panama.
Paramaribo, Surinam.

12. Effective as of the beginning of the first pay period following April 5, 1958, paragraph (d) is amended by the addition of the following:

Sindri, India.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. Scott,
Assistant Secretary for Administration.

March 27, 1958.

[F. R. Doc. 58-2512; Filed, Apr. 4, 1958; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

Part 301—Domestic Quarantine Notices

Subpart—Imported Fire Ant

QUARANTINE AND REGULATIONS

On October 23, 1957, there was published in the Federal Register (22 F. R. 8310), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) and section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), a notice of rule making and of public hearing concerning proposed notice of quarantine No. 81 relating to the imported fire ant and the regulations supplemental thereto. After due consideration of all relevant matter presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), the quarantine and regulations to appear in 7 CFR 301.81, 301.81-1 et. seq., are hereby issued as follows:

QUARANTINE

Sec.
301.81 Notice of quarantine.

REGULATIONS

301.81-1 Definitions.
301.81-2 Designation of regulated area.
301.81-3 Imported fire ant; conditions of movement.
301.81-4 Other regulated articles; conditions of movement.
301.81-5 Use of certificates or limited permits with shipments.
301.81-6 Protecting certified articles.
301.81-7 Conditions governing the issuance of certificates and limited permits.
301.81-8 Assembly of articles for inspection.
301.81-9 Cancellation of certificates or limited permits.
301.81-10 Inspection and disposal.
301.81-11 Nonliability of Department.

Authority: §§ 301.81 to 301.81-11 issued under sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U. S. C. 162, 150ee. Interpret or apply sec. 8, 37 Stat. 318, as amended, sec. 10, 45 Stat. 468, secs. 103, 105, 107, 71 Stat. 32, 34; 7 U. S. C. 161, 164a, 150bb, 150dd, 150ff.

QUARANTINE

§ 301.81 *Notice of quarantine.* Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act, as amended, (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36, 71 Stat. 32, 33), and after public hearing, it has been determined that it is necessary to quarantine the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, to prevent the spread of the imported fire ant, a dangerous insect not heretofore widely prevalent or distributed within and throughout the United States, which is injurious to cultivated crops such as potatoes, peanuts, cabbage, egg plant and okra; to germinating seeds such as corn seed; to grass and other plants of pasture land; and to other plants; and regulations are hereinafter prescribed (§§ 301.81-1 to 301.81-11) governing the movement of the imported fire ant and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from the quarantined States into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (a) Soil and unprocessed sand and gravel, separately or with other things; (b) forest, field or nursery-grown woody or herbaceous plants with soil attached; (c) plants in pots or containers; (d) grass sod; (e) unmanufactured forest products such as stump wood or timbers if soil is attached; and (f), unlimited by the foregoing, any other products or articles of any character whatsoever not within paragraphs (a) through (e) of this section when it is determined in accordance with the regulations that they present a hazard of spread of the imported fire ant. Moreover, movement of products and articles, designated above, from a quarantined State, or portion thereof, into or through another quarantined State, or portion thereof, may be restricted or prohibited under the regulations. The requirements of this quarantine and the regulations in this subpart, except §§ 301.81-3 and 301.81-10, with respect to such products and articles shall be limited to the area in any quarantined State which may be designated as within the regulated area as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of the imported fire ant, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live imported fire ants and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of imported fire ants within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products or articles to which the regulations apply, making it safe to modify, by making less stringent the requirements contained in the regulations, except §§ 301.81-3, and 301.81-10, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for all or such portion of such regulated area and for such products and articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area. Under the Federal Plant Pest Act, no person shall knowingly move any imported fire ants in any living stage of development, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such imported fire ants so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.81-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Imported fire ant.* The insect known as the imported fire ant (Solenopsis saevissima richteri Forel) in any stage of development.

(b) *Infestation.* The presence of the imported fire ant.

(c) *Regulated area.* The counties, parishes and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.81-2 as regulated area.

(d) *Eradication area.* That part of the regulated area where eradication may be undertaken as an objective, as designated in administrative instructions under § 301.81-2.

(e) *Generally infested area.* All of the regulated area, exclusive of the eradication area, designated in administrative instructions under § 301.81-2.

(f) *Regulated articles.* Imported fire ants, soil, and other products and articles of any character whatsoever, the movement of which is regulated by the imported fire ant quarantine (§ 301.81) and the regulations in §§ 301.81-1 through 301.81-11.

(g) *"Moved" ("movement," "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(h) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(i) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(j) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(k) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assemblying, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(l) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(m) *Inspector.* An inspector of the United States Department of Agriculture.

(n) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.81–2 *Designation of regulated area.* The Director of the Plant Pest Control Division, shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and parts thereof, as constituting the regulated area. Any civil division, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the imported fire ant therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as coming within the regulated area. The Director of the Plant Pest Control Division may, in said administrative instructions, divide the regulated area into an eradication area and a generally infested area.

§ 301.81–3 *Imported fire ant; conditions of movement.* Live imported fire ants may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such imported fire ants so moving may be accepted, only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director to prevent the spread of infestation. The permit shall be securely attached to the outside of the container of the imported fire ants when they are so moved.

§ 301.81–4 *Other regulated articles; conditions of movement*—(a) *Designated articles.* Unless exempted by administrative instructions, the following may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only if accompanied by a valid certificate or limited permit issued in compliance with § 301.81–7 and if the applicable requirements of §§ 301.81–5 and 301.81–6 are also met: Soil, sand or gravel, separately or with other things, except that the movement of processed sand and gravel is not regulated; forest, field or nursery-grown woody or herbaceous plants with soil attached; plants in pots or containers; grass sod; and unmanufactured forest products such as stump wood or timbers if soil is attached. However, regulated articles of kinds within this paragraph which originate outside of the regulated area and are moving through or are being reshipped from the regulated area, may be moved from the regulated area and from the generally infested area into or through the eradication area, without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and do not present a hazard of spread of the imported fire ant. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with the imported fire ant, or any other reason, a hazard of spread of the ant is presented by any products or articles of any character whatsoever, not covered by paragraph (a) of this section or by § 301.81–3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated products and articles may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only after they have been cleaned, treated or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.81–5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.81–4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.81–6 *Protecting certified articles.* Subsequent to certification as provided in § 301.81–7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.81–7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.81–4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.81–4 to specified destinations for limited handling, utilization, or processing.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.81–8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.81–4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.81–9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the imported fire ant.

§ 301.81–10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.81–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

This quarantine and the related regulations shall be effective on May 6, 1958.

The purpose of the quarantine and regulations is to prevent the spread of the imported fire ant from Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, where it is known to occur, to other parts of the United States. The regulations provide methods whereby most host material and other carriers may be inspected or treated or otherwise made eligible for interstate movement from the regulated area. The regulations also govern movement of the imported fire ant for scientific purposes.

The quarantine and regulations are supplemented by administrative instructions listing regulated area (§ 301.81–2a, post).

A few changes in the quarantine and regulations as proposed in the notice have been made for clarity or to relieve restrictions. Balled and burlapped nursery stock has been eliminated as a separately listed regulated article in § 301.81 since it is otherwise covered thereby and the application of that section to "forest products such as stump wood or timbers if soil is attached" has been limited to unmanufactured forest products. Corresponding changes have been made in § 301.81–4 (a). Processed sand and gravel have been eliminated from the regulated category of "Soil, sand or gravel, separately or with other things," in §§ 301.81 and 301.81–4 (a). It is not believed that any of these changes will be objectionable to affected persons and it does not appear that further public rule-making procedure will make new information available to the Department. Therefore it is found upon good cause under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that further notice of rule-making and other public procedure on the quarantine and regulations are impracticable and unnecessary.

Done at Washington, D. C., this 1st day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–2525; Filed, Apr. 4, 1958; 8:50 a. m.]

[P. P. C. 629]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—IMPORTED FIRE ANT

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.81–2 of the regulations supplemental to the imported fire ant quarantine (7 CFR 301.81–2, supra), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85–36; 71 Stat. 33), administrative instructions to appear in 7 CFR 301.81–2a are hereby issued as follows:

§ 301.81–2a *Administrative instructions designating regulated area under the imported fire ant quarantine.* Infestations of the imported fire ant have been determined to exist in the counties, parishes, other civil divisions, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, parishes, other civil divisions, or parts thereof, are hereby designated as imported fire ant regulated area within the meaning of the provisions in this subpart:

ALABAMA

Counties of Autauga, Baldwin, Bibb, Bullock, Butler, Chilton, Choctaw, Clarke, Conecuh, Covington, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Houston, Jefferson, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pickens, Sumter, Tuscaloosa, Walker, Washington, and Wilcox.

Barbour County. That portion of the county lying south of the north line of T. 9 N. and east of the west line of R. 28 E.

Calhoun County. E⅔ Tps. 15 and 16 S., R. 6 E.; W⅔ Tps. 15 and 16 S., R. 7 E.; secs. 35 and 36, T. 16 S., R. 7 E.; and secs. 31 and 32, T. 16 S., R. 8 E.

Crenshaw County. That portion of the county lying north of the south line of T. 8 N.

Dale County. T. 5 N., R. 24 E.; S½ T. 6 N., R. 24 E.; and all of the county lying south of the Choctowhatchee River.

Etowah County. N½ T. 11 S., R. 6 E.; S½ T. 11 S., Rs. 5, 6, and 7 E., and all of the county within Rs. 5, 6, and 7 E., lying south of the north line of T. 12 S.

Henry County. The entire county except for Tps. 7 and 8 N., R. 27 E.; and E⅓ Tps. 7 and 8. N., R. 26 E.

Limestone County. T. 4 S., R. 4 W.; N½ T. 3 S., R. 4 W.; NE¼ T. 4 S., R. 5 W.; SE¼ T. 3 S., R. 5 W.; and all of T. 5S., R. 4 W., lying north of the Tennessee River.

Morgan County. T. 4 S., R. 5 W.; T. 5 S., R. 4 W.; that part of T. 5 S., R. 5 W., lying south of the Tennessee River; and the N½ T. 6 S., Rs. 4 and 5 W.

Russell County. T. 14 N., R. 28 E.; that portion of T. 13 N., R. 28 E., lying east of North Fork Cowikee Creek; and that portion of the county lying east of the west line of R. 29 E.

ARKANSAS

Union County. Secs. 30 and 31, T. 17 S., R. 15 W.; sec. 6, T. 18 S., R. 15 W.; secs. 25, 26, 27, 34, 35, and 36, T. 17 S., R. 16 W.; secs. 1, 2, and 3, T. 18 S., R. 16 W.

FLORIDA

Counties of Escambia, Okaloosa, and Santa Rosa.

Bay County. That area bounded on the south, west, and north by St. Andrews Bay and tributaries, and on the east by the east section lines of secs. 4, 9, 16, 21, and 28, T. 3 S., R. 13 W. to their intersection with Bayou George Creek and Callaway Creek, including the city of Panama City.

Duval County. That area bounded on the west and north by the St. Johns River; on the east by State Highway 115, projected due north to the intersection with the north boundary, including the city of South Jacksonville; and on the south by the south line of T. 3 S., R. 27 E.

Gadsden County. That area bounded on the north by the Gadsden County-Decatur County, Georgia line; on the east by the east boundary of T. 3 N., R. 3 W.; on the south by the south section lines of secs. 13, 14, 15, 16, 17, and 18, T. 3 N., R. 3 W.; and on the west by the west boundary of T. 3 N., R. 3 W.

Hillsborough County. That area bounded on the north by the Hillsborough-Pasco County line; on the east by the Hillsborough River and Trout Creek; on the south by Waters Avenue, projected due east and west to the intersection of the east and west boundaries; and on the west by State Highway S–587.

Holmes County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 5 N., R. 14 W., and that portion of secs. 26 and 35, T. 5 N., R. 14 W., within Holmes County; secs. 3, 4, 5, 6, 7, 8, and 9, T. 4 N., R. 14 W., and that portion of secs. 2 and 10, T. 4 N., R. 14 W., within Holmes County; secs. 25 and 36, T. 5 N., R. 15 W.; secs. 1 and 12, T. 4 N., R. 15 W., including the entire city of Bonifay.

Jackson County. Secs. 29, 30, 31, and 32, T. 7 N., R. 11 W., and that portion of secs. 19 and 20, T. 7 N., R. 11 W., within Jackson County; secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 7 N., R. 12 W., and that portion of secs. 21, 22, 23, 24, T. 7 N., R. 12 W., within Jackson County; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 11 W.; secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24, T. 6 N., R. 12 W., including the city of Campbellton and that area included within the corporate limits of the city of Mariana; secs. 16, 17, 18, 19, 20, and 21, T. 4 N., R. 10 W., and S½ of secs. 7, 8, and 9, T. 4 N., R. 10 W.

Nassau County. That area bounded on the east by the Atlantic Ocean; on the west by the Amelia River; and on the north and south by the north and south boundaries of T. 2 N., Rs. 28 and 29 E.

Pasco County. That area bounded on the north by the Atlantic Coast Line Railroad; on the east by Cypress Creek; on the south by the Pasco-Hillsborough County line; and on the west by State Highway 587.

Walton County. That area bounded on the north by the Florida-Alabama State line; on the east by State Highway 83; on the south by U. S. Highway 90; and on the west by the

Walton-Okaloosa County line, excluding that portion of the City of DeFuniak Springs lying within that area.

Washington County. That area bounded on the north by State Highway 166; on the east by State Highway 277; on the south by State Highway 280; and on the west by Holmes Creek.

GEORGIA

Counties of Decatur, Grady, and Muscogee.

Crisp County. That portion of the county north of U. S. Highway 280, including all of the city of Cordele.

LOUISIANA

Parishes of Ascension, East Baton Rouge, Iberia, Iberville, Jefferson, Lafayette, Livingston, Orleans, Ouachita, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Washington, and West Baton Rouge.

Acadia Parish. That portion of Acadia Parish lying east of R. 1 W.

Avoyelles Parish. That portion of the parish lying south of T. 2 N.

Caddo Parish. That portion of the parish included within a circle having a two-mile radius with the center at intersection of State Highways 1 and 511.

Calcasieu Parish. That portion of the parish lying west of R. 10 W.

Evangeline Parish. That portion of the parish lying east of R. 1 W.

St. Helena Parish. That portion of the parish lying south of T. 3 S., and west of the Tickfaw River.

St. Mary Parish. That portion of the parish lying west of the Wax Lake Outlet.

Vermilion Parish. That portion of the parish lying east of the west line of R. 1 E.

West Feliciana Parish. T. 2 S., R. 3 W.; T. 3 S., R. 2 W.; T. 4 S., R. 2 W.

MISSISSIPPI

Counties of Clay, Clarke, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lowndes, Marion, Monroe, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Stone, Walthall, and Wayne.

Attala County. T. 15 N., R. 7 E.; secs. 5 and 6, T. 14 N., R. 7 E.

Amite County. Sec. 15, T. 1 N., R. 6 E.

Chickasaw County. Sec. 35, T. 14 S., R. 4 E.

Copiah County. Secs. 4, 5, 8, 9, and 36, T. 1 N., R. 1 E.; secs. 24 and 25, T. 2 N., R. 2 W.

Hinds County. That portion of the county lying east of the east line of R. 2 W.

Lawrence County. Secs. 20, 21, 28, and 29, T. 7 N., R. 11 E.

Leake County. T. 9 N., R. 7 E.; W⅓ T. 9 N., R. 8 E.

Lincoln County. Secs. 14 and 15, T. 7 N., R. 7 E.

Madison County. SE¼ T. 7 N., R. 1 E.; SW¼ T. 7 N., R. 2 E.; sec. 29, T. 8 N., R. 2 E.

Pike County. E½ T. 1 N., R. 8 E.; T. 1 N., R. 9 E.; sec. 7, T. 3 N., R. 8 E.

Rankin County. That portion of Tps. 5 and 6 N., R. 1 E.; Tps. 5, 6, and 7 N., R. 2 E.; and Tps. 5, 6, and 7 N., R. 3 E.; lying within Rankin County.

Simpson County. Sec. 34, T. 2 N., R. 4 E.

Smith County. Sec. 17, T. 10 N., R. 14 W.

Webster County. Sec. 10, T. 16 S., R. 2 E.

Wilkinson County. Sec. 35, T. 2 N., R. 2 W.

Winston County. Sec. 27, T. 15 N., R. 13 E.; sec. 7, T. 16 N., R. 14 E.

Yazoo County. Sec. 36, T. 12 N., R. 2 W.

SOUTH CAROLINA

Charleston County. That area included within a line beginning at a point where U. S. Highway 17 intersects South Carolina Secondary Highway 57, and extending northeast along South Carolina Secondary Highway 57 to its intersection with South Carolina Primary Highway 61; thence northwest along said highway to its intersection with the Charleston-Dorchester County line; thence east along said county line to its intersection with South Carolina Secondary Highway 75; thence southeast along South Carolina Secondary Highway 75 to its intersection with the Southern Railroad; thence southeast along said railroad to its intersection with South Carolina Primary Highway 7; thence southwest along said Highway to its intersection with U. S. Highway 17; thence northwest along said U. S. Highway 17 to the point of beginning.

Orangeburg County. That area included within a line beginning at a point where the Atlantic Coast Line Railroad crosses the North Fork Edisto River and extending south along said river to South Carolina Secondary Highway 39; thence east along South Carolina Secondary Highway 39 to its intersection with U. S. Highway 21; thence south along U. S. Highway 21 to its intersection with South Carolina Secondary Highway 80; thence southeast along South Carolina Secondary Highway 80 to its intersection with South Carolina Primary Highway 121; thence northeast along South Carolina Primary Highway 121 to its intersection with U. S. Highway 178 at Bowman; thence northwest along U. S. Highway 178 to its intersection with South Carolina Secondary Highway 196; thence northeast along South Carolina Secondary Highway 196 to its intersection with South Carolina Secondary Highway 50; thence west along South Carolina Secondary Highway 50 to its intersection with South Carolina Secondary Highway 154; thence northwest along South Carolina Secondary Highway 154 to its intersection with South Carolina Secondary Highway 65; thence northwest along South Carolina Secondary Highway 65 to its intersection with the Atlantic Coast Line Railroad; thence southwest along the Atlantic Coast Line Railroad to the point of beginning; excluding the area within the corporate limits of the towns of Orangeburg, Rowesville, and Bowman.

TEXAS

Counties of Hardin, Jasper, Jefferson, Newton, Orange, and Tyler.

These instructions impose restrictions supplementing the imported fire ant quarantine and regulations which are to become effective thirty days after their publication in this issue of the FEDERAL REGISTER, and these instructions should be made effective at the same time in order to carry out the purposes of the quarantine and regulations. Publication of notice and other public rule-making procedure with respect to the instructions would tend to delay the effective date thereof. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found that notice of rule-making and other public procedure on the instructions are impracticable and contrary to the public interest.

These instructions shall become effective May 6, 1958.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U. S. C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 1st day of April 1958.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 58-2526; Filed, Apr. 4, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 129, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (iii) of § 922.429 (Valencia Orange Regulation 129, 23 F. R. 2096) are hereby amended to read as follows:

(iii) District 3: 231,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 2, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2514; Filed, Apr. 4, 1958; 8:48 a. m.]

[Valencia Orange Reg. 130]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.430 *Valencia Orange Regulation 130*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 3, 1958.

(b) *Order*. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 6, 1958, and ending at 12:01 a. m., P. s. t., April 13, 1958, are hereby fixed as follows:

(i) District 1: 323,400 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 184,800 cartons.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 4, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2590; Filed, Apr. 4, 1958; 11:20 a. m.]

[Lemon Reg. 733]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.840 *Lemon Regulation 733*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 2, 1958.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 6, 1958, and ending at 12:01 a. m., P. s. t., April 13, 1958, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 181,350 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 3, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2561; Filed, Apr. 4, 1958; 9:09 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 9]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

MISCELLANEOUS AMENDMENTS

This supplement contains the following amendments of the Civil Aeronautics Manual:

1. Deletes the CAA's policy in § 20.10-3 (b) *Temporary Exchange*, which permits the filing of an application for a pilot certificate of a lower grade while retaining the privilege of reinstating the former certificate conditioned upon passing the appropriate medical examination within 2 years. This amendment does not affect the privilege of reinstating a former certificate for which application for a temporary exchange was received prior to the effective date of this amendment.

2. Adds a new § 20.10-6 which provides that the CAA will not conduct written examinations and flight tests for applicants whose pilot certificates are under suspension or revocation by the Board, and provides for evidence of the release of such revocation or suspension.

3. Expressly provides in § 20.15-2 that instrument rating flight tests will be conducted only in aircraft having fully functioning dual controls.

4. Adds a new § 20.44-4 which provides that the 10 hours of dual flight instruction requirement for a commercial pilot flight test does not include any dual instruction time acquired prior to the issuance of the applicant's private pilot certificate.

5 and 6. Provide for flight maneuvers appropriate to private and commercial pilot certificate flight tests in autogiros.

7. Adds a new § 20.120-2 to specify that only single-engine class ratings will be issued on the basis of flight tests or military flight experience in airplanes with multiple jet engines in the fuselage or wing roots.

8. Adds a new § 20.121-2 which permits the 5 takeoffs and landings in airplanes requiring more than one pilot to be accomplished with the applicant performing the functions of pilot-in-command or as copilot performing the functions of pilot-in-command while the instructor or check pilot performs the functions of copilot.

9. Adds the words "an application for" to § 20.127-2, making it consistent with complementing paragraphs for other pilot certificates.

10. Expressly provides in § 20.136-1 that flight instructors and limited flight instructors should keep a record of the name of each student for whom he has signed a recommendation for an official flight test, the type of test, and the date of his recommendation.

To accomplish the above, Part 20 is amended as follows:

1. Section 20.10-3 (b) is deleted.

2. A new section 20.10-6 is added to read:

§ 20.10-6 *Applications for examinations and tests from holders of revoked or suspended pilot certificates or ratings (CAA policies which apply to § 20.10).* (a) No written examination or flight test will be given to an applicant whose pilot certificate, or any rating endorsed thereon, has been revoked by the Board unless he obtains an authorization therefor from the Administrator.

(b) No written examination or flight test will be given to an applicant for a certificate or rating which has been suspended by order of the Board until the expiration of the period prescribed by such order.

3. Section 20.15-2 is amended by inserting at the end thereof the following sentence: "Instrument rating flight tests will conducted only in aircraft with fully functioning dual controls, in accordance with the requirements for simulated instrument flight prescribed in Part 43 of this chapter."

4. A new § 20.44-4 is added to read:

§ 20.44-4 *Dual commercial flight test preparation (CAA interpretations which apply to § 20.44 (c)).* The 10 hours of dual flight instruction in airplanes in preparation for the commercial pilot flight test will be acquired by the applicant in addition to any dual instruction received prior to the issuance of a private pilot certificate.

5. A period is placed at the end of the third paragraph in § 20.65-1, and the following is added to that paragraph: "An applicant for a flight test in an autogiro will be required to satisfactorily accomplish all maneuvers required for the practical test in airplanes."

6. A period is placed at the end of the third paragraph in § 20.75-1, and the following is added to that paragraph: "An applicant for a flight test in an autogiro will be required to satisfactorily accomplish all maneuvers required for the practical test in airplanes."

7. A new § 20.120-2 is added to read:

§ 20.120-2 *Class ratings on multi-jet airplanes with engines in fuselage (CAA policies which apply to § 20.120 (b)).* An airplane with multiple jet engines in the fuselage or wing roots will be considered as an Airplane Single-Engine Land (or Sea) for the purpose of issuing aircraft ratings under § 20.120 because the failure of one such engine does not require the application of multiengine flight control techniques to maintain control of the airplane.

8. A new § 20.121-2 is added to read:

§ 20.121-2 *Five takeoffs and landings as pilot-in-command (CAA interpretations which apply to § 20.121 (b) (1)).* In airplanes which require more than one pilot (including the Douglas DC-3 and the Lockheed 18), the 5 takeoffs and landings may be accomplished as pilot-in-command, or as copilot performing the functions of the pilot-in-command while the instructor or check pilot performs the functions of copilot.

9. Section 20.127-2 is amended by inserting the words "an application for" between the words "for" and "the" in the last line.

10. Section 20.136-1 is amended to read:

§ 20.136-1 *Flight instruction records (CAA policies which apply to § 20.136 (b)).* The required flight instruction records may be kept separately or in the instructor's own pilot logbook. In addition to the records prescribed in § 20.136, a record should be kept by the flight instructor of the name of each student for whom the instructor has signed a recommendation for an official flight test, the type of test, and the date of his recommendation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended; 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective April 30, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator.

APRIL 1, 1958.

[F. R. Doc. 58-2504; Filed, Apr. 4, 1958; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.360]

PART 53—TRAVEL CONTROL OF CITIZENS AND NATIONALS IN TIME OF WAR OR NATIONAL EMERGENCY

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856 dated March 31, 1938, issued under the authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211a) and section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c), I hereby amend Part 53, Travel Control of Citizens and Nationals in Time of War or National Emergency of Title 22 of the Code of Federal Regulations by reinstating the following section which was inadvertently omitted in the republication of Part 53 in the FEDERAL REGISTER on November 19, 1957 (22 F. R. 9215) and again omitted in Chapter I, of Title 22 in the FEDERAL REGISTER on December 27, 1957 (22 F. R. 10787):

§ 53.8 *Discretional exercise of authority in passport matters.* Nothing in this part shall be construed to prevent the Secretary of State from exercising the discretion resting in him to refuse to issue a passport, to restrict its use to certain countries, to withdraw or cancel a passport already issued, or to withdraw a passport for the purpose of restricting its validity or use in certain countries.

(Sec. 215, 66 Stat. 190; 8 U. S. C. 1185)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

MARCH 28, 1958.

[F. R. Doc. 58-2511; Filed, Apr. 4, 1958; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6291]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

On July 10, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under sections 161, 162, 168 and 169, relating to itemized deductions for individuals and corporations, of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 5091). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published (except for paragraph (c) of § 1.162-15, relating to expenditures for lobbying purposes, and §§ 1.169 to 1.169-8, inclusive, relating to amortization of grain storage facilities) are hereby adopted subject to the changes set forth below. Further consideration will be given to paragraph (c) of § 1.162-15 and §§ 1.169 to 1.169-8, inclusive, which continue in effect under notice of proposed rule making, before final action is taken thereon.

PARAGRAPH 1. Section 1.162-1 is revised as follows:

(A) By striking "§ 1.162-1 *Business expenses.* (a)" and inserting in lieu thereof the following: "§ 1.162-1 *Business expenses*—(a) *In general.*"

(B) By revising the third sentence of paragraph (a) thereof to read as follows: "See § 1.61-3 (a)."

PAR. 2. Section 1.162-2 is revised.

PAR. 3. The last two sentences of § 1.162-4 are deleted and the following sentence inserted in lieu thereof: "Repairs in the nature of replacements, to the extent that they arrest deterioration and appreciably prolong the life of the property, shall either be capitalized and depreciated in accordance with section 167 or charged against the depreciation reserve if such an account is kept."

PAR. 4. Section 1.162-5 is revised.

PAR. 5. Section 1.162-12 is revised as follows:

(A) By revising the fourth sentence to read as follows: "Where a farmer is engaged in producing crops which take more than a year from the time of planting to the process of gathering and disposal, expenses deducted may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be determined upon the crop method, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized."

(B) By inserting immediately after the fourth sentence the following: "If a farmer does not compute income upon the crop method, the cost of seeds and young plants which are purchased for further development and cultivation prior to sale in later years may be deducted as an expense for the year of purchase, provided the farmer follows a consistent practice of deducting such costs as an expense from year to year. The preceding sentence does not apply to the cost of seeds and young plants connected with the planting of timber. See section 611 and the regulations thereunder."

(C) By revising the eighth sentence to read as follows: "Amounts expended in purchasing work, breeding, or dairy animals are regarded as investments of capital and may be depreciated unless such animals are included in an inventory in accordance with § 1.61-4.

(D) By revising the last sentence to read as follows: "See §§ 1.61-4, 1.167 (a)-6 (b), and sections 165 and 270 and the regulations thereunder."

PAR. 6. The first sentence of paragraph (a) of § 1.168-1 is revised to read as follows: "A person (including an estate or trust (see section 642 (f) and § 1.642 (f)-1) and a partnership (see section 703 and § 1.703-1)) is entitled, by election, to a deduction with respect to the amortization of the adjusted basis (for determining gain) of an emergency facility, such amortization to be based on a period of 60 months."

As so changed, the regulations read as set forth below.

[SEAL]

O. GORDON DELK,
Acting Commissioner
of Internal Revenue.

Approved: April 3, 1958.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

No. 66——2

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

Sec.
1.161 Statutory provisions; allowance of deductions.
1.161-1 Allowance of deductions.
1.162 Statutory provisions; trade or business expenses.
1.162-1 Business expenses.
1.162-2 Traveling expenses.
1.162-3 Cost of materials.
1.162-4 Repairs.
1.162-5 Expenses for education.
1.162-6 Professional expenses.
1.162-7 Compensation for personal services.
1.162-8 Treatment of excessive compensation.
1.162-9 Bonuses to employees.
1.162-10 Certain employee benefits.
1.162-11 Rentals.
1.162-12 Expenses of farmers.
1.162-13 Depositors' guaranty fund.
1.162-14 Expenditures for advertising or promotion of good will.
1.162-15 Excepted contributions.
1.162-16 Cross reference.
1.168 Statutory provisions; amortization of emergency facilities.
1.168-1 Amortization of emergency facilities; general rule.
1.168-2 Election of amortization.
1.168-3 Election to discontinue amortization.
1.168-4 Definitions.
1.168-5 Adjusted basis of emergency facility.
1.168-6 Depreciation of portion of emergency facility not subject to amortization.
1.168-7 Payment by United States of unamortized cost of facility.

AUTHORITY: §§ 1.161 to 1.162-16, and 1.168 to 1.168-7 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

§ 1.161 *Statutory provisions; allowance of deductions.*

SEC. 161. *Allowance of deductions.* In computing taxable income under section 63 (a), there shall be allowed as deductions the items specified in this part, subject to the exceptions provided in part IX (sec. 261 and following, relating to items not deductible).

§ 1.161-1 *Allowance of deductions.* Section 161 provides for the allowance as deductions, in computing taxable income under section 63 (a), of the items specified in Part VI of subchapter B of chapter 1 (sections 161-175), subject to the exceptions provided in part IX (sections 261-273, relating to items not deductible). Double deductions are not permitted. Amounts deducted under one provision of the Internal Revenue Code of 1954 cannot again be deducted under any other provision thereof. See also section 7852 (c), relating to the taking into account, both in computing a tax under subtitle A and a tax under chapter 1 or 2 of the Internal Revenue Code of 1939, of the same item of deduction.

§ 1.162 *Statutory provisions; trade or business expenses.*

SEC. 162. *Trade or business expenses*—(a) *In general.* There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including—

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of the preceding sentence, the place of residence of a Member of Congress (including any Delegate and Resident Commissioner) within the State, congressional district, Territory, or possession which he represents in Congress shall be considered his home, but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000.

(b) *Charitable contributions and gifts excepted.* No deduction shall be allowed under subsection (a) for any contribution or gift which would be allowable as a deduction under section 170 were it not for the percentage limitations, or the requirements as to the time of payment, set forth in such section.

(c) *Cross reference.* For special rule relating to expenses in connection with subdividing real property for sale, see section 1237.

§ 1.162-1 *Business expenses*—(a) *In general.* Business expenses deductible from gross income include the ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business, except items which are used as the basis for a deduction or a credit under provisions of law other than section 162. The cost of goods purchased for resale, with proper adjustment for opening and closing inventories, is deducted from gross sales in computing gross income. See § 1.61-3 (a). Among the items included in business expenses are management expenses, commissions (but see section 263 and the regulations thereunder), labor, supplies, incidental repairs, operating expenses of automobiles used in the trade or business, traveling expenses while away from home solely in the pursuit of a trade or business (see § 1.162-2), advertising and other selling expenses, together with insurance premiums against fire, storm, theft, accident, or other similar losses in the case of a business, and rental for the use of business property. No such items shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property. Penalty payments with respect to Federal taxes, whether on account of negligence, delinquency, or fraud, are not deductible from gross income. The full amount of the allowable deduction for ordinary and necessary expenses in carrying on a business is nevertheless deductible, even though such expenses exceed the gross income derived during the taxable year from such business. In the case of any sports program to which section 114 (relating to sports programs conducted for the American National Red Cross) applies, expenses described in section 114 (a) (2) shall be allowable as deductions under section 162

(a) only to the extent that such expenses exceed the amount excluded from gross income under section 114 (a).

(b) *Cross references.* (1) For charitable contributions by individuals and corporations not deductible under section 162, see § 1.162–15.

(2) For items not deductible, see sections 261–273, inclusive, and regulations thereunder.

(3) For research and experimental expenditures, see section 174 and regulations thereunder.

(4) For soil and water conservation expenditures, see section 175 and regulations thereunder.

(5) For expenditures attributable to grant or loan by United States for encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see section 621 and regulations thereunder.

§ 1.162–2 *Traveling expenses.* (a) Traveling expenses include travel fares, meals and lodging, and expenses incident to travel such as expenses for sample rooms, telephone and telegraph, public stenographers, etc. Only such traveling expenses as are reasonable and necessary in the conduct of the taxpayer's business and directly attributable to it may be deducted. If the trip is undertaken for other than business purposes, the travel fares and expenses incident to travel are personal expenses and the meals and lodging are living expenses. If the trip is solely on business, the reasonable and necessary traveling expenses, including travel fares, meals and lodging, and expenses incident to travel, are business expenses. For the allowance of traveling expenses as deductions in determining adjusted gross income, see section 62 (2) (B) and the regulations thereunder.

(b) (1) If a taxpayer travels to a destination and while at such destination engages in both business and personal activities, traveling expenses to and from such destination are deductible only if the trip is related primarily to the taxpayer's trade or business. If the trip is primarily personal in nature, the traveling expenses to and from the destination are not deductible even though the taxpayer engages in business activities while at such destination. However, expenses while at the destination which are properly allocable to the taxpayer's trade or business are deductible even though the traveling expenses to and from the destination are not deductible.

(2) Whether a trip is related primarily to the taxpayer's trade or business or is primarily personal in nature depends on the facts and circumstances in each case. The amount of time during the period of the trip which is spent on personal activity compared to the amount of time spent on activities directly relating to the taxpayer's trade or business is an important factor in determining whether the trip is primarily personal. If, for example, a taxpayer spends one week while at a destination on activities which are directly related to his trade or business and subsequently spends an additional five weeks for vacation or other personal activities, the trip will be considered primarily personal in nature in the absence of a clear showing to the contrary.

(c) Where a taxpayer's wife accompanies him on a business trip, expenses attributable to her travel are not deductible unless it can be adequately shown that the wife's presence on the trip has a bona fide business purpose. The wife's performance of some incidental service does not cause her expenses to qualify as deductible business expenses. The same rules apply to any other members of the taxpayer's family who accompany him on such a trip.

(d) Expenses paid or incurred by a taxpayer in attending a convention or other meeting may constitute an ordinary and necessary business expense under section 162 depending upon the facts and circumstances of each case. No distinction will be made between self-employed persons and emloyees. The fact that an employee uses vacation or leave time or that his attendance at the convention is voluntary will not necessarily prohibit the allowance of the deduction. The allowance of deductions for such expenses will depend upon whether there is a sufficient relationship between the taxpayer's trade of business and his attendance at the convention or other meeting so that he is benefiting or advancing the interests of his trade or business by such attendance. If the convention is for political, social or other purposes unrelated to the taxpayer's trade or business, the expenses are not deductible.

(e) Commuters' fare are not considered as business expenses and are not deductible.

§ 1.162–3 *Cost of materials.* Taxpayers carrying materials and supplies on hand should include in expenses the charges for materials and supplies only in the amount that they are actually consumed and used in operation during the taxable year for which the return is made, provided that the costs of such materials and supplies have not been deducted in determining the net income or loss or taxable income for any previous year. If a taxpayer carries incidental materials or supplies on hand for which no record of consumption is kept or of which physical inventories at the beginning and end of the year are not taken, it will be permissible for the taxpayer to include in his expenses and to deduct from gross income the total cost of such supplies and materials as were purchased during the taxable year for which the return is made, provided the taxable income is clearly reflected by this method.

§ 1.162–4 *Repairs.* The cost of incidental repairs which neither materially add to the value of the property nor appreciably prolong its life, but keep it in an ordinarily efficient operating condition, may be deducted as an expense, provided the cost of acquisition or production or the gain or loss basis of the taxpayer's plant, equipment, or other property, as the case may be, is not increased by the amount of such expenditures. Repairs in the nature of replacements, to the extent that they arrest deterioration and appreciably prolong the life of the property, shall either be capitalized and depreciated in accordance with section 167 or charged against the depreciation reserve if such an account is kept.

§ 1.162–5 *Expenses for education.* (a) Expenditures made by a taxpayer for his education are deductible if they are for education (including research activities) undertaken primarily for the purpose of:

(1) Maintaining or improving skills required by the taxpayer in his employment or other trade or business, or

(2) Meeting the express requirements of a taxpayer's employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the taxpayer of his salary, status or employment.

Whether or not education is of the type referred to in subparagraph (1) of this paragraph shall be determined upon the basis of all the facts of each case. If it is customary for other established members of the taxpayer's trade or business to undertake such education, the taxpayer will ordinarily be considered to have undertaken this education for the purpose described in subparagraph (1) of this paragraph. Expenditures for education of the type described in subparagraph (2) of this paragraph are deductible under subparagraph (2) only to the extent that they are for the minimum education required by the taxpayer's employer, or by applicable law or regulations, as a condition to the retention of the taxpayer's salary, status, or employment. Expenditures for education other than those so required may be deductible under subparagraph (1) of this paragraph if the education meets the qualifications of subparagraph (1). A taxpayer is considered to have made expenditures for education to meet the express requirements of his employer only if the requirement is imposed primarily for a bona fide business purpose of the taxpayer's employer and not primarily for the taxpayer's benefit. Except as provided in the last sentence of paragraph (b) of this section, in the case of teachers, a written statement from an authorized official or school officer to the effect that the education was required as a condition to the retention of the taxpayer's salary, status, or employment will be accepted for the purpose of meeting the requirements of this paragraph.

(b) Expenditures made by a taxpayer for his education are not deductible if they are for education undertaken primarily for the purpose of obtaining a new position or substantial advancement in position, or primarily for the purpose of fulfilling the general educational aspirations or other personal purposes of the taxpayer. The fact that the education undertaken meets express requirements for the new position or substantial advancement in position will be an important factor indicating that the education is undertaken primarily for the purpose of obtaining such position or advancement, unless such education is required as a condition to the retention by the taxpayer of his present employment. In any event, if education is required of the taxpayer in order to meet the minimum requirements for qualification or establishment in his intended trade or business or specialty therein, the expense of such education is personal in nature and therefore is not deductible.

(c) In general, a taxpayer's expenditures for travel (including travel while on sabbatical leave) as a form of education shall be considered as primarily personal in nature and therefore not deductible.

(d) If a taxpayer travels away from home primarily to obtain education the expenses of which are deductible under this section, his expenditures for travel, meals, and lodging while away from home are deductible. However, if as an incident of such trip the taxpayer engages in some personal activity such as sightseeing, social visiting or entertaining, or other recreation, the portion of the expenses attributable to such personal activity constitutes nondeductible personal or living expenses and is not allowable as a deduction. If the taxpayer's travel away from home is primarily personal, the taxpayer's expenditures for travel, meals, and lodging (other than meals and lodging during the time spent in participating in deductible educational pursuits) are not deductible. Whether a particular trip is primarily personal or primarily to obtain education the expenses of which are deductible under this section depends upon all the facts and circumstances of each case. An important factor to be taken into consideration in making the determination is the relative amount of time devoted to personal activity as compared with the time devoted to educational pursuits. Expenses in the nature of commuters' fares are not deductible.

(e) The provisions of this section may be illustrated by the following examples:

Example (1). A is employed by an accounting firm. In order to become a certified public accountant he takes courses in accounting. Since the education was undertaken prior to the time A became qualified in his chosen profession as a certified public accountant, A's expenditures for such courses and expenses for any transportation, meals, and lodging while away from home are not deductible.

Example (2). B, a general practitioner of medicine, takes a course of study in order to become a specialist in pediatrics. C, a general practitioner of medicine, takes a 2-week course reviewing developments in several specialized fields, including pediatrics, for the purpose of carrying on his general practice. B's expenses are not deductible because the course of study qualified him for a specialty within his trade or business. C's expenses for his education and any transportation, meals, and lodging while away from home are deductible because they were undertaken primarily to improve skills required by him in his trade or business.

Example (3). D is required by his employer (or by State law) either to read a list of books or to take certain courses giving six hours academic credit every two years in order to retain his position as a teacher. D fulfills the requirement by taking the courses and thereby receives an automatic increase in salary in his present position and salary schedule. Also, as the result of taking the prescribed courses, at the end of ten years, D receives a master's degree and becomes automatically eligible for an additional salary increase. Since D's purpose in taking the courses was primarily to fulfill the educational requirement of his employer, his expenses for such education and transportation, meals, and lodging while away from home are deductible.

Example (4). The facts are the same as in example (3) except that, due solely to a shortage of qualified teachers, D's employer does not enforce the prescribed educational requirements in that other teachers who do not fulfill those requirements are retained in their positions. D's expenses are nevertheless deductible.

Example (5). E, a high school teacher of physics, in order to improve skills required by him and thus improve his effectiveness as such a teacher, takes summer school courses in nuclear physics and educational methods. E's expenses for such courses are deductible.

Example (6). F takes summer school courses in order to improve skills required by him in his employment as a teacher. As a result of taking such courses F receives an in-grade increase in salary in his present position pursuant to a salary schedule established by the school system for which he works. F's expenditures for such courses are deductible.

Example (7). G, a graduate student at a university, plans to become a university professor. In order to qualify as a regular faculty member, G must obtain a graduate degree. While taking the required graduate courses, G is engaged in teaching at the university. G's expenses therefor are not deductible since he has not completed the education required to become qualified as a regular faculty member at the time he takes such courses.

Example (8). H, a self-employed tax consultant, decides to take a 1-week course in taxation, which is offered in City X, 500 miles away from his home. His primary purpose in going to X is to take the course, but he also takes a side trip to City Y (50 miles from X) for one day, takes a sightseeing trip while in X, and entertains some personal friends. H's transportation expenses to City X and return to his home are deductible but his transportation expenses to City Y are not deductible. H's expenses for meals and lodging while away from home will be allocated between his educational pursuits and his personal activities. Those expenses which are entirely personal, such as sightseeing and entertaining friends, are not deductible to any extent.

Example (9). The facts are the same as in example (8) except that H's primary purpose in going to City X is to take a vacation. This purpose is indicated by several factors, one of which is the fact that he spends only one week attending the tax course and devotes five weeks entirely to personal activities. None of H's transportation expenses are deductible and his expenses for meals and lodging while away from home are not deductible to the extent attributable to personal activities. His expenses for meals and lodging allocable to the week attending the tax course are, however, deductible.

§ 1.162–6 *Professional expenses.* A professional man may claim as deductions the cost of supplies used by him in the practice of his profession, expenses paid or accrued in the operation and repair of an automobile used in making professional calls, dues to professional societies and subscriptions to professional journals, the rent paid or accrued for office rooms, the cost of the fuel, light, water, telephone, etc., used in such offices, and the hire of office assistance. Amounts currently paid or accrued for books, furniture, and professional instruments and equipment, the useful life of which is short, may be deducted.

§ 1.162–7 *Compensation for personal services.* (a) There may be included among the ordinary and necessary expenses paid or incurred in carrying on any trade or business a reasonable allowance for salaries or other compensation for personal services actually rendered. The test of deductibility in the case of compensation payments is whether they are reasonable and are in fact payments purely for services.

(b) The test set forth in paragraph (a) of this section and its practical application may be further stated and illustrated as follows:

(1) Any amount paid in the form of compensation, but not in fact as the purchase price of services, is not deductible. An ostensible salary paid by a corporation may be a distribution of a dividend on stock. This is likely to occur in the case of a corporation having few shareholders, practically all of whom draw salaries. If in such a case the salaries are in excess of those ordinarily paid for similar services and the excessive payments correspond or bear a close relationship to the stockholdings of the officers or employees, it would seem likely that the salaries are not paid wholly for services rendered, but that the excessive payments are a distribution of earnings upon the stock. An ostensible salary may be in part payment for property. This may occur, for example, where a partnership sells out to a corporation, the former partners agreeing to continue in the service of the corporation. In such a case it may be found that the salaries of the former partners are not merely for services, but in part constitute payment for the transfer of their business.

(2) The form or method of fixing compensation is not decisive as to deductibility. While any form of contingent compensation invites scrutiny as a possible distribution of earnings of the enterprise, it does not follow that payments on a contingent basis are to be treated fundamentally on any basis different from that applying to compensation at a flat rate. Generally speaking, if contingent compensation is paid pursuant to a free bargain between the employer and the individual made before the services are rendered, not influenced by any consideration on the part of the employer other than that of securing on fair and advantageous terms the services of the individual, it should be allowed as a deduction even though in the actual working out of the contract it may prove to be greater than the amount which would ordinarily be paid

(3) In any event the allowance for the compensation paid may not exceed what is reasonable under all the circumstances. It is, in general, just to assume that reasonable and true compensation is only such amount as would ordinarily be paid for like services by like enterprises under like circumstances. The circumstances to be taken into consideration are those existing at the date when the contract for services was made, not those existing at the date when the contract is questioned.

(4) For disallowance of deduction in the case of certain transfers of stock pursuant to employees stock options, see section 421 and the regulations thereunder.

§ 1.162-8 *Treatment of excessive compensation.* The income tax liability of the recipient in respect of an amount ostensibly paid to him as compensation, but not allowed to be deducted as such by the payor, will depend upon the circumstances of each case. Thus, in the case of excessive payments by corporations, if such payments correspond or bear a close relationship to stockholdings, and are found to be a distribution of earnings or profits, the excessive payments will be treated as a dividend. If such payments constitute payment for property, they should be treated by the payor as a capital expenditure and by the recipient as part of the purchase price. In the absence of evidence to justify other treatment, excessive payments for salaries or other compensation for personal services will be included in gross income of the recipient.

§ 1.162-9 *Bonuses to employees.* Bonuses to employees will constitute allowable deductions from gross income when such payments are made in good faith and as additional compensation for the services actually rendered by the employees, provided such payments, when added to the stipulated salaries, do not exceed a reasonable compensation for the services rendered. It is immaterial whether such bonuses are paid in cash or in kind or partly in cash and partly in kind. Donations made to employees and others, which do not have in them the element of compensation or which are in excess of reasonable compensation for services, are not deductible from gross income.

§ 1.162-10 *Certain employee benefits*—(a) *In general.* Amounts paid or accrued by a taxpayer on account of injuries received by employees, and lump-sum amounts paid or accrued as compensation for injuries, are proper deductions as ordinary and necessary expenses. Such deductions are limited to the amount not compensated for by insurance or otherwise. Amounts paid or accrued within the taxable year for dismissal wages, unemployment benefits, guaranteed annual wages, vacations, or a sickness, accident, hospitalization, medical expense, recreational, welfare, or similar benefit plan, are deductible under section 162 (a) if they are ordinary and necessary expenses of the trade or business. However, except as provided in paragraph (b) of this section, such amounts shall not be deductible under section 162 (a) if, under any circumstances, they may be used to provide benefits under a stock bonus, pension, annuity, profit-sharing, or other deferred compensation plan of the type referred to in section 404 (a). In such an event, the extent to which these amounts are deductible from gross income shall be governed by the provisions of section 404 and the regulations issued thereunder.

(b) *Certain negotiated plans.* (1) Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, contributions paid by an employer under a plan under which such contributions are held in a welfare trust for the purpose of paying (either from principal or income or both) for the benefit of employees, their families, and dependents, at least medical or hospital care, and pensions on retirement or death of employees, are deductible when paid as business expenses under section 162 (a).

(2) For the purpose of subparagraph (1) of this paragraph, the word "plan" means any plan established prior to January 1, 1954, as a result of an agreement between employee representatives and the Government of the United States, during a period of Government operation, under seizure powers, of a major part of the productive facilities of the industry in which the employer claiming the deduction is engaged. The phrase "plan established prior to January 1, 1954, as a result of an agreement" is intended primarily to cover a trust established under the terms of such an agreement. It also includes a trust established under a plan of an employer, or group of employers, who, by reason of producing the same commodity, are in competition with the employers whose facilities were seized and who would therefore be expected to establish such a trust as a reasonable measure to maintain a sound position in the labor market producing the commodity. For example, if a trust was established under such an agreement in the bituminous coal industry, a similar trust established in the anthracite coal industry within a reasonable time, but before January 1, 1954, would qualify under subparagraph (1) of this paragraph.

(3) If any trust described in subparagraph (2) of this paragraph becomes qualified for exemption from tax under the provisions of section 501 (a), the deductibility of contributions by an employer to such trust on or after any date of such qualification shall no longer be governed by the provisions of section 162, even though the trust may later lose its exemption from tax under section 501 (a).

(c) *Other plans providing deferred compensation.* For rules relating to the deduction of amounts paid to or under a stock bonus, pension, annuity, or profit-sharing plan or amounts paid or accrued under any other plan deferring the receipt of compensation, see section 404 and the regulations thereunder.

§ 1.162-11 *Rentals.* (a) If a leasehold is acquired for business purposes for a specified sum, the purchaser may take as a deduction in his return an aliquot part of such sum each year, based on the number of years the lease has to run. Taxes paid by a tenant to or for a landlord for business property are additional rent and constitute a deductible item to the tenant and taxable income to the landlord, the amount of the tax being deductible by the latter. For disallowance of deduction for income taxes paid by a lessee corporation pursuant to a lease arrangement with the lessor corporation, see section 110 and the regulations thereunder.

(b) (1) The cost to a lessee of erecting buildings or making permanent improvements on property of which he is the lessee is a capital investment, and is not deductible as a business expense. If the estimated useful life in the hands of the taxpayer of the building erected or of the improvements made, determined without regard to the terms of the lease, is longer than the remaining period of the lease, an annual deduction may be made from gross income of an amount equal to the total cost of such improvements divided by the number of years remaining in the term of the lease, and such deduction shall be in lieu of a deduction for depreciation. If, on the other hand, the useful life of such buildings or improvements in the hands of the taxpayer is equal to or shorter than the remaining period of the lease, this deduction shall be computed under the provisions of section 167 (relating to depreciation). Where there is a possibility that the lease may be renewed, the matter of spreading such costs over the term of the original lease, together with the renewal period or periods, depends upon the facts in the particular case, including the presence or absence of an option of renewal and the relationship between the parties. As a general rule, unless the lease has been renewed or the facts show with reasonable certainty that the lease will be renewed, the cost or other basis of the lease, or the cost of improvements shall be spread only over the number of years the lease has to run without taking into account any right of renewal.

(2) Subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A subsidiary corporation leases land from its parent at a fair rental for a 25-year period. The subsidiary erects on the land valuable factory buildings having a normal useful life of 50 years. These facts show with reasonable certainty that the lease will be renewed, even though the lease contains no option of renewal. Therefore, the cost of the buildings shall be depreciated over the estimated useful life of the buildings in accordance with section 167 and the regulations thereunder.

Example (2). A retail merchandising corporation leases land at a fair rental from an unrelated lessor for the longest period that the lessor is willing to lease the land (30 years). The lessee erects on the land a department store having a normal useful life of 40 years. These facts do not show with reasonable certainty that the lease will be renewed. Therefore, the cost of the building shall be spread over the remaining term of the lease. An annual deduction may be made of an amount equal to the cost of the building divided by the number of years remaining in the term of the lease, and such deduction shall be in lieu of a deduction for depreciation.

§ 1.162-12 *Expenses of farmers.* A farmer who operates a farm for profit is entitled to deduct from gross income as necessary expenses all amounts actually expended in the carrying on of the business of farming. The cost of ordinary tools of short life or small cost, such as hand tools, including shovels, rakes, etc., may be deducted. The purchase of feed and other costs connected with raising livestock may be treated as expense deductions insofar as such costs represent actual outlay, but not including the value of farm produce grown upon the farm or the labor of the taxpayer. Where a farmer is engaged in producing crops which take more than a year from the time of planting to the process of gathering and disposal, expenses deducted may, with the consent of the

Commissioner (see section 446 and the regulations thereunder), be determined upon the crop method, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized. If a farmer does not compute income upon the crop method, the cost of seeds and young plants which are purchased for further development and cultivation prior to sale in later years may be deducted as an expense for the year of purchase, provided the farmer follows a consistent practice of deducting such costs as an expense from year to year. The preceding sentence does not apply to the cost of seeds and young plants connected with the planting of timber. See section 611 and the regulations thereunder. The cost of farm machinery, equipment, and farm buildings represents a capital investment and is not an allowable deduction as an item of expense. Amounts expended in the development of farms, orchards, and ranches prior to the time when the productive state is reached may be regarded as investments of capital. For the treatment of soil and water conservation expenditures as expenses which are not chargeable to capital account, see section 175 and the regulations thereunder. Amounts expended in purchasing work, breeding, or dairy animals are regarded as investments of capital, and may be depreciated unless such animals are included in an inventory in accordance with § 1.61–4. The purchase price of an automobile, even when wholly used in carrying on farming operations, is not deductible, but is regarded as an investment of capital. The cost of gasoline, repairs, and upkeep of an automobile if used wholly in the business of farming is deductible as an expense; if used partly for business purposes and partly for the pleasure or convenience of the taxpayer or his family, such cost may be apportioned according to the extent of the use for purposes of business and pleasure or convenience, and only the proportion of such cost justly attributable to business purposes is deductible as a necessary expense. If a farm is operated for recreation or pleasure and not on a commercial basis, and if the expenses incurred in connection with the farm are in excess of the receipts therefrom, the entire receipts from the sale of farm products may be ignored in rendering a return of income, and the expenses incurred, being regarded as personal expenses, will not constitute allowable deductions. (See §§ 1.61–4, 1.167 (a)–6 (b), and sections 165 and 270 and the regulations thereunder.)

§ 1.162–13 *Depositors' guaranty fund.* Banking corporations which pursuant to the laws of the State in which they are doing business are required to set apart, keep, and maintain in their banks the amount levied and assessed against them by the State authorities as a "Depositors' guaranty fund," may deduct from their gross income the amount so set apart each year to this fund provided that such fund, when set aside and carried to the credit of the State banking board or duly authorized State officer, ceases to be an asset of the bank and may be withdrawn in whole or in part upon demand by such board or State officer to meet the needs of these officers in reimbursing depositors in insolvent banks, and provided further that no portion of the amount thus set aside and credited is returnable under the laws of the State to the assets of the banking corporation. If, however, such amount is simply set up on the books of the bank as a reserve to meet a contingent liability and remains an asset of the bank, it will not be deductible except as it is actually paid out as required by law and upon demand of the proper State officers.

§ 1.162–14 *Expenditures for advertising or promotion of good will.* A corporation which has, for the purpose of computing its excess profits tax credit under subchapter E of chapter 2, or subchapter D of chapter 1, of the Internal Revenue Code of 1939, elected under section 733 or section 451 (applicable to the excess profits tax imposed by subchapter E of chapter 2, and subchapter D of chapter 1, respectively) to charge to capital account for taxable years in its base period expenditures for advertising or the promotion of good will which may be regarded as capital investments, may not deduct similar expenditures for the taxable year. See section 263 (b). Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct in the taxable year may not be regarded as capital investments under the provisions of the regulations prescribed under section 733 or section 451 of the 1939 Code. See § 35.733–2 of Regulations 112 (26 CFR (1939) Part 35) and § 40.451–2 of Regulations 130 (26 CFR (1939) Part 40).

§ 1.162–15 *Excepted contributions.* (a) No deduction is allowable under section 162 (a) for a contribution or gift by an individual or a corporation if any part thereof is deductible under section 170. For example, if a taxpayer makes a contribution of $5,000 and only $4,000 of this amount is deductible under section 170 (a) (whether because of the percentage limitation under either section 170 (b) (1) or (2), the requirement as to time of payment, or both), no deduction is allowable under section 162 (a) for the remaining $1,000.

(b) The limitations provided in section 162 (b) and this section apply only to payments which are in fact contributions or gifts to organizations described in section 170. For example, payments by a street railway company to a local hospital (which is a charitable organization within the meaning of section 170) in consideration of a binding obligation on the part of the hospital to provide hospital services and facilities for the company's employees are not contributions or gifts within the meaning of section 170 and may be deductible under section 162 (a) if the requirements of section 162 (a) are otherwise satisfied. Donations to organizations other than those described in section 170 which bear a direct relationship to the taxpayer's business and are made with a reasonable expectation of a financial return commensurate with the amount of the donation may constitute allowable deductions as business expenses. For example, a street railway company may donate a sum of money to an organization (of a class not referred to in section 170) intending to hold a convention in the city in which it operates, with a reasonable expectation that the holding of such convention will augment its income through a greater number of people using its cars.

(c) [Reserved.]

§ 1.162–16 *Cross reference.* For special rules relating to expenses in connection with subdividing real property for sale, see section 1237 and the regulations thereunder.

§ 1.168 *Statutory provisions; amortization of emergency facilities.*

SEC. 168. *Amortization of emergency facilities*—(a) *General rule.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any emergency facility (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be comuputed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (f), be in lieu of the depreciation deduction with respect to such facility for such month provided by section 167. The 60-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility was completed or acquired, or with the taxable year succeeding the taxable year in which such facility was completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction with respect to such emergency facility.

(d) *Definitions*—(1) *Emergency facility.* For purposes of this section, the term "emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1949, and with respect to which a certificate under subsection (e) has been made. In no event shall an amortization deduction be allowed in respect of any emergency facility for any

taxable year unless a certificate in respect thereof under this paragraph shall have been made before the filing of the taxpayer's return for such taxable year.

(2) *Emergency period.* For purposes of this section, the term "emergency period" means the period beginning January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under subsection (e) have been made is no longer required in the interest of national defense.

(e) *Determination of adjusted basis of emergency facility.* In determining, for purposes of subsection (a) or (g), the adjusted basis of an emergency facility—

(1) There shall be included only so much of the amount of the adjusted basis of such facility (computed without regard to this section) as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after December 31, 1949, as the certifying authority, designated by the President by Executive Order, has certified as necessary in the interest of national defense during the emergency period, and only such portion of such amount as such authority has certified as attributable to defense purposes. Such certification shall be under such regulations as may be prescribed from time to time by such certifying authority with the approval of the President. An application for a certificate must be filed at such time and in such manner as may be prescribed by such certifying authority under such regulations, but in no event shall such certificate have any effect unless an application therefor is filed before March 24, 1951, or before the expiration of 6 months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, whichever is later.

(2) After the completion or acquisition of any emergency facility with respect to which a certificate under paragraph (1) has been made, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition included in such certificate, but with respect to which a separate certificate is made under paragraph (1), shall not be applied in adjustment of the basis of such facility, but a separate basis shall be computed therefor pursuant to paragraph (1) as if it were a new and separate emergency facility.

(f) *Depreciation deduction.* If the adjusted basis of the emergency facility (computed without regard to this section) is in excess of the adjusted basis computed under subsection (e), the depreciation deduction provided by section 167 shall, despite the provisions of subsection (a) of this section, be allowed with respect to such emergency facility as if its adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Payment by United States of unamortized cost of facility.* If an amount is properly includible in the gross income of the taxpayer on account of a payment with respect to an emergency facility and such payment is certified as provided in paragraph (1), then, at the election of the taxpayer in its return for the taxable year in which such amount is so includible—

(1) The amortization deduction for the month in which such amount is so includible shall (in lieu of the amount of the deduction for such month computed under subsection (a)) be equal to the amount so includible but not in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amortization deduction for such month). Payments referred to in this subsection shall be payments the amounts of which are certified, under such regulations as the President may prescribe, by the certifying authority designated by the President as compensation to the taxpayer for the unamortized cost of the emergency facility made because—

(A) A contract with the United States involving the use of the facility has been terminated by its terms or by cancellation, or

(B) The taxpayer had reasonable ground (either from provisions of a contract with the United States involving the use of the facility, or from written or oral representations made under authority of the United States) for anticipating future contracts involving the use of the facility, which future contracts have not been made.

(2) In case the taxpayer is not entitled to any amortization deduction with respect to the emergency facility, the depreciation deduction allowable under section 167 on account of the month in which such amount is so includible shall be increased by such amount, but such deduction on account of such month shall not be in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amount allowable, on account of such month, under section 167 or this paragraph).

(h) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(i) *Cross reference.* For special rule with respect to gain derived from the sale or exchange of property the adjusted basis of which is determined with regard to this section, see section 1238.

§ 1.168–1 *Amortization of emergency facilities; general rule.* (a) A person (including an estate or trust (see section 642 (f) and § 1.642 (f)–1) and a partnership (see section 703 and § 1.703–1)) is entitled, by election, to a deduction with respect to the amortization of the adjusted basis (for determining gain) of an emergency facility, such amortization to be based on a period of 60 months. As to the adjusted basis of an emergency facility, see § 1.168–5. The taxpayer may elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed or acquired, or (2) the taxable year succeeding that in which such facility was completed or acquired (see § 1.168–2). The date on which, or the month within which, an emergency facility is completed or acquired is to be determined upon the facts in the particular case. Ordinarily, the taxpayer is in possession of all the facts and, therefore, in a position to ascertain such date. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) In no event shall an amortization deduction be allowed with respect to an emergency facility for any taxable year unless such facility has been certified prior to the date of filing of the taxpayer's return for such taxable year.

(c) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of each month divided by the number of months (including the particular month for which the deduction is computed) remaining in the 60-month period. The adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to an emergency facility for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year. The amortization deduction taken for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 167. See, however, § 1.168–6, relating to depreciation with respect to any portion of the emergency facility not subject to amortization.

(d) This section may be illustrated by the following examples:

Example (1). On July 1, 1954, the X Corporation, which makes its income tax returns on the calendar year basis, begins the construction of an emergency facility which is completed on September 30, 1954, at a cost of $240,000. The certificate covers the entire construction. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with October, the month following its completion. The adjusted basis of the facility at the end of October is $240,000. The allowable amortization deduction with respect to such facility for the taxable year 1954 is $12,000, computed as follows:

Monthly amortization deductions:

October: $240,000 divided by 60	$4,000
November: $236,000 ($240,000 minus $4,000) divided by 59	4,000
December: $232,000 ($236,000 minus $4,000) divided by 58	4,000
Total amortization deduction for 1954	12,000

Example (2). The Y Corporation, which makes its income tax returns on the basis of a fiscal year ending November 30, purchases an emergency facility (No. 1) on July 29, 1955. On June 15, 1955, it begins the construction of an emergency facility (No. 2) which is completed on August 2, 1955. The entire acquisition and construction of such facilities are covered by the certificate. The Y Corporation elects to take amortization deductions with respect to both facilities and to begin the 60-month amortization period in each case with the month following the month of acquisition or completion. At the end of the first month of the amortization period the adjusted basis of facility No. 1 is $300,000 and the adjusted basis of facility No. 2 is $54,000. In September 1955, facility No. 1 is damaged by fire, as a result of which its adjusted basis is properly reduced by $25,370. The allowable amortization deduction with respect to such facilities for the taxable year ending November 30, 1955, is $21,410, computed as follows:

Facility No. 1

Monthly amortization deductions:

August: $300,000 divided by 60	$5,000
September: $269,630 ($300,000 minus $5,000 and $25,370) divided by 59	4,570
October: $265,060 ($269,630 minus $4,570) divided by 58	4,570
November: $260,490 ($265,060 minus $4,570) divided by 57	4,570
Amortization deduction for 1955	18,710

Facility No. 2

Monthly amortization deductions:	
September: $54,000 divided by 60	$900
October: $53,100 divided by 59	900
November: $52,200 divided by 58	900
Amortization deduction for 1955	2,700
Total amortization deduction for 1955	21,410

Example (3). On June 15, 1954, the Z Corporation, which makes its income tax returns on the calendar year basis, completes the construction of an emergency facility at a cost of $110,000. In its income tax return for 1954, filed on March 15, 1955, the Z Corporation elects to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July 1954, the month following its completion. No certificate with respect to such facility is made until April 10, 1955, and therefore no amortization deduction with respect to such facility is allowable for any month in the taxable year 1954. The Z Corporation is entitled, however, to take a deduction for depreciation of such facility for the taxable year 1954, such deduction being assumed, for the purposes of this example, to be $2,000. Accordingly, the adjusted basis of such facility at the end of January 1955 (without regard to the amortization deduction for such month) is $108,000 ($110,000 minus $2,000). For the taxable year 1955, the Z Corporation is, with respect to such facility, entitled to an amortization deduction of $24,000, computed as follows:

Monthly amortization deductions:	
January: $108,000 divided by 54	$2,000
February: $106,000 ($108,000 minus $2,000) divided by 53	2,000
March: $104,000 ($106,000 minus $2,000) divided by 52	2,000
For the remaining nine months (similarly computed)	18,000
Total amortization deduction for 1955	24,000

Since the Z Corporation elected in its return for 1954 to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July 1954, it must compute its amortization deductions for the 12 months in the taxable year 1955 on the basis of the remaining months of the established 60-month amortization period, as indicated in the above computation.

§ 1.168–2 *Election of amortization*—(a) *General rule.* An election by the taxpayer to take amortization deductions with respect to an emergency facility and to begin the 60-month amortization period either with the month following the month in which such facility was completed or acquired, or with the taxable year succeeding the taxable year in which such facility was completed or acquired, shall be made by a statement to that effect in its return for the taxable year in which falls the first month of the 60-month amortization period so elected.

(b) *Election not made in prescribed manner.* If the statement of election is not made by the taxpayer as prescribed in paragraph (a) of this section, it may, in the discretion of the Commissioner and for good cause shown, be made in such manner and form and within such time as may be approved by the Commissioner

(c) *Other requirements and considerations.* No method of making such election other than those prescribed in this section and corresponding sections of prior regualtions is permitted. Any statement of election should contain a description clearly identifying each emergency facility for which an amortization deduction is claimed. A taxpayer which does not elect, in the manner prescribed in this section or corresponding sections of prior regulations, to take amortization deductions with respect to an emergency facility shall not be entitled to such deductions.

§ 1.168–3 *Election to discontinue amortization.* (a) If a taxpayer has elected to take amortization deductions with respect to an emergency facility, it may, after such election and prior to the expiration of the 60-month amortization period, discontinue the amortization deductions for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by a notice in writing filed with the district director for the district in which the return of the taxpayer is required to be filed, specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and shall contain a description clearly identifying the emergency facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer so elects to discontinue the amortization deductions, it shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer which thus elects to discontinue amortization deductions with respect to an emergency facility is entitled, if such facility is depreciable property under section 167 and the regulations thereunder, to a deduction for depreciation with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable, and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 1011 and the regulations thereunder).

(c) This section may be illustrated by the following example:

Example. On July 1, 1954, the X Corporation, which makes its income tax returns on the calendar year basis, purchases an emergency facility, consisting of land with a building thereon, at a cost of $306,000 of which $60,000 is allocable to the land and $246,000 to the building. The certificate covers the entire acquisition. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with the taxable year 1955. Depreciation of the building in the amount of $6,000 is deducted and allowed for the taxable year 1954. On March 25, 1956, the corporation files notice with the district director of its election to discontinue the amortization deductions beginning with the month of April 1956. The adjusted basis of the facility on January 31, 1955, is $300,000, or the cost of the facility ($306,000) less the depreciation allowed for 1954 ($6,000). The amortization deductions for the taxable year 1955 and the months of January, February, and March 1956, amount to $75,000, or $5,000 per month for 15 months. Since, at the beginning of the amortization period (January 1, 1955), the adjusted basis of the land ($60,000) is one-fifth of the adjusted basis of the entire facility ($300,000) and since there are no adjustments to basis other than on account of amortization during the period, the adjusted basis of the land should be reduced by $15,000, or one-fifth of the entire amortization deduction, and the adjusted basis of the building should be reduced by $60,000, or four-fifths of the entire amortization deduction. Accordingly, the adjusted basis of the facility as of April 1, 1956, is $225,000, of which $180,000 is allocable to the building for the purpose of depreciation deductions under section 167, and $45,000 is allocable to the land.

§ 1.168–4 *Definitions.* As used in the regulations under section 168, the term—

(a) "Certifying authority" means the certifying authority designated by the President by Executive order.

(b) "Emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the acquisition of which occurred after December 31, 1949, or the construction, reconstruction, erection, or installation of which was completed after such date, and with respect to which a certificate under section 168 (e) has been made. In the case of an application for a certificate under section 168 (e) which is filed after March 23, 1951, only the part of any such facility which is constructed, reconstructed, erected, or installed by any person not earlier than six months prior to the filing of such application, and which is certified in accordance with section 168 (e), shall be deemed to be an emergency facility, notwithstanding that the other part of such facility was constructed, reconstructed, erected, or installed earlier than six months prior to the filing of such application. The term "emergency facility," as so defined, may include, among other things, improvements of land, such as the construction of roads, bridges, and airstrips, and the dredging of channels.

(c) "Emergency period" means the period beginning on January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the certified emergency facilities is no longer required in the interest of national defense.

§ 1.168–5 *Adjusted basis of emergency facility*—(a) *In general.* (1) The adjusted basis of an emergency facility for the purpose of computing the amortization deduction may differ from what would otherwise constitute the adjusted basis of such emergency facility, in that it shall be the adjusted basis for determining gain (see sections 1011–1022, inclusive) and in that it may be only a portion of what would otherwise constitute the adjusted basis. It will be only a portion of such other adjusted basis if only a portion of the basis (unadjusted) is attributable to certified construction, reconstruction, erection, installation, or acquisition taking place after December 31, 1949. Also, it will be only a portion of what would otherwise constitute the adjusted basis of the emergency facility if only a portion of the basis (unadjusted) is certified as attributable to defense purposes. It is therefore necessary first to determine the unadjusted basis of the emergency facility from which the adjusted basis for amortization purposes is derived.

(2) The unadjusted basis for amortization purposes is the same as the unadjusted basis otherwise determined only when the entire construction, reconstruction, erection, installation, or acquisition takes place after December 31, 1949, and is certified in its entirety by the certifying authority.

(3) In cases in which only a portion of the construction, reconstruction, erection, installation, or acquisition takes place after December 31, 1949, and that portion is certified in its entirety by the certifying authority, the unadjusted basis for the purpose of amortization is so much of the entire unadjusted basis as is attributable to the certified construction, reconstruction, erection, installation, or acquisition which takes place after December 31, 1949. For example, the X Corporation begins the construction of a facility on November 15, 1949, and such facility is completed on April 1, 1952, at a cost of $5,000,000, of which $4,600,000 is attributable to construction after December 31, 1949. The entire construction after December 31, 1949, is certified by the certifying authority. The unadjusted basis of the emergency facility for amortization purposes is therefore $4,600,000. For depreciation of the remaining portion ($400,000) of the cost, see § 1.168–6.

(4) If the certifying authority certifies only a portion of the construction, reconstruction, erection, installation, or acquisition of property which takes place after December 31, 1949, the unadjusted basis for amortization purposes is limited to such portion so certified. Assuming the same facts as in the example in subparagraph (3) of this paragraph, except that only 50 percent of the construction, reconstruction, erection, installation, or acquisition after December 31, 1949, is certified, the unadjusted basis for amortization purposes is 50 percent of $4,600,000, or $2,300,000.

(5) The adjusted basis of an emergency facility for amortization purposes is the unadjusted basis for amortization purposes less the adjustments properly applicable thereto. Such adjustments are those specified in sections 1016 and 1017, except that no adjustments are to be taken into account which increase the adjusted basis. (See paragraph (b) of this section.) If the taxpayer constructs, reconstructs, erects, installs, or acquires an emergency facility pursuant to a cost reimbursement contract with an obligation for reimbursement by the United States of all or a part of the cost of such facility, the unadjusted basis of such facility for amortization purposes shall not include that part of the cost for which the taxpayer is entitled to reimbursement, and the amount received as reimbursement shall be treated as a capital receipt. However, amounts received by a taxpayer which represent in fact compensation by reason of termination of a government contract or payment for articles under such a contract, though denominated reimbursements for all or a part of the cost of an emergency facility, are not to be treated as capital receipts but are to be taken into account in computing income, and are therefore not to be applied in reduction of the basis of such facility.

(6) The following examples will illustrate the computation of the adjusted basis of an emergency facility for amortization purposes:

Example (1). The X Corporation completes an emergency facility on July 1, 1954, the entire unadjusted basis of which is $500,000, and the unadjusted basis of which for the purpose of amortization is $300,000. The X Corporation elects to begin amortization as of January 1, 1955. The only adjustment to basis for the period July 1, 1954, to January 31, 1955, other than depreciation or amortization for January 1955, is $5,000 for depreciation for the last six months of 1954. The adjusted basis for the purpose of amortization is therefore $300,000 less $3,000 (300,000/500,000 × $5,000), or $297,000.

Example (2). On July 31, 1956, the Y Corporation has an emergency facility (a building) which was completed on July 1, 1952, the entire basis of which is $500,000 and the unadjusted basis of which for the purpose of amortization is $300,000. The corporation elected to begin amortization as of January 1, 1953, at which time it was entitled to $5,000 depreciation for the last six months of 1952. On July 1, 1956, the facility was damaged by fire, as the result of which its adjusted basis is properly reduced by $200,000. The adjusted basis of the emergency facility as of July 1956 for the purpose of amortization and depreciation, and the adjusted basis for other purposes, are $23,849.18, $49,250.82, and $73,100.00, respectively, computed as follows:

	For amortization	For depreciation	For other purposes
Unadjusted basis	$300,000.00	$200,000.00	$500,000
Less depreciation to Jan. 1, 1953	3,000.00	2,000.00	5,000
Adjusted basis January 1953	297,000.00	198,000.00	495,000
Less amortization for 42 months	207,900.00		207,900
Less depreciation for 42 months		14,000.00	14,000
Adjusted basis at time of fire	89,100.00	184,000.00	273,100
Less fire loss (apportioned as explained below)	65,250.82	134,749.18	200,000
Adjusted basis after fire loss	23,849.18	49,250.82	73,100

The $200,000 fire loss is applied against the adjusted basis for the purpose of amortization and the adjusted basis for the purpose of depreciation in the proportion that each such adjusted basis at the time of the fire bears to their sum, i. e., 89,100/273,100 × $200,000 or $65,250.82, against the amortization basis, and 184,000/273,100 × $200,000, or $134,749.18 against the depreciation basis.

(b) *Capital additions.* (1) If, after the completion or acquisition of an emergency facility which has been certified by the certifying authority, further expenditures are made for construction, reconstruction, erection, installation, or acquisition attributable to such facility but not covered by such certification, such expenditures shall not be added to the adjusted basis of the emergency facility for amortization purposes under such certification. If such further expenditures are separately certified in accordance with the provisions of section 168 (e) (1) and this section, they are treated as certified expenditures in connection with a new and separate emergency facility and, if proper election is made, will be taken into account in computing the adjusted basis of such new and separate emergency facility for the purpose of amortization.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. On March 1, 1954, the certifying authority certifies as an emergency facility a heating plant proposed to be constructed by the Z Corporation. Such facility is completed on July 1, 1954. The Z Corporation, on August 1, 1954, begins the installation in the plant of an additional boiler, which is not included in the certification for the plant but is certified as a new and separate emergency facility. For amortization purposes, the adjusted basis of the heating plant is determined without including the cost of the additional boiler. Such cost is taken into account in computing the adjusted basis of the new and separate emergency facility (the boiler), as to which the taxpayer has a separate election for amortization purposes and a separate amortization period.

§ 1.168–6 *Depreciation of portion of emergency facility not subject to amortization.* (a) The rule that an amortization deduction with respect to an emergency facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 167 is subject to the exception provided in section 168 (f). Under this exception, if the property constituting such facility is depreciable property under section 167 and the regulations thereunder and if the adjusted basis of such facility as computed under section 1011 for purposes other than the amortization deductions is in excess of the adjusted basis computed for the purpose of the amortization deductions, then the excess shall be charged off over the useful life of the facility and recovered through depreciation deductions. Thus, if the construction of an emergency facility is begun on or before December 31, 1949, and completed after such date, no amortization deductions are allowable with respect to the amount attributable to such construction on or before such date (see § 1.168–5). However, if the property constituting such facility is depreciable property under section 167 and the regulations thereunder, then the depreciation deduction provided by such section and regulations is allowable with respect to the amount attributable to such construction on or before December 31, 1949.

(b) Similarly, if only a portion of the construction, reconstruction, erection, installation, or acquisition after December 31, 1949, of an emergency facility has been certified by the certifying authority, and if such facility is depreciable property under section 167 and the regulations thereunder, then the depreciation deduction provided by such section and regulations is allowable with respect to the portion which has not been so certified.

(c) For illustration of the treatment of a depreciable portion of an emergency facility, see example (2) in § 1.168–5 (a) (6).

§ 1.168–7 *Payment by United States of unamortized cost of facility.* (a) Section 168 (g) contemplates that certain payments may be made by the United States to a taxpayer as compensation for the unamortized cost of an emergency facility. If any such payment is properly includible in gross income and has been certified, as provided in section 168 (g), as having been paid under the circumstances described therein, a taxpayer which is recovering the adjusted basis of an emergency facility through amortization rather than depreciation may elect to take an amount equal to such payment as an amortization deduction with respect to such facility for the month in which such payment is so includible. Such amortization deduction shall be in lieu of the amortization deduction otherwise allowable with respect to such facility for such month, but it shall not in any case exceed the adjusted basis of such facility (see § 1.168–5) as of the end of such month (computed without regard to any amortization deduction for such month). The election referred to in this paragraph shall be made in the return for the taxable year in which the amount of such payment is includible in gross income.

(b) If a taxpayer is recovering the adjusted basis of an emergency facility through depreciation rather than amortization, the depreciation deduction allowable under section 167 for the month in which the amount of any such payment is includible in gross income shall, at the taxpayer's election, be increased by such amount; but the total deduction with respect to the certified portion of such facility shall not in any case exceed the adjusted basis of such facility (computed as provided in section 168 (e) and § 1.168–5 for amortization purposes) as of the end of such month (computed without regard to any amount allowable for such month under section 167 or 168 (g) (2)). The election referred to in this paragraph shall be made in the return for the taxable year in which the amount of such payment is includible in gross income.

(c) This section may be illustrated by the following examples:

Example (1). On January 31, 1954, the X Corporation purchases an emergency facility at a cost of $600,000. The certificate covers the entire acquisition. The X Corporation elects to take amortization deductions with respect to such facility and to begin the 60-month amortization period with February 1954, the month following the month of acquisition. On July 15, 1955, as a result of the cancellation of certain contracts with the X Corporation, the United States makes a payment of $300,000 to the corporation as compensation for the unamortized cost of such facility. The $300,000 payment is includible in the X Corporation's gross income for July 1955. The adjusted basis of such facility for amortization purposes as of the end of July 1955, computed without regard to any amortization deduction for such month, is $430,000. Accordingly, the corporation is entitled to take an amortization deduction of $300,000 for such month, in lieu of the $10,000 amortization deduction which is otherwise allowable.

Example (2). On November 30, 1954, the Y Corporation purchases an emergency facility, consisting of land with a building thereon, at a cost of $500,000, of which $200,000 is allocable to the land and $300,000 to the building. The certificate covers the entire acquisition. The Y Corporation does not elect to take amortization deductions with respect to such facility, but is entitled to a depreciation deduction with respect to the building at the rate of 3 percent per annum, or $750 per month. On August 12, 1956, as a result of cancellation of certain contracts, the United States makes a payment of $400,000 to the corporation as compensation for the unrecovered cost of such facility'. The $400,000 is includible in the Y Corporation's gross income for August 1956. The adjusted basis of the facility as of the end of August 1956, computed without regard to depreciation for such month, is $485,000, of which amount $200,000 is allocable to the land and $285,000 to the building. Accordingly, the corporation is entitled to increase the $750 depreciation deduction for August 1956 by the full amount of the $400,000 payment.

§§ 1.169—1.169–8 [Reserved.]

[F. R. Doc. 58-2551; Filed, Apr. 3, 1958; 5:15 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1609]

[018060, 027282]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604), and reserved for use of the Department of the Air Force for military purposes:

[Nevada 018060]

MOUNT DIABLO MERIDIAN

T. 36 N., R. 37 E.,
  Sec. 12, S½SE¼NW¼, N½NE¼SW¼, SW¼SW¼NE¼, NW¼NW¼SE¼.
T. 36 N., R. 38 E.,
  Sec. 18, E½SW¼SE¼, SE¼SE¼.

The areas described aggregate 120.00 acres.

[Nevada 027282]

MOUNT DIABLO MERIDIAN

T. 2 N., R. 42 E.

Tract No. 1

A tract of land situated in Sections 1 and 2 described as follows:

From the northeast corner sec. 2, thence S. 15°51'40" E., 854.52 feet to a point on the northerly boundary of the Nye County Hospital Site; S. 73°25' W., 408.23 feet along northerly boundary to a point on the westerly boundary of hospital site; S. 6°58'45" W., 745.32 feet along westerly boundary; N. 62°38'30" W., 400.00 feet to the south westerly corner of the Nevada State Maintenance Station Site; S. 12°00'25" E., 623.78 feet; N. 6°44'45" E., 25.00 feet to the point of beginning, thence

S. 83°15'15" E., 700.00 feet;
S. 06°44'45" W., 998.43 feet;
N. 83°15'15" W., 700.00 feet;
N. 06°44'45" E., 998.43 feet to point of beginning.

The tract described contains approximately 16 acres.

Tract No. 2

A tract of land situated in Section 2, T. 2 N., R. 42 E., MDM, described as follows:

Beginning at a point from which U. S. G. S. Triangulation Station "Brock", latitude 38°03'06.779" N., longitude 117°13'30.676" W., bears S. 27°49'45" W., 450 feet, thence

South, 700 feet;
West, 700 feet;
North, 700 feet;
East, 700 feet to point of beginning.

The tract described contains 11.248 acres.

The jurisdiction granted by this order with respect to lands in sec. 12, T. 36 N., R. 37 E., and sec. 18, T. 36 N., R. 38 E., MDM, Nevada, is subject to the condition that personnel of the Bureau of Land Management shall be permitted use of the road across the said lands for official business. Repair for any damage beyond fair wear and tear and just share of maintenance expense, if use of the road by the Bureau of Land Management becomes frequent or excessive, will be borne by the Bureau of Land Management.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

MARCH 31, 1958.

[F. R. Doc. 58-2506; Filed, Apr. 4, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PAINT, VARNISH, AND RELATED PRODUCTS INDUSTRY

NOTICE OF PROPOSED DECISION IN DETERMINATION OF PREVAILING MINIMUM WAGES

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U. S. C. 35-43a) to determine the prevailing minimum wages for persons employed in the paint, varnish, and related products industry has been certified by the hearing examiner. The record having been fully considered, the Rules of Practice next require issuance of a proposed decision, including a statement of findings and conclusions, as well as the reasons and basis therefor, and an appropriate wage determination.

Definition. The notice of hearing defined the paint, varnish, and related products industry to include the following: the manufacture of inorganic pigments or colors, either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers, and enamels (including industrial product finishes); filler, putty, and top dressings; paint and varnish removers; furniture and floor wax; and artists' oil and water colors.

This definition was supported at the hearing by the representative of the American Federation of Labor and Congress of Industrial Organizations, and the General Representative of the Brotherhood of Painters, Decorators, and Paperhangers of America, AFL-CIO. The president of the National Paint, Varnish, and Lacquer Association also approved of the definition. The representative of District 50, United Mine Workers of America also found it acceptable, expressing the view that it adequately and clearly defined the industry.

The only objection to the definition is in the form of a letter on behalf of the Plastic Products Company, which was read into the record at the direction of the hearing examiner. The letter objects to the inclusion of putty on the ground that a lower wage scale prevails in the manufacture of that product than in the manufacture of the other products in the definition. In every industry defined to include the manufacture of a group of related products, one of them, separately considered, may be the one in which the lowest wages in the industry prevail. The letter from the Plastic Products Company does no more than allege that putty is such product in the paint, varnish, and related products industry. It does not assert that putty is actually a part of any other industry. Nor would any such assertion be persuasive in view of the fact that the Standard Industrial Classification Manual (Executive Office of the President, Bureau of the Budget, 1957), lists putty along with other products in this definition, not only in the same major group (28 Chemicals and Allied Products), but also in the same minor group (285 Paints, Varnishes, Lacquers and Allied Products).

Putty has been part of this industry for wage determination purposes for over 17 years. All representatives of labor and management who attended the hearing appear to be content that it should remain there. It has caused no difficulty in administration. Against this whole background, the reason asserted for removing putty from the definition appears inadequate. The request to remove it is overruled.

Locality. Labor representatives at the hearing recommended a single industry-wide prevailing minimum wage determination by reason of the industry-wide competition for Government contracts. Dissent from this recommendation is implicit in the recommendation, made on behalf of the National Paint, Varnish, and Lacquer Association, that the determination for the portion of the industry in the South provide a 20-cent lower hourly rate than the one found prevalent in the remainder of the industry. This recommendation in relevant part is based on the contention that lower minimum wages prevail in the southern portion of the industry.

There is substantial evidentiary support in the record for each of the above-stated factual bases on which the conflicting recommendations of these parties depend. Sectional or regional divergencies in minimum wage practices are not necessarily incompatible with industry-wide competition for contracts. Both existed in the textile industry and were reflected in the administrative proceedings which were reviewed in Mitchell v. Covington Mills, 229 F. 2d 506 (CADC), certiorari denied, 351 U. S. 934. In that case after reviewing the Walsh-Healey Act's purpose, the court held that "only an industry-wide minimum will serve this purpose, because the competition is industry-wide."

The evidence reveals that the competition for Government contracts in this industry is substantial. There were an average of at least five bids for each reported Walsh-Healey contract in this industry in 1956, though awards averaged less than $40,000 each. Analysis of the procurements of the Navy and the General Services Administration, which accounted for nearly all of the Walsh-Healey contracts in this industry in 1956, demonstrates that this competition is not in any way localized. These procurements were analyzed in terms of a division of the country into four geographic regions. Substantial numbers of bids were made contemplating delivery from each of these four regions into the other regions. Such bids were successful in fifteen of the sixteen possible origin-destination combinations presented by this procurement analysis. This evidence makes it plain that a procurement officer composing an invitation for bids on a particular procurement in this industry would be unable even to predict, from the specification of the delivery point, in which of the four broad geographic regions the successful bidder's plant would be located.

Region II, the only one suggested for possible separate treatment, appears to be specially in competition with the other regions. Plants located within its boundaries made more bids for shipment, and actual shipments, to Government installations in other regions than they did for shipment to Government destinations in their own region. Conversely, plants in other regions made more bids for shipment, and actual shipments, to Government installations in Region II, than did the Plants in Region II.

In view of these undisputed facts, I find that the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under contracts subject to the Act in the paint, varnish, and related products industry cannot be defined more narrowly than all of that area in which the industry has its plants.

Wages. The evidence as to wages paid in the paint, varnish, and related products industry takes the form of a wage survey made specially for this purpose by the Bureau of Labor Statistics. It appears from the survey that in October of 1956 there were 860 establishments employing 8 or more employees whose major production was in the industry as above defined. These establishments employed 36,173 workers who are regarded as "covered," because they will be protected by any minimum wage here determined to the extent that they engage in work on the Government contracts to which it will apply. Usable wage data were obtained from 774, or 90 percent, of these establishments, employing 35,080, or 97 percent, of the covered workers. In accordance with well established statistical procedures, these data were weighted so as to represent the whole industry by ascribing to the 10 percent of the plants employing 3 percent of the covered workers as to which no data were received the same characteristics found in plants of similar size, location, and end products from which such data were received.

The American Federation of Labor and Congress of Industrial Organizations and the Brotherhood of Painters, Decorators, and Paperhangers of America recommend a determination of $1.60 per hour for non-probationary employees ($1.55 as of the date of the wage survey plus 5 cents for recent increases). The United Mine Workers of America recommend $1.66 for such employees ($1.56 as of the date of the wage survey plus 10 cents for recent increases). The National Paint, Varnish and Lacquer Association recommends not more than $1.05 in the Southern States, designated as Region II in the wage survey, and not more than $1.25 in the remainder of the country for the same employees.

All parties are agreed that the determination should make separate provision for non-probationary and probationary workers, who are defined in the wage survey as inexperienced, new employees hired at a rate lower than the rate established for a specific job during the period of time required to receive orientation or initial training for that job. The unions proposed a uniform industry-wide 5-cent differential, but the employer association proposed a 5-cent differential for Region II and a 15-cent differential in the remainder of the country. Four weeks, eight weeks, and six months are the probationary periods suggested by the several parties.

The fairly extensive use of the probationary worker pay practice in this industry and the unanimous recommendation of the labor and management representatives participating in this proceeding lead me to propose an authorization under section 6 of the act providing a separate rate for probationary workers. Accordingly, the appropriate source for ascertaining the minimum wage for non-probationary workers which was prevailing on the survey date are those tables in the wage survey which reflect the minimum wages then being paid to all the covered workers employed in the industry except the probationary workers.

In addition to the fact that the industry-wide competition here makes it impossible to achieve the purposes of the act through use of the separate geographic localities suggested by the National Paint, Varnish, and Lacquer Association, the rates suggested by this group are too low. The case for such rates is not improved significantly even on consideration of the higher of them for industry-wide application. Only 18 percent of the covered non-probationary workers are employed in establishments (approximately one-third), paying any such worker wages as low as $1.25 per hour.

The rates suggested by the unions appear to be too high. In October of 1956 a substantial majority of the establishments in the industry paid minimum wages less than the $1.55 and $1.56 on which the unions base their recommendations.

In this industry, 69 percent of the total, covered non-probationary workers were employed by establishments (48 percent of the total), which paid minimum wages to such workers ranging from and including $1.50 to the $2.15-$2.20 interval, or a span of 66 to 70 cents. These plants, employing a substantial preponderance of all the covered workers in the industry, constitute approximately one-half of the industry. The remainder of the plants, employing 31 percent of the total, covered non-probationary workers, paid minimum wages ranging from $1.00 to $1.50, or a span of 50 cents.

As higher minimum wages and the preponderance of covered employment distinguish the plants in the top half of the industry from those in the remainder, $1.50, the lowest minimum wage paid in this half, is the one most representative of the minimum wage practices of the industry as a whole, and the one most accurately reflecting the industry standard which I am directed to find and determine as the prevailing minimum wage for persons employed in the industry.

The American Federation of Labor and Congress of Industrial Organizations and District 50 of the United Mine Workers of America urge that prevailing minimum wages have increased in this industry since the October 1956 wage survey. They point to increases in average hourly earnings of workers in the industry from $2.07 per hour in October of 1956 to $2.14 per hour in July of 1957, and to certain minimum wage increases resulting from collective bargaining by their respective organizations. These bargained increases are said to amount to at least 7 cents per hour in plants employing some 5,000 workers in unions affiliated with the AFL-CIO, and to average 10.36 cents per hour for members of District 50 of the United Mine Workers of America. No data were presented on the coverage of the District 50 workers, either in terms of plants or employment.

These data on wage increases are derived exclusively from plants in which the unions have bargaining rights, and do not purport to be representative of the minimum wage practices in the industry as a whole. As the union wage increases are not claimed to extend to other than their membership or to more than a minority of the plants or workers in the industry, this limited showing fails to evidence by sample or count any increase in minimum wages in the industry as a whole. Bureau of Labor Statistics monthly figures on average hourly earnings do not relate directly to minimum wages to which the act restricts this determination.

Though the uncontroverted minimum wage data submitted by the unions suggest that there may have been some selective upward movement in minimum wages, I have not been able to find in it substantial evidence to support a finding as to the extent prevailing minimum wages may have increased in this industry as a whole since the wage survey. As the Administrative Procedure Act precludes any determination less soundly based, no allowance for post-survey increases may be predicated on this record, and none is found.

The wage data indicate that nearly one quarter of the establishments with about 35 percent of the covered worker employment reported lowest established rates for probationary workers lower than for non-probationers. In view of the employment of probationers at these lower rates by a substantial segment of the industry a tolerance rate under section 6 of the act for beginners is appropriate for probationary workers.

From the record as a whole, it appears that a rate of $1.40 is appropriate for probationary workers, or a 10 cent differential from the prevailing minimum rate for non-probationers. Table 8 of Government Exhibit No. 4 shows the differential between lowest established hiring rate for probationary workers and lowest established job rate for covered non-probationary workers in establishments reporting such differential. This table indicates that 62.8 percent of the establishments reporting such a differential with 50.9 percent of the total workers in such plants reported a differential of not less than 10 cents.

Similarly, Table 5 of the Exhibit which shows the distribution of establishments and workers by the lowest rate actually paid to covered probationary employees, discloses that 53.1 percent of the reporting establishments employing 70.6 percent of the workers in such establishments reported a lowest probationary rate of not less than $1.40 per hour. Table 7 of the Exhibit which tabulates establishments and workers by the lowest established hiring rate for probationary workers, and if none was reported, by lowest rate actually paid to covered workers, classified as probationary shows that 50.3 percent of the 308 establishments (36 percent of the establishments in the industry with 50 percent of the industry's total covered employment), having lowest established hiring rates for probationary workers, reported a rate of not less than $1.41 for such employees.

The establishments in Table 8 reporting a differential per hour between their lowest established hiring and job rates for probationers and nonprobationers respectively, further reported various time intervals from under one to over six months for probationary workers hired at the lowest hiring rate to reach the lowest established job rate. The median establishment of those reporting these time intervals is found in the "over 2½ but not over 3 months" interval. 480 hours, which falls within this interval and is also the period provided in the existing determination, is appropriate as the probationary period.

I therefore find and propose to determine that the prevailing minimum wage for non-probationary employees employed in the paint, varnish, and related products industry is $1.50 per hour. I also conclude that pursuant to section 6 of the Act employment of probationary employees at subminimum rates should be authorized and that a wage rate of $1.40 an hour for a period not to exceed 480 hours, is appropriate and shall be permitted for probationary employees in this industry.

Accordingly, upon the findings and conclusions stated herein and pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U. S. C. Sec. 35 et seq.) and in accordance with the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. Sec. 237), notice is hereby given that I propose to amend Title 41, Code of Federal Regulations, Part 202, § 202.41 to read as follows:

§ 202.41 *Paint, varnish, and related products industry*—(a) *Definition.* The paint, varnish, and related products industry is defined as that industry which manufactures or furnishes any of the following products: Inorganic pigments or colors either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers and enamels (including industrial product finishes); filler, putty, and top dressings; paint and varnish removers; furniture and floor wax; and artists' oil and water colors.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the paint, varnish, and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.50 an hour arrived at either on a time or piece rate basis.

(c) *Sub-minimum wages authorized.* Probationary employees may be employed at wages not less than $1.40 an hour, arrived at either on a time or incentive basis, for a period not to exceed 480 hours. A probationary employee, for the purpose of this section, is defined as an inexperienced new employee who has less than 480 hours experience in the plant in which he is employed.

(d) *Effect on other obligations.* Nothing in this section shall affect any other obligation for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 1st day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-2516; Filed, Apr. 4, 1958; 8:48 a. m.]

Wage and Hour Division

[29 CFR Part 541]

DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

NOTICE OF PROPOSED RULE MAKING

Section 13 (a) (1) of the Fair Labor Standards Act provides an exemption from the minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity, as such terms are defined and delimited by regulations of the Administrator. Pursuant to this authority, Part 541 was last amended effective January 25, 1950. Among other requirements, these regulations require that executive employees must be paid not less than $55 a week on a salary basis, and that administrative and professional employees must be paid not less than $75 a week on a salary or fee basis. The regulations also contain special provisos for such employees whose compensation rate is not less than $100 a week. In Puerto Rico and the Virgin Islands, executive employees must be paid not less than $30 a week on a salary basis; administrative and professional employees, not less than $200 a month on a salary or fee basis. These salary tests for Puerto Rico and the Virgin Islands were established in 1940, and were not changed when the regulations were amended in 1950. At that time, however, the special provisos for employees paid $100 a week or more were made applicable to these areas.

Experience in administering these regulations, in light of changes in economic conditions which have taken place since these salary levels were established, particularly the widespread increases in wages and salaries, indicated that consideration be given to changes in the salary levels. Pursuant to notices published in the FEDERAL REGISTER (20 F. R. 8388; 21 F. R. 323), hearings on proposals to amend these regulations were held in Washington, D. C., beginning December 12, 1955, and in Santurce, Puerto Rico, beginning February 15, 1956, before representatives of the Administrator who were duly authorized to preside at the hearings.

A report and recommendation has been submitted by Assistant Administrator Harry S. Kantor. The report contains an analysis of the evidence and a statement of the considerations entering into his recommendations for changing the salary levels. Copies of the report may be examined by interested persons at each of the regional and field offices of the Wage and Hour Division, United States Department of Labor, as well as at the National Office at 14th and Constitution Avenue NW., Washington, D. C., during regular business hours.

Pursuant to authority contained in section 13 (a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, notice is hereby given that the Administrator proposes to amend §§ 541.1 (f), 541.2 (e), and 541.3 (e) of Title 29 of the Code of Federal Regulations to read as follows:

§ 541.1 *Executive.* * * *

(f) Who is compensated for his services on a salary basis at a rate of not less than $80 per week (or $55 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided,* That an employee who is compensated on a salary basis at a rate of not less than $125 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 *Administrative.* * * *

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $95 per week (or $70 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided,* That an employee who is compensated on a salary or fee basis at a rate of not less than $125 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 *Professional.* * * *

(a) Who is compensated for his services on a salary or fee basis at a rate of not less than $95 per week (or $70 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided,* That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof: *Provided,* That an employee who is compensated on a salary or fee basis at a rate of not less than $125 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

Interested persons may within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Acting Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., their views and arguments relative to the proposed amendments.

Signed at Washington, D. C., this 1st day of April 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-2510; Filed, Apr. 4, 1958; 8:46 a. m.]

[29 CFR Part 710]

[Administrative Order No. 506]

INDUSTRY COMMITTEE NO. 38-A

RESIGNATION AND APPOINTMENT OF EMPLOYEE MEMBER

Richard J. Brazier of St. Louis, Missouri has resigned as an employee representative on Industry Committee No. 38-A. The Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Milton Fried of New York, New York, to serve on said Committee as an employee representative.

Signed at Washington, D. C., this 1st day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-2517; Filed, Apr. 4, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 228]

[Economics Regs. Draft Release 91-A]

EMBARGOES ON CARGO

EXTENSION OF TIME FOR SUBMISSION OF COMMENTS

APRIL 3, 1958.

The Board gave notice in 23 F. R. 1661 and by circulation of Economic Regulations Draft Release No. 91, dated March 5, 1958, that it proposed to adopt a new Part 228 of its Economic Regulations which would require air carriers certificated to carry property to give public notice of embargoes.

In its notice the Board requested that interested parties submit such comment as they may desire not later than April 9, 1958.

The Board has been requested to extend the date for return of comments on the proposed regulation in order to afford interested persons more time for evaluation of the proposal and preparation of comments. Since it appears to the Board that such requests are reasonable, notice is hereby given that the time within which comments on proposed Part 228 of the Economic Regulations will be received is extended to May 19, 1958.

This regulation is proposed under the authority of section 205 (a), 401, 403, and 404 of the Civil Aeronautics Act of 1938, as amended; 52 Stat. 984, 987, 992, 993; 49 U. S. C. 481, 483, 484.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2558; Filed, Apr. 4, 1958; 9:09 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 40]

AREA DIRECTORS ET AL

REDELEGATION OF AUTHORITY

Order 551, as amended, is further amended by the addition of a new heading "Functions Relating to Tribal Programs" and three new sections thereunder to read as follows:

SEC. 330. *Tribal ordinances and resolutions, Aberdeen Area.* (a) The approval for tribes within the jurisdiction of the Aberdeen Area Office of tribal ordinances, resolutions, and contracts, including the approval of expenditures under such contracts where approval is required. This authority is to be exercised in accordance with Sec. 18 of Secretarial Order No. 2508 and is subject to the limitations set forth therein and in paragraphs (b) and (c) of this section.

(b) The authority delegated under (a) above does not include the approval or disapproval of attorney contracts, amendments to tribal constitutions and charters, or resolutions and ordinances pertaining to the levying of taxes and license fees, the exclusion of unauthorized persons from a reservation, the appointment of guardians, the regulation of law and order on a reservation, the regulation of hunting and fishing, the regulation of domestic relations, and the regulation of trade with non-members of a tribe.

(c) The authority granted in this section shall not be redelegated or exercised by an officer or employee who pursuant to the tribal constitution or charter passes upon ordinances, resolutions or contracts.

SEC. 331. *Tribal budgets, Aberdeen Area.* The approval of expenditures or advances of tribal funds except per capita payments to tribes within the jurisdiction of the Aberdeen Area Office.

SEC. 332. *Tribal treasurers' surety bonds, Aberdeen Area.* The approval of tribal treasurers' surety bonds for those Indian tribes whose constitutions and charters require such approval by the Commissioner of Indian Affairs.

GLENN L. EMMONS,
Commissioner.

APRIL 1, 1958.

[F. R. Doc. 58-2505; Filed, Apr. 4, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

NOTICE OF ISSUANCE OF AMENDMENT TO CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on February 17, 1958, the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPPR-2, issued on May 4, 1956 to Commonwealth Edison Company. The amendment approves, as technical specifications, the containment vessel as described in the application, as amended, subject to a final determination by the Commission of the effects of the maximum credible accident based upon consideration of the final Hazard Summary Report. The Amendment was substantially as set forth in the notice of the proposed action published in the FEDERAL REGISTER on February 18, 1958, 23 F. R. 1060.

Dated at Germantown, Md., this 31st day of March, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-2502; Filed, Apr. 4, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9315]

AMERICAN EXPRESS CO.

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE

In the matter of an investigation to determine whether the conduct of air freight forwarder operations by American Express under Part 297 of the Economic Regulations will be inconsistent with the public interest. See Order No. E-12214.

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned for April 10, 1958 is canceled.

Dated at Washington, D. C., April 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2527; Filed, Apr. 4, 1958; 8:50 a. m.]

[Docket No. 8957]

WESTERN TRANSPORTATION CO., INC.; ENFORCEMENT CASE

NOTICE OF CANCELLATION OF HEARING

In the matter of Western Transportation Co., Inc., doing business as W. T. C. Airfreight Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned for April 7, 1958, is hereby cancelled.

Dated at Washington, D. C., March 31, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2528; Filed, Apr. 4, 1958; 8:51 a. m.]

[Docket No. 7984]

HOUSTON SERVICE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation to consider (1) whether there is need for single-carrier service between Houston and San Diego, Los Angeles, and San Francisco/Oakland via San Antonio and El Paso, and (2) whether there is need for single-carrier transcontinental service between the Florida points of Miami, Orlando, Jacksonville, and Tampa, on the one hand, and San Diego, Los Angeles, and San Francisco/Oakland, on the other, via New Orleans, Houston, San Antonio and El Paso.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on May 5, 1958, at 10:00 a. m. (eastern daylight saving time) in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

In order to facilitate conduct of the conference, it is requested that any party desiring to prosecute an application in this proceeding file on or before April 21, 1958 a motion to consolidate with Examiner Stodola and/or any new applications for which consolidation may be sought.

Dated at Washington, D. C., April 1, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2529; Filed, Apr. 4, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12068; FCC 58M-324]

FLORENCE BROADCASTING CO., INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 1st day of April 1958, that a further prehearing conference is scheduled herein for April 18, 1958, at 9:00 a.m.

Released: April 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2518; Filed, Apr. 4, 1958; 8:48 a. m.]

[Docket Nos. 12248, 12249; FCC 58M-314]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of St. Anthony Television Corporation, Houma, Louisiana, Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana, Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station (Channel 11).

The Hearing Examiner having under consideration a petition filed March 27, 1958, by WTVJ, Inc. requesting that the further hearing conference now scheduled for April 2, 1958, be postponed until April 18, 1958; and

It appearing that the reason for the requested postponement arises from the fact that the parties desire additional time within which to make a study of the information previously exchanged so as to enable them to reach an agreement concerning the further conduct of the hearing and the persons to be called as witnesses; and

It further appearing that counsel for the other parties have no objection to the granting of the request for postponement and that good cause for the granting thereof has been shown:

It is ordered, This the 31st day of March 1958, that the request for postponement of the further hearing conference is granted and the hearing conference now scheduled to reconvene on April 2, 1958 is postponed until April 18, 1958.

Released: April 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2519; Filed, Apr. 4, 1958; 8:49 a. m.]

[Docket No. 12263; FCC 58-277]

RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

FOURTH NOTICE OF INQUIRY

On December 9, 1957, the Commission released its First Notice of Inquiry in this Docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

As indicated in the First Notice, various Government-industry committees under the auspices of the Department of State are in the process of preparing proposed amendments to the Radio Regulations to be submitted for consideration at the Radio Conference of the International Telecommunication Union in 1959. The Commission stated in the First Notice that it intended to make available for comment some of the specific proposals under consideration. Although most of the preparatory committees are still engaged in their work, the Commission considers that some of the proposals, while they do not as yet have any formal status, have reached a stage where it is appropriate to make them available for comments in this Docket. It should be recognized that these proposals are subject to change, but it is the Commission's opinion that they provide a basis for interested persons to make known their views, and that such views will be of value to the Commission in formulating its recommendations to the Department of State which has the overall responsibility for formulating the position of the United States in these matters. It should be noted that the Department of State receives recommendations not only from the Commission but also from other interested agencies of the Government.

Accordingly, the Commission has set forth in the attachment[1] certain proposed changes to the Radio Regulations. Proposals concerning the following Articles and Appendices are included:

Article 1—Definitions (additional items).
Article 16—Choice of Apparatus.
Article 17—Quality of Emissions.
Article 18—International Monitoring.
Article 19—Identification of Stations and Formation of Call Signs.
Article 21—Secrecy.
Article 22—Licenses.
Article 23—Inspection of Mobile Stations.
Article 24—Operators' Certificates for Ship and Aircraft Stations.
Article 25—Class and Minimum Number of Operators for Ship and Aircraft Stations.
Article 26—Authority of the Master.
Article 27—Aircraft and Aeronautical Stations.
Article 29—General Radiotelegraph Procedure in the Maritime Mobile and Aeronautical Mobile Services.
Article 30—Calls.
Article 31—General Call "To All Stations".
Article 32—Call to Several Stations without Request for Reply.
Article 35—Working Hours of Stations in the Maritime and Aeronautical Mobile Services.
Article 36—Emergency (Reserve) Lifeboat, Liferaft and Survival Craft Installations.
Article 38—Order of Priority of Communications in the Mobile Service.
Article 39—Indication of the Station of Origin of Radiotelegrams.
Article 40—Routing of Radiotelegrams.
Article 41—Accounting for Radiotelegrams.
Article 42—Amateur Stations.
Article 43—Experimental Stations.
Article 45—Special Services.
Article 46—International Radio Consultative Committee (C. C. I. R.).
Appendix 2—Report of an Irregularity or of an Infringement of the Telecommunication Convention or of the Radio Regulations.
Appendix 3—Table of Frequency Tolerances.
Appendix 5—Table of Bandwidths Necessarily occupied for certain types of Radiocommunications.
Appendix 5 bis—Determination and Notification of Reference Frequencies.
Appendix 7—Service Document Symbols.
Appendix 10—Frequencies Assignable to Ship Radiotelegraph Stations using the Maritime Mobile Service Bands Between 4000 and 23000 kc.
Appendix 11—Procedure in the Mobile Radiotelephone Service.
Appendix 12—Recommended Duplex Channeling of the Maritime Mobile Radiotelegraph Bands 4000-23000 kc.
Appendix 13—Hours of Service for Ships in Second Category.
Appendix 14—Specimen Form of Statement for Radiotelegram Accounting.
Appendix 15—Procedure for Obtaining Radio Direction-Finding Bearings and Positions.
Appendix A—Studies of Radio Propagation.
Appendix B—Standard Frequency and Time Broadcasts.
Appendix C—International Monitoring.

New material proposed is underscored while existing material proposed to be deleted has been struck through. The numbers in the left margin refer to the paragraphs of the existing Atlantic City Radio Regulations. The reasons for the various proposals are set forth following each paragraph, section or article. In those cases where no proposal is contained in the attachment for an article or portion of an article, that article or portion is marked as "Under study". It is expected that proposals with respect to those items will be made available for comment at a later date.

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[1] Filed as part of the original document. Copies may be obtained from the Federal Communications Commission, Washington 25, D. C.

It is expected that notices similar to this one will be released with respect to other Articles in the Radio Regulations as soon as possible.

The Commission wishes to reiterate that it has not yet taken a final position with respect to any of the proposals which are under consideration to revise the Radio Regulations.

Any interested person is invited to file comments with the Commission concerning this matter on or before April 28, 1958. In view of the necessity for preparing the United States position at the earliest possible time, the Commission does not expect to be able to grant an extension of time for filing comments. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments shall be furnished to the Commission.

Adopted: March 27, 1958.

Released: April 1, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2520; Filed, Apr. 4, 1958; 8:49 a. m.]

[Docket No. 12285]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

NOTICE SCHEDULING HEARING

The hearing session scheduled in the above-entitled proceeding for March 31, 1958, has been cancelled.

The hearing will reconvene at 10:00 a. m., Tuesday, April 8, 1958, for the presentation of testimony by Meredith Publishing Company, Storer Broadcasting Company, and Westinghouse Broadcasting Co., Inc. The hearing will then be continued to 10:00 a. m., Tuesday, April 15, 1958, at which time the Commission will hear testimony by ABC TV Affiliates Committee and other parties listed in the Order of Appearances issued in this proceeding.

The further hearings in this proceeding will be held in the Commission's Meeting Room (Room No. 7134) New Post Office Building, Washington, D. C.

Dated: March 28, 1958.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2521; Filed, Apr. 4, 1958; 8:49 a. m.]

[Docket Nos. 12318, 12319; FCC 58M-311]

TELEMUSIC CO. AND SOUTHWEST BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Richard C. Simonton, d/b as Telemusic Co., San Bernardino, California, Docket No. 12318, File No. BPH-2188; Southwest Broadcasting Company, Inc., Redlands, California, Docket No. 12319, File No. BPH-2215; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and agreement reached by the parties with reference to continuance of the prehearing conference herein;

It is ordered, This 28th day of March 1958, that the prehearing conference, presently scheduled for March 28, 1958, is continued to May 6, 1958, as 10:00 a. m.;

It is further ordered, That the hearing, presently scheduled for April 29, 1958, is continued without date.

Released: March 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2522; Filed, Apr. 4, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1139]

COUNSELORS INVESTMENT FUND, INC.

NOTICE OF FILING FOR ORDER PERMITTING REDUCED OFFERING PRICE ON PURCHASES OF COMPANY SHARES

MARCH 31, 1958.

Notice is hereby given that Counselors Investment Fund, Inc. ("Counselors"), a registered open-end diversified investment company, has filed an application and amendment thereto pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of its shares with no sales commission to officers, directors, partners, employees, and sales representatives of Counselors, its principal underwriter and its investment adviser.

The regular public offering price of Counselors' shares is the net asset value per share plus a maximum sales commission of 8½ percent, graduated downward to 1½ percent. Counselors proposes to grant to the officers, directors, partners, employees, and sales representatives of Counselors, its principal underwriter and business manager, Counselors Management Company, and its investment adviser, Koenig, Hawkins & Titus, Inc., the right to purchase shares of the Fund at the net asset value of said shares, instead of the current public offering price, applicable at the time of purchase. Purchasers under the proposed plan would be required to give assurance to the Fund, in writing, that shares so purchased are acquired for investment purposes and will not be resold except by regular redemption by the Fund.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits a principal underwriter of a registered investment company from selling the shares of such investment company to any person except at a current public offering price described in the prospectus. Since the proposal would be in contravention of the provisions of section 22 (d) of the act, inasmuch as it contemplates sales of shares of Counselors at prices other than the public offering price thereof described in the prospectus, an order pursuant to section 6 (c) of the act exempting such sales is requested by the applicant.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicant represents that the purpose of the plan is to improve employee-employer relations, to strengthen employee morale, to encourage thrift among employees of Counselors, its underwriter and its adviser. It is the applicant's belief that such purpose may be accomplished without detriment to other shareholders of Counselors or to the general public.

Notice is further given that any interested person may, not later than April 14, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he no notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2515; Filed, Apr. 4, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EMA TRAUTMANN HOLTHEUER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ema Trautmann Holtheuer, Alfredo Doggenweiler Trautmann, Arturo Doggenweiler Trautmann, Victor Luis Doggenweiler Trautmann, Laura Doggenweiler Trautmann, Viola Flora Eliana Doggenweiler Trautmann; Caalle 26, Puerto Montt, Chile; Claim No. 62801; $7,415.68 in the Treasury of the United States.

Vesting Order No. 12251.

Executed at Washington, D. C. on March 31, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-2508; Filed, Apr. 4, 1958; 8:46 a. m.]

GERTRUD SOPHIE MARGARETHE SCHWERDTFEGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Miss Gertrud Sophie Margarethe Schwerdtfeger, 17 Wernerstrasse, Berlin-Grunewald, Germany; Claim No. 42299; $646.56 in the Treasury of the United States.

Vesting Order No. 10369.

Executed at Washington, D. C., on March 31, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-2509; Filed, Apr. 4, 1958; 8:46 a. m.]

GINA GORI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gina Gori, Luigi Gori, Bruna Gori, and Anna Gori, individually and as guardian of Romano Gori; $162.75 in the Treasury of the United States—Each claimant listed opposite is entitled to one-fifth (1/5) of the above cash amount and an undivided one-tenth (1/10) interest in the securities described below.

Casimiro Gori, Elio Gori, and Gorizia Gori; $162.76 in the Treasury of the United States—Each claimant listed opposite is entitled to one-third (1/3) of the above cash amount and an undivided one-sixth (1/6) interest in the securities described below.

All of Marlia-Lucca, Tuscany, Italy; Claim No. 41570; Vesting Order No. 2739.

Five (5) shares Westates Petroleum Company $1.00 PV preferred stock, evidenced by Certificate No. 15387, registered in the name of the Alien Property Custodian. Ten (10) shares Westates Petroleum Company $1.00 PV common stock, evidenced by Certificate No. 23973, registered in the name of the Alien Property Custodian.

All of the above-described securities are presently in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on March 31, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-2507; Filed, Apr. 4, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 2, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34582: *Woodpulp and Screenings—Canadian points to Connecticut and Pennsylvania points.* Filed by O. E. Schultz, Agent (ER No. 2429), for interested rail carriers. Rates on woodpulp and woodpulp screenings, carloads from Lancaster, St. George, St. John, and West St. John, New Brunswick, Canada to New Milford, Conn., and Ransom, Pa.

Grounds for relief: Truck-water-truck competition, and competition with imported woodpulp from Scandinavian countries.

Tariff: Supplement 76 to Canadian Pacific Railway Company tariff I. C. C. E-2592.

FSA No. 34583: *Vegetables—Southern points to official territory.* Filed by O. W. South, Jr., Agent (SFA No. A-3635), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads from specified base points in Alabama, northern Florida, Georgia, North Carolina, and South Carolina, and points grouped therewith in the southern group basis tariff as taking same rates to specified base points in official (including Illinois) territory, and points grouped therewith in the northern group basis tariff as taking same rates.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariff: Supplement 50 to Agent Spaninger's tariff I. C. C. 1277.

FSA No. 34584: *T. O. F. C. Service between points in official territory and western points.* Filed by W. J. Prueter, Agent (WTL No. A-1966), for interested rail carriers. Rates on various commodities moving on class rates loaded in or on trailers and transported on railroad flat cars between points in official territory, on the one hand, and specified points in Iowa, Illinois, and Wisconsin, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 20 to Agent Prueter's tariff I. C. C. A-4148.

FSA No. 34585: *Caustic soda—Baton Rouge, La., and group to Pensacola, Fla., group.* Filed by O. W. South, Jr., Agent (SFA No. A3634), for interested rail carriers. Rates on liquid caustic soda, carloads from Baton Rouge and North Baton Rouge, La., to Cantonment, Gonzalez, North Pensacola, and Pensacola, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 80 to Agent Spaninger's tariff I. C. C. 1526.

FSA No. 34586: *Coke and related products—Kentucky and Ohio points to East St. Louis, Ill.* Filed by Roy S. Kern, Agent (No. 51), for interested rail carriers. Rates on coke, coke breeze, coke dust, and coke screenings (the direct products of coal), straight or mixed carloads form Ashland, Ky., Ironton and New Boston, Ohio to East St. Louis, Ill.

Grounds for relief: Barge competition.

Tariffs: Supplement 39 to Chesapeake and Ohio Railway Tariff I. C. C. [illegible]; Supplement 34 to Norfolk and Western Railway Tariff I. C. C. 3349-B.

FSA No. 34587: *T. O. F. C. Service—Between Louisiana and Texas points.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7248), for interested rail carriers. Rates on various commodities moving on class or commodity rates in or on trailers loaded on railroad flat cars between specified points in Louisiana and Texas.

Grounds for relief: Motor truck competition.

Tariff: Supplement 68 to Agent Kratzmeir's tariff I. C. C. 4251.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2513; Filed, Apr. 4, 1958; 8:47 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 69

Washington, Tuesday, April 8, 1958

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 16]

PART 73—SCABIES IN CATTLE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 73.0, as amended, Part 73, Subchapter C, Chapter I, Title 9, Code of Federal Regulations (22 F. R. 3389), which quarantines certain areas because of scabies, is hereby further amended to read as follows:

§ 73.0 *Notice and quarantine.* Notice is hereby given that cattle in Colorado are affected with scabies, a contagious, infectious, and communicable disease, and the following areas in such State are hereby quarantined because of said disease:

(a) Crowley County.

(b) The following areas in Pueblo County:

(1) That portion of Section 35, in Township 21, Range 60 W., lying South of the Missouri Pacific Railroad; and

(2) Sections 2 and 3, in Township 22, Range 60 W.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases all areas in Bent, Las Animas, Otero, and Prowers Counties in Colorado heretofore quarantined because of scabies. Hereafter, the restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR and Supp., Part 73, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in this part will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 2d day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-2562; Filed, Apr. 7, 1958; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 21-2]

PART 21—AIRLINE TRANSPORT PILOT RATING

HELICOPTER CATEGORY RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of April 1958.

The Civil Aeronautics Act of 1938, as amended, requires that the certificate issued to pilots serving in scheduled air transportation be designated "airline transport pilot." In view of this provision, Part 21 of the Civil Air Regulations sets forth the present requirements for the issuance of an "airline transport pilot" certificate with appropriate ratings.

This amendment to Part 21 establishes provisions for the issuance of an airline transport pilot certificate with a helicopter category rating, including provisions for the issuance of a helicopter rating to persons presently holding an airline transport pilot certificate with an airplane rating. In promulgating

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1958)

The following Supplements are now available:

Title 32, Parts 700–799 ($0.60)
Title 43 ($0.70)
Title 49, Part 165 to end ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

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this amendment, careful consideration has been given to comment received in response to Civil Air Regulations Draft Release No. 53-13, circulated July 23, 1953, the results of a public meeting held in Washington, D. C., in June of 1954, and comment received in response to Civil Air Regulations Draft Release No. 56-3, circulated January 19, 1956.

This amendment differs from the detailed proposals circulated in Draft Releases 53-13 and 56-3 in some respects. For example, it does not require an applicant for an airline transport pilot certificate with a helicopter category rating to have an instrument rating. Inasmuch as no helicopters are presently approved for instrument flight and no helicopter instrument operations are authorized, to require an instrument rating would make it necessary for a helicopter pilot to secure the rating in an airplane, thus imposing an unnecessary and unreasonable financial burden upon the applicant. It is considered necessary, however, that there be indicated on each certificate with a helicopter category rating that the holder thereof is authorized to pilot helicopters in accordance with VFR flight rules only. At such time as the Board by regulation authorizes helicopter IFR operations, Part 21 will be amended to require all holders of an airline transport pilot certificate with a helicopter category rating to qualify for an instrument rating by demonstrating competence and knowledge of the appropriate procedures involving instrument flight in helicopters.

A person holding a valid airline transport pilot certificate with an airplane category rating is required, among other things, to have at least 15 hours of night flight time in a helicopter to qualify for a helicopter category rating. Such a requirement is considered necessary in the interest of safety in view of the flight characteristics of the helicopter; the degree of proficiency required for night operations, particularly in autorotative landing configurations; and the low weather minimums authorized for night operations.

In addition, a holder of an airline transport pilot certificate with an airplane category rating who desires to obtain a helicopter category rating is required to complete 100 hours of helicopter flight time as pilot in command or complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of helicopter flight time. The Board considers that 75 hours of flight time under the supervision of an approved agency or certificated air carrier will provide a degree of proficiency on the part of the pilot at least the equivalent of that which would be provided by 100 hours of unsupervised helicopter flight time as originally proposed.

In establishing these minimum experience requirements for an additional category rating, the Board has taken into consideration the 1,200-hour experience requirement already met by the applicant, and the fact that prior to serving in scheduled air transportation each pilot must comply with the training program required by the several air carrier operating parts of the Civil Air Regulations.

Further, it is the Board's opinion that insofar as safety is concerned, no useful purpose would be served by requiring pilots presently serving as pilots in command in scheduled air carrier helicopter operations to accomplish the written and flight examinations set forth in this amendment. It is considered that a satisfactory level of competence has been assured by the accomplishment of the required periodic flight checks, the requirement for 100 hours as pilot in command in scheduled air carrier operations, and by participation in the various air carrier training programs.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 630), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective July 1, 1958:

1. By adding new §§ 21.19, 21.19a, 21.19b, 21.19c, and 21.19d to read as follows:

§ 21.19 *Airline transport pilot certificate (helicopter).* An applicant for an airline transport pilot certificate with a helicopter rating authorizing the piloting of a helicopter under VFR flight rules only shall meet the aeronautical requirements of §§ 21.19a through 21.19c in lieu of §§ 21.15 through 21.18: *Provided,* That an airline transport pilot certificate with a helicopter category rating and appropriate class and type ratings will be issued to a pilot who has served for at least 100 hours as pilot in command in scheduled air carrier helicopter operations within the 12 months immediately preceding the date of application and who otherwise meets the qualification requirements of this part.

§ 21.19a *Aeronautical knowledge.* Applicant shall be familiar with and shall accomplish a satisfactory written examination on:

(a) Provisions of the Civil Air Regulations pertinent to the air carrier operation of helicopters;

(b) Helicopter design, components, systems, and performance limitations;

(c) Basic principles of loading and weight distribution and their effect on helicopter flight characteristics;

(d) Air traffic control systems and procedures pertinent to the operation of helicopters;

(e) Procedures for the operation of helicopters in potentially hazardous meterological conditions; and

(f) Theory of flight as applicable to helicopters.

§ 21.19b *Aeronautical experience.* Applicant shall hold a valid commercial pilot certificate or equivalent as determined by the Administrator, and shall have had at least 1,200 hours of flight time as pilot within the last 8 years, of which:

(a) 5 hours shall have been in helicopters within 60 days immediately preceding the date of application;

(b) 500 hours shall have been cross-country flight time;

(c) 100 hours shall have been night flight time, of which at least 15 hours shall have been in helicopters; and

(d) 200 hours shall have been in helicopters, of which 75 hours shall have been as pilot in command of a helicopter, or as copilot actually performing the duties and functions of a pilot in command under the surveillance of a pilot in command, or any combination thereof.

§ 21.19c *Aeronautical skill.* Applicant shall demonstrate to the satisfaction of the Administrator his ability to pilot helicopters. Such demonstration shall include at least the following:

(a) Maneuvers consisting of normal take-offs and landings, cross-wind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops;

(b) Simulated emergency procedures including failure of an engine or other components or systems, fire, ditching, evacuation, and operation of emergency equipment;

(c) Autorotative approaches and landings with simulated one engine inoperative; and

(d) Such other maneuvers as the Administrator may deem necessary to demonstrate the competence of the applicant.

§ 21.19d *Additional category ratings.* (a) A person holding a valid airline transport pilot certificate with an airplane category rating who applies for a helicopter category rating authorizing the piloting of a helicopter under VFR flight rules only shall:

(1) Comply with the provisions of §§ 21.19a and 21.19c; and

(2) Have completed at least 100 hours, including 15 hours at night, of helicopter flight time as pilot in command of a helicopter, or as copilot actively performing the duties and functions of a pilot in command under the surveillance of a pilot in command who holds a valid airline transport pilot certificate with the appropriate helicopter rating, or any combination thereof; or have completed a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of helicopter pilot-in-command, copilot, solo, or dual instruction time, or any combination thereof, of which 15 hours shall have been at night.

(b) A person holding a valid airline transport pilot certificate with a helicopter category rating who applies for an airplane category rating shall:

(1) Comply with the provisions of §§ 21.15 through 21.18; and

(2) Have completed at least 100 hours, including 15 hours at night, of airplane flight time as pilot in command of an airplane, or as copilot actively performing the duties and functions of a pilot in command under the surveillance of a pilot in command who holds a valid airline transport pilot certificate with the appropriate airplane rating, or any combination thereof; or have completed a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of airplane pilot-in-command, copilot, solo, or dual instruction time, or any combination thereof, of which 15 hours shall have been at night.

2. By amending § 21.34 by adding a new paragraph (e) to read as follows:

§ 21.34 *Aircraft category rating.* * * *

(e) Helicopter.

3. By amending § 21.35 by adding a sentence to the end of paragraph (b) to read as follows: "A helicopter type rating shall be issued for each type of helicopter."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended; 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2557; Filed, Apr. 7, 1958; 8:49 a. m.]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of April 1958.

Special Civil Air Regulation No. SR-400A, effective January 25, 1956, continued in effect the provisions of SR-400 and SR-369 and provides for regulation, on an interim basis, of the certification and operation of scheduled air carrier helicopters. These Special Civil Air Regulations also gave authority to the Administrator to issue air carrier operating certificates to scheduled air carrier helicopter operators and to permit deviations from Parts 40 and 61 as in effect December 31, 1953.

As the regulatory requirements of Parts 40 and 61 are not directly applicable to helicopter operations, it has been necessary for the Administrator to use the authority contained in SR-400A to grant waivers where necessary and appropriate.

In the interest of establishing specific regulatory requirements for scheduled helicopter operations, Civil Air Regulations Draft Release No. 50-2, "Scheduled Air Carrier Helicopter Certification and Operation Rules," was prepared and circulated to all interested parties for comment on February 20, 1950. As a result of the comments and recommendations received at that time, it was decided that immediate adoption of helicopter regulations was premature.

In late 1951, a revised draft of proposed Part 46 was prepared but issuance of this draft was delayed until such time as it could be made to conform with the general policy then being established in new Part 40 entitled "Scheduled Interstate Air Carrier Certification and Operation Rules."

Subsequently, Draft Release 53-12, "Scheduled Air Carrier Helicopter Certification and Operation Rules," was circulated on July 23, 1953, for comment by interested parties. The comment on this draft release was consolidated and circulated, and a meeting was held in Washington in June of 1954 for the purpose of discussing the revised proposal. Following this meeting, proposed Part 46 was again revised, published in the FEDERAL REGISTER, and circulated as Draft Release 56-2 on January 19, 1956.

The suggestions made in the comments submitted thereon have been carefully studied and where considered appropriate have been included in this part. These comments also brought to light several controversial matters. These matters which are discussed below have been resolved as equitably as possible and in the opinion of the Board the determinations which have been reached will assure reasonable and satisfactory standards of safety.

The Board is of the opinion that the use of certificated dispatchers in exercising operational control of scheduled air carrier helicopters is not essential to safety and need not be required. In reaching this determination the Board took into consideration that two of three presently certificated helicopter air carriers have operated for a number of years with an excellent safety record without utilizing certificated dispatchers and have developed means of securing operational control of helicopters in flight and prior to release for flight which are satisfactory to the Administrator; that generally all operations are conducted in a limited metropolitan area under visual flight rules; and that flight stage lengths are short in all cases. In addition consideration was given to the nature of the route structures and the fact that emergency landing areas will be available at almost all points along the route. A requirement that the carrier establish and maintain a training program to insure that all operations personnel who perform duties involving operational control of helicopters are adequately trained in their duties and responsibilities has, however, been included in this part.

Comment received revealed a wide variance of opinion concerning the proper method of computing flight time in helicopter operations. Some persons contended that "block-to-block time" as presently required in Part 40 is also appropriate for Part 46. Others contended that "rotor time" (the time from which the rotors start turning for the purpose of flight until they stop at the end of a flight or series of flights) is the only valid measure of determining pilot fatigue time. In view of this controversy, the Board, published in the FEDERAL REGISTER (22 F. R. 10758) and on December 20, 1957, circulated as Draft Release 57-29, a notice that oral argument would be heard on the issue of the definition of "flight time" in Part 46. This argument was heard on January 23, 1958. After careful consideration of the comments and arguments presented, the Board has concluded that the "block-to-block" method of computing flight time limitations which is presently applicable to all scheduled air carrier operations, including helicopters, is a safe and reasonable method to determine such limitations and should be used in this part. In reaching this conclusion, the Board found that the difference between airplane and helicopter ground operations is not of such significance as to warrant different methods of determining maximum flight time limitations. One of the factors considered was that devices have been developed by which helicopter flight controls can be secured while the rotors are in motion on the ground. These devices relieve the pilot of most of the duties which were generally required during ground operation of helicopters. In addition, the Board considers that the present and anticipated use of two-pilot crews in scheduled helicopter operations and other imporvements in equipment will also materially reduce the time and attention required of pilots in their duties while the helicopter is on the ground with the rotors turning.

Sections 46.30 and 46.31, which concern routes, specify that definite routes and route widths shall be established and approved by the Administrator. This concept is considered essential in view of the fact that all of the helicopters presently certificated for civil operations are single-engine and there is an attendant need for satisfactory emergency landing areas at all times in the event of engine failure. Furthermore, all of the present operations are conducted over and adjacent to metropolitan areas where much caution must be exercised in determining helicopter routes. The Board is also persuaded by the fact that the Administrator has considered it necessary in the past to establish and approve routes with a designated width for all certificated scheduled helicopter operations.

With respect to the proposed requirements for § 46.261 (b), the Board has concluded that it is desirable to incorporate in this part the provisions of Part 40 presently in effect which require the use of a copilot when instrument operations are authorized or when helicopters weighing more than 12,500 pounds are used.

Concerning the proposed requirements of § 46.200 (c) which pertain to instrument lights, the Board is of the opinion that this requirement should conform, as closely as possible, to the corresponding provisions in part 40. Although some changes have been made in this paragraph there is no intention to change the present interpretation which is being followed regarding instrument light requirements.

With respect to the proposed requirements of § 46.304 (c) concerning the maintenance and re-establishment of route qualifications, the Board is of the opinion that a 3-month period is more realistic in view of the operation involved than the 12-month period as proposed in Draft Release 56-2 or the 6-month period proposed in Draft Release 53-12. Since current practice presently achieves this objective, no burden will be imposed by setting the requirement at 3 months.

Paragraph (b) of § 46.304 requires a pilot utilized in night helicopter operations as pilot in command to make at least one trip each 30 days during daylight over the route he is scheduled to fly. This is considered necessary due to the congested areas over which helicopter operations are conducted and the need for familiarization and knowledge concerning all obstructions, hazards, and emergency landing areas along the route. This can best be achieved during daylight hours.

This part will become effective 6 months after adoption in order to allow ample time for the air carriers and the Administrator to prepare for its implementation. It is fully realized that in the past, when a major part of the regulation has been implemented, difficulty has been encountered by the air carriers in the preparation of manuals, establishing personnel training programs and operational procedures, and familiarization of all personnel concerned with the details of the new requirements. The Administrator has, on occasion, also been handicapped by lack of time to fully and properly prepare Civil Aeronautics Manual material concerning a new part of the regulations and to distribute guidance material to CAA field personnel who must enforce such regulations and assist the air carriers in implementing new procedures and practices.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. [illegible]1), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby adopts Part 46 of the Civil Air Regulations (14 CFR Part 46) to read as follows, effective October 1, 1958:

APPLICABILITY AND DEFINITIONS

Sec.
46.1 Applicability of this part.
46.2 Applicability of Parts 43 and 60 of this subchapter.
46.5 Definitions.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

46.10 Certificate required.
46.11 Contents of certificate.
46.12 Application for certificate.
46.13 Issuance of certificate.
46.14 Amendment of certificate.
46.15 Display of certificate.
46.16 Duration of certificate.
46.17 Transferability of certificate.
46.18 Operations specifications required.
46.19 Contents of specifications.
46.20 Utilization of operations specifications.
46.21 Amendment of operations specifications.
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46.23 Operations and maintenance base and office.

REQUIREMENTS FOR SERVICES AND FACILITIES

46.30 Route requirements; demonstration of competence.
46.31 Width of routes.
46.32 Heliports.
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46.35 Weather reporting facilities.
46.37 Servicing and maintenance facilities.

MANUAL REQUIREMENTS

46.50 Preparation of manual.
46.51 Contents of manual.
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HELICOPTER REQUIREMENTS

46.60 General.
46.69 Proving tests.

HELICOPTER OPERATING LIMITATIONS

46.70 Operating limitations.
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46.170 Helicopter insturments and equipment for all operations.
46.171 Flight and navigational equipment for all operations.
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46.230 Radio equipment.
46.231 Radio equipment for operations over routes navigated by pilotage.

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46.241 Maintenance and inspection requirements.
46.242 Maintenance and inspection training program.
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AIRMAN AND CREW MEMBER REQUIREMENTS

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46.301 Pilot recent experience.
46.302 Pilot checks.
46.303 Pilot route and heliport qualification requirements.
46.304 Maintenance and re-establishment of pilot route and heliport qualifications for particular trips.

FLIGHT TIME LIMITATIONS

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FLIGHT OPERATIONS

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46.356 Admission to flight deck.
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46.381 Flight release.
46.382 Familiarity with weather conditions.
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46.386 Flight release under HVR.
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46.388 Visual ground reference requirements.
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46.393 Release and continuance of flight.
46.396 Fuel supply for HVR operations.
46.397 Factors involved in computing fuel required.
46.405 Take-off and landing weather minimums; HVR.
46.408 Minimum flight altitudes.
46.412 Preparations of load manifest.

REQUIRED RECORDS AND REPORTS

46.500 Records.
46.501 Crew member records.
46.503 Flight release form.

Sec.
46.504 Load manifest.
46.505 Disposition of load manifest and flight release.
46.506 Maintenance records.
46.507 Maintenance log.
46.508 Daily mechanical reports.
46.509 Mechanical interruption summary report.
46.510 Alteration and repair reports.
46.511 Maintenance release.

AUTHORITY: §§ 46.1 to 46.511 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, as amended, 1010, as amended; 49 U. S. C. 551, 554, 555.

APPLICABILITY AND DEFINITIONS

§ 46.1 *Applicability of this part.* The provisions of this part are applicable to all air carriers holding certificates of public convenience and necessity issued in accordance with Title IV of the Civil Aeronautics Act of 1938, as amended, when utilizing helicopters to engage in scheduled interstate air transportation within the continental limits of the United States.

§ 46.2 *Applicability of Parts 43 and 60 of this subchapter.* The provisions of Parts 43 and 60 of this subchapter shall be applicable to all air carrier operations conducted under the provisions of this part unless otherwise specified in this part.

§ 46.5 *Definitions.* As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Air Carrier. An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, the carriage by helicopter of persons or property as a common carrier for compensation or hire, or the carriage of mail by helicopter.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowling, fairings, empennages, fixed airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including powerplants, rotor heads, power-transmitting components, and rotating airfoil surfaces.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of helicopters in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to helicopters during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, rotor heads, power-transmitting components, or rotating airfoil surfaces.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Check airman. A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

Crew member. A crew member is any individual assigned by an air carrier for the performance of duty on a helicopter in flight.

Duty aloft. Duty aloft includes the entire period during which an individual is assigned as a member of a helicopter crew during flight time.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Flight crew member. A flight crew member is a crew member assigned to flight deck duty on a helicopter.

Flight release. A flight release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

Flight time. Flight time is the time from the moment the helicopter first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

Helicopter. A helicopter is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes.

Heliport. A heliport is an area of land, water, or any structure approved by the Administrator for the landing and take-off of helicopters.

HIR. HIR is the symbol used to designate helicopter instrument flight rules.

HVR. HVR is the symbol used to designate helicopter visual flight rules.

Interstate air transportation. Interstate air transportation is the carriage by helicopter of persons or property as a common carrier for compensation or hire or the carriage of mail by helicopter, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States, or the District of Columbia; whether such commerce moves wholly by helicopter or partly by helicopter and partly by other forms of transportation.

Maximum certificated take-off weight. Maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the helicopter airworthiness certificate.

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations specifications. Operations specifications are rules of particular applicability issued by the Administrator under delegated authority from the Board and are not part of the air carrier operating certificate.

Pilot in command. The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the helicopter during the time defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Provisional heliport. A provisional heliport is a heliport approved for use by an air carrier for the purpose of providing service to a community when the regular heliport serving that community is not available.

Rating. A rating is an authorization issued with a certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Refueling heliport. A refueling heliport is a heliport approved as a heliport to which flights may be dispatched only for refueling.

Regular heliport. A regular heliport is a heliport approved as a regular terminal or intermediate stop on an authorized route.

Rotor. A rotor is a system of rotating airfoils.

(1) *Main rotor(s).* The main rotor(s) is the main system of rotating airfoils providing sustentation for the helicopter.

(2) *Auxiliary rotor.* An auxiliary rotor is one which serves either to counteract the effect of the main rotor torque on the helicopter, or to maneuver the helicopter about one or more of its three principal axes.

Route. A route is an established way or course for helicopters which has been designated by the Administrator.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a point at which a definite radio fix can be established.

Scheduled for duty aloft. Scheduled for duty aloft means the assignment of a flight crew member on the basis of the flight time established in the operations schedules rather than the actual flight time.

Show. Show means to demonstrate or prove to the satisfaction of the Administrator prior to the issuance of the air carrier operating certificate and at any time thereafter required by the Administrator.

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment a helicopter leaves the ground until it touches the ground at the end of a flight.

Type. With regard to airman qualifications, type means all helicopters of the same basic design including all modifications thereto except those modifications which the Administrator has found result in a substantial change in the characteristics pertinent to the airman concerned.

Visibility. Visibility is the greatest distance at which conspicuous objects can be seen and identified.

(1) *Flight visibility.* Flight visibility is the average range of visibility from the cockpit of a helicopter in flight to see and identify prominent unlighted objects by day and prominent lighted objects by night.

(2) *Ground visibility.* Ground visibility is the visibility at the earth's surface as reported by the United States Weather Bureau or by a source approved by the Weather Bureau.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year. A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 46.10 *Certificate required.* No person subject to the provisions of this part shall operate a helicopter in scheduled interstate air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 46.11 *Contents of certificate.* An air carrier operating certificate shall specify the points to and from which, and the routes over which, an air carrier is authorized to operate.

§ 46.12 *Application for certificate.* An application for an air carrier operating certificate shall be made in the form and manner and contain information prescribed by the Administrator.

§ 46.13 *Issuance of certificate.* (a) An air carrier operating certificate shall be issued by the Administrator to an applicant having a certificate of public convenience and necessity issued by the Civil Aeronautics Board when the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications authorized in this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations require or permit a deviation from any specific requirement for a particular operation or class of operations he may issue operations specifications prescribing requirements which deviate from the requirements of this part. The Administrator shall promptly notify the Board of such deviations in the operations specifications and the reasons therefor.

§ 46.14 *Amendment of certificate.* (a) The Administrator shall, after notice and opportunity for hearing to the carrier concerned, amend an air carrier operating certificate when he finds that such amendment is reasonably required in the interest of safety.

(b) Upon application by an air carrier the Administrator shall amend an air carrier operating certificate when he finds that the general standards of safety permit such an amendment.

§ 46.15 *Display of certificate.* The air carrier operating certificate shall be available at the principal operations office of an air carrier for inspection by any authorized representative of the Board or the Administrator.

§ 46.16 *Duration of certificate.* An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board held by the air carrier, or until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After suspension or revocation it shall be returned to the Administrator.

§ 46.17 *Transferability of certificate.* An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

§ 46.18 *Operations specifications required.* (a) On and after the effective date of this part all helicopter air carrier operations specifications currently in force relating to interstate air transportation shall cease to be a part of any air carrier operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter new or amended specifications shall be issued by the Administrator for operations subject to this part in a form and manner prescribed by him and in accordance with the provisions of this part.

(b) No person subject to the provisions of this part shall operate as an air carrier without, or in violation of, operations specifications issued by the Administrator.

§ 46.19 *Contents of specifications.* The operations specifications shall contain the following:

(a) Operations authorized;

(b) A current list of all helicopters authorized for use;

(c) En route authorizations and limitations;

(d) Heliport authorizations and limitations;

(e) Time limitation for components retirement, overhauls, inspections, replacement, and checks of airframes, rotors, powerplants, and appliances, or standards by which such time limitations shall be determined;

(f) Procedures used to maintain control of weight and balance of helicopters;

(g) Specific pages of the carrier's operations manual when such pages have been specifically designated and approved by the Administrator; and

(h) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 46.20 *Utilization of operations specifications.* The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier.

§ 46.21 *Amendment of operations specifications.* Any operations specification may be amended by the Administrator if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment shall become effective prior to thirty days after the date the air carrier has been notified of such amendment. Within thirty days after either the receipt of such notice or the refusal of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Board to review the action of the Administrator. Except with regard to emergency amendments by the Administrator, the effectiveness of any amendment concerning which the carrier has petitioned for review shall be stayed pending the Board's decision.

§ 46.22 *Inspection authority.* An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Civil Aeronautics Act of 1938, as amended, the regulations in this subchapter, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 46.23 *Operations and maintenance base and office.* Each air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and his principal maintenance base. Thereafter, prior to any change in any such office or base, he shall give written notice to the Administrator.

REQUIREMENTS FOR SERVICES AND FACILITIES

§ 46.30 *Route requirements; demonstration of competence.* The air carrier shall show that it is competent to conduct scheduled operations over any route or route segment between any regular, provisional, or refueling heliport and that the facilities and services available are adequate for the type of operation proposed. The Administrator shall not require actual flight over a route or route segment, if the air carrier shows that such flight is not essential to safety.

§ 46.31 *Width of routes.* A route or route segment shall have a width designated by the Administrator consistent with terrain, available navigational aids, traffic density, and air traffic control procedures.

§ 46.33 *Heliports.* The air carrier shall show that each route has sufficient heliports found by the Administrator to be properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and traffic control.

§ 46.34 *Communications facilities.* The air carrier shall show that a two-way air/ground radio communication system is available at such points as will insure reliable and rapid communications under normal operating conditions either direct or via approved point-to-point circuits for the following purposes:

(a) Communications between the helicopter and the appropriate air carrier operational control office, at the minimum flight altitudes specified in the operations specifications. Such systems shall be independent of systems operated by the Federal Government;

(b) Communications between the helicopter and the appropriate air traffic control unit, in which case the Administrator may permit the use of communications systems operated by the Federal Government; and

(c) When the Administrator finds that compliance with the requirements of paragraph (a) of this section is not practicable because of terrain conditions, he may authorize an exception to such requirements over specified segments of the route.

§ 46.35 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available to insure such weather reports and forecasts necessary for the operation. Weather reports used to control operations shall be those prepared and released by the United States Weather Bureau, a source approved by the Weather Bureau, or by in-flight pilot reports. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 46.37 *Servicing and maintenance facilities.* The air carrier shall show that competent personnel and adequate facilities and equipment are available for servicing helicopters.

MANUAL REQUIREMENTS

§ 46.50 *Preparation of manual.* The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 46.51 *Contents of manual.* (a) The manual shall contain instructions, information, and data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, operations specifications, or the operating certificate. The manual may be in two or more separate parts (e. g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain so much of the information listed below as is appropriate for each group of personnel:

(1) General policies;

(2) Duties and responsibilities of each crew member and appropriate members of the ground organization;

(3) Reference to appropriate regulations in this subchapter and Civil Aeronautics Manuals;

(4) Operational flight control;

(5) En route flight, navigational, and communication procedures, including procedures for the initiation or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, including for each approved route the types of helicopters authorized, their crew complement, the type of operation (i. e., HVR, day, night) and other pertinent information;

(7) Apporpriate information from the heliport operations specifications, including for each heliport its location, its designation (i. e., regular, provisional, etc.), types of helicopters authorized, landing and take-off minimums, an appropriate diagram for each heliport showing access and egress routes, restricted areas, prominent obstructions, usable dimensions, and such other pertinent items as may assist the pilot;

(8) Take-off, en route, and landing weight limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) Procedures for determining the usability of landing and take-off areas and for dissemination of pertinent information to operations personnel;

(12) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(13) Airman training programs, including appropriate ground, flight, and emergency phases;

(14) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(15) Time limitations for components' retirement, overhaul, inspections, replacement, and checks of airframes, rotors, powerplants, and applicances, or standards by which such time limitations shall be determined;

(16) Procedures for refueling helicopters, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(17) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(18) Methods and procedures for maintaining the helicopter weight and center of gravity within approved limits;

(19) Pilot route and heliport qualification procedures;

(20) Accident notification procedures;

(21) Pertinent data on helicopter performance taken from approved flight manual for all helicopters utilized; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the air carrier.

§ 46.52 *Distribution of manual.* (a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto shall be furnished to the following:

(1) Appropriate ground operations and maintenance personnel of the air carrier;

(2) Crew members; and

(3) Authorized representatives of the Administrator assigned to the air carrier to act as CAA Flight Operations and Airworthiness Inspectors.

(b) All copies of the manual shall be kept up to date.

HELICOPTER REQUIREMENTS

§ 46.60 *General.* Helicopters shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of the regulations in this subchapter. No air carrier shall operate any helicopter in scheduled operation unless such helicopter meets the requirements of this part and is in an airworthy condition.

§ 46.63 *Proving tests.* (a) A type of helicopter not previously proved for use in scheduled operation shall have demonstrated its reliability in at least 100 hours of proving tests, in addition to the helicopter certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night if night operations are authorized.

(b) A type of helicopter which has been previously proved in commercial service or extensive military service shall be tested for at least 50 hours, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the helicopter:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

(c) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved by the Administrator.

HELICOPTER OPERATING LIMITATIONS

§ 46.70 *Operating limitations.* Helicopters shall be operated in accordance with such operating limitations as the Administrator may prescribe in the interest of safety, taking into account the performance of the helicopter, the areas traversed, heliports used, engine failure in flight, and temperature operating correction factors as outlined in the helicopter flight manual.

§ 46.71 *Operations of helicopters other than Transport Category A.* For operations with helicopters certificated under the provisions of Part 6 of this subchapter or the Transport Category B provisions of Part 7 of this subchapter, the air carrier shall show that adequate areas are available for a safe autorotative landing from any point along the route to be flown, and that such areas are readily identifiable in both day and night operations.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 46.110 *Fire prevention.* All helicopters used in passenger service for which application for certification was made prior to May 16, 1953, shall comply with the fire prevention provisions of Part 6 of this subchapter, effective May 16, 1953.

§ 46.153 *Carriage of cargo in passenger compartments.* When operating conditions require the carriage of cargo which cannot be loaded in approved cargo racks, bins, or compartments which are separate from passenger compartments, such cargo may be carried in a passenger compartment if the following requirements are complied with:

(a) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(b) It shall be properly secured in the helicopter by means of safety belts or other tie-downs possessing sufficient strength to eliminate possibility of shifting under all normally anticipated flight and ground conditions.

(c) It shall not be carried directly above seated passengers.

(d) It shall not impose any loads on seats or on the floor structure which exceed the designated loads for those components.

(e) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle between the crew and the passenger compartments.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 46.170 *Helicopter instruments and equipment for all operations.* (a) Instruments and equipment required by §§ 46.171 through 46.231 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) The following instruments and equipment shall be in operable condition prior to take-off, except as provided in § 46.391 (b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the helicopter is type certificated and as required by the provisions of § 46.110, and

(2) Instruments and equipment specified in §§ 46.171 through 46.178 for all operations, and the instruments and equipment specified in §§ 46.200 through 46.231 for the type of operation indicated, wherever these items are not al-

ready provided in accordance with subparagraph (1) of this paragraph.

§ 46.171 *Flight and navigational equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) Sensitive altimeter;

(c) Clock (sweep-second);

(d) Free-air temperature indicator; and

(e) Magnetic compass.

§ 46.172 *Engine instruments and equipment for all operations.* The following engine instruments and equipment are required for all operations:

(a) Tachometer for the main rotor, or for each main rotor the speed of which may vary appreciably with respect to another main rotor;

(b) Tachometer for each engine (these tachometers may be combined in a single instrument with that required by paragraph (a) of this section, except that such an instrument shall indicate rotor rpm during autorotation);

(c) Carburetor air temperature indicator for each engine;

(d) Cylinder head temperature indicator for each air-cooled engine;

(e) Fuel pressure indicator and warning light indicator for each engine;

(f) Means for indicating fuel quantity in each fuel tank, and for helicopters with more than one independent fuel tank, a warning device to indicate when the fuel in any independent fuel tank becomes low;

(g) Manifold pressure indicator for each engine;

(h) Oil pressure indicator for each engine;

(i) Oil pressure warning light for each engine;

(j) Oil-in temperature indicator for each engine;

(k) Oil temperature indicator for each transmission;

(l) Oil pressure indicator and warning light for each transmission using a separate oil pump;

(m) Carburetor heating or de-icing equipment for each engine; and

(n) If equipped with rotor brake, means shall be provided to indicate full or partial engagement.

§ 46.173 *Emergency equipment for all operations*—(a) *General.* The emergency equipment specified in paragraphs (b), (c), and (d) of this section is required for all operations. Such equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be so marked as to be readily identifiable.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments which are accessible in flight in accordance with the following requirements:

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) On helicopters accomodating more than six passengers, at least one fire extinguisher shall be conveniently located in the passenger compartment.

(c)) *First-aid equipment.* First-aid equipment suitable for treatment of injuries likely to occur in flight or in minor accidents shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the helicopter.

(d) *Interior emergency exit markings.* All emergency exits, their means of access, and their means of opening shall be marked conspicuously. When operations carrying passengers are conducted at night an independent source or sources of light shall be installed to illuminate all emergency exit markings. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance or 30 inches by a person with normal eyesight.

§ 46.174 *Seats and safety belts for all occupants.* A seat and an individual safety belt shall be provided for each person. In the case of children between the ages of 2 and 12, one safety belt shall suffice for each two children in a single seat provided strength requirements of the seat and the safety belt are not exceeded.

§ 46.175 *Miscellaneous equipment for all operations.* All helicopters shall have installed the following equipment:

(a) Windshield wiper or equivalent for each pilot station;

(b) An alternate source of energy capable of carrying the necessary load for all instruments required by § 42.200 of this subchapter which require a power source; and

(c) Means for indicating the adequacy of the power being supplied to required flight instruments.

§ 46.176 *Cockpit check procedure.* The air carrier shall provide for each type of helicopter a cockpit check procedure. This procedure shall include all items necessary for flight crew members to check for safety prior to starting engine(s), prior to taking off, prior to landing, and in engine emergencies. It shall be so designed as to obviate the necessity for a flight crew member to rely upon his memory for items to be checked and shall be readily usable in the cockpit of each helicopter.

§ 46.177 *Passenger information for all operations.* All helicopters with separate passenger and crew compartments shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew. The "No smoking" sign will be left on unless a cabin attendant is carried on flight in passenger compartment. In single-engine helicopters, seat belts must be fastened at all times in flight.

§ 46.178 *Exterior exit and evacuation markings for passenger operations.* Exterior surfaces of the helicopter shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 46.200 *Instruments and equipment for operations at night.* Each helicopter operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 46.171 through 46.178:

(a) Position lights;

(b) Two landing lights at least one of which is controllable to illuminate the area forward of and below the helicopter;

(c) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crew members' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;

(d) One anti-collision light;

(e) Generator of adequate capacity;

(f) Gyroscopic bank and pitch indicator (artificial horizon);

(g) Gyroscopic direction indicator (directional gyro);

(h) Gyroscopic rate-of-turn indicator with bank indicator; and

(i) A vertical speed indicator (rate-of-climb indicator).

§ 46.206 *Equipment for single-engine overwater operations.* The following equipment shall be required for all operations conducted beyond autorotative gliding distance from the nearest shoreline:

(a) Helicopter flotation devices, and life preserver or other adequate individual flotation device for each occupant of the helicopter; and

(b) Such other equipment as the Administrator finds necessary in the interest of safety for the particular operation.

RADIO EQUIPMENT

§ 46.230 *Radio Equipment.* Each helicopter used in scheduled air transportation shall be equipped with radio equipment specified for the type of operation in which it is engaged. All such equipment shall be of an approved type.

§ 46.231 *Radio equipment for operations over routes navigated by pilotage.* For operations conducted over routes on which navigation can be accomplished by pilotage, each helicopter shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(a) Communicate with at least one appropriate ground station (as specified in § 46.34) in the vicinity and other helicopters operated by the air carrier;

(b) Communicate with airport traffic control towers from any point in the control zone within which flights are intended; and

(c) Receive meteorological information at the minimum en route altitude specified in the operations specifications of the air carrier. Either of the means required for compliance with paragraphs (a) and (b) of this section may be used to comply with this paragraph.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 46.240 *Responsibility for maintenance.* Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its helicopters and required equipment.

§ 46.241 *Maintenance and inspection requirements.* (a) The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this subchapter, with accepted standards and good practices, and that any airframe, rotor, powerplant, or appliance released for flight is airworthy.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, rotor, powerplant, or appliance shall hold an appropriate license or airman certificate.

§ 46.242 *Maintenance and inspection training program.* The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 46.243 *Maintenance and inspection personnel duty time limitations.* All maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month.

AIRMAN AND CREW MEMBER REQUIREMENTS

§ 46.260 *Utilization of airman.* No air carrier shall utilize an individual as an airman unless he holds a valid appropriate airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized.

§ 46.261 *Composition of flight crew.* (a) No air carrier shall operate a helicopter with less than the minimum flight crew specified in the airworthiness certificate for the type of helicopter and required in this part for the type of operation.

(b) Where the air carrier is authorized to operate under instrument conditions or operates helicopters of more than 12,500 pounds maximum certificated weight, the minimum pilot crew shall be 2 pilots.

§ 46.265 *Flight attendant.* At least one flight attendant shall be provided by the air carrier on all flights carrying passengers in helicopters of 20-passenger capacity or more.

TRAINING PROGRAM

§ 46.280 *Training requirements.* (a) Each air carrier shall establish a training program sufficient to insure that each crew member used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in scheduled operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper flight crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The initial program shall include at least the appropriate requirements specified in §§ 46.281 through 46.286.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 46.286.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training or flight check shall certify to the proficiency of each crew member and person employed in operational control upon completion of his training, and such certification shall become a part of the individual's record.

§ 46.281 *Initial pilot ground training.* Ground training for all pilots shall include instruction in at least the following:

(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the regulations of this subchapter with particular emphasis on the operation and flight release rules and helicopter operating limitations;

(b) Operational control procedures and appropriate contents of the manuals;

(c) The duties and responsibilities of crew members;

(d) The type of helicopter to be flown, including a study of the helicopter, powerplants, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Helicopter Flight Manual;

(e) The principles and methods of determining weight and balance limitations for take-off and landing;

(f) Navigation and use of appropriate aids to navigation;

(g) Airport, heliport, and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions.

§ 46.282 *Initial pilot flight training.* Flight training for each pilot shall include at least take-offs and landings and normal and emergency flight maneuvers including approaches and landings with simulated one engine inoperative in each type of helicopter to be flown by him in scheduled operations. When night operations are authorized, such training shall include night take-offs and landings.

§ 46.286 *Initial crew member emergency training.* The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures. Such training shall include at least the procedures to be followed in the event of the failure of an engine or other helicopter component or system, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and maximum and minimum engine and rotor rpm.

§ 46.288 *Training program; operations personnel.* The air carrier shall establish and maintain a training program sufficient to insure that operations personnel who perform duties involving operational control are adequately trained to perform such duties. The air carrier shall not assign an individual to perform duties involving operational control until he has satisfactorily passed an examination concerning such duties and responsibilities.

§ 46.289 *Rercurrent training.* (a) Each air carrier shall provide such training as is necessary to insure the continued competence of each crew member and personnel engaged in operational control and to insure that each possesses adequate knowledge of and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crew member and personnel engaged in operational control with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with § 46.302.

(c) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record. In the case of pilots other than pilots in command, a pilot in command may make such certification.

FLIGHT CREW MEMBER QUALIFICATIONS

§ 46.300 *Qualification requirements.* (a) No air carrier shall utilize any flight crew member, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of § 46.288 or § 46.289, and §§ 46.301 through 46.304. All pilots serving as pilots in command shall hold valid airline transport pilot certificates with appropriate helicopter ratings. All other pilots shall hold at least commercial pilot certificates with helicopter ratings.

(b) Check airmen shall certify as to the proficiency of the pilot in command being examined, as required by §§ 46.302 and 46.303, and such certification shall become part of the airman's records.

§ 46.301 *Pilot recent experience.* No air carrier shall schedule a pilot to serve as such in scheduled air transportation unless within the preceding 30 days he has made at least 3 take-offs and 3 landings in the helicopter of the particular type on which he is to serve, 2 landings of which shall have been made from approaches with simulated one engine inoperative; and, if he is scheduled to serve in such transportation at night, at least one of these landings shall have been made at night.

§ 46.302 *Pilot checks*—(a) *Line check.* Prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily pass a line check in one of the types of helicopters normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a scheduled flight between terminals over a route to which the pilot is normally assigned during which the check pilot shall determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate helicopters to be flown by him. Thereafter, at least twice each 12 months at intervals of not less than 4 months, nor more than 8 months, a similar pilot proficiency check shall be given each such pilot. Where such pilots serve in more than one helicopter type, the pilot proficiency check shall be given alternately in helicopters of each type flown by him.

(2) The pilot proficiency check shall include at least the following:

(i) Maneuvers consisting of approaches and landings with simulated one engine inoperative, normal take-offs and landings, crosswind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent and quick stops, and a review of the emergency procedures specified in § 46.286.

(ii) An oral equipment examination covering the subjects specified in § 46.281 (d). Such examination may be accomplished in the air carrier's ground school or during a proficiency or line check.

§ 46.303 *Pilot route and heliport qualification requirements.* (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with paragraphs (b), (c), and (d) of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all approach procedures for each regular, provisional, and refueling heliport approved for the route.

(c) Within the preceding 90 days each such pilot shall have made an entry as a member of the flight crew at each heliport into which he is scheduled to fly. Such entry shall include a landing and take-off under day HVR to permit the qualifying pilot to observe the heliport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the heliport.

(d) Each such pilot to be qualified for night operations in the carriage of passengers shall have been qualified in accordance with paragraphs (b) and (c) of this section, and in addition shall have made one trip over the route at night accompanied by a pilot who is qualified over the route for such operations.

§ 46.304 *Maintenance and re-establishment of pilot route and heliport qualifications for particular trips.* (a) To maintain pilot route and heliport qualifications for day operations, each pilot being utilized as pilot in command, within the preceding 3-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly.

(b) To maintain pilot route and heliport qualifications for night operations, each pilot being utilized as pilot in command, within the preceding 30 days shall have made at least one trip during the hours of daylight as pilot or other member of the flight crew between terminals into which he is scheduled to fly.

(c) In order to re-establish pilot route and heliport qualifications after absence from a route or a heliport thereon for a period in excess of 3 months, a pilot shall comply with the provisions of § 46.303.

FLIGHT TIME LIMITATIONS

§ 46.320 *Flight time limitations.* (a) An air carrier shall not schedule any flight crew member for duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

(1) 1,000 hours in any year,
(2) 100 hours in any month,
(3) 30 hours in any 7 consecutive days.

(b) An air carrier shall not schedule any flight crew member for duty aloft for more than 8 hours during any 24 consecutive hours unless he is given an intervening rest period at or before the termination of 8 scheduled hours of duty aloft. Such rest period shall equal twice the number of hours of duty aloft since the last preceding rest period, and in no case shall the rest period be less than 8 hours.

(c) When a flight crew member has been on duty aloft in excess of 8 hours in any 24 consecutive hours he shall, upon completion of his assigned flight or series of flights, be given at least 16 hours for rest before being assigned any further duty with the air carrier.

(d) Each flight crew member engaged in scheduled air transportation shall be relieved from all duty with the air carrier for at least 24 consecutive hours during any 7 consecutive days.

(e) No flight crew member shall be assigned any duty with an air carrier during any rest period prescribed by this part.

(f) A flight crew member shall not be considered to be scheduled for duty in excess of prescribed limitations, if the flights to which he is assigned are scheduled and normally terminate within such limitations, but due to exigencies beyond the air carrier's control, such as adverse weather conditions, are not at the time of departure expected to reach their destination within the scheduled time.

FLIGHT OPERATIONS

§ 46.351 *Operational control.* The air carrier shall be responsible for operational control.

(a) *Responsibility of the air carrier.* The air carrier shall be responsible for:

(1) The exercise of authority as necessary over the initiation, continuation, and diversion or termination of a flight; and

(2) Monitoring the progress of each flight and providing the pilot with all information necessary for the safety of the flight.

(b) *Responsibility of the pilot in command.* The pilot in command shall be responsible for the preflight planning and the operation of the flight in compliance with the applicable regulations of this subchapter and operations specifications. During flight he shall be in command of the helicopter and crew and shall be responsible for the safety of the passengers, crew members, cargo, and helicopter.

§ 46.352 *Operations notices.* Each air carrier shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, heliports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 46.353 *Operations schedules.* In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of helicopters with fuel and oil at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of helicopter to be flown which shall not exceed the specified cruising output of the helicopter engines.

§ 46.354 *Flight crew members at controls.* All required flight crew members shall remain at their respective stations when the helicopter is taking off or landing, and while en route except when the absence of one such flight crew member is necessary in connection with his regular duties. All flight crew members shall keep their seat belts fastened when at their respective stations.

§ 46.355 *Manipulation of controls.* No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, except that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorized pilot safety representatives of the Administrator or the Board who are qualified on the helicopter and are engaged in checking flight operations, or

(b) Pilot personnel of another air carrier properly qualified on the helicopter and authorized by the operating carrier.

§ 46.356 *Admission to flight deck.* No persons, other than crew members, shall be admitted to the flight deck of a helicopter except those authorized in paragraphs (a) and (b) of this section. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(a) CAA Flight Operations and Airworthiness Inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Flight Operations and Airworthiness Inspectors or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(4) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of helicopter equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the helicopter or its components whose functions are directly related to the in-flight monitoring of helicopter equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

§ 46.357 *Use of cockpit check procedure.* The cockpit check procedure shall be used by the flight crew for each procedure as set forth in § 46.176.

§ 46.358 *Personal flying equipment.* The pilot in command shall insure that the following equipment is aboard the helicopter for each flight:

(a) Appropriate aeronautical charts containing adequate navigational information, and

(b) A flashlight in good working order in the possession of each crew member during night operations.

§ 46.359 *Restriction or suspension of operation.* When conditions exist which constitute a hazard to the conduct of safe air carrier operations, including heliport conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 46.360 *Emergency decisions; pilot in command.* (a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the regulations of this subchapter.

(b) When emergency authority is exercised by the pilot in command, the air carrier shall be kept fully informed regarding the progress of the flight, and within 10 days after the completion of the particular flight a written report of any deviation shall be submitted by the individual declaring the emergency to the Administrator through the air carrier's operations manager.

(c) No pilot in command shall deviate from an authorized route, except when operating in accordance with traffic control instructions issued by a control tower or control center or when circumstances render such deviation necessary in the interest of safety. In the latter case any deviation of more than 10 miles from the authorized route shall be explained by the pilot in a written report to the Administrator within 10 days of such deviation.

§ 46.361 *Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.* When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Such information shall thereupon be relayed by that station to the appropriate governmental agency.

§ 46.362 *Reporting mechanical irregularities.* The pilot in command shall enter or cause to be entered in the maintenance log of the helicopter all mechanical irregularities encountered during flight. He shall, prior to each flight, inspect the log to ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 46.364 *Weather minimums.* No flight shall be initiated, continued en route, or landed at destination unless it is conducted in accordance with the weather requirements prescribed in the operations specifications.

FLIGHT RELEASE RULES

§ 46.381 *Flight release.* No flight shall be initiated without the pilot in command executing a flight release form setting forth the conditions under which the flight will be conducted and certifying that the flight will be conducted in accordance with the regulations in this subchapter and the air carrier's operations specifications. When such flights originate at locations other than the normal operating base, such flight release forms may be executed orally to the operation control center, in which case such shall be made a matter of record. Flights which have remained at an intermediate heliport in excess of one hour shall require a new flight release.

§ 46.382 *Familiarity with weather conditions.* No pilot in command shall execute a flight release unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 46.383 *Facilities and services.* The operational control center shall furnish to the pilot in command all available current reports or information pertaining to irregularities of navigational facilities and heliport conditions which may affect the safety of the flight. It shall also furnish the pilot, while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 46.384 *Helicopter equipment required for flight release.* All helicopters released shall be airworthy and shall be equipped in accordance with the provisions of § 46.170.

§ 46.385 *Communications facilities required for flight release.* No helicopter shall be released for flight over any route or route segment unless the communications facilities required by § 46.34 are in satisfactory operating condition.

§ 46.386 *Flight release under HVR.* Helicopters shall be released for operation under HVR only if the appropriate weather reports and forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under HVR until the flight arrives at the heliport or heliports of intended landing specified in the flight release.

§ 46.387 *HIR operations.* When an air carrier makes application for authorization to conduct instrument operations, and the Administrator, upon investigation, finds that the helicopter is properly certificated for instrument flight and its pilots are capable of instrument flight in helicopters, he may authorize such instrument operation. When such authorization is granted, complete operations procedures for such authorization shall be specified in the air carrier operations specifications.

§ 46.388 *Visual ground reference requirements.* Except when authorized under § 46.387, no helicopter shall be operated unless meteorological conditions permit sufficient visual ground reference to allow proper control of the helicopter. At night, ample ground reference lights shall be available for that purpose.

§ 46.391 *Continuance of flight; flight hazards.* (a) No helicopter shall be continued in flight toward any heliport to which it has been released when, in the opinion of the pilot in command or the air carrier, the flight cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation as set forth in § 46.360.

(b) If any item of equipment required pursuant to the regulations of this subchapter for the particular operation being conducted becomes unserviceable en route, the pilot in command shall comply with the procedures specified in the manual for such occurrence: *Provided*, That the Administrator may authorize the incorporation in the air carrier manual of procedures for the continued operation of a helicopter beyond a scheduled terminal where he finds that, in the particular circumstances of the case, literal compliance with this requirement is not necessary in the interest of safety.

§ 46.392 *Operation in icing conditions.* (a) A helicopter shall not be released, or en route operations continued, or landing made when, in the opinion of the pilot in command or the air carrier, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No helicopter shall take off or continue en route operations when frost, snow, or ice is adhering to the rotors, control surfaces, or other movable parts of the helicopter.

§ 46.393 *Release and continuance of flight.* (a) A helicopter specified as the intended destination may be changed en route to another regular, provisional, or refueling heliport, providing the original flight release is amended.

(b) When the flight release is amended while the helicopter is en route, such amendment shall be made a matter of record.

§ 46.396 *Fuel supply for HVR operations.* No helicopter shall be released for flight unless it carries sufficient fuel:

(a) To fly to the heliport to which released, and thereafter;

(b) To fly for a period of at least 20 minutes at normal cruising consumption.

§ 46.397 *Factors involved in computing fuel required.* In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, and any other conditions which might delay the landing of the helicopter. Required fuel shall be additional to unusable fuel.

§46.405 *Take-off and landing weather minimums; HVR.* Irrespective of any clearance which may be obtained from air traffic control, no helicopter shall take off or land when the reported ceiling or ground visibility is less than that specified in the air carrier's operations specifications.

§ 46.408 *Minimum flight altitudes.* Minimum flight altitudes shall be prescribed by the Administrator in the interest of safety for any route or portion thereof. In establishing such minimum altitudes the Administrator shall consider the character of the terrain to be traversed, the type of helicopter involved, the availability of suitable emergency autorotative landing areas, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions as may be pertinent.

§ 46.412 *Preparation of load manifest.* The air carrier shall be responsible for the preparation and accuracy of a load manifest form prior to each take-off. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of helicopters and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 46.500 *Records.* Each scheduled air carrier shall maintain records and submit reports in accordance with the requirements of §§ 46.501 through 46.511. All records shall be retained for the period specified in Part 249 of Subchapter B of this chapter (Economic Regulations), unless otherwise specified in §§ 46.501 through 46.511.

§ 46.501 *Crew member records.* Each air carrier shall maintain current records of every crew member. These records shall contain such information concerning the qualifications of each such crew member as is necessary to show compliance with the appropriate requirements of the regulations of this subchapter, e. g., proficiency and route checks, helicopter qualifications, training, physical examinations, and flight time records. The disposition of any flight crew member released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least three months.

§ 46.503 *Flight release form.* (a) The flight release may be in any form but shall contain at least the following information with respect to each flight:

(1) Identification number of the helicopter to be used, and the trip number.

(2) Heliport of departure, intermediate stops, destination, and routes to be followed;

(3) Minimum fuel supply;

(4) Type of operation, e. g., HVR, day, night; and

(5) Date and time of release.

(b) The flight release may be executed orally when the pilot is at a station removed from the operational control center, in which case the release shall be recorded.

§ 46.504 *Load manifest.* (a) The load manifest shall contain at least the following information with respect to the loading of a helicopter at the time of take-off:

(1) The weight of:

(i) Helicopter,

(ii) Fuel and oil,

(iii) Cargo, including mail and baggage, and

(iv) Passengers;

(2) The maximum allowable weight applicable for the particular flight;

(3) The total weight computed in accordance with approved procedures; and

(4) Evidence that the helicopter is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the helicopter and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

(c) Time and date of preparation, registration number of helicopter, and trip number.

§ 46.505 *Disposition of load manifest and flight release.* Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, and the flight release shall be in the possession of the pilot in command and shall be carried in the helicopter to its destination. Copies also shall be kept for at least 60 days.

§ 46.506 *Maintenance records.* (a) Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, powerplants, rotors, and, where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of a component part is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. The Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) A helicopter component, powerplant, rotor, or appliance for which complete records are not available may be placed in service: *Provided*, That:

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section;

(2) Parts which are limited by the Administrator or manufacturer to a specific service time are retired and replaced by new parts; and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 46.507 *Maintenance log.* A legible record shall be made in the helicopter's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, powerplants, rotors, and appliances critical to the safety of the flight. The air carrier shall establish an approved procedure for retaining an adequate number of such records in the helicopter in a place readily accessible to the flight crew and shall incorporate such procedure in the air carrier manual. The maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe, and engine(s).

§ 46.508 *Daily mechanical reports.* (a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in a helicopter or helicopter component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any helicopter, a report shall be made of such failure, malfunctioning, or other defect to the Administrator. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock midnight of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as is available on the first daily report following such incidents:

(1) Type and CAA identification number of the helicopter, name of air carrier, and date;

(2) Emergency procedure effected: unscheduled landing, etc.;

(3) Nature of condition: fire, structural failure, etc.;

(4) Identification of part and system involved, including the type designation of the major component;

(5) Apparent cause of trouble: wear, cracks, design deficiency, personnel error, etc.;

(6) Disposition: repaired, replaced, helicopter grounded, etc.; and

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in paragraph (a) of this section. When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 46.509 *Mechanical interruption summary report.* Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of helicopters en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the helicopter type in which the engine was installed.

§ 46.510 *Alteration and repair reports.* Reports of major alterations or repairs of airframes, powerplants, rotors, and appliances shall be made available to the Administrator promptly upon completion of such alterations or repairs.

§ 46.511 *Maintenance release.* When a helicopter is released by the maintenance organization to flight operations, a maintenance release or appropriate entry in the maintenance log certifying that the helicopter is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such helicopter. If a maintenance release form is prepared, a copy shall be given to the pilot in command. An appropriate record shall be kept for at least 60 days.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2556; Filed, Apr. 7, 1958; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 407—PROCEDURE FOR USE OF DOMESTIC NON-FEDERAL NAVIGATION FACILITIES FOR CAA APPROVED OPERATIONS

SUBPART B—NONDIRECTIONAL RADIO BEACON FACILITIES

A new Subpart B is added as follows:

Subpart B—Nondirectional Radio Beacon Facilities

Sec.

407.10 Introduction.
407.11 Policy.
407.12 Implementation requirements.
407.13 Source of publications.
407.14 Performance requirements; Appendix 1.
407.15 Installation requirements; Appendix 2.
407.16 Maintenance and operation requirements; Appendix 3.
407.17 Reports required by Civil Aeronautics Administration; Appendix 4.

AUTHORITY: §§ 407.10 to 407.17 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 301, 302, 601, 52 Stat. 985, as amended, 1007, as amended; 49 U. S. C. 451, 452, 551.

SUBPART B—NONDIRECTIONAL RADIO BEACON FACILITIES

§ 407.10 *Introduction.* The policy and the minimum general requirements of the Civil Aeronautics Administration for the operation of non-federal nondirectional radio beacon facilities which are to be involved in the approval of instrument flight rules and air traffic control procedures related to such facilities are prescribed in Technical Standard Order N-28 adopted by the Administrator on April 15, 1958. Technical Standard Order N-28, which is set forth in this part, is mandatory upon all employees of the Civil Aeronautics Administration in their discussions, advice, or recommendations to the public, or in their approval of the public use of this type facility in any CAA-approved air operation or procedure. A nondirectional radio beacon ("H" facilities domestically—NDB facilities internationally) radiates a continuous carrier of approximately equal intensity at all azimuths. This carrier is modulated at 1020 cycles per second for the purpose of station identification. Personnel of the Regional Air Navigation Facilities Division are responsible for the application of this Technical Standard Order on the part of CAA. Deviations from the Implementation Requirements prescribed herein will be permitted only upon approval of the Director, Office of Air Navigation Facilities, Civil Aeronautics Administration, Washington 25, D. C.

§ 407.11 *Policy.* (a) When the Civil Aeronautics Administration is requested by the owner of a non-federal "H" facility to approve an IFR procedure for public use based on that facility, the CAA will require as a condition to such approval that the following minimum requirements be met:

(1) The performance of the facility as determined by air and ground inspections shall be in accordance with § 407.14 (Appendix 1).

(2) The installation of the equipment shall meet the requirements of § 407.15 (Appendix 2).

(3) The owner shall operate and maintain the facility in accordance with § 407.16 (Appendix 3).

(4) The owner shall furnish CAA periodic reports relative to the performance of the facility as described in § 407.17 (Appendix 4) and shall permit the CAA to inspect the facility and its operation at such times as the CAA deems necessary.

(5) The owner shall give assurance that he will not withdraw the facility from service except with the concurrence of CAA.

(b) The owner will bear all costs incident upon his meeting the requirements set forth in paragraph (a) of this section and those for flight and ground inspections which the CAA may be initially required to make prior to commissioning and periodically thereafter to satisfy itself that these requirements are met.

(c) If the requirements in paragraphs (a) and (b) of this section are met, the CAA will commission the facility as a prerequisite to its approval for use in an IFR procedure. The CAA will not implicitly or explicitly assume any responsibility for the facility by virtue of such approval. The CAA will withdraw its authorization to use the facility at any time it considers that the requirements set forth herein are not being met or will decommission the facility when the frequency channel is required for higher priority common system service.

§ 407.12 *Implimentation requirements.* (a) Action under TSO N-28 will be initiated when the CAA has received from the owner a request for an IFR procedure based on his facility and he has submitted:

(1) A description of the facility, together with evidence that the equipment is capable of meeting the minimum performance requirements contained in § 407.14 (Appendix 1) and is installed in accordance with § 407.15 (Appendix 2).

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance arrangement and manual of maintenance operation to meet the requirements of § 407.16 (Appendix 3).

(4) A statement of intent to meet the requirements of the Policy.

(b) The CAA will then perform whatever initial air and ground inspections are necessary to satisfy itself from a technical, operational and maintenance viewpoint that the facility and equipment are capable of meeting the requirements.

(c) The proposed operating procedure and maintenance arrangement and manual will be evaluated.

(d) The owner will be advised of the results of the inspections and evaluations and of any facility, maintenance manual or organizational changes that will be required. The owner will correct deficiencies and operate the facility for an in-service test evaluation so that the CAA may satisfy itself that the facility will meet the requirements for commissioning and use in an approved procedure. The approval of the facility is not to be taken as automatic approval of any specific procedure.

§ 407.13 *Source of publications.* Copies of this Technical Standard Order and related publications may be obtained from the Regional Offices of the Civil Aeronautics Administration, located in Jamaica, New York; Fort Worth, Texas; Kansas City, Missouri; Los Angeles, California; Anchorage, Alaska; and Honolulu, Territory of Hawaii.

§ 407.14 *Performance requirements; Appendix 1.* (a) The "H" facility shall radiate a continuous wave carrier and shall be identified by on-off keying of an amplitude modulating tone of 1020 cycles per second plus or minus 50 cycles per second. The depth of modulation shall be between the limits of 40 and 95 percent. A two or three letter identification shall be transmitted at a rate approximately seven words per minute preferably eight to ten times per minute, unless voice modulation is also used, but in any event at intervals not to exceed 30 seconds. The identification may be suppressed while voice transmissions are being made.

(b) The performance of the "H" facility shall be in accordance with recognized and accepted good electronic engineering performance practices for the desired service.

(c) Ground inspection will consist of an examination of the design features of the equipment and its installation in order to determine that conditions may not arise which would permit unsafe operation due to component failure or deterioration. These will be judged against recognized and accepted good engineering practices.

(d) Flight tests to determine the adequacy of the facility to meet operational requirements will be conducted in accordance with the U. S. Standard Flight Inspection Manual, particularly section 207, initially by the Civil Aeronautics Administration and thereafter by arrangements, satisfactory to the Civil Aeronautics Administration, which will be made by the owner.

§ 407.15 *Installation requirements; Appendix 2.* (a) The facility shall be installed according to accepted good engineering practices, applicable electric and safety codes, and FCC license requirements. There shall be a reliable source of suitable primary power.

(b) Dual transmitting equipment may be required in the support of some IFR procedures.

(c) Non-federal H facilities desired for use as an instrument approach aid for an airport must have or be supplemented with, dependent on specific circumstances, certain ground-air and landline communications services as follows:

(1) At facilities located outside of and not immediately adjacent to air traffic control areas, ground-air communications from the airport served by the facility must be available. Voice on the aid controlled from the airport will be an accepted means.

(2) At facilities located within or immediately adjacent to air traffic control areas, ground-air communications from the airport served by the facility, as outlined in subparagraph (1) of this paragraph, must be available and in addition, reliable communications (landline telephone minimum) from the airport to the nearest CAA air traffic control or communication facility must be provided.

(3) Provisions of subparagraphs (1) and (2) of this paragraph, are not mandatory at airports where an adjacent CAA facility is capable of communicating with aircraft on the ground at the airport and during the entire proposed instrument approach procedure.

(4) At low traffic density airports, located within or immediately adjacent to air traffic control areas, and where extensive delays are not a factor, the communications requirements of subparagraphs (1) and (2) of this paragraph may be reduced to reliable communications (landline telephone minimum) from the airport to the nearest CAA air traffic control or communication facility, providing an adjacent CAA facility is capable of communicating with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude of the controlled area.

§ 407.16 *Maintenance and operation requirements; Appendix 3.* (a) The owner shall arrange for or provide for adequate maintenance of the facility at the performance level existent at the time of commissioning. As a minimum, the maintenance personnel shall meet FCC licensing requirements.

(b) The owner shall prepare an operating and maintenance manual outlining mandatory procedures for operation, preventive maintenance, and emergency maintenance. This manual must be approved by the CAA and must include instructions covering the following points:

(1) Physical security of the facility and procedure for participation in CONELRAD air defense plan.

(2) Maintenance and operation of equipment by authorized personnel only.

(3) FCC license requirements for operating and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relationship between the facility and CAA air traffic control facilities. Boundaries of controlled airspace over or near the facility must be described. If applicable, instructions for relaying air traffic control instructions and information must be included. If the H facility is located outside of controlled airspace, instructions for the operation of

an air traffic advisory service must be included.

(6) Instructions pertaining to Air/Ground communications, if such service is provided. Appropriate sections of CAA manuals of operation may be incorporated by reference, or necessary instructions written directly in the manual.

(7) Notification of CAA regarding suspension of service.

(8) Detailed arrangements made for maintenance flight inspection and servicing with the frequency of such servicing, i. e., weekly, monthly, annually, etc.

(9) Keeping of station logs and other technical records and submission of reports per § 407.17 (Appendix 4).

(10) Monitoring of the facility, at least each half hour to ensure continuous operation (refer CAA MANOP IV-B-3-10 or ICAO Annex 10, par. 3.5.7.1, Part I).

(11) Inspections by Federal Government personnel.

(12) Names, addresses and telephone numbers of persons to be notified in an emergency.

(13) Shutdowns for routine maintenance and issuance of Notices to Airmen for routine and emergency shutdowns.

(14) Commissioning the facility.

(15) An acceptable procedure for modifying or revising the manual.

(c) The owner shall submit to the CAA for approval any proposed modifications to the facility, in addition to any requirements of the FCC.

(d) The owner's maintenance personnel shall participate in inspection performed by CAA personnel and will be required to demonstrate proficiency in accomplishing maintenance procedures and use of specialized test equipment.

(e) The owner shall require the facility to be shut down immediately upon receipt of two successive pilot reports of malfunctioning.

(f) The operating and maintenance manual must include pertinent data covering the facility involved. These data should include:

(1) Facility location by latitude and longitude from a reliable map, as well as position with relation to airport layouts.

(2) The type, make and model of the basic radio equipment which will provide the service.

(3) The station power emission and frequency.

(4) The hours of operation.

(5) Station identification call letters and the method of station identification, whether by Morse code or recorded voice announcement and the time spacing of this identification.

(g) The owner shall provide a stock of spare parts including vacuum tubes, sufficient to make possible prompt replacement of components which fail or deteriorate in service.

(h) Federal Airways Manual of Operations IV-B-3-10 and related manuals listed in paragraph 7 thereof, may be of help to the owner in developing his operating and maintenance manual.

§ 407.17 *Reports required by Civil Aeronautics Administration; Appendix 4.* (a) The supply of forms for the following reports will be furnished by CAA. Unless otherwise stated, these reports should be submitted to the CAA Regional Office of the region in which the facility is located.

(1) *Record of Meter Readings and Adjustments—Form ACA-198.* This form shall be completed by the owner or his maintenance representative and shall represent the equipment adjustments and meter readings as of the time of commissioning. One copy shall be retained in the permanent records of the facility and two copies furnished to CAA. The form shall be revised following any major repairs or modernization so that it reflects an accurate record of facility operation and adjustment.

(2) *Maintenance Log of Communication Facilities—Form ACA-406C.* This form constitutes a permanent record of all malfunctioning of the equipment encountered in the maintenance of the facility. Such record will include information on the type of work and/or adjustments performed, equipment failures, causes (if determined) and corrective action taken. The original log shall be kept at the facility and one copy furnished to the CAA at the end of each month.

(3) *Radio Transmitter Operation Record—Form ACA-418.* A complete record of meter readings will be kept on Form ACA-418. The readings should be recorded on each scheduled visit to the station. The original of the form shall be kept at the facility and one copy of each month's record forwarded to CAA. Instructions for the use of this form are contained on the cover of the booklet of forms.

(4) *Electronic Facility Unavailability Record—Form ACA-2171.1 (IBM Card):* Equipment failures that remove the facility from service shall be recorded on Form ACA-2171.1 "mark sense" cards. Each failure shall be entered on a separate card and the cards will be forwarded, in a single package, to Maintenance Operations Division, W-670, Washington, D. C., at the end of each month. Specific instructions for preparation and coding of the outage reports are contained in Federal Airways Manual of Operation IV-A-2-2, and additional instructions contained in Performance Standardization Branch Instructions #7, 10 Rev. No. 1, 11 Rev. No. 2, and 12.

(5) *Radio Facility-Flight Report—Form ACA-496.* Four (4) copies of this Flight Inspection shall be prepared initially by the CAA when originally inspecting the facility pursuant to this TSO; thereafter, at specified intervals by the flight inspection personnel retained by the owner in accordance with the U. S. Standard Flight Inspection Manual. All four copies shall be furnished to the CAA immediately after the periodic inspection.

This amendment shall become effective April 15, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 1, 1958.

[F. R. Doc. 58-2533; Filed, Apr. 7, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CORN-ON-THE-COB

Correction

In Federal Register Document 58-2471 published at page 2171 in the issue for Thursday, April 3, 1958, the following changes should be made:

1. In the ninth line of § 52.937 (a), the phrase "diameter of the ear" should read "diameter of the largest ear". As corrected, paragraph (a) of § 52.937 reads as follows:

§ 52.937 *Uniformity of size*—(a) (A) *classification.* Frozen corn-on-the-cob that is practically uniform in size may be given a score of 9 or 10 points. "Practically uniform in size" means that the length of the longest ear does not exceed the length of the shortest ear by more than one inch and that the largest diameter of the largest ear does not exceed the largest diameter of the smallest ear by more than one-half inch.

2. In the second sentence of § 52.941, "this subpart" should read "those regulations". As corrected, § 52.941 reads as follows:

§ 52.941 *Ascertaining the grade of a lot.* The grade of a lot of frozen corn-on-the-cob covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 through 52.87; 22 F. R. 3535). For the purpose of determining primary container net weight in applying the official sampling procedures set forth in those regulations, an ear of corn shall be considered to weigh 9 ounces.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 1956 Supp., 146.26) are amended by adding to § 146.26 (b) the following new subparagraph (36):

§ 146.26 *Animal feed containing penicillin.* * * *

(b) * * *

(36) It is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreaks of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains nithiazide (1-ethyl-3-(5-nitro-2-thiazolyl) urea) in a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.025 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (instead of 24 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (l) and 507 of the Federal Feed, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended; sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: April 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2554; Filed, Apr. 7, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54558]

PART 78—IMPORTATION OF ARTICLES IN CONNECTION WITH THE WASHINGTON STATE SEVENTH INTERNATIONAL TRADE FAIR AT SEATTLE, WASHINGTON, UNDER PUBLIC LAW NO. 85-362, 85TH CONGRESS [1]

The following regulations under Public Law No. 85-362, 85th Congress, approved March 28, 1958, relate to the entry of articles in connection with the Washington State Seventh International Trade Fair to be held at Seattle, Washington, April 11 to April 20, 1958, inclusive.

Sec.
78.1 Invoices; marking; bond.
78.2 Entry; appraisement; procedure.
78.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.
78.4 Detail of customs officers to protect revenue; expenses.
78.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 78.1 to 78.5 issued under Pub. Law 85-362, 85th Cong.

§ 78.1 *Invoices; Marking; Bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 85-362, 85th Congress, and valued at over $500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on either customs Form 5515 or on foreign service Form 138 and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Trade Fair, Incorporated, shall give to the collector of customs at Seattle, Washington, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 85-362, 85th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

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[1] * * * That any article which is imported from a foreign country for the purpose of exhibition at the Washington State Seventh International Trade Fair (hereinafter in this joint resolution referred to as the "exposition") to be held at Seattle, Washington, from April 11 to April 20, 1958, inclusive, by the International Trade Fair, Incorporated, a corporation, or for the use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this joint resolution, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this joint resolution for consumption or entry under the general tariff law.

SEC. 3. Imported articles provided for in this joint resolution shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this joint resolution may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 6. The International Trade Fair, Incorporated, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this joint resolution. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this joint resolution, shall be reimbursed by the International Trade Fair, Incorporated, to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. sec. 1524). (P. L. No. 85-362)

§ 78.2 ***Entry; appraisement; procedure.*** (a) All entries under the regulations in this part shall be made at the port of Seattle, Washington, in the name of the International Trade Fair, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the International Trade Fair, Incorporated, to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Seattle shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Seattle of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. __

Entry at the port of Seattle of articles consigned or transferred to the International Trade Fair, Incorporated, under ____________________ ____________________ I. T. No. ______ ex S. S. __________ from __________________ on the ________ day of ________ 19 , for exhibition purposes under Public Law No. 85-362 of the 85th Congress, approved March 28, 1958.

Mark	Number	Package and contents	Quantity	Invoice Value

International Trade Fair, Incorporated

By ____________________

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 78.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importers' risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supercede any previous entry, and no new bond other than that specified in § 78.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of this chapter.

§ 78.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151-164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 78.4 *Detail of Customs Officers to protect revenue; expenses.* (a) The collector of customs at Seattle, Washington, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International Trade Fair, Incorporated, to the Government, payment to be made monthly to the collector of customs, Seattle, Washington, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Salaries and Expenses, Bureau of Customs."

§ 78.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any article entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 85-362, 85th Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 2, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2552; Filed, Apr. 7, 1958; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

EXEMPTION OF COMMON CARRIERS BY WATER

Section 1453.3 (d) (2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1957", and inserting in lieu thereof the words "January 1, 1958".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: April 2, 1958.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 58-2546; Filed, Apr. 7, 1958; 8:47 a. m.]

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

PART 1477—STATEMENTS TO CONTRACTORS

MISCELLANEOUS AMENDMENTS

1. Section 1460.9 *Efficiency of contractor* is amended by adding to paragraph (b) thereof a new subparagraph (5) to read as follows:

(5) Nature and objectives of incentive and price redeterminable contracts and subcontracts; with respect to such contracts or subcontracts, in which the contract prices are based upon estimated costs, the Board will take into consideration the extent to which any differences between such estimated costs and actual costs are the result of the efficiency of the contractor. To enable the Board to give such consideration, the contractor may, and if requested by the Board, shall furnish on an aggregate or unit basis (i) a breakdown of the estimated costs upon which the prices of such contracts or subcontracts were based, together with the amounts thereof applicable to the fiscal year under review, and (ii) a corresponding breakdown of the costs actually incurred on such contracts or subcontracts or which the contractor estimates will actually be incurred thereon, together with the amounts thereof applicable to the fiscal year under review as reported in the Standard Form of Contractor's Report or other financial data filed by the contractor with the Board with respect to the fiscal year under review; and the contractor shall also furnish an explanation, in such form and detail as may be appropriate, of the reasons for any variances between such breakdowns or between particular cost elements itemized therein, with particular reference to the extent to which such variances are attributable to the performance of the contractor in the fiscal year under review or to other events occurring in such year. The Board will consider and give due regard to the views of the contracting agencies in connection with the foregoing. Insofar as the efficiency of the contractor may be appraised by analysis of the cost elements set forth in such breakdowns, the Board will observe the following principles:

(*a*) The Board will consider separately those elements of cost which are wholly outside the control of the contractor and those which the contractor wholly or partly controls.

(*b*) The fact that the realized costs are less than the original estimates will not necessarily be construed to mean that the contractor has demonstrated efficiency, nor will realization of actual costs in excess of the original estimates necessarily be construed to mean that the contractor has been inefficient.

(*c*) If the original cost estimates included provision for any contingency which has not materialized and is no longer expected to occur, the contractor will be expected to submit information indicating whether the elimination of such contingency resulted from the efficiency of the contractor or whether the circumstances were such as substantially to eliminate the risk provided against in the original cost estimates.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

2. Part 1477 is amended by renumbering § 1477.4 *Requests for statements* as § 1477.5, and by inserting a new § 1477.4 to read as follows:

§ 1477.4 *Contents of statements.* (a) In every statement of summary furnished pursuant to this part, the facts and reasons considered essential to the determination will be stated in such form and detail as may be appropriate in the particular case and in accordance with the succeeding paragraphs of this section.

(b) The statement or summary will indicate the recognition given to the contractor under the statutory factor of efficiency, and will discuss such factor in the light of the considerations set forth in § 1460.9 of this subchapter.

(c) Each of the statutory factors (see §§ 1460.9 to 1460.14, inclusive, of this subchapter) will be discussed separately.

(d) Accounting data or schedules will be set forth, either in the body of the statement or summary or as attachments thereto.

(e) If any material issue of law or accounting has been raised in the proceeding and not previously resolved with the contractor, such issue and the disposition thereof will be stated, together with the reasons for such disposition.

(f) In general, in a summary or statement furnished pursuant to this part, every reasonable effort will be made to be responsive to the contentions of the contractor and to provide the contractor, by adequate discussion of the essential facts and reasons involved in the determination, with a basis upon which to evaluate the determination and to decide whether, in the case of a summary furnished pursuant to § 1477.3, to enter into an agreement for the refund of the excessive profits determined, or, in the case of a statement furnished pursuant to § 1477.2, to decide whether or not to file a petition with The Tax Court of the United States for a redetermination thereof (see Part 1475 of this subchapter).

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: April 3, 1958.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 58-2555; Filed, Apr. 7, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606), it is proposed to amend the opening paragraphs of § 151.9 (a) and (b) (1) of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 1956 Supp., 151.9 (a) and (b) (1); 22 F. R. 2656) to read as follows:

§ 151.9 *Recognized breeds and books of record.* * * *

(a) *Breeds and books of record in countries other than Canada.* Books of the registry associations listed below are recognized for the following breeds: *Provided,* That no Belted Galloway cattle, horse of the Criolla, Fjordhest (formerly known as Westland), Shetland Pony or Welsh Pony and Cob breed, dog, or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: *Provided,* That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Division to be of the same breed: *Provided further,* That no Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle Horse, Arabian, Canadian, Shetland Pony or Welsh Pony and Cob breed in Canada shall be certified under the act as purebreed unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

The proposed change in § 151.9 (b) (1) would add the Shetland Pony and the Welsh Pony and Cob to the list of breeds of horses in Canada which will not be certified by the Animal Inspection and Quarantine Division of the Agricultural Research Service, Department of Agriculture, as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for such animal. The opening paragraph of § 151.9 (a) is revised for purposes of clarification of the words

"Welsh pony", to make it clear that, in the case of countries other than Canada, the requirement for a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved applies to the entire breed designated as "Welsh Pony and Cob."

Any person who wishes to submit written data, views, or arguments concerning the proposed changes may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within twenty days after the date of publication of this notice in the Federal Register.

Done at Washington, D. C., this 2d day of April 1958.

[SEAL] M. R. Clarkson,
Acting Administrator.
Agricultural Research Service.

[F. R. Doc. 58-2563; Filed, Apr. 7, 1958; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 717]

Holding of Referenda on Marketing Quotas

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U. S. C., 1281 et seq., is considering revising and amending the regulations governing the holding of the referenda on marketing quotas as published in the June 9, 1957 daily issue of the Federal Register (21 F. R. 3960), and as amended (21 F. R. 4799, 8793), (22 F. R. 2982, 9250), in the following respects:

1. Amend § 717.2 (b) by changing the first sentence to read as follows: "In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum or for any combination of adjacent or nearby communities or neighborhoods if any one of them has less than 25 farms on which producers are eligible to vote in the referendum."

2. Amend § 717.3 (b) (3) to read as follows:

(3) Subject to the provisions of § 717.7 (c) a farmer shall be eligible to vote only at a polling place designated for the community in which he resides or for a combination of communities or neighborhoods which includes the community in which he resides, except that any farmer who will not vote at such a polling place may vote at the polling place designated for the community or combination of communities or neighborhoods in which he was engaged, or will be engaged, in the production of the commodity which will qualify him as a voter.

3. Amend § 717.3 (c) to read as follows:

(c) *Register of voters.* The community referendum committee shall cause to be prepared a register of voters on Form MQ-4 at each polling place designated for a community or neighborhood or combination of communities or neighborhoods where the referendum is held by entering on such register the names and addresses of persons voting in the referendum.

4. Amend § 717.4 to read as follows:

§ 717.4 *Place for balloting.* The county committee shall designate at least one place for balloting in each community or neighborhood or combination of communities or neighborhoods for which a community referendum committee is designated. The polling place shall be one well known to and readily accessible to the persons in the community or neighborhood or combination of communities or neighborhoods and shall be equipped and arranged so that each voter can mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatsoever.

5. Amend § 717.7 (d) by changing the first sentence thereof to read as follows: "The community referendum committee or any member thereof shall challenge the eligibility of any person to vote in the referendum where (1) the community referendum committee or any member thereof is unable to determine that the person is eligible to vote in the referendum in the community or neighborhood; (2) the community referendum committee, or any member thereof is unable to determine that he has not previously voted in the referendum in another community or neighborhood in the same or another county, in person or by mail, or (3) the community referendum committee or any member thereof is not certain that the person is eligible to vote."

6. Amend § 717.9 by deleting the second sentence and changing the third sentence to read as follows: "The community referendum committeeman who issued the ballot form shall at the same time enter in the column headed "Ballot Cast" of the register of voters opposite the name and address of the person voting a record of the issuance of the ballot."

7. In addition to the specific amendments described above consideration will be given to any other proposed amendment of the regulations governing the holding of referenda on marketing quotas which is submitted pursuant to this notice.

8. It is proposed that the regulations governing the holding of referenda on marketing quotas as heretofore issued and amended including the additional amendment made pursuant to this notice be published in the Federal Register as a revised issuance of such regulations.

All persons who desire to submit written data, views and recommendations in connection with the above proposals or wish to suggest other changes in the present regulations should file the same with the Deputy Administrator, or Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of the publication of this notice in the Federal Register.

Done at Washington, D. C., this 2d day of April 1958.

[SEAL] Walter C. Berger,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-2564; Filed, Apr. 7, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

Uniform System of Accounts for Railroad Companies

BETTERMENT AND DEPRECIATION ACCOUNTING; RAILROADS

Upon consideration of a motion filed March 4, 1958, by Arthur Andersen & Co. to consolidate the record in No. 32153 with the record in No. 15100, Depreciation Charges of Steam Railroad Companies (118 I. C. C. 295; 177 I. C. C. 351), for hearing and disposition, and a reply to that motion filed March 18, 1958, by the Association of American Railroads; and,

It appearing that No. 15100 was a proceeding of investigation instituted on the Commission's own motion pursuant to provisions of section 20 (4) of the Interstate Commerce Act, as amended, and that the order entered March [illegible], 1935, which postponed until further order of the Commission all action taken therein, was in fact superseded by an order approved at a general session of the Commission on June 8, 1942, which amended accounting regulations prescribed for railroad companies to embrace therein many of the findings in No. 15100, but which omitted earlier requirements for depreciation accounting in respect of the railroad track structure.

It further appearing that the investigation now pending in No. 32153 into the matter of betterment accounting, as instituted by a notice of proposed rule making herein dated April 23, 1957 (22 F. R. 3016), concerning which the written views and suggestions of interested persons were invited, have been filed, and are presently under consideration, has not been shown to require complete review of depreciation accounting for all railroad property, including property not subject to betterment accounting:

It is ordered, That the said motion to consolidate for hearing and disposition the record in No. 32153 with the record in No. 15100 be, and it is hereby, overruled for the reason that the matters submitted in support thereof do not present sufficient grounds to warrant sustaining the motion.

Dated at Washington, D. C., this 26th day of March A. D. 1958.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2544; Filed, Apr. 7, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1933

NOTICE OF EXTENSION OF TIME FOR SUBMITTING COMMENTS

On March 5, 1958, the Securities and Exchange Commission, in Securities Act Release No. 3903, invited all interested persons to submit their views and comments in regard to a proposed new Rule 136 and a proposed amendment to Rule 140 with respect to assessable stock. It was requested that such views and comments be submitted on or before April 7, 1958. Pursuant to request, the Commission has extended the time for submitting such views and comments to June 7, 1958.

The proposed new Rule 136 would define the terms "offer", "offer to sell", "offer for sale", and "sale" to include specifically the levying of an assessment on assessable stock. The amendment to Rule 140 would operate to treat as an underwriter any company which is chiefly engaged in levying assessments on its assessable stock in order to purchase the securities of another issuer or of two or more affiliated issuers.

In connection with the above proposals, the Commission is also considering changes in its exemption rules under the Securities Act of 1933 so that the levying of small amounts of assessments could be effected pursuant to an appropriate exemption and would not require registration under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 25, 1958.

[F. R. Doc. 58-2547; Filed, Apr. 7, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 156]

INTERNATIONAL RADIO CONFERENCE

NOTICE OF PREPARATORY MEETING

The United States Preparatory Committee for the forthcoming International Radio Conference has invited all interested persons to attend a meeting at 9:30 a. m. Friday, April 11, 1958, in the Main Conference Room of State Department Annex 17, 1776 Pennsylvania Avenue NW., Washington, D. C.

The meeting will consider draft proposals for submission to the Conference, which will convene in Geneva, Switzerland, on July 1, 1959. The meeting will be chaired by Francis Colt de Wolf, Chief, Telecommunications Division, Department of State.

THOMAS C. MANN,
Assistant Secretary for Economic Affairs.

APRIL 4, 1958.

[F. R. Doc. 58-2603; Filed, Apr. 7, 1958; 9:17 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

GENERAL AMENDMENT TO SPECIFIED SMALL TRACT CLASSIFICATION ORDERS IN ANCHORAGE LAND DISTRICT

MARCH 25, 1958.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

1. All competitive Small Tract Classification Orders issued by the Bureau of Land Management between October 4, 1948 and March 14, 1957 as amended by General Amendments dated June 20, 1955 and February 19, 1957, which classified land in the Anchorage Land District for lease and sale and which opened the land to application under the Small Tract Act, supra, are hereby amended to (a) authorize the issuance of leases for a period of three years and, (b) require the payment of three years rental in advance.

2. Small Tract Classification Orders involved include:

Numbers 2, 4, 6.
Number 7 as amended.
Numbers 8–12 inclusive,
Number 17,
Number 18 as corrected,
Number 19 as amended,
Numbers 22, 24, 25,
Number 29 as amended,
Number 32,
Number 33 as amended,
Number 34 as amended,
Numbers 35–37 inclusive,
Number 38 as amended,
Numbers 40, 42, 43, 46,
Number 48 as corrected,
Number 51,
Numbers 53–55 inclusive,
Number 58 except as lease-only tracts,
Numbers 60–62 inclusive,
Number 65 as corrected,
Number 66 as corrected,
Number 74 as amended,
Numbers 75, 76, 81,
Number 86 as amended,
Numbers 97–99 inclusive,
Number 113.
General Amendment of June 20, 1955.
General Amendment of Feb. 19, 1957.

3. This order shall take effect immediately.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 58-2549; Filed, Apr. 7, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Navy has filed an application, Serial No. A.031764 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and the mineral leasing laws. The applicant desires the land for protection of existing and contemplated defense installations.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ALEUTIAN ISLANDS AND KODIAK ISLAND

1. Attu Island: That land lying south of latitude 52°52′00″ N. between longitude 173°04′00″ E., and longitude 173°14′00″ E., approximately 11,670 acres.

2. Adak Island: That part of the island east of the Bay of Island and north of latitude 51°47′15″ N., approximately 61,000 acres of land.

3. Kodiak Island: Beginning at Corner No. 2 of U. S. Survey No. 2539, U. S. Naval Reserve at Kodiak, thence

East 11,832.42 feet along boundary of U. S. Survey No. 2539,
N. 34°41′ W., 7,907.16 feet;
S. 85°45′15″ W., 4,157.22 feet;
N. 89°25′45″ W., 5,957.22 feet;
S. 52°28′30″ W., 10,567.29 feet;
S. 13°10′30″ W., 9,085.74 feet;
S. 6°34′ E., 4,371.48 feet;
S. 87°18′35″ E., 12,715.45 feet to a point on the west boundary of United States Survey No. 2539;
North, 13,973.68 feet along west boundary to a point of beginning.

Containing approximately 6,269.7 acres.

4. Middle Bay: That portion of the northwest shore of Middle Bay lying east of the east boundary of United States Survey No. 2539, U. S. Naval Reserve.

Containing 49.28 acres.

DONALD T. GRIFFITH,
Acting Operations Supervisor, Anchorage.

[F. R. Doc. 58-2550; Filed, Apr. 7, 1958; 8:48 a. m.]

[Los Angeles 0114594]

CALIFORNIA

AIR NAVIGATION SITE WITHDRAWAL

MARCH 31, 1958.

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 24) as amended, and pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697). It is ordered as follows:

Subject to valid existing rights, the following described public land in California is hereby withdrawn from all forms of appropriations under public land laws, including the mining and mineral leasing laws, and reserved for the use of the Corps of Engineers, U. S. Army, Los Angeles District, in the maintenance of air navigation facilities, Los Angeles 0114594:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 10 N., R. 5 W.,
Sec. 26. Beginning at the southeast one-sixteenth corner of said section 26, not monumented;
N. 89°09'46" W. 250.0 ft. along the latitudinal quarter section line.
S. 0°09'16" E. 200.0 ft;
S. 89°09'46" E. 250.0 ft;
N. 0°09'16" W. 200.0 ft. to the true point of beginning.

The tract as described contains 1.15 acres in the County of San Bernardino, California.

It is intended that the above described land shall be returned to the administration of the Department of Interior when it is no longer needed for the purpose for which it is reserved.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-2535; Filed, Apr. 7, 1958; 8:45 a. m.]

Bureau of Reclamation

[Public Notice 18]

GILA PROJECT, ARIZONA; WELLTON-MOHAWK DIVISION

PUBLIC NOTICE REGARDING ESTABLISHMENT OF FARM UNITS FOR CERTAIN DESERT LAND ENTRIES

MARCH 26, 1958.

1. *Establishment of farm units.* It is hereby announced that in pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto, and in accordance with the terms, conditions, and charges herein provided, the boundaries of the hereinafter described desert land entry farm units situate within the Wellton-Mohawk Division of the Gila Project are hereby established as shown on approved farm unit plats on file in the office of the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, and in the Land Office, Bureau of Land Management, Phoenix, Arizona. Water is now available for the irrigable lands in said farm units which are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

BLM Serial No.	Sec.	Farm unit	Description	Acreage	
				Gross	Irrigable
TOWNSHIP 8 SOUTH, RANGE 19 WEST					
Phx 061253	25	A	Lots 3, 4, and W1/2SE1/4	160.0	151.7
TOWNSHIP 8 SOUTH, RANGE 20 WEST					
Phx 063527	17	A	SE¼	150.9	[illegible]
Phx 086474	21	B	Lots, 3, 5, 21, N½SW¼NW¼, Sec. 21, Lots 1, 3 and 6, Sec. 20	118.7	116.8
AR 06016	23	A	S½SE¼	80.0	75.8
Phx 050151	24	A	SE¼SW¼, S½SE¼, Sec. 24, Lot 4, Sec. 19, T. 8 S., R. 19 W.	152.5	[illegible]
Phx 058032	26	A	NE¼	159.9	147.2
Phx 065221	27	A	W½NW¼, NW¼SW¼	120.2	[illegible]

2. *Charges for water during development period.* Pursuant to the provisions of the repayment contract of March 4, 1952, as supplemented and amended June 19, 1954, October 13, 1954, December 16, 1954, April 25, 1955, and December 9, 1955, hereinafter referred to as the contract of March 4, 1952, between the United States and the Wellton-Mohawk Irrigation and Drainage District, the Secretary of the Interior has announced a development period of 10 years starting October 28, 1955, for lands in Irrigation Block No. 3, in which all of the lands affected by this notice are situate. During this development period payment of general repayment obligation charges will not be required. Charges for delivery of water during the development period will be established in accordance with the aforementioned contract of March 4, 1952.

During such time as the District operates and maintains the distribution system and other works not including those specified as reserved works by the contract of March 4, 1952, the District will make such charges as may be required to meet costs of the care, operation and maintenance of works transferred to it. These charges will be payable in addition to charges which will be made for the care, operation and maintenance of works retained by the United States and utilized in delivery of water to works under the care of the District.

3. *Payments after development period.* The District shall, when necessary, levy and collect appropriate taxes, assessments and/or other charges sufficient to enable it to pay to the United States operation and maintenance charges and general repayment obligation charges as provided in the contract of March 4, 1952. The general repayment obligation of the District, which subject to certain qualifications, will not exceed $42,000,000, will be allocated among several irrigation blocks aggregating approximately 75,000 irrigable acres. Each irrigation block will be required to pay its allocated share during the 60-year period which immediately follows the end of its development period. District levies covering these charges will be graduated according to the productivity group in which the land is situated, in accordance with mechanics therefor provided in the repayment contract. At the option of the Board of Directors of the District, payment of these charges will be computed in accordance with a variable formula providing for payment of lesser amounts during periods of low agricultural prices and greater payments during periods of high agricultural prices.

4. Among the laws and regulations applicable to the above-mentioned desert land entries is section 5 of the act of June 27, 1906 (34 Stat. 520), as amended by the act of June 6, 1930 (46 Stat. 502), which provides, in part, as follows:

> * * * if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry the entryman shall thereupon comply with all the provisions of the aforesaid action (act) of June 17, 1902, and shall relinquish within a reasonable time after notice as the Secretary may prescribe and not less than two years all land embraced within his desert-land entry in excess of one farm unit, as determined by the Secretary of the Interior, and as to such retained farm unit he shall be entitled to make final proof and obtain patent upon compliance with the regulations of said Secretary applicable to the remainder of the irrigable land of the project and with the terms of payment prescribed in said act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation act.

V. E. LARSON,
Acting Regional Director.

[F. R. Doc. 58-2536; Filed, Apr. 7, 1958; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54560]

TUNA FISH

TARIFF RATE QUOTA

APRIL 3, 1958.

Pursuant to Presidential Proclamation No. 3128 of March 16, 1956 (T. D. 54051), it has been determined that 44,693,874 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1958 at the rate of 12½ per centum ad valorem under paragraph 718 (b), Tariff Act of 1930, as modified. Any tuna classifiable under paragraph 718 (b) of the tariff act which is entered, or withdrawn, for consumption during the current calendar year in excess of this quota will be dutiable at the full rate of 25 per centum ad valorem.

The above quota is based on the United States pack of canned tuna during the calendar year 1957, as reported by the United States Fish and Wildlife Service.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-2553; Filed, Apr. 7, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 245]

OLEINE S. A. AND EMILIO F. BORDIN

ORDER DENYING EXPORT PRIVILEGES

In the matter of Oleine S. A., Emilio F. Bordin, President, Genferstrasse 24, Zurich, Switzerland, Respondents.

The respondents, Oleine S. A. and its president, Emilio F. Bordin, of Zurich, Switzerland, having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce of the U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they made false statements and representations and concealed material facts from suppliers of goods exported or to be exported from the United States and thereafter transshipped goods so obtained to unauthorized destinations, duly answered the charges and denied the conclusions of violation alleged without putting in issue material facts set forth in the charging letter.

The respondents did not demand an oral hearing and, in accordance with the practice, this case was referred to the Compliance Commissioner, to whom was presented all evidence in support of the charges and the answer submitted by the respondents. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answer of the respondents, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Emilio F. Bordin, president of Oleine S. A., and his firm, Oleine S. A., were engaged in the import-export business in Zurich, Switzerland, and all acts hereinafter found to have been performed by Oleine S. A. were performed under the supervision and direction of respondent Bordin and, wherever reference is hereinafter made to Oleine S. A., such reference includes also the respondent Emilio F. Bordin.

2. At all times hereinafter mentioned, the respondents knew that goods exported from the United States were subject to export controls imposed thereon by the Government of the United States and that such controls were concerned with the ultimate destination and end use of goods so exported from the United States.

3. Heretofore and on or about the 14th day of June 1955, respondents ordered 670 bottles of Pfizer's tetracyn, valued at $14,941, from an exporter in the United States and, with respect to 335 bottles thereof, induced the sale and exportation thereof from the United States to them, upon the representation that and with the understanding that said 335 bottles of tetracyn were to be reshipped by the respondents to Israel.

4. In reliance upon said representation and believing that the said 335 bottles of tetracyn were being purchased by the respondents for reshipment of Israel, the American exporter did, on or about the 1st day of July 1955, export the same from the United States under general license GRO to the respondents who thereafter obtained control thereof, and transshipped them to the Communist sector of Berlin.

5. On or about the 21st day of December 1955, for the purpose of inducing an American producer's distributor in Belgium to sell to them 1,000 vials (intravenous) and 1,500 vials (capsules) of terramycin, valued at $8,450, respondents stated and represented to such distributor that the said terramycin was to be exported by them to a named customer in the Belgian Congo.

6. At the time that respondents made said representation, they knew that the said terramycin, prior thereto, had been exported from the United States.

7. The firm named by the respondents to the distributor as their customer for the said terramycin had never agreed to purchase such terramycin from the respondents.

8. The distributor thereafter, in compliance with said order, did deliver to the respondents the said terramycin and the said respondents, upon obtaining control thereof, loaded the same upon an airship for the purpose of leading the said distributor to believe that they in fact were shipping the same to the Belgian Congo.

9. During the course of the carriage of said terramycin, the respondents intercepted the same at a way station in the Netherlands and issued new instructions to the carrier, directing that it be diverted from the Belgian Congo to Bucharest, Rumania, and the same was thereafter transshipped to Rumania in accordance with said instructions.

10. Heretofore and on or about the 25th day of May 1956, the respondents stated and represented to an American manufacturer's distributor in Switzerland that they required a certain quantity of coal tar dyes for their own use.

11. At the time that they made such statement, they knew that the coal tar dyes being distributed by said distributor had been exported from the United States.

12. After some negotiations, the respondents agreed to increase their order to 25 kilograms, that being the quantity which the distributor had available for disposition in Antwerp, Belgium.

13. In reliance on respondents' representation that they required the said coal tar dyes for their own use, the distributor thereafter sold and delivered to them the said 25 kilograms of coal tar dyes. The respondents thereafter caused the same to be loaded aboard a Russian steamer bound for a Soviet Bloc destination.

14. Respondents did not seek nor were they granted permission from the Bureau of Foreign Commerce to transship any of the said commodities to the destinations to which they transshipped them, although such permission was necessary and known by the respondents to be necessary by reason of U. S. export controls affecting the said goods.

And, from the foregoing, the following are my conclusions:

A. That respondents knowingly made false and misleading representations and statements to and concealed material facts from exporters and suppliers of U. S. commodities for the purpose of obtaining goods exported from the United States and reexporting, transshipping, and diverting them in violation of § 381.5 of the Export Regulations.

B. That respondents bought, received, sold, disposed of, transported, and forwarded goods which had been exported from the United States, and caused the doing of such acts, knowing that with respect to such goods, a violation of the U. S. export control law, regulations, and licenses, had occurred, was about to and was intended to occur, in violation of § 381.4 of the Export Regulations.

C. That respondents, without the specific authorization of the Bureau of Foreign Commerce, knowingly disposed of, diverted, transshipped, and reexported U. S. commodities to unauthorized persons and destinations contrary to prior representations and contrary to the U. S. export control law, regulations and licenses, and caused the doing of such acts, in violation of §§ 371.4, 381.2, and 381.6 of the Export Regulations.

Extracts from the report of the Compliance Commissioner are:

> Oleine's answer, in effect, does not deny the representations and transshipments but alleges what in the law of pleading are known as defenses in avoidance. [It did] not present a detailed reply to the individual points of the charge because of the [alleged] prohibition of section 273, Swiss Penal Code, which, it says, "makes the communication of any industrial or business secret to a foreign government agency liable to punishment as an act of economic espionage on behalf of a foreign country," * * * I do not construe section 273 as prohibiting Oleine from answering as to its personal conduct as distinguished from the conduct of others. * * * The representations which it made [to its suppliers] disclosed the represented consignees and destinations and, to that extent, any confidentiality has been released by Oleine itself, and these charges require only that it prove, by rebutting the evidence herein, that it actually did what it said it was going to do when it obtained the goods or induced the sale thereof to it.
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> * * * * *
>
> [It argues] that a European cannot be expected to be familiar with all the American statutes governing a particular transaction nor can the American supplier be expected to incorporate in a contract all the export regulations. Oleine says that the most that can be expected is that there be a specifica-

tion of a particular destination, and it cites as the reason [or explanation] for this the vendor's own limitations to particular areas by reason of the agency arrangements under which the vendor himself is permitted to sell by his supplier. It argues, therefore, that this is not a matter of public law but is only a private contractual relationship which it believes can lead only to a breach of contract and not a violation of law. * * *

* * * As long ago as the Elaerts case (21 F. R. 5872, Aug. 7, 1956), we held that, although we are not concerned with an ordinary commercial breach of contract, where such breach of contract, in turn, results in a breach or violation of American law, it thereby becomes a breach of American law, and the party becomes subject to such remedies as this country may deem appropriate in the case. * * *

* * * Oleine says that here no * * * official statement was demanded nor was one furnished and, for that reason, it was justified in assuming that strategic materials were not involved and, therefore, the subject matter of the contract was not governed by American export regulations. * * *

This defense is, no doubt, prompted by the practice involving import certificates and end-use statements. However, this becomes only a question of degree because, assuming (what was not the fact) that no import certificates or end-use statements were required with respect to all the commodities here involved, Oleine was able to obtain them only upon making specific representations as to end use and destination. The mere fact that such statements were not clothed with the aura of a government document or a formally executed governmental form does not make the representations any the less effective. * * *

* * * It alleges that all the commodities involved were sold to it as "nonstrategic materials." Basically, whether or not the goods were strategic or nonstrategic materials is not relevant in this case. The relevant factor is that shipment or transshipment of these goods to Soviet Bloc destinations was prohibited unless expressly authorized by the Bureau of Foreign Commerce. * * * The fact that sales of terramycin and tetracyn might have been made to Yugoslavia, either by other American suppliers or by European firms, did not thereby justify sales to other Communist countries by Oleine, particularly when Oleine acquired the goods upon representations of destinations other than Communist countries. * * *

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* * * Whether or not, as is alleged, Yugoslavia continually imports terramycin and tetracyn from the United States, it is wholly irrelevant to the issue whether Oleine in this case made false representations, which is precisely what Oleine admits it did. While Oleine makes a notable emotional argument about the desirability of helping poor sufferers who by happenstance are under the heel of the Communists and about public declarations on the part of the United States that it was prepared to give aid to such suppressed nations, the argument is not sound. Such aid as the United States may decide to give is a matter within the sole determination of the United States and it is not for Oleine to take upon itself the giving of such aid in the name of or under the presumed but not justified theory that it is thereby implementing an announced policy of the United States.

• • • • •

I have given careful consideration to the answer submitted on behalf of the respondents and, while the defenses imposed by them are insufficient in law, these defenses indicate that the respondents, although knowing that their conduct was in violation of export control regulations of the United States, nevertheless might have believed, because they were not physically subject to the jurisdiction of the United States, and because the acts committed by them were not in violation of the laws of Switzerland, the place of their residence, that the enforcement procedures of this Government could not reach them. They are being furnished with a copy of this report, in which I have discussed in some detail all the arguments submitted on their behalf and tried to show why such arguments are not sufficient to avert the sanctions which this Government regards as necessary to attain effective enforcement of the law. In making the recommendation which I am about to make, I do so with the feeling and the hope that, when respondents understand the law as expressed in this report, they will conclude that the regulations affecting goods exported from the United States follow the goods so exported and are binding upon all persons obtaining control thereof. With that conclusion, it is my expectation and trust that they will thereafter abide by such regulations. For these reasons, it is my recommendation that they be denied export privileges so long as export controls are in effect but that such denial be immediately effective for one year only and that thereafter the respondents shall be placed on probation, upon the terms and conditions to be incorporated in the order which I shall submit herewith.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. Henceforth, and so long as exports from the United States shall be controlled, the respondents, Oleine S. A. and Emilio F. Bordin, be and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Upon condition that the respondents comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, commencing one year following the date hereof, they may engage in and enjoy all export privileges permitted by United States laws and regulations.

IV. The privileges conditionally restored to the respondents, under Part III hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondents, at any time following the date hereof, have knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part III hereof, they have been permitted to engage in any phase of the export business otherwise denied to them under Part I hereof.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall, on behalf of or in any association with the respondents, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, dispose of, finance, transport, or forward, any commodity heretofore or hereafter exported from the United States. Nor shall any such person do any of the foregoing acts with respect to any such commodity or exportation in which the respondents may have any interest of any kind or nature, direct or indirect.

Dated: April 3, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-2534; Filed, Apr. 7, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the University of Delaware, Newark, Delaware, under section 104c of the Atomic Energy Act of 1954, filed an application dated March 19, 1958, for a license to acquire, possess and operate on the University's campus a 100-milliwatt research reactor. The reactor is designated by the manufacturer, Aerojet-General Nucleonics, a Division of Aerojet-General Corporation, as Model AGN-201, Serial No. 113. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 1st day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of
Licensing and Regulation.

[F. R. Doc. 58-2532; Filed, Apr. 7, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9173]

DENVER-GRAND JUNCTION NONSTOP CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on April 28, 1958, at 10:00 a. m., m. s. t., in the United States District Courthouse, Grand Junction, Colorado, before Examiner William J. Madden.

Dated at Washington, D. C., April 1, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2559; Filed, Apr. 7, 1958; 8:49 a. m.]

[Docket No. 9185 et al.]

KANAB-PAGE-GLEN CANYON AREA INVESTIGATION

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding heretofore assigned to be held on April 22, 1958, is hereby reassigned to be held on April 23, 1958, at 10:00 a. m., m. s. t., in Room 307, Exchange Building, 32 Exchange Place, Salt Lake City, Utah, before Examiner William J. Madden.

Dated at Washington, D. C., April 1, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2560; Filed, Apr. 7, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6804]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

APRIL 1, 1958.

In the Notice of Application dated March 26, 1958, and published in the FEDERAL REGISTER on April 1, 1958 (23 F. R. 2131), on page 1, in the last sentence of paragraph 1 the words "proposed issuance unsubscribed" should be deleted and the words "entire proposed issuance" inserted therein.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2537; Filed, Apr. 7, 1958; 8:46 a. m.]

[Docket No. G-1705]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF PETITION FOR MODIFICATION

APRIL 2, 1958.

Take notice that on January 16, 1958, Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation having its principal place of business in Kansas City, Missouri, filed in Docket No. G-1705 a petition for modification of the certificate of public convenience and necessity granted to it by the Commission's Opinion No. 292 and accompanying order issued June 30, 1956 (15 FPC 46), so as to authorize operation of facilities actually constructed in lieu of those originally certificated, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The facilities involved herein are:

(1) *Anderson, Indiana, Lateral.* Panhandle was authorized to build 11 miles of 10-inch pipeline from its main line to the north side of Anderson and establish a new delivery point to Central Indiana Gas Company. Panhandle states that distribution system problems required the actual building of the lateral around Anderson to the original delivery point on the south side of the city and increasing the diameter to 12 inches. The actual cost was $556,767 compared to an estimated $335,420 for the authorized shorter, smaller lateral;

(2) *Fort Wayne, Indiana, Lateral.* Panhandle was authorized to replace 3.5 miles of looped 6-inch pipe with a like distance of looped 10-inch pipe for service to Northern Indiana Public Service Company to serve Fort Wayne, Indiana. Instead of the twin 10-inch pipelines, one 16-inch pipe was installed at a cost of $148,523, compared with the estimate of $171,289 for the authorized twin 10-inch lines; and

(3) *Winchester, Indiana, Lateral.* Panhandle was authorized to build a partial 6-inch loop on this lateral, 3.3 miles of loop out of a total length of 7.05 miles. To maintain adequate delivery pressure to Ohio Valley Gas Company for resale in Winchester, a complete loop was installed at a cost of $125,274 compared with the estimate of $63,860 for the authorized partial loop.

This matter should be disposed of as promptly as possible under the applicable rules and regulations of the Commission, and to that end:

Take further notice that protests or petitions to intervene herein may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 18, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2539; Filed, Apr. 7, 1958; 8:46 a. m.]

[Docket No. G-4991]

CARTER OIL CO.

ORDER REINSTATING APPLICATION AND ISSUING NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 1, 1958.

In the Order Reinstating Application and Issuing Notice of Application and Date of Hearing, issued March 25, 1958, and published in the FEDERAL REGISTER on March 29, 1958 (23 F. R. 2111-2), on page 1, line 2 of second paragraph the date "October 16, 1956" should be corrected to read "October 1, 1956"; and on page 2, line 3 of the finding paragraph and lines 1 and 2 of Ordering paragraph (A), the date "October 16, 1956" should be corrected to read "October 1, 1956".

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2538; Filed, Apr. 7, 1958; 8:46 a. m.]

[Docket Nos. G-14145, 14179]

JOHN F. ANDERSON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 2, 1958.

In the matters of John F. Anderson et al., Docket No. G-14145; Texas Illinois Natural Gas Pipeline Company, Docket No. G-14179.

Take notice that on January 6, 1958, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation, having its principal place of business in Chicago, Illinois, filed in Docket No. G-14179 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 3-inch tap on its existing 26-inch main transmission pipeline in Wharton County, Texas, and approximately 1½ miles of 4-inch lateral supply pipeline to extend from point of connection with the aforesaid proposed tap to a proposed meter station to be installed by Texas Illinois in the Menefee Field in Wharton County, Texas, in order to purchase and receive natural gas produced in said field by John F. Anderson, et al., subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission and open for public inspection.

On December 26, 1957, John F. Anderson, W. F. Cooke, Jr., and R. D. MacDonald, Jr. (Producer Applicants), independent producers, with a mailing address: Acco Oil & Gas Company, 665 San Jacinto Building, Houston, Texas, filed an application in Docket No. G-14145 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas produced from leases in the Menefee Field, Wharton County, Texas in interstate commerce to Texas Illinois for resale subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission, and open for public inspection.

The applications of Texas Illinois in Docket No. G-14179, and John F. Anderson, et al., in Docket No. G-14145 reflect that the proposals of the Applicants will enable Texas Illinois to purchase and receive additional volumes of natural gas for its system requirements. The estimated cost of Texas Illinois' proposed facilities is $38,700, and will be defrayed by Texas Illinois from funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 7, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2540; Filed, Apr. 7, 1958; 8:46 a. m.]

[Docket No. G-14422]

BLUE RIDGE GAS CO.

NOTICE OF APPLICATION

APRIL 2, 1958.

Take notice that Blue Ridge Gas Company (Applicant), an intrastate public utility, incorporated under the laws of Virginia, with its principal place of business in Harrisonburg, Virginia, filed an application on February 7, 1958, as supplemented on March 7, 1958, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Atlantic Seaboard Corporation (Atlantic Seaboard), to establish physical connection of its facilities with facilities proposed by Applicant and to sell and deliver to Applicant natural gas for distribution as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks an order directing Atlantic Seaboard to establish physical connection of its facilities with those which Applicant proposes to construct and sell and deliver to Applicant natural gas for distribution and resale in or near the cities of Harrisonburg, Timberville and Broadway, all in the state of Virginia. The application states that Applicant is presently operating a gas distribution system in the city of Harrisonburg, Virginia, serving propane-air gas to some 440 customers, and now desires to convert this distribution operation to natural gas, because of its economic advantages over the propane-air mixture which it is now selling, and in addition to initiate natural gas service in the communities of Broadway and Timberville. The application further states that initially, five industrial customers would also be served, primarily on an interruptible basis, from main line taps on Applicant's proposed transmission lines.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 18.0 miles of 6-inch transmission pipeline extending from a connection with Atlantic Seaboard's 24-inch main line in Rockingham County, Virginia, approximately 1½ miles south of New Market, Virginia, to the cities of Timberville and Broadway, and terminating in the city of Harrisonburg.

(2) Approximately 11.0 miles of 4-inch transmission pipeline from a connection with the above-mentioned 6-inch line on the outskirts of Harrisonburg, to the Harrisonburg Municipal Generating Plant at Montevideo, Virginia.

In addition, Applicant proposes to construct and operate distribution systems in Broadway and Timberville, and will utilize its existing propane-air distribution system in Harrisonburg, to render natural gas service in that city, after converting it for such use and enlarging it to include a greater service area in Harrisonburg. Applicant states that its proposed service area had a population of 35,079 in 1950, which is predominantly agricultural with growing food processing, chemical and other industries. Applicant estimates its natural gas requirements in Mcf as follows:

Type of service	1st year		2d year		3d year	
	Annual	Peak day	Annual	Peak day	Annual	Peak day
Residential	54,100	566	88,400	1,071	132,700	[illegible]
Commercial	22,300	198	26,900	231	30,100	[illegible]
Industrial	474,400	250	570,000	120	571,000	[illegible]
Other	15,000	50	15,000	50	15,800	[illegible]
Losses	22,632	43	28,012	59	29,984	[illegible]
Total	588,432	1,107	728,312	1,531	779,584	[illegible]

Applicant estimates the total capital cost of constructing its proposed facilities at $1,139,019 with additional investment in the second to fifth years of proposed operation to total $439,400. Applicant proposes to finance its project through the sale of $1,000,000 of 6 percent First Mortgage Bonds, $250,000 of 7 percent debentures, $150,000 of other securities and earnings over a five-year period.

Atlantic Seaboard on February 25, 1958, filed an answer to the application herein stating that its existing facilities have sufficient capacity to deliver the volumes of natural gas requested by Applicant, and that the service to Applicant would not adversely affect Atlantic Seaboard's gas supply or existing service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 24, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2541; Filed, Apr. 7, 1958; 8:46 a. m.]

[Docket No. G-14805]

D. E. LONDON ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 2, 1958.

D. E. London et al. (London), on March 3, 1958,[1] tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to London's FPC Gas Rate Schedule No. 1. Supplement No. 1 to London's FPC Gas Rate Schedule No. 2. Supplement No. 2 to London's FPC Gas Rate Schedule No. 4.

Effective date: April 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increases, London cites the contract price provision therefor and states, among other things, that the contracts resulted from good faith arm's-length negotiations; that the increased price does not exceed the current market price where produced, and the increases are necessary to protect against increasing costs and to provide a reasonable return on the investment.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 1 to London's FPC Gas Rate Schedule No. 1, Supplement No. 1 to London's FPC Gas Rate Schedule No. 2, and Supplement No. 2 to London's FPC Gas Rate Schedule No. 4, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to London's FPC Gas Rate Schedule No. 1, Supplement No. 1 to London's FPC Gas Rate Schedule No. 2, and Supplement No. 2 to London's FPC Gas Rate Schedule No. 4.

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[1] Filings completed on March 19, 1958.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2542; Filed, Apr. 7, 1958; 8:47 a. m.]

TARIFF COMMISSION

[Investigation 62]

UMBRELLA FRAMES

NOTICE OF HEARING IN CONNECTION WITH SUPPLEMENTAL INVESTIGATION

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on May 27, 1958, in connection with the investigation supplemental to Investigation No. 62 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to umbrella frames.

The Tariff Commission in its report of January 1958 to the President on escape-clause Investigation No. 62 under section 7 recommended the withdrawal of the tariff concession in the General Agreement on Tariffs and Trade (GATT) on "ribs and stretchers for umbrellas or parasols commonly carried in the hand when in use, composed wholly or in chief value of metal, in frames or otherwise (except those in frames valued over $4.00 per dozen frames), and tubes for such umbrellas, wholly or partly finished, provided for in paragraph 342 of the Tariff Act of 1930."

The President in his letter of March 12, 1958, to the Tariff Commission, which is set forth in the notice of the institution of the supplemental investigation (23 F. R. 1976), requested the Commission to submit a supplemental report including additional data on the industry's financial experience and the import pattern for the period ending March 31, 1958, and also including such other material as the Commissioners deem appropriate.

Requests to appear. All parties interested will be given an opportunity to be present, to produce evidence, and to be heard at the hearing. Parties desiring to appear at this hearing should notify the Secretary of the Tariff Commission in Washington, D. C., in writing, at least three days in advance of the date set for the hearing.

Issued: April 2, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-2548; Filed, Apr. 7, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

TEMPORARY AUTHORITIES BOARD

APRIL 2, 1958.

The Interstate Commerce Commission announces the amendment, effective March 28, 1958, of item 7.4 (a) of its Organization Minutes to read as follows:

7.4 *Temporary Authorities Board.* (a) Section 210a (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy; matters in which the decision of the Board would be inconsistent with an order of the Commission or a division; matters in which substantially the same question is already before the Commission or a division; and applications received as a result of strikes which allegedly disrupt transportation in the areas involved. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4 (d).

The effect of the amendment is to delete from the item as it formerly read the following text: "provided that any initial grant of temporary authority by the Temporary Authorities Board shall be limited to a period not exceeding 60 days, but may be continued by the Board, upon consideration of an appropriate petition, for a further period not to exceed an aggregate of 180 days."

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-2545; Filed, Apr. 7, 1958; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 3, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34588: *Soda ash—Michigan and Ohio points to Nashville, Tenn.* Filed by O. E. Schultz, Agent (ER No. 2427), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, carloads from Detroit and Wyandotte, Mich., Barberton, Fairport Harbor, Painesville, and Perry, Ohio to Nashville, Tenn.

Grounds for relief: Market competition with Baton Rouge, La.

Tariff: Supplement 83 to Agent H. R. Hinsch's tariff I. C. C. 4664.

FSA No. 34589: *Sea-land service, class rates, Pan-Atlantic S. S. Corp., between eastern and southwestern points.* Filed by Pan-Atlantic Steamship Corporation, Agent (No. 18), for interested carriers. Rates on various articles of freight on which class rates will be applied loaded in motor-truck trailers and transported aboard ship between specified points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island,, Vermont, Virginia, and West Virginia, including eastern ports served by Pan-Atlantic, on the one hands, and specified points in Louisiana and Texas, including Gulf ports served by the Pan-Atlantic, on the other, via water, motor-water, water-motor, and motor-water-motor routes.

Grounds for relief: All-rail, rail-water, water-rail, and rail-water-rail competition.

Tariffs: Pan-Atlantic Steamship Corporation's tariff I. C. C. 277. Pan-Atlantic Steamship Corporation's tariff I. C. C. 279.

FSA No. 34590: *Sea-land service, commodity rates, Pan-Atlantic S. S. Corp., between eastern and southwestern points.* Filed by Pan-Atlantic Steamship Corporation, Agent (No. 19), for interested carriers. Rates on various commodities described in exhibit A of the application loaded in motor-truck trailers and transported aboard ship between specified points in states in trunk-line and New England territories, including ports served by Pan-Atlantic, on the one hand, and specified points in Texas, including Texas ports served by Pan-Atlantic, on the other.

Grounds for relief: All-rail, rail-water, water-rail, and rail-water-rail competition.

Tariffs: Supplement 14 to Pan-Atlantic Steamship Corporation's tariff I. C. C. 257. Pan-Atlantic Steamship Corporation's tariff I. C. C. 279.

FSA No. 34591: *Sea-land service, class rates, Pan-Atlantic S. S. Corp., between eastern and southeastern points.* Filed by Pan-Atlantic Steamship Corporation, Agent (No. 20), for interested carriers. Rates on various articles of freight on which class rates will be applied loaded in motor-truck trailers and transported aboard ship between specified points in Maryland, New York, and Pennsylvania, including ports served by Pan-Atlantic, on the one hand, and specified points in Alabama, Florida, Louisiana (east of the Mississippi River), and Mississippi, including ports served by Pan-Atlantic, on the other.

Grounds for relief: All-rail, rail-water, water-rail, and rail-water-rail competition.

Tariffs: Pan-Atlantic Corporation's tariff I. C. C. 278. Pan-Atlantic Corporation's tariff I. C. C. 279.

FSA No. 34592: *Vegetables—Southeastern points to points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3636), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads from points in Alabama, Florida, Georgia, North Carolina, and South Carolina, and to points grouped therewith in National Rate Basis tariff to points in southern territory and Ohio and Mississippi River points, named in exhibit A of the application.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariff: Supplement 21 to Agent C. A. Spaninger's tariff I. C. C. 1558.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2543; Filed, Apr. 7, 1958; 8:47 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 70

Washington, Wednesday, April 9, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 430—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

The U. S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year. April 1958 through March 1959, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein.

§ 430.200 *Price support program for milk and butterfat.* (a) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1958 through March 31, 1959 at $3.06 per hundredweight for manufacturing milk of yearly average butterfat content (approximately 3.9 percent) and 56.6 cents per pound of butterfat.

(b) (1) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk and Cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announcements issued by the Livestock and Dairy Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. CCC will consider offers of such products at the following prices:

Commodity and location	*Price per pound*
Butter:	
U. S. Grade A or higher:	
New York, N. Y., Jersey City, N. J., and Newark	$0.5875
Chicago, Ill	.5775
Seattle, Wash., and San Francisco, Calif	.5800
California	.5800
Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine	.5875
Arizona, New Mexico, Texas and Louisiana, Mississippi, Alabama, Georgia, Florida and South Carolina	.5775
U. S. Grade B	[1]
Cheddar cheese (standard moisture basis)	$0.3275
Nonfat dry milk:	
Spray process:	
Barrels and drums	.1425
Bags	.1340
Roller process:	
Barrels and drums	.1225
Bags	.1140

(2) Offers to sell butter at any locations not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad cargo freight rate per pound gross weight in effect when the offer is accepted from such point to such designated market.

(3) For cheese offered on a "dry" basis the price per pound shall be that indicated below, according to the percentage of moisture.

Percent moisture:	*Price*
37.3–37.7	$0.3356
36.8–37.2	.3382
36.3–36.7	.3409
35.8–36.2	.3436
35.3–35.7	.3463
34.8–35.2	.3490
34.3–34.7	.3517
33.8–34.2	.3543
33.3–33.7	.3570
32.8–33.2	.3597

(c) The butter shall be creamery butter of U. S. Grade B or higher. The nonfat dry milk shall be U. S. Extra Grade (except that maximum moisture content shall be 3½ percent and the direct microscopic clump bacteria count shall be not more than 300 million per gram as determined by U. S. Department of Agriculture test). The Cheddar cheese shall be U. S. Grade A or higher.

(d) The foregoing purchase prices apply to bulk butter, Cheddar cheese and nonfat dry milk packaged in accordance with specifications set forth in announcements issued by the Department of Agriculture. Purchases at the foregoing prices may be made in other bulk containers specifically approved by the Director, Livestock and Dairy Division, or the CSS Commodity Office, Commodity Stabilization Service, provided CCC, at the time of offer, has an outlet for an

(Continued on next page)

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[1] $0.02 less than U. S. Grade A price.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 32, Parts 700–799 ($0.60)

Title 43 ($0.70)

Title 49, Part 165 to end ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

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equivalent quantity of the product in the container offered. Products in containers, other than bulk containers, may be purchased at prices determined by competitive bids or at prices stated in the respective purchase announcements for such other packaging.

(e) The products purchased shall be produced and located in the continental

United States. Purchases will be made in carlots. Grades and weights shall be evidenced by inspection certificates issued by the U. S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052, as amended; 15 U. S. C. 714c, 70 U. S. C. 1446)

Issued this 3d day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-2592; Filed, Apr. 8, 1958; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg D]

PART 204—RESERVES OF MEMBER BANKS

REQUIRED RESERVES TO BE MAINTAINED BY MEMBER BANKS WITH FEDERAL RESERVE BANKS

1. Effective as to member banks not in reserve and central reserve cities at opening of business on April 1, 1958, and as to member banks in reserve and central reserve cities at opening of business on March 20, 1958, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 *Supplement: Reserves required to be maintained by member banks with Federal Reserve Banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and paragraph (a) of § 204.2, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(a) If not in a reserve or central reserve city:

(1) 5 percent of its time deposits, plus

(2) 11 percent of its net demand deposits.

(b) If in a reserve city (except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) of this section:

(1) 5 percent of its time deposits, plus

(2) 17 percent of its net demand deposits.

(c) If in a central reserve city (except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) or (b) of this section:

(1) 5 percent of its time deposits, plus

(2) 19 percent of its net demand deposits.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act with primary regard to the general credit and business situation. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment reducing reserve balances of member banks of the Federal Reserve System for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's Rules of Procedure (Part 262), and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a-1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM.
S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-2580; Filed, Apr. 8, 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 141, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 914.441 (Navel Orange Regulation 141, 23 F. R. 2095) are hereby amended to read as follows:

(ii) District 2: Unlimited movement.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 4, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2591; Filed, Apr. 8, 1958; 8:50 a. m.]

[Valencia Orange Reg. 129, Amdt. 2]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (iii) of § 922.429 (Valencia Orange Regulation 129, 23 F. R. 2096, 2242) are hereby further amended to read as follows:

(i) District 1: Unlimited movement;

(iii) District 3: Unlimited movement.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 4, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2602; Filed, Apr. 8, 1958; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 5]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Ephrata, Wash., omnirange station;" to read: "Ephrata, Wash., omnirange station, including a north alternate from the Seattle omnirange station direct to the Ephrata omnirange station;" and by changing the portion which reads: "Mullan Pass, Mont., omnirange station;" to read: "Mullan Pass, Mont., omnirange station, including a north alternate via the intersection of the Spokane omnirange 070° and the Mullan Pass omnirange 291° radials;" and by changing the portion which reads: "Billings, Mont., omnirange station;" to read: "Billings, Mont., omnirange station, including a north alternate from the Helena omnirange station to the Billings omnirange station via the intersection of the Helena omnirange 089° and the Billings omnigrange 301° radials;".

2. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Florence, S. C., omnirange station, including an east alternate; Lumberton, N. C., omnirange station; Raleigh, N. C., omnirange station, including a west alternate from the Florence omnirange station to the Raleigh omnirange station via the intersection of the Florence omnirange 008° True and the Raleigh omnirange 232° True radials;" to read: "Florence, S. C., omnirange station, including an east alternate; intersection of the Florence omnirange 054° and the Raleigh omnirange 198° radials; Raleigh, N. C., omnirange station, including a west alternate from the Florence omnirange station to the Raleigh omnirange station via the intersection of the Florence omnirange 008° and the Raleigh omnirange 232° radials;".

3. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Cross City, Fla., omnirange station; Tallahassee, Fla., omnirange station; Marianna, Fla., omnirange station, including a west alternate from the Cross City omnirange station to the Marianna omnirange station via the intersection of the Cross City omnirange 287° True and the Marianna omnirange 141° True radials;" to read: "Cross City, Fla., omnirange station; intersection of the Cross City omnirange 316° and the Tallahassee omnirange 132° radials; Tallahassee, Fla., omnirange station; intersection of the Tallahassee omnirange 267° and the Marianna omnirange 118° radials; Marianna, Fla., omnirange station, including a west alternate from the Cross City omnirange station to the Marianna omnirange station via the intersection of the Cross City omnirange 287° and the Marianna omnirange 141° radials;" and by changing the last sentence to read: "The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB restricted area (R-336) are excluded during this restricted area's time of designation."

4. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: "Lewistown, Mont., omnirange station to the Great Falls, Mont., omnirange station." to read: "Lewistown, Mont., omnirange station, including a west alternate from the Billings omnirange direct to the Lewistown omnirange station; to the Great Falls, Mont., omnirange station."

5. Section 600.6022 is amended to read:

§ 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.).* From the New Orleans, La., omnirange station via the Pensacola (Saufley Field), Fla., omnirange station; intersection of the Pensacola (Saufley Field) omnirange 039° and the Crestview omnirange 260° radials; Crestview, Fla., omnirange station; Marianna, Fla., omnirange station; intersection of the Marianna omnirange 118° and the Tallahassee omnirange 267° radials; Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including a north alternate from the Marianna omnirange station to the Jacksonville omnirange station via the point of intersection of the Marianna omnirange 093° and the Albany, Ga., omnirange 152° radials and the point of intersection of the Valdosta, Ga., omnirange 233° and the Cross City omnirange 333° radials. The portion of this airway above 19,000 feet above mean sea level which lies beneath, and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB restricted area (R-336) are excluded during this restricted area's time of designation. The portions of this airway, below 2,000 feet above mean sea level, which lie within the Pensacola caution area (C-448) are excluded.

6. Section 600.6035 *VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.)* is amended by changing all before the Albany, Ga., omnirange station to read: "From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 276° and the Fort Myers omnirange 142° radials; Fort Myers, Fla., omnirange station; Tampa, Fla., omnirange station; Cross City, Fla., omnirange station, including an east alternate from the point of intersection of the Tampa omnirange 153° radial and the Tampa International Airport ILS localizer south course to the Cross City omnirange station via the Tampa International Airport ILS localizer, the intersection of the Tampa International Airport ILS localizer north course and the Gainesville omnirange 190° radial, and the Gainesville, Fla., omnirange station; intersection of the Cross City omnirange 316° and the Tallahassee omnirange 132° radials; Tallahassee, Fla., omnirange station; Albany, Ga., omnirange station, including an east alternate via the intersection of the Tallahassee omnirange 010° and the Albany omnirange 152° radials;" and by changing the last sentence to read: "The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB restricted area (R-336) are excluded during this restricted area's time of designation."

7. Section 600.6045 *VOR civil airway No. 45 (New Bern, N. C., to Saginaw, Mich.)* is amended by changing the portion which reads: "Pulaski, Va., omnirange station; to the Charleston, W. Va., omnirange station." to read: "Pulaski, Va., omnirange station; intersection of the Pulaski omnirange 300° and the Beckley, W. Va., omnirange 187° radials; to the Charleston, W. Va., omnirange station."

8. Section 600.6059 is amended to read:

§ 600.6059 *VOR civil airway No. 59 (Pulaski, Va., to Cleveland, Ohio).* From the Pulaski, Va., omnirange station via the Beckley, W. Va., omnirange station, Parkersburg, W. Va., omnirange station; Newcomerstown, Ohio, omnirange station; point of intersection of the Tiverton, Ohio, omnirange direct radial to the Youngstown, Ohio, omnirange station with the Mansfield, Ohio, omnirange 100° radial; to the Cleveland, Ohio, omnirange station.

9. Section 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.)* is amended by changing the portion which reads: "to the Las Vegas, Nev., omnirange station." to read: "to the Las Vegas, Nev., omnirange station, including a west alternate."

10. Section 600.6133 *VOR civil airway No. 133 (Charlotte, N. C., to Traverse City, Mich.)* is amended by changing all before the Zanesville, Ohio, omnirange station to read: "From the Charlotte, N. C., omnirange station via the Hickory, N. C., omnirange station; Charleston,

W. Va., omnirange station; Zanesville, Ohio, omnirange station;".

11. Section 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Ukiah, Calif.)* is amended by changing the last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tomales Point restricted area (R-519) is excluded during this restricted area's time of designation.

12. Section 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.)* is amended by changing the portion which reads: "point of intersection of the Tallahassee, Fla., omnirange 091° True and the Cross City, Fla., omnirange 333° True radials;" to read: "point of intersection of the Cross City, Fla., omnirange 333° and the Valdosta, Ga., omnirange 233° radials;".

13. Section 600.6187 is amended to read:

§ 600.6187 *VOR civil airway No. 187 (Albuquerque, N. Mex., to Rock Springs, Wyo.)*. From the Albuquerque, N. Mex., omnirange station to the Farmington, N. Mex., omnirange station. From the Grand Junction, Colo., omnirange station to the Rock Springs, Wyo., omnirange station.

14. Section 600.6198 is amended by changing the caption to read: "*VOR civil airway No. 198 (San Simon, Ariz., to Galveston, Tex.)*" and by changing all before the Hudspeth, Tex., omnirange station to read: "From the San Simon, Ariz., omnirange station via the point of intersection of the San Simon omnirange 124° radial with the Cochise, Ariz., omnirange direct radial to the Columbus, N. Mex., omnirange station; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station; intersection of the El Paso omnirange 132° and the Hudspeth omnirange 272° radials; Hudspeth, Tex., omnirange station;".

15. Section 600.6258 is amended to read:

§ 600.6258 *VOR civil airway No. 258 (Charleston, W. Va., to Roanoke, Va.)*. From the Charleston, W. Va., omnirange station via the Beckley, W. Va., omnirange station; Roanoke, Va., terminal omnirange station; to the point of intersection of the Greensboro, N. C., omnirange direct radial to the Montebello, Va., omnirange station with the South Boston, Va., omnirange 298° radial.

16. Section 600.6260 is amended to read:

§ 600.6260 *VOR civil airway No. 260 (Charleston, W. Va., to Roanoke, Va.)* From the Charleston, W. Va., omnirange station via the Rainelle, W. Va., omnirange station; to the Roanoke, Va., terminal omnirange station.

17. Section 600.6261 is amended to read:

§ 600.6261 *VOR civil airway No. 261 (Pulaski, Va., to Beckley, W. Va.)*. From the Pulaski, Va., omnirange station to the Beckley, W. Va., omnirange station.

18. Section 600.6290 is added to read:

§ 600.6290 *VOR civil airway No. 290 (Charleston, W. Va., to Montebello, Va.)*. From the Charleston, W. Va., omnirange station via the Rainelle, W. Va., omnirange station; to the Montebello, Va., omnirange station.

19. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "point of intersection of the Colts Neck, N. J., omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 042° True and the Norwich omnirange 224° True radials; Norwich, Conn., omnirange station;" to read: "point of intersection of the Colts Neck, N. J., omnirange 103° True and the Riverhead omnirange 218° True radials; Riverhead, N. Y., omnirange station; Norwich, Conn., omnirange station;".

20. Section 600.6046 is amended to read:

§ 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.)*. From the point of intersection of the Riverhead omnirange 264° and the Wilton, Conn., omnirange 195° radials via the Riverhead, N. Y., omnirange station; Hampton, N. Y., omnirange station; intersection of the Hampton omnirange 83° and the Norwich, Conn., omnirange 127° radials; to the Nantucket, Mass., omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Montauk Point restricted area (R-487) and the Montauk Point Warning Area (W-487) shall not be used by aircraft during the designated time of use of this restricted area and this warning area unless prior approval is obtained from the Civil Aeronautics Administration Air Traffic Control.

21. Section 600.6404 *Hawaiian VOR civil airway No. 4* is amended by changing the portion which reads: "From the point of intersection of the Lihue, Kauai, T. H., omnirange 186° True and the Honolulu omnirange 246° True radials via the Honolulu, Oahu, T. H., omnirange station, including a north alternate from the point of intersection of the Lihue omnirange 189° True and the Honolulu omnirange 261° True radials to the Honolulu omnirange station;" to read: "From the point of intersection of the Lihue, Kauai, T. H., omnirange 186° and the Honolulu omnirange 246° radials via the Honolulu, Oahu, T. H., omnirange station;".

22. Section 600.6412 is added to read:

§ 600.6412 *Hawaiian VOR civil airway No. 12.* From the point of intersection of the Lihue, Kauai, T. H., omnirange 189° and the Honolulu omnirange 261° radials to the Honolulu, Oahu, T. H., omnirange station.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., May 8, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 2, 1958.

[F. R. Doc. 58-2571; Filed, Apr. 8, 1958; 8:46 a. m.]

[Amdt. 6]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to provide 15° separation between the main and alternate airways at the Corona, N. Mex., omnirange station. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing the portion which reads: "Roswell, N. Mex., omnirange station, including a north alternate via the intersection of the Corona omnirange 125° True and the Roswell omnirange 335° True radials;" to read: "Roswell, N. Mex., omnirange station, including a north alternate;"

2. Section 600.6083 *VOR civil airway No. 83 (Carlsbad, N. Mex., to Pueblo, Colo.)* is amended by changing the portion which reads: "Corona, N. Mex., omnirange station, including an east alternate via the intersection of the Roswell omnirange 335° True and the Corona omnirange 125° True radials;" to read: "Corona, N. Mex., omnirange station, including an east alternate;".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 2, 1958.

[F. R. Doc. 58-2569; Filed, Apr. 8, 1958; 8:46 a. m.]

[Amdt. 5]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1013 *Control area extension (Fort Myers, Fla.)* is amended by changing the words which read: "from

Blue civil airway No. 1" to read: "from the eastern edge of Blue civil airway No. 1."

2. Section 601.1046 *Control area extension (Falfurrias, Tex.)* is amended by changing the words which read: "extending from the Falfurrias nondirectional radio beacon to a point 35 miles southwest of the nondirectional radio beacon." to read: "extending from the western boundary of VOR civil airway No. 68 to a point 35 miles southwest of the Falfurrias nondirectional radio beacon."

3. Section 601.1106 *Control area extension (Whidbey Island, Wash.)* is amended by changing the words which read: "excluding the airspace below 20,000 feet MSL which overlaps restricted areas R-231, R-232, R-233, R-234 and R-235." to read: "excluding the portions which lie within the geographic limits of, and between the designated altitudes of, restricted areas R-231, R-232, R-233, R234, and R-235 during their times of designation."

4. Section 601.1125 is amended to read:

§ 601.1125 *Control area extension (Tallahassee, Fla.).* The airspace bounded on the north by VOR civil airway No. 22N, on the east by VOR civil airway No. 159W, and on the south and southwest by VOR civil airway No. 7W. The portion of this control area extension above 19,000 feet MSL which lies beneath and also the portion which lies within the geographic limits of, and between the designated altitudes of, the Tyndall restricted area (R-336) are excluded during this restricted area's time of designation.

5. Section 601.1140 *Control area extension (Youngstown, Ohio)* is amended by changing the words which read: "on the south by Red civil airway No. 85" to read: "on the south by VOR civil airway No. 250".

6. Section 601.1173 *Control area extension (San Francisco, Calif.)* is amended in last sentence by changing the words "daily" to read: "Monday through Friday," wherever they appear.

7. Section 601.1320 *Control area extension (Cross City, Fla.)* is amended by changing the words which read: "to the eastern boundary of VOR civil airway Nos. 35 and 97." to read: "to the eastern boundary of VOR civil airway No. 97."

8. Section 601.1328 *Control area extension (Oxnard, Calif.)* is amended by changing the portion which reads: "excluding the airspace below 4000 feet MSL lying within the Santa Cruz Island warning area (W-412)." to read: "excluding the airspace below 3000 feet MSL lying within the Santa Cruz warning area (W-412) during daylight hours."

9. Section 601.1357 is amended to read:

§ 601.1357 *Control area extension (Fallon, Nev.).* Within a 10-mile radius of the Fallon, Nev., radio range station and within 5 miles either side of the north course of the Fallon radio range extending from the radio range station to a point 25 miles north, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, restricted area R-268 during the restricted area's time of designation.

10. Section 601.1369 *Control area extension (Myrtle Beach, S. C.)* is amended by deleting the words which read: "excluding the portion which overlaps restricted area (R-515)."

11. Section 601.2018 is amended to read:

§ 601.2018 *Portland, Maine, control zone.* Within a 5-mile radius of the Portland Municipal Airport, within 2 miles either side of the northwest course of the Portland radio range extending from the radio range station to a point 5 miles northwest, and within 2 miles either side of the Portland ILS localizer course extending from the localizer to a point 5 miles beyond the ILS outer marker.

12. Section 601.2089 *Cleveland, Ohio, control zone* is amended by changing the name "Cleveland Municipal Airport" to read: "Cleveland-Hopkins Airport".

13. Section 601.2162 *Orlando, Fla., control zone* is amended by changing the name "Pinecastle AFB" to read: "McCoy AFB" wherever it appears.

14. Section 601.2167 is amended to read:

§ 601.2167 *Tallahassee, Fla., control zone.* Within a 5-mile radius of Dale Mabry Field and within 2 miles either side of the northwest course of the Tallahassee radio range extending from the radio range station to a point 10 miles northwest. The portion of this control zone above 19,000 feet MSL which lies beneath and also the portion which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB restricted area (R-336) are excluded during the restricted area's time of designation.

15. Section 601.2168 *Tampa, Fla., control zone* is amended by changing the name "Pinellas County Airport" to read: "St. Petersburg-Clearwater International Airport" wherever it appears.

16. Section 601.2213 *Salina, Kans., control zone* is amended by changing the name "Smoky Hill AFB" to read: "Schilling AFB" wherever it appears.

17. Section 601.2231 is amended to read:

§ 601.2231 *Vero Beach, Fla., control zone.* Within a 5-mile radius of Vero Beach Municipal Airport and within 2 miles either side of a line bearing 291° True extending from the Vero Beach nondirectional radio beacon to a point 10 miles west.

18. Section 601.2345 *Calverton, N. Y., control zone* is amended by changing the words: "and within 2 miles either side of a line bearing 46° true from the airport to a point 10 miles northeast of the Riverhead omnirange station" to read: "and within 2 miles either side of the 86° True radial of the Riverhead omnirange extending from the omnirange station to the 5-mile radius zone,".

19. Section 601.6002 is amended to read:

§ 601.6002 *VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.)* All of VOR airway No. 2 including north and south alternates, but excluding the airspace between the main airway and its north alternate between the Seattle, Wash., omnirange station and the Ephrata, Wash., omnirange station and also excluding the airspace between the main airway and its north alternate between the Helena, Mont., omnirange station and the Billings, Mont., omnirange station.

20. Section 601.6019 is amended to read:

§ 601.6019 *VOR civil airway No. 19 control areas (El Paso, Tex., to Great Falls, Mont.).* All of VOR civil airway No. 19 including east alternates and a west alternate.

21. Section 601.6046 is amended to read:

§ 601.6046 *VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).* All of VOR civil airway No. 46, but excluding the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

22. Section 601.6059 is amended to read:

§ 601.6059 *VOR civil airway No. 59 control areas (Pulaski, Va., to Cleveland, Ohio).* All of VOR civil airway No. 59.

23. Section 601.6105 is amended to read:

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 105 including a west alternate.

24. Section 601.6187 is amended to read:

§ 601.6187 *VOR civil airway No. 187 control areas (Albuquerque, N. Mex., to Rock Springs, Wyo.).* All of VOR civil airway No. 187.

25. Section 601.6198 is amended to read:

§ 601.6198 *VOR civil airway No. 198 control areas (San Simon, Ariz., to Galveston, Tex.).* All of VOR civil airway No. 198.

26. Section 601.6261 is amended to read:

§ 601.6261 *VOR civil airway No. 261 control areas (Pulaski, Va., to Beckley, W. Va.).* All of VOR civil airway No. 261.

27. Section 601.6290 is added to read:

§ 601.6290 *VOR civil airway No. 290 control areas (Charleston, W. Va., to Montebello, Va.).* All of VOR civil airway No. 290.

28. Section 601.6404 is amended to read:

§ 601.6404 *Hawaiian VOR civil airway No. 4 control areas.* All of Hawaiian VOR civil airway No. 4.

29. Section 601.6412 is added to read:

§ 601.6412 *Hawaiian VOR civil airway No. 12 control areas.* All of Hawaiian VOR civil airway No. 12.

30. Section 601.7001 VOR domestic reporting points is amended by changing the following reporting points to read:

[illegible] Intersection: The intersection of the Honolulu, Oahu, T. H., omnirange 061° True (060° M) and the Molokai, T. H., omnirange 314° True (303° M) radials.

[illegible] Intersection: The intersection of the Cross City, Fla., omnirange 242° True (240° M) and the Tallahassee, Fla., omnirange 154° True (152° M) radials.

Greenville Intersection: The intersection of the Tallahassee, Fla., omnirange 091° True ([illegible]° M); the Valdosta, Ga., omnirange 233° True (231° M), and the Cross City, Fla., omnirange 333° True (331° M) radials.

and by revoking the following reporting point:

Lumberton, N. C., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., May 8, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 2, 1958.

[F. R. Doc. 58-2572; Filed, Apr. 8, 1958; 8:47 a. m.]

[Amdt. 6]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and control zone alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1425 is added to read:

§ 601.1425 *Control area extension (Alpena, Mich.).* The airspace bounded by lines beginning at a point at latitude 45°28'00'', longitude 83°30'00'', thence extending to a point at latitude 45°16' [illegible]'', longitude 83°11'25'', thence to a point at latitude 44°42'00'', longitude 83°32'30'', thence to a point at latitude 44°33'00'', longitude 84°11'30'', thence to the point of beginning shall be designated a control area extension during the period beginning at 0001 e. s. t., June 1 to 0001 e. s. t., September 1, 1958, and annually thereafter.

2. Section 601.1429 is added to read:

§ 601.1429 *Control area extension (Camp Douglas, Wis.).* The airspace within a 30-mile radius of Volk Field, Camp Douglas, Wis., north of latitude 43°39'00'', excluding the portion below 2,000 ft., within restricted area R-200 and excluding the portion below 12,000 ft., within restricted area R-468, shall be designated a control area extension during the period beginning at 0001 c. s. t., June 1 to 0001 c. s. t., September 1, 1958, and annually thereafter.

3. Section 601.1453 is added to read:

§ 601.1453 *Control area extension (Marquette, Mich.).* The airspace within a 35-mile radius of the K. I. Sawyer Air Force Base, Marquette, Mich., shall be designated a control area extension during the period beginning at 0001 c. s. t., May 1, 1958, to 2400 c. s. t., November 30, 1958.

4. Section 601.2344 is added to read:

§ 601.2344 *Gulfport, Miss., control zone.* The airspace within a 3-mile radius of the Gulfport Municipal Airport and within 3 miles either side of a direct line extending from the Gulfport Municipal Airport to the Keesler Air Force Base, Biloxi, Miss., excluding the portion which overlaps the Biloxi, Miss., control zone, shall be designated a control zone during the period beginning at 0001 c. s. t., June 1 to 2400 c. s. t., September 15, 1958, and annually thereafter.

5. Section 601.2407 is added to read:

§ 601.2407 *Alpena, Mich., control zone.* The airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich., and within 2 miles either side of lines bearing 005° True and 185° True from the Alpena (APN) nondirectional radio beacon extending from the 5-mile radius zone to a point 5 miles north of the nondirectional radio beacon shall be designated a control zone during the period beginning at 0001 e. s. t., June 1 to 0001 e. s. t., September 1, 1958, and annually thereafter.

6. Section 601.2408 is added to read:

§ 601.2408 *Camp Douglas, Wis., control zone.* The airspace within a 5-mile radius of Volk Field, Camp Douglas, Wis., and within 2 miles either side of lines bearing 90° True and 270° True from the Volk Field (CWM) nondirectional radio beacon extending from the 5-mile radius zone to a point 12 miles east of the nondirectional radio beacon shall be designated a control zone during the period beginning at 0001 c. s. t., June 1 to 0001 c. s. t., September 1, 1958, and annually thereafter.

7. Section 601.2424 is added to read:

§ 601.2424 *Marquette, Mich., control zone.* The airspace within a 5-mile radius of the K. I. Sawyer Air Force Base and within 2 miles either side of the 190° True and 10° True radials of the terminal omnirange extending from the terminal omnirange station to points 8 miles north and 15 miles south of the center of the airport shall be designated a control zone during the period beginning at 0001 c. s. t., May 1, 1958, to 2400 c. s. t., November 30, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 2, 1958.

[F. R. Doc. 58-2570; Filed, Apr. 8, 1958; 8:46 a. m.]

[Amdt. 220]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.12, the Fort Huachuca, Arizona, area (R-181) amended September 11, 1957 in 22 F. R. 7225 is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Fort Huachuca, Ariz., Restricted Area (R-181) (Douglas).	Beginning at latitude 31°34'40'', longitude 110°00'00''; thence to latitude 31°29'00'', longitude 110°00'00''; thence to latitude 31°29'00'', longitude 110°18'00''; thence to latitude 31°23'45'', longitude 110°18'00''; thence to latitude 31°23'45'', longitude 110°39'00''; thence to latitude 31°38'30'', longitude 110°46'10''; thence to latitude 31°38'30'', longitude 110°39'30''; thence to latitude 31°41'00'', longitude 110°33'30''; thence to latitude 31°41'00'', longitude 110°16'30''; thence to latitude 31°41'40'', longitude 110°15'00''; thence to latitude 31°41'40'', longitude 110°13'30''; thence to point of beginning.	Surface to 35,000 feet MSL.	Unlimited...	Headquarters U. S. Army Electronic Proving Ground, Fort Huachuca, Ariz.

This amendment shall become effective on May 2, 1958.

2. Section 608.36, the Fallon, Nevada, area (R-268) amended December 30, 1955, in 20 F. R. 10111 is further amended by changing the "Designated Altitudes" column to read: "to 30,000 feet", and the "Time of Designation" column to read: "Continuous except Sunday".

This amendment shall become effective on May 8, 1958.

3. Section 608.48, the Myrtle Beach, South Carolina, area (R-515) amended April 10, 1957, in 22 F. R. 2359 is rescinded.

This amendment shall become effective on May 8, 1958.

4. Section 608.51, the Matagorda Island, Texas, area (R-226) amended

March 6, 1956, in 21 F. R. 1439 is redesignated as follows:

Beginning at latitude 28°15′20″, longitude 96°26′50″; latitude 28°18′55″, longitude 96°27′45″; latitude 28°20′55″, longitude 96°29′15″; latitude 28°12′00″, longitude 96°46′00″; latitude 28°07′00″, longitude 96°42′00″; thence parallel to and 2 nautical miles from the shoreline to the point of beginning.

This amendment shall become effective on May 2, 1958.

5. Section 608.55, the Admiralty Inlet, Washington, area (R-231) amended October 31, 1951, in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "to 10,000 feet".

This amendment shall become effective on May 8, 1958.

6. Section 608.55, the Rosario Strait, Washington, area (R-232) amended October 31, 1951, in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "to 10,000 feet".

This amendment shall become effective on May 8, 1958.

7. Section 608.55, the Waldron Island, Washington, area (R-234) amended October 31, 1951, in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "to 10,000 feet".

This amendment shall become effective on May 8, 1958.

8. Section 608.55, the Saratoga Passage, Washington, area (R-235) amended October 31, 1951, in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "to 10,000 feet".

This amendment shall become effective on May 8, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 2, 1958.

[F. R. Doc. 58-2573; Filed, Apr. 8, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26) are amended by adding to § 146.26 (b) the following new subparagraph:

§ 146.26 *Animal feed containing penicillin.* * * *
(b) * * *

(35) It is intended for use solely as an aid in the prevention of coccidiosis and as an aid in stimulating growth in chicken flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 5 days before the treated chickens are slaughtered for human consumption; and it contains in a quantity, by weight of feed, 0.03 percent acetyl (paranitrophenyl) sulfanilamide, 0.025 percent 3,5-dinitrobenzamide, and 0.005 percent 3-nitro-4-hydroxyphenylarsonic acid; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 52 Stat. 1050, as amended, 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: April 2, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2593; Filed, Apr. 8, 1958; 8:51 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26) area amended by adding to § 146.26 (b) the following new subparagraph:

§ 146.26 *Animal feed containing penicillin.* * * *
(b) * * *

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of labeling of such drug, or the methods used in its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: April 2, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2594; Filed, Apr. 8, 1958; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

MISCELLANEOUS AMENDMENTS

1. In § 582.1, amend paragraph (a) (2) and (3), amend paragraph (b) (1) (ii), add paragraph (b) (1) (iv), amend paragraphs (b) (2) (ii), (d), (f), and (g), to read as follows:

§ 582.1 *Discharge because of minority*—(a) *Authority.* * * *

(2) The act of June 28, 1947 (61 Stat. 191; 10 U. S. C. 3816) provides that no male person under the age of 18 years shall be enlisted in the Regular Army without the written consent of his parents or guardian, if any. In the event such an individual has been enlisted or inducted, it is further provided that the Secretary of the Army shall, upon application of parent or guardian, discharge him from the military service with pay and with the form of discharge certificate to which his service shall entitle him. However, until such application is made, an individual who enlisted under the age of 17 and who has attained the age of 17 but has not yet reached the age of 18 years may be discharged or retained in the service in accordance with paragraph (b) (1) (ii) of this section. Those under the age of 17 at the date of enlistment and who have not yet reached the age of 17 years will be released from the control and custody of the Army in accordance with paragraph (b) (1) (iv) of this section.

(3) Enlisted members of the Army National Guard of the United States and the Army Reserve who enlisted at the age of 17 without the consent of parents or guardian will be discharged because of minority unless parental consent was obtained prior to entry into the active military service. Those under the age of 17 at the date of enlistment and who have not yet reached the age of 17 years will be released from the control and custody of the Army in accordance with paragraph (b) (1) (iv) of this section. Those under the age of 17 at the date of enlistment and who have attained the age of 17 years but have not yet reached the age of 18 years may be discharged or retained in service in accordance with paragraph (b) (1) (ii) of this section. No enlisted man will be discharged for minority after reaching his 18th birthday.

* * * * *

(b) *Application of laws*—(1) *Enlisted men (i. e., all male personnel serving in enlisted grades).* * * *

(ii) Unless under charges or in confinement for a serious offense as set forth in paragraph (e) of this section, an enlisted man who was under 17 years of age at the time of enlistment and who has attained the age of 17 but has not reached the age of 18 years may be discharged upon receipt of satisfactory evidence as to the date of his birth, regardless of whether he enlisted with or without the consent of his parents or guardian, if any. However, such enlisted man may, upon recommendation of his immediate commanding officer, be retained in service at the option of the Secretary of the Army, unless application for his discharge is made by his parents or guardian, if any, in accordance with subdivision (iii) of this subparagraph. Requests for retention in service, with appropriate documentation and recommendations, will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPO-XD, for final decision.

* * * * *

(iv) A minor under 17 years of age is incapable of entering into a valid enlistment. Accordingly, the enlistment of an individual who was below 17 years of age at the time of enlistment or induction, and who has not attained the age of 17 upon receipt of satisfactory evidence as to the date of his birth, is void. Such individual, upon determination that his enlistment is void, will be released from the custody and control of the Army without being furnished a certificate of discharge of any kind.

(2) *Enlisted women.* * * *

(ii) Unless under charges or in confinement for a serious offense as set forth in paragraph (e) of this section, an enlisted woman who was under 18 years of age at the time of enlistment and who has not yet reached the age of 21 years may be discharged upon receipt of satisfactory evidence as to the date of her birth, regardless of whether she enlisted with or without the consent of her parents or guardian, if any. However, such enlisted woman may, upon recommendation of her immediate commanding officer, be retained in service at the option of the Secretary of the Army, unless application for her discharge is made by her parents or guardian, if any, in accordance with subdivision (iii) of this subparagraph. Requests for retention in service, with appropriate documentation and recommendations, will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPO-XD, for final decision.

* * * * *

(d) *Allowances*—(1) *Discharge.* An individual discharged on account of minority is entitled to pay and allowances, including travel allowance upon separation.

(2) *Released from military control.* (i) A minor confined pursuant to sentence of court-martial who is released from military control by virtue of a void enlistment (paragraph (b) (1) (iv) of this section) is entitled to:

(*a*) Whatever pay and allowances he has already received during the period of his void enlistment, but not to pay or allowances not actually paid to him prior to the date on which his enlistment was determined to be void;

(*b*) Transportation in kind to his home of record;

(*c*) Civilian clothing, not to exceed $30 in cost, similar to that issued to a prisoner on release from prison; and

(*d*) A gratuity of $25.

(ii) A minor who is not confined in an Army or contract prison and who is released from military control by virtue of a void enlistment (paragraph (b) (1) (iv) of this section) is entitled to benefits listed in subdivision (i) of this subparagraph, with the exception of the clothing prescribed in subdivision (i) (c) of this subparagraph.

* * * * *

(f) *Indebtedness, or confinement by civil authorities.* Indebtedness to the Government or to an individual, or confinement by civil authorities will not prevent discharge, or release from military control, for minority when an individual is eligible therefor.

(g) *Form of discharge certificate*—(1) *Discharge.* Notwithstanding the fact that enlistment may have been obtained by misrepresentation as to age or consent of parents or guardian, in cases in which a discharge certificate is authorized under the regulations of this section, a DD Form 256A (Honorable Discharge Certificate) or a DD Form 257A (General Discharge Certificate) will be given to reflect the character of service performed since entry on active duty.

(2) *Release from military control.* An individual who is to be released from military control pursuant to an administrative determination that his enlistment was void, cannot legally be discharged from the Army. Such individual will, instead, be released from the custody and control of the Army without being furnished a certificate of discharge of any kind, a DD Form 217A (Certificate of Service) or a DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). The following entry will be made in section 10 of the individual's DA Form 24 (Service Record): "Released from military control by virtue of a void enlistment per (cite Special Order Number, SPN 976 and issuing headquarters)," and a copy of the Special Orders releasing the individual from military control will be placed in DA Form 201.

2. In § 582.2, revise paragraphs (a) (1) and (2), (b) (2) (i), and (c) (5) to read as follows:

§ 582.2 *Discharge because of dependency or hardship*—(a) *Authority.* * * *

(1) Dependency, when, by reason of death or disability of a member of his family occurring after his enlistment or induction, members of the enlisted person's family become principally dependent upon him for care or support. (10 U. S. C. 3813, Act of 4 June 1920.)

(2) Hardship, when, in circumstances not involving death or disability of a member of his family, his separation from the service will materially affect the care or support of his family by alleviating undue hardship.

(b) *Application of laws.* * * *

(2) *Hardship.* (i) Undue and genuine hardship conditions affecting members of the enlisted person's family have arisen after or as a result of his entry into active military service. Undue and genuine hardship does not necessarily exist solely because of altered present or expected income, or because the enlisted person is separated from his family or must suffer the inconvenience normally incident to military service.

* * * * *

(c) *Application for separation.* * * *

(5) Applications for dependency or hardship separations from personnel en route overseas normally will not be accepted at oversea replacement stations. However, the commanders of such activities may accept such applications if they feel that, based upon the evidence submitted and/or personal interview, separation from active duty may be necessary to prevent or relieve undue hardship or destitution. In such instances, retention at oversea replacement stations for a period of not more than 30 days, in order to allow individuals to procure necessary evidence to support their applications is authorized. If the application, together with supporting evidence, is submitted within the above specified period, retention may be continued pending final action on the application.

[C 4, AR 615-362, Mar. 5, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-2567; Filed, Apr. 8, 1958; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 6 (INS-1, 7th rev.)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1958, midnight, eastern standard time, NSA Order No. 6 (INS-1, 6th Revision), published in the FEDERAL REGISTER issue of April 16, 1957 (22 F. R. 2578), is hereby revised to read as follows:

Sec.
1. What this order does.
2. Insurer.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6. Issuance of policies or certificates by Underwriter.
7. Insurance premiums.
8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Report of claims.
12. Application and interpretation of this order.

AUTHORITY: Sections 1 to 12 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* Effective as of March 31, 1958, midnight, e. s. t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to in this order as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements respectively, with the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (referred to in this order as the "Owner").

SEC. 2. *Insurer.* The National Automobile and Casualty Insurance Co., 639 South Spring Street, mail address, Box 5780 Metro. Station, Los Angeles 55, California (referred to in this order as the "Underwriter"), entered into an insuring agreement with the Owner covering the period from March 31, 1958, midnight, e. s. t., to March 31, 1959, midnight, e. s. t.

SEC. 3. *Assured.* The assureds are (a) the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Sub-Agents acting on behalf of either.

SEC. 4. *Vessels insured and terms of insurance.* The Underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to in this order as "MSTS"), for a period of one year from midnight, e. s. t., March 31, 1958, at an annual rate of $3.88 per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d) and (e) of this order and terminating as of midnight, e. s. t., March 31, 1959, or in accordance with section 5 (c), (f), (g) and (h) of this order. This insurance covers the vessel's liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000.00 for each accident or occurrence per vessel, with a deduction of $500 for each accident or occurrence resulting in personal injury, illness, or death, and $250.00 for each accident or occurrence of other types except "putting in" and burial expenses. Claims for "putting in" and burial expenses are not subject to any deduction. The Underwriter has agreed to accept liability not to exceed $200 for burial expenses, and also to include liability, under the same terms, conditions and deductibles as set forth in the policy, to non-paying observers aboard experimental vessels under General Agency operation in the employment of the Military Sea Transportation Service.

SEC. 5. *Assumption of risk by Owner and attachment and cancellation dates of commercial insurance*—(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement 3-19-51.* When vessels are allocated and delivered to General Agents at fleet site, the Owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent at fleet site to 12:01 a. m. (local time) of the day the vessel is accepted by MSTS, or until 12:01 a. m. (local time) of the date of initial signing on of crew under articles (not the effective date in the event articles are dated prior to or later than the initial signing on), whichever shall occur first. As of that time, the P & I risks shall be commercially insured with the Underwriter, and the General Agents shall arrange to have the insurance so attached.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3-19-51.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3-19-51, the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange to have P & I insurance attached as of the date and hour of the vessel's delivery under the Agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3-19-51.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the Underwriter for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.

(d) *New vessels allocated and delivered under General Agency Agreement 3-19-51.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the Underwriter to have the insurance attach as of the date and hour of the vessel's delivery under the Agreement.

(e) *Vessels presently in operation under General Agency Agreement 3-19-51.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall immediately declare such vessels to the Underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract as of midnight, e. s. t., March 31, 1958.

(f) *Vessels designated for redelivery.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight (local time) of the day the vessel is redelivered by MSTS to the General Agent or midnight (local time) of the day the articles are terminated, whichever shall last occur.

(g) *Vessels in reduced operational status and subsequently designated for stripping and lay up.* General Agents shall terminate the commercial P & I insurance on those vessels as of midnight, e. s. t., of the date they receive notice to the effect that the vessels are designated for stripping and lay up.

(h) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division

Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section.

Sec. 6. *Issuance of policies or certificates by Underwriter.* The Underwriter, upon receipt of applications from General Agents, will arrange for execution and delivery of the policies and/or certificates to such General Agents with respect to each vessel named in such applications. The Underwriter will also furnish such copies of policies and/or certificates as may be required by the Owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Department of Commerce, Washington 25, D. C. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

Sec. 7. *Insurance premiums*—(a) *Payment of premiums.* Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to March 31, 1959, midnight, e.s.t. Brokerage, if any, shall be allowed, but in no event to exceed 1¼ percent of the annual premiums for each commenced quarter.

(b) *Return premiums.* Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the Underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the Underwriter; the originals thereof shall be filed in the General Agent's office subject to inspection by the Owner's auditors, and shall be retained until completion of audit. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C.

Sec. 8. *Reports of accidents and occurrences*—(a) *Reports to Underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance (as provided in section 5 of this order) shall be promptly reported by General Agents to the Underwriter, together with all available information. The General Agents shall also obtain the names of the Underwriter's outport representatives and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to Owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance (as provided in section 5 of this order) shall be reported to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C.

Sec. 9. *Settlement of Claims*—(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described in this order are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the Underwriter's approval of the proposed settlements and, immediately after payment in full, or, of any portion thereof over the applicable deductions, make formal claim for reimbursement from the Underwriter. All claims which do not exceed the deduction in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, or its General Agents and Berth Agents or their Sub-Agents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of steamship operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the Underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the Owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration (as set forth in section 5 of this order), without prior approval, provided the proposed settlement amount of each claim does not exceed $1,000.00. If the proposed settlement amount of any such claim exceeds $1,000.00 the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by Underwriters.* Any claim of a P & I insurance nature, whether arising prior or subsequent to March 31, 1958, which has been declined by this Underwriter, or by any other Underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., for review and further instruction.

Sec. 10. *Litigation and employment of counsel.* (a) As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties respondent or defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington 25, D. C., and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington 25, D. C. No General Agent, Berth Agent, or Sub-Agent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the Underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

(b) In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington 25, D. C.

Sec. 11. *Report of claims.* (a) All General Agents shall submit to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., annual reports of all claims, listed separately as per the attached form.

(b) The first of such reports shall cover the annual period ending December 31, 1958, and shall be submitted as soon as possible after said date. Subsequent reports shall be made promptly after the conclusion of each semi-annual period thereafter. A claim previously reported as closed shall not be reported on subsequent statements unless it is reopened. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Sec. 12. *Application and interpretation of this order.* General Agents shall communicate directly with the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., regarding all questions of application, interpretation, or intent of this order.

Since the foregoing, without material change, was sent direct to interested persons it is found, for good cause shown, to be impracticable and unnecessary to delay the effective date; therefore, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), this 7th Revision shall be effective as of March 31, 1958, as aforesaid.

Approved: April 2, 1958.

By William A. Stigler,
For Walter C. Ford,
Deputy Maritime Administrator.

Vessel	Name of injured or claimant	Nature and date of injury, loss, or damage	Amount(s) paid if any	Date and amount of billing to underwriter	Date and amount of reimbursement received from underwriter	Estimated future cost	Status and/or remarks
		Insured claims recorded since last report					
		Insured claims paid or closed since last report					
		Insured claims pending as of date of this report					
		Assumed risk claims recorded since last report					
		Assumed risk claims paid or closed since last report					
		Assumed risk claims pending as of date of this report					

[F. R. Doc. 58-2566; Filed, Apr. 8, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

Part 207—Navigation Regulations

ST. MARYS FALLS CANAL AND LOCKS, MICHIGAN

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.441 governing the security of St. Marys Falls Canal and Locks, Michigan, is hereby amended in respect to restrictions on transit of vessels, amending paragraph (b) (1) and (3), as follows:

§ 207.441 *St. Marys Falls Canal and Locks, Mich.; security.* * * *

(b) *Restrictions on transit of vessels.* * * *

(1) Vessels of the Sino-Soviet-bloc countries.

* * * * *

(3) All pleasure craft; except that, during the hours from sunrise to sunset, motorboats (as defined by the Motorboat Act of April 25, 1940 or the Canada Shipping Act "Rules of the Road for the Great Lakes") and motor vessels, may be permitted to transit the canal immediately following security examination by and receipt of a clearance certificate from the St. Marys River Patrol of the United States Coast Guard. Downbound pleasure craft desiring to transit the canal shall report for examination to the United States Coast Guard Dispatch Station at Big Point in the upper St. Marys River, and upon receipt of a clearance certificate shall deliver it to the Lock Dispatch Station on the Northwest Pier. Upbound pleasure craft desiring to transit the canal shall report for examination to the Captain of the Port Office, United States Coast Guard Base, Sault Ste. Marie, Michigan, which is located adjacent to the International Ferry Dock immediately below the locks, and upon receipt of a clearance certificate shall deliver it to the Lock Dispatch Station on the East Center Pier.

[Regs., Mar. 13, 1958, 800.93 (St. Marys River, Mich.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] Herbert M. Jones,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 58-2568; Filed, Apr. 8, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 235, 235a]

Preexamination of Aliens

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance of the following rules relating to the preexamination of aliens. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 690, 119 D Street NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Section 235.5 *Pre-inspection in certain parts of the United States* is amended to read as follows:

§ 235.5 *Preexamination*—(a) *In United States territories and possessions.* In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 234, 235, 236, and 237 of the act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examining immigration officer that any person in the United States being examined under this section is prima facie deportable from the United States, further action with respect to his examination shall be deferred and further proceedings conducted as provided in section 242 of the act and Part 242 of this chapter. When the foregoing inspection procedure is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he is found to be admissible as provided in this section.

(b) *In contiguous territory and adjacent islands.* In the case of any aircraft or vessel proceeding directly from a port or place in foreign contiguous territory or adjacent islands to a port of entry in the continental United States, the examination and inspection of passengers and crew required by the act and final determination of admissibility may be made immediately prior to such departure at the port or place in foreign contiguous territory or adjacent island and shall have the same effect under the act as though made at the destined port of entry in the United States.

(c) *In the United States*—(1) *Application.* Any alien except a citizen of Canada, Mexico, or islands adjacent to the United States, or an alien who last entered the United States as a landed crewman shall apply for preexamination on Form I-63 if he intends to apply to a consular officer of the United States in Canada for an immigrant visa and he believes that he will be admissible to the United States under all the provisions of the immigration laws if in possession of an immigrant visa, or that he is prima facie eligible for a waiver of excludability under section 5 or 7 of the act of September 11, 1957; that he will be able to obtain the prompt issuance of an immigrant visa, and that he is a person of good moral character. Any alien who files Form I-63 shall be deemed to have thereby abandoned his nonimmigrant status in the United States. Form I-63 shall be submitted to the office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence, and may be filed separately or in conjunction with a petition for nonquota or preference quota status under Part 204 or 205 of this chapter. If the applicant is under deportation proceedings, the application shall be made to the special inquiry officer during the hearing pursuant to Part 242 of this chapter. The applicant shall be notified of the decision, and, if the application is denied, of the reasons therefor and of his right to appeal under Part 6 or 7 of this chapter.

(2) *Disposition.* When preexamination is authorized, the applicant shall not be preexamined until he has presented written assurance from the consular officer of the United States in Canada that a visa will be promptly available if upon personal examination he is found eligible for a visa, and a report from a medical officer of the United States Public Health Service setting forth findings of the applicant's mental and physical condition. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the act and Part 236 of this chapter. Preexamination to determine the applicant's admissibility to the United States shall be conducted in the manner and under the procedures prescribed in sections 235 and 236 of the act and Parts 235 and 236 of this chapter. If the applicant is found admissible, he shall be given a sealed letter addressed to the Canadian imigration officer at the port through which he will enter Canada, showing the purpose of the applicant's visit to Canada and guaranteeing that if admitted to Canada he will be readmitted to the United States. An applicant previously found admissible in preexamination proceedings, who, having proceeded to Canada, is found inadmissible at the time of seeking reentry into the United States, shall be paroled into the United States.

2. Part 235a—Preexamination of aliens within the United States is revoked.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Dated: April 3, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-2578; Filed, Apr. 8, 1958; 8:47 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Parts 16, 22, 25]

SECOND-CLASS PUBLICATIONS; LIBRARY BOOKS

NOTICE OF PROPOSED RULE MAKING

Under present regulations governing the mailing of second-class publications, sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper left corner of the address side the name and address of the publication and in the upper right corner a notice of entry. It is proposed to amend these regulations so as to provide that the name of the publication and the mailing address to which undeliverable copies or change of address notices are to be sent appear in the upper left corner. Notice of entry would appear in the upper right corner, as at present. It is also proposed to require that addresses in mastheads and date lines of second-class publications be printed so that they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent.

It is also proposed to relax the requirements for securing approval of the privilege of mailing books at the library book rate. It is planned to discontinue the present system and enable qualified libraries and organizations to mail books at the special rate without filing a request for permission with the postmaster, so long as the name of the library or organization appears in the address (or return address) on each parcel mailed.

If adopted the effective date of the new regulations will be May 15, 1958. The amendments to Title 39, Chapter I, Code of Federal Regulations, which follow will achieve the desired purpose.

The subject regulations relate to a proprietary function of Government, and therefore are exempt from the rule making requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the Postal Service an opportunity to present written views on the proposed amendments. Accordingly, such written views may be submitted to Edwin A. Riley, Director, Postal Services Division, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to April 30, 1958.

PART 16—BULK MAILINGS

In § 16.1 *Second-class publications,* amend paragraph (b) (6) to read as follows:

(6) Sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper right corner a notice of entry, and in the upper left corner the name of the publication and the mailing address to which undeliverable copies or change of address notices are to be sent. See § 22.2 (d) (6) of this chapter.

NOTE: The corresponding Postal Manual section is 126.12f.

(R. S. 161, 396, as amended; sec. 5, 18 Stat. 232, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 283)

PART 22—SECOND CLASS

In § 22.2 *Qualifications for second-class privileges,* add the following to paragraph (d) (6): "Addresses in mastheads and date lines must be printed so they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent. See § 16.1 (b) (6) of this chapter."

NOTE: The corresponding Postal Manual section is 132.25f.

(R. S. 161, 396, as amended; sec. 1, 25 Stat. 1, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 249)

PART 25—FOURTH CLASS

In § 25.9 *Nonprofit organizations,* amend paragraph (a) to read as follows:

(a) *Library books.* The name of the mailing public library, organization or association must be shown in the return address on parcels of books sent to county or other unit libraries or as a loan to readers. Parcels of books returned by libraries or readers must show in the address the name of the lending library, organization, or association. No permit is required.

NOTE: The corresponding Postal Manual section is 135.9a.

(R. S. 161, 396, as amended; sec. 204, 62 Stat. 1262, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 292a)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-2581; Filed, Apr. 8, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-67]

T. J. MCCARTHY STEAMSHIP CO.

NOTICE OF HEARING; AMENDMENT

The notice published in the FEDERAL REGISTER on April 25, 1956, concerning a public hearing to be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of T. J. McCarthy Steamship Company for an operating-differential subsidy agreement, is hereby amended so as to delete the reference to section 605 (c) of the Merchant Marine Act, and to modify the request for permission under section 805 (a) so as to engage in trade on the Great Lakes between Detroit, Michigan, and Cleveland, Ohio, Buffalo, New York, and Duluth, Minnesota; and to carry coal, grain and ore in bulk between any and all Great Lakes ports; all with owned, unsubsidized vessels.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Federal Maritime Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: April 3, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-2565; Filed, Apr. 8, 1958; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bayly Manufacturing Co., 1319 SE. Union Avenue, Portland, Oreg.; effective 4-1-58 to 3-31-59 (men's work clothing, overalls and jeans; boys' work clothing).

Blue Bell, Inc., Prentiss County, Baldwyn, Miss.; effective 4-1-58 to 3-31-59 (blouses).

Georgia Slacks Co., Lawrenceville, Ga.; effective 3-19-58 to 3-18-59 (men's and boys' trousers).

Hanover Shirt Co., Inc., Ashland, Va.; effective 3-20-58 to 3-19-59 (men's cotton flannel sport shirts).

International Latex Corp., LaGrange, Ga.; effective 4-4-58 to 4-3-59 (brassieres).

Matawan Undergarment Co. Inc., 5 Johnson Avenue, Matawan, N. J.; effective 4-13-58 to 4-12-59 (children's underwear).

Movie Star of Mississippi, Inc., Purvis, Miss.; effective 3-31-58 to 3-30-59; workers engaged in the production of lingerie made of woven fabric (slips, petticoats and gowns).

Reliance Manufacturing Co., Factory No. 42, Blytheville, Ark.; effective 4-1-58 to 3-31-59 (men's and boys' sport shirts).

Wagener Manufacturing Co., Inc., Wagener, S. C.; effective 4-11-58 to 4-10-59 (shirts, robes, cabana sets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Duquesne Manufacturing Co., New Kensington, Pa.; effective 4-1-58 to 3-31-59; 10 learners (women's cotton dresses, hooverettes, aprons, pinafores, etc.).

M. & G. Sportswear Co., 613 Main Street, Rockland, Me.; effective 3-21-58 to 3-20-59; 8 learners (men's and boys' pants).

Marine Garment Co., 13th and Pestalozzi Streets, Highland, Ill.; effective 3-21-58 to 3-20-59; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's sportswear—cotton).

Rowan Industries, Inc., P. O. Box 878, Rockwell, N. C.; effective 3-17-58 to 3-16-59; 10 learners (ladies' pajamas, dusters).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Davenport Hosiery Mills, Inc., Ellijay Plant, Ellijay, Ga.; effective 3-21-58 to 9-20-58; 30 learners for plant expansion purposes (seamless).

Se-Ling Mills, Division of Prestige, Inc., 505 North Third Street, Quincy, Ill.; effective 3-28-58 to 3-27-59; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Movie Star of Mississippi, Inc., Purvis, Miss.; effective 3-31-58 to 3-30-59; 5 percent of the total number of factory production workers engaged in the production of lingerie made of knitted fabric for normal labor turnover purposes (slips, petticoats and gowns).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Palm Beach Co., Roanoke, Ala.; effective 3-19-58 to 9-18-58; 5 percent of the total number of factory production workers for normal labor turnover purposes; in the occupations of, sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's Palm Beach suits).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 28th day of March 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-2579; Filed, Apr. 8, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement 19, Amdt. 2]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated March 19, 1954, and published in the FEDERAL REGISTER at 19 F. R. 2029, as amended by Amendment No. 1, dated August 14, 1957, and published in the FEDERAL REGISTER at 22 F. R. 6848, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
13	30
13	32
13	60
15	124
15	126

Farm Unit 13, Irrigation Block 13, which has been offered under the provisions of subsection 1. b. is reduced in price from $5,760.45 to $3,966.70.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MARCH 28, 1958.

[F. R. Doc. 58-2574; Filed, Apr. 8, 1958; 8:47 a. m.]

[Public Announcement 22, Amdt. 2]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated February 21, 1955, and published in the FEDERAL REGISTER at 20 F. R. 1509, as amended by Amendment No. 1, dated August 14, 1957, and published in the FEDERAL REGISTER at 22 F. R. 6848, is amended in subsection 1. a. by deleting from the list of farm units offered, Farm Unit 160, Irrigation Block 87.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MARCH 28, 1958.

[F. R. Doc. 58-2575; Filed, Apr. 8, 1958; 8:47 a. m.]

[Public Announcement 23, Amdt. 2]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated June 1, 1955, and published in the FEDERAL REGISTER at 20 F. R. 4375, as amended by Amendment No. 1, dated August 14, 1957, and published in the FEDERAL REGISTER at 22 F. R. 6848, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
19	13
19	65

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MARCH 28, 1958.

[F. R. Doc. 58-2576; Filed, Apr. 8, 1958; 8:47 a. m.]

[Public Announcement 24, Amdt. 2]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the East and Quincy-Columbia Basin Irrigation Districts, Columbia Basin Project, Washington, dated January 10, 1956, and published in the FEDERAL REGISTER at 21 F. R. 592, as amended by Amendment No. 1, dated November 20, 1957, and published in the FEDERAL REGISTER at 22 F. R. 9627, is amended as follows:

In subsection 1. a. by reducing the price of Farm Unit 101, Irrigation Block 89, from $2,373.20 to $1,892.20.

The following farm unit which has been offered under the provisions of subsection 1. b. will no longer be available for sale under the terms of this announcement:

Irrigation Block No.	*Farm Unit No.*
45	177

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MARCH 28, 1958.

[F. R. Doc. 58-2577; Filed, Apr. 8, 1958; 8:47 a. m.]

Fish and Wildlife Service

[Director's Order No. 2, Amdt. 1]

DESIGNATED OFFICIALS OF BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY FOR NEGOTIATED PURCHASES AND CONTRACTS

APRIL 4, 1958.

Director's Order No. 2, dated October 18, 1957 (22 F. R. 8401), is hereby amended as hereinafter indicated:

1. Section 1 (a) (4) (iii) is hereby amended to read as follows:

(iii) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations, $100,000; Fishery Management Agents in Alaska, $15,000; all project leaders in charge of fish cultural stations, laboratories, experimental projects or vessels, $10,000; and General Manager, Pribilof Islands Reservation, $5,000.

(Secretary's Order No. 2825; Commissioner's Order No. 3, 22 F. R. 8126)

D. L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-2601; Filed, Apr. 8, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-14177, G-14197]

TEXAS ILLINOIS NATIONAL GAS PIPELINE CO. AND OIL AND GAS PROPERTY MANAGEMENT, INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 3, 1958.

In the matters of Texas Illinois Natural Gas Pipeline Company, Docket No. G-14177; Oil and Gas Property Management, Inc., Docket No. G-14197.

Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation with a principal place of business in Chicago, Illinois, filed an application in Docket No. G-14177 pursuant to section 7 of the Natural Gas Act on January 6, 1958 for a certificate of public convenience and necessity authorizing the construction and operation of a 3-inch tap on its existing 12-inch East Bay City lateral pipeline in Matagorda County, Texas, and approximately 1½ miles of 4-inch lateral supply pipeline to extend from a point of connection with the aforesaid tap to a proposed meter station to be constructed by Texas Illinois in the Old Ocean Field in Matagorda County, Texas, to enable Texas Illinois to receive natural gas produced from leases in the Old Ocean Field by Oil and Gas Property Management, Inc. (Management), subject to the jurisdiction of the Commission, and as more fully related in the application filed herein, which is on file with the Commission and open for public inspection.

On January 6, 1958, Oil and Gas Property Management, Inc. (Management), a New York corporation with a principal office in Dallas, Texas, filed an application in Docket No. G-14197 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Management to sell natural gas produced from leases in the Old Ocean Field, Matagorda County, Texas, in interstate commerce to Texas Illinois for resale, subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission and open for public inspection.

The application recites that the estimated initial cost of proposed facilities to be constructed by Texas Illinois will be $38,700, and will be defrayed from funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 14, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2597; Filed, Apr. 8, 1958; 8:52 a. m.]

BUREAU OF THE BUDGET

TRANSFER OF CERTAIN FUNCTIONS RELATING TO COMMERCIAL FISHERIES TO DEPARTMENT OF INTERIOR

DETERMINATIONS WITH RESPECT TO CERTAIN MATTERS PURSUANT TO ACT OF AUGUST 8, 1956

MARCH 22, 1958.

Pursuant to section 6 (a) of the Act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. 742e), it is hereby determined that the following functions relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries and shall be deemed to be transferred to the Department of the Interior by that act:

1. The distribution and disposal of surplus fishery products now performed by the Department of Agriculture under the authority of the act of August 11, 1939 (15 U. S. C. 713c-2).

2. All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621-1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof.

3. All functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of title XI of the Merchant Marine Act of 1936, as amended (46 U. S. C. 1271-1279), provided that the amount of loans outstanding under this transferred authority shall not exceed $10,000,000 at any one time.

4. All functions of the Maritime Administration, Department of Commerce, which pertain to direct loans to aid construction of fishing vessels under authority of title V of the Merchant Marine Act of 1936, as amended (46 U. S. C. 1151-1161o).

It is further determined that pursuant to said section 6 (b) of the Act of August 8, 1956, the following are necessary in connection with the exercise of the above listed functions and shall be deemed to be transferred to the Department of the Interior by that Act:

a. The amounts shown in Schedule 1, hereto attached, which amounts are hereby determined to be available for use, as specified in said schedule, in connection with the functions transferred by said Act;

b. The property and records shown in Schedule 2 hereto attached, which property and records were used or held in connection with the functions transferred by said Act.

MAURICE H. STANS,
Director.

SCHEDULE 1—FUNDS TO BE TRANSFERRED FROM U. S. DEPARTMENT OF AGRICULTURE TO U. S. DEPARTMENT OF INTERIOR UNDER SECTION 6 OF PUBLIC LAW 1024, 84TH CONG.

From—	Amount	To—
Department of Agriculture		*Department of Interior*
Agricultural Marketing Service		*Fish and Wildlife Service*
(B) 1282500.020 Marketing Research and Service, Agricultural Marketing Service, 1958, Marketing Services, general.	$5,000	1481731 Management and Investigations of Resources, Bureau of Commercial Fisheries.

SCHEDULE 2—PROPERTY AND RECORDS TO BE TRANSFERRED FROM U. S. DEPARTMENT OF AGRICULTURE TO U. S. DEPARTMENT OF INTERIOR UNDER SECTION 6 OF PUBLIC LAW 1024, 84TH CONG.

Property—None.

Records—Description of property	Location	Method of storage	Number or volume transferred
I. C. C. dockets on fishery transportation rates.	Room 1441 South Bldg., USDA.	Record storage cartons	Total cartons, 4.
Rail Freight Rate study 1957	do	do	
Other items including current market reports, correspondence with National Fisheries Institute and Oyster Institute, etc.	do	do	

[F. R. Doc. 58-2600; Filed, Apr. 8, 1958; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 331]

SECRETARY OF THE INTERIOR

NEGOTIATION OF CONTRACT FOR REDESIGNING AND REBUILDING OF A HEROLD PNEUMATIC PLANER

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated for the period ending December 31, 1958, to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (10) of the act, a contract required by the Bureau of Mines in the administration of its program for research work in connection with devising new mining methods for the mining of anthracite coal.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above, the authority herein delegated may be redelegated to any official or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Dated: April 3, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-2598; Filed, Apr. 8, 1958; 8:52 a. m.]

[Delegation of Authority 332]

SECRETARY OF AGRICULTURE

NEGOTIATION OF CONTRACTS FOR PROCUREMENT OF SERVICES IN CONNECTION WITH SPRAYING OPERATIONS UNDER GYPSY MOTH PROGRAM

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called "the act," authority is hereby delegated for the period ending December 31, 1958, to the Secretary of Agriculture, to negotiate, without advertising, under sections 302 (c) (4) and 302 (c) (9) of the act, contracts for aerial spraying of approximately 140,000 acres of wooded areas in New York and Pennsylvania.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above the authority herein delegated may be redelegated to any officer or employee of the Department of Agriculture.

4. This delegation shall be effective as of the date hereof.

Dated: April 3, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-2599; Filed, Apr. 8, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1914]

DELTA AIRLINES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 2, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange, for unlisted trading privileges in Delta Airlines, Incorporated, Common Stock, File No. 7-1914.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before April 18, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-2587; Filed, Apr. 8, 1958; 8:50 a. m.]

[File No. 7-1915]

REVLON, INC.,

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 2, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Revlon, Incorporated, Common Stock, File No. 7-1915.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York, Midwest and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before April 18, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-2588; Filed, Apr. 8, 1958; 8:50 a. m.]

[File No. 7-1916]

CARTER PRODUCTS, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 2, 1958.

In the matter of application by the Boston Stock Exchange, for unlisted trading privileges in Carter Products, Inc., Common Stock, File No. 7-1916.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before April 18, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-2589; Filed, Apr. 8, 1958; 8:50 a. m.]

[File No. 24D-1790]

HARDROCK MINING SYNDICATE

ORDER WITHDRAWING REQUEST FOR HEARING AND CANCELLING HEARING

APRIL 2, 1958.

The Commission by order dated March 3, 1958, having ordered that a hearing in the above-entitled matter, pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder, commence on April 28, 1958, at 10:00 a. m. at the Los Angeles Branch Office of the Commission, and

The Company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto;

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the order dated March 3, 1958, scheduling a hearing for April 28, 1958, be and it hereby is rescinded.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-2582; Filed, Apr. 8, 1958; 8:48 a. m.]

[File No. 24D-1824]

UNIVERSAL MINING AND MILLING CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 3, 1958.

I. Universal Mining and Milling Company (Universal), a New Mexico corporation, 316 Central Avenue, SE., Albuquerque, New Mexico, filed with the Commission on July 5, 1955, a notification on Form 1-A and offering circular, and filed various amendments thereto, relating to an offering of 5,000 shares of its $10 par value common stock at $20 per share, for an aggregate of $100,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Universal has failed to file reports of sales on Form 2-A as required by Rule 224; and

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in failing to show (1) the status of performance of assessment work on the company's unpatented mining claims, and the significance thereof, and (2) in failing to show that the vice president resigned on or about April 13, 1956; and

C. The use of such offering circular, without appropriate disclosure in the foregoing matters, would operate as a fraud and deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2585; Filed, Apr. 8, 1958; 8:49 a. m.]

[File No. 812-1143]

AMERICAN MUTUAL FUND, INC.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATION

APRIL 2, 1958.

Notice is hereby given that American Mutual Fund, Inc. ("American"), a registered open-end diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the sale of shares of American at a reduced offering price in connection with the acquisition of substantially all of the assets of Bareco Investment Company ("Bareco"), a registered closed-end investment company.

The application makes the following representations:

American and Bareco have entered into an agreement dated March 10, 1958 ("Agreement") pursuant to which American proposes to issue and sell to Bareco 515,448 shares of American stock in exchange for substantially all of Bareco's assets. The number of shares was determined by dividing the "adjusted net asset value per share" of American, or $7.34 per share, into the aggregate value of the Bareco assets, or $3,783,391.63. The adjusted net asset value per share of American was determined as of the close of the New York Stock Exchange on March 10, 1958 in accordance with the method used by American in computing its net asset value per share for the issue and repurchase of its shares under its current prospectus. As of such close the net asset value of American shares was $7.40. From such net asset value per share there was deducted 6 cents, the amount of the dividend expected to be declared by the Board of Directors of American on March 20, 1958, for payment on May 1, 1958, to shareholders of record on April 4, 1958. This adjustment was made since it was anticipated that Bareco would not be a shareholder of American until after the record date.

The Bareco assets to be acquired by American include U. S. Treasury Bills valued at cost, plus earned discount through March 10, 1958, in the amount of $1,320,787; bonds of American Telephone & Telegraph Company valued at their closing price on March 10, 1958, plus accrued interest, in the amount of $106,182; miscellaneous common stock holdings valued at the last sale or closing bid on March 10, 1958, in the amount of $187,222; and 25,520 shares of common stock of Petrolite Corporation ("Petrolite") valued at $85 per share, or an aggregate of $2,169,200. The application states that the valuation of the Petrolite shares, which are traded in the over-the-counter market, was made on the basis of an analysis of its business, its book value per share, its earnings per share for the last five years, an estimate of earnings for 1958, a comparison of the earnings records and financial condition of other companies comparable to Petrolite, and the bid and ask quotations for the capital stock of Petrolite from February 1, 1957, to March 7, 1958. On March 7, 1958, the market for Petrolite common stock was reported to be bid 84 and asked 86. The 25,520 shares of Petrolite common stock to be acquired by American represent 8.7 percent of the 291,667 shares of its outstanding common stock.

The application states that American and Bareco agreed to a determination of prices and values as of March 10, 1958, and not as of the closing date, which is to be between April 21, 1958, and April 29, 1958, because the news that American proposed to acquire a large block of Petrolite common stock might result in a speculative and temporary disparity between the over-the-counter market price of the Petrolite stock at the closing date and what American believes is its true investment value. All the investment securities to be acquired by American are on its "Eligible List", and most of these securities, other than the Petrolite stock, are already in its portfolio. American states that it believes that the acquisition of the Petrolite stock on the basis provided for in the Agreement will be advantageous to it and that it would have been glad to purchase a substantial block of shares of Petrolite stock in the open market if such block had been available at as favorable price as that used in the Agreement.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits registered investment companies from selling their redeemable securities except at a current public offering price described in the prospectus. Since American proposes to issue its shares to Bareco at a price other than the current offering price described in its prospectus, it has requested an order pursuant to section 6 (c) of the act exempting the sale of its stock pursuant to the agreement from the provisions of section 22 (d) of the act. Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to the application which is on file at the office of the Commission in Washington, D. C.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to sections 6 (c) and 22 (d):

It is ordered, Pursuant to section 40 (a) of the act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 21st day of April 1958, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That any officer of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's Rules of Practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether there have been changes in the values of the Bareco assets to be acquired by American or of the American stock to be issued therefor since March 10, 1958, which would make the terms of the proposed transaction unfair to the holders of American's outstanding stock;

(2) Whether the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to American and Bareco, and that notice shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2586; Filed, Apr. 8, 1958; 8:49 a. m.]

[File No. 24D-1932]

S & M MINING & EXPLORATION

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 3, 1958.

I. S & M Mining & Exploration (S & M), a Wyoming corporation, 121 South Sixth Street, Worland, Wyoming, filed with the Commission on September 14, 1955, a notification on Form 1-A and offering circular, and filed various amendments thereto, relating to an offering of 745,000 shares of its 20 cents par value common stock at 20 cents per share, for an aggregate of $149,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that S & M has failed to file reports of sales on Form 2-A as required by Rule 224;

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in failing to show the status of performance of assessment work on the company's unpatented mining claims, and the significance thereof; and

C. The use of such offering circular without appropriate disclosure in the foregoing matters would operate as a fraud and deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2583; Filed, Apr. 8, 1958; 8:49 a. m.]

[File No. 812-1144]

INSTITUTIONAL SHARES, LTD. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

APRIL 2, 1958.

In the matter of Institutional Shares, Ltd., Institutional Income Fund, Inc., Canadian International Growth Fund, Limited and Hare's Ltd., File No. 812-1144.

Notice is hereby given that Institutional Shares, Ltd., Institutional Income Fund, Inc., and Canadian International Growth Fund, Limited, all open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("act"), and Hare's Ltd., the principal underwriter for the applicants, have filed a joint application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 22 (d) of the act the offering of shares of the funds at reduced public offering prices based on combined quantity purchases of their shares, and the offering of their shares to certain tax-exempt organizations at a reduced sales load.

The applicants have the same underwriter, investment manager, and certain of the same officers and directors, but they have different investment objectives and portfolio holdings. The offering price of the shares of each of the funds is the net asset value per share plus a percentage of the offering price as a selling commission. Quantity discounts are available with respect to purchases in amounts of $15,000 or more of each fund, as set forth in the respective prospectuses. In each case the selling commission currently is reduced to 7½ percent on purchases of $15,000 to $24,999; 6 percent on purchases of $25,000 to $49,999; 4 percent on purchases of $50,000 to $99,999; 2¼ percent on purchases of $100,000 to $249,999; 1½ percent on purchases of $250,000 to $499,999; and 1 percent on purchases of $500,000 or more.

Institutional Shares and Institutional Income were granted an exemption by the Commission on September 20, 1957 from the provisions of section 22 (d) of the act (Investment Company Act Release No. 2602) so that sales of shares of either fund could be made concurrently to a purchaser at offering prices reflecting a quantity discount based on the aggregate amount of the concurrent sales of the shares of both funds then being made to such purchaser. In addition, both funds were granted an exemption by the Commission on April 4, 1952, and April 27, 1956, respectively (Investment Company Act Release Nos. 1733 and 2346), from the provisions of section 22 (d) of the act permitting the offering of their shares at a reduced sales load to charitable, religious, educational and other organizations exempt from taxation under section 501 (c) (3) of the Internal Revenue Code of 1954, as well as to employees' trusts exempt from taxation under section 401 of the Internal Revenue Code.

It is now proposed to extend the quantity discounts presently permitted so that sales of shares of more than one of the applicant funds, including Canadian International, can be made concurrently to a purchaser as a single purchase or pursuant to a "Letter of Intention" to purchase an aggregate amount within a thirteen month period, at offering prices reflecting a quantity discount, at the rates described in the prospectuses of the funds involved, based on the aggregate amount of the concurrent sales of the shares of all such funds to such purchaser.

The application states with respect to the combining of purchases of shares of the different funds to obtain quantity discounts that the reduced sales charge would not affect the net asset value to be received by the funds for their shares and would appear appropriate in that the extension of quantity discounts as indicated would permit investors who wish to diversify their investments by purchasing shares of all of the funds to do so without sacrificing the discount which would be the case if the discount were confined to the entire investment being made in shares of only one of the funds.

It is also proposed to modify the previous orders of the Commission dated April 4, 1952, and April 27, 1956 (Investment Company Act Release Nos. 1733 and 2346) to permit Institutional Shares and Institutional Income to also accept subscriptions at a reduced sales load from cemetery companies exempt from taxation under section 501 (c) (13) of the Internal Revenue Code.

It is further proposed to permit Canadian International to make an offering of its shares at a reduced sales load to charitable, religious, educational and similar corporations and associations or foundations exempt from taxation under section 501 (c) (3) of the Internal Revenue Code, cemetery companies exempt from taxation under section 501 (c) (13) of the Internal Revenue Code, and employees' trusts exempt from taxation under section 401 of the Internal Revenue Code.

Section 22 (d) of the act, with certain exceptions, prohibits an offering of redeemable securities otherwise than at a current public offering price described in the prospectus. Section 6 (c) provides that the Commission may grant an exemption from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Since the proposed transactions may involve an offering of redeemable securities otherwise than at a current public offering price described in the prospectuses of the funds within the meaning of section 22 (d) of the act, the application requests an exemption to the extent necessary to permit the offering of shares on the bases proposed.

Notice is further given that any interested person may, not later than April 16, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2584; Filed, Apr. 8, 1958; 8:49 a. m.]

TARIFF COMMISSION

Extra-Long-Staple Cotton

CANCELLATION OF HEARING AND DISMISSAL OF INVESTIGATION

On January 29, 1958, the United States Tariff Commission instituted an investigation for the purposes of section 22 (d) of the Agricultural Adjustment Act, as amended, supplemental to its Investigation No. 1 under section 22, with respect to cotton having a staple of 1⅜ inches or more in length (23 F. R. 729) and scheduled a hearing in connection with this supplemental investigation for April 8, 1958. Interested parties seeking the modification of the existing quota regulations on imports of long-staple cotton to permit an additional quantity of extra-long-staple cotton to enter during the current quota year ending July 31, 1958, have withdrawn their request. Notice is hereby given that the hearing set for April 8, 1958, has been canceled and the supplemental investigation dismissed.

Issued: April 4, 1958.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 58-2596; Filed, Apr. 8, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 211]

Motor Carrier Applications

April 4, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

Applications Assigned for Oral Hearing or Pre-Hearing Conference

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 145), filed March 3, 1958. Applicant: HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities in bulk, serving the site of the Cuban-American Nickel Company plant at or near Port Nickel, La., located on the east bank of the Mississippi River approximately 20 miles south of New Orleans, La. and 2 miles south of the village of Braithwaite, La., as an off-route point in connection with applicant's authorized regular route operations to and from New Orleans, La.

HEARING: May 14, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 2962 (Sub No. 19), filed March 19, 1958. Applicant: A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66, at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to transport similar commodities over regular routes in Illinois, Indiana, Kentucky, Ohio, and Tennessee.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 15318 (Sub No. 35), filed March 24, 1958. Applicant: KIMBEL LINES, INC., 3 So. Park Avenue, P. O. Box 428, Cape Girardeau, Mo. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Missouri, and Tennessee.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 28132 (Sub No. 50), filed February 10, 1958. Applicant: HVIDSTEN TRANSPORT, INC., 2821 Main Avenue, Fargo, N. Dak. Applicant's attorney: Alan Foss, First Nat'l. Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *aggregates*, between points in North Dakota, South Dakota, Nebraska, Iowa, Minnesota, Wisconsin, and Illinois, except from Rapid City, South Dakota and points within 65 miles thereof to points in North Dakota on and west of North Dakota Highway 3. Applicant is authorized to conduct operations in North Dakota, Minnesota, and Wisconsin.

HEARING: May 26, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Donald R. Sutherland.

No. MC 29555 (Sub No. 31), filed February 28, 1958. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road C, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Cumberland, Wis., to Spooner, Wis., over U. S. Highway 63, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

HEARING: May 19, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 30378 (Sub No. 47), filed March 26, 1958. Applicant: ASSOCIATED TRANSPORTS, INC., P. O. Box 85, Robertson, Mo. Applicant's attorney: T. D. Drury, 506 Olive Street, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, (except trailers), in initial movements, in driveaway and truckaway service, from the site of the Chrysler Corporation assembly plant, in St. Louis County, Mo., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Wisconsin, and Wyoming, and *damaged or rejected shipments* of motor vehicles on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Wisconsin, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 40302 (Sub No. 26), filed March 24, 1958. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of the Chrysler Corporation located at or near Valley Park, St. Louis County, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Vincennes, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 41432 (Sub No. 80), filed March 18, 1958. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Street, Dallas 10, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of Plymouth Division, Chrysler Corporation, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Little Rock, Ark., and between St. Louis, Mo., and Memphis, Tenn. (2) *General commodities*, except those of unusual value, Class A and B explosives, livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of Plymouth Division, Chrysler Corporation, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and St. Louis, Mo. Applicant is authorized to conduct regular route operations in Arkansas, Illinois, Indiana, Missouri, Tennessee, and Texas, and irregular route operations in Texas.

HEARING: May 12, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 42487 (Sub No. 357), filed February 28, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Oreg. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Allenville, Wis., as an off-route point in connection with applicant's authorized regular route operations between Minneapolis, Minn., and Fond du Lac, Wis. in Certificate MC 42487 Sub No. 323, Pages 1 and 2 thereof.

NOTE: Applicant states Allenville is an inland community approximately 7 miles west of its regular route over U. S. Highway 41 and 8 miles south of its route over Wisconsin Highway 150.

HEARING: May 19, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 45021 (Sub No. 2), filed March 7, 1958. Applicant: SPEEDY TRUCKING CO., INC., 26 Journal Square, Jersey City, N. J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocery houses*, between points in Bergen, Essex, Passaic, Union, Middlesex, Morris, and Somerset Counties, N. J., on the one hand, and, on the other, points in Rockland County, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: May 20, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 52579 (Sub No. 31), filed February 28, 1958. Applicant: GILBERT CARRIER CORP., 645 West 40th Street, New York, N. Y. Applicant's attorney: Harris J. Klein and William Biederman, 280 Broadway, New York 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel on hangers and in packages*, in trailer loads only, from New York, N. Y., and Los Angeles, Calif., to points in the United States, and *rejected and returned merchandise* of the above-specified commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 59396 (Sub No. 4), filed February 26, 1958. Applicant: BUILDERS EXPRESS, INC., Central Avenue, Finderne, N. J. Applicant's representative: Irving Abrams, 1776 Broadway, New York 19, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in hopper vehicles, from Morrisville, Pa., to Paterson, N. J. Applicant is authorized to transport contractors materials, supplies and equipment and heavy machinery between specified points in New Jersey, New York, and Pennsylvania, and pulverized or granulated limestone and rock in bulk from specified points in Pennsylvania and Maryland to Perth Amboy, Barber, and East Rutherford, N. J.

HEARING: May 19, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 61505 (Sub No. 20), filed February 17, 1958. Applicant: G. R. MYERS MOTOR TRANSPORTATION, INC., 500 Beech Row, Barberton, Ohio. Applicant's attorney: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boiler parts, pipes and tubes, boiler fuel pulverizing machinery*, and *machinery, materials and supplies, used or useful in the manufacture and installation of steel boilers*, which do not require the use of special equipment, between West Point, Miss., on the one hand, and, on the other, Brunswick, Ga., and Paris, Tex. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: May 12, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Alfred B. Hurley.

No. MC 69492 (Sub No. 16), filed March 3, 1958. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCK COMPANY, P. O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Arlington, Ky., and Paducah, Ky., from Arlington over U. S. Highway 51 to junction U. S. Highway 62 at or near Bardwell, Ky., thence over U. S. Highway 62 to Paducah, and return over the same route, serving all intermediate points. Applicant proposes restriction so as to prohibit applicant from handling St. Louis-Paducah traffic in single-line service via it and applicant's other existing authority. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin.

HEARING: May 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 165, or if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 80402 (Sub No. 3), filed February 24, 1958. Applicant: TERMINAL FREIGHT TRANSPORT, INC., Paterson Plank Road and Route 3, E. Rutherford, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between East Rutherford, N. J., on the one hand, and, on the other, points in Sommerset, Monmouth, Middlesex, and Morris Counties, N. J., restricted to shipments having a prior or subsequent movement in interstate commerce. Applicant is authorized to conduct similar operations in Connecticut, New Jersey, and New York.

HEARING: May 13, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 86779 (Sub No. 19), filed February 7, 1958. Applicant: ILLINOIS CENTRAL RAILROAD COMPANY, a Corporation, 135 East 11th Place, Chicago 5, Ill. Applicant's attorney: Urchie B. Ellis, 135 East 11th Place, Chicago 5, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including those of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, and including *mail, express, newspapers* and *baggage*, (1) between Jackson, Miss., and New Orleans, La., from Jackson over U. S. Highway 51 to junction U. S. Highway 61, thence over U. S. Highway 61 to New Orleans, and return over the same route, serving all intermediate points and all off-route points which are stations on the Illinois Central Railroad Company; and (2) between Baton Rouge, La., and Hammond, La., over U. S. Highway 190, serving all intermediate points and all off-route points which are stations on the Illinois Central Railroad Company. Applicant proposes the above subject to conditions applicable to its operations by motor vehicle to service which is auxiliary to or supplemental of rail service of the Illinois Central Railroad.

NOTE: Applicant states additional authority to be tacked to existing rights where possible, namely subs 14, 17, and parts (D) (3) and (D) (4) of Certificate No. MC 86779. Applicant is authorized to conduct operations in Alabama, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Tennessee, and Wisconsin.

HEARING: May 15, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 87730 (Sub No. 19), filed March 18, 1958. Applicant: R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore, Md. Applicant's attorney: Donald E. Cross, Munsey Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* and *packing house products* as described in Parts A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, as modified in 61 M. C. C. 766, from Baltimore, Md., and Washington, D. C., to Cheatham Annex, Va., and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Delaware, Virginia, West Virginia, North Carolina, Florida, Louisiana, and the District of Columbia.

HEARING: May 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 92983 (Sub No. 277), filed February 19, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, coal tar, and coal tar products, wood tar and wood tar products*, in bulk, from points in Hamilton and Hickman Counties, Tenn., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: May 26, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Alfred B. Hurley.

No. MC 96025 (Sub 22), filed February 3, 1958. Applicant: DEWELL WILLIAM HOSKINS, doing business as HOSKINS' TRUCK SERVICE, P. O. Box 66, Malvern, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Warren, Ark., to points in Alabama, Georgia, Kentucky, Michigan, and Wisconsin. (2) From Malvern, Gurden, Fordyce, Sheridan, Pine Bluff, Sparkman and Prescott, Ark., to points in Alabama, Georgia, Tennessee, Kentucky, Michigan, Mississippi, Louisiana, and Wisconsin, except from Fordyce, Ark., to points in Mississippi. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

NOTE: Applicant requests duplication with present authority be eliminated.

HEARING: May 22, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Alfred B. Hurley.

No. MC 96938, filed February 6, 1958. Applicant: WENDELL CHANDLER, doing business as WENDELL CHANDLER TRUCKING CO., Little Rock, Ark. Applicant's attorney: John P. Corn, 106 Nat'l. Old Line Building, Little Rock, Ark. Assigned for hearing to determine whether the motor vehicle operations of the said carrier are and will be managed and operated in a common interest and management with those of Arkansas Trucking Co., Inc., and of the eligibility of the said Wendell Chandler, doing business as Wendell Chandler Trucking Co., to engage in operations in interstate or foreign commerce within the State of Arkansas, under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

HEARING: May 21, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 101075 (Sub No. 49), filed March 14, 1958. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Crookston, Minn., and points within 5 miles thereof to points in North Dakota and South Dakota and the ports of entry of Noyes and International Falls, Minn., on the international boundary line between the United States and Canada, and *fertilizer ingredients and materials*, both liquid and dry, on return. Applicant is authorized to conduct operations in Nebraska, Iowa, North Dakota, Minnesota, South Dakota, Wisconsin, Wyoming, and Montana.

HEARING: May 20, 1958, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Joint Board No. 143, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 101075 (Sub No. 50), filed March 14, 1958. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission in Ex Parte No. MC-45, (1) from Mandan, N. Dak., to points in South Dakota south and east of a line extending from the Wyoming-South Dakota state line along U. S. Highway 14 through Rapid City, Pierre and Wessington to junction U. S. Highway 281, thence along U. S. Highway 281 through Redfield and Aberdeen to the South Dakota-North Dakota state line and to points in Montana except those in Sheridan, Daniels, Roosevelt, McCone, Valley, Richland, Dawson, Prairie, Fallon, Custer, Powder River, Wibaux, and Carter Counties; (2) from Moorhead, Minn., to points in North Dakota west of North Dakota Highway 32; and (3) from Moorhead, Minn., to points in South Dakota east of the Missouri River and on and north of a line ten miles south of and parallel to U. S. Highway 14. Applicant is authorized to conduct operations in Nebraska, Iowa, North Dakota, Minnesota, South Dakota, Wyoming, and Montana.

HEARING: May 27, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Donald R. Sutherland.

No. MC 101075 (Sub No. 51), filed March 14, 1958. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission in Ex Parte No. MC-45, from Superior, Wis., to points in Minnesota, except that part of Minnesota on and north of the southern boundary of Polk County, extending from the Minnesota-North Dakota state line to junction U. S. Highway 59, thence on and west of U. S. Highway 59 extending from the said county line to Halma, Minn., thence on and south of unnumbered highway extending from Halma through Kennedy, Minn., to Red River. Applicant is authorized to conduct operations in Nebraska, Iowa, North Dakota, Minnesota, South Dakota, Wyoming, and Montana.

HEARING: May 23, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 103253 (Sub No. 2), filed February 24, 1958. Applicant: NEVILLE FLYNN, 342 Warsaw Street, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barrels, whiskey*, empty, used, from Frankfort, Ky., to all points in Indiana, Illinois, Michigan, Ohio, and Tennessee. Applicant is authorized to conduct operations in Indiana, Kentucky, and Ohio.

NOTE: Applicant holds Certificate No. MC 107865 as a common carrier. Dual operations under section 210 may be involved.

HEARING: May 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Alfred B. Hurley.

No. MC 105902 (Sub No. 9), filed March [illegible], 1958. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in less-than-truckload lots, maximum weight 9,999 lbs., between Penn Yan, N. Y., on the one hand, and, on the other, points in Orleans, Wyoming, Genesee, Erie, and Niagara Counties, N. Y. Applicant is authorized to conduct operations over regular routes in New Jersey and New York, and over irregular routes in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Applicant states it presently holds authority within the same area for shipments in truckload lots, minimum weight 10,000 pounds, and also holds unrestricted authority for various specific commodities within the area applied for.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 107002 (Sub No. 118), filed March 7, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P. O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, in bulk, in tank vehicles, from Moundville, Ala., and points within 25 miles thereof, to points in Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia.

HEARING: May 12, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 107515 (Sub No. 273), filed March 3, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–16 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described by the Commission in Ex Parte MC 45, 61 M. C. C. 209, from Madison, Wis., to Bristol, Va., Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: May 14, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Donald R. Sutherland.

No. MC 107515 (Sub No. 274), filed March 3, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–16 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, from Cudahy, Wis., to points in Georgia.

NOTE: Applicant proposes in this application that service from Cudahy, Wis., to points in Georgia be restricted to shipments which have been stopped for partial unloading at points in Georgia, Tennessee, Alabama, North Carolina, or South Carolina. Applicant is authorized in Certificate No. MC 107515 Sub 148 to transport these commodities from Cudahy, Wis., to points in Tennessee, Alabama, North Carolina, and South Carolina.

HEARING: May 14, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Donald R. Sutherland.

No. MC 109397 (Sub No. 21), filed March 13, 1958. Applicant: TRI-STATE WAREHOUSING AND DISTRIBUTING CO., a Corporation, P. O. Box 113, 315 East Seventh Street, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives, blasting supplies, materials and agents and the component parts thereof*, (A) between Quarry Township, Jersey County, Ill., and points in Iowa, Missouri, and Kansas; (B) between South Liberty Township, Clay County, Mo., and points in Iowa; (C) between Randolph County, Mo., and points in Iowa. Applicant is authorized to conduct regular route operations in Illinois, Kansas, Missouri, and Oklahoma, and irregular route operations in Arkansas, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: May 15, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Michael B. Driscoll.

No. MC 109462 (Sub No. 6), filed February 24, 1958. Applicant: LUMBER TRANSPORTS, INC., 2101 North Market, Shawnee, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* and *lumber products*, and *windows and doors, complete with panes*, from Broken Bow and Wright City, Okla., to points in Arkansas, Louisiana, Missouri, Kansas, Texas, Alabama, Mississippi, Tennessee, Illinois, Indiana, Iowa, Kentucky, and Georgia; (2) *Lumber* and *lumber products*, from Dierks and Mountain Pine, Ark., to points in Tennessee, Alabama, Mississippi, Louisiana, Illinois, Indiana, Iowa, Georgia, and Kentucky; and (3) *Pressure treated forest products*, from DeQueen, Ark., to points in Mississippi, Alabama, Tennessee, Louisiana, Missouri, Kansas, Oklahoma, Texas, Illinois, Indiana, Iowa, Georgia, and Kentucky. Applicant is authorized to conduct operations in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Applicant states it seeks no duplicating authority.

HEARING: May 22, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Alfred B. Hurley.

No. MC 109680 (Sub No. 3), filed February 3, 1958. Applicant: LEO BURNS AND EARL BURNS, doing business as BURNS TRUCKING COMPANY, Unnumbered Street, R. No. 1, Ringle, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, and *animal and poultry feed concentrates*, in bulk, from Davenport, Iowa, to points in Wisconsin and those in Illinois lying on and north of U. S. Highway 136, including municipalities on said highway, and from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to points in Wisconsin. Applicant is authorized to conduct operations in Iowa, Minnesota, and Wisconsin.

NOTE: Applicant agrees that duplication with present authority be eliminated.

HEARING: May 12, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Donald R. Sutherland.

No. MC 110988 (Sub No. 48), filed March 10, 1958. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicants' attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin size*, in bulk, in tank vehicles, from Pensacola, Fla., and Valdosta, Ga., to points in Wisconsin. Applicant is authorized to conduct operations in Wisconsin, Illinois, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, Missouri, Oklahoma, and Tennessee.

HEARING: May 15, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Donald R. Sutherland.

No. MC 111069 (Sub No. 24), filed February 21, 1958. Applicant: COLDWAY CARRIERS, INC., P. O. Box 38, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Appendix I to report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, 766, from Louisville, Ky., to Montgomery Ala. Applicant is authorized to conduct operations in Kentucky, Georgia, Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, the District of Columbia, Texas, Kansas, Oklahoma, Maine, New Hampshire, and Vermont.

NOTE: On January 24, 1958, a proceeding was instituted by this Commission under Section 212 (c) of the Interstate Commerce Act No. MC 111069 Sub No. 22, to determine whether the operating authority as a contract carrier presently held by applicant should be revoked and in lieu thereof a certificate issued to operate as a common carrier.

HEARING: May 29, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 284, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 111159 (Sub No. 49), filed March 10, 1958. Applicant: MILLER TRANSPORTERS, LTD., a Corporation, P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the site of Mississippi Valley Portland Cement Company plant in Warren County, Miss., to points in Arkansas, Louisiana and points in Tennessee west of the Tennessee River. Applicant is authorized to conduct operations in Mississippi, Louisiana, Tennessee, Alabama, Georgia, Arkansas, Florida, Kentucky, Missouri, and Oklahoma.

NOTE: Applicant states it does not seek herein any authority duplicating the authority requested in MC 111159 Sub 43 now pending before the Commission.

HEARING: May 9, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Alfred B. Hurley.

No. MC 111159 (Sub No. 51), filed March 10, 1958. Applicant: MILLER TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Vicksburg, Miss., to points in Louisiana, and points in Howard, Pike, Clark, Dallas, Cleveland, Lincoln, Desha, Drew, Phillips, Bradley, Calhoun, Ouachita, Nevada, Hempstead, Sevier, Little River, Miller, Lafayette, Columbia, Union, Ashley, and Chicot Counties, Ark. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

HEARING: May 9, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 218, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 111594 (Sub No. 13), filed January 23, 1958. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a Corporation, 610 High Street, Wisconsin Rapids, Wis. Applicant's attorney: Franklin R. Overmyer, Harris Trust Building, 111 West Monroe Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (a) between Stevens Point, Wis., and Appleton, Wis., via U. S. Highway 10, and (b) between Green Bay, Wis., and junction Wisconsin Highway 73 and Wisconsin Highway 54, via Wisconsin Highway 54, serving no intermediate or off-route points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations between Minneapolis-St. Paul, Minn., and Appleton and Green Bay, Wis.

HEARING: May 13, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 112030 (Sub No. 3), filed March 20, 1958. Applicant: PAUL W. WILLS, INC., 9107 South Telegraph Road, Inkster, Mich. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Cuyahoga, Lake, Summit, and Wayne Counties, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and from Watkins Glen, N. Y., to points in Indiana, Michigan, and Ohio. *Empty containers or other such incidental facilities* used in transporting salt, on return. Applicant is authorized to transport salt from Detroit, Mich. to points in Ohio, Illinois and Indiana.

NOTE: Applicant states that any duplicating authority in its pending MC 112030 Sub 2 application, should be eliminated.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 112567 (Sub No. 1), filed February 11, 1958. Applicant: ARTHUR B. McRAY, doing business as McRAY TRUCK LINE, Springfield, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, wire fencing, gates,* and *nails*, and *supplies* used in the installation of roofing, fencing, and gates, (1) From Crawfordsville, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia; and (2) From Jacksonville, Fla., to points in Alabama, Georgia, and Tennessee, and to Crawfordsville, Ind. Applicant is authorized to transport similar commodities in Indiana and Kentucky.

HEARING: May 29, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Alfred B. Hurley.

No. MC 113514 (Sub No. 35), filed March 14, 1958. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor, Mercantile Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bulk, in specialized equipment, between points in Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Colorado. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant is under common control with Chemical Express (Permit No. MC 115135 (Sub No. 1), dated January 28, 1957)—Section 210 (dual authority) may be involved.

HEARING: May 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 113751 (Sub No. 2), filed March 13, 1958. Applicant: HAROLD F. DUSHEK, 406 East Lake Street, Waupaca, Wis. Applicant's attorney: Edward Solie, 715 First Nat'l. Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from Waupaca, Wis., to points in Michigan, Ohio, Indiana, Iowa, Minnesota, Illinois, and Missouri, and *empty containers or other such incidental facilities* used in transporting charcoal, on return. Applicant is authorized to transport fertilizer from Dubuque, Iowa, to specified points in Wisconsin in Certificate MC 113751.

NOTE: Applicant is also authorized to conduct operations as a contract carrier from and to specified points in Michigan, Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Indiana in Permits MC 109650 and MC 109650 Sub 7, and has an application pending in No. MC 1[illegible] Sub 9 for a determination of its status as a common or contract carrier.

HEARING: May 15, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Donald R. Sutherland.

No. MC 114115 (Sub No. 1), filed March 30, 1958. Applicant: TRUCKAWAY SERVICE, INC., 22025 Telegraph Road, Trenton, Mich. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (1) from points in Cuyahoga, Lake, Summit, and Wayne Counties, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and (2) from Watkins Glen, N. Y., to points in Indiana, Michigan, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting salt on return. Applicant is authorized to transport salt, in truckloads, from specified points in Michigan to points in Indiana, Illinois, and Ohio.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 114890 (Sub No. 9), (Clarification), filed February 6, 1958, published page 1874, issue of March 20, 1958. Applicant: C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First Nat'l. Bank Building, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric, phosphoric and nitric acids*, and *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Atlas, Mo., located about 3 miles northeast of Duenweg, Mo., to points in Missouri, Arkansas, Texas, Kansas, Iowa, Colorado, Oklahoma, and Wisconsin. *Returned or rejected shipments* of the above-specified commodities, on return. Applicant is authorized to conduct similar operations in Kansas, Missouri, Oklahoma, Arkansas, Texas, Tennessee, Alabama, Florida, Illinois, Indiana, Kentucky, Louisiana, and Mississippi.

NOTE: Applicant is also authorized to conduct contract carrier operations in Permits Nos. MC 86928 and sub-numbers thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: Remains as assigned May 20, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Michael B. Driscoll.

No. MC 115805 (Sub No. 1), filed December 23, 1957. Applicant: SMITH'S, INC., Cottonwood, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Reno County, Kans., to points in Minnesota and North Dakota, and *agricultural commodities* on return.

NOTE: Applicant has common carrier, irregular route authority in Certificate No. MC 109311 (Sub No. 1), dated April 19, 1950. Section 210 (dual authority) may be involved.

HEARING: May 22, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Donald R. Sutherland.

No. MC 115924 (Sub No. 2), filed March 17, 1958. Applicant: SUGAR-TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald D. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, and *invert sugar*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Virginia and Tennessee, and *rejected or returned shipments* of the commodities specified in this application on return. Applicant is authorized to transport similar commodities in Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that the instant application is filed to extend an existing operation under a continuing contract with one person (as defined by the Commission in section 203 (a) (1) of the act), who operates manufacturing plants, the principal business of which is the production of sugar. Duplication with present authority to be eliminated.

HEARING: May 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Robert A. Joyner.

No. MC 116119 (Sub No. 3), filed February 25, 1958. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., No. 7 Third Street, Elkins, W. Va. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory and scientific furniture, equipment, fixtures* and *parts*, from Elkins, W. Va., and points within 15 miles of Elkins, and points in Nassau County, N. Y., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. (2) *Such materials, components* and *parts* as are used in the manufacture and assembly of the above-described commodities in (1), from points in the above-described destination areas to Elkins, W. Va., and points within 15 miles of Elkins, and points in Nassau County, N. Y. Applicant is authorized to transport other commodities from and to a specified point in Ohio and a specified point in West Virginia. Applicant holds common carrier authority in Certificate No. MC 106002. Dual operations under section 210 may be involved.

HEARING: May 14, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 116159 (Sub No. 1) filed February 24, 1958. Applicant: ERNEST HINES, INC., 2600 East 52d Street, Indianapolis, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building materials* and *construction materials*, in bulk, between points in Boone, Kenton, and Campbell Counties, Ky., on the one hand, and, on the other, points in Hamilton and Clermont Counties, Ohio. Applicant is authorized to transport similar commodities in Indiana, Ohio, and Kentucky.

NOTE: Duplication with present authority to be eliminated.

HEARING: May 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 116363 (Sub No. 1), filed March 18, 1958. Applicant: WILLIAM EMSLEY, doing business as WILLIAM EMSLEY TRUCK RENTALS, 206 Cornell Avenue, Somerdale, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, requiring refrigeration, from Philadelphia, Pa., to points in Connecticut, Delaware, Massachusetts, Rhode Island, and Virginia.

HEARING: May 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 116710 (Sub No. 3), filed February 24, 1958. Applicant: M. D. ALTGELT AND HART F. SMITH, doing business as MISSISSIPPI CHEMICAL EXPRESS, P. O. Box 1634 (McInnis Loop), Hattiesburg, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, in tank vehicles, from Pontiac, Miss., to Franklinton, La.

HEARING: May 14, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 116884 (Sub No. 1), filed March 7, 1958. Applicant: LeROY GRAVELLE, 128 University Avenue, SE., Minneapolis, Minn. Applicant's attorney: Thomas E. Dougherty, 250 National Building, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Ice cream and ice cream mixes*, and transporting on the same vehicles and at the same time, dairy products and ice cream cones when the weight of said dairy products or ice cream cone shipment does not exceed ten percent of the gross weight of the shipment of ice cream or ice cream mixes, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, (1) between Minneapolis, Minn., and Sioux Falls, S. Dak., from Minneapolis over U. S. Highway 169 to Mankato, Minn., thence over Minnesota Highway 60 to Worthington, Minn., thence over U. S. Highway 16 to Sioux Falls, and return over the same route, serving no intermediate points; (2) between Minneapolis, Minn., and Ashland, Wis., from Minneapolis over U. S. Highway 8 to Turtle Lake, Minn., thence over U. S. Highway 63 to the junction of U. S. Highway 2, thence over U. S. Highway 2 to Ashland, and return over the same route, serving no intermediate points; (3) between Minneapolis, Minn., and Mandan, N. Dak., from Minneapolis over U. S. Highway 10 to Mandan, and return over the same route, serving the intermediate points of St. Cloud, Minn., and

Fargo and Jamestown, N. Dak.; (4) between Minneapolis, Minn., and Virginia, Minn., from Minneapolis over U. S. Highway 8 to Forest Lake, Minn., thence over U. S. Highway 61 to Carlton, Minn., thence over Minnesota Highway 33 to Independence, Minn., and thence over U. S. Highway 53 to Virginia, and return over the same route, serving no intermediate points; (5) between Minneapolis, Minn., and Duluth, Minn., from Minneapolis over U. S. Highway 61 to Duluth, and return over the same route, serving no intermediate points.

HEARING: May 21, 1958, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Examiner Donald R. Sutherland.

No. MC 116908 (Sub No. 1), filed March 4, 1958. Applicant: W. M. SHELTON, 816 Fourth Street, Corinth, Miss. Applicant's attorney: William L. Sharp, P. O. Box 844, Corinth, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground vegetable oil flakes; cotton seed meal*, in bulk and in sacks; *cotton seed hulls*, in bulk and in sacks; *soybean meal*, in bulk and in sacks; *bagging and ties*, and *general oil mill parts and supplies*, for the account of Buckeye Cellulose Corporation, from Memphis, Tenn., to Corinth, Miss., and *exempt agricultural products* on return.

HEARING: May 21, 1958, at the Peabody Hotel, Memphis, Tenn., before Joint Board No. 4, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 116935 (Sub No. 1), filed February 24, 1958. Applicant: HARRY KODISH AND GEORGE NOURY, a Partnership, doing business as COMMERCIAL FURNITURE DISTRIBUTORS, 126 Grand Street, Hoboken, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office furniture*, uncrated and crated, and *ranges*, from Hasbrouck Heights, N. J., to points in Westchester, Nassau, and Suffolk Counties, N. Y., and New York, N. Y., and *returned and rejected shipments* of the above-described commodities, on return.

HEARING: May 12, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 117135, filed January 23, 1958. Applicant: LLOYD F. ZAHN, doing business as ZAHN TRUCKING, Route 2, P. O. Box 99, West Bend, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery and implements*, set up or partially set up, uncrated, (except tractors and parts thereof), as specified in *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC-45, 61 M. C. C. 209, and *parts thereof* when shipped incidentally with such agricultural machinery and equipment, from the plant site and warehouses of Gehl Bros. Manufacturing Co., at West Bend, Wis., to points in Illinois and Michigan. *Used damaged or rejected shipments* of the above-specified commodities on return.

HEARING: May 12, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Donald R. Sutherland.

No. MC 117148, filed January 27, 1958. Applicant: ARTHUR M. THOMPSON, doing business as THOMPSON MOTOR SERVICE, 118 North Ninth Street, Moorhead, Minn. Applicant's attorney: Norman H. Nelson, 404½ Center Avenue, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, or stolen vehicles*, and *cargo* of the wrecked, disabled, repossessed, or stolen vehicles, between points in Minnesota, North Dakota, South Dakota, Iowa, and Montana.

HEARING: May 27, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Donald R. Sutherland.

No. MC 117197, filed February 20, 1958. Applicant: RAGLAND TRUCKING COMPANY, INC., 3587 Lamar Avenue, Memphis, Tenn. Applicant's attorney: John Paul Jones, 1012 Edway Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, seed, fertilizer* and *fertilizer ingredients*, in bags, from Yazoo City and Gulfport, Miss., Mobile, Birmingham and Sheffield, Ala., and North Little Rock, Ark., to points in Tennessee west of the Tennessee River, points in Mississippi north of U. S. Highway 82, points in Arkansas east of U. S. Highway 65, and points in Dunklin, Pemiscot, New Madrid, Mississippi, Scott, Stoddard, Butler, Cape Girardeau, Bollinger, Madison, Wayne, Carter, and Ripley Counties, Mo., and *exempt commodities*, on return.

HEARING: May 21, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Alfred B. Hurley.

No. MC 117199, filed February 24, 1958. Applicant: ANTHONY D. RUSSO, 205 Douglas Road, Roselle, N. J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *clay*, in dump vehicles, from Sayreville, N. J., to Palmerton, Pa.

HEARING: May 13, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 117200, filed February 24, 1958. Applicant: ALLEN TISCH AND MERDON DREWS, a Partnership, doing business as TISCH AND DREWS, 227 North Adams, Oconto Falls, Wis. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular and irregular routes, transporting: *Pulp*, for the manufacture of paper, *lime*, in bags, and *finished paper products*, between Oconto Falls, Wis., and Menominee, Mich.: from Oconto Falls over Wisconsin Highway 22 to junction with U. S. Highway 41 at Oconto, and thence over U. S. Highway 41 to Menominee, and return over the same route, serving no intermediate points; and *spent sulphite liquor*, in bulk, in tank trucks or tank trailers, over irregular routes between points within 50 miles of Marinette, Wis.

NOTE: Permits to operate as a contract carrier have been issued to Merdon Drews, an individual, to transport coal over irregular routes from Menominee, Mich. to Oconto Falls, Wis. (No. MC 113301 Sub-1) and wet pulp over a specified regular route from Oconto Falls, Wis. to Menominee, Mich. and lime in bags, on return (No. MC 113301 Sub-12); applicant states "to such extent as any authority granted duplicates that held by Merdon Drews as an individual, Merdon Drews will immediately initiate voluntary revocation application for the abandonment of such conflicting authorities". Order of the Commission dated March 2, 1954 in No. MC-FC 56541 denied partnership application of Tisch and Drews to transfer to it the operating rights under Permit MC 113301 Sub-2 on the ground that "the operating rights sought to be transferred * * * would involve a similar type of service from and to points in the same territory".

HEARING: May 13, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 117205, filed February 24, 1958. Applicant: HARRY J. GRACYALNA, 219 East Wilson Avenue, Appleton, Wis. Applicant's attorney: Urban P. Van Susteren, 229 West College Avenue, Appleton, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including those of unusual value*, but excepting Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Cities of Appleton, Kaukauna and New London, Villages of Kimberly, Little Chute, Combined Locks, and Hortonville, the Towns of Buchanan, Grand Chute, Freedom, Hortonia, Ellington, and Kaukauna, in Outagamie County, Wis., and the City of New London, in Waupaca County, Wis., and the Cities of Neenah and Manasha, and the Towns of Menasha and Neenah, in Winnebago County, Wis.

HEARING: May 16, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 117208, filed February 28, 1958. Applicant: JAMES AUBREY BREEDLOVE, doing business as BREEDLOVE TRUCKING SERVICE, 486 Webb Avenue, Bowling Green, Ky. Applicant's attorney: Marshall Funk, Grady Building, Opposite Court House, Bowling Green, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Building brick* (no exceptions), in bulk, from Nashville, Tenn., to Bowling Green, Ky., over U. S. Highway 31-W, serving no intermediate points, but serving points within the city limits of Bowling Green, and points within three (3) miles of the city limits of Bowling Green in Warren County, Ky., as off-route points.

HEARING: May 26, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 117221, filed February 24, 1958. Applicant: MAURICE GRAHAM, R. D. No. 4, Binghamton, N. Y. Applicant's representative: Carl W. Clark, 58 Henry Street, Sun Building, Binghamton, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and grains*, in bulk and in bags, *cement*, in bulk and in bags, and *coal*, in bulk, from Binghamton, N. Y., to points in Broome, Chenango, Cortland, Delaware, Greene, Madison, Orange, Otsego, Sullivan, Tioga, Tompkins, and Ulster Counties, N. Y.

NOTE: In connection with the transportation of bulk feeds and grains applicant states that the proposed service will be in connection with rail, effecting more economic handling at a central point with special equipment for loading and unloading from rail cars to trucks, such installation to be made on railroad property leased from the Delaware, Lackawanna & Western Railroad in Binghamton, N. Y.

HEARING: May 12, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 117224, filed March 5, 1958. Applicant: RAYMOND R. MALECHA, Box 3, Webster, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags or in bulk, from New Richmond, Wis., to Webster, Minn.

HEARING: May 23, 1958, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 117230, filed March 6, 1958. Applicant: ANDREW J. HOFMEISTER, doing business as ANDREW HOFMEISTER TRUCKING, 202 North Valley Street, New Ulm, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, from Perry, Iowa, to New Ulm, Minn., and points in Benton, Morrison, Sherburne, and Stearns Counties, Minn.

HEARING: May 20, 1958, at the Federal Court Building, Marquette Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 117233 (Sub No. 1) (Amendment), filed March 7, 1958. Applicant: MERCURY MOTOR FREIGHT, INC., 415 Waddell Avenue, Clairton, Pa. Applicant's attorney: Henry M. Wick, 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cut and prefabricated buildings*, and *component parts thereof*, from points in Allegheny County, Pa., to points in Ohio, New York, New Jersey, West Virginia, Virginia, North Carolina, Indiana, Illinois, Wisconsin, Kentucky, Maryland, Delaware, Michigan, Connecticut, Massachusetts, Rhode Island, South Carolina, Tennessee, and the District of Columbia; (2) *garage doors*, from Egg Harbor, N. J., to points in Alegheny County, Pa. Application as previously noticed in FEDERAL REGISTER sought common carrier authority.

HEARING: May 14, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 117244, filed March 7, 1958. Applicant: RICHARD STOIK, doing business as STOIK TRANSFER, 320 Reuter Avenue, Rice Lake, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Rice Lake, Wis., and Birchwood, Wis., over Wisconsin Highway 48, serving the intermediate points of Mikana and Angus, Wis.; (2) Between Rice Lake, Wis., and Sarona, Wis., over U. S. Highway 53, serving the intermediate point of Haugen, Wis.; (3) Between Sarona, Wis., and Birchwood, Wis., over Washburn County Highway Trunk D, serving no intermediate points; and (4) Between Haugen, Wis., and junction Wisconsin Highway 48 and Barron County Highway Trunk B, over Barron County Highway Trunk B, serving the intermediate point of Brill, Wis.

HEARING: May 16, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 117245, filed March 10, 1958. Applicant: JOHN VOSS, Hill City, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed feeds*, from Kansas City and St. Joseph, Mo., Omaha, Nebr., and Denver, Colo., to points in Decatur, Sheridan, Gove, Trego, Ellis, Graham, Norton, Phillips, Rooks, Rawlins, Thomas, Logan, Scott, Lane, Ness, Rush, Barton, Russell, Osborne, and Smith Counties, Kans.; *dry fertilizer*, from Kansas City and St. Joseph, Mo., Omaha, Nebr., and Denver, Colo., to points in Decatur, Sheridan, Gove, Trego, Ellis, Graham, Norton, Phillips, Rooks, Rawlins, Thomas, Logan, Scott, Lane, Ness, Rush, Barton, Russell, Osborne, and Smith Counties, Kans.; *new and used farm machinery*, knocked down or set up, from Kansas City, Mo., to points in Decatur, Sheridan, Gove, Trego, Ellis, Graham, Norton, Phillips, Rooks, Rawlins, Thomas, Logan, Scott, Lane, Ness, Rush, Barton, Russell, Osborne, and Smith Counties, Kans.; *building materials*, from Kansas City and St. Joseph, Mo., Omaha, Nebr., and Denver, Colo., to points in Decatur, Sheridan, Gove, Trego, Ellis, Graham, Norton, Phillips, Rooks, Rawlins, Thomas, Logan, Scott, Lane, Ness, Rush, Barton, Russell, Osborne, and Smith Counties, Kans.; and *Livestock, hay, grain, and other exempt commodities*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the above-specified destination points to the above-described origin points; and *Rock*, and *livestock, hay, grain, and other exempt commodities* and *empty containers or other such incidental facilities* (not specified) used in transporting Rock, between points in Decatur, Sheridan, Gove, Trego, Ellis, Graham, Norton, Phillips, and Rooks Counties, Kans., on the one hand, and, on the other, points in Nebraska.

HEARING: May 14, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Michael B. Driscoll.

No. MC 117248, filed March 14, 1958. Applicant: LAWRENCE JACOBSON, doing business as JACOBSON TRANSPORT, Wheaton, Minn. Applicant's attorney: Lee F. Brooks, 405 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuel*, in bulk, from points in the Minneapolis-St. Paul, Minn. Commercial Zone, to Fargo, Grand Forks, and Bismarck, N. Dak., and *empty containers or other such incidental facilities* used in transporting aviation fuel, in bulk, on return.

HEARING: May 21, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 24, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 117250, filed March 12, 1958. Applicant: JAMES WILSON, doing business as JAMES WILSON & SONS, 2 Baltic Street, Brooklyn, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of paints, colors, chemicals and pigments, in containers, and *materials and supplies* used in connection therewith, between the plant site of the Sherwin-Williams Co., Brooklyn, N. Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N. J.

NOTE: Applicant proposes to conduct the above-described operations under a continuing contract with Sherwin-Williams Co. at Brooklyn, N. Y.

HEARING: May 20, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 117257, filed March 18, 1958. Applicant: DWYER TRANSPORT CO., 324 16th Street North, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, 405 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Louis, Mo., to points in the Fargo, N. Dak., and Moorhead, Minn., Commercial Zones, and Portland, N. Dak., and *empty containers or other* *such incidental facilities* used in transporting beer, on return.

HEARING: May 28, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Donald R. Sutherland.

MOTOR CARRIERS OF PASSENGERS

No. MC 115116 (Sub No. 1), filed February 26, 1958. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Middlesex, Mercer, and Somerset Counties, N. J., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Louisiana, Wisconsin, New Jersey, and the District of Columbia. Applicant is authorized to conduct regular route operations in New Jersey and New York.

HEARING: May 15, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 75289 (Sub No. 13), (Correction) filed February 12, 1958, published issue of April 2, 1958. Applicant: D. C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington 7, D. C. Applicant's representative: O. Roy Chalk, President (same address as applicant). Route 4 (b) of the notice of filing published on the above date was incomplete. Correctly set forth the proposed operations in Route 4 (b) reads as follows: From New York, N. Y., over city streets to access roads leading to Idlewild International Airport, and return over such access roads and city streets to New York, N. Y., serving no intermediate points.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12677, filed March 6, 1958. Applicant: FORDHAM TRAVEL BUREAU, INC., 400 East Fordham Road, New York 58, N. Y. Applicant's attorney: Andrew Reiner, 320 Broadway, New York 7, N. Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N. Y. in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *Passengers and their baggage*, between New York, N. Y., on the one hand, and, on the other, points in the United States.

HEARING: May 19, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub No. 187), filed December 5, 1955. Applicant: RISS & COMPANY, INC., Riss Building, 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and the Assembly Plant site of the Ford Motor Company at intersection of Michigan Highway 218 and West Lake Drive near Wixom, Mich., over Michigan Highway 16 from Detroit to junction Michigan Highway 218, thence over Michigan Highway 218 to site of Ford Motor Company Assembly Plant, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia, and irregular route operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, and the District of Columbia.

No. MC 15214 (Sub No. 33), filed March 24, 1958. Applicant: MERCURY MOTORWAYS, INC., 947 Louise Avenue, South Bend, Ind. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in the Chicago, Ill., Commercal Zone, as defined by the Commission, in connection with applicant's authorized regular route operations to and from Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

NOTE: The purpose of the filing of the instant application is to remove the restriction contained in carrier's Certificate MC 15214 (Sub No. 1) dated March 19, 1943, reading: "Service to and from Milwaukee and intermediate points in Wisconsin is restricted to traffic moving to and from points and places on said carrier's authorized routes, other than points and places in the Chicago Commercial Zone as defined in Chicago, Ill., Commercial Zone, 1 M. C. C. 673."

No. MC 29886 (Sub No. 114), filed March 27, 1958. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Two wheel trailers designed for the transportation of crawler-type tractors*, partly or completely assembled, when transported in the same vehicle with crawler tractors, from Churubusco, Ind., to points in the United States, except those in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that it is authorized by certificate No. MC 29886 (Sub No. [illegible]) to transport crawler tractors, set up, with loading or grading attachments, and parts thereof, when transported in the same vehicle with such commodities, from Churubusco, Ind., to the destinations sought here. There is only one shipper in Churubusco of the involved commodities, J. I. Case Company. The shipper's primary business at this plant is the manufacture of crawler tractors together with certain attachments for loading or grading. The shipper also manufactures a small two wheel trailer for use in transporting a tractor from one place of use to another, which can be towed by a pickup truck. These trailers are occasionally shipped along with the crawler tractors, normally with the wheels off. They may be considered an accessory to the tractor. In order to clarify applicant's right to handle these small trailers along with the crawler tractors, this application has been filed.

No. MC 34167 (Sub No. 2), filed March 25, 1958. Applicant: LAURANCE PORTER doing business as PORTER TRUCK LINE, Box 71, Lafayette, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Lafayette and McMinnville, Oreg., as intermediate points in connection with applicant's authorized regular route operations between Dayton Junction and Ballston, Oreg., and as off-route points in connection with applicant's authorized regular route operations between Portland and Hopewell, Oreg. Applicant is authorized to conduct operations in Oregon.

No. MC 66562 (Sub No. 1398), filed March 7, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including Class A and B explosives, moving in express service, Between Saratoga Springs, N. Y., and Fair Haven, Vt., as follows: (1) From Saratoga Springs over New York Highway 29 to Greenwich, N. Y., thence over New York Highway 372 to Cambridge, N. Y., thence over New York Highway 22 to Salem, N. Y., thence over unnumbered highway to Rupert, Vt., thence over unnumbered highway to West Pawlet, Vt., thence over unnumbered highway to junction New York Highway 22, thence over New York Highway 22 via Granville, N. Y., to junction New York Highway 22–A, thence over New York Highway 22–A to junction unnumbered highway, thence over unnumbered highway to Poultney, Vt., thence over Vermont Highway 30 to Castleton Corners, Vt., thence over U. S. Highway 4 to Fair Haven, and return over the same route, serving the intermediate points of Schuylerville, Greenwich, Cambridge, Salem, and Granville, N. Y., and Poultney, Castleton Corners, West Pawlet, and Rupert, Vt.; and (2) From Fair Haven over Vermont and New York Highways 22–A to Gran-

N. Y., thence over New York Highway 22 via Salem, N. Y., to junction New York Highway 29, thence over New York Highway 29 to Saratoga Springs, and return over the same route, serving the intermediate points of Granville, Salem, Greenwich, and Schuylerville, N. Y. Applicant is authorized to conduct operations throughout the United States. RESTRICTIONS: The service proposed to be performed by applicant will be limited to service which is auxiliary to or supplemental of express service. Shipments proposed to be transported by applicant will be limited to those moving on a through bill of lading or express receipt.

Note: Applicant states that the instant application is for authority to substitute motor service for discontinued rail service, and that under the circumstances applicant seeks authority to conduct the proposed motor operation in order to afford the public at points on the line with safe, dependable, adequate, and expeditious express service. Applicant further states that interchange with rail or air express service will be made at Saratoga Springs, N. Y., and that shipments will include interstate traffic having its entire movement local to the route, such as it has always handled in the past.

No. MC 67210 (Sub No. 4), filed March 17, 1958. Applicant: GLENNON TRANSPORTS, INC., 1005 North 13th Street, St. Louis 6, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine covers, advertising pamphlets, booklets*, and *catalogues*, between Sparta, Ill., on the one hand, and, on the other, New York, N. Y., and points within twenty-five (25) miles thereof. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 77135 (Sub No. 14), filed March 21, 1958. Applicant: PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Ventura, Calif., and points within 50 miles thereof, to points in Nevada, except Las Vegas, Lovelock, Tonopah, Winnemucca, Ely, and Elko. Applicant is authorized to conduct operations in California, Idaho, Nevada, Oregon, and Washington.

No. MC 77214 (Sub No. 2), filed March 24, 1958. Applicant: WALTER A. WANDKE, Pemberville, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk, in self-unloading bulk tractor trailer motor vehicles, from Toledo, Ohio, to points in Michigan on and south of Michigan Highway 21, and *rejected and refused shipments* of bulk feed on return. Applicant is authorized to transport Feed in Michigan and Ohio.

No. MC 87523 (Sub No. 69), filed March 28, 1958. Applicant: FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax emulsion*, in bulk, in tank vehicles, from Leominster, Mass., to Lisbon Falls, Maine. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Virginia.

No. MC 107496 (Sub. No. 101), filed March 13, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the site of the Bituminous Material & Supply Co. Terminal at or near Linwood, Iowa, to points in Illinois on and north of a line beginning at Quincy, Ill., and extending along U. S. Highway 24 to junction U. S. Highway 136, thence along U. S. Highway 136 to the Illinois-Indiana State line; points in Minnesota on, east and south of a line beginning at the Minnesota-Iowa State line and extending along U. S. Highway 169 to Mankato, Minn., thence east along Minnesota Highway 60 to the Minnesota-Wisconsin State line; points in Wisconsin from the Wisconsin-Illinois State line to the northern boundaries of LaCrosse, Monroe, Juneau, Waushara, Adams, Winnebago, Calumet, and Manitowoc Counties, Wis.; and those in Missouri. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

No. MC 117275, filed March 20, 1958. Applicant: MAURICE FRIEDMAN, Templeton, Iowa. Applicant's attorney: Wallace W. Huff, 310–14 Security Bank Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial (non-liquid) fertilizer*, in containers, bags, or bulk, and *empty containers or other such incidental facilities* used in transporting the above-described commodity, between Waterloo, Iowa, and points within 10 miles of Waterloo, on the one hand, and, on the other, points in that part of Nebraska on and east of the westerly borders of Boyd, Holt, Garfield, Valley, Sherman, Buffalo, Kearney, and Franklin Counties, Nebr.

No. MC 117293, filed March 26, 1958. Applicant: CHARLES M. SCHAFER, doing business as SCHAFER'S WELDING & TOWING, 1010 State Road 2 W., La Porte, Ind. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Used tractors*, in secondary movement, by truckaway method, to be used as a replacement for a wrecked or disabled tractor; (b) *wrecked, disabled or repossessed motor vehicles;* and (c) *gasoline, oil, grease, tires, wheels, rims* and *motor vehicle parts, accessories, supplies and materials* used in connection with the repairing and/or reconditioning of damaged, disabled or wrecked motor vehicles, trailers and semi-trailers, between points in Indiana, Illinois, Ohio, Wisconsin, Kentucky, and the Lower Peninsula of Michigan.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE.

No. MC 106504 (Sub No. 5), filed March 5, 1958. Applicant: WIDHOLM FREIGHTWAYS, INC., 1015 North Third Street, Minneapolis, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 65 and Minnesota Highway 13 and Nichols, Minn., from Junction U. S. Highway 65 and Minnesota Highway 13 in a northeast direction over Minnesota Highway 13 to an unnamed county road at a point just southeast of Nichols, Minn., and thence over unnamed county road to Nichols, approximately ¼ mile northwest of Minnesota Highway 13, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Minnesota. This application is directly related to MC–F 6849, published March 7, 1958, on page 1649.

Note: This application is filed to obtain a Certificate of Public Convenience and Necessity, authorizing continuance of interstate operations conducted under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission, issued by the State of Minnesota covering the operations set forth above.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6635, published in the August 10, 1957, issue of the FEDERAL REGISTER on page 4871. Amendment to the application filed March 31, 1958, to include TRANSPORTATION INVESTMENT, LTD., Montreal, Quebec, Canada, and in turn C. M. DRURY, also of Montreal, in control thereof, as party applicants in control of PROVINCIAL TRANSPORT COMPANY.

No. MC–F 6852, published in the March 12, 1958, issue of the FEDERAL REGISTER on page 1714. Supplement filed April 2, 1958, to show joinder of BARRON COLLIER, JR., and ISABEL COLLIER, as executrix of the estate of MILES COLLIER (in control of TAMIAMI TRAIL TOURS, INC.), CENTRAL PUBLIC UTILITY CORPORATION (as controlling stockholder of CAROLINA COACH COMPANY), S. A. JESSUP, CLAUDE A. JESSUP, JAMES L. JESSUP, BETTY SUE JESSUP, MARY IRVA JESSUP and VIRGINIA PEPSI COLA BOTTLING COMPANY (in control of VIRGINIA STAGE LINES, INC.), as the persons in control of SERVICE COACH LINE, INC.

No. MC–F 6875. Authority sought for purchase by NEWSOM TRUCKING COMPANY, INC., U. S. Highway 31 Bypass (P. O. Box 509), Columbus, Ind., of the operating rights and certain property of CRUTCHER BROS. COMPANY, 501 River Road, Louisville 2, Ky., and for acquisition by PAUL R. NEWSOM, also of Columbus, of control of such rights and property through the purchase. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Louisville, Ky., and Indianapolis, Ind., serving all intermediate points; *compressed gas*, in *containers*, and *empty compressed gas containers*, between Louisville, Ky., and Charleston, W. Va., between Louisville, Ky., and Cincinnati, Ohio, and between Louisville, Ky., and Nashville, Tenn., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Kentucky, Ohio, West Virginia, Pennsylvania, and New York. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6876. Authority sought for control by BEKINS VAN & STORAGE CO. (CALIF. CORP.), 1335 South Figueroa Street, Los Angeles 15, Calif., of BEKINS VAN & STORAGE COMPANY, INCORPORATED, 5342 East Mockingbird Lane, Dallas 6, Tex., and for acquisition by MILO W. BEKINS, FLOYD R. BEKINS, FLOYD R. BEKINS, JR., KATHERINE BEKINS PALMER and M. B. HOLT as individuals, H. B. HOLT and RUTH B. HOLT as tenants in common, IDA RAINEY BEKINS and MILO W. BEKINS as executrix and executor of the estate of REED J. BEKINS, deceased, FLOYD R. BEKINS and MILO W. BEKINS as trustees under a declaration of trust executed by FLOYD R. BEKINS as trustor, MILO W. BEKINS and DOROTHY ELOISE BEKINS as trustees under a declaration of trust executed by MILO W. BEKINS as trustor, and IDA RAINEY BEKINS and MILO W. BEKINS as trustees under a declaration of trust executed by REED J. BEKINS (deceased) as trustor, all of Los Angeles, of control of BEKINS VAN & STORAGE COMPANY through the acquisition by BEKINS VAN & STORAGE CO. (CALIF. CORP.) Applicant's attorneys: R. Granville Curry, 631 Southern Building, Washington, D. C., and Lucien W. Shaw, 1335 South Figueroa Street, Los Angeles 15, Calif. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Texas. BEKINS VAN & STORAGE CO. (CALIF. CORP.) is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6877. Authority sought for purchase by RELIABLE TRANSPORT OF VIRGINIA, INCORPORATED, 214 East Ocean Drive, Portsmouth, Va., of a portion of the operating rights of RELIABLE TRANSPORT, INCORPORATED, U. S. Highway No. 1 North, Raleigh, N. C., and for acquisition by RELIABLE TRANSPORT, INCORPORATED, G. B. COOPER, ANNIE E. COOPER and G. B. COOPER, JR., all of Raleigh, of control of such rights through the purchase. Applicants' attorney: Vaughan S. Winborne, 209 Security Bank Building, Raleigh, N. C. Operating rights sought to be transferred: *Liquid petroleum products*, in tank trucks, as a *common carrier* over irregular routes, from Norfolk and Hopewell, Va., and Wilmington, N. C., and points within ten miles of Norfolk, those within ten miles of Hopewell, and those within ten miles of Wilmington, to points in that part of North Carolina on and east of U. S. Highway 21. Vendee holds no authority from this Commission; however, it is controlled by the vendor, which is authorized to operate as a *common carrier* in Virginia and North Carolina. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6878. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL, AND W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland, Ohio of BEST TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland, Ohio, upon the latter's institution of operations in interstate or foreign commerce, as a *contract carrier* by motor vehicle, for which application has been made, as described below. Applicants' attorney: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. Concurrently with the filing of this application BEST TRANSPORT, INC., filed an application on Form BMC 78 (Docket No. MC 117295) for a contract carrier permit to transport *cement*, in bulk and in bags, over irregular routes, from Alsen, N. Y., to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Pennsylvania, New Jersey, and Rhode Island; *rejected and returned shipments of cement*, from points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Pennsylvania, New Jersey, and Rhode Island to Alsen, N. Y. Applicants hold no authority from this Commission but own controlling stock interest in ANCHOR MOTOR FREIGHT, INC. OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT, INC., N. Y. CORP., RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., and J. E. BEJIN CARTAGE COMPANY, which are authorized to operate as *contract carriers* in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6879. Authority sought for purchase by RALPH E. DARLING, doing business as DARLING TRANSPORT SERVICE, 1020 J Street, Auburn, Nebr., of the operating rights and property of DORIS M. RICHLING, doing business as RICHLING TRANSPORT SERVICE, 410 North Fourth Street, Beatrice, Nebr. Applicants' attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. Operating right sought to be transferred: *Petroleum products*, in bulk, and as a *common carrier* over irregular routes, from Enid, Okla., to certain points in Nebraska and Bellville, Kans., and from refining and distributing points in Kansas to Holstein, Hastings, Falls City and Swanton, Nebr.; *petroleum products*, in bulk, in tank vehicles, from Council Bluffs, Iowa, and points within ten miles thereof, to Beatrice, Blue Springs, and Fairbury, Nebr.; *refined petroleum products*, from refining and distributing points in Kansas to certain points in Nebraska, and from all refining and distributing points in Kansas to certain points in Nebraska; *refined petroleum products*, in bulk, in tank vehicles from Council Bluffs, Iowa, and points in Iowa within ten miles of Council Bluffs, to certain points in Nebraska. Vendee is authorized to operate as a *common carrier* in Kansas, Nebraska and Iowa. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58–2595; Filed, Apr. 8, 1958; 8:51 a. m.]

UNIVERSITY
OF MICHIGAN
APR 11 1958
MAIN
READING ROOM

FEDERAL REGISTER

1934
VOLUME 23 NUMBER 71
Washington, Thursday, April 10, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3230

WORLD TRADE WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS world trade is vital to the economic growth and national security of the United States; and

WHEREAS the export trade of the United States provides employment for millions of Americans and is an indispensable outlet for the products of our farms and factories; and

WHEREAS imports into the United States help to keep factory wheels turning and assembly lines moving for our national defense, and are essential to the domestic economy of our Nation; and

WHEREAS world trade contributes to the economic strength and development of the free nations of the world, and is therefore a powerful force for the advancement of peace:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning May 18, 1958, as World Trade Week; and I request the appropriate officials of the Federal Government and of the several States, Territories, possessions, and municipalities of the United States to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to promote continuing awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of April in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-2709; Filed, Apr. 9, 1958; 11:51 a. m.]

PROCLAMATION 3231

NATIONAL FARM SAFETY WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the health, prosperity, and well-being of our rural families are vital to the strength of the Nation; and

WHEREAS accidents suffered by the rural inhabitants of our land result in thousands of injuries and deaths each year and constitute a serious social and economic problem; and

WHEREAS experience has shown that these accidents can be reduced through educational programs directed towards safety precautions in the homes, in the fields, and on the highways:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of the Nation to observe the week beginning July 20, 1958, as National Farm Safety Week, and I urge all farm families and all persons allied with agriculture to join in a continuing campaign to prevent needless accidents in the homes, in the fields, and on the highways.

I also request all persons and organizations interested in the welfare of farm people to support and participate in National Farm Safety Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 32, Parts 700–799 ($0.60)

Title 43 ($0.70)

Title 49, Part 165 to end ($0.75)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50)

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DONE at the City of Washington this 8th day of April in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-2708; Filed, Apr. 9, 1958; 11:51 a. m.]

RULES AND REGULATIONS

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-121]

PART 74—DIRECT SELLING COMPANIES

ORDER TERMINATING PROCEEDINGS AND RESCINDING RULES

Whereas, on April 27, 1932, the Commission promulgated trade practice rules for Direct Selling Companies, which rules were codified in the Code of Federal Regulations (16 CFR Part 74); and

Whereas, it appears that said rules for this industry do not in certain respects accurately reflect present requirements of law; and

Whereas, in response to request therefor by the National Association of Direct Selling Companies, the Commission instituted proceedings to revise said rules; and

Whereas, on September 10, 1957, and prior to Commission approval and promulgation of revised rules for the industry, said National Association of Direct Selling Companies filed a petition with the Commission requesting termination of said revision proceedings; and

Whereas, it appears that (1) said revision proceedings should be terminated, and (2) that the said rules promulgated for the industry in 1932 should be rescinded:

It is ordered, That the pending proceedings for revision of the trade practice rules promulgated on April 27, 1932, and relating to Methods and Practices employed by Direct Selling Companies be, and the same hereby are, terminated; and that the said rules, promulgated on April 27, 1932, be, and the same are, hereby rescinded.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Issued: April 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2635; Filed, Apr. 9, 1958; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PROVIDENCE HARBOR, R. I.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.90 governing the operation of bridges across Providence Harbor, Rhode Island, is hereby amended with respect to the Point Street bridge across the Providence River, amending paragraphs (b) and (c) and adding new paragraph (e), as follows:

§ 203.90 *Providence Harbor, R. I.; bridges.* * * *

(b) Except as otherwise provided in paragraph (c) of this section, the draw of each bridge across Seekonk River shall be opened promptly, upon receiving the prescribed signal, at all times during the day and night for the passage of vessels.

(c) Between 7:00 and 9:00 a. m. and between 4:00 and 6:00 p. m. daily the draws of the highway bridges across Seekonk River need not be opened for the passage of vessels other than loaded self-propelled cargo vessels and any assisting tugs: *Provided*, That the draws shall be opened promptly at all times for vessels owned or operated by the United States or the City of Providence desiring passage because of an emergency involving danger to life or property, upon sounding of four distinct blasts of a whistle or horn.

* * * * *

(e) *Point Street Bridge.* Between 7:00 and 9:00 a. m. and between 4:00 and 6:00 p. m. daily the draw of the bridge need not be opened for the passage of vessels; at all other times at least 24 hours' advance notice is required, such notice to be given to the Director of Public Works, City Hall, Providence, Rhode Island: *Provided*, That the draw shall be opened at all times, upon request, for vessels owned or operated by the United States or the City of Providence desiring passage in an emergency involving danger to life or property. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any hour of the day or night, in case of emergency.

[Regs., March 31, 1958, 823.01 (Providence River-Harbor, R. I.)—ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-2604; Filed, Apr. 9, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 34]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March 1958.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 34, dated January 30, 1958, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDeral Register on February 18, 1958 (23 F. R. 1042), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant further consideration rather than revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 34 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 34, dated January 30, 1958, as revised by the specific modification set forth as follows:

In § 78.239-1 paragraph (a) change the number in the 10th line to read "60" instead of "50".

It is further ordered, That this order shall become effective June 25, 1958, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

As adopted, the amendments read as set forth below.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

In § 71.13 amend paragraph (a) (1) (15 F. R. 8263, Dec. 2, 1950) to read as follows:

§ 71.13 *Emergency regulations.* (a) * * *

(1) Shippers' and carriers' regulations; handling detonating agents and explosives and explosive ammunition in same car or vehicle. Detonating fuzes, class A explosives, primer-detonator assemblies or other detonating elements containing explosive components, if of a safe type, may be shipped either assembled in bombs, depth charges, mines, projectiles, or torpedoes (torpedo warheads) or in properly packed containers in the same car or vehicle with bombs, depth charges, mines, projectiles, boosters, or torpedoes (torpedo warheads) when separated from the explosive bombs, depth charges, mines, projectiles, boosters, or torpedoes (torpedo warheads) by not less than 3 feet. The intervening space of 3 feet must be filled with dry sand or dry earth in bags or in a crib so constructed or lined as to prevent sifting of the sand or earth. The crib must be secured against movement.

* * * * *

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F. R. 8263, 8264, 8265, 8269, 8270, 8271, 8272, Dec. 2, 1950) (20 F. R. 8098, Oct. 28, 1955) (22 F. R. 7835, Oct. 3, 1957) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Benzyl chloride	Cor. L.	73.244, 73.295	White	1 quart.
Butadiene, inhibited	F. G.	73.302, 73.306, 73.314, 73.315	Red Gas	300 pounds.
Methyl mercaptan	F. G.	73.302, 73.308, 73.314, 73.315	do	Do.
Smokeless powder for cannon or small arms. See Propellant explosives, class A.				
Sodium azide	Pois. B	73.364, 73.375	Poison	100 pounds.
(Add)				
Actuating cartridges, explosive, fire extinguisher or valve.	Expl. C	73.114		150 pounds.
Methyl bromide and chlorpicrin mixture, liquid.	Pois. B	No exemption, 73.353	Poison	55 gallons.
Peroxides, organic, solution, liquid, n. o. s.	Oxy. M	73.153, 73.221	Yellow	1 quart.
Pyroforic solutions	F. L.	No exemption, 73.134	Red	Not accepted.
(Cancel)				
Fire extinguisher actuating cartridges.	Expl. C	73.114		150 pounds.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.28 amend the introductory text of paragraph (a); add paragraph (i) (15 F. R. 8277, Dec. 2, 1950) to read as follows:

§ 73.28 *Reused containers.* (a) Containers used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closing devices and cushioning materials, that they will protect their contents during transit as efficiently as new containers. Repairs must be made in an efficient manner and parts that are weak, broken, or otherwise deteriorated must be replaced (see paragraphs (e), (f), (g), (h), and (i) of this section, for containers that cannot be reused).

* * * * *

(i) Containers which are designated as nonreusable containers, marked NRC, and made under specifications prescribed in Part 78 of this chapter, from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B or C, as defined in this part.

2. In § 73.31 paragraph (g) (9) add spec. 109A200AL-W to table 1; add paragraph (g) (10) (22 F. R. 4789, July 9, 1957) (21 F. R. 4563, June 26, 1956) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* * * *

(g) * * *

(9) * * *

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests				Safety valve retest years	Interior heater systems retest				Tank test (p. s. i.)	Safety valve (p. s. i.)*	Safety valve vapor tight (p. s. i. minimum)	Retest holding time (minutes)	Test time when lagging is not removed (minutes)
		Up to 10 years	10-22 years	Over 10 years	Over 22 years		Up to 10 years	10-22 years	Over 10 years	Over 22 years					
ICC-109A200AL-W		10		10		5					200	150	120	10	[illegible]

[illegible] Tanks built to one specification and authorized to be stenciled to another specification must be retested in accordance with the higher specification and the test-pressure stenciled accordingly on the tank or jacket.

3. In § 73.32 amend paragraph (b) (1); amend paragraph (e) (3); amend paragraph (f); amend the introductory text of paragraph (l) and amend paragraph (l) (5) (15 F. R. 8279, 8280, Dec. 2, 1950) to read as follows:

§ 73.32 *Qualification, maintenance, and use of portable tanks.* * * *

(b) * * *

(1) Tanks designed and constructed in accordance with Pars. U–68, U–69, or U–201 of the A. S. M. E. Code may be used. Tanks designed and constructed in accordance with Pars. U–68 or U–69 may be re-rated at a working pressure 25 percent in excess of the design pressure for which the tank was originally constructed. If advantage is taken of the increased rating, the re-rated pressure shall be marked on the plate as follows:

Re-rated working pressure -- psig.

NOTE 1: For purposes of setting safety relief valves, pressure control valves and establishing retest pressure, and for purposes of establishing maximum and minimum design pressures, the re-rated working pressure shall be considered as the equivalent of the design pressure as defined in the specification.

* * * * *

(e) * * *

(3) The tank less any fittings shall be subject to a hydrostatic pressure of one and one-half times the design pressure (maximum allowable working pressure or re-rated pressure) of the tank.

* * * * *

(f) Every tank not complying in all respects with the prescribed specifications, but otherwise allowable under this part, shall successfully withstand the identical tests at test periods required for "specification tanks" by paragraph (e) (3), (4), and (5) of this section. Tanks constructed in accordance with paragraph U–68 or U–69 of the A. S. M. E. Code, and which have not been rerated, must be retested at a hydrostatic pressure of twice the design pressure.

* * * * *

(l) The bursting strength of any piping and fittings shall be not less than four times the design pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design pressure of the tank.

* * * * *

(5) All piping, valves and fittings on every tank shall be leakage tested with gas or air after installation and proved tight at not less than the design pressure of the tank on which they are used. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this section before the tank is returned to transportation service. The requirements of this section shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

* * * * *

4. In § 73.33 amend paragraph (b) (1) and Note 1 thereto; amend paragraphs (k) (2) and (5); amend the introductory text of paragraph (m) and amend paragraphs (m) (5) and (6) (15 F. R. 8280, 8281, 8282, Dec. 2, 1950) (20 F. R. 8098, Oct. 28, 1955) (19 F. R. 1276, March 6, 1954) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* * * *

(b) * * *

(1) Tanks designed and constructed in accordance with pars. U–68 or U–69 of the A. S. M. E. Code for the transportation of liquefied compressed gases may be used and may be re-rated at a working pressure 25 percent in excess of the design pressure for which the tank was originally constructed. If advantage is taken of the increased rating, the re-rated pressure shall be marked on the plate as follows:

Re-rated working pressure -- psig.

NOTE 1: For purposes of setting safety relief valves and pressure control valves, and for purposes of establishing maximum and minimum design pressures, the re-rated working pressure shall be considered as the equivalent of the design pressure as defined in the specification.

* * * * *

(k) * * *

(2) The tank less any fittings shall be subjected to a hydrostatic pressure of one and one-half times the design pressure (maximum allowable working pressure or re-rated pressure) of the tank.

* * * * *

(5) Every tank not complying in all respects with the prescribed specifications, but otherwise allowable under this part, shall successfully withstand the identical tests at test periods required for "specification tanks" by subparagraphs (2), (3), and (4) of this paragraph. Nonspecification tanks (paragraphs (e) and (f) of this section) shall be tested at least once in every calendar year as required in subparagraphs (2), (3), and (4) of this paragraph. Tanks constructed in accordance with Pars. U–68 or U–69 of the A. S. M. E. Code, and which have not been re-rated, must be retested at a hydrostatic pressure of twice the design pressure.

* * * * *

(m) On tanks used for compressed gases (except chlorine for which provisions are made at subparagraphs (9) to (11) of this paragraph), the bursting strength of any piping and fittings shall be not less than four times the design pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design pressure of the tank.

* * * * *

(5) All hose, wherever used, shall be designed for a bursting pressure not less than four times the design pressure of the tank with which it is used, and not less than four times that pressure to which, in any instance, it may be subjected in service by the action of a pump or other device, the action of which may be to subject the hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

* * * * *

(6) All piping, valves, and fittings on every tank motor vehicle shall be proved free from leaks at not less than the design pressure for the tank. This condition will be considered to have been met when such piping, valves, and fittings have been tested for leakage with gas or air after installation and proved tight at not less than the design pressure marked on the cargo tank with which they are used. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this section before the tank is returned to transportation service. The requirements of this section shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

* * * * *

5. In § 73.34 amend paragraphs (k) (12) and (13) (19 F. R. 3259, June 3, 1954) (19 F. R. 8525, Dec. 14, 1954) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* * * *

(k) * * *

(12) Cylinders made in compliance with the specifications listed in the table below and used exclusively in the service indicated may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due:

Cylinders made in compliance with—	Used exclusively for—
ICC–4B, ICC–4BA, ICC–26–240 [1], or ICC–26–300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
ICC–4, ICC–3A480, ICC–3AA480, ICC–3A480X, ICC–4A480, or ICC–4AA480	Anhydrous ammonia of at least 99.95 percent purity.

[1] Use of existing cylinders authorized, but new construction not authorized.

When this inspection is used in lieu of hydrostatic retesting, subsequent inspections are required 5 years after the first such inspection and periodically at 5-year intervals thereafter. Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year); ICC specification number; cylinder identification (registered symbol and serial number, date of manufacture, and own-

ership symbol (if needed for adequate identification)); type cylinder protective coating (painted, etc. and statement as to need of refinishing or recoating); conditions checked (leakage, corrosion, gouges, dents or digs in shell or heads, broken or damaged footring or protective ring or fire damage); disposition of cylinders (returned to service, to cylinder manufacturer for repairs or scrapped); a cylinder which passes the inspection prescribed shall have the date recorded in the manner presently prescribed for the recording of the retest date, except that an 'E' is to follow the date (month and year) indicating requalification by the external inspection method.

(13) Cylinders made in compliance with specification ICC-3A480, ICC-3A480X, and ICC-4AA480 (§§ 78.36, 78.43, and 78.56 of this chapter), used exclusively for anhydrous ammonia, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as painting, etc.) may be retested decennially instead of quinquennially. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak, or other conditions that indicate possible weakness which would render the cylinder unfit for service.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.63 amend paragraph (c) (1) (20 F. R. 8099, Oct. 28, 1955) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* * * *

(c) * * *

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 4 inches in diameter or 8 inches in length; provided that cartridges not exceeding 5 inches in diameter or 10 inches in length are authorized when each such cartridge is enclosed alone, or with other cartridges, in another strong paper shell and the resulting cartridge dipped in melted paraffin or equivalent material. The length of such completed cartridge shall not exceed 30 inches. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

* * * * *

2. In § 73.65 amend paragraph (i) (18 F. R. 802, Feb. 7, 1953) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* * * *

(i) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G (§ 78.218 of this chapter) which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends "HIGH EXPLOSIVES—DANGEROUS" in letters not less than 7/16 inch in height. When space will not permit such marking on ends of kegs or drums, it may be applied to the side of the container. The tops of boxes, except those referred to in paragraph (a) (1) to (7) of this section, must be marked "THIS SIDE UP".

3. In § 73.93 amend paragraph (a) (8) (17 F. R. 1560, Feb. 20, 1952) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, rockets, guided missiles, or other devices.* (a) * * *

(8) Spec. 14, 15A, 15B, or 15C (§§ 78.165, 78.168, 78.169, or 78.170 of this chapter) wooden boxes, or spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter) fiberboard boxes, with inside containers which must be fiber or metal containers of not more than 1½ pounds capacity each. Gross weight not to exceed 200 pounds in wooden boxes or 65 pounds in fiberboard boxes.

* * * * *

4. In § 73.100 amend paragraph (w) (20 F. R. 8100, Oct. 28, 1955) to read as follows:

§ 73.100 *Definition of class C explosives.* * * *

(w) Actuating cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

* * * * *

5. Amend entire § 73.114 (20 F. R. 8100, Oct. 28, 1955) to read as follows:

§ 73.114 *Actuating cartridges, explosive, fire extinguisher or valve.* (a) Actuating cartridges, explosive, fire extinguisher or valve must be packed in strong wooden or fiberboard boxes.

(b) Each outside container must be plainly marked "ACTUATING CARTRIDGES, EXPLOSIVE, FIRE EXTINGUISHER — HANDLE CAREFULLY" or "ACTUATING CARTRIDGES, EXPLOSIVE, VALVE—HANDLE CAREFULLY".

(c) When shipped as components with fire extinguisher or with valve and with not more than 2 cartridges for each extinguisher or valve, they are exempt from Parts 71-78 of this chapter.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.118 add paragraph (c) (37) (15 F. R. 8298, Dec. 2, 1950) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* * * *

(c) * * *

(37) Pyroforic solutions.

2. In § 73.119 add paragraph (a) (23); add paragraph (b) (7); add paragraph (m) (5) (15 F. R. 8299, 8300, Dec. 2, 1950) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) * * *

(23) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes, with inside glass bottles not over 1 gallon capacity each. Not more than four inside containers exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

(b) * * *

(7) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container). Authorized only for materials that will not react with polyethylene and result in container failure.

* * * * *

(m) * * *

(5) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5-gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Authorized only for materials that will not react with polyethylene and result in container failure.

3. Amend entire § 73.134 (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.134 *Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, or zinc ethyl.* (a) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, or zinc ethyl must be shipped in cylinders as prescribed for any compressed gas, except acetylene, or in devices or apparatus of a type approved by the Bureau of Explosives.

(b) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, or zinc ethyl must not be offered for transportation by rail express.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.182 add paragraph (c) (19 F. R. 8526, Dec. 14, 1954) to read as follows:

§ 73.182 *Nitrates.* * * *

(c) Nitro carbo nitrate, in addition to the containers prescribed in paragraph (a) of this section, may be packed as follows:

(1) In burlap bags not exceeding 100 pounds net weight, water-resistant, made tight against sifting, and made of not less than 7½-ounce burlap. (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(2) In multiwall paper bags not exceeding 100 pounds net weight, made of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Completed package, filled to weight with product and closed as for shipment, must be capable of withstanding three 4-foot drops on the face or back onto solid concrete without rupture. (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

2. In § 73.221 amend the heading and introductory text of paragraph (a); amend paragraph (a) (7); add paragraph (a) (8) (21 F. R. 3010, May 5, 1956) (21 F. R. 9356, Nov. 30, 1956) (15 F. R. 8312, Dec. 2, 1950) to read as follows:

§ 73.221 *Liquid organic peroxides, n. o. s. and liquid organic peroxide solutions, n. o. s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution,* *cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.* (a) Liquid organic peroxides, n. o. s. and liquid organic peroxide solutions, n. o. s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide must be packed in specification containers as follows:

* * * * *

(7) Spec. 5B, 6J, or 37A (single-trip container) (§§ 78.82, 78.100, or 78.131 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drums. Spec. 37A (§ 78.131 of this chapter) drums shall be constructed of at least 24-gauge steel for capacities over 5 gallons. Two ⅛-inch holes are permitted diametrically opposite each other in the steel barrel or drum bodies near the bottom chime. Gross weight restriction indicated by the gross weight embossment on spec. 6J and 37A (§§ 78.100 and 78.131 of this chapter) steel barrels and drums shall be waived. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

(8) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Authorized only for materials that will not react with polyethylene and result in container failure.

2. In § 73.229 add paragraph (b) (4) (22 F. R. 2226, April 4, 1957) to read as follows:

§ 73.229 *Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.* * * *

(b) * * *

(4) Strong fiberboard boxes with inside fiber containers having metal tops and bottoms, net weight not over 4 pounds each; gross weight of completed package not over 65 pounds.

* * * * *

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.245 add paragraph (a) (19) (15 F. R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) * * *

(19) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container). Authorized only for materials that will not react with polyethylene and result in container failure.

2. Amend entire § 73.247 (21 F. R. 672, Jan. 31, 1956) (15 F. R. 8313, 8314, Dec. 2, 1950) (17 F. R. 1561, Feb. 20, 1952) (19 F. R. 8527, Dec. 14, 1954) (22 F. R. 4930, July 9, 1957) (22 F. R. 7836, Oct. 3, 1957) (18 F. R. 6778, Oct. 27, 1953) (18 F. R. 803, Feb. 7, 1953) (21 F. R. 4564, June 26, 1956) (21 F. R. 9356, Nov. 30, 1956) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titaniumtetrachloride.* (a) Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride, must, except as indicated, be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in an outside container.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with glass or earthenware inside containers not over 2 gallons each.

(3) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4, or 78.7 of this chapter). Glass carboys in boxes, kegs, or plywood drums (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

(4) Spec. 1X (§ 78.5 of this chapter). Boxed carboys of 5 to 6 gallons capacity; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

(5) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with aluminum bottles of 99 percent pure aluminum not over 1 gallon capacity each, having aluminum screw caps with gasket resistant to contents. Authorized for chromyl chloride only.

(6) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes having inside containers of securely closed soft-lead tubes having not more than 65 fluid ounces capacity each, which tubes shall be individually packed in securely closed steel tubes, with not more than 3 such steel tubes fastened together as a unit. The inside units shall be surrounded on all sides with incombustible mineral material. Authorized for titanium, tetrachloride only.

(7) Spec. 5A or 17C (single-trip) (§§ 78.81 or 78.115 of this chapter). Metal barrels or drums with openings not exceeding 2.3 inches in diameter.

(8) Spec. 5K (§ 78.86 of this chapter). Nickel drums, authorized for acetyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

(9) Spec. 5C (§ 78.83 of this chapter). Barrels or drums of type 304 stainless steel not over 30 gallons capacity each. Authorized for chromyl chloride only.

(10) Spec. 42D (§ 78.109 of this chapter). Aluminum drums not over 30 gallons capacity each. Authorized for chromyl chloride only.

(11) Spec. 60 (§ 78.255 of this chapter). Portable tanks.

(12) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles.

(13) Spec. 103A, 103A–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–2 (§§ 78.266, 78.281, 78.286, 78.287, 78.288, 78.289, or 78.304 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A-300–W, 105A400–W, 105A500–W, or 105A600–W tank cars must be used. Acetyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride when shipped in spec. 103A, 103A–W or 111A100–W–2 tank cars in an unstabilized condition, must be anhydrous and free from impurities such as iron.

(14) Spec. 103–W or 111A100–W–1 (§§ 78.280 or 78.303 of this chapter), tank cars authorized for titanium tetrachloride, anhydrous only. Tank cars shall have no bottom outlets and shall have safety valves of approved type with start-to-discharge pressure of 35 pounds per square inch and of sufficient relieving capacity to prevent pressure build-up in excess of 45 pounds per square inch.

(15) Sulfur chloride packed in glass or earthenware bottles or carboys must be cushioned in the outside container by means of incombustible elastic packing material of such nature that a mixture of the liquid and the packing material will not cause fires or heating.

3. In § 73.257 amend paragraph (a) (6); add paragraph (a) (12) (21 F. R. 7601, Oct. 4, 1956) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(6) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant nonfragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multi wall containers or not less than 0.006 inch for single-wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers shall be packed to prevent movement within the box. Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers (see § 78.205–33 of this chapter); gross weight of completed package shall not exceed 65 pounds. Complete package,

closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

* * * * *

(12) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container).

* * * * *

4. In § 73.262 add paragraph (a) (8) (15 F. R. 8316, Dec. 2, 1950) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) * * *

(8) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24 gauge metal.

* * * * *

5. In § 73.263 amend paragraph (a) (17); add paragraphs (a) (18) and (19) (21 F. R. 672, Jan. 31, 1956) (15 F. R. 8317, Dec. 2, 1950) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) * * *

(17) Spec. 5B, 6J, or 37A (single-trip container) (§§ 78.82, 78.100, or 78.131 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drums. Spec. 37A (§ 78.131 of this chapter) drums shall be constructed of at least 24 gauge steel for capacities over 5 gallons. Two ⅛-inch holes are permitted diametrically opposite each other in the steel barrel or drum bodies near the bottom chime. Gross weight restriction indicated by the gross weight embossment on spec. 6J and 37A (§§ 78.100 and 78.131 of this chapter) steel barrels and drums shall be waived.

(18) Spec. 37P (§ 78.133 of this chapter). Steel drums constructed of at least 24-gauge metal for drums exceeding 1 gallon capacity, with polyethylene liner (nonreusable container).

(19) Spec. 16A (§ 78.185 of this chapter). Upright, wrap-around style, wire-bound wooden boxes, with inside spec. 2T (§ 78.21 of this chapter) polyethylene containers. (See § 78.185–21.)

* * * * *

6. In § 73.264 add paragraph (a) (3); amend paragraph (a) (7) and Note 1 thereto (21 F. R. 7601, Oct. 4, 1956) (22 F. R. 2226, Apr. 4, 1957) (15 F. R. 8317, Dec. 2, 1950) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) * * *

(3) Spec. 16A (§ 78.185 of this chapter). Upright, wrap-around style, wire-bound wooden boxes, with inside spec. 2T (§ 78.21 of this chapter) polyethylene containers. Authorized for hydrofluoric acid not over 70 percent strength. (See § 78.185–21 of this chapter.)

(7) Spec. 5A (§ 78.81 of this chapter). Unlined metal barrels or drums which have been subjected to adequate passivation or neutralization process (see Note 1). Authorized only for acid of not less than 60 percent and not more than 80 percent strength and all containers must be filled to not over 80 percent of capacity at 68° F. If containers are washed out with water, they must be repassivated before reshipment. (See Notes 1, 2, 3, 4 and 5.)

NOTE 1: Each metal container, before being put into service must be passivated by an efficient method.

[No change in Notes 2, 3, 4 and 5].

* * * * *

7. In § 73.265 add paragraph (d) (4) (18 F. R. 3135, June 2, 1953) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* * * * (d) * * *

(4) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal.

8. In § 73.268 amend the text of footnote 1 referred to in paragraph (c) (1) which now reads, "[1] Use of existing tank cars or drums authorized, but new construction not authorized." to read "[1] Use of existing drums authorized, but new construction not authorized." (15 F. R. 8319, Dec. 2, 1950.)

9. In § 73.271 amend paragraph (a) (9) (22 F. R. 4790, July 9, 1957) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) * * *

(9) Spec. 103A, 103A–W or 111A100–W–2 (§§ 78.266, 78.281 or 78.304 of this chapter). Tank cars. Spec. 103A (§ 78.266 of this chapter) tanks must be lead lined steel or made of steel at least 10 percent nickel clad. Spec. 103A–W or 111A100–W–2 (§§ 78.281 or 78.304 of this chapter) tanks must be lead lined steel or made of steel at least 20 percent nickel clad. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

* * * * *

10. In § 73.272 amend paragraph (f) (3); add paragraph (f) (4) (22 F. R. 11031, Dec. 31, 1957) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 *Sulfuric acid.* * * * (f) * * *

(3) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Steel barrels or drums of 55 gallons capacity, when used for sulfuric acid of 93 percent or greater concentration, shall be constructed of at least 16-gauge steel throughout. Gross weight restriction indicated by the gross weight embossment on the steel barrels or drums shall be waived.

(4) Spec. 16A (§ 78.185 of this chapter). Upright, wrap-around style, wire-bound wooden boxes, with inside spec. 2T (§ 78.21 of this chapter) polyethylene containers. (See § 78.185–21 of this chapter.)

* * * * *

11. § 73.287 add paragraph (a) (4) (15 F. R. 8323, Dec. 2, 1950) to read as follows:

§ 73.287 *Chromic acid solution.* (a) * * *

(4) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, with polyethylene bottles not over 1 quart capacity each.

12. In § 73.289 amend paragraph (a) (1); cancel paragraph (a) (11) (19 F. R. 3260, June 3, 1954) (21 F. R. 673, Jan. 31, 1956) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) * * *

(1) In containers prescribed in § 73.245, except spec. 5A, 17C, 17E or 17F (§§ 78.81, 78.115, 78.116 or 78.117 of this chapter). Metal barrels or drums.

* * * * *

(11) Canceled.

* * * * *

13. Add § 73.295 (15 F. R. 8324, Dec. 2, 1950) to read as follows:

§ 73.295 *Benzyl chloride.* (a) Benzyl chloride must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in an outside container.

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with glass or earthenware inside containers not over 2 gallons each.

(3) Spec. 1A, 1C, 1D or 1E (§§ 78.1, 78.3, 78.4 or 78.7 of this chapter). Glass carboys in boxes, kegs or plywood drums.

(4) Spec. 1X (§ 78.5 of this chapter). Boxed carboys of 5 to 6 gallons capacity; single-trip for export only. For shipment by common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(5) Spec. 5A or 17C (single-trip) (§§ 78.81 or 78.115 of this chapter). Metal barrels or drums with openings not exceeding 2.3 inches in diameter. Authorized for stabilized benzyl chloride only.

(6) Spec. 5K (§ 78.88 of this chapter). Nickel drums. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

(7) Spec. 5H (§ 78.87 of this chapter). Metal barrels or drums, lead-lined.

(8) Spec. 60 (§ 78.255 of this chapter). Portable tanks. Benzyl chloride must be stabilized when loaded in unlined tanks.

(9) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles. Authorized for stabilized benzyl chloride only.

(10) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles fabricated from 99 percent pure nickel plates. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of 96.7 percent. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

(11) Spec. 103A or 103A-W (§§ 78.266 or 78.281 of this chapter). Tank cars which may be 10 percent nickel clad. Authorized for stabilized benzyl chloride only.

(12) Spec. 103A-N-W (§ 78.299 of this chapter). Tank cars. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.308 amend Note 12 to paragraph (a) table (15 F. R. 8327, Dec. 2, 1950) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

NOTE 12: Filling density. The term "filling density" shall designate the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. (One pound of water equals 27.737 cubic inches at 60° F.)

* * * * *

2. In § 73.314 amend paragraph (a) table and amend Notes 12, 19, and 21 thereto (22 F. R. 4791, July 9, 1957) (22 F. R. 2227, Apr. 4, 1957) (21 F. R. 7602, 7603, Oct. 4, 1956) (22 F. R. 7838, Oct. 3, 1957) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)		
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19. ICC-105A300-W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture	Note 16	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19. ICC-105A300-W.
Difluoromonochloroethane	100	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19.
Monochlorodifluoromethane	105 110	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19. ICC-105A300-W.
Monochlorotetrafluoroethane	125	ICC-106A500, 106A500X, 110A300-W, Notes 12 and 19.

* * * * * * *

NOTE 12: Tanks complying with ICC-106A or ICC-110A (§§ 78.275, 78.276, 78.293, or 78.295 of this chapter) specifications, used for the transportation of compressed gases as authorized in § 73.314 (a), may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter for rail freight-motor vehicle shipments.

* * * * * * *

NOTE 19: This gas may be shipped as dispersant gas, n. o. s. or refrigerant gas, n. o. s. in accordance with provisions of table (a).

* * * * * * *

NOTE 21: A filling density of 88.8 percent may be used during the months of November to March, inclusive. When this filling density is used, tank cars must be loaded and shipped directly to consumers for unloading. Storage in transit is not permitted.

* * * * * * *

3. In § 73.315 amend the entire table in paragraph (a) (1) and amend Note 3 thereto; amend the introductory text of paragraph (b); amend paragraph (b) (1); amend paragraph (h) table; amend paragraph (h) (1); amend paragraphs (i) (1), (2), and (3); amend Note 3 to paragraph (i) (9); amend paragraph (i) (10) (18 F. R. 6780, Oct. 27, 1953) (15 F. R. 8330, 8331, Dec. 2, 1950) (21 F. R. 3012, May 8, 1956) (21 F. R. 7603, Oct. 4, 1956) (22 F. R. 7838, Oct. 3, 1957) (19 F. R. 1280, Mar. 6, 1954) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
Anhydrous ammonia	56	82; see Note 5	ICC-51, MC-330	265.
Anhydrous dimethylamine	59	See Note 7	ICC-51, MC-330	150.
Anhydrous monomethylamine	60	See Note 7	ICC-51, MC-330	150.
Anhydrous trimethylamine	57	See Note 7	ICC-51, MC-330	150.
Butadiene, inhibited	See par. (b) of this section.	See par. (b) of this section.	MC-330	100.
Carbon dioxide, liquefied	See par. (c) of this section.	95	ICC-51, MC-330	200; see Note 3.
Chlorine	125	See Note 7	MC-330	225; see Notes 4 and 8.
Dichlorodifluoromethane	119	See Note 7	ICC-51, MC-330	150.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	119	See Note 7	ICC-51, MC-330	150.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	See par. (c) of this section.	See Note 7	ICC-51, MC-330	150.
Liquefied petroleum gas	See par. (b) of this section.	See par. (b) of this section.	ICC-51, MC-330	See subpar. (b) (1) of this section.
Methyl chloride	84	88.5	ICC-51, MC-330	150.
Methyl chloride (optional portable tank 2,000 pounds water capacity, fusible plug).	84	See Note 6	ICC-51	225.
Methyl mercaptan	80	90	ICC-51, MC-330	100.
Monochlorodifluoromethane	105	See Note 7	ICC-51, MC-330	250.
Nitrous oxide	See par. (c) of this section.	95	ICC-51, MC-330	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC-51, MC-330	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC-51, MC-330	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000-2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC-51	225.
Vinyl chloride, inhibited	84	See Note 7	MC-330	250.

* * * * * * *

NOTE 3: If cargo tanks and portable tank containers for carbon dioxide and nitrous oxide are designed to comply with the "Rules for Containers for Gases and Liquids at Temperatures of Minus 20 Degrees Fahrenheit and Below" of the A. S. M. E. Code, the design pressure may be reduced to 100 psig or the controlled pressure, whichever is greater.

* * * * *

(b) Maximum permitted filling densities for cargo and portable tank containers for transportation of butadiene, inhibited, and liquefied petroleum gas are as follows:

[No change in table or Note 1.]

* * * * *

(1) The design pressure of cargo tanks and portable tank containers for liquefied petroleum gases shall be in accordance with the following classification:

Maximum vapor pressure of liquefied petroleum gas at 115° F., which may be placed in tank (psig)	Minimum design pressure (psig)
125	125
187	187
250	250
Over 250 see Note 1 to subpar. (b) (1) of this section.	

NOTE 1: Gases with vapor pressure exceeding 250 psig shall be placed in tanks with design pressure increased above 250 psig by increments of 62.5 psig.

* * * * *

(h) * * *

Kind of gas	Permitted gauging device
(Add)	
Butadiene, inhibited	Rotary tube; adjustable slip tube; fixed length dip tube.
Methyl mercaptan	Rotary tube; adjustable slip tube; fixed length dip tube.

(1) The design pressure of the liquid level gauging devices shall be at least equal to the design pressure of the tank.

* * * * *

(i) * * *

(1) Safety relief valves on any tank shall be set to start-to-discharge at a pressure not in excess of 110 percent of the design pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120 percent of the design pressure, using the heat input as determined by Fetterly's formula.[1] The required relieving capacity of safety relief valves for lagged tanks shall be based upon the heat input to a bare tank, unless insulation is covered by a sheet metal jacket of not less than 16-gauge nominal thickness.

(2) The start-to-discharge pressure of safety relief valves shall be not less than the values given in the following table:

Kind of gas	Minimum start-to-discharge pressure (psig)
Anhydrous ammonia	265.
Anhydrous dimethylamine	150.
Anhydrous monomethylamine	150.
Anhydrous trimethylamine	150.
Butadiene, inhibited	90.
Carbon dioxide, liquefied	Not specified.
Chlorine	225.
Dichlorodifluoromethane	150.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	150.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	150.
Liquefied petroleum gases	90 percent of the design pressure of tank.
Methyl chloride	150.
Methyl mercaptan	100.
Monochlorodifluoromethane	250.
Nitrous oxide	Not specified.
Sulfur dioxide:	
Up to 1,200 gallons water capacity tank.	120.
Over 1,200 gallons water capacity tank.	110.
Vinyl chloride, inhibited	250.

(3) Each safety relief valve shall be plainly and permanently marked with the pressure in psig at which it is set to discharge, with the actual rate of discharge of the device in cubic feet per minute of the gas at 60° F. and atmospheric pressure, and with the manufacturer's name and catalog number. The rated discharge capacity of the device shall be determined at a pressure of 120 percent of the design pressure of the tank.

* * * * *

(9) * * *

NOTE 3: In addition to safety relief valves required by paragraph (i) of this section each tank for carbon dioxide may be equipped with one or more frangible disc devices of suitable design set to function at a pressure not exceeding two times the design pressure of the tank.

(10) Subject to conditions of subparagraph (a) (1) of this section for sulfur dioxide optional portable tank 1,000–2,000 pounds water capacity—225 psig, one or more fusible plugs approved by the Bureau of Explosives may be used in lieu of safety relief valves of the spring-loaded type. The fusible plug or plugs shall have total relieving capacity as determined by the use of Fetterly's formula sufficient to prevent a pressure rise in the tank of more than 120 percent of the design pressure. If the tank is over 30 inches long, both ends must have the total specified safety discharge area.

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.345 add paragraph (b) (15) (15 F. R. 8334, Dec. 2, 1950) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* * * *

(b) * * *

(15) Methyl bromide and chlorpicrin mixture, liquid.

2. In § 73.346 add paragraphs (a) (18) and (19) (15 F. R. 8335, Dec. 2, 1950) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) * * *

(18) Spec. 1F or 1G (§§ 78.10 or 78.11 of this chapter). Polyethylene carboys in plywood drums or boxes, or wooden boxes.

(19) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Hole in steel drum body must be suitably plugged. Authorized only for materials that will not react with polyethylene and result in container failure.

3. In § 73.348 add paragraph (a) (3) (15 F. R. 8335, Dec. 2, 1950) to read as follows:

§ 73.348 *Arsenic acid.* (a) * * *

(3) Spec. 37P (§ 78.133 of this chapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (nonreusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Hole in steel drum body must be suitably plugged.

4. In § 73.353 amend the heading and introductory text of paragraph (a) (18 F. R. 6780, Oct. 27, 1953) to read as follows:

§ 73.353 *Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, or mixtures of methyl bromide and chlorpicrin, liquid.* (a) Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, or mixtures of methyl bromide and chlorpicrin, liquid must be packed in specification containers as follows:

* * * * *

5. In § 73.374 add paragraph (a) (3) (15 F. R. 8338, Dec. 2, 1950) to read as follows:

§ 73.374 *Nitrochlorbenzene, meta or para.* (a) * * *

(3) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip).

6. In § 73.393 amend paragraph (f) (1) (20 F. R. 952, Feb. 15, 1955) to read as follows:

§ 73.393 *Packing and shielding.* * * *

(f) * * *

(1) Spec. 15A, 15B, 19A, or 19B (§§ 78.168, 78.169, 78.190 or 78.191 of this chapter). Wooden boxes. Authorized for not more than 2,700 millicuries.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.526 amend paragraphs (n) (1) and (3); amend paragraphs (o) (2), (3) and add (5) (22 F. R. 7838, Oct. 3, 1957) (20 F. R. 4418, June 23, 1955) to read as follows:

§ 74.526 *Loading explosives into cars.* * * *

(n) * * *

(1) Portable containers must be of such design and so braced that there will be no evidence of failure of the container or the bracing when subjected to impact from each end of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

* * * * *

(3) Lading shall be so loaded, blocked, and braced within the container that it will not change position under impact from each end of at least 8 miles per hour.

(o) * * *

(2) Truck body or trailer shall be so secured on the car that it will not change position or show evidence of failure or impending failure of the method of securing truck body or trailer under impact from each end of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to the material to be shipped.

(3) Lading shall be so loaded, blocked, and braced within the truck body or trailer that it will not change position under impact from each end of at least 8 miles per hour.

* * * * *

(5) All fuel tanks for heaters or refrigerating machinery with which truck bodies or trailers are equipped shall be drained and all automatic heating or refrigerating machinery shall be rendered inoperative by disconnection of the automatic controls or the source of power for their operation.

2. In § 74.532 amend paragraph (k) (21 F. R. 4433, June 23, 1956) to read as follows:

---

[1] Copies of Fetterly's formula may be obtained from the Bureau of Explosives.

§ 74.532 *Loading other dangerous articles.* * * *

(k) Nitrates, except ammonium nitrate having organic coating, listed in § 73.182 (b) must be loaded in clean closed cars, which shall be free of loose boards, cracks, holes, or exposed decayed spots. Interior of cars must be swept clean and be free of any projections capable of injuring bags when so packaged. Doors of cars must have tight closures. Ammonium nitrate or ammonium nitrate fertilizer, having no organic coating, in bulk may be loaded in clean covered hopper cars. Ammonium nitrate having organic coating must be loaded in all-wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors and must not be loaded in all-metal cars. Journals and boxes must be in good condition. (See § 74.541 (a) (1).)

* * * * *

3. In § 74.533 amend paragraph (a) (19 F. R. 1281, March 6, 1954) to read as follows:

§ 74.533 *Truck bodies or trailers on flat cars.* (a) Truck bodies or trailers containing explosives, class B, explosives, class C, or other dangerous articles as provided in Parts 71–78 of this chapter must be of such design and so loaded that they will not rupture or become seriously damaged under conditions normally incident to transportation and must be so secured on the flat car that they cannot change position during transit. Packages of explosives and dangerous articles contained therein must be loaded and braced as provided by §§ 74.529, 74.530, and 74.532. Placards must be applied when prescribed by §§ 74.541 and 74.542.

* * * * *

SUBPART D—UNLOADING FROM CARS

In § 74.563 amend paragraph (a) (15 F. R. 8353, Dec. 2, 1950) to read as follows:

§ 74.563 *"Dangerous-Empty" placard.* (a) "Dangerous-Empty" placards must measure 10¾ inches on each side. The printing must be as shown in the cut in this section, in black on strong white paper, or on tag board designated commercially as 100 percent sulphate, weighing 125 pounds per ream, of sheets 24 inches by 36 inches, and having a resistance of not less than 60 pounds per square inch, Mullen test.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART B—LOADING AND UNLOADING

1. In § 77.834 add paragraph (l) (15 F. R. 8365, Dec. 2, 1950) to read as follows:

§ 77.834 *General requirements.* * * *

(l) *Truck bodies or trailers equipped with heaters or automatic refrigeration apparatus.* Flammable liquids (red label) and flammable gases (red label) must not be loaded in truck bodies or trailers equipped with heaters or automatic refrigerating apparatus unless the fuel tanks for such apparatus be empty or removed from the vehicle and the automatic apparatus rendered inoperative.

2. In § 77.835 add paragraph (e) (1) (15 F. R. 8365, Dec. 2, 1950) to read as follows:

§ 77.835 *Explosives.* * * *

(e) * * *

(1) All fuel tanks for heaters or refrigerating machinery with which truck bodies or trailers are equipped shall be drained and all automatic heating or refrigerating machinery shall be rendered inoperative by disconnection of the automatic controls or the source of power for their operation.

* * * * *

3. In § 77.838 amend paragraph (f) (22 F. R. 2229, Apr. 4, 1957) to read as follows:

§ 77.838 *Flammable solids and oxidizing materials.* * * *

(f) Nitrates, except ammonium nitrate having organic coating, listed in § 73.182 (b) must be loaded in closed or open type motor vehicles, which must be swept clean and be free of any projections capable of injuring bags when so packaged. When shipped in open type motor vehicles, the lading must be suitably covered. Ammonium nitrate having organic coating must not be loaded in all-metal vehicles, other than those made of aluminum or aluminum alloys, of the closed type. (See § 77.823 (a) (4) and (5).)

4. In § 77.840 amend paragraph (c) (22 F. R. 4792, July 9, 1957) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with ICC–106A or ICC–110A (§§ 78.275, 78.276, 78.293, or 78.295 of this chapter) specifications, used for the transportation of compressed gases as authorized in § 73.314 (a) of this chapter may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS AND LININGS

1. Add § 78.21 (15 F. R. 8380, Dec. 2, 1950) to read as follows:

§ 78.21 *Specification 2T; polyethylene containers.*

§ 78.21–1 *Compliance.* (a) Required in all details.

§ 78.21–2 *Capacity and marking of container.* (a) Containers 5 to 13 gallons capacity are covered by this specification. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate capacity, maker, month and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

§ 78.21–3 *Polyethylene containers.* (a) Containers shall be made of polyethylene with no plasticisers or additives and have a maximum melt index value of 2.5 grams per 10 minutes as determined in accordance with method acceptable to the Bureau of Explosives. Containers must have a minimum weight and wall thickness in accordance with the following table:

Marked capacity (gallons) not over—	Minimum wall thickness (inch)	Minimum weight of containers (pounds)
5	1/16	3
6½	1/16	4
13	1/16	8

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage and not over 3½ inches in diameter.

(c) Polyethylene containers, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning for 24 hours to at least −10° Fahr. or lower, onto solid concrete so as to strike diagonally on the bottom corner.

(d) Polyethylene containers must fit snugly in outside containers.

2. Amend entire § 78.23 (15 F. R. 8380, Dec. 2, 1950) (17 F. R. 7284, Aug. 9, 1952) to read as follows:

§ 78.23 *Specification 2D; inside containers, duplex paper bags.*

§ 78.23–1 *Construction.* (a) Bags to be at least 2 thicknesses of shipping sack Kraft paper, or equivalent, and as follows:

Maximum weight of contents (pounds)	Minimum[1] weight (per 500 sheets 24″ x 36″)	
	One sheet, weight[1] (pounds)	Other sheet, weight[1] (pounds)
2	30	30
6	50	40
12	60	50
25	70	60

[1] Weight 15 percent less authorized for rope paper containing 35 percent or more of manila rope fiber.

§ 78.23–2 *Test.* (a) Bags, filled and closed as for shipment, must be able to withstand drop of 4 feet onto concrete without rupture or sifting, except that 2-foot drop is acceptable for bags to contain 25 pounds.

3. In § 78.26–1 amend paragraph (a) (4) (15 F. R. 8380, Dec. 2, 1950) to read as follows:

§ 78.26 *Specification 2G; inside containers, fiber cans and boxes.*

§ 78.26–1 *Capacity, and thickness of metal and fiber.* (a) * * *

(4) Up to 6-pound size: 0.050″, provided that 0.036″ fiber heads with 130-pound strength[1] are authorized; or 0.028″ with 175-pound strength;[1] or 0.036″ with 90-pound strength,[1] provided each container is wrapped with shipping sack Kraft paper of 60-pound base weight pasted thereon.

---

[1] Mullen or Cady test.

4. In § 78.28–1 amend paragraph (a) and cancel Note 1 thereto (15 F. R. 8380, Dec. 2, 1950) to read as follows:

§ 78.28 ***Specification 2J; inside containers, waterproof paper bags for linings.***

§ 78.28–1 ***Material.*** **(a) Two sheets of paper cemented together and creped to afford 25 percent stretch; paper to be shipping sack Kraft, 30 pounds per ream (500 sheets, 24″ x 36″) before creping; total weight 90 pounds per ream.**

[Cancel Note 1.]

5. In § 78.29–1 amend paragraph (a) and cancel Note 1 thereto (15 F. R. 8380, Dec. 2, 1950) to read as follows:

§ 78.29 ***Specification 2K; inside containers, paper bags for linings.***

§ 78.29–1 ***Paper and construction.*** **(a) Shipping sack Kraft paper, creped; at least 45 pounds per ream (500 sheets, 24″ x 36″) before creping.**

[Cancel Note 1.]

* * * * *

6. In § 78.30–2 amend paragraph (b) and cancel Note 1 thereto (15 F. R. 8381, Dec. 2, 1950) to read as follows:

§ 78.30 ***Specification 2L; lining for boxes.***

§ 78.30–2 ***Bags.*** *** * ***

(b) Material must be: 2 sheets of shipping sack Kraft paper joined by asphaltum, or equivalent; outer sheet at least 60 pounds and inner sheet at least 30 pounds per ream (500 sheets, 24″ x 36″); inner sheet coated with wax, or equivalent, with melting point at least 125° F.; compliance with § 78.30–1 (b) and (c) required.

[Cancel Note 1.]

* * * * *

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. In § 78.37–5 paragraph (a) table amend the first number in the column headed "Intermediate manganese (percent)" which now reads "0.40", to read "0.40 max." (15 F. R. 8384, Dec. 2, 1950).

2. In § 78.43–5 amend paragraph (a) (15 F. R. 8397, Dec. 2, 1950) to read as follows:

§ 78.43 ***Specification 3A480X; seamless steel cylinders.***

§ 78.43–5 ***Steel.*** **(a) Open-hearth or electric steel of uniform quality. Content percent for the following not over; carbon, 0.40; phosphorus, 0.045; sulphur, 0.050.**

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.92–3 amend paragraph (a) (15 F. R. 8441, Dec. 2, 1950) to read as follows:

§ 78.92 *Specification 5P; lagged steel drums.*

§ 78.92–3 *Composition.* (a) Sheets for body and heads of inside container to be low carbon or austenitic stainless, open hearth or electric steel. Sheets for body and heads of outside shell may be of any weldable steel suitable for the purpose.

2. In § 78.100–5 amend note 2 to paragraph (a) table (21 F. R. 675, Jan. 31, 1956) to read as follows:

§ 78.100 *Specification 6J; steel barrels and drums.*

§ 78.100–5 *Parts and dimensions.* (a) * * *

[2] Drums must be manufactured in accordance with gauge requirements for capacity of drum as prescribed in § 78.100–5 except that weight restriction indicated by the gross weight embossment shall be waived when container is used in conjunction with an inside spec. 2S (§ 78.35 of this chapter) polyethylene drum.

* * * * *

3. Add § 78.133 (15 F. R. 8454, Dec. 2, 1950) to read as follows:

§ 78.133 *Specification 37P; steel drums with polyethylene liner.* Nonreusable containers.

§ 78.133–1 *Compliance.* (a) Required in all details.

§ 78.133–2 *Rated capacity of assembled composite containers.* (a) Rated capacity as marked, see § 78.133–9. Minimum actual capacity of containers shall be not less than rated (marked) capacity, plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity, plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

§ 78.133–3 *Steel composition.* (a) Sheets for body and heads to be low carbon, open hearth or electric steel.

§ 78.133–4 *Seams.* (a) Side seams welded.

(b) Chime of permanent head, double seamed.

§ 78.133–5 *Parts and dimensions.* (a) Parts and dimensions shall be as follows:

Marked capacity (gallons) not over—	Type of container [1] [2]	Body sheet	Bottom head sheet	Removable head sheet	Type of removable head closure
5	Straight side, single bead	26	26	24	Ring seal, bolted ring, lug cover.
15	Straight side, single bead [3]	22	22	19	Ring seal, bolted ring, lug cover.

[1] Drum interior shall be free of projections, burrs or any edges that will cause damage to liners, and shall be free of lubricants, oil or other foreign matter.

[2] One hole not over 3/16 inch in diameter permitted through body or in top head.

[3] Rolled or swedged rolling hoops required.

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
19	0.0418	0.0378
22	.0299	.0269
24	.0239	.0209
26	.0179	.0159

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from edge.

§ 78.133–6 *Liner.* (a) Each metal drum shall contain a contour fitting polyethylene liner having heat sealed seams, attached to the pour opening in the removable head so as to provide a container that is completely resistant to lading, when closed as for use.

(b) Polyethylene liner shall be fabricated throughout of virgin polyethylene tubing, which may include a low percentage of elastomeric polymer, having minimum thickness of 0.010 inch and having the following physical properties:

(1) Resin should have a maximum melt index value of 1.8 plus 0.4 per 10 minutes, and shall have a minimum average molecular weight of 21,000, as determined in accordance with methods acceptable to the Bureau of Explosives.

§ 78.133–7 *Closure.* (a) Closure shall be resistant to lading and adequate to prevent leakage. Openings in removable head shall not be over 2.5 inches in diameter. Venting closures are permitted when required by Part 73 of this chapter.

§ 78.133–8 *Defective containers.* (a) Repaired polyethylene liners are not authorized.

§ 78.133–9 *Marking.* (a) Marking on permanent head to be as follows:

(1) ICC–37P. The letters NRC located just above or below the ICC mark to indicate a nonreusable container. These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal in thinnest part, rated capacity of assembled composite container in gallons, and year of manu-

facture (for example, 24-5-57). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 26/24-5-57 for body 26-gauge and head 24-gauge).

§ 78.133-10 *Size of markings.* (a) Size of markings (minimum) ½ inch high.

§ 78.133-11 *Type tests.* (a) Three samples of each size container manufactured taken at random, filled with water to 98 percent of actual capacity and closed as for use, shall withstand drop tests from height of 4 feet onto solid concrete as prescribed by subparagraphs (1), (2) and (3) of this paragraph, without leakage or potentially hazardous rupture of outside container. Tests shall be made at start of production and repeated at 4-month intervals thereafter. Samples last tested shall be retained until subsequent tests are conducted. No single container shall be expected to withstand more than one of the following:

(1) Diagonal drop on top chime.

(2) Diagonal drop on bottom chime.

(3) Flat drop on side of drum.

(b) Completely assembled composite containers of each size manufactured, filled with water to 98 percent capacity, shall be capable of withstanding vibration tests for 1 hour at a frequency producing a shock of 1 G. (200 cycles per minute) with an amplitude of one inch.

§ 78.133-12 *Test.* (a) Each assembled container shall be tested by retaining at least 1½ pounds per square inch air pressure at equilibrium without showing pressure drop on a suitable gauge.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

Add § 78.185-21 (15 F. R. 8471, Dec. 2, 1950) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

§ 78.185-21 *Special box authorized only when used in conjunction with inside specification 2T (§ 78.21 of this chapter) polyethylene container.* (a) The box shall be upright, wrap-around type and shall comply with spec. 16A as follows:

	Nominal capacity of inside container	
	Not over 6½ gallons	Not over 13 gallons
Faceboard thickness (sides only)		
Group 2 woods	5/16"	3/8".
Group 3 woods	1/4" resawn	5/16".
Group 4 woods	1/4" resawn	5/16".
Cleats		
Outside and interrupted cleats	13/16" x 7/8"	13/16" x 7/8".
Intermediate cleats	5½" x 3/8"	5½" x 3/8".
Binding wires (Double dipped galvanized or specially coated)		
Number and gauge over outside cleats	2-13 gauge	2-12 gauge.
Number and gauge over intermediate cleats or intermediate wires	2-14 gauge (not over 5 gallons); 4-14 gauge (not over 6½ gallons).	4-13 gauge.
Staples		
In outside and interrupted cleats	1¼"—16 gauge	1¼"—16 gauge.
In intermediate cleats	7/8"—16 gauge	7/8"—16 gauge.
Over intermediate wires	7/16"—18 gauge	½"—18 gauge.
NOTE: A 2" gap between staples must be provided in the center of each line of staples over the intermediate cleats.		
Top		
Face material thickness	9/16"	13/16".
Battens	1⅜" x 9/16"	1⅞" x 13/16".
Base		
Face material thickness	3/8"	3/8".
Edge strips	1¼" x 3/8"	3⅛" x 3/8".
Center strips	3⅛" x 3/8"	3⅛" x 3/8".

NOTE 1: A hole of suitable type may be left in top of box to provide for protruding neck of inner container.
NOTE 2: No gross weight marking is required in the spec. 16A certification stamp. (See § 78.185-19.)

(b) Complete package must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete; the second drop onto a 2-inch by 6-inch timber resting on the concrete with the 6-inch leg vertical, the drop being made with the box in a horizontal position and at right angles to the timber so that impact is near the center of the box side wall. The completed package must withstand these tests without serious rupture of the box and without producing a condition of the box that could result in potential damage to the inside container.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.205-11 amend paragraph (a); in § 78.205-13 amend paragraph (a) (15 F. R. 8475, Dec. 2, 1950) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205-11 *Joints.* (a) For solid and corrugated fiberboard slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.205-12; stitched at 2½ inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

* * * * *

§ 78.205-13 *Seams which are to be stitched.* (a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.205-12.

2. In § 78.206-11 amend paragraph (a); in § 78.206-13 amend paragraph (a) (15 F. R. 8477, Dec. 2, 1950) to read as follows:

§ 78.206 *Specification 12C; fiberboard boxes.*

§ 78.206-11 *Joints.* (a) For solid and corrugated fiberboard slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.206-12; stitched at 2½ inch intervals and within 1 inch of each end of joint; body joint must be doublestitched (2 parallel stitches) at each end of joint over 18 inches long.

* * * * *

§ 78.206-13 *Seams which are to be stitched.* (a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.206-12.

3. In § 78.207-10 amend paragraph (a); in § 78.207-12 amend paragraph (a) (15 F. R. 8478, Dec. 2, 1950) to read as follows:

§ 78.207 *Specification 12D; fiberboard boxes.*

§ 78.207-10 *Joints.* (a) For slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.207-11; stitched at 2½-inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

* * * * *

§ 78.207-12 *Seams which are to be stitched.* (a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.207-11.

4. In § 78.210-8 amend paragraph (a) (22 F. R. 7842, Oct. 3, 1957) to read as follows:

§ 78.210 *Specification 12A; fiberboard boxes.*

§ 78.210-8 *Joints.* (a) For slotted containers: Lapped 1½ inches from center of scoreline except as in § 78.210-8 (b) (2); stitched at 2½-inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

* * * * *

5. In § 78.214-11 amend paragraph (a); in § 78.214-13 amend paragraph (a) (20 F. R. 8111, Oct. 28, 1955) (15 F. R. 8479, Dec. 2, 1950) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

§ 78.214-11 *Joints.* (a) Lapped 1½ inches from center of scoreline except as in § 78.214-12; stitched at 2½-inch intervals and within 1 inch of each end of joint; double-stitched (2 parallel stitches) at each end of joint over 18 inches long; or lapped not less than 1¼ inches and firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

§ 78.214-13 *Seams which are to be stitched.* (a) Overlap, if any, required to be at least 1½ inches from center of scoreline except as in § 78.214-12.

6. In § 78.219-10 amend paragraph (a) (17 F. R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219-10 *Joints.* (a) Lapped at least 1½ inches from center of scoreline; staple stitched at 2½-inch intervals and within 1 inch of each end of joint; 2 banks of staple stitches in each joint.

SUBPART G—SPECIFICATIONS FOR BAGS, CLOTH, BURLAP OR PAPER

1. In § 78.230-4 amend paragraph (a) and cancel Note 1 thereto (15 F. R. 8482, Dec. 2, 1950) to read as follows:

§ 78.230 *Specification 36A; lined cloth bags (triplex).*

§ 78.230-4 *Paper.* (a) Shipping sack Kraft, creped. A "ream" as used herein means 500 sheets 24 inches by 36 inches before creping.

[Cancel Note 1.]

2. In § 78.233-4 amend paragraph (a) and cancel Note 1 thereto (15 F. R. 8482, Dec. 2, 1950) to read as follows:

§ 78.233 *Specification 36B; burlap bags, lined.*

§ 78.233-4 *Paper.* (a) Shipping sack Kraft, creped; at least 25 pounds per ream (500 sheets 24" x 36") before creping.

[Cancel Note 1.]

3. In § 78.234-4 amend paragraph (a) and cancel Note 1 thereto (19 F. R. 1285, Mar. 6, 1954) to read as follows:

§ 78.234 *Specification 36C; burlap bags, paper lined.*

§ 78.234-4 *Paper.* (a) Shipping sack Kraft, creped; at least 30 pounds per ream (500 sheets 24" x 36") before creping.

[Cancel Note 1.]

4. In § 78.237-1 amend paragraph (a) (15 F. R. 8482, Dec. 2, 1950) to read as follows:

§ 78.237 *Specification 44C; multiwall paper bags.*

§ 78.237-1 *Construction.* (a) Bags must be at least 4 thicknesses of paper; this must be heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 250 pounds of paper (500 sheets 24" x 36"). Outer sheet must be of water-resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

5. In § 78.239-1 amend paragraph (a) (19 F. R. 1286, Mar. 6, 1954) to read as follows:

§ 78.239 *Specification 44E; multiwall paper bags.*

§ 78.239-1 *Construction and capacity.* (a) Bags must be at least 3 thicknesses of paper; this must be heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 130 pounds of paper (500 sheets 24" x 36"). Outer sheet must be of water-resistant stock and at least 50 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn and taped, cemented, taped, satchel bottom or other construction of equal efficiency to form a sift-proof and reasonably air-tight container. Authorized for not over 50 pounds net weight, except that bags having a minimum total basis weight of 160 pounds of paper (500 sheets 24" x 36") with outer sheet of water-resistant stock and at least 60 pounds basis weight, inner sheets not less than 50 pounds basis weight, are authorized for not to exceed 100 pounds net weight of contents.

6. In § 78.240-6 amend paragraph (a) and cancel Note 1 thereto (15 F. R. 8483, Dec. 2, 1950) to read as follows:

§ 78.240 *Specification 45B; bags, cloth and paper; lined.*

§ 78.240-6 *Paper.* (a) Paper must be shipping sack Kraft, creped, at least 45 pounds per ream (500 sheets 24" x 36") before creping.

[Cancel Note 1.]

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

In § 78.245-1 amend paragraph (a); in § 78.245-3 amend paragraph (a); in § 78.245-6 amend paragraph (a); in § 78.245-7 amend paragraph (a) (19 F. R. 1286, Mar. 6, 1954) (15 F. R. 8483, 8484, Dec. 2, 1950) to read as follows:

§ 78.245 *Specification 51; steel portable tanks.*

§ 78.245-1 *Requirements for design and construction.* (a) Tanks shall be of seamless or welded steel construction or combination of both and shall have in excess of 1,000 pounds water capacity. Fusion-welded tanks shall be fully radiographed and stress-relieved. Tanks shall be designed and constructed in accordance with and fulfill the requirements of (1) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 Edition; or (2) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1952 Edition; or (3) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1956 Edition; no revisions (any or all of which hereinafter referred to as "the Code").

* * * * *

§ 78.245-3 *Design pressure.* (a) The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F., or as prescribed for a particular commodity by Part 73 of this chapter, except that in no case shall the design pressure of any container be less than 100 psig nor more than 500 psig. When corrosion factor is prescribed by these regulations, the wall thickness of the tank calculated in accordance with the "Code" (see § 78.245-1 (a)) shall be increased by 20 percent or 0.10 inch, whichever is less.

NOTE 1: The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the "Code" (see § 78.245-1 (a)).

§ 78.245-6 *Name plate.* (a) In addition to the markings required by the "Code" (see § 78.245-1 (a)) under which tanks were constructed, they shall have permanently affixed, on one of the heads of the tank, a metal plate. This plate shall be permanently affixed by means of soldering, brazing, or welding around its complete perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of tank. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or onto the metal of the plate itself the following information in characters at least ⅜ inch high:

Manufacturer's name ____________
Serial No. ____________
Owner's serial No. ____________
I. C. C. Specification No. ____________
Water capacity (pounds) ____________
Tare weight (pounds) ____________
Design pressure (psig) ____________
Original test date ____________
Tank retested at ________ (psig) on ________

* * * * *

§ 78.245-7 *Report.* (a) A copy of the manufacturer's data report required by the "Code" (see § 78.245-1 (a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

Place ____________
Date ____________

Portable tank

Manufactured for ____________ Company
Location ____________
Manufactured by ____________ Company.
Location ____________
Consigned to ____________ Company
Location ____________
Size ____________ feet outside
diameter by ____________ long
Marks on tank as prescribed by § 78.245-6 of this specification are as follows:
Manufacturer's name ____________
Serial No. ____________
Owner's serial No. ____________
I. C. C. Specification ____________
Code symbol ____________
Date of manufacture ____________
Water capacity (pounds) ____________
Tare weight (pounds) ____________
Design pressure (psig) ____________

It is hereby certified that this tank is in complete compliance with the requirements of ICC Specification No. 51.

(Signed) ____________
(Manufacturer or owner)

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.265-14 cancel Note 1 to paragraph (b) (22 F. R. 4792, July 9, 1957) as follows:

§ 78.265 *Specification ICC-103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265-14 *Safety valves.* * * *

(b) * * *

[Note 1 canceled.]

* * * * *

2. In § 78.269–14 cancel Note 1 to paragraph (b) (22 F. R. 4793, July 9, 1957) as follows:

§ 78.269 *Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.269–14 *Safety valves.* * * *
(b) * * *
[Note 1 canceled.]

* * * * *

3. In § 78.280–16 cancel Note 1 to paragraph (b) (22 F. R. 4794, July 9, 1957) as follows:

§ 78.280 *Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.280–16 *Safety valves.* * * *
(b) * * *
[Note 1 canceled.]

* * * * *

4. In § 78.284–16 cancel Note 1 to paragraph (b) (22 F. R. 4795, July 9, 1957) as follows:

§ 78.284 *Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.284–16 *Safety valves.* * * *
(b) * * *
[Note 1 canceled.]

* * * * *

5. In § 78.291–15 cancel Note 1 to paragraph (b) 22 F. R. 4797, July 9, 1957) as follows:

§ 78.291 *Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.291–15 *Safety valves.* * * *
(b) * * *
[Note 1 canceled.]

* * * * *

6. In § 78.292–15 cancel Note 1 to paragraph (c) (22 F. R. 4798, July 9, 1957) as follows:

§ 78.292 *Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.292–15 *Safety devices.* * * *
(c) * * *
[Note 1 canceled.]

* * * * *

7. In § 78.299–8 amend paragraph (b) (22 F. R. 11033, Dec. 31, 1957) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–8 *Manway rings, safety vent flange, or other attachments.* * * *

(b) Bottom washout nozzle flange may be riveted or fusion-welded to the tank. Riveted joints must be made metal to metal without interposition of other materials. Rivets must be driven hot and calked inside. For computing rivet areas, the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than 5/8-inch nominal diameter prohibited. Joints formed by attachments to tank must be calked on the inside. Fusion welding for securing this attachment to tank must be as prescribed in § 78.299–8 (a).

8. In § 78.303–13 amend paragraph (a); in § 78.303–18 amend paragraph (b) (22 F. R. 4801, July 9, 1957) to read as follows:

§ 78.303 *Specification ICC–111A100–W–1; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.303–13 *Outage.* (a) Tanks built to this specification will require a minimum outage of 2 percent. This outage must be provided for in the tank shell.

§ 78.303–18 *Gauging devices.* * * *

(b) A telltale pipe must be applied with a 1/4-inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified in § 78.303–13 (a). This requirement is to permit tank to be loaded with manway cover closed.

9. In § 78.304–13 amend paragraph (a); in § 78.304–18 amend paragraph (b) (22 F. R. 4803, July 9, 1957) to read as follows:

§ 78.304 *Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.304–13 *Outage.* (a) Tanks built to this specification will require a minimum outage of 1 percent. This outage must be provided in the tank shell.

§ 78.304–18 *Gauging devices.* * * *

(b) A telltale pipe must be applied with a 1/4-inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified in § 78.304–13 (a). This requirement is to permit tank to be loaded with the manway cover closed.

10. In § 78.305–13 amend paragraph (a); in § 78.305–18 amend paragraph (b) (22 F. R. 4805, July 9, 1957) to read as follows:

§ 78.305 *Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.305–13 *Outage.* (a) Tanks built to this specification will require a minimum outage of 2 percent. This outage must be provided for in the tank shell.

§ 78.305–18 *Gauging device.* * * *

(b) A telltale pipe must be applied with a 1/4-inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified in § 78.305–13 (a). This requirement is to permit tank to be loaded with the manway cover closed.

11. In § 78.306–13 amend paragraph (a) (22 F. R. 4807, July 9, 1957) to read as follows:

§ 78.306 *Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.306–13 *Outage.* (a) Tanks built to this specification will require outage complying with the maximum permitted filling density in § 73.314 (a) of this chapter.

12. Add § 78.313 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.313 *Specification ICC–109A200AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 Application for approval, (a), (b), (c), and (d).

§ 78.313–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover.

§ 78.313–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than 1/8 inch in thickness and efficiently flashed around all openings so as to be weather tight.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.313–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.313–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure, pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A = 9,500 psi.
ASTM B–178 Alloy 990A =11,000 psi.
ASTM B–178 Alloy M1A =14,000 psi.
ASTM B–178 Alloy GR20A=25,000 psi.
ASTM B–178 Alloy GS11A=24,000 psi.
ASTM B–178 Alloy GR40A=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head (see § 78.313–7 (b)) shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure, pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.313-4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) The minimum thickness of plates and heads must not be less than ⅝ inch.

§ 78.313-5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.313-6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.313-7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on concave side.

(b) Ellipsoidal tank heads shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.313-8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.313-9 *Stress-relieving.* (a) Not a specification requirement.

§ 78.313-10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.313-11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of an approved design and attached to tank by fusion welding. Fusion welding for securing this attachment in place must be of the double-welded butt joint type of double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.313-12 *Venting, loading and unloading, gauging and sampling devices.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, sampling valve and gauging device may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

§ 78.313-13 *Bottom outlets.* (a) Bottom outlet for discharge of lading is prohibited, but tank may be equipped with a bottom washout of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(1) The extreme projection of the bottom washout must be at least 12 inches above top of rail.

(2) Bottom washout nozzle must be of cast, forged or fabricated metal of good weldable quality in conjunction with the metal of the tank, and must be applied by welding.

(3) The bottom washout must be designed and constructed with a double closure each capable of withstanding 200 pounds per square inch pressure without leakage. The inside or top closure must be such that loss of lading will not occur should the nozzle be broken, and preferably should consist of a plug with a tapered seat so that any tank pressure will effect tight closure independent of means of securing the plug. The outside or bottom closure must be a flange with a test plug not larger than ¾-inch pipe plug. Flange and plug must be chained to prevent loss.

(4) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the bottom washout nozzle at a point immediately below the lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅝ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(5) The opening in the tank bottom for the bottom washout nozzle must be reinforced in an approved manner, and the washout nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove.

(6) The closure plug must not project below the "V" groove in the washout nozzle. The closure plug and seat must be readily accessible for repairs, including grinding.

(7) Joints between closures and their seats may be gasketed with suitable material.

§ 78.313-14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 165 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 150 pounds per square inch. (For tolerance see § 78.313-18 (a).)

§ 78.313-15 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and nozzle must be applied by approved means. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.313-16 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.313-17 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before tank lagging is applied, by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying pressure of 200 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.313-8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.313-18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 150 pounds per square inch and be vapor tight at 120 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.313-14 (b) with a tolerance of plus or minus 3 percent.

§ 78.313-19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC-109A200AL-W and specification number of material used in tank shell and manway nozzle in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC-109A200AL-W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in § 78.313-19 (a) (1).

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in § 78.313-19 (a) (2) by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in § 78.313-19 (a) (1) by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in § 78.313-19 (a) (1).

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least 3/8 inch high into the metal of the tank immediately below the mark specified in § 78.313-19 (a) (3). This mark must also be stenciled on the tank, or jacket if lagged, immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY 000000 POUNDS

§ 78.313-20 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties, a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.321-6 amend paragraph (a) (15 F. R. 8545, Dec. 2, 1950) to read as follows:

§ 78.321 *Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.*

§ 78.321-6 *No hazardous repairs on loaded motor vehicles.* (a) No repairs shall be performed on any motor vehicle containing any flammable liquid or poisonous liquid, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

2. In § 78.322-6 amend paragraph (a) (15 F. R. 8547, Dec. 2, 1950) to read as follows:

§ 78.322 *Specification MC 301; cargo tanks constructed of welded aluminum alloy (grade 3S).*

§ 78.322-6 *No hazardous repairs on loaded motor vehicles.* (a) No repairs shall be performed on any motor vehicle containing any flammable liquid or poisonous liquid, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

3. In § 78.323-6 amend paragraph (a) (15 F. R. 8549, Dec. 2, 1950) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B178-54T).*

§ 78.323-6 *No hazardous repairs on loaded motor vehicles.* (a) No repairs shall be performed on any motor vehicle containing any flammable liquid or poisonous liquid, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

4. In §78.324-6 amend paragraph (a) (15 F. R. 8552, Dec. 2, 1950) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.*

§ 78.324-6 *No hazardous repairs on loaded motor vehicles.* (a) No repairs shall be performed on any motor vehicle containing any flammable liquid or poisonous liquid, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

5. In § 78.336-1 amend paragraph (a); in § 78.336-3 amend paragraph (a); in § 78.336-6 amend paragraph (a); in § 78.336-7 amend paragraph (a) (19 F. R. 1287, Mar. 6, 1954) (15 F. R. 8556, Dec. 2, 1950) to read as follows:

§ 78.336 *Specification MC 330; steel cargo tanks.*

§ 78.336-1 *Requirements for design and construction.* (a) Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 edition; or (2) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1952 Edition; or (3) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1956 Edition; no revisions (any or all of which hereinafter referred to as "the Code").

[No change in exception]

* * * * *

§ 78.336-3 *Design pressure.* (a) The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F. or as prescribed for a particular commodity by Part 73 of this chapter, except that in no case shall the design pressure of any container be less than 100 psig nor more than 500 psig. When corrosion factor is prescribed by these regulations, the wall thickness of the tank calculated in accordance with the "Code" (see § 78.336-1 (a)) shall be increased by 20 percent or 0.10 inch, whichever is less.

NOTE 1: The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the "Code" (see § 78.336-1 (a)).

§ 78.336-6 *Name plate.* (a) In addition to the markings required by the "Code" (see § 78.336-1 (a)) under which tanks were constructed, they shall have permanently affixed, on one of the heads of the tank, a metal plate. This plate shall be permanently affixed by means of soldering, brazing, or welding around its perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of tank. On unlagged tanks the plate shall be in a place readily accessible for inspection. On lagged tanks an additional identical plate shall be permanently affixed to the jacket readily accessible for inspection. Upon

such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or onto the metal of the plate itself the following information in characters at least 3/16 inch high:

Manufacturer's name ------------------------
Serial No. --------------------------------
Owner's serial No. -------------------------
I. C. C. Specification No. ------------------
Water capacity (pounds) --------------------
Design pressure (psig) ---------------------
Original test date ---------------------------
Tank retested at -------- (psig) on --------

* * * * *

§ 78.336-7 *Report.* (a) A copy of the manufacturer's data report required by the "Code" (see § 78.336-1 (a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives, 30 Vesey Street, New York, N. Y. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

Place ----------------------
Date -----------------------

Cargo tank

Manufactured for ---------------- Company
Location --------------------------------
Manufactured by ----------------- Company
Location --------------------------------
Consigned to -------------------- Company
Location --------------------------------
Size ------------------------- feet outside diameter by ---------------------- long
Marks on tank as prescribed by § 78.336-6 of this specification are as follows:
Manufacturer's name --------------------
Serial No. ----------------------------
Owner's serial No. ---------------------
I. C. C. Specification Code symbol ------
Date of manufacture --------------------
Water capacity (pounds) ----------------
Design pressure (psig) -----------------

It is hereby certified that this tank is in complete compliance with the requirements of ICC Specification No. ----------------

(Signed) ----------------------
(Manufacturer or owner)

[F. R. Doc. 58-2625; Filed, Apr. 9, 1958; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon date of publication in the FEDERAL REGISTER, paragraph (b) (1) is added to § 6.133 as set out below.

§ 6.133 *General Services Administration.* * * *

(b) *Office of the Administrator.* (1) Until June 30, 1960, one Special Assistant to the Administrator (Nicaro Nickel Project).

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2700; Filed, Apr. 9, 1958; 10:57 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

SUBPART G—PROCEDURE FOR CONTRACT APPEALS

Part 1, Subtitle A, Title 7 of the Code of Federal Regulations is amended by the addition of a new Subpart G, entitled Procedure for Contract Appeals, as follows:

Sec.	
1.101	Purpose.
1.102	Appeals.
1.103	Board of Contract Appeals.
1.104	Hearings.
1.105	Findings and recommendations of the Board.
1.106	Finality of decision.

AUTHORITY: §§ 1.101 to 1.106 issued under R. S. 161; 5 U. S. C. 22.

§ 1.101 *Purpose.* This subpart prescribes the procedure governing appeals from decisions of contracting officers of the Department involving certain contracts described herein.

§ 1.102 *Appeals*—(a) *Eligible contractors.* Appeals may be taken from decisions of contracting officers of the Department involving disputed questions of fact under contracts for (1) the construction, alteration or repair of public buildings or works, or (2) the purchase of administrative supplies, equipment, materials or services, the terms of which provide that such appeals may be made to the head of the Department or his duly authorized representative. Such an appeal shall be taken by filing a notice of appeal with the Secretary or the contracting officer within the time prescribed in the contract.

(b) *Form; contents of notice of appeal.* The notice of appeal shall be in writing but need not follow any prescribed form. It may be in the form of a letter. It should indicate the decision from which the appeal is being taken, the date of the decision, and the contract number. The notice of appeal should state whether the contractor desires to appear or be represented at a hearing before the Board, and should contain a request that such a hearing be held.

(c) *Transmittal.* Upon receipt of the notice of appeal, the officer receiving such notice will endorse the date of its receipt thereon and will immediately forward it through agency channels to the Director of Plant and Operations for Board of Contract Appeals action.

§ 1.103 *Board of Contract Appeals*—(a) *Appointment.* The Board of Contract Appeals shall be designated by the Administrative Assistant Secretary for each case and be composed of five members as follows: One member from each of the Offices of the General Counsel, Plant and Operations, and Budget and Finance, and two members from the Department experienced in the subject matter of the work involved in the contract. No member shall have been directly involved in the letting or administration of the contract. The Director of Plant and Operations shall, in consultation with the agencies involved, determine availability of employees best qualified to serve on the Board and advise the Administrative Assistant Secretary thereof with his recommendations for composition of the Board.

(b) *Notice to parties.* Upon receipt of an appeal from a contracting officer's decision, the Director of Plant and Operations shall (1) arrange for appointment of the Board as provided in paragraph (a) of this section, (2) notify the contracting officer of such appeal and require him to forward the necessary copies of his decision, findings of fact, supporting data, correspondence and other data relevant to the dispute, (3) refer the appeal together with all pertinent information to the Board of Contract Appeals, and (4) notify the contractor that his appeal has been received and, if he has not requested a hearing, that he may (i) have one before the Board upon request within a specified time, (ii) submit the case on written argument and evidence, or (iii) have the case decided on the basis of the record. The contractor shall be furnished at the same time a copy of these regulations and such further instructions as may be appropriate.

(c) *Quorum.* Three members, one of whom shall be a subject matter specialist, shall constitute a quorum.

(d) *Function of the Board.* The Board shall consider and determine contract appeals in accordance with the regulations in this subpart. In addition to deciding questions of fact, the Board may in its discretion hear, consider, and decide related questions of law necessary for the complete adjudication of the issues in dispute although any decision on a question of law cannot be final.

§ 1.104 *Hearings*—(a) *Request for hearing by contracting officer.* If a hearing is not requested by the contractor, the contracting officer may request that a hearing be held by forwarding such a request in writing to the Board.

(b) *Consideration by Board without hearing.* If a hearing is not requested by the contractor or by the contracting officer, the Board will proceed to a determination on the basis of the record then before it, together with such a brief as the contractor may desire to submit and a reply brief submitted by the contracting officer. The Board will instruct the parties with respect to the time within which such briefs must be submitted and served upon the other parties.

(c) *Hearings, where held.* Hearings will be held at the Department of Agriculture, Washington, D. C., unless another place is approved by the Director of Plant and Operations.

(d) *Notice of hearings.* The contractor and the representatives of the Government shall be given at least 20 days notice in writing of the time and place of any hearing scheduled by the Board. If it finds that the time fixed is inconvenient to the parties, the Board may reschedule the time.

(e) *Scope of procedures.* In the written appeal or in other papers submitted to the Board or in any event prior to the time of the hearing, the contrac-shall specify the portions of the findings of the contracting officer from which the appeal is taken and the reasons why the findings or the decision are deemed erroneous. Independent findings of fact will be made by the Board although the findings of fact of the contracting officer may be adopted by the Board in whole or in part.

(f) *Absence of parties.* In the event of the unexcused absence of a party at the time and place set for a hearing, the hearing will proceed and the appeal will be deemed as having been submitted without oral testimony or argument on behalf of that party.

(g) *Pre-hearing arrangements.* The Board may direct the parties to appear at a specified time and place for a conference to consider or otherwise provide for the following: (1) Simplification of issues; (2) possibility of obtaining stipulations or admissions of fact and of documents; and (3) such other matters as may add to the disposition of the appeal.

(h) *Conduct of hearings.* The hearings before the Board will be informal, with no fixed form of procedure. Findings of fact in the contracting officer's decision which are not controverted may be accepted by the Board without further proof. Although the Board is entitled to the entire record to aid it in the consideration of the case, on facts in dispute the Board may not rely on any evidence not presented in the hearings to support any findings or determinations thereon except that which may be officially noticed. Either the contractor or the representatives of the Government may introduce evidence pertinent to the basic issues. The burden of establishing errors or omissions in the decision of the contracting officer shall rest on the party asserting the error or omission. Subject to the exercise of a reasonable discretion under all the circumstances of the particular case, the Board may limit or otherwise control the issues to be considered on the appeal and the extent of the evidence, testimony or argument presented. A verbatim reporting and transcription of the testimony shall be made, the costs thereof to be borne by the agency involved in the contract dispute. In addition, the following general rules will apply:

(1) The parties may be represented at a hearing by any authorized person meeting the requirements of § 1.26 of this title.

(2) The parties may present to the Board a signed stipulation setting forth any agreed facts or stating the matters in dispute.

(3) In addition to the presentation of witnesses and documentary evidence, the parties may, in the discretion of the Board and upon application in advance of the hearing and with notice to the opposing party, submit evidence by deposition based upon oral examination or written interrogatories or in such other form as the Board may approve.

(4) Witnesses before the Board may be required to testify under oath, and attention of the witness may be invited to 18 U. S. C. 287 and 1001, and any other appropriate provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(5) All witnesses shall be subject to cross-examination, and also to examination by the Board.

(6) On proof of authenticity, copies of papers, books, records, or documents will be accepted as evidence in lieu of the submission of the original documents where such submission is not practicable.

(7) The weight to be given evidence presented in any particular form will be determined by the Board in the exercise of a reasonable discretion under the circumstances of the particular case.

(8) Briefs may be submitted, either on request of the parties or the Board, in accordance with instructions issued by the Board, which shall require that copies be served upon the opposing parties who shall have opportunity to present argument in rebuttal within a time limitation fixed by the Board.

§ 1.105 *Findings and recommendations of the Board.* The Board will make specific findings of fact and conclusions disposing of the appeal. The chairman of the Board shall be responsible for the preparation and submission of the decision of the Board, which shall be signed by all members of the Board who concur therein. A copy of the findings, conclusions and decision shall be submitted to the contracting agency, to the appellant and to the Director of Plant and Operations.

§ 1.106 *Finality of decision.* The decision of the Board based upon the appeal record shall be final and conclusive and binding on the parties thereto, except as it may be subject to review as provided by law. A request for reconsideration may be made to the Board within 30 days from the date of the decision. Reconsideration of a decision which may include a hearing or rehearing may be granted or denied in the discretion of the Board.

Notice concerning the establishment of a Board of Review for Contract Appeals, dated March 10, 1953, which was published in volume 18, issue No. 50, FEDERAL REGISTER, at pages 1481-2, is hereby revoked.

Done at Washington, D. C., this 7th day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-2630; Filed, Apr. 9, 1958; 8:50 a. m.]

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

APPENDIX—SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO THE NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1958

The funds available for purposes of the National School Lunch Act (60 Stat. 230, 66 Stat. 591) for food assistance for the fiscal year ending June 30, 1958, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the act:

State	Total	State agency	Withheld for private schools
Alabama	$2,663,565	$2,584,617	$78,948
Alaska	58,945	58,945	--------
Arizona	582,965	538,908	44,057
Arkansas	1,703,507	1,669,179	34,328
California	4,384,677	4,384,677	--------
Colorado	734,648	671,352	63,296
Connecticut	672,233	672,233	--------
Delaware	106,671	97,338	9,333
District of Columbia	193,830	193,830	--------
Florida	1,689,800	1,606,824	82,976
Georgia	2,661,750	2,661,750	--------
Guam	7,830	5,585	2,245
Hawaii	291,932	236,527	55,405
Idaho	409,110	394,599	14,511
Illinois	3,165,343	3,165,343	--------
Indiana	1,920,115	1,920,115	--------
Iowa	1,437,504	1,278,286	159,218
Kansas	1,015,492	1,015,492	--------
Kentucky	2,338,128	2,338,128	--------
Louisiana	2,110,568	2,110,568	--------
Maine	495,992	418,557	77,435
Maryland	1,084,692	946,137	138,555
Massachusetts	1,728,957	1,728,957	--------
Michigan	2,901,423	2,449,363	452,060
Minnesota	1,630,979	1,362,245	268,734
Mississippi	2,369,029	2,369,029	--------
Missouri	1,835,795	1,835,795	--------
Montana	306,345	272,083	34,262
Nebraska	740,820	652,266	88,554
Nevada	75,826	71,696	4,130
New Hampshire	260,066	260,066	--------
New Jersey	1,715,838	1,337,152	378,686
New Mexico	562,849	562,849	--------
New York	5,155,534	5,155,534	--------
North Carolina	3,447,163	3,447,163	--------
North Dakota	449,401	403,562	45,839
Ohio	3,523,781	2,976,096	547,685
Oklahoma	1,316,504	1,316,504	--------
Oregon	769,017	769,017	--------
Pennsylvania	4,565,605	3,642,646	922,959
Puerto Rico	3,061,081	3,061,081	--------
Rhode Island	313,174	313,174	--------
South Carolina	2,175,939	2,146,368	29,571
South Dakota	492,279	442,107	50,172
Tennessee	2,548,605	2,474,689	73,916
Texas	4,754,226	4,504,568	249,658
Utah	511,144	503,413	7,731
Vermont	214,071	214,071	--------
Virginia	2,080,565	1,984,719	95,846
Virgin Islands	34,577	34,577	--------
Washington	1,100,005	1,012,173	87,832
West Virginia	1,539,336	1,498,843	40,493
Wisconsin	1,760,714	1,338,618	422,096
Wyoming	160,065	160,065	--------
Total	83,830,000	79,269,469	4,560,531

(Secs. 2-11, 60 Stat. 230-233, as amended; 42 U. S. C. 1751-1760)

Dated: April 4, 1958.

[SEAL] HENRY G. HERRELL,
Acting Administrator.

[F. R. Doc. 58-2629; Filed, Apr. 9, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-210-A10]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in con-

flict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective on May 1, 1958. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will tend to disrupt the orderly marketing of milk in the Oklahoma Metropolitan marketing area. The provisions of this order are well known to handlers. The public hearing on which this order is based was conducted on December 6, 1957. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued on March 3, 1958 (23 F. R. 1602). The final decision was issued by the Assistant Secretary of Agriculture on March 26, 1958 (23 F. R. 2129). The issuance of this order amending the order, as amended, does not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective May 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended, which is marketed within the Oklahoma Metropolitan marketing area) of more than 50 percent of the milk, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interest of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its issuance and who, during the determined representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. The order, as amended, is hereby amended as follows:

1. Delete § 906.22 (j) (i) and substitute therefor the following:

(i) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a), and the Class I butterfat differential computed pursuant to § 906.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b), both for the previous month; and

2. Delete § 906.51 (a) (1) and substitute therefor the following:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding inter-handler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

3. Delete the table in § 906.51 (a) (2) (iii) and substitute therefor the following:

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October-November	114	118
February	November-December	118	122
March	December-January	120	124
April	January-February	120	124
May	February-March	124	128
June	March-April	132	136
July	April-May	141	145
August	May-June	138	142
September	June-July	126	130
October	July-August	116	120
November	August-September	112	116
December	September-October	112	116

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 7th day of April 1958, to be effective on and after May 1, 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-2654; Filed, Apr. 9, 1958; 8:55 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

DETERMINATION RELATIVE TO ESTABLISHMENT OF RESERVE FUND

Notice was published in the March 12, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 1736) that consideration was being given to proposals regarding the establishment of a reserve fund to provide for the maintenance and functioning of the Avocado Administrative Committee in accordance with the provisions of the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby determined that:

§ 969.205 *Reserve fund.* The establishment of a reserve fund in the amount of $4,500 is appropriate and necessary to the maintenance and functioning of the Avocado Administrative Committee. The committee is hereby authorized to carry forward in the aforesaid reserve excess assessment funds from the fiscal year ending March 31, 1958, not to exceed the foregoing amount. Such reserve shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and Order 69, as amended.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the establishment of the reserve fund as herein provided necessitates no increase in assessment rate and requires no special preparation of handlers which cannot be completed by the effective time; (2) the provisions of § 969.42 provide that unless placed in reserve at the close of the fiscal year, as prescribed by the Secretary, a handler's pro rata share of excess assessments shall be paid to him upon demand; hence, it is essential that the specification of the reserve fund be issued immediately; and (3) no useful purpose would be served by delaying the effective time beyond that hereinafter set forth.

Terms used in said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated April 7, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-2655; Filed, Apr. 9, 1958; 8:55 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. Section 36.4502 is revised to read as follows:

§ 36.4502 *Use of guaranty entitlement.* The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after April 1, 1958, shall be charged with an amount which bears the same ratio to $7,500 as the amount of the loan bears to $13,500. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date shall be the amount which would have been charged had the loan been closed subsequent to such date.

2. In § 36.4503, paragraphs (a) and (b) are amended and paragraph (e) is revoked to read as follows:

§ 36.4503 *Amount and amortization.* (a) The original principal amount of any loan made on or after April 4, 1958, shall not exceed an amount which bears the same ratio to $13,500 as the amount of the guaranty to which the veteran is entitled under section 501 of the act at the time the loan is made bears to $7,500, nor may any veteran obtain direct loans aggregating more than $13,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by Veterans Administration shall bear interest at the rate of 4¾ percent per annum, except where a commitment to make the loan was issued prior to April 4, 1958, in which case the rate of interest shall be 4½ percent per annum.

(b) Each loan shall be repayable on the basis of approximately equal monthly installments; except that in the case of loans made for any of the purposes described in clause (2), (3), or (4) of subsection (b) of section 512, such loans may provide for repayment in quarterly, semiannual or annual installments: *Provided,* That such plan of repayment corresponds to the present and anticipated income of the veteran.

* * * * *

(e) [Revoked.]

3. In § 36.4504, paragraphs (b) and (d) are amended to read as follows:

§ 36.4504 *Loan closing expenses.* * * *

(b) With respect to a loan made to a veteran-borrower pursuant to an application (VA Form VB 4-6921) received by the Veterans Administration on or after April 4, 1958, the borrower shall pay the Veterans Administration the following:

(1) $50, or one percent (1%) of the loan amount, whichever is greater, which charge shall be in lieu of the loan closer's fee, credit report, and cost of appraisal: *Provided,* That if the loan is to finance the cost of construction, repairs, alterations or improvements necessitating disbursements of the loan proceeds as the construction or other work progresses, the charge to the veteran-borrower shall be two percent (2%) of the loan amount, but not less than $50 in any event.

(2) Costs or expenses normally paid by a purchaser or lienor incident to loan closing including but not limited to the following:

(i) Fee of Veterans Administration designated compliance inspector.

(ii) Recording fees and recording taxes or other charges incident to recordation.

(iii) That portion of taxes, assessments, and other similar items for the current year chargeable to the borrower and his initial deposit (lump-sum payment) for the tax and insurance account.

(iv) Hazard insurance as required by § 36.4512.

(v) Survey, if any.

(vi) Title examination and title evidence.

Charges or costs payable by the veteran-borrower shall be paid in cash and may not be paid out of the proceeds of the loan. No service or brokerage fee shall be charged against the veteran-borrower by any third party for procuring a direct loan or in connection therewith.

* * * * *

(d) With respect to a loan to construct, repair, alter or improve a farm residence or other dwelling, Veterans Administration may require the veteran to deposit with Veterans Administration, or in an escrow satisfactory to Veterans Administration, 10 percent of the estimated cost thereof or such alternative sum, in cash or its equivalent, as Veterans Administration may determine to be necessary in order to afford adequate assurance that sufficient funds will be available, from the proceeds of the loan or from other sources, to assure completion of the construction, repair, alteration, or improvement in accordance with the plans and specifications upon which Veterans Administration based its loan commitment.

4. Section 36.4505 is revised to read as follows:

§ 36.4505 *Maturity of loan.* The maturity of a loan shall not exceed 25 years, except that if Veterans Administration determines that the income and expenses of a veteran-applicant at the time of his application for a loan, or at the time of closing of the loan, are such that under customary credit standards he would be unable to maintain the required schedule of amortized payments for a loan which matures in 25 years, but that taking into consideration the veteran's current and prospective income and expenses he would be able to make the payments on the loan if amortized over a longer period of time, the loan may be made with a maturity for such longer period of time but not in excess of 30 years: *Provided,* That in no event will the maturity exceed the estimated economic life of the property securing the loan. Nothing in this section shall preclude extension of the loan pursuant to the provisions of § 36.4506.

5. In § 36.4507, a new paragraph (d) is added and former paragraph (d) is redesignated paragraph (e) to read as follows:

§ 36.4507 *Refunding of outstanding indebtedness.* * * *

(d) The obligation represents the balance due on a land scale contract: *Provided,* That (1) if the contract was executed within one year of the date of application for the loan, the purchase price contained in the terms of the contract shall not be in excess of the current reasonable value of the property; and (2) if the contract was executed more than one year prior to the date of the application, the purchase price contained in its terms shall not be in excess of the reasonable value of the property as of the date of the execution of the contract and the unpaid amount of the contract shall not be in excess of the current reasonable value of the property; or

(e) That with respect to a loan for the construction of a dwelling or farm residence on land owned by the veteran, a portion of the proceeds of the loan may be expended to liquidate an indebtedness which is secured by a lien against such land, but only if the reasonable value of the land is equal to or in excess of the amount of the lien and if the liquidation of such indebtedness will permit the loan to be secured by a first lien.

6. In § 36.4509, paragraph (b) is amended to read as follows:

§ 36.4509 *Joint loans.* * * *

(b) Notwithstanding that an applicant and his spouse both be eligible veterans and will be jointly and severally liable as borrowers, the original principal amount of the loan may not exceed the maximum permissible under § 36.4503 (a). The loan may not exceed $13,500 in any event.

7. In § 36.4511, paragraph (a) is amended to read as follows:

§ 36.4511 *Advances after loan closing.* (a) The Veterans Administration may at any time advance any sum or sums as are reasonably necessary and proper for the maintenance, repair, alteration, or improvement of the security for a loan or for the payment of taxes, assessments, ground or water rights, or casualty insurance thereon: *Provided,* That no advance shall be made for alterations or improvements which are not necessary for the maintenance or repair of the security if such advance will increase the

indebtedness to an amount in excess of $13,500.

* * * * *

8. Section 36.4513 is revised to read as follows:

§ 36.4513 *Foreclosure and liquidation.* In the event of a foreclosure sale or other liquidation of the security for a loan, Veterans Administration shall credit upon the indebtedness the greater of:

(a) The net proceeds of the sale, or

(b) The current market value of the property as determined by Veterans Administration, less the costs and expenses of liquidation.

In no event shall the credit pursuant to paragraph (b) of this section exceed the amount of the gross indebtedness, nor shall such credit be less than the amount legally required to be credited to the indebtedness under local law. If a deed in lieu of foreclosure is accepted, the consideration will be a full and complete release of liability of the obligors, or such lesser amount as may be agreed upon between the obligors and Veterans Administration.

9. In § 36.4516, paragraph (b) is amended to read as follows:

§ 36.4516 *Lien requirements.* * * *

(b) Loans for the repair, alteration, or improvement of a farm residence or other dwelling shall be secured by a first lien except as may be approved by the Administrator, the Chief Benefits Director, or the Director, Loan Guaranty Service, in an individual case: *Provided,* That if the Veterans Administration is the holder of a first lien on the property such loans may be secured by a second lien.

* * * * *

10. Section 36.4518 is revised to read as follows:

§ 36.4518 *Supplementary administrative action.* Notwithstanding any requirement, condition, or limitation stated in or imposed by the regulations in this part concerning direct loans to veterans, the Chief Benefits Director, or the Director, Loan Guaranty Service, within the limitations and conditions prescribed by the Administrator, may take such action as may be necessary or appropriate to relieve any undue prejudice to a debtor, or other person, which might otherwise result, provided such action shall not impair the vested rights of any person affected thereby. If such requirement, condition, or limitation is of an administrative or procedural nature, such action may be taken by any employee authorized to act under § 36.4520.

11. In § 36.4520, paragraph (b) is amended to read as follows:

§ 36.4520 *Delegation of authority.* * * *

(b) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Manager, Regional Office.
Manager, Veterans Benefits Office, Washington, D. C.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

* * * * *

12. Section 36.4521 is revised to read as follows:

§ 36.4521 *Minimum property and construction requirements.* No loan for the purchase or construction of residential property shall be made unless such property complies or conforms with those standards of planning, construction, and general acceptability applicable thereto which have been prescribed by the Administrator.

13. New § 36.4526 is added to read as follows:

§ 36.4526 *Issuance of fund reservation commitments.* (a) Any builder or sponsor proposing to construct one or more dwellings in an area designated as eligible for direct loans may apply for a commitment for the reservation of direct loan funds to be used for the making of loans to eligible veterans for the purchase or construction of such dwellings. Such commitment may be issued on such conditions as the Veterans Administration determines to be proper in the particular case and will be valid for a period of 3 months: *Provided,* That the Veterans Administration may, for good and sufficient reasons, extend the period of the commitment. No commitment shall be issued unless the builder or sponsor shall have paid an amount equivalent to 2 percent of the funds being reserved, which amount shall be nonrefundable. The commitment shall be nontransferable except with the written approval of the Veterans Administration.

(b) Notwithstanding that direct loan funds may be available for reservation when issuance of a reservation commitment is requested by a builder or sponsor, Veterans Administration may withhold issuance of such commitment in any case in which it determines that the experience or technical qualifications of the builder in respect to home construction are not acceptable, or that other factors bearing on the likelihood of the success of the proposed project are such as to justify withholding issuance of a fund reservation commitment.
(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective April 10, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-2683; Filed, Apr. 9, 1958; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1610]

[75660]

OREGON

MODIFYING THE BOUNDARIES OF THE SISKIYOU AND ROGUE RIVER NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. So much of the following-described lands as now lie within the exterior boundaries of the Siskiyou National Forest are hereby transferred to and made a part of the Rogue River National Forest:

WILLAMETTE MERIDIAN

T. 40 S., R. 5 W.,
  Sec. 2, lots 2, 7, and N½SW¼;
  Sec. 3;
  Sec. 4, S½N½.

The areas described aggregate 539.[illegible] acres.

2. Such of the following-described lands as were not eliminated from the Siskiyou National Forest by the joint order of the Secretaries of Agriculture and of the Interior signed, respectively on June 12, 1956, and June 21, 1956 (21 F. R. 4525-30), and as subsequently amended and modified, are hereby eliminated from the area now within the said forest:

WILLAMETTE MERIDIAN

T. 39 S., R. 5 W.,
  Secs. 19 and 27 to 30, inclusive;
  Sec. 31, lot 1, N½NE¼, and NE¼NW¼;
  Sec. 32, lots 3, 4, N½, NE¼SW¼, and N½SE¼;
  Secs. 33, 34, and that part of sec. 35 in the Siskiyou National Forest.
T. 40 S., R. 5 W.,
  Sec. 2, lots 3, 4, 5, 6, and S½NW¼;
  Sec, 4, lots 1 to 8, inclusive.
T. 38 S., R. 6 W.,
  Secs. 4 to 9, inclusive;
  Secs. 13 to 17, inclusive;
  Secs. 19 to 35, inclusive.
T. 39 S., R. 6 W.,
  Secs. 1 to 6, inclusive;
  Sec. 8, N½N½;
  Sec. 9, N½ and N½S½;
  Secs. 10 to 14, inclusive;
  Sec. 15, E½;
  Sec. 23, lots 1 to 11, inclusive, and 14 to 16, inclusive;
  Secs. 24 and 25;
  Sec. 26, NE¼ and NE¼SE¼.
T. 33 S., R. 8 W.,
  Secs. 1 to 33, inclusive;
  Sec. 34, E½, N½NW¼, SW¼NW¼, and SW¼;
  Sec. 35.
T. 34 S., R. 8 W.,
  Secs. 1 to 12, inclusive;
  Sec. 13, except lot 14;
  Secs. 14 to 23, inclusive;
  Sec. 24, N½N½ of lot 5, and S½ of lot 8;
  Secs. 25 to 35, inclusive.
T. 35 S., R. 8 W.,
  Sec. 1, lots 1 to 4, inclusive, 5 to 8, inclusive, and N½S½;
  Sec. 2, lots 1, 2, 5, 6, 7, SW¼NE¼, SE¼NW¼, N½SW¼, and that portion of mineral lot 38 within sec. 2;
  Secs. 3 to 7, inclusive.
T. 30 S., R. 9 W.,
  Sec. 31.
T. 31 S., R. 9 W.,
  Secs. 2 to 9, inclusive, 16, 17, and 18.
T. 32 S., R. 9 W.,
  Secs. 1 to 35, inclusive.
T. 33 S., R. 9 W.
T. 34 S., R. 9 W.,
  Secs. 1 to 17, inclusive;
  Sec. 18, lot 1, E½, and E½W½;
  Sec. 21, NE¼, N½NW¼, and NE¼SE¼;
  Secs. 22 to 26, inclusive;
  Sec. 27, E½;
  Sec. 33, SE¼SE¼;
  Sec. 34, E½, SE¼NW¼, E½SW¼, and SW¼SW¼;
  Secs. 35 and 36.

T. 39 S., R. 9 W.,
 Secs. 1 to 3, inclusive;
 Sec. 4, lots 1, 2, S½NE¼, and S½;
 Sec. 5, SE¼SE¼;
 Sec. 8, NE¼, S½NW¼, and S½;
 Secs. 9 to 17, inclusive;
 Sec. 20, N½NE¼ and NW¼;
 Sec. 21, N½N½;
 Sec. 22, N½N½;
 Sec. 23, N½N½;
 Sec. 24, NW¼NE¼ and N½NW¼.
T. 40 S., R. 9 W.,
 Sec. 24, W½NE¼, NW¼, and S½.
T. 28 S., R. 10 W.,
 Secs. 8, and 17 to 20, inclusive;
 Sec. 21, S½;
 Sec. 22, S½;
 Secs. 27 to 30, inclusive;
 Sec. 34.
T. 29 S., R. 10 W.,
 Secs. 2, 6, 11, 12, 14, and 23.
T. 30 S., R. 10 W.,
 Secs. 6, 7, and 16 to 36, inclusive.
T. 31 S., R. 10 W.,
 Secs. 1 to 8, inclusive;
 Sec. 9, N½ and N½S½;
 Secs. 10 to 14, inclusive;
 Sec. 15, E½, E½NW¼, and SW¼;
 Sec. 17, SE¼SW¼;
 Sec. 19, lots 7, 8, 9, 10, 11, and 12;
 Sec. 20, SE¼;
 Sec. 21, NE¼ and S½;
 Secs. 22 to 28, inclusive;
 Sec. 29, E½;
 Sec. 30, lots 1 to 12, inclusive, and S½SE¼;
 Secs. 31 to 36, inclusive.
T. 32 S., R. 10 W.,
 Sec. 1;
 Sec. 2, lot 1, SE¼NE¼, and E½SE¼;
 Sec. 11, E½E½;
 Secs. 12 and 13;
 Sec. 14, S½;
 Sec. 19, NE¼SE¼ and S½SE¼;
 Sec. 22, NE¼, E½NW¼, and S½;
 Secs. 23 to 32, inclusive;
 Sec. 33, N½, SW¼SW¼, E½SW¼, and SE¼;
 Secs. 35 and 36.
T. 33 S., R. 10 W.,
 Secs. 1 to 5, inclusive;
 Sec. 9, lots 1, 2, 3, 4, N½, N½SW¼, and SE¼SE¼;
 Secs. 10 to 14, inclusive;
 Sec. 15, N½, E½SW¼, and SE¼;
 Sec. 22, lots 1, 2, S½NE¼, and SE¼;
 Secs. 23, 24, and 25;
 Sec. 26, NE¼, E½NW¼, and NE¼SE¼;
 Sec. 36, N½ and SE¼.
T. 34 S., R. 10 W.,
 Sec. 1, lots 1, 2, SE¼NE¼, NE¼SE¼, and S½SE¼;
 Sec. 12, NE¼, N½SE¼, and SE¼SE¼.
T. 31 S., R. 11 W.,
 Secs. 1, 2, and 3;
 Secs. 9 to 16, inclusive;
 Sec. 20;
 Sec. 21, NW¼NE¼, S½NE¼, NW¼, and S½;
 Sec. 22, NE¼NE¼, SW¼NW¼, and SW¼;
 Sec. 23, N½ and N½S½;
 Sec. 24, NW¼NW¼;
 Sec. 25, SE¼NW¼ and S½;
 Sec. 27, S½S½;
 Secs. 28, and 33 to 36, inclusive.
T. 32 S., R. 11 W.,
 Sec. 25, E½E½;
 Sec. 36, E½E½.
T. 32 S., R. 12 W.,
 Secs. 9, 16 and 17.

The areas described aggregate approximately 248,736 acres.

3. The boundaries of the Siskiyou and Rogue River National Forests are hereby adjusted to the extent necessary to conform with the inter-forest transfer made by paragraph 1 of this order, and the exclusions made by paragraph 2, and with the joint order in 21 F. R. 4525–30 referred to in paragraph 2 hereof.

4. The lands eliminated from the Siskiyou National Forest by paragraph 2 of this order are either privately-owned, or revested Oregon and California Railroad grant lands. The revested lands shall continue to be subject to such forms of appropriation as may by law be made of such lands.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 4, 1958.

[F. R. Doc. 58-2606; Filed, Apr. 9, 1958; 8:45 a. m.]

[Public Land Order 1611]

[Colorado 020060]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE AS RECREATION AREA

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as a recreation area:

SIXTH PRINCIPAL MERIDIAN

WHITE RIVER NATIONAL FOREST

Deep Lake Recreation Area

In unsurveyed land commencing at the established southeast corner of sec. 24, T. 3 S., R. 89 W., of the 6th Principal Meridian, thence East 20 chains, to the point of beginning, thence East 60 chains, thence North 10 chains, thence East 40 chains, thence North 30 chains, thence West 30 chains, thence North 10 chains, thence West 40 chains, thence South 30 chains, thence West 30 chains, thence South 20 chains, to the point of beginning, embracing an area which when surveyed will probably be described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 88 W.
 Sec. 19, SE¼SW¼NE¼, S½SE¼NE¼, E½NW¼SE¼, E½SE¼, SW¼SE¼, and SE¼SW¼;
 Sec. 20, SW¼SW¼NW¼, N½SW¼, and N½S½SW¼.

The tract described contains approximately 340 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 4, 1958.

[F. R. Doc. 58-2607; Filed, Apr. 9, 1958; 8:45 a. m.]

[Public Land Order 1612]

[1030461]

ALASKA

MODIFYING EXECUTIVE ORDER NO. 6039 OF FEBRUARY 20, 1933, WHICH WITHDREW LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6039 of February 20, 1933, so far as it withdrew lands in Alaska for use of the War Department, is hereby modified to the extent necessary to permit selection by the Territory of Alaska of the following-described lands, in accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46–3 (b)), and subject to the requirements of that act, and the regulations in 43 CFR Part 76, in connection with its mental health program, except as against prior existing valid rights, or as against equitable claims subject to allowance and confirmation:

Beginning at a point from which corner MR8, United States Military Reserve, corner MR8 also being the northwest corner of the intersection of Sixth Avenue and "J" Street, United States Survey No. 2538, East Addition to Kodiak Townsite, bears S. 34°43′ E., 460 feet and N. 55°17′ E., 460 feet, thence

N. 34°43′ W., 350 feet;
N. 55°17′ E., 460 feet to east boundary of Military Reserve, being also the west boundary of Sixth Avenue;
S. 34°43′ E., 350 feet along this boundary;
S. 55°17′ W., 460 feet to point of beginning.

The tract described contains 3.7 acres.

Beginning at corner MR8, United States Military Reserve, being also the northwest corner of the intersection of Sixth Avenue and "J" Street, United States Survey No. 2538, East Addition to Kodiak Townsite, thence

S. 55°17′ W., 460 feet along south boundary of Military Reserve, being also the north boundary of "J" Street;
N. 34°43′ W., 460 feet;
N. 55°17′ E., 460 feet to east boundary of Military Reserve, being also the west boundary of Sixth Avenue;
S. 34°43′ E., 460 feet along this boundary to point of beginning.

The tract described contains 4.858 acres.

The total area described in this order is approximately 8.56 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 4, 1958.

[F. R. Doc. 58-2608; Filed, Apr. 9, 1958; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 64]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	[illegible]
				C-dn	1000-2	1000-2	[illegible]
				A-dn	2000-3	2000-3	[illegible]

Procedure turn South side of West crs, 256° Outbnd, 076° Inbnd, 1900′ within 10 mi.
Minimum alt over facility on final approach course 1300′.
Crs and distance, facility to airport, 049—6.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on SE crs FNO LFR within 20 miles.

AIR CARRIER NOTE: Sliding scale not applicable.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class, SBRAZ; Ident., FNO; Procedure No. 1, Amdt. 6; Eff. Date, 5 May 58; Sup. Amdt. No. 5; Dated, 9 Feb. 57

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Bowles Int	FNO-LFR	Direct	1900	T-dn	300-1		
				C-dn	1000-2		
				A-dn	2000-2		

Procedure turn S side W crs, 256° Outbnd, 076° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 036—0.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on SE crs within 20 miles.

City, Fresno; State, Calif.; Airport Name, Fresno-Chandler; Elev. 277′; Fac. Class, SBRAZ; Ident., FNO; Procedure No. 2, Amdt. 7; Eff. Date, 5 May 58; Sup. Amdt. No. 6; Dated, 16 June 56

2. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbus LFR	LOM	Direct	2500	T-dn	300-1	300-1	[illegible]
Appleton VOR	E crs ILS (Final)	Direct	2500	C-dn	500-1	500-1	[illegible]
Radar terminal area transition altitudes:		Within:		S-dn-27:			
Radar Site		25 mi	2500	ILS*	200-½	200-½	[illegible]
Radar Site		35 mi	3000	ADF	500-1	500-1	[illegible]
Radar Site		40 mi	4000	A-dn:			
				ILS	600-2	600-2	[illegible]
				ADF	800-2	800-2	[illegible]

*When glide slope inoperative, 500-¾ will apply.
Procedure turn N side E crs, 096 Outbnd, 276 Inbnd, 2500′ within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd: 2500′ ILS. Min. alt. over LOM inbnd final—2000′ ADF.
Altitude of glide slope and distance to approach end of runway at OM—2595—5.4; MM 1093—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi after passing LOM (ADF), climb to 2500′ on W crs ILS or crs 276 from LOM within 15 mi.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class, ILS-CMH; Ident., LOM-CM; Procedure No. ILS-27, Comb. ILS-ADF, Amdt. 8; Eff. Date, 5 May 58; Sup. Amdt. No. 7; Dated, 3 Nov. 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lansing VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Lansing LFR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Int LAN R-293 and Back crs ILS or 093 Brg to LOM.	LOM	Direct	2400	S-dn-27:			
				ILS	300-¾	300-¾	300-¾
Int LAN R-221 and W crs ILS or 093 Brg, to LOM.	LOM	Direct	2400	ADF	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Flint LOM (ILS only)	Int 041° brg to Flint LOM and E crs LAN-ILS.	Direct	2100				
Int 041 Brg to Flint LOM and E crs LAN ILS.	LAN LOM (Final)	Direct	2100				
Int R-112 LAN and Brg 340° to LOM	LOM	Direct	2000				

Procedure turn N side E crs, 093 Outbnd, 273 Inbnd, 2100′ within 10 miles.
Minimum altitude at G. S. int inbnd, 2000′ ILS, minimum altitude over LOM inbnd final 1500′ ADF.
Altitude of G. S. and distance to approach end of rny at OM, 2030—3.7; at MM, 1070—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles of LOM, climb to 2200′ on W crs ILS within 20 miles, or, when directed by ATC, 1. Make right turn climb, climbing to 2000′ on NW crs LAN-LFR within 20 miles.
NOTE: 300-1 required for take-off NW-SE rny. No approach lights.
AIR CARRIER NOTE: 400-1 required with glide slope inoperative.
CAUTION: Tower 1889′ MSL 6.5 mi SE of LOM.

City, Lansing; State, Mich.; Airport Name, Capitol City; Elev., 858′; Fac. Class, ILS-ILAN; Ident., LOM-LA; Procedure No. ILS-27, Comb. ILS-ADF, Amdt. 4; Eff. Date, 5 May 58; Sup. Amdt. No. 3; Dated, 29 Oct. 55

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
SEA LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
SEA VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Vashon Int	LOM	Direct	2000	S-dn-34:			
Hobart FM	LOM	Direct	4000	ILS	300-¾	300-¾	300-¾
TCM LFR	LOM	Direct	2000	ADF	400-1	400-1	400-1
Harbor Island FM	LOM	Direct	2000	A-dn ILS	600-2	600-2	600-2
TCM LFR	Puyallup Int*	Direct	2000				
Puyallup Int*	LOM (Final)	Direct	1700				

*Int 020° brg from TCM LFR and S crs ILS or Brg 338° to LOM.
Procedure turn E side of S crs, 158 Outbnd, 338 Inbnd, 2000′ within 8 mi. NA beyond 8 mi.
Minimum altitude at glide slope int inbnd, 1700′ ILS. Min. alt over LOM inbnd final 1600′ ADF.
Altitude of glide slope and distance to approach end of rnwy at OM, 1700′—4.3; at MM, 600′—0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, after passing LOM (ADF) climb to 2000′ on NW crs. SEA-LFR within 20 mi.
Alternate missed approach when directed by ATC, climb to 2000′ on 338 radial SEA-VOR within 10 mi.
CAUTION: Terrain and trees 523′ MSL located immediately N and NE of airport.
NOTE: All fixes within 30-mi of Seattle-Tacoma Radar may be determined by surveillance radar.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma Int'l; Elev., 424′; Fac. Class, ILS-SEA; Ident., LOM SE; Procedure No. ILS-34, Comb. ILS-ADF, Amdt. 13; Eff. Date, 5 May 58; Sup. Amdt. No. 12; Dated, 7 Jan. 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 1, 1958.

[F. R. Doc. 58-2503; Filed, Apr. 9, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12268; FCC 58-310]

[Rules Amdt. 3-111]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION
(WALLA WALLA, WASH.)

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Walla Walla, Washington), Docket No. 12268.

1. The Commission has under consideration the proposal set forth in its Notice of Proposed Rule Making (FCC 57-1349) released on December 16, 1957, and published in the FEDERAL REGISTER on December 19, 1957 (22 F. R. 10226) to delete Channels 5 and 8 from Walla Walla, Washington, in response to a petition filed by Cascade Broadcasting Company, as follows:

City	Channel No.	
	Present	Proposed
Walla Walla, Wash	5—, 8, *22	22, 44—, *50

2. Comments were filed by Cascade Broadcasting Company, licensee of Station KEPR-TV, Pasco, Washington; Columbia River Television Company, permittee of Station KTRX-TV, Kennewick, Washington; Northwest Broadcasting System, North Hollywood, California;[1] and John M. Carroll, tr/as Umatilla Broadcasting Enterprises, licensee of Station KUBE, Pendleton, Oregon.

3. Cascade submits that it is the licensee of Stations KIMA-TV on Channel 29 at Yakima, Washington; KEPR-TV, on Channel 19, at Pasco, Washington, KBAS-TV on Channel 43 at Ephrata, Washington, and KLEW-TV on Channel 3 at Lewiston, Idaho (the latter two stations through wholly owned subsidiaries), and that at the time the petition was filed there were no applications on file for Channels 5 and 8 at Walla Walla.[2] Cascade urges that there are no VHF signals available in central and southwestern Washington, while three UHF stations serve this area; that Walla Walla receives satisfactory UHF service from Channel 19 at Pasco and will receive service from the proposed station on Channel 31 at Kennewick; that no significant number of persons will lose service as a result of the deletion of Channels 5 and 8; and that the proposal would assure the continued growth of

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[1] On February 28, 1958, 10 days after the last day for filing reply comments, Northwest Broadcasting System filed reply comments together with a "Petition For Late Filing". Northwest urges that the Reply to Comments filed by Cascade were misleading and raised new issues to Which Northwest had no opportunity to reply. We believe Northwest has shown good cause for filing this additional pleading. It has been considered in this proceeding.

[2] Subsequent to the date that Cascade filed its petition an application for a construction permit (BPTC-2460) was filed by Northwest Broadcasting System for Channel 5.

competitive television broadcasting in the UHF band in southeastern Washington. Petitioner contends that the greater coverage which a VHF station would provide would fall in an area which is virtually uninhabited, with a population density of 5.7 and 4.5 persons to the square mile; that central and southeastern Washington is predominantly an irrigated agricultural area in which the people live in broad valleys rather than in the mountains; that Pasco, Kennewick, Richland, and Walla Walla are regarded as a single market and that the Walla Walla population growth potential is not as great as that of Yakima and the Columbia Basin area.

4. Columbia River Television Company, operator of Station KTRX on Channel 31 at Kennewick, Washington, supports the proposal of Cascade to make Walla Walla all-UHF. It urges that the Commission must avoid intermixture in the Pasco-Kennewick-Richland-Walla Walla area if UHF is to survive; that experience has shown that UHF is capable of rendering a satisfactory service except for competition from VHF in the same area; that the proposed VHF operation of Northwest Broadcasting, with a site at Blue Mountain Summit, would provide Pasco and Kennewick with a Grade A signal and Richland with a Grade B signal, thus jeopardizing the continued survival of KTRX; and that UHF will give Walla Walla satisfactory television service. Columbia further argues that there is no engineering support for the statement that Walla Walla receives any VHF signals and that the existence of a community antenna system in Walla Walla is proof that there is no satisfactory off-the-air television service at Walla Walla.

5. Umatilla Broadcasting Enterprises opposes the deletion of the two VHF assignments in Walla Walla. It urges that there is need and demand for the channels as evidenced by the application already on file and its proposed application; that the retention of these assignments will promote competition; and that VHF is necessary because of the rugged terrain and the extended farm population. Umatilla contends that the terrain surrounding Walla Walla varies from 500 to 5000 feet within a radius of 25 miles and that a VHF station would provide city-grade service to Walla Walla and Pendleton, Grade A signals to numerous other small communities and additional services to Kennewick-Pasco. Finally, Umatilla suggests as an alternative that Channel 5 could be assigned to Pendleton, Oregon.

6. Northwest Broadcasting System opposes the Cascade proposal. It argues that more VHF signals are available to central and southeastern Washington than UHF signals;[3] that of the three operating UHF stations in the area,[4] only KEPR-TV, Pasco, gets any appreciable signal into eastern Washington and maintains that even if all three UHF stations provided satisfactory service to the area there would be no program variety in view of the common ownership of these stations. It submits that the Channel 31 station at Kennewick would provide only marginal service in Walla Walla.[5] Northwest urges that its proposed operation on Channel 5 would provide a first service to 100,000 persons who do not have any television except from community antenna systems or translator stations and that a second service would be provided to an additional 200,000 people. Northwest contends that a majority of the receivers in Walla Walla are VHF-only; that the terrain is "impossible to cover with UHF"; and that the retention of Channels 5 and 8 would provide a greater opportunity for effective competition among a greater number of stations. Northwest concludes that the people of northeastern Oregon and southeastern Washington are not now getting satisfactory local television service and because of the terrain and population distribution, the area can best be served by VHF stations.

7. In reply to the comments of Northwest, Cascade submits that due to the large distances involved and the rugged intervening terrain, the VHF signals from Spokane and Lewiston do not reach the Walla Walla area whereas the three UHF stations cover substantial portions of eastern Washington and that while KEPR-TV, KBAS-TV and KLEW-TV are "satellites" of KIMA-TV local news, sports, public affairs and community events are originated at the individual stations. Cascade questions the claim of Northwest that 100,000 people do not now receive off-the-air television service and contends that there are over 4,000 television homes in Walla Walla County equipped for reception of Channel 19 and only 2,000 homes connected to the community antenna cable with VHF-only receivers. In reply to Umatilla, Cascade points to the operation of Station KTRX on Channel 31 at Kennewick, a town of 14,400, as support for its expectation that a UHF station could operate in Walla Walla, a town of 25,900, and urges that the removal of Channels 5 and 8 is the only means to insure the continuation of UHF operation in Central Washington.

8. In its reply Northwest submits that none of the communities outside the Tri-City area are large enough to support an independent station and large areas to the north, east, and south of Walla Walla could not be served by UHF.

9. Walla Walla, a community of 24,102 persons, is located in the southeast portion of the State of Washington. The nearest VHF stations are at Spokane, Washington and Lewiston, Idaho approximately 120 and 65 miles from Walla Walla, respectively. The nearest UHF stations are at Pasco, and Kennewick, about 38 miles from Walla Walla and Yakima, and Ephrata 100 miles distant. Other than the 2 VHF channels at Walla Walla, there are no other VHF assignments in south central Washington. The terrain to the west and northwest is generally smooth, whereas to the northeast, east and south it is generally rugged with high mountains up to 5,000 feet. The population in the mountainous areas is rather sparse—the greatest population density and the largest number of communities are to the west and northwest.

10. Cascade has requested that Channels 5 and 8 be deleted from Walla Walla and that Channels 22 and 44 be substituted therefor. We have carefully considered all the comments submitted in the proceeding in light of the local situation in the area and the criteria outlined in the general television allocation proceeding (Docket 11532) and have concluded that making Walla Walla an all-UHF community would serve the public interest by increasing the opportunities for competition among a larger number of stations. We believe that deleting Channels 5 and 8 from Walla Walla would provide the potential for a larger number of stations and more services to the public, and would insure a large area of the State of Washington of the possibility for future growth of television. In making this determination we are not unmindful of the contention that a large number of persons would receive their first service from a VHF operaton at Walla Walla. However, there was no evidence presented to support this contention and we are of the view that a UHF facility placed at a high location, as was proposed by Northwest, with line of sight conditions into the valley in which Walla Walla is located, would also serve a substantial area and that any additional coverage which a VHF facility would provide would fall in the mountainous region to the east where there is little population. Nor are we impressed with the argument that the area is already covered with VHF signals. Whatever VHF signals exist in the general area do not provide the city of Walla Walla and its environs with satisfactory service. The very existence of a community antenna system in Walla Walla appears to prove that no satisfactory off-the-air VHF reception is available to the public in the area. Umatilla suggests as an alternative that Channel 5 could be assigned to Pendleton, Oregon instead of Walla Walla. For the same reasons we must reject this proposal.

11. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

12. In view of the foregoing, *It is ordered*, That the petition of Cascade Broadcasting Company is granted; and that, effective May 12, 1958, the Table of Assignments contained in § 3.606 of the Commission's Rules and Regulations, is amended, insofar as the community named is concerned, as follows:

Amend the entry under the State of Washington, as follows:

City:	*Channel No.*
Walla Walla	22, 44–, *

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307,

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[3] Channels 2, 4, and 6 from Spokane, 120 miles north of Walla Walla, and Channel 3 at Lewiston, 65 miles northwest of Walla Walla.

[4] KIMA-TV at Yakima, 111 miles northeast of Walla Walla, KBAS-TV at Ephrata, over 100 miles northeast of Walla Walla, and KEPR-TV at Pasco, 38 miles east of Walla Walla.

[5] KTRX, Kennewick went on the air on January 28, 1958.

Stat. 1081, 1082, as amended, 1083, as amended; 47 U. S. C. 301, 303, 307)

Adopted: April 2, 1958.

Released: April 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2637 Filed, Apr. 9, 1958; 8:52 a. m.]

[Rules Amdts. 7-2 and 8-3; FCC 58-320]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

RADIOTELEPHONY FOR NAVIGATIONAL COMMUNICATION

1. In response to the Commission's Notice of July 30, 1957 (FCC 57-832) urging interested persons to submit comments pertaining to any rule changes believed necessary or desirable to encourage the early installation of "bridge" radiotelephone equipment on board more ships of the United States, relevant comments were received from various sources including prominent associations and committees representing commercial shipping interests, professional radio officer unions, an individual shipping company, and a public coast station licensee.

2. According to comment submitted by the Lake Carriers' Association, and joint comment from the American Radio Association, AFL-CIO, and the Radio Officers Union, AFL-CIO, rule amendments are not necessary to expedite or facilitate additional voluntary installations of "bridge" radiotelephone equipment. Lake Carriers' reports that the large vessels on the Great Lakes have used bridge-to-bridge communications extensively for many years with most satisfactory results. The radio officer unions commented that at this time there are no impediments, of any character whatsoever, to such voluntary installations.

3. On the other hand, comments received from the American Merchant Marine Institute, the Pacific American Steamship Association, and the Central Committee on Radio Facilities of the American Petroleum Institute, representing a large segment of the United States merchant fleet, and the Joint Executive Committee for the Improvement and Development of the Philadelphia Port Area, in the aggregate assert that the related rules of the Commission should be amended so as to provide for the licensing of Single-Channel VHF (very high frequency) radiotelephone shipboard equipment to be used by as large a number of vessels as may be possible for operational evaluation of communication directly between the responsible navigating officers stationed on the bridges of these vessels. Such communication would concern only the navigation of the vessels and related safety considerations including association when appropriate with the use of shipboard navigational radar. Rule amendments are suggested also to permit operation of this VHF telephone equipment by ship officers not holding a radio operator license issued by the Commission, and to allow identification of ship stations by name of vessel instead of requiring the announcement of official radio call signs. Additionally, bridges spanning waterways, and locks should be eligible to enter into this system for communication of a purely navigational nature.

4. Tending to support any action of the Commission that might facilitate or expedite additional shipboard VHF telephone installations for communication directly between ship navigating officers, are certain published conclusions of the Radio Technical Commission for Marine Services (RTCM). This organization is a cooperative association of government and non-government marine telecommunication agencies. Its stated objective is the resolution of marine telecommunications problems by mutual agreement of its member agencies. In its Special Committee No. 19 Report of February 21, 1956, the RTCM announced that "certain very firm conclusions can be drawn from the data accumulated" by its Special Committee No. 19 among which are the following, pertinent to the current subject:

> 1. There is an expressed need for a short range bridge-to-bridge and bridge-to-shore point communications system for on-scene communication in distress, rescue, and rendezvous situations as well as for the exchange of identification and navigational information.
>
> * * * * *
>
> 6. The propagation characteristics of the band 152-162 Mc are well suited for a short range radiotelephone marine service.

More recently, as the result of a comprehensive study by its Special Committee No. 30 to summarize ways and means that electronics can assist in the safety, navigation, and operation of surface craft, the RTCM concluded in accordance with the report of that committee on July 23, 1957, among other things, that:

> 5. In each of the categories studied, the most glaring need is for a universal radiotelephone system of limited range instantly available as a navigational aid to provide the man on the bridge—the man in charge of the vessel at the instant—with a means to communicate directly and instantaneously with his counterpart on vessels in his immediate vicinity or with critical shore points.

5. With reference to these comments in response to the Commission's Notice of July 30, 1957, which suggest rule amendments, it appears that a common safety-at-sea objective is involved. This is the operational evaluation by practical trial of a short-range primarily ship-to-ship radiotelephone system operated on a single very high frequency channel common to the largest possible number of participating vessels and limited in use to ship navigating officers and pilots exclusively for the exchange of navigational information and related emergency communications.

6. Aside from comments received in direct response to its Notice of July 30, 1957, a formal petition was received by the Commission on December 3, 1957, from the Joint Executive Committee for the Improvement and Development of the Philadelphia Port Area, requesting certain specific rule amendments directed to the objective expressed in the preceding paragraph. This Joint Committee of seventeen member organizations is vitally and actively interested in the development of a simple, inexpensive, and reliable bridge-to-bridge VHF radiotelephone to be used as a navigational aid, particularly in the Delaware River and Bay but not limited in use to these waters only. This Committee's petition is supplemented by associated applications filed for licenses to authorize use of bridge VHF radiotelephones on board two tank vessels of PACO Tankers, Inc., 13 tank vessels and 3 tugs of Atlantic Refining Co., and 19 cargo vessels of Sun Oil Co.

7. The principal effects of the desired rule amendments would be:

(a) Assignment of the existing VHF maritime telephone channel 156.7 Mc, with no geographic restriction on its use, exclusively for "navigational exchanges and for scene-of-action communications involving any maritime emergency," as well as for "any particular voice procedural applications for radar identification which may be developed in the future".

(b) Provide for licensing shipboard transmitters for operation on this single channel only; subject to the condition that such authorization would not be granted in behalf of any "vessel not otherwise fitted with other frequencies or equipment for general communication purposes."

(c) On this radio channel the maximum plate input power would be limited to 15 watts to the last radio amplifier stage, identification of ship stations would be permissible by name of vessel only, operation of the transmitter could be carried on by persons not holding a radio operator license issued by the Commission, use of the shipboard equipment would be limited to personnel designated by the shipmaster, and completely controlled from the bridge of the ship.

(d) The 156.7 Mc channel for this purpose would be assignable, in conformity with (b) above, to ship stations aboard "commercial vessels, regardless of size; government vessels; other craft upon showing of need; bridge and lock control;" and "other shore based stations controlling navigation, upon showing of need."

Fourteen individual companies operating ships in the Delaware River and Bay area, the Delaware River Pilots Association, and the U. S. Army Engineers are listed as those who are prepared to use this facility as soon as it may become available.

8. "Bridge-to-bridge" communication can be effected, without any amendment to existing Commission rules, by the use of voluntarily-installed multi-channel VHF telephone equipment or by low-power single-channel VHF portable telephone equipment on the general intership frequency 156.3 Mc in all areas, if this channel is used as provided by the

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[8] Commissioner Bartley dissenting.

rules in association with the established calling and safety frequency 156.8 Mc. There is no factual information before the Commission at this time which would firmly support the concept that an established VHF maritime channel, such as 156.3 Mc or 156.7 Mc, should be reallocated from its presently authorized functions and made available exclusively for the purpose specified by the petitioner and by other persons who filed comments looking to the same objective. On the other hand, there are several VHF "mid-channel" frequencies, separated by 50 kc from established VHF maritime channels in the 152–162 Mc band, which may be made available under certain conditions for developmental use. Of these, the frequency 156.65 Mc is most nearly the same as the frequency 156.7 Mc proposed by the petitioner. Of obvious advantage to the desired exclusive use is the fact that no stations are as yet licensed to operate on this frequency. With reference to the reduced channel separation of 50 kc, the Commission observes that the most recent international opinions on this factor (as expressed by the Eighth C. C. I. R., Warsaw, 1956 and by the International Maritime VHF Radiotelephone Conference at The Hague, 1957) support the use of this separation as a means of providing additional channels for VHF maritime telephony in the band 152–162 Mc.

9. In consideration of the comments received which favor operational trial and evaluation of a single-channel VHF bridge radiotelephone facility and the petition filed by the Joint Executive Committee for the Improvement and Development of the Philadelphia Port Area, the Commission establishes, pursuant to section 303 (g) of the Communications Act of 1934, as amended, the following regulatory policy. Operational evaluation of a VHF single-channel ship-to-ship radiotelephone facility for the exchange of marine navigational information and related safety communications, and for associated communication with locks, bridges, and shore radiolocation stations, may be conducted under authority conferred by developmental station licenses granted under the provisions of Parts 7 and 8 of the Commission's rules as herein amended, in response to proper applications filed therefor. To facilitate this trial operation, without deviation from established basic regulatory policy, the following limitations, supplementary conditions, and deviations from existing rules are authorized or imposed. Such provisions are also contained in the rules herein adopted.

10. Developmental stations for this purpose may be authorized to operate for a continuous period, from the date of license grant to and including June 30, 1959, without the necessity for license renewal during this period. Such licenses for limited coast stations (developmental) will authorize operation on 156.65 Mc and, if desired, other currently available coast station frequencies in this band, including 156.8 Mc. Substantially in conformity with existing regulatory policy applicable to nondevelopmental stations, but in accordance with § 8.435 (b) applicable to developmental stations, such licenses for limited ship stations (developmental) will authorize operation, as a minimum (except for low-power portable stations pursuant to § 8.106 (c) on 156.8 Mc, 156.3 Mc, and 156.65 Mc in lieu of the normally required ship-shore channel). In the case of VHF portable ship stations for use primarily by authorized pilots (plate input power in excess of 3 watts), these may be authorized under developmental licenses authorizing, as a minimum, only two channels, 156.8 Mc and 156.65 Mc. In all instances, transmission on 156.65 Mc is subject to the condition, with reference to §§ 7.504 (c) and 8.434 (c), that harmful interference is not caused to the operation of stations regularly licensed in an established service nor to the service of any foreign station when operating in European waters or in waters under the jurisdiction of any foreign country. In particular, attention is invited to the provisions of §§ 8.135 (a), 8.181 (a), and 8.182 which are applicable to developmental stations on board ship.

11. Use of the 156.65 Mc channel may be provided in shipboard stations by type-accepted multi-channel equipment only. Likewise, developmental coast stations must use type-accepted equipment only. In any event, authority to use this particular channel will be granted for ship or coast stations under developmental station license only. In the case of ship stations, if desired, the regular minimum VHF channel requirements pursuant to § 8.106 (c), including a ship-shore channel in this band, may be authorized under regular ship station license (either existing or new installation) with a supplemental developmental license for the same ship issued to cover trial operation on 156.65 Mc. This licensing principle may be applied also to limited coast stations where a regular license exists or is desired to authorize use of available frequencies other than 156.65 Mc.

12. Use of the 156.65 Mc channel in any geographic area is available under developmental station license for communication with other stations, including foreign stations, of the maritime mobile service transmitting on the same channel and is intended to facilitate or safeguard the pilotage or navigation of ships in or through navigable waters, including canals and locks, or for the protection of anchored or moored vessels, or otherwise in emergencies involving maritime safety. Eligibility for these licenses, in reference to ships, is limited to ship stations installed or used on board commercial vessels, including pilot vessels, vessels of municipal or state governments,[1] and other vessels upon sufficient showing of need therefor. In respect to stations on land,[1] eligibility is limited fundamentally to stations of which the licensee is legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial vessels. In the latter case, however, a sufficient showing of eligibility for the particular land station must be made pursuant to § 7.351 (a) (3).

13. Further, this developmental use of 156.65 Mc is subject to the following conditions and limitations:

(a) Use of 156.65 Mc, except for portable equipment used primarily by authorized pilots, will be licensed solely in behalf of vessels which already have a radio installation aboard capable of operation for telegraphy in the band 415 to 515 kc including 500 kc, or for telephony in the band 1600 to 3500 kc including 2182 kc, or for telephony in the band 156.25 Mc to 162 Mc including 156.8 Mc, 156.3 Mc, and at least one ship-shore channel in this band.

(b) Authorized emission shall be frequency modulation F3 for speech, or F2, F1 or F0 for operational signals, with frequency deviation not exceeding 15 kc, with plate input power to the final radio amplifier as provided by existing rules,[2] and with permissible frequency tolerance of 0.005 percent (0.01 percent when plate input power to final amplifier does not exceed 3 watts).

(c) Subject to the provisions of § 8.155, other than subparagraph (2) of paragraph (a), and provided the conditions set forth in subparagraphs (1), (2), (3), and (4) of paragraph (b) of § 8.157 are complied with, developmental ship stations may be operated on one or more radio channels above 30 Mc (including 156.65 Mc) exclusively, by any person not holding a radio operator license issued by the Commission. However, operation of developmental stations on the particular frequency 156.65 Mc on board ship shall, without exception, be by and under the control of the master or duly authorized navigating personnel of the ship, including authorized pilots, as designated by the master. Operator licenses are required for the operation of limited coast (developmental) stations on land.

(d) Developmental ship stations may be identified on 156.65 Mc by name of the vessel in lieu of announcing the official ship station call sign.

(e) Station records shall be maintained as required by §§ 7.115, 7.[illegible], 7.370, 8.115, 8.184, and 8.368 except that these shall, unless otherwise directed by the Commission, be retained until July 1, 1959.

(f) In respect to use of the frequency 156.65 Mc under developmental ship station licenses, the provisions of § 8.366 (b) (3), concerning required use of the calling frequency 156.8 Mc, do not apply since such rule provisions do not include reference to operation on this particular frequency.

14. With reference to §§ 7.506 (b), 7.506, 8.435 (b) and 8.436, a report on the results of the developmental program shall be filed by each licensee, or by one or more licensees acting jointly as a coordinated group, within 60 days of the

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[1] Stations aboard appropriate classes of U. S. government vessels, as well as U. S. government stations used for controlling ship movements through navigable waterways, may be authorized to operate on 156.65 Mc for the same purpose under section 305 of the Communications Act.

[2] Because of the multichannel ship station equipment required, a lower power limit is not being imposed by regulation as requested.

operation of each developmental station license granted to include operation on 156.65 Mc. Additionally, such reports shall be submitted within 30 days of each of the following dates in respect to licensees whose first station for this purpose shall have been authorized not less than 3 months before each such date: January 1, 1959 and July 1, 1959. Further, the Commission may, by written notice to the respective licensees, require appropriate reports to be filed at such other times as it may consider necessary or desirable.

15. In view of the fact that the data accumulated under the developmental station operation for which provision is herein made is necessary for use in connection with the preparation for the next Administrative Radio Conference of the International Telecommunication Union and the fact that the Commission has heretofore had the benefits, as described above, of extensive public comment concerning radiotelephony for navigational communication, and the further fact that the rule amendments herein ordered are temporary in nature, it is considered to be impracticable and unnecessary to comply with the rule making procedures set forth in section 4 (a) and (b) of the Administrative Procedure Act. For the same reasons and because the rule amendments herein ordered relieve a restriction, compliance with section 4 (c) of the Administrative Procedure Act is not required. *It is, therefore, ordered,* That effective April 2, 1958 and pursuant to sections 303 (q) and (r) of the Communications Act, as amended, Parts 7 and 8 of the Commission's Rules are amended as set forth below. *It is further ordered,* That the petition of the Joint Executive Committee for the Improvement and Development of the Philadelphia Port Area for amendment of Part 8 is hereby denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 2, 1958.

Released: April 7, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. A new § 7.508 is added to Subpart M as follows:

§ 7.508 *Radiotelephony for navigational communication.* By Report and Order of April 2, 1958, the Commission adopted a policy of issuing for a temporary period developmental station licenses for limited coast and ship stations for the purpose of operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information primarily ship-to-ship and for related safety communications, and for associated communication with locks, bridges, and shore radiolocation stations. The conditions under which such authorizations would be granted, and under which such stations would be operated are set forth in § 7.602.

2. A new § 7.602 is added to Subpart P as follows:

§ 7.602 *Appendix II—Operation of developmental stations using radiotelephony for navigational communication.* (a) Developmental stations for the purpose of an operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information primarily ship-to-ship and for related safety communications, and for associated communication with locks, bridges, and shore radio-location stations, may be authorized to operate for a continuous period, from the date of license grant to and including June 30, 1959, without the necessity for license renewal during this period. Such licenses for limited coast stations (developmental) will authorize operation on 156.65 Mc and, if desired, other currently available coast station frequencies in this band, including 156.8 Mc. Substantially in conformity with existing regulatory policy applicable to non-developmental stations, but in accordance with § 8.435 (b) of this chapter, applicable to developmental stations, such licenses for limited ship stations (developmental) will authorize operation, as a minimum (except for low-power portable stations pursuant to § 8.106 (c) of this chapter) on 156.8 Mc, 156.3 Mc, and 156.65 Mc in lieu of the normally required ship-shore channel. In the case of VHF portable ship stations for use primarily by authorized pilots (plate input power in excess of 3 watts), these may be authorized under developmental licenses authorizing, as a minimum, only two channels, 156.8 Mc and 156.65 Mc. In all instances, transmission on 156.65 Mc is subject to the condition, with reference to rule §§ 7.504 (c) and 8.434 (c) of this chapter, that harmful interference is not caused to the operation of stations regularly licensed in an established service nor to the service of any foreign station when operating in European waters or in waters under the jurisdiction of any foreign country. In particular, attention is invited to the provisions of §§ 8.135 (a), 8.181 (a), and 8.182 of this chapter, which are applicable to developmental stations on board ship.

(b) Use of the 156.65 Mc channel may be provided in shipboard stations by type-accepted multi-channel equipment only. Likewise, developmental coast stations must use type-accepted equipment only. In any event, authority to use this particular channel will be granted for ship or coast stations under developmental station license only. In the case of ship stations, if desired, the regular minimum VHF channel requirements pursuant to § 8.106 (c) of this chapter, including a ship-shore channel in this band, may be authorized under regular ship station license (either existing or new installation) with a supplemental developmental license for the same ship issued to cover trial operation on 156.65 Mc. This licensing principle may be applied also to limited coast stations where a regular license exists or is desired to authorize use of available frequencies other than 156.65 Mc.

(c) Use of the 156.65 Mc channel in any geographic area is available under developmental station license for communication with other stations, including foreign stations, of the maritime mobile service transmitting on the same channel and is intended to facilitate or safeguard the pilotage or navigation of ships in or through navigable waters, including canals and locks, or for the protection of anchored or moored vessels, or otherwise in emergencies involving maritime safety. Eligibility for these licenses, in reference to ships, is limited to ship stations installed or used on board commercial vessels, including pilot vessels, vessels of municipal or state governments,[1] and other vessels upon sufficient showing of need therefor. In respect to stations on land,[1] eligibility is limited fundamentally to stations of which the licensee is legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial vessels. In the latter case, however, a sufficient showing of eligibility for the particular land station must be made pursuant to § 7.351 (a) (3).

(d) Further, this developmental use of 156.65 Mc is subject to the following conditions and limitations:

(1) Use of 156.65 Mc, except for portable equipment used primarily by authorized pilots, will be licensed solely in behalf of vessels which already have a radio installation aboard capable of operation for telegraphy in the band 415 to 515 kc including 500 kc, or for telephony in the band 1600 to 3500 kc including 2182 kc, or for telephony in the band 156.25 Mc to 162 Mc including 156.8 Mc, 156.3 Mc, and at least one ship-shore channel in this band.

(2) Authorized emission shall be frequency modulation F3 for speech, or F2, F1 or F0 for operational signals, with frequency deviation not exceeding 15 kc, with plate input power to the final radio amplifier as provided by existing rules,[2] and with permissible frequency tolerance of 0.005 percent (0.01 percent when plate input power to final amplifier does not exceed 3 watts).

(3) Subject to the provisions of § 8.155 of this chapter, other than subparagraph (2) of paragraph (a), and provided the conditions set forth in subparagraphs (1), (2), (3), and (4) of paragraph (b) of § 8.137 of this chapter, are complied with, developmental ship stations may be operated on one or more radio channels above 30 Mc (including 156.65 Mc) exclusively, by any person not holding a radio operator license issued by the Commission. However, operation of developmental stations on the particular frequency 156.65 Mc on board ship shall, without exception, be by and under the

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[1] Stations aboard appropriate classes of U. S. government vessels, as well as U. S. government stations used for controlling ship movements through navigable waterways, may be authorized to operate on 156.65 Mc for the same purpose under section 305 of the Communications Act.

[2] Because of the multi-channel ship station equipment required, a lower power limit is not being imposed by regulation as requested.

control of the master or duly authorized navigating personnel of the ship, including authorized pilots, as designated by the master. Operator licenses are required for the operation of limited coast (developmental) stations on land.

(4) Developmental ship stations may be identified on 156.65 Mc by name of the vessel in lieu of announcing the official ship station call sign.

(5) Station records shall be maintained as required by §§ 7.115, 7.192, 7.370, 8.115, 8.184, and 8.368 of this chapter, except that these shall, unless otherwise directed by the Commission, be retained until July 1, 1959.

(6) In respect to use of the frequency 156.65 Mc under developmental ship station licenses, the provisions of § 8.366 (b) (3) of this chapter, concerning required use of the calling frequency 156.8 Mc, do not apply since such rule provisions do not include reference to operation on this particular frequency.

(e) With reference to §§ 7.505 (b), 7.506, 8.435 (b) and 8.436 of this chapter, a report on the results of the developmental program shall be filed by each licensee, or by one or more licensees acting jointly as a coordinated group, within 60 days of the expiration of each developmental station license granted to include operation on 156.65 Mc. Additionally, such reports shall be submitted within 30 days of each of the following dates in respect to licensees whose first station for this purpose shall have been authorized not less than 3 months before each such date: January 1, 1959 and July 1, 1959. Further, the Commission may, by written notice to the respective licensees, require appropriate reports to be filed at such other times as it may consider necessary or desirable.

B. Part 8 is amended as follows:

1. A new § 8.438 is added to Subpart Q as follows:

§ 8.438 *Radiotelephony for navigational communication.* By Report and Order of April 2, 1958, the Commission adopted a policy of issuing for a temporary period developmental station licenses for limited coast and ship stations for the purpose of operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information primarily ship-to-ship and for related safety communications, and for associated communication with locks, bridges, and shore radio-location stations. The conditions under which such authorizations would be granted, and under which such stations would be operated are set forth in § 8.805.

2. A new § 8.805 is added to Subpart V as follows:

§ 8.805 *Appendix V—Operation of developmental stations using radiotelephony for navigational communication.* (a) Developmental stations for the purpose of an operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information primarily ship-to-ship and for related safety communications, and for associated communication with locks, bridges, and shore radiolocation stations, may be authorized to operate for a continuous period, from the date of license grant to and including June 30, 1959, without the necessity for license renewal during this period. Such licenses for limited coast stations (developmental) will authorize operation on 156.65 Mc and, if desired, other currently available coast station frequencies in this band, including 156.8 Mc. Substantially in conformity with existing regulatory policy applicable to non-developmental stations, but in accordance with § 8.435 (b) applicable to developmental stations, such licenses for limited ship stations (developmental) will authorize operation, as a minimum (except for low-power portable stations pursuant to § 8.106 (c)) on 156.8 Mc, 156.3 Mc, and 156.65 Mc in lieu of the normally required ship-shore channel. In the case of VHF portable ship stations for use primarily by authorized pilots (plate input power in excess of 3 watts), these may be authorized under developmental licenses authorizing as a minimum, only two channels, 156.8 Mc and 156.65 Mc. In all instances, transmission on 156.65 Mc is subject to the condition, with reference to § 7.504 (c) of this chapter, and § 8.434 (c), that harmful interference is not caused to the operation of stations regularly licensed in an established service nor to the service of any foreign station when operating in European waters or in waters under the jurisdiction of any foreign country. In particular, attention is invited to the provisions of §§ 8.135 (a), 8.181 (a), and 8.182 which are applicable to developmental stations on board ship.

(b) Use of the 156.65 Mc channel may be provided in shipboard stations by type-accepted multi-channel equipment only. Likewise, developmental coast stations must use type-accepted equipment only. In any event, authority to use this particular channel will be granted for ship or coast stations under developmental station license only. In the case of ship stations, if desired, the regular minimum VHF channel requirements pursuant to § 8.106 (c), including a ship-shore channel in this band, may be authorized under regular ship station license (either existing or new installation) with a supplemental developmental license for the same ship issued to cover trial operation on 156.65 Mc. This licensing principle may be applied also to limited coast stations where a regular license exists or is desired to authorize use of available frequencies other than 156.65 Mc.

(c) Use of the 156.65 Mc channel in any geographic area is available under developmental station license for communication with other stations, including foreign stations, of the maritime mobile service transmitting on the same channel and is intended to facilitate or safeguard the pilotage or navigation of ships in or through navigable waters, including canals and locks, or for the protection of anchored or moored vessels, or otherwise in emergencies involving maritime safety. Eligibility for these licenses, in reference to ships, is limited to ship stations installed or used on board commercial vessels, including pilot vessels, vessels of municipal or state governments,[1] and other vessels upon sufficient showing of need therefor. In respect to stations on land,[1] eligibility is limited fundamentally to stations for which the licensee is legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial vessels. In the latter case, however, a sufficient showing of eligibility for the particular land station must be made pursuant to § 7.351 (a) (3) of this chapter.

(d) Further, this developmental use of 156.65 Mc is subject to the following conditions and limitations:

(1) Use of 156.65 Mc, except for portable equipment used primarily by authorized pilots, will be licensed solely in behalf of vessels which already have a radio installation aboard capable of operation for telegraphy in the band 415 to 515 kc including 500 kc, or for telephony in the band 1600 to 3500 kc including 2182 kc, or for telephony in the band 156.25 Mc to 162 Mc including 156.8 Mc, 156.3 Mc, and at least one ship-shore channel in this band.

(2) Authorized emission shall be frequency modulation F3 for speech, or F2, F1 or F0 for operational signals, with frequency deviation not exceeding 15 kc, with plate input power to the final radio amplifier as provided by existing rules,[2] and with permissible frequency tolerance of 0.005 percent (0.01 percent when plate input power to final amplifier does not exceed 3 watts).

(3) Subject to the provisions of § 8.155, other than subparagraph (2) of paragraph (a), and provided the conditions set forth in subparagraphs (1), (2), (3), and (4) of paragraph (b) of § 8.137 are complied with, developmental ship stations may be operated on one or more radio channels above 30 Mc (including 156.65 Mc) exclusively, by any person not holding a radio operator license issued by the Commission. However, operation of developmental stations on the particular frequency 156.65 Mc on board ship shall, without exception, be by and under the control of the master or duly authorized navigating personnel of the ship, including authorized pilots, as designated by the master. Operator licenses are required for the operation of limited coast (developmental) stations on land.

(4) Developmental ship stations may be identified on 156.65 Mc by name of the vessel in lieu of announcing the official ship station call sign.

(5) Station records shall be maintained as required by §§ 7.115, 7.192, 7.370 of this chapter, and §§ 8.115, 8.184, and 8.368 except that these shall, unless otherwise directed by the Commission, be retained until July 1, 1959.

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[1] Stations aboard appropriate classes of U. S. government vessels, as well as U. S. government stations used for controlling ship movements through navigable waterways, may be authorized to operate on 156.65 Mc for the same purpose under section 305 of the Communications Act.

[2] Because of the multi-channel ship station equipment required, a lower power limit is not being imposed by regulation as requested.

(d) In respect to use of the frequency 156.65 Mc under developmental ship station licensees, the provisions of § 8.366 (b) (3), concerning required use of the calling frequency 156.8 Mc, do not apply since such rule provisions do not include reference to operation on this particular frequency.

(e) With reference to §§ 7.505 (b), 7.506 of this chapter and §§ 8.435 (b) and 8.436, a report on the results of the developmental program shall be filed by each licensee, or by one or more licensees acting jointly as a coordinated group, within 60 days of the expiration of each developmental station license granted to include operation on 156.65 Mc. Additionally, such reports shall be submitted within 30 days of each of the following dates in respect to licensees whose first station for this purpose shall have been authorized not less than 3 months before each such date: January 1, 1959, and July 1, 1959. Further, the Commission may, by written notice to the respective licensees, require appropriate reports to be filed at such other times as it may consider necessary or desirable.

[F. R. Doc. 58-2638; Filed, Apr. 9, 1958; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter M—International Traffic in Arms

[Dept. Reg. 108.358]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Correction

In Federal Register Document 58-2411, published at page 2122 in the issue for Tuesday, April 1, 1958, the following changes should be made:

1. In paragraph (b) of § 121.26, the fourth line in the first column on page 2123, reading "nitramine (tetryl), trinitrophenol (pic-", should be deleted.

2. In the ninth line of § 123.4 (a), the word "intrasit" should read "intransit".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKET OF MOREHEAD, KENTUCKY

Pursuant to the provisions of The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (7 CFR 29.74) issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from June 5 through June 7, 1958, to determine whether growers favor the designation of the Morehead, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold on this market.

Growers who sold tobacco on the aforesaid market during the 1957-58 marketing season shall be eligible to vote in the referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from the county agent or the office of the county ASC committee at Morehead.

All completed ballots shall be mailed to the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, 620 South Broadway, Lexington, Kentucky, and, in order to be counted in said referendum, must be postmarked not later than midnight, June 7, 1958.

Done at Washington, D. C., this 7th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2628; Filed, Apr. 9, 1958; 8:50 a. m.]

[7 CFR Parts 39, 58]

U. S. STANDARDS FOR GRADES OF NONFAT DRY MILK

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for Grades of Nonfat Dry Milk pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087. 7 U. S. C. 1621 et. seq.).

The proposed standards will supersede the current United States Standards for Grades of Nonfat Dry Milk Solids effective June 1951 (7 CFR Part 39).

The principal changes are (1) separation of the standards for spray and roller process; (2) more detailed terminology; (3) nonassignment of a U. S. grade when the Direct Microscopic Clump Count exceeds 300 million per gram; and (4) provision for a heat treatment classification as a supplement to the standards for spray process.

The proposed standards are based upon the Department's experience in providing inspection and grading service for nonfat dry milk, numerous field conferences from coast to coast with industry representatives and users of the product, and the need for restricting the quality of the product to which a U. S. grade is assigned.

Under the proposed standards, the U. S. Department of Agriculture would not assign a U. S. grade to nonfat dry milk having a direct microscopic clump count in excess of a 300 million per gram. The direct microscopic clump count test is not incorporated in the proposed standards for distinguishing between U. S. Extra and U. S. Standard Grade. This matter will be kept under review and the incorporation of the direct microscopic clump count in the standards for U. S. Extra Grade and U. S. Standard Grade will be considered at a later date.

The direct microscopic clump count test as applied to nonfat dry milk is particularly sensitive to variations in the quality of raw material used, plant practices and hygiene of manufacture. The use of the direct microscopic clump count test in the Department's plant survey program and its application to the School Lunch and Price Support purchases, during the past 18 months or more, has given incentive and impetus to improving the quality of nonfat dry milk.

A supplement to the proposed U. S. Standards for Grades of Nonfat Dry Milk has been included to provide a classification of the spray process product according to the heat treatment of the milk prior to drying as it relates to adaptability for various uses. The heat treatment classification is not applicable to roller process (Subpart M).

It is contemplated that these grade standards will be made effective July 1, 1958. All persons who desire to submit written data, views, or arguments in connection with this proposed revision should file the same in triplicate with the Chief of the Standardization and Program Development Branch, Dairy Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2742, South Building, Washington 25, D. C., not later than 30 days following publication of this proposal in the FEDERAL REGISTER. The proposed revision is as follows:

Delete Part 39, U. S. Standards for Grades of Nonfat Dry Milk Solids, and substitute therefor the following Subparts L and M in Part 58.

SUBPART L—UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS) [1]

§ 58.525 *Nonfat dry milk.* "Nonfat dry milk" is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent by weight of moisture. The fat content shall not exceed 1½ percent by weight.

(a) The term "milk" when used in this subpart means fresh, sweet milk produced by healthy cows, that has been pasteurized before or during the manufacture of the nonfat dry milk.[2]

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[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

U. S. GRADES

§ 58.526 *Nomenclature of U. S. grades.* The nomenclature of U. S. grades is as follows:

U. S. Extra.
U. S. Standard.

§ 58.527 *Basis for determination of U. S. grades.* (a) The U. S. Grades of nonfat dry milk—spray process—are determined on the basis of flavor and odor, physical appearance, bacterial estimate on the basis of standard plate count, butterfat content, moisture content, scorched particle content, solubility index and titratable acidity.

(b) The final U. S. grade shall be established on the basis of the lowest rating of any one of the quality characteristics.

§ 58.528 *Requirements for U. S. grades of nonfat dry milk*—(a) *U. S. Extra.* U. S. Extra grade shall conform to the following requirements:

(1) Flavor and odor (applies to reliquefied form): Shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree: chalky, cooked, feed and flat. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearance: Shall possess a uniform white to light cream natural color; free from lumps except those that readily break up with very slight pressure, and practically free from visible dark particles. The reliquefied product shall be free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 50,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.25 percent.

(iii) Moisture content: Not more than 4.0 percent.

(iv) Scorched particle content: Not more than 15.00 mg.

(v) Solubility index: Not more than 1.2 ml.

(vi) Titratable acidity: Not more than 0.15 percent.

For detailed classification of laboratory analyses see Table III.

(b) *U. S. Standard.* U. S. Standard grade shall conform to the following requirements:

(1) Flavor and odor (applies to reliquefied form): Should possess a fairly pleasing flavor but may possess the following flavors to a slight degree: bitter, oxidized, stale, storage, utensil, and scorched; the following to a definite degree: chalky, cooked, feed and flat. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearance: May possess a slight unnatural color; free from lumps except those that break up readily under slight pressure and reasonably free from visible dark particles. The reliquefied product shall be reasonably free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 100,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.50 percent.

(iii) Moisture content: Not more than 5.0 percent.

(iv) Scorched particle content: Not more than 22.5 mg.

(v) Solubility index: Not more than 2.0 ml.

(vi) Titratable acidity: Not more than 0.17 percent.

For detailed classification of laboratory analyses see Table III.

§ 58.529 *U. S. Grade not assignable.* Nonfat dry milk which fails to meet the requirements for U. S. Standard Grade and/or shows a direct microscopic clump count exceeding 300 million per gram shall not be assigned a U. S. grade.

§ 58.532 *Test methods.* (a) Testing methods contained in Methods of Laboratory Analyses for Dry Whole Milk and Nonfat Dry Milk Solids, Dry Buttermilk and Dry Whey, Agricultural Marketing Service, United States Department of Agriculture, July 1954 (Mimeo.), or latest revision thereof, are used to determine bacterial estimate standard plate count, butterfat content, moisture content, scorched particle content, solubility index, titratable acidity, and flavor examination.

(1) *Direct microscopic clump count.* The method used to determine the direct microscopic clump count shall be as outlined in Standard Methods for the Examination of Dairy Products, Tenth Edition, 1953, published by American Public Health Association, Inc., 1790 Broadway, New York 19, New York, Chapter 6, paragraph 6.39 or latest revision thereof.

TABLE I—CLASSIFICATION OF FLAVOR AND ODOR CHARACTERISTICS FOR NONFAT DRY MILK—SPRAY PROCESS

Flavor	Flavor Classification	
	Extra	Standard
Bitter		Slight.
Chalky	Slight	Definite.
Cooked	Slight	Definite.
Feed	Slight	Definite.
Flat	Slight	Definite.
Oxidized		Slight.
Scorched		Slight.
Stale		Slight.
Storage		Slight.
Utensil		Slight.

TABLE II—CLASSIFICATION OF PHYSICAL APPEARANCE CHARACTERISTICS FOR NONFAT DRY MILK—SPRAY PROCESS

Physical appearance	Classification	
	Extra	Standard
Dry product:		
Lumpy	Very slight	Slight.
Unnatural color		Slight.
Visible dark particles	Very slight	Slight.
Reliquefied, grainy		Slight.

TABLE III—CLASSIFICATION ACCORDING TO LABORATORY ANALYSES FOR NONFAT DRY MILK—SPRAY PROCESS

Laboratory tests	Classification	
	Extra	Standard
(1) Bacterial estimate, standard plate count per gram	50,000	100,000
(2) Butterfat content; percent	1.25	1.50
(3) Moisture content; percent	4.0	5.0
(4) Scorched particle content; mg	15.0	22.5
(5) Solubility index; ml	1.2	2.0
(6) Titratable acidity; percent	0.15	0.17

§ 58.537 *Explanation of terms*—(a) *With respect to flavor*—(1) *Slight.* Detected only upon critical examination.

(2) *Definite.* Easily detectable but not intense.

(3) *Bitter.* Similar to taste of quinine.

(4) *Chalky.* A tactual type of flavor, lacking in characteristic milk flavor.

(5) *Cooked.* Similar to a custard flavor and imparts a smooth aftertaste.

(6) *Feed.* Characteristic of the feed flavors in milk carried through into the nonfat dry milk.

(7) *Flat.* Lacking characteristic sweetness or full flavor.

(8) *Oxidized.* A flavor resembling cardboard and sometimes referred to as "cappy" or "tallowy".

(9) *Scorched.* A more intensified flavor than "cooked" and imparts a burnt aftertaste.

(10) *Stale, storage.* Lacking in freshness and imparting a "rough" aftertaste.

(11) *Utensil.* A flavor suggestive of improper or inadequate washing and sterilization of milking machines, utensils or factory equipment.

(b) *With respect to physical appearance*—(1) *Practically free.* Present only upon very critical examination.

(2) *Reasonably free.* Present only upon critical examination.

(3) *Moderately free.* Discernible upon careful examination.

(4) *Very slight pressure.* Lumps fall apart with only light touch.

(5) *Slight pressure.* Only sufficient pressure to disintegrate the lumps readily.

(6) *Natural color.* A color that is white or light cream.

(7) *Grainy.* Minute particles of undissolved powder appearing on the surface of a glass or tumbler in a thin film.

(8) *Unnatural color.* A color that is more intense than light cream and is brownish, dull or gray-like.

(9) *Lumpy.* Loss of powdery consistency but not caked into hard chunks.

(10) *Visible dark particles.* The presence of scorched or discolored specks.

SUPPLEMENT TO U. S. STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS); U. S. HEAT TREATMENT CLASSIFICATION

§ 58.338 *Basis for obtaining heat treatment classification.* Heat treatment classification is not a U. S. Grade requirement. Product submitted for USDA grading may be analyzed for heat treatment classification upon request of the applicant and the results shown on the grading certificate. Heat treatment classification will be made available only upon a U. S. graded product.

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[2] Nonfat dry milk covered by these standards shall not contain buttermilk or any added preservative, neutralizing agent or other chemical.

§ 58.539 *Nomenclature of U. S. Heat Treatment Classification.* The nomenclature of U. S. Heat Treatment Classification is as follows:

U. S. High Heat.
U. S. Medium Heat.
U. S. Low Heat.

§ 58.540 *Basic for determination of U. S. Heat Treatment Classification.* The whey protein nitrogen test shall be used in determining the heat treatment classification as follows:

(a) *U. S. High-heat.* The finished product shall not exceed 1.5 mg. undenatured whey protein nitrogen per gram of nonfat dry milk.

(b) *U. S. Low-heat.* The finished product shall show not less than 6.0 mg. undenatured whey protein nitrogen per gram of nonfat dry mlik.

(c) *U. S. Medium-heat.* The finished product shall show undenatured whey protein nitrogen between the levels of "high-heat" and "low-heat", (1.51 to 5.99 mg.).

§ 58.541 *Test method; whey protein nitrogen.* The method used shall be the Modified Harland-Ashworth Method as outlined in, "The Turbidimetric Estimation of Undenatured Serum Proteins in Nonfat Dry Milk Solids (NFDMS)" distributed by the American Dry Milk Institute, Inc., 221 North La Salle Street, Chicago 1, Illinois, March 20, 1956.

SUBPART M—UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK (ROLLER PROCESS) [1]

§ 58.545 *Nonfat dry milk.* "Nonfat dry milk" is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent by weight of moisture. The fat content shall not exceed 1½ percent by weight.

(a) The term "milk" when used in this subpart means fresh, sweet milk produced by healthy cows, that has been pasteurized before or during the manufacture of the nonfat dry milk.[2]

U. S. GRADES

§ 58.546 *Nomenclature of U. S. grades.* The nomenclature of U. S. grades is as follows:

U. S. Extra.
U. S. Standard.

§ 58.547 *Basis for determination of U. S. grades.* (a) The U. S. grades of nonfat dry milk—roller process—are determined on the basis of flavor and odor, physical appearance, bacterial estimate on basis of standard plate count, butterfat content, moisture content, scorched particle content, solubility index, and titratable acidity.

(a) The final U. S. grade shall be established on the basis of the lowest rating of any one of the quality characteristics.

§ 58.548 *Requirements for U. S. grades of nonfat dry milk*—(a) *U. S. Extra.* U. S. Extra grade shall conform to the following requirements:

(1) Flavor and odor: (applies to reliquefied form): Shall be sweet and desirable, but may possess the following flavors to a slight degree: chalky, feed, flat, and scorched. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearances: Shall possess a uniform white to light cream natural color; free from lumps except those that break up readily with very slight pressure and reasonably free from visible dark particles. The reliquefied product shall be reasonably free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 50,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.25 percent.

(iii) Moisture content: Not more than 4.0 percent.

(iv) Scorched particle content: Not more than 22.5 mg.

(v) Solubility index: Not more than 15.0 ml.

(vi) Titratable acidity: Not more than 0.15 percent.

For detailed classification of laboratory analyses see Table III.

(b) *U. S. Standard.* U. S. Standard grade shall conform to the following requirements:

(1) Flavor and odor: (applies to reliquefied form): Should possess a fairly desirable flavor but may possess the following to a slight degree: bitter, oxidized, stale, storage and utensil; the following to a definite degree: chalky, feed, flat, and scorched. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearance: May possess a slight unnatural color; free from lumps except those that break up readily under slight pressure and moderately free from visible dark particles. The reliquefied product shall be reasonably free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 100,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.50 per cent.

(iii) Moisture content: Not more than 5.0 per cent.

(iv) Scorched particle content: Not more than 32.5 mg.

(v) Solubility index: Not more than 15.0 ml.

(vi) Titratable acidity: Not more than 0.17 per cent.

For detailed classification of laboratory analyses see Table III.

§ 58.549 ***U. S. grade not assignable.*** **Nonfat dry milk which fails to meet the requirements for U. S. Standard Grade and/or shows a direct microscopic clump count exceeding 300 million per gram shall not be assigned a U. S. grade.**

§ 58.553 *Test methods.* (a) Testing methods contained in Methods of Laboratory Analyses for Dry Whole Milk and Nonfat Dry Milk Solids, Dry Buttermilk and Dry Whey, Agricultural Marketing Service, United States Department of Agriculture, July, 1954 (Mimeo.), or latest revision thereof, are used to determine bacterial estimate standard plate count, butterfat content, moisture content, scorched particle content, solubility index, titratable acidity, and flavor examination.

(1) *Direct microscopic clump count:* The method used to determine the direct microscopic lump count shall be as outlined in Standard Methods for the Examination of Dairy Products, Tenth Edition, 1953, published by American Public Health Association, Inc., 1790 Broadway, New York 19, New York, Chapter 6, paragraph 6.39 or latest revision thereof.

TABLE I—CLASSIFICATION OF FLAVOR AND ODOR CHARACTERISTICS FOR NONFAT DRY MILK—ROLLER PROCESS

Identified flavors	Classification	
	Extra	Standard
Bitter		Slight.
Chalky	Slight	Definite.
Feed	Slight	Definite.
Flat	Slight	Definite.
Oxidized		Slight.
Scorched	Slight	Definite.
Stale		Slight.
Storage		Slight.
Utensil		Slight.

TABLE II—CLASSIFICATION OF PHYSICAL APPEARANCE CHARACTERISTICS FOR NONFAT DRY MILK—ROLLER PROCESS

Physical appearance	Classification	
	Extra	Standard
Dry product:		
Lumpy	Very slight	Slight.
Unnatural color		Slight.
Visible dark particles	Slight	Definite.
Reliquefied, grainy	Slight	Slight.

TABLE III—CLASSIFICATION ACCORDING TO LABORATORY ANALYSES FOR NONFAT DRY MILK—ROLLER PROCESS

Laboratory tests	Classification	
	Extra	Standard
(1) Bacterial estimate, standard plate count per gram	50,000	100,000
(2) Butterfat content; percent	1.25	1.50
(3) Moisture content; percent	4.0	5.0
(4) Scorched particle content; mg	22.5	32.5
(5) Solubility index; ml	15.0	15.0
(6) Titratable acidity; percent	0.15	0.17

§ 58.557 *Explanation of terms*—(a) *With respect to flavor*—(1) *Slight.* Detected only upon critical examination.

(2) *Definite.* Easily detectable but not intense.

(3) *Bitter.* Similar to taste of quinine.

(4) *Chalky.* A tactual type of flavor, lacking in characteristic milk flavor.

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[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Nonfat dry milk covered by these standards shall not contain buttermilk or any added preservative, neutralizing agent or other chemical.

(5) *Feed.* Characteristic of the feed flavors in milk carried through into the nonfat dry milk.

(6) *Flat.* Lacking characteristic sweetness or full flavor.

(7) *Oxidized.* A flavor resembling cardboard and sometimes referred to as "cappy" or "tallowy".

(8) *Scorched.* A more intensified flavor than "cooked" and imparts a burnt aftertaste.

(9) *Stale, storage.* Lacking in freshness and imparting a "rough" aftertaste.

(10) *Utensil.* A flavor suggestive of improper or inadequate washing and sterilization of milking machines, utensils, or factory equipment.

(b) *With respect to physical appearance*—(1) *Practically free.* Present only upon very critical examination.

(2) *Reasonably free.* Present only upon critical examination.

(3) *Moderately free.* Discernable upon careful examination.

(4) *Very slight pressure.* Lumps fall apart with only slight touch.

(5) *Slight pressure.* Only sufficient pressure to disintegrate lumps readily.

(6) *Natural color.* A color that is white or light cream.

(7) *Grainy.* Minute particles of undissolved powder appearing on the surface of a glass or tumbler in a thin film.

(8) *Unnatural color.* A color that is more intense than light cream and is brownish, dull or grey-like.

(9) *Lumpy.* Loss of powdery consistency but not caked into hard chunks.

(10) *Visible dark particles.* The presence of scorched or discolored specks.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C. this 7th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-2627; Filed, Apr. 9, 1958; 8:49 a. m.]

[7 CFR Part 954]

[Docket No. AO-153-A7]

HANDLING OF MILK IN DULUTH-SUPERIOR MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Notice is hereby given that the public hearing on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area scheduled to begin at 10:00 a. m., c. s. t., April 15, 1958, in Court Room 2, Federal Building, Duluth, Minnesota, is hereby postponed for 90 days, exact time and place to be announced.

Done at Washington, D. C., this 7th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2656; Filed, Apr. 9, 1958; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 244]

RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Revised Statutes 161, 453, and 2,478 (5 U. S. C. 22, 43 U. S. C. 2, 1201), it is proposed to amend the regulations permitting the commencement of construction work in advance of approval of a right-of-way so as to clarify the applicant's authority to occupy and use the lands involved, and to provide for a method of payment for the use and occupancy thus permitted.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER C. ERNST,
Assistant Secretary of the Interior.

APRIL 4, 1958.

Paragraph (a) of § 244.8 and paragraphs (d) and (e) of § 244.21 are revised to read as follows:

§ 244.8 *Commencement of construction work in advance of approval of right-of-way; trespass.* (a) Permission to commence construction work over and through lands under the jurisdiction of the Department of the Interior or of its agencies and to use and occupy such lands in advance of the approval of a right-of-way may be granted by the manager upon a satisfactory showing of the necessity for such action and upon a determination, after the request for permission has been cleared by all interested agencies of the Department, that such action is compatible with the public interest. Requests for such advance authority need not meet the formal requirements of §§ 244.3 to 244.5 and may be filed with the agency having supervision of the land involved, in which case a duplicate request must be filed in the office specified in § 244.3.

§ 244.21 *Payment required; exceptions; default; revision of charges.* * * *

(d) (1) There shall be remitted to the Bureau of Land Management with the application, or with the request for advance permission (see § 244.8), the amount provided as the rental for a calendar year or fraction thereof.

(2) Where the application is for a reservoir, dam, well, or plant sites, etc., the sum of five dollars ($5), the minimum charge specified for such cases, shall be remitted to the Bureau of Land Management with the application or the request for advance permission.

(e) The holder of the right-of-way or permit for advance construction, use, and occupancy thereafter shall pay, on or before the first day of each calendar year, the rental charges for that calendar year in accordance with paragraphs (a) and (b) of this section. If the rental charge is not paid when due, and such default shall continue for thirty days after the first day of January, action may be taken to cancel the right-of-way or permit. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the authorized officer.

[F. R. Doc. 58-2612; Filed, Apr. 9, 1958; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 299]

[Economic Regulations Draft Release No. [illegible]]

EXEMPTION OF AIR CARRIERS FROM CERTAIN REQUIREMENTS OF SECTION 408 OF THE CIVIL AERONAUTICS ACT

NOTICE OF PROPOSED RULE MAKING

APRIL 3, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 299 of the Economic Regulations, which would exempt direct air carriers to a limited extent from the provisions of section 408 of the act with respect to the acquisition of aircraft through purchase or lease.

The principal features of the proposed regulation are explained in the attached Explanatory Statement and the proposed new Part 299 is set forth below.

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in quadruplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before May 9, 1958 will be considered by the Board before taking final action on the proposed rule.

This regulation is proposed under authority of sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1004; 49 U. S. C. 425, 496).

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. The Board has reviewed the applications filed with it during 1956 and 1957 by air carriers in connection with agreements for the purchase or lease of aircraft from other air carriers or persons engaged in a phase of aeronautics. These equipment transactions, for the most part, were entered into after arms-length bargaining, involved a small number of aircraft in each transaction, and in terms of their impact upon the public interest were not of sufficient importance or complexity to warrant a hearing.

Moreover, in many cases the need or the opportunity to purchase or lease aircraft arises suddenly, and requires immediate and final action by the carrier if a decrease in service, or a failure to obtain suitable aircraft on favorable terms, is to be avoided. In such cases, the time necessary to complete the

Board's consideration and approval of the transactions, pursuant to either section 408 (b) or 416 (b) of the act, may be sufficient in some circumstances to prejudice or prevent the acquisition of aircraft needed by the carrier.

Under such circumstances, the continued processing of such applications on an individual basis is an undue burden on such air carriers and does not appear to be in the public interest. Accordingly, the Board proposes herein to exercise its statutory power to exempt direct air carriers from the applicable provisions of section 408 in those classes of aircraft acquisition cases where no substantial public interest problem is involved.

The proposed regulation grants a limited exemption from sections 408 (a) (2) and (3) of the act to any direct air carrier which is a party to an aircraft purchase or lease transaction fileable under these subsections, provided that certain conditions are met. Specifically, this regulation would apply only where there has been arms-length bargaining, there are no affiliations or interlocking or control relationships between the parties, and the agreement meets other requirements. A certification to this effect would be required to be filed with the copy of the purchase or lease agreement.

In those cases where aircraft of a certificated air carrier are being acquired, the exemption would apply only where no more than 5 aircraft or 20 percent of a certificated air carrier's total aircraft, whichever is less, are purchased or leased by an air carrier in a single transaction or in successive transactions within a six-month period. This limitation is imposed in order to prevent possible disability on the part of a carrier in providing its services because of a lack of equipment and to prevent any possible restraints on competition.

For purposes of this regulation, a certificated carrier's total aircraft is to be measured in terms of market value, lift capacity, or number. If the equipment being transferred exceeds the prescribed percentage of either the total market value, total lift capacity, or total number of the aircraft of such a carrier, the exemption will not apply. In determining its total aircraft, a certificated air carrier would include all aircraft owned and/or operated by it except aircraft which it is operating under a short term (6 months or less) lease and aircraft which it owns but which is leased to some other person for a period of more than 6 months.

The filing requirements will give the Board necessary information to keep apprised of equipment leasing and purchasing conditions in the industry and to determine whether any changes in the regulation might be required from time to time. The information filed will also provide a basis for review of each agreement by the Board's staff to assure the applicability of the exemption regulation. In the event it appears that a particular transaction does not fall within the terms of the exemption regulation, the parties may be required to terminate the agreement.

The exemption shall not be considered to be a determination of the reasonableness of the financial terms of the acquisition for rate-making purposes.

§ 299.1 *Definitions.* For the purposes of this part:

(a) "Certificated air carrier" means any air carrier which holds a certificate of public convenience and necessity issued under section 401 of the act.

(b) "Stockholder" means a person holding, directly or indirectly, 5 percent or more of the outstanding stock of a company.

§ 299.2 *Exemption.* An air carrier which engages directly in the operation of aircraft in air transportation shall be exempt from sections 408 (a) (2) and 408 (a) (3) of the Civil Aeronautics Act of 1938, as amended,[1] insofar as the provisions thereof relate to the purchase or lease of aircraft, if the underlying agreement has been entered into after arms-length bargaining and does not involve:

(a) A purchase or lease by an air carrier:

(1) Which has an officer, director, proprietor, member, partner, employee or a stockholder who is, or has a representative or nominee who represents such person as, an officer, director, proprietor, member, owner, partner, employee, or stockholder of the company whose aircraft are being purchased or leased;

(2) Which owns any financial interest in the company whose aircraft are being purchased or leased;

(3) In which any interest is held by the company whose aircraft are being purchased or leased;

(4) In which an ownership interest in excess of 5 percent is held by a person or persons holding a like interest in the company whose aircraft are being purchased or leased; or

(5) Which controls, is controlled by, or is under the common control with, a company whose aircraft are being purchased or leased.

(b) A purchase or lease by an air carrier of more than

(1) 5 aircraft of a certificated air carrier, or

(2) 20 percent of either the total number, total market value, or total lift capacity (pay load) of aircraft of a certificated air carrier

whichever is less, either in a single transaction or in successive transactions within a six (6) month period. For purposes of computing total aircraft in accordance with paragraph (b) (2) of this section, all aircraft of the certificated air carrier shall be included except aircraft which is under lease to such carrier for six (6) months or less, and aircraft which is owned by such carrier but is under lease to some other person for a period of more than six (6) months.

(c) A lease with crew or an aircraft interchange agreement.

§ 299.3 *Filing requirements.* A copy of the agreement to purchase or lease aircraft shall be filed with the Board within 15 days after date of execution thereof,[2] together with a statement containing a certification of a duly authorized official of the air carrier in substantially the following form:

The attached agreement was entered into on ----------, 19----, and is being filed with the Board by ------------ pursuant to Part 299 of the Board's Economic Regulations. In submitting this agreement, the undersigned herein certifies that such agreement (1) has been entered into after arm's-length bargaining, (2) to his best knowledge and belief and so far as he could reasonably determine, does not involve any of the relationships set forth in paragraph (a) (4) and (5) of § 299.2, and (3) does not involve any of the other prohibited relationships set forth in paragraph (a) of § 299.2.

and insofar as applicable a recital of the specific data relied upon by the air carrier in concluding that the transaction does not exceed any of the limitations of paragraph (b) of § 299.2.

§ 299.4 *Effect of exemption.* The exemption granted by this part shall not be deemed to constitute a determination of the reasonableness of the financial terms of the purchase or lease for rate-making purposes or an "order made under sections 408, 409 and 412" within the meaning of section 414 of the act.

[F. R. Doc. 58-2657; Filed, Apr. 9, 1958; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12065; FCC 58-307]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (LAFAYETTE-TERRE HAUTE, IND.)

TERMINATION OF PROCEEDINGS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, (Lafayette-Terre Haute, Indiana).

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 57-663) released June 24, 1957, in response to a petition filed by Lafayette Broadcasting, Inc., licensee of television Station WFAM-TV, Channel 59, Lafayette, Indiana, proposing to shift Channel 10 from Terre Haute to Lafayette, Indiana.

2. The petitioner filed comments supporting this proposal. Comments op-

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[1] It should be noted than an air carrier subject to Part 42 of the Civil Air Regulations must, as required by § 42.11, have the exclusive use of all large aircraft operated by it for the carriage of goods or persons for compensation or hire. Section 42.1 defines the exclusive use of an aircraft for flight arising from either (i) a lease or other agreement or arrangement under which the air carrier is to have the right to such possession, control, and use for a period of at least six consecutive months from the date of such lease or other agreement or arrangement, or (ii) ownership of the aircraft.

[2] To the extent that an agreement coming within this regulation is also subject to section 412, the air carrier must comply separately with the filing requirements of Part 261 of the Economic Regulations and, if involving supplemental carriers, with the prior approval requirements of Order No. E-9744 issued in Large Irregular Air Carrier Investigation, Docket No. 5132 et al. An outright sale or lease of aircraft without crew is not deemed to be within the purview of section 412.

posing the proposal were filed by South Bend Tribune, WSBT-TV, Channel 34, South Bend, Indiana; Truth Publishing Company, Inc., WSTV-TV, Channel 52, Elkhart, Indiana; Plains Television Corporation, WICS, Channel 20, Springfield, Illinois; Illiana Telecasting Corp. and Mattoon Broadcasting Co. Wabash Valley Broadcasting Corporation, WTHI-TV, Channel 10, Terre Haute, Indiana, filed comments in which it states that it takes no position on the merits of the proposal, but opposes any procedural device which would deprive it of Channel 10 without providing WTHI-TV a valid final grant on Channel 2. Northwestern Publishing Company, the licensee of WDAN (AM) and WDAN-TV, Danville, Illinois, filed comments and submitted a counterproposal to assign Channel 10 to Danville rather than Lafayette.

3. In support of the proposal, Lafayette Broadcasting, Inc., argues that "Greater Lafayette" (Lafayette and West Lafayette) had a 1950 population of 52,994 and has experienced substantial growth in population since 1946; that it has had an even greater increase in industrial development and is the trading center of a rich farm area which includes 44 towns and more than 10 counties and that Purdue University with an enrollment of over 13,000 students is located at West Lafayette. It contended that Terre Haute, with a 1950 population of 64,214 has not experienced any substantial increase in population since 1940 and accordingly section 307 (b) of the Communications Act requires that Lafayette and Terre Haute should each be assigned a VHF channel. Petitioner alleges that WFAM-TV, the only station in the Lafayette area, has incurred a loss of over $200,000 since 1953 despite a national affiliation, broad radio and television experience and extensive public service and sales efforts. It argues that Lafayette receives Grade B service from the 3 VHF stations in Indianapolis; that only about 55 percent of the receivers in the Lafayette area are capable of receiving UHF and that an area north of Lafayette which is beyond the Grade B signal of any existing television station would receive service from a Channel 10 station in Lafayette.

4. The opponents contend that the area north of Indianapolis has been assigned UHF channels exclusively and that there are UHF stations operating in South Bend-Elkhart (WSBT-TV, Channel 34, WNDA-TV, Channel 46, and WSJV-TV, Channel 52); Lafayette (WFAM-TV, Channel 59), Fort Wayne (WINT-TV, Channel 15 and WHJG-TV, Channel 33) and Muncie (WLBC-TV, Channel 49); that there are numerous other UHF channels assigned to the area which are potential sources of television service and that the assignment of Channel 10 to Lafayette would constitute a major invasion of UHF areas, create an intermixture problem and nullify the possibility of any future UHF service in many communities and areas where UHF channels are presently assigned. They maintain that Terre Haute, unlike Lafayette, is a predominantly VHF area and that there is no appreciable number of UHF receivers in the area; that the only method by which competitive television can be provided in Terre Haute is by retaining Channel 10 whereas the deletion of the second VHF channel from that community would protect the existing VHF monopoly and would be inconsistent with the Commission's objective of improving the opportunities for effective competition among a greater number of stations. Finally the opponents contend that the assignment of Channel 10 to Lafayette and the resultant establishment of two 1 VHF markets would not be an efficient use of available facilities as required by section 307 (b) of the act.

5. Northwestern Publishing Company, in support of its counterproposal to assign Channel 10 to Danville, alleges that Danville, with a population of 53,427 is located in the heart of an agricultural area and has substantial industrial activity; that Danville receives service from WCIA-TV, Channel 3, Champaign, Illinois, WTHI-TV, Terre Haute and WFBM-TV, Indianapolis; that WCIA-TV has 60 percent or more of the audience at all times of the day and night and that WDAN-TV has less than 20 percent of the audience. It contends that in view of Danville's greater population, Channel 10 should be assigned to Danville rather than Lafayette, and suggests that the channel could be assigned to Danville-Lafayette on a hyphenated basis.

6. In its reply comments, Lafayette Broadcasting maintains that the Lafayette area is not a UHF island since it receives at least 3 VHF Grade B services from Indianapolis 60 miles away, a Terre Haute station operating on Channel 2 will provide "nearly a Grade B signal" to the southwestern portion of the Lafayette service area and WCIA in Champaign, provides a Grade B signal to the western portion of the Lafayette service area. It contends that a VHF operation in Lafayette would not affect the South Bend or Elkhart stations since South Bend and Elkhart are 104 and 113 miles from Lafayette respectively but the Grade B contours of the UHF stations in those communities extend only 38 and 33 miles respectively and that the effect on WDAN-TV in Danville will be virtually the same irrespective whether Channel 10 is allocated to Terre Haute or Lafayette since both cities are approximately the same distance from Danville. With respect to the proposal to assign Channel 10 to Danville, Lafayette alleges that there is adequate VHF service in the Danville area; that the entire Grade B contour of WDAN-TV and much of the area north of Danville is served by WCIA, Channel 3, Champaign, whereas there is very little VHF service north, northeast and west of Lafayette. It contends that a VHF station operating from the WFAM-TV site with maximum power would provide service to a "white area" about 14 miles deep and nearly 100 miles long and that a station located at Danville would not provide service to as large a "white area" and that the allocation of Channel 10 to Lafayette-Danville would undoubtedly result in a lengthy hearing which would delay service to the public. Northwestern contends that the Danville area cannot be considered a UHF island similar to the South Bend-Elkhart area; because of the VHF channels presently received in the Danville area, it would be impossible for another UHF station to operate successfully but the assignment of Channel 10 to Danville would permit WDAN-TV to compete with other television stations in eastern Illinois on a more equal basis. The opponents argue that in January 1957, Terre Haute had an estimated population of 81,700 whereas Lafayette had an estimated population of 41,300; that the "white area" depicted by Lafayette Broadcasting, Inc., shows only VHF service and omits the service provided by the nine operating UHF stations in the area and that any white area that may exist would be eliminated if WFAM-TV improved its facilities and the UHF assignments at Kankakee, Indiana and Logansport, Illinois were placed in operation. They argue that the same reasons that militate against the assignment of Channel 10 to Lafayette are applicable to the assignment of Channel 10 to Danville and that, in any event, the counterproposal cannot be adopted without giving all interested parties adequate notice and allowing them sufficient time to submit comments concerning the proposal in accordance with section 4 of the Administrative Procedure Act.

7. We believe that the public interest would be best served by retaining Channel 10 in Terre Haute. Terre Haute is a predominantly VHF area with one operating VHF station and receives multiple VHF signals from other stations. The retention of Channel 10 would provide an additional local service to a substantial number of people in the area and, in our view, would further our objective of enhancing the opportunity for more effective competition among a greater number of stations. Lafayette and Danville on the other hand cannot be considered VHF areas, since a UHF station is in operation in each of the communities. Moreover, Lafayette and Danville are located on the periphery of a substantial UHF area in Northern Indiana. Nine UHF stations are in operation in this UHF island and numerous UHF assignments are available for further expansion of service in the area. The assignment of Channel 10 to either Lafayette or Danville would in all probability result in the demise of the UHF stations in both Lafayette and Danville and would in all likelihood effectively prevent the further expansion of UHF service in the area to the North.

8. In view of the foregoing, *It is ordered*, That the proposed amendment and the counterproposal submitted by Northwestern Publishing Company, are not adopted, and this proceeding is terminated.

Adopted: April 2, 1958.

Released: April 7, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2639; Filed, Apr. 9, 1958; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 12337]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, (LITTLE ROCK-PINE BLUFF, ARK.)

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Little Rock-Pine Bluff, Arkansas).

1. The Commission has before it for consideration a petition filed March 28, 1958 by Arkansas Television Company, licensee of television Station KTHV, Little Rock, Arkansas, requesting the Commission to extend the time for filing comments in the above-entitled proceeding from April 7, 1958 to April 22, 1958, and the time for filing reply comments from April 17, 1958 to May 9, 1958.

2. In support of its request petitioner alleges that it is in the process of preparing comments in opposition to the proposed rule making but that the pressure of business and other commitments of its counsel make it impossible to complete these comments by the due date. Petitioner asserts that a 15 day extension, or until April 22, 1958 is needed to complete its comments; and that, in view of the fact that the National Association of Broadcasters' Convention will be held in Los Angeles from April 27 to May 1, 1958, petitioner will need until May 9, 1958 to complete the preparation of its reply comments. Petitioner states that Central-South Sales Company (KATV), proponent of the proposed rule making and the original petitioner therefor, has indicated that it has no objection to the grant of this request for additional time to file comments and reply comments.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments and reply comments in this proceeding.

4. In view of the foregoing, *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from April 7, 1958 to April 22, 1958, and that the time for filing reply comments, is extended, from April 17, 1958 to May 9, 1958.

Adopted: April 1, 1958.

Released: April 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2640; Filed, Apr. 9, 1958; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 12385; FCC 58-308]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (PITTSBURGH, PA., CLARKSBURG, W. VA., YOUNGSTOWN, OHIO)

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations. (Pittsburgh, Pennsylvania - Clarksburg, West Virginia - Youngstown, Ohio).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed November 14, 1957 by Metropolitan Pittsburgh Educational Television Station, licensee of educational television station WQED, Pittsburgh, Pennsylvania, for rule making to amend § 3.606, *Table of assignments*, Television Broadcast Stations, to shift Channel 22 from Clarksburg, West Virginia, to Pittsburgh, Pennsylvania, as follows:

City	Channel No.	
	Present	Proposed
Pittsburgh, Pa	2–, 11, *13–, 16, 47–, 53+	2–, 11, *13–, [1] 16, 22, 47–, 53+
Clarksburg, W. Va	12+, 22, 69–	12+, 69–

[1] Since the filing of this petition channel 4+ has been shifted from Irwin to Pittsburgh, Pa.

3. Petitioner submits that no station is in operation on either Channel 22 or 69 in Clarksburg and that there are no outstanding construction permits or applications pending for either channel; that the proposed allocation is in accord with the minimum mileage separation and other requirements of the Commission's rules; and that the assignment would permit UHF Channel 22 in Pittsburgh to be used for telecasting classes for the schools in western Pennsylvania and instructions or programs for other specialized groups in the area.

4. The Commission also has before it two related petitions and an amendment, thereto, filed by Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company, permittee of Station WXTV on Channel 73 in Youngstown, Ohio, requesting amendment of the Table of Assignments to assign Channel 33 to Youngstown by making changes in the Table as follows:

City	Channel No.	
	Present	Proposed
Youngstown, Ohio	21–, 27, 73–	21–, 27, 33
Pittsburgh, Pa	2–, 11, *13–, 16, 47–, 53+	2–, 11, *13–, [1] 16, 22, 53+, 73–
Clarksburg, W. Va	12+, 22, 69–	12+, 69–, 79

[1] Since the filing of this petition channel 4+ has been shifted from Irwin to Pittsburgh, Pa.

Community further requests that Golden Triangle Television Corporation, the permittee of Station WTVQ on Channel 47 at Pittsburgh, and Forest City Publishing Co., the permittee of Station WHK-TV on Channel 19 at Cleveland, be ordered to show cause why their respective authorizations should not be modified to specify Channel 22 in lieu of Channel 47 and Channel 25 in lieu of Channel 19.[1]

5. Community submits that it would be at a great disadvantage in serving the Youngstown area on Channel 73 in view of the low channels assigned to the other three UHF stations in the area (Channel 45 is assigned to Youngstown-New Castle); that no hardship would result in the modification of the WTQV authorization; and that the proposal is technically feasible.

6. On January 28, 1958, WKST, Inc., permittee of Station WKST-TV on Channel 45 at New Castle, Pennsylvania, filed an opposition to Community's petition. WKST alleges that Community's request is a mere repetition of an earlier petition filed by the same party, which earlier petition was denied by the Commission on October 22, 1956 (Docket No. 11766, 12 RR 15081); that the reason for denial of Community's earlier request (i. e., that the need for a fourth service in the Youngstown-New Castle area was not sufficient to justify channel disruptions in other cities), is applicable to its latest petition; and that Community has not demonstrated that a competitive operation on Channel 73 in the Youngstown-New Castle area is impossible or unlikely.

7. The Commission is of the view that rule making proceedings should be instituted on these proposals in order that all interested parties may submit their views and relevant data.

8. The proposal of Community Telecasting Company, if adopted, would affect the outstanding authorizations of Stations WTVQ in Pittsburgh, Pennsylvania and WXTV in Youngstown, Ohio. This proposal would require Station WTVQ to shift from Channel 47 to Channel 22 and Station WXTV to shift from Channel 73 to Channel 33. The Commission may, however, on the basis of the record presented in this proceeding, decide that certain salient parts of both the Community Telecasting Company and the Metropolitan Pittsburgh Educational Television Station proposals should be adopted, to wit: the Commission may determine that Channel 22 should be assigned to Pittsburgh as an educational reservation and that Channel 73 should be substituted for Channel 47 as a commercial channel in that city.[2] Such channel changes would necessitate the shifting of Station WTVQ from Channel 47 to Channel 73 in Pittsburgh. We are therefore directing the permittee of Station WTVQ to show cause why its authorization should not be modified to specify operation on either Channel 22 or 73 in lieu of Channel 47 in Pittsburgh, and we are directing the permittee of Station WXTV to show cause why its

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[1] The Cleveland modification is motivated by the fact that the transmitter sites of WXTV Youngstown and WHK-TV Cleveland are approximately 57.5 miles apart whereas the required separation to avoid sound image interference is 60 miles. However, WXTV on Channel 33 can be operated in the Youngstown area from a site at least 60 miles from the transmitter site of Station WHK-TV on Channel 19 at Cleveland, Ohio.

[2] If these channel changes should be effectuated, Metropolitan Pittsburgh would achieve its primary goal of having Channel 22 available for noncommercial educational use in Pittsburgh, and Community Telecasting would accomplish its primary purpose of being authorized to operate its Station WXTV on Channel 33 in lieu of Channel 73 in Youngstown.

authorization should not be modified to specify operation on Channel 33 in lieu of Channel 73 in Youngstown. We see no reason to issue an Order to Show Cause to Forest City Publishing Company, Cleveland, as requested by Community.

9. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

10. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 12, 1958, a written statement or brief, setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

11. Responses to the Show Cause Orders issued herein should be filed on or before May 12, 1958.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

13. In view of the foregoing, *It is ordered*, That pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended:

(a) The Golden Triangle Corporation is ordered to show cause why its authorization for Station WTVQ on Channel 47− in Pittsburgh, Pennsylvania, should not be modified to specify operation on Channel 22 or 73−.

(b) Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company is ordered to show cause why its authorization for Station WXTV on Channel 73− in Youngstown, Ohio should not be modified to specify operation on Channel 33 even and operating from a site at least 60 miles from the transmitter of Station WHK-TV at Cleveland, Ohio.

Adopted: April 2, 1958.

Released: April 4, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2641; Filed, Apr. 9, 1958; 8:53 a. m.]

[47 CFR Part 3]

[Docket No. 12386; FCC 58-309]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (WICHITA-HUTCHINSON, KANS.)

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Wichita-Hutchinson, Kansas).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition, filed February 14, 1958, by Wichita-Hutchinson Company, licensee of Station KTVH on Channel 12 at Hutchinson, Kansas, requesting rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations, to shift Channel 12 from Hutchinson to Wichita, Kansas, as follows:

City	Channel No.	
	Present	Proposed
Wichita, Kans	3−, 10−, 16−, *22+	3−, 10−, 12, 16−, *22+
Hutchinson, Kans	12, 18	18

3. In support of its request, Wichita-Hutchinson states that Wichita, with a 1950 population of 168,279 persons, is the largest community within the Grade A contour of its Hutchinson station (KTVH), is the population center of the service area of Station KTVH, and is the largest city in Kansas; that the dominant size of Wichita, has made it necessary for Station KTVH to maintain an auxiliary studio in Wichita, in addition to its main studio in Hutchinson, in order to serve adequately its service area; and that Wichita is the principal source of advertising support for a station in this area. Petitioner points out that there are only three stations serving Wichita and Hutchinson—the two VHF stations in Wichita (KARD-TV on Channel 3 and KAKE-TV on Channel 10) and its VHF Channel 12 station at Hutchinson, and it urges that adoption of its proposal would foster competition in the area by permitting these three stations to compete on an equal basis. Wichita-Hutchinson states that Channel 12 can be shifted from Hutchinson to Wichita in conformity with Commission's allocation requirements and that its proposal is in accord with the assignment principles set out in the Commission's Report and Order in Docket 11532, released June 1956 (13 Pike & Fischer RR 1571).

4. The Commission is of the view that a rule making proceeding should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 12, 1958, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r), 307 (b) and 316 (a) of the Communications Act of 1934, as amended.

7. Wichita-Hutchinson Company is presently authorized to operate on Channel 12 at Hutchinson and the rule making proposed herein would shift this frequency to Wichita. In the event the Commission decides to amend the rules as proposed, the Commission will determine what further steps should be taken in light of this outstanding authorization.

8. In accordance with the provisions of § 1.54 of the Rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: April 2, 1958.

Released: April 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2642; Filed, Apr. 9, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1958 Dept. Circ. 1007]

$2\frac{5}{8}$ PERCENT TREASURY NOTES OF SERIES A-1963

OFFERING OF NOTES

APRIL 7, 1958.

I. *Offering of notes.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated $2\frac{5}{8}$ percent Treasury Notes of Series A-1963. The amount of the offering under this circular is $3,500,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these notes to Government Investment Accounts. The books will be open only on April 7 for the receipt of subscriptions for this issue.

II. *Description of notes.* a. The notes will be dated April 15, 1958, and will bear interest from that date at the rate of $2\frac{5}{8}$ percent per annum, payable on a semiannual basis on August 15, 1958, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1963, and will not be subject to call for redemption prior to maturity.

b. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

c. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

d. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. The notes will not be issued in registered form.

e. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* a. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding 75 percent of the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of notes allotted may be released upon the request of the subscribers.

b. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

c. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before April 15, 1958, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* a. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

b. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58-2634; Filed, Apr. 9, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 24]

[B-26263]

COLORADO

SMALL TRACT CLASSIFICATION: AMENDMENT; SMALL TRACT OPENING

1. Effective immediately, the word "disposition" in paragraph 4 of Federal Register Document 57-5179, appearing on page 4481 of the issue for June 26, 1957, is hereby amended to read "lease only for residence sites."

2. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098) I hereby open the following described lands, which were classified by Classification Order No. 24, dated June 19, 1957 (22 F. R. 4481), to application by the filing of Veteran's Drawing Entry Cards under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended; and the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 84 W.,
  Sec. 8, E½NW¼SW¼SW¼.
T. 2 S., R. 85 W.,
  Sec. 14, lots 22, 23, 24, and 26.

Containing 16.25 acres, subdivided into 5 small tracts.

3. The tract in section 8 is located approximately 4 miles east of Burns, Colorado, along the Colorado River. The lots in section 14 are about ½ mile east of Burns, Colorado, and front on or near the Colorado River. The elevation is about 6,500 feet. The topography is gently to steeply sloping. Vegetation consists of a few native evergreen trees, aspen, native shrubs, grasses and weeds. There is a building site on each tract. Electricity is available. Culinary water probably can be developed by drilling wells.

4. The individual tracts vary in size from 1.87 to 5.0 acres and are rectangular. An unofficial plat showing the location of the lots in section 14 can be had by writing to the Land Office Manager, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado. The tracts have been restored from Power Site Reserves 116 and 244, and leases will be issued subject to section 24 of the Federal Power Act, and subject to all rights-of-way of record. A right-of-way will also be reserved for an area lying north and west of an existing, unimproved road that roughly parallels the Colorado River through lots 22, 23, 24, and 26 of section 14. A copy of the unofficial plat which shows the reserved area will be made a part of the lease. Lease for the E½NW¼SW¼SW¼ of Section 8 will be subject to a right-of-way 25 feet in width, along the right and left banks of the Colorado River as it crosses the tract. These rights-of-way are reserved under 43 CFR 257.17 (b) for road purposes and for public utilities, and for use by the general public for access to the Colorado River for fishing and other recreational activities. All rights-of-way reserved may be utilized by the Federal Government, the State of Colorado, Eagle County, or by any agency thereof. All minerals in the land will be reserved to the United States. The rental, varying from $125 to $156 for the 10 year lease period, must be paid in advance of issuance of lease.

Tract	Acres	Advance rental for 10-year lease period
T. 2 S., R. 84 W.,		
Sec. 8, E½NW¼SW¼SW¼	5.00	$125
T. 2 S., R. 85 W.,		
Sec. 14, lot 22	4.38	156
lot 23	2.50	125
lot 24	2.50	125
lot 26	1.87	125

5. Leases will be issued for a term of ten years. To maintain their rights under their leases, lessees will be required to construct substantial improvements on their tracts within the first five years of the lease period. Failure to comply with this requirement will result in cancellation of the lease, except where the lessee can demonstrate that such failure was due to unavoidable and unforeseen circumstances. Leases will be renewable at the expiration of the ten-year lease period at the discretion of the Bureau of Land Management, and the renewal lease will be subject to such terms and conditions as are necessary in the light of the circumstances existing at the time of the renewal.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances, and must, in addition, meet the following standards:

a. Buildings on these tracts shall be constructed of new and substantial materials set on adequate foundations of cement, rocks, cinderblocks, or similar materials. Chimneys must be of cement, stone, brick masonry, or of an approved metal type and shall be lined with fire resistant brick or tile, except where approved metal types are used.

b. No shacks of temporary and unsightly nature will be allowed. The use of tar or composition papers for general exterior purposes will not be permitted. No trailers or other portable types of houses will be considered as being part or all of the development requirements.

c. Each lessee will be required to keep the premises in a neat and orderly condition. Garbage and other refuse must be disposed of by burning in an incinerator or be removed at regular intervals in accordance with local standards and practices. Dumping of garbage or other refuse in the Colorado River or on areas reserved for rights-of-way is prohibited.

d. Only one residence building per tract will be permitted. Buildings other than the residence shall be kept to a minimum.

e. All residential buildings shall have not less than 400 square feet of floor space.

f. All Bureau of Land Management regulations and State laws as to fire prevention must be observed. Premises and improvements must be maintained in a fire-safe condition at all times. Each lessee will be required to take all reasonable precautions to prevent and suppress forest, brush, and grass fires. Debris and inflammable material will be removed or burned in such a manner that adjoining properties as well as their own will not be endangered.

g. Buildings and other improvements on the tracts shall be set back a minimum of 20 feet from exterior boundaries of rights-of-way reserved under 43 CFR 257.17 (b). Buildings or other improvements shall not be constructed on rights-of-way of record or on rights-of-way reserved under 43 CFR 257.17 (b).

h. Outdoor toilets must be located a minimum of 50 feet from the building or dwelling and at least 50 feet from the boundary of the area reserved for right-of-way, as shown on the unofficial plat and as described in paragraph 4 above.

8. The lands are now open to filing of drawing entry cards (Form 4-775) only by persons entitled to veteran's preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 16, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. The 90 day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in line of duty or the surviving spouse or minor children of veterans killed in line of duty. Drawing Entry Cards (Form 4-775) are available upon request from the Land Office Manager, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

Drawing Entry Cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., July 22, 1958. Drawing Entry Cards must show Small Tract Classification No. 24 in the space provided. A drawing will be held at 2:00 p. m., on July 22, 1958 in Room 367, New Custom House, Denver, Colorado. Any persons who submit more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrans will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return, and as to payment of fees and rentals.

9. Ralph S. and Lucille S. Hoerning, 75 Emerson Street, Denver, Colorado, claim an equity in a cabin and other improvements on lot 22, Sec. 14, T. 2 S., R. 85 W., Sixth Principal Meridian. In the event Mr. and Mrs. Hoerning are not the successful drawee for this tract, they will be allowed a reasonable period of time from the date of the drawing within which to remove any improvements that can be removed without substantial damage to the land or the improvements. Any other person acquiring this lot as a result of this drawing will be required, as a condition precedent to issuance of the lease, to reimburse Mr. and Mrs. Hoerning for the reasonable value of all the permanent improvements which are left on the land and which are of value to persons leasing the land. Proof of reimbursement must be filed with the Land Office Manager, Bureau of Land Management, P. O. Box 1018, 371 New Custom House, Denver 1, Colorado. In the absence of agreement between the lessee of the tract and owner of the improvements, the Bureau of Land Management will determine the fair and reasonable value for the improvements upon the land for which compensation must be paid.

10. Inquiries concerning these lands shall be addressed to the Land Office Manager, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

MARCH 31, 1958.

[F. R. Doc. 58-2609; Filed, Apr. 9, 1958; 8:46 a. m.]

[B-26232]

[Classification 25]

COLORADO

SMALL TRACT CLASSIFICATION: AMENDMENT; SMALL TRACT OPENING

1. Effective immediately, the word "disposition" in paragraph 1 of Federal Register Document 57-5324 appearing on page 4674 of the issue of July 2, 1957, is hereby amended to read "lease and sale for residence and business purposes".

2. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1096), I hereby open the following described lands which were classified by Classification Order No. 25, dated June 24, 1957 (22 F. R. 4674) to small tract application by the filing of Veteran's Drawing Entry Cards, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 3 E.,
Sec. 33, lots 2 to 41, inclusive, in the NE¼ SE¼ as shown on supplemental plat approved February 21, 1958.

Containing 30.93 acres subdivided into 40 small tracts. Lots 16, 28, and 29 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a), and if the applicants comply with the regulations, these three lots will not be subject to the drawing.

3. These lots are at the junction of oil surfaced State Highway 149 and U. S. Highway 160, at Baxterville (now South Fork), Colorado, and are accessible the year round. The lots are relatively flat, with a few native shrubs, grass and weeds. There are no trees on any of the lots. The South Fork of the Rio Grande River crosses lot 41. There is a post office, service station and stores immediately east of the tract. Del Norte, Colorado, a town of about 2000 population is 16 miles east. Electricity and telephone service is available. Culinary water probably can be developed by drilling wells. The lots are rectangular, and vary in size from 0.63 to 1.56 acres. An unofficial plat showing the location of the lots can be obtained by writing to the Land Office Manager, Bureau of Land Management, P. O. Box 1018, 371 New Custom House, Denver 1, Colorado.

The appraised value of the lots varies from $500 to $1000. Advance rental for residence sites for the three-year lease period varies from $75 to $150. The rental for lots leased for business purposes will be calculated on the gross volume of business in accordance with the schedule on the reverse side of the lease, Form 4-776. The lots will be leased and sold subject to all rights-of-way of record, and rights-of-way for roads and public utilities, in accordance with Title 43 CFR 257.17 (b) will be reserved as described below. Such rights-of-way may be utilized by the Federal Government, the State of Colorado, or Rio Grande County, or by any agency thereof. All minerals will be reserved to the United States.

Lot No.	Acreage	Advance rental for 3-year lease period	Right-or-way width and location along boundary		Appraised value
			30 feet	15 feet	
2	1.25	$150.00	West	East	$1,000
3	0.63	82.50	West	South	550
4	0.63	90.00		East, south	600
5	0.94	105.00		West	700
6	0.94	101.25		West	675
7	1.25	150.00		East	1,000
8	0.63	93.75		West	625
9	0.63	90.00		North, east	600
10	0.63	82.50	West	North	550
11	0.63	82.50	West	South	550
12	0.63	90.00		East, south	600
13	0.63	90.00		West, south	600
14	0.63	90.00		East, south	600
15	0.63	93.75		West	625
[1] 16	1.25	150.00			1,000
17	1.25	150.00			1,000
18	0.63	93.75		West	625
19	0.63	90.00		North, east	600
20	0.63	90.00		North, west	600
21	0.63	90.00		North, east	600
22	0.63	82.50	West	North	550
23	0.63	82.50	West	South	550
24	0.63	90.00		South, east	600
25	0.63	90.00		West, south	600
26	0.63	90.00		East, south	600
27	0.63	93.75		West	625
[1] 28	1.25	150.00			1,000
[1] 29	1.25	150.00			1,000
30	0.63	93.75		West	625
31	0.63	90.00		East, north	600
32	0.63	90.00		North, west	600
33	0.63	90.00		North, east	600
34	0.63	82.50	West	North	550
35	0.63	75.00	South West		500
36	0.63	82.50	South	East	550
37	0.63	82.50	South	West	550
38	0.63	82.50	South	East	550
39	0.63	82.50	South	West	550
40	0.94	101.25	South		675
41	1.56	112.50			750

[1] Covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price indicated above, providing that during the period of their leases they either (a) comply with the improvement requirements as set forth in this opening order under paragraph 6 and those shown on the reverse side of the offer to lease and lease Form 4-776 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The improvements referred to in paragraph 4 must conform with health, sanitation and construction requirements of local ordinances and must in addition meet the following standards:

a. Buildings on these lots shall be constructed of new and substantial materials set on adequate foundations of cement, rocks, cinderblocks, or similar materials. Chimneys must be of cement, stone, brick masonry, or of an approved metal type and shall be lined with fire resistant brick or tile, except where approved metal types are used.

b. No shacks of temporary and unsightly nature will be allowed. The use of tar or composition papers for general exterior purposes will not be permitted. No trailers or other portable types of houses will be considered as being part or all of the development requirements.

c. Each lessee will be required to keep the premises in a neat and orderly condition. Garbage and other refuse must be disposed of by burning in an incinerator or be removed at regular intervals in accordance with local standards and practices.

d. Only one residence building will be permitted per lot. Buildings other than the residence shall be kept to a minimum.

e. All residential buildings shall have not less than 500 square feet of floor space.

f. All Bureau of Land Management regulations and State laws as to fire prevention must be observed. Premises and improvements must be maintained in a fire-safe condition at all times. Each lessee will be required to take all reasonable precautions to prevent and suppress forest, brush and grass fires. Debris and inflammable material will be removed or burned in such a manner that adjoining properties as well as their own will not be endangered.

g. Buildings or other improvements on the lots shall be set back a minimum distance of 20 feet from rights-of-way.

h. No buildings shall be constructed on areas reserved for rights-of-way as described in the order of classification and terms of the lease.

i. All residence sites must have adequate sanitary facilities to conform with state, county, and local laws and ordinances. Outdoor toilets must be located a minimum of 50 feet from the building or dwelling. The toilets must be fully enclosed and of substantial construction and contain a pit and cover for the seat. The depth of the pit shall not be less than 6 feet below ground level. In the case of inside toilets, disposal of waste should be by means of septic tanks or cesspools.

j. Buildings or other improvements on the lots adjoining U. S. Highway 160 and State Highway 149 shall be set back a minimum distance of 30 feet from the boundaries of the highway rights-of-way.

k. Road approaches to the tracts from U. S. Highway 160 and State Highway 149 must be in accordance with the regulations and standards of the Colorado State Highway Department as to location, borrow pits and other requirements.

l. Roofs should be of sufficient pitch and adequate construction to support heavy snow incident to the area. Gable-type or similar roofs with ⅓ pitch are acceptable.

7. The lands are now open to filing of drawing entry cards (Form 4-775) only by persons entitled to veteran's preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 16, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty.

Drawing entry cards (Form 4-775) are available upon request from the Land Office Manager, Bureau of Land Management, P. O. Box 1018, Room 371, New Custom House, Denver 1, Colorado. Drawing entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official prior to 10:00 a. m., on July 23, 1958. Drawing entry cards must show Small Tract Classification No. 25 in the space provided. A drawing will be held on July 24, 1958 at 2:00 p. m., in Room 367, New Custom House, Denver, Colorado. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return and as to payment of fees and rentals.

8. Inquiries concerning the lands shall be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. Elliott Hall,
Lands and Minerals Officer.

April 1, 1958.

[F. R. Doc. 58-2610; Filed, Apr. 9, 1958; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

April 3, 1958.

Bureau of Sport Fisheries and Wildlife has filed an application, Serial No. Idaho 08069, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws and General Mining Laws, but not the Mineral Leasing Laws. The applicant desires the land for a wildlife management area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 36 E.,
  Sec. 35, SE¼NE¼.
T. 5 N., R. 37 E.,
  Sec. 5, Lots 1, 2, 3, 4, S½N½, SE¼, lying west of the Union Pacific Railroad right-of-way;
  Sec. 6, Lots 1, 2, 3;
  Sec. 16, E½NW¼.
T. 6 N., R. 37 E.,
  Sec. 31;
  Sec. 32, that portion lying west of the Union Pacific Railroad right-of-way.

This area includes 1,503.32 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-2611; Filed, Apr. 9, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CARL M. VUCKEL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8942; January 13, 1956, 21 F. R. 273; April 25, 1956, 21 F. R. 2666; September 27, 1956, 21 F. R. 7419; April 4, 1957, 22 F. R. 2257; October 10, 1957, 22 F. R. 8072.

A. Deletions: None.
B. Additions: Champlin Oil.

This statement is made as of March 16, 1958.

Dated: March 16, 1958.

CARL M. VUCKEL.

[F. R. Doc. 58-2605; Filed, Apr. 9, 1958; 8:45 a. m.]

[Dept. Order 159, Revised]

OFFICE OF INTERNATIONAL TRADE FAIRS

ORGANIZATION AND FUNCTIONS

The material appearing in 22 F. R. 1303-1304 of March 1, 1957 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to redefine the organization and functions of the Office of International Trade Fairs.

SEC. 2. *Organization.* .01 The Office of International Trade Fairs is a constituent unit of the Office of the Secretary and is headed by a Director who reports to the Assistant Secretary of Commerce for International Affairs.

.02 The Office of International Trade Fairs consists of the following organization units:

1. The Office of the Director—
Deputy Director, Executive Officer, Public Information Staff, Theme Development Staff.

2. The Office of the Assistant Director for Operations—
Industry Relations Staff, Design and Construction Division, Procurement and Transportation Division, Exhibit Operations Division.

.03 In order to facilitate the conduct of activities relating to design, procurement and storage, the Office of International Trade Fairs may maintain offices in such locations as the Director and Assistant Secretary for International Affairs may deem appropriate.

SEC. 3. *Delegation of authority.* .01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director of the Office of International Trade Fairs shall perform the functions and exercise the power and authorities relating to U. S. participation in international fairs and expositions including trade and industrial fairs and other demonstrations of U. S. industrial accomplishments, vested in the Secretary of Commerce by the International Cultural Exchange and Trade Fair Participation Act of 1956, 84th Congress, Second Session, (70 Stat. 778) and Executive Order No. 10716 of June 17, 1957; and relating to the promotion of international trade through other international trade fair activities as authorized by the act of February 14, 1903 (32 Stat. 826).

.02 The Director of the Office of International Trade Fairs may redelegate any power or authority conferred to him by this order to any officer of the Office of International Trade Fairs to be exercised in accordance with such conditions and limitations as he may prescribe.

SEC. 4. *Objective and general functions.* The objective of the Office of International Trade Fairs is to demonstrate to people of other countries, in a dramatic and effective manner the excellence of our free enterprise system as reflected in our products and other economic and industrial accomplishments, and to strengthen the ties which unite the United States with other nations by participation at international trade fairs and expositions. To this end the Office shall:

1. Coordinate, plan, design, establish and operate United States exhibits and joint Government industry exhibits at selected international trade fairs abroad for the purpose of displaying official interest in such fairs and strengthening total United States participation in specific events;

2. Cooperate with United States business and industry to stimulate a wider use of the international trade fair abroad as a medium for the promotion of commerce and for the maintenance of United States prestige abroad, and encourage and facilitate the display of American products at such international trade fairs; and

3. Encourage private individuals, firms and other groups to make contributions of funds, property and services, and otherwise to participate in these international trade fair activities.

SEC. 5. *Duties and responsibilities.* .01 The Director is responsible for the development and direction of the programs of the Office of International Trade Fairs and all operations and administrative activities thereunder. The Office of the Director includes:

1 The Deputy Director who shall be the chief operating aid to the Director and shall assist in the direction of the operations of the Office of International Trade Fairs, act for the Director in his absence, and perform such other duties as the Director may assign;

2 The Executive Officer who shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the operations of the Office. To this end, he shall be responsible for administrative management, and budget, fiscal, and personnel administration. The Executive Officer shall advise with the heads of appropriate offices reporting to the Assistant Secretary of Commerce for Administration, on over-all management and related matters which may affect the efficient conduct of the Office of International Trade Fairs, and shall secure all necessary administrative and office services through such offices.

3 The Public Information Staff which, subject to the provisions of Department Order No. 138, shall prepare news releases and maintain liaison with the daily and trade press and other media of public communication and shall make available to the public current information on the operations of the Trade Fair Program; and

4 The Theme Development Staff whose principal function shall be to develop the objectives and general content of proposed United States exhibits and Government sponsored industry exhibits in consideration of the political, economic and commercial objectives of the United States in the sponsor country. In this connection it shall be responsible for assembling and analyzing all pertinent information necessary for the selection of appropriate themes and contents of the United States exhibit at all fairs in which the Office participates. To this end the staff shall advise with country and area specialists in the Commerce, State, Agriculture and other United States Government Departments, Embassies, United States Information Agency Staff and other sources as may be appropriate.

.02 The Assistant Director for Operations shall be responsible for the projection of the theme objectives into the visual presentation and the preparation and effective staging of United States exhibits at international trade fairs. He shall also be responsible for the complete management of exhibit operations including design, specific content, construction, mounting of supporting displays, and managing and striking the exhibit. He shall be responsible to the Executive Officer for the proper execution of approved budgetary plans governing those operations under his direction and supervision including the operations of the Industry Relations Staff, the Design and Construction, the Procurement and Transportation, and the Exhibit Operations Divisions whose functions are as follows:

1 The Industry Relations Staff shall be responsible for promoting a wider understanding of trade fairs on the part of industry; stimulating interest in and encouraging greater participation by industry in international trade fairs; enlisting the cooperation of industry in order to achieve maximum effectiveness in the Government's efforts in the Trade Fair Program; directing the preparation of pamphlets and other informational materials which set forth the advantages to industry of its participation in the program including the development of foreign commerce; and through continuous top level contact with industry, trade associations, etc., providing the Procurement and Transportation Division with information on outstanding exhibit items and, where necessary, assisting in obtaining these items.

2 The Design and Construction Division shall be responsible for plans, designs, specifications, and construction of exhibit buildings and displays; the preparation, as appropriate, of bid specifications for and recommending award of design and construction contracts; the inspection and review of performance under contracts; and the selection and placement, as appropriate, of exhibit and display materials.

3 The Procurement and Transportation Division shall be responsible for securing exhibit and display materials appropriate to the approved theme of the United States exhibit; procuring through direct contact with industrial and business concerns specific items of equipment necessary for use in any aspect of the exhibit by loan, gift or purchase; maintaining the necessary control of all property used at exhibits; and arranging for the disposition of such materials at the termination of the fair. This Division shall also be responsible for the most expeditious and economical transportation of materials from their source to and from the fair sites and for the proper safeguarding of all equipment and materials during shipment and storage.

4 The Exhibit Operations Division shall be responsible for the conduct of all overseas exhibit operations and the management of the exhibit at the fair site. In the exercise of this responsibility the Division shall select, train and furnish properly qualified Exhibit Managers and Assistant Exhibit Managers; shall provide necessary informational materials and shall develop appropriate and specific instructions on all aspects of the Exhibit Manager's activities overseas including but not limited to information and instructions concerning local operating characteristics, availability of local skills, contracting for personal and other services, exhibit erection, availability of materials and supplies, identification of local contacts with Governmental officials and United States industry, management and control over the overseas budget, striking the exhibit, and the sale, storage, return or other disposal of exhibit and display materials.

Effective date: March 14, 1958.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-2631; Filed, Apr. 9, 1958; 8:51 a. m.]

[Dept. Order 86, Amdt. 4]

ASSISTANT ADMINISTRATOR FOR AIRSPACE, CIVIL AERONAUTICS ADMINISTRATION

DUTIES AND RESPONSIBILITIES

The material appearing in 21 F. R. 7027-7030 of September 19, 1956; 22 F. R. 2017-2018 of March 27, 1957; 22 F. R. 4257-4258 of June 15, 1957; and 23 F. R. 403 of January 22, 1958, is further amended as follows:

The purpose of this amendment is to provide for the establishment of the position of Assistant Administrator for Airspace as a principal officer in the Office of the Administrator. Department Order No. 86 (Amended) of July 1, 1956, is further amended by adding subsection 4 to section 5.02 to read as follows:

4 The Assistant Administrator for Airspace assists the Administrator and Deputy Administrator in all matters pertaining to the use of the navigable airspace and the adjudication of airspace problems.

Effective date: March 19, 1958.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-2632; Filed, Apr. 9, 1958; 8:51 a. m.]

[Dept. Order 91, Revised]

WEATHER BUREAU

ORGANIZATION AND FUNCTIONS

The material appearing in 21 F. R. 1392-94 of March 2, 1956, is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Weather Bureau.

SEC. 2. *Organization.* .01 The Weather Bureau, established by the Act of October 1, 1890 (26 Stat. 653; 15 U. S. C. 311), is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Chief of Bureau appointed by the President with the advice and consent of the Senate. The Chief of Bureau shall report and be immediately responsible to the Under Secretary of Commerce for Transportation.

.02 The Weather Bureau shall be constituted as follows:

Chief of Bureau.
Deputy Chief of Bureau.
Assistant Chief for Technical Services—
Forecasts and Synoptic Reports Division, Observations and Station Facilities Division, Hydrologic Services Division, Instrumental Engineering Division, District Meteorological Offices.
Assistant Chief for Administration—
Budget and Management Division, Personnel Management Division, Administrative Operations Division, Public Information Coordinator, Regional Administrative Offices.
Assistant Chief for Program Planning.
Coordinator of International Activities.
Director, Office of Climatology.
Director, Office of Meteorological Research.
Director, Physical Science Laboratory.
Director, National Meteorological Center.
Field Offices.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by law and subject to such policies and directives as the Secretary of Commerce may prescribe, the Chief of Bureau is hereby authorized to perform the functions and exercise the authority of the Secretary of Commerce under existing and subsequent legislation relating to the functions assigned in this order including but not limited to Title 15, Chapter 9, United States Code; Section 803, Chapter 601 of the act of June 23, 1938 (52 Stat. 1014; 49 U. S. C. 603); the International Aviation Facilities Act (62 Stat. 450; 49 U. S. C. 1151 et seq.); and the act of June 16, 1948 (15 U. S. C. 313 note, 62 Stat. 470).

.02 The Chief of the Weather Bureau may redelegate and authorize the successive redelegation of the authority granted herein to any employee of the Weather Bureau and may prescribe such limitations, restrictions, and conditions in the exercise of such authority, as he deems appropriate.

SEC. 4. *General functions.* .01 The Weather Bureau provides the national meteorological service, which includes the preparation and distribution of forecasts and warnings of general weather conditions and of severe storms and floods, the collection and dissemination of weather information, the development of improved applications of meteorological data, and research directed toward a better understanding of the atmosphere. In performing these functions the Bureau:

1 Makes observations and measurements of atmospheric phenomena in order to establish a firm scientific basis for all meteorological activities;

2 Prepares and distributes, to the public and other Government agencies, forecasts of general weather conditions and warnings of severe storms and other adverse weather conditions, for the protection of life and property and for the economic benefit of the nation;

3 Collects, tabulates, analyzes, and publishes records of temperature, rainfall, and other climatic elements for the United States, the oceans, and certain foreign areas; develops applications of climatology for agriculture, industry, commerce and other aspects of the national economy;

4 Maintains a constant watch over river stages and those weather conditions which produce floods; provides warnings of impending floods, in addition to regular forecasts of river stages for navigation and of seasonal water supply; participates with other Federal agencies in hydrometeorological investi-

gations for the overall planning and development of water resources;

5 Participates actively in the World Meteorological Organization for the development and operation of a basic international meteorological reporting network, the maintenance of observational standards, the coordination of international exchanges of meteorological data, and the promotion and development of meteorological science;

6 Conducts research on the physical processes in the atmosphere, circulation patterns, improved techniques in weather forecasting, and other aspects of the meteorological science; encourages research by universities through contractual arrangements for the solution of specific meteorological problems; and participates with other Federal agencies in the coordination of meteorological research by the Government.

SEC. 5. *Functions of the Office of the Chief of Bureau.* .01 The Chief of Bureau, in conformity with the policies and directives of the Secretary of Commerce, determines the policies of the Weather Bureau and directs the development and execution of its programs.

.02 The Deputy Chief of Bureau, is the principal assistant to the Chief of Bureau and shares with him generally in the direction of the Bureau. In the absence of the Chief, the Deputy assumes the duties and responsibilities of the Chief of Bureau.

.03 The Assistant Chief for Technical Services is the principal advisor to the Chief of Bureau in all matters pertaining to Technical Program Operations and is responsible for the development and conduct of programs in the fields of forecasting, observations, synoptic meteorology, hydrology, instrumental engineering, communications, and station facilities. The Assistant Chief for Technical Services exercises direction and coordination over the policies and programs of the Forecasts and Synoptic Reports Division, Observations and Station Facilities Division, Hydrologic Services Division, Instrumental Engineering Division, and the District Meteorological Offices. In addition, he is responsible for such special projects as polar operations and related activities.

.04 The Assistant Chief for Administration is the principal advisor to the Chief of Bureau in all matters pertaining to administration and management and is responsible for the planning and operations in these areas with particular reference to budget, fiscal, personnel, organization, administrative management, coordination and planning, general services, information and security. The Assistant Chief for Administration exercises direction and coordination over the policies and programs of the Budget and Management Division, Personnel Management Division, Administrative Operations Division, Public Information Coordinator, and the Regional Administrative Offices.

.05 The Assistant Chief for Program Planning is the principal advisor on program development, coordination and evaluation. He is responsible for technical program planning, domestic and international; the development, in keeping with known and anticipated operating requirements and responsibilities, the long-range plans for the Bureau; the conduct of planning activities not specifically or exclusively the responsibility of any one program office; top-level liaison with external planning groups, and special staff assistance to the Office of the Chief of Bureau.

.06 The Coordinator of International Activities acts as advisor to the Chief of Bureau on the preparation, coordination and presentation of the position of the United States Government with respect to participation and contribution to international cooperative meteorological activities.

.07 In the absence of the Chief of Bureau, the Acting Chief of Bureau is automatically the first official available in the sequence listed in subsections 5.02, 5.03, 5.04, and 5.05, above.

SEC. 6. *Research and development functions.* .01 The Office of Climatology, headed by a Director who reports and is responsible to the Chief of Bureau, formulates and conducts all phases of national climatological research programs and research and development programs in the field of global climatology. It develops and studies new concepts and principles involved in the collection, analysis, storage, summarization, and utilization by the national economy of climatological data and is responsible for designing national climatological programs to meet the present and future requirements of the agricultural, industrial, scientific, military, and commercial activities of the nation including the United States territories, Trust Territories, and foreign areas of national interest. In addition, the Office of Climatology maintains a central repository of weather records from the United States and foreign sources and determines the kinds of meteorological data to be collected; the form and mode of retention; and the numbers and types of summarizations, tabulations, correlations, and other statistical treatments most valuable for program needs.

.02 The Office of Meteorological Research, headed by a Director who reports and is responsible to the Chief of Bureau, plans and leads research directed toward discovery and interpretations of new concepts, principles, and methods concerning forecasting and related activities. It conducts research in the fields of physical and dynamical meteorology, especially meteorological physics of the high atmospheres. In addition, the Office of Meteorological Research coordinates forecasting research projects within the Bureau; develops cooperative research projects with agencies outside the Bureau; tests and evaluates new or modified methods of forecasting; and edits the various scientific publications of the Bureau.

.03 The Physical Science Laboratory, headed by a Director who reports and is responsible to the Chief of Bureau, plans and leads basic laboratory type research programs directed at obtaining a better understanding of the fundamental physical processes responsible for weather phenomena. It conducts research studies of stability of cloud elements, molecular structure of water in its various states, conversion of heat to kinetic or electrical energy, and the origin, magnitude and periodicity of terrestrial and extra-terrestrial radiations. In addition, the Physical Science Laboratory develops new methods and devices for the measurement and evaluation of basic physical properties of atmospheric elements; studies the electrical properties of ions, water droplets, and ice crystal under actual and simulated conditions in order to determine in quantitative terms their relations to basic weather processes; and makes quantitative physical analyses of clouds, particularly in relation to stability, growth, and capacity for ice formation.

.04 The National Meteorological Center, headed by a Director who reports and is responsible to the Chief of Bureau, provides for the gradual and orderly extension of complex high speed electronic computation systems to all phases of the Bureau's hemispheric synoptic analysis, prognostic guidance, and long-range forecast programs. Develops methods of meteorological data processing, analysis and computation leading to maximum application of electronic computers to the field of synoptic meteorology and prognosis. Directs research and development of numerical weather prediction techniques, and promotes the utilization and incorporation of products of the Center into field level forecasting programs.

SEC. 7. *Functions of the Technical Services Divisions.* The Technical Services Divisions and Offices under the jurisdiction of the Assistant Chief for Technical Services provide and are responsible for the following functions:

.01 Forecasts and Synoptic Reports Division is responsible for the collection, scheduling, and processing of weather reports, and the development and dissemination of weather forecasts, warnings, and reports. It appraises demands for now or improved weather services, recommends appropriate modifications in programs to meet expressed needs, and adapts for national use technical developments in the field of meteorology.

.02 Observations and Station Facilities Division plans, directs, and implements the basic weather observational program; devises or revises methods, observational aids, instructions and manuals; develops and applies standards for efficient utilization of equipment and space at field stations; maintains comprehensive station histories classified by types of service programs conducted in the field; and coordinates the several networks of substations (paid and cooperative) to obtain the most effective utilization of part-time observers.

.03 Hydrologic Services Division supervises and coordinates all hydrologic activities including (a) river and flood forecast and warning service, (b) water supply forecasting service, and (c) hydrometeorological studies including those pursued in cooperation with other Federal agencies. In addition, this Division coordinates all Bureau participation in Federal inter-agency activities in the field of hydrology.

.04 Instrumental Engineering Division is responsible for developing instruments to meet operating requirements for observing and recording meteorological elements; for developing practical specifications for the procurement of technical equipment and supplies and making recommendations concerning the award of contracts for their procurement; for preparing and issuing instructions for the installation, exposure, operation, and maintenance of meteorological equipment; and for establishing standards for efficient instrumentation within the field network of meteorological stations.

.05 District Meteorological Offices provide top level technical leadership to field stations, in an assigned area, with respect to all phases of the Weather Bureau field station programs including meteorological observations, forecast service of all types, applied climatology and all other applicable technical service program operations. To assist field offices in establishing and maintaining the highest technical standards in synoptic meteorological practices, the District Meteorological Offices (1) study current operating procedures and methods, (2) recommend new and revised standards of general application, (3) review forecast programs in order to analyze the techniques in use and to suggest better applications of present techniques, or the use of techniques better suited to the particular program, (4) participate in all phases of forecasting, map analysis, and service programs for the purpose of obtaining information and providing assistance, and (5) carry on research and special studies in the field of synoptic meteorology, and conduct workshop and seminars to pass on the results of research to field personnel.

Sec. 8. *Functions of the Administrative Divisions*. The Administrative Divisions under the jurisdiction of the Assistant Chief for Administration provide and are responsible for the following functions:

.01 The Budget and Management Division provides staff assistance to the Chief of Bureau in the development, application, and execution of policies and procedures as they relate to the budget and accounting process, preparation, presentation, and justification of program requirements to reviewing executive agencies and the Congress; allocation of funds for authorized activities; establishment and maintenance of budgetary and accounting controls and records over appropriated and transferred funds; administration of an internal audit program to assure compliance with legal, administrative, and management requirements and Bureau objectives; preparation of budget, fiscal and other reports on the effectiveness of the Bureau's programs; management activities; organizational planning; and administrative coordination.

.02 The Personnel Management Division develops and directs the personnel programs and poliices of the Bureau, in collaboration with top administrative operational, and technical officials. The personnel function includes all phases of personnel management with specific emphasis on position classification, wage administration, recruitment, placement and health services, employee awards, grievances and disciplinary actions, employee-employer relationships, and executive, administrative, and technical training programs. This Office directs the development, application and revision of standard personnel policies throughout the Bureau with special emphasis upon consistency among the Regional Administrative Offices for the benefit of Bureau operations in general.

.03 The Administrative Operations Division is responsible for the management and administration of procurement, property management, messenger services, control and utilization of Bureau automotive equipment, printing, distribution of printed and reproduced material, drafting, safety, security, and general administrative services. It directs the development, application, and revision of standard administrative service policies throughout the Bureau and serves as the focal point for all civil defense activities of the Bureau except those of a technical service program nature.

.04 The Public Information Coordinator facilitates the provision of information on Weather Bureau activities to all news media, develops and recommends and subsequently directs and coordinates Bureau policy for the guidance of all segments of Bureau operations both central office and field in the areas of public and press relations; develops techniques for improving the issuance of public information; handles a variety of special material requests and other data for purposes of publication and/or release for public consumption.

.05 Regional Administrative Offices are responsible for the conduct of the following functions and activities on a regional basis:

1 Provision of administrative services to field units.

2 Recruitment, assignment, and administrative control over personnel within approved regional employment ceilings and subject to such limitations as the Assistant Chief for Administration may impose.

3 Maintaining overall appraisals of the efficiency and quality of job performance in all positions, particularly supervisory jobs in the various field units.

4 Maintaining continuous survey and appraisal of field facilities, advising and consulting with headquarters in solution of existing problems, and reporting information for use in review and appraisal of program requirements and making necessary recommendations for redeployment of field installations and services.

5. Effectuating and coordinating approved changes in field organization and programs.

Sec. 9. *Functions of the Field Service*. The Weather Bureau Field Service consists of: (1) Public service offices where observations of surface and upper level meteorological elements are taken, recorded, and transmitted on a daily, six-hourly, and/or hourly basis; forecasts of a general and specialized nature are prepared and disseminated on a regular basis; and where special warnings and advices are issued when severe weather conditions are forecast; (2) a number of specialized service and processing centers for the purpose of providing service on a national or regional scale or centralized support services of an internal nature, i. e., the National Weather Records Center, Weather Records Processing Centers, River Forecasts Centers, Hydrologic Area Engineers Offices, Area and State Climatologist Offices, the Radiosonde Reconditioning Center, and Ocean Weather Patrol Project Offices, and (3) subordinate weather observation reporting stations, manned chiefly by unpaid observers who make climatological, hydroclimatic, river and flood, and aviation weather observations. The Field Service consists of some 320 public weather service stations and about 12,000 subordinate weather observation reporting stations manned chiefly by unpaid observers.

Effective date: March 27, 1958.

[SEAL] **Sinclair Weeks,**
Secretary of Commerce.

[F. R. Doc. 58-2633; Filed, Apr. 9, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12237 etc.; FCC 58M-328]

OKLAHOMA TELEVISION CORP. ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; William G. Aly, Richard J. Carrere, Frank B. Ellis, George C. Foltz, George E. Martin, Joseph A. Paretti, Chalin O. Perez, John E. Pottharst, and William H. Saunders, Jr., d/b as Coastal Television Company, New Orleans, Louisiana, Docket No. 12289, File No. BPCT-2430; for construction permits for new television broadcast stations (Channel 12); Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT-4679; for modification of construction permit (from Channel 20 to Channel 12).

The Hearing Examiner having under consideration a motion filed April 1, 1958 on behalf of Coastal Television Company, requesting that the date for the further prehearing conference be changed from 2:00 p. m. on Monday, April 7, 1958, to 10:00 a. m. on Monday, April 14, 1958; and

It appearing that counsel for Coastal will be engaged with cross-examination in another hearing on the date for further prehearing conference as now scheduled; and

It further appearing that all other counsel have informally consented to the continuance, and that a granting of the motion will conduce to the orderly dispatch of the Commission's business; now therefore:

It is ordered, This 3d day of April 1958, that the above motion is granted, and that the further prehearing conference now scheduled to be held at 2:00 p. m. on

Monday, April 7, 1958, is continued to 10:00 a. m. on Monday, April 14, 1958.

Released: April 3, 1958.

Federal Communications Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-2643; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket No. 12285]

Study of Radio and Television Network Broadcasting

NOTICE ADVANCING DATE OF HEARING

First witness for the hearings now scheduled to commence on April 8, 1958, will be Meredith Publishing Company. Hearings will be held on Tuesday, Thursday and Friday.

The hearing session now scheduled for the 15th of April 1958 is changed to April 14, 1958. Hearings will be held through April 18, with the exception of Wednesday, April 16, and will be in recess until Tuesday, April 22, 1958. The first witness on the latter date will be KTTV.

Dated: April 2, 1958.

Released: April 3, 1958.

Federal Communications Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-2644; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket No. 12286; FCC 58M-327]

Marvin H. Smith

ORDER SCHEDULING HEARING

In the matter of Marvin H. Smith, Hermosa Beach, California, Docket No. 12286; suspension of amateur radio operator license.

It is ordered, This 3d day of April 1958, on the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding will be held at 9:30 a. m. on April 22, 1958, in the offices of the Commission, Washington, D. C.

Released: April 3, 1958.

Federal Communications Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-2645; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket Nos. 12344-12346; FCC 58M-325]

L. E. U. Broadcasting Co. et al.

ORDER CONTINUING HEARING CONFERENCE

In re applications of L. E. U. Broadcasting Co., Erie, Pennsylvania, Docket No. 12344, File No. BPCT-2362; the Jet Broadcasting Company, Inc., Erie, Pennsylvania, Docket No. 12345, File No. BPCT-2388; WERC Broadcasting Corporation, Erie, Pennsylvania, Docket No. 12346, File No. BPCT-2402; for construction permits for new television broadcast stations (Channel 66).

The Hearing Examiner having under consideration an oral request from counsel for the Broadcast Bureau seeking a continuance of the conference scheduled for April 8, 1958;

It appearing that owing to a conflict in hearing dates, Broadcast Bureau seeks a short continuance and all parties have consented to the same;

It is ordered, This 2d day of April 1958, that the prehearing conference scheduled for April 8, 1958, is continued to April 17, 1958, at 2:00 p. m.

Released: April 3, 1958.

Federal Communications Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-2649; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket No. 12387; FCC 58-316]

Marine Safety

NOTICE OF INQUIRY

In the matter of inquiry into the Marine Safety aspects of all stations which may be authorized to operate on board vessels.

The various land mobile radio services authorized by the Commission utilize stations aboard ships under the rules governing the land mobile services and with frequencies available to these services. The expanding use of radio by the land mobile services will undoubtedly result in a concomitant increase in the installation of such land mobile facilities aboard ships. The Commission is concerned with the possible adverse effect upon marine radio safety which might result when the sole radio installation voluntarily installed aboard ship uses frequencies other than maritime mobile frequencies and operates under rules other than those which govern the maritime mobile radio services. The Commission's concern in this matter is primarily based upon the fact that, under its present licensing system and under the rules which have been recently proposed in connection with the "split channel" proceedings, it is quite possible that the use of VHF radio on board vessels may be greatly encouraged. However, under the outstanding proposals although large numbers of vessels might become equipped with radio, they would, for the most part, be unable to communicate with other vessels licensed in the maritime mobile service or in other services because of a lack of common frequencies. This would appear to defeat the purpose of promoting the safety of life and property at sea.

In view of the foregoing the Commission is initiating this inquiry for the purpose of obtaining information on the following:

(1) Whether all United States ships carrying a licensed radio station should be capable of direct inter-communication for safety purposes and, if so, on what frequency or frequencies.

(2) Whether all United States ships carrying a licensed radio station should be capable of direct inter-communication for safety purposes in at least one of the bands 415-510 kc, 1605-3400 kc, or 156-162 Mc available to the maritime radio service.

(3) Whether all land radio stations serving radio stations aboard ships should be capable of direct inter-communication with all radio stations aboard ships for safety purposes.

(4) Whether all land radio stations serving radio stations aboard ships should be capable of direct inter-communication with ships for safety purposes in at least one of the bands 415-510 kc, 1605-3400 kc, or 156-162 Mc available to the martime radio service.

(5) If only some stations aboard ship or some stations on land should have the capabilities referred to in (1), (2), (3) or (4) above, are there definitive classes of such stations, either by area or purpose of operation or by some other appropriate classification?

Any interested person is invited to file comments with the Commission concerning this matter on or before July 11, 1958. The Commission will take into consideration all such comments prior to initiating any rule making which may be considered to be in the public interest. In accordance with § 1.54 of the Commission's rules, an original and fourteen (14) copies of all comments should be furnished to the Commission.

Approved: April 2, 1958.

Released: April 4, 1958.

Federal Communications Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-2652; Filed, Apr. 9, 1958; 8:55 a. m.]

[Docket No. 12306; FCC 58-302]

Class B FM Broadcast Stations, Redwood City, Calif.

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of April 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations by allocation of Channel 299 to Redwood City, California, as requested by Frank James in his application for a Redwood City station; and

It appearing that Notice of Proposed Rule Making (FCC 58-98) setting forth the above proposal was issued by the Commission on February 3, 1958, and was duly published in the Federal Register (23 F. R. 812), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before February 28, 1958; and

It further appearing that a comment was filed by Patrick Henry opposing the proposal and requested instead that Channel 299 be allocated to Oakland, California, so that he might file an application for its use there; and

It further appearing that an application was filed March 17, 1958, by Grant R. Wrathall and Fay M. Wrathall for a new FM station in San Francisco, California, to operate on Channel 299; and

It further appearing that the San Francisco-Oakland area already has 17 Class B channels allocated to it, 2 of which are as yet unassigned although 3 applications are pending for their assignment; and

It further appearing that Redwood City presently has no FM broadcast stations nor Class B channels allocated to it and the facilities proposed to be used there would provide widespread service to the area including the cities of San Francisco and Oakland; and

It further appearing that the use of Channel 299 in Oakland or San Francisco with facilities to provide coverage over the San Francisco-Oakland metropolitan district as required by the Commission's rules and regulations might involve objectionable interference within 1 mv/m contours with Station KXOA-FM, Sacramento, California, whereas, the distance between Redwood City and KXOA-FM is such that use of Channel 299 in Redwood City as proposed would not involve objectionable interference within 1 mv/m contours with KXOA-FM or any other existing or proposed FM broadcast stations; and

It further appearing that authority for the adoption of the proposed amendment is contained in scetion 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That the petition of Patrick Henry and the implied opposition of Grant R. Wrathall and Fay M. Wrathall are denied and that effective May 2, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of Redwood City, California:

General area	Channel	
	Delete	Add
Redwood City, Calif.		299

Released: April 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-2646; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket No. 12327; FCC 58-298]

CLASS B FM BROADCAST STATIONS, MONTROSE, PA.

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of April 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Rule Making (FCC 58-157) setting forth the above proposal was issued by the Commission on February 24, 1958 and was duly published in the FEDERAL REGISTER (23 F. R. 1226), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before March 21, 1958; and

It further appearing that the only comment received favored adoption of the proposed amendment; and

It further appearing that the adoption of the proposed amendment would facilitate action on an application, File No. BPH-2364, submitted by the Montrose Broadcasting Corporation for a construction permit for a new Class B FM broadcast station in Montrose, Pennsylvania, to operate on Channel 243; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (j), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective April 2, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of Montrose, Pennsylvania:

General area	Channel	
	Delete	Add
Montrose, Pa.		243

Released: April 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-2647; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket No. 12328; FCC 58-299]

CLASS B FM BROADCAST STATIONS, SOUTHERN PINES, N. C.

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of April 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Rule Making (FCC 58-158) setting forth the above proposal was issued by the Commission on February 24, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 1226), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before March 21, 1958; and

It further appearing that no comments were received in the matter either favoring or opposing the proposed amendment; and

It further appearing that the proposed amendment, when adopted, will provide a Class B channel in Southern Pines, North Carolina, for which the Sandhill Community Broadcasters, Inc., licensee of Station WEEB (AM), proposes to file an application; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 201, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective April 2, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of Southern Pines, North Carolina:

General area	Channel	
	Delete	Add
Southern Pines, N. C.		247

Released: April 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 58-2648; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket. No. 12383; FCC 58-301]

CLASS B FM BROADCAST STATIONS; HAYWARD, WIS.

NOTICE OF PROPOSED ALLOCATIONS

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Hayward, Wis.		226

3. The purpose of the proposed amendment is to make Channel 226 available for assignment in Hayward, Wisconsin, for a proposed new FM broadcast station as requested by WJMC, Inc., licensee of Station WHSM (AM), Hayward.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 2, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day

for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 2, 1958.

Released: April 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2650; Filed, Apr. 9, 1958; 8:54 a. m.]

[Docket No. 12384; FCC 58-303]

CLASS B FM BROADCAST STATIONS; VENTURA, CALIF., ET AL.

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Ventura, Calif		236
Santa Barbara, Calif	236	260
San Luis Obispo, Calif	260	223

3. The purpose of the proposed amendment is to make available Channel 236 in Ventura, California, for a proposed new Class B FM broadcast station there as requested in an application (File No. BPH-1456, as amended) submitted by Tri-Counties Public Service, Inc.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 2, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 2, 1958.

Released: April 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2651; Filed, Apr. 9, 1958; 8:55 a. m.]

[FCC 58-300]

CLASS B FM BROADCAST STATIONS; DECATUR, ALA.

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of April 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Decatur, Ala	223	271

It appearing that the North Alabama Broadcasting Company, licensee of FM broadcast Station WHOS-FM, Decatur, Alabama, has filed an application, File No. BPH-2400, for assignment of Channel 271 in lieu of Channel 223; and

It further appearing that present operations of WHOS-FM on Channel 223 result in interference in the Decatur area to reception of television Station WBRC-TV, Birmingham, Alabama, operating on Channel 6, due to the fact that Channel 223 is only 5.5 megacycles above television Channel 6; and

It further appearing that operation of WHOS-FM on Channel 271 would eliminate the present interference conditions; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that because of the proposed amendment merely represents a substitution of one channel for another with no objectionable interference being involved with existing or proposed stations or other allocations, the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act are unnecessary;

It is ordered, That effective April 2, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

Released: April 3, 1958.

General area	Channel	
	Delete	Add
Decatur, Ala	223	[illegible]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2658; Filed, Apr. 9, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3664, G-9045 and G-9046]

HOUSTON NATURAL GAS PRODUCTION CO.

NOTICE OF POSTPONEMENT OF HEARING

APRIL 3, 1958.

Upon consideration of the motion filed April 2, 1958, by Staff Counsel for postponement of the hearing now scheduled for April 17, 1958, in the above-designated matter;

The hearing now scheduled for April 17, 1958 is hereby postponed 10:00 a. m., e. d. s. t., May 19, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2614; Filed, Apr. 9, 1958; 8:47 a. m.]

[Docket No. G-9823]

HEEP OIL CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

APRIL 4, 1958.

Upon consideration of the request filed April 3, 1958, by Counsel for Heep Oil Corporation;

The hearing in the above-designated matter now scheduled for April 8, 1958, is postponed to a date to be hereafter fixed by further notice.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2615; Filed, Apr. 9, 1958; 8:47 a. m.]

[Docket No. E-6807]

NEW HAMPSHIRE WATER RESOURCES BOARD

NOTICE OF DECLARATION OF INTENTION

APRIL 4, 1958.

Public notice is hereby given that New Hampshire Water Resources Board (Declarant), an agency of the State of New Hampshire, of Concord, New Hampshire, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a water storage project (Docket No. E-

[illegible]), known as Errol Project, on the Androscoggin River and its tributaries in the towns of Errol, Wentworth Location, Dartmouth College Grant, and Cambridge, all in Coos County, New Hampshire, and in the towns of Upton, Magalloway Plantation, and Lincoln Plantation, all in Oxford County, Maine. The proposed project is to be located about 170 miles upstream from tidewater at Brick Island in Merrymeeting Bay and would consist of a concrete gravity dam with a maximum height about 45 feet, a spillway of concrete and steel, flanked by a dike of earth and rock fill, the overall length approximately 2,200 feet; a reservoir with normal full pond at elevation 1,275 feet, mean sea level reference datum, to have a total storage capacity of about 530,000 acre-feet and surface area of about 21,700 acres, and a usable storage capacity of about 500,000 acre-feet with a drawdown of 36 feet to minimum pool elevation of 1,239 feet. The new dam will be about 300 feet downstream from an existing dam owned by The Union Water Power Company in Errol, New Hampshire, and will raise the present full pond level of Lake Umbagog by approximately 28 feet. Design and construction will permit later installation of hydroelectric facilities at Errol Project and will include provision for passage of logs and pulpwood. The purpose of the proposed project is to improve the dependable flow of the Androscoggin River for the benefit of water power users at eighteen downstream developments having a gross operating head of 726 feet and located in the States of New Hampshire and Maine, some of the owners being Brown Company, The Union Power Company, Rumford Falls Power Company, Trustees of Dartmouth College, Central Maine Power Company, and Public Service Company of New Hampshire. The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with State laws. Any communication from persons interested in this matter may be submitted on or before May 21, 1958, to the Federal Power Commission, Washington 25, D. C. The declaration of intention is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2616; Filed, Apr. 9, 1958; 8:47 a. m.]

[Docket No. G-14756]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 4, 1958.

Texas Gulf Producing Company (Texas Gulf) on March 6, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Contract, dated November 7, 1957. (2) Notice of change, dated February 25, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: (1) Texas Gulf's FPC Gas Rate Schedule No. 29 (supersedes Texas Gulf's FPC Gas Rate Schedule No. 15, as amended). (2) Supplement No. 1 to Texas Gulf's FPC Gas Rate Schedule No. 29.

Effective date: April 6, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Texas Gulf states that the new contract was negotiated in good faith at arm's-length to supersede the existing contract which expires under its own terms on February 1, 1958. Texas Gulf also states that the 20.0 cents per Mcf rate is reasonable and in line with the going price for gas in the area, and that denial thereof would abrogate the contract and deprive seller of valuable contractual rights without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Texas Gulf's FPC Gas Rate Schedule No. 29, and Supplement No. 1 thereto, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Texas Gulf's FPC Gas Rate Schedule No. 29, and Supplement No. 1 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and the supplement thereto be and they are each hereby suspended and the use thereof deferred until September 6, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2617; Filed, Apr. 9, 1958; 8:48 a. m.]

[Docket No. G-14757]

HONOLULU OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 4, 1958.

Honolulu Oil Corporation (Honolulu) on March 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 5, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Honolulu's FPC Gas Rate Schedule No. 4.

Effective date: April 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Honolulu cites the contract provision therefor and submits a general statement to the effect that the contract was negotiated at arm's-length. Honolulu states that the increased price is just and reasonable and not above the market value or average price of gas in the area and to deny the increased rate would be unjust.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Honolulu's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Honolulu's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 7, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2618; Filed, Apr., 9, 1958; 8:48 a. m.]

[Docket No. G-14758]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 4, 1958.

Texas Gulf Producing Company (Texas Gulf) on March 10, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated January 31, 1958. (2) Notice of change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 10 to Texas Gulf's FPC Gas Rate Schedule No. 6. (2) Supplement No. 11 to Texas Gulf's FPC Gas Rate Schedule No. 6.

Effective date: April 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Texas Gulf states that the increased price is just and reasonable and was arrived at after competitive arm's-length bargaining in good faith. Texas Gulf also contends that it is entitled to the increased price since many of its wells in the field have been plugged and abandoned resulting in higher unit costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplements Nos. 10 and 11 to Texas Gulf's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 10 and 11 to Texas Gulf's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2619; Filed, Apr. 9, 1958; 8:48 a. m.]

[Docket No. G-14759]

JOHN H. GRIMM ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 4, 1958.

John H. Grimm (Operator) et al. (Grimm), on March 10, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 1 to Grimm's FPC Gas Rate Schedule No. 1.

Effective date: April 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Grimm cites the favored-nation provision therefor and states that such increase will allow seller to obtain a price equal to that received by other producers in the area. Grimm further states that to deny the increased price would amount to confiscation of seller's property.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Grimm's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Grimm's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2620; Filed, Apr. 9, 1958; 8:48 a. m.]

[Docket No. G-14760]

SAMEDAN OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 4, 1958.

Samedan Oil Corporation (Samedan) on March 10, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of change, dated March 4, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Samedan's FPC Gas Rate Schedule No. 1. Supplement No. 1 to Samedan's FPC Gas Rate Schedule No. 2.

Effective date: April 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Samedan cites the contract provision therefor and submits a general statement to the effect that the contract was negotiated at arm's-length, the increased price is just and reasonable and not above the market value or average price of gas in the area and to deny the increased rate would be unjust. Samedan states the rapid displacement by gas of other fuels proves the present price is less than competitive with other fuel prices.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Samedan's FPC Gas Rate Schedule No. 1, and Supplement No. 1 to Samedan's FPC Gas Rate Schedule No. 2, be suspended and the use thereof deferred as hereinafter ordered.

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[1] Changes, among other things, base rate from 8.7209¢ to 13.75¢ per Mcf.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Samedan's FPC Gas Rate Schedule No. 1, and Supplement No. 1 to Samedan's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2621; Filed, Apr. 9, 1958; 8:48 a. m.]

[Docket No. G-14761]

LIMPIA ROYALTIES, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 4, 1958.

Limpia Royalties, Inc. (Limpia), on March 11, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 4, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Limpia's FPC Gas Rate Schedule No. 3.

Effective date: April 11, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Limpia cites the contract provision therefor and submits a general statement to the effect that the contract was negotiated at arm's-length. Limpia also states that the increased price is just and reasonable and not above the market value or average price of gas in the area and to deny the increased rate would be unjust.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Limpia's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Limpia's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 11, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2622; Filed, Apr. 9, 1958; 8:48 a. m.]

[Docket No. G-14762]

J. E. JONES DRILLING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 4, 1958.

J. E. Jones Drilling Company (Operator) et al. (Jones) on March 11, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 4, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 3, to Jones' FPC Gas Rate Schedule No. 2.

Effective date: April 11, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Jones cites the contract provision therefor and submits a general statement to the effect that the contract was negotiated at arm's-length. Jones also states that the increased price is just and reasonable and not above the market value or average price of gas in the area and to deny the increased rate would be unjust.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Jones' FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Jones' FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 11, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting.)

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2623; Filed, Apr. 9, 1958; 8:49 a. m.]

[Docket No. G-13446]

CITIES SERVICE OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 4, 1958.

Take notice that on October 14, 1957, Cities Service Oil Company (Applicant) filed in Docket No. G-13446 an application, pursuant to section 7 (b) of the

Natural Gas Act, for authorization to abandon natural gas service to Tennessee Gas Transmission Company from the Underwood and Koehn leases in the Underwood Field, Lavaca County, Texas, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the subject wells have become depleted, that the last deliveries therefrom were made in October 1956, that the wells have been plugged and abandoned, and that the leases have expired under their own terms.

The service here sought to be abandoned, which service is covered by a sales contract dated February 24, 1956, as amended, was originally authorized by the Commission on June 3, 1957, in Docket No. G-10483.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2624; Filed, Apr. 9, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-647]

EASTERN GAS AND FUEL ASSOCIATES

NOTICE OF FILING OF APPLICATION FOR AN ORDER DECLARING APPLICANT NOT TO BE AN ELECTRIC UTILITY COMPANY

APRIL 3, 1958.

Notice is hereby given that an application, and amendments thereto, have been filed by Eastern Gas and Fuel Associates ("Eastern"), a Massachusetts voluntary association and an exempt holding company pursuant to an order entered under section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("act"). Applicant requests an order pursuant to section 2 (a) (3) (A) of the act declaring it not to be an electric utility company on the ground that it is primarily engaged in one or more businesses other than the business of an electric utility company, and that, by reason of the small amount of electric energy sold by it, it is not necessary in the public interest or for the protection of investors or consumers that it be considered an electric utility company for the purposes of the act. All interested persons are referred to the application which is on file in the offices of this Commission. The facts upon which the application is based are summarized as follows:

Eastern is engaged in, among other businesses, the mining and distribution of coal, the operation of coke oven and gas manufacturing plants and in steamship and towboat operations. It has one public-utility subsidiary company, Boston Gas Company, which is a gas utility company and also an electric utility company and which serves natural and mixed gas in the city of Boston, Massachusetts and environs, and electricity in the Charlestown district of the city of Boston.

In connection with its coal mining operations at Colver, Pennsylvania, Eastern leases certain electrical substation and transmission line facilities and purchases electricity from Pennsylvania Electric Company ("Penelec"), a non-affiliated electric utility company. Although it uses most of such electricity in its mining operations, Eastern sells a portion thereof to a neighboring non-affiliated coal mine, Bethlehem Mines Corporation ("Bethlehem"). Eastern states that, except for the sale of electricity to Bethlehem, it does not sell electricity to any other person and, that the purchase from Penelec and the resale of a portion thereof to Bethlehem results in lower power costs to both Eastern and to Bethlehem.

For the year ended December 31, 1957, Eastern purchased from Penelec 47,506,855 kilowatt-hours at a cost of $467,618. Of this amount, 17,851,593 kilowatt-hours were sold to Bethlehem for $198,705. For the calendar year 1957 the total revenues of Eastern from all sources amounted to approximately $189,300,000.

Notice is further given that any interested person may, not later than April 24, 1958, at 5:30 p. m., request in writing that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing in respect of such matter. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the relief requested including the entry of an order declaring Eastern not to be an electric utility company, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2626; Filed, Apr. 9, 1958; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 4-9-58 to 4-8-59 (ladies' lingerie).

Cater Frock Co., New Braunfels, Tex.; effective 4-9-58 to 4-8-59 (children's dresses).

Cluett Peabody & Co., Inc., Virginia, Minn.; effective 4-1-58 to 3-31-59 (men's dress shirts).

Cornelia Garment Co., 107 Chattahoochee Street, Cornelia, Ga.; effective 4-11-58 to 4-10-59 (men's work shirts, boys' sport shirts).

Empire Manufacturing Co., Winder, Ga.; effective 4-1-58 to 3-31-59 (pants).

The Falmouth Co., Falmouth, Ky.; effective 3-31-58 to 3-30-59 (apparel—work clothing).

Sandye Shirt Corp., Portland, Tenn.; effective 4-20-58 to 4-19-59 (boys' sport shirts).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville, Ind.; effective 4-1-58 to 3-31-59 (denim overalls).

Tioga Sportswear Corp., 69 Alden Street, Fall River, Mass.; effective 3-27-58 to 3-26-59 (men's and boys' sport jackets).

Weldon Manufacturing Co. of Pennsylvania, Muncy, Pa.; effective 4-1-58 to 3-31-59 (pajamas).

Windon Manufacturing Co., Church Street, Winona, Miss.; effective 3-31-58 to 3-30-59 (men's and boys' sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barnell Manufacturing Co., 135 South Main Street, Doylestown, Pa.; effective 3-26-58 to 3-25-59; 10 learners (children's cotton shorts).

Lou Blond, 36 Center Street, Hughestown, Pa.; effective 3-26-58 to 3-25-59; 10 learners (dresses).

A. Lore, Inc., 53 Pike Street, Port Jervis, N. Y.; effective 3-26-58 to 3-25-59; five learners (children's underwear, slips).

Piedmont Blouse Co., Inc., 321 South Davie Street, Greensboro, N. C.; effective 3-26-58 to 3-25-59; 10 learners (ladies' and children's woven cotton slips).

Saf-T-Bak, Inc., 1715 11th Avenue, Altoona, Pa.; effective 4-1-58 to 3-31-59; 10 learners (men's and boys' duck hunting clothes).

The following certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bruce Garment Manufacturing Co., Bruce, Wis.; effective 3-26-58 to 9-25-58; 60 learners (women's and children's apparel).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 3-24-58 to 9-23-58; 40 learners (ladies' blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

N. Churchill Manufacturing Co., 544 North Pearl Street, Centralia, Wash.; effective 4-14-58 to 4-13-59; 10 learners for normal labor turnover purposes (work gloves, cotton, leather palm, and all leather).

Wells Lamont Corp., Hugo, Okla.; effective 4-1-58 to 3-31-59; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Glen Haven Knitting Mills, Inc., Altamahaw, N. C.; effective 4-6-58 to 4-5-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned hosiery).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Chambers County Telephone Co., Inc., Winnie, Tex.; effective 3-27-58 to 3-26-59.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 3-31-58 to 9-30-58; 45 learners for plant expansion purposes (knit underwear).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazelton, Pa.; effective 4-1-58 to 3-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knit underwear).

Undergarment Manufacturing Co., 214 Sixth Street, Fort Wayne, Ind.; effective 3-27-58 to 9-26-58; 10 learners for plant expansion purposes (women's and misses' underwear and nightwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 4-2-58 to 10-1-58; 50 learners for plant expansion purposes (shoes—Calif. leather).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Gaines Manufacturing Co., Inc., McKenzie, Tenn.; effective 3-31-58 to 9-30-58; 25 learners for plant expansion purposes, in the occupations of furniture assembler, upholsterer, and sewing machine operator, each for a learning period of 480 hours, at the rates of at least 80 cents an hour for the first 320 hours, and not less than 85 cents an hour for the remaining 160 hours (furniture assembler, upholsterer).

Magura Clothing Co., 272 Schoonmaker Avenue, Monessen, Pa.; effective 3-31-58 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the production of men's and boys' clothing only; in the occupations of sewing machine operator, and final presser, each for a learning period of 480 hours, at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's and boys' clothing).

Magura Clothing Co., 272 Schoonmaker Avenue, Monessen, Pa.; effective 3-31-58 to 9-30-58; 15 learners for plant expansion purposes, in the production of men's and boys' clothing only; in the occupations of sewing machine operator, and final presser, each for a learning period of 480 hours, at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's and boys' clothing).

Michaels Stern & Co., Inc., 204 Liberty Street, Penn Yan, N. Y.; effective 3-28-58 to 9-27-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours, at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's suits, sportcoats, warmers).

Nani Sportswear, Ltd., 1270 Ala Moana, Honolulu, Hawaii; effective 3-31-58 to 3-30-59; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rate of at least 80 cents an hour for the first 320 hours, and not less than 85 cents an hour for the remaining 160 hours (men's and women's sportswear).

Perry Manufacturing Co., P. O. Box 321, Perry, Ga.; effective 3-31-58 to 9-30-58; 25 learners for plant expansion purposes; in the occupation of sewing machine operator for a learning period of 320 hours at the rate of 85 cents an hour (draperies, cafe curtains, bedspreads, and coverlets).

Southern Handkerchief Manufacturing Co., Main and Hammond Streets, Greenville, S. C.; effective 3-24-58 to 9-23-58; 3 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of at least 85 cents an hour for the first 160 hours, and not less than 90 cents an hour for the remaining 160 hours (hemstitched handkerchiefs).

Timely Clothes, Inc., 624 Exchange Street, Geneva, N. Y.; effective 4-1-58 to 9-30-58; 5 learners for normal labor turnover purposes; in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's suits, overcoats, and slacks).

Wagonvoord and Co., 306 North Grand Avenue, Lansing, Mich.; effective 3-31-58 to 9-30-58; 3 learners for normal labor turnover purposes, in the occupation of bindery workers for a learning period of 320 hours at the rate of at least 80 cents an hour for the first 160 hours, and not less than 90 cents an hour for the remaining 160 hours (rebinding of library books, textbooks, bibles, misc.).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 3d day of April 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-2613; Filed, Apr. 9, 1958; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF THE NETHERLANDS FOR BENEFIT OF CERTAIN CLAIMANTS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Property, and Location

The State of the Netherlands for the benefit of the claimants identified in "Exhibit A" below.

All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the property described in "Exhibit A" below.

Vesting Order No. 18521; Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., on April 4, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

EXHIBIT A

Claimants, Claim Nos., and Property

J. M. Reddingius, L. S. Claim No. 939; Cities Service Company 5/69, Debenture No. 12766, in the principal amount of $1,000.

Dr. H. Evers, Wzn, L. S. Claim No. 940; Cities Service Company 5/69, Debenture No. 14250, in the principal amount of $1,000.

J. P. deBest, L. S. Claim No. 942; Cities Service Company 5/66, Debenture No. 5211, in the principal amount of $1,000.

L. S. P. Scheffer, L. S. Claim No. 943; Cities Service Company 5/66, Debenture No. 13821, in the principal amount of $1,000.

W. L. Morsink, L. S. Claim No. 946; Cities Service Company 5/69, Debentures Nos. 25028 and 26544, in the principal amount of $1,000 each.

G. Rebel, L. S. Claim No. 947; Cities Service Company 5/69, Debenture No. 34654, in the principal amount of $1,000.

Mrs. C. C. Kessler-Hamakers, L. S. Claim No. 948; Cities Service Company 5/69, Debenture No. 35234, in the principal amount of $1,000.

Mrs. J. H. Petit Dit de la Roche, L. S. Claim No. 949; Cities Service Company 5/69, Debenture No. 45575, in the principal amount of $1,000.

K. Jonker, L. S. Claim No. 950; Cities Service Company 5/50, Debenture No. 9960, in the principal amount of $1,000.

J. R. van Beek, L. S. Claim No. 951; Cities Service Company 5/50, Debenture No. 15450, in the principal amount of $1,000.

F. H. J. Engelman, L. S. Claim No. 952; Cities Service Company 5/50, Debenture No. 56406, in the principal amount of $1,000.

C. W. Bianchi, L. S. Claim No. 954; Southern Railway Company 4/56, Bond No. 20246, in the principal amount of $1,000.

E. H. F. W. van Schaek Menthon, L. S. Claim No. 956, Cities Service Company 5/69, Debenture No. 45091, in the principal amount of $1,000.

J. D. Rienstra, L. S. Claim No. 957; The Atchison Topeka & Santa Fe Railway Company 4/55, Bond No. 24247, in the principal amount of $1,000, and The Atchison Topeka & Santa Fe Railway Company 4/95, Bonds Nos. 11670 and 12621, in the principal amount of $500 each.

Mrs. D. M. Modderman-Meekhof, L. S. Claim No. 958; The Atchison Topeka & Santa Fe Railway Company 4/55, Bonds Nos. 4186, 4924, 11024 and 32856, in the principal amount of $1,000 each.

W. Th. Lagers, L. S. Claim No. 959; Cities Service Company 5/66, Debenture No. 17848, and Cities Service Company 5/69, Debentures Nos. 7809 and 44533, all in the principal amount of $1,000 each.

Mrs. J. L. Janssen, L. S. Claim No. 960; Cities Service Company 5/58, Debentures Nos. 1185 and 1907, in the principal amount of $1,000 each.

Mrs. J. V. Wulffen Palthe-Beelaerts v. Emminchoven, L. S. Claim No. 962; Cities Service Company 5/58, Debenture No. 17149, in the principal amount of $1,000.

Miss J. F. Das, L. S. Claim No. 964; Cities Service Company 5/69, Debentures Nos. 3144 and 17837, in the principal amount of $1,000 each.

H. C. Roelofs, L. S. Claim No. 965, Cities Service Company 5/69, Debenture No. 12146, in the principal amount of $1,000.

C. M. J. deWitt Huberts, L. S. Claim No. 966; Cities Service Company 5/69, Debenture No. 22477, in the principal amount of $1,000.

Jules Roos, L. S. Claim No. 967; Cities Service Company 5/69, Debenture No. 26809, in the principal amount of $1,000.

Mrs. C. Ph. Waldeck, L. S. Claim No. 969; Kansas City Southern Railway Co. 5/50, Bond No. 1647, in the principal amount of $1,000.

C. Lorrier, L. S. Claim No. 974; Kansas City Southern Railway Co. 5/50, Bond No. 10781, in the principal amount of $1,000.

J. J. Schmetz, L. S. Claim No. 982; Cities Service Company 5/58, Debenture No. [illegible], in the principal amount of $1,000.

E. W. J. von Rath, L. S. Claim No. 984; Missouri-Kansas-Texas Railway Company 4/90, Bonds Nos. 3419 and 5125, and Southern Pacific Railroad Company 4/55, Bonds Nos. 89862 and 95696, all in the principal amount of $1,000 each.

Mrs. E. J. H. Rijnink-de Bruyn, L. S. Claim No. 992; Cities Service Company 5/69, Debenture No. 11737, in the principal amount of $1,000.

C. F. H. Göbel, L. S. Claim No. 996; Cities Service Company 5/69, Debentures Nos. 34694 and 35802, in the principal amount of $1,000 each.

P. A. Timmers, L. S. Claim No. 997; Norfolk & Western Railway Company 4/96, Bond No. 19134, in the principal amount of $1,000.

Miss A. C. Spiering, L. S. Claim No. 998; Norfolk & Western Railway Company 4/96, Bond No. 3952, in the principal amount of $500.

Mr. J. Houwink, L. S. Claim No. 1006; Cities Service Company 5/58, Debenture No. 37182, in the principal amount of $1,000.

Miss S. Dijk, L. S. Claim No. 1007; Cities Service Company 5/69, Debenture No. 24784, in the principal amount of $1,000.

C. Knegtmans, L. S. Claim No. 1008; Southern Pacific Company 4½/81, Bond No. 46297, in the principal amount of $1,000.

Miss J. C. Modderman, L. S. Claim No. 1012; Cities Service Company 5/69, Debenture No. 12061, in the principal amount of $1,000.

[F. R. Doc. 58-2636; Filed, Apr. 9, 1958; 8:52 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 72

Washington, Friday, April 11, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.147 is amended as set out below.

§ 6.147 *National Advisory Committee for Aeronautics.* (a) Thirty alien scientists having special qualifications in the field of aeronautical research where such employment is deemed by the Chairman of the National Advisory Committee for Aeronautics to be necessary in the public interest.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2686; Filed, Apr. 10, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 2]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

POLICY

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869), are hereby amended effective beginning with the 1958 crop year as follows:

Section 14 of the policy shown in § 401.11 is amended by adding after the word "liable" the following: ", except as to loss due to hail and/or windstorm,".

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, as amended; 74, as amended, 75; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on April 1, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: April 8, 1958.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 58-2685; Filed, Apr. 10, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1001—LIMES GROWN IN FLORIDA

DETERMINATION RELATIVE TO ESTABLISHMENT OF RESERVE FUND

Notice was published in the March 13, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 1736) that consideration was being given to proposals regarding the establishment of a reserve fund to provide for the maintenance and functioning of the Florida Lime Administrative Committee in accordance with the provisions of the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Florida Lime Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby determined that:

§ 1001.204 *Reserve fund.* The establishment of a reserve fund in the amount of $4,500 is appropriate and necessary to the maintenance and functioning of the Florida Lime Administrative Committee. The committee is hereby authorizd to carry forward in the aforesaid reserve excess assessment funds from the fiscal year ended March 31, 1958, not to exceed the foregoing amount.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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Such reserve shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the Federal Register (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the establishment of the reserve fund as herein provided does not require any increase in assessment rate or special preparation by handlers which cannot be completed by said effective time; (2) § 1001.42 provides that excess assessments remaining at the end of a fiscal year may be carried over into following periods as a reserve, as prescribed by the Secretary, for the maintenance and functioning of the committee; (3) the rate of assessment for the present fiscal year has not yet been fixed and current operating expenses of the committee must be met; (4) it is essential, under the circumstances, that specification of the reserve fund be made effective immediately for the maintenance and functioning of the committee; and (5) no useful purpose would be served by delaying the effective time beyond that hereinafter set forth.

Terms used in said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated April 8, 1958, to become effective upon publication in the Federal Register.

[SEAL] S. R. Smith,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2677; Filed, Apr. 10, 1958; 8:48 a. m.]

Chapter XII—Agricultural Marketing Service (Agricultural Statistics), Department of Agriculture

PART 1200—PEANUT STATISTICS

Title 7 of the Code of Federal Regulations is hereby amended by the addition of new Chapter XII as follows:

Sec.
1200.1 Scope of regulations.
1200.2 Definitions.
1200.3 Persons required to submit reports; forms to be used; where available.
1200.4 Time when reports are due.

AUTHORITY: §§ 1200.1 to 1200.4 issued under sec. 6, 49 Stat. 1899; 7 U. S. C. 956.

§ 1200.1 *Scope of regulations.* Under the act of June 24, 1936, as amended (49 Stat. 1898; 7 U. S. C. 951–957), the Secretary of Agriculture is authorized and directed to collect and publish statistics of raw peanuts, shelled, unshelled, and crushed, and peanut oil, in the United States, received, processed, shipped, and owned by or in the possession of warehousemen, brokers, cleaners, shellers, dealers, growers' cooperative associations, crushers, salters, manufacturers of peanut products, and owners other than the original producers of peanuts. The purposes of the regulations in this part are to implement this statute and, where discretion is vested in the Secretary of Agriculture to prescribe rules, to set forth the applicable rules.

§ 1200.2 *Definitions.* As used in the regulations in this part:

(a) "Act" means the act of June 24, 1936, as amended (49 Stat. 1898; 7 U. S. C. 951–957);

(b) "Person" includes individuals, partnerships, corporations, and associations;

(c) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture under the act.

§ 1200.3 *Persons required to submit reports; forms to be used; where available.* (a) The following persons are required to submit monthly reports, as follows:

(1) Peanut cleaners, shellers, crushers and manufacturers of crude peanut oil, peanut cake and meal are required to report on Form C. E. 6–18 "A", Peanut Stocks and Processing Report, inventories, receipts and disposition of farmers' stock peanuts and inventories, production, receipts and disposition of milled peanut products;

(2) Peanut salters and manufacturers of peanut products (including but not limited to manufacturers of peanut candy, peanut butter, peanut butter sandwiches, granulated peanuts, peanut flour, peanuts roasted in shell, peanuts salted in the shell and other miscellaneous peanut products) processing in excess of 10,000 pounds of raw peanuts (shelled, unshelled, or both) during the calendar year immediately preceding the year in which the report is due, are required to report on Form C. E. 6–18 "CP", Peanut Stocks and Processing Report, receipts, disposition, and stocks of raw peanuts;

(3) Warehousemen, brokers, dealers, growers' cooperative associations and all other owners other than original producers of peanuts are required to report on Form C. E. 6–18 "B", Peanut Stocks Report, all shelled peanuts, roasting stock peanuts, and farmers' stock peanuts on hand at the end of the month: *Provided, however,* That published or typed reports of growers' cooperative associations showing stocks on hand by warehouse locations and types of peanuts may be submitted in lieu of Form C. E. 6–18 "B" since such reports contain the required information in an acceptable form.

(b) The forms identified in paragraph (a) of this section will be furnished by the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

§ 1200.4 *Time when reports are due.* Each report required by § 1200.3 shall be addressed to the Agricultural Estimates Division at the address given in § 1200.3 (b) and placed in the mail within six days after the end of the month to which such report relates.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 6, 49 Stat. 1899; 7 U. S. C. 956)

Issued at Washington, D. C., this 8th day of April 1958.

[SEAL] R. K. SMITH,
Acting Director,
Agricultural Estimates Division.

[F. R. Doc. 58–2684; Filed, Apr. 10, 1958; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 500 (23 F. R. 950) appointed, convened, and gave notice of the hearing of Special Industry Committee No. 5 for the Virgin Islands to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Virgin Islands who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Orders Nos. 45–A (15 F. R. 3290) and 85–A (22 F. R. 7614) of the Secretary of Labor, (1) the recommendations of the committee are hereby published in the following amendment to the Code of Federal Regulations; and (2) effective April 26, 1958, Part 694 of Title 29 is amended to read as follows:

Sec.
694.1 Definition of industries in the Virgin Islands.
694.2 Wage rates.
694.3 Notices.

AUTHORITY: §§ 694.1 to 694.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 694.1 *Definition of the industries in the Virgin Islands.* The industries in the Virgin Islands to which this part shall apply are hereby defined as follows:

(a) *Alcholic beverages and industrial alcohol industry.* This industry shall include the manufacture of alcoholic beverages, including, but not by way of limitation, the distilling, rectifying, blending, or bottling of rum, gin, whiskey, brandy, liqueurs, cordials, wine, and beer, and the manufacture of industrial and other types of alcohol.

(b) *Banking, real estate, accounting, and insurance industry.* This industry shall include the business carried on by any banking, insurance, financial, real estate, or accounting firm, institution, agency or enterprise.

(c) *Bay rum and other toilet preparations industry.* This industry shall include the manufacture (including bottling and packaging) of bay oil, bay rum, perfumes, colognes, toilet waters, and other similar toilet preparations.

(d) *Fruit and vegetable packing, farm products assembling, and meat packing industry.* This industry shall include: (1) The assembling and preparing for market of fresh fruits, vegetables, and other related products; and (2) the slaughtering of meat animals and the dressing and packing of meat, and all operations incidental thereto.

(e) *Hand-made art linen and straw goods industry.* This industry shall include: (1) The manufacture from any woven material of hand-made handkerchiefs, and hand-made household art linens, including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers and towels; and (2) the manufacture by hand from straw, raffia, sisal, or similar materials, of hats, baskets, purses, mats, trays, bottle coverings, or other articles, except footwear.

(f) *Shipping, marine transportation, ship and boat building industry.* This industry shall include: (1) The transportation of passengers and cargo by water, and all activities in connection therewith, including, but not by way of limitation, the operation of terminals, piers, wharves and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operations of tourist bureaus, and travel and ticket agencies; and (2) the building, repairing, and maintenance of ships and boats, and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

(g) *Air transportation industry.* This industry shall include the transportation of passengers and cargo by air, and all activities in connection therewith.

(h) *Wholesale distribution, trucking, construction, and communication industry.* This industry shall include:

(1) The wholesaling, warehousing, and other distribution of commodities,

including, but not by way of limitation, the activities of importers, exporters, wholesalers, public warehouses, and brokers and agents (except realty and financial), including manufacturers' selling agencies; (2) the activity carried on by any common or contract carrier engaged in the transportation of property by motor vehicle; (3) the designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, including, but not by way of limitation, factories, highways, bridges, sewers and water mains, irrigation canals and pipe lines, harbors, and airfields; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities; and (4) the activities carried on by any wire or radio system of communications or by any messenger service.

(i) *Miscellaneous industries.* These industries shall include the manufacture of ice, dolls, eye shades, precious jewelry, costume jewelry, buttons, buckles, wearing apparel, slippers and other footwear, printing and publishing, embroidered laces, the bottling of non-alcoholic beverages; the manufacture of furniture, wooden ware and wooden novelties; and all other industries not included in paragraphs (a) through (h) of this section.

§ 694.2 *Wage rates.* (a) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the alcoholic beverages and industrial alcohol industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the banking, real estate, accounting, and insurance industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the bay rum and other toilet preparations industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fruit and vegetable packing, farm products assembling, and meat packing industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(e) Wages of not less than the following hourly rates shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in the indicated operations in the hand-made art linen and straw goods industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce: (1) For hand-sewing operations on art linen, wages at a rate of not less than 25 cents an hour; (2) for hand-sewing and hand-weaving operations on straw goods, wages at a rate of not less than 20 cents an hour; and (3) for all other operations in this industry, wages at a rate of not less than 45 cents an hour.

(f) Wages at a rate of not less than 95 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shipping, marine transportation, ship and boat building industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(g) Wages at a rate of not less than $1.00 per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the air transporation industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(h) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wholesale distribution, trucking, construction, and communications industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(i) Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous industries in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

§ 694.3 *Notices.* Every employer subject to the provisions of § 694.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 694.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 7th day of April 1958.

Clarence J. Lundquist,
Acting Administrator.

[F. R. Doc. 58-2682; Filed, Apr. 10, 1958; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

Part 108—Kodiak Area

CLOSED SEASON, KING CRABS

Basis and purpose. Field observations disclose that the take of king crabs in the Kodiak area of Alaska is now excessively soft-shelled and fishing should be suspended as quickly as possible.

Therefore, § 108.32 is amended to read as follows:

§ 108.32 *Closed season, king crabs.* Fishing for, or taking king crabs, except by pots, is prohibited throughout the Kodiak area from April 12 to May 28, 1958, inclusive.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

D. H. Janzen,
Acting Commissioner.

April 10, 1958.

[F. R. Doc. 58-2747; Filed, Apr. 10, 1958; 11:19 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1613]

[22506]

Alaska

REVOKING PUBLIC LAND ORDER NO. 601 OF AUGUST 10, 1949, WHICH RESERVED PUBLIC LANDS FOR HIGHWAY PURPOSES, AND PARTIALLY REVOKING PUBLIC LAND ORDER NO. 386 OF JULY 31, 1947

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of August 1, 1956 (70 Stat. 898) it is ordered as follows:

1. Public Land Order No. 601 of August 10, 1949, as modified by Public Land Order No. 757 of October 16, 1951, reserving for highway purposes the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway and within 150 feet on each side of the center line of the Richardson Highway, Glenn Highway, Haines Highway, the Seward-Anchorage Highway (exclusive of that part thereof, within the boundaries of the Chugach National Forest), the Anchorage-Lake Spenard Highway, and the Fairbanks-College Highway, is hereby revoked.

2. Public Land Order No. 386 of July 31, 1947, so far as it withdrew the following-described lands, identified as items (a) and (b) in said order, under the jurisdiction of the Secretary of War for right-of-way purposes for a telephone line and an oil pipeline with appurtenances, is hereby revoked:

(a) A strip of land 50 feet wide, 25 feet on each side of a telephone line as located and constructed generally parallel to the Alaska Highway from the Alaska-Yukon Territory boundary to the junction of the Alaska Highway with the Richardson Highway near Big Delta, Alaska.

(b) A strip of land 20 feet wide, 10 feet on each side of a pipeline as located and constructed generally parallel to the Alaska Highway from the Alaska-Yukon Territory boundary to the junction of the Alaska

Highway with the Richardson Highway near Big Delta, Alaska.

3. An easement for highway purposes, including appurtenant protective, scenic, and service areas, over and across the lands described in paragraph 1 of this order, extending 150 feet on each side of the center line of the highways mentioned therein, is hereby established.

4. An easement for telephone line purposes in, over, and across the lands described in paragraph 2 (a) of this order, extending 25 feet on each side of the telephone line referred to in that paragraph, and an easement for pipeline purposes, in, under, over, and across the lands described in paragraph 2 (b) of this order, extending 10 feet on each side of the pipeline referred to in that paragraph, are hereby established, together with the right of ingress and egress to all portions of the above easements on and across the lands hereby released from withdrawal.

5. The easements established under paragraphs 3 and 4 of this order shall extend across both surveyed and unsurveyed public lands described in paragraphs 1 and 2 of this order for the specified distance on each side of the centerline of the highways, telephone line and pipeline, as those center lines are definitely located as of the date of this order.

6. The lands within the easements established by paragraphs 3 and 4 of this order shall not be occupied or used for other than the highways, telegraph line and pipeline referred to in paragraphs 1 and 2 of this order except with the permission of the Secretary of the Interior or his delegate as provided by section 3 of the act of August 1, 1956 (70 Stat. 898), provided: that if the lands crossed by such easements are under the jurisdiction of a Federal department or agency, other than the Department of the Interior, or of a Territory, State, or other Government subdivision or agency, such permission may be granted only with the consent of such department, agency, or other governmental unit.

7. The lands released from withdrawal by paragraphs 1 and 2 of this order, which, at the date of this order, adjoin lands in private ownership, shall be offered for sale at not less than their appraised value, as determined by the authorized officer of the Bureau of Land Management, and pursuant to section 2 of the act of August 1, 1956, supra. Owners of such private lands shall have a preference right to purchase at the appraised value so much of the released lands adjoining their private property as the authorized officer of the Bureau of Land Management deems equitable, provided, that ordinarily, owners of private lands adjoining the lands described in paragraph 1 of this order will have a preference right to purchase released lands adjoining their property, only up to the centerline of the highways located therein. Preference right claimants may make application for purchase of released lands at any time after the date of this order by giving notice to the appropriate land office of the Bureau of Land Management. Lands described in this paragraph not claimed by and sold to preference claimants may be sold at public auction at not less than their appraised value by an authorized officer of the Bureau of Land Management, provided that preference claimants are first given notice of their privilege to exercise their preference rights by a notice addressed to their last address of record in the office in the Territory in which their title to their private lands is recorded. Such notice shall give the preference claimant at least 60 days in which to make application to exercise his preference right; and if the application is not filed within the time specified, the preference right will be lost. Preference right claimants will also lose their preference rights if they fail to pay for the lands within the time period specified by the authorized officer of the Bureau of Land Management, which time period shall not be less than 60 days.

8. The lands released from withdrawal by paragraphs 1 and 2 of this order, which at the date of this order, adjoin lands in valid unperfected entries, locations, or settlement claims, shall be subject to inclusion in such entries, locations and claims, notwithstanding any statutory limitations upon the area which may be included therein. For the purposes of this paragraph entries, locations, and claims include, but are not limited to, certificates of purchase under the Alaska Public Sale Act (63 Stat. 679; 48 U. S. C. 364a–e) and leases with option to purchase under the Small Tract Act (52 Stat. 609; 43 U. S. C. 682a) as amended. Holders of such entries, locations, and claims to the lands, if they have not gone to patent, shall have a preference right to amend them to include so much of the released lands adjoining their property as the authorized officer deems equitable, provided, that ordinarily such holders of property adjoining the lands described in paragraph 1 of this order will have the right to include released lands adjoining such property only up to the centerline of the highways located therein. Allowances of such amendments will be conditional upon the payment of such fees and commissions as may be provided for in the regulations governing such entries, locations, and claims together with the payment of any purchase price and cost of survey of the land which may be established by the law or regulations governing such entries, locations and claims, or which may be consistent with the terms of the sale under which the adjoining land is held. Preference right claimants may make application to amend their entries, locations, and claims at any time after the date of this order by giving notice to the appropriate land office of the Bureau of Land Management. Lands described in this paragraph, not claimed by and awarded to preference claimants, may be sold at public auction at not less than their appraised value by the authorized officer of the Bureau of Land Management, provided that preference claimants are first given notice of their privilege to exercise their preference rights by a notice addressed to their last address of record in the appropriate land office, or if the land is patented, in the Territory in which title to their private land is recorded. Such notice shall give the claimant at least 60 days in which to make application to exercise his preference right, and if the application is not filed within the time specified the preference right will be lost. Preference right claimants will also lose their preference rights if they fail to make any required payments within the time period specified by the authorized officer of the Bureau of Land Management, which time period shall not be less than 60 days.

9. (a) Any tract released by Paragraph 1 or 2 of this order from the withdrawals made by Public Land Orders Nos. 601, as modified, and 386, which remains unsold after being offered for sale under Paragraph 7 or 8 of this order, shall remain open to offers to purchase under Section 2 of the act of August 1, 1956, supra, at the appraised value, but it shall be within the discretion of the Secretary of the Interior or his delegate as to whether such an offer shall be accepted.

(b) Any tract released by Paragraph 1 or 2 of this order from the withdrawals made by Public Land Orders Nos. 601, as modified, and 386, which on the date hereof does not adjoin privately-owned land or land covered by an unpatented claim or entry, is hereby opened, subject to the provisions of Paragraph 6 hereof, if the tract is not otherwise withdrawn, to settlement claim, application, selection or location under any applicable public land law. Such a tract shall not be disposed of as a tract or unit separate and distinct from adjoining public lands outside of the area released by this order, but for disposal purposes, and without losing its identity, if it is already surveyed, it shall be treated as having merged into the mass of adjoining public lands, subject, however, to the easement so far as it applies to such lands.

(c) Because the act of August 1, 1956 (70 Stat. 896; 48 U. S. C. 420–420c) is an act of special application, which authorizes the Secretary of the Interior to make disposals of lands included in revocations such as made by this order, under such laws as may be specified by him, the preference-right provisions of the Veterans Preference Act of 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and of the Alaska Mental Health Enabling Act of July 28, 1956 (70 Stat. 709; 48 U. S. C. 46–3b) will not apply to this order.

10. All disposals of lands included in the revocation made by this order, which are under the jurisdiction of a Federal department or agency other than the Department of the Interior may be made only with the consent of such department or agency. All lands disposed of under the provisions of this order shall be subject to the easements established by this order.

11. The boundaries of all withdrawals and restorations which on the date of this order adjoin the highway easements created by this order are hereby extended to the centerline of the highway easements which they adjoin. The withdrawal made by this paragraph shall

include, but not be limited to the withdrawals made for Air Navigation Site No. 7 of July 13, 1954, and by Public Land Orders No. 386 of July 31, 1947, No. 622 of December 15, 1949, No. 808 of February 27, 1952, No. 975 of June 18, 1954, No. 1037 of December 16, 1954, No. 1069 of January 21, 1955, No. 1129 of April 15, 1955, No. 1179 of June 29, 1955, and No. 1181 of June 29, 1955.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 7, 1958.

[F. R. Doc. 58-2659; Filed, Apr. 10, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 976]

[Docket No. 237-A5]

MILK IN FORT SMITH, ARK., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Fort Smith, Arkansas, on December 12, 1957, pursuant to notice thereof issued on November 6, 1957 (22 F. R. 9016).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 8, 1958 (23 F. R. 1655) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The type of pool to be provided under the order for distributing payments to producers.
2. The need of compensatory payments on other source milk.
3. Conforming changes in a number of order provisions.

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The order should be amended to provide for the distribution of returns to producers on an individual-handler pool basis instead of on a marketwide pool basis as presently provided.

This change is proposed by the Central Arkansas Milk Producers Association. This cooperative association represents approximately two-thirds of the producers in the Ft. Smith marketing area. The proponent cooperative contends that all producers in the market do not share equal responsibility in providing an adequate supply of milk, including the necessary reserve amounts, and that this condition is engendered by the pooling arrangements provided in the order.

A marketwide pool, operates satisfactorily in accommodating, for reasons of efficient handling, the concentration of the necessary reserve of the market in specialized manufacturing facilities only if such necessary reserve is made available for Class I use when it is needed for this purpose in the market.

In this market, however, reserve supplies utilized in Class II have not been generally available to either handler for class I use when needed, hence, the market-wide pool has not operated satisfactorily. Handlers have not transferred milk to each other as market needs demanded. Rather the cooperative association was required, at its expense, to move producers from one handler to the other. Most of the producer milk in one plant that is utilized in Class II is not subject to diversion or transfer so as to maximize Class I utilization and producer prices in the market as a whole.

In this market, except as the cooperative may be a handler from time to time for milk diverted for its account, there are only two handlers. These handlers pursue completely independent policies and practices in procurement and supply arrangements. One of the handlers utilizes a substantial portion of its receipts from producers in Class II. The other handler uses relatively little milk in Class II. During the last three years, for instance, monthly Class II utilization in one plant has ranged from 5 to 14 percent of producer receipts; while in the other plant, from 10 to 45 percent of producer receipts was utilized as Class II.

Although one of the handlers has retained a considerable portion of Class II milk, there has been no transfer of supplies from the handler with high Class II utilization to the handler with little Class II milk when the latter has been short. As a consequence, the Class II milk in the market has not been performing the function expected of the market reserve in Class II milk. Under the circumstances, it must be concluded that the marketwise pooling arrangement provided in this order has not been serving the purpose assigned to it.

By changing the order pooling provisions to provide for individual handler pooling in this market, each handler will be required to obtain and dispose of his own reserve supplies of milk. This will tend to relieve the market from carrying unnecessary reserves which are not generally available for Class I purposes when necessary. It will also tend to distribute more efficiently, as between the two handlers, the necessary reserves of milk. It is concluded, therefore, that the order should be amended to provide individual handler pooling.

2. A provision for compensatory payments on unpriced milk should not be included in the order.

Any plant, not now regulated by a Federal milk order, distributing fluid milk products in the marketing area will be automatically regulated under the individual-handler type of pricing and payments to producers as provided herein. Distributing plants in this marketing area procure no milk from supply plants. No evidence was offered that the present market supply arrangements and procurements practices would be changed. Exceptions to the recommended decision (23 F. R. 1655) complained of the possible use of other source milk by regulated handlers. The stability of this market for producer milk, as herein defined, is not threatened by the receipt in bulk of other source milk by approved plants from country supply plants. Provision for a definition of a supply plant and correlating provisions for location differentials to handlers and producers would be the proper approach to the regulation of bulk purchases of other source milk, if such a problem existed. In this market, distributing plants receive sufficient supplies of milk directly from producers. There is no evidence of need shown in this record to include provisions for the definition of supply plants, location differentials, and compensatory payments on unpriced milk that may be received at approved plants. A proposal to include a provision for compensatory payments on other source milk is denied.

A provision in the present order, suspended January 1, 1956, providing compensatory payments on milk sold in the area by handlers regulated under another order is deleted. The findings of the suspension order still apply. Market conditions, since January 1956 to date, show such a provision is not required to maintain market stability.

3. *Conforming changes.* The entire order is redrafted to incorporate conforming provisions in the order to accommodate the necessary changes in the type of pooling.

The recommended marketing agreement and order should contain a provision for the determination of equivalent price quotations in the event the price quotations provided for should be discontinued or otherwise be unavailable to the market administrator.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict wth the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the order set forth below.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of February 1958 is hereby determined to be the representative period for the conduct of such referendum.

Richard E. Arnold is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 8th day of April 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area

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MISCELLANEOUS PROVISIONS

976.110 Agents.
976.111 Separability of provisions.

§ 976.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity spec-

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 976.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 976.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 976.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 976.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 976.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 976.6 *Fort Smith, Arkansas, marketing area.* "Fort Smith, Arkansas, Marketing Area", hereinafter called the marketing area, means all territory within the corporate limits of Fort Smith, Arkansas, and Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation.

§ 976.7 *Approved plant.* "Approved plant" means any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 976.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant other than an approved plant.

§ 976.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 976.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided,* That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as fluid milk. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 976.61.

§ 976.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 976.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 976.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 976.14 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 976.90 multiplied by the number of days in such month for which the handler receives milk from the producer.

§ 976.15 *Excess milk.* "Excess milk" means milk received from a producer by a handler during any of the months of February through July which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from any producer for whom no dairy average base has been established pursuant to § 976.90.

MARKET ADMINISTRATOR

§ 976.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 976.21 *Powers.* The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 976.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 976.84 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 976.83) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 976.30 through 976.32;

(2) Maintained adequate records and facilities pursuant to § 976.33; or

(3) Made payments pursuant to §§ 976.80 through 976.84;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 976.51 (a) and the Class I butterfat differential pursuant to § 976.52 (a), both for the current

month; and the minimum price for Class II milk pursuant to § 976.51 (b) and the Class II butterfat differential pursuant to § 975.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, each handler's uniform price(s) computed pursuant to § 976.71 or § 976.72, as applicable, and the butterfat differential computed pursuant to § 976.81, both applicable to milk delivered during the preceding month, and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 976.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 976.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 976.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 976.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 976.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That is, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 976.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 976.30 shall be classified by the market administrator pursuant to the provisions of §§ 976.41 through 976.46.

§ 976.41 *Classes of utilization.* Subject to the conditions set forth in §§ 976.43 and 976.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream or any Class I product.

§ 976.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 976.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class (except that transferred to a producer-handler) shall be reclassified if used or reused by such handler or by another handler in another class.

§ 976.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 976.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification;

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat

transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant, and

(f) As Class II milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located not more than 185 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 976.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 976.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 976.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 976.41 (b)(3);

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 976.41;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 976.44 (a).

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 976.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 976.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 976.51 *Class prices.* Subject to the provisions of § 976.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided,* That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Pet Milk Co., Siloam Springs, Arkansas
Sugar Creek Creamery, Russellville, Arkansas
Ozark Creamery, Ozark, Arkansas

§ 976.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 976.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 976.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25:

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 976.53 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 976.60 *Producer-handlers.* Sections 976.40 through 976.46, 976.50 through 976.53, 976.70 through 976.72, 976.80 through 976.85, 976.90 and 976.91, shall not apply to a producer-handler.

§ 976.61 *Milk priced under other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except that:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 976.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 976.71 *Computation of uniform prices for handlers.* For each of the months of August through January the market administrator shall compute for each handler a uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Adjust the amount computed pursuant to § 976.70 for each one-tenth percent that the average butterfat test of milk received from producers by such handler is less or more than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential computed pursuant to § 976.81 and multiplying the result by the total hundredweight of milk received from producers.

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month; and

(c) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content.

§ 976.72 *Computation of the uniform prices for base and excess milk for each handler.* For each of the months of February through July, the market administrator shall compute for each handler with respect to milk received from producers, a uniform price for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Follow the computations and adjustments provided for in § 976.71 (a) and (b);

(b) Compute the value of excess milk, received by such handler from producers, by multiplying the quantity of such milk, not in excess of the total Class II milk included in this computation, by the Class II price; multiply the remaining excess milk by the Class I price and add together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for such handler for excess milk of 4.0 percent butterfat received from producers;

(d) Subtract, for each handler, the value of such handler's excess milk obtained in paragraph (c) of this section from the value of all milk obtained for such handler pursuant to paragraphs (a), (b), and (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of such handler's base milk included in this computation. The result shall be such handler's uniform price for base milk of 4.0 percent content.

PAYMENTS

§ 976.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, (1) at not less than the uniform price computed pursuant to § 976.71 for all milk received from such producer if such preceding month was any of the months of August through January, or (2) at not less than the uniform price for base milk computed pursuant to § 976.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 976.72, with respect to excess milk received from such producer, if such preceding month was any of the months of February through July in each case adjusted by the butterfat differential computed pursuant to § 976.81 and less the amount of the payment made pursuant to paragraph (b) of this section.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer, except as provided in paragraph (c) of this section, at not less than the Class II price for the preceding month.

(c) On or before the 13th and the third from the last day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively of this section, each handler shall make payment to a cooperative association which so request, with respect to producers for which such cooperative association is authorized to collect payment, in an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 976.81 *Producer butterfat differential.* In making payments pursuant to § 976.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 976.82 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 976.83 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 976.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 976.31.

§ 976.84 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 976.85 *Termination of obligation.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 976.90 *Computation of daily average base for each producer.* For the months of February through July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 976.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days not to be less than ninety, of such producer's delivery in such period.

§ 976.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 976.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 976.101.

§ 976.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 976.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which required further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 976.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 976.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 976.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 58-2687; Filed, Apr. 10, 1958; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 661, 671, 683, 706, 709]

[Administrative Order 505]

VARIOUS INDUSTRIES IN PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 39-A for the Button, Jewelry, and Lapidary Work Industry in Puerto Rico; Industry Committee No. 39-B for the Communications, Utilities, and Transportation Industry in Puerto Rico; Industry Committee No. 39-C for the Wholesaling, Warehousing, and Other Distribution Industry in Puerto Rico; Industry Committee No. 39-D for the Banking, Insurance, and Finance Industry in Puerto Rico; and Industry Committee No. 39-E for the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico.

Industry Committee No. 39-A is composed of the following representatives:

For the public: John P. Horlacher, Chairman, Philadelphia, Pa. Jerome J. Lande, New York, N. Y. Rafael de J. Cordero, San Juan, P. R.

For the employees: Edward X. Mooney, Brooklyn, N. Y. Nathaniel Goldfinger, Washington, D. C. Victor M. Bosch, San Juan, P. R.

For the employers: George R. Frankovich, Providence, R. I. Maxwell Wolfeld, Caguas, P. R. Donald Spanier, San Juan, P. R.

For the purpose of this order, the button, jewelry, and lapidary work industry in Puerto Rico is defined as follows:

The manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads), and hair ornaments and accessories; and the processing of natural or synthetic stones for jewelry or industrial use.

Industry Committee No. 39-B is composed of the following representatives:

For the public: John P. Horlacher, Chairman, Philadelphia, Pa. Jerome J. Lande, New York, N. Y. Rafael de J. Cordero, San Juan, P. R.

For the employees: Edward X. Mooney, Brooklyn, N. Y. Nathaniel Goldfinger, Washington, D. C. Victor M. Bosch, San Juan, P. R.

For the employers: George R. Frankovich, Providence, R. I. Armando Bras, San Juan, P. R. Frank A. Besosa, Hato Rey, P. R.

For the purpose of this order, the communications, utilities, and transportation industry in Puerto Rico is defined as follows:

The industry carried on by any wire or radio system of communication, or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam, the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation for compensation by air, water, rail, motor vehicle, pipeline, or other means, or in related activities, including the operation of travel bureaus and ticket agencies, stevedoring, consolidating, forwarding, crating, and boxing: *Provided, however*, That the industry shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses, refined sugar, and incidental by-products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products, and any transportation activities by truck or other vehicle performed by a producer of these products in connection with the production or shipment of such products by such producer.

Industry Committee No. 39–C is composed of the following representatives:

For the public: John P. Horlacher, Chairman, Philadelphia, Pa. Jerome J. Lande, New York, N. Y. Rafael de J. Cordero, San Juan, P. R.

For the employees: Edward X. Mooney, Brooklyn, N. Y. Nathaniel Goldfinger, Washington, D. C. Hipolito Marcano, San Juan, P. R.

For the employers: George R. Frankovich, Providence, R. I. Armando Bras, San Juan, P. R. Frank A. Besosa, Hato Rey, P. R.

For the purpose of this order, the wholesaling, warehousing, and other distribution industry in Puerto Rico is defined as follows:

The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however*, That the industry shall not include the activities of employees who are engaged in wholesaling, and other distribution of products manufactured by their employer in Puerto Rico, or any activities included in the communications, utilities, and transportation industry in Puerto Rico, as defined in Administrative Order No. 505, or in the tobacco industry in Puerto Rico (29 CFR Part 657, 22 F. R. 719), or the food and related products industry in Puerto Rico (29 CFR Part 673, 22 F. R. 780) as defined in wage orders for those industries in Puerto Rico.

Industry Committee No. 39–D is composed of the following representatives:

For the public: John P. Horlacher, Chairman, Philadelphia, Pa. Jerome J. Lande, New York, N. Y. Rafael de J. Cordero, San Juan, P. R.

For the employees: Edward X. Mooney, Brooklyn, N. Y. Nathaniel Goldfinger, Washington, D. C. Hipolito Marcano, San Juan, P. R.

For the employers: George R. Frankovich, Providence, R. I. Armando Bras, San Juan, P. R. Frank A. Besosa, Hato Rey, P. R.

For the purpose of this order, the banking, insurance, and finance industry in Puerto Rico is defined as follows:

The business, whether or not for profit, carried on by any banking, insurance, or other financial institution or enterprise.

Industry Committee No. 39–E is composed of the following representatives:

For the public: John P. Horlacher, Chairman, Philadelphia, Pa. Jerome J. Lande, New York, N. Y. Rafael de J. Cordero, San Juan, P. R.

For the employees: Edward X. Mooney, Brooklyn, N. Y. Nathaniel Goldfinger, Washington, D. C. Hipolito Marcano, San Juan, P. R.

For the employers: George R. Frankovich, Providence, R. I. Armando Bras, San Juan, P. R. Frank A. Besosa, Hato Rey, P. R.

For the purpose of this order, the alcoholic beverage and industrial alcohol industry in Puerto Rico is defined as follows:

The manufacture, including, but without limitation, the distilling, rectifying, blending, or bottling of rum, gin, vodka, whisky, brandy, cordials, liqueurs, wines, ale, beer and similar malt beverages with or without alcohol, other alcoholic beverages, industrial alcohol (such as amyl, butyl, and ethyl alcohol), acetone, antifreeze, and any related by-product resulting from the manufacture of any of the foregoing products.

I hereby refer to each of the abovenamed industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6 (c) of the act in the particular industries with which they are concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 39–A shall convene at 10 a. m. on May 19, 1958, in the office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearing at 2 p. m. on the same date at the same place. Following this hearing, industry Committees Nos. 39–B, 39–C, 39–D, and 39–E, shall consecutively convene at the same place in that order at hours designated by the committee chairmen to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than May 9, 1958.

Signed at Washington, D. C., this 7th day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58–2681; Filed, Apr. 10, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

ASSISTANT DIRECTOR ET AL.

DELEGATION OF AUTHORITY TO ACT AS DIRECTOR UNDER SPECIFIED CONDITIONS

1. Under the authority conferred upon me by Treasury Department Order No. 129 (Revision 2) dated April 22, 1955, the following officials of the Bureau of Engraving and Printing in the order of succession enumerated are hereby authorized to act as Director of the Bureau of Engraving and Printing in the absence or disability of or in the event of a vacancy in the office of the Director of the Bureau of Engraving and Printing:

(1) Assistant Director.

(2) Controller.

(3) Chief, Office of Reproduction and Surface Printing.

(4) Chief, Office of Currency and Stamp Manufacturing.

2. In the event of an enemy attack upon any point within the continental limits of the United States the officials named in paragraph 1 and, in addition, the following officials of the Internal Revenue Service, both in the order of succession enumerated, are authorized to exercise so much of the authority of the Secretary of the Treasury and of the Director of the Bureau of Engraving and Printing as is necessary to insure continuous performance of all essential functions of the Bureau of Engraving and Printing:

(1) Assistant Regional Commissioner (Administration), Internal Revenue Service, Post Office Building, Cincinnati 1, Ohio.

(2) Assistant Regional Commissioner (Administration), Internal Revenue Service, Omaha, Nebr.

3. The purpose of the authorization contained in paragraph 2 is to provide a temporary expedient to meet emergency conditions. The respective officials will be notified when they are to cease to exercise the authority therein delegated.

[SEAL] H. J. HOLTZCLAW,
Director,
Bureau of Engraving and Printing.

APRIL 4, 1958.

[F. R. Doc. 58-2679; Filed, Apr. 10, 1958; 8:49 a. m.]

POST OFFICE DEPARTMENT

MAILING POSTAGE STAMPS TO OTHER COUNTRIES

Postage stamps, canceled or uncanceled, are regarded in the international mails as merchandise, and as such, may be mailed in letters or letter packages, in 8-ounce merchandise packages when addressed to countries admitting this class of article (see 39 CFR 111.2 (h) (5)), or in parcel post packages. Stamps cannot be mailed as printed matter or under the classification of small packets (see 39 CFR 111.2 (d) (4) (iii) and (g) (7) (ii)).

Acceptance of stamps in letters or letter packages addressed to countries which do not admit dutiable articles in the letter mails (see 39 CFR 111.2 (a) (5)) will be at the risk of the sender, and the Department will not be responsible in case the stamps are seized by the country of address, or returned as prohibited.

Some countries do not admit postage stamps in the mails at all, or admit them under certain conditions. Information as to admissibility appears in the relevant country item in the Directory of International Mail.

Postal remittances to British Guiana. Domestic U. S. money orders may no longer be used to send funds to British Guiana. Under arrangements recently concluded between the United States and the British Colony in South America, only international money orders may now be used in making postal remittances to British Guiana.

Mail for Canadian Armed Forces. Mail for members of the Canadian armed forces serving overseas is to be addressed as follows:

Canadian Forces in Europe:
  Number, rank, name
  Unit
  CAPO 5050 (or other number)
  Canadian Armed Forces Europe
  Via Canada
Canadian Forces in the Middle East:
  Number, rank, name
  CAPO 5048 (or other number)
  UNEF Middle East
  Via Canada

Mail should bear postage at the surface or air rate for Canada, and is to be forwarded to Montreal, Canada, where the Canadian military authorities will provide the proper onward dispatch.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-2669; Filed, Apr. 10, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[78831]

NEVADA

ORDER SEGREGATING LANDS IN EL DORADO VALLEY FROM ALL FORMS OF ENTRY UNDER THE PUBLIC LAND LAWS

APRIL 7, 1958.

By virtue of the authority and direction contained in section 2 of the Act of March 6, 1958 (72 Stat. 31) and pursuant to § 2.75 of Departmental Order No. 2583 of August 16, 1950, I hereby segregate the following-described lands from all forms of entry under the public land laws of the United States:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 62 E.,
  Secs. 22, 23, 24, 25, 26, 27, 34, 35, and 36.
T. 25 S., R. 62 E.
T. 26 S., R. 62 E.,
  Secs. 1, 2, 11, 12, 13, and 14.
T. 23 S., R. 63 E.,
  Secs. 19, 20, and 21;
  Sec. 22, W½;
  Sec. 23, NE¼, that portion not within the Lake Mead National Recreation Area; NW¼, and S½;
  Sec. 24, N½, that portion not within the Lake Mead National Recreation Area, and S½;
  Sec. 25;
  Sec. 26, E½, SW¼, N½NE¼NW¼, S½NE¼NW¼, S½SW¼NE¼NW¼, N½NW¼NW¼, N½S½NW¼NW¼, NW¼SW¼NW¼, S½SW¼NW¼, S½NE¼SW¼NW¼, SE¼NW¼;
  Sec. 27 to 36, inclusive.
Ts. 24 and 25 S., R. 63 E.
T. 26 S., R. 63 E.,
  Secs. 4 to 9, inclusive;
  Secs. 16, 17, and 18.
T. 23 S., R., 63½ E.,
  Secs. 25 and 36.
T. 23 S., R. 64 E.,
  Secs. 27 to 34, inclusive.
T. 23½ S., R. 64 E.,
  Secs. 31 to 35, inclusive.
T. 24 S., R. 64 E.,
  Secs. 2 to 11, inclusive;
  Secs. 14 to 23, inclusive;
  Secs. 26 to 35, inclusive.
T. 25 S., R. 64 E.,
  Secs. 1, 2, 3, 4, 5, and 6.

The areas described aggregate 126,775 acres.

The segregative effect of this order will terminate March 7, 1963: *Provided, however,* That in the event the Colorado River Commission of the State of Nevada, pursuant to the act of March 6, 1958, supra, shall file with the Manager of the Land Office of the Bureau of Land Management at Reno, Nevada on or before March 7, 1963, an application or applications for the conveyance to it of title to any lands within the above-described area, the period of segregation provided by this order shall as to the lands applied for be extended until such time as the application is finally disposed of by the Secretary of the Interior or his delegate.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 58-2660; Filed, Apr. 10, 1958; 8:45 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 7, 1958.

The United States Department of Agriculture has filed an application, Serial No. New Mexico 035452, for the withdrawal of lands described below, from all forms of appropriation, including the general mining and the mineral leasing laws.

The applicant desires the land for conducting cooperative research and performance testing experiments on cattle and sheep under Southwestern range conditions, as well as for study and comparison of range management practices such as control of low value shrubs and trees, control of soil erosion and introduction of valuable forage species.

This research, which will be carried on in cooperation with the New Mexico College of Agriculture and Mechanic Arts and the State Department of Game and Fish, will include studies designed to improve efficiency of production of cattle and sheep, under joint use with game, through comparisons of production under single and multiple grazing of cattle, sheep and game; research on improvement of cattle and sheep by testing methods of selection, through production testing of sires, and different systems of breeding; comparisons of various supplemental feeds and methods of supplementing grazing, and comparisons of various range management practices.

Stress will be placed on problems arising from the joint use of range by cattle, sheep, and game, which will include studies of the effect of single species and intermingled grazing on amount of wool produced, vegetation and soil conditions, the reproduction and condition of game animals, and disease problems, especially as the latter concerns parasites and infections common to domestic animals and game.

Some special livestock and range problems which will be included in the overall plan of investigation will be environmental influences on fleece and body traits of sheep, increased production of wool and meat, and the adaptability of various strains of sheep to various areas. Problems of feed supplementation will be investigated. Studies in increased cattle production, cross-breeding and earlier marketing will be carried on.

Game management research is proposed for the area, the basic objectives of which will include studies of grazing competition between species, perfection of methods of census enumeration, extent of need for annual harvest of game, causes of game mortality from disease, parasites and nutritional factors and remedial measures.

Studies will be made of the relative economic potential of various types of range units as they may be used for single species or for intermingled species, and range management recommendations will be made in accordance with findings.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor, Bureau of Land Management, Federal Court House Building, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 9 and 10 S., Rs. 14 and 15 E.,
  All lands within Fort Stanton Reduced Military Reservation, exclusive of Tract 37 which contains 1326.33 acres.
T. 9 S., R. 14 E.,
  Sec. 13, S½NE¼, S½;
  Sec. 14, SE¼SE¼;
  Sec. 23, NE¼NW¼, S½NW¼, NE¼, S½;
  Sec. 24, Lots 1, 2, 3, 4, 5, and 6, W½NE¼, NE¼NE¼, NW¼, NW¼SW¼;
  Sec. 26, Lots 1, 2, 3, and 4, N½NW¼;
  Sec. 27, Lots 1, 2, 3, and 4, N½, N½SW¼;
  Sec. 28, NE¼NE¼, S½NE¼, S½NW¼, S½;
  Sec. 29, SE¼NE¼, SE¼, E½SW¼;
  Sec. 32, Lots 1 and 2, NE¼, E½NW¼;
  Sec. 33, Lots 1, 2, 3, 4, and 5, N½NW¼;
  Sec. 34, Lot 1;
  Sec. 36, Lots 1 and 2.
T. 10 S., R. 14 E.,
  Sec. 1, Lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, S½;
  Sec. 2, Lots 1, 2, 3, and 4, E½SE¼, SW¼SE¼, SE¼SW¼;
  Sec. 3, Lot 1;
  Sec. 9, Lots 1 and 2, E½SE¼;
  Sec. 10, Lots 1, 2, and 3, E½NE¼, SW¼NE¼, SE¼NW¼, S½;
  Sec. 11, All;
  Sec. 12, All;
  Sec. 13, NW¼NE¼, N½NW¼, SW¼NW¼;
  Sec. 14, N½, NW¼SE¼, N½SW¼, SW¼SW¼;
  Sec. 15, N½, SE¼, N½SW¼, SE¼SW¼;
  Sec. 16, NE¼NE¼;
  Sec. 22, NW¼NE¼, NE¼NW¼.
T. 9 S., R. 15 E.,
  Sec. 7, All;
  Sec. 8, All;
  Sec. 9, All;
  Sec. 16, Fractional, unsurveyed;
  Sec. 17, Fractional, unsurveyed;
  Sec. 18, Fractional, unsurveyed;
  Sec. 19, Fractional, unsurveyed;
  Sec. 22, Fractional, unsurveyed;
  Sec. 26, All;
  Sec. 27, Fractional, unsurveyed;
  Sec. 28, Fractional, unsurveyed;
  Sec. 29, Fractional, unsurveyed;
  Sec. 31, Fractional, unsurveyed;
  Sec. 32, Fractional, unsurveyed;
  Sec. 33, All;
  Sec. 34, All;
  Sec. 35, All.
T. 10 S., R. 15 E.,
  Sec. 3, Lots 3 and 4;
  Sec. 4, Lots 1, 2, 3, and 4, S½NE¼, S½NW¼, N½SW¼;
  Sec. 5, All;
  Sec. 6, All;
  Sec. 7, Lots 1, 2, 3, and 4, NE¼, E½NW¼, NE¼SW¼;
  Sec. 8, N½NW¼.

The areas described aggregate approximately 26,400 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 58-2663; Filed, Apr. 10, 1958; 8:46 a. m.]

Bureau of Reclamation

UNCOMPAHGRE PROJECT, COLORADO

ORDER OF REVOCATION

MARCH 19, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of January 31, 1902; October 24, 1902; April 20, 1904; March 30, 1905 (2 orders, 1 first form and 1 second form); November 30, 1914; December 1, 1916; April 24, 1922 and October 14, 1940, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 49 N., R. 7 W.,
  Sec. 13, Lots 1 to 16, incl., and W½;
  Sec. 14, N½ and SE¼.
T. 48 N., R. 8 W.,
  Sec. 5, Lot 4, W½ Lot 6, N½ Lot 12 and Lot 22;
  Sec. 6, Lots 1 to 6, incl., 10 to 15, incl., S½ Lot 17, Lots 18 to 22, incl., E½SW¼ and N½SE¼;
  Sec. 7, Lots 3 to 6, incl., SW¼NE¼, E½W½ and W½SE¼;
  Sec. 18, Lots 1, 2 and 3, W½NE¼, E½NW¼, NE¼SW¼ and NW¼SE¼.
T. 49 N., R. 8 W.,
  Sec. 18, Lots 3 to 10, incl., E½W½, E½W½NW¼, E½W½W½NW¼, and SW¼SE¼;
  Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
  Secs. 20, 21, 28 and 29, all;
  Sec. 30, Lots 1 to 4, incl., E½ and E½W½;
  Sec. 31, Lots 1 to 4, incl., E½ and E½W½;
  Sec. 32, all;
  Sec. 33, E½E½NE¼, W½NW¼NE¼ and W½.
T. 48 N., R. 9 W.,
  Sec. 1, Lots 1 to 20, incl., and S½;
  Sec. 2, Lots 1 to 20, incl., and S½;
  Sec. 3, Lots 1 to 20, incl., and S½;
  Sec. 4, Lots 1 to 20, incl., and S½;
  Sec. 5, Lots 1 to 6, incl., 8 to 20, incl., and S½;
  Sec. 6, Lots 1 to 22, incl., E½SW¼ and SE¼;
  Sec. 7, Lots 1 to 4, incl., E½ and E½W½;
  Sec. 8, all;
  Sec. 9, Lots 1 to 7, incl., N½, N½SW¼, and SE¼SE¼;
  Sec. 10, Lots 1 to 13, incl., N½NE¼, NE¼SW¼, S½SW¼ and SW¼SE¼;
  Secs. 11 and 12, all;
  Sec. 13, N½, N½SW¼ and NW¼SE¼;
  Sec. 14, Lots 1 to 10, incl., NE¼, W½SW¼ and N½SE¼;
  Sec. 15, Lots 1 and 2, NW¼NE¼, S½NE¼, NW¼ and S½;
  Sec. 16, Lots 1 to 5, incl., E½, S½NW¼, N½SW¼ and SE¼SW¼;
  Sec. 17, Lots 1 to 9, incl., and W½;
  Sec. 18, Lots 1, 5, 6 and 7, E½, E½NW¼ and NW¼NE¼SW¼;
  Sec. 19, N½NE¼ and SE¼NE¼;
  Sec. 20, E½NE¼ and NW¼NW¼;
  Sec. 21, Lots 1 to 10, incl., NE¼, NE¼NW¼, S½SW¼ and E½SE¼;
  Sec. 22, N½, N½SW¼, SW¼SW¼ and SE¼;
  Sec. 23, Lots 1 to 5, incl., SW¼NE¼, W½, NW¼SE¼ and S½SE¼;
  Sec. 24, Lots 1 to 5, incl., SW¼NE¼, W½NW¼, S½SE¼NW¼ and W½SE¼;
  Sec. 25, NW¼NE¼;
  Sec. 27, W½NW¼.
T. 49 N., R. 9 W.,
  Sec. 3, S½S½;
  Sec. 4, Lots 2 to 6, incl., S½N½ and S½;
  Sec. 5, Lots 1 to 4, incl., S½N½ and S½;
  Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
  Sec. 7, Lots 1 to 4, incl., E½ and E½W½;
  Secs. 8 and 9, all;
  Sec. 10, N½, N½S½, S½SW¼ and SW¼SE¼;
  Sec. 11, SW¼NW¼ and W½NW¼SW¼;
  Sec. 13, NE¼ and S½;
  Sec. 14, S½;
  Sec. 15, W½NE¼, NW¼ and S½;
  Secs. 16 and 17, all;
  Sec. 18, Lots 1 to 4, incl., E½ and E½W½;
  Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
  Sec. 20, all;
  Sec. 21, Lots 1 and 2, N½, SW¼ and N½SE¼;
  Secs. 22 to 26, incl.,
  Sec. 27, Lots 1 to 6, incl., NE¼, NE¼NW¼ and NE¼SE¼;
  Sec. 28, Lots 1 to 6, incl., W½W½ and SE¼SW¼;
  Sec. 29, all;
  Sec. 30, Lots 1 to 4, incl., E½ and E½W½;

Sec. 31, Lots 1 to 4, incl., E½ and E½W½;
Sec. 32, all;
Sec. 33, Lot 1, NW¼NE¼, S½NE¼, NW¼ and S½;
Sec. 34, Lots 1 to 6, incl., SE¼NE¼, SW¼, N½SE¼ and SE¼SE¼;
Secs. 35 and 36, all;
The Townsite of Montrose, Colorado, comprising parts of sections 21, 27, 28, 33 and 34, comprising approximately 639.78 acres.

T. 50 N., R. 9 W.,
Sec. 6, Lots 2 to 7, incl., SW¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼ and S½SE¼;
Sec. 7, Lots 1 and 3 to 7, incl., W½E½, E½W½ and E½SW¼NW¼;
Sec. 17, W½NW¼, SW¼, N½SE¼ and SW¼SE¼;
Sec. 18, Lots 1 to 4, incl., E½ and E½W½;
Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
Sec. 20, all;
Sec. 28, W½ and S½SE¼;
Sec. 29, all;
Sec. 30, Lots 1 to 4, incl., E½ and E½W½;
Sec. 31, Lots 1 to 4, incl., E½ and E½W½;
Secs. 32 and 33, all.

T. 51 N., R. 9 W.,
Sec. 7, Lots 1 to 4, incl.;
Sec. 8, Lots 2, 3 and 4;
Sec. 17, W½E½ and W½;
Sec. 18, Lots 1 to 4, incl., E½ and E½W½;
Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
Sec. 20, N½, E½SW¼, N½SE¼ and SW¼SE¼;
Sec. 29, NE¼NW¼;
Sec. 30, Lots 1 to 4, incl., W½NE¼, N½NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼ and SE¼SW¼;
Sec. 31, Lots 1 to 4, incl., SW¼NE¼, E½W½, NW¼SE¼ and S½SE¼.

T. 48 N., R. 10 W.
Sec. 3, Lots 1 to 16, incl., and S½;
Sec. 4, Lots 1 to 16, incl., and S½;
Sec. 5, Lots 1 to 12, incl., 14, 15 and 16, NE¼SW¼ and N½SE¼;
Sec. 6, Lots 1, 2, 3, 7, 8, 9, 10, 21, 22 and 23.

T. 49 N., R. 10 W.
Sec. 1, Lots 1 to 4, incl., S½N½ and S½;
Sec. 2, Lots 1 to 4, incl., S½N½ and S½;
Sec. 3, Lots 1 to 4, incl., S½N½ and S½;
Sec. 4, Lots 1 to 4, incl., S½N½ and S½;
Sec. 5, Lots 1 to 4, incl., S½N½ and S½;
Sec. 6, Lots 1, 3, 4, 5, 8 and 9, S½NE¼, SE¼NW¼ and E½E½SE¼;
Secs. 9 to 15, incl.;
Sec. 17, NW¼NE¼;
Sec. 21, N½, N½S½, W½SW¼SW¼, SE¼SW¼ and S½SE¼;
Secs. 22 to 28, incl.;
Sec. 32, E½, E½W½ and SW¼SW¼;
Secs. 33 to 36, incl.

T. 50 N., R. 10 W.,
Sec. 1, Lots 1 to 4, incl., S½N½ and S½;
Sec. 2, Lots 1 to 4, incl., S½N½ and S½;
Sec. 3, Lots 1 to 4, incl., S½N½ and S½;
Sec. 4, Lots 1 to 4, incl., S½N½ and S½;
Sec. 5, Lots 1 to 4, incl., S½N½ and S½;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, Lots 1 to 4, incl., E½ and E½W½;
Secs. 8 to 17, incl.;
Sec. 18, Lots 1 to 4, incl., E½ and E½W½;
Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
Secs. 20 to 29, incl.;
Sec. 30, Lots 1 to 4, incl., E½ and E½W½;
Sec. 31, Lots 1 to 4, incl., E½ and E½W½;
Secs. 32 to 36, incl.

T. 51 N., R. 10 W.,
Sec. 7, Lots 1 to 4, incl.;
Sec. 8, Lots 1 to 4, incl.;
Sec. 9, Lots 1 to 4, incl.;
Sec. 10, Lots 1 to 4, incl.;
Sec. 11, Lots 1 to 4, incl.;
Sec. 12, Lots 1, 2, 4, 5 and 6;
Secs. 13 to 17, incl.;
Sec. 18, Lots 1 to 4, incl., E½ and E½W½;
Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
Secs. 20 to 29, incl.;
Sec. 30, Lots 1 to 4, incl.; E½ and E½W½;
Sec. 31, Lots 1 to 4, incl., E½ and E½W½;
Secs. 32 to 36, incl.

T. 49 N., R. 11 W.,
Sec. 1, SE¼NE¼.

T. 50 N., R. 11 W.,
Sec. 1, Lots 1 to 4, incl., S½N½ and S½;
Sec. 2, Lots 1 to 4, incl., S½N½ and S½;
Sec. 3, Lots 1 to 4, incl., S½N½ and S½;
Sec. 4, Lots 1 to 4, incl., S½N½ and S½;
Sec. 5, Lots 1 to 4, incl., S½N½, N½SW¼ and SE¼;
Sec. 6, Lot 1, and SE¼NE¼;
Sec. 8, NE¼;
Secs. 9 to 15, incl.;
Sec. 16, N½ and SE¼;
Sec. 21, NE¼NE¼;
Sec. 22, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼;
Secs. 23, 24 and 25, all;
Sec. 36, N½, W½W½E½NE¼SW¼, W½NE¼SW¼, NW¼SW¼, SE¼SW¼ and SE¼.

T. 51 N., R. 11 W.,
Sec. 7, Lots 1, 3, 5 and 6;
Sec. 8, Lots 1 to 4, incl.;
Sec. 9, Lots 1 to 4, incl.;
Sec. 10, Lots 1 to 4, incl.;
Sec. 11, Lots 1 to 4, incl.;
Sec. 12, Lots 1 to 4, incl.;
Secs. 13 to 17, incl.;
Sec. 18, Lots 1 to 4, incl., E½ and E½W½;
Sec. 19, Lots 1, 2 and 3, E½ and E½W½;
Secs. 20 to 29, incl.;
Sec. 30, NE¼, E½NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 94 W.,
Sec. 5, SW¼SW¼;
Sec. 6, Lots 8, 10, 11, 14 and 15, and S½SE¼;
Sec. 7, Lots 1 to 4, incl., E½ and E½W½;
Sec. 8, NW¼NW¼, NW¼SW¼ and S½S½;
Sec. 17, all;
Sec. 18, Lots 1 to 4, incl., E½ and E½W½;
Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
Sec. 20, all;
Sec. 21, W½NW¼ and SW¼;
Sec. 28, W½ and W½SE¼;
Sec. 29, all;
Sec. 30, Lots 1 to 4, incl., E½ and E½W½;
Sec. 31, Lots 1 to 4, incl., E½ and E½W½;
Sec. 32, all;
Sec. 33, W½NE¼, NW¼ and S½.

T. 15 S., R. 95 W.,
Sec. 11, NE¼SE¼ and S½SE¼;
Sec. 12, NE¼NE¼, S½NE¼ and S½;
Sec. 13, N½, SW¼, NW¼NE¼SE¼, S½NE¼SE¼, NW¼SE¼ and S½SE¼;
Sec. 14, all;
Sec. 15, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 16, all;
Sec. 17, NE¼, NE¼NW¼, S½NW¼ and S½;
Sec. 18, Lots 2 to 7, incl., SE¼NE¼ and E½SE¼;
Sec. 19, Lots 1 to 4, incl., E½ and E½W½;
Sec. 20, all;
Sec. 21, NW¼NE¼, S½NE½, NW¼ and S½;
Sec. 22, NE¼NE¼, NE¼NW¼, S½N½ and S½;
Sec. 23, all;
Sec. 24, N½N½, SE¼NE¼, SW¼NW¼ and S½;
Secs. 25 to 29, incl.;
Sec. 30, Lots 1 to 4, incl., E½ and E½W½;
Sec. 31, Lots 1 to 4, incl., E½ and E½W½;
Sec. 32, N½NE¼, SW¼NE¼, NW¼ and S½;
Secs. 33, 34 and 35, all;
Sec. 36, N½, NE¼NE¼SW¼, N½SE¼NE¼SW¼, SW¼SE¼NE¼SW¼, W½E½SW¼, W½SW¼, NW¼NE¼SE¼SW¼, S½NE¼SE¼SW¼, SE¼SE¼SW¼, E½SE¼, E½W½SE¼, NW¼NW¼SE¼, N½SW¼NW¼SE¼, SE¼SW¼NW¼SE¼, NE¼NW¼SW¼SE¼, S½NW¼SW¼SE¼ and SW¼SW¼SE¼;
Part of the Townsite of Delta, Colorado, comprising parts of sections 18 and 19 and consisting of approximately 234 acres.

T. 15 S., R. 96 W.,
Sec. 10, SW¼SE¼;
Sec. 11, SE¼SW¼ and SW¼SE¼;
Sec. 13, Lots 1 to 5, incl., S½NE¼ and NW¼;
Sec. 14, NE¼, NE¼NW¼, S½NW¼ and S½;
Sec. 15, NW¼NE¼, NE¼NW¼, S½N½ and S½;
Sec. 16, E½;
Sec. 19, E½E½;
Secs. 20, 21 and 22, all;
Sec. 23, Lot 1, NW¼NE¼, S½NE¼, NW¼ and S½;
Sec. 24, Lots 1 to 5, incl., S½SW¼ and SE¼;
Secs. 25 to 29, incl.;
Sec. 32, E½ and E½W½;
Sec. 33, all;
Sec. 34, NE¼ and S½;
Secs. 35 and 36, all;
Part of the Townsite of Delta, Colorado, comprising parts of sections 13, 23 and 24 and consisting of approximately 470 acres.

The above-described areas aggregate approximately 171,667 acres.

E. G. NIELSEN,
Assistant Commissioner.

[661468]

APRIL 7, 1958.

I concur.

The major portion of the lands is patented.

1. Lots 3, 4, 5, 12 and the NE¼SW¼, of sec. 13 T. 49 N., R. 7 W., N. M. P. M., Colorado, aggregating approximately 200 acres, are patented with a reservation of minerals to the United States.

2. The following-described lands are vacant public domain:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 49 N., R. 7 W.,
Sec. 13, lots 1, 2, 6, 7, 8, 9, 10, 11, 13, 14, 15, and 16, NW¼, W½SW¼, and SE¼SW¼;
Sec. 14, N½, and SE¼.

T. 48 N., R. 8 W.,
Sec. 6, lots 21 and 22, S½NE¼SE¼, and E½SW¼;
Sec. 7, lots 5 and 6, SW¼NE¼, and E½NW¼.

T. 49 N., R. 8 W.,
Sec. 18, NE¼NW¼;
Sec. 19, N½NE¼, and NE¼NW¼;
Sec. 20, NW¼NW¼;
Sec. 21, NE¼;
Sec. 28, SE¼SW¼;
Sec. 30, S½NE¼SE¼NE¼SE¼, and N½SE¼SE¼NE¼SE¼;
Sec. 31, W½NW¼NE¼NE¼, SW¼NE¼NE¼, N½SE¼NE¼NE¼, and SW¼NE¼;
Sec. 32, W½NE¼NW¼, S½SE¼NE¼NW¼, E½E½NW¼NW¼, N½NW¼NE¼NW¼NW¼, S½NW¼SE¼NW¼NW¼, SW¼SE¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, and S½S½SE¼SE¼.
Sec. 33, S½SW¼SW¼, and SE¼SW¼.

T. 48 N., R. 9 W.,
Sec. 1, lots 16 and 17, and E½SE¼;
Sec. 2, lots 7 and 8;
Sec. 11, SW¼SE¼;
Sec. 12, W½NE¼, and N½SE¼;
Sec. 13, NW¼SE¼;
Sec. 14, lots 2, 3, 6, and 7, NW¼SE¼, and W½NE¼;
Sec. 19, N½NE¼, and SE¼NE¼;
Sec. 20, NW¼NW¼;
Sec. 24, SW¼NE¼, NW¼NW¼, and S½SE¼NW¼.

T. 50 N., R. 9 W.,
  Sec. 7, lot 5, E½E½NE¼SW¼NW¼, and E½SE¼SW¼NW¼; S½SW¼NE¼; NE¼SW¼NE¼; SE¼NW¼NE¼.
  Sec. 17, E½W½NW¼.
T. 51 N., R. 9 W.,
  Sec. 7, lot 1;
  Sec. 8, lot 4;
  Sec. 17, NE¼NW¼, W½W½, and SE¼SW¼;
  Sec. 18, E½E½;
  Sec. 19, NE¼NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
  Sec. 20, SW¼NE¼, NW¼, E½SW¼, NE¼SE¼, and W½SE¼;
  Sec. 29, NE¼NW¼;
  Sec. 30, lots 1, 2, 3, NW¼NE¼, N½NE¼NW¼, and SE¼NE¼NW¼.
T. 49 N., R. 10 W.,
  Sec. 6, lots 3 and 9, W½SW¼NE¼, and SE¼NW¼;
  Sec. 17, NW¼NE¼.
T. 50 N., R. 10 W.,
  Sec. 12, W½W½NE¼NE¼SE¼, NW¼NE¼SE¼, NE¼NE¼NW¼SE¼, N½SE¼NE¼NW¼SE¼, NW¼NW¼SE¼, S½N½SW¼NW¼SE¼, S½SW¼NW¼SE¼, S½NW¼SE¼NW¼SE¼, and SW¼SE¼NW¼SE¼;
  Sec. 21, SW¼NW¼.
T. 51, N., R. 10 W.,
  Sec. 9, lot 1;
  Sec. 10, lots 1, 2, and 4;
  Sec. 11, lots 2, 3, and 4;
  Sec. 12, lot 6;
  Sec. 13, W½SW¼, and E½SE¼;
  Sec. 14, E½;
  Sec. 15, NW¼NW¼, S½NW¼, NE¼SW¼, and N½SE¼;
  Sec. 16, NE¼NE¼, and SW¼SE¼;
  Sec. 21, W½NE¼, and NE¼SE¼;
  Sec. 22, SE¼SW¼, and S½SE¼;
  Sec. 23, NE¼, N½SW¼, SW¼SW¼, and N½SE¼;
  Sec. 24, N½, N½SW¼, SE¼SW¼, and SE¼;
  Sec. 25, N½ and SE¼;
  Sec. 26, N½, NE¼SW¼, and SE¼;
  Sec. 35, NE¼NE¼;
  Sec. 36, NW¼NW¼, W½NE¼SW¼, NW¼SW¼, and N½SE¼SW¼.
T. 15 S., R. 94 W.,
  Sec. 5, SW¼SW¼;
  Sec. 6, SE¼SE¼;
  Sec. 8, SE¼SW¼, and S½SE¼;
  Sec. 17, N½NE¼;
  Sec. 18, NE¼SE¼.
  Sec. 19, NE¼SE¼;
  Sec. 28, NW¼SW¼;
  Sec. 29, W½NE¼;
  Sec. 32, W½NW¼ and SW¼SE¼.
T. 15 S., R. 95 W.,
  Sec. 13, N½N½SW¼NE¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, and SW¼SE¼;
  Sec. 14, SW¼SW¼;
  Sec. 23, SE¼SE¼;
  Sec. 24, W½NW¼;
  Sec. 34, SE¼SE¼;
  Sec. 35, NE¼SW¼, S½SW¼, and W½SE¼.

The areas described aggregate 9,414.24 acres.

3. The restored lands are comprised of relatively small parcels lying principally along the eastern side of the Uncompahgre Valley, with the major concentration in a block approximately four miles northeast of the Town of Olathe, Colorado. The topography is extremely irregular with steep precipitous slopes, presenting somewhat of a "badlands" appearance. The soil is highly charged with soluble mineral salts. The rugged terrain, high saline content of the soil, and lack of water, probably render the lands unsuited to development under the homestead or desert-land laws. The lands have limited value for grazing.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 13, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The lands, including those described in paragraph 1, have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on August 12, 1958.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-2661; Filed, Apr. 10, 1958; 8:45 a. m.]

CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

JANUARY 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of April 20, 1936, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 N., R. 5 W.,
  Sec. 25, W½NE¼NW¼, S½SE¼NE¼NW¼, N½N½SE¼NW¼.

The above area aggregates 35 acres.

E. G. NIELSEN,
Acting Commissioner.

[70772]

APRIL 7, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The land lies within the city limits of Redding, California, approximately one-half mile north from the center of town. A dirt road passes into the land from the east. The topography is rolling, with an intermittent stream flowing through in an easterly direction. There are some gravel pits scattered about as a result of past placer mining activities. The vegetation is made up of a scattered oak woodland, chapparral, and grassland.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on May 13, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on August 12, 1958.

6. The lands have also been open to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a, et seq.) as amended, and are completely covered by such applications.

7. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-2662; Filed, Apr. 10, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10846, G-11278]

W. H. MOSSOR ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 7, 1958.

In the matters of W. H. Mossor, Docket No. G-10846; S. A. Smith et al., Docket No. G-11278.

Take notice that (1) W. H. Mossor (Mossor), an independent producer, with a principal place of business in Auburn, West Virginia, filed an application in Docket No. G-10846 on August 1, 1956, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Hope Natural Gas Company for resale subject to the jurisdiction of the Commission, and (2) S. A. Smith, Lillie H. Maple (Administratrix of the Estate of E. E. Hess, Deceased), Robert Kerns and William Kerns (Trustees of the Estate of J. W. Kerns, Deceased), independent producers, with a principal place of business in Mountain, West Virginia, filed an application in Docket No. G-11278 on October 23, 1956, pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Hope Natural Gas Company, subject to the jurisdiction of the Commission, all as more fully described in the applications of the respective parties, on file with the Commission and open for public inspection.

W. H. Mossor seeks authorization to sell natural gas proposed to be produced by Mossor from leasehold acreage (H. L. Sommerville Lease) in Union District of Ritchie County, West Virginia, assigned to him by S. A. Smith et al. on April 16, 1956. The sale of natural gas by Mossor will be a continuation of the sale and delivery of natural gas provided for in the basic contract dated November 15, 1922, executed by and between A. C. Woodford et al. and Hope Natural Gas Company, and which was made the subject of an assignment dated July 21, 1927, by A. C. Woodford et al. to S. A. Smith et al. The application of S. A. Smith et al in Docket No. G-11278 recites that the sale of natural gas proposed to be abandoned by Smith, and proposed to be continued by Mossor was authorized by the Commission in Docket No. G-5400, in the certificate order issued by the Commission on April 11, 1955, In the Matters of George P. Black et al., Docket No. G-5387 et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 20, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2664; Filed, Apr. 10, 1958; 8:46 a. m.]

[Docket No. G-13269]

CAMERON OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 7, 1958.

Take notice that Cameron Oil & Gas Company (Applicant), an independent producer of natural gas, filed an application on September 13, 1957, for permission and approval to abandon the sale of natural gas pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to South Penn Natural Gas Company from the 10-acre Haddalton Tract in Washington District, Boone County, West Virginia, which sale was previously authorized on September 2, 1955, in Docket No. G-2967, pursuant to a sales contract dated March 11, 1935.

The application states that one well was drilled on the aforementioned lease in about 1930, that said well is now depleted and that Applicant desires to plug the well and remove all casing, tubing and equipment.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2665; Filed, Apr. 10, 1958; 8:46 a. m.]

[Docket No. G-13329]

DUNN-MAR OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 7, 1958.

Take notice that Dunn-Mar Oil and Gas Company (Applicant), an independent producer of natural gas, filed an application on September 27, 1957, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to South Penn Natural Gas Company from the Grant District, Wetzel County, West Virginia, which sale was previously authorized on March 24, 1955, in Docket No. G-4500.

The application states that the supply of natural gas involved herein is depleted to the extent that further service to South Penn Natural Gas Company is unwarranted, said production amounting to only 21 Mcf of gas in April, and that no further production has been sold since that date. The application further states that the well involved herein was sold on June 20, 1955, to H. H. Kennedy of Hundred, Wetzel County, West Virginia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2666; Filed, Apr. 10, 1958; 8:46 a. m.]

[Docket No. G-13394]

T. E. BICKEL ESTATE

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 7, 1958.

Take notice that T. E. Bickel Estate (Applicant), an independent producer of natural gas, filed an application on October 9, 1957, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon natural gas service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to Hope Natural Gas Company from acreage in Union District, Wood County, West Virginia, which sale was previously authorized on July 13, 1955, in Docket No. G-8355, under a gas sales contract dated December 4, 1943, as amended, between W. H. Bickel, predecessor in interest to T. E. Bickel Estate, as seller, and Hope Natural Gas Company, as buyer.

The application states that the volume of natural gas available for delivery under the contract has declined to a point where it is no longer economically feasible to continue the operation, that only 772 Mcf of gas was delivered during the last month of operation, and that Applicant had to operate a compressor at considerable expense to enable it to deliver this volume of gas. The sales contract has been cancelled by agreement dated September 17, 1957.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2667; Filed, Apr. 10, 1958; 8:47 a. m.]

[Docket No. G-14823]

W. C. MCBRIDE, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 7, 1958.

W. C. McBride, Inc., (McBride), on March 10, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter,[1] dated July 24, 1957. (2) Notice of change, dated March 6, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 4 to McBride's FPC Gas Rate Schedule No. 8. (2) Supplement No. 5 to McBride's FPC Gas Rate Schedule No. 8.

Effective date: April 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, McBride submits a copy of a letter from Texas Eastern Transmission Corporation advising him that it has entered into a contract with another producer for the higher price within the area and offering to pay the same price to McBride.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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[1] Renegotiation of rate from a base rate of 12.3 cents to 14.4 cents per Mcf as per favored-nation clause of contract.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 4 and 5 to McBride's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 4 and 5 to McBride's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 11, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2668; Filed, Apr. 10, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-342]

RED BANK OIL CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 7, 1958

In the matter of Red Bank Oil Company, Common Stock, File No. 1-342.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This stock has been suspended from trading on the Exchange since October 16, 1945. The latest annual report filed by the company with the Exchange is for 1952, and accordingly the company is in violation of the Exchange's rules and regulations requiring such reports to be filed with it annually. The Commission's records indicate that this company is subject to the reporting requirements of section 15 (d) of the Securities and Exchange Act of 1934.

Upon receipt of a request, on or before April 22, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2674; Filed, Apr. 10, 1958; 8:48 a. m.]

[File No. 1-969]

JERRY O'MAHONY, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 7, 1958.

In the matter of Jerry O'Mahony, Incorporated, Common Stock, File No. 1-969.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This stock was suspended from trading on the Exchange on August 8, 1956, owing to the Company's failure to supply its annual statement for 1955. The statement was subsequently filed with the Exchange, but in July 1957, the Company petitioned for reorganization under Chapter XI of the Federal Bankruptcy Act. No Plan of Reorganization has as yet been promulgated. On February 1, 1958, the Transfer agent and registrar terminated their facilities in absence of a continuing authorization by the Company.

Upon receipt of a request, on or before April 22, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2675; Filed, Apr. 10, 1958; 8:48 a. m.]

[File No. 1-3261]

DEMPSTER INVESTMENT CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 7, 1958.

In the matter of Dempster Investment Company, Common Stock, File No. 1-3261.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As a result of an offer dated January 3, 1958 by the Company to purchase its shares at $8.91 each, the publicly held shares have been reduced to 4,590, owned by 55 holders of record. The stock was accordingly suspended from trading on the Exchange on April 2, 1958.

Upon receipt of a request, on or before April 22, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2673; Filed, Apr. 10, 1958; 8:48 a. m.]

[File No. 1-3914]

NEW BRISTOL OILS, LTD.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 7, 1958.

In the matter of New Bristol Oils Limited, Common Stock, File No. 1-3914.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Commencing on March 28, 1958, holders of this stock received a distribution of the Bayview Oil Corporation shares constituting the company's principal asset. The New Bristol stock was suspended from trading on the Exchange on March 31, 1958, by reason of its limited market value "ex-distribution".

Upon receipt of a request, on or before April 22, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2676; Filed, Apr. 10, 1958; 8:48 a. m.]

[File No. 24SF-2410]

SALESOLOGY, INC.

NOTICE OF AND ORDER FOR HEARING

APRIL 7, 1958.

I. Salesology, Inc., an Arizona corporation, filed with the Commission on May 13, 1957, a Notification and Offering Circular relative to a proposed offering of 2,500 shares at $10 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission on January 16, 1958, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Grand Jury Room, Third Floor, U. S. Courthouse, 230 North First Avenue, Phoenix, Arizona, at 10:00 a. m., May 13, 1958, with respect to the following matters and questions without prejudice, however to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The terms and conditions of Regulation A have not been complied with in that:

a. The notification fails to disclose the name of the issuer's affiliate as is required by Form 1-A under Rule 255.

b. The notification and offering circular are inconsistent with respect to the number of shares held by the issuer's president.

2. The offering circular contains untrue statements of material facts, fails to reflect material changes which have occurred in the affairs of the corporation, and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to:

a. The statement concerning the number of shares of stock outstanding when compared to the statement of cash receipts for stock sold.

b. The failure to disclose the amount to be received by the issuer's president under his contract for the purchase and sale of phonographic records.

c. The failure to disclose that Robert Kelso is no longer secretary and a director of the issuer.

3. The issuer has failed to cooperate with the Commission as required by Rule 261 (a) (7).

B. Whether the order dated January 16, 1958, temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered,* That James G. Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Salesology, Inc., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before May 8, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2672; Filed, Apr. 10, 1958; 8:47 a. m.]

[File No. 70-3690]

YANKEE ATOMIC ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AND ACQUISITION OF NOTES OF SUBSIDIARY

APRIL 4, 1958.

In the matter of Yankee Atomic Electric Company, New England Power Company, Western Massachusetts Companies, Public Service Company of New Hampshire, Montaup Electric Company, File No. 70-3690.

Notice is hereby given that Yankee Atomic Electric Company ("Yankee"), a public-utility subsidiary of New England Electric System, a registered holding company; New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System and an exempt holding company; Western Massachusetts Companies ("Western Massachusetts"), an exempt holding company; Public Service Company of New Hampshire ("New Hampshire"), a public-utility company and an exempt holding company; and Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated sections 6, 7, 9 and 10 of the act as applicable to transactions therein propoesd, which are summarized below:

Yankee has outstanding $4,000,000 par value of common stock held by stockholder companies as shown in the table below. The company proposes, from time to time prior to September 30, 1958, to issue to its stockholder companies non-interest bearing promissory notes in the maximum aggregate amount of $4,000,000 at any one time outstanding. Such notes will mature not more than one year from the date of issue. The stockholder companies by the use of treasury funds will acquire the notes in the proportions indicated in the table below and such stockholder companies as are subject to the provisions of sections 9 and 10 of the Act seek Commission approval of the acquisitions.

	Number of shares	Aggregate par value	Percent of total	Principal amount of notes to be acquired
New England Power Company	12,000	$1,200,000	30.0	$1,200,000
The Connecticut Light and Power Company	6,000	600,000	15.0	600,000
Boston Edison Company	3,800	380,000	9.5	380,000
Central Maine Power Company	3,800	380,000	9.5	380,000
The Hartford Electric Light Company	3,800	380,000	9.5	380,000
Western Massachusetts Electric Company	2,800	280,000	7.0	280,000
Public Service Company of New Hampshire	2,800	280,000	7.0	280,000
Montaup Electric Company	1,800	180,000	4.5	180,000
New Bedford Gas and Edison Light Company	1,000	100,000	2.5	100,000
Cambridge Electric Light Company	800	80,000	2.0	80,000
Central Vermont Public Service Corporation	1,400	140,000	3.5	140,000
	40,000	4,000,000	100.0	4,000,000

According to the filing the Atomic Energy Commission, on November 4, 1957, issued a construction permit to Yankee with respect to its contemplated 134,000 Kw net electrical capacity nuclear power plant and this plant is scheduled for completion in 1960.

It is stated that New England Power Service Company, an affiliated service company, will perform incidental services in connection with the proposed transactions and such services will be performed at the actual cost thereof estimated not to exceed $2,500. The expenses of the other applicants-declarants in connection with the proposed acquisition of the notes, including legal fees and the preparation of regulatory Commission applications, are estimated not to exceed $250 each.

It is represented that the Massachusetts Department of Public Utilities has jurisdiction over the note acquisitions by such stockholder companies as are Massachusetts utility companies. A copy of the State commission order will be supplied by amendment.

Notice is further given that any interested person may, not later than April 21, 1958 at 5:30 p.m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective in a manner similar to the procedure provided for in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules promulgated under the act as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2670; Filed, Apr. 10, 1958; 8:47 a.m.]

[File No. 70-3696]

MISSISSIPPI POWER CO.

NOTICE OF FILING OF DECLARATION REGARDING A PROPOSAL TO ISSUE BONDS FOR SINKING FUND PURPOSES

APRIL 4, 1958.

Notice is hereby given that Mississippi Power Company ("Mississippi Power"), an electric utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has specified sections 6 (a) and 7 of the act and Rule 50 (a) (5) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi Power proposes to issue, on or prior to June 1, 1958, $364,000 principal amount of First Mortgage Bonds, 4⅝ percent Series due 1987, under its Mortgage Indenture dated September 1, 1941, to Guaranty Trust Company of New York, as Trustee, as amended and supplemented. The bonds are to be identical with those authorized April 3, 1957 (File No. 70-3572), are to be issued on the basis of unfunded net property additions, and will be used in lieu of cash to satisfy, in part, Mississippi Power's sinking fund requirements in the amount of $364,270; thus making available for construction and other purposes cash which would otherwise have to be used to satisfy the sinking fund requirements. The balance of the sinking fund requirement is to be satisfied by the deposit of cash.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,200, consisting of Trustee's fees of $450, counsel fees of $500, and miscellaneous expenses of $250.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 24, 1958, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be hereafter amended, may be permitted to become effective as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from the rules promulgated under the act, as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2671; Filed, Apr. 10, 1958; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 8, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34593: *Pigeon or poultry grit—Barre, Vt., to western points.* Filed by O. E. Schultz, Agent (ER No. 2431), for interested rail carriers. Rates on pigeon or poultry grit, carloads from Barre, Vt., to specified points in Illinois, Iowa, and Wisconsin.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 249 to Agent Swenson's tariff I. C. C. 591.

FSA No. 34594: *TOFC service—Between interstate points and points in the Southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7254), for interested rail carriers. Rates on freight of various kinds, moving on class and commodity rates, loaded in or on trailers or demountable trailer bodies and transported on railroad flat cars between specified points in Illinois, western trunk-line and southwestern territories, on the one hand, and specified points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 19 to Agent Kratzmeir's tariff I. C. C. 4274 and three other schedules.

FSA No. 34595: *TOFC service—Between Illinois, Indiana, and Wisconsin points and points in the Southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7261), for interested rail carriers. Rates on various commodities, moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars between specified points in Illinois, Indiana, and Wisconsin, on the one hand, and specified points in Arkansas, Louisiana (west of the Mississippi River), and Texas, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 44 to Agent Kratzmeir's tariff I. C. C. 4254.

FSA No. 34596: *Paper and Paper Articles To West Des Moines, Iowa.* Filed by W. J. Prueter, Agent (WTL No. A–[illegible]71), for interested rail carriers. Rates on paper and paper articles, carloads from specified points in Michigan, Minnesota and Wisconsin, and Ontario, Canada to West Des Moines, Iowa.

Grounds for relief: Commercial competition with Des Moines, Iowa.

Tariff: Supplement 65 to Agent Prueter's tariff I. C. C. A–4082.

FSA No. 34597: *Lumber and related articles—Southern points to Springfield, Vt.* Filed by O. W. South, Jr., Agent (SFA No. A3637), for interested rail carriers. Rates on lumber and related articles, carloads from specified points in southern territory to Springfield, Vt.

Grounds for relief: Rates made arbitrary over rates constructed on basis of short-line distance formula, grouping, and special rate treatment for relief lines in southern territory.

Tariff: Supplement 179 to Agent C. A. Spaninger's tariff I. C. C. 1214.

FSA No. 34598: *Paper from St. Francisville, La., to Chicago, Ill.* Filed by The Illinois Central Railroad Company (No. B–106). Rates on paper, printing, other than newsprint or carbonized print, not printed or imprinted, in packages, carloads from St. Francisville, La., to Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 36 to Agent Spaninger's tariff I. C. C. 1601.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58–2678; Filed, Apr. 10, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF THE NETHERLANDS FOR BENEFIT OF MRS. M. H. RAMONDT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 Fed. Reg. 10101, October 3, 1951) in and to the securities described below.

The State of the Netherlands for the benefit of:

Mrs. M. H. Ramondt; L. S. Claim No. 928 Cities Service Company 5/66, Debenture No. 18029, in the principal amount of $1,000.

Mrs. W. E. Ipey; L. S. Claim No. 941; Cities Service Company 5/69, Debenture No. 17846, in the principal amount of $1,000.

Miss E. Hannema; L. S. Claim No. 945; $1,380.00.

Miss M. Hilarides; L. S. Claim No. 955; $1,160.00.

Mrs. N. v. Rijssen-Beijers; L. S. Claim No. 961; $1,070.00.

Mrs. B. I. Vlielander-Hein; L. S. Claim No. 988; Cities Service Company 5/58, Debenture No. 11478, in the principal amount of $1,000.

J. A. van Kersbergen; L. S. Claim No. 994; Cities Service Company 5/69, Debenture No. 11753, in the principal amount of $1,000.

A. C. Strumphler; L. S. Claim No. 1001; $1,190.00.

L. Feenstra; L. S. Claim No. 1005; Cities Service Company 5/66, Debenture No. 8125, in the principal amount of $1,000.

Vesting Orders Nos. 18520 and 18521

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C. on April 4, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58–2680; Filed, Apr. 10, 1958; 8:49 a.m.]

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 73

Washington, Saturday, April 12, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3232

United States World Trade Fair

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Second Annual United States World Trade Fair is to be held at New York, New York, from May 7 to May 17, 1958, inclusive, for the purposes of exhibiting and promoting the sale of foreign and domestic products to the American trade and to the public; and

WHEREAS the Congress, by a joint resolution approved March 28, 1958 (72 Stat. 70), has authorized the President, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in the Second Annual United States World Trade Fair; and

WHEREAS this exhibition and trade gathering will tend to encourage further development of international trade and to foster friendly relations among participating nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the States of the Union and foreign countries to participate in the Second Annual United States World Trade Fair to be held in the Coliseum in New York, New York, from May 7 to May 17, 1958, inclusive.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of April in the year of our Lord nineteen hundred [SEAL] fifty-eight, and of the independence of the United States of America the one hundred and eighty-second.

Dwight D. Eisenhower

By the President:

John Foster Dulles,
Secretary of State.

[F. R. Doc. 58-2765; Filed, Apr. 10, 1958; 1:15 p. m.]

PROCLAMATION 3233

Child Health Day, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the children of today will tomorrow shape the destiny of the world; and

WHEREAS the spiritual, mental, and physical well-being of our children is essential to the enrichment of their growing years and to the strength of their maturity; and

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617), authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day and calling for appropriate observance of that day; and

WHEREAS Child Health Day is also a fitting time for the people of the United States to observe a Universal Children's Day, as recommended by a resolution of the United Nations General Assembly, and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for the coming generations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Thursday, the first day of May 1958, as Child Health Day, and I invite all persons and all agencies and organizations interested in the welfare of children to use that day as an occasion for rededication to those objectives designed to protect and promote the healthy growth of all children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of April in the year of our Lord nineteen hundred [SEAL] and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

Dwight D. Eisenhower

By the President:

John Foster Dulles,
Secretary of State.

[F. R. Doc. 58-2766; Filed, Apr. 10, 1958; 1:15 p. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; NEW MEXICO

On March 20, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

NEW MEXICO

	Average value
Eddy	$40,000
Lea	40,000
Roosevelt	40,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: April 8, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58-2741; Filed, Apr. 11, 1958; 8:55 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

[Announcement CN-EX-3 (Revision 1), Amdt. 2]

PART 482—COTTON

PRODUCTS EXPORT PROGRAM

In order to extend the final date for export of cotton products in fulfillment of export sales entered into after the date of publication of this amendment, § 482.9 (b) of the Cotton Products Export Program dated November 15, 1956 (21 F. R. 9048), as amended April 24, 1957 (22 F. R. 3039), is hereby further amended so as to read as follows:

(b) *Time for export.* To be eligible for payment hereunder, cotton products sold for export on or before the date of publication of this amendment must be exported within six months after the date of sale or by July 31, 1958, whichever is earlier, and cotton products sold for export after such date of publication must be exported within six months after the date of the export sale or by July 31, 1959, whichever is earlier. An extension of the period for export may be granted by the Chief of the New York office, before or after the expiration of such period for export, if he determines the exporter has been or will be delayed in exporting the cotton products by a cause beyond the exporter's control. Cotton products shall be deemed to have been "exported" when loaded on board an ocean vessel, or if shipment to destination country is by other than ocean carrier, when the shipment clears United States Customs.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c)

Issued this 9th day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-2737; Filed, Apr. 11, 1958; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 131]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.431 *Valencia Orange Regulation 131*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 10, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 13, 1958, and ending at 12:01 a. m., P. s. t., April 20, 1958, are hereby fixed as follows:

(i) District 1: 323,400 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 11, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2798; Filed, Apr. 11, 1958; 11:19 a. m.]

[Lemon Reg. 734]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.841 *Lemon Regulation 734*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.;

58 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 9, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 13, 1958, and ending at 12.01 a. m., P. s. t., April 20, 1958, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 181,350 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "Handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2781; Filed, Apr. 11, 1958; 9:41 a. m.]

PART 985—MILK IN MUSKEGON, MICH., MARKETING AREA

ORDER AMENDING ORDER

§ 985.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Muskegon, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the milk covered by this order amending the order which is marketed within the Muskegon, Michigan marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, participated in a referendum and who during the determined representative period January 1958, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Muskegon, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 985.7 (a) to read:

(a) A person who operates a pool plant or a plant in which milk is pasteurized or packaged and from which Class I milk is disposed of on routes in the marketing area.

2. Add the following as § 985.15:

§ 985.15 *Route.* "Route" means any delivery (including delivery by a vendor or sale from a plant or plant store) of milk, skim milk, buttermilk, flavored milk, or sweet or sour cream, other than delivery in bulk form to a milk processing plant.

3. Amend § 985.46 to read as follows:

§ 985.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 985.41 (b) (2);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in Class I the pounds of butterfat contained in products specified in § 985.41 (a) received in packaged form from (1) a handler fully subject to another Federal order, or (2) a handler whose obligation is computed pursuant to § 985.60, and disposed of in the same form as received.

(d) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from pool plants of other handlers in such classes pursuant to § 985.43 (a) and

(e) Add to the remaining pounds of butterfat in Class II utilitzation the pounds subtracted pursuant to paragraph (a) of this section:

(f) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butter fat in each class in series, beginning with the lowest-priced utilization.

4. Amend § 985.51 to read as follows:

§ 985.51 *Class I milk price.* (a) The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be the basic formula price plus $1.17 through June 30, 1958, and thereafter shall be the basic formula price plus $1.05 during the months of February through June and plus $1.40 during the months of July through January.

5. Add the following as § 985.54:

§ 985.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 8th day of April 1958 to be effective June 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-2707; Filed, Apr. 11, 1958; 8:49 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—ENIWETOK NUCLEAR TEST SERIES, 1958

On February 14, 1958, the Atomic Energy Commission issued public notice of the danger area to be established April 5, 1958, in connection with the forthcoming HARDTACK nuclear test series to be conducted at the Eniwetok Proving Ground in the Marshall Islands. The efficient and early completion of this test series, which is to begin in April 1958, is of major importance to the defense of the United States and of the free world.

To avoid any unnecessary delay or interruption of that test activity, and to protect the health and safety of the public, the Atomic Energy Commission is issuing the following regulations which will be effective until the HARDTACK test series is completed:

In view of the importance of these tests to the national defense, the potential hazard to the health and safety of individuals who enter the danger area, and the early starting date of the tests, the Atomic Energy Commission has found that general notice of proposed rule making the public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, to be effective upon filing with the FEDERAL REGISTER:

Sec.
112.1 Purpose.
112.2 Scope.
112.3 Definitions.
112.4 Prohibition.

AUTHORITY: §§ 112.1 to 112.4 issued under sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201. Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U. S. C. 2012, 2013, 2121. For the purposes of sec. 223, 68 Stat. 958; 42 U. S. C. 2273, § 112.4 issued under sec. 161 i, 68 Stat. 949, 42 U. S. C. 2201 (i).

§ 112.1 *Purpose.* The regulations in this part are issued in order to permit the Atomic Energy Commission in the interest of the United States to exercise its authority pursuant to section 91. a. of the Atomic Energy Act of 1954, as efficiently and expeditiously as possible with a minimum hazard to the health and safety of the public.

§ 112.2 *Scope.* This part applies to all United States citizens and to all other persons subject to the jurisdiction of the United States, its Territories and possessions.

§ 112.3 *Definitions.* As used in this part:

(a) "Danger area" means that area establised, effective April 5, 1958, encompassing the Bikini and Eniwetok Atolls, Marshall Islands and which is bounded by a line joining the following geographic coordinates:

18°30′ N.,	156°00′ E.
18°30′ N.,	170°00′ E.
11°30′ N.,	170°00′ E.
11°30′ N.,	166°16′ E.
10°15′ N.,	166°16′ E.
10°15′ N.,	156°00′ E.

(b) "HARDTACK test series" means that series of nuclear tests to be conducted by the Atomic Energy Commission and the Department of Defense at the Eniwetok Proving Ground located within the danger area as defined in paragraph (a) of this section and which are to begin in April 1958, and end at an announced time during the calendar year 1958.

§ 112.4 *Prohibition.* No United States citizen or other person who is within the scope of this part shall enter, attempt to enter or conspire to enter the danger area during the continuation of the HARDTACK test series, except with the express approval of appropriate officials of the Atomic Energy Commission or the Department of Defense.

Dated at Germantown, Md., this 9th day of April 1958.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 58-2716; Filed, Apr. 11, 1958; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6932]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MODERN SALES & SUPPLY CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.185 *Refunds, repairs, and replacements;* § 13.195 *Safety:* Investment.[1] Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1608 *Dealer or seller assistance;*[1] § 13.1663 *Individual's special selection or situation;* § 13.1725 *Refunds.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Modern Sales & Supply Company et al., Minneapolis, Minn., Docket 6932, Mar. 19, 1958]

In the Matter of Modern Sales & Supply Company, a Corporation, and James K. Sorenson, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Minneapolis, Minn., with representing falsely in advertising for purchasers of their automatic coin machines for vending cigarettes, in newspapers, by radio and television, and by their salesmen, that they were making offers of employment, that purchasers' investment was secured, that specified high earnings were assured and guaranteed, that they would grant purchasers exclusive territory and relocate machines or refund the cost if purchasers were dissatisfied, that they paid a bonus or promotional fee for featuring their particular brand of cigarettes in or on the machines, etc.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Modern Sales & Supply Company, a corporation, and its officers, James K. Sorenson, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vending machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Employment is offered by respondents when, in fact, the real purpose of the advertisement is to obtain purchasers for respondents' products;
2. The amount invested in respondents' products is secured;
3. The earnings or profits derived from the operation of respondents' machines are any amounts in excess of those which have been, in fact, customarily earned by operators of their machines;
4. Respondents have established routes or will establish routes for their machines which will produce earnings or profits in any specific amount;
5. That earnings derived from the operation of respondents' machines are guaranteed;

---

[1] New.

6. Respondents grant exclusive territory in which machines purchased by them may be located;

7. Respondents refund the purchase price of vending machines sold by them or resell them to another person, in case the purchaser is dissatisfied;

8. Respondents obtain satisfactory and profitable locations for the vending machines purchased from them or that they will relocate such machines if the location is not profitable or satisfactory;

9. Purchasers of respondents' machines must have special qualities or are especially selected;

10. Cigarette manufacturers pay a specific bonus or promotional fee to the purchasers of its vending machines.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Modern Sales & Supply Company, a corporation, and its officers, James K. Sorenson, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2698; Filed, Apr. 11, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 1,1-BIS(p-CHLOROPHENYL)-2,2,2-TRICHLOROETHANOL

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol in or on various raw agricultural commodities. Later, the petitioner modified the petition by withdrawing certain commodities, without prejudice.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 22 F. R. 10491) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (4) is amended by inserting in the list of chlorinated hydrocarbons, after "Benzene hexachloride", the item "1,1-bis(p-Chlorophenyl)-2,2,2-trichloroethanol."

2. Part 120 is further amended by adding the following new section:

§ 120.163 *Tolerances for residues of 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol.* Tolerances for residues of 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol are established as follows:

(a) 30 parts per million in or on hops.

(b) 10 parts per million in or on apricots, grapefruit, kumquats, lemons, limes, nectarines, oranges, peaches, tangelos, tangerines.

(c) 5 parts per million in or on apples, beans (dry form); beans, snap (succulent form); beans, lima (succulent form); blackberries, boysenberries, bushnuts, butternuts, cantaloups, cherries, chestnuts, crabapples, cucumbers, dewberries, eggplants, figs, filberts, grapes, hazelnuts, hickory nuts, loganberries, melons, muskmelons, pears, pecans, peppers, pimentos, plums (fresh prunes), pumpkins, quinces, raspberries, summer squash, strawberries, tomatoes, walnuts, watermelons, winter squash.

(d) 0.1 part per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 7, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2705; Filed, Apr. 11, 1958; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter T—Operation and Maintenance

PART 221—OPERATION AND MAINTENANCE CHARGES

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

On March 28, 1957, there was published in the daily issue of the FEDERAL REGISTER notice of intention to modify sections of Title 25, Code of Federal Regulations, dealing with the method of assessments for the irrigable lands of the Blackfeet Indian Irrigation Project, Montana. Formerly, these sections were listed as 130.130, 130.131 and 130.132. Since December 24, 1957 they appear in Title 25, Code of Federal Regulations as §§ 221.130, 221.131, and 221.132. See 22 F. R. 10513.

Interested persons were therein given a period of fifteen days from the date of publication in the FEDERAL REGISTER in which to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to the Secretary of the Interior, Washington 25, D. C.

A subsequent notice was published in the FEDERAL REGISTER dated April 22, 1957, giving interested persons an extension of 20 days after publication of the notice in which to present their views or arguments.

In the meantime a public hearing was held at Browning, Montana, for the purpose of permitting all interested parties to present and discuss their views, comments or arguments regarding the proposed revisions of §§ 221.130, 221.131, and 221.132.

Complete coverage of this meeting held at Browning, Montana, on May 10, 1957, together with information developed during further inspection inquiries during September 1957, and all correspondence in the case has been carefully considered and found not to justify further delay in the revision of the regulations. Accordingly, §§ 221.130, 221.131, and 221.132 are hereby amended to read as follows, to be effective for the season of 1958 and thereafter until further amended,

§ 221.130 *Basic assessment.* Pursuant to the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1958 and subsequent years until further notice is hereby fixed at $1.[illegible] per acre per annum for the delivery of not to exceed one and one half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

§ 221.131 *Excess water assessment.* Additional water, when available, may be delivered upon request at the rate of $1.00 per acre foot, or fraction thereof.

§ 221.132 *Payment.* (a) The assessment fixed in § 221.130 shall be due April 1 of each year and shall be payable on or before that date.

(b) The assessment fixed in § 221.131 for excess water shall be paid prior to the time of delivery.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year there shall be added a penalty of one half of 1 percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

(d) In the event an Indian water user is unable to pay the assessment when due, water may be furnished upon certification by the Superintendent of the Reservation, that the land owner or his Indian lessee has agreed that the assessment will be paid from the proceeds of the crops or from other sources of income, or that such Indian is financially unable to pay such charges. In such cases where the Indians are financially unable to pay the charges, the unpaid charges shall be entered on the accounts as a first lien against the land without penalty for delinquency.

(e) All payments must be made to the Bureau of Indian Affairs through the Blackfeet Agency, Browning, Montana.

Section 221.133 *Application for water* is revoked.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

HATFIELD CHILSON,
Acting Secretary of the Interior.

APRIL 7, 1958.

[F. R. Doc. 58-2690; Filed, Apr. 11, 1958; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter F—Quarantine, Inspection, Licensing

PART 73—BIOLOGIC PRODUCTS

HUMAN BLOOD DONORS; ADDITIONAL STANDARDS: WHOLE BLOOD (HUMAN)

On August 23, 1957, a notice of proposed rule making with respect to the licensing of biological products was published in the FEDERAL REGISTER (22 F. R. 6840) inviting any interested party to present written views and arguments respecting proposed regulations, there published, to amend and supplement existing standards relating to whole blood (human), a biologic product, as now set forth in Part 73 of Title 42, Code of Federal Regulations. Notice was also given of the intention to make such regulations as may be adopted effective 30 days after final publication.

A few suggestions and comments have been reviewed and have been carefully considered. No objection has been made to the proposed effective date. Therefore on the basis of these and other considerations, the following amendments to Part 73 are hereby adopted to become effective 30 days after publication in the FEDERAL REGISTER.

1. Section 73.39 is hereby repealed.

2. Part 73 is hereby amended by adding immediately following § 73.115 the following subheading and new §§ 73.300 to 73.306, inclusive:

ADDITIONAL STANDARDS: WHOLE BLOOD (HUMAN)

Sec.
73.300 Proper name and definition.
73.301 Suitability of donor.
73.302 Collection of the blood.
73.303 Processing the blood.
73.304 General requirements.
73.305 Labeling.
73.306 Expiration date.

AUTHORITY: §§ 73.300 to 73.306 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U. S. C. 262.

ADDITIONAL STANDARDS: WHOLE BLOOD (HUMAN)

§ 73.300 *Proper name and definition.* For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be Whole Blood (Human) preceded by a term or terms indicating the anticoagulant used. Whole Blood (Human) is defined as blood collected from human donors for transfusion to human recipients.

§ 73.301 *Suitability of donor*—(a) *Method of determining.* The suitability of a donor as a source of Whole Blood (Human) shall be determined by a qualified physician or by persons under his supervision and trained in determining suitability. Such determination shall be made on the day of collection from the donor by means of a medical history, a test for hemoglobin level, and such physical examination as appears necessary.

(b) *Qualifications of donor; general.* Only those persons may serve as a source of Whole Blood (Human) who are in good health, as indicated in part by:

(1) Normal temperature;

(2) Demonstration that systolic and diastolic blood pressures are within normal limits, unless the examining physician is satisfied that an individual with blood pressures outside these limits is an otherwise qualified donor under the provisions of this section;

(3) A blood hemoglobin level which shall be demonstrated to be not less than 12.5 Gm. of hemoglobin per 100 ml. of blood;

(4) Freedom from acute respiratory diseases;

(5) Freedom from any infectious skin disease at the site of phlebotomy and from any such disease generalized to such an extent as to create a risk of contamination of the blood; and

(6) Freedom from any disease transmissible by blood transfusion, insofar as can be determined by history and examinations indicated above.

(c) *Additional qualifications of donor; viral hepatitis.* No individual shall be used as a source of Whole Blood (Human) if he has—

(1) A history of viral hepatitis;

(2) A history of close contact within six months of donation with an individual having viral hepatitis;

(3) A history of having received within six months human blood, or any derivative of human blood which the National Institutes of Health has advised the licensed establishment is a possible source of hepatitis.

(d) *Therapeutic bleedings.* Blood withdrawn in order to promote the health of a donor otherwise qualified under the provisions of this section, shall not be used as a source of Whole Blood (Human) unless the container label conspicuously indicates the donor's disease that necessitated withdrawal of blood.

§ 73.302 *Collection of the blood*—(a) *Supervision.* Blood shall be drawn from the donor by a qualified physician or under his supervision by assistants trained in the procedure.

(b) *The donor clinic.* The pertinent requirements of § 73.37 shall apply at both the licensed establishment and at any other place where the bleeding is performed.

(c) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile, and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized.

(d) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae may be used in the indicated volumes:

	Solution A	Solution B
Tri-sodium citrate ($Na_3C_6H_5O_7.2H_2O$).	22.0 Gm	13.2 Gm.
Citric acid ($C_6H_8O_7.H_2O$)	8.0 Gm	4.8 Gm.
Dextrose ($C_6H_{12}O_6.H_2O$)	24.5 Gm	14.7 Gm.
Water for injection (U. S. P.) to make.	1,000 ml	1,000 ml.
Volume per 100 ml. blood	15 ml	25 ml.

No other anticoagulant may be used unless prior to use the Surgeon General has found that under such conditions of dating, storage, and use as he may prescribe, the proposed anticoagulant is at least as effective as the above formulae in preventing coagulation and in preserving red blood cells.

(e) *Donor identification.* Each unit of blood shall be so marked or identified by number or other symbol as to relate it to the individual donor.

(f) *Prevention of contamination of the blood.* The skin of the donor at the site of phlebotomy shall be prepared thoroughly and carefully by a method that gives maximum assurance of a sterile container of blood. The blood shall be collected by aseptic methods in a sterile system which may be closed or may be vented if the vent protects the blood against contamination.

(g) *Pilot samples for laboratory tests.* Before blood collection, at least one pilot tube shall be attached securely to the container in a manner that will give evidence of removal. The pilot tube and containers for additional samples as needed for laboratory testing shall bear the donor's identification at the time of blood collection. All samples shall be collected by the person collecting the blood at the time of filling the final container.

(h) *Storage.* Immediately after collection, the blood shall be placed in storage at 4° to 6° C. unless it must be transported from the donor clinic to the processing laboratory. In this case the blood shall be placed in temporary storage having sufficient refrigeration capacity to cool the blood continuously toward 4° to 6° C. until it arrives at the processing laboratory where it shall be stored at 4° to 6° C.

§ 73.303 *Processing the blood.* All laboratory tests shall be made on a pilot sample specimen of blood taken from the donor at the time of collecting the unit of blood, and these tests shall include the following:

(a) *Serological test for syphilis.* Whole Blood (Human) shall be negative to a serological test for syphilis, excepting that blood may be issued in an emergency without performing a serological test for syphilis, provided that the label conspicuously indicates that the test was not done.

(b) *Determination of blood group.* Each container of Whole Blood (Human) shall be classified as to ABO blood group. At least two blood group tests shall be made and the unit shall not be issued until grouping tests by different methods or with different lots of antiserums are in agreement. Only those Anti-A and Anti-B Blood Grouping Serums licensed under, or that otherwise meet the requirements of, the regulations of this part shall be used, and the technique used shall be that for which the serum is specifically designed to be effective.

(c) *Determination of the Rh factors.* Each container of Whole Blood (Human) shall be classified as to Rh type on the basis of tests done on the pilot sample. The label shall indicate the extent of typing and the results of all tests performed. If the test, using Anti-Rh_0 (Anti-D) Typing Serum, is positive, the container may be labeled "Rh Positive". If this test is negative, the results shall be confirmed by further testing which may include tests for the Rh_0 variant (D^u) and for other Rh-Hr factors. Blood may be labeled "Rh Negative" if negative to tests for the Rh_0 (D) and Rh_0 variant (D^u) factors. If the test using Anti-Rh_0 (Anti-D) Typing Serum is negative, but not tested for the Rh_0 variant (D^u), the label must indicate that this test was not done. Only Anti-Rh Typing Serums licensed under, or that otherwise meet the requirements of, the regulations of this part shall be used, and the technique used shall be that for which the serum is specifically designed to be effective.

(d) *Sterility test.* Whole Blood (Human) intended for transfusion shall not be tested for sterility by a method that entails entering the final container.

(e) *Inspection.* Whole Blood (Human) shall be inspected visually during storage and immediately prior to issue. If the color or physical appearance is abnormal or there is any indication or suspicion of microbial contamination the unit of Whole Blood (Human) shall not be issued for transfusion.

§ 73.304 *General requirements*—(a) *Manufacturing responsibility.* The entire processing of Whole Blood (Human), including donor examination, blood collection, laboratory tests, labeling, storage and issue, shall be done under the supervision and control of the same licensed establishment except that the Surgeon General may approve arrangements, upon joint request of two or more licensed establishments, which he finds are of such a nature as to assure compliance otherwise with the provisions of this part.

(b) *Periodic check on sterile technique.* One or more containers of blood shall be tested for sterility each month as a continuing check on technique.

(c) *Final container.* The original blood container shall be the final container and shall not be entered prior to issue for any purpose except for blood collection. Such container shall be uncolored and transparent to permit visual inspection of the contents and any closure shall be such as will maintain an hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, or potency of the blood.

(d) *Shipment of Whole Blood (Human).* Whole Blood (Human) shall be maintained continuously at 4° to 10° C. during shipment.

(e) *Reissue of blood.* Blood that has been removed from storage controlled by a licensed establishment shall not be reissued by a licensed establishment unless the following conditions are observed:

(1) The container has a tamper-proof seal when originally issued and this seal remains unbroken;

(2) The original pilot sample is properly attached and has not been removed, excepting that bloods lacking a pilot sample may be reissued in an emergency provided it is accompanied by instructions for sampling and for use within 6 hours after entering the container for sampling;

(3) The blood has been maintained continuously at 4° to 10° C.;

(4) The blood is held for observation until a significant inspection consistent with the requirements of § 73.303 (e) can be made.

(f) *Records.* Records shall be maintained of all aspects of the applicable procedures specified in this part.

§ 73.305 *Labeling.* In addition to the items required in §§ 73.50, 73.51, 73.52, 73.54, and 73.55 or otherwise by law, the following must appear on the label of each container:

(a) *Anticoagulant.* Quantity and kind of anticoagulant used and the volume of blood corresponding with the formula prescribed or approved under § 73.302 (c).

(b) *Serological test.* The serological test for syphilis used.

(c) *Blood group and type.* Designation of blood group and Rh factors:

(1) The blood group and Rh factors shall be designated conspicuously.

(2) If a color scheme for differentiating the ABO blood groups is used, the color used to designate each blood group on the container shall be:

Blood Group A: Yellow.
Blood Group B: Pink.
Blood Group O: Blue:
Blood Group AB: White.

(d) *Additional information for labels of Group O Bloods.* Each Group O blood shall be labeled with a statement indicating whether or not isoagglutinin titers or other tests to exclude so-called "dangerous" Group O bloods were performed, and indicating the classification based on such tests.

§ 73.306 *Expiration date.* The expiration date for Citrated Whole Blood (Human) using either of the two anticoagulant formulae specified in § 73.302 (c) shall not exceed 21 days after the date of bleeding the donor. The expiration date for Whole Blood (Human) using any other anticoagulant found acceptable under such section shall be determined by the Surgeon General on the basis of the length of red blood cell survival.

Dated: February 4, 1958.

[SEAL] L. E. BURNEY,
Surgeon General,
Public Health Service.

Dated: February 14, 1958.

S. B. HAYS,
Surgeon General of the Army.

Dated: March 7, 1958.

B. W. HOGAN,
Surgeon General of the Navy.

Approved: April 7, 1958.

E. L. RICHARDSON,
Acting Secretary of Health,
Education, and Welfare.

[F. R. Doc. 58-2706; Filed, Apr. 11, [illegible];
8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO-29-A10]

MILK IN DUBUQUE, IOWA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Federal Building, Dubuque, Iowa, beginning at 10:00 a. m. on May 1, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Dubuque, Iowa, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dubuque Cooperative Dairy Marketing Association:

Proposal No. 1:

Add as § 912.13 the following:

§ 912.13 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

Proposal No. 2:

Delete § 912.8 and substitute therefor the following:

§ 912.8 *Producer.* "Producer" means any person who, in conformity with the requirements of an applicable health authority, produces milk which is permitted by the health authorities of the city of Dubuque to be disposed of for consumption as Grade A milk and which is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

Proposal No. 3:

Delete § 912.9 and substitute therefor the following:

§ 912.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more distributing plants or a pool plant pursuant to § 912.11 (b).

(b) A cooperative association which is the operator of a pool plant pursuant to § 912.11 (c).

(c) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

Proposal No. 4:

Renumber § 912.10 as § 912.14, § 912.11 as § 912.15, and § 912.12 as § 912.16.

Proposal No. 5:

Insert a new § 912.10 as follows:

§ 912.10 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any Class I milk is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

Proposal No. 6:

Insert a new § 912.11 as follows:

§ 912.11 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A plant from which the volume of Grade A milk shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) A plant which is owned and operated by a cooperative association and which is located in the marketing area.

Proposal No. 7:

Insert a new § 912.12 as follows:

§ 912.12 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

Proposal No. 8:

Amend § 912.30 to provide for a separate schedule showing the disposition of Class I milk outside the marketing area.

Proposal No. 9:

Amend § 912.41 (c) to eliminate the words "and butterfat" as they apply to animal feed.

Proposal No. 10:

Delete § 912.50 (a) and (b) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area plus 15 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic of field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Plant Location

Amboy Milk Producers Company, Amboy, Ill.

Borden Company, Dixon, Ill.

Borden Company, Sterling, Ill.

Carnation Company, Morrison, Ill.

Carnation Company, Oregon, Ill.

Carnation Company, Waverly, Iowa.

United Milk Producers Company, Argo Fay, Ill.

Proposal No. 11:

Delete § 912.51 (a) and substitute therefor the following:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

Proposal No. 12:

Add as § 912.57 the following:

§ 912.57 *Handlers operating nonpool plants.* None of the provisions from §§ 912.44 through 912.51, inclusive, or from §§ 912.60 through 912.74, inclusive shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 912.58.

Proposal No. 13:

Add as § 912.58 the following:

§ 912.58 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of December through June, subtract from the Class I price adjusted by the Class I butterfat differential, the Class III price adjusted by the Class III butterfat differential; and

(b) During the months of July through November subtract from the Class I price the uniform price to producers adjusted by the Class I butterfat differential.

Proposal No. 14:

Delete § 912.71 and substitute therefor the following:

§ 912.71 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 912.70 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I, Class II, and Class III milk during the month pursuant to § 912.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

Proposal No. 15:

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Proposed by Beatrice Foods Company:

Proposal No. 16:

Amend § 912.3 as follows: "Dubuque, Iowa, marketing area hereinafter called the 'marketing area' means the territory within the corporate limits of the city of Dubuque and the township of Dubuque, Sections 1, 2, 3, 11 and 12, of the township of Table Mound and Sections 5 and 6, of the township of Mosalem, all in Dubuque County, State of Iowa. The cities of East Dubuque, Galena and Savanna, all located in the State of Illinois."

Proposal No. 17:

Amend § 912.41 "classes of utilization", deleting paragraphs (b) and (c) and substituting therefor as paragraph (b) as follows:

(b) Class II milk, shall be all skim milk and butterfat.

(1) Used to produce evaporated milk, condensed milk, ice cream, mixes for ice cream and frozen desserts, cottage cheese, non-fat dry milk solids, butter, casein, or any product not identified as Class I product.

(2) Disposed of as animal feed or dumped.

(3) In shrinkage up to 2 percent of receipts from producers.

(4) In shrinkage of other source milk.

Proposal No. 18:

Amend § 912.46 by deleting all of the present § 912.46 and substituting therefor:

§ 912.46 *Allocation of skim milk and butterfat to be classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 912.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 912.41 (c) (2).

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest price utilization, the pounds of skim milk in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act.

(3) Subtract from the remaining pounds of skim milk in each class in series beginning with lowest price utilization the pounds of skim milk in other source milk received in a form other than that specified in subparagraph (4) of this paragraph from a plant in which the handling of milk is fully subject to the pricing and payment provisions of another marketing order issued pursuant to the act.

(4) Subtract from the pounds of skim milk in each class, the pounds of skim milk contained in fluid milk products received in packaged form which were classified and priced under another marketing order issued pursuant to the act and disposed of in the same form as received.

(5) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 912.44 (a).

(6) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph.

(7) (i) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest price class in which the handler has use. Any amount so subtracted shall be called "overage"; and

(ii) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

Proposal No. 19:

Delete §§ 912.50 (c) and 912.51 (c).

Proposal No. 20:

Amend § 912.71 *Producer butterfat differential,* by determining a butterfat differential equal to the average of the butterfat differentials pursuant to paragraphs (a) and (b) of § 912.51 weighted by the pounds of butterfat in producer milk in each class. The result being rounded to the nearest tenth of the cent.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 21:

Make specific provision for the classification of skim milk and butterfat in inventory at a pool plant.

Proposal No. 22:

Clarify the order provision relative to transfer and diversion of milk from a pool plant to a nonpool plant.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P. O. Box 756, Dubuque, Iowa, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 9th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2736; Filed, Apr. 11, 1958; 8:54 a. m.]

[7 CFR Part 924]

[Docket No. AO-225-A9]

HANDLING OF MILK IN DETROIT, MICH., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Detroit, Michigan, marketing area, which was issued March 28, 1958 (23 F. R. 2100), is hereby extended to April 18, 1958.

Dated: April 10, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-2783; Filed, Apr. 11, 1958; 9:41 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

UPLAND COTTON

DETERMINATION OF FARM MARKETING QUOTA AND FARM MARKETING EXCESS, MARKETING, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1958 AND SUCCEEDING CROPS

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of upland cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by upland cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of upland cotton.

A national marketing quota proclamation for the 1958 crop of upland cotton was issued by the Secretary of Agriculture on October 11, 1957 (22 F. R. 8136) and the quota was approved by upland cotton producers voting in a referendum on December 10, 1957. Farm allotments for the 1958 crop of upland cotton were established pursuant to section 344 of the act and notices thereof were mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1957-58 marketing year (22 F. R. 3284, 3651, 4847, 7021, 8807) except for minor language revisions. It is proposed that the regulations be applicable to upland cotton of the 1958 and succeeding crops and it is expected that such regulations will, insofar as possible, be permanent subject to any necessary amendments which will include annual amendments to establish the penalty rate and county normal yields for particular years. Such regulations will not be applicable to cotton planted in years for which (1) a national marketing quota is not proclaimed pursuant to section 342 of the act; (2) producers have disapproved quotas for upland cotton in a referendum held pursuant to section 343 of the act; or (3) the Secretary terminates quotas for upland cotton pursuant to section 371 (a) or (b) of the act.

Prior to the issuance of such regulations, consideration will be given to any data and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 8th day of April 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-2739; Filed, Apr. 11, 1958; 8:54 a. m.]

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

DETERMINATION OF FARM MARKETING QUOTA AND FARM MARKETING EXCESS, MARKETING, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1958 AND SUCCEEDING CROPS

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of extra long staple cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by extra long staple cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of extra long staple cotton.

A national marketing quota proclamation for the 1958 crop of extra long staple cotton was issued by the Secretary of Agriculture on October 11, 1957 (22 F. R. 8147) and the quota was approved by extra long staple cotton producers voting in a referendum on December 10, 1957. Farm allotments for the 1958 crop of extra long staple cotton were established pursuant to sections 344 and 347 (c) of the act and notices thereof were mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1957-58 marketing year (22 F. R. 3548, 4845, 7020, 8809) except for minor language revisions. It is proposed that the regulations be applicable to extra long staple cotton of the 1958 and succeeding crops and it is expected that such regulations will, insofar as possible, be permanent subject to any necessary amendments which will include annual amendments to establish the penalty rate and county normal yields for particular years. Such regulations will not be applicable to extra long staple cotton planted in years for which (1) a national marketing quota is not proclaimed pursuant to section 347 of the act; (2) producers have disapproved quotas for extra long staple cotton in a referendum held pursuant to section 343 of the act; or (3) the Secretary terminates quotas for extra long staple cotton pursuant to section 371 (a) or (b) of the act.

Prior to the issuance of such regulations, consideration will be given to any data and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stablization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 8th day of April, 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stablization Service.

[F. R. Doc. 58-2740; Filed, Apr. 11, 1958; 8:54 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107, 12222; FCC 58M-366]

RIVERSIDE CHURCH IN CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of: The Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

The Hearing Examiner having under consideration a motion filed on April 8, 1958, on behalf of Huntington-Montauk Broadcasting Company, Inc., requesting that a pre-hearing conference in the above-entitled proceeding now scheduled to be held on April 11, 1958, be continued to 2:00 p. m., on April 14, 1958; and

It appearing that counsel for The Riverside Church in the City of New York and the Commission's Broadcast Bureau, the only other parties to the proceeding, do not object to a grant of the relief requested herein;

It is ordered, This 8th day of April 1958, that the above motion be, and it is hereby, granted, and that the prehearing conference in the above-entitled proceeding is hereby continued until 2:00 p. m., on Monday, April 14, 1958, in the offices of this Commission, Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2717; Filed, Apr. 11, 1958; 8:51 a. m.]

[Docket Nos. 12201, 12202; FCC 58M-344]

SOUTH NORFOLK BROADCASTING CO. INC. AND DENBIGH BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of South Norfolk Broadcasting Company, Incorporated, South Norfolk, Virginia, Docket No. 12201, File No. BP-10981; Cy Blumenthal tr/as Denbigh Broadcasting Co., Denbigh, Viriginia, Docket No. 12202, File No. BP-11250; for construction permits.

With the consent of all other parties to the proceeding, *It is ordered,* This 7th day of April 1958, that the oral request of counsel for the Broadcast Bureau for an extension of pre-hearing conference date is granted; and the pre-hearing conference now scheduled for April 10, 1958, will be held May 8, 1958.

Released: April 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2718; Filed, Apr. 11, 1958; 8:51 a. m.]

[Docket No. 12258 etc.; FCC 58M-347]

WABASH VALLEY BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana, Docket No. 12258, File No. BPCT-2293; Cy Blumenthal, Terre

Haute, Indiana, Docket No. 12259, File No. BPCT-2316; Illiana Telecasting Corporation, Terre Haute, Indiana, Docket No. 12260, File No. BPCT-2392; for construction permits for New Television Broadcast Stations (Channel 2).

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that a continuance of the presently scheduled hearing date is necessary to accommodate the Hearing Examiner's calendar;

It is ordered, This 7th day of April 1958, that the hearing herein, presently scheduled for May 15, 1958, is continued until May 19, 1958, at 10:00 a. m.

Released: April 8, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2719; Filed, Apr. 11, 1958; 8:51 a. m.]

[Docket Nos. 12264, 12266; FCC 58M-341]

HIRSCH BROADCASTING CO. (KFVS) AND FIRMIN CO.

STATEMENT AND ORDER FOLLOWING FURTHER PREHEARING CONFERENCE (CONTINUING HEARING)

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP-11001; W. H. Firmin, J. H. Firmin and Bernard Lurie, d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12266, File No. BP-11621; for construction permits.

1. At a further prehearing conference held today, it was agreed that the Hearing Examiner would issue an order continuing indefinitely the hearing now scheduled for April 9, 1958, and canceling the schedule set at the previous prehearing conference of February 10, 1958, as supplemented. It appears that it may be necessary to name as a party an applicant whose application is now pending before the Commission; and that this and other matters not foreseen at the time the schedule was set and affirmative written cases exchanged necessitate the action here taken. It is understood that the parties may revise, supplement, or withdraw the present proposed written cases, and exchange new written cases if they desire to do so. A new timetable will be ordered when a hearing can be scheduled.

2. *Accordingly, it is ordered*, This 4th day of April 1958, that the hearing now scheduled for April 9, 1958, is continued indefinitely; and that the schedule set on February 10, 1958, as supplemented by order of March 12, 1958, is canceled.

Released: April 7, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2720; Filed, Apr. 11, 1958; 8:51 a. m.]

[Docket No. 12285]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

NOTICE CONTINUING HEARING

The hearing session now scheduled for the 14th of April 1958, is changed to April 15, 1958. Hearings will be held through April 18, with the exception of Wednesday, April 16, and will be in recess until Tuesday, April 22, 1958. The first witness on the latter date will be KTTV.

Adopted: April 8, 1958.

Released: April 8, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2721; Filed, Apr. 11, 1958; 8:51 a. m.]

[Docket No. 12309; FCC 58M-349]

VIDEO INDEPENDENT THEATRES, INC. (KVIT)

ORDER CONTINUING HEARING

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

On the oral request of counsel for Alvarado Television Company, Inc., and without objection by counsel for the other parties: *It is ordered*, This 7th day of April 1958, that the hearing now scheduled for April 14, 1958, is further continued to Tuesday, April 15, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: April 8, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2722; Filed, Apr. 11, 1958; 8:51 a. m.]

[Docket Nos. 12310-12312; FCC 58M-364]

ENTERTAINMENT SERVICE, INC., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Entertainment Service, Inc., Solvay, New York, Docket No. 12310, File No. BP-10988; Joseph A. Marturano and Philip S. Marturano d/b as Rome Community Broadcasting Company, Rome, New York, Docket No. 12311, File No. BP-11262; James A. McKechnie, North Syracuse, New York, Docket No. 12312, File No. BP-11329; for construction permits.

The hearing Examiner having under consideration a motion filed April 2, 1958, by Rome Community Broadcasting Company, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for 10:00 a. m. on April 14, 1958, be continued to 2:30 p. m. of the same date, i. e., April 14, 1958, in order to resolve a conflict in hearing commitments of counsel for the petitioner;

It appearing, That counsel for all other parties, including the Broadcast Bureau, have no objection to a grant of the instant motion and good cause has been shown for the grant thereof;

It is ordered, This 8th day of April 1958, that the motion be and it is hereby granted; and the prehearing conference in the above-entitled proceeding be and it is hereby continued to 2:30 p. m. on April 14, 1958.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2723; Filed, Apr. 11, 1958; 8:51 a. m.]

[Docket Nos. 12315, 12316; FCC 58M-[illegible]]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

ORDER CONTINUING HEARING

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

Pursuant to a pre-hearing conference of this date and with the concurrence of counsel for all parties: *It is ordered*, This 8th day of April 1958, that a further prehearing conference in this proceeding will be held on June 3, 1958, at 10 o'clock a. m. in the offices of the Commission, Washington, D. C., and the hearing herein now scheduled to commence on April 15, 1958, is continued without date.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2724; Filed, Apr. 11, 1958; 8:52 a. m.]

[Docket Nos. 12329-12331; FCC 58M-351]

FOX VALLEY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Dave Edelson, Ralph T. Buehlman and Walter F. Meyers, d/b as Fox Valley Broadcasting Company, Geneva, Illinois, Docket No. 12329, File No. BP-11038; Radio Wisconsin, Incorporated (WISC), Madison, Wisconsin, Docket No. 12330, File No. BP-11396; Logansport Broadcasting Corporation, Aurora-Batavia, Illinois, Docket No. 12331, File No. BP-11405; for construction permits.

Pursuant to a prehearing conference in the above-entitled proceeding held on April 7, 1958, *It is ordered*, This 7th day of April 1958, that the hearing in the said proceeding originally scheduled to be held on April 30, 1958, is hereby postponed until 10:00 o'clock a. m., on Wedday, May 28, 1958, in the offices of this Commission, Washington, D. C.

Released: April 8, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2725; Filed, Apr. 11, 1958; 8:52 a. m.]

[Docket No. 12348; FCC 58M-350]

OTTAWAY STATIONS, INC. (WDOS)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Ottaway Stations, Inc. (WDOS), Oneonta, New York, Docket No. 12348, File No. BP-11119; for construction permit (AM Facilities).

Pursuant to § 1.111 of the Commission's rules, *It is ordered*, This 7th day of April 1958, that a pre-hearing conference in the above-entitled proceeding is scheduled to be held at 10:00 o'clock a. m., on Tuesday, April 15, 1958, in the offices of this Commission, Washington, D. C.

Released: April 8, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2726; Filed, Apr. 11, 1958; 8:52 a. m.]

[Docket No. 12352; FCC 58M-359]

CHARLIE KULLMAN

ORDER SCHEDULING HEARING

In the matter of Charlie Kullman, P. O. Box 243, Aransas Pass, Texas; Docket No. 12352; order to show cause why there should not be revoked the license for Radio Station WB-9777 aboard the vessel "Hustler".

It is ordered, This 7th day of April 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 9, 1958, in Washington D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2727; Filed, Apr. 11, 1958; 8:52 a. m.]

[Docket No. 12353; FCC 58M-354]

HAROLD J. KRUTZFELDT

ORDER SCHEDULING HEARING

In the matter of Harold J. Krutzfeldt, 3763 Harrison Street, Long Beach, California; Docket No. 12353; order to show cause why the license for Radio Station WD-3143 aboard the vessel "Dutchman" should not be revoked.

It is ordered, This 7th day of April 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 9, 1958, in Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2728; Filed, Apr. 11, 1958; 8:52 a. m.]

[Docket No. 12354; FCC 58M-355]

ANTHONY D. MADRUGA

ORDER SCHEDULING HEARING

In the matter of Anthony D. Madruga, 2025 East Belt Street, San Diego, California; Docket No. 12354; order to show cause why there should not be revoked the license for Radio Station WB-3408 aboard the vessel "Sun Glow".

It is ordered, This 7th day of April 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 9, 1958, in Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2729; Filed, Apr. 11, 1958; 8:52 a. m.]

[Docket No. 12355; FCC 58M-360]

F. P. TOWER

ORDER SCHEDULING HEARING

In the Matter of F. P. Tower, 3914 Boca Chica Boulevard, Brownsville, Texas; Docket No. 12355; order to show cause why there should not be revoked the license for Radio Station WB-5846 aboard the vessel "Buccaneer".

It is ordered, This 7th day of April 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 2:00 p. m. on June 11, 1958, in Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2730; Filed, Apr. 11, 1958; 8:52 a. m.]

[Docket No. 12356; FCC 58M-361]

F. P. TOWER

ORDER SCHEDULING HEARING

In the matter of F. P. Tower, 3914 Boca Chica Boulevard, Brownsville, Texas; Docket No. 12356; order to show cause why there should not be revoked the license for Radio Station WA-6300 aboard the vessel "Republic".

It is ordered, This 7th day of April 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a. m., on June 11, 1958, in Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2731; Filed, Apr. 11, 1958; 8:53 a. m.]

[Docket No. 12357; FCC 58M-358]

FRANK PERRY

ORDER SCHEDULING HEARING

In the matter of Frank Perry, 2025 East Belt Street, San Diego, California; Docket No. 12357; Order to show cause why there should not be revoked the license for Radio Station KIIU aboard the vessel "Frances Marie".

It is ordered, This 7th day of April 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 10, 1958, in Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2732; Filed, Apr. 11, 1958; 8:53 a. m.]

[Docket No. 12358; FCC 58M-356]

LOUIS J. PITRE

ORDER SCHEDULING HEARING

In the matter of Louis J. Pitre, Route 1, P. O. Box 172-A, Cut Off, Louisiana; Docket No. 12358; order to show cause why there should not be revoked the license for Radio Station WE-6440 aboard the vessel "W. Hudson".

It is ordered, This 7th day of April 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 10, 1958, in Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2733; Filed, Apr. 11, 1958; 8:53 a. m.]

[Docket No. 12359; FCC 58M-357]

R. B. CUTTING

ORDER SCHEDULING HEARING

In the matter of R. B. Cutting, P. O. Box 139, Westport, Washington; Docket No. 12359; order to show cause why there should not be revoked the license for Radio Station WG-7866 aboard the vessel "Victoria".

It is ordered, This 7th day of April 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 11, 1958, in Washington, D. C.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2734; Filed, Apr. 11, 1958; 8:53 a. m.]

[Cuba No. 1]

CUBAN RADIO STATIONS

NOTIFICATIONS OF NEW STATIONS AND OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

Notifications of new Cuban Radio Stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, section F of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

MARCH 12, 1958.

Call letters	Location	Power kw	Antenna	Schedule	Class	Proposed date of commencement of operations
		1020 kilocycles				
CMDO (PO: 1560 kc.).	Banes, Oriente	0.25, 0.1-N		U	II	May 6, 1958.
		1170 kilocycles				
CMBR[1]	Habana, Habana	0. 25		U	II	Mar. 9, 1958.
		1190 kilocycles				
CMK (vide: 1200 kc.).	Habana	0. 25		U	II	Delete.
CMAR	Pinar del Rio	0. 25		U	II	Mar. 9, 1958.
		1200 kilocycles				
CMK (PO: 1190 kc.).	Habana, Habana	0. 25		U	II	Do.
		1280 kilocylces				
CMAP (New).	Guane, Pinar del Rio	0. 25		U	IV	May 6, 1958.
		1370 kilocycles				
CMBN	Santa Fe, Isla de Pinos, Habana (New).	0. 25		U	IV	June 13, 1958.
		1560 kilocycles				
CMDO (vide: 1020 kc.).	Banes, Oriente	0. 25		U	IV	Delete.

[1] Change call letters and location, previously CMAR, Pinar del Rio.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2735; Filed, Apr. 11, 1958; 8:53 a. m.]

TARIFF COMMISSION

LONG-STAPLE COTTON

NOTICE OF SUPPLEMENTAL INVESTIGATION AND DATE OF HEARING

The United States Tariff Commission, on the 8th day of April 1958, instituted an investigation for the purposes of section 22 (d) of the Agricultural Adjustment Act, as amended, supplemental to its Investigation No. 1 under section 22, to determine whether changed circumstances require the modification of the quota established pursuant to section 22 on cotton having a staple of 1⅛ inches or more in length.

Annual absolute quotas on imports of cotton having a staple of 1⅛ inches or more in length were originally made effective on September 20, 1939, by Presidential proclamation of September 5, 1939. At the present time, imports of this cotton are restricted by an annual global quota of 45,656,420 pounds; the quota year begins on August 1 of each year. This supplemental investigation was undertaken at the request of the President by letter dated April 7, 1958. The "changed circumstances" referred to by the President "are the entry within the quota of large and increasing quantities of Mexican Upland cotton having staple lengths of less than 1⅜ inches. This results in the exclusion of substantial quantities of cotton having a staple length of 1⅜ inches or more." In its investigation the Commission will include consideration of the possible subdivision of the existing quota on long-staple cotton on the basis of physical qualities, value, use, or other basis.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in connection with this supplemental investigation in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on May 13, 1958.

Issued: April 8, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-2704; Filed, Apr. 11, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 4]

FUNCTIONS RELATING TO LANDS AND MINERALS

REDELEGATION OF AUTHORITY

Order 1 (20 F. R. 277) is further amended by adding a new heading and a new section thereunder to read as set forth below. The purpose of this amendment is to authorize the Superintendents to close roads under the jurisdiction of the Bureau of Indian Affairs, as provided in § 162.6 of Title 25—Code of Federal Regulations, when required for public safety, fire prevention or suppression, or fish or game protection, or to prevent damage to unstable roadbed.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.28 *Roads*. The closing of roads pursuant to 25 CFR 162.6.

(Bureau Order 551, sec. 28, and Secretarial Order 2508, sec. 28)

M. A. JOHNSON,
Acting Area Director.

Approved: April 7, 1958.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 58-2691; Filed, Apr. 11, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

APRIL 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Available interest rates on sales made in April under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 2½ percent per annum.

For periods over 6 months up to and including 18 months, 3 percent per annum.

For periods over 18 months up to and including 36 months, 3½ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter and entered into.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Commodity Office and therefore generally they do not appear in the Monthly Sales List.

APRIL 1958 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its Territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-26. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic price: For unrestricted use price is "in store"[1] at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter (as available)	Domestic, unrestricted use: 68.0 cents per pound, New York, New Jersey, Pennsylvania, New England, and other states bordering the Atlantic Ocean and Gulf of Mexico. 67.25 cents per pound, Washington, Oregon, and California. All other States 67.0 cents per pound.
Butter	Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of chocolate or in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (Spray, Roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddar, flats, twins, and rindless blocks (standard moisture basis).	Domestic: 39.5 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 38.5 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, Revision I, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements ON-EX-4 and NO-C-9, as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 31 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge. Examples of the foregoing minimum per bushel (ex rail or barge): Chicago, No. 1 HW, $2.58; Minneapolis, No. 1 DNS, $2.62; Kansas City, No. 1 HW, $2.58; Portland, No. 1 SW, $2.48. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1957 county loan rate plus (1) 31 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to certain barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Chicago, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 19 cents per bushel for corn in storage at point of production, (2) a markup of 21 cents per bushel and the rail freight (including transportation tax) from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill. to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, $1.79¾; Minneapolis, $1.69¼. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 110 percent of the applicable 1957 loan rate plus markup as above. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Sample grade and weevily corn (as available): through the above offices. Export: Competitive bid basis as announced by the Portland, Dallas, Chicago, Minneapolis, and Kansas City CSS Commodity Offices.[3]
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) a markup of 20 cents per bushel for oats in storage at point of production, (2) a markup of 22 cents per bushel and the rail freight (including transportation tax) from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel (including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, No. 3 oats or better, $0.90¾; Minneapolis, No. 3 oats or better, $0.85. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Minneapolis, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price in store,[2] but not less than the 1957 applicable loan rate plus (1) 24 cents per bushel if received by truck, or (2) 21 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 barley, $1.39. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, Minneapolis, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 27 cents per bushel if received by truck or (2) 22 cents per bushel if received by rail or barge. If delivery is outside the area of production applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 or better, $1.62. Available Chicago, Kansas City, Minneapolis, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) 49 cents per hundredweight if received by truck, or (2) 40 cents per hundredweight if received by rail or barge. If delivery is outside the area of production applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex rail or barge): Kansas City, No. 2 or better, $2.71. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas, and Portland CSS Commodity Offices.[3]

See footnotes at end of table.

APRIL 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Soybeans, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 5 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available Chicago, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than 1957 crop support rate for the point of production for Grade No. 1 plus 1½ cents per bushel, except for odd lots or lots in danger of deterioration. Market discounts for lower grades to apply. Available Portland CSS Commodity Office.
Rice, milled 1956 crop (as available).	Domestic, unrestricted use (1956 crop): Market price but not less than equivalent 1957 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling plus 68 cents per hundredweight basis in store. Prices and quantities available by varieties and grade may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$11.11	$10.26	$9.33
Century Patna	10.28	9.43	8.61

Commodity	Sales price or method of sale
	Export: Competitive bid under DL-MR-400/57 as announced by Dallas CSS Commodity Office. Special export: Competitive bid on "as is" basis, under DL-MR/53 as announced by Dallas CSS Commodity Office.
Rice, rough	Domestic, unrestricted: Market price but not less than the 1957 applicable loan rate plus 5 percent, plus 51 cents per hundredweight basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Dry edible beans (bagged) (as available).	Domestic and Export: Domestic market price but not less than the following minimum price per hundredweight for U. S. No. 1 f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials.

Class	Price per hundredweight	Area of production	CSS Commodity Office
Red Kidney	$9.04	Michigan	Chicago.
Pea	7.90	Michigan	Chicago.

COMPETITIVE BIDS AS ANNOUNCED BY CHICAGO CSS COMMODITY OFFICE

Commodity	Sales price or method of sale
Gum rosin	Domestic or export: Offer and acceptance basis "as is" in galvanized metal drums (averaging 517# net) in the stated quantities and on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

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[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] Sales of grains other than wheat made under Title I, P. L. 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: April 8, 1958.

[SEAL]

WALTER C. BERGER,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 58-2738; Filed, Apr. 11, 1958; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BOARD OF PORT COMMISSIONERS, CITY OF OAKLAND, CALIF. AND HOWARD TERMINAL

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8305, between the Board of Port Commissioners of the City of Oakland, California, and Howard Terminal covering the lease of the City of Oakland's Grove Street Pier, Market Street Pier and the Quay Wall Area adjoining the Market Street Pier to Howard Terminal for a period of ten years, subject to the terms and conditions set forth in the agreement. This agreement will replace Agreement No. 8085-A-1.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 9, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2715; Filed, Apr. 11, 1958; 8:50 a. m.]

AHLMANN TRANSCARIBBEAN LINE, INC., AND SARTORI & BERGER

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8286, between Ahlmann Transcaribbean Line, Inc., and Sartori & Berger (Michigan Ocean Line), covers a sailing arrangement in the trade from ports on the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland, to ports in the Caribbean and on the North Coast of South America (not including transportation within the purview of the coastwise laws of the United States).

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 10, 1958.

By order of the Federal Maritime Board.

[SEAL]

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2771; Filed, Apr. 11, 1958; 8:56 a. m.]

Maritime Administration

TRADE ROUTE NO. 25 (U. S. PACIFIC/WEST COAST MEXICO, CENTRAL AND SOUTH AMERICA)

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMININATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and

United States flag service requirements of Trade Route No. 25 as published in the FEDERAL REGISTER issue of March 7, 1958 (23 F. R. 1630).

Dated: April 9, 1958.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-2714; Filed, Apr. 11, 1958; 8:50 a. m.]

Office of the Secretary

RUSSELL C. FLOM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 31, 1956, 21 F. R. 8333; April 13, 1957, 22 F. R. 2540; October 16, 1957, 22 F. R. 8189.

A. Deletions: None.
B. Additions: None.

This statement is made as of April 3, 1958.

RUSSELL C. FLOM.

APRIL 3, 1958.

[F. R. Doc. 58-2712; Filed, Apr. 11, 1958; 8:49 a. m.]

WILLIAM J. KAESTNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 13, 1956, 21 F. R. 7834; April 13, 1957, 22 F. R. 2541; October 16, 1957, 22 F. R. 8189.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 1, 1958.

WILLIAM J. KAESTNER.

APRIL 1, 1958.

[F. R. Doc. 58-2713; Filed, Apr. 11, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

NOTICE OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice than an application for a license to provide radioactive waste disposal service has been filed by Nuclear Engineering Company, Inc., Walnut Creek, California.

The application specifies a maximum possession limit of 400 curies total of any byproduct and source material and 2 grams total of special nuclear material.

The applicant proposes to dispose of the wastes at specified locations in the Atlantic Ocean at depths of 1,000 fathoms or greater. The material will be stored temporarily at Leetsdale, Pa. and packaged and stored at Jersey City, N. J.

A copy of the application is available for public inspection in the Atomic Energy Commission Public Document Room at 1717 H Street NW., Washington, D. C.

Nuclear Engineering Company Incorporated currently possesses Byproduct Material License No. 4-2314-1 which permits disposal of AEC licensed material in the Pacific Ocean. The license specifies a maximum possession limit of 100 curies of any byproduct and source material and 2 grams total of special nuclear material. A copy of this license is on file in the Public Document Room.

Dated at Germantown, Md., this 31st day of March 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-2689; Filed, Apr. 11, 1958; 8:45 a. m.]

[Docket No. 27-11]

NUCLEAR-CHEM DISPOSAL CORP.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that an application for a license to provide radioactive waste disposal service has been filed by Nuclear-Chem Disposal Corporation, 244-02 Jamaica Avenue, Bellerose 26, New York.

The Nuclear-Chem Disposal Corporation has made application to dispose of low-level radioactive waste in metal drums filled with concrete. The material will be buried in the Atlantic Ocean, 150 miles from the New York Harbor at 38°30′ N. latitude, 72°06′ W. longitude in 1,200 to 1,500 fathoms of water. The material will be packaged and stored in a warehouse which will be located in a non-residential area.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 4th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulations.

[F. R. Doc. 58-2688; Filed, Apr. 11, 1958; 8:45 a. m.]

[Docket No. 50-39]

CURTISS-WRIGHT CORP.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a utilization facility license to the Curtiss-Wright Corporation, 50 Rockefeller Plaza, New York 20, New York, substantially as set forth in Annex "A" below, unless within fifteen (15) days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). A construction permit authorizing the Curtiss-Wright Corporation to construct the reactor was issued by the Commission on June 20, 1957, and amended February 14, 1958. For further details see (1) the application submitted by Curtiss-Wright Corporation, and amendments thereto, and (2) a memorandum dated April 8, 1958, submitted by the Director, Division of Licensing and Regulation, which summarizes the principal safety factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

ANNEX "A"

PROPOSED LICENSE

1. The Atomic Energy Commission (hereinafter "the Commission") finds that:

a. The utilization facility (hereinafter "the facility") authorized for construction by Construction Permit CPRR-11 issued to the Curtiss-Wright Corporation (hereinafter "Curtiss-Wright") has been constructed in accordance with the specifications contained in the application;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. Curtiss-Wright is technically and financially qualified to operate the facility;

d. Issuance of a license to possess and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

e. Curtiss-Wright has filed with the Commission, as proof of financial protection, pursuant to 10 CFR Part 140, copies of Binder No. 13 issued by the Mutual Atomic Energy Liability Underwriters, covering the facility, in the amount of $250,000.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Curtiss-Wright:

a. Pursuant to section 104c of the Act and Title 10, CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess and operate as a utilization facility the nuclear research reactor facility designated below;

b. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to possess and use 4.5 kilograms of contained uranium 235 as fuel for operation of the facility;

c. Pursuant to the act and Title 10, CFR Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced in the operation of the facility.

3. This license applies to the facility which is owned by Curtiss-Wright and located near

Quehanna, Pennsylvania and described in Curtiss-Wright's application dated October 24, 1956, and amendments thereto dated December 21, 1956, February 14, 1957, January 27, 1958, and February 21, 1958 (all herein "the application"). The facility is a light water-cooled and -moderated research reactor designed to operate at a thermal power level of 1,000 kilowatts.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

a. *Operating restrictions.* (1) Curtiss-Wright shall operate the facility in accordance with the application.

(2) Curtiss-Wright shall not operate the facility at a power level in excess of 1,000 kilowatts (thermal); provided, however, that Curtiss-Wright shall not operate the facility at a power level in excess of 100 kilowatts (thermal) until provision has been made for cooling by forced circulation.

b. *Records.* In addition to those otherwise required under this license and applicable regulations, Curtiss-Wright shall keep the following records:

(1) Facility operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of Curtiss-Wright as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

c. *Reports.* (1) Curtiss-Wright shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

(2) Curtiss-Wright shall inform the Commission of its completion of installation of forced circulation cooling equipment.

5. This license is effective as of the date of issuance and shall expire at midnight June 19, 1977.

Date of issuance:

For the Atomic Energy Commission.

———— ————,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-2701; Filed, Apr. 11, 1958; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6811]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

APRIL 8, 1958.

Take notice that on March 27, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of $20,000,000, principal amount of First Mortgage Bonds, and 240,000 shares of Common Stock. The First Mortgage Bonds __ percent Series due 1988 (hereinafter referred to as "New Bonds") will be issued under Applicant's Indenture of Mortgage dated September 1, 1926 as heretofore supplemented and modified by Supplemental Indentures to and including a Fifteenth Supplemental Indenture dated as of October 1, 1957, and as to be further supplemented by a Sixteenth Supplemental Indenture to be dated as of May 1, 1958. The New Bonds are to be dated as of May 1, 1958; to be issued on or about May 26, 1958; and are to be due May 1, 1988. The proposed issuance of 240,000 shares of Common Stock (hereinafter referred to as "Additional Common Stock") without par value fully paid and non-assessable, will be issued on or about May 26, 1958, and will be entitled to one vote per share. The Additional Common Stock will have no maturity date. Both the New Bonds and Additional Common Stock are to be sold at competitive bidding. The proceeds from the sale of the New Bonds and Additional Common Stock will be used to initially reimburse Applicant's treasury in part for construction expenditures and to permit Applicant to carry forward its construction program until the latter part of the current year.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 28th day of April 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2710; Filed, Apr. 11, 1958; 8:49 a. m.]

[Docket No. 8921 etc.]

ARKANSAS FUEL OIL CORP. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

APRIL 8, 1858.

In the matters of Arkansas Fuel Oil Corporation, Docket Nos. G-8921, G-9386, G-9571, G-9800, G-10036, G-11289, G-11290, G-12997, G-13430, G-13467, and G-13503; Arkansas Fuel Oil Corporation, Docket Nos. G-11311, G-11327, G-13424, and G-13502; R. H. Goodrich, Docket Nos. G-8977, G-9575, G-12231, and G-13610; W. H. Cocke, Docket Nos. G-8978, G-9570, and G-13611; C. B. Johnston, et al., Docket Nos. G-9136 and G-9569; John W. Mecom, d. b. a. Mecom Petroleums, Docket No. G-10357.

On February 26, 1957, and October 9, 1957, notices were issued which, among other things, consolidated proceedings and fixed dates of hearing with respect to Arkansas Fuel Oil Corporation, Docket Nos. G-8921, G-9386, G-9571, G-9800, G-10036, G-11289, G-11290, and G-12997; Arkansas Fuel Oil Corporation (Operator), Docket Nos. G-11311 and G-11327; R. H. Goodrich, Docket Nos. G-8977, G-9575, and G-12231; W. H. Cocke, Docket Nos. G-8978 and G-9570; C. N. Johnston, et al., Docket Nos. G-9136 and G-9569; and with respect to John W. Mecom (doing business as Mecom Petroleums) Docket No. G-10357.

The proceedings in Docket Nos. G-13430, G-13467 and G-13503 also relate to proposed changes in rates of Arkansas Fuel Oil Corporation, and those in Docket Nos. G-13424 and G-13502 relate to proposed changes in rates of Arkansas Fuel Oil Corporation (Operator). Each of the above-mentioned changes in rates has heretofore been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

The proceedings in Docket No. G-13610 and in Docket No. G-13611 relate to proposed changes in rates of R. H. Goodrich and W. H. Cocke, respectively. Each such change in rate has heretofore been suspended by order of the Commission with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that these related proceedings in Docket Nos. G-13430, G-13467, G-13503, G-13424, G-13502, G-13610 and G-13611 are hereby consolidated with the proceedings in Docket Nos. G-8921 et al. to the end that they may be disposed of as promptly as possible.

Take further notice that the hearing provided for in Docket Nos. G-8921 et al. by the Notice of February 26, 1957, was postponed by order of the Commission to June 10, 1957. The hearing was convened on that date and after 10 hearing sessions and various recesses and continuances, the hearing with respect to Arkansas Fuel Oil Corporation, Arkansas Fuel Oil Corporation (Operator), R. H. Goodrich, W. H. Cocke, and C. B. Johnston et al. is scheduled to resume on April 30, 1958, and will concern the matters involved and the issues presented in Docket Nos. G-13430, G-13467, G-13503, G-13424, G-13502, G-13610 and G-13611, as well as the above-mentioned proceedings.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2693; Filed, Apr. 11, 1958; 8:46 a. m.]

[Docket No. G-13786]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1958.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on November 21, 1957, an application, pursuant to section 7 (b) of the Natural Gas Act, for an order of the Commission permitting it to abandon certain compressor facilities in Fayette County, Pennsylvania, and a transmission line in Marion and Monongalia Counties, West Virginia, subject to the jurisdiction of the Commission, as hereinafter described and as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to abandon the following facilities:

(1) Its 495 horsepower Rush Run Compressor Station in Luzerne Township, Fayette County, Pennsylvania.

(2) Three 165 horsepower units at its Masontown Compressor Station in the Borough of Masontown, Fayette County, Pennsylvania.

(3) Thirty-three and five-tenths (33.5) miles of 6-inch transmission Line No. 3 in Marion and Monongalia Counties, West Virginia.

Applicant alleges that portions of said line are leaking and in a hazardous condition. Applicant proposes to transfer approximately 1.2 miles of Line No. 3 in the vicinity of Morgantown, West Virginia, to Hope Natural Gas Company, which serves this area at retail and has agreed to take over service to approximately 16 customers who are now served from Line No. 3. Approximately 3 miles of said line near Morgantown will be abandoned in place. The remainder of said line east of the Hundred Production Field connection, which will then consist of two unconnected segments, is proposed to be abandoned for transmission purposes, but kept in service for the distribution of gas to approximately 52 scattered consumers. No service will be abandoned by applicant as a result of the proposed abandonment other than service to the 16 consumers proposed to be transferred to Hope Natural Gas Company.

Applicant alleges that said Rush Run Compressor Station and said three compressor units at Masontown Compressor Station are no longer used or useful in Applicant's business.

Applicant estimates a salvage value of $6,000 resulting from the proposed abandonment of the compressors, and $7,000 as the cost of retiring these facilities. Credit to fixed capital is estimated at $193,487. The transfer of 1.2 miles of Line 3 to Hope Natural would be for the sum of one dollar.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 14, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2694; Filed, Apr. 11, 1958; 8:46 a. m.]

[Docket No. G-14463]

UNION GAS SYSTEM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1958.

Take notice that on February 10, 1958, Union Gas System, Inc. (Applicant), filed an application in Docket No. G-14463, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the continued operation of a heretofore uncertificated 7,505-foot long 4-inch pipeline lateral, together with metering and regulating appurtenances, extending westward from Applicant's 10-inch main interstate pipeline near Independence, Montgomery County, Kansas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The subject facilities were constructed in 1955 at a cost of $12,276 and are used for a direct industrial interruptible sale to an oil pump station of Great Lakes Pipe Line Company in the approximate quantity of 100,000 Mcf per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 14, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2692; Filed, Apr. 11, 1958; 8:46 a. m.]

[Docket No. G-14663]

KERR-MCGEE OIL INDUSTRIES, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

APRIL 8, 1958.

In the Order for Hearing and Suspending Proposed Change in Rate, issued March 19, 1958, and published in the FEDERAL REGISTER on March 25, 1958 (23 F. R. 1974-5), on page 1, after "*Description:*" the words "dated February 13, 1957" should be corrected to read "dated February 13, 1958".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2711; Filed, Apr. 11, 1958; 8:49 a. m.]

[Docket No. G-14827]

GREAT SWEET GRASS OILS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 8, 1958.

Great Sweet Grass Oils Company et al. (Great Sweet Grass) on March 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 13, 1958.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 2 to Great Sweet Grass' FPC Gas Rate Schedule No. 3.

Effective date: April 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Great Sweet Grass states, among other things, that the increase is a matter of contractual obligation resulting from bona fide arm's-length negotiation in a competitive market and it would be unfair and confiscatory for the Commission not to approve the increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Great Sweet Grass' FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Great Sweet Grass' FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 18, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2695; Filed, Apr. 11, 1958; 8:46 a. m.]

[Docket No. G-14828]

D. E. LONDON

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 8, 1958.

D. E. London (London) on March 19, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 3 to London's FPC Gas Rate Schedule No. 5.
Effective date: April 19, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, London cites the contract price provision therefor and states, among other things, that the contract resulted from good faith arm's-length negotiations; that the increased price does not exceed the current market price where produced, and the increase is necessary to protect against increasing costs and to provide a reasonable return on the investment.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to London's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to London's FPC Gas Rate Schedule No. 5

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 19, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2696; Filed, Apr. 11, 1958; 8:46 a. m.]

[Docket No. G-14825]

SOUTHWESTERN EXPLORATION CONSULTANTS, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 8, 1958.

Southwestern Exploration Consultants, Inc. (Operator) et al. (Southwestern), on March 17, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Consolidated Gas Utilities Corporation.
Rate schedule designation: Supplement No. 3 to Southwestern's FPC Gas Rate Schedule No. 3. Supplement No. 5 to Southwestern's FPC Gas Rate Schedule No. 2.
Effective date: April 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Southwestern submits a copy of a letter from Consolidated Gas Utilities Corporation advising Southwestern that the rate will increase March 26, 1958, to 11.0 cents per Mcf and that Consolidated will pay the higher rate after Federal Power Commission acceptance of the increase.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Southwestern's FPC Gas Rate Schedule No. 3, and Supplement No. 5 to Southwestern's FPC Gas Rate Schedule No. 2, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Southwestern's FPC Gas Rate Schedule No. 3, and Supplement No. 5 to Southwestern's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 17, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2697; Filed, Apr. 11, 1958; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-103, 70-3623]

AMERICAN NATURAL GAS CO.

ORDER DIRECTING ELIMINATION OF PREFERRED STOCK AND DENYING EFFECTIVENESS TO DECLARATION REQUESTING AUTHORIZATION TO PURCHASE SUCH STOCK

APRIL 7, 1958.

The Commission by its Notice and Order, dated November 18, 1957, having instituted a proceeding under section 11 (b) (2) of the Public Utility Holding

Company Act of 1935 ("act") with respect to American Natural Gas Company ("American Natural"), a registered holding company; and said Notice and Order having consolidated this proceeding with the proceeding on American Natural's declaration under section 12 (c) of the act and Rule 42 promulgated thereunder seeking authorization to acquire shares of its $25 par value non-redeemable 6 percent cumulative preferred stock; and

A public hearing having been held in the consolidated proceedings after appropriate notice thereof and the Commission having considered the full record and having issued its Findings and Opinion, upon the basis of such Findings and Opinion:

It is ordered, Pursuant to section 11 (b) (2) of the act, that American Natural take appropriate steps, in a manner not in contravention of the Act and the rules, regulations, or orders of the Commission thereunder, to eliminate its $25 par value non-redeemable 6 percent cumulative preferred stock from the American Natural holding company system.

It is further ordered, That the declaration of American Natural seeking authorization to acquire from time to time shares of its $25 par value nonredeemable 6 percent cumulative preferred stock is denied effectiveness.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2702; Filed, Apr. 11, 1958; 8:47 a. m.]

[File No. 70-3688]

NEW JERSEY POWER & LIGHT CO.

NOTICE OF PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF BONDS

APRIL 7, 1958.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L"), a public-utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act and Rule 50 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

NJP&L proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $7,500,000 principal amount of First Mortgage Bonds ("New Bonds"), -- percent Series, to be dated as of May 1, 1958, and to mature May 1, 1988. The interest rate on the New Bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to NJP&L (which will not be less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are proposed to be issued under the Mortgage and Deed of Trust, dated as of March 1, 1944, to Guaranty Trust Company of New York, Trustee, as heretofore supplemented and amended and as proposed to be supplemented and amended by the Sixth Supplemental Indenture dated as of May 1, 1958.

NJP&L contemplates expenditures of approximately $4,850,000 for proposed construction during 1958. The proceeds of the proposed issue and sale will be used as follows: approximately $4,800,000 will be used to repay the short term bank loans outstanding at December 31, 1957 which were extended or refunded so as to mature during June 1958. The balance of the proceeds, $2,700,000, will be applied to the cost of NJP&L's 1958 construction program, including the reimbursement of its treasury for expenditures therefor. The remainder of the funds necessary for the 1958 construction program will be provided out of treasury funds resulting from cash capital contributions in the aggregate amount of $1,200,000 made by GPU in March 1958 (pursuant to an order of this Commission, Holding Company Act Release No. 13663) and funds to be made available as a result of NJP&L's operations during 1958.

NJP&L proposes to issue the $7,500,000 principal amount of New Bonds against a like amount of cash which is to be deposited with and held by the Trustee pending withdrawal by NJP&L, from time to time, against bondable value of property additions. As of April 30, 1958, NJP&L expects to have available for this purpose approximately $12,000,000 of bondable value of property additions, on the basis of which it could withdraw approximately $7,200,000 of the funds to be deposited with the Trustee.

The application as amended states that the Board of Public Utility Commissioners of the State of New Jersey, in which State NJP&L is organized and doing business, has jurisdiction over the proposed issuance and sale of the New Bonds. A petition for authorization has been filed with the State board. The amended application further states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The expenses to be incurred by NJP&L in connection with the proposed issuance and sale are stated to be as follows:

Filing Fee—Board of Public Utility Commissioners of New Jersey	$500
Filing Fee—Securities and Exchange Commission	773
Federal issue tax	8,250
Printing, including Form S-9, Prospectus, indenture, etc	[1] 13,000
Printing and engraving securities	[1] 6,500
Legal fees:	
Autenrieth & Rochester	[1] 5,500
Berlack, Israels & Liberman	[1] 5,500
Accounting fees: Lybrand, Ross Bros. & Montgomery	[1] 3,500
Indenture Trustee fees and expenses	[1] 4,000
Miscellaneous	[1] 2,477
Total	$50,000

[1] Estimated.

The fees of counsel for the purchasers of the New Bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than April 25, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as amended or as it may hereafter be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2703; Filed, Apr. 11, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 9, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34599: *Pitch and Tar in the South*. Filed by O. W. South, Jr., Agent (SFA No. A3638), for interested rail carriers. Rates on pitch and tar, carloads between points in southern territory, Ohio and Mississippi River crossings, and border points.

Grounds for relief: Motor truck competition and short line distance formula.

Tariff: Supplement 33 to Southern Freight Association, Agent, tariff I. C. C. 1613.

FSA No. 34600: *Pulpboard or fibreboard from Illinois to the Southwest*. Filed by F. C. Kratzmeir, Agent (SWFB No. B-7259), for interested rail carriers. Rates on pulpboard or fibreboard, carloads between Alton and Federal, Ill., to points in the Southwest, and from Joliet, Ill., to Waco and Ft. Worth, Tex.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 73 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4198.

FSA No. 34601: *Iron and steel articles to Baton Rouge and New Orleans, La.* Filed by R. G. Raasch, Agent (IFA No. 1), for interested rail carriers. Rates on iron and steel articles, carloads from points in Illinois and Indiana, and Milwaukee, Wis., to Baton Rouge and New Orleans, La.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 16 to Illinois Freight Association, Agent, tariff I. C. C. 854.

FSA No. 34602: *Motor-rail rates, Chicago Great Western Ry. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 105), for interested rail and motor carriers. Rates on highway trailers, loaded and empty, transported on railroad flat cars between Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Motor truck competition.

Tariff: Supplement 72 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34603: *Concrete beams and related articles in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3639), for interested rail carriers. Rates on concrete beams, columns (posts), double tees, Joists and piling, reinforced or prestressed, carloads between points in southern territory, Ohio and Mississippi River crossings, and border points.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 33 to Southern Freight Association, Agent, tariff I. C. C. 1613.

FSA No. 34604: *Pennsylvania-Reading Seashore Lines Rates.* Filed by O. E. Schultz, Agent (ER No. 2434), for interested carriers. Rates on all commodities, carload and less-than-carload, except anthracite and bituminous coal, and coke, carloads, between Pleasantville, McKee City, and Mays Landing, N. J., on the one hand, and interstate points in the United States and Canada, on the other.

Grounds for relief: Abandonment of a portion of the Pennsylvania-Reading Seashore Lines between Newfield and Mays Landing, N. J.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2699; Filed, Apr. 14, 1958; 8:47 a. m.]

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LD D. McCoy,
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TITLE 3—

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FEDERAL REGISTER

VOLUME 23 NUMBER 74

Washington, Tuesday, April 15, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3234

NATIONAL MARITIME DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a strong American Merchant Marine is essential to the economy and security of the free world; and

WHEREAS 1958 marks the year in which the keel of the N. S. *Savannah*, the world's first nuclear-propelled merchant ship, will be dedicated by the people of the United States to peaceful trade and commerce; and

WHEREAS the Congress, by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day, in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of a vessel, also named the *Savannah*, on the first transoceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the people of the United States to honor our Merchant Marine on Thursday, May 22, 1958, by displaying the flag of the United States at their homes or other suitable places; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day. I also request that all ships sailing under the American flag dress ship on the twenty-second day of May in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of April in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-2806; Filed, Apr. 11, 1958; 2:06 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 109—COOK INLET AREA

TEMPORARY CLOSURE; KING CRABS

APRIL 11, 1958.

Basis and purpose. Field observations in the Cook Inlet Area disclose that king crabs are becoming soft-shelled and are approaching moult, resulting in increased mortality in the fishery, and that fishing should be temporarily terminated immediately.

Therefore, a new section designated § 109.26 is added to read as follows:

§ 109.26 *Temporary closure, king crabs.* The taking of king crabs is prohibited from April 15 through June 30, 1958.

(44 Stat. 752; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-2807; Filed, Apr. 11, 1958; 4:00 p. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 65]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Athens Int*	BTL LFR (Final)	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*S crs BTL LFR and R-280 LFD VOR.
Procedure turn E side S crs, 183 Outbnd, 003 Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 003—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, climb to 2200′ on N crs within 10 mi.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Fld.; Elev., 941′; Fac. Class, SBMRLZ-DTV; Ident., BTL; Procedure No. 1, Amdt. 9; Eff. Date, 12 May 58; Sup. Amdt. No. 8; Dated, 29 Oct. 55

				T-dn	300-1	300-1	300-1
				C-dn	700-1	700-1½	700-1½
				A-dn	800-2	800-2	800-2

NOTE: Instrument approach to be conducted in accordance with U. S. Navy procedure as published on chart A-L 472 rng.

City, El Centro; State, Calif.; Airport Name, NAAS; Elev., 43′; Fac. Class, SBMRLZ; Ident., ELC; Procedure No. 1, Amdt. 5; Eff. Date, 1 Mar. 58; Sup. Amdt. Nos. 3; Dated, 12 Feb. 55 and 4 (Special—Not published)

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA-VOR	TDW RBn	Direct	5000	T-dn	300-1	300-1	200-½
AMA-LFR	TDW RBn	Direct	5000	C-dn	400-1	500-1	500-1½
Soncy Int	TDW RBn	Direct	5000	S-dn-3	400-1	400-1	400-1
Bivins Int	TDW RBn	Direct	5300	A-dn	800-2	800-2	800-2
Panhandle Int	TDW RBn	Direct	4900				
Claude Int	TDW RBn	Direct	4900				
Palo Duro Int	TDW RBn	Direct	4900				
Tower Int	TDW RBn	Direct	5300				
Sam Int	TDW RBn	Direct	5300				
West Side Int	TDW RBn	Direct	5000				

Procedure turn S side SW crs, 209 Outbnd, 029 Inbnd, 5000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 029—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing RBn, climb to 4900′ on 029 crs or, when directed by ATC, climb to 4700′ on E crs LFR within 20 mi.

City, Amarillo; State, Tex.; Airport Name, Air Terminal; Elev., 3604′; Fac. Class, MHW; Ident., TDW; Procedure No. 1, Amdt. 1; Eff. Date, 12 May 58; Sup. Amdt. No. Orig.; Dated, 15 Jan. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFEC. 10 APR. 58, DUE TO RELOCATION AND CONVERSION OF FARGO VOR TO VORTAC.

City, Fargo; State N. Dak.; Airport Name, Hector; Elev. 900′; Fac. Class, BVOR; Ident., FAR; Procedure No. 1, Amdt. 3; Eff. Date, 8 Mar. 58; Sup. Amdt. No. 2; Dated, 10 Mar. 56

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AGW-VOR	LOM	Direct	1700	T-dn #	300-1	300-1	[illegible]
SFO TVOR	LOM	Direct	1700	C-dn	500 1	600-1	[illegible]
Moffett LFR	LOM	Direct	1700	S-dn:			
Fremont FMHW	LOM	Direct	1700	28R ILS	200-½	200-½	[illegible]
OAK LFR-ILS	LOM	Direct	2000	28L-R ADF	400-1	400-1	[illegible]
OAK LFR-ADF	LOM	Direct	3000	A-dn:			
OAK VOR-ILS	LOM	Direct	2000	ILS	600-2	600-2	[illegible]
OAK VOR-ADF	LOM	Direct	3000	ADF	800-2	800-2	[illegible]
Woodside Int.	LOM	Direct	1700				

Radar vectoring to final approach localizer crs authorized in accordance with procedures approved for surveillance approach.

300-1 required for take-off on Runway 19L-R.

No procedure turn as such authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern. (One min left turns, 2000′ min. alt.) Final approach crs, 101 Outbnd, 281 Inbnd.

ILS: Minimum altitude at glide slope int inbnd, 1700′; ADF: Minimum altitude over LOM inbnd final, 1700′.

Altitude of glide slope and distance to approach end of runway at OM 1660′—5.6; at MM—230—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi after passing LOM (ADF) climb to 3000′ on SFO TVOR R-287 or on 287° crs from LMM within 15 mi.

CAUTION: Circling minimums do not provide standard clearance over high terrain SW of airport.

MAJOR CHANGE: Deletes Half Moon Bay Int.

City, San Francisco; State, Calif.; Airport Name, International; Elev., 11′; Fac. Class, ILS-SFO; Ident., LOM-SF; Procedure No. ILS-28R-L, Comb. ILS-ADF,; Amdt. [illegible]; Eff. Date, 12 May 58; Sup. Amdt. No. 12; Dated, 1 Mar. 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 4, 1958.

[F. R. Doc. 58-2658; Filed, Apr. 14, 1958; 10:01 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54564]

PART 3—DOCUMENTATION OF VESSELS

FORMS OF OATH OF OWNER AND MASTER FOR DOCUMENTATION AND CHANGES OF NAMES OF VESSELS

In order to make it clear that an oath of ownership is required before the issuance at a vessel's home port of a new marine document when all renewal spaces on the previous document are filled, paragraph (d) of § 3.18 of the Customs Regulations is amended to read as follows:

(d) The master's oath for the renewal of a license shall be executed on customs Form 1280. Except when the vessel is at its home port, such an oath shall be taken for the renewal of the license even though it may be necessary to issue a new document because all renewal spaces are filled on the former document. (R. S. 3114, as amended, 3115, as amended, 4142, 4139, as amended, 4159, 4161, 4214, as amended, 4312, 4314, as amended, 4320, as amended, 4325, as amended, 4328, as amended, 4330; 19 U. S. C. 257, 258, 46 U. S. C. 19, 20, 29, 31, 103, 252, 254, 262, 267, 270, 272.)

In order that the regulations will show clearly that vessels which are documented anew following a change in ownership, tonnage, description, or rig may be documented only in their former names and to provide for documentation immediately thereafter in the new name without requiring the vessel to be marked with the former name, § 3.51 of the Customs Regulations is amended by deleting the parenthetical matter at the end of paragraph (k) and by adding a new subparagraph (1) reading as follows:

(1) Whenever any vessel documented or formerly documented as a vessel of the United States has been sold or transferred in whole or in part, or altered in tonnage, description, or rig, that vessel shall be documented anew only under the name in which it was last documented. However, if an application for change of name is submitted simultaneously, if the vessel is then marked with a name other than that in which it was last documented, and if the change in name is approved, the vessel may be documented anew without requiring the former name to be marked, provided the vessel is forthwith documented in the

new name and provided that that name is then correctly marked on the vessel in compliance with the applicable requirements. (R. S. 4170, as amended, 4179, secs. 1–3, 41 Stat. 436, as amended, 437, as amended; 46 U. S. C. 39, 50–53.)

(R. S. 161, sec, 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 2)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 8, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2767; Filed, Apr. 14, 1958; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, the headnote and paragraphs (a) and (b) of § 3.255a are amended to read as follows:

§ 3.255a *Discontinuance and recommencement of pension to veteran who is confined in a penal institution for more than 60 days after conviction of a felony or misdemeanor (Public Law 85–24, act of April 25, 1957, sec. 405, Public Law 85–56).* (a) Where any veteran in receipt of pension under a public or private law administered by the Veterans Administration is imprisoned in a Federal, State or local penal institution for more than 60 days as the result of conviction of a felony or misdemeanor, such pension payments will be discontinued effective on the 61st day of imprisonment after conviction, or June 1, 1957, whichever is the later. At the time this action is taken the veteran will be duly informed of the provisions of paragraphs (b) and (d) of this section, where applicable.

(b) (1) Where a veteran whose pension has been discontinued under paragraph (a) of this section has a wife, child or children, payment of pension may, upon receipt of an informal claim either from the veteran or the eligible payee(s), and a showing of need, be made to such wife, child or children covering the period of his imprisonment. If an informal claim is received within 1 year after the date of the letter to the veteran as required by paragraph (a) of this section, and evidence necessary to establish entitlement is filed within 1 year from date of request, pension may be paid for the wife, child or children commencing the day following the effective date of discontinuance of payments to the veteran, subject to prior payments to the veteran over the same period, if any. If an informal claim is not received within 1 year after the date of notice to the veteran, pension for the wife, child or children may not be paid for any period prior to the date of filing claim. If evidence necessary to establish entitlement is not filed within 1 year from date of request, pension for the wife, child or children may not be paid for any period prior to the date of filing a new informal claim.

(2) The amount of pension payable to the wife and/or child or children may not exceed either the death pension rates payable under the applicable death pension law, or the amount which the veteran was receiving at time of his imprisonment, whichever is the lesser. Continued payments during the veteran's imprisonment will be contingent upon the veteran's eligibility. However, for the purpose of determining need, the income limitations which would control if the payee(s) were receiving death pension under Public Law 484, 73d Congress, as amended, will be applicable. Payments, if otherwise in order, will continue to be made to the wife or child until notice from the veteran (constituting an informal claim) is received in the Veterans Administration that the veteran's imprisonment has terminated.

(Sec. 405, 71 Stat. 104; 38 U. S. C. 2405)
(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

2. In Part 4, the headnote and paragraph (b) of § 4.87 are amended to read as follows:

§ 4.87 *Discontinuance and recommencement of pension to widow or child who is confined in a penal institution for more than 60 days after conviction of a felony or misdemeanor (Public Law 85–24, act of April 25, 1957, sec. 405, Public Law 85–56).* * * *

(b) Where the widow or child of a veteran is disqualified for any period solely by reason of the application of paragraph (a) of this section, payment may, if the widow is disqualified, be made to the child or children, of the death pension that would be payable if there were no such widow or, if a child is disqualified there may be paid to the widow or other child or children the death pension which would be payable if there were no such child. Payment will be made to the eligible person(s) commencing the day following the effective date of discontinuance of payments to the disqualified person provided evidence of income is received within 1 year after date of request, subject to prior payments to the disqualified person over the same period, if any. If evidence of income is not received within 1 year after date of request, pension may not be paid for any period prior to date of receipt of an informal claim. The annual income limitation applicable to the eligible person will be that which would apply if the imprisoned person did not exist. Payments will continue to be made, if otherwise in order, to the eligible person(s) until notice is received in the Veterans Administration that the person's imprisonment has terminated.

(Sec. 405, 71 Stat. 104; 38 U. S. C. 2405)
(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective April 15, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-2768; Filed, Apr. 14, 1958; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 39, Code of Federal Regulations is amended as follows:

PART 4—INFORMATION ON POSTAL MATTERS

In § 4.2 *General postal publications* make the following changes:

1. Add the following to paragraph (d): "The Postal Bulletin will be retained by postal installations for 6 months only. Any permanent instructions published in the Postal Bulletin will be reissued in the Postal Manual or in other permanent form."

2. Amend paragraph (i) to read as follows:

(i) Postage Stamps of the United States, 1847–1957, lists all issues of stamps from the first adhesive stamp, issued in 1847, through the Flushing Remonstrance Commemorative Stamp, issued December 27, 1957. It contains an illustration of each stamp and gives detailed information on each stamp as well as miscellaneous historical information on stamps. ($1.00 a copy.) (No general distribution made to post offices.)

NOTE: The corresponding Postal Manual section is 114.2.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

In § 15.6 *Identification and marking* amend paragraph (d) to read as follows:

(d) *Customs declaration tag for Canal Zone.* Any package of merchandise weighing over 8 ounces addressed to the Canal Zone shall have attached a customs declaration, Form 2966, except when addressed to a Government agency.

NOTE: Corresponding section in Postal Manual is 125.6.

(R. S. 161, 396, as amended, sec. 24, 20 Stat. 361; 5 U. S. C. 22, 369, 39 U. S. C. 250)

PART 42—WHO MAY CARRY LETTERS

In § 42.2 *What are letters* make the following changes:

1. In paragraph (c) delete subparagraph (6).

2. In paragraph (d) delete subparagraph (7) and insert in lieu thereof the following:

(7) *Checks and drafts.* Bank checks in their ordinary form containing only the names of the drawer, payee, bank upon which drawn, amount of money, and date of issue are not letters. Checks, notes, and drafts sent by banks to other banks of collection for payment are not letters. Canceled checks and drafts may be returned to the drawer without being classed as letters. Checks issued by creameries to farmer-producers frequently bear on their face, or are accompanied by, statements showing the basis for computation of the amount of the check, e. g., the weight, butterfat

content, bacterial count, deductions for hauling, and the like. So long as none of the information is extraneous to the check itself, these statements may accompany, or appear on, a check being transmitted by a contract hauler or otherwise outside the mail without either the check or statement being subject to payment of postage. See § 42.3 (c).

Note: The corresponding Postal Manual sections are 152.23f and 152.24g.

(R. S. 161, 396, as amended, sec. 1, 62 Stat. 776; 5 U. S. C. 22, 369, 18 U. S. C. 1694)

Part 49—Star Route Service

§ 49.2 *Establishment* amend paragraphs (a), (b), and (c) to read as follows:

(a) *New service.* Contracts for regular service are awarded after public advertisements, as provided by law. Temporary service may be established on short notice without advertising. Address requests or petitions for new routes to the distribution and traffic manager having supervision over the transportation of mail in the area involved.

(b) *Changes and extensions.* Changes in line of travel, and extensions of service may be ordered by the distribution and traffic manager at any time. Address requests for changes and extensions to this official.

(c) *Changes in schedules.* Changes in schedules may be ordered by the distribution and traffic manager at any time. Address requests for changes to this official.

Note: The corresponding Postal Manual section is 159.2.

(R. S. 161, 396, as amended, 3951 as amended; 5 U. S. C. 22, 369, 39 U. S. C. 434)

Part 61—Money Orders

In § 61.1 *How to buy a domestic money order* amend paragraph (d) to read as follows:

(d) *Errors and alterations.* Make sure that the money order you receive agrees with the amount requested. If you discover an error, request that another order be issued to you. Never make an alteration on a money order. That could make it invalid. If you must return a money order after it has been issued and made a matter of record, your postmaster will issue a new one. If he was at fault, no fee will be charged for the new one. Should you spoil an order in completing it, no charge will be made for a new one if you return it to the post office on the same day it was issued.

Note: Corresponds to section 171.1 in Postal Manual.

(R. S. 161, 396, as amended, 4027, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f, 711)

[SEAL] Herbert B. Warburton,
Acting General Counsel.

[F. R. Doc. 58-2744; Filed, Apr. 14, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1614]

[Sacramento 049543]

California

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH SIERRA ORDNANCE DEPOT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and the Act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Department of the Army as an addition to the Sierra Ordnance Depot:

Mount Diablo Meridian

T. 28 N., R. 17 E. (partly unsurveyed),
Sec. 4;
Sec. 5;
Sec. 8, N½ and SW¼;
Sec. 9, N½.

The areas described aggregate 2,080 acres.

2. It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

Roger Ernst,
Assistant Secretary of the Interior.

April 9, 1958.

[F. R. Doc. 58-2742; Filed, Apr. 14, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11959; FCC 58-339]

[Rules Amdt. 2-16]

Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

REALLOCATION OF CERTAIN FIXED, LAND MOBILE, AND MARITIME MOBILE BANDS

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above entitled matter which was released on April 9, 1957, and published in the Federal Register of April 16, 1957 (22 F. R. 2583). A correction to the notice adding footnote designators to certain specified frequency bands was released on April 11, 1957 and published in the Federal Register of April [illegible], 1957 (22 F. R. 2956).

2. This order applies only to those portions of the notice of proposed rule making which involve the Maritime Mobile and Land Transportation Radio Services, including implementation of "channel splitting" of frequencies allocated to these services, in the frequency range 152-162 Mc. The remainder of the proposed rule making will be disposed of at a later date. It is to be noted below that, in amendments now being affected in Part 2 of the Commission's rules, listing of the frequency band 161.625-161.825 Mc is merely to reflect the present frequency allocation for the Land Transportation Radio Service and is not to be construed as finalization of the Commission's outstanding proposal in Docket No. 11959 to reallocate the frequency band 161.645-161.825 Mc to the Remote Pickup Service.

3. The period for filing comments in this matter has expired. The Association of American Railroads filed the only comment with respect to the subject portion of the proposed rule making. This comment did not discuss the desirability of providing for the assignment of the frequency 161.6 Mc (the band 161.575-161.625 Mc) to the Maritime Mobile Service, to be used in conjunction with 157.0 Mc for port operations, in order to make the United States provision compatible with the Baltic-North Sea Agreement, The Hague, 1957, insofar as this frequency is concerned; however, the comment did request that stations in the Railroad Radio Service now authorized to operate on 161.61 Mc be permitted to continue operating on this frequency until at least October 31, 1963. This request appears reasonable in view of the apparent need to amortize the cost of a considerable amount of transmitting and receiving equipment being operated by various railroad companies on this frequency. However, the time at which this frequency must be vacated by the Railroad Radio Service will be specified at a later date.

4. The Commission has decided to reserve the frequency band 161.575-161.625 Mc for the above stated use. This band is scheduled to be vacated by the Railroad Radio Service and it is quite possible that the frequency 161.6 Mc, The Hague, 1957 choice for port operations, and 157.0 Mc will be adopted for universal duplex port operational functions at the forthcoming 1959 International Radio Conference. The frequency 157.0 Mc is presently used by the United States primarily for port operations on a simplex basis in connection with maritime radiolocation systems.

5. The comment of the Association of American Railroads expressed objection to the proposed deletion of footnotes which allow shared operation on a noninterference basis of certain frequencies assigned to stations in the Railroad Radio Service because of the protection against harmful interference accorded the railroad radio stations by such footnotes. The continued protection of

Railroad Radio Service operations from harmful interference which may be caused by stations operating in the Public Safety Radio Service in the block 159.50–161.79 Mc on a secondary non-interference basis is contemplated and footnote NG11 is not being deleted until further action is taken by the Commission with respect to this matter.

6. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered and, pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended,

7. *It is ordered*, That effective May 15, 1958, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is hereby amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 9, 1958.

Released: April 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In the table of frequency allocations, § 2.104 (a) (5), change the entries in the band 152.24–152.48, 156.25–157.45 Mc, 157.45–157.74 Mc, 159.48–161.85 Mc and 161.85–162 Mc in columns 7 through 11, to read as follows:

Federal Communications Commission

Band Mc 7	Service 8	Class of station 9	Frequency Mc 10	Nature {OF SERVICES {of stations 11
			152.2475–152.4725 (NG54)	LAND TRANSPORTATION
156.25–157.45 (NG1) (NG7)	Maritime mobile.	a. Coast. b. Ship.	156.3	MARITIME MOBILE (NG8)
			156.35	MARITIME MOBILE
			156.4	MARITIME MOBILE (NG31)
			156.45	MARITIME MOBILE
			156.5	MARITIME MOBILE (NG31)
			156.55	MARITIME MOBILE
			156.6	MARITIME MOBILE (NG9) (NG31)
			156.65	MARITIME MOBILE
			156.7	MARITIME MOBILE
			156.8	MARITIME MOBILE (NG10)
			156.9	MARITIME MOBILE
			156.95	MARITIME MOBILE
			157.0	MARITIME MOBILE (NG31)
			157.05	MARITIME MOBILE
			157.1	GOVERNMENT
			157.2	Do.
			157.25	MARITIME MOBILE
			157.3	MARITIME MOBILE
			157.35	MARITIME MOBILE
			157.4	MARITIME MOBILE
157.45–161.575 (NG1) (NG7)	Land mobile.	a. Base. b. Land mobile.	157.4575–157.7325 (NG54) (NG55)	LAND TRANSPORTATION
			159.4875–161.5675 (NG54) (NG55)	LAND TRANSPORTATION (NG11) (NG35) (NG40)
161.575–161.625 (NG1) (NG7)	Maritim mobile.	a. Coast. b. Ship.	161.6 (NG52)	MARITIME MOBILE (NG11) (NG35) (NG53)
161.625–161.825 (NG1)	Land mobile.	a. Base. b. Mobile.	161.6325–161.8175 (NG54)	LAND TRANSPORTATION (NG11) (NG35)
161.825–162 0 (NG1) (NG7)	Maritime mobile.	Coast.	161.85–161.9 161.95–162.0	Coast (NG35)

2. Add new footnotes NG52, NG53, NG54 and NG55 to § 2.104 (a) (5) to read as follows:

NG52 On the condition that harmful interference is not caused to stations in the Land Transportation Radio Service, the frequency 161.6 Mc is available for use only in conjunction with 157.0 Mc as a duplex frequency pair for port operation functions.

NG53 Existing licenses authorized as of May 15, 1958, to operate Land Transportation Radio Service stations on the frequency 161.61 Mc may continue such operation in accordance with Commission rules until further order of the Commission. In the interim, existing authorizations may be renewed or modified to permit expansion of existing systems, but no new systems will be authorized.

NG54 The frequencies shown in column 10 are the first and last assignable frequencies in this band. While the normal spacing between assignable frequencies is 30 kc, the Commission, at its discretion, may assign frequencies separated by only 15 kc under the conditions specified in Part 16 of the Commission's Rules.

NG55 Notwithstanding the frequency limits specified in footnote NG54, as a special condition, the frequencies 157.450 and 159.480 Mc may be assigned to stations in the Land Transportation Service for single-sideband operation on the condition that only the upper sideband is employed.

3. Delete footnotes NG19 and NG37 from § 2,104 (a) (5).

[F. R. Doc. 58–2772; Filed, Apr. 14, 1958; 8:50 a. m.]

[FCC 58-345]

[Rules Amdt. 12-15, 12-1]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 12—AMATEUR RADIO SERVICE

AVAILABILITY OF FREQUENCIES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of April 1958;

The Commission having under consideration the above entitled matter; and

It appearing, that footnote NG23 to the Table of Frequency Allocations contained in § 2.104 (a) (5) of the Commission's rules and that §§ 12.11 (a) and 12.231 (1) of the Commission's rules stipulate that the Amateur Service may use certain portions of the band 1800–2000 kc in certain areas in accordance with the following conditions (among others):

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service; and

(3) The provisions of this footnote and section shall be considered as temporary in the sense that they shall remain subject to cancellation or revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation; and

It further appearing, that national defense considerations require that the Loran system of radionavigation be expanded through the establishment of additional Loran stations to operate on 1900 kc at locations along the seacoasts of the United States and its possessions; and

It further appearing, that interference considerations indicate that the existing sharing arrangement, as set forth in

footnote NG23 of Parts 2 and 12 of the Commission's rules, permitting amateur stations to operate on frequencies in the bands 1875–1900 and 1900–1925 kc would not provide the degree of protection from interference required by Loran stations operating on 1900 kc; and

It further appearing, that the continued use of frequencies in the bands 1875–1900 kc or 1900–1925 kc by the amateur service in the United States and its possessions may constitute a hazard to the safety of life and property through interference to the radionavigation service to be provided by Loran stations operating on 1900 kc; and

It further appearing, that based on representations that have been made to it concerning the requirements of national defense, the Commission finds that it would be in the public interest to amend Parts 2 and 12 of its rules so as to delete the provisions which make the bands 1875–1900 kc and 1900–1925 kc available for use by the amateur service and thereby requiring all operations in the bands 1875–1900 kc and 1900–1925 kc by amateur stations to be discontinued prior to the use of the frequency 1900 kc by Loran stations; and

It further appearing, that because of the urgency and nature of the Government requirements and the vital national defense considerations involved herein, the Commission finds that it is impractical and contrary to the public interest to comply with the public notice requirements of section 4 of the Administrative Procedure Act;

***It is ordered,* That under authority contained in sections 1, 4 (i), 4 (j), 303 (c), (f), (g) and (r) of the Communications Act of 1934, as amended, Parts 2 and 12 of the Commission's rules are amended, effective May 10, 1958, as set forth below;**

***It is further ordered,* That stations in the Amateur Radio Service shall not operate on frequencies in the band 1875–1925 kc after 12:00 Midnight, Eastern Standard Time, May 10, 1958.**

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Footnote NG23 to the Table of Frequency Allocations, § 2.104 (a) (5) of Part 2 of the Commission's rules is amended to read as follows:

NG23 (a) The amateur service may use, in any area, whichever bands, 1800–1825 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

(3) Only types A1 and A3 emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Bands (kc)	D. C. plate input power in watts	
		Day	Night
Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and states to the north of these including the District of Columbia	1800–1825	500	[illegible]
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and states to the west of these states (except State of Washington)	1975–2000	500	[illegible]
State of Washington	1975–2000	200	[illegible]
Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (West of 99° W or North of 32° N)	1800–1825	200	[illegible]
Hawaiian Islands	1975–2000	500	[illegible]
Texas (East of 99° W and South of 32° N) Louisiana, Mississippi, Alabama, Georgia, Florida, Puerto Rico, Virgin Islands, Alaska, Guam, and other Territories and Possessions of the U. S. not listed above	None	No operation	No operation

(b) The provisions of (a) above shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

2. Section 12.111 (a) of Part 12 (Subpart A) of the Commission's rules governing the Amateur Radio Service is amended to read as follows:

§ 12.111 *Frequencies and types of emission for use of amateur stations.* * * *

(a) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radionavigation. The amateur service may use, in any area, whichever bands, 1800–1825 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service.

(2) The use of these frequencies by stations in the amateur service shall not cause harmful interference to the Loran system of radionavigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(3) Only type A1 or A3 emission shall be employed.

(4) Amateur operation shall be limited to the following areas, to the indicated frequency bands within each such area, and to the indicated maximum plate power input to the tube or tubes supplying energy to the antenna during day and night hours, respectively, on such frequencies:

Area	Bands (kc)	D. C. plate input power in watts	
		Day	Night
Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these including the District of Columbia	1800–1825	500	[illegible]
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington)	1975–2000	500	[illegible]
State of Washington	1975–2000	200	[illegible]
Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (West of 99° W or North of 32° N)	1800–1825	200	[illegible]
Hawaiian Islands	1975–2000	500	[illegible]
Texas (East of 99° W and South of 32° N) Louisiana, Mississippi, Alabama, Georgia, Florida, Puerto Rico, Virgin Islands, Alaska, Guam, and other Territories and Possessions of the U. S. not listed above	None	No operation	No operation

(5) The provisions of this subparagraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

3. Section 12.231 (a) (1) of Part 12 (Subpart B) of the Commission's rules governing the Radio Amateur Civil Emergency Service is amended to read as follows:

§ 12.231 *Frequencies available.* (a) * * *

(1) For use only by authorized stations or units of such stations which are operated under the direct supervision of duly designated and responsible officials of the civil defense organization:

Frequency band:	*Authorized emission*
1800–1825 kc[1]	0.1A1, 6A3.
1975–2000 kc[1]	0.1A1, 6A3.
3500–3510 kc	0.1A1, 1.1F1.
3990–4000 kc	0.1A1, 1.1F1, 6A3, 6F3.

[1] Use of frequencies in the band 1800–2000 kc is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 12.111 of the rules governing amateur radio stations and operators (Subpart A of this part). The use of these frequencies by stations authorized to be operated in the Radio Amateur Civil Emergency Service shall not be a bar to expansion of the radionavigation (Loran) service, and such use shall be considered temporary in the sense that it shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancella-

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receipts from such dairy farmers shall

Copies of this notice of hearing and the

301.30 (c); 301.58, 301.58-1 (d),

tion or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

[F. R. Doc. 58-2773; Filed, Apr. 14, 1958; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 179—TRANSFERS OF OPERATING RIGHTS

APPLICATIONS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of April A. D. 1958.

The matter of amendment of the rules and regulations governing transfers, under sections 206, 209, and 212 (b) of the Interstate Commerce Act, of rights to operate as a motor carrier, in interstate or foreign commerce, being under consideration; and

It appearing that a notice of proposed rule making was issued December 20, 1957 setting forth the text of a proposed amendment to the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce which would provide for publication in the FEDERAL REGISTER of synopses of affirmative orders entered pursuant thereto, and afford any interested person an opportunity to file a petition seeking reconsideration or an oral hearing; that said notice was published in the FEDERAL REGISTER issue of December 28, 1957 (22 F. R. 10963) pursuant to provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003); that, after consideration of all written data, views, or arguments received on or before the date specified in said notice, amendment of said rules and regulations as proposed is deemed justified; and that the basis and purpose of this amendment is to afford interested persons notice and an opportunity to object and seek reconsideration before the order approving a transfer is effective;

It is ordered, That 49 CFR Part 179 be, and it is hereby, amended by adding thereto a new paragraph (f) to § 179.2 reading as follows:

§ 179.2 *Applications.* * * *

(f) *Notice of approval; petitions for reconsideration or oral hearing.* Prior to their effective dates, synopses of affirmative orders entered pursuant to this part currently will be published in the FEDERAL REGISTER. The notice accompanying such publication will refer to section 17 (8) of the Interstate Commerce Act and include a requirement that if a petition is timely filed by an interested person seeking reconsideration or oral hearing, such petition must specify with particularity the alleged errors or matters claimed to have been erroneously decided. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form.

It is further ordered, That this order shall become effective on the 15th day of May A. D. 1958.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 551, as amended, 552, as amended, 555, as amended; 49 U. S. C. 306, 309, 312)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2743; Filed, Apr. 14, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

[Docket No. AO-229-A5]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the U. S. Post Office and Courthouse, Cedar Rapids, Iowa, beginning at 10:00 a. m. on April 29, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Eastern Iowa Co-operative Dairy Producers:

Proposal No. 1. Amend the order to provide that a plant operated by a cooperative association whose membership includes more than half the producers shipping to the pool plant of other handlers during the month shall be a pool plant for such month.

Proposal No. 2. Delete § 931.41 and substitute therefor the following:

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in § 931.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventory of fluid milk products on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 931.7) and other source milk (received in the form of a fluid milk product in bulk) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

Proposal No. 3. Delete § 931.44 (c) and substitute therefor the following:

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Cedar Rapids and Iowa City, Iowa; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Cedar Rapids and Iowa City, Iowa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 931.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of

therein, and substituting there- port of arrival where such treating fa- of Adult Honeybees into the United receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant during the month are less than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk shall be prorated over the claimed Class II classification reported by each such handler on transfers to the nonpool plant.

Proposal No. 4. Delete paragraphs (b) and (c) of § 931.50 and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Ill.
Borden Company, Dixon, Ill.
Borden Company, Sterling, Ill.
Carnation Company, Morrison, Ill.
Carnation Company, Oregon, Ill.
Carnation Company, Waverly, Iowa.
United Milk Products Company, Argo Fay, Ill.

Proposal No. 5. Delete § 931.51 and substitute therefor the following:

§ 931.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 931.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110 for the months of April, May, June and by 0.115 for all other months.

Proposal No. 6. Delete § 931.81 and substitute therefor the following:

§ 931.81 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 931.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 931.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

Proposal No. 7. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 409 O. R. C. Building, Cedar Rapids, Iowa, or from the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 10th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-2748; Filed, Apr. 14, 1958; 8:45 a. m.]

Agricultural Research Service

[7 CFR Parts 301, 319, 353]

DOMESTIC AND FOREIGN QUARANTINE NOTICES AND SANITARY EXPORT CERTIFICATION

GUAM

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 1, 5, 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 161, 162), sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), and section 102 of the Department of Agriculture Organic Act of 1944 (7 U. S. C. 147a), is considering amending the subparts Hawaiian Fruits and Vegetables; Sugarcane; Sweetpotatoes; Gypsy Moth and Brown-Tail Moth; Territorial Cotton, Cottonseed, and Cottonseed Products; Japanese Beetle; Pink Bollworm; Fruits and Vegetables from Puerto Rico or Virgin Islands; Sand, Soil, or Earth, with Plants from Territories and Insular Possessions; Mexican Fruit Fly; White Fringed Beetle; Khapra Beetle; European Chafer; Mediterranean Fruit Fly; Soybean Cyst Nematode; and Witchweed, in Part 301, Title 7, Code of Federal Regulations (7 CFR 301.13 et seq., 301.16, 301.30 et seq., 301.45 et seq., 301.47 et seq., 301.48 et seq., 301.52 et seq., 301.58 et seq., 301.60, 301.64 et seq., 301.72 et seq., 301.76 et seq., 301.77 et seq., 301.78 et seq., 301.79 et seq., and 301.80 et seq.); the subparts Foreign Cotton and Covers; Citrus Canker and Other Citrus Diseases; Corn Diseases; Citrus Fruits; Nursery Stock, Plants, and Seeds; Indian Corn or Maize, Broomcorn, and Related Plants; Rice; Fruits and Vegetables; Flag Smut; Packing Materials; Dutch Elm Disease; and Cut Flowers, in Part 319, Title 7, Code of Federal Regulations (7 CFR 319.8 et seq., 319.19, 319.24 et seq., 319.28, 319.37 et seq., 319.41 et seq., 319.55 et seq., 319.56 et seq., 319.59 et seq., 319.69 et seq., 319.70 et seq., and 319.74 et seq.), and Part 353, Sanitary Export Certification, in Title 7, Code of Federal Regulations in the following respects:

It is proposed to:

1. Amend §§ 301.13, 301.13-1 (i) 301.13-2 (a), 301.13-7 through 301.13-9 and 301.13-12 through 301.13-14; the first sentence only, of 301.13-10; the first clause only, of 301.13-11; 301.16 (c); 301.30 (c); 301.58, 301.58-1 (d), 301.[illegible] 301.58-14; 301.60 (d); 319.8-1 (n); 319.[illegible] (e); 319.28; 319.37 (c), 319.37-1 (m), 319.37-28; 319.56, 319.56-8; 319.59-1 (j); 319.69; 319.74, and 319.74-7 by inserting after the word "Alaska," wherever it occurs therein, the word "Guam", and amend the first sentence in § 301.[illegible] (b) by inserting after the word "Guam", the words "Puerto Rico".

2. Amend § 319.8-2 (b) by inserting the word "Guam" before "Hawaii" in footnote 3.

3. Amend §§ 301.45, 301.48, 301.52, 301.64, 301.72, 301.76, 301.77, 301.78, 301.79, and 301.80 by adding at the end of each such section a new paragraph to read:

"As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands of the United States.

4. Amend § 301.47 by adding at the end thereof a new paragraph (d) to read:

(d) As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands of the United States.

5. Amend § 301.47-1 (m) by deleting the phrase "Territory, State, or District" and substituting therefor the phrase "State, Territory, or District."

6. Amend §§ 301.47-3 (a) and (c) by deleting the phrase "Territory, District, or Insular Possession" and substituting therefor the phrase "Territory or District."

7. Amend § 301.48 by deleting the phrase "State or Territory or District" and substituting therefor the phrase "State, Territory, or District."

8. Amend §§ 301.64-1 (g), 301.79-1 (f), and 301.80-1 (f) by deleting therefrom the phrase "(including possessions and the District of Columbia)."

9. Amend § 301.13 (b) by deleting the proviso therein and substituting therefor the following: "*Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the movement of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the movement of such articles to Guam, upon request in specific cases and notification to the person making the request, authorize their certification under conditions, specified in the certificate, that are less stringent than those contained in the regulations."

10. Amend §§ 319.8 (a) and 319.59 (a) by deleting the provisos therein, and amend § 319.37 (a) by deleting the first

proviso therein, and substituting therefor, in each case the following: "*Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit, that are less stringent than those contained in the regulations."

11. Amend § 319.8–2 by adding thereto a new paragraph (h) to read as follows:

(h) Pending development of adequate treating facilities in Guam, any cotton or covers that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

12. Amend § 319.24 by adding to the second paragraph thereof, and amend §§ 319.41 and 319.56 by adding to the third paragraphs thereof, in each case, the following: "*Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit, that are less stringent than those contained in the regulations."

13. Amend § 319.37–21 by adding thereto another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, restricted plant material that is subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

14. Amend § 319.41–3 by adding thereto another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, any of the articles specified in § 319.41–1 that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

15. Amend § 319.55–3 by inserting between the second and third paragraphs thereof another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, seed or paddy rice, rice straw, and rice hulls that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

16. Amend § 319.56–2 by adding thereto another paragraph to read as follows:

Pending development of adequate treating facilities in Guam, fruits and vegetables that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

17. Amend § 319.59 (b) by adding thereto another sentence to read: "Applicability of the provisions in this subpart to imports into Guam shall be limited to the provisions restricting the importation of wheat straw, hulls, and chaff."

18. Amend § 319.59–5 by adding thereto a new paragraph (c) as follows:

(c) Pending development of adequate treating facilities in Guam, any wheat straw, hulls, or chaff that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

19. Amend § 319.70 by adding at the end thereof a paragraph to read:

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

20. Amend § 319.74–2a by changing the period at the end thereof to a comma and adding after the comma the clause, "except that the written permit requirements do not apply to the importation of cut flowers into Guam."

21. Amend §§ 319.8–2, 319.8–4, 319.24–2, 319.24–4, 319.24–5, 319.37–5, 319.37–11, 319.37–12, 319.41–4, 319.41–5, 319.55–4, 319.55–5, 319.56–2d, 319.56–4, 319.56–5, 319.59–6, 352.5, 352.6, and 352.7 to the extent necessary to refer to the appropriate official or organization in Guam instead of a United States Customs official or United States Customs.

22. Amend § 353.3 by adding to the list therein, in the appropriate alphabetical order, the port of "Agana, Guam."

23. Amend section headings as necessary to reflect the foregoing amendments.

The following parts and subparts in Title 7, Code of Federal Regulations, are interpreted as applicable to Guam in their present form: Part 321, Subpart-Foreign Potatoes; Part 322—Importation of Adult Honeybees into the United States; Part 352—Treatment of Restricted or Prohibited Plants or Plant Products Temporarily in the United States; Part 353—Sanitary Export Certification; and the following subparts of Part 319—Foreign Quarantine Notices: Subpart—Avocado Seed; Subpart—Sugarcane; Subpart—Corn Diseases; Subpart—Bamboo; Subpart—Indian Corn or Maize, Broomcorn, and Related Plants; and Subpart—Rice. It is contemplated that enforcement of the specified regulatory quarantines and orders, as well as sanitary export certification service, would be inaugurated in Guam concurrently with adoption of the amendments proposed herein.

The aforesaid proposed amendments would correlate the quarantines, regulations, and orders set forth in the abovementioned parts and subparts with a proposed current extension of plant quarantine operations to Guam.

Any person who desires to submit written data, views, or arguments in connection with the proposed amendments should file them with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 5, 7, 8, 9, 37 Stat. 315, 316, 317, 318, as amended; secs. 103, 106, Pub. Law 85–36, 71 Stat. 32, 33; sec. 102, 58 Stat. 735, as amended; 7 U. S. C. 147a, 154, 159, 160, 161, 162)

Done at Washington, D. C., this 9th day of April 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–2782; Filed, Apr. 14, 1958; 8:51 a. m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

TOBACCO

FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1959–60 MARKETING YEAR

Notice of formulation of regulations relating to establishment of Farm Acreage Allotments and Normal Yields for Cigar-Filler (Type 41) Tobacco; Cigar Binder (Types 51 and 52) Tobacco; Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco; Burley, Flue-Cured, Fire-Cured (Type 21), Fire-Cured (Types 22, 23, and 24) Tobacco, Dark Air-Cured and Virginia Sun-Cured Tobacco; and Maryland Tobacco; for the 1959–60 Marketing Year.

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), regulations are being prepared governing the establishment of farm acreage allotments and normal yields for the 1959 crop of (1) cigar-filler (type 41) tobacco, (2) cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, (3) burley, flue-cured, fire-cured (type 21), fire-cured (types 22, 23, and 24), dark air-cured, and Virginia sun-cured tobacco, respectively, and (4) Maryland tobacco.

The Agricultural Adjustment Act of 1938, as amended, includes only type 41 tobacco in the definition of cigar-filler tobacco. Since the Agricultural Adjustment Act of 1938, as amended, requires the proclamation of a national marketing quota for each of the three marketing years beginning October 1, 1959 for cigar-filler (type 41) tobacco, it is necessary that regulations be issued and farm acreage allotments be determined for the 1959–60 marketing year. The applicability of regulations to be issued for cigar-filler (type 41) tobacco will be contingent upon the proclamation of marketing quotas for the 1959–60, 1960–61 and 1961–62 marketing years, pursuant to section 312 of the act, as amended, and upon approval of quotas by growers voting in a referendum. Consideration will be given to establishing a date for such referendum.

Pursuant to the provisions of section 312 of the act, as amended, the Secretary of Agriculture has proclaimed marketing quotas for the 1959–60 marketing year for cigar-binder (types 51 and 52) tobacco and for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively. In accordance with section 312 of the act, the amounts of such marketing quotas will be determined and announced, and under section 313 of the act will be apportioned among the States, converted into State acreage allotments, and allotted to farms. Growers of cigar-binder (types 51 and 52) tobacco and growers of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, approved marketing quotas for such two kinds of tobacco for the 1957–58, 1958–59, and 1959–60 marketing years (22 F. R. 2035).

Pursuant to the provisions of section 3312 of the act, as amended, the Secretary of Agriculture is required to proclaim marketing quotas for the 1959–60, 1960–61, and 1961–62 marketing years for burley, flue-cured and Virginia sun-cured tobacco. It is necessary that regulations be issued and acreage allotments determined for the 1959–60 marketing year for such kinds of tobacco but the applicability of such regulations will be contingent on proclamation of marketing quotas for the 1959–60, 1960–61 and 1961–62 marketing years pursuant to section 312 of the act, as amended, and upon approval of marketing quotas by growers voting in referenda. Consideration will be given to establishing dates for such referenda. Marketing quotas for burley, flue-cured and Virginia sun-cured tobacco were approved by growers voting in referenda for the 1956–57, 1957–58 and 1958–59 marketing years (20 F. R. 6543) (21 F. R. 668). Growers of fire-cured tobacco and dark air-cured tobacco approved quotas for the 1958–59, 1959–60 and 1960–61 marketing years (23 F. R. 2072). In accordance with section 312 of the act, the amounts of such marketing quotas will be determined and announced, and under the provisions of section 313 of the act (7 U. S. C. 1313), such quotas will be apportioned among the States, converted into State acreage allotments and allotted to farms.

Pursuant to the provisions of section 312 of the act, as amended, the Secretary of Agriculture is required to proclaim a marketing quota for each of the 1959–60, 1960–61 and 1961–62 marketing years for Maryland tobacco. It is necessary that regulations be issued and allotments be determined for the 1959–60 marketing year, but the applicability of the regulations to be issued for Maryland tobacco will be contingent upon the proclamation of marketing quotas for the 1959–60, 1960–61 and 1961–62 marketing years pursuant to section 312 of the act, as amended, and upon approval of quotas by growers voting in a referendum. Consideration will be given to establishing a date for such referendum. Growers of Maryland tobacco approved quotas for the 1956–57, 1957–58, and 1958–59 marketing years (21 F. R. 668).

It is contemplated that the respective regulations for cigar-filler (type 41) tobacco will provide for establishment of farm acreage allotments and normal yields and the issuance of notices of allotments and marketing quotas by county committees substantially the same as those for the 1956–57 marketing year (20 F. R. 6063), except that the new farm allotment provisions would be similar to those for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1958–59 marketing year. It is also contemplated that the regulations for (1) cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, (2) burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco, respectively, and (3) Maryland tobacco, will provide for establishment of farm acreage allotments and normal yields and the issuance of notices of allotments and marketing quotas by county committees substantially the same as provided with respect to the 1958 crops (22 F. R. 5675) (22 F. R. 8103) (23 F. R. 135) (22 F. R. 4351) (22 F. R. 8127) (23 F. R. 638) (22 F. R. 4355; 4912) (22 F. R. 8104) (23 F. R. 136). The changes in the 1958 regulations that are proposed for the regulations applicable to the 1959 crop year are as follows:

(1) Consideration is being given to changing the provisions of §§ 725.926, 723.926, and 727.926 of the 1958 regulations relating to the determination of allotments for farms returned to agricultural production after acquisition by a Federal, State or other agency having the right of eminent domain, by adding a limitation of five years from the date of such acquisition within which the allotment for such farm may be reinstated in whole or in part when reacquired by the former owner.

(2) Consideration is being given to changing the provisions of §§ 725.923, 723.923, and 727.923 of the 1958 regulations relating to the determination of new farm allotments by providing that a new farm acreage allotment shall not exceed 50 percent of the average (75 percent of the average in case of § 723.923) of acreage allotments established for 2 or more but not to exceed 5 old farms in the community which are similar with respect to land, labor and equipment available for production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(3) Consideration is being given to changing paragraph (b) of §§ 725.919, 723.919, and 727.919 of the 1958 regulations by eliminating the words "at the time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed" since such wording is no longer necessary in view of the express statutory provision for reduction of allotments in the case of false acreage reports. Also, the exception at the end of paragraph (b) would be eliminated.

(4) Consideration is being given to eliminating for 1959 paragraph (c) of §§ 725.919, 723.919, and 727.919 of the 1958 regulations as unnecessary since actual failure to account for disposition of tobacco marketed from the farm is covered by paragraph (b) of such sections.

(5) Paragraph (d) would be redesignated paragraph (c) and the exception at the end thereof would be eliminated.

(6) Consideration is being given to eliminating for 1959 the provisions of §§ 725.921, 723.921 and 727.921 of the 1958 regulations, since it is contemplated that comparable provisions will be contained in other official CSS regulations.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 8th day of April 1958.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58–2750; Filed, Apr. 14, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12273; FCC 58–331]

TELEVISION BROADCAST STATIONS; CONCORD, N. H.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Concord, New Hampshire), Docket No. 12273.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 9th day of April 1958;

The Commission having under consideration a petition filed March 25, 1958, from Springfield Television Broadcasting Corporation, permittee of Television Station WWLP, Channel 22, Springfield, Massachusetts, requesting termination of the above-entitled rule making proceeding;

It appearing that, on December 18, 1957, the Commission adopted a notice of proposed rule making proposing to assign Channel 15 to Concord, New Hampshire, by making certain other changes in the Table of Television Assignments. The notice of proposed rule making was issued in response to a petition filed by Springfield Television Broadcasting Corporation;

It further appearing that petitioner asserts that it has been advised that the Canadian Government contemplates channel usages which would preclude the allocation of Channel 15 to Concord, New Hampshire, and that it has made further allocation studies and believes the allocation revisions which it contemplates can be accomplished through a revised proposal which was filed with the Commission on March 25, 1958.

It further appearing that no other party filed comments or reply comments in this proceeding.

In view of the foregoing: *It is ordered*, That the above-described petition of Springfield Television Broadcasting Corporation is granted, and that this proceeding is terminated.

Released: April 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2774; Filed, Apr. 14, 1958; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 12392; FCC 58-332]

TELEVISION BROADCAST STATIONS; CONCORD, N. H. AND BENNINGTON, VT.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Concord, New Hampshire and Bennington, Vermont), Docket No. 12392.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed March 25, 1958, by Springfield Television Broadcasting Corporation, licensee of Television Station WWLP, Channel 22, Springfield, Massachusetts, requesting an amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, to substitute Channel 76 even for Channel 75 even at Concord, New Hampshire and to substitute Channel 69— for Channel 74+ at Bennington, Vermont.

3. In support of the requested amendments petitioner alleges that the proposed assignments will comply with the minimum mileage separations and other requirements of the Commission's Rules, and will make Channel 74 available as a translator channel in Springfield, Vermont.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 16, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 9, 1958.

Released: April 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2775; Filed, Apr. 14, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BONAPARTE COMMUNITY SALE ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Bonaparte Community Sale, Bonaparte, Iowa.
Sweetland Auction Sales, Muscatine, Iowa.
Centerville Livestock Sales, Centerville, S. Dak.
Selby Livestock Sales Co., Selby, S. Dak.
Plainview Livestock Sales Ring, Plainview, Tex.
Tulia Livestock Auction, Tulia, Tex.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of April 1958.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-2749; Filed, Apr. 14, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN H. CLEMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608; October 3, 1956, 21 F. R. 7581; December 22, 1956, 21 F. R. 10319; March 16, 1957, 22 F. R. 1730; September 10, 1957.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 1, 1958.

[SEAL] JOHN H. CLEMSON.

MARCH 28, 1958.

[F. R. Doc. 58-2769; Filed, Apr. 14, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SR-2255]

J. L. NORMAN

NOTICE OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, Complainant; v. J. L. Norman, Docket No. SR-2255; Respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 7, 1958, at 10:00 a. m. e. d. s. t., in Room 5042, Commerce Building 14th Street and Constitution Avenue NW., Washington, D. C., before the Board. The respondent has been allotted 30 minutes and the Administrator 30 minutes to be presented in that order.

The respondent may reserve one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., April 9, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2776; Filed, Apr. 14, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12067; FCC 58M-369]

WHAS, INC.

ORDER CONTINUING HEARING

In re application of WHAS, Inc., Louisville, Kentucky, Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

Pursuant to a pre-hearing conference in the above-entitled proceeding, held on April 9, 1958, in the offices of this Commission, Washington, D. C.: *It is ordered,* This 9th day of April 1958, that the hearing therein previously scheduled to be held on April 16, 1958, is continued until 10:00 o'clock a. m., on Wednesday, May 7, 1958, in the offices of this Commission, Washington, D. C.

Released: April 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2777; Filed, Apr. 14, 1958; 8:51 a. m.]

[Docket Nos. 12332-12335; FCC 58M-368]

PENINSULA BROADCASTING CORP. (WVEC-TV) ET AL.

ORDER CONTINUING HEARING

In re applications of Peninsula Broadcasting Corporation (WVEC-TV), Hampton, Virginia, Docket No. 12332, File No. BMPCT-4721; Tim Brite, Inc. (WTOV-TV), Norfolk, Virginia, Docket No. 12333, File No. BMPCT-4778; for modification of construction permits; Virginia Television Corporation, Norfolk, Virginia, Docket No. 12335, File No. BPCT-2413; for construction permit for new television broadcast station (Channel 13).

The Hearing Examiner having under consideration the scheduling of further formal proceedings as stated on the record at the prehearing conference held on this date, now therefore:

It is ordered, This 8th day of April 1958, that a further prehearing conference shall be commenced at 10:00 a. m., on Thursday, June 19, 1958: *And it is further ordered,* That the hearing which is now scheduled to be commenced on Wednesday, April 30, 1958, is continued to 10:00 a. m., on Tuesday, June 24, 1958.

Released: April 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2778; Filed, Apr. 14, 1958; 8:51 a. m.]

[Change List 120]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 2, 1958.

Notification under the provsions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		560 kilocycles				
New	Corner Brook, Newfoundland.	1 kw	DA-N	U	III	EIO 3-1-59.
		800 kilocycles				
CJBQ	Belleville, Ontario	1 kw	DA-1	U	II	Now in operation.
		900 kilocycles				
CJVI	Victoria, B. C	10 kw	DA-1	U	II	Do.
		920 kilocycles				
New	Woodstock, N. B	1 kw	DA-N	U	III	EIO 3-1-59.
CJCH	Halifax, N. S	5 kw	DA-N	U	III	Now in operation.
		980 kilocycles				
CKWX	Vancouver, B. C	5 kw	DA-1	U	III	Delete assign. (vide 1130 kc.).
CKNW	New Westminster, B. C.	5 kw	DA-1	U	III	EIO 3-1-59.
		1060 kilocycles				
CFAM	Altona, Manitoba	5 kw	DA-2	U	II	Delete assign.
CKSB (PO: 1250 kc 1 kw DA-1).	St. Boniface, Manitoba.	10 kw	DA-N	U	II	EIO 3-1-59.
		1080 kilocycles				
CHED	Edmonton, Alberta	10 kw D/1 kw N	DA-N	U	II	Now in operation.
		1150 kilocycles				
CKX	Brandon, Manitoba	5 kw D/1 kw N	ND	U	III	Do.
		1230 kilocycles				
CJBQ	Belleville, Ontario	0; 25	ND	U	IV	Delete assign. (vide 800 kc.).
		1290 kilocycles				
CFAM (PO: 1290 kc 1 kw DA-1).	Altona, Manitoba	5 kw	DA-1	U	III	EIO 3-1-59.
		1310 kilocycles				
CJRH (PO: 1300 kc 0.5 kw ND D).	Richmond Hill, Ontario.	0.25 kw N/1 kw D	DA-2	U	III day IV night	Do.
		1330 kilocycles				
New	Calgary, Alberta	5 kw	DA-1	U	III	Do.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2780; Filed, Apr. 14, 1958; 8:51 a. m.]

[Docket Nos. 12390, 12391; FCC 58-329]

KWG BROADCASTING CO. AND VALLEY BROADCASTERS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KWG Broadcasting Company, Stockton, California, Docket No. 12390, File No. BPH-2348; Valley Broadcasters, Inc., Stockton, California, Docket No. 12391, File No. BPH-2354; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of April 1958;

The Commission having under consideration the above-captioned applications of KWG Broadcasting Company and Valley Broadcasters, Inc., for construction permits for new Class B FM broadcast stations to operate on 107.3 megacycles, Channel No. 297, in Stockton, California;

It appearing, that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to secton 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated February 13, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing on these applications is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate its proposed station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programing service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2779; Filed, Apr. 14, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6810]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

APRIL 9, 1958.

Take notice that on March 27, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company (Applicant), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of 425,000 shares of $100 par value Preferred Stock. The aforesaid 425,000 shares of Preferred Stock are the identical securities presently authorized and outstanding, in six series, with changes in voting power hereinafter set forth, and will be issued at the dividend rate presently authorized for the particular series of Preferred Stock. Applicant's Charter presently in effect provides that the stockholders of the $4.40 Dividend Preferred Stock are entitled to 8¾ votes per share on all matters requiring stockholder action in addition to class votes for certain protective purposes, but that five other series of preferred stock, while also being entitled to 8¾ votes per share, vote only as a class and only for certain protective features specified by Applicant's Charter. In order that Applicant may adopt the Texas Business Corporation Act, Applicant proposes that its Charter be amended to reduce the voting rights of the holders of the aforementioned $4.40 Dividend Preferred Stock to those held by the other five series of Preferred Stock so that the voting rights of all outstanding shares of prefered stock will be identical, and that the number of votes which each share of preferred stock will be entitled to cast be changed to one. The issuance of the aforementioned securities, for authorization of which this application is made, constitutes nothing more than a proposed alteration of the voting rights of Applicant's outstanding preferred stock, and the same securities, with such altered voting rights, will remain in the hands of the same holders of such securities prior to such alteration of voting rights. Accordingly, there will be no proceeds to the Applicant from the proposed issuance of the securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the first day of May 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2764; Filed, Apr. 14, 1958; 8:48 a. m.]

[Docket No. E-6812]

INTERSTATE POWER CO.

NOTICE OF APPLICATION

APRIL 9, 1958.

Take notice that on April 1, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Interstate Power Company (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Illinois, Iowa, Minnesota and South Dakota, with its principal business office at Dubuque, Iowa, seeking an order authorizing the issuance of not exceeding $6,000,000, in principal amount of unsecured Promissory Notes. The said notes in the aggregate amount of $900,000 will be issued to banks in Minnesota and Iowa, and will be evidenced by notes to be dated June 10, 1958, expressed to mature May 31, 1959. The said notes not to exceed an additional $5,100,000 will be issued to The Chase Manhattan Bank and Manufacturers Trust Company, both of New York City, not to exceed $2,550,000 to each of said banks, to be issued and sold from time to time at any time up to and including December 31, 1958. These notes will be dated from the dates of their respective deliveries and will be expressed to mature 360 days from the date of the first borrowing (under Agreement with said banks dated March 17, 1958), or May 31, 1959, whichever date shall be earlier. The funds received from the bank loans of $6,000,000, together with accrued depreciation and retained earnings, will be used to carry out the Company's 1958 construction program estimated to be $10,578,620.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 28th day of April 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2751; Filed, Apr. 14, 1958; 8:46 a. m.]

[Docket No. G-6762 etc.]

HUMBLE OIL & REFINING CO.

NOTICE OF SEVERANCE, REDESIGNATION AND HEARING

APRIL 9, 1958.

In the matter of Humble Oil & Refining Company, Docket Nos. G-6762 to G-6767, incl., G-6769 to G-6774, incl., G-6776 to G-6780, incl., G-6782, G-6784 to G-6785, incl., G-6788 to G-6805, incl.

Humble Oil & Refining Company (Applicant), a Texas corporation with principal place of business in Houston, Texas, heretofore filed separate applications for certificates of public convenience and necessity in the above-captioned proceedings, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue the sale of natural gas in interstate commerce to various purchasers for resale. Notice of the filing of these applications together with their consolidation for purposes of hearing was issued on September 26, 1955, and published in the FEDERAL REGISTER on October 1, 1955 (20 F. R. 7351). This notice scheduled these applications for hearing on October 31, 1955 and fixed October 11, 1955, as the last day for filing protests or petitions to intervene. By notice issued on October 10, 1955, and published in the FEDERAL REGISTER on October 18, 1955 (20 F. R. 7821), the hearing scheduled for October 31, 1955, was postponed at the request of the Applicant to a date to be fixed by further notice.

By letter dated February 6, 1958, and filed February 10, 1958, in Docket No. G–5145 et al., Applicant requests that its applications, the ultimate disposition of which were heretofore deferred at Applicant's request, now be disposed of as expeditiously as possible in accordance with the Commission's regulations under the Natural Gas Act and the rules of practice and procedure.

Take notice of the applications of Applicant in Docket Nos. G–6762 through G–6767, G–6769 through G–6772, G–6774, G–6776 through G–6779, G–6782, G–6784 through G–6785, G–6788 through G–6795, G–6799, and G–6802 through G–6805 are hereby severed from the above-captioned consolidated proceeding and the lead docket number in said consolidated proceeding, which now consists of the applications in Docket Nos. G–6773, G–6780, G–6796, G–6797, G–6798, G–6800 and G–6801, be redesignated as Docket No. G–6773, et al.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G–6773, G–6780, G–6796, G–6797, G–6798, G–6800 and G–6801: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2752; Filed, Apr. 14, 1958; 8:46 a. m.]

[Docket No. G–8990]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that on June 2, 1955, Tennessee Gas Transmission Company (Applicant), filed in Docket No. G–8990 an application, together with supplementary data filed on July 25, 1955, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate (1) 7 miles of 4-inch pipe line from the Charenton Field in St. Mary Parish, Louisiana, and (2) 7 miles of 4-inch pipe line from the Gillis English Bayou Field in Calcasieu Parish, Louisiana, together with valves and appurtenant facilities, to points located 93 miles and 15 miles, respectively, from the intake side of Station 507 on Applicant's system in Louisiana, for the purpose of taking deliveries of natural gas produced by The California Company in said fields for sale and transportation in interstate commerce by the Applicant subject to the jurisdiction of the Commission, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states the estimated cost of the proposed facilities is $140,900, and will be defrayed from current funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2753; Filed, Apr. 14, 1958; 8:46 a. m.]

[Docket Nos. G–12884, 10785]

TRUNKLINE GAS CO. AND CENTRAL ILLINOIS PUBLIC SERVICE CO.

ORDER FOR HEARING, ETC.

APRIL 9, 1958.

Trunkline Gas Company (Trunkline), on March 10, 1958, tendered for filing Third Revised Sheets Nos. 23, 24, 28 and 30 to its FPC Gas Tariff, Original Volume No. 1. By means of these revised sheets Trunkline proposes to reflect a change in Article 3 of its Form of Service Agreement for service under its Rate Schedules P–1, G–1, and SG–1. Trunkline states that this change in wording of its service agreement form was made to present a more positive statement of its contractual authority to make changes in rates and other tariff provisions from time to time; that no other changes are intended and that Sheets Nos. 24 and 30 were filed solely in order to accommodate the additional language on the other two sheets, Nos. 23 and 28.

The Company requests that these changes be substituted for Second Revised Sheets Nos. 23, 24, 28 and 30 which were filed June 14, 1957, and following suspension, were permitted to take effect on January 1, 1958, subject to further orders in Docket No. G–12884. Trunkline, further requests that the order issued January 22, 1958, in Docket No. 10785, be modified to extend the time within which it has been directed to execute and file a service agreement with Central Illinois Public Service Company in accordance with Trunkline's proposed new contract demand Rate Schedule G–1 and its tariff as otherwise also revised by the June 14, 1957, proposed changes. These latter changes included Second Revised Sheets Nos. 23 and 28, proposing to amend Article 3 of the Form of Service Agreement, which were, like the Third Revised Sheets, stated to be for the purpose of clarifying the intent of the contracting parties reflecting the Company's right to file tariff changes. Trunkline on June 14, 1957, also tendered a newly executed service agreement with Panhandle Eastern Pipe Line Company, its affiliated principal customer, but no other service agreements have been re-executed with other customers.

Central Illinois, by letter of March 3, 1958, stated that it is willing to execute a service agreement in accordance with the said January 22 order providing for the additional 1500 Mcf per day delivery that it requested and was granted by the January 22 order in Docket No. G–10785. Thereafter, on March 10, 1958, Trunkline tendered for filing the second change to its Form of Service Agreement, as set forth above, and on March 26, 1958, filed its motion to extend the period for compliance with the January 22 order, paragraph (E), in order that the Service Agreement Central Illinois is required to execute will contain the language now proposed by the aforesaid Third Revised Sheets.

Central Illinois filed an answer and objected to the requested substitution of the later Service Agreement language for that which became effective January 1, 1958, and to the requested delay and modification of the certificate order. Its position is that it would be prejudiced by the later language. It states that if it were to execute an agreement with the later language, its position in contesting the legality of Trunkline's rates, to which it had thereby given advance consent, would be uncertain in light of the decision in Memphis Light, Gas and Water Div. v. F. P. C., 250 F 2d 402, now pending before the U. S. Supreme Court. Trunkline, on the other hand, seeks to assure that the new language would not prejudice any party and that all parties in Docket No. G–12884 will have ample opportunity to present their views to the Commission and to challenge not only the rate changes sought but also the proper content of the said Article 3 of the Service Agreement form. It appears that it will be appropriate in the public interest to set this issue for hearing and to suspend the revised tariff sheets tendered for filing on March 10, 1958.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, concerning Trunkline's motion as aforementioned, and the lawfulness of the changes proposed in Third Revised Sheets Nos. 23, 24, 28 and 30 to Trunkline's FPC Gas Tariff, Original Volume No. 1, and that said proposed revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered. Pending such hearing and decision, it is necessary and appropriate that Trunkline's motion for an extension of time for filing in accordance with paragraph "E" of the order of January 22, 1958, in Docket No. G-10875 be denied.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 7 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held at a time and place to be fixed by notice from the Secretary concerning Trunkline's motion for modification of paragraph "E" of the aforesaid order of January 22, 1958 and the rates, charges, classifications and services contained in Trunkline's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Third Revised Sheets Nos. 23, 24, 28 and 30.

(B) Pending such hearing and decision thereon, the proposed Third Revised Sheets Nos. 23, 24, 28 and 30 to Trunkline's FPC Gas Tariff, Original Volume No. 1, are each hereby suspended and their use deferred until September 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Trunkline's motion filed on March 26, 1958, requesting an extension of the time within which to file a service agreement with Central Illinois pursuant to paragraph "E" of the order issued January 22, 1958, in Docket No. G-10785, is hereby denied, and it is hereby ordered to comply with the terms of that order without further delay.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Commissioner Digby stated that he would also grant the motion to extend time to run until conclusion of hearing herein provided for.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2763; Filed, Apr. 14, 1958; 8:48 a. m.]

[Docket No. G-14297]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that on January 20, 1958, Tennessee Gas Transmission Company (Applicant) filed an application in Docket No. G-14297, as supplemented on January 24, 1958, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a tap to be installed at a point on Applicant's existing 12-inch Sullivan City lateral supply pipeline in Hidalgo County, Texas, and approximately 5,600 feet of 8-inch lateral supply pipeline to extend from the proposed tap to a point in the North Monte Christo Field in Hidalgo County, in order to receive natural gas produced by Applicant in said field, all as more fully set forth in the application and supplement, which are on file with the Commission and open to public inspection.

Applicant also requests authority to utilize the proposed facilities to accept deliveries of natural gas which it may purchase from time to time from independent producers in the North Monte Christo Field.

The estimated total initial cost of the proposed facilities is $30,125, to be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2754; Filed, Apr. 14, 1958; 8:47 a. m.]

[Docket No. G-14321]

CITY OF AUGUSTA, KY.

NOTICE OF APPLICATION

APRIL 9, 1958.

Take notice that the City of Augusta, Kentucky (Applicant), a municipality recognized under the laws of the Commonwealth of Kentucky, filed an application on January 24, 1958, as supplemented on March 3, 1958, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Kentucky Gas Transmission Corporation (Kentucky Gas), to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell and deliver natural gas as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection. Applicant also requests a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of the necessary interconnecting facilities.

Applicant estimates that the population of the proposed service area is approximately 2,250 and estimates its natural gas requirements for the first five years to be as follows:

Year of operation	1	2	3	4	5
Peak day (Mcf)	210	286	383	463	574
Annual (Mcf)	22,862	31,049	41,601	50,339	57,723

The application states that a proposed tap would be located south of Augusta, at Chatham, near the intersection of the main 26-inch transmission line of Kentucky Gas Transmission Company and State Highway Route 19. From a regulator and odorizer near the tap, Applicant would build approximately 4.8 miles of 4-inch transmission line paralleling the new route of highway 19 as it trends northerly from Chatham to Augusta. A town border station would be placed in the south side of Augusta.

The estimated initial construction cost and associated expenses of the entire system is $230,000, which Applicant proposes to finance through the issuance of a $230,000 bond issue at 5% interest and maturing at the end of 30 years.

Kentucky Gas Transmission Company filed a reply to the application herein on February 10, 1958, saying that the sale of the volumes set forth in the application would not adversely affect its gas supply or its existing customers, and that its existing facilities are of sufficient capacity to deliver the requested volumes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 5, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2755; Filed, Apr. 14, 1958; 8:47 a. m.]

[Docket No. G-14365]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that on January 31, 1958, Trunkline Gas Company (Applicant) filed a budget-type application in Docket

No. G-14365, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of its existing transmission system from time to time during the calendar year 1958, at a total cost not in excess of $1,000,000, with no single project to cost more than $250,000, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The purpose of this proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of gas in various producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2756; Filed, Apr. 14, 1958; 8:47 a. m.]

[Docket No. G-14394]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that on February 3, 1958, The Ohio Fuel Gas Company (Applicant) filed an application in Docket No. G-14394, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale and delivery of natural gas to a new direct industrial interruptible customer, The Western Electric Company, Inc., for use in a new plant under construction at Columbus, Ohio, for the manufacture of telephone equipment, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 250 feet of 3-inch lateral pipeline from its existing 20-inch transmission Line B-100 to said plant and a measuring and regulating station thereat. The total estimated capital cost of the proposed facilities is $18,670, which will be financed from cash on hand.

The estimated requirements of natural gas for this proposed service are up to 1,900 Mcf per day and 464,000 Mcf per year by 1961.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 14, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2757; Filed, Apr. 14, 1958; 8:47 a. m.]

[Docket No. G-14465]

PIKE NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 9, 1958.

Take notice that Pike Natural Gas Company (Applicant), engaged in the distribution of natural gas within the State of Ohio, and having its principal office in Waverly, Ohio, filed an application on February 5, 1958, for an order pursuant to section 7 (a) of the Natural Gas Act, directing the Ohio Fuel Gas Company (Ohio Fuel) to establish physical connection of its transportation facilities with those proposed herein by Applicant, and to sell and deliver natural gas as hereinafter described, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks an order directing Ohio Fuel to establish physical connection of its transportation facilities with facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for distribution and resale in the communities of Hillsboro, New Vienna, Leesburg and Highland, in Highland and Clinton Counties, in the State of Ohio.

The application states that Applicant presently serves the communities of Waverly, Piketon and Beaver in Pike County, Ohio, with gas purchased from Tennessee Gas Transportation Company.

To initiate service to the above-mentioned four communities, Applicant proposes to construct and operate approximately 21.21 miles of 6-inch transmission pipeline extending north from Hillsboro to a connection with the facilities of Ohio Fuel near Sabina in Clinton County, Ohio; and two lateral lines comprising approximately 6.06 miles of 3-inch pipeline from the proposed 6-inch transmission line of Applicant to the communities of New Vienna and Leesburg. The community of Highland will be served by a short line off the Leesburg lateral.

In addition, Applicant proposes to construct and operate natural gas distribution systems in each of the four communities it proposes to serve. Applicant states that its existing system now serving the three towns of Waverly, Piketon and Beaver is not to be connected with any of the facilities proposed herein.

Applicant states that the estimated 1958 combined population of the communities which it proposes to serve is approximately 7,665. Applicant estimates the natural gas requirements of the four communities as follows:

Year of service	Requirements in Mcf @ 14.73 psia	
	Annual	Peak day
1958	274,232	[illegible]
1959	430,822	[illegible]
1960	573,352	[illegible]
1961	630,145	[illegible]
1962	717,610	[illegible]

Applicant further states that there is no existing gas distribution system in any of these communities and that the proposed service will be rendered for residential, commercial and industrial uses.

Applicant estimates the total capital cost of the proposed facilities at $810,000, which will be financed through the sale of first mortgage bonds and common stock.

On February 27, 1958, Ohio Fuel filed its answer to the application herein, stating that it has no objection to providing the requested service. However, Ohio Fuel further states that while its existing transmission facilities have sufficient capacity to deliver Applicant's first year peak day requirements it may be necessary to install additional facilities to enable it to serve Applicant's requirements after the first year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2758; Filed, Apr. 14, 1958; 8:47 a. m.]

[Docket No. G-14464]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that El Paso Natural Gas Company, Applicant, a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on February 10, 1958, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as hereinafter described, and all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate certain natural gas facilities for the sale for resale of additional volumes of natural gas to:

(1) Lea County Gas Company for resale to Mr. M. L. Terry and Mr. R. L. Stovins, in Luna County, New Mexico. The facilities required for this sale are two main line taps on El Paso's existing 12-inch system in Luna County, New Mexico.

(2) Lea County Gas Company for resale to the Salt Flats Farming area in Hudspeth County, Texas. For this sale, Applicant proposes to construct and operate a main line tap on its existing 16-inch line in Hudspeth County, Texas.

(3) Southern Union Gas Company for resale to Wingate Indian Village and The Coal Mine School, in McKinley County, New Mexico; and to the McKinley County School Board and the U. S. Bureau of Indian Affairs near Tohatchi, in McKinley County, New Mexico. To effect this sale, El Paso proposes to construct and operate a total of three main line taps on its existing 30-inch Permian-San Juan Line and its 24-inch San Juan-Topock main line.

(4) Arizona Public Service Company for resale in a farming area of Cochise County, Arizona. The facility required for this sale is a main line tap on Applicant's existing 12-inch system, near Rodeo, Cochise County, Arizona.

(5) Pioneer Natural Gas Company for resale in a farming area of Yoakum County, Texas. For this delivery, El Paso proposes to construct and operate a main line tap on its existing 30-inch Permian-San Juan line, near Denver City, in Yoakum County, Texas.

Applicant states that such gas will be used for both residential and irrigation purposes to replace more expensive fuels, such as butane, fuel oil and wood, which are presently utilized.

The estimated natural gas requirements in connection with proposal herein are as follows:

Customer	Requirements in Mcf @ 14.73 psia					
	First year		Second year		Third year	
	Annual	Peak day	Annual	Peak day	Annual	Peak day
Lea County Gas Co.						
Mr. M. L. Terry	1,200	14	2,500	33	2,500	33
Mr. R. L. Stovins	3,400	19	3,400	19	3,400	19
Salt Flats farming area	14,000	105	18,700	139	23,400	172
	18,600	138	24,600	191	29,300	224
Southern Union Gas Co.						
Wingate Indian Village	7,000	40	8,000	50	10,000	60
Coal Mine School	6,400	44	6,400	44	6,400	44
McKinley County School Board and U. S. Bureau of Indian Affairs	24,000	142	24,000	142	26,000	146
	37,400	226	38,400	236	42,400	250
Arizona Public Service Co.						
Farming area—Cochise County	15,000	158	19,000	197	20,000	206
Pioneer Natural Gas Co.						
Farming area—Yoakum County	36,360	408	39,432	426	42,504	445
Grand total	107,360	930	121,432	1,050	134,204	1,125

Applicant states that necessary distribution facilities will be constructed by the customer companies or the individual consumers and estimates the total capital cost of its proposed facilities at $2,200, which will be financed out of current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 12, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 5, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2759; Filed, Apr. 14, 1958; 8:47 a. m.]

[Docket No. G-14538]

DELAWARE POWER AND LIGHT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that on February 20, 1958, Delaware Power and Light Company (Applicant) filed in Docket No. G-14538 an application pursuant to section 7 (b) of the Natural Gas Act for permission to abandon certain facilities currently being utilized to sell natural gas to Elkton Gas Company for resale in the town of Elkton, Maryland, and to discontinue the service rendered through said facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities sought to be abandoned consist of approximately 330 feet of 4-inch pipeline and a brick metering station with appurtenant equipment located in Delaware adjacent to the Maryland state line, used for the sale of natural gas to Elkton Gas Company.

Service is sought to be discontinued following the commencement of service to said Elkton Gas Company by Eastern Shore Natural Gas Company as authorized by Commission order issued November 29, 1957, in Docket No. G-12200.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the

Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2761; Filed, Apr. 14, 1958; 8:48 a. m.]

[Docket No. G-14572]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that on February 25, 1958, Northern Natural Gas Company (Applicant) filed in Docket No. G-14572 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide direct emergency interruptible natural gas service to St. Paul Ammonia Products, Incorporated, for a period ending June 1, 1958, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

No additional facilities will be required as deliveries will be made through existing certificated facilities. Applicant proposes to deliver up to a maximum of 6,000 Mcf per day during the emergency period.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1958. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2760; Filed, Apr. 14, 1958; 8:48 a. m.]

[Docket No. G-14704]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1958.

Take notice that Trunkline Gas Company (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on March 19, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate two 24-inch pipelines crossing the Red River in Rapides Parish, Louisiana, near Alexandria, Louisiana. The proposed river crossing is in addition to the two existing river crossings consisting of two 24-inch lines authorized in Docket No. G-882 and two 12-inch lines authorized in Docket No. G-13300.

The application states that the proposed facilities are necessary to provide additional protection against interruption of service to Applicant's customers in case the existing river crossing pipelines are damaged by floods on the Red River, as occurred in the summer of 1957. As a result of this flood and the scouring actions of the water, one of the 24-inch lines then constituting the only river crossing, was ruptured, requiring it being taken out of operation temporarily, as a consequence thereof Applicant applied for and was granted authorization in Docket No. G-13300 to construct and operate two 12-inch lines at another safer location somewhat down stream from the original 24-inch line crossing. The present application states that from continued studies Applicant concludes that there is still a possibility of interruption of service due to damage to some or all of the existing river crossings. It therefore proposes herein to construct another crossing of two 24-inch lines at another location a little further down stream from the 12-inch crossings. Applicant states that this new location is considered to be "relatively quite safe for a considerable period of time." The proposed new 24-inch crossings of the Red River west of Alexandria in Rapides Parish, Louisiana, will each be approximately 5,240 feet long and will extend 300 feet on the land side of the leeves with [illegible] feet of 26-inch line connecting the crossing of the main system on the south side of the river and 2,860 feet of 26-inch line connecting the crossing to the main system on the north side of the river.

The total estimated capital cost of the proposed facilities is $1,750,000 and will be financed out of funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 12, 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 5, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2762; Filed, Apr. 14, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERNEST EDWARD HOLLINGSHED-CLARKE AND ANNA BRIDGET BROMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Ernest Edward Hollingshed-Clarke, 17 Wolverton Gardens, Ealing Common, London, W5, England, and Anna Bridget Broman, 57a Wimpole Street, London, W.1., England, Executors of the Will of Adolf Allan Verner Broman, deceased; Claim No. 61202; $6,370.08 in the Treasury of the United States. Vesting Order No. 17996.

Executed at Washington, D. C., on April 7, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-2770; Filed, Apr. 14, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

APRIL 9, 1958.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On March 28, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending April 9, 1958.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, April 10, 1958, to April 19, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2745; Filed, Apr. 14, 1958; 8:45 a. m.]

[File No. 54-207]

AMERICAN POWER & LIGHT CO.

ORDER GRANTING APPLICATION REGARDING THE ASSIGNMENT OF TAX CLAIMS

APRIL 4, 1958.

American Power & Light Company ("American") having submitted to the Commission on October 1, 1952, under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), in compliance with an earlier order of the Commission entered under section 11 (b) of the act directing that American be dissolved, a Plan For Dissolution and For Distribution of all of Its Net Assets to Its Stockholders (File No. 54-207); and

Said plan, as amended on March 3, 1953 and March 26, 1953 ("Plan") having been approved by the Commission by order dated March 31, 1953 (Holding Company Act Release No. 11797), and having been approved and ordered enforced by the United States District Court for the District of Maine by order dated May 15, 1953 (Civil Action No. 731); and

American having been dissolved pursuant to the Plan on July 22, 1953, with its affairs in dissolution now being administered pursuant to the Plan by C. W. Scholz, as Trustee in Dissolution ("Trustee"); and

There having been instituted in the Court of Claims of the United States, in connection with the liquidation and winding up of American's affairs in dissolution, an action entitled C. W. Scholz, et al. v. United States (File No. 98-56) to recover an asserted overpayment of certain federal income and excess profit taxes for the year 1944 and interest paid in connection therewith, in which The Montana Power Company ("Montana"), a former subsidiary of American, is the real party in interest, and it being estimated that at least one year will elapse before said litigation can be brought to a conclusion; and

Most of the steps required to be taken under the Plan in order to permit the final liquidation and winding up of American's affairs, except for the resolution of the claim being asserted by the Trustee by means of the litigation referred to above, having heretofore been carried out; and

The Trustee accordingly being in a position, if such claim were to be assigned to Montana so that such claim could thereafter be prosecuted by Montana rather than by the Trustee, promptly to consummate the Plan and complete the liquidation and winding up of American's affairs pursuant to the Plan, as a result of which the persons entitled to the remaining undistributed net assets of American's estate would receive their proportionate share of said assets and the expenses of continuing the trusteeship in existence would terminate; and

The Commission in its order approving the Plan having specifically reserved jurisdiction to entertain such further proceedings, to enter such supplemental findings and such further orders, and to take such other action as may be necessary or appropriate in connection with the Plan, the transactions incident thereto, and the consummation thereof; and

The Trustee having filed an application with the Commission requesting that it be permitted to assign the claim referred to above to Montana in furtherance of the consummation of the Plan, and Montana having represented that it would accept such assignment; and

It appearing to the Commission that the assignment of the claim referred to above is in the public interest and in the interest of investors and is in furtherance of the consummation of the Plan and of the order of the Commission requiring that the existence of American be terminated;

It is ordered, Pursuant to the above mentioned reservation of jurisdiction contained in the Plan, and in furtherance of the consummation of the Plan and of the order of the Commission requiring that American's existence be terminated, that the Trustee assign to Montana all right, title and interest in and to any and all claims which the Trustee may have against the United States or any of its agencies for refund of federal income and excess profits taxes for the year 1944, and any and all claims for interest paid to the United States or any of its agencies in connection with its 1944 federal income and excess profits taxes, including all right, title and interest which the Trustee has against the United States as represented in or arising out of an action now pending against the United States entitled C. W. Scholz et al. v. United States.

It is further ordered, That the Trustee submit a motion to the Court of Claims of the United States requesting that Montana, the real party in interest in said action, be substituted as Plaintiff in said action in lieu of the Trustee: *Provided, however*, That this order shall be without any force or effect whatever if the Court of Claims of the United States shall deny the motion to be made pursuant hereto requesting that Montana be substituted as Plaintiff in said action in lieu of the Trustee.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2746; Filed, Apr. 14, 1958; 8:45 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 75

Washington, Wednesday, April 16, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 464—TOBACCO

SUBPART—1957 TOBACCO LOAN PROGRAM

ADVANCE SCHEDULES

Set forth below are schedules of advance rates, by grades, for the 1957 crop of types 32 and 32b, Maryland tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 9, 1957 (22 F. R. 4777).

Sec.
464.945 1957 crop; Maryland tobacco, type 32, advance schedule.
464.946 1957 crop; Maryland tobacco, Type 32b, advance schedule.

AUTHORITY: §§ 464.945 and 464.946 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, secs. 125, 211, 70 Stat. 198, 202; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1818, 1860.

§ 464.945 *1957 crop; Maryland tobacco, Type 32, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	73.12	B3M	39.12
B2F	71.12	B4M	36.12
B3F	68.12	B5M	27.12
B4F	63.12	B3G	28.12
B5F	53.12	B4G	23.12
B3R	45.12	B5G	21.12
B4R	34.12	T3F	58.12
B5R	24.12	T4F	50.12
B3V	50.12	T5F	35.12
B4V	41.12	T3R	38.12
B5V	27.12	T4R	32.12
B3D	28.12	T5R	22.12
B4D	23.12	T4V	32.12
B5D	21.12	T5V	22.12
T4D	22.12	X2L	68.12
T5D	21.12	X3L	61.12
T4M	27.12	X4L	49.12
T5M	21.12	X5L	35.12
T4G	22.12	X1F	73.12
T5G	21.12	X2F	68.12
C1L	77.12	X3F	61.12
C2L	75.12	X4F	49.12
C3L	71.12	X5F	35.12
C4L	66.12	X3R	48.12
C5L	60.12	X4R	35.12
C1F	77.12	X5R	25.12
C2F	75.12	X3V	48.12
C3F	72.12	X4V	35.12
C4F	69.12	X5V	25.12
C5F	63.12	X4D	24.12
C3R	67.12	X5D	21.12
C4R	61.12	X4G	23.12
C5R	46.12	X5G	21.12
C3V	63.12	P3L	45.12
C4V	54.12	P4L	35.12
C5V	38.12	P5L	23.12
C4D	36.12	P3F	44.12
C5D	26.12	P4F	35.12
C3M	52.12	P5F	22.12
C4M	45.12	P4R	26.12
C5M	35.12	P5R	21.12
C4G	31.12	N1L	19.12
C5G	23.12	N1D	20.12
X1L	73.12	N1G	20.12

§ 464.946 *1957 crop; Maryland tobacco, Type 32b, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	55.12	T5V	16.12
B2F	53.12	T4D	16.12
B3F	51.12	T5D	16.12
B4F	47.12	T4M	20.12
B5F	40.12	T5M	16.12
B3R	34.12	T4G	16.12
B4R	26.12	T5G	16.12
B5R	18.12	C1L	58.12
B3V	38.12	C2L	56.12
B4V	31.12	C3L	53.12
B5V	20.12	C4L	50.12
B3D	21.12	C5L	45.12
B4D	17.12	C1F	58.12
B5D	16.12	C2F	56.12
B3M	29.12	C3F	54.12
B4M	27.12	C4F	52.12
B5M	20.12	C5F	47.12
B3G	21.12	C3R	50.12
B4G	17.12	C4R	46.12
B5G	16.12	C5R	34.12
T3F	44.12	C3V	47.12
T4F	38.12	C4V	40.12
T5F	26.12	C5V	28.12
T3R	28.12	C4D	27.12
T4R	24.12	C5D	20.12
T5R	16.12	C3M	39.12
T4V	24.12	C4M	34.12

(Continued on next page)

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[1] The Cooperative Associations through which price support is made available are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "DAM" (damaged), N1L, N2D, N2G, N-K, botched, nested, off-type, or decayed will not be accepted.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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[Dollars per hundred pounds, farm sales weight]

Grade	*Advance rate*	*Grade*	*Advance rate*
C5M	26.12	X4V	26.12
C4G	23.12	X5V	19.12
C5G	17.12	X4D	18.12
X1L	55.12	X5D	16.12
X2L	51.12	X4G	17.12
X3L	46.12	X5G	16.12
X4L	37.12	P3L	34.12
X5L	26.12	P4L	26.12
X1F	55.12	P5L	17.12
X2F	51.12	P3F	33.12
X3F	46.12	P4F	26.12
X4F	37.12	P5F	16.12
X5F	26.12	P4R	20.12
X3R	36.12	P5R	16.12
X4R	26.12	N1L	14.12
X5R	19.12	N1D	15.12
X3V	36.12	N1G	15.12

Issued this 10th day of April 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58–2811; Filed, Apr. 15, 1958; 8:50 a. m.]

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 3]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SPRING PLANTED COMMODITIES; RIGHT TO PARTICIPATE EXTENDED AS TO CERTAIN PRODUCERS

Supplement II (22 F. R. 9644, as amended in 22 F. R. 10887, 23 F. R. 355, and 23 F. R. 1108) to the general regulations governing the 1958 acreage reserve part of the Soil Bank Program is hereby amended by adding a new § 485.378a following § 485.378:

§ 485.378a *Right to participate extended as to certain producers.* In any case where the operator of a farm took positive action not later than March 7, 1958, in an attempt to participate with respect to such farm in the 1958 acreage reserve program for a particular commodity, but no agreement was filed and the operator's name does not appear on the register specified in § 485.309 (e), the producers on the farm may participate in the program for such commodity, subject to the following:

(a) The farm operator must file a completed "Certificate As To Attempt To Participate in 1958 Acreage Reserve Program" (Form CSS-847 (Soil Bank)) with the office of the county committee not later than April 18, 1958;

(b) Such certificate must be approved by the county committee in order for the producers on the farm to participate in the program. No certificate shall be approved by the county committee unless the committee is satisfied that the action described on the Certificate as having been taken by the operator in an attempt to participate in the program constituted positive action;

(c) The farm operator must file an agreement for the commodity at the time he files his Certificate. Approval of the agreement will depend on approval of the Certificate by the county committee and on the availability of funds, as well as conformity with all of the provisions of the regulations. No agreement will be in effect unless the agreement is approved by the county committee;

(d) (1) Producers who filed agreements on or before the applicable closing date, or who were registered as specified in § 485.309 (e), shall have priority with respect to allocation of funds and approval of agreements over producers who wish to participate under the provisions of this section.

(2) If the county allocation of funds is sufficient to cover all agreements filed under this section, after first giving priority to producers who filed agreements on or before the applicable closing date, or who were registered as specified in § 485.309 (e), the county committee, after making the necessary review and inspections, will notify the farm operator of the approval or disapproval of the agreement.

(3) If the county allocation of funds is not sufficient to cover all agreements filed under this section, the county committee shall prorate the balance remaining in the county allocation of funds among such agreements, and notify each operator in writing that he has five days from the mailing date of such notice in which to file a new agreement calling for maximum compensation not in excess of the amount available after such proration. The county committee, after making the necessary review and inspections with respect to agreements filed within such five day period, shall notify the farm operator of the approval or disapproval of the agreement.

(4) Prior to approval of an agreement by the county committee under subparagraph (2) or (3) of this paragraph, the agreement must be signed by each producer whose signature is required under the provisions of § 485.309 (b).

(5) If funds are not available in a county to cover any of the agreements filed pursuant to this section, the farm operator will be so notified.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 11th day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-2810; Filed, Apr. 15, 1958; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

DETERMINATION WITH RESPECT TO SUPPLY OF VALENCIA TYPE PEANUTS FOR 1958-1959 MARKETING YEAR

The purpose of this proclamation is to establish that the supply of Valencia type peanuts for the marketing year beginning August 1, 1958, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing peanuts of such type required to meet such demand, and to apportion such increase to such States. These determinations are made pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), which reads in part as follows:

> Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Section 729.904 (a) of this proclamation defines each of the four commonly known basic types of peanuts—Runner, Spanish, Valencia, and Virginia—by describing the outstanding physical characteristics of each type and the areas of the United States in which each is most commonly grown. The definition of Virginia type peanuts includes a requirement that each lot or load of peanuts having Virginia type characteristics must contain a minimum percentage of large, so-called "Fancy", size peanuts, otherwise such lot or load will be considered Runner type peanuts.

Section 729.904 (b) establishes that the supply of Valencia type peanuts for the marketing year beginning August 1, 1958, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it. Section 729.904 (b) also establishes the total increase in State allotments required to meet the prescribed demand for Valencia type peanuts.

Section 729.904 (c) apportions the increase determined under § 729.904 (b) to States producing Valencia type peanuts. Such increase is prorated to such States on the basis of the average acreage of Valencia type (excluding acreage in excess of farm allotments) grown in each State in the three years 1955-1957, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. For the purpose of this proclamation "farm allotments" mean the allotments established for the farms prior to any increase from released acreage or from the additional acreage allotted to farms under section 358 (c) (2) of the Agricultural Adjustment Act of 1938, as amended. The 1955-57 average acreage used for the purposes of the aforementioned apportionment was determined by the State and county committees, in accordance with instructions issued by the Deputy Administrator, on the basis of data reported by the farm operators and county office records of peanut acreages and production. The same data will be used as the basis for apportioning the State acreage to farms in accordance with the provisions of § 729.827 of the marketing quota regulations for the 1957 and subsequent crops of peanuts (21 F. R. 9370).

Section 729.904 (d) specifies that the increase in acreage allotted to States under § 729.904 (c) shall not be considered in establishing future State, county, or farm acreage allotments.

Public notice of the proposed determination with respect to the supply of Valencia type peanuts for the 1958-59 marketing year was given (23 F. R. 1094) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). This proclamation is made after due consideration of recommendations submitted in response to such notice. Peanut farmers are now making plans for the production of peanuts in 1958. In order that the State and county Agricultural Stabilization and Conservation committees may establish farm acreage allotments including the apportionment of the additional acreage provided herein for Valencia type peanuts, and issue allotment notices to farm operators at the earliest possible date, it is essential that this proclamation be made effective as soon as possible. Accordingly, it is hereby determined and found that notice and public procedure thereon and compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations and additional acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 729.904 *Determination with respect to supply of Valencia type peanuts for the 1958–1959 marketing year*—(a) *Definition of types of peanuts.* For the 1958 crop of peanuts, the generally known types of peanuts are defined as follows:

(1) Runner type peanuts mean peanuts commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner, produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; and seeds crowded in pod with adjacent ends sharply shouldered. Runner type peanuts will also include lots or loads of peanuts having Virginia type characteristics but not meeting size requirements specified in subparagraph (4) of this paragraph for Virginia type peanuts.

(2) Spanish type peanuts means peanuts commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-producing areas of the United States and identified by the following general characteristics: Typically two-seeded pods, which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep; and seeds globular to oval and practically smooth.

(3) Valencia type peanuts means peanuts commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia, produced principally in Tennessee and New Mexico, and identified by the following general characteristics: Typically three- or four- and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation; and seeds globular to oval.

(4) Virginia type peanuts mean peanuts commonly known as Virgina Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia, produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type; pods are roughly cylindrical, with veining and corrugation deep; and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth. Any lot or load of peanuts containing less than 30 percent "Fancy" size (peanuts riding a 34/64'' x 3'' slotted screen) will be considered Runner type peanuts.

(b) *Designation of type for which increase is needed and determination of total increase.* The State acreage allotments for peanuts of the 1958 crop for States which produced Valencia type peanuts during any one or more of the years 1955, 1956 and 1957 shall be increased by a total of 2,388 acres. This increase is determined to be the additional acreage required to meet the demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of increase to States.* The acreages established in paragraph (b) of this section, less reserves of one-fourth of one percent of such acreage which shall be used for adjusting increases in State allotments determined on the basis of incomplete or inaccurate data are hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia type peanuts in each State in 1955, 1956 and 1957:

State	1947 harvested acreage of peanuts	1955–57 average acreage Valencia type peanuts	Increase in State allotment for Valencia type peanuts	Previous State allotment	Revised State allotment
Alabama	463,000	307	129	218,782.7	218,911.7
Arizona	0	5	0	719.4	719.4
Arkansas	8,000	0	0	4,233.4	4,233.4
California	0	0	0	942.6	942.6
Florida	105,000	269	113	55,202.5	55,315.5
Georgia	1,124,000	141	59	527,785.1	527,844.1
Louisiana	5,000	0	0	1,969.2	1,969.2
Mississippi	15,000	0	0	7,579.4	7,579.4
Missouri	0	9	0	247.1	247.1
New Mexico	14,000	4,225	1,770	4,932.9	6,702.9
North Carolina	292,000	0	0	169,378.8	169,378.8
Oklahoma	325,000	0	0	138,227.5	138,227.5
South Carolina	26,000	42	18	13,845.8	13,863.8
Tennessee	5,000	660	276	3,624.8	3,900.8
Texas	836,000	41	17	356,644.0	356,661.0
Virginia	162,000	0	0	105,884.8	105,884.8
Reserve			6		6.0
U. S. total	3,380,000	5,699	2,388	1,610,000.0	1,612,388.0

The above increase does not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such State.

(d) *No credit for future allotments.* The increase in acreage allotted to States and farms pursuant to paragraph (c) of this section shall not be considered in establishing future State, county, or farm acreage allotments.

(e) *Definitions and miscellaneous provisions.* The applicable definitions and provisions in §§ 729.810 to 729.865 of the marketing quota regulations for the 1957 and subsequent crops of peanuts (21 F. R. 9370) shall apply to paragraphs (a) to (e) of this section.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 358, 55 Stat. 88, as amended; 7 U. S. C. 1358)

Issued at Washington, D. C., this 11th day of April 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58–2812; Filed, Apr. 15, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES; OFFERS OF SURPLUS TONNAGE RAISINS TO HANDLERS FOR SALE IN EXPORT

Notice was published in the November 19, 1957, issue of the FEDERAL REGISTER (22 F. R. 9226) that the Secretary of Agriculture has under consideration proposals to amend the administrative rules and procedures (7 CFR 989.101–989.170) and § 989.266 (7 CFR 989.266) for operations under, and pursuant to, Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The proposed amendment was based upon proposals submitted by the Raisin Administrative Committee, the administrative agency for the operation of the marketing agreement and order. A proposal to revoke § 989.266 (7 CFR 989.266) was included in the notice, inasmuch as all necessary matters covered in such section would be provided for in the aforesaid amendment of the rules and procedures and by the current applicable provisions of the amended marketing agreement and order.

In said notice, opportunity was afforded all interested persons to file any data, views, or arguments pertaining thereto; and some were filed.

Since the surveillance function of the inspector, as described in paragraph (c) (1) of § 989.158, with respect to the storing, marking, and maintaining the identity, of lots of off-grade raisins will now be performed by the committee, the paragraph should be revised to reflect this change. It was suggested that paragraph (a) (3) of § 989.158 be revised so as to spell out with particularity the forms of door receipts and weight certificates that are to be issued for lots of natural condition raisins received by handlers. Indications are that the suggested revision would impose an unnecessary burden. Hence, this revision should not be made.

After consideration of all relevant matters presented and other available information, it is concluded that the administrative rules and procedures as hereby amended would tend to effectuate the declared policy of the act. *It is therefore, ordered*, That: (1) Existing § 989.266 *Offers of surplus tonnage raisins to handlers for sale in export* shall be, and it hereby is, terminated on the effective date of this amendment.

(2) The administrative rules and procedures (Subpart—Administrative Rules and Procedures; 7 CFR 989.101–989.176) shall, on and after the effective date of this amendment, be as follows:

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

DEFINITIONS

Sec.
989.101 Order.
989.102 Inspection agency.
989.103 Terms in the order.
989.104 Lot.
989.105 Inspection point for incoming raisins.

RAISIN ADVISORY BOARD

989.129 Voting at nomination meetings.

RAISIN ADMINISTRATIVE COMMITTEE

989.148 Compensation for attendance of alternates at committee meeting.
989.152 Mail or telegraphic voting.

GRADE AND CONDITION STANDARDS

989.158 Natural condition raisins.
989.159 Regulation of the handling of raisins subsequent to their acquisition.
989.160 Storing, pooling, and disposition of storable off-grade raisins.
989.161 Exemptions.
989.162 Above parity situation.

VOLUME REGULATION

989.166 Reserve, surplus, and storable off-grade tonnage generally.
989.167 Reserve tonnage.
989.168 Disposition of surplus tonnage raisins for distillation or for uses other than human consumption.
989.169 Substitution for Layer Muscats.

REPORTS AND RECORDS

Sec.
989.173 Reports.
989.176 Records.

EXPENSES AND ASSESSMENTS

989.180 Assessable tonnage.

AUTHORITY: §§ 989.101 to 989.180 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 989.101 *Order.* "Order" means Marketing Agreement No. 109, as amended, and Order No. 89, as amended (§§ 989.1 to 989.97), regulating the handling of raisins produced from raisin variety grapes grown in California, or as the same may be amended further hereafter.

§ 989.102 *Inspection agency.* The "inspection agency" shall be the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

§ 989.103 *Terms in the order.* Terms defined in §§ 989.1 to 989.97 shall have the same meaning when used in this subpart.

§ 989.104 *Lot.* (a) *Natural condition raisins.* For purposes of incoming or outgoing inspection of natural condition raisins, "lot" means any quantity of such raisins of the same varietal type or of differing varietal types when commingled within their containers (including sweat and picking boxes), which does not exceed a car, truck, or truck-trailer load, and which is submitted for inspection at one time and in the same place: *Provided*, That: (1) Where a portion of the quantity submitted for inspection meets the minimum grade and condition standards and has been separated from the remainder of the raisins failing to meet grade, that portion shall be one lot and the portion failing to meet grade shall be another lot; (2) if a quantity of raisins which are not in units of a car, truck, or truck-trailer load are submitted for inspection, the quantity may, at the discretion of the inspector, be separated into such portions, either prior to or in the course of inspection, as can be properly inspected, and each such portion shall be a lot; and (3) raisins which are resubmitted for inspection after reconditioning (such as sorting or drying) shall be a new lot.

(b) *Packed raisins.* For the purpose of outgoing inspection of packed raisins, "lot" means any quantity of packed raisins of the same varietal type or subtype or of differing varietal types or subtypes when commingled within their containers, which are in containers of the same size and type, and which are located in the same or adjacent warehouses or storage areas and are available for inspection at any one time: *Provided*, That (1) any of such raisins which are in a separate pile or piles which differ from the other raisins as to grade or other factors may be deemed to be a separate lot, (2) any portion of the raisins in a particular pile which bear an identification mark on the containers different from the marks of other raisins in that pile may be deemed to be a separate lot if determined to be of lower grade or different in other factors, or (3) if applicant requests more than one inspection certificate covering different portions of such raisins, the quantity of the raisins covered by each certificate shall be deemed to be a separate lot.

§ 989.105 *Inspection point for incoming raisins.* An inspection point shall be any plant or receiving station of a handler, and any other place where raisins are received by him in any considerable volume, at which there are reasonably adequate facilities (not necessarily scales) for receiving; weighing of samples, and inspecting raisins, and which will permit the practical administration of this part. Where a handler operates or has control over the operation of a dehydration business which includes the dehydration of raisins, the inspection point(s) of the handler shall include the area(s) in which he receives raisins for dehydration unless he keeps his raisin dehydration business separate, physically and by records, from his business of handling raisins. The separation shall be such that it may easily be determined at any time whether any of the handler's raisins or transactions in raisins constitute part of his raisin handling business or a part of his dehydration business. In order that the committee may supervise properly the movement of natural condition raisins into his inspection point(s), each handler other than a processor shall submit promptly to the committee a description, including the boundaries and other pertinent detail, of each of his inspection points. Each such described point shall be effective as an inspection point of such handler until notice of any modification thereof by the handler is received by the committee from such handler, in which event the inspection point as modified shall be considered as the inspection point. In the event the committee determines that any such inspection point (including any modified inspection point) does not comply with all of the requirements in this section, it shall advise the handled of the modifications needed to be made in order that such requirements may be met. The handler shall make such modifications promptly.

RAISIN ADVISORY BOARD

§ 989.129 *Voting at nomination meetings.* Any person (defined in § 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of raisin variety grapes and who qualifies under the provisions of § 989.29 (b) (2) shall be eligible to cast one vote for a nominee for each producer member position and one vote for a nominee for each producer alternate member position on the board which is to be filled for his district. Such person must be the one who or which: (a) Owns and farms land resulting in his or its ownership of the raisin variety grapes produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of the raisin variety grapes produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the raisin variety grapes produced thereon or of raisins obtained therefrom. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the person who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.148 *Compensation for attendance of alternates at committee meeting.* Whenever a member has reason to believe that he will be unable to attend a committee meeting and has so notified his alternate or the committee manager, such notification or a request from the manager shall be held to be a request for the alternate to attend and he shall be reimbursed for reasonable expenses subject to the limitations contained in § 989.48.

§ 989.152 *Mail or telegraphic voting.* Whenever a mail or telegraphic vote is taken, every reasonable effort shall be made to communicate with and obtain a vote from each committee member. If a committee member cannot be reached at his usual address or he is not readily available within normal distances for communicating with individual members, such member's alternate shall be requested to vote.

GRADE AND CONDITION STANDARDS

§ 989.158 *Natural condition raisins*—(a) *Incoming inspection.* (1) Each handler shall, at his expense, provide at each of his inspection points, reasonably adequate facilities for receiving, weighing of samples, and inspecting natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the dumping of the containers. The weight of raisins tendered for receiving, storage, reconditioning, or acquirement shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weighmaster whether located at the inspection point or otherwise.

(2) No handler other than a processor shall receive at points other than at an inspection point, natural condition raisins from a tenderer, either for acquirement, for storage, for reconditioning, or for inspection: *Provided,* That this requirement shall not preclude a handler from dehydrating, free from the provisions of this part, at separate dehydrating facilities described in § 989.105 and located in California, raisins not delivered to an inspection point. Any handler who accepts raisins at an inspection point for drying or other reconditioning shall be deemed to have received the raisins for reconditioning and shall be subject to the provisions of this part with respect to such raisins.

(3) For each lot of natural condition raisins received by a handler for acquirement, reconditioning, storage, or inspection, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purpose of identifying incoming lots of raisins, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the committee. Any raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall, upon acceptance by the handler, either be acquired by him or received by him for storage on memorandum receipt, as the case may be: *Provided,* That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection agency to the effect that inspection service cannot be furnished within a reasonable time: *And provided further,* That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection and furnish weight certificates promptly. The inspection certificates covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. One of the tenderer's or handler's options (as referred to in § 989.58 (e)), with respect to any raisins which do not meet the applicable minimum grade standards, shall be exercised within five business days after inspection or three business days after issuance of the inspection certificate, whichever is later: *Provided,* That these time limits may be extended by the committee under such conditions as it may deem necessary in the circumstances. Any such lot of off-grade raisins shall, pending the exercise of one of the options, be identified by fixing to each pallet a prenumbered RAC control card (to be furnished by RAC), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control card shall remain fixed to each pallet or containers as the case may be, until such raisins have been reconditioned, or have been delivered to the handler for the account of the committee, or have been returned to the person making the tender.

(4) If any lot of natural condition raisins tendered to a handler is separated into two or more lots because a portion of the original lot failed to meet minimum grade requirements, the handler shall issue a prenumbered weight certificate for each such lot not returned to the tenderer, showing the name and address of the tenderer, the weight of the lot, and the number and type of containers in the lot.

(5) An appeal inspection shall be made by the inspection agency upon the request of any interested party and upon the payment of any fees assessed by the inspection agency for such appeal inspection. No appeal inspection shall be made unless the raisins, in their original containers, are identifiable and shall not have been removed from the original inspection point.

(6) Raisins produced by a handler (i. e., handler-owned tonnage) shall, upon being hauled to an inspection point of a handler (either the same or another handler), be treated the same as provided in subparagraphs (3) and (4) of this paragraph for any other raisins received by the handler. Also raisins produced by a handler by drying in a dehydrator located in an inspection point of the handler, shall, immediately upon completion of the dehydration operation, be treated the same as provided in subparagraphs (3) and (4) of this paragraph for raisins received by the handler.

(7) Where lots of natural condition raisins which are comprised of raisins of different varietal types commingled within their containers are presented for inspection, each varietal type shall be inspected separately; however, in the event Layer Muscat raisins are commingled within their containers with Natural (sun-dried) Muscat raisins, the entire lot shall be considered as Natural (sun-dried) Muscat raisins. Based upon such inspection, the inspection agency shall issue an inspection certificate showing the percentage which the raisins of each varietal type is of the total raisins contained in the lot and whether each varietal type meets the minimum grade standards established for such type. In the event that the raisins of any one varietal type contained in a lot should fail to meet the minimum grade standards established for the varietal type, none of the lot shall be certified as meeting the minimum grade standards unless it is found to be practicable to separate the raisins into new lots of standard and off-grade raisins, respectively.

(b) *Submission of inspection certificates to the committee.* A copy of each inspection certificate which a handler is required to submit to the committee pursuant to § 989.58 (d) shall be submitted not later than Wednesday of the week following the week for which such certificate as issued. This may be accomplished by authorizing the inspection agency to submit a copy of each such inspection certificate directly to the committee. A copy of such authorization shall be furnished to the committee.

(c) *Off-grade raisins*—(1) *Temporary holding.* Each lot of off-grade raisins held by a handler for reconditioning and subsequent inspection, or which is in his possession pending exercise of one of the options provided for in § 989.58 (e), shall be stored and/or marked in such a manner as to maintain its identity to the satisfaction of the committee, which requirement shall be in addition to those requirements set forth in paragraph (a) (3) and (4) of this section.

(2) *Storage of storable off-grade raisins for the account of the committee.* All off-grade raisins received by a handler which have been certified by an inspector as storable and which are held by the handler for the account of the committee shall be identified as such and shall be stored separate and apart by varietal types from all other raisins in such a manner as to be accessible to the committee: *Provided,* That any lots of off-grade raisins which consist of different varietal types commingled within their containers shall be identified as such and stored separate and apart from all other raisins.

(3) *Reconditioning of off-grade raisins*—(i) *Written agreement for reconditioning.* Each handler shall furnish to the committee within five business days after the issuance of the inspection certificate for any lot of off-grade raisins turned over to him for reconditioning, two copies of the written agreement entered into between the handler and the tenderer of the raisins for such reconditioning. This may be accomplished by submitting two copies of the agreement to the inspection agency. Such written agreement shall be signed by the handler and the tenderer and shall contain as a minimum, the following terms and conditions: (*a*) Name of handler, (*b*) name and address of the tenderer, (*c*) quantity and varietal type of off-grade raisins to be reconditioned, (*d*) the inspection certificate number or numbers applicable to the off-grade lots of raisins to be reconditioned, (*e*) whether the reconditioning is to be performed on an identity-preserved basis with a reweighing of the standard raisins after reconditioning, or whether the reconditioning is to be performed on a commingled basis, the quantity of standard raisins to be determined on a computed basis reflecting the excess defects over permitted tolerance as shown on the applicable inspection certificates, (*f*) whether or not the handler is to acquire the standard raisins resulting from such reconditioning operations, and (*g*) the latest date by which the handler expects to complete such reconditioning. In addition to these minimum terms and conditions which are necessary for the administration of this part, each such agreement may contain any other terms and conditions which are necessary to establish responsibility as between the tenderer and the handler, such as the amount of the charges to be paid by the tenderer for reconditioning, the financial and sale arrangements for any stemmed raisins which have not been reconditioned successfully and must be disposed of by the handler (as provided in subparagraph (4) of this paragraph), and which person is responsible for any deterioration of the raisins which may occur subsequent to their receipt by the handler. If such raisins are produced by the handler, he shall within the same period notify the committee, in writing, of his intention to recondition such raisins.

(ii) *Reconditioning requirements.* The handler shall notify the inspection agency at least one business day in advance of the time he plans to begin reconditioning each lot of raisins unless a shorter period is acceptable to the inspection agency. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of reinspection after such reconditioning has been completed, if no water or moisture has been added; otherwise, such raisins shall be considered as packed raisins for purposes of the inspection. If, after reconditioning, such raisins meet the minimum grade standards but no longer are natural condition raisins as defined in § 989.9, any handler who acquires such raisins shall meet his reserve and surplus obligations from natural condition standard raisins of the same varietal type acquired by him. The weight of the reconditioned raisins acquired shall be adjusted to natural condition weight by the use of factors established by the committee, applicable to the various degrees of processing accomplished. The inspector of the reconditioned raisins shall select from among the factors fixed by the committee the factor applicable to the lot.

(iii) *Reconditioning on commingled basis or identity-preserved basis; weight determinations.* In reconditioning off-grade raisins different off-grade lots may be run simultaneously (commingled basis) provided the written agreement for each lot specified that the reconditioning is to be on a commingled basis and that the weight of the standard raisins resulting from such reconditioning shall be on a computed basis reflecting the excess defects over permitted tolerances as shown on the applicable inspection certificates. For raisins reconditioned in separate lots (identity-preserved basis), the weight of the standard raisins after the reconditioning has been completed shall be determined by the reweighing of the lot and adding thereto any additional recovery of raisins from the residual material as provided in § 989.159 (g) (1).

(iv) *General.* No off-grade lots may be reconditioned by blending them with raisins acquired as standard raisins. Reconditioning of off-grade raisins by a handler shall be done in accordance with such procedure as will enable the inspector to observe any lot of off-grade raisins at any time and to make a proper inspection. A packer may recover raisins from residual raisins obtained from his reconditioning operations in conformity with the applicable provisions of § 989.159 (g) (1). Any handler who has reconditioned off-grade raisins shall report such reconditioning to the committee as required in § 989.173 (c) (3).

(4) *Off-grade raisins which are not reconditioned successfully.* No handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed (and thus are no longer in their natural condition) and which then fail to meet the applicable minimum grade standards. The handler shall maintain the identity of such raisins and mark them as stemmed raisins which failed to meet the minimum grade requirements after reconditioning, and shall hold them separate and apart from any other raisins. He shall physically dispose of such raisins pursuant to § 989.159 (g) (2), for distillation, animal feed, or for any use other than for human consumption. Where the tenderer has not sold such raisins to the handler, the choice of prescribed disposition outlets shall be with the tenderer and the sale for the account of the tenderer.

(5) *Return of off-grade raisins to tenderer.* Any off-grade raisins which are to be returned to the tenderer pursuant to option (1) in § 989.58 (e), shall be physically returned within five business days after the issuance of the inspection certificate: *Provided,* That the time limit may be extended by the committee as justified by extenuating circumstances. The handler shall file with the committee a report of the returned raisins as required in § 989.173 (b) (4).

(d) *Reinspection of raisins held more than one hundred and twenty days on memorandum receipt.* No handler shall acquire raisins held on memorandum receipt for a period longer than one hundred and twenty (120) days unless such raisins have been reinspected and certified immediately prior to acquirement as meeting the minimum requirements for standard raisins: *Provided,* That the committee at any time may require such reinspection and certification of raisins held on memorandum receipt as a prerequisite to acquisition if it has reason to believe that the raisins do not meet such requirements.

§ 989.159 *Regulation of the handling of raisins subsequent to their acquisition*—(a) *Inspection facilities.* Each handler shall, at his expense, provide at each place where packed raisins are to be inspected reasonably adequate space and facilities for inspecting such raisins.

(b) *Identification of inspected raisins.* (1) Each handler shall mark each shipping container with legible code or other identification, satisfactory to the committee and the inspector, which shall indicate (i) with respect to packed raisins, the date that the raisins in such shipping container were packed, and (ii) with respect to shipments of natural condition raisins, the date such raisins were inspected.

(2) Each handler shall furnish promptly to the committee through the inspector, a certified report on a form furnished by the committee showing the handler's count and weight of the raisins of each pack and varietal type packed each day.

(c) *Outgoing inspection.* (1) outgoing inspection and certification of raisins as required by § 989.59 (d) shall be made as set forth in this paragraph.

(2) Such inspection of natural condition raisins (which is subject to exceptions and exemptions provided in this part) shall be made of each individual lot and in each case not more than five days before the date of shipment or other final disposition of the lot. The certificate that the raisins meet the applicable minimum grade and condition standards for natural condition raisins which the handler is required to obtain and submit to the committee pursuant to § 989.59 (d) shall be on Form FV-209 labelled "Certificate of Quality and Condition for Processed Fruits and Vegetables." If shipment involves exportation to a foreign country, the handler shall surrender to the United States Customs Service at the port of exit two copies of the inspection certificate. Such an inspection and certification (on Form FV-209) may, if requested by the handler, be made at the time of his receipt or acquisition of the raisins. In such an event, no additional inspection shall be required if the lot remains intact and identifiable, and shipment or other final disposition takes place within five days after the date of the inspection.

(3) Such inspection of packed raisins shall be made prior to shipment or other final disposition and unless made during the final processing or packing operations so as to facilitate proper sampling, the inspector shall perform the inspection on the basis of representative samples drawn from containers of the packed raisins. Each handler shall notify the committee in writing, at the beginning of each crop year and at any time during the year when he desires a change in inspection procedure, whether outgoing inspection conducted at each of his facilities is continuous from its production line at time of packing or on the basis of representative samples drawn from containers of previously packed raisins. It shall be the responsibility of the handler to arrange with the inspection agency for an inspector to be present when the inspection is needed.

(4) Except as otherwise provided in this part, where a lot of packed raisins is comprised of raisins of different varietal types or sub-types commingled within their containers and is presented for inspection, each such type and subtype shall be inspected separately, except for moisture for which the inspection shall be performed on the lot as a whole. Based upon such inspections, the inspection agency shall issue an inspection certificate showing the respective percentages which the raisins of the various types and sub-types are of the lot and whether each meets the applicable minimum grade standards other than for moisture. In the event the raisins of any such varietal type or sub-type contained in the lot fail to meet the applicable requirements, other than for moisture, none of the lot shall be certified as meeting minimum grade standards unless it is found to be practicable to separate the raisins into two new lots, one which meets and the other which fails to meet all of the applicable minimum standards, respectively. Any lot of mixed types or sub-types of packed raisins for which minimum grade standards are prescribed for each type or sub-types pursuant to § 989.59 (a) but which in their commingled form cannot be inspected against the standards for the respective varietal types or sub-types and hence are excluded from the category of "mixed types" as defined in the effective United States Standards for Grades of Processed Raisins, or any raisins which as a mixed lot contain moisture in excess of 18 percent, shall not be certified as meeting the minimum grade standard.

(d) *Submission of inspection certificates to the committee.* A copy of each inspection certificate which a handler is required to submit to the committee pursuant to § 989.59 (d) shall be submitted within five business days after it is issued. This may be accomplished by authorizing the inspection agency to submit a copy of each such inspection certificate directly to the committee. A copy of such authorization shall be furnished to the committee.

(e) *Term of inspection certificate.* Any handler who fails to ship or make other final disposition of any lot of packed raisins within 21 calendar days or any lot of natural condition raisins within 5 calendar days, after the date of the last inspection of the lot made in connection with the proposed disposition thereof shall, before making any shipment or other final disposition, have the raisins inspected for condition and furnish promptly to the committee (which may be through the inspector) a copy of the inspection certificate showing that the raisins meet the applicable minimum grade standards.

(f) *Exemption of gift and specialty packs*—(1) *Shipment under exemption.* Upon obtaining approval of the committee as provided in this paragraph, any handler may ship or dispose of raisins in gift or specialty packs without regard to the provisions of § 989 59 (a), (b) and (d). For the purpose of these exceptions: "gift packages" means raisins specially packaged for gift purposes, composed either wholly of raisins or raisins in combination with other fruits, which are either (i) given or donated by a handler to others or (ii) sold by a handler for final or ultimate disposition as gifts; and "specialty packs" means raisins of special processing either as to moisture or coating and which may or may not be packed in tin or materials other than those employed in normal industrial or consumer packs.

(2) *Application for exemption.* Each application for exemption shall be filed with the committee in triplicate. The application shall contain information as to: (i) The name and address of the handler; (ii) the estimated quantity of each varietal type of raisins that will be shipped or disposed of under the exemption during the crop year; (iii) whether any special processing of the raisins is involved; (iv) each type of package or packages in which the raisins will be packed and the net weight content of each type of container; (v) the outlets in which disposition of the gift packages or specialty packs will be made, i. e., whether disposition will be made direct to consumers, to wholesalers or retailers for resale, or to persons or organizations for distribution as gifts, and any special uses expected to be made of the raisins; and (vi) the general quality, style and condition of the raisins expected to be shipped under exemption.

(3) *Committee action on application.* The committee, in its discretion, shall approve each application for exemption of any varietal type of raisins where the value of the raisins (or raisin products in case the form of the raisins is not changed) by virtue of their processing or packaging exceeds the value of normally processed or packaged raisins of comparable varietal type and where it can conclude that such exemption will not jeopardize the quality control or price objectives of the marketing order program. The committee shall notify the handler promptly in writing of its approval or disapproval of his application, and if the application is approved, the maximum quantity for which approval is granted. If the application is disapproved, the committee shall inform the handler of the reasons therefor.

(4) The handler shall report shipments or other dispositions under an approved exemption as required pursuant to § 989.173 (f).

(g) *Disposition of raisins which fail to meet grade accumulated by handlers*—(1) *Recovery of raisins.* For the purpose of §§ 989.59 (f) and 989.158 (c) (3), a packer may recover raisins from: (i) Residual raisins obtained from his processing of standard raisins; (ii) any raisins acquired as standard raisins by a handler which fail to meet the applicable outgoing grade and condition standards for shipment or other final disposition of raisins; and (iii) residual raisins obtained from the reconditioning of off-grade raisins: *Provided,* That such recovery under subdivision (iii) of this subparagraph must occur without blending with standard raisins, and the weight of standard raisins in such residual shall be credited on the basis of the original inspection certificate or recovery to the same lot or lots from which the residual was obtained. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal, or other agencies having jurisdiction.

(2) *Shipment of raisins which fail to meet minimum grade standards.* No handler shall ship for any purpose, except as provided in this subparagraph, raisins which do not meet the applicable minimum grade standards. Such raisins include, but are not limited to, (i) natural condition raisins which do not meet the minimum grade and condition standards, (ii) stemmer waste or other residual material resulting from the packing of standard raisins or the reconditioning of off-grade raisins, (iii) off-grade raisins which are not reconditioned successfully, (iv) off-grade raisins received and held by a handler pursuant to § 989.162 (b), for disposition in accordance therewith, and (v) raisins which are acquired as standard raisins by a handler which do

not meet the applicable minimum grade standards. A handler who has received or acquired such raisins in conformity with the provisions of this part may ship them to points within the continental United States for distillation, animal feed, or uses other than for human consumption if he files, in advance, a written application with the committee for permission to make such shipment and receives its approval prior to shipment: *Provided*, That the requirement of prior filing and approval of an application shall not apply to the transfer of such raisins by a handler from one of his plants to another of his plants in the State of California, nor shall it apply to the shipment by a packer between points within the State of California, for the prescribed uses, of stemmer waste and other raisin waste resulting from the processing, packing, or reconditioning of raisins. Each such application shall include as a minimum: (*a*) The name and address of the handler and of the buyer, and the address to which the raisins are to be shipped if different from that of the buyer; (*b*) the quantity of such raisins to be shipped; (*c*) a description of such raisins as to type or origin; (*d*) the present location of the raisins; (*e*) the expected time of shipment; (*f*) a copy of the sales contract (which may be on a form furnished by the committee) wherein the buyer agrees: not to export such raisins; to dispose of the raisins only for distillation, animal feed, or uses other than for human consumption; and to permit representatives of the committee or of the Secretary of Agriculture to examine all of his books and records relating to such raisins; and (*g*) a provision wherein the handler in consideration of the committee approving his application, agrees that, in the event any raisins that are shipped pursuant to an approved application are exported, or are disposed of for use for human consumption, by any person, it will cause serious and substantial damage to the committee and to producers and handlers of raisins, it will be difficult if not impossible to prove the extent of such damage, and, therefore, he (the handler) shall pay to the committee the sum of $200.00 as liquidated damages for each ton exported or so disposed of, such sum being a fair measure of damages and not a penalty. If disposition of the shipped raisins is to be made by the handler, the application shall also set forth as that of the handler all the information and agreements required with respect to the buyer. In addition to filing any such application, the handler shall make available at his office at any time during business hours all of his books and records relating to such raisins for examination by representatives of the committee and of the Secretary of Agriculture. The committee shall consider each such application. In the event the committee has cause to believe that such raisins will not be disposed of for distillation, animal feed, or uses other than for human consumption, in accordance with the requirements and limitations of this part, it shall disapprove the application and shall notify the applicant of such disapproval and the reason therefor. If the application is approved, the committee shall notify the applicant in writing of such action including the maximum quantity of such raisins covered by such approval.

§ 989.160 *Storing, pooling, and disposition of storable off-grade raisins*—(a) *Obligation of handlers.* Each handler shall hold in storage all storable off-grade raisins received by him for the account of the committee until he has been relieved of the responsibility by the committee. The handler shall store such off-grade raisins without the addition of moisture and in such manner as will maintain the raisins in the same condition as when they were received except for normal and natural deterioration and shrinkage and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control.

(b) *Disposition.* All off-grade raisins held for the account of the committee shall be physically disposed of by the committee on or before June 30 of each crop year: *Provided*, That any of such off-grade raisins received between June 1 and August 31 shall be physically disposed of within 30 days after they are received.

(c) *Payment for receiving, storing, handling, and inspection.* (1) Each handler shall be compensated at the rate of $3.95 per ton (natural condition weight at time of acquisition) for receiving, storing and handling storable off-grade raisins: (i) Received during the period September 1–May 31 of a particular crop year and held for the account of the committee during all or any part of the same crop year; or (ii) received during the period June 1–August 31 of a particular crop year and held for the account of the committee during all or any part of the period from June 1 to September 30 of the succeeding crop year.

(2) Each handler shall be reimbursed by the committee for inspection costs applicable to storable off-grade raisins received and held by him for the account of the committee. Such payment shall be made on a weekly basis at the applicable rate per ton paid by such handler to the inspection agency and on the quantity reported by the handler for the applicable week.

(d) *Payment for other services.* (1) In addition to the payments provided for in paragraph (c) of this section, each handler shall be compensated only for such other services performed by him with respect to off-grade raisins as are set forth in this paragraph.

(2) The committee may arrange with handlers for the transportation of off-grade raisins held for its account. Payment for any such transportation shall be based on prevailing transportation rates for the type of service to be performed.

(3) Handlers shall be compensated in an amount determined by the committee, for placing in sacks or other containers off-grade raisins held for its account, which amount shall be specified in the offer made by the committee to handlers for such services.

(4) In the even the committee determines from time to time that it is necessary that handlers fumigate off-grade raisins held for its account, handlers shall be compensated for the reasonable costs therefor at a specified rate or rates per ton.

(e) *Distribution to equity holders of net proceeds from sale of off-grade raisins held for the account of the committee.* All expenses of the off-grade raisin pool shall be paid from the proceeds of that pool. The net proceeds shall be distributed by the committee to the respective producers, or their successors in interest thereto, on the basis of the volume of their respective contributions to the off-grade pool. Distribution of proceeds in connection with off-grade raisins contributed by nonprofit cooperative marketing associations which have authority to market the raisins of their members and to allocate the proceeds therefrom to such members shall be made to such associations. Advance or progress payments may be made as sufficient funds become available.

§ 989.161 *Exemptions.* Any processor may receive or acquire any raisins for use in distillation, animal feed, or uses other than for human consumption, and dispose of them for such uses, without having them inspected and certified. No processor who receives or acquires raisins under such exemption, or otherwise receives or acquires raisins which do not meet the minimum grade standards, shall ship any such raisins except in conformity with the provisions of § 989.159 (g) (2). Processors shall report acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

§ 989.162 *Above parity situation*—(a) *Applicability of provisions.* (1) In accordance with § 989.62 and except as otherwise specifically provided in this section and in § 989.173 (b) (1), the provisions of this part which relate to the minimum grade and condition standards, inspection requirements, reports and records, and the administration and enforcement of such provisions shall continue in effect, irrespective of whether the season average price to producers for raisins, as estimated by the Secretary, is in excess of the parity level.

(2) Whenever it is found that the estimated season average price to producers for raisins will be in excess of the season average parity price, the provisions of this part which pertain to the storing, pooling, and disposition of off-grade raisins for the account of the committee shall not be effective during the pertinent crop year or any remaining portion thereof, except insofar as they may be required for the storage and disposition of any raisins which may be in the off-grade pool at the time the aforesaid finding is made.

(b) *Holding and disposition of off-grade raisins.* During any period when, pursuant to paragraph (a) of this section, the provisions of this part which pertain to the storing, pooling, and disposition of off-grade raisins for the account of the committee are not effective or when any of these provisions are effective only insofar as may be necessary for the liquidation of any raisins in the off-grade pool, any handler (other than a processor) who receives an off-grade lot of raisins which he does not return to the tenderer or accept for reconditioning shall maintain the identity of such raisins, mark them as off-grade raisins, and hold them separate and apart from raisins of any other category. Each handler shall dispose of any such off-grade raisins for distillation, animal feed, or uses other than for human consumption, and any shipment of such raisins shall be pursuant to § 989.159 (g) (2). The provisions of § 989.159 (g) (1) with respect to recovery of raisins shall not apply to such off-grade raisins.

VOLUME REGULATION

§ 989.166 *Reserve, surplus, and storable off-grade tonnage generally*—(a) *Shrinkage allowance for normal and natural shrinkage in weight.* For each crop year each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one percent of the original natural condition weight on those reserve tonnage raisins, surplus tonnage raisins, and storable off-grade raisins acquired by him during the crop year and held by him for the account of the committee on the Saturday nearest to May 1 of the same crop year. The handler shall be entitled to no other allowance for normal and natural shrinkage in weight for any of such raisins acquired during the crop year: *Provided*, That the committee shall grant an additional allowance for any normal and natural shrinkage in weight of any of such raisins held for the account of the committee beyond the end of the crop year of acquisition upon submission by the handler of satisfactory proof of such shrinkage during the period the raisins were so held.

(b) *Satisfaction of reserve and surplus obligation with residual Muscat raisins from layering operations.* Any handler who desires to satisfy his reserve or surplus tonnage obligations referrable to his acquisitions of Layer Muscat raisins with residual Muscat raisins obtained by him in layering operations shall, prior to setting aside such raisins for the account of the committee, have them dried to a moisture content not exceeding 16 percent, inspected and obtain from the inspection agency a certificate, a copy of which shall be submitted to the committee (which may be through the inspection agency) within five business days after it is issued, showing that the raisins meet the minimum grade and condition standards for natural (sun-dried) Muscat raisins (those standards for natural condition Muscat raisins other than Layer Muscat and Valencia Muscat raisins). The inspection of the residual raisins shall be made at the expense of the handler. The handler shall file with the committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays, and legal holidays) after setting aside the raisins, a certified report with respect to such use of the residual raisins, including the name of the producer of the Layer Muscat raisins and the quantity of the residual raisins so used. Also, he shall obtain a written statement from the producer evidencing agreement for the residual tonnage to be used to meet such obligation, and shall retain it for at least two years after the termination of the crop year in which the raisins were acquired.

(c) *Setaside obligations referable to acquisition of mixed varietal types of raisins.* A handler who acquires any lot of natural condition raisins of mixed varietal types (commingled within their containers) shall meet his reserve and surplus tonnage setaside obligations for each varietal type contained in the mixed lot separately and with raisins of the particular varietal type unmixed with raisins of other varietal types. The obligation as to each varietal type shall be computed according to the reserve and surplus percentages established by the Secretary and the percentage of the varietal type contained in the lot as shown by the incoming inspection certificate.

(d) *Storage requirements as to reserve and surplus raisins.* Each handler shall store separate and apart from other raisins and from each other, each varietal type of reserve tonnage raisins held by him for the account of the committee and each varietal type of surplus tonnage raisins so held. Raisins shall be considered as stored separate and apart from other raisins when they are identifiable from other raisins. Handlers shall store reserve and surplus tonnage raisins in sweat boxes, picking boxes, or in other portable containers not exceeding one ton capacity: *Provided*, That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further*, That such raisins at the time of transfer shall meet the applicable minimum grade requirements except for such normal and natural deterioration and shrinkage as would have occurred if such raisins had been stored in sweat boxes or picking boxes.

(e) *Deferment of obligation.* (1) Any handler who desires to defer the meeting of his reserve and surplus tonnage obligations pursuant to § 989.66 (c) shall file with the committee on a form furnished by it a certified application for deferment of his reserve and surplus tonnage obligations, containing: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total reserve and the total surplus tonnage on which deferment is requested, segregated as to his current holdings and his expected acquisitions during the deferment period; (iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.

(2) The committee shall grant such an application upon a showing by the handler that he has a need for the deferment and meets the requirements as to the written undertaking and bond which are prescribed in § 989.66 (c). The committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required by the terms of § 989.66 (c). The amount of said bond for a varietal type of raisins shall be the product obtained by multiplying the quantity for which deferment is granted by the then current field price for free tonnage raisins of the same varietal type. At any time during the period for which a deferment has been granted, the handler may request the committee to increase or decrease the amount of his deferment and the committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond. Also, at the request of the handler the committee may extend the deferment beyond the original period (not beyond November 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(3) No handler shall use any of such reserve or surplus tonnage raisins as free tonnage raisins until he shall have received written approval of his application from the committee and shall have filed the required bond with the committee.

(f) *Remedy in the event of failure to deliver reserve, surplus, or off-grade raisins.* Except as provided otherwise in connection with a deferment granted pursuant to § 989.66 (c) and paragraph (e) of this section, a handler who fails to deliver to the committee, upon request, any reserve, surplus or off-grade tonnage raisins in the quantity or of a quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made), shall compensate the committee for the amount of the loss that is occasioned by his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of reserve, surplus, or off-grade raisins not delivered by the latest weighted average price per ton received by producers during the particular crop year for free tonnage raisins of the particular varietal type or types, plus any charges already paid or credited to the handler and any costs to the committee which is caused by the handler's failure to deliver. Such sales on which such weighted average price is computed shall include those during the particular crop year up to the time such cash payment is requested by the committee or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the committee for any raisins (off-grade, reserve or surplus) which have deteriorated in quality during storage for reasons within his control, shall be the latest weighted average price received by the committee for the applicable varietal type of the particular reserve, surplus, or off-grade pool raisins, as the case may be, less the amount received by the committee in the disposition of the raisins delivered by the handler (or the reasonable value of such raisins, as determined by the committee, if not sold). Any amounts paid to the committee in satisfaction of such deficiencies shall be considered as being part of the particular reserve, surplus or off-grade tonnage pools involved. The remedies provided in this paragraph shall be in addition to and not exclusive of, any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or this part.

(g) *Payments to handlers for services performed with respect to reserve and surplus tonnage raisins*—(1) *Payments for crop year of acquisition.* (i) Each handler shall, beginning with the crop year which began September 1, 1955, be compensated at the rate of $3.95 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year.

(ii) Each handler shall, beginning with September 1, 1955, be reimbursed by the committee for inspection costs applicable to the reserve and surplus pool raisins received and held by him for the account of the committee. Such payment shall be made on a weekly basis at the applicable rate per ton paid by such handler to the inspection agency, and on the quantity for the particular week reported by the handler. The committee shall pay the cost of any inspection required by it of any such pool raisins while they are being held for its account or are delivered in accordance with the request: *Provided*, That the cost of inspection of any raisins which a handler substitutes for raisins in the reserve or surplus pools or which he received by transfer from another handler pursuant to paragraph (j) (3) of this section shall be borne by the handler.

(iii) Each handler shall, beginning with the crop year which began on September 1, 1955, be paid an allowance for fumigation of $1.50 per ton of reserve and surplus tonnage raisins received during the crop year of acquisition and held by him for the account of the committee during all or any part of such crop year.

(2) *Additional payments for surplus tonnage raisins held beyond the crop year of acquisition.* Each handler who holds surplus tonnage raisins for the account of the committee on September 1 of any crop year (beginning with September 1, 1955) which were also held on August 15 of the preceding crop year, shall be conpensated: (i) For storing and handling such raisins at the rate of $1.00 per ton for the period ending November 30, or any part thereof, 50 cents per ton for the next three months or any part thereof, and 15 cents per ton for the next three months, or any part thereof, and 15 cents per ton for the last three months of the crop year, or any part thereof; and (ii) for fumigation services at the rate of 15 cents per ton for each fumigation required to maintain such raisins in good condition.

(h) *Payment of rental on boxes containing surplus pool raisins held beyond the crop year of acquisition.* Each handler and each producer, dehydrator or other person who furnishes boxes in which surplus pool raisins are held for the account of the committee on September 1 of any crop year (beginning with September 1, 1955) which were also held on August 15 of the preceding crop year, shall be compensated for the use of such boxes at the rate of 15 cents for each 160 pounds of raisins so held. No further compensation shall be paid unless the boxes are held on the succeeding September 1.

(i) *Payment for other services.* (1) In addition to the payments provided in paragraphs (g) and (h) of this section, handlers shall be compensated only for those services performed with respect to reserve and surplus tonnage raisins as are set forth in this paragraph.

(2) The committee may arrange with any handlers for transporting reserve or surplus tonnage raisins. Payment for such transportation shall be in an amount based on prevailing haulage rates for the type of transportation required.

(3) A handler who accepts an offer by the committee to pack surplus tonnage raisins for its account shall be compensated for such packing in an amount determined by or acceptable to the committee. In considering the amount of compensation to be paid, the committee shall take into account, among other factors, the particular varietal type of raisins to be packed, the particular pack or package required, and the quantity and quality of the raisins to be packed.

(4) In the event that the committee removes surplus tonnage raisins of a previous crop year from a handler upon the request as provided in § 989.66 (f) and such handler subsequently desires re-delivery to it of surplus tonnage raisins for contract packing or otherwise, such handler shall reimburse the committee for the net costs to it of the removal, storage, and re-delivery of such raisins as a condition precedent to such re-delivery: *Provided*, That the committee may waive payment by the handler or part or all of such costs if it determines that such waiver is necessary in order to facilitate disposition of the raisins.

(j) *Offers of surplus tonnage raisins to handlers for sale in export.* (1) Whenever the committee offers surplus tonnage raisins to handlers for sale in export, the committee shall specify, among other terms of the offer: (i) The period within which each handler shall be given the opportunity to purchase his share of the offer; (ii) the additional period during which, if any of the offer then remains unpurchased, a handler may purchase from his holdings of surplus tonnage raisins in excess of his share; and (iii) the further additional period during which, if any of the offer then remains unpurchased, a handler may purchase surplus tonnage raisins in excess of his share and in excess of his holdings. Approvals of handlers' applications to purchase during the periods specified in subdivisions (ii) and (iii) of this subparagraph shall be made in the same order in which the applications are filed with the committee. The committee shall fix the length of each of the three periods so as to facilitate disposition of surplus tonnage raisins.

(2) Whenever a handler's share or allocation under an offer, in any crop year, of surplus tonnage raisins for sale in export, is less than or exceeds his holdings of surplus tonnage raisins by not more than two tons, the committee may adjust such handler's share or allocation so as to avoid the cost of the physical transfer of raisins.

(3) If, prior to the expiration of the period specified in subparagraph (1) (i) or (ii) of this paragraph, a handler has need for surplus tonnage in an amount greater than that represented by his share of his holdings, as the case may be, he may negotiate with another handler for uncommitted tonnage. During the period specified in said subparagraph (1) (i) of this paragraph, he may negotiate with the other handler for the transfer to him of any unpurchased portion of the other handler's share of an offer. Any such transfer shall not be deemed to reduce the transferring handler's share or to increase the transferee handler's share for the purpose of determining shares of subsequent offers. During the period specified in said subparagraph (1) (ii) of this paragraph and while part of the offer remains unpurchased, a handler may negotiate with another handler for all or any part (not more than the unpurchased portion of the offer) of the other handler's uncommitted holdings. Any transfer shall be permitted by the committee only upon receipt of written authorization, on a form furnished by the committee, by the transferring handler. All limitations applicable to the transferred surplus tonnage shall continue to apply. Such surplus tonnage raisins will be released by the committee to the transferee handler upon submission of his completed application and full payment to the committee for such raisins, and such transferee handler shall be responsible to the committee for the documents required under such sale(s). Any cost involved in such transfers shall be borne by the handlers concerned.

§ 989.167 *Reserve tonnage*—(a) *Determination of price.* Whenever, pursuant to § 989.67 (b), the committee concludes with respect to any varietal type of raisins that a downward trend in the price received by producers for free tonnage or in the prices received by handlers for free tonnage packed raisins makes it impracticable to sell reserve tonnage at the average price received by producers for free tonnage, plus pooling costs, the committee may sell, subject to the requirements of § 989.67 (b), reserve tonnage raisins at the curently prevailing field price for free tonnage raisins of the same varietal type unless such price is deemed to be unrepresentative of the current f. o. b. price of free tonnage packed raisins. In such an event or if there is no current field price, the committee shall make any offer of reserve tonnage at approximately the computed field price obtained by deducting from the current f. o. b. price for free tonnage packed raisins of the varietal type to be offered, the normal packing and handling margin between that price and the field price for free tonnage raisins.

(b) *Reserve tonnage raisins which become off-grade.* Any reserve tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption.

§ 989.168 *Disposition of surplus tonnage raisins for distillation or for uses other than human consumption.* Any surplus tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption. In the event that the committee has been unable to dispose of standard quality surplus tonnage raisins at more remunerative prices in one of the other outlets authorized by the order for disposition of surplus tonnage raisins, it may, subject to the Secretary's disapproval, offer to sell, and sell, such surplus tonnage raisins for distillation: *Provided,* That no such offer or sale shall be made during the period August 1 to October 15 of any calendar year. Whenever the committee proposes to offer to sell standard surplus tonnage raisins for distillation, animal feed, or uses other than for human consumption, it shall file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within seven calendar days, the making of such an offer or any term or condition thereof.

§ 989.169 *Substitution for Layer Muscats.* A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins (as provided in § 989.69) shall file with the committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays, and legal holidays) after making the substitution, a certified report with respect to such substitution, including the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for at least two years after the termination of the crop year in which the substitution occurred.

REPORTS AND RECORDS

§ 989.173 *Reports*—(a) *Inventory reports.* Each handler shall file with the committee as of the close of business on August 31 of each crop year, and not later than the following September 6, an inventory report which shall show, with respect to each varietal type of raisins: (1) The quantity of free tonnage raisins held by him, segregated as to locations where they are stored and whether they are natural condition or packed; (2) the quantities of reserve tonnage, surplus tonnage, and off-grade raisins, respectively, held for the account of the committee. Upon request by the committee, each handler shall file at other times and as of other dates any of the said information which may reasonably be necessary for the determination or revision of marketing policy and which the committee shall specify in its request.

(b) *Reports of raisins received and/or acquired*—(1) *General.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph or in paragraph (j) of this section, each handler shall file with the committee (on forms furnished by it) for each week and not later than the following Wednesday the reports specified in subparagraphs (2), (3), (4) and (5) of this paragraph.

(ii) Whenever it is found that the season average price to producers for raisins will be in excess of the season average parity price, each handler shall, during the pertinent crop year or any remaining portion thereof, file with the committee for each month, and not later than the fifth business day of the succeeding month, the reports specified in subparagraphs (4) and (6) of this paragraph, and shall file for each week (not later than the following Wednesday) the reports specified in subparagraphs (2) and (5) of this paragraph: *Provided,* That if the committee finds it unnecessary that the reports specified in subparagraphs (2) and (5) be filed for each week during all or any part of the crop year, it shall prescribe a longer reporting period, and shall give notice thereof to each handler.

(iii) For each report required to be filed pursuant to this paragraph, the required information shall be shown separately for each varietal type. With each report, other than that specified in subparagraph (4) of this paragraph, the handler shall submit a copy of the door receipt or weight certificate for each lot of raisins received or acquired by him during the reporting period and for each lot of raisins stored on memorandum or warehouse receipt which was returned to the tenderer during such period, which shall show the information to be contained on such receipts or weight certificates as specified in § 989.158 (a) (3). At the time he files the reports specified in subparagraphs (2) and (5) of this paragraph with the committee, each handler shall submit a copy of each such report to the inspection agency.

(2) *Acquisition of standard raisins.* Each handler shall report: (i) The total net weight of the standard raisins acquired during the reporting period, segregated when appropriate as to reserve and surplus tonnage; (ii) the locations of the reserve and surplus tonnage raisins; and (iii) the cumulative totals of such acquisitions (as so segregated) from the beginning of the then current crop year.

(3) *Storable off-grade raisins acquired for the account of the committee.* Each handler shall report: (i) The net weight of the storable off-grade raisins acquired by the handler for the account of the committee during the reporting periods (ii) the locations of such storable off-grade raisins; and (iii) the cumulative totals at the end of the reporting period of such acquisitions from the beginning of the then current crop year.

(4) *Off-grade raisins returned to tenderers (producers or dehydrators).* Each handler shall report with respect to each lot of off-grade raisins which the handler returned during the reporting period to the tenderer pursuant to subparagraph (1) in § 989.58 (e): (i) The inspection certificate number; (ii) the net weight as indicated on the inspection certificate; (iii) the name and address of the tenderer; and (iv) the date the lot was returned to the tenderer.

(5) *Standard raisins received for memorandum storage.* Each handler shall, with respect to all standard raisins held for memorandum receipt, storage, bailment, or warehousing (raisins received other than by acquisition or interhandler transfer), report: (i) The net weight of such standard raisins held at the start of the reporting period; (ii) the net weight of such standard raisins received during the reporting period; (iii) the net weight of such standard raisins acquired during such period and included with the acquisitions required to be reported pursuant to subparagraph (2) of this paragraph; (iv) the net weight of such raisins returned during such period to the persons from whom they were received; and (v) the net weight(s) and location(s) of such raisins held at the end of such period.

(6) *Off-grade raisins received and retained without reconditioning for disposition in prescribed outlets.* Each handler who is not a processor shall, with respect to all off-grade raisins received by the handler and retained by him without reconditioning for disposition for distillation, animal feed, or uses other than for human consumption (see § 989.162 (b)), report: (i) The name and address of each tenderer and the net weight of each tender of such raisins received during the reporting period; (ii) the locations where such off-grade raisins were so received; (iii) the name and address of each person to whom such raisins were delivered during the reporting period for such disposition, and the respective net weight delivered; and (iv) the total net weight (according to location) of all such off-grade raisins held by him at the end of the reporting period.

(c) *Special raisin reports*—(1) *Monthly report of raisins acquired by processors under exemption.* Each processor who avails himself of the exemptions from the grade and inspection requirements as provided in §§ 989.58 (a), 989.59 (f), and 989.161 and acquires raisins (as the first handler thereof) shall file with the committee on or before the fifth day of each month a report of all such raisins acquired during the preceding month. Each report shall show for each varietal type and each acquisition: (i) The name and address of the person from whom the off-grade raisins were acquired; (ii) the date of the acquisition; (iii) the net weight of each acquisition; and (iv) the ultimate disposition made or to be made of such raisins.

(2) *Disposition reports by processors.* Each processor shall file with the committee, upon its request, such of the following information and for such

period as the committee shall specify: (i) The quantity of raisins and raisin material used by the processor in his processing operations, segregated as to the processing outlets and the kinds of raisins or raisin material which the committee shall specify; and (ii) the quantity of raisins or raisin material sold or otherwise disposed of by the processor, segregated as to specified outlets and kinds of raisins or raisin material.

(3) *Off-grade raisins received under agreements with the tenderers (producers or dehydrators) for reconditioning.* Each handler who has received off-grade raisins pursuant to subparagraph (3) in § 989.58 (e) for reconditioning, shall file with the committee on or before the fifteenth day of each month a report of all such raisins reconditioned by him during the preceding month. Each such report shall contain the following information: (i) The name and address of the person from whom the off-grade raisins were received for reconditioning; (ii) the net weight of the off-grade raisins; (iii) the net weight of the standard raisins after reconditioning; (iv) inspection certificate number covering the recovered standard raisins; (v) whether the standard raisins were acquired by the handler or returned to the tenderer; (vi) net weight of the residual matter after reconditioning; (vii) disposition outlet of such residual matter, including, if sold, the name and address of the person, if any, to whom disposition was made; and (viii) net weight of any raisins which were not reconditioned successfully (as distinguished from normal residual matter) and disposed of, or held for disposition, by the handler pursuant to § 989.158 (c) (4), shown according to applicable inspection certificate and the person to whom disposition, if any, was made.

(4) *Disposition by handlers (other than processors) of off-grade raisins, stemmer waste, and raisin offal.* Each handler who is not a processor shall report to the committee upon its request all sales and other dispositions of off-grade raisins, stemmer waste, or raisin offal resulting from his sorting and/or packing operations made during such period as is specified in the request. Such report shall be filed on a form furnished by the committee and shall include the following information: (i) Date of sale or other disposition; (ii) name and address of buyer; and (iii) description and weight of material sold.

(d) *Monthly report of disposition of free tonnage raisins.* Each handler who is not a processor shall file with the committee on or before the fifth day of each month a report for the preceding month showing the aggregate quantity of each varietal type of free tonnage packed raisins and standard natural condition raisins which were shipped (exclusive of interhandler or interplant transfers within the State of California) or otherwise disposed of by him during the month. Such information shall be segregated as to (1) domestic outlets (exclusive of Federal Government purchases) according to consumer and bulk packs, (2) Federal Government purchases, (3) export outlets according to consumer and bulk packs, and (4) each of any other outlets for such raisins (other than interhandler or interplant transfers) in which the handler has made disposition of such raisins. For the purposes of this paragraph, Canada shall be considered as a domestic outlet and not an export outlet.

(e) *Reports of interhandler transfers.* Any handler who transfers free tonnage raisins to another handler within the State of California shall file with the committee, not later than five calendar days following such transfer a report showing: (1) The date of transfer; (2) the name(s) and address(es) of the handler or handlers and the locations of the plants; (3) the varietal type, net weight and condition of the raisins transferred; and (4) if packed, the inspection certificate number in the event such raisins had been inspected prior to such transfer. Two copies of such report shall be forwarded to the receiving handler at the time the report is submitted to the committee, on one of which the receiving handler shall certify to the receipt of such raisins and submit it to the committee within five calendar days after the raisins or the copies of such report have been received by him, whichever is later.

(f) *Reports of shipments of gift or specialty packs under exemption.* Each handler who obtains an exemption pursuant to § 989.159 (f) for the shipment of gift or specialty packs of raisins shall file with the committee on a copy of the approved application for exemption a report showing the quantity of raisins shipped or disposed of under such exemption. The handler shall file the report promptly after the end of the crop year or after completion by him of all shipments of such exempted raisins, whichever is earlier.

(g) *Reports pertaining to the release of reserve tonnage and marketing policy information.* Upon request of the committee, each handler shall file with the committee on forms furnished by it a report containing such of the following information for each specified varietal type of raisins as the committee may request: (1) The quantity of free tonnage raisins held by him in and outside California as of the date specified in the committee's request, segregated by the portion sold and the portion not sold; (2) the total quantity of raisins expected to be acquired by him subsequent to the date specified by the committee, pursuant to purchase contracts with producers and dehydrators, which are in effect as of the date specified by the committee; (3) the weighted average price paid by him to producers and dehydrators for free tonnage raisins, natural condition basis, during the perod specified by the committee and the quantity of raisins for which such average was computed; (4) the quantity of free tonnage raisins sold or sold and shipped (as to which category the committee shall specify) by him during a period specified by the committee, segregated to show the quantities sold or sold and shipped in (i) domestic markets, including Canada, and (ii) foreign markets, detailed by country; (5) the average weighted f. o. b. sales prices received from sales during a period specified by the committee of raisins in 30 pound fibre cases in domestic markets (including Canada and the quantity of raisins for which such average prices were computed. Each such report shall be filed not later than the end of the fifth calendar day following either the date of the request by the committee or the ending date of the period to be covered by the report, whichever is later.

(h) *Certification of reports.* All reports submitted to the committee pursuant to this part shall be dated, and certified to the United States Department of Agriculture and to the Raisin Administrative Committee as to the truthfulness, accuracy and completeness of the information shown thereon.

(i) *Reporting by non-profit cooperative associations.* Non-profit cooperative associations need not submit door tags, door receipts, weight certificates or other similar documents with its reports as to raisins received or acquired from its members.

(j) *Exemption from filing report.* A handler may be relieved by the committee of filing any of the reports required pursuant to paragraph (b) of this section which he shall specify in a written application therefor to the committee stating that no transactions subject to such reports are contemplated for the balance of the crop year: *Provided*, That any such exemption shall remain in effect only so long as said handler has no such transactions subject to such reports.

§ 989.176 *Records.* Each handler shall maintain complete, accurate, and current records of all of his business affairs concerning which he is required to file reports with the committee, and shall maintain such records for at least two years after the termination of the crop year in which the transaction occurred.

EXPENSES AND ASSESSMENTS

§ 989.180 *Assessable tonnage.* During any crop year or any portion of a crop year for which reserve or surplus percentages are not effective, all standard raisins acquired by handlers during such period shall be free tonnage for purposes of levying assessments pursuant to §§ 989.79 and 989.80.

It is hereby found and determined that good cause exists for not postponing the effective date of this amendment later than the tenth day after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) These amended administrative rules and procedures are intended to permit more effective administration of this part and should become effective as soon as practicable; (2), a copy of the notice of proposed rule making, published in the FEDERAL REGISTER issue of November 19, 1957, was sent to each known handler; (3) the proposals on which the said rules and procedures are based were submitted by the Raisin Administrative Committee, on which raisin handlers and other industry groups are represented, and hence handlers and other members of the Raisin industry have had general knowledge of the proposals; (4) any preparation on the part of handlers necessary for compliance should not require more than ten days; and (5) a reasonable time, therefore, is afforded for such preparation.

Dated: April 11, 1958, to become effective on the tenth day after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-2809; Filed, Apr. 15, 1958; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Correction

In Federal Register Document 58-2556, published at page 2264 in the issue dated Tuesday, April 8, 1958, the following changes should be made:

1. In § 46.153 (d) the word "designated" should read "design".
2. In § 46.393 (a) the word "helicopter" should read "heliport".

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND INVESTMENT COMPANY ACT OF 1940

QUALIFICATIONS OF ACCOUNTANTS

Purpose of amendment. On January 28, 1958, the Securities and Exchange Commission announced that it had under consideration certain proposed amendments to Rule 210.2-01 of Regulation S-X, § 210.2-01 (see Securities Act Release No. 3893). The Commission has considered all of the views and comments received on the proposals and has adopted the amendments in the form stated below.

When the Committee on Banking and Currency of the United States Senate was holding hearings on the Securities Act of 1933, a representative of the accounting profession appeared before the Committee and suggested requiring certification by independent public accountants of financial statements included in the registration statements under the act. The committee considered at some length whether the additional expense to industry of having an impartial audit by accountants independent of the company and management was justified by the expected benefits to the investor and the public. The proposal to require certification by independent public accountants was incorporated in the principal statutes administered by this Commission, either as a requirement or as authority to require certification.

The Commission in the past has considered that relationships such as promoter, underwriter, voting trustee, director, officer, and employee of, and ownership of any direct or indirect financial interest in, the registrant or any affiliate thereof were incompatible with the independent status of a certifying accountant. The Commission has therefore refused to recognize an accountant as independent with respect to any person with whom he has any one of these relationships. Since certification by an independent accountant is required because of the value of an independent review, we believe that the prohibition of these relationships is justified and should be continued. However, in the ascertainment of whether accountants or members of their families have entered into one of these relationships with remote affiliates of the persons whose statements are being certified and whether, in some instances, they hold indirectly any financial interest in the registrant or any of its parents or subsidiaries, there is an area in which some latitude for judgment is necessary in order to avoid undue hardship and expense to registrants and to accounting firms having a widespread accounting practice or whose clients have numerous affiliates. We have therefore revised the rule to permit the application of a test of materiality to these borderline areas. The change in the rule does not permit any of these relationships with close affiliates as we consider such relationships to prejudice materially the independent status of an accountant.

Situations arise in which it is not necessary to make a finding of lack of independence even though an accountant may have held a financial interest during the period of report but at a time when his independence was not a factor. For example, an accountant may be called upon to furnish a certificate in a registration statement for a former client in whom he now has a financial interest but with whom he maintained an independent relationship during the period covered by the audit and up to the date he issued his original certificate. Another example is where an accountant held stock in a company for which he had never had an engagement but sold it upon accepting an engagement. In these and other situations where it is clear from the facts that the independent status of the accountant is not prejudiced by a particular relationship, we will upon request advise the accountant that no action will be taken because of this relationship.

The rule has also been revised to make it clear that where the relationships described in the rule exist the Commission finds that an accountant is in fact not independent with respect to the company involved but does not find that he is in fact independent in instances where it fails to find that one of these relationships exists.

These revisions give formal recognition to administrative practices which have been in the process of development for some time. They make no material change in the policy as enumerated in prior decisions of the Commission and in published opinions of the Chief Accountant.

Statutory basis. The amendments of the rule are adopted pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly sections 5 (b), 14, and 20 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof.

Text of amendment of rule. Paragraphs (b) and (c) of § 210.2-01 *Qualifications of accountants* (Rule 210.2-01) are amended to read as follows:

(b) The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents or subsidiaries in whom he has, or had during the period of report, any direct financial interest or any material indirect financial interest; or with whom he is, or was during such period, connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) In determining whether an accountant may in fact be not independent with respect to a particular person, the Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

Effective date. Since the revision clarifies the rule to reflect interpretations now in effect, it shall become effective April 8, 1958.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 8, 1958.

[F. R. Doc. 58-2793; Filed, Apr. 15, 1958; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commissio

[Docket No. 6579 etc.]

PART 13—DIGEST OF CEASE AND DES ORDERS

DEEP ROCK REFINING CO. ET AL.

Thomas J. Yacenda, trading as Dee Rock Refining Co., Docket No. 6579 Acme Refining Corporation et al., Docke No. 6581; Supreme Petroleum Product Inc., et al., Docket No. 6682; Allie Petroleum Corporation et al., Docket N 6709; Emanuel Blasenstein et al. tradin as Seaboard Oil Company, etc., Docke No. 6717.

Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 13.1890 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist orders: Thomas J. Yacenda trading as Deep Rock Refining Co., Richmond, Va., Docket 6579; Acme Refining Corporation et al., Newark, N. J., Docket 6581; Supreme Petroleum Products, Inc., et al., Philadelphia, Pa., Docket 6682; Allied Petroleum Corp. et al., Philadelphia, Pa., Docket 6709; and Emanuel Blasenstein et al. trading as Seaboard Oil Company, Doraville, Ga., and Coastal Oil Company, Columbia, S. C., and Jacksonville, Fla., Docket 6717; March 7, 1958]

In the Matters of Thomas J. Yacenda, an Individual Trading as Deep Rock Refining Co., Docket No. 6579; Acme Refining Corporation, a Corporation, and Irving Handshuh, Laurence H. Bernstein, Archie Sandlin and Jacob W. Doll, Individually and as Officers of Said Corporation, Docket No. 6581; Supreme Petroleum Products, Inc., a Corporation, and Manuel Blasenstein and Louis Schnabel, Individually and as Officers of Supreme Petroleum Products, Inc., and Louis Schnabel, Manuel Blasenstein, Thomas Blasenstein, Bernard Blasenstein and Minnie Blasenstein, Individuals and Copartners Trading as Penn City National Oil Co., Docket No. 6682; Allied Petroleum Corporation, a Corporation, Super-Lube Oil Company, a Corporation, and Samuel Segal, Louis E. Cutler and James T. Duffy, Jr., Individually and as Officers of Allied Petroleum Corporation and Super-Lube Oil Company, Docket No. 6709; Emanuel Blasenstein, Jack Blasenstein, Bernard Blasenstein, and Thomas Blasenstein, Individuals and Copartners Trading as Seaboard Oil Company and Coastal Oil Company, Docket No. 6717

These five cases were heard by hearing examiners on the complaints of the Commission charging the respective respondents—located variously in Richmond, Va.; Newark, N. J.; Philadelphia, Pa., and Doraville, Ga.—with selling to dealers for resale to the purchasing public, reclaimed motor oil obtained from drainings of motor crankcases, in containers with no markings to indicate that the product was reclaimed used oil.

In all the cases there were executed consent orders containing a condition that the initial decision based on the agreement should not become the decision of the Commission until the Commission should issue an order to cease and desist in Docket 6588, Mohawk Refining Corp. On February 14, the Commission issued its desist order in the Mohawk case—23 F. R. 1788—and thereafter, on March 7, the initial decisions in these five cases were adopted as the decisions of the Commission.

The Commission's order to cease and desist, identical in the five cases, is as follows:

It is ordered, That respondents, Thomas J. Yacenda, an individual, trading as Deep Rock Refining Company or under any other trade name; Acme Refining Corporation, a corporation, and its officers, and Irving Handshuh, Laurence H. Bernstein, Archie Sandin and Jacob W. Doll, individually and as officers of said corporation; Supreme Petroleum Products, Inc., a corporation, and its officers, and Manuel Blasenstein and Louis Schnable, individually and as officers of Supreme Petroleum Products, Inc., and Louis Schnabel, Manuel Blasenstein, Thomas Blasenstein, Bernard Blasenstein and Minnie Blasenstein, individually and as copartners trading as Penn City National Oil Co., or trading under any other name; Allied Petroleum Corporation, a corporation, and Super-Lube Oil Company, a corporation, and their officers, and Samuel Segal, Louis E. Cutler and James T. Duffy, Jr., individually and as officers of said corporations; and Emanuel Blasenstein, Jack Blasenstein, Bernard Blasenstein, and Thomas Blasenstein, individually and copartners trading as Seaboard Oil Company and Coastal Oil Company, or under any other namer or names; and respondents' agents, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil composed in whole or in part of oil which has been previously used and reclaimed, do forthwith cease and desist from:

1. Representing, directly or by implication, that such lubricating oil is new or unused oil, or refined from virgin crude oil;
2. Advertising, offering for sale or selling any lubricating oil previously used for lubricating purposes without disclosing such prior use to the purchaser, or potential purchaser, in advertising, in sales promotion matter, and by a clear and conspicuous statement to that effect on the container.

By "Decision of the Commission", etc., reports of compliance were required in orders identical in the five cases as follows:

It is further ordered, That the respondents, Thomas J. Yacenda; Acme Refining Corporation, a corporation, and Irving Handshuh, Laurence H. Bernstein, Archie Sandin and Jacob W. Doll, individually and as officers of said corporation; Supreme Petroleum Products, Inc., a corporation, and Manuel Blasenstein and Louis Schnabel, individually and as officers of Supreme Petroleum Products, Inc., and Thomas Blasenstein, Bernard Blasenstein and Minnie Blasenstein; Allied Petroleum Corporation and Super-Lube Oil Company, corporations, and Samuel Segal, Louis E. Cutler and James T. Duffy, Jr., individually and as officers of said corporations; and Emanuel Blasenstein, Jack Blasenstein, Bernard Blasenstein, and Thomas Blasenstein; shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: March 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-2813; Filed, Apr. 15, 1958; 8:50 a. m.]

[Docket 6941]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MILLER WOOL WASTE CO., INC., AND ALLEN J. MILLER

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition*: Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Miller Wool Waste Co., Inc., et al., Boston, Mass., Docket 6941, March 15, 1958]

In the Matter of Miller Wool Waste Co., Inc., a Corporation, and Allen J. Miller, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Boston, Mass., with violating the Wool Products Labeling Act by labeling as "100 percent wool" woolen stocks which contained substantial quantities of reprocessed wool.

Following acceptance of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Miller Wool Waste Co., Inc., a corporation, and its officers, and respondent Allen J. Miller, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen stocks or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by: Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-2814; Filed, Apr. 15, 1958; 8:52 a. m.]

[Docket 6920]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AWON FILM AND SUPPLY CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Retailer as wholesaler, jobber or factory distributor; § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc.; § 13.175 *Quality of product or service;* § 13.230 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Awon Film & Supply Co., Inc., et al., New York, N. Y., Docket 6920, March 15, 1958]

In the Matter of Awon Film & Supply Co., Inc., a Corporation, and Sam Danow, Allen Danow, and Jack Danow, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging retailers in New York City with advertising and selling as "Fresh Movie Film" outdated film, rolls of which often did not contain the claimed footage of usable film; with representing excessive amounts as the usual selling price of such "specials" as projection screens advertised for $14.95; and with using the word "wholesalers" or otherwise representing falsely that they sold at wholesale prices.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Awon Film & Supply Co., Inc., a corporation, and its officers, and Sam Danow, Allen Danow, and Jack Danow, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographic film or photographic equipment or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That outdated film is fresh, or failing to clearly disclose that outdated film offered for sale, is outdated.

(b) That their rolls of film contain a certain number of feet unless such footage is the actual footage of usable film.

(c) That the regular price of any product is in excess of the price at which said product is customarily sold by respondents in their usual and normal course of business.

(d) That a specified amount is the value of a product when such amount is in excess of the price at which said product is regularly and customarily sold in the normal course of business in the same trade territory.

2. Using the word "wholesalers" or representing in any other manner that they sell at wholesale or at wholesale prices, in connection with their retail business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-2815; Filed, Apr. 15, 1958; 8:52 a. m.]

[Docket 6577]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

A. E. LEWIS & CO. INC. ET AL.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign in general.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, A. E. Lewis & Co., Inc., et al., New York, N. Y., Docket 6577, March 11, 1958]

In the Matter of A. E. Lewis & Co., Inc., a Corporation, and Alexander E. Lewis, Arthur Vinecour and Morris Goodis, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in New York City with selling cutlery, assembled by them from steel blades stamped "made in Sheffield, England" with handles made in Japan, some copied from English patterns—the assembling process concealing the word "Japan" on the end of the handle—without disclosing the Japanese origin of the handles.

Following acceptance of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents A. E. Lewis & Co., Inc., a corporation, and its officers, and Alexander E. Lewis, Arthur Vinecour and Morris Goodis, individually and as officers of said corporation, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cutlery or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Offering for sale or selling cutlery containing handles made in Japan, or in any other foreign country other than England, combined with other parts made in England, which bear the legend "A. E. Lewis & Co., Made In Sheffield England" or any other legend indicative of English origin, without clearly disclosing the country of origin of the handles;

2. Offering for sale or selling any product, any substantial part of which was made in Japan, or in any other foreign country, without clearly disclosing the foreign origin of such part;

3. Representing by words or symbols on the containers in which cutlery or other products, made in substantial part in Japan, or in any other foreign country other than England, are shipped or displayed, or in any other manner, that such products are of English origin.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents A. E. Lewis & Co., Inc., a corporation, and Alexander E. Lewis, Arthur Vinecour and Morris Goodis, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-2816; Filed, Apr. 15, 1958; 8:53 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 6

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following further amendments to Statements of Procedure and to its Rules and Regulations, Series 6, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective April 16, 1958.

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[1] New.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 6, as amended, and as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D. C., April 10, 1958.

By direction of the Board.

[SEAL] OGDEN W. FIELDS,
Acting Executive Secretary.

Part 101 is amended as follows:

SUBPART B—UNFAIR LABOR PRACTICE CASES UNDER SECTION 10 (a) TO (i) OF THE ACT AND TELEGRAPH MERGER ACT CASES

Section 101.15a is amended to read as follows:

§ 101.15a *Back-pay proceeding.* After a Board order directing the payment of back pay has been enforced by a court order, the regional office computes the amount of back pay due each employee. If informal efforts to dispose of the matter prove unsuccessful, the regional director is then authorized to issue a "back-pay specification" in the name of the Board, and a notice of hearing before a trial examiner, both of which are served on the parties involved. The specification sets forth the computations showing how the regional director arrived at the net back pay due each employee. The respondent must file an answer within 15 days of the receipt of the specification, setting forth a particularized statement of its defense. The procedure before the trial examiner or the Board is substantially the same as that described in §§ 101.10 to 101.15 inclusive.

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

Part 102 is amended as follows:

SUBPART B—PROCEDURE UNDER SECTION 10 (a) TO (i) OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

1. Section 102.31 *Issuance of subpenas; petitions to revoke subpenas; right to inspect or copy data,* is amended as follows:

a. In the first sentence of paragraph (b) delete the word "subpenaed" after the word "person" and substitute therefor the words "served with a subpena, whether ad testificandum or duces tecum,". In the sixth sentence of this paragraph delete the period at the end of the sentence, insert a comma and add "or if for any other reason sufficient in law the subpena is otherwise invalid."

b. Paragraph (d) is amended to read as follows:

(d) Upon the failure of any person to comply with a subpena issued upon the request of a private party, the general counsel shall in the name of the Board but on relation of such private party, institute proceedings in the appropriate district court for the enforcement thereof, unless in the judgment of the Board, the enforcement of such subpena would be inconsistent with law and with the policies of the Act. Neither the general counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

2. Sections 102.51a, 102.51e and 102.51f are amended to read as follows:

§ 102.51a *Initiation of proceedings.* After the entry of a court decree enforcing an order of the Board directing the payment of back pay, if it appears to the regional director that there has arisen a controversy between the Board and a respondent concerning the amount of back pay due which cannot be resolved without a formal proceeding, the regional director shall issue and cause to be served upon the respondent a back-pay specification in the name of the Board. The specification shall contain or be accompanied by a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 15 days after the service of the specification.

§ 102.51e *Extension of date of hearing.* Upon his own motion or upon proper cause shown, the regional director issuing the specification may extend the date of hearing.

§ 102.51f *Amendment.* After the issuance of notice of hearing, the specification and answer may be amended upon leave of the trial examiner or the Board, as the case may be, good cause therefor appearing.

SUBPART C—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

Section 102.58 *Introduction of evidence; rights of parties at hearing; subpenas,* is amended as follows:

In the fourth sentence of paragraph (c) delete the word "subpenaed" after the word "person" and substitute therefor the words "served with a subpena, whether ad testificandum or duces tecum,". In the seventh sentence of this paragraph delete the period at the end of the sentence, insert a comma and add "or if for any other reason sufficient in law the subpena is otherwise invalid."

SUBPART I—RECORDS AND INFORMATION

Section 102.87 is amended as follows:

a. The section head note is amended to read as follows:

§ 102.87 *Same; Board employees prohibited from producing files, records, etc., pursuant to subpena ad testificandum or subpena duces tecum, prohibited from testifying in regard thereto.* * * *

b. The last sentence of this section is amended to read as follows: "Whenever any subpena ad testificandum or subpena duces tecum, the purpose of which is to adduce testimony or require the production of records as described hereinabove shall have been served upon any such persons or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the chairman of the Board or the general counsel, as the case may be, move pursuant to the applicable procedure, whether by petition to revoke, motion to quash, or otherwise, to have such subpena invalidated on the ground that the evidence sought is privileged against disclosure by this rule."

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

The above amendments shall be effective April 16, 1958.

[F. R. Doc. 58-2784; Filed, Apr. 15, 1958; 8:45 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

MISCELLANEOUS AMENDMENTS

The following amendments are made, to take effect thirty days after publication in the FEDERAL REGISTER. Notice and public procedure are deemed unnecessary as the changes relate to a minor adjustment of fee items.

1. Paragraph (b) of § 1.21 is amended to read as follows:

(b) For photocopies or other reproductions of records or printed material, per page of material copied $0.30

(Sec. 1, 66 Stat. 793; 35 U. S. C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U. S. C. 41)

2. Paragraph (b) of § 2.6 is amended to read as follows:

(b) For photocopies or other reproductions of records or printed material, per page of material copied $0.30

(Sec. 41, 60 Stat. 440, sec. 1, 66 Stat. 793; 15 U. S. C. 1123, 35 U. S. C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U. S. C. 41)

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved: April 10, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-2800; Filed, Apr. 15, 1958; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

MISCELLANEOUS AMENDMENTS

Basis and purpose: The opening date of the Taku Inlet-Port Snettisham sec-

tion of the Eastern District and the Stikine District coincides with the weekly closed period under present regulations. In order to avoid public confusion, therefore, §§ 119.3 (a), 120.3a, and 120.4 are amended as follows:

1. Paragraph (a) of § 119.3 is amended to read as follows:

(a) Taku Inlet-Port Snettisham section: With gill nets from 12 o'clock noon May 5 to 12 o'clock noon September 30. Prior to September 25, the weekly closed period is from noon Thursday to noon Monday.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

2. Sections 120.3a and 120.4 are amended in text by deleting "May 1" and substituting in lieu thereof "May 5."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

These changes shall become effective immediately upon publication in the FEDERAL REGISTER.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-2863; Filed, Apr. 15, 1958; 10:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 608]

RESTRICTED AREAS

CAMP COOKE, CALIFORNIA

Notice is hereby given that the Administrator of Civil Aeronautics proposes to establish a restricted area centered on Camp Cooke, California.

The establishment of this restricted area has been requested by the Department of Defense for the purpose of performing therein certain military operations. All interested persons who desire to submit comments and suggestions for consideration in connection with this proposed rule should send them to the Administrator of Civil Aeronautics, Office, Assistant Administrator for Airspace, Civil Aeronautics Administration, Washington 25, D. C., early enough to be received by Tuesday, April 29, 1958.

In view of the foregoing, it is proposed to amend Part 608 as follows:

By amending § 608.14 by adding the establishment of the following restricted area:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Camp Cooke Restricted area, California.	"Beginning at latitude 34°56′30″, longitude 120°43′30″; thence to latitude 34°55′40″, longitude 120°39′40″; thence to latitude 34°49′00″; longitude 120°27′15″; thence to latitude 34°46′15″, longitude 120°26′40″; thence to latitude 34°39′50″, longitude 120°31′15″; thence to latitude 34°35′00″, longitude 120°31′40″; thence to latitude 34°34′52″, longitude 120°42′37″; thence northward three nautical miles offshore to latitude 34°56′30″, longitude 120°43′30″.	Surface to unlimited.	Continuous...	Commander USNAMTC, Pt. Mugu, California.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

H. P. NOGGLE,
Assistant Administrator of Civil Aeronautics for Airspace.

[F. R. Doc. 58-2855; Filed, Apr. 15, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[B-26294]

[Classification No. 30]

COLORADO

SMALL TRACT CLASSIFICATION; CORRECTION AND AMENDMENT; SMALL TRACT OPENING

1. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), FEDERAL REGISTER Document 58-2056, appearing on page 1859 of the issue for March 20, 1958, is corrected to delete the following aliquot part description: NE¼SE¼NW¼NE¼ of section 33, T. 1 S., R. 1 W., Ute Meridian, and to substitute therefor the NW¼NE¼SW¼NW¼ and SE¼SW¼SE¼NW¼ of section 33, T. 1 S., R. 1 W., Ute Meridian.

2. Effective immediately, the word "disposition" in paragraph one of FEDERAL REGISTER Document 58-2056, appearing on page 1859 of the issue for March 20, 1958, is hereby amended to read "lease and sale for residence purposes".

3. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), I hereby open the following lands, classified by Classification Order No. 30 with the correction thereto as effected above, to small tract application by the filing of Veteran's Drawing Entry Cards under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended:

UTE MERIDIAN, COLORADO

T. 1 S., R. 1 W.,
Sec. 33, NE¼NW¼NE¼, E½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, W½SE¼NW¼NE¼, SW¼NW¼NE¼, NW¼NW¼SW¼NE¼, S½NE¼NW¼, SE¼SE¼NW¼NW¼, N½SE¼NW¼, N½SE¼SE¼NW¼, SW¼SE¼NW¼, NE¼SW¼NW¼, SE¼NW¼SW¼NW¼, SE¼SW¼NW¼, E½SW¼SW¼NW¼, NW¼NW¼NE¼SW¼, N½NE¼NW¼SW¼, and NE¼NW¼NW¼SW¼,

containing 130 acres, subdivided into 37 small tracts, of which 10 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

4. These tracts of land are about two miles south of Grand Junction, Colorado, along an unimproved road, known as the Jacob's Ladder Road. The Gunnison River is about one mile east of the tracts and the Redlands area of Grand Junction is about one mile north of the tracts.

Some of the tracts are covered with pinon pine and juniper trees, while others are bare. To the north is a spectacular view of the Book Cliffs and Grand Valley, and to the east, a fine view of Grand Mesa. Some of the tracts are rough and on a slope and preparation of building sites may require some excavation. Other areas are smooth and level and little excavation or leveling for a building site would be necessary.

Rights-of-way to all tracts have been reserved but some road building may be required. Development of culinary water may be difficult and expensive. Water hauling services probably are available from Grand Junction. Electric power is at the north boundary of the tracts and probably can be extended to all the tracts at nominal cost. Other utilities and services such as stores, schools, churches, and recreational facilities are available in Grand Junction, two miles away. The tracts are suitable for year-round use.

5. Each of the tracts contains 2.5 to 5.0 acres, more or less. An unofficial plat showing the general location of each tract within the area classified may be obtained by writing to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado. The numbers opposite the aliquot parts description in the table following this paragraph are for reference and upon acceptance of plat of survey and supplemental plat thereto, will become official lot numbers by which these tracts will be described for lease and sale. The fair market value of the tracts is shown below. Rental for the three-year lease period ranges from $45 to $90 and must be paid in advance

of issuance of lease. The tracts will be subject to all rights-of-way of record and rights-of-way for roads and public utilities in accordance with 43 CFR 257.17 (b) will be reserved as described below.

In addition, lease and sale of the tracts described by reference numbers 7, 8, 15, 16, 17, 18, 20, 21, 22, 23, 28, 29, 33, 34, 40, 41, 45, 46, 50 and 51 shall be subject to a right-of-way 100 feet in width on either side of the center line of the existing road, known locally as the "Jacob's Ladder Road", as shown on the unofficial plat described above, which will be made a part of the lease. This right-of-way is reserved for road and public utilities under title 43 CFR 257.17 (b).

All minerals will be reserved by the United States.

Reference No.	Legal description [1]	Acres	Location and width of rights-of-way	Advance rental for 3-year lease period	Purchase price
	UTE MERIDIAN, COLORADO				
	T. 1 S., R. 1 W., Sec. 33				
7	E½NE¼NW¼NE¼	5.0	25′ along N., W., and S. sides	$82.50	$550
[2] 8	NW¼NE¼NW¼NE¼ & NE¼NW¼NW¼NE¼.	5.0	25′ along N., E., and S. sides	86.25	575
16	SW¼NW¼NW¼NE¼ & NW¼SW¼NW¼NE¼.	5.0	25′ along N. and W. sides	75.00	500
17	SE¼NW¼NW¼NE¼ & N½NE¼SW¼NW¼NE¼.	3.75	25′ along N. side	71.25	475
18	SW¼NE¼NW¼NE¼ & N½NW¼SE¼NW¼NE¼.	3.75	25′ along N. side	45.00	300
20	SW¼SE¼NW¼NE¼ & S½NW¼SE¼NW¼NE¼.	3.75	25′ along E. side	56.25	375
21	SE¼SW¼NW¼NE¼ & S½NE¼SW¼NW¼NE¼.	3.75	25′ along N. and W. sides	60.00	400
22	SW¼SW¼NW¼NE¼ & S½SE¼SE¼NE¼NW¼.	3.75	25′ along E. side	71.25	475
15	NE¼SE¼NE¼NW¼ & N½SE¼SE¼NE¼NW¼.	3.75	25′ along E. and S. sides	71.25	475
14	NW¼SE¼NE¼NW¼	2.5	25′ along W. side	75.00	500
13	NE¼SW¼NE¼NW¼	2.5	25′ along E. and W. sides	75.00	500
12	NW¼SW¼NE¼NW¼	2.5	25′ along E. side	56.25	375
25	SW¼SW¼NE¼NW¼ & SE¼SE¼NW¼NW¼.	5.0	25′ along E. and S. sides	90.00	600
[2] 24	SE¼SW¼NE¼NW¼	2.5	25′ along E., W., and S. sides	75.00	500
23	SW¼SE¼NE¼NW¼	2.5	25′ along W. and S. sides	60.00	400
30	NW¼NW¼SW¼NE¼	2.5	25′ along E. side	52.50	350
29	N½NE¼SE¼NW¼	5.0	25′ along N. and W. sides	86.25	575
28	N½NW¼SE¼NW¼	5.0	25′ along N. and E. sides	90.00	600
27	N½NE¼SW¼NW¼	5.0	25′ along N. side	86.25	575
37	SE¼NW¼SW¼NW¼	2.5	25′ along S. side	52.50	350
36	SW¼NE¼SW¼NW¼	2.5	25′ along S. side	75.00	500
[2] 35	SE¼NE¼SW¼NW¼	2.5	25′ along S. side	75.00	500
[2] 34	SW¼NW¼SE¼NW¼ & W½SE¼NW¼SE¼NW¼.	3.75	25′ along S. side	75.00	500
[2] 33	SW¼NE¼SE¼NW¼ & E½SE¼NW¼SE¼NW¼.	3.75	25′ along S. side	71.25	475
32	SE¼NE¼SE¼NW¼	2.5	25′ along S. side	60.00	400
43	NE¼SE¼SE¼NW¼	2.5	25′ along N. side	60.00	400
42	NW¼SE¼SE¼NW¼	2.5	25′ along N. side	75.00	500
41	NE¼SW¼SE¼NW¼ & E½NW¼SW¼SE¼NW¼.	3.75	25′ along N. and W. sides	63.75	425
40	NE¼SE¼SW¼NW¼ & W½NW¼SW¼SE¼NW¼.	3.75	25′ along N. and E. sides	86.25	575
[2] 39	NW¼SE¼SW¼NW¼	2.5	25′ along N. side	75.00	500
38	NE¼SW¼SW¼NW¼	2.5	25′ along N. side	75.00	500
48	SE¼SW¼SW¼NW¼	2.5	25′ along S. side	71.25	475
[2] 47	SW¼SE¼SW¼NW¼	2.5	25′ along E. and S. sides	75.00	500
46	SE¼SE¼SW¼NW¼	2.5	25′ along E., W., and S. sides	67.50	450
[2] 45	S½SW¼SE¼NW¼	5.0	25′ along W. and S. sides	60.00	400
[2] 51	NW¼NW¼NE¼SW¼, NE¼NE¼NE¼NW¼SW¼, S½NE¼NE¼NW¼SW¼ & SE¼NW¼NE¼NW¼SW¼.	5.0	25′ along N. side	78.75	525
[2] 50	NE¼NW¼NW¼SW¼, N½NW¼NE¼NW¼SW¼, SW¼NW¼NE¼NW¼SW¼ & NW¼NE¼NE¼NW¼SW¼.	5.0	25′ along N. side	75.00	500

[1] These descriptions will conform to aliquot parts of section 33 upon acceptance of plat of survey.

[2] Covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Leases will be issued for three years, with an option to purchase the tract after construction of substantial improvements on the lots conforming to the standards set forth in paragraph 8 below and the reverse side of lease form 4-776. Failure to construct such improvements will result in cancellation of the lease, except where the lessee can demonstrate that such failure was due to unavoidable and unforeseen circumstances.

8. The improvements to which reference is made in paragraph 7 above must conform to health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

a. Buildings on these lots shall be constructed of new and substantial materials, set on adequate foundations of cement, rock, cinderblocks, or similar materials. Chimneys must be of cement, stone, brick masonry, or of an approved metal type, and shall be lined with fire resistant brick or tile, except where approved metal types are used.

b. No shacks of temporary and unsightly nature will be allowed. The use of tar or composition papers for general exterior purposes will not be permitted. Trailers or other portable types of houses will not be considered as being part or all of the development requirements. Trailers may be used for temporary housing during the construction of permanent improvements. However, they will not be considered as part of the improvements required under the lease.

c. Only one residence building will be permitted per lot. Buildings other than the residence shall be kept to a minimum.

d. All residential buildings shall have not less than 500 square feet of floor space.

e. Buildings shall be set back a minimum of 15 feet from property lines and a minimum of 30 feet from exterior boundaries of areas reserved for rights-of-way under 43 CFR 257.17 (b).

f. The tract must have adequate toilet facilities to conform with state and local laws. Outdoor toilet facilities, if utilized, must be located a minimum distance of 30 feet from the dwelling and 50 feet from lot lines. The toilet must be fully enclosed, of substantial construction, and contain a pit and cover for the seats. The depth of the pit shall not be less than five feet below ground level.

g. The lessee will be required to keep his lot in a neat and orderly condition. Garbage and other refuse must be destroyed by burning in an incinerator, be placed in a garbage disposal pit with a suitable cover, or be removed from the lot.

h. The lessee will be required to take all reasonable precautions to prevent fires. Debris and other inflammable materials will be removed or burned in such a manner that adjoining property will not be endangered.

9. The tracts, except those for which statutory preference claimants exercise their rights, are now open to filing of drawing entry cards (Form 4-775) only by persons entitled to veteran's preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 16, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing entry cards (Form 4-775) are available upon request from the Land Office Manager, Bureau of Land Management, P. O. Box 1018, Room 371, New Custom House, Denver 1, Colorado. Drawing entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official prior to 10:00 a. m., July 29, 1958. A drawing will be held on July 31, 1958 at 2:00 p. m. in Room 367, New Custom House, Denver, Colorado. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will

be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return and as to payment of fees and rentals.

10. Inquiries concerning the lands shall be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

APRIL 7, 1958.

[F. R. Doc. 58-2785; Filed, Apr. 15, 1958; 8:45 a. m.]

[Offer 15]

[B-26099]

COLORADO

SMALL TRACT OFFER

1. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management effective February 19, 1958 (23 F. R. 1098), I hereby offer the following described lands for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 N., R. 76 W.,
Sec. 22, N½NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, E½NW¼NE¼NE¼, SW¼NW¼NE¼NE¼, SE¼NE¼NE¼, E½SW¼NE¼NE¼, NW¼SW¼NE¼NE¼, S½NE¼NW¼NE¼, W½NW¼NE¼, N½SE¼NW¼NE¼, SW¼SE¼NW¼NE¼, E½SE¼NE¼, W½NW¼SE¼NE¼, SW¼SE¼NE¼, N½SW¼NE¼, E½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, SW¼SW¼NE¼, E½NW¼SE¼, NW¼NW¼SE¼, N½SW¼NW¼SE¼,

containing 172.5 acres, subdivided into 68 small tracts numbered 1 through 3, inclusive; 7 through 15, inclusive; 17 through 26, inclusive; 29 through 33, inclusive; 35 through 44, inclusive; 46 through 52, inclusive; 54 through 75, inclusive; and 77 and 78. All numbers are for reference purposes only.

2. This tract of land is about 100 miles from Denver, Colorado, via U. S. Highway 40, over Berthoud Pass to the Town of Granby; thence by U. S. Highway 34 between the Town of Granby and the Town of Grand Lake, Colorado, and over county and private roads. The tract is one and one-half to two miles directly north of the Shadow Mountain Recreation Area Campground, which is located along the northwest edge of Granby reservoir.

Vegetation consists of fairly thick stands of lodgepole pine, interspersed with small open sagebrush parks and fringe areas of sagebrush. Some of the individual tracts afford good views of the mountains to the east. The entire tract is somewhat rough and preparation of building sites may require some clearing of trees or leveling of land. The Federal Government does not guarantee access to the land or to individual tracts within the area classified. Development of culinary water may be difficult and expensive. It will probably be necessary to bring in electrical power for a distance of one or two miles from power lines along U. S. Highway 34. Telephone lines are within one or two miles of the tract. Small grocery stores are located in the Town of Granby, about 11 miles distant, or in the Town of Grand Lake, about six miles away. There are also a few small stores along the shores of Granby Reservoir. The area is not adapted to use for more than five or six months of the year, during the late spring, summer, and ending in the fall with the first snow.

3. Each of the tracts contains 2.5 to 5 acres. An unofficial plat showing the approximate location of each tract within the area classified can be obtained by writing to the Land Office Manager, P. O. Box 1018, 371 New Custom House, Denver 1, Colorado. Sale of these tracts will be by aliquot parts of a legal subdivision. The fair market value of the tracts, the reference number, and legal description are shown below. The tracts will be subject to all rights of way of record, and rights of way for roads and public utilities, in accordance with 43 CFR 257.17 (b) will be reserved as described below. All minerals are reserved by the United States.

4. Veterans preference rights in accordance with the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) were provided for by Small Tract Classification No. 15, June 19, 1957 (22 F. R. 4585), as amended. This sale is therefore open to the general public irrespective of qualifications upon which veterans preference is based.

Reference No.	Legal description	Acres[1]	Location and width of rights-of-way	Appraised value
	SIXTH PRINCIPAL MERIDIAN, COLORADO *T. 3 N., R. 76 W., Sec. 22*			
1	NE¼NE¼NE¼N½	2.5	25′ along W. and S. sides, 50′ along N. and E. sides.	[illegible]
2	NW¼NE¼NE¼NE¼	2.5	25′ along W., S., and E. sides, 50′ along N. side.	[illegible]
3	NE¼NW¼NE¼NE¼	2.5	25′ along W., S., and E. sides, 50′ along N. side.	[illegible]
7	NE¼NW¼NW¼NE¼	2.5	25′ along W., S., and E. sides, 50′ along N. side.	[illegible]
8	NW¼NW¼NW¼NE¼	2.5	25′ along E., and S. sides, 50′ along N. and W. sides.	[illegible]
9	SW¼NW¼NW¼NE¼	2.5	25′ along N., S., and E. sides, 50′ along W. side.	[illegible]
10	SE¼NW¼NW¼NE¼	2.5	25′ along all sides	[illegible]
11	SW¼NE¼NW¼NE¼	2.5	25′ along all sides	[illegible]
12	SE¼NE¼NW¼NE¼	2.5	25′ along all sides	[illegible]
13	SW¼NW¼NE¼NE¼	2.5	25′ along all sides	[illegible]
14	SE¼NW¼NE¼NE¼	2.5	25′ along all sides	[illegible]
15	SW¼NE¼NE¼NE¼	2.5	25′ along all sides	[illegible]
17	NW¼SE¼NE¼NE¼	2.5	25′ along all sides	450
18	NE¼SW¼NE¼NE¼	2.5	25′ along all sides	[illegible]
19	NW¼SW¼NE¼NE¼	2.5	25′ along all sides	[illegible]
20	NE¼SE¼NW¼NE¼	2.5	25′ along all sides	[illegible]
21	NW¼SE¼NW¼NE¼	2.5	25′ along all sides	[illegible]
22	NE¼SW¼NW¼NE¼	2.5	25′ along all sides	[illegible]
23	NW¼SW¼NW¼NE¼	2.5	25′ along N., S., and E. sides, 50′ along W. side.	[illegible]
24	SW¼SW¼NW¼NE¼	2.5	25′ along N., S., and E. sides, 50′ along W. side.	[illegible]
25	SE¼SW¼NW¼NE¼	2.5	25′ along all sides	[illegible]
26	SW¼SE¼NW¼NE¼	2.5	25′ along all sides	[illegible]
29	SE¼SW¼NE¼NE¼	2.5	25′ along all sides	[illegible]
30	SW¼SE¼NE¼NE¼	2.5	25′ along all sides	450
31	E½SE¼NE¼NE¼	5.0	25′ along N., W., and S. sides, 50′ along E. side.	[illegible]
32	NE¼NE¼SE¼NE¼	2.5	25′ along N., W., and S. sides, 50′ along E. side.	[illegible]
33	NW¼NE¼SE¼NE¼	2.5	25′ along all sides	[illegible]
35	NW¼NW¼SE¼NE¼	2.5	25′ along all sides	[illegible]
36	NE¼NE¼SW¼NE¼	2.5	25′ along all sides	[illegible]
37	NW¼NE¼SW¼NE¼	2.5	25′ along all sides	[illegible]
38	NE¼NW¼SW¼NE¼	2.5	25′ along all sides	[illegible]
39	NW¼NW¼SW¼NE¼	2.5	25′ along E., N., and S. sides, 50′ along W. side.	[illegible]
40	SW¼NW¼SW¼NE¼	2.5	25′ along E., N., and S. sides, 50′ along W. side.	[illegible]
41	SE¼NW¼SW¼NE¼	2.5	25′ along all sides	[illegible]
42	SW¼NE¼SW¼NE¼	2.5	25′ along all sides	[illegible]
43	SE¼NE¼SW¼NE¼	2.5	25′ along all sides	[illegible]
44	SW¼NW¼SE¼NE¼	2.5	25′ along all sides	[illegible]
46	SW¼NE¼SE¼NE¼	2.5	25′ along all sides	[illegible]
47	SE¼NE¼SE¼NE¼	2.5	25′ along N., W., and S. sides, 50′ along E. side.	[illegible]
48	NE¼SE¼SE¼NE¼	2.5	25′ along N., W., and S. sides, 50′ along E. side.	[illegible]
49	NW¼SE¼SE¼NE¼	2.5	25′ along all sides	[illegible]
50	NE¼SW¼SE¼NE¼	2.5	25′ along all sides	[illegible]
51	NW¼SW¼SE¼NE¼	2.5	25′ along all sides	[illegible]
52	NE¼SE¼SW¼NE¼	2.5	25′ along all sides	[illegible]
54	NE¼SW¼SW¼NE¼	2.5	25′ along all sides	[illegible]
55	NW¼SW¼SW¼NE¼	2.5	25′ along N., S., and E. sides, 50′ along W. side.	[illegible]
56	SW¼SW¼SW¼NE¼	2.5	25′ along N., S., and E. sides, 50′ along W. side.	[illegible]
57	SE¼SW¼SW¼NE¼	2.5	25′ along all sides	[illegible]
58	SW¼SE¼SW¼NE¼	2.5	25′ along all sides	[illegible]
59	SE¼SE¼SW¼NE¼	2.5	25′ along all sides	[illegible]
60	SW¼SW¼SE¼NE¼	2.5	25′ along N., W., and E. sides, 50′ along S. side.	[illegible]
61	SE¼SW¼SE¼NE¼	2.5	25′ along N., W., and E. sides, 50′ along S. side.	[illegible]
62	SW¼SE¼SE¼NE¼	2.5	25′ along N., W., and E. sides, 50′ along S. side.	[illegible]
63	SE¼SE¼SE¼NE¼	2.5	25′ along N. and W. sides, 50′ along S. and E. sides.	[illegible]
64	NE¼NE¼NW¼SE¼	2.5	25′ along N., W., and S. sides, 50′ along E. side.	[illegible]
65	NW¼NE¼NW¼SE¼	2.5	25′ along all sides	[illegible]
66	NE¼NW¼NW¼SE¼	2.5	25′ along all sides	[illegible]
67	NW¼NW¼NW¼SE¼	2.5	25′ along N., S., and E. sides, 50′ along W. side.	[illegible]
68	SW¼NW¼NW¼SE¼	2.5	25′ along N., S., and E. sides, 50′ along W. side.	[illegible]
69	SE¼NW¼NW¼SE¼	2.5	25′ along all sides	[illegible]
70	SW¼NE¼NW¼SE¼	2.5	25′ along all sides	[illegible]
71	SE¼NE¼NW¼SE¼	2.5	25′ along N., W., and S. sides, 50′ along E. side.	[illegible]
72	NE¼SE¼NW¼SE¼	2.5	25′ along N., W., and S. sides, 50′ along E. side.	[illegible]
73	NW¼SE¼NW¼SE¼	2.5	25′ along all sides	[illegible]
74	NE¼SW¼NW¼SE¼	2.5	25′ along all sides	[illegible]
75	NW¼SW¼NW¼SE¼	2.5	25′ along N. and W. sides, 25′ along S. side, 50′ along E. side.	[illegible]
77	SW¼SE¼NW¼SE¼	2.5	25′ along N., W., and E. sides, 50′ along S. side.	[illegible]
78	SE¼SE¼NW¼SE¼	2.5	25′ along N. and W. sides, 50′ along S. and E.	[illegible]

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[1] Acreages shown are only approximate.

The above described tracts will be sold at public auction at a public sale to be held in Room 383, New Custom House, Denver, Colorado, beginning at 9:00 a. m., July 9, 1958. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Land Office, Denver, Colorado, prior to 10:00 a. m., July 8, 1958. No sealed bid will be accepted if it is less than the appraised value of the lot. Sealed bids will be opened in the presence of the public in Room 367, New Custom House, Denver, Colorado, beginning at 10:00 a. m., on July 8, 1958. A list of the highest sealed bids received for each lot will be posted for public inspection at the sale. Sealed bids must be in units of $5. Oral bidding will be in increments to be announced at the sale. See paragraph 3 for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a satisfactory showing to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show: (a) the name and mailing address of the bidder; (b) Small Tract Offer No. 15; (c) the number of the lot for which the bid is made, described in accordance with paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. Bids for separate lots must be enclosed in separate envelopes but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must be addressed to the Manager, Colorado Land Office, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Offer No. 15, July 9, 1958"; and (c) the reference number and aliquot part description of the tract for which the bid is made, described in accordance with paragraph 3 above. Sender's name and return address should be shown on reverse side of envelope.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral the bidder will be required to make payment for the tract at the close of the bidding, and a personal check will be acceptable for this purpose. Any person who is declared high bidder for any tract will automatically be disqualified for consideration of other tracts at the sale unless he is an agent acting for one or more persons.

8. Inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and should be accompanied by a stamped, self-addressed envelope.

J. ELLIOTT HALL,
Lands and Minerals Officer.

APRIL 8, 1958.

[F. R. Doc. 58-2786; Filed, Apr. 15, 1958; 8:45 a. m.]

[W-058362]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

APRIL 9, 1958.

The notice of proposed withdrawal and reservation of lands published on page 1058 of the FEDERAL REGISTER, issue for February 18, 1958 (F. R. Doc. 58-1232) is hereby corrected as to the lands described under "Barber Lake Picnic Ground" by deleting T. 16 N., R. 67 W.; and describing T. 16 N., R. 78 W.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-2787; Filed, Apr. 15, 1958; 8:45 a. m.]

Bureau of Reclamation

CROOKED RIVER PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 27, 1958.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described land from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416):

WILLAMETTE MERIDIAN

T. 17 S., R. 16 E.,
  Sec. 10, NE¼NE¼, S½NE¼, NE¼SE¼;
  Sec. 11, NW¼NE¼, N½NW¼;
  Sec. 24, NE¼SE¼.
T. 16 S., R. 17 E.,
  Sec. 24, NE¼NW¼;
  Sec. 31, SW¼NE¼, SE¼NW¼, NE¼SE¼;
  Sec. 34, SW¼NE¼.
T. 17 S., R. 17 E.,
  Sec. 9, NE¼NE¼.

The areas described aggregate approximately 560 acres.

FLOYD E. DOMINY,
Acting Commissioner.

[Oregon 05771]

APRIL 10, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly. The lands in Tps. 16 and 17 S., R. 17 E., shall be administered by the Bureau of Land Management for grazing purposes until such time as they shall be needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-2788; Filed, Apr. 15, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956, 21 FR 3029; October 13, 1956, 21 F. R. 7834; April 17, 1957, 22 F. R. 2677; October 23, 1957, 22 F. R. 8325:

A. Deletions: No Change.
B. Additions: No change.

This statement is made as of April 6, 1958.

Dated: April 6, 1958.

WILLIAM M. FIRSHING.

[F. R. Doc. 58-2801; Filed, Apr. 15, 1958; 8:48 a. m.]

OLIVER J. GREENWAY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 25, 1956, 21 F. R. 2666; October 23, 1956, 21 F. R. 8123; April 20, 1957, 22 F. R. 2784; October 18, 1957, 22 F. R. 8242:

A. Deletions: National Dairy Products.
B. Additions: Marine Midland Corp., Sperry Rand Corp., Texas Gulf Sulphur Co., Merchants Nat'l Bank, Fundamental Investors, Inc., Chase Nat'l Bank, Olin Mathieson Chemical Corp., Standard Oil of New Jersey.

This statement is made as of April 10, 1958.

Dated April 10, 1958.

OLIVER J. GREENWAY.

[F. R. Doc. 58-2802; Filed, Apr. 15, 1958; 8:48 a. m.]

ARVID O. LUNDELL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 5, 1957, 22 F. R. 8884-5; November 20, 1957, 22 F. R. 9263-4.

A. Deletions: Fargo Oil.
B. Additions: No change.

This statement is made as of April 8, 1958.

Dated: April 8, 1958.

ARVID O. LUNDELL.

[F. R. Doc. 58-2803; Filed, Apr. 15, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT AND FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to General Dynamics Corporation, San Diego, California substantially in the form set forth in Annex "A" below unless within fifteen (15) days after the publishing of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by General Dynamics Corporation, and amendments thereto, and (2) a memorandum dated April 11, 1958 submitted by the Director, Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by General Dynamics Corporation if it is found that the reactor has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C., this 11th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

ANNEX "A"

PROPOSED CONSTRUCTION PERMIT

General Dynamics Corporation filed an application dated November 16, 1957, for a Class 104 license (defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR) to construct and operate a heterogeneous tank-type 10 kilowatt nuclear research reactor designated by General Dynamics Corporation as the TRIGA reactor (hereinafter the "reactor"). Amendments dated December 9, 1957, and February 12, 1958, were filed by the applicant. Reference to the application herein will be to the original application as amended.

The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactor will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter "the act").

C. General Dynamics Corporation is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. General Dynamics Corporation is technically qualified to design and construct the reactor.

E. General Dynamics Corporation has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to General Dynamics Corporation will not be inimical to the common defense and security or to the health and safety of the public.

G. General Dynamics Corporation has filed with the Commission, as proof of financial protection, pursuant to 10 CFR 140, copies of binder number 58 issued by Nuclear Energy Liability Insurance Association covering General Dynamics Corporation's nuclear facilities located at Torrey Pines Mesa, California, including the facility described in this permit.

Pursuant to the act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to General Dynamics Corporation to construct the reactor as a utilization facility in conformity with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

1. The earliest completion date of the reactor is May 1, 1958. The latest completion date of the reactor is July 1, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

2. The site proposed for the location of the reactor is the location at Torrey Pines Mesa in the City and County of San Diego, California, specified in the application.

3. The reactor will be a heterogeneous, tank-type reactor, cooled by light water and moderated by zirconium-hydride and water. It will have a rated capacity of 10 kilowatts and use as fuel a homogeneous mixture of hydrided uranium-zirconium alloy containing uranium enriched to 20 percent in the isotope uranium-235.

4. At such time as this construction permit is converted into a license to operate the facility such license will incorporate—as one of its conditions—a requirement that the experiments described in the application as the "Transient Reactivity Compensation Experiments" may not be conducted unless and until approval is granted by the Commission after it has reviewed and evaluated the results obtained from conducting the experiments described in the application as the "Steady-state Reactivity Compensation Experiments".

Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, the filing of any additional information needed to bring the original application up to date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to General Dynamics Corporation pursuant to section 104c of the act, which license shall expire 10 years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

——— ———,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-2808; Filed, Apr. 15, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9220]

AMERICAN AIRLINES, INC.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of schedules filed and published by American Airlines, Inc.

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for April 16 is postponed to April 30, 1958, 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., April 14, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2849; Filed, Apr. 15, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6813]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

APRIL 10, 1958.

Take notice that on April 7, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Community Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $3,000,000 principal amount of __ percent Sinking Fund Debentures due June 1, 1978. The Debentures will be issued by Applicant under its Indenture to The First National Bank of Fort Worth, Trustee, dated as of June 1, 1958. Applicant proposes to sell said Debentures at competitive bidding on or about June 17, 1958. The Debentures will mature on

June 1, 1978. Applicant proposes to use the proceeds from the sale of the Debentures to reimburse its treasury for expenditures heretofore made for construction, extensions, and improvements of facilities and to refund short-term promissory notes evidencing bank loans created to obtain part of the funds necessary for such a program.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 5th day of May 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2789; Filed, Apr. 15, 1958; 8:46 a. m.]

[Docket No. G-13813]

GRUBB AND HAWKINS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 10, 1958.

Take notice that Grubb and Hawkins et al.[1] (Applicant), independent producers of natural gas, filed an application on November 25, 1957, for permission and approval to abandon service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission, and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas in interstate commerce to United Gas Pipe Line Company (United), from production in the Lafourche Crossing Field, Lafourche Parish, Louisiana, which sale was covered by a sales contract dated March 15, 1954, as amended, and previously authorized on September 12, 1956, in Docket No. G-4441. Applicant states that their only well in the field, the Thibodaux Heirs No. 1 Well, ceased to produce in November 1954, and was subsequently recompleted as an oil well in February 1955, and has continued to produce as such to the present time. Applicant further states that the small amount of casinghead gas produced with the oil is being legally flared and/or used as fuel on the lease.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1958, at 9:30 a. m., e. d. s. t.; in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2790; Filed, Apr. 15, 1958; 8:46 a. m.]

[Docket No. G-14174 etc.]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 10, 1958.

In the matters of Tennessee Gas Transmission Company; Docket Nos. G-14174, G-14270, G-14271, and G-14379.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation with it principal place of business in Houston, Texas, filed applications on January 6, 1958, in Docket No. G-14174, on January 16, 1958, in Docket Nos. G-14270, G-14271, and on February 3, 1958, in Docket No. G-14379, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing sales of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Applicant seeks authority to sell natural gas in interstate commerce to Cities Service Gas Company (Cities Service) and to El Paso Natural Gas Company (El Paso) for resale from production as indicated below:

In Docket No. G-14174, to Cities Service from the H. Winter lease in the Northwest Sharon area in Barber County, Kansas, to be made pursuant to a gas sales contract dated June 11, 1957, as amended November 1, 1957;

In Docket No. G-14270, to Cities Service from the William C. Graves lease in the Hardtner Field, Barber County, Kansas, pursuant to a gas sales contract dated November 6, 1957;

In Docket No. G-14271, to Cities Service from the R. J. Boyd lease in the East Hugoton Field, Finney County, Kansas, pursuant to a gas sales contract dated November 14, 1957;

In Docket No. G-14379, to El Paso from the Blanco-State Unit No. 1 in the Blanco Mesaverde Field, San Juan County, New Mexico, pursuant to a gas sales contract dated December 23, 1957.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2791; Filed, Apr. 15, 1958; 8:46 a. m.]

[Docket No. G-13364]

CITIES SERVICE OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 10, 1958.

Take notice that Cities Service Oil Company (Applicant), a Delaware corporation, with its principal place of business in Bartlesville, Oklahoma, filed in Docket No. G-13364 an application on October 7, 1957, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon service to Texas Gas Transmission Corporation (Texas Gas) from the Tweedel "A" No. 3 Unit in the South Lewisburg Field, Acadia Parish, Louisiana, as hereinafter described, subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission, and open for public inspection.

Applicant seeks to abandon service covered by a contract dated October 30, 1953, rendered under authorization granted by the order of the Commission issued November 8, 1955, In the Matter of Cities Service Oil Company et al., Docket No. G-4579. Applicant recites in the application that the well from which gas was being produced for the service which was being rendered, has failed and ceased to produce natural gas, the date of last delivery being January 5, 1957.

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[1] It appears that Grubb and Hawkins is a partnership composed of H. L. Hawkins; H. L. Hawkins, Jr.; Estate of M. T. Grubb; Estate of Mrs. Naomi S. Grubb and Mrs. Jackie Grubb Anderson. Other co-owners covered by the application are: Henry Dreyfus; W. J. Hafenbrak; J. M. Pilie; Mrs. E. H. Wagner; C. L. Love; Mrs. J. B. Lester; Barton, Pilie, Hughes and Jones; and Estate of George Cotros.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 28, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2792; Filed, Apr. 15, 1958; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 333]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY REGARDING NEGOTIATION OF CONTRACT FOR ENGINEERING MODEL OF AN ULTRASONIC VELOCITY METER

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated for the period ending December 31, 1958, to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (9) and section 302 (c) (10) of the act, a contract for an engineering model required by the Geological Survey in the administration of its program for research and development work in connection with the application of ultrasonic principles to the measurement of stream velocities.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above, the authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Dated: April 9, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-2799; Filed, Apr. 15, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 31]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 11, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 2), STRICKLAND TRANSPORTATION CO., INC., P. O. Box 5689, Dallas 22, Tex., filed April 9, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Shreveport, La., and Little Rock, Ark., as follows: From Shreveport over U. S. Highway 79 to Homer, La., thence over Louisiana Highway 115 to Junction City, La., thence over U. S. Highway 167 via El Dorado, and Fordyce, Ark., to Little Rock, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Shreveport and Little Rock over the following pertinent route: From Shreveport over U. S. Highway 71 to Texarkana, Ark., thence over U. S. Highway 67 to Little Rock.

No. MC-60319 (Deviation No. 1), MURDOCH & HATCH MOTOR TRANSPORT, INC., 455 West 16th Street, New York 11, N. Y., filed April 2, 1958. Attorney for said carrier, Dale C. Dillon, 1825 Jefferson Place NW., Washington, D. C. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, (A) between Boston, Mass., and junction Massachusetts Highways 2 and 2A west of Concord, Mass., as follows: From Boston over Massachusetts Highway 2 to junction Massachusetts Highway 2A; and (B) between junction Massachusetts Highways 2 and 2A west of Concord, Mass., and Westminster, Mass., as follows: From junction Massachusetts Highways 2 and 2A over Massachusetts Highway 2 to Westminster; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From Boston, Mass., over Massachusetts Highway 2A to its junction with Massachusetts Highway 2 west of Concord, Mass.; from junction Massachusetts Highways 2 and 2A west of Concord over Massachusetts Highway 2 to the junction of Massachusetts Highways 2 and 2A near East Acton, Mass.; from junction Massachusetts Highways 2 and 2A east of East Acton over Massachusetts Highway 2A to the junction Massachusetts Highway 2 and 2A at Westminster; and from Westminster, Mass., over Massachusetts Highway 2 to North Adams, Mass.; and return over the same routes.

No. MC-116004 (Deviation No. 2), TEXAS-OKLAHOMA EXPRESS, INC., 1005 South Lamar Street, Dallas 2, Tex., filed April 8, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Tulsa, Okla., as follows: from Dallas over U. S. Highway 75 to Atoka, Okla., thence over U. S. Highway 69 to Muskogee, Okla., thence over U. S. Highway 64 to Tulsa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Tulsa, Okla., over the following pertinent route: from Dallas over U. S. Highway 77 to Oklahoma City, Okla., and thence over U. S. Highway 66 to Tulsa.

MOTOR CARRIERS OF PASSENGERS

No. MC 59238 (Deviation No. 1), VIRGINIA STAGE LINES, INCORPORATED, 401 East Water Street, Charlottesville, Va., filed April 7, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between Falmouth, Va., and Richmond, Va., as follows: From Falmouth over U. S. Highway 1 to Richmond and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Falmouth, Va., and Richmond, Va., over the following pertinent route: From Falmouth over Virginia Highway 17 to Fredericksburg, Va., thence over Virginia Highway 2 to Richmond.

No. MC-116321 (Deviation No. 1), THUNDERBIRD TRANSPORTATION CO., INC., 214 West Sixth Street, Topeka, Kans., filed March 3, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between Hiawatha, Kans., and Omaha, Nebr., as follows: From Hiawatha over U. S. Highway 73 to Omaha and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Hiawatha, Kans., and Omaha, Nebr., over the following pertinent route: from Hiawatha over U. S. Highway 73 to junction Nebraska Highway 67 near Verdon, Nebr., thence over Nebraska Highway 67 to Shubert, Nebr., thence over Nebraska Highway 62 to junction U. S. Highway 73, and thence over U. S. Highway 73 to Omaha.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2804; Filed, Apr. 15, 1958; 8:48 a. m.]

[Notice 212]

MOTOR CARRIER APPLICATIONS

APRIL 11, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub No. 196), filed March 31, 1958. Applicant: RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo. Applicant's attorney: Ivan E. Moody, 15 West 10th Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Chrysler Corporation Plant site on U. S. Highway 66 near Valley Park, St. Louis County, Mo., as an intermediate or off-route point in connection with applicant's authorized regular route operations between Oklahoma City, Okla., and Chicago, Ill., over U. S. Highway 66. Applicant is authorized to conduct operations in Missouri, Colorado, Kansas, Oklahoma, Texas, Illinois, Iowa, Ohio, New York, Pennsylvania, Maryland, New Jersey, Michigan, Nebraska, Massachusetts, Kentucky, Indiana, Connecticut, West Virginia, Virginia, and the District of Columbia.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 1936 (Sub No. 11), filed March 12, 1958. Applicant: B & P MOTOR EXPRESS, INC., 51st and A. V. R. R., Pittsburgh, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) (a) between Wilmington, Del., and Elkton, Md., from Wilmington over U. S. Highway 13 to junction U. S. Highway 40, thence over U. S. Highway 40 to Elkton, and return over the same route; (b) from Wilmington over Delaware Highway 2 to junction Maryland Highway 279, thence over Maryland Highway 279 to Elkton, and return over the same route, serving no intermediate points on the above-specified routes. (2) Between Ashtabula, Ohio, and Cleveland, Ohio, from Ashtabula over U. S. Highway 20 to Cleveland, and return over the same route, serving no intermediate points. Applicant proposes route (2) to be restricted against the transportation of traffic originating at any point west of the commercial zone of Baltimore, Md. Applicant is authorized to conduct similar operations in Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: May 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 2765 (Sub No. 28), filed March 31, 1958. Applicant: SQUARE DEAL CARTAGE COMPANY, a Corporation, 13401 Eldon Avenue, Detroit 34, Mich. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements in truckaway and driveaway service, from the site of the Chrysler Corporation assembly plant in St. Louis County, Mo., to points in the United States. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 3379 (Sub No. 38), filed March 28, 1958. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., P. O. Box 830, Akron, Ohio. Applicant's attorney: Homer S. Carpenter, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including commodities in bulk*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Winchester, Va., and Frederick, Md., from Winchester over alternate U. S. Highway 340 to Berryville, Va., thence over U. S. Highway 340 to Frederick, and return over the same route, serving the intermediate point of Halltown, W. Va. Applicant is authorized to conduct operations in Ohio, Virginia, Maryland, West Virginia, and the District of Columbia.

HEARING: May 20, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 63.

No. MC 6894 (Sub No. 13), filed March 31, 1958. Applicant: MELVIN TRUCKING CO., a Corporation, 1818 South Washington Street, Peoria 2, Ill. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Iowa, Nebraska, Minnesota, Wisconsin, Ohio, Kansas, and Kentucky.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 7555 (Sub No. 28), (Amendment) filed February 27, 1958, published in FEDERAL REGISTER issue of April 2, 1958. Applicant: TEXTILE MOTOR FREIGHT, INC., Box 788, Laurinburg, N. C. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and groceries*, (1) from points in Monroe, Orleans and Wayne Counties, N. Y., to points in Georgia, Louisiana, Mississippi, and South Carolina; (2) from points in Adams County, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina and South Carolina; (3) from North East, Pa., to points in Georgia; (4) from Milton, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. *Empty pallets*, that were used in outbound transportation from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina and South Carolina to points in Monroe, Orleans and Wayne Counties, N. Y., and points in Adams County, Pa. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia and West Virginia.

HEARING: Remains as assigned May 21, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 8681 (Sub No. 64), filed January 15, 1958. Applicant: WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Colorado, on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Kansas, Michigan, Missouri, and Nebraska; *rejected and/or damaged shipments* of lumber, on return trips. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 26, 1958, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 9787 (Sub No. 19), filed March 10, 1958. Applicant: STANTON TRANSPORTATION CO., a Corporation, Craig, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment*, and *supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Arizona, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, New Mexico, South Dakota, Colorado, Wyoming, Utah, Nevada, Washington, and Oregon. (2) *Pipe, pipeline material*, and *machinery, equipment, materials* and *supplies* incidental to and used in the construction or repairing and dismantling of pipelines, including the stringing and picking up thereof, except in connection with pipelines used for the transportation of petroleum, petroleum products and natural gas, (A) between points in Arizona, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, New Mexico, South Dakota, Colorado, Wyoming, Utah, Nevada, Washington, and Oregon; (B) between points in Nevada, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, New Mexico, South Dakota, Colorado, Wyoming, Utah, Washington, and Oregon. Applicant is authorized to conduct operations in Colorado, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

HEARING: June 2, 1958, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 9895 (Sub No. 97), filed March 3, 1958. Applicant: R. B. "DICK" WILSON, INC., East 45th Avenue at Jackson Street, P. O. Box 838, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *resin (rosin) sizing compounds, air-entraining solutions, lubricating oil* and *curing compounds*, in bulk, in tank vehicles, from Denver, Colo., to Glen Canyon Dam Site located in Arizona on the Colorado River, about eight miles south of the Utah line, and points within 25 miles thereof. (2) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Wyoming, on the one hand, and, on the other, points in Idaho. Applicant is authorized to conduct regular route operations in Colorado, Kansas, and Wyoming, and irregular route operations in Colorado, Idaho, Kansas, Missouri, Nebraska, South Dakota, Utah, and Wyoming.

HEARING: May 28, 1958, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 19105 (Sub No. 10), filed March 11, 1958. Applicant: FORBES TRANSFER COMPANY, INC., 301-A Highway South, Wilson, N. C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies* and *equipment*, used in or in connection with the marketing, packing, processing and handling of unmanufactured leaf tobacco, between points in Kentucky, Tennessee, Ohio, Florida, Georgia, South Carolina, North Carolina, and Virginia. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, South Carolina, and Virginia.

NOTE: Applicant is authorized to transport tobacco sheets, baskets, containers, and articles used in the shipping, handling, and packing of tobacco, in Florida, Georgia, North Carolina, South Carolina, and Virginia.

HEARING: May 21, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner Richard H. Roberts.

No. MC 21571 (Sub No. 21), filed March 28, 1958. Applicant: SCHERER FREIGHT LINES, INC., 424 Madison Street, Ottawa, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except livestock, Class A and B explosives, commodities of unusual bulky nature, unusually heavy machinery, and household goods as defined by the Commission, serving the site of the plant of the Chrysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Kankakee, Ill., and Quincy, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Wisconsin, Ohio, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 27970 (Sub No. 29), filed March 31, 1958. Applicant: CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York, N. Y. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, bullion, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Ohio, Massachusetts, New York, Indiana, Pennsylvania, Maryland, District of Columbia, Connecticut, Kansas, Minnesota, Missouri, New Jersey, and Iowa.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 30837 (Sub No. 232), filed February 25, 1958. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial, House, 1821 Jefferson Place, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, (other than those designed to be drawn by passenger automobiles), loaded with liquid commodities or empty, by the truckaway method, in initial and secondary movements, between Boulder and Longmont, Colo., and points within 10 miles of each, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 29, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 31600 (Sub No. 445), filed March 19, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Sayreville, N. J., to points in Pennsylvania on and east of U. S. Highway 15. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

HEARING: May 20, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 35320 (Sub No. 56), filed March 3, 1958. Applicant: T. I. M. E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., 1105 Great Plains, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highway 80 and New Mexico Highway 478 near Las Cruces, N. Mex., and junction U. S. Highway 80 and New Mexico Highway 478 near Anthony, N. Mex., over U. S. Highway 80, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between El Paso, Tex., and Hill, N. Mex. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kentucky, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Applicant states Certificate No. MC 35320 formerly authorized the operations over U. S. Highway 80 between El Paso, Tex., and Las Cruces, N. Mex.; U. S. Highway 80 has now been moved and New Mexico Highway 478 was formerly U. S. Highway 80. The purpose of this application is to use the newly designated U. S. Highway 80, as an alternate route for operating convenience only.

HEARING: June 10, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 42329 (Sub No. 140), filed March 28, 1958. Applicant: HAYES FREIGHT LINES, INC., 226 East Washington Street, Springfield, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Chrysler Corporation, located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Davenport, Iowa, Chicago, Ill., Evansville and Richmond, Ind., Columbus, Ohio, and Louisville, Ky. Applicant is authorized to conduct operations in Missouri, Iowa, Illinois, Indiana, Kentucky, Ohio, Michigan, Tennessee, Pennsylvania, and West Virginia.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 42802 (Sub No. 3), filed February 21, 1958. Applicant: WABASH RAILROAD COMPANY, a Corporation, 1667 Railway Exchange Building, 611 Olive Street, St. Louis 1, Mo. Applicant's attorney: J. J. Gilbert, Wabash Railroad Company, 1667 Railway Exchange Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class B explosives, commodities of unusual value, commodities in bulk*, and *those requiring special equipment*, but excepting Class A explosives, and household goods as defined by the Commission, between St. Charles, Mo., and St. Louis, Mo.-East St. Louis, Ill., from St. Charles over By-Pass U. S. Highway 40 to Alternate U. S. Highway 40 also known as "St. Charles Rock Road", thence over alternate U. S. Highway 40 to St. Louis, Mo.-East St. Louis, Ill., and return over the same route, serving all intermediate points on the above-described highways, and serving all points in St. Charles County, Mo., and all points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, as intermediate and off-route points, including but not limited to West Lake Spur, immediately east of St. Charles, Mo., and 0.95 mile northerly from alternate U. S. Highway 40 at its intersection with Taussig Road. Applicant proposes such service to be performed in traffic which received a prior or subsequent road haul in the rail service and on rail billing of Wabash Railroad Company and or its connections to or from points in St. Charles County, Mo., and St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: June 2, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 43709 (Sub No. 13), filed March 27, 1958. Applicant: ATKINSON, INC., 4157 Cresson Street, Philadelphia 27, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Warp beams*, with or without heads, old, returned, from Allentown, Carlisle and Philadelphia, Pa., to Edgemoor, Del. Applicant is authorized to conduct operations in Pennsylvania, New York, Virginia, and New Jersey.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 47603 (Sub No. 10), filed April 3, 1958. Applicant: PROBST TRANSPORT, INC., Concord, N. C. Applicant's attorneys: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga., and George C. Young, 1109 Barnett Nat'l. Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, in truckaway and driveaway service, from the site of the Chrysler Corporation Assembly Plant, located in St. Louis County, Mo., to points in North Carolina and South Carolina, and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Michigan, South Carolina, North Carolina, Pennsylvania, New York, New Jersey, and Virginia.

HEARING: May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 50132 (Sub No. 41), filed March 17, 1958. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (requiring mechanical refrigeration), *meat, fish, or poultry pies and dinners, bakery goods* and *dough* frozen or unfrozen, *poultry and poultry products*, frozen and unfrozen, when mixed with frozen food stuffs or bakery goods, from Gainesville, Ga., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Idaho, Iowa, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Missouri, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, and Illinois, and *ingredients* used by manufacturers of frozen foodstuffs and *bakery foods* when destined to and for use by such manufacturers on return. Applicant is authorized to conduct operations in Illinois, Louisiana, Arkansas, Missouri, Tennessee, Kentucky, North Carolina, South Carolina, Nebraska, Mississippi, Kansas, Alabama, Georgia, Virginia, Indiana, and Ohio.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 50132 and sub numbers thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: May 26, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 52110 (Sub No. 66), filed April 9, 1958. Applicant: BRADY MOTORFRATE, INC., 12th Floor, Register and Tribune Building, Des Moines, Iowa. Applicant's attorney: B. W. LaTourette, 1230 Boatman's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the site of the Chrysler Corporation Plant located on U. S. Highway 66 at or near Valley Park, Mo., and St. Louis, Mo. Applicant is authorized to conduct operations in Iowa, Nebraska, Illinois, Kansas, Missouri, South Dakota, Indiana, Minnesota, and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 52709 (Sub No. 80), filed January 17, 1958. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, (same address as applicant). For authority to operate as a *common carrier*, transporting: *General commodities*, except livestock, commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Grand Junction, Colo., and Rangely, Colo., from Grand Junction over U. S. Highway 6 to junction Colorado Highway 139 at or near Loma, Colo., thence over Colorado Highway 139 to junction Colorado Highway 64 near Rangely, Colo., thence over Colorado Highway 64 to Rangely, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Colorado Springs, Colo., and Grand Junction, Colo., between junction U. S. Highway 40 and Utah-Colorado State line, and Rangely, Colo. Applicant is authorized to transport similar commodities over regular routes in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, Utah, and Wyoming.

HEARING: May 23, 1958, at the New Custom House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 55811 (Sub No. 39), filed March 5, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* and *food preparations*, from Collinsville, Millstadt, and Trenton, Ill., to points in Indiana, *and damaged or rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: May 21, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 58954 (Sub No. 33), filed March 28, 1958. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Chrysler Corporation, located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between South Bend, Ind., and St. Louis, Mo.; Frankford, Ill., and St. Louis, Mo.; and Chicago, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Michigan, Illinois, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 59625 (Sub No. 5), filed March 19, 1958. Applicant: DELAWARE TRUCKING COMPANY, INC., 301 West Seymour Street, Muncie, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between New Castle, Ind., and Detroit, Mich., from New Castle over Indiana Highway 3 to Muncie, Ind., thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over Ohio Highway 33 to Wapakometa, Ohio, thence over U. S. Highway 25 via Toledo, Ohio, to Detroit, also over U. S. Highway 24 from Toledo to junction U. S. Highway 25, thence over U. S. Highway 25 to Detroit, and return over the same route, (2) between New Castle, Ind., and Detroit, Mich., from New Castle, Ind., over Indiana Highway 3 to Fort Wayne, thence over U. S. Highway 27 to its junction with U. S. Highway 112 at or near Coldwater, Mich., thence over U. S. Highway 112 to Detroit, and return over the same route, serving intermediate and off-route points in Michigan within 15 miles of Detroit, in connection with the above two routes. Applicant is authorized to conduct operations in Indiana, Ohio, and Michigan.

NOTE: Applicant is presently authorized to transport specified commodities between the points specified in Route 1. It is also presently operating over Route 2 pursuant to the Commission's Deviation Rules and Regulations effective July 15, 1957. Duplication of operating rights should be eliminated.

HEARING: May 22, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 62835 (Sub No. 8), filed March 13, 1958. Applicant: C. E. S. TRUCK LINES, INC., U. S. Highway 61–67, Crystal City, Mo. Applicant's attorney: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Festus, Mo., and junction County Highway 21-A and Missouri Highway 110, over County Highway 21-A, serving the intermediate points of Victoria and Hematite, Mo., and the site of the Mallinckrodt Chemical Company near Hematite, Mo., (2) serving the off-route points of Belleville, Wood River, Alton, East Alton, West Alton, Godfrey, Roxana, Glen Carbon, Maryville, and Federal, Ill., in connection with applicant's authorized regular route operations to and from St. Louis, Mo., and the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission. Applicant is authorized to transport similar commodities in Illinois and Missouri.

HEARING: June 2, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 64600 (Sub No. 14), filed February 27, 1958. Applicant: WILSON TRUCKING CORPORATION, P. O. Box 392, Waynesboro, Va. Applicant's attorney: Francis W. McInerny, 1625 K Street, NW, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment between Richmond, Va., and Norfolk, Va.; (1) from Richmond over U. S. Highway 60 to Norfolk and return over the same route, serving no intermediate points; and (2) from Richmond over U. S. Highway 60 to junction Virginia Highway 168 at a point about 2 miles north of Toano, Va., thence over Virginia Highway 168 to Norfolk, and return over the same route, serving no intermediate points, as alternate route for operating convenience only in connection with applicant's operations between Richmond and Norfolk via U. S. Highway 1, Virginia Highways 10 and 58, authorized by the State Corporation Commission of Virginia and accepted by this Commission under the second proviso of section 206 (a) (1) of the act.

HEARING: May 19, 1958, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 68909 (Sub No. 57), filed March 28, 1958. Applicant: DECATUR CARTAGE CO., a Corporation, 1932 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except livestock, Class A and B explosive, inflammables, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, serving the site of the plant of the Chrysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between (a) Chicago, Ill., and St. Louis, Mo., (b) Canton, Ill., and St. Louis, Mo., and (c) Indianapolis, Ind., and St. Louis, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 76052 (Sub No. 12), filed January 20, 1958. Applicant: JOHN B. ABLE, doing business as MONTEZUMA TRUCK LINE, P. O. Box 246, 873 East Third Street, Durango, Colo. Applicant's attorney: Marion F. Jones, 523 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Colorado, Utah, Nebraska, and Wyoming; and between points in Arizona, on the one hand, and, on the other, points in Utah, restricted against performing any service from Texarkana, Tex., to points in Nebraska or Wyoming through tacking. Applicant is authorized to transport lumber in Arizona, Colorado, and New Mexico.

HEARING: May 22, 1958, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 80430 (Sub No. 91), filed March 31, 1958. Applicant: GATEWAY TRANSPORTATION CO., a Corporation, 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. Authority

sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, livestock, and Class A and B explosives, serving the site of the new Chrysler Corporation plant at Valley Park, Mo., located on U. S. Highway 66 approximately 20 miles west of St. Louis, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and St. Louis, Mo., in Certificate MC 80430 dated September 15, 1949, Route 1. Applicant is authorized to conduct similar operations in Iowa, Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 83610 (Sub No. 5), filed March 24, 1958. Applicant: A. W. BAUMAN, JR., Box 202, Darlington, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from points in Beaver and Lawrence Counties, Pa., to points in Columbiana, Mahoning, Trumbull, Carroll, Stark, Portage, Summit, Cuyahoga, Geauga, Lake, and Ashtabula Counties, Ohio, and (2) from points in Columbiana and Mahoning Counties, Ohio, to points in Beaver County, Pa. Applicant is authorized to conduct operations in Illinois, Indiana, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: May 21, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 88300 (Sub No. 17), filed April 3, 1958. Applicant: DIXIE TRANSPORT COMPANY, 430 West State Street, Jacksonville, Fla. Applicant's attorneys: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga., and George C. Young, 1109 Barnett Nat'l. Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, in truckaway and driveaway service, from the site of the Chrysler Corporation Assembly Plant, located in St. Louis County, Mo., to points in Florida and Georgia, and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 95627 (Sub No. 19), filed March 11, 1958. Applicant: EUGENE NELMS, P. O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, packing house products* and *dairy products*, (a) from Norfolk and Suffolk, Va., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia, (b) between Smithfield, Va., and points in Florida, Georgia, North Carolina, South Carolina, and Virginia; (2) *tankage, cracklings* and *dried blood*, from Smithfield, Va., to Atlanta and Macon, Ga., Princeton and Wilmington, N. C., and Barnettsville and Charleston, S. C. Applicant is authorized to conduct operations in Virginia, District of Columbia, Maryland, North Carolina, South Carolina, New York, New Jersey, and Pennsylvania.

HEARING: May 20, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner Richard H. Roberts.

No. MC 96498 (Sub No. 14), filed March 31, 1958. Applicant: BONIFIELD BROS., TRUCK LINES, INC., 1200 East Second Street, Metropolis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation plant located at Valley Park, Mo., on the north side of U. S. Highway 66, approximately nineteen and one-half (19½) miles west of downtown St. Louis, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 98599 (Sub No. 4), filed March 24, 1958. Applicant: ZUNI TRUCKING COMPANY, a Corporation, Airport Road, P. O. Box 746, Grants, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash* and *cement*, in bulk, in hopper type vehicles, from railheads in and near Grants, N. Mex., to points in Valencia and McKinley Counties, N. Mex.

NOTE: Applicant states that Valencia and McKinley Counties are located in mountainous country and are sparsely settled. All known presently potential users of the commodities covered in this application are located on paved highways or within five (5) miles of paved highways and are accessible by improved roads. The presently potential users of the service are uranium mines and mills, both under construction and completed and in operation, and shippers of soda ash and cement desiring to ship into this area.

HEARING: June 10, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 105611 (Sub No. 1), filed March 27, 1958. Applicant: DAVID JELIN AND PAUL BITO, a Partnership, doing business as MILLER'S EXPRESS SERVICE, 216 Redmond Street, New Brunswick, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, and *cut or uncut goods, trimmings* and *other articles* used in the manufacture of wearing apparel, between New York, N. Y., on the one hand, and, on the other, points in Somerset County, N. J. Applicant is authorized to conduct similar operations between New York, N. Y., and points in specified counties in New York.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

No. MC 106688 (Sub No. 11), filed March 26, 1958. Applicant: EDWARD M. RUDE CARRIER CORP., R. F. D. No. 1, Falling Waters, W. Va. Applicant's attorney: Kenneth J. McAuliffe, 233 Broadway, New York 7, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives* and *blasting materials and supplies*, and *materials* used in the manufacture of Class A and B explosives and blasting materials and supplies, between Reynolds and White Haven, Pa., and Landing, N. J., and points within 5 miles of said three points, on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, and West Virginia. Applicant is authorized to conduct similar operations in New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, Ohio, West Virginia, Kentucky, Tennessee, North Carolina, and the District of Columbia.

HEARING: May 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William E. Messer.

No. MC 107107 (Sub No. 100), filed March 19, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined by the Commission, from Terre Haute, Ind., to points in Florida. Applicant is authorized to conduct operations in Florida, New York, Pennsylvania, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Illinois, Indiana, Missouri, Maryland, Michigan, Ohio, Louisiana, Texas, the District of Columbia, Tennessee, Nebraska, Wisconsin, Iowa, West Virginia, Kentucky, Minnesota, Arkansas, Kansas, Oklahoma, South Dakota, Maine, Massachusetts, Mississippi, Vermont, Alabama, North Dakota, and Rhode Island.

HEARING: May 23, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Gerald F. Colfer.

No. MC 107272 (Sub No. 15), filed March 19, 1958. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *roofing paper, building paper, roofing cement, asphaltum, roofing asphalt, prepared roofing,* and *prepared shingles,* in truckload lots, from Joplin, Mo., to points in Iowa, Nebraska, Minnesota, North Dakota, South Dakota, and Illinois; (2) *cottonseed meal* and *other cottonseed by-products, soybean meal* and *other soybean by-products, rice, rice bran* and *other rice by-products, fish meal* and *scraps,* and *manufactured agricultural feeds,* all in bulk, bags and containers in truckload lots, from points in Louisiana, Arkansas, Tennessee and Mississippi, to points in Missouri, Iowa, Oklahoma, Kansas, Nebraska, and Illinois; (3) *cottonseed meal* and *other cottonseed by-products* and *soybean meal* and *other soybean by-products,* in bulk, bags and containers in truckload lots, from points in Missouri to points in Kansas, Oklahoma, Nebraska, Iowa, and Illinois; (4) *manufactured agricultural feeds, oat and corn by-products,* and *dehydrated alfalfa meal* and *suncured alfalfa meal,* in bulk, bags and containers in truckload lots, from points in Nebraska, Iowa, Kansas, Oklahoma and Missouri to points in Arkansas, Louisiana, Mississippi, Illinois, and Tennessee; (5) *manfactured agricultural feeds, steamed bone meal* and *meat scraps, oat and corn by-products, dehydrated alfalfa meal* and *suncured alfalfa meal,* in bulk, bags and containers in truckload lots, from points in Nebraska, Iowa, Kansas, Oklahoma, and Illinois to points in Missouri; (6) *soybean meal* and *other soybean by-products,* and *steamed bone meal* and *meat scraps,* in bulk, bags and containers in truckload lots, from points in Illinois to points in Nebraska, Iowa, Missouri, Kansas, Oklahoma, and Arkansas; (7) *soybean meal,* in bulk, bags and containers in truckload lots, from points in Iowa to points in Illinois, Missouri, Nebraska, Kansas, Oklahoma, Arkansas, and Tennessee; and (8) *manufactured agricultural feeds,* in bulk, bags and containers in truckloads lots, from points in Missouri to points in Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, and Illinois. Applicant is authorized to conduct operations in Missouri, Arkansas, Kansas, Oklahoma, Illinois, Indiana, Ohio, Kentucky, Mississippi, Tennessee, Louisiana, and Alabama.

NOTE: Applicant has filed appropriate application with this Commission for a determination of its status as a common or contract carrier in No. MC 107272 Sub No. 14.

HEARING: June 6, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 107478 (Sub No. 9), filed March 13, 1958. Applicant: OLD DOMINION FREIGHT LINE, 903 Catherine Street, Richmond, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Richmond, Va., and Norfolk, Va., from Richmond over U. S. Highway 1 to Petersburg, thence over U. S. Highway 460 to Norfolk, also from junction U. S. Highway 460 and U. S. Highway 13 over U. S. Highway 13 to the junction of Virginia Highway 170, thence over Virginia Highway 170 to Norfolk, and return over the same routes, serving no intermediate points; (2) serving the site of the General Motors Corporation plant and warehouse on Lewis Road (Henrico County) as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 60 to and from Richmond, Va. Applicant is authorized to conduct operations in Virginia.

HEARING: May 19, 1958, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 107678 (Sub No. 22), filed March 3, 1958. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane (P. O. Box 9698), Houston 15, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *pipe* and *machinery, equipment, materials,* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up thereof in connection with main lines, between points in Arizona, New Mexico, Colorado, and Utah. Applicant is authorized to conduct operations in Colorado, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE: Duplicating with present authority to be eliminated.

HEARING: June 5, 1958, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Robert A. Joyner.

No. MC 108461 (Sub No. 65), filed January 3, 1958. Applicant: WHITFIELD TRANSPORTATION, INC., 240 West Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representative: J. P. Rose, P. O. Drawer 5345, El Paso, Tex. For authority to operate as a *common carrier,* over irregular routes, transporting: *Potash and by-products thereof,* in bulk, from the sites of Potash Plants in Lea and Eddy Counties, N. Mex., to points in New Mexico, Arizona, Utah, Colorado, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, and Texas. Applicant is authorized to conduct operations in Arizona, California, Colorado, New Mexico, Texas, and Utah.

HEARING: June 11, 1958, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Robert A. Joyner.

No. MC 110212 (Sub No. 10), filed March 25, 1958. Applicant: MICHAEL KALNASH, 526 Arlington Street, Tamaqua, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* from Mahanoy City, Hazleton, and Tamaqua, Pa., and points in Pennsylvania within ten (10) miles of each, to points in Fairfield, Hartford, and Litchfield Counties (except the towns of Lakeville, Washington Depot, Norfolk, Bantam, Litchfield, Roxbury, Woodbury, and New Hartford), and to points in New Haven County (except the towns of Waterbury, Naugatuck, West Cheshire, and Southbury), Conn. Applicant is authorized to conduct operations in Connecticut, New York, and Pennsylvania.

HEARING: May 23, 1958, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 110789 (Sub No. 1), filed March 24, 1958. Applicant: JOHN MARSHALL PHILLIPS, doing business as J. MARSHALL PHILLIPS, R. F. D. No. 3, Laurel, Del. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nitrogen materials,* from Hopewell, Va., to points in Delaware and those in Maryland east of the Susquehanna River and Chesapeake Bay. Applicant is authorized to conduct operations in Pennsylvania and Maryland.

HEARING: May 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 278.

No. MC 113398 (Sub No. 9), filed January 2, 1958. Applicant: A. L. EMERY, doing business as CINEMA SERVICE, 231 North Loomis, Fort Collins, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. For authority to operate as a common *carrier,* over a regular route, transporting: *Motion picture films and incidental advertising material,* between Denver, Colo., on the one hand, and, on the other, Fort Collins and Loveland, Colo., from Denver over U. S. Highway 85 to Greeley, thence over U. S. Highway 34 to Loveland, and thence over U. S. Highway 287 to Fort Collins, and return over the same route, serving no intermediate points. Applicant is authorized to transport similar commodities in Colorado and Nebraska.

NOTE: Duplicating authority to be eliminated.

HEARING: May 23, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 114219 (Sub No. 1), filed March 20, 1958. Applicant: VERE WESTWOOD, INC., 99 East Third North, Moab, Utah. Applicant's attorney: Raymond B. Danks, 105 Fillmore Street, Denver 6, Colo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Uranium* and *vanadium ores,* in bulk, from points in San Juan and Grand Counties, Utah, to Rifle, Colo. Applicant is authorized to transport similar commodities in Colorado and Utah.

HEARING: May 28, 1958, at the New Customs House, Denver, Colo., before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 114261 (Sub No. 4), filed March 27, 1958. Applicant: MANFORD McPHERSON, doing business as McPHERSON TRUCKING CO., 511 West Bridgeport, White Hall, Ill. Applicant's attorney: Arthur W. Hewitt, 1300 North 10th Street, St. Louis 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay sewer pipe, drain tile* and *chimney flue*, from White Hall, Ill., to points in Iowa, Indiana, and Wisconsin; (2) *clay sewer pipe*, from Brazil, Ind., to St. Louis, Mo., and points in Illinois; (3) *flue lining* and *segment block*, from Crawfordsville, Ind., to St. Louis, Mo., and points in Illinois. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 27, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 114332 (Sub No. 2), filed March 26, 1958. Applicant: RAYBURN TRUCKING, INC., 506 Barrett Street, Wilmington, Del. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid glue*, in bulk, and *catalyst agent*, in bags, or containers, the catalyst not to exceed 10 percent of the shipment, from Wilmington, Del., to Blountstown, Greenville and Monticello, Fla., Dublin, Lithonia, Toomsboro, Valdosta, Ga., Evansville, Jasper, New Albany, Seymour, Tell City, Ind., Henderson and Louisville, Ky., Grand Rapids, Hart, and Saginaw, Mich., Minneapolis, Minn., Goffstown, N. H., Passaic, N. J., Hicksville, N. Y., Black Mountain, Burlington, Calypso, Drexel, Fayetteville, Greensboro, Hallsboro, Hickory, High Point, Lenoir, Lexington, Marion, Mebane, Morgantown, Mt. Airy, Newton, North Wilksboro, Rocky Mount, Rural Hall, Statesville, Thomasville, Weldon, Wilmington, and Windsor, N. C., Scottsdale, Pa., Cheraw, Conway, Darlington, Denmark, Dillon, Florence, Kingstree, Orangeburg, Pamlico, Pickens, Sumter, and Winnsboro, S. C., Altavista, Basset, Bristol, Galax, Marion, Martinsville, Pulaski, Richmond, Ridgeway, Roanoke, Rockymount, Stanleytown, Staunton and Waverly, Va.; (2) *Formaldehyde*, in bulk, in tank vehicles, from Danville, Pa., to Wilmington, Del.; *Methanol*, in bulk, in tank vehicles, from South Point, Ohio, Charleston and Belle, W. Va., to Danville, Pa.

HEARING: May 22, 1958, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 114569 (Sub No. 16), filed March 17, 1958. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *vinegar*, in containers, (1) from Berryville, Timberville (Rockingham County), and Winchester, Va., Inwood (Berkeley County) and Martinsburg, W. Va., and points in Adams and Franklin Counties, Pa., to points in Arkansas, Colorado, Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Wyoming; (2) from Berryville, Timberville (Rockingham County), and Winchester, Va., to points in Kentucky; and (3) from Timberville (Rockingham County), Va., Inwood (Berkeley County), and Martinsburg, W. Va., to points in Minnesota and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 55813 and Subs thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: May 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reece Harrison.

No. MC 115181 (Sub No. 2), filed March 24, 1958. Applicant: HAROLD M. FELTY, R. D. No. 1, Pine Grove, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Schuylkill and Northumberland Counties, Pa., to points in Eastern Shore, Md., and points in Maryland on and north of U. S. Highway 50, and on and north of the Potomac River, and those in Prince Georges and Anne Arundel Counties, Md., and *refused or defective shipments of coal* on return. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

HEARING: May 20, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 115601 (Sub No. 7), filed March 28, 1958. Applicant: BROOKS ARMORED CAR SERVICE, INC., Delaware Trust Building, Wilmington, Del. Applicant's attorney: J. James Conaway, Jr., Delaware Trust Building, Wilmington, Del. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters* (checks drawn on out-of-town banks sent for collection), between points in Kent and Sussex Counties, Del., on the one hand, and, on the other, Philadelphia, Pa. Applicant is authorized to transport Cash Letters in Delaware and Pennsylvania.

NOTE: Applicant states that it proposes to pick up cash letters at the various points in Kent and Sussex Counties, Del. (from banks at such points) on each working day and transport all of the cash letters to Philadelphia, Pa.; and to pick up cash letters in Philadelphia, Pa., from two or three banks, on each working day, and transport such cash letters to banks located at the various points in Kent and Sussex Counties, Del. Applicant is authorized to conduct contract carrier operations in Permit No. MC 115601 Sub 6. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier. Duplication with present authority to be eliminated.

HEARING: May 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William E. Messer.

No. MC 116008 (Sub No. 14), filed March 27, 1958. Applicant: ARCHIE'S MOTOR EXPRESS FREIGHT, INC., 316 East Sixth Street, Richmond, Va. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, wood pulp*, and *pulpboard*, between West Point, Va., on the one hand, and, on the other, Hampton, Newport News, Norfolk, Portsmouth, and Richmond, Va. Applicant is authorized to conduct operations in Pennsylvania, Virginia, Kentucky, Tennessee, West Virginia, Maryland, District of Columbia, New Jersey, North Carolina, Georgia, and Florida.

HEARING: May 22, 1958, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116174 (Sub No. 1), filed March 13, 1958. Applicant: FINIS CHAFEN, doing business as CHAFEN BODY WORKS, 1015 South 10th Street, St. Joseph, Mo. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, repossessed or abandoned motor vehicles*, with transportation of replacement motor vehicles to point of wreck, damage or disablement, and *wrecked, damaged or disabled trailers* by use of wrecking equipment only, between points in Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, in non-radial cross-hauling service. Applicant is authorized to transport wrecked or disabled motor vehicles and trailers from points in Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma to St. Joseph, Mo.

HEARING: June 5, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 116178 (Sub No. 1), filed March 10, 1958. Applicant: ERVIN DAVIS, doing business as A-EMERGENCY TOW SERVICE, 1326 Washington Avenue, Kansas City, Mo. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, repossessed or abandoned motor vehicles* with transportation of replacement motor vehicles to point of wreck, damage, or disablement; and *wrecked, damaged or disabled trailers* by the use of wrecking equipment only, between points in Iowa, Kansas, Nebraska, and Oklahoma, in non-radial, cross-hauling service. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and Oklahoma.

HEARING: June 4, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 117030 (Sub No. 1), filed April 2, 1958. Applicant: SOUTHERN TRANSPORT, INC., 1109 Barnett National Bank Building, Jacksonville 2, Fla. Applicant's attorneys: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga., and George C. Young, 1109 Barnett Nat'l. Bank Building., Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, in truckaway and driveaway service, from the site of the Chrysler Corporation Assembly Plant, located in St. Louis County, Mo., to points in Florida, Georgia, North Carolina, and South Carolina, and *damaged shipments* of the above commodities on return.

HEARING: May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 117149, filed January 28, 1958. Applicant: C. J. VAN BEEKUM, INC., 2223 Seventh Street, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., Suite 1105 Great Plains Life Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock, animal and poultry feeds*, in bulk, and in containers, between points in that portion of Texas bounded by a line beginning at the junction of U. S. Highway 380 with the Texas-New Mexico State line and extending along U. S. Highway 380 to its junction with U. S. Highway 83, thence north along U. S. Highway 83 to the Texas-Oklahoma State line, and thence along the Texas-Oklahoma and Texas-New Mexico State lines to point of beginning, including points on the portions of the highways specified, on the one hand, and, on the other, points in New Mexico, Colorado, Arizona, Oklahoma, Missouri, Kansas, Louisiana, and Arkansas.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 89520. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: June 9, 1958, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Robert A. Joyner.

No. MC 117231, filed March 6, 1958. Applicant: ROBERT L. PRUITT AND LAWRENCE PRUITT, doing business as PRUITT TRUCKING, R. R. No. 1, Fountaintown, Ind. Applicant's attorney: Walter F. Jones, Jr., 706–708 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Super phosphate*, in bulk, and *lime* and *fertilizer*, in bulk and in bags, between points in Rush County, Ind. on the one hand, and, on the other, points in Hamilton, Butler, Greene, Preble, Montgomery, Warren, Drake, Allen, Clark, Shelby, Miami, and Mercer Counties, Ohio.

HEARING: May 21, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 117274, filed March 19, 1958. Applicant: DAVID Z. EARLE, doing business as EARLE'S MOVING & STORAGE, 209 West Street, Annapolis, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances and furnishings*, such as refrigerators, ranges, television sets, beds, chests, and garden tools, from Annapolis, Md., to points in Anne Arundel, Kent, Prince Georges, Queen Annes, Talbot, Calvert, Caroline, Charles, Dorchester, and Saint Marys Counties, Md., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: May 20, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 117279, filed March 24, 1958. Applicant: THE KANSAS CITY, KANSAS TRAILER SERVICE, INC., 844 Osage Avenue, Kansas City, Kans. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used commercial trailers*, in secondary movements, by the truckaway method, between points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Missouri, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin.

NOTE: Applicant states that it seeks appropriate authority to transport used commercial trailers, which in every instance would move with motive power furnished by one of applicant's own vehicles, involving operations which applicant understands would be properly characterized as truckaway, secondary movements, regardless of the tow-away aspects of the proposed service.

HEARING: June 9, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 117289, filed March 24, 1958. Applicant: R. H. PATCH, doing business as PATCH'S TRAILER SALES, 1020 East Main Street, Waynesboro, Va. Applicant's attorney: Paul A. Sherier 613 Warner Building, 13th and E Streets NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used house trailers* and *house trailers in use*, including *personal effects of their owners when transported in such trailers*, between points in Virginia, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 21, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James H. Gaffney.

No. MC 117295, filed March 28, 1958. Applicant: BEST TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from Alsen, N. Y., to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Pennsylvania, New Jersey, and Rhode Island, and *returned shipments* of cement on return.

NOTE: Applicant states that the above operations will be under a continuing contract with one person (as defined in section 203 (a) (1) of the Interstate Commerce Act) who operates manufacturing plants, the principal business of which is the production of cement.

HEARING: May 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 117296, filed March 27, 1958. Applicant: LEON E. BALDWIN, 7708 Prospect Avenue, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building units* and *terrazzo building units*, from Kansas City, Mo., to points in Kansas, and *rejected, damaged or unclaimed shipments* of the above-described commodities, on return.

NOTE: Applicant states the commodities known in the building trade as concrete building units and terrazzo building units embrace numerous builders' items of varying concrete content and varying types of marble content which characterize the terrazzo product.

HEARING: May 28, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 38, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 117297, filed March 27, 1958. Applicant: THURMAN E. DUNAVANT, 2510 Brighton, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building units* and *Terrazzo building units*, from Kansas City, Mo., to points in Kansas, and *rejected, damaged, or unclaimed shipments* of the above-described building units on return.

NOTE: Applicant states that the shipper-contractors sought to be served are [illegible] Concrete Products and Terra-Block, Inc., both located in Kansas City, Mo. Applicant further states that the commodities characterized in the building trade as "concrete building units", and sought to be transported for the former shipper, embrace numerous builders' items of varying concrete content. Similarly, the term "terrazzo building units" sought to be transported for the latter shipper, embrace numerous builders' items of varying types of marble content which characterize the terrazzo product.

HEARING: May 28, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 117298, filed March 27, 1958. Applicant: CARLTON L. SCHROEDER, PATRICK D. SHEAHAN AND BOBBY G. McCRARY, doing business as S. S. & M. CO., 8933 McGee Street, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building units* and *terrazzo building units*, from Kansas City, Mo., to points in Kansas, and *damaged* or *unclaimed merchandise* on return.

HEARING: May 28, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 117299, filed March 27, 1958. Applicant: JESS J. WAGNER, 8808 Grugger Road, Rayton, Mo. Applicant's attorney: Walter C. Huston, 4105 Main Steet, Kansas City 11, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building units* and *Terrazzo building units*, from Kansas City, Mo., to points in Kansas, and *rejected, damaged or unclaimed shipments* of the above-described building units on return.

NOTE: Applicant states that the shipper-contractors sought to be served are Slaton Concrete Products and Terra-Block, Inc., both located in Kansas City, Mo. Applicant further states that the commodities characterized in the building trade as "concrete building units," and sought to be transported for the former shipper, embrace numerous builders' items of varying concrete content. Similarly, the term "terrazzo building units" sought to be transported for the latter shipper, embrace numerous builders' items of varying types of marble content which characterize the terrazzo product.

HEARING: May 28, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub No. 176) filed January 28, 1955. Applicant: RISS & COMPANY, INC., Riss Building, 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Toledo, Ohio, and Cleveland, Ohio, from Toledo, Ohio, over Ohio Highway 120 to junction U. S. Highway 20, thence over U. S. Highway 20 through Bellevue, Ohio, to junction Ohio Highway 113, thence over Ohio Highway 113 via Birmingham, and Elyria, Ohio, to Cleveland, Ohio, and return over the same route, serving no intermediate points, as an alternate route, in connection with the carrier's regular route operations between Chicago, Ill., and Cleveland, Ohio, via Toledo, Ohio. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 80430 (Sub No. 89), filed March 28, 1958. Applicant: GATEWAY TRANSPORTATION CO., a Corporation, 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Ellendale, Minn., as an off-route point in connection with applicant's authorized regular route operations in Certificate No. MC 80430 dated September 15, 1949, Routes 18, 19 and 20. Applicant is authorized to conduct similar operations in Illinois, Indiana, Iowa Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin.

No. MC 80430 (Sub No. 90), filed March 31, 1958. Applicant: GATEWAY TRANSPORTATION CO., a Corporation, 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, livestock and Class A and B explosives, serving Mitchell, Ill. as an off-route point only to rail dock site of the C. & E. I. Railroad for the purpose of delivery and pick up of trailers to the dock of C. & E. I. Railroad, in connection with applicant's authorized regular route operations between Chicago, Ill., and St. Louis, Mo. in Certificate MC 80430 dated September 15, 1949, Route 1.

NOTE: Applicant states it does not seek motor carrier service to Mitchell other than the right to deliver and pick up trailers from the dock site of the C & E I Railroad, using this point as a terminal point for "piggy-back" operations between Chicago and St. Louis.

No. MC 106282 (Sub No. 7), filed March 31, 1958. Applicant: SPEEDWAY TRANSPORTS, INC., 7933 Clayton Road, St. Louis 17, Mo. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as defined in Descriptions in Motor Carrier Certificates, Ex Parte MC-45, in initial movements via truckaway method, and *parts* and *accessories* at the same time and with the vehicle of which they are a part and on which they are to be installed, from Kenosha, Wis., to Murfreesboro, Tenn., and *damaged, rejected or returned shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Wisconsin, Missouri, Illinois, Kentucky, Arkansas, and Indiana.

NOTE: Applicant states that this application is filed for the purpose of changing the interline point at Murfreesboro, Tenn. rather than at Edgoten, Ky.-Tenn. Further, applicant proposes to restrict the transportation to traffic having a subsequent movement beyond via connecting motor carrier.

No. MC 107128 (Sub No. 14), filed April 4, 1958. Applicant: FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis 21, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty pallets* and *cullet* (broken glass collected to be melted over), from Chicago, Ill. and points in the Chicago, Ill. Commercial Zone as defined by the Commission, to Parkersburg and Vienna, W. Va. Applicant is authorized to conduct operations from and to specified points in Kentucky, Indiana, Wisconsin Missouri, Illinois, Ohio, Michigan, Iowa, Pennsylvania, and West Virginia.

NOTE: Proceeding was instituted by the Commission January 3, 1958 under section 212 (c) to determine whether applicant's contract carrier authority should be revoked and in lieu thereof a certificate issued to operate as a common carrier, No. MC 107128 Sub No. 10.

No. MC 109451 (Sub No. 85), filed March 27, 1958. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplement*, in bulk, in tank vehicles, from Ficklin, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Wisconsin, and Minnesota. Applicant is authorized to conduct operations in Indiana, Missouri, Michigan, Illinois, Wisconsin, Ohio, Kentucky, Georgia, Tennessee, West Virginia, Pennsylvania, Florida, Alabama and Iowa.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Sub No. 52), filed March 28, 1958. Applicant: TRANS-CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between junction U. S. Highway 89 and unnumbered highway near Bitter Springs, Ariz., and Glen Canyon Dam Site, Ariz., from junction U. S. Highway 89 and unnumbered highway near Bitter Springs, over unnumbered highway to Glen Canyon Dam Site, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Ari-

zona, Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Utah.

No. MC 117290, filed March 24, 1958. Applicant: SNODERLY TRANSPORTATION, INC., Route 1, Arco, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, between Arco, Idaho, and Contact, Nev., from Arco over Alternate U. S. Highway 93 to junction U. S. Highway 93, thence over U. S. Highway 93 to Contact, and return over the same route, serving all intermediate points in Nevada between the Idaho-Nevada State line and Contact, Nev., located on U. S. Highway 93.

Note: Applicant states it proposes to engage in round-trip charter coach service.

PETITION

No. MC 69752, PETITION FOR REOPENING OF "GRANDFATHER" CLAUSE APPLICATION AND/OR MODIFICATION OF PERMIT, dated April 1, 1958, ZUZICH TRUCK LINE, INC., Kansas City, Kans. Petitioner's attorneys: Clarence D. Todd and Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Petitioner Zuzich Truck Line, Inc., seeks to modify its operating authority so as to conform to what it was doing on or before July 1, 1935. Petitioner states that the restriction contained in its Permit No. MC 69752 dated December 20, 1956, Sheets 1 and 2 thereof, to transport packing house products and supplies restricted to items "incidental to and directly connected with the business of the slaughtering of animals and the preservation and sale of meats * * *", between Kansas City, Kans., and Chicago, Ill., does not describe the business being conducted by petitioner on or before July 1, 1935. In Docket MC-C 2156 the Commission instituted an investigation to determine whether petitioner has transported certain commodities beyond the authority of its permit, namely, "washing compounds, liquid detergents and soap, frozen fruit juices, jelly, hydrogenated cottonseed oil, vegetable oil shortenings, soap, foodstuffs, advertising matter, fruit concentrates and glycerine". Petitioner states these are all commodities which it transported on or before July 1, 1935. Therefore, it desires that the instant docket be reopened for the purpose of offering proof of the transportation of the following classes of commodities on or before July 1, 1935: (1) Articles distributed by meat-packing houses as described in List C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209; (2) such commodities as are used by meat packers in the conduct of their business; (3) foodstuffs, supplies and advertising matter in connection therewith; (4) soaps, liquid and compound, and cleanser, supplies and advertising matters in connection therewith; and (5) frozen fruit juices including lemonade. Petitioner states it is willing to submit evidence in affidavit form or through formal hearing. If a hearing is held it requests that the instant petition be assigned for hearing together with proceeding in MC-C 2156.

NOTE: In No. MC 69752 (Sub No. 16), the Commission seeks to determine under the provisions of section 212 (c) whether the operating authority of petitioner as a contract carrier should be revoked and in lieu thereof a certificate issued to operate as a common carrier.

CONVERSION PROCEEDINGS—SECTION 212 (c)

No. MC 32400 (Sub No. 5), INSTITUTED ON February 17, 1958. Respondent: Anton Jung, doing business as Jung Transportation Co., Milwaukee, Wis. Proceeding instituted under Section 212 (c) of the Interstate Commerce Act to determine whether the operating authority as a contract carrier presently held by respondent should be revoked and in lieu thereof a certificate of public convenience and necessity issued to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permit:

No. MC 32400, dated June 15, 1949.

Beer, over irregular routes from Chicago, Ill., to Fond du Lac, Wis. *Empty beer containers*, from Fond du Lac, Wis., to Chicago, Ill.

Condensed milk, powdered milk, and *frozen cream*, from Fond du Lac, Wis., to Chicago, Ill.

Fruits, vegetables, and *such merchandise* as is dealt in by wholesale grocery houses and in connection therewith *equipment, materials*, and *supplies*, used in the conduct of such business, subject to a "Keystone" restriction, from Chicago, Ill., to Fond du Lac, and Oshkosh, Wis.

NOTE: Notice of the institution of the above numbered proceeding appeared in the FEDERAL REGISTER March 6, 1958, at page 1613, for failure to file response to required questionnaire. Since that time respondent has filed the required statement, and by order dated April 9, 1958, the section 212 (c) proceeding was continued, it appearing that there is reason to believe that the operations conducted pursuant to said permit may not be those of contract carrier as defined in section 203 (a) (15) of the act, as amended, and may be those of a common carrier. Protests by respondent or other interested persons against the issuance of a certificate in lieu of contract carrier authority may be filed within 30 days after the date this notice is published in the FEDERAL REGISTER. If oral hearing is desired, the protest must so indicate.

No. MC 89520 (Sub No. 10) SUPPLEMENT. Applicant: C. J. VAN BEEKUM, INC., 2223 Seventh Street, Lubbock, Texas. Applicant's attorney: W. D. Benson, Jr., 1105 Great Plains Life Building, Lubbock, Texas. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. A proceeding was instituted under section 212 (c) on January 24, 1958. On April 8, 1958, the carrier requested dismissal of the application, and an order was entered on April 10, 1958, effective May 26, 1958, dismissing the section 212 (c) proceeding and finding the carrier's operations to be those of a contract carrier.

No. MC 112359 (Sub No. 3), INSTITUTED ON February 17, 1958. Respondent: STEVE HORVATH AND FRANK HORVATH, doing business as HORVATH BROS., Kearny, N. J. Proceeding instituted under section 212 (c) of the Interstate Commerce Act to determine whether the operating authority as a contract carrier presently held by respondent should be revoked and in lieu thereof a certificate of public convenience and necessity issued to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in the following permits:

No. MC 112359, dated December 2, 1952.

Structural steel and steel bars, shapes, plates, sheets, and *tubing*, over irregular routes, between Newark, N. J., on the one hand, and, on the other, points in Saratoga, Monroe, Onondaga, Oneida, Herkimer, Montgomery, Warren, Washington, Essex, Clinton, Chemung, Steuben, Tioga, Broome, Genesee, and Erie Counties, N. Y., and those parts of Columbia, Rensselaer, Albany, and Schenectady Counties, N. Y., north of a line beginning at the New York-Massachusetts State line and extending westerly along U. S. Highway 20 through Albany and Duanesburg, N. Y., to junction New York Highway 30, thence southwesterly along New York Highway 30 to the Schenectady County line.

No. MC 112359 (Sub No. 1), dated November 24, 1952. *Rolled steel products; wooden lath; lathing nails; chain and cable-type hoists*, and *parts and accessories thereof*; and *wooden crating and empty wooden cases or crates*, over irregular routes, between Newark, N. J., on the one hand, and, on the other, New York, N. Y., and points in Dutchess, Columbia, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N. Y., and Lehigh, Montgomery, and Northampton Counties, Pa.

NOTE: Notice of the institution of the above numbered proceeding appeared in the FEDERAL REGISTER March 6, 1958, at page 1614, for failure to file response to required questionnaire. Since that time respondent has filed the required statement, and by order, dated April 3, 1958, the section 212 (c) proceeding was continued, it appearing that there is reason to believe that the operations conducted pursuant to said permits may not be those of a contract carrier as defined in section 203 (a) (15) of the act, as amended, and may be those of a common carrier. Protests by respondent or other interested persons against the issuance of a certificate in lieu of contract carrier authority may be filed within 30 days after the date this notice is published in the FEDERAL REGISTER. If oral hearing is desired, the protest must so indicate.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub No. 362), filed April 4, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2118 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Ron E. Poelman, 431 Burgess Drive, Menlo Park, Calif.

and Donald A. Schafer, 1026 Public Service Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Los Angeles, Calif., and Orange, Calif., over U. S. Highway 101 (also via Whittier Boulevard, Fullerton Road and West Chapman Avenue to Orange) (2) between Orange, Calif., and San Bernardino, Calif., from Orange over California Highway 55 to junction of U. S. Highway 91, thence over U. S. Highway 91 to San Bernardino, and return over the same route; (3) between Fullerton, Calif., and Pomona, Calif., over Brea Canyon Road from its junction with Fullerton Road to Pomona, serving all intermediate points on the above described routes and all points within a 5 mile radius of the highways named; (4) between Orange, Calif., and San Diego, Calif., over U. S. Highway 101, serving the intermediate point of Tustin and intermediate or off-route points within 5-miles of San Diego; (5) between Orange, Santa Ana, and Long Beach, over California Highway 22, serving no intermediate points. Applicant is authorized to conduct operations in Oregon, Washington, California, Idaho, Utah, Nevada, Montana, North Dakota, Minnesota, Wisconsin, Illinois, Arizona, Michigan, Wyoming, and Iowa.

NOTE: This matter is directly related to MC-F 6860.

No. MC 56679 (Sub No. 7), filed March 27, 1958. Applicant: BROWN TRANSPORT CORP., Manau Lane, P. O. Box 247, Waynesboro, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Atlanta, Ga., and Fort Stewart, Ga.: From Atlanta over Georgia Highway 12 to junction Georgia Highways 12 and 142; thence over Georgia Highway 142 to junction Georgia Highways 142 and 16 at Willard; thence over Georgia Highway 16 to junction of Georgia Highways 16 and 24 at Eatonton; thence over Georgia Highway 24 to junction of Georgia Highways 24 and 29 at Milledgeville; thence over Georgia Highway 29 to junction Georgia Highways 29 and 30 at Higgston; thence over Georgia Highway 30 to junction Georgia Highways 30 and 196 at Reidsville, and thence over Georgia Highway 196 to Fort Stewart, and return over the same routes. This operating authority is subject to the restriction that the same shall terminate upon the discontinuance of the use of Fort Stewart. (2) Between Augusta, Ga. and Fort Stewart, Ga.: From Augusta, over Georgia Highway 21 to junction of Georgia Highways 21 and 67 at Millen; thence over Georgia Highway 67 to junction of Georgia Highways 67 and 73 at Statesboro; thence over Georgia Highway 73 to junction of Georgia Highways 73 and 196 at Glennville, and thence over Georgia Highway 196 to Fort Stewart, and return over the same routes. This operating authority is subject to the restriction that the same shall terminate upon the discontinuance of the use of Fort Stewart. (3) Between Union Point, Ga., and Athens, Ga.: From Union Point over Georgia Highway 77 to junction of Georgia Highways 77 and 10 at Lexington; thence over Georgia Highway 10 to Athens, and return over the same routes, serving all intermediate points. (4) Between Greensboro, Ga., and Savannah, Ga.: From Greensboro over Georgia Highway 44 to junction of Georgia Highways 44 and 16 near Eatonton; thence over Georgia Highway 16 to junction Georgia Highways 16 and 15 at Sparta, thence over Georgia Highway 15 to junction Georgia Highways 15 and 242 at Sandersville; thence over Georgia Highway 242 to junction Georgia Highways 242 and 78 at Wadley; thence over Georgia Highway 78 to junction of Georgia Highways 78 and 17 at Midville; thence over Georgia Highway 17 to junction Georgia Highways 17 and 21 at Millen, and thence over Georgia Highway 21 to Savannah, and return over the same routes, with service to and from all intermediate points except as hereinafter specified. Without the right to provide service between Sylvania, Georgia and Savannah, Ga., including points intermediate thereto and without the right to provide service between Sylvania, Ga., on the one hand, and, on the other, Savannah and Augusta, Ga., or any other point in Georgia service by R. C. Motor Lines, Inc. Service is authorized to and from Garfield, Ga., and Twin City, Ga. (also known as Graymont-Summit) as off-route points from Millen, Ga., by operating from Millen over Georgia State Highway 23 to Garfield and Twin City and return over the same route, serving those two points only. Also with the right to operate between Sylvania, Ga., and Statesboro, Ga., over Georgia State Highway 73 and return over the same route. (5) Between Waynesboro, Ga. and Louisville, Ga.: From Waynesboro over Georgia Highway 24 to Louisville and return over the same route; ALSO between Waynesboro and Swainsboro, from Waynesboro over Georgia Highway 56 to Swainsboro and return over the same route; ALSO between Waynesboro and Millen, Ga., from Waynesboro over Georgia Highway 24 to junction Georgia Highways 24 and 23 at Sardis, Ga. and thence over Georgia Highway 23 to Millen, Ga. and return over the same route. These operations are subject to the restrictions that they are without the right to provide service between Sardis, Ga., on the one hand, and, on the other, Savannah or Augusta, Ga., or any other point in Georgia now served by R. C. Motor Lines, Inc. (6) Between Macon, Ga., and Milledgeville, Ga.: From Macon over Georgia Highway 22 to Milledgeville, and return over the same route, with the right to serve all intermediate points and with the right to service Warner Robins, Ga., from Macon over Georgia State Highway 247, and return over the same route, and without the right to serve any intermediate point between Macon and Warner Robins and without the right to transport and traffic originating at Macon through interchange or otherwise and destined to Warner Robins, nor any traffic originating at Warner Robins with final destination at Macon or for interchange at Macon. (1) *Brick, iron pipe, sugar, heavy machinery, structural or re-enforcement steel, cement, lime, plaster, plasterboard and plasterboard products, bottled soft drinks* and *return empty cases and bottles, metal and composition roofing*, over irregular routes, between points in Georgia within the highway mileage radius of 100 miles of Augusta, Ga.

NOTE: The operating authority herein applied for corresponds to applicant's existing Georgia intrastate authority over which it is conducting operations under the second proviso of section 206 (a) (1) of the act, as authorized in Docket Nos. MC 56679 Subs 4, 5 and 6. This matter is directly related to MC-F 6858, which was published in the FEDERAL REGISTER March 20, 1958, at page 1879.

No. MC 115169 (Sub No. 7), filed March 28, 1958. Applicant: M. P. & ST. L. EXPRESS, INC., 800 Jones Street, Paducah, Ky. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes. Applicant seeks by this application to change its operations between St. Louis, Mo., and Paducah, Ky., and between St. Louis, Mo., and Memphis, Tenn., serving points within territories as authorized in its Certificate MC 115169 dated October 26, 1955, from operations between such points as an irregular route carrier to those of a regular route carrier. Specifically, applicant seeks authority over the following regular routes transporting the commodities indicated, retaining irregular route authority as indicated: REGULAR ROUTES: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between St. Louis, Mo., and Blandville, Ky.: from St. Louis over U. S. Highway 40 to junction with Illinois Highway 3, thence over Illinois Highway 3 to junction with U. S. Highway 51, thence over U. S. Highway 51 to Wickliffe, Ky., and thence over Kentucky Highway 440 to Blandville, serving points in Ballard County, Ky., as intermediate and off-route points. *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Memphis, Tenn., and Blandville, Ky.: from Memphis over U. S. Highway 51 to Wickliffe, Ky., and thence over Kentucky Highway 440 to Blandville, serving Wickliffe as a point of joinder only, and serving intermediate points in Tennessee on U. S. Highway 51 and serving points in Kentucky within 35

miles of La Center, Ky., excluding La Center, and those in said area on or within 1 mile of U. S. Highways 45, 51 and 60 as intermediate and off-route points; between East St. Louis, Ill., and Blandville, Ky.: from East St. Louis over Illinois Highway 3 to junction with U. S. Highway 51, thence over U. S. Highway 51 to Wickliffe, Ky., and thence over Kentucky Highway 440 to Blandville, serving points within 25 miles of East St. Louis, Ill., and La Center, Ky., and points in Kentucky within 35 miles of La Center other than points on or within 1 mile of U. S. Highways 45, 51 or 60, as intermediate and off-route points, and serving Wickliffe, Ky., as a point of joinder only; between St. Louis, Mo., and Paducah, Ky.: from St. Louis over U. S. Highway 40 to junction with Illinois Highway 3, thence over Illinois Highway 3 to Ware, Ill., thence over Illinois Highway 146 to Vienna, Ill., and thence over U. S. Highway 45 to Paducah, serving no intermediate points. IRREGULAR ROUTES: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points within 1 mile of Paducah, Ky., not including Paducah, on the one hand, and, on the other, points in Kentucky on Kentucky Highway 286, not including Wickliffe, Ky. *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Paducah, Ky., Cairo, Ill. and points in Illinois within 5 miles of Cairo, on the one hand, and, on the other, points in Kentucky within 35 miles of La Center, Ky., excluding La Center, and those in said area on or within 1 mile of U. S. Highways 45, 51 and 60; *Cheese, feed, roofing material, wire fencing, lard cans* and *packing house products* and *by-products*, including *fresh meats*, from East St. Louis, Ill., to points in Ballard and McCracken Counties, Ky., on the one hand, and, on the other, East St. Louis, Ill.; and *Livestock*, between points in Ballard and McCracken Counties, Ky., on the one hand, and, on the other, East St. Louis, Ill. Applicant seeks no duplicate authority.

NOTE: Applicant requests that this application be handled and heard with pending section 5 application of Herrin Transportation Company in MC-F 6867, for purchase of the capital stock of applicant. Also pending is application of Herrin for authority temporarily to operate the motor carrier property of M. P. & St. L. Express, Inc.

MOTOR CARRIERS OF PASSENGERS

No. MC 61616 (Sub No. 60), filed March 31, 1958. Applicant: MIDWEST BUS-LINES, INC., 319 Dowling Street, Houston, Tex. Applicant's attorney: W. C. Scurry, Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, and *express, mail, newspapers* and/or *baggage* of passengers in the same vehicle with passengers, from Overland Park, Kans., commencing at junction Kansas Highway 58 (Santa Fe Trail) and 80th Street, thence west on 80th Street to junction 80th Street and Antioch Road, thence north on Antioch Road to junction Antioch Road and 75th Street, thence east on 75th Street to Nall Avenue, thence north on Nall Avenue to 69th Street, thence east on 69th Street to Oxford Street, thence on Oxford Street to Tomahawk Road, thence on Tomahawk Road to Mission Road, thence north on Mission Road to Mission Highland Addition at junction 61st Street and Mission Road, thence over 61st Street to junction Granada Street, thence over Granada to junction 60th Street, thence over 60th Street to junction Mission Road, thence over Mission Road to junction U. S. Highway 50, serving all intermediate points; and, between points on the above-described extension, on the one hand, and, on the other, points served under applicant's Certificate No. MC 61616 dated October 31, 1957. Applicant is authorized to conduct operations in Missouri, Colorado, Texas, Arkansas, Tennessee, Mississippi, Louisiana, Kansas, and Nebraska.

NOTE: Applicant states the above-described extension route intersects its certificate authority to and from Kansas City, Mo. This application is directly related to MC-F 6800.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6241, published in the April 11, 1956, issue of the FEDERAL REGISTER on page 2358. Application for temporary authority under section 210a (b) filed April 7, 1958.

No. MC-F 6880. Authority sought for control by CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 8, Oreg., of INLAND TRANSPORTATION CORPORATION, 695 North Batavia Street, Orange, Calif. Applicant's attorney: Donald A. Schafer, 1026 Public Service Building, Portland 4, Oreg. Operating rights proposed to be controlled: *Paper, newsprint*, and *hemp*, as a *common carrier* over irregular routes, from Los Angeles Harbor, Calif., to Orange, Calif.; *canned goods* and *citrus fruit*, from Orange, Calif., and points within 35 miles of Orange to Los Angeles, Los Angeles Harbor, and Long Beach, Calif.; *pipe and such equipment, materials and supplies as are used by growers, packers, and canners of fruits and vegetables*, from Los Angeles, Los Angeles Harbor, and Long Beach, Calif., to Orange, Calif., and points within 35 miles of Orange; *empty bags*, from Los Angeles, Los Angeles Harbor, and Long Beach, Calif., to Dyer, Calif.; *sugar*, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles, Calif., and between Santa Ana, Anaheim, and Dyer, Calif., on the one hand, and, on the other, Los Angeles, Los Angeles Harbor, and Long Beach, Calif.; *farm machinery*, between Santa Ana, Calif., on the one hand, and, on the other, Los Angeles, Los Angeles Harbor, and Long Beach, Calif.; *fresh vegetables*, between points in Orange County, Calif.; *beans*, between certain points in California, on the one hand, and, on the other, Oceanside, Calif.; *agricultural commodities, supplies, and equipment*, between certain points in California, on the one hand, and, on the other, Los Angeles, Los Angeles Harbor, and Long Beach Harbor, Calif.; [illegible], from Orange, Calif., to the port of Wilmington, Calif.; *copper wire*, from Orange, Calif., to Los Angeles, Calif., and the port of Wilmington, Calif.; *petroleum products*, in containers, from Downey, Calif., to the port of Long Beach, Calif.; operations under the second proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of *property*, with certain exceptions more fully described in Docket No. MC [illegible] Sub 4, as a *common carrier* in California over regular routes between Orange and Los Angeles, and intermediate points, including Culver City, between Orange and San Bernardino, and intermediate points, and between Orange and Pomona, and intermediate points, and over irregular routes between Orange, Tustin, and San Diego, with the right to render service to points within an 8-mile radius of San Diego, and between Orange, Santa Ana, and Long Beach. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Oregon, Washington, California, Idaho, Utah, Nevada, Montana, North Dakota, Minnesota, Wisconsin, Illinois, Arizona, Michigan, Wyoming, and Iowa. Application has been filed for temporary authority under section 210a (b).

NOTE: No. MC 42487 Sub 362 is a matter directly related.

No. MC-F 6881. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL, AND W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland, Ohio, of GREEN BAG TRANSPORT, INC., 839 Lockhart Street, Pittsburgh, Pa. Applicants' attorney: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. Concurrently with the filing of this application GREEN BAG TRANSPORT, INC., filed an application on Form BMC 78 (Revised) (Docket No. MC 117264 Sub 1), for a *contract carrier* permit to transport *cement*, in bulk or in packages, over irregular routes, from Neville Island, Pa., to various counties in Pennsylvania, West Virginia, Ohio, and Maryland. Applicants hold no authority from this Commission, but are affiliated with ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT, INC., N. Y. CORP., RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., and J. E. BEJIN CARTAGE COMPANY, which are authorized to operate as *contract carriers* in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6882. Authority sought for control by CANADIAN PACIFIC TRANSPORT COMPANY, LIMITED, Windsor Station, Montreal, Quebec, Canada, of OK VALLEY FREIGHT LINES, LIMITED, Penticton, British Columbia, Canada, and for acquisition by CANADIAN PACIFIC RAILWAY COMPANY, also of Montreal, of control of OK VALLEY FREIGHT LINES, LIMITED, through the acquisition by CANADIAN PACIFIC TRANSPORT COMPANY, LIMITED. Applicant's attorney: W. H. Parsons, 411-2 Colorado Building, 14th and G Streets NW., Washington 5, D. C. Applicant seeks authority to continue in control of OK VALLEY FREIGHT LINES, LIMITED, upon the latter's institution of operations in foreign commerce as a motor *common carrier* of *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over a regular route between Oroville, Wash., and the International Boundary line between the United States and the Dominion of Canada, serving no intermediate points. Applicant holds no authority from this Commission, but is a wholly-owned subsidiary of CANADIAN PACIFIC RAILWAY COMPANY, Windsor Station, Montreal, Quebec, Canada, which is a *common carrier* by railroad subject to Part I of the Interstate Commerce Act. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6883. Authority sought for purchase by ARROW TRUCKING CO., Second Street at Heavy Traffic Way, Tulsa, Okla., of the operating rights of JACK H. HARDER, doing business as HARDER BROTHERS, 104 Buntan Street, Box 564, Borger, Tex., and for acquisition by C. F. COURTNEY, also of Tulsa, of control of such rights through the purchase. Applicants' attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, petroleum, and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier* over irregular routes, between points in Lea and Eddy Counties, N. Mex., and points in Carson, Hutchinson, Gray, and Moore Counties, Tex.; *oil fields pipe*, between certain points in Texas, on the one hand, and, on the other, certain points in Oklahoma and Kansas; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up of pipe, in connection with main or trunk pipe lines, between points in Hutchinson County, Tex., on the one hand, and, on the other, points in Roosevelt County, N. Mex. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, and Texas. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6884. Authority sought for purchase by CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N. C., of a portion of the operating rights of SEABOARD FOOD EXPRESS, INC., 4550 Colonial Drive, P. O. Box 205, Orlando, Fla., and for acquisition by LEON D. HYDER, also of Hendersonville, of control of such rights through the purchase. Applicants' attorneys: Chester E. King, 1507 M Street NW., Washington 5, D. C., and Harry F. Gillis, 804 Mills Building, Washington, D. C. Operating rights sought to be transferred: *Frozen fruits, frozen vegetables, frozen fruit juices, and frozen citrus juice concentrate*, as a *common carrier* over irregular routes, from Atlanta, Brunswick, Macon, and Savannah, Ga., and from points in Florida, to points in Texas; *frozen shrimp and frozen vegetables*, from points in Texas to points in Florida and Georgia. Vendee is authorized to operate as a *common carrier* in North Carolina, Florida, Georgia, South Carolina, Tennessee, Kentucky, Indiana, Ohio, Illinois, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, Michigan, Minnesota, Missouri, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6885. Authority sought for purchase by STEFFKE FREIGHT CO., 204 South Bellis Street, Wausau, Wis., of a portion of the operating rights of C. A. CONKLIN TRUCK LINE, INC., 247 Pearl Street, Adrian, Mich., and for acquisition by STEADFAST OPERATING COMPANY, c/o D. M. Healy, 231 South La Salle Street, Chicago, Ill., and, in turn, by MALCOLM J. BOYLE, JR., 204 South Bellis Street, Wausau, Wis., of control of such rights through the purchase. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between junction U. S. Highways 8 and 45 (approximately one mile west of Monico, Wis., and Eagle River, Wis.), between Rhinelander, Wis., and Ironwood, Mich., between Rhinelander, Wis., and Land O'Lakes, Wis., between junction U. S. Highway 51 and County Highway M and Boulder Junction, Wis., between Boulder Junction, Wis., and junction U. S. Highway 51 and County Highway H, between junction Wisconsin Highway 70 and U. S. Highway 51 and Patterson Hardware Co., located about eight miles west of said junction, between Darlington, Ill., and Freeport, Ill., between Monroe, Wis., and Rockford, Ill., between Gratiot, Wis., and junction Illinois Highway 78 and U. S. Highway 20, and between Hollandale, Wis., and Monroe, Wis., serving certain intermediate and off-route points; alternate routes for operating convenience only between junction Wisconsin Highways 11 and 78 and junction Wisconsin Highway 11 and Lafayette-Green County Highways M and MM, Wis., and between Gratiot, Wis., and Woodford, Wis. Vendee is authorized to operate as a *common carrier* in Illinois, Wisconsin, Michigan, and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6886. Authority sought for control by E. BROOKE MATLACK, INC., Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa., of READER BROTHERS, INC., Water and Tasker Streets, Philadelphia 48, Pa., and for acquisition by DUVERNEY MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of Philadelphia, of control of READER BROTHERS, INC., through the acquisition by E. BROOKE MATLACK, INC. Applicant's attorney: Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia, Pa. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Camden and Gloucester City, N. J.; *chemicals and solvents*, in bulk, in tank vehicles, between Philadelphia and Linfield, Pa., on the one hand, and, on the other, Baltimore and Elkton, Md., Claymont, Del., and certain points in New Jersey, and between Bristol, Pa., on the one hand, and, on the other, certain points in New Jersey; *liquids*, except milk, petroleum, petroleum products, coal tar, and coal tar products, in bulk, in tank vehicles, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland, within 100 miles of Philadelphia; *denatured alcohol* and *commercial solvents*, in bulk, in tank vehicles, from Yonkers, N. Y., to Sparrows Point and Baltimore, Md., Christiana, Del., Reading, Pa., and the District of Columbia; *denatured alcohol*, in bulk, in tank vehicles, from Philadelphia, Pa., to the District of Columbia; *acetic acid*, in bulk, in tank vehicles, from Philadelphia, Pa., to Waterbury, Conn.; *proprietary solvents* and *denatured alcohol*, in bulk, in tank vehicles, from Philadelphia, Pa., to Bridgeport, Stamford, and Spring-

dale, Conn.; *vehicle undercarriage coating,* in bulk, in tank vehicles, from Bristol, Pa., to points in Maryland, Virginia, West Virginia, and the District of Columbia, and those in Michigan, Ohio, Kentucky, Tennessee, North Carolina, and South Carolina within 500 miles of Bristol; *methylamine,* in bulk, in tank vehicles, from Bristol, Pa., to Bethel, Conn., Akron, Ohio, and Institute, W. Va.; *liquid chemicals,* in bulk, in tank vehicles, from Philadelphia, Pa., to points in Alabama, Georgia, Mississippi, South Carolina, Virginia, West Virginia, and Tennessee; *crude vegetable oils,* in bulk, in tank vehicle, from Suffolk, Va., and points in Alabama, Georgia, South Carolina, North Carolina, Mississippi, and Tennessee to Philadelphia, Pa. E. BROOKE MATLACK, INC., is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, Georgia, South Carolina, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2805; Filed, Apr. 15, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3691]

POTOMAC EDISON CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

APRIL 9, 1958.

In the matter of The Potomac Edison Company, Potomac Light and Power Company, South Bend Power Company; File No. 70-3691.

Notice is hereby given that The Potomac Edison Company ("Potomac Edison"), a registered holding company and public-utility subsidiary of The West Penn Electric Company, a registered holding company, and Potomac Light and Power Company ("Potomac Light") and South Penn Power Company ("South Penn"), public-utility subsidiaries of Potomac Edison, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6, 7, 9, 10 and 12 of the act and Rules 43, 44 and 50 (a) (3) promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Potomac Light and South Penn propose to issue and sell additional shares of their authorized and unissued capital stocks, and Potomac Edison proposes to acquire such shares in each case for a cash consideration equal to the aggregate par or stated value thereof. Potomac Light has presently outstanding 132,000 shares of common stock with a par value of $100 per share and it proposes to issue and sell 4,000 additional shares of such stock to Potomac Edison for a cash consideration of $400,000. South Penn has presently outstanding 728,000 shares of no par capital stock with a stated value of $5.00 per share and it proposes to issue and sell 50,000 additional shares of such stock to Potomac Edison for a cash consideration of $250,000.

Potomac Edison owns all of the outstanding shares of capital stock of both Potomac Light and South Penn. Such shares are pledged under the Indenture of Potomac Edison dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The additional shares proposed to be acquired by Potomac Edison will be issued from time to time as necessary prior to December 31, 1958, and as acquired will be pledged under said Indenture in accordance with the requirements thereof.

Potomac Light and South Penn desire to issue and sell additional shares of their capital stock to provide for necessary property additions and improvements. Potomac Edison desires to purchase the additional shares to enable its subsidiaries to make such additions and improvements.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the capital stock of South Penn, and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisitions by Potomac Edison of the capital stocks of Potomac Light and South Penn. Appropriate applications have been made to these commissions.

It is estimated that the fees and expenses in connection with the proposed transaction will not exceed in the aggregate $1,700 including $300 for counsel fees.

Notice is further given that any interested person may, not later than April 25, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application-declaration, as filed or as it may hereafter be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2794; Filed, Apr. 15, 1958; 8:47 a. m.]

[File No. 70-3695]

PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF BONDS

APRIL 9, 1958.

Notice is hereby given that Public Service Company of Oklahoma ("Oklahoma"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act and Rule 50 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

Oklahoma proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $16,000,000, principal amount of First Mortgage Bonds ("New Bonds"), Series G, __ percent, to be dated as of May 1, 1958, and to mature May 1, 1988. The interest rate on the New Bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Oklahoma (which will not be less than 97.25 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are proposed to be issued under and secured by the Mortgage, dated as of July 1, 1945, between Oklahoma and The First National Bank and Trust Company of Tulsa, Trustee, as heretofore supplemented and amended and as proposed to be supplemented and amended by an indenture dated as of May 1, 1958.

Oklahoma contemplates construction expenditures of $18,700,000 and $21,000,000 for the calendar years 1958 and 1959, respectively. The proceeds of the proposed issuance and sale of the New Bonds will be used to finance part of this program, including the payment or prepayment of short-term bank loans incurred and to be incurred by Oklahoma for construction purposes. These bank loans aggregated $12,000,000 on March 26, 1958 and may be increased in an amount not exceeding $3,000,000 prior to the receipt by Oklahoma of the proceeds of the New Bonds.

The application states that the issuance and sale of the New Bonds will have been expressly authorized by the Corporation Commission of the State of Oklahoma, the State commission of the State in which Oklahoma is organized and doing business. The filing further states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses payable by Oklahoma in connection with the proposed transaction are estimated by the company as follows:

	Approximate amount
Securities and Exchange Commission, filing fee	$1,665
Federal original issue stamp tax	17,600
Printing of registration statement, prospectus, bidding documents, supplemental indenture, and other documents	6,500
Preparation of New Bonds	3,700
Accountants' fees (Arthur Andersen & Co.)	1,800
Trustee's fees (The First National Bank and Trust Company of Tulsa)	7,650
Recording of supplemental indenture	1,200
Reimbursement of underwriters for expenses and counsel fees in connection with qualification or registration of the New Bonds under State securities laws	800
Fees of Middle West Service Company, Chicago, Ill	5,000
Counsel fees (Stevenson, Dendtler, Bailey & McCabe, Chicago, Illinois) (estimated portion of annual retainer)	4,500
Miscellaneous expenses	2,085
Total	52,500

The Oklahoma real estate mortgage tax, estimated not to exceed $16,000, will be paid by the purchasers of the New Bonds. The fees and expenses of Messrs. Isham, Lincoln & Beale, Chicago, Illinois, counsel for the purchasers of the New Bonds, are estimated not to exceed $7,200 and will also be paid by the purchasers.

Notice is further given that any interested person may, not later than May 2, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2795; Filed, Apr. 15, 1958; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 181]

TEXAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of March 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Dallas (Tornadic-like wind storm occurring on or about March 29, 1958).

Office: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

2. No special field offices will be established.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1958.

Dated: April 3, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2796; Filed, Apr. 15, 1958; 8:47 a. m.]

[Declaration of Disaster Area 182]

TEXAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of April 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Montague and Wichita (Tornadoes occurring on or about April 2, 1958).

Office: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1958.

Dated: April 4, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2797; Filed, Apr. 15, 1958; 8:47 a. m.]

UNIVERSITY
OF MICHIGAN
APR [illegible] 1958
MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 76

Washington, Thursday, April 17, 1958

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 221]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.26, the Strong Arm, Louisiana, Temporary Restricted Area, is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Strong Arm, Louisiana, temporary restricted area (Beaumont).	Two statute miles radius from center of Natchitoches, Louisiana Airport.	Surface to 3,000 feet MSL.	Continuous___	Maneuver Director, Camp Polk, La.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 3, 1958, 0000 until 2359 c. s. t., inclusive.

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 10, 1958.

[F. R. Doc. 58-2818; Filed, Apr. 16, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 3]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

ORANGES

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 2373), are hereby amended effective beginning with the 1958 crop year as follows:

1. The first introductory paragraph to the regulations is amended by striking the colon which precedes the first proviso contained therein and adding the following: "and to other continuous contracts for which endorsements are added from time to time:".

2. The table following paragraph (a) of § 401.3, as amended, is amended by establishing a closing date of September 30 for oranges in all counties in California.

3. The following section is added:

§ 401.25 *The orange endorsement.* The provisions of the orange endorsement, which shall apply only to counties in California for the 1958 and succeeding crop years, are as follows:

1. *Cause of loss insured against.* The insurance provided is against unavoidable loss of production on the insured orange crop due to freeze.

2. *Insured crop.* In lieu of all of section 1 of the policy except the first and last sentence thereof, the following shall apply:

(a) The insured acreage for each crop year shall be that acreage of navel and valencia oranges in the county for which coverage is shown on the county actuarial table and in which the insured had an interest on the date insurance attaches and the interest insured shall be the interest of the insured in such acreage at that time, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

(b) Insurance for each crop year of the contract shall cover only oranges setting from the annual bloom occurring in the calendar year in which the insurance period begins.

(c) Acreage having a potential production for any crop year of less than 200 standard citrus field picking boxes per acre as deter-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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mined by the Corporation is uninsurable for that crop year.

3. *Responsibility of the insured to report acreage and interest.* In lieu of section 2 and subsection 21 (a) of the policy, the insured shall report on a form prescribed by the Corporation, at the time the application for orange crop insurance is filed, all of the acreage of oranges (including a designation of any acreage of oranges to which insurance does not attach) in the county in which he has an interest and his interest therein. If the actual acreage of oranges or interest therein shown on such form changes prior to the date insurance attaches for any crop year, the insured shall submit a report to the county office of such changes, on a form prescribed by the Corporation, prior to the date insurance attaches for that crop year.

4. *Annual premium.* In lieu of subsection 4 (a) of the policy, the annual premium for the insured crop shall be earned and payable on the date insurance attaches.

5. *Insurance period.* Insurance on any insured acreage shall attach on the October 1 at the beginning of each crop year and with respect to any portion of the crop shall cease upon harvest, but in no event shall insurance remain in effect later than March 31 of the following calendar year.

6. *Notice of loss—Inspection of groves.* In lieu of section 8 of the policy, if at any time during the insurance period the orange crop on any insurance unit is damaged by freeze the insured (a) shall give written notice of the date and estimated extent of damage to the Corporation at the county office within seven days, and (b) shall not harvest oranges on any acreage damaged by freeze until the Corporation has inspected the oranges on such acreage. If any such notice is not given or oranges are harvested prior to the Corporation's making an inspection, no damage shall be deemed to have occurred unless the insured furnishes the Corporation evidence from which it can determine to its satisfaction the extent of damage caused by freeze.

7. *Abandonment of crop.* In lieu of section 9 of the policy, there shall be no liability under the contract on any orange crop or

part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

8. *Claims for loss.* (a) In lieu of subsection 11 (a) of the policy, any claim for loss on an insurance unit shall be submitted, on a form prescribed by the Corporation, promptly after the amount of loss can be determined, but not later than the earlier of (1) 60 days after the completion of harvest on the insurance unit, or (2) July 31 of the crop year in which the loss occurred.

(b) In lieu of subsection 11 (c) of the policy, losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of oranges on the insurance unit by the applicable coverage per acre, (2) multiplying the result thus obtained by the average percent of damage for all of the orange crop on such unit, (3) deducting therefrom 10 percent of the amount obtained in (1) above, and (4) multiplying the remainder by the insured interest.

(c) The average percent of damage to oranges on an insurance unit shall be the ratio of the number of standard citrus field picking boxes of oranges lost from freeze to the total number of standard citrus field picking boxes which was or would have been produced. The number of boxes which was or would have been produced shall include (1) oranges picked before the insured damage occurs, (2) oranges remaining on the trees after the damage occurs, (3) oranges lost from freeze, and (4) any other oranges not included in items (1) through (3), including oranges lost from causes not insured against other than normal dropping. Oranges lost from freeze shall be oranges to which damage from freeze is serious as defined in the Agricultural Code of California (as amended through January 1, 1958) as determined by the Corporation from grove inspections, marketing agency records, proof furnished by the insured, or from any other evidence that may be made available. The Corporation reserves the right to delay the determining of the extent of damage from the insured makes available to it complete [illegible] and the settlement of any loss until records of the marketing of the insured crop for the crop year.

9. *Life of contract, cancellation or termination thereof.* In lieu of item (1) of subsection 15 (a) of the policy, for any crop year insurance on oranges shall terminate as if canceled by the Corporation prior to the cancellation date if by the termination date for indebtedness any amount due the Corporation for insurance on oranges remains unpaid.

10. *Meaning of terms.* For purposes of insurance on oranges the terms:

(a) "Crop year," in lieu of section 21 (e) of the policy, means the period beginning October 1 and extending through September 30 of the following calendar year, and shall be designated by reference to the calendar year in which the insurance period begins.

(b) "Harvest" means any severance of oranges from the tree either by pulling or picking or picking the marketable oranges from the ground.

(c) "Insurance unit," in lieu of section 21 (f) of the policy, means all insurable acreage in the county of any one insurable variety of oranges (navel or valencia) (1) in which the insured has 100 percent interest on the date insurance attaches that is located on contiguous land under the same ownership, or (2) in which two or more persons have 100 percent interest on the date insurance attaches that is located on contiguous land under the same ownership, excluding any other acreage of oranges in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

11. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the July 31 and the termination date for indebtedness shall be the September 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the date insurance attaches for such crop year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, as amended, 74, as amended, 75; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on April 1, 1958.

[SEAL] F. N. McCartney,
Secretary,
Federal Crop Insurance Corporation.

Approved on April 11, 1958.

Marvin L. McLain,
Assistant Secretary.

[F. R. Doc. 58-2835; Filed, Apr. 16, 1958; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 27]

Part 3—Procurement by Negotiation

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

1. Sections 3.106-3 and 3.106-4 have been amended as follows: § 3.106-3 sets forth a procedure which will provide in negotiated procurement that unsuccessful offerors will be furnished written notice that their offers were unacceptable and certain details concerning the award. In addition § 3.106-3 provides for furnishing unsuccessful offerors, upon request, with the reasons why they were unsuccessful. Section 3.106-4 provides for public release of all of the information furnished under the procedure set forth in § 3.106-3 except the reasons why individual offerors did not receive the award. These changes are responsive to the legislative recommendations in Subcommittee Proceedings No. 3 of the Subcommittee for Special Investigations of the House Committee on Armed Services, issued June 15, 1957. Sections 3.106-3 and 3.106-4, as revised, read as follows:

§ 3.106-3 *Award information to unsuccessful offerors*—(a) *Notice to unsuccessful offerors.* (1) Promptly after making all awards in any procurement in excess of $10,000, the contracting officer shall give written notice to the unsuccessful offerors that their proposals were not accepted, except where the contract is exclusively for experimental, developmental, or research work, or is negotiated pursuant to title 10, United States Code, section 2304 (a) (4), (5), or (6) (see § 3.204, § 3.205 or § 3.206). Such notice shall also include:

(i) The number of prospective contractors solicited;

(ii) The number of proposals received;

(iii) The name and address of each offeror receiving an award;

(iv) The items, quantities, and unit prices of each award: *Provided,* That where the number of items or other factors makes the listing of unit prices impracticable, only the total contract price need be furnished; and

(v) A statement that additional information may be requested from the contracting officer.

(2) In procurements of $10,000 or less and subject to the exceptions in subparagraph (1) of this paragraph, the information described in subparagraph (1) of this paragraph shall be furnished to unsuccessful offerors upon request.

(b) *Additional information.* Upon request, unsuccessful offerors whose offered prices were lower than those of the contractor which received the award shall be furnished the reasons why their proposals were not accepted; but in no event will an offeror's cost breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information be disclosed to any other offeror.

(c) *Classified information.* Classified information shall be furnished only in accordance with regulations governing classified information.

§ 3.106-4 *Publicizing award information.* The information contained in the notice to unsuccessful offerors prescribed by § 3.106-3 (a) (1) shall:

(a) Be posted in a public place at the purchasing activity for at least seven days; and

(b) Be included in all press releases or public announcements concerning negotiated awards.

2. Section 3.210-3 has been amended to provide that whenever contracts in excess of $50,000 are negotiated on the ground that it was impossible to draft specifications, they must now be reviewed by a responsible official at a level above the contracting officer. This change is responsive to the legislative recommendations in Subcommittee Proceedings No. 3 of the Subcommittee for Special Investigations of the House Committee on Armed Services, issued June 15, 1957.

§ 3.210-3 *Limitation.* The authority of this section shall not be used when negotiation is authorized by the provisions of § 3.211, § 3.213, § 3.214, § 3.215 or § 3.216. The authority contained in § 3.210-2 (m) shall not be used in procurements in excess of $50,000 unless its use is approved in advance at a level higher than the contracting officer. Every contract that is negotiated under the authority of § 3.210 shall be accomplished by a signed statement of the contracting officer justifying its use, and a copy of such statement shall be sent to the General Accounting Office with a copy of the contract negotiated and executed hereunder.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

G. C. BANNERMAN,
*Director for Procurement Policy,
Office of Assistant Secretary
of Defense (Supply and
Logistics).*

APRIL 10, 1958.

[F. R. Doc. 58-2817; Filed, Apr. 16, 1958; 8:45 a. m.]

Chapter VI—Department of the Navy

Subchapter E—Claims

PART 750—NAVY GENERAL CLAIMS

PART 753—FOREIGN, NONCOMBAT CLAIMS

REVISION OF PARTS

Scope and purpose. Parts 750 and 753 are revised to reflect current law and regulations.

1. Part 750 is revised to read as follows:

PART 750—NAVY GENERAL CLAIMS

Subpart A—Federal Tort Claims

ADMINISTRATIVE CLAIMS

Sec.
750.1 Definition.
750.2 Statutory authority.
750.3 Scope of provisions governing administrative settlement of Federal tort claims under Title 28, United States Code.
750.4 Effect on prior legislation.
750.5 Claims in excess of $1,000.
750.6 Attorneys' fees.
750.7 Statute of limitations.

SUIT AGAINST THE UNITED STATES

750.8 Statutory authority for action.
750.9 Scope of civil action provisions of 28 U. S. C. 1346 (b).
750.10 Extent of Government liability.
750.11 Compromise settlements.
750.12 Effect of judgment.
750.13 Attorneys' fees.
750.14 Action on claims previously presented administratively.
750.15 Statute of limitations.
750.16 Appeal.

Subpart B—Other Administrative Claims

MILITARY CLAIMS ACT (10 U. S. C. 2733)

750.17 Definitions.
750.18 Statutory authority.
750.19 Scope of the Military Claims Act (10 U. S. C. 2733).
750.20 Claims in excess of $1,000.
750.21 Claims "otherwise incident to noncombat activities of the Navy Department or of the Navy."
750.22 Bailed personal property.
750.23 Use and occupancy of real property.
750.24 Damage, loss, or destruction of mail.
750.25 Claims arising in foreign countries.
750.26 Statute of limitations.

10 U. S. C. 7625

750.27 Statutory authority.
750.28 Scope of 10 U. S. C. 7625.

Subpart C—General Provisions Investigation and Procedure

750.29 Measure of damages.
750.30 Who constitutes a proper claimant.
750.31 The submission of a claim.
750.32 The contents of a claim.
750.33 Investigation; general.
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750.35 Investigation; responsibility for.
750.36 The investigating officer.
750.37 Duties of the investigating officer.
750.38 Contents of the investigative report.
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750.39 Action by the commanding officer or officer in charge.
750.40 Action by the district or staff legal officer.
750.41 Approval of claims.
750.42 Notice and appeal.
750.43 Settlement agreement.
750.44 Payment of claims.
750.45 Claims in favor of the United States.
750.46 Disclosure of information.
750.47 Authority for issuance of instructions by the Judge Advocate General.

SUBPART A—FEDERAL TORT CLAIMS ACT

AUTHORITY: §§ 750.1 to 750.16 issued under sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interpret or apply secs. 2671–2680, 62 Stat. 982–984, as amended; 28 U. S. C. 2671–2680.

ADMINISTRATIVE CLAIMS

§ 750.1 *Definition.* The term "employee of the Government", as used in §§ 750.1 to 750.16, includes members of the naval forces of the United States, officers or employees of the Navy, and persons acting on behalf of the Navy in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

§ 750.2 *Statutory authority.* Pursuant to, and subject to the limitations of, Part 2 of the Federal Tort Claims Act as amended (28 U. S. C. 2671–2680), the Secretary of the Navy, or his designee for the purpose, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine and settle any claim for money damages of $1,000 or less against the United States, accruing on or after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant, in accordance with the law of the place where the act or omission occurred.

§ 750.3 *Scope of provisions governing administrative settlement of Federal tort claims under Title 28, United States Code.* (a) Subject to the exceptions set forth in paragraphs (b) and (c) of this section, the provisions governing administrative settlement of federal tort claims under Title 28, United States Code and §§ 750.1–750.7 provide the exclusive authorization and procedure whereby the Secretary of the Navy or his designee may consider, ascertain, adjust, determine and settle claims for money damages of $1,000 or less against the United States, accruing on and after January 1, 1945, for injury or loss of property or personal injury or death determined to have been caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(b) The provisions of the Federal Tort Claims Act and §§ 750.1–750.7 do not apply to:

(1) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid; or based upon the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty on the part of the Navy or an employee of the Government, whether or not the discretion involved may be abused.

(2) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(3) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(4) Any claim for which a remedy is provided by the act of March 9, 1920 as amended (46 U. S. C. 741–752) or the act of March 3, 1925 as amended (46 U. S. C. 781–790) relating to claims or suits in admiralty against the United States.

(5) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act as amended (50 U. S. C. App. 1–39).

(6) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(7) Any claim arising from the activities of the Panama Canal Company.

(8) Any claim arising out of assault, battery, false imprisonment; false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(9) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(10) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(11) Any claim arising in a foreign country.

(12) Any claim arising from the activities of the Tennessee Valley Authority.

(c) Although not expressly excepted from the application of the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, the following types of claims shall not be considered administratively under the provisions of §§ 750.1–750.7:

(1) Any claim for the personal injury or death of a member of the naval forces of the United States incurred in line of duty.

(2) Any claim for the personal injury or death of a civilian employee of the Navy to whom the Federal Employees' Compensation Act as amended (5 U. S. C. 751–793) is applicable.

(3) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, which claim is cognizable under 10 U. S. C. 2732 and the applicable Navy Personnel Claims Regulations (Part 751 of this chapter).

§ 750.4 *Effect on prior legislation.* (a) With respect to claims in the amount of $1,000 or less, cognizable under the provisions governing administrative settlement of federal tort claims under Title 28, United States Code, section 424 of the Federal Tort Claims Act (the only section of the original law not repealed by Public Law 773, 80th Cong.) repeals all provisions of law authorizing the Navy to consider, ascertain, adjust, or determine claims on account of damage to or loss of property or on account of personal injury or death, with respect to which causation by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is a jurisdictional fact.

(b) Section 424 of the Federal Tort Claims Act further provided that nothing contained therein should be deemed to repeal any provision of law authorizing the Navy to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property, or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under the administrative claims provisions of Part 2 of the Federal Tort Claims Act, now revised and embodied in Title 28, United States Code.

§ 750.5 *Claims in excess of $1,000.* The Navy does not have legal authorization to pay claims in excess of $1,000, with the exception of admiralty claims, even though they are otherwise cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code. The claimant's remedy in such cases is by civil action in the United States district court for the district where the claimant resides or wherein the act or omission complained of occurred, as set forth in the civil action provisions of 28 U. S. C. 1346 (b), and §§ 750.8–750.16.

§ 750.6 *Attorneys' fees.* (a) The Secretary of the Navy or his designee making an award pursuant to the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code and §§ 750.1–750.7 may, as a part of the award, determine and allow reasonable attorneys' fees which, if the amount awarded is $500 or more, are not to exceed 10 per centum of the sum approved. Attorneys' fees so determined are to be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award. The limitation of 10 per centum does not apply when the award is less than $500.

(b) The authority to fix attorneys' fees as set forth in paragraph (a) of this section may be exercised only upon the written request of both the claimant and his attorney.

§ 750.7 *Statute of limitations.* Every claim against the United States for $1,000 or less, to be cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1–750.7 must be presented in writing to the Navy within two years after the claim accrued or be forever barred.

SUIT AGAINST THE UNITED STATES

§ 750.8 *Statutory authority for action.* (a) Pursuant to, and subject to the limitations of, Part 3 of the Federal Tort Claims Act as amended (28 U. S. C. 1254, 1255, 1346, 1402, 2402, 2411, 2412, 2674), the United States district court for the district where the plaintiff resides or wherein the act or omission complained of occurred, including the District Court for the territory of Alaska, the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, sitting without a jury, has exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on or after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred.

(b) The jurisdiction conferred as set forth in paragraph (a) of this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under 28 U. S. C. 1346 (b).

§ 750.9 *Scope of civil action provisions of 28 U. S. C. of 1346* (b). (a) The remedies provided by 28 U. S. C. 1346 (b) with respect to civil action against the United States are the exclusive remedies whereby action may be brought upon claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred.

(b) The types of claims listed in § 750.3 (b) (1)–(12) are expressly excepted from the application of 28 U. S. C. 1346 (b).

§ 750.10 *Extent of Government liability.* (a) Subject to the provisions of Title 28, United States Code, the United States is liable in respect of claims cognizable thereunder, in the same manner, and to the same extent, as a private individual under like circumstances, but is not liable for interest prior to judgment, or for punitive damages. If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred, provides, or has been construed to provide, for damages only punitive in nature, the United States is liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons, respectively, for whose benefit the action was brought, in lieu thereof.

(b) On all final judgments rendered against the United States in actions instituted under 28 U. S. C. 1346 (b), interest is to be computed at the rate of 4 per centum per annum from the date of judgment up to, but not exceeding, 30 days after the date of approval of any appropriation act providing for payment of the judgment.

(c) Costs are to be allowed in all courts to the successful claimant but such costs are not to include attorneys' fees.

§ 750.11 *Compromise settlements.* The Attorney General, with the approval of the court, is authorized to arbitrate, compromise, or settle any claim cognizable under the civil action provisions of 28 U. S. C. 1346 (b), after the commencement of an action thereon. Any such award, compromise, or settlement made by the Attorney General is required to be paid by the Navy out of appropriations made therefor.

§ 750.12 *Effect of judgment.* The judgment in an action brought under Title 28 U. S. C. 1346 (b) constitutes a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim.

§ 750.13 *Attorneys' fees.* The court rendering a judgment for the plaintiff, or the Attorney General making an arbitration, compromise, or settlement, pursuant to 28 U. S. C. 1346 (b) or 2677, respectively, may as a part of the judgment or settlement, determine and allow reasonable attorneys' fees, which, if the recovery is $500 or more, are not to exceed 20 per centum of the amount recovered, to be paid to the attorney representing the claimant out of, but not in addition to, the amount of the judgment or settlement recovered.

§ 750.14 *Action on claims previously presented administratively.* (a) No action can be instituted upon a claim against the United States which has been presented to the Navy pursuant to the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1–750.7 unless the Navy has made final disposition of the claim. The claimant may, however, upon 15 days' written notice, withdraw the claim from consideration by the Navy and commence action thereon. No action on a claim so withdrawn from consideration by the Navy may be instituted for any sum in excess of the claim presented to the Navy, except where the increased amount is based on newly discovered evidence not reasonably discoverable at the time of presenting the claim to the Navy, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(b) The disposition of any claim made by the Attorney General or the Secretary of the Navy or his designee is not competent evidence of liability or amount of damages.

§ 750.15 *Statute of limitations.* An action against the United States pursuant to 28 U. S. C. 1346 (b), must be begun within two years after the claim accrued, or be forever barred. If a claim not exceeding $1,000 has been presented in writing to the Navy within that period of time, suit thereon shall not be barred until the expiration of a period of six months after either the date of withdrawal of such claim from the Navy or the date of mailing notice by the Navy of final disposition of the claim.

§ 750.16 *Appeal.* (a) The United States courts of appeals have jurisdiction of appeals from final decisions of the district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, and the District Court of the Virgin Islands in actions brought under 28 U. S. C. 1346 (b).

(b) The United States Court of Claims has jurisdiction to review by appeal final judgments in the district courts in civil actions based on tort claims brought under 28 U. S. C. 1346 (b), if the notice of appeal filed in the district court has affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims. Appeals to the Court of Claims in such cases shall be taken within 3 months after the entry of the final judgment of the district court.

(c) Cases in the courts of appeals may be reviewed by the Supreme Court of the United States by writ of certiorari, by appeal, or by certification of questions of law, as provided in 28 U. S. C. 1254. Cases in the Court of Claims may be reviewed by the Supreme Court by writ of certiorari or by certification of questions of law, as provided in 28 U. S. C. 1255.

SUBPART B—OTHER ADMINISTRATIVE CLAIMS

AUTHORITY: §§ 750.17 to 750.28 issued under sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interpret or apply secs. 2733, 7625, 70A Stat. 153, 473; 10 U. S. C. 2733, 7625.

MILITARY CLAIMS ACT (10 U. S. C. 2733)

§ 750.17 *Definitions.* As used in §§ 750.17 to 750.26:

(a) The word "claim" refers to any demand for payment submitted by any individual, partnership, association, corporation, or political entity, including countries, states, territories, and political subdivisions thereof, but excluding the Federal Government of the United States and its instrumentalities.

(b) The words "military personnel or civilian employees of the Navy" include all military personnel of the Navy, prisoners of war and interned enemy aliens engaged by the Navy in labor for pay, and volunteer workers and others serving as employees of the Navy whether with or without compensation.

(c) The words "Navy" or "naval" include the Marine Corps, and the Coast Guard while the Coast Guard is serving as a part of the Navy, unless the context indicates a contrary intention.

(d) The word "military" includes "naval."

§ 750.18 *Statutory authority.* 10 U. S. C. 2733 is commonly known as the Military Claims Act. Pursuant to, and subject to the limitations of, this authority, the Secretary of the Navy and, subject to appeal to the Secretary of the Navy, such other officer or officers as he may designate for such purposes and under such regulations as he may prescribe, are authorized to consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of $1,000, where accepted by the claimant in full satisfaction and final settlement, any claim against the United States when such claim is substantiated in such manner as the Secretary of the Navy may by regulation prescribe, for damage to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy, including claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise.

§ 750.19 *Scope of 10 U. S. C. 2733.* (a) Subject to the exceptions set forth in paragraph (b) of this section, claims not in excess of $1,000 for damage to or loss or destruction of real or personal property or for personal injury or death, caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy, including claims for damages to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damage to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise, are payable by the Secretary of the Navy or his designees under 10 U. S. C. 2733 and §§ 750.17–750.26.

(b) The provisions of 10 U. S. C. 2733 and §§ 750.17–750.26 do not apply to:

(1) Any claim for damage, loss, destruction, injury, or death which was proximately caused, in whole or in part, by any negligence or wrongful act on the part of the claimant, his agent or his employee.

(2) Any claim for damage, loss, destruction, injury, or death resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat.

(3) Any claim for personal injury or death incurred on or before March 29, 1956, other than for reasonable medical, hospital, and burial expenses actually incurred as a result thereof.

(4) Any claim for reimbursement for medical or hospital services furnished at the expense of the United States or, in the case of burial, for such portion of the expense thereof as may be otherwise paid by the United States.

(5) Any claim for personal injury or death of military personnel or civilian employees of the Navy if such injury or death occurs incident to their service.

(6) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, which claim is cognizable under 10 U. S. C. 2732 and the applicable Navy Personnel Claims Regulations (Part 751 of this chapter).

(7) Any claim arising on or after January 1, 1945, the cause of which has been determined to be the negligent or wrongful act or omission of an employe of the Government (as defined in §750.1) while acting within the scope of his office or employment, and which is in all other respects within the cognizance of the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1–750.7.

(8) Any claim arising in a foreign country or possession thereof which is cognizable under the provisions of the Foreign Claims Act (10 U. S. C. 2734) and regulations issued pursuant thereto.

(9) Any claim cognizable under 10 U. S. C. 7623 or 46 U. S. C. 797 relating to admiralty claims or claims for damages caused by naval vessels.

(10) Any claim for damage to or loss or destruction of property founded in contract, express or implied, with the exception of claims arising from the bailment of personal property to the Government and from the use and occupancy of real property as set forth in §§ 750.22 and 750.23.

(11) Any claim for the rent of real or personal property.

(12) Any claims involving the infringement of patents.

§ 750.20 *Claims in excess of $1,000.* Claims in excess of $1,000, if otherwise within the scope of the Military Claims Act (10 U. S. C. 2733), may be reported by the Secretary of the Navy to Congress for its consideration. Such claims, if found to be meritorious, will ordinarily be reported to Congress in a deficiency appropriation bill, obviating the claimant's initiation of private relief legislation.

§ 750.21 *Claims "otherwise incident to noncombat activities of the Navy Department or of the Navy."* Claims for damage to or loss or destruction of property, real or personal, or for personal injury or death, although not shown to have been caused by any particular act or omission of military personnel or civilian employees of the Navy while acting within the scope of their employment, are payable under the provisions of the Military Claims Act (10 U. S. C. 2733) if otherwise incident to noncombat activities of the Navy. Claims within this category are those arising out of authorized activities which are peculiarly military activities having little parallel in civilian pursuits, and out of situations in which the Government has historically assumed a broad liability, such as claims for damage or injury arising from, and which are the natural or probable results or incidents of: maneuvers and special exercises; practice firing of heavy guns; practice bombing; naval exhibitions; operation of guided missiles, aircraft and of antiaircraft equipment; use of barrage balloons; use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions; explosions of ammunition; movement of combat vehicles or other vehidesigned especially for military use; and the use and occupancy of real estate.

§ 750.22 *Bailed personal property.* (a) Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, expressed or implied, are payable under the provisions of the Military Claims Act (10 U. S. C. 2733) even though legally enforceable against the Government as contract claims, unless by express agreement the bailor has assumed the risk of damage, loss or destruction. Subject to the exceptions set forth in § 750.19 (b), the cause of loss is immaterial.

(b) Claims of prisoners of war and of interned enemy aliens for damage to or loss of destruction of personal property in the custody of the Government are payable only when the proximate cause of the damage, loss, or destruction is shown to be the tortious act or omission of military personnel or civilian employees of the Navy. The authority to pay claims of this nature is also subject to the exceptions set forth in § 750.19 (b).

(c) Claims in the category covered by this section may, if deemed in the best interests of the Government, be processed as contract claims through the General Accounting Office.

§ 750.23 *Use and occupancy of real property.* (a) Subject to the exceptions set forth in § 750.19 (b), claims for damage to real property incident to the use and occupancy thereof by the Government, whether under a lease, express or implied, or otherwise, are payable under the provisions of the Military Claims Act even though legally enforceable against the Government as contract claims.

(b) Claims in the category covered by this section may, if deemed in the best interests of the Government, be processed as contract claims through the General Accounting Office.

§ 750.24 *Damage, loss, or destruction of mail.* (a) Claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities are payable under the Military Claims Act. This provision of the act is in the nature of an exception to the general requirement that the damage, loss, or destruction of personal property, in order to be compensable thereunder, be caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or be otherwise incident to noncombat activities of the Navy. In effect, this provision makes it possible for the Navy to relieve the Post Office Department of its obligation as an insurer with respect to registered and insured mail relinquished into the possession of the Navy for transportation or delivery to the addressee. For this reason, any award to a claimant for the damage to or loss or destruction of registered or insured mail while in the possession of the military authorities, where the damage, loss, or destruction results from a criminal act, shall be limited in amount to the indemnity to which the claimant would be entitled from the Post Office Department in accordance with the registry or insurance fee paid, and shall be in all other respects subject to the conditions of and limitations upon idemnity set forth in the Postal Manual, United States Post Office Department (39 CFR), as applicable to the payment of idemnity by the Post Office Department where the damage, loss, or destruction occurs while the mail matter is in the possession of that department.

(b) Claims for damage to or loss or destruction of mail matter of any class, whether or not such mail is insured or registered, are payable, upon proper substantiation, if shown to have been caused by military personnel or civilian employees of the Navy while acting within the scope of their employment, or if otherwise incident to noncombat activities of the Navy, or if within the provisions of § 750.22 with respect to bailed personal property. However, failure to insure or register mail containing money or articles of substantial value may constitute negligence on the part of the claimant which will preclude recovery. In claims for damage, loss, or destruction of mail matter not resulting from criminal acts, the amount of the award is not limited to the amount of coverage provided by the insurance or registry fee paid to the Post Office Department, but is governed by the general provisions of § 750.29 with respect to measure of damages. If claimed, additional damages may be recovered in mail cases in the amount of postage and any registration or insurance or other special fees prepaid, except that no such postage or fees shall be paid if actual delivery of the mail matter is made to the correct addressee.

(c) In addition to the exceptions set forth in § 750.19 (b), the provisions of the Military Claims Act do not apply to:

(1) Any claim for damage, loss, or destruction of mail matter occurring prior to delivery by the Post Office Department to authorized military personnel or civilian employees of the Navy (e. g., designated Navy mail clerks and assistant Navy mail clerks, mail orderlies, and postal officers).

(2) Any claim for damage, loss, or destruction of mail matter occurring due to the fault of or while in the hands of bonded personnel.

(3) Any claim for damage, loss, or destruction of mail matter arising after resumption of possession by the Post Office Department (e. g., for the purpose of forwarding to the addressee at a different address) and prior to redelivery to authorized military personnel or civilian employees of the Navy charged with transportation or distribution to the addressee.

§ 750.25 *Claims arising in foreign countries.* (a) There are no geographical limitations upon the scope of application of the Military Claims Act and §§ 750.17–750.26. The Foreign Claims Act (10 U. S. C. 2734) and regulations issued pursuant thereto, however, have preemptive application to claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by military forces or individual members thereof, whether military personnel or civilian employees, or otherwise incident to noncombat activities of such forces, in a foreign country, to public property located therein, or to the privately owned property or to the persons or inhabitants of a foreign country. Any claim which arises in a foreign country, therefore, and which is within the scope of the Foreign Claims Act, is precluded from consideration under the Military Claims Act. Any claim which arises in a foreign country and is for any reason not cognizable under the Foreign Claims Act and the regulations issued thereunder, however, may be considered and paid under the Military Claims Act and §§ 750.17–750.26 provided it is in all respects within the scope thereof.

(b) In addition to the exceptions set forth in § 750.19 (b), the provisions of the Military Claims Act do not apply to any claim arising in a foreign country, of an inhabitant of a foreign country who is a national of a country at war with the United States or of any ally of such an enemy country, unless it be determined that the claimant is friendly to the United States.

(c) Claims arising in foreign countries may, in proper cases, be cognizable under 10 U. S. C. 7625 and §§ 750.27 and 750.28. They are expressly excluded, however, from consideration under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, and from the application of the civil action provisions of 28 U. S. C. 1346 (b).

§ 750.26 *Statute of limitations.* No claim may be settled under the Military Claims Act unless it is presented in writing within two years after the occurrence of the accident or incident out of which it arises. However, if such accident or incident occurs in time of war or armed conflict, or if war or armed conflict intervenes within two years after its occurrence, any claim may, on good cause shown, be presented within two years after the war or armed conflict is terminated. For the purposes of the Military Claims Act, the dates of the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by determination of the President. The provisions of this section do not revive claims in regard to which the period of limitation had expired prior to March 29, 1956 under the law then in effect.

10 U. S. C. 7625

§ 750.27 *Statutory authority.* Pursuant to and subject to the limitations of 10 U. S. C. 7625, the Secretary of the Navy is authorizd to consider, ascertain, adjust, determine, and pay the amounts due in all claims for damages (other than such as are occasioned by vessels of the Navy) to and loss of privately owned property, where the amount of the claim does not exceed $500, for which damage or loss members of the naval service are found to be responsible.

§ 750.28 *Scope of 10 U. S. C. 7625.* (a) Subject to the exceptions and limitations set forth in paragraphs (b) and (c) of this section, 10 U. S. C. 7625 provides authority whereby the Secretary of

the Navy may, in certain restricted circumstances, consider, ascertain, adjust, determine, and pay claims not in excess of $500 for damage to and loss of privately owned property, for which damage or loss a member of the naval service is found to be responsible.

(b) The provisions of 10 U. S. C. 7625 and §§ 750.27–750.28 do not apply to:

(1) Any claim in excess of $500.

(2) Any claim for personal injury or death.

(3) Any claim for property damage or loss occasioned by vessels of the Navy.

(4) Any claim for property damage or loss for which civilian employees of the naval service are found to be responsible.

(5) Any claim for property damage or loss caused through the negligence of members of the naval service while acting within the scope of their employment (4 Comp. Gen. 876 (1925), 10 Comp. Gen. 229 (1930), 11 Comp. Gen. 502 (1932)).

(c) Favorable consideration under 10 U. S. C. 7625 of claims arising from acts or omissions of members of the naval service, acting outside the scope of their employment, will ordinarily be restricted to claims arising from acts or omissions involving the use of Navy property.

SUBPART C—GENERAL PROVISIONS; INVESTIGATION AND PROCEDURE

AUTHORITY: §§ 750.29 to 750.47 issued under sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interpret or apply secs. 2671–2680, 62 Stat. 982–984, as amended, secs. 2733, 7625, 70A Stat. 153, 473; 28 U. S. C. 2671–2680, 10 U. S. C. 2733, 7625.

§ 750.29 *Measure of damages.* (a) In claims for damage to or loss or destruction of property cognizable under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil action provisions of 28 U. S. C. 1346 (b), the measure of damages is determined by the law of the place where the act or omission occurred. In cases cognizable under the Military Claims Act (10 U. S. C. 2733) and 10 U. S. C. 7625, however, the measure of damages shall be as follows:

(1) If the property has been or can be economically repaired, the measure of damages shall be the actual or estimated net cost of the repairs necessary to restore the property to substantially the condition which existed immediately prior to the incident. Damages so determined shall not, however, exceed the value of the property immediately prior to the incident less the value thereof immediately after the incident. To determine the actual or estimated net cost of repairs, the value of any salvaged parts or materials and the amount of any net appreciation in value effected through the repair shall be deducted from the actual or estimated gross cost of repairs, and the amount of any net depreciation in the value of the property shall be added to such gross cost of repairs, provided such adjustments are sufficiently substantial in amount to warrant consideration. All estimates of the cost of repairs shall be based upon the lower or lowest of two or more competitive bids, or upon statements or estimates by one or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(2) If the property cannot be economically repaired, the measure of damages shall be the value of the property immediately prior to the incident less the value thereof immediately after the incident. All estimates of value shall be made, if possible, by one or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(3) Loss of use of damaged property which is economically reparable may, if claimed, be included as an additional element of damage to the extent of the reasonable expense actually incurred for appropriate substitute property, but only for such period as is reasonably necessary for repairs, and provided that idle substitute property of the claimant was not employed. When substitute property is not obtainable, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but is not obtained and used by the claimant, loss of use is normally not payable.

(b) In claims for personal injury or death cognizable under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil action provisions of 28 U. S. C. 1346 (b), the measure of damages is determined by the law of the place where the act or omission occurred. In claims for personal injury or death cognizable under the Military Claims Act accruing on or before March 29, 1956, the measure of damages is restricted to reasonably necessary medical, hospital, and burial expenses, reasonable in amount and actually incurred, including, but not limited to, the following:

(1) Medical expenses: Transportation, by ambulance or otherwise, from the scene of the incident to a physician or hospital, and between the residence of the person injured and physicians and hospitals, for examination or treatment; services performed by physicians, surgeons, dentists, laboratory technicians, anesthetists, masseurs, and registered and practical nurses; physiotherapy; X-ray examination and treatment; laboratory tests; and medical supplies.

(2) Hospital expenses: Use of emergency and surgical rooms, room and board; laboratory fees; anesthetics, medicines, and dressings; and payments to blood donors.

(3) Burial expenses: Undertaker's services; casket; transportation; cemetery lot; services of a minister, priest, or rabbi; and interment or cremation.

(c) In claims for personal injury or death cognizable under the Military Claims Act accruing after March 29, 1956, the measure of damage may include reasonable medical, hospital, and burial expenses, loss of earnings and services, diminution of earning capacity, pain and suffering, permanent injury and death. In computing damages in cases of personal injury or death, local standards will be taken into consideration as a guide. In case of death, only one claim arises; the amount approved therefore will, to the extent found practicable or feasible, be apportioned among the beneficiaries and in the proportions prescribed by law or custom of the place in which the accident or incident resulting in death occurs.

(d) In claims cognizable under the Military Claims Act (10 U. S. C. 2733) or 10 U. S. C. 7625, payment shall not be made for the following elements of damage: Interest, cost of preparation of claims; attorneys' fees; or inconvenience and similar items.

(e) If a claimant under the Military Claims Act (10 U. S. C. 2733) or 10 U. S. C. 7625 has elected to proceed against a third party as a joint tort-feasor, any amount paid by such third party for damage which might otherwise be properly included in the claim against the Government shall be deducted from any award made by the Government to the claimant.

§ 750.30 *Who constitutes a proper claimant.* (a) A claim for damage to or loss or destruction of property shall be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner," as used herein, includes a bailee, lessee, mortgagor, and conditional vendee, but does not include a mortgagee, conditional vendor, or other person having title for purposes of security only. If the claim is filed by an agent or legal representative of the owner of the property, it shall show the title or capacity of the person signing and shall be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary.

(b) A claim on account of personal injury shall be presented by the person injured or his duly authorized agent, or, in the case of death, by the legal representative of the person deceased. A claim for medical, hospital, and burial expenses of a person deceased may, if no legal representative has been appointed, be presented by any person who, by reason of family relationship, has in fact incurred the expenses for which claim is made.

(c) Settlement of claims involving subrogation by reason of insurance or operation of law when the combined claims of both insured and insurer do not exceed $1,000, may be made separately with the subrogor or the subrogee for their respective interests when separate claims are submitted, or jointly with both when one claim has been filed in the names of both and signed by both, but only with the subrogee when the subrogor has received full compensation from him in cases of damage, loss, destruction, injury or death. Appropriate documentary evidence should be furnished by the subrogee in support of a subrogated claim.

(d) All transfers and assignments made of any claim upon the United States, or of any part or share thereof or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, are absolutely null and void unless they are made after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. (R. S. 3477, as amended, 31 U. S. C. 203.) This statutory provision does not apply to the assignment of a claim by operation of law, as in the case of a receiver or trustee in bankruptcy appointed for an individual, firm, or corporation, or the case of an administrator or executor of the estate of a person deceased, or an insurer subrogated to the rights of the insured.

§ 750.31 *The submission of a claim.* (a) A claim shall be submitted by presenting in triplicate a written statement setting forth the amount of the claim and, as far as possible, the detailed facts and circumstances surrounding the incident from which the claim arose. The Claim for Damage or Injury, Standard Form No. 95, shall be used whenever practicable. The claim and all other papers requiring signature by the claimant shall be signed by the claimant personally or by his duly authorized agent. The signature of the claimant or his agent shall be identical throughout. When more claims than one arise from a single incident, each such claim shall be filed separately and individually.

(b) The claim shall be submitted by the claimant to the commanding officer of the naval activity involved, if known; otherwise, it shall be submitted to the commanding officer of any naval activity, preferably the one within which or nearest to which the incident occurred, or to the Judge Advocate General of the Navy, Washington 25, D. C.

§ 750.32 *The contents of a claim.* (a) The claimant shall include the following information in his claim:

(1) The full name and complete address of the claimant.

(2) The amount claimed for property damage, loss, or destruction, and the amount claimed on account of personal injury or death.

(3) The date, time, and place of occurrence of the incident giving rise to the claim.

(4) The persons, vehicles, and other property involved.

(5) The identity of the Government department, agency, or activity involved.

(6) A detailed description of the occurrence of the incident and the facts and circumstances attending it.

(7) The nature and extent of the resulting damage, loss, destruction, or injury.

(8) The names and addresses of any witnesses to the occurrence of the incident.

(9) An agreement by the claimant to accept the amount claimed in full satisfaction and final settlement of the claim stated.

(b) The amount of the claim shall be substantiated by competent evidence, as follows:

(1) In support of claims for damage to real or personal property which has been or can be economically repaired, the claimant shall submit, in triplicate, an itemized, signed statement or estimate of the cost of repairs. If the property is not economically reparable, or if it is lost or destroyed, the value thereof, both before and after the incident, shall be stated. If damage to realty is not economically reparable, the value, both before and after the incident, of the land damaged, or of the improvement or fixture if it can be readily and fairly valued apart from the land, shall be stated. In support of claims for damage to crops, the statement shall indicate the number of acres or other unit of measure of the crops damaged, the normal yield per unit, the gross income which would have been realized from such normal yield, and an estimate of the further costs of cultivation, harvesting, and marketing. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop shall also be stated. All such statements or estimates shall, if possible, be made by competent, disinterested witnesses, preferably reputable dealers or officials familiar with the type of property damaged or lost. If payment for repairs has been made, itemized receipts evidencing payment shall be included. All itemized statements or receipted bills shall be certified by the creditor to be just and correct. A claimant for damage to or loss or destruction of registered or insured mail shall, in addition, submit the registration or insurance receipt showing the amount of the fees and postage paid, or in the event the receipt is not available, a signed statement by the issuing post office containing the essential information from the official records.

(2) In support of claims for personal injury or death, the claimant shall submit, in triplicate, a written report by the attending physician showing the nature and extent of the injury and the treatment, the period of hospitalization or incapacitation, the degree of permanent disability, if any, and the prognosis. Itemized statements or receipted bills, certified by the creditor to be just and correct, shall be included to cover medical, hospital, or burial expenses actually incurred.

(c) The claimant may, if he desires, file with his claim a brief setting forth the law and arguments in support of his position.

§ 750.33 *Investigation; general.* Every service-connected incident which may result in claims against or in favor of the Government shall be promptly and thoroughly investigated by trained personnel. The investigation shall be closely supervised to insure the preparation of an investigative report providing a sufficient basis for the prompt and just disposition of resulting claims against and in favor of the Government, and for all other official action required by the circumstances of the case. The procedures set forth in §§ 750.34–750.45 shall be followed with respect to the appointment of investigating officers, the conduct of the investigation, the preparation of the investigative report, and the processing of claims cognizable under the regulations in this part.

§ 750.34 *Investigation; when required.* (a) Investigation of service-connected incidents shall be made in any of the following circumstances:

(1) When private property is damaged, lost, or destroyed.

(2) When Government property is damaged, lost, or destroyed under circumstances which indicate the existence of a claim in favor of the Government.

(3) When injury or death results to any civilian other than an employee of the Government acting in the performance of his duty and covered by the Federal Employees' Compensation Act.

(4) When a claim is filed within the provisions of the regulations in this part, though irrespective of amount.

(5) When specifically directed by competent authority.

(b) Incidents falling within any of the categories listed in paragraph (a) of this section shall be investigated and reported upon without delay, even though no claim has been filed, and even though there may be no existing law or regulation under which any claim arising therefrom might be paid.

(c) Upon receipt by the Judge Advocate General of notice from the Department of Justice, or from any other source, that an action involving the Navy has been instituted against the United States under the civil action provisions of 28 U. S. C. 1346 (b), a request shall be made upon the Commandant of the appropriate naval district for an investigative report of the incident giving rise to the action, if a complete report of the incident has not already been received. This request shall be forwarded immediately to the appropriate naval activity for prompt compliance in order that the preparation of the Government's defense may not be delayed. The commencement under the civil action provisions of Title 28 U. S. C. 1346 (b), of any action against the United States, involving the Navy, which comes to the attention of any officer in connection with his official duties, shall be reported immediately to the Commandant of the cognizant naval district, to the attention of the District Legal Officer, who shall initiate any necessary administrative action and shall give further prompt notification to the Judge Advocate General. The commencement of any legal action against any employee of the Navy as a result of an act or omission committed within the scope of his employment, which comes to the attention of any officer in connection with his official duties, whether or not the United States has been made a party to such legal action, shall be reported in the same manner.

(d) The regulations in this part in no way modify the requirements of Navy Regulations; the Manual for Courts-Martial, United States, 1951; and other provisions of the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951 and the making of an investigation and report hereunder does not constitute or excuse compliance with any provision of Navy Regulations; the Manual for Courts-Martial, United States, 1951; and other provisions of the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951.

§ 750.35 *Investigation; responsibility for.* (a) Immediate responsibility for the investigation of an incident in accordance with the regulations in this part lies with the commanding officer or officer in charge of the local naval activity which is most directly concerned, normally the commanding officer or officer in charge of the personnel involved or of the activity in which the incident occurred. Where two or more activities are involved, the senior of the commanding officers or officers in charge concerned shall decide who of them shall have immediate responsibility for the investigation.

(b) When an accident or incident occurs at a place where the naval service does not have an installation or a unit conveniently located for conducting an investigation, the commanding officer or officer in charge having immediate responsibility for making such investigation may request assistance from the commanding officer or officer in charge of any other organization of the Department of Defense. Such assistance may take the form of a complete investigation of the accident or incident, or it may cover only part of the investigation. Likewise, in the event that under similar circumstances the commanding officer or officer in charge of any other organization of the Department of Defense requests such assistance from the commanding officer or officer in charge of any naval installation or unit, the latter will comply with the request. If a complete investigation is requested, the report will be made in accordance with the regulations of the requested service. These investigations will normally be conducted without reimbursement for per diem, mileage or other expenses incurred by the investigating installation or unit.

(c) The driver of any Government motor vehicle involved in an accident of any sort shall be responsible for making an immediate report on the Operator's Report of Motor Vehicle Accident, Standard Form No. 91. This driver's report shall be made even though the driver of the other vehicle or any other person involved states that no claim will be filed, or even though the only vehicles involved are Government-owned. An accident shall be reported by the driver regardless of who was injured, or what property was damaged, or to what extent, or where the accident occurred, or who was responsible. The driver's report shall be referred to the investigating officer, who shall be responsible for examining it for completeness and accuracy, and who shall file it for future reference or for attachment to any subsequent investigative report of the accident.

§ 750.36 *The investigating officer.* (a) Every investigation required by the regulations in this part shall be conducted by an investigating officer. The commanding officer or officer in charge of each naval activity shall designate a qualified individual under his command, preferably one with legal training and experienced in the conduct of investigations, as the investigating officer for the activity. Whenever necessary, in the discretion of the commanding officer or officer in charge, additional or assistant investigating officers may be appointed, each with all and the same powers as the investigating officer, except that all assistant investigating officers shall be under the general supervision of the investigating officer. To insure prompt investigation of every incident while witnesses are available and before damage has been repaired, the duties of an officer in his capacity as an investigating officer shall ordinarily have priority over any other assignments he may have.

§ 750.37 *Duties of the investigating officer.* It shall be the duty of the investigating officer, in making an investigation pursuant to the regulations in this part:

(1) To consider all information and evidence obtained as a result of any previous investigation or inquiry into any aspect of the incident.

(2) To conduct further investigation of the matter in a fair and impartial manner, covering all phases of the incident and giving consideration to its bearing on possible claims against or in favor of the Government and on other interests of the service, to the end that a comprehensive, accurate, and unbiased factual report of the incident may be made available to higher authority for such action as is required by the circumstances of the case.

(3) To secure and consider signed statements from all competent witnesses on facts pertinent to the incident. Witnesses should be interviewed by the investigating officer at the earliest opportunity and he should obtain from them full statements. Statements from principal witnesses should be reduced to writing and their signatures obtained thereon if at all possible. The interests of the United States may be seriously prejudiced if the investigating officer fails to obtain such statements before witnesses lose their clear recollection or can be confused by questioning by persons with adverse interests.

(4) To inspect the property damage and to interview injured persons or their representatives personally, and if such personal inspection and interview is not conducted, to state the reason therefor.

(5) To ascertain the nature, extent, and amount of damage and to obtain all pertinent repair bills or estimates, medical, hospital, and associated bills as are necessary to the proper adjudication of a claim against or in favor of the Government which may arise from the incident. For proper method of computing the amount of damages, see § 750.29. Claims for loss of earnings and diminution of earning capacity arising under the Federal Tort Claims Act, or the Military Claims Act after March 29, 1956, require submission by the claimant of a statement by his employer executed before a notary public, or where the claimant is in business for himself a certified copy of company records, showing claimant's age, occupation, wage or salary, and time lost from work as a result of the incident. Where such statements or records are not available, a sworn statement by the claimant will be obtained. Claims for loss of earnings, diminution of earning capacity, medical and hospital expenses, anticipated medical expenses, pain and suffering, physical disfigurement, and temporary or permanent injury arising under the Federal Tort Claims Act or the Military Claims Act require submission by the claimant of a written statement by the attending physician setting forth the nature and extent of the injury and treatment, the duration and extent of the disability involved, the prognosis, and period of hospitalization or incapacity.

(6) In all cases in which a suit against the United States is likely or is pending, and in all other cases in which it appears pertinent to determine liability, to obtain from the proper maintenance office the latest report of material inspection of the Navy aircraft or motor vehicle that was conducted prior to the accident.

(7) To secure from qualified persons of the activity concerned, or of another appropriate activity, statements concerning the extent of damage or injury and the reasonableness of the damages claimed. The investigating officer, if the injured person does not object, should have a physical examination made of the injured person at a military installation, to the extent of the adequacy of the personnel and facilities of such installation, when such examination is considered necessary in connection with a claim incident to such injuries, provided that no expense for services or supplies from other federal agencies or civilian agencies is incurred with such examination. A copy of the report of such examination obtained from the medical installation will be included in the report of investigation or, if made subsequent to the forwarding of the latter report, will be forwarded to the same command as the report of investigation.

(8) To reduce to writing and incorporate into a unified investigative report, prepared in triplicate, all pertinent testimony, exhibits, and any other evidence taken or considered. (See, however, the exception contained in § 750.38 (b).)

(9) To furnish the proper claim forms to any person who inquires concerning the procedure for making claim against the Government as a result of a service-connected incident, and to advise such person where the claim should be filed and what substantiating evidence should accompany the claim.

(10) To submit the complete investigative report to his commanding officer or officer in charge as promptly as the circumstances permit; and in the case of an incident involving any personal injury or property damage estimated to be in excess of $1,000, to submit immediately a preliminary report, containing such information as is at that time available, to his commanding officer for forwarding to reach the Judge Advocate General within twenty days of the occurrence of the incident under investigation. In a case where not all of the required information is immediately available, as in an accident resulting in personal injuries requiring extended periods of hospitalization or medical care, the investigative report shall be submitted promptly, containing all available information at the time of submission and shall be completed by means of a sup-

plementary report or reports submitted as soon as the previously omitted information becomes available.

§ 750.38 *Contents of the investigative report.* A written report of investigation will be made in each case, using standard forms whenever appropriate forms are available.

(a) Except in cases falling within the provisions of paragraph (b) of this section, the report shall be complete in every significant detail and will include particularly such of the following information as is pertinent:

(1) Date, time, and exact place the accident or incident occurred, specifying the highway, street, road, or intersection, including the streets between which or the number of the block where the accident or incident occurred, or the number of miles and the direction from the nearest town.

(2) A concise but complete statement of the circumstances of the accident or incident. Reference should be made to pertinent physical facts observed and to any material statements, admissions, or declarations against interest by any person involved.

(3) A statement whether a claim has been or, if known, will be filed and, if so, the name and address of the claimant.

(4) A statement whether the claimant is the sole owner of the damaged property and, if not, the name and address of the owner, or part owners, and the basis of the claimant's alleged right to file the claim.

(5) Names, service numbers, grades, organizations and addresses of military personnel and civilian employees involved as participants or witnesses.

(6) Names and addresses of witnesses.

(7) A statement whether military personnel and civilian employees were acting within the scope of their employment and the basis for such determination.

(8) Accurate description of Government property involved, and nature and amount of damage, if any. If Government property was not damaged, that fact should be stated.

(9) Accurate description of all privately owned property involved, nature and amount of damage, if any, and the names and addresses of the owners thereof.

(10) Names, addresses, and ages of all civilians or military personnel injured or killed. Information as to the nature and extent of injuries, degree of permanent disability, prognosis, period of hospitalization, name and address of attending physician and hospital, and amount of medical, hospital, and burial expenses actually incurred, occupation, and wage or salary of civilians injured or killed. Names, addresses, ages, relationship, and extent of dependency of survivors of any such person killed or fatally injured should be stated.

(11) If straying animals are involved, a statement whether the jurisdiction has "open range law" and, if so, reference to such statute.

(12) A statement whether any person involved violated any State or Federal statute, local ordinance, or installation regulations and, if so, in what respect. The statute, ordinance, or regulation should be set out in full.

(13) A statement whether a police investigation was made. A copy of the police report of investigation will be included if available.

(14) A statement whether any arrests were made or charges preferred, and the result of any trial in civil or military courts.

(15) The comments and recommendations of the investigating officer as to the existence of liability and as to the amount of the damage, loss or destruction, or the amount payable on account of personal injury or death.

(16) As many exhibits or enclosures as are pertinent, and as may appear necessary or useful in the circumstances of each case, shall be obtained during the course of the investigation and shall be attached to the investigative report, forming a part thereof. The enclosures shall be numbered consecutively and shall be listed numerically in the investigative report in accordance with standard Navy correspondence procedure.

(b) In lieu of the formal investigation contemplated by § 750.37 and the detailed report described in paragraph (a) of the instant section, a more limited investigation and report may be made when the following circumstances exist:

(1) A claim has been presented for an amount of $100.00 or less.

(2) The claim is cognizable under the Federal Tort Claims Act (§§ 750.1–750.7) or the Military Claims Act (§§ 750.16–750.26).

(3) The amount payable on the claim has been agreed upon. This limited report will take the form of a certification and should provide substantially as follows:

CERTIFICATE

------------ 195--

I certify that I have investigated the accident (incident), that the facts fully substantiate the claim, and that I have taken the following action:

I further find that the amount claimed represents the claimant's loss and recommend payment under the provisions of sections 1–7 NGCR [Navy General Claims Regulations; §§ 750.1–750.7] (sections 17–26 [§§ 750.17–750.26]).

Encls X Std Form 91*
---------- Police Report
---------- Paid bill or estimtae
---------- Other

Approved for payment

(Investigating officer)

(Commanding officer)

(Authorized adjudicating officer)

In the space provided for noting the action taken by the investigating officer, he should describe very briefly the limited investigation upon which his recommendation is based, for example, information (estimates, etc.) received by telephone from --------------; interviewed Government driver (other driver, witnesses, etc.); inspected damaged property; violation of local law; etc.

*Must be included in all cases involving motor vehicle accidents.

§ 750.39 *Action by the commanding officer or officer in charge.* The investigative report will be reviewed and, if necessary, returned to the investigating officer for the correction of any omissions noted. If there is a legal officer available, the commanding officer or officer in charge should ordinarily use his services in reviewing and, if desirable, endorsing the report. If the report is in order, it shall be forwarded by endorsement, with any pertinent comments and recommendations. In cases in which the certificate report authorized by § 750.38 (b) is used, the commanding officer or officer in charge may indicate his approval of the certificate report by signing this report in the space provided thereon. One copy of the report shall be retained in the file of the local activity and shall be made available to safety officers for use in accident prevention and to superior commands upon request. The original and one copy of the report, together with all three copies of any claim filed, shall be forwarded by means of the aforementioned endorsement, without regard to chain of command, to the Commandant of the naval district in which the incident occurs, attention District Legal Officer. If the incident arises in Guam, the report and claims shall be forwarded to Commander, Naval Forces, Marianas, attention Staff Legal Officer. In other cases where the incidents occur outside the geographical limits of any naval district, the commanding officer or officer in charge shall promptly forward such reports to the Judge Advocate General.

§ 750.40 *Action by the district or staff legal officer.* (a) The district or staff legal officer may, in his discretion, return the investigative report for such additional investigation and information as may be considered necessary. When satisfied with the report, he shall endorse the investigative report with his recommendations as to whether any claim or claims should be paid, and in what amount, stating the legal basis for his recommendations.

(b) The commandant of the naval district (or, with respect to cases arising in Guam, Commander, Naval Forces, Marianas) or the district or staff legal officer shall approve or disapprove the claims within his adjudicating authority (see § 750.41) as the law and the facts may warrant. In exceptional and unusual cases, even though the claim or claims may appear to fall within the adjudicating authority of the commandant or commander, or his staff legal officer, the entire record, together with pertinent comments and recommendations, may be referred to the Judge Advocate General for appropriate action.

(c) In all cases not coming within the adjudicating authority of the commandant or commander or his staff legal officer, one copy of the investigative report shall be retained for the files and the original of the report, together with all related papers and all three copies of any claims filed shall be forwarded, with pertinent comments and recommendations, to the Judge Advocate General.

§ 750.41 *Approval of claims.* (a) Claims cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, and §§ 750.1–750.7 shall be approved or disapproved, in whole or in part, by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Civil Law Division, Office of the Judge Advocate General.

(5) The Head, General Claims Branch, Civil Law Division, Office of the Judge Advocate General.

(6) Such other officers as may be specificially designated by the Secretary of the Navy from time to time on an ad hoc basis to act upon claims arising out of particular incidents.

(7) The Commandant or the District Legal Officer of the Naval district within which the claims arose or, if the claims arose in Guam, Commander, Naval Forces, Marianas, or his staff legal officer, if the combined liquidated and known potential claims of all possible claimants for the property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. Two copies of the approval and one copy of the voucher shall be forwarded to the Office of the Judge Advocate General without a letter of transmittal.

(8) The Legal Officer, U. S. Naval Base, Newport, Rhode Island, and the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, for claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes), if the combined liquidated and known potential claims of all possible claimants for property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. Two copies of the approval and one copy of the voucher shall be forwarded to the Office of the Judge Advocate General without a letter of transmittal.

(b) Claims cognizable under the Military Claims Act and §§ 750.17–750.26 shall be approved or disapproved, in whole or in part by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Civil Law Division, Office of the Judge Advocate General.

(5) The Head, General Claims Branch, Civil Law Division, Office of the Judge Advocate General.

(6) Such other officers as may be specifically designated by the Secretary of the Navy from time to time on an ad hoc basis to act upon claims arising out of particular incidents.

(7) The Commandant or the District Legal Officer of the Naval district within which the claims arose or, if the claims arose in Guam, Commander, Naval Forces, Marianas, or his staff legal officer, if the combined liquidated and known potential claims of all possible claimants for the property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

(8) The Officer in Charge, U. S. Sending State Office for Italy.

(9) The Legal Officer, U. S. Naval Base, Newport, Rhode Island, and the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, for claims accruing to operators of fishing vessels for damage to nets, booms, lines and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes), if the combined liquidated and known potential claims of all possible claimants for property damage arising from the accident or incident do not exceed a total amount of $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

(10) Foreign Claims Commissions to the extent authorized by Department of Defense Notices of January 28, 1955 (20 F. R. 775) and December 14, 1953 (18 F. R. 8513). (See section 32 of the Foreign Claims Regulations [§ 753.32 of this chapter].)

(c) Claims cognizable under 10 U. S. C. 7625 and §§ 750.27–750.28 shall be approved or disapproved by the Secretary of the Navy.

(d) Subject to the provisions of 28 U. S. C. 1346 (b) and §§ 750.8–750.16 respecting civil action against the United States, and subject to the provisions of § 750.42, with regard to appeal, any award or determination of the Secretary of the Navy, or his designees, under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, is final and conclusive upon all officers of the Government, except when procured by means of fraud. Notwithstanding any other provision of law to the contrary, any settlement made by the Secretary of the Navy under the authority of the Military Claims Act (10 U. S. C. 2733) and §§ 750.17–750.26, or, subject to the provisions of § 750.42 with regard to appeal to the Secretary of the Navy, by his designees for the purpose, is final and conclusive for all purposes.

§ 750.42 *Notice and appeal.* (a) The claimant shall, in every case, be notified by the approving and disapproving authority, in writing, of the action taken on his claim.

(b) When a claim has been disapproved, either in whole or in part, the claimant may, within thirty days after receipt of the aforementioned notification, appeal to the Secretary of the Navy (Judge Advocate General), stating the grounds relied upon for such appeal. Such appeals, in cases of claims considered under the Military Claims Act (10 U. S. C. 2733), shall be decided by the Secretary of the Navy. In cases of claims considered under Title 28, United States Code, the appeal, except in cases originally processed and disapproved by the Judge Advocate General, may be decided either by the Secretary of the Navy or the Judge Advocate General. In cases originally processed and disapproved by the Judge Advocate General, the appeal shall be decided by the Secretary of the Navy.

§ 750.43 *Settlement agreement.* (a) In cases in which the claim is approved in the full amount claimed, no settlement agreement, other than the agreement incorporated in the claim for damage or injury, Standard Form No. 95, is necessary. In cases in which the claim is being approved for a lesser amount than that claimed, no payment will be made until the claimant has indicated in writing his willingness to accept such amount in full satisfaction and final settlement of the claim.

(b) The acceptance by the claimant of any award or settlement made by the Secretary of the Navy, or his designees for the purpose, in pursuance of the authority granted by statute and these regulations, or of any award, compromise, or settlement made by the Attorney General, is final and conclusive upon the claimant and constitutes a complete release by the claimant of any claim against the United States by reason of the same subject matter. The acceptance by the claimant of any award, compromise, or settlement made under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil action provisions of 28 U. S. C. 1346 (b), and §§ 750.1–750.16 also constitutes a complete release by the claimant of any claim against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 750.44 *Payment of claims.* Claims approved by the Secretary of the Navy, the Judge Advocate General, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International and Administrative Law), the Director, Civil Law Division, Office of the Judge Advocate General, or the Head, General Claims Branch, Civil Law Division, Office of the Judge Advocate General as provided in § 750.41 shall be forwarded to the U. S. Navy Regional Accounts Office, Washington 25, D. C., for payment from appropriations designated for that purpose. Claims approved by the Officer in Charge, U. S. Sending State Office for Italy, the Legal Officer, U. S. Naval Base, Newport, Rhode Island, the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, or a Commandant or Commander or District or Staff Legal Officer as provided in § 750.41 shall be forwarded to such disbursing officer as may be designated by the Bureau of Supplies and Accounts for payment from appropriations designated for that purpose.

§ 750.45 *Claims in favor of the United States.* (a) Demands for the payment of all claims in favor of the United States shall be made only by the Judge Advocate General of the Navy or by such other officers as may be specifically designated by the Judge Advocate General for that purpose. Ordinarily, in cases where the Commandant of a Naval District determines that a valid claim exists in favor of the United States, the record together with his recommendations shall be forwarded to the Judge Advocate General for appropriate action.

(b) Where a private party who has caused damage to Government property, or the insurer of such private party, agrees to have the Government property repaired to the satisfaction of the proper Government official concerned, and to pay therefor directly to the person making the repairs, and where such a procedure would be to the interest of the Government, the commanding officer of the activity concerned is authorized to permit such private accomplishment of the necessary repairs. The commanding officer is further authorized to assure the private party who caused the damage that a full release of the claim of the United States arising from such damage will be executed by the Judge Advocate General of the Navy or his designee upon completion of the repairs to the entire satisfaction of the proper Government official, and upon payment by the private party of the entire cost of such repairs.

(c) The procedure authorized in paragraph (b) of this section may be followed without prior approval by the Judge Advocate General and without awaiting the submission of the investigative report required by these regulations. The investigative report submitted in accordance with the requirements of regulations, however, shall contain a statement of the cost of the repairs and a certification by the proper Government official to the effect that all damages have been satisfactorily repaired and that full payment therefor has been made. A release will then be executed by the Judge Advocate General or his designee and will be forwarded promptly to the appropriate District Legal Officer, or, upon request, to the private party paying for the repairs, or to the insurer of such private party.

(d) In the event repairs to the Government property have been made or are to be made at Government expense and the private party who caused the damage, or the insurer of such private party, tenders full payment for such repairs, such payment should be made in the form of a check, draft or money order, payable to the order of the Treasurer of the United States, and forwarded to the Judge Advocate General. A release will then be executed by the Judge Advocate General or his designee and will be forwarded promptly to the appropriate district legal officer, or, upon request, to the private party paying for the repairs, or the insurer of such private party. (Exception: Where repairs have been paid for out of Industrial Funds, such payment may be deposited locally to such Funds. See Navy Comptroller Manual, paragraph 043114.)

§ 750.46 *Disclosure of information.* No military personnel or civilian employees of the Navy shall release copies of official papers or any other information which can be used as the basis of a claim against the United States, unless such release be properly authorized by competent authority and be made in the discharge of official duties. In particular, the contents of the investigative report shall not be disclosed to the claimant or his attorney or agent, nor shall the claimant be advised as to the recommendations made with regard to his claim. In cases where the claim and investigative report have been forwarded to the Judge Advocate General of the Navy for consideration, claimants who make inquiry as to the status of their claim should be advised that such information may be obtained from the Judge Advocate General.

§ 750.47 *Authority for issuance of instructions by the Judge Advocate General.* The Judge Advocate General of the Navy is hereby authorized to issue such instructions, not in conflict with the regulations in this part, as may be necessary to give full force and effect thereto.

2. Part 753 is revised to read as follows:

PART 753—FOREIGN NONCOMBAT CLAIMS

SCOPE OF THE FOREIGN CLAIMS ACT

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753.1 General.
753.2 Purpose.
753.3 Territorial application.
753.4 Acts not within scope of employment.
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753.7 Bailed or leased property.
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FOREIGN CLAIMS COMMISSIONS

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PROCEDURE

753.20 No formal procedure prescribed.
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CLAIMS DISALLOWED BY FOREIGN CLAIMS COMMISSIONS

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753.27 Meritorious claims in excess of $15,000.
753.28 Claims arising from incidents on the high seas.

Sec.
753.29 Claims arising in specified foreign countries.

CROSS-SERVICING AND MISCELLANEOUS SPECIAL AUTHORITY

753.30 Cross-servicing.
753.31 Claims arising from the activities of Military Assistance Advisory Groups.
753.32 Settlement Authority under the Military Claims Act (10 U. S. C. 2733).

AUTHORITY: §§ 753.1 to 753.32 issued under sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interpret or apply secs. 1–4, 68 Stat. 1006–1007, sec. 2734, 70A Stat. 154; 31 U. S. C. 224i–2—224i–5, 10 U. S. C. 2734.

SCOPE OF THE FOREIGN CLAIMS ACT

§ 753.1 *General.* Claims for damage to or loss of real or personal property of a foreign country, political subdivision or inhabitant of a foreign country, and for personal injury or death of the inhabitant of a foreign country, occurring outside the United States, its Territories, Commonwealths or possessions and caused by its military forces or individual members (whether military personnel or civilian employees) thereof or otherwise incident to noncombat activities of such forces are within the scope of the Foreign Claims Act (10 U. S. C. 2734). The word "claims" as used in the regulations in this part refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, and states, territories, and other political subdivisions of such countries, other than such demands for payment as arise under ordinary obligations incurred by the Department of the Navy in the procurement of services or supplies.

§ 753.2 *Purpose.* The purpose of the Foreign Claims Act (10 U. S. C. 2734) is the "promoting" and "maintaining" of "friendly relations" in foreign countries by the prompt "settlement" of "meritorious" claims. The regulations in this part are to be so administered as to effectuate the expressed purpose of Congress.

§ 753.3 *Territorial application.* The provisions of the regulations in this part are applicable to claims arising outside the United States, or its Territories, Commonwealths or possessions. The fact that a claim arises at a place, within a foreign country, under the temporary or permanent jurisdiction of the United States does not preclude the allowance thereunder of a claim which would otherwise be within the Foreign Claims Act.

§ 753.4 *Acts not within scope of employment.* As far as military personnel are concerned, the doctrine of scope of employment has no application. Claims, otherwise within the Foreign Claims Act, may be allowed regardless of whether the naval personnel or employee of the United States who caused the damage, injury, or death was acting within the scope of his employment: *Provided,* That no claim may be allowed if the damage, injury, or death is caused by a civilian employee of the United States, who, if a citizen of the foreign country, is acting outside the scope of his employment. In determining whether conduct, although not expressly authorized, is nevertheless within the scope of employment, consideration may be given to all of the attendant facts and circumstances including, the time, place, and purpose of the activity; whether the activity was for the furtherance of the general interest of the Government; whether the activity is usual for personnel of the grade and classification involved or reasonably to be expected of such personnel; and whether the instrumentality from which the damage or injury resulted was owned or furnished by the Government. A slight deviation as to time or place will ordinarily not constitute a departure from scope of employment; such a deviation, to have legal effect, must be a material deviation.

§ 753.5 *Criminal acts.* That the act giving rise to the claim may constitute a crime does not bar relief. Claims, otherwise within the Foreign Claims Act, may be allowed regardless of whether the act of the officer or employee of the United States which caused the damage, injury, or death was a crime or other wrongful act, or negligence or mere mistake of judgment.

§ 753.6 *Elements of damage in case of personal injury and death.* Actual and reasonable medical and hospital expenses, reasonable compensation for pain and suffering and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. Claims of dependents or loss of prospective support are allowable only if such claims are recognized by the law of the country where the injury occurred. In computing damages in cases of personal injury or death, local standards will be taken into consideration as a controlling factor. In case of death, only one claim arises; the amount approved therefor will, to the extent found practicable or feasible, be apportioned among the beneficiaries and in the proportions prescribed by law or custom of the place in which the accident or incident resulting in the death occurs.

§ 753.7 *Bailed or leased property.* Claims for damage to or loss or destruction of personal property, otherwise within the Foreign Claims Act, may be settled thereunder, notwithstanding the fact that the property was loaned, rented, or otherwise bailed to the Government under an agreement, express or implied. Claims for rent of personal property are not payable under the regulations in this part.

§ 753.8 *Use and occupancy of real property.* Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, are payable under the provisions of these regulations even though legally enforceable against the Government, as contract claims; payment may, however, be precluded by the provisions of § 753.13. Claims payable under this section may, if deemed preferable as in the best interests of the Government, be processed as contract claims. Claims for rent of real property are not payable under the regulations in this part.

§ 753.9 *Other noncombat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, though not caused by acts or omissions of military personnel or civilian employees of the Navy, are payable under the provisions of this section if otherwise incident to the noncombat activities of the Navy. In general the claims within the above category are those arising out of authorized activities which are peculiarly military activities having little parallel in civilian pursuits and to situations which historically have been considered as furnishing a proper basis for the payment of claims. Included are claims where no particular act or omission on the part of military personnel or civilian employees is present or if present and though occurring within the scope of their employment is at least less obvious or less personal but where, because of the peculiar nature of the activity or of the resulting damage or injury, the burden of the loss should be borne rather by the Government than by the particular individual on whom the loss initially fell. Included also are claims arising out of activities such as those involving the use of explosives, whether or not involving negligent acts or omissions, of which damage or injury is a natural consequence. For example, included are claims for damage or injury arising out of, and which are natural or probable results of incidents of, maneuvers and special field exercises, practice firing of heavy guns, practice bombing, operation of aircraft and antiaircraft equipment, use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions, movement of combat vehicles or other vehicles, designed especially for military use, and use and occupancy of real estate.

Limitations of Application

§ 753.10 *Persons excluded as claimants.* The following classes of claimants are among those excluded:

(a) Members and civilan employees of the armed forces of the United States and their dependents who are inhabitants of the United States and who are in a foreign country primarily because of their sponsors' or their own miltary orders.

(b) Nationals of a country at war with the United States, or any ally of such an enemy country, except as the Foreign Claims Commission considering the claim, or the local military commander, shall determine that the claimant is friendly to the United States.

§ 753.11 *Claims excluded.* The following classes of claims are excluded: Claims purely contractual in character; private contractual and domestic obligations of individual military personnel or civilian employees; claims based solely on compassionate grounds; bastardy claims; claims for patent infringement.

§ 753.12 *Negligence or wrongful act on the part of claimant.* No claim will be allowed where the damage, injury, or death is proximately caused in whole or in part by negligence or wrongful act on the part of the claimant, his agent, or employee. This limitation is applicable to situations where under the law of the country where the injury arises contributory negligence bars the claim. If, however, under the law or custom of the country in which the claim arises, such contributory negligence or wrongful act is not recognized generally as a bar to recovery in tort claims, or is held to be a factor diminishing the extent of the claimant's recovery, then in that case such local law or custom will be applied so far as practicable, in determining the effect of such negligence or wrongful act.

§ 753.13 *Combat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, are not payable under the Foreign Claims Act.

§ 753.14 *Claims of subrogees.* Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage to or loss or destruction of property or personal injury or death covered by insurance. No inquiry will be made into, or determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount allowed will be made to the insured as the real claimant. Claims by insurers in their own right are not within the provisions of the Foreign Claims Act, and will not be considered; insurers presenting claims shall be so advised and informed that subrogation claims are not recognized under the act. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, or other documentary evidence satisfactory to the Foreign Claims Commission.

§ 753.15 *Statute of limitations.* A claim may be allowed under the regulations in this part only if it is presented within one year after it accrued.

§ 753.16 *Nature of claim.* Any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resulting. The claim should be signed by or on behalf of the claimant and should, if-practicable, be under oath. In cases in which the claim is made in behalf of the true claimant, satisfactory evidence of authority to act for the claimant must be furnished.

§ 753.17 *Claims for damage occasioned by naval vessels.* Unless specifically authorized by the Judge Advocate General in each case, the Foreign Claims Commission shall not assume jurisdiction or proceed to hear any claim for damage occasioned by a naval vessel. This provision applies to claims for damage caused to land structures as well as claims of an admiralty nature. The occurrence of any such damage, if brought to the attention of a claims commission, shall be reported immediately to the Judge Advocate General, attention of the Admiralty Division.

FOREIGN CLAIMS COMMISSIONS

§ 753.18 *Creation.* (a) All commanding officers are hereby granted authority to appoint Foreign Claims Commissions. For the purposes of the Foreign Claims Act and these regulations, the Officer in Charge, U. S. Sending State Office for Italy and naval attachés are to be considered commanding officers. Commissions may be appointed to consider each claim as presented, or to constitute a standing claims commission to consider all claims presented to it. The commanding officer to whom a claim is presented has the duty of referring the claim to a commission, and of appointing a commission himself where necessary or expeditious. Each Foreign Claims Commission will be composed of one or more officers.

(b) Claims may be considered by a commission of not more than one member when the amount claimed is not in excess of $1,000; claims may be considered by a commission consisting of three members when the amount claimed exceeds $1,000. The findings of a claims commission are final and not subject to review where the amount awarded is not in excess of $2,500. Where the amount which the Commission recommends be paid exceeds $2,500 but does not exceed $15,000, the findings and opinion of the claims commission are subject to the review of the commanding officer; claims as to which the amount the Commission recommends be paid exceeds $2,500 but does not exceed $15,000 may be paid only when the commanding officer has approved the action of the commission in allowing such claim. Claims as to which the amount the commission recommends be paid exceeds $5,000 but does not exceed $15,000 may be paid only when the Judge Advocate General or, with respect to claims which arose in Italy, the Officer in Charge, U. S. Sending State Office for Italy, has approved the action of the commission in allowing such claims. As to claims exceeding $15,000, see §§ 753.24 (b), (j) and 753.27.

§ 753.19 *Membership of commissions.* The commission shall consist of not less than one or more than three commissioned officers of either the Navy or Marine Corps, who shall have rank commensurate with the claim being investigated.

PROCEDURE

§ 753.20 *No formal procedure prescribed.* No formal procedure for the conduct of an investigation of a claim is prescribed. However, the instructions governing the procedure of courts of inquiry and boards of investigation by the 1955 Naval Supplement to the Manual for Courts-Martial, United States, 1951, should be followed in principle as a guide. A transcript of the testimony of witnesses is not required and only the substance of statements of witnesses need be recorded. However, it is desirable that signed statements of material witnesses be made a part of the record. The formal rules of evidence need not be adhered to and any evidence, regardless of its form, which the commission deems material may be received and evaluated.

§ 753.21 *Report of proceedings.* The commission shall at the conclusion of its hearings make findings of fact regarding each claim and of the amount, in the indigenous currency of the country in which the incident occurred or of which claimant was or is an inhabitant, found by it to be just compensation to the claimant and make a brief written report of its proceedings. The report should set forth as a minimum:

(a) The date or dates of the hearing or hearings.

(b) The date of the final determination.

(c) The amount claimed stated in the indigenous currency, and solely for administrative control purposes, the conversion into United States currency at the existing official rate of exchange on the date of initial consideration of the claim.

(d) The amount awarded stated in the indigenous currency, and, solely for administrative control and memorandum accounting purposes, the conversion into United States currency at the existing official rate of exchange on the date of final determination.

(e) A brief statement of facts, including the date of accident or injury, the date the claim was filed, and the nature of the damage or injury (i. e., whether to person or property).

(f) Findings as to the necessary jurisdictional facts. A copy of the precept creating the commission together with a copy of claimant's release (in case of allowance) or notification to claimant (in case of disallowance) should be attached to the report. The original report, together with three copies, will be submitted to the convening authority. When the findings of fact of such commission are received by the convening authority they shall in each case be final and conclusive. This procedure applies to claims where the amount to be paid does not exceed $2,500. Where the amount which the commission recommends be paid exceeds $2,500 but does not exceed $5,000, the findings of the commission are transmitted to the convening authority for his consideration and approval; upon receiving such approval, the findings shall in such cases be final and conclusive. For claims which the commission considers meritorious in an amount exceeding $15,000 see §§ 753.24 (b), (j) and 753.27.

§ 753.22 *Notification to claimant of award.* Upon completion of the report of the commission and approval by the convening authority when required, the claimant will be notified of the award and, if the claimant executes a release for the amount of the award, this release together with the original and one copy of the report of the commission shall be transmitted to the nearest disbursing officer for payment. At the same time one copy of the report shall be forwarded to the Secretary of the Navy (Office of the Judge Advocate General) for filing.

§ 753.23 *Payments.* Claims authorized to be paid under this part will be forwarded after approval to the nearest Navy or Marine Corps disbursing officer for preparation and payment of the public voucher.

CONDITIONS OF PAYMENT

§ 753.24 *Conditions to be fulfilled.* Prior to payment of any claim within the Foreign Claims Act, each of the following conditions must be fulfilled:

(a) The amount due on account of the damage, loss, destruction, injury, or death must be determined.

(b) The award must not exceed $15,000, but recommendation for awards in excess of that amount may be reported to Congress for consideration.

(c) The claim must be presented within 1 year.

(d) Claims by subrogees will not be recognized, except as a part of the insured's claim.

(e) Contributory negligence or wrongful act, which is in whole or in part the proximate cause of the injury, bars a claim unless such contributory negligence is not a bar to recovery or is only a diminution of the extent of recovery in tort claims under the local law or custom.

(f) The damage, injury, or death must not have resulted from any action by the enemy or directly or indirectly from any act of American or Allied armed forces engaged in combat.

(g) The damage, loss, personal injury or death must occur outside the United States, its Territories, Commonwealths or Possessions and be

(1) damage to, or loss of, real property of a foreign country or of a political subdivision or inhabitant of a foreign country, including damage or loss incident to use and occupancy, or

(2) damage to, or loss of, personal property of a foreign country or of a political subdivision or inhabitant of a foreign country, including property bailed to the United States, or

(3) personal injury to, or death of, an inhabitant of a foreign country.

(h) If the claimant is a national of a country at war with the United States, or of any ally of such enemy country, there must be a determination by the Foreign Claims Commission or by the local commander that the claimant is friendly to the United States.

(i) The claim must be approved by a Foreign Claims Commission and, if in excess of $2,500, by such higher authority as prescribed by § 753.18 (b).

(j) The claimant must accept, in full satisfaction and in final settlement, the amount approved, and give a release therefor.

NATURE OF RELEASES

§ 753.25 *Release when award is made.* (a) A release should be obtained from the claimant in every case in which an award is made by a commission and accepted by the claimant.

(b) The release executed by the claimant should release the United States and also release the tort-feasor or the person or persons who have done the damage occasioned if their identity is known. If the identity of such persons is unknown and they cannot be described by name, in such an instance, the release should recite that the claimant also releases the person or persons who occasioned the injury, the names and identity of said person or persons being unknown to the claimant.

(c) The release executed should preclude any possible future assertion of the claim for which the United States has made compensation.

CLAIMS DISALLOWED BY FOREIGN CLAIMS COMMISSIONS

§ 753.26 *Forwarded to the Judge Advocate General.* Claims within the final jurisdiction of the commission but disallowed as not meritorious or for any other reason will be forwarded direct to the Judge Advocate General within 30 days. In all such cases the original and two copies of the report, claim, and supporting papers (including a copy of the notification of disallowance to the claimant) will be so forwarded; the remaining copy will be retained by the commission for its files.

CLAIMS NOT WITHIN JURISDICTION OF FOREIGN CLAIMS COMMISSIONS

§ 753.27 *Meritorious claims in excess of $15,000.* Claims within the Foreign Claims Act, except that the total amount due on account of damage, injury, and death exceeds $15,000 and the claimant will not accept $15,000 in full satisfaction and in final settlement of his claim, will be forwarded direct to the Judge Advocate General for legal review and appropriate administrative action. All claims of this nature shall be considered by a commisison consisting of three members, and the record of such proceedings shall include signed statements of material witnesses or transcripts of their oral testimony. The Foreign Claims Commission will forward with any such claims its findings, and any recommendation as to the action to be taken (including its findings as to the total damage, injury, and death sustained) together with, if practicable, a statement from the owner of the property or the person injured, or the legal representative of the person killed, signifying his willingness to accept the amount so found in full satisfaction and in final settlement of his claim. In all such cases, the original and two copies of the report, claim and supporting papers will be so forwarded; the remaining copy will be retained by the commission for its files.

§ 753.28 *Claims outside the jurisdiction of the commission.* Claims arising from incidents on the high seas are ordinarily not within the jurisdiction of a Foreign Claims Commission; see § 753.17. In cases in which a commission considers that the claimant (or decedent in the case of a death claim) is not an inhabitant of a foreign country (or is not the government or a political subdivision of a foreign country) reports shall be forwarded in triplicate to the Judge Advocate General as in cases under § 753.27.

§ 753.29 *Claims arising in specified foreign countries.* The United States has ratified the NATO Status of Forces Agreement (4 U. S. T. 1792) and has entered into, and contemplates entering into, other similar agreements with foreign countries. Article VIII of the NATO Status of Forces Agreement and certain provisions of other agreements are inconsistent with the continued unrestricted use of the Foreign Claims Act and its implementing regulations in certain countries. It is, therefore, directed that the directives of the cognizant area commander be consulted and that claims not be referred to foreign claims commissions until it has been determined that such action is not inconsistent with the provisions of the aforementioned agreements and their implementing directives. Department of Defense notice of January 28, 1955 (20 F. R. 775) directs that, where a single service has been or may be assigned responsibility for claims in a particular country or area, all reimbursements, settlements or payments that may be made in such country or area under the Foreign Claims Act (10 U. S. C. 2734) and the Military Claims Act (10 U. S. C. 2733) shall be made solely by that service. In countries in which the NATO Status of Forces Agreement or a similar agreement is in force, accidents which may give rise to a tort claim against the United States arising from acts or omissions of naval personnel, or members of the civilian component of the naval service, including claims for death or personal injury resulting from the navigation or operation of a ship, or in the loading, carriage or discharge of its cargo, will be investigated and reports will be made in accordance with the instructions promulgated by the cognizant naval commander.

CROSS-SERVICING AND MISCELLANEOUS SPECIAL AUTHORITY

§ 753.30 *Cross-servicing.* Department of Defense notice of January 28, 1955 (20 F. R. 775) provides that any claim, which may be settled under the provisions of the Foreign Claims Act and the Military Claims Act may be settled retroactively to August 1, 1953 by any commission or commissions appointed by the Army, Air Force, Navy or Marine Corps under the provisions thereof, without regard to the service of the military tort-feasor. See § 753.29 in regard to areas in which cross-servicing is mandatory.

§ 753.31 *Settlement of claims arising from the activities of Military Assistance Advisory Groups.* Department of Defense notice of December 14, 1953 (18 F. R. 8513) directs that claims against the United States, except claims cognizable by foreign governments under the provisions of existing treaties and agreements, which have arisen since January 30, 1953, or may hereafter arise from the activities of Military Assistance Advisory Groups, or of the military personnel or civilian employees thereof which are otherwise cognizable under such acts, shall be settled in accordance with the provisions of the Foreign Claims Act or the Military Claims Act and the regulations of the responsible Department implementing such acts. In accordance with this directive, foreign claims commissions of the Navy shall be responsible for the processing and settlement of such claims arising in foreign countries in which the Navy has been made responsible for the processing of claims under the NATO Status of Forces Agreement or other pertinent treaties or agreements in areas in which the Navy has the predominant interest.

§ 753.32 *Settlement authority under the Military Claims Act (10 U. S. C. 2733).* Department of Defense notice of January 28, 1955 (20 F. R. 775) provides that any claims, whether Army, Air Force, Navy or Marine Corps, which may be settled under the provisions of the Foreign Claims Act or of the Military Claims Act, may be settled retroactively to August 1, 1953 by any commission or commissions appointed under the regulations of any of the above-listed services, without regard to the service of the military tort-feasor. Department of Defense notice of December 14, 1953 (18 F. R. 8513) directs settlement of claims in certain instances arising from the activities of Military Assistance Advisory Groups, or of the military personnel or civilian employees thereof which are otherwise cognizable under the Military Claims Act. See § 753.29 in regard to areas in which cross-servicing is mandatory. The regulations implementing this statutory settlement authority are contained in the Navy General Claims Regulations (Part 750 of this chapter) and will be followed, as far as applicable, in the settlement of claims under this Act by foreign claims commissions.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy, Judge Advocate General of the Navy.

APRIL 10, 1958.

[F. R. Doc. 58-2826; Filed, Apr. 16, 1958; 8:47 a. m.]

Subchapter F—Islands Under Navy Jurisdiction

PART 761—NAVAL DEFENSIVE SEA AREAS, NAVAL AIRSPACE RESERVATIONS, AREAS UNDER NAVY ADMINISTRATION, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Subchapter G—Miscellaneous Rules

PART 765—RULES APPLICABLE TO THE PUBLIC

Scope and purpose. Part 761 and § 765.6 are revised to reflect current regulations issued under authority of statutes and Executive orders. The deleted portions of § 765.6 are covered by Part 761 as revised.

1. Part 761 is revised to read as follows:

Subpart A—Introduction

Sec.
761.1 Scope.
761.2 Background and general policy.
761.3 Authority.
761.4 Special provisions.
761.5 Definitions.

Subpart B—Criteria and Basic Controls

761.6 Criteria.
761.7 Basic controls.

Subpart C—Entry Authorization

761.8 General.
761.9 Entry Control Commanders.
761.10 Persons: group authorizations.
761.11 Persons: individual authorizations.
761.12 Vessels: group authorizations.
761.13 Vessels: individual authorizations.
761.14 Aircraft: group authorizations.
761.15 Aircraft: individual authorizations.
761.16 Notice of action.
761.17 Revocation.
761.18 Appeals.

Subpart D—Additional Instructions

761.19 Inspection and search of vessels and other craft.
761.20 Naval Defensive Sea Area closed between sunset and sunrise.
761.21 Compliance with laws and regulations.
761.22 Apprehension of vessels, aircraft or persons.
761.23 Formulation of additional rules.
761.24 Commander, U. S. Naval Forces, Marianas, designated local representative of the Secretary of the Navy.

AUTHORITY: §§ 761.1 to 761.24 issued under 44 Stat. 570, sec. 1, 62 Stat. 799, sec. 6011, 70A Stat. 375; 49 U. S. C. 174, 18 U. S. C. 2152, 10 U. S. C. 6011. Interpret or apply sec. 202, 61 Stat. 500, as amended, sec. 21, 64 Stat. 1006; 5 U. S. C. 171a, 50 U. S. C. 797.

SUBPART A—INTRODUCTION

§ 761.1 *Scope.* (a) This part includes regulations governing entry of persons, vessels, and aircraft into:

(1) Naval Defensive Sea Areas and Naval Airspace Reservations established by Executive order of the President.

(2) Areas placed by Executive order of the President under the Secretary of the Navy for administrative purposes.

(3) The Trust Territory of the Pacific Islands.

(4) The Bonin, Volcano, and Marcus Islands.

(5) Naval stations located within or contiguous to Naval Defensive Sea Areas or Naval Airspace Reservations.

(b) In addition to the authorization required by this part, local clearance is required for entry into certain restricted areas, including the Saipan District and the Islands of Bikini and Eniwetok in the Trust Territory and the Bonin, Volcano and Marcus Islands. The entry authorizations issued under the authority of this part do not supersede or eliminate the need for visas or other clearances or permits required by other law or regulation.

§ 761.2 *Background and general policy.* The free entry into the defense areas, listed and defined in this part, and naval and military installations located contiguous to or within the boundaries of defense areas has been barred or restricted by Executive order and by regulation for defense purposes due to the unique strategic nature of the areas and for the protection of the military and naval stations, bases and other facilities located therein and the personnel, property, and equipment assigned to or located within such areas, bases, stations, and facilities, against destruction, loss or injury by accident or enemy action or by sabotage or other subversive actions. Persons, vessels, and aircraft are excluded unless and until they qualify for admission under the Executive order and applicable regulations.

(b) The control of entry into or movement within defense areas by persons, vessels, and aircraft will be exercised so as to fully protect the physical security of, and insure the full effectiveness of, bases, stations, and other facilities within or contiguous to defense areas; but unnecessary interference with the free movement of persons, vessels, and aircraft is to be avoided.

(c) This part will be administered so as to provide prompt processing of all applications, insure uniformity of interpretation and application, insofar as changing conditions permit, and obviate arbitrary or capricious exclusions and other injustices.

(d) In cases of doubt, the determination will be made in favor of the course of action which will serve the interests of the United States and national defense as against the private interests of an individual or group.

(e) Public notices of entry controls are posted at places prescribed by the appropriate entry control commanders.

§ 761.3 *Authority*—(a) *Naval Defensive Sea Areas and Naval Airspace Reservations.* By Executive order, the President has reserved, set aside, and established the following Naval Defensive Sea Areas and Naval Airspace Reservations under the control of the Secretary of the Navy. Incorporated therein are provisions for the exercise of control by the Secretary over the entry of persons, vessels, and aircraft into the areas so described.

(1) *Atlantic areas*—(i) *Culebra Island Naval Defensive Sea Area.* Culebra Island Naval Airspace Reservation: Executive Order 8684 of February 14, 1941 (6 F. R. 1016; 3 CFR, 1943 Cum. Supp., p. 895).

(ii) *Guantanamo Bay Naval Defensive Sea Area.* Guantanamo Bay Naval Airspace Reservation: Executive Order 8749 of May 1, 1941 (6 F. R. 2252; 3 CFR, 1943 Cum. Supp., p. 931).

(2) *Pacific areas*—(i) *Guam Island Naval Defensive Sea Area.* Guam Island Naval Airspace Reservation: Executive Order 8683 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 10341 of April 8, 1952 (17 F. R. 3143; 3 CFR, 1952 Supp., p. 68).

(ii) *Johnston Island Naval Defensive Sea Area.* Johnston Island Naval Airspace Reservation:[1] Executive Order 8682 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F. R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(iii) *Wake Island Naval Defensive Sea Area.*[2] Wake Island Naval Airspace Reservation:[1] Executive Order 8682 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F. R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(iv) *Midway Island Naval Defensive Sea Area.* Midway Island Naval Airspace Reservation:[1] Executive Order 8682 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F. R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(v) *Kingman Reef Naval Defensive Sea Area.* Kingman Reef Naval Airspace Reservation:[1] Executive Order 8682 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as amended by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 9881 of August 4, 1947 (12 F. R. 5325; 3 CFR, 1943–1948 Comp., p. 662).

(vi) *Honolulu Defensive Sea Area.* Executive Order 8987 of December 20, 1941 (6 F. R. 6675; 3 CFR, 1943 Cum. Supp., p. 1048).

(vii) *Kaneohe Bay Naval Defensive Sea Area.* Kaneohe Bay Naval Airspace Reservation:[1] Executive Order 8681 of February 14, 1941 (6 F. R. 1014; 3 CFR, 1943 Cum. Supp., p. 893).

(viii) *Pearl Harbor Defensive Sea Area.* Executive Order 8143 of May 26, 1939 (4 F. R. 2179; 3 CFR, 1943 Cum. Supp., p. 504).

(ix) *Kodiak Naval Defense Sea Area.* Executive Order 8717 of March 22, 1941 (6 F. R. 1621; 3 CFR, 1943 Cum. Supp., p. 915). Kodiak Naval Airspace Reservation:[1] Executive Order 8597 of November 18, 1940 (5 F. R. 4559; 3 CFR, 1943 Cum. Supp., p. 837) as amended by Executive Order 9720 of May 8, 1946 (11 F. R. 5105; 3 CFR, 1943–1948 Comp., p. 527).

(x) *Kiska Island Naval Defensive Sea Area.* Kiska Island Naval Airspace Reservation:[1] Executive Order 8680 of February 14, 1941 (6 F. R. 1014; 3 CFR, 1943 Cum. Supp., p. 892) as amended by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919).

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[1] Operation of entry control suspended. See § 761.4 (b) following.

[2] Operation of entry control suspended except for entry of foreign flag vessels and foreign nationals.

(xi) *Unalaska Island Naval Defensive Sea Area.* Unalaska Island Naval Airspace Reservation:[1] Executive Order 8680 of February 14, 1941 (6 F. R. 1014; 3 CFR, 1943 Cum. Supp., p. 892) as amended by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919).

(b) *Administrative areas.* By Executive order, the President has reserved, set aside, and placed under the control and jurisdiction of the Secretary of the Navy for administrative purposes the following named islands and surrounding reefs:

(1) *Wake Island.*[2] Executive Order 6935 of December 29, 1934.

(2) *Kingman Reef.* Executive Order 6935 of December 29, 1934.

(3) *Johnston Island.* Executive Order 6935 of December 29, 1934.

(4) *Sand Island.* Executive Order 6935 of December 29, 1934.

(c) *Trust Territory of the Pacific Islands.* The Trust Territory of the Pacific Islands is a strategic area administered by the United States under the provisions of a Trusteeship Agreement with the United Nations. By Executive Orders 10265 of June 29, 1951 (16 F. R. 6419; 3 CFR, 1951 Supp., p. 448), 10408 of November 10, 1952 (17 F. R. 10277; 3 CFR, 1952 Supp., p. 110), and 10470 of July 17, 1953 (18 F. R. 4231; 3 CFR, 1953 Supp., p. 87), the Secretary of the Interior has been charged with administrative responsibility for the Marshall and Caroline Islands and Rota Island, and the Secretary of the Navy has been charged with administrative responsibility for the northern Mariana Islands (less Rota). Under an agreement between the Department of the Navy and the Department of the Interior with respect to the Transfer of Responsibility for the Administration of the Trust Territory of June 29, 1951, clearance by the Secretary of the Navy of all persons, vessels, and aircraft (other than public vessels or public aircraft of the United States), is a prerequisite to the granting of permission by the High Commissioner to enter the Trust Territory. Entry into the Saipan District is subject to the exclusive control of the Navy Department, which control is exercised under the provisions of this part with additional local control by the Commander, U. S. Naval Forces, Marianas.

(d) *Bonin, Volcano and Marcus Islands.* The Bonin, Volcano and Marcus Islands are administered by the Navy Department, as a strategic area, under provisions of the Peace Treaty with Japan (3 UST 3169). In addition to the requirements of this part, the Commander in Chief, U. S. Pacific Fleet, as Military Governor of the Bonin-Volcano Islands and Marcus Island, exercises local control over the entry of persons, vessels and aircraft into these islands.

(e) *Exercise of authority.* The authority of the Secretary of the Navy to authorize ships, aircraft and persons to enter these areas listed in paragraphs (a) through (d) of this section is exercised through the Chief of Naval Operations and certain of his subordinates as prescribed by this part.

(f) *Penalties.* Penalties are provided by law: (1) for violations of orders or regulations governing persons or vessels within the limits of defensive sea areas (62 Stat. 799; 18 U. S. C. 2152); (2) for navigation of aircraft within airspace reservations otherwise than in conformity with the Executive orders regulating such reservations (44 Stat. 570, 576; 49 U. S. C. 174, 181); (3) for entering military, naval or Coast Guard property for prohibited purposes or after removal or exclusion therefrom by proper authority (62 Stat. 765; 18 U. S. C. 1382); (4) for violation of regulations imposed for the protection or security of military or naval aircraft, airports, air facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any department or agency of which said department or agency consists, or any officer or employee of said department or agency, section 21 of the Internal Security Act of 1950 (50 U. S. C. 797), and Department of Defense notice of August 20, 1954 (19 F. R. 5446); and (5) for knowingly and willfully making a false or misleading statement or representation in any matter within the jurisdiction of any department or agency of the United States (18 U. S. C. 1001).

§ 761.4 *Special provisions*—(a) *Restricted areas.* Special permits are required for entry into the following restricted areas:

(1) *Eniwetok and Bikini Atolls.* Entry into these islands and the territorial sea thereof is controlled by the Commander in Chief, Pacific, and is not covered by or subject to this part.

(2) *Saipan District, Trust Territory.* In addition to the controls covered by this part, entry into this district is subject to local control by the Commander, U. S. Naval Forces, Marianas, Guam.

(3) *Bonin, Volcano, and Marcus Islands.* In addition to the controls covered by this part, entry into these islands or the territorial sea thereof is subject to local control by the Commander in Chief, U. S. Pacific Fleet, as Military Governor.

(b) *Suspension of restrictions.* Restrictions imposed under the authority of the above cited Executive orders on entry into the following Naval Defensive Sea Areas, and Naval Airspace Reservations and Administrative areas have been suspended subject to reinstatement without notice at any time when the purposes of national defense may require:

(1) All Naval Airspace Reservations, except:

(i) Guantanamo Bay Naval Airspace Reservation.

(ii) Culebra Island Naval Airspace Reservation.

(iii) Guam Island Naval Airspace Reservation.

(2) The Wake Island Naval Defensive Sea Area, except for entry of foreign flag vessels and foreign nationals.

(3) The portion of Kaneohe Defensive Sea Area lying Northwest of a line drawn from Lae 0 Kealohi Point to an Eastern point of Kapapa Island and thence Northeast to the present seaward boundary of the defensive sea area.

(4) Wake Island Administrative Area, except for entry of foreign flag vessels and foreign nationals.

Suspension of restrictions on entry into a naval airspace reservation, naval defensive sea area or naval administrative area, does not affect the authority of a commanding officer or other appropriate commander to control entry into or passage through any base, station, or other installation or area, including port or harbor facilities under Navy control.

§ 761.5 *Definitions*—(a) *Defense area.* A naval defensive sea area, naval airspace reservation or naval administrative area established by Executive order of the President, the Trust Territory of the Pacific Islands and the territorial sea thereof, and the Bonin, Volcano and Marcus Islands and the territorial sea thereof.

(b) *Department of Defense.* The Department of Defense, including the Departments of the Army, Navy, and Air Force.

(c) *Entry authorization.* A permit which authorizes a person, vessel, or aircraft to enter a defense area. (See Group Authorization and Individual Authorization dealt with in §§ 761.10 through 761.15.)

(d) *Entry Control Commander.* A commander authorized to issue entry authorizations for one or more defense areas.

(e) *Excluded person.* A person who does not hold a currently valid entry authorization for the area concerned and who has been notified by an Entry Control Commander that authority for him to enter any defense area has been denied, suspended, or revoked.

(f) *Foreign nationals.* Persons who are not citizens or nationals of the United States.

(g) *Naval station.* A naval activity on shore, having a commanding officer, and located in an area having fixed boundaries, within which all persons are subject to naval jurisdiction and to immediate authority of the commanding officer.

(h) *Permanent resident aliens.* Foreign nationals who have been admitted to the United States as immigrants under the Immigration and Naturalization Laws and are authorized to reside permanently in the United States, its territories and possessions.

(i) *Public vessel or aircraft.* A vessel or aircraft belonging to a government and not engaged in trade.

(j) *Territorial sea*—(1) *Trust Territory.* In accordance with section 874 (c) of the Code of the Trust Territory "* * * that part of the sea comprehended within the envelope of all arcs of circles having a radius of three marine miles drawn from all points of the barrier reef, fringing reef, or other reef system of the Trust Territory, measured from the low water line, or, in the absence of such reef system, the distance to be measured from the low water line of any island, islet, atoll, reef, or rocks within the jurisdiction of the Trust Territory."

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[1] Operation of entry control suspended. See § 761.4 (b) following.

[2] Operation of entry control suspended except for entry of foreign flag vessels and foreign nationals.

(2) *Other areas.* That part of the sea included within the envelope of all arcs of circles having a radius of three marine miles with centers on the low water line of the coast. For the purpose of this definition, the term "coast" includes the coasts of islands, islets, rocks, atolls, reefs and other areas of land permanently above the high water mark.

(k) *Trust Territory Registry.* Registration of a ship or aircraft in accordance with the laws of the Trust Territory.

(l) *U. S. Armed Forces.* Military personnel of the Department of Defense, the Departments of the Army, Navy, Air Force, and the United States Coast Guard.

(m) *U. S. Registry.* Registration of a vessel or aircraft in accordance with the laws and regulations of the United States.

SUBPART B—CRITERIA AND BASIC CONTROLS

§ 761.6 *Criteria*—(a) *General.* (1) Entry authorizations may be issued only after an Entry Control Commander, or a duly authorized subordinate acting in his behalf, has determined that the presence of the person, vessel, or aircraft will not, under existing or reasonably foreseeable future conditions, endanger, place an undue burden upon, or otherwise jeopardize the efficiency, capability or effectiveness of any military or naval installation located within or contiguous to a defense area. Factors to be considered shall include, but not be limited to, the true purpose of the entry, the personal history, character and present or past associates of the individuals involved, the possible burdens or threats to the defense facilities which the presence of the ship, aircraft or the individual or individuals (either singly or as members of a group or class) involved impose or might reasonably be expected to impose on the related base complex.

(2) Requests for entry authorizations will be evaluated and adjudged as to whether the entry at the time and for the purpose stated will or will not be inimicable to the purposes of national defense.

(b) *Adverse.* Substantial evidence of any of the following shall preclude the granting of entry authorization except with the specific approval of the Chief of Naval Operations in each case:

(1) Prior noncompliance with entry control regulations or failure to observe terms under which an entry authorization may have been granted;

(2) Willfully furnishing false, incomplete, or misleading information in an application for an entry authorization;

(3) Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means;

(4) Commission of, or attempt or preparation to commit, an act of espionage, sabotage, sedition, or treason, or conspiring with or aiding or abetting another to commit such an act;

(5) Performing, or attempting to perform, duties or otherwise acting so as to serve the interests of another government to the detriment of the United States;

(6) Deliberate unauthorized disclosure of classified defense information;

(7) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General pursuant to Executive Order 10450 of April 27, 1953 (18 F. R. 2489; 3 CFR, 1953 Supp., p. 72), as amended (see 5 U. S. C. 631 note; also 18 F. R. 2741; 19 F. R. 655; 20 F. R. 816, 2093, 7201, 8163; 22 F. R. 8069);

(8) Serious mental irresponsibility evidenced by having been adjudged insane, or mentally irresponsible, or an incompetent, or a chronic alcoholic, or treated for serious mental or neurological disorders or for chronic alcoholism, without evidence of cure;

(9) Conviction of any of the following offenses under circumstances indicative of a criminal tendency potentially dangerous to the security of a strategic area containing military establishments: arson, unlawful trafficking in drugs, espionage, sabotage, treason, murder, kidnapping, blackmail, or sex offenses involving minors or perversion;

(10) Chronic alcoholism or addiction to the use of narcotic drugs without adequate evidence of rehabilitation;

(11) Illegal presence in the United States, its territories or possessions, having been finally subject to deportation order, or voluntary departure in lieu of deportation order, by the United States Immigration and Naturalization Service;

(12) Being the subject of proceedings for deportation or voluntary departure in lieu of deportation for any reasons which have not been determined in the applicant's favor;

(13) Conviction of larceny of military property of the United States, willful injury to or destruction of military property of the United States, fraudulent enlistment, impersonation of a commissioned officer of the United States or of any state or territory thereof, or any offense involving moral turpitude, except offenses, which, in the jurisdiction within which the conviction was obtained, are punishable by imprisonment for not more than one year or a fine of not more than one thousand dollars.

(c) *Aliens.* (1) Entry of aliens for employment or residence in an area entirely within the borders of a defense area is not authorized except when such entry would serve the interests of national defense, and then only for specified periods and under prescribed conditions.

(2) Entry of aliens for any purpose into areas over which the United States exercises sovereignty is further subject to requirements imposed by law for the obtaining of a United States visa. Naval authorizations for entry into areas covered by this part will not be issued to foreign nationals for purposes, places, or periods of time in excess of those stipulated in the visa.

(3) Alien spouses and bona fide dependents of U. S. citizen employees of the United States and alien spouses and minor children of U. S. citizen permanent (i. e., domiciled) residents of such areas may, if otherwise qualified, be granted entry authorization or extension of entry authorization so long as the U. S. citizen sponsor or principal remains on duty or resident within the defense area.

(4) Aliens who are legal permanent residents of the United States are for purposes of this part to be afforded consideration similar to that provided United States citizens.

(d) *Renewals.* Entry authorizations having been granted and utilized may be renewed upon request at the expiration of the period for which the original entry was authorized, provided the justification for remaining in the area or for making a re-entry meets the criteria set forth in this part. It shall be the responsibility of every applicant to depart the defense area for which entry was authorized upon expiration of the time prescribed in the authorization, unless such authorization has been extended or renewed. Failure to comply herewith will be considered as evidence of violation of this part and may result in denial of future authorizations.

§ 761.7 *Basic controls*—(a) *General regulations.* Except for such persons, vessels, or aircraft as are authorized to enter under the provisions of a group authorization in this part or a person, vessel, or aircraft issued an individual authorization by an Entry Control Commander:

(1) No person, except persons aboard public vessels or aircraft of the United States, shall enter any defense area.

(2) No vessel or other craft, except public vessels of the United States, shall enter any naval defensive sea area or other defense area.

(3) No aircraft, except public aircraft of the United States, shall be navigated within any naval airspace reservation or other defense area.

(b) *Excluded persons*—(1) *Entry prohibited.* No excluded person, as defined in § 761.5 (e), shall enter any defense area. In a bona fide emergency which requires an excluded person's presence in or transit through a naval station which is also a defense area, the commanding officer of the station may grant permission to enter or transit subject to such restrictions as may be imposed by regulation or which may, in his discretion, be required. (This regulation is imposed in accordance with the Internal Security Act of 1950 (see 50 U. S. C. 781, 797) and Department of Defense notice of August 20, 1954, 19 F. R. 5446; and persons who willfully violate this regulation may be prosecuted and upon conviction be liable to a fine of not to exceed $5,000.00 or to imprisonment for not more than one year or both.)

(2) *Carrying prohibited.* Except in a bona fide emergency and after being authorized by the appropriate local authority, no vessel or aircraft, except public vessels and aircraft of the United States, shall enter into or be navigated within any defense area while carrying any excluded person, as defined in § 761.5 (e), as passenger, officer or crew member.

(c) *Control of violators.* No commanding officer of a naval station shall permit any vessel or aircraft which has entered the limits of his command by passing through a defense area without authorization to land, except in emergency, or, if permitted to land, to disembark passengers or cargo except as authorized by the appropriate Entry Control Commander. Commanding officers will take appropriate action to apprehend violators who come within their jurisdictions and request disposition instructions from the appropriate Entry Control Commander.

(d) *Trust Territory.* In addition to the Naval entry authorization, permission from the High Commissioner is required for all persons, except Trust Territory citizens and U. S. Government employees on official business, to enter part of the Trust Territory of the Pacific Islands which includes Rota Island, the Caroline Islands, and the Marshall Islands (less Eniwetok and Bikini Atolls, and Kwajalein Island).

(e) *Military areas.* Entries authorized under this part do not affect the authority of a commanding officer or other appropriate commander to impose and enforce proper regulations pertaining to movement into or within naval stations or other military or naval facilities.

(f) *Waiver prohibited.* No officer of the U. S. armed forces, except as authorized in writing by the Chief of Naval Operations, has authority to waive the requirements of this part, and any waiver must be in writing and signed by an authorized person.

SUBPART C—ENTRY AUTHORIZATION

§ 761.8 *General.* As indicated in § 761.7 certain persons, vessels and aircraft must be specifically authorized under the provisions of this part to enter defense areas. Provision is made for two types of authorizations:

(a) Group authorizations which authorize the entry of individual persons, vessels, or aircraft by reason of belonging to a group or class described in this part or in a special group authorization issued by the Chief of Naval Operations.

(b) Individual authorizations issued to a named or described person, vessel, or aircraft.

When entering or transiting a defense area each person, vessel, or aircraft must carry a valid individual authorization or satisfactory evidence of his or its current status as a member of an authorized group or class.

§ 761.9 *Entry Control Commanders.* The following commanders are designated Entry Control Commanders with authority to approve or disapprove individual entry authorizations for persons, vessels, and aircraft as indicated:

(a) *Chief of Naval Operations.* Authorizations for all persons, vessels, and aircraft to enter all defense areas.

(b) *Commander in Chief, U. S. Atlantic Fleet.* Authorizations for all persons, vessels, and aircraft to enter defense areas in the Atlantic.

(c) *Commander in Chief, U. S. Pacific Fleet.* Authorizations for all persons, vessels, and aircraft to enter all defense areas in the Pacific.

(d) *Commander, Caribbean Sea Frontier.* Authorizations for all persons and U. S. registered private and Canadian public vessels to enter Guantanamo Bay Naval Defensive Sea Area, Guantanamo Bay Naval Airspace Reservation, Culebra Island Naval Defensive Sea Area, and Culebra Island Naval Airspace Reservation.

(e) *Commander, Alaskan Sea Frontier.* Authorizations for all persons and for U. S. registered private and Canadian public vessels to enter Kodiak Naval Defensive Sea Area, Kiska Island Naval Defensive Sea Area, and Unalaska Island Naval Defensive Sea Area.

(f) *Commander, Hawaiian Sea Frontier.* Authorizations for U. S. citizens and U. S. registered private vessels to enter Johnston Island, Midway Island, Kingman Reef, Kaneohe Bay Naval Defensive Sea Area, Pearl Harbor Defensive Sea Area, and that portion of the Trust Territory of the Pacific Islands east of 160 degrees east longitude. (See also paragraph (i) of this section.)

(g) *Commander, U. S. Naval Forces, Marianas.* Authorizations for U. S. citizens and U. S. registered private vessels to enter the Guam Island Naval Defensive Sea Area, the Guam Island Naval Airspace Reservation, the Trust Territory of the Pacific Islands, for U. S. citizens to enter the Bonin, Volcano, and Marcus Islands; and for Trust Territory vessels to enter the Guam Island Naval Defensive Sea Area.

(h) *Senior Naval Commander in Defense Area.* Emergency authorizations for persons and for aircraft in cases of emergency or distress. In all cases the Chief of Naval Operations, and, as appropriate, the Commander in Chief, U. S. Atlantic Fleet, or the Commander in Chief, U. S. Pacific Fleet, and other interested commands, shall be informed immediately of the nature of the emergency, action taken, and proposed action.

(i) *U. S. Coast Guard.* The U. S. Coast Guard regulates the movement of shipping within the Honolulu Harbor under the authority of Executive Orders 10173 of October 18, 1950 (15 F. R. 7005, 3 CFR, 1950 Supp., p. 140) and 10289 of September 17, 1951 (16 F. R. 9499; 3 CFR, 1951 Supp., p. 469); such shipping is considered to be under U. S. authorized supervision within the meaning of Executive Order 8987 of December 20, 1941 (6 F. R. 6675; 3 CFR, 1943 Cum. Supp., p. 1048). The Commandant, Fourteenth Naval District, as representative of the Secretary of the Navy, retains responsibility for security of the Honolulu Defensive Sea Area, as required by naval interest, and, as such, issues amplifying instructions relating to the Honolulu Defensive Sea Area.

§ 761.10 *Persons: group authorizations.* Persons in the following groups or classes, except persons who have been denied individual authorizations or who have been notified that their privileges under an individual or group authorization have been revoked, may enter the defense areas indicated without individual authorization.

(a) Persons aboard U. S. public vessels or aircraft.

(b) Military members or U. S. civil service employees of the Department of Defense when traveling on official orders or leave papers, except that personnel traveling on leave may not enter the Trust Territory without an authorization from the appropriate Entry Control Commander and permission from the High Commissioner, and personnel traveling on leave may not enter the Saipan District or the Bonin-Volcano Islands without the prior approval of the Commander, U. S. Naval Forces, Marianas.

(c) U. S. ambassadors, cabinet members, elected U. S. Government officers and U. S. citizen civil service employees of the United States Government traveling on official orders on government business may enter defense areas as required by their orders.

(d) Dependents of military members of the Armed Forces and U. S. citizen dependents of U. S. citizen civil service employees of the United States Government traveling on orders and entering for the purposes of joining a principal permanently stationed in an area covered by this part may enter such area.

(e) U. S. Navy Technicians, U. S. Army Contract Technicians, or U. S. Air Force Contract Technicians, who are traveling on official travel authorizations on U. S. Government business, may enter defense areas as required by such authorizations. This group entry authorization does not include persons traveling on invitational travel orders.

(f) U. S. citizens who were born on Guam or who became citizens of the United States under the Organic Act of Guam (48 U. S. C. 1421–1424b), may enter the Guam Island Naval Defensive Sea Area and the Guam Island Airspace Reservation.

(g) Permanent indigenous residents of the Trust Territory of the Pacific Islands traveling on a properly visaed Trust Territory document may enter the Guam Island Naval Defensive Sea Area, the Guam Island Naval Airspace Reservation, and the Trust Territory of the Pacific Islands.

(h) Persons domiciled and currently residing in the Bonin Islands and traveling on a Bonin Island travel document, properly visaed when required, may enter the Guam Island Naval Defensive Sea Area, the Guam Island Airspace Reservation, and the Bonin Islands.

(i) Individuals on board any foreign public vessel or aircraft which has been granted diplomatic or other official authorization to enter an area covered by this part.

(j) Through passengers and bona fide regularly employed crew members, except excluded persons, on nonpublic vessels authorized to enter areas covered by this part. This does not include an authorization to disembark at a port contiguous to or within the areas covered in Part 761. Application for permission to disembark may be submitted to an Entry Control Commander having jurisdiction over the particular port.

(k) Through passengers and bona fide regularly employed crew members, except excluded persons, on nonpublic aircraft which is authorized to enter areas covered by this part provided such persons intend and certify in writing that they intend to continue on the flight on which embarked or on the first available onward transportation. Such persons are subject to local regulations governing entry into or movement within military air stations or facilities. Application for permission to disembark may be submitted to an Entry Control Commander having jurisdiction over the air facility.

(l) U. S. citizen news correspondents and photographers when properly accredited by the Department of Defense to enter areas covered by this part except that special authorization is required to enter the restricted areas listed in § 761.4 (a).

§ 761.11 *Persons: individual authorizations*—(a) *Application; filing.* Applications for authorization to enter defense areas shall be filed with one of the following:

(1) Chief of Naval Operations.

(2) Commander in Chief, U. S. Atlantic Fleet.

(3) Commander in Chief, U. S. Pacific Fleet.

(4) Any Naval Sea Frontier Commander.

(5) Any Naval Fleet or Force Commander.

(6) Any Naval District Commandant.

(7) Any Naval Attache.

The Commander or Attache with whom the application is filed is responsible for taking such action on the application as he may be empowered to do or for forwarding the application to the nearest Entry Control Commander authorized by this part to take action thereon. Applications received in the United States and those received indicating that the applicant has resided in the United States for the major portion of ten years immediately prior to date of request will normally be forwarded to the Chief of Naval Operations for action. In all cases where the forwarding activity has information regarding the applicant or his employer, appropriate comment and/or recommendation for disposition will be included in the forwarding letter. The processing of applications of persons residing in the continental United States will be expedited if they are mailed direct to the Chief of Naval Operations.

(b) *Form.* (1) Applications for entry authorizations will be made on the standard form, Statement of Personal History, DD 398, which is available at most military installations. In addition to the information required by the form, an entry application shall include the following additional information under Item 20, "Remarks":

21. Purpose of proposed visit: (Detailed statement including names of principal persons, firms, or establishments to be visited)

22. Proposed duration of visit:

23. Estimated date of arrival:

24. Address to which authorization should be mailed:

In the event that a DD 398 form is not available, a locally produced form containing identical information, including the certification and signatures of applicant and witness may be utilized.

(2) Incomplete forms will be returned for completion.

(3) When time is of the essence, emergency applications may be forwarded by message to the appropriate Entry Control Commander. Such messages shall include the following:

(i) Name of applicant.

(ii) Date and place of birth.

(iii) Citizenship.

(iv) Residence for last ten (10) years.

(v) Employers and address for last ten (10) years.

(vi) Results of Local Agency Check, if pertinent.

(vii) Place to be entered and date of entry.

(viii) Purpose of entry and duration of stay.

(ix) Comments and/or recommendations of forwarding officer as appropriate.

(x) A statement that a completed DD 398 or appropriate substitute has been mailed prior to the sending of the message.

(c) *Processing.* The Entry Control Commander empowered to issue entry authorizations shall upon receipt of an application take the following action:

(1) Initiate or conduct such investigation as may be required to establish facts upon which to make a determination that the entry of the applicant at the time and for the purpose indicated is or is not in accordance with the criteria set forth in § 761.6.

(2) Request additional information from the applicant if required, or

(3) Issue an entry authorization as requested or modified as circumstances require, or

(4) Deny the request and advise the applicant of his right to appeal, or

(5) Forward the application to the next superior in command together with a statement of the investigation conducted and the reason for forwarding and comments or recommendations as appropriate.

(d) *Authorizations.* Entry authorizations will state the purpose for which the entry is authorized and such other information and conditions as are pertinent to the particular authorization. Authorizations to enter and re-enter may be issued to resident U. S. citizens and be valid for a specified time not to exceed two years. Authorizations may be issued to U. S. citizens residing abroad and to aliens to enter and re-enter for a specified period of time required to accomplish the purpose for which the authorization was issued not to exceed one year.

§ 761.12 *Vessels: group authorizations.* Vessels or other craft in the following groups or classes, except vessels which have been denied individual authorizations or notified that their privileges under an individual or group authorization have been revoked, may enter the defense areas indicated without individual authorization:

(a) U. S. public vessels, to enter all defense areas.

(b) U. S. private vessels which are: (1) under charter to the Department of Defense (including the Military Sea Transportation Service), or (2) operating under a contract or charter with the Department of Defense providing for the employment of such vessels, or (3) routed by a Naval Control of Shipping Office, or (4) employed exclusively in support of and in connection with a Department of Defense construction, maintenance, or repair contract and whose crews carry individual entry clearances, to enter defense areas as authorized by the controlling Defense Department agency.

(c) Vessels of United States registry regularly engaged in trade between ports in the Trust Territory and Guam, and whose crews consist only of United States or Trust Territory citizens or persons holding individual entry permits, to enter Guam and the Trust Territory.

(d) Vessels registered and licensed in the Trust Territory of the Pacific Islands and manned by U. S. citizens or residents of the Trust Territory or the Bonin Islands, to enter Guam and the Trust Territory.

(e) Privately owned local craft, registered with and licensed by appropriate local United States Government agencies, and owned and operated by local inhabitants who have been granted authority, to enter the local naval defensive sea area at the discretion of the local commander.

(f) Foreign flag vessels traveling on diplomatic or other special clearance or for which special arrangements have been made under international agreements or treaties.

(g) Vessels operating under a group authorization issued by the Chief of Naval Operations.

(h) Vessels in distress, subject to local clearance and control by the senior officer present.

§ 761.13 *Vessels: individual authorizations*—(a) *Applications; form; filing.* Applications for authorization to navigate vessels within the limits of defense areas shall be filed with the cognizant Entry Control Commander by letter or telegram including the following information and any additional information that may be relative to the proposed operation:

(1) Name of vessel.

(2) Place of registry and registry number.

(3) Name, nationality and address of operator.

(4) Name, nationality and address of owner.

(5) Gross tonnage of vessel.

(6) Nationality and numbers of officers and crew (include crew list when practicable).

(7) Number of passengers (include list when practicable).

(8) Last port of call prior to entry into area for which clearance is requested.

(9) Purpose of visit.

(10) Proposed date of entry and estimated duration of stay.

(b) *Processing.* Applications for single entries or for multiple entries for a period not to exceed one year may be granted or denied by an Entry Control Commander. Applications for multiple entries for a period to exceed one year or for special group entries must be forwarded to the Chief of Naval Operations with appropriate comments and recommendations.

§ 761.14 *Aircraft: group authorizations.* Aircraft in the following groups or classes, except aircraft which have been denied individual authorization or notified that their privileges under an individual or group authorization have been revoked, may enter the defense areas indicated without individual authorization:

(a) U. S. public aircraft to enter all defense areas.

(b) U. S. private aircraft which are under charter to the Department of Defense (including the Military Air Transport Service), or operate under a contract with the Department of Defense providing for the employment of such aircraft to overfly U. S. island positions and to land when proper authorization has been obtained from the Chief of Naval Operations for use of naval aviation facilities, to enter defense areas as authorized by the controlling Defense Department agency.

(c) Non-public aircraft of U. S. registry operating under the authority of the Secretary of the Interior to provide logistic support for the Trust Territory to fly over and land in the Trust Territory (except at Naval Air Station, Kwajalein, Eniwetok and Bikini Atolls) and the Guam Naval Airspace Reservation when proper authorization has been obtained from the Chief of Naval Operations to use naval aviation facilities on Guam.

(d) Foreign flag aircraft for which special arrangements have been made under international agreements or treaties.

(e) Aircraft operated by companies authorized by the Chief of Naval Operations to utilize the naval facilities on the island of Guam or in other defense areas for regular commercial activity, to enter the Guam Island Naval Airspace Reservation or other defense areas as authorized by the Chief of Naval Operations.

(f) Any aircraft in distress, subject to local control by the senior officer present.

§ 761.15 *Aircraft: individual authorizations*—(a) *Special procedures*. In addition to the entry authorization to enter or navigate within the defense area concerned, certain special procedures must be followed by aircraft:

(1) If U. S. Navy aviation facilities are to be used, prior authorization must be obtained from the Chief of Naval Operations.

(2) If U. S. Air Force aviation facilities are to be used, prior authorization must be obtained from the appropriate Air Force commander.

(3) Foreign public aircraft must obtain diplomatic clearance or clearance under applicable special agreements or treaties.

(b) *Application; form; filing*. Applications for authorization to navigate aircraft within the limits of defense areas shall be made by letter or telegram addressed to the Commander in Chief, U. S. Atlantic Fleet, or the Commander in Chief, U. S. Pacific Fleet, as appropriate. Copies of application letter shall be sent to the Chief of Naval Operations and the local commanders who are known to be concerned. Applications shall include the following information:

(1) Type and serial number of aircraft (the number of aircraft in flight if a mass movement is involved), nationality and name of registered owner.

(2) Name and rank of senior pilot.

(3) Number in crew.*

(4) Number of passengers and whether military or civilian; include name (and rank) of distinguished passengers.*

(5) Purpose of flight.

(6) Plan of flight route, including:

(i) Point of origin of flight and its destination.

(ii) Estimated dates and times of arrival and departure at all airspaces covered by this part including stops within the Trust Territory, when pertinent.

(7) Radio call signs of aircraft and radio frequencies available.

(8) Whether cameras are to be carried and whether they will be used.

(9) Whether arms are to be carried.*

(10) Whether authorization to land as indicated in paragraph (a) of this section has been obtained.*

Information on those items marked with an asterisk (*) need not be reported when the aircraft will only overfly the areas covered by this part.

(c) *Processing*. Applications for individual authorization for single entries or for multiple entries for a period not to exceed three months may be granted by an Entry Control Commander. Applications for multiple entries over a period to exceed three months and applications for group authorizations must be forwarded to the Chief of Naval Operations with appropriate comments and recommendations.

§ 761.16 *Notice of action*. All applicants will be kept advised of action being taken relative to the processing of applications. Individual applications which cannot be processed promptly (usually within ten working days) or whose applications must be forwarded to another office for processing will be notified of the anticipated delay and advised of the approximate time when action may be expected to be taken. Under no circumstances will a notice of disapproval include a statement of the reason therefor. Copies of all notices will be distributed to commands and Entry Control Commanders concerned. Copies of all notices of disapproval will be mailed to the Chief of Naval Operations concurrently with the mailing to the applicant.

§ 761.17 *Revocation*. Entry authorizations will be revoked by an Entry Control Commander upon the discovery of information which would have been grounds for denial of the initial request. Such revocation shall be confirmed in writing. No reason for revocation of the entry authorization will be given. When an authorization is revoked, a one-way permit will be issued as appropriate, to permit the ship, aircraft, or person to transit the defense area in order to depart from a contiguous area.

§ 761.18 *Appeals*. (a) Appeals may be filed with the Entry Control Commander who issued the denial or revocation. It shall contain a complete statement of the purpose of the proposed entry and a statement of reasons why the entry should be authorized, including a showing that the entry will be consistent with the purposes of national defense.

(b) Appeal letters shall be forwarded promptly to the next superior Entry Control Commander with an endorsement setting forth the reasons for the denial or revocation and a recommendation as to the action to be taken by the superior.

(c) The superior may act on the appeal and notify the applicant of the decision, or he may forward the appeal to the next superior and notify the applicant of this referral.

(d) Final review may be had in appropriate cases in accordance with OPNAV (Office of the Chief of Naval Operations) Instruction 5420.18 of September 4, 1956.

SUBPART D—ADDITIONAL INSTRUCTIONS

§ 761.19 *Inspection and search of vessels and other craft*. The clearance of all vessels or other craft, other than public vessels of the United States, will be granted only on the condition that their owners, charterers, operators or masters:

(a) Consent to inspection and search of all vessels or other craft whenever the local naval commander considers such action necessary for military security of the area.

(b) Execute a "hold harmless" agreement under which no liability shall be incurred by the Navy Department, its agents or representatives for damage to vessels or other craft, their cargo, or for any demurrage charges which may arise out of or in connection with any inspection or search while in the exercise of due care.

§ 761.20 *Naval defensive sea area closed between sunset and sunrise*. Passage of any vessel into or out of the Guam Island Naval Defensive Sea Area between the hours of sunset and sunrise is prohibited, except when specifically permitted by the Commander, U. S. Naval Forces, Marianas.

§ 761.21 *Compliance with laws and regulations*. All persons, vessels and aircraft entering the Guam Island Naval Defensive Sea Area or the Guam Island Naval Airspace Reservation, whether or not in violation of Executive Order 8683 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as corrected by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 10341 of April 8, 1952 (17 F. R. 3143; 3 CFR, 1952 Supp., p. 68) shall be governed by such regulations and restrictions upon their conduct and movements as may be established by the Commander, U. S. Naval Forces, Marianas, whether by general regulation or by special instructions in any case.

§ 761.22 *Apprehension of vessels, aircraft or persons*. The Commander, U. S. Naval Forces, Marianas, shall take all practical measures to apprehend vessels, aircraft and persons violating the provisions of Executive Order 8683 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as corrected by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 10341 of April 8, 1952 (17 F. R. 3143; 3 CFR, 1952 Supp., p. 68) and shall hold each such violator in custody pending receipt of instructions from the Secretary of the Navy.

§ 761.23 *Formulation of additional rules*. The Commander, U. S. Naval

Forces, Marianas, shall establish and maintain such further rules and regulations, and shall issue such special instructions in each case, as he may deem necessary for carrying out the provisions of Executive Order 8683 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as corrected by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 10341 of April 8, 1952 (17 F. R. 3143; 3 CFR, 1952 Supp., p. 68).

§ 761.24 *Commander, U. S. Naval Forces, Marianas, designated local representative of Secretary of the Navy.* In all matters pertaining to the local administration of the Guam Island Naval Defensive Sea Area and the Guam Island Naval Airspace Reservation, the Commander, U. S. Naval Forces, Marianas, is hereby designated as the representative of the Secretary of the Navy, with full authority to enforce the provisions of Executive Order 8683 of February 14, 1941 (6 F. R. 1015; 3 CFR, 1943 Cum. Supp., p. 894) as corrected by Executive Order 8729 of April 2, 1941 (6 F. R. 1791; 3 CFR, 1943 Cum. Supp., p. 919) and Executive Order 10341 of April 8, 1952 (17 F. R. 3143; 3 CFR, 1952 Supp., p. 68) and all regulations issued pursuant thereto.

2. Section 765.6 is revised to read as follows:

§ 765.6 *Regulations for Pearl Harbor, Hawaii.* The Commander, Pearl Harbor Naval Shipyard, is responsible for prescribing and enforcing such rules and regulations as may be necessary for insuring security and for governing the navigation, movements, and anchorage of vessels in the waters of Pearl Harbor and in the entrance channel thereto. (57 Stat. 341, sec. 1, 62 Stat. 799; 33 U. S. C. 475, 18 U. S. C. 2152. E. O. 8143, 4 F. R. 2179, 3 CFR, 1943 Cum. Supp., p. [illegible])

(Sec. 6011, 70A Stat. 375; 10 U. S. C. 6011)

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy, Judge Advocate General of the Navy.

APRIL 10, 1958.

[F. R. Doc. 58-2825; Filed, Apr. 16, 1958; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

REVISION OF REGULATIONS

Basis and purpose. For the purpose of proper codification, these regulations, as contained in Subchapter F, are revised in their entirety as set forth below. The system of codification has been extensively revised. There are other major changes, but largely of an editorial nature. These are in addition to the annual changes to be effective in 1958, as discussed at the recent hearings, which are incorporated herewith.

This document is in two parts:

1. That part which represents the permanent basic regulations.

2. Temporary changes, which, by their own language, temporarily amend certain sections of the basic regulations and are self-terminating.

These changes shall become effective 30 days after publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

APRIL 15, 1958.

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PART 101—DEFINITIONS

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AUTHORITY: §§ 101.1 to 101.22 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 101.1 *Meaning of terms, abbreviations, and symbols.* For the purpose of the regulations in this part the terms, abbreviations, and symbols used in Subchapter F, unless required otherwise by the context, shall be as hereafter defined in this part. All regulations in Parts 101 through 130, except those under the headings "Personal Use Fishery," shall apply only to commercial fishing or operations.

§ 101.2 *Bureau.* The Bureau of Commercial Fisheries, United States Fish and Wildlife Service.

§ 101.3 *Species of commercial fish.* All those fishes in both fresh and salt water not declared to be game fishes by the Alaska Game Law and which are subjected to commercial fishing and which shall include but not be limited to the following species:

Albacore (Germo alalunga).
Cod (Gadus macrocephalus).
Dogfish (Squalus suckleyi).
Eulachon (Thaleichthys pacificus).
Halibut (Hippoglossus stenolepis).
Herring (Clupea harengus pallasi).
Lingcod (Ophiodon elongatus).
Rockfish (all species of the genera Sebastodes and Sebastolobus).
Sablefish (Anoplopoma fimbria).
Salmon:
  Chum (Oncorhynchus keta).
  Coho (Oncorhynchus kisutch).
  King (Oncorhynchus tshawytscha).
  Pink (Oncorhynchus gorbuscha).
  Red (Oncorhynchus nerka).
Sheefish (Stenodus leucichthys).
Sole and Flounders (all species of the family Pleuronectidae).
Whitefish (all species of the genus Coregonus).

§ 101.4 *Species of commercial shellfish.* All those marine species of mollusks and crustaceans which are subjected to commercial fishing and which shall include but not be limited to the following species:

Abalone (species of the genus Haliotis).
Clam:
  Butter (Saxidomus giganteus).
  Razor (species of the genus Siliqua).
  Little Neck (Protothaca staminea).
  Cockle (Clinocardium Nuttalli).
Crab:
  Dungeness (Cancer magister).
  King (species of the genus Paralithodes).
  Tanner (Chionoecetes bairdii).
Oysters, Pacific (Crassostrea gigas).
Shrimp (species of the genera Pandalus, Pandalopsis and Crangon).

§ 101.5 *Commercial fishing.* The taking or attempting to take of any species of fish or shellfish for the purpose of sale or barter or for ultimate use as an integral part of any economic enterprise. The taking of fish or shellfish for use as bait in commercial fishing operations shall be regarded as commercial fishing, as shall also be the taking of fish for use as feed for fur-bearing animals.

§ 101.6 *Personal use fishing.* The taking or attempting to take, of any species of fish or shellfish for purposes other than for sale or barter, including dog feed.

§ 101.7 *Commercial fisherman.* Any person who owns or operates any boat or fishing gear registered in accordance with § 102.2 of this subchapter.

§ 101.8 *Person.* Any person, firm, corporation, or association.

§ 101.9 *Run.* Any aggregation of a single species of fish having common limiting characteristics of space or time during the course of their migrations.

§ 101.10 *Take.* The aggregate catch of a single species of fish or shellfish captured within specific common limits of space or time.

§ 101.11 *Gear.* Any type of fishing apparatus.

§ 101.12 *Legal gear.* That gear described in § 101.14 and no modifications in design or manner of operation which permits or assists in operating a particular form of gear in a manner contrary to its basic design are permitted.

§ 101.13 *Legal limit of fishing gear.* The maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats, in any particular regulatory area, district, or section.

§ 101.14 ***Types of legal gear***—(a) *Trap.* Any fixed device operated for the purpose of or resulting in the impoundment of live fish, but not including a hammerhead trap or any modification thereof.

(b) *Gill net.* Any net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork and lead lines and fished from the surface of the water. The term "stretched measure" shall be deemed to be the average of the longer distances between diagonally opposite knots in any series of ten meshes stretched when wet after use under 5 pounds of tension applied to each mesh.

(c) *Set net.* Any gill net that has been set, staked, anchored, or otherwise fixed.

(d) *Drift net.* A free floating gill net.

(e) *Purse seine.* Any floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through rings attached to the lead line.

(f) *Beach seine.* Any seine not capable of being pursed as described in paragraph (e) of this section.

(g) *Troll.* Lines or lures with baited hooks which are drawn through the water.

(h) *Fish wheel.* A fixed rotating device designed to capture fish in fresh water.

(i) *Trawl.* Any bag-shaped net towed through the water to capture fish or shellfish.

(j) *Pot.* A trap designed for capturing crabs or shrimp.

(k) *Ring.* A device consisting of mesh stretched over a flat frame used in catching Dungeness crabs.

(l) *Long line.* A stationary buoyed or anchored line with lures or baited hooks attached.

(m) *Shovel.* A hand-operated device for digging clams or cockles.

§ 101.15 *Occupation of a trap site.* The care, service and use of a trap.

§ 101.16 *Permit holder for trap site.* A person who has obtained specific permission from the Department of the Army to occupy a given trap site.

§ 101.17 *Depth of net.* The perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

§ 101.18 *Authorities*—(a) *Secretary.* The Secretary of the Department of the Interior.

(b) *Director.* The Director of the Bureau of Commercial Fisheries.

(c) *Regional Director.* The Regional Director of the Bureau of Commercial Fisheries for Alaska.

§ 101.19 *Local representative.* The nearest or most accessible officer of the Bureau of Commercial Fisheries, or any person designated by the Regional Director of the Alaska Region to perform specific functions of the Bureau.

§ 101.20 *Waters of Alaska.* For the purpose of the regulations in this part, the term "waters of Alaska" north and west of the International Boundary at Dixon Entrance are defined as including those extending three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

§ 101.21 *Abbreviations and symbols.* (a) a. m. and p. m. indicates standard time antemeridian and postmeridian, respectively.

(b) The symbols °, ′, and ″ shall indicate degrees, minutes, and seconds, respectively, of longitude or latitude, based on the North American datum of 1927.

(c) Lat. and long. shall indicate latitude and longitude, respectively.

(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south.

§ 101.22 *Bag limit.* Maximum take permitted per person per day for personal use.

PART 102—GENERAL PROVISIONS

GENERAL

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102.1 License required of salmon net fishermen.
102.2 Registration of fishing boats and gear.
102.3 Identification of stationary fishing gear.
102.4 Reports required of operators.
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102.73 Clam fishing gear.
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MODIFICATION OF RESTRICTIONS

102.99 Modification of closed seasons and imposition of additional restrictions.

AUTHORITY: §§ 102.1 to 102.99 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 102.1 *License required of salmon net fishermen.* (a) No person shall fish for, assist in fishing for, or be a member of a crew fishing for salmon, for commercial purposes, with any form of net in any of the waters of Alaska without first having obtained a license from a local representative of the Bureau, or any person designated by the Regional Director, to perform specific functions of that Bureau. Such license shall be valid:

(1) Upon completion of a full and accurate application on a form furnished for that purpose.

(2) For the calendar year of issuance.

(3) Within any single registration area (as set forth in § 102.2) of his choice, the code letter of which shall appear on the face of the license, and for no other: *Provided,* That upon request, the Regional Director may permit the license to be transferred to another registration area for good cause shown, but only after a determination by him, in each case, that such transfer will not jeopardize proper conservation of the salmon runs in the second area. Such transfer, when granted, shall automatically invalidate the license in the previously designated area.

(b) No person shall obtain, or attempt to obtain, more than one license during any calendar year.

(c) Licenses shall be kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the United States Fish and Wildlife Service or of the United States Coast Guard.

§ 102.2 *Registration of fishing boats and gear.* Except as hereinafter provided, no boat nor unit of fishing gear shall be used in commercial fishing unless and until it shall have been properly registered with a local representative of the Bureau for the initial registration area of intended operation (as hereinafter defined) in accordance with provisions of this section. Any person desiring to register any boat or unit of fishing gear shall furnish to the said local representative full and accurate information as to the size, type, and identity of boat, number of fishermen in crew, description of gear, and the fishery (salmon, herring, crab, etc.) in which such gear and boat is intended to be used. A Bureau registration number shall be assigned to each boat and unit of fishing gear.

(a) Each salmon fishing net, and each boat intended to be used with such net shall be registered not later than [illegible] calendar days prior to the opening of the fishing season. No salmon fishing net registered for one registration area may thereafter be used in any other registration area during that calendar year, nor may any boat registered to fish for salmon with a net or nets in one registration area be used to fish for salmon with a net or nets in any other registration area during that calendar year: *Provided,* That late registration or transfer of registered nets or boats to another registration area may be permitted by the Regional Director upon a determination that (1) conservation of the salmon runs will result therefrom, or (2) conservation of the salmon runs will not be adversely affected and such a transfer is justified upon the grounds of hardship or for other valid reasons.

(b) All other fishing gear and boats shall be registered for the calendar year at any time prior to use in commercial fishing in the registration area of intended operation. Prior to transfer to another registration area, intention to transfer shall be reported to the local representative of the Bureau: *Provided,* That this section shall not apply to fishing gear or boats used solely in fishing for halibut.

(c) Each registration area shall be assigned a code letter. Registration areas are defined as follows:

Code letter: *Registration area*
A=Southeastern Alaska area.
D=Yakutat area and Yakataga district of the Bering River-Yakataga area.
E=Prince William Sound area; Copper River area; Bering River-Yakataga area.
H=Cook Inlet area; Resurrection Bay area.
K=Kodiak area.
M=Aleutian Islands area; Alaska Peninsula area; Chignik area.
T=Bristol Bay area; and after July 31, the Northeast district of the Alaska Peninsula area.
Y=Yukon district of the Arctic area.

(d) Evidence of proper registration shall be kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the United States Fish and Wildlife Service or the United States Coast Guard.

(e) Registration plates shall be displayed in a prominent place on the port side of the boat or on the face of the trap. Permanent identification plates and annual validating tabs will be provided free. Lost plates must be reported immediately and will be replaced at a charge of $5.00 upon application to the Regional Director.

§ 102.3 *Identification of stationary fishing gear.* All persons, companies, or corporations owning, operating, or using any set net, trap, or fish wheel shall place in a conspicuous place on or near said trap, set net, or fish wheel the name of the person, company, or corporation owning, operating, and using same, together with a permanently assigned Bureau registration number. Numbers shall be at least 6 inches in height with lines at least 1 inch wide and shall be painted in black on a white background.

§ 102.4 *Reports required of operators.* Each buyer or processor of fish or shellfish shall, each season:

(a) Furnish to the local representative of the Bureau, prior to operating in any regulatory fishing area, a written statement of intention to operate and a description of the nature, extent, and location of the operation.

(b) Report all individual receipts of fish and allied data as required by the Director of the Bureau or his authorized representative.

(c) Submit report of operations on statistical forms provided for that purpose at the close of the season. Reporting responsibility, where in question, rests with the final buyer or dealer who handles the fish within the Territory.

(d) Report, for statistical purposes, immediately in detail any disposition of fish or shellfish not processed within the statutory 48-hour time limitation.

(e) Any report required by this section must be complete and accurate. Records must be maintained at least one year after all required reports have been furnished to the Bureau.

§ 102.5 *Inspection of fishery establishments.* For purposes of inspection, representatives of the Department shall have at all times free and unobstructed access to all canneries, salteries, and other fishing establishments, and to all hatcheries.

§ 102.6 *Explosives and poison prohibited.* The use of any explosive or poison in the taking or killing of fish or shellfish is prohibited.

§ 102.7 *Driving salmon downstream prohibited.* The driving of salmon downstream or the causing of salmon to go outside the protected area at the mouth of any stream is prohibited.

§ 102.10 *Types of gear permitted, salmon fishing.* In fishing for salmon all forms of gear other than drift gill nets, set nets, traps, purse seines, beach seines, fish wheels, trolling apparatus, hand lines, rods, spears, and gaffs are prohibited at all times.

§ 102.11 *Salmon fishing boats and gear.* No salmon seine boat or trolling boat shall operate, assist in operating, or have aboard either it or on any boat towed by it, more than one legal limit of fishing gear in the aggregate: *Provided,* That (a) where the use of leads is permitted, a purse seine boat may have or use not to exceed one lead of legal length and depth without purse rings attached and with mesh at least 7 inches stretched measure between knots, (b) a trolling boat may have or use for taking bait, one gill net with mesh not more than 2½ inches stretched measure between knots, made of not greater than number 20 gillnet thread, and not exceeding 10 fathoms in length and 100 meshes in depth, and (c) unhung gear sufficient for mending purposes may be carried aboard.

§ 102.12 *Salmon gill net restrictions.* (a) The trailing of gill net web is prohibited at any time or place where fishing is not permitted. (b) Set nets must be removed from the water during any closed period.

§ 102.13 *Salmon troll restrictions.* Not more than 4 trolling lines shall be operated by any boat.

§ 102.14 *Salmon trap restrictions*—(a) *Limitation on increases of individual trap site operations.* No person shall be permitted to increase the number of trap sites which he occupies over the number occupied in the preceding season if such increase would result in his occupation of more than 10 sites. The Secretary or his authorized representative may, however, in exceptional cases authorize such an increase for good cause shown. Any trap site occupied in violation of this section will be closed.

(b) *Operation of trap site by permit holder.* No person shall be allowed to occupy, lease, or assign a trap site who in the previous year held a permit for a trap site and did not himself occupy such site but instead leased or assigned such site to another person under arrangements by which the permit holder did not bear all or a substantial part of the expenses and financial risk involved in the installation, care, service, and use of the trap. The Secretary or his authorized representative may, however, in exceptional cases authorize occupation of such site for good cause shown. Any trap site occupied, leased, or assigned in violation of this section will be closed.

(c) *Trap limited to two spillers.* No trap shall have more than two spillers.

(d) *Traps must be ineffectual prior to open season.* In any prescribed fishing area prior to the first date when salmon traps may be operated in any calendar year, no trap or any part thereof, whether under construction or after completion, shall be so arranged or adjusted as to prevent the free and unobstructed passage at all times of all fish.

(e) *Traps to be made inoperative within 24 hours after close of season.* Within 24 hours after the close of the last seasonal fishing period in which traps may be operated in any calendar year, the wire on the entire long wall of the small heart from the pot tunnel to the first corner of both sides shall be cut down and any lead within 50 feet of the small heart gap shall be cut down. Within 48 hours after any such season (a) the tunnels from pots to spillers of all traps shall be entirely disconnected, and (b) the spillers of all driven traps shall be raised to within 4 feet of the capping and the spillers of floating traps to within 4 feet of the surface. With respect to traps not provided with spillers, the requirement with regard to spillers shall apply to the pots. This requirement shall not apply to traps, the operation of which has been temporarily suspended.

(f) *Method of closing salmon traps.* During all periods when fishing is prohibited, the heart walls of salmon traps shall be lifted or lowered in accordance with the method prescribed by section 5 of the act of June 6, 1924, and the tunnels from hearts to pots shall be closed in the following manner:

(1) *Floating traps.* Poles shall be permanently secured to the webbing at each side of the mouth of the pot tunnel and shall extend from the tunnel floor to a height at least four feet above the water. A draw line shall be reeved through the lower ends of both poles and the top of one, and the upper end of this line shall be spliced to a length of chain. The two tunnel walls must be overlapped as far as possible across the pot gap and the draw line must be pulled tight so as to completely close the bottom of the tunnel. The pole on the right side of the pot gap, as viewed from the shore, must be painted bright red above water and the pole on the left bright green. Serially numbered seals issued by the Bureau shall be affixed around the top rib lines and webbing of both tunnel walls next to each pole and the link of the chain must be included in one of the seals. Seals must be attached in such manner that the trap cannot be fished without breaking them.

(2) *Stationary traps.* A draw line shall be secured to the pot wall at a depth equal to that of the bottom of the tunnel and at least 12 inches from the edge of the pot gap; shall be reeved through rings fastened at intervals of 4 feet or less on the vertical rib line along the mouth end of the opposite tunnel wall; and shall be spliced at its upper end to a length of chain. The tunnel shall be pulled to one side of the pot gap

sufficiently to overlap the pot wall a minimum of 12 inches and the draw line shall be pulled tight and secured by looping its chain around the capping. Serially numbered seals issued by the Bureau shall be affixed, one to seal the tunnel webbing to the pot wall and another to seal the loop of chain around the capping. Seals must be attached in such a manner that the trap cannot be fished without breaking them.

(g) *Limitation on salmon traps.* During 1958 the number of salmon traps operated in Alaska will not exceed a total of 246.

§ 102.24 *Closed areas near salmon streams.* (a) In accordance with the authority contained in section 1 of the act of June 18, 1926 (44 Stat. 752, 48 U. S. C. 221–224), as amended, commercial fishing is prohibited at all times between the exposed tideland banks of any salmon stream, within 500 yards of the terminus as defined herein, of any such stream and within such greater distances from such terminus as may be specified in regulations having particular application to designated streams or areas. For the purpose of the regulations in this part the word "terminus" shall mean a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream.

(b) For the purposes of section 3 of the act of June 6, 1924 (43 Stat. 464; 48 U. S. C. 233), as amended, the mouth of any salmon creek, stream or river is determined to be at a line drawn between the extremities of its banks at mean low tide. The facts as to the location of any such line shall be ascertained from time to time by the Director of the Bureau or such other persons as may be designated by the Director and in accordance therewith the mouth of such creek, stream or river shall be appropriately marked and such marking shall be final.

HERRING FISHERY

§ 102.51 *Gear*—(a) *Traps prohibited.* Fishing for herring by means of any trap is prohibited. This does not apply to pounds used primarily to retain herring alive over extended periods and which are filled by other gear or by infrequent opening of the pound itself.

(b) *Trawls prohibited.* The use of trawls is prohibited.

(c) *Size of mesh, herring seines.* No herring seine shall have mess less than 1½ inches stretched measure between knots.

§ 102.52 *Obstructions.* No net or other obstruction shall be placed across the entrance to any lagoon or bay, which will prevent free passage of herring at all times.

§ 102.56 *Disposal of herring offal.* The dumping of offal of dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

BOTTOM FISH FISHERY

§ 102.61 *Bottom fish fishery.* The size, character and operation of trawls in Alaskan waters for the taking of bottom fish are limited as follows:

(a) Otter trawls having mesh smaller than 5 inches stretched measure between knots in the bag and 6 inches stretched measure between knots in the wings are prohibited.

(b) The use of any devices attached to the foot-rope or elsewhere, such as chain "ticklers," is prohibited.

(c) The use of otter trawls in any area which the International Pacific Halibut Commission has found to be populated by small immature halibut and accordingly has been closed to all halibut fishing, is prohibited.

§ 102.62 *Reports.* All operators of otter trawls shall maintain a running log on forms furnished showing date, type and size of mesh of trawl used, each locality fished, the time and duration of each tow, and the estimated poundage and number or average weight of each species caught. Such logs shall be available for inspection by representatives of the Fish and Wildlife Service at any reasonable time, and duplicate copies shall be transmitted to the Fish and Wildlife Service at the end of each trip.

SHELLFISH FISHERY

§ 102.73 *Clam fishing gear.* No species of clam may be taken by other than a shovel.

§ 102.74 *Minimum sizes of clams.* (a) Razor clams: 4½ inches in total length of shell.

(b) Butter clams: 2½ inches in total length of shell.

Any undersized clams taken shall be replanted alive in the beach immediately.

§ 102.77 *Crab fishing gear.* (a) Dungeness crabs shall be taken only with pots or rings.

(b) King crabs shall be taken only with pots or trawls.

§ 102.82 *Minimum sizes of male crabs.* (a) Dungeness: 7 inches in greatest width of shell.

(b) King: 6½ inches in greatest width of shell.

§ 102.83 *Soft-shell, female and undersized crabs.* Soft-shell, female, and undersized crabs may not be taken and any inadvertently caught shall be returned to the water immediately with a minimum of injury.

PERSONAL USE FISHERY

§ 102.92 *Restrictions.* (a) Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert, or other artificial obstruction except in the Katmai National Monument where fishing shall be in accordance with National Park Service regulations.

(b) Prohibited with commercial gear; exception: Within any regulatory area, district or section, except in the Bristol Bay area, all fishing for personal use with gill net, seine, or trap shall be subject to the laws and regulations governing commercial fishing during the period starting 48 hours before the opening of a commercial season for such gear and continuing until 48 hours after its close: *Provided,* That bona fide personal use fishing will be permitted at all times on the Kuskokwim River.

(c) Personal use gear: The taking of salmon is prohibited in fresh water by means of a—

(1) Multiple hook or hooks to which a following weight or object is attached.

(2) Multiple hook or hooks with gaps between points and shank larger than ½ inch when not attached to a plug, spoon, spinner, or artificial lure.

(3) Plug, spoon, spinner or artificial lure having single or multiple hooks with gap between point and shank larger than ½ inch.

(4) Single hook with gap between point and shank larger than ½ inch.

MODIFICATION OF RESTRICTIONS

§ 102.99 *Modification of closed seasons and imposition of additional restrictions.* The Secretary from time to time may shorten, lengthen, or reopen for limited periods any closed season and impose further restrictions on the means, methods, and areas of fishing and on the catch of fish otherwise permitted to be taken.

PART 103—ARCTIC AREA

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103.1 Definition.

SALMON FISHERY

103.2 Definitions, fishing districts.
103.5 Seasons.
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103.11 Aggregate length of gill nets.
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103.24 King salmon quotas.

PERSONAL USE FISHERY

103.91 Weekly closed period.

AUTHORITY: §§ 103.1 to 103.91 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 103.1 *Definition.* The Arctic area includes all waters of Alaska between Demarcation Point and Cape Newenham.

SALMON FISHERY

§ 103.2 *Definitions, fishing districts*—(a) *Northern district.* All waters from Demarcation Point to Point Hope.

(b) *Kotzebue district.* All waters from Point Hope southward to Cape Prince of Wales.

(c) *Port Clarence district.* All waters from Cape Prince of Wales southward to Cape Douglas.

(d) *Norton Sound district.* All waters from Cape Douglas southward to a true east-west line through the westernmost point of Stuart Island.

(e) *Yukon district.* All waters of the Yukon River and all coastal waters from a true east-west line through the westernmost point of Stuart Island southward to 62° N. lat.

(f) *Kuskokwim district.* All waters of the Kuskokwim River and all coastal waters from 62° N. lat. southward to Cape Newenham.

§ 103.5 *Open season.* Fishing is prohibited except from 6 a. m., June 2 to 6 p. m. July 31.

§ 103.10 *Gear restrictions.* Fishing is prohibited except with gill nets: *Provided,* That in the Yukon district such nets may not have mesh less than 8½ inches stretched measure: *And provided further,* That fish wheels may be used in the Yukon and Kuskokwim districts.

§ 103.11 *Aggregate length of gill nets.* The aggregate length of gill nets on or in use by any salmon fishing boat shall not exceed 150 fathoms, hung measure: *Provided,* That in the Kuskokwim district the aggregate length of drift gill nets on or in use by any salmon fishing boat shall not exceed 45 fathoms, hung measure and the aggregate length of set nets in use by any individual shall not exceed 25 fathoms, hung measure.

§ 103.12 *Size of mesh and depth of gill nets.* King salmon gill nets shall have a mesh of at least 8½ inches stretched measure and red salmon gill nets shall have a mesh of at least 5½ inches stretched measure. No red salmon gill net shall be over 28 meshes deep.

§ 103.13 *Marking of gill nets.* Each drift gill net in operation shall have a suitable bright red keg, buoy or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals, except that the 25-fathom interval requirement shall not apply in the Kuskokwim district.

§ 103.24 *King salmon quotas.* In any calendar year the take of king salmon shall not exceed the following:

(a) *Yukon district.* 50,000 fish below the mouth of the Anuk River; 10,000 fish between the mouths of the Anuk and Anvik Rivers; and 5,000 fish above the mouth of the Anvik River.

(b) *Kuskokwim district.* 3,000 fish below the mouth of the Aniak River, and 3,000 fish above the mouth of that river.

PERSONAL USE FISHERY

§ 103.91 *Weekly closed period.* In the Yukon district, fishing for, taking or molesting salmon, by any means, or for any purpose, is prohibited between 6 p. m. Saturday and 6 a. m. Monday of each week, except after 48 hours following the close of commercial fishing in any quota subdistrict.

PART 104—BRISTOL BAY AREA

Sec.

104.1 Definition.

SALMON FISHERY

104.2 Definitions, fishing districts.
104.3 Registration.
104.5 Seasons.
104.9 Weekly closed periods.
104.10 Gear restrictions.
104.11 Aggregate length and operation of drift gill nets.
104.12 Size of mesh and depth of gill nets.
104.13 Marking of gill nets.
104.14 Marking of boats.
104.15 Aggregate length and operation of set nets.
104.18 Maximum length of motor boats.
104.25 Minimum distance between units of gear.
104.34 Closed waters.

PERSONAL USE FISHERY

104.90 Seasons, salmon.

AUTHORITY: §§ 104.1 to 104.90 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 104.1 *Definition.* The Bristol Bay area includes all waters of Alaska in Bristol Bay east of a line from Cape Newenham to a point 3 statute miles south of Cape Menshikof.

SALMON FISHERY

§ 104.2 *Definitions, fishing districts.* Fishing, except trolling, is prohibited except within the following-described districts:

(a) *Nushagak district.* Waters of Nushagak Bay within a line between the white Coast and Geodetic Survey markers located near Nichols Hills and Etolin Point, respectively.

(b) *Kvichak-Naknek district.* Waters of Kvichak Bay within a line from a point at 58°33′ N. lat., 157°20′ W. long., to a point at approximately 58°44′18″ N. lat., 157°40′ W. long.

(c) *Egegik district.* Waters bounded by a line from Cape Chichagof at 58°20′ N. lat., to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Egegik River, thence to a point 3 miles offshore at 58° N. lat., thence due east to the shoreline.

(d) *Ugashik district.* Waters bounded by a line from 3 miles north of Cape Greig light to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Ugashik River, thence to a point 3 miles due west of Cape Menshikof, thence to the southern terminus of the area at a point 3 miles south of Cape Menshikof.

(e) *Togiak district.* All waters north of a line from Right Hand Point to Cape Pierce.

§ 104.3 *Registration.* No fishing by means of any gear will be permitted unless and until the same has been registered with the local representative of the Fish and Wildlife Service for the district where such gear is to be used. All units of gear intended to be used in fishing must be registered in the respective districts by not later than 6 p. m. of the Friday immediately preceding the week in which such gear is to commence fishing for the season or prior to a change of districts. After the close of registration at 6 p. m. each Friday, no additions to or changes in registration will be permitted.

§ 104.5 *Seasons*—(a) *Nushagak district.* Fishing except trolling is prohibited prior to 12 noon June 2, and after 12 noon August 30.

(b) *Kvichak-Naknek district.* Fishing except trolling is prohibited prior to 12 noon June 2, and after 12 noon August 30.

(c) *Egegik district.* Fishing except trolling is prohibited prior to 12 noon June 2, and after 12 noon August 30.

(d) *Ugashik district.* Fishing except trolling is prohibited prior to 12 noon June 2, and after 12 noon August 30.

(e) *Togiak district.* Fishing except trolling is prohibited prior to 12 noon June 2, and after 12 noon August 30.

§ 104.9 *Weekly closed periods.* (a) In the period June 23 to July 26, the statutory weekly closed period of 36 hours is extended so as to limit fishing to the number of days per week set out in the following table, wherein the number of days of fishing is governed by the total number of units of gear registered for fishing in the respective districts as of 6 p. m. of the Friday immediately preceding the week in which fishing is permitted.

Units of gear by district				Days of fishing per week
Naknek-Kvichak	Nushagak	Egegik	Ugashik	
534	534	227	113	1
382-533	382-533	162-226	83-112	1.5
267-381	267-381	114-161	60- 82	2.0
229-266	229-266	97-113	53- 59	2.5
191-228	191-228	81- 96	45- 52	3.0
153-190	153-190	65- 80	37- 44	3.5
133-152	133-152	57- 64	34- 36	4.0
132	132	56	33	5.0

(b) For the purposes of this section, a unit of gear is considered to be one 150-fathom drift gill net as fished from a two-man boat. When the allowable fishing time is less than 2 days per week, fishing will commence at 12 noon on Monday and will be continuous thereafter for the allowable period. When the allowable fishing time is between 2 days and 4 days, fishing will commence at 9 a. m., on Monday and at 9 a. m., on Thursday and will be continuous thereafter for one-half of the total time allowed. When the allowable fishing time is 5 days per week, fishing will commence at 12 noon Monday and be continuous for the allowable period. As used in this section, "day" refers to a period of 24 hours.

(c) Announcement of the total number of registrations for each district will be made locally within 18 hours after the close of registration and by publication in the FEDERAL REGISTER.

(d) From June 2 to 21, inclusive, in the Nushagak district the weekly closed period is extended to include the period from 12 noon Friday to 12 noon Monday.

§ 104.10 *Gear restrictions.* (a) Fishing is prohibited, except with drift or set gill nets or troll gear.

(b) The use of smelt nets is prohibited in localities where young salmon are migrating.

§ 104.11 *Aggregate length and operation of drift gill nets.* (a) No fishing boat shall operate, assist in operating, or have aboard either it or any boat towed by it, more than 150 fathoms in the aggregate.

(b) In the period from June 23 to July 25: (1) No gill net registered as a set gill net may be used as a drift gill net, nor may any gill net registered as a drift gill net be used as a set net; (2) No fisherman licensed to operate or assist in operating a drift gill net shall operate or assist in operating a set gill net; and no fisherman licensed to operate or assist in operating a set gill net shall operate or assist in operating a drift gill net; (3) During any weekly open fishing period the picking of any drift gill net shall be deemed to be a part of the fishing operation and shall be performed only on a registered net by the fishermen licensed to operate a particular legal limit of gear; (4) The operation of each particular legal limit of set gill net shall be performed or assisted by the fisherman in whose name it is registered.

§ 104.12 *Size and mesh and depth of gill nets.* (a) Stretched measure shall not be less than 8½ inches prior to 12 noon June 24, and shall not be less than 5½ inches from 12 noon June 23 to 12 noon July 25.

(b) Depth of gill nets shall not exceed 28 meshes.

§ 104.13 *Marking of gill nets.* Each drift gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end which shall be plainly and legibly marked with the permanent Bureau registration number, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

§ 104.14 *Marking of boats.* Each gill net fishing boat in operation shall display its Bureau registration number in permanent symbols at least 12 inches in height.

§ 104.15 *Aggregate length and operation of set nets.* (a) The aggregate length of set nets used by any individual shall not exceed 50 fathoms hung measure.

(b) Set nets shall be operated in substantially a straight line.

(c) Every operator of a set net shall furnish to the local representative of the Bureau in advance of the fishing season a sworn statement that he is a citizen of the United States and had resided continuously in the area embracing Bristol Bay and the arms and tributaries thereof for a period of at least two years immediately preceding the opening date for fishing.

(d) Fishing with set nets shall be limited to beach areas between high and mean low water marks, exclusive of bars or flats that at low tide are not connected by exposed land to the shore or places not covered at high tide.

§ 104.18 *Maximum length of motor boats.* No motor-propelled boat used in drift gill-net fishing shall exceed 32 feet in length overall.

§ 104.25 *Minimum distance between units of gear.* The minimum operating distance at any time between any part of one net and any part of another net shall be not less than 300 feet, except that the operating distance between any part of one set net and any part of another in the Nushagak district shall be not less than 450 feet.

§ 104.34 *Closed waters.* Fishing is prohibited as follows:

(a) *Nushagak Bay.* North of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point.

(b) *Kvichak Bay.* Northwest of a line from Graveyard Point light to a point on the opposite shore at 58°53′22″ N. lat., 157°04′16″ W. long.

(c) *Naknek Bay.* Within 1 statute mile of the terminus of the Naknek River.

(d) *Egegik Bay.* East of a line from a marker 250 yards east of Libby, McNeill & Libby's cannery building to a marker on the opposite shore 175 yards east of the Alaska Packers Association's cannery building.

(e) *Ugashik River.* Southeast of a line extending at right angles across the river 500 yards below the terminus of King Salmon River, except by set nets in the area extending from a point 200 yards north of the Wingard Packing Company cannery to a point 1,200 yards north of that cannery.

PERSONAL USE FISHING

§ 104.90 *Open season, salmon.* Fishing for personal use is permitted (a) prior to noon June 21 and after noon July 27, (b) in the Togiak district, at any time with set nets only, (c) in the Kvichak-Naknek, Egegik and Ugashik districts in waters open to commercial fishing, from 6 a. m. to 6 p. m. each Wednesday with set nets only, (d) in the Nushagak district, (1) at any place over 12 miles upstream from waters open to commercial fishing, (2) from 6 a. m. to 6 p. m. each Wednesday with set or anchored gill nets only, and (3) between Snag Point and Bradford Point with set nets not exceeding 15 fathoms in length, if previously registered with the local representative of the Bureau.

PART 105—ALASKA PENINSULA AREA

Sec.
105.1 Definition.

SALMON FISHERY

105.2 Definitions, fishing districts.
105.5 Seasons.
105.9 Weekly closed periods.
105.10 Gear restrictions.
105.11 Aggregate length of gill nets.
105.15 Aggregate length and operation of set nets.
105.18 Maximum length of seine boats.
105.19 Size of beach seines.
105.25 Minimum distance between units of gear.
105.27 Areas open to traps.
105.31 Areas open to seines; size of seines.
105.34 Closed waters.

AUTHORITY: §§ 105.1 to 105.34 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 105.1 *Definition.* The Alaska Peninsula area includes all waters of Alaska from a point 3 statute miles south of Cape Menshikof to Unimak Pass, thence easterly to the western point at the entrance to Kuiukta Bay.

SALMON FISHERY

§ 105.2 *Definitions, fishing districts.* Fishing districts are as follows:

(a) *Northeastern.* All waters on the north side of the Alaska Peninsula between a point 3 statute miles south of Cape Menshikof and Cape Seniavin.

(b) *North Central.* All waters on the north side of the Alaska Peninsula between Cape Seniavin and Moffet Point.

(1) Bear River section: All waters between Cape Seniavin and Entrance Point.

(2) Nelson Lagoon section: All waters of the lagoon inside the bars and west of a line from Wolf Point to Cape Rozhnof.

(3) General section: All other waters of the district from Moffett Point to Entrance Point, including Port Moller and Herendeen Bay.

(c) *Northwestern.* All waters on the north side of the Alaska Peninsula between Moffett Point and Unimak Pass, excluding Bechevin Bay.

(d) *Southwestern.* All waters on the south side of the Alaska Peninsula between Cape Pankof light and Arch Point, including Bechevin Bay.

(e) *South Central.* All waters south of the Alaska Peninsula between Arch Point and the south side of Cape Aliaksin at 160°45′ W. long., including all of the Shumigan Islands, except Korovin Island.

(f) *Southeastern.* All waters on the south side of the Alaska Peninsula from a point at 160°45′ W. long., on the south side of Cape Aliaksin to Andronica Island light, thence to the eastern boundary of the area.

(g) *Unimak.* All waters on the south side of Unimak Island between Cape Pankof light and Scotch Cap.

§ 105.5 *Open seasons and gear.* Fishing is prohibited except:

(a) *Northeastern district.* (1) From 6 a. m. July 10 to 6 p. m. September 13 with purse seines only west of Strogonof Point, and (2) from August 1 to September 13 with gill nets only east of Strogonof Point.

(b) *North Central district.* From 6 a. m. June 23 to 6 p. m. September 13: *Provided,* (1) That in the area northeast of the church located on the beach about 1½ miles northeast of Bear River, purse seines only may be used; and (2) That this season shall not apply to gill nets with mesh at least 8½ inches stretched measure.

(c) *Northwestern district.* From 6 a. m. May 27 to 6 p. m. July 26.

(d) *Southwestern district.* From 6 a. m. May 27 to 6 p. m. August 5, and from 6 a. m. August 18 to 6 p. m. September 13.

(e) *South Central district.* From 6 a. m. May 27 to 6 p. m. August 5.

(f) *Southeastern district.* From 6 a. m. May 27 to 6 p. m. August 5.

(g) *Unimak district.* From 6 a. m. May 27 to 6 p. m. August 5.

§ 105.9 *Weekly closed periods.* The weekly closed periods are as follows:

(a) *North Central district,* Bear River section; 6 p. m. Monday to 6 a. m. Tuesday, 6 p. m. Tuesday to 6 a. m. Wednesday, 6 p. m. Wednesday to 6 a. m. Thursday, and 6 p. m. Thursday to 6 a. m. Monday.

(b) *Unimak district.* Prior to July 6, fishing is prohibited from 6 p. m. of each day to 6 a. m. of the day following in addition to the statutory weekly closed period. After July 5 fishing is prohibited from 6 p. m. Friday to 6 a. m. Monday.

(c) *North Central district, except Bear River section.* Northwestern; Southwestern; South Central; and Southeastern districts: (1) Prior to July 6, from 6 a. m. Friday to 6 a. m. Monday; (2) Subsequent to July 5, from 6 p. m. Friday to 6 a. m. Monday.

§ 105.10 *Gear restrictions.* (a) Restricted to gill nets, Swanson Lagoon. Fishing for salmon is prohibited except by means of gill nets.

(b) Restricted to purse seines, Unimak district. Fishing is prohibited except by means of purse seines.

§ 105.11 *Aggregate length of gill nets.* The aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

§ 105.15 *Aggregate length and operation of set nets.* (a) No set net shall exceed 75 fathoms in length hung measure. The aggregate length of set nets used by any individual shall not exceed 150 fathoms.

(b) Set nets shall be operated in substantially a straight line: *Provided*, That not to exceed 30 fathoms of each net may be used as a single hook.

§ 105.18 *Maximum length of seine boats.* In the Southwestern, South Central, and Southeastern districts no boat used in operating any purse seine shall be longer than 50 feet, official registered length.

§ 105.19 *Size of beach seines.* No beach seine shall be less than 60 fathoms in length and 3 fathoms in depth, nor more than 100 fathoms in length and 12 fathoms in depth, hung measure.

§ 105.25 *Minimum distance between units of gear.* (a) The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile.

(b) The distance by most direct water measurement from any part of one set net, or beach seine to any part of another set net, beach seine, or trap shall not be less than 1,800 feet.

§ 105.27 *Areas open to traps.* The use of any trap is prohibited, except as follows:

(a) Unimak Island: Ikatan Bay (1) from False Pass at 54°48′50″ N. lat., 163°22′14″ W. long., to 54°46′40″ N. lat., 163°21′28″ W. long., and (2) from 54°45′14″ N. lat., 163°17′26″ W. long., to 54°45′54″ N. lat., 163°08′48″ W. long.

(b) Unimak Island: East Anchor Cove within 2,500 feet of 54°41′17″ N. lat., 163°03′32″ W. long.

(c) Morzhovoi Bay within 2,500 feet of 55°00′48″ N. lat., 163°09′35″ W. long.

(d) Vodapoini Point within 2,500 feet of 55°02′01″ N. lat., 162°24′17″ W. long.

(e) Bold Cape within 2,500 feet of 55°01′08″ N. lat., 162°15′32″ W. long.

(f) [Reserved.]

(g) From 55°06′17″ N. lat., 161°57′50″ W. long., to 55°07′56″ N. lat., 161°57′14″ W. long.

(h) Dolgoi Island: Within 2,500 feet of 55°07′38″ N. lat., 161°38′20″ W. long.

(i) [Reserved.]

(j) West side of Pavlof Bay from 55°18′02″ N. lat., to 55°19′56″ N. lat.

(k) East side of Pavlof Bay (1) within 2,500 feet of 55°26′56″ N. lat.; and (2) within 2,500 feet of 55°21′31″ N. lat., 161°29′14″ W. long.

(l) [Reserved.]

(m) Swedania Point within 2,500 feet of 55°28′39″ N. lat., 160°30′10″ W. long.

(n) Unga Island: Within 2,500 feet of 55°11′38″ N. lat., 160°27′34″ W. long.

(o) Popof Island: (1) Within 2,500 feet of 55°15′56″ N. lat., 160°19′36″ W. long.; and (2) within 2,500 feet of 55°18′32″ N. lat., 160°18′44″ W. long.

(p) Korovin Island: Within 2,500 feet of 55°24′20″ N. lat., 160°08′53″ W. long.

§ 105.31 *Areas open to seines; size of seines.* Fishing with any purse seine less than 100 fathoms in length or more than 200 fathoms in length and 350 meshes in depth is prohibited in the Southwestern, Southcentral, and Southeastern districts.

§ 105.34 *Closed waters.* Fishing is prohibited, as follows:

(a) Within 1,000 yards outside the terminuses of Bear and Sandy Rivers and all salmon streams entering Humpback and Ivan Bays.

(b) *Long John Lagoon, Kinzaroff Lagoon, Mortensen Lagoon, Big Lagoon, and Middle Lagoon.* Within the lagoons and within a distance of 500 yards outside the entrances.

(c) *Belkofski Bay.* All waters north and east of a line from 55°09′26″ N. lat., 162°09′08″ W. long., to 55°08′08″ N. lat., 162°07′02″ W. long., and thence to 55°07′20″ N. lat., 162°07′41″ W. long.

(d) *Volcano Bay and Bear Bay.* (1) North of a line from 55°13′26″ N. lat., 162°01′14″ W. long., to 55°13′51″ N. lat., 161°58′ W. long.; and (2) West of a line from 55°11′20″ N. lat., 161°59′44″ W. long., to 55°09′56″ N. lat., 161°58′14″ W. long.

(e) *Canoe Bay.* In the inner bay at all times and in the outer bay after July 16.

(f) *Orzenoi Bay.* Within 1,000 yards of any salmon stream.

(g) *Balboa Bay.* (1) North of a line due west from Reef Point, and (2) inside a line in Left Hand Bay from 55°31′36″ N. lat. 160°42′54″ W. long., to 55°33′12″ N. lat., 160°42′06″ W. long., after August 2.

(h) *Ivanof Bay.* Within 1,000 yards of any salmon stream north and east of Road Island.

(i) *Morzhovoi Bay.* All waters in Littlejohn Lagoon.

(j) *Lenard Harbor, Cold Bay.* All waters.

(k) *Thin Point Cove and Lagoon.* Within the cove and lagoon.

(l) *Traders Cove.* All waters.

(m) *Frank's Lagoon.* All waters.

(n) *Clark and Grub Gulch Bays and Dorenoi Bay.* Inside a line from 55°38′ N. lat., 160°24′06″ W. long., to 55°39′18″ N. lat., 160°22′30″ W. long., after August 2.

PART 106—ALEUTIAN ISLANDS AREA

Sec.
106.1 Definition.

SALMON FISHERY

106.5 Seasons.
106.10 Traps prohibited.
106.11 Aggregate length of gill nets.
106.15 Operation of set nets.
106.17 Size of purse seines.

AUTHORITY: §§ 106.1 to 106.17 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 106.1 *Definition.* The Aleutian Islands area includes all waters of Alaska in the Aleutian Islands west of, and including, Unimak Pass.

SALMON FISHERY

§ 106.5 *Seasons.* Fishing is prohibited after 6 p. m. August 9, except that beach seines and gill nets may be used from September 5 to September 30, inclusive.

§ 106.10 *Traps prohibited.* The use of any trap is prohibited.

§ 106.11 *Aggregate length of gill nets.* The aggregate length of gill nets on any salmon fishing boat or in use by such boat shall not exceed 200 fathoms hung measure.

§ 106.15 *Operation of set nets.* Set nets shall be operated in substantially a straight line.

§ 106.17 *Size of purse seines.* The use of any purse seine exceeding 200 fathoms in length or 350 meshes in depth is prohibited. Leads exceeding 25 fathoms in length are prohibited.

PART 107—CHIGNIK AREA

Sec.
107.1 Definition.

SALMON FISHERY

107.2 Definitions, fishing districts.
107.5 Seasons.
107.9 Weekly closed period.
107.10 Purse seines and gill nets prohibited, exception.
107.15 Aggregate length and operation of set nets.
107.17 Size of purse seines.
107.19 Size of beach seines.
107.25 Minimum distance between units of gear.
107.27 Areas open to traps.
107.34 Closed waters.

AUTHORITY: §§ 107.1 to 107.34 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 107.1 *Definition.* The Chignik area is hereby defined to include all waters of Alaska on the south side of the Alaska Peninsula between the southern entrance to Imuya Bay near Kilokak Rocks and the western point at the entrance to Kuiukta Bay, including adjacent islands.

SALMON FISHERY

§ 107.2 *Definitions, fishing districts*—(a) *Western district.* South and west of Jack Point, excluding any waters of Chignik Lagoon.

(b) *Chignik Bay district.* Chignik Bay and Lagoon west of a line from Jack Point to Neketa Creek at 56°24′10″ N. lat., 158°27′35″ W. long.

(c) *Eastern district.* The remainder of the area outside a line from Jack Point to Neketa Creek at 56°24′10″ N. lat., 158°27′35″ W. long.

§ 107.5 *Open seasons.* Fishing is prohibited except:

(a) *Western district.* From 6 a. m. June 30 to 6 p. m. August 5.

(b) *Chignik Bay district.* From 6 a. m. June 16 to 6 p. m. August 29.

(c) *Eastern district.* From 6 a. m. June 30 to 6 p. m. August 5.

§ 107.9 *Weekly closed period.* The weekly closed period is extended to include:

(a) *Western and Eastern districts.* From 6 p. m. Friday to 6 a. m. Monday.

(b) *Chignik Bay district.* From 6 p. m. Monday to 6 a. m. Wednesday; from 6 p. m. Wednesday to 6 a. m. Friday; and from 6 p. m. Friday to 6 a. m. Monday.

§ 107.10 ***Purse seines and gill nets prohibited, exception.*** (a) The use of drift gill nets is prohibited.

(b) The use of purse seines is prohibited except in the Western district, and in the Eastern district east of Cape Kunmik.

§ 107.15 ***Aggregate length and operation of set nets.*** (a) No set net shall be less than 50 fathoms or more than 75 fathoms hung measure. The aggregate length of set nets in use by any boat or individual shall not exceed 100 fathoms.

(b) Set nets shall be operated in substantially a straight line: *Provided*, That not to exceed 30 yards of each net may be used as a single hook.

§ 107.17 *Size of purse seines.* No purse seine shall be less than 100 fathoms or more than 200 fathoms in length. Leads exceeding 25 fathoms in length are prohibited.

§ 107.19 *Size of beach seines.* No beach seine shall be less than 60 fathoms in length and 3 fathoms in depth, nor more than 100 fathoms in length and 12 fathoms in depth, hung measure.

§ 107.25 ***Minimum distance between units of gear.*** (a) The distance by most direct water measurement from any part of one set net, or seine to any part of another set net, seine, or to any trap, shall not be less than 600 feet.

(b) The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile, except in Chignik Lagoon, where there shall be a distance interval of not less than 10 statute miles laterally between any two traps on the north shore or on the south shore of Chignik Lagoon. Chignik Island shall be considered as a part of the south shore of the lagoon.

§ 107.27 *Areas open to traps.* The use of any trap is prohibited except as follows:

(a) Chignik Lagoon within 2,500 feet from the outer extremity of Hume Point.

(b) Chignik Island within 2,500 feet of 56°17′25″ N. lat., 158°35′34″ W. long.

(c) Along the east side of the spit at the entrance to Chignik Lagoon from the southern extremity northwesterly for 5,000 feet.

(d) The east side of Anchorage Bay within 2,500 feet of 56°19′12″ N. lat., 158°21′08″ W. long.

§ 107.34 *Closed waters*—(a) *Chignik Lagoon.* (1) Within a line from Hume Point to the north side of Chignik Island at 56°17′30″ N. lat., 158°34′54″ W. long., thence to the east side of Chignik Island at 56°16′48″ N. lat., 158°34′38″ W. long., thence to Green Point, and (2) Mallard Duck Bay inside a line from Green Point to Chignik Island.

(b) *Aniakchak Lagoon.* The lagoon and within 500 yards of the entrance.

(c) *Yantarni Lagoon.* The lagoon and within 500 yards of the entrance.

(d) *Nakalilok Lagoon.* The lagoon and within 500 yards of the entrance.

(e) *Kujulik Bay.* The southwest end of the bay inside a line from approximately 56°35′52″ N. lat., 157°59′00″ W. long., to 56°34′00″ N. lat., 157°57′30″ W. long.

(f) *Agripina Bay.* Within 1,000 yards of all salmon streams.

PART 108—KODIAK AREA

Sec.

108.1 Definition.

SALMON FISHERY

108.2 Definitions, fishing districts and sections.
108.5 Seasons.
108.9 Weekly closed period.
108.10 Gear restrictions.
108.15 Size and operation of set nets.
108.17 Size and operation of purse seines.
108.18 Maximum length of seine boats.
108.19 Size and operation of beach seines.
108.25 Minimum distance between units of gear.
108.27 Areas open to traps.
108.34 Closed waters.

HERRING FISHERY

108.50 Seasons.
108.53 Closed waters.

SHELLFISH FISHERY

108.70 Seasons, razor clams.
108.71 Maximum take of razor clams.
108.72 Seasons, butter clams.
108.75 Seasons, Dungeness crabs.

PERSONAL USE FISHERY

108.92 Gear and bag limit.

AUTHORITY: §§ 108.1 to 108.92 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 108.1 *Definition.* The Kodiak area is hereby defined to include all waters of Alaska from the southern entrance to Imuya Bay near Kilokak Rocks, to Cape Douglas, including Kodiak, Afognak, and adjacent islands.

SALMON FISHERY

§ 108.2 *Definitions, fishing districts and sections*—(a) *Alitak district.* All waters between Cape Trinity and Low Cape.

(1) Moser-Olga Bay section; inside a line from the southernmost point of Miller Island to the southernmost point of High Rock.

(2) Alitak Bay section; all other waters of the district.

(b) *Red River district.* All waters from Low Cape to Sturgeon Head.

(c) *Sturgeon River district.* All waters from Sturgeon Head to Cape Karluk.

(d) *Karluk district.* All waters from Cape Karluk to Broken Point.

(1) Inner Karluk section: All waters from Cape Karluk to Cape Uyak.

(2) Uyak Bay section: All waters inside a line from Cape Kuliuk to the Uyak Postoffice.

(3) Outer section: All other waters of the district.

(e) *Mainland district.* All waters of the area northwest of a line down the middle of Shelikof Strait.

(f) *Afognak district.* All waters surrounding Whale, Raspberry, Afognak, Marmot, and Shuyak Islands.

(g) *Uganik district.* All waters of Uganik and Viekoda Bays between Broken Point and Outlet Cape, including Uganik Island.

(h) *General district.* All waters not defined above.

§ 108.5 *Seasons.* Fishing is prohibited except:

(a) *Karluk district.* From 6 a. m. June 2 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20: *Provided*, That fishing is prohibited (1) from 6 p. m. June 20 to 6 a. m. July 7 in the Uyak section, and (2) from 6 p. m. August 1 to 6 a. m. September 5 in the Inner Karluk section.

(b) *Mainland district.* From 6 a. m. July 7 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20.

(c) *Afognak district.* From 6 a. m. July 7 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20.

(d) *General district.* From 6 a. m. July 7 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20.

(e) *Red River district.* From 6 a. m. July 7 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20.

(f) *Sturgeon River district.* From 6 a. m. June 2 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20.

(g) *Alitak district.* From 6 a. m. July 7 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20.

(h) *Uganik district.* From 6 a. m. July 7 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20.

§ 108.9 *Weekly closed period.* Prior to September 5, the weekly closed period is extended to include from 6 p. m. Friday to 6 a. m. Monday.

§ 108.10 *Gear restrictions*—(a) *Traps prohibited after August 31.* Fishing by means of any trap is prohibited after 6 p. m. August 31.

(b) *Olga and Moser Bays.* Fishing is prohibited (1) in Olga Bay, except with set nets along the south shore from the latitude of Stockholm Point to 57°04′23″ N. lat., 154°06′38″ W. long., and along the eastern shore from 57°04′23″ N. lat., 154°05′02″ W. long., to 154° W. long., and along the north shore from 154°03′ W. long. to the latitude of Stockholm Point; and (2) in Moser Bay except with set nets south of a line from 57°00′11″ N. lat., 154°07′58″ W. long., to 57°01′27″ N. lat., 154°08′32″ W. long.

(c) *Cape Karluk to Cape Uyak.* Fishing except by beach seines and purse seines is prohibited.

(d) *Sturgeon River district.* Fishing is prohibited except by purse seines and set nets.

(e) *Red River district.* Fishing is prohibited except by purse seines and set nets.

(f) *Fall season, restriction.* The taking of pink salmon is prohibited after August 31, except by set nets.

(g) *Drift nets prohibited.* Fishing with drift nets is prohibited.

§ 108.15 *Size and operation of set nets.* The aggregate length of set nets used by any individual shall not exceed 150 fathoms. Seine webbing may be used on the shore end between high and low water marks. Set nets shall be operated in substantially a straight line:

Provided, That not to exceed 25 fathoms of each net may be used as a single hook.

§ 108.17 *Size and operation of purse seines.* No purse seine shall be less than 100 fathoms nor more than 200 fathoms in length, and at least 50 fathoms shall be 7¼ fathoms or more in depth, but no part thereof shall be less than 4¾ fathoms in depth. Leads exceeding 25 fathoms in length are prohibted.

§ 108.18 *Maximum length of seine boats.* No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

§ 108.19 *Operation of beach seines.* Beach seines shall be set from the beach only. No beach seine shall be left without reasonably prompt completion of the seining operation. No beach seine shall be less than 100 fathoms nor more than 200 fathoms in length, nor less than 4¾ fathoms in depth: *Provided*, That in the Karluk district the use of beach seines 250 fathoms in length is permitted.

§ 108.25 *Minimum distance between units of stationary gear.* (a) The distance by most direct water measurement from any one set net to any part of another set net or to any trap shall not be less than 900 feet.

(b) The distance by most direct water measurement from one trap to another trap shall not be less than 1 statute mile.

§ 108.27 *Areas open to traps.* The use of any trap is prohibited, except as follows:

(a) *Raspberry Island.* From 58°07'56'' N. lat., 153°14'24'' W. long., to 58°08'57'' N. lat., 153°16'14'' W. long.

(b) *Raspberry Island.* From 58°03'36'' N. lat., 153°25'04'' W. long., to 58°05'21'' N. lat., 153°22'34'' W. long.

(c) *Raspberry Island.* Within 2,500 feet of 58°02'54'' N. lat., 153°18'28'' W. long.

(d) *Raspberry Island.* Within 2,500 feet of 58°02'41'' N. lat., 153°14'51'' W. long.

(e) *Uganik Island.* Within 2,500 feet of 57°56'11'' N. lat., 153°22'45'' W. long.

(f) *Uganik Island.* Within 2,500 feet of 57°57'56'' N. lat., 153°29'34'' W. long.

(g) *Uganik Island.* From 153°27'34'' W. long to 57°54'31'' N. lat., 153°30'04'' W. long.

(h) *Kodiak Island.* Within 2,500 feet of 57°50'56'' N. lat., 153°37'34' W. long.

(i) *Kodiak Island.* (1) Within 2,500 feet of 57°44'46'' N. lat., 153°56'04'' W. long., and (2) within 5,000 feet easterly of 57°41'59'' N. lat., 153°54'19'' W. long.

(j) *Kodiak Island.* (1) Within 2,500 feet of 57°39'02'' N. lat., 153°51'46'' W. long., and (2) within 2,500 feet of 57°37'17'' N. lat., 153°51'46'' W. long.

(k) *Kodiak Island.* Within 2,500 feet of 57°35'51'' N. lat., 153°49'04'' W. long.

(l) *Kodiak Island.* Within 800 feet of 56°52'23'' N. lat., 153°59'41'' W. long.

(m) *Kodiak Island.* Within 800 feet of 56°58'01'' N. lat., 153°58'08'' W. long.

(n) *Kodiak Island.* Within 800 feet of 57°00'50'' N. lat., 154°01'47'' W. long.

(o) *Kodiak Island.* Within 800 feet of 56°58'06'' N. lat., 154°05'03'' W. long.

(p) *Miller Island.* Within 2,500 feet of 56°57'26'' N. lat., 154°07'12'' W. long.

(q) *Afognak Island.* Within 2,500 feet of 58°12'15'' N. lat., 153°07'14'' W. long.

§ 108.34 *Closed waters.* Fishing is prohibited as follows:

(a) *Portage Bay.* (1) Southeast arm inside of markers, (2) the northeast arm within a line from a marker on the north shore 1 statute mile from the stream in the northeast corner of the bay to a marker on the opposite shore.

(b) *Deadman Bay.* North of a line from 57°08'12'' N. lat., 153°49'24'' W. long., to 57°07'50'' N. lat., 153°47' W. long.

(c) *Red River.* All waters within 1 statute mile of the terminus.

(d) *Karluk River.* Within 100 yards of its terminus where it breaks through Karluk Spit into Shelikof Strait: *Provided*, That the area closed shall be within 500 yards of its terminus from 6 a. m. July 1 to 6 a. m. September 1.

(e) *Uyak Bay.* South of 57°19'11'' N. lat.

(f) *Zachar Bay.* East of 153°43'34'' W. long.

(g) *Spiridon Bay.* South of 57°37'17'' N. lat.

(h) *East Arm, Uganik Bay.* East of a line from 57°42'39'' N lat., 153°29'34'' W. long., to 57°43'41'' N. lat., 153°29'04'' W. long.

(i) *Terror Bay.* South of 57°44'41'' N. lat.

(j) *Pasagshak Bay.* All waters.

(k) *Ugak Bay.* West of 152°48'34'' W. long.

(l) *Kiliuda Bay.* West of 153°06'35'' W. long.

(m) *Old Harbor.* Within 1 statute mile of the terminus of the stream 1 statute mile northeast of Old Harbor.

(n) *All bays of Afognak Island.* Within lines indicated by markers.

(o) *Kaflia Bay.* Within 1 statute mile outside the entrance of the outer lagoon.

(p) *Little River.* Within 1 statute mile of the terminus.

(q) *Kizhuyak Bay.* (1) Within one-half mile of the terminus of the stream at 57°49'11'' N. lat., and (2) South of 57°44'02'' N. lat.

(r) [Reserved.]

(s) *Barling Bay.* Inside a line from 57°11'15'' N. lat., 153°22' W. long., to 57°11'42'' N. lat., 153°21'18'' W. long.

(t) *Shearwater Bay.* North of a line from 57°20'23'' N. lat., 152°52'47'' W. long., to 57°20'45'' N. lat., 152°53'30'' W. long.

(u) *Kalsin Bay.* South of 57°35'56'' N. lat.

(v) *Middle Bay.* West of 152°28'34'' W. long.

(w) *Anton Larsen Bay.* South of 57°50'59'' N. lat.

(x) *Sharatin Bay.* South of 57°49'53'' N. lat.

(y) *Olga Bay.* Within ½ statute mile of the terminus of any salmon stream and within ½ statute mile of the terminus of Horse Marine Lagoon.

(z) *Kaiugnak Bay.* The lagoon west of 153°41'53'' W. long.

(aa) *Sukhoi Bay.* In the bay and lagoon.

HERRING FISHERY

§ 108.50 *Seasons.* Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 108.53 *Closed waters.* Fishing is prohibited prior to October 1 in all waters closed throughout the year to salmon fishing.

SHELLFISH FISHERY

§ 108.70 *Season, razor clams.* The taking of razor clams is prohibited from July 15 to September 15, inclusive.

§ 108.71 *Maximum take of razor clams.* Along the coast and islands from Cape Kuliak to Cape Douglas, there shall not be taken more than 500,000 pounds including shells, or 12,500 cases upon the basis of 48 one-half pound cans per case.

§ 108.72 *Season, butter clams.* Prohibited from June 1 to September 1, inclusive.

§ 108.73 *Season, Dungeness crabs.* Prohibited from June 1 to August 14, inclusive.

PERSONAL USE FISHERY

§ 108.92 *Personal use gear and bag limit.* At all times in all closed commercial fishing areas of Chiniak, Pasagshak, and Anton Larsen Bays, and all streams tributary thereto, the taking of salmon for personal use shall be limited to hand rod, spear, or gaff and shall not exceed two salmon per day, per person.

PART 109—COOK INLET AREA

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AUTHORITY: §§ 109.1 to 109.95 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 109.1 *Definition.* The Cook Inlet area includes all waters of Alaska in Cook Inlet north of Cape Douglas and west of Point Gore, including the Barren Islands.

SALMON FISHERY

§ 109.2 *Definitions, fishing districts*—(a) *Northern district.* North of the latitude of Boulder Point.

(b) *North Central district.* Between the latitude of Boulder Point and the latitude of the marker at the south limit of the closed area at Kasilof River, including the waters adjacent to Kalgin Island.

(c) *South Central district.* Between the latitude of the marker at the south limit of the closed area at Kasilof River and the latitude of Anchor Point light, excluding the waters adjacent to Kalgin Island.

(d) *Southern district.* Between the latitude of Anchor Point light and a line extending from Cape Douglas through the southermost point of Elizabeth Island across Chugach Passage.

(e) *Outer district.* Between a line extending from Cape Douglas through the southermost point of Elizabeth Island across Chugach Passage and the outer limits of the area.

§ 109.4 *Reporting of salmon taken from the area.* No unprocessed salmon caught in the Cook Inlet area shall be transported out of the area until the number of each species shall have been reported to an authorized representative of the Bureau.

§ 109.5 *Seasons*—(a) *Northern and North Central districts.* (1) From 9 a. m. May 27 to 9 a. m. June 24 with gill nets only, of which no legal limit shall have more than 35 fathoms of mesh less than 8½ inches stretched measure; (2) from 9 a. m. June 24 to 9 p. m. August 12; and (3) from 9 a. m. August 19 to 9 a. m. September 20 with gill nets only.

(b) *South Central district.* (1) From 9 a. m. May 27 to 9 p. m. August 12, and (2) from 9 a. m. August 19 to 9 a. m. September 20 with gill nets only.

(c) *Southern district.* (1) From 9 a. m. May 27 to 9 p. m. August 12; and (2) from 9 a. m. August 19 to 9 a. m. September 20 with gill nets only.

(d) *Outer district.* (1) From 9 a. m. July 7 to 9 a. m. July 16; and (2) from 9 a. m. July 28 to 9 a. m. August 2.

§ 109.9 *Weekly closed period.* The weekly closed period is extended as follows:

(a) (1) In the Northern, North Central, South Central, and Southern districts prior to July 1 from 9 a. m. Friday to 9 a. m. Monday and from 9 a. m. Tuesday to 9 a. m. Thursday. In the period July 1 to July 27 inclusive, the number of fishing days per week shall be governed by the total number of units of gear registered for fishing in these districts as of the preceding June 1 in accordance with the following table:

Units of gear:	*Days of fishing per week*
1540	1.0
1290–1539	1.5
1050–1289	2.0
880–1049	2.5
770–879	3.0
700–769	3.5
650–699	4.0
649	5.0

(2) For the purposes of this section, one set of set net gear shall equal 1 unit of gear; one drift net 2 units of gear; one hand trap 4 units of gear; and one pile trap 8.5 units of gear.

(3) When the allowable fishing time is 1 day per week, fishing will be permitted from 9 a. m. Monday to 9 a. m. Tuesday. When the allowable fishing time is more than 1 day and less than 3 days per week, fishing will commence at 9 a. m. on Monday and 9 a. m. on Thursday, and will be continuous thereafter for one-half of the total fishing time allowed. When the allowable fishing time is 3 or 3½ days per week, the fishing time shall be divided into 3 equal parts starting at 9 a. m. on each Monday, Wednesday and Friday. When the allowable fishing time is 4 days or more per week, fishing will commence at 9 a. m. Monday and be continuous thereafter for the total fishing time allowed. As used in this section "day" refers to a period of 24 hours.

(4) After July 27, from 9 a. m. Saturday to 9 a. m. Monday.

(b) In the Outer district, from 9 a. m. Saturday to 9 a. m. Monday and from 9 a. m. Wednesday to 9 a. m. Thursday.

§ 109.10 *Gear restrictions.* (a) The use of purse seines is prohibited.

(b) The use of beach seines is prohibited north of the latitude of Anchor Point Light: *Provided,* That this shall not apply to Chinitna Bay.

§ 109.11 *Size and operation of drift nets.* (a) No fishing boat shall operate, assist in operating, or have aboard more than one legal limit of gear.

(b) The use of drift nets is prohibited in the Northern, Southern, and Outer districts.

(c) The aggregate size of drift nets on, or in use by, any fishing boat, shall not exceed 150 fathoms in length and 45 meshes in depth.

(d) In the period from July 1 to July 27: (1) No gill net registered as a set net may be used as a drift net, nor may any gill net registered as a drift net be used as a set net; (2) No fisherman licensed to operate or assist in operating a drift net shall operate or assist in operating a set net; and no fisherman licensed to operate or assist in operating a set net shall operate or assist in operating a drift net; (3) The picking of any drift net shall be deemed to be a part of the fishing operation and shall be performed only on a registered net by the fisherman licensed to operate a particular legal limit of gear. (4) The operation of each particular legal limit of set net shall be performed or assisted by the fisherman in whose name it is registered.

§ 109.13 *Marking of gill nets.* Each gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end and be plainly and legibly marked with the permanent registration number of the Bureau as well as the initials of the operator, and bright red double floats shall be attached to the cork line of drift nets at 25-fathom intervals.

§ 109.15 *Aggregate length and operation of set nets.* (a) Set nets shall be operated in substantially a straight line: *Provided,* That not to exceed 20 yards of each net may be used as a single hook. The use of set nets is prohibited in the Outer district.

(b) No set net shall exceed 35 fathoms in length hung measure. The aggregate length of set nets used by any individual shall not exceed 105 fathoms. South of the latitude of Anchor Point, seine webbing not exceeding 30 fathoms in length may be used on the shore end between high and low water.

§ 109.19 *Size of beach seines.* No beach seine shall be less than 125 meshes in depth or less than 90 fathoms in length. For the purpose of determining the depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

§ 109.21 *Construction of hand traps.* Twenty-five feet of the heart walls next to the pot of each hand trap shall be constructed of flexible webbing other than wire.

§ 109.25 *Minimum distance between units of gear.* (a) The distance by most direct water measurement from one trap to another trap shall not be less than 2,500 feet.

(b) The distance by most direct water measurement from one gill net or seine to another gill net, seine, or trap shall not be less than 600 feet.

§ 109.26 *Sites open to traps*—(a) *Northern district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and the location of the tailhold with respect to numbered monuments of the Bureau and at such sites no other type of gear may be fished after 6 a. m. June 25:

(1) Along the western shore:

(i) At 61°09′27″ N. lat., 151°02′59″ W. long.; direction of lead, S. 65°00′ E., Bureau monument No. 50 located in line with the lead, S. 65°00′ E.

(ii) At 61°07′46″ N. lat., 151°04′43″ W. long.; direction of lead S. 65°01′ E., Bureau monument No. 49 located in line with the lead, S. 65°01′ E.

(iii) At 61°00′48″ N. lat., 151°23′44″ W. long.; direction of lead, S. 03°50′ W., Bureau monument No. 47 located in line with lead, south.

(iv) At 61°00′43″ N. lat., 151°22′39″ W. long.; direction of lead, S. 00°20′ W., Bureau monument No. 48 located in line with lead, S. 20′ W.

(2) Along the eastern shore:

(i) At 61°01′11″ N. lat., 150°26′39″ W. long.; direction of lead, N. 32° W., Bureau monument No. 1 located in line with lead, N. 32° W.

(ii) At 60°55′37″ N. lat., 150°44′03″ W. long.; direction of lead, N. 34° W., Bureau monument No. 2 located S. 45° W., distance 24 feet.

(b) *Sites open to traps, North Central district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and the location of the tailhold with respect to numbered monuments of the Bureau, and at such sites no other type of gear may be fished after 6 a. m. June 25:

(1) Along the western shore:

(i) At 60°46′02″ N. lat., 151°44′32″ W. long.; direction of lead, N. 60°30′ E., Bureau monument No. 46 located N. 66°15′ E., distance 84 feet.

(ii) At 60°24'11" N. lat., 152°15'13" W. long.; direction of lead, N. 32°30' E., Bureau monument No. 45 located N. 36°30' E., distance 121 feet.

(2) On Kalgin Island:

(i) At 60°30'33" N. lat., 151°56'53" W. long.; direction of lead, S. 80° W., Bureau monument No. 51 located N. 70°30' W., distance 63 feet.

(ii) At 60°30'36" N. lat., 151°54'35" W. long.; direction of lead, N. 33° E., Bureau monument No. 52 located N. 26°30' E., distance 65 feet.

(iii) At 60°30'05" N. lat., 151°52'59" W. long.; direction of lead, N. 25° E., Bureau monument No. 53 located in line wth the lead, N. 25°00' E.

(iv) At 60°26'49" N. lat., 151°53'09" W. long.; direction of lead, S. 75° E., Bureau monument No. 54 located N. 43° E., distance 125 feet.

(v) At 60°21'44" N. lat., 152°03'51" W. long.; direction of lead, N. 10° W., Bureau monument No. 55 located N. 06°30' E., distance 56 feet.

(3) Along the eastern shore:

(i) At 60°45'58" N. lat., 151°15'28" W. long.; direction of lead, N. 84° W., Bureau monument No. 3 located in line with the lead, N. 84° W.

(ii) At 60°44'44" N. lat., 151°17'21" W. long.; direction of lead, N. 28° W., Bureau monument No. 4 located in line with the lead, N. 28° W.

(iii) At 60°44'30" N. lat., 151°18'16" W. long.; direction of lead, N. 26° W., Bureau monument No. 5 located in line with the lead, N. 26° W.

(iv) At 60°39'58" N. lat., 151°22'28" W. long.; direction of lead, S. 60°30' W., Bureau monument No. 6 located in line with the lead, S. 60°30' W.

(v) At 60°39'33" N. lat., 151°21'57" W. long.; direction of lead, S. 56° W., Bureau monument No. 7 located in line with the lead, S. 56° W.

(vi) At 60°38'56" N. lat., 151°21'24" W. long.; direction of lead, S. 70° W., Bureau monument No. 8 located in line with the lead, S. 70° W.

(vii) At 60°38'15" N. lat., 151°20'59" W. long.; direction of lead, S. 73°30' W., Bureau monument No. 9 located in line with the lead, S. 73°30' W.

(viii) At 60°37'46" N. lat., 151°20'45" W. long.; direction of lead, S. 78°40' W., Bureau monument No. 10 located in line with the lead, S. 78°40' W.

(ix) At 60°37'09" N. lat., 151°20'33" W. long.; direction of lead, S. 79°15' W., Bureau monument No. 11 located in line with the lead, S. 79°15' W.

(x) At 60°36'27" N. lat., 151°20'25" W. long.; direction of lead, S. 81°40' W., Bureau monument No. 12 located in line with the lead, S. 81°40' W.

(xi) At 60°35'51" N. lat., 151°20'12" W. long.; direction of lead, S. 80° W., Bureau monument No. 13 located in line with the lead, S. 80° W.

(xii) At 60°29'05" N. lat. 151°16'44" W. long.; direction of lead, N. 87°35' W., Bureau monument No. 14 located in line with the lead, N. 87°35' W.

(xiii) At 60°28'28" N. lat., 151°16'49" W. long.; direction of lead, N. 85°20' W., Bureau monument No. 15 located in line with the lead, N. 85°20' W.

(xiv) At 60°27'49" N. lat., 151°16'51" W. long.; direction of lead, N. 87°56' W., Bureau monument No. 16 located in line with the lead, N. 87°56' W.

(xv) At 60°27'17" N. lat., 151°16'52" W. long.; direction of lead, N. 84°50' W., Bureau monument No. 17 located in line with the lead, N. 84°50' W.

(xvi) At 60°26'47" N. lat., 151°16'53" W. long.; direction of lead, N. 81°30' W., Bureau monument No. 18 located in line with the lead, N. 81°30' W.

(xvii) At 60°26'18" N. lat., 151°17'02" W. long.; direction of lead, N. 84°05' W., Bureau monument No. 19 located in line with the lead, N. 84°05' W.

(c) *Sites open to traps, South Central district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and the location of the tailhold with respect to numbered monuments of the Bureau, and at such sites no other type of gear may be fished:

(1) On Chisik Island: At 60°08'21" N. lat., 152°33'29" W. long.; direction of lead, N. 71° E., Bureau monument No. 44 located N. 71°00' E.

(2) Along the eastern shore:

(i) At 60°20'00" N. lat., 151°22'57" W. long.; direction of lead N. 83° W., Bureau monument No. 20 located in line with the lead, N. 83°00' W.

(ii) At 60°16'43" N. lat., 151°23'02" W. long.; direction of lead, N. 81°25' W., Bureau monument No. 21 located S. 20°.

(iii) At 60°16'10" N. lat., 151°23'13" W. long.; direction of lead, N. 75°30' W. Bureau monument No. 22 located in line with the lead, N. 75°30' W.

(iv) At 60°14'58" N. lat., 151°23'38" W. long., direction of lead, N. 71°10' W., Bureau monument No. 23 located in line with the lead, N. 71°10' W.

(v) At 60°13'09" N. lat., 151°24'51" W. long.; direction of lead, N. 61°34' W., Bureau monument No. 24 located S. 30° W., distance 23 feet.

(vi) At 60°12'41" N. lat., 151°25'25" W. long.; direction of lead, N. 50°25' W., Bureau monument No. 25 S. 40° W., distance 115 feet.

(vii) At 60°11'20" N. lat., 151°27'27" W. long.; direction of lead, N. 53°30' W., Bureau monument No. 26 located in line with the lead, N. 53°30' W.

(viii) At 60°10'22" N. lat., 151°28'47" W. long.; direction of lead, N. 48°51' W., Bureau monument No. 27 S. 60° W., distance 50 feet.

(ix) At 60°09'45" N. lat., 151°29'36" W. long.; direction of lead, N. 55° W., Bureau monument No. 28 located in line on bluff, N. 55°00' W.

(x) At 60°09'19" N. lat., 151°30'10" W. long.; direction of lead, N. 54° W., Bureau monument No. 29 located S. 45° W., distance 10 feet.

(xi) At 60°08'54" N. lat., 151°30'42" W. long.; direction of lead, N. 54° W., Bureau monument No. 30 located in line on bluff, N. 54°00' W.

(xii) At 60°07'57" N. lat., 151°32'06" W. long.; direction of lead, N. 47° W., Bureau monument No. 31 located in line with the lead, north 47°00' W.

(xiii) At 60°07'05" N. lat., 151°33'57" W. long.; direction of lead, N. 45° W., Bureau monument No. 32 located north 50 feet.

(xiv) At 60°06'32" N. lat., 151°35'05" W. long.; direction of lead, N. 40° W., Bureau monument No. 33 located in line with the lead, N. 40°00' W.

(xv) At 60°06'07" N. lat., 151°36'04" W. long.; direction of lead, N. 40° W., Bureau monument No. 34 located in line on bluff, N. 53°0'0" W.

(xvi) At 60°05'26" N. lat., 151°37'19" W. long.; direction of lead, N. 68°22' W., Bureau monument No. 35 located in line with the lead, N. 68°22' W.

(xvii) At 60°04'56" N. lat., 151°37'49" W. long.; direction of lead, N. 58°50' W., Bureau monument No. 36 located in line, top of bank, N. 58°50' W.

(xviii) At 59°59'41" N. lat., 151°43'14" W. long.; direction of lead, N. 80° W., Bureau monument No. 37 located in line with the lead, N. 80°00' W.

(xix) At 59°54'16" N. lat., 151°46'00" W. long.; direction of lead, N. 70° W., Bureau monument No. 38 located N. 56°40' W., distance 189 feet.

(xx) At 59°51'15" N. lat., 151°48'03" W. long.; direction of lead, N. 74° W., Bureau monument No. 39 located in line with the lead, N. 74°00' W.

(d) *Sites open to traps, Southern district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and the location of the tailhold with respect to numbered monuments of the Bureau, and at such sites no other type of gear may be fished:

(1) Along the eastern shore:

(i) At 59°41'49" N. lat., 151°46'22" W. long.; direction of lead, S. 43° W., Bureau monument No. 40 located in line with the lead, S. 43°00' W.

(ii) At 59°28'56" N. lat., 151°34'40" W. long.; direction of lead, N. 43° W., Bureau monument No. 41 located in line with the lead, N. 43°00' W.

(iii) At 59°26'50" N. lat., 151°45'56" W. long.; direction of lead N. 26° E., Bureau monument No. 42 located in line with monument on top of 80-foot bluff, N. 26°00' E.

(iv) At 59°19'47" N. lat., 151°57'38" W. long.; direction of lead, N. 69° W., Bureau monument No. 43 located S. 58°10' W., distance 325 feet.

§ 109.28 *Areas open to set nets*—(a) *Southern district summer season.* Prior to September 1 the use of set nets is prohibited in the Southern district except along the shorelines as follows:

(1) From Anchor Point to 59°41'53" N. lat., 151°46'31" W. long.

(2) That part of Halibut Cove to commercial fishing which lies within a line from the western end of Ismailof Island to the outermost point on Glacier Spit.

(3) Between Barabara Point and the headland at the west side of the entrance to Jakalof Bay.

(4) That part of Seldovia Bay open to commercial fishing lying south of the latitude of Point Naskowhak.

(5) Between Danger Cape and the point south of English Bay at 59°20'48" N. lat., 151°57'29" W. long.

(6) Port Chatham within a line from Kelp Point to the Port Chatham Packing Company dock.

(b) *Areas open to set nets, Northern district.* The use of any set net is prohibited, except in the following areas: *Provided,* That in the period prior to 9

a. m. June 24 such nets may be used in all waters of the district open to fishing:

(1) Waters along the north and west coast:

(i) From Point Mackenzie to 61°09'32" N. lat., 151°02'54" W. long.

(ii) From 61°09'22" N. lat., 151°03'07" W. long., to 61°07'52" N. lat., 151°04'38" W. long.

(iii) From 61°07'41" N. lat., 151°04'47" W. long., to 61°00'44" N. lat., 151°23'56" W. long.

(iv) From 61°00'47" N. lat., 151°23'32" W. long., to 61°00'44" N. lat., 151°22'51" W. long.

(v) From 61°00'42" N. lat., 151°22'27" W. long., to the southern boundary of the district.

(2) Waters along the west coast of Fire Island from North Point to West Point:

(3) Waters along the east coast:

(i) From Point Possession to 61°01'14" N. lat., 150°26'30" W. long.

(ii) From 61°01'07" N. lat., 150°26'48" W. long., to 60°55'40" N. lat., 150°43'53" W. long.

(iii) From 60°55'34" N. lat., 150°44'13" W. long., to the latitude of Birch Hill at approximately 60°55'00" N. lat.

(iv) From the latitude of Gray Cliff to the southern boundary of the district.

(c) *Areas open to set nets, North Central district.* The use of any set net is prohibited, except in the following areas: *Provided,* That in the period prior to 9 a. m. June 24 such nets may be used in all waters of the district open to fishing:

(1) Waters along the west coast:

(i) From the northern boundary of the district to 60°46'08" N. lat., 151°43'59" W. long.

(ii) From 60°45'56" N. lat., 151°43'45" W. long., to 60°43'53" N. lat., 151°48'36" W. long. and, from 60°24'36" N. lat., 152°16'35" W. long., to 60°24'14" N. lat., 152°15'23" W. long.

(iii) From 60°24'08" N. lat., 152°15'03" W. long., to the southern boundary of the district.

(2) Waters along the coast of Kalgin Island:

(i) From 60°30'39" N. lat., 151°56'57" W. long., to 60°30'39" N. lat., 151°54'45" W. long.

(ii) From 60°30'33" N. lat., 151°54'25" W. long., to 60°30'07" N. lat., 151°53'10" W. long.

(iii) From 60°30'03" N. lat., 151°52'48" W. long., to 60°26'55" N. lat., 151°53'09" W. long.

(iv) From 60°26'43" N. lat., 151°53'12" W. long., to 60°21'45" N. lat., 152°04'03" W. long.

(v) From 60°21'44" N. lat., 152°03'39" W. long., to 60°30'28" N. lat., 151°56'48" W. long.

(3) Waters along the east coast:

(i) From the northern boundary of the district to 60°46'04" N. lat., 151°15'28" W. long.

(ii) From 60°45'52" N. lat., 151°15'27" W. long., to 60°44'46" N. lat., 151°17'10" W. long.

(iii) From 60°44'41" N. lat., 151°17'31" W. long., to 60°44'32" N. lat., 151°18'05" W. long.

(iv) From 60°44'29" N. lat., 151°18'28" W. long., to 60°40'03" N. lat., 151°22'34" W. long.

(v) From 60°39'53" N. lat., 151°22'21" W. long., to 60°39'38" N. lat., 151°22'02" W. long.

(vi) From 60°39'28" N. lat., 151°21'51" W. long., to 60°39'02" N. lat., 151°21'27" W. long.

(vii) From 60°38'50" N. lat., 151°21'20" W. long., to 60°38'21" N. lat., 151°21'02" W. long.

(viii) From 60°38'09" N. lat., 151°20'56" W. long., to 60°37'52" N. lat., 151°20'47" W. long.

(ix) From 60°37'40" N. lat., 151°20'42" W. long., to 60°37'15" N. lat., 151°20'33" W. long.

(x) From 60°37'03" N. lat., 151°20'33" W. long., to 60°36'33" N. lat., 151°20'26" W. long.

(xi) From 60°36'21" N. lat., 151°20'22" W. long., to 60°35'57" N. lat., 151°20'14" W. long.

(xii) From 60°35'45" N. lat., 151°20'10" W. long., to the northern Bureau marker at the mouth of the Kenai River.

(xiii) From the southern Bureau marker at the mouth of the Kenai River to 60°29'11" N. lat., 151°16'43" W. long.

(xiv) From 60°28'59" N. lat., 151°16'44" W. long., to 60°28'34" N., lat., 151°16'48" W. long.

(xv) From 60°28'22" N. lat., 151°16'49" W. long., to 60°27'55" N. lat., 151°16'51" W. long.

(xvi) From 60°27'43" N. lat., 151°16'51" W. long., to 60°27'23" N. lat., 151°16'51" W. long.

(xvii) From 60°27'11" N. lat., 151°16'52" W. long., to 60°26'53" N. lat., 151°16'51" W. long.

(xviii) From 60°26'41" N. lat., 151°16'54" W. long., to 60°26'24" N. lat., 151°17'00" W. long.

(xix) From 60°26'12" N. lat., 151°17'04" W. long., to the northern Bureau marker at the mouth of the Kasilof River.

(xx) West of the Kasilof River mouth at least 1 statute mile.

(d) *Areas open to set nets, South Central district.* The use of any set net is prohibited, except in the following areas:

(1) Waters along the west coast:

(i) From 60°16'11" N. lat., 152°29'54" W. long., to 60°14'14" N. lat., 152°32'37" W. long., and from 60°13'25" N. lat., 152°34'39" W. long., to the latitude of Chisik Island Light.

(ii) Near Muddy River from 60°01'19" N. lat., 152°36'15" W. long., to 59°58'35" N. lat., 152°40'00" W. long.

(iii) In Chinitna Bay from 59°52'29" N. lat., 152°56'58" W. long., to 59°51'31" N. lat., 153°06'57" W. long.

(iv) In Chinitna Bay from 59°49'27" N. lat., 153°08'57" W. long., to 59°49'40" N. lat., 153°00'15" W. long.

(2) Chisik Island, except between 60°08'27" N. lat., 152°33'29" W. long., and 60°08'14" N. lat., 152°33'34" W. long.

(3) Waters along the east coast:

(i) From the southern Bureau marker at the mouth of the Kasilof River to 60°20'06" N. lat., 151°22'56" W. long.

(ii) From 60°19'54" N. lat., 151°22'50" W. long., to 60°16'49" N. lat., 151°23'01" W. long.

(iii) From 60°16'37" N. lat., 151°23'03" W. long., to 60°16'16" N. lat., 151°23'10" W. long.

(iv) From 60°16'04" N. lat., 151°23'16" W. long., to 60°15'04" N. lat., 151°23'35" W. long.

(v) From 60°14'52" N. lat., 151°23'40" W. long., to 60°13'14" N. lat., 151°24'45" W. long.

(vi) From 60°13'04" N. lat., 151°24'56" W. long., to 60°12'46" N. lat., 151°25'19" W. long.

(vii) From 60°12'36" N. lat., 151°25'32" W. long., to 60°11'25" N. lat., 151°27'20" W. long.

(viii) From 60°11'15" N. lat., 151°27'34" W. long., to 60°10'27" N. lat., 151°28'41" W. long.

(ix) From 60°10'17" N. lat., 151°28'53" W. long., to 60°09'50" N. lat., 151°29'30" W. long.

(x) From 60°09'40" N. lat., 151°29'42" W. long., to 60°09'24" N. lat., 151°30'04" W. long.

(xi) From 60°09'14" N. lat., 151°30'16" W. long., to 60°08'59" N. lat., 151°30'35" W. long.

(xii) From 60°08'49" N. lat., 151°30'49" W. long., to 60°08'01" N. lat., 151°31'58" W. long.

(xiii) From 60°07'53" N. lat., 151°32'14" W. long., to 60°07'09" N. lat., 151°33'48" W. long.

(xiv) From 60°07'01" N. lat., 151°34'06" W. long., to 60°06'36" N. lat., 151°34'57" W. long.

(xv) From 60°06'28" N. lat., 151°35'15" W. long., to 60°06'11" N. lat., 151°35'56" W. long.

(xvi) From 60°06'03" N. lat., 151°36'13" W. long., to 60°05'31" N. lat., 151°37'13" W. long.

(xvii) From 60°05'20" N. lat., 151°37'24" W. long., to 60°05'01" N. lat., 151°37'43" W. long.

(xviii) From 60°04'51" N. lat., 151°37'55" W. long. to the latitude of the Bureau marker marking the northern limit of the closed area at the mouth of Ninilchik River.

§ 109.34 *Closed waters.* Fishing is prohibited, as follows:

(a) Within 1 statute mile of the terminuses of the following salmon streams: Kenai River, Kasilof River, Swanson Creek, Bishop Creek, Ninilchik River, Deep Creek, Starichkof River, Anchor Point River, Little Susitna River, Susitna River, Ivan River, Lewis River, Theodore River, Beluga River, Threemile Creek, Chuit River, Nikolai River, McArthur River, Kustatan River, Katnut River, Drift River, and Kalgin Island Stream on the east coast of Kalgin Island, Grecian River;

(b) Turnagain Arm and Knik Arm: East of a line from 61°02'21" N. lat., 150°23'38" W. long. to West Point Light on Fire Island, thence along the eastern shore of Fire Island to North Point, thence to 61°14'21" N. lat., 149°59'33" W. long.,

(c) Kamishak Bay: Within one statute mile of any salmon stream.

(d) Kachemak Bay: Above a line from Chugachik Island to a point on the opposite shore one-half mile below the terminus of Swift Creek.

(e) Seldovia Bay: Inside Powder Island.

(f) Chinitna Bay: West of a line from 59°51'31" N. lat., 150°08'10" W. long. to 59°49'27" N. lat., 150°06'57" W. long.

(g) Iniskin Bay: (1) North of 59°-43'55'' N. lat.;
(2) All waters of the Right Arm.
(h) Cottonwood Bay: West of 153°-39'00'' W. long.
(i) In any bay, estuary, slough, or lagoon less than 300 feet in width at mean low tide.

HERRING FISHERY

§ 109.50 *Seasons.* Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 109.51 *Gear restrictions*—(a) *Halibut Cove.* Fishing, including the waters within a line from the western end of Ismailof Island to the outermost point on Glacier Spit, is limited to gill nets.

(b) *Halibut Cove Lagoon.* Fishing is limited to set gill nets not exceeding 50 fathoms in length, hung measure. Nets shall be not less than 150 yards apart.

§ 109.53 *Closed waters.* Fishing is prohibted prior to October 1 in all waters closed throughout the year to salmon fishing.

§109.54 *Waters closed to purse seines.* Purse seines are prohibited in Kachemak Bay within a line from Nubble Point to Bluff Point.

SHELLFISH FISHERY

§ 109.70 *Season, razor clams.* Taking razor clams is prohibited from July 10 to August 31, inclusive.

§ 109.75 *Season, Dungeness crabs.* Fishing is prohibited from June 1 to August 14, inclusive.

§ 109.77 *Gear restrictions, king crab fishery.* (a) King crab shall be fished for, or taken, with pots only in Kachemak Bay east of the longitude of Anchor Point.

(b) No individual or boat shall operate more than 15 crab pots.

(c) The float of each crab pot shall be plainly and legibly marked with the permanent Bureau registration number and all pots fished under a single registration shall be consecutively numbered, starting with the number one.

PERSONAL USE FISHERY

§ 109.90 *Seasonal restrictions.* The restrictions of § 102.92 (b) shall not apply (a) during any fall season; (b) to the waters of Turnagain Arm east of a line between the townsites of Indian and Hope; (c) to the waters of Knik Arm north of Point Woronzof by means of set gill nets which (1) shall not exceed 15 fathoms per person, (2) shall be at least 100 yards apart, and (3) shall be operated prior to August 6 only during hours open to commercial fishing in the Northern district; and (d) more than 5 miles upstream from tidewater on all streams and lakes of the Cook Inlet drainage lying south and west of the Susitna River.

§ 109.92 *Closed waters, exception.* Fishing for, taking or molesting any salmon by any means, or for any purpose, is prohibited in:

(a) Cottonwood, Fish and Campbell Creeks, including their tributary lakes and streams, and within 500 yards of their terminuses in salt water.

(b) The Kenai and lower Russian Rivers within 300 yards of their confluence.

(c) The streams and lakes tributary to the east coast of Cook Inlet north of the town of Homer and tributary to the north coast east of the mouth of Susitna River, including all drainages of Knik and Turnagain Arms, except with hand rod, hook and line.

§ 109.94 *Bag limit.* 10 salmon per person per day of which not more than 2 may exceed 16 inches in length by hook and line.

§ 109.95 *Closed season, razor clams.* From July 10 to August 31 inclusive.

PART 110—RESURRECTION BAY AREA

Sec.
110.1 Definition.

SALMON FISHERY

110.2 Definitions, fishing districts.
110.5 Seasons.
110.9 Weekly closed periods.
110.10 Traps and purse seines prohibited.
110.11 Aggregate length of gill nets.
110.12 Size of mesh, gill nets.
110.15 Size and operation of set nets.
110.19 Size of beach seines.
110.34 Closed waters.

HERRING FISHERY

110.50 Seasons.
110.53 Closed waters.

PERSONAL USE FISHERY

110.92 Closed waters.
110.94 Bag limit.

AUTHORITY: §§ 110.1 to 110.94 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 110.1 *Definition.* The Resurrection Bay area includes all waters of Alaska in the Gulf of Alaska between Point Gore and Cape Fairfield.

SALMON FISHERY

§ 110.2 *Definitions, fishing districts.* (a) *Eastern district.* All waters east of 149°30' W. long.

(b) *Western district.* All waters west of 149°30' W. long.

§ 110.5 *Seasons.* (a) Eastern district, from 9 a. m. August 1 to 6 p. m. September 13, (b) Western district, from 9 a. m. July 1 to 9 a. m. August 9.

§ 110.9 *Weekly closed periods, Western District.* The weekly closed period is extended as follows: from 9 a. m. Saturday to 9 a. m. Monday and 9 a. m. Wednesday to 9 a. m. Thursday.

§ 110.10 *Traps and purse seines prohibited.* The use of any trap or purse seine is prohibited.

§ 110.11 *Aggregate length of gill nets.* The aggregate length of gill nets on, or in use by any boat, shall not exceed 200 fathoms hung measure.

§ 110.12 *Size of mesh, gill nets.* Gill net mesh shall not be less than 5½ inches stretched measure.

§ 110.15 *Size and operation of set nets.* No set net shall exceed 300 yards in length, and each shall be set in substantially a straight line: *Provided,* That not to exceed 20 yards of each net may be used as a single hook. There shall be a distance interval of at least 200 yards, both endwise and laterally, between all set nets.

§ 110.19 *Size of beach seines.* No beach seine shall be less than 125 meshes in depth or less than 90 fathoms in length hung measure. For the purpose of determining the depth of seines, measurements will be on the basis of 3½ inches stretched measure between knots.

§ 110.34 *Closed waters.* Fishing is prohibited inside a line extending from the Seward city dock to the Ocean Van Lines dock.

HERRING FISHERY

§ 110.50 *Closed seasons.* Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 110.53 *Closed waters.* From July 1 to October 1, inclusive, fishing, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

PERSONAL USE FISHERY

§ 110.92 *Closed waters.* Fishing for, taking or molesting any salmon is prohibited in Bear Creek and Lake, Grouse Creek and Lake, and Salmon Creek, prior to 6 a. m. August 15.

§ 110.94 *Bag limit.* Ten salmon per person per day, of which not more than two shall exceed 16 inches in length, with hook and line.

PART 111—PRINCE WILLIAM SOUND AREA

Sec.
111.1 Definition.

SALMON FISHERY

111.2 Definitions, fishing districts.
111.5 Seasons.
111.9 Weekly closed period.
111.10 Gear restrictions.
111.15 Size and operation of set nets.
111.17 Size of purse seines.
111.18 Maximum length of seine boats.
111.25 Minimum distance between traps.
111.27 Areas open to traps.
111.34 Closed waters.

HERRING FISHERY

111.50 Seasons.
111.53 Closed waters.

SHELLFISH FISHERY

111.70 Closed seasons, razor clams.
111.73 Maximum take, razor clams.
111.75 Closed season, Dungeness crabs.
111.78 Limitation of crab pots.
111.79 Identification of crab pots.
111.80 Crab pot opening.

PERSONAL USE FISHERY

111.96 Closed seasons, razor clams.

AUTHORITY: §§ 111.1 to 111.96 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 111.1 *Definition.* The Prince William Sound area is hereby defined to include all waters of Alaska between Cape Fairfield and Point Whitshed.

SALMON FISHERY

§ 111.2 *Definitions, fishing districts.* (a) Eshamy district: Within one mile of the mainland shore from the outer point on the north shore of Granite Bay to the light on the south shore of the entrance to Port Nellie Juan.

(b) General district: The area other than the Eshamy district.

§ 111.5 *Seasons.* Fishing, except trolling, is prohibited except in the general district, from 6 a. m., July 10, to 6 a. m., August 9: *Provided,* That the number of purse seine units registered prior to June 10 does not exceed 214. Should more than 214 purse seine units be registered prior to June 10, the fishing season will be shortened according to the following table:

Number of purse seine units:	*Season closing date (6 a. m.)*
214 or less	Aug. 9
215–219	Aug. 8
220–224	Aug. 7
225–229	Aug. 6
230–234	Aug. 5
235–239	Aug. 4
240–244	Aug. 2
245–254	Aug. 1

For the purposes of this section a purse seine unit is considered to be the fishing effort of one purse seine net. Other forms of gear are computed in terms of purse seine units based on their relative historical catches.

§ 111.9 *Weekly closed period.* From 6 a. m. Saturday to 6 a. m. Monday.

§ 111.10 *Gear restrictions.* Beach seines and gill nets prohibited, exception: The use of any beach seine or gill net is prohibited, except for set nets in the Eshamy district.

§ 111.15 *Size and operation of set nets.* No set net shall exceed 300 yards in length and each shall be set in substantially a straight line: *Provided,* That not to exceed 20 yards of each net may be used as a single hook. There shall be a distance interval of at least 200 yards, both endwise and laterally, between set nets.

§ 111.17 *Size of purse seines and leads.* No purse seine shall be less than 9½ fathoms nor more than 17 fathoms in depth, nor less than 125 fathoms nor more than 150 fathoms in length hung measure. Leads exceeding 75 fathoms in length are probited.

§ 111.18 *Maximum length of seine boats.* No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

§ 111.25 *Minimum distance between traps.* The distance by most direct water measurement from one trap to another trap shall not be less than 1½ statute miles.

§ 111.27 *Areas open to traps.* The use of any trap is prohibited, except as follows:

(a) *Knight Island.* From 60°10' N. lat. to Point Helen, thence to 60°11'25'' N. lat., 147°50'12'' W. long., exclusive of all waters in Little Bay.

(b) Within ½ statute mile of the southern extremity of Squire Island.

(c) *Bainbridge Island.* Within 2,500 feet of 60°11'42'' N. lat., 148°02'32'' W. long.

(d) *Chenega Island.* From a point 1 statute mile southward of its northern extremity to a point 1 statute mile eastward of Chenega village.

(e) Within 2,500 feet westerly of 60°24'58'' N. lat., 147°57'50'' W. long.

(f) *Knight Island.* Within 2,500 feet of 60°22'05'' N. lat., 147°37'01'' W. long.

(g) *Culross Island.* From the northern side of the entrance to Hidden Bay to 60°43'55'' N. lat., 148°06'07'' W. long.

(h) *Valdez Arm.* (1) Within 2,500 feet of 60°55'50'' N. lat., 146°58'07'' W. long., and (2) from 60°58'10'' N. lat., to 60°59'10'' N. lat.

(i) *Bligh Island.* (1) Within 2,500 feet of 60°49'06'' N. lat., 146°48'55'' W. long., and (2) within 2,500 feet of 60°48'38'' N. lat., 146°44'47'' W. long.

(j) *Bidarka Point.* Within ½ statute mile of the southwestern extremity.

(k) *Landlocked Bay.* From a point on the east side at 60°49'10'' N. lat., to the north shore of Port Fidalgo at 146°31'32'' W. long.

(l) *Porcupine Point.* Within ½ statute mile.

(m) *Knowles Head.* Within 2,500 feet of 60°41'40'' N. lat., 146°39'54'' W. long.

(n) *Red Head.* Within 1 statute mile.

(o) From 1 statute mile northwestward of the light at Gravina Point to a point 2 statute miles northwestward of the light.

(p) Within 1 statute mile southwesterly of the outer point on the southwest side of the entrance to Cedar Bay.

(q) *Makaka Point.* Within 1 statute mile.

(r) *Hinchinbrook Island.* Within 3,000 feet of 60°28'57'' N. lat., 146°22'59'' W. long.

(s) *Hinchinbrook Island.* Within 3,000 feet of 60°28'08'' N. lat., 146°26'32'' W. long.

(t) *Hinchinbrook Island.* Within 2,500 feet of 60°29'04'' N. lat., 146°31'43'' W. long.

(u) *Hinchinbrook Island.* From 60°27'10'' N. lat., 146°39'20'' W. long., northward to the light at Johnstone Point.

(v) *Hinchinbrook Island.* Within 2,500 feet of 60°24'48'' N. lat., 146°42'02'' W. long.

(w) *Hinchinbrook Island.* Within ½ statute mile eastward on the south side of Port Etches at 146°39'32'' W. long.

(x) *Montague Island.* From 59°52'20'' N. lat., 147°50'32'' W. long., to 59°52'10'' N. lat., 147°51'32'' W. long.

(y) *Montague Island.* (1) From Point Woodcock northerly 6,000 feet, and (2) within 3,000 feet of 59°56'44'' N. lat., 147°44'47'' W. long.

(z) *Montague Island.* (1) From Point Bazil to 60°00'40'' N. lat., and (2) from 60°07'28'' N. lat. to 60°09'55'' N. lat.

(aa) *Montague Island.* From 60°11'30'' N. lat. to 60°12'05'' N. lat.

(bb) *Montague Island.* From Graveyard Point to 60°21'51'' N. lat., 147°09'-19'' W. long.

§ 111.34 *Closed waters.* Fishing is prohibited, as follows:

(a) *Constantine Harbor.* Within 100 yards outside the narrows at the entrance.

(b) *Boswell Bay.* West of 146°09'32'' W. long.

(c) *Sheep Bay.* Within 1,000 yards of the terminus of the stream at the head of the bay.

(d) *Gravina River.* Within 1,000 yards of the terminus.

(e) *Olsen Bay, north side of Port Gravina.* Within 2,000 yards of the terminus of the stream at the head.

(f) *St. Matthew Bay.* Within 2,000 yards of the terminus of the stream at the head.

(g) *Irish Cove.* South of 60°46'10'' N. lat.

(h) *Whalen Bay.* East of 146°15'02'' W. long.

(i) *Fish Bay, north side of Port Fidalgo.* Within 1,000 yards of the terminus of the stream at the head.

(j) *Galena Bay.* Within a line from 60°55'40'' N. lat., 146°38'02'' W. long., to 60°56'27'' N. lat., 146°36'02'' W. long., and within 1,000 yards of the terminus of Indian Creek.

(k) *Valdez Arm*—(1) *Port Valdez.* East of 146°39'00'' W. long.

(2) *Jack Bay.* East of 146°35'32'' W. long., and within 1,000 yards of the terminuses of the two streams on the south shore of the bay.

(3) *Sawmill Bay.* Within 1,000 yards of the terminus of the salmon stream on the west shore of the bay north of the lagoon.

(l) [Reserved.]

(m) *Long Bay.* Within 1,000 yards of the terminus of any salmon stream.

(n) *Unakwik Inlet.* Within 1,000 yards of the terminus of any salmon stream.

(o) *Wells Passage.* Within 1 statute mile of the terminus of any salmon stream in Wells Passage and its tributaries, including Port Wells, Cochrane Bay, Balckstone Bay, and Passage Canal.

(p) *Long Bay, tributary to Culross Passage.* Within the bay.

(q) [Reserved.]

(r) *Eshamy district.* Entire district.

(s) *Jackpot Bay.* Within a line indicated by markers, at the entrance to the narrows.

(t) *Port Bainbridge.* The middle north arm.

(u) *Beartrap Bay.* Within 1,000 yards of the terminus of the stream at the head.

(v) *Shelter Bay, Hinchinbrook.* Within 1,000 yards of the terminus of the stream at the head.

(w) *Hinchinbrook*—(1) *Anderson Bay.* (i) From 60°28'00'' N. lat., 146°32'45'' W. long. to 60°27'54'' N. lat., 146°31'50'' W. long., and (ii) from 60°27'45'' N. lat., 146°29'00'' W. long. to 60°28'10'' N. lat., 146°27'00'' W. long.

(2) *Hawkins Cutoff.* From 60°27'15'' N. lat., 146°21'30'' W. long. to 60°24'30'' N. lat, 146°19'30'' W. long.

(x)–(z) [Reserved.]

(aa) *Comfort Cove.* Within 1,000 yards of the terminus of the stream at the head.

(bb) *Port Fidalgo*—(1) *Two Moon Bay.* Within 1,000 yards of the terminus of the stream at the head of the east arm.

(2) *Landlock Bay.* Within 1,000 yards of the terminus of the stream at the head.

(cc) *Wells Bay.* Within 1,000 yards of the terminus of the two streams at the head.

(dd) *Port Nellie Juan.* Within 1,000 yards of the terminuses of the streams at (1) 60°35'30'' N. lat., 148°15'00'' W. long., (2) 60°34' N. lat., 148°20'30'' W. long., and (3) 60°35'40'' N. lat., 148°24' W. long.

(ee) *Montague Island*—(1) *MacLeod Harbor.* Within 1,000 yards of the terminuses of all salmon streams at the head.

(2) *Hanning Bay.* Within 1,000 yards of the terminus of the stream at the head.

(3) *Zaikoff Bay.* Within 1,000 yards of the terminus of the stream on the south shore nearest the head.

(4) *Port Chalmers.* From 60°14'20'' N. lat., 147°13'47'' W. long., to 60°15'25'' N. lat., 147°10'47'' W. long.

HERRING FISHERY

§ 111.50 *Seasons.* Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 111.53 *Closed waters.* (a) From July 1 to October 1, inclusive, fishing is prohibited in all waters closed throughout the year to salmon fishing.

(b) *Tatitlek village.* Fishing is prohibited within 1 statute mile of Tatitlek village.

SHELLFISH FISHERY

§ 111.70 *Closed season, razor clams.* From July 1 to August 15, inclusive.

§ 111.73 *Maximum take, razor clams*—(a) *January 1 to June 30.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 1,470,000 pounds of razor clams, including shells, or 42,000 cases upon the basis of 48 one-half pound cans per case. Not to exceed 175,000 pounds, including shells, or 5,000 cases upon the basis of 48 one-half pound cans per case, shall be taken prior to April 15.

(b) *August 16 to December 31.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 35,000 pounds of razor clams, including shells, or 1,000 cases upon the basis of 48 one-half pound cans per case.

§ 111.75 *Closed season, Dungeness crabs.* Fishing is prohibited north of 60°22' N. lat., and east of 146°40' W. long. from 12 o'clock noon, June 1, to 12 o'clock noon, August 31.

§ 111.78 *Limitation of crab pots.* No boat shall operate or assist in operating more than 100 crab pots north of 60°22' N. lat. and east of 146°40' W. long.

§ 111.79 *Identification of crab pots.* The float of each crab pot shall carry the name or initials of the operator in such manner that the ownership can be readily determined.

§ 111.80 *Crab pot opening.* An escape hole of sufficient size and so located as to permit the escape of female and undersized male crabs shall be provided in each crab pot.

PERSONAL USE FISHERY

§ 111.96 *Seasons, razor clams.* From July 1 to August 15, inclusive.

PART 112—COPPER RIVER AREA

Sec.
112.1 Definition.

SALMON FISHERY

112.5 Seasons.
112.9 Weekly closed period.
112.10 Limited to drift gill nets.
112.11 Size of gill nets.
112.13 Marking of gill nets.
112.34 Closed waters.

SHELLFISH FISHERY

112.70 Seasons, razor clams.
112.72 Maximum take, razor clams.
112.79 Identification of crab pots.
112.80 Crab pot opening.

PERSONAL USE FISHERY

112.92 Closed waters.
112.96 Closed season, razor clams.

AUTHORITY: §§ 112.1 to 112.96 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 112.1 *Definition.* The Copper River area is hereby defined to include all waters of Alaska between Point Whitshed and Point Martin.

SALMON FISHERY

§ 112.5 *Seasons.* Fishing is prohibited except from 6 a. m. May 5 to 6 p. m. September 18.

§ 112.9 *Weekly closed period.* Prior to August 10 fishing is prohibited from 6 a. m. Wednesday to 6 p. m. Thursday, and from 6 a. m. Saturday to 6 a. m. Monday.

§ 112.10 *Limited to drift gill nets.* Fishing shall be conducted solely by drift nets.

§ 112.11 *Size of gill nets.* No boat shall fish or assist in fishing with gill nets having an aggregate length, hung measure, in excess of 150 fathoms, except that not more than two boats when operating together may have on board gill nets having an aggregate length, hung measure, of not to exceed 300 fathoms: *Provided,* That from May 5 to May 31, inclusive, any boat may fish with an addition 100 fathoms of gill net if the mesh is not less than 8½ inches stretched measure.

§ 112.13 *Marking of gill nets.* Each drift net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

§ 112.34 *Closed waters.* Fishing is prohibited prior to August 10 within 500 yards of the Grass Banks; at all times within sloughs and within 500 yards of their terminuses, and north of a line from Cottonwood Point through Kokenhenik Island to the west shore of Kokenhenik Channel.

SHELLFISH FISHERY

§ 112.70 *Closed season, razor clams.* From July 1 to August 15, both dates inclusive.

§ 112.72 *Maximum take, razor clams*—(a) *January 1 to June 30.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 1,470,000 pounds of razor clams, including shells, or 42,000 cases upon the basis of 48 one-half pound cans per case. Not to exceed 175,000 pounds, including shells, or 5,000 cases upon the basis of 48 one-half pound cans per case, shall be taken prior to April 15.

(b) *August 16 to December 31.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 35,000 pounds of razor clams, including shells, or 1,000 cases upon the basis of 48 one-half pound cans per case.

§ 112.79 *Identification of crab pots.* The float of each crab pot set for fishing shall carry the name or initials of the operator in such manner that the ownership thereof can be readily determined.

§ 112.80 *Crab pot opening.* An escape hole of sufficient size and so located as to permit the escape of female and undersized male crabs shall be provided in each crab pot.

PERSONAL USE FISHERY

§ 112.92 *Closed waters.* Fishing for, taking, or molesting any salmon by any means, or for any purpose, is prohibited in all waters of Gulkana River and all its tributaries above Gulkana Lake.

§ 112.96 *Closed season, razor clams.* From July 1 to August 15, inclusive.

PART 113—BERING RIVER-YAKATAGA AREA

Sec.
113.1 Definition.

SALMON FISHERY

113.2 Definitions, fishing districts.
113.5 Seasons.
113.9 Weekly closed period.
113.10 Gear restriction.
113.11 Aggregate length and operation of drift gill nets.
113.13 Marking of gill nets.
113.34 Closed waters.

SHELLFISH FISHERY

113.70 Seasons, razor clams.
113.71 Maximum take, razor clams.

PERSONAL USE FISHERY

113.96 Closed seasons, razor clams.

AUTHORITY: §§ 113.1 to 113.96 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 113.1 *Definition.* The Bering River-Yakataga area is hereby defined to include all waters of Alaska between Point Martin and Icy Cape.

SALMON FISHERY

§ 113.2 *Definitions, fishing districts.* (a) *Bering River district.* All waters between Point Martin and Cape Suckling.

(b) *Yakataga district.* All waters between Cape Suckling and Icy Cape.

§ 113.5 *Seasons.* Fishing is prohibited except: (a) Bering River district, from 6 a. m. May 5 to 6 p. m. September 18, (b) Yakataga district, from 6 a. m. August 10 to 6 p. m. September 18.

§ 113.9 *Weekly closed period.* Fishing is prohibited from 6 a. m. Saturday to 6 a. m. Monday, and from 6 a. m. Wednesday to 6 p. m. Thursday: *Provided,* That these restrictions shall not apply in the Bering River district after August 9.

§ 113.10 *Gear restrictions.* (a) *Bering River district.* Fishing shall be conducted solely by drift nets.

(b) *Yakataga district.* Fishing shall be conducted solely by trolling or with set nets which shall be operated in substantially a straight line.

113.11 *Aggregate length and operation of drift gill nets*—(a) *Bering River district.* No boat shall fish or assist in fishing with gill nets having an aggregate length, hung measure, in excess of 150 fathoms, except that not more than two boats when operating together may have on board gill nets having an aggregate length, hung measure, of not to exceed 300 fathoms: *Provided,* That from May 5 to May 31, inclusive, any boat may fish with an additional 100 fathoms of gill net if the mesh is not less than 8½ inches stretched measure.

(b) *Yakataga district.* Set nets shall not exceed 25 fathoms per net or 25 fathoms aggregate per person.

§ 113.13 *Marking of gill nets.* Each drift net in operation shall have a suitable bright red keg, buoy or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

§ 113.34 *Closed waters in the Bering River district.* Fishing is prohibited east of a line from 60°11′20″ N. lat., 144°17′33″ W. long., to 60°09′43″ N. lat., 144°15′ W. long.

SHELLFISH FISHERY

§ 113.70 *Closed season, razor clams.* From July 1 to August 15, inclusive.

§ 113.71 *Maximum take, razor clams.* There shall not be taken a combined total of more than 160,000 pounds of razor clams, including shells, or 4,000 cases upon the basis of 48 one-half pound cans per case.

PERSONAL USE FISHERY

§ 113.96 *Closed season, razor clams.* From July 1 to August 15, inclusive.

PART 114—YAKUTAT AREA

Sec.
114.1 Definition.

SALMON FISHERY

114.5 Seasons.
114.6 Seasons, trolling.
114.9 Weekly closed periods.
114.10 Gear restrictions, exceptions.
114.11 Size of set nets, exceptions.
114.13 Marking of set nets.
114.34 Closed waters.

AUTHORITY: §§ 114.1 to 114.34 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 114.1 *Definition, Yakutat area.* The Yakutat area is hereby defined to include all waters of Alaska between Cape Fairweather and Icy Cape.

SALMON FISHERY

§ 114.5 *Seasons.* Fishing, other than trolling, is prohibited except as follows:

(a) *Alsek River.* From 6 a. m. June 2 to 6 p. m. September 30.

(b) *Situk-Ahrnklin Inlet.* From 6 a. m. June 23 to 6 p. m. September 30.

(d) *Remainder of the Yakutat area.* From 6 a. m. June 30 to 6 p. m. September 30.

(e) *Yakutat Bay.* From 6 a. m. June 16 to 6 p. m. September 30.

§ 114.6 *Seasons trolling.* Trolling is prohibited from 6 p. m. September 20 to 6 a. m. April 15.

§ 114.9 *Weekly closed periods.* (a) *Prior to August 11.* From 6 p. m. Thursday to 6 a. m. Monday, except that the closure on the Alsek River shall be from 6 p. m. Friday to 6 a. m. Monday.

(b) *After August 10.* From 12 noon Saturday to 12 noon Monday.

§ 114.10 *Gear restrictions, exceptions.* Fishing is prohibited other than by trolling or with set nets, which shall be operated in substantially a straight line, except that set nets in Disenchantment and Yakutat Bays may have not to exceed 15 fathoms of their length used as a single hook.

§ 114.11 *Size of set nets, exceptions.* No set net shall exceed 16 feet in depth, hung measure. The individual and aggregate lengths of any and all gill nets aboard any fishing boat or in use by any person shall not exceed in hung measure the following:

(a) *Disenchantment and Yakutat Bays.* 75 fathoms each net and 75 fathoms aggregate.

(b) *Situk-Ahrnklin Inlets, Italio River, and Lost River.* 25 fathoms each net and 25 fathoms aggregate: *Provided,* That in Divide Slough nets shall not exceed 15 fathoms each or 15 fathoms aggregate.

(c) *Ahquay Inlet, Dangerous, Alsek, Dohn and East Rivers.* 25 fathoms each net and 75 fathoms aggregate.

(d) [Reserved.]

(e) *General.* Other waters, including the surfline beyond the outermost bars at mean low tide; 15 fathoms each net and 15 fathoms aggregate.

§ 114.13 *Marking of set nets.* Each set net in operation shall be marked by clusters of bright red floats or corks at both ends, each cluster to be legibly marked with the initials of the operator.

§ 114.34 *Closed waters.* Fishing is prohibited as follows:

(a) *Alsek River.* Above a point on the Alsek River approximately 2½ miles below the "Basin".

(b) *Situk River.* At the marker approximately ½ mile west of Strawberry Point to the cut bank on the eastern side of the terminus of Johnson Slough.

(c) *Ankau Inlet.*

(d) *Italio River.* Above the markers.

(e) *Dohn River.* Above the markers at approximately ½ mile upstream.

(f) *East River.* Above the markers at approximately ½ mile upstream prior to August 10, and 5 miles upstream after August 9.

(g) *Akwe River.* Above the markers at approximately 4 miles upstream.

(h) *Lost River.* Above the markers approximately 500 yards from the outermost tree line on the west bank.

PART 115—SOUTHEASTERN ALASKA AREA

Sec.
115.1 Definition.

SALMON FISHERY

115.2 Definitions, fishing districts and sections.
115.3 Registration.
115.5 Seasons, weekly closed periods.
115.6 Seasons, trolling.
115.7 Seasons, traps.
115.8 Fall season.
115.10 Gear restrictions.
115.11 Size and operation of drift nets.
115.15 Size and operation of set nets.
115.17 Size and operation of purse seines.
115.18 Maximum length of seine boats.
115.19 Size and operation of beach seines.
115.22 Size of floating traps.
115.25 Distance between traps.
115.27 Areas open to traps.
115.34 Closed waters.
115.38 Protection of small King salmon.

HERRING FISHERY

115.50 Closed seasons.
115.51 Gear restrictions.
115.52 Restrictions on bait fishing.
115.53 Closed waters.
115.54 Quotas.
115.57 Restricted waters.

BOTTOM FISH FISHERY

115.60 Season, sablefish.

SHELLFISH FISHERY

115.72 Season, butter clams.
115.86 Season, shrimp.

PERSONAL USE FISHERY

115.92 Closed waters.
115.93 King salmon.
115.94 Bag limit.

AUTHORITY: §§ 115.1 to 115.94 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221.

§ 115.1 *Definition, southeastern Alaska area.* The southeastern Alaska area includes all waters of Alaska in southeastern Alaska between Cape Fairweather and Dixon entrance.

SALMON FISHERY

§ 115.2 *Definitions, fishing districts and sections*—(a) *Icy Strait district.* Within a line from a point at 58°07′20″ N. lat., 136°51′ W. long. to Column Point, thence southerly following the watershed along the east side of Lisianski Inlet to 58° N. lat., thence to and along the north shore of Tenakee Inlet to Portage, thence following the watershed to the light at Point Augusta, including all waters of Port Frederick, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Fairweather, thence to Cape Fairweather at 58°49′ N. lat., 138° W. long., thence to the point of beginning. Fishing sections:

(1) Western; west of the longitude of Point Carolus.

(2) Eastern; east of the longitude of Point Carolus.

(b) *Western district.* Within a line from a point at 56′06′ N. lat., 134°51′ W. long., to a point at 57° N. lat., 136°04′ W. long., thence to a point at 58°07′20″ N. lat., 136°51′ W. long., thence to Column Point, thence following the watershed along the east side of Lisianski Inlet to 58° N. lat., thence to and along the north shore of Tenakee Inlet to Portage, thence following the watershed to the light at Point Augusta, excluding all waters of Port Frederick, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to the point of beginning. Fishing sections:

(1) Northern section: (i) North of Sullivan Island: North of a true east and west line through the northern extremity of Sullivan Island.

(ii) South of Sullivan Island: Between a true east and west line through the northern extremity of Sullivan Island and a true line eastward from the southeastern extremity of Point Couverden.

(2) Central section: Between a true line eastward from the southeastern extremity of Point Couverden and a true line eastward from the northeastern extremity of South Passage Point.

(3) Southern section: South of a true line eastward from South Passage Point, and east of Rapids Island in Sergius Narrows, Peril Strait, including Hoonah Sound.

(4) Western section: West of Rapids Island in Sergius Narrows, Peril Strait, and including waters on the west coasts of Chichagof and Baranof Islands.

(c) *Eastern district.* Within a line from 55°54′ N. lat., 134°34′ W. long., to the southern end of Cape Decision, thence following the watershed on Kuiu Island to 56°40′ N. lat., 133°44′15″ W. long., thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to 56°54′ N. lat., thence to Horn Cliffs, thence to Castle Mountain, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to 56°6′ N. lat., 134°51′ W long., thence to the point of beginning. Fishing sections:

(1) Taku Inlet-Port Snettisham section: Within a line from Point Bishop to 58°11′28″ N. lat., 134°5′ W. long., and northeast of a line from Point Styleman to Point Anmer.

(2) Southern section: All waters south of a line from Point Ellis to Patterson Point.

(3) General section: All waters not otherwise described.

(d) *Stikine district.* Within a line commencing at Castle Mountain and passing successively through Horn Cliffs, Frederick Point, Point Alexander, Low Point, Drag Island, Chichagof Peak, Hour Point, Babbler Point, and Mount Cote.

(e) *Sumner Strait district.* Within a line commencing at Mount Cote and passing successively through Babbler Point, Hour Point, Chichagof Peak, Drag Island, Low Point, Point Alexander, Frederick Point, Horn Cliffs, Kupreanof Island east shore at 56°54′ N. lat., the northernmost end of Duncan Canal, Keku Strait at 56°40′ N. lat., the watershed of Kuiu Island, and the latitude of Cape Decision projected westerly; and a line following the watershed of Cleveland Peninsula from the International Boundary to Union Point and passing successively through Ernest Point, the southernmost point on Etolin Island, the watershed of Etolin Island, Point Harrington, the northern end of East Island, the southern end of West Island, Prince of Wales Island east shore at 56°09′15″ N. lat., El Capitan Passage at 56°07′36″ N. lat., the watershed of Kosciusko Island, the southernmost point on Kosciusko Island, Wood Island, and the latitude of Wood Island projected westerly. Fishing sections:

(1) Anan section: Ernest Sound, Bradfield Canal, and contiguous waters, excluding Zimovia Strait, northwest of a line from Thorns Point to an unnamed islet at 56°06′10″ N. lat., 132°06′ W. long.

(2) General section: All other waters of the district.

(f) *Clarence Strait district.* Within a line from 54°44′21″ N. lat., 132°18′36″ W. long., near Point Marsh, thence south to the international boundary at 132°20′ W. long., thence east along the international boundary to 131° W. long., thence to Mary Island light, Hog Rocks light, Bold Island light, Race Point, thence to the southern extremity of Gravina Point, thence to the northern extremity of Vallenar Point, thence to Point Higgins, thence along the watershed of Revillagigedo Island to Claude Point, Point Lees, Mount Lewis Cass, thence along the watershed to 55°45′30″ N. lat., 132° W. long., thence through Union Point to Ernest Point, thence to 55°54′45″ N. lat., 132°21′ W. long., thence along the watershed of Etolin Island to 56°09′45″ N. lat., 132°37′15″ W. long., thence to 56°06′ N. lat., 132°37′15″ W. long., thence along the watershed to Point Harrington, thence to the northern extremity of East Island, thence to the southern extremity of West Island, thence to 56°09′15″ N. lat., 133°02′45″ W. long., thence southerly along the watershed of Prince of Wales Island to the point of beginning. Fishing sections:

(1) Northern section: North of a line from Narrow Point to Ernest Point.

(2) Central section: Between a line from Narrow Point to Ernest Point and a line from Approach Point to Caamano Point.

(3) Southeast section: South of a line from Approach Point to Caamano Point and east of a line down the middle of Clarence Strait, excluding the North Arm of Behm Canal.

(4) Southwest section: South of a line from Approach Point to Caamano Point and west of a line down the middle of Clarence Strait.

(5) North Behm Canal section: Between a line from Caamano Point to Point Higgins and a line from Point Lees to Claude Point.

(g) *West coast district.* Within a line from 55°40′ N. lat., 134°17′10″ W. long., thence to 55°25′30″ N. lat., 134° W. long., thence to 54°40′ N. lat., 133°35′ W. long., thence to Cape Muzon, thence along the international boundary to 132°20′ W. long., thence to 54°44′21″ N. lat., 132°18′36″ W. long., thence along the watershed of Prince of Wales Island to 56°07′36″ N. lat., thence to the east coast of Kosciusko Island, thence along the watershed of Kosciusko Island to 133°43′ W. long., thence to 55°40′ N. lat., thence to the point of beginning.

(h) *Southern district.* Within a line following the international boundary from 131 degrees west longitude to Mount Lewis Cass, thence to Point Lees, Claude Point, along the watershed of Revillagigedo Island to Point Higgins to Vallenar Point along the watershed of Gravina Island to Gravina Point, Race Point, Bold Island light, Hog Rocks light, Mary Island light, and to the point of beginning. Fishing sections:

(1) Portland Canal: Portland and Pearse Canals and contiguous waters between the Canadian boundary and a line from Akeku Point passing successively through Male Point, Dark Point, High Point, Tongass Reef light, Katakwa Point, Garnet Point and south to the international boundary.

(2) General section: All waters of the district not included in the Portland Canal section.

§ 115.3 *Registration.* (a) During any season open specifically for chum salmon fishing, or for drift net fishing along the northeast shore of Prince of Wales Island, no boat shall fish in, or depart after fishing, any waters open specifically for chum salmon, or drift net fishing along the northeast shore of Prince of Wales Island without first notifying the local representative of the Bureau, and submitting his boat for inspection when requested.

(b) From July 7 to July 26, inclusive, all seine boats must be registered with the local representative of the Bureau, (1) before fishing in the area west of a line from Cape Muzon projected through Cape Ulitka, and (2) before leaving the West Coast district with salmon aboard.

§ 115.5 *Seasons, weekly closed periods*—(a) *Icy Strait district.* (1) Fishing, other than trolling, is prohibited except (i) in the Western section from 6 a. m. June 23 to 6 p. m. August 2, and (ii) in the Eastern section from 6 a. m. June 23 to 6 p. m. August 7. From August 1 to September 20 in the Western section, the weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(2) Port Frederick: Within a line from Inner Point Sophia to the northwest of Halibut Island, thence 323° true to Chichagof Island. Fishing, except trolling, is prohibited (i) East of a line from Inner Point Sophia to Game Point and south of 58°4′8″ N. lat., and (ii) in all other waters except from 6 a. m. June 23 to 6 p. m. July 11.

(b) *Western district.* (1) Northern section: (i) North of Sullivan Island: Fishing, other than trolling, is prohibited except from 12 noon June 23 to 12 noon October 10. The weekly closed period is from 12 noon Friday to 12 noon Monday; (ii) south of Sullivan Island: Fishing, other than trolling, is prohibited except from 6 a. m. June 23 to 6 p. m. August 18. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday: *Provided,* That these prohibitions shall not apply to the use of gill nets in Berners Bay, northeast of a line from Point St. Mary to Point Bridget, from 12 noon September 2 to 12 noon September 30, with a weekly closed period from 12 noon Friday to 12 noon Monday.

(2) Central and Southern sections: Fishing, other than trolling, is prohibited except from 6 a. m. June 23 to 6 p. m. August 18. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(3) Western section: Fishing, other than trolling, is prohibited except from 6 a. m. June 23 to 6 p. m. August 25. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(c) *Eastern district.* Fishing, other than trolling, is prohibited, except: (1) Taku Inlet-Port Snettisham section: With drift nets from 12 noon May 1 to 12 noon September 30. The weekly closed period is from 12 noon Thursday to 12 noon Monday; (2) Southern section: From 6 a. m. June 23 to 6 p. m. August 25. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday; (3) General section: From 6 a. m. June 23 to 6 p. m. August 18. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(d) *Stikine district.* (1) Fishing is prohibited, except from 12 noon May 1 to 12 noon September 30: *Provided,* That this prohibition shall not apply to trolling west of Craig Point.

(2) The weekly closed period, is from 12 noon Thursday to 12 noon Monday.

(e) *Sumner Strait district.* (1) Anan section: Fishing, except trolling, is prohibited except from 6 a. m. July 14 to 6 p. m. August 18. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(2) General section, exception: Fishing, except trolling, is from 6 a. m. July 21 to 6 p. m. August 23. Prior to August 20 the weekly closed period, except for trolling is from 6 p. m. Friday to 6 a. m. Monday: *Provided,* That the above prohibitions do not apply to drift nets between 125 and 300 fathoms in length with mesh not less than 5½ inches stretched measure, from 6 a. m. June 16 to 6 p. m. July 19 in open fishing waters lying between Prince of Wales Island and a line extending from the shoreline at 133°31′30″ W. long. and passing successively through The Eye Opener light, Rookery Island light, northwest extremity of Bushy Island, northern extremity of Blashke Island, Deichman Rock, 2 miles northeast from Luck Point and terminating at Luck Point. Part of these special gillnet waters lie in the northern section of the Clarence Strait district.

(f) *Clarence Strait district.* (1) Northern section, exception: Other than trolling, fishing is from 6 a. m. July 28 to 6 p. m. August 30. Prior to August 25 the weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday: *Provided,* That the above prohibitions shall not apply to drift nets more than 125 fathoms and less than 300 fathoms in length with mesh not less than 5½ inches stretched measure, from 6 a. m. June 16 to 6 p. m. July 19 in open fishing waters of Kashevarof Passage and Whale Pass lying between Prince of Wales Island and a line extending from the shoreline at 133°31′30″ W. long. and passing successively through the Eye Opener light, Rookery Island light, northwest extremity of Bushy Island, northern extremity of Blashke Island, Deichman Rock, two miles northeast from Luck Point and terminating at Luck Point. Part of these special gill-net waters lie in the Sumner Strait district.

(2) Central section: Fishing is prohibited, except (i) for trolling from 6 a. m. April 15 to 6 p. m. October 31, and (ii) from 6 a. m. July 21 to 6 p. m. August 26. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(3) Southwest section: Other than trolling, fishing is from 6 a. m. July 28 to 6 p. m. August 30. Prior to August 25 the weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(4) Southeast and North Behm Canal sections: Other than trolling, fishing is from 6 a. m. July 14 to 6 p. m. August 23. Prior to August 20 the weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

(g) *West Coast district.* Other than trolling, fishing is from 6 a. m. July 28 to 6 p. m. August 30. Prior to August 25 the weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday: *Provided,* That these prohibitions shall not apply to purse seines from 12 noon July 7 to 6 p. m. August 30 in waters west of a line extending northwesterly from Cape Muzon projected through Cape Ulitka to the northern boundary of the district.

(h) *Southern district.* (1) General section: From 6 a. m. July 14 to 6 p. m. August 18. The weekly closed period, except for trolling, and prior to August 14, is from 6 p. m. Friday to 6 a. m. Monday.

(2) Portland Canal section: Drift nets may be used in (i) open waters from 12 noon June 16 to 6 a. m. July 11, and from 6 a. m. September 1 to 6 p. m. September 26, and (ii) north of the latitude of Hidden Point from 6 a. m. July 14 to 6 p. m. August 29. The weekly closed period, except for trolling, is from 6 p. m. Friday to 6 a. m. Monday.

§ 115.6 *Seasons, trolling.* (a) Taking of king salmon by trolling is prohibited in outside waters (exclusive of bays, inlets, sounds, channels, and straits) from 6 p. m. October 31 to 6 a. m. April 15.

(b) Taking of coho salmon by trolling is prohibited from 6 p. m. September 20 to 6 a. m. July 1.

(c) Trolling is prohibited during the month of May in Stephens Passage north of Midway Island and in Lynn Canal north of Point Retreat and in all contiguous waters.

(d) Trolling is prohibited in Behm Canal between a line from Escape Point to Point Francis and a line from Nose Point to Snail Point, and between a line from Point Sykes to Point Alava and a line from Point Eva to Cactus Point from 6 p. m. April 30 to 6 a. m. July 14.

§ 115.7 *Seasons, traps.* Fishing by means of any trap is prohibited after 6 p. m. September 20.

§ 115.8 *Fall seasons, chum salmon.* From 12 noon September 24 to 6 p. m. October 1 in the following places:

(a) Excursion Inlet.
(b) Hood Bay.
(c) Chiak Bay.
(d) Security Bay.
(e) Port Camden.
(f) Kasaan Bay.
(g) Cholmondeley Sound.
(h) Moire Sound.
(i) Klawock Inlet.

§ 115.10 *Gear restrictions.* (a) The use of gill nets is prohibited except in the northern section of the Western district north of Sullivan Island, Berners Bay, the Taku Inlet-Port Snettisham section of the Eastern district, Stikine district, Sumner Strait in the vicinity of Red and Salmon Bays, North Clarence Strait in the vicinity of Lake Bay, and the Portland Canal section of the Southern district.

(b) Fishing with set nets is prohibited except in the northern section of the western district.

(c) Purse seines are prohibited in Lynn Canal and contiguous waters north of 58°34′10″ N. lat.

§ 115.11 *Size and operation of drift nets.* (a) No gill net boat shall operate, assist in operating, or have aboard either it or any boat towed by it, more than one legal limit of gear in the aggregate.

(b) The depth of gill nets shall not exceed (1) 6-inch or less stretched mesh, 50 meshes; (2) 6⅛–7-inch stretched mesh, 45 meshes; and (3) 7⅛–8-inch stretched mesh, 40 meshes.

(c) *Western district.* (1) The aggregate length of gill nets on, or in use by, any fishing boat shall not exceed 200 fathoms, and (2) in the northern section north of Sullivan Island, no drift net shall be less than 50 fathoms in length.

(d) *Eastern district.* No gill net shall be less than 50 fathoms in length, nor more than 150 fathoms in length.

(e) *Sumner Strait and North Clarence Strait.* Only drift nets between 125 and 300 fathoms in length with mesh not less than 5½ inches stretched measure may be used from 6 a. m. June 16 to 6 p. m. July 19.

(f) *Stikine district.* (1) Fishing is prohibited, except by trolling, and by gill nets of not less than 125 fathoms nor more than 300 fathoms in length; (2) gill-net mesh shall not be less than 8½ inches stretched measure prior to June 17; and from June 17 to July 19, inclusive, shall not be greater than 6 inches stretched measure.

(g) *Southern district.* Portland Canal: No gill net shall exceed 200 fathoms in length or 60 meshes in depth.

§ 115.15 *Size and operation of set nets.* (a) Set nets may be used only in the northern section of the western district north of Sullivan Island.

(b) No set net shall exceed 50 fathoms in length. The aggregate length operated by any individual, or from any boat, shall not exceed 200 fathoms.

(c) Set nets shall be set in substantially a straight line, at right angles to the beach, and shall have a minimum distance of 600 feet between nets.

§ 115.17 *Size and operation of purse seines.* No purse seine shall be less than 8½ fathoms nor more than 19½ fathoms in depth, nor less than 150 fathoms nor more than 250 fathoms in length, hung measure. No lead shall exceed 75 fathoms in length.

§ 115.18 *Maximum length of seine boats.* No boat used in operating any purse seine shall be longer than 50 feet, official registered length.

§ 115.19 *Size and operation of beach seines.* The use of any beach seine is prohibited: *Provided,* That beach seines not less than 65 fathoms nor more than 100 fathoms in length with mesh size not to exceed 4½ inches stretched measure between knots may be operated from the beach only in open waters of Wrangell Narrows. Each beach seining operation must be promptly and continuously carried through to completion.

§ 115.22 *Size of floating traps.* No floating trap shall exceed 900 feet in length when any part is in a greater depth of water than 100 feet at mean high tide. The length shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

§ 115.25 *Distance between traps.* The distance by most direct water measurement from any part of one trap to any part of another trap shall not be less than 1 statute mile, except in the Icy Strait district where such distance shall be not less than 1½ statute miles.

§ 115.27 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) *Icy Straits district.* (1) Mainland: Within 2,500 feet of Point Dundas.

(2) Inian Islands: (i) Within 2,500 feet of 58°16′18″ N. lat., 136°20′27″ W. long., (ii) within 2,500 feet of 58°15′34″ N. lat., 136°23′35″ W. long.

(3) Island west of Three Hill Island, at 58°10′11″ N. lat., 136°24′33″ W. long.

(4) Chichagof Island: Within 2,500 feet of 58°13′12″ N. lat., 136°09′38″ W. long.

(5) Chichagof Island: Within 1,000 feet westerly from Eagle Point.

(6) Chichagof Island: From 58°16′38″ N. lat. southwesterly to 58°14′56″ N. lat., 135°53′34″ W. long.

(7) Lemesurier Island: Within 2,500 feet of 58°17′30″ N. lat., 136°08′ W. long.

(8) Mainland: Within 2,500 feet of 135°53′42″ W. long.

(9) Pleasant Island: (i) Within 2,500 feet of 58°20′ N. lat., 135°40′45″ W. long., and (ii) from 135°35′30″ W. long. to 135°33′01″ W. long.

(10) Porpoise Islands: Within 2,500 feet of 58°19′08″ N. lat., 135°27′22″ W. long.

(11) Excursion Inlet: From 58°17′08″ N. lat. southward to 135°08′31″ W. long.

(12) Chichagof Island: (i) Within 2,500 feet of 58°08′40″ N. lat., 135°23′59″ W. long., and (ii) from 135°20′ W. long. to 135°11′11″ W. long.

(13) Chichagof Island: Northeastern coast within 2,500 feet of 135°01′31″ W. long.

(b) *Western district.* (1) Baranof Island: From 1,000 yards southward of Point Kakul southerly ½ statute mile.

(2) Baranof Island: Within 2,500 feet of 57°20′19″ N. lat., 135°40′13″ W. long.

(3) Chichagof Island: (i) Within 2,500 feet of 57°59′11″ N. lat., 134°54′34″ W. long., (ii) within 2,500 feet of 57°56′56″ N. lat., 134°55′07″ W. long., and (iii) within 2,500 feet of 57°52′07″ N. lat., 134°57′51″ W. long.

(4) Chichagof Island: East coast (i) from 57°48′52″ N. lat. to 57°48′25″ N. lat., (ii) within 2,500 feet of 57°44′18″ N. lat., 134°55′04″ W. long., (iii) from 57°36′37″ N. lat. to 57°35′52″ N. lat., and (iv) within 2,500 feet of 57°30′04″ N. lat., 134°49′38″ W. long.

(5) Baranof Island: From ½ statute mile south of Point Thatcher to 57°23′37″ N. lat.

(6) Baranof Island: From a point ½ statute mile southeasterly of South Point to the north side of the entrance to Cosmos Cove, including islets on the northeastern side of the entrance.

(7) Baranof Island: Within 2,500 feet of 57°11′03″ N. lat., 134°48′43″ W. long.

(8) Mansfield Peninsula: West coast within 2,500 feet of 58°16′02″ N. lat.

(9) Mansfield Peninsula: (i) From the south point of entrance to Funter Bay to 58°10′45″ N. lat., and (ii) from 58°09′37″ N. lat. to the north side of the entrance to Hawk Inlet.

(10) Admiralty Island: West coast (i) within 2,500 feet of 57°38′32″ N. lat., (ii) from 57°40′47″ N. lat. to 57°43′45″ N. lat., (iii) from 57°50′02″ N. lat. to 57°51′07″ N. lat., (iv) within 2,500 feet of 57°55′10″ N. lat., and (v) from 57°58′ N. lat. to 58°02′07″ N. lat.

(11) Admiralty Island: West coast from 57°22′07″ N. lat. to Distant Point.

(12) Killisnoo Island: South coast from 134°35′59″ W. long. to Point Samuel.

(13) Admiralty Island: West coast (i) from north of Wilson Cove at 57°10′37″ N. lat. to 57°10′47″ N. lat., (ii) from 57°12′37″ N. lat. to 57°13′07″ N. lat., and (iii) within 1,000 feet of 57°13′57″ N. lat.

(c) *Eastern district.* (1) Mainland: From 57°35′42″ N. lat., 133°37′08″ W. long., to 57°36′52″ N. lat., 133°39′17″ W. long.

(2) Mainland: Within 2,500 feet of 57°28′37″ N. lat., 133°31′20″ W. long.

(3) Mainland: Along the coast (i) within 2,500 feet of 57°21′18″ N. lat., 133°26′37″ W. long., and (ii) within 2,500 feet of 57°23′04″ N. lat., 133°27′42″ W. long.

(4) From the south side of Fanshaw Bay at 133°32′27″ W. long. to Cape Fanshaw thence southeasterly to 133°29′57″ W. long.

(5) Admiralty Island: Southeast coast (i) from Point Pybus to 57°18′57″ N. lat.; and (ii) from 57°20′07″ N. lat., 133°54′58″ W. long., to False Point Pybus.

(6) Admiralty Island: Southeast coast (i) from 57°12′06″ N. lat., to 57°11′21″ N. lat.; (ii) from 57°10′36″ N. lat., to Deepwater Point; (iii) within 2,500 feet of 57°08′19″ N. lat., 134°17′16″ W. long.; and (iv) within 2,500 feet of 57°07′28″ N. lat., 134°19′30″ W. long.

(7) From a point ½ statute mile southwest of Point Brightman to 57°03′25″ N. lat., 134°27′18″ W. long.

(8) Within 2,500 feet of 57°01′41″ N. lat., 134°29′10″ W. long.

(9) (i) From a point ½ statute mile southeast of Point Macartney to Point Macartney; (ii) within 2,500 feet of 57°03′23″ N. lat., 134°01′51″ W. long.; and (iii) within 2,500 feet of 57°04′54″ N. lat., 133°56′13″ W. long.

(10) Within ¼ statute mile of Cornwallis Point.

(11) Kuiu Island: Northwest coast (i) within 2,500 feet of 56°33′15″ N. lat., 134°17′53″ W. long.; (ii) from a point 1 statute mile north of the north side of the entrance to Washington Bay to 56°45′56″ N. lat.; (iii) from 56°47′51″ N. lat. to 56°48′11″ N. lat.; and (iv) from 56°50′26″ N. lat. to the east side of the entrance to Band Cove.

(d) *Stikine district.* There are no trap sites in the Stikine District at the present time.

(e) *Sumner Strait district.* (1) Within 1,500 feet of 55°55′56″ N. lat., 133°48′22″ W. long.

(2) East coast of Warren Island within 2,500 feet of 55°51′37″ N. lat.

(3) (i) Within 2,500 feet from 56°13′25″ N. lat., 133°52′32″ W. long., and (ii) within 2,500 feet from 56°14′30″ N. lat., 133°53′ W. long.

(4) Kuiu Island: East coast of peninsula between Port Beauclerc and Reid Bay from 56°18′36″ N. lat. northward to 56°19′6″ N. lat.

(5) (i) Within 2,500 feet of 56°19′3″ N. lat., 133°39′42″ W. long., and (ii) within 1,500 feet of an unnamed island at the entrance to Port Protection, at 56°20′41″ N. lat., 133°38′4″ W. long.

(6) Prince of Wales Island: North coast between 133°29′01″ W. long. and 133°33′27″ W. long.

(7) Prince of Wales Island: North coast between 133°23′27″ W. long. and 133°24′22″ W. long.

(8) Within 4,500 feet westerly of Point Colpoys.

(9) Within 2,500 feet from 56°26′14″ N. lat., 133°29′32″ W. long.

(10) Etolin Island: West coast (i) from 56°16′50″ N. lat. southerly to 56°16′29″ N. lat., and (ii) between Steamer Point Light and Steamer Point.

(f) *Clarence Strait district.* (1) Etolin Island: West coast from 56°09′20″ N. lat. to 56°07′50″ N. lat.

(2) Etolin Island: West coast from 56°04′35″ N. lat. to 56°03′35″ N. lat.

(3) West coasts of Observation Island, Marsh Island, and the northwesternmost island of the Screen Islands group.

(4) Within 2,500 feet of 56°10′06″ N. lat., 132°54′13″ W. long.

(5) Prince of Wales Island: East coast from a point 1 statute mile south of the mouth of Eagle Creek to 55°55'20'' N. lat.

(6) Prince of Wales Island: East coast from 55°51'30'' N. lat. southeasterly to a point at 55°50'50'' N. lat.

(7) Prince of Wales Island: East coast from 55°47'35'' N. lat. southeasterly to 55°46'45'' N. lat.

(8) Onslow Island: West coast from 55°52'57'' N. lat. to Ernest Point.

(9) Within 1,500 feet of 55°48'10'' N. lat., 132°11' W. long.

(10) Within 2,000 feet southerly of a point at 55°45'48'' N. lat., 132°17'05'' W. long.

(11) Cleveland Peninsula: West coast (i) from 55°44'12'' N. lat., 132°15'31'' W. long., southerly to 55°43'05'' N. lat., (ii) from 55°40'05'' N. lat. to 55°39'35'' N. lat., (iii) from 55°36'15'' N. lat. to 55°34'50'' N. lat., (iv) from 55°33'35'' N. lat. to 55°32'35'' N. lat., 132°03'55'' W. long., and (v) from 55°31'27'' N. lat., 132°01'55'' W. long., to 131°59'55'' W. long.

(12) Westerly side of the Vallenar Rock Island 800 yards from Vallenar Point.

(13) Gravina Island: West coast (i) from South Vallenar Point to 55°20'48'' N. lat., (ii) from 55°18'50'' N. lat. to 55°08'15'' N. lat., including the adjacent rocky islets, and (iii) the Bronaugh Islands south of 55°07'10'' N. lat.

(14) Gravina Island: East coast (i) within 2,500 feet of 55°10'30'' N. lat., including adjacent rocks, and (ii) within 2,500 feet of 55°12' N. lat.

(15) Gravina Island: East coast from 55°15' N. lat. to 55°15'11'' N. lat., 131°40'13 W. long.

(16) Annette Island: West coast from Walden Point to Davison Point, including the west shore of Warburton Island, exclusive of the coast between 55°10'05'' N. lat., and 55°11'05'' N. lat.

(17) Grindall Island: Within 3,500 feet northwesterly of Approach Point.

(18) Prince of Wales Island: East coast (i) from 55°28'10'' N. lat. to 55°28'35'' N. lat., (ii) from 55°30'05'' N. lat. to 55°31'05'' N. lat., and (iii) from 55°38'20'' N. lat. to 55°39'05'' N. lat.

(19) Within 2,500 feet southerly of 55°23'40'' N. lat., 132°13'55'' W. long.

(20) Prince of Wales Island: East coast (i) from 55°20'15'' N. lat. to 55°20'56'' N. lat., 132°09'38'' W. long., and (ii) within 2,500 feet of 55°22'22'' N. lat., 132°11'15'' W. long.

(21) Prince of Wales Island: East coast (i) Wedge Island, (ii) from 55°11' N. lat. to 55°11'30'' N. lat., and (iii) within 4,000 feet northerly from 55°15'05'' N. lat.

(22) Within 2,500 feet of 55°06'51'' N. lat., 131°59'40'' W. long.

(23) Prince of Wales Island: East coast (i) within 1,000 feet of 55°02' N. lat., and (ii) eastern shore of Polk Island.

(24) Prince of Wales Island: East coast, including adjacent rocks, from 54°56' N. lat. to 54°57'45'' N. lat.

(25) Prince of Wales Island: From the north side of Kendrick Bay at 131°58'25'' W. long. northward, including adjacent rocks, for 2,500 feet.

(26) From 54°49'50'' N. lat., 131°57'35'' W. long., to the south side of Kendrick Bay at 131°58'55'' W. long.

(27) From McLean Point 3,500 feet southward.

(28) Prince of Wales Island: East coast from 54°42'12'' N. lat. to 54°44'30'' N. lat.

(29) Prince of Wales Island: From Nichols Bay at 132°04'55'' W. long. east for 5,000 feet.

(30) Bean Island: Within 2,500 feet of 54°41'15'' N. lat., 132°06'05'' W. long.

(31) From 54°42'34'' N. lat., 132°09'55'' W. long. to 54°41'30'' N. lat., 132°07'46'' W. long.

(32) Within 3,000 feet northeasterly from 54°43'09'' N. lat., 132°13'30'' W. long.

(33) Within 450 feet of 54°42'55'' N. lat., 132°16'10'' W. long.

(34) Cleveland Peninsula: From the south side of Smugglers Cove at 55°34'10'' N. lat. to 55°31'30'' N. lat.

(35) Within 1,500 feet of 55°30'21'' N. lat., 131°57'24'' W. long.

(36) Within ½ statute mile of Escape Point.

(37) Within 2,500 feet of 55°36'52'' N. lat., 131°41'52'' W. long.

(38) Within 1⅛ statute miles northeasterly from 55°27'50'' N. lat., 131°49'52'' W. long.

(39) Betton Island: West coast between the southern extremity of the island and 55°30'05'' N. lat.

(40) Annette Island: East coast from Harbor Point to 55°06'48'' N. lat., including Ham Island.

(41) Along the west and north sides of the westernmost island of the Percy Islands group.

(42) Duke Island: Within 1,500 feet of Flag Point.

(43) Duke Island: Within 2,500 feet of Duke Point.

(44) Kelp Island: Southern coast from a point at 131°16'06'' W. long., to the eastern extremity of the island.

(g) *West Coast district.* (1) Noyes Island: North coast between 133°39'57'' W. long. and 133°42'13'' W. long.

(2) Within 2,500 feet of Cape Ulitka at 55°33'42'' N. lat., 133°43'40'' W. long.

(3) Within 2,500 feet of 55°27'32'' N. lat., 133°48'08'' W. long.

(4) From Point Garcia to 55°34'07'' N. lat., 133°23'57'' W. long.

(5) From 1½ statute miles southwest of Fern Point to 2 statute miles northeasterly of Point Amargura.

(6) St. Philip Island: Within 2,500 feet of the western extremity.

(7) Blanquizal Island: West of 133°23'57'' W. long.

(8) San Christoval Channel from 55°37'06'' N. lat., to 133°17'20'' W. long.

(9) St. Ignace Island: Within ⅜ statute mile of the southern extremity.

(10) Baker Island: East coast from Point Maria to Point Capones.

(11) Suemez Island: Northern coast from 55°20' N. lat., 133°23'38'' W. long., to 133°20'36'' W. long.

(12) Prince of Wales Island: From north of Point Providence at 133°15'10'' W. long. to a point between Tranquil Point and Point Batan at 133°12'56'' W. long.

(13) From the south side of McLeod Bay at 54°41'07'' N. lat., to Kaigani Village, including nearby island within 300 feet of 54°40'34'' N. lat., 132°39'46'' W. long.

(14) Long Island: West coast within 2,500 feet of 54°46'19'' N. lat.

(15) Sukkwan Island: Southwestern coast (i) from 55°02'35'' N. lat., to 55°01'20'' N. lat.; and (ii) within 2,500 feet of 55° N. lat., 132°46' W. long.

(16) Within 2,500 feet of 55°02'20'' N. lat., 132°35'18'' W. long.

(17) From Point Webster to 54°55'52'' N. lat., 132°32'30'' W. long.

(18) Within 300 yards west of 54°53'39'' N. lat., 132°30'06'' W. long.

(19) Within 2,500 feet of 54°53'40'' N. lat., 132°26'27'' W. long.

(20) From 55°43'13'' N. lat., 133°37'20'' W. long., to 55°41'36'' N. lat., 133°31'37'' W. long.

(21) Tuxekan Island: Western coast from 55°52'56'' N. lat. southerly to 55°52'21'' N. lat.

(22) Tuxekan Island: Western coast within 1,000 feet of the western extremity of Turn Point.

(h) *Southern district.* (1) Revillagigedo Island: (i) Southwest coast from Carroll Point to 131°27'26'' W. long., including the southern shore of the island at 55°16'57'' N. lat., 131°28'24'' W. long., and (ii) within 2,500 feet of 55°15'36'' N. lat., 131°21'15'' W. long.

(2) From Cone Point to 55°11'41'' N. lat., 131°10'36'' W. long., including Cone Island.

(3) Along the coast (i) from Point Sykes to 55°09'56'' N. lat., and (ii) from 55°08' N. lat., to 55°06'44'' N. lat., 131°02'47'' W. long.

(4) Southwestern coast of island located at 55°02'47'' N. lat., 131°00'27'' W. long.

(5) From 55°01'59'' N. lat., 130°59'54'' W. long. to 55°01'20'' N. lat.

(6) (i) from within ½ statute mile northward of Foggy Point to 54°54'05'' N. lat.; (ii) from 54°53'05 N. lat. to 54°51'35'' N. lat.; and (iii) from 54°49'30'' N. lat. to 54°46'30'' N. lat., 130°52'42'' W. long.

(7) Cape Fox Island and within 1,000 feet of an island near the western mainland shore at 54°45'47' N. lat.

(8) Within 2,500 feet southwesterly of 54°46'48'' N. lat., 130°48'10'' W. long.

(9) Tongass Island: West coast, including adjacent rocks within 2,000 feet of 54°46'36'' N. lat.

(10) From 54°44'35'' N. lat., 130°43'12'' W. long., to Garnet Point.

(11) Sitklan Island: Within ½ statute mile of the southern extremity.

§ 115.34 *Closed waters.* Except after September 1 where fall seasons have been provided in § 115.8.

(a) *Icy Strait district.* (1) Dundas Bay, north of 58°20' N. lat.

(2) Idaho Inlet, south of 58°8'20'' N. lat.

(3) Glacier Bay, north of 58°27'54'' N. lat.

(b) *Western district.* Fishing is prohibited as follows:

(1) Wilson Cove: All waters.

(2) Whitewater Bay: All waters within a line from Point Caution to Woody Point.

(3) Chaik Bay: East of 134°28'59'' W. long.

(4) Kootznahoo Inlet: All waters.

(5) Warm Spring Bay: All waters.

(6) Kelp Bay: Middle Arm, and South Arm west of 134°56'59'' W. long.

(7) Hanus Bay: South of a line from Point Hanus to Point Moses.

(8) Rodman Bay: West of 135°21'59'' W. long.

(9) Sitkoh Bay: Within 1,000 yards of the terminus of any salmon stream.

(10) Basket Bay: All waters.

(11) Hawk Inlet: All waters.

(12) Salt Lake Lagoon, Takanis Bay: The Lagoon and within 500 yards of its mouth.

(13) Redfish Bay: Within a true east and west line through the southern end of the Second Narrows.

(14) Still Harbor: All waters.

(15) Port Banks, off Whale Bay: All waters.

(16) Redoubt Bay: Within 1½ statute miles of the terminus of the outlet stream of Redoubt Lake.

(17) Fish Bay, northwest coast of Baranof Island: East of 135°37' W. long.

(18) Chilkoot Inlet: Within 1 statute mile of the terminus of Chilkoot River.

(19) Hood Bay, South Arm: Within a line 2,500 yards from the head.

(20) Tenakee Inlet: Except for trolling, all bays tributary to Tenakee Inlet and west of 135°40' W. long.

(21) Fresh Water Bay: Except for trolling, within 1 statute mile of the terminuses of all salmon streams.

(c) *Eastern district.* Fishing is prohibited as follows:

(1) Port Houghton: Sanborn Canal.

(2) Windham Bay: East of a line extending across the narrows, which are at 133°20'07'' W. long.

(3) Limestone Inlet: All waters.

(4) Gambier Bay: West of 134°02'58'' W. long.

(5) Port Camden: South of 56°40'07'' N. lat.

(6) Kadak Bay: Within a line from 56°48'27'' N. lat., 133°56'15'' W. long., to 56°48'47'' N. lat., 133°57'27'' W. long.

(7) Hamilton Bay: All waters east of 133°46'57'' W. long.

(8) Keku Strait: Keku Strait, including Big Johns Bay, within a line from 56°35'07'' N. lat., 133°42'32'' W. long., to 56°35'07'' N. lat., 133°39'57'' W. long., and a line from Point Camden to 56°48'47'' N. lat., 133°45'57'' W. long.

(9) Tebenkof Bay: Elena Bay north and east of a line from 56°29'56'' N. lat., 134°06'28'' W. long., to 56°29'05'' N. lat., 134°05'28'' W. long.

(10) Bay of Pillars: East of 134°11'40'' W. long.

(11) Security Bay: Within 1,000 yards of the terminus of any salmon stream.

(12) Saginaw Bay: Within a line from the southwest shore at 56°51'36'' N. lat. to the northeast shore at 56°53'06'' N. lat.

(13) Red Bluff Bay: West of 134°45'28'' W. long.

(14) Gut Bay: West of 134°43'28'' W. long.

(15) Little Port Walter: All waters.

(16) East of a line from high tide mark on Taku Point true north.

(d) *Stikine district.* Fishing is prohibited as follows: Blind Slough.

(e) *Sumner Strait district.* Fishing is prohibited as follows: (1) Salmon Bay: The bay and within ½ statute mile outside the mouth.

(2) Red Bay: South of a true east west line through the north shore of Dead Island.

(3) Olive Cove: All waters.

(4) Thomas Place, Zimovia Strait: All waters.

(5) Fools Inlet: Within 1 statute mile of the terminus of the salmon stream at the head.

(6) Duncan Canal: Within 1 statute mile of any salmon stream.

(7) Kah Sheets Bay: Within 1,000 yards of the terminus of the salmon stream at the head.

(8) Totem Bay: Within 1,000 yards of the terminus of any salmon stream at the head.

(9) Barrie Creek, Kupreanof Island: Within 2 statute miles of the terminus of the creek.

(10) Keku Strait, Big Johns Bay: Within a line from 56°35'07'' N. lat., 133°42'32'' W. long., to 56°35'07'' N. lat., 133°39'57'' W. long., and a line from Point Camden to 56°48'47'' N. lat., 133°45'57'' W. long.

(11) Three Mile Arm: Within 1,000 yards of the terminus of any salmon stream.

(12) Seclusion Harbor: All waters.

(13) Port Beauclerc: Within 1,000 yards of the terminus of any salmon stream.

(14) Affleck Canal: Bear Harbor north of 56°15'06'' N. lat., and East Arm north of 56°17'36'' N. lat.

(15) Calder Bay: North of 56°11'12'' N. lat.

(16) El Capitan Passage: Between 56°07'36'' N. lat. and a line extending due north from 56°08'53'' N. lat., 133°27'37'' W. long.

(17) Shipley Bay: East of 133°33'05'' W. long.

(18) Hole in the Wall, northwest coast of Prince of Wales Island: All waters.

(19) Bradfield Canal: East of 131°54'30'' W. long.

(20) Fall Creek, Wrangell Narrows: Between the latitude of the boat mooring float at the end of the Petersburg road and the latitude of navigation marker number 46.

(21) Blake Channel and Eastern Passage: North of 56°12' N. lat. and in Eastern Passage south of Babbler Point: *Provided,* That this prohibition shall not apply to trolling prior to 6 p. m. May 31 and after 6 a. m. October 6.

(22) Anita Bay: Fishing, other than trolling, is prohibited.

(f) *Clarence Strait district.* Fishing is prohibited, as follows:

(1) Moira Sound: South Arm south of 54°57'34'' N. lat., all waters in Frederick Cove, Kegan Cove, and within 1,000 yards of the terminus of any salmon stream in Johnson Cove.

(2) Dolomi Bay, tributary to Port Johnson: All waters.

(3) Cholmondeley Sound: Dora Bay and Sunny Cove.

(4) Skowl Arm: McKenzie Inlet south of 55°21'35'' N. lat., and Polk Inlet south of 55°25'15'' N. lat.

(5) Twelvemile Arm: The west side within a line from 55°27'15'' N. lat., 132°39'55'' W. long., to 55°28'46'' N. lat., 132°38'25'' W. long.

(6) Karta Bay: Within 1 statute mile of the terminus of any salmon stream.

(7) Thorne and Tolstoi Bays: Within 1 statute mile of the terminus of any salmon stream, and Thorne Bay west of 132°28'35'' W. long.

(8) Ratz Harbor: All waters.

(9) Eagle Creek, about 1 mile south of Luck Point: All waters within 1 statute mile of the terminus of the creek.

(10) Barnes Lake, at head of Lake Bay: Within 500 yards outside its entrance.

(11) Whale Passage: Within 1,000 yards of the terminus of any salmon stream.

(12) McHenry Inlet: Within 1,000 yards of the salmon streams at the head.

(13) Rocky Bay, west coast of Etolin Island: Within 1 statute mile of the head.

(14) Yes Bay: Within the bay and outside the entrance within 1,000 yards of a line from Bluff Point to Syble Point.

(15) Shrimp Bay: East of a line from Dress Point to the opposite shore.

(16) Traitors Cove: Within a line 50 yards outside the neck of the salt-water lagoon.

(17) Naha Bay: Within 1 statute mile of the falls at the outlet of Roosevelt Lagoon.

(18) Raymond Cove: Within a line from Mike Point to 55°37'45'' N. lat., 131°51'50'' W. long.

(g) *West Coast district.* Fishing is prohibited, as follows:

(1) Klawak Inlet: All waters east of 133°05' W. long.

(2) Klawak Harbor: All waters south of 55°33'27'' N. lat.

(3) Trocadero Bay: All waters east of a true north and south line through the eastern extremity of the peninsula just south of Copper Mine.

(4) Manhattan Arm: East of 133°10' W. long.

(5) Ham Cove: All waters.

(6) Kasook Inlet: All waters within 1 statute mile of head.

(7) Hetta Inlet: Within a true north and south line through the western extremity of Gould Island.

(8) Deer Bay: All waters.

(9) Hetta Harbor: All waters.

(10) Eek Inlet: All waters.

(11) Hunter Bay: Within 1 statute mile outside the terminuses of all salmon streams.

(12) Devilfish Bay: All waters.

(13) Sarkar Cove: All waters.

(14) Tuxekan Passage: East of 133°17' W. long.

(h) *Southern district.* Fishing is prohibited, as follows:

(1) Hidden Inlet: North of 55°00'05'' N. lat.

(2) Fillmore Inlet: East of 130°29'54'' W. long.

(3) Willard Inlet: North of 54°56'35'' N. lat.

(4) Ray Anchorage: All waters.

(5) Very Inlet: All waters.

(6) Boca de Quadra: Within 1 statute mile of the terminus of any salmon stream.

(7) George Inlet: North of a line from Bat Point to Tsa Cove.

(8) Smeaton Bay: Within 1 statute mile outside the terminus of the salmon stream in Wilson Arm, and Bakewell Arm east of 130°39′54″ W. long.

(9) Rudyerd Bay: The north arm within 2 statute miles of the terminus of any salmon stream.

(10) Portland Canal: North of a line extending from Engineer's Point true west.

(11) Tongass Narrows: Fishing, except by trolling, is prohibited in the waters of Tongass Narrows between a line from Mountain Point to Gravina Point and a line from Point Higgins to Vallenar Point.

§ 115.38 *Protection of small king salmon.* King salmon shall either (a) measure at least 26 inches from tip of snout to fork of tail, or (b) weigh at least 6 pounds dressed. Such undersized fish as are taken must be returned to the water without injury.

HERRING FISHERY

§ 115.50 *Closed seasons.* Fishing, except for bait and except by gill nets, is prohibited from March 1 to June 14, inclusive: *Provided,* That this prohibition shall not apply after May 31 in the Sumner Strait, Clarence Strait, and South Prince of Wales Island districts.

§ 115.51 *Beach seines limited.* Fishing for herring, including bait fishing, by means of any beach seine on any herring spawning ground is prohibited.

§ 115.52 *Restrictions on bait fishing.* Fishing is restricted (1) to 125 short tons for bait only in Silver Bay east of 135°15′ W. long., and (2) to fishing for bait or with gill nets in Krestof and Sitka Sounds east of a line extending from Cape Edgecumbe to Point Woodhouse on Biorka Island, and thence to the eastern extremity of Elovoi Island.

(b) Fishing is restricted to a take of 125 short tons for use as bait, in waters surrounding Fish Egg Island north and east of a line from Cape Flores to Point Amargura, and thence to Point Ildefonso.

§ 115.53 *Closed waters.* Fishing for herring, including bait fishing, by means of any purse seine is prohibited in the waters on the west side of Cleveland Peninsula between 55°46′ N. lat., and 55°44′ N. lat., and east of 132°17′30″ W. long.

§ 115.54 *Quotas.* The take of herring, except for bait and except by gill nets, is limited as follows:

(a) Not more than 10,000 short tons may be taken in the Clarence Strait, Sumner Strait, and South Prince of Wales districts, of which not more than 5,000 short tons may be taken in the Clarence Strait district south of the latitude of Ernest Point.

(b) Not more than 22,500 short tons may be taken in the waters of the Eastern and Western districts, of which not more than 6,250 short tons may be taken on the west coasts of Chichagof and Baranof Islands in an area bounded by a line due west from Cape Bingham; a line across Peril Strait at Kakul Narrows; and a line from Cape Ommaney to Nation Point on Coronation Island.

(c) Not more than 10,000 short tons may be taken after July 15 in that part of the Eastern and Western districts south of a line from Swaine Point to the northern entrance to Snipe Bay.

§ 115.57 *Restricted waters.* (a) Fishing, except for bait and except by gill nets, is prohibited within (1) Icy Strait and Cross Sound, (2) Chatham Strait and Lynn Canal north of a line from South Passage to Marble Bluff, and (3) Stephens Passage north of a line from Point Arden to Bishop Point.

(b) Fishing, except for bait and except by gill nets, is prohibited in the waters of Tongass Narrows and northern Revillagigedo Channel from the latitude of Guard Island to the latitude of Point Alava.

(c) From June 1 to October 15, inclusive, fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

BOTTOM FISH FISHERY

§ 115.60 *Season.* Commercial fishing for sablefish is prohibited prior to May 1 and after November 30 in each calendar year.

SHELLFISH FISHERY

§ 115.72 *Season, butter clams.* The taking of butter clams, other than bait, is prohibited in the period from April 15 to September 15, inclusive.

§ 115.86 *Season, shrimp.* Fishing for shrimp is prohibited, in the period from February 15 to April 30, inclusive, in the Stikine district, the Eastern district east of the longitude of Cape Fanshaw, and in the Sumner Strait district north of the latitude and east of the longitude of Point Baker.

PERSONAL USE FISHERY

§ 115.92 *Closed waters, salmon*—(a) *Western district.* Redoubt Bay: Fishing with gill net, seine, or trap is prohibited in all waters of the bay closed to commercial fishing.

(b) *Eastern district.* Fishing for personal use, except with hand rod, hook and line, is prohibited as follows:

(1) Auke Creek, and within 500 yards outside its mouth.

(2) Salmon Creek, tributary to Gastineau Channel.

(3) Steep Creek.

(4) Lake Creek (tributary to Auke Lake).

(5) Stephens Passage, north of Midway Island and in Lynn Canal north of the latitude of Point Retreat and all contiguous waters, exclusive of the Chilkat River and the Taku Inlet–Port Snettisham section during the month of May.

(6) Fish Creek, north end of Douglas Island.

(c) *Southern district.* Fishing for, taking or molesting any salmon by any means, or for any purpose, is prohibited in:

(1) Salt water in Behm Canal and contiguous bays north of a line from Point Eva to Cactus Point.

(2) Ketchikan Creek and Thomas Basin.

§ 115.93 *Restrictions on taking king salmon in salt water.* The taking of king salmon in salt water by hook and line for sport or personal use shall be limited to:

(a) The use of not to exceed one line per person.

(b) A bag limit of either (1) 50 pounds and one fish, or (2) three fish, whichever is less restrictive.

(c) Fish over either: (1) 36 inches from tip of snout to fork of tail, or (2) six pounds dressed weight.

§ 115.94 *Bag limit*—(a) *Eastern district.* It is prohibited to take more than 15 salmon less than 18 inches in length in the fresh waters of the Mendenhall River and Jordan Creek drainages, and all tributaries and impoundments within these drainages.

(b) *Southern district.* The taking of salmon for sport, or personal use, shall not exceed a bag limit of two fish and shall be only by means of hook and line, spear or gaff in the waters of: Ward Cove, Lake, and Creek.

Part 130—North Pacific Area

Sec.
130.1 Definition.

SALMON FISHERY

130.10 Salmon fishing prohibited, exception.

AUTHORITY: §§ 130.1 and 130.10 issued under sec. 12, 68 Stat. 700, as amended; 16 U. S. C. 1031.

§ 130.1 *Definition.* The North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of latitude 48°30′ N. and E. of long. 175° W., exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

SALMON FISHERY

§ 130.10 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling in the North Pacific area, as defined in this part: *Provided,* That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49° N.

Temporary Changes

Parts 107 and 115 are hereby amended, effective only through December 31, 1958, as set forth below:

Part 107—Chignik Area

Section 107.27 is suspended effective through December 31, 1958.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Part 115—Southeastern Alaska Area

§ 115.27 *Areas open to traps.* The use of any trap for the capture of salmon is prohibited, except as follows:

(a) *Icy Straits district.*

NOTE: Effective only through December 31, 1958, § 115.27 (a) is amended by deleting subparagraphs (1), (2), (3), (8), (9) (ii), (10), (12) (i), and (13); and by revising subparagraphs (6), (11), and (12) (ii).

* * * * *

(8) Within 2,500 feet of 58°15'26" N. lat., 135°49'56" W. long.

(11) Within 2,500 feet of the following: (i) 58°14'13" N. lat., 135°17'34" W. long.; (ii) 58°15'24" N. lat., 135°19'31" W. long.

(12) * * * (ii) Within 2,500 feet of 58°5'43" N. lat., 135°13'21" W. long.

*   *   *   *   *

(b) *Western district.*

NOTE: Effective only through December 31, 1958, § 115.27 (b) is amended by deleting paragraphs (1), (2), (4) (i), (5), (7), (10) (i), and (12); and by revising paragraphs (8), 9) (i) and (10) (ii) and (v).

*   *   *   *   *

(8) Baranof Island: Within 2,500 feet of 57°14'40" N. lat., 134°50'05" W. long.

*   *   *   *   *

(9) Mansfield Peninsula: (i) Within 2,500 feet of the following: (*a*) 58°11'22" N. lat., 134°53'38" W. long. and (*b*) 58°10'59" N. lat., 134°52'16" W. long. * * *

(10) Admiralty Island: West coast: * * * (ii) within 2,500 feet of 57°43'23" N. lat., 134°43'50" W. long., * * * and (v) from 57°58' N. lat. to 58°30' N. lat.

*   *   *   *   *

(c) *Eastern district.*

NOTE: Effective only through December 31, 1958, § 115.27 (c) is amended by deleting subparagraphs (3) (i), (6) (ii), (iii), and (iv), (8), and (11) (iii); and by revising paragraphs (4), (5) (ii), (7), and (11) (ii).

*   *   *   *   *

(4) Within 2,500 feet of the following: (i) 57°11'32" N. lat., 133°32'27.2" W. long., and (ii) 57°10'52" N. lat., 133°32'44" W. long.

(5) Admiralty Island: Southeast coast * * * (ii) within 2,500 feet of 57°20'59" N. lat., 133°52'53" W. long.

*   *   *   *   *

(7) Within 2,500 feet of the following: (i) 57°05'18" N. lat., 134°22'54" W. long; (ii) 57°04'36" N. lat., 134°24'05" W. long., and (iii) 57°03'38" N. lat., and 134°26'50" W. long.

*   *   *   *   *

(11) Kuiu Island: Northwest coast within 2,500 feet of the following: * * * (ii) 56°45'51" N. lat., 134°23'30" W. long., * * *.

(e) *Sumner Strait district.*

NOTE: Effective only through December 31, 1958, § 115.27 (e) is amended by deleting subparagraphs (1), (2), (3), (4), (5) (i), (7), (9) and (10) (i); and by revising subparagraph (6).

*   *   *   *   *

(6) Within 2,500 feet of 56°20'41" N. lat., 133°30'13" W. long.

*   *   *   *   *

(f) *Clarence Strait district.*

NOTE: Effective only through December 31, 1958, § 115.27 (f) is amended by deleting subparagraphs (1), (7), (9), (10), (12), (13) (iii), (14) (i), (18) (iii), (20) (ii), (21) (i), (23) (ii), (29), (30), (32), (34), (36), (37), (38), (39), (42), and (44); and revising subparagraphs (3), (5), (11) (i) and (v), (13) (ii), and (16).

*   *   *   *   *

(3) Within 2,500 feet of 56°06'57" N. lat., 132°43'03" W. long.

*   *   *   *   *

(5) Within 2,500 feet of the following: (i) 55°56'20" N. lat., 132°40'15" W. long., and (ii) 55°55'39" N. lat., 132°38'54" W. long.

*   *   *   *   *

(11) (i) Within 2,500 feet of 55°43'26" N. lat., 132°14'57" W. long., * * * (v) within 2,500 feet of 55°30'45" N. lat., 132°00'55" W. long.

*   *   *   *   *

(13) Gravina Island: West coast: * * * (ii) within 2,500 feet of the following: (*a*) 55°18'48" N. lat., 131°52'03" W. long., (*b*) 55°16'58" N. lat., 131°51'21" W. long., (*c*) 55°15'11" N. lat., 131°15'19" W. long., (*d*) 55°13'43" N. lat., 131°50'16" W. long., (*e*) 55°10'48" N. lat., 131°49'06" W. long., (*f*) 55°10'00" N. lat., 131°48'16" W. long., (*g*) 55°09'10" N. lat., 131°47'25" W. long.

*   *   *   *   *

(16) Within 2,500 feet of the following: (i) 55°05'41" N. lat., 131°36'39" W. long., (ii) 55°02'47" N. lat., 131°38'53" W. long., (iii) 55°00'45" N. lat., 131°38'30" W. long.

*   *   *   *   *

(g) *West Coast district.*

NOTE: Effective only through December 31, 1958, § 115.27 (g) is amended by deleting subparagraphs (1), (6), (9), (11), (16), and (21); and revising subparagraphs (4), (8), (12), (13), (17), and (20).

*   *   *   *   *

(4) Within 2,500 feet of 55°34'12" N. lat., 133°24'39" W. long.

*   *   *   *   *

(8) Within 2,500 feet of 55°36'28" N. lat., 133°21'30" W. long.

*   *   *   *   *

(12) Within 2,500 feet of 55°22'59" N. lat., 133°13'28" W. long.

(13) Within 2,500 feet of 54°41'03" N. lat., 132°41'12" W. long.

*   *   *   *   *

(17) Within 2,500 feet of the following: (i) 54°56'33" N. lat., 132°34'37" W. long., (ii) 54°56'00" N. lat., 132°33'11" W. long.

*   *   *   *   *

(20) Within 2,500 feet of the following: (i) 55°41'38" N. lat., 133°32'05" W. long., (ii) 55°42'32" N. lat., 133°35'28" W. long.

*   *   *   *   *

(h) *Southern district.*

NOTE: Effective only through December 31, 1958, § 115.27 (h) is amended by deleting subparagraphs (1) (i), (4), (5), and (11); and by revising subparagraphs (2), (3) (ii), (6) (ii) and (iii), and (10).

(2) Within 2,500 feet of the following: (i) 55°11'28" N. lat., 131°11'01" W. long., (ii) 55°11'31" N. lat., 131°12'44" W. long., (iii) 55°12'00" N. lat., 131°14'22" W. long., (iv) 55°13'34" N. lat., 131°17'19" W. long., and (v) 55°14'45" N. lat., 131°19'32" W. long.

(3) Along the coast * * * (ii) within 2,500 feet of 55°06'59" N. lat., 131°02'43" W. long.

*   *   *   *   *

(6) Along the coast * * * (ii) within 2,500 feet of the following: 54°52'43" N. lat., 130°57'19" W. long. (iii) 54°48'26" N. lat., 130°56'00" W. long.

*   *   *   *   *

(10) Within 2,500 feet of 54°44'16" N. lat., 130°42'57" W. long.

*   *   *   *   *

§ 115.34 *Closed waters.* Except after September 1 where fall seasons have been provided in § 115.8.

NOTE: Paragraph (a) *Icy Strait district* is amended by adding subparagraphs (4), (5), and (6).

(4) Port Althorp: Within 3 nautical miles of the head.

(5) Mud Bay: South of the latitude of Quartz Point.

(6) Spasski Bay: All waters.

NOTE: Paragraph (b) *Western district* is amended in subparagraphs (8), (9), (19), and (21), and by adding subparagraphs (22) through (32).

(8) Rodman Bay: All waters.

(9) Sitkoh Bay: The northwest arm.

(19) Hood Bay: All waters of the north and south arms.

(21) Freshwater Bay: Inside the innermost Island.

(22) Lisianski Inlet: South of Pelican City, except for trolling.

(23) Stag Bay: All waters, except for trolling.

(24) Goulding Harbor: All waters.

(25) Black Bay: All waters.

(26) Waterfall, Slocum Arm: All waters.

(27) Katlian Bay: All waters except for trolling.

(28) Nakwasina Passage: From Allan Point to a line 2 miles east of Neva Point.

(29) Sister Lake: Inside a line at the western end of the narrows between Anna and Sister Lakes.

(30) Hoonah Sound: Inside White Cliff Point on Moser Island including Fick Cove and Patterson Bay.

(31) Saook Bay: All waters.

(32) Ushk Bay: West of Ushk Point.

NOTE: Paragraph (c) *Eastern district* is amended in subparagraphs (1), (3), (7), (8), and (15), and by adding subparagraphs (17) through (23).

(1) Port Houghton: East of Walter Island.

(3) Gambier Bay: West of 134° W. long.

(7) Hamilton Bay: Inside Point Hamilton.

(8) Keku Strait: Between a line from Point Camden to the western entrance of, and including Big John Bay, to the southern boundary of the district.

(15) Port Walter: All waters including Little Port Walter.

(17) Seymour Canal: North of the southern point at the entrance to Windfall Harbor, including Windfall Harbor.

(18) Mole Harbor: Inside Beacon Rock.

(19) Pleasant Bay: All waters.

(20) Pybus Bay: The west arm, including Cannery Cove.

(21) Hobart Bay: Inside a line at the narrows 1 mile east of Entrance Island.

(22) Murder Cove: North of the light.

(23) Slocum Inlet: All waters.

NOTE: Paragraph (e) *Sumner Strait district* is amended in subparagraphs (7), (8), (10), (11), (13), and (14), and by adding subparagraphs (23), (24) and (25).

(7) Kah Sheets Bay: All waters.
(8) Totem Bay: All waters.
(10) Keku Strait: Between a line from the flasher light southeast, and the northern boundary of the district.
(11) Three Mile Arm: West and north of the western point at the entrance to Jackson hole.
(13) Port Beauclerc: Inside the outer Point of Edwards Island.
(14) Affleck Canal: Kell Bay and north of the southern point at the entrance to Bear Harbor.
(23) Steamer Bay: All waters.
(24) Vixen Inlet: Inside Sunshine Island.
(25) Santa Anna Inlet: Inside Point Santa Anna.

NOTE: Paragraph (f) *Clarence Strait district* is amended in subparagraphs (1), (3), (5), (6), (11), and (16), and by adding subparagraphs (19) through (25).

(1) Moira Sound: (i) The north arm inside a line from Crowell Point to Point Holliday; (ii) Johnson Cove and (iii) west arm west of 132°12′ W. long.
(3) Cholmondeley Sound: West of and including Sunny Cove prior to September 1.
(5) Twelvemile Arm: South of Loy Island.
(6) Karta Bay: Inside the outermost buoys.
(11) Whale Pass: From the north end of Thorne Arm to 56°04′ N. lat.
(16) Traitor's Cove: east of the narrows entering the lagoon.
(19) Mossman Inlet: all waters.
(20) North Behm Canal: north of the latitude of Snail Point.
(21) Lake Bay: all waters of the passage behind Stevenson Island.
(22) Kitkun Bay: all waters.
(23) Tamgas Harbor: north of Deer Island.
(24) Neets Bay: east of Clam Island.
(25) Port Stewart: all waters.

NOTE: Paragraph (g) *West Coast district* is amended in subparagraphs (3), (7), (11), and (14), and by adding subparagraphs (15) through (23).

(3) Trocadero Bay: East of 133°01′ W. long.
(7) Hetta Inlet: North of Simmons Point.
(11) Hunter Bay: All waters.
(14) El Capitan and Tuxekan passages: East of 133°20′ W. long.
(15) Tokeen Bay: All waters.
(16) Edna Bay: All waters.
(17) Keete Inlet: All waters.
(18) Klakas Inlet: North of 55° N. lat.
(19) Soda Bay: East of 133° W. long.
(20) Port Saint Nicholas: East of 133°04′ W. long.
(21) Warm Chuck Inlet: North of 55°44′30″ N. lat.
(22) Nutkwa Inlet: North of 55°06′ N. lat.
(23) Shinaku Inlet: North of the latitude of Point Ildefonso.

NOTE: Paragraph (h) *Southern district* is amended in subparagraphs (1), (3), (6), (7), (8), and (9), and by adding subparagraphs (12) through (19).

(1) Hidden Inlet: All waters.
(3) Willard Inlet: North of the northern end of Just Island.
(6) Boca De Quadra: Marten Arm, Mink Arm, Vixen Bay, Badger Bay, Weasel Cove, and within 5 miles of the head.
(7) George Inlet: North of the latitude of the Light Plant.
(8) Smeaton Bay: Wilson and Bakewell Arms.
(9) Rudyard Bay: North and South Arms.
(12) Carroll Inlet: North of the latitude of Island Point.
(13) Thorne Arm: North of Eve Point.
(14) Nakat Inlet: North of 54°50′ N. lat.
(15) Harry Bay: North of Slim Island.
(16) Lucky Cove: Within 1,000 yards of the head.
(17) Ward Cove: All waters.
(18) South Behm Canal: North of a line from Point Eva to Cactus Point.
(19) Tombstone Bay: Within 1,000 yards of the northwest stream.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

[F. R. Doc. 48-2864; Filed, Apr. 16, 1958; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

[Docket No. AO-227-A8]

MILK IN NEOSHO VALLEY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pittsburg, Kansas, on November 13, 1957, pursuant to notice thereof issued on November 6, 1957 (22 F. R. 9004).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 7, 1958 (23 F. R. 1700) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Defining a cooperative association as a handler with respect to the bulk tank milk of producer members;
2. Revising the base rating provisions;
3. Limiting the period during which producer milk may be diverted to nonpool plants;
4. Modifying the allocation of milk received at a pool plant from plants regulated under other Federal orders; and
5. Reducing the Class I price, and reviewing the provisions relating to payments on milk which is distributed in the marketing area from plants subject to other Federal orders.

Proposals to reduce the marketing area and to reduce the maximum rate of marketing service deductions were included in the notice of hearing, but no evidence was introduced with respect to either proposal so no further consideration will be given them.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Bulk tank milk.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

A bargaining cooperative association operates insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Since late 1955 there has been a steady expansion in the number of bulk cooling tanks being installed on the farms. It is extremely likely that the trend in this direction will continue. (Members of an operating cooperative may also use bulk tanks. However, such a cooperative is already a handler on member milk delivered to its pool plant, regardless of whether it is in cans or in bulk.)

The transportation of milk from farm to market in insulated tank trucks owned or operated by or under contract to a cooperative association has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned, operated, or controlled by the cooperative association, the weight of each producer's milk is checked by, and a sample of the milk for butterfat testing is taken by, a person who is an employee of or directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

Under these circumstances, it is preferable to make the cooperative association responsible for the payment to a producer for a given quantity of milk at a particular test since the handler has no direct means of verifying such weights and test. Then, any cooperative association which qualifies as such under the order should be made the handler for such milk and should be required to account to the pool for it. The cooperative association should also be required to charge at least the class prices to the plant operator for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

With respect to milk received from producers' farms in cans or in tank trucks owned, operated, or controlled by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

2. *Base-rating revision.* The base-setting period should be August through November, and the base-using period February through July, as provided in the presently effective order. The only changes in base-rating provisions should be the computation of bases from appropriate delivery records for any producers serving plants which first qualify as pool plants during any month other than August, the first month of the base-setting period, and specific accommodation to every-other-day delivery by bulk-tank producers.

The base rating provisions of the order are designed to level the natural seasonality of milk production. Both the monthly data on production per farm and on the percentage of producer milk classified in Class I reflect substantial change in seasonality since the inception of the order.

In the fall of 1952, October was the month when the daily average production per producer was lowest. November, August, and September were the second, third, and fourth lowest. In 1953, September was the low month and in every succeeding year it has been August, the month which immediately precedes the base-setting period of September through December. By 1956 daily average production per producer during the four base-setting months was almost as high (average 435 pounds) as during the four normally flush months of March through June (average 439 pounds). In both July and August production was much lower than during the base-setting months.

Following a hearing held on May 15, 1956, and reopened on February 25, 1957, the order was amended to advance the base-setting period by one month, to August through November, and the base-operating period to February through July. These changes were not scheduled to become effective until the fall of 1958, in order to allow ample opportunity for producers to plan appropriate changes in their production programs. Experience during the fall of 1957, when August was again the month of lowest production, confirms the previous conclusion that the base-making and base-operating periods should be advanced.

Producers proposed that July and August be added as base-setting months without deleting any of the present months. However, the present plan already exercises a direct effect on production in 10 months of the year. The 4-month base-setting and 6-month base-operating periods have had substantial effects on the seasonality of production. In recent years, production during November and December has been more than adequate.

The recommended decision provided for advancing the base-setting period to July through October and the base-operating period to January through June. However, in the exceptions filed by both of the cooperative associations of producers it was maintained that producers would not have had sufficient notice to respond to a base-setting period starting in July 1958, and that a period of July through October would be likely to create flush and shortage problems in months when production is now well adjusted.

In the circumstances, it is concluded that the base-setting and base-operating periods should remain as presently specified in the order. There has been ample time for producers to adjust their production plans, an incentive to increase production during August is long overdue, and any further adjustments which may appear desirable after actual experience with a base-setting period of August through November can be considered at subsequent amendment proceedings.

It was proposed by handlers that new producers, those who had not established bases during the base-setting months, be allowed to establish discounted bases on current production, for use during the base-operating months. If such a provision were adopted, its application to old producers who might wish to set new bases should also be considered. Such modifications would inevitably reduce the effectiveness of the base plan in adjusting the seasonality production. Also, one of the factors in the handlers' proposal was the producers' request for a longer base-setting period. It is concluded that the proposal to provide bases for new shippers should not be adopted.

There is a possible circumstance in which new bases should be provided. A plant may be qualified as a pool plant during any month of the year. If a newly constructed plant or one not previously associated with the Neosho Valley market should so qualify after the start of the base-setting period, the producers supplying milk should have bases computed under the same rules as apply to other producers. The market administrator could compute such bases from any verifiable records available at the plant or supplied by the producers.

Bulk tank milk is picked up on an every-other day schedule in this market. The base-setting provisions should be clarified as applying to days of production rather than delivery days.

3. *Diversion to unapproved plants.* Under the present order either the operator of an approved plant or a qualified cooperative association may divert milk from the farm to an unapproved plant without limit. A handler proposed that such diversions be limited to 16 days per month during the base-setting months.

There was no specific evidence that the present provisions have been faulty. Potentially, an association or a handler could use the diversion privilege to carry larger supplies than could be accommodated in the approved plants or needed for Class I purposes. Such a situation would have a more directly adverse effect on producers, through reduction of the blend price, than on the handlers, who are subject only to classified prices on their own supply of milk. Furthermore, a plant-operating handler has the alternative of receiving the milk at his plant and transferring it to an unapproved plant. The proposed limitation on diversion privileges was opposed by the bargaining association of producers.

Diversion is the only means available to a bargaining association for keeping member milk pooled during periods when it is not received at handlers' plants. The adoption of 5- and 6-day per week operations at bottling plants has increased the volume of necessary reserve milk and the hauling efficiencies possible through diversion have likewise increased. The comparatively small volumes of milk handled at each plant and the distances between plants make it less possible to shift supplies between handlers and more necessary to use diversion than in larger, more centralized markets.

It is concluded that diversions to unapproved plants should not be limited in the manner proposed.

4. *Allocation of milk from plants subject to other Federal orders.* Supplemental milk brought into a Neosho Valley pool plant from a plant subject to another order should continue to be allocated to the lowest available class of utilization.

Handlers proposed that bulk milk from other Federally regulated markets be prorated to Class I and Class II under the Neosho Valley order in the same proportion as producer milk. It is apparent, however, that this proposal could lead to serious disruption of the pool. Any handler operating plants in the Neosho Valley and another order market could shift supplies in such fashion as to arbitrarily influence the blend prices in the two markets. Furthermore, the proposal would permit each operator of a Neosho Valley pool plant to substitute milk from plants under other orders for local producer milk, even though local supplies might be more than adequate.

The classification and pricing of the supplemental bulk milk under the originating order would usually depend on its classification under the Neosho Valley order where its final utilization is determined. Only if the other order area were so distant that the Neosho Valley area was beyond the surplus disposal area, would the originating supply be Class I.

So long as the various Federal order markets maintain their separate identities and separate pooling arrangements, it is highly desirable that the producers who regularly supply milk to any given market have a prior claim on that market's Class I utilization. Under the circumstances which have prevailed in the market, the local producers have provided an adequate supply for Class I purposes at all seasons of the year and have borne the burden of the daily and seasonal reserves.

The present order does not specify the order of allocation in the event other source milk is received at a Neosho Valley plant both from other order and totally unregulated sources. In such event, the unregulated milk should be allocated first to the lowest classification, thereby giving Class I preference to the milk from the other order area and minimizing compensatory payments on the unregulated milk.

Milk received in consumer packages from other Federal order markets is in a somewhat different category than supplemental supplies of bulk milk since the packaging is such clear evidence of intent of Class I sale. Handlers proposed that milk in consumer packages purchased from other Federal order markets by a Neosho Valley handler and sold in the same package as received be allocated to Class I use in the Neosho Valley plant instead of being allocated to the lowest class of use.

There were no current instances of the purchase of packaged Class I items from other markets by Neosho Valley handlers. Moreover, no future likelihood of such purchases was cited by the proponents. Furthermore, it is apparent from the data of record that the supply of producer milk is adequate to cover all Class I requirements of the regulated handlers.

It is concluded that under present conditions there is no need for giving Class I priority to supplies from other markets.

5. *Class I price.* No change should be made in either the Class I price provisions of the order or the provisions relating to payments on milk received from other federally regulated markets.

Handlers proposed that the Class I price be reduced to the level of the Ozarks price plus 15 cents if the provisions relating to payments on milk from other Federal markets were deleted. There was no testimony at the hearing with regard to changing the payments on other Federal milk.

The fundamental Class I price problem in the Neosho Valley area is to establish an appropriate alinement of the class prices with those prevailing under the Ozarks and Oklahoma Metropolitan orders. (The Tulsa-Muskogee order was merged with the Oklahoma City order effective May 1, 1957. The Tulsa portion of the Oklahoma Metropolitan market is the most directly competitive portion of the combined marketing areas.) Neosho Valley handlers compete for producer supplies with handlers regulated under both the Ozarks and Oklahoma orders. Also, some Ozarks handlers distribute milk regularly on routes in the Neosho Valley area. In addition, some Neosho Valley handlers compete with Tulsa handlers in territory betweeen the two marketing areas. The Class I price differential over basic formula prices in the Ozarks market averages 91 cents, while the Oklahoma differential averages $1.85 (10 cents lower at Tulsa). The seasonal variation in these two markets is different and each is subject to a supply-demand adjustment. The Neosho Valley order provides an intermediate Class I differential, averaging $1.34, and an additional proviso that the Neosho price shall not exceed the higher or be below the lower of the Ozarks price plus 15 cents, or the Oklahoma price less 33 cents. This proviso became effective February 1, 1955. Usually the Ozarks price plus 15 cents, constitutes the minimum and the Oklahoma price less 33 cents, the maximum, although there have been three months within the past three years when the Ozarks price exceeded the Oklahoma price.

Joplin, Missouri, located in the southeastern portion of the Neosho Valley area, is the metropolitan area closest to Springfield, Missouri, the center of the Ozarks area. It is subject to the greatest competition with the Ozarks handlers. Consideration was given to the possibility of providing location adjustments within the Neosho area such that Class I prices at Joplin and other southeastern locations would be lower and the prices elsewhere in the market, particularly in the portions nearest to Tulsa, higher. However, the major handler in Joplin had lost a considerable number of shippers to Tulsa handlers and was purchasing substantial supplies of supplemental milk from Erie, Kansas. Obviously, while lower Class I prices in the Joplin territory might afford some sales advantage, there would also be procurement disadvantages. It was also developed that the distributor who competes most directly for sales with the Oklahoma handlers distributes throughout most of the Neosho Valley area. Any system of location adjustments within the market which provides a higher price at his plant would leave him at a competitive disadvantage on much of his in-area sales.

An amendment to the Neosho Valley order effective July 1, 1957, provided for location adjustments at plants located more than 50 miles from four named points. These location adjustments were made applicable to the computation of payments on milk received from other Federal order markets. At Springfield, Missouri, the principal point involved, the adjustment would amount to 12 cents per hundredweight. There was no testimony at the hearing either by Neosho Valley or Ozarks handlers regarding the rate of location adjustment. To that extent, therefore, it appears that they appropriately reflect transportation costs. Moreover, as previously indicated, none of the Ozarks handlers who had proposed modifying the Neosho Valley provisions regarding milk from other Federal order markets submitted proposals or testified at this hearing. Accordingly, it does not appear that there is any basis for changing the price provisions at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1958, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Neosho Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 14th day of April 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending Order Regulating Handling of Milk in Neosho Valley Marketing Area

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Revise § 928.8 (d) to read as follows:

(d) Any cooperative association, with respect to milk of producers (1) which it causes to be diverted to an unapproved plant for the account of such association; (2) delivered for its account to the approved plant of another cooperative association; and (3) for which it elects to report as a handler and which is delivered to the pool plant(s) of another handler in a tank truck owned, operated, or controlled by, such association (such milk shall be considered as having been received by the cooperative association at the plant to which it is delivered).

2. In § 928.11 change the phrase "or another handler in his capacity as the operator of a pool plant" to read "or another handler either in his capacity as the operator of an approved plant or as a cooperative association acting pursuant to § 928.8 (d)."

3. In § 928.30 (a) (1), delete the word "and" from subdivision (ii), change the period at the end of subdivision (iii) to a comma, and add the word "and", and add a subdivision (iv), as follows:

(iv) Milk received from a cooperative association pursuant to subparagraphs (2) and (3) of § 928.8 (d).

4. Delete § 928.46 (a) (3) and substitute therefor the following subparagraphs (3) and (4):

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received in other source milk other than that to be subtracted pursuant to subparagraph (4) of this paragraph;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing order issued pursuant to the act;

5. Renumber subparagraphs (4) and (5) of § 928.46 (a) as "(5)" and "(6)", respectively.

6. In § 928.70 change the citation "pursuant to § 928.46 (a) (5) or (b)" to read "pursuant to § 928.46 (a) (6) or (b)".

7. In § 928.71 delete the phrases "For each delivery period of September 1957 through February 1958 and for each delivery period of August through January thereafter" and substitute therefor the phrase "For each delivery period of August through January".

8. In §§ 928.72, 928.80, 928.81, 928.93, and 928.94 delete the phrases "the delivery periods of March 1958 through August 1958 and each of the delivery periods of February through July of each year thereafter," and substitute therefor the phrase "the delivery periods of February through July".

9. In § 928.80 delete the phrase "during the preceding delivery periods of September 1957 through December 1957 and preceding delivery periods of August through November of each year thereafter" and substitute therefor the phrase "during the preceding delivery periods of August through November".

10. In § 928.80 change the period to a colon and add the following: *"Provided,* That with respect to any producer on 'every-other-day' delivery the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 928.81: *And provided further,* That in the case of producers delivering milk to an approved plant which first qualifies as such during any month other than August, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his verifiable deliveries of milk to such plant during the period August through November immediately preceding."

11. In § 928.83 change "February 15" to "January 15."

12. Add a paragraph (c) to § 928.90, as follows:

(c) On or before the 17th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as a handler pursuant to § 928.8 (d), not less than the value of such milk as is classified pursuant to § 928.44 (a) at the applicable class prices.

[F. R. Doc. 58-2852; Filed, Apr. 16, 1958; 8:52 a. m.]

[7 CFR Parts 1002, 1009]

[Docket No. AO-268-A4]

MILK IN GREATER WHEELING, WEST VA. AND CLARKSBURG, WEST VA., MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wheeling, West Virginia, on February 14, 1958, pursuant to notice thereof issued on February 5, 1958 (23 F. R. 854).

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 28, 1958 (23 F. R. 2196), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of hearing relates to the supply-demand provisions of the Greater Wheeling and Clarksburg orders.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

There should be deleted the provisions whereby the Class I prices in these orders are adjusted by the supply-demand adjustment effective in the Cleveland order during the preceding month. The prices for Class I milk in each of the orders should be subject to adjustments based on the relationship of the supply of producer milk in the market to the volume of Class I milk at pool plants, excepting those pool plants which do not depend primarily on producer milk.

Under the Greater Wheeling and Clarksburg orders, the Class I prices are adjusted each month by the amount of Cleveland order supply-demand adjustment for the previous month. The lag of one month is due to the earlier announcement of prices in these markets than in the Cleveland market. The Cleveland supply-demand adjustment is based on the combined utilization of milk in the Cleveland and Akron-Stark County markets.

Dairymen's Co-Operative Sales Association, which represents producers in the Wheeling and Clarksburg markets, stated that the Cleveland supply-demand adjustment did not reflect marketing conditions in the West Virginia Federal order markets. They proposed that the Wheeling and Clarksburg Class I prices be adjusted each month according to the deviation from a "standard utilization percentage" of the ratio of combined producer receipts to Class I sales in the two markets. According to their proposal, a schedule of standard utilization percentages would be constructed based upon the relationship in 1956 and 1957 of producer receipts to Class I sales combined for both markets. Class I prices in both markets would be adjusted each month by an amount depending on the difference of the combined utilization in the two markets from the standard utilization percentages. This method of price adjustment would maintain the 25-cent differential between the markets.

Producers also requested immediate suspension of the provisions tying the Class I prices in these West Virginia markets to the supply-demand adjustment effective in Cleveland.

In orders suspending certain provisions of the Greater Wheeling and Clarksburg orders, issued February 25, 1958, the Acting Secretary found that the Cleveland supply-demand adjustment is not reflecting current conditions in these marketing areas. The provisos which adjust the Class I prices in these markets by the Cleveland supply-demand adjustment were suspended for March and April 1958.

Some handlers in the Wheeling market stated that Class I prices in Wheeling, at least, should not be adjusted pursuant to Cleveland's supply-demand adjustment. They proposed the adoption of a supply-demand adjustment with a standard utilization schedule based upon the relationship in each month of 1957 of producer receipts to Class I sales.

There is considerable difference in the levels of utilization in the Wheeling and Clarksburg markets and the Cleveland and Akron-Stark County markets. The average of the ratios of producer receipts to Class I sales used in the computation of the Cleveland supply-demand adjustment for the price months of February through December 1957 was about 131 percent, while the average of similar ratios for Wheeling and Clarksburg in plants receiving producer milk was about 118 percent. Production for the Cleveland and Akron-Stark County markets has been such as to reduce the Wheeling and Clarksburg Class I prices by 7 cents in December 1957, and 13 and 19 cents, respectively, in January and February 1958. The Cleveland supply-demand ratios for these months were 127, 130 and 133 percent, respectively. The supply-demand ratios in plants receiving producer milk computed for the same months for Wheeling and Clarksburg combined were 113, 115 and 116 percent, respectively. While the facts in the record show a need for maintaining a relationship with Cleveland and Akron-Stark County prices, it is also evident that prices in these markets could give better recognition to local supply-demand conditions.

The Wheeling and Clarksburg orders have now been in effect over two years, and the record gives a basis for constructing a schedule of standard supply based on the seasonal relationship of receipts and sales. However, use of such standard supply schedule as a basis for adjusting prices should give recognition to the necessity that Class I prices in Wheeling and Clarksburg must be aligned with prices in Cleveland and Akron-Stark County. During 1957, over 11 million pounds of Class I milk from Cleveland and Akron-Stark County plants were distributed in the Wheeling market, and over 6 million pounds of Wheeling Class I milk were distributed in Clarksburg.

A principal difference between the schedule of standard supply as proposed by producers and by handlers is that producers proposed higher normal percentages in the flush months than did handlers. The annual average of producers' proposed normals of about 1[illegible] percent is approximately 2 percent higher than the annual average of handlers' proposed normals.

The producer proposal would use a standard utilization schedule based on averaging the receipts and sales ratios in the same calendar months of 1956 and 1957. Production differed considerably in like months of these two years, partly because of favorable pasture in one year and drought conditions in the other. Because of the abnormal weather conditions affecting some of these periods, such an averaging of like months in the two years is likely to be misleading in developing an estimate of normal seasonal changes in production. The same difficulty could be expected in using utilization percentages experienced only in the year 1957, as proposed by handlers.

The standard utilization schedule developed herein is based on a reasonable level of supply in short production months with seasonal changes for other months. Producer and handler representatives testified that in the shortest production months a supply of producer milk equal to 110 percent of Class I disposition would be adequate to cover Class I sales and the necessary reserve. This figure is adopted herein as the minimum standard utilization percentage in the shortest month. The standard percentages to be used in other months should vary seasonally in recognition of the natural tendency for milk production to increase in spring months and decrease in late summer and fall. The seasonal pattern would tend to eliminate the effect of abnormalities of weather shown in the utilization figures for the last two years.

The standard utilization percentages for each month should provide a range of three points within which no price adjustments occur. This will recognize short-time variations in production and sales, and will guard against fluctuating plus and minus price adjustments unless there is a significant change in the relation of supplies to Class I needs.

The price adjustment for each month should be based upon the utilization figures for the first and second preceding months. Two months will give a more reliable indication of market conditions than a single month. The use of the first and second rather than the second and third preceding months in the computation of the supply-demand adjustment will provide a more timely indication of current marketing conditions.

Use of the first and second preceding months will require that the market administrator announce the Class I price somewhat later than currently indicated in the orders. Announcement of the Class I price on the 11th day of the month will allow adequate time for the market administrator to make the required computations.

The following table contains the standard utilization percentages for each two-month period and the corresponding month in which the price would be affected:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	116
February	December-January	115	118
March	January-February	115	118
April	February-March	115	118
May	March-April	118	121
June	April-May	130	133
July	May-June	137	140
August	June-July	127	130
September	July-August	113	116
October	August-September	110	113
November	September-October	110	113
December	October-November	113	116

Only receipts and Class I sales at regulated plants which depend primarily on milk from producers for their Class I needs should be included in the computation of standard utilization percentages. One handler regulated under the terms of the Wheeling order receives no milk from producers, but receives his entire supply from a plant regulated under another Federal order. It was suggested at the hearing that sales of such a plant be added into total sales of Wheeling handlers and that an equal volume be added into receipts for the purpose of computing a supply-demand ratio. This procedure would not give a true representation of supply-demand relations since it would not include the necessary reserve supply associated with the sales of such a plant, which is, in fact, being carried in the other Federal order market.

For purposes of price adjustments in these markets, a better representation of the supply of and demand for producer milk would be arrived at by taking the utilization of milk in those pool plants which obtain half or more of their supply from sources not regulated by another Federal order.

Provisions of the orders for these markets maintain the Clarksburg Class I price 25 cents per hundredweight over the Wheeling Class I price. During the past two years there have been, from time to time, considerable differences in the utilization in these two markets.

During 1956, Clarksburg producer receipts were approximately 113 percent of Class I sales, while in Wheeling, producer receipts were about 122 percent of Class I sales of plants receiving producer milk. For 1957, the average utilization percentage of the two markets was very close. During the months of November 1955 through June 1957, the ratios of producer receipts to Class I sales in the Wheeling market generally exceeded the similar ratios computed for the Clarksburg market. In each of the last seven months through January 1958, the ratio of producer receipts to Class I sales in the Clarksburg market has been higher than the ratio computed for the Wheeling market. The average of such ratios for Clarksburg was about 122 percent and the average for Wheeling was about 117 percent.

The average daily rate of production per Clarksburg producer in December 1957 was about 16 percent higher than in the same month a year ago. There were also 42, or 8 percent, more producers on the Clarksburg market in December 1957 than in December 1956. In the Wheeling market in December 1957, the average daily rate of production per farm was up about 8 percent, and 3 percent fewer producers shipped to the market as compared with December 1956.

It is therefore appropriate that these markets have separate supply-demand adjustments based on their individual utilizations.

The price adjustments in Wheeling should be limited by the relation to Cleveland in view of the inter-relation of supplies, and similarly, the price adjustments in Clarksburg should be limited by the relationship to Wheeling. Variation of the Clarksburg Class I price from the Wheeling order price should be restricted to an upper limit of the Wheeling Class I price plus 30 cents and a lower limit of the Wheeling Class I price plus 15 cents.

Producers proposed that the Wheeling Class I price be confined at its lowest limit to the Akron-Stark County Class I price and at the highest limit to the Akron-Stark County Class I price plus 30 cents. Wheeling's Class I differential is 15 cents higher than that effective in Akron-Stark County. Since the Akron-Stark County and Cleveland Class I prices for a particular month are announced approximately a month later than are Wheeling Class I prices, and there are seasonal price changes in all of the markets, limitation of the Wheeling Class I price for a specific calendar month based on the Akron-Stark County Class I price of the same month is not practical. However, a price relationship may be maintained by providing that the supply-demand adjustment in the Wheeling order for the current month cannot differ from the adjustment in the Cleveland order for the preceding month by more than plus or minus 15 cents. Such a method of limiting the Wheeling Class I adjustment and maintaining a relationship with the Cleveland and Akron-Stark County Class I prices is adopted.

A rate of price adjustment of 2 cents per point of variation of the actual utilization percentage from the standard percentage would be used in each order.

The supply-demand provisions in effect in the Wheeling and Clarksburg orders during the 10-month period of March through December 1957 resulted in an average plus adjustment of 3.4 cents. If the supply-demand adjustments herein contained had been in effect during this same 10-month period, the utilization percentages in the two markets would have resulted in an average plus adjustment of 2 cents in Wheeling and a plus adjustment of 1.3 cents in Clarksburg. In January and February 1958, the actual adjustments in the two markets were minus 13 cents and minus 19 cents, respectively. For the same two months, the adjustments pursuant to the decision herein contained would have been zero and minus 4 cents, respectively, in Wheeling; and minus 10 cents in both months in Clarksburg.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

One of the parties present at the hearing requested a continuance of the hearing in order to present additional testimony with respect to the proposal to revise the supply-demand formula. The motions for continuance were overruled by the presiding officer at the hearing, whereupon such request was renewed in a brief following the close of the hearing. The views expressed at the hearing and in the brief were carefully reviewed in the light of the evidence presented at the hearing. The rulings of the presiding officer are affirmed for the reasons stated by him in connection with his rulings.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions.[1] In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled, respectively, "Marketing Agreement regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area", "Order amending the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area", "Marketing Agreement regulating the handling of milk in the Clarksburg, West Virginia, marketing area", and "Order amending the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of February 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Clarksburg, West Viriginia, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of February 1958 is hereby determined to be the representative period for the conduct of such referendum.

William Kidd is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 14th day of April, 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary.

Order[1] Amending Order Regulating Handling of Milk in Greater Wheeling, West Va., Marketing Area

§ 1002.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in; a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

1. Delete § 1002.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1002.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add the amount for the month indicated:

Month	Amount
February, March, April, May, June, and July	[illegible]
All others	[illegible]

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That the result of the computation pursuant to this subparagraph shall be adjusted to an amount which does not differ by more than 15 cents from the "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the Cleveland, Ohio, Federal milk order (Part 975 of this chapter);

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentage	
		Minimum	Maximum
January	November-December	113	[illegible]
February	December-January	115	[illegible]
March	January-February	115	[illegible]
April	February-March	115	[illegible]
May	March-April	118	[illegible]
June	April-May	130	[illegible]
July	May-June	137	[illegible]
August	June-July	127	[illegible]
September	July-August	112	[illegible]
October	August-September	110	[illegible]
November	September-October	110	[illegible]
December	October-November	113	[illegible]

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order[1] Amending Order Regulating Handling of Milk in Clarksburg, West Va., Marketing Area

§ 1009.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

1. Delete § 1009.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1009.71 and 1009.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1009.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That the Class I price shall not be more than 30 cents in excess of, nor less than 15 cents in excess of, the Class I price effective for the same month under the terms of the Greater Wheeling Federal milk order (Part 1002 of this chapter):

(1) Add the amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.75
All others	2.20

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	116
February	December-January	115	118
March	January-February	115	118
April	February-March	115	118
May	March-April	118	121
June	April-May	130	133
July	May-June	137	140
August	June-July	127	130
September	July-August	113	116
October	August-September	110	113
November	September-October	110	113
December	October-November	113	116

[F. R. Doc. 58-2854; Filed, Apr. 16, 1958; 8:53 a. m.]

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1012]

[Docket No. AO-278-A1]

MILK IN BLUEFIELD MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Bluefield, West Virginia, on February 11, 1958, pursuant to notice thereof issued on January 23, 1958 (23 F. R. 538).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 28, 1958 (23 F. R. 2199), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The price for Class I milk.
2. The milk manufacturing plants from which prices should be obtained for formula purposes.
3. Definition of "producer" with respect to diversion.
4. Classification of shrinkage.
5. Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The price for Class I milk.* The Class I price differentials in the order should be continued for a period of 18 months.

The pricing provisions of the order were made effective November 1, 1956. For Class I milk, the differentials over the basic formula price of $1.45 for the months of April, May and June, $1.70 for the months of March and July, and $2.10 for the months of August through February were made effective only for the first 18 months of order pricing. It was contemplated at the time of order issuance that the Class I price provisions would be reviewed at a public hearing before the end of such 18-month period.

A producer association which represents a large percentage of the producers for this market proposed that the Class I price differential for each of the months of April, May and June should be $1.70, and that the differentials for the other months should be the same as now in the order. The producer association supported its proposal on the basis that supply of producer milk for the market is short, and other considerations largely related to price situations in surrounding markets. It was pointed out by the association that the proposed price change would make the Class I prices under the Bluefield order identical to the prices under the Appalachian order, and that this would remove some difficulty experienced by the association in attempting to transfer producers from the Appalachian to the Bluefield market. The association claimed that special state sanitation requirements have made it difficult to qualify new producers. About 15 members of the association left the market during the year, it was claimed, because of higher prices paid in some nearby markets not regulated under Federal orders. The association representative argued that the proposed prices would not be out of line with the prices being paid by handlers under the Tri-State order, considering the premiums paid by such handlers.

The association manager stated that 17 producers formerly on the Appalachian market had been induced to shift to the Bluefield market in the past year, but that further shifting of producers to this market was resisted because of the lower Class I price in April, May, and June.

The same Class I price proposal was supported by another producer association which has members in both the Bluefield and Tri-State markets.

The number of producers on the Bluefield market dropped from 324 in January 1957 to 271 in January 1958. Some of this change in number of producers came about because one plant serving the market was closed. Also, the change by some handlers to receiving only milk in bulk from farms with tanks resulted in some eliminations.

The total volume of producer milk has increased even though the number of producers is less. In November and December 1957 and January 1958, the percentages of increase over the same month a year previous were 10, 8 and 10 percent, respectively. The average production per producer increased from 432 pounds in January 1957 to 522 in January 1958.

During the year 1957, the supply of producer milk exceeded Class I needs only in the months of May, June, July, and December, and during the entire year the volume of producer milk was about 96 percent of the volume of handlers' Class I sales. In recent months, the ratio of producer milk to Class I sales has been running about 5 percent higher than a year earlier. Supplemental milk from other sources was needed by handlers in most months to cover Class I sales. Some of this milk came from plants regulated under the Appalachian order.

The relationship of the Appalachian market to the Bluefield market is principally in the overlapping of supply areas and movement of milk in bulk and packaged form from Appalachian to Bluefield plants. The supply of producer milk in the Appalachian market is more ample than the supply in the Bluefield market. During the last quarter of 1957, in the Appalachian market producer milk was about 122 percent of all Class I utilization of handlers as compared to the similar figure of about 98 percent in Bluefield. If all the reserve milk in the Appalachian market had been available for the Bluefield market, both markets would have had, in most months of 1957, an adequate supply. In the shortest supply month, the excess of Appalachian producer milk over Class I use in that market was approximately equal to the volume of other source milk used by Bluefield handlers.

Between the Tri-State and Bluefield markets there is overlapping of both supply systems and distribution systems. Tri-State plants in the Huntington district compete with Bluefield handlers in Kentucky areas, and a Tri-State plant in Athens, Ohio, distributes milk in some West Virginia and Kentucky counties in competition with Bluefield handlers. One Bluefield handler claimed that the major portion of his sales are in competition with Tri-State handlers.

Points in Pike County, Kentucky, where Bluefield and Tri-State handlers compete, are approximately 80 miles from Huntington, slightly over 100 miles from Bluefield, and about 70 miles from Welch, all in West Virginia.

During 1957, the Class I prices for 4 percent milk averaged 9 cents higher under the Bluefield order than under the Tri-State order in the Huntington district. (The standard test under the Bluefield order is 4 percent, and under the Tri-State order is 3.5 percent.) The annual average of the Class I differentials over the basic formula price is approximately $1.87 in the Bluefield order, and about $1.59 in the Tri-State order, Huntington district. The 28-cent difference in the average of the Class I price differentials was during 1957 to a large extent offset by the effect of the supply-demand adjustment under the Tri-State order, which added an average of 23 cents per hundredweight. Official notice is taken of public announcements by the administrator of the Tri-State order which show that for the first three months of 1958, the Tri-State supply-demand adjustment is zero.

Under the Tri-State order, the Class I prices in the Gallipolis-Scioto district and the Athens district are 10 cents and 20 cents less, respectively, in each month than the price for the Huntington district. The seasonal Class I price differentials in the Huntington district are $1.10 per hundredweight in April, May, June, and July, $1.55 in February, March, and August, and $2.00 for September through January.

Although the Bluefield market has continued to be short of an adequate year around supply of producer milk, the consideration of whether the price in April, May, and June should be increased as proposed by producers is affected, in a large part, by relationships with the Appalachian and Tri-State markets. A large part of the sales of Bluefield handlers are outside the marketing area in areas served also by Tri-State handlers. The Class I price under the Tri-State order, on an average basis, has been somewhat lower than the Bluefield average price, although in the latter part of 1957 the Tri-State price was the higher. In January, February and March 1958, however, the Tri-State Huntington price, on a 4-percent butterfat basis, was 9 cents, 61 cents, and 20 cents, respectively, less than the Bluefield Class I price. In April, May, and June, the Tri-State order Huntington Class I differential is 35 cents less than the Bluefield order differential. In view of the generally higher level of price under the Bluefield order and the fact that handlers under both orders serve a number of the same counties between the two marketing areas, an increase in price as proposed by producers would result in a misalignment of price relations between the two markets.

The relationship between the Bluefield and Appalachian markets does not require that the prices be identical in each month. Under the present pricing arrangement, reserve milk regularly moves from the Appalachian to the Bluefield market when the supply of Bluefield producer milk is not adequate. Because of this situation, handlers do not need to carry in Bluefield order plants a reserve supply of milk to cover variations in production and sales. In these circumstances, it is not necessary to raise the level of prices with the objective of obtaining a full year around supply from producers whose milk is priced under this order. It is concluded that no change should be made at this time in the Class I price differentials. In view of the variance in the price relationship between Bluefield and neighboring markets in recent periods, a longer history of market conditions and relationships is needed before a permanent system of pricing can be established. The seasonal price differentials now in the order should be extended for a period of 18 months.

2. *Manufacturing plants.* The list of manufacturing plants named in the order for the purposes of establishing a Class II price and also as one of the alternatives for the basic formula price should be changed by deleting the Pet Milk Company plants at Mayfield, Kentucky, and Bowling Green, Kentucky, and inserting the Kraft Foods Company plants at Independence, Virginia, and Greeneville, Tennessee.

A producer association proposed that the list of milk manufacturing plants used in arriving at the Class II milk price should be changed by deleting the Pet Milk Company plants at Bowling Green and Mayfield, Kentucky, and inserting in the list the Kraft Foods Company plants at Independence, Virginia, and Greeneville, Tennessee. The plant at Independence, Virginia, has been the association's outlet for surplus milk. Both of the plants proposed to be added to the list are considerably closer to the center of the milk production area for this market than the plants proposed to be deleted. Paying prices of these plants submitted on the record compare favorably with the average of prices paid by plants now in the list. The list now includes four Pet Milk Company plants. No Kraft Foods Company plants are in the list.

It is concluded that the deletion of the plants at Mayfield and Bowling Green and the substitution of the plants at Independence, Virginia, and Greeneville, Tennessee, would give a better representation of the price level for manufacturing milk in this area than would the present list.

A handler proposed the additional of the Carnation Company plant at Maysville, Kentucky. Information was not given as to the prices paid at that plant. The handler stated that it would be a convenient plant to which he could divert some of his producers. The appropriateness of this plant's prices as a basis for order prices was not established.

The handler also made a statement on the record to the effect that the classification provisions should be modified so that milk could be diverted to the Maysville plant and classified according to use. Such a diversion would now be classified as Class I milk because the plant is more than 200 miles from Bluefield. The matter of mileage limitation on the classification of diverted milk according to use was not within the scope of proposals contained in the hearing notice, or appropriate modifications thereof.

3. *Diversion of producers to nonfluid milk plants.* The definition of "producer" should be changed to allow diversion of a producer's milk to a nonfluid milk plant at any time during the year.

The present definition of "producer" in the order includes those farmers whose milk the handler diverts from the producer's farm directly to a nonfluid milk plant, subject to the restriction that such diversion for a producer shall not be more than 15 days of the month during any of the months of August through March.

Handlers under the Bluefield order do not have facilities for manufacturing surplus milk. Accordingly, surplus milk is for the most part diverted to unregulated manufacturing plants. Although the present order restrictions on diversion have not caused any difficulty, largely due to the fact that supply of producer milk in most months has been very close to, or less than, the amount of Class I sales, the changes in rate of production indicated elsewhere in this decision may result in greater need for diversion in the future. It was pointed out by the proponent association that an equalization of supplies between the Appalachian and Bluefield markets would also bring about a need for more frequent use of diversion to nonfluid milk plants, and that it is more economical to divert a few producers for an entire month than to shift the diversion operation among groups of producers so as to stay within the limitation.

Under the Appalachian order, diversion may be used by a handler at any time. Under both the Bluefield and Appalachian orders, the term "handler" is limited to operators of approved plants, and accordingly diversion is not performed by any farmers' cooperative association which is not operating an approved plant. There are not now any plants in the Bluefield market operated by a cooperative association.

In view of the close relationship between the supply of milk and Class I sales, and the individual handler pooling arrangement which makes each handler responsible for the amount of reserve milk he carries, there is no need to continue the present 15-day limit on diversion, and its elimination would enhance orderly marketing. The proposal is adopted.

4. *Classification of shrinkage.* The classification of shrinkage should be modified.

The order now provides for proration of shrinkage between Class I and Class II milk. The amount of shrinkage to be so prorated is limited to 2 percent of the amount of butterfat and skim milk in producer milk (excepting diverted milk) and other source milk. The proration between Class I milk and Class II milk is on the basis of the volume of milk accounted for as Class I milk (excluding shrinkage) and the volume of milk accounted for as Class II milk for specific product uses, not including livestock feed, dumped skim milk or inventory. This proration includes milk diverted to nonfluid milk plants.

Milk assigned to Class II by this procedure is then further prorated between producer and other source milk.

A producer association proposed that the Class II milk volume used in the proration of shrinkage should include also the volumes accounted for as livestock feed and dumped skim milk, but not diverted milk. The association witness pointed out that the weight of diverted milk accounted for by the handler is the number of pounds weighed in by the operator of the nonfluid milk plant to which milk is diverted.

A handler proposal made at the hearing was that the classification of shrinkage of producer milk should be allowed in Class II up to 2 percent of the volume of producer milk. It was also pointed out that under the Tri-State order, a similar allowance for shrinkage classification exists, and that Bluefield order handlers and Tri-State order handlers compete in areas between the markets.

The proration of shrinkage between Class I and Class II milk in this market, which has a high percentage of producer milk used in Class I, results in shrinkage being largely a Class I cost to the handler. It is apparent that actual milk loss would occur very largely in connection with Class I milk processing. The shrinkage provisions apply uniformly to all handlers under the order and, thus, do not result in inequity between handlers. The difference from shrinkage provisions under other orders, particularly those orders under which handlers compete with Bluefield handlers, is only part of the problem of alignment of prices. As between the Bluefield and Appalachian orders, the shrinkage provisions are closely similar; as between the Tri-State and Bluefield orders, the more important factor in comparative Class I costs is the difference between the Class I price formulas.

With respect to diverted milk, since such milk is not part of the handler's plant operations, it should not be a basis for proration of plant shrinkage. Skim milk used for livestock feed or dumped should be included with other Class II usage in proration of shrinkage.

5. *Miscellaneous and conforming changes.* The proviso in § 1012.80, which refers to the computation of producer bases for the specific period of April through July 1957, is no longer needed and should be deleted. For the same reason, the proviso in § 1012.82 (a) should be deleted. The computation of producer bases under § 1012.80 should be clarified by specifying that milk received from the producer during the preceding months of September of the prior year through February of the current year shall be used in the computation of the bases to be used in months of the current year.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Bluefield Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Bluefield Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Bluefield marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 14th day of April 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary.

Order[1] *Amending Order Regulating Handling of Milk in Bluefield Marketing Area*

§ 1012.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Bluefield marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Bluefield marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

1. Delete § 1012.11 and substitute the following:

§ 1012.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

2. Delete § 1012.42 (c) and substitute the following:

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk which is Class II milk in the case of butterfat and skim (excluding that in milk diverted pursuant to § 1012.11 and shrinkage determined pursuant to paragraph (a) of this section) classified pursuant to § 1012.41 (a) and (b) (1), (2) and (3). The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

3. Delete § 1012.51 (a) and substitute the following:

(a) *Class I milk price.* For each month, ending with and including the month of October 1959, the Class I milk price shall be the basic formula price for the preceding month, plus $1.45 during the months of April, May and June; plus $1.70 during the months of March and July; and plus $2.10 during the months of August, September, October, November, December, January, and February.

4. In § 1012.51 (b) (1), delete the list of plants and substitute the following:

Company and Location

Pet Milk Company, Greeneville, Tenn.
Pet Milk Company, Abingdon, Va.
Carnation Company, Galax, Va.
Carnation Company, Murfreesboro, Tenn.
Carnation Company, Statesville, N. C.
Borden Company, Lewisburg, Tenn.
Borden Company, Chester, S. C.
Kraft Foods Company, Independence, Va.
Kraft Foods Company, Greeneville, Tenn.

5. Delete § 1012.80 and substitute the following:

§ 1012.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months beginning with September of the preceding year and through February of the current year, by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

6. Delete § 1012.82 (a) and substitute the following:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months beginning with September of the preceding year through February of the current year.

[F. R. Doc. 58-2853; Filed, Apr. 16, 1958; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 12393; FCC 58-343]

LAND TRANSPORTATION RADIO SERVICES

POWER AND ANTENNA HEIGHT

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Section 16.106 of Part 16 of the Commission's rules, Land Transportation Radio Services, now specifies the maximum plate power input to the final radio frequency stage which will be authorized the transmitting equipment of stations operating on frequencies in the 30–100 and 100–220 Mc ranges. It further states that the maximum authorized plate power input to the final radio frequency stage of any transmitter operated on a frequency above 220 Mc will be specified in the station authorization in each case.

3. The Commission has recently made frequencies in the range 450–460 Mc available in these services on a regular, rather than on a developmental, basis. Accordingly, it appears appropriate to specify in the above section the power limitation to be applied, on a uniform basis, to stations operating on frequencies in that range. Additionally, since radio signals in the range 450–460 Mc are transmitted with substantially optical properties, it appears unnecessary to permit the use of transmitting power greater than that which will provide adequate signal strength at the theoretical (4/3 earth) horizon from a reasonable antenna height. After consideration of all factors known to it, the Commission has concluded that a maximum plate input power of 60 watts to the final radio frequency stage of a transmitter operated

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

on a frequency in the range 220–500 Mc appears to be adequate in these services. The amendment to § 16.106 proposed herewith is based on that conclusion.

4. Accordingly, the Commission proposes to amend the table appearing in § 16.106 (b) of its rules, to read as follows:

	Maximum plate power input to the final radio stage (watts)
Frequency:	
30–100 Mc	500
100–220 Mc	120
220–500 Mc	60
Above 500 Mc	([1])

[1] To be specified in the station authorization.

5. Authority for the amendment herein proposed is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before July 1, 1958, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 9, 1958.

Released: April 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2841; Filed, Apr. 16, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming-059321]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 10, 1958.

In accordance with authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147), it is ordered as follows:

The order dated December 7, 1926, establishing Stock Driveway Withdrawal No. 181, Wyoming No. 30, pursuant to the provisions of section 10 of the act of Congress approved December 29, 1916 (39 Stat. 862), is revoked only insofar as it pertains to the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 107 W.,
  Sec. 19, Lots 3, 4, E½NW¼, NE¼SW¼;
  Sec. 20, Lots 2, 3, and 4.

The areas described total 328.85 acres of public lands.

These lands are located in Eastern Sublette County, southeast of Boulder, Wyoming. The topography gently slopes northwest towards the main channel of the East Fork River. Vegetative cover is mainly sagebrush with an understory of native grasses and the lands are accessible from an existing county road. Elevation at Pinedale, Wyoming, north of these lands is 7,175 feet. Portions of the lands may be susceptible to cultivation under irrigation.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not become subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract laws by qualified Veterans of World War II or of the Korean Conflict and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 21, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 20, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 20, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based on valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-2821; Filed, Apr. 16, 1958; 8:45 a. m.]

[Offer No. 18, B-26248]

COLORADO

SMALL TRACT OFFER

1. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), I hereby offer the following described public lands for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 91 W.,
  Sec. 36, lots 11, 12, 16, 17, 18, 19, 23, 25, 27, 28, and 29, N½NW¼NE¼, W½SW¼NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, W½NW¼SW¼NE¼, SW¼SW¼SW¼NE¼, S½SE¼SW¼NE¼, N½SE¼NW¼, SW¼SE¼NW¼, W½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, and E½NW¼SW¼,

containing 161.60 acres subdivided into 38 small tracts.

2. The lands are located approximately three miles east of Buford, Colorado, with access from State Highway 132. The topography is moderately to steeply sloping but areas suitable for building sites are numerous. The vegetation consists of conifers, aspen, mountain browse, and associated shrubs, grasses and weeds. The North Fork of the White River flows southwesterly across the northwest quar-

ter of section 36. None of the tracts touch the River. There is no public bridge across the North Fork of the White River in the vicinity of these lands. Streams originating from springs located at higher elevations to the southeast across the land. Access by automobile is available to most portions of the subject land. Electricity is available from a power line in the area.

3. The individual tracts vary in size from 2.50 acres to 5.04 acres, and all are square or rectangular in shape. An unofficial plat showing the approximate location of each tract within the area classified can be obtained by writing to the Manager, Colorado Land Office, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado. The appraised value of the tracts varies from $400 to $1,600 per tract, as shown below. The tracts will be sold subject to all rights of way of record, and rights of way 25 feet in width for road purposes and for public utilities will be reserved along all sides of each tract in accordance with 43 CFR 257.17 (b). All minerals in the land are reserved to the United States.

Reference No.	Description of tract	Acres	Appraised value
	SIXTH PRINCIPAL MERIDIAN, COLORADO		
	T. 1 N., R. 91 W., Sec. 36		
	Lot 11	3.55	$1,000
	Lot 12	3.55	1,000
	Lot 16	5.02	1,000
	Lot 17	5.03	1,400
	Lot 18	2.52	800
	Lot 19	2.52	850
	Lot 23	5.04	600
	Lot 25	4.85	1,200
	Lot 27	4.84	1,200
	Lot 28	4.84	1,300
	Lot 29	4.84	1,200
30	E½NE¼NW¼NE¼	5	1,375
31	NW¼NE¼NW¼NE¼	2.5	750
32	SW¼NE¼NW¼NE¼	2.5	750
33	NE¼NW¼NW¼NE¼	2.5	750
34	NW¼NW¼NW¼NE¼	2.5	950
35	SW¼NW¼NW¼NE¼	2.5	1,000
36	SE¼NW¼NW¼NE¼	2.5	850
37	NW¼SW¼NW¼NE¼	2.5	1,000
38	SW¼SW¼NW¼NE¼	2.5	900
39	N½SE¼NW¼NE¼	5	1,000
40	S½SE¼NW¼NE¼	5	1,200
41	E½NE¼SW¼NE¼	5	1,200
42	W½NE¼SW¼NE¼	5	1,500
43	W½NW¼SW¼NE¼	5	1,300
44	SW¼SW¼SW¼NE¼, SE¼SE¼SE¼NW¼	5	1,000
45	S½SE¼SW¼NE¼	5	1,000
46	N½NE¼SE¼NW¼	5	900
47	S½NE¼SE¼NW¼	5	600
48	N½NW¼SE¼NW¼	5	900
49	S½NW¼SE¼NW¼	5	500
50	W½SE¼SE¼NW¼	5	1,200
51	E½SW¼SE¼NW¼	5	400
52	W½SW¼SE¼NW¼	5	400
53	N½NE¼NW¼SW¼	5	1,200
54	S½NE¼NW¼SW¼	5	1,200
55	N½SE¼NW¼SW¼	5	1,200
56	S½SE¼NW¼SW¼	5	1,200

4. Veterans preference rights in accordance with the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) were provided for by Small Tract Classification No. 18 (22 F. R. 4865), dated July 2, 1957. This sale is therefore open to the general public irrespective of qualifications upon which veterans preference is based.

The above described tracts will be sold at public auction at a public sale to be held at Denver, Colorado, in Room 383, New Custom House, at 10:00 a. m., July 16, 1958. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Colorado Land Office, Denver, Colorado, prior to 10:00 a. m., July 15, 1958. No sealed bid will be accepted if it is less than the appraised value of the lot. Sealed bids will be opened in the presence of the public in Room 367, New Custom House, Denver, Colorado, beginning at 10:00 a. m. on July 15, 1958. A list of the highest sealed bids received for each lot will be posted for public inspection at the sale. Sealed bids must be in units of $10. Oral bidding will be in increments to be announced at the sale. See paragraph 3 for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show: (a) The name and mailing address of the bidder; (b) Offer No. 18; and (c) the number of the lot for which the bid is made, described in accordance with paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. Bids for separate lots must be enclosed in separate envelopes but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must be addressed to the Manager, Colorado Land Office, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Offer No. 18"; and (c) the reference number and aliquot part description or the lot number for which the bid is made, described in accordance with paragraph 3 above. Sender's name and return address should be shown on the reverse side of the envelope.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral the bidder will be required to make payment for the tract at the close of the bidding, and a personal check will be acceptable for this purpose. Any person who is declared high bidder for any tract will automatically be disqualified for consideration of other tracts at the sale unless he is an agent acting for one or more persons.

8. Inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and should be accompanied by a stamped, self-addressed envelope.

J. ELLIOTT HALL,
Lands and Minerals Officer.

APRIL 8, 1958.

[F. R. Doc. 58-2820; Filed, Apr. 16, 1958; 8:45 a. m.]

[Utah (I-10)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL [illegible] RESERVATION OF LANDS

APRIL 8, 1958.

An application, Serial No. Utah [illegible], for the withdrawal from location and entry under the General Mining Laws, but not the Mineral Leasing Laws, of the lands described below, subject to valid existing rights, was filed March 21, 1958, by the U. S. Department of Agriculture.

The purpose of the proposed withdrawal is to protect an area of considerable scenic attraction and archaeological interest. The area includes the sites of five well-preserved Moki Indian cliff-dwellings, but has not been thoroughly explored and additional cliff-dwellings are likely present. Access roads, parking areas, and public camp and picnic grounds are planned that the attractions may be made available to the public.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

MANTI-LA SAL NATIONAL FOREST

Hammond Canyon Archaeological and Scenic Area

T. 36 S., R. 20 E.,
  Sec. 28: S½SW¼;
  Sec. 29: S½S½;
  Sec. 30: Lot 4, SE¼SW¼, S½SE¼;
  Sec. 31: Lot 1, N½NE¼, NE¼NW¼;
  Sec. 32: N½N½;
  Sec. 33: N½NW¼.

Total area 800.19 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 58-2822; Filed, Apr. 16, 1958; 8:46 a. m.]

Bureau of Reclamation

[Public Announcement 26, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALES OF FULLTIME FARM UNITS

APRIL 8, 1958.

Public announcement of the sale of farm units in the South Columbia Basin

Irrigation District, Columbia Basin Project, Washington, dated October 18, 1956, and published in the FEDERAL REGISTER at 21 F. R. 8826, is amended as follows:

Section 1 is deleted in its entirety and the following substituted therefor.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p. m., November 16, 1956.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

(1) *Group A.* Farm units for which the purchase price combined with the estimated cost of development is moderate:

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
18	4	186.0	118.1	14.9	99.5	3.7	67.9	$4,854.90
	68	112.3	78.9	27.8	19.7	31.4	33.4	5,979.00
	164	148.9	93.1	80.2	10.3	2.6	55.8	7,709.60
	188	210.9	119.8	0.5	108.6	10.7	91.1	4,003.70

(2) *Group B.* Farm units for which the purchase price combined with the estimated cost of development is relatively high: (Some of the units in this group have a lower combined price and cost of development but are substantially limited to the production of hay and pasture.)

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
11	24	129.6	78.3	----------	66.1	12.2	51.3	$36,137.20
18	16	101.1	91.1	89.5	1.6	----------	10.0	31,275.20
	31	86.4	72.7	56.3	16.4	----------	13.7	9,962.60
	114	119.4	87.2	----------	76.7	10.5	32.2	7,892.60
	163	126.7	93.4	55.2	38.2	----------	33.3	10,199.30
	165	105.5	90.9	88.0	2.9	----------	14.6	9,167.30
	166	102.9	91.6	90.8	0.8	----------	11.3	9,188.40
	168	109.2	104.5	88.2	16.3	----------	4.7	11,570.90
	169	105.1	99.0	93.8	5.2	----------	6.1	10,896.10
	172	111.2	101.6	----------	101.6	----------	9.6	10,169.60
	173	102.2	94.5	52.1	42.4	----------	7.7	9,646.50
	174	104.9	91.4	32.0	59.4	----------	13.5	8,956.10
	175	106.9	88.5	----------	86.5	2.0	18.4	7,782.80
	176	109.0	98.8	----------	97.8	1.0	10.2	8,549.80
	186	150.7	136.6	36.9	96.6	3.1	14.1	13,861.30
	187	219.7	123.7	----------	70.8	52.9	96.0	2,986.70
	189	248.8	118.2	63.5	46.9	7.8	130.6	5,617.00
	190	150.3	127.2	103.0	24.2	----------	23.1	12,803.10
	198	153.2	128.2	62.2	66.0	----------	25.0	14,828.00
	199	135.5	125.5	91.7	19.2	14.6	10.0	17,703.20
	200	113.0	105.5	50.2	36.4	18.9	7.5	10,102.00
	201	123.3	114.8	68.5	43.6	2.7	8.5	11,582.10
	202	114.9	113.9	49.2	58.3	6.4	1.0	13,487.00
	203	116.3	109.3	61.2	34.1	14.0	7.0	10,953.80
	204	105.1	90.9	81.3	9.6	----------	14.2	10,967.80
	205	120.7	108.5	79.5	29.0	----------	12.2	13,049.00
	206	140.0	120.2	27.0	58.7	34.5	19.8	12,186.20
	207	114.7	99.2	20.4	61.5	17.3	15.5	9,152.30

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the South Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1957 irrigation season, such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Franklin County in Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

Section 2 is deleted in its entirety and the following substituted therefor.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that no farm unit shall be sold to, and no contract to sell a farm unit shall be entered into with any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act or then owns a farm unit within the Columbia Basin Project, except those whose farm units have been acquired by the United States for exchange purposes. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

Section 7 is amended as follows:

Subsection 7d is renumbered 7e and the following included as Subsection 7d.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

Section 8 is deleted in its entirety and the following substituted therefor.

SEC. 8. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washintgon; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

Section 16 is amended as follows:

Subsection 16f is renumbered 16h and two new subsections are added as follows:

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 15 and the land sale contract has been executed by the contracting officer for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs and assigns, will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 58-2824; Filed, Apr. 16, 1958; 8:46 a. m.]

[Public Announcement 25, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

APRIL 8, 1958.

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated October 18, 1956, and published in the FEDERAL REGISTER at 21 F. R. 8822, is amended as follows:

Section 1 is deleted in its entirety and the following substituted therefor.

Section 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p. m., November 16, 1956.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566).

The farm units hereby offered for sale by the United States are in Franklin County, Washington, and are listed in two categories described as follows:

a. *Group A.* Farm units for which the purchase price combined with the estimated cost of development is moderate:

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
14	1	113.2	99.2		99.2		14.0	$5,966.00
	60	112.5	95.0	2.1	92.1	0.8	17.5	5,985.40
	89	106.8	87.2	3.1	84.1		19.6	5,405.50
	113	112.2	102.7	64.6	36.1	2.0	9.5	6,175.10
	114	104.6	91.4	65.0	21.1	5.3	13.2	5,535.00
	115	196.1	135.3		127.8	7.5	60.8	5,965.10
	132	114.9	104.0	85.0	18.1	0.9	10.9	6,841.10
18	146	100.2	86.7	50.2	21.8	14.7	13.5	6,722.40
	160	90.3	80.7	65.0	15.7		9.6	6,148.50
	183	122.7	111.4	34.9	70.7	5.8	11.3	7,295.70

b. *Group B.* Farm units for which the purchase price combined with the estimated cost of development is relatively high: (Some of the units in this group have a lower combined price and cost of development but are substantially limited to the production of hay and pasture.)

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
13	41	193.0	118.8	24.1	69.3	25.4	74.2	$2,400.15
14	2	119.3	104.9		104.9		14.4	6,308.40
	7	156.6	123.5		122.2	1.3	33.1	8,003.20
	28	99.9	93.3		93.3		6.6	4,890.60
	41	129.4	119.5	.2	119.3		9.9	8,146.50
	48	102.7	96.1		94.0	2.1	6.6	6,253.10
	55	137.4	109.5		101.4	8.1	27.9	5,713.50
	57	113.6	98.2	49.9	47.8	0.5	15.4	6,518.10
	62	129.2	110.8		99.2	11.6	18.4	6,940.00
	73	147.8	125.4	56.9	61.9	6.6	22.4	7,660.70
	74	131.9	94.1	12.3	69.3	12.5	37.8	5,978.10
	78	181.3	114.2		112.5	1.7	67.1	6,716.70
	79	136.8	118.8	46.0	64.0	8.8	18.0	7,668.30
	90	154.7	101.9	63.1	35.3	3.5	52.8	7,056.10
	92	178.5	95.3		38.8	56.5	83.2	3,878.80
	95	162.9	132.0		121.1	10.9	30.9	6,797.40
	96	149.9	122.0		104.2	17.8	27.9	6,933.20
	97	134.4	123.2		77.5	45.7	11.2	6,838.50
	98	158.7	122.9		88.9	34.0	35.8	6,360.80
	99	148.2	121.7		37.5	84.2	26.5	5,006.10
	100	122.6	104.3		83.7	20.6	18.3	6,377.10
	101	162.2	114.1	7.7	90.6	15.8	48.1	7,366.60
	102	141.6	113.2	6.9	91.0	15.3	28.4	7,038.20
	103	217.3	143.7		94.6	49.1	73.6	7,049.50
	104	136.2	119.7		58.5	61.2	16.5	6,047.40
	105	120.0	107.5	20.3	69.7	17.5	12.5	6,504.80
	106	146.3	124.9	25.9	54.2	44.8	21.4	7,587.90
	107	141.9	134.6		97.9	36.7	7.3	8,101.80
	108	146.5	122.2		118.3	3.9	24.3	7,521.90
	110	170.2	140.7	14.0	106.5	20.2	29.5	8,625.40
	111	120.9	110.1	63.8	39.4	6.9	10.8	6,425.80
	112	161.6	142.2	5.0	109.1	28.1	19.4	8,616.20
	116	123.7	101.4	75.1	24.2	2.1	22.3	4,855.90
14	117	194.0	118.5	87.3	31.2		75.5	$7,775.00
	118	144.0	119.6		114.1	5.5	24.4	7,901.00
	119	182.5	139.6		138.3	1.3	42.9	9,366.30
	120	108.4	97.6	1.2	92.5	3.9	10.8	6,377.30
	121	160.7	142.8	27.8	115.0		17.9	9,361.10
	122	138.2	123.9	58.3	60.6	5.0	14.3	11,285.70
	123	167.1	113.2	54.5	58.0	0.7	53.9	7,822.30
	124	162.7	129.1	74.0	51.2	3.9	33.6	7,389.70
	125	124.4	114.1	31.5	82.6		10.3	6,900.40
	126	132.4	122.0		122.0		10.4	7,387.10
	127	124.4	114.5	44.4	63.9	6.2	9.9	7,510.90
	128	162.3	138.9		137.0	1.9	23.4	8,423.10
	129	207.7	139.1		129.7	9.4	68.6	8,137.60
	130	148.1	135.2	6.9	128.3		12.9	8,186.10
	131	127.2	111.1	56.2	49.4	5.5	16.1	6,746.00
	133	138.2	101.7		96.5	5.2	36.5	5,392.40
15	203	113.6	94.8		70.2	24.6	18.8	$5,489.90
16	56	226.0	129.0		103.1	25.9	97.0	3,059.25
	177	176.2	111.4		79.1	32.3	64.8	2,110.85
	179	206.9	99.1		98.1	1.0	107.8	2,261.85
	182	187.2	115.3	4.9	89.0	21.4	71.9	2,227.80
	264	211.2	102.7		56.9	45.8	108.5	6,247.70
	268	130.0	110.2	2.3	81.1	26.8	19.8	2,254.05
	269	133.3	93.2		69.2	24.0	40.1	2,163.10
18	119	159.2	126.2	1.4	81.9	42.9	33.0	6,556.30
	124	98.3	95.5	23.8	51.9	19.8	2.8	5,744.80
	129	139.6	93.9	12.6	67.1	14.2	45.7	7,099.60
	130	141.0	107.2		69.0	38.2	33.8	7,207.40
	145	162.8	129.3	11.8	110.3	7.2	33.5	7,045.70
	150	156.0	99.0	36.3	39.3	23.4	57.0	8,115.00
	156	130.7	124.1	73.3	34.3	16.5	6.6	7,839.90
	157	181.9	99.8	15.5	48.0	36.3	82.1	6,722.30
	158	159.5	83.4	5.0	60.4	18.0	76.1	4,348.80
	178	177.1	126.5		105.6	20.9	50.6	7,970.00
	179	194.8	138.8		88.3	50.5	56.0	6,689.90
	180	189.8	146.0		75.8	70.2	43.8	4,733.40
	181	188.5	148.2		98.5	49.7	40.3	4,722.10
	182	155.3	123.1	16.7	55.6	50.8	32.2	6,383.40
	208	248.9	144.5		79.4	65.1	104.4	7,237.20
	209	231.3	132.8		75.6	57.2	98.5	6,832.30
	210	206.7	156.8	56.6	45.4	54.8	49.9	9,796.30
	212	148.7	117.5	38.9	74.1	4.5	31.2	9,479.20
19	82	191.2	131.6		14.3	117.3	59.6	2,497.10
	89	111.0	93.2	33.6	34.8	24.8	17.8	3,870.80
	135	240.4	108.7		60.9	47.8	131.7	4,389.90

The official plats of these irrigation blocks are on file in the office of the County Auditor of Franklin County in Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

Section 2 is deleted in its entirety and the following substituted therefor.

Sec. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that no farm unit shall be sold to, and no contract to sell a farm unit shall be entered into with any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act or then owns a farm unit within the Columbia Basin Project, except those whose farm units have been acquired by the United States for exchange purposes. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

Section 7 is amended as follows:

Subsection 7d is renumbered 7e and the following included as Subsection 7d.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

Section 8 is deleted in its entirety and the following substituted therefor.

Sec. 8. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation at Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

Section 16 is amended as follows:

Subsection 16f is renumbered 16h and two new subsections are added as follows:

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 15 and the land sale contract has been executed by the contracting officer for the United States, except that if a farm unit is under lease when sold, possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs and assigns, will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 58-2823; Filed, Apr. 16, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 246]

RUDY-PATRICK SEED CO.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Rudy-Patrick Seed Company, 1212 West Eighth Street, Station A, Kansas City 1, Missouri, respondent; Case No. 246.

The respondent, Rudy-Patrick Seed Company, was charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, which charge alleged in general that it had engaged in a joint venture with Northrup, King & Co. of Minneapolis, Minnesota, and R. W. Gunson (Seeds) Ltd., of London, England, and that said joint venture, with knowledge that seeds acquired by it from the United States Department of Agriculture might not be sold and transshipped to Soviet Bloc destinations without prior approval from the United States Department of Commerce, nevertheless did sell and transship quantities of such seeds to such destinations without first obtaining such required approval. (See 23 F. R. 1153.) Respondent was duly served with the charging letter and duly appeared herein.

In accordance with the provisions of § 382.10 of the Export Regulations, with the agreement of the Investigation Staff, it has submitted to the Compliance Commissioner a proposal for the issuance of a consent order, substantially in the form hereof. The Compliance Commissioner has reviewed the facts of this case and the proposal, has approved the proposal, has reported the facts to the undersigned, who has, in turn, accepted the same.

Now, after reviewing and considering the entire record of this case and the Compliance Commissioner's report, I hereby make the following findings of fact.

1. At all times hereinafter mentioned, the respondent, Rudy-Patrick Seed Company, was and now is engaged in the wholesale seed business, both domestic and export, in Kansas City, Missouri.

2. In the latter part of 1955 and in January 1956, the Rudy-Patrick Seed Company entered into a joint venture with Northrup, King & Co. and R. W. Gunson (Seeds) Ltd. for the purpose of acquiring large quantities of seeds from the Commodity Credit Corporation, an agency of the United States Department of Agriculture, which seeds were contemplated by the joint venture to be sold in various parts of the world outside the United States of America.

3. At some time prior to the exportation from the United States of the seeds involved herein, Rudy-Patrick Seed Company and its coadventurers became informed and knew that seeds so purchased by them might not be sold and transshipped to various Soviet Bloc destinations without prior approval by the United States Department of Commerce and that it was the general policy of this Department to deny applications for validated licenses to make exportations for that purpose.

4. In December 1955, the joint venture, acting through Northrup, King & Co., purchased about one thousand tons of seeds from the Commodity Credit Corporation and, prior to the exportation thereof from the United States, R. W. Gunson (Seeds) Ltd., acting on behalf of the joint venture, made sales of portions thereof to purchasers in Czechoslovakia and East Germany.

5. Prior to the exportation of such seeds from the United States, Rudy-Patrick Seed Company became informed that such sales had been made but, having such knowledge, remained silent, took no steps to prevent the happening of the events hereinafter set forth, and continued as a participant in the joint venture.

6. In furtherance of the objective of said joint venture, Northrup, King & Co. thereafter exported said seeds from the United States, R. W. Gunson (Seeds) Ltd. received them in due course at Rotterdam and Hamburg and thence sold and transshipped the greater portion thereof to purchasers in Czechoslovakia and East Germany.

7. Said exportations were made from the United States and said seeds were sold and transshipped to persons in Soviet Bloc destinations without prior license or approval from the United States Department of Commerce; and the members of said joint venture all participated therein and said acts were performed with knowledge that such approval and license were required and with the intention not to make known to the United States Department of Commerce the true ultimate destination and not to apply for such approval and license.

8. In connection with the said exportations and for the purpose of accomplishing them on behalf of the joint venture, shipper's export declarations were filed with the United States Collector of Customs, at the Port of Stockton, California, in which declarations it was knowingly and falsely stated that the ultimate destinations of the seeds being exported thereunder were the Netherlands, West Germany, and England.

And, from the foregoing, the following are my conclusions:

A. Rudy-Patrick Seed Company knowingly permitted the doing of acts prohibited by and the omission of acts required by the Export Control Law and the regulations issued thereunder, thus violating § 381.2 of the Export Regulations.

B. Rudy-Patrick Seed Company knowingly participated with its coadventurers, Northrup, King & Co. and R. W. Gunson (Seeds) Ltd., in exportations from the United States knowing that with respect to the whole or part thereof, violations of the Export Control Act and regulations had occurred, were about to occur, and were intended to occur, thus violating § 381.4 of the Export Regulations.

Now, after careful consideration of the entire record and being of the opinion that the proposal for this consent order should be accepted and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. For the period of one year commencing April 15, 1958, except as qualified in Part III hereof, respondent hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which it may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without further order of the Bureau of Foreign Commerce, one month after April 15, 1958, the respondent shall have its export privileges restored to it conditionally, the condition for such restoration being that, until April 14, 1959, it shall comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

IV. The privileges so conditionally restored to the respondent may be revoked summarily and without notice to it upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that at any time after April 15, 1958, it has knowingly failed to comply with any condition set forth in Part III hereof, in which event a supplemental order shall be entered against it, which order shall deny all export privileges to it for eleven months following the entry of such supplemental order. The entry of such supplemental order shall not prevent the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, the respondent shall have the right to appeal therefrom, as provided in the export regulations.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondent or related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with the respondent or any related party, or (c) do any of the foregoing acts with respect to any exportation in which the respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: April 14, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-2836; Filed, Apr. 16, 1958; 8:49 a. m.]

Federal Maritime Board

ALCOA STEAMSHIP CO., INC., ET AL.

NOTICE OF CANCELLATION OF AGREEMENT

Notice is hereby given that by order dated April 7, 1958, the Federal Maritime Board approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 4610-A, approved January 2, 1936, between Alcoa Steamship Company, Inc., and United Fruit Company, members of the United States Atlantic and Gulf Ports—Jamaica (B. W. I.) Steamship Conference, and J. S. Webster & Sons, recording the undertaking of J. S. Webster & Sons to maintain the rates on lumber from United States Gulf ports to Kingston, Jamaica, and Jamaican outports, as established by the conference, in return for being permitted to participate in conference contracts with shippers of lumber. This agreement was cancelled inasmuch as J. S. Webster & Sons no longer operate as a common carrier of lumber in the trade covered by the agreement.

Dated: April 14, 1958.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2840; Filed, Apr. 16, 1958; 8:50 a. m.]

AERO-MARINE FORWARDING CO. ET AL.

NOTICE TO SHOW CAUSE WHY CERTAIN FREIGHT FORWARDER REGISTRATIONS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 10th day of April 1958, the Board entered the following order:

Whereas, the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR 244):

Name	Reg. No.	Date issued
Aero-Marine Forwarding Co. (Miami) (Francis X. Ronan, dba)	2005	4-12-56
Dominguez Company (New York) (Charles Junod Dominguez, dba)	2000	4- 2-56
Elar Enterprises (New York) Leon Reichert, dba)	2016	5- 7-56
Greenbaum, Seymour or Helen (Atlanta, Ga.)	1947	11-15-55
Haake, Warren (Jersey City, N. J.)	1837	2-25-55
M & A Forwarding Company (New York) (Anthony G. Auciello, dba)	1879	6- 7-55
Mid-Continent Forwarding Co., Inc. (New Orleans)	1992	8- 7-56
Stanford Company (New York) (B. W. Stanford, dba)	1431	2- 5-52
Paramount Shipping Company (New York) (Mary Stabile, dba)	1611	4-14-53
Transportation Sales Company (Jersey City, N. J.)	1812	12-16-54

Whereas, the Board has by registered letters requested these registrants to furnish certain information in connection with their forwarding operations, pursuant to § 244.3 of General Order 72; and

Whereas, registered letters sent to the last two registrants have been returned by the post office as undeliverable, and the Board is unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas, the other registrants named above have failed to respond to registered letters in violation of General Order 72; now, therefore,

It is ordered, That the above named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated, and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify the registrant by letter to be sent by registered mail to the last known address of the registrant; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: April 14, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2839; Filed, Apr. 16, 1958; 8:49 a. m.]

[Docket No. 834]

ANCHOR LINE, LTD., ET AL.

NOTICE OF INVESTIGATION AND OF HEARING

In the matter of agreement No. 8400, between Anchor Line Limited, the Bristol City Line of Steamships Ltd., et al.

On April 7, 1958, the Federal Maritime Board entered the following order:

It appearing that pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814) an agreement has been filed for approval, which has been assigned Federal Maritime Board Agreement No. 8400, between Anchor Line Limited, The Bristol City Line of Steamships Ltd., Canadian Pacific Railway Company, The Cunard Steam-Ship Co. Ltd., Ellerman's Wilson Line Limited, Furness, Withy & Co. Limited, Manchester Liners Ltd., and The Ulster Steamship Company Ltd.; and

It further appearing that a notice of the filing of said agreement was published in the FEDERAL REGISTER on January 18, 1958 (23 F. R. 349); and

It further appearing that a petition requesting an investigation and hearing and disapproval of Agreement No. 8400 has been filed on behalf of the three members of the Great Lakes-United Kingdom Westbound Conference (operating under Agreement No. 8140 approved under section 15 of said act), in which it is alleged that Agreement No. 8400, if approved, would result in a situation detrimental to the commerce of the United States; now therefore

It is ordered, That the request of the aforementioned protestants for a hearing is granted and that an investigation is hereby instituted by the Board on its own motion pursuant to section 22 of the Shipping Act, 1916 (46 U. S. C. 821) to determine whether operation under Agreement No. 8400 will be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States within the meaning of section 15 of said act;

It is further ordered, That this order be published in the FEDERAL REGISTER, and that a copy of such order be served upon each of the respondents; and

It is further ordered, That a copy of such order be furnished the protestants; and

It is further ordered, That this proceeding be assigned for hearing before an examiner of the Hearing Examiners' Office at a date and place to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5 (n) (46 CFR 201.74) of said rules.

Dated: April 14, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2838; Filed, Apr. 16, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9214]

AMERICAN AIRLINES, INC.; NEW YORK-SAN FRANCISCO NONSTOP CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of that portion of the application of American Airlines, Inc. severed from Docket No. 5903 by Order No. E-12103 which would authorize it to provide nonstop service between New York/Newark and San Francisco/Oakland.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 29, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., April 11, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2850; Filed, Apr. 16, 1958; 8:51 a. m.]

[Docket No. 9223]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the unrealistic schedules filed and published by National Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding heretofore assigned to be held on April 23, 1958, is hereby postponed to May 26, 1958, at 10:00 a. m. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., April 10, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2851; Filed, Apr. 16, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12309; FCC 58M-379]

VIDEO INDEPENDENT THEATRES, INC. (KVIT)

ORDER CONTINUING HEARING

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

As stated at the Oral Argument held today: *It is ordered*, This 11th day of April 1958, that the hearing now scheduled for April 15, 1958, is further continued to May 5, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: April 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2842; Filed, Apr. 16, 1958; 8:50 a. m.]

[Docket No. 12344 etc.; FCC 58M-376]

L. E. U. BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of L. E. U. Broadcasting Co., Erie, Pennsylvania, Docket No. 12344, File No. BPCT-2362; The Jet Broadcasting Company, Inc., Erie, Pennsylvania, Docket No. 12345, File No. BPCT-2388; WERC Broadcasting Corporation, Erie, Pennsylvania, Docket No. 12346, File No. BPCT-2402; for construction permits for new television broadcast stations (Channel 66).

The Hearing Examiner having under consideration a joint oral request from the three applicants for continuance of the hearing conference and hearing proper;

It appearing that there is no urgent necessity for an immediate commencement of the hearing and that the Broadcast Bureau expressed no opposition to the requested continuance; and

It further appearing that there is a hearing conference currently scheduled for April 17 at 2:00 p. m. and the commencement of hearing is scheduled for May 12, 1958;

It is ordered, This 10th day of April 1958, that the hearing conference is continued from April 17 to May 20, 1958, at 10:00 a. m. and the hearing scheduled for May 12, 1958, is continued indefinitely.

Released: April 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2843; Filed, Apr. 16, 1958; 8:50 a. m.]

[Docket No. 12363; FCC 58M-370]

OSCAR GALJOUR

ORDER SCHEDULING HEARING

In the matter of Oscar Galjour, P. O. Box 788, Aransas Pass, Texas, Docket No. 12363; order to show cause why there should not be revoked the license for Radio Station WB-8045 aboard the vessel "Buddy Boy."

It is ordered, This 10th day of April 1958, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 12, 1958, in Washington, D. C.

Released: April 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2844; Filed, Apr. 16, 1958; 8:50 a. m.]

[Docket Nos. 12388, 12389; FCC 58-328]

MID-AMERICA BROADCASTERS, INC., AND MUTUAL BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mid-America Broadcasters, Inc., San Francisco, California, Docket No. 12388, File No. BPH-2325; Mutual Broadcasting System, Inc., San Francisco, California, Docket No. 12389, File No. BPH-2329; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of April 1958;

The Commission having under consideration the above-captioned applications of Mid-America Broadcasters, Inc., and the Mutual Broadcasting System, Inc., for construction permits for new Class B FM broadcast stations in San Francisco, California, to operate on 95.7 megacycles (Channel No. 239);

It appearing that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated January 24, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants amended their applications with respect to the facilities to be installed but not with respect to frequency so that the problem of mutually destructive interference still remains; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on these applications is necessary; and

It further appearing that the Mutual Broadcasting System, Inc., proposes to mount the FM antenna on the antenna structure of Station KFRC (AM); and

It further appearing that the Mutual Broadcasting System, Inc., proposes a Gates, Type No. BF-10E, 10-Kw transmitter which has not been type accepted by the Commission; and

It further appearing that the Mutual Broadcasting System, Inc., proposes a General Radio, Type No. 1185B, frequency and modulation monitor which has not been type accepted by the Commission; and

It further appearing that the effective radiated power of 39.77 kilowatts proposed by the Mutual Broadcasting System, Inc., will not be obtained with the facilities proposed;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of the Mutual Broadcasting System, Inc., the construction permit shall contain a condition requiring that Station KFRC shall receive permission from the Commission to determine power of KFRC by the indirect method during installation of the FM antenna and rechecking resistance of the tower after the installation has been completed, and submitting Forms 302 for KFRC in the event of a change in resistance of the tower.

It is further ordered, That in the event of a grant of the application of the Mutual Broadcasting System, Inc., the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That in the event of a grant of the application of the Mutual Broadcasting System, Inc., the construction permit shall contain a condition requiring the installation of an approved type of frequency and modulation monitor.

It is further ordered, That in the event of a grant of the application of the Mutual Broadcasting System, Inc., the construction permit shall specify an effective radiated power of 37 kilowatts with a transmitter power output of 10 kilowatts.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2845; Filed, Apr. 16, 1958; 8:50 a. m.]

[Docket Nos. 12388, 12389; FCC 58M-373]

MID-AMERICA BROADCASTERS, INC. AND MUTUAL BROADCASTING SYSTEM, INC.

ORDER SCHEDULING HEARING

In re applications of Mid-America Broadcasters, Inc., San Francisco, California, Docket No. 12388, File No. BPH-2325; Mutual Broadcasting System, Inc., San Francisco, California, Docket No. 12389, File No. BPH-2329; for construction permits (FM Facilities).

It is ordered, This 10th day of April 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 16, 1958, in Washington, D. C.

Released: April 11, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2846; Filed, Apr. 16, 1958; 8:51 a. m.]

[Docket Nos. 12390, 12391; FCC 58M-374]

KWG BROADCASTING CO. AND VALLEY BROADCASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of KWG Broadcasting Company, Stockton, California, Docket No. 12390, File No. BPH-2348; Valley Broadcasters, Inc., Stockton, California, Docket No. 12391, File No. BPH-2354; for construction permits (FM Facilities).

It is ordered, This 10th day of April 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 16, 1958, in Washington, D. C.

Released: April 11, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2847; Filed, Apr. 16, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2242]

CITY OF EUGENE, OREG.

NOTICE OF APPLICATION FOR LICENSE

APRIL 11, 1958.

In the matter of City of Eugene, Oregon, by and through its Eugene Water & Electric Board; Project No. 2242.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by the City of Eugene, Oregon, by and through its Eugene Water & Electric Board, for license for a proposed hydroelectric development, known as the Carmen-Smith Project, designated as Project No. 2242, to be located on the McKenzie River and its tributary Smith River, in Lane and Linn Counties, Oregon, and affecting lands of the United States within the Willamette National Forest.

The proposed project will comprise the Carmen Diversion Dam on the McKenzie River consisting of a low earth-fill dike about 3,200 feet long with a rock-fill crib spillway with initial crest of elevation 2,612 feet creating a reservoir containing about 300 acre-feet of pondage extending upstream to within one-quarter mile of the Middle Falls; a diversion tunnel about 11,500 feet long with an intake on Carmen reservoir and discharging into the forebay of Smith River dam; the Smith River dam—a rock-fill dam about 215 feet high located just above the mouth of Bunchgrass Creek, on Smith River, with spillway crest at elevation 2,600 feet and creating a reservoir or forebay to provide gross storage of about 13,000 acre-feet; a power tunnel about 7,800 feet long from Smith River Reservoir; a surge tank; a steel penstock, 1,050 feet long; Carmen powerhouse containing two 37,000 horsepower turbines each connected to a 25,000 kva generator; a substation; the Trail Bridge Dam —a rock-fill dam about 90 feet high on McKenzie River creating a reregulating reservoir with normal pool elevation 2,068 feet providing about 1,800 acre-feet of pondage; a powerhouse as an integral part of the dam containing one 6,650 horsepower turbine connected to a 6,250 kva generator; a 14-kv transmission line from Trail Bridge plant to the Carmen substation; a 115-kv transmission line from Carmen substation to the Cougar switchyard, a distance of 19 miles; and appurtenant facilities.

The application states that upon receipt of a license for the Carmen-Smith Project, applicant will voluntarily surrender its license for Beaver March Project No. 2059.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 26, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2827; Filed, Apr. 16, 1958; 8:47 a. m.]

[Docket No. G-14222 etc.]

AMERADA PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 11, 1958.

In the matters of Amerada Petroleum Corporation, Docket No. G-14222; Transcontinental Gas Pipe Line Corporation, Docket No. G-14340; Transcontinental Production Company, Operator, et al., Docket No. G-14343.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), Amerada Petroleum Corporation (Amerada) and Transcontinental Production Company, Operator, et al. (Transco Production), filed separate applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities necessary for receiving and transporting natural gas and authorizing the sale of natural gas in interstate commerce for resale as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Transco in its application filed on January 28, 1958, in Docket No. G-14340, seeks authorization to construct and operate two meter stations, a dehydration station, and appurtenances together with approximately 1,800 feet of field lines to extend from the proposed meter stations to two wells in the Mission Bridge area, Victoria County, Texas, for the purpose of receiving natural gas into its interstate transmission facilities produced in said area by Amerada and Transco Production.

The estimated total initial cost of the proposed facilities of Transco is $20,000, which cost will be financed from company funds.

Amerada and Transco Production[1] on January 10, 1958 in Docket No. G-14222 and January 28, 1958, in Docket No. G-14343, respectively, filed applications seeking authority to sell natural gas in interstate commerce to Transco from production as described above, to be made pursuant to separate gas sales contracts dated November 25, 1957, and October 18, 1957, respectively. The latter contract is amended by supplemental agreement dated January 14, 1958.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2828; Filed, Apr. 16, 1958; 8:47 a. m.]

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[1] Transco Production filed on its own behalf and as operator on behalf of Paul Dougherty and Gentry Kidd, non-operating co-owner.

[Docket Nos. G-14517, G-14655]

ARKANSAS LOUISIANA GAS CO. AND TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 11, 1958.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-14517; Texas Illinois Natural Gas Pipeline Company, Docket No. G-14655.

Take notice that on February 19, 1958, Arkansas Louisiana Gas Company (Arkansas Louisiana) filed in Docket No. G-14517 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale and delivery of up to 40,000 Mcf of natural gas per day between April 1 and November 30, 1958, but not over a total of 8,000,000 Mcf during this period, to Texas Illinois Natural Gas Pipeline Company (Texas Illinois), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Delivery is to be made at the existing interconnection between the two systems located in Harrison County, Texas, where Arkansas Louisiana's 16-inch Line F-185 crosses the 30-inch main transmission line of Texas Illinois. The subject gas is to come from Arkansas Louisiana's reserves in the Willow Springs and Hallsville Fields in Texas.

On March 12, 1958, Texas Illinois filed in Docket No. G-14655 its companion application for a certificate of public convenience and necessity authorizing the operation of an existing tap connection on its main transmission line in Harrison County, Texas, for the purchase and receipt of natural gas from Arkansas Louisiana, all as more fully set forth in the application which is also on file with the Commission and open to public inspection.

It is stated that "minimum take" provisions in Arkansas Louisiana's gas purchase obligations sometimes exceed the demands on its system and the sale of surplus gas to Texas Illinois as it becomes available during the off-peak season will prevent paying for gas not actually taken.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2829; Filed, Apr. 16, 1958; 8:47 a. m.]

[Docket No. G-14824]

STEVENS COUNTY OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 11, 1958.

The Stevens County Oil & Gas Company (Stevens County) on March 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated March 1, 1958. (2) Notice of Change, undated.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: (1) Supplement No. 9 to Stevens County's FPC Gas Rate Schedule No. 20. (2) Supplement No. 10 to Stevens County's FPC Gas Rate Schedule No. 20.

Effective date: April 14, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Stevens County filed a copy of the agreement in which the seller and buyer agree to the increased price as a result of the price being arbitrated to 12.0 cents per Mcf between Northern Natural Gas Company and Cities Service Oil Company (another producer).

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 9 and 10 to Stevens County's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 9 and 10 to Stevens County's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 14, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2830; Filed, Apr. 16, 1958; 8:47 a. m.]

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[1] Redetermination by arbitration of rate increase from 11.0 cents to 12.0 cents per Mcf.

[Docket No. G-14826]

W. H. HELMERICH, III, ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 11, 1958.

W. H. Helmerich, III, et al. (Helmerich), on March 17, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[2] dated March 1, 1958. (2) Notice of Change, dated March 13, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: (1) Supplement No. 9 to Helmerich's FPC Gas Rate Schedule No. 2. (2) Supplement No. 10 to Helmerich's FPC Gas Rate Schedule No. 2.

Effective date: April 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Helmerich filed a copy of the agreement in which the seller and buyer agree to the increased price as a result of the price being arbitrated to 12.0 cents per Mcf between Northern Natural Gas Company and Cities Service Oil Company (Cities Service), another producer. In addition, Helmerich incorporates by reference the support submitted by Cities Service for its increase to the effect that the proposed price is just and reasonable and is lower than the present market value for equivalent gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 9 and 10 to Helmerich's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 9 and 10 to Helmerich's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 17, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2831; Filed, Apr. 16, 1958; 8:48 a. m.]

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[2] Renegotiation by arbitration of increase of base rate of 12.0 cents per Mcf.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 334]

ATOMIC ENERGY COMMISSION

DELEGATION OF AUTHORITY REGARDING CONTRACT FOR ELECTRIC UTILITY SERVICE

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated to the United States Atomic Energy Commission to enter into a contract in accordance with section 201 (a) (3) of the act, for a period not exceeding ten years for the purchase of electric utility services, not to exceed an additional maximum demand of 30,000 kilowatts, for the use

of the Idaho Operations Office of the Commission at the National Reactor Testing Station.

2. The delegation of authority shall be subject to all provisions of section 201 and Title III of the said act with respect to such contract, and to all provisions of law.

3. The authority delegated herein may be redelegated to any contracting officer or official of the Commission.

4. The Commission shall file a copy of said contract, and any amendment thereto, with the General Services Administration, as soon as practicable after the execution thereof.

5. This delegation of authority shall be effective as of the date hereof.

FRANKLIN FLOETE,
Administrator.

APRIL 10, 1958.

[F. R. Doc. 58-2837; Filed, Apr. 16, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3687]

JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FILING OF APPLICATION

APRIL 10, 1958.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), a public utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application regarding a proposal by Jersey Central to issue and sell to banks $12,500,000 of notes; and has specified section 6 (b) of the act as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Jersey Central, during a period of two years from the date of the Commission's Order granting this application, will issue and sell, prepay, and reissue from time to time its promissory notes, not to exceed an aggregate face amount of $12,500,000 at any one time outstanding, to the following banks in the amounts indicated:

Irving Trust Co., New York, N. Y.	$6,000,000
Bankers Trust Co., New York, N. Y.	4,500,000
Fidelity Union Trust Co., Newark, N. J.	1,800,000
The Summit Trust Co., Summit, N. J.	200,000
Total	12,500,000

Although the Credit Agreement with the above banks will permit Jersey Central to issue and reissue promissory notes thereunder with maturities up to four years from the date of the Commission's order herein, Jersey Central proposes that except pursuant to a further order or orders of the Commission issued in respect of a subsequent application, or amendment to this application, filed with the Commission by the company it will not (a) issue and sell under said Credit Agreement any promissory note having a maturity later than a date two years from the Commission's order herein or (b) reborrow under said Credit Agreement the amount evidenced by any note or notes issued thereunder which shall have been paid from the proceeds of other securities issued by it. Notes issued pursuant to authority granted by the Commission in respect of the instant application will bear interest at the prime commercial rate of Irving Trust Company on the dates of issuance, and will be prepayable in whole or in part without premium unless such prepayment is effected from the proceeds, or in anticipation, of any bank borrowing (other than under the Credit Agreement) made by the company within two months of such prepayment, in which event a premium will be payable equal to ½ of 1 percent of the principal amount of notes prepaid. Jersey Central will pay a commitment fee for two years from the date of the Commission's order herein computed on a daily basis equal to ¼ of 1 percent per annum on the unutilized balance of the commitment; the company may reduce or terminate the commitment upon five days prior notice.

The proceeds from the proposed borrowings are to be used by Jersey Central to finance its post-1957 construction program, or to repay its treasury for expenditures made for that purpose, or to repay notes the proceeds of which have been used for that purpose.

The application states that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed transactions, that an appropriate order of that Commission will be supplied for the record by amendment, and that no other State or Federal Commission, excepting this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions are estimated as follows:

Board of Public Utility Commissioners of New Jersey	$500
Legal fees and expenses	3,750
Printing	750
Miscellaneous expenses	1,000
Total	6,000

Notice is further given that any interested person may, not later than April 25, 1958, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application as filed, or as it may hereafter be amended, may be granted, as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its rules under the act as provided by Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2833; Filed, Apr. 16, 1958; 8:48 a. m.]

[File No. 70-3689]

METROPOLITAN EDISON CO.

NOTICE OF FILING OF APPLICATION

APRIL 10, 1958.

Notice is hereby given that Metropolitan Edison Company ("Meted") a public utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application and an amendment thereto regarding a proposal by Meted to issue and sell to banks $12,500,000 of notes; and has specified section 6 (b) of the act as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Meted, during a period of two years from the date of the Commission's order granting this application, will issue and sell, prepay, and re-issue from time to time its promissory notes, not to exceed an aggregate face amount of $12,500,000 at any one time outstanding, to the following banks in the amounts indicated:

The First National City Bank of New York	$5,500,000
The Marine Midland Trust Co. of New York	5,000,000
Fidelity-Philadelphia Trust Co.	1,200,000
Berks County Trust Co., Reading, Pa.	800,000
Total	12,500,000

Although the Credit Agreement with the above banks, under which the notes are to be issued, will permit Meted to issue and reissue promissory notes thereunder with maturities up to four years from the date of the Commission's order herein, Meted proposes that except pursuant to a further order or orders of the Commission issued in respect of a subsequent application, or amendment to this application, filed with the Commission by the company it will not (a) issue and sell under said Credit Agreement any promissory note having a maturity later than a date two years from the Commission's order herein or (b) reborrow under said Credit Agreement the amount evidenced by any note or notes issued thereunder which shall have been paid from the proceeds of other securities issued by it. Notes issued pursuant to authority granted by the Commission in respect of the instant application will bear interest at the prime commercial rate of The First National City Bank of

New York on the dates of issuance, and will be prepayable in whole or in part without premium unless such prepayment is effected from the proceeds, or in anticipation, of any bank borrowing (other than under the Credit Agreement) made by the company within two months of such prepayment, in which event a premium will be payable equal to ½ of 1 percent of the principal amount of notes prepaid. Meted will pay a commitment fee for two years from the date of the Commission's order herein computed on a daily basis equal to ¼ of 1 percent per annum on the unutilized balance of the commitment; the company may reduce or terminate the commitment upon five days prior notice.

The proceeds from the proposed borrowings are to be used by Meted (a) to reimburse its treasury, in part, for construction expenditures made prior to January 1, 1958, and (b) to finance its post-1957 construction program, or to repay its treasury for expenditures made for that purpose, or to repay notes the proceeds of which have been used for that purpose.

The application states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions, that an appropriate order of that Commission will be supplied for the record by amendment, and that no other State or Federal Commission, excepting this Commission, has jurisdiction over the proposed transactions.

The fees and expenses, including legal fees, to be incurred by Meted in connection with the proposed transactions are estimated at not to exceed $4,500.

Notice is further given that any interested person may, not later than April 25, 1958, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application as filed, or as it may hereafter be further amended, may be granted, as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its rules under the act as provided by Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2834; Filed, Apr. 16, 1958; 8:48 a. m.]

[File No. 811-618]

UNIVERSAL FUND, INC.

NOTICE OF FILING OF APPLICATION

APRIL 11, 1958.

Notice is hereby given that Universal Fund, Inc. ("Applicant") of Chicago, Illinois, a Delaware corporation and a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("act"), has filed an application pursuant to section 8 (f) of the act for an order declaring that it has ceased to be an investment company.

Applicant registered under the act as an investment company on December 29, 1952 following sale of its assets consisting of industrial buildings located in Chicago, Illinois. The dissolution and liquidation of Applicant was approved by a vote of its stockholders on January 25, 1954.

Following sale of all of Applicant's assets, cash in the aggregate amount of $344,226.92 was available for distribution to the 314 holders of its 33,280 outstanding shares of stock and for the payment of liquidation expenses.

Cash in the amount of $335,339 has been distributed to shareholders and $8,098.92 has been paid toward liquidating expenses. The remaining amount of $789.00 will be paid to shareholders upon surrender of outstanding certificates or, if such certificates are not surrendered, in accordance with Applicant's certificate of incorporation, such sum will be applied toward unpaid expenses of liquidation.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 25, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2832; Filed, Apr. 16, 1958; 8:48 a. m.]

FE

TITLE 6—AG

Chapter III—Fa tration, Depa

Subchapter G—

[Administra

PART 383—

DEFIN

Section 383.3 eral Regulations vised to redefine follows:

§ 383.3 *Quali ing loan.* * * *

(b) *Farm.* F a farm includes or more tracts o plicant and op farm which is i and annually v commodities for have a gross va based on 1944 p

(Sec. 510, 63 Stat.

Dated: April

[SEAL]

Farmer

[F. R. Doc. 58–

TITLE 7

Chapter VII— tion Serv Quotas an Departmen

PAR

SUBPART—WHEA LATIONS FOR YEARS

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 77

Washington, Friday, April 18, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Miscellaneous Regulations

[Administration Letter 559 (444)]

PART 383—FARM HOUSING LOANS

DEFINITION OF FARM

Section 383.3 (b), Title 6, Code of Federal Regulations (21 F. R. 3477), is revised to redefine a farm and to read as follows:

§ 383.3 *Qualifications for Farm Housing loan.* * * *

(b) *Farm.* For purposes of this part, a farm includes the total acreage of one or more tracts of land owned by the applicant and operated as an individual farm which is in agricultural production and annually will produce agricultural commodities for sale and home use which have a gross value of not less than $400 based on 1944 prices.

(Sec. 510, 63 Stat. 437; 42 U. S. C. 1480)

Dated: April 14, 1958.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-2878, Filed, Apr. 17, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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AUTHORITY: §§ 728.850 to 728.895 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. [illegible], 331–338, 362–368, 372–374, 376, 52 Stat. [illegible], as amended, 52–55, as amended, 62–64, as amended, 65, as amended, 66, as amended, 55 Stat. 203, as amended, sec. 106, 70 Stat. 191; 7 U. S. C. 1301, 1331–1338, 1340, [illegible]–1368, 1372–1374, 1376, 1824.

GENERAL

§ 728.850 *Basis and purpose.* The regulations contained in §§ 728.850 to

728.895, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the following provisions for the 1958 and subsequent crops of wheat: Identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of wheat as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess wheat by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by wheat producers and handlers; and special provisions and exemptions applicable to farms on which 15 acres or less of wheat are planted, to farms on which the normal production of the wheat acreage is less than 200 bushels, to wheat produced by publicly owned experiment stations, to wheat grown on Federal and State wildlife refuge farms, and to farms where all the wheat crop is fed or used for seed or food on the farm. The regulations in §§ 728.850 to 728.895 will remain in effect until amended, superseded or suspended. Prior to preparing §§ 728.850 to 728.895, inclusive, public notice (22 F. R. 6994, 23 F. R. 118, 1604) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or recommendations pertaining to the regulations in §§ 728.850 to 728.895, inclusive, were received pursuant to such notices. Since 1958 wheat acreages are now being measured in some sections of the country and since farmers should be informed as soon as possible of these measured acreages and of the final dates by which their wheat acreages in excess of their farm allotments may be adjusted to such allotments, it is hereby found that compliance with the effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations herein shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

§ 728.851 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee, or the person acting in such capacity.

(f) "Committees":

(1) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(3) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(g) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(h) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(j) "Producer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the wheat crop or of the proceeds thereof.

(k) "Landlord" or "owner" means a person who owns land.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(n) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(o) "Buyer" means a person who buys wheat.

(p) "Intermediate buyer" means any buyer or transferee who purchases or acquires any wheat prior to the time the wheat purchased or acquired has been marketed either (1) to a warehouseman, elevator operator, feeder, or processor, or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or elevator operator.

(q) "Transferee" means a person who acquires wheat from a producer or any other person by barter, exchange or gift.

(r) "Crop year" means the calendar year in which the wheat crop is harvested or would, under normal conditions, be harvested.

(s) "Marketing year" means the period beginning July 1 and ending June 30 of the following year, both dates inclusive.

(t) "Farm" means farm as defined in the regulations governing determination of acreage and performance (Part 718 of this chapter) and any amendments thereto.

(u) "Farm acreage allotment" means the wheat acreage allotment established for the farm in accordance with applicable regulations.

(v) "Wheat acreage" means any acreage planted to wheat, and any acreage of volunteer wheat which reaches maturity, excluding any acreage (1) of a wheat mixture in wheat-mixture counties, or of a mixture of other grains and wheat in non-wheat-mixture counties which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (Part 26 of this title); (2) of wheat cover crop; (3) of wheat grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station; (4) of wheat grown by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm; (5) in case of a delayed notice of excess acreage of wheat, of unharvested wheat plowed or disced under within 15 days after such notice has been mailed to the operator of the farm; and (6) of unharvested wheat seeded in excess of the allotment which is completely destroyed by some cause beyond the control of the operator (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county (as determined under § 728.855), or (ii) within 15 days after a delayed notice of the acreage of wheat is mailed to the operator of the farm. Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat and poulard wheat.

(w) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment.

(x) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is, while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county as prescribed in § 728.855.

(y) "Wheat mixture" means a mixture of wheat and other small grains which (1) when seeded, contained less than 50 percent of wheat by weight, and (2) when harvested, produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity. The seeding of any acreage of flax, Austrian winter peas, rough peas, and vetch with wheat or a mixture of wheat and other small grains will disqualify this acreage from the classification of wheat mixture. Volunteer infestations of flax, Austrian winter peas, rough peas or vetch will not change the classification of a crop otherwise qualifying as a wheat mixture. Such volunteer flax, vetch and peas shall be excluded in determining the percentage of wheat and other small grains in a mixture.

(z) "Wheat mixture counties" means counties in the commercial wheat-producing area in which the seeding of wheat mixtures is a normal farming practice determined to be as follows: All counties in the States of Alabama, Arkansas, Georgia, Kentucky, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and Wisconsin; in the State of Idaho the counties of Ada, Bannock, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Ninidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls and Washington; in the State of Oregon the counties of Benton, Clackamas, Douglas, Lane, Linn, Malheur, Marion, Polk, Washington and Yamhill; and in the State of West Virginia, Monroe County.

(aa) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.853.

(bb) "Normal production" of any number of acres of wheat on a farm means the normal yield for the farm times such number of acres.

(cc) "Farm marketing quota" means the wheat marketing quota established for the farm under § 728.858.

(dd) "Farm marketing excess" means the amount of wheat determined for any farm under § 728.859 or § 728.862, whichever is applicable.

(ee) "Penalty" means the penalty referred to in § 728.872.

(ff) "Actual yield" means the number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm by the wheat acreage on the farm.

(gg) "Actual production" of any number of acres of wheat on a farm means the actual average yield per acre for the farm times such number of acres.

(hh) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be so disposed of:

(1) The terms "marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(2) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift. The penalty on excess wheat is due regardless of what use is made of the excess wheat.

(3) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or any other commodity, service, or property, in cases where the value of the wheat or such other commodity, service, or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(4) The term "gift" means any transfer of title to wheat accompanied by delivery of the wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

§ 728.852 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. Such forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 728.853 *Normal yields*—(a) *Farms for which normal yields will be determined.* The county committee will determine a normal yield for each farm for which a farm marketing excess is required to be determined for any crop year, for each farm for which it is necessary to establish a normal yield to determine whether the farm falls within the 200 bushel exemption as provided in § 728.890, for each farm for which a request is made to the county committee by the operator either prior to or after seeding, and for each farm as required for the purposes of the provisions of § 728.879 (h) and (i). Determinations of farm normal yields shall be documented in a manner approved by the State committee and such determinations shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved by or on behalf of the State committee.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield per harvested acre for all of the ten calendar years immediately preceding the calendar year in which the yield is determined are available to the county committee, the normal yield per acre of wheat for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) *Appraised yields.* If for any year of such 10-year period records of the actual average yield are not available, or there was no actual yield, the normal yield per harvested acre of wheat for the farm shall be appraised by the county committee, taking into consideration abnormal weather conditions during such 10-year period, the normal yield for the county, and the yields in years for which data were available. Where conditions affecting the production of wheat are not uniform within the county and the normal yield for the county is not representative of the normal yield for the farm, the county committee in appraising the normal yield for the farm shall also take into consideration the yields obtained on farms in the same locality which are similar with respect to types of soil, topography and farming practices associated with the production of wheat.

(d) *Irrigated and nonirrigated yields.* Where irrigated and nonirrigated wheat are produced on the same farm, a separate normal yield shall be established for each classification on the basis of the applicable factors in paragraph (b) or (c) of this section (paragraph (c) to apply where records on an irrigated and nonirrigated basis are not available for each of the applicable ten years), and the normal yield for the farm shall be determined by computing the average of the irrigated and nonirrigated normal yields so determined, weighted by the actual acreages of irrigated and nonirrigated wheat on the farm for the year for which the yield is being determined. Where there is no wheat acreage for the year for which the yield is being determined, the normal yield for such a farm shall be the average of the irrigated and nonirrigated normal yields, weighted by the acreages which it is determined by the county committee were contributed to the farm wheat acreage allotment (for the year for which the yield is being determined) by the production in prior years of irrigated and nonirrigated wheat.

MEASUREMENT OF FARMS AND FINAL DATES FOR DISPOSAL OF EXCESS ACREAGE

§ 728.854 *Measurement of farms*—(a) *Identification of farms.* Each wheat farm shall be identified by a farm serial number, assigned by the county committee, and all records pertaining to wheat marketing quotas for the crop year shall be identified by the farm serial number.

(b) *Farms which are to be measured.* The county committee shall provide for the measurement of all farms in the county having a wheat acreage allotment and any other farm in the county on which the committee has reason to believe there is wheat which could be available for harvest, regardless of its intended use, for the purposes of ascertaining with respect to each of such farms the acreage of wheat and whether such acreage is in excess of the farm wheat acreage allotment. Measurement shall be made under the general supervision of the county committee in accordance with Part 718 Determination of Acreage and Performance, of this chapter (22 F. R. 3747), and any amendments thereto.

(c) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. In addition, upon request of the county committee, the State administrative officer may designate an employee of the State committee to serve as a reporter.

(d) *Measurement of wheat acreage.* (1) Upon his first visit to the farm for purposes of measurement, the reporter assigned thereto shall (i) when there is no wheat acreage reserve agreement for the farm, estimate the acreage planted to wheat including volunteer wheat and wheat mixtures in wheat-mixture counties where the total acreage of wheat is obviously less than 10 acres and all producers of wheat on the farm, or their authorized representatives, indicate on the Form CSS-578 that they will not apply for price support on the wheat produced on the farm; and (ii) in all other cases measure all acreages on which wheat is growing except fields or parts of fields which are identified by the operator or producer as being fields of wheat mixtures in wheat-mixture counties, acreages to be used as cover crop, or volunteer wheat. The acreages of such wheat mixtures, cover crop, and volunteer wheat may be measured, and if not measured, shall be estimated.

(2) All farms required to be measured under the provisions of subparagraph (1) (ii) of this paragraph which from such measurement (including estimates, if any) are found to have acreage on which wheat is growing in excess of the farm wheat acreage allotment shall be revisited by a reporter for the purposes of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any farm on which the first inspection showed a total acreage of wheat not in excess of 15 acres unless a producer on such farm requests measurement and pays the cost thereof by the date specified on Notice of Excess Acreage (Form CSS-590), which date shall coincide with the latest date on which the adjustment may be made as provided in § 728.855. On this visit all acreage devoted to wheat which has not been adjusted prior to harvest so as not to qualify as wheat acreage in accordance with the regulations in this subpart, or which does not qualify as a wheat mixture in wheat-mixture counties, shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

§ 728.855 *Notice of excess acreage and final dates for disposal of excess acreage*—(a) *Notice of excess acreage.* (1) If the county committee determines that the wheat acreage on any farm is in excess of the farm wheat acreage allotment, the operator shall be mailed a written notice on Form CSS-590 showing the wheat acreage and the final date for adjusting such acreage to the farm wheat acreage allotment. The date shown on such notice shall be the applicable date as established under paragraph (b) of this section, except that if the notice is not mailed at least 15 days prior to such date, the period during which the excess wheat acreage may be adjusted to the wheat acreage allotment shall be extended to a date which is 15 days from the date the notice is mailed. In the event of such delayed notice, if the disposition of the excess is carried out after the end of the final date specified in paragraph (b) of this section, such disposition must be by plowing or discing under. Form CSS-590, original or revised, shall bear the actual or facsimile signature of the county office manager or a member of the county committee. Such facsimile signature may be affixed by a county office employee.

(2) If the producer on the farm is unable, because of conditions beyond his control, to dispose of the excess acreage within the time limit prescribed on the notice, a request for additional time may be filed in writing at the county office by any producer on the farm who has an interest in the crop. In order to be considered, the request for additional time must be filed prior to the expiration of the final date for disposition of the excess as shown on the notice. The reason the producer on the farm is unable to dispose of the excess acreage within the prescribed time limit shall be set forth in the request for additional time. If the county committee or the county office manager determines from the facts available that the producer was unable to dispose of the excess acreage within the prescribed time, because of conditions beyond his control, the county committee or county office manager may grant an extension of such time sufficient to afford a fair and reasonable opportunity for such disposal: *Provided,* That such extended period shall not exceed 15 days from the time limit prescribed in the notice from which relief is sought. Disposition of the excess acreage within the extended period must be accomplished by mechanical means or by some cause beyond the control of the operator to the extent it cannot be harvested for grain or used for hay, pasture or silage. If an extension is granted, the operator shall be mailed a revised notice on Form CSS-590 showing the extended disposition date. If a request for extension is denied, the county office manager shall notify the operator by letter of the denial.

(3) If the producer is unable to dispose of the excess wheat acreage because of conditions beyond his control and the producer failed to apply for an extension by the county committee, prior to the disposal date referred to in subparagraphs (1) and (2) of this paragraph, a request for additional time may be filed in writing at the county office, for consideration by the State committee, by any producer on the farm who has an interest in the crop. In order to be considered, he must file the request in writing and show the reason he was unable to comply with the expiration date of which he was notified. If the State committee, or State administrative officer on behalf of the State committee, determines that the producer was unable, because of conditions beyond his control, to dispose of the excess acreage within the time limit, the county office may be authorized to extend the expiration date. Upon receipt of such authorization, the county committee or county office manager shall extend the previous date for disposition to provide the producer a reasonable opportunity to dispose of the excess acreage. If any extension of time is granted pursuant to this subparagraph, the farm operator shall be mailed a revised notice on Form CSS-590, showing the extended disposition date. If a request for extension is denied, the county office manager shall notify the operator by letter of denial.

(4) Notwithstanding the provisions of subparagraphs (2) and (3) of this paragraph, in no case shall a disposition date be later than the time the harvesting of wheat begins on the farm, except where it may be necessary to issue a delayed notice in accordance with subparagraph (1) of this paragraph.

(b) *Final date for the disposal of excess acreage.* The final dates determined by the Secretary, upon recommendation of the county and State committees for the disposal of excess wheat acreage as wheat cover crop, are considered to be not later than 30 days prior to the date wheat harvest normally begins in the county or area within the county. The dates for each crop year in each county or areas of a county by which the excess acreage of wheat on the farm must be utilized in the prescribed manner as wheat cover crop, unless extended as provided in paragraph (a) of this section, are as follows, except that for 1958, if the date for any county shown in this section is prior to the publication of this subpart, the effective date for such county shall be ten days after such publication:

ARKANSAS

May 20: All counties.

CALIFORNIA

May 1: Imperial.

May 15: Fresno, Kern (except for Tehachapi and Temblor Districts), Kings, Madera, Merced, Riverside (Palo Verde Valley), Tulare.

June 1: Kern (Tehachapi and Temblor Districts). Los Angeles, Mariposa, Nevada, Orange, Placer, Riverside (except for Palo Verde Valley), San Bernardino, San Diego, San Joaquin, Stanisiaus, Ventura.

June 15: Alameda, Amador, Calaveras, El Dorado. Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Sonoma, Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama, Yola, Yuba, Santa Barbara, Shasta (for Cottonwood and Anderson Districts), Tuolumne.

July 1: Alpine, Inyo, Mono.

July 15: Siskiyou (for Shasta Valley), Mendocino.

August 1: Lassen Modoc, Plumas, Trinity, Shasta (except for Cottonwood and Anderson Districts), Sierra.

August 15: Siskiyou (except for Shasta Valley).

COLORADO

June 5: Baca, Bent, Cheyenne, Crowley, Kiowa, Las Animas, Otero and Prowers.

June 10: Adams, Arapahoe, Elbert, Kit Carson, Lincoln, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma.

June 15: Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, and Pueblo.

June 25: Custer, Delta, Dolores, Fremont, La Plata, Mesa, Montezuma, Montrose, Ouray and San Miguel.

July 20: Chaffee, Eagle, Garfield, Grand, Gunnison, Jackson, Moffat, Park, Pitkin, Rio Blanco, Routt and Teller.

August 15: Alamosa, Archuleta, Conejos, Costilla, Rio Grande and Saguache.

DELAWARE

May 31: All counties.

GEORGIA

April 25: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bullock, Screven, and all counties south thereof.

May 10: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

May 24: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

IDAHO

(Nonirrigated)

July 1: Ada, Canyon, Gem, Owyhee, Payette, Cassia, Lincoln, Minidoka, Washington.

July 15: Gooding, Jerome, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Jefferson, Blaine, Twin Falls.

August 1: Adams, Boise, Elmore, Camas, Bear Lake, Butte, Custer, Clark, Fremont, Lemhi, Madison, Teton.

August 15: Valley.

(Irrigated)

July 1: Ada, Canyon, Elmore, Gem, Owyhee, Payette, Washington.

July 15: Cassia, Gooding, Jerome, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power, Twin Falls.

August 1: Adams, Boise, Blaine, Camas, Bingham, Caribou, Bonneville, Clark, Jefferson.

August 15: Valley, Bear Lake, Butte, Custer, Fremont, Lemhi, Madison, Teton.

(Elevation under 2,500 feet)

July 15: Nez Perce.

August 1: Clearwater.

(Elevation over 2,500 feet)

August 1: Nez Perce.

August 15: Clearwater.

(Elevation under 3,500 feet)

July 15: Boundary, Kootenai.

August 1: Benewah, Bonner, Idaho, Latah, Lewis.

(Elevation over 3,500 feet)

August 1: Boundary.

August 15: Benewah, Bonner, Idaho, Kootenai, Latah, Lewis.

ILLINOIS

May 25: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

June 10: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iriquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, Woodford.

INDIANA

June 1: Allen, De Kalb, Elkhart, Fulton, Jasper, Kosciusko, La Grange, Lake, La Porte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Whitley.

May 15: All other counties.

IOWA

(Winter Wheat)

June 1: All counties.

(Spring Wheat)

June 10: All counties.

KANSAS

May 20: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Harvey, Kingman, Labette, Montgomery, Neosho, Pratt, Reno, Sedgwick, Sumner, Wilson, Woodson.

May 25: Anderson, Atchison, Barton, Brown, Chase, Clark, Clay, Cloud, Coffey, Dickinson, Doniphan, Douglas, Edwards, Ellsworth, Ford, Franklin, Geary, Grant, Gray, Haskell, Hodgeman, Jackson, Jefferson, Johnson, Kiowa, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Meade, Miami, Morris, Morton, Nemaha, Osage, Ottawa, Pawnee, Pottawatomie, Republic, Rice, Riley, Rush, Saline, Seward, Shawnee, Stafford, Stanton, Stevens, Wabaunsee, Washington, Wyandotte.

June 1: Decatur, Ellis, Finney, Gove, Graham, Greeley, Hamilton, Jewell, Kearny, Lane, Logan, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Russell, Scott, Sheridan, Smith, Trego, Wallace, Wichita.

June 5: Cheyenne, Rawlins, Sherman, Thomas.

KENTUCKY

June 1: All counties.

MARYLAND

May 31: Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Prince Georges, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, Worcester.

June 10: Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Washington.

June 20: Allegany and Garrett.

MICHIGAN

June 10: All counties south of and including: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron.

June 15: All other counties in the lower Peninsula.

June 25: Upper Peninsula counties.

MINNESOTA

June 30: All counties.

MISSOURI

June 1: All counties south of the Missouri River.

June 10: All counties north of the Missouri River.

MONTANA

(Winter Wheat)

July 11: All counties.

(Spring Wheat)

July 21: All counties.

NEBRASKA

June 1: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 15: Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Cedar, Chase, Cherry, Custer, Dakota, Dawson, Dixon, Dundy, Garfield, Grant, Greeley, Hayes, Hitchcock, Holt, Hooker, Howard, Keith, Keya Paha, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Nance, Perkins, Pierce, Platte, Polk, Rock, Sherman, Stanton, Thomas, Valley, Wayne, Wheeler.

June 20: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.

NEW JERSEY

June 1: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Salem.

June 8: Mercer, Middlesex, Monmouth, Somerset, Union.

June 15: Bergen, Essex, Hunderdon, Morris, Passaic, Sussex, Warren.

NEW MEXICO

May 1: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

May 15: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (Area east of Rio Puerco).

June 1: Colfax, Catron, Harding, Mora, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Taos, Union, Valencia (Area west of Rio Puerco).

June 15: Any area above 7,000 feet elevation.

NEW YORK

June 5: Nassau, Suffolk.

June 15: All other counties.

NORTH CAROLINA

May 15: All counties.

NORTH DAKOTA

July 5: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 15: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Ward, Wells, Williams.

OHIO

June 11: All counties.

OKLAHOMA

April 15: Beckham, Caddo, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman, Washita.

May 10: Beaver, Cimarron, Ellis, Harper, Texas, Woods and Woodward.

April 25: All other counties.

OREGON

(Winter Wheat)

June 15: Benton, Clackamas, Linn, Marion, Polk, Washington, Yamhill.

July 1: Wasco.

July 15: Baker, Douglas, Jackson, Josephine, Lane, Union.

July 20: Wallowa.

(Spring Wheat)

July 15: Benton, Clackamas, Linn, Marion, Polk, Wasco, Washington, Yamhill.

August 1: Baker, Douglas, Jackson, Josephine, Lane.

August 10: Union.

August 20: Wallowa.

(All Wheat)

June 15: Clatsop, Columbia, Coos, Curry, Hood River, Lincoln, Multnomah, Tillamook.

July 1: Gilliam, Morrow, Sherman and Umatilla counties under 2,000 feet elevation, Malheur under 3,000 feet elevation.

July 15: Deschutes, Grant under 2,000 feet elevation, Harney, Malheur over 3,000 feet elevation.

July 20: Jefferson (nonirrigated).

July 25: Gilliam, Morrow and Sherman counties over 2,000 feet elevation.

August 1: Crook, Jefferson (irrigated) and all wheat in the warm springs area, Klamath (nonirrigated), Lake, Umatilla over 2,000 feet elevation, Wasco (all wheat in the warm springs area), Wheeler.

August 15: Grant over 2,000 feet elevation, Klamath (irrigated).

PENNSYLVANIA

June 7: Adams, Bedford, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Greene, Juniata, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, Washington, York.

June 21: Allegheny, Armstrong, Beaver, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Huntingdon, Indiana, Jefferson, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming.

SOUTH CAROLINA

May 15: All counties.

SOUTH DAKOTA

June 20: Pennington, Custer, Fall River, Shannon, Jackson, Washabaugh, Bennett, Jones, Lyman, Mellette, Todd, Tripp, Gregory, Charles Mix, Bon Homme, Yankton, Clay, Union.

July 1: All other counties.

TENNESSEE

May 20: All counties.

TEXAS

April 10: Austin, Bee, Colorado, Duval, Hardin, Harris, Jackson, Liberty, Live Oak, Orange, Refugio, Victoria, Waller, Webb, and all counties south thereof.

May 20: Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Sherman.

May 10: All other counties.

UTAH

June 20: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington, Weber.

July 1: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, Uintah.

July 10: Daggett, Garfield, Morgan, Rich, Summit, Wasatch, Wayne.

VIRGINIA

June 15: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Culpeper, Dickenson, Fairfax, Fauquier, Floyd, Frederick, Giles, Grayson, Highland, Lee, Loudoun, Madison, Montgomery, Orange, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spotsylvania, Stafford, Tazewell, Warren, Washington, Wise, Wythe.

June 1: All other counties.

WASHINGTON

County	Area and type of wheat	Dates
Adams	Winter wheat	June 30.
	Spring wheat	July 20.
Asotin	All wheat, Areas 1 and 4.	July 30.
	Area 2	July 1.
	Area 3	July 20.
	Area 5	August 15.
Benton	Winter wheat	June 30.
	Spring wheat dryland	June 30.
	Spring wheat irrigated	July 15.
Chelan	Area A:	
	Winter wheat	August 25.
	Spring wheat	September 1.
	Area B:	
	Winter wheat	July 20.
	Spring wheat	August 5.
Clallam	All wheat	July 15.
Clark	do	July 20.
Columbia	Area 1:	
	Winter wheat	June 20.
	Spring wheat	June 30.
	Area 2:	
	Winter wheat	July 5.
	Spring wheat	July 15.
	Area 3:	
	Winter wheat	July 20.
	Spring wheat	July 30.
Cowlitz	All wheat	July 20.
Douglas	Winter wheat	July 5.
	Spring wheat	August 1.
Ferry	Winter wheat	August 15.
	Spring wheat	September 15.
Franklin	Winter wheat	June 30.
	Spring wheat	July 10.
Garfield	Winter wheat:	
	Central Ferry area	June 20.
	Dodge, Lower Zumwalt, Lower Ping, Gould City Areas.	July 1.
	Mayview, Upper Ping, Upper Zumwalt, Pataha Flat, Dutch Flat, Lower Alpowa areas.	July 15.
	Upper Alpowa, Peola, Columbia Center, Scoggin areas.	July 30.
	Spring wheat:	
	Central Ferry area	July 1.
	Dodge, Lower Zumwalt, Lower Ping, Gould City areas.	July 10.
	Mayview, Upper Ping, Upper Zumwalt, Pataha Flat, Dutch Flat, Lower Alpowa areas.	July 25.
	Upper Alpowa, Peola, Columbia Center, Scoggin areas.	August 10.
Grant	All areas south of US Highway No. 2 except subirrigated areas of Wilson Creek.	June 30.
	Subirrigated areas in Wilson Creek Community.	August 10.
	All area north of US Highway No. 2.	July 15.
Grays Harbor	All wheat	July 15.
Island	do	July 15.
Jefferson	do	July 15.
King	do	July 15.
Kitsap	do	July 15.
Kittitas	do	August 10.
Klickitat	Spring wheat, west of Rock Creek and west of Goodnoe Hills area.	July 30.
	Winter wheat	July 10.
	Goodnoe Hills area and east of Rock Creek except north of Area 2 miles south of the dividing line between Townships 4 and 5 in Ranges 19, 20 and 21:	
	Winter wheat	June 30.
	Spring wheat	July 10.
	Area north of line 2 miles south of dividing line between Townships 4 and 5 in Ranges 19, 20 and 21:	
	Winter wheat	July 10.
	Spring wheat	July 25.
Lewis	All wheat	July 20.
Lincoln	North of Highway No. 2 and Davenport-Harrington-Tokio road east.	July 25.
	South of Highway No. 2.	July 15.
Mason	All wheat	July 1.
Okanogan	A, B, H, M communities:	
	Winter wheat	July 10.
	Spring wheat	July 30.
	C, D, E, F, G, I, J, K, L, N, O communities:	
	Winter wheat	August 1.
	Spring wheat	August 20.
Pacific	All wheat	July 15.
Pend Oreille	do	August 15.
Pierce	do	August 1.
San Juan	do	August 15.
Skagit	do	July 15.
Skamania	do	July 15.
Snohomish	do	July 15.
Spokane	Area due west on north boundary of Township 24, to where it intercepts the east boundary of Range 42 and then due south to county line.	August 5.
	All the remainder of the county.	July 20.
Stevens	Winter wheat	July 15.
	Spring wheat	August 15.
Thurston	All wheat	July 15.
Wahkiakum	do	July 31.
Walla Walla	Dryland areas below elevation of airport.	July 1.
	All other Dryland areas and irrigated section.	August 1.
Whatcom	All wheat	July 15.
Whitman	Eastern Whitman	July 25.
	Western Whitman	July 10.
Yakima	All wheat	July 15.

WEST VIRGINIA

June 1: Berkeley, Boone, Cabell, Clay, Jackson, Jefferson, Kanawha, Lincoln, Logan, Mason, McDowell, Mingo, Putnam, Roane, Wayne, Wyoming.

June 10: Barbour, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Ritchie, Taylor, Tyler, Upshur, Wetzel, Wirt, Wood.

June 15: Fayette, Greenbrier, Mercer, Monroe, Nicholas, Pocahontas, Preston, Raleigh, Randolph, Summers, Tucker, Webster.

WISCONSIN

June 20: Adams, Buffalo, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Greene, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Portage, Racine, Richland, Rock, St. Croix, Sauk, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waushara, Winnebago.

July 5: Barron, Brown, Burnett, Calumet, Chippewa, Clark, Door, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Polk, Price, Rusk, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca, Wood.

July 15: Ashland, Bayfield, Douglas, Florence, Forest, Iron.

WYOMING

(Winter Wheat)

June 20: Goshen, Laramie, Platte.

July 5: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.

July 20: Big Horn, Fremont, Hot Springs, Park, Washakie.

August 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

(Spring Wheat)

June 30: Goshen, Laramie, Platte.

July 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

August 1: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

§ 728.856 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) the name of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the wheat acreage, (g) the farm normal yield, and (h) the farm marketing excess in bushels.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.857 *Marketing quotas in effect.* Marketing quotas, when effective with respect to a particular crop of wheat, shall be applicable in the designated commercial wheat-producing area for such crop of wheat as published under this part. Wheat marketing quotas shall be applicable to all wheat of such crop in the commercial wheat-producing area notwithstanding that it may be available for marketing prior to the beginning of the marketing year or subsequent to the end of the marketing year. Notwithstanding the inapplicability of wheat marketing quotas outside the commercial wheat-producing area, the regulations in this subpart shall be applicable to buyers and transferees outside such area.

§ 728.858 *Farm marketing quota.* The farm marketing quota for any farm for any crop of wheat shall be that number of bushels of wheat produced on the farm less the amount of the farm marketing excess for the farm.

§ 728.859 *Farm marketing excess.* The farm marketing excess for any crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor: *Provided,* That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary.

§ 728.860 *Notice of farm marketing excess.* Written notice of the farm marketing quota and farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the wheat crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same date to each other wheat producer on the farm as shown on ASC county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced on the farm for which the notice is given. Each notice shall be on Form MQ-93-Wheat and shall contain the information necessary in each case to inform the producer as to the basis for the determination set forth in the notice and the effect thereof and shall be signed by a member of the county committee on behalf of the county committee.

§ 728.861 *Farms for which proper notice of the farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 728.860, 728.862, 728.879 and 728.880, the producer shall be so notified by the county committee on Form MQ-93—Wheat and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the farm marketing excess as provided in §§ 728.862, 728.879 and 728.880. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ-93—Wheat with a copy of the determination of the county committee as provided in § 728.862 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 728.862 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* (1) Any producer having an interest in the wheat produced on any farm for which there is a farm marketing excess may (i) within 60 days after the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 728.861, apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced on the farm in the applicable crop year, or (ii) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production of wheat on the farm was not in excess of the normal production of the acreage allotment.

(2) The date on which the harvesting of wheat is normally substantially completed in the county or area in the county shall be determined by the Secretary, taking into consideration recommendations which the State and county committees may make. Unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 728.861, or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(3) The established dates on which wheat harvest is normally substantially completed have been determined as aforesaid in wheat-producing counties to be as follows:

ARKANSAS

June 25: All counties.

CALIFORNIA

August 15: Butte, Colusa, Fresno, Glenn, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yola, Yuba.

September 1: Alameda, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Sonoma.

September 15: Alpine, Amador, Calaveras, Del Norte, El Dorado, Humboldt, Inyo, Mariposa, Mendocino, Mono, Nevada, Placer, Tuolumne.

October 1: Lassen, Modoc, Plumas, San Luis Obispo, Shasta, Sierra, Siskiyou, Trinity.

COLORADO

August 15: Larimer, Boulder, Jefferson, El Paso, Pueblo, Huerfano, Las Animas and all counties east thereof.

November 1: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, Grand, Jackson, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Miguel, Teller.

DELAWARE

August 1: All counties.

GEORGIA

July 1: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bulloch, Screven and all counties south thereof.

July 15: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

August 1: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

IDAHO

September 1: Ada, Canyon, Gem, Owyhee, Payette.

September 15: Washington, Cassia, Gooding, Jerome, Minidoka, Twin Falls.

October 1: Benewah, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Adams, Boise, Elmore, Blaine, Camas, Lincoln, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Clark, Fremont, Jefferson, Lemhi.

October 15: Bonner, Valley, Bear Lake, Butte, Custer, Madison, Teton.

ILLINOIS

July 31: All counties.

INDIANA

July 16: All counties.

IOWA

August 1: All counties.

KANSAS

July 30: All counties.

KENTUCKY

August 15: All counties.

MARYLAND

August 1: All counties except Allegany and Garrett.

September 1: Allegany and Garrett.

MICHIGAN

August 15: All counties south of and including Mason, Lake, Oseceola, Clare, Gladwin and Arenac.

August 31: All other counties including the upper Peninsula.

MINNESOTA

September 1: All counties.

MISSOURI

July 30: All counties.

MONTANA

September 16: All counties.

NEBRASKA

July 20: Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

August 1: All other counties.

NEW JERSEY

July 24: All counties.

NEW MEXICO

July 15: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

August 1: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (area east of Rio Puerco).

August 15: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (area west of Rio Puerco).

September 1: Any area above 7,000 feet elevation.

NEW YORK

August 15: All counties.

NORTH CAROLINA

July 15: All counties.

NORTH DAKOTA

October 1: All counties.

OHIO

July 18: All counties.

OKLAHOMA

July 1: For all counties except Beaver, Cimarron and Texas.

July 15: Beaver, Cimarron and Texas.

OREGON

September 1: Grant, Malheur, Umatilla.

September 15: Benton, Clackamas, Columbia, Douglas, Gilliam, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Union, Washington, Yamhill.

September 30: Wheeler.

October 1: Crook, Jefferson, Lake Wasco.

October 15: Baker.

October 20: Harney.

November 1: Wallowa.

November 15: Deschutes.

PENNSYLVANIA

August 21: All counties.

SOUTH CAROLINA

July 1: All counties.

SOUTH DAKOTA

September 1: All counties.

TENNESSEE

July 31: All counties.

TEXAS

July 15: All counties.

UTAH

September 15: All counties.

VIRGINIA

September 1: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Culpeper, Dickenson, Fairfax, Fauquier, Floyd, Frederick, Giles, Grayson, Highland, Lee, Loudoun, Madison, Montgomery, Orange, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spotsylvania, Stafford, Tazewell, Warren, Washington, Wise, Wythe.

July 20: All other counties.

WASHINGTON

August 25: Franklin.

August 31: Garfield, King.

September 1: Adams, Clark, Columbia, Cowlitz, East Ferry, Klickitat, Lincoln, Thurston, Walla Walla.

September 10: Grant, Douglas.

September 15: Asotin, Benton, Chelan, West Ferry, Spokane, Whitman.

September 20: Jefferson, Lewis, Mason.

September 30: Grays Harbor, Pierce, Skagit, Snohomish.

October 1: Okanogan, Pend Oreille, Yakima, Stevens.

October 15: Clallam, Island, Kittitas, San Juan, Whatcom.

WEST VIRGINIA

August 15: All counties.

WISCONSIN

September 1: All counties.

WYOMING

Winter Wheat

July 20: Goshen, Laramie, Platte.

August 5: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.

August 20: Big Horn, Fremont, Hot Springs, Park, Washakie.

September 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

Spring Wheat

July 30: Goshen, Laramie, Platte.

August 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

September 1: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant.

(2) The actual production of any farm shall be determined on the basis of the relevant facts, including past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, processing, sales and storage of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In determining actual production the county committee shall include, in addition to the actual production of the harvested acreage, the estimated production of any unharvested acreage which has been classified as wheat acreage unless the county committee determines that no wheat could be harvested in any manner from the unharvested acreage after approval of the downward adjustment.

(3) In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the farm of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public.

(4) The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (ii) a concise statement of the findings of the county committee upon the questions of fact, and (iii) the determination of the county committee as to the farm marketing quota and farm marketing excess. A revised notice on Form MK-93—Wheat with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

(5) All county committee determinations made in connection with applications for adjustment in the farm marketing excess shall be subject to review and

revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved by or on behalf of the State committee.

(c) *Adjustment where no wheat is produced.* Notwithstanding the foregoing provisions of this section, whenever the county committee determines that no wheat has been or will be produced in a particular crop year on a farm for which a farm marketing excess has been determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section, without the necessity of an application by the producer.

§ 728.863 *Publication of the farm acreage allotments, marketing quotas, and marketing excesses.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses, established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 728.864 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 728.865 *Successors-in-interest.* Subject to the provisions of § 728.893 (e) (5), any person who succeeds to the interest of a producer in a farm or in a wheat crop produced on a farm for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the wheat. If a successor-in-interest should acquire from a deceased producer wheat subject to the lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor-in-interest to market the wheat penalty free until the penalty has been satisfied.

§ 728.866 *Review of quotas*—(a) *Right to review by a review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided,* That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Part 711 of this chapter, Marketing Quota Review Regulations) issued by the Secretary (21 F. R. 9365), and any amendments thereto.

(b) *Action by county committee prior to review hearing.* Action shall be taken by the county committee prior to the review hearing in accordance with § 711.14 of the review regulations.

(c) *Court review.* If a producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 728.867 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Wheat) for the applicable crop year if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.874 or § 728.875, (3) the farm marketing excess is stored, as provided in § 728.879, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 728.880. A marketing card shall not be issued until the performance report (CSS–578) has been signed by the operator or his representative. Upon request a marketing card will be issued to any wheat producer for a farm outside the commercial wheat-producing area. Marketing cards will be delivered to producers at the office of the county committee, except that if the county committee determines that it would facilitate the effective administration of the act and the committee has reason to believe that the marketing card will be used, marketing cards may be mailed to the producers entitled thereto: *Provided,* That the producers are instructed in writing to sign the card in the appropriate space thereon prior to its use. Each marketing card shall be serially numbered and shall show the names of the State and county and the serial number of the farm, the actual or facsimile signature of the county office manager or member of the county committee, the date of issuance, the name and address of the producer to whom issued, and the signature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or a member of the county committee giving an explanation of the reason the signature of the producer cannot be made. The facsimile signature provided for herein may be affixed by a county office employee.

(b) *Producers ineligible to receive marketing cards.* The producers on a farm shall be ineligible to receive marketing cards (1) if any producer on the farm owes any penalty for excess wheat for any preceding crop year, (2) if determination of the wheat acreage has not been made and has been prevented by any producer on the farm, (3) if the farm marketing excess determined under § 728.859 is adjusted under § 728.862, (4) if an exemption from marketing quota obligations is obtained under the provisions of § 728.893 and the conditions of the exemption are fully complied with, or (5) if both a crop of wheat and a crop of wheat mixture in wheat-mixture counties were produced on the farm in the same crop year. A producer shall not be considered to owe any penalty under subparagraph (1) of this paragraph if he has avoided or postponed payment of the penalty through storage of excess wheat in accordance with applicable regulations.

(c) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraphs (a) and (b) of this section, he is eligible to receive a marketing card for each of such farms. However, only one wheat marketing card need be issued to a producer who has an interest in the wheat crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the wheat crop, and (3) the producer's liability has not been reduced to a proportionate share of any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive a marketing certificate(s) with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties determine or if the State committee determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of wheat, together with any other information deemed necessary to enforce the act.

(d) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify wheat produced on any farm, the serial number of which is not entered on the card. A marketing card shall not be used to market any wheat which was not produced on a farm the serial number of which appears on the marketing card.

(e) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provision of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act. A marketing certificate shall be issued in such cases for any proved production.

§ 728.868 *Issuance of marketing certificates*—(a) *Producers to whom marketing certificates may be issued.* The county office manager or a member of the county committee, shall, upon request, issue a marketing certificate, Form MQ-94—Wheat, to any produced (1) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (2) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 728.874 (c), (3) who is ineligible to receive a marketing card solely because of penalties owed by him or by any producer on the farm for excess wheat for any preceding crop year, (4) who is ineligible to receive a marketing card solely because of excess wheat produced on another farm as provided in § 728.867 (c), (5) who is otherwise eligible to receive a marketing card but who has an interest in the wheat crop on a farm for which a multiple producer is ineligible to receive a marketing card, (6) who is ineligible to receive a marketing card because the farm marketing excess determined under § 728.859 was adjusted under § 728.862, (7) who is ineligible to receive a marketing card because he is exempted from marketing quota obligations under the provisions of § 728.893 for a certain crop year or years but has wheat on hand of a prior or subsequent crop year for which he would otherwise be eligible to receive a marketing card or is otherwise eligible to receive a marketing card on a farm not covered by such exemption, (8) who is ineligible to receive a marketing card because he has an interest in a crop of wheat and a crop of wheat mixture, in a wheat-mixture county, (9) who has eligible wheat produced in a prior year but who is ineligible to receive a marketing card for the current crop year, or (10) who is ineligible to receive a marketing card under § 728.867 (e). Upon request, a marketing certificate will be issued to any wheat producer outside the commercial wheat-producing area.

(b) *Completion of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county and the serial number for the farm, (3) the number of bushels of wheat eligible to be marketed, (4) the serial number of the marketing card assigned to the producer for the farm, if applicable, or the word "none" if no card has been assigned, and (5) the actual or facsimile signature of the county office manager or a member of the county committee, and the date of issuance. Such facsimile signature provided for herein may be affixed by a county office employee. The original and first copy of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the triplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify wheat produced on any farm the serial number of which is not entered on the certificate. When the wheat is marketed the buyer or transferee shall enter both on the original and copy of the marketing certificate (i) the number of bushels of wheat marketed, (ii) the date marketed and (iii) the name and address of the buyer or transferee. Both the buyer or transferee and the producer shall sign the original and copy of the marketing certificate. The original shall be retained by the buyer or transferee and the copy shall be returned to the producer. If all of the wheat eligible to be marketed was not marketed in one transaction, or if the producer desires to market part of the eligible wheat to another buyer or transferee, he shall request the county office manager or his designee, or the county committee, to issue a marketing certificate for the balance of the unmarketed eligible wheat. Such request shall be accompanied by the completed producer's copy of the marketing certificate showing the amount of wheat previously marketed. The completed producer's copy of the marketing certificate shall be retained in the county office and a marketing certificate for the balance of the unmarketed eligible wheat shall be issued to the producer. Notwithstanding the foregoing, the producer may request, and the county office shall issue, more than one marketing certificate at one time, provided the total number of bushels of wheat shown on all the marketing certificates as eligible to be marketed does not exceed the number of bushels eligible to be marketed for the farm.

§ 728.869 *Lost, destroyed, or stolen marketing cards, marketing certificates, or soil bank delivery orders*—(a) *Report of loss, destruction or theft.* In case a marketing card, marketing certificate, or producer's copy of soil bank delivery order (Form CCC-382 or CCC-103) delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card, marketing certificate, or soil bank delivery order was issued; (2) the name of the producer to whom the marketing card, marketing certificate, or soil bank delivery order was issued, if someone other than the operator; (3) the serial number of the marketing card, marketing certificate, or soil bank delivery order, and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card, marketing certificate, or producer's copy of soil bank delivery order was in fact lost, destroyed, or stolen, it shall cause to be cancelled such marketing card, marketing certificate, or producer's copy of soil bank delivery order and instruct the county office manager to give notice to the producer to whom the marketing card, marketing certificate, or soil bank delivery order was issued that is is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card, marketing certificate, or soil bank delivery order was issued, it shall cause to be issued to or for him a marketing card, marketing certificate, or producer's copy of soil bank delivery order to replace the lost, destroyed, or stolen marketing card, marketing certificate, or producer's copy of soil bank delivery order. Each marketing card, marketing certificate, or producer's copy of soil bank delivery order issued under this section shall bear across its face in bold letters the word "duplicate". In case a marketing card, marketing certificate, or a producer's copy of soil bank delivery order is cancelled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, elevator operators, or warehousemen who serve the county, or the immediate vicinity of the farm, that the marketing card, marketing certificate, or producer's copy of soil bank delivery order is cancelled and of the issuance of any duplicate. Any person coming into possession of a cancelled marketing card, marketing certificate, or producer's copy of soil bank delivery order shall immediately return it to the ASC county office from which it was issued.

§ 728.870 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be cancelled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 728.869 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "cancelled". In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the elevator operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the ASC county office.

IDENTIFICATION OF WHEAT

§ 728.871 *Time and manner of identification.* Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat, including wheat in a mixture, to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty or the lien for the penalty as follows:

(a) *Identification by marketing card.* A marketing card (MQ–76—Wheat), for the applicable crop year, shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat for which the marketing card was issued may be purchased without the payment of the penalty by him and that such wheat is not subject to the lien for the penalty.

(b) *Identification by marketing certificate.* A marketing certificate (MQ–94—Wheat), properly executed, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

(c) *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Wheat), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.883 (d) and 728.884 shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (1) the MQ–95—Wheat shows the serial number of the marketing card, marketing certificate, or soil bank delivery order by which the wheat was identified and the signatures of the producer and intermediate buyer, or (2) the original MQ–95—Wheat bears the endorsement "penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(d) *Identification by soil bank delivery order.* The quantity of wheat obtained by a producer by redemption of Soil Bank Certificates, Form CCC–379, if offered for sale, shall be taken by the buyer as penalty free if identified by the producer's copy of the soil bank delivery order, Forms CCC–382 or CCC–103, completely filled in by the county committee.

(e) *Wheat sweepings or spillage and accumulation of samples.* A person other than a producer or intermediate buyer offering wheat sweepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman, feeder, or processor, or other grain dealer who conducts his business in a manner substantially the same as an elevator operator or warehouseman, stating that the wheat had previously been marketed to the person executing the certificate if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage. Any person other than a producer or intermediate buyer offering wheat accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the wheat was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples.

(f) *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in this section shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.872.

PENALTY

§ 728.872 *Rate of penalty.* The rate of penalty shall be 45 percent of the parity price of wheat as of May 1 of the calendar year in which the crop is harvested.

§ 728.873 *Lien for penalty.* The entire amount of wheat produced in any year on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the penalty is paid in accordance with § 728.874 or § 728.875, or the farm marketing excess is stored in accordance with § 728.879, or delivered to the Secretary in accordance with § 728.880.

§ 728.874 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the wheat produced on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. Notwithstanding the foregoing, in any event, the amount of the penalty with respect to the farm marketing excess shall become due and be remitted not later than 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 728.862 (a) (3), or not later than 30 calendar days after notice of the farm marketing excess of wheat is mailed to the producer as provided in § 728.861: *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 728.861 or § 728.880 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 728.861 or § 728.879 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.879 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made (1) within 60 days after the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated (as established in § 728.862 (a) (3)), or (2) in the case of a delayed notice of the farm marketing excess, within 30 days from the date such notice is mailed to him, determine the proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the fact that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 728.879 or § 728.880, that his share of the wheat crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced on the farm bears to the total amount of wheat produced on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 728.879 or § 728.880, stores or delivers to the Secretary the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 728.868, to be used by him only in the marketing of his proportionate share of the wheat crop produced on the farm.

§ 728.875 *Payment of penalties by buyers or transferees*—(a) *Buyers or transferees liable for payment of penalties.* Each person within the United States who buys or acquires from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the person who buys or acquires such wheat, a marketing card (MQ–76—Wheat), a marketing certificate (MQ–94—Wheat) or a completed producer's copy of the soil bank delivery order, Form CCC–382 or CCC–103, as prescribed in § 728.871 (a), (b) and (d), except that buyers or persons who acquire wheat whose places of business are outside the commercial wheat-producing area need not require identification as aforesaid of wheat produced outside the commercial wheat-producing area. In all cases where such buyer or person who acquires the wheat is not satisfied that the wheat was produced outside the commercial wheat-producing area, he should obtain the identification required in this subpart.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys or acquires wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased or acquired from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale or transfer, the intermediate buyer delivers to the purchaser or transferee the original and a copy of an intermediate buyer's record and report, MQ-95—Wheat, properly executed by the producer of the wheat and the first intermediate buyer, which shows (1) the serial number of the marketing card, marketing certificate, or soil bank delivery order by which the wheat covered thereby was identified when marketed, or (2) on the reverse side the statement "penalty satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any person who buys or acquires wheat pursuant to paragraph (a) or (b) of this section shall be due at the time the wheat is purchased or acquired and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The person who buys or acquires wheat may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the person who buys or acquires wheat pursuant to paragraph (a) or (b) of this section. Any person who buys or acquires wheat who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased or acquired a receipt for the amount so deducted which shall be, in the case of wheat purchased from the producer by an intermediate buyer, on MQ-95—Wheat, and, in all other cases, on MQ-81—Wheat.

§ 728.876 *Remittance of penalties to the treasurer of the county committee.* The penalty shall be delivered or mailed to the county committee. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Commodity Stabilization Service, USDA. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, it shall be accompanied by the original and first copy of MQ-95—Wheat and the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of both copies the statement "penalty satisfied" and his signature and title and the date thereof, before returning the first copy to the intermediate buyer.

§ 728.877 *Deposit of funds.* All funds received in the office of the county committee in connection with penalties for wheat shall be scheduled and transmitted by the treasurer of the county committee on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a deposit fund account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (referred to in this subpart as "deposit fund account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county committee bank account and issue a check in the amount thereof, payable to the order of the Commodity Stabilization Service, USDA. The treasurer of the county committee shall make and keep a record of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted.

§ 728.878 *Refunds of money in excess of the penalty—*(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess wheat or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess, or (2) the amount which is in excess of the security required for stored excess wheat and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the wheat, or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the county committee and transmitted by the treasurer of the county committee to the State committee.

§ 728.879 *Stored farm marketing excess—*(a) *Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 728.859 or § 728.862, whichever is applicable.

(b) *Kinds of storage; commingling and substitution.* Excess wheat shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage", or in any other place adapted to the storage of wheat, hereinafter referred to as "non-licensed storage". Commingling and substitution shall be permissible in the case of licensed storage. In the case of non-licensed storage, excess wheat may, with the prior written approval of the county committee, be commingled with stored excess wheat from any other year and any or all stored excess wheat may be replaced by wheat from any other year produced by the same producer on the same or any other farm if (1) the county committee gives prior written approval of such replacements; (2) the county committee determines that the wheat to be used for substitution is of a quality equal to or better than the wheat in storage and for which substitution is to be made; (3) the stored excess wheat which is removed from storage is replaced by an equivalent amount of the wheat within 30 days after such removal; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess wheat from storage without compliance with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in paragraph (g) of this section. Wheat in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess wheat in which the same producer has an interest, provided the wheat so stored is determined by the county committee to be of a quality equal to or better than the wheat produced on the farm with the excess. The storage of wheat in non-licensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored wheat by quarter section or other comparable descriptive location in areas where description is not by quarter sections. Excess wheat for any year which was properly stored in non-licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the wheat, a written request to do so is filed with the county committee and approval of such committee is granted in writing and if the wheat is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions, the bond or escrow funds held in connection with the non-licensed storage may be released. The penalty on any stored wheat removed from non-licensed storage without the prior written authorization from the county committee shall be due on such removal. Wheat produced on a farm by any producer may be placed in non-licensed storage and substituted for excess wheat for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty, if a written request to do so is filed with the county committee and approval of such committee is granted in writing upon the determination of the county committee that the wheat to be stored in non-licensed storage is of a quality equal to or better than the wheat in licensed storage, and the wheat in an amount equal to the amount in licensed storage for which substitution is desired is stored in non-licenesd storage in accordance with this paragraph and paragraph (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in said paragraph (d). When all requirements for non-licensed storage have been met in accordance with this section, the warehouse receipt covering the wheat in licensed storage shall be returned to the person who deposited it. Wheat stored in non-licensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess wheat in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a non-negotiable receipt as to which the warehouseman or elevator operator has been notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to wheat covered by the warehouse receipt(s) is paid or otherwise satisfied in accordance with law, the warehouse receipts(s) shall be returned to the person who deposited it.

(d) *Non-licensed storage bonds.* The storage of excess wheat in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed by the producer storing the wheat as principal and either by two persons as sureties who are not producers on the farm and who own real property with an umencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under this subpart, and that if at any time any producer on the farm prevents the inspection of wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced for any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. Unless the bond in effect permits the commingling or substitution of wheat in storage, a new bond covering all excess wheat of the producer stored in non-licensed storage and not covered by funds in escrow shall be required as a condition for commingling wheat or permitting substitution of any wheat for stored excess wheat of any other year. In such case upon approval and acceptance of the new bond the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee, if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided,* That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of this subpart with respect to stored farm marketing excess.

(e) *Non-licensed storage; deposit of funds in escrow.* The storage of excess wheat in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with the regulations contained in this subpart, shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. The treasurer of the county committee shall receive all checks, drafts, and money orders subject to collection and payment as par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval is granted to commingle wheat or to substitute wheat of any crop for excess wheat in storage, there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess wheat for any year stored by the producer in non-licensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to wheat covered by funds in escrow is paid or otherwise satisfied in accordance with law the amount of funds covering such wheat shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d) or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.874 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with § 728.860 or § 728.862, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any wheat destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any wheat delivered to the Secretary under the provisions of § 728.880. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate ap-

applicable to the marketing year in which the stored excess wheat was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by wheat of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each such crop is satisfied.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the wheat acreage on any farm for any subsequent crop of wheat is less than the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any wheat so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to wheat is less than the farm acreage allotment. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to wheat or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove wheat from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the end of the wheat seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the wheat crop which was or could have been planted on the farm. For the purpose of this paragraph the acreage planted to wheat shall be the wheat acreage on the farm plus the acreage diverted from the production of wheat under the soil bank acreage reserve program.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever, in any subsequent year on any farm the actual production of wheat is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage without penalty, any wheat so stored by them whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section exceeds the amount of wheat produced on the farm in that year. The actual production of wheat on the farm shall include in addition to the wheat actually produced on the farm the production of wheat attributed to the soil bank acreage reserve for the farm on the basis of the yield that would be indicated from the productivity index used for determining the rate of payment per acre for the acreage reserve program. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat, to the extent of their need therefor, in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop on the farm.

§ 728.880 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 728.859 or § 728.862, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose, and (1) deliver the wheat to an elevator or warehouse and tender to the treasurer of the county committee, the elevator or warehouse receipts for the amount of the wheat, or (2) if the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State, county, or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for the shipment for relief overseas

(c) *Time of delivery.* Excess wheat may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county as determined in accordance with § 728.862 (a), or pursuant to § 728.861. Excess wheat may be delivered to the Secretary after such period only if the excess wheat was stored in accordance with the provisions of § 728.879 (a) through (f) and the wheat has not gone out of condition through any fault of the producer.

§ 728.881 *Refund of penalty, erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 728.882 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 728.874 through 728.876. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the Department, which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the

United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 728.883 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, processors or transferees, and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, elevator operator, feeder, processor, or transferee, and each buyer other than an intermediate buyer, who buys, acquires or receives wheat from the producer or intermediate buyer thereof shall in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act: *Provided,* That a warehouseman, elevator operator, feeder, processor, or transferee, or buyer other than an intermediate buyer, whose place of business is outside the commercial wheat-producing area need not keep records of the identification of wheat produced outside the commercial wheat-producing area.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, processor, or transferee, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat or the name and address of the person who acquired the wheat through redemption of a soil bank certificate, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ-76—Wheat), marketing certificate (MQ-94—Wheat), intermediate buyer's record and report (MQ-95—Wheat), or soil bank delivery order (CCC-382 or CCC-103) by which the wheat was identified, or the report and penalty receipt (MQ-81—Wheat), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such person required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State administrative officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ-97—Wheat which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty.* Each warehouseman, elevator operator, feeder, processor, or transferee, and each buyer other than an intermediate buyer, who purchases any wheat from the producer or intermediate buyer which is not identified at the time the wheat is purchased in the manner provided in § 728.871 (a), (b), (c) and (d) shall, with respect to each such transaction, execute the report and penalty receipt on MQ-81—Wheat and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the names of the county and State and the address of the ASC county office of the county in which the wheat was produced, (3) the date of the transaction, (4) the amount of the wheat, (5) the year harvested, (6) the amount of the penalty incurred in connection with the transaction, and (7) whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on MQ-81—Wheat shall be executed in triplicate. The person who executes MQ-81—Wheat shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with wheat, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that wheat was not identified by MQ-76—Wheat as provided in § 728.871 (a) or MQ-94—Wheat as provided in § 728.871 (b), or MQ-95—Wheat as provided in § 728.871 (c), or CCC-382 or CCC-103 as provided in § 728.871 (d), if the serial number of the marketing card, marketing certificate, intermediate buyer's record and report, or soil bank delivery order does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports and soil bank delivery orders.* Whenever wheat is identified by the intermediate buyer's record and report (MQ-95—Wheat) executed in accordance with § 728.884, the warehouseman, elevator operator, feeder, processor, or transferee, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder, processor, or transferee, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the wheat covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat. The provisions of this paragraph for endorsing the intermediate buyer's record and report when only a portion of the wheat covered by the report is purchased shall also be followed when only a portion of the wheat covered by a soil bank delivery order is purchased.

(e) *Records in connection with wheat identified by marketing certificates.* Whenever wheat is identified by a marketing certificate (MQ-94—Wheat), the warehouseman, elevator operator, feeder, processor, or transferee, or the buyer other than an intermediate buyer, who purchases the wheat so identified shall retain the original of the marketing certificate as a record of the transaction, completed as provided in § 728.883 (b).

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, processor, or transferee, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the wheat was produced.

§ 728.884 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of the act.

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ-95—Wheat) of the following information: (1) The name and address of the producer from whom the wheat was purchased or acquired, (2) the names of the county and State and the address of the ASC county office of the county in which the wheat was produced, (3) the date of the transaction, (4) the number of bushels of wheat, (5) the serial number of the marketing card, marketing certificate or soil bank delivery order by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat, and (6) the year in which the wheat was harvested. The record and report shall be executed in quadruplicate and, after the entries described above are made,

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*Reports to the treasurer of the
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and unexecuted sets of Form MQ-95—Wheat which were retained by him. Books of Form MQ-95—Wheat shall be reissued to any intermediate buyer upon request. In the event that the county committee or State committee has reason to do so, any or all intermediate buyers to whom books of Form MQ-95—Wheat were issued or reissued after the end of the calendar year may be requested to mail or deliver on or before the end of the marketing year to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ-95—Wheat. In the event that the county or State committee has reason to believe that any intermediate buyer has failed or refused to comply with the regulations in this subpart, the county office manager or State administrative officer shall notify the intermediate buyer in writing that he is considered to be an intermediate buyer under the provisions of the wheat marketing quota regulations and that he is requested to furnish a report within 15 days to the treasurer of the county committee on Form(s) MQ-95—Wheat of all wheat purchased or acquired by him during the period of time as specified in the request. The notice shall advise the intermediate buyer that the information required to be reported on Form MQ-95—Wheat is in accordance with the wheat marketing quota regulations and he shall be advised of the penalty for failure or refusal to keep the records and make the reports as provided in § 728.886. The intermediate buyer shall make the report for the period specified as requested by the county office manager or State administrative officer.

§ 728.885 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with the regulations in this subpart, the buyer shall within 15 days after a written request therefor made by the county office manager or State administrative officer and deposited in the United States mails, registered and addressed to him at his last-known address, make a report verified as true and correct by affidavit on MQ-97—Wheat to such person with respect to all wheat purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of wheat, (d) the serial number of the marketing card (MQ-76—Wheat), marketing certificate (MQ-94—Wheat), soil bank delivery order (CCC-382 or CCC-103), intermediate buyer's record and report (MQ-95—Wheat), or the report and penalty receipt (MQ-81—Wheat), and (e) the amount of lien for the penalty or the amount of penalty incurred in connection with the wheat purchased or acquired.

§ 728.886 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 728.883, § 728.884, or § 728.885 and who fails to keep any such records or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 728.887 *Records to be kept and reports to be made by producers.* Each producer with respect to any wheat crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act. Upon written request of the county committee or county office manager any producer shall, within 15 days from the date the request was mailed to him, file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ-98—Wheat showing for the farm the following information: (a) The total number of bushels of wheat produced thereon in the applicable crop year, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of the wheat sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the wheat, (e) the amount of unmarketed wheat of the applicable crop on hand, (f) the disposition of any wheat not otherwise accounted for, and (g) the wheat acreage for the applicable crop year.

§ 728.888 *Data to be kept confidential.* Except as otherwise provided in this subpart, all data reported to or acquired by the Secretary pursuant to and in the manner provided in the regulations in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 728.889 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 728.885 through 728.87, and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in quintuplicate, to the Office of the General Counsel of the Department, which shall have authority to refer such cases for the institution of proceedings by the United States Attor-

ney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.890 *Farms on which the wheat acreage is not in excess of 15 acres or on which the normal production of the wheat acreage is less than 200 bushels*—(a) *Conditions of exemption.* A farm marketing quota for wheat for any crop shall not be applicable to any farm on which the wheat acreage for such crop is not in excess of 15 acres, or on which the normal production of the wheat acreage is less than 200 bushels.

(b) *Issuing marketing cards.* The county office manager or his designee or a member of the county committee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.867 to 728.870, inclusive.

§ 728.891 *Experimental wheat farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of any crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station and produced at public expense by employees of the experiment station, or to wheat produced for experimental purposes only by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the wheat and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm with respect to the 1958 crop and prior to the planting of the wheat crop on the farm with respect to the 1959 and subsequent crops. The production of foundation, registered or certified seed wheat will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager or his designee or a member of the county committee shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.867 to 728.870, inclusive.

§ 728.892 *Wheat produced on wildlife refuge farms.* The penalty shall not apply to the wheat produced on any farm operated by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 728.867 and 728.868, 728.890 and 728.891, but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the wheat produced on the farm will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 728.893 *Feed wheat farms.* The penalty shall not apply to the wheat produced on any farm for any crop year which is exempted under the provisions of Public Law 85-203 relating to the use of such entire crop of wheat on the farm for seed, human food or feed for livestock, subject to the following conditions:

(a) *Application for exemption.* All the producers who are entitled to share in the wheat crop, or the proceeds thereof, on any farm for which an exemption from marketing quota obligations is sought under the regulations in this section must sign a Form MQ-32—Wheat, Application for Exemption from Provisions of Wheat Marketing Quota Obligations under Provisions of Public Law 85-203 (hereinafter referred to as "application for exemption"), and file such form at the office of the county committee. The application for exemption relating to the 1959 and subsequent crops must be signed by at least one wheat producer on the farm and filed in the county office not later than August 1 of the calendar year in which the crop is seeded in any area where winter wheat is produced, and February 15 of the calendar year in which the crop is seeded where only spring wheat is produced. The application for exemption relating to the 1958 crop must be signed by at least one wheat producer on the farm and filed in the county office not later than October 25, 1957, or the date on which the seeding of the 1958 crop of wheat is started on the farm, whichever is later, as provided in § 728.842 of the 1958 Feed Wheat Marketing Quota Exemption Regulations (22 F. R. 8213, 8349). Where there are two or more producers on the farm, all other wheat producers on the farm must sign a duplicate of the application for exemption and it must be filed in the county office, signed by all wheat producers on the farm, not later than sixty days after the date the original application for exemption was filed in the office by the first producer. If the county committee finds that the application for exemption has been signed by all persons determined by it to be entitled to share in the wheat crop, or the proceeds thereof, to be produced on the farm, and filed in the county office prior to the closing date for filing the application, it shall approve the application, which approval shall be evidenced by the signature on the form of one member of the county committee, acting for the committee. No exemption shall be applicable to any farm under the regulations in this section until the application for exemption for such farm has been so signed and filed within the prescribed time limit and approved by the county committee. An application for exemption made by the first producer after the final date prescribed above shall not be accepted by the county committee.

(b) *Conditions of exemption.* If the application for exemption applicable to the current crop year has been signed by all producers on the farm, filed in the county office, and approved by the county committee in accordance with the provisions of paragraph (a) of this section, producers on the farm will be exempt from any obligation under the act to pay the marketing penalty on, deliver to the Secretary, or store the farm marketing excess with respect to the crop of wheat on the farm covered by the application for exemption, subject to compliance with the following conditions relating specifically to such wheat crop:

(1) The total wheat acreage on the farm shall not exceed 30 acres: *Provided,* That this condition shall not apply to farms operated by or as part of State and county institutions or religious or eleemosynary institutions.

(2) All the crop of wheat removed from the farm for processing for use as human food or for livestock or poultry feed on such farm, including the by-products from such wheat, shall be returned to the farm and consumed on the farm.

(3) None of the crop of wheat shall be sold or exchanged for goods or services except to a subsequent owner or operator of the farm. A sale or exchange to another producer on the farm shall constitute a violation of this condition.

(4) The entire crop of wheat shall be used on the farm for seed, human food, or feed for livestock, including poultry, owned by any producer on the farm or a subsequent owner or operator of the farm.

(5) None of the crop of wheat shall be removed to any other farm for use as feed, seed, food, or for any other use.

(6) None of the crop of wheat produced on the farm shall be commingled with any other wheat, except wheat which is to be fed or used for food or seed on the farm. If any of the crop of wheat produced on the farm covered by the application for exemption is otherwise commingled, any sale, barter, or exchange of such commingled wheat, except to a subsequent owner or operator of the farm, shall constitute a violation of subparagraph (2) of this paragraph.

(7) Each producer on the farm shall maintain records of the disposition of the crop of wheat produced on the farm and any other farm in which he has an interest in the wheat crop for two years after complete disposal of such crop, and shall permit inspection of such records and of any wheat on such farms at any time by any member of the county committee or county officer manager or any employee of the county committee, any authorized representative of the State administrative officer, and investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Serv-

the United States Department of Agriculture.

(8) Each producer on the farm shall furnish to the county committee, when requested by the county committee, or to a representative of the Secretary, when requested by such representative, within one year after the crop of wheat covered by the application for exemption is completely disposed of, a report indicating the disposition of such crop of wheat produced on the farm and on all other farms in which he has an interest in the crop of wheat for such year.

(c) *Cancellation of application.* An application for exemption may be cancelled at any time at the request of all producers on the farm who signed the application, or their successors-in-interest. Request for cancellation shall be made by signing a Form MQ-34—Wheat, Request for Cancellation of Application for Exemption from Provisions of Wheat Marketing Quota Obligations under Provisions of Public Law 85-203 (hereinafter referred to as "request for cancellation") and filing such form in the county office. Cancellation shall be made by the county committee if it determines that all producers who signed the application for exemption, or their successors-in-interest, have signed the request for cancellation, and shall be evidenced by the word "cancelled" written across the face of the application for exemption, followed by the signature of a member of the county committee acting for the county committee. If cancellation is made prior to the date for utilizing as wheat cover crop, the acreage in excess of the farm acreage allotment of 15 acres, whichever is larger, as provided in this subpart, the producers on the farm shall have the same rights and obligations with respect to adjusting the farm wheat acreage and in all other respects under the wheat marketing quota program as any producer who did not file an application for exemption under paragraph (a) of this section. If the cancellation is made after the final date for utilizing wheat acreage as wheat cover crop as described in the preceding sentence, the producers on the farm shall have no right to adjust their wheat acreage, but shall have the same rights and obligations with respect to the marketing of their crop of wheat as other producers who did not file an application for exemption under paragraph (a) of this section.

(d) *Violations.* In the event any condition outlined in paragraph (b) of this section is violated, the exemption of all producers on the farm from wheat marketing quota obligations shall become null and void, and each producer on the farm shall have the same rights and obligations as any other wheat producer who did not sign an approved application for exemption: *Provided*, That if the failure to comply with such conditions was beyond the control of the producers, as determined by the State committee upon recommendation of the county committee, the exemption shall continue in effect with respect to wheat remaining on the farm of the crop covered by the application for exemption.

(e) *Miscellaneous*—(1) *Acreage reserve program.* Any producer on a farm for which there is in effect an acreage reserve agreement with respect to the crop of wheat shall not be eligible to apply for or receive an exemption under the provisions of paragraphs (a) to (e), inclusive, of this section, with respect to such farm unless the acreage reserve agreement is cancelled on or before the closing date for cancelling such agreements.

(2) *Effect on future allotments and quotas.* No wheat acreage in excess of the acreage allotment for a farm covered by an exemption under the provisions of paragraphs (a) to (e), inclusive, of this section, shall be considered in determining future State and county wheat acreage allotments and wheat acreage allotments and marketing quotas for the farm.

(3) *Referendum voting eligibility.* No producer who signs an approved application for exemption under the provisions of paragraphs (a) to (e), inclusive, of this section, shall be eligible to vote in the referendum held to determine if farmers favor or oppose marketing quotas with respect to the next subsequent crop of wheat: *Provided*, That the producer shall not be ineligible to vote in the referendum because of signing an approved application for exemption if prior to the date of the referendum such application is cancelled or the exemption becomes null and void because of a violation of any condition thereof.

(4) *Marketing cards and certificates.* No marketing card or marketing certificate shall be issued with respect to wheat of any crop produced on any farm covered by an exemption under the provisions of paragraphs (a) to (e), inclusive of this section.

(5) *Successor-in-interest.* Any person who succeeds to the interests of a producer in the farm who signed an approved application for exemption shall obtain the same rights and obligations with respect to the exemption as his predecessor, if he signs the application for exemption and files it in the county office within 60 days after becoming such successor-in-interest, and the application for exemption is approved by the county committee. If the application for exemption is not signed and filed within the 60-day period by the successor-in-interest, the exemption for the farm shall become null and void.

§ 728.894 *Erroneous notices*—(a) *Erroneous notice of acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a wheat acreage allotment for a crop year which was larger than the finally-approved acreage allotment and the State and county committees find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to wheat in excess of the finally-approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to wheat on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage as provided in § 728.855, the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of wheat customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of wheat acreage allotment for the farm, such determination shall be subject to review and approval by the State committee or on behalf of the State committee by the State administrative officer before the erroneous allotment is used by the county committee to determine the marketing quota and farm marketing excess for the farm.

(b) *Erroneous notice of measured acreage.* If it is determined that any farm is out of compliance for marketing quota purposes, the farm nevertheless shall be deemed in compliance for marketing quota purposes if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that: (1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 728.895 *Approval of reporting and record-keeping requirements.* The reporting and record-keeping requirements contained in the regulations in this subpart have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3859; Filed, Apr. 17, 1958; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES; OFFERS OF SURPLUS TONNAGE RAISINS TO HANDLERS FOR SALE IN EXPORT

Correction

In Federal Register Document 58-2809, published at page 2444 in the issue for Wednesday, April 16, 1958, the last two words of the first sentence of § 989.158 (b), now reading "as issued", should read "was issued."

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

EXERCISE OF SPECIFIC TRUST POWER UNDER GRANT OF "GENERAL POWER"

Section 206.116 is added as follows:

§ 206.116 *Exercise of specific trust power under grant of "general power".* (a) The Board of Governors is authorized by section 11 (k) of the Federal Reserve Act "to grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with national banks are permitted to act under the laws of the State in which the national bank is located".

(b) The opinion of the Board has been requested as to the scope of trust authority in the case of a national bank which has been granted the right to act in two specific fiduciary capacities (trustee and registrar of stocks and bonds) and in any other fiduciary capacity in which competing State banks and trust companies are permitted to act under the law of the State in which the national bank is located. The direct question is whether under this authority the bank may act as executor, which is one of the eight powers enumerated in section 11 (k), but which was not specifically granted by the Board.

(c) It is the Board's opinion that the so-called ninth or "general power" covers all fiduciary powers which competing State institutions are authorized to exercise, including any of the eight specific powers enumerated in section 11 (k). Thus, a national bank that receives a permit which includes the "general power" may, in practical effect, have full trust powers even though its permit does not list some of the eight specific powers, although its right to exercise the specific powers not listed in its permit is dependent upon the authority of competing State institutions to do so.

(d) In the case now before the Board for consideration, competing State banks are permitted to act as executor. Accordingly, the Board has concluded that the national bank may also act in this capacity although the right to act as executor was not specifically mentioned in the permit issued by the Board.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 2-4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30-33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-2875; Filed, Apr. 17, 1958; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) of § 6.310 is amended and paragraph (f) (3) is added as set out below.

§ 6.130 *Department of the Interior.* * * *

(f) *Bureau of Reclamation.* * * *

(2) One Assistant Commissioner.

(3) One Associate Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2868; Filed, Apr. 17, 1958; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (10) of § 6.312 is revoked and paragraph (d) (15) is added as set out below.

§ 6.312 *Department of Commerce.* * * *

(d) *Business and Defense Services Administration.* * * *

(15) One Assistant Administrator for Business Services.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2867; Filed, Apr. 17, 1958; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

PART 507—AIRWORTHINESS DIRECTIVES

MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains the Airworthiness Directives amended or issued during March 1958. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Civil Aeronautics Administration mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedures Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10 (a) is amended as follows:

1. 58-4-2 Hartzell HC-93Z20-2C and 2B propellers as it appeared in 23 F. R. 1719 is amended by changing the compliance of 1. and 2. to "Prior to Next Flight."

2. 56-26-2 Piper PA-18, PA-18A and PA-22 as it appeared in 22 F. R. 2421 is cancelled.

The following new airworthiness directives are added:

58-5-1 DOUGLAS. Applies to Goodyear outboard wheel halves P/N 9531419 installed on Douglas DC-7C 17.00-20 main wheel assembly P N 9540934. Affects wheel assemblies manufactured prior to serial number 157-1569 and also wheel halves serial numbers 1573, 1574, 1575, 1595, 1596, 1597, 1771, 1833 and 1834.

Compliance required at the first wheel or tire change after May 10, 1958, and at each 100 landings thereafter. If wheel inspection is performed during any portion of the 100 landing interval, no inspection will be required until the next 100 landings thereafter.

As the result of failures of Goodyear wheel half P N 9531419 and in order to reduce the possibility or recurrence of these failures, the following inspection is required:

Inspect the outboard half P/N 9531419 in accordance with Goodyear Service Letter DC7C-3, dated January 15, 1957, or equivalent (Goodyear Service Letter DC7C-6, dated November 15, 1957, covers this same subject). The inspections may be adjusted to tire change periods where the individual operators service experience justifies.

58-5-2 VICKERS. Applies to all Viscount 700 series aircraft.

Compliance required as indicated: In accordance with British Air Registration Board's list of "Essential Modifications and Inspections" compliance with the following Vickers-Armstrongs corrective measures are considered mandatory. The CAA concurs and considers compliance therewith mandatory. Compliance provisions are detailed in the Vickers publications referenced in each item.

A. *Inspection and modification of engine nacelle attachment fittings at wing station 257.75.* Inspections for cracks in ribs and fittings as detailed in PTL #34, issue 2 are required every 300 hours until the incorporation of modified nacelle attachment fittings, per Part (b) of Mod. D 1208, issue 3.

B. *Inspection and modification of top rear inboard nacelle struts.* Inspections for cracks of top rear inboard and outboard nacelle struts and inboard and outboard accessory gearbox stay tubes on Nos. 2 and

3 engine nacelles as detailed in PTL #87, issue 2 are required until the incorporation of Mod. D 1742.

C. *Inspection and modification of catenary flooring attachment.* Inspections and modifications of the catenary floor (forward of station 133) are required in accordance with PTL #130, issue 3 and Part (b) of Mod D 1844. Compliance with Part B, Mod. 1884 required at or before completion of 4,750 flights, with aircraft operating at 5.5 psi cabin differential pressure since entering service may be allowed up to 10,000 pressurized flights.

D. *Life limitation of flap gear universal joint trunnion in 6093–1655.* Flap gear trunnion P/N 6093–1655 is limited to a life of 1850 flights due to the possibility of fatigue cracks developing. Trunnions exceeding this life should be replaced within the next 50 flights with replacement parts to Modification D 2188 standard, or removed and inspected for cracks. In accordance with PTL 153, issue 2 and if found serviceable may be replaced provided they are inspected at intervals not exceeding 200 flights.

E. *Modification of rear pressure bulkhead.* The rear pressure bulkhead must have Mod. 1986 incorporated not later than 7,500 pressurized flights, with aircraft operating at 5.5 psi since entering service allowed up to 10,000 pressurized flights. (PTL #166 and Mod. D1925, Parts (b) and (c) cover the subject).

58-5-3 VICKERS. Applies to all Viscount 700 series aircraft.

Compliance required as indicated: In accordance with the British Air Registration Board's list of "Essential Modifications and Inspection," compliance with the following Vickers-Armstrongs corrective measures are considered mandatory. The CAA concurs and considers compliance therewith mandatory. Compliance provisions are detailed in the Vickers publications referenced in each item.

A. *Modification elevator and rudder control locks.* To insure freedom of movement over the complete range of travel of the gust lock lever, install special shoulder greaser bolts in accordance with Mod. D. 1421 to prevent overtightening of the nut securing the lock lever. Also, on elevator gust lock unit P/N A 1949–1 chamfer the sides of the slotted recess in accordance with TNS No. 64, issue 2. Compliance required by April 15, 1958.

B. *Connection of A. C. phase transformer.* Mod. D 1677 revises the electrical circuit, placing transformers on the input side of the circuit breakers to prevent feed back through the primary of A. C. phase transformers. (This is further to Mod. D 1513.) Compliance required by April 15, 1958.

C. *Redistribution of bus-bar supplies to pitot head heaters.* By supplying the heaters from different bus-bars, complete loss of pitot-head deicing due to failure of one bus-bar is prevented. Mod. D 2019 covers this subject. Compliance required by September 15, 1958.

D. *Inspection and modification of elevator anti-balance tab mechanism.* To prevent over-center jamming of the elevator anti-balance tab mechanism, PTL #160 prescribes precautionary checks of the tab mechanism maximum travel as well as modifying the link. (PTL #160 and Mod. D 2239 cover the subject.) Compliance required by April 15, 1958.

E. *Improve the locking of the forward elevator and aileron lever group at cockpit stat. 53 and aileron lever group at fuselage station 462.68.* To prevent lost movement in the aileron control system and possible loosening of the aileron bellcrank level, Mod. D 2091 introduces new fittings and attachment means. Compliance with PTL #141 or Mod. D 2091 required by April 15, 1958.

F. *Increase cut-out in pilots floor for elevator control clearance.* Mod. D 2120 increases size of cutaway in pilots floor area to eliminate fouling of elevator rod attachment bolt when incorrectly assembled. Compliance with PTL #140 or Mod. D 2120 required by July 15, 1958.

G. *Fairleads for elevator trim tab chain at frame station 783.* In order to preclude jamming of the elevator trim tab chain where it passes through the frame station 783, a fairlead Vickers drawing No. 70152, parts Nos. 1205, 1207, and 1209, should be installed at the cutaway in the frame in accordance with Vickers Mod. D 1602. Compliance required by July 15, 1958.

H. *Inspection of type S.1, S.2 and S.4 relays.* To prevent shorting of relays due to loosening of the securing screws on the armature springs PTL #147 specifies inspection for security and locking of the shakeproof lock washers and to further lock by the application of either Glyptal Varnish CS.184 or Bakelite Varnish V.130. Compliance required by April 15, 1959.

58-6-1 CONVAIR. Applies to all Convair Model 240 series aircraft.

Compliance required: Not later than May 15, 1958, and at each 300 hours of operation or next regular inspection nearest thereto, on all aircraft equipped with Bendix Main Landing Gear Assemblies Nos. 155150–1, 155370–1, 159695–6 and 159589–90, with 15,000 hours or more of service time.

A considerable number of reports have been received pertaining to cracking and of failures of the main landing gear axle at the 2.9998"–2.9990" diameter adjacent to the brake flange. A number of cases resulted in complete failure of the axle and subsequent loss of main landing gear wheel.

As a result of these reported failures, the subject parts must be inspected for cracks in the area described above by means of a dye penetrant or equivalent inspection procedure.

Parts in which cracks are found must be considered unairworthy and be replaced or satisfactorily reworked.

One acceptable rework is described in Bendix Projects Division, Aircraft Service Department Service Bulletin No. L. G. 595. The same information is also contained in Convair Newsletter No. 58–1, dated January 1958.

58-6-2 HARTZELL. Applies to Hartzell HC–82XF/8833–O (88-inch diameter) propellers, serial numbers between T–913 and T–2891 except T–2564, T–2569, T–2594, T–2595, T–2609, T–2648, T–2703 and T–2716.

Compliance required within the next 10 hours of operation but not later than June 1, 1958.

Two recent failures of A–159 split rings have occurred in HC–82XF/8833 propellers. In order to minimize the possibility of the occurrence of this type of serious failure, replace the present split rings with new split rings. The present rings are unmarked, but the new A–159 rings will be marked with the letter "N".

(Hartzell Service Bulletin No. 57 covers this same subject.)

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended; 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 11, 1958.

[F. R. Doc. 58-2861; Filed, Apr. 17, 1958; 8:46 a. m.]

[Amdt. 30]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.12 *Green civil airway 2* is amended to read in part:

From Billings, Mont., LFR; to Miles City, Mont., LFR; MEA 5,300.

From Nibbe, Mont., FM; to Miles City, Mont., LFR, eastbound only; MEA 5,000.

Section 610.15 *Green civil airway 5* is amended to read in part:

From Abingdon INT, Va.; to *Ford INT, Va.; MEA 6,000. *7,000—MCA Ford INT, northeastbound.

From Ford INT, Va.; to Pulaski, Va., LFR; MEA 7,000.

Section 610.107 *Amber civil airway 7* is amended to read in part:

From Relay INT, Md.; to Boothwyn INT, Pa.; MEA 2,000.

Section 610.219 *Red civil airway 19* is amended to read in part:

From Int. N crs Richmond LFR and NW crs Tappahannock LFR; to Tappahannock, Va., LFR; MEA 1,500.

From Tappahannock, Va., LFR; to Gwynn INT, Va.; MEA 1,500.

Section 610.249 *Red civil airway 49* is amended to read in part:

From *Salt Lake City, Utah, LFR; to Fort Bridger, Wyo., LFR; MEA 12,000. *12,000—MCA Salt Lake City LFR, northeastbound.

Section 610.255 *Red civil airway 55* is amended to read in part:

From South Bend, Ind., LFR; to Goshen, Ind., LFR; MEA 2,500.

Section 610.276 *Red civil airway 76* is amended to read:

From Williams, Calif., LFR; to Wheatland INT, Calif.; MEA 4,000.

From Wheatland INT, Calif.; to Auburn INT, Calif.; westbound, MEA 4,000; eastbound, MEA 7,000.

Section 610.649 *Blue civil airway 49* is amended to read in part:

From INT SE crs Philadelphia LFR, 116–296 M brg., Dover, Del. LF/RBN; to Millville, N. J., LFR; MEA 1,500.

Section 610.1001 *Direct routes—U. S.* is amended to read in part:

From Lanai, T. H., VOR; to *Southgate INT, T. H.; MEA 5,000. *5,000—MCA Southgate INT, eastbound.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From Coyle, N. J., VOR; to Red Bank INT, N. J.; MEA 1,500.

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6002 *VOR civil airway 2* is amended by adding:

From Seattle, Wash., VOR via N alter.; to Ephrata, Wash., VOR via N alter.; MEA 12,000.

From Spokane, Wash., VOR via N alter.; to Mullen Pass, Idaho, VOR via N alter.; MEA 9,000.

From Helena, Mont., VOR via N alter.; to *Delphine INT, Mont.; via N alter.; MEA **12,500. *12,500—MRA. **11,000—MOCA.

From Delphine INT, Mont. via N alter.; to Billings, Mont., VOR via N alter.; MEA 11,000.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Billings, Mont., VOR; to Miles City, Mont., VOR; MEA 5,300.

From Nibbe, Mont., FM; to Miles City, Mont., VOR; eastbound only; MEA 5,000.

From Caledonia INT, Mich., via S alter.; to Lansing, Mich., VOR, via S alter.; MEA 2,000.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Florence, N. C., VOR; to *Murray INT, N. C.; MEA 2,100. *3,300—MRA.

From Flat Rock, Va., VOR; to Rockville INT, Va.; MEA 3,000.

From Rockville INT, Va.; to Brooke, Va., VOR; MEA 1,700.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Evansville, Ind., VOR; to *Decker INT, Ind.; MEA 2,000. *6,500—MRA.

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Tallahassee, Fla., VOR; to Marianna, Fla., VOR; MEA 1,500.

From Cross City, Fla., VOR via W alter.; to Bristol INT, Fla., via W alter.; MEA *2,000. *1,500—MOCA.

From Bristol INT, Fla., via W alter.; to Blountstown INT, Fla., via W alter.; MEA *2,000. *1,300—MOCA.

From Blountstown INT, Fla., via W. alter.; to Marianna, Fla., VOR via W alter.; MEA 1,500.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Chicago Heights, Ill., VOR; to *Westville INT, Ind.; MEA 2,000. *3,800—MRA.

Section 610.6011 *VOR civil airway 11* is amended to read in part:

From Scotland, Ind., VOR via E. alter.; to Paragon INT, Ind., via E alter.; MEA *3,000. *2,200—MOCA. (Deletes MRA at Paragon INT.)

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Ardmore, Okla., VOR; to Pharoah INT, Okla.; MEA *5,000. *2,700—MOCA.

From Pharoah INT, Okla.; to Okmulgee, Okla., VOR; MEA *2,500. *2,100—MOCA.

From Shawnee INT, Okla., via W alter.; to Morse INT, Okla., via W alter.; MEA *3,000. *2,400—MOCA.

From Morse INT, Okla., via W alter.; to Okmulgee, Okla., VOR via W alter.; MEA 2,200.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Princeton INT, Tex., via N alter.; to Tidwell INT, Tex., via N alter.; MEA *2,400. *1,700—MOCA.

From Tidwell INT, Tex., via N alter.; to Sulphur Springs, Tex., VOR via N alter.; MEA 1,800.

From Sulphur Springs, Tex., VOR via N alter.; to Avery INT, Tex., via N alter.; MEA 1,600.

From Avery INT, Tex., via N alter.; to Texarkana, Ark., VOR via N alter.; MEA *1,800. *1,700—MOCA.

From Tri-City, Tenn., VOR; to *Konnarock INT, Va.; MEA 6,000. *7,000—MCA Konnarock INT, northeastbound.

From Konnarock INT, Va.; to Pulaski, Va., VOR; MEA 7,700.

From Woolf INT, N. J.; to *Patchogue INT, N. Y.; MEA **2,000. *4,000—MRA. **1,500—MOCA.

From Patchogue INT, N. Y.; to Riverhead, N. Y., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From San Antonio, Tex., VOR via W alter.; to Spring Branch INT, Tex., via W alter.; MEA *2,700. *2,600—MOCA.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Roopville INT, Ga., via S alter.; to Atlanta, Ga., VOR via S alter.; MEA 2,300.

Section 610.6019 *VOR civil airway 19* is amended by adding:

From Billings, Mont., VOR via W alter.; to Lewistown, Mont., VOR via W alter.; MEA 11,000.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Lake Charles, La., VOR via N alter.; to Hathaway INT, La., via N alter.; MEA *4,600. *1,400—MOCA.

From Hathaway INT, La., via N alter.; to Lafayette, La., VOR via N alter.; MEA 1,500.

From Mooresville INT, N. C.; to Barber INT, N. C.; MEA 2,400.

Section 610.6622 *VOR civil airway 22* is amended to read in part:

From Marianna, Fla., VOR; to Tallahassee, Fla., VOR; MEA 1,500.

From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA 1,500.

From Greenville INT, Fla.; to Lee INT, Fla.; MEA *2,500. *1,500—MOCA.

From Lee INT, Fla.; to *Taylor INT, Fla.; MEA **3,000. *4,000—MRA. **1,200—MOCA.

From Taylor INT, Fla.; to Bryceville INT, Fla.; MEA *2,500. *1,200—MOCA.

From Bryceville INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Marianna, Fla., VOR via N alter.; to *Calvary INT, Ga., via N alter.; MEA 2,500. *2,500—MRA.

From Calvary INT, Ga., via N alter.; to *Reno INT, Ga., via N alter.; MEA **5,000. *5,000—MRA. **1,500—MOCA.

From Reno INT, Ga., via N alter.; to *Quitman INT, Ga., via N alter.; MEA **5,000. *5,000—MRA. **1,500—MOCA.

From Quitman INT, Ga., via N alter.; to Greenville INT, Fla., via N alter.; MEA *5,000. *1,200—MOCA.

From Greenville INT, Fla., via N alter.; to Lee INT, Fla., via N alter.; MEA *2,500. *1,500—MOCA.

From Lee INT, Fla., via N alter.; to *Taylor INT, Fla., via N alter.; MEA **3,000. *4,000—MRA. **1,200—MOCA.

From Taylor INT, Fla., via N alter.; to Bryceville INT, Fla., via N alter.; MEA *2,500. *1,200—MOCA.

From Bryceville INT, Fla., via N alter.; to Jacksonville, Fla., VOR, via N alter.; MEA *1,500. *1,300—MOCA.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From *Cadott INT, Wis.; to **Wausau, Wis., VOR; MEA 3,500. *2,400—MRA. **3,500—MCA Wausau VOR, westbound.

From Eau Claire, Wis., VOR via S alter.; to Wausau, Wis., VOR via S alter.; MEA [illegible]

Section 610.6030 *VOR civil airway 30* is amended to read in part:

From Idlewild, N. Y., VOR; to *Patchogue INT, N. Y.; MEA **4,000. *4,000—MRA. **1,500—MOCA.

From Patchogue INT, N. Y.; to *Mastic INT, N. Y.; MEA **6,000. *6,000—MRA. **1,500—MOCA.

From Mastic INT, N. Y.; to *White Cap INT, N. Y.; MEA **11,000. *10,000—MRA. *1,500—MOCA.

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From *Salt Lake City, Utah, VOR; to **Henefer INT, Utah; MEA 12,000. *12,000—MCA Salt Lake City VOR, eastbound. **14,000—MRA.

From Henefer INT, Utah; to Ft. Bridger, Wyo., VOR; MEA 12,000.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Cross City, Fla., VOR; to Tallahassee, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Tallahassee, Fla., VOR; to *Calvary INT, Ga.; MEA 2,000. *2,500—MRA.

From Calvary INT, Ga.; to Albany, Ga., VOR; MEA 2,000.

Section 610.6035 *VOR civil airway 35* is amended by adding:

From Tallahassee, Fla., VOR via E alter.; to *Reno INT, Ga., via E alter.; MEA **2,000. *5,000—MRA. **1,500—MOCA.

From Reno INT, Ga., via E alter.; to *Hartsfield INT, Ga., via E alter.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

From Hartsfield INT, Ga., via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,700.

Section 610.6044 *VOR civil airway 44* is amended to read in part:

From Centralia, Ill., VOR; to Fairfield INT, Ill.; MEA 2,100.

From Fairfield INT, Ind.; to *Decker INT, Ind.; MEA **6,500. *6,500—MRA. **2,300—MOCA.

From Decker INT, Ind.; to *Baden INT, Ind.; MEA **6,500. *4,000—MRA. **2,300—MOCA.

From Baden INT, Ind.; to Livonia INT, Ind.; MEA *4,000. *2,300—MOCA.

From Livonia INT, Ind.; to Nabb, Ind., VOR; MEA 2,100.

Section 610.6045 *VOR civil airway 45* is amended to read in part:

From Pulaski, Va., VOR; to Bluefield INT, W. Va.; MEA 6,000.

From Bluefield INT, W. Va.; to Charleston, W. Va., VOR; MEA 5,500.

Section 610.6046 *VOR civil airway 46* is amended to read in part:

From Riverhead, N. Y., VOR via S alter.; to *White Cap INT, N. Y., via S alter.; MEA 1,500. *10,000—MRA.

Section 610.6050 *VOR civil airway 50* is amended to read in part:

From Springfield, Ill., VOR; to *Mount Zion INT, Ill.; MEA 2,600. *4,000—MRA.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Goshen, Ind., VOR; to South Bend, Ind., VOR; MEA 2,500.

Section 610.6059 *VOR civil airway 59* is amended by adding:

From Pulaski, Va., VOR; to Beckley, W. Va., VOR; MEA 5,000.
From Beckley, W. Va., VOR; to Parkersburg, W. Va., VOR; MEA 6,000.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA *8,000. *4,000—MOCA.
From Princeton INT, Tex.; to Tidwell INT, Tex.; MEA *2,400. *1,700—MOCA.
From Tidwell INT, Tex.; to Sulphur Springs, Tex., VOR; MEA 1,800.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Rockdale, N. Y., VOR; to Albany, N. Y., VOR; MEA 4,500.

Section 610.6074 *VOR civil airway 74* is amended to read in part:

From Fort Smith, Ark., VOR; to *Subiaco INT, Ark.; MEA **4,000. *6,000—MRA. **3,200—MOCA.
From Subiaco INT, Ark.; to *Roland INT, Ark.; MEA **4,000. *8,000—MRA. **3,200—MOCA.
From Roland INT, Ark.; to City INT, Ark.; MEA *4,000. *3,200—MOCA.
From City INT, Ark.; to Little Rock, Ark., VOR; MEA 1,900.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From *Rowena INT, Tex., via N alter.; to San Angelo, Tex., VOR via N alter.; MEA 3,400. *6,000—MRA.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Chicago Heights, Ill., VOR; to *Westville INT, Ind.; MEA 2,000. *3,800—MRA.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From Mount Sylan INT, Tex.; to Gregg County, Tex., VOR; MEA 1,800.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Tampa, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla.; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From Shrimp INT, Fla.; to Scallop INT, Fla.; MEA *4,000. *1,000—MOCA.
From Scallop INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.
From Lobster INT, Fla.; to St. Marks INT, Fla.; MEA *2,000. *1,000—MOCA.
From St. Marks INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,500.
From Tallahassee, Fla., VOR; to *Calvary INT, Fla.; MEA 2,000. *2,500—MRA.
From Calvary INT, Fla.; to Albany, Ga., VOR; MEA 2,000.

Section 610.6105 *VOR civil airway 105* is amended by adding:

From Prescott, Ariz., VOR via W alter.; to Las Vegas, Nev., VOR via W alter.; MEA *15,000. *10,500—MOCA.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Alexandria, La., VOR; to *Bunkie INT, La.; MEA 1,300. *3,000—MRA.
From Bunkie INT, La.; to *Woodside INT, La.; MEA 1,300. *4,600—MRA.
From Gregg County, Tex., VOR; to *Converse INT, La.; MEA **2,500. *3,000—MRA. **1,600—MOCA.

Section 610.6115 *VOR civil airway 115* is amended to read in part:

From Ellwood City, Pa., VOR; to Jamestown INT, N. Y.; MEA 6,000.
From Jamestown INT, N. Y.; to Buffalo, N. Y., VOR; MEA 4,000.

Section 610.6126 *VOR civil airway 126* is amended to read in part:

From Chicago Heights, Ill., VOR; to Westville INT, Ind.; MEA 2,000. *3,800—MRA.

Section 610.6133 *VOR civil airway 133* is amended to delete:

From Walnut Grove INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.

Section 610.6133 *VOR civil airway 133* is amended by adding:

From Charleston, W. Va., VOR; to Zanesville, Ohio, VOR; MEA 3,000.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Nashville, Tenn., VOR; to *Lebanon INT, Tenn.; MEA 2,000. *2,300—MRA.
From Lebanon INT, Tenn.; to Hartsville INT, Tenn.; *3,400. *2,000—MOCA.
From Coyle, N. J., VOR; to Red Bank INT, N. J.; MEA 1,500.
From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From Gainesville, Fla., VOR; to Greenville INT, Fla.; MEA *5,500. *1,500—MOCA.
From Greenville INT, Fla.; to *Quitman INT, Ga.; MEA **5,000. *5,000—MRA. **1,200—MOCA.
From Quitman INT, Ga.; to *Hartsfield INT, Ga.; MEA **3,000. *2,000—MRA. **1,500—MOCA.
From Hartsfield INT, Ga.; to Albany, Ga., VOR; MEA 1,700.
From Cross City, Fla., VOR via W alter.; to Perry INT, Fla., via W alter.; MEA *2,000. *1,200—MOCA.
From Perry INT, Fla., via W alter.; to Greenville INT, Fla., via W. alter.; MEA *3,500. *1,200—MOCA.
From Greenville INT, Fla., via W alter.; to *Quitman INT, Ga., via W alter.; MEA **5,000. *5,000—MRA. **1,200—MOCA.
From Quitman INT, Ga., via W alter.; to *Hartsfield INT, Ga., via W alter.; MEA **3,000. *2,000—MRA. **1,500—MOCA.
From Hartsfield INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,700.

Section 610.6161 *VOR civil airway 161* is amended to read in part:
From Ardmore, Okla., VOR; to Pharoah INT, Okla.; MEA *5,000. *2,700—MOCA.
From Pharoah INT, Okla.; to Okmulgee, Okla., VOR; MEA *2,500. *2,100—MOCA.

Section 610.6167 *VOR civil airway 167* is amended to read in part:

From *Pt. Pleasant INT, N. Y.; to Idlewild, N. Y., VOR; MEA **3,000. *3,000—MRA. **1,500—MOCA.

Section 610.6171 *VOR civil airway 171* is amended to read in part:

From Louisville, Ky., VOR; to Livonia INT, Ind.; MEA 2,600.
From Livonia INT, Ind.; to *Mitchell INT, Ind.; MEA **3,000. *3,000—MRA. **2,200—MOCA.

Section 610.6174 *VOR civil airway 174* is amended to read in part:

From *Mitchell INT, Ind.; to Livonia INT, Ind.; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Livonia INT, Ind.; to Louisville, Ky., VOR; MEA *3,000. *2,600—MOCA.

Section 610.6187 *VOR civil airway 187* is amended by adding:

From Albuquerque, N. Mex., VOR; to Farmington, N. Mex., VOR; MEA 10,000.

Section 610.6195 *VOR civil airway 195* is amended to read in part:

From *Red Bluff, Calif., VOR; to Tomhead INT, Calif.; eastbound, MEA, 3,500; westbound, MEA 9,000. *5,000—MCA Red Bluff VOR, westbound.

Section 610.6198 *VOR civil airway 198* is amended by adding:

From San Simon, Ariz., VOR; to Animas INT, N. Mex.; MEA 9,000.
From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; eastbound, MEA 8,600; westbound, MEA 10,000.
From Hilltop, Ariz., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.
From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500. *13,000—MRA.
From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6208 *VOR civil airway 208* is amended to read in part:

From Avalon INT, Calif.; to Oceanside, Calif., VOR; MEA 3,000.
From Oceanside, Calif., VOR; to Valley Center INT, Calif.; MEA 4,000.
From Valley Center INT, Calif.; to *Mesa Grande INT, Calif.; eastbound, MEA 9,000; westbound, MEA 7,000. *9,000—MCA Mesa Grande INT, northeastbound.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From Culberson, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 6,300.

Section 610.6227 *VOR civil airway 227* is amended to read in part:

From Louisville, Ky., VOR; to Livonia INT, Ind.; MEA 2,600.
From Livonia INT, Ind.; to *Mitchell INT, Ind.; **3,000. *3,000—MRA. **2,200—MOCA.
From Mitchell INT, Ind.; to Sanders INT, Ind.; MEA *3,000. *2,200—MOCA.
From Sanders INT, Ind.; to Paragon INT, Ind.; MEA *2,500. *2,200—MOCA.

Section 610.6243 *VOR civil airway 243* is amended by adding:

From Bowling Green, Ky., VOR; to *Baden INT, Ind.; MEA **3,000. *4,000—MRA. **2,500—MOCA.
From Baden INT, Ind.; to Scotland, Ind., VOR; MEA 2,000.

Section 610.6255 *VOR civil airway 255* is amended to read in part:

From Burlington, Iowa, VOR; to Colona INT, Ill., MEA 2,800.
From Colona INT, Ill.; to Moline, Ill., VOR; MEA 2,300.

Section 610.6258 *VOR civil airway 258* is amended by adding:

From Charleston, W. Va., VOR; to Beckley, W. Va., VOR; MEA 5,500.
From Beckley, W. Va., VOR; to Roanoke, Va., TVOR; MEA 6,000.

Section 610.6260 *VOR civil airway 260* is amended to read:

From Charleston, W. Va., VOR; to Rainelle, W. Va., VOR; MEA 5,500.
From Rainelle, W. Va., VOR; to Roanoke, Va., TVOR; MEA 6,000.

Section 610.6261 *VOR civil airway 261* is amended to read:

From Pulaski, Va., VOR; to Beckley, W. Va., VOR; MEA 5,000.

Section 610.6290 *VOR civil airway 290* is added to read:

From Charleston, W. Va., VOR; to Rainelle, W. Va., VOR; MEA 5,500.

From Rainelle, W. Va., VOR; to Montebello, Va., VOR; MEA 6,000.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to delete:

From Swordfish INT, T. H., via N alter.; to Orchid INT, T. H., via N alter.; MEA 7,000.

From Orchid INT, T. H., via N alter.; to Coconut INT, T. H., via N alter.; MEA 4,000.

From Coconut INT, T. H., via N alter.; to Honolulu, T. H., VOR via N alter.; MEA 3,500.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to read in part:

From *Swordfish INT, T. H., via N alter.; to Orchid INT, T. H., via N alter.; eastbound, MEA 4,000; westbound, MEA 7,000. *7,000—MRA.

From Banana INT, T. H.; to Sugar Cane INT, T. H.; MEA 8,000.

From Sugar Cane INT, T. H.; to *North Maui INT, T. H.; northeastbound, MEA 20,000; southwestbound, MEA 8,000. *20,000—MRA.

Section 610.6409 *Hawaii VOR civil airway 9* is amended to read:

From *South Honolulu INT, T. H.; to Coral INT, T. H.; northbound, MEA 2,000; southbound, MEA 6,000. *6,000—MRA.

From Coral INT, T. H., to Southgate INT, T. H.; MEA 2,000.

From Southgate INT, T. H.; to Honolulu, T. H., VOR; southbound, MEA 2,000; northbound, MEA 4,000.

Section 610.6412 *Hawaii VOR civil airway 12* is added to read:

From Swordfish INT, T. H.; to Orchid INT, T. H.; MEA 7,000.

From Orchid INT, T. H.; to Coconut INT, T. H.; MEA 4,000.

From Coconut INT, T. H.; to Honolulu, T. H., VOR; MEA 3,500.

Section 610.6600 *VOR civil airway 1500* is amended to read in part:

From *Cadott INT, Wis.; to **Wausau, Wis., VOR; MEA 3,500. *2,400—MRA. **3,500—MCA Wausau VOR, westbound.

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6602 *VOR civil airway 1502* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From Red Bank INT, N. J., to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6610 *VOR civil airway 1510* is amended to read in part:

From Chicago Hgts, Ill., VOR via S alter.; to *Westville INT, Ind., via S alter.; MEA 2,000. *3,800—MRA.

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Red Bank INT, N. J.; to Idlewild, N. Y., VOR; MEA *3,000. *1,500—MOCA authorized only when utilizing Scotland, N. J., LF/RBN.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Nashville, Tenn., VOR; to Lebanon INT, Tenn.; MEA 2,000.

From Lebanon INT, Tenn.; to Hartsville INT, Tenn.; MEA *3,400. *2,000—MOCA.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Tri-City, Tenn., VOR; to *Konnarock INT, Va., MEA 6,000. *7,000—MCA Konnarock INT, northeastbound.

From Konnarock INT, Va.; to Pulaski, Va., VOR; MEA 7,700.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective May 8, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 9, 1958.

[F. R. Doc. 58-2819; Filed, Apr. 17, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

FEE STRUCTURE FOR CENSUS OF HOUSING BY BLOCK STATISTICS FOR CITIES UNDER 50,000 POPULATION

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing of this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

In accordance with the provisions of the act authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structure is hereby established. No transcript of any record will be furnished under authority of these acts which would disclose data on individual dwelling units or violate existing or future acts requiring that information furnished be held confidential.

§ 50.25 *Fee structure for housing statistics by blocks.* (a) It has been standard practice in the past for the Bureau of the Census to conduct decennial censuses so as to publish housing statistics by blocks only for cities of 50,000 or more population. As a part of the 18th Decennial Censuses to be taken in 1960, however, the Bureau is willing upon request to conduct housing censuses by blocks for cities of less than 50,000 population, if the city will pay the estimated additional costs involved, based on a fee structure, as follows:

Size group[1]	
For cities under 10,000 population	[illegible]
For cities from:	
10,000 through 14,999	[illegible]
15,000 through 19,999	1,[illegible]
20,000 through 24,999	1,[illegible]
25,000 through 29,999	1,[illegible]
30,000 through 34,999	1,[illegible]
35,000 through 39,999	2,[illegible]
40,000 through 44,999	2,[illegible]
45,000 through 49,999	2,[illegible]

Effective April 1, 1958.

[1] Based on the 1950 Census of Population, or on a Special Population Census conducted by the Bureau of the Census after 1950, or on the best estimate for 1960, if higher.

(b) To obtain housing statistics by blocks for a city under 50,000, an authorized official of the city must write a letter to the Director, Bureau of the Census, Washington 25, D. C., requesting that the city be included in the 1960 block statistics program and agreeing to pay the fee specified. The Bureau will make available to the requesting city a set of specifications to follow in preparing maps, including numbering of blocks, which are required for use in conducting the census. The letter of request and agreement from the city must be received by the Bureau before September 30, 1958, and satisfactory maps of the city must be furnished the Bureau before January 1, 1959. Payment in the form of a check or money order based on the foregoing table and payable to Census, Department of Commerce, is required before January 1, 1960. Should the population count for a requesting city exceed 50,000 in the official 1960 Census, no charge will be made and the deposited fee will be refunded. Additional charges, based on the foregoing table, will be made if the official 1960 Census figures show the city to be in a higher size group than that upon which the original deposit was made. Conversely, a refund will be made if the 1960 Census count shows the city to be in a lower size group than that upon which the payment was based. It is expected that the data will be available early in 1961.

(Sec. 3, 49 Stat. 293, as amended; 15 U. S. C. 192a. Interprets or applies sec. 1, 40 Stat. 1256, as amended, sec 1, 49 Stat. 292, sec. 1, 68 Stat. 1013, as amended; 15 U. S. C. 189, 189a, 13 U. S. C. 8)

[SEAL] ROBERT W. BURGESS,
Director, Bureau of the Census.

Approved: April 14, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-2860; Filed, Apr. 17, 1958; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26) are amended by adding to § 146.26 (b) the following new subparagraph (39):

(39) It is intended for use solely as an aid in the prevention or treatment of fowl typhoid, paratyphoid, and pullorum disease and as an aid in stimulating growth in poultry flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; and it contains 3,5-dinitrobenzamide in a quantity, by weight of feed, of not less than 0.075 percent and not more than 0.15 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 352)

Dated: April 11, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2869; Filed, Apr. 17, 1958; 8:47 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

RECORD RETENTION

Notice was published in the FEDERAL REGISTER on January 3, 1958 (23 F. R. 56), that the Secretary of Labor proposed to amend §§ 201.501 and 201.502 of Title 41 of the Code of Federal Regulations by changing the provisions regarding record retention under the Walsh-Healey Public Contracts Act (49 Stat. 2038, as amended; 41 U. S. C. 38) in the manner set forth in the notice. Interested persons were given 15 days in which to submit data, views, or arguments pertaining to the proposal. Two comments were received during the fifteen day period. Both approved the proposal. The purpose and effect of the proposed amendment is to conform the record retention requirements of regulations issued under the Walsh-Healey Act to those issued under the Fair Labor Standards Act of 1938.

Accordingly, pursuant to authority under section 4 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, as amended; 41 U. S. C. 38), §§ 201.501 and 201.502 of Title 41 of the Code of Federal Regulations are amended as follows:

A. Amend § 201.501 as follows:

1. Delete from paragraph (c) the last sentence thereof which reads: "Such records shall be kept on file for at least 4 years from their last date of entry;".

2. Add new paragraphs (d), (e), (f), (g) and (h) to read:

(d) The records required by paragraphs (a), (b), and (c) of this section shall be kept on file for at least 3 years from their last date of entry;

(e) Basic employment and earnings records: All basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees or of separate work forces, or the individual employees' daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees;

(f) Wage rate tables: All tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess compensation;

(g) Work time schedules: All schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate workforces;

(h) The records required by paragraphs (e), (f), and (g) of this section shall be kept on file at least 2 years from their last date of entry or their last effective date whichever is later;

B. Amend § 201.502 as follows:

1. Delete from paragraph (c) the last sentence thereof which reads: "Such records shall be kept on file for at least 4 years after the date of entry thereof;"

2. Add a new paragraph (d) to read:

(d) The records required by paragraphs (a), (b), and (c) of this section shall be kept on file at least 3 years from their date of entry.

(Sec. 4, 49 Stat. 2038, as amended; 41 U. S. C. 38)

This amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-2865; Filed, Apr. 17, 1958; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter F—Quarantine, Inspection, Licensing

PART 73—BIOLOGIC PRODUCTS

ADDITIONAL STANDARDS; POLIOMYELITIS VACCINE

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted as unnecessary and not in the public interest with respect to the issuance of the amendment set forth below. This amendment to the additional standards for poliomyelitis vaccine (§§ 73.100 through 73.105) eliminates the requirement that inactivated monovalent virus pools, types 1, 2, and 3, are to be combined in approximately equal proportions. Experience has shown great variance in the comparative antigenicity of such monovalent pools. Thus by removing the requirement that the components be of approximate equal volume, a combination in proportions more closely related to the antigenicity of each component will increase the probability of improved potency of the vaccine. It is hereby found to be in the interest of the public health that any such improvement be permitted as soon as possible.

1. Effective upon publication in the Federal Register, paragraph (a) of § 73.100 is hereby amended by inserting a period after the word "method", and deleting the remainder of the paragraph following the word "method", thereby revising paragraph (a) to read as follows:

§ 73.100 *The product*—(a) *Proper name and definition*. For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be "Poliomyelitis Vaccine", which shall consist of an aqueous preparation of poliomyelitis viruses types 1, 2, and 3, grown in monkey kidney tissue cultures, inactivated by a suitable method.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interprets or applies sec. 351, 58 Stat. 702; 42 U. S. C. 262)

Issued jointly by:

[SEAL] L. E. Burney,
Surgeon General,
Public Health Service.
S. B. Hays,
Surgeon General of the Army.
B. W. Hogan,
Surgeon General of the Navy.

Approved: April 11, 1958.

E. L. Richardson,
Acting Secretary of Health,
Education, and Welfare.

[F. R. Doc. 58-2871; Filed, Apr. 17, 1958; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

Part 404—Delivery of Water, Columbia Basin Project, Washington

Revision of Regulations

Correction

In Federal Register Document 58-2113, published at page 1894 in the issue for Friday, March 21, 1958, the following changes should be made:

1. In § 404.3, the last sentence should read: "As used in this part '160 irrigable acres' shall include a nominal quarter section comprising more than 160 irrigable acres, and 320 irrigable acres shall include two nominal quarter sections comprising more than 320 irrigable acres."

2. In § 404.4, the second sentence should read: "Amended recordable contracts are required when water is to be delivered to an owner holding more than one farm unit, except land held in accordance with §§ 404.6 (c) and 404.10."

3. In § 404.13, the next to last line should read: "inclusion of irrigable lands shown on the revised".

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCE FOR RESIDUES OF DDT IN OR ON SWEET CORN AND TO ESTABLISH TOLERANCE OF ZERO FOR RESIDUES OF DDT ON SWEET CORN FORAGE

State agricultural agencies in New York, Illinois, and Florida and the Entomology Research Division, Agricultural Research Service, U. S. Department of Agriculture, have advised that the tolerance of 7 parts per million for DDT on the fresh vegetable corn was not sufficient to cover residues on the corn, including husk, when marketed. Inasmuch as the residues on the corn husk are not consumed with the food, the agencies of the above-mentioned States have asked that the Commissioner of Food and Drugs take action to revise the tolerance for DDT on the fresh vegetable corn to permit residues of 3½ parts per million on the kernels and cob of sweet corn but not on the forage thereof.

While there is evidence that such a tolerance will be met as regards residues of DDT on the kernels plus cob of sweet corn, there is evidence to show that husks and forage from sweet corn treated with DDT to combat corn earworm would bear excessive residues that would render them unsuitable for feed for dairy cows or meat animals. It is recognized that such husks and forage could not be used as feed for meat animals or dairy cows if DDT is to be permitted to combat corn earworm in the production of sweet corn.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U. S. C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner of Food and Drugs, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.101; 21 CFR, 1956 Supp., 120.147 (22 F. R. 1001)) be amended as set forth below:

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, it is proposed to amend paragraph (e) (43) by deleting therefrom the line "DDT ------- 7 p. p. m."

2. It is proposed to revise § 120.147 to read as follows:

§ 120.147 *Tolerances for residues of DDT*. Tolerances for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and 1,1,1-trichloro-2-(o-chlorophenyl)-2-(p-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

(a) 7 parts per million in the fat of meat from cattle, hogs, and sheep; in or on sweetpotatoes (from postharvest use).

(b) 3½ parts per million in or on sweet corn (kernels plus cob with husk removed).

(c) Zero part per million in or on husks and forage from sweet corn.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing DDT may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the Federal Register to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: April 11, 1958.

[SEAL] Geo. P. Larrick,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2870; Filed, Apr. 17, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Designation of Counties Within the Great Plains Area of the Ten Great Plains States Where Great Plains Conservation Program Is Specifically Applicable

For the purpose of making contracts based upon an approval plan of farming operations pursuant to the act of August 7, 1956 (70 Stat. 1115–1117), the following counties of the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

Colorado

Fremont.

Kansas

Comanche.
Rush.

Montana

Big Horn.
Fergus.
Golden Valley.
Liberty.
Musselshell.
Pondera.
Richland.
Sheridan.
Toole.
Treasure.
Valley.

NEBRASKA

Antelope.
Boone.
Clay.
Dawes.
Hamilton.
Kearney.
Nance.
Phelps.
Thayer.

NORTH DAKOTA

Billings.
Bottineau.
Burke.
Divide.
Kidder.
Logan.
McIntosh.
McKenzie.
McLean.
Mercer.
Oliver.
Renville.
Sheridan.
Ward.

SOUTH DAKOTA

Campbell.
Gregory.
Hughes.
Lyman.
Mellette.
Stanley.
Sully.

WYOMING

Crook.

Done at Washington, D. C., this 15th day of April 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-2879; Filed, Apr. 17, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-67]

T. J. MCCARTHY STEAMSHIP CO.

NOTICE OF HEARING; AMENDMENT; CORRECTION

The date set forth in line 2 of notice in the above matter appearing in the FEDERAL REGISTER issue of April 9, 1958 (23 F. R. 2302) should read "August 14, 1956 (21 F. R. 6075)" instead of "April 25, 1956".

Dated: April 15, 1958.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-2877; Filed, Apr. 17, 1958; 8:49 a. m.]

STATES MARINE CORP. ET AL.

NOTICE OF ANNUAL REVIEW OF BAREBOAT CHARTERS

Notice is hereby given of annual review of the charters covering the following government-owned, war-built, dry-cargo vessels to be made on the dates set forth below:

Vessel; Charterer; and Annual Review Date

"Simmons Victory"; States Marine Corp.; May 9, 1958.
"Omar E. Chapman"; Boston Shipping Corp.; May 10, 1958.
"Alma Victory"; States Marine Corp.; May 14, 1958.
"Albion Victory"; Prudential Steamship Corp.; May 17, 1958.
"Binghamton Victory"; States Marine Corp.; May 26, 1958.
"Oberlin Victory"; Atlantic Ocean Transport Corp.; May 28, 1958.

Any interested party may state, in writing (in triplicate), his position regarding the continuance or discontinuance of the charters on said vessels, with the grounds and data relied upon in support of his position, and a written request (in triplicate) for a hearing in the premises may be filed with the Secretary, Federal Maritime Board, by the close of business on April 25, 1958.

Dated: April 15, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-2928; Filed, Apr. 17, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9264]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1958.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application on September 28, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the transportation of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to transport up to 3,000 Mcf per day of natural gas in interstate commerce from a point in the Church Point Field, Acadia Parish, Louisiana, to a point of interconnection with Transcontinental Gas Pipe Line Corporation's (Transco) main lines facilities for the account of Sunray Mid-Continent Oil Company[1] (Sunray).

The application states that Transco has entered into a gas purchase contract with Sunray for its gas production in the Church Point Field.

The application further states that Transco has no facilities interconnecting the Church Point Field and its main transmission facilities and that Applicant does have an existing lateral into said field whereby the subject gas may be taken and redelivered into the transmission facilities of Transco. The transportation agreement provides that Applicant may deliver equivalent volumes of gas to Transco at the Tail Gate of Acadia Corporation gasoline plant in the Egan Field, Acadia Parish, Louisiana, if such is necessary for operational flexibility. The term of the agreement is for one year, and thereafter on a day-to-day basis until terminated by either party. The application indicates that Applicant will continue the proposed delivery pending final arrangements for the permanent delivery of gas pursuant to the contract between Sunray and Transco. Sunray will pay Applicant 2¢ per Mcf for volumes transported and delivered to Transco.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2872; Filed, Apr. 17, 1958; 8.48 a. m.]

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[1] Sunray seeks authority for the sale of the subject gas in its application in Docket No. G-9265 which is the subject of the consolidated proceeding in Docket Nos. G-2975, et al. Temporary authority was granted in Docket No. G-9265 on September 28, 1955 and in G-9264 on November 4, 1955.

[Docket Nos. G-13952, G-13957]

BASS & VESSELS, ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 14, 1958.

Take notice that on December 12, 1957, Bass & Vessels, a partnership composed of Howard L. Bass, T. E. Vessels and Tom Vessels, Jr., et al.[1] (Applicants), independent producers with a place of business in McAllen, Texas, filed applications pursuant to Section 7 of the Natural Gas Act for authorization to abandon service to Tennessee Gas Transmission Company (Tennessee) as follows:

(1) In Docket No. G-13952 to Tennessee from the Chamberlain Gas Unit, Chamberlain Field, Brooks County,

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[1] "Et al." parties in Docket No. G-13952 are E. H. Reeder Construction Company, Inc., George E. Wrather Oil Company, Dalpert Oil Corporation, George H. Coates, E. W. Mudge, Jr., A. B. Brown, G. W. Pirtle, V. F. Neuhaus and Hugh Kirkpatrick.

"Et al." parties in Docket No. G-13957 are Sam Land, E. W. Mudge, Jr., Dalport Oil Corporation and A. B. Brown.

Texas, covered by a gas sales contract dated April 22, 1955, as amended.

(2) In Docket No. G–13957 to Tennessee from the Matias Pena Unit in the North Sun Field, Starr County, Texas, which service is covered by a gas sales contract dated February 5, 1954.

Each of the foregoing sales is subject to the jurisdiction of the Commission, as more fully stated in the applications on file with the Commission and open for public inspection.

The applications recite that the Chamberlain and Matias Pena Units have ceased to produce due to depletion, and that the Matias Pena Lease has been released and the contract terminated. The service sought to be abandoned in Docket No. G–13952 was authorized by the Commission in Docket No. G–8803 on February 20, 1956, and the service sought to be abandoned in Docket No. G–13957 authorized in Docket No. G–6429 on May 28, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and practice and procedure, a hearing will be held on June 4, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–2873; Filed, Apr. 17, 1958; 8:49 a. m.]

[Docket No. G–13778]

MURPHY OIL COMPANY OF PENNSYLVANIA

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1958.

Take notice that on November 15, 1957, Murphy Oil Company of Pennsylvania (Applicant), a Delaware corporation with its principal place of business in Philadelphia, Pennsylvania, an independent producer, filed an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon service to South Penn Natural Gas Company (South Penn) from the W. F. Coleman Lease in West Union District, Doddridge County, West Virginia, which service is covered by a gas sales contract dated October 31, 1932, and was authorized by the Commission in its order of November 20, 1956, in Docket No. G–6689, subject to the jurisdiction of the Commission, all as more fully stated in the application on file with the Commission and open for public inspection.

Applicant proposes to abandon service for the reason that the last sale of gas from the Coleman No. 2 Well, the only remaining well on the lease, occurred in April 1954, and from then until May 1956, the well was dormant due to water encroachment which choked the little remaining gas. South Penn disconnected the gathering facilities and meter on March 19, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 5, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F. R. Doc. 58–2874; Filed, Apr. 17, 1958; 8:49 a. m.]

AIRWAYS MODERNIZATION BOARD

ORGANIZATION

1. The Airways Modernization Board was established by Public Law 85–133, Airways Modernization Act of 1957 (71 Stat. 349) on August 14, 1957. Section 2 (a) of the act establishes a Board consisting of a Chairman, the Secretary of Defense and the Secretary of Commerce, and further provides that each Secretary "may designate an officer of his Department to act in his stead as a Member of the Board * * *". Mr. Elwood R. Quesada was named Chairman on August 16, 1957.

2. Section 2 (d) of the act authorizes the Board to appoint such officers as shall be necessary to carry out the provisions of the act. The heads of the major administrative units shall be subject to the approval of the Board. The major administrative units are:

a. The Technical Director.
b. The Executive Officer.
c. Secretary of the Board.
d. General Counsel.

3. The approved organization of the Board consists of the following:

Office of the Chairman.
Secretary of the Board.
General Counsel.
Technical Director:
    Directorate of Operations Analysis;
    Directorate of Systems Analysis;
    Directorate of Systems Experimentation;
    Directorate of Component Development.
Executive Officer:
    Budget and Fiscal Division;
    Personnel and Security Division;
    Contracting Division;
    General Services Division.

4. The Airways Modernization Board conducts its business through direct contact with private industry, research or educational institutions, other government agencies, or its own facilities. Research projects and studies are monitored in the Directorate assigned responsibility for that task. Upon conclusion of projects or studies, final reports, with recommendations, are reviewed by the responsible Directorate. Recommendations are then presented to the Board for adoption as specified in section 2 (b) of the act. As provided in section 2 (c) of the act, coordination is effected with the Civil Aeronautics Board and the Federal Communications Commission before any system, procedure, facility or device is selected to assure that full consideration is given to all of the statutory responsibilities of each.

5. Government agencies are kept informed of progress on the Board's activities through the publication of pertinent notices. Press releases are issued on all major decisions to keep the general public informed.

6. Three types of policy making are required of the Board in accordance with the act:

a. The Board is required to "select such systems, procedures, facilities and devices as will best serve (the needs of safe and efficient navigation and traffic control), and will promote maximum coordination of air traffic control and air defense systems". The procedure for notifying interested parties of these selections will be promulgated at a later date.

b. The Board is directed to determine whether it or appropriate military agencies have responsibility when there is a substantial question of whether an air navigation or air traffic control system, procedure, or device is of primary concern to the Board or the military agency.

This determination is made after investigation by the appropriate office of the Board. Both the investigating office and the concerned military department have an opportunity to present the system, procedure, or device under dispute to the Board for decision. The decision is made by the issuance of a policy statement which is binding on the agencies concerned.

c. Upon unanimous decision and with the approval of the President, the Board is authorized to "transfer to itself any functions (including powers, duties, activities, facilities, and parts of functions) of the Departments of Defense or Commerce or of any officer or organizational entity thereof which relate primarily to selecting, developing, testing, or evaluating systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control". This is accomplished by the adoption of a Transfer Order by the Board, and the subsequent issuance of a Determination Order by the Bureau of the Budget, transferring records, property, personnel and funds, as appropriate to the Board.

7. Section 3 (a) of the act assigns to the Chairman responsibility for carrying out the activities of the Board. Section 3 (c) authorizes him to delegate his authority to officers, employees, or administrative units under his jurisdiction. The Chairman has delegated to the Executive Officer the responsibilities for taking final action in the areas of personnel, funding, and the administration of oaths required by section 1757, revised statutes as amended (5 U. S. C. 16).

8. Requests for information on the Board's activities should be made to the Executive Officer, Airways Modernization Board, Washington 25, D. C.

DONALD G. SCHULER,
Executive Officer.

[F. R. Doc. 58-2857; Filed, Apr. 17, 1958; 8:45 a. m.]

DELEGATION OF AUTHORITY TO EXECUTIVE OFFICER

1. Pursuant to section 3 (c) of the Airways Modernization Act of 1957, the Executive Officer, Airways Modernization Board, is authorized, subject to the provisions of this order and all applicable laws and regulations, to approve, execute and make findings and decisions relating to, contracts which the Airways Modernization Board is empowered to make under:

(1) The Airways Modernization Act of 1957;

(2) Authority arising out of functions which have been or may be transferred to the Airways Modernization Board from the Departments of Defense and Commerce pursuant to section 4 of the Airways Modernization Act of 1957;

(3) Authority which has been or may be delegated to the Chairman, Airways Modernization Board by the General Services Administration and which, under the terms of any such delegation, may be redelegated.

2. The Executive Officer shall not execute any contract unless the Board shall have given prior general approval for the acquisition of the property, rights, or services to be acquired thereunder, the proposed cost, and, in the case of negotiated contracts, prior approval of the contractor selected.

Dated: November 16, 1957.

E. R. QUESADA,
Chairman.

[F. R. Doc. 58-2858; Filed, Apr. 17, 1958; 8:45 a. m.]

TRANSFERS OF CERTAIN FUNCTIONS

APRIL 11, 1958.

The following transfer orders No. 1 through No. 4 have been authorized by the Airways Modernization Board and approved by the President.

DONALD G. SCHULER,
Executive Officer.

Transfer Order No. 1

In accordance with the provisions of the Airways Modernization Act of 1957 (Public Law 85-133; 71 Stat. 349), the members of the Airways Modernization Board (hereinafter referred to as the "Board") hereby unanimously decide to, and do transfer to the Board, subject to the approval of the President:

All functions (including powers, duties, activities facilities, and parts of functions) of the Department of Defense which on the date of approval of this Order fall within the authority of the Board under the provisions of section 2 (b) of Public Law 85-133; 71 Stat. 349, insofar as such functions relate to and are necessary for carrying out any existing or future programs and projects which are or would have been within the charter of the Air Navigation Development Board in its then existing terms, but excluding all other such functions which will be subject to transfer by subsequent transfer orders under conditions provided by section 4 of Public Law 85-133; 71 Stat. 349.

E. R. QUESADA,
The Chairman of the Airways Modernization Board.
MALCOLM A. MACINTYRE,
Department of Defense Member.
L. S. ROTHSCHILD,
Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER,
The President.

Dated: 29th day of October 1957.

Transfer Order No. 2

In accordance with the provisions of the Airways Modernization Act of 1957 (Public Law 85-133; 71 Stat. 349) the members of the Airways Modernization Board (hereinafter referred to as the "Board") hereby unanimously decide to, and do transfer to the Board, subject to the approval of the President:

All functions of the Secretary of Commerce which on the date of approval of this Order are being performed under guidance of the Air Navigation Development Board in accordance with its revised charter dated January 6, 1954; except those functions the Secretary of Commerce, through the Civil Aeronautics Administration, performs and is expected to accelerate in connection with its Phase I short-range program having to do with testing, evaluation, simulation, and modification leading to the in-service improvement of air navigation systems, facilities, and devices which have been selected for operational use in the Federal Airways System.

E. R. QUESADA,
The Chairman of the Airways Modernization Board.
MALCOLM A. MACINTYRE,
Department of Defense Member.
L. S. ROTHSCHILD,
Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER,
The President.

Dated: 29th day of October 1957.

Transfer Order No. 3

TRANSFERRING CERTAIN FUNCTIONS OF THE DEPARTMENT OF DEFENSE TO THE AIRWAYS MODERNIZATION BOARD

By virtue of the authority vested in it by Section 4 of the Airways Modernization Act of 1957 (Public Law 85-133; 85th Congress; 71 Stat. 349), the Airways Modernization Board, by unanimous decision, hereby transfers to itself the following-described functions:

The functions (including powers, duties, activities, facilities, and parts of functions) of the Department of Defense which on the effective date of this Order come within the description of the functions of the Airways Modernization Board contained in section 2 (b) of the said Airways Modernization Act of 1957 in so far as they pertain to, and are necessary for the development, experimentation, modification, and evaluation of, the terminal area traffic control facilities, collectively known as RAPCON II and its associated equipments (presently being developed by the United States Air Force to meet military terminal area traffic control requirements), for the purpose of satisfying, on a compatable basis, both military and civil terminal air traffic needs.

E. R. QUESADA,
Chairman.
MALCOLM A. MACINTYRE,
Department of Defense Member.
L. S. ROTHSCHILD,
Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER

NOVEMBER 29, 1957.

Transfer Order No. 4

TRANSFERRING CERTAIN FUNCTIONS OF THE DEPARTMENT OF DEFENSE TO THE AIRWAYS MODERNIZATION BOARD

By virtue of the authority vested in it by section 4 of the Airways Modernization Act of 1957 (Public Law 85-133, 85th Congress, 71 Stat. 349), the Airways Modernization Board, by unanimous decision, hereby transfers to itself the following-described functions:

The functions (including powers, duties, activities, and parts of functions, but not including any facilities or personnel) of the Department of Defense which on the effective date of this order come within the description of the functions of the Airways Modernization Board contained in section 2 (b) of the said Airways Modernization Act of 1957 and which pertain to and are associated with the development, experimentation, modification, and evaluation tests of airport, en route, and terminal area traffic control and navigation equipment and facilities being developed for use within the continental limits of the United States for the purpose of satisfying, on a compatible basis, both military and civil air traffic control needs, insofar as such functions relate to and are necessary for the accomplishment of the projects or service test programs set forth in the schedule below: *Provided*, That this transfer shall not be construed to impair in any way those functions of the Air Force which are, in accordance with section 2 (b) of the Airways Modernization Act, deemed to be concerned with meeting needs peculiar to air warfare and primarily of mility concern.

SCHEDULE

Project or Service Test Number and Title

431L—ATCSS Design Study (Air Traffic Control Signaling System)

431L—Operation Anaylsis (Data Transmission requirements for ATSS)

4514—Airfield Control Tower and Guidance Equipment

6061—Airfield Design Package

4651—High Performance Control Center (System Development Air Nav Lab Cambridge)

431L—Study 431L System

4527—Approach and Landing and Surface Guidance

4653—Air Traffic Control and Scheduling Techniques

4654—En route Air Traffic Control Techniques

ST No. 860398—Auto Data GP OA-1 G

ST No. 874007—IP-410 Color PPI

ST No. 884027—Correlator, Target

E. R. QUESADA,
Chairman.
MALCOM A. MACINTYRE,
Department of Defense Member.
L. S. ROTHSCHILD,
Department of Commerce Member.

Approved:

DWIGHT D. EISENHOWER

FEBRUARY 4, 1958.

[F. R. Doc. 58-2856; Filed, Apr. 17, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 15, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34605: *Volume L. C. L. class rates between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2430), for interested rail carriers. Rates on various commodities moving on volume L. C. L. class rates between points in official (including Illinois) territory, on the one hand, and points in Illinois territory on the Chicago, Burlington & Quincy Railroad Company, and other carriers named in the application, on the other.

Grounds for relief: Short-line distance formula and carrier competition.

Tariff: Supplement 26 to Traffic Executive Association-Eastern Railroads, Agent, tariff I. C. C. A-1051.

FSA No. 34606: *Newsprint paper to western trunk line and Illinois territories.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7256), for interested rail carriers. Rates on newsprint paper, carloads from Pine Bluff and Paperton, Ark., and Herty, Tex., to specified points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 15 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4271.

FSA No. 34607: *Newsprint paper from International Falls, Minn., and Saulte Ste. Marie, Mich., to the Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7257), for interested rail carriers. Rates on newsprint paper, carloads, from International Falls, Minn., and Sault Ste. Marie, Mich., to points in southwestern teritory, including Mississippi River Crossings, Flinton, Ill., and south.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 76 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4198 and other schedules named in the application.

FSA No. 34608: *Fire fighting apparatus—Elmira, N. Y., to the Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7266) for interested rail carriers. Rates on fire fighting apparatus, noibn, self-propelled, carloads, from Elmira, N. Y., to points in Arkansas, Louisiana (west of the Mississippi River), Missouri (southern region), New Mexico (eastern portion), Oklahoma, and Texas.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 29 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4253.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2866; Filed, Apr. 17, 1958; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF M. ELZEVIER DOM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

The State of the Netherlands for the benefit of:

M. Elzevier Dom; L. S. Claim No. [illegible]; $290.00 in the Treasury of the United States, and Norfolk & Western Railway Company 4/96, Bond No. 4097, in the principal amount of $500, presently in the custody of the Safekeeping Department, Federal Reserve Bank, at New York City.

Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below:

Miss A. A. Berkhout; L. S. Claim No. 944; $1,405.00. Cities Service Company 5/66, Debentures Nos. 16526, 16948 and 17416, in the principal amount of $1,000 each.

H. J. v. Rijssen; L. S. Claim No. 963; $1,020.00. Cities Service Company 5/69, Debentures Nos. 17663, 19325 and 19825, in the principal amount of $1,000 each.

H. Horjus; L. S. Claim No. 968, L. S. Claim No. 1010; $1,365.00. Cities Service Company 5/69, Debenture No. 41924, and The Kansas City Southern Railway Co. 5/50, Bond No. 3298, all in the principal amount of $1,000 each.

J. A. G. Baron van Ittersum; L. S. Claim No. 1014; Central Pacific Railway Company 4/49, Bond No. 10503, in the principal amount of $1,000.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., on April 14, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-2876; Filed, Apr. 17, 1958; 8:49 a. m.]

FE

TITLE 6—AGR

Chapter IV—Co
Service and C
poration, Dep

Subchapter B—Lo
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[1957 C. C. C. Gra
1, Supp.

PART 421—C
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SUBPART—1957
PURCHASE A

ELIGIBLE CORN

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FEDERAL REGISTER

VOLUME 23 NUMBER 78

Washington, Saturday, April 19, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Corn]

Part 421—Grains and Related Commodities

Subpart—1957-Crop Corn Loan and Purchase Agreement Program

ELIGIBLE CORN; WAREHOUSE RECEIPTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 5521, 8871, and 23 F. R. 207 containing the specific requirements of the 1957-crop corn price support program are hereby amended as follows:

1. Section 421.2338 is amended by adding a new paragraph (g) to provide that corn containing in excess of 13.5 percent moisture stored in an approved warehouse under loan or purchase agreement and otherwise meeting eligibility requirements is eligible for price support if a statement is furnished by the warehouseman. The new paragraph (g) reads as follows:

§ 421.2338 *Eligible corn.* * * *

(g) Corn when placed under a warehouse-storage loan or delivered from approved warehouse storage under a purchase agreement containing in excess of 13.5 percent moisture, shall not be eligible, except that corn represented by warehouse receipts which indicate that the corn is ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 13.5 percent moisture or less will be delivered substantially as follows: "On corn containing in excess of 13.5 percent moisture delivery will be made of corn grading No. ------ with ------ percent moisture in an amount of ------ bushels, which represents the actual quantity obtained after drying the corn and no lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

2. Section 421.2339 is amended by adding a new paragraph (g) to provide that if the warehouseman furnishes a statement as provided in § 421.2338 (g) the numerical grade and grading factors of the corn to be delivered must be shown on the supplemental certificate. The new paragraph (g) reads as follows:

§ 421.2339 *Warehouse receipts.* * * *

(g) If the warehouseman has furnished a statement as provided in § 421.2338 (g), the supplemental certificate must show the numerical grade, grading factors and the weight of the corn to be delivered. Where the grade, grading factors or the weight of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the entries shown on the supplemental certificate shall take precedence for the purpose of making loans and for settlement of loans and purchase agreements.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 11th day of April 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-2947; Filed, Apr. 18, 1958; 8:55 a. m.]

[1958 C. C. C. Cottonseed Bulletin 1]

Part 443—Oilseeds

SUBPART—1958 COTTONSEED LOAN PROGRAM

This bulletin states the requirements with respect to loans under the 1958 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). A separate bulletin (or bulletins) will cover purchases of cottonseed under the 1958 Cottonseed Price Support Program. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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443.1419	Loan and settlement rates.
443.1420	Cooperative marketing associations.

AUTHORITY: §§ 443.1401 to 443.1420 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 203, 70 Stat. 212; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421, 1446d.

§ 443.1401 *Administration*. In the field, the program will be administerd through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred as as "State" and "county committees") and the CSS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office"). Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of cottonseed, the amount of the loan, and the value of the cottonseed delivered under the loan. Loan documents will be completed in the county ASC office, and copies of such documents will be retained there. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. County office managers, State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1402 *Availability of loans*—(a) *Area*. Farm-storage loans (hereinafter referred to as loans) shall be available on eligible cottonseed stored in approved storage in all cotton-producing areas, except that loans will not be made in any area where the appropriate State committee determines that the damage hazard to farm-stored cottonseed would not warrant the making of loans.

(b) *Time*. Loans shall be available through January 31, 1959. Notes and chattel mortgages must be signed by the producer and delivered or mailed to the county office on or before such date.

(c) *Source*. Loans will be made available through the offices of county committees. Disbursements on loans will be made to producers by ASC county offices by means of sight drafts drawn on CCC in accordance with instructions issued by CSS to the State and county committees. Disbursements on loans will be made not later than February 15, 1959, except where specifically approved by the New Orelans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton seed are in existence and in good condition. If the cottonseed are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 443.1403 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1958 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 443.1420.

§ 443.1404 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed that meet the following requirements:

(a) The cottonseed must have been produced in the United States in 1958 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, or by the person who delivered the cottonseed to the cooperative association tendering the cottonseed for a loan, and the beneficial interest in the cottonseed must be in such person and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for a loan must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for a loan must have the legal right to mortgage the cottonseed as security for the loan.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture.

(d) No warehouse receipts shall be outstanding on the cottonseed.

§ 443.1405 *Approved storage.* Approved storage shall consist of storage structures located on or off the farm which, as determined by the county office manager, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock, and rodents, and reasonable protection against fire and theft.

§ 443.1406 *Approved forms.* (a) The documents named in this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan documents executed by an administrator, executor, or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. Documents must have State and documentary revenue stamps affixed when required by law.

(b) The following documents must be delivered by the producer in support of every loan: Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A) and Commodity Chattel Mortgage (Commodity Loan Form AA) covering the cottonseed tendered as security for the loan both executed and delivered within the period prescribed in § 443.1402, and such other forms as may be prescribed by CCC.

§ 443.1407 *Determination of quantity.* The quantity of cottonseed at the time a loan is made shall be determined by actual weight or by an estimate based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of one percent of the gross weight.

§ 443.1408 *Liens.* The cottonseed must be free and clear of all liens and encumbrances including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims, or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1409 *Service charges.* The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a loan, or $3.00, whichever is greater. State committees are authorized to require prepayment of $3.00 of the service charges. No refund of any service charge will be made.

§ 443.1410 *Setoffs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable, under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt record, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.1411 *Interest rate.* Loans will bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that loans in default or obtained through fraud will bear interest at the rate of 6 percent per annum from the date of default or the date of disbursement, respectively.

§ 443.1412 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the cottonseed under loan or his remaining interest may be restricted by CCC.

§ 443.1413 *Safeguarding of the cottonseed.* The producer who places cottonseed under a loan is obligated to maintain the storage structure in good repair, and to keep the cottonseed in good condition.

§ 443.1414 *Insurance.* CCC will not require the producer to insure the cottonseed placed under a loan. However, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 443.1415 *Loss or damage to the cottonseed.* The producer shall be responsible for the quality and for any loss in quantity of the cottonseed placed under loan, except that, subject to the provisions of § 443.1414, any physical loss or damage other than shrinkage or natural deterioration occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, and resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC to the extent of the loan plus interest, provided the producer or other person having control of the storage structure has given the county office immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. The date of the draft shall constitute the date of disbursement of the funds.

§ 443.1416 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by CCC.

§ 443.1417 *Maturity and liquidation of loans.* (a) Settlement of loans and delivery of the cottonseed covered by chattel mortgage shall be made in accordance with this section. All loans mature on demand but not later than March 1, 1959. If the producer does not repay his loan on or before maturity, the producer shall deliver the mortgaged cottonseed in accordance with instructions issued on behalf of the county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cottonseed by CCC. In the event the farm is sold, or there is a change of tenancy, the cottonseed may be delivered by the producer before the maturity date of the loan, after obtaining delivery instructions issued on behalf of the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President, CCC. After a complete grade determination by a cottonseed chemist licensed by the U. S. Department of Agriculture, credit will be given at the applicable settlement rate, according to grade and/or quality (see § 443.1419), for the total quantity delivered, provided it is the identical cottonseed on which the loan was made.

(b) If the producer is directed to deliver his cottonseed to a point other than the normal delivery point, the producer shall be allowed compensatoin (as determined by CCC) for the additional cost of hauling the cottonseed any distance greater than the distance from the point where the cottonseed are stored by the producer to the normal delivery point.

(c) If the settlement value of the cottonseed delivered under a loan exceeds the amount due on the loan by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight drafts drawn on CCC by the county office.

(d) If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC by the producer and may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States: *Provided*, That, to avoid administrative costs of handling small accounts, a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(e) If the loan is not liquidated upon maturity by payment or delivery, CCC may remove the cottonseed and sell them in accordance with the provisions of the chattel mortgage (Commodity Loan Form AA).

§ 443.1418 *Release of the cottonseed under loan.* A producer may at any time obtain the release of cottonseed remaining under loan by paying to CCC the principal amount thereof, plus accrued interest, and any charges that may be due. Upon payment of a loan, the county office should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the cottonseed prior to maturity of the loan may be arranged with the county committee by paying to CCC the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however*, No partial release of cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate county committee determines that release of a portion of such commingled mass may be made.

§ 443.1419 *Loan and settlement rates*—(a) *Loan rates.* Loans on cottonseed shall be made at the rate of $45.00 per ton of eligible cottonseed as defined in § 443.1404.

(b) *Basic settlement rate.* The basic settlement rate for "basis grade" (100) cottonseed shall be $45.00 per net ton f. o. b. railroad cars or trucks at delivery points designated by CCC. The settlement rate for cottonseed grading above or below "basis grade" (100) shall be $45.00 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100. In the case of "off-quality" or "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed pursuant to the provisions of the chattel mortgage at the current market price, and the settlement rate shall be the market price per ton determined on the basis of such sale.

§ 443.1420 *Cooperative marketing associations.* (a) Cooperative marketing associations shall be eligible for loans: *Provided*, That (1) the cottonseed placed under loan are delivered to the association by eligible producers who are members of the association; (2) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan; (3) the association keeps any cottonseed covered by a chattel mortgage segregated from all cottonseed not covered by the mortgage; and (4) the association undertakes to pay CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans may obtain documents from the county office for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans with respect to such associations will otherwise be on substantially the same basis as loans with respect to individual producers.

Issued this 16th day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-2949; Filed, Apr. 18, 1958; 8:55 a. m.]

[1958 C. C. C. Cottonseed Bulletin 2]

PART 443—OILSEEDS

SUBPART—1958 COTTONSEED PURCHASE PROGRAM

Sec.
443.1438 General statement.
443.1439 Administration.
443.1440 Availability of purchases.
443.1441 Eligible producer.
443.1442 Eligible cottonseed.
443.1443 Purchase price.
443.1444 Approved forms.
443.1445 Determination of quantity.
443.1446 Liens.
443.1447 Setoffs.
443.1448 Grade reporting areas.

AUTHORITY: §§ 443.1438 to 443.1448 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 443.1438 *General statement.* The purchase program provided for in this subpart is a part of the 1958 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). This subpart states the terms and conditions (a) under which cotton ginners, who purchase 1958-crop cottonseed produced in the United States from producers, may sell such cottonseed to CCC in accordance with this subpart (such ginners will hereinafter be referred to as "participating ginners"), in cases where the refusal by oil millers to pay participating ginners at least the f. o. b. gin price to ginners for their cottonseed, which CCC agrees to pay as provided in § 443.1443 (b), makes purchases by CCC from participating ginners necessary, and (b) under which CCC will purchase 1958-crop cottonseed directly from producers in cases where nonparticipation by ginners under this subpart makes such purchases necessary. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC. The requirements with respect to loans to producers are contained in the 1958 C. C. C. Cottonseed Bulletin 1 (§§ 443.1401 to 443.1420).

§ 443.1439 *Administration.* (a) Operations under the program with respect to the purchase, transportation, handling, and storage of cottonseed prior to delivery of the cottonseed to an oil miller or to a storage facility approved by the New Orleans CSS Commodity Office (such storage facility will hereinafter be referred to as "approved storage facility") will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county committees"). All contracts in connection with such operations may be executed on behalf of CCC only by authorized CCC contracting officers.

(b) Contracts for the storage and handling of cottonseed subsequent to delivery of the cottonseed to an oil miller or an approved storage facility, for the sale, crushing, and processing of cottonseed, and for the transportation, storage, handling, and sale of the products derived therefrom, will be executed by CCC contracting officers in the New Orleans CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana, (hereinafter referred to as "the New Orleans office").

(c) County office managers, State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1440 *Availability of purchases*—(a) *Area*. The purchase program will be available in all cotton-producing areas of the United States.

(b) *Time*. Purchases will be made from the date of the issuance of this subpart through February 28, 1959.

(c) *Source*. (1) Purchases of cottonseed eligible for purchase by CCC will be made by participating ginners from producers. Purchases will also be made directly from producers by CCC through county committees in areas where ginners do not participate in the program and the appropriate State committee determines that such direct purchases are necessary in order to make the program effective. Payments to producers for cottonseed purchased by CCC and for any authorized transportation performed by the producers, in accordance with § 443.1443 (a), will be made by ASC county offices by means of sight drafts drawn on CCC.

(2) Purchases of eligible cottonseed will be made by oil millers from participating ginners and others. Purchases will also be made from participating ginners by CCC through ASC county offices in areas where oil millers refuse to pay such ginners at least the f. o. b. price to ginners for their cottonseed which CCC agrees to pay as provided in § 443.1443 (b), and the appropriate State committee determines that such purchases are necessary to make the program effective. Payments to participating ginners for cottonseed purchased by CCC will be made by ASC county offices by means of sight drafts drawn on CCC.

(3) Lists of participating ginners will be maintained in the State and county offices.

§ 443.1441 *Eligible producer*. (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1958 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) A cooperative association that handles cottonseed for its producer-members will be considered an eligible producer when selling eligible cottonseed delivered to the association and produced by eligible producers who are members of the association.

§ 443.1442 *Eligible cottonseed*. Eligible cottonseed shall be cottonseed which meet the following requirements:

(a) Such cottonseed must have been produced in the United States in 1958 by en eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for purchase, or by the person who delivered the cottonseed to the cooperative association or ginner tendering the cottonseed for purchase, and the beneficial interest in the cottonseed must be in such person at the time he makes such tender or delivery and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for purchase must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for purchase must have the legal right to sell the cottonseed.

§ 443.1443 *Purchase price*—(a) *Price to producers*. (1) Any direct purchases by CCC from producers will be made at gin or other designated point of delivery at the rate of $41.00 per gross ton for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). The price per ton thus computed may be rounded to the nearest multiple of ten cents. The grade of eligible cottonseed purchased by CCC directly from producers shall be considered to be the average grade of cottonseed for the area in which the purchase is made (see § 443.1448) as determined on the basis of the latest cottonseed grade report for the area published by CSS or as determined by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall specify the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. Notwithstanding the requirements in this subparagraph, if, at any time while direct purchases are being made by CCC, the State ASC administrative officer determines that the average grade for an area, as determined on the basis of the latest cotton seed grade report for the area published by CSS, is higher than the grade of cotton seed being produced in any county in such area where direct purchases are being made, the State ASC administrative officer may reduce the price paid to producers in such county below the price established on the basis of the average grade for the area: *Provided*, That no producer shall be paid, during the period such reduced prices are effective, less than $41.00 per gross ton basis grade (100) cottonseed with price adjustments computed upon the difference between the average grade of cotton seed produced in the county during such period and basis grade (100). The average grade of cottonseed produced in the county during such period shall be determined on the basis of official chemical analysis covering cottonseed produced in such county or on such other reasonable basis as may be determined by the appropriate State ASC administrative officer.

(2) The grade of any cottonseed purchased before the first grade determination for an area is made shall be considered to be 90.

(3) If authorized by the county office manager, the producer may deliver the seed at an oil mill, approved storage facility, or designated concentration point rather than at the gin or designated point of delivery, and the producer will be paid for the additional transportation at a rate not in excess of the commercial rate for such transportation service.

(b) *Price to ginners*. (1) (i) Any purchases by CCC from participating ginners will be at the rate of $45.00 per net ton for basis grade (100) cottonseed, f. o. b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off-quality," as defined in the United States Official Standards for Grades of Cottonseed, will be purchased from participating ginners by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginners shall be determined, in accordance with the United States Official Standards for Grades of Cottonseed, by chemical analysis of samples drawn from the cottonseed by federally-licensed cottonseed samplers, or such other persons as are approved by CCC, and forwarded to and analyzed by federally-licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program less than $41.00 per gross ton basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1448) exceeded or was less than basis grade (100). Such average grade shall be determined on the basis of the latest CSS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall report the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the county office manager and the State ASC administrative officer that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make any further sales to CCC under the 1958 Cottonseed Price Support Program.

(ii) Notwithstanding the preceding requirements as to price, a participating ginner, after first notifying the county office manager for the county where the gin is located of his intention to do so, may reduce the price paid to producers below the price established on the basis of the average grade for the area: *Provided*, That the ginner shall not pay any producer during the period he is paying such reduced price less than $41.00 per gross ton basis grade (100), with price adjustments computed upon the difference between the average grade of cottonseed produced at the gin during such period and basis grade (100). The average grade of cottonseed produced at the gin during such period shall be determined on the basis of official chemical analysis or oil mill grade reports covering such cottonseed or on such other reasonable basis as may be approved by the county office manager. The ginner shall furnish the county office with certified copies of such chemical analyses, grade reports, or other evidence satisfactory to the county office manager, showing the average grade of cottonseed produced at the gin during such period. If it is determined by the State ASC administrative officer and county office manager that any participating ginner paid producers less than the prices he should have paid in accordance with the preceding three sentences, such ginner shall, without prejudice to any other rights which CCC may have, be ineligible to make any further sales to CCC under the 1958 Cottonseed Price Support Program unless he first pays all of such producers the difference between the price paid to the producers and the price they should have received.

(iii) A ginner may round per ton prices for cottonseed purchased from producers to the nearest multiple of ten cents.

(2) The grade of cottonseed purchased from a producer before the first grade determination for an area is made shall be considered to be 90.

(3) If the ginner, upon authorization by the county office manager, transports cottonseed from the gin to oil miller, or approved storage facility, or designated concentration point, the ginner will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

§ 443.1444 *Approved forms.* The approved forms, together with the provisions of this subpart and any supplements and amendments thereto, shall govern the rights and responsibilities of producers and participating ginners. Approved forms may be obtained from ASC county offices. Any fraudulent representation made by a producer or ginner in executing an approved form may render him subject to criminal prosecution under Federal law and liable for any damages resulting from the purchase of the cottonseed involved. Documents executed by an administrator, executor, or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. The approved forms consist of the following:

(a) *Producers.* Producer's Voucher (CCC Cottonseed Purchase Form 5) shall be executed by the producer when the cottonseed are purchased from the producer by CCC.

(b) *Cotton ginners.* (1) Each cotton ginner desiring to sell cottonseed to CCC pursuant to this subpart shall, prior to tender of any cottonseed for sale, file with the county office for the county in which each gin is located a Ginner's Notice of Intention to Participate (CCC Cottonseed Purchase Form 1). The filing of such notice does not obligate the ginner to sell any cottonseed to CCC, but all applicable provisions of this subpart must be complied with by the ginner if any cottonseed are offered by the ginner for sale to CCC under the 1958 Cottonseed Price Support Program. Only cottonseed purchased by a participating ginner from a producer after the filing of the Ginner's Notice of Intention to Participate shall be eligible for purchase by CCC under this subpart.

(2) After the Ginner's Notice of Intention to Participate has been filed, a Ginner's Certificate (CCC Cottonseed Purchase Form 2) shall be completed and executed by the participating ginner to cover all cottonseed purchased by him from producers, and the form shall be submitted by the ginner to the appropriate county office at such times and covering such periods of time as the State ASC administrative officer determines are necessary to make the program effective.

(3) If cottonseed are sold to CCC, the ginner shall prepare and execute a Ginner's Voucher and Certificate (CCC Cottonseed Purchase Form 4) covering the cottonseed and deliver the form to the county office. Each Ginner's Voucher and Certificate submitted by a ginner to the county office shall be supported by weight certificates or warehouse receipts covering the cottonseed purchased which have been issued by an oil miller, or an approved storage facility, or a representative of the county committee at a designated concentration point, and in the absence of warehouse receipts guaranteeing grade, by official chemical analyses certificates covering the cottonseed and identifying such cottonseed by lot numbers and/or receipt numbers and weights.

§ 443.1445 *Determination of quantity.* The quantity of cottonseed purchased from the producer by CCC shall be the gross weight actually delivered to CCC as determined by a representative of the county committee, or by an approved storage facility, or by an oil miller. The quantity of cottonseed purchased from a producer by a participating ginner shall be the gross weight of the cottonseed as customarily determined by the ginner in his purchases of cottonseed from producers. The quantity of cottonseed purchased from a ginner by CCC shall be the net weight of the cottonseed at first destination after deduction of the weight of any foreign matter in excess of one percent.

§ 443.1446 *Liens.* If liens or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1447 *Setoffs.* (a) If the cottonseed are purchased from a producer by CCC under this subpart and the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable or repayable, under the provisions of the note evidencing such loan, out of the proceeds of the purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.1448 *Grade reporting areas.* Areas for grade reporting purposes will be established by the Director, Cotton Division, CSS, and a list of area delineations may be obtained from the applicable ACS State office or the Director of the Cotton Division, CSS, USDA, Washington 25, D. C.

Issued this 16th day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-2948; Filed, Apr. 18, 1958; 8:55 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (2) of § 6.313 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2952; Filed, Apr. 18, 1958; 8:55 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (11) of § 6.333 is amended as set out below.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* * * *

(11) Two Confidential Assistants to the Special Assistant to the Administrator (Congressional Liaison and Public Affairs).

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-2951; Filed, Apr. 18, 1958; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 4]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEAR

COTTON

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 2373, 2481), are hereby amended effective beginning with the 1959 crop year as follows:

1. Section 4 of the cotton crop endorsement shown in § 401.20 is amended to read as follows:

The coverage per acre is progressive by stages which are: (a) First Stage—after it is too late to plant cotton but before laying by, (b) Second Stage—after laying by but before harvest, or (c) Third Stage—after harvest and to the end of the insurance period: *Provided, however,* And notwithstanding section 8 (c) of this endorsement or any other provisions of the contract, acreage on which the Corporation determines the cotton crop has been damaged to the extent that farmers generally in the area where the land is located would not further care for the crop or harvest any portion thereof, shall be deemed to have been destroyed at the time of such damage even though the cotton crop on such acreage was further cared for or harvested. The coverage applicable to such acreage shall be that established for the stage reached by the crop at the time of such damage as determined by the Corporation.

2. Subsection 8 (c) of the cotton crop endorsement shown in § 401.20 is amended to read as follows:

(c) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of coverage, any acreage shall not be considered as harvested unless (1) the production of lint cotton actually harvested therefrom equals 20 percent or more of the coverage for such acreage in the third stage of production, and (2) the Corporation determines as authorized in section 4 of this endorsement that the acreage is eligible for the third stage of coverage.

3. Subsection 8 (e) of the cotton crop endorsement shown in § 401.20 is amended to read as follows:

(e) "Insurance unit," in lieu of section 21 (f) of the policy, means (1) all insurable acreage of cotton in the county in which one person at the time of planting has the entire interest in the crop, or (2) all such insurable acreage in the county in which two or more persons at the time of planting have the entire interest in the crop, excluding any other acreage of cotton in the county in which such persons together do not have the entire interest in the crop.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507, 508, 509, 52 Stat. 73, as amended, 74 as amended, 75; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on April 1, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on April 15, 1958.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 58-2918; Filed, Apr. 18, 1958; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 132]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.432 *Valencia Orange Regulation 132*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became availabe and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 17, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 20, 1958, and ending at 12:01 a. m., P. s. t., April 27, 1958, are hereby fixed as follows:

(i) District 1: 462,000 cartons;
(ii) District 2: 138,600 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 18, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2999; Filed, Apr. 18, 1958; 11:20 a. m.]

[Grapefruit Reg. 286]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.906 *Grapefruit Regulation 286*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 15, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., April 21, 1958, and ending at 12:01 a. m., e. s. t., May 5, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided*, That such grapefruit which grade U. S. No. 2, or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) specified in the U. S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided*, That such grapefruit which grade U. S. No. 2, or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) specified in the U. S. No. 1 grade;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided*, That such grapefruit which grade U. S. No. 2 Russet, U. S. No. 2, or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) and color specified in the U. S. No. 1 grade; or

(v) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2943; Filed, Apr. 18, 1958; 8:55 a. m.]

[Orange Reg. 339]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.907 *Orange Regulation 339*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 15, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., April 21, 1958, and ending at 12:01 a. m., e. s. t., May 5, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{6}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States

Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$\frac{6}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{12}{16}$ inches in diameter and smaller.

Shipments of Temple oranges, grown in the production area, are subject to the provisions of Orange Regulation 335 (7 CFR 933.899; 23 F. R. 1000).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2944; Filed, Apr. 18, 1958; 8:55 a. m.]

PART 945—TOMATOES GROWN IN FLORIDA

REVISION OF INTERPRETATIVE RULE WITH RESPECT TO MEANING OF "PRODUCER"

Notice of rule-making regarding a proposed revision of the current Interpretative Rule with respect to the meaning of "Producer" (22 F. R. 1371), to be made effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, was published in the FEDERAL REGISTER April 3, 1958 (23 F. R. 2192). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Florida Tomato Committee (established pursuant to the aforesaid marketing agreement and order), it is hereby found that the revised Interpretative Rule with respect to the meaning of "Producer," as hereinafter set forth, will tend to effectuate the declared policy of the act.

The Interpretative Rule (22 F. R. 1371), which has not been codified, is hereby revised and codified to read as follows:

INTERPRETATIVE RULES

§ 945.150 *Meaning of "producer".* The term "producer" is defined in § 945.8 as being any person engaged in a proprietary capacity in the production of tomatoes for market. Under the definition of "tomatoes" in § 945.5, such production must have been in the production area. Section 945.22 provides that each person selected as a committee member or alternate must be a producer, or an officer or an employee of a corporate producer. Section 945.27 provides that producers may vote for nominees for members and alternates on the Florida Tomato Committee, the administrative agency established pursuant to said marketing agreement and order. Section 945.3 defines a person as an individual, partnership, corporation, association, or other business unit. The term "person" is construed to mean the business unit which produces the tomatoes for market.

(a) The prevailing principle which shall apply to the determination of "producer" is who or which interest as a unit, whether an individual, partnership, corporation, association, or any other business unit, has the authority to pass title to the tomatoes grown and made a part of the marketable supply of tomatoes. In other words, the terms shall be limited to those who have an ownership in tomatoes produced in the production area.

(b) "Producer" means any person, as defined in this section: (1) Who or which owns and farms land resulting in his or its ownership of the tomatoes produced thereon; (2) who or which rents or farms land, resulting in his or its ownership of all or a portion of the tomatoes produced thereon; or (3) who or which owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the tomatoes produced thereon.

(c) The term "partnership" shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by entirety, or, under community property laws, as community property. The term "partnership" shall also be deemed to include individuals, partnerships or corporations which join together by agreement, informal or otherwise, for the purpose of growing tomatoes and which, as a unit, have authority to transfer title to such tomatoes at the time they are harvested or subsequent thereto. The term "partnership" shall also include so-called "joint ventures," wherein one or more parties to the arrangement contributes capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing of tomatoes and the authority to transfer title to the tomatoes so produced from that business unit to some other parties in the marketing chain.

(d) Each legal entity, whether an individual, a partnership, a "joint venture," or a corporation, so engaged in the production of tomatoes for market shall have one vote for each position which is to be filled for the district for which he or it is eligible to vote. In the case of a partnership or a "joint venture," such vote shall not be accepted in the absence of unanimous agreement of the respective members. In the case of a corporation, such vote shall be cast pursuant to the authorization of its board of directors. In the case of a person who owns land which he or it does not farm but, as rental for such land, obtains the ownership of a portion of the tomatoes produced thereon, such person shall be regarded as the producer of that portion and entitled to one vote, and the tenant on such land shall be regarded as the producer of the remaining portion produced on such land and also entitled to one vote.

(e) A producer eligible to vote is a person who produced tomatoes for market in a proprietary capacity in the production area during the then current fiscal period, i. e., between August 1 of the previous year and July 31 of the then current year. If a person who would otherwise qualify as a producer in a proprietary capacity in the production area planted tomatoes for market as fresh tomatoes during the current fiscal period, but (1) did not market any tomatoes in the fresh market during the current fiscal period due to adverse weather conditions, or (2) has tomatoes in production for fresh market during the current fiscal period, although still unharvested, he shall, nevertheless, be eligible as a producer to vote for committee nominees, if he produced and marketed tomatoes grown in the production area in the next preceding fiscal period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated April 15, 1958, to become effective as of the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-2917; Filed, Apr. 18, 1958; 8:53 a. m.]

[Lemon Reg. 735]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.842 *Lemon Regulation 735*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions

the lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 16, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 20, 1958, and ending at 12:01 a. m., P. s. t., April 27, 1958, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 227,850 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2984; Filed, Apr. 18, 1958; 8:56 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 101]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377, 6910, 7223, 8929, 9384, 9725, 10490, 23 F. R. 794, 1855), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (lxxxiv) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxxiv) Block 387, Lot 37, Plate 30, in Deptford Township, owned and operated by William J. Cochrane.

2. New subdivisions (v), (vi), (vii), and (viii), are added to subparagraph (10) of paragraph (d), relating to Morris County in New Jersey, to read:

(v) Chatham Township;
(vi) Chester Township;
(vii) Denville Township;
(viii) Mount Olive Township.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases areas in New Jersey, heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieved certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 117, 120, 123, 125)

Done at Washington, D. C., this 16th day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 58-2945; Filed, Apr. 18, 1958; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 3-3]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS RESULTING FROM 1957 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April 1958.

There are contained herein amendments with respect to various issues stemming from the 1957 Annual Airworthiness Review. Although Part 3 was not subject to discussion during the annual airworthiness meetings, the amendments contained herein were proposed in Civil Air Regulations Draft Release No. 57-1C.

The current formulas and loading charts heretofore contained in this part were based on the aerodynamic characteristics of airplanes which, at the time of the promulgation of Part 3, were considered typical of airplanes which would be certificated in accordance with its provisions. Since high performance airplanes are now being developed for certification under this part, certain of these formulas and loading charts can no longer be regarded as generally applicable. Accordingly, amendments are being made to §§ 3.191, 3.215, 3.216, 3.217, 3.219, 3.220, and 3.222 to incorporate appropriate qualifications concerning the applicability of such formulas and loading charts.

It has been found that the provision of § 3.668 requiring a means for indicating the adequacy of power being supplied to each gyroscopic instrument unnecessarily complicates the airplane's vacuum system without giving an indication of all possible instrument failures, such as the clogging of integral filters. For this reason, § 3.668 is being amended to require a power failure indicator only for the power source. In addition, a new § 3.687 is being included which requires electric power system instruments.

There are also contained herein changes in the definition of standard atmosphere to make it consistent with other airworthiness parts of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective May 17, 1958:

1. By amending § 3.1 (b) (1) by inserting between the words "atmosphere" and "defined" the following: "(See NACA Technical Report 1235)".

2. By amending § 3.1 (b) (1) (iv) by deleting the expression "-67° F." and inserting in lieu thereof "-69.7° F."

3. By amending § 3.1 (b) (1) (v) by deleting the numerals "0.002378" and inserting in lieu thereof "0.002377".

4. By amending the note following § 3.191 (a) by deleting the phrase "These conditions may be covered as noted below:" and inserting in lieu thereof "Unless the Administrator finds such data result in unrealistic loads, these conditions may be covered as follows:"

5. By amending the note following § 3.215 to read as follows:

NOTE: The distribution of Figure 3-7 may be used unless the Administrator finds it results in unrealistic loads.

6. By amending the note following § 3.216 (a) by adding to the end of the first sentence the phrase "unless the Administrator finds it results in unrealistic loads."

7. By amending the note following § 3.216 (b) by adding to the end thereof the phrase "unless the Administrator finds it results in unrealistic loads."

8. By amending the note following § 3.216 (d) by adding to the end of the first sentence the phrase "unless the Administrator finds it results in unrealistic loads."

9. By amending the note following § 3.217 (a) by adding to the end thereof the phrase "unless the Administrator finds it results in unrealistic loads."

10. By amending the note following § 3.219 (a) by adding to the end thereof the phrase "unless the Administrator finds it results in unrealistic loads."

11. By amending the note following § 3.219 (b) by adding to the end thereof the phrase "unless the Administrator finds it results in unrealistic loads."

12. By amending the note following § 3.219 (c) by adding to the end thereof the phrase "unless the Administrator finds it results in unrealistic loads."

13. By amending the note following § 3.220 (c) by adding to the end thereof the phrase "unless the Administrator finds it results in unrealistic loads."

14. By amending § 3.222 by adding an introductory sentence to read: "Paragraphs (c) through (e) of this section and the note following paragraph (b) (3) of this section shall not be applicable to airplanes for which the Administrator finds them to result in unrealistic loads."

15. By amending § 3.668 by deleting the words "each of" from the third sentence of the introductory paragraph.

16. By amending § 3.686 by redesignating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 3.686 *Generator controls.* * * *

(b) A generator reverse current cutout shall be incorporated and designed to disconnect the generator from the battery and other generators when the generator is developing a voltage of such value that current sufficient to cause malfunctioning can flow into the generator.

17. By adding a new heading and amending § 3.687 to read as follows:

INSTRUMENTS

§ 3.687 *Electric power system instruments.* Means shall be provided to indicate to appropriate crew members those electric power system quantities which are essential for the safe operation of the system.

NOTE: For direct current systems an ammeter which can be switched into each generator feeder would be acceptable. When only one generator is installed, the ammeter may be in the battery feeder.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2881; Filed, Apr. 18, 1958; 8:45 a. m.]

[Civil Air Regs., Amdt. 4b-8]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS RESULTING FROM 1597 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April 1958.

There are contained herein amendments with respect to various issues stemming from the 1957 Annual Airworthiness Review.

Of the substantive changes, there is a new requirement in § 4b.132 (e) which establishes basic objective criteria to insure, for the all-engines-operating condition, adequate lateral control within the operating speed range and appropriate airplane response to control application in all stages of flight. The provisions up to this time did not prescribe any specific requirements in this respect. It is expected that this rule will result in a more effective evaluation of the airplane's lateral stability and controllability.

The fatigue evaluation provisions, although applicable to all of the flight structure, do not specify any loading conditions for vertical flight surfaces witth respect to the fail safe strength criteria in § 4b.270 (b). For completeness of these provisions, an addition to § 4b.270 (b) is contained herein which sets forth ultimate loads, relative to the fail safe strength evaluation of vertical surfaces, in terms of the generally applicable unsymmetrical and maneuvering limit loading conditions now prescribed in the regulations. There is also a change to § 4b.236 (c) (2) which prescribes vertical load factors necessary for defining more completely the unsymmetrical loads applicable in the taxiing and ground handling conditions for landing gears of multi-wheel units.

Currently effective regulations require trim tab controls to be irreversible unless the tab is properly balanced and is shown to be free from flutter. The regulations do not cover this design feature with respect to other trim devices such as adjustable stabilizers, etc. A change is contained herein to § 4b.322 to require that all trim control systems be free from drift or creep.

There are contained herein several important changes with respect to powerplants. New § 4b.409 requires an inflight investigation of turbine powerplants with respect to stall, surge, flameout, etc. Included also is a change to § 4b.435 which establishes more definite specifications for fuel system filtration. In addition, the powerplant operating limitation provisions in § 4b.718 are being revised to make them more specifically applicable to turbine powerplants.

There are included several changes to the provisions regarding personnel accommodations, emergency evacuation, and ditching. The most substantive one involves a change to § 4b.362 (d) which would permit the substitution of 2 type IV exits in lieu of each required type III exit, when such exits are intended for ditching.

Changes are being made to the provisions dealing with the landing gear retraction system, § 4b.334 (b); with altimeter static pressure source tolerances, § 4b.612 (b) (5); and with markings of the air-speed indicator, § 4b.732. A new § 4b.659 is included which requires appropriate protection of the airplane against failure of high energy rotors when such rotors are incorporated in any equipment on the airplane. There is included an amendment to § 4b.603 which requires the incorporation of a maximum air-speed indicator if the air-speed limitations vary appreciably with altitude.

In addition, there are included other changes which are of a clarifying or editorial nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective May 17, 1958:

1. By amending § 4b.1 (b) (1) by deleting the parenthetical phrase "(see NACA Technical Note 3182)" and inserting in lieu thereof "(see NACA Technical Report 1235)".

2. By amending § 4b.132 by adding a new paragraph (e) to read as follows:

§ 4b.132 *Directional and lateral control.* * * *

(e) *Lateral control; all engines operating.* Roll response shall be rapid and of sufficient magnitude to perform normal maneuvers, such as recovery from upsets produced by gusts and the initiation of evasive maneuvers. In sideslips up to sideslip angles which might be required in normal operation, sufficient excess lateral control shall remain to perform a limited amount of maneuvering and to correct for gusts. Lateral control shall be sufficient at all speeds up to V_{NE} to provide a peak roll rate necessary for safety without requiring excessive control forces or excessive control travel.

3. By amending § 4b.236 (c) (2) by adding a new sentence between the first and second sentences to read as follows: "For one and two deflated tires the vertical load factor at the center of gravity shall be 60 percent and 50 percent, respectively, of the factor with no deflated tires except that it shall not be less than 1 g."

4. By amending § 4b.270 (b) by deleting the words "subparagraphs (1) and (2)" in the second sentence and inserting in lieu thereof the words "subparagraphs (1) through (4)"; by deleting "§ 4b.211 (b)" in subparagraph (2) and inserting in lieu thereof "§§ 4b.211 (b) and 4b.215 (b)"; and by adding new subparagraphs (3) and (4) to read as follows:

§ 4b.270 *General.* * * *

(b) *Fail safe strength.* * * *

(3) Eighty percent of the limit loads resulting from the conditions specified in § 4b.220 (c). These loads shall be considered to be ultimate.

(4) Eighty percent of the limit maneuvering loads resulting from the con-

tions specified in § 4b.215 (a), except that the load need not exceed 100 percent of the critical load obtained in compliance with the provisions of § 4b.215 (a) using a pilot effort of 180 pounds. This load shall be considered to be ultimate.

5. By amending § 4b.322 (f) by adding a new sentence at the beginning thereof to read as follows: "All trim control systems shall be designed to prevent creeping in flight."

6. By amending § 4b.334 (b) by adding a new sentence at the end thereof to read as follows: "A means shall be provided to prevent the retraction of the landing gear while the airplane is on the ground."

7. By amending § 4b.358 (b) by adding a new subparagraph (6) to read as follows:

§ 4b.358 *Seats, berths, and safety belts.* * * *

(b) *Arrangement.* * * *

(6) Seats for cabin attendants shall be disposed within the passenger compartment near approved floor level emergency exits. (See § 4b.362 (g).)

8. By amending § 4b.362 (d) to read as follows:

§ 4b.362 *Emergency evacuation.* * * *

(d) *Ditching emergency exits.* Except as otherwise provided in this paragraph, at least 2 exits, one on each side of the airplane, meeting the minimum dimensions of the exits specified in paragraph (b) (3) of this section and located above the water level, shall be provided. In addition, it shall be shown that there is not less than one emergency exit located above the water level for every 35 passengers. It shall be permissible to substitute 2 type IV exits for each required type III exit. When the configuration of the airplane is such that it will not permit the location of side exits above the water level, the required number of side exits shall be replaced by an equal number of overhead hatches of not less than the dimensions of exits specified in paragraph (b) (3) of this section, except that on airplanes having a passenger capacity of 35 or less only one such overhead hatch need be provided.

9. By amending § 4b.362 (e) (2) by adding at the end thereof the following phrase: "except that sliding window emergency exit in the flight crew area need not be openable from the outside if the Administrator finds that the proximity of other approved exits makes them convenient and readily accessible to the flight crew area."

10. By amending § 4b.362 (f) (1) and (2) by inserting in the first sentence of each subparagraph between the words "all" and "emergency" the word "passenger."

11. By amending § 4b.362 (f) (3) by inserting between the words "exits" and "and" the phrase "which are required to be openable from the outside,".

12. By adding a new § 4b.409 to read as follows:

§ 4b.409 *Turbine powerplant operating characteristics.* Turbine powerplant operating characteristics shall be investigated in flight to determine that no adverse characteristics, such as stall, surge, or flameout, are present to a hazardous degree during normal and emergency operation of the airplane within the range of operating limitations of the airplane and of the engine.

13. By amending § 4b.435 by adding the words "or filter" after the word "strainer" in the title of the section, in the introductory paragraph, and in paragraphs (a), (b), and (c).

14. By amending § 4b.435 (d) by deleting the words "filter or strainers" and inserting in lieu thereof the words "strainers or filters".

15. By amending § 4b.435 by adding a new paragraph (e) to read as follows:

§ 4b.435 *Fuel strainer or filter.* * * *

(e) The fuel strainer or filter shall be of adequate capacity, commensurate with operating limitations established to insure proper service and of appropriate mesh to insure proper engine operation with the fuel contaminated to a degree, with respect to particle size and density, which can be reasonably expected to occur in service. The degree of fuel filtering shall be not less than that established for the engine in accordance with Part 13 of this subchapter.

16. By amending § 4b.603 by amending paragraph (a) to read as follows, and by deleting paragraph (j):

§ 4b.603 *Flight and navigational instruments.* * * *

(a) Air-speed indicating system. If the air-speed limitations vary with altitude, the air-speed indicator shall incorporate a maximum allowable air-speed indication showing the variation of V_{NE} with altitude including compressibility limitations. (See § 4b.732.)

17. By amending § 4b.612 (b) (5) to read as follows:

§ 4b.612 *Flight and navigational instruments.* * * *

(b) *Static air vent and pressure altimeter systems.* * * *

(5) The design and installation of the altimeter system shall be such that the error in indicated pressure altitude at sea level in standard atmosphere, excluding instrument calibration error, does not result in a value more than the ±30 feet per 100 knots in speed for the appropriate configuration in the speed range between 1.3 V_{s_0} (flaps extended) and 1.8 V_{s_1} (flaps retracted), except that the error need not be less than ±30 feet.

18. By amending § 4b.651 (h) (1) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* * * *

(h) *Protective breathing system.* * * *

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth when accessory equipment is provided to protect the eyes. Such equipment while in use shall not prevent the flight crew from using the radio equipment of the airplane or from communicating with each other while at their assigned duty stations. That part of the equipment provided to protect the eyes shall be of a type and construction which will not cause any appreciable adverse effect on vision and shall permit wearing corrective glasses by individual members of the flight crew.

19. By adding a new § 4b.659 to read as follows:

§ 4b.659 *Equipment incorporating high energy rotors.* Equipment incorporating high energy rotors shall be demonstrated as capable of containing a failed rotor or shall be so located that failure will not affect the ability of the airplane to continue safe flight.

20. By amending § 4b.718 to read as follows:

§ 4b.718 *Powerplant limitations.* The following powerplant limitations shall be established for the airplane as applicable for the type(s) of engine(s) installed. They shall not exceed the corresponding limits established as part of the type certification of the engine and propeller installed in the airplane.

(a) *Take-off operation.* (1) Maximum rotational speed (r. p. m.);

(2) Maximum permissible manifold pressure;

(3) Maximum permissible gas temperature for turbine engines;

(4) The time limit for use of the power which corresponds with the values established in subparagraphs (1) through (3) of this paragraph;

(5) When the time limit established in subparagraph (4) of this paragraph exceeds 2 minutes, the maximum allowable cylinder head and oil temperatures; and

(6) Maximum cylinder head and oil temperatures if these differ from the maximum limits for continuous operation.

(b) *Maximum continuous operation.* (1) Maximum rotational speed (r. p. m.);

(2) Maximum permissible manifold pressure; and

(3) Maximum permissible cylinder head, oil, and gas temperatures.

(c) *Fuel grade or specification designation.* (1) The minimum grade of fuel required for satisfactory operation at the limits specified in paragraphs (a) and (b) of this section for reciprocating engines, and

(2) The designation of the fuel required for satisfactory operation at the limits specified in paragraphs (a) and (b) of this section for turbine engines.

21. By amending § 4b.732 to read as follows:

§ 4b.732 *Air-speed limitation information.* The air-speed limitations (see § 4b.741 (a)) shall be presented in such a manner that they can be easily read and interpreted by the flight crew.

22. By amending § 4b.741 (a) by deleting the words, "marking the air-speed indicator" and inserting in lieu thereof the words, "the presentation of the air-speed limitations to the flight crew".

23. By amending § 4b.742 by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 4b.742 *Operating procedures.* * * *

(d) *Restarting of turbine engines.* The recommended procedures to be fol-

lowed in restarting turbine engines in flight shall be described. These procedures shall include the effects of altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2882; Filed, Apr. 18, 1958; 8:45 a. m.]

[Civil Air Regs., Amdt. 6-3]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

MISCELLANEOUS AMENDMENTS RESULTING FROM 1957 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April 1958.

There are contained herein amendments with respect to issues stemming from the 1957 Annual Airworthiness Review.

The nonsubstantive changes deal with the definitions of standard atmosphere, take-off power or thrust, maximum continuous power or thrust, and gas temperature. These changes are being made to maintain consistency in the definitions throughout the Civil Air Regulations.

The only substantive change being made deals with protection from fan blade failures. A recent accident involving engine overspeed and fan disintegration prompts the Board to amend § 6.401 to require protection from fan blade failures.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) effective May 17, 1958:

1. By amending § 6.1 (c) (1) by inserting between the words "atmosphere" and "defined" the following "(see NACA Technical Report 1235)".

2. By amending § 6.1 (c) (1) (iv) by deleting the expression "−67° F." and inserting in lieu thereof "−69.7° F."

3. By amending § 6.1 (c) (1) (v) by deleting the numerals "0.002378" and inserting in lieu thereof "0.002377".

4. By amending § 6.1 (g) by amending the title, by amending subparagraphs (2) and (3), by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively, and by adding a new subparagraph (4) to read as follows:

§ 6.1 *Definitions.* * * *

(g) *Powerplant installation.*[1] * * *

(2) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power or thrust.* (i) Maximum continuous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude, under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed at specified altitudes, atmospheric temperatures, and flight speeds, under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed at specified altitudes, atmospheric temperatures, and flight speeds, under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(4) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

5. By amending § 6.401 by redesignating the present title and text of the section as paragraph (a), by adding a new title to the section, and adding a new paragraph (b) to read as follows:

§ 6.401 *Engines.* * * *

(b) *Engine cooling fan blade protection.* If an engine cooling fan is installed, means shall be provided to protect the rotorcraft and to permit a safe landing in the event of a fan blade failure. Compliance shall be shown with any one of the provisions of subparagraphs (1) through (3) of this paragraph.

(1) It shall be demonstrated that the fan blades will be contained in the event of failure;

(2) The fan is so located that a fan blade failure will not jeopardize the safety of the rotorcraft or its occupants; or

(3) It shall be demonstrated that the fan blade can withstand an ultimate load of 1.5 times the centrifugal force resulting from engine rpm limited by either:

(i) The engine terminal rpm which can occur under uncontrolled conditions, or

(ii) An overspeed limiting device.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2883; Filed, Apr. 18, 1958; 8:45 a. m.]

[Civil Air Regs., Amdt. 7-2]

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS RESULTING FROM 1957 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April 1958.

There are contained herein amendments with respect to various issues stemming from the 1957 Annual Airworthiness Review.

The most significant of these amendments deal with the flight requirements. Among these is included an amendment to § 7.103 (a) to eliminate the requirement for the installation of a rotor high-pitch stop when it is found that such a stop is unnecessary due to the inherent characteristics of the rotorcraft.

The powerplant and structural fire protection requirements of Part 7 applicable to Category B rotorcraft were designed to protect the rotorcraft for 5 minutes in the event of a powerplant fire. On the other hand, the regulations applicable to Category A rotorcraft were designed to give protection from powerplant fires for a sufficient time to permit continued operation to a landing area. Paragraphs (c) of § 7.111 and (d) of § 7.118 contain options for multiengine Category B rotorcraft which permit them to be certificated under the Category A rotorcraft requirements of these sections when, among other things, the fire protection requirements for Category A rotorcraft are met. This permits the establishment of limiting heights and speeds for safe landing following the failure of only one engine rather than with complete power loss, and the demonstration of an autorotative landing rather than determining the autorotative landing distances. There are contained herein amendments to the aforementioned sections which delete the requirement that multiengine Category B rotorcraft meet the fire protection requirements applicable to Category A rotorcraft when these options are exercised. It is required that the Administrator establish emergency procedures to be followed in the event of a powerplant fire, and these procedures are required to be included in the Airplane Flight Manual for Category B rotorcraft. Such procedures normally entail the execution of an immediate landing. In applying operating limitations to such rotorcraft, it is the Board's understanding that the Administrator will require an immediate landing in the event of fire while in flight.

The take-off provisions of Part 7 require the establishment of a critical decision point for Category A rotorcraft, at which point the rotorcraft is required to have attained the take-off safety speed necessary to comply with the climb requirements at that point as well as to be able to be stopped safely following the engine failure at the critical decision point. Section 7.114 (a) (2) is being amended to permit the rotorcraft to be at a speed less than the take-off safety speed at the critical decision point and, after failure of the critical engine at that point, permit continued acceleration so that at the end of the rejected take-off distance a speed of not less than the take-off safety speed is attained.

A significant addition to the regulations is included with respect to § 7.401. This section is being amended to require a means of protection against cooling fan blade failures. This amendment permits alternative means of compliance either by containment of the blades in the event of failure or by designing the fan so that it will not fail as a result of engine overspeed.

When this part was originally promulgated the rotorcraft operating limitations with respect to night and instrument flight were included in § 7.120. These limitations are now being placed in § 7.20 with minor editorial changes. The Board appreciates that the development of automatic stabilization devices has progressed rapidly and that the limitations contained herein might be unduly conservative in respect of certain rotorcraft. The Board is, therefore, prepared to reconsider these limitations during future annual airworthiness reviews.

In addition to the aforementioned changes, there are a number of relatively minor amendments dealing with definitions and flight requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) effective May 19, 1958:

1. By amending § 7.1 (c) (1) by inserting between the words "atmosphere" and "defined" the following: "(see NACA Technical Report 1235)".

2. By amending § 7.1 (c) (1) (iv) by deleting the expression "—67° F." and inserting in lieu thereof "—69.7° F."

3. By amending § 7.1 (c) (1) (v) by deleting the numerals "0.002378" and inserting in lieu thereof "0.002377."

4. By deleting § 7.1 (c) (6).

5. By amending § 7.1 (d) (6) (i) by adding a new sentence at the end thereof to read as follows: "For other fuels, a design unit weight or range of weights appropriate to the type of fuels shall be established."

6. By amending § 7.1 (g) by amending the title, by amending subparagraphs (2) and (3), by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively, and by adding a new subparagraph (4) to read as follows:

§ 7.1 *Definitions.* * * *

(g) *Powerplant installation.*[1] * * *

(2) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of engine rotor shaft rotational speed and gas temperature approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power or thrust.* (i) Maximum continuous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude, under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed at specified altitudes, atmospheric temperatures, and flight speeds, under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed at specified altitudes, atmospheric temperatures, and flight speeds, under the maximum conditions of engine rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(4) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

7. By amending § 7.20 by adding a new paragraph (c) to read as follows:

§ 7.20 *Rotorcraft categories.* * * *

(c) The eligibility of rotorcraft for night and instrument flight shall be in accordance with subparagraphs (1) and (2) of this paragraph.

(1) *Category A.* Rotorcraft in this category shall be eligible for night and instrument flight, except that the rotorcraft shall have such additional flight characteristics as the Administrator finds are essential for safe operations under these conditions.

(2) *Category B.* Rotorcraft in this category shall not be eligible for unlimited night and instrument flight. Rotorcraft in this category, however, shall be eligible for night flight under VFR conditions, except that the rotorcraft shall have such additional flight characteristics as the Administrator finds are essential for safe operation under these conditions.

8. By amending § 7.103 (a) by adding the following phrase to the end of the second sentence: "however, such means need not be provided if the Administrator finds that inherent characteristics of the rotorcraft rotor speeds are provided" and by adding the following phrase at the beginning of the third sentence: "If a means to prevent low rotor speeds is provided,"

9. By amending § 7.111 (c) by deleting the words "as well as with § 7.384 (a) of this part," and by adding a note to read as follows:

NOTE: (See § 7.384 (b).) Category B rotorcraft structure, controls, rotor mechanisms, and parts essential to a controlled landing are protected from powerplant fires for at least 5 minutes.

10. By amending § 7.114 (a) by deleting the words "accelerated stop" and inserting in lieu thereof the words "rejected take-off".

11. By amending § 7.114 (a) (1) by deleting the words "accelerated stop" and inserting in lieu thereof the words "rejected take-off", and by adding the following phrase at the end of the subparagraph "with the remaining engines operating within their approved limitations."

12. By amending § 7.114 (a) (2) by adding to the second sentence between the words "limitations" and "the climbout" the words "the rotorcraft shall be accelerated such that the take-off safety speed is reached by the end of the rejected take-off distance and".

13. By amending § 7.114 (a) (3) by deleting the term "accelerate-stop" and inserting in lieu thereof the words "rejected take-off".

14. By amending § 7.115 (a) (1) (v), (2) (v), and (3) (v) by deleting the words "in the hot-day condition" in each subdivision and inserting in lieu thereof the words "at the temperatures and altitudes for which certification is sought."

15. By amending § 7.115 (b) (3) to read as follows:

§ 7.115 *Climb; one-engine-inoperative.* * * *

(b) *Category B.* * * *

(3) For all helicopters, the steady angle of glide shall be determined at the maximum and minimum rate-of-descent speed in autorotation at maximum weight at the optimum forward speed.

16. By amending § 7.118 (b) by adding a new sentence at the end thereof to read as follows: "The maximum permissible speed descent in autorotation shall be determined."

17. By amending § 7.118 (c) by deleting subparagraph (3).

18. By amending § 7.118 (d) by deleting the words "and § 7.384 (a)".

19. By amending § 7.120 (c) to read as follows:

§ 7.120 *General.* * * *

(c) For the eligibility of rotorcraft for night and instrument flight see § 7.20 (c).

20. By amending § 7.123 (b) (4) (i) by adding the following words at the end thereof "except for Category A helicopters the weight shall be that determined for hovering. (See § 7.116 (a).)"

21. By amending § 7.131 by deleting the word "uncontrollable" and by adding the following words at the end thereof "unless the Administrator finds that such tendencies are not dangerous."

22. By amending § 7.401 by adding new paragraphs (d) and (e) to read as follows:

§ 7.401 *Engines.* * * *

(d) *Category A; engine cooling fan blade protection.* If an engine cooling fan is installed, means shall be provided to insure that the occurrence of a fan blade failure will not affect the operation of the remaining engine(s) nor jeopardize the continued safe operation of the rotorcraft.

(e) *Category B; engine cooling fan blade protection.* If an engine cooling fan is installed, means shall be provided to protect the rotorcraft and to permit a safe landing in the event of a fan blade failure. Compliance shall be shown with any one of the provisions of subparagraphs (1) through (3) of this paragraph.

(1) It shall be demonstrated that the fan blades will be contained in the event of failure;

(2) The fan is so located that a fan blade failure will not jeopardize the safety of the rotorcraft or its occupants; or

(3) It shall be demonstrated that the fan blade can withstand an ultimate load of 1.5 times the centrifugal force resulting from engine rpm limited by either:

(i) The engine terminal rpm which can occur under uncontrolled conditions, or

(ii) An overspeed limiting device.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended; 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2884; Filed, Apr. 18, 1958;
8:46 a. m.]

[Civil Air Regs., Amdt. 13-2]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

MISCELLANEOUS AMENDMENTS RESULTING FROM 1957 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April 1958.

There are contained herein amendments with respect to fuel system filters for both reciprocating and turbine engines and endurance testing of turbine engines stemming from the 1957 Annual Airworthiness Review.

The amendments dealing with fuel system filters are intended to insure that foreign particles in the fuel which would have an adverse effect on the fuel system will be removed. It is, therefore, required that the engine manufacturer specify the type of filtration necessary and demonstrate that foreign particles passing through the filter will not impair the fuel system functioning.

There is also an amendment to § 13.254. It has been found that the specification of power and/or thrust and of engine rotational speed of a tolerance of ±3 percent for the endurance test is unduly burdensome on the engine manufacturer. The amendment contained herein requires that the endurance test be conducted with the engine power and/or thrust and engine rotational speed at not less than 100 percent of the specified values.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) effective May 17, 1958:

1. By amending § 13.110 by adding a new paragraph (c) to read as follows:

§ 13.110 *Fuel and induction system.* * * *

(c) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel shall be specified. It shall be demonstrated that foreign particles passing through the prescribed filtering means will not critically impair engine fuel system functioning.

2. By amending § 13.210 by adding a new paragraph (d) to read as follows:

§ 13.210 *Fuel and induction system.* * * *

(d) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel shall be specified. It shall be demonstrated that foreign particles passing through the prescribed filtering means will not critically impair engine fuel system functioning.

3. By amending § 13.254 by deleting the third sentence and inserting in lieu thereof the following: "During the endurance test, the engine power and/or thrust and the engine rotational speed shall not be less than 100 percent of the specified values except that substantiating evidence shall be submitted if the engine parameters are not controlled within this limitation."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2885; Filed, Apr. 18, 1958;
8:46 a. m.]

[Civil Air Regs., Amdt. 40-11]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS RESULTING FROM 1957 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April 1958.

The Board has been advised that the descent flight provision of the two-engine-inoperative en route requirement of Part 40 is in need of clarification. The language of this provision does not make clear the generally understood intent that the descent may be based on a net flight path. Section 40.75 (b) (2) is therefore being amended to clarify the intent.

During this year's annual airworthiness meeting, the subjects of interior markings and emergency lighting for exits were discussed. As a result, changes are being made to the certification requirements to eliminate the need for the marking and lighting of crew compartment exits. Since it is considered that the operating parts should be consistent with the certification requirements, a similar amendment is being made to Part 40.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective May 17, 1958:

1. By amending § 40.75 (b) (2) to read as follows:

§ 40.75 *En route limitations; two engines inoperative.* * * *

(b) * * *

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be 0.01 $V_{s_0}^2$ greater than indicated by the performance information approved by the Administrator.

2. By amending § 40.173 (f) (1) and (2) by inserting in the first sentence of

each subparagraph between the words "all" and "emergency" the word "passenger".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, as amended, 1009, as amended, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2886; Filed, Apr. 18, 1958; 8:46 a. m.]

[Civil Air Regs., Amdt. 41-17]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS RESULTING FROM 1957 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April 1958.

The Board has been advised that the descent flight provision of the two-engine-inoperative en route requirement of Part 41 is in need of clarification. The language of this provision does not make clear the generally understood intent that the descent may be based on a net flight path. Section 41.30 (c) (2) (ii) is therefore being amended to clarify the intent.

During this year's annual airworthiness meeting, the subjects of interior markings and emergency lighting for exits were discussed. As a result, changes are being made to the certification requirements to eliminate the need for the marking and lighting of crew compartment exists. Since it is considered that the operating parts should be consistent with the certification requirements, a similar amendment is being made to Part 41.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective May 17, 1958:

1. By amending §41.23d (b) (1) and (2) by inserting in the first sentence of each subparagraph between the words "all" and "emergency" the word "passenger".

2. By amending § 41.30 (c) (2) (ii) to read as follows:

§ 41.30 *En route limitations.* * * *

(c) *Airplanes with four or more engines; two engines inoperative.* * * *

(2) * * *

(ii) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be 0.01 $V_{s_0}^2$ greater than indicated by the performance information approved by the Administrator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, as amended, 1009, as amended, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2887; Filed, Apr. 18, 1958; 8:47 a. m.]

[Civil Air Regs., Amdt. 42-14]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MISCELLANEOUS AMENDMENTS RESULTING FROM 1957 ANNUAL AIRWORTHINESS REVIEW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of April, 1958.

The Board has been advised that the descent flight provision of the two-engine-inoperative en route requirement of Part 42 is in need of clarification. The language of this provision does not make clear the generally understood intent that the descent may be based on a net flight path. Section 42.75 (b) (2) is therefore being amended to clarify the intent.

During this year's annual airworthiness meeting, the subjects of interior markings and emergency lighting for exits were discussed. As a result, changes are being made to the certification requirements to eliminate the need for the marking and lighting of crew compartment exits. Since it is considered that the operating parts should be consistent with the certification requirements, a similar amendment is being made to Part 42.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9116), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective May 17, 1958:

1. By amending § 42.24c (b) (1) and (2) by inserting in the first sentence of each subparagraph between the words "all" and "emergency" the word "passenger".

2. By amending § 42.75 (b) (2) to read as follows:

§ 42.75 *En route limitations; two engines inoperative.* * * *

(b) * * *

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be 0.01 $V_{s_0}^2$ greater than indicated by the performance information approved by the Administrator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, as amended, 1009, as amended, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2888; Filed, Apr. 18, 1958; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6856]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HELENE CURTIS INDUSTRIES, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Helene Curtis Industries, Inc., Chicago, Ill., Docket 6856, Mar. 18, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers with principal place of business at Chicago with advertising falsely in newspapers and by television and otherwise that their "Enden Shampoo" would cure dandruff.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Helene Curtis Industries, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the product Enden Shampoo, or any other product of substantially similar composition and possessing similar properties, whether sold under the same name or any other name, forthwith cease and desist from:

1. Disseminating or causing to be disseminated, any advertisement, by means of television continuity broadcasts in commerce, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That said product will cure dandruff; or

(b) That it will have any lasting effect on dandruff or dandruff symptoms except during the regular use thereof.

2. Disseminating or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2905; Filed, Apr. 18, 1958; 8:51 a. m.]

[Docket 6886]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PIEDMONT PRODUCTS CO., INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Piedmont Products Company, Inc., et al., Chicago, Ill., Docket 6886, Mar. 18, 1958]

In the Matter of Piedmont Products Company, Inc., a Corporation, and Esther Kane, Roberta Layfer and Mrs. Leslie Lanser, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Chicago of electric shavers, cameras, and other articles of merchandise, with furnishing push cards and other lottery devices to operators for their use in selling the merchandise to the public.

Following acceptance of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Piedmont Products Company, Inc., a corporation, and its officers, and Esther Kane, Roberta Layfer and Mrs. Leslie Lanser, individually and as officers of said corporation, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of electrical appliances, cameras, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to, or placing in the hands of others, push cards, punch boards, or any other lottery devices, either with merchandise or separately, which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Piedmont Products Company, Inc., a corporation, and Esther Kane, Roberta Layfer and Mrs. Leslie Lanser, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2904; Filed, Apr. 18, 1958; 8:50 a. m.]

[Docket 6965]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SEA ISLE SPORTSWEAR, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Sea Isle Sportswear, Inc., et al., New York, N. Y., Docket 6965, Mar. 15, 1958]

In the Matter of Sea Isle Sportswear, Inc., a Corporation, and Charles Beer, Irving Friedland, and Leo Friedland, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with violating the Wool Products Labeling Act by labeling as "100% wool", coats which did not consist entirely of wool, by failing to label certain of such coats, and by failing to set forth separately on labels the fiber content of interlinings of certain coats.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Sea Isle Sportswear, Inc., a corporation, and its officers, and Charles Beer, Irving Friedland and Leo Friedland, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of coats or other "wool products" as "wool products" are defined in said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

a. The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

b. The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

c. The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

B. Failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlinings of such wool products as provided in Rule 24 of the Rules and Regulations promulgated under the said Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2906; Filed, Apr. 18, 1958; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter F—Procedure and Administration

[T. D. 6292]

PART 301—PROCEDURE AND ADMINISTRATION

MISCELLANEOUS AMENDMENTS

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to (1) the amendments made to the Internal Revenue Code of 1954 by the Social Security Amendments of 1954 (68 Stat. 1052), the Tax Rate Extension Acts of 1955, 1956, and 1957 (69 Stat. 14, 70 Stat. 66, and 71 Stat. 9, respectively), Act of August 11, 1955 (Public Law 355, 84th Cong., 69 Stat. 676), Act of August 11, 1955 (Public Law 367, 84th Cong., 69 Stat. 689), Act of April 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 87), Act of May 29, 1956 (Public Law 545, 84th Cong., 70 Stat. 217), the Highway Revenue Act of 1956 (70 Stat. 374), Act of July 25, 1956 (Public Law 796, 84th Cong., 70 Stat. 644), and (2) the Act of August 12, 1955 (Public Law 383, 84th Cong., 69 Stat. 715); and in order to make certain other changes in such regulations, the regulations are amended as follows:

PARAGRAPH 1. Section 301.6206 is amended as follows:

(A) By renumbering § 301.6206 as § 301.6207.

(B) By striking out "6206", the section number of the law set forth in such section as renumbered, and inserting "6207" in lieu thereof.

(C) By adding at the end of such section 6207 the following historical note:

[Sec. 6206 as renumbered 6207 by sec. 4 (b) (1), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 90)]

PAR. 2. Immediately after § 301.6205-1 insert the following new sections:

§ 301.6206. *Statutory provisions; special rules applicable to excessive claims under sections 6410 and 6421.*

SEC. 6206. *Special rules applicable to excessive claims under sections 6420 and 6421.* Any portion of a payment made under section 6420 or 6421 which constitutes an excessive amount (as defined in section 6675 (b)), and any civil penalty provided by section 6675, may be assessed and collected as if it were a tax imposed by section 4081 and as if the person who made the claim were liable for such tax. The period for assessing any such portion, and for assessing any such penalty, shall be 3 years from the last day prescribed for the filing of the claim under section 6420 or 6421, as the case may be.

[Sec. 6206 as added by sec. 4 (b) (1), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 90), and as amended by sec. 208 (d) (1), Highway Revenue Act 1956 (70 Stat. 396)]

§ 301.6206-1 *Special rules applicable to excessive claims under sections 6420 and 6421.* For regulations under section 6206, see the Manufacturers and Retailers Excise Tax Regulations (Part 40 of this chapter).

PAR. 3. Section 301.6312-1 is amended as follows:

(A) By striking out the period at the end of the first sentence in paragraph (c) and inserting in lieu thereof the following: ", or with the Office of the Treasurer of the United States, Treasury Building, Washington, D. C."

(B) By striking out the last sentence of paragraph (c) and inserting in lieu thereof the following: "In such cases, the Federal reserve bank or branch, or the Office of the Treasurer of the United States, shall issue a receipt in the name of the district director, describing the certificates, notes, or bills by par or dollar face amount and stating on the face of the receipt that the certificates, notes, or bills represented thereby are held by the bank or branch, or the Office of the Treasurer of the United States, for redemption at the value specified in the terms under which the certificates, notes, or bills were issued, and for application of the proceeds in payment of taxes due or for the purchase of stamps on a specified date by the taxpayer named therein."

PAR. 4. Immediately preceding § 301.6334-1 insert the following:

SEC. 12 [Railroad Retirement Act of 1937, as amended]. Notwithstanding any other law of the United States, or of any State, Territory, or of the District of Columbia, no annuity or pension payment shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

[Sec. 12 as amended by sec. 4, Act of Aug 12, 1955 (Pub Law 383, 84th Cong., 69 Stat. 716), effective as of Aug. 29, 1935]

SEC. 2 [Railroad Unemployment Insurance Act]. * * *

(e) Notwithstanding any other law of the United States, or of any State, Territory, or the District of Columbia, no benefits shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

[Sec. 2 as amended by sec. 4, Act of Aug. 12, 1955 (Pub. Law 383, 84th Cong., 69 Stat. 716), effective as of June 25, 1938]

PAR. 5. Section 301.6334-1 is amended by striking out all of paragraph (c) and inserting in lieu thereof the following:

(c) *Other property.* Annuity or pension payments under the Railroad Retirement Act and benefits under the Railroad Unemployment Insurance Act are exempt from levy. No other property or rights to property are exempt from levy except the property specifically exempted by section 6334 (a). No provision of a State law may exempt property or rights to property from levy for the collection of any Federal tax. Thus, property exempt from execution under State personal or homestead exemption laws is, nevertheless, subject to levy by the United States for collection of its taxes.

PAR. 6. Section 301.6402-2 is amended by striking out all of paragraph (f) and inserting in lieu thereof the following:

(f) *Mailing of refund check.* (1) Checks in payment of claims allowed will be drawn in the names of the persons entitled to the money and, except as provided in subparagraph (2) of this paragraph, the district director may send the checks direct to the claimant or to such person in care of an attorney or agent who has filed a power of attorney specifically authorizing him to receive such checks.

(2) Checks in payment of claims which have either been reduced to judgment or settled in the course or as a result of litigation will be drawn in the name of the person or persons entitled to the money and, in the case of actions arising in the United States district courts, will be sent to the appropriate United States attorney, and, in actions arising in the United States Court of Claims, to the Assistant Attorney General, Tax Division, Department of Justice, for delivery to the taxpayer or the counsel of record in the court proceeding.

(3) For restrictions on the assignment of claims, see section 3477 of the Revised Statutes (31 U. S. C. 203).

PAR. 7. Section 301.6402-3 is amended as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) In the case of income tax, claims for refund may not only be made on Form 843 but may also be made on any individual or corporation income tax return, or on any amended income tax return.

(B) By striking out the first two sentences of paragraph (b) and inserting in lieu thereof the following: "A properly executed individual or corporation income tax return shall, at the election of the taxpayer, constitute a claim for refund or credit within the meaning of section 6402 and section 6511 for the amount of the overpayment disclosed by such return. For purposes of section 6511, such claim shall be considered as filed on the date on which such return is considered as filed, except that if the requirements of § 301.7502-1, relating to timely mailing treated as timely filing, are met the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return was mailed."

(C) By striking out the last sentence of paragraph (c) and inserting in lieu thereof the following: "For purposes of section 6511, such claim shall be considered as filed on the date on which such return is considered as filed, except that if the requirements of § 301.7502-1, relating to timely mailing treated as timely filing, are met the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return was mailed."

Par. 8. Section 301.6412 is amended to read as follows:

§ 301.6412 *Statutory provisions; floor stocks refunds.*

Sec. 6412. *Floor stocks refunds*—(a) *In general*—(1) *Passenger automobiles, etc.* Where before July 1, 1958, any article subject to the tax imposed by section 4061 (a) (2) has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after July 1, 1958, if claim for such credit or refund is filed with the Secretary or his delegate on or before November 10, 1958, based upon a request submitted to the manufacturer, producer, or importer before October 1, 1958, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before November 10, 1958, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund.

(2) *Trucks and buses, tires, tread rubber, and gasoline.* Where before July 1, 1972, any article subject to the tax imposed by section 4061 (a) (1), 4071 (a) (1) or (4), or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use), there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after July 1, 1972, if claim for such credit or refund is filed with the Secretary or his delegate on or before November 10, 1972, based upon a request submitted to the manufacturer, producer, or importer before October 1, 1972, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before November 10, 1972, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to gasoline in retail stocks held at the place where intended to be sold at retail, nor with respect to gasoline held for sale by a producer or importer of gasoline.

(3) *Definitions.* For purposes of this section—

(A) The term "dealer" includes a wholesaler, jobber, distributor, or retailer, or, in the case of tread rubber subject to tax under section 4071 (a) (4), includes any person (other than the manufacturer, producer, or importer thereof) who holds such tread rubber for sale or use.

(B) An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(b) *Limitation on eligibility for credit or refund.* No manufacturer, producer, or importer shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed under this section.

(c) *Other laws applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by sections 4061, 4071, and 4081 shall, insofar as applicable and not inconsistent with subsections (a) and (b) of this section, apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if such credits or refunds constituted overpayments of such taxes.

(d) *Sugar.* With respect to any sugar or articles composed in chief value of sugar upon which tax imposed under section 4501 (b) has been paid and which, on June 30, 1961, are held by the importer and intended for sale or other disposition, there shall be refunded (without interest) to such importer, subject to such regulations as may be prescribed by the Secretary or his delegate, an amount equal to the tax paid with respect to such sugar or articles composed in chief value of sugar.

(e) *Cross reference.* For floor stocks refunds in case of certain alcohol and tobacco taxes, see sections 5063 and 5707.

[Sec. 6412 as amended by sec. 3 (b) (4), Tax Rate Extension Act 1955 (69 Stat. 15); sec. 3 (b) (4), Tax Rate Extension Act 1956 (70 Stat. 67); sec. 19, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 208 (a), Highway Revenue Act 1956 (70 Stat. 392); sec. 3 (b) (4), Tax Rate Extension Act 1957 (71 Stat. 10)]

Par. 9. Section 301.6413 is amended by striking out subsections (c) and (d) of section 6413 and inserting in lieu thereof the following:

(c) *Special refunds*—(1) *In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed $3,600, the employee shall be entitled (subject to the provisions of section 31 (b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer during any calendar year after the calendar year 1954, the wages received by him during such year exceed $4,200, the employee shall be entitled (subject to the provisions of section 31 (b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $4,200 of such wages received.

(2) *Applicability in case of Federal and State employees and employees of certain foreign corporations*—(A) *Federal employees.* In the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer; and the term "wages" includes, for purposes of this subsection, the amount, not to exceed $3,600 for the calendar year 1951, 1952, 1953, or 1954, or $4,200 for any calendar year after 1954, determined by each such head or agent as constituting wages paid to an employee.

(B) *State employees.* For purposes of this subsection, in the case of remuneration received during any calendar year, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act as would be wages if such services constituted employment; the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing; the term "tax" or "tax imposed by section 3101" includes, in the case of services covered by an agreement made pursuant to section 218 of the Social Security Act, an amount equivalent to the tax which would be imposed by section 3101, if such services constituted employment as defined in section 3121; and the provisions of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of an agreement made pursuant to section 218 of the Social Security Act has been paid to the Secretary.

(C) *Employees of certain foreign corporations.* For purposes of paragraph (1) of this subsection, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 3121 (l) as would be wages if such services constituted employment; the term "employer" includes any domestic corporation which has entered into an agreement pursuant to section 3121 (l); the term "tax" or "tax imposed by section 3101," includes, in the case of services covered by an agreement entered into pursuant to section 3121 (l), an amount equivalent to the tax which would be imposed by section 3101, if such services constituted employment as defined in section 3121; and the provisions of paragraph (1) of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of the agreement entered into pursuant to section 3121 (l) has been paid to the Secretary or his delegate.

(d) *Refund or credit of Federal unemployment tax.* Any credit allowable under section 3302, to the extent not previously allowed, shall be considered an overpayment, but no interest shall be allowed or paid with respect to such overpayment.

[Sec. 6413 as amended by sec. 202 of the Social Security Amendments 1954 (68 Stat. 1089)]

Par. 10. Section 301.6416 is amended as follows:

(A) By striking out subsection (b) of section 6416 and inserting in lieu thereof the following:

(b) *Special cases in which tax payments considered overpayments.* Under regulations prescribed by the Secretary or his delegate credit or refund, without interest, shall be made of the overpayments determined under the following paragraphs:

(1) *Price readjustments.* If the price of any article in respect of which a tax, based on such price, is imposed by chapter 31 or 32, is readjusted by reason of the return or repossession of the article or a covering or container, or by a bona fide discount, rebate or allowance, the part of the tax proportionate to the part of the price repaid or credited to the purchaser shall be deemed to be an overpayment.

(2) *Specified uses and resales.* The tax paid under subchapter E of chapter 31 or chapter 32 in respect of any article shall be deemed to be an overpayment if such article was, by any person—

(A) Resold for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, or, in the case of musical instruments embraced in section 4141 resold for the use of any religious or nonprofit educational institution for exclusively religious or educational purposes;

(B) Used or resold for use for any of the purposes, but subject to the conditions, provided in section 4222;

(C) In the case of a liquid taxable under section 4041, sold for use as fuel in a diesel-powered highway vehicle or as fuel for the propulsion of a motor vehicle, motorboat, or airplane, if (i) the vendee used such liquid otherwise than as fuel in such a vehicle, motorboat, or airplane or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3) of section 6420 (c)) used on a farm for farming purposes;

(D) In the case of lubricating oils, used or resold for nonlubricating purposes;

(E) In the case of unexposed motion picture films, used or resold for use in the making of newsreel motion picture films;

(F) In the case of articles taxable under section 4061 (b) (other than spark plugs, storage batteries, leaf springs, coils, timers, and tire chains), used or resold for use as repair or replacement parts or accessories for farm equipment (other than equipment taxable under section 4061 (a));

(G) [Repealed.]

(H) In the case of gasoline, used in production of special motor fuels referred to in section 4041 (b);

(I) In the case of lubricating oils in respect to which tax was paid at the rate of 6 cents a gallon, used or resold for use on or after the effective date of this subparagraph as cutting oils (within the meaning of section 4092 (b)); except that the amount of such overpayment shall not exceed an amount computed at the rate of 3 cents a gallon;

(J) In the case of a liquid in respect of which tax was paid under section 4041 (a) (1) at the rate of 3 cents a gallon, used or resold for use as a fuel in a diesel-powered highway vehicle (i) which (at the time of such use or resale) is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a diesel-powered highway vehicle owned by the United States, is not used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon;

(K) In the case of a liquid in respect of which tax was paid under section 4041 (b) (1) at the rate of 3 cents a gallon, used or resold for use otherwise than as a fuel for the propulsion of a highway vehicle (i) which (at the time of such use or resale) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a highway vehicle owned by the United States, is used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon;

(L) In the case of a liquid in respect of which tax was paid under section 4041 at the rate of 3 cents a gallon, used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes; except that (i) this subparagraph shall apply only if the 60 percent passenger fare revenue test set forth in section 6421 (b) (2) is met with respect to such quarter, and (ii) the amount of such overpayment for such quarter shall be an amount determined by multiplying 1 cent for each gallon of liquid so used by the percentage which such person's tax-exempt passenger fare revenue (as defined in section 6421 (d) (2)) derived from such scheduled service during such quarter was of his total passenger fare revenue (not including the tax imposed by section 4261, relating to the tax on transportation of persons) derived from such scheduled service during such quarter;

(M) In the case of tread rubber in respect of which tax was paid under section 4071 (a) (4), used or resold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072 (c)), unless credit or refund of such tax is allowable under subsection (b) (3).

(3) *Tax-paid articles used for further manufacture.* If the tax imposed by chapter 32 has been paid with respect to the sale of—

(A) Any article (other than a tire, inner tube, or automobile radio or television receiving set taxable under section 4141 and other than an automobile part or accessory taxable under section 4061 (b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171) purchased by a manufacturer or producer and used by him as material in the manufacture or production of, or as a component part of, an article with respect to which tax under chapter 32 has been paid, or which has been sold free of tax by virtue of section 4220 or 4224, relating to tax-free sales;

(B) An automobile part or accessory taxable under section 4061 (b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171, purchased by a manufacturer or producer and used by him as material in the manufacture of, production of, or as a component part of, any article;

such tax shall be deemed an overpayment by such manufacturer or producer.

(B) By adding at the end of section 6416 the following historical note:

[Sec. 6416 as amended by sec. 2, Act of Aug. 11, 1955 (Pub. Law 355, 84th Cong., 69 Stat. 676); secs. 1 (h), (i), 2 (b), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 690); sec. 2 (b), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70th Stat. 90); sec. 208 (b), Highway Revenue Act 1956 (70 Stat. 393)]

PAR. 11. Section 301.6418 is amended as follows:

(A) By striking out "4501 (a)" in section 6418 (a) and inserting "4501" in lieu thereof.

(B) By adding at the end of section 6418 the following historical note:

[Sec. 6418 as amended by sec. 21 (b), Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221)]

PAR. 12 Section 301.6420 is amended as follows:

(A) By renumbering § 301.6420 as § 301.6422.

(B) By striking out "6420", the section number of the law set forth in such section as renumbered, and inserting "6422" in lieu thereof.

(C) By adding at the end of such section 6422 the following historical note:

[Sec. 6420 as renumbered 6422 by sec. 1, Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 87); sec. 208 (c), Highway Revenue Act 1956 (70 Stat. 394)]

PAR. 13. Immediately after § 301.6419–1 insert the following new sections:

§ 301.6420 *Statutory provisions; gasoline used on farms.*

SEC. 6420. *Gasoline used on farms*—(a) *Gasoline.* If gasoline is used on a farm for farming purposes, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline the amount determined by multiplying—

(1) The number of gallons so used, by

(2) The rate of tax on gasoline under section 4081 which applied on the date he purchased such gasoline.

(b) *Time for filing claim; period covered.* Not more than one claim may be filed under this section by any person with respect to gasoline used during the one-year period ending on June 30 of any year. No claim shall be allowed under this section with respect to any one-year period unless filed on or before September 30 of the year in which such one-year period ends.

(c) *Meaning of terms.* For purposes of this section—

(1) *Use on a farm for farming purposes.* Gasoline shall be treated as used on a farm for farming purposes only if used (A) in carrying on a trade or business, (B) on a farm situated in the United States, and (C) for farming purposes.

(2) *Farm.* The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(3) *Farming purposes.* Gasoline shall be treated as used for farming purposes only if used—

(A) By the owner, tenant, or operator of a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, on a farm of which he is the owner, tenant, or operator; except that if such use is by any person other than the owner, tenant, or operator of such farm, then (i) for purposes of this subparagraph, in applying subsection (a) to this subparagraph, and for purposes of section 6416 (b) (2) (C) (ii) (but not for purposes of section 4041), the owner, tenant, or operator of the farm on which gasoline or a liquid taxable under section 4041 is used shall be treated as the user and ultimate purchaser of such gasoline or liquid, and (ii) for purposes of applying section 6416 (b) (2) (C) (ii), any tax paid under section 4041 in respect of a liquid used on a farm for farming purposes (within the meaning of this subparagraph) shall be treated as having been paid by the owner, tenant, or operator of the farm on which such liquid is used;

(B) By the owner, tenant, or operator of a farm, in handling, drying, packing, grading, or storing any agricultural or horticultural commodity in its unmanufactured state; but only if such owner, tenant, or operator produced more than one-half of the commodity which he so treated during the period with respect to which claim is filed;

(C) By the owner, tenant, or operator of a farm, in connection with—

(i) The planting, cultivating, caring for, or cutting of trees, or

(ii) The preparation (other than milling) of trees for market,

incidental to farming operations; or

(D) by the owner, tenant, or operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment.

(4) *Gasoline.* The term "gasoline" has the meaning given to such term by section 4082 (b).

(d) *Exempt sales; other payments or refunds available.* No amount shall be paid under this section with respect to any gasoline which the Secretary or his delegate determines was exempt from the tax imposed by section 4081. The amount which (but for this sentence) would be payable under this section with respect to any gasoline shall be reduced by any other amount which the Secretary or his delegate determines is payable under this section, or is refundable under any provision of this title, to any person with respect to such gasoline.

(e) *Applicable laws*—(1) *In general.* All provisions of law, including penalties, applicable in respect of the tax imposed by section 4081 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

(2) *Examination of books and witnesses.* For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

(3) *Fractional parts of a dollar.* Section 7504 (granting the Secretary discretion with respect to fractional parts of a dollar) shall not apply.

(f) *Regulations.* The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

(g) *Effective date.* This section shall apply only with respect to gasoline purchased after December 31, 1955.

(h) *Cross references.* (1) For exemption from tax in case if diesel fuel and special motor fuels used on a farm for farming purposes, see section 4041 (d).

(2) For civil penalty for excessive claim under this section, see section 6675.

(3) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).

[Sec. 6420 as added by sec. 1, Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 87)]

§ 301.6420–1 *Gasoline used on farms.* For regulations under section 6420, see the Manufacturers and Retailers Excise Tax Regulations (Part 40 of this chapter).

§ 301.6421 *Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems.*

SEC. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems*—(a) *Nonhighway uses.* If gasoline is used otherwise than as a fuel in a highway vehicle (1) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (2) which, in the case of a highway vehicle owned by the United States, is used on the highway, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to 1 cent for each gallon of gasoline so used.

(b) *Local transit systems*—(1) *Allowance.* If gasoline is used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, the Secretary or his delegate shall, subject to the provisions of paragraph (2), pay (without interest) to the ultimate purchaser of such gasoline the amount determined by multiplying—

(A) 1 cent for each gallon of gasoline so used, by

(B) The percentage which the ultimate purchaser's tax-exempt passenger fare revenue derived from such scheduled service during such quarter was of his total passenger fare revenue (not including the tax imposed by section 4261, relating to the tax on transportation of persons) derived from such scheduled service during such quarter.

(2) *Limitation.* Paragraph (1) shall apply in respect of gasoline used during any calendar quarter only if at least 60 percent of the total passenger fare revenue (not including the tax imposed by section 4261, relating to the tax on transportation of persons) derived during such quarter from scheduled service described in paragraph (1) by the person filing the claim was attributable to tax-exempt passenger fare revenue derived during such quarter by such person from such scheduled service.

(c) *Time for filing claim; period covered.* Not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during the one-year period ending on June 30 of any year. No claim shall be allowed under this section with respect to any one-year period unless filed on or before September 30 of the year in which such one-year period ends.

(d) *Definitions.* For purposes of this section—

(1) *Gasoline.* The term "gasoline" has the meaning given to such term by section 4082 (b).

(2) *Tax-exempt passenger fare revenue.* The term "tax-exempt passenger fare revenue" means revenue attributable to fares which were exempt from the tax imposed by section 4261 by reason of section 4263 (a) (relating to the exemption for commutation, travel, etc.).

(e) *Exempt sales; other payments or refunds available*—(1) *Exempt sales.* No amount shall be paid under this section with respect to any gasoline which the Secretary or his delegate determines was exempt from the tax imposed by section 4081. The amount which (but for this sentence) would be payable under this section with respect to any gasoline shall be reduced by any other amount which the Secretary or his delegate determines is payable under this section, or is refundable under any provision of this title, to any person with respect to such gasoline.

(2) *Gasoline used on farms.* This section shall not apply in respect of gasoline which was (within the meaning of paragraphs (1), (2), and (3) of section 6420 (c)) used on a farm for farming purposes.

(f) *Applicable laws*—(1) *In general.* All provisions of law, including penalties, applicable in respect of the tax imposed by section 4081 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

(2) *Examination of books and witnesses.* For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

(g) *Regulations.* The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

(h) *Effective date.* This section shall apply only with respect to gasoline purchased after June 30, 1956, and before July 1, 1972.

(i) *Cross references.* (1) For reduced rate of tax in case of diesel fuel and special motor fuels used for certain nonhighway purposes, see subsections (a) and (b) of section 4041.

(2) For partial refund of tax in case of diesel fuel and special motor fuels used for certain nonhighway purposes, see section 6416 (b) (2) (J) and (K).

(3) For partial refund of tax in case of diesel fuel and special motor fuels used by local transit systems, see section 6416 (b) (2) (L).

(4) For civil penalty for excessive claims under this section, see section 6675.

(5) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).

[Sec. 6421 as added by sec. 208 (c), Highway Revenue Act 1956 (70 Stat. 394), and as amended by sec. 2, act of July 25, 1956 (Pub. Law 796, 84th Cong., 70 Stat. 644)]

§ 301.6421–1 *Gasoline used for certain nonhighway purposes or by local transit systems.* For regulations under section 6421, see the Manufacturers and Retailers Excise Tax Regulations (Part 40 of this chapter).

PAR. 14. Section 301.6504 is amended by adding at the end of section 6504 the following:

(13) Assessments to recover excessive amounts paid under section 6420 (relating to gasoline used on farms) and assessments of civil penalties under section 6675 for excessive claims under section 6420, see section 6206.

(14) Assessments to recover excessive amounts paid under section 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems) and assessments of civil penalties under section 6675 for excessive claims under section 6421, see section 6206.

[Sec. 6504 as amended by sec. 4 (d), act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 91); sec. 208 (e) (5), Highway Revenue Act 1956 (70 Stat. 397)]

PAR. 15. Section 301.6511 (f) is amended by adding at the end of section 6511 (f) the following:

(5) For limitations in case of payments under section 6420 (relating to gasoline used on farms), see section 6420 (b).

(6) For limitations in case of payments under section 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems), see section 6421 (c).

[Sec. 6511 (f) as amended by sec. 4 (e), act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 91); sec. 208 (e) (6), Highway Revenue Act 1956, 70 Stat. 397)]

PAR. 16. Paragraph (c) (1) (iii) (a) of § 301.7502–1 is amended by inserting at the end thereof the following new sentence: "Furthermore, in case the cover containing a document bearing a timely postmark made by the United States Post Office is received after the time when a document postmarked and mailed at such time would ordinarily be received, the sender may be required to prove that it was timely mailed."

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

Because this Treasury decision makes only clarifying, procedural, and technical changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: April 15, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58–2920; Filed, Apr. 18, 1958; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

MISCELLANEOUS AMENDMENTS

On October 9, 1957, notice was published in the FEDERAL REGISTER (22 F. R. 8018) that the Acting Administrator proposed to amend §§ 526.2 and 526.3 of Part 526 of Title 29 of the Code of Federal Regulations. The purpose of this revision is to make it clear that the exemption provided by section 7 (b) (3) of the Fair Labor Standards Act is effective only as to those industries which have been found by the Administrator to be of a seasonal nature, and only to the extent that operations and activities are specified by the Administrator in his finding defining or describing the seasonal industry. Fifteen days were provided for interested persons to submit written data, views, and comments relative to the proposed revision.

After careful consideration of the comments received, I have concluded that no change should be made in the proposal. Accordingly, pursuant to authority under section 7 (b) (3) of the Fair Labor Standards Act (52 Stat. 1063, as amended; 29 U. S. C. 207 (b) (3)), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165) and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614), effective upon publication in the FEDERAL REGISTER, Part 526 of Title 29 of the Code of Federal Regulations is amended as follows:

1. Section 526.2 is amended by adding at the end thereof paragraph (c) as follows:

(c) The operations and activities included within a seasonal industry shall be limited to those specified by the Administrator in his determination.

2. Section 526.3 is amended to read as follows:

§ 526.3 *Standards for Administrator's determination that an industry is of a seasonal nature.* The exemption provided under section 7 (b) (3) shall apply only to those industries which the Administrator has determined to be of a seasonal nature. The Administrator will find an industry to be of a seasonal nature if it:

(a) Engages in the handling, extracting, or processing of materials during a season or seasons occurring in a regularly, annually recurring part or parts of the year not substantially greater than six months, and ceases production, apart from work such as maintenance, repair, clerical, and sales work, in the remainder of the year because of the fact that, owing to climate or other natural conditions, the materials handled, extracted, or processed, in the form in which such materials are handled, extracted, or processed, are not available in the remainder of the year; or

(b) Engages in the handling, preparing, packing or storing of agricultural commodities in their raw or natural state, and receives for handling, preparing, packing or storing 50 percent or more of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

(Sec. 7, 52 Stat. 1063, as amended; 29 U. S. C. 207)

Signed at Washington, D. C., this 14th day of April 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-2923; Filed, Apr. 18, 1958; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11959; FCC 58-339 (Corrected)]

[Rules Amdt. 2-16]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

REALLOCATION OF CERTAIN BANDS

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above entitled matter which was released on April 9, 1957, and published in the FEDERAL REGISTER of April 16, 1957 (22 F. R. 2583). A correction to the notice adding footnote designators to certain specified frequency bands was released on April 11, 1957, and published in the FEDERAL REGISTER of April 26, 1957 (22 F. R. 2956).

2. This order applies only to those portions of the notice of proposed rule making which involve the Maritime Mobile and Land Transportation Radio Services, including implementation of "channel splitting" of frequencies allocated to these services, in the frequency range 152-162 Mc. The remainder of the proposed rule making will be disposed of at a later date. It is to be noted that, in the attached appendix concerning amendments now being affected in Part 2 of the Commission's rules, listing of the frequency band 161.625-161.825 Mc is merely to reflect the present frequency allocation for the Land Transportation Radio Service and is not to be construed as finalization of the Commission's outstanding proposal in Docket No. 11959 to reallocate the frequency band 161.645-161.825 Mc to the Remote Pickup Service.

3. The period for filing comments in this matter has expired. The Association of American Railroads filed the only comment with respect to the subject portion of the proposed rule making. This comment did not discuss the desirability of providing for the assignment of the frequency 161.6 Mc (the band 161.575-161.625 Mc) to the Maritime Mobile Service, to be used in conjunction with 157.0 Mc for port operations, in order to make the United States provision compatible with the Baltic-North Sea Agreement, The Hague, 1957, insofar as this frequency is concerned; however, the comment did request that stations in the Railroad Radio Service now authorized to operate on 161.61 Mc be permitted to continue operating on this frequency until at least October 31, 1963. This request appears reasonable in view of the apparent need to amortize the cost of a considerable amount of transmitting and receiving equipment being operated by various railroad companies on this frequency. However, the time at which this frequency must be vacated by the Railroad Radio Service will be specified at a later date.

4. The Commission has decided to reserve the frequency band 161.575-161.625 Mc for the above stated use. This band is scheduled to be vacated by the Railroad Radio Service and it is quite possible that the frequency 161.6 Mc, The Hague, 1957 choice for port operations, and 157.0 Mc will be adopted for universal duplex port operation functions at the forthcoming 1959 International Radio Conference. The frequency 157.0 Mc is presently used by the United States primarily for port operations on a simplex basis in connection with maritime radiolocation systems.

5. The comment of the Association of American Railroads expressed objection to the proposed deletion of footnotes which allow shared operation on a non-interference basis of certain frequencies assigned to stations in the Railroad Radio Service because of the protection against harmful interference accorded the railroad radio stations by such footnotes. The continued protection of Railroad Radio Service operations from harmful interference which may be caused by stations operating in the Public Safety Radio Service in the block 159.50-161.79 Mc on a secondary non-interference basis is contemplated and footnote NG11 is not being deleted until further action is taken by the Commission with respect to this matter.

6. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered and, pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended,

7. *It is ordered,* That effective May 15, 1958, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is hereby amended as set forth below.

Adopted: April 9, 1958.

Released: April 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In the table of frequency allocations § 2.104 (a) (5), change the entries in the band 152.24-152.48, 156.25-157.45 Mc, 157.45-157.74 Mc, 159.48-161.85 Mc and 161.85-162 Mc in columns 7 through 11, to read as follows:

Federal Communications Commission

Band Mc 7	Service 8	Class of station 9	Frequency Mc 10	Nature OF SERVICES of stations 11
			152.2475–152.4725 (NG54)	LAND TRANSPORTATION
156.25–157.45 (NG1) (NG7)	Maritime mobile.	a. Coast. b. Ship.	156.3	MARITIME MOBILE (NG8)
			156.35	MARITIME MOBILE
			156.4	MARITIME MOBILE (NG31)
			156.45	MARITIME MOBILE
			156.5	MARITIME MOBILE (NG31)
			156.55	MARITIME MOBILE
			156.6	MARITIME MOBILE (NG9) (NG31)
			156.65	MARITIME MOBILE
			156.7	MARITIME MOBILE
			156.8	MARITIME MOBILE (NG10)
			156.9	MARITIME MOBILE
			156.95	MARITIME MOBILE
			157.0	MARITIME MOBILE (NG31)
			157.05	MARITIME MOBILE
			157.1	GOVERNMENT
			157.15	Do.
			157.2	Do.
			157.25	MARITIME MOBILE
			157.3	Do.
			157.35	Do.
			157.4	Do.
157.45–161.575 (NG1) (NG7)	Land mobile	a. Base. b. Land mobile	157.4575–157.7325 (NG54) (NG55)	LAND TRANSPORTATION
			159.4875–161.5675 (NG54) (NG55)	LAND TRANSPORTATION (NG11) (NG35) (NG40)
161.575–161.625 (NG1) (NG7)	Maritime mobile.	a. Coast. b. Ship.	161.6 (NG52)	MARITIME MOBILE (NG11) (NG35) (NG53)
161.625–161.825 (NG1)	Land mobile	a. Base. b. Mobile.	161.6325–161.8175 (NG54)	LAND TRANSPORTATION (NG11) (NG35)
161.825–162.0 (NG1) (NG7)	Maritime mobile.	Coast.	161.85	Coast (NG35)
			161.9	Coast
			161.95	Do.
			162.0	Do.

2. Add new footnotes NG52, NG53, NG54 and NG55 to § 2.104 (a) (5) to read as follows:

NG52 On the condition that harmful interference is not caused to stations in the Land Transportation Radio Service, the frequency 161.6 Mc is available for use only in conjunction with 157.0 Mc as a duplex frequency pair for port operation functions.

NG53 Existing licensees authorized as of May 15, 1958, to operate Land Transportation Radio Service stations on the frequency 161.61 Mc may continue such operation in accordance with Commission rules until further order of the Commission. In the interim, existing authorizations may be renewed or modified to permit expansion of existing systems, but no new systems will be authorized.

NG54 The frequencies shown in column 10 are the first and last assignable frequencies in this band. While the normal spacing between assignable frequencies is 30 kc, the Commission, at its discretion, may assign frequencies separated by only 15 kc under the conditions specified in Part 16 of the Commission's Rules.

NG55 Notwithstanding the frequency limits specified in footnote NG54, as a special condition, the frequencies 157.450 and 159.480 Mc may be assigned to stations in the Land Transportation Service for single-sideband operation on the condition that only the upper sideband is employed.

3. Delete footnotes NG19 and NG37 from § 2.104 (a) (5).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 58–2932; Filed, Apr. 18, 1958; 8:54 a. m.]

[Rules Amdt. 8–4]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

FREQUENCIES FOR WORKING

The Commission having under consideration the desirability of making an editorial change in § 8.324 (e) (2) of its rules and regulations; and

It appearing that the amendment adopted herein is editorial in nature for the purpose of correcting the frequency band 8874–8476 kc to 8374–8476 kc and, therefore, prior publication of notice of proposed rule making under the provisions of sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason the effective date provisions of section 4 (c) of the Administrative Procedure Act need not be complied with; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 15th day of April 1958, that effective April 25, 1958, § 8.324 (e) (2) is amended as set forth below.

Released: April 16, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.324 (e) (2) is amended by deleting the present text thereof and substituting the following therefor:

(2) For use by ship stations (public or limited) on board cargo ships, each of specific frequencies designated in table 1–c of Appendix II to this part in the following bands:

2065–2107 kc.
4187–4238 kc.
6280.5–6357 kc.
8374–8476 kc.
12561–12714 kc.
16748–16952 kc.
22270–22400 kc.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 58–2933; Filed, Apr. 18, 1958; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1615]

[1580463]

ALASKA

REVOKING EXECUTIVE ORDER NO. 6946 OF JANUARY 11, 1935, WHICH WITHDREW PUBLIC LANDS FOR ADMINISTRATIVE PURPOSES; WITHDRAWING PORTION OF RELEASED LANDS FOR USE OF UNITED STATES FISH AND WILDLIFE SERVICE AS DILLINGHAM ADMINISTRATIVE SITE

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 6946 of January 11, 1935, which reserved and set

apart 23.62 acres of public lands in Alaska now-described as United States Survey No. 2262, for the joint use and occupancy of the Bureau of Biological Survey, Department of Agriculture (now United States Fish and Wildlife Service, Department of the Interior) and the Alaska Game Commission for a wildlife administrative site, is hereby revoked.

2. Subject to valid existing rights, the following-described land, which is a portion of the lands described in Paragraph 1 of this order, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604), as amended, and reserved for use of the United States Fish and Wildlife Service, Department of the Interior, as the Dillingham Administrative Site:

Beginning at Corner 1 of U. S. Survey No. 2262, which is Corner 11 of U. S. Survey No. 2733A, on the west side of Dillingham Townsite, about 1,600 feet north of the Nushagak River, thence

N. 7°15′ W., 19.08 chs. along line 1–2 of Survey 2262,
East 10.68 chs., along line 2–3 of said survey,
South 15.93 chs.,
West 5.27 chs.,
South 3.00 chs., to point on the south boundary of U. S. Survey No. 2262,
West 3.00 chs., to point of beginning.

The area described contains 16.36 acres.

3. The following-described land has been classified for lease or sale under the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), and may therefore not be appropriated under any other public-land law:

Beginning at a point on line 3–4, U. S. Survey No. 2262, from which corner No. 3 bears North 4.00 chains, thence:

West 3.00 chs.;
South 11.93 chs.,
East 3.00 chs.,
North 11.93 chs. to point of beginning.

The tract described contains 3.58 acres.

4. This order shall not become effective to change the status of the remaining lands, aggregating 3.68 acres, until 10:00 a. m. on May 21, 1958. At that time the said land shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for Veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended. The Territory of Alaska has waived, as to these lands, its preference right of selection afforded it by the act of July 28, 1956 (70 Stat. 709; 48 U. S. C. 46-3b).

5. The restored lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10:00 a. m., on August 20, 1958.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2892; Filed, Apr. 18, 1958; 8:48 a. m.]

[Public Land Order 1616]

[Utah 010096]

UTAH

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 983 OF JULY 22, 1954

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 983 of July 22, 1954, which reserved public lands in Utah for use of the United States Atomic Energy Commission, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 35 S., R. 18 E.,
  Secs. 34 and 35.
T. 36 S., R. 18 E.,
  Secs. 3, 4, 9, 10 and 14;
  Sec. 25, S½;
  Sec. 26.
T. 35 S., R. 19 E.,
  Secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24.
T. 36 S., R. 19 E.,
  Sec. 17;
  Sec. 18, E½;
  Sec. 19, E½;
  Sec. 20.
T. 35 S., R. 20 E.,
  Secs. 6, 7, 8, 17, 18 and 19.

The areas described aggregate approximately 21,440 acres.

2. The lands are rough and mountainous and all of them are a part of the Manti-LaSal National Forest except sections 4 and 9, T. 36 S., R. 18 E.

3. No application for lands in secs. 4 and 9 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the said sections 4 and 9 are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on May 21, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on August 20, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on August 20, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The national forest lands shall, at 10:00 a. m., on May 21, 1958, be open to such disposition including locations under the United States mining laws as may by law be made of National Forest lands. Sections 4 and 9 of T. 36 S., R. 18 E., however, shall not be open to location under the mining laws until 10:00 a. m., on August 20, 1958. All the lands have been opened to applications and offers under the mineral leasing laws.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2893; Filed, Apr. 18, 1958; 8:48 a. m.]

[Public Land Order 1617]

[BLM 036414]

ARKANSAS AND MISSOURI

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH TABLE ROCK DAM AND RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but excepting disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Department of the Army in connection with the Table Rock Dam and Reservoir Project:

ARKANSAS

FIFTH PRINCIPAL MERIDIAN

Boone County:
T. 21 N., R. 22 W.,
Sec. 14, S½SE¼NE¼.
Carroll County:
T. 20 N., R. 27 W.,
Sec. 10, W½NE¼SW¼ and N½NE¼NW¼.
The areas described aggregate 60 acres.

MISSOURI

FIFTH PRINCIPAL MERIDIAN

Stone County:
T. 22 N., R. 22 W.,
Sec. 30, SW¼NE¼.
The area described contains 19.75 acres.

The areas described by this order total 79.75 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2894; Filed, Apr. 18, 1958; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-8]

MISCELLANEOUS AMENDMENTS TO INSPECTION REQUIREMENTS TO IMPLEMENT ACT OF MAY 10, 1956, AS AMENDED

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the first of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council.

The Coast Guard acknowledges the assistance given to the Merchant Marine Council by those interested parties who submitted comments, views, and data in connection with the items considered at this public hearing. On the basis of comments received, some changes were made in the proposals in Item III—Passenger Vessels Carrying More Than Six Passengers and Subject to the Act of May 10, 1956 (P. L. 519, 84th Cong.). The amendments in this item, as revised, are adopted and set forth in this document.

Only minor changes were made in the proposals in Item III. With respect to requirements for licensing of merchant marine personnel, the provisions in 46 CFR 10.05–3 (a) (8), 10.05–5 (a) (9), 10.05–7 (a), 10.05–45 (a), and 10.20–5 (b) (1) (v) were revised to clarify the scope of application or descriptive language used. With respect to changes affecting passenger vessels, 46 CFR 70.05–15 (b), 71.30–1 (a), 72.40–5 (b) (1), and 77.23–1 were revised to clarify the scope of application or descriptive language used. In addition, other editorial changes necessary to have uniformity in requirements were made.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–9, dated August 3, 1954 (19 F. R. 5195), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall be in effect on and after June 1, 1958:

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

1. Authority: In the citation of authority for Part 10, insert in "interpret or apply" sentence "sec. 3, 70 Stat. 152; 46 U. S. C. 390b."

SUBPART 10.01—GENERAL

2. Section 10.01–5 is amended by adding a new paragraph (f) reading as follows:

§ 10.01–5 *Authority for regulations.* * * *

(f) *Operators' and ocean operators' licenses.* The regulations regarding the operators' and ocean operators' licenses interpret or apply sec. 3, 70 Stat. 152, 153 (46 U. S. C. 390b).

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

3. Section 10.05–3 (a) is amended by adding a new subparagraph (8), reading as follows:

§ 10.05–3 *Master of ocean steam or motor vessels.* (a) * * *

(8) 2 years' service as licensed master of steam or motor vessels, or as licensed ocean operator of inspected mechanically propelled, passenger-carrying vessels, operating on limited ocean or coastwise routes for a license as master of ocean steam or motor passenger vessels not to exceed 300 gross tons.

4. Section 10.05–5 (a) (9) is amended to read as follows:

§ 10.05–5 *Master of coastwise steam or motor vessels.* (a) * * *

(9) 1 year's service as licensed master of steam or motor vessels, or as licensed ocean operator of inspected mechanically propelled, passenger-carrying vessels, operating on limited ocean or coastwise routes for a license as master of coastwise steam or motor passenger vessels, not to exceed 300 gross tons and limited to the Atlantic, Gulf of Mexico or Pacific Coast of the United States, according to the documented qualifying experience of the applicant.

5. Section 10.05–7 is amended to read as follows:

§ 10.05–7 *Master of ocean or coastwise sail vessels.* (a) The minimum service required for a license as master of ocean or coastwise sail vessels of 100 gross tons and over is listed in this paragraph. In order to be eligible for an unlimited license, an applicant must have acquired all of his qualifying service on vessels of 500 gross tons or over.

(1) 1 year's service as a licensed master of ocean or coastwise uninspected sail vessels; or,

(2) 2 years' service as master of ocean or coastwise sail vessels of 100 gross tons or over; or,

(3) 1 year's service as a licensed master of ocean or coastwise auxiliary sail vessels; or,

(4) 2 years' service as a licensed mate of ocean or coastwise uninspected sail vessels; or,

(5) 2 years' service as a licensed ocean operator of ocean or coastwise sail vessels carrying passengers; or,

(6) 5 years' service in the deck department of ocean or coastwise sail vessels, of which at least 1 year shall have been as mate.

(b) An applicant who submits satisfactory documentary evidence that he has served as master of ocean or coastwise sail vessels of 100 gross tons or over for a period of at least 1 year, prior to June 1, 1958, shall be eligible without professional examination for a license as master of ocean or coastwise sail vessels of 100 to 700 gross tons, commensurate with his experience: *Provided*, That such applicant for a license under the provisions of this paragraph shall fulfill all requirements, other than professional examination, for an original license, including citizenship, physical examination, character and U. S. Public Health Service First Aid Certificate: *And provided further*, That 6 months of the required 1 year of experience shall have been within the 3 years immediately preceding the date of application. Application for the issuance of licenses under the provisions of this paragraph must be filed within a period of 1 year after June 1, 1958. However, if the applicant can show that because of active military service, he was unable to obtain 6 months' service within the past 3 years or to file application within the 1 year period provided, the actual time spent in military service shall not be counted in computing either the 3-year period or the 1-year period specified in this paragraph.

6. Section 10.05-45 (a) is amended to read as follows:

§ 10.05-45 *Examination for license as deck officer of ocean or coastwise steam, motor or sail vessels.* (a) An applicant for license as deck officer of either ocean or coastwise steam and motor vessels, or sail vessels of 100 gross tons or over, or master of steam and motor yachts, shall pass a satisfactory written examination as to his knowledge of the subjects listed in paragraph (b) of this section. However, if the license to be issued is limited on its face in a manner that would make any of the specific subjects unnecessary or superfluous, the examination should be amended accordingly. Examinations for licenses not incorporated in Table 10.05-45 (b) shall be of suitable scope and character to determine the applicant's proficiency.

SUBPART 10.20—MOTORBOAT OPERATORS' LICENSES

7. Section 10.20-1 (a) is amended to read as follows:

§ 10.20-1 *General application.* (a) The regulations in this subpart apply to all applicants for license to operate motorboats, or other vessels of fifteen gross tons or less propelled by machinery other than steam, while carrying six or less passengers for hire.

8. Section 10.20-3 is amended by revising paragraph (a) (3) and paragraph (c) to read as follows:

§ 10.20-3 *General requirements.* (a) * * *

(3) An applicant for a motorboat operator's license to operate motorboats, or other vessels of fifteen gross tons or less propelled by machinery other than steam, on the navigable waters of the United States in the vicinity of Puerto Rico, who speaks Spanish only, will be issued a license restricted to those waters.

* * * * *

(c) An applicant for a license as an operator shall submit an application on Coast Guard Form CG-866 to the Officer in Charge, Marine Inspection. If the applicant's capacity, knowledge, experience, character and habits of life are such as to warrant entrusting him with the duties and responsibilities involved in the operation and navigation of motorboats, or other vessels of fifteen gross tons or less propelled by machinery other than steam, carrying passengers for hire, a license authorizing him to discharge such duties on any such motorboats or vessels for a term of five years shall be issued to him.

9. Section 10.20-5 (b) (1) is amended by revising subdivisions (i) and (v) to read as follows:

§ 10.20-5 *Professional examinations.* * * *

(b) (1) * * *

(i) Regulations governing motorboats, and other vessels of fifteen gross tons or less propelled by machinery other than steam, and the collision regulations applicable to the waters over which the applicant operates.

* * * * *

(v) The proper method of operating and navigating motorboats, and other vessels of fifteen gross tons or less propelled by machinery other than steam, carrying passengers.

10. Section 10.20-11 is amended to read as follows:

§ 10.20-11 *Issuance of duplicate license.* Section 10.02-23 shall govern the issuance of duplicate motorboat operators' licenses.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438-4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 68 Stat. 484, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1333, 239b, 390b, 50 U. S. C. 198)

Subchapter H—Passenger Vessels

PART 70—GENERAL PROVISIONS

SUBPART 70.01—AUTHORITY AND PURPOSE

1. Section 70.01-10 is amended to read as follows:

§ 70.01-10 *Authority for regulations*—(a) *General.* The authority to prescribe regulations generally is set forth in R. S. 4405, as amended, and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Inspection and certification.* (1) The regulations regarding inspection and certification of passenger vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428-4430, 4433, 4434, and 4453, as amended, sec. 14, 29 Stat. 690, secs. 10 and 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, and sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, 153, and sec. 3, 68 Stat. 675 (46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406-408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 390b, and 50 U. S. C. 198).

(c) *Construction and arrangement.* (1) The regulations regarding the construction and arrangement of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, and sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, and sec. 3, 68 Stat. 675 (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 390b, and 50 U. S. C. 198).

(d) *Subdivision.* (1) The regulations regarding subdivision of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, 153, and sec. 3, 68 Stat. 675 (46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, and 50 U. S. C. 198).

(e) *Stability.* (1) The regulations regarding stability of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, 153, and Sec. 3, 68 Stat. 675 (46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, and 50 U. S. C. 198).

(f) *Lifesaving equipment.* (1) The regulations regarding lifesaving equipment of passenger vessels interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, and 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, 153, and sec. 3, 68 Stat. 675 (46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1333, 390b, and 50 U. S. C. 198).

(g) *Fire protection and equipment.* (1) The regulations regarding fire protection equipment of passenger vessels interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 347, and sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, and sec. 3, 68 Stat. 675 (46 U. S. C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, and 50 U. S. C. 198).

(h) *Vessel control and miscellaneous systems and equipment.* (1) The regulations regarding vessel control and miscellaneous systems and equipment of passenger vessels interpret or apply R. S. 4417, 4418, and 4426, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, 153, and sec. 3, 68 Stat. 675 (46 U. S. C. 391, 392, 404, 367, 526p, 1333, 390b, and 50 U. S. C. 198).

(i) *Operations.* (1) The regulations regarding operations of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4453, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, 153, and sec. 3, 68 Stat. 675 (46 U. S. C. 391, 392, 404, 435, 367, 526p, 1333, 390b, and 50 U. S. C. 198).

SUBPART 70.05—APPLICATION

2. Section 70.05-1 is amended be revising the headnote and text of paragraph (a), including subparagraphs (1) to (5), inclusive, but Table 70.05-1 (a) shall remain in effect except that footnote 6 referred to in column 4 of the Table) is revised, as follows:

§ 70.05-1 *United States flag vessels subject to the requirements of this subchapter.* (a) This subchapter shall be applicable to all United States flag vessels indicated in Column 4 of Table 70.05-1 (a) that are over 65 feet in length measured from end to end over

the deck excluding sheer, except as follows:

(1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States; or,

(2) Any vessel while laid up and dismantled and out of commission; or,

(3) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

Table 70.05–1 (a)

* * * * *

*The meaning of the term "passenger" is as defined in the act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

3. Subpart 70.05 is amended by inserting a new section to follow § 70.05–1, reading as follows:

§ 70.05–3 ***Foreign vessels subject to the requirements of this subchapter.*** **(a) Except as specifically noted in paragraph (b) of this section, this subchapter shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in Column 4 of Table 70.05–1 (a) that are over 65 feet in length measured from end to end over the deck excluding sheer:**

(1) Foreign vessels which carry more than 12 passengers from any port in the United States; or,

(2) Foreign vessels, other than those mentioned in subparagraph (1) of this paragraph, which carry more than 6 passengers from any port in the United States, and which are:

(i) Mechanically propelled vessels of not more than 15 gross tons; or,

(ii) Sailing vessels of not more than 700 gross tons; or,

(iii) Non-self-propelled vessels of not more than 100 gross tons.

(b) The provisions of this subchapter shall not be applicable to those foreign vessels covered by paragraph (a) of this section which are:

(1) Any vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea, 1948, and which has on board a current valid safety certificate; or,

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current valid certificate of inspection issued by its government under such arrangements.

4. Section 70.05–15 is amended to read as follows:

§ 70.05–15 ***Vessels subject to the act of May 10, 1956.*** (a) The act of May 10, **1956 (46 U. S. C. 390–390g), applies to vessels which carry more than 6 passengers and which are:**

(1) Mechanically propelled vessels of not more than 15 gross tons; or,

(2) Sailing vessels of not more than 700 gross tons; or,

(3) Non-self-propelled vessels of not more than 100 gross tons.

(b) Except as further set forth in this section, all vessels subject to the Act of May 10, 1956, shall meet all of the applicable requirements of this subchapter except that the Certificate of Inspection issued to the vessel shall be valid for a period of three years in lieu of one year, and reinspection will be made annually between inspections for certification.

(c) Vessels in existence as passenger vessels before June 1, 1958, and vessels contracted for as passenger vessels prior to June 1, 1958, which are subject to the act of May 10, 1956, shall meet the applicable requirements of this subchapter insofar as is reasonable and practicable in the opinion of the Officer in Charge, Marine Inspection. In this respect, he may grant departures from specific requirements of this subchapter if in his opinion the circumstances warrant such departure. In any case, the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel and its equipment are in good condition and satisfactory for the purpose intended.

SUBPART 70.10—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

5. Section 70.10–27 *Motorboat* is deleted.

6. Section 70.10–35 is amended to read as follows:

§ 70.10–35 *Passenger.* A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. The following special considerations should be noted:

(a) In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

(b) For vessels subject to the provisions of the act of May 10, 1956, the term "passenger" means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The master and the bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services;

(3) Any employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a bareboat charter;

(4) Any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;

(5) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly, for his carriage; or,

(6) Any person on board a vessel documented and used for tugboat or towboat service of fifty gross tons or more who has not contributed any consideration, directly or indirectly, for his carriage.

7. Subpart 70.10 is amended by inserting a new section to follow § 70.10–41, reading as follows:

§ 70.10–41 *Sailing vessel.* This term means a vessel with no mechanical means of propulsion, all propulsive power being provided by sails.

8. Section 70.10–45 is amended to read as follows:

§ 70.10–45 *Vessel.* Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Column 4 of Table 70.05–1 (a), which are of more than 65 feet in length meaured from end to end over the deck excluding sheer, except as otherwise noted in this subpart.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 404, 369, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Part 71—Inspection and Certification

SUBPART 71.01—CERTIFICATE OF INSPECTION

1. Section 71.01–10 is amended to read as follows:

§ 71.01–10 *Period of validity.* (a) Certificates of inspection will be issued for a period of one year, except for those vessels subject only to the act of May 10, 1956 (46 U. S. C. 390–390g), when the certificates will be issued for a period of three years. Application may be made by the owner for inspection and issuance of a new certificate of inspection at any time within its period of validity.

(b) The certificate of inspection may be revoked or suspended at any time.

SUBPART 71.30—REINSPECTION

2. Section 71.30–1 (a) is amended to read as follows:

§ 71.30–1 *When made.* (a) In general, at least three reinspections shall be made on each vessel within one year. These reinspections will be made at approximately equal intervals between annual inspections. For those vessels subject only to the act of May 10, 1956 (46 U. S. C. 390–390g), reinspections will be made annually between inspections for certification. In the case of vessels with a seasonal schedule, reinspections will be made during the operating season if practicable.

SUBPART 71.45—SANITARY INSPECTIONS

3. Section 71.45–1 (a) is amended to read as follows:

§ 71.45–1 *When made.* (a) An inspection of passenger and crew quarters, toilet and washing spaces, serving pantries, galleys, etc., shall be made, in general, at least once in every month. If the route of the vessel is such that it is away from a United States port for more than one month, an inspection shall be conducted at least once every trip.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4428–4430, as amended, 4433, as amended, 4434, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, as amended, 49 Stat. 1985, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, [illegible], 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 72—CONSTRUCTION AND ARRANGEMENT

SUBPART 72.01—HULL STRUCTURE

1. Section 72.01-1 (a) is amended to read as follows:

§ 72.01-1 *Application.* (a) The provisions of this subpart, with the exception of § 72.01-90, shall apply to all vessels contracted for on or after November 19, 1952, which are not subject to the act of May 10, 1956 (46 U. S. C. 390-390g). Vessels contracted for prior to November 19, 1952, which are not subject to the act of May 10, 1956, shall meet the requirements of § 72.01-90. The application of this subpart to vessels subject to the act of May 10, 1956, shall be in accordance with the policy expressed in § 70.05-15 of this subchapter.

SUBPART 72.40—RAILS AND GUARDS

2. Section 72.40-5 (b), which includes subparagraphs (1) and (2), is amended to read as follows:

§ 72.40-5 *Where rails required.* * * *

(b) Such rails on decks accessible to passengers shall be in at least three courses and shall be at least 42 inches high, except:

(1) Where the height of the rails interferes with the business of the vessel, as in the case of a sport fishing vessel, other arrangements may be specifically approved by the Commandant: *Provided,* That in general the effective rail or bulwark height above the deck on which the passengers stand shall be at least 30 inches.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 73—WATERTIGHT SUBDIVISION

SUBPART 73.01—APPLICATION

Section 73.01-1 is amended by adding a new paragraph (b) thereto, reading as follows:

§ 73.01-1 *General.* * * *

(b) The provisions of this part shall apply to vessels subject to the act of May 10, 1956 (46 U. S. C. 390-390g), in accordance with the policies stated in § 70.05-15 of this subchapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 74—STABILITY

SUBPART 74.01—APPLICATION

Section 74.01-1 (a) (4) is amended to read as follows:

§ 74.01-1 *General.* (a) * * *

(4) Any other vessel whose stability is questioned by the Officer in Charge, Marine Inspection, including any vessel subject to the act of May 10, 1956 (46 U. S. C. 390-390g).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 75—LIFESAVING EQUIPMENT

SUBPART 75.01—APPLICATION

Section 75.01-1 is amended to read as follows:

§ 75.01-1 *Details of application.* Except as specifically noted, the provisions of this part shall apply to all vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4481, as amended, 4482, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT, WHERE REQUIRED

1. Paragraph (a) of § 76.05-1 *Fire detecting systems* is amended by revising the footnotes for Table 76.05-1 (a), as follows:

a. Footnote 4 is deleted and references thereto in table are deleted.

b. Footnote 5 is renumbered 4 and references thereto in table revised accordingly.

c. Footnote 6 is renumbered 5, references thereto in table revised accordingly, and the text of footnote amended to read as follows:

[5] Not required on vessels of less than 300 gross tons (except on an international voyage) using fuel with a flash point higher than 110° F.

d. Footnotes 7 to 9, inclusive, renumbered 6 to 8, inclusive, respectively, and references thereto in table revised accordingly.

e. Footnote 10 is deleted and references thereto in table are deleted.

2. Section 76.05-5 (a) is amended to read as follows:

§ 76.05-5 *Manual alarm system.* (a) An approved manual alarm system shall be installed in all areas, other than the main machinery spaces, which are normally accessible to the passengers or crew on any vessel having sleeping accommodations for passengers or on any vessel on an international voyage.

SUBPART 76.10—FIRE MAIN SYSTEM, DETAILS

3. Paragraph (a) of § 76.10-5 *Fire pumps.* (a) is amended by revising the footnotes in Table 76.10-5 (a), as follows:

a. Footnote 1 is deleted and references thereto in table are deleted.

b. Footnote 2 is renumbered 1 and references thereto in table revised accordingly.

4. Section 76.10-5 (c) is amended to read as follows:

(c) Each pump shall be capable of delivering water simultaneously from the two highest outlets at a Pitot tube pressure of approximately 50 p. s. i. Where one or both of these outlets is a 1½-inch siamese fitting, both branches of the siamese fitting at each such outlet shall be utilized for the purpose of this requirement.

5. Section 76.10-10 is amended by deleting subparagraphs (j) (6) and (1) (3), by revising subparagraph (j) (4), and by revising subparagraph (j) (7) and redesignating it subparagraph (j) (6), and the revised subparagraphs (j) (4) and (j) (6) read as follows:

§ 76.10-10 *Fire hydrants and hose.* * * *

(j) * * *

(4) Except as noted in subparagraph (5), all hose nozzles shall be of either the smooth bore type or the approved type combination nozzle.

* * * * * *

(6) Where approved combination nozzles are used but not required, the applicator with low velocity fog spray head and the self-cleaning strainer may be fitted but will not be required.

6. Section 76.10-90 (a) (2) is amended by revising the text thereof, as follows:

§ 76.10-90 *Installations contracted for prior to November 19, 1952.* (a) * * *

(2) All vessels shall be fitted with fire pumps, hoses, and nozzles in accordance with Table 76.10-90 (a) (2).

7. Table 76.10-90 (a) (2) of § 76.10-90 (a) (2) is amended by revising the footnotes only, as follows:

a. Footnote 1 is deleted and references thereto in table are deleted.

b. Footnote 2 is renumbered 1 and references thereto in table revised accordingly.

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS, AND DETAILS

8. Paragraph (a) of § 76.50-10 *Location* is amended by revising the footnotes in Table 76.50-10 (a), as follows:

a. Footnotes 2, 6 and 9 are deleted and references thereto in table are deleted.

b. Footnotes 3, 4 and 5 are renumbered 2, 3 and 4, respectively, and references thereto in table revised accordingly.

c. Footnotes 7 and 8 are renumbered 5 and 6, respectively, and references thereto in table revised accordingly.

d. Footnote 10 is renumbered 7 and references thereto in table revised accordingly.

9. Section 76.50–15 is amended to read as follows:

§ 76.50–15 *Spare charges.* (a) Spare charges shall be carried on all vessels for at least 50 percent of each size and each variety, i. e., foam, soda-acid, carbon dioxide, etc., of hand portable fire extinguisher required by § 76.50–10 (a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units. Acid shall be contained in a Crown stopper type of bottle.

(c) Extra safety valve units shall be carried on all vessels for at least 50 percent of all foam type hand portable fire extinguishers and semiportable fire extinguishing systems.

SUBPART 76.60—FIRE AXES

10. Section 76.60–1 (a) is amended to read as follows:

§ 76.60–1 *Application.* (a) The provisions of this subpart shall apply to all vessels.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4470, as amended, 4471, as amended, 4477, as amended, 4479, as amended, 4483, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 367, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

SUBPART 77.17—NAVIGATION LIGHTS AND SHAPES

1. Section 77.17–1 is amended to read as follows:

§ 77.17–1 *When required.* (a) All vessels shall be equipped with navigation lights and shapes as prescribed by the pilot rules applicable to the waters on which the vessel is navigated.

2. Section 77.17–5 *Motorboats operating on the high seas* is deleted.

3. Section 77.17–10 *Motorboats operating on the navigable waters of the United States* is deleted.

SUBPART 77.20—WHISTLES

4. Section 77.20–1 is amended to read as follows:

§ 77.20–1 *Vessels other than sailing vessels and barges.* (a) All vessels other than sailing vessels and barges shall be equipped with an efficient whistle or similar appliance to give the necessary whistle signals required by the pilot rules applicable to the waters on which the vessel is navigated. The location of the whistle and operating devices shall be as follows:

(1) Means shall be provided to operate the whistle or other appliance by mechanical means from a position adjacent to the main steering station and from the steering station on top of the wheelhouse where such steering station is fitted. Details of the whistle operating device shall be as described in Subchapter J (Electrical Engineering) of this chapter.

(2) In general, the whistle shall be located on the forward side of or above the structure of the vessel so as to be as free of obstructions as possible. Where practicable, it shall be installed at least 6 feet above the wheelhouse, except that on vessels navigating the Western Rivers, and any vessel of less than 100 gross tons, it shall be at least 2 feet above the wheelhouse.

(3) On double ended ferry vessels and similar vessels, where steam whistles are employed, they shall be installed both forward and aft of the stacks or one such whistle on either the port or starboard side of the stack.

5. Section 77.20–5 *Motorboats operating on the high seas* is deleted.

6. Section 77.20–10 *Motorboats operating on the navigable waters of the United States,* which includes Table 77.20–10 (a), is deleted.

SUBPART 77.23—FOG HORNS

7. Section 77.23–1 is amended to read as follows:

§ 77.23–1 *When required.* (a) Vessels shall be equipped with an efficient fog horn as prescribed by the pilot rules for the waters on which the vessel is navigated. On vessels in ocean or coastwise service, the fog horn shall be sounded by mechanical means.

8. Section 77.23–5 *Motorboats* is deleted.

SUBPART 77.25—FOG SOUND SIGNAL DEVICES

9. Section 77.25–1 is amended to read as follows:

§ 77.25–1 *When required.* (a) All vessels shall be provided with an efficient fog bell at least 8 inches in diameter. The fog bell shall be located where the sound will be least obstructed.

(b) All vessels of more than 350 feet in length shall be provided with a fog gong which will produce a sound easily distinguishable from the sound of the bell required by paragraph (a) of this section and shall have a range of audibility approximating that of the bell. Vessels operating exclusively on the Great Lakes and the inland waters of the United States shall be exempt from this paragraph.

10. Section 77.25–5 *Motorboats operating on the high seas* is deleted.

11. Section 77.25–10 *Motorboats operating on the navigable waters of the United States* is deleted.

(R. S. 4405, as amended, 4462 as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 526p, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 78—OPERATIONS

SUBPART 78.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

1. Section 78.05–1 is amended to read as follows:

§ 78.05–1 *Duty of officers.* (a) Licensed deck officers are required to acquaint themselves with the latest information published by the Coast Guard and the United States Navy regarding aids to navigation. Neglect to do so is evidence of neglect of duty. It is desirable that all vessels have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(1) Notice to Mariners, published weekly by the Coast Guard, contains announcements and information regarding aids to navigation and charts of waters of the United States and is available for free distribution at field offices of the Coast Guard, United States Coast and Geodetic Survey field stations, and the Marine Division, Customhouse.

(2) Notice to Mariners, published weekly by the United States Navy for the correction of charts, sailing directions, light lists, and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic offices, or any of the agencies of seaboard ports, and is also on file in the United States consulates where they may be inspected.

2. Section 78.05–5 (a) is amended to read as follows:

§ 78.05–5 *Charts.* (a) All vessels, except barges, ferryboats, and vessels operating exclusively on rivers, shall have charts of the waters upon which they operate available for convenient reference at all times.

SUBPART 78.10—PERSONS ALLOWED IN PILOTHOUSE AND ON NAVIGATION BRIDGE

3. Section 78.10–5 (a) is amended to read as follows:

§ 78.10–5 *Posting.* (a) The master of every vessel shall keep three printed copies of § 78.10–1, Form CG–802, posted in conspicuous places on such vessel, one of which shall be kept posted in the pilothouse.

SUBPART 78.13—STATION BILLS

4. Section 78.13–20 (a) is amended to read as follows:

§ 78.13–20 *Manning of lifeboats and life rafts.* (a) The provisions of this section shall apply to all vessels.

SUBPART 78.17—TESTS, DRILLS, AND INSPECTIONS

5. Section 78.17–1 (a) is amended to read as follows:

§ 78.17–1 *Application.* (a) Except as specifically noted, the provisions of this subpart shall apply to all vessels.

SUBPART 78.30—LOOKOUTS, PILOTHOUSE WATCH, PATROLMEN, AND WATCHMEN

6. Section 78.30–5 (a) is amended to read as follows:

§ 78.30-5 *Pilothouse watch.* (a) In addition to the licensed deck officer or pilot, there shall be at least one member of the crew also on watch in or near the pilothouse at all times when the vessel is being navigated.

7. Section 78.30-10 (a) is amended to read as follows:

§ 78.30-10 *Supervised patrol.* (a) The provisions of this section shall apply to all vessels on an international voyage, and to all other vessels having berthed or stateroom accommodations for passengers. This section shall be applicable at all times when passengers are on board.

8. Section 78.30-15 (a) is amended to read as follows:

§ 78.30-15 *Watchmen.* (a) The provisions of this section shall apply to all vessels not required to have a supervised patrol under the provisions of § 78.30-10. This section shall be applicable at all times when passengers are on board.

SUBPART 78.37—LOG BOOK ENTRIES

9. Section 78.37-1 (a) is amended to read as follows:

§ 78.37-1 *Application.* (a) Except as specifically noted, the provisions of this subpart shall apply to all vessels.

SUBPART 78.65—EXHIBITION OF LICENSE

10. Section 78.65-5 *Motorboat operators* is deleted.

(R. S. 4405, as amended, 462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 435, 367, 526p, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter K—Marine Investigations and Suspension and Revocation Proceedings

PART 136—MARINE INVESTIGATION REGULATIONS

1. The citation of authority for the regulations in this part is revised to read as follows:

AUTHORITY: §§ 136.01-1 to 136.23-1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, sec 3, 68 Stat. 675; 46 U. S. C. 239, 367, 390b, 50 U. S. C. 198.

SUBPART 136.01—AUTHORITY AND SCOPE OF REGULATIONS

2. Section 136.01-1 (b) is amended to read as follows:

§ 136.01-1 *Authority and scope of regulations.* * * *

(b) Acts in violation of Title 46, U. S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228-234, 239, 240, 361, 362, 364, 367, 372, 373, 375-382, 384, 385, 390-390g, 391, 391a, 392, 393, 399, 400, 402-416, 435-440, 451-453, 460-463, 464, 467, 470-481, 482, 489-498, or Title 50, U. S. Code, section 198, or any of the regulations issued thereunder; or,

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

1. The citation of authority for the regulations in this part is revised to read as follows:

AUTHORITY: §§ 137.01-1 to 137.21-10 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 1, 2, 68 Stat. 484, sec. 3, 70 Stat. 152, secs. 1-12, 60 Stat. 237-244, sec. 3, 68 Stat. 675; 46 U. S. C. 239, 367, 239a, 239b, 390b, 5 U. S. C. 1001-1011, 50 U. S. C. 198.

SUBPART 137.01—PURPOSE, AUTHORITY, AND SCOPE OF REGULATIONS

2. Section 137.01-5 is amended by adding a new paragraph (c), reading as follows:

§ 137.01-5 *Assignment of functions.* * * *

(c) The Secretary of the Treasury by Treasury Department Order No. 167-20, dated June 18, 1956 (21 F. R. 4894), delegated to the Commandant the functions vested in the Secretary of the Treasury by the act of May 10, 1956 (70 Stat. 151-154; 46 U. S. C. 390-390g). The Commandant hereby further delegates to examiners the authority to revoke or suspend a license issued by the Coast Guard under the Act of May 10, 1956.

Subhapter P—Manning of Vessels

PART 157—MANNING REQUIREMENTS

SUBPART 157.01-10—AUTHORITY AND PURPOSE

1. Section 157.01-10 is amended by revising paragraphs (b) and (c) to read as follows:

§ 157.01-10 *Authority for regulations.* * * *

(b) *Manning of inspected vessels.* (1) The requirements regarding the manning of inspected vessels are set forth in various statutes with many qualifications as to their applications. The regulations interpret or apply, subject to various limitations contained in the laws, R. S. 4401, 4417a, 4421, 4426, 4427, 4438, 4438a, 4453, 4463, 4477, 4488, and 4551 (j), as amended, sec. 2, 37 Stat. 733, secs. 2 and 13, 38 Stat. 1164, 1169, 49 Stat. 1544, 1545, 1936, sec. 7, 53 Stat. 1147, secs. 7 and 17, 54 Stat. 165, 166, sec. 3, 54 Stat. 347, and secs. 1 to 8, 62 Stat. 232-234, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675 (46 U. S. C. 364, 391a, 399, 404, 405, 224, 224a, 435, 222, 470, 481, 643 (j), 223, 673, 672, 367, 689, 247, 526f, 526p, 1333, 229a-229h, 390b and 50 U. S. C. 198).

(c) *Manning of uninspected vessels.* (1) The authority for regulations regarding manning of all vessels of 200 gross tons and over, however propelled, including yachts, navigating the high seas, which are subject to the provisions of the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53), is in R. S. 4438a, as amended (46 U. S. C. 224a).

(2) The authority for regulations regarding the licensed operator for uninspected motorboats, or other vessels of fifteen gross tons or less propelled by machinery other than steam, while carrying passengers for hire, is in secs. 7 and 17, 54 Stat. 165, 166, as amended (46 U. S. C. 526f, 526p).

(3) The authority for regulations regarding crews of uninspected vessels of 100 gross tons and upward, except fishing or whaling vessels, or yachts, or those vessels navigating rivers exclusively and the smaller inland lakes, is in sec. 13 (a), 38 Stat. 1169, as amended (46 U. S. C. 672 (a)).

SUBPART 157.05—APPLICATION

2. Section 157.05-1 (a) is amended to read as follows:

§ 157.05-1 *General.* (a) The regulations in this part shall be applicable to all vessels, other than inspected passenger vessels of not more than 65 feet in length, which are subject to the manning requirements contained in the navigation and vessel inspection laws of the United States. Since the manning requirements for a particular vessel can only be determined after a thorough consideration of the many factors involved, such as size, type, proposed routes of operation, cargo carried, type of business in which employed, etc., the Officer in Charge, Marine Inspection, shall determine if such vessel is subject to any or all of the manning provisions of the navigation and vessel inspection laws and shall establish, when required by law or regulation in this chapter, the minimum manning requirements considered necessary for the safe navigation of the vessel.

SUBPART 157.30—SPECIAL PROVISIONS

3. Subpart 157.30 is amended by inserting a new section to follow § 157.30-5, which reads as follows:

§ 157.30-7 *Passenger vessels of not more than 65 feet in length.* (a) Regulations governing manning requirements on inspected passenger vessels of not more than 65 feet in length are contained in Part 186 of Subchapter T of this chapter.

(Sec. 3, 70 Stat. 152; 46 U. S. C. 390b)

4. Section 157.30-30 is amended to read as follows:

§ 157.30-30 *Licensed operators for vessels subject to the Motorboat Act of 1940, as amended.* (a) Every motorboat, and any other vessel of fifteen gross tons or less propelled by machinery other than steam, as defined by the Motorboat Act of April 25, 1940, as amended (secs. 1, 7, 17, 54 Stat. 163, 165, 166; 46 U. S. C. 526, 526f, 526p), while carrying passengers for hire whether such motorboat or vessel is certificated or not, shall be operated or navigated by a person duly licensed for such service by the Coast Guard.

(b) A license as master, chief mate, second mate or third mate of ocean and coastwise inspected vessels or a license as ocean operator issued under the act of May 10, 1956 (70 Stat. 151-154; 46 U. S. C. 390-390g), will authorize the holder to serve as an operator of a motor-

boat, or other vessel of fifteen gross tons or less propelled by machinery other than steam, under the Motorboat Act of April 25, 1940, as amended.

(c) A license as master, mate or pilot of inspected vessels on waters other than ocean and coastwise waters, or a license as master, mate or pilot of yachts on the Great Lakes, other lakes, bays, and sounds or rivers, or a license as operator issued under the act of May 10, 1956, will authorize the holder to serve as an operator of a motorboat, or other vessel of fifteen gross tons or less propelled by machinery other than steam, under the Motorboat Act of April 25, 1940, as amended, on the class vessel, waters and within other restrictions in his license.

(R. S. 4426, as amended, secs. 7, 17, 54 Stat. 165, 166, as amended; 46 U. S. C. 404, 526f, 526p)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Dated: April 15, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 58-2929; Filed, Apr. 18, 1958; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 104]

INDIVIDUAL INDIAN MONEY ACCOUNTS

NOTICE OF PROPOSED RULE MAKING

APRIL 15, 1958.

Notice is hereby given of intention to revise Part 104—Individual Indian Money Accounts, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of the revision is to bring Part 104 up to date and provide the Secretary or his authorized representative with discretionary authority in the administration of individual Indian money accounts of minors and certain adults as specified.

All interested persons are hereby given the opportunity to submit in writing, views, data, and arguments concerning the proposed revisions, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

Part 104, formerly numbered Part 221 and titled Indian Money Accounts, is revised in its entirety to read as follows:

Sec.
104.1 Definitions.
104.2 Osage Agency.
104.3 Individual accounts.
104.4 Minors.
104.5 Adults under legal disability.
104.6 Voluntary deposits.
104.7 Payments by other Federal agencies.
104.8 Purchase orders.
104.9 Restrictions.
104.10 Funds of deceased Indians other than the Five Civilized Tribes.
104.11 Funds of deceased Indians of the Five Civilized Tribes.
104.12 Appeals.

AUTHORITY: §§ 104.1 to 104.13 issued under R. S. 161, 465, 5 U. S. C. 22, 25 U. S. C. 9. Interpret or apply R. S. 441, as amended, 465; 5 U. S. C. 485, 25 U. S. C. 2.

§ 104.1 *Definitions.* (a) "Individual Indian money accounts" are those accounts under the control of the Secretary of the Interior or his authorized representative belonging to individuals.

(b) "Minor" means an individual who has not reached his majority as defined by the laws of the state of his domicile.

§ 104.2 *Osage Agency.* The provisions of this part do not apply to funds the deposit or expenditures of which is subject to the provisions of Part 108 of this subchapter.

§ 104.3 *Individual accounts.* Except as otherwise provided in this part, adults shall have the right to withdraw funds from their accounts. Upon their application, or an application made in their behalf by the Secretary or his authorized representative, their funds shall be disbursed to them, or, upon written request of such adults, to third parties. All such disbursements will be made at such convenient times and places as the Secretary or his authorized represention may designate.

§ 104.4 *Minors.* Funds of a minor may be disbursed in such amounts deemed necessary in the best interests of the minor for the minor's support, health, education, or welfare to parents, legal guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the Secretary or his authorized representative, or to the minor directly, upon such conditions as the Secretary or his authorized representative may prescribe. The Secretary or his authorized representative will require modification of an approved plan whenever deemed in the best interest of the minor.

§ 104.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare, or the funds may be disbursed to a legal guardian or curator under such conditions as the Secretary or his authorized representative may prescribe.

§ 104.6. *Voluntary deposits.* As a general rule, voluntary deposits shall not be accepted. Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is determined that an exception to this prohibition should be made to avoid a substantial hardship, the facts in the case shall be considered by the Secretary or his authorized representative and an exception will be allowed or denied.

§ 104.7 *Payments by other Federal agencies.* Moneys received from the Veterans Administration or other governmental agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), may be accepted and administered for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 104.8 *Purchase orders.* Purchase orders may be issued only in emergencies upon the request of any account holder. The Secretary or his authorized representative may act in emergencies on behalf of an account holder who is unable to make a request because of illness or incapacity or, to meet expenses of last illness or funeral.

§ 104.9 *Restrictions.* Funds of individuals may be applied by the Secretary or his authorized representative against delinquent claims of indebtedness to the United States or any of its agencies or to the tribe of which the individual is a member unless such payments are prohibited by acts of Congress. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Secretary or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the Secretary or his authorized representative or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress. The funds of an adult whom the Secretary or his authorized representative finds to be in need of assistance in managing his affairs, even though such adult is not non compos mentis or under other legal disability, may be disbursed to the adult, within his best interest, under approved plans. Such finding and the basis for such finding shall be recorded and filed with the records of the account.

CROSS REFERENCE: For rules governing the payment of judgments from individual Indian money accounts, see § 11.26 of this chapter.

§ 104.10 *Funds of deceased Indians other than the Five Civilized Tribes.* Funds of a deceased Indian other than those of the Five Civilized Tribes may be disbursed (a) for the payment of obligations previously authorized, including authorized expenses of last illness; (b) for authorized funeral expenses; (c) for support of dependent members of the family of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (d) for necessary expenses to conserve the estate pending the completion of probate proceedings; and (e) for probate fees and claims allowed pursuant to Part 15 of this chapter.

§ 104.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and State estate and income taxes, obligations approved by the Secretary or his authorized representative prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, costs of determining heirs to restricted property by the state courts, and claims allowed pursuant to Part 16 of this chapter.

§ 104.12 *Appeals.* Appeal from an action taken by a Superintendent or other officer in charge of an Indian agency or reservation may be taken within 30 days of notification of the action to the Area Director in charge of an area office of the Bureau of Indian Affairs. An appeal from an action of an Area Director may be taken within 30 days to the Commissioner of Indian Affairs.

[F. R. Doc. 58-2890; Filed, Apr. 18, 1958; 8:48 a. m.]

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN RESERVATION IRRIGATION PROJECT, ARIZONA

APRIL 15, 1958.

Notice is hereby given of intention to modify the regulations in Part 221 of the Code of Federal Regulations, Title 25—Indians, relating to Miscellaneous Indian Irrigation Projects, and the San Carlos Indian Reservation Irrigation Project, Arizona, as set forth below. The proposed modification would delete the San Carlos Indian Reservation Irrigation Project, Arizona, from § 221.105; establish a separate operation assessment regulation for the San Carlos Indian Reservation Irrigation Project; and increase the annual basic assessment rate from $0.50 per acre to $14.00 per acre for the delivery of not to exceed four acre feet of water per acre annually.

Interested persons are hereby given opportunity to participate in the proposed revisions by submitting their views, data or arguments in writing to the Area Director, Bureau of Indian Affairs, P. O. Box 7007, Phoenix, Arizona, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

1. Section 221.105 is amended to read as follows:

§ 221.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928, 38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387, a part of the reimbursable cost of operating and maintaining the irrigation projects named in this section is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1957 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project and Agency	*Per acre (per annum)*
Duck Valley, Western Shoshone	$3.40
Miscellaneous Units, Navajo	.50
Pyramid Lake Unit, Carson	5.15
San Xavier Unit, Sells	1.00
Tongue River Unit, Tongue River	.25
Warm Springs Unit, Warm Springs	2.00
Burns Indian Village, Warm Springs	12.65

2. A new center head and new §§ 221.160 to 221.163 are added to read as follows:

SAN CARLOS INDIAN RESERVATION IRRIGATION PROJECT, ARIZONA

§ 221.160 *Basic assessment.* Pursuant to the Acts of Congress approved August 1, 1914, and March 7, 1928, 38 Stat. 583; 45 Stat. 210; 25 U. S. C. 385–387, the annual basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the San Carlos Indian Reservation Irrigation Project, Arizona, for the season of 1959 and subsequent years until further notice is hereby fixed at $14.00 per acre for delivery of not to exceed four acre feet of water per acre annually.

§ 221.161 *Excess water assessment.* Additional water, if and when available, in excess of the basic allowances, may be delivered upon written request to the Superintendent by the landowner or lessee at the rate of $3.00 per acre foot, or fraction thereof.

§ 221.162 *Payments.* The basic annual water assessment rate fixed in § 221.160 shall become due on March 1 of each year and shall be payable on or before that date each year, and no water shall be delivered prior to the payment of such charges except as provided in § 221.163.

§ 221.163 *Water delivery.* (a) The delivery of water shall be refused to all tracts of land for which the charges have not been paid except when the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the superintendent as hereinafter provided.

(b) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay such charges. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

[F. R. Doc. 58-2891; Filed, Apr. 18, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MARKETING OF TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1958–59 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311–1315, 1372–1375), the Agricultural Act of 1949 (63 Stat. 1051), and the Agricultural Act of 1956 (70 Stat. 188), marketing quota regulations are being prepared governing the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, burley tobacco, flue-cured tobacco, fire-cured (type 21) tobacco, fire-cured (types 22, 23, 24) tobacco, dark air-cured tobacco, Virginia sun-cured tobacco, and Maryland tobacco for the 1958–59 marketing year.

It is contemplated that the regulations for the 1958–59 marketing year will be substantially the same as those issued for the 1957–58 marketing year (22 F. R. 4634 cigar-binder and cigar-filler and binder; 22 F. R. 4064, 6909, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured; 22 F. R. 7923, Maryland) except for changes set forth herein.

The changes being considered which are applicable to each of the regulations are as follows:

1. A provision would be included to provide that each marketing card issued shall bear either the actual or facsimile signature of the State administrative officer for cards issued in State offices and the county office manager for cards issued in county offices.

2. It is proposed that a new paragraph entitled "Erroneous Notice of Measured Acreage" would be included and would read substantially as follows:

Erroneous notice of measured acreage. If it is determined that with respect to tobacco, the farm is out of compliance for farm marketing quota purposes, the farm nevertheless shall be deemed in compliance for marketing quota purposes if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that: (1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm in accordance with applicable regulations; (3) the incorrect notice was the result of an error

made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

3. The paragraph "Successors in interest" will be amended to read as follows:

***Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the 1958 crop of tobacco from a farm except any dealer who has not succeeded to a producer's share in such crop prior to the harvest thereof shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.**

4. Section 725.846 (a) would be amended to read as follows:

(a) *Separate display on warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the floor with at least one vacant row between each such kind of tobacco.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco sold at auction over the warehouse floor.

5. Since the regulations otherwise adequately implement the express statutory authority for reduction of allotments for failure to report disposition of tobacco, the provision relating to reduction of allotments because of failure of farmers to execute bills of nonwarehouse sale would be eliminated.

The changes being considered which are applicable to Part 725 are as follows:

1. A provision would be made that in any case where a farm operator has been notified that discount variety tobacco has been determined to be growing on his farm and he or any other producer on the farm is dissatisfied with such determination, a request may be filed at the county office for a review examination of the tobacco within 5 days from the date of mailing of such notice.

2. A provision would be included to provide that if for any farm there is carryover flue-cured tobacco available for marketing, the marketing card issued for such farm and kind of tobacco shall show whether such tobacco is of discount variety.

3. A provision would be included to provide that in any case where a farm operator is issued an excess flue-cured marketing card and the tobacco is of discount variety, such marketing card and each memorandum of sale (both purchaser's copy and county office copy) therein shall be stamped or marked "Discount Variety".

4. A provision would be included to permit resale tobacco, which a dealer desires to have identified as acceptable variety and offers for sale through any auction warehouse participating in the CCC price support program, to be identified as acceptable variety, if he certifies on Form MQ-79-1, Dealer's Certification-Resale Tobacco that (1) such tobacco was acquired by him (a) directly from the producer and was recorded on a valid bill of nonwarehouse sale from (i) an MQ-76 Within Quota Marketing Card, or (ii) an MQ-77 Excess Marketing Card bearing the notation "Acceptable Varieties", or (b) through a regular auction sale at a warehouse which was participating in the CCC price support program and which identified such tobacco by a "certified" basket ticket; and (2) all resale tobacco in which he has any interest was acquired in the manner specified in (1) (a) or (1) (b) above.

In addition, any dealer who acquires acceptable variety tobacco in a manner which would make it ineligible for certification on Form MQ-79-1, or, who has on hand both discount variety tobacco and acceptable variety tobacco and desires to dispose of acceptable variety tobacco prior to disposing of the discount variety tobacco, may apply in writing to the Director for a special authorization to have the acceptable variety of tobacco certified when offered for auction sale.

Sales of leaf account tobacco by an auction warehouse on its own warehouse floor will not be required to be certified on Form MQ-79-1. If any dealer fails to timely file Form MQ-79, Dealer's Record, or if there is substantial indication that a dealer has executed a false certification on Form MQ-79-1, the Director may notify such dealer and all auction warehouses participating in the CCC price support program that certifications by such dealer on Form MQ-79-1 shall not be accepted for the purpose of identifying tobacco offered for auction sale by such dealer as being of acceptable variety until further notice.

5. The provision for flue-cured tobacco which would allow the operator or any other producer on the farm to declare his intentions as to disposition of excess tobacco or to have a remeasurement made would be changed to allow as much as 10 days but not less than 5 days, as determined and published in the FEDERAL REGISTER by the Agricultural Stabilization and Conservation State Committee for each State in which flue-cured tobacco is grown.

6. The provision which now requires dealers of flue-cured tobacco to forward reports on MQ-79—Tobacco, Dealer's Record, to the ASC State office not later than the end of the week following the calendar week in which tobacco is purchased or resold would be changed to provide that reports shall be made not later than the end of the week in which tobacco is purchased or resold.

7. In the case of flue-cured tobacco, if an operator has one or more farms on which discount variety tobacco was produced, all such discount variety tobacco would be required to be marketed, satisfactorily disposed of, or accounted for prior to the issuance of a regular within quota flue-cured marketing card for use in identifying any other 1958 flue-cured tobacco.

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of filing of this notice with the Director, Division of the Federal Register in order to be considered.

Issued at Washington, D. C., this 16th day of April 1958.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-2950; Filed, Apr. 18, 1958; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 6741; FCC 58-350]

CLEAR CHANNEL BROADCASTING IN THE STANDARD BROADCAST BAND

FURTHER NOTICE OF PROPOSED RULE MAKING

Introduction. 1. The essential question before us in this proceeding is whether and in what manner it may be desirable to amend the rules governing the use of the standard broadcast frequencies designated as "clear channels".

2. In its Order of February 20, 1945, by which this proceeding was initiated, the Commission noted that "there are still large areas of the continental United States which have no radio service during the day and no primary radio service at night". Referring to numerous applications for the assignment of additional radio stations to the clear channel frequencies, and to requests for the authorization of higher power on these frequencies, the Commission designated eleven issues for hearing, with the announced object of determining what, if any, changes should be made in existing clear channel allocations.

3. It was stated that it would be desirable to make these determinations prior to the forthcoming renegotiation of the North American Regional Broadcasting Agreement of 1941. That Agreement, due to expire March 29, 1946, set out the conditions under which the signatory Governments in North America agreed to restrict their respective use of the standard broadcast frequencies, in the interest of minimizing interference among the broadcast services of the several countries. Effective improvement of the domestic service in this country would have to be achieved in the light of limitations agreed to internationally, both with respect to use of the frequencies in question by the United States and by stations in other countries.

4. It was not possible, however, to conclude this proceeding prior to the renego-

tation of the NARBA Agreement. The record of this proceeding did, however, provide useful guidance to representatives of the United States Government in the negotiation of the revised NARBA which was signed in 1950. A separate Agreement between the United States of America and the United Mexican States was signed in January, 1957. While neither the latter Agreement nor the revised NARBA have yet been ratified by the United States Government, and have not yet formally entered into effect, they furnish the basis on which the signatory North American Governments in practice allocate the domestic use of the clear channel and other standard broadcast frequencies.

5. Parties to this proceeding have, in a voluminous and complex record, advocated numerous, diverse approaches to the basic problem of achieving more efficient use of the clear channels and of improving the deficiencies in the radio service available to the public on those channels. The eleven issues originally designated for hearing in this proceeding, while specific in some respects, were collectively so broad as to permit the parties to advocate any mode of revising clear channel allocations ranging all the way from exclusive nighttime use of selected clear channels by a single station operating at powers increased very substantially higher than the present maximum of 50 kw, to the reclassification of selected clear channels as "local channels" on which it would be possible to assign over a hundred and fifty stations operating at maximum powers of 250 watts. Between these extremes a wide variety of proposals were admissible and were submitted.

6. The record reflects two basically divergent views concerning the measures best calculated to improve the efficient use of the clear channel frequencies. Some parties urge that the chief goal should be to improve the capacity of the major clear channel stations (particularly the Class I-A stations) to provide a satisfactory signal to wide areas, and that this should be achieved by permitting those stations substantially increased power and by limiting (and, during the nighttime hours, excluding) co-channel stations. Other parties contend that the most desirable objective would be to increase the numbers of unlimited time stations on the clear channels and to reduce the degree of protection now afforded to the clear channel stations throughout wide service areas.

7. Since the record of this proceeding was closed, numerous changes have occurred in the radio broadcasting industry. It was during the intervening period that television acquired importance as a new, separate nationwide broadcast service. The advent of television has had a marked impact on radio broadcasting. The nature, source, scheduling and methods of financing of radio programs have undergone appreciable change. There has been a discernable shift in the degree of reliance, by both stations and audiences, on nationwide radio network programs. Radio listening habits have altered substantially, both in the total daily hours of listening per family, and in the incidence of the peak radio listening hours. Progressively larger proportions of radio broadcast revenues have been drawn from regional and local advertisers than formerly, when national advertisers furnished the major portion of such revenues. Spot advertising has risen markedly while sponsorship of national network programs has correspondingly declined.

8. The same period has also witnessed the definitive establishment of the FM radio service. Moreover, during the thirteen years which have elapsed since this proceeding began, the total number of standard broadcast stations increased from 900 to 3,300. Large numbers of smaller communities, formerly dependent on radio stations located in other, more or less distant cities, now have local outlets.

9. In these circumstances, although the Commission desires to resolve the issues of this proceeding with the least possible delay, we have concluded that it would be inappropriate, and inconsistent with sound and fair procedure, to attempt to arrive at final conclusions solely on the basis of the out-dated record before us.

10. At the same time, it would cause needless additional delay merely to reopen the record on the same broad issues as were originally designated. The updating and supplementing of some of the data contained in exhibits originally introduced into this record will be useful. We think it desirable, however, in providing an opportunity for this to be done, to indicate those areas in which we believe it would be useful to concentrate attention at this stage of the proceeding, in the interests of as sound and expeditious resolution of the problem as is possible. We do so herein.

The basic allocations problem. 11. Pursuant to long-standing domestic radio allocations rules and international agreements for the North American Region, all United States standard broadcast stations are assigned to the one hundred and seven 10-kc channels designated for this purpose in the frequency range 535–1605 kcs. Over three thousand standard broadcast stations are currently operating on these one hundred and seven channels and their number constantly increases as new assignments are approved.

12. The rules governing the assignment of standard broadcast stations to specific frequencies seek to achieve, as fully as possible, all three of the basic objectives of:

(a) Providing some service of satisfactory signal strength to all areas in the country;

(b) Providing as many program choices to as many listeners as possible, and

(c) Providing service of local origin to as many communities as possible.

The effective implementation of these three objectives involves, however, inescapable conflict. This conflict arises from the fact that standard broadcast signals extend far beyond the range within which the signal has sufficient field strength to render a usable service. It follows that the maximum area coverage is obtainable by a single station or a restricted number of high power stations on a given channel. Conversely, the assignment of large numbers of local outlets on any channel can be achieved at the cost of restricting the co-channel station coverage to the small interference-free service area resulting from mutual skywave interference. Thus, on any given channel, allocation techniques designed for the maximum implementation of Objective (a) derogate from the achievement of Objective (c) and vice versa. There are similar conflicts affecting the maximum implementation of Objective (b).

13. Owing to marked differences in the daytime and nighttime propagation of radio signals in the standard broadcast band these conflicts are much more evident during the nighttime hours than during the daytime. Skywave propagation, effective chiefly during the hours between sunset and sunrise (although present to a lesser degree during a presunset build-up and a post sunrise period of waning intensity), transmits signals much farther than the steadier, but shorter-range groundwave signals which are present both day and night. The field intensity of skywave signals is, however, subject to wide fluctuations, from minute to minute, hour to hour, night to night, season to season, and even year to year (depending on the phase of the sunspot cycle). Thus, skywave, or secondary service, is defined in terms of statistical norms or percentages of the time during which the field intensity achieves specified levels. Half the land areas of the United States lie beyond the range of interference-free groundwave signals and are, accordingly dependent on this skywave or secondary standard broadcast service.

14. As in the case of groundwave signals, but to a markedly greater degree, the interference potential of skywave signals extends very much farther than the range of serviceable signals. It follows that the protection of secondary service areas at night requires much more stringent limitations on the assignment of co-channel stations than does the daytime protection of groundwave service.

15. The impossibility of simultaneously implementing all three of the above stated allocation objectives on any individual channel led to the classification of individual channels into separate groups, with different rules for the assignment of stations, depending upon the purpose for which each class of channel was established. The three basic classifications are clear channels, which are the subject of this proceeding; regional channels, on which stations are assigned under conditions permitting service to large metropolitan areas and immediately adjacent areas; and local channels for the assignment of the maximum possible number of stations serving as local outlets for numerous smaller communities.

16. Skywave or secondary service free from objectionable interference is provided only by Class I stations assigned

to the clear channels; and this service is made possible only by rigid restrictions on the number of stations which may be assigned to the clear channels at night, and by limitations on the radiations of the secondary stations assigned to those channels. Twenty-four of the clear channels are reserved for the exclusive use at night of a single Class I-A station. On most of the remaining 23 clear channels more than one (but, in practice, generally not more than two) Class I-B dominant stations are assigned under conditions requiring mutual protection through the use of directional antennas.

17. The assignment of secondary or Class II stations is permitted on all the clear channels, but unlimited time Class II stations are at present assignable only on clear channels occupied by Class I-B stations.

18. The existing restrictions on the assignment and mode of operation of Class II stations were established with a view to insuring the capacity of the clear channel stations to render the wide-area service for which they were created, and on which more than half of the land area of the United States is dependent, since it lies beyond the range of the groundwave or primary service provided by any of the existing stations.

19. One of the principal purposes of this proceeding is to determine the conditions under which the assignment and operating conditions of both Class I and Class II clear channel stations can provide the most efficient use of the clear channels. The essential conflict in the proposals for revision of the present rules lies between increasing the capacity of the Class I stations to render the wide-area service and increasing the number of stations permitted on the clear channels.

20. Both objectives have merit. But owing to the unalterable facts of radio transmission in the standard broadcast band, the fullest implementation of either can be achieved only at the cost of derogating from the other. Our difficult task is to find the balance best calculated to serve the public interest.

Chronology of this proceeding. 21. By Order dated February 20, 1945 the Commission designated for hearing the following eleven issues:

(1) What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Regional Broadcasting Agreement.

(2) Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I-A channels and as I-B channels.

(3) What minimum power and what maximum power should be required or authorized for operation on clear channels.

(4) Whether and to what extent the authorization of power for clear channel stations in excess of 50,000 watts would unfavorably affect the economic ability of other stations to operate in the public interest.

(5) Whether the present geographical distribution of clear channel stations and the areas they serve represent an optimum distribution of radio service on whether the fair, efficient, and equitable distribution of radio service among the several states and communities specified in Section 307 (b) of the Communications Act requires a geographical redistribution at this time.

(6) Whether it is economically feasible to relocate clear channel stations so as to serve those areas which do not presently receive service.

(7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of Class II stations operating on clear channels.

(8) What changes the Commission should order with respect to geographical location, frequency, authorized power or hours of operation of any presently licensed clear channel station.

(9) Whether and to what extent the clear channel stations render a program service particularly suited to the needs of listeners in rural areas.

(10) The extent to which the service areas of clear channel stations overlap and the extent to which this involves a duplication of program service.

(11) What recommendation, if any, the Commission should make to the Congress for the enactment of additional legislation on the matters covered by this Order.

22. In March and April, 1945, four Government-Industry Committees were established to:

1. Determine what constitutes a satisfactory signal.

2. Determine what constitutes objectionable interference.

3. Determine the distances over which signals of various field intensities are transmitted.

4. Coordinate the conduct of listener surveys.

23. Evidentiary hearings were conducted during 40 days between January 14, 1946, and October 31, 1947.

24. On February 5, 1946, the Commission announced the adoption of the policy of dismissing applications for station assignments or modifications of station assignments which were not permissible under the existing rules in that they either sought additional unlimited-time assignments on channels reserved for the exclusive night use of a single Class I-A station, or sought authorization to transmit in excess of the established 50-kw power limtiation.

25. In June, 1946, the Commission announced the adoption of a policy limiting the processing of applications for Class II stations on channels occupied by Class I-A stations to daytime stations located within 750 miles of the dominant Class I-A station. This was intended to avoid new assignments in areas sufficiently removed from the existing Class I-A station that it would be possible to assign new unlimited-time stations in such areas, in the event it were decided subsequently to do so.

26. In May, 1947, the Commission initiated a separate proceeding (Docket No. 8333) to determine whether and the extent to which limitations should be imposed on the daytime (i. e., pre-sunset and post-sunrise) skywave radiations toward Class I-A and I-B clear channel stations. At the same time the Commission announced that it would, pending a decision in that proceeding, withhold action on all applications proposing new or increased daytime-only facilities in the United States clear channels.

27. On January 19, 20, and 21, 1948, oral argument was held on the then consolidated clear channel and daytime skywave proceedings.[1]

28. In December, 1950, the freeze on the processing of specified types of applications for Class II facilities on the U. S. clear channels was revised and codified as a footnote to § 1.371 of the rules. As further revised (in August and October, 1953, and April, 1956) the current policy on deferral of action on applications for new and increased Class II facilities on the clear channels is found in § 1.351 of the present rules. In general, it covers applications for new daytime or limited time assignments on the clear channel frequencies and applications proposing unlimited time Class II assignments which would operate differently during the daytime and nighttime hours on the clear channel frequencies.

Recent pleadings. 29. On November 16, 1956, the Clear Channel Broadcasting Service filed a petition to reopen the record in the Clear Channel proceeding (Docket No. 6741), to consolidate it with the daytime skywave proceeding (Docket No. 8333) and to afford opportunity for the submission of additional evidence, bringing certain exhibits up to date, either in the form of written comments or through further evidentiary hearings. In a response to the foregoing CCBS petition, the Daytime Broadcasters' Association on December 20, 1956, requested dismissal of the clear channel proceeding, removal of the freeze on the clear channels and institution of rule making on the Association's earlier petition, as amended and revised on December 8, 1955, requesting that daytime stations be authorized to operate from 5 a. m. or sunrise, whichever is earlier, to 7 p. m. or sunset, whichever is later. DBA requested that, in the alternative, if the Commission should grant the CCBS petition to reopen the clear-channel record, the freeze on new assignments to the clear channels in any event be lifted and rule making be initiated on its proposal for extended hours of operation of daytime stations. In a reply to the foregoing DBA pleading, which was filed December 27, 1956, CCBS opposed DBA's requests. On December 28, 1956, Albuquerque Broadcasting Co., the licensee of Station KOB, filed a petition requesting that irrespective of whether the Commission decided to grant or deny the CCBS petition of November 16, 1956, to reopen the record in the Clear Channel proceeding, the Commission in any case, on the basis of the Clear Channel record, select and designate a channel for a permanent assignment for KOB.

30. In its Notice of Proposed Rule Making adopted September 17, 1957, in

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[1] Docket 8333 had been consolidated with Docket 6741 in December, 1947. The two proceedings were again severed in 1953.

Docket No. 12274, the Commission granted the foregoing request of DBA that rule making be instituted on the proposal that daytime broadcast stations be authorized longer hours of operation. In the same document DBA's requests for dismissal of the instant clear channel proceeding and immediate removal of the freeze on the processing of specified types of applications for Class II assignments on clear channel frequencies was denied. The reasons for those actions are set out at length in the above referenced Notice of Proposed Rule Making and need not be repeated here. The above cited petitions of CCBS and Albuquerque Broadcasting Co. are dealt with hereinafter.

The record. 31. The entire record of the Clear Channel proceeding includes over 6,000 pages of testimony, over 400 exhibits ranging from one to several hundred pages in length, numerous written briefs, and over 500 pages of oral argument.

32. The witnesses include, in addition to the members of the FCC engineering staff who testified and placed exhibits in the record: representatives of the radio networks, the Clear Channel Broadcasting Service, representing the independent (i. e., non-network owned) Class I stations, a number of other standard broadcast stations, the Regional Broadcasters Committee, and numbers of educational associations, educational institutions, and farm organizations.

33. Because this Notice does not embody final decisions, but rather is intended to afford interested parties an opportunity to submit up-to-date data and comments in support of or in opposition to the reallocation plan set out herein below, little useful purpose would be served at this stage by an exhaustive, detailed discussion of the old record. Some of it, owing to the elapse of ten years and the substantial changes in the interim, has little present value. In this category are the ten-year old listener surveys conducted under Government and private auspices, and the out-of-date information on network program availabilities in various areas. Interim changes in radio listening habits and network affiliations, and the diminishing differences between network and locally originated radio programming have stripped those portions of the record of their usefulness.

34. On the other hand the new engineering standards (introduced in Exhibit 109) for calculating the incidence of groundwave and skywave services of six different grades, (Types A through F), remain as they were originally, the most comprehensive and realistic tools yet devised for evaluation of standard broadcast service. Additionally, we know from supplementary information that the maps depicting the numbers of such services available in various parts of the country are still representative of overall conditions and need only some updating to reflect the additional, chiefly small, groundwave service areas added in the interim by newly assigned stations.

35. The standards referred to in the preceding paragraph were formulated early in the proceeding by three Government-Industry Committees, and were used in preparing numerous exhibits depicting the extent of available groundwave and skywave services. These standards take into account several factors, such as atmospheric noise, which are not reflected in the rules under which the field intensities of a station's signals are calculated for purposes of making station assignments. The refinements embodied in Types A, B, and C groundwave service and in Types D, E, and F skywave service provide useful bases for assessing the extent of the improvements possible under various proposed clear channel reallocations. It must be borne in mind, however, that the calculation of station coverage and of the numbers of services available depends on the choice of a standard for measuring service and that radio service can be calculated only in terms of statistical norms and probabilities. This is especially true of skywave service which is subject to wide, irregular fluctuations. No single method of calculating service can convey all the facts. The more stringent the standard, the smaller the indicated coverage of individual stations and the fewer the indicated number of services in any particular area. Conversely, depictions of service by a lower standard will show wider station coverage and more services in given areas.

36. Maps depicting available services based on the refined standards introduced in this record, especially in terms of the middle grade of groundwave service (Type B) and the middle grade of skywave service (Type E), have provided useful showings of existing services. For reasons discussed later these showings remain essentially valid today.

Tentative conclusions. 37. We have already referred, in the introductory paragraphs of this Notice, to the inadequacies of the present record as a basis for supporting final conclusions, largely because of major changes which have occurred in radio broadcasting since the record was closed 10 years ago. We also pointed out, however, that our effort to conclude this proceeding at the earliest possible date will be facilitated if note is taken, at this stage, of the tentative conclusions indicated by the present record, and if the parties will direct their further comments primarily to those areas of action which appear to offer the best prospects for practicable improvement of the service rendered to the public on clear channel frequencies. In determining which kinds of clear channel reallocations could be pursued most fruitfully at this stage, it is appropriate to note such tentative conclusions as may be drawn from the present record, taking into account generally known facts concerning subsequent changes in the radio broadcasting industry.

White areas. 38. This term refers to areas without groundwave, or primary service. When the present record was compiled, an aggregate of about half of the land area of continental United States, with a population of about 24 million people, had no nighttime primary service. The increment, meanwhile, of nearly 2,000 additional standard broadcast stations, appears to have reduced the nighttime white areas only to a minor extent.

39. Neither new daytime stations, nor new unlimited time stations whose primary service areas were already receiving groundwave service from other stations, have reduced the nighttime white areas. On the other hand, stations newly assigned to communities previously lacking groundwave service have reduced white areas to the extent of their primary coverage. Generally, however, their coverage is restricted by several factors such as the use of low power, assignment to a high frequency, interference, or combinations of the foregoing. Since the population density within the primary service areas of the foregoing new stations is typically greater than in the remaining white areas beyond their range, it appears probable that in the interim there has been a proportionately greater reduction in white area population, than in the numbers of square miles of white area. According to one estimate the present white area population has been reduced from about 24 million to about 20 million. The geographical extent of the white areas appears, however, to remain close to half the land area of the United States—approximately what it was when the record of this proceeding was compiled.

Available skywave service in white areas. 40. Exhibits showing the numbers of available skywave service vary substantially, depending upon whether they are based on the methods and standards for engineering calculations set out in the present rules, or whether the basis is taken to be Type D, E, or F—the three grades of the skywave service defined in Exhibit 109. It is well known that even in areas where there is no skywave service of a given standard, skywave service will be present by another standard. The inherent variability of skywave service is such, moreover, that during some periods skywave service in areas in which the maps indicate lack it, is superior to what is available in parts of the areas which the maps indicate are provided with an acceptable standard of skywave service. In fact, there is no part of the United States which is totally devoid of one or more skywave services. The point we make here is that no method of depicting service can convey the full facts, and that we must be mindful of the fact that a determination of the extent of available service depends on the standards and criteria used in defining service.

Improvement of service in white areas. 41. For the reasons briefly discussed in paragraph 39, there appear to be severe limits on the possibilities for reducing white areas by creating new groundwave coverage from new or expanded standard broadcast stations and it follows that improvement of service throughout most of the existing white areas must be provided, if at all, by new or improved skywave service.

42. It is clear, moreover, that improvements in standard broadcast service to white areas must be sought from existing or newly assigned stations within the present standard broadcast

band. To the extent that improvement must come from additional or augmented skywave signals, it must be provided by stations assigned to the present clear channels. For reasons which have already been discussed, there is no possibility for obtaining skywave service from stations assigned to regional and local channels. Nor is there any realistic prospect for increasing the number of clear channels by utilizing frequencies outside the existing standard broadcast band. This is precluded by both domestic and international use of other frequencies which might be technically suitable for this purpose.

The impracticability of "relocation" of clear channel stations on a significant scale. 43. By "relocation" is meant the elimination of the present assignment of the clear channel station and the shifting of its location to some other city. "Relocation" should not be confused with "duplication" which is used hereinafter to describe the authorization of additional station assignments on a clear channel. Some parties have urged that Class I-A clear channel stations assigned to places like New York and Chicago, where there is a relative abundance of primary service, be relocated in smaller cities situated nearer to the white areas. These proposals do not, however, take adequate account of the need for high powered stations in the larger metropolitan areas with their relatively high man-made noise levels; and in general, the record fails to provide persuasive evidence that the service gains obtainable by relocating the present Class I-A station assignments could justify the dislocations and losses of service provided by Class I-A stations.

Higher power. 44. An increase of power from 50 kw to 750 kw would have the effect of nearly quadrupling the field intensity of the transmitted signal at any reception point. An increase to 500 kw would slightly more than triple the field intensity of the transmitted signals. The range of usable skywave signals would be considerably increased. Such increases are subject to considerable variation depending on the frequency employed, latitude and other factors; but the basic order of increase is indicated by the fact that at 500 kw the 0.5 mv/m 50 percent skywave contour would in many cases be located over 1,000 miles from the transmitter instead of about 700 miles, as in the case of a 50 kw transmitter. At 750 kw the 0.5 mv/m skywave contour would in many cases be located over 1,100 miles from the transmitter.

45. The improvement in groundwave or primary service is more variable, depending on the frequency employed, soil conductivity and other factors. The essential range of improvement is indicated by the fact that, while at 50 kw, a station operating on a middling frequency in an area of middling ground conductivity will place a 0.5 mv/m groundwave signal about 130 miles from the transmitter during most of the daytime hours, the same station at 500 kw would place a signal of the same field intensity 190 miles from the transmitter; and at 750 kw, about 205 miles from the transmitter.

46. At night, owing to the fact that the field intensity of both the skywave and groundwave signals would be increased by the same factor, there would be no change in the location of the fading zone where the station's skywave and groundwave approach equivalent field intensity, with resultant interference which limits the range of interference-free groundwave service. As a result the range of usable groundwave service would not be increased at night beyond the present range at 50kw unless changes in antenna characteristics are also made. The field intensity of the groundwave signals would, however, be increased three or four times, as the case may be, within the established primary service area. Moreover, the field intensity of skywave signals would similarly be increased within the present skywave service areas, in addition to the extended range of those skywave service areas.

Duplication of unlimited time assignments on the clear channels. 47. On the clear channels occupied by Class I-B stations the duplication of unlimited time assignments is already possible under the present rules. Typically, two Class I-B co-channel stations are assigned to individual Class I-B channels. These stations are required to directionalize their operation in such fashion as to protect the groundwave and skywave service rendered by the other co-channel I-B station. In addition, unlimited time Class II stations are assignable to Class I-B channels subject to established rules for mutual protection and for protection of the dominant Class I-B stations on the channel. It appears, accordingly, that the status quo should be maintained in the rules governing the assignment of unlimited time stations to Class I-B channels.

48. As already discussed, Class I-A clear channel stations are currently given the exclusive use of their channels during the nighttime hours. It is therefore on the Class I-A channels that the maximum opportunities are available for the assignment of new, co-channel unlimited time stations, depending on a judgment as to the extent to which such action would be desirable in the light of the service gains and service losses involved.

Inefficiency of present allocations rules for Class I-A channels. 49. There is substantial support, in any event, for a conclusion that the exclusive nighttime use of a channel by a single station limited to 50 kw is less justifiable now than formerly, when clear channels were first allocated in this way. Since that time techniques have been established and highly developed for directional transmission of signals, with a high degree of suppression now possible to protect the service areas of co-channel stations. In addition, heterodyne interference, resulting from uncontrolled deviations from the assigned frequency, has been substantially eliminated. Thus it is now possible, particularly in the case of Class I-A stations located in or near the northeast portion of the country, to assign additional co-channel, unlimited time stations to provide needed service at distant locations, while preserving the capacity of the present station to provide a usable signal over wide primary and secondary service areas. In these circumstances there is serious question whether the most efficient use of the Class I-A clear channels can be achieved under the long-standing rules which, on the one hand, preclude power above 50 kw, and on the other hand bar co-channel unlimited time assignments in distant areas the present station cannot effectively serve, and where a new station could be operated so as to afford reasonable protection to the areas the present station can effectively serve at 50 kw.

Additional unlimited time assignments on the present Class I-A clear channels. 50. On this record three modes of adding unlimited time assignments on Class I-A channels were discussed:

(a) Retention of the present Class I-A station assignment and the co-channel assignment, elsewhere, of an additional Class I station, each directionalized to protect the other.

(b) The assignment of a single Class I station in a new city, and reduction of the present station to Class II status, thereby substantially eliminating its skywave service and obliging it to protect the new Class I station.

(c) Preservation of the present station as a Class I assignment, and the co-channel assignment of unlimited time Class II stations required to protect the present station.

For reasons similar to those discussed in Paragraph 43 we have concluded that it would be undesirable and impractical to implement Alternative (b) above. Alternatives (a) and (c) would permit continued skywave service by existing Class I-A stations, while opening up opportunities for additional unlimited time co-channel assignments. Therefore, Alternatives (a) and (b), in our opinion, merit consideration for at least some of the Class I-A channels, on the basis described hereinafter.

The higher power versus duplication conflict. 51. Some of the parties treated the techniques of higher power and of duplication of unlimited time assignments on the Class I-A channels as approaches which were so contradictory that they are mutually exclusive. We are unable to reach such a conclusion. First, there is little reason why the implementation of one of these techniques on selected Class I-A clear channels should necessarily exclude implementation of the other technique on other Class I-A channels. There is, moreover, no inherent reason why, if the circumstances were found to be appropriate, higher power could not be permitted to more than one Class I station on a given channel, provided the transmitters were suitably directionalized to protect each other's service area.

52. A study of the circumstances of each of the individual Class I-A channels discloses, moreover, that in some cases, maximum net gains could be achieved through duplication, while in other cases, the maximum net service

gains could be achieved through the use of higher power.

53. Thus, on a purely engineering basis, the optimum improvement of service is achievable by a judicious combination of higher power and duplication of the Class I-A clear channels. Higher power is best suited for use on channels where it would produce the maximum gains in groundwave and skywave service in areas where these services are now most deficient, and where the use of higher power would not cause excessive interference to other U. S. or foreign stations. On the other hand, the use of higher power by certain other clear channel stations would constitute wasteful use of limited spectrum space in that the service gains would be achieved principally in areas which are already well served, at the cost of reducing the numbers of additional services which might otherwise be established on the channel.

54. If allocations questions could be decided solely on the basis of engineering calculations of deficiencies of the present clear channel service and of the service gains which might be achieved, we think the present record would support the authorization of higher power for half of the 24 Class I-A stations and duplication of unlimited time assignments on the remaining 12 Class I-A channels. Higher power, so employed, would make it possible to provide a minimum of four Type E skywave services throughout the United States (except small areas in northwest Washington and southeast Florida, which have groundwave service). This would substantially improve present skywave services throughout most of the present white areas, extend daytime primary services into some areas now lacking it, and generally improve the signal-to-interference ratio throughout the present primary and secondary service areas of the 12 stations operating at 750 kw. The channels and modes of directional operation most suitable to higher power appear to be the following:

Frequency (kc)	Directional operation	Location
640	(DA-1) major lobe to NNE	Los Angeles, Calif.
650	(DA-N) major lobe to SE	Nashville, Tenn.
700	(DA-1) major lobe to S	Cincinnati, Ohio.
750	(DA-N) major lobe to S	Atlanta, Ga.
760	(DA-1) major lobe to W	Detroit, Mich.
820	(DA-N) major lobe to W	Dallas/Ft. Worth, Tex.
830	(DA-N) major lobe to W	Minneapolis, Minn.
840	(DA-N) major lobe to SE	Louisville, Ky.
870	(DA-1) major lobe to N	New Orleans, La.
1,040	(DA-1) major lobe to W	Des Moines, Iowa.
1160	Omnidirectional	Salt Lake City, Utah.
1200	(DA-N) major lobe to NNW	San Antonio, Tex.

55. An analysis of the circumstances affecting the remaining 12 Class I-A clear channel stations indicates that, on balance, it would be preferable to maintain the present 50 kw maximum power and to assign additional unlimited time stations on the lines of the following plan:

(a) On the following five frequencies, assign a new Class I station in the designated state, and require both the new and existing Class I station to directionalize their operations so as to afford each other mutual protection:

Frequency (kc)	Class I—	
	Present assignment	New assignment
660	New York	Montana.
770	New York	(Undetermined.)*
880	New York	Wyoming.
1100	Cleveland	Arizona.
1180	Rochester	Idaho.

*See paragraphs 71 to 73.

(b) On the following seven frequencies, retain the present maximum 50 kw power and assign unlimited time Class II stations in the underserved areas:

Frequency (kc):	*Class I—Present assignment*
670	Chicago, Ill.
720	Chicago, Ill.
780	Chicago, Ill.
890	Chicago, Ill.
1020	Pittsburgh, Pa.
1120	St. Louis, Mo.
1210	Philadelphia, Pa.

56. A number of basic factors determined the selection of the 12 channels designated above for duplicated unlimited time co-channel assignments. The Class I-A stations concerned are located chiefly at or close to the northern and eastern boundaries of the country. This circumstance affords the maximum opportunities for the assignment of additional unlimited time co-channel stations in the western part of the country where deficiencies in present service and the corresponding need for improvement are the greatest. In the areas where directionalization would eliminate primary or skywave service now rendered by the Class I-A station, there are generally abundant services of good quality from numerous other stations. Thus, the service gains to the needful areas of the West would not be achieved at the cost of destroying badly needed services in the areas the present stations would cease to serve owing to directionalization. In those cases where directionalization of the present Class I-A station would be required, it would improve service in the direction of the major lobes of the directional patterns. Higher power on the twelve channels listed above would generally produce appreciably less service gains in needful areas, and would create more severe problems of interference to both domestic and foreign stations than would higher power on the twelve channels listed in paragraph 54.

57. Having thus selected twelve channels, listed in paragraph 55, on which additional unlimited time stations could usefully be authorized, the question remains whether the new stations should be assigned as Class I or Class II stations. New skywave services on these channels could be obtained only by assigning new Class I co-channel stations protected by directionalizing the present Class I station. New co-channel Class II stations required to protect the present Class I station could provide a new primary or groundwave service, but no skywave service. While this argues for new Class I assignments on as many as possible of the twelve channels listed in paragraph 55, certain offsetting considerations must be taken into account, such as resultant losses of service which would be caused by directionalizing the existing Class I station.

58. In formulating the proposals outlined for the twelve channels covered in paragraph 55, under which five of the existing Class I-A stations would be required to directionalize, while seven would continue to operate as at present, we have taken into account the following factors:

(a) Possible gains in skywave and primary service in needful areas in the west.

(b) Resultant losses of service caused by directionalizing existing Class I-A stations.

(c) The extent of other services available in areas lost to existing stations through directionalization.

(d) Service gains obtainable through directionalization of the existing stations.

(e) Resultant interferences to existing U. S. co-channel and adjacent channel stations.

(f) Requisite protection to foreign stations.

The varying circumstances of each of the twelve channels listed in paragraph 55 are such that in no case do all of the individual factors set out above point conclusively to Class I or Class II status for the new co-channel stations. Prolonged study of all these channels has, however, led us to the conclusion that, on balance, the reallocations outlined in paragraph 55 and discussed in more detail hereinbelow, represent optimum improvement obtainable through the assignment of additional co-channel and adjacent channel unlimited time stations on the twelve channels selected for duplication at this stage. Parties to this proceeding will have the opportunity to comment in support of or in opposition to the specific reallocations proposed, and to suggest such revisions as may appear desirable.

59. In the case of the seven channels listed in paragraph 55 (b), the balance of all the relevant considerations points, in our opinion, to retention of the present mode of operation of the existing Class I-A stations. They would receive protection by newly assigned co-channel Class II unlimited time stations equivalent to what is now afforded Class I-B clear channel stations. This would insure continued service throughout the wide areas where these stations render a usable signal. Such service as these stations may now render in areas beyond the contours which would be protected

under this plan is generally not of good quality. Moreover, the peripheral areas involved generally receive adequate to abundant service from other stations. It seems to us justified to sacrifice this peripheral service, if the new stations can be assigned so as to provide primary service where there is now none.

60. In assigning Class II unlimited time stations to these channels, it will be important to bear in mind that they are being made available for new stations in areas which have no primary service. For this reason we do not propose to make the new Class II assignments in cities or areas now receiving numerous services, but would keep them available for new stations located where they could place a first primary service in white areas.

FM broadcasting. 60. (a) At an early stage of the proceeding preliminary evidence was received on a proposal by CBS for complete nationwide network coverage through the combined use of FM and standard broadcast stations. Subsequently, however, under a ruling adopted in October 1947, evidence relating to FM broadcasting was excluded on the ground that the scope of the present proceeding was confined to standard broadcasting. In reaching the tentative conclusions stated herein on the basis of the record before us, we are not unmindful of the fact that FM radio is making contributions of mounting significance to the nation's aural broadcast service, and we would not wish, by any decisions taken in the instant proceeding, to place any undue obstacles in the way of continued development and evolution of the FM service. We believe none are involved in the action here proposed. It is confined to the Class I–A clear channels which would continue to be needed for wide area service under any foreseeable developments affecting the wider utilization of FM radio.

Appropriate further steps at this stage of the proceeding. 61. As discussed earlier, we believe that progress in reaching final decision in this proceeding can best be facilitated by inviting interested parties to direct their further comments to those types of clear channel reallocations which appear to offer most realistic opportunities for improving the standard broadcast service. For the reasons discussed in paragraphs 51 to 60, it appears that the optimum improvement which it would be practicable to achieve on the basis of technical considerations alone would be to implement a plan which would utilize both higher power and duplication, in accordance with the varying circumstances of the individual Class I–A channels.

62. In our opinion, however, many of the arguments formerly used in support of the authorization of higher power for clear channel stations need to be reconsidered in the light of the vast changes which have taken place in the standard broadcast industry since the present record was compiled. We are certain that there has been little change in the showings made on the present record, based on engineering calculations, of the available services and of the service improvements which could be effected through the use of higher power. We believe, however, that the drastic changes which have occurred in the broadcasting industry may have a very substantial bearing on other, non-technical considerations affecting the use of higher power for Class I–A clear channel stations.

63. Although the question of higher power needs careful reconsideration in the light of present day conditions, we believe that it would needlessly retard progress toward the improvement of service on the clear channels if we attempted at this stage to give our attention simultaneously to the problems associated with both higher power and duplication. The record of this proceeding has already grown so unwieldly that repeated attempts on the part of the Commission to reach decisions encompassing the whole scope of the original eleven issues have failed until now to produce decisions which a majority of the Commission were prepared to support. We think it desirable, without losing sight of the inherent inter-relationships between the problems of higher power and duplication, to concentrate our attention on them one at a time, and to deal first with the possibilities for achieving service gains through the implementation of a scheme of duplication of unlimited time assignments on Class I–A channels on the lines of the plan briefly summarized in paragraph 55, and more fully described in paragraphs 68 to 77.

64. In deferring at this time active consideration of the problems involved in the authorization of higher power on the remaining twelve Class I–A frequencies, we do not foreclose an opportunity for a thorough examination of that subject later. We are unable to find sufficient justification, in any event, for authorizing higher power on the 12 frequencies on which we propose to consider additional unlimited time assignments. Preservation, in the interim, of the status quo, on the 12 frequencies listed in paragraph 54, would therefore leave unimpaired such opportunities as may exist for the fruitful use of higher power for Class I–A stations.

65. For these reasons, the further proceedings instituted herein will be confined at this stage to an examination of the problems, advantages, and disadvantages of the assignment of additional unlimited time stations on the 12 frequencies already referred to. Before proceeding to a detailed statement of the plan on which comments will be invited, it is appropriate at this point to indicate our views concerning the eleven issues originally designated in this proceeding, taking into account the tentative conclusions already discussed.

The original eleven issues of this proceeding. 66. For the reasons discussed so far in this Notice and the further proceedings initiated herein, we have reached the following conclusions concerning the eleven issues originally designated in this proceeding.

Issue Number 1

"(1) What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Broadcasting Agreement."

This issue can be treated as moot. The specific occasion for it—renegotiation of the North American Regional Broadcasting Agreement of 1941—has long since passed. Moreover, the reallocations proposed herein are consistent with the still unratified North American Regional Broadcasting Agreement of 1950.

Issue Number 2

"(2) Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I–A channels and as I–B channels."

There is no practicable basis for increasing the number of clear channels. We conclude that it would not be in the public interest to decrease the number of clear channels, since much needed improvements in wide area service to regions lacking in groundwave service can be achieved only by clear channel stations adequately protected against interference. We conclude that this need requires that all the frequencies now classified as clear channels remain so classified. Moreover, we propose retention of the present designations of the Class I–A and Class I–B channels. We do look toward the removal of nighttime exclusivity on 12 designated Class I–A channels, and the assignment of an additional Class I station on five of these 12 channels. However, while in certain respects the new assignment rules for these channels would be similar to those governing station assignments on Class I–B channels, we do not propose their reclassification as I–B channels. The Class I–A designation would be retained, consistently with their classification under NARBA as U. S. Class I–A channels entitled to the higher degree of protection foreign countries have agreed to provide on the Class I–A channels, as compared with the lesser protection required on the Class I–B channels. (While the precise formulation of revised rules need not be decided at this stage, it may be desirable, while retaining Class I–A classification for these channels, to create subordinate classifications depending on whether new co-channel unlimited time assignments would be confined to Class II stations, or would include an additional Class I station, with mutual protection by both the new and existing Class I station).

Issue Number 3

"(3) What minimum power and what maximum power should be required or authorized for operation on clear channels."

For the reasons already discussed, we believe a maximum power of 50 kw should be retained for the Class I stations on the following clear channels:

660 kc
670 kc
720 kc
770 kc
780 kc
880 kc
890 kc
1020 kc
1100 kc
1120 kc
1180 kc
1210 kc

Consideration of the possible advantages and disadvantages of authorizing higher power on the following frequencies is being deferred at this time:

640 kc
650 kc
700 kc
750 kc
760 kc
820 kc
830 kc
840 kc
870 kc
1040 kc
1160 kc
1200 kc

Issue Number 4

"(4) Whether and to what extent the authorization of power for clear channel stations in excess of 50,000 watts would unfavorably affect the economic ability of other stations to operate in the public interest."

The outdated record of this proceeding affords an inadequate basis for sound judgments on this issue under the changed conditions in the radio broadcasting industry. Further consideration will be deferred to such time as the Commission may decide to institute further rule making on the authorization of higher power on some of the Class I–A clear channels.

Issue Number 5

"(5) Whether the present geographical distribution of clear channel stations and the areas they serve represent an optimum distribution of radio service or whether the fair, efficient, and equitable distribution of radio service among the several states and communities specified in section 307 (b) of the Communications Act requires a geographical redistribution at this time."

The present record indicates the desirability of examining such geopraphical redistribution of such clear channel assignments as may be achieved in the plan on which further rule making is initiated herein.

Issue Number 6

"(6) Whether it is economically feasible to relocate clear channel stations so as to serve those areas which do not presently receive service."

The record fails to support the desirability of outright relocation of clear channel stations in the sense of shifting the present Class I assignment from the present city to a new city and eliminating the present assignment appears neither desirable nor feasible. On the other hand, redistribution of Class I clear channel assignments to the extent envisaged in the rule making proposal initiated herein does appear to merit consideration.

Issue Number 7

"(7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of Class II stations operating on clear channels."

Proposals for amendments to the rules covering the powers and hours of operation of Class II daytime stations are before us in separate rule making proceedings on the daytime skywave problem (Docket No. 8333) and the problem of extended hours for daytime broadcasters (Docket No. 12274). Decisions will be reached in those proceedings with due regard for the major policy decisions reached in the instant clear channel proceeding.

Issue Number 8

"(8) What changes the Commission should order with respect to geographical location, frequency, authorized power or hours of operation of any presently licensed clear channel station."

Final decisions concerning modification of outstanding licenses will be deferred pending the conclusion of rule making on the allocations issues.

Issue Number 9

"(9) Whether and to what extent the clear channel stations render a program service particularly suited to the needs of listeners in rural areas."

The Listener Surveys whose results are spread on the record of this proceeding are too outdated to provide a sound basis for judgment on this record.

Issue Number 10

"(10) The extent to which the service areas of clear channel stations overlap and the extent to which this involves a duplication of program service."

The information on the record concerning duplication of program service is too outdated to provide a sound basis for judgment at this time.

Issue Number 11

"(11) What recommendation, if any, the Commission should make to the Congress for the enactment of additional legislation on the matters covered by this Order."

The Commission possesses the requisite statutory power to implement the reallocations proposed herein and enactment of additional legislation is, accordingly, not required.

Rule making proposal. 68. We have summarized in paragraph 55 a plan for the assignment of additional unlimited time stations on 12 of the clear channels. On five of these—660 kc, 770 kc, 880 kc, 1100 kc and 1180 kc, that plan contemplates the assignment, in specified western states, of a new Class I station and the mutual protection of both the new and the existing Class I station by directionalization. On seven other Class I–A frequencies—670 kc, 720 kc, 780 kc, 890 kc, 1020 kc, 1120 kc, and 1210 kc—it is proposed to permit the present Class I–A station to continue to operate as at present, and to assign to those frequencies additional unlimited time Class II stations which would be required to protect the present Class I–A station in a manner comparable to the requirements for protecting Class I–B stations under the present rules. On all 12 of the foregoing frequencies the present Class I station would continue to operate at 50 kw maximum power. The new Class I stations in the first group would also be permitted to operate at power of 50 kw. The daytime and nighttime powers of the Class II stations assigned to the remaining seven of these frequencies would be determined as at present for Class II stations.

69. Several reasons underlie the designation of specific states for the assignment of a new Class I station. The first reason is procedural. It is desirable to simplify, so far as possible, the procedural steps necessary to implement the plan, and to minimize the time necessary to accomplish this. The record of this proceeding—and in particular the depictions of existing skywave services in white areas clearly supports the desirability of assigning new Class I stations in the states designated in paragraph 55. Thus, there is no need for the excessively complicated comparative hearings which would be necessary if the channel were opened up for mutually exclusive applications throughout the entire wide area in which Class I co-channel assignments might otherwise be possible.

70. The individual states designated for the assignment of new Class I stations have been tentatively chosen, with the general directional antenna characteristics that are required in mind, principally upon the basis of the optimum location for improvement of secondary service in western areas where it has to be relied on most. Additionally, the choice of locations is supported by the record as in compliance with the requirements of section 307 (b) of the act for fair, efficient and equitable distribution of radio service among the several states and communities.

71. It should be noted that in the case of one channel—770 kc—we have not designated the state in which the new Class I station would be assigned. This frequency, on which a Class I–A station is presently assigned to New York City, is involved in a separate, adjudicatory proceeding (Docket Nos. 6584 and 6585), in which there is at issue the question of whether Station KOB at Albuquerque, New Mexico, should be licensed to operate as an unlimited time station on 770 kc or on 1030 kc (on which at present a Class I–B station is assigned to operate at Boston, Massachusetts). Under § 3.25 (b) of the present rules, the assignment of a co-channel unlimited time station is permissible on 1030 kc. Thus, a decision in the above-referenced adjudicatory proceeding to assign KOB to that channel would not require reclassification of 1030 kc. Section 3.25 (a) of the rules, on the other hand, does not at present contemplate the unlimited time operation of another station on 770 kc. Accordingly, the question of whether the allocations rules governing the use of 770 kc should be amended to permit the assignment of a co-channel unlimited time station at Albuquerque is also at issue in the KOB proceeding.[3]

72. The Commission cannot properly anticipate in the instant proceeding the decision it will reach in the KOB adjudicatory proceeding. We note, however, for the purposes of the instant rule making proceeding, that the assignment of KOB to either 770 kc or 1030 kc would be fully consistent with the general scheme of reallocations proposed herein. As stated above, the use of 1030 kc, which is a Class I–B channel, is permitted under the present rules. Alternatively, the use of 770 kc for an unlimited time station at Albuquerque would help to implement the objectives of the scheme of reallocations proposed herein in a manner consistent with the action contem-

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[3] KOB is presently operating unlimited time on 770 kc under special authority.

plated for the other Class I-A channels, particularly those similarly situated in the northeastern portions of the United States.

73. In these circumstances, taking into account the special problems growing out of the history of the KOB proceeding, we go no further in the instant proceeding at this stage, than to note the desirability of assigning a new Class I station on 770 kc in a western state where the need is greatest for such a new assignment, and where it would be sufficiently removed from New York to minimize loss of service from directionalizing the present New York station. We leave for determination in the KOB adjudicatory proceeding the question whether KOB should be licensed to operate unlimited time at Albuquerque on 770 kc or on 1030 kc, and under what conditions. Should it be decided in the KOB proceeding that it would be preferable to license KOB for unlimited time operation on 1030 kc, it would then be appropriate, and consistent with the reallocations proposed herein, to make 770 kc available for assignment in some other western city, and we herein propose to do so in that eventuality. Conversely, if 770 kc were selected for Albuquerque, 1030 kc remains available under the existing rules for a similar Class I assignment elsewhere.

74. The assignment of Class II unlimited time stations to 660 kc, 770 kc, 880 kc, 1100 kc, and 1180 kc would necessarily have to be deferred until a determination has been made of the precise location and specific operating conditions of both the new and existing Class I stations on each of these channels. Until this is done it would not be possible to determine precisely what Class II stations and what mode of operation would ensure the requisite protection to the dominant Class I stations on these channels. This proposal contemplates, however, that when the precise location of the new Class I stations and specific operating conditions of both the new and existing Class I stations are determined, applications would at that stage be accepted for Class II unlimited time stations on these five channels.

75. With respect to the assignment of Class II stations to 670 kc, 720 kc, 780 kc, 890 kc, 1020 kc, 1120 kc, and 1210 kc, we find that directionalization of the eastern station to the extent necessary to establish a useful skywave service in the west would be at the sacrifice of primary coverage in eastern areas where there is a definite deficiency of primary service. We thus find it appropriate to require protection of the extended primary coverage now given by the existing stations involved. It follows that the western usage must be confined to Class II assignments, i. e., stations providing protection to the eastern Class I station, and at the same time subjected to interference from the Class I stations to the extent of eliminating skywave coverage. Such duplicate operation is consistent with our objective only if it results in the addition of primary service to areas where such service is deficient or lacking entirely. Accordingly it is our purpose to elicit specific proposals concerning possible station assignments which would supply primary service to areas not now receiving such service. If there are indications of potential station assignments of this nature, Commission rules would be appropriately amended to make these channels available for that express purpose. If, in this proceeding or under the anticipated rule change applications consistent with these tenets are not forthcoming, the channels in question would be the subject of further consideration.

76. The processing of applications for new and expanded daytime facilities on the twelve Class I-A channels in question should be deferred until reasonable opportunity has been provided for the assignment of unlimited time Class II stations on these channels. It is not possible at this time to anticipate with exactitude the date when it will be appropriate to permit the assignment of new daytime Class II stations on these channels. Such action would, accordingly, be deferred until a later stage when the pattern of new Class II unlimited time assignments on these channels has become sufficiently crystallized to insure that the assignments of new daytime stations would not unreasonably block opportunities for the assignment of Class II unlimited time stations meeting the above-stated requirements.

77. Owing to the fact that we have decided to maintain the status quo on the twelve other Class I-A frequencies on which the possible consideration of higher power is being reserved until later, i. e., 640 kc, 650 kc, 700 kc, 750 kc, 760 kc, 820 kc, 830 kc, 840 kc, 870 kc, 1040 kc, 1160 kc, and 1200 kc, it will not be appropriate, pending such action, to clutter those frequencies with daytime assignments which would tend to prejudice such consideration as it may later be desirable to give to proposals for increased power.

78. Any interested party who is of the opinion that the proposals set out in Paragraphs 55 and 68 to 77 of this Notice should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 15, 1958, a written statement or brief setting forth his comments, together with supporting data. Comments and data in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 45 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

79. In accordance with the provisions of § 1.54 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

80. Authority for the adoption of amendments to the rules embodying the proposals set out herein is contained in sections 4 (i), 301, 303 (a), (b), (c), (d), (f) and (r) and 316 (a) of the Communications Act of 1934, as amended.

Disposition of recent pleadings. 81. Pursuant to the foregoing, *It is ordered*, That the petition filed by the Clear Channel Broadcasting Service on November 16, 1956, is granted to the extent consistent with the further rule making initiated herein and is denied in all other respects. *It is ordered further*, That the petition filed in this proceeding by Albuquerque Broadcasting Company on December 28, 1956, referred to in paragraph 29, is denied.

82. One other group of recent pleadings not previously referred to herein requires disposition. On December [illegible], 1957, Everett L. Dillard, trading as Commercial Radio Equipment Co., licensee of WDON, a Class II daytime station operating on Class I-B Channel 1540 kc with a power of 250 watts, filed a petition (bearing Docket Nos. 6741 and 8333) requesting that the Commission institute proceedings to amend the rules so as to delete 1540 kc from § 3.25 of the rules, thereby terminating the present classification of this frequency as a Class I-B channel. The petition also requested that Station KXEL, now assigned to Waterloo, Iowa as a Class I-B station on 1540 kc, be reclassified as a Class II station, pursuant to § 3.182 (4) (b) of the rules concerning automatic reclassification of standard broadcast stations. (A grant of the above-requested amendment to § 3.25 would invoke the same reclassification of KXEL to Class II status, although on other grounds). The petition requested finally, that these actions be considered separately from the instant Clear Channel proceeding and the Daytime Skywave proceeding (Docket No. 8333). Comments supporting this petition were filed on April [illegible] and April 8, 1958, respectively, by La Porte Broadcasting Co., Inc., licensee of WLOI, a Class II daytime station operating on 1540 kc assigned to La Porte, Indiana, and Dalworth Broadcasting Company, Inc., licensee of KCUL, a Class II unlimited time station assigned to Fort Worth, Texas.

83. For reasons discussed in paragraph 47 hereof, we found, on the basis of this record, that it would be undesirable to make any general reallocation of the Class I-B channels. The WDON petition raises questions arising out of special circumstances affecting 1540 kc in particular. For this reason, it is appropriate to deal with that petition separately, and not within the context of this proceeding, which is concerned with broader aspects of clear channel reallocation. We do not, therefore, rule on the foregoing petition herein, but will consider and decide it separately, with due regard for the broad policy decisions reached in the instant proceeding.

Adopted: April 15, 1958.

Released: April 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2934; Filed, Apr. 18, 1958; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming-05437]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 14, 1958.

In accordance with authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147), it is ordered as follows:

The order dated April 8, 1919, establishing Stock Driveway Withdrawal No. 44, Wyoming No. 8, pursuant to the provisions of section 10 of the Act of Congress approved December 29, 1916 (39 Stat. 862), is revoked only insofar as it pertains to the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. [illegible] N., R. 102 W.,
Sec. 5, Lot 2.

The area described totals 40 acres of public land.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and the Korean conflict, and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-2895; Filed, Apr. 18, 1958; 8:49 a. m.]

Office of the Secretary

[Order No. 2583. Amdt. 17]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

APRIL 14, 1958.

Section 2.92 of Order No. 2583 (15 F. R. 5643), is amended by adding a new paragraph (d) to read:

SEC. 2.92 *Grazing leases, etc.* * * *

(d) All actions with respect to issuance of permits for the grazing of reindeer on the public lands in Alaska, pursuant to section 14 of the act of September 1, 1937 (50 Stat. 902; 48 U. S. C. 250m).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-2896; Filed, Apr. 18, 1958; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CONTRACTING OFFICERS

DELEGATION OF AUTHORITY TO EXECUTE CERTAIN DOCUMENTS

Pursuant to authority vested in the Executive Vice President, Commodity Credit Corporation, by the bylaws of the Corporation, the respective chairmen, or, in their absence, the acting chairmen of the Agricultural Stabilization and Conservation County Committees in the cotton-producing States, or if so designated by such Agricultural Stabilization and Conservation County Committees the ASC county office managers, are hereby appointed contracting officers of Commodity Credit Corporation with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to an oil miller or an approved storage facility under the 1958-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and Commodity Stabilization Service.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the Agricultural Stabilization and Conservation county offices in the respective cotton-producing States.

Issued this 16th day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-2946; Filed, Apr. 18, 1958; 8:55 a. m.]

Office of the Secretary

ADMINISTRATOR, AGRICULTURAL RESEARCH SERVICE

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR AERIAL SPRAYING IN NEW YORK AND PENNSYLVANIA

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of April 3, 1958 (23 F. R. 2304), authority is delegated to the Administrator, Agricultural Research Service, with authority to redelegate to any officer or employee of the Agricultural Research Service, to negotiate, without advertising, under section 302 (c) (4) and 302 (c) (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended), contracts required by the Department of Agriculture for aerial spraying of approximately 140,000 acres of wooded areas in New York and Pennsylvania for the period ending December 31, 1958.

The authority hereby delegated shall be exercised in accordance with the requirements of the above-titled Act, particularly sections 304, 305, and 307 and the policies, procedures and controls prescribed by the General Services Administration.

Done at Washington, D. C., this 16th day of April 1958.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 58-2919; Filed, Apr. 18, 1958; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

WARD GARCIA, S. A. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval, pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8288, between Ward Garcia, S. A., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New Orleans, Louisiana.

(2) Agreement No. 8289, between Flota Mercante Grancolombiana, S. A., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Ecuador, Colombia, Honduras, Costa Rica, Guatemala and Mexico to Puerto Rico, with transhipment at New York, or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 16, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2926; Filed, Apr. 18, 1958; 8:54 a. m.]

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 150-10, between the member lines of the Trans-Pacific

Freight Conference of Japan, modifies the basic agreement of that conference (No. 150, as amended), to provide that decisions to jointly enter into other agreements shall require unanimous consent of all members.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 16, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-2927; Filed, Apr. 18, 1958; 8:54 a. m.]

Office of the Secretary

JOHN H. SPRAGGON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 27, 1956, 21 F. R. 8245; May 2, 1957, 22 F. R. 3135; October 18, 1957, 22 F. R. 8242.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 11, 1958.

Dated: April 11, 1958.

JOHN H. SPRAGGON.

[F. R. Doc. 58-2924; Filed, Apr. 18, 1958; 8:54 a. m.]

HAROLD LARSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 6, 1956, 21 F. R. 8514; April 20, 1957, 22 F. R. 2784; October 18, 1957, 22 F. R. 8243.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 11, 1958.

Dated: April 11, 1958.

HAROLD LARSEN.

[F. R. Doc. 58-2925; Filed, Apr. 18, 1958; 8:54 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 28]

CORNELL GROSSMAN

NOTICE OF APPLICATION

Notice is hereby given that Dr. Cornell Grossman has filed an application before the Patent Compensation Board for an award or just compensation under the Atomic Energy Act of 1954 based on U. S. Patent Application Serial Number 632,001 filed in the U. S. Patent Office January 2, 1957.

The application of Dr. Grossman is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, 1717 H Street NW., Washington 25, D. C., within thirty (30) days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

Dated: April 14, 1958.

MARGARET H. MELIN,
Acting Clerk,
Patent Compensation Board.

[F. R. Doc. 58-2880; Filed, Apr. 18, 1958; 8:45 a. m.]

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE; AMENDMENT

Please take notice that the Atomic Energy Commission proposes to issue to General Electric Company Amendment No. 3 to License DPR-1 substantially in the form set forth below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed in the Commission's rules of practice (10 CFR Part 2).

For further details see the General Electric Company's requests for license amendment and related data set out in the Company's license application amendments numbered 1[illegible] 15, 16, 18 and 19, a memorandum prepared by the Division of Licensing and Regulation summarizing the principal factors considered in reviewing the requests for license amendment, and a report dated March 8, 1958, from the Chairman, Advisory Committee on Reactor Safeguards, to the Chairman, Atomic Energy Commission, all on file in Docket 50-18 in the Commission's Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 17th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[License No. DPR-1; Amdt. 3]

On December 9, 1957, General Electric Company filed Amendment No. 14 to its license application to request AEC authorization to operate its Vallecitos Boiling Water Reactor at a maximum power level of 20 megawatts (heat) with up to fourteen (14) rod-type fuel elements. The remaining elements would be of standard plate type. On December 9, 1957, the Company also filed Amendment No. 15, requesting AEC authorization to use this same core loading at power levels up to 30 megawatts (heat). On January 10, 1958, the Company filed Amendment No. 16 requesting AEC authorization to heat the reactor water by operating the reactor at power levels not to exceed one megawatt. The Company proposes to use this heating method instead of the previously used method which involved heating by external means to that temperature at which the temperature coefficient would become negative. On March 26, 1958, the Company filed Amendment No. 18 in response to an AEC request for additional information relating to operation of the reactor under the conditions proposed in Amendments Nos. 14 and 15. On March 26, 1958, the Company also filed Amendment No. 19 which modified and clarified Amendment No. 16 and which also requested AEC authorization to use a different control rod material and configuration in the reactor.

Paragraph 4a (1) of License DPR-1, as amended, reading as follows:

> GE shall operate the facility in accordance with the procedures and limitations described in the application; provided, that GE may adopt the procedures described in its telegram to the Commission dated September 24, 1957; and, provided further, if such procedures are adopted, that the decrease of the reactivity of the reactor, due to the burnout of U-235 and the buildup of fission products, does not exceed three percent.

is hereby amended to read as follows:

> GE shall operate the facility in accordance with the procedures and limitations described in the application as amended through Amendment No. 19, provided that the rod-type elements shall be placed in the core in such positions that they will be no less surrounded by plate-type elements than is indicated by the typical loading described in Appendix "A" of License Application Amendment No. 15, and, provided further, that either the main coolant circulation pump shall not be used or an additional differential temperature interlock between water in the core and that entering the core to prevent rapid opening of the water flow valves and starting of the primary coolant circulation pump when the reactor is operating.

The first sentence of paragraph 4a (3) of License DPR-1, as amended, reading as follows:

> GE shall not operate the facility at thermal power levels in excess of 30,000 kilowatts nor at an average operating power during any twenty-four hour period in excess of 20,000 kilowatts.

is hereby amended to read:

> GE shall not operate the facility at power levels in excess of 30,000 thermal kilowatts nor at an average operating power during any twenty-four hour period in excess of 20,000 thermal kilowatts, provided that the maximum allowable heat flux for the rod-type elements as stated in License Application Amendment No. 14 shall not be exceeded.

The Atomic Energy Commission has found that operation of the facility in accordance with the terms and the conditions of the license as amended will not be inimical to the common defense and security or to the health and safety of the public.

For the Atomic Energy Commission,

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-2974; Filed, Apr. 17, 1958; 12:30 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Rules Amdt. 0-41; FCC 58-344]

STATEMENT OF ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, AND OTHER INFORMATION

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th of April 1958.

The Commission having under consideration the establishment of the Hearing Division of the Broadcast Bureau; and

It appearing that the amendments adopted herein would promote greater efficiency in Commission operations; and

It further appearing that the amendments adopted herein are procedural in nature, and, therefore, compliance with the public notice and rule-making procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to sections 4 (f) and (i) and 5 (b) of the Communications Act of 1934, as amended, the Hearing Division of the Broadcast Bureau is established and the Hearing Branch of the Broadcast Facilities Division is abolished, effective April 9, 1958. The personnel and functions of the Hearing Branch of the Broadcast Facilities Division are transferred to the Hearing Division. The functions of the Renewal and Transfer Division relating to hearing cases on applications for renewal of license and transfer of control and to proceedings pursuant to section 312 of the Communications Act are also transferred to the Hearing Division.

It is further ordered, That pursuant to sections 4 (f) and (i) and 5 (b) of the Communications Act of 1934, as amended, Part 0 of the Commission's rules and regulations is amended effective April 9, 1958, as set forth below.

Released: April 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

APPENDIX

1. Section 0.13 is amended to read as follows:

SEC. 0.13 *Units in the Bureau.* The Broadcast Bureau is divided into the following units:

(a) The Office of the Chief of Bureau.
(b) Broadcast Facilities Division.
(c) Renewal and Transfer Division.
(d) Rules and Standards Division.
(e) Economics Division.
(f) License Division.
(g) Office of Network Study.
(h) Hearing Division.

2. Section 0.14 is amended to read as follows:

SEC. 0.14 *Broadcast Facilities Division.* The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions pertain to standard (AM), FM, television, experimental and auxiliary broadcast services, excluding functions stated in sections 0.15, 0.16 and 0.17.

3. Section 0.15 is amended to read as follows:

SEC. 0.15 *Renewal and Transfer Division.* The Renewal and Transfer Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions pertain to applications for the renewal of license, transfer of control and assignment of license or construction permits; and exercises responsibility for maintaining the enforcement of applicable statutes, the rules, regulations and orders of the Commission insofar as they relate to broadcast stations.

4. Add section 0.16.

SEC. 0.16 *Hearing Division.* The Hearing Division is responsible for all functions indicated in the statement contained in section 0.11, insofar as such functions pertain to applications which have been designated for hearing and other proceedings pursuant to sections 312 and 316 of the Communications Act of 1934, as amended.

[F. R. Doc. 58-2935; Filed, Apr. 18, 1958; 8:54 a. m.]

[Docket Nos. 12107, 12222; FCC 58M-391]

RIVERSIDE CHURCH IN CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In the matter of The Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Company, Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

Pursuant to a pre-hearing conference in the above-entitled proceeding held on April 14, 1958, in the offices of this Commission, Washington, D. C.: *It is ordered,* That the hearing in the said proceeding is scheduled to be held at 10:00 o'clock a. m., on Tuesday, June 17, 1958, in the offices of this Commission, Washington, D. C.

Released: April 16, 1958.

Dated: April 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2936; Filed, Apr. 18, 1958; 8:54 a. m.]

[Docket No. 12167; FCC 58M-388]

CAPITOL BROADCASTING CO. (WJTV)

ORDER CONTINUING HEARING

In re modification of construction permit of Capitol Broadcasting Company (WJTV), Jackson Mississippi, Docket No. 12167; Pursuant to section 316 of the Communications Act of 1934, as amended.

The Hearing Examiner having under consideration a "Motion for Continuance" filed April 11, 1958, by Capitol Broadcasting Company (WJTV), requesting that the hearing session presently scheduled for April 18, 1958, be continued to a date thirty days after action by the U. S. Court of Appeals in Cases Nos. 14,034 and 14,162, now pending before that Court; and

It appearing that the other parties to the proceeding have indicated that they will interpose no objection to a grant of the relief requested, and will consent to a waiver of § 1.43 of the rules in order that the motion will receive immediate consideration; and

It further appearing that good cause for granting the motion has been shown.

It is ordered, This 15th day of April 1958, that the motion is granted, and the hearing is accordingly continued to a date thirty days after action by the U. S. Court of Appeals as above noted, and that a further hearing order specifying exactly the date will hereinafter be published.

Released: April 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2937; Filed, Apr. 18, 1958; 8:54 a. m.]

[Docket No. 12237 etc.; FCC 58M-383]

OKLAHOMA TELEVISION CORP. ET AL.

ORDER CONTINUING FURTHER PREHEARING CONFERENCE

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; William G. Aly, Richard J. Carrere, Frank B. Ellis, George C. Foltz, George E. Martin, Joseph A. Paretti, Chalin O. Perez, John E. Pottharst, and William H. Saunders, Jr., d/b as Coastal Television Company, New Orleans, Louisiana, Docket No. 12289, File No. BPCT-2430; for construction permits for new television broadcast stations (Channel 12); Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT-4679; for modification of construction permit (From Channel 20 to Channel 12).

Pursuant to agreements reached by all parties as shown by the transcript record of the further prehearing conference held on this date,

It is ordered, This 14th day of April 1958, that the further prehearing conference in this proceeding now scheduled on April 24, 1958, is continued to 10:00 a. m., on Monday, May 5, 1958.

Released: April 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2938; Filed, Apr. 18, 1958; 8:54 a. m.]

[Docket Nos. 12310—12312; FCC 58M-389]

ENTERTAINMENT SERVICE, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Entertainment Service, Inc., Solvay, New York, Docket No. 12310, File No. BP-10988; Joseph A. Marturano and Philip S. Marturano d/b as Rome Community Broadcasting Company, Rome, New York, Docket No. 12311, File No. BP-11262; James A. McKechnie, North Syracuse, New York, Docket No. 12312, File No. BP-11329; for construction permits.

In accordance with agreement of counsel reached at the prehearing conference held in the above-entitled proceeding on April 14, 1958, and for good cause shown, (1) the prehearing conference is adjourned to be reconvened on June 10, 1958, and (2) the hearing presently scheduled for April 15, 1958, is hereby continued until June 17, 1958, at 10:00 a. m., in Washington, D. C.

Released: April 16, 1958.

Dated, this 14th day of April 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2939; Filed, Apr. 18, 1958; 8:54 a. m.]

[Docket No. 12326; FCC 58M-392]

HARDIN COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING AND SCHEDULING FURTHER PREHEARING CONFERENCE

In re application of Harvard C. Bailes and Val D. Hickman d/b as The Hardin County Broadcasting Company, Silsbee, Texas; Docket No. 12326, File No. BP-11166; for construction permit.

Pursuant to a pre-hearing conference held this date and with the concurrence of all counsel in the above-entitled proceeding: *It is ordered,* This 15th day of April 1958, that the hearing herein now scheduled for April 30, 1958, be, and the same is hereby, continued without date and a further pre-hearing conference will be held on May 14, 1958, at 10 o'clock a. m., in the Commission's offices, Washington, D. C.

Released: April 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2940; Filed, Apr. 18, 1958; 8:54 a. m.]

[Docket No. 12342; FCC 58M-380]

CENTURY RADIO CORP.

ORDER RESCHEDULING HEARING

In re application of Century Radio Corporation, Baldwinsville, New York, Docket No. 12342, File No. BP-11728; for construction permit.

It is ordered, This 14th day of April 1958, that the prehearing conference in the above-entitled matter heretofore scheduled to commence on April 22, 1958, is cancelled, and

It is further ordered, That hearing in the above-entitled matter heretofore scheduled for May 12, 1958, is hereby rescheduled to commence at 10:00 a. m., April 23, 1958, in the Commission's offices in Washington, D. C.

Released: April 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-2941; Filed, Apr. 18, 1958; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8960, 9024]

PAN AMERICAN WORLD AIRWAYS, INC. AND NORTHWEST AIRLINES, INC.; PACIFIC NORTHWEST-HAWAII RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Pan American World Airways, Inc. under section 401 of the Civil Aeronautics Act, as amended, for amendment of its certificate of public convenience and necessity to engage in air transportation between the Pacific Northwest and Honolulu.

In the matter of the application of Northwest Airlines, Inc. for amendment of its certificate of public convenience and necessity to engage in air transportation between the Pacific Northwest and Honolulu.

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on May 1, 1958, at 10:00 a. m., e. d. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., April 14, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2889; Filed, Apr. 18, 1958; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2651]

GLEN ROSE GASOLINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 15, 1958.

Take notice that Glen Rose Gasoline Company (Applicant), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed on September 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render the service hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of its lease in Rodessa Field, Caddo Parish, Louisiana, to Arkansas Louisiana Gas Company for resale. Liquid hydrocarbons are to be extracted from the casinghead gas at Arkansas Louisiana gasoline plant. Applicant is to be paid a specified percentage of the proceeds of such liquid extraction. Applicant is to be paid a price of 3 cents per Mcf for an estimated daily quantity of 730 Mcf per day of dry residue gas from the tailgate of the gasoline plant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission rules of practice and procedure, a hearing will be held on May 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 5, 1958. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2898; Filed, Apr. 18, 1958; 8:49 a. m.]

[Docket No. 9291, etc.]

SINCLAIR OIL & GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS

APRIL 15, 1958.

In the matters of Sinclair Oil & Gas Company, Docket Nos. G-9291, G-9292; Sinclair Oil & Gas Company et al., Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293, G-11343, G-11344, G-11345, G-13500, G-13507, G-13773, G-13981, G-14056, G-14060 and G-14106.

On March 17, 1958, Sinclair Oil & Gas Company (Sinclair) filed a motion with the Commission requesting the consolidation of certain docketed proceedings additional to those previously consolidated for purposes of hearing in the above-designated proceedings. The motion seeks the consolidation on the ground that all pending proceedings presently subject to refund or suspended for those sales which were being made by Sinclair during 1955, the test year used by the staff herein, might conveniently be heard and considered at the same time. The dockets sought to be consolidated are: Nos. 13500, G-13507 (except insofar as pertains to Rate Schedule No. 107), G-13773, G-13981 (except insofar as pertains to Rate Schedule No. 83), G-14056, G-14060 (except insofar as pertains to Rate Schedule No. 92), and G-14105.

Some of the dockets sought to be consolidated (i. e., G-13500, G-13507, G-14105) concern sales made pursuant to rate schedules similar to those previously consolidated in Docket Nos. G-11343, G-11344, and G-11345, and pertain to sales of gas made for part of the year 1955 by American Republics Corporation.

No objection has been received relative to this motion to consolidate filed by Sinclair on March 17, 1958.

The Commission finds: It is appropriate in the public interest and necessary to aid in the administration of the Natural Gas Act and good cause exists to consolidate the proceedings in Docket Nos. G-13500, G-13507 (except insofar as pertains to Rate Schedule No. 107), G-13773, G-13981 (except insofar as pertains to Rate Schedule No. 83), G-14056, G-14060 (except insofar as pertains to Rate Schedule No. 92), and G-14105, with the aforesaid captioned dockets.

The Commission orders:

(A) The proceedings in Docket Nos. G-13500, G-13507 (except insofar as pertains to Rate Schedule No. 107), G-13773, G-13981 (except insofar as pertains to Rate Schedule No. 83), G-14056, G-14060 (except insofar as pertains to Rate Schedule No. 92), and G-14105, are hereby consolidated for the purposes of hearing with the proceedings heretofore consolidated; such consolidation shall not affect or modify any procedures for presentation of evidence heretofore prescribed in these consolidated proceedings.

(B) The date for further hearing in the previously consolidated dockets and those hereby consolidated shall be set by notice from the Secretary of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2899; Filed, Apr. 18, 1958; 8:50 a. m.]

[Docket Nos. G-14780, G-14781]

HOPE NATURAL GAS CO. AND EQUITABLE GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 15, 1958.

Take notice that Hope Natural Gas Company (Hope), a West Virginia corporation with its principal place of business in Clarksburg, West Virginia, and Equitable Gas Company (Equitable), a Pennsylvania corporation, with its principal place of business in Pittsburgh, Pennsylvania, hereinafter referred to collectively as "Applicants," filed companion applications in Docket Nos. G-14780 and G-14781, respectively, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the short-term sale and delivery of natural gas on an exchange basis, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Equitable seeks authority to sell and deliver up to 1,530,000 Mcf (14.73 psia) of natural gas to Hope through an existing interconnection of facilities in Marion County, West Virginia, during the period of June 1, 1958, to October 31, 1958.

Hope seeks authority to sell and deliver up to 1,530,000 Mcf (14.73 psia) of natural gas to Equitable through an existing interconnection in Lewis County, West Virginia, during the period November 1, 1958, to March 31, 1959.

The companion applications state that during warm weather Equitable usually has an excess of gas, whereas in cold weather it usually requires more gas than is normally available to it. By selling the excess to Hope in warm weather and purchasing equivalent volumes in cold weather, Equitable states that it will be able to maintain a higher deliverability from its storage fields than it normally could, and thus meet deficiencies that would otherwise occur in the latter part of the winter. Hope states that it is able to absorb Equitable's excess gas in the warm period through use of its more extensive storage facilities and possible cutbacks on its local production and purchases, if necessary. Thus, the applications state, Equitable will be able to make use of Hope's facilities and Hope, in turn, benefits through its cold weather sales to Equitable.

Concurrently with the companion applications, Equitable filed its Rate Schedule S-1 and a service agreement thereunder, and Hope filed a service agreement with Equitable for service under its existing Rate Schedule H-1B, covering the proposed services.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2900; Filed, Apr. 18, 1958; 8:50 a. m.]

[Docket No. G-14858]

MONSANTO CHEMICAL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 15, 1958.

Monsanto Chemical Company (Monsanto) on March 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 1 to Monsanto's FPC Gas Rate Schedule No. 17.

Effective date: April 21, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Monsanto merely cites the contract provision therefor and submits a copy of a letter from Consolidated Gas Utilities Corporation agreeing to pay the increased price subject to the Commission's approval.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Monsanto's FPC Gas Rate Schedule No. 17 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Monsanto's FPC Gas Rate Schedule No. 17.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 21, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2901; Filed, Apr. 18, 1958; 8:50 a. m.]

[Docket No. G-14859]

EDWIN L. COX ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 15, 1958.

Edwin L. Cox (Operator), et al. (Cox), on March 21, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated March 1, 1958. (2) Supplemental Agreement,[1] dated March 1, 1958. (3) Notice of Change, dated March 17, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: (1) Supplement No. 3 to Cox's FPC Gas Rate Schedule No. 4. (2) Supplement No. 4 to Cox's FPC Gas Rate Schedule No. 4. (3) Supplement No. 5 to Cox's FPC Gas Rate Schedule No. 4.

Effective date: April 21, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Cox cites the supplemental agreements providing for the increased price, and contends that the initial price was dictated to sellers by buyer because of sellers' very small reserves in the field. Cox states additionally that the 12.0 cents per Mcf rate established by arbitration is a fair, just and reasonable price, and suspension of the increased rate would deprive seller of his contractual rights since the small amounts involved would not justify preparation of the type of cost support required by the Commission.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 3, 4 and 5 to Cox's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 3, 4 and 5 to Cox's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 21, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2902; Filed, Apr. 18, 1958; 8:50 a. m.]

[Docket No. G-14860]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 15, 1958.

Sinclair Oil & Gas Company (Sinclair) on March 21, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 14, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 139.

Effective date: April 21, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed two-step periodic rate increase, Sinclair cites the contract provisions and The Texas Company's proposed increase to 16.4 cents per Mcf for its portion of the gas. Sinclair also states that the increased price will not result in an excessive rate of return to applicant.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 139 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 139.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 21, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2903; Filed, Apr. 18, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2410]

SALESOLOGY, INC.

ORDER CHANGING DATE OF HEARING

APRIL 15, 1958.

The Commission by order dated April 7, 1958, having ordered a hearing in the above entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 261 thereunder and said hearing being now scheduled to commence on May 13, 1958 at 10:00 a. m., in the Grand Jury Room, Third Floor,

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[1] Parties agree to renegotiated increase in base rate from 9.8262 cents to 12.0 cents per Mcf.

U. S. Courthouse, 230 North First Avenue, Phoenix, Arizona, and Counsel for Salesology, Inc. and for the Division of Corporation Finance having agreed that the hearing date be changed to May 5, 1958,

It is ordered, That the hearing scheduled to commence on May 13, 1958 be and hereby is changed to commence May 5, 1958, at 10:00 a. m., in the Grand Jury Room, Third Floor, U. S. Courthouse, 230 North First Avenue, Phoenix, Arizona, and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2908; Filed, Apr. 18, 1958; 8:51 a. m.]

[File No. 1-130]

PARAMOUNT MOTORS CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 14, 1958.

In the matter of Paramount Motors Corporation, capital stock; File No. 1-130.

American stock exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Of the 259,110 total shares, 108,741 are stated to be held in the company's treasury and 144,195 are stated to be owned by 5 individuals affiliated with the company's management, leaving only 6,174 shares publicly held and making inadvisable further dealings therein on the Exchange.

Upon receipt of a request, on or before April 30, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2909; Filed, Apr. 18, 1958; 8:57 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

SECRETARY TO DIRECTOR OF OFFICE SERVICES BRANCH

DELEGATIONS OF FINAL AUTHORITY

Section II, Delegations of Final Authority, is amended as follows: Effective February 4, 1958, paragraph E6 is amended by adding to the list of Central Office officials designated therein the "Secretary to the Director of the Office Services Branch."

Date approved: April 11, 1958.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 58-2907; Filed, Apr. 18, 1958; 8:51 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 10 (Rev. 3)]

DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority vested in the Administrator by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), Reorganization Plan No. 2 of 1954, dated April 29, 1954, effective June 30, 1954 (83d Cong., 2d Sess.), relating to the transfer of functions from the Reconstruction Finance Corporation to the Small Business Administration in connection with loans made by said Reconstruction Finance Corporation to victims of floods or other catastrophes, Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective June 30, 1957 (85th Cong., 1st Sess.), and the Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (pursuant to section 4 of the Fish & Wildlife Act of 1956, 70 Stat. 1119, 1121), relating to the operation of the Fisheries Loan Fund, there is hereby delegated to the Deputy Administrator for Financial Assistance the authority:

A. *Specific.* 1. To approve or decline business and disaster loan applications, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations in loans that: (a) have, or (b) have not been fully disbursed.

3. To determine eligibility of loan applicants within the framework of prior determinations.

4. To accept for processing disaster loan applications received after expiration of the six months disaster period.

5. To approve or decline deferment until final maturity of a loan any installment of principal due on such loan within one month of final disbursement of such loan.

6. To declare disaster areas in order to carry out the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, if such action is necessary during any period when the Administrator is in leave or travel status.

7. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of partially or fully disbursed loans, other obligations and acquired property but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

c. To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

d. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation agreement.

8. To authorize or approve his (a) personal travel and (b) the travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

9. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

10. To authorize expenditures for registration fees not in excess of $25.00 for each registration.

B. *Correspondence.* To sign all correspondence, except correspondence addressed to Members of Congress, relating to the financial assistance program.

II. The specific authority delegated in subsection I. A. 6. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Financial Assistance.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Financial Assistance (Delegation of Authority No. 10 (Revision 2) as amended, 22 F. R. 9846, 23 F. R. 280) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Dated: April 1, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2910; Filed, Apr. 18, 1958; 8:52 a. m.]

[Delegation of Authority 10-1 (Rev. 2)]

DIRECTOR, OFFICE OF FINANCIAL ASSISTANCE

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority vested in the Deputy Administrator for Financial Assistance by the Administrator by Delegation of Authority No. 10 (Revision 3), dated April 1, 1958, there is hereby redelegated to the Director, Office of Financial Assistance the following authority:

A. *Specific.* 1. To approve or decline business and disaster loan applications, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations for loans that: (a) have, or (b) have not been fully disbursed.

3. To determine eligibility of loan applicants, within the framework of prior determinations.

4. To accept for processing disaster loan applications received after expiration of the six months disaster period.

5. To approve or decline deferment until final maturity of a loan any installment of principal due on such loan within one month of final disbursement of such loan.

6. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of partially or fully disbursed loans, other obligations and acquired property but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

c. To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

d. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation agreement.

7. To authorize or approve his (a) personal travel and (b) the travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

8. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

9. To authorize expenditures for registration fees not in excess of $25.00 for each registration.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Office of Financial Assistance.

II. The specific authority delegated in subsections I. A. 7 and 8 (b) and (c), and 9 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Financial Assistance.

IV. All previous authority delegated by the Deputy Administrator for Financial Assistance to the Director, Office of Financial Assistance (Delegation of Authority No. 10-1 (Revision 1) 22 F. R. 9847, 23 F. R. 280), is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Dated: April 1, 1958.

ALBERT C. KELLY,
Deputy Administrator for
Financial Assistance.

[F. R. Doc. 58-2911; Filed, Apr. 18, 1958; 8:52 a. m.]

[Delegation of Authority 10-6 (Rev. 1)]

CHIEF, LOAN SERVICING DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Director, Office of Financial Assistance, by Delegation of Authority No. 10-1, Revision 2 dated April 1, 1958, there is hereby redelegated to the Chief, Loan Servicing Division, the following authority:

A. *Specific.* 1. To approve amendments of loan authorizations for loans that have been fully disbursed.

2. To take all necessary actions in connection with the servicing, administration, collection and liquidation of partially or fully disbursed loans, other obligations and acquired property but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

c. To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

d. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation agreement.

e. To approve or decline deferment until final maturity of a loan any installment of principal due on such loan within one month of final disbursement of such loan.

f. To release insurance funds representing loss or damage to property securing an indebtedness owed to SBA: *Provided however,* That the Chief, Loan Servicing Division, may release such insurance funds if the proceeds are to be used to repair or replace the property securing an indebtedness or are applied on the indebtedness.

g. To designate proxies to vote at stockholders' meeting with respect to stock held as collateral and to determine the manner in which such stock shall be voted.

h. To approve the purchase of SBA's agreed portion of a participation loan.

i. To approve repurchase of an RFC loan sold under repurchase agreement.

j. To approve a sale to a financial institution of SBA's portion of a participation loan.

k. To approve chargeoff of sums exceeding $10,000 owed to SBA.

l. To approve acceleration of maturity of a note evidencing an indebtedness, and suit against debtors, guarantors and/or endorsers, when the amount of such indebtedness exceeds $25,000.

3. To approve sick and annual leave for employees under his supervision.

B. *Correspondence.* To sign nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Loan Servicing Division.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Servicing Division.

IV. All previous authority delegated to the Chief, Loan Servicing Division (Delegation of Authority No. 10-6, 22 F. R. 9849), is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Dated: April 1, 1958.

JOHN R. KEENER,
Director,
Office of Financial Assistance.

[F. R. Doc. 58-2912; Filed, Apr. 18, 1958; 8:52 a. m.]

[Delegation of Authority 30-V-11]

MANAGER, DISASTER FIELD OFFICE, JACKSON, MISS.

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F. R. 5811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Manager of the Disaster Loan Office, Jackson, Mississippi, the following authority:

A. *Specific.* 1. To approve or decline disaster loans in an amount not exceeding $50,000.

B. *Correspondence.* 1. To sign all non-policy making correspondence, except Congressional correspondence, relating to the functions of the Disaster Field Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Disaster Field Office.

IV. All previous authority delegated to the Manager of the Jackson, Mississippi, Disaster Field Office is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: March 24, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Region V.

[F. R. Doc. 58-2913; Filed, Apr. 18, 1958; 8:52 a. m.]

[Declaration of Disaster Area 183]

CALIFORNIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the months of February, March and April, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Los Angeles and Ventura (heavy rainfall commencing on or about Feb. 24 and flooding commencing during the week of Mar. 31, 1958).

Office: Small Business Administration Regional Office, Ohrbach Building, 312 West Fifth Street, Los Angeles 13, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1958.

Dated: April 7, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2914; Filed, Apr. 18, 1958; 8:52 a. m.]

[Declaration of Disaster Area 184]

CALIFORNIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the months of February, March and April, 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Contra Costa, San Joaquin, Santa Clara, San Mateo, and Marin (torrential rains beginning on or about February 24 and floods subsequently resulting therefrom).

Office: Small Business Administration Regional Office, 40 Davis Street, San Francisco 11, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1958.

Dated: April 9, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2915; Filed, Apr. 18, 1958; 8:52 a. m.]

[Declaration of Disaster Area 185]

ILLINOIS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month April 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Clinton and Franklin (tornadoes occurring on or about April 5, 1958).

Offices: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo. Small Business Administration Branch Office, 630 New Federal Building, 1114 Market Street, St. Louis 1, Mo.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1958.

Dated: April 10, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2916; Filed, Apr. 18, 1958; 8:53 a. m.]

TARIFF COMMISSION

[Investigation 67]

CERTAIN MACHINE-WOVEN PILE FLOOR COVERINGS

BROADENING OF INVESTIGATION

On January 30, 1958, the United States Tariff Commission issued public notice of the institution of an investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, with respect to Wilton and velvet floor coverings classifiable under paragraph 1117 (a) of the Tariff Act of 1930 and scheduled a public hearing in connection therewith for June 10, 1958 (23 F. R. 730; February 6, 1958, issue of Treasury Decisions). The investigation was instituted upon application of the Carpet Institute, Inc., New York, N. Y.

On April 15, 1958, applicants filed an amendment of the application to reflect a change of name of applicants from "Carpet Institute, Inc.," to "American Carpet Institute, Inc." and to extend the original application to cover all floor coverings provided for in paragraph 1117 (a) of the Tariff Act of 1930, except Axminster carpets, rugs, and mats, and carpets, rugs, and mats like in character or description to Axminsters. On April 16, 1958, the Tariff Commission accepted the amendment and broadened Investigation No. 67 so that its purposes will be to determine whether Wilton carpets, rugs, and mats; Brussels carpets, rugs, and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats of like character and description; all the foregoing classifiable under paragraph 1117 (a) of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Date of hearing not changed. The public hearing set for June 10, 1958, will be held as scheduled, but appropriately broadened in scope in view of the broadened investigation. The hearing will begin on the specified date at 10 a. m., e. d. s. t., in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing. Parties who have heretofore entered an appearance need not reenter an appearance because of the broadened investigation.

Inspection of application as amended. The original application filed in this case and the amendment filed April 15, 1958, are available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and at the New York office of the Tariff Commission located in Room 437 of the Custom House, where they may be read and copied by persons interested.

Issued: April 16, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-2942; Filed, Apr. 18, 1958; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Niagara Apparel Co., Inc., 77 Swan Street, Buffalo, N. Y.; effective 4-7-58 to 4-6-59 (juniors', boys', and men's woven and knitted outerwear).

Reliance Manufacturing Co., Adams & Commercial, Lebanon, Mo.; effective 4-7-58 to 4-6-59 (overalls and dungarees).

Salant & Salant, Inc., South First Street, Union City, Tenn.; effective 4-13-58 to 4-12-59 (boys' and men's cotton work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Burlington Manufacturing Co., Concordia, Mo.; effective 4-19-58 to 4-18-59; 10 learners (pants, shirts, jackets).

Matawan Undergarment Co., Inc., 26 Wayne Street, Jersey City, N. J.; effective 4-13-58 to 4-12-59; eight learners (children's underwear).

Monroe Garment Co., Southerland Avenue, Monroe, N. C.; effective 4-4-58 to 4-3-59; 10 learners (men's and boys' cotton work shirts).

National Sportswear Co., 139 Main Street, Reedsburg, Wis.; effective 4-4-58 to 4-3-59; 10 learners (blouses for women).

Randy's Sportswear, Inc., 315 West Chestnut Street, Denison, Tex.; effective 4-8-58 to 4-7-59; 10 learners (infants' and children's wear).

Russell Williams Co., 418-28 West Mahanoy Avenue, Mahanoy, Pa.; effective 4-4-58 to 4-3-59; 10 learners (ladies' and misses' dresses; ladies', misses' and children's quilted robes).

The following certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Coalgate, Okla.; effective 4-14-58 to 10-13-58; 60 learners (men's and boys' work pants).

Standard Romper Co., Inc., Brunswick, Maine; effective 4-4-58 to 10-3-58; 30 learners (boys' shirts, pants).

Standard Romper Co., Inc., 335 Forest Avenue, Portland, Maine; effective 4-4-58 to 10-3-58; 25 learners (children's outer garments).

Sustan Garments, Inc., Winnsboro, La.; effective 4-1-58 to 9-30-58; 35 learners (sportswear and other odd outerwear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Clausner Hosiery Co., Plant No. 2 Seamless Div., 30th and Adams Street, Paducah, Ky.; effective 4-7-58 to 10-6-58; 20 learners for plant expansion purposes (seamless).

Lawler Hosiery Mills, Inc., 301 Bradley Street, Carrollton, Ga.; effective 4-2-58 to 4-1-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Green Cove Springs Hosiery Co., Inc., Green Cove Springs, Fla.; effective 4-26-58 to 4-25-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Villa Rica Hosiery Mills, Villa Rica, Ga.; effective 4-18-58 to 4-17-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

William Caplin Plant, Seamprufe, Inc., Holdenville, Okla.; effective 4-7-58 to 4-6-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 4-1-58 to 3-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear, slips).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; effective 4-26-58 to 4-25-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear, slips, nightgowns, panties).

Standard Romper Co., Inc., Building No. 7, 200 Conant Street, Pawtucket, R. I.; effective 4-1-58 to 9-30-58; 50 learners for plant expansion purposes (children's outer garments).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Diaper Jeans, Inc., 315 West Chestnut Street, Denison, Tex.; effective 4-8-58 to 4-7-59; five learners for normal labor turnover purposes (infants' pre-walker shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Modern Embroidery Co., Salemburg, N. C.; effective 4-1-58 to 9-30-58; 20 learners for expansion purposes, in the occupation of sewing machine operator, for a learning period of 320 hours at the rate of at least 85 cents an hour for the first 160 hours, and not less than 90 cents an hour for the remaining 160 hours (embroidered pieces for trim on dresses).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Atlas Products Corp., P. O. Box 141, Toa Alta, P. R.; effective 3-21-58 to [illegible]; authorizing the employment of 8 learners for normal labor turnover purposes, in the occupation of machine stitching for a learning period of 480 hours at the rates of [illegible] cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (replacement certificate) (leather work gloves).

Barry Corp., 2328 Borinquen Avenue, Santurce, P. R.; effective 3-21-58 to [illegible]; authorizing the employment of 20 learners for plant expansion purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (fabric gloves).

The Carib Co., Inc., P. O. Box 277, Aibonito, P. R.; effective 3-21-58 to 11-21-58; authorizing the employment of 15 learners for normal labor turnover purposes, in the occupation of machine stitching and laying off of women's gloves, for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (replacement certificate) (women's gloves).

Glamourette Fashion Mills, Inc., P. O. Box 737, Quebradillas, P. R.; effective 3-10-58 to 3-9-59; authorizing the employment of [illegible] learners for normal labor turnover purposes, in the occupations of (1) knitting, topping, looping, for a learning period of 480 hours each, at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, finishers doing work involving hand sewing, for a learning period of 320 hours each, at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours; (3) winders, for a learning period of 240 hours at the rate of 68 cents an hour (full-fashioned sweaters).

Jaress Corp., P. O. Box 2535, Rio Piedras, P. R.; effective 3-10-58 to 9-9-58; authorizing the employment of 30 learners for plant expansion purposes in the occupations of metal stamping, drilling and shearing, and soldering, silver brazing, quality control inspectors, for a learning period of 480 hours each, at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (spare parts for aircraft).

Knitco, Inc., P. O. Box 99, Toa Alta, P. R.; effective 3-17-58 to 9-16-58; authorizing the employment of 26 learners for plant expansion purposes in the occupations of (1) knitters, loopers, and toppers, for a learning period of 480 hours each, at the rates of [illegible] cents an hour for the first 240 hours and [illegible] cents an hour for the remaining 240 hours; (2) machine stitchers, menders, and pressers, for a learning period of 320 hours each, at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours (sweaters).

Marita Mills, Inc., P. O. Box 378, Toa Baja, P. R.; effective 3-13-58 to 3-12-59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupations of (1) knitting, topping, and looping, for a learning period of 480 hours each, at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; (2) machine stitching, hand sewing, and pressing, for a learning period of 320 hours each, at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours; (3) winding, for a learning period of 240 hours at the rate of 68 cents an hour (knitted full-fashioned sweaters).

Overseas Sports Co., Inc., P. O. Box 3226, Marina Station, Mayaguez, P. R.; effective 3-21-58 to 9-20-58; authorizing the employment of 75 learners for plant expansion purposes in the occupation of handsewing of baseballs and softballs, for a learning period of 320 hours at the rates of 45 cents an hour for the first 160 hours and 51 cents an hour for the remaining 160 hours (baseballs and softballs).

[illegible] Glove Corp., P. O. Box 1097, Cayey, P. R.; effective 3-21-58 to 5-5-58; authorizing the employment of 18 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (replacement certificate) (fabric and leather gloves).

Sanrico Sportswear Corp., P. O. Box 249, Hato Rey, P. R.; effective 3-24-58 to 5-14-58; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of, sewing machine operators, and final pressers, for a learning period of 480 hours each at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (replacement certificate) (skirts, slacks, and shorts).

Sanrico Sportswear Corp., P. O. Box 249, Hato Rey, P. R.; effective 3-24-58 to 9-23-58; authorizing the employment of 15 learners for plant expansion purposes in the occupations of sewing machine operators, and final pressers, for a learning period of 480 hours each at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (skirts, slacks, and shorts).

West Manufacturing Corp., Concordia Street, Mayaguez, P. R.; effective 3-11-58 to [illegible]; authorizing the employment of 5 learners for plant expansion purposes, in the occupation of final inspectors for a learning period of 160 hours at the rate of 54 cents an hour (supplementary certificate) (automobile seat covers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 522 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 10th day of April 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-2897; Filed, Apr. 18, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 16, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34609: *Peaches—Southern points to trunk-line and New England territories.* Filed by O. W. South, Jr., Agent (SFA No. A3644), for interested rail carriers. Rates on peaches, fresh, carloads from specified points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee to specified points in District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariff: Supplement 53 to Southern Freight Association, Agent, tariff I. C. C. 1277.

FSA No. 34610: *Cement and cement clinker between points within official territory.* Filed by O. E. Schultz, Agent (ER No. 2433), for interested rail carriers. Rates on cement, masonry, mortar, natural, hydraulic or portland, and tile grout, carloads, also cement clinker, carloads from specified points in Maine, Maryland, New York, Pennsylvania, Virginia, and West Virginia to points in trunk-line and New England territories.

Grounds for relief: Short-line distance formulas, grouping, and trunk competition.

Tariffs: Supplement 16 to Baltimore and Ohio Railroad Company's tariff I. C. C. 24338, and supplements to other individual lines and agency tariffs listed in exhibit 1 to the application.

FSA No. 34611: *Peaches—Florida and South Carolina to the east.* Filed by O. W. South, Jr., Agent (SFA No. A3642), for interested rail carriers. Rates on peaches, fresh (not cold-packed nor frozen), carloads from specified points in Florida and South Carolina to specified points in the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula, and grouping.

Tariff: Supplement 53 to Southern Freight Association, Agent, tariff I. C. C. 1277.

FSA No. 34612: *Vegetable oils—Western and northern points to southern points.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1974), for interested rail carriers. Rates on vegetable oils and related articles, liquid or solidified, also foots or sediments, in packages, carloads, and tank-car loads from points in western trunk-line and Illinois Territory to points in southern territory.

Grounds for relief: Short-line distance formula, grouping, and market competition.

Tariffs: Supplement 25 to Western Trunk Line Committee, Agent, tariff I. C. C. A-4207, and supplement 1 to Illinois Freight Association, Agent, tariff I. C. C. 899.

FSA No. 34613: *Peaches—Florida to points in central and Illinois territories.* Filed by O. W. South, Jr., Agent (SFA No. A3640), for interested rail carriers. Rates on peaches, fresh, carloads from specified points in north Florida to specified points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula, and grouping.

Tariffs: Supplement 381 to Traffic Executive Association—Eastern Railroads, Agent, tariff I. C. C. 3636, and supplement 454 to Illinois Freight Association, Agent, tariff I. C. C. 485.

FSA No. 34614: *Peaches—Southern points to points in central and Illinois territories.* Filed by O. W. South, Jr., Agent (SFA No. A3641), for interested rail carriers. Rates on peaches, fresh (not cold-packed or frozen), carloads from specified points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee to specified points in central and Illinois territories in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariffs: Supplement 381 to Traffic Executive Association—Eastern Railroads, Agent, tariff I. C. C. 3636, and supplement 454 to Illinois Freight Association, Agent, tariff I. C. C. 485.

FSA No. 34615: *Peaches—Southern points to points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3643), for interested rail carriers. Rates on peaches, fresh, carloads from specified base points in southern territory in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee to all base points in southern territory, also Helena, Ark., and Ohio River crossings, and points grouped with such base points in the National Rate Basis Tariff, as described in the application.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariff: Supplement 35 to Southern Freight Association, Agent, tariff I. C. C. 1613.

FSA No. 34616: *Plywood—Georgia points to points in Oklahoma and Texas.* Filed by O. W. South, Jr., Agent (FSA No. A3645), for interested rail carriers. Rates on captivo plywood, carloads from Savannah and Port Wentworth, Ga., to Oklahoma City and Tulsa, Okla., Fort Worth, Houston, and Tyler, Tex.

Grounds for relief: Modified short-line distance formula, and grouping.

Tariff: Supplement 98 to Southern Freight Association, Agent, Tariff I. C. C. 1269.

FSA No. 34617: *Coke and products—Alabama and Tennessee points to East*

St. Louis, Ill. Filed by O. W. South, Jr., Agent (SFA No. A3646), for interested rail carriers. Rates on coke, coke breeze, coke dust, and coke screenings (the direct products of coal), straight or mixed carloads from Alabama City, Birmingham, Ala., and other specified points in Alabama, and Chattanooga, Tenn., to East St. Louis, Ill.

Grounds for relief: Market competition with official territory producing points.

Tariff: Supplement 90 to Southern Freight Association, Agent, tariff I. C. C. 1370.

FSA No. 34618: *Caustic potash—New York and West Virginia to Illinois points.* Filed by O. E. Schultz, Agent (ER No. 2432), for interested rail carriers. Rates on liquid caustic potash, tank-car loads from specified points in New York and West Virginia to Chicago, Chicago Heights, and Joliet, Ill.

Grounds for relief: Market competition with Calvert, Ky.

Tariffs: Supplement 48 to Traffic Executive Association—Eastern Railroads, Agent, tariff I. C. C. A-1116, and supplements to individual lines' tariffs listed in the application.

FSA No. 34619: *Gravel—Attica, Ind., to Sadorus, Ill.* Filed by Illinois Freight Association, Agent (IFA No. 12), for interested rail carriers. Rates on gravel, traffic bound, carloads, as more fully described in the application from Attica, Ind., to Sadorus, Ill.

Grounds for relief: Motor-truck competition from wayside pit to jobsite.

Tariff: Supplement 5 to Wabash Railroad Company tariff I. C. C. 7844.

FSA No. 34620: *Substituted service—Motor and rail—Chicago Great Western.* Filed by Middlewest Motor Freight Bureau, Agent (No. 106), for interested carriers. Rates on freight of various kinds, loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Des Moines, Iowa, on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 73 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2922; Filed, Apr. 18, 1958; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JULIA ROTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Julia Roth, Berlin, Niederschoenhausen, Wilhelm, Wolfstr. 32, Germany; $100.00 in the Treasury of the United States.

Vesting Order No. 4234; Claim No. [illegible]

Executed at Washington, D. C., on April 14, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-2930; Filed, Apr. 18, 1958; 8:54 a. m.]

WILHELM KARL WINTERHALDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wilhelm Karl Winterhalder, Leverkusen-Bayerwerk, Germany; $595.70 in the Treasury of the United States.

Vesting Order No. 11625; Claim No. [illegible]

Executed at Washington, D. C., on April 14, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-2931; Filed, Apr. 18, 1958; 8:54 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 23 NUMBER 79

Washington, Tuesday, April 22, 1958

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

MARITIME CLAIMS

1. Section 536.45 is revised to read as follows:

§ 536.45 *Maritime claims*—(a) *Statutory authority.* The statutory authority for this section, which is published under the direction of the Secretary of Defense, is contained in Title 10, United States Code, sections 4801–4806 for claims accruing after August 9, 1956 and in the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861–1866, 1952 ed.) for claims accruing before August 10, 1956.

(b) *Related statutes.* With respect to claims against the United States for which suits in admiralty may be brought against it under the acts mentioned below, this maritime claims settlement authorization merely supplements those acts and authorizes the administrative settlement or compromise of such claims as are within its scope. Title 28, United States Code, sections 1346, 2401, 2402; the Suits in Admiralty Act (act of March 9, 1920, 41 Stat. 525, as amended (46 U. S. C. 741 et seq.)); the Public Vessels Act (act of March 3, 1925, 43 Stat. 1112; 46 U. S. C. 781 et seq.).

(c) *Scope.* Section 1 of the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861, 1952 ed.) and section 4802 of Title 10, United States Code provide for the settlement or compromise of claims for damage to or loss of property, or personal injury or death caused by vessels of, or in the service of, the Department of the Army and compensation for towage and salvage services, including contract salvage, rendered to such vessels, where the net amount payable by the United States, as settled or compromised does not exceed $500,000.

(d) *Amounts exceeding $500,000.* Claims against the United States, settled or compromised at a net amount exceeding $500,000, are not payable hereunder, but will be investigated and processed under the regulations of this section, and, if approved by the Secretary of the Army, will be certified by him to the Congress.

(e) *Claims not payable.* A claim is not allowable under this section which:

(1) Is for damage to, or loss or destruction of, property, or for personal injury or death, resulting from action by the enemy, or by United States Armed Forces engaged in combat, or in immediate preparation for impending combat.

(2) Is for personal injury or death of members of the Armed Forces of the United States incurred incident to their service.

(3) Is for personal injury or death of civilian employees of the United States to whom the Federal Employees' Compensation Act (act of September 7, 1916, 39 Stat. 742), as amended (5 U. S. C. 751 et seq.), is applicable.

(4) Is for damage to or loss of property, or for personal injury or death, caused other than by vessels of, or in the service of, the Department of the Army.

(5) Has been made the subject of a suit by or against the United States unless the suit is dismissed when payment is made (46 U. S. C. 786).

(f) *Claims under other laws and regulations.* (1) Claims of military personnel and civilian employees of the Department of Defense and the Department of the Army for damage to or loss of personal property, occurring incident to their service, will be processed under the provisions of § 536.27.

(2) Claims which are within the scope of this section and also within the scope of § 536.26 may be processed under the provisions of that section where specific authority to do so has been obtained from The Judge Advocate General, Department of the Army.

(3) Claims of civilian crewmembers of Army vessels arising out of the war-risk benefit provisions of Transportation Corps Marine Personnel Regulations 12 (revised April 15, 1948), Transportation Corps Pamphlet No. 25–100–1, November 5, 1947, will be settled under those regulations (act of June 30, 1945, 59 Stat. 304, as amended (5 U. S. C. 946)).

(g) *Subrogation.* (1) An insurance carrier will be recognized as a claimant under this section to the extent that it

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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has become subrogated by payment to, or on behalf of its insured, pursuant to a contract of insurance in force at the time of the incident from which the claim arose. An insurance carrier and its insured may file a claim either jointly or separately. Joint claims must be asserted in the names of, and must be signed by, all parties; payment then will be made jointly. If separate claims are filed, payment to each party will be limited to the extent of such party's undisputed interest.

(2) For the purpose of determining authority to settle or compromise a claim, the payable interests of the insurance carrier (or carriers) and the insured represent merely separable interests, which interests in the aggregate must not exceed the amount authorized for administrative settlement or compromise.

(3) The policies set forth in subparagraphs (1) and (2) of this paragraph with respect to subrogation arising from insurance contracts are applicable to all other types of subrogation.

(h) *Limitation of settlement.* (1) The authority of the Secretary of the Army to effect settlement of claims under this section is subject to the same limitation as the Suits in Admiralty Act (act of March 9, 1920, 41 Stat. 525, as amended (46 U. S. C. 741 et seq.)), that is, a 2-year period from the date of the origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such period; otherwise, thereafter the cause of action ceases to exist and there is no authority to effect settlement administratively. The presentation of a claim or its consideration by the Department of the Army does not waive nor extend the 2-year limitation period.

(2) When a claim cognizable under this section or notice of intention to file such claim is received, the claimant or potential claimant will be advised by the receiving claims office of the comprehensive application of this time limit.

(i) *Delegation of authority.* Claims within the purview of this section may be disapproved if asserted in an amount not exceeding $1,000 or settled or compromised at a net amount not exceeding $1,000, by The Judge Advocate General or such other officers or persons as the Secretary of the Army may designate for that purpose.

(Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

2. Revise § 537.7 to read as follows:

§ 537.7 *Maritime claims*—(a) *Statutory authority.* The statutory authority for this section, which is published under the direction of the Secretary of Defense, is contained in Title 10, United States Code, sections 4801–4806 for claims accruing after August 9, 1956, and in the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861–1866, 1952 ed.), for claims accruing before August 10, 1956.

(b) *Scope.* (1) Section 2 of the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1862, 1952 ed.) and section 4803 of Title 10, United States Code, provide for the settlement or compromise of claims of a kind that is within the admiralty jurisdiction of a district court of the United States and of claims for damage caused by a vessel or floating object to property under the jurisdiction of the Department of the Army or property for which the Department has assumed an obligation to respond for damages, where the net amount payable to the United States does not exceed $500,000.

(2) Section 3 of the act of October 20, 1951 (65 Stat. 573; 10 U. S. C. 1863, 1952 ed.) and section 4804 of Title 10, United States Code, provide for the settlement or compromise of claims in any amount for salvage services (including towage) performed by the Department of the Army for any vessel.

(c) *Amount exceeding $500,000.* Claims in favor of the United States, except claims for salvage services, may not be settled or compromised under this section at a net amount exceeding $500,000 payable to the United States. However, all such claims otherwise within the scope of this section will be investigated and reported to The Judge Advocate General, Department of the Army.

(d) *Civil works activities.* Rights of the United States to fines or penalties created by any statute and to liens, forfeitures, or other special remedies, by virtue of the provisions of the Rivers and Harbors Act of 1899 (30 Stat. 1151, as amended (33 U. S. C. 401 et seq.)), are not dealt with in this section. However, claims in favor of the United States for money damages, which are civil in nature, arising out of civil works activities of the Corps of Engineers and otherwise within the purview of this settlement authorization, with respect to which an adequate remedy is not available to the Chief of Engineers, may be processed under this section.

(e) *Delegation of authority.* Claims under this section, except claims for salvage services, may be settled or compromised at a net amount not exceeding $1,000 by The Judge Advocate General, Department of the Army, or such other officers or persons as the Secretary of the Army may designate for that purpose.

(f) *Demands.* Demand for the payment of claims in favor of the United States under this section may be made only by The Judge Advocate General, Department of the Army, or other designees of the Secretary of the Army.

[AR 25-60, Apr. 1, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-2980; Filed, Apr. 21, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 3]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

CHANGES

Correction

In F. R. Document 58-2835, appearing in the issue for Thursday, April 17, 1958, at page 2481, make the following change:

In § 401.25, paragraph 8 (c), the last sentence should read "The Corporation reserves the right to delay the determining of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year."

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 734, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available

and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.841 (Lemon Regulation 734; 23 F. R. 2399) are hereby amended to read as follows:

(ii) District 2: 227,850 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-2985; Filed, Apr. 21, 1958; 8:51 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 4]

PART 103—SMALL BUSINESS SIZE STANDARDS

CAPACITY; PETROLEUM INDUSTRY

The Small Business Size Standards Regulation, as amended (21 F. R. 9709, 22 F. R. 2121, 2758, 3314, 4190) is hereby further amended by:

1. Adding the following new paragraph (h) to § 103.2:

§ 103.2 *Definition of terms.* * * *

(h) *Capacity.* The crude-oil capacity of a refinery represents the maximum daily average crude throughput of the plant in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

2. Adding the following new paragraph (e) to § 103.3:

§ 103.3 *Determination of small business for Government procurement.* * * *

(e) *Petroleum Refining Industry.* A small business concern in the petroleum refining industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, (3) together with its affiliates employs not more than 1,000 persons, and (4) does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

(Sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634)

Dated: April 11, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2973; Filed, Apr. 21, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2000]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES AND LICENSES

SPECIAL STIPULATIONS FOR LANDS WHERE SURFACE CONTROL IS UNDER JURISDICTION OF DEPARTMENT OF AGRICULTURE OR FOR LANDS IN RECLAMATION, OR POWER SITE WITHDRAWALS OR RESERVATIONS, OR FEDERAL WILDLIFE LANDS

Section 191.6 is revised as follows:

§ 191.6 *Special stipulations for lands where surface control is under jurisdiction of the Department of Agriculture or for lands in reclamation, or power site withdrawals or reservations, or Federal wildlife lands.* Offerors for noncompetitive oil and gas leases and applicants for permits, leases, and licenses for lands, the surface control of which is under the jurisdiction of the Department of Agriculture, will be required to consent to the inclusion therein of the stipulation on Form 4-216. Where the lands have been withdrawn for reclamation purposes the offeror or applicant will be required to consent to the inclusion of a stipulation on Form 4-467 if the land is potentially irrigable, or Form 4-467 (a) if the land is within the flow limits of a reservoir site, or Form 4-467 (b) if the land is within the drainage area of a constructed reservoir, or if withdrawn for power purposes, Form 4-1223. Where the lands have been withdrawn as Game Range Lands, Coordination Lands, or Alaska Wildlife Areas, as defined in § 192.9, the offeror or applicant will be required to consent to the inclusion of a stipulation on Form 4-1383. Additional conditions may be imposed to protect the land withdrawn if deemed necessary by the agency having jurisdiction over the surface.

(Sec. 32, 41 Stat. 450, sec. 1, 44 Stat. 301, as amended; 30 U. S. C. 189, 271)

FRED A. SEATON,
Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3025; Filed, Apr. 21, 1958; 10:57 a. m.]

[Form 4-1383]

PART 192—OIL AND GAS LEASES

LEASING OF WILDLIFE REFUGE LANDS, GAME RANGE LANDS AND COORDINATION LANDS

The following note affects § 192.9:

NOTE:

Stipulations. For inclusion in oil and gas leases entered into pursuant to § 192.9 relating to oil and gas leases in wildlife refuge, game range, and coordination lands.

Instructions. (1) The following stipulations will be made a part of Interior Department Lease Form No. 4-1158 (6th Edition of April 1957) and Lease Form No. 4-1196 (Edition of December 1954), and all revisions thereof and substitutions therefor. These stipulations will be made applicable as terms and conditions of performance by lessees under all oil and gas leases entered into under authority vested in the Secretary of the Interior over game range, coordination or Alaska Wildlife lands pursuant to the order of the Secretary of the Interior published in 23 F. R. 227, January 11, 1958, § 192.9.

(2) Should compliance with one or more of these terms and conditions be considered unduly burdensome and unnecessary to the protection of wildlife resources, the lessee may request waiver thereof by letter addressed to the Secretary of the Interior setting forth, in full, the reasons why a waiver is considered necessary. The authority to grant such waivers shall be discretionary and may be exercised only by the Secretary or the Under Secretary of the Interior.

(3) The authorized officer shall (a) approve no plan of operation that contains provisions inconsistent with the stipulations hereinafter set forth; (b) waive no term or condition in a lease; or (c) exercise no discretion vested in him unless he is satisfied the exercise of that discretion will not damage any wildlife resource.

(4) Drilling and production operations under the lease shall be under the direction of the Geological Survey.

Terms and conditions. (1) As used herein:

(a) The term "lessee" includes the lessee, heirs and assigns of the lessee and persons operating on behalf of the lessee;

(b) The term "wildlife resources" includes fish and wildlife resources and concentrations, fish and wildlife management operations and range improvements and facilities;

(c) The term "authorized officer" means the State Supervisor of the Bureau of Land Management in the State in which the land is located, and, in Alaska, the Refuge Manager of the Bureau of Sport Fisheries and Wildlife;

(2) The lessee shall:

(a) Comply with all the rules and regulations of the Secretary of the Interior;

(b) Prior to the beginning of operations, appoint and maintain at all times during the term of the lease a local agent upon whom may be served written orders or notices respecting matters contained in these stipulations and to inform the authorized officer in writing of the name and address of such agent. If a substitute agent is appointed, the lessee shall immediately inform the said representative;

(c) Conduct all authorized activities in a manner satisfactory to the authorized officer with due regard for good land management and avoid damage to improvements, timber, crops, and wildlife cover, and fill all sump holes, ditches, and other excavations or cover all debris, and so far as reasonably possible, restore the surface of the leased lands to their former condition and when required to bury all pipelines below plow depth. The authorized officer shall have the right to enter all the premises at any time to inspect both the installation and operational activities of the lessee;

(d) Take such steps as may be necessary to prevent damage to wildlife;

(e) Do all in his power to prevent and suppress forest, brush, or grass fires and to require his employees, contractors, subcontractors and employees of contractors or subcontractors to do likewise;

(f) Install adequate blow-out prevention equipment;

(g) Construct ring dikes and sump pits to confine drilling mud and other pollutants and make safe disposition of salt water by use of injection wells or such other method as may be approved in the plan of operation;

(h) Cover flare pits in acres of wildlife concentration;

(i) Remove derricks, dikes, equipment, and structures not required in producing operations within 60 days after the completion of drilling;

(j) Comply with and see to it that his agents and employees comply with all Federal, State, or territorial laws relating to hunting, fishing, and trapping;

(k) Commit the lease to any unit plan required in the interest of conservation of oil or gas resources or for the protection of wildlife;

(l) Prior to the conduct of geological, geophysical, or core drilling operations or construction of any facilities, or prior to operations to drill or produce, submit in triplicate for approval in writing by the authorized officer a plan of operation that will include detailed statements indicating the manner in which the lessee will comply with these stipulations together with a statement that the lessee agrees that compliance with these stipulations and with the approved plan of operations are conditions of performance under this lease and that failure to comply with these provisions (unless they are waived by the Secretary or the Under Secretary of the Interior) will be grounds for cancellation of the lease by the United States. Notwithstanding other provisions in these stipulations, the lessee shall include in any plan of operation specific provisions relating to: The time, place, depth and strength of seismographic shots, maps showing the location of his leases included in the plan, actual and proposed access roads, bunkhouses, proposed well locations, storage and utility facilities, water storage, pipelines and pumping stations; the type of safety equipment that will be employed; the methods to be used to assure the disposition of drilling mud, pollutants, and other debris; the location of facilities in relation to flood levels; and such other specific matters as the authorized officer may require. The plan of operation shall be kept current in all respects and all revisions and amendments submitted to the authorized officer for written approval;

(m) Do all things reasonably necessary to prevent or reduce to the fullest extent scarring and erosion of the land, pollution of the water resources and any damage to the watershed. Where construction, operation, or maintenance of any of the facilities on or connected with this lease causes damage to the watershed or pollution of the water resource, the lessee agrees to repair such damage, including reseeding and to take such corrective measures to prevent further pollution or damage to the watershed as are deemed necessary by the authorized officer;

(n) File the bond required by section 2a (4) of the lease before conducting any operations on the leasehold, and file any additional bond required by the authorized officer to pay for damages to wildlife habitat, including trees and shrubs, or wildlife improvements;

(o) Agree to respect and comply with any new requirements imposed by the Secretary of the Interior, or the authorized officer, on the operating program as operating experience proves necessary in order to give complete protection to wildlife populations and wildlife habitat on the areas leased.

(3) The lessee shall not:

(a) Construct roads, pipelines, utility lines, and attendant facilities that are either unnecessary or which might interfere with wildlife habitat or resources or with drainage;

(b) Modify or change the character of streams, lakes, ponds, water holes, seeps, and marshes, except by advance approval in writing by the authorized officer nor shall he in any way pollute such streams, lakes, ponds, water holes, seeps, or marshes;

(c) Conduct operations at such times as will interfere with wildlife concentrations;

(d) Conduct geological or geophysical explorations that might damage any wildlife resource and such operations shall be conducted only in accordance with advance approval in writing by the authorized officer as to the time, manner of travel, and disturbances of surfaces and the facilities required for the protection of wildlife;

(e) Use explosives in fish spawning or rearing areas, nesting areas, lambing grounds, or other areas of wildlife concentration during periods of intense activity or at any other time or in any manner that might damage any wildlife resources; the pattern, size, and depth of seismographic shots shall be submitted to the authorized officer for advance approval in writing and immediately following the detonation of any seismographic charge, the hole shall be filled or plugged and any surface damage repaired to the satisfaction of the authorized officer;

(f) Without advance approval in writing, use any water or water source controlled or developed by the United States;

(g) Use mobile equipment under such conditions as to permanently damage surface resources, cause scarring and erosion, or interfere with wildlife concentration;

(h) Conduct geological, or geophysical, or core drilling operations or construct roads, bunkhouses or any facilities or drill or produce under a lease until the submittal and approval in writing of a plan of operation pursuant to section (2) (m) supra or deviate therefrom until any revisions or amendments of said plan have been approved in writing by the authorized officer.

(i) Burn rubbish, trash, or other inflammable materials or use explosives in a manner or at a time that would constitute a fire hazard.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189)

FRED A. SEATON,
Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3026; Filed, Apr. 21, 1958; 11:18 a. m.]

Appendix—Public Land Orders

[Public Land Order 1621]

[1941468]

ALASKA

MODIFYING PUBLIC LAND ORDER NO. 82 OF JANUARY 22, 1943, IN PART TO PERMIT MINING LOCATIONS AND MINERAL LEASING OF LANDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 82 of January 22, 1943, reserving lands under jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war, which was modified by Public Land Orders Nos. 250, 254, and 299 of November 20, 1944, December 15, 1944, and October 9, 1945, respectively, and partially revoked by Public Land Order No. 323 of August 14, 1946, is hereby modified, subject to the provisions of paragraphs 2 and 3 of this order, to the extent necessary to permit locations and entries under the mining laws and the issuance of mineral leases pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 et seq.), as amended and supplemented, for the following-described lands (exclusive of those described in paragraph 2 of this order).

NORTHERN ALASKA

All that part of Alaska lying north of a line beginning at a point on the boundary between the United States and Canada, on the divide between the north and south forks of Firth River, approximately latitude 68°52′ N., longitude 141°00′ W., thence westerly, along this divide, and the periphery of the watershed northward to the Arctic Ocean, along the crest of portions of the Brooks Range and the De Long Mountains, to Cape Lisburne.

Approximately 16,000 acres of this land is located within the known geologic structure of the Gubik gas field and will be offered for oil and gas leasing through competitive bidding.

2. This order shall not affect the following-described lands reserved by Executive Order No. 3797–A of February 27, 1923, as amended by Public Land Order No. 289 of July 20, 1945, for oil and gas, which lands comprise Naval Petroleum Reserve No. 4:

Commencing at the most northwestern extremity of the point of land shown on the maps of Alaska as Icy Cape, approximately lat. 70°21′, long. 161°46′; thence extending in a true south course to the crest of the range of mountains forming the watershed between the Noatak River and its northern tributaries and the streams flowing into the Arctic Ocean; thence eastward along the crest of this range of mountains to a peak at the head of the northernmost of the two eastern forks of Midas Creek (Pl. 1, U. S. G. S., Bull. 536), at approximately lat. 67°50′, long. 156°00′; thence in a true north course to a point at the highest high water on the western or left bank of the Colville River; thence following said highest highwater mark downstream along said Colville River and the western bank of the most western slough at its mouth to the highest highwater mark on the Arctic coast. From here, following the highest highwater mark westward to the point of beginning.

The coast line to be followed shall be that of the ocean side of the sandspits and islands forming the barrier reefs and extending across small lagoons from point to point, where such barrier reefs are not over three miles of shore, except in the case of Plover Islands, from Point Tangent, to Point Barrow (Pl. 3, U. S. G. S., P. P. 109), long. approximately 154°50′, where it shall be the highest highwater mark on the outer shore of the islands forming the groups and extending between the most adjacent points of these islands and the sandspits at either end. In cases where the barrier reef is over three miles off shore the boundary shall be the highest highwater mark of the coast of the mainland.

3. An area included within the area described in paragraph one of this order, and which may be described briefly as "all lands lying east of Canning River, extending from its mouth on the Arctic Ocean at Flaxman Island in approximate longitude 146° W., to its source in the Brooks Range in approximate longitude 145°13′ W., latitude 68°53′, and containing approximately 5 million acres," is included in an application for withdrawal, Fairbanks 017050, filed by the Bureau of Sport Fisheries and Wildlife for use as the Arctic Wildlife Range. As provided by the regulations in 43 CFR 295.11, the lands shall remain segregated from leasing under the mineral-leasing laws, and from location under the

mining laws, to the extent that the withdrawal applied for, if effected would prevent such leasing or locations, until action on the application for withdrawal has been taken.

4. None of the released lands shall become subject to oil and gas leasing until approved leasing maps for such lands, or portions thereof, are from time to time prepared, and notices of the time and place of filing thereof and of the availability of the lands for leasing have been published in the FEDERAL REGISTER by the Bureau of Land Management. These notices will describe the lands subject to noncompetitive lease and will provide for a simultaneous filing period of offers to lease. The leasing maps will not describe any lands within two miles of Naval Petroleum Reserve No. 4.

5. Leases will be issued pursuant to the provisions of the 1920 Mineral Leasing Act in accordance with the regulations in 43 CFR Part 192, and the provisions of this order and of the published notices of the availability of the lands for leasing.

6. Notwithstanding the provisions of 43 CFR 192.42 (d), all offers to lease must describe the lands applied for according to the leasing blocks in the specified townships as shown on the approved leasing maps. Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR, 192.140.

7. All offers to lease any portion of the released lands filed prior to the publication of the notices above referred to will be rejected.

8. The released lands shall become open to locations under the United States Mining Laws at 10:00 a. m. on September 1, 1958.

9. All inquiries concerning the released lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska. Inquiries relating to the land within the Gubik gas field which will be offered for competitive oil and gas leasing should be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

FRED A. SEATON,
Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3024; Filed, Apr. 21, 1958; 10:57 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 410—SALE OF FEDERAL PROPERTIES IN UNINCORPORATED TOWN OF COULEE DAM AND CITY OF GRAND COULEE, WASHINGTON, AND VICINITY

A new Part 410 is added to Title 43, Chapter II, reading as follows:

Sec.
410.1 Purpose.
410.2 Definitions.
410.3 Timing of sales.
410.4 Assignments of first priorities—residential property.
410.5 Public drawings.
410.6 Sale of multiple lease non-residential property.
410.7 Earnest money.
410.8 Public sales.
410.9 Conditional sales contracts.

AUTHORITY: §§ 410.1 to 410.9 issued under sec. 11, 71 Stat. 530; 16 U. S. C. 835c note.

§ 410.1 *Purpose.* The purpose of this part is to supplement the Coulee Dam Community Act of 1957 (71 Stat. 524) and to assist in carrying out its provisions relating to the sale of certain Federal properties in the unincorporated town of Coulee Dam in order that the United States may withdraw from the ownership and operation of the town and in the city of Grand Coulee, Washington, and vicinity in order to reduce restrictions on the growth thereof, which provisions, by this reference, are incorporated herein and made a part hereof.

§ 410.2 *Definitions.* As used in this part, the term:

(a) "Project Manager" shall mean the Project Manager, Columbia Basin Project, Bureau of Reclamation.

(b) "Town Administrator" shall mean the Town Administrator, Municipal Field Division, Columbia Basin Project, Bureau of Reclamation.

(c) "Town Area" shall mean the unincorporated area in the State of Washington commonly known as the Town of Coulee Dam.

(d) "Act" shall mean the Coulee Dam Community Act of 1957 (71 Stat. 524).

(e) "Housing Regulations" shall mean the Bureau Reclamation "Regulations for the Allocation of Government Residences in Coulee Dam, Washington," dated July 15, 1955, as amended on October 6, 1955, and as may be subsequently amended, on file in the office of the Town Administrator, Coulee Dam, Washington.

§ 410.3 *Timing of sales.* (a) The Project Manager shall determine when properties not needed for Federal purposes are to be offered for sale in accordance with the act and may reserve from sale for as long as may be necessary any properties he deems essential for the continued operation and maintenance of the Town area or of Grand Coulee Dam and its appurtenant works.

(b) Properties which may be transferred without cost pursuant to section 6 of the act shall not be offered for sale or sold during any time that there is authority in the law for transfers without cost.

§ 410.4 *Assignments of first priorities—residential property.* (a) Any residential tenant in the Town area having a first priority may assign his priority to:

(1) Any person who has entered into a valid contract to lease the property back to him for a period of not less than one year from the date of the contract to purchase or deed, whichever is earlier; or

(2) Any other residential tenant of the United States in the Town area or to any person who would meet the requirements for eligibility to become such tenant under the Housing Regulations. Applications for such assignments, submitted to the Project Manager on a form provided, may be approved if said assignments do not involve any payment between the parties thereto. If any consideration is involved the Project Manager may deny the application for priority assignment or refuse to grant the assignee any discount or rebate to which he might otherwise be entitled.

(b) Any purchase of property by an Assignee under this section shall render the purchaser ineligible to purchase any other residential property through exercise of any priority through assignment or otherwise.

§ 410.5 *Public drawings.* (a) Whenever a public drawing is required to determine the order of opportunity to choose residential property as contemplated by section 3 (b) (2) and section 3 (e) (1) of the act, the following procedure shall be observed:

(1) An offer to sell such properties shall be published in a newspaper of local circulation, posted in local post offices and other public places in the area and through other news media brought to the attention of eligible persons for a period of not less than fifteen days prior to the drawing. Said offer to sell shall specify that persons eligible to participate in the drawings shall submit applications on a form provided to the Town Administrator at least two days prior to the date of the drawing.

(2) (i) At a public drawing the names of all applicants who have been determined to be eligible to participate shall be placed in a single container and withdrawn one at a time on a random basis. A list designating order of preference shall be prepared showing each name in the order in which it is drawn. The Town Administrator may, in order to facilitate selection of properties, divide the list into two or more groups of not more than twenty-five names each in the order drawn. The individuals participating in the drawing, or the first of the several groups of such individuals, shall meet at a time and place designated by the Town Administrator on a day not less than five days nor more than fifteen days after the date of the drawing to exercise their preference to select property pursuant to the drawing. If there are two or more groups of individuals, the second and subsequent groups shall meet to exercise their preference to select properties on a day not less than two days after the day on which the next preceding group has met. A list of the properties selected shall be posted in the local post office and other public places in the area not later than one day following the date on which selections are made.

(ii) The Town Administrator shall cause to be posted in post offices and other public places in the area and otherwise bring to the attention of persons eligible to select property pursuant to the drawing, information as to the order of preference established pursuant to the drawing, the groups, if any, established to facilitate the selection process and the date or dates on which eligible persons or groups of persons shall meet to exercise their preferences to select properties for purchase.

(3) At 10:00 a. m., of the day on which selections are to be made those persons eligible to select shall meet at the desig-

nated place and make their selections in order of preference. Any preference right not exercised on the prescribed day shall be forfeit.

(4) Any person becoming a residential tenant of the United States or eligible to become a residential tenant of the United States under the Housing Regulations on a date after the date of a public drawing, may, by filing an application with the Town Administrator prior to the time at which the last preference right established as a result of said drawing has been exercised, have his name added in the last preference position to the list of those eligible to select property pursuant to said drawing.

(b) Whenever a public drawing is required to determine the order of opportunity to choose non-residential property as contemplated by section 3 (f) of the act, the Town Administrator shall by certified mail notify all persons eligible to purchase of the availability of such property, setting a date not less than fifteen days after the date on which such notices are mailed, on which applicants for purchase of the property shall meet at a place designated by the Town Administrator. At 10:00 a. m., of the day designated award of the opportunity to purchase said property shall be made by lot from among those eligible persons present.

(c) Any person selecting property for purchase pursuant to a public drawing shall, on the day he makes his selection of property, deposit earnest money and sign an earnest money agreement. The earnest money agreement shall provide:

(1) In the case of a person exercising a second priority, or a person purchasing other than residential property, that the balance of the purchase price be paid or a contract to purchase signed within one hundred and eighty days of the date of the agreement.

(2) In the case of a person purchasing vacant residential property, that the balance of the purchase price be paid within sixty days of the date of the agreement.

§ 410.6 *Sale of multiple-lease non-residential property.* (a) The Town Administrator shall, by certified mail, notify each lessee of a multiple-lease non-residential property that such property will be offered for sale not less than thirty days after the date of the notice. During this period the lessees may decide which one of them should be afforded the opportunity to purchase, notifying the Town Administrator of their decision.

(b) In the event the lessees request that one of them be afforded the opportunity to purchase, the Town Administrator shall offer to sell the property to the designated tenant.

(c) In the event the lessees fail to decide which one of them shall be afforded the opportunity to purchase, or fail to notify the Town Administrator during the prescribed time, the Town Administrator shall, by certified mail, notify each lessee of an order of priority among them to purchase such property. First priority shall be given to the tenant paying the highest annual rental to the United States under his current lease. Second priority to purchase shall be given to the tenant paying the second highest rental, etc. In the event the annual rental is equal for two or more tenants, the highest priority among such tenants shall be given to the tenant whose lease has been in effect longest. Sale shall be made subject to existing leases.

(d) The purchase price of the property shall include a deduction for the structural improvements made by the purchaser at his expense, to the extent such improvements have been determined in the appraisal to enhance the value of the property.

§ 410.7 *Earnest money.* (a) Whenever an earnest money deposit is required under the act, the prospective purchaser shall make such deposit, accompanied by a signed earnest money agreement, with the Town Administrator by cash, certified check, cashier's check, bank draft, postal or express money order payable to the Bureau of Reclamation, in accordance with the following schedule:

Appraised value:	*Deposit*
$5,000 or less	$100
$5,001 to $7,500	$150
$7,501 to $10,000	$200
$10,001 and over	([1])

[1] An amount equal to 3 per centum of the appraised value.

(b) The earnest money deposit shall be applied to the purchase price provided the purchase contract is signed by the purchaser or the purchase price paid and a deed requested within the prescribed time limits. Otherwise, the earnest money deposit shall be deemed forfeit. The Town Administrator may refund an earnest money deposit only in the event of the death of the depositor.

§ 410.8 *Public sales.* Invitations for the general public to bid on real properties offered for sale to the highest responsible bidder at not less than the appraised value shall be advertised for a period of not less than thirty days prior to the date of sale in not less than three newspapers of general circulation in the State of Washington, including at least one such newspaper published in Eastern Washington, posted in post offices and other public places within a radius of ten miles of the Town area and of the City of Grand Coulee, Washington, and through other news media brought to the attention of prospective bidders. The invitations to bid shall specify:

(a) Sealed bids will be received by the Town Administrator for thirty days from date of issue of the invitation to bid.

(b) A deposit of 10 per centum of the total amount bid shall accompany the bid to guarantee purchase within sixty days of date of award. Such deposit shall be made by cash, certified check, cashier's check, bank draft, postal or express money order, payable to the Bureau of Reclamation. Bid deposits shall be refunded to unsuccessful bidders.

(c) In the event of identical bids award shall be made by lot.

(d) The Project Manager reserves the right to reject all bids.

§ 410.9 *Conditional sales contracts.* (a) An applicant for the purchase of property from the United States under a conditional sales contract shall affirm that he has been unable to obtain financing on reasonable terms from any other source and shall provide:

(1) A list of the lending institutions, including at least one bank capitalized at not less than $1,000,000.00 chartered under the laws of the State of Washington to which he has applied; or

(2) A statement that he is relying upon current information as to the availability of financing on reasonable terms submitted to the Town Administrator by the Coulee Dam Advisory Council or other group satisfactory to the Project Manager.

(b) In the event the Coulee Dam Advisory Council, or other group satisfactory to the Project Manager, makes investigations of the availability of financing from lending institutions to assist applicants for purchase of property from the United States under conditional sales contracts, said Council or other group shall submit to the Project Manager a list of the lending institutions, including at least one bank capitalized at not less than $1,000,000.00, chartered under the laws of the State of Washington, which have been consulted. Said list shall specify the terms and conditions, if any, offered by each lending institution.

(c) The Project Manager shall, prior to the time properties are first offered for sale and from time to time thereafter, determine whether financing on reasonable terms is available. Determinations shall be based on a survey of the terms and condtions offered by banks and other lending institutions serving Grant, Okanogan, and Douglas Counties, including at least three banks capitalized at not less than $1,000,000.00 each, chartered under the laws of the State of Washington.

(d) In the event an applicant eligible under the act to purchase property from the United States under a conditional sales contract affirms that financing from other sources is not available and the Project Manager determines that financing from the sources he has consulted was not available at the time an application was made, he shall approve such application.

(e) "Reasonable terms" for the purposes of this section shall be the same as conditional sales contract terms as specified in paragraph (f) of this section.

(f) Conditional sales contract terms shall be as follows:

(1) For residential property purchased for occupancy by the owner thereof, a down payment of 3 per centum of the purchase price; other terms to be the same as those which would be available were the purchase to be financed under a mortgage eligible for insurance under subsection 223 (a) of the National Housing Act.

(2) For residential property purchased for any purpose other than that specified in subparagraph (1) of this paragraph, terms shall be the same as in subparagraph (1) of this paragraph, except that the down payment shall be 10 per centum of the purchase price.

(3) For non-residential property, including hospital and church property

except when purchased under section 3 (c) (3) of the act, a down payment of 10 per centum of the purchase price shall be required. Interest shall be at the rate of 6 per centum per annum. Principal and interest shall be paid within not more than ten years from the date of the contract, installments to be of more or less equal amounts, payable monthly during the term of the contract.

These regulations shall become effective upon publication in the FEDERAL REGISTER. Notice and publication procedures thereon have been deemed unnecessary. As required by the Act, this part has been prepared in cooperation with the Coulee Dam Town Council as representatives of the community and the people affected in the area have been given an opportunity to comment. All such comments have been considered in connection with the preparation and issuance of this part and the Council is in substantial agreement with the regulations.

FRED A. SEATON,
Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2956; Filed, Apr. 21, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter A—Policy, Practice and Procedure

[Gen. Order 85]

PART 206—MISCELLANEOUS FEES

SUBPART A—CHARGES FOR STATISTICAL OR ECONOMIC DATA

Notice of proposed rule making in the matter of charges for statistical and economic data appeared in the FEDERAL REGISTER issue of February 13, 1958 (23 F. R. 950). Comments thereon having been considered, notice is hereby given of the adoption of the regulation as set forth therein, amended as follows:

1. Section 1 (a) (§ 206.2 (a)) is amended by substituting the word "service" for the words "trade route".

2. Section 1 (b) (§ 206.2 (b)) is amended by changing the words "on each trade route for which subsidy is requested and between the United States and each country on the trade route", at the end thereof, to read "for areas and countries covered by each service for which subsidy is requested."

3. Section 1 (d) (§ 206.2 (d)) is amended by changing the words "in each trade route by each American-flag line and by ships of each foreign-flag (nationality)", at the end thereof, to read "by each United States-flag line and by all foreign-flag lines serving countries on the service for which subsidy is sought".

4. Section 2 (§ 206.3) is amended by substituting the word "is" for the words "might be".

The following new part is added to this chapter:

Sec.
206.1 Purpose.
206.2 Data required in the public interest.
206.3 Data providing special benefit.
206.4 Charges.
206.5 Procedure.

AUTHORITY: §§ 206.1 to 206.5 issued under secs. 3, 204, 49 Stat. 293, as amended, 1987, as amended; 15 U. S. C. 192, 46 U. S. C. 1114. Interpret or apply sec. 1, 40 Stat. 1256, as amended, sec. 1, 49 Stat. 292; 15 U. S. C. 192, 189a.

§ 206.1 *Purpose.* To set forth the charges to be made for statistical or economic data, furnished to individuals or groups by the Federal Maritime Board/Maritime Administration, which convey a special benefit to them, above and beyond that accruing to the public at large; and to describe the policy and procedure applicable thereto.

§ 206.2 *Data required in the public interest.* The basic statistical data required by the Federal Maritime Board in considering applications for operating-differential subsidy under Title VI, Merchant Marine Act, 1936, as amended, include:

(a) For each year of a given 5-year period, the outbound and inbound liner and non-liner cargo, broken down into commercial and military, carried by applicant on each service for which subsidy is sought;

(b) For each year of a given 5-year period, outbound and inbound liner and non-liner cargo, broken down between commercial and military, showing United States-flag and foreign-flag carryings for areas and countries covered by each service for which subsidy is requested;

(c) For a single year, usually the last complete year before the hearing, typical outbound and inbound itineraries and vessel types employed by each United States-flag and foreign-flag line serving countries on the service for which subsidy is sought; and

(d) For each year of a given 5-year period, number of sailings per annum by each United States-flag line and by all foreign-flag lines serving countries on the service for which subsidy is sought.

The above data will be considered as being required in the public interest and will be furnished free of charge to applicants for operating-differential subsidy and to other parties directly concerned.

§ 206.3 *Data providing special benefit.* Any additional statistical or economic data furnished to applicants or intervening lines (except in cases where the additional information is required by the Federal Maritime Board) will be considered as providing a special benefit to the recipient, above and beyond that accruing to the public at large, and a charge will be made for such data, as indicated in § 206.4.

§ 206.4 *Charges.* (a) To recover the cost to the Federal Government of statistical or economic data furnished within the purview of § 206.3, including the direct and indirect costs thereof, the Maritime Administration will make a charge of:

$5.00 per hour for regular time, and
$7.50 per hour for overtime,

for each employee's time required to produce the information.

(b) Although the rates set forth in paragraph (a) of this section apply specifically to data for use in connection with applications for operating-differential subsidy, the same hourly rates will be charged for other types of statistical or economic data requested, which are determined by the Federal Maritime Board/Maritime Administration to provide a special benefit to the recipient.

§ 206.5 *Procedure.* (a) Applicants desiring statistical or economic data should submit a formal written request therefor to the Maritime Administrator. If the data requested are determined by the Federal Maritime Board/Maritime Administration to provide a special benefit to the recipient, the project will be undertaken, at the discretion of the Maritime Administrator or his designee, on the basis of the nature and scope of the work, its estimated cost, availability of personnel and other services, and other pertinent information.

(b) Upon approval of the project, the applicant will be requested to make payment in advance in the amount of the estimated cost of the work, based on the charges set forth in § 206.4.

(c) Cost estimates of $500 or less will be established as fixed fees. Such fixed fees will be kept as close to the actual cost as possible.

(d) Cost estimates of more than $500 shall be subject to revision as the work progresses, to reflect actual costs. If the advance payment is insufficient to cover the actual cost, the applicant will be required to make such additional payment as may be required before the project is completed. Conversely, if the advance payment is more than the actual cost, the difference will be refunded to the applicant.

Since it is found for good cause shown, in accordance with section 4 of the Administrative Procedure Act, that further delay would be impracticable and unnecessary, this rule, including the aforestated amendments, shall be effective upon publication in the FEDERAL REGISTER.

Dated: April 14, 1958.

By order of the Federal Maritime Board/Maritime Administration.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-2953; Filed, Apr. 21, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

[Ex Parte No. 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

APPLICATION FOR AUTHORITY TO SELF-INSURE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of April A. D. 1958.

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act.

The matter of FF-39, Application for Authority to Self-Insure under section 403 (c) and (d), Interstate Commerce Act, prescribed by order of the Commission of October 11, 1944 (9 F. R. 14550) being under consideration; and

It appearing, that there has been no occasion for the use of application form FF-39 since the adoption of that form October 11, 1944, and that the continued maintenance of such form as one currently in use is impracticable and unnecessary; and since the revocation of this form will not affect the general public or freight forwarders subject to the provisions of Part 405, notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is deemed unnecessary; and since, in the event of a future application of a freight forwarder to self-insure, the application form approved and prescribed for motor carriers with necessary slight modifications would be used; and good cause appearing therefor,

It is ordered, That the order of October 11, 1944, insofar as such order pertains to the adoption of form FF-39, be, and it is hereby revoked.

It is further ordered, That Part 405 be amended by deleting from the list of forms in the editorial note to § 405.8 *Forms and procedure* the form FF-39 listed.

This order shall be effective June 30, 1958, and shall continue in effect until further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary at Washington, D. C. and by filing a copy with the Director, Division of the Federal Register.

(Sec. 403, 56 Stat. 285; 49 U. S. C. 1003)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2977; Filed, April. 21, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 330]

DETERMINATION OF PRICE AND PRICE READJUSTMENTS

NOTICE OF EXTENSION OF TIME

The proposed regulations on determination of price and price readjustments were published with a notice of proposed rule making in the FEDERAL REGISTER for Saturday, March 22, 1958 (23 F. R. 1931). That notice provided that consideration would be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of that notice in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended, and any data, views, or arguments pertaining to those proposed regulations which are submitted not later than Wednesday, May 21, 1958, will be given consideration.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

[F. R. Doc. 58-2990; Filed, Apr. 18, 1958; 12:31 p. m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 2]

RULES OF PRACTICE IN TRADEMARK CASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Patent Office proposes to amend certain rules and regulations relating to trademarks. The amendments are proposed to be issued pursuant to the authority contained in Title 15, U. S. Code, section 1123, Title 35, U. S. Code, section 6, and other authority.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D. C., on or before July 1, 1958. An oral hearing will not be scheduled unless sufficient requests for the same are received.

The text of the proposed amendments follows:

1. Paragraph (a) of § 2.12 is proposed to be amended to read as follows:

(a) Attorneys at law: Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, Territory, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Patent Office in trademark cases. No application for recognition to practice in trademark cases by attorneys at law is required.

2. Section 2.15 is proposed to be amended to read as follows:

§ 2.15 *Signature and certificate of attorney or agent.* (a) Every paper filed by an attorney at law or other person representing an applicant or party to a proceeding in the Patent Office must bear the signature of such attorney at law or other person except those papers which are required to be signed by the applicant or party (such as the application itself and verifications required of applicants, registrants or others). The signature of an attorney at law or such other person to a paper filed by him, or the filing of any paper by him, constitutes a certificate that the paper has been read; that its filing is authorized; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.

(b) When an applicant or party is represented by a firm composed of attorneys at law, papers may carry the signature or name of the firm, with the signature of a member or associate of the firm.

(c) When an applicant or party is represented by a firm (registered in accordance with § 1.341 (d) of this chapter, Patent Rule 341 (d)) which includes one or more nonlawyers, papers may carry the signature or name of the firm, but in any case, they must carry the signature of an individual member of the firm or of an individual employee of the firm who is registered in the Patent Office and who is authorized to sign on behalf of the firm, and the certification referred to in paragraph (a) of this section shall, in either case, be a certification by and on behalf of the firm and by the individual.

3. Section 2.17 is proposed to be amended to read as follows:

§ 2.17 *Recognition for representation.* (a) When an attorney at law acting in a representative capacity appears in person or signs a paper in practice before the Patent Office in a trademark case, his personal appearance or signature shall constitute a representation to the Patent Office that under the provisions of these rules and the law he is authorized, and qualified under § 2.12 (a), to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

(b) Before any nonlawyer will be allowed to take action of any kind in any application or proceeding, a written authorization from the applicant, party to the proceeding, or other person entitled to prosecute such application or proceeding must be filed therein.

4. Section 2.18 is proposed to be amended to read as follows:

§ 2.18 *Correspondence held with attorney or agent.* Correspondence will be held with the attorney at law, or other recognized person who shall have filed his written authorization, representing the applicant or party to a proceeding. Double correspondence will not be undertaken, and if more than one attorney at law appears or more than one agent is authorized, correspondence will be held with the one last appearing or appointed, as the case may be, unless otherwise requested.

5. Section 2.19 is proposed to be amended to read as follows:

§ 2.19 *Revocation of power of attorney or authorization of agent.* Authority to represent an applicant or a party to a proceeding may be revoked at any stage in the proceedings of a case upon notification to the Commissioner; and when it is so revoked, the Office will communicate directly with the applicant or party to the proceeding or with such other qualified person as may be authorized. The Patent Office will notify the person affected of the revocation of his authorization.

6. The last sentence of § 2.24 is proposed to be deleted and the following inserted in lieu thereof: "Official communications of the Patent Office will be addressed to the domestic representative unless the application is being prosecuted by an attorney at law or other qualified person duly authorized. The mere designation of a domestic representative does not authorize the person designated to prosecute the application unless qualified under § 2.12 (a), or qualified under subparagraph (b) or (c) of § 2.12 and authorized under § 2.17 (b)."

7. Section 2.27 is proposed to be amended by changing the title to read "*Pending applications index; access to applications*" and by changing the word "description" in the first sentence to "reproduction".

8. Section 2.37 is proposed to be amended to read as follows:

§ 2.37 *Authorization for representation; U. S. representative.* The authorization of a qualified person to represent applicant (§ 2.17 (b)) and the appointment of a domestic representative (§ 2.24) may be included as a paragraph or paragraphs in the application.

9. The last sentence of paragraph (a) of § 2.39 is proposed to be amended to read as follows: "If the certificate is not in the English language, a translation is required."

10. Section 2.41 is proposed to be amended to read as follows:

§ 2.41 *Proof of distinctiveness under section 2 (f).* (a) When registration is sought of a mark which would be unregistrable by reason of section 2 (e) but which is said by applicant to have become distinctive in commerce of the goods set forth in the application, applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, affidavits, depositions, or other appropriate evidence showing duration, extent and nature of use and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and affidavits, letters or statements from the trade or public, or both, tending to show that the mark distinguishes such goods.

(b) In appropriate cases, ownership of one or more prior registrations on the principal register or under the act of 1905 of the same mark may be accepted as prima facie evidence of distinctiveness. Also, if the mark is said to have become distinctive of applicant's goods by reason of substantially exclusive and continuous use thereof by applicant for the five years next preceding the application filing date, a showing by way of verified statements in the application may, in appropriate cases, be accepted as prima facie evidence of distinctiveness. In each of these situations, however, further evidence may be required.

11. Section 2.53 is proposed to be amended to read as follows:

§ 2.53 *Transmission of drawings.* Drawings transmitted to the Patent Office, other than those typed in accordance with § 2.51 (d), should be sent flat, protected by a sheet of heavy binder's board, or should be rolled for transmission in a suitable mailing tube to prevent mutilation or folding.

12. Paragraph (b) of § 2.67 is proposed to be amended to read as follows:

(b) If registration is refused solely on the basis of a prior registration and the applicant files a petition to cancel the reference registration, such action upon notice thereof being placed in the application file by the applicant within the time for reply, shall be taken as a response to the refusal, and further action by the Office shall, at applicant's request, be suspended pending the termination of the cancellation proceeding.

13. Section 2.75 is proposed to be amended by canceling the last sentence thereof.

14. Section 2.86 is proposed to be amended by canceling the word "description" and substituting the word "identification."

15. The second sentence of § 2.95 is proposed to be amended by inserting the words "under § 2.143" after the word "Commissioner."

16. Section 2.98 is proposed to be amended by deleting the third and fourth sentences and substituting in lieu thereof the following: "If, however, any testimony has been, or is about to be, taken the case will not be added except upon approval of the Examiner of Interferences. If not added, the Examiner of Trademarks may suspend action on such case pending termination of the interference proceeding, following which an interference may be instituted between such case and the case of the party prevailing in the first interference."

17. Section 2.120 is proposed to be amended to read as follows:

§ 2.120 *Discovery procedure.* The provisions of the Federal Rules of Civil Procedure relating to discovery are inapplicable in inter partes trademark cases except as specifically set forth in this section.

(a) *Depositions for discovery.* (1) Any party to an opposition, interference, cancelation or concurrent use proceeding may, at any time not later than thirty days prior to the date when any testimony may be first taken, take the deposition of any person, including a party, for the purpose of discovery. Such depositions may be taken upon oral examination in the manner prescribed by §§ 1.273, 1.274 and 1.275 of this chapter (Patent Rules 273, 274 and 275), or upon written interrogatories in the manner prescribed by § 2.124.

(2) *Scope of examination.* The deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(3) *Use of discovery depositions.* Discovery depositions may be used in accordance with Rule 26 (d) (1), (2), (4) and (f) of the Federal Rules of Civil Procedure, provided the party offering the deposition, or any part thereof, in evidence files it before the close of his testimony period and also files a notice of reliance thereon, setting forth in said notice the specific portions to be relied upon. Objections, including any made during the examination, will be considered only if they are renewed in the brief or at the time of the hearing.

(b) *Requests for admission.* (1) Any party to an opposition, interference, cancelation or concurrent use proceeding may, at any time prior to the opening of his period for taking testimony, serve upon any adverse party a written request for admission by the latter of the genuineness of any relevant document described in and attached to the request (a photocopy may be attached, provided the original thereof is made available for inspection). The genuineness of each such document shall be considered as admitted unless, within fifteen days after service thereof, the party to whom the request is directed serves upon the party requesting the admissions a sworn statement denying the genuineness thereof, or setting forth in detail the reasons why he cannot truthfully either admit or deny the same.

(2) *Effect of admissions.* No admission shall be considered as part of the record in the case unless a party files, before the close of his testimony period, a notice of reliance thereon, setting forth in said notice each request and admission relied upon. Any objections noticed will be considered only if made at the time of the hearing.

18. Section 2.127 is proposed to be amended by deleting paragraph (c).

19. Paragraph (a) of § 2.128 is proposed to be amended by changing "date of service", both occurrences, to "due date".

20. Section 2.131 is proposed to be amended to read as follows:

§ 2.131 *Ex parte matter in an inter partes case.* If, in considering an inter partes case involving an application, facts appear which, in the opinion of the Examiner of Interferences, may render the mark of the applicant unregistrable on one or more ex parte grounds, he may in his decision on the inter partes issues in the case recommend that if the applicant finally prevails in the case, registration be withheld pending a reexamination by the Examiner of Trademarks of the application in the light of such facts. If, upon such reexamination following termination of the inter partes case, the Examiner of Trademarks finally refuses registration to applicant, appeal may be taken as provided in §§ 2.141 and 2.142.

21. New § 2.162a is proposed, reading as follows:

§ 2.162a *Notice to registrant.* If no affidavit is filed within a reasonable time prior to expiration of the sixth year, the registrant may be notified that the registration will be canceled by the Commissioner at the end of such sixth year unless the owner files in the Patent Office the affidavit of use or excusable nonuse required by section 8. Failure to notify the registrant does not, however, relieve the registrant of the responsibility of filing the affidavit within the period required by statute.

22. Paragraph (b) of § 2.164 is proposed to be amended by deleting "he may petition to the Commissioner for review under § 2.146" and inserting in lieu thereof "he may request the Commissioner to review the action under § 2.146", in the first sentence; by deleting "petition to" and inserting in lieu thereof "review by" in the second and third sentences; and by inserting "or review by the" before the word "court" in the last sentence.

23. The first sentence of § 2.165 is proposed to be amended to read as follows: "If no affidavit is filed within the sixth year following registration or publication under section 12 (c), the registration will be canceled forthwith by the Commissioner.

24. Section 2.173 is proposed to be amended by inserting the words "and verified" after the word "signed" in the second sentence of paragraph (a) and by deleting the word "specification" and inserting in lieu thereof the word "identification" in paragraph (b).

25. Paragraph (b) of § 2.175 is proposed to be amended by inserting the words "and verified" after the word "signed", in the first sentence.

26. Section 2.176 is proposed to be amended by deleting "petition may be taken to the Commissioner under § 2.146" and inserting in lieu thereof, "registrant may request the Commissioner to review the action under § 2.146".

27. Paragraph (b) of § 2.184 is proposed to be amended by deleting "he may petition to the Commissioner for review under § 2.146" and inserting in lieu thereof "he may request the Commissioner to review the action under § 2.146".

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved: April 16, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-2983; Filed, Apr. 21, 1958; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations for the employment of learners in the cigar industry at wages lower than the wage applicable under section 6 of the act (29 CFR 522.80–522.85).

Such regulations have been reexamined in the light of recent changes in wage levels and experience gained in the administration of these regulations. All relevant information presently available indicates that it is necessary to increase the subminimum rates presently authorized for learner occupations in the cigar industry (29 CFR 522.85) from 80 and 87½ cents an hour to 85 cents and 92½ cents an hour, respectively.

It also appears desirable to amend the regulations concerning the number or proportion of learners that may be employed in the cigar industry (29 CFR 522.82). It is the purpose of the proposed amendment to make it clear that the proportion of learners that may be utilized is based upon the ratio of the number of learners to the total number of factory production workers rather than the number of factory production workers engaged in each authorized learner occupation.

In addition, it appears desirable in those regulations concerned with learner occupations, learning periods, and subminimum rates (29 CFR 522.83, 522.84, and 522.85, respectively), wherein reference is made to the making of Italian stogies, to limit the reference to the making by hand of Italian stogies.

Accordingly, notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068, 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R 7614) of the Secretary of Labor, that I propose to amend Part 522 of Title 29, Code of Federal Regulations, as indicated below.

1. Amend paragraph (a) of § 522.82 to read as follows:

(a) The number of learners which any employer may be authorized to employ by any certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of factory production workers in the plant: *Provided, however,* That in plants employing less than 100 production workers, a maximum of ten learners may be authorized.

2. Amend § 522.83 to read as follows:

§ 522.83 *Learner occupations.* Special certificates may be issued authorizing the employment of learners in the cigar industry in the occupations of cigar machine operating; cigar packing; hand bunch making; hand rolling; hand making Italian stogies; hand stripping; and machine stripping.

3. Amend paragraph (a) of § 522.84 by revising the clause concerning the learning period for making Italian stogies to read: "for hand making Italian stogies, 640 hours;"

4. Amend paragraph (a) of § 522.85 to read as follows:

(a) The subminimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than 85 cents per hour in the occupations of cigar machine operating and cigar packing; not less than 85 cents per hour for the first 480 hours and 92½ cents per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than 85 cents per hour for the first 320 hours and 92½ cents per hour for the second 320 hours in the occupation of hand making Italian stogies; and not less than 85 cents per hour in the occupations of hand stripping and machine stripping.

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Acting Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. on or before May 8, 1958.

Signed at Washington, D. C., this 16th day of April 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-2975; Filed, Apr. 21, 1958; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 210]

[File No. 21-434]

COMMERCIAL AND INDUSTRIAL FLOOR AND VACUUM MACHINERY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

In the matter of proposed trade practice rules for the Commercial and Industrial Floor and Vacuum Machinery Industry to supersede trade practice rules promulgated for the Floor Machinery Industry on March 21, 1952 (16 CFR Part 210).

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Commercial and Industrial Floor and Vacuum Machinery Industry (to supersede the rules for the Floor Machinery Industry as promulgated March 21, 1952), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 9, 1958. Opportunity to be heard orally in the matter will be afforded at the hearing commencing at 10 a. m., e. d. t., Friday, May 9, 1958, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of commercial and industrial power driven machines for wet or dry cleaning, polishing, resurfacing, or maintenance of floors, floor coverings and other surfaces, and parts, accessories and attachments for such machines. Among the products included are commercial and industrial power driven floor polishers, sanders and scrubbers, rug shampoo machines, mopping machines, and vacuum cleaners, including vacuum cleaners designed for removing liquids and/or dirt from containers of all kinds.

These proceedings were instituted by the Commission pursuant to an industry application. The announced hearing constitutes the first step in proceedings to revise and extend existing trade practice rules for this industry.

Issued: April 17, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2968; Filed, Apr. 21, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54569]

CATALOGS, PRICE LISTS, TRADE NOTICES, AND CERTAIN SAMPLES

FREE ENTRY

APRIL 16, 1958.

Questions have been presented to the Bureau regarding the application of subparagraphs (a) and (b) of paragraph 1821, and subparagraph (c) of paragraph 1629 of the Tariff Act of 1930. These provisions were added to the tariff act by Public Law 85-211, 85th Congress, approved August 28, 1957 (T. D. 54463).

Subparagraphs (a) and (b) of paragraph 1821 provide for the free entry of "any sample to be used in the United States only for soliciting orders for products of foreign countries" "if its value does not exceed $1."

This law permits foreign manufacturers and suppliers to ship samples, any or each of which does not exceed $1 in value, to persons or firms in the United States as a basis for soliciting orders to be placed with the foreign manufacturers or suppliers for products of foreign countries which the foreign manufacturers or suppliers are offering for sale. The samples may be demonstrated or shown by the person or firm in the United States to other persons in the United States to solicit orders from them for products of foreign countries which have not yet been ordered, purchased or otherwise obtained from a foreign manufacturer or supplier.

The law does not permit importers or others in the United States to receive free of duty articles which are to be used in soliciting orders within the United States for products they have purchased or otherwise obtained from foreign manufacturers or suppliers, either on the basis of the samples referred to in the preceding paragraph or as a result of orders to or other arrangements with foreign manufacturers or suppliers which have involved no utilization of samples, for example, when the shipments were made from abroad as a result of orders placed from catalogs, photographs, specifications, or descriptive material.

It will be noted that the samples provided for in subparagraphs (a) and (b) of paragraph 1821 may be "used in the United States only for soliciting orders." This precludes the persons or firms in the United States who receive samples from foreign manufacturers or suppliers as a basis for placing orders with such manufacturers or suppliers for the products of foreign countries from using such samples for any other purpose. Thus the samples may not be used for other purposes or be sold or given away within the United States; and after serving their use as samples they must be retained, reexported, or destroyed by or on behalf of the person or firm who received them from abroad as the basis for placing orders with the foreign manufacturer or supplier by whom they were sent to the United States.

Paragraph 1629 (c) provides for the free entry of: "Any catalog, price list, or trade notice relating to offers, by a person whose principal place of business or bona fide residence is in a foreign country, to sell or rent products of a foreign country or to furnish foreign or international transportation or commercial insurance services."

Free entry under this provision is limited to catalogs, price lists, or trade notices relating to offers by a person whose principal place of business or bona fide residence is in a foreign country. It does not permit the free importation of such material which is to be used by agents or distributors in the United States in making offers within the United States for foreign products which such agents or distributors have available for sale and delivery by them within this country, paragraph 1629 (c), as stated therein, relating only to "offers, by a person whose principal place of business or bona fide residence is in a foreign country."

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-2976; Filed, Apr. 21, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Offer 12]

[B-23689]

COLORADO

SMALL TRACT OFFER

1. Effective immediately, paragraphs 1 through 7 of Federal Register Document 54-1297 appearing on page 1096 of the issue of Friday, February 26, 1954, so far as they affect lots 27 and 29 of section 13, T. 44 N., R. 8 W., New Mexico Principal Meridian, Colorado, are hereby revoked and the following paragraphs are substituted therefor.

2. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1096), I hereby offer the above described lands which were classified by Classification Order No. 12 dated February 17, 1954 (19 F. R. 1096) and lots 20, 21, and 26 section 13, T. 44 N., R. 8 W., New Mexico Principal Meridian, Colorado, which were also classified by Classification Order No. 12, dated February 17, 1954 (19 F. R. 1096), as amended by Federal Register Document 57-7151, appearing in the issue for Saturday, August 31, 1957, on page 7062, for public sale under the Small Tract Act of June 1, 1938, as amended. Lots 20, 21, 26, 27 and 29 are five individual small tracts, containing a total of 12.85 acres.

3. These five lots are located in the Valley of the Uncompahgre River, about three miles northwest of Ouray, Colorado, immediately adjoining U. S. Highway 550. Lot 26 does not touch the highway. Vegetation consists of oakbrush and a few ponderosa pine trees.

The individual lots vary in size from 1.54 to 4.18 acres. A small scale copy of the official plat of survey showing the lots being offered can be obtained by writing to the Manager, Colorado Land Office, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado. The fair market value of lot 20 is $275; lot 21 is $275; lot 26 is $200; lot 27 is $375; and lot 29 is $375. A right-of-way 50 feet in width is reserved along the east boundary of lots 26 and 27 for roads and for public utilities, in accordance with Title 43 CFR 257.17 (b). All minerals in the land are reserved to the United States.

4. Veterans preference rights in accordance with the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) were provided for by Small Tract Classification No. 12 (19 F. R. 1096), dated February 17, 1954. This sale is therefore open to the general public irrespective of qualifications upon which veterans preference is based.

The above described tracts will be sold at public auction at a public sale to be held in room 383, New Custom House, Denver, Colorado, at 9:00 a. m., July 16, 1958. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Land Office, Denver, Colorado, prior to 10:00 a. m., July 15, 1958. No sealed bid will be accepted if it is less than the appraised value of the lot. Sealed bids will be opened in the presence of the public in Room 367, New Custom House, Denver, Colorado, beginning at 10:00 a. m. on July 15, 1958. A list of the highest sealed bids received for each lot will be posted for public inspection at the sale. Sealed bids must be in units of $5. Oral bidding will be in increments to be announced at the sale. See paragraph 3 for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a satisfactory showing to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show: (a) The name and mailing address of the bidder; (b) Offer No. 12; (c) the number of the lot for which the bid is made, described in accordance with paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. Bids for separate lots must be enclosed in separate envelopes but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must be addressed to the Manager, Colorado Land Office, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Offer No. 12"; and (c) the number of the lot for which the bid is made, described in accordance with paragraph 3 above. Sender's name and return address should be shown on reverse side of envelope.

7. Each lot will be awarded to the highest qualified bidder. If the highest bid is oral the bidder will be required to make payment for the tract at the close of the bidding, and a personal check will be acceptable for this purpose. Any person who is declared high bidder for any tract will automatically be disqualified for consideration of other tracts at the sale unless he is an agent acting for one or more persons.

8. Inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and should be accompanied by a stamped, self-addressed envelope.

J. ELLIOTT HALL,
Lands and Minerals Officer.

APRIL 11, 1958.

[F. R. Doc. 58–2954; Filed, Apr. 21, 1958; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 019125, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an Air Force station and facilities.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Point Barrow

Beginning at a point on the line of mean high water of the Arctic Ocean which bears N. 05°46′ E., 8,630 feet more or less from U. S. C. & G. S. Station Triangulation Station "Point Barrow South Base", latitude 71°19′26″ N., and longitude 156°36′46″ W.; thence by metes and bounds,

South, 8,800 feet;
West, 7,230 feet;
North, 3,630 feet more or less to the mean high water line of the Arctic Ocean;
Northeasterly and meandering along the mean high water line of the Arctic Ocean, 9,030 feet more or less to the point of beginning.

Containing 1,030 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58–2981; Filed, Apr. 21, 1958; 8:50 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Indian Affairs has filed an application, Serial No. Fairbanks 013704, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for school purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Noatak

Beginning at Corner No. 1 of U. S. Survey 2037; thence N. 18°51′ E., 29.0 ft.; thence N. 71°09′ W., 264.0 ft.; thence S. 18°51′ W. 174.0 ft.; thence S. 71°09′ E., 402 ft., more or less, to a point along the bank of the Noatak River; thence Northwesterly following the meanders of the bank of the Noatak River 90 ft., more or less, to the intersection of line 3–4 of U. S. Survey 2037; thence N. 65°50′ W. 130 ft., more or less, to Corner 4 of U. S., Survey 2037; thence N. 18°51′ E., 99.0 ft. to Corner No. 1 of U. S. Survey 2037 the point of beginning.

Containing 1.3 acres.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58–2982; Filed, Apr. 21, 1958; 8:51 a. m.]

Bureau of Reclamation

[Public Notice 49]

MINIDOKA IRRIGATION PROJECT, IDAHO, NORTH SIDE PUMPING DIVISION

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

APRIL 3, 1958.

Minidoka Irrigation Project, Idaho, North Side Pumping Division. Public notice announcing availability of water for public and private lands and opening of public lands to entry.

LANDS COVERED

Section 1. *Lands for which water will be available.* Water will be available for the irrigation season of 1959 and thereafter for certain irrigable lands on the North Side Pumping Division of the Minidoka Irrigation Project, as shown on approved farm unit plats on file in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, and in the Idaho Land Office, Boise, Idaho.

Applications may be made in accordance with this notice, beginning at 2:00 p. m., April 22, 1958, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats. In order to permit the continued orderly development and settlement of project lands, this public notice is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566), and regulations for the administration thereof.

The lands to which this notice pertains are described as follows:

BOISE MERIDIAN, IDAHO

PUBLIC LAND: IRRIGATION BLOCK NO. 7

Section	Farm unit	Description	Total irrigable acres
		Township 7 South, Range 25 East	
29	A	Tract A	138.0
30	B	Tract B	136.2
	C	Tract C	160.0
31	A	Tract A	137.6
32	B	Tract B	144.3
	E	Tract E	147.1
		Township 8 South, Range 24 East	
17	K	Tract K	122.1
		Township 8 South, Range 25 East	
3	B	Tract B	127.5
5	A	Tract A	139.3
	B	Tract B	135.1
	C	Tract C	122.9
	F	Tract F	158.4
	J	Tract J	125.2
6	B	Tract B	132.9
7	D	Tract D	152.0
	E	Tract E	148.8
	F	Tract F	160.0
8	B	Tract B	160.0
10	A	Tract A	134.9
15	F	Tract F	110.5
21	C	Tract C	134.4
		Township 9 South, Range 21 East	
2	H	Tract H	152.5
		Township 9 South, Range 22 East	
7	A	Tract A	119.2
8	A	Tract A	140.2
8	C	Tract C	124.1
	D	Tract D	114.4
9	B	Tract B	132.6
	C	Tract C	123.8
	D	Tract D	121.8
	F	Tract F	148.7
10	C	Tract C	109.6
17	A	Tract A	135.6
	B	Tract B	145.0
	C	Tract C	152.6
18	B	Tract B	106.1
28	A[1]	Part of SW¼NE¼ and NW¼SE¼	46.5
34	F[1]	Part of W½NW¼ and NW¼SW¼	57.7
	G[1]	Part of NE¼NW¼	0.5
	H[1]	Part of NE¼SW¼	10.6
		Township 10 South, Range 22 East	
3	D[1]	Part of S½N½	58.4
	H[1]	Part of E½SE¼	8.6

[1] Patented, not subject to entry.

BOISE MERIDIAN, IDAHO—CON.

PRIVATE LAND: NOT SUBJECT TO ENTRY

Section		Description	Total irrigable acres
		Township 10 South, Range 21 East	
9		SW¼SW¼	37.6
		Part of SE¼SW¼	26.1
		SW¼SE¼	38.1
		Tract A	29.8
		Tract B	30.2
		Township 10 South, Range 22 East	
3		Part of NW¼SE¼	17.7
		Part of SW¼SE¼	20.6

The Reclamation law provides that the Secretary of the Interior may designate an area of land in a project which, in his judgment, should be reclaimed and put under irrigation at substantially the same time as an irrigation block. Pursuant to section 2 (k) of the Reclamation Project Act of 1939, the farm units described above are designated as Irrigation Block No. 7.

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange of farm units under the provisions of the act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants," a preference right shall be given to applications which are made by certain veterans (and in some cases by their wives, husbands, or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans preference are set forth in section 4 of this notice.

Therefore, except for those received from qualified exchange applicants, which shall be given prior preference, applications for farm units on public lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before 2:00 p. m., July 21, 1958.

In order to be eligible to receive farm units, all applicants, other than qualified exchange applicants, whether or not entitled to veterans preference, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 7 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans preference.* The classes of persons who are entitled to the veterans preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least 90 days at any time between September 16, 1940, and the official termination of the Korean conflict, and who have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right and submits written proof of such consent with the application. (See section 8 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 6. *Examining board.* An examining board of 3 members, including the Superintendent of the Minidoka Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Minidoka Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancellation of award, or cancellation of an entry.

SEC. 7. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a Reclamation farm unit. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years' (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicants to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. No value will be allowed for household goods or passenger car. An applicant may be required to furnish a certified financial statement showing all of his assets and all of his liabilities. (See section 15 of this notice.) Assets not useful in the development of a farm will be considered if the applicant furnishes, at the board's request, evidence of the value of the property and proof of its conversion into useful form before the issuance of a certificate of qualification.

SEC. 8. *Other qualifications required.* Except for qualified exchange applicants, all applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not have exhausted the right to make homestead entry on public land.

(c) Must not own more than 160 acres of land in the United States.

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family. Complete information concerning qualifications for homesteading may be obtained from the Idaho Land Office of the Bureau of Land Management at Boise, Idaho, or from the Director of that Bureau, Washington 25, D. C.

SEC. 9. *Restriction on ownership of project lands.* Applicants, other than qualified exchange applicants, for certificates of qualification must not hold or own, within any Federal Reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns lands in a Federal Reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 10. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached application blank. Additional application blanks may be obtained from the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho; the Regional Director, Bureau of Reclamation, Boise, Idaho; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C.

SEC. 11. *The filing of application.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, in person or by mail. No advantage will accrue to an applicant who presents an application in person.

SEC. 12. *Applications become Department records.* Each application submitted, including evidence of qualification to be submitted following the public drawing, will become a part of the records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm, the copy of his discharge papers will be attached to his certificate of qualification (see section 19 of this notice) for submission to the Bureau of Land Management.

SELECTION OF QUALIFIED APPLICANTS

SEC. 13. *Priority of applications.* All applications, including those filed by exchange applicants, must be received prior to 2:00 p. m., July 21, 1958. All applications, except those received from exchange applicants, will be classified for priority purposes and considered in the following order:

(a) *First Priority Group.* All complete applications filed prior to 2:00 p. m., July 21, 1958, by applicants who claim veterans preference. Such applications will be treated as simultaneously filed.

(b) *Second Priority Group.* All complete applications filed prior to 2:00 p. m., July 21, 1958, by applicants who do not claim veterans preference. Such applications will be treated as simultaneously filed.

(c) *Third Group.* All complete applications filed after 2:00 p. m., July 21, 1958. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 14. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 13 (a) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be awarded) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 15. *Submission of evidence of qualification.* After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 7 and 8 of this public notice and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 4 of this public notice. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 30 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

Sec. 16. *Final examination.* After the information requested as outlined in section 15 of this notice has been received or the time for submitting such statements has expired, the board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants to whom certificates of qualification will be issued. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units. If the applicant fails to appear before the board for a personal interview when requested, he shall thereby forfeit his priority as established by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units then available. A certificate of qualification will not be issued to an applicant who owns more than 160 acres of land in the United States. Therefore, an applicant may be required by the examining board, prior to the issuance of a certificate of qualification, to submit evidence satisfactory to the board that he does not own more than 160 acres.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this notice, the applicant shall be disqualified and shall be notified by the board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 15 days of the applicant's receipt of such notice, on in any event, within 30 days from the date the notice is mailed to the last address furnished by the applicant. The office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, will forward the appeals promptly to the Regional Director. The Regional Director's decision on all appeals shall be final.

SELECTION OF FARM UNITS

Sec. 17. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right to selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as the result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 14 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

In the event, however, that a farm unit remains unentered at the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit, and it shall be awarded to the first applicant who files an application after the expiration of the two-year period and who meets the qualifications prescribed by the notice, without regard to veterans preference.

Sec. 18. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

Sec. 19. *Payment of charges and filing homestead applications.* After each qualified applicant has advised the board of his selection of a farm unit, he shall be notified by the board of the annual construction, water rental, or other charges and shall be furnished with copies of the contracts to be executed by him as required by subsections 20 (b) and (e) of this notice. The required payment and executed contracts must be received in the Office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 15 days of the receipt by the applicant of such notice and contracts. Upon receipt of such payment and of the contracts fully executed before the expiration of said 15-day period, the board shall furnish each applicant, by certified mail or by delivery in person, a certificate of qualification stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificate must be attached by the applicant to the homestead application, which application must be filed in the Idaho Land Office, Bureau of Land Management, Boise, Idaho. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay annual construction, water rental, or other charges, to execute the required contracts, or to make application for homestead entry within the period specified herein will render the application subject to rejection.

Sec. 20. *Repayment obligations required to be undertaken under Federal Reclamation laws*—(a) *Establishment of development period.* Section 9 (d) (1) of the Reclamation Project Act of 1939 provides that, if, as in the case of the lands involved in this public notice, the lands are for the most part lands owned by the United States, the Secretary, prior to the execution of a repayment contract, may fix a development period and provide for the delivery of water during that period to the individual landowners on the basis of annual payments in advance of delivery of water.

Pursuant to that authority, the development period is hereby fixed as 10 years for the lands comprising Irrigation Block No. 7, commencing January 1, 1959, subject, however, to the right of the Secretary by a supplemental notice to shorten this period should it be determined that the full period is not justified.

(b) *Repayment organization and contract.* The Reclamation Project Act of 1939 requires that, as a condition precedent to the continued delivery of water after the close of the development period, the water users must form an organization, satisfactory in form and powers to the Secretary, to contract with the

United States to repay the reimbursable construction costs incurred and to be incurred by the United States in the construction and operation and maintenance of the North Side Pumping Division. The organization proposed for the area comprising the North Side Pumping Division is an irrigation district to be created under the laws of the State of Idaho embracing all the lands proposed to be served by the works of the Division as authorized by the act of September 30, 1950. Before the end of the development period for Irrigation Block No. 1, the United States will request the landowners involved to organize such a district and to enter into an appropriate repayment contract with the United States in conformity with the requirements of the Federal Reclamation laws. To insure fulfillment of this requirement, each qualified applicant will be required as a condition precedent to the issuance of a certificate of qualification to agree to join in a petition for the creation of such a district and to include his lands in such a district when requested so to do by the United States.

(c) *Charges payable during development period.* (1) During the development period, a minimum amount of water will be furnished at an annual charge per irrigable acre to be paid in advance of delivery of water. The quantity of water to be delivered for the minimum charge each year will be specified by the Regional Director and water in excess of the amount to be furnished for the minimum charge will be furnished on an acre-foot basis in accordance with an ascending scale of rates. It is estimated that over the development period charges for water will average $10.50 per year for each irrigable acre. It is also the present plan to set a small minimum charge for the first year and to increase it each year during the development period with the object of having the charge for the last year of the development period approximately equal to the estimated combined construction and operation and maintenance charges for the first year that construction charges are required to be paid under the repayment contract. This combined operation and maintenance and construction charge is presently estimated at $13.50 per irrigable acre annually. Charges during the development period are expected to equal operation and maintenance costs during that period and are not intended to return any of the construction costs. Prior to the execution of the repayment contract, payments required to be made during the development period will be paid by the individual water users to the United States pursuant to announcements made by the Regional Director. After the repayment contract has been executed, payments by the water users will be made to the irrigation districts which will in turn make payment to the United States.

(2) For the 1959 irrigation season a minimum charge of $4.20 per irrigable acre shall be required to be paid for each irrigable acre for which water is requested except that each entryman in the block must pay this minimum charge for at least 50 percent of the irrigable acreage of his farm unit.

Water users will be furnished three acre-feet of water for each irrigable acre in their farm units for which payment of the minimum charge is made. Water, in excess of three acre-feet for each irrigable acre, if available, will be furnished during the 1959 irrigation season at the following rates:

Fourth acre-foot per acre	$1.70
Fifth acre-foot per acre	2.25
Sixth acre-foot per acre	2.80

(3) The foregoing charges are subject to all provisions of the Federal Reclamation laws relating to collections and penalties for delinquencies.

(d) *Construction charges required to be paid.* After the development period has ended as to each irrigation block, the water users of the block will be required to pay, in accordance with the terms of the repayment contract, an annual charge per irrigable acre to meet operation and maintenance costs and to repay to the United States that portion of the cost of construction of the North Side Pumping Division which is assigned for repayment by the water users. The repayment contract may provide for such payment over a 50-year period following the development period and the law requires that the construction charge obligation shall be distributed equally to like classes of land, both annual instalments to be adjusted on the basis of crop returns, as adjusted for agricultural parity. It is now estimated that a basic annual payment of $3.00 per irrigable acre for the entire North Side Pumping Division will be sufficient to return the current estimate of the costs of the Division required to be repaid by the water users, this representing an estimated total construction charge of $150 per irrigable acre. In terms of present day costs, it is estimated that the average annual charge per irrigable acre for operation and maintenance will be $10.50. This estimate includes replacements required during the repayment period and the costs of power for irrigation pumping. The figures given both as to the construction obligation and the annual operation and maintenance costs are estimates only and subject to change in terms of costs as actually incurred. These estimates of the construction and operation and maintenance charges and the average estimated charges for water during the development period, as set out in subsection 20 (c) (1) of this notice, are based on the assumption that power will be furnished by the Bureau under a wheeling arrangement with the Idaho Power Company on terms similar to those provided by existing contracts with the Company.

(e) *Recordable contracts required.* Applicants for entry of public land will be required, as a condition precedent to the issuance of a certificate of qualification, to execute and deliver a recordable contract which is intended to discourage the sale of land while it is in a development stage at prices in excess of its fair market value and to discourage speculation in such lands. Under present policies such contracts will remain in effect until the end of the fifth year after the commencement of payment of construction charges on the lands involved. As a basis for operation of such contracts, all the lands of the Division will be appraised at their fair market value without regard to increments by reason of the prospect of obtaining water, and the contracts will provide that, in the event lands are sold at prices in excess of their appraised values, as these are revised from time to time, a portion of the excess shall be applied in payment of construction charges against the land.

GENERAL PROVISIONS

SEC. 21. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 22. *Reservation of rights of way for public roads.* Rights of way along section lines and other lines shown in red on the farm unit plats described in section 1 of this notice are reserved for county, State, and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 23. *Reservation of rights of way for utilities.* Rights of way are reserved for Government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other Government-owned facilities over and across the farm units above-described as hereafter, in his opinion, may be necessary for the proper construction, operation and maintenance of the said project. Existing rights of way granted by the United States are also reserved.

SEC. 24. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 25. *Effect of relinquishment or cancellation.* In the event that any entry of public land made hereunder shall be relinquished by the entryman or cancelled for any cause, other than by contest, the farm unit affected by such relinquishment or cancellation shall be disposed of as follows:

(a) If the entry is relinquished or cancelled within two years after the date of the notice, such unit shall be offered without delay to the qualified applicant next in order of priority as established in the drawing who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of the notice. In the event that an award cannot be made to a qualified applicant, the unit shall be offered as prescribed in subsection (b) below.

(b) If an entry is relinquished or cancelled at any time after the expiration of 2 years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the effective date of the relinquishment or cancellation and who meets the qualifications prescribed by the notice without regard to veterans preference.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 58-2958; Filed, Apr. 21, 1958; 8:46 a. m.]

Office of the Secretary

[Order 2765, Amdt. 3]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY

Order No. 2765, as amended (19 F. R. 5004, 7417; 22 F. R. 1090), is further amended to authorize the Commissioner of Reclamation to perform certain functions and exercise certain authority of the Secretary of the Interior under the Coulee Dam Community Act of 1957 (71 Stat. 524):

1. Paragraph (a) of section 1 is amended by the addition of a new subparagraph (12), reading as follows:

(12) Coulee Dam Community Act of 1957 (71 Stat. 524).

2. Paragraph (a) of section 2 is amended by the addition of a new subparagraph (13), reading as follows:

(13) Determine amounts of power and energy needed to meet load requirements for space-heating purposes and to establish special rates therefor under section 7 (c) of the Coulee Dam Community Act of 1957 (71 Stat. 524).

[SEAL] FRED A. SEATON,
Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2957; Filed, Apr. 21, 1958; 8:45 a. m.]

[Order 2583; Amdt. 18]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

Section 2.78 of Order No. 2583 (15 F. R. 5643) is amended to read as follows:

SEC. 2.78 *Town sites.* All town-site matters, including the designation of town-site trustees as provided in 43 CFR 80.2 under authority of section 11 of the act of March 3, 1891 (26 Stat. 1099, 48 U. S. C. 355) and as provided in 43 CFR 80.19 under authority of the act of May 25, 1926 (44 Stat. 629, 48 U. S. C. 355a–355d): *Provided,* That reclamation town-site matters shall be handled jointly with the Commissioner of Reclamation, pursuant to 43 CFR 255.42 to 255.45, inclusive, and 255.47.

FRED A. SEATON,
Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2959; Filed, Apr. 21, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9251 et al.]

PACIFIC AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Pacific Airlines, Inc., Docket No. 9251, and a Board investigation, Docket No. 9396.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 13, 1958, at 10:00 a. m., local time, in Room 226A, Old Mint Building, Fifth and Mission Streets, San Francisco, California, before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues, particular attention will be directed to the following matters: Whether the public convenience and necessity require (a) the renewal of Pacific Air Lines' authority to serve Red Bluff, Ukiah, Fort Bragg, and/or Yreka, California, on a temporary or permanent basis and (b) the continued suspension or elimination of United Air Lines' authority to serve Red Bluff and/or Eureka, California.

Dated at Washington, D. C., April 17, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2987; Filed, Apr. 21, 1958; 8:52 a. m.]

[Docket No. 7149 et al.]

SERVICE TO SANTA CATALINA ISLAND, CALIF.

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 6, 1958, at 10:00 a. m., local time, in the Miramar Hotel, Ocean Avenue and Wilshire Boulevard, Santa Monica, California, before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., April 17, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2988; Filed, Apr. 21, 1958; 8:52 a. m.]

[Docket No. 7984 et al.]

HOUSTON SERVICE INVESTIGATION

NOTICE OF CHANGE OF PLACE OF PREHEARING CONFERENCE

Reference is hereby made to the Notice of Prehearing Conference in the above-styled proceeding issued on April 1, 1958, by the Chief Examiner of the Civil Aeronautics Board.

The prehearing conference in the above-entitled matter will be held on May 5, 1958, at 10 a. m., e. d. s. t., as heretofore assigned; but the place of the conference is hereby changed from Room E-210, Temporary Building No. 5, to Hearing Room A, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D. C.

Except for the change of the place of the prehearing conference, the remaining procedures specified in the Notice dated April 1, 1958, remain unchanged.

Dated at Washington, D. C., April 18, 1958.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F. R. Doc. 58-2989; Filed, Apr. 21, 1958; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE WAGES AND PRICES IN FLORIDA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price and wage proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on May 8, 1958, beginning at 10:00 a. m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1958 through June 30, 1959, on farms with respect to which applications for payment under the act are made, and (2) pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1958 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Tom O. Murphy and A. A. Greenwood are hereby designated as presiding offiters to conduct either jointly or severally the foregoing hearing.

Issued this 17th day of April 1958.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division.

[F. R. Doc. 58-2986; Filed, Apr. 21, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13695]

KERR-MCGEE OIL INDUSTRIES, INC., AND CLARK M. CLIFFORD

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 16, 1958.

Take notice that on November 12, 1957, Kerr-McGee Oil Industries, Inc., a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, and Clark M. Clifford, with an office in Washington, D. C. (Applicants), independent producers, filed a joint application in Docket No. G-13695 pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon service to Phillips Petroleum Company (Phillips) from the Spraberry Field, Midland County, Texas, as hereinafter described, subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission, and open for public inspection.

The service to be abandoned is covered by a gas sales contract dated November 1, 1952, and was previously authorized by the Commission in its order of October 16, 1956, in Docket No. G-9841.

The application recites that the supply of natural gas has been depleted to the extent that the continuance of service to Phillips is unwarranted; and that the wells supplying natural gas have been plugged and abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 11, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2960; Filed, Apr. 21, 1958; 8:46 a. m.]

[Docket Nos. G-14212, G-14438]

FELMONT OIL CORP. AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 16, 1958.

In the matters of Felmont Oil Corporation, Operator, Docket No. G-14212; The Manufacturers Light and Heat Company, Docket No. G-14438.

Take notice that on February 7, 1958, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with a principal place of business in Pittsburgh, Pennsylvania, filed an application in Docket No. G-14438 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 7.5 miles of 8-inch lateral supply line to extend from a point of connection with its existing 16-mile Clinton County transmission pipeline in Cherry Hill Township, Indiana County, Pennsylvania, to the Bethlehem-Cuba well in the Pine Field, Indiana County, and approximately 4,100 feet of 6⅝-inch field line to extend from a point on said proposed 8-inch lateral to the H. George well in said Pine Field, with metering facilities at each well (for the purpose of receiving natural gas produced from said well—by Felmont Oil Corporation (Felmont), Operator) subject to the jurisdiction of the Commission, as more fully set out in the application on file with the Commission, and open for public inspection.

The application recites that the estimated initial cost of the facilities to be constructed and operated by Manufacturers will be $510,000, which will be financed under an arrangement with its parent company, The Columbia Gas System, Inc.

Felmont Oil Corporation (Felmont), Operator, a Delaware corporation with a principal office in New York City, New York, an independent producer, filed on January 9, 1958, an application in Docket No. G-14212 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Felmont to sell natural gas produced from the wells in the Pine Field, Indiana County, Pennsylvania, by Felmont as operator, and for Columbian Carbon Company (a non-operating non-signatory party) in interstate commerce to The Manufacturers Light and Heat Company (Manufacturers), subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission, and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2961; Filed, Apr. 21, 1958; 8:46 a. m.]

[Docket Nos. G-14367, G-14476]

CLAUD B. HAMILL AND TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 16, 1958.

In the matters of Claud B. Hamill, Docket No. G-14367; Texas Illinois Natural Gas Pipeline Company, Docket No. G-14476.

Take notice that on February 13, 1958, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation having its principal place of business in Chicago, Illinois, filed in Docket No. G-14476 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 3-inch tap on its existing 26-inch main transmission pipeline in Wharton County, Texas, and approximately 2 miles of 4-inch lateral supply pipeline to extend from a point of connection with the 3-inch tap referred to above to a proposed meter station to be installed by Texas Illinois in the Spanish Camp Field in Wharton County, subject to the jurisdiction of the Commission for the purpose of receiving volumes of natural gas produced in said field by Claud B. Hamill (Hamill), for transportation in interstate commerce for resale, as more fully related in the application on file with the Commission, and open for public inspection.

On January 31, 1958, Hamill, an independent producer with a principal office in Houston, Texas, filed an application in Docket No. G-14367 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas produced from acreage in the Spanish Camp Field in Wharton County, Texas, to Texas Illinois in interstate commerce for resale, subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission, and open for public inspection.

The application of Texas Illinois in Docket No. G-14476 recites that its proposal will enable it to purchase and receive additional volumes of natural gas for its system requirements.

The estimated cost of Texas Illinois proposed facilities is stated to be $40,000, which will be defrayed from funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 4, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2962; Filed, Apr. 21, 1958; 8:47 a. m.]

[Docket No. G-14514]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 16, 1958.

Take notice that on February 19, 1958, Texas Gas Transmission Corporation (Applicant), filed in Docket No. G-14514 a "budget type" application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of its existing transmission system from time to time during the 12-month period immediately following date of issuance of certificate authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the present proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and attaching to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with its existing system.

The total cost of all projects for which authorization is sought herein is not to exceed $3,000,000, with no single project to exceed $400,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2963; Filed, Apr. 21, 1958; 8:47 a. m.]

[Docket No. G-14690]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 16, 1958.

Take notice that on March 17, 1958, The Ohio Fuel Gas Company (Applicant), filed in Docket No. G-14690 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain natural gas facilities being used to serve Sidwell Brothers, a direct industrial customer, as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities involved consist of a service line from Applicant's Line "H" west of Zanesville, Ohio, to the plant of Sidwell Brothers, in Newton Township, Muskingum County, Ohio, and regulating and measuring facilities, presently being used for the delivery and sale of natural gas to Sidwell Brothers for use in the production and processing of blacktop road-building material.

The application states that the original cost of these facilities was approximately $6,600; the service is essentially off-peak interruptible in character; and the deliveries to Sidwell Brothers in 1957 totaled 13,544 Mcf of natural gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2964; Filed, Apr. 21, 1958; 8:47 a. m.]

[Docket No. G-14885]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 16, 1958.

Cities Service Oil Company (Cities Service) on March 17, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 12, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 43.

Effective date: April 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Cities Service merely cites the periodic escalation provision in the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 43 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CRF Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 43.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 18, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CRF 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2965; Filed, Apr. 21, 1958; 8:47 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-13031.

[Docket No. G-14886]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 16, 1958.

Cities Service Oil Company (Operator), et al. (Cities Service) on March 17, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 12, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 51.

Effective date: April 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Cities Service merely cites the periodic escalation provision in the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 51 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 51.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 18, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2966; Filed, Apr. 21, 1958; 8:48 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12983.

[Docket No. G-14705]

DEEP SOUTH OIL COMPANY OF TEXAS

ORDER POSTPONING HEARING

APRIL 16, 1958.

By order issued March 21, 1958, the Commission fixed April 22, 1958, as the date for commencement of a public hearing in the above-entitled proceedings in which Deep South Oil Company of Texas is required to show cause, if any there be, why it should not be required to comply with all of the provisions of the Natural Gas Act, including particularly sections 4 and 7 thereof, and to continue deliveries of natural gas to Texas Gas Corporation.

Since that order was issued Deep South has filed with the Commission an application for a certificate of public convenience and necessity authorizing the sale of gas to Texas Gas (Docket G-14764), and has filed an answer purportedly in compliance with the terms of the order issued March 21, 1958.

The Commission finds: It is necessary and appropriate in the public interest that the hearing in these proceedings be postponed as hereinafter ordered.

The Commission orders: The hearing ordered heretofore in these proceedings is hereby postponed to commence May 20, 1958, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2967; Filed, Apr. 21, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following Amendment (No. 2) to License CX-2 authorizing General Electric Co. to operate its Vallecitos Boiling Water Reactor located near Pleasanton, California and described in Docket No. 50-18, as a critical experiment facility under the conditions and in accordance with the procedures set out in Amendments Nos. 22 and 23 to its license application. The license amendment authorizes operation of the facility for the performance of critical experiments, including determinations regarding temperature coefficients and calibration of control rods. General Electric Company proposes to conduct these experiments with a fuel loading and with control rods which differ from those utilized previously under Licenses CX-2 and DPR-1. The fuel loading will differ from that previously utilized in that it will consist of a maximum of 108 fuel elements instead of 101. Instead of using 7 boron carbide-filled, flat-plate control rods, General Electric Company will use 3 control rods of stainless steel containing 1 percent boron enriched to 90 percent in boron-10 and 4 rods made of boron carbide-filled tubes. The experiments will be performed to build up the core from its present subcritical condition to a condition similar to that used for power operation.

The Atomic Energy Commission has found upon review of the application for amendment that prior public notice of proposed issuance of this amendment is not required in the public interest inasmuch as the proposed changes in operation of the facility do not materially affect the Commission's evaluation of hazards to the health and safety of the public which was made in connection with the licensee's application for the original license. In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see the application for license amendment at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 11th day of April 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of
Licensing and Regulation.

[License No. CX-2; Amdt. 2]

On April 8, 1958, General Electric Company submitted Amendment No. 22 to its application for license requesting authorization to operate its Vallecitos Boiling Water Reactor as a critical facility with control rods of the design described in Amendment No. 19 to its license application, and with a core loading the same as that described in Amendment No. 12 plus seven additional fuel elements. On April 10, 1958, General Electric Company submitted Amendment No. 23 to its application to provide operating conditions different from those set forth in Amendment No. 22.

The Atomic Energy Commission has found that operation of the facility as proposed in license application amendments Nos. 22 and 23 will not be inimical to the common defense and security or to the health and safety of the public.

The first sentence of subparagraph a of paragraph I of Appendix "A" of License No. CX-2 issued to General Electric Company on July 29, 1957, is hereby amended to read as follows:

General Electric Company shall operate the facility for the conduct of the critical experiments described in its application and its requests for license amendment submitted on September 3, 1957, April 8, 1958, and April 10, 1958 (designated by GE as Amendments Nos. 10, 11, 22, and 23 to its application for license) and in accordance with the procedures and limitations governing these experiments described in the application for license and amendments thereto numbered 10, 11, 22, and 23.

Date of issuance: April 11, 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3012; Filed, Apr. 21, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

Description of Central and Field Organization

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of April A. D. 1958.

Upon consideration of section 17 of the Interstate Commerce Act as amended (49 U. S. C. 17) and section 3 (a) (1) of the Administrative Procedure Act:

It is ordered, That the description of central and field organization of the Interstate Commerce Commission appearing in the order of September 9, 1946 (11 F. R. 10305), as amended, is hereby superseded by the following:

1. *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act (49 U. S. C. 11, 24).

(a) *Offices.* The central and principal office of the Commission is located at 12th Street and Constitution Avenue NW., Washington 25, D. C. In the field, there are 13 Regional Offices and 76 detached offices, located in the more important transportation centers throughout the United States. A listing of these offices is included in an appendix set forth below.

(b) *Hours.* Office hours in Washington, D. C. are from 8:30 a. m. to 5:00 p. m. Office hours of field offices are also from 8:30 a. m. to 5:00 p. m., local time of the place where located, except where local conditions require otherwise.

(c) *Sessions.* General sessions of the Commission are held at Washington, D. C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories (sections 17, 19, and 205; 49 U. S. C. 17, 19, 305).

(d) *Definitions*—(1) *Act.* The words "act" or "the act" used in this part shall be construed to mean the Interstate Commerce Act and other acts administered by the Commission, unless the context indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by the "Commission," the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, a board of employees, a joint board, or an examiner to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, in this part, the term will include railroads, express companies and sleeping car companies, common and contract motor carriers and brokers of motor transportation, private and exempt motor carriers, pipelines (other than those for water or gas), freight forwarders and certain domestic water carriers.

2. *Public information*—(a) *Releases by the Commission.* All releases to the public and press are issued through the Office of the Secretary, which is the first point of contact for information relating to any matter or proceeding pending before the Commission.

(b) *Requests for information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the Bureau or Office which handles the particular subject matter, or to field offices of various bureaus to the extent stated in the description of bureau organization.

(c) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in duplicated form. Copies of all such reports and orders are made available for public inspection at the time of issuance through the Secretary's Office and, to the extent that copies are available, are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The less important cases are summarized in the bound volumes. Reports concerning other than valuation and motor carrier application matters are published in volumes entitled "Interstate Commerce Commission Reports," commonly cited "------ I. C. C. ------" Reports concerning motor carrier application matters are published in a separate series of reports entitled, "Interstate Commerce Commission Reports, Motor Carrier Cases," commonly cited "------ MCC ------." The first 21 volumes of reports relating to valuation matters are included in the "ICC" series of reports, but beginning with Volume 22, these reports are published in a separate series entitled, "Interstate Commerce Commission Valuation Reports," commonly cited "------ Val Rep ------."

Copies of reports and orders, including those printed as described above may be examined at the Washington office of the Commission.

(d) *Inspection of records.* (1) The following specific files and records in the custody of the Secretary are available to the public (sections 16, 204, 316 and 417 of the act (49 U. S. C. 16, 304, 916, and 1017), and may be inspected at the Commission's office in Washington, upon reasonable request:

(i) Copies of tariffs, rate schedules, section 22 quotations or tenders, classifications, powers of attorney, concurrences, and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the act (49 U. S. C. 6, 22, 317, 318, 906, 1005, and 1009).

(ii) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the act (49 U. S. C. 20, 320, 913, and 1012).

(iii) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(iv) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceeding.

(v) File of instruments or documents recorded pursuant to section 20c and index thereto.

(vi) Other files and records, depending on their nature, may be available for public inspection where the disclosure would be consistent with the public interest and the duties of the Commission.

(2) *Requests to inspect records.* Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms, in the Commission's Washington office. Copies of certain rate schedules, tariffs, and reports filed by motor carriers are available for inspection at field offices where personnel of the Bureau of Motor Carriers are located.

(3) *Certified copies of records, etc.* Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether they shall be certified. A charge will be made for certification and for the preparation of copies.

3. *Bureau and Office Organization*—(a) *Central Organization.* The Commission's staff is organized into 10 bureaus, 3 offices and the Transport Mobilization Staff, the duties of each of which will be hereafter described. Each bureau is headed by a director, and the bureaus are divided into sections headed by section chiefs. Each bureau and office reports to the Commission or an appropriate division thereof through the Chairman of the Commission or a designated Commissioner, except with respect to matters within the jurisdiction of the Managing Director hereafter described.

(b) *Field Organization.* The regional and other field offices are staffed with employees who perform certain investigative and other duties more specifically outlined as part of the functional descriptions of the individual bureaus to which they are attached and to which they are generally responsible. The Regional Offices are headed by Regional Managers who are responsible to the Managing Director for certain administrative and managerial matters.

(c) *Office of the Managing Director.* The Managing Director is the chief official in charge of the internal management of the Commission's staff organization. Under policies established by the Commission, he administers, plans, manages, directs, and coordinates the administrative activities of all bureaus and offices, and supervises the activities relating to the Commission's budget, personnel, and administrative and central stenographic services.

(1) *Management Staff.* Makes studies and recommendations regarding the efficiency and economy of the Commission's operations.

(2) *Budget and Fiscal Office.* Is responsible for budget preparation and execution, fiscal accounting, auditing, payroll, and leave administration.

(3) *Personnel Office.* Is responsible for planning, organizing, directing, and accomplishing the overall personnel program in the Commission.

(4) *Section of Administrative Services.* Responsible for all property, supply, and maintenance functions within the Commission and the operation of the Commission's Class "A" printing plant.

(5) *Section of Stenography.* Provides central stenographic and typing services.

(d) *Office of the Secretary.* The Secretary is the official through whom the Commission, its divisions, individual Commissioners, boards of employees, joint boards, and examiners issue their orders and decisions; he is custodian of the seal and records of the Commission and is responsible for the proper documentation of Commission decisions, procedures, and other transactions; pursuant to the Rules of Practice, he is responsible for processing the official documents pending before the Commission and for service on parties to formal proceedings; and he supervises the Sections of Dockets, Reference Services, and Mails and Files. The Secretary's Office is the medium through which information and releases are made available to the press and the public.

(1) *Section of Dockets.* Is responsible for maintaining all docket files in the Commission and files containing designations, under Part II of the act, of agents to receive service of judicial process; serving all reports, orders and notices; scheduling or arranging for the use of hearing rooms in Washington and the field; and recording of documents evidencing the lease, mortgage, etc., of railroad equipment.

(2) *Section of Mails and Files.* Processes all incoming and outgoing mail in the Commission; provides messenger services in the Washington office; and maintains the Commission's central files.

(3) *Section of Reference Services.* For the use of Commission personnel, other government agencies, practitioners and the public, compiles and maintains the following publications and reference looseleaf digest and consolidated tables, for publication to the Commission's bound report volumes; (2) a consolidated looseleaf digest and consolidated tables, covering reports 1887 to date; and (3) the Interstate Commerce Acts annotated, a 17 volume set. In addition, maintains a special library of transportation materials and provides a coordinated reference service.

(e) *Office of the General Counsel.* This Office, under the direction of the General Counsel, furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission; and defends, on behalf of the Commission, in all court proceedings to set aside, enjoin, cancel, or annul orders of the Commission. This Office does not participate as public counsel in Commission proceedings nor does it act as investigator or prosecutor in proceedings to enforce the requirements of the act or to exact penalties for violations.

(f) *Transport Mobilization Staff.* Responsible for the performance of mobilization planning functions with respect to domestic transportation, storage, and port facilities, as defined in section 601 (k) of Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), and as delegated to the Commission and redelegated to the Commissioner who is responsible for the supervision of the Bureau of Safety and Service under the Defense Production Act of 1950, as amended. These functions concern the preparation of plans and programs for the most effective use of the nation's transport, storage and port systems and facilities (excluding air transport, pipelines, coastal, intercoastal, and overseas shipping) in preparation for attack conditions, under attack conditions, and in post-attack rehabilitation. Classified information in the possession of the Commissioner, in connection with the performance of functions as delegated to him, is subject to the Security Regulations which were initially adopted by the Defense Transport Administration.

(g) *Bureau of Accounts, Cost Finding and Valuation.* Performs the accounting, cost finding and valuation functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes participation in the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, and other related regulations for all transportation companies subject to the act; examining the accounts, records and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; development of equitable and reasonable depreciation rates and reserves for carrier property; preparing studies and analyses of the costs and revenues of transportation services of carriers subject to the act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; and the analysis of accounting matters in finance proceedings and cost evidence presented by other parties in rate proceedings.

(1) *Section of Accounting.* Is charged with the development of uniform systems of accounts, regulations governing the destruction of carrier records, and regulations governing forms and recording of passes; the development of equitable and reasonable depreciation rates and reserves for carrier property; and the review of accounting and related matters in finance proceedings before the Commission.

(2) *Section of Cost Finding.* Is engaged in the development of cost formulas and principles followed in making cost studies; the preparation of cost studies and analyses for use in rate-making proceedings and for release to the public; and the analysis of cost evidence presented by other parties in proceedings before the Commission.

(3) *Section of Valuation.* Performs work necessary to ascertain the value of railroad and pipeline properties pursuant to section 19a of the act. This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land; development of elements of value and other pertinent material for consideration by the Commission in rate and reorganization proceedings and finding final property values.

(4) *Section of Field Service.* Supervises the accounting inspection work performed in the field for all types of carriers and makes accounting reviews of annual reports filed by Class I and II motor carriers of property and Class I motor carriers of passengers.

(5) *Field Staff.* Conducts regular and special examinations of carriers' records for the purpose of ascertaining compliance with the Commission's accounting rules and discovering violations of other regulations of the Commission. Also serves as witnesses in prosecution cases and other proceedings respecting these matters.

(h) *Bureau of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the act, relative to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; approval for motor carriers or water carriers to enter into contracts and agreements for the pooling or diversion of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers, and when directly related to such authority the granting of certificates or permits to motor carriers in connection therewith; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; authority to hold position of officer or director of more than one railroad; and formal investigations concerning possible violations of the act relating to the foregoing subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings. Hearing examiners assigned to this Bureau conduct hearings and prepare initial reports with respect to the proceedings handled by the Bureau and when not so engaged, perform other work not inconsistent with their duties as hearing examiners.

(1) *Section of Convenience and Necessity.* Handles the proceedings described above relating to rail carriers, water carriers, and freight forwarders, except those arising under the Uniform Bankruptcy Act and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(2) *Section of Securities and Reorganizations.* Handles the proceedings arising under the Uniform Bankruptcy Act and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(3) *Section of Motor Carrier Finance.* Handles the proceedings described above relating to motor carriers except those involving transfer of certificates and permits under section 212 (b) of the act which have not involved the taking of testimony at a public hearing, and those involving the issue of securities or assumption of obligation with respect to securities.

(4) *The Transfer Board.* Pursuant to authority delegated under section 17 of the act, makes determination, when the matter at issue is not reserved for action by the Commission, of applications filed under section 212 (b) of the act relating to transfer of certificates or permits, which have not involved the taking of testimony at a public hearing.

(i) *Bureau of Inquiry and Compliance.* Investigates violations, prosecutes in court and assists the Department of Justice in prosecuting civil and criminal proceedings arising under all parts of the act (except violations of the Safety Acts which are under the jurisdiction of the Section of Railroad Safety, Bureau of Safety and Service), and related acts such as the Elkins Act, the Clayton Anti-Trust Act and the Transportation of Explosives Act. When specifically authorized by the Commission or a division thereof in any particular case or class of cases, participates in Commission proceedings, for the purpose of developing the facts and issues.

(1) *Section of Motor Carrier Enforcement.* Supervises and handles the legal activities involved in the enforcement of Part II of the act, the Clayton Anti-Trust Act and related acts involving motor vehicle transportation.

(2) *Section of Rail, Water and Forwarder Enforcement.* Supervises and handles the legal activities involved in the enforcement of Part I, III and IV of the act (except violations of the Safety Acts which are under the jurisdiction of the Section of Railroad Safety), the Elkins Act, the Clayton Anti-Trust Act and related statutes.

(3) *Field Staff.* Conducts investigations of carriers and shippers to obtain evidence of violations; reviews evidence of violations and makes recommendations with respect to enforcement action to be taken; prosecutes or assists United States Attorneys in the prosecution of civil and criminal proceedings in Federal Courts; and participates in Commission proceedings as witnesses or counsel.

(j) *Bureau of Motor Carriers.* Administers the Commission's programs involving the regulation of motor carriers under Part II of the act insofar as they involve: Initiating and administering the rules and regulations governing the filing and approval of security or insurance for the protection of the public; initiating and administering saftey regulations concerning qualifications and maximum hours of service of employees and safety of operation and equipment of all for-hire and private carriers in interstate or foreign commerce; investigating and reporting on serious accidents and the transportation of explosives and other dangerous articles; initiating and administering regulations relating to safety and comfort of migratory workers; inspecting the operations of the carriers in the field to inform them of the requirements of the act and regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, insurance, annual reports, extensions of credit or unsafe operating practices; and issuing informal interpretations of Commission's certificates, permits and regulations affecting motor carrier operation.

(1) *Section of Administration.* Performs duties relating to the internal administration of the Bureau including personnel, employment, procurement of supplies, services, and like matters.

(2) *Section of Insurance.* Performs work in connection with the administration of section 215 of the act pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public, including: the preparation of recommendations for submission to the Commission for determination of applications to self-insure, the approval or disapproval of certificates of insurance, and passing upon the qualifications of insurance and bonding companies. In addition, performs work similar to that described above, in connection with the administration of section 403 (c) of the act applicable to freight forwarders.

(3) *Section of Motor Carrier Safety.* Performs work in connection with the promulgation of regulations pertaining to safety, hours of service of employees and standards of equipment; compiles and publishes statistical and other information pertaining to these matters; presents evidence in Commission proceedings where the matter of carrier safety records is involved; prepares accident reports for Commission approval

and provides guidance to the field staff respecting the administration of the motor carrier safety regulations and procedures.

(4) *Field Staff.* Conducts inspections and investigations of the activities of motor carriers to ascertain their compliance with the law and regulations under Part II of the act, including: safety of operations and equipment, hours of service, posting and-adherence to rate and tariff schedules, filing of insurance, operating in accordance with authority and like matters; provides reports on applications for temporary operating authority; prepares investigation reports; recommends prosecutions and serves as witnesses in prosecutions and other proceedings respecting these matters.

(k) *Bureau of Operating Rights.* Performs duties in connection with the Commission's proceedings involving motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders, under the various sections of the act, relative to operating authority matters and exemptions, including investigations looking to the prescription of rules and regulations governing operations of such carriers; formal complaints and investigations concerning failure of carriers to comply with the act or any requirement established thereunder, with respect to operating practices under the jurisdiction of Division 1; the suspension, change or revocation of certificates, permits, and licenses; and the granting of temporary authorities for motor carrier service.

(1) *Section of Administration.* Performs the Bureau's administrative work relating to the assignment of proceedings for hearing, creation of joint boards and appointment of joint board members; prepares correspondence with parties to cases on certain procedural matters; maintains bureau records and prepares statistics pertaining to cases processed; and performs duties relating to the internal administration of the bureau including personnel, employment, procurement of supplies and services, and like matters.

(2) *Hearing Examiner Staff.* Hearing examiners assigned to this Bureau conduct hearings and prepare initial reports with respect to the proceedings handled by the Bureau and when not so engaged, perform other work not inconsistent with their duties as hearing examiners.

(3) *Review Committee.* Reviews drafts of final reports prepared in the Bureau giving particular attention to the consistency of the proposed decisions with established precedents.

(4) *Section of Appeals.* Prepares memorandums analyzing petitions for reconsideration, reargument, rehearing and petitions dealing with procedural matters.

(5) *Section of Examiners.* Prepares and reviews draft-final reports for all cases handled by the Bureau for circulation to the Commission for consideration.

(6) *Section of Captions.* Examines applications for operating rights, prepares correspondence to applicants concerning sufficiency of such applications, prepares summaries of such applications for publication in the FEDERAL REGISTER as notice to the public, and processes statements of intrastate motor common carriers which propose to operate in interstate and foreign commerce.

(7) *Section of Certificates and Permits.* Prepares certificates, permits, and licenses specifying permanent grants of authorities approved by the Commission or a Division of the Commission, processes orders reissuing such authorities upon approval of transfer in finance proceedings, orders vacating or amending such operating authorities after action by the Commission and processes uncontested revocation proceedings.

(8) *Temporary Authorities Board.* Pursuant to authority delegated under section 17 of the act makes determinations respecting applications for motor carrier temporary authority under section 210a (a) of the act when the matter at issue is not reserved for action by the Commission; and makes determinations in uncontested revocation proceedings under section 212a.

(l) *Bureau of Rates and Practices.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the act, relative to rates, fares, charges and practices and relief from anti-trust laws relative to collective rate-making agreements; and conducts proceedings arising under a number of miscellaneous provisions of the act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations.

(1) *Section of Administration.* Performs the Bureau's administrative work pertaining to cases processed which includes maintaining records, handling procedural matters, preparing notices and orders, and conducting correspondence with parties to the cases.

(2) *Hearing Examiner Staff.* Hearing examiners assigned to this Bureau conduct hearings and prepare initial reports with respect to the proceedings handled by the Bureau and when not so engaged, perform other work not inconsistent with their duties as hearing examiners.

(3) *Sections of Final Reports No. 1 and No. 2.* Prepare draft-final reports for circulation to the Commission for decision and analyze petitions for reconsideration, rehearing, and other relief and prepare memorandums for the consideration of the Commission containing recommendations for action thereon.

(4) *Section of Review.* Reviews all draft final reports prepared in the Bureau prior to their circulation for consideration by the Commission giving particular attention to the consistency of the proposed decisions in relation to established policies and precedents.

(m) *Bureau of Safety and Service.* Administers the Commission's programs respecting: (1) Car service provisions of the act which include preparing proposed regulations and emergency orders regarding the use, control, supply, movement, distribution, interchange and return of locomotives, cars and other vehicles used in the transportation of property; (2) the Locomotive Inspection Act, to promote safety of employees and travelers on railroads, making the inspections to determine that locomotives are in proper condition, safe to operate and comply with the rules and regulations, and to determine that the required inspections of locomotives are made by the carriers and the defects are repaired before the locomotive is returned to service; (3) the Safety Appliance Acts, the Ashpan Act, the Hours of Service Act, Accident Reports, Block Signal Resolution, etc., relating to investigation of safety appliances or systems intended to promote safety of railway operation; and (4) the transportation of explosives and other dangerous articles by rail, highway and water.

(1) *Section of Car Service.* Performs necessary duties relating to the administration of the car service provisions of the act, pertaining to use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars and other vehicles used in the transportation of property, including special types of equipment, and supervises the field staff engaged in inspecting for compliance with respect to these items.

(2) *Section of Locomotive Inspection.* Performs necessary duties relating to the administration of the Locomotive Inspection Act, 45 U. S. C. 22–34, as amended, which requires compliance by carriers engaged in interstate commerce upon whose line any locomotive is used; makes inspections to determine if locomotives are equipped and maintained by carriers in accordance with the Commission's regulations and are in safe condition to operate; takes corrective action in connection with locomotives not conforming to requirements; makes investigations of accidents caused by failure of any part of a locomotive; and prepares reports for Commission approval on such investigations when such action is in the public interest. Supervises the field staff of district inspectors engaged in inspection and investigation to assure compliance with respect to these items.

(3) *Section of Railroad Safety.* Performs necessary duties respecting the administration of various Safety Appliance Acts (45 U. S. C. 1–16, 17–21, 36), the Accident Reports Act (15 U. S. C. 38–43), the Hours of Service Act (45 U. S. C. 61–64), the Block Signal Resolution (45 U. S. C. 35), and section 25 of the act (49 U. S. C. 25), as related to railways, other than those pertaining particularly to locomotives; supervises the field staff engaged in making inspections of carrier operations as prescribed and recommends reporting of violations to the proper United States district attorneys for prosecution; investigates applications for approval of material modifications of block signal systems and interlocking devices; and investigates train accidents and makes recommendations as to corrective measures to be taken by the carriers.

(4) *Field Staff.* Conducts investigations and performs other field work in connection with the duties of the sections described above.

(n) *Bureau of Traffic.* Performs duties relative to the filing of schedules or tariffs of rates, fares and charges, and of transportation and protective service contracts, of carriers subject to the act; the suspension of tariff provisions pending investigation of their lawfulness, and the administration of the long-and-short-haul and aggregates-of-intermediate-rates provisions of the act; confers and corresponds with carriers, shippers and other interested parties, expressing its views, concerning the application of rates and other tariff provisions, as a possible means of settling controversies; processes applications of carriers requesting authority to make reparation on past shipments; and advises with, and acts as consultant to, the Commission and its staff with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(1) *Board of Suspension.* Analyzes petitions and protests seeking suspension of proposed tariffs or rate schedules, and replies thereto, and pursuant to authority delegated under section 17 of the act (1) makes initial disposition thereof, except when the matter is otherwise reserved for action by, or is certified to, the Commission, (2) institutes investigations into rates, fares, charges and practices of carriers as ancillary to the suspension of tariffs or schedules, and (3) discontinues investigation and suspension proceedings when, prior to hearing, the suspended schedules have been cancelled pursuant to special permission authority; makes recommendations as to the disposition of matters which are reserved for action by, or certified to, the Commission; processes and makes recommendations to the Commission with respect to requests for appellate action.

(2) *Fourth Section Board.* Receives and considers applications made by carriers subject to section 4 of the act for authority to establish rates and fares without observing the long-and-short-haul or aggregate-of-intermediate-rates provisions thereof, gives consideration to statements of interested parties, and when the matter is not reserved for action by, or is not certified to, the Commission, pursuant to authority delegated under section 17 of the act, makes initial disposition thereof by granting or denying the application, or denying relief pending a formal proceeding; makes recommendations as to the disposition of matters which are reserved for action by, or certified to, the Commission; and processes and makes recommendations to the Commission with respect to requests for appellate action.

(3) *Section of Tariffs.* Receives, examines and maintains the official files of all tariff publications, except passenger and express publications; processes applications for special permission to establish rates and charges or other tariff provisions on less than statutory notice or for waiver of tariff circular rules, including those of motor carriers when such carriers have been granted temporary operating authority by the Commission; receives, examines and files powers of attorney, concurrences, also quotations filed under section 22 of the act; makes recommendations to the Commission as to changes in tariff circular rules; and maintains a complete file of tariffs of all carriers, section 22 quotations and contracts between freight forwarders and motor carriers filed under section 409 of the act, for use of the public.

(4) *Section of Rates and Informal Cases.* Provides rate information and interpretations of published tariffs and schedules for the Commission and its staff; assists in the settlement of informal negotiations as between shippers and carriers of controversies involving the proper interpretation of tariffs; processes reparation applications; performs the administrative work in connection with contracts covering protective service filed by railroads and by express companies; receives, examines and maintains the official files of tariff publications for passenger and express transportation; and ascertains and computes short-line distances and first-class rates for waybill study purposes.

(5) *Released Rates Committee.* Makes recommendations to the Commission as to the action to be taken on carriers' applications to limit their liability for loss or damage to property transported, such limitation being prohibited unless carriers are authorized by the Commission to maintain rates dependent upon and varying with the value declared in writing by the shipper or agreed upon in writing as the released value of the property.

(o) *Bureau of Transport Economics and Statistics.* Performs economic, statistical and related analytical work, concerning transportation, necessary to the Commission in the performance of its functions to foster sound economic conditions consistent with the National Transportation Policy. In performing this work, the Bureau advises the Commission on economic matters and develops data concerning such matters as finances, physical characteristics, operations and traffic consist of the various carriers, as well as statistical and economic evaluations of the effects of the Commission's regulatory policies on carriers, shippers, consumers and the National economy.

(1) *Section of Traffic Statistics.* Provides traffic statistics based primarily on a 1 per cent sample of carload shipments terminated by Class I railroads; compiles and makes studies of these data to determine the effect of Commission decisions on rate structures; prepares data based on the sample for release and provides advice on the use of the published data for exhibits in Commission proceedings.

(2) *Section of Reports.* Examines and verifies reports of carriers to determine their accuracy, conducts correspondence in connection therewith and makes authorized corrections in the reports; compiles and prepares for publication data and statistics based on annual and other reports submitted by carriers covering such matters as finances, operations and railroad accidents.

(3) *Section of Research.* Performs research and provides analyses and reports concerning developments relating to transportation by rail, motor, water and air which directly or indirectly relate to the duties and functions of the Commission.

(p) *Bureau of Water Carriers and Freight Forwarders.* Administers the Commission's programs involving the regulation of water carriers, freight forwarders, and rate bureaus under Parts III and IV, and section 5a of the act. Processes the applications (1) of water carriers for temporary authorities and exemptions, and (2) of common carriers for approval of collective rate-making agreements. Inspects the operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the act and Commission regulations, and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit, or procedures for collective rate-making under approved agreements.

(1) *Field Staff.* Conducts the investigations and performs the other field work included in the functional statement for the Bureau.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES

ICC regions	Location of offices	Bureaus represented[1]
1	Boston, Mass., Regional Headquarters, 14-17 Court Square.	A, I&C, MC, S&S.
	Lebanon, N. H., 6 Campbell St	MC.
	Portland, Maine, 305 Post Office and Court House.	MC.
	Providence, R. I., 203 Custom House Bldg.	MC.
	Springfield, Mass., 420 Federal Bldg.	MC.
2	New York, N. Y.: Regional Headquarters, Room 1111, 346 Broadway.	A, I&C, MC, S&S, WC.
	Albany, N. Y., 311 Federal Bldg.	MC, S&S.
	Binghamton, N. Y., 907 Press Bldg.	MC.
	Buffalo, N. Y., 324 Post Office Bldg.	MC, S&S.
	Hartford, Conn., 223 Federal Bldg.	MC.
	Newark, N. J., 1060 Broad St.	MC, S&S.
	Syracuse, N. Y., 266 Federal Bldg.	MC, S&S.
	Trenton, N. J., 410 Post Office Bldg.	MC.
3	Philadelphia, Pa.; Regional Headquarters, 800 U. S. Custom House Bldg.	A, I&C, MC, S&S.
	Baltimore, Md., 204 Appraisers' Stores Bldg.	MC, S&S.
	Harrisburg, Pa., 218 Central Industrial Bldg	MC.
	Norfolk, Va., 203 U. S. Customs House.	S&S.
	Richmond, Va., 608 Parcel Post Bldg.	MC.
	Roanoke, Va., 215 Campbell Ave. SW.	MC, S&S.
	Salisbury, Md., 206-B Post Office Bldg.	MC.
	Scranton, Pa., Select Bldg., 2d Floor, 116 North Washington Ave.	MC.
	Washington, D. C., Interstate Commerce Commission Bldg., 12th and Constitution Ave. NW.	A, I&C, MC, S&S.

[1] A—Accounts, Cost Finding and Valuation.
I&C—Inquiry and Compliance.
MC—Motor Carriers.
S&S—Safety and Service.
WC—Water Carriers and Freight Forwarders.

Interstate Commerce Commission Field Offices—Continued

ICC regions	Location of offices	Bureaus represented [1]
4	Columbus, Ohio; Regional Headquarters, 236 New Post Office Bldg.	I&C, MC, S&S.
	Charleston, W. Va., Rm. 206, Embleton Bldg.	MC.
	Cincinnati, Ohio, 413 U. S. Post Office and Court House.	MC, S&S.
	Cleveland, Ohio, 519 Federal Bldg.	A, MC, S&S.
	Pittsburgh, Pa., 402 Victory Bldg.	MC, S&S.
	Toledo, Ohio, 17 Old Federal Bldg.	MC, S&S.
	Wheeling, W. Va., 531 Hawley Bldg.	MC, S&S.
	Youngstown, Ohio, 610 Schweenwagner Bldg.	S&S.
6	Atlanta, Ga., Regional Headquarters, 680 West Peachtree St., NE.	A, I&C, MC, S&S.
	Birmingham, Ala., 316 U. S. Post Office and Court House.	MC, S&S.
	Charleston, S. C., South Carolina State Port Authority Office Bldg., No. 1 Vendue Range St.	S&S.
	Charlotte, N. C., 248 Post Office Bldg.	A, MC, S&S.
	Columbia, S. C., 206 Federal Court House Bldg.	MC.
	Jacksonville, Fla., 227 Post Office Bldg.	MC, S&S.
	Mobile, Ala., 234 U. S. Court and Custom House.	S&S.
	Raleigh, N. C., 315 Post Office Bldg.	MC.
	Tampa, Fla., 2701 Mississippi Ave.	S&S.
7	Nashville, Tenn.; Regional Headquarters, Room 706 U. S. Court House.	A, I&C, MC, S&S.
	Jackson, Miss., Room 208, 145 East Amite St.	MC, S&S.
	Lexington, Ky., 409 Post Office Bldg.	MC.
	Louisville, Ky., 426 Post Office Bldg.	MC, S&S.
	Memphis, Tenn., Rm. 1121 Falls Bldg.	MC, S&S.
8	Chicago, Ill.; Regional Headquarters, 852 U. S. Custom House Bldg.	A, I&C, MC, S&S, WC.
	Detroit, Mich., 400 U. S. Custom Bldg.	MC, S&S.
	Fort Wayne, Ind., 308 Federal Bldg.	MC.
	Indianapolis, Ind., Rm. 510 Illinois Postal Bldg.	A, MC, S&S.
	Lansing, Mich., 214 Federal Bldg.	MC.
	Springfield, Ill., Rm. 203 Federal Bldg.	MC.
9	Minneapolis, Minn.; Regional Headquarters, 628 Metropolitan Bldg.	I&C, MC, S&S, A.
	Duluth, Minn., 825 East 13th St.	S&S.
	Fargo, N. Dak., 210 U. S. Post Office Bldg.	MC, S&S.
	Madison, Wis., Rm. 332 U. S. Post Office Bldg.	MC.
	Milwaukee, Wis., 511 Cawker Bldg.	MC, S&S.
	Pierre, S. Dak., 210 Post Office Bldg.	MC.
10	Kansas City, Mo.; Regional Headquarters, 1100 Federal Office Bldg.	A, I&C, MC, S&S.
	Davenport, Iowa, 235 U. S. Post Office Bldg.	MC.
	Des Moines, Iowa, 227 Federal Office Bldg.	MC, S&S.
	Lincoln, Nebr., 318 U. S. Post Office and Court House.	MC.
	Omaha, Nebr., 429 Federal Office Bldg.	MC, S&S.
	Sioux City, Iowa, 319 Post Office Bldg.	MC.
	St. Louis, Mo., 912 U. S. Court and Custom House.	A, MC, S&S.
	Topeka, Kans., 309 Federal Bldg.	MC.
	Wichita, Kans., 906 Schweiter Bldg.	MC, S&S.
12	Fort Worth, Tex.; Regional Headquarters, 816 Texas and Pacific Bldg.	A, I&C, MC, S&S.
	Amarillo, Tex., 443 Amarillo Petroleum Bldg.	MC, S&S.
	Dallas, Tex., 1112 Fidelity Bldg.	A, MC, S&S.
	El Paso, Tex., Rm. 12, U. S. Court House.	S&S.
	Houston, Tex., 614 Federal Office Bldg.	A, MC, S&S.
	Little Rock, Ark., 137 Post Office and Court House Bldg.	MC, S&S.
	New Orleans, La., 709 Masonic Temple Bldg.	MC, S&S, WC.
	Oklahoma City, Okla., 521 Bankers Service Life Bldg.	MC, S&S.
	San Antonio, Tex., 567 U. S. Post Office and Court House.	MC, S&S.
	Shreveport, La., 427 Post Office Bldg.	S&S.
13	Denver, Colo.; Regional Headquarters, 502 Denham Bldg.	I&C, MC, S&S.
	Albuquerque, N. Mex., 209 U. S. Post Office Bldg.	MC, S&S.
	Billings, Mont., 413 Electric Bldg.	MC, S&S.
	Butte, Mont., Room 212, Medical Arts Bldg.	S&S.
	Great Falls, Mont., 105 Civic Center Bldg.	S&S.
	Salt Lake City, Utah, 114 Atlas Bldg.	MC, S&S.
15	Portland, Oreg.; Regional Headquarters, 538 Pittock Block.	A, I&C, MC, S&S, WC.
	Boise, Idaho, 410 Federal Bldg.	MC.
	Seattle, Wash., 3132 Arcade Bldg.	MC, S&S.
	Spokane, Wash., 418 U. S. Post Office Bldg.	MC, S&S.
16	San Francisco, Calif.; Regional Headquarters, 602 Sheldon Bldg.	A, I&C, MC, S&S.
	Carson City, Nev., 11 West Telegraph St.	MC.
	Los Angeles, Calif., 333 Western Pacific Bldg.	A, I&C, MC, S&S.
	Phoenix, Ariz., 247A U. S. Post Office Bldg.	MC, S&S.

[1] A—Accounts, Cost Finding and Valuation.
I&C—Inquiry and Compliance.
MC—Motor Carriers.
S&S—Safety and Service.
WC—Water Carriers and Freight Forwarders.

Territorial Coverage of the Field Offices of the Bureau of Motor Carriers

District No.; Headquarters Office; and States

1; Boston, Mass.; Massachusetts, Maine, New Hampshire, Vermont, Rhode Island.

2; New York, N. Y.; New York, New Jersey, Connecticut.

3; Philadelphia, Pa.; Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia.

4; Columbus, Ohio; Ohio, Western Pennsylvania, West Virginia.

6; Atlanta, Ga.; Georgia, Florida, Alabama, North Carolina, South Carolina.

7; Nashville, Tenn.; Tennessee, Kentucky, Mississippi.

8; Chicago, Ill.; Illinois, Indiana, Michigan.

9; Minneapolis, Minn.; Minnesota, Wisconsin, North Dakota, South Dakota.

10; Kansas City, Mo.; Missouri, Iowa, Nebraska, Kansas.

12; Fort Worth, Tex.; Texas, Oklahoma, Arkansas, Louisiana.

13; Denver, Colo.; Colorado, Wyoming, New Mexico, Utah, Montana.

15; Portland, Oreg.; Oregon, Washington, Idaho.

16; San Francisco, Calif.; California, Arizona, Nevada.

[F. R. Doc. 58-2921; Filed, Apr. 21, 1958; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4042]

Franklin Atlas Corp.

ORDER POSTPONING DATE OF HEARING

April 14, 1958.

The Commission by order dated December 13, 1957, having ordered a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder and said hearing being now scheduled to commence on April 17, 1958, at 10:00 a. m., e. s. t., at the Commission's offices in New York, New York, and

Counsel for Franklin Atlas Corporation having requested that such hearing be postponed; and counsel for the Division of Corporation Finance not objecting thereto;

It is ordered, That the hearing scheduled to commence on April 17, 1958, be and hereby is postponed to commence July 14, 1958, at 10:00 a. m., e. d. t., at the New York Regional Office of the Commission, 225 Broadway, New York, New York, and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-2969; Filed, Apr. 21, 1958; 8:48 a. m.]

[File No. 70-3686]

National Fuel Gas Co. et al.

NOTICE OF PROPOSED BANK BORROWINGS BY PARENT, ISSUANCE AND SALE BY SUBSIDIARIES OF NOTES AND ACQUISITION THEREOF BY PARENT

April 14, 1958.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company, United Natural Gas Company; File No. 70-3686.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and three of its gas utility subsidiaries, Iroquois Gas Corporation ("Iroquois"), Pennsylvania Gas Company ("Pennsylvania"), and United Natural Gas Company ("United"), have filed with this Commission a joint application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, 9 (a), 10, 12 (b) and 12 (f) thereof, and Rules 43 and 45 thereunder, as applicable to proposals involved in the system's financing program for 1958 which are summarized as follows:

National proposes to borrow, from time to time during the period July 1, 1958 through December 31, 1958, not in excess of $12,600,000 from Chase Manhattan Bank ("Chase Bank") pursuant to a Credit Agreement dated January 8, 1958. Each borrowing is to be evidenced by unsecured promissory notes which are to be dated as of the date of their issue, are to mature on July 1, 1960 and are to bear interest at the prime commercial rate of Chase Bank currently in force on the date of issue of each note. The notes may be prepaid in whole or in part without penalty, unless any such prepayment results directly or indirectly from the proceeds of, or in anticipation of, any bank borrowing other than from Chase Bank, in which case National will pay a premium of ½ of 1 percent on the principal sum so prepaid.

National further proposes to make loans in amounts not exceeding $9,100,000 to Iroquois, $1,500,000 to Pennsylvania and $2,000,000 to United. These loans are to be made from time to time during the period July 1, 1958, through December 31, 1958, and are to be evidenced by unsecured promissory notes of the subsidiaries which are to mature on July 1, 1960. Each note will bear interest at a rate equivalent to the prime commercial rate of Chase Bank currently in force on the date of issue of each note and may be prepaid at any time, in whole or in part, without premium.

The net proceeds derived by Iroquois, Pennsylvania and United from the sale of their notes, together with funds available from current operations, are to be used to make additions to their utility plants during 1958 and to purchase additional gas for underground storage. Iroquois also proposes to use a portion of the proceeds from the sale of its notes to discharge bank borrowings due in 1958.

Iroquois has petitioned the Public Service Commission of the State of New York for authority to issue and sell its notes. Pennsylvania and United have applied to the Pennsylvania Public Utility Commission for permission to issue and sell their notes. Copies of the orders of these commissions are to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses of National, Iroquois, Pennsylvania and United are estimated to aggregate $9,330, including fees of counsel for each company aggregating $4,250.

Notice is further given that any interested person may, not later than April 30, 1958 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said amended application—declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2970; Filed, Apr. 21, 1958; 8:48 a. m.]

[File No. 70-3684]

MISSOURI POWER & LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING SALE OF GAS PROPERTIES

APRIL 15, 1958.

Notice is hereby given that Missouri Power & Light Company ("Missouri"), a public-utility subsidiary of Union Electric Company ("Union"), a registered holding company, has filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 12 (d) of the act and Rule 44 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transaction therein proposed which is summarzied as follows:

Missouri proposes to sell and transfer to The Gas Service Company ("Gas Service") the natural gas transmission and distribution system of Missouri in its Excelsior Springs District pursuant to the terms of an agreement between Missouri and Gas Service. The consideration to be received for such properties will be cash in an amount equal to the original cost thereof, less depreciation, at the closing date, less (i) contributions in aid of construction and customers advances for construction and (ii) $150,000. The original cost of such properties, less depreciation, as of December 31, 1957, amounted to $747,079. The assets to be transferred consist of all physical plant, property, equipment and facilities comprising the gas transmission and distribution system of Missouri in Clay and Ray counties, Missouri, including the cities of Excelsior Springs, Mosby, and Prathersville, and franchises, permits, easements, etc., relative to the operation of such system.

Missouri has been unable to secure an adequate supply of natural gas from its supplier, Panhandle Eastern Pipe Line Company to supply the needs of its customers in its Excelsior Springs District. Gas Service, which now serves in an area near Excelsior Springs, has an adequate supply of gas and can overcome the difficulties of supply. Accordingly, Missouri believes that it is in the best interest of the gas consumers of its Excelsior Springs District to sell its Excelsior Springs gas system to Gas Service.

Missouri proposes to reflect the net book loss of $150,000, which will result from the sale of such property, and the tax reduction applicable thereunder of $60,000, in its net income account for the year 1958, and Union proposes not to adjust the carrying value of its investment in the common stock of Missouri in respect of the foregoing transaction.

The declaration as amended states that the transaction must be authorized by the Public Service Commission of Missouri. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

No commissions are to be paid in connection with the proposed transaction, and no expenses, other than nominal expenses, are expected to be incurred in connection therewith.

Notice is further given that any interested person may not later than April 30, 1958, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration as amended, or as it may hereafter be further amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2971; Filed, Apr. 21, 1958; 8:49 a. m.]

[File No. 24FW-915]

APPELL OIL & GAS CORP. ET AL.

ORDER VACATING ORDER OF SUSPENSION

APRIL 16, 1958.

In the matter of Appell Oil & Gas Corporation (issuer), William H. Appell, Minette P. Prinz (offerors); File No. 24FW-915.

Appell Oil & Gas Corporation (Appell Corp.), a Delaware corporation, Appell Building, Alice, Texas, joined with Minette P. Prinz and filed with the Commission on March 10, 1955, a notification on Form 1-A and a Statement pursuant to Rule 219 (b) under Regulation A, and subsequently filed amendments thereto, in which William H. Appell joined, relating to an offering of 4,000 shares of Appell Corp. common stock at $1.75 per share for an aggregate of $7,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on July 31, 1957, ordered, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the ground that the terms and conditions of Regulation A had not been complied with in that Form 2-A reports of sales, as required by Rule 224, had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, and through the efforts of the company in obtaining information from the offerors, a Form 2-A report was filed reflecting that all the shares were sold as of December 15, 1955.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2972; Filed, Apr. 21, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. H. A. ARIENS-SNELLENBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mrs. H. A. Ariens-Snellenberg; 84 Prins Hendriklaan, Utrecht, Netherlands; Claim No. 62464; $113.50 in the Treasury of the United States. Vesting Order No. 18117.

Executed at Washington, D. C., on April 15, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-2978; Filed, Apr. 21, 1958; 8:50 a. m.]

GOTTFRIED HEINRICH MORF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Gottfried Heinrich Morf; Winterthur, Switzerland; Claim No. 63615; $179.00 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D. C., on April 15, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-2979; Filed, Apr. 21, 1958; 8:50 a. m.]

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328 [illegible]
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THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 80

Washington, Wednesday, April 23, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1958-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

This bulletin (hereinafter called subpart) contains regulations of general nature which will be applicable with respect to 1958 price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (referred to in this subpart and supplements hereto as CCC and CSS respectively).

A separate supplement to this subpart (hereinafter referred to as "commodity supplement"), containing additional specific requirements, will be issued for each commodity to which the provisions of this subpart are to be applicable.

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421.3001 Administration.
421.3002 Commodities covered by this subpart.
421.3003 Methods of price support.
421.3004 Disbursement of loans.
421.3005 Financial institutions.
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421.3008 Liens.
421.3009 Service charges.
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421.3011 Interest rate.
421.3012 Transfer of producer's interest.
421.3013 Safeguarding the commodity.
421.3014 Insurance on farm-storage loans.
421.3015 Loss or damage to the commodity.
421.3016 Personal liability of the producer.
421.3017 Release of the commodity under loan.
421.3018 Liquidation of loans and delivery under purchase agreements.
421.3019 Foreclosure.
421.3020 CSS commodity offices.

AUTHORITY: §§ 421.3001 to 421.3020 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054, as amended, sec. 103, 70 Stat. 189; 15 U. S. C. 714c; 7 U. S. C. 1441, 1447, 1421, 1821.

§ 421.3001 *Administration.* The programs to which this subpart applies will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and, in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. Producers interested in participating in any program should contact their county office through which the price support documents will be distributed. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all price support documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.3002 *Commodities covered by this subpart.* The provisions of this subpart shall apply to 1958 price support programs for barley, corn, dry edible beans, grain sorghums, flaxseed (except direct purchases), oats, rice, rye, soybeans, wheat, and any other 1958 price support program for which a commodity supplement to this subpart is issued.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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any such commodities (except flaxseed) produced in violation of restrictive leases on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for price support.

§ 421.3003 *Methods of price support.* This subpart applies to farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.3004 *Disbursement of loans.* Disbursement of loans will be made to producers by financial institutions under separate regulations published in the FEDERAL REGISTER, or by ASC county offices by means of sight drafts drawn on CCC. No disbursements shall be made later than 15 days after the final date of availability of loans set forth in the applicable commodity supplement to this subpart, unless authorized by the Executive Vice President, CCC. Disbursements shall be made not later than the maturity date applicable to the commodity when, with the prior approval of the county committee, the producer repays a farm-storage loan, transfers the commodity to an approved warehouse, and obtains a warehouse-storage loan on the same commodity. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence or in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 421.3005 *Financial institutions.* As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

§ 421.3006 *Approved storage.* Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in approved warehouse storage, is in existence, and is in good condition at the time the warehouse receipt is tendered.

(a) *Farm-storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee within the specifications, if any, prescribed by the State committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse-storage.* Approved warehouse storage shall consist of (1) public warehouses for which a CCC uniform storage agreement for the commodity is in effect and which are approved by CCC for price support purposes, or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS commodity offices or State and county offices.

§ 421.3007 *Applicable forms and requirements*—(a) *Farm-storage loans.* Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement, secured by Commodity Chattel Mortgage, Commodity Delivery Notice, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Applicable forms shall consist of the Producer's Note and Loan Agreement and such other forms and documents as may be required by CCC.

(c) *Purchaser agreements.* Applicable forms shall consist of the Purchase Agreement and Purchase Agreement Settlement signed by the producer and approved by the county office manager, the Commodity Delivery Notice issued by the county office, and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in each commodity supplement to this subpart.

(e) *Other requirements.* Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse. Farm-storage loans shall be made on the entire quantity of the commodity stored in the bin or crib except (1) where the county committee has determined a loan on part of the commodity stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan and (2) where the producer applies for a loan on part of the commodity and a purchase agreement on the remaining quantity of the commodity stored commingled in the same bin or crib. Approval of a loan on part of the commodity stored in a bin or crib as provided in subparagraph (1) or (2) of this paragraph shall not be granted in the event the State committee has determined on a Statewide basis that such partial loans shall not be made.

§ 421.3008 *Liens.* If there are any liens or encumbrances on the commodity, waivers that will fully protect the interests of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds.

§ 421.3009 *Service charges.* (a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. In the case of loans, the service charges shall be collected from the proceeds of the loan at the time the loan is disbursed except for prepayment of such minimum service charges as may be required under paragraph (b) of this section. In the case of purchase agreements, the service charges shall be collected at the time the purchase agreement form (Commodity Purchase Form 1) is completed. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse-storage loan.

Method of price support (1)	Service charges		
	Per bushel (2)	Per 100 pounds (3)	Minimum charges (4)
	Cents	*Cents*	
Farm-storage loans	1	2	[1] $3.00
Warehouse-storage loans	½	[2] 1	[2] 1.50
Purchase agreements	½	1	1.50

[1] Except rice for which State committees are authorized to require payment of $5 for each lot sampled.

[2] Except rice for which the service charge for warehouse-storage loans shall be 2 cents per 100 pounds with a minimum charge of $3.

(b) In the case of farm-storage loans, and identity-preserved and modified commingled warehouse-storage loans, State committees are authorized to require prepayment of the minimum service charges (shown in paragraph (a) of this section) at the time the producer applies for a loan.

(c) No refund of service charges will be made except if the amount collected is in excess of the correct amount.

§ 421.3010 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Where the producer has an outstanding loan(s), made under the Farm Storage Facility Loan Program or the Mobile Drying equipment Loan Program, any storage payment due the producer for storage of the commodity in farm-storage structures shall be applied (a) to any delinquent amount(s), (b) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due, and (c) to any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan or purchase proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.3011 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of a farm-storage loan, identity-preserved or modified commingled warehouse-storage loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default and (b) where there has been a fraudulent representation or in producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 421.3012 *Transfer of producer's interest*—(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall any one acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.3017.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.3017 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.3013 *Safeguarding the commodity.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.3014 *Insurance on farm-storage loans.* CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.3015 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loan and identity-preserved warehouse-storage loan, or for any loss in quality of the commodity placed under modified-commingled warehouse-storage loan. Notwithstanding the foregoing, physical loss or damage on farm-stored or identity-preserved warehouse-stored commodities, and loss in quality of modified-commingled warehouse-stored commodities occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed, or in an amount equivalent to the extent of the damage as determined by CCC less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occured without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other acts of God; (c) the producer has given the county office immediate notice confirmed in writing of such loss or damage; (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursements of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 421.3016 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or any conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under Federal Law and shall render him personally liable for the amount of the loan (including interest as provided in § 421.3011), for any additional amounts paid to the producer on the commodity, and for any resulting expense incurred by any holder of the note. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, wilful conversion or unlawful disposition, the value of the commodity or part thereof delivered to the holder of the note or removed by such holder shall be the market value on the date of delivery or removal, as determined by such holder in the case of farm-storage loans and shall be the market value as of the close of the market on the final date for repayment as determined by the holder in the case of warehouse-storage loans. Irrespective of the provisions of the Producer's Note and Supplemental Loan Agreement, if the conversion is determined by CCC not to have been wilful, the value of the commodity or part thereof delivered to the holder of the note or removed by such holder shall be the settlement value as determined under the provisions of the commodity supplement. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC. In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.3017 *Release of the commodity under loan.* A producer may at any time obtain release of the commodity remaining under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. After payment of the note has been effected, the county office manager shall, in the case of farm-storage loans, arrange for the release of the chattel mortgage. The producer may arrange with the county office for partial release of the commodity prior to maturity after making payment for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county office. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and releases of the commodity will not be permitted. Release of only a portion of the total quantity of the commodity under a farm-storage loan shall be permitted if the commodity is purchased by the producer with a soil bank certificate. In the case of warehouse-storage loans, such partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or to another whom the producer has authorized in writing to receive the warehouse receipts as his agent. Such written authorization must be made within 30 days prior to redemption of warehouse receipts by repayment.

§ 421.3018 *Liquidation of loans and delivery under purchase agreements*—(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county office. If the producer desires to deliver the commodity, he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy or the producer dies, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the grade, quality and quantity delivered by the producer, as determined by the county committee, in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

(2) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the county office which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(3) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC, except as provided in § 421.3015, and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the commodity in accordance with the provisions of the note and loan agreement and § 421.3019. Any payment due the producer because of an over-plus realized from the sale or pooling of the commodity shall be made by the appropriate CSS commodity office. Where loans are called prior to maturity solely for the benefit or protection of CCC (as determined by the CSS commodity office serving the area) and storage has been deducted or prepaid through the maturity date and the period of the unearned storage can be determined by CCC, refunds of this amount shall be made to the producer by the appropriate CSS commodity office. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be computed at the lower of (1) the rate prepaid or (2) the applicable storage agreement rate or other applicable rate. If storage charges were deducted from the loan rate, the amount to be refunded shall be the amount of the storage deduction less storage charges accrued on the commodity. Refunds of prepaid handling charges shall be made by the appropriate county office.

(c) *Purchase agreements.* (1) The producer who signs a purchase agreement will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the commodity eligible for delivery not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county office in writing of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or such other date as may be prescribed by the Executive Vice President, CCC.

(2) Provisions for the inspection, delivery and settlement on commodities under purchase agreements will be contained in the commodity supplements to this subpart.

(d) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 421.3019 *Foreclosure.* If the loan (i. e. the amount of the note, interest, and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, either by separate contract or after pooling it with other lots of a commodity similarly held. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. The holder or his agent shall pay to the producer or his personal representative only without right of assignment to, or substitution of any other party, the higher of (a) any overplus remaining from the sales proceeds, or if the commodity is pooled the producer's ratable share from the liquidation of a pool, after deducting the amount of the note, interest, and charges and any expenses of conducting the pool, in the case of pooled commodities; or (b) the amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The settlement value shall be determined in accordance with the provisions of the applicable commodity supplement and Producer's Note and Supplemental Loan Agreement concerning settlement of commodities delivered by the producer to CCC. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States. The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning and marketing of the commodity, and otherwise protecting the interest in the mortgaged commodity of any holder of the note or the producer, including foreclosure costs.

§ 421.3020 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 17th day of April 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-3003; Filed, Apr. 22, 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 29—TOBACCO INSPECTION

MISCELLANEOUS AMENDMENTS

A notice of proposed amendment to the regulations governing the inspection of tobacco (7 CFR Part 29) was published in the FEDERAL REGISTER on March 27, 1958 (23 F. R. 2027) and afforded interested persons the opportunity to submit written data, views, or arguments in connection therewith.

After consideration of all relevant material presented and the notice of rule making, the amendments hereafter set forth are hereby promulgated, to become effective 30 days after publication in the FEDERAL REGISTER.

The amendments are as follows:

1. Delete grades A1L and A2L set forth in § 29.301.

2. Amend grades A1F, A1R, A2F, and A2R set forth in § 29.301 to read as follows:

A1F	Choice Quality Wrapper in Orange Color. Very silky, very fine texture, very elastic, very oily, medium to fleshy body, spready, uniform. Tolerance, 30 percent leaves of a quality not lower than B3 or C3, and 5 percent injury of a nature affecting wrapper yield.
A1R	Choice Quality Wrapper in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A1F.
A2F	Fine Quality Wrapper Pickers in Orange Color. Silky, fine texture, elastic, very oily, medium to fleshy body, fairly spready, harmonizing. Tolerance, 50 percent leaves of a quality not lower than B3 or C3, and 10 percent injury of a nature affecting wrapper yield.
A2R	Fine Quality Wrapper Pickers in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A2F.

3. Delete grades B3S, B4S, B5S, B6S, and B6M set forth in § 29.302.

4. Amend grades B2L, B3L, B4K, B5K, and B6K set forth in § 29.302 to read as follows:

B2L	Fine Quality Leaf in Lemon Color. Smooth, good texture, oily, ripe, firm, medium body, strong, normal width, open weave, fairly light color shade, clear finish, emerging fibers, harmonizing, over 18" long. Tolerance, 10 percent injury.
B3L	Good Quality Leaf in Lemon Color. Fairly smooth, fair texture, oily, ripe, firm, medium body, fairly strong, normal width, fairly open weave, true color shade, fairly clear finish, similar, over 16" long. Tolerance, 15 percent injury.
B4K	Fair Quality Variegated Leaf. Average quality of B4 or better in variegated colors, corresponding to the general shades of lemon, orange, red, or green.
B5K	Low Quality Variegated Leaf. Average quality of B5 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.
B6K	Poor Quality Variegated Leaf. Average quality of B6 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.

5. Following grade B3R in § 29.302 insert three new grades, B3D, B3K, and B3G, to read as follows:

B3D	Good Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B3L.
B3K	Good Quality Variegated Leaf. Average quality of B3 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.
B3G	Good Quality Leaf in Green Color. Quality of B3, except maturity.

6. Delete grades C3K, C3M, and C4M set forth in § 29.303.

7. Delete grade X3K set forth in § 29.304.

8. Delete grade X5M set forth in § 29.305.

9. Amend § 29.311 to read as follows:

§ 29.311 *Botched.* Any lot of unnested tobacco offered for inspection which has not been sorted (or graded) in a manner which is customary in the type district, or any tobacco which does not reasonably conform to the common and accepted practices in the type district of preparing tobacco for market, including: (a) Extreme mixtures, such as Lugs and Primings intermingled with Leaf, or lemon and orange colored tobacco intermingled with dark mahogany or walnut, or tobacco of very poor quality or badly injured tobacco intermingled with good quality tobacco which is not materially injured, et cetera; (b) any unsorted tobacco, or tobacco which has been sorted in an unskilled, careless, or bungling manner; (c) tobacco which clearly and obviously contains an abnormal quantity of foreign matter such as strings, sand, muddy, or extremely dirty leaves; (d) tobacco prepared in a disorderly or tangled manner, such as not being packed reasonably straight in layers or flakes with the butts of the leaves or the heads of the bundles in the same direction; and (e) tobacco tied with abnormally large or long heads so that it cannot be properly redried in the customary manner.

10. Delete § 29.312.

11. Delete § 29.328 and substitute therefor the following:

§ 29.328 *Greenish or unripe.* Tobacco of the B, C, and X groups which is slick or starchy, or has a greenish cast indicating a low degree of maturity, will be designated by the use of a special factor symbol following the grade.

12. Delete § 29.335 and substitute therefor the following:

§ 29.335 *Light red.* An intermediate shade of red, which includes the dark side of the F color and the light side of the R color. Light red is designated by the use of a special factor symbol.

13. Amend § 29.338 to read as follows:

§ 29.338 *Nested.* Any tobacco which has been loaded, packed, or arranged in such a manner as to conceal foreign matter or tobacco of inferior grade, quality, or condition. Specifically, nested shall include: (a) Any lot of tobacco which contains damaged, injured, tangled, or other inferior tobacco, or an abnormal quantity of sand or other foreign matter, which cannot be readily detected upon inspection due to the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands, or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are so placed or arranged as to conceal from view relatively inferior quality leaves on the inside of the hands, or which contains wet tobacco or tobacco of relatively lower quality in the heads under the tie leaves; (d) any lot of tobacco consisting of distinctly different grades, qualities, or conditions which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers.

14. Amend § 29.339 to read as follows:

§ 29.339 *Nondescript (N).* Except as may be designated by a special factor, nondescript shall include: (a) Any tobacco which does not meet the minimum specifications of the lowest grade of any other group; (b) any wet, semicured, or unsound tobacco; or (c) any tobacco which has wasted or contains waste to the extent of 40 percent or more.

15. Amend § 29.340 to read as follows:

§ 29.340 *Offtype.* Any tobacco which cannot be properly classified in any grade of the type normally sold on the markets of a given type due to its distinctly different characteristics; or any tobacco which for any reason is distinctly foreign to the grades of an established

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type. Specifically, offtype shall cover any kind of tobacco which is not ordinarily sold on the markets at which it is offered for inspection and shall include any smutty or smoked tobacco, tobacco having an odor foreign to the type, or tobacco showing the effects of smoke or fumes from open fires.

16. Amend § 29.354 to read as follows:

§ 29.354 *Smoking-leaf (H).* A subgroup of leaf: Composed of relatively thin, nonelastic, very ripe to mellow, very grainy, and porous leaves; being low in oil; having prominent ribs (considering the rib size in relation to the thickness of the leaf); and characterized by a somewhat duller finish than the corresponding colors of the leaf group. Some of the lower grades of smoking-leaf have a considerable amount of injury of the kind normally found in very grainy or overripe tobacco.

17. Amend § 29.379 to read as follows:

§ 29.379 *Variegated (K).* Having a diversity of contrasting colors or tints within a leaf; or leaves which are in part distinctly gray, mottled, bleached, stained, or doty-faced; or leaves which in part have been badly discolored in the curing process by scalding, scorching, et cetera; or leaves which do not blend with the normal colors of lemon, orange, red, walnut, or green established for the type. Any lot of tobacco containing 30 percent or more of such leaves is classified as variegated.

18. Amend § 29.398 to read as follows:

§ 29.398 *Rule 12.* All qualities of leaf in L, F, R, and K colors which have the characteristics of smoking-leaf shall be made a subgroup of leaf by substituting the letter "H" for the group letter "B" in the grade symbol.

(Sec. 14, 49 Stat. 734, as amended; 7 U. S. C. 511m)

Issued at Washington, D. C., this 18th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3001; Filed, Apr. 22, 1958; 8:47 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 577, 4th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT BARBERRY, MAHOBERBERIS, AND MAHONIA PLANTS

Pursuant to the authority conferred upon him by § 301.38-5 of the regulations (7 CFR 301.38-5, as amended, 22 F. R. 2656; cf. 22 F. R. 2679) supplemental to the Black Stem Rust Quarantine (Notice of Quarantine No. 38, 7 CFR 301.38) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Director of the Plant Pest Control Division hereby revises the Administrative instructions in § 301.38-5a of said regulations (22 F. R. 1883) to read as follows:

§ 301.38-5a *Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.* (a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

Scientific name:
Berberis arido-calida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. cavallieri.
B. chenaulti.
B. circumserrata.
B. concinna.
B. coxii.
B. darwini.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. gladwynensis.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.
B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. taliensis.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi argenteo marginata.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea nana.
B. thunbergi erecta.
B. thunbergi "globe".
B. thunbergi "golden".
B. thunbergi maximowiczi.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "thornless".
B. thunbergi "variegata".
B. thunbergi xanthocarpa.
B. triacanthophora.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentiae.
M. miethkeana.
Mahonia aquifolium.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. lomarifolia.
M. nervosa.
M. pinnata.
M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction. Under the regulations, seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective on April 23, 1958, when they shall supersede P. P. C. 577, third revision, effective March 21, 1957 (22 F. R. 1883).

The purpose of this amendment is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following six additional species and varieties: Berberis cavallieri, B. coxii, B. dubia, B. gladwynensis, B. taliensis, B. thunbergi argenteo marginata. The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division, based on tests conducted by the U. S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties. The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning these instructions are impracticable, unnecessary, and contrary to the public interest, and since the instructions relieve restrictions, they may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of April 1958.

[SEAL] E. D. BURGESS,
Director, Plant
Pest Control Division.

[F. R. Doc. 58-3018; Filed, Apr. 22, 1958; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 1—GENERAL

1. Subparagraphs (3) and (14) of paragraph (a) *Terms used in this chapter* of § 1.1 *Definitions* are amended to read as follows:

(3) The term "attorney" means a person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of a state, territory, insular possession, or District of Columbia and is not under a court order suspending, enjoining, restraining, disbarring, or otherwise restricting, him in practicing law.

* * * * *

(14) The term "representative" means a person representing a religious, charitable, social service, or similar organization established in the United States and so recognized by the Board, or a person described in § 292.1 (b), (d), or (h) of this chapter.

2. Subparagraph (8) of paragraph (b) *Terms used n subchapter B of this chapter* of § 1.1 *Definitions* is amended to read as follows:

(8) Except as used in §§ 214a.1, 214g.1 and 214m.1 of this chapter, the term "immediate family" means those aliens who are closely related by blood or by marriage to, and regularly reside in the household of, the alien in whose family membership is alleged.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 2—SERVICE RECORDS: FEES

The first item "For filing application for United States citizen border crossing identification card ---- $5.00" of § 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act* is revoked.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

1. Subparagraphs (3) and (6) of paragraph (b) of § 6.1 *Board of Immigration Appeals* are amended, so that, when taken with the introductory material to paragraph (b), they will read as follows:

(b) *Appellate jurisdiction.* Appeals shall lie to the Board of Immigration Appeals from the following:

* * * * *

(3) Decisions of district directors on applications for the exercise of the discretionary authority contained in section 212 (c) of the Immigration and Nationality Act, as provided in Part 212 of this chapter;

* * * * *

(6) Decisions of the Assistant Commissioner, Examinations Division, or district directors on applications for the exercise of the discretionary authority contained in section 212 (d) (3) of the Immigration and Nationality Act, as provided in Parts 9 and 212 of this chapter.

2. Subparagraph (3) of paragraph (d) *Powers of the Board* of § 6.1 *Board of Immigration Appeals* is amended to read as follows:

(3) *Rules of practice; discipline of attorneys and representatives.* The Board shall have authority, with the approval of the Attorney General, to promulgate rules governing proceedings before it. It shall also determine whether organizations are of the type specified in § 1.1 (a) (14) of this chapter, and shall regulate the conduct of, and may disbar for cause, attorneys, representatives of such organizations, and others who appear in a representative capacity before the Board or the Service.

3. Paragraph (f) *Service of Board decisions* of § 6.1 *Board of Immigration Appeals* is amended by deleting the words "as provided in §§ 292.11 and 292.12 of this chapter" and inserting in lieu thereof the words "as provided in Part 292 of this chapter".

4. The first sentence of paragraph (c) *Distribution of motion papers when the Commissioner, an assistant commissioner, or a regional commissioner is the moving party* of § 6.21 *Motion to reopen or motion to reconsider* is amended by deleting the words "as provided in §§ 292.11 and 292.12 of this chapter" and inserting in lieu thereof the words "as provided in Part 292 of this chapter".

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 8—REOPENING AND RECONSIDERATION

1. The first sentence of § 8.2 *Reopening of suspension cases pending in Congress* is amended to read as follows: "Any deportation proceeding in which a special inquiry officer has ordered suspension of deportation and the regional commissioner has approved the granting of suspension, but final action in the case has not been taken by Congress, may be reopened by the special inquiry officer for proper cause upon motion made by an examining officer or the alien."

2. The third sentence of paragraph (a) *Filing* of § 8.11 *Motion to reopen or reconsider* is amended by deleting the words "as provided in §§ 292.11 and 292.12 of this chapter" and inserting in lieu thereof the words "as provided in Part 292 of this chapter".

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

1. Paragraph (j) of § 9.5a *Authority of Regional Commissioners* is amended to read as follows:

(j) Determinations as to the time for, and conditions under, which nonimmigrants may be admitted to the United States, and as to applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214m, inclusive, of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the changes made by the order in the existing rules, other than those relating to agency procedure and management (to which section 4 is not applicable), relate to form only and are chiefly editorial in nature.

Dated: April 14, 1958.

WILLIAM P. ROGERS,
Attorney General.

Recommended: April 8, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-3013; Filed, Apr. 22, 1958; 8:50 a. m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The last sentence of § 212.3 *Applications for the exercise of discretion under section 212 (c)* is amended by deleting the reference "§ 236.15" and inserting the reference "§ 236.5 (b)" in lieu thereof.

2. The penultimate sentence of § 212.4 *Applications for the exercise of discretion under section 212 (d) (3)* is amended by deleting the reference "§ 236.15" and inserting the reference "§ 236.5 (b)" in lieu thereof.

2a. Paragraph (b) of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows:

(b) An alien who is excludable and seeks a waiver under section 6 of the act of September 11, 1957, shall file an application on Form I-601 at the consular office considering the application for a visa, and shall submit:

(1) A statement from a State, territorial, or local health officer, or from the director or a physician staff member of a hospital recognized by the United States Public Health Service as an institution for the treatment of tuberculosis, agreeing (i) to supply any treatment and observation required for proper management of the alien's condition, in conformity with accepted local stand-

ards of medical practice, and (ii) to submit to the United States Quarantine Station, Staten Island, New York, a clinical evaluation of the alien, including necessary X-ray films, and a report of final disposition of the case. In each case the statement of agreement regarding these services shall specify the name and address of the hospital where the services will be provided and shall state that the alien will be given care on an inpatient or outpatient basis when necessary after his arrival at such hospital.

(2) An affidavit from a sponsor or other responsible individual that financial arrangements for the alien's care have been made with the hospital. This affidavit is not required of an alien who establishes eligibility under the Dependents Medical Care Act of June 7, 1956 (70 Stat. 250; 37 U. S. C. 401).

(3) Assurance that upon admission into the United States he will go direct to the specified hospital; will submit to such examinations, treatment, isolation, and medical regime as may be required; and will remain under the prescribed treatment or observation, whether on an inpatient or outpatient basis, until discharged.

(4) Assurance that he will comply with the provisions of "Sanitary Measures for Travel of Aliens with Tuberculosis," a copy of which is to be furnished to him.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Part 214j—Admission of Nonimmigrants: Exchange Aliens

Section 214j.2 is amended to read as follows:

§ 214j.2 *Limitation as to time for which alien may be admitted.* An alien applying for admission to the United States as a nonimmigrant under section 201 of the United States Information and Educational Exchange Act of 1948, as amended, whose visa by its own terms indicates that it was issued under that act, and who is otherwise admissible to the United States, may be admitted for the period specified in the Form DSP-66 presented by him at the port of entry, not to exceed one year.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Part 235a—Preexamination of Aliens Within the United States

The second sentence of § 235a.11 *Disposition of case* is amended by deleting the reference "§ 236.13 (c)" and inserting the reference "§ 236.2 (c)" in lieu thereof.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Part 236—Exclusion of Aliens

Part 236 is amended to read as follows:

Sec.
236.1 Authority of special inquiry officers.
236.2 Hearing.
236.3 Decision of the special inquiry officer; notice to the applicant.
236.4 Finality of order.
236.5 Appeals.
236.6 Fingerprinting of excluded aliens.

Authority: §§ 236.1 to 236.6 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 234, 235, 236, 292, 66 Stat. 182, as amended, 198, 200, 235; 8 U. S. C. 1182, 1224, 1225, 1226, 1362.

§ 236.1 *Authority of special inquiry officers.* In determining cases referred for further inquiry as provided in section 235 of the act, special inquiry officers shall have the powers and authority conferred upon them by the act and this chapter. Subject to any specific limitation prescribed by the act and this chapter, special inquiry officers shall also exercise the discretion and authority conferred upon the Attorney General by the act as is appropriate and necessary for the disposition of such cases.

§ 236.2 *Hearing*—(a) *Opening.* The special inquiry officer shall ascertain whether the applicant for admission is the person to whom Form I-122 was previously delivered by the examining immigration officer as provided in Part 235 of this chapter; enter a copy of such form in evidence as an exhibit in the case; inform the applicant of the nature and purpose of the hearing; advise him of the privilege of being represented by an attorney or other representative qualified under Part 292 of this chapter, and request him to state then and there whether he desires representation; advise him that he will have a reasonable opportunity to present evidence in his own behalf, to examine and object to evidence against him, and to cross-examine witnesses presented by the Government; and place the applicant under oath.

(b) *Procedure.* The special inquiry officer shall receive and adduce material and relevant evidence, rule upon objections, and otherwise regulate the course of the hearing.

(c) *Certification for mental condition; medical appeal.* An applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the act shall be advised that he has the right to appeal to a board of medical officers of the United States Public Health Service in accordance with the provisions of section 234 of the act. If the applicant elects to appeal to such medical board, the district director shall make the necessary arrangements for the convening of the medical board.

(d) *Record.* The hearing before the special inquiry officer, including the testimony and exhibits, the special inquiry officer's decision, and all written orders, motions, appeals, and other papers filed in the proceeding shall constitute the record in the case. The hearing shall be recorded verbatim except for statements made off the record with the permission of the special inquiry officer.

§ 236.3 *Decision of the special inquiry officer; notice to the applicant*—(a) *Contents.* The decision of the special inquiry officer may be oral or written. It shall include a summary of the evidence adduced and shall set forth findings of fact and conclusions of law as to excludability. The decision shall be concluded with the order of the special inquiry officer.

(b) *Oral decision.* An oral decision shall be stated for the record by the special inquiry officer at the conclusion of the hearing and in the presence of the applicant. When entitled to appeal from an adverse decision of the special inquiry officer, the applicant shall be so advised and shall be required to state then and there whether he wishes to appeal. At his request, the applicant shall be furnished with a typewritten transcript of the oral decision of the special inquiry officer.

(c) *Written decision.* When the decision of the special inquiry officer is in writing, the district director shall serve a signed copy thereof on the applicant, together with the notice referred to in § 6.11 of this chapter.

§ 236.4 *Finality of order.* The order of the special inquiry officer shall be final except when a case has been certified as provided in § 6.1 (c) or § 7.1 (b) of this chapter, or when an appeal is taken to the Board of Immigration Appeals. When the order of the special inquiry officer is to admit the applicant, the special inquiry officer shall place him on notice that the decision is subject to appeal by the district director as provided in § 236.5 (c).

§ 236.5 *Appeals*—(a) *In general.* Pursuant to Part 6 of this chapter, an appeal shall lie to the Board of Immigration Appeals from a decision of the special inquiry officer under this part, except as limited by section 236 (d) of the act.

(b) *By applicant.* When the applicant states that he wishes to appeal from an oral decision of the special inquiry officer, he shall be required then and there to submit completed Form I-290A. At his request, he shall be allowed 5 days from the date of the oral decision in which to file a brief. An appeal from a written decision of the special inquiry officer shall be taken within 5 days after receipt thereof by the applicant.

(c) *By district director.* The district director may, within 5 days from date of decision, appeal from an order of the special inquiry officer to admit the applicant. The applicant shall be notified in writing when an appeal is taken by the district director and advised that he will be allowed 5 days from receipt of notification in which to submit written representations for transmittal to the Board with the record in the case.

§ 236.6 *Fingerprinting of excluded aliens.* Every alien 14 years of age or older who is excluded from admission to the United States by a special inquiry officer shall be fingerprinted, unless during the preceding year he has been fingerprinted at an American consular office.

Part 245—Adjustment of Status of Nonimmigrant to That of a Person Admitted for Permanent Residence

The last sentence of § 245.3 *Medical examination* is amended by deleting the reference "§ 236.13 (c)" and inserting the reference "§ 236.2 (c)" in lieu thereof.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 245a—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953, AS AMENDED

1. The last sentence of § 245a.4 *Medical examination* is amended by deleting the reference "§ 236.13 (c)" and inserting the reference "§ 236.2 (c)" in lieu thereof.

2. The first and third sentences of paragraph (b) *Application denied; further action* of § 245a.11 *Disposition of case* are amended by deleting the words "pursuant to §§ 292.11 and 292.12 of this chapter" and "pursuant to § 292.12 of this chapter", respectively, and inserting in lieu thereof the words "as provided in Part 292 of this chapter".

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 292—REPRESENTATION AND APPEARANCES

Part 292—*Enrollment and Disbarment of Attorneys and Representatives* is amended to read as follows:

Sec.
292.1 Representation of others.
292.2 Requests by organizations for recognition.
292.3 Suspension or disbarment.
292.4 Appearances.
292.5 Service upon and action by attorney or representative of record.

AUTHORITY: §§ 292.1 to 292.5 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 292, 66 Stat. 235; 8 U. S. C. 1362.

§ 292.1 *Representation of others*—(a) *Attorneys in the United States.* Any attorney, as defined in § 1.1 (a) (3) of this chapter, may represent persons before the Service and the Board.

(b) *Reputable individuals.* When a person is entitled to representation, he may be represented by any reputable individual of good moral character who is appearing without remuneration, and files a written declaration to that effect, if such representation is permitted by a regional commissioner, district director, officer in charge, special inquiry officer, the Commissioner, or the Board.

(c) *Accredited representatives.* A person may be represented by an accredited representative of an organization described in § 1.1 (a) (14) of this chapter.

(d) *Accredited officials.* An alien may be represented by an accredited official, in the United States, of the government to which he owes allegiance, if the official appears solely in his official capacity and with the alien's consent.

(e) *Attorneys outside the United States.* An attorney, other than one described in § 1.1 (a) (3) of this chapter, residing outside the United States and licensed to practice law and in good standing in a court of the country in which he resides, and who is engaged in such practice, may be permitted by a regional commissioner, district director, officer in charge, the Commissioner, or the Board to be heard. The regional commissioner and district director are authorized to withhold granting permission to be heard before an officer under their jurisdiction and may refer the request to the Board for its decision.

(f) *Amicus curiae.* A person desiring to be heard as amicus curiae shall apply therefor to the Board. The Board may grant such application if in the public interest to do so.

(g) *Former employees.* A person previously employed by the Department of Justice is not permitted to represent in a case in which he participated during the period of his employment.

(h) *Persons formerly authorized to practice.* A person, other than a representative of an organization described in § 1.1 (a) (14) of this chapter, who on December 23, 1952, was authorized to practice before the Service and the Board may continue to represent, subject to the provisions of § 292.3.

§ 292.2 *Requests by organizations for recognition*—(a) *Form G-27.* A request for recognition by an organization described in § 1.1 (a) (14) of this chapter shall be filed on Form G-27 with a regional commissioner, district director, or the Commissioner for transmittal to the Board, or with the Board. The Board may require such additional information or investigation as may be necessary before approving or denying the request. The organization will be advised of the action taken by the Board.

(b) *Accreditation.* An organization described in § 1.1 (a) (14) of this chapter may certify as its accredited representatives only persons who are citizens of the United States and are of good moral character. Certificates may be filed with a regional commissioner, district director, officer in charge, or the the Commissioner, for transmittal to the Board, or with the Board. Additions or deletions shall be similarly certified. The eligibility of a representative to appear shall terminate upon the deletion of his name from the organization's list of accredited representatives or when the organization is no longer recognized by the Board as being of the character described in § 1.1 (a) (14) of this chapter. A person who is authorized to represent an organization described in § 1.1 (a) (14) of this chapter may continue without being accredited to appear before the Board or the Service until July 1, 1958, subject to the provisions of § 292.3.

(c) *Roster.* The Board shall maintain an alphabetical roster of recognized organizations and their accredited representatives. A copy of the roster shall be furnished the Commissioner, and he shall be advised from time to time of changes therein.

§ 292.3 *Suspension or disbarment*—(a) *Grounds.* The Board, with the approval of the Attorney General, may suspend or bar from further representation an attorney or representative if it shall find that it is in the public interest to do so. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of this part, but the enumeration of the following categories does not establish the exclusive grounds for suspension or disbarment in the public interest:

(1) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed, or who, being an accredited representative of an organization recognized under § 1.1 (a) (14) of this chapter, charges or receives either directly or indirectly any fee or compensation for services rendered to any person, except that an accredited representative of such an organization may be regularly compensated by the organization of which he is an accredited representative;

(2) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(3) Who willfully misleads, misinforms, or deceives an officer or employee of the Department of Justice concerning any material and relevant fact in connection with a case;

(4) Who willfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(5) Who solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(6) Who represents, as an associate, any person who, known to him, solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(7) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(8) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in a representative capacity before any executive department, board, commission, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(9) Who, by use of his name, personal appearance, or any device, aids and abets any person to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(10) Who willfully made false and material statements or representations with respect to his qualifications or authority to represent others in any case;

(11) Who engages in contumelious or otherwise obnoxious conduct with respect to a case in which he acts in a representative capacity, which in the opinion of the Board, would constitute cause for suspension or disbarment if the case was pending before a court, or which, in such a judicial proceeding, would constitute a contempt of court;

(12) Who, having been furnished with a copy of any portion of the record in a case, willfully fails to surrender such

copy upon final disposition of the case or upon demand, or willfully and without authorization makes and retains a copy of the material furnished; or

(13) Who has been convicted of a felony, or, having been convicted of any crime is sentenced to imprisonment for a term of more than one year.

(b) *Procedure.* If an investigation establishes to the satisfaction of the regional commissioner that suspension or disbarment proceedings should be instituted, he shall cause a copy of the written charges to be served upon the attorney or representative, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred. The notice shall also advise that after answer has been made and the matter is at issue, a hearing before a representative of the regional commissioner may be requested. When a hearing is requested, the regional commissioner will specify the time and place therefor and specially designate the officer who shall preside and the officer who shall present the evidence. If an answer is not received within 3 days after expiration of the period prescribed to show cause, defense to the charges is waived. When a hearing is not requested in the answer, the regional commissioner shall forward the complete record to the Board with his recommendation. The attorney or representative, either with or without counsel, and the regional commissioner, by the service officer within the purview of § 6.1 (e) of this chapter, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board. The Board shall consider the record and render its decision. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however,* That if the order is to suspend or disbar, or if any one of the circumstances described in § 6.1 (h) of this chapter is present, the Board shall refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding. When the final order is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to represent until authorized by the Board.

§ 292.4 *Appearances*—(a) *Form G–28.* An appearance shall be filed on Form G–28 by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required.

(b) *Availability of records.* During the time a case is pending, the unrepresented person or the attorney or representative of record shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced upon giving his receipt for such copy and pledging that a copy thereof will not be made, that it will be retained in his possession and control, and that it will be surrendered upon final disposition of the case or upon demand.

§ 292.5 *Service upon and action by attorney or representative of record*—(a) *Representative capacity.* Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of, the attorney or representative of record, or the person himself if unrepresented. Except where otherwise specifically provided in this chapter, whenever a notice, decision, or other paper is required to be given or served, it shall be done by personal service or by certified or registered mail upon the attorney or representative of record.

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs.

PART 299—IMMIGRATION FORMS

The references to Forms G–27 and I–90 in the list of forms in § 299.1 *Prescribed forms* are amended to read as follows:

Form No.;	*Title and Description*
G–27	Request for recognition to represent before the Board of Immigration Appeals and the Immigration and Naturalization Service.
I–90	Application to replace alien registration receipt document.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZENSHIP BY MARRIAGE

Section 324.14 is added to read as follows:

§ 324.14 *Former citizen of the United States whose naturalization by taking the oath is authorized by a private law.* A former citizen of the United States whose naturalization by taking the oath prescribed in section 337 of the Immigration and Nationality Act before any naturalization court is authorized by a private law shall submit to the Service a preliminary application on Form N–401. The application to the court shall be made on Form N–408, in triplicate, amended as set forth in § 332a.13 of this chapter. A copy of the private law shall be attached to Form N–408. The provisions of § 324.12 relating to fees and the disposition of Form N–408 apply equally to a proceeding under this section.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 332—PRELIMINARY INVESTIGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES

The third sentence of paragraph (a) *Scope of investigation* of § 332.11 *Investigation preliminary to filing petition for naturalization* is amended to read as follows: "During the interrogation of the applicant and at his request, his attorney, or representative who has filed an appearance in accordance with Part 292 of this chapter may be permitted to be present and observe the interrogation and make notes without otherwise participating therein."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 332a—OFFICIAL FORMS

Section 332a.13 *Alteration of forms of petitions or applications for naturalization* is amended by the addition of paragraph (g) reading as follows:

(g) *Naturalization authorized by private law.* Whenever Form N–408 is filed pursuant to § 324.14 of this chapter, the form shall be amended by inserting the words "Under Private Law Number ____, ____ Congress" under the title in lieu of the printed matter set forth thereunder; by replacing averment 7 with an allegation indicating the manner in which United States citizenship was lost; by substituting the words "as indicated in averment 7" for the words "by marriage" which appear in averment 8; by deleting averment 10; and by changing the period at the end of averment 11 to a comma and adding "pursuant to Private Law Number ____, ____ Congress, a copy of which is attached to this application."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

The first sentence of paragraph (g) *Representation by attorney or representative; absence of representative; advice to petitioner* of § 335.11 *Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act* is amended to read as follows: "The petitioner may be represented by an attorney or representative who has filed an appearance in accordance with Part 292 of this chapter."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

1. Section 343a.1 is amended to read as follows:

§ 343a.1 *Applications for replacement of or for new naturalization or citizenship paper*—(a) *Lost, mutilated, or destroyed naturalization papers.* A person whose declaration of intention, certificate of naturalization, citizenship, or repatriation, or whose certified copy of proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act, or under the provisions of any private law, has been lost, mutilated, or destroyed, shall apply on Form N-565 for a new paper in lieu thereof.

(b) *New certificate in changed name.* A naturalized citizen whose name has been changed after naturalization by order of court or by marriage, shall apply on Form N-565 for a new certificate of naturalization, or of citizenship, in the changed name.

2. The first sentence of paragraph (c) *New certified copy of repatriation proceedings issued* of § 343a.11 *Disposition of application* is amended to read as follows: "If an application for a new certified copy of the proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act, or under the provisions of any private law is approved, there shall be issued by the district director a certified positive photocopy of the record of the proceedings filed with the Service, whether such record be a duplicate of the court proceedings or a copy of the proceedings conducted at an embassy, legation, or consulate."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature or relieve restrictions and are clearly advantageous to persons affected thereby, relate to agency procedure and management.

Dated: April 8, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-3014; Filed, Apr. 22, 1958; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

WILD RUMINANTS AND WILD SWINE

Pursuant to the provisions of section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), § 92.4 of the regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR 1956 Supp. 92.4), is hereby amended by adding a new paragraph (c) to read as follows:

(c) *Wild ruminants and wild swine from countries where foot-and-mouth disease or rinderpest exists.* (1) Wild ruminants and wild swine originating in the countries designated in Part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exists may be carriers of such diseases even though the animals do not show clinical evidence of the diseases. In view of these circumstances and in order to prevent the introduction and dissemination of foot-and-mouth disease or rinderpest and protect the livestock of the United States, permits for the importation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, and of wild swine, will be issued only if such animals are intended for exhibition purposes in a zoological park previously approved by the Director of Division in accordance with the standards specified in subparagraph (2) of this paragraph and if the operator of such approved zoological park and the importer, if such operator and importer are different parties, have entered into the agreement set forth in subparagraph (3) of this paragraph with the Division for the maintenance and handling of such wild ruminants and wild swine in the manner specified in the agreement to prevent the introduction and dissemination of communicable diseases. For purposes of this paragraph "zoological park" means a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes. The New York port of entry is the only port at which facilities are available which are adequate for the quarantining of wild ruminants and wild swine. Accordingly, permits issued for the importation of such wild animals will require that the animals be imported through the port of New York and quarantined at that port. The Director of Division may cancel such a permit when he finds that any provision of this section or any other provision of the regulations has not been or is not being complied with.

(2) Approval of a zoological park for the receipt and maintenance of imported animals as described in this paragraph, shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages or enclosures in which the animals can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the zoological park which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants and swine within the zoological park; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the zoological park. The operator of the zoological park shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the zoological park for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Prior to the issuance of an import permit under this section, the operator of the approved zoological park to which the animals are to be consigned, and the importer of the animals, if such operator and importer are different parties, shall execute an agreement covering each animal or group of animals for which the import permit is requested. The agreement shall be in the following form:

AGREEMENT FOR THE IMPORTATION, QUARANTINE AND EXHIBITION OF CERTAIN WILD RUMINANTS AND WILD SWINE

-----------------, operator(s) of the zoological park known as ---------------- located at
(Name)
-----------------, and ----------------- hereby
(City and state) (Importer)
request a permit for the importation of
------------------------------------ for exhibition
(Number and kinds of animals)
purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in Part 92, Title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Director of Division as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the port of entry in this country. If shipment is made by ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing except at a port approved by the Director of Division as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Quarantine Station in Clifton, New Jersey.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises

without the prior consent of the Animal Inspection and Quarantine Division.

---------------------- (Signature of importer)

Subscribed and sworn to before me this ----- day of ----------, 19--.

---------------------- (Title or designation)

---------------------- (Name of zoological park)

By ---------------------- (Signature of officer of zoological park)

---------------------- (Title of officer)

Subscribed and sworn to before me this ----- day of ----------, 19--.

---------------------- (Title or designation)

The amendment should be made effective promptly in order to safeguard the livestock of the United States against the introduction and dissemination of communicable diseases. Accordingly, under provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 17th day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator.

[F. R. Doc. 58-3002; Filed, Apr. 22, 1958; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

SERVICES

§ 222.104 *"Services" under section 4 (c) (1) of Bank Holding Company Act.* (a) Section 4 (c) (1) of the Bank Holding Company Act, among other things, exempts from the nonbanking divestment requirements of section 4 (a) of the act shares of a company engaged "solely in the business of furnishing services to or performing services for" its bank holding company or subsidiary banks thereof.

(b) The Board of Governors has had occasion to express opinions as to whether this section of law applies to the following two sets of facts:

(1) In the first case, Corporation X, a nonbanking subsidiary of a bank holding company (Holding Company A), was engaged in the business of purchasing installment paper suitable for investment by banking subsidiaries of Holding Company A. All installment paper purchased by Corporation X was sold by it to a bank which is a subsidiary of Holding Company A, without recourse, at a price equal to the cost of the installment paper to Corporation X, and with compensation to the latter based on the earnings from such paper remaining after certain reserves, expenses and charges. The subsidiary bank sold participations in such installment paper to the other affiliated banks of Holding Company A which desired to participate. Purchases by Corporation X consisted mainly of paper insured under Title I of the National Housing Act and, in addition, Corporation X purchased time payment contracts covering sales of appliances by dealers under contractual arrangements with utilities, as well as paper covering home improvements which was not insured. Pursuant to certain service agreements, Corporation X made all collections, enforced guaranties, filed claims under Title I insurance and performed other services for the affiliated banks. Also Corporation X rendered to banking subsidiaries of Holding Company A various accounting, statistical and advisory services such as payroll, life insurance and budget loan installment account.

(2) In the second case, Corporation Y, a nonbanking subsidiary of a bank holding company (Holding Company B, which was also a bank), solicited business on behalf of Holding Company B from dealers, throughout several adjoining or contiguous States, who made time sales and desired to convert their time sales paper into cash; but Corporation Y made no loans or purchases of sales contracts and did not discount or advance money for time sales obligations. Corporation Y investigated credit standings of purchasers obligated on time sale contracts to be acquired by Holding Company B. Corporation Y received from dealers the papers offered by them and inspected such papers to see that they were in order, and transmitted to Holding Company B for its determination to purchase, including, in some cases, issuance of drafts in favor of dealers in order to facilitate their prompt receipt of payment for installment paper purchased by Holding Company B. Corporation Y made collections of delinquent paper or delinquent installments, which sometimes involved repossession and resale of the automobile or other property which secured the paper. Also, upon request of purchasers obligated on paper held by Holding Company B, Corporation Y transmitted installment payments to Holding Company B. Holding Company B reimbursed Corporation Y for its actual costs and expenses in performing the services mentioned above, including the salaries and wages of all Corporation Y officers and employees.

(c) While the term "services" is sometimes used in a broad and general sense, the legislative history of the Bank Holding Company Act indicates that in section 4 (c) (1) the word was meant to be somewhat more limited in its application. An early version of the bill specifically exempted companies engaged in serving the bank holding company and its subsidiary banks in "auditing, appraising, investment counseling". The statute as finally enacted does not expressly mention any specific type of servicing activity for exemption. In recommending the change, the Senate Banking and Currency Committee stated that the types of services contemplated are "in the fields of advertising, public relations, developing new business, organization, operations, preparing tax returns, personnel, and many others", which indicates that latitude should be given to the range of activities contemplated by this section beyond those specifically set forth in the early draft of the bill. (84th Cong., 2d Sess., Senate Report 1095, Part 2, p. 3.) It nevertheless seems evident that Congress intended such services to be types of activities generally comparable to those mentioned above from the early bill ("auditing, appraising, investment counseling") and in the excerpt from the Committee Report on the later bill ("advertising, public relations, developing new business, organization, operations, preparing tax returns, personnel, and many others"). This legislative history and the context in which the term "services" is used in section 4 (c) (1) seem to suggest that the term was in general intended to refer to servicing operations which a bank could carry on itself, but which the bank or its holding company chooses to have done through another organization. Moreover, the report of the Senate Banking and Currency Committee indicated that the types of servicing permitted under section 4 (c) (1) are to be distinguished from activities of a "financial, fiduciary, or insurance nature", such as those which might be considered for possible exemption under section 4 (c) (6) of the act.

(d) With respect to the first set of facts, the Board expressed the opinion that certain of the activities of Corporation X, such as the accounting, statistical and advisory services referred to above, may be within the range of servicing activities contemplated by section 4 (c) (1), but that this would not appear to be the case with the main activity of Corporation X, which was the purchase of installment paper and the resale of such paper at cost, without recourse, to banking subsidiaries of Holding Company A. This latter and basic activity of Corporation X appeared to involve essentially a financial relationship between it and the banking subsidiaries of Holding Company A and appeared beyond the category of servicing exemptions contemplated by section 4 (c) (1) of the act. Accordingly, it was the Board's view that Corporation X could not be regarded as qualifying under section 4 (c) (1) as a company engaged "solely in the business of furnishing services to or performing services for" Holding Company A or subsidiary banks thereof.

(e) With respect to the second set of facts, the Board expressed the opinion that some of the activities engaged in by

Corporation Y were clearly within the range of servicing activities contemplated by section 4 (c) (1). There was some question as to whether or not some of the other activities of Corporation Y mentioned above could meet the test, but on balance, it seemed that all such activities probably were activities in which Holding Company B, which as already indicated was a bank, could itself engage, at the present locations of Corporation Y, without being engaged in the operation of bank branches at those locations. In the circumstances, while the question was not free from doubt, the Board expressed the opinion that the activities of Corporation Y were those of a company engaged "solely in the business of furnishing services to or performing services for" Holding Company B within the meaning of section 4 (c) (1) of the act, and that, accordingly, the control by Holding Company B of shares in Corporation Y was exempted under that section.

(Sec. 5 (b), 70 Stat. 137; 12 U. S. C. 1844)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-2997; Filed, Apr. 22, 1958; 8:47 a.m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1618]

[Fairbanks 014496]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Bureau of Public Roads as an administrative site.

FAIRBANKS MERIDIAN

BIRCH LAKE AREA

T. 7 S., R. 5 E.,
Sec. 11, S½NW¼SE¼SE¼, N½SW¼SE¼SE¼, and N½S½SW¼SE¼SE¼.

The areas described aggregate 12.5 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 16, 1958.

[F. R. Doc. 58-2991; Filed, Apr. 22, 1958; 8:45 a. m.]

[Public Land Order 1619]

[532175]

ARIZONA

PARTIALLY REVOKING CERTAIN EXECUTIVE ORDERS CREATING PUBLIC WATER RESERVES

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (30 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretation Nos. 69 and 205, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 2 E.,
Sec. 22, NW¼NW¼.
T. 12 N., R. 1 E.,
Sec. 4, Lot 11.

The areas described aggregate 61.21 acres.

2. The Executive Order of February 15, 1916, creating Public Water Reserve No. 31, Arizona No. 4, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 2 E.,
Sec. 15, N½NE¼, SW¼NE¼ and SE¼.

The areas described aggregate 280 acres.

The total area described in this order is 341.21 acres.

3. The lands are grazing lands. Lot 11, Section 4, T. 12 N., R. 1 E., is located in Yavapai County, and the remainder of the lands, in Maricopa County. The soils range from sandy loam to rocky outcrops. Vegetation is of the desert-type. There are no permanent streams or water holes on the lands.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on May 22, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on August 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on August 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m., on August 21, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 16, 1958.

[F. R. Doc. 58-2992; Filed, Apr. 22, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 58-379]

[Rules Amdts. 2-17, 4-10, 7-3, 8-5, 9-10, 10-8, 11-14, 12-2, 16-26, 21-12]

MISCELLANEOUS AMENDMENTS TO CHAPTER

REALLOCATION OF CERTAIN FREQUENCY BANDS

1. The Commission has before it for consideration the reallocation of the frequency bands indicated below:

(a) The reallocation of the exclusive amateur bands above 220 Mc to Government services on an exclusive basis in one instance, and to Government services and the amateur service on a shared basis in the other instances;

(b) The reallocation of the frequency band 890–942 Mc from non-Government to Government use and the frequency band 3500–3700 Mc from non-Government to Government and amateur use;

(c) The reallocation of the frequency bands 1350–1400 Mc, 3100–3300 Mc, 5100–5250 Mc, 8500–9000 Mc, 9200–9300 Mc and 9500–9800 Mc from their present shared status between Government and non-Government use to exclusive Government use;

(d) The reallocation of the frequency bands 8400–8500 Mc and 13225–13250 Mc from Government to non-Government use;

(e) Government sharing of the frequency band 2450–2500 Mc on a non-interference basis to non-Government use;

(f) The amendment of footnote US8 to § 2.104 (a) (5) of the Commission's Rules to permit no further use of the band 216–220 Mc beyond January 1, 1963 by non-Government telemetering stations; and

(g) The deletion of footnote US10 to § 2.104 (a) (5) of the Commission's Rules which was designed to reserve for civil aviation a number of channels in the frequency bands 225–328.6 and 335.4–400.0 Mc.

2. The Office of Defense Mobilization has made representations that the reallocations set forth above are required either because of vital national defense considerations or are desirable changes incident thereto. The reallocation of frequency bands for Government use are stated to be essential to fill radiopositioning requirements, which have increased significantly in recent years due to the international political climate and the advent of the "space age". It is further stated that vital national defense considerations make it mandatory that provisions be made now in the allocation table for these requirements, some of which must be satisfied immediately and others which must be satisfied in the near future.[1]

3. Moreover, the Office of Defense Mobilization has represented that the requirements in question cannot be accommodated in frequency bands presently allocated for Government use. Based on the above representations, it appears that if these vital national defense needs are to be satisfied, sound frequency management requires that the designation in the Table of Allocations in Part 2 of the Commission's Rules must be changed at this time to make available for use by Government services the bands shown. Similarly, in the interest of making available to non-Government users as quickly as practicable those bands now designated as exclusive Government bands or bands which are now shared with non-Government stations, but which are henceforth to be designated as exclusive non-Government bands in partial compensation for the loss of other non-Government bands, the Table of Allocations in Part 2 should also be amended now. In its Notice of Proposed Rule Making issued today in Docket No. 12404 the Commission has proposed allocation of these bands to specific non-Government services.

4. In general, the Government operations which must be accommodated will utilize extremely high power. In many instances these operations will also be mobile. Therefore, there will be a very high probability that the Government operations in certain instances will cause harmful interference to other services operating in the same frequency bands. Moreover, because of the vital national defense considerations involved, non-Government services operating in certain of the bands in question would have to protect the Government operations from harmful interference.

5. Because of the high probability of harmful interference to the fixed service from the radiopositioning service in the band 890–942 Mc, the ODM has recommended that all fixed stations be moved from this band.[2] However, since the degree of interference to the fixed service can not be fully evaluated at this time, the Commission, by arrangement with the ODM, is not ordering the removal of the fixed stations now authorized in the band but recommends that those stations not able to accept harmful interference from radiopositioning or ISM voluntarily move to other appropriate bands. However, it is recognized that each additional fixed station authorized in the band 890–942 Mc increases the probability of harmful interference to or from the radiopositioning service. Therefore, the Commission will authorized no new fixed stations in the band 890–942 Mc, but will permit the continued operation of stations licensed therein at the present time, pursuant to the terms of outstanding authorizations. Renewals of these authorizations will, however, be granted only upon the condition that stations in the fixed service in the band 890–940 Mc continue to accept interference from ISM, and that, in addition, fixed stations in the band 890–942 Mc accept interference from radiopositioning, and not cause harmful interference to that service.

6. The Commission wishes to call attention to the fact that it has today taken two other actions which are related to the actions ordered herein. One such action is the issuance of a Notice of Inquiry in Docket 12263, requesting comments on proposed changes in Chapter III of the Atlantic City Radio Regulations, which includes the International Table of Frequency Allocations. The other action is the issuance of a Notice of Proposed Rule Making in Docket No. 12404, which proposes various changes in the Commission's Table of Frequency Allocations.

7. Based upon the representations that have been submitted to it concerning the requirements of national defense, the Commission finds that it would be in the public interest to amend its rules to permit the orderly satisfaction of those requirements.

8. Because of the urgency and nature of the Government requirements and the vital national defense considerations involved herein, the Commission finds that it is impracticable and contrary to the public interest to comply with the Public Notice requirements of section 4 of the Administrative Procedure Act, and that, for the same reasons, the amendments ordered herein should be made effective immediately.

9. In some instances, by the terms of this Order, frequency allocations are being made to services not previously provided for in Part 2 of the Commission's rules. Since Part 2 defines only those services for which specific frequency allocations have been made, it now becomes necessary to amend Part 2 to cover the newly-provided-for services and stations associated therewith. It should be noted that the new definitions are among those to be proposed by the U. S. at the ITU Radio Conference and are therefore subject to change. Accordingly, the text below sets forth necessary additional definitions as well as necessary changes to the table of frequency allocations in Part 2 of the rules.

10. In order to maintain consistency between the several Parts of the Commission's Rules, Amendments to those Parts affected by the changes being ordered in Part 2 are set forth below.

11. *It is ordered,* That under authority contained in sections 1, 4 (i), 4 (j), 303 (c), (f), (g) and (r) of the Communications Act of 1934, as amended, the Commission's rules are amended, effective April 16, 1958, as set forth in the Appendices hereto; and

12. *It is further ordered,* That,

a. Persons presently authorized to operate on frequencies in the 216–220 Mc band may continue to operate until the expiration of their present authorizations or until January 1, 1963, whichever is later and, if existing authorizations expire prior to January 1, 1963, applications for renewal may be granted for authority to operate until the latter date; and

b. Persons eligible under existing Rules may continue to apply for and receive authorizations to operate on available frequencies in the band 216–220 Mc until replacement frequencies become available pursuant to studies now being conducted by the Commission. Such authorizations shall have an expiration date not later than January 1, 1963; and,

c. Effective immediately no new fixed stations, including tropospheric scatter stations in the international fixed service, will be authorized in the band

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[1] The nature and importance of these requirements is such that the allocations changes must be effected nationally despite the fact that a new international table of frequency allocations will not be adopted until the holding of the International Radio Conference scheduled to be held at Geneva, Switzerland, commencing in July, 1959.

[2] In connection with the frequency band 890–940 Mc, the Commission notes that most of the comments received in Docket 11866 from fixed service licensees operating in that band stress that their operations are not compatible with the operation of ISM equipment on 915 Mc. The ODM has recognized that the radiopositioning service in the band 890–940 Mc must accept any harmful interference caused by the operation of ISM equipment on 915 Mc.

890–942 Mc, provided that all stations presently authorized to operate on frequencies in the band 890–942 Mc may continue to operate pursuant to the provisions of their existing authorizations until the termination of such authorizations; renewal of authorizations for such stations will be issued only on the condition (1) that they accept any harmful interference that may be experienced from either ISM equipment in the band 890–940 Mc, or from the radiopositioning service in the band 890–942 Mc and (2) that they do not cause harmful interference to the radiopositioning service;

d. Persons presently authorized to operate on frequencies in the band 3500–3700 Mc may continue to operate until the expiration of their present authorizations and, if existing authorizations expire prior to February, 1, 1961, applications for renewal may be granted for authority to operate until that date.

e. Effective immediately no new land radiopositioning or mobile radiopositioning stations will be authorized in the band 3100–3246 Mc, 3266–3300 Mc and 9200–9300 Mc, provided that all such stations presently authorzied to operate on frequencies in those bands may continue to operate pursuant to the provisions of their existing authorizations until the termination of such authorization; renewal of authorizations for such stations will be issued only on the condition that they cause no harmful interference to Government services in these bands.

f. Effective immediately no new radionavigation stations will be authorized to operate shipborne radars in the band 3100–3246 Mc, provided that all such stations presently authorized to operate on frequencies in this band may continue to operate pursuant to the provisions of their existing authorizations until the termination of such authorization; renewal of authorizations for such stations will be issued only on the condition that they accept any harmful interference that may be experienced from Government services in the band.

13. *It is further ordered*, That the following petitions, insofar as they pertain to requested changes in the allocation table between 890 and 942 Mc are dismissed as moot:

a. Lenkurt Electric Co., Inc., petition filed June 5, 1953, requesting reallocation of the bands 890–910 Mc and 925–940 Mc to the fixed service; (Docket No. 10797)

b. Motorola, Inc. petition filed June 31, 1955, requesting the allocation of frequencies in the 890–960 Mc band for the purpose of establishing a land mobile service; (Docket No. 10797)

c. Lenkurt Electric Co., Inc. petition filed February 10, 1956, for amendment of Part 18 to control radiation of Industrial, Scientific and Medical devices on 915 Mc to prevent interference to authorized communication services in the band 890–940 Mc; (Docket No. 10797)

d. U. S. Independent Telephone Association petition filed February 21, 1956, requesting reallocation of the band 890–940 Mc to the common carrier fixed service (Docket No. 10797); and;

e. Society of Plastics Industry, Inc. petition filed May 1, 1956, requesting cessation of common carrier fixed station licensing in the band 890–940 Mc. (Docket No. 10797).

Adopted: April 16, 1958.

Released: April 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

It should be noted that in all bands between 220 Mc/s and 10500 Mc/s designated herein for amateur use, the U. S. proposal to the ITU Radio Conference would permit amateur operation on the condition that the amateur service cause no harmful interference to the radiopositioning service, which in each case would be operated by the U. S. Government within the U. S., its territories and possessions.

1. Amend Part 2 of the Commission's rules in the following particulars:

1. Amend § 2.1 by inserting the following definitions in the proper alphabetical order:

Radiopositioning. The determination of position or direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves for purposes other than the navigation of ships or aircraft, or other than warning of obstructions to navigation.

Radiopositioning service. A service involving the use of radiopositioning.

Land radiopositioning station. A station in the radiopositioning service not intended for operation while in motion.

Mobile radiopositioning station. A station in the radiopositioning service intended to be used while in motion or during halts at unspecified points.

2. Amend the appropriate portions of § 2.104 (a) (5), the table of frequency allocations to read as follows in columns 5 through 11.

5	6	7	8	9	10	11
220–225	G, NG (US103).	220–225 (NG20).	Amateur.	Amateur.	--------	AMATEUR.
420–450	G, NG (US11) (US18) (US104).	420–450	Amateur.	Amateur.	--------	AMATEUR.
890–942	G (US104A).	890–942	----------------	----------------	915	Industrial, Scientific and Medical Equipment.
1215–1300	G, NG (US105).	1215–1300	Amateur.	Amateur.	--------	AMATEUR.
1350–1400	G.	1350–1400	----------------	----------------	--------	
2300–2450	G, NG (US109).	2300–2450	Amateur.	Amateur.	--------	AMATEUR.
2450–2500	NG. (US110).	2450–2500 (NG1) (NG17).	a. Fixed. b. Mobile.	----------------	2450	Industrial, Scientific and Medical Equipment.
3100–3500	G (US113B) (US113C).	3100–3500	----------------	----------------	--------	
3500–3700	G, NG (US114).	3500–3700	Amateur.	Amateur.	--------	AMATEUR.
5100–5250	G.	5100–5250	----------------	----------------	--------	
5650–5925	G, NG (US119).	5650–5925	Amateur.	Amateur.	5850	Industrial, Scientific and Medical Equipment.
8400–8500	NG.	8400–8500	a. Fixed. b. Mobile.	----------------	--------	
8500–9000	G (US120).	8500–9000	----------------	----------------	--------	
9200–9300	G (US113B).	9200–9300	----------------	----------------	--------	
9500–9800	G (US126).	9500–9800	----------------	----------------	--------	
10000–10500	G, NG (US127).	10000–10500	Amateur.	Amateur.	--------	AMATEUR.
13225–13250	NG.	13225–13250	a. Fixed. b. Mobile.	----------------	--------	

US11 Radio altimeters will not be permitted to use the band 420–460 Mc after February 15, 1963.

US18 The power to be employed by amateur stations in this band will not exceed 50 watts DC plate power input to the final stage of the transmitter.

US103 The only non-Government service permitted in the band 220–225 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US104 Except as provided by footnote US11, the only non-Government service permitted in the band 420–450 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US104A Each non-Government station in the fixed service, authorized to operate in the band 890–942 Mc and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiopositioning service during such term. Renewals of such authorizations, however, shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 Mc, (2) accept any harmful interference that may be experienced from the radiopositioning service, and (3) shall not cause harmful interference to the radiopositioning service.

US108 The only non-Government service permitted in the band 1215–1300 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US109 The only non-Government service permitted in the band 2300–2450 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US110 The Government radiopositioning service is permitted in the band 2450–2500 Mc on the condition that harmful interference is not caused to non-Government services.

US113B Each non-Government land radiopositioning or mobile radiopositioning station authorized to operate in the band 3100–3246 Mc, 3266–3300 Mc or 9200–9300 Mc and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to Government services.

US113C Each non-Government radionavigation station authorized to operate a shipborne radar in the band 3100–3246 Mc, and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorization, however, shall be contingent upon the condition that each such station must accept any harmful interference that might be experienced from Government services in that band.

US114 The only non-Government service permitted in the band 3500–3700 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US119 The only non-Government service permitted in the band 5650-5925 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US120 In the band 8750–8850 Mc/s, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service, and meanwhile must accept any harmful interference that may be experienced from the radiopositioning service.

US126 In the band 9750-9850 Mc, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service and meanwhile must accept any harmful interference that may be experienced from the radiopositioning service.

US127 The band 10000–10500 Mc is limited to CW systems. The amateur service, which shall not cause harmful interference to the radiopositioning service, is the only non-Government service permitted in the band.

3. Amend footnote US8, applied to the band 216–220 Mc, to read as follows:

US8. Until January 1, 1963, the frequencies 217.425 through 217.675 Mc/s and 219.325 through 219.575 Mc/s, inclusive, may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

4. Delete footnote indicator US10 from column 5 in the frequency bands 225.0–328.6 Mc and 335.4–400.0 Mc/s and delete the text of the footnote from the list of US footnotes following the table of frequency allocations.

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Sections 4.502 and 4.603 of Part 4 of the Commission rules are amended as follows:

1. Delete the present text and associated footnote of § 4.502 and substitute therefor the following text:

§ 4.502 *Frequency assignment.* (a) An FM broadcast STL station may be licensed on one of the following frequencies:

942.5 Mc	946.0 Mc	949.5 Mc
943.0 Mc	946.5 Mc	950.0 Mc
943.5 Mc	947.0 Mc	950.5 Mc
944.0 Mc	947.5 Mc	951.0 Mc
944.5 Mc	948.0 Mc	951.5 Mc
945.0 Mc	948.5 Mc	
945.5 Mc	949.0 Mc	

(b) Any standard broadcast STL station or FM broadcast STL station for which there was outstanding a valid construction permit or license on April 16, 1958, specifying operation on any frequency between 890 Mc and 942 Mc, may continue to be operated on such frequencies for the remainder of the term specified in such authorization and may upon appropriate application therefor be granted a renewal of such license, subject to the condition that no harmful interference shall be caused to the radiopositioning service operating in the band 890–942 Mc and subject to the further condition that the licensee must accept any interference which may be caused by the operation of radiopositioning stations in the band 890–942 Mc and industrial, scientific, and medical (ISM) equipment in the band 890–940 Mc.

(c) FM inter-city relay stations may be licensed to operate on any of the frequencies listed in paragraph (a) of this section, subject to the condition that no harmful interference is caused to stations operating in the band 942–952 Mc in accordance with the Table of Frequency Allocations contained in § 2.104 (a) of this chapter.

2. Delete the present text of paragraph (b) of § 4.603 and substitute therefor the following text:

(b) Any television STL station or television inter-city relay station used for the transmission of the sound portion only of television program material and for which there was outstanding a valid construction permit or license on April 16, 1958, specifying operation on any frequency between 890 Mc and 940 Mc may continue to be operated on such frequencies for the remainder of the term specified in such authorization and may upon appropriate application therefor, be granted a renewal of license subject to the condition that no harmful interference shall be caused to the radiopositioning service operating in the band 890–942 Mc and subject to the further condition that the licensee must accept any interference which may be caused by the operation of radiopositioning stations in the band 890–942 Mc and industrial, scientific, and medical (ISM) equipment operating in the band 890–940 Mc.

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

Part 7 of the rules is amended in the following particulars:

A. Section 7.402 (a) is amended by changing the frequency bands to read as follows:

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

B. Section 7.402 (b) (2) is amended to read as follows:

(2)

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service. Each shore radiolocation station in the maritime radiolocation service (used for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 3000 to 3246 Mc as of April 16, 1958 and which operates on frequencies between 3100 and 3246 Mc may continue to operate in the band 3100 to 3246 Mc for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to United States Government services.

C. Section 7.503 (b) is amended by deleting the frequency band 3500 Mc to 3700 Mc as available for coast stations.

D. Section 7.503 (c) is amended by changing the authorized frequency bands and assigned frequencies to read as follows:

2900 to 3000 Mc.
5250 to 5440 Mc.
5440 to 5460 Mc_____ 5450 Mc (Racons only).
9000 to 9200 Mc.
9300 to 9320 Mc_____ 9310 Mc (Racons only).

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Part 8 of the rules is amended in the following particulars:

A. Section 8.404 (a) is amended to read as follows:

(a) The following frequency-bands are authorized for use by ship-radionavigation stations (including ship-radar stations) in the maritime radionavigation service (the associated transmitting frequencies of U. S. Government radar beacons (racons) are, respectively, as follows: 5450 and 9310 megacycles); the maximum power shall be designated in each instrument of authorization: *Provided*, That for stations other than ship-radar stations, the class of emission, the frequency tolerance, and the bandwidth occupied by the emission shall be designated in each instrument of authorization:

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

Transmitters in ship radionavigation stations (including developmental stations) in the maritime radionavigation service (including ship-radar stations) which are authorized for operation in the 3000 to 3246 Mc band as of April 16, 1958 and which operate on frequencies between 3100 and 3246 Mc may continue to be authorized for operation on the same vessel provided that any renewal of the authorization shall be subject to the condition that no protection shall be given from any interference caused by emission from United States Government stations operating in the 3100 to 3246 Mc band.

B. Section 8.404 (b) (2) is amended to read as follows:

(2)

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service. Each ship radiolocation station in the maritime radiolocation service (used for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 3000 to 3246 Mc as of April 16, 1958 and which operates on frequencies between 3100 and 3246 Mc may continue to operate in the band 3100 to 3246 Mc for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to United States Government services.

C. Section 8.433 (b) is amended by deleting the frequency band 3500 Mc to 3700 Mc.

D. Section 8.433 (c) is amended by changing the authorized frequency bands and assigned frequencies to read as follows:

2900 to 3000 Mc.
5250 to 5440 Mc.
5440 to 5460 Mc..... 5450 Mc (Racons only).
9000 to 9200 Mc.
9300 to 9320 Mc..... 9310 Mc (Racons only).

PART 9—AVIATION SERVICES

Amend Part 9—Aviation Services, as indicated below:

1. Amend subparagraphs (1) and (2), paragraph (m) of § 9.312, to read as follows:

(m) (1) 960–1215 Mc: The band 960–1215 Mc is for distance measuring and other functions related to those performed in the band 1400–1660 Mc.

(2) 1300–1660 Mc: The band 1300–1660 Mc, excluding the band 1350–1400 Mc, is intended for an integrated system of electronic aids to air navigation and traffic control.

2. Amend paragraph (n) of § 9.312, to read as follows:

(n)

Mc	*Mc*
5250–5440	9300–9320
9000–9200	9320–9500

These frequency bands are available for airborne radar functions subject to the condition that harmful interference is not caused to precision radar operations in the 9000–9180 Mc band.

3. Add a new paragraph (p) to § 9.312, to read as follows:

(p) The 8750–8850 Mc and 9750–9850 Mc bands are available for temporary use by airborne doppler radars until moved to a frequency band allocated to the aeronautical radionavigation service. Any interference to airborne doppler radars from the radiopositioning service must be accepted.

4. Amend subparagraphs (1) and (2), paragraph (f) of § 9.511, to read as follows:

(f) (1) 960–1215 Mc: The band 960–1215 Mc is for distance measuring and other functions related to those performed in the band 1400–1660 Mc.

(2) 1300–1660 Mc: The band 1300–1660 Mc, excluding the band 1350–1400 Mc, is intended for an integrated system of electronic aids to air navigation and traffic control.

5. Amend paragraph (b) of § 9.611, to read as follows:

(b) The following frequencies are available to flight test stations for telemetering activities:

Mc	*Mc*	*Mc*	*Mc*
217.425	217.575	219.375	219.525
217.475	217.625	219.425	219.575
217.525	217.675	219.450	
217.550	219.325	219.475	

Until January 1, 1963, these frequencies may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

PART 10—PUBLIC SAFETY RADIO SERVICES

1. Section 10.255 (g) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95	Mobile	1
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 19
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1

2. Section 10.305 (f) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95	Mobile	1
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 16
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1

3. Section 10.355 (d) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95	Mobile	1
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 17
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1

4. Section 10.405 (e) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95	Mobile	1
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 11
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1

5. Section 10.462 (e) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95	Mobile	1
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 14
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1

PART 11—INDUSTRIAL RADIO SERVICES

1. In paragraph (d) of § 11.252 delete the frequency table and substitute the following:

Mc
[1] 2450–2500
6425–6575
11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

2. a. In paragraph (b) of § 1.253 delete the frequency table and substitute the following:

Mc	Mc
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

b. Add a new paragraph (e) to § 11.253 as follows:

(e) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

3. In paragraph (d) of § 11.302 delete the frequency table and substitute the following:

Mc
[1] 2450–2500
6425–6575
11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

4.a. In paragraph (b) of § 11.303 delete the frequency table and substitute the following:

Mc	Mc
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

b. Add a new paragraph (d) to § 11.303 as follows:

(d) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

5. In paragraph (c) of § 11.352 delete the frequency table and substitute the following:

Mc
[1] 2450–2500
6425–6575
11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

6a. In paragraph (b) of § 11.353 delete the frequency table and substitute the following:

Mc	Mc
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

b. Add a new paragraph (d) to § 11.353 as follows:

(d) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

7. In paragraph (b) of § 11.402 delete the frequency table and substitute the following:

Mc
[1] 2450–2500
6425–6575
11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

8a. In paragraph (b) of § 11.403 delete the frequency table and substitute the following.

Mc	Mc
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

b. Add a new paragraph (c) to § 11.403 as follows:

(c) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

9. In paragraph (b) of § 11.452 delete the frequency table and substitute the following:

Mc
[1] 2450–2500
6425–6575
11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

10. a. In paragraph (b) of § 11.453 delete the frequency table and substitute the following:

Mc	Mc
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

b. Add a new paragraph (c) to § 11.453 as follows:

(c) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

11. In paragraph (c) of § 11.515 delete the frequency table and substitute the following:

Mc
[1] 2450–2500
6425–6575
11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

12a. In paragraph (b) of § 11.516 delete the frequency table and substitute the following:

Mc	Mc
953–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

b. Add a new paragraph (d) to § 11.516 as follows:

(d) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

13a. In paragraph (c) of § 11.607 delete the frequency table and substitute the following:

Mc	Mc
2900–3100	9000–9200
5250–5440	9320–9500
5460–5650	

b. Add a new paragraph (g) to § 11.607 as follows:

(g) Stations authorized to operate on frequencies included in the bands 3100–3246, 3266–3300 and 9200–9300 Mc prior to April 16, 1958, may continue to operate on frequencies in those bands for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be issued subject to the condition that no harmful interference is caused to government stations in the radiopositioning service operating in the bands 3100–3246, 3266–3300 and 9200–9300 Mc.

PART 12—AMATEUR RADIO SERVICE

1. Section 12.111 is amended as follows:

a. Paragraph (j) is amended to read as follows:

(j) 220 to 225 Mc,[2] using types A0, A1, A2, A3, A4, F0, F1, F2, F3, and F4 emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

b. Paragraph (k) is amended to read as follows:

(k) 420 to 450 Mc, using types A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, and F5 emission. The maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

c. Paragraph (l) is amended to read as follows:

(l) 1215 to 1300 Mc, using types A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, and F5 emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

d. Paragraph (m) is amended to read as follows:

(m) 2300 to 2450 Mc, 3500 to 3700 Mc, and 5650 to 5925 Mc, using types A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively. In these bands the amateur service shall not cause harmful interference to the government radiopositioning service.

e. New paragraphs (n) and (o) are added to read as follows:

(n) 10,000 to 10,500 Mc using A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, and F5 emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

(o) 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, and pulse emission.

2. Section 12.231 is amended as follows:

a. Paragraph (c) is amended to read as follows:

(c) Except as provided in paragraph (d) of this section, at such time as any or all of these frequency bands are withdrawn from availability to stations operating in the Amateur Radio Service, such bands shall be jointly available to stations in the Radio Amateur Civil Emergency Service and to stations in the military services for training and tactical operations. At that time, in areas where interference might occur, local mutual arrangements shall be made regarding times of operation such as to preclude or satisfactorily alleviate interference. In time of actual civil defense emergency, stations in the Radio Amateur Civil Emergency Service shall have absolute priority.

b. New paragraph (d) is added to read as follows:

(d) In the band 220 to 225 Mc, stations operating in the Radio Amateur Civil Emergency Service shall not at any time cause harmful interference to the government radiopositioning service.

PART 16—LAND TRANSPORTATION RADIO SERVICES

1. Amend paragraph (g) of § 16.252 to read as follows:

(g) Frequencies in the following bands are available for assignment to base stations and mobile stations in the Motor Carrier Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

Mc	Mc
[1] 2450–2500	13200–13225
6425–6575	[1] 16000–18000
10550–10700	26000–30000
11700–12200	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

2. Amend paragraph (c) of § 16.253 to read as follows:

(c) Frequencies in the following bands are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

Mc	Mc
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

3. Amend § 16.253 by the addition of the following new paragraph:

(d) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. All such authorizations shall be subject upon proper application therefor, to renewal, to modification or, in the event of a change in the ownership of the licensee's business, to assignment or transfer with the business for which they were granted. Renewal authorizations will be issued subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific, or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

4. Amend paragraph (d) of § 16.352 to read as follows:

(d) Frequencies in the following bands are available for assignment to base stations and mobile stations in the Railroad Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

Mc	Mc
[1] 2450–2500	13200–13225
6425–6575	[1] 16000–18000
10550–10700	26000–30000
11700–12200	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

5. Amend paragraph (b) of § 16.353 to read as follows:

(b) Frequencies in the following bands are available for assignment to operational fixed stations in the Railroad Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

Mc	Mc
952–960	10550–10700
1850–1990	12200–12700
2110–2200	13200–13225
[1] 2450–2500	[1] 16000–18000
2500–2700	26000–30000
6575–6875	

[1] Use of frequencies in the bands 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

6. Amend § 16.353 by the addition of the following new paragraph:

(d) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. All such authorizations shall be subject, upon proper application therefor, to renewal, to modification or, in the event of change in the ownership of the licensee's business, to assignment or transfer with the business for which they were granted. Renewal authorizations will be issued subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific, or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

7. Amend paragraph (d) of § 16.402 to read as follows:

(d) Frequencies in the following bands are available for assignment to base stations and mobile stations in the Taxicab Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization.

FREQUENCY BANDS

Mc	Mc
[1] 2450–2500	13200–13225
6425–6575	[1] 16000–18000
10550–10700	26000–30000
11700–12200	

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Part 21 of the Commission's rules is amended in the following particulars:

1. Delete the present text § 21.501 (g) and in lieu thereof insert the following:

(g) Control and repeater stations authorized to operate in the 890–940 Mc band in the Domestic Public Land Mobile Radio Service shall be subject to the following conditions in accordance with the provisions of § 2.104 (a) of this chapter:

(1) Operation of such stations shall be subject to any interference received from the emission of industrial, scientific and medical equipment operating on 915 Mc.

(2) Operation of such stations shall be subject to any interference received from the emission of radiopositioning stations in the 890–942 Mc band.

(3) No harmful interference shall be caused to stations operating in the radiopositioning service in the 890–942 Mc band.

Stations which were authorized on April 16, 1958, shall be subject to the provision of subparagraph (1) of this paragraph until the date of expiration of their respective present station authorizations. Thereafter, station authorizations may be renewed subject to all of the aforementioned provisions. New stations will not be authorized in the 890–940 Mc band.[13]

2. Delete the present text of § 21.601 (b) and in lieu thereof insert the following:

(b) Stations authorized to operate in the 890–940 Mc band in the Rural Radio Service shall be subject to the following conditions in accordance with the provisions of § 2.104 (a) of this chapter:

(1) Operation of such stations shall be subject to any interference received from the emission of industrial, scientific and medical equipment operating on 915 Mc.

(2) Operation of such stations shall be subject to any interference received from the emission of radiopositioning stations in the 890–942 Mc band.

(3) No harmful interference shall be caused to stations operating in the radiopositioning service in the 890–942 Mc band.

Stations which were authorized on April 16, 1958, shall be subject to the provision of paragraph (1) until the date of expiration of their respective present station authorizations. Thereafter, station authorizations may be renewed subject to all of the aforementioned provisions. New stations will not be authorized in the 890–940 Mc band.

3. Delete the present text of § 21.701 (b) and in lieu thereof insert the following:

(b) Stations in the Point-to-Point Microwave Radio Service, which were authorized on April 16, 1958, to operate in the 890–940 Mc and 2450–2500 Mc bands, respectively, shall be subject to the following conditions in accordance with § 2.104 (a) of this chapter:

(1) Operation of such stations shall be subject to any interference received from the emission of industrial, scientific and medical equipment operating on the frequencies 915 Mc and 2450 Mc.

(2) Operation of such stations shall be subject to any interference received from the emission of radiopositioning stations in the 890–942 Mc.

(3) No harmful interference shall be caused to stations operating in the radiopositioning service in the 890–942 Mc band.

Stations which were authorized on April 16, 1958, shall be subject to the provision of paragraph (1) until the date of expiration of their respective present station authorizations. Thereafter, station

authorizations in the 2450–2500 Mc band may be renewed subject to the provision of subparagraph (1) of this paragraph, and station authorizations in the 890–940 Mc band may be renewed subject to all of the aforementioned provisions. New stations will not be authorized in the 890–940 Mc and 2450–2500 Mc bands.

4. Delete the present text of § 21.801 (d) and in lieu thereof insert the following:

(d) On a shared basis with other radio services, frequencies in the following bands are available for assignment to television STL, television pickup, and television non-broadcast pickup stations in this service:

16000–18000 Mc.
26000–30000 Mc.

Stations operating on frequencies between 17850 Mc and 18000 Mc will not be protected from such interference as may be experienced from the emission of industrial, scientific and medical equipment operating on the frequency 18000 Mc, in accordance with § 2.104 (a) of this chapter.

5. Delete the present text of § 21.801 (e) and in lieu thereof insert the following:

(e) On a shared basis with other radio services, frequencies in the following bands are available for assignment to television non-broadcast pickup stations in this service:

3500–3700 Mc.[1]
6425–6575 Mc.[2]
11700–12200 Mc.[2]

[1] No new stations will be authorized in this frequency band. Stations authorized on April 16, 1958, may continue to operate therein until the date of expiration of their respective present station authorizations.

[2] Use of this frequency band is subject to the final action taken in Docket No. 10797.

6. In § 21.807 (d), delete the entire line entry concerning the frequency band 2450–2500 Mc.

[F. R. Doc. 58-3019; Filed, Apr. 22, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN TURNIP GREENS WITH TURNIPS[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Turnip Greens with Turnips, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 60 days after publication in the FEDERAL REGISTER.

PRODUCT DESCRIPTION, STYLES, COLOR, PROPORTION OF INGREDIENTS, AND GRADES

Sec.
52.3731 Product description.
52.3732 Styles of frozen turnip greens with turnips.
52.3733 Color of turnips in frozen turnip greens with turnips.
52.3734 Recommended proportion of ingredients.
52.3735 Grades of frozen turnip greens with turnips.

FACTORS OF QUALITY

Sec.
52.3736 Ascertaining the grade.
52.3737 Ascertaining the ratings for the factors which are scored.
52.3738 Color.
52.3739 Defects.
52.3740 Character.

EXPLANATION AND METHODS OF ANALYSIS

52.3741 Explanation of terms and analysis.

LOT INSPECTION AND CERTIFICATION

52.3742 Ascertaining the grade of a lot.

SCORE SHEET

52.3743 Score sheet for frozen turnip greens with turnips.

AUTHORITY: §§ 52.3731 to 52.3743 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, COLOR, PROPORTION OF INGREDIENTS, AND GRADES

§ 52.3731 *Product description.* Frozen turnip greens with turnips is the properly prepared product from the clean, sound, succulent leaves and the clean, sound, succulent roots of the turnip plant (Brassica rapa) by proper washing, sorting, pealing, trimming, and blanching, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.3732 *Styles of frozen turnip greens with turnips*—(a) *General.* The style of frozen turnip greens with turnips applies to the form of the leaf material used. The turnip root added to the product may be prepared in one or more of the following forms: (1) Whole; (2) sliced; (3) diced; and (4) cut.

(b) "Style I Whole Leaf" is the style of frozen turnip greens with turnips that consists of the leaf with adjacent portions of the stem, together with a specified form of the turnip root.

(c) "Style II Sliced" is the style of frozen turnip greens with turnips that consists of leaves with adjacent portions of the stem which have been sliced into reasonably uniform strips, together with a specified form of the turnip root.

(d) "Style III Cut or Chopped" is the style of frozen turnip greens with turnips that consists of leaves with adjacent portions of the stem which have been cut or chopped into small pieces, together with a specified form of the turnip root.

§ 52.3733 *Color of turnips in frozen turnip greens with turnips.* (a) White.
(b) Yellow.

§ 52.3734 *Recommended proportion of ingredients.* (a) It is recommended that frozen turnip greens with turnips consist of 50 percent or more, by weight, of turnip greens and not less than 20 percent nor more than 50 percent, by weight, of turnips.

(b) Compliance with the requirements for proportions of ingredients will be determined by averaging the percent, by weight, of each ingredient in all of the containers in the sample: *Provided*, That any deviation from the recommended proportion of ingredients in any container is within the limits of good commercial practice.

(c) The quantity of each ingredient in each container in the sample shall be fairly uniform.

§ 52.3735 *Grades of frozen turnip greens with turnips.* (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of frozen turnip greens with turnips in which the turnip ingredient is fairly uniform in size and each ingredient possesses similar varietal characteristics; possesses a good flavor; possesses a good color; is practically free from defects; possesses a good character; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" (or "U. S. Extra Standard") is the quality of frozen turnip greens with turnips in which each ingredient possesses similar varietal characteristics; possesses a reasonably good flavor; possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good character; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen turnip greens with turnips that fail to meet the requirements of U. S. Grade B.

FACTORS OF QUALITY

§ 52.3736 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Uniformity of size.
(ii) Varietal characteristics.
(iii) Flavor.
(iv) Proportion of ingredients.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum num-

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[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ber of points that may be given for each such factor is:

Factors:	Points
Color	20
Defects	40
Character	40
Total Score	100

(b) *Evaluation of quality.* The rating for the factors of color, defects, and character (with respect to each ingredient) and the evaluation of uniformity of size and similar varietal characteristics are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is cooked to ascertain the tenderness of the frozen leaf and root ingredient before final evaluation of the score for character. The flavor is also ascertained on the cooked product.

(c) *Definitions of requirements not rated by score points.* (1) "Good flavor" means that the product, after cooking, has a good normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(3) "Fairly uniform in size" means that the turnip ingredient units may vary in size but not to an extent that moderately detracts from the appearance of the product.

§ 52.3737 *Ascertaining the ratings for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.3738 *Color*—(a) *General.* The factor of color refers to the general brightness of the combined ingredients before and after cooking.

(b) (*A*) *classification.* Frozen turnip greens with turnips that possess a good color may be given a score of 17 to 20 points. "Good color" means that the leafy ingredient posseses a bright, practically uniform typical green color of young tender turnip greens and that the turnip ingredient possesses a practically uniform bright characteristic color for the variety of young tender turnips, which ingredients have been properly prepared and properly processed.

(c) (*B*) *classification.* Frozen turnip greens with turnips that possess a reasonably good color may be given a score of 14 to 16 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the leafy ingredient is reasonably bright and typical of reasonably young and reasonably tender turnip greens and that the turnip ingredient possesses a characteristic color for the variety, which color is typical of reasonably young and reasonably tender turnips which have been properly prepared and properly processed.

(d) (*SStd.*) *classification.* Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3739 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sand, grit, or silt, harmless extraneous material, unpeeled turnip ingredient, and from damaged ingredients.

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any extraneous vegetable substance, such as weeds or grass, that is harmless.

(3) "Damage" means damaged by yellow, brown, or other discoloration affecting any leaf, portion of leaf, stem or portion of stem, and damage by discoloration, insect injury, pathological injury, or other means affecting any unit of turnip ingredient. Minute, insignificant blemishes shall not be considered as damage.

(b) (*A*) *classification.* Frozen turnip greens with turnips that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that no grit, sand, or silt may be present that affects the appearance or edibility of the product, and that there may be present for each 10 ounces, net weight, of turnip greens with turnips not more than:

(1) In whole leaf style an aggregate of 6 inches in length of fine green tender string-like blades of grass and weeds and coarse green grass and weeds, of which not more than 2 inches in length may be coarse green grass and weeds and none shall be other than green, and in other styles no grass or weeds or pieces of grass or weeds that materially affect the appearance or edibility of the product.

(2) An aggregate area of damage affecting 3 square inches (3" x 1") of leaves and stems or portions of leaves and stems, and 5 percent, by count, of units of turnip ingredient affected by damage.

(3) The presence of harmless extraneous material, unpeeled turnip ingredient, and damaged units, individually or collectively, does not more than slightly affect the appearance or eating quality of the product.

(c) (*B*) *classification.* Frozen turnip greens with turnips that are reasonably free from defects may be given a score of 28 to 33 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product may contain a trace of grit, sand, or silt that does not materially affect the appearance or edibility of the product and that for the various styles there may be present for each 10 ounces, net weight, of turnip greens with turnips not more than:

(1) In whole leaf style an aggregate of 9 inches in length of fine green tender string-like blades of grass and weeds, of which not more than 3 inches in length may be coarse green grass and weeds and none shall be other than green, and in other styles no grass or weeds or pieces or grass or weeds that seriously affect the appearance or edibility of the product.

(2) An aggregate area of damage affecting 6 square inches (6" x 1") of leaves and stems or portions of leaves and stems, and 10 percent, by count, of units of turnip ingredient affected by damage.

(3) The presence of harmless extraneous material, unpeeled turnip ingredient, and damaged units, individually or collectively, does not materially affect the appearance or eating quality of the product.

(d) (*SStd.*) *classification.* Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3740 *Character*—(a) *General.* The factor of character refers to the tenderness and texture of the product and the degree of freedom from fibrous or pithy turnip material.

(b) (*A*) *classification.* Frozen turnip greens with turnips that possess a good character may be given a score of 34 to 40 points. "Good character" means that the leafy ingredient is tender and practically free from coarse or tough leaves and stems and that the turnip ingredient possesses a tender texture and is practically free from fibrous or pithy units.

(c) (*B*) *classification.* Frozen turnip greens with turnips that possess a reasonably good character may be given a score of 28 to 33 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the leafy ingredient is reasonably tender and reasonably free from coarse or tough leaves and stems and that the turnip ingredient possesses a reasonably tender texture and is reasonably free from fibrous or pithy units.

(d) (*SStd.*) *classification.* Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATION AND METHODS OF ANALYSIS

§ 52.3741 *Explanation of terms and analysis.* (a) The proportion of each of the ingredients is determined on the thawed product by the following procedure:

(1) Separate the leafy ingredient from the turnip ingredient from all of the containers in the sample.

(2) Composite the leafy ingredient and weigh.

(3) Composite the turnip ingredient and weigh.

(4) Add the weights of each of the ingredients to obtain the total weight of the combined ingredients in all of the containers in the sample.

(5) Calculate the percent of each of the ingredients by dividing the total weight of the combined ingredients into the composite weight of each ingredient and multiply by 100.

LOT INSPECTION AND CERTIFICATION

§ 52.3742 *Ascertaining the grade of a lot.* The grade of a lot of frozen turnip greens with turnips covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3743 *Score sheet for frozen turnip greens with turnips.*

Size and kind of container	----
Container marks or identification	----
Label	----
Net weight (ounces)	----
Style of product	----
Turnips (form and color)	----
Proportion of ingredients:	
Turnip greens %	
Turnips %	----
Uniformity of turnip ingredient (Whole, Sliced, Diced, Cut) Meets A ______ Fails A ______	

Factors	Score points		
Color	20	(A) 17-20 (B) [1] 14-16 (SStd.) [1] 0-13	
Defects	40	(A) 34-40 (B) [1] 28-33 (SStd.) [1] 0-27	
Character	40	(A) 34-40 (B) [1] 28-33 (SStd.) [1] 0-27	
Total score	100		

Flavor	----
Varietal characteristics	----
Grade	----

[1] Indicates limiting rule.

Dated: April 18, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3000; Filed, Apr. 22, 1958; 8:47 a. m.]

[7 CFR Part 957]

[Docket No. AO-150 A-3]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047, and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pocatello, Idaho, on November 5-6, 1957, pursuant to notice thereof, which was published October 1, 1957, in the FEDERAL REGISTER (22 F. R. 7771), upon proposed amendments to Marketing Agreement No. 98 and Marketing Order No. 57, as amended, regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

On the basis of the evidence introduced at the aforesaid hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 24, 1958, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published March 27, 1958, in the FEDERAL REGISTER (23 F. R. 2028).

Rulings. Within the period provided therefor, an exception was filed by Edd Moore, Executive Secretary-Manager, Idaho Grower Shippers Association, Inc., Idaho Falls, Idaho. The substance of this exception is that a finding should have been made that the composition of the Idaho-Eastern Oregon Potato Committee, the administrative agency established under the aforesaid order, as amended, should be increased by additional handler membership. The matter of additional handler membership on the committee was one of several industry proposals submitted at the hearing. The testimony in support of these several proposals is conflicting. There is insufficient evidence to substantiate a finding that one, or a number, of such proposals should be adopted, and the others disapproved. Because the industry was unable to reach an agreement, it was found that the membership of the committee should remain unchanged. No additional information, including the aforesaid exception, has been received to indicate that the situation within the industry has changed since the hearing. Therefore, to the extent that the exception filed is at variance with the findings and conclusions set forth herein, it is hereby overruled.

Material issues. The material issues presented on the record of the hearing are as follows:

Pertaining to definitions:

(1) The amendment of (a) § 957.1 *Secretary* to include employees of the United States Department of Agriculture among the persons to whom authority may be or has been delegated to act in the stead of the Secretary; (b) § 957.2 *Act* to add the citation of the statute (Statutes at Large) containing amendments to the act which were included in the Agricultural Act of 1954, Public Law 690, 83d Congress, and (c) § 957.3 *Person* to conform the definition thereof to that set forth in the act.

(2) The amendment of (a) § 957.7 *Seed potatoes* to *Certified seed potatoes* and to delete "the State from which the potatoes are shipped" and substitute "the State in which the potatoes are grown," and (b) § 957.12 *Fiscal year* to change the fiscal year from June 1 to May 31 following, to a *Fiscal period* beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

(3) The renumbering of § 957.15 *District* as § 957.17 and the amendment of said section so as to include redistricting.

(4) The addition of a new § 957.15 to define "Pack" and a new § 957.16 to define "Container."

(5) The addition of a new § 957.18 to define "Label."

Pertaining to administrative committee:

(6) the amendment of § 957.20 to provide for additional membership on the Idaho-Eastern Oregon Potato Committee and to set forth producer members' qualifications.

(7) The amendment of § 957.21 to specify that the terms of office of committee members shall begin on June 1 and end on May 31 following.

(8) The renumbering of §§ 957.23 through 957.32 as §§ 957.24 through 957.33 because of the addition of a new section, § 957.23.

(9) The addition of a new § 957.23 to provide for "Redistricting" of the production area and the reapportionment of committee membership.

(10) The amendment of (a) § 957.23 to provide for the selection of the enlarged committee membership; (b) § 957.24 to provide an altered procedure for the nomination of committee members; and (c) § 957.25 to provide appropriate language and cross-references.

(11) The amendment of (a) § 957.28 to provide that alternate members may perform duties as assigned or requested by the committee; (b) § 957.29 to increase the number of committee members necessary to constitute a quorum; and (c) § 957.30 to increase the rate of reimbursement to committee members.

(12) The amendment of paragraph (d) of § 957.32, *Duties,* to delete the provision for engaging in research and service activities.

Pertaining to budget, expenses, and assessments:

(13) The amendment of §§ 957.40 to 957.46, inclusive, to authorize (a) incurring of reasonable and necessary expenses by the committee; (b) preparation of an estimated budget of income and expenditures likely to be incurred by the committee; (c) the levying of assessments to cover such expenses; and (d) the accounting and refunding of any excess funds collected.

(14) The addition of a new § 957.47 *Research and development* to include authority for the establishment of potato marketing research and development projects.

Pertaining to regulations:

(15) The amendment of §§ 957.50 to 957.54, inclusive, to delete the present provisions contained in these sections and to substitute new sections which require the submission of a marketing policy, authorize recommendation of regulations by the committee, and provide for the issuance of limitation of shipment regulations by the Secretary.

(16) The renumbering of §§ 957.55 through 957.57 because of the combination of §§ 957.50 and 957.51.

(17) The amendment of § 957.57 (a) to provide for establishment of safeguards on shipments for specified purposes; (b) the requirements to be included in such safeguards; (c) to authorize the committee to prescribe rules with respect to safeguards; (d) to authorize the committee to rescind or deny Certificates of Privilege issued as safeguards; and (e) establish authority for reporting requirements in connection with such safeguards.

Pertaining to inspection and certification:

(18) The amendment of § 957.65 so as to (a) authorize the inspection of all shipments during any period in which regulations are in effect; (b) require reinspection of regraded, resorted, or repacked lots which have had prior inspection; (c) authorize the committee to establish, with the approval of the Secretary, a length of time for which an inspection certificate may be valid; and (d) provide that a copy of each inspection certificate issued by the inspection service be made available to the committee.

Pertaining to exemptions:

(19) To delete §§ 957.70 to 957.73, inclusive, relating to the issuance of exemption certificates and procedures applicable thereto.

Pertaining to miscellaneous provisions:

(20) The amendment of § 957.83 by adding a new paragraph to specify that rules and regulations in effect at the time the proposed order is promulgated shall continue in force and effect until subsequent modification or termination.

Pertaining to the entire subpart:

(21) The making of such other changes as may be necessary to make the proposed order conform to the amendments.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with responsibilities for programs of this nature, but also any other officer or employee of the United States Department of Agriculture who is or hereafter may be authorized to act in his stead. It is physically impossible for the Secretary to perform in person all functions and duties imposed upon him by law. The Secretary is empowered to delegate certain responsibilities and authority. The delegation of authority in the proposed definition of Secretary is provided by law and should be included in the definition as an appropriate means of promoting proper administration of the proposed order.

The definition of "act" should be amended to include the citation "68 Stat. 906, 1047" which refers to the amendments to the act contained in the Agricultural Act of 1954. Such amendments authorize provisions in marketing agreements and orders for container regulation and for the establishment of research and development projects. A provision authorizing container regulation is contained in the proposed order.

The definition of "person" should be amended so as to conform to the definition of "person" as that term is defined in the act, which will insure that it will have the same meaning as used in the act.

(2) The definition of "seed potatoes" should be redefined as "certified seed potatoes" to make it clear that only such potatoes as are certified as seed potatoes by the appropriate state certifying agency will come within the scope of that term. This clarification should preclude any misunderstanding as to the meaning of this term. Also, since seed potatoes are certified in the State where grown by the seed potato certifying agency of such State, rather than by a certifying agency of the State from which such potatoes may be shipped, it is appropriate that the definition of the term should so provide.

A fiscal period should be substituted for the presently defined fiscal year. Fiscal year, as presently defined to include the period from June 1 of each year to May 31 of the following year has given rise to operational problems. Under the definition of fiscal period as hereinafter set forth the fiscal period covers a period beginning and ending on dates recommended by the committee and approved by the Secretary. The committee should have this authority so as to recommend the period that is most practicable and workable. This permits the adjustment of the beginning and ending dates of the fiscal period to correspond, to the extent practicable, to the actual marketing season.

(3) The definition of "district" should be amended to provide for appropriate reference to the new section (§ 957.23) in the proposed order relating to redistricting which contains authority for the reestablishment of districts and the reapportionment of committee membership.

(4) "Pack" should be defined as set forth in the proposed order as a means for establishing a method of regulation and as the basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term pack is commonly used throughout the potato trade and refers to a combination of factors relating to the grade and size of the potatoes and to type of container. Among the common or usual packs handled by the potato industry in the production area are U. S. No. 1, Size A, 2-inch or 4-ounce minimum, or a specified percentage of 10-ounce or larger potatoes, in 100-pound burlap bags or in 50-pound paper bags, or in 10-pound paper or mesh bags. The latter packs are loaded loose or in 50-pound master (paper) containers. Other packs may include those in which a particular size range, 6 to 10 ounces, for example, or perhaps 20 to 30 percent 10 ounces and larger, is packed in a given shipping unit according to the buyer's instructions. The common units in which production area potatoes are handled are 100 pounds, 50 pounds, 15 pounds, 10 pounds, and 5 pounds. Grades such as U. S. No. 1, U. S. No. 2, or Idaho Standard, may be tied in with any such unit, and, in addition, minimum and maximum sizes may also be specified.

The current trend in potato packs is toward the consumer-size package. However, other developments may occur in the future. The committee should be able to recommend such pack regulations as will permit taking advantage of any practice or innovation which may tend to improve growers' returns. Pack is merely a combination of grade, size, and container. The particular packs which may be handled should be specified by recommendation of the committee with approval of the Secretary, and thereby permit the tailoring of particular regulations to particular packs.

"Container" should be defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes may move to market outlets. The definition would include all types of containers presently used in the handling of potatoes or any conceivable type which may be used in the future. For example, the definition would include the usual bags, sacks, crates, cartons and in addition any other type of receptacle used in the handling of potatoes. It was testified at the hearing that bulk loads shipped to processors outside of the production area were examples of another "type of receptacle" and would be included within this definition.

(5) No evidence was offered to support the provision of § 957.18 "Label" which was included in the notice of hearing; hence, this section is dropped.

(6) The notice of hearing proposed doubling the membership of the Idaho-Eastern Oregon Potato Committee, hereinafter called the "committee", from its present membership of eight. The ratio of producers to handlers (5-3) would have remained unchanged. However, the industry was unable to reach an agreement on the composition of the committee. Several alternative proposals were presented at the hearing. One such proposal favored no change in membership. Another would add one producer member from District No. 1. Another would add two members, one a producer the other a handler, both from District No. 1. No testimony was offered in support of the original proposal. Because of the industry's inability to reach a satisfactory agreement with respect to this proposal, no change is being made in the proposed order and the present membership is being retained.

This conclusion is supported in a brief submitted in behalf of the committee, as proponents of the amendments to the present order, by the law firm of Gee and Hargraves, Pocatello, Idaho, principally for the reasons given above. The brief indicated that although increased membership would have been desirable, the committee as presently constituted has been able to administer the program satisfactorily and could be expected to continue to do so. Also, the present representation is adequate and no complaints have been received from the industry.

The remaining provisions of § 957.20 as contained in the notice of hearing of the proposed order were supported by evidence at the hearing. These provisions (§ 957.20 (b) and (c)) are being incorporated in the proposed order for the reasons hereinafter given.

The section of the proposed order relating to the establishment of the committee should provide that employees of producers are eligible for committee membership in the same manner as the present order provides for corporate producers. Unincorporated producers should be able to be represented by employees since their interests as producers are basically the same.

Many producers are also handlers. In order to qualify as a producer member, if such person is also a handler, at least 51 percent of the total quantity of potatoes handled by him must have been of his own production. This percentage requirement should assure producers throughout the production area that their representatives on the committee will be primarily concerned with and allied with producers' interests. To restrict the producer membership on the committee to growers who handled nothing but their own production, would deny committee membership to many able producers simply because they handled some of their neighbors' potatoes. For the same reason, such a requirement could disqualify a producer member during his tenure on the committee. The 51 percent requirement is deemed to be a reasonable one in determining producers' qualifications for nomination and selection. This type of eligibility should also be applicable to producers participating in nomination meetings.

(7) The provision for committee members' terms of office in the proposed order should be amended because of the proposed definition of fiscal period. The terms of office in the present order correspond to the dates set forth for the fiscal year. In the proposed order a fiscal period is defined, but the exact beginning and ending dates are subject to recommendation of the committee. Therefore, the tie-in no longer exists and it is necessary to specify the beginning and ending dates of the terms of office in the proposed order. These dates are the same as the old fiscal year and make no change from the present order in the terms of office for which committee members serve. Also, some repetitious and superfluous language has been deleted from this section in the proposed order.

(8) A new section, § 957.23 *Redistricting*, has been added to the proposed order which necessitated renumbering §§ 957.23 through 957.32 as §§ 957.24 through 957.33.

(9) The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvements should be made. The guides as set forth in the proposed order which the committee should keep in mind in considering redistricting and the reapportionment of committee membership are appropriate and desirable points of reference that relate directly to the welfare of potato producers and handlers.

(10) Since the proposal to double the membership of the committee was not supported by substantial evidence, the proposed order should provide for the selection of committee members by the Secretary on the same basis as provided for in the present order. The committee would be composed of eight members, three from District No. 1, two from District No. 2, and three from District No. 3.

The procedure applicable to nomination of committee members and alternates contained in the present order should be changed to require only one nominee be designated for each position to be filled on the committee. The present order requires two such nominees. The appropriate section should provide a nomination procedure for the selection of members and alternates to enable the industry to indicate its preferences for these positions. The Secretary, the official charged by the act with the responsibility of administration of the proposed order, should have a choice of selecting members from all eligible persons especially if a particular nominee may, for some reason, be unqualified for committee membership. Of course, this change will not prevent the committee or any other person from submitting the names of more than one nominee for each position to be filled. However, past experience has shown that usually the producers and handlers in a district have particular preference for a single slate of representatives from that district. Frequently, at a producer nomination meeting the present arrangement has resulted in the names of first and second choices being submitted for the position as member, and the third and fourth choices for the position as alternate; and such an arrangement could result in the elimination of a top choice as alternate. Submission of a single slate of qualified nominees by the committee, which slate would most likely be the only one submitted, could ordinarily result in the selection of the members and alternates desired by the industry.

The committee should have flexibility in arranging nomination meetings. Such meetings should be permitted in conjunction with other meetings conducted by other groups or organizations. Such an arrangement should result in a larger attendance of producers and handlers than ordinarily could be expected at a meeting held solely for nominations. Also, a combination of meetings could result in time saving for potato industry representatives.

(11) Alternate members continue in the same status as under the present order. They should also be available, however, on the same basis as committee members to perform duties requested or assigned by the committee. Such duties should include, but not be limited to, serving on various subcommittees, or perhaps to help in reporting or tracing violations of the proposed order. An alternate member attending committee meetings will be familiar with committee business and will be better qualified to serve in the absence of the member for whom he is an alternate. Also, in the event an alternate subsequently is selected as a member, his tenure as an alternate will have served as good experience. An alternate, when performing duties assigned or requested by the committee, should be entitled to compensation and reimbursement of expenses on the same basis as committee members.

The provisions of the present order require that five of the eight members of the committee shall constitute a quorum and that the same number of concurring votes are necessary to approve any committee action. Because the membership of the committee would not be changed under the proposed order, the provisions with respect to procedure should also remain unchanged from the present order.

The maximum per diem rate of compensation to be paid members or alternates when attending to committee business should be increased from $5.00 to $10.00. The lower rate was established by the 1950 amendment to Order No. 57. Committee members and alternates frequently attend to committee business at a personal financial sacrifice. Regardless of whether the $5.00 or $10.00 maximum rate is effective, such rate will not, in most cases, compensate the individual for the time lost from his own interests. It is reasonable that the rate of compensation should be increased in view of rising costs that have occurred since 1950.

(12) No testimony was offered in support of amended paragraph (d) to § 957.38 *Duties* contained in the notice of hearing, and such paragraph would be continued with no change from the present order.

(13) The committee should be required to prepare a budget of expenses at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. This will furnish the Secretary with adequate data and information concerning the committee's proposed activities and enable him to determine whether the proposed expenses, and related rate of assessment, are reasonable and likely to be incurred by the committee in carrying out its duties and functions under the proposed order.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by administrative agencies, such as the committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be required irrespective of whether particular provisions of the proposed order are suspended or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period; and such proration of expenses will be equitable among handlers. Since the first handler usually applies for inspection, such handler should be the person who is to pay the assessment. For potatoes which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The requirement that the first handler pay assessments will preclude multiple assessments on potatoes that are handled more than once. The maximum allowable assessment rate of $1.00 per carload, as set forth in the present order, remains unchanged. The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and to recommend the fixing of an increased rate of assessment to balance necessary committee expenses and revenues for such period. Upon the basis of such recommendations, or other available information, the Secreteary should be authorized to approve amended budgets, and, if he finds that the then current rate of assessment is insufficient to cover committee expenses and permit proper administration of the proposed order, he should be authorized to increase the rate of assessment, so as to avoid inequities. The proposed order should provide that such increased rate of assessment be applied retroactively to all potatoes previously handled by first handlers during the specified fiscal period.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administering the provisions of the proposed order. The committee should be required to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible, should the Secretary at any time ask for such an accounting. Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible and to deliver such funds, property, and other assets as directed by the Secretary. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in his successor or agency, or person designated by the Secretary the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee were to recommend that the operation of the proposed order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This provides a feasible means whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. Audit reports may be requested by the Secretary at appropriate times, such as at the end of each marketing season or at such other times as may be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess funds except those funds in the reserve accounts which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season. Whenever a handler demands payment of any such credit, the proportionate refund should be paid to him.

It is generally accepted as good business practice to provide during a fiscal period for unforeseen contingencies, such as adverse weather conditions, which might result in a substantially reduced crop. The net effect of a reduced crop would be to greatly reduce shipments and assessment revenue, or it could cause the discontinuance of regulation and collection of assessments. In order to continue at least a nucleus of an administrative organization and to assure the performance of a minimum of basic services, the committee should have authority, with the approval of the Secretary, to set up a reserve account. Such reserve would be continued and maintained from one fiscal period to another and could be used during any period when needed. For example, the reserve fund should be used during periods whenever the committee is in financial troubles because of crop failures or short crops or during periods of suspension. The reserve fund should also be used to defray the cost of liquidation in the event of termination of the order.

Funds in the reserve account might properly serve another purpose. At the beginning of each fiscal period there will be a need for operating funds at a time when there will usually be little revenue from assessments. It is economical and practical and the committee should be so authorized, to use the funds in the reserve account until such time as assessments provide adequate revenue to meet current expenses.

In the event of termination of the order, any funds remaining after liquidation, including any balance in the reserve account, should be refunded, to the extent practicable, to the handlers from whom such funds were collected.

(14) No testimony was offered in support of § 957.47 "Research and development" authorizing the establishment or provision for the establishment of research and development projects which was included in the notice of hearing, hence, this section is dropped.

(15) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices to producers for such potatoes, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate such orderly marketing of potatoes as will be in the public interest. The regulation of the handling of potatoes by grade, size, quality, or maturity as authorized in the present order and continued in the proposed order provides a means of carrying out such policy.

In the light of operating experience, it is necessary to clarify order provisions relating to marketing policy, recommendation for regulations, and the issuance of regulations. This has been accomplished in the proposed order.

The procedures and methods which are outlined in the proposed order for the development and institution of marketing policies relating to grade, size, quality, or maturity regulation provide a practical basis for the committee to obtain appropriate and adequate information relating to potato marketing problems. Also, other members of the industry, including both growers and handlers, should be provided with the information regarding the policies and regulations recommended by the committee to enable them to plan their operations accordingly. The factors set forth in the proposed order which the committee should take into consideration in developing its marketing policies are the factors commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to potatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the proposed order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy, as well as revisions thereof, relating to the marketing of potatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted promptly to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum notice of probable regulations. All reports on marketing policy and regulations recommended by the committee should be submitted promptly to the Secretary and presented to the industry as a means of keeping both informed. The committee should furnish the Secretary with a new or revised policy whenever conditions warrant a change from an existing marketing policy and regulation. This will tend to keep the program's operations on a current basis with market conditions.

The committee should, as the local administrative agency under the proposed order, be authorized to recommend such grade, size, quality and maturity regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is necessary to the successful operation of the proposed order that the committee should have such responsibility. The Secretary should look to the committee as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increasing growers' returns. The committee should therefore, have authority to recommend such regulations as are authorized by the proposed order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the suspension or termination of such regulations, as the situation warrants.

The proposed order should authorize the Secretary to limit shipments of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. This authority is included in the present order and should be continued under the proposed order with appropriate amendments. Shipments have been regulated under Order No. 57 each season since the 1948–49 season. This exercise of jurisdiction under the present order has established a pattern of grade and size regulations (including maturity and quality requirements) which has tended to improve growers' returns for potatoes grown in the production area.

It is appropriate and proper that the proposed order contain authority to regulate in any or all portions of the production area the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period, much the same as is now done under the present order and thereby tend to improve growers' returns.

The authority contained in the present order to regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties has tended to increase returns to growers. Different regulations have been issued under the present order for different varieties and types of potatoes. Experience under the present order has established the desirability to continue this authority, and provisions should be included in the proposed order so as to continue these benefits.

The present order provides for different regulations by different portions of the production area and such authority has been exercised from time to time, particularly with respect to the so-called early deal in the western part of Idaho and Malheur County, Oregon, and the late or storage deal in the central and eastern part of Idaho.

For example, in the early deal potatoes are usually shipped immediately after harvest, and in order that such potatoes reach market in an acceptable form, without excessive skinning or feathering, regulations were issued which specified a maturity requirement for such potatoes. In addition, some portions of the production area may suffer from a condition affecting the crop which does not necessarily extend throughout the production area. In such cases, different regulations for the respective portions of the production area could be made effective to meet the precise problems. It is important, therefore, that the proposed order should have this authority to recognize these differences and to permit the issuance of different regulations when the condition of the crop or the market so justifies. This authority should be included in the proposed order to provide for disasters which might affect a particular portion of the production area as a result of conditions beyond individual growers or handlers control. Such cases are usually the result of adverse weather conditions in a particular portion of the production area. Individual exemptions are issued under the present order permitting such growers and handlers to ship an equitable proportion of their crop. The exemption provisions should be deleted from the proposed order for reasons hereinafter stated, and such conditions should be provided for under the aforementioned authority.

The proposed order should include authority for regulating the handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties, and for different portions of the production area. This authority is appropriate and should be in the proposed order so that the committee may make appropriate recommendations and the Secretary may issue such regulations as will establish and maintain orderly marketing conditions as will tend to establish parity prices.

Common practice throughout the potato industry in the production area has been to prepare specific packs of potatoes for market. These packs have developed over a number of years. The 100-pound, U. S. No. 1 grade, pack is a common one throughout the area, as also is the U. S. No. 2 grade. Minimum sizes or percentages of 10 ounces or larger are commonly specified in conjunction with the grades in these packs. Idaho grades established under State authority are also commonly used. In addition, "Bakers," particular sizes of potatoes, are packed in the production area, and such designation is, at times, used in connection with any grade of potatoes. The combination of grade and size related to the size of unit establishes a pack of potatoes. On the other hand, the 10, 15, and 25 pound packs of U. S. No. 1's Idaho Standards, or Utilities also are common packs. Each particular grouping by grade and size in connection with the container has been emphasized by the industry in its dealings with the public and with receivers in terminal markets. The designation of "Bakers" on containers of Idaho potatoes is a significant commercial asset in the market. It is important that these trade distinctions, which have a monetary value, should be preserved in the interests of doing a good merchandising job for the industry. The results of this practice has been to place particular limitations on the size of potatoes, as well as the extent of grade defects which are placed in certain types of packs. The development of certain grades and sizes in connection with certain packages, however, involves some difficulties particularly in the smaller packs. The proposed order should provide authority to issue different regulations for different kinds of packs so that the industry may avail itself of prescribed tolerances in recognition of certain mechanical difficulties inherent in grading and packing and for proper merchandising of its packs in the markets which will pay premiums for such packs. In addition, the export market will take certain kinds of packs, such as U. S. No. 1, Size B, which would not reflect an appropriate return if sold in domestic markets. The committee should have authority to recommend the kind of packs that go into export, the kind of packs that should go into different outlets, and the grade and size of potatoes that should go into various packs.

The proposed order should also authorize different grade and size regulations for potatoes when packed in different kinds of containers. This is part of the authority that becomes an important adjunct to good merchandising. Containers other than those in current use may enter the marketing picture in the near future. The potato industry in the production area may wish to protect newly developed or specialized containers by restricting their use to certain grades, sizes, or qualities while allowing other grades and sizes to be shipped in other containers in use at the same time.

The order should contain authority for the Secretary to fix, through rules and regulations, the size, capacity, weight, dimensions or pack of container or containers which may be used in the packaging or handling of potatoes, or both, as this is an appropriate means for assisting growers in increasing returns for their crop. Although the need for fixing the size, and other features, of containers in the potato industry may be less urgent than in some other crops, nevertheless the evolution of containers for potatoes indicates that there may be situations in the future in which the committee should have the right and authority to exercise its judgment in the elimination of nuisance types of container or containers that tend to create disorderly rather than orderly marketing.

The proposed order should provide, the same as the present order, authority to regulate shipments of potatoes by establishing, in terms of grade, size, or both, minimum standards of quality and maturity when prices are above parity. The shipment of less desirable grades and sizes of potatoes that are below minimum standards of quality or maturity when prices are above parity, may not be in the public interest. If it is the judgment of the committee that these less desirable potatoes should not be handled when prices are above parity, the committee should have authority to recommend, and the Secretary to issue, regulations which will maintain minimum standards of quality and maturity during such price situations.

The Secretary, upon the basis of recommendations and information submitted by the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations to facilitate the handling of potatoes for purposes other than disposition in normal domestic fresh markets. Inspection or assessment requirements should also be subject to modification, suspension, or termination in connection with such handling. This authority is contained in the present order and has been used each season regulations have been in effect. The committee should be well qualified because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the Idaho-Malheur County potato industry and which will tend to effectuate the declared policy of the act. Potatoes moving to or sold in certain outlets, such as those specified in § 957.53 of the proposed order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities packs, or containers, or different prices are returned, or combinations of such considerations may apply. The proposed order should provide authority for the committee and the Secretary to give appropriate consideration to the handling of potatoes for such purposes so that full opportunity may be taken under this program to improve orderly marketing conditions for potatoes, thereby promoting the tendency to increase total returns to potato growers in the production area.

Some export markets accept certain grades, and particularly some sizes, which are generally discounted in domestic markets. The proposed order should therefore, provide that grade, size, and other regulations may be modified, suspended, or terminated to facilitate the movement to export outlets so that this demand can be met and the sale of potatoes grown in the production area may continue in such markets. This authority is contained in the present order.

The proposed order should provide that special considerations may be given to the handling of potatoes for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers. Most of such shipments under the present order have been donated to religious or fraternal groups for charity.

The handling of pickouts and culls for livestock feed has been relieved from regulation under the present order. Under the proposed order such handling similarly should be relieved from regulation. Because adequate outlets are available in the production area for livestock feed potatoes such shipments should not present any particular problems.

The committee should continue to have authority under the proposed order to recommend that any regulation applicable to potatoes for the fresh market should be modified, suspended, or terminated with respect to the handling of certified seed potatoes, when to do so would facilitate the shipment thereof for seed purposes. Also, the Secretary's authority should be continued in this respect. Seed potatoes must pass a series of tests before certification by the appropriate State agency. There is additional expense to the grower for such certification. Certified seed is usually sold at a premium over potatoes for fresh market; small sizes are preferred as seed but discounted for table use. However, should prices of tablestock potatoes be at relatively high levels, growers and shippers may be encouraged to divert certified seed potatoes to the table (or fresh) market. In such event, the committee should be authorized to recommend, and the Secretary to issue, safeguarding requirements or other regulations applicable to certified seed shipments to insure that they are in fact shipped as seed.

The committee and the Secretary should have authority to give special consideration to potatoes which move to processing outlets or which may be converted into any products or by-products, whether for edible or industrial use. Market requirements vary for shipments of potatoes destined for several processing outlets. The common processed potato products include potato chips, dehydrated potatoes in various forms, starch, flour, and canned or frozen products. Other products of raw potatoes include alcohol and glucose. There is no authority provided in the present or proposed order which would permit any regulation of potato products or by-products as such. Therefore, only those handling activities which precede the manufacturing process should be subject to the aforesaid special consideration which includes modification, suspension, or termination of regulations applicable to the usual fresh market shipments of potatoes. Any reference to potatoes for canning or freezing herein has particular reference merely to a safeguard, which requirement may cause such shipments to canners or freezers to be reported to the committee for the sole purpose of assuring the committee, the Secretary, and the potato industry in the production area that such shipments are, in fact, used for the purpose intended. No other regulation or restriction is implied on potatoes for canning or freezing.

(16) Two sections of the present order (§§ 957.50 and 957.51) have been combined into one section in the proposed order (§ 957.50). In order to assure continuity in the proposed order, §§ 957.55 through 957.57 are renumbered to eliminate any deletions.

(17) The provisions of the present order relating to safeguards (applicable to shipments of potatoes for special purposes) should be somewhat modified to delete superfluous working and to simplify committee administration. The proviso in the present § 957.57 (b) (2) relating to inspection and payment of expenses at different times than otherwise usually specified should be deleted because no need for its applicability is contemplated. The committee should continue to have authority to rescind any Certificate of Privilege issued as a safeguard to a handler for a special purpose shipment whenever proof satisfactory to the committee is obtained which shows that the terms of the certificate have been violated by him. This will assure handlers that a Certificate of Privilege will not be revoked without adequate proof of a violation.

(18) Provision should be made for inspection by the Federal-State Inspection Service of shipments of potatoes grown in the production area during any period in which shipments of potatoes are regulated under the proposed order. Such inspection requirements should apply to all potatoes shipped under regulations, except when any such shipments are relieved from inspection requirements pursuant to such order, so as to assure compliance with the program.

Inspection of shipments subject to regulation establishes a means for providing the shipper, the buyer, the committee, the Secretary, and other interested parties, with an authoritative determination as to whether a shipment or shipments of potatoes comply with the requirements of any particular grade, size, quality, or maturity regulation which may be in effect under the proposed order. Effective regulation of the handling of potatoes grown in the production area requires that authoritative evidence should be established for each shipment as to its conformity with regulations in effect.

Responsibility for obtaining inspection should fall primarily on the handler who first handles potatoes after they have been prepared for market so that each shipment of such potatoes will be identified and certified with respect to its grade, size, and other factors. The handler who first handles potatoes should be required to obtain inspection and subsequent handlers may not handle such potatoes unless a properly issued inspection certificate, valid under the terms of the proposed order, applies to such potatoes.

Whenever any shipment of potatoes subject to the terms and provisions of the proposed order have been inspected and are later dumped from the containers in which they were inspected, such potatoes lose their identity insofar as the original inspection certificate issued for them is concerned. If any such lot of potatoes should be repacked, regraded, or resorted, such potatoes take on new identity, and any subsequent handling of such potatoes should comply with regulations issued under the proposed order. Therefore, inspection of such potatoes should be required as in the case of any other handling of potatoes. Such requirement is necessary to effectuate the declared policy of the act and as a means of effecting compliance. The proposed order should provide that any person who handles potatoes grown in the production area after they have been repacked, regraded, or resorted shall not handle such potatoes unless they are inspected prior to handling. Such inspection of repacked, regraded, or resorted potatoes is necessary so that the shipper thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

The committee, with the approval of the Secretary, should be authorized to determine the length of time the inspection certificates may be valid insofar as the requirements of the proposed order are concerned. In order to assure that an inspection certificate will reflect at the time of handling, that quality of a particular lot of potatoes at the time of inspection prior thereto, the committee should have authority to fix, with approval of the Secretary, a time limit governing the continuing validity of any such certificate. Such requirement is reasonable and necessary. Furthermore, it could be helpful especially with respect to warehouse or lot inspections, so that a time could be fixed that would allow adequate opportunity for the handling of all of the inspected potatoes, thereby accommodating handlers and truckers. For example, this provision could serve to authorize the committee, with approval of the Secretary, to establish a longer period of validity for inspection certificates issued in the case of potatoes placed in warm storage for conditioning for use as chips and shipped out of storage at some later date. As previously indicated conditioned potatoes are subject to shriveling and sprouting, due to conditioning, and the added time would enable the subsequent handling of such conditioned potatoes if they otherwise meet the then current regulations.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied to the committee promptly so that it may properly discharge its administrative responsibilities under the program, including checking the compliance aspects thereof. Such certificates also could provide a basis for computing assessment due by handlers.

(19) The provisions of the present order setting forth procedures to be followed in the issuance of exemption certificates to individual producers and handlers who, because of adverse circumstances beyond their control or reasonable expectation, are unable to handle a quantity of potatoes equal to the average handled by all producers and handlers in their immediate areas, are deleted from the proposed order. It was testified at the hearing that unusual weather conditions can reasonably be expected; the shipment of undergrade and undersize potatoes moved under exemption certificates tends to depress the returns paid for good quality potatoes; and there are numerous outlets for such potatoes within the production area. The issuance of individual exemptions has tended to result in inequities to all producers and handlers as well as in individual cases. The sale of exempted potatoes in terminal markets can be detrimental to other growers and handlers whose potatoes are sold in these markets because of their price-depressing influence. The proponents testified that no particular hardship should result to growers and handlers in deleting these provisions because processors and feeders within the production area purchase field-run potatoes; hail insurance is available to growers; and adequate flexibility is included in the regulatory provisions of the proposed order which would enable the committee to recommend regulations that would be equitable to a majority of all growers and handlers. For these reasons it is hereby found that no good cause exists for continuing the exemption provisions in the proposed order and they are, therefore, deleted therefrom.

(20) The continuation of rules and regulations which may be in operation under the present order at the time of issuance of the proposed order is necessary for the efficient and effective operation of the program. For example, rules and regulations (§§ 957.100 through 957.133) relative to Certificates of Privilege, and safeguards are currently in effect under the present order. These rules and regulations should continue in effect until subsequently modified or terminated. Such continuation is practical and necessary for efficient operation. Any lapse in such rules and regulations for technical reasons could result in undue administrative hardship on the committee and the Secretary, and on the industry.

(21) Some changes in cross references and modification of terms used throughout the proposed order were necessary because of the proposed amendments. Such changes and modifications were made to insure proper continuity in the proposed order and so that the entire order conforms to changes resulting from the proposed amendments.

The provisions of the present order which remain essentially unchanged by the terms and conditions of the proposed order should be applied to all handling of potatoes grown in the production area because such provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and they are necessary to effectuate the other provisions of the proposed order and the declared policy of the act. These provisions include, among others, the miscellaneous provisions, §§ 957.80 through 957.94 which are an essential part of the present order and are also common to other potato marketing orders. They are necessary and appropriate to the operation of the proposed order. The other provisions of the present order remaining essentially the same in the proposed order are incorporated on the same basis. These sections set forth certain definitions, rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or di-

rectly burdens, obstructs or affects such commerce.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order, as amended, which will be published with this decision.

Dated: April 17, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order, as Amended,[1] Regulating the Handling of Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon

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AUTHORITY: §§ 957.0 to 957.91 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 957.0 *Findings and determinations.* Findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Pocatello, Idaho, on November 5–6, 1957, upon proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said order, as amended, and as hereby further amended, regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a marketing agreement upon which a hearing has been held;

(3) The said order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of this amendatory order; and such terms and conditions are as follows:

DEFINITIONS

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 957.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 957.4 *Production area.* "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south thereof.

§ 957.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 957.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

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[1] This order, as amended, shall not become effective unless and until the requirements of § 900.14 (7 CFR 900.14) of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 957.7 *Certified seed potatoes.* "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may designate.

§ 957.8 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 957.9 *Ship or handle.* "Ship" or "handle" means to pack, sell, transport, or in any other way to place potatoes in the current of interstate or foreign commerce between the production area and any point outside thereof, or so as directly to burden, obstruct, or affect any such commerce.

§ 957.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 957.11 *Committee.* "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.20.

§ 957.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 957.13 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; or

(c) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 957.14 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 957.15 *Pack.* "Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade and/or size limits, or any combination thereof, recommended by the committee and approved by the Secretary.

§ 957.16 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, or any other type of receptacle used in the packaging, transportation, sale, or other handling of potatoes.

§ 957.17 *District.* "District" means each of the geographical divisions of the production area established pursuant to § 957.22 or as reestablished pursuant to § 957.23.

ADMINISTRATIVE COMMITTEE

§ 957.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Potato Committee consisting of 8 members, of whom 5 shall be producers and 3 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer in the district for which selected or an officer or employee of a producer in such district, and shall be a resident thereof. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.24, 957.25, 957.27, and 957.29, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

(c) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler or an officer or employee of a handler, and shall be a resident of the production area.

§ 957.21 *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of June and continuing until the following May 31. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end thereof, and until their successors are selected and have qualified.

§ 957.22 *Districts.* For the purpose of selecting committee members, the following districts of the production area are hereby established:

(a) *District No. 1.* The counties of Oneida, Power, Bingham, Butte, Clark, and all counties lying east thereof in Idaho;

(b) *District No. 2.* Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

(c) *District No. 3.* The remaining designated counties in Idaho included in the production area, and not included in District 1 or District 2.

§ 957.23 *Redistricting.* The Secretary, upon recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts. In recommending any such changes in districts or representation, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors.

§ 957.24 *Selection.* Members and alternates of the committee shall be selected by the Secretary on the following basis (unless otherwise apportioned pursuant to § 957.23) from nominations made pursuant to § 957.25 or from other eligible persons: (a) two producer members and one handler member, with their respective alternates, from District No. 1; (b) one producer member and one handler member, with their respective alternates, from District No. 2; and (c) two producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.25 *Nominations.* For the selection by the Secretary of the members and alternates of the Idaho-Eastern Oregon Potato Committee, nominations may be made in the manner indicated in this section. Nominations for members and alternates may be submitted by producers or handlers, as the case may be, or groups of either thereof, on an elective basis or otherwise.

(a) In order to provide nominations for committee members and alternates, the committee shall hold, or cause to be held, prior to April 1 of each year, one or more meetings of producers and of handlers in each district to nominate committee members and alternates.

(b) In arranging for such meetings, the committee may, if it deems it to be desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) At each such meeting, at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(d) Only producers may participate in designating nominees for producer members and alternates, and only handlers may participate in designating nominees for handler members and alternates.

(e) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 1 of each year.

(f) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he will vote.

(g) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate, as aforesaid, in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.26 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 957.25, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation prescribed in this subpart.

§ 957.27 *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 957.28 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 957.25 or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 957.24.

§ 957.29 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence and may perform such other duties as may be assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified. The committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 957.30 *Procedure.* (a) Five of the members of the committee shall be necessary to constitute a quorum; and at least five concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings by telephone, telegraph or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.31 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate, to be determined by the committee and approved by the Secretary, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 957.32 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 957.33 *Duties.* It shall be the duty of the Committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

BUDGET, EXPENSES AND ASSESSMENTS

§ 957.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share such expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenses as authorized in § 957.40. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed $1.00 per carload, or equivalent quantity. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes assessable under this part and handled by the first handler thereof during such fiscal period.

§ 957.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, and records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person or persons to act as trustee or trustees for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 *Refunds.* At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Except as provided in paragraph (b) of this section, each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one-half of an average fiscal period's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure, or during any period of suspension of any or all of the provisions of this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATIONS

§ 957.50 *Marketing policy*—(a) *Preparation.* Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider, and prepare, a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality, in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other potato producing areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to deviate from such marketing policy because of changed supply and demand conditions, the committee shall formulate a new or revised marketing policy in the manner set forth in this section. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 *Recommendation for regulations.* Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52, or § 957.53, or both, it shall recommend to the Secretary grade, size, quality, or maturity regulation, or any combination thereof, or amendment thereto, or modification, suspension, or termination thereof, whenever it finds that such regulation, as provided in such sections, will tend to effectuate the declared policy of the act.

§ 957.52 *Issuance of regulations.* (a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period; or

(2) Regulate the shipment of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period; or

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both; or

(4) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 957.53 *Shipments for specified purposes.* Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulations under or pursuant to § 957.42, § 957.52, or § 957.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) Export;

(b) Relief or charity;

(c) Livestock feed;

(d) Certified seed potatoes;

(e) Processing into specified products, and

(f) Such other purposes which may be specified by the Committee, with the approval of the Secretary.

§ 957.54 *Minimum quantity exemption.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.50 to 957.65, inclusive, or any combination thereof.

§ 957.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modifications, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 957.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.

(b) Safeguards, provided by this section, may include, but shall not be limited to, requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Certificates of Privilege.

(d) The committee may rescind, or deny to any handler, Certificates of Privilege if proof satisfactory to the committee is obtained that potatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

INSPECTION AND CERTIFICATION

§ 957.65 *Inspection and certification.* (a) During any period in which regulations are in effect pursuant to §§ 957.52, 957.52, or § 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendations by the committee and approved by the Secretary.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the committee with the approval of the Secretary; and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

COMPLIANCE

§ 957.70 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 957.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 957.81 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 957.82 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 957.83 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 957.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 957.85 *Effect of termination or amendments.* (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are committee members and alternates on the effective date of this subpart shall continue in office until their successors have been selected and have qualified. All rules and regulations issued or approved by the Secretary pursuant to this part (Order No. 57, as amended) and not in conflict herewith, which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 957.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 957.87 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 957.88 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers, granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 957.89 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 957.90 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 957.91 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers during the period April 28–May 5, 1958, inclusive, who, during the period July 1, 1957, through April 30, 1958 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area comprising certain designated counties in Idaho and Malheur County, Oregon, in the production of Irish potatoes for market, to determine whether such producers approve or favor the issuance of amendments to Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

R. H. Eaton, Allan Henry, F. N. Andary and R. L. Powers of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed amendatory order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., and at those places within the said production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said amendatory order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: April 17, 1958

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3006; Filed, Apr. 22, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 12404; FCC 58-378]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. As part of its preparation for the International Radio Conference to be held at Geneva, Switzerland, in July 1959, the Commission has today issued a Fifth Notice of Inquiry in Docket 12263, inviting comments on proposed amendments to the international table of frequency allocations. In order to provide interested persons with the necessary allocations information the Commission is also making known at this time certain changes and proposed changes to the national table of frequency allocations. These include certain immediate changes in the national table which are required by virtue of national defense considerations and which have been made by a separate Order issued today by the Commission. In addition they include proposed changes in the national allocation table which are the subject of this docket proceeding.

3. In making these changes and proposed changes in allocations the Commission has had the benefit of the work which has been conducted by the Department of State Preparatory Committees for the 1959 Radio Conference; the comments and testimony presented in the Commission's proceeding concerning frequencies above 890 Mc (Docket 11866); the comments submitted in the Commission's proceeding involving frequencies between 25 and 890 Mc (Docket 11997); other rule making proceedings conducted by the Commission; and conferences with representatives of the Executive Branch concerning Government frequency requirements.

4. Set forth below are those changes in national allocations being proposed in this proceeding upon which comments are desired. However, in order that interested persons may become acquainted with the way in which these proposed national changes are related to international proposals and certain national changes being made this date, by order of the Commission, the attention of such persons is invited to the documents and proceedings mentioned in paragraph 2, above.

5. The Commission is still considering comments and/or testimony received in Dockets 11866 and 11997 in connection with such subjects as licensee eligibility, technical standards, various philosophies expressed in connection with private versus common carrier uses of the radio frequency spectrum and various sub-allocations to non-Government services. No specific proposals concerning these matters are being issued at this time and such matters will continue to be studied by the Commission. However, as a result of the Commission's order adopted today amending its Table of Frequency Allocations, non-Government services will have suffered a loss of spectrum space above 890 Mc. Additional space will be lost by some of these services if the allocations proposals set forth herein are adopted. Therefore, it must be recognized that, to the extent such services may lose spectrum space, such possible loss will necessarily have a bearing on subsequent decisions of the Commission concerning sub-allocations and licensee eligibility.

6. The Commission wishes to direct especial attention to its proposal in connection with the band 942–952 Mc. As evidenced in the proceeding in Docket No. 11866, there exists a particularly difficult allocation problem arising from the fact that common carriers have extensively activated domestic fixed systems in the band 890–940 Mc wherein the frequency 915 Mc has been allocated both nationally and internationally for ISM use with the condition that radiocommunications service in this band would have to accept any interference caused by the operation of ISM equipment. In the Commission's order adopted today the band 890–942 Mc was allocated, due to national defense considerations, to the Government. Although serious consideration was given by the Commission and by the ODM to the possibility of ISM interference to Government services, the ODM has recognized that the radiopositioning service in the band 890–940 Mc must accept any harmful interference caused by the operation of ISM equipment on 915 Mc. The operation of Government stations in the 890–942 Mc band will increase the likelihood of additional interference being caused to those existing fixed stations which may continue to be authorized in this band and the Commission's Order reallocating the band takes this fact into consideration and "freezes" the band as far as new assignments are concerned. In view of the immediate 915 Mc common carrier problem and as indicated below, it is proposed to:

(a) Allocate the band 942–952 Mc to:

(1) AM, FM and TV STL (Audio only).

(2) FM intercity relay on a non-interference basis to other services.

(3) International fixed public and international aeronautical fixed stations in the territories only, where extended range fixed circuits are required.

(b) Permit access to the band 942–952 Mc by those fixed stations which now are authorized in the band 890–942 Mc on the following conditions:

(1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890–942 Mc band or by ISM operating on 915 Mc.

(2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942–952 Mc is likely to eliminate the above interference.

(3) That the bandwidth of emission does not exceed 1100 kc.

(e) Allocate the band 2110–2200 Mc to:

(1) Common Carrier fixed.
(2) International control.
(3) Operational fixed.

It is intended that the service rules pertaining to the aforementioned stations will limit the maximum authorized bandwidth to 5 Mc and will not permit video transmission.

7. Under the provision of footnote NG18, the Commission's Table of Frequency Allocations now permits the use of the bands 2900–3246 Mc, 3266–3300 Mc, 5250–5440 Mc, 5460–5650 Mc, 9000–9300 Mc and 9320–9500 Mc by radiopositioning stations on a non-interference basis. Under the Commission's proposal, footnote NG18 would be deleted. However, in lieu of the availability of frequencies in these bands under this footnote the Commission proposes that the allocation to radiopositioning would be changed to the bands 2900–3100 Mc (footnote US113), 5250–5460 Mc (footnote US116), 5460–5600 Mc (footnote US117), 5600–5650 Mc (footnote US118), 9000–9200 Mc (footnote US122) and 9300–9500 Mc (footnote US124). These bands would also become available, pursuant to footnote US113A, to educational institutions now governed by existing footnote NG39, which would be deleted.

8. If, as a result of the decisions reached in this proceeding, the Commission's Table of Frequency Allocations, as contained in Part 2, is changed, it follows that the frequency availability sections of other Parts of the Commission's rules will also require amendment. To the extent that this is necessary, it will be accomplished at a later date by further rule-making. It should be noted that the Commission may not take final action with respect to some of the proposals made in this proceeding until after the 1959 ITU Radio Conference. (For example, radionavigation bands.)

9. The proposed amendments to Part 2 of the Commission's rules are set forth in the attached Appendix and are issued pursuant to the authority of section 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

10. Any interested person who is of the opinion that the proposed amendments set forth below should not be adopted may file with the Commission on or before July 16, 1958, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before this date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

11. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The Commission is not, at this time, proposing national changes in its Table of Frequency Allocations below 25 Mc. The National changes in the bands above 25 Mc which are being proposed at this time are as follows:

Proposed U. S. allocation		Proposed FCC allocation	
Band (Mc)	Allocation	Band (Mc)	Class of station or services
3	4	5	6
108.0–118.0	G/NG	108.0–118.0	Aeronautical radio-navigation.
118.0–121.975 (US94) (US95) (US96).	G/NG	118.0–121.975	Aeronautical mobile.
121.975–123.075 (US97) (US98) (US99).	NG	121.975–123.075	Aeronautical mobile.
123.075–126.80 (US94) (US100) (US101).	G/NG	123.075–126.80	Aeronautical mobile.
126.80–132.0	NG	126.80–132.0	Aeronautical mobile.
942–952	NG	942–952 (NG101)	(a) AM STL. (b) FM STL. (c) FM intercity relay (Shall cause no harmful interference to the other services and stations sharing this band). (d) International aeronautical fixed (Territories only). (e) International fixed public (Territories only).
1400–1427	G/NG	1400–1427	Radio Astronomy.
1427–1435	G		
1435–1535 (US107).	G/NG	1435–1535	Mobile (Aeronautical telemetering only).
1535–1660 (US108).	G/NG	1535–1660	Aeronautical radionavigation.
1660–1670	G		
1670–1700	G/NG	1670–1700	Meteorological aids (Radiosonde).
2110–2200	NG	2110–2200	(a) Common Carrier fixed. (b) International control. (c) Operational fixed.
2450–2500	NG	2450–2500	(a) Fixed (NG102). (b) Mobile (NG102). (c) Radiopositioning.
2700–2900 (US111) (US112).	G		
2900–3100 (US113) (US113A).	G/NG	2900–3100	Maritime radionavigation.
4200–4400 (US115).	G/NG	4200–4400	Aeronautical radionavigation.
4900–5100	G/NG	4900–5100	Aeronautical radionavigation.
5250–5460 (US116) (US113A).	G/NG	5250–5460	Aeronautical radionavigation.
5460–5600 (US117) (US113A).	G/NG	5460–5600	Maritime radionavigation.
5600–5650 (US118) (US113A).	G/NG	5600–5650	(a) Maritime radionavigation. (b) Meteorological Aids.
9000–9200 (US121) (US122) (US113A).	G/NG	9000–9200	Aeronautical radionavigation.
9300–9500 (US124) (US113A).	G/NG	9300–9500	(a) Aeronautical radionavigation. (b) Maritime radionavigation. (c) Meteorological aids.
10500–10550 (US128).	G/NG	10600–10550	Radiopositioning.
13250–13400	G/NG	13250–13400	Aeronautical radionavigation (Limited to airborne devices employing the doppler technique).
15250–15500	G/NG	15250–15500	Aeronautical radionavigation.
15500–17500	G		
17500–20000	NG	17500–20000	(a) Fixed. (b) Mobile.
20000–22000	G		
22000–23000 (US16).	NG	22000–23000	Amateur.
23000–24500	G		
24500–25000	G/NG	24500–25000	Radionavigation.
25000–27500	G		
27500–31500	NG	27500–31500	(a) Fixed. (b) Mobile.
31500–33000	G		
33000–33400	G/NG	33000–33400	Radionavigation.
33400–36000	G		
36000–38000	NG	36000–38000	(a) Fixed. (b) Mobile.
38000–40000	G		
Above 40000	G/NG	Above 40000	(a) Amateur. (b) Experimental.

NG101 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890–942 Mc may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942–952 Mc provided the bandwidth of emission does not exceed 1100 kc and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 942–952 Mc is likely to result in the elimination of the interference occurring in the band 890–942 Mc.

NG102 The use of the band 2450–2500 Mc by non-Government stations in the fixed and mobile services is limited to the remote control of devices not intended for radio-communications. Stations in the fixed and mobile services, authorized prior to July 1, 1958, may continue to be authorized in this band.

US16 The frequency 22235 Mc/s is designated for industrial scientific and medical purposes: emissions must be confined within the limits of 22110–22300 Mc/s. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US94 The bands 118.0–121.4 Mc/s and 123.6–126.80 Mc/s are for air traffic control communications.

US95 The frequency 121.6 Mc/s is for search and rescue communications. Aeronautical utility land and mobile stations may use this frequency on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

US96 The band 121.65–121.975 Mc/s is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US97 The current use of the band 121.975–123.075 Mc/s by military aircraft is temporary and may continue until they are moved to an appropriate band.

US98 The band 121.975–123.075 Mc/s is available to CAA aircraft for communications pursuant to flight inspection functions in accordance with the Civil Aeronautics Act of 1938, as amended.

US99 The band 121.975–123.075 Mc/s is for use by private aircraft stations. The frequencies 122.8 and 123.0 Mc/s may also be used by aeronautical advisory stations.

US100 The band 123.075–123.55 Mc/s is for (a) non-Government operations in accordance with the Commission's Rules and (b) for CAA communications incident to flight test activities pertinent to aircraft certification.

US101 The band 123.075–123.55 Mc/s is for use by flight test and flying school stations.

US107 The band 1435–1535 Mc/s is allocated exclusively for aeronautical telemetering.

US108 Radio altimeters are permitted in the band 1600–1660 Mc/s until such time as international standardization of other areonautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US111 Temporarily, and until certain operations of the radiopositioning service in the band 2700–2900 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiopositioning service.

US112 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700–2900 Mc/s, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US113 The non-Government radiopositioning service may be authorized in the band 2900–3100 Mc/s on the condition that no harmful interference is caused to Government services.

US113A Non-Government Experimental stations used by educational institutions for purposes of technical instruction in, and demonstration of, microwave techniques using pulsed emissions only may be authorized to use frequencies in the bands 2900–3100 Mc, 5250–5650 Mc, 9000–9200 Mc and 9300–9500 Mc on the condition that harmful interference is not caused to the other services authorized to operate in these bands.

US115 The band 4200–4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US116 The non-Government radiopositioning service may be authorized in the band 5250–5460 Mc/s on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiopositioning service.

US117 The non-Government radiopositioning service may be authorized in the band 5460–5600 Mc/s on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiopositioning service.

US118 In the band 5600–5650 Mc the non-Government radiopositioning service shall not cause harmful interference to the Government radiopositioning service.

US121 Temporarily and until certain operations of the radiopositioning service in the band 9000–9200 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiopositioning service.

US122 The non-Government radiopositioning service may be authorized in the band 9000–9200 Mc/s on the condition that harmful interference is not caused to the aeronautical radionavigation service or the Government radiopositioning service.

US124 The non-Government radiopositioning service may be authorized in the band 9300–9500 Mc/s on the condition that harmful interference is not caused to the aeronautical radionavigation, maritime radionavigation, meteorological aids services or to the Government radiopositioning service.

US128 The band 10500–10550 Mc/s is restricted to CW systems with a power not to exceed 40 watts into the antenna.

NOTES

1. The Commission proposes to delete footnote NG18 from the bands 2900–3246 Mc, 3266–3300 Mc, 5250–5440 Mc, 5460–5650 Mc, 9000–9300 Mc and 9320–9500 Mc. In lieu thereof, radiopositioning stations would be allocated the bands shown in proposed footnotes US113, US116, US117, US118, US122 and US124. The Commission also proposes the deletion of footnote NG39 for the band 2900–3246 Mc and in lieu thereof, to permit educational institutions access to the bands indicated in footnote US113A.

2. In lieu of footnote US17, which appears on certain Government bands, the Commission proposes to insert a paragraph in Part 2 of its Rules, preceding the Table of Frequency Allocations which reads as follows: "Non-Government contract developmental stations may be authorized to use frequencies in any band on the condition that harmful intereference will not be caused to services operating in accordance with the Table of Frequency Allocations".

3. Footnotes US5 and US6 would be deleted in view of other footnotes proposed for the band 108–132 Mc.

4. Footnote US20 would be amended by inclusion of the frequency 157.15 Mc for Government use.

[F. R. Doc. 58-3021; Filed, Apr. 22, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Dept. of the Air Force has filed an application, Serial No. Fairbanks 016422, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a Communications Station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GALENA AREA

Two parcels of land located approximately twenty miles south of Galena in the Fourth Judicial Division, Territory of Alaska, more precisely described as follows:

TRACT A

Beginning at a point which bears North, 400 feet from the intersection of latitude 64°25'40.383" N., longitude 156°49'59.445" W., 1927 North Am. Datum; thence by metes and bounds,

East, 450 feet;
South, 900 feet;
West, 800 feet;
North, 900 feet;
East, 350 feet to the point of beginning.

Containing 16.53 acres, more or less.

TRACT B

Beginning at a point which bears S. 4°09' W., 1887 feet from the intersection of latitude 64°25'40.383" N., longitude 156°49'59.445" W., 1927 North Am. Datum; thence by metes and bounds,

S. 69°52' E., 6,217 feet;
S. 20°08' W., 2,000 feet;
N. 69°52' W., 6,217 feet;
N. 20°08' E., 2,000 feet to the point of beginning.

Containing 285.45 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-2993; Filed, Apr. 22, 1958; 8:46 a. m.]

Bureau of Reclamation

WEBER BASIN PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 12, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388);

SALT LAKE BASE AND MERIDIAN

T. 8 N., R. 2 W.,
Sec. 28, Lot 1 and Tracts 85B, 86B, 87B and 88B.

The above areas aggregate 117.21 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[75970]

APRIL 16, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly. The lands shall be administered by the Bureau of Land Management for grazing purposes until such time as they shall be needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-2994; Filed, Apr. 22, 1958; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-26]

LOCKHEED AIRCRAFT CORP.

NOTICE OF EXPIRATION OF CONSTRUCTION PERMIT

Please take notice that Lockheed Aircraft Corporation having advised the Atomic Energy Commission that Lockheed Aircraft Corporation will not proceed with the construction of the critical experiment facility at Palo Alto, California, as originally designed and described in its application for a construction permit and Class 104 license and the proposed construction not having been completed by the latest completion date specified in Construction Permit No. CPCX-5, the Atomic Energy Commission has determined that Construction Permit No. CPCX-5 has expired as of October 1, 1957, and all rights thereunder are forfeited. Further details may be obtained by examination of Docket F-26 on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 15th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-2848; Filed, Apr. 22, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12263; FCC 58-380]

RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

FIFTH NOTICE OF INQUIRY

1. On December 9, 1957, the Commission released its First Notice of Inquiry in this docket, inviting interested persons to file comments on or before January 23, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

2. The Commission has set forth in the appendix[1] hereto a proposal for revision of Chapter 3 (Article 3-9) of the Radio Regulations, which includes the International Table of Frequency Allocations. In keeping with accepted practice on conference documents of this type, changes or deletions to numbered paragraphs are shown by typing the existing material and dashing it out. Newly inserted material is underlined. The Commission wishes to emphasize that it has not taken any final action with respect to the proposal contained in the attachment, nor has it been considered by any of the State Department Committees which are engaged in preparatory work for the Radio Conference. Moreover, further changes in this proposal may be made, if circumstances require, any time before the forthcoming radio conference. However, in preparing this proposal the Commission has taken into consideration the comments and testimony in its proceeding concerning the allocation of frequencies above 890 Mc (Docket No. 11866), the comments filed in its allocations proceeding for frequencies between 25 and 890 Mc (Docket No. 11997), the work of various State Department committees and Government-Industry committees as well as consultations with representatives of the Executive Branch of the Government with respect to Government frequency requirements. The Commission has also had the benefit of the public comments filed in connection with the First Notice of Inquiry in this Docket.

3. The Commission wishes to point out that the principal purpose of publishing this proposal is to enable the Commission to have the benefit of the views of its licensees and other interested parties before it makes its recommendations to the State Department concerning the position that the United States should take on these matters at the Radio Conference. Because it is necessary that the United States complete its preparations for the Radio Conference and to effectuate coordination of its proposals at the international level, it will be necessary for the Commission to transmit its recommendations to the State Department at an early date. In view of that fact the Commission wishes to advise all interested parties that it will be unable to grant any extension of time for filing comments concerning the proposed changes to the international table of frequency allocations beyond the date set forth below.

4. Any interested person is invited to file comments with the Commission concerning the proposed changes in the international table of frequency allocations, shown in columns 1 and 2 of the Appendix on or before May 15, 1958. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fifteen (15) copies of all comments shall be furnished to the Commission.

Adopted: April 16, 1958.

Released: April 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3022; Filed, Apr. 22, 1958; 8:52 a. m.]

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[1] Filed as part of the original document. Copies may be obtained from the Federal Communications Commission, Washington 25, D. C.

[Docket No. 12243; FCC 58M-396]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER CONTINUING HEARING

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The Hearing Examiner having under consideration a motion, filed by Western Empire Broadcasters, Inc., on April 14, 1958, requesting continuance of the hearing herein;

It appearing, that counsel for other parties to the proceeding have consented to immediate consideration and grant of the motion;

It is ordered, This 16th day of April 1958, that the above motion is granted; and the hearing now scheduled for May 7, 1958, is continued until May 20, 1958, at 9:00 a. m.

Released: April 17, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3023; Filed, Apr. 22, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6816]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER PROVIDING HEARING AND SUSPENDING PROPOSED RATE SCHEDULE

APRIL 17, 1958.

Public Service Company of Oklahoma (Public Service), incorporated under the laws of Oklahoma, with its principal place of business in Tulsa, Oklahoma, on February 4, 1958, tendered a proposed rate schedule for filing, pursuant to Section 205 of the Federal Power Act, to be effective August 5, 1957, or in the alternative April 17, 1958. As tendered the proffered filing is in effect a retender of an earlier incomplete rate schedule filing which Public Service proffered initially on August 9, 1957, and withdrew for purposes of resubmission. It has been tentatively designated in the Commission's files as Public Service's proposed Rate Schedule FPC No. 151 and would supersede Public Service's Rate Schedule FPC No. 107 and Supplements Nos. 1 and 3 thereto.

Substantively, the proposed rate schedule would effect revisions in Public Service's currently effective filed rate schedule both as to the type of electric service which the Company renders thereunder to the Grand River Dam Authority (Authority) and its rates and charges therefor.

Kamo Electric Cooperative and other parties identified and described in various submittals filed herein, including a "formal protest" filed February 19, 1958, and a "motion" filed March 25, 1958, oppose Commission acceptance of the proposed rate schedule for filing under the Federal Power Act. They request that it be rejected or in the alternative that the Commission set the matter for public hearing. Comments were also received from the Eastern Oklahoma Flood Control Association; The Sallisaw, Oklahoma Chamber of Commerce; The Wagoner, Oklahoma Chamber of Commerce and Mayor, all requesting Commission study of the agreement between Public Service and Authority embodied in the proposed rate schedule "Temporary Agreement" and the effects thereof.

The proposed changes in Public Service's currently filed rate schedule have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. And unless suspended by order of the Commission, the proposed rate schedule by reason of the alternative requested effective date therefor will become effective April 17, 1958, pursuant to the provisions of the Federal Power Act and the Commission's Regulations thereunder.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission pursuant to the authority of that act enter upon a hearing concerning the lawfulness of Public Service's proposed Rate Schedule FPC No. 151 and that the operation of such proposed rate schedule be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Public Service's proposed Rate Schedule FPC No. 151, at a time and place and in the manner all to be fixed by further order of the Commission.

(B) Pending such hearing and decision thereon, the operation of the proposed rate schedule referred to in Paragraph (A) above hereby is suspended and the use thereof deferred until April 18, 1958. On that date the proposed rate schedule shall take effect in the manner prescribed by the act, subject to further order of the Commission.

(C) During the period of suspension Public Service's Rate Schedule FPC No. 107 and Supplements Nos. 1 and 3 thereto, on file with the Commission shall remain and continue in effect.

(D) Public Service shall not change either the terms and provisions of its proposed Rate Schedule No. 151 or those of its Rate Schedule No. 107 and Supplements Nos. 1 and 3 thereto, until this proceeding has been disposed of unless otherwise ordered by the Commission.

(E) Interested State Commissions may participate in this proceeding as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3004; Filed, Apr. 22, 1958; 8:48 a. m.]

[Docket No. G-12319]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 17, 1958.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, with its principal place of business in El Paso, Texas, filed an application on April 1, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed are five mainline taps to provide natural gas service to three distribution companies as follows:

(1) Arizona Public Service Company for resale in Arlington (population 150), Maricopa County, Arizona, near Applicant's Gila Compressor Station for residential, commercial and industrial uses instead of butane.

(2) Lea County Gas Company for resale to Mr. Moode Stevenson near Applicant's No. 4 Compressor Station, Luna County, New Mexico. Mr. Stevenson will use the gas for irrigation pump fuel in lieu of the more expensive butane now in use.

(3) Lea County Gas Company for resale to Mr. James H. Stroud east of Deming, Luna County, New Mexico, for use in his home, filling station, garage and tourist court. Butane will be replaced by natural gas.

(4) Lea County Gas Company for resale in the Signal Peak farming area, about 100 miles east of El Paso, in Hudspeth and Culberson Counties, Texas. Natural gas is proposed to replace butane in the operation of irrigation pumps in this area.

(5) Southern Union Gas Company for resale to the Woodmen of the World camp for boys near Farmington, San Juan County, New Mexico. Natural gas would be the first fuel used at the camp.

The estimated cost of the five proposed taps is $275.00 each, making a total of $1,375.00 to be financed from funds on hand.

Applicant states that it proposes to sell natural gas to the three public utility distributing companies for resale to their customers for domestic and commercial uses in quantities for three years as follows:

Year of service	1	2	3
(1) Arlington:			
Annual (Mcf)	20,520	20,621	[illegible]
Peak day (Mcf)	157	158	[illegible]
(2) Stevenson tap:			
Annual (Mcf)	2,800	2,800	2,800
Peak day (Mcf)	12	12	12
(3) Stroud tap:			
Annual (Mcf)	1,000	1,000	1,000
Peak day (Mcf)	6	6	6
(4) Signal Peak tap:			
Annual (Mcf)	19,600	19,600	19,600
Peak day (Mcf)	154	154	154
(5) Woodman tap:			
Annual (Mcf)	223	223	223
Peak day (Mcf)	1.4	1.4	1.4
Total:			
Annual (Mcf)	44,143	44,244	[illegible]
Peak day (Mcf)	330.4	331	[illegible]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3005; Filed, Apr. 22, 1958; 8:48 a. m.]

[Project No. 5]

MONTANA POWER CO.

ORDER FIXING HEARING AND DENYING PETITION FOR DECLARATORY RELIEF

APRIL 17, 1958.

On December 3, 1951, application was filed by The Montana Power Company, licensee for major Project No. 5, for amendment of its license for the project to authorize the construction, installation and maintenance of: an extension to the existing powerhouse; a third generating unit of 56,000 kilowatt capacity; a tunnel about 900 feet long; a new intake upstream of, but separate from, the existing intakes; and other appurtenant facilities to the Flathead (Kerr) Project No. 5, located on Flathead Lake and

Flathead River in Flathead and Lake Counties, Montana.

Pursuant to request therefor, by letter dated December 29, 1951, the Commission advised the licensee that commencement of construction of the third unit and associated works at the Kerr powerhouse, at its own risk, prior to issuance of an amendment of license therefor, would not prejudice consideration by the Commission of the application for amendment of license.

Since the filing of the application for amendment, conferences have been held between the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana (whose lands are occupied in part by the Kerr Project), and the licensee, on the subject of the additional annual charges, if any, to be paid by the licensee for the use, occupancy, and enjoyment of the Tribal lands as proposed by the application. However, those conferences having failed to produce an agreement on the subject, the licensee, by letter dated December 1, 1954, requested a hearing on the matter as promptly as possible. In response thereto, by letter dated December 20, 1954, the Chairman of the Tribal Council requested that the Commission take no action on the licensee's request pending agreement between the two as to the date of such a hearing. No such agreement was reached, nor did further meetings between them effect agreement on the amount of compensation, if any, for the third generating unit.

Consequently, on May 8, 1957, a motion was filed by the Confederated Salish and Kootenai Tribes (Tribes) in which request was made for a hearing on the licensee's pending application for amendment and for a determination of a reasonable annual charge to be paid to the Tribes for the use of their lands by the licensee's third generating unit.

On May 8, 1957 the Tribes also filed a "petition for declaratory relief" wherein request was made that the Commission order the licensee to cease its operation of the third generating unit of its Kerr Project, pending Commission consideration of the licensee's pending application for amendment of its license to include thereunder the third generating unit, and until the licensee shall have obtained permission from the Secretary of the Interior and the Tribes for the operation of such additional unit.

The Commission finds:

(1) In the circumstances recited herein, it is in the public interest that a public hearing be held in the matter involving the pending application for amendment of license, including a determination of increased annual charges, if any, due to the Tribes.

(2) The petition filed by the Tribes sets forth no facts showing that the continued operation of the third generating unit at the Kerr Project by the licensee pending final Commission action on the issues referred to in finding (1) above would either cause the Tribes irreparable damage or would otherwise be inconsistent with the public interest.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon it by the Federal Power Act, particularly sections 6, 10 (e) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on May 20, 1958, commencing at 10:00 a. m., e. d. s. t., at the Commission's hearing room, General Accounting Office Building, 441 G Street NW., Washington 25, D. C., respecting the issues involved in the pending application for amendment of the license for Project No. 5, including the determination of additional amount of annual charges, if any, for the use of the Indian Tribal lands as proposed in the application for amendment.

(B) The petition for declaratory relief filed by the Tribes is denied.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2995; Filed, Apr. 22, 1958; 8:46 a. m.]

[Project No. 733]

WESTERN COLORADO POWER CO.

NOTICE OF APPLICATION FOR ANNUAL LICENSE

APRIL 17, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The Western Colorado Power Company, licensee for Project No. 733, for annual license for the minor-part project located on the Uncompahgre River in Ouray County, Colorado, and affecting lands of the United States within Uncompahgre National Forest. The project, which is constructed, is known as the Ouray power plant and consists of a rubble masonry diversion dam 71.5 feet high and 70 feet long; settling tank; steel and wood-stave pipe lines with aggregate length of about 6,120 feet; a signal circuit line extending about 6,035 feet between dam and powerhouse; and a powerhouse with installed hydraulic capacity of 1,000 horsepower.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 2, 1958. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2996; Filed, Apr. 22, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32010]

MISSOURI INTRASTATE FREIGHT RATES AND CHARGES

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of April A. D. 1958.

Upon consideration of the record in the above-entitled proceeding and petition of H. K. Porter Company, Inc., for further hearing, motion of the Missouri Public Service Commission for leave to file exceptions to the examiner's proposed report herein, replies of the rail carrier respondents; and for good cause appearing:

It is ordered, That the motion to the extent the Missouri Public Service Commission of Missouri adopts the exceptions filed by Midwest Coal Traffic Bureau, St. Louis Material & Supply Company, Missouri-Illinois Material Company, Missouri Aggregates, Inc., and Pacific Pebbles, Inc., be, and the same is hereby, granted:

It is further ordered, That the motion of the Public Service Commission of Missouri to the extent it requests leave to file exceptions to the examiner's proposed report herein be, and the same is hereby, overruled, for the reason that it was filed approximately five months after the expiration of the period within which to file exceptions, and that the reasons stated in support thereof are insufficient to warrant granting of that part of the motion:

And it is further ordered, That the petition of H. K. Porter Company, Inc., for further hearing be, and the same is hereby, denied, for the reason that proper notice of this proceeding was given in the customary manner, that the order instituting the investigation was served upon various parties, by depositing a copy of said order for public inspection in the office of the Secretary of the Commission and by filing with the Director, Division of Federal Register, and that the reasons advanced in support of petition were insufficient to warrant granting of the petition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3007; Filed, Apr. 22, 1958; 8:49 a. m.]

[Notice 32]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 18, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-200 (Deviation No. 6), RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo., filed April 10, 1958. Attorney for said carrier, Ivan E. Moody, 15 West 10th Street, Kansas City, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Manhattan, Kans., and Halford, Kans., as follows: from Manhattan over U. S. Highway 24 to junction U. S. Highway 83, thence over U. S. Highway 83 to Halford, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Manhattan, Kans., and Halford, Kans., over the following pertinent route: from Manhattan over Kansas Highway 18 (formerly U. S. Highway 40) to Junction City, Kans., thence over U. S. Highway 40 to Oakley, Kans., thence over U. S. Highway 83 to junction U. S. Highway 24 near Halford.

No. MC-263 (Deviation No. 1), GARRETT FREIGHTLINES, INC., P. O. Box 349, 2055 Pole Line Road, Pocatello, Idaho, filed April 14, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Denver, Colo., and junction U. S. Highways 89 and 91 near Farmington, Utah, as follows: from Denver over U. S. Highway 87 to junction Colorado Highway 14, thence over Colorado Highway 14 to Fort Collins, Colo., thence over U. S. Highway 287 to Rawlins, Wyo., thence over U. S. Highway 30 to its junction with U. S. Highways 30N and 30S near Little America, Wyo., thence over U. S. Highway 30S to Uintah, Utah, thence over U. S. Highway 89 to the junction of U. S. Highway 91 near Farmington, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Denver, Colo., and the junction of U. S. Highways 89 and 91 near Farmington, Utah over the following pertinent route: from Denver over U. S. Highway 6 to Dowd, Colo., thence over U. S. Highways 6 and 24 to Grand Junction, Colo., thence over U. S. Highways 6 and 50 to Spanish Fork, Utah, thence over U. S. Highway 91 to the junction of U. S. Highways 89 and 91 near Farmington.

No. MC-75543 (Deviation No. 1), VALLERIE'S TRANSPORTATION SERVICE, INC., P. O. Box 880, Norwalk, Conn., filed April 10, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certian exceptions, over a deviation route, between the Western Terminus of the Connecticut Turnpike at the Connecticut-New York State line and Interchange 52 in East Haven, Conn., as follows: from the Western Terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to Interchange 52 of said Turnpike, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New Haven and Danbury, Conn., and New York, N. Y. over the following pertinent routes: from New Haven over U. S. Highway 1 to New York; and from Danbury over U. S. Highway 7 to Norwalk, Conn., thence over U. S. Highway 1 to New York.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3008; Filed, Apr. 22, 1958; 8:49 a. m.]

[Notice 213]

MOTOR CARRIER APPLICATIONS

APRIL 18, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 119), filed March 26, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. Authority to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from Pasco, Wash., to Burley, Idaho, from Pasco over U. S. Highway 395 to junction of U. S. Highway 30, thence over U. S. Highway 30 to Burley; (2) from Prosser, Wash., to Burley, Idaho, from Prosser over Washington Highway 8 to Plymouth, Wash., thence over the Umatilla Bridge to unnumbered Oregon Highway, thence over unnumbered highway via Hermiston and Stanfield, Oreg., to junction U. S. Highway 30, thence over U. S. Highway 30 to Burley; (3) from Portland, Oreg., to Burley, Idaho, from Portland over U. S. Highway 30 to Burley, also from Portland over U. S. Highway 30 By-pass from Portland to junction U. S. Highway 30, thence over U. S. Highway 30 to Caldwell, Idaho, thence over U. S. Highway 26 to Bliss, Idaho, thence over Idaho Highway 25 to Paul, Idaho, thence over unnumbered highway to Burley, serving no intermediate points on the above-described routes.

NOTE: Applicant states that service over the above-described routes will be restricted to traffic destined to or interlined at Burley, Idaho, or points east thereof. Applicant further states that any grant of authority requested is to be conditioned upon the understanding that to the extent it duplicates any existing rights of applicant it shall not be construed as conferring more than a single authority. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, California, Nevada, Missouri, Kansas, Illinois, Washington, Oregon, Montana, and Idaho.

HEARING: June 2, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 81.

No. MC 730 (Sub No. 120), filed April 8, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., A Corporation, 14th and Clay Streets, Oakland, Calif. Applicant's attorney: P. S. Pilling, Pacific Intermountain Express Co., same address as above. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation St. Louis Plymouth Assembly Plant near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 3062 (Sub No. 13), filed April 7, 1958. Applicant L. A. TUCKER TRUCK LINES, INC., 1451 Independence, Cape Girardeau, Mo. Applicant's attorney: B. W. LaTourette, Jr., [illegible] Boatmen's Bank Building, St. Louis [illegible], Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chrysler Corporation Plymouth Division plant located on U. S. Highway [illegible] at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Illinois, Missouri, Indiana, Arkansas, Michigan, Kentucky, Ohio, Tennessee, Kansas, Iowa, Wisconsin, Oklahoma, Nebraska, Pennsylvania, New York, New Jersey, and Connecticut.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 4405 (Sub No. 299), filed March 17, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *trailers, semi-trailers* *trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Lowell, Mass., to points in the United States; and (2) *truck-tractors*, in secondary movements, by driveaway method, only when drawing trailers moving in initial movements in driveaway service from Lowell, Mass., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 28, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Charles H. Riegner.

No. MC 4405 (Sub No. 301), filed April 7, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, initial movements, in truckaway and driveaway service, from York, Pa., to points in the United States; (2) *truck-tractors*, in secondary movements, by driveaway method, only when drawing trailers moving in initial movements, in driveaway service, from York, Pa., to points in Arizona, Nevada, Oregon, and Vermont; (3) *trucks*, in secondary movements, by driveaway method, from York, Pa., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 8902 (Sub No. 12), filed February 12, 1958. Applicant: THE WESTERN EXPRESS COMPANY, 1277 East 40th Street, Cleveland, Ohio. Applicant's attorney: George N. Plavac, 1277 East 40th Street, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives, and commodities in bulk*, but excluding commodities in bulk, in tank vehicles, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, in connection with applicant's authorized operations in Certificate No. MC 8902 and Sub numbers 2, 3, 4, 6, 7, 9, 10, and 11 thereunder. Applicant is authorized to conduct operations in Ohio, Pennsylvania, New York, Massachusetts, Rhode Island, and Connecticut.

NOTE: Applicant states that it proposes no change in present operating routes or territory, and that it proposes to amend the above mentioned certificates.

HEARING: May 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 17793 (Sub No. 15), filed April 3, 1958. Applicant: FOSTER FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chrysler Corporation Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Indiana, Illinois, Missouri, Ohio, and Kentucky.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 29566 (Sub No. 56), filed March 26, 1958. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between East St. Louis, Ill., and Kansas City, Kans., in Certificate No. MC 29566, Sheet 1.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 29654 (Sub No. 31), filed March 24, 1958. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, R. D. No. 1, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Voting machines*, uncrated, *including accessories shipped with machines in cartons or packages*, in boxes or in steel cabinets on own wheels or casters, protected with wooden hoods or corrugated fibreboard hoods, between Jamestown, N. Y., and points in Missouri and Kansas. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, New Jersey, Illinois, Indiana, Michigan, Wisconsin, Massachusetts, Connecticut, Rhode Island, Maryland, District of Columbia, Virginia, West Virginia, New Hampshire, Delaware, and North Carolina.

HEARING: May 23, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 30605 (Sub No. 101), filed March 20, 1958. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman Street, P. O. Box 56, Wichita, Kans. Applicants' attorney: F. J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities, excluding commodities in bulk*, those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between Wellington, Kans., and Amarillo, Tex., from Wellington over U. S. Highway 160 to junction Kansas Highway 14, thence over Kansas Highway 14 to junction U. S. Highway 281, thence over U. S. Highway 281 to junction Oklahoma Highway 15, thence over Oklahoma Highway 15 to junction U. S. Highway 283, thence over U. S. Highway 283 to junction U. S. Highway 60, thence over U. S. Highway 60 to Amarillo, and return over the same route, serving no intermediate points between Wellington, Kans., and Woodward, Okla., and serving all intermediate points between Woodward, Okla., and Amarillo, Tex., including Woodward and Amarillo. Applicant states it proposes service to that portion of the route between Woodward, Okla., and Amarillo, Tex., involving points which were authorized applicant under MC-F 7172, and by this application seeks relief from restriction to service that is auxiliary to, or supplemental of, rail service of The Atchison, Topeka and Santa Fe Railway Company. (2) *Class A and B explosives* (except nitroglycerine), in service that is auxiliary to, or supplemental of, rail service of The Atchison Topeka and Santa Fe Railway Company, between Woodward, Okla., and Amarillo, Tex., from Woodward over Oklahoma Highway 15 to junction U. S. Highway 283, thence over U. S. Highway 283 to junction U. S. Highway 60, thence over U. S. Highway 60 to Amarillo, and return over the same route, serving all intermediate points.

NOTE: Applicant states the portion of the route between Wellington, Kans., and Woodward, Okla., is requested for the purpose of tacking the proposed authority with certificated authority at Wellington, Kans.; restricted against local business between Wellington, Kans., and Woodward, Okla. Applicant proposes service further restricted against local or interline business between Amarillo, Tex., on the one hand, and, on the other, Wellington, Kans., and points beyond.

HEARING: May 26, 1958, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 170.

No. MC 41255 (Sub No. 28), filed March 26, 1958. Applicant: GRUBB MOTOR LINES, INC., P. O. Box 567, Lexington, N. C. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons or crates, from Norwood, N. C., to points in Alabama, Florida, Georgia, Kentucky, South Carolina, Tennessee, Virginia, Delaware, Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, and *damaged, rejected, or refused shipments* of furniture, on return. Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey,

New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia.

***HEARING:* May 28, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.**

No. MC 41432 (Sub No. 80) (Correction), filed March 18, 1958, published April 9, 1958. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Street, Dallas 10, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, with usual exceptions, serving the site of the plant of Plymouth Division, Chrysler Corporation, located on U. S. Highway 66 at or near Valley Park, Mo.

***HEARING:* May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.**

NOTE: Previous publication erroneously indicated the hearing date as May 12, 1958.

No. MC 42487 (Sub No. 361), filed March 31, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, in tank vehicles, from Los Angeles, Calif., and points within six (6) miles thereof, to Helena, Mont., Casper, Wyo., Boise, Idaho, and Salt Lake City, Utah, and points within ten (10) miles of each. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

***HEARING:* June 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.**

No. MC 43269 (Sub No. 43) (Correction), filed December 30, 1957, published page 2058, issue of March 27, 1958. Applicant: WELLS CARGO, INC., 1775 East Fourth Street, (P. O. Box 1511), Reno, Nev. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Previous publication inadvertently failed to note that applicant is authorized to transport commodities similar to those sought in the instant application also in Arizona.

No. MC 50307 (Sub No. 22), filed February 26, 1958. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York 1, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials* and *supplies* used in the manufacture of wearing apparel, between New York, N. Y., and points in New Jersey within 20 miles of New York, N. Y., on the one hand, and, on the other, Lake City and Hartsville, S. C. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, and Tennessee.

HEARING: May 29, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner Richard H. Roberts.

No. MC 52310 (Sub No. 18), filed April 7, 1958. Applicant: BRUCE MOTOR FREIGHT, INC., 2011 Easton Boulevard, Des Moines, Iowa. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Iowa, Minnesota, Missouri, and Illinois.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 52862 (Sub No. 5), filed April 1, 1958. Applicant: EDWARD J. BOYLE, doing business as E. J. BOYLE, 622 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, 512 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shale derived aggregate*, from Rahn (Rahns) Township, Pa., and points within five miles thereof in Schuylkill County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in New York and Pennsylvania.

HEARING: May 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 55898 (Sub No. 32), filed April 1, 1958. Applicant: HARRY A. DECATO AND EUGENE J. DECATO, doing business as DECATO BROS. TRUCKING CO., Dartmouth College Highway, P. O. Box 421, Lebanon, N. H. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N. H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Woodsville (Town of Haverhill), Lakeport (City of Laconia), and Salmon Falls (Town of Rollinsford), N. H., and White River Junction (Town of Hartford), Vt., to points in New York, those in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, Lancaster, Scranton, Bethlehem, Reading, Erie, and Honesdale, Pa., Cleveland, Ohio, Wilmington, Del., and Baltimore and Sparrows Point, Md. Applicant is authorized to conduct common carrier operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Applicant holds Permit No. MC 111735 as a contract carrier. Section 210, dual operations may be involved.

NOTE: A Proceeding has been instituted under section 212 (c) of the act to determine whether applicant's status is that of a contract or common carrier, assigned MC 111735 (Sub No. 1).

HEARING: May 29, 1958, at the Chamber of Commerce, Concord, N. H., before Examiner Charles H. Riegner.

No. MC 65967 (Sub No. 24), filed April 10, 1958. Applicant: WILSON TRUCK COMPANY, INC., 176 Lafayette Street, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Georgia, Kentucky, Missouri, and Tennessee.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 66900 (Sub No. 22), filed April 2, 1958. Applicant: HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: Glenn F. Morgan, 1006–8 Warner Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, wood pulpboard, pulpboard,* and *fibreboard*, from West Point, Va., to Reynolds, White Haven, and York, Pa., and points within seven (7) miles of Reynolds and White Haven. *Empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: June 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 69492 (Sub No. 16) (Correction), filed March 3, 1958. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCK COMPANY, P. O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Arlington, Ky., and Paducah, Ky., from Arlington over U. S. Highway 51 to junction U. S. Highway 62 at or near Bardwell, Ky, thence over

U. S. Highway 62 to Paducah, and return over the same route, serving all intermediate points. Applicant proposes restriction so as to prohibit applicant from handling St. Louis-Paducah traffic in single-line service via it and applicant's other existing authority. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE: Previous publication assigned application before Joint Board No. 165, in error. The correct designation of the Joint Board is No. One Five Six (156).

HEARING: May 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 156, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 69752 (Sub No. 17), filed April 2, 1958. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *articles distributed by meatpacking houses*, as described in List C, Appendix I to report in Descriptions in Motor Carrier Certificates, 61 MCC 209, (2) *such commodities* as are used by meat packers in the conduct of their business, (3) *foodstuffs, supplies* and *advertising matter* in connection therewith, (4) *soap, liquid and compound, and cleanser, supplies and advertising matter* in connection therewith, and (5) *frozen fruit juices, including lemonade,* between Kansas City, Kans., and Chicago, Ill.: from Kansas City over U. S. Highway 40 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 36, thence over U. S. Highway 36 to Springfield, Ill., and thence over U. S. Highway 66 to Chicago; from Kansas City over U. S. Highway 69 to junction U. S. Highway 36, thence over U. S. Highway 36 to junction U. S. Highway 66, and thence to Chicago as specified above; and from Kansas City over U. S. Highway 40 to St. Louis, Mo., thence over U. S. Highway 66 to Springfield, Ill. (also from junction U. S. Highways 40 and 67 near Pattonville, Mo., over Alternate U. S. Highway 67 to Jacksonville, Ill., thence over U. S. Highway 36 to Springfield, Ill.), and thence to Chicago as specified above; and return over these routes to Kansas City, serving the intermediate points of Kansas City, Boonville, Columbia, Mexico, Louisiana, Chillicothe, Shelbina, Hannibal, and St. Louis, Mo., Jacksonville, Springfield, Bloomington, Joliet, and East St. Louis, Ill., and the off-route points of St. Joseph, Trenton, Sedalia, Joplin, Springfield, and Jefferson City, Mo., Rock Island, Quincy, Peoria, Washington, Eureka, Morton, Kankakee, Blue Island, Morrison, Grays Lake, Dixon, and Freeport, Ill. Applicant is authorized to conduct operations in Kansas, Illinois, Missouri, Oklahoma, Indiana, and Iowa.

NOTE: Applicant is authorized to transport "Packinghouse products and supplies restricted to items incidental to and directly connected with the business of the slaughtering of animals and the preservation and sale of meats, but not including dairy products", over the routes and between the points described above. Applicant states the purpose of this application is to clarify its authority to transport the class of commodities herein requested; that if such commodities are found not to be included within applicant's present authority, to receive a specific grant of authority covering them. A proceeding, No. MC 69752 Sub 16 has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 16, 1958, at the New Hotel Pickwick, Kansas City, Missouri, before Examiner Michael B. Driscoll.

No. MC 70203 (Sub No. 33), filed April 9, 1958. Applicant: INTERSTATE DISPATCH, INC., 3636 South Western Avenue, Chicago 9, Ill. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Illinois, Ohio, Missouri, Iowa, Wisconsin, and Indiana.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Missouri, before Joint Board No. 179.

No. MC 74367 (Sub No. 4), filed March 19, 1958. Applicant: BILLY PALMA WRIGHT, doing business as WRIGHT MOTOR LINES, 21 John Street, Asheville, N. C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *wooden products*, from points in Caldwell and Wilkes Counties, N. C., to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, New York, and Kentucky. Applicant is authorized to conduct operations in North Carolina, Maryland, Pennsylvania, Virginia, Delaware, New Jersey, New York, District of Columbia, Ohio, Georgia, Alabama, and Tennessee.

HEARING: May 27, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.

No. MC 75320 (Sub No. 82), filed April 7, 1958. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Valley Park, Mo., and the site of the Chrysler Corporation plant at or near Valley Park as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 66 between Springfield, Mo. and Chicago, Ill. Applicant is authorized to conduct operations in Missouri, Kansas, Illinois, Oklahoma, Arkansas, Iowa, Tennessee, Texas, Mississippi, Alabama, and Louisiana.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 78712 (Sub No. 6), filed March 27, 1958. Applicant: MILLER TRANSPORTATION, INC., 1200 South Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment, between the site of the Chrysler Corporation plant at Valley Park, Mo., located on a site of approximately 235 acres, on the north side of U. S. Highway 66, approximately nineteen and one-half (19½) miles west of downtown St. Louis, Mo., and St. Louis, Mo., and *damaged or rejected shipments* on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 87523 (Sub No. 70), filed April 3, 1958. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, except gasoline, fuel oil, asphalt and tar, in bulk, in tank vehicles, and commodities susceptible of being transported in hopper type equipment, between the ports of entry of Rouses Point, Champlain, Ft. Covington, Trout River, Chateaugay, and Ellenburg, N. Y., Alburg, Swanton, Richford, Newport, and Derby Line, Vt., Canaan, West Stewartstown, and Norton, N. H., and Jackman, Van Buren, Fort Kent, Madawaska, and Frenchville, Maine, on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in Massachusetts, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Illinois, Pennsylvania, and Delaware.

HEARING: May 27, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Charles H. Riegner.

No. MC 87523 (Sub No. 71), filed April 9, 1958. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic latex*, in bulk, in tank vehicles, from Acton and Cambridge, Mass., to Detroit, Mich., and Bethune, S. C. Applicant is authorized to conduct operations in Vermont, Massachusetts, New Hampshire, New York, Tennessee, Illinois, Indiana, Ohio, Michigan, Connecticut, Rhode Island, Maine, Pennsylvania, and Delaware.

HEARING: May 28, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Charles H. Riegner.

No. MC 88300 (Sub No. 18), filed April 8, 1958. Applicant: DIXIE TRANSPORT COMPANY, North Dixie Highway, Whitley, Kentucky. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, initial and secondary movements, in truckaway and driveaway service, from Jacksonville, Miami, and Port Everglades, Fla., to points in Florida, Georgia and South Carolina, and *damaged or rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354.

No. MC 88300 (Sub No. 19), filed April 8, 1958. Applicant: DIXIE TRANSPORT COMPANY, North Dixie Highway, Whitley, Kentucky. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial and secondary movements, in truckaway and driveaway service, (1) from Tampa and Pensacola, Fla., to points in Florida, Georgia, and South Carolina; (2) from Sanford, Fla., to points in South Carolina; (3) from Savannah, Ga., to points in Florida and South Carolina; and (4) from Charleston, S. C., to points in Georgia, Florida, and South Carolina, and *damaged or rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354.

No. MC 94580 (Sub No. 5), filed March 7, 1958. Applicant: THOMAS STANLEY REDDING, Church Street, Asheboro, N. C. Applicant's attorney: H. Wade Yates, Law Building, Asheboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, and *commodities* the transportation of which because of size, weight or shape requires the use of special equipment, from points in that part of North Carolina bounded by a line beginning at U. S. Highway 21 on the North Carolina-Virginia State line and extending in an easterly direction along said state line to U. S. Highway 1, thence in a southerly direction along U. S. Highway 1 to Raleigh, N. C., thence along U. S. Highway 70 to Smithfield, N. C., and thence along U. S. Highway 301 to the North Carolina-South Carolina state line, thence in a westerly direction along the North Carolina-South Carolina state line to U. S. Highway 21, and thence in a northerly direction over U. S. Highway 21 to point of beginning, to points in Virginia, Ohio, Indiana, Connecticut, the District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, West Virginia and points in New York within 50 miles of New York City, N. Y.; and *empty containers* or other such incidental facilities used in transporting the commodities specified, and *grain, grain products* and *feed ingredients*, on return. Applicant is authorized to conduct operations from and to specified points in North Carolina, the District of Columbia, Maryland, Pennsylvania, and Virginia.

HEARING: May 26, 1958, at the North Carolina Utilities Commission State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.

No. MC 98707 (Sub No. 3), filed March 19, 1958. Applicant: MILES MOTOR TRANSPORT SYSTEM, a Corporation, P. O. Box 510, Stockton, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement* in bulk, and in sacks, (a) from Gold Hill, Oreg., to points in Humboldt, Trinity, Shasta, and Lassen Counties, Calif.; (b) from West Sacramento, Calif., to points in Nevada; and (c) from San Andreas, Calif., and points within 5 miles thereof, to points in Nevada. Applicant is authorized to transport general commodities with exceptions between specified points in California and cement from specified points in California and Oregon to points in Nevada, Oregon, and California.

HEARING: June 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 106095 (Sub No. 5), filed March 21, 1958. Applicant: DAN'S MOTOR LINES, INC., 153 Chautauqua Street, Fredonia, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Angola, Eden, North Collins, Lawtons (Erie County), Farnham, Fredonia, Dunkirk, Sheridan, and South Dayton, N. Y., to Silver Creek, N. Y. Applicant is authorized to transport similar commodities in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 106095. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: May 23, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 106456 (Sub No. 23), filed April 7, 1958. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Fesslers Lane, Nashville, Tenn. Applicant's attorney: J. S. Browder, same address as applicant. Authority sought to operate as a common *carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between St. Louis, Mo., and Valley Park, Mo., from St. Louis over U. S. Highway 66 to the junction of U. S. Highway 66 and Missouri Highway 141, thence over Missouri Highway 141 to Valley Park, Mo., and return over the same route, serving the intermediate point of the site of the Chrysler assembly plant located at or near Valley Park, Mo. Applicant is authorized to conduct operations in Illinois, Missouri, Kentucky, Indiana, Alabama, Tennessee, Virginia, Maryland, Pennsylvania, New York, New Jersey, and the District of Columbia.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. [illegible]

No. MC 106603 (Sub No. 52), filed April 7, 1958. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's attorney: Wilhelmina Boersma, [illegible] Penobscot Building, Detroit 26, Mich. Authority sought to operate as a common *carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Lake County, Ohio, to points in Michigan, Indiana, and Illinois, and *empty containers or other such incidental facilities* (not specified) and *pallets and used containers* used in transporting salt on return. Applicant is authorized to transport similar commodities in Michigan, Ohio, Illinois, Indiana, Wisconsin, Missouri, and Iowa.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 107227 (Sub No. 61), filed March 13, 1958. Applicant: [illegible] TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and buses*, in initial movements, in driveaway service, from Seattle and Renton, Wash., to points in the United States and Alaska, except points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 2, 1958, at Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109188 (Sub No. 37), filed February 27, 1958. Applicant: TURNER TRANSFER, INCORPORATED, 3201 High Point Road, Greensboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rectifier equipment*, from Limerick, Maine, to Lynchburg, Va. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 23, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.

No. MC 109584 (Sub No. 40), (CORRECTION) filed January 30, 1958, published issue of March 27, 1958, on Page 2080. Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: In bulk, in tank vehicles, (1) *Synthetic resin*, from Anaheim, Calif., to Denver, Colo., (2) *liquid cleaning, scouring and washing compounds, including dry cleaning solvents*, from Los Angeles and Oakland, Calif., to Denver and Littleton, Colo., and (3) *blends of vegetable oils* and *animal fats*, from Long Beach, Calif., to Phoenix and Tucson, Ariz., and *rejected and contaminated shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE: The previous publication inadvertently omitted reference to the transportation of the above commodities in bulk, in tank vehicles.

HEARING: Remains as assigned May 8, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 115353 (Sub No. 4), filed April 4, 1958. Applicant: LOUIS J. KENNEDY, 342 Schuyler Avenue, Kearny, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Group 3, Appendix V of Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, and *aluminum articles* between the warehouses of the United States Steel Supply Division, United States Steel Corporation, Newark, N. J., on the one hand, and, on the other, points in Delaware, Massachusetts, Rhode Island, Connecticut, those in Maryland on and east of a line beginning at Baltimore, Md., and extending north along U. S. Highway 111 to the Maryland-Pennsylvania State line and north of the Chesapeake Bay and the C & D Canal, those in Pennsylvania in and east of Tioga, Lycoming, Northumberland, Dauphin, and Lancaster Counties, Pa., and those in New York in and east of St. Lawrence, Jefferson, Oswego, Cayuga, Tompkins, and Chemung Counties, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Applicant proposes to restrict the above operations to service performed under a continuing contract with United States Steel Supply Division, United States Steel Corporation. A proceeding has been instituted under section 212 (c) in No. MC 115353 Sub 3, to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 115601 (Sub No. 8), filed April 1, 1958. Applicant: BROOKS ARMORED CAR SERVICE, INC., Delaware Trust Building, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Delaware Trust Building, Wilmington, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash, coin and currency, securities* and *other negotiable and non-negotiable instruments*, between points in Delaware and Philadelphia, Pa. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 115601 (Sub No. 6).

HEARING: May 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C. before Examiner Reece Harrison.

No. MC 116200 (Sub No. 1), filed April 9, 1958. Applicant: UNITED PARCEL SERVICE OF NEW YORK, INC., 331 East 38th Street, New York, N. Y. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa. (including any city, township or borough any part of which is in any such county) and points in New Jersey and Delaware. RESTRICTIONS: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, and no service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. Applicant is authorized to conduct contract carrier operations in Connecticut, New Jersey, and New York.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 63063 (Sub No. 3).

HEARING: May 26, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Reece Harrison.

No. MC 116427 (Sub No. 1), filed April 10, 1958. Applicant: JOE WEST, doing business as LAS VEGAS TRUCK LINE, 722 North Main, P. O. Box 295, Las Vegas, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, between Las Vegas, Nev., and the Nevada Test Site near Mercury, Nev. Applicant is authorized to transport similar commodities in California and Nevada.

HEARING: May 8, 1958, at the Nevada Public Service Commission, Carson City, Nevada, before Joint Board No. 128.

No. MC 116731 (Sub No. 2), filed March 3, 1958. Applicant: CHARLES A. PORTER, 2324 Henry Avenue, Newberry, S. C. Applicant's attorney: Robert R. Odom, 120 Walnut Street, Spartanburg, S. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in South Carolina, to points in North Carolina, Tennessee, Georgia, and Florida.

HEARING: May 29, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner Richard H. Roberts.

No. MC 117030 (Sub No. 2), filed April 8, 1958. Applicant: SOUTHERN TRANSPORT, INC., P. O. Box 326, Forest Park, Ga. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla. and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial and secondary movements, in truckaway and driveaway service, (1) from Tampa and Pensacola, Fla., to points in Florida, Georgia, and South Carolina; (2) from Sanford, Fla., to points in South Carolina; (3) from Savannah, Ga., to points in Florida and South Carolina; and (4) from Charleston, S. C., to points in Georgia and Florida, and *damaged or rejected shipments* of the above specified commodities on return.

HEARING: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354.

No. MC 117030 (Sub No. 3), filed April 8, 1958. Applicant: SOUTHERN TRANSPORT, INC., P. O. Box 326, Forest Park, Ga. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla. and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles,* except trailers, in initial and secondary movements, in truckaway and driveaway service, from Jacksonville, Miami and Port Everglades, Fla., to points in Florida, Georgia, and South Carolina, and *damaged or rejected shipments* of the above specified commodities on return.

HEARING: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354.

No. MC 117181 (CORRECTION), filed February 11, 1958, published issue March 27, 1958. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: James B. Patten, 226 Securities Building, P. O. Box 1493, Billings, Mont. The publication of March 27, 1958, with regard to route (3) was in error. Correctly stated, it should read: (3) from Minneapolis and St. Paul, Minn., over U. S. Highway 12 to Willmar, Minn., thence over Minnesota Highway 23 to junction Minnesota Highway 7, thence over Minnesota Highway 7 to Montevideo, Minn., thence over U. S. Highway 212 to Broadus, Mont., thence over *Montana* Highway 8 to junction U. S. Highway 87, and thence over U. S. Highway 87 to Billings * * *

HEARING: Remains as assigned May 22, 1958, at the Council Chambers City Hall, Billings, Mont., before Examiner Lawrence A. Van Dyke.

No. MC 117193, filed February 21, 1958, published April 2, 1958. Applicant: CERRO TRANSPORTATION CORP., 300 Park Avenue, New York, N. Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N. Y. The corporate name of applicant was incorrectly shown in the previous publication as CHERRO TRANSPORTATION CORP. Correct name of applicant is as shown above: CERRO TRANSPORTATION CORP.

Pre-Hearing Conference remains as assigned May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C.

No. MC 117208, filed February 28, 1958, published page 2314, issue of April 9, 1958, amended April 12, 1958. Applicant: JAMES AUBREY BREEDLOVE doing business as BREEDLOVE TRUCKING SERVICE, 486 Webb Avenue, Bowling Green, Ky. Applicant's attorney: Marshall Funk, Grady Building, Opposite Court House, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Building brick* (no exceptions), in bulk, from Nashville, Tenn., to Bowling Green, Ky., over U. S. Highway 31-W, serving no intermediate points, but serving points within the city limits of Bowling Green, and points within three (3) miles of the city limits of Bowling Green in Warren County, Ky., as off-route points.

NOTE: Previous publication sought *contract carrier* authority.

HEARING: Remains as assigned May 26, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 117211, filed February 26, 1958. Applicant: LYNDON L. HOLT, doing business as L. L. HOLT SPREADER SERVICE, R. F. D. 6, Box 163 E, Greensboro, N. C. Applicant's attorney: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in special equipment, from Henderson and Greensboro, N. C., to points in Virginia on and south of the James River.

HEARING: May 23, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117258 (Sub No. 1), filed April 7, 1958. Applicant: CARLTON HOUSDEN, Shenandoah Junction, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl*, in spreader mounted vehicles, from Martinsburg, Blair, and Shepherdstown, W. Va., and points within three miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117259 (Sub No. 1), filed April 7, 1958. Applicant: LEO HILLIARD, Route No. 1, Shepherdstown, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl*, in spreader mounted vehicles, from Martinsburg, Blair (Logan County), and Shepherdstown, W. Va., and points within three (3) miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117260 (Sub No. 1), filed April 7, 1958. Applicant: LOYD M. HILLIARD, Shepherdstown, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl*, in spreader-mounted vehicles, from Martinsburg, Blair, and Shepherdstown, W. Va., and points within three miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

117261 (Sub No. 1), filed April 7, 1958. Applicant: VIRGIL A. HOU[illegible], R. F. D. No. 1, Shepherdstown, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl*, in spreader mounted vehicles, from Martinsburg, Blair, and Shepherdstown, W. Va., and points within three miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117262 (Sub No. 1), filed April 7, 1958. Applicant: EARL F. GOO[illegible], P. O. Box 361, Charles Town, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl*, in spreader mounted vehicles, from Martinsburg, Blair (Logan County), and Shepherdstown, W. Va., and points within three (3) miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117264 (Sub No. 1), filed April 3, 1958. Applicant: GREEN [illegible] TRANSPORT, INC., 839 Lockhart Street, Pittsburgh 12, Pa. Applicant's attorney: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and packages, and *mortar*, in bulk and packages, from Neville Island, Pa., to points in Allegany, Garrett, Washington, Frederick and Carroll Counties, Md., Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, Grant, Tucker, Pendleton, Randolph, Pocahontas, Barbour, Webster, Taylor, Preston, Monongalia, Lewis, Wetzel, Marshall, Ohio, Brooke, Hancock, Marion, Tyler, Pleasants, Doddridge, Harrison, Upshur, Nicholas, Clay, Gilmer, Braxton, Roane, Calhoun, Jackson, Wirt, Wood, and Ritchie Counties, W. Va., Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Harrison, Carroll, Tuscarawas, Stark, Portage, Geauga, Lake, Cuyahoga, Summit, Guernsey, Noble, Belmont, Monroe, Washington, Meigs, Athens, Hocking, Morgan, Perry, Fairfield, Muskingum, Licking, Coshocton, Knox, Morrow, Richland, Holmes, Wayne, Ashland, Crawford, Medina, Huron, Erie, and Lorain Counties, Ohio, and *damaged, returned and undelivered shipments* of the above commodities on return.

NOTE: Applicant states that the above requested authority will be conducted under a continuing contract with one person as defined in section 203 (a) (1) of the Interstate Commerce Act), who operates manufacturing plants, the principal business of which is the production of cement.

HEARING: June 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 117268 (Sub No. 1), filed April [illegible], 1958. Applicant: EDWARD E. ROBINSON, 119 Randolph Avenue, Hagerstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl* in spreader mounted vehicles, from Martinsburg, Blair and Shepherdstown, W. Va., and points within three miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117269 (Sub No. 1), filed April [illegible], 1958. Applicant: ROBERT G. BUSSARD, 2215 Virginia Avenue, Hagerstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl* in spreader mounted vehicles, from Martinsburg, Blair and Shepherdstown, W. Va., and points within 3 miles of each to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117270 (Sub No. 1), filed April [illegible], 1958. Applicant: J. N. CRIST, doing business as DOWNSVILLE LIME AND MARL COMPANY, 2317 Appletree Drive, Hagerstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk burned lime* and *lime marl*, in spreader-mounted vehicles, from Martinsburg, Blair, and Shepherdstown, W. Va., and points within three miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117308, filed March 28, 1958. Applicant: ROY D. YIENGST, R. D. No. 1, Lebanon, Pa. Applicant's attorneys: Rhoads, Sinon & Reader, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Cumberland County, N. J., to points in Lebanon County, Pa.; and *Stone*, from points in Lebanon County, Pa., to points in Cumberland County, N. J.

HEARING: May 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 117331, filed April 17, 1958. Applicant: BRIGGS MOBILE HOMES, INC., R. D. No. 1, Newark, Del. Applicant's attorney: W. Byron Sorrell, 1028 Connecticut Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers* and the *furniture, fixtures* and *personal effects* of the owner, between points in Delaware, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

HEARING: May 26, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 145), filed March 24, 1958. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers.

1.1 (a) Establish a regular route between Beatrice Junction and South Loleta Junction over relocated U. S. Highway 101, in lieu of (b) present authority between Beatrice Junction and South Loleta Junction over former U. S. Highway 101. (c) Establish an additional regular route between North Cotati Junction and Petaluma Junction over relocated U. S. Highway 101. (d) Redescribe Route 1 to reflect adoption of current highway designations and the change in highway designation of presently authorized route between North Cotati Junction and Pataluma Junction.

1.2 Required Certificate Revisions: (a) redescribe Route 1 on Original sheet No. 5 to read as follows: "1. Between the Oregon-California State line north of Smith River and San Francisco: from the point where U. S. Highway 101 intersects the Oregon-California State line, over U. S. Highway 101 to junction Business Route, U. S. Highway 101 (North Santa Rosa Junction), thence over Business Route, U. S. Highway 101 through Santa Rosa to junction U. S. Highway 101 (South Santa Rosa Junction), thence over U. S. Highway 101 to junction unnumbered highway north of Cotati (North Cotati Junction), thence over unnumbered highway through Cotati and Petaluma to junction U. S. Highway 101 (Petaluma Junction), thence over U. S. Highway 101 to San Francisco. (Connects with Oregon route 8.)" (b) Establish an additional regular route on proposed Original sheet No. 5A to read as follows: "5A. Between North Cotati Junction and Petaluma Junction: from junction U. S. Highway 101 and unnumbered highway north of Cotati (North Cotati Junction), over U. S. Highway 101 to junction unnumbered highway south of Petaluma (Petaluma Junction)."

1.3 Related Authorized Routes: Route 1 connects with Route 38 at Petaluma and crosses proposed route 5A approximately two miles east of Petaluma with provision at such intersection for vehicle interchange between the two highways.

2. Proposed revision of original sheet No. 11.

2.1 Proposal: Extend Route 41 from Davis Junction to South Woodland Junction over relocated U. S. Highway 99W.

2.2 Required certificate revision: Pursuant to the foregoing proposal, redescribe Route 41 on sheet No. 11 to read as follows: "41. Between the Oregon-California State line north of Yreka, and South Woodland Junction: from the point where U. S. Highway 99 intersects the Oregon-California State line, over U. S. Highway 99 to Red Bluff, thence over U. S. Highway 99W to junction U. S. Highway 40 (South Woodland Junction). (Connects with Oregon route 14.)"

2.3 Related authorized routes: The proposed extension connects with present routes 41 and 81 at Davis Junction, and with Route 80 at South Woodland Junction.

3. Proposed revision of first revised sheet No. 12.

3.1 Proposal: Delete the seasonal-service condition presently applicable to Route 44 between Dunnigan and Vacaville so that all-year service will be authorized.

3.2 Required certificate revision: Pursuant to the foregoing, revise the authorization for route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville Junction: from junction U. S. Highway 99W and unnumbered highway southeast of Dunnigan (Dunnigan Junction), over unnumbered highway via Winters to junction U. S. Highway 40 (Vacaville Junction)."

3.3 Related authorized routes: This route connects with Route 41 at Dunnigan Junction and with Route 80 at Vacaville Junction.

4. Proposed revision of first sheets Nos. 16 and 18 and addition of original sheet No. 16A.

4.1 Proposals: (a) Change Route 69, Sheet No. 16, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 68, Sheet No. 16, in lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between North Freeway Junction and South Freeway Junction over unnumbered highway. (c) Establish a regular route between Roseville Junction and Florida Inn Junction over relocated U. S. Highway 40, and incorporate the same into Route 68, sheet No. 16, in lieu of present route between these points over former U. S. Highway 40. (d) Revoke authorization now included in Route 68, sheet No. 16, to operate between Roseville Junction and Florida Inn Junction over former U. S. Highway 40. (e) Revoke authority to operate over Route 74, sheet No. 18, between Folsom and Florida Inn. (f) Establish an alternate route 69A between Elvas Junction and Sacramento over U. S. Highway 99E to be shown as Route 69A on an added Sheet No. 16A. (g) In connection with the proposed reissuance of Second Revised sheet No. 18, incorporate therein the authority granted in MC-1511, sub 107, to conduct special operations between Squaw Valley Junction and Squaw Valley to be designated as route 77, if the same has not been so incorporated in a First revised sheet No. 18 prior to decision herein.

4.2 Required certificate revisions: Pursuant to the foregoing proposals, revise, delete, and add route descriptions as follows: (a) Redescribe Route 68 on sheet No. 16 to read as follows: "68. Between the Nevada-California State line east of Floriston, and Sacramento: from the point where U. S. Highway 40 intersects the Nevada-California State line, over U. S. Highway 40 to Sacramento. (Connects with Nevada route 1.)" (b) Delete alternate Route 69 on sheet No. 16 and substitute the following in lieu thereof: "69. Intentionally left blank." (c) Delete regular route 74 on sheet No. 18 and substitute the following in lieu thereof: "74. Intentionally left blank." (d) Add the following route on a new sheet to be designated as Original sheet No. 16A: "69A. Between Elvas Junction and Sacramento: from junction U. S. Highway 40 and U. S. Highway 99E northeast of Sacramento (Elvas Junction), over U. S. Highway 99E to junction U. S. Highway 50 in Sacramento. Alternate route to be used for operating convenience only, with no service at intermediate points." (e) Add the following special-operations route on sheet No. 18 as heretofore authorized. "77. Between Squaw Valley Junction and Squaw Valley: from Squaw Valley Junction over unnumbered highway to Squaw Valley. Service is authorized to be conducted in special operations only."

4.3 Related authorized routes: Route 68, prior to relocation of U. S. Highway 40, connected with Nevada Route 1 at the Nevada-California State line; with Route 74 between Folsom and Florida Inn; with Route 69 between North Freeway Junction and South Freeway Junction; and with Routes 53, 70, 80 and 93 out of Sacramento. Proposed Route 69A connects at Elvas Junction with Route 68 and in Sacramento with Routes 70 and 93. Route 74 connects with present Route 68 at Florida Inn and with Route 70 at Folsom.

5. Proposed revision of second revised sheet No. 19.

5.1 Proposal. Establish a regular route between Rodeo and West El Cerrito over relocated U. S. Highway 40, to be designated as Route 80B.

5.2 Required certificate revisions: Pursuant to the foregoing, add on Second revised sheet 19 the following regular route: "80B. Between Rodeo and West El Cerrito: from Rodeo over unnumbered highway to junction U. S. Highway 40 (Rodeo Junction), thence over U. S. Highway 40 to West El Cerrito."

5.3 Related authorized routes: Proposed route 80B connects with Route 80 at Rodeo and West El Cerrito and crossed routes 89 and 104 at points where vehicular interchange is provided.

6. Proposed revision of first revised sheet No. 21 and addition of sheet No. 21A.

6.1 Proposal: (a) Established an additional regular route between North Manteca and South Manteca over relocated U. S. Highway 99, to be designated Route 93A on revised sheet No. 21. (b) Transfer routes 94 and 95 from sheet No. 21 to an Original Sheet No. 21A.

6.2 Required certificate Revisions: Pursuant to the foregoing, add on first revised sheet No. 21 the following regular route: "93A. Between North Manteca and South Manteca: from junction U. S. Highway 99 and unnumbered highway north of Manteca (North Manteca), over U. S. Highway 99 to junction unnumbered highway south of Manteca (South Manteca)." Issue an Original sheet No. 21A on which routes 94 and 95 will be shown as presently authorized.

6.3 Related authorized routes: Proposed route 93A connects with route 93 at North Manteca and with Route 116 at South Manteca, and crosses regular route 130 approximately two miles east of Manteca, at which point of transfer of vehicles from one highway to the other is provided.

7. Proposed revision of original sheets Nos. 23 and 24.

7.1 Proposals: (a) Change Route 107 (Sheet No. 23) between Martinez Junction and Concord Junction from an alternate route to a regular route. (b) Change Route 108 (Sheet No. 24) between Camp Stoneman Junction and Camp Stoneman and Route 114 (Sheet No. 24) between Camp Stoneman and Antioch from alternate routes to regular routes and consolidate the two routes into a single regular-route description between Camp Stoneman Junction and Antioch to be designated as route 108, and delete route 114. (c) Correct Route 109 (Sheet No. 24) between Martinez and Acalanes Junction to eliminate duplication and redesignate the termini.

7.2 Required certificate revisions: Pursuant to the foregoing, revise route descriptions as follows: Revise Route 107 (Sheet No. 23) to read as follows: "107. Between Martinez Junction and Concord Junction: from junction California Highway 4 and unnumbered highway south of Martinez (Martinez Junction), over California Highway 4 to junction California Highway 24 northeast of Concord (Concord Junction)." Revise route 108 (Sheet No. 24) to read as follows: "108. Between Camp Stoneman Junction and Antioch: from junction California Highway 4 and unnumbered highway (Camp Stoneman Junction), over California Highway 4 to Antioch." Revise route 109 (Sheet No. 24) to read as follows: "109. Between Martinez Junction and Pleasant Hill Overpass: from junction California Highway 4 and unnumbered highway south of Martinez (Martinez Junction), over unnumbered highway via West Monument to junction California Highway 24 (Pleasant Hill Overpass)." Revise route 114 (Sheet No. 24) to read as follows: "114. Intentionally left blank."

7.3 Related authorized routes: Proposed route 107 connects with routes 104 and 109 at Martinez Junction and with Route 105 at Concord Junction. It also crosses route 110 between Clyde and Concord at which intersection means of vehicular interchange is provided. Proposed route 108 connects with route 105 at Camp Stoneman Junction and with route 104 at Antioch. It also crosses route 112 at Camp Stoneman at which intersection means of vehicular interchange is provided. Proposed route [illegible] connects with routes 104 and 107 at Martinez Junction and with Route [illegible] at Pleasant Hill Overpass.

8. Proposed revision of first revised sheet No. 25 and addition of original sheet no. 25A.

8.1 Proposals: (a) Change Route [illegible] (Sheet No. 25) between Oakland and Mattox Road Junction from an alternate to a regular route. (b) Extend Route 118 (Sheet No. 25) as a regular route from Mattox Road Junction to Hayward Junction over unnumbered highway. (c) Change the name of the northern terminus of route 118 (sheet No. 25) from "Oakland" to "East Bay Traffic Distribution Structure". (d) Change the name of the southern terminus of route [illegible] (Sheet No. 25) from "Mattox Road Junction" to "Castro Valley Junction". (e) Establish an alternate route between Castro Valley Junction and Hayward over California Highway 17 and unnumbered highway, to be designated as route 118A on an original sheet No. 25A. (f) Establish a regular route between Mountain House Junction and Tracy Junction over unnumbered highway via Mountain House, to be designated as Route 118B on an original sheet No. 25A.

8.2 Requested certificate revisions: Pursuant to the foregoing, revise and add route descriptions as follows: Revise route 116, sheet No. 25, to read as follows: "116. Between San Francisco and Los Angeles: from San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U. S. Highway 50 northeast of Hayward (Hayward Junction), thence over U. S. Highway 50 to junction unnumbered highway northwest of Livermore (West Freeway Junction), thence over unnumbered highway via Livermore to junction U. S. Highway [illegible] northeast of Livermore (East Freeway Junction), thence over U. S. Highway 50 to junction California Highway [illegible] (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U. S. Highway 99 south of Manteca (South Manteca), thence over U. S. Highway 99 to Los Angeles." Revise route [illegible], sheet No. 25 to read as follows: "[illegible] Between East Bay Traffic Distribution Structure and Hayward Junction: from junction U. S. Highway 50 and California Highway 17 (East Bay Traffic Distribution Structure), over California Highway 17 to junction unnumbered highway (Castro Valley Junction), thence over unnumbered highway to junction U. S. Highway 50 (Hayward Junction)." Establish the following alternate route to be shown on an original sheet No. 25A: "118A. Between Castro Valley Junction and Hayward: from junction California Highway [illegible] and unnumbered highway west of Castro Valley (Castro Valley Junction), over California Highway 17 to junction unnumbered highway southwest of Hayward, thence over unnumbered highway to Hayward. Alternate route to be used for operating convenience only, with no service at intermediate points." Establish the following regular route to be shown on an original sheet No. 25A: "118B. Between Mountain House Junction and Tracy Junction: from junction U. S. Highway 50 and unnumbered highway southwest of Mountain House (Mountain House Junction), over unnumbered highway via Mountain House to junction U. S. Highway 50 (Tracy Junction).

8.3 Related authorized routes: Proposed route 118 connects with route 116 at East Bay Traffic Distribution Structure, with proposed route 118A at Castro Valley Junction, and with Routes 116 and 137 at Hayward Junction. It also crosses route 116 between Castro Valley Junction and Hayward Junction, and route 137 between Hayward and Castro Valley. Proposed route 118A connects with route 118 at Castro Valley Junction and with routes 116 and 137 at Hayward. Proposed route 118B connects at each of the termini with route 116.

9. Proposed revision of original sheet No. 27 and addition of original sheet No. 27A

9.1 Proposal: (a) Extend regular route 128 (Sheet No. 27) from El Nido Junction to Califa; (b) Reauthorize the segment of present route 128 (Sheet No. 27) between El Nido Junction and Merced as an alternate route to be designated as route 128A; and (c) Transfer route 130 from Original sheet No. 27 to an original sheet No. 27A.

9.2 Required certificate revisions: Pursuant to the foregoing, revise and add route descriptions as follows: Revise route 128, sheet No. 27, to read as follows: "128. Between Wheel Inn and Califa: from junction California Highway 152 and California Highway 33 (Wheel Inn), over California Highway 152 to junction U. S. Highway 99 (Califa)." Add route 128A on sheet No. 27 to read as follows: "128A. between El Nido Junction and Merced: from junction California Highway 152 and unnumbered highway south of El Nido (El Nido Junction), over unnumbered highway to Merced. Alternate route to be used for operating convenience only, with no service at intermediate points." Issue an original sheet No. 27A on which Route 130 will be shown as presently authorized.

9.3 Related authorized routes: Route 128 presently connects with Route 127 at Wheel Inn and with Route 116 at Merced. As proposed, it will still connect with Route 127 at Wheel Inn but will connect with Route 116 at Califa as well as with proposed Route 128A at El Nido Junction. Proposed route 128A will connect with Route 128 at El Nido Junction and with Route 116 at Merced.

10. Proposed revision of first revised sheet No. 30 and addition of original sheet No. 30A.

10.1 Proposal: (a) Establish a regular route on first revised sheet No. 30 between South Tagus and Tulare Airport via Tulare to be designated as Route 142, and (b) Establish an alternate route on an original sheet No. 30A between Pasadena Junction and Pasadena over California Highway 118, to be designated as Route 146A.

10.2 Required certificate revisions: Pursuant to the foregoing, add the following route to first revised sheet No. 30: "142. Between South Tagus and Tulare Airport: from junction U. S. Highway 99 and Business Route U. S. Highway 99 (South Tagus), over Business Route U. S. Highway 99 via Tulare to junction U. S. Highway 99 (Tulare Airport)." Also pursuant to the foregoing, add the following route to an original sheet No. 30A: "146A. Between Pasadena Junction and Pasadena: from junction U. S. Highway 99 and California Highway 118 (Pasadena Junction), over California Highway 118 to Pasadena. Alternate route to be used for operating convenience only, with no service at intermediate points."

10.3 Related authorized routes: Proposed route 142 connects with Route 116 at both termini and with Route 143 at Tulare. Proposed Route 146A connects with Route 116 at Pasadena Junction and with Route 257 at Pasadena.

11. Proposed revision of original sheet No. 23.

11.1 Proposal: (a) Revise the description of Route 156, changing its northern terminus from "Skyline Junction" to "Edgemar Junction" in order to eliminate duplication between Skyline Junction and Edgemar Junction. (b) Revoke authority to operate over the segment of Route 156 extending between Skyline Junction and Edgemar over former California Highway 1.

11.2 Required certificate revision: Pursuant to the foregoing, revise Route 156, sheet No. 33, to read as follows: "156. Between Edgemar Junction and Santa Cruz: from junction California Highway 1 and California Highway 5 (Edgemar Junction), over California Highway 5 to junction California Highway 9 (Saratoga Gap), thence over California Highway 9 to Santa Cruz. Service is authorized to be conducted during the season extending approximately from June 10 to September 10 of each year."

11.3 Related authorized routes: This route connects with Route 154 at Edgemar Junction and with Routes 154, 174, and 177 at Santa Cruz.

12. Proposed revision of original sheet No. 37.

12.1 Proposal: Establish an additional regular route between Sherwood Park Junction and Spence Overpass to be designated Route 191A.

12.2 Requested certificate revision: Pursuant to the foregoing, add a new regular route on sheet No. 37 to read as follows: "191A. Between Sherwood Park Junction and Spence Underpass: from junction U. S. Highway 101 and unnumbered highway north of Salinas (Sherwood Park Junction), over unnumbered highway via Salinas to junction U. S. Highway 101 (Spence Underpass)."

12.3 Related authorized route: This route connects at both termini with Route 151.

13. Proposed revision of original sheet No. 38.

13.1 Proposal: Establish an additional regular route between North Atascadero and Santa Margarita Junction, to be designated on sheet No. 38 as Route 195.

13.2 Required certificate revision: Pursuant to the foregoing, add a new regular route on Sheet No. 38 to read as follows: "195. Between North Atascadero and Santa Margarita Junction: from junction U. S. Highway 101 and unnumbered highway north of Atascadero (North Atascadero), over unnumbered highway via Atascadero to junction U. S. Highway 101 (Santa Margarita Junction)."

13.3 Related authorized routes: The proposed route connects at each of its termini with Route 151.

14. Proposed revision of original sheet No. 42 and addition of original sheet No. 42A.

14.1 Proposal: Establish a route for special operations only between Redondo Beach and San Pedro via Marineland, to be designated as Route 228 in lieu of Route 228 as now shown on original sheet No. 42.

14.2 Required certificate revision: Pursuant to the foregoing, add a new route on an original sheet No. 42A to read as follows: "228. Between Redondo Beach and San Pedro: from Redondo Beach over Alternate U. S. Highway 101 to junction unnumbered highway (South Redondo Beach), thence over unnumbered highway via Marineland to San Pedro. Service is authorized to be conducted in special operations only." Delete from Original sheet No. 42 the following: "228. Intentionally left blank."

14.3 Related authorized routes: This route connects with California Route 223 at South Redondo Beach.

15. Proposed revision of second revised sheet No. 43 and addition of original sheet No. 43A.

15.1 Proposals: (a) Change Route 233 (Sheet No. 43) between Los Angeles and Miraflores from an alternate route to a regular route to be partially restricted with respect to intermediate points of service, and correct route description. (b) Establish a route between Knott's Farm Junction and La Palma Avenue Junction for special operations only, to be designated as Route 233A on sheet No. 43. (c) Transfer present route 234 from Second revised sheet No. 43 to an original sheet No. 43A. (d) Establish a route between Disneyland Junction and Disneyland for special operations only, to be designated as Route 233B on an original sheet No. 43A. (e) Establish a regular route between North Santa Ana and Red Hill Junction over relocated U. S. Highway 101, to be designated as Route 233C on an original sheet No. 43A. (f) Establish a regular route between Oceanside Junction and Carlsbad Junction, to be designated route 233D on an original sheet No. 43A.

15.2 Requested Certificate revisions: (a) Revise route 233 on sheet No. 43 to read as follows: "233. Between Los Angeles and Miraflores: from Los Angeles over U. S. Highway 101 to Miraflores. Service is not authorized at intermediate points, except to and from Knott's Berry Farm Junction, La Palma Avenue Junction, and Disneyland Junction for purposes of joinder only." (b) Establish an additional route on an original sheet No. 43A, to be designated as route 233A,

to read as follows: "233A. Between Knott's Berry Farm Junction and La Palma Avenue Junction: from junction U. S. Highway 101 and California Highway 39 (Knott's Berry Farm Junction), over California Highway 39 to junction La Palma Avenue, thence over La Palma Avenue to junction U. S. Highway 101 (La Palma Avenue Junction). Service is authorized to be conducted in special operations only." (c) Establish an additional route on an original sheet No. 43A, to be designated as route 233B, to read as follows: "233B. Between Disneyland Junction and Disneyland: from junction U. S. Highway 101 and Harbor Boulevard (Disneyland Junction), over Harbor Boulevard to Disneyland. Service is authorized to be conducted in special operations only." (d) Establish an additional regular route on an original sheet No. 43A to be designated as route 233C, to read as follows: "233C. Between North Santa Ana and Red Hill Junction: from junction U. S. Highway 101 and North Main Street, Santa Ana (North Santa Ana), over U. S. Highway 101 to junction Red Hill Avenue (Red Hill Junction)." (e) Establish an additional regular route on an original sheet No. 43A to be designated as route 233D, to read as follows: "233D. Between Oceanside Junction and Carlsbad Junction: from junction U. S. Highway 101 and unnumbered highway north of Oceanside (Oceanside Junction), over unnumbered highway via Oceanside and Carlsbad to junction U. S. Highway 101 southeast of Carlsbad (Carlsbad Junction)."

15.3 Related authorized routes: (a) Proposed route 233, as revised, connects with route 232 at Los Angeles and Miraflores and with proposed special-operations route 233A at Knott's Berry Farm Junction and La Palma Avenue Junction, and with proposed special-operations route 233B at Disneyland Junction. (b) Proposed route 233A connects with route 233, as revised, at Knott's Berry Farm Junction and La Palma Avenue Junction. (c) Proposed 233B connects with route 233, as revised, at Disneyland Junction. (d) Proposed route 233C connects with route 232 at North Santa Ana Junction and Red Hill Junction and crosses route 232 east of Santa Ana. (e) Proposed route 233D connects with route 230 at Oceanside Junction and Carlsbad Junction.

16. Proposed revision of second revised sheet No. 44, original sheet No. 45 and first revised sheet No. 46.

16.1 Proposals: (a) Consolidate route 237, sheet No. 44, between Anaheim and Corona with route 238, sheet No. 44, between Corona and Riverside, and revise highway designations, the entire route between Anaheim and Riverside to be redesignated as route 237. (b) Revise route description of present route 237, sheet No. 44, between Corona and San Diego, to be designated as route 238, so as to show redesignations of highways and to include present alternate route 240, sheet No. 45, as a regular route. (c) Reauthorize segment of present regular route 237, sheet No. 44, between Murrieta Hot Springs and Murrieta Hot Springs Junction via Murrieta as a separate regular route to be designated route 240 on sheet No. 45. (d) Reauthorize route 246, sheet No. 46, between Perris Junction and Elsinore Junction, changing the same from an alternate to a regular route.

16.2 Required Certificate revisions: (a) Revise route 237 on Second revised sheet No. 44 to read as follows: "237. Between Anaheim and Riverside: from Anaheim over U. S. Highway 91 to Riverside." (b) Revise route 238 on second revised sheet No. 44 to read as follows: "238. Between Corona and San Diego: from Corona over California Highway 71 to Elsinore, thence over unnumbered highway via Murrieta to junction U. S. Highway 395 (Elsinore Junction), thence over U. S. Highway 395 to junction unnumbered highway east of Fallbrook (Fallbrook Junction), thence over unnumbered highway via Fallbrook to Bonsall, thence over California Highway 76 to junction unnumbered highway north of Vista (Vista Junction), thence over unnumbered highway to Vista, thence over California Highway 78 to Escondido, thence over U. S. Highway 395 to junction unnumbered highway north of Camp Elliott (North Camp Elliott Junction), thence over unnumbered highway via Camp Elliott Main Gate to junction U. S. Highway 395 southwest of Camp Elliott (South Camp Elliott Junction), thence over U. S. Highway 395 to junction unnumbered highway northeast of Linda Vista (Linda Vista Junction), thence over unnumbered highway via Linda Vista to San Diego." (c) Revise route 240 on original sheet No. 45 to read as follows: "240. Between Murrieta and Murrieta Hot Springs Junction: from Murrieta over unnumbered highway via Murrieta Hot Springs to junction U. S. Highway 395 (Murrieta Hot Springs Junction)." (d) Revise route 246 on first revised sheet No. 46 to read as follows: "246. Between Perris Junction and Elsinore Junction: from Perris Junction over U. S. Highway 395 to Elsinore Junction."

16.3 Related authorized routes: (a) Proposed route 237 connects with route 232 at Anaheim, with proposed route 238 at Corona, and with routes 239 and 262 at Riverside. (b) Proposed route 238 connects with proposed route 237 at Corona, with route 239 at Elsinore, with proposed route 240 at Murrieta, with route 240 at Elsinore Junction, with route 241 at Fallbrook Junction and Escondido, with route 243 at Muramar Junction, with route 244 at North Camp Elliott Junction and South Camp Elliott Junction, with route 245 at Linda Vista Junction, and with routes 245, 249, 251 and 256 at San Diego. (c) Proposed route 240 connects with proposed route 238 at Murrieta and with route 246 at Murrieta Hot Springs Junction, and crosses route 246 between Murrieta and Murrieta Hot Springs at which intersection of highways provisions are made for vehicular interchange. (d) Proposed route 246 connects with route 239 at Perris Junction and with proposed route 238 at Elsinore Junction. It also crosses proposed route 240 between Murrieta and Murrieta Hot Springs at which intersection vehicular interchange is provided.

17. Proposed revision of second revised sheet No. 47, and addition of an original sheet No. 47A.

17.1 Proposals: (a) Change route 251 between San Diego and Palm City from an alternate to a regular route to Palm City Junction and revise route description to show highway redesignation. (b) Extend this regular route 251 from Palm City Junction to San Ysidro Junction over U. S. Highway 101. (c) Establish an additional alternate route connecting National Avenue with U. S. Highway 101 west of Otay Junction, to be designated route 251A. (d) Change route 252 between County road Junction and Vista Avenue Junction from an alternate to a regular route. (e) Transfer routes 255 and 256 from second revised sheet No. 47 to an original sheet No. 47A.

17.2 Requested Certificate revisions: Pursuant to the foregoing, revise and add route descriptions as follows: (a) Revise route 251, Second revised sheet No. 47, to read as follows: "251. Between San Diego and San Ysidro Junction: from San Diego over U. S. Highway 101 to junction San Ysidro Boulevard southeast of San Ysidro (San Ysidro Junction)." (b) Establish an additional alternate route on second revised sheet No. 47 to be designated as route 251A, to read as follows: "251A. Between junction Main Street and National Avenue, and junction Main Street and U. S. Highway 101: from junction Main Street and National Avenue over Main Street to junction Main Street and U. S. Highway 101. Alternate route to be used for operating convenience only, with no service at intermediate points." (c) Revise route 252, on second revised sheet No. 47, to read as follows: "252. Between County road Junction and Vista Avenue Junction: from junction National Avenue and unnumbered highway north of Otay Junction (County Road Junction), over unnumbered highway (Vista Avenue) to junction U. S. Highway 101 (Vista Avenue Junction)." (d) Transfer routes 255 and 256 from second revised sheet No. 47 to an original sheet No. 47A without change.

17.3 Related authorized routes: (a) route 251 connects with route 230, proposed route 238, and route 256 at San Diego, with route 249 at San Ysidro Junction, and with proposed route 251A west of Otay Junction. (b) route 251A connects with routes 249 and 251 west of Otay Junction. (c) route 252 connects with route 249 at County road Junction and Vista Avenue Junction, and with route 253 at Byer Junction. (d) route 253 connects with route [illegible] at Otay and with route 252 at Byer Junction.

NOTE: Applicant states that unless otherwise specified herein, the authority sought in each instance is for the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the points, and in both directions over the routes set forth, serving all intermediate points. The changes in operating authority shown are proposed to be incorporated in the designated revised or added sheets to Certificate No. MC 1501 Sub 138.

HEARING: June 4, 1958, in Room [illegible], Old Mint Building, Fifth and Mission

Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 1501 (Sub No. 146), filed March 31, 1958. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers.

1. Proposed revision of first revised sheet No. 48.

1.1 Proposals: (a) Reroute route 258, shown on first revised sheet No. 48, between Los Angeles and the California-Arizona State line east of Blythe so as to adopt relocated U. S. Highway 70 between Los Angeles and East Five Points, thence present Route 258 to West Pomona, thence using segments of present routes 260, 262, 239 and 266 to Beaumont, thence present route 258 to the California-Arizona State line. (b) revise the description of route 259 on first revised sheet No. 48, between Los Angeles and East Five Points so as to eliminate duplication of proposed route 258 between Los Angeles and Garvey Avenue Junction. (c) redescribe alternate route 260 on sheet No. 48, between Pomona and Ontario so as to make the same a regular route and then include the same in proposed route 258, revoking present regular route 258 between Pomona and East Ontario over former U. S. Highway 70. (d) establish a regular route between West Pomona and Beaumont, to be designated route 261, to consist of a new route over relocated U. S. Highway 70 between West Pomona and East Ontario in lieu of the segment of present route 258 over former U. S. Highway 70 herein proposed to be revoked, then extending said route 261 over present route 258 to Beaumont. (e) revise route 262 on sheet No. 48, between Ontario and San Bernardino via Riverside, so as to eliminate duplication otherwise occurring.

1.2 Requested certificate revisions: Pursuant to the foregoing, revise and add route descriptions as follows: (a) redescribe route 258 to read as follows: "258. Between Los Angeles and the California-Arizona State line east of Blythe: from Los Angeles over U. S. Highway 70 to West Pomona, thence over U. S. Highway 60 to Beaumont, thence over U. S. Highway 70 to the point where it intersects the California-Arizona State line. (Connects with Arizona route 2.)" (b) redescribe route 259 to read as follows: "259. Between Garvey Avenue Junction and East Five Points: from junction U. S. Highway 70 and Garvey Avenue (Garvey Avenue Junction), over Garvey Avenue to junction U. S. Highway 70 (East Five Points)." (c) redescribe route 260 to read as follows: "260. Between South Alhambra Junction and Five Points: from junction U. S. Highway 70 and Atlantic Boulevard (South Alhambra Junction), over unnumbered highway via South Alhambra and El Monte to junction Garvey Avenue (Five Points)." (d) establish the following additional route: "261. Between West Pomona and Beaumont: from junction U. S. Highway 60 and U. S. Highway 70 west of Pomona (West Pomona), over U. S. Highway 70 to Beaumont." (e) redescribe route 262 to read as follows: "262. Between Riverside and San Bernardino: from Riverside over U. S. Highway 395 to San Bernardino."

1.3 Related authorized routes: (a) proposed route 258 connects with proposed route 259 at Garvey Avenue Junction and East Five Points, with proposed route 260 at South Alhambra Junction and Five Points, with proposed route 261 at West Pomona and Beaumont, with proposed route 262 at Riverside, with route 267 at Palm Springs Junction, and with route 268 at Indio. (b) proposed route 259 connects with proposed route 258 at Garvey Avenue Junction and East Five Points, and with route 260 at Five Points. (c) proposed route 260 connects with proposed route 258 at South Alhambra Junction, and with proposed route 259 at Five Points. (d) proposed route 261 connects with proposed route 258 at West Pomona and at Beaumont, with proposed route 262 at Colton, and with route 264 at San Bernardino Junction. (e) proposed route 262 connects with proposed route 257 at San Bernardino, with proposed route 258 at Riverside, with proposed route 261 at Colton, and with route 264 at San Bernardino.

2. Proposed revision of third revised sheet No. 44.

2.1 Proposal: redescribe route 239 between Riverside and Elsinore so as to eliminate duplication between Riverside and Box Springs Junction.

2.2 Requested certificate revision: redescribe route 239, sheet No. 44, to read as follows: "239. Between Box Springs Junction and Elsinore: from junction U. S. Highway 60 and U. S. Highway 395 east of Riverside (Box Springs Junction), over U. S. Highway 395 to junction California Highway 74 (Perris Junction), thence over California Highway 74 to Elsinore."

2.3 Related authorized routes: The proposed route connects with proposed route 258 (infra, section 1.1(a)) at Box Springs Junction, with route 246 at Perris Junction, and with route 238 at Elsinore.

3. Proposed revision of original sheet No. 49.

3.1 Proposal: Cancel route 266 between Box Springs Junction and Beaumont due to this route having been included in the proposed rerouting of route 258.

3.2 Required certificate revision: revoke and cancel route 266, on sheet No. 49, and insert in lieu thereof the following: "266. Intentionally left blank." 3.3 Related authorized routes: This route connects at Box Springs Junction with proposed routes 258 and 239 and at Beaumont with proposed route 261.

NOTE: Applicant states that unless otherwise specified herein, the authority sought in each instance is for the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the points, and in both directions over the routes set forth, serving all intermediate points. The changes in operating authority shown are proposed to be incorporated in the designated revised or added sheet to Certificate No. MC 1501 (Sub No. 138).

HEARING: June 6, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 3647 (Sub No. 234), filed April 9, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, Law Department, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at Newark, Jersey City and Paterson, N. J., and extending to Catskill Game Farm, Catskill, N. Y., Howe Caverns, Cobleskill, N. Y., and Milford, Pa. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: May 26, 1958, at the New Jersey Board of Public Utility Commissioners State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 42.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3083 (Sub No. 29), filed April 7, 1958. Applicant: ARMORED MOTOR SERVICE CO., INC., Hickman Building, 248 Madison Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency* and *other valuables*, in armored motor vehicles escorted by armed guards, between Charlotte, N. C., on the one hand, and, on the other, Pageland, Jefferson, Chesterfield, McColl, Bennettsville, Dillon, Latta, Florence, Timmonsville, Hartsville, Kewshaw, Lancaster, Heath Springs, and Lynchburg, S. C. Applicant is authorized to conduct similar operations in Arkansas, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 3063 Sub No. 28, to determine whether applicant's status is that of a contract or common carrier.

No. MC 15214 (Sub No. 34), filed April 7, 1958. Applicant: MERCURY MOTORWAYS, INC., 947 Louise Avenue, South Bend, Ind. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment serving Waterville and Whitehouse, Ohio, as off-route points in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio. Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, and Wisconsin.

No. MC 30319 (Sub No. 92), filed April 7, 1958. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Texas. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Texas. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between East Bernard, Texas, and Hungerford, Texas, over Texas Highway 60, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Texas and Louisiana.

NOTE: Dual operations or common control may be involved.

No. MC 52810 (Sub No. 12), filed March 31, 1958. Applicant: BALTIMORE-NEW YORK EXPRESS, INCORPORATED, 1100 North Macon Street, Baltimore 3, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Aberdeen, Md., on the one hand, and, on the other, points in New Jersey, those in New York, N. Y., and on Long Island, N. Y. Applicant is authorized to conduct operations in Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states that the purpose of the instant application is to obtain an additional or alternate "gateway" in connection with its regular route authority to Oxford and West Grove, Pa., and points in Pennsylvania within five miles of West Grove, with no service at Aberdeen, Md., except as may otherwise be provided.

No. MC 64932 (Sub No. 237), filed April 7, 1958. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting: *Fluorinated hydrocarbons*, in bulk, in tank vehicles, from the site of the General Chemical Division plant at Baton Rouge, La., to Morton Grove, Ill. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 105024 (Sub No. 4), filed March 14, 1958. Applicant: PORTLAND MOTOR TRANSPORT, a Corporation, 818 Northeast Marine Drive, Portland 3, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate* and *caustic soda*, from Portland, Oreg., to points in Colorado, Wyoming, Utah, and New Mexico, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application. A proceeding has been instituted under section 212 (c) of the act to determine whether applicant's status is that of a contract or common carrier, assigned MC 105024 (Sub No. 3). Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 107496 (Sub No. 105), filed April 7, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* oil, in bulk, in tank vehicles, from Mishawaka, Ind., to Duluth, Minn. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, North Dakota, Kansas, Ohio, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

No. MC 111159 (Sub No. 55), filed April 3, 1958. Applicant: MILLER TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer solutions* (except anhydrous ammonia), in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, and Missouri, and from points in Washington County, Miss., to points in Arkansas and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

No. MC 111765 (Sub No. 1), filed April 1, 1958. Applicant: CLARE C. MACKRILL, PAUL L. MACKRILL AND CLIFFORD MACKRILL, doing business as MACKRILL BROS. AUTO BODY AND MOTOR WORKS, First and East Court Streets, Weiser, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, between points in Malheur and Baker Counties, Oreg., on the one hand, and, on the other, points in Ada County, Idaho. Applicant is authorized to conduct similar operations in Oregon and Idaho.

No. MC 114194 (Sub No. 7), filed April 4, 1958. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products*, except such commodities which because of size or weight require special equipment or special handling, from Nameoki Township, Madison County, Ill., to points in Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, and Tennessee.

No. MC 117082 (Sub No. 2), filed April 3, 1958. Applicant: WILLIAM R. HURST, doing business as W. R. HURST WHOLESALE LUMBER CO., 207 Louise Street, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, other than plywood or moulding, in shipments of 10,000 pounds or more, from points in Multnomah, Washington, Columbia, Clackamas, Yamhill, Polk, Marion, and Linn Counties, Oreg., to points in Montezuma, La Plate, and Dolores Counties, Colo., and points in San Juan County, N. Mex.

No. MC 117327, filed April 10, 1958. Applicant: AIR CARGO TERMINALS, INC., 110 Richards Road, Kansas City, Mo. Applicant's attorney: Russell & Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Municipal Airport, Mid-Continent International Airport, and Fairfax (Field) Airport at Kansas City, Kans.-Mo., on the one hand, and, on the other, points in Andrew, Buchanan, Platte, De Kalb, Clinton, Clay, Davies, Caldwell, Ray, Livingston, Carroll, Saline, Pettis, Johnson, Henry, Cass, Jackson, and Lafayette Counties, Mo., and points in Doniphan, Brown, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Osage, Franklin, and Miami Counties, Kans., restricted to traffic having a prior or subsequent movement by air. Applicant states it presently is, and for ten years has been, the official cartage agent of the airlines at Kansas City. Applicant provides pick up and delivery for airfreight within the Kansas City terminal area of the airlines, pursuant to the exemption in section 203 (b) (7a) of the Interstate Commerce Act. The purpose of this application is to enable applicant to extend its airfreight pickup and delivery service to points within approximately 75 miles of the Kansas City airports.

CONVERSION PROCEEDINGS—SECTION 212 (c)

No. MC 21555 (Sub No. 1)
SERVICE EXPRESS, INC.
(Medford, Mass.)

No. MC 36201 (Sub No. 1)
PREAKNESS TRUCKING CO., INC.
(Paterson, N. J.)

No. MC 94522 (Sub No. 1)
W. L. PEARSON, dba
CITY TRANSFER COMPANY
(Asheville, N. C.)

No. MC 107129 (Sub No. 3)
E. K. MOTOR SERVICE
(Maywood, Ill.)

No. MC 107494 (Sub No. 3)
RITE-MOVE STORAGE & VAN CO.
(Waukegan, Ill.)

No. MC 114719 (Sub No. 1)
FRANK R. DEAN, JR.
(Lexington, Ky.)

The above-numbered proceedings were instituted on the Commission's own initiative, on February 17, 1958, to determine the carrier's status pertaining to their contract carrier authority issued on or before August 22, 1957. It has now been determined that the carriers' operations are those of a contract carrier and an order which becomes effective May 26, 1958, will discontinue the proceedings.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PASSENGERS

No. MC 61616 (Sub No. 61), filed April 7, 1958. Applicant: MIDWEST BUS-LINES, INC., 319 Dowling Street, Houston, Tex. Applicant's attorney: R. Ben Allen, Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *mail* in the same vehicle with passengers, (1) over U. S. Highway 65 from McGehee, Ark., to junction U. S. Highway 65 and U. S. Highway 165; and (2) from junction U. S. Highway 65 and Louisiana Highway 15 near Clayton, La., to Natchez, Miss., over U. S. Highway 64 and U. S. Highway 84, and return over the same routes, serving the intermediate points of Ferriday and Vidalia, La. Applicant is authorized to conduct operations in Missouri, Colorado, Texas, Arkansas, Tennessee, Mississippi, Louisiana, Kansas, and Nebraska.

NOTE: This application is directly related to MC-F 6800. Reference to direct relationship to MC-F 6800 of application in No. MC 61616 (Sub No. 60), published April 16, 1958, is in error and should be disregarded.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6887. Authority sought for control by GEORGE W. KEEFER, Transport Building, St. Joseph, Mo., of JACKSON TRUCK LINE, INC., 321 West Fifth Street, Maryville, Mo. Applicant's attorneys: Clarence D. Todd or Charles W. Singer, both of 1825 Jefferson Place NW., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between St. Joseph, Mo., and Shambaugh, Iowa, serving the intermediate points of Clearmont and Elmo, Mo., and Blanchard and Braddyville, Iowa, and the off-route points of Coin and College Springs, Iowa; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes, between Clearmont, Mo., and points in Missouri and Iowa within 20 miles of Clearmont (except Maryville and Tarkio, Mo.), on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Kansas. Applicant holds no authority from this Commission, but is affiliated with CROUCH BROS., INC., which is authorized to operate as a *common carrier* in Missouri, Kansas, Iowa, Illinois, Nebraska, Oklahoma, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6888. Authority sought for purchase by HARRY W. HAMILTON, JR., doing business as PIONEER TRUCK & STORAGE CO., 1009 South H Street, Oxnard, Calif., of a portion of the operating rights of VENTURA TRANSFER COMPANY, 3440 South Street, Lakewood, Calif. Applicants' attorney: Phil Jacobson, 510 West Sixth Street, Los Angeles 14, Calif. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Ventura County, Calif., on the one hand, and, on the other, Los Angeles and Los Angeles Harbor, Calif., between Ventura, Calif., on the one hand, and, on the other, points in Ventura County, Calif., and between Hueneme Harbor, Calif., on the one hand, and, on the other, certain points in California. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6889. Authority sought for purchase by R & H CORPORATION, 1004 Stanton Avenue, New Kensington, Pa., of a portion of the operating rights of BROWN BROTHERS, EXPRESS, INC., Post Office Box 59, Curwensville, Pa., and for acquisition by T. OWEN RUPERT, ROSAMOND T. RUPERT, and LOUISA E. HAMILTON, all of New Kensington, of control of such rights through the purchase. Applicants' attorneys: Delisi & Wick, 1211 Berger Building, Pittsburgh 19, Pa., and Shertz, Barnes & Shertz, 2115 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *Foodstuffs*, as a *contract carrier* over irregular routes, from Baltimore, Md., to Johnstown, Pa.; *glass bottles*, from Brockway, Pa., to points in Virginia and West Virginia. Vendee is authorized to operate as a *contract carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, Vermont, Indiana, Michigan, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3009; Filed, Apr. 22, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3694]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING

APRIL 16, 1958.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company, File No. 70-3694.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly-owned subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and The River Gas Company ("River"), have filed a joint application-declaration and an amendment thereto pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and rules thereunder. The companies have designated sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (b) and 12 (f) of the act and Rules 45 and 50 thereunder as applicable to the proposed transactions which are summarized as follows:

Consolidated proposes to provide funds to meet, in part, the construction and inventory gas requirements of its subsidiaries for 1958 by means of a debenture issue and borrowings from banks as indicated below.

To assist the subsidiaries in meeting their construction requirements for 1958, estimated to aggregate $65,000,000, Consolidated proposes to issue and sell $45,000,000 principal amount of twenty-five year sinking fund debentures pursuant to the competitive bidding requirements of Rule 50.

Pending the sale of the debentures scheduled for the second quarter of 1958, Consolidated proposes to borrow up to $30,000,000 from banks included in the list below, on unsecured notes having a maturity of not more than six months from the date of issue. Such notes will bear interest at the prime rate of the Chase Manhattan Bank ("Chase Bank") in effect on the first date of borrowing, and will provide for a repayment privilege upon ten days notice, without premiums. These notes are to be paid out of the proceeds of the above described sale of debentures.

Consolidated further proposes to make temporary loans aggregating $30,000,000 to four of its subsidiaries. Such loans will be made at the prime interest rate

obtained on Consolidated's related bank borrowing. These loans are to be evidenced by unsecured short-term notes of the subsidaries maturing prior to Consolidated's related bank borrowing and in aggregate amounts as follows: East Ohio $11,000,000, Hope $6,000,000, New York State $11,000,000 and Peoples $2,000,000.

Following the above described sale of debentures, Consolidated proposes to loan, and four of its subsidiaries propose to borrow, an aggregate of $44,500,000, in amounts as follows: East Ohio $19,000,000, Hope $8,500,000, New York State $11,000,000 and Peoples $6,000,000. Consolidated also proposes to purchase from its fifth subsidiary, River, an aggregate of 5,000 shares of its $100 par value capital stock for a cash consideration of $500,000. These borrowings' are to be evidenced by long-term non-negotiable serial notes bearing an interest rate predicated upon and substantially equal to the cost of money to Consolidated on the sale of debentures.

Consolidated further proposes to provide funds to finance seasonal storage gas purchases by four of its subsidiaries through borrowing, on one or more dates in 1958, $35,000,000 from some of the banks listed below. Such borrowings are to be evidenced by unsecured promissory notes, to bear interest at the prime rate of Chase Bank in effect on the date of the first borrowing, to mature not more than twelve months from the date of the first borrowing, with a repayment privilege upon ten days notice, without premium and in aggregate amounts as follows: East Ohio $7,000,000, Hope $5,000,000, New York State $21,500,000 and Peoples $1,500,000.

While no definite arrangements have yet been made by Consolidated in respect of the proposed bank loans it is expected that the borrowings will be made from some or all of the banks indicated below:

The Chase Manhattan Bank, New York City.
The First National City Bank of New York, New York City.
Bankers Trust Company, New York City.
Guaranty Trust Company of New York, New York City.
J. P. Morgan & Co. Incorporated, New York City.
Chemical Corn Exchange Bank, New York City.
The Hanover Bank, New York City.
Irving Trust Company, New York City.
Manufacturers Trust Company, New York City.
The National City Bank of Cleveland, Cleveland, Ohio.
Union Commerce Bank, Cleveland, Ohio.
Central National Bank of Cleveland, Cleveland, Ohio.
First National Bank of Akron, Akron, Ohio.
The Dime Bank, Akron, Ohio.
The Firestone Bank, Akron, Ohio.
First National Bank of Canton, Canton, Ohio.
The Harter Bank & Trust Company, Canton, Ohio.
The Canton National Bank, Canton, Ohio.
The Mahoning National Bank of Youngstown, Youngstown, Ohio.
The Union National Bank of Youngstown, Youngstown, Ohio.
Mellon National Bank and Trust Company, Pittsburgh, Pa.
Peoples First National Bank and Trust Company, Pittsburgh, Pa.
The Union National Bank of Pittsburgh, Pittsburgh, Pa.
Johnstown Bank and Trust Company, Johnstown, Pa.
United States National Bank in Johnstown, Johnstown, Pa.
Central Trust Company, Altoona, Pa.
Marine Midland Trust Company of Central New York, Syracuse, N. Y.
Marine Midland Trust Company of Southern New York, Elmira, N. Y.
The Empire National Bank of Clarksburg, Clarksburg, W. Va.
The Union National Bank of Clarksburg, Clarksburg, W. Va.

Applications have been filed with the State commissions of West Virginia, Pennsylvania and Ohio for approval of certain of the proposed transactions by Hope, Peoples, East Ohio and River. The applications to, and orders issued by, these commissions are to be supplied by amendment.

The estimated fees and expenses to be incurred in connection with the proposed transactions are as follows:

Filing fee, this Commission	$4,680.00
Printing of debentures, registration statement, and other documents	43,300.00
Trustee's charges	13,500.00
Legal fees, payable by obligor and trustee	2,000.00
Accountants' fees and expenses	7,500.00
Engineering fees and expenses	10,000.00
Original issue tax	49,500.00
Listing fee, New York Stock Exchange	5,400.00
Other miscellaneous expenses	2,120.00
Total estimated expenses	138,000.00

The fees and expenses of Counsel for the purchasers of Consolidated's Debentures, which will be paid by the successful bidders, are to be supplied by amendment.

Notice is further given that any interested person may, not later than May 6, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said joint amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2998; Filed, Apr. 22, 1958; 8:47 a. m.]

VETERANS ADMINISTRATION

HOME LOANS GUARANTEED OR INSURED BY VETERANS ADMINISTRATION

MAXIMUM PERMISSIBLE DISCOUNTS; REVOCATION

The schedule of maximum permissible discounts which was published in the Notices section of the FEDERAL REGISTER (23 F. R. 1278) on March 1, 1958, is revoked inasmuch as section 605 of the Housing Act of 1957 (Public Law 85-104) was repealed by Public Law 85-364.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-3010; Filed, Apr. 22, 1958; 8:50 a. m.]

DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

1. Section 1.2 (appearing in the issue of Tuesday, August 21, 1951 (16 F. R. 8310)) is redesignated section 2 and is revised to read as follows:

SEC. 2. *Delegation of authority to employees to take affidavits, to administer oaths, etc.* (a) An employee to whom authority is delegated by the administrator in accordance with section 1211, Public Law 85-56, 38 U. S. C. 3211, or to whom authority was delegated by the Administrator in accordance with title III, Public Law 844, 74th Congress, June 29, 1936, and section 616, Public Law 801, 76th Congress, is by virtue of such delegated authority, so long as such delegation remains in force, empowered to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations, examine witnesses, and certify to the correctness of papers and documents upon any matter within the jurisdiction of the Veterans Administration. Such employee is not authorized to administer oaths in connection with the execution of affidavits relative to fiscal vouchers and is not authorized to take acknowledgments to policy loan agreements and applications for cash surrender value to United States Government life insurance and National Service life insurance.

(b) Any such oath, affirmation, affidavit, or examination, when certified under the hand of any such employee by whom it was administered or taken and authenticated by the seal of the Veterans Administration, may be offered or used in any court of the United States and, without further proof of the identity or authority of such employee, shall have like force and effect as if administered or taken before a clerk of such court.

(c) The delegated authority from the Administrator to employees to take affidavits, to administer oaths, etc., will be evidenced by VA Form 4505 series.

2. A new section 9 is added to read as follows:

SEC. 9. *Delegation of authority to certify copies of documents, records, or papers in Veterans Administration files.* Persons occupying the following positions in the office of the General Counsel are authorized to certify copies of public documents, records, or papers belonging to or in the files of the Veterans Administration for the purposes of section 202, Public Law 85-56: General Counsel, Deputy General Counsel, Associate General Counsel, and Director and Assistant Director of any of the services.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-3011; Filed, Apr. 22, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 4-14-58 to 4-13-59 (moderately priced dresses, and women's sportswear).

Ecru Manufacturing Co., Ecru, Miss.; effective 5-1-58 to 4-30-59 (cotton work shirts).

Industrial Garment Manufacturing Co. of Tenn., Inc.; Carolina Street, Erwin, Tenn.; effective 5-1-58 to 4-30-59 (cotton work clothes).

Little Star Frocks, Walnut and Orchard Streets, Bridgeton, N. J.; effective 4-9-58 to 4-8-59 (children's dresses).

Monticello Manufacturing Co., Monticello, Miss.; effective 4-24-58 to 4-23-59 (men's cotton work trousers).

Perry Manufacturing Co., Mount Airy, N. C.; effective 4-14-58 to 4-13-59 (brassieres and sportswear).

Pontotoc Manufacturing Co., Pontotoc, Miss.; effective 5-1-58 to 4-30-59 (cotton work shirts).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; effective 4-22-58 to 4-21-59 (men's cotton work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Courtland Novelty Co., Inc., 366 North Courtland Street, East Stroudsburg, Pa.; effective 4-9-58 to 4-8-59; 10 learners (trucking and fancy stitching for ladies' garments (dresses and blouses)).

Mar-Ann Dress Co., Inc., 120 North State Street, Ephrata, Pa.; effective 4-11-58 to 4-10-59; five learners (children's cotton dresses).

Nelly Don, Inc., Nevada, Mo.; effective 4-15-58 to 4-14-59; 10 learners (women's dresses).

Silver Belle Manufacturing Co., 901 Pittston Avenue, Scranton, Pa.; effective 4-23-58 to 4-22-59; two learners (ladies' aprons).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 4-14-58 to 10-13-58; 20 learners (moderately priced dresses, and women's sportswear).

Rene-Lee Manufacturing Co., 112-116 West Catawissa Street, Nesquehoning, Pa.; effective 4-11-58 to 10-10-58; 10 learners (children's nylon and cotton dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Newton Glove Manufacturing Co., P. O. Box 271, Newton, N. C.; effective 4-21-58 to 4-20-59; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves).

M. M. Smith & Son, Inc., Galeton, Pa.; effective 4-14-58 to 4-13-59; 5 learners for normal labor turnover purposes (leather dress gloves, men's and boys', and leather work gloves).

Wells Lamont Corp., Barry, Ill.; effective 4-11-58 to 4-10-59; 5 learners for normal labor turnover purposes (glove cuffs).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Newland Knitting Mills, Newland, N. C.; effective 4-10-58 to 10-9-58; 10 learners for plant expansion purposes (ladies' seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Wellington Telephone Co., Wellington, Ohio; effective 4-11-58 to 4-10-59.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Gloray Knitting Mills, Inc., Robesonia, Pa.; effective 4-11-58 to 4-10-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Brookgreen Enterprises, Drawer 33-A, Hickory, N. C., effective 4-10-58 to 10-9-58; two learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at the rate of 85 cents an hour (outline needlework on upholstered furniture).

Hart Schaffner & Marx, 165 North Joliet Street, Joliet, Ill.; effective 4-15-58 to 10-14-58; 5 percent of the total number of factory production workers in the manufacture of men's and boys' clothing only, for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours each at the rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (men's apparel—auxiliary operations).

Palm Beach Co., Bourne Avenue, Somerset, Ky.; effective 4-19-58 to 10-18-58; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours each at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's palm beach coats).

Tie-Rite Neckwear Co., 307 East Salisbury Street, Asheboro, N. C.; effective 4-10-58 to 10-9-59; five learners for normal labor turnover purposes, in the occupations of sewing machine operator, presser, and hand sewing, for a learning period of 320 hours each at the rates of at least 85 cents an hour for the first 160 hours, and not less than 90 cents an hour for the remaining 160 hours (men's and boys' ties, and clip-on bows).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Beatrice Needle Craft, Inc., 18 San Vicente Street, P. O. Box 88, Mayaguez, P. R.; effective 4-1-58 to 3-31-59; authorizing the employment of 12 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

Economy Industries, Inc., P. O. Box 305, Rio Grande, P. R.; effective 3-24-58 to 3-23-59; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of sewing machine operators, and final pressers for a learning period of 480 hours each at the rates of 50 cents an hour for the first 240 hours and 58 cents an hour for the remaining 240 hours (ladies' blouses).

Trouser Corporation of Puerto Rico, P. O. Box 413, Fajardo, P. R.; effective 3-24-58 to 9-23-58; 128 learners for plant expansion purposes in the occupations of (1) sewing machine operators, and final pressers, for a learning period of 480 hours each at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at 53 cents an hour (men's trousers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 16th day of April 1958

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 58-3016; Filed, Apr. 22, 1958; 8:51 a. m.]

Wage and Hour and Public Contracts Divisions

[Administrative Order No. 507]

APPOINTMENT OF AUTHORIZED REPRESENTATIVES TO GRANT OR DENY CERTAIN SPECIAL CERTIFICATES IN PUERTO RICO AND VIRGIN ISLANDS

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, I hereby designate and appoint the Territorial Director and Deputy Territorial Director for Puerto Rico and the Virgin Islands as my authorized representatives with full power and authority, within Puerto Rico and the Virgin Islands, to grant or deny applications for special certificates authorizing the employment of learners at subminimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith.

This order supplements Administrative Order No. 485 (23 F. R. 200).

Signed at Washington, D. C., this 17th day of April 1958.

CLARENCE J. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3015; Filed, Apr. 22, 1958; 8:51 a. m.]

TARIFF COMMISSION

TEXTILE FIBERS AND PRODUCTS; FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLFOLDS AND OTHER FLAT GOODS; MISCELLANEOUS ARTICLES OF LEATHER OR FUR

HEARINGS ON PROPOSED REVISED AND CONSOLIDATED TARIFF SCHEDULES

The United States Tariff Commission hereby gives notice that Schedule 3, entitled "Textile Fibers and Textile Products", and Part 1 of Schedule 7 entitled, "Footwear; Headwear and Hat Braids; Gloves; Luggage, Handbags, Billfolds and Other Flat Goods; Miscellaneous Articles of Leather or of Fur", of the proposed revised and consolidated tariff schedules are being released today and that public hearings thereon will begin at 10 a. m., e. d. s. t., on Tuesday, the 3d day of June 1958, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

Requests to appear at the hearings on these schedules must be filed in writing with the Secretary of the Commission not later than May 23, 1958. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after May 23, 1958. Any person who fails to receive such notification by May 27, 1958, should immediately communicate with the office of the Secretary of the Commission.

In its public notice issued January 17, 1958, regarding hearings on Schedule 1 (Animal and Vegetable Products) of the proposed revised and consolidated tariff schedules (23 F. R. 449 et seq.; Weekly Treasury Decisions, Vol. 93, No. 4, January 23, 1958) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of January 17 applies to the hearings on the schedules being released today to the extent that they are applicable.

As each of the schedules is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D. C. and New York, N. Y.; at all field offices of the Department of Commerce, and at the offices of collectors of customs and appraisers of merchandise, at all headquarters ports of entry in the United States.

Issued: April 18, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-3017; Filed, Apr. 22, 1958; 8:51 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 81

Washington, Thursday, April 24, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3235

WITHDRAWAL OF TRADE AGREEMENT CONCESSION ON CERTAIN CLINICAL THERMOMETERS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U. S. C. 1351), the President, on April 21, 1951, entered into a trade agreement providing, among other things, for the accession to the General Agreement on Tariffs and Trade (61 Stat. (Parts 5 and 6) A7, A11, and A2051) of certain foreign countries, which trade agreement consists of the Torquay Protocol to the General Agreement on Tariffs and Trade, including the annexes thereto, hereinafter referred to as the "Torquay Protocol" (3 UST 615);

2. WHEREAS Schedule XX in Annex A to the said Torquay Protocol (3 UST 1125) became a schedule to the said General Agreement in accordance with paragraph 3 of the Torquay Protocol (3 UST 616);

3. WHEREAS, by Proclamation No. 2929 of June 2, 1951 (65 Stat. c12), the President proclaimed such modification of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the Torquay Protocol, which proclamation has been supplemented by several notifications of the President to the Secretary of the Treasury, including a notification of September 10, 1951 (3 CFR, 1951 Supp., p. 537), as amended by a notification of September 20, 1951 (3 CFR, 1951 Supp., p. 539);

4. WHEREAS item 218 (a) in Part I of the said Schedule XX (3 UST 1144) reads as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
218 (a)	Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing (except articles provided for in paragraph 217 or 218 (e), Tariff Act of 1930), finished or unfinished, wholly or in chief value of glass.	42½% ad val.

5. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of the said proclamation of June 2, 1951, and the said notification of September 10, 1951, as amended, the United States rate of duty applicable to clinical thermometers, finished or unfinished, wholly or in chief value of glass, provided for in paragraph 218 (a) of the Tariff Act of 1930 and included in the said item 218 (a), is 42½ per centum ad valorem, as specified in the said item 218 (a), which duty reflects the tariff concession granted in the said General Agreement with respect to such products;

6. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 63 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U. S. C. 1364), on the basis of which investigation and a hearing duly held in connection therewith the said Commission has found that, as a result in part of the duty reflecting the concession granted thereon in the said General Agreement, clinical thermometers, finished or unfinished, wholly or in chief value of glass, provided for in the said item 218 (a), are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products;

7. WHEREAS the said Tariff Commission has further found that in order to remedy the serious injury to the said

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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domestic industry it is necessary that there be applied to such thermometers, for an indefinite period, a duty of 85 per centum ad valorem, and has recommended the withdrawal, for an indefinite period, of the tariff concession granted in the said General Agreement with respect to such thermometers; and

8. WHEREAS the rate of duty on such thermometers expressly fixed by statute in paragraph 218 (a) of the Tariff Act of 1930 (19 U. S. C. 1001) is 85 per centum ad valorem, which rate of duty will become applicable to such thermometers if the tariff concession thereon, set forth in the said item 218 (a), is withdrawn:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the said General Agreement on Tariffs and Trade, do proclaim that, effective after the close of business on May 21, 1958, and until the President otherwise proclaims, the tariff concession granted in the said General Agreement with respect to clinical thermometers, finished or unfinished, wholly or in chief value of glass, provided for in said item 218 (a), shall be withdrawn, and the said Proclamation No. 2929 of June 2, 1951, and the said notification of September 10, 1951, as amended by the said notification of September 20, 1951, shall be suspended insofar as they establish a rate of duty to be applied to the clinical thermometers provided for in the said item 218 (a) on which the concession is withdrawn by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of April in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-3079; Filed, Apr. 22, 1958; 1:12 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 468—MOHAIR

SUBPART—1958 PAYMENT PROGRAM FOR MOHAIR

PROGRAM REQUIREMENTS

This bulletin states the requirements with respect to the 1958 payment program for mohair formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Commodity Stabilization Service (referred to in this bulletin as CSS).

PROGRAM OPERATIONS

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468.101 Administration.
468.102 Support level and payments.
468.103 Eligibility for payments.
468.104 Marketing within the 1958 marketing year.
468.105 Rate of payment.
468.106 Computation of payment.
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468.109 Preparation of application.
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468.111 Joint applicants, successors, and representatives.
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468.121 Liens on goats or mohair not applicable to payments.
468.122 Forms.
468.123 Instructions and interpretations.
468.124 Violation of program.
468.125 Waiver by Executive Vice President or other official.
468.126 Definitions.

AUTHORITY: §§ 468.101 to 468.126 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052, as amended, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446.

PROGRAM OPERATIONS

§ 468.101 *Administration.* This program to support the price of mohair (defined in § 468.126) will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (referred to in this subpart as ASC) State and county offices. ASC State and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

§ 468.102 *Support level and payments.* For the 1958 marketing year (beginning April 1, 1958, and ending March 31, 1959, both dates inclusive (§ 468.126)), the price level which has been determined to meet the requirements of the National Wool Act of 1954 is 70 cents per pound of mohair, grease basis. Announcement of this price level was made by the Department of Agriculture on October 4, 1957, in accordance with section 703 of the National Wool Act of 1954, which states that the Secretary shall, to the extent practicable, announce the support price level for mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For the 1958 marketing year, price support on mohair will be furnished by means of payments to the producer on the mohair he markets in that marketing year.

§ 468.103 *Eligibility for payments.* Before payments under this program can be approved pursuant to any application for payment covering any lot or lots of mohair, the following requirements must be satisfied:

(a) Except as provided in § 468.118, the applicant must be the producer, and in the case of a joint application each applicant must be a producer (as defined in § 468.126), of the mohair.

(b) The mohair must have been shorn in the continental United States, its territories, or possessions on or after January 1, 1955, and must have been marketed within the 1958 marketing year.

(c) The mohair as well as the goats (defined in § 468.126) from which it was shorn, must have been owned by the producer at the time of shearing, and the goats must have been owned by him for not less than 30 days at any time prior to his filing the application for payment (§ 468.112), with the following exception: The ownership specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the goats pursuant to which the applicant, in return for furnishing labor in connection with caretaking, production, or feeding, is entitled either to a share in the ownership of the mohair shorn from such goats or a share of the sales proceeds of the mohair: *Provided,* That the owner of the goats who joins in the application meets the ownership requirements. Ownership of mohair or goats as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the mohair must always have been in the producer from the time the mohair was shorn up to the time of its sale. A producer has beneficial interest in mohair (1) when he owns it without any other person being entitled to the mohair or its proceeds, and without his having authorized any other person to sell or otherwise dispose of the mohair; (2) when the producer has authorized another person to sell or otherwise dispose of the mohair, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the mohair; or (3) when the producer is entitled to a share of the mohair or of the proceeds thereof pursuant to an agreement described in the exception in paragraph (c) of this section though he does not own the animals from which the mohair was shorn. If the producer has such beneficial interest, the fact that the mohair may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

§ 468.104 *Marketing within the 1958 marketing year.* (a) The National Wool Act of 1954 provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1959. Since this program covers only the 1958 marketing year, payments under this program will be limited to mohair marketed during the period beginning April 1, 1958, and ending March 31, 1959.

(b) Marketing shall be deemed to have taken place in the 1958 marketing year if, pursuant to a sale or a contract to sell, the last of the following three events in the process of marketing was completed in the 1958 marketing year: (1) Title passed to the buyer; (2) the mohair was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. The factors are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly. Any one of the three events previously mentioned may be the last event completed.

(c) Delivery of mohair on consignment to a marketing agency (defined in § 468.126) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Mohair delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency. When a producer transfers title to his mohair to a marketing agency and provides that such agency shall market the mohair and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the mohair.

(d) The exchange of mohair for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the mohair.

§ 468.105 *Rate of payment.* Upon expiration of the 1958 marketing year and after the Department of Agriculture has determined the national average price for mohair received by producers in that marketing year, the Department will announce the rate of the payment under this program. The rate of payment will be the percentage of the national average price received by producers required to bring such national average price up to the announced support price. For example, if the reported national average price received by producers for mohair sold during the 1958 marketing year should be 66 cents, the difference between that figure and the support price of 70 cents previously announced (§ 468.102) would be 4 cents, and this figure would constitute 6 percent of the national average price of 66 cents. In such a case, the rate of payment would be 6 percent of the sales proceeds received by each producer.

§ 468.106 *Computation of payment.* (a) In order to determine the amount of the payment due to a producer on the mohair he marketed during the 1958 marketing year, the percentage computed pursuant to § 468.105 will be applied to the net sales proceeds for the mohair determined in accordance with paragraph (b) of this section.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the mohair all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading; or scouring. Items, however, listed in § 468.108 (a) (7) as "other deductions" shall not be deducted. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point (defined in § 468.126). For example, if the producer marketed his clip of 500 pounds at 65 cents per pound, he receives $325 as gross proceeds and, if the marketing deductions totaled $25, his net proceeds of sale (after marketing deductions) amounted to $300. For the purpose of this program, the producer is expected to deliver his mohair packed in bags to his local shipping point and to bear the storage expenses until the mohair is sold. Consequently, charges made for furnishing bags, storing mohair, or transporting mohair to the producer's local shipping point shall not be considered deductible marketing charges. Neither are other charges, not directly related to marketing of the mohair such as interest on advances or dues owing an association, to be considered marketing charges.

§ 468.107 *Supporting documents*—(a) *General.* The application for payment on account of mohair (§ 468.109) shall be supported by the original sales document (defined in § 468.126) for the mohair sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASC county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASC county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 468.117.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in ad-accordance with § 468.108 (a) (10), of the person or of the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 468.108 *Contents of sales documents.* The sales documents attached to each application for a payment must contain a final accounting, meeting the requirements of paragraph (a) or (b) of this section, for the mohair covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in § 468.118, sales documents must cover mohair sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document except a document covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale: In case the producer's shipment to a marketing agency is sold in parts within the 1958 marketing year, the date when final settlement is made within that marketing year for the mohair that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of mohair sold: If the mohair was sold as scoured mohair, the original grease weight must be shown as well as the scoured weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined, except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 468.106 (b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: __________. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the payment is computed.

(6) Net proceeds after marketing deductions: If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed.

(7) Other deductions, such as those for bags, storage, interest, association dues, and charges not directly related to marketing of the mohair.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature: The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within the 1958 marketing year (see subparagraph (2) of this paragraph) shall contain a statement that the mohair was marketed during the 1958 marketing year as required by the regulations issued pursuant to the National Wool Act of 1954.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point and attached to an application for payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller; date of sale; net weight of mohair sold; the net amount received by the producer for the mohair at his farm, ranch, or local shipping point; any applicable nonmarketing deductions, such as association dues or interest on advances; the name and address of the purchaser; and the signature of the purchaser or his agent.

§ 468.109 *Preparation of application.* (a) The application for payment on account of mohair, to be filed in the original only, shall be prepared on Form CCC Mohair 1, "Application for Payment—Mohair." The form consists of two parts. Part I is designed to give the ASC county office general information about the mohair production of the applicant and contains his certification as to facts relating to the production and ownership of the mohair marketed. Part II contains details about the marketing of the mohair which is the basis for the application and contains another certification which covers these details. If the applicant paid any marketing charges (§ 468.108 (a) (5)) not shown on the sales document, such as for scouring or grading, or freight from the applicant's local shipping point, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, in his discretion, fill out both parts and sign both certifications. He may, however, fill out only Part I, sign the certification included therein, forward the application to his marketing agency, and request it to fill out Part II, to sign the certification included in this part, and to file the application with the required attachments on behalf of the applicant in the appropriate ASC county office in accordance with § 468.112 (a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to the time and manner of filing the application.

§ 468.110 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales of mohair executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices or weights increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales of mohair in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 468.111 *Joint applicants, successors, and representatives*—(a) *Joint applicants*—(1) *Joint owners.* When the applicants for a mohair payment are joint owners of the mohair and were also joint owners of the goats from which the mohair was shorn, all of them must sign any application based on the sale of their mohair. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment, he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(2) *Producers who did not own the animals from which the mohair was shorn.* Each application for a payment on mohair prepared by producers some of whom did and some did not own the animals from which the mohair was shorn, as described in the exception in § 468.103 (c), shall be a joint application, irrespective of whether the mohair was divided among such producers prior to sale or whether it was sold without division. All producers who are entitled to a share of the mohair or a share of the sales proceeds of the mohair, shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed Form CCC Mohair 2, "Attachment to Form

CCC Mohair 1 for Producers Who Did Not Own the Animals from Which the Mohair Was Shorn."

(3) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

(b) *Successors and representatives.* (1) In case any person entitled to payment under this subpart dies, disappears, or is declared incompetent before applying for payment and therefore the application is made, in accordance with § 468.118 (a), by a person listed in 7 CFR Part 1108 in the order of precedence, such application for a mohair payment shall be made on Form CCC Mohair 1. Each such application shall also include Standard Form 1055—Revised and, if necessary in accordance with paragraph (a) (2) of this section, Form CCC Mohair 2. The application shall be filed with the ASC county office serving the county which includes the headquarters of the farm or ranch that was owned or operated by the person who died, disappeared, or was declared incompetent.

(2) When Form CCC Mohair 1 or Form CCC Mohair 2 is part of an application described in subparagraph (1) of this paragraph, the following shall apply:

(i) When either form refers to delivery of mohair by, or sale of mohair for the account of, the applicant; or states that they ranged or pastured goats; or that they purchased, owned, or had beneficial interest in, mohair; or the marketing agency states in the application that it has not furnished sales documents to any person other than the applicants and that as agent for the applicants it complied with the program; in all those statements the words "the applicants" or "the undersigned" shall be deemed to refer, as the case may be, to the applicants; or, to the best of the knowledge, information and belief of the applicant or marketing agency making the statement, to the person that died, disappeared, or was declared incompetent; or to both.

(ii) The reference in section A of Form CCC Mohair 1 to the headquarters of applicant's farm or ranch, shall be deemed to refer to the headquarters of the farm or ranch that was owned or operated by the person who died, disappeared, or was declared incompetent.

(iii) The statements in section C (b), (c), (d), and (e) of Form CCC Mohair 1 about shearing the mohair and ownership of the goats and the mohair, and in section E (2) about marketing in a particular marketing year shall be deemed to be made to the best of the knowledge, information, and belief of the applicants.

(3) In case any person entitled to payment under this subpart dies, disappears, or is declared incompetent after applying for payment, application may be made in accordance with § 468.118 (a) (1).

§ 468.112 *Filing application for payment*—(a) *Place of filing.* The application for payment on mohair shall be filed by the producer entitled thereto with the ASC county office serving the county where the headquarters of the applicant's farm or ranch, as the case may be, is located. If the producer has more than one farm or ranch, with headquarters in more than one county, separate applications for payment shall be filed with the ASC county office serving each such headquarters, except that if the producer sells his entire clip of mohair in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on mohair in any one of those ASC county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters. Applications by producers located in Alaska shall be filed with the Alaska ASC State Office, University of Alaska, Box B, College, Alaska, and applications by producers located in Hawaii shall be filed with the Hawaiian Area ASC Office, 303 Dillingham Building, Honolulu 13, Territory of Hawaii.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of mohair for the 1958 marketing year have been completed, and all applications must be filed not later than 30 days after the end of the marketing year, that is, not later than April 30, 1959. If delayed filing of an application is due to causes beyond the control of the applicant, the ASC county office may waive this 30-day limitation on applications filed before October 1, 1959.

§ 468.113 *Signature of applicant.* No payment will be made unless an application for payment is signed. The ASC county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 468.114 *Payment.* After the ASC county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and after the appropriate rate of payment has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than $3.00 to an applicant, or to joint applicants, will not be made. Likewise, payments of less than $3.00 will not be made to an assignee in connection with any assignment. If the ASC county office determines that for any reason an application for payment should be rejected in whole or in part, including the reason that it was not filed within the time provided for in accordance with § 468.112 (b), the ASC county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been rejected for a specified reason and shall retain a copy of such notice.

§ 468.115 *Deductions for promotion.* If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made from the payment.

§ 468.116 *Appeals*—(a) *To ASC county committee.* Within 15 days from the date of mailing of the notice that an application for payment has been rejected in whole or in part (§ 468.114), the applicant may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of mohair marketed and the net proceeds involved in the application, and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASC county office is considered erroneous. If the appeal is from the failure of the ASC county office to waive the final date for filing provided for in § 468.112 (b), the applicant shall also state the reason for his delay in filing the application. The ASC county committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 15 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC county office.

(b) *To the ASC State committee.* If the ASC county committee sustains the decision of the ASC county office, the applicant may appeal in writing to the ASC State committee within 15 days after the date of mailing of the notice by the ASC county committee. The ASC State committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 30 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC State office.

(c) *To Washington office.* If the ASC State committee sustains the decision of the ASC county committee, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of mailing of the notice by the ASC State committee. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence.

(d) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 468.117 *Records and inspection thereof.* The applicant for a payment as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain until April 1, 1962, books, records, and accounts showing the marketing of mohair on which an application for payment may be based. CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnished evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 468.118 *Death, incompetency, or other disability*—(a) *Death, disappearance, or incompetency.* (1) Except as provided in paragraph (b) of this section, in case any person who is entitled to a payment under this subpart dies, disappears, or is declared incompetent, before receiving such payment, whether before or after making application therefor, payment may be made upon proper application, without regard to claims of creditors other than the United States, in accordance with the regulations contained in 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: Reference in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to the Commodity Stabilization Service. The reference in 7 CFR 1108.7 to Standard Form 1055 shall be deemed to be a reference to Standard Form 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor. When Standard Form 1055—Revised is used in connection with this program, it is not necessary to complete items 5 and 6 of the form.

(2) If the person entitled to payment died, disappeared, or was declared incompetent before making application therefor, the application by his successor or representative shall be in accordance with § 468.111.

(b) *Incompetent Indians.* Applications for payments may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. In such cases, the application for payment will be filed in the ASC county office where the headquarters of the Indian's farm or ranch is located.

(c) *Other disability.* In cases of bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 468.119 *Set-off.* (a) If the county debt record shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASC county office with interest, where applicable, to the date of the set-off.

§ 468.120 *Assignments*—(a) *Form.* The producer may assign payments which may be determined to be due him under this program in connection with sales of mohair during the 1958 marketing year by filing with the ASC county office the original and two copies of CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954," duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of at least two attesting witnesses neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASC county committee, the ASC county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment of a mohair payment may only be given as security for cash advanced or to be advanced on goats or mohair by a financing agency (as defined in § 468.126) or a marketing agency. An assignment made to a financing agency shall cover all payments earned by the producer under the 1958 program on the sale of mohair. An assignment made to a marketing agency shall cover all payments earned by the producer in connection with all mohair marketed by the agency for the producer's account during the 1958 marketing year, but shall not cover payments earned by the producer in connection with his marketing his mohair directly or through other agencies during the 1958 marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASC county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASC county office in writing that payment be made to the assignor and not to the assignee.

§ 468.121 *Liens on goats or mohair not applicable to payments.* If a producer grants a lien on his goats or mohair, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 468.122 *Forms.* Form CCC Mohair 1, "Application for Payment—Mohair"; Form CCC Mohair 2, "Attachment to Form CCC Mohair 1 for Producers Who Did Not Own the Animals from Which the Mohair Was Shorn"; CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954", and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASC county offices. These forms may be reproduced, provided the reproduced forms retain the same language, format, and size as the official forms, except that the printer's identification on the official forms must not be reproduced.

§ 468.123 *Instructions and interpretations.* CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 468.124 *Violation of program.* Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 468.125 *Waiver by Executive Vice President or other official.* The Executive Vice President of CCC or his designee and the Deputy Administrator, Production Adjustment, of CSS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods, with the same force and effect as if they were approved by the President of CCC.

§ 468.126 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of goats or mohair.

(b) "Goat" means an Angora goat and the term also includes a kid of an Angora goat.

(c) "Joint ownership" of mohair also includes ownership in common.

(d) "Local shipping point" means the point at which the producer delivers his mohair to a common carrier for further transportation or, if his mohair is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser.

(e) "Marketing agency" with reference to mohair means a person or firm that sells a producer's mohair for his account.

(f) The "1958 marketing year" means the period beginning April 1, 1958, and ending March 31, 1959, both dates inclusive.

(g) "Mohair" means the hair of the Angora goat and also includes the hair of a kid of the Angora goat.

(h) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a state and any subdivision thereof.

(i) "Producer" of mohair under this program means a person who is either a producer or pasturer of goats and who shears his animals. The term "producer" also includes a person participating in the production of mohair pursuant to an agreement with a person who owns the goats as described in the exception in § 468.103 (c).

(j) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of mohair.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of April 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
CCC, and Acting Administrator, CSS.

[F. R. Doc. 58-3058; Filed, Apr. 23, 1958; 8:52 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

REQUIRED RESERVES

1. Effective as to each member bank at the opening of business on April 17, 1958, except as otherwise indicated, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 *Supplement: Reserves required to be maintained by member banks with Federal Reserve Banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and paragraph (a) of § 204.2, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(a) If not in a reserve or central reserve city:

(1) 5 percent of its time deposits, plus

(2) 11 percent of its net demand deposits.

(b) If in a reserve city (except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) of this section:

(1) 5 percent of its time deposits, plus

(2) 17 percent of its net demand deposits until the opening of business on April 24, 1958, and 16½ percent of its net demand deposits thereafter.

(c) If in a central reserve city (except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) or (b) of this section:

(1) 5 percent of its time deposits, plus

(2) 18½ percent of its net demand deposits until the opening of business on April 24, 1958, and 18 percent of its net demand deposits thereafter.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act with primary regard to the general credit and business situation. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment reducing reserve balances of member banks of the Federal Reserve System for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262), and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a-1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-3035; Filed, Apr. 23, 1958; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 36]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORY

FLIGHT RECORDER INSTALLATIONS

The Civil Aeronautics Board has promulgated Civil Air Regulations in Parts 40, 41, and 42 requiring the installation of an approved flight recorder after July 15, 1958 on all large airplanes which are certificated for operation above 25,000 feet altitude. This supplement provides Civil Aeronautics Administration Policies on the location of the recorder, sensing of vertical acceleration forces, connections to altitude and airspeed measuring systems, and the connections to electrical power.

1. A new § 4b.606-2 is added to read:

§ 4b.606-2 *Installation of flight recorders (CAA policies which apply to § 4b.606).* Flight recorders required under Parts 40, 41, and 42 of this chapter should be installed in the airplane in conformance with the following.

(a) *Location of flight recorder.* The applicable type recorder should be located in accordance with the following:

(1) *Type I.* At any location exclusive of the areas lower than the main structure of the wing center section, or forward of and lower than the top of the wing at the fuselage;

(2) *Type II.* Aft of the most rearward pressure dome on aircraft with conventional powerplant locations;

(3) *Type III.* Unrestricted location.

(b) *Vertical acceleration sensing.* (1) The vertical acceleration forces should be sensed at a location within or adjacent to the fuselage, and within or as close to the center of gravity range of the airplane as practicable.

(2) The vertical acceleration sensor, or the unit of the instrument in which it is contained, should be attached to a rigid structural member of the airplane so that vertical acceleration forces present in that area can be sensed with a minimum of error.

(3) Sensing of only the in-flight vertical acceleration forces is necessary; impact forces need not be sensed.

(c) *Connection to sources of data.* The air speed, altitude, and heading data should be obtained from either[1] a required duplicate instrument, or from a source independent of required flight and navigation instrument systems, or a combination thereof. No connection should be made within the case itself of the required duplicate air speed and altimeter indicators. If data are obtained from an independent source, such source should provide data which have an accuracy equivalent to corresponding data furnished by required flight and navigation instrument systems. Provisions need not be made to disconnect or isolate the recorder in flight from sources of data which are independent of required flight and navigation instruments.

(d) *Connection to electrical power.* The flight recorder instrument should be connected to a bus of maximum reliability when such connection does not jeopardize service to essential or emergency loads. If service to such loads is affected, the instrument should be connected to a bus of the next lower reliability.

2. A new § 4b.612-5 is added to read:

§ 4b.612-5 *Connection of additional instruments to duplicate instrument system (CAA policies which apply to § 4b.612 (f)).* Neither the accuracy nor the performance of any required duplicate instrument should be adversely affected when an additional instrument is connected to or is subsequently disconnected from that system.

This supplement shall become effective May 5, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 17, 1958.

[F. R. Doc. 58-3027; Filed, Apr. 23, 1958; 8:45 a. m.]

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[1] See § 4b.612 (f) for requirements concerning the connection of additional instruments to required duplicate and duplicated instrument systems.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 66]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Laramie VOR	LAR-LFR	Direct	8500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn E side NW crs, 317° Outbnd, 137° Inbnd, 8500′ within 10 miles. All turns to be made to the East side of crs due to high terrain to West.
Minimum altitude over facility on final approach crs, 8000′.
Crs and distance, facility to airport, 148—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles, climb to 11,500′ on SE crs within 20 miles or, when directed by ATC, make climbing left turn, return to LAR-LFR and climb to 8500′ within 10 miles on NW crs.

City, Laramie; State, Wyo.; Airport Name, Brees Field; Elev. 7273′; Fac. Class, SBMRAZ; Ident., LAR; Procedure No. 1, Amdt. 8; Eff. Date, 19 May 58; Sup. Amdt. No. 7; Dated, 15 Feb. 54

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine more than 65 knots
MCB VOR	MCB RBn	Direct	1800	T-d	300-1		
				C-d	700-1		
				A-d	1000-3		

Procedure turn E side of crs, 200 Outbnd, 020 Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach, 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, climb to 1800′ on crs of 020° within 20 mi.
CAUTION: 792′ msl tower located 2.5 mi NW of airport.
NOTES: Single transmitter. Aural signal must be received at all times during approach. Air Carrier use Not Authorized.

City, McComb; State, Miss.; Airport Name, McComb-Pike County; Elev., 400′; Fac. Class, BMH; Ident., MCB; Procedure No. 1, Orig.; Eff. Date, 19 May 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 7 APRIL 58, DUE TO RELOCATION AND CONVERSION TO VORTAC.

City, Dillon; State, Mont.; Airport Name, Dillon; Elev., 5238′; Fac. Class, BVOR; Ident., DLN; Procedure No. 1, Amdt. 1; Eff. Date, 29 Apr. 58; Sup. Amdt. No. Orig.; Dated, 12 Mar. 55

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Laramie LFR	LAR-VOR	Direct	8500	T-dn C-d C-N A-dn	300-1 400-1 400-2 800-2	300-1 500-1 500-2 800-2	[illegible]-½ [illegible]-1½ [illegible]-2 [illegible]

Procedure turn E side crs, 317° Outbnd, 137° Inbnd, 8500′ within 10 miles. All turns to be made on the East side of the crs due to high terrain to West.
Minimum altitude over facility on final approach crs, 8000′.
Crs and distance, facility to airport, 108—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 11,500′ on R-137 within 20 miles or, when directed by ATC, make climbing left turn, return to LAR VOR and climb to 8500′ on R-317 within 10 miles.

City, Laramie; State, Wyo.; Airport Name, Brees Field; Elev., 7273′; Fac. Class, BVOR; Ident., LAR; Procedure No. 1, Amdt. 5; Eff. Date, 19 May 58; Sup. Amdt. No. [illegible]; Dated, 15 Feb. 54

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
LGB LFR Huntington Beach FM	LGB VOR LGB VOR	Direct Direct	1500 1500	T-n* C-dn A-dn	300-1 800-1 1000-2	300-1 800-1 1000-2	[illegible]-½ [illegible]-1½ [illegible]

*300-1 required on Runways 16, 16R, 25L, and 34R.
Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach, 1500′.
Crs and distance, facility to airport, 276—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, make immediate right climbing turn and return to LGB VOR at 1500′.
NOTE: Use of this procedure under VFR flight conditions must be approved by the NAS Los Alamitos Tower.

City, Long Beach; State, Calif.; Airport Name, Long Beach; Elev., 56′; Fac. Class, BVOR; Ident., LGB; Procedure No. 1, Orig.; Eff. Date, 19 May 58

PROCEDURE CANCELLED, EFFECTIVE 18 MARCH 1958.

City, Lovelock; State, Nev.; Airport Name, Derby Airport; Elev., 3903′; Fac. Class, BVOR; Ident., LOL; Procedure No. 1, Amdt. 2; Eff. Date, 22 Jan. 55; Sup. Amdt. No. [illegible]; Dated, 15 Apr. 53

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
MCB RBn	MCB VOR	Direct	1800	T-d C-d A-d	300-1 800-1 1000-3		

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach, 1300′*.
Crs and distance, facility to airport, 248—11.1*.
*Descent to 1200′ authorized after passing VOR within 6 mi, then proceed VFR to airport, 248—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mi of VOR, climb to 1800′ on R-248 within 20 mi of VOR or, when directed by ATC, turn left, climb to 1600′ on R-222 within 20 mi of VOR.
CAUTION: 792′ msl tower located 2.5 mi NW of airport.
NOTE: Air Carrier use Not Authorized.

City, McComb; State, Miss.; Airport Name, McComb-Pike County; Elev., 460′; Fac. Class, BVOR; Ident., MCB; Procedure No. 1, Orig.; Eff. Date, 19 May 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
Philipsburg LFR	PSB-VOR	Direct	4000	T-dn C-d C-n A-dn	500-1 800-1 800-2 1000-2	500-1 800-1 800-2 1000-2	

Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 253—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 4000′ on R-253 within 20 miles.

City, Philipsburg; State, Pa.; Airport Name, Municipal; Elev., 1933′; Fac. Class, BVOR; Ident., PSB; Procedure No. 1, Amdt. 1; Eff. Date, 19 May 58; Sup. Amdt. No. Orig.; Dated, 15 Feb. 51

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d C-d A-d	300-1 700-1 1500-2	300-1 700-1 1500-2	

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 4500′ within 10 mi.
Minimum altitude over facility on final approach crs, 3200′.
Crs and distance, breakoff point to appr. end of rnwy, 101—0.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make climbing right turn to 5000′ hold West of Beckley VOR 288° Outbnd, 108° Inbnd.

City, Beckley; State, W. Va.; Airport Name, Raleigh County Memorial; Elev., 2504′; Fac. Class, VOR; Ident., BKW; Procedure No. 1, Orig.; Eff. Date, 19 May 58

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Baton Rouge LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Baton Rouge VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Morganza Int.	LOM	Direct	1200	S-dn-13:			
Int NW crs ILS and V114 N	River Int#	Direct	1400	ILS	*300-¾	*300-¾	*300-¾
River Int#	LOM (Final)	Direct	1300 ILS 700 ADF	ADF	400-1	400-1	400-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized. Approach lights not installed.
#NW crs BTR ILS and R-345 BTR VOR.
Procedure turn W side of NW crs, 306 Outbnd, 126 Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 1300′ ILS, minimum altitude over LOM inbnd final 700′ ADF.
Crs and distance, LOM to airport, 126°—3.8.
Altitude of G. S. and distance to approach end of rny at OM 1300—3.8, at MM 240—0.5.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 3.8 mi after passing LOM (ADF) climb to 1500′ on SE crs ILS (126) within 20 miles or, when directed by ATC, turn left, climb to 1400′ on R-080 BTR VOR within 10 mi of Creole Int or turn left, climb to 1500′ on NE (054) crs BTR LFR within 20 mi.

City, Baton Rouge; State, La.; Airport Name, Ryan; Elev., 70′; Fac. Class, ILS-IBTR; Ident., LOM-BT; Procedure No. ILS-13, Comb. ILS and ADF; Amdt. 5; Eff. Date, 19 May 58; Sup. Amdt. No. 4; Dated, 28 Sept. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 11, 1958.

[F. R. Doc. 58-2862; Filed, Apr. 23, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6951]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CHELSEA SPORTSWEAR, INC., AND NAT COHEN

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Chelsea Sportswear, Inc., et al., New York, N. Y., Docket 6951, April 1, 1958]

In the matter of Chelsea Sportswear, Inc., a Corporation, and Nat Cohen, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in New York City of fabrics, some of which were composed of rayon so made as to simulate wool, with selling such fabrics without making adequate disclosure of the true fiber content and with placing in the hands of others for use in connection with said fabrics and garments made therefrom, tags, labels, and advertising matter which failed to disclose the rayon content.

Following acceptance of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Chelsea Sportswear, Inc., a corporation, and its officers, and Nat Cohen, individually, and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of garments made from fabrics composed in whole or in part of rayon, do forthwith cease and desist from:

1. Failing to set forth the rayon content thereof in a clear and conspicuous manner on invoices, labels and in advertising matter concerning such products;

2. Supplying to or placing in the hands of others for use in designating or identifying respondents' said garments, tags, labels or advertising matter which are not in accordance with Paragraph 1 above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3059; Filed, Apr. 23, 1958; 8:52 a. m.]

[Docket 6952]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BART SCHWARTZ INTERNATIONAL TEXTILES LTD. ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* §13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bart Schwartz International Textiles Limited et al., New York, N. Y., Docket 6952, March 18, 1958]

In the Matter of Bart Schwartz International Textiles Limited, a Corporation, and Bart Schwartz and Louis Rudolph, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in New

York City of fabrics, some of which were composed of rayon so made as to simulate wool, with selling such fabrics without making adequate disclosure of the true fiber content and with placing in the hands of others for use in connection with said fabrics and garments made therefrom, tags, labels, and advertising matter which failed to disclose the rayon content.

Following acceptance of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Bart Schwartz International Textiles, Limited, a corporation, and its officers, and Bart Schwartz and Louis Rudolph, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fabrics composed in whole or in part of rayon, do forthwith cease and desist from:

1. Failing to set forth the rayon content thereof in a clear and conspicuous manner on invoices, labels, and in all advertising matter concerning such products.

2. Supplying to or placing in the hands of others, for use in designating or identifying respondents' said fabrics or garments made therefrom, tags, labels or advertising materials which are not in accordance with paragraph 1 above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents Bart Schwartz International Textiles, Limited, a corporation, and Bart Schwartz and Louis Rudolph, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the aforesaid order to cease and desist.

Issued: March 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3060; Filed, Apr. 23, 1958; 8:53 a. m.]

[Docket 6923]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DETERGEN CO.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Earle G. Hastings et al. trading as Detergen Company, Tulsa, Okla., Docket 6923, March 19, 1958]

In the Matter of Earle G. Hastings, and Earle G. Hastings, Jr., Individuals Trading Under the Name Detergen Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Tulsa, Okla., with representing falsely in advertising that their drug product "Deturge" was an effective treatment for colitis and other unhealthy conditions of the gastro-intestinal tract, and that faulty elimination or constipation results in toxic accumulations in the gastro-intestinal tract and is responsible for a large percentage of diseases.

Following acceptance of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Earle G. Hastings and Earle G. Hastings, Jr., trading as Detergen Company or trading under any other name, or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the preparation designated as "Deturge", or any other preparation of substantially the same composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated by means of the United States mail or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that:

(a) A large percentage of diseases and disorders have their origin in the gastro-intestinal tract, or result from faulty elimination or constipation;

(b) Faulty elimination or constipation results in the formation of toxic accumulations of mucus or putrefaction in the gastro-intestinal tract;

(c) Abnormal accumulations of putrefaction or waste in the gastro-intestinal tract are toxic or poison the body by absorption into the blood or otherwise or retard the assimilation of essential minerals from the diet;

(d) Deturge is an effective treatment for unhealthy conditions of the gastro-intestinal tract, including colitis.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, any advertisement which contains any of the representations prohibited in Paragraph One of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3061; Filed, Apr. 23, 1958; 8:53 a. m.]

[Docket 6935]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ADMIRAL CORP.

Subpart—*Advertising falsely or misleadingly:* § 13.230 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Admiral Corporation, Chicago, Ill., Docket 6935, March 18, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer with principal office in Chicago, with misrepresenting in advertising the size of certain of its television sets as "21 inch", "24 inch", etc., without clearly disclosing that the figure was the diagonal distance from opposite corners of the picture tube rather than the horizontal measurement.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Admiral Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its television receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using any figure or measurement to designate the size of the picture tube with which its television receiving sets are equipped which is greater than the horizontal measurement of the viewable area of the tube on a single plane basis, unless it is conspicuously disclosed in immediate connection therewith that said figure or measurement is the diagonal measurement, when such is the fact; or an accurate specification of the viewable area of the tube, in square inches, is conspicuously disclosed in immediate connection with such figure or measurement.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the

Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3062; Filed, Apr. 23, 1958; 8:53 a. m.]

[Docket 6897]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DURITE LEATHER GOODS CO., INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Durite Leather Goods, Co., Inc., et al., New York, N. Y. Docket 6897, March 18, 1958]

In the Matter of Durite Leather Goods Co., Inc., a Corporation, and Sol Wechsler, and Alfred Shure, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with preticketing the men's belts it sold to wholesalers, retailers, and supermarket chains with purported regular retail prices which were fictitiously high.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Durite Leather Goods Company, Inc., a corporation, and its officers, and Sol Wechsler, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of belts or other articles of merchandise, do forthwith cease and desist from:

1. Representing, by pre-ticketing or in any manner, that certain amounts are the usual and regular retail prices of their products when such amounts are in excess of the prices at which their products are usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of such merchandise.

It is further ordered, That the complaint herein be and the same hereby is dismissed as to the respondent Alfred Shure individually and as an officer of respondent Durite Leather Goods Co., Inc.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Durite Leather Goods Co., Inc., a corporation and Sol Wechsler individually and as an officer of said corporation shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3063; Filed, Apr. 23, 1958; 8:54 a. m.]

[Docket 6841]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COLOR ART STUDIOS, INC., AND RALPH D. WHITE

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1647 *Guarantees;*[1] § 13.1710 *Qualities or properties;* § 13.1715 *Quality;* § 13.1735 *Sample, offer, or order conformance.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Color Art Studios, Inc., et al., Washington, D. C., Docket 6841, March 18, 1958]

In the Matter of Color Art Studios, Inc., a Corporation, and Ralph D. White, Individually and as an Officer of Color Art Studios, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in Washington, D. C., of photographs and color portraits made from color film transparencies and negatives, with representing falsely that his portraits were natural color; that the finished products would be equal in quality to samples exhibited; and that they were guaranteed to "look like proofs" and that if they did not, he would remake them.

Following hearings in due course, the hearing examiner made his initial decision and order to cease and desist which became on March 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Color Art Studios, Inc., a corporation, and its officers, and Ralph D. White, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of portraits or photographs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication,

(1) That the portraits or photographs sold by said respondents are of natural color;

(2) That the finished portraits or photographs sold by said respondents will be equal in appearance, quality or workmanship to the proof transparencies or sample portraits exhibited to purchasers or prospective purchasers;

(3) That the photographs or portraits sold by respondents are guaranteed in any manner, unless all of the terms and conditions of such guaranty are fully set forth in connection therewith.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is further ordered, That the respondents, Color Art Studios, Inc., a corporation, and Ralph D. White, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision, as modified.

Issued: March 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3064; Filed, Apr. 23, 1958; 8:54 a. m.]

[Docket 6937]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DUPLER'S ART FURS, INC., AND JOSEPH H. DUPLER

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Dupler's Art Furs, Inc., et al., Salt Lake City, Utah, Docket 6937, March 19, 1958]

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[1] Amended to read as set forth, deleting "—statutory".

In the Matter of Dupler's Art Furs, Inc., a Corporation, and Joseph H. Dupler, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Salt Lake City, Utah, with violating the Fur Products Labeling Act by failing to comply with the invoicing and labeling requirements; by advertising in newspapers which failed to disclose that the furs in certain products were artificially colored, contained names of animals other than those producing certain fur, and used comparative prices not based on the usual retail prices; and by failing to keep adequate records disclosing the facts upon which the pricing claims were based.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Dupler's Art Furs, Inc., a corporation, and its officers, and Joseph H. Dupler, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur product by:

1. Failing to affix labels to such fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artifically colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs in the fur product;

(g) All the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

2. Setting forth on labels attached to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artifically colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Using on invoices the name or names of any animal or animals other than the name or names provided for in Paragraph B (1) (a) above.

3. Abbreviating on invoices information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose that the fur product contains or is composed of bleached dyed or otherwise artifically colored fur when such is the fact.

2. Contains the name or names of any animal or animals other than those producing the fur contained in the fur product.

3. Fails to set forth the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in close proximity with each other and in type of equal size and conspicuousness.

4. Makes use of comparative pricing claims in advertisements unless such compared prices are based on the regular and usual retail prices charged by respondents for fur products or similar grade and quality in the recent regular course of their business.

5. Makes pricing claims or representations of the type referred to in Paragraph 4 above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3065; Filed, Apr. 23, 1958;
8:54 a. m.]

[Docket 6948]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L. L. BERGER, INC.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, L. L. Berger, Inc., Buffalo, N. Y., Docket 6948, March 19, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Buffalo, N. Y., with violating the Fur Products Labeling Act by falsely labeling certain fur products with names of animals producing the fur contained therein, failing to label other furs, and failing in other respects to comply with the labeling and invoicing requirements of the Act; and with failing in advertising in newspapers to disclose the names of animals producing certain furs or the country of origin of imported furs.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That L. L. Berger, Inc., a corporation and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made, in whole or in part, of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name of the animal or animals that produced the fur from which such product was manufactured;

B. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(4) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, or transported or distributed it in commerce;.

(6) The name of the country of origin of any imported furs used in the fur product;

(7) All of the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such label;

(8) The information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder where a fur product is composed of two or more sections containing different animal furs;

(9) The item number or mark assigned to a fur product.

2. Setting forth on labels affixed to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is abbreviated, handwritten or mingled with non-required information.

3. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur contained in the fur products as set forth in the Fur Products Name Guide and as permitted under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) The name of the country of origin of any imported furs contained in a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3066; Filed, Apr. 23, 1958; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

SALARIES, WAGES AND OTHER COMPENSATION

Section 1459.2 *Salaries, wages and other compensation* is amended by changing the period at the end of the fifth sentence of paragraph (b) to a semi-colon, and adding the following: "but this provision shall not apply with respect to any fiscal year to which the Internal Revenue Code of 1954 is applicable (see § 1451.33 of this subchapter), to the extent that any payments to a partner for services in such fiscal year are allowable under section 707 (c) of such Code."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: April 21, 1958.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 58-3045; Filed, Apr. 23, 1958; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

1. Effective upon publication in the FEDERAL REGISTER, paragraph (a) (1) of § 6.242 is amended as set out below.

§ 6.242 *Housing and Home Finance Agency*—(a) *Federal Housing Administration.* (1) Ten Zone Intergroup Relations Advisors.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (b) (6) of § 6.342 is amended as set out below.

§ 6.342 *Housing and Home Finance Agency.* * * *

(b) *Federal Housing Administration.* * * *

(6) One Assistant to the Commissioner (Intergroup Relations Service).

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3046; Filed, Apr. 23, 1958; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of this title is hereby amended as follows:

PART 13—ADDRESSES

a. In § 13.1 *General information* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) Write the name and address and the name of the post office clearly and legibly.

2. Amend paragraph (b) to read as follows:

(b) In addition to the name of addressee and post office, mail intended for delivery through a city delivery post office must include the street and number, or post office box number, or general delivery, or rural or star route designation.

3. Add the following to paragraph (c): "see § 13.6 (e)".

NOTE: The corresponding Postal Manual sections are 123.11, 123.12, and 123.14, respectively.

b. In § 13.4 *Simplified address* amend paragraph (e) by changing "(Post Office and State, or Local)", which appears in the style shown therein to read as follows: "Post Office and State, or Local, and Zone Number When Applicable)".

NOTE: The corresponding Postal Manual section is 123.45.

(R. S. 161, 396, as amended, sec. 1, 25 Stat. 1, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 249)

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas* make the following changes:

1. Delete the following APO numbers, along with their accompanying data: 3, 16, 42, 47, 56, 61, 77, 78, 97, 191, 201, 237, 250, 317, 703, and 710.

2. Insert in proper order the following APO numbers and related data:

8				[7] X		
20				[7] X		
277		X	X	[7] X		

3. Opposite APO 271 and under "Other Prohibited Items" insert "6X".

NOTE: The corresponding Postal Manual Part is Part 127.

(R. S. 161, 396, as amended, sec. 1, 67 Stat. 55; 5 U. S. C. 22, 369, 39 U. S. C. 141)

PART 21—FIRST CLASS

a. In § 21.1 *Rates* add the following item:

Airmail (see § 26.1).

b. In § 21.2 *Classification* amend paragraph (a) (1) as follows:

1. Redesignate subdivisions (iii) and (iv) as (iv) and (v), respectively.

2. Insert new subdivision (iii) to read as follows:

(iii) Airmail weighing not to exceed 8 ounces whether sealed or unsealed.

NOTE: Corresponding sections in Postal Manual are 131.1 and 131.2.

(R. S. 161, 396, as amended; sec. 8, 20 Stat. 358; 5 U. S. C. 22, 369, 39 U. S. C. 222)

PART 24—THIRD CLASS

Section 24.9 *Circulars addressed to APO's* is hereby rescinded.

NOTE: Corresponding section in Postal Manual is 134.9.

(R. S. 161, 396, as amended; sec. 206, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 235)

PART 25—FOURTH CLASS

In § 25.6 *Enclosures* add the following to both paragraphs (a) and (b): "See § 29.3 (b) (2) regarding additional third class printed enclosures."

NOTE: Corresponding section in Postal Manual is 135.6.

(R. S. 161, 396, as amended; 3879, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 249)

PART 27—FEDERAL GOVERNMENT MAIL AND FREE MAIL

In § 27.2 *Executive and judicial officers*, make the following changes:

1. In paragraph (c) (2) amend the opening sentence of subdivision (ii) to read as follows:

(ii) Authorized departments and agencies are:

* * * * *

2. Amend subdivision (iv) of paragraph (c) (2) to read as follows:

(iv) Printed reply envelopes or labels marked Postage and Fees Paid and preaddressed to a Federal Government office or officer may be furnished to persons or concerns for convenience in submitting information for official purposes, or for delivery of official matter, subject to the following conditions:

(*a*) Reply envelopes or labels furnished to contractors must in every case bear printed return address of one of the agencies listed in subdivision (ii) of this subparagraph over the words "Official Business." No return name and address of a private person or firm may be shown.

(*b*) When a special service is required, the reply envelope or label must be preprinted with the type of special service desired. Users of labels may not add their own markings for these services.

NOTE: Corresponding section in Postal Manual is 137.2.

(R. S. 161, 396, as amended; secs. 5, 6, 19 Stat. 335, 336, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 321)

PART 33—METERED STAMPS

a. In § 33.1 *Postage meters* amend subparagraph (2) of paragraph (d) to read as follows:

(2) International Postal Supply Co., Lewistown, Pa.

b. In § 33.2 *Meter license* amend paragraph (a) to read as follows:

(a) *Application.* You may obtain a Meter License, Form 3601-A, by submitting an application on Form 3612 (or a form supplied by the manufacturer) to the post office where you will mail. No fee is charged. The application must specify the make and model of the meter. A specimen meter stamp must be submitted with the application. Upon approval the postmaster will issue a license.

NOTE: The corresponding Postal Manual section is 143.21.

c. In § 33.6 *Mailings*, amend paragraph (a) to read as follows:

(a) *Preparation.* You must face metered mail, except packages or irregular overweight mail, and secure it well in bundles. This prevents its becoming mixed with other mail which has to be faced, canceled, and postmarked in the post office. You should bundle each class and denomination together if possible. Special delivery and airmail should always be bundled separately or located on the top of a bundle. (See Part 16 of this chapter for mailing of third-class bulk mail.) Properly prepared metered mail can go direct to the distribution cases in post offices and thereby be expedited in dispatch.

NOTE: The corresponding Postal Manual section is 143.61.

(R. S. 161, 396, as amended; sec. 5, 41 Stat. 583, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 273, 291a)

PART 44—CONDITIONS OF DELIVERY

In § 44.3 *Jointly addressed mail* amend paragraph (a) to read as follows:

(a) *Delivery of jointly addressed mail.* Where mail is jointly addressed, for example, "Mr. and Mrs. John Doe," "John and Jane Doe," neither party can control delivery of such mail over the objection of the other. Jointly addressed mail is delivered as addressed by the sender so long as one of the parties can receive it there, except that U. S. Government checks will be returned if either party is deceased.

NOTE: The corresponding Postal Manual section is 154.31.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 47—FORWARDING MAIL

In § 47.4 *Address changes of persons in U. S. service* make the following changes:

1. Add the following to paragraph (a); "See § 47.2 regarding time limit of orders filed with the post office."

2. Rescind paragraph (b).

NOTE: Corresponding Postal Manual section is 157.4.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 278a)

PART 48—UNDELIVERABLE MAIL

a. In § 48.1 *Description* add the following: "Refused mail is that which is refused at time delivery is attempted; and that returned to the mail unopened by addressee and marked refused. Mail properly delivered and opened by the addressee will not be reaccepted without payment of new postage."

b. In § 48.3 *Return address required* add new paragraph (c) to read as follows:

(c) Requests to lengthen or shorten retention periods specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not addressee's request.

c. In § 48.5 *Retention periods* make the following changes in paragraph (a) (1):

1. Strike out the words "and number" in the first clause of subdivision (ii).

2. Delete subdivision (iii) and insert in lieu thereof new subdivision (iii) to read as follows:

(iii) Returned immediately, if undeliverable, when incompletely, illegibly, or incorrectly addressed and addressee is unknown.

3. Redesignate subdivision (iv) as (v).

4. Insert new subdivision (iv) to read as follows:

(iv) Retained in general delivery not to exceed 30 days, at the request of sender, if addressed in manner to indicate addressee is expected to call for mail.

d. In § 48.8 *Dead mail* make the following changes in subparagraph (2) of paragraph (b):

1. Redesignate subdivisions (ii) and (iii) as (iii) and (iv) respectively.

2. Insert new subdivision (ii) to read as follows:

(ii) A fee of 5 cents is charged for return to sender of each letter and first class parcel opened in the dead mail office.

NOTE: Corresponding Postal Manual sections are 158.1, 158.3, 158.5 and 158.8 respectively.

(R. S. 161, 396, as amended; sec. 1, 46 Stat. 304, sec. 2, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 261, 278b)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3036; Filed, Apr. 23, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1620]

[Misc. 1899254]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 827 OF MAY 16, 1952, WHICH RESERVED LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 827 of May 16, 1952, so far as it withdrew the following-described lands in Alaska for use of the Department of the Army for military purposes, it hereby revoked:

Beginning at a point of mean high tide on the northwest shore of the southwestern part of Unalaska Island, approximate latitude 53°25'13.5" N., longitude 167°30' W., thence by metes and bounds:

S. 26°55' E., 8,289 feet to point of intersection of latitude 53°24' N., longitude 167°29' W.;
South, 6,085 feet to point of intersection of latitude 53°23' N., longitude 167°29' W.;
West, 14,514 feet to point of intersection of latitude 53°23' N., longitude 167°33' W.;
N. 44°30' W., 8,500 feet to point of intersection of mean high tide and latitude 53°24' N., on shore south of West Point;
Northeasterly, along line of mean high tide of Chernofski Harbor around West Point, Mailboat Cove, Cutter Point, Mutton Cove, Chernofski Point and Ram Point to point of beginning.

The area described contains approximately 2,885 acres.

2. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to settlement and to the filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning at 10:00 a. m., on May 24, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended. Beginning at 10:00 a. m., on August 23, 1958, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), presented prior to 10:00 a. m., on May 24, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m., August 23, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs b (1) and b (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on August 23, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on August 23, 1958.

(3) Persons claiming veterans preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

(4) Some of the lands contain improvements which have been constructed by the United States, and which are included in the Department of the Navy salvage contract for the Aleutian Island Chain, under which the contractor may remove improvements from Unalaska Island. Any sale, location, settlement or entry of or upon such lands, or use or disposal thereof, shall be subject to the right of the United States, its officers, agents or employees, to maintain, repair, operate, improve or remove such improvements, and to enter upon the lands at any time or times for such purposes, and the United States shall retain all right, title and interest in and to such improvements until they have been removed or abandoned in place.

(5) The territory of Alaska has waived, as to any of the lands, the preference right of selection afforded it by the act of July 28, 1956 (70 Stat. 709; 48 U. S. C. 46-3 (b)).

(6) Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3029; Filed, Apr. 23, 1958; 8:45 a. m.]

[Public Land Order 1622]

[Fairbanks 013247]

ALASKA

CORRECTING PUBLIC LAND ORDER NO. 1534 OF OCTOBER 23, 1957, WHICH WITHDREW PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 57-8862, appearing as Public Land Order No. 1534 at page 8536 of the issue for Tuesday, October 29, 1957, the bearing from the point of beginning in the land description, described as "N. 74°03'11" E." is hereby corrected to read "S. 74°03'11" W."

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3030; Filed, Apr. 23, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11994; FCC 58-374]

[Rules Amdt. 19-4]

PART 19—CITIZENS RADIO SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of complete revision of Part 19, Citizens Radio Service, and reallocation of frequencies in the range 26.96-27.23 Mc from the Amateur Radio Service (Part 12) to the Citizens Radio Service.

The Commission has before it for consideration the record in the above entitled proceeding wherein it is proposed, among other things, that Part 19 of its rules be completely revised. It appears appropriate at this time to consider adoption of certain of the proposed changes, rather than the entire revision, and limiting that consideration to the proposed changes which were designed to promote more efficient administration of the service and eligibility therein, and to defer to a later date consideration of those proposed rule changes which might affect frequency availability or technical standards, as indicated below.

On December 19, 1956 the Commission adopted a Notice of Proposed Rule Making in Docket No. 11895 which was released on December 21, 1956 and published in the FEDERAL REGISTER of December 28, 1956 (21 F. R. 10414), proposing to delete the Note to § 19.12 of Part 19. Subsequently, the Commission adopted a Notice of Proposed Rule Making in Docket No. 11994 on April 3, 1957, which was released on April 9, 1957, and published in the FEDERAL REGISTER on April 16, 1957 (22 F. R. 2606). Inasmuch as the latter proceeding contemplated a complete revision of Part 19, including the action proposed in the former, the proceedings were merged and the comments filed in Docket No. 11895 were proposed to be considered in any disposition of the proceeding in Docket No. 11994. The time allowed for the receipt of comments in both of these matters has expired.

Comments on the proposal contained in Docket No. 11895 were received from the American Trucking Associations, Inc., the Radio Specialists Company and the Kaar Engineering Corporation. In addition, Motorola, Inc., filed comments after the time allowed for the receipt of comments, accompanied by a petition requesting that the Commission accept that late filing.[1] The American Trucking Associations, Inc. and the Kaar Engineering Corporation objected to the proposed deletion of the Note appended to § 19.12, on the grounds that if licenses in the Citizens Radio Service are made available to all persons, regardless of their eligibility in other services, many persons who could satisfy all or the greater part of their communication needs in other radio services will seek instead authorization in the "restriction-free" Citizens Radio Service. They contended that this could result in a degradation of the Citizens Radio Service which in turn might have a deleterious effect on the other established services, since the instant proposal would establish a pattern of eligibility that would inevitably lead to increased congestion for all types of users.

In opposition to the foregoing comments, the Radio Specialists Company and Motorola, Inc., pointed out that many persons engaged in diversified activities which in turn form the basis for eligibility in different services, have a need to consolidate their radio operations in connection with those activities so as to avoid the use of multiple frequencies and multiple equipments. They contended that, by permitting all such operation to be conducted in the Citizens Radio Service on a single frequency (or in a single system) the licensee will benefit directly because of the better integration of his radio dispatching system and a material decrease in his capital investment in base facilities, while the general public will benefit because of the frequency economy obviously involved.

The Commission is not convinced that the removal of the Note appended to § 19.12 will inevitably result in degradation of the Citizens Radio Service. The Note was placed on that section at the time the rules governing the Citizens Radio Service were adopted in March, 1949, as a result of the receipt of several applications for authorization in that service where the proposed operation would have been possible under authorizations in some other services. The Commission, at that time, decided that, before releasing the Citizens Radio Service to all types of operation, irrespective of eligibility elsewhere, it was desirable and necessary that it re-examine the entire eligibility problem in order to determine the impact of such policy on the established radio services as well as the Citizens Radio Service. Since that time, type-approved equipment has become generally available for use in this service, and while its use has extended to private personal communication uses, the greatest usage of the service, from the standpoint of radiocommunications, has been along the lines similar to the various Industrial and Land Transportation Radio Services but for which no provision is made in those other services. Accordingly, it appears highly unlikely that persons who are eligible for licenses under Parts 10, 11, or 16 of the Commission's rules will preempt the frequencies allocated to the Citizens Radio Service, since they are afforded a higher degree of protection from interference in the respective Public Safety, Industrial or Land Transportation Radio Services than is contemplated in the Citizens Radio Service. On the other hand, the Commission is sympathetic to the needs of the smaller commercial concerns which engage in diversified activities and which would not be permitted to consolidate their radio operations in the Citizens Radio Service except by the deletion of that Note. Consequently, the rules amendments adopted herewith eliminate the Note previously appended to § 19.12 and include a revision of that section and a new Note, as proposed in Docket No. 11994. The new Note, as proposed, simply restates the proposition that no protection can be afforded to the communications of any station in the Citizens Radio Service from interference caused by the operation of other authorized stations in that same service.

A large number of persons submitted comments in the proceeding in Docket No. 11994; however, the bulk of that comment was directed to the proposals having to do with changes in the frequencies to be available to the Citizens Radio Service or the changes in technical standards to be applicable to stations in the Citizens Radio Service. Since these matters are interrelated with matters currently under consideration by the Commission in a number of companion proceedings (Docket Nos. 11[illegible], 11991 and 11995), they will be separately considered[2] at a later date. Conversely, certain of the proposed changes in the rules governing the Citizens Radio Service are not interrelated with the other proceedings and may be considered at the present time. Accordingly, the Commission desires, at this time, to adopt certain of those proposed changes which were designed either for the purpose of clarification or to facilitate administration of the service.

The Electronics Industries Association, among other things, recommended that FCC Form 400 be specified as the form to be used in the Citizens Radio Service when applying for authorization for a Class A or B citizens radio station authorization; that a new "Developmental" class of station license be established in the service; and that no change be made in the types of emission authorized to be used by the respective classes of stations. While some advantage might develop from the use of FCC Form 400 in lieu of FCC Form 505 in making application for Class A or Class B station authorization, as a result of the procedural change herein ordered requiring all applications for such facilities to be submitted to its Washington, D. C., office, the Commission is of the opinion that such a change in the specified application form should await further consideration of the overall problem in that regard now being undertaken in Docket No. 11692 or consideration in some other proceeding which the Commission may institute. Additionally, the Commission is of the opinion that developmental operation, in the manner proposed by E. I. A., is already substantially possible under the existing rules governing the Citizens Radio Service. Accordingly, the requests of the E. I. A. with respect to application forms and developmental operation are denied; however, the request that no change be made in authorized types of emission will be further considered in this proceeding and no change is being made at the present time.

With the exception of the comments detailed above, no comments were received which have bearing on the matters under consideration at this time. Therefore, the amendments adopted herewith contain changes originally intended to be made a part of a complete revision of Part 19 and designed either for the purpose of clarification or to facilitate administration of the service, with such editorial changes as appear necessary to fit them into the existing rules. These amendments are set forth in detail in the appendix attached hereto, and the relationship between the new and the superseded sections of the rules is indicated by the following table:

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[1] Consideration of the comments of Motorola, Inc., although not differing substantially from that of the Radio Specialists Company, renders moot the petition filed in Docket No. 11895 in that regard, and it is hereby dismissed.

[2] It may be noted that these Dockets among other things, propose to reduce the frequency band 460–470 Mc available to the Citizens Radio Service to 464.725–465.275 Mc.

Superseded section	New section
[illegible] (a)	19.2 (a)
[illegible]	19.12
[illegible]	19.14
[illegible]	19.13
[illegible]	19.14
[illegible]	19.18
[illegible]	19.51
[illegible]	19.59
[illegible]	19.59
[illegible]	19.61

Upon consideration of the foregoing matters, and other information available to the Commission, it is concluded that amendment of Part 19, Citizens Radio Service, in the manner herein ordered is in the public interest. Authority for those amendments is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That, effective May 26, 1958, Part 19 of the Commission's rules, Citizens Radio Service, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 19 is amended as follows:

1. Amend paragraph (a) of § 19.2 to read as follows:

§ 19.2 *Definitions*—(a) *Citizens Radio Service.* A service of fixed, land and mobile stations intended for personal or business radiocommunication, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited in this part.

2. Delete the titles and text of §§ 19.12, 19.13 and 19.14, and substitute the following:

§ 19.12 *Eligibility for station license.* Subject to the general citizenship restrictions of § 19.3, any person is eligible to hold authorizations to operate radio stations in the Citizens Radio Service: *Provided*, That if the applicant is an individual or partnership, such individual or each partner is eighteen or more years of age: *And provided further*, That not more than one person shall be eligible as licensee of the same transmitting equipment.

NOTE: While the basis of eligibility in this service includes any state, territorial or local governmental entity or any organization or association operating by the authority of such governmental entity, including any duly authorized state, territorial or local civil defense organization, it should be noted that the frequencies available to stations in this service are shared without distinction between licensees and that during periods of normal operation no protection can be afforded to the communications of any station in this service, even when involving the protection of life or property, from interference which may be caused by the operation of other authorized stations.

§ 19.13 *Filing of applications.* (a) To insure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Citizens Radio Service are discussed in § 19.14 and may be obtained from the Commission's office at Washington 25, D. C., or from any of its engineering field offices.

(b) An application for Class A or Class B station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary.

(c) An application for a Class C station authorization proposing to employ type-approved equipment, or a Class C station authorization proposing to employ crystal-controlled equipment, and all correspondence relating thereto shall be submitted to one of the engineering field offices of the Commission: *Provided, however*, That when such an application is required to be accompanied by FCC Form 401-A it shall be submitted instead to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary. Applications involving Class C station equipment which is neither type-approved nor crystal-controlled, whether of commercial or home construction, shall be submitted only to the Commission's office at Washington 25, D. C. Such applications shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and the methods employed in testing to determine compliance with the technical requirements set forth elsewhere in this part.

(d) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed. In any case where the licensee has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(e) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

§ 19.14 *Standard forms to be used*—(a) *FCC Form 505, Application for Citizens Radio Construction Permit and License.* This form shall be used when:

(1) Application is made for a new station authorization or for modification of an existing authorization; or

(2) Whenever it is proposed to make any change which would be inconsistent with the terms of the existing station authorization, as outlined in § 19.17.

(b) *FCC Form 405-A, Application for Renewal of Radio License (Short Form).* This form shall be used when application is made for renewal, without modification, of an existing authorization.

(c) *FCC Form 401-A, Description of Proposed Antenna Structures.* This form shall be submitted in triplicate when specifically requested by the Commission in a particular case. It shall also be submitted whenever an antenna structure to be constructed or changed falls within either of the following situations and data on the antenna structure is not, or has not been, filed on FCC Form 505:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401-A need be filed; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of any such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or a natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401-A need be filed.

3. Delete the title and text of § 19.16 and substitute: [Reserved].

4. Amend § 19.18 to read as follows:

§ 19.18 *Transfer of license prohibited.* A station authorization in the Citizens Radio Service may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

5. Delete the title and text of § 19.51 and substitute the following:

§ 19.51 *Operator requirements.* (a) Except for stations using manually operated telegraphy transmitting by any type of the Morse code, no operator license is required for the operation of a citizens radio station during the course of normal rendition of service.

(b) Stations using manually operated telegraphy transmitting by any type of the Morse code may, during the course of normal rendition of service, be operated only by the holders of either a Radiotelegraph Third Class Operator Permit or a higher class of radiotelegraph operator license (except the holders of Temporary Limited Radiotelegraph Second Class Operator Licenses).

(c) In any case, however, all transmitter adjustments or tests during or coincident with the installation, servicing or maintenance of a citizens radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment.

6. Amend § 19.59 to read as follows:

§ 19.59 *Permissible communications.* (a) Each station in the Citizens Radio Service is authorized to communicate with other stations in the same service. Communications with stations licensed under other parts of the Commission's rules or with United States Government or foreign stations is prohibited, except for communications relating to civil defense in accordance with the provisions of § 19.67.

(b) Any station licensed in this service may be used to provide a radio communication service to any person, including the licensee of another station in the same service, on a strictly voluntary and no-charge basis; however, no other form of cooperative or shared use of facilities licensed in this service shall be permitted.

(c) All communications shall be limited to the minimum practicable transmission time.

(d) A citizens radio station may not be used for any purpose contrary to federal, state or local law; or to carry communications for hire; or to carry program material of any kind either directly or indirectly for use in connection with radio broadcasting; or for direct transmission to the public through public address systems or by any other means.

(e) The licensee of any station in this service may, during a period of emergency in which normal communications facilities are disrupted or inadequate as a result of hurricane, flood, earthquake, enemy action, or similar disaster, utilize such station for emergency communications without regard to the provisions of this section other than the following:

(1) As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission in Washington 25, D. C. or to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington 25, D. C. and the Engineer in Charge shall be notified immediately when such special use of the station is terminated; and

(3) The Commission may at any time order discontinuance of such special use of the authorized facilities.

(f) A station in this service used to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention, shall not be used where its operation involves the continuous radiation of energy except for brief tests or when adjustments are being made to the transmitter: *Provided, however,* That stations used to control model aircraft with interrupted tone modulation may use continuous radiation of an unmodulated carrier while the aircraft is actually in flight.

(g) A citizens radio station used for the purpose of communication by radiotelephone shall not emit a carrier wave unless modulated for the purpose of communication; and when using radiotelegraph, radiation of energy shall not occur except when telegraphic signals are being transmitted, except for brief tests or when adjustments are being made to the transmitter.

7. Delete § 19.60.

8. Amend § 19.61 to read as follows:

§ 19.61 *Control of transmitters.* All transmitters licensed in the Citizens Radio Service must at all times be under the control of the licensee. The licensee shall not transfer, assign, or dispose of in any manner, directly or indirectly, the operating authority under his station license.

[F. R. Doc. 58-3048; Filed, Apr. 23, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 330]

DETERMINATION OF PRICE AND PRICE READJUSTMENTS

NOTICE OF HEARING ON PROPOSED REGULATIONS

Proposed regulations on determination of price and price readjustments were published in the issue of the FEDERAL REGISTER for Saturday, March 22, 1958 (23 F. R. 1931), with a notice of proposed rule making. The time for submission of comments on these proposed regulations was extended to May 21, 1958, by a notice published in the issue of the FEDERAL REGISTER for Tuesday, April 22, 1958 (23 F. R. 2641). In response to this notice of proposed rule making, one or more interested parties have submitted comments and suggestions pertaining to the proposed regulations, and have requested an opportunity to comment orally at a public hearing on the proposed regulations.

Notice is hereby given that a public hearing on these proposed regulations will be held on Tuesday, May 27, 1958, at 10:00 a. m., e. d. s. t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D. C. All interested persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P. Washington 25, D. C., at least three days prior to the date fixed for the hearing.

[SEAL] JOHN W. S. LITTLETON,
Director,
Technical Planning Division,
Internal Revenue Service.

[F. R. Doc. 58-3097; Filed, Apr. 23, 1958; 9:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR FRESH PLUMS AND PRUNES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1530) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than May 5, 1958.

The proposed standards are as follows:

GRADES

Sec.
51.1520 U. S. Fancy.
51.1521 U. S. No. 1.
51.1522 U. S. Combination.
51.1523 U. S. No. 2.

UNCLASSIFIED

51.1524 Unclassified.

TOLERANCES

51.1525 Tolerances.

APPLICATION OF TOLERANCES

51.1526 Application of tolerances.

STANDARD PACK

51.1527 Standard pack.

DEFINITIONS

51.1528 Well formed.
51.1529 Clean.
51.1530 Mature.
51.1531 Sunscald.
51.1532 Damage.
51.1533 Well colored.
51.1534 Fairly well colored.
51.1535 Badly misshapen.
51.1536 Serious damage.
51.1537 Diameter.

AUTHORITY: §§ 51.1520 to 51.1537 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.1520 *U. S. Fancy.* "U. S. Fancy" consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled, and which are free from decay, sunscald, heat injury, sunburn, split pits and hail marks, and free from damage caused by broken skins, growth cracks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

§ 51.1521 *U. S. No. 1.* "U. S. No. 1" consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled, and which are free from decay and sunscald, and free from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

§ 51.1522 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 plums or prunes: *Provided,* That at least 75 percent, by count, meet the requirements of U. S. No. 1 grade. (See § 51.1525.)

§ 51.1523 *U. S. No. 2.* "U. S. No. 2" consists of plums or prunes of one variety which are not badly misshapen, which are clean, mature but not overripe or soft or shriveled, and which are free from decay and sunscald, and free from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means. (See § 51.1525.)

UNCLASSIFIED

§ 51.1524 *Unclassified.* "Unclassified" consists of plums or prunes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1525 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, shall be permitted as specified:

(a) *U. S. Fancy and U. S. No. 1.* (1) For plums or prunes, other than Italian type prunes, not more than a total of 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for decay; and,

(2) For Italian type prunes not more than a total of 15 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement; and,

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for decay. (See § 51.1526.)

(b) *U. S. Combination and U. S. No. 2.* Not more than a total of 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for sunscald, decay or serious damage by insects or heat injury, including therein not more than 1 percent for decay.

(1) When applying the tolerance for the U. S. Combination grade individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the required percentage. (See § 51.1526.)

APPLICATION OF TOLERANCES

§ 51.1526 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one-specimen which is soft or affected by decay shall be permitted in any package.

STANDARD PACK

§ 51.1527 *Standard pack*—(a) *Packing.* (1) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(2) The plums or prunes in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(3) Four-basket crates: Four-basket crates shall not be packed more than three layers deep. The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer.

(i) In the 3½–4 x 5 and 3½–4 x 4 packs the face of each half of the crate shall be packed as a unit, with no shim between the two baskets.

(4) Face and fill packs in cartons and lug boxes: Such packages shall have a double or two-layer face, or shall have a single face supported by a shim or form.

(b) *Marking.* (1) The size of plums or prunes shall be marked on each package, and shall be indicated in terms of minimum diameter, or number of fruit per package, or in accordance with the arrangement of the top layer of fruit in the package or sub-container.

(i) *Four-basket crates.* The size of plums packed in four-basket crates shall be indicated in accordance with the arrangement in the top layer of the baskets, as follows: 6 x 6, 5 x 5, or 4 x 4 (square packs); 5 x 6, 4 x 5, or 3 x 4 (offset packs); 3½–4 x 5, 3–4 x 5, 3½–4 x 4, or 3–4 x 4 (diagonal packs).

(ii) *California peach boxes, lug boxes and small consumer packages.* In layer packed California peach boxes, or lug boxes, and in smaller consumer packages, the count of the entire contents shall be marked on the package.

(iii) *Face and fill packs in cartons and lug boxes.* In face and fill packs in cartons and lug boxes the number of rows in the face shall be marked on the package, as "6 rows", "8 rows", etc.

(c) *Sizing.* (1) Not more than 5 percent, by count, of the plums or prunes in any package may vary more than one-fourth inch in diameter.

(2) When size is indicated in terms of minimum diameter not more than 5 percent, by count, of the fruit in any package may be smaller than the size marked.

(d) *Tolerance for Standard Pack.* In order to allow for variations incident to proper sizing and packing not more than 10 percent, by count, of the packages in any lot may fail to meet the requirements for Standard Pack.

DEFINITIONS

§ 51.1528 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well formed.

§ 51.1529 *Clean.* "Clean" means that the fruit is practically free from dirt or other foreign material.

§ 51.1530 *Mature.* "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

§ 51.1531 *Sunscald.* "Sunscald" means injury caused by the sun in which softening or collapse of the flesh is apparent.

§ 51.1532 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the individual plum or prune. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken skins which are unhealed, except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be considered scars);

(b) Heat injury which is extensive or not light in color;

(c) External growth cracks when there are more than one on a fruit, or when any growth crack is deep, not well healed, or more than one-fourth inch in length;

(d) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack;

(e) Split pit which causes a readily apparent crack at the stem end, or which affects the shape to the extent that the fruit is not well formed;

(f) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which aggregate more than three-eighths inch in diameter, or when the skin has been broken;

(g) Drought spots or external gum spots which are more than one-fourth inch in diameter;

(h) Russeting which is not excessively rough when the aggregate area exceeds one-sixteenth of the fruit surface, or excessively rough russeting when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(i) Scars which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark, rough or depressed scars when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(2) Fairly light colored, fairly smooth scars with slight depth when the aggregate area exceeds that of a circle one-half inch in diameter on an Italian type prune or on a plum smaller than 4 x 4 size or less than 2 inches in diameter, or of a circle five-eighths inch in diameter on a plum 4 x 4 size or larger or 2 inches or more in diameter;

(3) Light colored, smooth scars with no depth when the aggregate area exceeds that of a circle five-eighths inch in diameter on an Italian type prune or on a plum smaller than 4 x 4 size or less than 2 inches in diameter, or of a circle three-fourths inch in diameter on a plum or prune 4 x 4 size or larger or 2 inches or more in diameter; and,

(4) Twig or limb scratches which are not well healed or which have an aggregate length of more than one-half inch.

§ 51.1533 *Well colored.* "Well colored", as applied to Italian type prunes, means that 95 percent of the surface of the prune is purple color. In judging color any russeting which is present should be disregarded.

§ 51.1534 *Fairly well colored.* "Fairly well colored", as applied to Italian type prunes, means that at least three-fourths of the surface of the prune is purple color. In judging color any russeting which is present should be disregarded.

§ 51.1535 *Badly misshapen.* "Badly misshapen" means that the fruit is so malformed or rough that its appearance is seriously affected. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal halves shall not be considered badly misshapen.

§ 51.1536 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance or the edible or shipping quality of the individual plum or prune. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Broken skins which are unhealed and more than one-eighth inch in diameter or depth, except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be considered scars);

(b) Heat injury which causes any softening or dark discoloration of the flesh;

(c) External growth cracks which are not well healed, or which are more than 3/16 inch in depth, or more than one-half inch in length;

(d) Sunburn which causes decided flattening of the fruit, or causes blistering, cracking, or noticeable brownish discoloration of the skin;

(e) Split pit which causes a crack at the stem end more than three-sixteenths inch in length, including any part which may be covered by the stem, or which affects the shape to the extent that the fruit is badly misshapen;

(f) Hail marks which are more than three-sixteenths inch in depth, or which have an aggregate area exceeding that of a circle one-half inch in diameter;

(g) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-half inch in diameter;

(h) Russeting which is not excessively rough, when aggregating more than one-fourth of the fruit surface, or excessively rough russeting when the aggregate area exceeds that of a circle one-half inch in diameter; and,

(i) Scars which are very dark or excessively rough and have an aggregate area exceeding that of a circle one-half inch in diameter or which are more than three-sixteenths inch in depth.

§ 51.1537 *Diameter.* "Diameter" means the greatest dimension measured at right angles from the stem to blossom end of the fruit, except that in the cast of Italian type prunes diameter means the shortest dimension measured through the center of the fruit at right angles to a line from stem to blossom end.

Dated: April 21, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3041; Filed, Apr. 23, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release 58-6]

SPECIAL CIVIL AIR REGULATION; POSITIVE AIR TRAFFIC CONTROL EXPERIMENT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation, as hereinafter set forth, which will authorize the Administrator to designate a portion of airspace within which positive control of air traffic will be exercised.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by June 25, 1958. Copies of such communications will be available after June [illegible], 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The current provisions of Part 60 of the Civil Air Regulations classify all air traffic into two broad categories:

(1) VFR, or that category of air traffic operating in weather conditions in which it is assumed that all pilots are able to see and avoid other aircraft, and

(2) IFR, or that category of air traffic operating in weather conditions in which it is assumed that pilots are not able to see and avoid other aircraft. Weather conditions which limit the range of visibility of a pilot, therefore, are the principal factors determining the applicability of these rules.

The current concept of flight operations is based upon the principle that pilots shall provide their own separation when visibility conditions are such that they can see and avoid other aircraft. When visibility deteriorates to the extent that this can no longer be done, other means for providing separation must be devised. Air traffic control is established for the purpose of maintaining safe traffic separation in controlled airspace under conditions in which it is impossible for pilots to perform such functions themselves.

In applying the principle of "see and be seen" in the air traffic rules of Part 60, the Board, up to the present time, has dealt principally with the meteorological conditions which affect a pilot's ability to see other aircraft. For some time, however, it has become increasingly apparent that the long-established "see and be seen" philosophy applicable to VFR flight must also take account of the extreme rates of closure which are the result of the very high speeds at which certain aircraft operate.

Under certain circumstances, it appears that the rate of closure of very high-speed aircraft is such that the total time in which the aircraft may be visible to a pilot of another aircraft is so short that pilots cannot be expected to insure separation between aircraft irrespective of the weather conditions in which they are flying.

It has been recognized that in the interest of safety there are certain areas of the common system where the problem of collision avoidance inherent in high-speed operations requires the use of air traffic control separation by ground controllers even in good weather conditions.

An air traffic control system capable of insuring positive separation for all aircraft irrespective of weather conditions in certain areas of airspace is the ultimate objective of comprehensive operational improvement plans currently under development by the Civil Aeronautics Administration. The establishment of the continental control area in late 1957 provided the initial regulatory basis upon which the Administrator could predicate such a system.

While the requirement for a positive control capability has been recognized and action has been initiated to establish a system having such capacity, it is clear that considerable development of the air traffic control machinery must be accomplished if aircraft separation in good weather as well as bad is to be effected without undue economic and operational penalty to the users of the system. Because of the extent of the improvements required in communications, navigational aids, and other essential devices, it is equally clear that in the major portion of the airspace over the United States such control will probably not be exercised on the basis of an area concept for some time to come.

While it may be said that the existence of military jet aircraft operations during the past several years has already confronted the United States with a requirement for a system of high-altitude, all-weather air traffic control in order to insure separation, the fact is that the techniques and machinery required for such a system have not been in existence and, accordingly, the price for complete positive air traffic control would have been exorbitant in terms of the severe restrictions imposed on essential missions. Although military jet aircraft operations were upon us before it became apparent precisely what our air traffic control system requirements would be, the same cannot be said of civil jet aircraft operations.

The civil jet transport is expected to be introduced into our domestic system on a scheduled coast-to-coast passenger-carrying basis in early 1959. Concurrently, the business aircraft fleet will be augmented by the first of many pure jet executive transports. The high en route air speeds which these aircraft will make available to the flying public compels the prompt preparation of a system in which the most important single characteristic of the civil jet transport can be exploited without reliance upon the pilot's ability to see and avoid collision. Because the highest air speeds will be attained in the en route phase of these flights, the need for positive air traffic control separation is greatest in this area. Since the need for positive separation is most essential in this en route high-altitude phase of flight, it has appeared practical to designate a segment of airspace embracing a reasonably highly traveled route which might typically be utilized in transcontinental flight as a positive control segment. It is believed that the concept of "positive control" can be evaluated effectively in such airspace without creating undue operational or economic penalty on the users of it.

The purpose of this proposed regulation is to permit the Administrator to designate such a segment of airspace which will provide for an accurate determination of the nature and extent of the traffic handling problems involved in the actual application of the all-weather positive control concept.

The air traffic rules governing flight in this portion of the airspace will be identical with the current requirements for complete IFR operation in other controlled airspace. All aircraft operated within it must be fully equipped for all-weather operations and all pilots must be capable of instrument flight.

In order to achieve a true positive control system which will relieve the pilot of the responsibility to visually avoid other air traffic, it is imperative that no uncontrolled traffic be intermingled in this airspace. Air traffic control cannot insure positive separation from all traffic in a specific area unless it has complete control of all traffic within that area.

All VFR flight irrespective of weather conditions will be prohibited from operating in this airspace. "VFR conditions on top" or VFR climb or descent restrictions, therefore, will not be used as a traffic control limitation.

While the requirement for an IFR capability is not expected to impose an undue burden on those who typically operate at these altitudes, the inclusion of this requirement in this experiment should not be construed as a precedent to exclude controlled VFR operations in future extensions of this concept to the lower altitudes.

The importance of avoiding this experimental area in all-weather conditions by nonparticipating pilots cannot be overemphasized. All pilots who may have occasion to operate at the altitude levels involved are expected to familiarize themselves with the exact location of the designated airspace. Pilots not intending to participate must exercise extreme care to avoid this airspace either vertically or laterally. The positive control segment of airspace will be depicted on aeronautical maps and charts in a distinguishing manner.

Perhaps the most challenging traffic handling problems involved in this experiment will concern crossing problems. These particular problems would be considerably alleviated if the planned flight path through the positive control airspace segment could be routed over a VOR station or other readily recognizable and precise fix. Additionally, any request to penetrate the area will be facilitated if the request is submitted as much in advance of the estimated time of penetration as practicable. In order to further facilitate solving the crossing problems, the ordinary extensive information included in normal IFR flight plans, such as amount of fuel on board, pilot's name, alternate airports, and the like, need not be transmitted. Only that information necessary for air traffic separation purposes will be required.

Another significant factor which will considerably alleviate the anticipated traffic handling problems is the availability of airborne radio equipment capable of direct controller-to-pilot communications on designated discrete frequencies. In order to obtain the best possible service and to increase the overall efficiency of this system, all users are urged to so equip their aircraft.

The altitudes to be utilized in this route experiment were selected to insure a sufficient volume of air traffic to evaluate effectively the traffic problems involved in an en route positive control concept while at the same time creating the least possible conflict with current operations.

The availability of communications facilities was the principal factor determining the specific area within which it was decided to conduct this test. The peripheral communication facilities currently operating along Victor civil airway No. 1510 facilitate the early implementation of this concept in this area. Planned improvements in airway communications facilities in other areas along this route, some of which are currently being installed, will permit the extension of this service.

In the event the positive control experiment is implemented, initial designation will probably not include all the airspace contemplated by this regulation. However, the initial partial implementation will be followed by an expansion of the experiment to a larger area as the increased capacity of the air traffic control system permits.

The authority contained in this proposed regulation would be given the Administrator for a period of one year from the time of initial implementation. This will enable the Administrator to obtain sufficient experience to determine the nature and extent of the traffic handling problems involved in the actual application of the all-weather positive control concept. Because of the complexity and importance of this initial program, the sincere and effective cooperation on the part of all interests, civil and military, is urgently required. During this period the Bureau expects interested persons to submit their evaluation of the trial operation and recommendations resulting therefrom with respect to future regulatory action.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of a Special Civil Air Regulation to read as follows:

(1) The Administrator is hereby authorized to designate as a "positive control route segment" any portion of the airspace between 20,000 to 35,000 feet, having a width not in excess of 40 miles.

(2) No person shall operate an aircraft within such designated airspace without prior approval of air traffic control.

(3) All VFR flight activities, irrespective of weather conditions, are prohibited from operating in this designated airspace.

(4) All aircraft operated within this designated airspace shall have the instruments and equipment currently required for IFR operations and all pilots shall be rated for instrument flight.

It is proposed that this regulation be effective for one year after its initial implementation by the Administrator.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610; 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., April 17, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58-3067; Filed, Apr. 23, 1958; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 6741; FCC 58-350]

CLEAR CHANNEL BROADCASTING IN THE STANDARD BROADCAST BAND

FURTHER NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 58-2934, published at page 2612 in the issue for Saturday, April 19, 1958, the following change should be made: In the paragraph headed "*Additional unlimited time assignments on the present Class I–A channels*" (third column, page 2616), the last sentence should read "Therefore, Alternatives (a) and (c), in our opinion, merit consideration for at least some of the Class I–A channels, on the basis described hereinafter."

[47 CFR Part 8]

[Docket No. 12403; FCC 58-376]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

CERTAIN RADIO TRANSMITTERS EXCEPTED FROM SPURIOUS EMISSION LIMITATIONS AND FROM TYPE ACCEPTANCE REQUIREMENTS

In the matter of amendment of Part 8 of the Commission's rules to permit radio transmitters leased by the same lessor and licensed prior to June 1, 1958, to be excepted from spurious emission limitations and from type acceptance requirements until after June 1, 1963.

1. The Commission is issuing this Notice of Proposed Rule Making in response to a petition for amendment of Part 8 of the Commission's rules filed on January 21, 1958, by Radio Corporation of America (RCA). Petitioner requested that §§ 8.136 (d) and 8.139 (a) (2) of the rules be appropriately amended so as to include leased transmitters licensed before June 1, 1958 (and subsequently installed aboard any vessel) among the radio equipments which do not have to meet the spurious emission limitations or type acceptance requirements until authorized by initial or renewal license after June 1, 1963. In support of its petition RCA states, in substance, the following: that it owns and leases approximately 500 radiotelephone transmitters which were not designed to meet the new spurious emission limitations; that each year a number of lease agreements for these transmitters are terminated and new leases are entered into for the same transmitters aboard other vessels; and that it would be forced to scrap valuable equipment without the benefit of the amortization period reflected in the rules unless the rules were changed to include transmitters which were leased after June 1, 1958, to a different licensee for a station aboard a different vessel. The pertinent rules now provide that the exceptions to the spurious emission limitations and the type acceptance requirements are applicable only when the equipment is aboard the same vessel or licensed to the same licensee.

2. The Commission believes that leased transmitters should be allowed the same amortization period as the other radio transmitters subject to the rules in question if the same lessor is involved, and therefore, proposed to amend its rules substantially in accordance with the request of RCA. The proposed rule amendments would, of course, be advantageous to other companies engaged in leasing radio equipment who find thmeselves similarly situated.

3. The proposed amendments are set forth below and are issued pursuant to the authority contained in section 303 (e) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 5, 1958, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 8 is amended to read as follows:

1. Section 8.136 (d) is amended by adding a new subparagraph (5) as follows:

(5) Other radio transmitters leased for operation on board a vessel and licensed for operation on any frequency assignment below 30 Mc prior to June 1, 1958, which are subsequently leased by the same lessor for use by a station or stations on board another vessel or other vessels until they are authorized in a new or renewed station license issued in response to an application filed after June 1, 1963.

2. Section 8.139 (a) (2) is amended by deleting the present subparagraph (2) and substituting the following therefor.

(2) After June 1, 1958 to transmitters when operating on any frequency assignment, including any assignment below 30 Mc. However, until requested to be authorized in a new or renewal license issued in response to an application filed after June 1, 1963, transmitters licensed under this part prior to June 1, 1958 may (insofar as this requirement is concerned) continue to be authorized for operation on any frequency assignment below 30 Mc if authorized in a station license issued to the same licensee or for a station on board the same vessel, or if under lease and authorized in a station license prior to June 1, 1958 and subsequently leased by the same lessor for a station or stations on board another vessel or other vessels.

[F. R. Doc. 58-3049; Filed, Apr. 23, 1958; 8:50 a. m.]

[47 CFR Part 9]

[Docket No. 12400; FCC 58-371]

AVIATION SERVICES

AERONAUTICAL SEARCH AND RESCUE MOBILE STATION

In the matter of amendment of Part 9—Aviation services, to establish a new class of station (Aeronautical Search and Rescue Mobile Station) and to make provision for the use of the frequency 121.6 Mc by such stations and by stations aboard aircraft when engaged in search and rescue operations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed amendments set forth below would establish a new class of station to be known an an "Aeronautical Search and Rescue Mobile Station" using the frequency 121.6 Mc for communications with stations aboard aircraft when both are engaged in Search and Rescue (SAR) operations.

3. The need for a SAR scene of action frequency in addition to the international emergency and distress frequency 121.5 Mc, was emphasized when objections were raised by various aviation organizations to a Notice of Proposed Rule Making, Docket No. 11770, released July 10, 1956. This proposal, among other things, would have expanded SAR communications on 121.5 Mc by making that

frequency available to mobile vehicles in the Public Safety Radio Services for use in SAR operations. In view of the objections, the final Report and Order in Docket 11770, released November 19, 1956, left the question of expanded use of 121.5 Mc open for further consideration, and the question was simultaneously referred to the Air Coordinating Committee (ACC) for appropriate study and recommendation.

4. Both government and non-government aviation interests participated in the ensuing ACC discussions.

5. In its final report on this matter, the ACC concluded that there is, in fact, a requirement for communications between ground mobile stations and aircraft stations engaged in SAR operations. The possible use of one of the frequencies 119.7, 121.5, 121.6, 122.8, 123.1, and 138.78 Mc was considered for this purpose. The Committee's findings are summarized below:

(a) The frequency 119.7 Mc is extensively used for air traffic control purposes and is therefore unsuitable as a practical selection.

(b) The frequency 122.8 Mc is extensively used in many regions for aeronautical advisory communications and the proposed additional SAR communications from ground mobile stations would produce a serious mutual conflict, accordingly, 122.8 Mc is not a suitable frequency.

(c) The frequency 123.1 Mc is extensively used for flight test operations, as well as by flying school stations, and is therefore eliminated as a practicable selection.

(d) The frequency 138.78 Mc is the present joint military SAR working frequency; however, it is outside the 118–132 Mc Aeronautical (R) band, and therefore is beyond the equipment capability of most of General Aviation. Accordingly, this frequency is considered impractical for conducting non-military SAR operations.

(e) In view of the overloading of the international emergency and distress frequency (121.5 Mc) which might result from any substantial expansion of SAR scene of action communications on that frequency, a frequency supplementary to 121.5 Mc should be made available.

6. In view of the foregoing, use of the frequency 121.6 Mc by ground mobile units and stations aboard aircraft for SAR communications was recommended. The frequency 121.6 Mc was formerly part of the guard band for 121.5 Mc, but is now available as a consequence of recent U. S. decisions to reduce VHF channel spacing from 200 to 100 kc., which paralleled similar action by the Sixth Session of the Communications Division, International Civil Aviation Organization. The continued availability of the frequency 121.5 Mc to aircraft lacking a capability to transmit on 121.6 Mc for air-to-air and air-to-ground communications also was recommended.

7. The proposed amendments are issued pursuant to the authority contained in sections 303 (a), (b), (c), (g), and (r) of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 23, 1958, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 9—Aviation Services as indicated below:

1. Amend § 9.3 by inserting the following definition in alphabetical order:

Aeronautical search and rescue mobile station. A mobile station used for communication with aircraft when engaged in search and rescue operations.

2. Amend paragraph (a) of § 9.151 to read as follows:

§ 9.151 *Information required in station logs.* (a) All stations at fixed locations shall maintain logs showing hours of operation, frequencies used, stations with which communication was held, and hours of duty and signature of the operator(s) on duty.

3. Insert new text in paragraph (d), § 9.312 as follows:

(d) 8364 kilocycles: Frequency for use by lifeboats, liferafts and other survival craft for search and rescue communications with stations of the maritime mobile service.

4. Delete paragraphs (e), (f), and (g) of § 9.312 and substitute the following:

(e) 121.5 megacycles: This is a universal simplex emergency and distress frequency and will not be assigned to aircraft unless other frequencies are assigned and available for use to accommodate the normal communication needs of the aircraft. This frequency may be used by radio stations aboard aircraft for emergency direction finding purposes; to establish air-ground communications in emergencies; and for search and rescue operations by aircraft not equipped to transmit on 121.6 Mc.

(f) 121.6 megacycles: This frequency may be used by aircraft for air-to-air communications and air-to-ground communications with aeronautical search and rescue mobile stations when engaged in search and rescue operations.

(g) 121.7 and 121.9 megacycles: Airport utility frequencies.

5. Amend paragraph (a) of § 9.432 to read as follows:

§ 9.432 *Frequencies available.* (a) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless other frequencies are assigned and available for use to accommodate normal communications needs.

6. Add a new Subpart W to read as follows:

SUBPART W—AERONAUTICAL SEARCH AND RESCUE MOBILE STATIONS

9.1301 Frequency available.
9.1302 Scope of service.

SUBPART W—AERONAUTICAL SEARCH AND RESCUE MOBILE STATIONS

§ 9.1301 *Frequency available.* The frequency 121.6 megacycles is available for use by aeronautical search and rescue mobile stations.

§ 9.1302 *Scope of service.* Aeronautical search and rescue mobile stations shall be used only for communications with aircraft engaged in search and rescue operations.

[F. R. Doc. 58-3050; Filed, Apr. 23, 1958; 8:51 a. m.]

[47 CFR Part 19]

[Docket No. 12401; FCC 58-372]

CITIZENS RADIO SERVICE

CONELRAD PLAN

In the matter of amendment to Part 19 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Citizens Radio Service.

1. The Commission has before it the approved CONELRAD Plan for the Citizens Radio Service. This Plan was developed in cooperation with the Department of Defense, the Office of Defense Mobilization and other government agencies. In order to put this plan into effect it is necessary to amend Part 19 of the Commission's rules and regulations as set forth below.

2. This proposed amendment is promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934, as amended, and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before June 2, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within one week from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by

the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

SUBPART E—CONELRAD

§ 19.100 *Scope and objective.* (a) This subpart applies to all radio stations in the Citizens Radio Service located within the continental United States, and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Citizens Radio Service while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 19.101 *Alerting.* (a) Licensees of radio stations in the Citizens Radio Service are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Citizens Radio Service mobile radio systems, including stations at fixed locations associated therewith, and point-to-point systems where applicable, may, if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems and insuring that all associated stations execute CONELRAD requirements immediately. Relaying of a CONELRAD Radio Alert is considered a transmission of extreme emergency affecting the national safety and may be carried on under the authority of § 19.102 (a) (1).

(d) The CONELRAD Radio Alert for the Citizens Radio Service may be received by one or more of the methods outlined below:

(1) By monitoring any standard, FM or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By reception of the CONELRAD Radio Alert from a point that has received the CONELRAD Radio Alert from a standard, FM or TV broadcast station.

(3) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1) or (2) of this paragraph may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include reason why methods described in subparagraph (1) or (2) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program.

(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(3) Return carrier to the air for approximately 5 seconds.

(4) Cut the transmitter carrier for approximately 5 seconds.

(5) Return carrier to the air.

(6) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds.

(7) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver".

(8) The CONELRAD Radio Alert message will then be repeated.

(1) through (6) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (1) through (6) is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message).

The CONELRAD Radio Alert message as set forth in (7) above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert message, above, will be broadcast only in the event of an actual alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) All radio stations in the Citizens Radio Service not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 19.102 *Operation during a CONELRAD Radio Alert.* (a) Radio stations in the Citizens Radio Service, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of extreme emergency nature affecting the national safety or the safety of people and property.

NOTE: Transmission affecting the safety or security of industrial plants, personnel or equipment and materials necessary to the national defense may be made. All transmissions not immediately necessary must be withheld until the CONELRAD Radio All Clear has been issued.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of regularly assigned call signals or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers will be authorized.

§ 19.103 *Special conditions.* Licensees of radio stations or systems in the Citizens Radio Service, who for technical or operational reasons believe that compliance with § 19.102 cannot be met, may request a waiver of § 19.102. Such request must be made by letter to the Secretary, Federal Communications Commission, stating why § 19.102 cannot be complied with. The FCC upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

§ 19.104 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

I repeat

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Citizens Radio Service may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 19.105 *Tests.* Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part. Tests of the operation system will not require the station to close down and will be conducted in a manner that will not interfere with the transmission of normal traffic. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 19.106 *Record entries.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 58-3051; Filed, Apr. 23, 1958; 8:51 a. m.]

[47 CFR Part 20]

[Docket No. 12402; FCC 58-373]

DISASTER COMMUNICATIONS SERVICE

CONELRAD PLAN

In the matter of amendment to Part 20 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Disaster Communications Services.

1. The Commission has before it the approved CONELRAD Plan for the Disaster Communications Service. This Plan was developed in cooperation with the Department of Defense, the Office of Defense Mobilization and other government agencies. In order to put this plan into effect it is necessary to amend Part 20 of the Commission's rules and regulations as set forth below.

2. This proposed amendment is promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934, as amended, and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before June 2, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within one week from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

SUBPART E—CONELRAD

§ 20.40 *Scope and objective.* (a) This subpart applies to all radio stations in the Disaster Communications Service located within the continental United States, and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of enemy air attack or imminent threat thereof.

(b) The objective of these CONELRAD rules is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Disaster Communications Service while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 20.41 *Alerting.* (a) Licensees of radio stations in the Disaster Communications Service are responsible for making provisions to receive the CONELRAD Radio Alert and the CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Disaster Communications Service mobile radio systems, including fixed stations associated therewith, and fixed service systems where applicable, may if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems and insuring that all associated stations execute CONELRAD requirements immediately. Relaying of a CONELRAD Radio Alert is considered a transmission of extreme emergency affecting the national safety.

(d) The CONELRAD Radio Alert for the Disaster Communications Service may be received by one or more of the following methods:

(1) By monitoring any standard, FM or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By reception of the CONELRAD Radio Alert from a point that has received the CONELRAD Radio Alert from a standard, FM or TV broadcast station.

(3) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1) or (2) of this paragraph may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must include reasons why methods described in subparagraph (1) or (2) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(1) Discontinue the normal program.

(2) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(3) Return carrier to the air for approximately 5 seconds.

(4) Cut transmitter carrier for approximately 5 seconds.

(5) Return carrier to the air.

(6) Broadcast 1000 cycle (approximate) steady state tone for fifteen seconds.

(7) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver."

(8) The CONELRAD Radio Alert message will then be repeated.

(1) through (6) above is for the purpose of attracting the listeners' attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (1) through (6) is a warning that a Radio Alert may follow: the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message.)

The CONELRAD Radio Alert message as set forth in (7) above, is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert message, above, will be broadcast only in the event of an actual alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) Base, fixed and mobile stations in the Disaster Communications Service not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 20.42 *Operation during a CONELRAD Radio Alert.* (a) Radio Stations in the Disaster Communications Service, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of an extreme emergency nature affecting the national safety or the safety of people and property.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of regularly assigned call signals or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers is authorized. A record of all such identifiers shall be maintained in accordance with § 20.25 (a) (4).

§ 20.43 *Special conditions.* Licensees of radio stations or systems in the Disaster Communications Service, who for technical or operational reasons believe that compliance with § 20.42 cannot be met, may request a waiver of § 20.42. Such request must be made by letter to the Secretary, Federal Communications Commission, stating why § 20.42 cannot be complied with. The FCC upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

§ 20.44 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert.

Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

> The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.
>
> I repeat
>
> The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Disaster Communications Service may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 20.45 *Tests.* Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part. Tests of the operation system will not require the station to close down and will be conducted in a manner that will not interfere with the transmission of normal traffic. Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 20.46 *Record entries.* Appropriate entries of all CONELRAD tests, drills, and operations shall be made in the station records.

[F. R. Doc. 58-3052; Filed, Apr. 23, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 78]

[Docket No. 3666; Notice 35]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

APRIL 9, 1958.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the Appendix below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before May 12, 1958. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(62 Stat. 738, 18 U. S. C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F. R. 8265, 8266, 8269, 8270, 8271, 8273, Dec. 2, 1950) (20 F. R. 949, Feb. 15, 1955) (18 F. R. 6776, Oct. 27, 1953) (22 F. R. 7885, Oct. 3, 1957) (23 F. R. 2322, April 10, 1958) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Calcium arsenate, solid	Pois. B	73.364, 73.367, 73.368	Poison	200 pounds.
Chromyl chloride	Cor. L	No exemption, 73.247	White	1 gallon.
Hafnium powder or sponge, dry	F. S	No exemption, 73.215	Yellow	75 pounds.
Hafnium powder, wet or sludge	do	No exemption, 73.214	do	150 pounds.
Liquefied carbon dioxide gas (mining device). *See* Carbon dioxide gas, liquefied (mining device).				
Self-propelled vehicles	See §§ 78.120, 73.257, 73.303.			
Smokeless powder for cannon or small arms. *See* Propellant explosives, class A, or propellant explosives, class B.				
Zirconium powder or sponge, dry	F. S	No exemption, 73.215	Yellow	75 pounds.
Zirconium powder, wet or sludge	do	No exemption, 73.214	do	150 pounds.
(Add)				
Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.	Pois. A	No exemption, 73.329 (c).	Poison Gas	Not accepted.
Dinitrophenol solutions	Pois. B	73.345, 73.362A	Poison	65 pounds.
Methyl acetylene—15% to 20% propadiene mixture.	F. G	73.302, 73.308, 73.314	Red Gas	300 pounds.
Nitrocellulose flakes, wet with alcohol or solvent. *See* Wet nitrocellulose flakes—20 percent alcohol or solvent.				
Trick noise makers, explosive	Expl. C	No exemption, 73.111		150 pounds.
Wet nitrocellulose flakes—20 percent alcohol or solvent.	F. L	73.118, 73.127	Red	25 pounds.
(Cancel)				
Negative cotton. *See* High explosives.				

PART 73—SHIPPERS

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.100 amend paragraph (o); amend the introductory text of paragraph (x) and add paragraph (x) (3) (15 F. R. 8296, Dec. 2, 1950) (21 F. R. 670, Jan. 31, 1956) to read as follows:

§ 73.100 *Definition of class C explosives.* * * *

(o) Safety fuse, consisting of a core of black powder overspun with yarns, waterproofing compounds, and/or tapes must be packed in outside fiberboard boxes, wooden boxes, wooden barrels, bales, or metal containers, and must be described for shipping purposes as "SAFETY FUSE". No other restrictions apply in this part.

* * * * *

(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of a type approved by the Bureau of Explosives and are described as follows:

* * * * *

(3) Trick noise makers, explosive, consist of spheres containing a small amount of explosive composition.

2. In § 73.111 amend the heading and introductory text of paragraph (a) (21 F. R. 670, Jan. 31, 1956) to read as follows:

§ 73.111 *Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive.* (a) Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive must be packed in specification containers as follows:

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

In § 73.127 amend the heading and introductory text of paragraph (a) (15 F. R. 8301, Dec. 2, 1950) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet, nitrocellulose flakes, colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, etc.* (a) Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet with alcohol or a solvent, must contain at least 30 percent by weight of alcohol or a solvent with flash point not lower than 30° F., nitrocellulose flakes, colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet with alcohol or a solvent, must contain at least 20 percent by weight of alcohol or a solvent with flash point not lower than 30° F., and must be packed in specification containers as follows:

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.151 amend paragraph (a) (15 F. R. 8303, Dec. 2, 1950) to read as follows:

§ 73.151 *Oxidizing material; definition.* (a) An oxidizing material for the purpose of Parts 71–78 of this chapter is a substance such as a chlorate, permanganate, peroxide, nitro carbo nitrate, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.

2. In § 73.153 amend paragraph (c) (58); add paragraph (c) (68) (15 F. R. 8303, Dec. 2, 1950) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* * * *

(c) * * *

(58) Zirconium, dry, wet or sludge.

* * * * *

(68) Hafnium, dry, wet or sludge.

3. In § 73.176 amend paragraph (d) (2) (15 F. R. 8306, Dec. 2, 1950) to read as follows:

§ 73.176 *Matches.* * * *

(d) * * *

(2) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside containers; not over 60 pounds each. Fill-in pieces specified by § 78.205–14 or § 78.206–14 of this chapter shall not be required.

4. In § 73.182 amend the introductory text of paragraph (a) by amending only the commodity "Nitro carbo nitrate" to read "Nitro carbo nitrate (see Note 1)"; add Note 1 to paragraph (a) (1) (19 F. R. 8526, Dec. 14, 1954) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.182 *Nitrates.* (a) * * *

(1) * * *

NOTE 1: Nitro carbo nitrate is a mixture consisting substantially of inorganic nitrates and carbonaceous materials, in which none of the ingredients are explosive as defined in this part and which as packaged for shipment cannot be detonated by means of a No. 8 test blasting cap as described herein. (A No. 8 test blasting cap is one containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.)

5. In § 73.207 amend paragraph (b) (2) (15 F. R. 8310, Dec. 2, 1950) to read as follows:

§ 73.207 *Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.* * * *

(b) * * *

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be metal cans of not over 5 pounds net weight each or glass bottles of not over 1 pound net weight each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross.

6. In § 73.214 amend the heading and introductory text of paragraph (a) (18 F. R. 6778, Oct. 27, 1953) to read as follows:

§ 73.214 *Zirconium powder or hafnium powder, wet or sludge.* (a) Zirconium powder or hafnium powder, wet or sludge, must be packed in specification containers as follows:

7. In § 73.215 amend the heading and introductory text of paragraph (a); amend paragraphs (a) (3), (4); cancel paragraph (a) (5) (18 F. R. 6778, Oct. 27, 1953) (20 F. R. 4416, June 23, 1955) to read as follows:

§ 73.215 *Zirconium or hafnium powder or sponge, dry.* (Not subject to these regulations if particle size exceeds 20 mesh). (a) Zirconium or hafnium powder or sponge, dry, must be packed in specification containers as follows:

* * * * *

(3) Spec. 6A, 6B, or 6C (§ 78.97, § 78.98, or § 78.99 of this chapter). Metal barrels or drums not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium sponge.

(4) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip) not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium sponge.

(5) [Canceled.]

8. In § 73.234 amend paragraph (a) (2) (19 F. R. 1278, Mar. 6, 1954) to read as follows:

§ 73.234 *Sodium nitrite.* (a) * * *

(2) Spec. 44C (§ 78.237 of this chapter). Multiwall paper bags constructed of at least 5 thicknesses of heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 320 pounds including a polyethylene, or other suitable pliable plastic material, inner sheet having a minimum basis weight of 10 pounds. All closures must be of such design as to provide a moisture-resistant package when closed for shipment. Net weight not over 100 pounds each. Authorized for carload or truckload shipments only.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.242 amend paragraph (c) (21 F. R. 3010, May 5, 1956) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* * * *

(c) Acid or corrosive liquid solutions in securely closed bottles, in quantity necessary for preparing photographic processing mixture and efficiently cushioned, may be packed in the same outside shipping container with required amount of packaged dry chemicals not classed as dangerous articles by these regulations, provided no dangerous reaction occurs should the contents of bottles and dry chemicals be mixed. Marking prescribed in § 73.401 (c) shall not be required.

2. In § 73.257 add paragraphs (a) (13) and (c) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(13) Spec. 5B, 6J, or 37A (single-trip) (§ 78.82, § 78.100, or § 78.131 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Spec. 37A (§ 78.131 of this chapter) drums shall be constructed of at least 24 gauge steel for capacities over 5 gallons. Two ⅛-inch holes are permitted diametrically opposite each other in the steel barrel or drum bodies near the bottom chime. Gross weight restriction indicated by the gross weight embossment on spec. 6J and 37A (§§ 78.100 and 78.131 of this chapter) steel barrels or drums shall be waived.

* * * * *

(c) Electrolyte acid or corrosive battery fluid contained in polyethylene containers not over 2 quarts capacity each and packed not more than 3 containers in spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter) wooden boxes or packed as prescribed in § 73.257 (a) (6) and bearing white acid label or corrosive liquid label may be securely attached to self-propelled vehicles or mobile agricultural machinery or securely braced on car floors.

3. In § 73.263 amend paragraph (a) (15); add paragraphs (a) (20) and (d) (2) (19 F. R. 6268, Sept. 29, 1954) (15 F. R. 8317, Dec. 2, 1950) (21 F. R. 9357, Nov. 30, 1956) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) * * *

(15) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

* * * * *

(20) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip) with inside polyethylene containers, spec. 2T (§ 78.21 of this chapter). Removable heads of steel drums may have holes of suitable size to provide for protruding neck and closure of inner container.

* * * * *

(d) * * *

(2) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be in the outside container.

4. In § 73.372 amend paragraph (f) (3) (23 F. R. 2326, April 10, 1958) to read as follows:

§ 73.272 *Sulfuric acid.* * * *

(f) * * *

(3) Spec. 5B, 6J, or 37A (single-trip) (§ 78.82, § 78.100, or § 78.131 of

this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Steel barrels or drums of 55-gallon capacity when used for sulfuric acid of 93 percent or greater concentration shall be constructed of at least 16 gauge steel throughout. Gross weight restriction indicated by the gross weight embossment on spec. 6J and 37A (§§ 78.100 and 78.131 of this chapter) steel barrels or drums shall be waived.

5. In § 73.286 add paragraph (c) (15 F. R. 8323, Dec. 2, 1950) to read as follows:

§ 73.286 *Chemical kits.* * * *

(c) Chemical kits containing acids or corrosive liquids and other chemicals not classed as dangerous articles used for photographic processing, except as otherwise provided for in Parts 71–78 of this chapter, must be packed in specification containers as follows:

(1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 32 ounces capacity each, securely cushioned and separated from other inside containers. The contents of the kit must be of such nature and so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas.

SUBPART—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend paragraph (a) (9) (21 F. R. 7601, 7602, Oct. 4, 1956) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) * * *

(9) Inside nonrefillable metal containers of a capacity not to exceed 31.83 cubic inches (17.6 fluid ounces) charged with a solution of nonpoisonous and nonflammable materials and nonliquefied compressed gases. Pressure in the container not to exceed 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

2. In § 73.306 amend paragraph (b) (1) (22 F. R. 2227, Apr. 4, 1957) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* * * *

(b) * * *

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside container must be plainly marked "Inside containers comply with prescribed specifications".

3. In § 73.308 amend paragraph (a) table and add Note 14 thereto (19 F. R. 8527, Dec. 14, 1954) as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(Add) Methyl acetylene—15% to 20% propadiene mixture (see Note 14).	*Percent* 50	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240; ICC-4B240ET.

* * * * *

NOTE 14: Cylinders having a water capacity in excess of one gallon shall be insulated with three coats of heat-retardant paint, of a type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives.

4. In § 73.314 amend paragraph (a) table (22 F. R. 2227, Apr. 4, 1957) as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Add) Methyl acetylene—15% to 20% propadiene mixture.	*Percent* 56	ICC-105A300-W.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.329 amend the heading and introductory text of paragraph (a); add paragraph (c) (16 F. R. 9377, 9378, Sept. 15, 1951) to read as follows:

§ 73.329 *Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.* (a) Bromacetone, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

* * * * *

(c) *Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.* Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures, in addition to containers prescribed in § 73.328, when offered for transportation by carriers by rail freight, highway, or water, must be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, 78.51, or § 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

2. In § 73.331 amend paragraph (a) (1) (15 F. R. 8332, 8333, Dec. 2, 1950) to read as follows:

§ 73.331 *Gas identification sets.* (a) * * *

(1) Gas identification sets containing poisonous liquids and gases, class A, and poisonous articles, class C, may be shipped in amounts not exceeding 5 cubic centimeters, if a liquid, or 5 grams, if a solid, when mixed with or absorbed in activated charcoal or silica gel, or other absorbent medium, and packed in strong glass bottles of not less than 4 fluid ounces capacity. The poisonous gases, class A, and chlorine may be shipped if the gas itself is absorbed in activated charcoal or silica gel, or other absorbent medium, this material to be filled into 4 ounce bottles as above; each bottle as herein specified must be surrounded with appropriate absorbent cushioning material, and inclosed in a hermetically sealed metal can; each can must be surrounded on all sides by at least 1 inch of dry, fine sawdust or wood pulp; the cans must be packed in an outside wooden box, spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter); the bottles must be closed with ground-in glass stoppers securely fastened; the cushioning material around the bottle must be at least 1 inch thick; the cans must be made from metal of thickness not less than 30 gauge, United States standard; and there must be not more than a total of 100 grams or cubic centimeters, or a combination of both, in each outside wooden box.

3. Add § 73.362a (15 F. R. 8336, Dec. 2, 1950) to read as follows:

§ 73.362a *Dinitrophenol solutions.* (a) Dinitrophenol solutions must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass, earthenware, or metal inside containers not over 1 gallon capacity each; not to contain more than 4 inside glass or earthenware containers if their capacity is greater than 5 pints each.

4. In § 73.365 amend paragraph (a) (2) (20 F. R. 4418, June 23, 1955) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) * * *

(2) Spec. 17E, 17H, 37A, or 37B (§ 78.116, § 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 375 pounds, except for material fused solid in the drum a gross weight of 880 pounds is authorized in drums constructed of at least 18 gauge steel regardless of gross weight marking embossed in the container.

5. In § 73.367 add paragraph (a) (6) (15 F. R. 8337, Dec. 2, 1950) to read as follows:

§ 73.367 *Arsenical compounds, n. o. s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures.* (a) * * *

(6) Spec. 44E (§ 78.239 of this chapter). Multiwall paper bags constructed with minimum total basis weight of 160 pounds. For carload or truckload shipments only; loaded by the consignor and unloaded by the consignee or his duly authorized agent. Net weight not over 50 pounds each.

4. In § 73.368 amend paragraph (a) (15 F. R. 8337, Dec. 2, 1950) to read as follows:

§ 73.368 *Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts.* (a) Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts from metal recovery operations not subject to dangerous spontaneous heating, and arsenic trioxide, calcium arsenate, or sodium arsenate, when delivery is made to plants with private sidings, only, may, in addition to containers prescribed in § 73.367, be shipped in sift-proof, self-clearing, hopper or bottom outlet steel cars or in sift-proof all steel flat bottom gondola cars with fixed sides and ends equipped with water-proof and dust-proof wooden or steel covers well secured in place for all openings, or in sift-proof box cars of all steel construction only when said cars are assigned exclusively to this service. See § 74.566 (b) of this chapter for cleaning cars. Such cars, when used exclusively in this service, are not subject to the requirements of § 74.566 (b) of this chapter.

Part 74—Carriers by Rail Freight

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.529 amend paragraph (c) (19 F. R. 6269, Sept. 29, 1954) to read as follows:

§ 74.529 *Cars for class B explosives.* * * *

(c) Explosives, class B, may be carried in tight, closed truck bodies or trailers on flat cars provided all automatic heating or refrigerating machinery with which truck bodies or trailers are equipped shall be rendered inoperative. Packages of explosives shall be so braced and stayed as to prevent their movement and so as to prevent injury to them due to movement of other freight during transit. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed. "Dangerous" placards prescribed by § 74.552 must be securely attached to the car or truck body or trailer so as to be visible from both sides and ends of the car.

2. In § 74.530 amend paragraph (b) (19 F. R. 6269, Sept. 29, 1954) to read as follows:

§ 74.530 *Cars for class C explosives.* * * *

(b) Explosives, class C, may be carried in tight, closed truck bodies or trailers on flat cars provided all automatic heating or refrigerating machinery with which truck bodies or trailers are equipped shall be rendered inoperative. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

SUBPART C—PLACARDS ON CARS

In § 74.544 add paragraph (a) (5) (15 F. R. 8351, Dec. 2, 1950) to read as follows:

§ 74.544 *Placards not required.* (a) * * *

(5) Cars carrying shipments of electrolyte acid or corrosive battery fluid together with self-propelled vehicles or mobile agricultural machinery in accordance with the provisions of § 73.257 (c).

Part 78—Shipping Container Specifications

SUBPART C—SPECIFICATIONS FOR CYLINDERS

In § 78.51-20 amend the introductory text of paragraph (a) (22 F. R. 2230, April 4, 1957) to read as follows:

§ 78.51 *Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.*

§ 78.51-20 *Authorized steel.* (a) Open hearth or electric steel of uniform quality. The following chemical analyses are authorized. (See footnote 1):

(No change in table.)

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.82-7 paragraph (a) table, amend the sub-column heading "Head sheet" to read "Head Sheet [4]"; add footnote 4 to paragraph (a) table (22 F. R. 3928, June 5, 1957) to read as follows:

§ 78.82 *Specification 5B; steel barrels or drums.*

§ 78.82-7 *Parts and dimensions.* (a) * * *

[4] Head sheet may have holes of suitable size to provide for protruding closures when used with inside spec. 2S (§ 78.35) polyethylene drum.

2. In § 78.100-5 paragraph (a) table, amend the sub-column heading "Head sheet" to read "Head sheet [4]"; add footnote 4 to paragraph (a) table (22 F. R. 2233, Apr. 4, 1957) to read as follows:

§ 78.100 *Specification 6J; steel barrels and drums.*

§ 78.100-5 *Parts and dimensions.* (a) * * *

[4] Head sheet may have holes of suitable size to provide for protruding closures when used with inside spec. 2S (§ 78.35) polyethylene drum.

3. In § 78.131-6 paragraph (a) table, amend the 2d column heading to read "Authorized gross weight not over (pounds) [5]"; amend the sub-column heading "Head sheet" to read "Head sheet [4]"; add footnotes 4 and 5 to paragraph (a) table (21 F. R. 9363, Nov. 30, 1956) (22 F. R. 7842, Oct. 3, 1957) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131-6 *Capacities, weights, type, and gauges.* (a) * * *

[4] Head sheet may have holes of suitable size to provide for protruding closures when used with inside spec. 2S (§ 78.35) polyethylene drum.

[5] Drums must be manufactured in accordance with gauge requirements for capacity of drum as prescribed in § 78.131-6 except that weight restriction indicated by the gross weight embossment shall be waived when container is used in conjunction with an inside spec. 2S (§ 78.35) polyethylene drum.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

In § 78.185-16 amend paragraph (a) (1) (15 F. R. 8471, Dec. 2, 1950) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

§ 78.185-16 *Staple spacing (approximate) and minimum size.* (a) * * *

(1) One and one-fourth inches long with 1½-inch spacing, or 1⅛ inches long with 1-inch spacing, when boards are over ¼-inch thick.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.205-14 amend paragraphs (a) and (b) and add paragraph (c) (4); in § 78.205-17 amend the introductory text of paragraph (a) and amend paragraph (a) (1); in § 78.205-18 amend paragraph (a) (4) (18 F. R. 3143, June 2, 1953) (15 F. R. 8475, 8476, Dec. 2, 1950) (21 F. R. 7610, Oct. 4, 1956) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205-14 *Flap closures.* (a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by Part 73 of this chapter.

(b) If to be closed by adhesive, each inner flap must cover at least one-third of face; inner flaps must butt or have full overlap, or fill-in pieces must be used, unless otherwise provided by Part 73 of this chapter, except that fill-in pieces are not required when outer flaps have full overlap. Outer flaps must butt or have full overlap.

(c) * * *

(4) Complete inner box or boxes.

§ 78.205-17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces where required or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

(1) By stitching with staples as prescribed by § 78.205-6 at 2½-inch intervals along all seams (one 5-inch space allowed when necessary to permit use of stitching device); or with staples made of flat wire of hardness not less than equivalent of Rockwell B90, and not less than 0.037 inch thick and not less than 0.074 inch wide, with not less than 1¼ inch crown, may be spaced not more than 5 inches apart. Such staples may be used across center seam where outside

flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps; or staples made of arcuate wire of hardness not less than equivalent of Rockwell B90, and not less than 0.027 inch thick and not less than 0.095 inch wide, with not less than 1 inch crown, may be spaced not more than 5 inches apart. Such stitches when spaced not more than 2½ inches apart may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps.

§ 78.205–18 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

2. In § 78.206–14 amend paragraphs (a) and (b) and add paragraph (c) (4); in § 78.206–17 amend the introductory text of paragraph (a) and amend paragraph (a) (1); in § 78.206–18 amend paragraph (a) (4) (18 F. R. 3143, June 2, 1953) (15 F. R. 8477, 8478, Dec. 2, 1950) (22 F. R. 2235, Apr. 4, 1957) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.206 *Specification 12C; fiberboard boxes.*

§ 78.206–14 *Flap closures.* (a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by Part 73 of this chapter.

(b) If to be closed by adhesive, each inner flap must cover at least one-third of face; inner flaps must butt or have full overlap, or fill-in pieces must be used, unless otherwise provided by Part 73 of this chapter, except that fill-in pieces are not required when outer flaps have full overlap. Outer flaps must be reasonably close together at the center seam or have full overlap.

(c) * * *

(4) Complete inner box or boxes.

§ 78.206–17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces where required or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

(1) By stitching with staples as prescribed by § 78.206–6 at 2½-inch intervals along all seams (one 5-inch space allowed when necessary to permit use of stitching device); or with staples made of flat wire of hardness not less than equivalent of Rockwell B90, and not less than 0.037 inch thick and not less than 0.074 inch wide, with not less than 1¼-inch crown, may be spaced not more than 5 inches apart. Such staples may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps; or staples made of arcuate wire of hardness not less than equivalent of Rockwell B90, and not less than 0.027 inch thick and not less than 0.095 inch wide, with not less than 1 inch crown, may be spaced not more than 5 inches apart. Such stitches when spaced not more than 2½ inches apart may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlap inner flaps.

§ 78.206–18 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

3. In § 78.207–18 amend paragraph (a) (4) (15 F. R. 8479, Dec. 2, 1950) to read as follows:

§ 78.207 *Specification 12D; fiberboard boxes.*

§ 78.207–18 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

4. In § 78.208–12 amend paragraph (a) (4) (15 F. R. 8479, Dec. 2, 1950) to read as follows:

§ 78.208 *Specification 12E; fiberboard boxes.*

§ 78.208–12 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

5. In § 78.209–13 amend paragraph (a) (3) (20 F. R. 8110, Oct. 28, 1955) to read as follows:

§ 78.209 *Specification 12H; fiberboard boxes.*

§ 78.209–13 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

6. In § 78.210–12 amend paragraph (a) (3) (22 F. R. 7843, Oct. 3, 1957) to read as follows:

§ 78.210 *Specification 12A; fiberboard boxes.*

§ 78.210–12 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

7. In § 78.214–17 amend paragraph (a) (3) (15 F. R. 8480, Dec. 2, 1950) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

§ 78.214–17 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

8. In § 78.218–10 amend paragraph (a) (3) (15 F. R. 8480, Dec. 2, 1950) to read as follows:

§ 78.218 *Specification 23G; special cylindrical fiberboard box for high explosives.*

§ 78.218–10 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be least ½ inch high; other markings must be legible.

9. In § 78.219–13 amend paragraph (a) (3) (17 F. R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–13 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.283–5 amend paragraph (a) (1) (21 F. R. 4593, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–5 *Material.* (a) * * *

(1) The maximum corrosion rate in inches penetration per month in the ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels shall be 0.006 for the straight chromium-bearing stainless steel and 0.0015 for any of the chromium-nickel alloys.

2. In § 78.297–5 amend paragraph (a) (21 F. R. 4619, June 26, 1956) to read as follows:

§ 78.297 *Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297–5 *Material.* (a) All plates for tank and expansion dome must be to an approved specification and be made of a metal capable of resisting the action of nitric acid as follows:

(1) The maximum corrosion rate in inches penetration per month in the ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels shall be 0.006 for the straight chromium-bearing stainless steel and 0.0015 for any of the chromium-nickel alloys.

3. In § 78.298–5 amend paragraph (a) (21 F. R. 4621, June 26, 1956) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298–5 *Material.* (a) All plates for tank and expansion dome must be to an approved specification and be made of a metal capable of resisting the action of nitric acid as follows:

(1) The maximum corrosion rate in inches penetration per month in the ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels shall be 0.006 for the straight chromium-bearing

stainless steel and 0.0015 for any of the chromium-nickel alloys.

4. In § 78.307-18 amend paragraph (a) (1) (22 F. R. 4808, July 9, 1957) to read as follows:

§ 78.307 *Specification ICC-105A200-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.307-18 *Marking.* (a) * * *

(1) ICC-105A200-W in letters and figures at least $\frac{3}{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A-212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least $\frac{3}{8}$ inch high into the metal near the center of both outside heads by the tank builder. ICC-105A200-W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.321-11 amend paragraph (b) (16 F. R. 11785, Nov. 21, 1951) to read as follows:

§ 78.321 *Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.*

§ 78.321-11 *Properties of material.* * * *

(b) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point, minimum	45,000 p. s. i.
Ultimate strength, minimum	60,000 p. s. i.
Elongation, 2-inch sample	25 percent.

2. In § 78.322-18 amend the introductory text of paragraph (b) (22 F. R. 11034, Dec. 31, 1957) to read as follows:

§ 78.322 *Specification MC 301; cargo tanks constructed of welded aluminum alloy (grade 3S).*

§ 78.322-18 *Bulkheads, baffles, and ring stiffeners.* * * *

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

3. In § 78.324-11 amend paragraph (a) (21 F. R. 7611, Oct. 4, 1956) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.*

§ 78.324-11 *Material*—(a) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall be of ferrous alloy, commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point	45,000 p. s. i.
Ultimate strength	60,000 p. s. i.
Elongation, 2-inch sample	25 percent.

4. In § 78.325-8 paragraph (d) amend the text following the third table; in § 78.325-21 amend paragraph (a) (21 F. R. 7611, Oct. 4, 1956) (20 F. R. 8115, Oct. 28, 1955) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absolute at 100° F.*

§ 78.325-8 *Minimum thickness of material.* * * *

(d) * * *

All material used in accordance with this table of minimum thicknesses shall meet or exceed the following minimum requirements:

	Steel other than stainless	Stainless steel
Yield point........p. s. i..	45,000	32,000
Ultimate strength........p. s. i..	60,000	75,000
Elongation, 2-inch sample percent..	25	20

§ 78.325-21 *Anchoring of tank.* (a) Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

5. In § 78.330-9 amend paragraphs (c) (3) and (4) (15 F. R. 8555, Dec. 2, 1950) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.*

§ 78.330-9 *Material.* * * *

(c) * * *

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized as set forth elsewhere in this appendix; or

(4) for the transportation of hydrofluoric acid of sixty percent (60%) or higher concentration, they be passivated in the following or an equally effective method: By filling the tank to not less than ninety percent (90%) of its capacity with hydrofluoric acid of fifty-eight percent (58%) strength and allowing it to stand at least forty-eight (48) hours at a temperature of eighty degrees Fahrenheit (80° F.), then seven (7) hours at one hundred forty degrees Fahrenheit (140° F.), the internal pressure being maintained at atmospheric pressure the meanwhile.

6. In § 78.331-9 amend paragraph (e) (3) (18 F. R. 6784, Oct. 27, 1953) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331-9 *Materials.* * * *

(e) * * *

(3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized.

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5 (a) Commodity List; Makes additions, changes, and cancellation to keep commodity list on a current basis.

73.100 (o); To properly describe safety fuse inasmuch as all have a waterproofing compound in some form but not all are taped.

73.100 (x), (x) (3); Provides for the description of trick noise makers, explosive.

73.111 Heading and (a); Provides packaging requirements for trick noise makers, explosive.

73.127 Heading and (a); Provides packaging requirement for nitrocellulose flakes.

73.151 (a); Includes nitro carbo nitrate as an example of an oxidizing material.

73.153 (c) (58); Deletes the word "metallic" from commodity description.

73.153 (c) (68); Clarifies that there are no exemptions from the regulations for hafnium, dry, wet or sludge.

73.176 (d) (2); Permits the omission of fill-in pieces for spec. 12B and 12C fiberboard boxes used for matches.

73.182 (a); Includes the definition of nitro carbo nitrate.

73.207 (b) (2); To clarify that spec. 12B is a fiberboard box.

73.214 Heading and (a); Deletes the word "metal" from commodity description.

73.215 Heading and (a), (a) (3), (4), (5); Clarification, deletes the word "metal" from commodity description.

73.234 (a) (2); Minimum basis weight of polyethylene inner sheet is reduced to 10 pounds in spec. 44C multiwall paper bag.

73.242 (c); Removes reference to a single photographic processing mixture involving acids or corrosive liquid solutions.

73.257 (a) (13); Authorizes the use of spec. 5B, 6J, or 37A steel barrels or drums with inside polyethylene containers for electrolyte acid or corrosive battery liquid.

73.257 (c); Exempts from placarding requirements, certain electrolyte acid or corrosive battery fluid shipments when securely attached to self-propelled vehicles or mobile agricultural machinery.

73.263 (a) (15); Authorizes increased capacity of inside containers for hydrochloric acid and mixtures enclosed in outside spec. 12B fiberboard box.

73.263 (a) (20); Authorizes the use of spec. 37A metal drum with inside spec. 2T polyethylene container for hydrochloric acid and mixtures.

73.263 (d) (2); Authorizes the use of spec. 12A fiberboard box for hydrochloric acid and mixtures.

73.272 (f) (3); Authorizes the use of spec. 5B or 37A steel barrels or drums for sulfuric acid.

73.286 (c); Authorizes the use of spec. 12A fiberboard box for chemical kits containing mixed packing of acids or corrosive liquids and other chemicals not classed as dangerous articles for photographic processing.

73.302 (a) (9); Eliminates reference to pressure at 70° F. since the pressure of all involved gases is only 13 pounds higher at 130° F.

73.306 (b) (1); Eliminates the safety device requirements for spec. 2P inside metal containers for non-poisonous and nonflammable compressed gases.

73.308 (a) table and Note 14; Authorizes the transportation of methyl acetylene 15 percent to 20 percent propadiene mixture in various cylinders.

73.314 (a) table; Authorizes the transportation of methyl acetylene 15 percent to 20 percent propadiene mixture in spec. 105A300-W tank cars.

73.329 Heading and (a), (c); Provides for the transportation of chlorpicrin and certain gas mixtures in various cylinders.

73.331 (a) (1); Makes reference to cubic centimeters in lieu of the abbreviation mils in requirements pertaining to gas identification sets.

73.362A; Provides for the transportation of dinitrophenol solutions in spec. 12B fiberboard box.

73.365 (a) (2); Authorizes the use of spec. 17E metal drum for poisonous solids not specifically provided for.

73.367 (a) (6); Authorizes the use of spec. 44E multiwall paper bag for certain arsenical compounds.

73.368 (a); Authorizes the transportation of calcium asenate in certain hopper cars, steel cars, or gondola cars.

74.529 (c); Requires to render inoperative the heating or refrigerating apparatus on truck bodies or trailers containing class B explosives, when loaded on flat cars.

74.530 (b); Requires to render inoperative the heating or refrigerating apparatus on truck bodies or trailers containing class C explosives, when loaded on flat cars.

74.544 (a) (5); Provides placarding exemptions for cars carrying shipments of electrolyte acid or corrosive battery fluid together with self-propelled vehicles or mobile agricultural machinery.

78.51-20 (a); To correct a typographical error, "quantity" is changed to "quality."

78.82-7 (a) table and footnote 4; Provides for openings in spec. 5B steel barrel or drum when used with an inside spec. 2S polyethylene drum.

78.100-5 (a) table and footnote 4; Provides for openings in spec. 6J steel barrel or drum when used with an inside spec. 2S polyethylene drum.

78.131-6 (a) table and footnotes 4 and 5; Provides for openings in spec. 37A metal drum and for capacity requirements when used in conjunction with an inside spec. 2S polyethylene drum.

78.185-16 (a) (1); Inserts the inch symbol after 1⅛ for consistency.

78.205-14 (a), (b), (c) (4); Authorizes the omission of fill-in pieces for spec. 12B fiberboard box when used for certain packaging.

78.205-17 (a); Clarifies the application of the requirement of fill-in pieces for spec. 12B.

78.205-17 (a) (1); Authorizes additional stapling methods for closure of spec. 12B fiberboard box.

78.205-18 (a) (4); Clarifies the marking requirements for spec. 12B fiberboard box.

78.206-14 (a), (b), (c) (4); Authorizes the omission of fill-in pieces for spec. 12C fiberboard box when used for certain packaging.

78.206-17 (a); Clarifies the application of the requirement of fill-in pieces for spec. 12C.

78.206-17 (a) (1); Authorizes additional stapling methods for closure of spec. 12C fiberboard box.

78.206-18 (a) (4); clarifies the marking requirements for spec. 12C fiberboard box.

78.207-18 (a) (4); Clarifies the marking requirements for spec. 12D fiberboard box.

78.208-12 (a) (4); Clarifies the marking requirements for spec. 12E fiberboard box.

78.209-13 (a) (3); Clarifies the marking requirements for spec. 12H fiberboard box.

78.210-12 (a) (3); Clarifies the marking requirements for spec. 12A fiberboard box.

78.214-17 (a) (3); Clarifies the marking requirements for spec. 23F fiberboard box.

78.218-10 (a) (3); Clarifies the marking requirements for spec 23G cylindrical fiberboard box.

78.219-13 (a) (3); Clarifies the marking requirements for spec. 23H fiberboard box.

78.283-5 (a) (1); To make specific reference to the ASTM specification pertaining to nitric acid test for corrosion-resisting steels for spec. 103C-W tank car.

78.297-5 (a); Reason for section 78.283-5 applies also to spec. 103D-W tank car.

78.298-5 (a); Reason for section 78.283-5 applies also to spec. 103E-W tank car.

78.307-18 (a) (1); To make reference to proper type of steel for spec. 105A200-W tank car.

78.321-11 (b); To authorize use of newly developed steel having safe desirable properties for spec. MC 300 cargo tank.

78.322-18 (b); To correct a printing error.

78.324-11 (a); Reason for § 78.321-11 applies also to spec. MC 303 cargo tank.

78.325-8 (d); Reason for § 78.321-11 applies also to spec. MC 304 cargo tank.

78.325-21 (a); To correct a printing error.

78.330-9 (c) (3), (4); 78.331-9 (e) (3); The correct terminology in defining the process of rendering tank car material inactive with lading is "passivated".

[F. R. Doc. 58-3043; Filed, Apr. 23, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

REVISION OF FORM FOR REGISTRATION (FORM 8-C UNDER THE SECURITIES EXCHANGE ACT OF 1934)

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment to Form 8-C [1] under the Securities Exchange Act of 1934. This form is used for registration under the act of a class of securities on a national securities exchange on which the registrant has no securities registered if such class is already listed and registered on another national securities exchange.

An application on Form 8-C as presently in effect, consists principally of copies of the applications, reports or proxy statements filed with the original exchange during the past three years, together with copies of all required exhibits. The proposed amendment to the form would add a special provision whereby the amount of material required to be filed with the additional exchange would be considerably reduced in cases where the issuer intends to continue its listing and registration on a national securities exchange other than the one with which the application is to be filed. A copy of the form as proposed to be amended is attached hereto.

The amendment is proposed pursuant to the Securities Exchange Act of 1934, particularly sections 12 (b) and (c) and 23 (a) thereto.

All interested persons are invited to submit their views and comments on the proposed amendment, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before May 15, 1958. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 11, 1958.

[F. R. Doc. 58-3040; Filed, Apr. 23, 1958; 8:48 a. m.]

NOTICES

POST OFFICE DEPARTMENT

[Order No. 156]

BUREAU OF FACILITIES

REDELEGATION OF AUTHORITY WITH RESPECT TO REAL PROPERTY MANAGEMENT

MARCH 24, 1958.

The following are the texts of various orders of the Assistant Postmaster General, Bureau of Facilities, with respect to the above subject:

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to the Regional Real Estate Managers or to any person acting as such officer in the several regional offices of the Post Office Department to take final action in his own name with respect to real property management as follows:

A. *Month-to-month rentals.* To make agreements for space on a month-to-month basis.

B. *Temporary space.* To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month.

C. *Land options (nominal consideration).* To make the basic decision:

1. As to whether the case is to be handled under the assignable option procedures;

2. As to whether the case is to be advertised without the benefit of assignable site options;

3. To approve options for advertising purposes on sites priced up to $25,000 provided the option price does not exceed 25 percent of the total estimated project cost (land and building);

4. To assign such site options to the successful bidder when the acceptance of the agreement to lease falls within his delegated authority.

D. *Leases where annual rental is not in excess of $12,000.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of three years;

2. To accept agreements to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the agreement is for 10 years or less;

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[1] Filed as part of the original document.

3. To sign and execute lease documents which are developed as a result of action taken in paragraph 2, above;

4. To exercise or reject options to renew leases where the renewal term of the lease under the option is for 10 years or less;

5. To execute contracts or agreements for garage or truck parking space for periods of not in excess of one year;

6. To cancel leases or agreements entered into or extended under authority of paragraphs 1 through 5 of this paragraph D;

7. To make amendments to bids, leases, contracts or agreements, entered into or extended under authority of paragraphs 1 through 5 of this paragraph D, for increases in space, building requirements, services or improvements, and to make repairs and/or replacements which under the terms of the lease are the responsibility of the Post Office Department, when the total cost in each case does not exceed 25 percent of the annual rental specified in the lease and is to be

a. Paid for by the Post Office Department, or

b. Paid for by the Lessor who is to be reimbursed by the Post Office Department either (1) in a lump sum, or (2) by amortization of the cost over the remaining term of the lease.

E. *Leases where annual rental is in excess of $12,000.* To make amendments to bids, leases, contracts or agreements entered into or extended for increases in space, building requirements, services or improvements and to make repairs and/or replacements which under the terms of the lease are the responsibility of the Post Office Department, when the total cost in each case does not exceed $500.00 and is to be paid for by the Post Office Department, or is to be paid for by the Lessor who is to be reimbursed by the Post Office Department either in a lump sum or by amortization of the cost over the term of the lease.

F. *Repairs and maintenance.* To take bids for repairs and maintenance and deduct the cost of same from lessor's rental payments when leased facilities are improperly maintained.

G. *Paid advertising.* To commit the Government for advertising of leased postal facilities and authorize payment of same.

H. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated where the cost of such property, service or fee does not exceed $100.00, and to authorize payment of same, except that not more nor less than $1.00 shall be paid as consideration for an option to purchase land.

The order shall be effective March 24, 1958.

This supersedes and cancels the following orders:

Nos. 82; 83; 85; 87; 88; 90; 91; 92; 93; and 94, dated August 24, 1955 (20 F. R. 7946).

No. 129 and 130, dated June 11, 1956 (21 F. R. 5335).

No. 149, dated May 24, 1957 (22 F. R. 4166).

No. 150, dated June 13, 1957 (22 F. R. 4673).

No. 123, dated March 28, 1956 (21 F. R. 2896).

No. 132, dated June 12, 1956 (21 F. R. 5462).

[Order No. 157]

MARCH 24, 1958.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to the Assistant Regional Real Estate Managers, in the several regional offices of the Post Office Department, to take final action in their own name with respect to real property management as follows:

A. *Month-to-month rentals.* To make agreements for space on a month-to-month basis.

B. *Leases where annual rental is not in excess of $1,500.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of three years;

2. To accept agreements to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the agreement is for 5 years or less;

3. To exercise or reject options to renew leases where the renewal term of the lease under the option is for 5 years or less;

4. To execute contracts or agreements for garage or truck parking space for periods of not in excess of one year;

5. To cancel agreements entered into or extended under authority of paragraphs 1 through 4 of this paragraph B;

6. To make amendments to bids, contracts or agreements, entered into or extended under authority of paragraphs 1 through 4 of this paragraph B, for increases in space, building requirements, services or improvements, and to make repairs and/or replacements which under the terms of the lease are the responsibility of the Post Office Department, when the total cost in each case does not exceed 25 percent of the annual rental specified in the lease and is to be

a. paid for by the Post Office Department, or

b. paid for by the Lessor who is to be reimbursed by the Post Office Department either

(1) in a lump sum, or

(2) by amortization of the cost over the remaining term of the lease.

C. *Repairs and maintenance.* To take bids for repairs and maintenance and deduct the cost of same from lessor's rental payments when leased facilities are improperly maintained.

D. *Paid advertising.* To commit the Government for advertising of leased postal facilities and authorize payment of same.

E. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated where the cost of such property, service, or fee does not exceed $100.00, and to authorize payment of same, except that not more nor less than $1.00 shall be paid as consideration for an option to purchase land.

The order shall be effective March 24, 1958.

[Order No. 158]

MARCH 24, 1958.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to the Chief, Post Office Quarters Branch, Division of Real Estate, or to any person acting as such officer in the Post Office Department, to take final action in his own name with respect to real property management throughout the United States and its possessions, including Guam, as follows:

A. *Month-to-month rentals.* To make agreements for space on a month-to-month basis.

B. *Temporary space.* To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month.

C. *Land options (nominal consideration).* To make the basic decision:

1. As to whether the case is to be handled under the assignable option procedures;

2. As to whether the case is to be advertised without the benefit of assignable site options;

3. To approve options for advertising purposes on sites priced up to $25,000 provided the option price does not exceed 25% of the total estimated project cost (land and building);

4. To assign such site options to the successful bidder when the acceptance of the agreement to lease falls within his delegated authority.

D. *Leases where annual rental is not in excess of $12,000.* 1. To make lease extension agreements or supplemental agreements for periods of not in excess of three years;

2. To accept agreements to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the agreement is for 10 years or less;

3. To sign and execute lease documents which are developed as a result of action taken in paragraph 2, above;

4. To exercise or reject options to renew leases where the renewal term of the lease under the option is for 10 years or less;

5. To execute contracts or agreements for garage or truck parking space for periods of not in excess of one year;

6. To cancel leases or agreements entered into or extended under authority of paragraphs 1 through 5 of this paragraph D;

7. To make amendments to bids, leases, contracts or agreements, entered into or extended under authority of paragraphs 1 through 5 of this paragraph D, for increases in space, building requirements, services or improvements, and to make repairs and/or replacements which under the terms of the lease are the responsibility of the Post Office Department, when the total cost in each case does not exceed 25 percent of the annual rental specified in the lease and is to be

a. Paid for by the Post Office Department, or

b. Paid for by the lessor who is to be reimbursed by the Post Office Department either (1) in a lump sum, or (2) by amortization of the cost over the remaining term of the lease.

E. *Leases where annual rental is in excess of $12,000.* To make amendments to bids, leases, contracts or agreements entered into or extended for increases in space, building requirements, services or improvements and to make repairs and/or replacements which under the terms of the lease are the responsbility of the Post Office Department, when the total cost in each case does not exceed $500.00 and is to be paid for by the Post Office Department, or is to be paid for by the Lessor who is to be reimbursed by the Post Office Department either in a lump sum or by amortization of the cost over the term of the lease.

F. *Repairs and maintenance.* To take bids for repairs and maintenance and deduct the cost of same from lessor's rental payments when leased facilities are improperly maintained.

G. *Paid advertising.* To commit the Government for advertising of leased postal facilities and authorize payment of same.

H. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated where the cost of such property, service or fee does not exceed $100.00, and to authorize payments of same, except that not more nor less than $1.00 shall be paid as consideration for an option to purchase land.

The order shall be effective March 24, 1958.

This supersedes and cancels Order No. 154, dated January 24, 1958 (23 F. R. 805).

[Order No. 159]

MARCH 24, 1958.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to the Real Estate Officers in the several regional offices of the Post Office Department to take final action with respect to the following:

A. *Paid advertising.* To commit the Government for advertising of leased postal facilities and authorize payments of same.

B. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated where the cost of such property, service, or fee does not exceed $100.00, and to authorize payment of same, except that not more nor less than $1.00 shall be paid as consideration for an option to purchase land.

The order shall be effective March 24, 1958.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133Z-15, 369)

[SEAL] HERBERT B. WARBURTON, *Acting General Counsel.*

[F. R. Doc. 58-3037; Filed, Apr. 23, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado Classification 23; B-26209]

COLORADO

SMALL TRACT CLASSIFICATION; AMENDMENT SMALL TRACT OPENING

1. Effective immediately, the word "disposition" in paragraph 1 of Federal Register Document 57-4133, appearing on page 3601 of the issue for May 22, 1957, is hereby amended to read "lease and sale for residence sites".

2. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), I hereby open the following described lands which were classified by Classification Order No. 23, dated May 15, 1957 (22 F. R. 3601), to small tract application by the filing of Veteran's Drawing Entry Card, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 77 W.,
  Sec. 6, lots 12 to 62, inclusive;
  Sec. 7, lots 18 to 28, inclusive, lots 27 to 51, inclusive, lots 60 to 77, inclusive, lots 86 to 134, inclusive and lots 136 to 150, inclusive.
T. 5 S., R. 87 W.,
  Sec. 1, lots 18 to 67, inclusive;
  Sec. 12, lots 14 to 62, inclusive.

Containing 234.21 acres, surveyed into 251 small tracts.

Upon acceptance of the plat of dependent resurvey and survey, the above lot numbers shall become official. Two of the above lots, i. e., 25 and 26, in Sec. 6, T. 5 S., R. 77 W., are in applications from persons entitled to preference under 43 CRF 257.5 (a); and if the applicants comply with the regulations, these two lots will not be subject to the drawing.

3. The lands are located approximately two miles north of Dillon, Colorado, lying east of the Blue River, and immediately north of Straight Creek. The topography is gently to steeply south and west sloping, with rather shallow soil, supporting sagebrush, grasses, and scattered clumps of aspen. The western portions of the land are covered by stands of lodgepole pine trees. The lands are non-mineral in character. Culinary water is not available from any presently developed source. A post office and stores are located in the nearby town of Dillon.

4. The individual tracts vary in size from 0.46 acre to 2.52 acres. The tracts are rectangular in shape. Each tract has at least one Government survey corner on its boundary from which it can be identified. The tracts will be leased and sold subject to all rights-of-way of record, and rights-of-way under 43 CFR 257.17 (b) will be reserved for street and road purposes and for public utilities along the boundaries of the tracts as shown below and upon an unofficial plat, a copy of which will be attached to each lease issued. Such rights-of-way may be utilized by the Federal Government, the State of Colorado, or Summit County, or by any agency thereof. All minerals in the land will be reserved to the United States.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Description	Acreage	Advance rental	Appraised price	Rights-of-way width and location
T. 5 S., R. 77 W., Sec. 6,				
Lot 12	2.51	$90.00	$600	25 ft. on N. and E.; 12½ ft. on W. and S.
Lot 13	1.99	90.00	600	25 ft. on N. and W.; 12½ ft. on S. and E.
Lot 14	1.43	82.50	550	25 ft. on N. and E.
Lot 15	1.25	82.50	550	25 ft. on N.; 12½ ft. on W.
Lot 16	1.25	82.50	550	25 ft. on N.; 12½ ft. on E.
Lot 17	1.15	82.50	550	25 ft. on N.
Lot 18	1.16	82.50	550	12½ ft. on S.
Lot 19	1.25	82.50	550	12½ ft. on S. and W.
Lot 20	1.62	82.50	550	12½ ft. on S.; 25 ft. on E.
Lot 21	2.51	90.00	600	12½ ft. on S. and W.
Lot 22	1.25	82.50	550	12½ ft. on E. and N.
Lot 23	1.26	82.50	550	12½ ft. on N., and S.; 25 ft. on W.
Lot 24	1.76	82.50	550	12½ ft. on N.; 25 ft. on E.
Lot 25 [1]	1.25	82.50	550	12½ ft. on N. and W.
Lot 26 [1]	1.25	82.50	550	12½ ft. on N., E., and S.
Lot 27	1.17	82.50	550	12½ ft. on N.
Lot 28	1.18	82.50	550	12½ ft. on S.
Lot 29	1.25	82.50	550	12½ ft. on W., S., and S. 178' of E. boundary.
Lot 30	1.25	82.50	550	12½ ft. on S.
Lot 31	1.33	82.50	550	12½ ft. on S., 25 ft. on E.
Lot 32	1.25	82.50	550	12½ ft. on S. and E.
Lot 33	2.51	90.00	600	12½ ft. on S. and W.
Lot 34	1.25	82.50	550	12½ ft. on S., E., and N.
Lot 35	1.25	82.50	550	12½ ft. on S., W., and N.
Lot 36	1.60	82.50	550	12½ ft. on E. and N.; 25 ft. on W.
Lot 37	1.50	82.50	550	12½ ft. on N.; 25 ft. on E.
Lot 38	1.25	82.50	550	12½ ft. on N. and W.
Lot 39	1.25	82.50	550	12½ ft. on N., E., and S.
Lot 40	1.19	82.50	550	12½ ft. on N.
Lot 41	1.20	82.50	550	12½ ft. on S.
Lot 42	1.25	82.50	550	12½ ft. on S., W., and W. 178' of N. boundary.
Lot 43	1.25	82.50	550	12½ ft. on S.
Lot 44	1.12	82.50	550	12½ ft. on S.; 25 ft. on E.
Lot 45	1.36	82.50	550	12½ ft. on E. and S.; 25 ft. on W.
Lot 46	2.52	90.00	600	12½ ft. on W.; 25 ft. on N. and E.
Lot 47	1.25	82.50	550	12½ ft. on E., N., and W.
Lot 48	1.25	82.50	550	12½ ft. on E., N., and W.
Lot 49	1.07	82.50	550	12½ ft. on E. and N.; 25 ft. on W.
Lot 50	1.41	82.50	550	12½ ft. on N.; 25 ft. on E.
Lot 51	1.25	82.50	550	12½ ft. on N.
Lot 52	1.25	82.50	550	12½ ft. on N. and W.
Lot 53	1.28	82.50	550	12½ ft. on N., E., and S.

[1] Covered by applications from persons entitled to preference under 43 CFR 257.5(a).

SIXTH PRINCIPAL MERIDIAN, COLORADO—continued

Description	Acreage	Advance rental	Appraised price	Rights-of-way width and location
T. 5 S., R. 77 W., Sec. 6,				
Lot 54	1.21	$82.50	$550	12½ ft. on N.
Lot 55	.62	75.00	500	12½ ft. on S.
Lot 56	.62	75.00	500	12½ ft. on S.
Lot 57	1.25	82.50	550	12½ ft. on W. and S.
Lot 58	1.25	82.50	550	12½ ft. on S.
Lot 59	1.74	82.50	550	12½ ft. on S.; 25 ft. on E.
Lot 60	.74	82.50	550	12½ ft. on E.; 25 ft. on W.
Lot 61	1.25	82.50	550	12½ ft. on W. and E.
Lot 62	1.25	82.50	550	12½ ft. on W. and E.
T. 5 S., R. 77 W., Sec. 7,				
Lot 18	1.24	82.50	550	12½ ft. on N.
Lot 19	1.24	82.50	550	12½ ft. on N.
Lot 20	1.24	82.50	550	12½ ft. on N.
Lot 21	1.24	82.50	550	12½ ft. on N.
T. 5 S., R. 78 W., Sec. 12, lot 14	.43	90.00	600	12½ ft. on N. of lot 14 & 22; 25 ft. on W. of lot 14
T. 5 S., R. 77 W., Sec. 7, lot 22	.61			
	1.04			
T. 5 S., R. 78 W., Sec. 12, lot 25	.39	90.00	600	12½ ft. on S. of lot 25 & 23; 25 ft. on W. of lot 25
T. 5 S., R. 77 W., Sec. 7, lot 23	.61			
	1.00			
T. 5 S., R. 77 W., Sec. 7,				
Lot 24	.62	75.00	500	12½ ft. on S.
Lot 25	.62	75.00	500	12½ ft. on S.
Lot 26	1.24	82.50	550	12½ ft. on S.
Lot 27	1.24	82.50	550	12½ ft. on S.
Lot 28	1.24	82.50	550	12½ ft. on S.
Lot 37	1.24	82.50	550	12½ ft. on N.
Lot 38	1.24	82.50	550	12½ ft. on N.
Lot 39	1.24	82.50	550	12½ ft. on N.
Lot 40	.62	75.00	500	12½ ft. on N.
Lot 41	.62	75.00	500	12½ ft. on N.
T. 5 S., R. 77 W., Sec. 7, lot 42	.60	90.00	600	12½ ft. on N. of lots 26 & 42; 25 ft. on W. of lot 26
T. 5 S., R. 78 W., Sec. 12, lot 26	.38			
	.98			
T. 5 S., R. 77 W., Sec. 7, lot 43	.60	90.00	600	12½ ft. on S. of lots 37 & 43; 25 ft. on W. of lot 37
T. 5 S., R. 78 W., Sec. 12, lot 37	.38			
	.98			
T. 5 S., R. 77 W., Sec. 7,				
Lot 44	.62	75.00	500	12½ ft. on S.
Lot 45	.62	75.00	500	12½ ft. on S.
Lot 46	.62	75.00	500	12½ ft. on S.
Lot 47	.62	75.00	500	12½ ft. on S.
Lot 48	.62	75.00	500	12½ ft. on S.
Lot 49	.62	75.00	500	12½ ft. on S.
Lot 50	.62	75.00	500	12½ ft. on S.
Lot 51	.62	75.00	500	12½ ft. on S.
Lot 60	.62	75.00	500	12½ ft. on N.
Lot 61	.62	75.00	500	12½ ft. on N.
Lot 62	.62	75.00	500	12½ ft. on N.
Lot 63	.62	75.00	500	12½ ft. on N.
Lot 64	.62	75.00	500	12½ ft. on N.
Lot 65	.62	75.00	500	12½ ft. on N.
Lot 66	.62	75.00	500	12½ ft. on N.
Lot 67	.62	75.00	500	12½ ft. on N.
T. 5 S., R. 77 W., Sec. 7, lot 68	.58	90.00	600	12½ ft. on N. of lots 38 & 68; 25 ft. on W. of lot 38.
T. 5 S., R. 78 W., Sec. 12, lot 38	.32			
	90.00			
T. 5 S., R. 77 W., Sec. 7, lot 69	.58	90.00	600	12½ ft. on S. of lots 49 & 69; 25 ft. on W. of lot 49.
T. 5 S., R. 78 W., Sec. 12, lot 49	.18			
	.76			
T. 5 S., R. 77 W., Sec. 7,				
Lot 70	.62	75.00	500	12½ ft. on S.
Lot 71	.62	75.00	500	12½ ft. on S.
Lot 72	.62	75.00	500	12½ ft. on S.
Lot 73	.62	75.00	500	12½ ft. on S.
Lot 74	.62	75.00	500	12½ ft. on S.
Lot 75	.62	75.00	500	12½ ft. on S.
Lot 76	.62	75.00	500	12½ ft. on S.
Lot 77	.62	75.00	500	12½ ft. on S.
Lot 86	.62	75.00	500	12½ ft. on N.
Lot 87	.62	75.00	500	12½ ft. on N.
Lot 88	.62	75.00	500	12½ ft. on N.
Lot 89	.62	75.00	500	12½ ft. on N.

SIXTH PRINCIPAL MERIDIAN, COLORADO—continued

Description	Acreage	Advance rental	Appraised price	Rights-of-way width and location
T. 5 S., R. 77 W., Sec. 7,				
Lot 90	.62	$75.00	$500	12½ ft. on N.
Lot 91	.62	75.00	500	12½ ft. on N.
Lot 92	.62	75.00	500	12½ ft. on N.
Lot 93	.62	75.00	500	12½ ft. on N.
T. 5 S., R. 77 W., Sec. 7, lot 94	.56	90.00	600	12½ ft. on N. of lots 50 & 94; 25 ft. on W. of lot 50.
T. 5 S., R. 78 W., Sec. 12, lot 50	.06			
	.62			
T. 5 S., R. 77 W., Sec. 7,				
Lot 95	.56	82.50	550	12½ ft. on S.; 25 ft. on W.
Lot 96	.62	75.00	500	12½ ft. on S.
Lot 97	.62	75.00	500	12½ ft. on S.
Lot 98	.62	75.00	500	12½ ft. on S.
Lot 99	.62	75.00	500	12½ ft. on S.
Lot 100	.62	75.00	500	12½ ft. on S.
Lot 101	.62	75.00	500	12½ ft. on S.
Lot 102	1.24	82.50	550	12½ ft. on S.
Lot 103	1.24	82.50	550	12½ ft. on N. and S.; 25 ft. on E.
Lot 104	.62	75.00	500	12½ ft. on N.
Lot 105	.62	75.00	500	12½ ft. on N.
Lot 106	.62	75.00	500	12½ ft. on N.
Lot 107	.62	75.00	500	12½ ft. on N.
Lot 108	.62	75.00	500	12½ ft. on N.
Lot 109	.62	75.00	500	12½ ft. on N.
Lot 110	.62	75.00	500	12½ ft. on N.
Lot 111	.56	75.00	500	50 ft. on W.; 12½ ft. on N.
Lot 112	1.16	90.00	600	12½ ft. on S.; 50 ft. on W.
Lot 113	.62	75.00	500	12½ ft. on S.
Lot 114	.62	75.00	500	12½ ft. on S.
Lot 115	.62	75.00	500	12½ ft. on S.
Lot 116	.62	75.00	500	12½ ft. on S.
Lot 117	.62	75.00	500	12½ ft. on S.
Lot 118	.62	75.00	500	12½ ft. on S.
Lot 119	.62	75.00	500	12½ ft. on N.; 25 ft. on E.
Lot 120	.62	75.00	500	12½ ft. on N. and W.
Lot 121	.62	75.00	500	12½ ft. on E. and N.
Lot 122	.62	75.00	500	12½ ft. on N.
Lot 123	.62	75.00	500	12½ ft. on N.
Lot 124	.62	75.00	500	12½ ft. on N.
Lot 125	.62	75.00	500	12½ ft. on N.
Lot 126	1.18	90.00	600	50 ft. on W.; 12½ ft. on N.
Lot 127	1.18	90.00	600	12½ ft. on S.; 50 ft. on W.
Lot 128	.62	75.00	500	12½ ft. on S.
Lot 129	.62	75.00	500	12½ ft. on S.
Lot 130	.62	75.00	500	12½ ft. on S.
Lot 131	.62	75.00	500	12½ ft. on S.
Lot 132	.62	75.00	500	12½ ft. on S. and E.
Lot 133	1.24	82.50	550	12½ ft. on N. 178′ of W. boundary
Lot 134	1.24	82.50	550	25 ft. on E.
Lot 136	1.24	82.50	550	12½ ft. on N.
Lot 137	1.24	82.50	550	12½ ft. on N. and W.
Lot 138	.62	75.00	500	12½ ft. on E. and N.
Lot 139	.62	75.00	500	12½ ft. on N.
Lot 140	.62	75.00	500	12½ ft. on N.
Lot 141	1.17	90.00	600	12½ ft. on N.; 50 ft. on W.
Lot 142	1.17	90.00	600	12½ ft. on S.; 50 ft. on W.
Lot 143	.62	75.00	500	12½ ft. on S.
Lot 144	.62	75.00	500	12½ ft. on S.
Lot 145	.62	75.00	500	12½ ft. on S. and E.
Lot 146	1.24	82.50	550	12½ ft. on N.; 25 ft. on S.
Lot 147	1.24	82.50	550	12½ ft. on N.; 25 ft. on S.
Lot 148	1.24	82.50	550	12½ ft. on N.; 25 ft. on S.
Lot 149	1.16	90.00	600	12½ ft. on N.; 50 ft. on W.
Lot 150	1.16	82.50	550	25 ft. on S.; 50 ft. on W.
T. 5 S., R. 78 W., Sec. 1,				
Lot 18	.64	75.00	500	25 ft. on N.
Lot 19	.64	75.00	500	25 ft. on N.
Lot 20	.71	90.00	600	25 ft. on N. and W.
Lot 21	.57	90.00	600	25 ft. on N. and E.
Lot 22	.64	75.00	500	12½ ft. on W.; 25 ft. on N.
Lot 23	.64	52.50	350	12½ ft. on E.; 25 ft. on N.
Lot 24	1.29	60.00	400	25 ft. on N. and W.
Lot 25	1.29	60.00	400	12½ ft. on S.; 25 ft. on W.
Lot 26	.64	52.50	350	12½ ft. on S. and E.
Lot 27	.64	75.00	500	12½ ft. on W. and S.
Lot 28	.57	90.00	600	12½ ft. on S.; 25 ft. on E.
Lot 29	.71	90.00	600	12½ ft. on S.; 25 ft. on W.
Lot 30	.64	75.00	500	12½ ft. on S.
Lot 31	.64	75.00	500	12½ ft. on S.

SIXTH PRINCIPAL MERIDIAN, COLORADO—continued

Description	Acreage	Advance rental	Appraised price	Rights-of-way width and location
T. 5 S., R. 78 W., Sec. 1,				
Lot 32	1.28	$82.50	$550	12½ ft. on N.
Lot 33	.62	82.50	550	12½ ft. on N.; 25 ft. on W.
Lot 34	.65	90.00	600	12½ ft. on N.; 25 ft. on E.
Lot 35	.64	75.00	500	12½ ft. on N. and W.
Lot 36	.64	52.50	350	12½ ft. on N. and E.
Lot 37	1.29	60.00	400	12½ ft. on N.; 25 ft. on W.
Lot 38	.64	52.50	350	12½ ft. on S.; 25 ft. on W.
Lot 39	1.28	60.00	400	12½ ft. on S. and E.
Lot 40	.64	75.00	500	12½ ft. on S. and W.
Lot 41	.82	90.00	600	12½ ft. on S.; 25 ft. on E.
Lot 42	1.09	90.00	600	12½ ft. on S.; 25 ft. on W.
Lot 43	.64	75.00	500	12½ ft. on S.
Lot 44	.64	75.00	500	12½ ft. on N.
Lot 45	.87	90.00	600	25 ft. on W.; 12½ ft. on N.
Lot 46	1.05	90.00	600	12½ ft. on N.; 25 ft. on E.
Lot 47	.64	75.00	500	12½ ft. on N. and W.
Lot 48	.64	52.50	350	12½ ft. on S., E., and N.
Lot 49	1.28	60.00	400	12½ ft. on N., and E. 178 ft. of S. boundary; 25 ft. on W.
Lot 50	.64	52.50	350	12½ ft. on E.; 25 ft. on W.
Lot 51	1.28	60.00	400	12½ ft. on W., N., and E.
Lot 52	.64	75.00	500	12½ ft. on W. and S.
Lot 53	.64	75.00	500	12½ ft. on S.
Lot 54	.74	90.00	600	12½ ft. on S.; 25 ft. on E.
Lot 55	1.17	90.00	600	12½ ft. on S.; 25 ft. on W.
Lot 56	.85	90.00	600	12½ ft. on N.; 25 ft. on W.
Lot 57	1.06	90.00	600	12½ ft. on N.; 25 ft. on E.
Lot 58	.64	75.00	500	12½ ft. on N.
Lot 59	.64	75.00	500	12½ ft. on N. and W.
Lot 60	1.28	60.00	400	12½ ft. on E. and W.
Lot 61	1.28	60.00	400	12½ ft. on S. and E.; 25 ft. on W.
Lot 62	1.28	60.00	400	12½ ft. on E., W., and S.
Lot 63	.64	75.00	500	12½ ft. on W. and S.
Lot 64	.64	75.00	500	12½ ft. on S.
Lot 65	.64	75.00	500	12½ ft. on S.
Lot 66	.69	90.00	600	12½ ft. on S.; 25 ft. on E.
Lot 67	.59	90.00	600	12½ ft. on S.; 25 ft. on W.
T. 5 S., R. 78 W., Sec. 12,				
Lot 15	.84	90.00	600	12½ ft. on N.; 25 ft. on E.
Lot 16	.64	75.00	500	12½ ft. on N.
Lot 17	.64	75.00	500	12½ ft. on N. and W.
Lot 18	1.28	60.00	400	12½ ft. on E., N., and W.
Lot 19	1.28	60.00	400	12½ ft. on E. and N.; 25 ft. on W.
Lot 20	1.28	60.00	400	12½ ft. on E.; 25 ft. on W.
Lot 21	1.28	60.00	400	12½ ft. on W. and E.
Lot 22	.64	75.00	500	12½ ft. on W. and S.
Lot 23	.64	75.00	500	12½ ft. on S.
Lot 24	.88	90.00	600	12½ ft. on S.; 25 ft. on E.
Lot 27	.89	90.00	600	12½ ft. on N.; 25 ft. on E.
Lot 28	.64	75.00	500	12½ ft. on N.
Lot 29	.64	75.00	500	12½ ft. on N., W., and S.
Lot 30	1.28	60.00	400	12½ ft. on E., S., and W.
Lot 31	1.28	60.00	400	12½ ft. on E. and S.; 25 ft. on W.
Lot 32	.64	52.50	350	12½ ft. on N.; 25 ft. on W.
Lot 33	1.28	60.00	400	12½ ft. on N. and E.
Lot 34	1.28	60.00	400	12½ ft. on W., N., and E.
Lot 35	.64	60.00	500	12½ ft. on W. and S.
Lot 36	.89	90.00	600	12½ ft. on S.; 25 ft. on E.
Lot 39	.96	90.00	600	12½ ft. on N.; 25 ft. on E.
Lot 40	.64	75.00	500	12½ ft. on N. and W.
Lot 41	1.28	60.00	400	12½ ft. on E. and W.
Lot 42	1.28	60.00	400	12½ ft. on E.
Lot 43	.64	52.50	350	25 ft. on W.
Lot 44	.64	52.50	350	25 ft. on W.
Lot 45	1.28	60.00	400	12½ ft. on E.
Lot 46	1.28	60.00	400	12½ ft. on W. and E.
Lot 47	1.28	82.50	550	12½ ft. on W. and S.
Lot 48	.46	82.50	550	12½ ft. on S.; 25 ft. on E.
Lot 51	.58	82.50	550	12½ ft. on N.; 25 ft. on E.
Lot 52	1.28	82.50	550	12½ ft. on N. and W.
Lot 53	1.28	60.00	400	12½ ft. on E. and W.
Lot 54	1.28	60.00	400	12½ ft. on E.
Lot 55	.64	52.50	350	25 ft. on W.
Lot 56	.64	52.50	350	25 ft. on W. and S.
Lot 57	.64	52.50	350	25 ft. on S.
Lot 58	.64	52.50	350	12½ ft. on E.; 25 ft. on S.
Lot 59	.64	52.50	350	12½ ft. on W.; 25 ft. on S.
Lot 60	.64	52.50	350	12½ ft. on E.; 25 ft. on S.
Lot 61	1.28	82.50	550	12½ ft. on W.; 25 ft. on S.
Lot 62	.63	82.50	550	25 ft. on S. and E.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price indicated above providing that during the period of their leases they either (a) comply with the improvement requirements as set forth on this opening order under paragraph 7 and those shown on the reverse side of the offer to lease and lease form 4–776 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following requirements:

(a) Buildings on these tracts shall be constructed of new and substantial materials set on adequate foundations of cement, rocks, cinderblocks or similar materials. Chimneys must be of cement, stone, brick, masonry, or of an approved metal type and shall be lined with fire-resistant brick or tile except where approved metal types are used.

(b) No shacks of temporary and unsightly nature will be allowed. The use of tar or composition papers for general exterior purposes will not be permitted. Trailers or portable types of houses will not be considered as being part or all of the development requirements. Trailers may be used for temporary housing during the construction of permanent improvements; however they will not be considered as part of the improvements required under the lease and must be removed before favorable action will be taken on an application to purchase.

(c) Each lessee will be required to keep the premises in a neat and orderly condition. Garbage and other refuse must be disposed of by burning in an incinerator or be removed at regular intervals in accordance with local standards and practices. Disposal of garbage or other refuse on areas included in rights-of-way of record or rights-of-way reserved under 43 CFR 257.17 (b) is prohibited.

(d) Each lessee will be responsible for maintenance in an attractive and fire-safe condition throughout the lease period rights-of-way of record and those reserved under 43 CFR 257.17 (b) which cross his tract.

(e) Only one residence building will be permitted per lot. Buildings other than the residence shall be kept to a minimum.

(f) All residential buildings shall have not less than 500 square feet of floor space.

(g) All Bureau of Land Management regulations and State laws as to fire prevention must be observed. Premises and improvements must be maintained in a fire-safe condition at all times. Each lessee will be required to take all reasonable precautions to prevent and suppress forest, brush, and grass fires. Debris and inflammable material will be removed or burned in such a manner that adjoining properties as well as their own will not be endangered.

(h) Buildings or other improvements on the lots shall be set back a minimum distance of 15 feet from outside boundaries of rights-of-way of record and rights-of-way reserved under Title 43 CFR Part 257.17 (b).

(i) No buildings shall be constructed on areas reserved for rights-of-way under 43 CFR 257.17 (b).

(j) All residence sites must have adequate sanitary facilities to conform with state, county, and local laws and ordinances. Outdoor toilets must be located a minimum of 30 feet from the building or dwelling. The toilets must be fully enclosed and of substantial construction and contain a pit and cover for the seat. The depth of the pit shall not be less than six feet below ground level. In the case of inside toilets, disposal of waste shall be by means of septic tanks or cesspools.

(k) Bearing trees witnessing Bureau of Land Management survey monuments may not be cut, defaced, or destroyed unless their presence interferes with construction of improvements or building of roads.

(l) Removal of Bureau of Land Management monumented survey corners which are steel pipe with brass caps set along the boundaries of the lots, is prohibited. If their presence interferes with construction of roads, the monument shall be buried in place and the State Supervisor, Bureau of Land Management, P. O. Box 1018, 339 New Custom House, Denver 1, Colorado, notified in writing.

(m) Electrical and telephone line poles must be placed within the right-of-way areas reserved under 43 CFR 257.17 (b) and set not further than five feet from the exterior boundaries of the rights-of-way.

(n) Roofs should be of sufficient pitch and adequate construction to support heavy snows incident to the area. Roofs with at least one-third pitch are recommended.

(o) The lessee must show his last name and the number of his lot on a sign and post it in a conspicuous place on the lot throughout the lease period.

(p) No more than two access roads or entrances to each individual lot from the rights-of-way, reserved under 257.17 (b) in paragraph 4 above, will be permitted.

8. The lands are now open to filing of drawing entry cards (Form 4–775) only by persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 16, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing entry cards (Form 4–775) are available upon request from the Land Office Manager, Bureau of Land Management, P. O. Box 1018, Room 371, New Custom House, Denver 1, Colorado. Drawing entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above named official prior to 10:00 a. m., August 5, 1958. A drawing will be held at 10:00 a. m., August 6, 1958, in Room 371, New Custom House, Denver, Colorado. Drawing entry cards must show Small Tract Classification No. 23 in the space provided. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. Inquiries concerning the lands shall be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

APRIL 14, 1958.

[F. R. Doc. 58–2955; Filed, Apr. 23, 1958; 8:45 a. m.]

[Area 2]

CERTAIN OFFICERS

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS AND LEASES

APRIL 16, 1958.

Pursuant to authority delegated by Order No. 615 of the Director of the Bureau of Land Management, the following redelegations of authority are made in accordance with sections 1 (a), 1 (b), 1 (d), to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

AUTHORITY OF CERTAIN OFFICERS TO ENTER INTO CONTRACTS AND LEASES

SECTION I. The area supply officer is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount, and leases of space in real estate as provided in secs. 50 and 52 of Order No. 2509, and amendment No. 21, November 9, 1954, of the Secretary of the Interior.

NEAL D. NELSON,
Area Administrator.

[F. R. Doc. 58–3031; Filed, Apr. 23, 1958; 8:46 a. m.]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

That Order dated March 7, 1958, filed for publication in the FEDERAL REGISTER at 8:46 a. m., March 12, 1958, and published as F. R. Doc. 58–1852 is hereby amended and supplemented as follows:

1. In paragraph 6a (2) delete "(Alaska Home Site)".

2. Add new subparagraph 6a (3) as follows:

(3) All valid applications under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on July 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Renumber that last paragraph of that order to read "7" instead of "5".

ERNEST E. HOUSE,
Manager, Land Office.

APRIL 14, 1958.

[F. R. Doc. 58–3032; Filed, Apr. 23, 1958; 8:46 a. m.]

[Classification 587]

CALIFORNIA

SMALL TRACT CLASSIFICATION

APRIL 16, 1958.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 237.32 acres, in San Bernardino County, California, as suitable for disposition for residence purposes only under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 1 W.,
  Sec. 2, Lots 1 to 4, inclusive.
T. 4 N., R. 1 W.,
  Sec. 9, S½NE¼NW¼, SE¼NW¼NW¼, NE¼NE¼NW¼, NE¼SW¼NW¼.

Containing 237.32 acres, subdivided into 46 small tracts, of which 32 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to April 16, 1958, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

ROLLA E. CHANDLER,
Officer in Charge,
Southern Field Group,
Los Angeles, Calif.

[F. R. Doc. 58–3033; Filed, Apr. 23, 1958; 8:46 a. m.]

Geological Survey

[Power Site Classification 421, Modification 425]

SNAKE RIVER, OREGON

POWER SITE CLASSIFICATION

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394;

43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 421, approved November 30, 1951, is hereby modified to the extent necessary to permit the Oregon State Highway Department to obtain a grant of right-of-way for improvement of the Baker-Homestead Highway, as shown on that Department's map designated "File No. 27283, Baker Homestead Highway, Oct. 1957; 10 C-30-13," under United States Revised Statutes, section 2477, dated July 26, 1866 (43 U. S. C. 932), over the affected portions of the following described lands:

WILLAMETTE MERIDIAN, OREGON

T. 7 S., R. 48 E.,
Sec. 17: NW¼NE¼ and SE¼NW¼.

Dated: April 18, 1958.

ARTHUR A. BAKER,
Acting Director.

[F. R. Doc. 58-3028; Filed, Apr. 23, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

R. N. FORWARDING CO., INC., AND AMERICAN OCEANIC FORWARDING CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8291 between R. N. Forwarding Co., Inc., New York, New York, and American Oceanic Forwarding Co. (a division of Hawaiian Freight Forwarders, Ltd.), New Orleans, Louisiana, and San Francisco, California, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 21, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3044; Filed, Apr. 23, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE; CORRECTION

This notice is to correct a typographical omission in the notice of proposed issuance of an amendment to facility license DPR-1. The notice was filed with the Federal Register Division on April 17, 1958.

The proposed amendment to paragraph 4a (1) of License DPR-1 is corrected by inserting the phrase "shall be installed" between "core" and "to prevent."

As so corrected, the proposed amendment to paragraph 4a (1) would read as follows:

GE shall operate the facility in accordance with the procedures and limitations described in the application as amended through Amendment No. 19, provided that the rod-type elements shall be placed in the core in such positions that they will be no less surrounded by plate-type elements than is indicated by the typical loading described in Appendix "A" of License Application Amendment No. 15, and, provided further, that either the main coolant circulation pump shall not be used or an additional differential temperature interlock between water in the core and that entering the core shall be installed to prevent rapid opening of the water flow valves and starting of the primary coolant circulation pump when the reactor is operating.

Dated at Germantown, Md., this 18th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3020; Filed, Apr. 23, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9175]

FLYING TIGER LINE, INC.; AIR-TRUCK SERVICE

NOTICE OF HEARING

In the matter of the Application of the Flying Tiger Line, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on July 7, 1958, at 10 a. m., e. d. s. t., in Hearing Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues, particular attention will be directed to an investigation of the facts with respect to Flying Tiger's application for proposed service at Philadelphia by truck through Newark; service at Buffalo and Rochester by truck through Cleveland and/or Binghamton; and service at Milwaukee by truck exclusively through the Chicago Midway Airport.

For further details regarding the issues involved in this proceeding, interested persons are referred to Board's Order No. E-12030, dated December 18, 1957; the Examiner's Report of Prehearing Conference, served January 17, 1958; the Examiner's Notice to Parties, dated February 11, 1958; and Board's Order No. E-12221, dated March 5, 1958, each of which documents is on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to Flying Tiger's application in this proceeding must file with the Board on or before July 7, 1958, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's Rules of Practice in Economic Proceedings.

Done at Washington, D. C., April 17, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3071; Filed, Apr. 23, 1958; 8:56 a. m.]

[Docket No. 9221]

CAPITAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the unrealistic schedules filed and published by Capital Airlines, Inc. Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 2, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., April 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3070; Filed, Apr. 23, 1958; 8:56 a. m.]

[Docket No. 9224]

TRANS WORLD AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of schedules filed and published by Trans World Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 14, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., April 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3069; Filed, Apr. 23, 1958; 8:56 a. m.]

[Docket No. 9225]

UNITED AIR LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of schedules filed and published by United Air Lines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 7, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., April 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3068; Filed, Apr. 23, 1958; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12364; FCC 58M-400]

WESTSHORE SHRIMP CO.

ORDER SCHEDULING HEARING

In the matter of Westshore Shrimp Company, 102 Constant Street, Tampa, Florida, Docket No. 12364; order to show cause why there should not be revoked the license for Radio Station WH-7089 aboard the vessel "Miss Annie T."

It is ordered, This 17th day of April 1958, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a. m. on June 23, 1958, in Washington, D. C.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3055; Filed, Apr. 23, 1958; 8:51 a. m.]

[Docket No. 12365; FCC 58M-401]

WILLARD MOBLEY

ORDER SCHEDULING HEARING

In the matter of Willard Mobley, P. O. Box 266, Aransas Pass, Texas, Docket No. 12365; order to show cause why there should not be revoked the license for Radio Station WB-8053 aboard the vessel "Frances S."

It is ordered, This 17th day of April 1958, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 2:00 p. m. on June 23, 1958, in Washington, D. C.

Released: April 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3053; Filed, Apr. 23, 1958; 8:51 a. m.]

[Docket No. 12397; FCC 58-363]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Salem, Ohio		286
Sharon, Pa. (includes Warren & Youngstown, Ohio; Meadville and New Castle, Pa.)	286	

3. The purpose of the proposed amendment is to make Channel 286 available for assignment in Salem, Ohio, for a proposed new FM broadcast station as requested by Russell C. Jones in his application, File No. BPH-2405.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 16, 1958 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3057; Filed, Apr. 23, 1958; 8:51 a. m.]

[Docket No. 12398; FCC 58-364]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
West Bend, Wis.		223
Milwaukee, Wis.	223	

3. The purpose of the proposed amendment is to make Channel 223 available for assignment in West Bend, Wisconsin, for a proposed new FM broadcast station as proposed in an application, File No. BPH-2392, submitted by the West Bend Broadcasting Company, licensee of Station WBKV (AM), West Bend, Wisconsin.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 16, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3056; Filed, Apr. 23, 1958; 8:51 a. m.]

[Docket No. 12399; FCC 58-365]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
San Diego, Calif.		279

3. The purpose of the proposed amendment is to make Channel 279 available for assignment in San Diego, California, for a proposed new FM broadcast station as requested in an application, File No. BPH-2406, submitted by the Broadmoor Broadcasting Corporation, licensee of Station KSON (AM), San Diego, California.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 16, 1958 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 16, 1958.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3054; Filed, Apr. 23, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12578 etc.]

OHIO OIL CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 18, 1958.

In the Matters of The Ohio Oil Company, Docket Nos. G-12578 and G-13678; Schermerhorn Oil Corporation et al.,[1] Docket No. G-12579; Anderson-Prichard Oil Corporation, Docket No. G-12596; Cities Service Production Company, Operator, et al.,[2] Docket No. G-12597; The Texas Company, Docket Nos. G-12600, G-12826 and G-13168; Mull Drilling Company, Inc., Operator, et al.,[3] Docket No. G-12603; James Davis, Jr., a sole trader d. b. a. Solar Oil Company, Docket No. G-12609; Vincent & Welch, Inc., Operator, et al.,[4] Docket No. G-12613; Magnolia Petroleum Company, Docket Nos. G-12614 and G-12840; Graham-Michaelis Drilling Company (formerly Michaelis Drilling Co.) and William Graham Oil Co.,[5] Docket No. G-12616; Paul V. Draughn, Jr., Docket No. G-12624; Pioneer Production Corporation, Docket No. G-12628; The British-American Oil Producing Company, Operator, et al.,[6] Docket No. G-12636; Subsurface Reserve Corporation, Operator, et al.,[7] Docket No. G-12779; Ashland Oil & Refining Company, Operator, et al.,[8] Docket No. G-12812; Ashland Oil & Refining Company, Operator, et al.,[9] Docket No. G-12813; Midwest Oil Corporation, Operator, et al.,[10] Docket No. G-12814; Skelly Oil Company, Docket No. G-12815; Magnolia Petroleum Company, Operator, Docket No. G-12820; Shell Oil Company,[11] Docket No. G-12832; Cities Service Oil Company, Docket No. G-12845; H. C. Hargrave, Docket No. G-12847; J. I. Roberts and C. H. Murphy, Jr., d. b. a. Roberts and Murphy,[12] Docket No. G-12848; The Atlantic Refining Company, Docket No. G-12849; Arkansas Fuel Oil Corporation, Docket No. G-12851; Hanley Company, Operator, et al.,[13] Docket No. G-13212; Hanley Company, Operator, et al.,[14] Docket No. G-13213; Hanley Company,[15] Docket No. G-13214; J. Moses Raad, Docket No. G-13226; Union Oil Company of California, Docket No. G-13371; Aztec Oil & Gas Company, Docket No. G-13722; The Texas Company,[16] Docket No. G-13752; An-Son Petroleum Corporation et al.,[17] Docket No. G-13856; Standard Oil Company of Texas, Docket No. G-13962; C. F. & H. Oil Company, Inc., Docket No. G-13972; Carter-Jones Drilling Company, Operator,[18] Docket No. G-14119; Harold S. McKay et al.,[19] Docket No. G-14208; Anderson-Prichard Oil Corporation, Operator, et al.,[20] Docket No. G-14216; Hanley and Bird, Docket Nos. G-14228 and G-14239.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

12578, 12600, 12840; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Company.

12579; Eumont Field, Lea County, N. Mex.; Permian Basin Pipeline Company.

12596; Jack Herbert (Strawn) Field, Upton County, Tex.; El Paso Natural Gas Company.

12597; Acreage in Smith County, Tex.; Lone Star Gas Company.

12603; Acreage in Harper County, Kans.; Cities Service Gas Company.

12609; Harper Ranch Pool, Clark County, Kans.; Northern Natural Gas Company.

12613; North Elton Field, Allen Parish, La.; Texas Gas Transmission Corporation.

12614; Spraberry Field, Upton County, Tex.; El Paso Natural Gas Company.

12616; Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

12624; Maxie-Pistol Ridge Field, Forrest County, Miss.; United Gas Pipe Line Company.

12628; Waka Area, Ochiltree County, Tex.; Northern Natural Gas Company.

12626, 12812, 12813; Witcher-Munger Field, Oklahoma County, Okla.; Champlin Oil & Refining Company.

12779; Christmas Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

12814; Pecos Valley Field, Pecos County, Tex.; El Paso Natural Gas Company.

12815; Cooper Jal Pool, Lea County, N. Mex.; El Paso Natural Gas Company.

12820; Lake Arthur Field, Jefferson Davis Parish, La.; Texas Gas Transmission Corporation.

12826; South Andrews Field (Devonian and Wolf Camp), Andrews County, Tex.; El Paso Natural Gas Company.

12832; Kansas Hugoton Field, Grant County, Kans.; Northern Natural Gas Company.

12845; Greenwood Field, Baca County, Colo.; Colorado Interstate Gas Company.

12847; Blanconia Field, Bee County, Tex.; United Gas Pipe Line Company.

12848; Fincham Field, Meade County, Kans.; Northern Natural Gas Company.

12849; Jackson Doty Field, Hardin County, Tex.; Texas Eastern Transmission Corporation.

12851; Bourg Field, Terrebonne Parish, La.; United Gas Pipe Line Company.

13168; Blakemore Area, Hansford County, Tex.; Natural Gas Pipeline Company of America.

13212; Spraberry Field, Reagan and Glasscock Counties, Tex.; El Paso Natural Gas Company.

13213; Spraberry Field, Glasscock County, Tex.; El Paso Natural Gas Company.

13214; Spraberry Field, Reagan County, Tex.; El Paso Natural Gas Company.

13226; Acreage in Doddridge County, W. Va.; South Penn Natural Gas Company.

13371; West White Lake Field, Vermilion Parish, La.; Transcontinental Gas Pipe Line Corporation.

13678; Blanco Field (La Plata Area), San Juan County, N. Mex.; El Paso Natural Gas Company.

13722; South Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

13752; Hugoton Field, Morton County, Kans.; Panhandle Eastern Pipe Line Company.

13856; Laverne Field, Harper County, Okla.; Colorado Interstate Gas Company.

13962; Gist Field, Jasper County, Tex.; Texas Eastern Transmission Corporation.

13972; Pistol Ridge Field, Pearl River County, Miss.; United Gas Pipe Line Company.

14119; Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

14208; Rockton (Union Township) Field, Clearfield County, Pa.; New York State Natural Gas Corporation.

14216; Crosby-Devonian Field, Lea County, N. Mex.; El Paso Natural Gas Company.

14228; Union Township, Clearfield County, Pa.; The Manufacturers Light and Heat Company.

14239; Brady Township, Clearfield County, Pa.; The Sylvania Corporation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections [illegible] and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May [illegible], 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be received at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

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[1] Schermerhorn Oil Corporation is filing for itself and lists the following co-owners in three leases which are included in the subject gas unit:

Co-owners	Section 33, Township 18 South, Range 37 East		
	(SE¼SW¼)	(SW¼SW¼)	(NW¼SW¼)
Schermerhorn Oil Corp.	¼	¼	¼
Kenwood Oil Co.	¼	¼	¼
Lovington Abstract Co.	½		
Gordon M. Cone		½	½

The proposed sale is to be made pursuant to an amendatory agreement dated April 18, 1957, which adds additional acreage to a basic contract dated April 7, 1954. The subject amendatory agreement has been signed by each of the above-named co-owners. Schermerhorn, Kenwood and Cone are signatory seller parties to and have been authorized in Docket Nos. G-7753, G-7752 and G-3902, respectively, to sell gas under the basic contract, to which contract Lovington Abstract Company is not a signatory seller party. The application does not indicate that Schermerhorn is the Operator.

[2] Cities Service Production Company, Operator, is filing for itself and on behalf of the nonoperators, E. C. Laster and Eugenia F. Laster. All are signatory seller parties to the gas sales contract dated April 1, 1957.

[3] Mull Drilling Company, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Max A. Houston, Guy F. Atkinson Co., Ostrander Construction Co., Ivan M. West, W. G. Matchette, J. A. Mull, Jr., Lewis Perrault and Ainslie Perrault. All above-named co-owners are signatory seller parties to the gas sales contract dated April 1, 1957.

[4] Vincent and Welch, Inc., Operator, is filing for its 50 percent interest and on behalf of the nonoperator, National Bulk Carriers, Inc., which party owns the remaining 50 percent interest in the Montrose Crawford Putnam Lease. Both above-named co-owners are signatory seller parties to the gas sales contract dated April 22, 1957.

[5] Graham-Michaelis Drilling Company (a partnership consisting of William L. Graham, Marjorie Lois Graham and W. A. Michaelis, Jr.) and William Graham Oil Company (a partnership consisting of William L. Graham and Marjorie Lois Graham), nonoperators, are filing jointly for their respective interests in two units: Gilchrist Unit—Graham-Michaelis Drilling Company and William Graham Oil Co.; Fleming Unit—Graham-Michaelis Drilling Company. Production from subject units is proposed to be sold under an amendatory agreement dated December 9, 1955, accepted December 12, 1955, which adds additional acreage to a basic contract dated July 19, 1955. W. A. Michaelis, Jr., William L. Graham and Marjorie Lois Graham are all signatory seller parties to both the basic contract and the subject amendatory agreement. Michaelis Drilling Company (predecessor to Graham-Michaelis Drilling Co.) was authorized in Docket No. G-9497 covering sale of gas under the basic contract.

[6] The British-American Oil Producing Company, Operator, is filing for its 50 percent interest and on behalf of the nonoperator, Harper Oil Company, which company owns the remaining 50 percent interest in production from the Maher Lease. Both above-named co-owners are signatory seller parties to the gas sales contract dated February 22, 1956, which contract is subject to a prior contract between Applicants and Oklahoma Natural Gas Company dated October 2, 1953. Production is limited to the Cleveland Sand.

[7] Subsurface Reserve Corporation, Operator, is filing for itself and on behalf of the following co-owners for their interest in the W. L. C. Poetter Lease; Subsurface Reserve Corporation, Operator; Charles A. Holshauser; Beatrice Kubela Mebane; Mike Mebane; and E. S. Kubela. All above-named co-owners are signatory seller parties to the same gas sales contract dated February 22, 1957, which contract also includes acreage owned by Seaboard Oil Company, owner of the remaining working interest in the subject lease, which company has filed separately covering its share of the production. The application states that the operating agreement, covering the subject acreage, is between Morris Cannan, Operator, and Applicants and that the working interest formerly owned by Morris Cannan is now owned by Subsurface Reserve Corporation. It is noted that Morris Cannan is President of Subsurface Reserve Corporation.

[8] Ashland Oil & Refining Company, Operator, is filing for itself and on behalf of the following nonoperators covering their respective interests in the Bonnie Nagle "A" and "C" Leases: Harper Oil Company and British-American Oil Producing Company. All above stated co-owners are signatory seller parties to the same gas sales contract dated March 1, 1956.

[9] Ashland Oil & Refining Company, Operator, is filing for itself and on behalf of the following nonoperators: Josaline Production Company, Edward J. McLaughlin and W. J. Clements. All are signatory seller parties to the same gas sales contract dated February 27, 1956.

[10] Midwest Oil Corporation, Operator, is filing for itself and on behalf of the following nonoperators: J. I. O'Neill, Jr., and William S. Montgomery. All above-named co-owners are signatory seller parties to the gas sales contract dated May 17, 1957. Production is limited to the Devonian Reservoir.

[11] Shell Oil Company, nonoperator, is filing for its interest in production from the Jury B-1 gas well to be sold pursuant to a ratification agreement dated May 28, 1957, of a basic contract dated November 1, 1952, between Northern Natural Gas Producing Company and Northern Natural Gas Company. Both Shell and Purchaser are signatory parties to the subject ratification agreement. Producing Company was authorized in Docket No. G-5716 covering the sale of gas under the basic contract.

[12] J. I. Roberts and C. H. Murphy, Jr., d. b. a. Roberts and Murphy, non-operators, are filing for their interest in production from approximately 3,600 acres in Meade County, Kansas. Both of the above-named individuals are signatory seller parties to the gas sales contract dated May 14, 1957.

[13] Hanley Company, Operator, is filing for itself and on behalf of the following nonoperators to cover their interests in production from three separate leases: McDaniel and J. M. Nunn Leases—Hanley Company, W. L. Hanley, and W. H. Hanley; Ivy Huegler Lease—Hanley Company and W. L. Hanley. Applicants' gas is proposed to be sold under a gas sales contract dated November 2, 1952, between Humble Oil & Refining Company and El Paso, to which contract Applicants became signatory seller parties by four assignments from Humble to Hanley Company dated August 27, 1956 (McDaniel Lease), September 17, 1956 (Huegler Lease) and August 3, 1956, and May 17, 1956 (Nunn Lease). Production is limited to 7,800 feet (McDaniel Lease), 8,000 feet (Huegler Lease) and 7,825 feet (Nunn Lease) below surface.

[14] Hanley Company, Operator, is filing for its interest and on behalf of nonoperator, W. L. Hanley, owner of the remaining interest in the W. H. Lane "B" Lease, production from which is proposed to be sold under a gas sales contract dated October 16, 1954, between The Atlantic Refining Company, Seller, and El Paso, Buyer. Applicants became parties to the subject contract by assignment dated January 17, 1956, between Atlantic and Hanley Company. Production is limited to 7,870 feet below surface.

[15] Hanley Company is filing for its 100 percent interest in the T. B. Masterson Lease, production from which is proposed to be sold under gas sales contract dated January 13, 1953, between Anderson-Prichard Oil Corporation, Seller, and El Paso, Buyer. Hanley Company became a signatory seller party to the subject contract by assignment of the subject acreage from Anderson-Prichard by instrument of assignment dated July 23, 1956. Production is limited to a depth of 7,300 feet below surface. Anderson-Prichard was authorized in Docket No. G-6614 to continue the sale of gas under the January 13, 1953, contract.

[16] The Texas Company, nonoperator, is filing for its interest in production from 640 acres and lists Panhandle (buyer) as Operator of subject unit. Production is limited to horizons down to and including Hugoton Pays Formation.

[17] An-Son Petroleum Corporation, nonoperator, is filing for itself and on behalf of Riddell Petroleum Corporation, Westland Oil Development Corporation, John F. Riddell, W. J. Holliday, H. J. Freede and Josephine W. Freede for their aggregate interests in the Dunsworth No. 1, Laverty No. 1, Raymond-Long No. 1, and McClung C-1 Units. All above-named nonoperators are signatory seller parties to the gas sales contract dated October 31, 1957.

[18] Carter-Jones Drilling Company (partnership composed of J. K. Maxwell, H. C. Jones and W. T. Maxwell), Operator, is filing for itself and on behalf of the following nonoperators who own working interests in the Skelly Oil Company, et al.-Ida Reed Unit No. 1: Carter-Jones Drilling Company, Operator; Robert Cargill; Roy G. Carter; G. C. Clerk; Douglas Godfrey; and McKellar Estate. The subject gas is proposed to be sold under an amendatory agreement dated January 4, 1956, which adds additional acreage to a basic contract dated August 10, 1954, as amended. Carter-Jones received authorization in Docket No. G-4812 covering sale of gas under the basic contract. Production is limited to depths down to 250 feet below top of Travis Peak Formation.

[19] Harold S. McKay is filing for his 100 percent interest in production from the Philip R. Bailey, et ux., Lease, and is the only signatory seller party to the gas sales contract dated August 7, 1957. In addition, Harold S. McKay is filing for himself and on behalf of the following individuals who own an interest in the Winfield S. Miller, Jr., et ux., Lease: Harry W. Brunt, Hermes H. Fairman,

Harry H. Fairman, Earl F. Fairman, Frank F. Fairman, Ernest E. Fairman, Milo M. Fairman, Roy R. Fairman and Hubert S. Griffiths, d. b. a. Fairman Drilling Company. All co-owners in the Winfield S. Miller, Jr. et ux., Lease, are signatory seller parties to a gas sales contract dated September 20, 1957.

[illegible] Anderson-Prichard Oil Corporation, Operator, is filing for itself and on behalf of the following nonsignatory owners of working interests in the American Republics Federal Unit as follows: Anderson-Prichard Oil Corporation, Operator; E. A. Culbertson and Wallace W. Irwin. Operator lists Sinclair Oil & Gas Company as owner of the remaining interest in the subject unit, which company was authorized in Docket No. G-8493 covering the sale of its share of gas. Anderson-Prichard acquired the subject acreage by two assignments dated March 1, 1955, from American Republics Corporation and became a signatory seller party to a gas sales contract dated April 29, 1949, as amended, between American Republics, Seller, and El Paso, Buyer, to the extent of such assignment. Subsequently, Anderson-Prichard reassigned to E. A. Culbertson and Wallace W. Irwin, by instrument of assignment dated June 20, 1955, a portion of the acreage acquired from American Republics. Sinclair (successor in interest to American Republics) was authorized in Docket No. G-8493 to continue sales of gas under the April 29, 1949 contract. Production is limited to formations below 4,000 feet beneath the surface.

[F. R. Doc. 58-3034; Filed, Apr. 23, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2096]

Alunite Corporation of Utah

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

April 18, 1958.

I. Alunite Corporation of Utah (Alunite), a Utah corporation, 373 West 3d North, Salt Lake City, Utah, filed with the Commission on May 17, 1956, a notification on Form 1-A and offering circular, and filed various amendments thereto, relating to an offering of 160,000 shares of its $1.00 par value common stock at $1.50 per share, for an aggregate of $240,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Alunite has failed to file report of sales on Form 2-A, as required by Rule 224; and

B. Cayias, Larson, Glaser, Emery, Inc., the principal underwriter, was enjoined on August 29, 1956, by the United States District Court for the District of Utah, from engaging in or continuing a conduct of practice in connection with the purchase and sale of securities within the meaning of Rule 223 (a) (6) under Regulation A.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-3038; Filed, Apr. 23, 1958; 8:48 a. m.]

[File No. 1-2115]

Bellanca Corp.

ORDER SUMMARILY SUSPENDING TRADING

April 18, 1958.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of BELLANCA CORPORATION; File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On April 9, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending April 19, 1958.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, April 20, 1958, to April 29, 1958, inclusive.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-3039; Filed, Apr. 23, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

Giacinto Marasco et al.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Giacinto Marasco, New York, New York; Leopoldo Marasco, Cincinnati, Ohio; Dionigi Marasco, Columbus, Ohio; Filomena Marasco, Ermelinda Marasco, Luigi Marasco, Francesco Marasco, Potenza, Italy; Concettina Marasco, Gerardina Mancini, nee Marasco, Naples, Italy; Claim No. 59132; Vesting Order No. 1920; $906.50 in the Treasury of the United States, to be divided equally among the claimants.

Executed at Washington, D. C., on April 18, 1958.

For the Attorney General.

[SEAL] Dallas S. Townsend,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3047; Filed, Apr. 23, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

Fourth Section Applications for Relief

April 21, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 34621: *Wool and mohair—Southwestern points to eastern ports and points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7260), for interested rail carriers. Rates on wool and mohair, also wool and mohair tags, in the grease, in bags or bales, carloads from specified points in Louisiana (west of the Mississippi River), New Mexico, Oklahoma, and Texas, also Berryville, Criket, Harrison, Ark., and Texarkana, Ark-Tex., to Baltimore, Md., Boston, Mass., Newport News, Va., New York, N. Y., Norfolk, Va., Philadelphia, Pa., and points taking same rates.

Grounds for relief: Competition of unregulated motor trucks.

Tariffs: Supplement 46 to Southwestern Freight Bureau, Agent, tariff I. C. C. 3784. Supplement 74 to Transcontinental Freight Bureau, Agent, tariff I. C. C. 1539.

FSA No. 34622: *Cheese and related products between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3648), for interested rail carriers. Rates on cheese including cheese foods, and oleomargarine, and related articles, carloads from specified points in southern territory to specified points in southern territory including the Florida peninsula.

Grounds for relief: Short-line distance formula, grouping, special treatment for short or weak lines, transit scales for distances via transit points, and motor truck competition.

Tariff: Supplement 27 to Southern Freight Tariff Bureau tariff I. C. C. 1527.

FSA No. 34624: *Rock salt—Louisiana points to Louisville, Ky.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7262), for interested rail carriers. Rates on salt, rock, loose in bulk, carloads from Avery Island, Jefferson Island, Weeks, and Winnfield, La., to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Southwestern Freight Bureau tariff I. C. C. 4263.

AGGREGATE OF INTERMEDIATES

FSA No. 34623: *Vegetables—Texas points to southwestern and western points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7268), for interested rail carriers. Rates on vegetables, fresh, carloads from points in the Corpus Christi-Rio Grande Valley-Winter Garden area of Texas to specified points in Arkansas, Kansas, Louisiana, Missouri, and Oklahoma, also East St. Louis, Ill., Memphis, Tenn., and Omaha, Nebr.

Grounds for relief: Maintenance of truck competitive rates not applicable in constructing combination rates from or to points beyond from or to the points to which the truck competitive rates are in effect.

Tariffs: Supplement 152 to Southwestern Freight Bureau tariff I. C. C. 4161. Supplement 459 to Southwestern Freight Bureau tariff I. C. C. 4139. Supplement 165 to Southwestern Freight Bureau tariff I. C. C. 4025.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3042; Filed, Apr. 23, 1958; 8:49 a. m.]

OF MICHIGAN
APR [illegible]
MAIN
READING ROOM

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 82

Washington, Friday, April 25, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10763

AMENDMENT OF EXECUTIVE ORDER NO. 10422,[1] AS AMENDED, PRESCRIBING PROCEDURES FOR MAKING AVAILABLE TO THE SECRETARY GENERAL OF THE UNITED NATIONS CERTAIN INFORMATION CONCERNING UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT ON THE SECRETARIAT OF THE UNITED NATIONS

By virtue of the authority vested in me by the Constitution, statutes, and treaties of the United States, including the Charter of the United Nations, and as President of the United States, it is ordered that paragraphs 2, 3, and 4 of Part I of Executive Order No. 10422 of January 9, 1953, as amended by Executive Order No. 10459 of June 2, 1953, be, and they are hereby, amended to read as follows:

"2. The Secretary of State shall forward the information received from the Secretary General of the United Nations to the United States Civil Service Commission, and the Commission shall conduct an investigation.

"3. The investigation conducted by the Civil Service Commission shall be a full background investigation conforming to the investigative standards of the Civil Service Commission, and shall include reference to the following:

(a) Federal Bureau of Investigation files.

(b) Civil Service Commission files.

(c) Military and naval intelligence files as appropriate.

(d) The files of any other appropriate Government investigative or intelligence agency.

(e) The files of appropriate committees of the Congress.

(f) Local law-enforcement files at the place of residence and employment of the person, including municipal, county, and State law-enforcement files.

(g) Schools and colleges attended by the person.

(h) Former employers of the person.

(i) References given by the person.

(j) Any other appropriate source.

However, in the case of short-term employees whose employment does not exceed ninety days, such investigation need not include reference to subparagraphs (f) through (j) of this paragraph.

"4. Whenever information disclosed with respect to any person being investigated is derogatory, within the standard set forth in Part II of this order, the United States Civil Service Commission shall forward such information to the Federal Bureau of Investigation, and the Bureau shall conduct a full field investigation of such person."

This order shall become effective on July 1, 1958.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 23, 1958.

[F. R. Doc. 58-3138; Filed, Apr. 24, 1958; 10:18 a. m.]

EXECUTIVE ORDER 10764

SUSPENSION OF THE EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE CIVIL AERONAUTICS ADMINISTRATION ON PUBLIC WORK ESSENTIAL TO THE NATIONAL DEFENSE

WHEREAS by Proclamation No. 2914 of December 16, 1950, the President proclaimed the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (40 U. S. C. 321), the service or employment of all laborers and mechanics employed by the Government of the United States upon any public work of the United States is limited to eight hours in any one calendar day, except in case of extraordinary emergency; and

WHEREAS it is essential to the national defense that the Nation's system of air-navigation facilities be modernized in a very short period of time, and that such system be operated and maintained at the highest level of efficiency; and

WHEREAS I find that as to public work essential to the national defense being performed by the Civil Aeronautics Administration an extraordinary emergency exists:

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[1] 18 F. R. 239; 3 CFR, 1953 Supp., p. 57.

FEDERAL REGISTER

1934 · THE NATIONAL ARCHIVES OF THE UNITED STATES

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend the above-mentioned provisions of law prohibiting more than eight hours of labor in any one calendar day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Civil Aeronautics Administration on any public work which is essential to the national defense: *Provided*, that the wages of all laborers and mechanics so employed shall be computed on a basic day rate of eight hours of work with overtime to be paid at a rate not less than time and one-half for all hours of work in excess of eight hours in any one day.

This order shall continue in effect until terminated or revoked by the President.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 23, 1958.

[F. R. Doc. 58–3139; Filed, Apr. 24, 1958; 10:18 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (6), (8), (11) and (13) of paragraph (d) of § 6.312 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3093; Filed, Apr. 24, 1958; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 51]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

MISCELLANEOUS AMENDMENTS

Part 370—Scope of Export Control by Department of Commerce is amended in the following particulars:

1. Section 370.2 *Prohibited exportations*, paragraph (a) *General provisions* is amended to read as follows:

(a) *General provisions.* Subject to the provisions of §§ 370.3, 370.3a, and 370.4, the exportation from the United States of all commodities and all technical data as defined in § 385.1 is hereby prohibited unless and until a license authorizing such exportation shall have been established or granted by the Department of Commerce, except:

(1) Exportations to Canada, and

(2) Exportations for the official use of or consumption by the United States Armed Forces when shipped by or consigned to any branch thereof under a United States Government Bill of Lading or a United States Government space charter or by means of a United States Government-owned or Government-chartered carrier, and

(3) Exportations of commodities and technical data controlled by another government agency.

2. A new section is added after § 370.3 to read as follows:

§ 370.3a *Unauthorized disposition of foreign excess personal property purchased from the United States Armed Forces in foreign countries.* (a) In the event the United States Armed Forces shall sell in any foreign country any Positive List commodity, in used or new condition, which was exported from the United States pursuant to § 370.2 (a) (2) of the export regulations, the prohibitions and sanctions provided in Parts 381 and 382 of the export regulations set forth in this chapter shall apply whenever such commodity is or is attempted to be transshipped, diverted or re-exported to any destination contrary to the provisions of the contract of sale executed by the United States Armed Forces.

(b) The provisions of this section shall apply to any person who directly or indirectly participates or has an interest in any transaction involving Positive List commodities sold by the United States Armed Forces in any foreign country. Sanctions may include denial of participation in Armed Forces foreign excess personal property disposals, as well as United States export privileges.

This amendment shall become effective on April 25, 1958.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-3080; Filed, Apr. 24, 1958; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF O,O-DIETHYL O-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL) PHOSPHOROTHIOATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on various raw agricultural commodities. The request for a tolerance on grapes was subsequently withdrawn without prejudice to a future filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.153 (22 F. R. 4017, 9691; 23 F. R. 1919)) are amended by changing § 120.153 (b) to read as follows:

§ 120.153 *Tolerances for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.* * * *

(b) 0.75 part per million in or on apples, apricots, beet roots, beet tops, broccoli, cabbage, cauliflower, celery, cherries, lettuce, lemons, nectarines, oranges, peaches, pears, peppers, plums (fresh prunes), spinach, strawberries, tomatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 18, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3077; Filed, Apr. 24, 1958; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Bourbon, Cherokee, Franklin, Linn and Montgomery Counties, Kansas, and Pawnee and Washington Counties, Nebraska, are hereby added to the list of counties, published January 16, 1958 (23 F. R. 290) which were designated for wheat crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373).

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-3096; Filed, Apr. 24, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1623]

[Anchorage 012587]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 824 OF MAY 13, 1952, AND MODIFYING EXECUTIVE ORDER NO. 2242 OF AUGUST 31, 1915; PARTIALLY REVOKING EXECUTIVE ORDER NO. 1919½, AS AMENDED

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 303), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 824 of May 13, 1952, so far as it reserved the following-described land in Alaska for use by the Forest Service in connection with the administration of the Chugach National Forest, is hereby revoked:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Anchorage Townsite, East Addition,
Block 37, lot 1 of S½.

The area described contains 1 acre.

2. Executive Order No. 2242 of August 31, 1915, so far as it reserved the land described in paragraph 1 of this order for townsite purposes, is hereby modified to the extent necessary to permit selection of the land by the Territory of Alaska, in accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46-3 (b)), and subject to the requirements of that act, and the regulations in 43 CFR Part 76, in connection with its mental health program, except as against prior existing valid rights, or as against equitable claims subject to allowance and confirmation.

3. Executive Order No. 1919½ of April 21, 1914, as amended by Executive Order No. 3672 of May 8, 1922, withdrawing lands in Alaska for townsite purposes, is hereby revoked so far as it affects the lands described in paragraph 1 of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3072; Filed, Apr. 24, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-18]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial changes in §§ 2.1 and 2.101 of its rules and regulations; and

It appearing that the definition of Citizens Radio Service contained in § 2.1 of the rules does not agree with the definition of said service contained in the appendix to the First Report and Order in Docket 11994, adopted by the Commission on April 16, 1958; and

It further appearing that § 2.101, which lists the various radio station symbols, is superfluous since the F. C. C. frequency list, available for reference as indicated in Part 0, section 0.126, contains the information which § 2.101 was originally intended to provide; and

It further appearing that the amendments adopted herein are editorial in nature and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 22d day of April 1958, that, effective April 25, 1958, §§ 2.1 and 2.101 are amended as set forth below.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 2 of the Commission's rules is amended as follows:

1. Amend the definition of Citizens Radio Service in § 2.1 to read as follows:

Citizens radio service. A radiocommunication service of fixed, land, and mobile stations intended for personal or business radiocommunications, radio signalling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited.

2. Amend § 2.101 by substituting the word "Reserved" for the present text.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 58-3083; Filed, Apr. 24, 1958; 8:47 a. m.]

[Rules Amdt. 15-2]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability making certain editorial changes in Part 15 of its rules; and

It appearing that the measurement procedure described in MIL-I-16910 is acceptable for the purpose of making power line interference measurements and that this procedure is now incorporated in 56 IRE 27 S1, a standard issued by the Institute of Radio Engineers; and

It further appearing that the footnote in § 15.161 requires clarification; and

It further appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information.

It is ordered, This 17th day of April 1958, that, effective April 28, 1958, § 15.63 (b) (2) and the footnote 1 to table contained in § 15.161 is amended as set forth below.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 15 of the Commission's rules is amended as follows:

1. Amend § 15.63 (b) (2) by changing the text thereof to read as follows:

(2) Institute of Radio Engineers Standard 54 IRE 17.S1 and amendment 56 IRE 27.S1 for power line interference measurements for television broadcast receivers.

2. Amend footnote 1 to table contained in § 15.161 by changing the text thereof to read as follows:

[1] For the purpose of this section, a sparsely inhabited area is that area within 1,000 feet of a community antenna television system where television broadcast signals are, in fact, not being received directly from a television broadcast station.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 58-3084; Filed, Apr. 24, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

[Docket No. AO-229-A5]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

SUPPLEMENTAL NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Notice was issued on April 10, 1958 (23 F. R. 2427) of a public hearing beginning on April 29, 1958, at Cedar Rapids, Iowa, on proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Cedar Rapids-Iowa City milk marketing area.

Notice is hereby given, pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that, in addition to the proposed amendments set forth in the original notice of hearing (23 F. R. 2427), evidence will be received with respect to the additional provisions specified in the proposals listed below or to appropriate modifications thereof. The additional proposals contained in this supplemental notice have not received the approval of the Secretary of Agriculture.

Additional proposals are as follows:

Proposed by Sanitary Farm Dairies:

Proposal No. 8. Amend § 931.52 location differentials to handlers to include prior to the proviso therein, which will read "* * * that such plant is from the nearer of the Cedar Rapids, Iowa City and Clinton City Halls."

Proposal No. 9. Amend § 931.82 location differentials to producers by changing the last three lines therein to read "* * * that such plant is from the nearer of the Cedar Rapids, Iowa City and Clinton City Halls."

Copies of this supplemental notice of hearing may be procured from the Market Administrator, P. O. Box 1547, Cedar Rapids, Iowa, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

Dated: April 22, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-3078; Filed, Apr. 24, 1958; 8:46 a. m.]

[7 CFR Part 962]

FRESH PEACHES GROWN IN GEORGIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $17,957.00 will be necessarily incurred by the aforesaid Industry Committee for its maintenance and functioning during the fiscal period beginning on March 1, 1958, under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships peaches shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at eight tenths cent ($0.008) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 22, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3095; Filed, Apr. 24, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12274]

RADIO BROADCAST SERVICES

EXTENSION OF HOURS OF BROADCASTING FOR DAYTIME STANDARD BROADCAST STATIONS; ORDER EXTENDING TIME FOR FILING COMMENTS

1. The Commission has before it for consideration a request filed on April 18, 1958, by a number of broadcast station licensees (Aladdin Broadcasting Corporation, RKO Teleradio Pictures, Inc., WKY Television Systems, Inc., WWDC, Inc., WDSU Broadcasting Corporation, Evening News Association, Twin States Broadcasting, Inc., Air Trails Broadcasting, Inc., Wood Broadcasting, Inc., Intermountain Radio and Television Corp., Lee Radio, Inc., WDEF Broadcasting Co., Great Trails Broadcasting Co., Indianapolis Broadcasting, Inc., and WMBD, Inc.) for extension of time—from May 2 to May 19, 1958—in which to file comments in this proceeding.

2. These parties state that the additional time requested is needed for preparation of the engineering data to support the comments which they intend to file in the proceeding. They state that counsel for the Daytime Broadcasters Association has been consulted and has indicated that the Association would not object to the extension of time requested in view of the Commission's action on April 15, 1958 in the Clear Channel proceeding (Docket No. 6741) and they urge that the granting of their request for extension of time will not prejudice the rights of any party to the proceeding.

3. On April 18, 1958, counsel for the Daytime Broadcasters Association filed a letter bearing the same date, which states that the Association consents to the extension of time requested for filing of comments from May 2 to May 19, 1958, inasmuch as the further notice of proposed rule making, released on April 15, 1958, in the Clear Channel proceeding requires further study to determine its possible effect upon the comments which the Daytime Broadcasters Association expects to file in this proceeding.

4. The Commission believes that good cause for an extension of time for filing comments in this proceeding has been established and that such extension will serve the public interest, convenience and necessity and will not unduly delay the proceeding.

5. In view of the foregoing: *It is ordered,* That the aforesaid request of Aladdin Broadcasting Corporation, et al., is granted and that the time for filing comments in the above-entitled proceeding is extended from May 2, 1958, to May 19, 1958, and the time for filing reply comments is extended from June 2, 1958, to June 18, 1958.

Adopted: April 22, 1958.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3085; Filed, Apr. 24, 1958; 8:47 a. m.]

[47 CFR Part 19]

[Docket No. 11895; FCC 58-375]

CITIZENS RADIO SERVICE

TERMINATION OF PROCEEDING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of April 1958.

The Commission having under consideration amendment of Part 19—Citizens Radio Service to delete the existing note appended to § 19.12; and

It appearing, that the Commission on December 19, 1956 adopted a notice of proposed rule making in this matter which was published in the FEDERAL REGISTER on December 28, 1956 (21 F. R. 10414) in accordance with section 4 (a), of the Administrative Procedure Act; and

It further appearing that on April 3, 1957, the Commission adopted a notice of proposed rule making (Docket No. 11994) proposing among other things a complete revision of Part 19, which was published in the FEDERAL REGISTER April 16, 1957 (22 F. R. 2606); and

It further appearing that the notice in Docket 11994 stated that, "Inasmuch as the instant proceeding contemplates a complete revision of Part 19, including the removal of the present note to

§ 19.12, Docket No. 11895 is merged into this proceeding, and the comments filed thereto will be considered in any disposition of this proceeding"; and

It further appearing that the Commission today adopted a first report and order in Docket 11994 which renders the proposal in this docket moot;

It is ordered, That, pursuant to section 4 (i) and 303 of the Communications Act of 1934, as amended, the proceeding in Docket No. 11895 is terminated.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3086; Filed, Apr. 24, 1958; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 9063]

TRANS WORLD AIRLINES SIESTA SLEEPER SEAT SERVICE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 14, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 21, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3094; Filed, Apr. 24, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 541, Amdt. 14]

LAND OFFICE MANAGER

REDELEGATION OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

APRIL 18, 1958.

Part III-A—Redelegation to Land Office Managers is amended by adding the following section:

SEC. 3.1 *Authority to redelegate.* The Land Office Manager may redelegate to the Chief, Minerals Adjudication Unit, authority to take action for the Manager in matters listed in section 3.6 of Part III-A, and to the Chief, Lands Adjudication Unit, authority to take action for the Manager in matters listed in section 3.9 of Part III-A. Any order of redelegation must be approved by the State Supervisor and published in the FEDERAL REGISTER.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 58-3073; Filed, Apr. 24, 1958; 8:45 a. m.]

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

1. The Voluntary Oil Import Program was established with respect to Districts I-IV by the President's approval of the recommendations made in the First Report of the President's Special Committee to Investigate Crude Oil Imports, dated July 29, 1957. The Program was extended to District V by the President's approval of the recommendations made in the Second Report of the President's Special Committee, dated December 12, 1957. The President also has approved the recommendations made by the Special Committee in a Supplementary Report, dated March 24, 1958.

2. The Administrator, Voluntary Oil Import Program, is authorized to hear and determine petitions for the relief of alleged inequities in the application of the Voluntary Oil Import Program. Any importing company which believes that the application of the Voluntary Oil Import Program would result in inequities may file a petition with the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C. The petition should describe and explain the particular inequitable result which the company believes would be caused by the application of the Program. A hearing will be afforded each petitioner.[1]

3. The Voluntary Oil Import Program contemplates that companies which plan to become importers of crude oil either in Districts I-IV or in District V should present their plans to the Administrator at least six months prior to the date selected for the commencement of operations. Such plans should be submitted within the time specified to the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C. A hearing will be scheduled for each prospective new importer.[1]

4. Petitions and supporting papers and plans of new importers submitted pursuant to these instructions will be available for public inspection at the office of the Administrator, Voluntary Oil Import Program, after a hearing has been held on the petition or plan. Persons interested in a petition or plan may file written comments or statements with the Administrator within seven days following the hearing on the petition or plan. A copy of such comments or statement should be sent to the company which has filed the petition or plan, and that company may file a reply within seven days following receipt of the comments or statement. Hearings will be public.

5. These instructions supersede the instructions on the same subject which were issued by the Administrator on August 16, 1957, and which appear in the FEDERAL REGISTER for August 22, 1957 (22 F. R. 6804).

M. V. CARSON, Jr.,
Administrator,
Voluntary Oil Import Program.

APRIL 21, 1958.

[F. R. Doc. 58-3104; Filed, Apr. 24, 1958; 8:50 a. m.]

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[1] The Supplementary Report of the President's Special Committee provides that "This report authorizes allocations for certain listed companies. Other applications, except for District V, either for a new allocation or for a revision of a presently approved allocation will be deferred by the Administrator until September 1, 1958."

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 335]

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACT FOR PROFESSIONAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated to the Secretary of Agriculture to negotiate, without advertising, under section 302 (c) (4) of the act, a contract for architectural and engineering services in connection with the construction of a building at the Agricultural Research Center, Beltsville, Maryland, for the Atomic Energy Commission.

2. This delegation of authority shall be subject to all applicable provisions of Title III of the act with respect to negotiated contracts and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or official of the Department of Agriculture.

4. The delegation shall be effective as of the date hereof and shall not extend beyond July 1, 1958.

Dated: April 18, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-3081; Filed, Apr. 24, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11645 etc.; FCC 58-370]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS

In the matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels; The Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service; American Telephone and Telegraph Company, et al., Docket No. 12194; charges, classifications, regulations and practices for and in connection with Channels for Data Transmission.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of April 1958;

The Commission having under consideration the record of the proceedings in Docket No. 12194 and its orders issued therein; and also having under consideration the proceeding in Docket No. 11645; and

It appearing that in the light of subsequent developments in connection with Docket No. 12194, the issues to be resolved therein will be substantially the same as certain of the issues to be resolved in Docket No. 11645, and that much of the evidence to be adduced on such issues will be duplicative; and

It further appearing that consideration of the proceedings in Docket No. 12194 with the proceedings in Docket No. 11645 will best conduce to the proper dispatch of business and to the ends of justice;

It is ordered, That, on the Commission's own motion and in compliance with the provisions of § 1.106 of its rules and regulations, the proceeding herein is consolidated with the proceedings in Dockets Nos. 11645 and 11646.

It is further ordered, That Examiner H. Gifford Irion is hereby relieved from further responsibility in connection with Docket No. 12194.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3087; Filed, Apr. 24, 1958; 8:47 a. m.]

[Docket No. 11978 etc.; FCC 58-354]

CHARLES R. BRAMLETT ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236, Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

1. The Commission has under consideration the following pleadings: (1) Petition for reconsideration of the Commission's October 21, 1957 order of designation, and for enlargement of issues, filed by Radio Orange County on November 8, 1957; (2) opposition of Charles R. Bramlett, filed on November 18, 1957; (3) reply (opposition) of Latin-American Broadcasting Corporation, filed on November 18, 1957; (4) opposition of Anaheim-Fullerton Broadcasting Company, Inc., filed on November 19, 1957; (6) two petitions to enlarge the issues, filed by Charles R. Bramlett on November 8, 1957; (7) comment (opposition) of Radio Orange County, filed on November 18, 1957; (8) opposition of Anaheim-Fullerton Broadcasting Co., Inc., filed on November 19, 1957; (9) petition to enlarge issues, filed by Anaheim-Fullerton Broadcasting Co., Inc., on November 8, 1958; (10) opposition of Charles R. Bramlett, filed on November 18, 1957; (11) reply (opposition) of Latin-American Broadcasting Corporation, filed on November 18, 1957; (12) comment (opposition) of Radio Orange County, filed on November 18, 1957; (13) reply of Anaheim-Fullerton, filed on December 2, 1957.[1]

2. *Background*. Originally this proceeding involved the applications of Robert Burdette, Charles R. Bramlett, A. A. Crawford, and Latin-American Broadcasting Corporation for construction permits for a Class II standard broadcast facility on 1190 kilocycles in Southern California, and the application of KCBQ, Inc., for a construction permit to improve the facilities of Station KCBQ (1170 kilocycles), San Diego, California. By order released April 10, 1957, the Commission designated all of the foregoing applications for a consolidated hearing. Within ten days thereafter, pursuant to provisions of the then applicable § 1.724 (b) of the rules, Radio Orange County, Inc., and Anaheim-Fullerton Broadcasting Co., Inc., tendered applications which were accepted for filing by the Commission.

3. Subsequently, the Crawford application was dismissed with prejudice by the Examiner, and KCBQ was granted permission to amend its application to sever same from this proceeding. After hearing in Docket 11980, a grant has been made to KCBQ. By order adopted October 16, 1957, released October 21, 1957, and published in the FEDERAL REGISTER of October 24, 1957, the Commission found that Radio Orange County, Inc., and Anaheim-Fullerton Broadcasting Co., Inc., are legally, technically, and otherwise qualified, and designated their applications for consolidated hearing with those of the other applicants remaining in the proceeding. By order of November 27, 1957, the Hearing Examiner dismissed the Burdette application without prejudice.

4. The pertinent hearing issues seek to determine the areas and population which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations; whether the Bramlett proposal would cause interference to Station KEX, Portland, Oregon, and, if so, the areas and populations affected; whether Bramlett's proposed transmitter site would be satisfactory; whether Bramlett's proposed antenna system would be a hazard to air navigation; to determine in the light of section 307 (b) of the Communications Act which of the cities of Torrance, Monterey Park, and Anaheim-Fullerton, California has the greatest need for a new radio facility; and, in the event that Anaheim-Fullerton has the greatest need, which of the operations proposed by Radio Orange County and Anaheim-Fullerton Broadcasting Co., would better serve the public interest.

5. *The Radio Orange petition for reconsideration*. Petitioner states that the October 16, 1957, order of designation (a) omitted certain issues included in the April 10, 1957, order, including an issue to determine whether the existing and proposed 2 mv/m contour of Station KCBQ would overlap the proposed 25 mv/m contour of the proposal of Charles Bramlett, and (b) denied a request for an issue as to whether an unreasonable burden would result to Anaheim-Fullerton Broadcasting Co., Inc., from being licensed to operate in one city only. Petitioner requests reconsideration of the failure to include the overlap issue and failure to add the unreasonable burden issue.

6. *The overlap issue*. Radio Orange contends that the issue relating to overlap of the 2 mv/m contour of KCBQ with the 25 mv/m contour of Bramlett's proposed operation should not be deleted and states that it is prepared to offer positive proof that such overlap would occur.[2] Petitioner's supporting engineering exhibit contains field intensity measurements made on a radial from KCBQ, and at distances from 95 to 117 miles from that station. These show the measured KCBQ field in the vicinity of Bramlett's proposed operation as being 2 mv/m. Adverting to the fact that measurement data previously submitted on behalf of KCBQ purported to show that no 2 mv/m and 25 mv/m contour overlap would be expected to exist between the existing operation of KCBQ and the operation which Bramlett proposes, petitioner states that the additional field strength-measurement data are being submitted to show that the previous measurements were not made in sufficiently fine detail to allow a conclusion that no such overlap would exist. Petitioner states that (apparently because of the planned change in site location) measurements of KCBQ's existing operation cannot be used to assure the Commission that simultaneous operation of the proposed Bramlett station and the proposed KCBQ facility would not also violate § 3.37.

7. Radio Orange requests reconsideration and addition of the following issue: "To determine whether the 2 mv/m contour of the proposed Bramlett operation would overlap the 25 mv/m contour of the existing or proposed operation of Station KCBQ, in contravention of the provisions of § 3.37 of the Commission's rules and regulations."

NOTE: The issue as framed is inconsistent with Radio Orange's contention that the 25 mv/m contour of Bramlett's proposed station will overlap the 2 mv/m contour of Station KCBQ.

8. Bramlett opposes the requested enlargement, contending that because the

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[1] The Broadcast Bureau has filed no pleading respecting these matters.

[2] Section 3.37 of the rules, among other things, provides that a license will not be granted for a station on a frequency plus or minus 90 kilocycles from the frequency of another station if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

Commission, by order of October 30, 1957, authorized KCBQ to change its transmitter site and operating pattern, it is immaterial whether or not there would be a 25 and 2 mv/m overlap with KCBQ's existing operation, and that Radio Orange has submitted no legally acceptable showing that there will be overlap between his proposed operation and that of KCBQ. Bramlett's supporting engineering statement states that the Radio Orange measurements are scanty and of no value in attempting to prove overlap of the KCBQ 2 mv/m contour with Bramlett's 25 mv/m contour. Referring to "rather complete" measurements which Station KCBQ has previously submitted, Bramlett's consulting engineer states that these indicate little, if any, overlap of the existing KCBQ 2 mv/m contour with Bramlett's 25 mv/m contour, and that when KCBQ moves to its new site its 2 mv/m contour will be located a farther distance from Bramlett's proposed site.

9. Latin-American Broadcasting Corporation submits that there should be an issue limited to consideration of the overlap resulting from the existing KCBQ operation.

10. In its reply to the above pleadings Radio Orange states that Bramlett has practically conceded that the measurements taken and submitted by Radio Orange definitely establish that there would be an overlap of the 25 mv/m contour of the proposed Bramlett station and the existing 2 mv/m contour of KCBQ; that this overlap, which would constitute a direct violation of § 3.37 of the rules, would bar a grant of the Bramlett application; and that as long as KCBQ continues its existing mode of operation such overlap is germane and must be considered herein. Radio Orange asserts that this overlap may not be ignored on the grounds that KCBQ has been authorized to move its site—that no license has been issued for operation at the new site, and operation from the existing site may continue for some time. Secondly, Radio Orange states that its measurements raise a question of overlap of Bramlett's 25 mv/m contour and the proposed KCBQ 2 mv/m contour which can be resolved only by the addition of an appropriate issue herein.

11. Subsequent to a review of the pertinent data, the Commission is of the opinion that it is appropriate to enlarge the issues herein to include an issue to determine whether the 25 mv/m contour of the proposed Bramlett operation would overlap the 2 mv/m contour of the existing operation of Station KCBQ, but that Radio Orange has not submitted sufficient factual data to indicate the possibility of overlap between Bramlett's proposed 25 mv/m contour and the 2 mv/m contour of KCBQ's proposed operation. We are, therefore, adding the following issue:[3] "To determine whether the 25 mv/m contour of the proposed Bramlett operation would overlap the 2 mv/m contour of the existing operation of Station KCBQ in contravention of the provisions of § 3.37 of the Commission's rules and regulations."

12. *The Dual City operation issue.* The Commission's October 16, 1957, order of designation approved the proposal of Anaheim-Fullerton Broadcasting Co., Inc., to establish a dual city operation which would serve both Anaheim and Fullerton, California, and to establish main studios in each of those cities.

13. Stating that § 3.30 of the Commission's rules[4] provides that a station can be licensed to serve more than one city, town, or political subdivision only when it can be shown that an "unreasonable burden" would be placed on the applicant if it were required to originate a majority of its programs from one community, both Radio Orange County and Charles R. Bramlett (whose petition to enlarge issues in this respect is considered here) contend that Anaheim-Fullerton Broadcasting Co., Inc., has failed to make any showing in support of its request for dual city identification.

14. Petitioners state that the Commission's report and order adopting the dual city operation provision of the rules (FCC 50-1441, adopted December 14, 1950, effective January 18, 1951; 15 F. R. 8992; 1 Pike & Fischer RR 91:465) indicates that stations are to be licensed to serve more than one community only when none of the communities involved could provide a sufficient base of economic or program support for a radio station; that § 3.30 (b) of the rules contemplates that a grant of authority to serve two cities will not be made unless the applicant makes a special factual showing justifying such unusual action; and that either Anaheim or Fullerton is able to support a station of its own. Contending that the Commission is in possession of facts which show that there would be no burden upon Anaheim-Fullerton, Bramlett cites the fact that Radio Orange County has applied for authorization to establish a new station at Anaheim alone and has estimated its first year's revenue at $219,000, and that the Commission's files show that there are hundreds of communities smaller than Anaheim that are supporting radio stations which do not serve audiences as large as that which would be served by Anaheim-Fullerton's proposal.

15. Adverting to the Commission's action of October 16, 1957, which is reported in paragraph 12 above, Anaheim-Fullerton asserts in response that it has made the required showing; that the Commission's approval of its proposal for dual city operation is sound and follows Commission precedent; and that neither Radio Orange County nor Bramlett have submitted evidence to rebut that showing.

16. Section 3.30 of our rules recognizes that because "* * * certain stations located in rural areas or in very small towns or cities may not have a sufficient base of operations to support them properly from an economic or program point of view * * *" it would be appropriate to provide that, where a proper showing is made and subject to compliance with Commission requirements as to coverage, such stations may receive a license to serve more than one city, town or political subdivision. In view of the clear intention of this rule (as expressed both in the report and order adopting the rule, and in the rule itself) that an authorization for dual city operation is contingent upon a proper showing that an unreasonable burden would be placed on a station if it were licensed to serve only one community, and the allegations of Radio Orange County and Charles R. Bramlett as to the adequacy of the showing made in this respect by Anaheim-Fullerton Broadcasting Co., Inc., we consider it appropriate to reconsider the pertinent portion of our October 16, 1957 order of designation and to enlarge the issues herein to provide for a determination as to whether an unreasonable burden would be placed on Anaheim-Fullerton Broadcasting Co., Inc., if it were to be licensed to serve one city only. Therefore, the issues herein will be enlarged by the addition of the following issue: "To determine whether an unreasonable burden, within the meaning of § 3.30 of the Commission's rules, would be placed on the station proposed by Anaheim-Fullerton Broadcasting Co., Inc., if it were to be licensed to serve one city only."

17. *Petitions to enlarge issues; requested multiple ownership and duopoly issue.* Noting that 65 percent of the stock in Anaheim-Fullerton Broadcasting Co., Inc., is owned by that corporation's president, Sherrill C. Corwin, Radio Orange states that the multiplicity of Corwin's other broadcast interests, and the geographical distribution thereof, require the inclusion of an issue to determine (a) whether a grant of the Anaheim-Fullerton application would be

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[3] This issue may be rendered moot if at any time during the pendency of the proceeding KCBQ discontinues operation from its existing site and commences operation at the new site specified in and in the manner authorized by its existing construction permit File No. BP-10729.

[4] Section 3.30 (b) provides as follows: (b) Stations will be licensed to serve more than one city, town, or other political subdivision only where a satisfactory showing is made that each such place meets all the requirements of the rules and regulations of this subpart with respect to the location of main studios, that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from other studios and remote points situated in any or all of the places in which the main studios are located.

contrary to the provisions of § 3.35[8] of the Commission's rules, and (b) which of the applications herein would best serve the objectives of § 3.35.

18. Petitioner contends that the Anaheim-Fullerton application presents a serious question in connection with § 3.35 (a) of the rules, which prohibits cross interest in two or more standard broadcast stations that serve substantially the same area, in that over half of the area within Anaheim-Fullerton's proposed 0.5 mv/m normally protected contour would be encompassed within the 0.5 mv/m contour of Station KPRO, and that 20 percent of the area within KPRO's 2 mv/m contour would be encompassed within Anaheim-Fullerton's proposed 2 mv/m contour. Concerning concentration of control and the prohibitions against such concentration contained in § 3.35 (b) of the rules, Radio Orange County asserts that Mr. Corwin has an extensive broadcast empire—that he is the sole owner of Station KBAY-TV, San Francisco; a director and principal stockholder of Stations KAKE, KAKE-FM, and KAKE-TV, Wichita, Kansas; a director and leading stockholder of Stations KPRO, Riverside, KROP, Blythe, KYOR, Brawley, and KREO, Indio, all in California; and, as an individual, has submitted applications to the Commission for new television stations in Los Angeles and San Diego, and for new FM stations at San Diego and San Francisco.[9]

Petitioner asserts that it must not only be entitled to show that Anaheim-Fullerton is disqualified by reason of the dangerous concentration of economic power and control over those media which would result from a grant of the Anaheim-Fullerton proposal, but that the same considerations require that petitioner's application be preferred on a comparative basis.

19. Opposing the requested enlargement, Anaheim-Fullerton contends that there is no overlap problem under § 3.35 (a) of the rules. After citing numerous reasons in support of its contention that § 3.35 (a) cannot be invoked in this case, Anaheim-Fullerton concludes by stating that if the Commission should determine that § 3.35 (a) does have application, the situation can be corrected by the Commission providing that if a grant is made to Anaheim-Fullerton it be conditioned upon Mr. Corwin's resigning as an officer and director of Imperial Broadcasting System (licensee of Stations KROP, KYOR, KREO, and KPRO). Concerning concentration of control and the provisions of § 3.35 (b) of the rules, Anaheim-Fullerton states that because the above-mentioned "dangerous concentration" consists of applications for UHF TV and for FM authorizations, a minority interest in one operating television station, and minority interests in AM stations operating mainly in very small cities, there is no concentration of control in a manner inconsistent with public interest.

20. After considering the pertinent pleadings, the Commission is of the opinion that Radio Orange County has made a reasonable showing that justifies enlargement of the issue to the extent that inquiry into the question of compliance with the duopoly provisions of § 3.35 (a) of the rules is involved. In this proceeding, evidence as to concentration of control can be developed under the existing comparative issue (issue No. 12 below). An explicit issue as to which applicant would best serve the objectives of § 3.35 is unnecessary, since such a determination is implicit in the determination required by the final issue. The Commission is not persuaded that any weight should be given to Anaheim-Fullerton's proposal as to the possibility of a conditional grant since, among other things, Mr. Corwin would continue as a stockholder ($10\frac{15}{16}$ percent) in Imperial Broadcasting System. Therefore, the issues will be enlarged to include the following new issue: "To determine the overlap that will exist between the service areas of the station proposed by Anaheim-Fullerton Broadcasting Co., Inc., and of Station KPRO, Riverside, California, the nature and extent thereof, and whether such overlap is in contravention of the provisions of § 3.35 (a) of the Commission's rules."

21. *Financial qualifications of Anaheim-Fullerton.* Noting that the funds needed for the construction and initial operation of the Anaheim-Fullerton proposal are to be supplied to the applicant in the form of loans by its president and 65 percent stockholder, Sherrill C. Corwin, Radio Orange County totals construction costs to which Mr. Corwin is committed for his various pending applications and, after comparing this total with Corwin's balance sheet, contends that an issue must be included to determine whether Mr. Corwin, and hence Anaheim-Fullerton Broadcasting Co., is financially qualified to carry out the commitments made in its application to construct the proposed station.

22. Anaheim-Fullerton's opposition asserts that a sufficient showing has not been made to distrub the Commission's finding of its financial qualifications; that its balance sheet sets forth unlisted stocks, bonds and other investments in excess of a million dollars; and that there is a legally binding commitment by Corwin to supply funds which could be enforced as a prior commitment against any of his funds; which are ample.

23. After considering all the pleadings, and the material therein which bears on this requested issue, the Commission is of the opinion that the requested financial issue is not justified at this time—that, in the circumstances here present, if a financial question should arise it would be in connection with the consideration of other Corwin applications which are on file.

24. *Determination of which community Latin-American and Bramlett will serve.* Radio Orange requests the addition of an issue to determine the communities which Latin-American and Bramlett will serve, contending among other things, that in view of the proximity of the locations proposed by Latin-American Broadcasting Corp., at Monterey Park, California, and Charles R. Bramlett, at Torrance, California, to the city of Los Angeles, and the fact that these applicants would provide service to portions of that city, consideration must be given to the question of which communities each applicant proposes to serve.

25. Latin-American and Bramlett oppose this requested enlargement, asserting that they propose to establish stations in independent communities of substantial size. Bramlett supports his opposition with an engineering statement which depicts the extent of the coverage which his proposal would render to the city of Los Angeles.

26. The Commission is of the opinion that this requested issue is not necessary, since a determination as to the communities to be served by the applicants is implicit in the existing issues.

27. *Petitions to modify the 307 (b) issue.* Radio Orange County, as a part of its above denied request to determine the communities which Latin-American and Bramlett would serve, requests a change in the wording of existing Issue No. 6, the 307 (b) issue. This request and the petitions of Charles R. Bramlett and Anaheim-Fullerton Broadcasting Co., Inc., for changes in this issue will be considered below.

28. The existing 307 (b) issue requires a determination, in the light of section 307 (b) of the Communications Act of 1934, as amended, as to which of the cities of San Fernando, Torrance, Monterey Park, and Anaheim-Fullerton, California, has the greater need for a new radio facility. In addition, the Commission's order of designation states that the proposals of Radio Orange County and Anaheim-Fullerton Broadcasting Co., will provide a substantial duplication of service to identical areas such as to preclude further consideration of the provisions of section 307 (b) of the act relative to their respective station locations.

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[8] Section 3.35 provides in pertinent part as follows:

No license for a standard broadcast station shall be granted to any party (including all parties under common control) if:

(a) Such party directly or indirectly owns, operates, or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or

(b) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved and the extent of other competitive service to the area in question.

[9] Commission records show that the following above-listed Corwin applications were granted on the dates shown: San Francisco FM, Jan. 8, 1958; San Diego FM, Nov. 13, 1957. On Dec. 23, 1957 Corwin filed an application for a new FM station at Santa Barbara, California.

29. Radio Orange County, as here pertinent, would reword the 307 (b) issue to require that a 307 (b) determination be made between the communities that Latin-American and Bramlett would serve and the communities to be served by the proposals of Radio Orange County and Anaheim-Fullerton. However, in its opposition to the 307 (b) issue proposed by Anaheim-Fullerton below, Radio Orange County states that the inclusion of a 307 (b) issue as between the Radio Orange County and Anaheim-Fullerton proposals is not warranted and that this fact was recognized by the Commission in the designation order. Bramlett contends that the existing 307 (b) issue is indefinite and may be subject to misconstruction in that it reads in terms of "cities" and then refers to "Anaheim-Fullerton" as if it were one city, but that these cities are separate political entities and should be treated as such in the 307 (b) determination; then the fact that an applicant proposes to have main studios in each of two cities in no way changes the status of those two cities as separate communities under section 307 (b). Bramlett would reword the 307 (b) issue to require a determination as to which of the proposals by Bramlett, Latin-American, Radio Orange County, and Anaheim-Fullerton would best provide a fair, efficient and equitable distribution of radio service. Anaheim-Fullerton contends that, under its existing wording, Issue No. 6 is inadequate because no 307 (b) considerations are included as between Radio Orange County and Anaheim-Fullerton Broadcasting Co.; that under the issue as now stated both applicants are afforded equal consideration so far as 307 (b) considerations are concerned—despite the fact that Radio Orange County proposes only an auxiliary studio in Fullerton, whereas Anaheim-Fullerton proposes main studios in both Anaheim and Fullerton. Anaheim-Fullerton would reword the 307 (b) issue to require a determination as to which of the single cities of Torrance, Monterey Park, Anaheim, and the dual cities of Anaheim-Fullerton has a greater need for a new radio facility.

30. Consequent to consideration of the pleadings of petitioners and of our above decision to add an issue concerning the dual city operation which Anaheim-Fullerton Broadcasting Co. proposes, the Commission believes that, in the circumstances here present, it is appropriate to amend the existing 307 (b) and 309 (b) issues (respectively, existing Issues 6 and 7) to read as follows:[7]

> To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.
>
> To determine on a comparative basis, in the event that pursuant to the foregoing issue and considering the determination as to dual city operation made under Issue No. 6 herein, either that Anaheim and Fullerton, California, or that Anaheim or Fullerton, California, are considered to have the greater need for a new radio station, which of the operations proposed by Radio Orange County, Inc., and Anaheim-Fullerton Broadcasting Co., would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said two applicants as to:
>
> (a) The background and experience of each having a bearing on its ability to own and operate the proposed standard broadcast station.
>
> (b) The proposals of each with respect to the management and operation of the proposed station.
>
> (c) The programming service proposed in each of the said applications.

31. *Requested issue as to compliance with NARBA and the U. S.-Mexican agreement.* Anaheim-Fullerton Broadcasting Co., petitions to add two issues to determine whether the applications of Charles R. Bramlett and Radio Orange County comply with the requirements of §§ 1.352 (b) and 3.28 (b) of the Commission's rules, and are consistent with the provisions of the North American Regional Broadcasting Agreement or the U. S.-Mexican agreement which pertain to the establishment of a Mexican priority for a station to operate on 1190 kilocycles, utilizing either 10 kilowatts of power with a nondirectional antenna, or 50 kilowatts of power with a directional antenna.

32. In support of the above request, petitioner adverts to the provisions of § 3.152 (b) of the Commission's rules which provide that when an application which would be inconsistent with NARBA or the U. S.-Mexican agreement is designated for hearing in consolidation with applications which would not be inconsistent with those agreements the question of consistency with NARBA and the U. S.-Mexican agreement shall be a matter of issue in the hearing. Petitioner asserts that the U. S.-Mexican agreement and the Commission's letter of intent of January 29, 1957, establish that the United States is committed to afford protection to the operation of the above Mexican station at Guadalajara, and that, although no directional pattern has been submitted for said 50 kilowatt operation, the protection requirements for that operation, which are set out in a footnote to Annex V of the U. S.-Mexican agreement, provide the basis for the establishment of a directional pattern. Petitioner further asserts that its consulting engineer has determined a directional antenna pattern for the Guadalajara station which indicates that the proposals of Latin-American Broadcasting Corp., and Anaheim-Fullerton Broadcasting Co., Inc., afford protection to the 50 kilowatt operation of said station whereas the proposals of Charles R. Bramlett and Radio Orange County, Inc., do not provide such protection. Petitioner submits that these are material differences which the Commission must consider, and upon which petitioner is entitled to have comparative consideration.

33. Bramlett's opposition states that Anaheim-Fullerton presents the same proposal that it had made to the Commission by letter, and which was denied by the Commission in its October 16, 1957, order of designation, and that no new reasons have been given which justify the addition of the requested issues. In addition, Bramlett states that the directional pattern submitted by Anaheim-Fullerton assumes an effective field more that 13 percent higher than that specified for Class I stations in the U. S.-Mexican agreement, and that had Anaheim-Fullerton assumed the normally used field for 50 kilowatt operation of a Mexican Class I-B station, Bramlett's proposed operation would protect the Mexican operation. Radio Orange County reiterates its previously presented position that its proposed operation protects the existing Guadalajara operation; that Mexico has submitted no 50 kilowatt proposal for the Guadalajara station; but that, if such a proposal is notified, the Radio Orange County proposal can be modified to eliminate such interference. Latin-American Broadcasting Corporation asserts that, since there is some doubt as to whether the proposals of Radio Orange County and Charles R. Bramlett would involve objectionable interference to possible operation of the Guadalajara station, the subject must be considered in the hearing.

34. In view of the facts, inter alia, that at night all of the proposals herein would place a skywave signal of 0.025 mv/m 10 percent of the time within the boundaries of Mexico, no directional pattern has been submitted by Mexico for the said 50 kilowatt operation of the station at Guadalajara, Jalisco, and there is lack of agreement as to what constitutes a reasonable pattern for that operation, the Commission is of the opinion that it is appropriate to enlarge the issues herein to provide for a determination as to (a) the possibility of interference from any of the operations proposed herein to the said Mexican operation at Guadalajara, Jalisco, and (b) to determine whether the operations proposed herein are consistent with our commitments and the priority assigned to the said Guadalajara operation under the U. S.-Mexican agreement. Therefore, the issues will be enlarged to include the following:

> To determine whether the operations proposed herein would cause interference to Station XEWK, Guadalajara, Jalisco, Mexico.
>
> To determine whether the operations proposed herein are consistent with the United States commitments and the priority assigned to Mexico for operation on 1190 kilocycles under the bilateral agreement between the United States and Mexico, dated January 29, 1957.

35. *Requested issue as to site availability.* Anaheim-Fullerton Broadcasting Co. petitions the Commission to add an issue to determine which of the applicants have reasonable assurance of the availability of the transmitter sites specified in their applications. Briefly, Anaheim-Fullerton contends that:

(a) The transmitter site of Radio Orange County is unavailable to it by reason of an outstanding easement of the Anaheim-Union Water Company obtained in eminent domain proceedings, and oil and gas leases thereon.

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[7] This modification also has the effect of nullifying the finding made in the first complete paragraph appearing on page 3 of the October 21, 1957 order of designation (FCC 57-1144).

(b) The nature of the title and use of Bramlett's site is such as to raise the presumption it is unavailable to him for an antenna site.

(c) Latin-American, having modified its location from that arranged with the city of Alhambra, does not have the site specified available to it.

Bramlett objects to the inclusion of the requested issue. Radio Orange, which questions the availability of Anaheim-Fullerton's proposed site, does not object to the inclusion of the requested issue provided that it be made equally applicable to all applicants.

36. In the circumstances of this case, including the treaty and interference considerations present therein, the pleadings of Anaheim-Fullerton and Radio Orange County raise sufficient questions as to the availability of the transmitter sites proposed by the applicants to require the inclusion of an issue to determine the availability of those sites. Therefore, the issues herein will be enlarged by the addition of the following issue: "To determine which of the applications herein have reasonable assurance of the availability of the transmitter sites specified in their applications."

Accordingly, it is ordered, This 16th day of April 1958, that the petition of Radio Orange County for reconsideration and enlargement of issues is granted to the extent indicated in paragraphs 11, 16, 20, and 30 above, and denied to the extent indicated in paragraphs 11, 20, 23, and 26 above; the petitions of Charles R. Bramlett for enlargement of the issues are granted to the extent indicated in paragraphs 16 and 30 above; and the petition of Anaheim-Fullerton Broadcasting Co., Inc., to enlarge issues is granted to the extent indicated in paragraphs 30, 33, and 36 above.

It is further ordered, That, consequent to our actions on the pleadings considered herein, issues Nos. 6 and 7 in our October 16, 1957, order of designation (FCC 57-1144) are modified as indicated below; and

It is further ordered, That, to reflect the changes resulting from the order of December 5, 1957 (FCC 57M-1226) whereby the Hearing Examiner dismissed the application of Robert Burdette, issue No. 4 in our October 16, 1957 order of designation (FCC 57-1144) is deleted, and issues Nos. 3 and 5 therein are modified by the deletion of the name Robert Burdette; and

It is further ordered, That existing issue No. 5, as modified is renumbered issue No. 4; that existing issues Nos. 6 and 7, as modified, are renumbered issues Nos. 11 and 12; that existing issue No. 8 is renumbered issue No. 13; and that the issues in the above entitled proceeding are amended to read as follows:

1. To determine the areas and populations which would receive primary service from each of the proposals herein, and the availability of other primary service to such areas and populations.

2. To determine whether the proposal by Charles R. Bramlett would involve objectionable interference with Station KEX, Portland, Oregon, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the transmitter site proposed by Charles R. Bramlett would be satisfactory.

4. To determine whether the antenna system proposed by Charles R. Bramlett would be a hazard to air navigation.

5. To determine whether the 25 mv/m contour of the proposed Bramlett operation would overlap the 2 mv/m contour of the existing operation of Station KCBQ in contravention of the provisions of § 3.37 of the Commission's rules and regulations.

6. To determine whether an unreasonable burden, within the meaning of § 3.30 of the Commission's rules, would be placed on the station proposed by Anaheim-Fullerton Broadcasting Co., Inc., if it were to be licensed to serve one city only.

7. To determine the overlap that will exist between the service areas of the station proposed by Anaheim-Fullerton Broadcasting Co., Inc., and of Station KPRO, Riverside, California, the nature and extent thereof, and whether such overlap is in contravention of the provisions of § 3.35 (a) of the Commission's rules and regulations.

8. To determine whether the operations proposed herein would cause interference to Station XEWK, Guadalajara, Jalisco, Mexico.

9. To determine whether the operations proposed herein are consistent with the United States commitments and the priority assigned to Mexico for operation on 1190 kilocycles under the bilateral agreement between the United States and Mexico, dated January 29, 1957.

10. To determine which of the applicants herein have reasonable assurance of the availability of the transmitter sites specified in their applications.

11. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

12. To determine on a comparative basis in the event that pursuant to the foregoing issue and considering the determination as to dual city operation made under issue No. 6 herein, either that Anaheim and Fullerton, California, or that Anaheim or Fullerton, California, are considered to have the greater need for a new radio station, which of the operations proposed by Radio Orange County, Inc., and Anaheim-Fullerton Broadcasting Co., Inc., would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said two applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed standard broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

13. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications herein should be granted.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3088; Filed, Apr. 24, 1958;
8:47 a. m.]

[Docket No. 12031; FCC 58-362]

BIRCH BAY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of George A. Wilson & L. N. Ostrander d/b as Birch Bay Broadcasting Company, Blaine, Washington, Docket No. 12031, File No. BP-10848; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of April 1958;

The Commission having under consideration the above-captioned application of George A. Wilson & L. N. Ostrander d/b as Birch Bay Broadcasting Company for a construction permit for a new standard broadcast station to operate on 550 kilocycles with a power of 500 watts, daytime only, at Blaine, Washington;

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate the station as proposed, but that the proposed operation would cause interference to Station KVI, Seattle, Washington (570 kc, 5 kw, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated March 3, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest, and

It further appearing that in a reply filed April 2, 1958, the applicant contends that the portion of the KVI service area which would be affected by the proposed operation is an area of approximately 6 square miles in which no more than 100 persons reside; that KVI claims a total population of 1,403,393 within its primary service area; that, therefore, the number and percentage of people which would be affected is "manifestly infinitesimal"; that considering the small area in which interference would occur and the fact that Blaine, Washington, has no local radio service, the application should be granted without the necessity of a hearing, and that § 1.361 of the Commission's rules contemplates such a grant, and

It further appearing that by letter dated January 13, 1958, the Puget Sound

Broadcasting Company, Inc., licensee of Station KVI, requested that the application be designated for hearing; and

It further appearing that the Puget Sound Broadcasting Company, Inc., is entitled to an opportunity at a hearing to show why the application should not be granted, Federal Communications Commission v. National Broadcasting Company, Inc. (KOA) et al, 319 U. S. 239; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the application is necessary.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.
2. To determine whether the proposed operation would cause interference to Station KVI, Seattle, Washington, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.
3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience and necessity.

It is further ordered, That the Puget Sound Broadcasting Company, Inc., licensee of Station KVI, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, written appearances stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3089; Filed, Apr. 24, 1958; 8:48 a. m.]

[Docket No. 12068; FCC 58M-404]

FLORENCE BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

The Hearing Examiner having under consideration "Petition Requesting Hearing," filed by Florence Broadcasting Company, Inc., on March 28, 1958, and agreements reached by the parties at the prehearing conference held herein on April 18, 1958;

It is ordered, This 18th day of April 1958, that the request for a hearing date is granted; and a further prehearing conference and hearing herein are scheduled for June 2 and June 16, 1958, respectively, at 10:00 a. m.

Released: April 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3090; Filed, Apr. 24, 1958; 8:48 a. m.]

[Docket Nos. 12201 etc.; FCC 58-359]

SOUTH NORFOLK BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of South Norfolk Broadcasting Company, Incorporated, South Norfolk, Virginia, Docket No. 12201, File No. BP-10981; Cy Blumenthal tr/as Denbigh Broadcasting Co., Denbigh, Virginia, Docket No. 12202, File No. BP-11250; Virginia Beach Broadcasting Corporation (WBOF), Virginia Beach, Virginia, Docket No. 12394, File No. BP-11600; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of April 1958;

The Commission having under consideration the above-captioned applications of the South Norfolk Broadcasting Company, Incorporated, and Cy Blumenthal tr/as Denbigh Broadcasting Co., each for a construction permit for a new standard broadcast station to operate on 1570 kilocycles, daytime only, with powers of one kilowatt and 250 watts, respectively, at South Norfolk and Denbigh, Virginia, respectively, and the application of the Virginia Beach Broadcasting Corporation for a construction permit to change the facilities of Station WBOF, Virginia Beach, Virginia, from operation on 1600 kilocycles with a power of one kilowatt, daytime only, to operation on 1550 kilocycles with a power of 5 kilowatts, daytime only;

It appearing, that the Commission, by Order adopted on October 2, 1957, designated for hearing the mutually exclusive applications of the South Norfolk Broadcasting Company, Incorporated, and the Denbigh Broadcasting Co. in a consolidated proceeding; and that prior to said date, on September 23, 1957, the application of the Virginia Beach Broadcasting Corporation, which is mutually exclusive with the applications of the South Norfolk Broadcasting Company, Incorporated, and the Denbigh Broadcasting Co., was accepted for filing; and

It further appearing that except as indicated by the issues specified below, the Virginia Beach Broadcasting Corporation is legally, financially, technically and otherwise qualified to operate Station WBOF as proposed, but that the operation of the proposals in the above-mentioned applications would result in mutually destructive interference; that the application of the Virginia Beach Broadcasting Corporation was timely filed to be entitled to consolidation with the other two applications pursuant to § 1.724 (b) of the Commission's rules then in effect; that the proposed operations of the South Norfolk Broadcasting Company, Incorporated, and the Denbigh Broadcasting Co. would receive slight interference from the operation proposed in the application of WTOW, Inc., File No. BP-11634, filed on October 11, 1957, for a construction permit to increase the power of Station WTOW, Towson, Maryland (1570 kc, 1 kw, Day) to 5 kilowatts with directional antenna and that the proposal of the South Norfolk Broadcasting Company, Incorporated, may cause slight interference to the WTOW proposal; that the WTOW application, requesting authority to operate with a power of 5 kilowatts on 1570 kilocycles, a Mexican Clear Channel, is being held without action pursuant to Commission policy announced in Public Notice No. 46545 dated June 18, 1957; that further action on the WTOW application is subject to ratification of the agreement signed in January 1957, between the United States of America and the United Mexican States; that the pendency of the WTOW application should not preclude a grant of the application of either the South Norfolk Broadcasting Company, Incorporated, or the Denbigh Broadcasting Co., but that a grant of either of said applications would be upon condition that either the South Norfolk Broadcasting Company, Incorporated, or the Denbigh Broadcasting Co. accept any interference that may result if the application of WTOW, Inc., is granted; that, in the event of favorable action on the application of the Virginia Beach Broadcasting Corporation in the hearing ordered below the application will be held without further action pursuant to § 1.351 (formerly footnote 10b to § 1.371) of the Commission's rules pending conclusion of the proceeding in Docket No. 8333 concerning daytime skywave transmissions of standard broadcast stations; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were notified of the foregoing by letter dated February 10, 1958, and that the Virginia Beach Broadcasting Corporation was given thirty days in which to reply to said letter; and

It further appearing that a timely reply to the Commission's letter was filed by the Virginia Beach Broadcasting Corporation; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a consolidated hearing on the applications herein is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the application of the Virginia Beach Broadcasting Corporation is consolidated in the hearing proceeding on the above-captioned applications of the South Norfolk Broadcasting Company, Incorporated, and the Denbigh

Broadcasting Co. in Docket Numbers 12201 and 12202 on the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of the South Norfolk Broadcasting Company, Incorporated, and the Denbigh Broadcasting Co. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WBOF as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of the South Norfolk Broadcasting Company, Incorporated, would cause interference to the existing operation of Station WTOW, Towson, Maryland, the proposed operation of Station WTOW, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether a grant of the application of Cy Blumenthal tr/as Denbigh Broadcasting Co. would be in contravention of § 3.35 of the Commission's rules on multiple ownership.

5. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's order of October 2, 1957, designating for hearing the applications of the South Norfolk Broadcasting Company, Incorporated, and the Denbigh Broadcasting Co.

It is further ordered, That, to avail itself of the opportunity to be heard, the Virginia Beach Broadcasting Corporation shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegation of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of favorable action on either the application of the South Norfolk Broadcasting Company, Incorporated, or the Denbigh Broadcasting Co., the construction permit shall include the condition that the permittee shall accept interference that may be received in the event of a grant of the application (File No. BP-11634) of WTOW, Inc., to increase the power of Station WTOW, Towson, Maryland.

It is further ordered, That, in the event of favorable action on the application of the Virginia Beach Broadcasting Corporation in the hearing ordered above, the application will be held without further action pursuant to § 1.351 of the Commission's rules, pending conclusion of the proceeding in Docket No. 8333 concerning daytime skywave transmissions of standard broadcast stations.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3091; Filed, Apr. 24, 1958; 8:48 a. m.]

[Docket Nos. 12395, 12396; FCC 58-360]

HISTORYLAND RADIO AND STAR BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of T. Harry Gatton tr/as Historyland Radio, Fredericksburg, Virginia, Docket No. 12395, File No. BP-11137; Star Broadcasting Corporation, Fredericksburg, Virginia, Docket No. 12396, File No. BP-11460; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of April 1958;

The Commission having under consideration the above-captioned applications of T. Harry Gatton tr/as Historyland Radio and of the Star Broadcasting Corporation, each for a construction permit for a new standard broadcast station to operate on 1350 kilocycles with a power of 500 watts, daytime only, at Fredericksburg, Virginia;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of both stations as proposed would result in mutually destructive interference and would cause interference to Station WAVY, Portsmouth, Virginia (1350 kc, 5 kw, DA-2, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies to the Commission's letter were filed by both applicants; and

It further appearing that by letter of February 19, 1958, the licensee of Station WAVY requested that it be made a party to the hearing proceeding on the subject applications; and

It further appearing that the Commission after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations would cause objectionable interference to Station WAVY, Portsmouth, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Tidewater Teleradio, Inc., licensee of Station WAVY, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue; To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3092; Filed, Apr. 24, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 5683]

PACIFIC COAST STOCK EXCHANGE

ACTION DECLARING EFFECTIVE RECORDS DISPOSAL PLAN

APRIL 18, 1958.

The Securities and Exchange Commission today announced that it has declared effective a Records Disposal Plan filed by Pacific Coast Stock Exchange pursuant to Rule 240.17a–6 (17 CFR 240.17a–6) under the Securities Exchange Act of 1934. The Plan provides for the disposal of all applications, reports and documents filed prior to January 1, 1953, pursuant to sections 12, 13, 14 and 16 of the act or any rule or regulation promulgated by the Commission pursuant to any of such sections. Such material, originally filed with the San Francisco Stock Exchange or the Los Angeles Stock Exchange, became part of the records on file with the Pacific Coast Stock Exchange when the San Francisco Stock Exchange and the Los Angeles Stock Exchange merged into and became Divisions of the Pacific Coast Stock Exchange on January 2, 1957. The Plan also provides for the disposition of similar material on file more than five years, as soon as practicable after January 1 of each year.

The purpose of the Plan, which is substantially the same as the Record Disposal Plans of the San Francisco and Los Angeles Stock Exchanges, is to alleviate the record storage problem of the Pacific Coast Stock Exchange. Information in the material to be disposed of by the exchange is contained in material on file with the Commission where it will continue to be available.

The Commission's order declaring the Plan effective provides that if at any time it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors, the Commission may suspend or terminate the effectiveness of the Plan on ten days written notice to the Pacific Coast Stock Exchange.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule 240.17a–6 thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the Records Disposal Plan filed on April 10, 1958, by the Pacific Coast Stock Exchange on condition that if at any time it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said Plan by sending at least ten days written notice to the Pacific Coast Stock Exchange.

The Commission finds that notice and public procedure pursuant to sections 4 (a) and 4 (b) of the Administrative Procedure Act are unnecessary because the Records Disposal Plan of the Pacific Coast Stock Exchange is substantially the same as the Records Disposal Plans previously in effect for the Los Angeles Stock Exchange and the San Francisco Stock Exchange which were merged into and are now Divisions of the Pacific Coast Stock Exchange; and the Commission further finds that Rule 240.17a–6 and this action have the effect of granting exemption and relieving restriction and that such action may be and is hereby declared to be effective on April 18, 1958, pursuant to the provisions of section 4 (c) of the Administrative Procedure Act.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58–3074; Filed, Apr. 24, 1958; 8:45 a. m.]

[File No. 24FW–913]

UNIVERSAL LIFE AND ACCIDENT INSURANCE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 21, 1958.

I. Universal Life and Accident Insurance Company, an Oklahoma Corporation, 809 Willow Street, Duncan, Oklahoma, filed with the Commission on March 7, 1955, a notification on Form 1–A and, as an exhibit to the notification, a statement pursuant to Rule 219 (b) of Regulation A and subsequently filed various amendments thereto relating to an offering of 50,000 shares of its common $1.00 par value stock at $1.00 per share for an aggregate of $50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with, in that Universal Life and Accident Insurance Company has failed to file reports on Form 2–A as required by Rule 224.

III. It is therefore ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58–3075; Filed, Apr. 24, 1958; 8:45 a. m.]

[File No. 24FW–758]

UNITED PRODUCTION CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 21, 1958.

I. United Production Co., Inc., a Delaware corporation, 111 Broadway, New York 6, New York, filed with the Commission on June 18, 1953, a notification on Form 1–A and an offering circular, and subsequently filed various amendments thereto relating to an offering of 294,999 shares of its $.10 par value common stock at $1.00 per share for an aggregate of $294,999.00 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder. Edward D. Walsh Co. was named as underwriter.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with, in that United Production Co., Inc. has failed to file reports on Form 2–A as required by Rule 224;

It is therefore ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58–3076; Filed, Apr. 24, 1958; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CELINA CHIARA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Celina Chiara, $100.44 in the Treasury of the United States.

Flora Chiara Martinelli, $100.44 in the Treasury of the United States.

Lucia Chiara Casoni, $100.45 in the Treasury of the United States.

Salvatore Chiara, $100.45 in the Treasury of the United States.

Bologna, Italy; Claim No. 44115; Vesting Order No. 488.

Executed at Washington, D. C., on April 21, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3082; Filed, Apr. 24, 1958; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
MAY
MAIN READING ROOM
UNIVERSITY OF MICHIGAN
APR 2 1958
MAIN READING ROOM

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 83

Washington, Saturday, April 26, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10765

REGULATIONS GOVERNING THE AWARD OF LIFE-SAVING MEDALS UNDER THE MEDALS OF HONOR ACT

By virtue of authority vested in me by the Medals of Honor Act, 33 Stat. 743, as amended by the act of June 13, 1957, 71 Stat. 69 (45 U. S. C. 44 *et seq.*), and as President of the United States, it is hereby ordered as follows:

1. The following regulations shall govern the award of life-saving medals under the said Medals of Honor Act, as amended, and shall constitute §§ 9.1 through 9.7 of Chapter I of Title 49 of the Code of Federal Regulations:

§ 9.1 *Applications and affidavits.* Applications for medals under the Medals of Honor Act, 33 Stat. 743, as amended by the act of June 13, 1957, 71 Stat. 69 (45 U. S. C. 44 *et seq.*), shall be prepared in accordance with, and contain the information called for in, the form of application prescribed by the Interstate Commerce Commission consistent with these regulations, or any instructions which may be issued by the Commission with respect to the filing of an application. Applications should be addressed to and filed with the Interstate Commerce Commission, Washington, D. C. The acts relied upon in the application must be of such a nature that the applicant would not be expected or required to perform such acts in performing the duties of his regular work or vocation. Satisfactory evidence of the facts upon which the application is based must be filed in each case. Such evidence should be in the form of affidavits made by witnesses of good repute and standing, testifying of their own knowledge. The affidavits should be made before an officer duly authorized to administer oaths, and should be accompanied by the certificate of a United States official of the district in which the affiants reside, such as a judge or clerk of a United States court, a district attorney, or a postmaster, to the effect that the affiants are reputable and credible persons. If the affidavits are taken before an officer without an official seal, his official character must be certified by the proper officer of a court of record under the seal thereof.

§ 9.2 *Character of evidence.* The expression by a witness, or witnesses, of the opinion that the person for whom an award is sought acted with extreme daring and endangered his life is not sufficient basis for an award, but the affidavits or testimony should set forth the pertinent facts in detail, and show clearly in what manner and to what extent the life of the applicant was endangered and extreme daring manifested by him. The affidavits or testimony should also state the name of the city, town, or village in or near which the incident occurred, the railroad, public highway, road, or street, and the place thereon where the incident occurred, the date, time of day, and condition of the weather, the names and addresses of (1) the carrier or carriers, or person or persons, involved, (2) the police, fire, or other public officials who investigated the incident, and (3) all persons present, when practicable, and any other pertinent circumstances. These regulations shall not be construed as applicable to any motor-vehicle incident with respect to which no part of the directly related events takes place on a public highway, road, or street.

§ 9.3 *Investigation by Commission.* In addition to considering applications filed with it, the Interstate Commerce Commission may, upon its own motion, initiate proceedings for award of medals under the Medals of Honor Act and cause investigations to be made. Sworn testimony of witnesses taken before an officer or employee of the Commission designated by the Commission for the purpose of taking such testimony shall become a part of the record in the case.

§ 9.4 *Review of evidence; recommendations.* Applications for medals, together with all affidavits, testimony, and other evidence received in connection therewith, and the records developed in connection with investigations initiated by the Commission, shall be referred to a committee of three persons, consisting

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FEDERAL REGISTER

1934

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 ($1.00)

Titles 22–23, Rev. Jan. 1, 1958 ($4.25)

Titles 28–29 ($1.50)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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of the Secretary of the Commission and two Commission staff officials designated by the Chairman of the Commission. One of such staff officials shall be directly concerned with railroad safety, and the other with motor-carrier safety. The committee shall carefully consider each application or record, and after thoroughly weighing the evidence shall prepare an abstract or brief covering the case, and file it, together with the committee's recommendation, with the Commission for consideration. After due consideration, the Commission shall transmit its recommendation, together with a statement of the facts in the case, to the Secretary of Commerce, acting for the President, for his consideration. The Commission, or the committee with the approval of the Commission, may direct any inspector in the employ of the Commission to proceed to the locality where the act or acts in question were performed and to make a personal investigation of the matter, and to make a report upon the facts of the case. Such report shall be filed and shall be made a part of the evidence to be considered. In any case in which the Commission recommends that an award be made posthumously, its recommendation shall designate the relative or other person to whom the medal should be presented.

§ 9.5 *Recommendation effective as directed by the Secretary of Commerce, acting for the President.* Upon approval of the recommendation in any case by the Secretary of Commerce, acting for the President, the award of the medal shall be made by the Chairman of the Interstate Commerce Commission in the name and on behalf of the President.

§ 9.6 *Preparation of designs; approval by the Secretary of Commerce, acting for the President.* The Commission shall cause designs to be prepared for the medal, rosette, and ribbon provided for by the act, and such designs shall be submitted to, and become effective when approved by, the Secretary of Commerce, acting for the President.

§ 9.7 *Time limits for filing.* No application for a medal shall be considered unless it is filed within two years from the date of the occurrence of the incident upon which it is based: *Provided,* that no application based solely upon an incident involving a motor vehicle shall be considered in any event if the incident occurred prior to June 13, 1957.

2. This order shall become effective upon publication thereof in the FEDERAL REGISTER, and shall thereupon supersede the regulations which were approved by the President on June 21, 1926, and which now constitute §§ 9.1 through 9.6 of Chapter I of Title 49 of the Code of Federal Regulations.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 24, 1958.

[F. R. Doc. 58-3192; Filed, Apr. 25, 1958; 11:26 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS, 1958

DETERMINATION AND PRORATION OF QUOTA DEFICITS

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act" for the purpose of determining and prorating deficits in the quotas for Hawaii and Puerto Rico for sugar to be marketed in the continental United States in 1958.

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 811 is hereby amended by adding § 811.4 as follows:

§ 811.4 *Determination and proration of area deficits and adjusted quotas*—(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1958, Hawaii and Puerto Rico will be unable by 100,000 and 200,000 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 47,643 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able

to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	36, 432	1, 945, 620
Mainland cane sugar	11, 211	598, 687
Hawaii	0	1, 065, 513
Puerto Rico	0	1, 114, 130
Virgin Islands	0	15, 193

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 252,357 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in paragraph (b) of this section
Domestic beet sugar	89, 492	2, 035, 112
Mainland cane sugar	27, 538	626, 225
Hawaii	0	1, 065, 513
Puerto Rico	0	1, 114, 130
Virgin Islands	0	15, 193
Cuba	135, 327	3, 077, 442

Quotas for foreign countries other than Cuba remain as established in § 811.3.

STATEMENT OF BASES AND CONSIDERATIONS

Although the processing of sugarcane in Puerto Rico will not be completed until late June, the industry in its recent estimate forecast production of sugar this year at 1,000,000 tons. Thus, it is evident that the supply of sugar will be inadequate to fill the 1958 mainland and local quotas for Puerto Rico by at least 200,000 tons.

Sugar production in Hawaii has been stopped by strike since the first of February. The duration of the strike cannot be forecast. However, in view of the capacity limitations of processing facilities and the likelihood that there will be some deterioration of the sugarcane to be processed, it is evident that the supply of Hawaiian sugar will be inadequate to fill its 1958 mainland and local quotas by at least 100,000 tons. It is expected that the determination of additional deficits will be necessary if the strike continues and when more definite information becomes available.

Due to drought conditions the Virgin Islands will not have a sufficient supply of sugar to participate in filling any part of the deficits herein determined. Accordingly, deficits of 100,000 and 200,000 short tons, raw value, in the mainland quotas for Hawaii and Puerto Rico, respectively, are hereby determined, and pursuant to section 204 (a) of the act, 47,643 tons are prorated to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in S. R. 811 (22 F. R. 10732), and 252,357 tons are prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 47,643 tons.

These actions are taken on the basis of tentative information while the Cuban harvest is in progress to enable that country to make any appropriate adjustments in its production.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 23d day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3135; Filed, Apr. 25, 1958; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 133]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.433 *Valencia Orange Regulation 133*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 24, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 27, 1958, and ending at 12:01 a. m., P. s. t., May 4, 1958, are hereby fixed as follows:

(i) District 1: 554,400 carloads;

(ii) District 2: 231,000 carloads;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 25, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3190; Filed, Apr. 25, 1958; 11:21 a. m.]

[Lemon Reg. 735, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement

Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.842 (Lemon Regulation 735; 23 F. R. 2588) are hereby amended to read as follows:

(ii) District 2: 274,350 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3132; Filed, Apr. 25, 1958; 8:52 a. m.]

[Lemon Reg. 736]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.843 *Lemon Regulation 736*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 23, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 27, 1958, and ending at 12:01 a. m., P. s. t., May 4, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 372,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 24, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3172; Filed, Apr. 25, 1958; 8:57 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1958-Hawaii, Supp. 1]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1958

MISCELLANEOUS AMENDMENTS

Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement of inadequate structures; constructing or sealing dams, pits, or ponds for irrigation water; lining ditches in reorganization of farm irrigation system to conserve water and prevent erosion.

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958, the 1958 Agricultural Conservation Program for Hawaii, approved October 21, 1957 (22 F. R. 8349), is amended as follows:

1. In § 1105.756, part (e) of the maximum Federal cost-share paragraph is revised to read as follows:

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing, and including installation costs.

2. In § 1105.757, part (f) of the maximum Federal cost-share paragraph is revised to read as follows:

(f) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing, and including installation costs.

3. In § 1105.759, part (a) of the maximum Federal cost-share paragraph is revised to read as follows.

(a) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing, and including installation costs.

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 71 Stat. 329; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 23d day of April 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-3131; Filed, Apr. 25, 1958; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

ALIEN CREWMAN IDENTIFICATION CARDS AND WAIVERS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Section 242.7a is added to read as follows:

§ 242.7a *Waiver of documents; returning residents.* Pursuant to the authority contained in section 211 (b) of the act, an alien previously lawfully admitted to the United States for permanent residence who, upon return from a temporary absence of less than one year in a country or countries of the Western Hemisphere, was excludable because of failure to have or to present a valid passport, immigrant visa, reentry permit, border crossing card, or other document required at the time of entry, may be granted a waiver of such requirement in the discretion of the district director, or in deportation proceedings in the discretion of the special inquiry officer: *Provided*, That such alien (a) was not otherwise excludable at the time of entry, or (b) having been otherwise excludable at the time of entry is with respect thereto qualified for an exemption from deportability under section 7 of the act of September 11, 1957, and (c) is not otherwise subject to deportation. Denial of a waiver by the district director shall not be appealable but shall be without prejudice to renewal of an application and reconsideration in proceedings before a special inquiry officer.

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

1. Paragraph (b) of § 251.1 *Arrival manifests and lists* is amended to read as follows:

(b) *Additional documents.* The master or agent of every vessel or aircraft arriving in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall prepare as a part of the manifest when one is required for presentation to the immigration officer, a completely executed set of Forms I-95 for each alien crewman on board, except (1) an alien immigrant crewman in possession of a valid immigrant visa, reentry permit, or alien registration receipt card on Form I-151; (2) a Canadian or British citizen crewman of a Great Lakes vessel; or (3) a crewman seeking conditional landing privileges under section 252 (a) (1) of the act who is in possession of an unmutilated alien crewman landing permit and identification card (Form I-184) or an unmutilated conditional landing permit (Form I-95) with space for additional endorsements previously issued to him as a member of the crew of the same vessel or an aircraft of the same line on his last prior arrival in the United States, following which he departed from the United States as a member of the crew of the same vessel or an aircraft of the same line.

2. Section 251.3 *Notification of changes in crew* is amended by adding a paragraph (c) to read as follows:

(c) *No changes in crew.* When there are no changes in crew the master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to a foreign port or place an executed Form I-418 bearing the notation "Arrival crewlist filed at ———. No changes in crew upon departure.".

PART 252—LANDING OF ALIEN CREWMEN

Part 252 is amended to read as follows:

Sec.
252.1 Examination of crewmen.
252.2 Revocation of conditional landing permits; deportation.
252.3 Great Lakes vessels; special procedures.
252.4 Permanent landing permit and identification.

AUTHORITY: §§ 252.1 to 252.4 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 214, 248, 251, 252, 66 Stat. 189, 218, 219, 220; 8 U. S. C. 1184, 1258, 1281, 1282.

§ 252.1 *Examination of crewmen*—(a) *Detention prior to examination.* All persons employed in any capacity on board any vessel or aircraft arriving in the United States shall be detained on board the vessel or at the airport of arrival by the master or agent of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service.

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter: (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I-151 alien registration receipt card, applying for admission as immigrants; (2) Canadian or British citizen crewmen of Great Lakes vessels; or (3) Canadian or British citizen crewmen of aircraft arriving directly in Alaska or the continental United States on flights originating in Canada.

(c) *Requirements for admission.* Every alien crewman applying for landing privileges in the United States must make his application in person before an immigration officer, present whatever documents are required, and establish to the satisfaction of the immigration officer that he is not subject to exclusion under any provision of the law and is entitled clearly and beyond doubt to landing privileges in the United States.

(d) *Authorization to land.* The immigration officer in his discretion may grant an alien crewman authorization to land temporarily in the United States for (1) shore leave purposes during the period of time the vessel or aircraft is in port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding twenty-nine days in the aggregate, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived or on another aircraft of the same transportation line, or (2) the purpose of departing from the United States as a crewman on a vessel other than the one on which he arrived, or departing as a passenger by means of other transportation, within a period of twenty-nine days, if the immigration officer is satisfied that the crewman intends to depart in that manner, that definite arrangements for such departure have been made, and the immigration officer has consented to the pay off or discharge of the crewman from the vessel on which he arrived.

(e) *Conditional permits to land.* Unless the crewman is in possession of Form I-184 and is landed under paragraph (d) (1) of this section, the immigration officer shall give to each alien nonimmigrant crewman permitted to land a copy of the Form I-95 presented by the crewman, endorsed to show the date and place of admission and the type of conditional landing permit.

(f) *Change of status.* An alien nonimmigrant crewman landed pursuant to the provisions of this part shall be ineligible for any extension of stay beyond twenty-nine days or for a change of nonimmigrant classification under Part 248 of this chapter. A crewman admitted under paragraph (d) (1) of this section, may, if still maintaining status, apply for a conditional landing permit under paragraph (d) (2) of this section and, upon approval of such application, shall be given a copy of a new Form I-95 endorsed to show landing authorized under paragraph (d) (2) of this section for the balance of the remaining twenty-nine days. He shall surrender any conditional landing permit previously issued to him on Form I-95.

§ 252.2 *Revocation of conditional landing permits; deportation.* An alien permitted to land conditionally under § 252.1 (d) (1) may, within the period of time for which he was permitted to land, be taken into custody by any immigration officer without a warrant of arrest and be transferred to the vessel upon which he arrived in the United States, if such vessel is in any port of the United States and has not been in a foreign port or place since the crewman was issued his conditional landing permit, upon a determination by the immigration officer that the alien crewman is not a bona fide crewman or that he does not intend to depart on the vessel on which he arrived in the United States. The conditional landing permit of such an alien crewman shall be taken up and revoked by the immigration officer and a notice to detain and deport such alien crewman shall be served on the master of the vessel on Form I-259. On the written request of the master of the vessel, the crewman may be detained and deported, both at the expense of the transportation line on whose vessel he arrived in the United States, other than on the vessel on which he arrived in the United States, if detention or deportation on such latter vessel is impractical.

§ 252.3 *Great Lakes vessels; special procedures.* An immigration examination shall not be required of any crewman aboard a Great Lakes vessel arriving at a port of the United States for a period of less than twenty-four hours, who (a) has previously been examined by an immigration officer as a member of the crew of the same vessel and (b) is either a British or Canadian citizen or is in possession of a Form I-95 previously issued to him as a member of the crew of the same vessel during the same calendar year, and (c) does not request or require landing privilges in the United States during the time the vessel will be in ports of the United States before returning to Canada.

§ 252.4 *Permanent landing permit and identification card.* An alien crewman who seeks to land temporarily in the United States as provided in § 252.1 (d) (1) and who desires a permanent type landing permit and identification card, which will be valid indefinitely for an unlimited number of such conditional landings without endorsement on each arrival, may apply on Form I–174 to the immigration officer for such a credential. The applicant shall be photographed and fingerprinted. Upon establishing his status to the satisfaction of an immigration officer, a laminated Form I–184 landing permit and identification card may be issued to him. A Form I–184 shall be valid until such time as it may be revoked. On revocation it shall be surrendered to an immigration officer. No appeal shall lie from a denial of an application for, or the revocation of, a landing permit on Form I–184.

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding the following forms in numerical sequence:

Form No.; Title and Description

I–174 Application for crewman's landing permit.
I–184 Alien crewman landing permit and identification card.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and confer benefits upon persons affected thereby.

Dated: April 23, 1958.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F. R. Doc. 58–3137; Filed, Apr. 25, 1958; 8:54 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 3]

PART 101—LOAN POLICY STATEMENT

DISASTER LOANS

The Loan Policy Statement issued by the Loan Policy Board of the Small Business Administration (21 F. R. 5044), as amended 23 F. R. 213, 2213), is hereby further amended by deleting § 101.5 in its entirety and substituting in lieu thereof the following:

§ 101.5 *Disaster loans.* (a) Disaster loans will be considered on an individual basis in the light of circumstances of the applicant and of the particular flood, drought, excessive rainfall or other catastrophe. Such loans will be made to relieve the distress and hardships attendant upon the disasters.

(b) Interest on the Small Business Administration share of disaster direct and participation loans shall be at the rate of 3 percent per annum, except that where a disaster loan is made for the acquisition or construction (including acquisition of site therefor) of housing for the personal occupancy of the Borrower, the interest rate on both Small Business Administration's share and bank's share of such loan shall be at the rate of 3 percent per annum.

(c) In agreements to participate in disaster loans on a deferred basis, such participation by the Small Business Administration shall not be in excess of 90 percent of the balance of the loan outstanding at the time of disbursement.

(d) In deferred participation loans to disaster victims in which the interest rate on the Bank's portion thereof is fixed at 3 percent per annum, no participation charge shall be made on the portion of such loans which the Small Business Administration is obligated to purchase. In deferred participation loans to such victims in which the interest rate on Bank's portion of the loan exceeds 3 percent per annum, Bank shall pay to Small Business Administration a participation charge of ¼ percent per annum on that portion of the loan which the Small Business Administration is obligated to purchase, which charge shall not be reimbursable by Borrower.

(Sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634)

Dated: April 11, 1958.

SMALL BUSINESS ADMINISTRATION,
LOAN POLICY BOARD,
WENDELL B. BARNES,
Chairman.

[F. R. Doc. 58–3118; Filed, Apr. 25, 1958; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 37]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

This supplement establishes new policies in §§ 4b.362–1 through 4b.362–7 pertaining to flight crew emergency exits, the emergency exits in the passenger compartment of the airplane, the step-down distance from exits, acceptable compensating factors when increasing the number of passengers, approved descent means, exit markings and access to the exits; in § 4b.375–1 for an acceptable method for showing compliance with a warning indication to indicate when the safe or preset limits in pressure differential and absolute cabin pressures are exceeded, and in § 4b.634–1 for acceptable maximum limits for overlap intensities of forward position lights having a peak intensity greater than 100 candles.

In addition, this supplement deletes from § 4b.337–4 the provision for a warning indication to the pilot when the antiskid device has malfunctioned and clarifies the test procedure for fire resistant electrical equipment in § 4b.626–1.

The following are hereby adopted:

1. Section 4b.337–4 (b) (2) (ii) is deleted.

2. The following sections are added to read:

§ 4b.362–1 *Flight crew emergency exits (CAA policies which apply to § 4b.362 (a)).* (a) A flight crew area emergency exit should be a minimum of 19″ x 20″ unobstructed rectangular opening; however, other size and shape minimums will also be acceptable providing a demonstration of exit utility, using typical flight crew personnel, is satisfactorily demonstrated to the administrator.

(b) The provisions of § 4b.362 (e) (2) through (8) and (f) are also applicable to flight crew emergency exits. When the internal exit "opening means" involve sequence operations, operation of two handles or latches, release of safety catches, etc., such means will be acceptable for flight crew exits when it can be reasonably established that the means will be "simple and obvious" to crew members trained in their use.

§ 4b.362–2 *Step-down distance (CAA interpretation which applies to § 4b.362 (b)).* The step-down distances specified in § 4b.362 (b) (2), (3), and (4) mean the actual distances between the bottom of the required openings and a useable foothold which extends out from the fuselage and is large enough to be effective without searching visually or by feel.

§ 4b.362–3 *Number of passengers (CAA policies which apply to § 4b.362 (c)).* (a) Cabin attendants are considered part of the crew and are not included in the passenger seating capacity § 4b.362 (c) (1).

(b) The following compensatory factor in emergency evacuation means will be acceptable for an increase in the passenger seating capacity beyond the limits specified in § 4b.362 (c) (1).

(1) The installation of an approved inflatable slide at each floor level exit, other than over the wing exits, is acceptable for:

(i) An increase of no more than 5 passengers on airplanes having at least 2 such exits; or

(ii) An increase of no more than 10 passengers on airplanes having at least 4 such exits.

§ 4b.362–4 *Emergency exit design descent means*[1] *(CAA policies which apply to § 4b.362 (e) (7)).* (a) The assist device required for crew exits may be a rope or any other device demonstrated to be suitable for the purpose. If a rope is provided, it should be attached to the fuselage structure at or above the upper limit of the exit opening. The rope and attachment should be capable of withstanding a 400 lb. static load.

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[1] Consideration should be given to such factors affecting the utility of Type III and Type IV exits as weight, ease of handling, provision of hand holds, stowage space, adequacy of instructions, etc. A side hinged or external opening exit would not be as critical from the weight standpoint as one removed inwardly which must be moved an appreciable distance to clear the exit approach.

(b) When required by § 4b.362 (e) (7) at floor level passenger exits, the approved means may be an inflatable slide, a non-inflatable slide, or any other device approved by CAA as suitable for the purpose. Ropes or ladders will not be approved as descent means for use at floor level passenger exits.

§ 4b.362–5 *Emergency exit marking (CAA policies which apply to § 4b.362 (f))*. (a) Exits in excess of the number required by the table in § 4b.362 (c) (1), need not be marked as emergency exits, but if so marked, such exits must meet all requirements of § 4b.362 for the particular type.

(b) Emergency exits used solely for emergency evacuation of the aircraft should be marked "Emergency Exit." Emergency exits customarily used in entering or leaving the airplane need only be marked with the word "Exit." In either case, the marking should be in red or in another color which provides adequate contrast where red might be ineffective against the cabin color scheme.

(c) Opening instructions when not on the exit should be immediately beside the exit and no special effort should be required by a person having 20/20 vision to read these instructions. Readability should be evaluated under representative day and emergency night lighting conditions.

§ 4b.362–6 *Emergency exit access (CAA policies which apply to § 4b.362 (g))*. (a) Attendant seating facilities[2] should not normally result in any reduction in required aisle widths, passageways between compartments, or the minimum 20" passageway leading to Types I and II exits. Attendant seating facilities provided with any acceptable means of clearing the passageway immediately is not considered as being an obstruction to these passageways. An acceptable means of demonstrating compliance would be a spring loaded attendant seat which provides automatic retraction when the seat is vacated. Unless the seat is aft facing, the seat should also be equipped with a shoulder harness.

(b) When it is required that there be an area adjacent to an exit to permit a crew member to assist passengers in the use of escape devices, a 12" x 20" area with the long dimension parallel to and clear of the required 20" exit approach passageway or equivalent facility should be provided. The area should be adequate to permit an attendant to stand erect and to perform needed assist services in the evacuation of passengers.

(c) Projection of the seat backs into the minimum required exit opening may be permitted only if the seat back can be pushed forward or aft to clear the opening with the seat occupied. The force required to push the seat back away from the opening should be as low as practicable and should not exceed a maximum of 35 pounds with the seat unoccupied. The action should not require operation of any mechanical release. A clear opening should permit the required minimum exit shape to be projected inward past the seat bottom and back cushion. Minor protrusion of the seat upholstery is acceptable if it does not interfere with exit removal and if it would be compressed without special effort by the person(s) using the exit.

(d) Arm rests, curtains, or other protuberances should not restrict the required minimum opening unless they are removed simultaneously with opening of the exit.

(e) Berth installations, whether or not made up, should not decrease the accessibility and utility of emergency exits.

§ 4b.362–7 *Width of main aisle (CAA policies which apply to § 4b.362 (h))*. In determining compliance with aisle width requirements in an airplane so arranged that passengers face the aisle, the minimum aisle should be considered to begin at a point 12" forward of the leading edge of each seat.

3. A new § 4b.375–1 is added to read:

§ 4b.375–1 *Warning indication (CAA policies which apply to § 4b.375 (f))*—(a) *Cabin pressure differential warning*. Because of the protection provided by the required duplication of pressure relief valves, appropriate warning markings on the cabin pressure differential indicator will meet the requirement for a warning indication to the pilot or flight engineer when the safe or preset cabin pressure differential limits are exceeded.

(b) *Cabin absolute pressure warning*. An aural or visual signal in addition to cabin altitude indicating means will meet the requirements for a warning indication to the pilot or flight engineer when the cabin absolute pressure is reduced below that equivalent to 10,000 feet.

4. Section 4b.626–1, published 22 F. R. 6885, August 27, 1957, is revised to read:

§ 4b.626–1 *Fire resistant electrical equipment*[3] *(CAA policies which apply to § 4b.626)*. When applied to the electrical equipment and components defined in the last sentence of § 4b.626, an accepted criterion for "fire resistant" is that such equipment and components, as installed in the aircraft, should withstand a 2,000° F. oxidizing flame impinging on their surfaces for at least five minutes without adverse effect on their circuit function.[4] The 2,000° F. oxidizing flame should envelop the equipment under test, using a test setup simulating the actual aircraft installation.[5] Thermocouples for measurement of flame temperature should be located within one-fourth inch of the surface exposed to the flame.

5. A new § 4b.634–1 is added to read:

§ 4b.634–1 *Overlaps between high intensity forward position lights (CAA policies which apply to § 4b.634* (b) (3)). When the peak intensity of the forward position lights is greater than 100 candles, the maximum overlap intensities between them may exceed the values given in Figure 4b–20 provided the overlap intensity in Area A is not greater than 10 percent of peak position light intensity and the overlap intensity in Area B is not greater than 2.5 percent of peak position light intensity.[6]

This supplement shall become effective May 5, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 21, 1958.

[F. R. Doc. 58–3101; Filed, Apr. 25, 1958; 8:46 a. m.]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Regulations governing the air transportation of explosives were originally promulgated in 1942 and expanded to cover "other dangerous articles" in 1944. These rules were amended in 1949 by the promulgation of a revised Part 49 to permit the carriage of additional articles as the experience gained by operators had shown that they were capable of handling a greater variety of these materials with safety. The safety standards used were the then current Interstate Commerce Commission Regulations applicable to shipments by rail express since this type of shipment closely approximated conditions met in air transportation. These requirements were more conservative and provided a greater margin of safety than were required for other means of transportation.

In 1949, Appendices A and B were added which listed those articles prohibited from transportation by air and those articles prohibited from transportation on passenger-carrying aircraft, respectively. The articles listed in Appendix A were derived from those which were not acceptable under the ICC Regulations for shipment by rail express. The articles listed in Appendix B were derived from those which were not exempt from the packing, marking, and labeling requirements of the ICC Regulations for shipment by rail express. In promulgating Part 49, the Board envisioned that the commodities listed in the appendices would be examined periodically on the basis of information furnished by the Bureau of Explosives, changes in the ICC Regulations, and such other data as became available. On the basis of information furnished by the Bureau of Explosives, the ICC Regulations have been amended quarterly. However, the appendices of Part 49 have not been amended since they were adopted in 1949. In order to insure that Part 49, without further amendment, will be continuously in accord with the ICC Regulations as they are amended from time to time, this revision contains references to the appropriate ICC Regulations and the appendices have been deleted. However, it should be emphasized that the Board's close working relationship with the Bureau of Explosives, the Interstate Commerce Commission, the Civil Aeronautics Administration, and other organizations expert in this field will be continued.

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[2] Under such seating arrangements, particular attention should be directed to compliance with § 4b.260 (c) to protect the attendant from incapacitation by aircraft or galley equipment.

[3] This policy establishes a basic test standard for fire resistant electrical equipment located in designated fire zones. However, installation approval may be granted for equipment which does not conform to this standard, if it can be shown that such equipment would provide equivalent safety if exposed to the probable fire conditions at its particular location.

[4] Excessive temperature may affect the electrical equipment and components by causing such malfunctions as short circuit, open circuit, and changes in circuit paramaters (for example, reduced insulation resistance and dielectric strength).

[5] In the case of electric cable only a representative length, not less than 12 inches, need to be enveloped in the flame.

[6] Overlap intensities should be determined with the position lights installed in their actual airplane locations, since adjacent airplane structure will often provide some cut-off in the overlap area.

The special authority provisions of present Part 49 authorize the Administrator to permit deviations from this part for a particular flight in emergency situations, or where other forms of transportation are impracticable, where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons or cargo. This revision is similar except that the Administrator may impose such terms, conditions, and limitations as he finds necessary in the interest of safety in air commerce. This change gives discretion to the Administrator to impose conditions, such as prior approval of the management of the airport of intended landing, as are necessary to insure a safe operation.

Present Part 49, as amended by Amendment 49-2, refers to Board action on December 27, 1954, approving, under Section 412 of the Civil Aeronautics Act, International Air Transport Association Traffic Conference Resolution 608 (as amended) with respect to shippers' certification and labeling requirements. Subsequent action was taken by the Board on June 15 and December 16, 1955, approving the IATA Resolutions which contain "IATA Regulations Relating to the Carriage of Restricted Articles." Labels approved by this subsequent Board action have been accepted by the ICC and are presently approved for use by the ICC Regulations. Accordingly, reference to the IATA labels has been deleted. While either the pictorial or nonpictorial label as contained in the ICC Regulations is acceptable to the United States, Canada, and Mexico for both domestic and international air shipments, only the pictorial label is acceptable to other countries as a result of the IATA Resolution. Therefore, while this part continues to permit the use of either label, it may facilitate the international air movement of commodities covered under Part 49 if the pictorial label is initially affixed to such commodities.

This part, by referencing the ICC Regulations, automatically requires the marking of proper shipping names as shown in Part 72 of the ICC Regulations. The names of restricted articles listed in the IATA Tariff are not always identical with the proper shipping names in the ICC Regulations. Therefore, to facilitate international air movement of these articles, a note has been added to § 49.11 which permits additional parenthetical identification of such articles.

Technically, some of the materials carried to be dispensed during aerial application operations are not permitted to be carried in air transportation under current Part 49. In order to correct this situation, a new section is being added which will exempt these materials when carried during actual aerial application operations.

Under present Part 49 notification to the pilot of the loading of dangerous goods on board his aircraft may be made by entering the required information on the load manifest. It has been brought to our attention that in many instances this procedure is not adequate, as often the pilot is not aware that articles subject to the provisions of Part 49 have been loaded aboard his aircraft. Accordingly, the appropriate section has been reworded in this revision to assure that the pilot in command is cognizant of such shipments and their location aboard the aircraft.

The carriage of nitrocellulose base film and pyroxylin plastics in passenger and cargo operations is permitted under currently effective Part 49. The carriage of this film is predicated upon its being packed, marked, and labeled in accordance with the requirements of the ICC Regulations. In Civil Air Regulations Draft Release No. 56-23 it was proposed that such articles be prohibited from shipment in air commerce. The comments received indicate that there is a continuing need to permit the shipment of this film in air transportation, and that it has been carried for many years under the present provisions without incident. Information received from the Bureau of Explosives indicates that there have been no incidents of a fire of this film other than old and worn-out or scrap material. In view of the above, certain film will continue to be permitted to be shipped in both passenger-carrying and cargo aircraft subject to the packing, marking, and labeling requirements contained in the ICC Regulations for such film. With respect to pyroxylin plastics in sheets, rolls, rods, or tubes, experience in the shipment of these products over the past years has indicated that these articles may be shipped safely in passenger-carrying and cargo aircraft in accordance with the specifications in the ICC Regulations. Additionally, the Bureau of Explosives has advised that these materials will not heat spontaneously under conditions normal to transportation. Accordingly, the shipment of these articles will continue to be permitted in air commerce.

Present Part 49 permits flammable liquids to be carried in quantities of not more than one quart in inside metal containers or in quantities of not more than one pint in inside glass or earthenware containers, and permits acids and other corrosive liquids in bottles of not more than one pint and Class B poisonous liquids in quantities of not more than one pint in glass containers or not more than one quart in metal containers. By referencing the ICC Regulations, this revision eliminates the present requirements in Part 49 which prescribe the type of inside container so that other adequate containers may be used as provided in the ICC Regulations. Provision is also made so that quantities up to a total net capacity of one quart may be packed in any one strong outside container. While no provision is made in the part, multiple outside containers meeting the requirements of this part may be consolidated in a suitable manner for ease of handling and shipping. If this is accomplished in an additional container, this container or package would not be interpreted to be "an outside container."

Part 49 presently permits the carriage of most nonflammable compressed gases. However, there are seven such gases which, according to expert opinion, should continue to be prohibited in passenger-carrying operations. This revision continues such a prohibition.

While safety matches (strike-on-the-box type) are presently listed by Part 49 as flammable solids and are required to be packed in tightly closed metal containers in quantities of not more than 25 pounds in strong outside containers, these articles are not presently subject to ICC regulation and, accordingly, are not regulated under this revision.

In addition to the comments received in response to Draft Release 56-23 (21 F. R. 6574), extensive discussions have been held with representatives of the Civil Aeronautics Administration, the Interstate Commerce Commission, the Bureau of Explosives, industry associations, and other interested persons, and due consideration has been given to all relevant matter presented.

In consideration of the foregonig, the Civil Aeronautics Board hereby revises Part 49 of the Civil Air Regulations (14 CFR Part 49, as amended) as follows, effective June 25, 1958:

APPLICABILITY AND DEFINITIONS

Sec.
49.1 Applicability of this part.
49.2 Special authority.
49.5 Definitions.

SHIPPING REQUIREMENTS

49.11 Packing and marking requirements.
49.12 Labeling requirements.
49.13 Certification requirements.
49.14 Quantity equivalents.
49.15 Containers for liquids.

LOADING AND HANDLING REQUIREMENTS

49.21 Cargo location.
49.22 Notification of pilot in command.
49.23 Damaged articles.
49.24 Quantity limitations.
49.25 Special requirements for radioactive materials.

PASSENGER-CARRYING AIRCRAFT

49.31 Articles which may be carried on passenger-carrying aircraft.

CARGO AIRCRAFT

Sec.
49.41 Articles which may be carried on cargo aircraft.

Authority: §§ 49.1 to 49.41 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 902, 52 Stat. 1007, as amended, 1015, as amended; 49 U. S. C. 551, 622.

APPLICABILITY AND DEFINITIONS

§ 49.1 *Applicability of this part.* (a) Explosives and other dangerous articles, as defined and regulated in Parts 72 through 78 of the ICC Regulations (49 CFR Parts 72 through 78) including but not limited to flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous articles shall not be loaded in or transported by civil aircraft in the United States, or transported anywhere in air commerce in civil aircraft of United States registry, except as hereinafter provided.

(b) Explosives and other dangerous articles listed in Part 72 of the ICC Regulations (49 CFR Part 72) as articles not accepted for rail express shall not be loaded in or transported by civil aircraft in the United States or transported anywhere in air commerce in civil aircraft of United States registry.

(c) The provisions of this part shall not be applicable to radioactive materials meeting the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72, 73) which exempt them from the prescribed packing, marking, and labeling requirements thereof for shipment by rail express.

(d) The provisions of this part shall not be applicable to aircraft equipment such as signaling devices, aviation fuel and oil carried in tanks complying with the fuel and oil tanks installation provisions for the Civil Air Regulations, and other equipment and materials necessary for the safe operation of the aircraft on which they are carried.

(e) The provisions of this part shall not be applicable to materials while carried in the hoppers or tanks of aircraft certificated for use in aerial seeding, dusting, spraying, fertilizing, crop improvement, or pest control and which are to be dispensed during such operations.

Note: In addition to other authorized sanctions, section 902 of Title IX of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1015, as amended; 49 U. S. C. 622), provides that any person who knowingly delivers or causes to be delivered to an air carrier or to the operator of any civil aircraft for transportation in air commerce, or who causes the transportation in air commerce of, any shipment, baggage, or property, the transportation of which is prohibited by any rule, regulation, or requirement prescribed by the Civil Aeronautics Board, pursuant to authority under Title VI of the Civil Aeronautics Act of 1938, as amended, relating to the transportation, packing, marking, or description of explosives or other dangerous articles shall, upon conviction thereof for each such offense, be subject to the applicable penalties set forth therein.

§ 49.2 *Special authority.* (a) In emergency situations or where other forms of transportation are impracticable:

(1) Deviation from any of the provisions of this part for a particular flight may be authorized by the Administrator subject to such terms, conditions, and limitations as he finds necessary in the interest of safety in air commerce.

(2) Shipments made by the Atomic Energy Commission shall be exempt from the quantity limitation prescribed for radioactive materials in the ICC Regulations for shipment by rail express provided such shipments are otherwise in accordance with the requirements approved by the Interstate Commerce Commission for shipment by rail express and prior notification of each shipment is given by the Atomic Energy Commission in the form and manner prescribed by the Administrator.

(b) Shipments of radioactive materials made by the Atomic Energy Commission or under its direction or supervision, which are escorted by personnel who are especially designated by the Atomic Energy Commission, shall be exempt from the provisions of this part where special arrangements are made with and approved by the Administrator.

§ 49.5 *Definitions.* As used in this part, terms are defined as follows:

Cargo aircraft. A cargo aircraft is an aircraft which is not a passenger-carrying aircraft and which is used for the carriage of goods.

Explosives and other dangerous articles. (As defined in Part 73 of the ICC Regulations (49 CFR Part 73)):

Acids and other corrosive liquids.
Compressed gases.
Explosives.
Flammable liquids.
Flammable solids.
Oxidizing materials.
Poisonous articles.

ICC Regulations. ICC Regulations are the currently effective "Interstate Commerce Commission's Regulations for Transportation of Explosives and Other Dangerous Articles," as amended or revised from time to time (49 CFR Parts 71–78).

Note: These ICC Regulations may be obtained from the Government Printing Office, Washington 25, D. C., or from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

Labeling. Labeling is the display on a container of the appropriate label specified in the ICC Regulations for the particular class of article.

Marking. Marking is the display on the outside of a container of the name of the article inside as required by this part.

Operator of aircraft. Operator of aircraft is any person who causes or authorizes the operation of any civil aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of such aircraft.

Passenger-carrying aircraft. A passenger-carrying aircraft is an aircraft carrying any individual other than a flight crew or crew member, company employee, or an authorized Government representative, or individuals accompanying shipments.

Person. Person is any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Pilot in command. The pilot in command is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Quantity. Quantity is that net amount specified in United States liquid measure or in avoirdupois weight, unless otherwise provided in this part.

Unit of radiation. As defined in Part 73 of the ICC Regulations (49 CFR Part 73).

SHIPPING REQUIREMENTS

§ 49.11 *Packing and marking requirements.* Unless otherwise specifically provided in this part, explosives and other dangerous articles shall be packed and marked in accordance with the requirements prescribed in Parts 72, 73, and 78 of the ICC Regulations (49 CFR Parts 72, 73, 78) as are applicable to rail express.

Note: The marking required by this provision may be followed by additional identification in parentheses.

§ 49.12 *Labeling requirements.* Unless otherwise specifically provided in this part, explosives and other dangerous articles acceptable under the provisions of this part for transportation in air commerce shall be labeled by the shipper with the appropriate label specified in the ICC Regulations even though they may be exempt from ICC labeling requirements by virtue of ICC quantity and packing limitations.

§ 49.13 *Certification requirements.* (a) No shipper shall offer and no air carrier or other operator of aircraft shall knowingly accept explosives and other dangerous articles for carriage by air unless the package is accompanied by or shows a clear and plainly visible statement signed by the shipper or his duly authorized agent that the shipment complies with the requirements of this part. No such shipment shall be accepted for transportation by passenger-carrying aircraft unless the shipper's certification includes an additional statement that the shipment is within the limits prescribed by this part for passenger-carrying aircraft. Any air carrier or other operator of aircraft may rely on such a certification as prima facie evidence that the shipment so certified complies with the requirements of this part.

Note: The following statement signed by the shipper or his duly authorized agent will be accepted as meeting this requirement: This is to certify that the contents of this package are properly described by name and are packed, marked, and labeled and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board.

For shipment on passenger-carrying aircraft the following must be added to the above: This shipment is within the limitations prescribed for passenger-carrying aircraft.

(b) The shipper's certification of compliance with this part shall be made upon the ICC label affixed to each package containing explosives or other dangerous articles when there is a provision on the face of the label for such certification. When the label used does not so provide, such certification shall be made in duplicate and signed by the shipper or his duly authorized agent for each consignment. One signed copy shall accompany the shipment and the other signed copy shall be retained by the originating carrier. The air carrier or other operator of aircraft may also require the shipper to have the shipper's statement certified by an authority approved by the carrier.

§ 49.14 *Quantity equivalents.* Quantities measured by the metric system or the imperial system may be substituted on the basis of one liter or one imperial quart per quart specified, and 500 grams per pound specified, up to one gallon for liquids or 10 pounds for solids.

§ 49.15 *Containers for liquids.* (a) Liquids shall be packed only in inside containers which are securely closed, sufficient in strength to prevent any leakage or distortion of the containers caused by change in temperature or pressure during transit, and so filled as to provide adequate outage.

(b) When liquids are restricted to quantities of one quart in inside containers, each such inside container shall be packed in a strong outside container with suitable cushioning and absorbent material to prevent breakage or leakage.

(c) When liquids are restricted to quantities of less than one quart in inside containers, each such inside container shall be packed in a strong outside container with suitable cushioning and absorbent material to prevent breakage or leakage: *Provided*, That such inside containers of a total capacity not to exceed one quart may be packed in a strong outside container with suitable cushioning and absorbent material to prevent breakage or leakage.

LOADING AND HANDLING REQUIREMENTS

§ 49.21 *Cargo location.* (a) Articles subject to the requirements of this part shall not be carried in the cabins of passenger-carrying aircraft.

(b) Any article acceptable only for cargo aircraft shall be carried in a location accessible to a crew member in flight.

(c) Articles shall not be placed in the same cargo pit or bin nor placed side by side in cabins so that yellow label material is mixed with white label material.

§ 49.22 *Notification of pilot in command.* When articles subject to the provisions of this part are carried on aircraft, the operator of the aircraft shall be responsible for informing the pilot in command of the name of the explosive or other dangerous article, the type of label, the quantity, and the location thereof. The cargo load manifest shall be conspicuously marked to indicate articles subject to the provisions of this part.

§ 49.23 *Damaged articles.* If any package subject to the provisions of this part, except as otherwise provided in § 49.25, appears to the pilot in command or the operator of the aircraft to be damaged or leaking, the operator of the aircraft shall remove it from the aircraft and it shall not be returned to transportation by air until it has been determined that the package and its contents comply with the requirements of this part. In such instances, the operator of the aircraft shall promptly report the circumstances to a representative of the Administrator or the Board.

§ 49.24 *Quantity limitations.* Except as provided below, not more than 50 pounds net weight of any article subject to the packing, marking, and labeling provisions of this part may be carried in any cargo pit or bin on passenger-carrying aircraft, or in any inaccessible cargo pit or bin on any aircraft:

(a) Not more than 150 pounds net weight of nonflammable compressed gas may be carried in any single cargo pit or bin on passenger-carrying aircraft or in any inaccessible cargo pit or bin on any aircraft.

(b) Not more than 40 units of radioactive material Groups I or II may be carried on any aircraft.

§ 49.25 *Special requirements for radioactive materials.* (a) Whenever any shipment of radioactive materials is damaged or appears to the pilot in command or the operator of the aircraft to be damaged, the operator shall remove it from the aircraft and segregate it from human contact. The operator of the aircraft shall immediately contact the shipper for disposal instructions and notify the Administrator or the Board of the incident.

(b) Whenever there is any actual spillage of radioactive materials of such nature that the materials are no longer contained within their inner containers, no attempt shall be made to remove or clean up the materials until instructions are received from the shipper or other qualified persons, and then only when necessary protective measures have been taken, and qualified persons are present to supervise the handling.

(c) A container or group of containers of radioactive materials shall not be placed closer than the distance specified in the distance table below to any area that may be continuously occupied by crew members or passengers. If more than one such container is present, the distance shall be computed from such table by adding together the number of units shown on the label of each package.

TABLE FOR PERSONNEL SEPARATION [1]

Total number of units [2]	Minimum distance to crew members and passengers (feet)[3]
0-2	1
3-5	2
6-10	3
11-20	4
21-30	5
31-40	6

[1] This table is designed to afford maximum protection to human beings from the effects of radiation and will not protect X-ray film from such effects under all conditions of exposure. Distance separation required by this table for Groups I and II (red label) radioactive materials is not required for Group III (blue label) radioactive materials.

[2] Total number of units refers to the number found on the red label of a single package entered on the line reading, "Radiation Units from Package: No. * * *." For two or more packages stored together, the total of the numbers of all such packages is meant.

[3] Distance means the number of feet from the nearest edge of the nearest radioactive container.

(d) If any aircraft is engaged frequently in the transportation of radioactive materials, it shall be the responsibility jointly of the shipper and the operator of the aircraft to monitor all personnel involved so that the accepted limits of personnel radiation exposure are not exceeded.

PASSENGER-CARRYING AIRCRAFT

§ 49.31 *Articles which may be carried on passenger-carrying aircraft.* No explosive or other dangerous article shall be carried on passenger-carrying aircraft, other than the following:

(a) Explosives and other dangerous articles which are exempt under the ICC Regulations from the specification packing, marking, and labeling requirements of Parts 72, 73, and 78 thereof (49 CFR Parts 72, 73, 78) applicable to rail express.

(b) Class C explosives when packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72, 73) for shipment by rail express except that the maximum that may be packed in one outside container is 50 pounds.

(c) Subject to the limitations contained in § 49.24 (a), nonflammable compressed gases when in ICC approved cylinders and at pressures not to exceed those permitted by the ICC Regulations for shipment by rail express except that the following may not be carried: Anhydrous ammonia, boron trifluoride, chlorine, hydrogen bromide, hydrogen chloride, nitrosyl chloride, and sulfur dioxide.

(d) Motion picture film and X-ray film (nitrocellulose base) exposed and unexposed when packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72, 73) for shipment by rail express.

(e) Pyroxylin plastics containing nitrocellulose in sheets, rolls, rods, or tubes when packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72, 73) for shipment by rail express.

CARGO AIRCRAFT

§ 49.41 *Articles which may be carried on cargo aircraft.* In addition to the articles acceptable for transportation on passenger-carrying aircraft, the following articles may be carried on cargo aircraft:

(a) Any article acceptable under the ICC Regulations for transportation by rail express. The maximum quantity in any one outside package or container shall not exceed that prescribed for rail express in the commodity list of Part 72 of the ICC Regulations (49 CFR Part 72).

(b) (1) Radioactive materials such as ores, residues, etc., of low activity packed in strong, tight containers are exempt from the packing and labeling requirements of this part for shipment in planeload lots, provided the per-planeload radiation intensity at one meter from

any outside surface of the load (as loaded in place in the airplane) does not exceed 10 milliroentgens per hour of gamma radiation or equivalent. There shall be no loose radioactive material in the airplane, and the shipment must be braced and lashed so as to prevent leakage or shift of lading under normal conditions of flight.

(2) It is the responsibility of the consignor and/or consignee as appropriate to supervise all loading and unloading operations and to monitor all personnel involved so that the accepted limits of personnel radiation exposure are not exceeded.

Effective: June 25, 1958.

Adopted: April 21, 1958.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-3121; Filed, Apr. 25, 1958; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54574]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES AND ENTRY; STAINLESS STEEL TABLE FLATWARE

In order to facilitate the examination and identification of imports of stainless steel table flatware and to provide for more detailed descriptions of such articles on customs invoices and entries, customs invoices, in addition to all other information required by law or regulations, shall include descriptions of such articles in accordance with the classifications set forth below in this Treasury decision, which classifications correspond with those in statistical Schedule A of the Department of Commerce (as amended) for the commodity numbers indicated herein:

Schedule A commodity number	Commodity description and economic class	Unit of quantity
	Table flatware wholly of metal and in chief value of stainless steel (including knives, forks, spoons, and other serving pieces commonly used at the table for eating purposes or for service at the table):	
	Less than 4 inches long (exclusive of handle), and with handles of stainless steel other than austenitic:	
	Knives (including table serving knives) and steels, 10.2 inches or less in over-all length:	
6130 703[14]	Valued less than $3 per dozen pieces (formerly part of 6130 750[a]). (9)	No.
6130 706[14]	Valued $3 or more per dozen pieces (formerly part of 6130 750[a]). (9)	No.
	Knives (including table serving knives) and steels, over 10.2 inches in over-all length:	
6130 709[14]	Valued less than $3 per dozen pieces (formerly part of 6130 750[a]). (9)	No.
6130 712[14]	Valued $3 or more per dozen pieces (formerly part of 6130 750[a]). (9)	No.
	Forks (including table serving forks), 10.2 inches or less in over-all length:	
6130 715[14]	Valued less than $3 per dozen pieces (formerly part of 6130 750[a]). (9)	No.
6130 718[14]	Valued $3 or more per dozen pieces (formerly part of 6130 750[a]). (9)	No.
	Forks (including table serving forks), over 10.2 inches in over-all length:	
6130 721[14]	Valued less than $3 per dozen pieces (formerly part of 6130 750[a]). (9)	No.
6130 724[14]	Valued $3 or more per dozen pieces (formerly part of 6130 750[a]). (9)	No.
	Less than 4 inches long (exclusive of handle), and with handles of austenitic steel:	
	Knives (including table serving knives) and steels, 10.2 inches or less in over-all length:	
6130 727[14]	Valued less than $3 per dozen pieces (formerly part of 6130 800). (9)	No.
6130 731[14]	Valued $3 or more per dozen pieces (formerly part of 6130 800). (9)	No.
	Knives (including table serving knives) and steels, over 10.2 inches in over-all length:	
6130 734[14]	Valued less than $3 per dozen pieces (formerly part of 6130 800). (9)	No.
6130 737[14]	Valued $3 or more per dozen pieces (formerly part of 6130 800). (9)	No.
	Forks (including table serving forks) 10.2 inches or less in over-all length:	
6130 741[14]	Valued less than $3 per dozen pieces (formerly part of 6130 800). (9)	No.
6130 744[14]	Valued $3 or more per dozen pieces (formerly part of 6130 800). (9)	No.
	Forks (including table serving forks), over 10.2 inches in over-all length:	
6130 747[14]	Valued less than $3 per dozen pieces (formerly part of 6130 800). (9)	No.
6130 751[14]	Valued $3 or more per dozen pieces (formerly part of 6130 800). (9)	No.
	4 inches long or over (exclusive of handle):	
	Knives (including table serving knives) and steels, 10.2 inches or less in over-all length:	
6130 754[14]	Valued less than $3 per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
6130 757[14]	Valued $3 or more per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
	Knives (including table serving knives) and steels, over 10.2 inches in over-all length:	
6130 761[14]	Valued less than $3 per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
6130 764[14]	Valued $3 or more per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
	Forks (including table serving forks), 10.2 inches or less in over-all length:	
6130 767[14]	Valued less than $3 per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
6130 771[14]	Valued $3 or more per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
	Forks (including table serving forks), over 10.2 inches in over-all length:	
6130 774[14]	Valued less than $3 per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
6130 777[14]	Valued $3 or more per dozen pieces (formerly part of 6130 770[a] and 6130 820). (9)	No.
	Spoons (including serving spoons) and other table serving flatware, n. e. s. (including baby food pushers, cake breakers, cheese scoops, ladles, non-serrated cake servers, pastry servers, all pierced items, tongs such as asparagus, salad, and sugar tongs, etc.):	
	10.2 inches or less in over-all length:	
6130 781[14]	Valued less than $3 per dozen pieces (formerly part of 6200 970) (specify by name). (9)	No.
6130 784[14]	Valued $3 or more per dozen pieces (formerly part of 6200 970) (specify by name). (9)	No.
	Over 10.2 inches in over-all length:	
6130 787[14]	Valued less than $3 per dozen pieces (formerly part of 6200 970) (specify by name). (9)	No.
6130 791[14]	Valued $3 or more per dozen pieces (formerly part of 6200 970) (specify by name). (9)	No.

The Customs Regulations are amended as follows:

1. Section 8.13 (h) is amended by adding in the proper alphabetical order the following to the list of merchandise with respect to which additional information is required to be furnished on or with customs invoices, and by placing opposite such addition the number of this Treasury decision:

Stainless Steel Table Flatware.

2. Section 8.15 (c) (1) is amended by substituting a comma for the period and adding "except in the case of articles specified in T. D. 54574, $250 or less." in order to complete the sentence.

3. Section 8.27 is amended by substituting the following for the third sentence: "The dutiable entries shall be made in triplicate, except that entries covering stainless steel table flatware and manufactures of cotton shall be in quintuple."

4. Section 8.30 (a) is amended by inserting in the first sentence "stainless steel table flatware and" before "manufactures of cotton."

5. Section 8.37 (a) is amended by changing the last sentence to read: "In the case of stainless steel table flatware or articles manufactured from cotton, the description shall reflect any correction thereof reported after the filing of the warehouse entry."

(R. S. 251, secs. 481, 484, 557, 624, 46 Stat. 719, 722, as amended, 744, as amended, 759; 19 U. S. C. 66, 1481, 1484, 1557, 1624)

The amendments of sections of the regulations relating to entries and withdrawals (§§ 8.27, 8.30, and 8.37) in this decision shall be effective on and after May 1, 1958. The amendments of sections of the regulations relating to invoices (§§ 8.13 and 8.15) in this decision shall be effective after 30 days from the date of publication of this decision in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 22, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3144; Filed, Apr. 25, 1958; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

PROCEEDINGS UNDER ACTS RELATING TO LOTTERIES, FRAUDULENT SCHEMES, AND OBSCENE, LEWD, ETC., MATTERS, ETC.

Effective April 26, 1958, Part 201—Procedures of the Post Office Department is amended by striking out §§ 201.1 through 201.27 in the table of sections and in the text of such Part 201, and by inserting in lieu thereof the following:

SUBPART—RULES OF PRACTICE IN PROCEEDINGS PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT UNDER 39 U. S. C. 259, 259a AND 732

Sec.
201.1 Scope of rules.
201.2 Offices, business hours.
201.3 Informal dispositions.
201.4 Formal proceedings; complaints.
201.5 Notices of hearing and answer date.
201.6 Service of Complaint and notice of hearing.
201.7 Filing documents for the record.
201.8 Answers.
201.9 Default proceedings.
201.10 Change of place of hearing.
201.11 Compromises.
201.12 Amendment of pleadings.
201.13 Continuances and extensions.
201.14 Appearances.
201.15 Admission to practice.
201.16 Hearings.
201.17 Judicial Officer.
201.18 Hearing examiners.
201.19 Presiding officers.
201.20 Powers.
201.21 Evidence.
201.22 Subpoenas.
201.23 Witness fees.
201.24 Depositions.
201.25 Transcripts.
201.26 The record.
201.27 Proposed findings and conclusions.

Sec.
201.28 Initial decision.
201.29 Appeal from initial decision.
201.30 Tentative decision.
201.31 Final orders.
201.32 Public information.
201.33 Modification or revocation of orders.
201.34 Supplementary orders.

AUTHORITY: §§ 201.1 to 201.34 issued under R. S. 161, 396, as amended; 5 U. S. C. 22, 369.

§ 201.1 *Scope of rules.* The rules of practice in this subpart shall be applicable in all proceedings before the Post Office Department wherein the adjudication is required by the Administrative Procedure Act (5 U. S. C. 1001 et seq.) to be determined on the record after opportunity for an agency hearing. The rules in this subpart shall apply to cases instituted under prior rules of practice.

§ 201.2 *Offices, business hours.* The offices of all officials and employees mentioned in the rules in this subpart are located at 12th and Pennsylvania Avenue NW., Washington 25, D. C., and are open for the transaction of business each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

§ 201.3 *Informal dispositions.* The provisions of this subpart hereinafter appearing shall not preclude the informal disposition of any matter within the scope of this subpart (§ 201.1), either before or after the filing of a complaint (§ 201.4), where time, the nature of the proceeding, and the public interest permit.

§ 201.4 *Formal proceedings; complaints.* Whenever the General Counsel of the Post Office Department or his designated representative shall have reason to believe that any person or concern is using the mails in any manner requiring administrative action under 39 U. S. C. 259, 259a or 732, he shall prepare and file with the Docket Clerk a complaint which shall name the person or concern involved; state the legal authority and jurisdiction under which the proceeding is initiated; state the facts in a manner sufficient to enable the person or concern named therein to make answer thereto; and recommend the issuance of an appropriate order. The person or concern so named in the complaint shall be known as the respondent.

§ 201.5 *Notice of hearing and answer date.* Upon filing the complaint the Chief Hearing Examiner shall issue a notice of hearing. Said notice of hearing shall contain the date and place of the hearing and the time for filing an answer which shall not exceed 15 days from the date of service of the complaint, and a reference to the effect of failure to file an answer or appear at the hearing. The hearing date shall be no more than 30 days from the date of issuance of the notice.

§ 201.6 *Service of complaint and notice of hearing.* (a) The Chief Hearing Examiner shall cause a duplicate original of the notice of hearing and a copy of the complaint to be transmitted to the postmaster at any office of address of the respondent or to the Inspector in Charge of any Division in which the respondent is doing business which shall be delivered to the respondent or his agent by said postmaster or a supervisory employee of his post office or a postal inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent, which receipt shall be forwarded to the Docket Clerk, Division of Hearing Examiners, Room 5115, New Post Office Department Building, Washington 25, D. C., and shall become a part of the record in the case.

(b) In the event that no person can be found upon whom service of the notice of hearing and the complaint can be effected pursuant to paragraph (a) of this section, or in the event of the refusal of the respondent or his agent to execute the receipt provided for by paragraph (a) of this section, the notice of hearing may be delivered in the usual manner with other mail addressed to the respondent, and a statement to that effect showing the time and place of such delivery shall be made and signed by the postal employee who so delivered the notice of hearing, which statement shall be forwarded to the Docket Clerk and shall constitute prima facie evidence of service of the complaint and notice of hearing.

§ 201.7 *Filing documents for the record.* (a) All pleadings, motions, orders and other documents filed for the record shall be delivered to the Docket Clerk who shall cause the same to be recorded and filed, and copies thereof delivered to the assigned hearing examiner and to all parties to the proceeding.

(b) Four copies of all such documents must be submitted, except as otherwise provided in this subpart, or as ordered by the hearing examiner. One copy shall be signed as the original.

(c) Such documents shall be dated and shall state the docket number and title of the proceeding. Any pleading or other document required by order of the assigned hearing examiner, to be submitted or filed by a specified date, shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 201.8 *Answers.* (a) The original and three copies of the respondent's answer shall be filed with the Docket Clerk on or before the date fixed for the filing thereof in the notice of hearing which time is not to exceed 15 days from the service of the complaint.

(b) The answer shall contain a concise statement admitting, denying or explaining each of the allegations set forth in the complaint.

(c) Any facts alleged in the complaint which are expressly admitted or not denied in the answer may be considered as proved, and no further evidence in respect of such facts need be adduced at the hearing.

(d) The answer shall be signed personally by an individual respondent, or, in the case of a partnership by one of the partners, or, in the case of a corporation or association, by a responsible officer thereof.

(e) The answer shall set forth the respondent's address and the name and address of his attorney, if he is so represented.

§ 201.9 *Default proceedings.* If the respondent fails to deliver his answer to the Docket Clerk within the time specified in the notice of hearing, or, having filed answer, fails to appear at the hearing, he shall be deemed to be in default, to have admitted the allegations of the complaint, and to have waived hearing and further procedural steps. An appropriate order as recommended in the complaint will thereafter be issued by the Judicial Officer without further notice to the respondent.

§ 201.10 *Change of place of hearing.* Not later than the date fixed in the notice of hearing for the filing of respondent's answer, application may be filed with the Docket Clerk by any party to a proceeding requesting that a hearing be held to receive evidence on behalf of the applicant at a place other than that designated for hearing in the notice. In support of such application the applicant shall submit under oath or affirmation a statement outlining the evidence to be offered in such location; the relevancy thereof; the names and addresses of the witnesses who will testify; and the reasons why such evidence cannot be produced at Washington, D. C. The presiding officer shall grant or deny such application having due regard for the convenience and necessity of the parties to the proceeding or their representatives.

§ 201.11 *Compromises.* (a) Where time, the nature of the proceeding, and the public interest permit, respondents may, prior to the time specified for the filing of the answer, make application to the General Counsel or his designated representative for a compromise or settlement of any proceeding instituted hereunder.

(b) In proceedings wherein the complaint recommends the issuance of an order under sections 255, 259, or 259a of title 39, U. S. Code, respondents may, pursuant to the provisions of paragraph (a) of this section, make application to the General Counsel or his designated representative specifically for the suspension of further proceedings by the filing of an affidavit providing for the discontinuance and abandonment of the use of the mails in the conduct of the enterprise alleged in the complaint to be unlawful.

(c) The making of such application shall not affect the requirement that the answer be filed within the time specified.

§ 201.12 *Amendment of pleadings.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing. Amendments proposed prior to the hearing shall be filed with the Docket Clerk and thereafter with the hearing examiner.

§ 201.13 *Continuances and extensions.* (a) Continuances and extensions will not be granted by the presiding officer except for substantial cause shown, and then for a maximum of 10 days. Exceptional cause must be shown before any additional continuance or extension will be granted.

(b) Applications for extensions of time to file appeal briefs or other documents in support of any appeal from the initial decision shall be delivered to the Docket Clerk who shall forward the same to the Judicial Officer and promptly notify the applicant of the granting or denial thereof as he shall direct.

§ 201.14 *Appearances.* (a) A respondent may appear and be heard in person or by attorney.

(b) An attorney representing a respondent must file with the Docket Clerk a written authorization from the respondent to represent him in the proceeding, prior to any participation therein.

(c) Where a respondent is represented by a duly authorized attorney the service of all subsequent pleadings, notices and other papers shall be effected by mailing the same to his attorney at the post office address stated in his written authorization.

(d) Prompt notice of change of attorneys must be filed.

§ 201.15 *Admission to practice.* Attorneys may practice before the Department in accordance with the Department Rules of Practice as specified in § 202.1–6 of this chapter.

§ 201.16 *Hearings.* Hearings are held in Room 5241, Post Office Department, Washington 25, D. C., and in such other locations as may be designated by the presiding officer designated for the particular hearing.

§ 201.17 *Judicial Officer.* The Judicial Officer is the officer duly authorized to render a final departmental decision for the Postmaster General. The Judicial Officer, acting for the Postmaster General, may also preside at the reception of evidence and make the final departmental decision. Either party at the time of the filing of the complaint or answer or not less than 10 days prior to the date scheduled for the hearing may petition the Judicial Officer requesting that he preside at the reception of evidence and make the final departmental decision based upon his hearing of the evidence. The reasons for such a request shall be stated in the petition. This matter shall be within the discretion of the Judicial Officer and, if he grants the request of the petitioner, the parties shall be notified of the fact. In all other cases a hearing examiner shall preside at the reception of evidence. In any case before final agency decision has been rendered the Judicial Officer may order the hearing reopened for the purpose of taking additional evidence by the examiner who presided or the Judicial Officer.

§ 201.18 *Hearing examiners.* Hearing examiners, one of whom shall be designated as the Chief Hearing Examiner, shall be appointed and qualified pursuant to section 11 of the Administrative Procedure Act, 5 U. S. C. 1010. Proceedings shall be assigned to a hearing examiner by the Chief Hearing Examiner and notice of the assignment given to the parties.

§ 201.19 *Presiding officers.* (a) All hearings shall be presided over by a duly qualified hearing examiner or the Judicial Officer of the Post Office Department in those cases where he accepts jurisdiction in accordance with § 201.17. Notice of any change in the presiding officer shall be promptly given to the parties.

(b) All orders issued by presiding officers with respect to matters before them shall be filed by them with the Docket Clerk. The Docket Clerk shall cause copies thereof to be served upon the appropriate parties to the proceeding.

§ 201.20 *Powers.* With respect to any proceeding assigned to him, the presiding officer shall have the following authority, to:

(1) Administer oaths and affirmations.

(2) Examine witnesses where necessary for clarity of the record.

(3) Rule upon offers of evidence subject to the limitations thereon provided by the rules in this subpart.

(4) Rule upon offers of proof.

(5) Receive oral and documentary evidence for the record.

(6) Grant or deny applications for the taking of depositions in accordance with the rules in this subpart.

(7) Regulate the course of the hearing, maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner.

(8) Require the filing of memoranda of law and presentation of oral argument with respect to any question of law upon which a presiding officer is required to rule during the course of the hearing.

(9) Hold conferences for the settlement or simplification of issues by consent of the parties.

(10) Dispose of procedural requests and similar matters.

(11) Make initial or final departmental decisions in conformity with the Administrative Procedure Act as hereinafter set forth in this subpart.

§ 201.21 *Evidence.* (a) Except as otherwise provided in the rules of practice in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern: *Provided, however,* That such rules may be relaxed to such extent as the presiding officer may deem proper to insure an adequate and fair hearing. Irrelevant, immaterial or repetitious evidence shall be excluded by the presiding officer.

(b) The testimony of witnesses shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of all matters of which judicial notice or knowledge may be taken by the Federal Courts.

(e) Medical or other scientific books or essays will not be admitted in evidence in lieu of oral expert testimony.

(f) Affidavits containing opinions or statements of an affiant will not be received in evidence, except as provided by paragraph (h) of this section.

(g) Testimonials will not be received in evidence of the efficacy or quality of any product or thing sold through the mails.

(h) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, and provided further that the witness whose statement is offered shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in issue.

(i) Objections to the admission of evidence shall include a brief statement of the grounds thereof. Formal exceptions to the rulings of the presiding officer are unnecessary.

(j) At any time prior to the filing of his decision, the presiding officer may, for good cause shown, reopen the case for the reception of further evidence.

§ 201.22 *Subpoenas.* The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses.

§ 201.23 *Witness fees.* The Post Office Department is not authorized by law to pay witness fees or expenses to witnesses for a respondent.

§ 201.24 *Depositions.* (a) Not later than the date fixed in the notice of hearing for the filing of respondent's answer, application may be filed with the Docket Clerk by any party to a proceeding for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition; the time when, the place where, and the name and address of the witness whose deposition is desired; the subject matter concerning which the witness is excepted to testify; the relevancy thereof; and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) The testimony of the witness shall be reduced to writing and shall be subscribed by the witness and certified in the usual form by the deposition officer, and shall be filed as directed in the order.

(d) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party on behalf of whom the deposition is taken must pay all fees required to be paid to witnesses and deposition officer, and must provide an original and one copy of the deposition for the official record and must serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the Dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a Secretary of an Embassy or Legation, Consul General, Vice Consul or Consular Agent of the United States, or any other person designated in the order for the taking of a deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 201.25 *Transcript.* (a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the assigned presiding officer. No oral argument upon any matter shall be included in the transcript unless ordered by the presiding officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Post Office Department and the reporter. Copies of parts of the official record other than the transcript may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Four copies of said motion shall be delivered to the Docket Clerk, who shall cause same to be recorded and filed. Opposing counsel shall notify the presiding officer in writing of his concurrence or disagreement with the requested corrections. Thereafter, the presiding officer shall by order specify the corrections to be made in the transcript. The presiding officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the hearing examiner other than by agreement of the parties shall be subject to objection and exception.

§ 201.26 *The record.* The transcript of testimony or summary of proceedings and testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding, shall constitute the official record of the proceeding.

§ 201.27 *Proposed findings and conclusions.* (a) Each party to a proceeding, except those who fail to answer the complaint or having answered fail to appear at the hearing, may, unless at the discretion of the presiding officer such is not appropriate, submit proposed findings of fact, conclusions of law either in oral or written form in the discretion of the presiding officer. The presiding officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally the date set for filing of proposed findings of fact and conclusions of law shall be within 15 days after the delivery of the official transcript to the Docket Clerk who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record (with appropriate citations to the transcript or exhibit relied upon) supporting the conclusions proposed by the party filing same. Each proposed conclusion shall be separately stated.

§ 201.28 *Initial decision.* (a) The hearing examiner shall render an oral initial decision at the close of the hearing when the nature of the case and the public interest warrant. Any party who desires an oral initial decision shall notify the hearing examiner and the opposing party at least 5 days prior to the date set for hearing. Proposed findings may then be submitted either orally or in writing by both parties at the conclusion of the hearing.

(b) If an oral initial decision is not rendered, a written initial decision shall be rendered at the earliest possible date. The initial decision shall become the final departmental decision unless an appeal is perfected according to the provisions of § 201.29.

(c) The initial decision of the hearing examiner shall include findings and conclusions with the reasons therefor upon all the material issues of fact, law or discretion presented on the record, and the appropriate order or denial thereof.

(d) The Docket Clerk shall cause a copy of the hearing examiner's initial decision to be served upon each party who participated in the hearing.

§ 201.29 *Appeal from initial decision.* (a) Any party of record in a proceeding, except those who failed to answer the complaint or having answered fail to appear at the hearing, may appeal to the Judicial Officer for the Post Office Department by filing exceptions in a brief on appeal within 15 days from the receipt of the examiner's decision.

(b) If an initial decision is rendered orally by the hearing examiner at the close of the hearing, he may then orally give notice to the parties participating in the hearing of the time limit within which an appeal must be filed. Such time limit shall not exceed 15 days from the date of the receipt of the transcript by the parties.

(c) Upon receipt of the appeal brief the Docket Clerk shall promptly transmit the record of the proceedings to the Judicial Officer for the Post Office Department, the officer duly authorized to render the final departmental decision for the Postmaster General, and the Docket Clerk shall notify the other parties of the date for the filing of the reply brief. The date for the filing of the reply brief of appellee shall be set for ten days after receipt of the appellant brief. No additional appellate briefs shall be received.

(d) Briefs upon appeal shall be filed in triplicate with the Docket Clerk and contain the following matter in the order indicated below:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited with page references.

(2) A concise abstract or statement of the case.

(3) Numbered exceptions to specific findings and conclusions of fact or conclusions of law of the presiding officer.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(e) Unless permission be granted by the Judicial Officer no brief shall exceed 50 printed or 100 typewritten pages double spaced.

(f) The time to file briefs will be extended by the Judicial Officer only upon written application for good cause shown for a maximum of ten days. The Docket Clerk shall promptly notify the applicant of the decision of the Judicial Officer on the application. If the appeal brief is not filed within the time prescribed, the party so defaulting will be deemed to have abandoned the appeal.

(g) Upon the perfection of any appeal the Judicial Officer shall make and sign the final departmental decision and deliver the same to the Docket Clerk for transmittal to the parties.

§ 201.30 *Tentative decision.* When the Judicial Officer is acting as presiding officer, he may render a tentative decision either orally or in writing prior to the final decision, to which either party may file exceptions in the manner provided by § 201.29.

§ 201.31 *Final orders.* (a) Copies of the final departmental decision and order shall be incorporated in the record of the proceeding. The Docket Clerk shall cause the order to be published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to put the provisions of said order into effect.

(b) Copies of the decision and order shall be promptly served upon each party to the proceeding.

§ 201.32 ***Public information.*** **Copies of all final opinions or orders, except those required for good cause to be held confidential, shall be available for public inspection in the Library of the Post Office Department during regular office hours.**

§ 201.33 ***Modification or revocation of orders.*** **(a) Any party against whom an order has been issued may file with the Docket Clerk an original and three copies of an application for modification or revocation by the Judicial Officer. Said application shall set forth the grounds upon which it is based; must contain a statement to the effect that the unlawful enterprise against which the order is directed is no longer being conducted under the name or names specified in the order or any other name and that the unlawful scheme will not be resumed in the future under such names or any other names; and it must be sworn to by the applicant.**

(b) The General Counsel shall make written reply to the application and a copy shall be delivered to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

§ 201.34 ***Supplementary orders.*** **Whenever the General Counsel or his designated representative shall have reason to believe that any person or concern is evading or attempting to evade the provisions of any order issued pursuant to the rules in this subpart or any prior rules by conducting a similar enterprise under a different name or at a different address he shall prepare and file with the Docket Clerk a petition with accompanying evidence setting forth the alleged evasion or attempted evasion of the order and requesting the issuance of a supplementary order against the name or names allegedly used. This shall be forwarded to the Judicial Officer. Notice shall then be given by the Docket Clerk to the person or concern that such an order has been requested and of their opportunity to file answer within 10 days of the notice. The Judicial Officer shall, within 10 days from the answer date, make and file a decision granting or denying the supplemental order.**

HERBERT B. WARBURTON,
Acting General Counsel.

The foregoing are adopted as the rules of practice of the Post Office Department.

[SEAL] CHARLES D. ABLARD,
Judicial Officer for the Post Office Department.

[F. R. Doc. 58-3160; Filed, Apr. 25, 1958; 8:56 a. m.]

PART 203—HEARINGS ON MAILABILITY

REVISION OF PART

Part 203—Hearings on Mailability, is amended to read as follows:

Sec.
203.1 Mailability rulings; postmaster requests.
203.2 Notice of hearing; when required.
203.3 Notice; contents and service.
203.4 Mailer's option to answer notice or withdraw mailing.
203.5 Answer to notice; filing time and place.
203.6 Answer; contents.
203.7 Compromise and informal dispositions.
203.8 Hearings; location and time.
203.9 Burden of proof.
203.10 Disposition upon failure to answer or appear.
203.11 Proposed finding at close of hearing.
203.12 Departmental decision.
203.13 Record of proceeding; maintenance and inspection.
203.14 Formal proceedings; limitations.

AUTHORITY: §§ 203.1 to 203.14 issued under R. S. 161, 396, as amended, sec. 1, 62 Stat. 740, as amended, 741, 762, as amended, 768, as amended, 769, 781, 871, 876, 1302, 1461, 1463, 1715, 1717, 1718.

§ 203.1 *Mailability rulings; postmaster requests.* Whenever any postmaster, acting pursuant to the instructions contained in § 14.10 of this chapter (section 331.6 of the Postal Manual) withholds from dispatch any written, printed or pictorial matter or other article or thing which upon inspection appears to be of doubtful mailability under the provisions of Title 18, U. S. Code, sections 871, 876, 1302, 1461, 1463, 1715, 1717, 1718, he shall promptly forward such article or thing (or a sample, if many similar articles or things are offered for mailing) to the Fraud and Mailability Division, Office of the General Counsel, Post Office Department, Washington 25, D. C., for instructions as to whether it should be accepted for mailing or further withheld from dispatch for proceedings in accordance with the rules of procedure in this part.

§ 203.2 *Notice of hearing; when required.* Upon receipt of an article or thing submitted by the postmaster in accordance with § 203.1, the General Counsel, or his designated representative shall advise the postmaster either to accept such article or thing for mailing or, in the event that there exists probable cause to believe that it is nonmailable under the provisions of any of the statutes enumerated in such § 203.1, he shall so advise the postmaster of the office of mailing and shall direct him to serve upon the mailer, and obtain a receipt therefor, a notice which shall conform to the provisions of § 203.3. Two copies of the notice shall be filed with the Docket Clerk.

§ 203.3 *Notice; contents and service.* The notice which shall be served upon the mailer of any matter in accordance with § 203.1 shall state the reason assigned for doubt as to its mailability and shall specify the character or content of the article involved which the General Counsel, or his representative, who shall be the Complainant in the event of a formal proceeding, avers as a basis for requesting a ruling excluding such matter from the mails. The notice, signed by Complainant, shall cite the statute which relates to the mailability of such matter. It shall state that the person or concern to whom the notice is addressed may have a hearing before the Judicial Officer of the Post Office Department upon a day certain and stated in the notice, which shall be within ten days of the date of the notice. The notice shall be sent to the postmaster promptly upon receipt and examination of the questioned article and a copy shall be sent to the mailer or to his designated counsel. Service of the notice either by the postmaster or by mailing the notice direct to the mailer shall be sufficient.

§ 203.4 *Mailer's option to answer notice or withdraw mailing.* The mailer upon whom the notice is served in accordance with § 203.3 shall have the option to apply for the withdrawal of the article or articles from the mail or to file answer to the averments in the notice and be present at the hearing.

§ 203.5 *Answer to notice; filing time and place.* The mailer's answer to the notice shall be in writing and 3 copies shall be filed with the Docket Clerk, Room 5115, Post Office Department, Washington 25, D. C.

§ 203.6 *Answer; contents.* The answer shall state the mailer's reply to each averment and specification of the notice.

§ 203.7 *Compromise and informal dispositions.* The mailer may request a conference with the General Counsel, or his designated representative, and an opportunity for informal disposition of any question of mailability. When such a request is received the scheduled hearing date will be postponed for such period of time as may be necessary to permit holding such conference and agreement for informal disposition, but in no event longer than 5 days unless specifically so requested by the mailer or his attorney of record. If no agreement is reached at the conference between the parties, the mailer shall be accorded a hearing as soon thereafter as possible.

§ 203.8 *Hearings; location and time.* Hearings shall be held in Room 5241 Post Office Department, 12th Street and Pennsylvania Avenue NW., Washington, D. C., and shall commence at 10 o'clock a. m. on the date specified, unless otherwise ordered by the Judicial Officer.

§ 203.9 *Burden of proof.* The burden of proof in any hearing under the rules in this part rests upon the Complainant.

§ 203.10 *Disposition upon failure to answer or appear.* If no answer to the notice is filed as required or if the mailer fails to appear at the hearing personally or by counsel, further participation in the case shall be deemed to have been waived by the mailer and the case shall be removed from the calendar and returned to the General Counsel who shall furnish the postmaster with his ruling on the mailability of the article under consideration.

§ 203.11 *Proposed finding at close of hearing.* Inasmuch as time is important to many mailers, the Judicial Officer, Complainant and the mailer shall be required to cooperate so as to expedite these proceedings to final decision. If parties desire to submit proposed findings of fact or conclusions of law, they shall present them to the Judicial Officer at the conclusion of the hearing unless the mailer requests additional time which shall in no case exceed five days from the date of the hearing.

§ 203.12 *Departmental decision.* The Departmental decision of the Judicial Officer will be in writing and will be promptly rendered within five days of the hearing or submission of proposed findings and served upon the parties and the postmaster.

§ 203.13 *Record of proceeding; maintenance and inspection.* Pleadings, exhibits, testimony, briefs, decisions and orders in each case shall be incorporated and maintained as a permanent record by the Docket Clerk, and shall be subject to inspection.

§ 203.14 *Formal proceedings; limitations.* The proceedings shall be applicable only to cases where the matter offered for mailing shall be of substantial value or quantity; or the question of whether the matter may be mailed is not well settled by Departmental precedents of long standing or by decisions of the United States Courts.

The foregoing amendments to Part 203 shall be effective April 26, 1958.

HERBERT B. WARBURTON,
Acting General Counsel.

The foregoing are adopted as the rules of practice of the Post Office Department.

[SEAL] CHARLES D. ABLARD,
Judicial Officer for the Post Office Department.

[F. R. Doc. 58-3161; Filed, Apr. 25, 1958; 8:56 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter T—Small Passenger Vessels (Not More Than 65 Feet in Length)

[CGFR 58-14]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The "Rules and Regulations for Small Passenger Vessels" in 46 CFR Parts 175 through 187 (Subchapter T) and published in the FEDERAL REGISTER dated October 5, 1957 (22 F. R. 7949-7980), are considered necessary to implement and thereby give force and effect to the act of May 10, 1956 (47 U. S. C. 390-390g). This law was amended by the act of August 28, 1957, to state that the effective date for the act of May 10, 1956, and its implementing rules and regulations shall be June 1, 1958. Pursuant to the notice published in the FEDERAL REGISTER dated October 5, 1957 (22 F. R. 7949), all suggested changes to these regulations received prior to March 1, 1958, have been reviewed. This document contains those changes in these regulations which have been found to improve them.

The effective date for the regulations in this document shall be June 1, 1958. However, for those desiring the required licenses and certificates of inspection, application on appropriate Coast Guard forms may be filed, and the necessary examinations or inspections may be conducted prior to June 1, 1958.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-20, dated June 18, 1956 (21 F. R. 4894), to promulgate regulations in accordance with section 3 of the act of May 10, 1956, the following amendments and regulations are prescribed:

PART 175—GENERAL PROVISIONS

1. The citation of authority for the regulations in Part 175 is revised to read as follows:

AUTHORITY: §§ 175.01-1 to 175.20-1 issued under sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b. Other statutory provisions interpreted or applied are cited to text in parenthesis.

SUBPART 175.05—APPLICATION

2. Section 175.05-1 is amended as follows:

a. By revising paragraph (a) (1) to read as follows:

§ 175.05-1 *Vessels subject to the requirements of this subchapter.* (a) * * *

(1) Any vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea, 1948, and which has on board a current, valid safety certificate.

b. In paragraph (a), Table 175.05-1 (a), Footnote 6 (referred to in column 4 of the Table) is amended to read as follows:

⁶ The meaning of the term "passenger" is as defined in the act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

c. The following authorities shall be inserted immediately after paragraph (b), reading as follows:

(R. S. 4405, as amended, 4462, as amended, 4417, as amended, 4418, as amended; 46 U. S. C. 375, 416, 391, 392)

SUBPART 175.10—DEFINITIONS OF TERMS USED IN THIS SUBCHAPTER

3. Subpart 175.10 is amended by adding a new section to follow after § 175.10-25, reading as follows:

§ 175.10-26 *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

4. Section 175.10-33 is amended to read as follows:

§ 175.10-33 *Recognized classification society.* This term means any organization of nationwide scope, such as the American Bureau of Shipping or Lloyd's Register of Shipping, with standards of construction or equipage which have been accepted and/or approved by the Commandant.

5. Part 175 is further amended by adding a new section to follow § 175.10-35, reading as follows:

§ 175.10-36 *Sailing vessel.* This term means a vessel with no mechanical means of propulsion, all propulsive power being provided by sails.

PART 177—CONSTRUCTION AND ARRANGEMENT

SUBPART 177.30—HATCHES

Section 177.30-5 (c) is amended to read as follows:

§ 177.30-5 *Hatches (other than engine hatches).* * * *

(c) Covers or closures for the openings described in paragraphs (a) and (b) of this section shall be secured to hatch frames or hatch coamings by hinges, captive chains, or other devices to prevent their coming adrift. Securing devices for such hatches which lead to living quarters or passenger accommodations shall be such that the hatch may be opened from either side.

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

PART 178—WATERTIGHT SUBDIVISION

1. The heading for Subpart 178.10 is amended to read as follows:

SUBPART 178.10—BULKHEADS AND DECKS

2. Section 178.10-5 (a) is amended to read as follows:

§ 178.10-5 *Requirements for vessels, other than ferry vessels, carrying not more than 49 passengers in ocean and coastwise service.* (a) Except as otherwise provided in this section, vessels, other than ferry vessels, carrying not more than 49 passengers in ocean and coastwise service shall be fitted with not less than three watertight bulkheads, one of which shall be a collision bulkhead located as provided in § 178.10-1 (b). In general, the collision bulkhead shall be watertight to the weather deck. The remaining bulkheads shall be watertight to the bulkhead deck. The bulkheads required for machinery and fuel tank installations by Subpart 182.05 in Part 182 of this Subchapter may be substituted for two of the required bulkheads if properly constructed. Watertight bulkhead penetrations shall be in accordance with § 178.10-1 (d). The bulkhead deck shall be in accordance with § 178.10-1 (e).

3. Section 178.10-10 is amended by adding a new paragraph (b) and a subparagraph (1) thereto, reading as follows:

§ 178.10-10 *Requirements for vessels other than ferry vessels carrying not more than 49 passengers in other than ocean and coastwise service.* * * *

(b) Except as provided for in § 177.30-10 (a) of this subchapter and as otherwise provided in this paragraph, decks exposed to the weather shall be effectively watertight. Adequate freeing arrangements shall be provided.

(1) Vessels operating on protected waters are not required to comply with the provisions of this paragraph when, in the opinion of the Officer in Charge, Marine Inspection, the type of construction of the vessels is satisfactory for the service intended.

SUBPART 178.20—COCKPITS

4. Section 178.20–1 is amended by deleting paragraph (e) and by revising paragraph (a) to read as follows:

§ 178.20–1 *General.* (a) Except as otherwise provided in § 178.10–10 (b) (1), cockpits shall be self-bailing and watertight.

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

PART 180—LIFESAVING EQUIPMENT

SUBPART 180.15—EQUIPMENT FOR LIFE FLOATS AND BUOYANT APPARATUS

1. Section 180.15–5 (b) is amended to read as follows:

§ 180.15–5 *Description of equipment for life floats and buoyant apparatus.* * * *

(b) *Paddles.* Paddles shall be not less than 4 feet long.

SUBPART 180.20—STOWAGE AND MARKING OF LIFESAVING APPLIANCES

2. Section 180.20–5 (a) is corrected by changing a reference from "§ 185.35–5" to "§ 185.30–5."

SUBPART 180.25—LIFE PRESERVERS

3. Section 180.25–15 (a) is corrected by changing a reference from "§ 185.35–5" to "§ 185.30–5."

SUBPART 180.30—RING LIFE BUOYS AND WATER LIGHTS

4. Section 180.30–5 (a) is amended to read as follows:

§ 180.30–5 *Number and size required.* (a) All vessels shall be fitted with one ring life buoy of not less than 24 inches in diameter, except that vessels less than 26 feet in length may use one ring life buoy of not less than 20 inches in diameter.

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

PART 181—FIRE PROTECTION EQUIPMENT

SUBPART 181.05—FIRE EXTINGUISHING EQUIPMENT REQUIRED

1. Section 181.05–5 (a) is amended to read as follows:

§ 181.05–5 *Fire main system.* (a) Power driven fire pumps, hydrants, hose, and nozzles shall be installed on all mechanically propelled vessels which are ferry vessels or which carry more than 49 passengers. The arrangement and details of the fire main system shall be as set forth in Subpart 181.10.

2. Section 181.05–10 (a) (1) is amended to read as follows:

§ 181.05–10 *Fixed fire extinguishing systems.* (a) * * *

(1) In the machinery and fuel tank spaces of all vessels using fuel having a flash point of 110° F. or lower, except that where machinery and fuel tank spaces are so open to the atmosphere as to make the use of a fixed system ineffective, no such system will be required.

SUBPART 181.10—FIRE MAIN SYSTEM, DETAILS

3. Section 181.10–1 (a) is amended to read as follows:

§ 181.10–1 *Application.* (a) The provisions of this subpart shall apply to installations on all vessels contracted for on or after June 1, 1958. Installations on vessels contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

4. Section 181.10–5 is amended to read as follows:

§ 181.10–5 *Power fire pumps.* (a) The power fire pump shall be self-priming and of such size as to discharge an effective stream from a hose connected to the highest outlet.

(b) The power fire pump may be driven off the propulsion engine or other source of power and shall be connected to the fire main. This pump may also be connected to the bilge system so that it can serve as either a fire pump or bilge pump.

SUBPART 181.20—PORTABLE FIRE EXTINGUISHERS

5. In § 181.20–5 *Number required and location,* paragraph (a) is amended by revising footnote 1 in Table 181.20–5 (a) (referred to in second column) to read as follows:

[1] Note that a fixed carbon dioxide fire extinguishing system is required in the machinery and fuel tank spaces of most vessels using fuel having a flash point of 110° F. or lower (see § 181.05–10).

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

PART 182—MACHINERY INSTALLATION

SUBPART 182.01—APPLICATION

1. Section 182.01–20 is amended to read as follows:

§ 182.01–20—*All vessels having pressure vessels.* (a) Auxiliary boilers and unfired pressure vessels and their associated piping and fittings on all vessels shall comply with the applicable parts of Subchapter F (Marine Engineering) of this chapter except as otherwise provided in § 176.15–30 (a) (9) of this subchapter.

2. Subpart 182.01 is amended by adding a new section thereto, reading as follows:

§ 182.01–25 *Special consideration.* (a) Special consideration may be given to departures from the specific requirements of this part when it can be shown that special circumstances concerning the vessel's route, construction, arrangement, trade or operation warrant such departures.

SUBPART 182.10—MACHINERY INSTALLATIONS USING FUELS HAVING A FLASH POINT OF 110° F. OR LOWER (GASOLINE, ETC.)

3. Section 182.10–20 (a) (7) is amended to read as follows:

§ 182.10–20 *Fuel tanks—*(a) *Materials and construction.* * * *

(7) All tanks exceeding 30 inches in any horizontal dimension shall be fitted with vertical baffle plates at intervals not exceeding 30 inches. Baffle plates shall be of the same material and not less than the minimum thickness required in the tank walls and shall be connected to the tank walls by welding or brazing.

SUBPART 182.15—MACHINERY INSTALLATIONS USING FUELS HAVING A FLASH POINT OF OVER 110° F. (DIESEL OIL, ETC.)

4. Section 182.15–5 (b) (1) is amended to read as follows:

§ 182.15–5 *Machinery.* * * *

(b) *Auxiliary machinery.* (1) The auxiliary machinery requirements of § 182.10–5 (b) shall apply to diesel auxiliary engine installations except that air cooled diesel auxiliary engines may be installed under deck when adequate compartment ventilation is provided and other necessary safeguards are taken so as not to endanger the vessel.

SUBPART 182.20—BILGE SYSTEM

5. Section 182.20–1 *Application* is amended by deleting paragraph (b).

6. Section 182.20–5 is amended by revising paragraphs (b) and (c) to read as follows:

§ 182.20–5 *Bilge piping.* * * *

(b) All vessels of 26 feet in length and over shall be provided with individual bilge lines and bilge suctions for each water-tight compartment. The bilge pipe shall be not less than one inch inside pipe size and the bilge suctions shall be fitted with suitable strainers having an open area not less than three times the area of the bilge pipe.

(c) The individual bilge suction lines shall be led to a manifold which shall be provided with stop-check valves for controlling bilge suctions from the various compartments. The combination of a stop valve and a check valve may be substituted for the stop-check valve.

7. Section 182.20–10 is amended to read as follows:

§ 182.20–10 *Bilge pumps.* (a) All vessels shall be provided with a hand portable fire and bilge pump having a capacity of not less than 5 gallons per minute. The suction and discharge ends of this pump shall be provided with hoses suitable for pumping bilges and for use in fire fighting.

(b) All vessels of 26 feet in length and over shall be provided with a hand operated or power operated bilge pump in addition to the hand portable pump. This pump shall be permanently connected to the bilge main and, except as otherwise provided in this paragraph, shall have a capacity of not less than 10 gallons per minute.

(1) All mechanically propelled vessels of 26 feet in length and over which are ferry vessels or which carry more than 49 passengers shall be provided with a self priming power bilge pump in addition to the hand portable pump. This pump shall have a capacity of not less than 25 gallons per minute and shall be permanently connected to the bilge main.

(2) A power bilge pump may be driven off the main engine or other source of power. It may be connected to the fire main and, if of sufficient capacity, may

serve as the fire pump required by § 181.05-5 (a).

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

PART 183—ELECTRICAL INSTALLATION

SUBPART 183.01—APPLICATION

1. Section 183.01-1 is amended to read as follows:

§ 183.01-1 *Electrical installations operating at potentials of 50 volts and over.* (a) Electrical installations operating at potentials of 50 volts or more and on vessels contracted for on or after June 1, 1958, shall comply with the applicable parts of Subchapter J (Electrical Engineering) of this chapter. Electrical installations on vessels contracted for prior to that date shall meet the applicable regulations in Subchapter J insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

2. Section 183.01-5 is amended to read as follows:

§ 183.01-5 *Electrical installations operating at potentials of less than 50 volts.* (a) Electrical installations operating at potentials of less than 50 volts and on vessels contracted for on or after June 1, 1958, shall comply with the provisions of this part. Electrical installations on vessels contracted for prior to that date shall meet the requirements of this subpart insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

SUBPART 183.05—GENERAL

3. Section 183.05-5 (a) is amended to read as follows:

§ 183.05-5 *Name plates.* (a) Each generator, motor and other major items of power equipment shall be provided with a name plate indicating the maker's name, its rating in volts and amperes or in volts and watts and when intended for connection to a normally grounded supply, the grounding polarity.

SUBPART 183.10—EQUIPMENT

4. Section 183.10-5 (c) is amended to read as follows:

§ 183.10-5 *Switchboards.* * * *

(c) Each ungrounded conductor of circuit supplying lights, motors or appliances shall be equipped with a circuit breaker or switch and fuses at the point of attachment to the power source. This applies also to added circuits.

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

PART 187—LICENSING

SUBPART 187.01—GENERAL

1. Section 187.01-1 (a) is amended to read as follows:

§ 187.01-1 *Application.* (a) The regulations in this part apply to all applicants for license to operate mechanically propelled vessels of less than 100 gross tons and not more than 65 feet in length carrying more than six passengers, and to all applicants for license to operate sail vessels or non-self-propelled vessels, of less than 100 gross tons carrying more than six passengers.

SUBPART 187.05—GENERAL REQUIREMENTS

2. Section 187.05-1 is amended by changing the reference in paragraph (a) from "8 U. S. C. 801" to "8 U. S. C. 1481"; and by revising paragraph (e) and by adding a new paragraph (f), which read as follows:

§ 187.05-1 *Issuance of licenses.* * * *

(e) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 50 U. S. C. 732, to be recorded upon his official file, that he will faithfully and honestly according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

(f) An applicant for an operator's license must demonstrate his ability to speak, read and understand English as found in the pilot rules, aids to navigation publications, emergency equipment instructions and machinery instructions.

(1) An applicant for an operator's license to operate vessels on the navigable waters of the United States in the vicinity of Puerto Rico, who speaks Spanish only, will be issued a license restricted to those waters.

3. Section 187.05-5 (a) is amended to read as follows:

§ 187.05-5 *Sea service as member of Armed Forces of the United States and on vessels owned by the United States as qualifying experience.* (a) Sea service as member of the Armed Forces of the United States will be accepted as qualifying experience for an original or extension of route of license. Such service will be subject to evaluation by the Officer in Charge, Marine Inspection, to determine its equivalence to the sea service required on passenger motorboats, and to determine the appropriate class and limit of license for which the applicant is eligible.

SUBPART 187.10—ORIGINAL LICENSE

4. Section 187.10-15 (c) is amended in the first sentence by changing the phrase "at lease" to "at least."

5. Section 187.10-25 is amended by adding new paragraphs (c) and (d), reading as follows:

§ 187.10-25 *Professional examination.* * * *

(c) Examination required for license as operator on waters other than ocean and coastwise is contained in Subpart 187.20. Examination in Rules of the Road is for waters upon which the applicant is operating, but it will be incumbent upon every applicant, should he at any time operate on waters for which the Rules of the Road differ, to familiarize himself with the appropriate Rules.

(d) Examination required for license as operator on limited ocean or coastwise routes is contained in Subpart 187.25. Examination is required in International and Inland Rules of the Road, but it will be incumbent upon every applicant, should he at any time operate on waters for which the Rules of the Road differ, to familiarize himself with the appropriate Rules.

6. Section 187.10-30 is amended by revising paragraphs (a) and (b) to read as follows:

§ 187.10-30 *Character check and references.* (a) The Officer in Charge, Marine Inspection, shall require every applicant for an original license to have written endorsement of three reputable persons to whom he is known, and if the documentary evidence of experience indicates service with a master or operator, one of the three endorsements shall be from that source, if it can be obtained. However, endorsements need not be required, at the discretion of the Officer in Charge, Marine Inspection, when an applicant holds a currently valid license.

(b) Fingerprint records shall be submitted to the Commandant on each applicant at the time application for license is made, except when an applicant holds a currently valid license fingerprint records need not be submitted. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporaray permit issued in this type case pending the Commandant's authorization.

SUBPART 187.15—RENEWAL OF LICENSES

7. Section 187.15-5 (a) (2) is amended to read as follows:

§ 187.15-5 *Application for renewal.* (a) * * *

(2) The oath of office on the form prescribed by the Coast Guard, which has been duly executed before a person authorized to administer oaths.

8. Section 187.15-25 is amended to read as follows:

§ 187.15-25 *Reissue of expired license.* (a) Whenever an applicant shall apply for renewal of his license for the same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except that no professional examination will be required provided the license expired during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The Officer in Charge, Marine Inspection, may require a written examination for this purpose.

(b) The renewed license shall receive the next higher number of issue of present grade.

SUBPART 187.20—SPECIFIC REQUIREMENTS FOR OPERATORS ON OTHER THAN OCEAN AND COASTWISE WATERS

9. Section 187.20-1 (a) is amended to read as follows:

§ 187.20-1 *General application.* (a) The regulations in this subpart are for operators' licenses for service on waters other than ocean or coastwise.

10. Section 187.20-10 *Examination for operators of mechanically propelled vessels* is amended by deleting paragraph (b). (Revised wording of this paragraph is transferred to § 187.10-25 (c).)

SUBPART 187.25—SPECIFIC REQUIREMENTS FOR OCEAN OPERATORS

11. Section 187.25-1 is amended by deleting paragraph (d); by renumbering paragraphs (e) and (f) to (d) and (e), respectively; and by amending paragraph (a) to read as follows:

§ 187.25-1 *General application*—(a) *Vessels' routes.* The regulations in this subpart are for operators' licenses for limited ocean and coastwise service on routes not to exceed 100 miles offshore between such limits as determined by the Office in Charge, Marine Inspection.

12. Section 187.25-5 (a) (2) is amended to read as follows:

§ 187.25-5 *Service requirements, mechanically propelled vessels.* (a) * * *

(2) Four years' deck department service in the operation of ocean or coastwise motorboats or small motor vessels.

13. Section 187.25-10 (a) is amended by revising the introductory sentence (but not the subparagraphs) to read as follows:

§ 187.25-10 *Service requirements, sail propelled vessels.* (a) The minimum service required to qualify an applicant for examination for a license as operator of sail propelled vessels in ocean service is:

14. Section 187.25-15 (a) is amended by revising the introductory sentence (but not the subparagraphs) to read as follows:

§ 187.25-5 *Examination for operator of ocean mechanically propelled vessels.* (a) An applicant for a license as operator of ocean mechanically propelled vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this section:

15. Section 187.25-25 (a) is amended by revising the first two sentences (but not the subparagraphs) to read as follows:

§ 187.25-25 *Additional routes.* (a) A licensed operator of mechanically or sail propelled ocean vessels who applies for an endorsement to his license of an additional route which embraces additional navigational hazards may be required, at the discretion of the Officer in Charge, Marine Inspection, having jurisdiction over the requested route, to show service on the waters for which the endorsement is requested. However, applicants shall not be required to show more than months' service, or 12 trips within one year. Each applicant for endorsement of an additional route on his license shall be examined on the following subjects by the Officer in Charge, Marine Inspection, having jurisdiction over the requested route, except that examination on International and Inland Rules of the Road shall be required not more than once a year:

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

Dated: April 22, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-3105; Filed, Apr. 25, 1958; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 9—AWARD OF LIFE-SAVING MEDALS UNDER THE MEDALS OF HONOR ACT

CROSS REFERENCE: For regulations governing the award of life-saving medals under the Medals of Honor Act, constituting §§ 9.1 through 9.7, see Executive Order 10765, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMS NOT DEDUCTIBLE; NOTICE OF HEARING

Proposed regulations under sections 261, 262, 263, 265, 266 and 273 of the Internal Revenue Code of 1954, relating to certain items not deductible in computing taxable income, were published in the issue of the FEDERAL REGISTER for Wednesday, March 19, 1958 (23 F. R. 1829), with a notice of proposed rule making. In response to this notice of proposed rule making, one or more interested parties have submitted comments and suggestions pertaining to the proposed regulations, and have requested an opportunity to comment orally at a public hearing on the proposed regulations.

Notice is hereby given that a public hearing on these proposed regulations will be held on Tuesday, May 13, 1958, at 10:00 a. m., e. d. s. t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D. C. All interested persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., at least three days prior to the date fixed for the hearing.

[SEAL] JOHN W. S. LITTLETON,
Director, Technical Planning Division, Internal Revenue Service.

[F. R. Doc. 58-3123; Filed, Apr. 25, 1958; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR PEACHES[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Peaches (7 CFR 51.1210 to 51.1223) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than May 15, 1958.

The proposed standards are as follows:

GRADES

Sec.
51.1210 U. S. Fancy.
51.1211 U. S. Extra No. 1.
51.1212 U. S. No. 1.
51.1213 U. S. No. 2.

UNCLASSIFIED

51.1214 Unclassified.

APPLICATION OF TOLERANCES

51.1215 Application of tolerances.

MARKING

51.1216 Marking.

SIZE

51.1217 Size.

STANDARD PACK

51.1218 Standard pack.

DEFINITIONS

51.1219 Well matured.
51.1220 Mature.
51.1221 Well formed.
51.1222 Limb rub injury.
51.1223 Damage.
51.1224 Serious Damage.
51.1225 Diameter.
51.1226 Badly misshapen.

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 51.1210 to 51.1226 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.1210 *U. S. Fancy.* "U. S. Fancy" consists of peaches of similar varietal characteristics which are mature but not soft or overripe, which are well formed and free from decay, growth cracks, bacterial spot, cuts which are not healed, scab, scale, split pits, worms, worm holes, limb rub injury and free from damage caused by hail marks, bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(a) Each peach shall have not less than one-third of its surface showing blushed, pink or red color.

(b) At least 75 percent of the peaches in the container shall be well matured.

(c) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (See § 51.1215):

(1) *Color.* 10 percent for peaches in any lot which fail to meet the color requirements;

(2) *Maturity.* Individual packages may have not less than 60 percent of peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(3) *Defects.* 10 percent in any lot for peaches which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for immature peaches or other serious damage, including therein not more than 1 percent for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

§ 51.1211 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of peaches of similar varietal characteristics which are mature but not soft or overripe, which are well formed and free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by limb rubs, hail marks, bruises, dirt or other foreign material, bacterial spot, scab, scale, split pits, other disease, insects or mechanical or other means.

(a) At least 50 percent of the peaches in the container shall have not less than one-fourth of their surface covered with blushed, pink or red color, except that peaches may be designated as "U. S. Extra No. 1 High Color": *Provided,* That all requirements of the U. S. Extra No. 1 grade are met and at least 60 percent of the peaches in the container have not less than one-third of their surface covered with blushed, pink or red color.

(b) Peaches in any lot shall be mature except that peaches may be designated as "U. S. Extra No. 1 Well Matured": *Provided,* That all requirements of the U. S. Extra No. 1 grade are met and at least 75 percent of the peaches in the container are well matured.

(c) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (See § 51.1215):

(1) *Color.* Individual containers may have not less than the 40 percent of peaches having one-fourth of their surface covered with blushed, pink or red color: *Provided,* That the entire lot averages not less than 50 percent having this amount of color: *And provided further,* That when peaches are designated as "U. S. Extra No. 1 High Color", individual containers may have not less than 50 percent of peaches having one-third of their surface covered with blushed, pink or red color: *Provided,* That the lot averages not less than 60 percent having this amount of color;

(2) *Maturity.* When peaches are designated as "U. S. Extra No. 1 Well Matured", individual packages may have not less than 60 percent of peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(3) *Defects.* 10 percent in any lot for peaches which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for immature peaches or other serious damage, including therein not more than 1 percent for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

§ 51.1212 *U. S. No. 1.* "U. S. No. 1" consists of peaches of similar varietal characteristics which are mature but not soft or overripe, which are well formed, and free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by limb rubs, hail marks, bruises, dirt or other foreign material, bacterial spot, scab, scale, split pits, other disease, insects or mechanical or other means.

(a) Peaches in any lot shall be mature except that peaches may be designated as "U. S. No. 1 Well Matured": *Provided,* That all requirements of the U. S. No. 1 grade are met and at least 75 percent of the peaches in the container are well matured.

(b) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (See § 51.1215):

(1) *Maturity.* When peaches are designated as "U. S. No. 1 Well Matured", individual packages may have not less than 60 percent of the peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(2) *Defects.* 10 percent in any lot for peaches which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for immature peaches or other serious damage, including therein not more than 1 percent for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

§ 51.1213 *U. S. No. 2.* "U. S. No. 2" consists of peaches of similar varietal characteristics which are mature but not soft or overripe, which are not badly misshapen, which are free from decay, cuts which are not healed, worms, worm holes, and free from serious damage caused by limb rubs, hail marks, growth cracks, bruises, dirt or other foreign material, bacterial spot, scab, scale, split pits, other disease, insects or mechanical or other means.

(a) Peaches in any lot shall be mature except that peaches may be designated as "U. S. No. 2 Well Matured": *Provided,* That all requirements of the U. S. No. 2 grade are met and at least 75 percent of the peaches in the container are well matured.

(b) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (See § 51.1215):

(1) *Maturity.* When peaches are designated as "U. S. No. 2 Well Matured", individual packages may have not less than 60 percent of the peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(2) *Defects.* 10 percent in any lot for peaches which are immature or which fail to meet the remaining requirements of the grade, but not more than one-tenth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

UNCLASSIFIED

§ 51.1214 *Unclassified.* "Unclassified" consists of peaches which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1215 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds, and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one peach which is seriously damaged by insects or bruises, or which is soft, overripe or affected by decay may be permitted in any package.

MARKING

§ 51.1216 *Marking.* (a) The minimum diameter or numerical count of the peaches packed in a closed container should be plainly stamped, stenciled or otherwise marked on the container.

(b) When the minimum diameter is shown it should be in terms of whole inches, whole and quarter inches, or whole and eighth inches; for example, as 2 inches minimum, 2¼ inches minimum or 1⅞ inches minimum. The minimum and maximum diameters both may be stated as 1⅞ to 2 inches, or 2 to 2¼ inches.

SIZE

§ 51.1217 *Size.* (a) When the size of peaches is designated by count, the number of peaches in the package shall not vary more than 4 from the count indicated on the package.

(1) Not more than 10 percent of the packages in any lot may fail to meet this requirement.

(b) When the size of peaches is designated in terms of minimum diameter or minimum and maximum diameter the following tolerances shall be permitted:

(1) 10 percent in any lot for peaches which are smaller than the minimum diameter specified and 15 percent for peaches which are larger than any specified maximum diameter.

STANDARD PACK

§ 51.1218 *Standard pack.* (a) Each container shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) Baskets: Peaches packed in U. S. Standard bushel baskets, three-fourths bushel baskets, or half-bushel baskets shall be ring-faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the containers when lidded.

(c) Boxes: (1) Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the containers according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All containers shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the count indicated on the box.

(2) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all containers shall be well filled.

(3) Peaches packed in containers equipped with cell compartments or molded trays or paper cups shall be of the proper size for the cells, molds or cups in which they are packed.

(d) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

DEFINITIONS

§ 51.1219 *Well matured.* "Well matured" means peaches which (a) are not hard; (b) have shoulders and sutures well filled out; (c) have skin yellowish-green to yellow; (d) when cut, have flesh which is yellowish-green to yellow except that it is red next to the pit and, in case of freestone varieties, have flesh which separates readily and cleanly from the pit. (Not hard means that the peach yields to moderate pressure at least slightly at the suture and tip, and at least very slightly elsewhere.)

§ 51.1220 *Mature.* "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.1221 *Well formed.* "Well formed" means that the shape of the peach may be slightly irregular but not to the extent that its appearance is materially affected.

§ 51.1222 *Limb rub injury.* "Limb rub injury" means that the scarring is not smooth, not light colored, and when the aggregate area exceeds that of a circle one-fourth inch in diameter on a peach 2¼ inches in diameter, or correspondingly smaller or greater areas of scars on smaller or larger peaches, respectively.

§ 51.1223 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

NOTE: Limitations for blemishes are based on a 2¼-inch peach. Correspondingly smaller or greater areas shall be permitted on smaller or larger peaches, respectively.

(a) Bacterial spot and scab when cracked, or when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(b) Scale when concentrated, or when scattered and the aggregate area exceeds that of a circle one-fourth inch in diameter;

(c) Hail marks which are unhealed, deep, or when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(d) Limb rubs when not smooth, when not light colored, or when the aggregate area exceeds that of a circle one-half inch in diameter; and,

(e) Split pit when causing any unhealed crack, when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not well formed.

§ 51.1224 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

NOTE: Limitations for blemishes are based on a 2¼-inch peach. Correspondingly smaller or greater areas shall be permitted on smaller or larger peaches, respectively.

(a) Bacterial spot when any crack is not well healed, or when the aggregate area exceeds that of a circle three-fourths inch in diameter;

(b) Scab when cracked, or when healed and the aggregate area exceeds that of a circle 1 inch in diameter;

(c) Scale when the aggregate area exceeds that of a circle one-half inch in diameter;

(d) Growth cracks when unhealed, or when more than one-half inch in length;

(e) Hail marks when unhealed, or shallow hail marks when the aggregate area exceeds that of a circle three-fourths inch in diameter, or deep hail marks when seriously deforming the fruit or when the aggregate area exceeds that of a circle one-half inch in diameter;

(f) Limb rubs when smooth and light colored and the aggregate area exceeds that of a circle 1½ inches in diameter, or dark or slightly rough and barklike scars when the aggregate area exceeds that of a circle three-fourths inch in diameter;

(g) Split pit when causing any unhealed crack, or when healed and the aggregate area exceeds that of a circle one-half inch in length, including any part of the crack which may be covered by the stem;

(h) Immature, soft or overripe peaches; and,

(i) Wormy fruit or worm holes.

§ 51.1225 *Diameter.* "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

§ 51.1226 *Badly misshapen.* "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

Dated: April 23, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3134; Filed, Apr. 25, 1958; 8:53 a. m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR NECTARINES[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Nectarines pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than May 19, 1958.

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed standards are as follows:

GRADES

Sec.
51.3145 U. S. Fancy.
51.3146 U. S. Extra No. 1.
51.3147 U. S. No. 1.
51.3148 U. S. No. 2.

UNCLASSIFIED

51.3149 Unclassified.

TOLERANCES

51.3150 Tolerances.

APPLICATION OF TOLERANCES

51.3151 Application of tolerances.

STANDARD PACK

51.3152 Standard pack.

DEFINITIONS

51.3153 Mature.
51.3154 Well formed.
51.3155 Clean.
51.3156 Injury.
51.3157 Damage.
51.3158 Badly misshapen.
51.3159 Serious damage.

AUTHORITY: §§ 51.3145 to 51.3159 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.3145 *U. S. Fancy.* "U. S. Fancy" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pits, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John River variety each nectarine shall show some blushed or red color. In the case of other varieties each nectarine shall have not less than one-third of its surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3146 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John River variety at least 50 percent of the nectarines in any lot shall show some blushed or red color. In the case of other varieties at least 75 percent of the nectarines in any lot shall show some blushed or red color including therein at least 50 percent of the nectarines with not less than one-third of the fruit surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3147 *U. S. No. 1.* "U. S. No. 1" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pits, scars, russeting, other disease, insects, or mechanical or other means.

(a) At least 75 percent of the nectarines in any lot shall show some blushed or red color, except that there are no color requirements for nectarines of the John River variety in this grade. (See § 51.3150.)

§ 51.3148 *U. S. No. 2.* "U. S. No. 2" consists of nectarines of one variety which are mature but not soft or overripe, which are not badly misshapen, which are clean and free from decay, broken skins which are not healed, worms, worm holes, and free from serious damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pits, scars, russeting, other disease, insects, or mechanical or other means.

(a) There are no color requirements for nectarines in this grade. (See § 51.3150.)

UNCLASSIFIED

§ 51.3149 *Unclassified.* "Unclassified" consists of nectarines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3150 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U. S. Fancy, U. S. Extra No. 1 and U. S. No. 1 grades*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the specified grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for nectarines affected by decay.

(2) *For color*—(i) *U. S. Fancy grade.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade.

(ii) *U. S. Extra No. 1 grade.* In the case of the John River variety individual containers may have not less than 40 percent of the nectarines showing some blushed or red color: *Provided,* That the entire lot averages not less than 50 percent of the nectarines showing this color. In the case of other varieties individual containers may have not less than 65 percent of the nectarines showing some blushed or red color including therein not less than 40 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety: *Provided,* That the entire lot averages not less than 75 percent of the nectarines showing some blushed or red color, including therein not less than 50 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety.

(iii) *U. S. No. 1 grade.* Except for the John River variety individual containers may have not less than 65 percent of the nectarines showing some blushed or red color: *Provided,* That the entire lot averages not less than 75 percent of the nectarines showing this color.

(b) *U. S. No. 2 grade*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for nectarines affected by decay.

APPLICATION OF TOLERANCES

§ 51.3151 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one nectarine which is soft or affected by decay shall be permitted in any package.

STANDARD PACK

§ 51.3152 *Standard pack.* (a) Nectarines shall be fairly uniform in size and shall be packed in boxes, lugs, crates, cartons or baskets and arranged according to the approved and recognized methods. All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising resulting from overfilling. The nectarines in the shown face shall be reasonably representative in size, color and quality of the contents of the container. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) When packed in closed containers, the size shall be indicated by marking the container with the numerical count, the pack arrangement or the minimum diameter or minimum and maximum diameters in terms of inches, and not less than one-eighth fractions of inches.

(c) Boxes, lugs or cartons: Nectarines packed in containers equipped with cell compartments, molded trays, or paper cups shall be of the proper size for the cells, molds or cups in which they are packed.

(d) Four-basket crates: (1) The size of nectarines packed in four-basket crates shall be indicated as follows: 3 x 4, 3 x 4 x 4, 3 x 4 x 5, 4 x 4, etc., in accordance with the arrangement in the top layer of the basket. These packs shall not be more than three layers deep.

(2) The arrangement of the bottom layer shall be one row less each way, and may be one row less each way, than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer or may be one row less one way than the arrangement of the top layer. Straight, offset and diagonal packs in the layers are permitted.

(e) Baskets: Nectarines packed in U. S. standard half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the nectarines within the baskets when lidded.

(f) "Fairly uniform in size" means that not more than 5 percent of the nectarines vary in diameter more than is permitted for the applicable size of fruit and type of container as shown in the following table:

TABLE I

Type of container	Size	Variation permitted in diameter
Four-basket crates	All	¼ inch.
California Peach Box.	80 or smaller	¼ inch.
Do	75 or larger	⅜ inch.
Lugs	85 or smaller	¼ inch.
Do	80 or larger	⅜ inch.
Other containers	2 inches diameter or smaller.	¼ inch.
Do	Over 2 inches to 2¾ inches diameter.	⅜ inch.
Do	Over 2¾ inches diameter.	½ inch.

(1) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(g) Tolerances: In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for standard pack.

DEFINITIONS

§ 51.3153 ***Mature.*** **"Mature" means that the nectarine has reached the stage of growth which will insure a proper completion of the ripening process.**

§ 51.3154 ***Well formed.*** **"Well formed" means that the nectarine has the shape characteristic of the variety and that the appearance is not materially affected by bumps or other roughness.**

§ 51.3155 ***Clean.*** **"Clean" means that the fruit is practically free from dirt or other foreign material.**

§ 51.3156 ***Injury.*** **"Injury", unless otherwise specifically defined in this section, means any defect which more than slightly affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:**

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-eighth inch in length;[3]

(b) Hail when the skin has been broken or the injury is more than superficial and the aggregate area exceeds that of a circle one-fourth inch in diameter;[3]

(c) Sunburn, or sprayburn when the normal color of the nectarine is more than slightly changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle one-fourth inch in diameter;[3]

(e) Scale when more than 1 large scale or more than three scales of any size are pesent;

(f) Split pit when causing any crack which is unhealed or readily apparent, or when more than slightly affecting the shape of the nectarine;

(g) Scars when not light in color, when not smooth, when having appreciable depth or when the aggregate area exceeds that of a circle one-fourth inch in diameter; and,[3]

(h) Russeting when the aggregate area exceeds 10 percent of the surface of nectarines of the Quetta variety or 5 percent of the surface of nectarines of other varieties.

§ 51.3157 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-fourth inch in length;[3]

(b) Hail when the skin has been broken and the injury is not well healed, or when well healed and the aggregate area exceeds that of a circle one-fourth inch in diameter,[3] or when the injury is superficial and the aggregate area exceeds that of a circle three-eighths inch in diameter;[3]

(c) Sunburn or sprayburn when the normal color of the nectarine is materially changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle three-eighths inch in diameter;[3]

(e) Scale when 5 or more scales are concentrated, or when scales are scattered and their aggregate area exceeds that of a circle one-fourth inch in diameter;[3]

(f) Split pit when causing any crack which is unhealed or readily apparent, or when affecting shape to the extent that the nectarine is not well formed;

(g) Scars which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are dark, rough or deep when the aggregate area exceeds that of a circle one-fourth inch in diameter;[3]

(2) Scars which are fairly light in color, fairly smooth or of slight depth when the aggregate area exceeds that of a circle five-eighths inch in diameter; and,[3]

(3) Scars which are light in color, smooth and have no depth when the aggregate area exceeds that of a circle three-fourths inch in diameter;[3]

(h) Russeting when the aggregate area exceeds 15 percent of the surface of nectarines of the Quetta variety or 10 percent of the surface of nectarines of other varieties.

§ 51.3158 *Badly misshapen.* "Badly misshapen" means that the nectarine is so decidely deformed that its appearance is seriously affected.

§ 51.3159 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Growth cracks when deep or not well healed, or when well healed and seriously affecting the appearance or the shipping quality of the nectarine;

(b) Hail when the skin has been broken and is not well healed, or when well healed and the affected tissue extends more than one-fourth inch below the surface, or when the injury is superficial and the aggregate area exceeds that of a circle three-fourths inch in diameter;[3]

(c) Sunburn or sprayburn when extending into the flesh or when changing the normal color on more than one-fourth of the surface of the nectarine;

(d) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle three-fourths inch in diameter;[3]

(e) Scale when the aggregate area exceeds that of a circle three-eighths inch in diameter;[3]

(f) Split pit when causing any crack which is unhealed or which is healed and distinctly open, or when seriously affecting the shape of the nectarine;

(g) Scars when more than one-fourth inch deep, or when dark or slightly rough and the aggregate area exceeds that of a circle one-half inch in diameter;

(h) Russeting when the aggregate area exceeds one-fourth of the fruit surface;

(i) Soft or overripe nectarines; and,

(j) Wormy fruit or worm holes.

Dated: April 23, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3133; Filed, Apr. 25, 1958; 8:53 a. m.]

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[3] Areas of circles or lengths of cracks specified are applicable to a 4 x 4 size nectarine having a diameter of 2 inches. Correspondingly lesser or greater areas shall be allowed on smaller or larger nectarines.

[7 CFR Part 974]

[Docket No. AO-176-A13]

MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Virginia Hotel, Third and Gay Streets, Columbus, Ohio, beginning at 10:00 a. m., on May 14, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Columbus, Ohio, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Ohio Milk Producers, Inc.:

1. Delete §§ 974.1 through 974.11 and substitute therefor the following:

DEFINITIONS

§ 974.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 974.2 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 974.3 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the Act of the said Secretary of Agriculture.

§ 974.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 974.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 974.6 *Columbus, Ohio, marketing area.* "Columbus, Ohio, marketing area" hereinafter called the "marketing area" means all the territory in Ohio described below in this section. As used in this section the term "territory" shall include all municipal corporations, Federal military reservations, facilities, and installations, and state institutions lying wholly or partially within the defined counties and townships: All the territory lying within Franklin County; Delaware County; the townships of Hartford, Monroe, Jersey, Lima, Etna, Bennington, Liberty, St. Albans and Harrison in Licking County; the townships of Liberty, Violet and Bloom in Fairfield County; the townships of Madison, Harrison, Scioto and Darby in Pickaway County; the townships of Pleasant, Oak Run, Union, Fairfield, Jefferson, Canaan and Darby in Madison County; the townships of Jerome, Darby, Mill Creek, Paris and Dover in Union County.

§ 974.7 *Fluid milk product.* "Fluid milk product" means the fluid form of milk, skim milk, buttermilk, concentrated milk, eggnog, milk drinks (plain or flavored), cream (including sterilized cream), or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 974.8 *Route.* "Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 974.9 *Fluid milk plant.* "Fluid milk plant" means any plant which is used in the receipt or processing of milk all or a portion of which is:

(a) Disposed of during the month in the form of fluid milk product(s) on a route(s) in the marketing area; or

(b) Furnished to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

§ 974.10 *Pool plant.* "Pool plant" means any fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler:

(a) Any fluid milk plant from which a volume of Class I and Class II milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers described in § 974.12 (a) and from other plants is disposed of on a route(s) during the month and more than five percent of such receipts are disposed of on a route(s) in the marketing area; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 974.12 (a) and from which fluid milk products equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided,* That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, upon written application to the market administrator by the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

§ 974.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 974.12 *Producer.* "Producer" means any person, except a producer-handler, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant or diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 974.13.

§ 974.13 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk: (a) Received at a pool plant directly from producers; (b) diverted for the account of the operator of a pool plant to another pool plant; or (c) diverted to a nonpool plant for the account of a cooperative association or diverted for the account of the operator of the pool plant during the months of April, May, June and July: *Provided,* That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it is diverted: *And provided further,* That the cooperative association shall be notified by the operator of the pool plant of his intention to divert milk of its member-producers not less than 24 hours prior to such diversion.

§ 974.14 *Handler.* "Handler" means (a) any person who operates a fluid milk plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 974.13.

§ 974.15 *Producer-handler.* "Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no milk from other dairy farmers or nonpool plants: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 974.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except: (1)

fluid milk products received from pool plants, (2) producer milk, and (3) inventories of fluid milk products on hand at the beginning of the month; and

(b) Products other than fluid milk products from any source, except Class II and Class III products from pool plants, which are repackaged, reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established on the basis of the records required pursuant to § 974.32.

§ 974.17 *Chicago butter price.* "Chicago butter price" means the afithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 974.18 *Nonfat dry milk solids price.* "Nonfat dry milk solids price" means the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f. o. b. Chicago area manufacturing plants, as published for the month by the Department.

2. Delete § 974.22 (k) and substitute therefor the following:

(k) On or before the 10th day after the end of each month, upon request by a cooperative association described in § 974.77 (b) or the operator of a pool plant, furnish such person, unless otherwise directed by the Secretary, the name of each handler who during the month received producer milk and the percentage of the skim milk and butterfat in such milk which was classified in each class during the month and supply the changes in such percentages as are revealed by the regular audit of the market administrator.

3. Delete §§ 974.30 through 974.33, 974.40 through 974.45, 974.50 through 974.55, 974.60 through 974.63, 974.70 through 974.79 and substitute therefor the following:

REPORTS, RECORDS, AND FACILITIES

§ 974.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator for his pool plant(s), in the detail and on the forms prescribed by the market administrator, the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Products specified in Class II and Class III milk which are reprocessed or converted to another product in the plant during the month;

(4) Other source milk; and

(5) Beginning and ending inventories of fluid milk products;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe; and

(d) His producer payroll which shall show for each producer and association of producers:

(1) The total pounds of producer milk received and the average butterfat test thereof;

(2) The amount and date of any advance payments; and

(3) The nature and amount of each deduction or charge made by the handler.

§ 974.31 *Other reports.* Each handler and producer-handler shall make reports to the market administrator with respect to receipts and utilization at each of his fluid milk plants which is not a pool plant at such time and in such manner as the market administrator may request.

§ 974.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 974.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 974.40 *Basis of classification.* The skim milk and butterfat which are required to be reported pursuant to § 974.30 (a) shall be classified by the market administrator, subject to the provisions of §§ 974.41 to 974.46.

§ 974.41 *Classes of utilization.* Subject to the provisions set forth in §§ 974.43 and 974.44 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2) and (d) (2) of this section; (2) in ending inventory of fluid milk products; and (3) not specifically accounted for as Class II, Class III or Class IV milk;

(b) Class II milk shall be all skim milk and butterfat (1) used to produce cottage cheese, and any mixture containing skim milk or butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing an aerated product (such as "Reddi-Whip", "Instant Whip", etc.), and (2) disposed of in bulk fluid form during any of the months of April through July, inclusive, to any manufacturer of soup, candy, or bakery products for use in such manufacturing operation;

(c) Class III milk shall be all skim milk and butterfat contained in frozen cream, and used to produce condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans) ice cream, ice cream mix, ice cream novelties, ice sherberts, ice milk, imitation ice cream and frozen dairy desserts; and

(d) Class IV milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a), (b), or (c) of this section, (2) specifically accounted for as dumped or disposed of for livestock feed, (3) actual plant shrinkage allocated to producer milk pursuant to § 974.42, but not in excess of two percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage allocated to other source milk pursuant to § 974.42.

§ 974.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively;

(b) To the producer milk at such plant, add the producer milk diverted to such plant and subtract producer milk diverted from such plant to another pool plant; and

(c) Prorate the amount computed pursuant to paragraph (a) of this section between receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (b) of this section and in other source milk received in the form of a fluid milk product in bulk.

§ 974.43 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred in the form of a fluid milk product to another pool plant, unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 974.30; and

(2) The transferee plant has utilization in the claimed classification of an equivalent amount of skim milk and butterfat, respectively, after making the assignment pursuant to § 974.46 (a) (1), (2), and (3) and the corresponding step

(b): *Provided*, That if either or both plants have other source milk, the skim milk and butterfat so transferred shall be classified so as to allocate the highest-valued use classification available at both plants to producer milk;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located 100 airline miles or more from the State Capitol in Columbus, Ohio; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant, except a plant operated by a producer-handler, located less than 100 airline miles from the State Capitol in Columbus, Ohio, unless:

(1) The handler claims classification in another class in his report submitted pursuant to § 974.30 and the operator of the nonpool plant maintains books and records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available, if requested by the market administrator for verification: *Provided*, That if the classification claimed by the handler results in an amount of skim milk and butterfat claimed by all handlers transferring or diverting milk from pool plants to such nonpool plant in Class I milk, Class II milk, or Class III milk, respectively, of less than the assignable amounts remaining after the following computation, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk, Class II milk, or Class III milk, respectively, in series beginning with Class I milk, pro rata, in accordance with the total of the lower-priced classifications reported by each of such handlers:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk and used to produce products in Class II milk and Class III milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract, in series beginning with Class I milk, the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from other markets and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act; and

(iii) From the remaining amount of Class II milk and Class III milk, subtract, in series beginning with Class II milk, the skim milk and butterfat, respectively, in milk received directly from "ungraded" dairy farmers at such nonpool plant.

§ 974.44 *Responsibility of handlers.* In establishing the classification as required in §§ 974.41 and 974.43, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat should not be classified as Class I milk.

§ 974.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk, Class II milk, Class III milk and Class IV milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk used to produce and disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 974.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 974.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler during the month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class IV milk the pounds of skim milk in producer milk shrinkage assigned to Class IV milk pursuant to § 974.41 (d) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in Class II and Class III, respectively, the pounds of skim milk in products specified in Class II and Class III milk, respectively, which have been produced in a pool plant and which are reprocessed or converted to another product in the plant during the month: *Provided*, That if the amount to be subtracted pursuant to this subparagraph is in excess of the amount remaining in such class, such excess shall be subtracted from the next higher-priced available class;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from other pool plants according to the classification determined pursuant to §§ 974.41 and 974.43;

(5) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class IV milk the skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract, in series beginning with the lowest-priced use available, the amount, if any, by which the total skim milk remaining in all classes exceeds the pounds of skim milk in producer milk.

(b) Butterfat shall be allocated by the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 974.50 *Basic formula price.* The basic formula price per hundredweight of milk for the month shall be the higher of the prices as computed by the market administrator for such month pursuant to paragraphs (a) and (b) of this section:

(a) The arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3.5 cents, and multiply the difference by 4.2; and

(2) From the nonfat dry milk solids price, subtract 4 cents and multiply the difference by 8.2.

§ 974.51 *Class prices.* Subject to the provisions of §§ 974.52 and 974.53 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.10 and plus or minus a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total receipts of producer milk during the second and third preceding months by the total gross pounds of Class I milk (less ending inventory and adjusted to eliminate duplications due to interhandler transfers) for the same months, multiplying the result by 100, and rounding to the nearest integer.

(2) Compute a "net utilization percentage" by subtracting (algebraically) from the current utilization percentage the following appropriate "standard utilization percentage":

Month for which a price is being computed:	*Standard utilization percentage*
January	128
February	124
March	128
April	127
May	130
June	135
July	144
August	152
September	147
October	143
November	131
December	128

(3) Determine the amount of the supply-demand adjustment from the following table:

Net-utilization percentage:	*Supply-demand adjustment (cents per hundredweight)*
+16 or over	−38
+12 or +13	−28
+8 or +9	−20
+4 or +5	−10
+1 or −1	0
−4 or −5	+10
−8 or −9	+20
−12 or −13	+28
−16 or under	+38

Provided, That when the net utilization percentage is between the two tabulated brackets, the supply-demand adjustment shall be determined by the tabulated bracket which is adjacent to the net utilization percentage and is the same as or the nearer to the bracket used in the immediately preceding month.

(b) *Class II milk.* The price for Class II milk shall be the Class I price minus 40 cents.

(c) *Class III milk.* The price for Class III milk shall be the basic formula price, adjusted during the months of August through March, by the supply-demand adjustment as computed in paragraph (a) (3) of this section and plus the following amount for the specified month:

Month:	*Amount (dollars)*
August through March	0.60
April through July	.30

(d) *Class IV milk.* The price for Class IV milk shall be the sum of the values computed pursuant to § 974.50 (b) (1) and (2) minus 12 cents for the months of April through July and minus 7 cents for the months of August through March.

§ 974.52 *Butterfat differentials to handlers.* For each one-tenth of one percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 3.5 percent there shall be added to or subtracted from, as the case may be, the price for such Class A butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Multiply the Chicago butter price by 0.130.

(b) *Class II milk.* Multiply the Chicago butter price by 0.130.

(c) *Class III milk.* Multiply the Chicago butter price by the following factor for the specified month:

Month:	*Factor*
August through March	0.1404
April through July	.1219

(d) *Class IV milk.* Multiply the Chicago butter price by 0.120.

§ 974.53 *Location differentials to handlers.* For that producer milk which is received at a pool plant located 80 miles or more from the State Capitol in Columbus, Ohio, by the shortest hard surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of a fluid milk product and assigned to Class I or Class II milk pursuant to the proviso of this section, or otherwise classified as Class I milk or Class II milk, the prices specified in § 974.51 (a) and (b) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Ohio State Capitol (miles):	*Rate per hundredweight (cents)*
80 but less than 90	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class IV and Class III milk in the transferee plant after making the calculations prescribed in § 974.46 (a) (3), and the comparable steps in (b) for such plant, such assignment to transferrer-plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 974.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF UNIFORM PRICE

§ 974.60 *Net obligation of each handler.* The net obligation of each handler for producer milk received during the month shall be a sum of money computed as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount(s) computed by multiplying the pounds deducted from each class for such handler pursuant to § 974.46 (a) (7) and the corresponding step of (b) by the applicable class price;

(c) Subtract an amount computed as follows: Multiply the difference between the Class III and the Class IV price for skim milk by the skim milk in producer milk in excess of the skim milk classified as Class I, Class II and Class III milk (other than that used to produce condensed skim milk) in any of the months of April, May, June and July which is disposed of in such month from the pool plant of such handler in the form of condensed skim milk to a plant whose supply of skim milk and butterfat is not required to be approved as Grade A milk by a duly constituted health authority; and

(d) Add an amount computed as follows: Multiply the amount of skim milk and butterfat subtracted pursuant to the proviso in § 974.46 (a) (3) by the difference between the current month's price for the class in which such skim milk and butterfat was originally classified and the price of the class from which it is subtracted during the month;

(e) Add or subtract, as the case may be, any amount due the producer-settlement fund or the handler as a result of errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month.

§ 974.61 *Computation of uniform price.* For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 974.60 for all handlers except those who did not make payments pursuant to § 974.71 for the previous month;

(b) Subtract for each of the months of April, May, June and July an amount computed by multiplying the hundredweight of milk received from producers during the month by 35 cents;

(c) Add for each of the months of September, October, and November, 20, 30 and 30 percent, respectively, and for December the balance of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (b) of this section;

(d) Add the sum of the values of the location differentials allowable pursuant to § 974.74;

(e) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed pursuant to paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by such difference and multiply the result by the butterfat differential computed pursuant to § 974.73 times 10;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the hundredweight of producer milk; and

(h) Subtract not less than 4 cents nor more than 5 cents.

§ 974.62 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall:

(a) Notify each handler who operates a pool plant:

(1) The amount and value of his milk in each class pursuant to § 974.60;

(2) The totals of such amounts and values due the producer-settlement fund pursuant to § 974.71; and

(3) The amount to be paid by such handler pursuant to § 974.76.

(b) Notify each handler who operates a fluid milk plant, not a pool plant:

(1) The amount due the producer-settlement fund pursuant to § 974.63; and

(2) The amount to be paid by such handler pursuant to § 974.76.

§ 974.63 *Obligation of handlers operating a fluid milk plant which is a nonpool plant.* On or before the 12th day after the end of each month, each handler operating a fluid milk plant which is a nonpool plant shall pay to the market administrator for deposit in the producer-settlement fund an amount computed by multiplying the hundredweight of fluid milk products disposed of from such plant during the month on routes in the marketing area (less the hundredweight of any Class I milk received at such fluid milk plant during the month from a pool plant) by the amount by which the Class I price applicable at such plant computed pursuant to § 974.51 (a) exceeds the applicable Class IV price computed pursuant to § 974.51 (d).

PAYMENTS

§ 974.70 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 974.63 and 974.71 shall be deposited in this fund, and all payments made pursuant to § 974.72 shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 974.61 (b) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 974.72 in accordance with the requirements of § 974.61 (c).

§ 974.71 *Payments to producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 974.62 (a), less the amount of deductions authorized by each producer pursuant to § 974.72 (a) (4) and itemized on the handler's producer payroll: *Provided,* That such deductions for each individual producer shall not exceed the total value of the milk received from such producer during the month.

§ 974.72 *Payments to producers.* (a) On or before the 16th day after the end of each month, the market administrator shall make payment to each producer for milk received from him during the month by each handler from whom the appropriate payments have been received pursuant to § 974.71 at not less than the uniform price computed pursuant to § 974.61 subject to the following adjustments:

(1) The butterfat differential pursuant to § 974.73;

(2) The location differential pursuant to § 974.74;

(3) Less marketing service deductions pursuant to § 974.77 (a);

(4) Less proper deductions authorized in writing by the producer; and

(5) Adjusted for any error in making payment to such producer for past months: *Provided,* That if the balance in the producer-settlement fund not otherwise obligated is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments pro rata and shall complete such payments on or before the next date for making payments pursuant to this section following that on which such balance of payment is received.

(b) In making payments to producers pursuant to paragraph (a) of this section, the market administrator shall pay on or before the second date prior to the date payments are due to individual producers, to a cooperative association qualified under § 974.77 (b) which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such association to receive such payments.

(c) In making the payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall furnish each producer or cooperative association, as the case may be, with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(5) The net amount of payment to such producer.

§ 974.73 *Butterfat differentials to producers.* In making payment for producer milk pursuant to § 974.72, there shall be added to or subtracted from, respectively, the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 974.46;

(b) Multiply each such percentage by the butterfat differential for the respective class pursuant to § 974.52; and

(c) Add into one total the values obtained in paragraph (b) of this section and round-off such total to the nearest one-tenth cent.

§ 974.74 *Location differentials to producers.* In making payment for producer milk pursuant to § 974.72, the uniform price for all producer milk received at a pool plant located 80 miles or more by the shortest hard surfaced highway distance from the Ohio State Capitol in Columbus, as determined by the market administrator, shall be reduced by the appropriate zone differential provided in § 974.53.

§ 974.75 *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler pursuant to §§ 974.63 and 974.71 discloses payment of less than is required, the handler shall make up such payment not later than the time for making such payments next following such disclosure.

§ 974.76 *Expense of administration.* As his pro rata share of expense incurred in the maintenance and function of the office of the market administrator and in the performance of his duties, each handler shall pay to the market administrator on or before the 12th day after the end of the month, two cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to (a) all receipts at his pool plant during the month of producer milk and other source milk received in the form of a fluid milk product, and (b) all fluid milk products disposed of from a nonpool plant on routes in the marketing area.

§ 974.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, the market administrator shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 974.72 (a). Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 14th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

§ 974.78 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to § 974.63, § 974.71, § 974.72, § 974.75, § 974.76, or § 974.77 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

4. Delete § 974.91.

5. Add a new section as follows:

§ 974.93 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant meets the requirements for a pool plant pursuant to § 974.10 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Columbus, Ohio, marketing area than in the marketing area

regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Proposed by Med-O-Pure Dairy Foods, Inc.:

6. Amend § 974.3, to include the entire counties of Union, Madison, Fayette, Highland, Pickaway and Ross, all in the State of Ohio.

Proposed by Deeds Bros. Dairy:

7. Amend § 974.3 to include all of the territory in Fairfield County, Ohio.

Proposed by Borden's Moores & Ross:

8. Delete § 974.53 and substitute therefor the following:

§ 974.53 *Class III milk prices.* The minimum price per hundredweight to be paid by each handler for Class III milk shall be the basic formula price for the preceding month as computed pursuant to the provisions of this order by the market administrator, plus the amounts indicated for the months specified:

January, February, March, August and September	$0.30
April, May, June and July	.10
October, November and December	.40

Proposed by the American Jersey Cattle Club:

9. Delete § 974.76 and substitute therefor the following:

§ 974.76 *Butterfat differential.* For each month the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by subtracting from the weighted average price per hundredweight of all butterfat from producer milk in each of the milk classes the weighted average price per hundredweight of all skim milk from producer milk in each of the milk classes, and dividing the remainder by 1,000.

Proposed by the Dairy Division:

10. Make such other changes as may be required to make the marketing agreement and order in their entirety conform with any amendments thereto which may result from this hearing and consider any other suggestions for changes in the order language which may be necessary for clarification in redrafting and reissuing the entire order.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 74 Hartman Building, Room 505, 79 East State Street, Columbus 15, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washingotn 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 22d day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-3119; Filed, Apr. 25, 1958; 8:49 a. m.]

[7 CFR Part 995]

[Docket No. AO-197-5]

MILK IN NORTH CENTRAL OHIO MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lima, Ohio, on January 7, 1958, pursuant to notice thereof issued on December 18, 1957 (22 F. R. 10464).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 28, 1958 (23 F. R. 2193) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Revision of the order provisions dealing with:

(a) The classification of milk transferred between pool plants;

(b) The sharing of the Class I utilization at distributing plants with supply plants which are regular sources of milk for such distributing plants; and

(c) Computation of allowable shrinkage.

2. Expansion of the marketing area.

3. Inclusion in the order of stated location adjustments for Class I prices.

4. Provision for eligible milk quotas based on deliveries under another Federal order.

5. Reports by the market administrator to cooperative associations of the utilization of producer-members' milk and butterfat overages and shortages at pool plants supplied by such members.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Provisions for the classification of milk moved between pool plants (§ 995.43) should be amended to provide for (a) the diversion of milk between pool plants, (b) changes in the method of classifying milk transferred or diverted between pool plants, and (c) changes in the method of equalizing Class I utilization between distributing plants and supply plants which furnish such distributing plants with milk.

Proposals were considered to permit the diversion of milk between pool plants during the months of March through June. Another proposal would provide for the pooling of milk receipts and utilization at supply plants with that of distributing plants served by such plants. Arguments were made at the hearing also for the pooling of milk receipts and utilization at two or more distributing plants operated by the same handler.

The present order provides for individual plant pricing of producer milk. Milk from producers is considered as a receipt at the plant at which it is physically received. Thus, diversion of milk between plants is not recognized. Transfers of milk between distributing plants are classified as Class I milk if transferred in consumer packages and as Class II milk if transferred in the form of bulk milk to the extent available before assigning producer milk at the receiving plant to Class II.

The provisions governing the receipt and classification of milk moved between distributing plants have tended to limit somewhat the flow of milk between pool plants. Distributing plants, in some instances, serve as temporary suppliers of bulk milk for other distributing plants. Class II classification of milk transferred from a distributing plant to another distributing plant, which needs the milk to fill Class I uses, has resulted in producers at the transferring plant carrying the necessary reserve supply associated with such milk and to some extent the reserve supply for direct receipts of producer milk at the transferee-plants. At the same time, producers delivering milk directly to the transferee-plant have realized a Class I classification for substantially all of their milk deliveries. For these reasons, provision should be made for classifying bulk milk transferred between pool plants on the basis of the classification claimed by the operators of such plants, provided that the claimed classification does not result in a higher proportion of the producer milk at the transferring plant being classified as Class I milk than the producer milk at the transferee-plant. Also, the claimed classification must result in the assignment of the available Class I milk in both plants to producer milk to the fullest extent possible. These limitations on the classification of milk transferred between pool plants are necessary to protect the effectiveness of the Class I pricing plan and to promote the goals of the individual-handler pool which have been found necessary for this market.

With the above stated limitations, the proposed method of classification may be applied to the diversion of milk between pool plants. Furthermore, unlimited diversion of milk between pool plants may be permitted by providing that diversions of milk from a pool plant will be deemed to have been received by the operator of such plant at the location (for the purpose of pricing—§§ 995.50 and 995.60) of the pool plant to which it is diverted. The definition of producer milk (§ 995.12) should be changed accordingly. This change will preclude any advantages that might otherwise be gained by multiple plant operators in diverting Class I milk from a plant located in one zone to another plant in a higher priced zone. The proposed method of pricing diverted milk will remove any need to limit diversion of milk to other pool plants, in amount or to particular seasons of the year, as was proposed to safeguard the pricing plan. The recommended method will assure that each handler will pay the same Class I price for diverted milk as is paid for producer milk which is received directly from producers at the plant to which it is diverted.

With the proposed changes in the classification of milk transferred or diverted between pool plants, there is no need to provide for the pooling of receipts and utilization at distributing plants operated by the same handler. The proposed change will provide an appropriate and reasonable basis for producers to share in the Class I utilization of milk transferred between such plants.

The present order provides for the exchange of Class I utilization at distributing plants for Class II utilization at supply plants which previously qualified as pool plants and supplied such distributing plants during the immediately preceding period of September through December. The extent of such exchange is limited to the least of:

(a) The average monthly volume of Class I milk supplied to the distributing plant during the preceding period of September–December;

(b) A volume computed by applying the percentage of the Class I milk furnished by the supply plant during such period to the total Class I milk at the distributing plant during the current month; and

(c) The receipts of producer milk at the supply plant during the current month.

At the present time, there is but one supply plant under the order which regularly furnishes a distributing plant with milk. This plant, located at Bluffton, Ohio, acts as a receiving station for a distributing plant located at Mansfield, Ohio. In conjunction with the receiving station facilities at this plant, manufacturing facilities are maintained for converting reserve supplies of milk into manufactured dairy products. The Mansfield distributing plant has little or no manufacturing facilities and is engaged almost exclusively in the processing and bottling of fluid milk products. Approximately one-half of the fluid milk requirements at the Mansfield plant is procured directly from producers in the Mansfield area. During the low production season, nearly all the producer milk received at the Bluffton supply plant is moved to Mansfield where it is needed to fill the requirements for fluid disposition. In other seasons of the year, only a portion of the Bluffton milk is required to meet the bottling requirements at the Mansfield plant. Reserve supplies can be most economically marketed by processing such milk at the Bluffton plant.

Under the provisions of the present order, the amount of milk received at the Bluffton plant which could be classified as Class I milk has resulted in substantially lower blend prices to producers in the Bluffton area as compared with prices to producers delivering their milk directly to the Mansfield plant. Production and sales conditions have changed materially from those which prevailed at the time the present order provisions were formulated. Also, the number of the producers supplying the Mansfield plant has declined as producers have withdrawn from the market and transferred to other competing markets.

As a result of these changed conditions, some of the limitations on the classification of milk at supply plants were suspended during the months of July and August 1957. By October 1957, substantial differences again prevailed between the blend prices received by producers at the Bluffton and Mansfield plants. In order to reduce this difference in subsequent months, milk was moved between the Bluffton and Mansfield plants even though such movement was not necessary to fulfill Class I requirements. Such back hauling of milk is an economic waste.

The Bluffton plant serves as a regular and dependable source of Grade A milk for the Mansfield distributing plant. Such milk is needed to supply the year-around requirements at the Mansfield plant. Under the individual pool plant pricing arrangement of this order, however, it is not appropriate to pool the receipts and utilization of milk at all pool plants operated by the same handler. In order to promote equality in relative returns for milk among producers delivering their milk to supply plants with the producers at distributing plants which are regularly supplied by such supply plants, provision for exchanging Class I utilization at distributing plants for Class II utilization at supply plants should be made. The present provisions of the order which limit the amount of Class I utilization that can be assigned a supply plant (which was a pool plant and supplied milk during the immediately preceding months of September through December) to the extent that the percentage of producer milk classified as Class I milk at the supply plant shall not exceed the corresponding percentage at the distributing plant should be continued. This is necessary to assure that the blend price at a distributing plant cannot be depressed unduly by assigning Class I utilization to supply plants and also that blend prices at supply plants cannot be increased unduly at the expense of producers at the distributing plant. The handlers over-all cost of Class I milk which is processed at the distributing plant should not be altered by this exchange. The present method of computing the handler's obligation to producers as provided by the present order, therefore, should be continued. This will preserve the advantage accruing to producers of direct shipped milk because of their more favorable location in relation to the distributing plant and will promote also the most efficient use of marketing resources. The proposed changes in the method of assigning Class I utilization to producer receipts at supply plants will not change the cost of milk to the handler. A handler assigning Class I milk to a supply plant over and above the amount of milk moved to the distributing plant will have the same cost of milk as he would have had if such Class I milk were received directly from producers at the distributing plant.

A proposal was made to include producer milk diverted from a pool plant to another pool plant with receipts at the second pool plant for the purpose of computing the maximum allowable shrinkage in Class II milk. Adoption of this proposal will not change the total allowable shrinkage on producer milk. The shrinkage allowance will accrue to the plant where the milk is physically received. This is reasonable and conforms with the recommended change to permit the diversion of milk between pool plants. The proposal should be adopted.

2. The definition of the marketing area should not be changed. A proposal was made to expand the present marketing area to include the cities of Bellefontaine and Kenton, Ohio. The proponent, who operates a plant in Marion, Ohio, sells milk in both cities. Sales also are made here by other handlers whose plants are subject to regulation. It was estimated that between 30 and 40 percent of the milk sold in these cities is supplied by regulated handlers and 60 to 70 percent by unregulated plants. The operators of these unregulated plants sell milk outside of Kenton and Bellefontaine in competition with sales from other unregulated plants. Regulated handlers have not experienced a loss of sales in these areas. There was no evidence of disruptive competitive practices by unregulated distributors. Regulated handlers have increased or at least maintained their respective proportions of total sales. The proponent failed to present any evidence which would indicate that disorderly marketing conditions would prevail if the marketing area were not extended. Producers who supply milk to regulated handlers who supply the Kenton and Bellefontaine markets favored the extension of regulation. However, there was no evidence to indicate that the proposed extension of the marketing area is necessary to promote or maintain orderly marketing of such producers' milk. The proposal should be denied.

3. The location adjustment provisions should not be changed.

The present order provides for establishing the Class I price at pool plants under the North Central Ohio marketing area by applying the minimum Class I price f. o. b. the Cleveland marketing area (Order No. 75) less the location adjustment rate on Class I milk which would be applicable at a plant under Order No. 75 at the same location as the location of the pool plant under the North Central Ohio order. It was proposed that stated location adjustments be included in the North Central Ohio order for adjusting the Cleveland Class I price. The primary reason for proposing stated adjustments was to "make definite and certain the exact amount which should be deducted as a location adjustment and will permit handlers to know what the Class I price should be * * * so that any one working with Order No. 95 will not have to refer to Order No. 75 to determine location differentials."

The market administrator announces the Class I price which is applicable at each pool plant each month. The location adjustment applied in determining the Class I price at each pool plant has been the same each month since the order was issued July 1, 1957 and will continue the same month after month unless the Cleveland location adjustments are changed by amendment of that order. Such an amendment would require a public hearing and official notice as prescribed by the regulations governing such rule making procedures.

The need for maintaining close alignment between minimum Class I prices in the North Central Ohio area and Class I prices under the Cleveland order was discussed previously in the Secretary's decision of May 17, 1957 (22 F. R. 3567) of which official notice is hereby taken. For these reasons, no change should be made in the method of applying location adjustments at this time.

4. Provision should be made for assigning "eligible milk quotas" to producers who transfer to the North Central Ohio market from other Federal order markets.

A proposal was made which would provide for the establishment of eligible milk quotas on the basis of herd production records regardless of where the milk was shipped for the period July through December of each year. The establishment of milk quotas on the basis of herd production records is administratively impracticable. No evidence was given supporting a change in the quota forming period from October through December. The proponent's testimony was directed primarily to the need for assignment of quotas to producers who transfer from another Federal order market to the North Central Ohio market following the quota forming period. Records of deliveries under other orders are available to the market administrator from the records of the respective other market administrators. Under such circumstances, it is feasible to provide for the assignment of quotas to such producers. The order should be amended accordingly.

5. The market administrator should report to each cooperative association the total receipts and class utilization of producer-members' milk.

Information on the class utilization of producer-member milk is helpful to the cooperative association in furnishing milk to pool plants in accordance with their needs for Class I milk. This will tend to promote more orderly marketing of producer milk. Under the individual-handler pool, close estimates of utilization percentages can be derived for each pool plant from the market administrator's reports on class and blend prices. However, such derived figures are subject to error as a result of audit adjustments or variation in the average tests of milk in each class which are reflected in blend prices. It is desirable, therefore, to supply the association with the actual utilization percentages. For the purpose of this report the class utilizations at a pool plant should be prorated to member-milk in accordance with the relationship that the receipts from producer-members is to total receipts of producer milk at the pool plant.

A proposal was considered which would provide reports to a cooperative association of butterfat overages or shortages in producer-member milk at pool plants supplied by the cooperative. The cooperative associations claimed that the reporting of butterfat overages or shortages of member milk would assist them in evaluating their program for checking the weights and butterfat content of producer-members' milk. Butterfat shortages or overages may result from causes not related to the testing of producer milk, including errors or oversights made in reporting by handlers. The order provides for correction of any errors in such reports at a later date through the market administrator's auditing program. Reports to cooperatives necessarily would have to be based on the unaudited reports submitted by the handler to be of timely value to the cooperative. For these reasons, the application of such reports are limited and they could be the cause of misunderstanding. The proposal should not be adopted at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions, are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Central Ohio Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Central Ohio Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions:

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the North Central Ohio marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 22d day of April 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the North Central Ohio Marketing Area

§ 995.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Central Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 995.11 (b) delete "to a nonpool plant".

2. Delete § 995.12 and substitute therefor the following:

§ 995.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk of a producer which is: (a) Received at a pool plant directly from such producer or diverted from a pool plant by the operator of such plant to another pool plant, and (b) diverted during the months of January through September from a pool plant by the operator of such plant or by a cooperative association for its account to a nonpool plant for not more than one-third of the days of delivery for such producer during any month in such period, except the months of March through June: *Provided,* That milk diverted pursuant to paragraphs (a) and (b) of this section shall be deemed to have been received by the diverting handler at the pool plant from which it is diverted, except that for the purpose of §§ 995.50 and 995.60, milk diverted pursuant to paragraph (a) of this section shall be deemed to have been received by the diverting handler at a location of the plant to which it is diverted.

3. At the end of § 995.22 add a new paragraph (l) as follows:

(l) On or before the 15th day after the end of each month, upon request by a cooperative association qualifying pursuant to § 995.74 (b), report to such cooperative association the classification of its producer-member milk at each pool plant for such month.

4. Delete § 995.42 and substitute therefor the following:

§ 995.42 *Shrinkage.* The market administrator shall allocate shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at such plant;

(b) To the producer milk at such plant, add the producer milk diverted to such plant and subtract producer milk diverted from such plant to another pool plant; and

(c) Prorate the amount computed pursuant to paragraph (a) of this section between the receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (b) of this section and in other source milk received at such plant in the form of a fluid milk product in bulk.

5. Delete § 995.43 and substitute therefor the following:

§ 995.43 *Transfers.* Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product in consumer packages to another pool plant;

(b) As mutually claimed by the operators of both plants in their reports submitted pursuant to § 995.30, if transferred or diverted in the form of a fluid milk product in bulk to another pool plant and:

(1) The transferee-plant has an equivalent amount of skim milk and butterfat, respectively, remaining in the claimed classification, following the subtraction of other source milk pursuant to § 995.46 (a) (3) and the corresponding step of § 995.46 (b) and the milk classified and assigned to supply plants pursuant to paragraph (d) of this section;

(2) The amount of transferred or diverted milk claimed as Class I milk during the month does not result in a higher proportion of the total producer milk at the transferrer-plant being classified as Class I milk than the proportion classified as Class I milk at the transferee-plant during the month; and

(3) The claimed classification results in the assignment of the maximum available Class I utilization of skim milk and butterfat, respectively, to the producer milk at both plants.

(c) As Class I milk if transferred or diverted to a nonpool plant in the form of milk, skim milk or cream in bulk unless:

(1) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to § 995.30 for the month;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of vertification of such indicated utilization; and

(3) An equivalent amount of skim milk and butterfat was used in products in Class II milk at such nonpool plant;

(d) A handler operating a distributing plant may assign Class I milk to a supply plant(s) which was a pool plant and which transferred milk to such distributing plant during at least three of the months of September through December, immediately preceding, even though such milk is not transferred physically to such distributing plant during the current month: *Provided,* That the pounds of Class I milk to be designated as Class II milk in the distributing plant and the corresponding pounds of Class II milk to be designated as Class I milk in the supply plant for the month shall not result in a higher proportion of the total producer milk at such supply plant being classified as Class I milk than the proportion classified as Class I milk at such distributing plant during such month; and

(e) As Class I milk if transferred to a producer-handler in the form of a fluid milk product.

6. At the end of § 995.64, change the period to a colon and add the following: "*Provided,* That in the case of a producer whose total milk deliveries are subject to the provisions of this part during the current month and whose milk deliveries were priced pursuant to another order issued pursuant to the Act during the preceding period in which quotas are established pursuant to this part, the market administrator shall assign a daily quota in accordance with the foregoing provisions of this section on the basis of such deliveries under such other order during such period."

[F. R. Doc. 58-3120; Filed, Apr. 25, 1958; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

ESTABLISHMENT OF ZERO TOLERANCES FOR ARAMITE (2-(*p*-*tert*-BUTYLPHENOXY)-ISOPROPYL-2-CHLOROETHYL SULFITE)

NOTICE OF PROPOSED RULE MAKING

On February 25, 1955, a notice was published in the FEDERAL REGISTER (20 F. R. 1177) stating that a petition had been filed by United States Rubber Company, New York, New York, requesting the establishment of tolerances of 2 parts per million for residues of 2-(*p*-*tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite, a miticide known under the trade name Aramite, in or on certain fruits and vegetables and tolerances of 5 parts per million in or on certain other raw agricultural commodities.

Following consideration of the petition, the Food and Drug Administration concluded, on the basis of the toxicity data presented, that only zero tolerances should be established. Upon being informed of this conclusion, the petitioner withdrew the petition and substituted therefor a petition requesting tolerances for Aramite of 1 part per million in or on the same commodities. The petitioner also requested that the substituted petition be referred to an advisory committee.

An advisory committee to consider Aramite was appointed in accordance with the Federal Food, Drug, and Cosmetic Act (sec. 408 (g), 68 Stat. 514; 21 U. S. C. 346a (g)). The petition and other data before the Food and Drug Administration were referred to the committee with a request that it make a report and recommendation thereon.

The committee recommended:

1. That a residue tolerance of 1 part per million be established for Aramite under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act.

2. That the petitioner be advised to secure acceptable data on the chronic toxicity and carcinogenicity of Aramite at feeding levels between zero and 500 parts per million in the mouse, rat, and dog.

3. That the entire problem be reviewed by this or another committee in 1957, when further laboratory and other data are available.

On the basis of these recommendations and assurance from the petitioner that the recommended feeding studies would be made, an order was published in the FEDERAL REGISTER of September 30, 1955 (20 F. R. 7301), establishing tolerances of 1 part per million for residues of Aramite (2-(*p-tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite) on certain of the specified raw agricultural commodities and a zero tolerance on certain forage crops.

The data provided by the additional feeding tests now reported by the petitioner indicate that 2-(*p-tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite at feeding levels of 400 to 500 parts per million tended to cause liver tumors in rats and produced liver damage and adenocarcinoma in the extrahepatic bile ducts of dogs.

On the basis of the entire data now available from feeding tests on laboratory animals, scientists of the Food and Drug Administration believe that Aramite residues should not be tolerated on food crops. If the manufacturer of the pesticide does not agree, he may request, after this notice is published, that the matter be referred to an advisory committee.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U. S. C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner, on his own initiative, that 21 CFR 120.107 be revoked and a new § 120.107, reading as follows, be promulgated:

§ 120.107 *Tolerances for residues of Aramite.* A tolerance of zero is established for residues of Aramite (2-(*p-tert*-butylphenoxy) - isopropyl-2-chloroethyl sulfite) in or on each of the following raw agricultural commodities: Alfalfa, apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, soybeans (whole plant), strawberries, sweet corn (kernels) and forage thereof, tomatoes, watermelons.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing 2-(*p-tert*-butylphenoxy) - isopropyl - 2 - chloroethyl sulfite may request within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: April 22, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3122; Filed, Apr. 25, 1958; 8:50 a. m.]

Saint Elizabeths Hospital

[42 CFR Part 304]

VOLUNTARY PATIENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), notice is hereby given that the Superintendent of Saint Elizabeths Hospital, with the approval of the Secretary of Health, Education, and Welfare, under the authority of section 4, 62 Stat. 572, 32 D. C. Code sec. 415, proposes to amend 42 CFR Part 304 as indicated below. Interested persons may submit written data, views, or arguments relating to the proposed amendment to the Superintendent, Saint Elizabeths Hospital, Washington 25, D. C. All relevant material received not later than thirty days after the publication of this notice will be considered.

Section 304.3 (a) would be amended to read as follows:

(a) A voluntary patient may leave the Hospital in trial visit status for a period not exceeding six months upon approval of the Superintendent and may be permitted to return as a voluntary patient within that period on the basis of the original certification.

Dated: April 4, 1958.

[SEAL] WINFRED OVERHOLSER,
Superintendent,
Saint Elizabeths Hospital.

Approved: April 22, 1958.

E. L. RICHARDSON,
Acting Secretary of Health,
Education, and Welfare.

[F. R. Doc. 58-3125; Filed, Apr. 25, 1958; 8:51 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 9221]

CAPITAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF CANCELLATION OF HEARING

In the matter of the unrealistic schedules filed and published by Capital Airlines, Inc.; Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding now assigned for June 2, 1958, is canceled.

Dated at Washington, D. C., April 22, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3129; Filed, Apr. 25, 1958; 8:52 a. m.]

[Docket No. 9221]

CAPITAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF PREHEARING CONFERENCE

In the matter of the unrealistic schedules filed and published by Capital Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on June 2, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., April 22, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3130; Filed, Apr. 25, 1958; 8:52 a. m.]

POST OFFICE DEPARTMENT

TORT CLAIMS

DECENTRALIZATION

Effective May 1, 1958, the function of examination, adjudication, and payment of tort claims for less than $100 will be transferred from the Office of the General Counsel and the Bureau of Finance to Regional Offices. The Office of the General Counsel will retain responsibility for establishment, modification, and supervision of standards for adjudication of tort claims. Claims for $100 or more will continue to be examined, adjudicated, and paid at the Department. Where several claims arising from a single accident are presented, and any one of them is for $100 or more, all of the claims arising from that accident shall be submitted to the Department for examination, adjudication, and payment.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3112; Filed, Apr. 25, 1958; 8:48 a. m.]

RESPONSIBILITY FOR AUTHORIZING CLOSING OF POST OFFICE BOXES IN CERTAIN CASES

Under authority granted by Post Office Department Headquarters Circular No. 86, the General Counsel will authorize the closing of post office boxes when used for the purpose of deception, for immoral or improper purposes, or the conduct of a fraudulent or lottery business.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3113; Filed, Apr. 25, 1958; 8:48 a. m.]

REORGANIZATION AND TRANSFER OF FUNCTIONS IN OFFICES OF POSTMASTER GENERAL, DEPUTY POSTMASTER GENERAL AND GENERAL COUNSEL

The following are excerpts from Headquarters Circular No. 87, of the Post Office Department, dated April 24, 1958:

I. *Purpose.* The purpose of this circular is to effect reorganization and transfer of the judicial functions vested by law in the Postmaster General.

II. *Establishment of a Judicial Officer.* There is established in the Office of the Postmaster General a Judicial Officer for the Post Office Department.

III. *Duties of the Judicial Officer.* (a) Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066) and of Postmaster General Order No. 55507 dated January 13, 1954 (19 F. R. 361), the Judicial Officer shall have

1. Authority to execute the final decision and order in his own name in proceedings authorized by Sections 224, 232, 255, 256, 257, 259, 259a and 732 of Title 39 United States Code and Sections 1461 and 1463 of Title 18 or the Rules of Practice and procedures of the Department. This shall include proceedings instituted prior to the date of this order.

2. Authority to modify, suspend or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority and duties conferred upon the Postmaster General by the Sections of Title 39 U. S. Code set forth in paragraph 1 above.

3. Authority to revise or amend the Post Office Department Rules of Practice governing proceedings under the Administrative Procedure Act (5 U. S. Code 1001-1011).

4. Authority to delegate authority to and name an Acting Judicial Officer in his absence and such other authority as the Postmaster General shall delegate to him.

(b) Decisions and orders of the Judicial Officer made under the authority of this order shall be the final departmental decision and order except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

IV. *Hearing Examiners and Docket Clerk.* The Division of Hearing Examiners and the Docket Clerk are hereby transferred from the jurisdiction of the Executive Assistant to the Deputy Postmaster General to the jurisdiction of the Judicial Officer for the Post Office Department.

V. *General Counsel.* The General Counsel is responsible for the initiation and prosecution of proceedings brought under the Rules of Practice established by the Post Office Department.

VI. *Prior Orders and Regulations.* All prior orders and delegations of authority inconsistent with this delegation are hereby revoked. * * *

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3162; Filed, Apr. 25, 1958; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 41]

CERTAIN LAND TRANSACTIONS, CROW RESERVATION, MONTANA, AND COLVILLE AND YAKIMA RESERVATIONS, WASHINGTON

REDELEGATION OF AUTHORITY

Order No. 551, as amended, is further amended by addition of a new section under the heading "Functions Relating to Indian Lands and Minerals" to read as follows:

SEC. 32. *Certain land transactions, Crow Reservation, Montana, and Colville and Yakima Reservations, Washington.* (a) The execution of orders transferring interests in tribal and individually owned lands on the Crow Indian Reservation, Montana, in accordance with the act of July 1, 1948 (62 Stat. 1214).

(b) The approval of sales and exchanges of tribal lands of the Confederated Tribes of the Colville Reservation, Washington, and the execution of deeds therefor, and the acquisition of lands for such Tribes pursuant to the act of July 24, 1956 (70 Stat. 626).

(c) The approval of sales and exchanges of tribal lands of the Yakima Tribes of the Yakima Indian Reservation, Washington, and the execution of deeds therefor, and the acquisition of lands for such Tribes pursuant to the act of July 28, 1955 (69 Stat. 392).

GLENN L. EMMONS,
Commissioner.

APRIL 21, 1958.

[F. R. Doc. 58-3103; Filed, Apr. 25, 1958; 8:46 a. m.]

Geological Survey

PUTAH CREEK AND PRINCIPAL TRIBUTARIES, CALIFORNIA

POWER SITE CLASSIFICATION NO. 444

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 9 N., R. 4 W.,
  Sec. 4, lot 8;
  Sec. 5, lots 11, 12, and 13.
T. 10 N., R. 4 W.,
  Sec. 31, S½ lot 7, S½ lot 8, and SW¼SE¼.
T. 10 N., R. 5 W.,
  Sec. 23, N½SW¼, and NW¼SE¼;
  Sec. 25, lots 3 and 4, NE¼SW¼, and W½ SE¼;
  Sec. 26, SE¼NE¼.
T. 11 N., R. 5 W.,
  Sec. 18, lot 15;
  Sec. 20, SW¼NW¼;
  Sec. 27, lot 5;
  Sec. 28, NE¼SE¼.
T. 11 N., R. 6 W.,
  Sec. 10, NE¼SE¼;
  Sec. 24, N½NE¼.
T. 12 N., R. 6 W.,
  Sec. 28, SE¼SE¼;
  Sec. 35, NE¼SW¼.

The area described aggregates 917.89 acres.

Dated: April 21, 1958.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 58-3102; Filed, Apr. 25, 1958; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Byproduct Material License 42-9000-2]

RADIATION PRODUCTS CO.

AMENDMENT TO ORDER

In the matter of Dalton L. James doing business as Radiation Products Company, and Radiation Products Co., a corporation, Respondent.

It appears that: a. By order of the Commission dated February 7, 1958, Radiation Products Company, holder of byproduct license No. 42-9000-2, issued February 28, 1957, as a renewal of a preexisting license, was ordered to refrain from transferring, delivering, or disposing of, without specific written authority from the Commission, any byproduct material in its possession, from receiving into its possession any additional byproduct material, and from encapsulating or otherwise using any byproduct material except for purposes of safe storage of such material; and was directed to show cause at a hearing to be held in Dallas, Texas, on February 24, 1958, why its license should not be suspended or revoked. The basis for this action was an investigation by AEC disclosing certain unlawful transfers of byproduct material by or on behalf of Radiation Products Company, and other violations of the Atomic Energy Act and regulations.

b. Respondent filed with the Atomic Energy Commission an answer dated February 13, 1958, to which was attached a detailed statement given on February 12, 1958, to AEC representatives by Dalton L. James, proprietor of Radiation Products Company and president of Radiation Products Co., a corporation. The answer states that respondent does not intend to appear and give evidence at the scheduled hearing other than this written statement, and waives a hearing if AEC feels it can take action on the basis of the statement. A modification of the existing temporary suspension was requested to complete a transfer of certain byproduct material to Temco Aircraft Corporation of Grand Prairie, Texas.

c. Respondent's written statement of February 12, 1958, in brief, admits, among other things, two transfers of Cobalt-60 sources in excess of 10 microcuries to persons unlicensed to possess such byproduct material, and laxity in record keeping and use of regulation signs and labels. The statement, however, offers explanation in the case of the unlawful transfers, setting forth circumstances at the time of transfer which respondent apparently feels shows no wilful intent to violate the law and regulations. In the case of the other violations, respondent states a willingness and a desire to take corrective action.

d. The license which has been temporarily suspended by its own limitation, expired February 28, 1958. No request for a renewal or for a new license has been received by the AEC. The license was issued to Radiation Products Company which was a trade name used by Dalton L. James, doing business as Radiation Products Company. James incorporated the business on or about December 30, 1957, under the name Radiation Products Co., and is the president of the corporation. Possession and use of the byproduct materials under the license was transferred to or assumed by the corporation although no application for a transfer of the license, or for a new license, to the corporation was requested, and none was issued by the AEC.

e. In view of respondent's answer and statement conceding violations of the Atomic Energy Act and regulations, although urging mitigating circumstances in the case of some of the violations, and expressing an intention not to appear at the hearing and requesting that the hearing be dispensed with; and because of the necessity for study of the statement along with AEC field reports, the hearing scheduled for February 24, 1958, was postponed and respondent notified by telegram dated February 21, 1958. Respondent's request for a modification of the temporary suspension in order to complete a transfer to Temco Aircraft Corporation (see paragraph b) was allowed by letter to James from the Director of the Division of Licensing and Regulation, dated February 14, 1958.

f. Upon further study and investigation, AEC regards respondent's written statement of February 12, 1958, to be incomplete in its discussion, admissions, or explanation of violations of law and regulations and regards respondent's conduct since the issuance of the suspension order of February 7, 1958, to be in violation of that order. Specifically, AEC alleges, in addition to previous allegations:

(1) In or about January 1958, respondent furnished 4 sources of Cobalt-60, of approximately 200 millicuries each, to Thomas D. Sparks, who did not have and does not have an AEC license;

(2) In 1957, respondent furnished 1 source of Cobalt-60, of approximately 200 millicuries, to Thomas D. Sparks, who did not have and does not have an AEC license;

(3) In the period approximately from June 1956 through November 1957, respondent engaged in, and employed others on his behalf to engage in, the performance of radiography with licensed byproduct material on the premises of Temco Aircraft Corporation, and of other persons, without a current license to perform such work or to do more than receive, possess, and use licensed byproduct material for encapsulation and re-distribution to AEC licensees.

(4) Respondent has not applied for and Radiation Products Co., a corporation, as successor to Dalton L. James doing business as Radiation Products Company, does not have a license or approval of AEC to possess or use byproduct material now in its possession.

(5) On or about February 23, 1958, and March 10, 1958, on the premises of the Texas Electric Service Company, Monahans, Texas, and on or about February 25, 1958, on the premises of the North Texas Tank Company, Denton, Texas, Dalton L. James engaged in the performance of radiography with two sources of cobalt-60 of approximately 250–300 millicuries each, without any license to so use the byproduct material and contrary to the command of the order of February 7, 1958, not to use any byproduct material and to maintain possession of byproduct material on hand only for purposes of safe storage of such material. On or about March 23, 1958, said James turned over to an AEC representative two cobalt-60 sources he was preparing to use in further radiographic work.

Therefore, it is ordered, That: 1. The caption of this matter is amended to read "In the Matter of Dalton L. James doing business as Radiation Products Company, and Radiation Products Co., a corporation, Respondent."

2. Except as hereinafter provided in paragraph 4, within twenty days after receipt of this order by respondent, AEC will enter the following final order:

A. License No. 42–9000–2 is revoked effective February 7, 1958, except for the transaction which was allowed by the modification of February 14, 1958, and the provisions of paragraph B following.

B. For purposes of effecting a lawful transfer or disposal of the byproduct material now in the possession of respondent or held for him in or about Dallas, Texas, by federal authorities, respondent is authorized to retain in his possession or receive back such material for a period of fifteen days from the effective date of the final order, and if the lawful transfer or disposal of all of such material is not completed in that time, the remaining material shall be removed in AEC containers without cost to respondent to the AEC Albuquerque Operations Office at Albuquerque, New Mexico, to be there retained pending written instructions from the respondent for a lawful transfer or disposal of such material, provided that the transfer or disposal from the Albuquerque office shall be without expense to the AEC. If said remaining material is not removed from AEC custody within 180 days from date of receipt by AEC, a reasonable storage fee not to exceed 75 cents per day shall be charged to the licensee, of which charge he will be informed.

3. Except as hereinafter provided in paragraph 4, in addition to entering the foregoing final order, AEC will enter the following finding:

In view of the fact that license No. 42–9000–2 was issued for a term of one year and expired by its own limitation on February 28, 1958, AEC finds that if said license had had a full term of one year to run the violations of the license and of the suspension order committed by the respondent would have warranted a revocation of the license embracing the full one year period.

4. In view of respondent's desire not to appear at a hearing and that one not be held, respondent may, if he chooses, submit within fifteen days after receipt of this order, a written statement in further explanation of the additional allegations in paragraph f. above and any reasons why the final order proposed in paragraph 2 above, and the finding proposed in paragraph 3 above, should not be adopted or should be different than proposed. If respondent chooses to contest the additional allegations or proposed final order and finding, he may request a hearing, in which case the entry of the final order and finding shall be stayed and the matter set down for hearing on notice to respondent. Any such statement or request should be addressed to H. L. Price, Director of the Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D. C.

5. Notwithstanding that byproduct license No. 42–9000–2 expired February 28, 1958, respondent is authorized and directed to maintain custody of the byproduct material in his possession but only under the terms and for the purposes specified in the order of February 7, 1958, as modified by the letter of February 14, 1953, until further order of the Commission.

6. In all other respects, except as modified by the letter of February 14, 1958 and telegram of February 21, 1958, the order of February 7, 1958 shall remain in effect.

Signed and dated at Germantown, Md., April 18, 1958, at 4:00 p. m.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3098; Filed, Apr. 25, 1958; 8:45 a. m.]

[Docket No. 50-71]

ACF Industries, Inc.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission (hereinafter "the Commission") proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after filing of this notice with the Federal Register Division, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to Section 104 (c) of the Atomic Energy Act of 1954 (hereinafter "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and findings by the Commission that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of Sweden; and (c) the issuance of an export license to ACF Industries, Incorporated, will not be inimical to the common defense and security and to the health and safety of the public, the Commission will issue a license to ACF Industries, Incorporated, 30 Church Street, New York, New York, authorizing the export of a 30,000 kilowatt, tank-type, materials testing and research reactor described in the Corporation's license application and amendments to the application filed with the Commission on June 18, 1957, January 23, 1958, and March 31, 1958. The reactor is to be exported to Aktiebolaget Atomenergi, Studsvik Administration, Tystberga, Sweden.

2. The license will be subject to applicable provisions of the Atomic Energy Act of 1954, as amended, and of rules, regulations and orders issued by the Commission thereunder.

3. The license will be effective as of the date of issuance thereof and shall expire on December 31, 1958, unless sooner terminated.

In its review of applications for licenses, sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

Dated at Germantown, Md., this 18th day of April 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3099; Filed, Apr. 25, 1958; 8:45 a. m.]

[Docket No. 50-99]

Babcock & Wilcox Co.

NOTICE OF APPLICATION FOR CONSTRUCTION PERMIT

Please take notice that The Babcock & Wilcox Company, 161 East 42d Street, New York 17, New York, under section 104c of the Atomic Energy Act of 1954, filed an application dated March 27, 1958 for a permit to construct a research reactor at Lynchburg, Virginia. The proposed reactor has been designated by the company as the "Pool Test Reactor". It will be of the swimming pool type and will be designed to operate at a steady power of 10 kilowatts, with occasional short periods of operation at 200 kilowatts. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 18th day of April 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3124; Filed, Apr. 25, 1958; 8:51 a. m.]

[Docket No. 50-101]

Nuclear Development Corporation of America

NOTICE OF APPLICATION FOR CONSTRUCTION PERMIT

Please take notice that Nuclear Development Corporation of America, 5 New Street, White Plains, New York, under section 104c of the Atomic Energy Act of 1954, filed an application dated April 2, 1958, for a permit to construct a low power (five watt thermal) research reactor. The reactor is to be constructed in the corporation's Critical Experiments Facility at Pawling, New York. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 18th day of April 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3100; Filed, Apr. 25, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6814]

Wisconsin Michigan Power Co. and Wisconsin Public Service Corp.

NOTICE OF APPLICATION

April 22, 1958.

Take notice that on April 9, 1958, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Wisconsin Michigan Power Company of Milwaukee, Wisconsin (hereinafter referred to as "Applicant A") and Wisconsin Public Service Corporation of Milwaukee, Wisconsin (hereinafter referred to as "Applicant B"). Applicant A is incorporated under the laws of the State of Wisconsin and doing business in the States of Wisconsin and Michigan. Applicant B is incorporated under the laws of the State of Wisconsin and doing business in the States of Wisconsin and Michigan. Both Applicants are engaged in the business of generating, transmitting and distributing electric power. Applicants seek an order authorizing the contractual joint use of certain existing and proposed transmission facilities in the vicinity of Green Bay and De Pere, Wisconsin. Applicants state that the mutual operating advantages resulting from said joint use of facilities adequately compensate each Applicant, and therefore no consideration will be paid to either party by the other. The proposed transaction will have no effect upon any contract of either Applicant for the purchase, sale or interchange of electric energy.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 12th day of May 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3107; Filed, Apr. 25, 1958; 8:47 a. m.]

[Docket No. 8969 etc.]

Texas Co. et al.

NOTICE OF CONSOLIDATION OF PROCEEDINGS

April 22, 1958.

In the matters of the Texas Company and the Texas Company (Operator) et al.; Docket Nos. G-8969, G-9161, G-9576, G-9593, G-9594, G-9595, G-9596, G-9609, G-10884, G-11321, G-11322, G-11323, G-11324, G-11333, G-11391, G-11710, G-12207, G-12506, G-12635, G-13065, G-13155, G-13162, G-13190, G-13346, G-13433, G-13434, G-13435, G-13466, G-13579, G-13735, G-13924, G-14062, G-14096, G-14248, G-14251.

The proceedings in the matters of the Texas Company and the Texas Company (Operator) et al., Docket Nos. G-8969, G-9161, G-9576, G-9593, G-9596, G-9609, G-10884, G-11321, G-11322, G-11323, G-11324, G-11333, and G-11391 were consolidated for hearing by Notice of Consolidation issued February 27, 1957. Similar proceedings in Docket Nos. G-9594, G-9595 and G-11710 were consolidated by like notice issued March 4, 1957; and in Docket Nos. G-12207, G-12506 and G-12635 by like notice issued July 3, 1957. All such proceedings relate to proposed changes in rates which have been suspended by the Commission, with provision for public hearings thereon. Hearings in the consolidated proceedings have been held from time to time commencing June 24, 1957, and were on March 17, 1958 adjourned to recommence on July 21, 1958.

The proceedings in the matters of the Texas Company and The Texas Company (Operator) et al, Docket Nos. G-13065, G-13155, G-13162, G-13190, G-13346, G-13433, G-13434, G-13435, G-13466, G-13579, G-13735, G-13924, G-14062, G-14096, G-14248 and G-14251 also relate to proposed changes in rates which have been suspended by the Commission, with provision for public hearings thereon, and should be heard on the consolidated record heretofore provided for, to the end that they may be disposed of as promptly as possible.

Take notice that the proceedings listed in the last paragraph above will, therefore, be heard on the consolidated record heretofore provided for.

Take further notice that pursuant to the prior orders of the Commission, sections 4 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing will be held commencing on July 21, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in the proceedings hereby consolidated for hearing, as well as the proceedings heretofore so consolidated, all as above set forth.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3108; Filed, Apr. 25, 1958; 8:47 a. m.]

[Docket No. G-12795]

AMERICAN METAL CLIMAX, INC., ET AL.

ORDER AMENDING ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 22, 1958.

On August 1, 1956, American Metal Climax, Inc. (Operator) et al.[1] (American Metal), tendered for filing a contract dated March 29, 1956, for the sale to Pacific Northwest Pipeline Corporation of natural gas from the Dakota Sandstone, Bar-X Field, Grand County, Utah, and Mesa County, Colorado, at a rate of 10 cents per Mcf. The contract was accepted for filing and designated as American Metal's FPC Gas Rate Schedule No. 1. The sale from the Dakota Sandstone was authorized by certificate issued March 21, 1957, in Docket No. G-10842.

On May 27, 1957, American Metal tendered for filing a renegotiated contract with Pacific Northwest, dated April 29, 1957, as amended, providing for the sale of natural gas from all formations underlying the acreage included in the original contract and increasing the rate to 12 cents per Mcf. The renegotiated contract, a letter providing for modification or cancellation of the original contract, and the notice of change were designated as American Metal's FPC Gas Rate Schedule No. 2, and Supplement Nos. 1 and 2 thereto, respectively. American Metal did not seek certificate authorization for the sale of gas from the additional formations dedicated under its FPC Gas Rate Schedule No. 2. By order issued hereon on June 26, 1957, American Metal's FPC Gas Rate Schedule No. 2, and Supplement Nos. 1 and 2 thereto, were suspended until November 27, 1957, and until such further time as they were made effective in the manner prescribed by the Natural Gas Act.

Subsequently, American Metal tendered for filing the same renegotiated contract of April 29, 1957, as amended, as a separate rate schedule for the sale of natural gas to Pacific Northwest from all formations underlying the acreage, except that from the Dakota Sandstone. It represents that the filing of May 27, 1957, pertained only to the increased rate for the sale of gas from the Dakota Sandstone. Based on such representation, the Commission accepted for filing the contract of April 29, 1957, as American Metal's FPC Gas Rate Schedule No. 3 applicable to sales of natural gas from all formations underlying the acreage included in such contract, except those from the Dakota Sandstone. The Commission also affirmed the temporary authorization granted to American Metal to make these additional sales as heretofore granted in Docket No. G-13765.

The Commission finds: It is appropriate and in the public interest that there should be excluded from this proceeding the sale of natural gas produced from all formations underlying the acreage set forth in American Metal's FPC Gas Rate Schedule No. 2, except that from the Dakota Sandstone.

The Commission orders: The "Order For Hearing and Suspending Proposed Changes in Rates", issued June 26, 1957, in this proceeding, is hereby amended so as to exclude therefrom the sale of natural gas produced from all formations underlying the acreage set forth in American Metal's FPC Gas Rate Schedule No. 2, except that from the Dakota Sandstone.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3111; Filed, Apr. 25, 1958; 8:48 a. m.]

[Docket No. G-13258]

SOUTHERN NATURAL GAS CO.

ORDER ACCEPTING REVISED TARIFF FILING, PROVIDING FOR HEARING AND TERMINATING PROCEEDING IN PART

APRIL 18, 1958.

Southern Natural Gas Company (Southern), on August 14, 1957, tendered for filing its FPC Gas Tariff, Fourth Revised Volume No. 1, proposed to become effective September 14, 1957, in supersession of Third Revised Volume No. 1. Southern's Volume No. 1 is applicable to sales from its pipeline system for resale for ultimate public consumption. The tendered filing proposed a general increase in rates of $18,174,648, or 33.5 percent, based upon adjusted sales for the year ended April 30, 1957.

By order issued September 12, 1957, in Docket No. G-13258, the Commission provided for a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's proposed FPC Gas Tariff, Fourth Revised Volume No. 1, as tendered for filing on August 14, 1957. And, pending such hearing and decision thereon, the Commission suspended and deferred the use of such proposed revised tariff until February 14, 1958, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act. No hearings have been held in this proceeding.

On March 31, 1958, Southern tendered for filing its proposed FPC Gas Tariff, Fifth Revised Volume No. 1, intended to supersede the previously proposed Fourth Revised Volume No. 1, and proposed to be made effective as of April 16, 1958. The newly tendered proposed filing would increase Southern's revenues from jurisdictional sales by $11,022,471, or 20.3 percent, based upon adjusted sales for the year ended April 30, 1957. This is $7,152,177 less than the increase of $18,174,648 estimated to result from the previously tendered filing suspended in Docket No. G-13258.

The proposed Tariff, Fifth Revised Volume No. 1 is said by Southern to "represent the result of discussions and negotiations among Southern and its customers, interveners, and State Commission representatives which took place over a period commencing in early December 1957 and terminating in settlement conferences held at Washington from March 6 through March 14, 1958." Southern has also tendered for filing letter agreements with each of its jurisdictional customers, excepting South Georgia Natural Gas Company, by which the customers have agreed to pay for all gas purchased from Southern on and after the effective date of its proposed Fifth Revised Volume No. 1 the rate specified in the applicable rate schedule of said proposed tariff, and otherwise in accordance with the provisions thereof.

We are agreeable to and find acceptable the end result of Southern's proposed Tariff, Fifth Revised Volume No. 1; specifically, increased rates and charges designed to produce increased revenues from jurisdictional sales amounting to $65,257,726, rather than the amount of $72,409,903 which would have resulted from the proposed rates previously filed and suspended in Docket No. G-13258. However, we have reservations respecting: (1) the level of the demand and commodity components of the rates proposed in said Fifth Revised Volume No. 1; and (2) the "Conditions Relating to Refunds and Future Rate Reductions," which Southern submitted to the Commission concurrently with its tender of the proposed revised tariff, and which constitute a part of the conditions of the above-mentioned letter agreements between Southern and its customers.

We are thus confronted with a difficult choice. If, because of the reservations as to the two items mentioned before, we do not permit and accept the Fifth Revised

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[1] Formerly The American Metal Company, Limited. See order issued April 21, 1958, redesignating proceedings.

Volume No. 1 in substitution for the Fourth Revised Volume No. 1, Southern, under our present procedures, could immediately make effective the higher rates proposed in the earlier filing, but subject to possible refund. Thus, Southern's customers, and presumably the consumers served by them, would be required to pay immediately, subject to possible refund it is true, rates that are $[illegible] higher than those provided in the Fifth Revised Volume No. 1. On the other hand, if we permit and accept the Fifth Revised Volume No. 1, the consumers get the immediate benefit of the lower rates, which would produce total from jurisdictional revenues to Southern in an amount acceptable to all parties, including customers, representatives of intervening cities and public service commissions, and which we are willing to agree to and accept.

We have decided to follow the latter course. We have further decided, however, to enter upon a hearing pursuant to section 4 (e) of the Natural Gas Act, as hereinafter provided and ordered, which is to be limited to two issues only: (1) The level of the demand and commodity components of the rates; and (2) the "Conditions Relating to Refunds and Future Rate Reductions." Since we agree to and accept Southern's jurisdictional revenues of $65,257,726 for the test period, as adjusted, this item will not be a subject of further controversy in such hearing.

In reaching this decision we have concluded that it would be undesirable in this instance to permit and accept the substitute rates, subject to a provision that refunds might be required if, as a result of the hearing, the demand and commodity components of the rates are determined and fixed at different levels. In such event, in order for Southern to earn the jurisdictional revenues which we have decided it should be permitted, Southern would have to collect additional amounts from those of its customers who would not get refunds. Assuming this could be legally done, it would be difficult if not impossible of accomplishment. We, of course, could not order an increase in rates to these customers to be applied retroactively.

We are mindful, too, that there appears to be no immediate prospect of an occasion calling for application of the "Conditions Relating to Refunds and Future Rate Reductions." Thus, an early hearing and decision herein on the limited issues would provide reasonable assurance of protection against application of these "Conditions" should they be hereafter determined to be inappropriate or unreasonable and others prescribed.

As noted previously, South Georgia Natural Gas Company has not agreed to accept the increased rates proposed to be made applicable for purchases by it from Southern. South Georgia Natural Gas Company has pending before the Commission, in Docket No. G-13550, proposed increased rates. In recognition of these facts, Southern, on April 11, 1958, filed a motion to make effective as of April 16, 1958, its proposed Rate Schedule P-2, which is set forth on Original Sheets Nos. 19, 20, 21, and 22 of said Fifth Revised Volume No. 1.

The Commission finds: Good cause has been shown for accepting Southern's FPC Gas Tariff, Fifth Revised Volume No. 1, for filing in substitution for the previously filed and suspended Fourth Revised Volume No. 1 of said Tariff, and for allowing it to become effective as of April 16, 1958, subject to the terms and conditions hereinafter ordered.

The Commission orders:

(A) Southern Natural Gas Company's FPC Gas Tariff, Fifth Revised Volume No. 1, be and it is hereby accepted for filing in substitution for its Fourth Revised Volume No. 1 to said Tariff to be effective as of April 16, 1958: *Provided, however*, That Original Sheets Nos. 19, 20, 21, and 22 of said Fifth Revised Volume No. 1 shall not become so effective except upon execution by Southern of the agreement and undertaking described in paragraph (C) below, and acceptance thereof, evidenced by a letter addressed to Southern by the Secretary of the Commission.

(B) Southern shall refund at such times and in such amounts to South Georgia Natural Gas Company, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Southern until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of April 16, 1958, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission monthly for each billing period, the billing determinants of natural-gas sales to such purchaser and the revenues resulting therefrom as computed under the rates in effect immediately prior to April 16, 1958, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(C) As a condition of this order, within 10 days from the date of issue of this order, Southern shall execute and file with the Secretary of the Commission its written agreement and undertaking to comply with the terms and conditions of paragraph (B) above, signed by a responsible officer of the corporation evidenced by proper authority from the Board of Directors, as follows:

> In conformity with the requirements of the order issued ----------, in Docket No. G-13258, Southern Natural Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (B) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this ------ day of ----------, 1958.
>
> SOUTHERN NATURAL GAS COMPANY,
> By ------------------
> *President.*
>
> Attest:
> ------------------
> *Secretary.*

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 (e) and 15, thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be hereafter fixed, limited to and concerning only (i) the level of the demand and commodity components of the rates contained in Southern's FPC Gas Tariff, Fifth Revised Volume No. 1, and (ii) the "Conditions Relating to Refunds and Future Rate Reductions".

(E) Unless advised to the contrary within ten (10) days from the date of its issuance, this order shall be deemed to have been accepted by all parties.

(F) If Southern shall, in conformity with the terms and conditions of paragraph (B) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) The proceedings in this Docket No. G-13258 are hereby terminated insofar as it concerns Fourth Revised Volume No. 1 of Southern's FPC Gas Tariff.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3109; Filed, Apr. 25, 1958; 8:47 a. m.]

[Docket No. G-14738]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 22, 1958.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in Omaha, Nebraska, filed an application on March 21, 1958, for a certificate of public convenience and necessity authorizing the construction and operation of a tap and metering facilities on Applicants 8-inch pipeline in Freeborn County, Minnesota. The purpose of the tap is to render firm service for cooking facilities and interruptible service for space heating requirements to a newly completed school house of the Joint Independent Consolidated School District No. 27 of Mower and Freeborn Counties, Minnesota.

Firm natural gas requirements are estimated not to exceed 1.25 Mcf per day and interruptible gas requirements not to exceed 100 Mcf per day. The cost of the facilities is estimated to be $3,200 to be financed with funds on hand, and to be partly defrayed with a $1,500 grant in aid of construction from the school district.

The firm volumes are to be provided from the existing firm volumes available to the Peoples Division.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3110; Filed, Apr. 25, 1958; 8:47 a. m.]

[Project No. 1927 Oregon]

CALIFORNIA OREGON POWER CO.

NOTICE OF MODIFICATION OF LAND WITHDRAWAL; OREGON; LEMOLO NO. 2 DEVELOPMENT

APRIL 22, 1958.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, this Commission gave notice on January 26, 1955, of the reservation of approximately 5,480 acres of lands of the United States pursuant to the filing on September 15, 1952, of an application for amendment of license by the California Oregon Power Company, for Project No. 1927, to include Lemolo No. 2 Development.

The Licensee on November 12, 1957, filed an application for further amendment of the license, supported by revised exhibits, establishing a final project boundary of the Lemolo No. 2 Development as constructed.

Under such circumstances and in accordance with section 24 of the act of June 10, 1920, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 1927, and under said section 24, are, from said date of filing of the application for amendment of License (November 12, 1957) reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN, OREGON

All portions of the following subdivisions lying within the project boundaries as delimited on maps designated "Exhibit J-19, sheet 1", and "Exhibits K sheets 1 through 7" entitled "Application for Amendment of License, Project No. 1927, Lemolo No. 2 Development," and filed in the office of this Commission on November 14, 1957.

T. 26 S., R. 3 E.,
 Sec. 24: NE¼NE¼, S½NE¼, SE¼, NE¼SW¼;
 Sec. 25: NE¼, N½SE¼.
T. 25 S., R. 4 E., (unsurveyed)
 Sec. 36: S½NE¼, NE¼SW¼, S½SW¼, N½SE¼.
T. 26 S., R. 4 E., (unsurveyed)
 Sec. 1: N½NW¼;
 Sec. 2: NE¼NE¼, S½NE¼, N½SW¼, SW¼SW¼, NW¼SE¼;
 Sec. 3: SE¼SE¼;
 Sec. 5: E½SW¼, SW¼SE¼;
 Sec. 8: E½, E½W½;
 Sec. 9: S½NE¼, SW¼, N½SE¼;
 Sec. 10: N½NE¼, SW¼NE¼, NW¼;
 Sec. 17: NW¼;
 Sec. 18: E½NE¼, S½SW¼, SE¼;
 Sec. 19: N½, W½SW¼;
 Sec. 30: NW¼NW¼.
T. 25 S., R. 5 E., (unsurveyed)
 Sec. 31: N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼;
 Sec. 32: NW¼NE¼, N½NW¼.

All lands lying within 100 feet of the center line survey of the transmission line right-of-way as delimited upon maps designated "Exhibit K sheets 7 and 8" entitled "Application For Amendment of License, Project No. 1927, Lemolo No. 2 Development," and filed in the office of the Commission on November 14, 1957, affecting portions of the following subdivisions, portions of which occupy lands heretofore reserved for Lemolo No. 1 and Toketee Developments of this project, (No. 1927).

T. 26 S., R. 3 E.,
 Sec. 25: S½NE¼, SE¼SW¼, W½SE¼;
 Sec. 36: NE¼NW¼, S½NW¼, N½SW¼.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), with respect to lands reserved for Transmission line purposes only, is applicable to the above described land reserved for that purpose.

This notice modifies and supersedes, in its entirety, the notice of January 26, 1955, pertaining to the Lemolo No. 2 development and the area now reserved for project purposes is reduced to 481.80 acres of which approximately 234.47 acres has been heretofore reserved in Power Site Classification No. 162. These lands are all within the Umpqua National Forest.

Copies of the project maps (FPC Nos. 1927-198 to 206 inclusive) have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3106; Filed, Apr. 25, 1958; 8:47 a. m.]

[Docket No. G-14405]

PIKE NATURAL GAS CO.

NOTICE OF APPLICATION

Correction

In Federal Register Document 58-[illegible] published at page 2436 in the issue of Tuesday, April 15, 1958, the bracketed docket number, now reading "G-14[illegible]" should read "G-14405" as set forth above.

GENERAL SERVICES ADMINISTRATION

[Administrative Order 296]

CRUDE PETROLEUM AND PETROLEUM PRODUCTS

APPLICATION OF BUY AMERICAN ACT TO CERTAIN PURCHASES

APRIL 24, 1958.

1. *Purpose.* This order prescribes uniform policies and procedures for the application of the Buy American Act (act of March 3, 1933; 47 Stat. 1520; 41 U. S. C. 10a-d) to purchases in the United States of imported crude petroleum or of petroleum products refined in the United States and derived in whole or in part from imported crude petroleum, and implements the provisions of Executive Order 10761 dated March 27, 1958, entitled "Government Purchases of Crude Petroleum and Petroleum Products."

2. *General.* a. The President, upon advise from the Special Committee to Investigate Crude Oil Imports, has determined that essential national security interests are adversely affected by the purchase by the United States of crude petroleum imported in quantities in excess of those now or hereafter specified under the Voluntary Oil Import Program or of petroleum products refined in the United States and composed of or derived from such crude petroleum, in whole or in part, and that such purchases would not be in the public interest.

b. Pursuant to the above determination, the President, on March 27, 1958, issued Executive Order 10761 in which all executive departments and agencies were requested to reexamine existing policy with respect to application of the Buy American Act to petroleum products and to apply the provisions of that act so that (1) unless a domestic product is unavailable or its cost is determined to be unreasonable, the purchase of a nondomestic petroleum product will be made only if it is a complying petroleum product and (2) in considering bids no price differential will be applied between domestic and complying petroleum products. In addition, the President directed that Executive Order No. 10582 of December 17, 1954, Prescribing Uniform Procedures for Certain Determinations Under the Buy American Act, shall not be applicable to crude petroleum and petroleum products.

3. *Definitions.* As used in this order the following terms shall have the meanings hereinafter indicated.

a. "Domestic petroleum product" means crude petroleum of wholly domestic

tic origin and any product refined in the United States entirely from such crude petroleum.

b. "Nondomestic petroleum product" means crude petroleum not wholly of domestic origin and any product refined in the United States which is not derived entirely from crude petroleum of domestic origin.

c. "Complying petroleum product" means crude petroleum of foreign origin or any product refined in the United States in whole or in part from crude petroleum of foreign origin, all of which has been, or will be, imported by a firm which, during the period of contract performance and for the three months preceding the month in which a bid is submitted to General Services Administration, has imported crude petroleum in compliance with the Voluntary Oil Import Program.

d. "Foreign refined product" means any petroleum product refined in a refinery not located in the United States or any place subject to the jurisdiction of the United States.

4. *Rescission of determinations under the Buy American Act with respect to petroleum products and residual fuel oil.* The determinations of the Administrator of General Services under the Buy American Act, dated September 17, 1954, and March 21, 1955, exempting certain contracts and purchases by the General Services Administration of petroleum products and residual fuel oil from the restrictions of the Buy American Act, are hereby rescinded.

5. *New determination under the Buy American Act with respect to purchases of crude petroleum and petroleum products.* Pursuant to the authority contained in section 2 of the act of March 3, 1933 (Buy American Act) and in furtherance of the provisions of Executive Order 10761, dated March 27, 1958, it is hereby determined to be inconsistent with the public interest for any purchase to be made by the General Services Administration of a nondomestic petroleum product which is not a complying petroleum product, unless a domestic product is unavailable or its cost is determined to be unreasonable. In considering bids, no price differential shall be applied between domestic and complying petroleum products.

6. *Contracting procedures.* The following procedures shall be applied uniformly throughout the General Services Administration in contracting for the purchase of crude petroleum and petroleum products:

a. *Contract clause.* Every contract entered into by the General Services Administration on and after April 26, 1958, for the purchase in the United States of a nondomestic petroleum product shall contain the following clause:

> The Contractor agrees that during the contract period he will comply in all respects with the Voluntary Oil Import Program.

With respect to invitations for bids which have been issued without provision for inclusion of the above clause and in response to which no bids have been received, such invitations for bids should be amended where practical, to require the inclusion of the above clause in any contract awarded thereunder. Bids received in response to invitations for bids which did not include the above required clause shall not be accepted unless the bidder agrees to the inclusion of the clause in his contract.

b. *Acceptable bids.* In order for any bid to supply the Government with crude petroleum or petroleum products to be acceptable for consideration and evaluation under this order, such bid must offer to supply the Government either with a domestic petroleum product or a complying petroleum product: *Provided, however,* That a low bid offering a nondomestic petroleum product which is not a complying petroleum product may be accepted where (1) no bid offering a domestic petroleum product is received in response to the invitation for bids, or (2) the cost to the Government under the lowest bid offering a domestic petroleum product is determined to be unreasonable.

c. *Evaluation of bids.* (1) In the evaluation of bids, no price differential shall be applied between bids offering a domestic petroleum product and bids offering a complying petroleum product.

(2) The cost of a domestic petroleum product offered in response to an invitation for bids shall be deemed to be unreasonable in relation to the cost of a nondomestic petroleum product which is not a complying petroleum product, offered under the same invitation and constituting the apparent low bid, if the delivered cost of the domestic product exceeds the cost of such nondomestic petroleum product, delivered at the place of delivery specified in the invitation for bids by more than twenty-five percentum of the cost of such nondomestic product so computed.

(3) The cost of a domestic petroleum product offered in response to an invitation for bids shall be deemed to be unreasonable in relation to the cost of a foreign refined product offered under the same invitation and constituting the apparent low bid if the delivered cost of the domestic product exceeds the cost of the foreign refined product delivered at the place of delivery specified in the invitation for bids and including any applicable duty (whether or not a duty-free entry certificate may be issued) by more than six percentum of the cost of the foreign refined product so computed.

(4) In each instance the contract shall be awarded to the lowest acceptable bidder determined pursuant to paragraphs (1), (2), and (3) above, to the extent applicable.

7. *Determination of a complying petroleum product.* In determining whether a nondomestic petroleum product offered by a supplier is a complying petroleum product within the terms of this order and Executive Order 10761, a certificate issued to the supplier by the Administrator, Voluntary Oil Import Program, of the supplier's compliance with the Voluntary Oil Import Program shall be conclusive evidence that the nondomestic petroleum product offered by the supplier is a complying petroleum product. In the absence of such a certificate, a certification or representation of compliance with the Voluntary Oil Import Program made by the supplier shall be considered presumptive evidence of the fact that the nondomestic petroleum product offered by such supplier is a complying petroleum product.

8. *Inapplicability of Executive Order No. 10582.* As provided in Executive Order No. 10761, Executive Order No. 10582 of December 17, 1954, entitled "Prescribing Uniform Procedures for Certain Determinations Under the Buy American Act," shall not be applicable to General Services Administration purchases of crude petroleum and petroleum products.

9. *Applicability.* The provisions of this order shall be applicable to all central and regional office purchases of crude petroleum and petroleum products.

10. *Effective date.* The provisions of this order are effective immediately.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-3179; Filed, Apr. 25, 1958; 10:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32255]

MONTANA INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 14th day of April A. D. 1958.

It appearing that a petition dated August 14, 1957, was filed on August 19, 1957, on behalf of the Chicago, Burlington & Quincy Railroad Company and other common carriers by railroad operating to, from and between points in the State of Montana, in interstate and intrastate commerce, averring that in Ex Parte No. 196, Increased Freight Rates, 1956, 298 I. C. C. 279, and Ex-Parte No. 206, Increased Freight Rates and Charges, Eastern, Western and Southern Territories, 1956–1957, 299 I. C. C. 429, 299 I. C. C. 557, and 300 I. C. C. 633, the Commission authorized carriers, subject to the Interstate Commerce Act, parties thereto, to make certain increases in their rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing that the petitioners allege that the Board of Railroad Commissioners of the State of Montana has failed to authorize or permit petitioners to establish for the intrastate transportation upon their railroads in Montana increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceedings above cited, which refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Montana;

And it further appearing that the Board of Railroad Commissioners of the State of Montana on September 30, 1957, filed a reply to petitioners' petition:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Montana, for the intrastate transportation of property, made or imposed by authority of the State of Montana, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in Ex Parte No. 196 and No. 206, supra, any undue or unreasonable advantage, preference, or prejudice, as between person or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Montana, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Montana be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State, and to the Board of Railroad Commissioners of the State of Montana at Helena, Mont.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3128; Filed, Apr. 25, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1148]

ONE WILLIAM STREET FUND, INC. AND LEHMAN BROTHERS

NOTICE OF FILING OF APPLICATION

Notice is hereby given that The One William Street Fund, Inc. ("Fund"), a registered closed-end management investment company, and Lehman Brothers ("Lehman"), the proposed investment adviser of the Fund, have filed an application pursuant to Section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting the Fund from the provisions of sections 16 (a) and 32 (a), and Lehman from the provisions of section 15 (a) of the act.

The application discloses that the Fund was organized on April 2, 1958, under the laws of the State of Maryland. The Fund registered on April 7, 1958, under the act and has filed a registration statement under the Securities Act of 1933 covering 3,000,000 shares of its capital stock. Fund proposes to acquire the securities and cash of Aurora Corporation simultaneously with the delivery of the Fund's capital stock to the underwriters. Thereafter, it is contemplated that Fund will become an open-end company, and upon completion of the initial offering, shares of the Fund will be offered on a continuous basis by William Street Sales, Inc., as sole distributor. Lehman is registered as a broker-dealer under the Securities Exchange Act of 1934 and proposes to act as principal underwriter for the initial offering of Fund shares, and thereafter as investment adviser for the Fund.

Prior to beginning operation as an investment company, the Fund proposes to enter into an investment advisory contract with Lehman. The fiscal year of the Fund ends on December 31, and the date of its first annual meeting of stockholders is fixed by its by-laws as March 17, 1959. Since the Fund will have no stockholders prior to the public offering, it is proposed to take appropriate stockholder action at the first annual meeting of stockholders with respect to an investment advisory contract, the selection of the Fund's independent public accountants, and the election of directors.

The Fund requests an order of the Commission under section 6 (c) of the act exempting the Fund from the provisions of sections 16 (a) and 32 (a), and Lehman from the provisions of section 15 (a) of the act so that the Fund may operate for a limited period without stockholder election of directors, without stockholder approval of the selection of independent public accountants, and without stockholder approval of an investment advisory contract as required, respectively, by those sections of the act, until stockholder approval can be obtained with respect to these matters at the first annual meeting of stockholders scheduled to be held on March 17, 1959.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than May 6, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3114; Filed, Apr. 25, 1958; 8:48 a. m.]

[File No. 30-196]

CITIES SERVICE CO.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING APPLICANT HAS CEASED TO BE A HOLDING COMPANY AND ORDER FOR HEARING THEREON

APRIL 21, 1958.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, has filed an application, and an amendment thereto, with this Commission, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), for an order declaring that it has ceased to be a holding company.

The application states that Cities is a corporation organized under the laws of the State of Delaware having its principal executive offices in New York, New York, and that it is a company owning securities of companies engaged principally in the oil and natural gas business. It registered as a public utility holding company under section 5 (a) of the act on January 29, 1941, and has ever since been a registered holding company under the act.

Cities states that since such registration it has disposed of all its interests in public utility companies, and that it no longer has any interest, direct or indirect, in any public utility company.

The application further states that on October 1, 1952, in proceedings entitled "In the Matter of Arkansas Natural Gas Corporation, Cities Service Company (File No. 54-186); Arkansas Natural Gas

Corporation and its Subsidiaries and Cities Service Company (File Nos. 59-93 and 70-1904)", the Commission entered an order providing, among other things, for a reservation of jurisdiction with respect to "the resolution of the problems presented by the continued existence of a minority public interest in Fuel Oil (Arkansas Fuel Oil Corporation) after consummation of the plan." The application also states that it is understood that such retention of jurisdiction will continue after the entry of the order herein applied for, and that applicant will be free to contest any action taken or proposed to be taken thereunder on grounds other than the entry of the order herein applied for.

It further appears that on September 20, 1957, the Commission issued an order, pursuant to section 11 (b) (2) of the act, in the consolidated proceedings noted above, directed to Cities and to Arkansas Fuel Oil Corporation ("Fuel Oil") ordering them, respectively, to proceed with due diligence to take appropriate action to effect the elimination of the 48.5 percent public minority stock interest in Fuel Oil or the disposition by Cities of its stock interest in Fuel Oil. Cities, Fuel Oil, and a stockholder of the latter company, have filed petitions for review with the United States Court of Appeals for the Third Circuit requesting that Court to set aside the order of the Commission. That review proceeding is now pending.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application of Cities under section 5 (d) of the act:

It is ordered, That a hearing be held on May 13, 1958, at 10 a. m. at the offices of the Commission, 425 Second Street NW., Washington, D. C., in respect of Cities' application for an order declaring that it has ceased to be a holding company. Any person desiring to be heard, or otherwise to participate in the proceeding, will file with the Secretary of the Commission, on or before May 8, 1958, a written request in respect thereof as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Sidney J. Feller, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the specification of additional matters and questions upon further examination:

(1) Whether Cities has ceased to be a holding company.

(2) Whether it is appropriate and proper that the Commission grant the requested application prior to compliance by Cities with the September 20, 1957 section 11 (b) (2) order; and, if so, whether the effective date of any order issued under section 5 (d) should be delayed until Cities has complied with the September 20, 1957 section 11 (b) (2) order, or such other order as may be properly entered pursuant to section 11 (b) (2) of the act.

(3) Whether Cities has kept its accounts in accordance with the Uniform System of Accounts for Public Utility Holding Companies prescribed in Rule 26 under the act; and, if not, what action should be required of the company to conform its accounting thereto.

(4) Whether any terms or conditions should be imposed in connection with the issuance of any order issued under section 5 (d) as necessary for the protection of investors and, if so, the nature and provisions of such terms and conditions.

It is further ordered, That at said hearing attention should be directed to the matters and questions herein specified.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing by serving copies of this notice and order by registered mail upon Cities; that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of the application and hearing shall be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3115; Filed, Apr. 25, 1958; 8:48 a. m.]

[File No. 31-646]

IDEAL CEMENT CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

APRIL 21, 1958.

Notice is hereby given that Ideal Cement Company ("Ideal"), a Colorado corporation, has filed an application and an amendment thereto pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act"), requesting an order exempting it from all the provisions of the act, on the grounds that Ideal is only incidentally a holding company being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company.

The amended application which is on file in the offices of the Commission may be summarized as follows:

Ideal is engaged in the manufacture and sale of cement. In addition to its direct operations, Ideal has six wholly-owned subsidiaries which are engaged in various businesses other than the manufacture of cement, and do a total volume of business which is insignificant in relation to the total volume of business done directly by Ideal. As at December 31, 1957, the consolidated assets of Ideal and its subsidiaries totaled $119,494,043 and for the year 1957 the consolidated net sales and other operating income totaled $79,019,106.

One of the subsidiary companies, Louisiana-Nevada Transit Company ("Transit Company") purchases and produces natural gas and transmits such gas from fields in northern Louisiana into southwestern Arkansas. As at October 31, 1957, the assets of Transit Company totaled $1,019,311 and for the ten months then ended, gross revenues totaled $549,392. Hransit Company supplies natural gas to one of Ideal's cement plants situated in southwestern Arkansas, and also distributes and sells natural gas to residential, commercial and industrial customers in various communities in Louisiana and Arkansas. Approximately one-half of Transit Company's annual sales of gas are to Ideal for use in the operation of the latter's cement plant in Arkansas.

Another subsidiary company, Boettcher Oil & Gas Company ("Boettcher"), purchases and produces natural gas and transmits such gas to one of Ideal's cement plants in Oklahoma. It also delivers gas to various companies for resale and to various contractors for use in drilling wells. As at Decmeber 31, 1957, total assets of Boettcher were $443,581 and for the year 1957 its sales and other income totaled $574,518.

The amended application states that Transit Company and Boettcher are the only subsidiaries of Ideal which are "public-utility companies" as defined in the act.

Notice is further given that any interested person may, not later than May 14, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said amended application, as filed or as further amended, may be granted, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3116; Filed, Apr. 25, 1958; 8:49 a. m.]

[File No. 1-699]

THE FAIR

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 22, 1958.

In the matter of The Fair Common Stock; File No. 1-699.

Midwest Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Of the 372,100 presently listed shares, 368,345 have been acquired by Montgomery Ward & Company, leaving only 3,755 shares outstanding in the names of 245 persons. A similar delisting application by the New York Stock Exchange was granted by the Commission on March 18, 1958.

Upon receipt of a request, on or before May 7, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3117; Filed, Apr. 25, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE

PORTS OF ENTRY

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

Subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended in the following respects:

1. The list of Class A ports of entry in District No. 8—Detroit, Mich., is amended by adding the following ports of entry in alphabetical sequence:

Ecorse, Mich. (May 15–Oct. 15).
Gibraltar, Mich. (May 15–Oct. 15).
Keans Detroit Yacht Harbor, Detroit, Mich. (May 15–Oct. 15).
St. Clair Shores, Mich. (May 15–Oct. 15).

2. The list of Class B ports of entry in District No. 10—St. Paul, Minn., is amended by deleting "Gunflint Lake, Minn."

3. The list of Class B ports of entry in District No. 15—El Paso, Tex., is amended by adding the following port of entry in alphabetical sequence:

San Vicente, Tex.

Dated: April 23, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-3136; Filed, Apr. 25, 1958; 8:54 a. m.]

Office of Alien Property

AUGUSTINIUS I. M. BUSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Augustinius I. M. Busch, Dorpestraat [illegible], Wervershoof, The Netherlands; Claim No. 60646; Vesting Order No. 17915; $135.02 in the Treasury of the United States.

Executed at Washington, D. C., on April 21, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3126; Filed, Apr. 25, 1958; 8:51 a. m.]

ELFRIEDA GROEGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elfrieda Groeger, Allerheiligenweg [illegible], Jettingen, Germany; Claim No. 45758; Vesting Order No. 10869; $246.35 in the Treasury of the United States.

Executed at Washington, D. C., on April 21, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3127; Filed, Apr. 25, 1958; 8:51 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES
1934

VOLUME 23 NUMBER 84

Washington, Tuesday, April 29, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Flaxseed Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-TEXAS FLAXSEED PURCHASE PROGRAM

Sec.
421.3526 General.
421.3527 Administration.
421.3528 Period and area of operation.
421.3529 Eligible producer.
421.3530 Eligible flaxseed.
421.3531 Personal liability of the producer.
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421.3533 Purchase documents.
421.3534 Basis of purchase.
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421.3536 Authorized counties and purchase prices.
421.3537 Storage charges.
421.3538 Service charge.
421.3539 Liens.
421.3540 Setoffs.
421.3541 Payment.

AUTHORITY: §§ 421.3526 to 421.3541 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.3526 *General.* This subpart states the requirements with respect to the 1958-crop Texas Flaxseed Purchase Program formulated for price support purposes by Commodity Credit Corporation (referred to in this subpart as CCC) and the Commodity Stabilization Service (referred to in this subpart as CSS). CCC, through designated Agricultural Stabilization and Conservation county committees, will stand ready to make direct purchases from eligible producers of eligible flaxseed delivered to authorized dealers from the time of harvest through July 31, 1958. All such purchases shall be made in accordance with this subpart.

§ 421.3527 *Administration.* (a) This program will be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field will be carried out by the CSS Commodity Office, Dallas, Texas, the Texas Agricultural Stabilization and Conservation State Committee, and designated Agricultural Stabilization and Conservation county committees (referred to in this subpart as county committees). A producer desiring to sell flaxseed under this program must apply to the office of the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

(b) Such application must be made sufficiently in advance of the date of the intended delivery to enable the county office to schedule deliveries in an orderly manner. Delivery instructions issued by the county office will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 421.3530. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all purchase documents shall be retained in the county office. County office managers, State and county committees, and the CSS commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.3528 *Period and area of operation.* This program will be available on eligible flaxseed from the time of harvest through July 31, 1958, in the Texas counties indicated in § 421.3536. Deliveries of flaxseed under this program must be completed on or before July 31, 1958.

§ 421.3529 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof which (a) has produced flaxseed in 1958 in any of the designated counties as landowner, landlord, tenant, or sharecropper, and (b) has applied to the appropriate county office for delivery instructions. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify under this program provided the purchase documents executed by them are legally valid.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 1–209 ($2.25)

Title 14, Parts 1–39 ($0.50)

Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75)

Title 38 ($0.40)

Title 49, Parts 1–70 ($0.70)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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§ 421.3530 *Eligible flaxseed.* Eligible flaxseed shall meet the following requirements:

(a) The flaxseed must be produced by an eligible producer in 1958 in any of the counties named in § 421.3536.

(b) (1) The beneficial interest in the flaxseed must be in the eligible producer tendering the flaxseed for purchase, and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The flaxseed must grade No. 1 or No. 2 and must not contain mercurial compounds or other substances poisonous to man or animals. Sample grade flaxseed will not be purchased under this program.

§ 421.3531 *Personal liability of the producer.* A producer shall be personally liable for any damage resulting from tendering to CCC flaxseed containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

§ 421.3532 *Authorized dealer.* An authorized dealer shall be any individual, partnership, association or corporation operating under a 1958 Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. A list of authorized dealers to whom flaxseed may be delivered for the account of CCC under this program may be obtained from the offices indicated in § 421.3527.

§ 421.3533 *Purchase documents.* (a) The purchase documents shall consist of (1) the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" (or other similar document if approved by CCC) issued to the producer for flaxseed delivered, and in the case of a dealer's receipt issued by a terminal warehouse, the registered freight bill or warehouseman's supplemental certificate, (2) the purchase settlement form, and (3) such other forms and documents as may be prescribed by CCC.

(b) The receipt must be issued in the name of the producer for the account of CCC and must be dated on or before July 31, 1958. Each receipt must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of damage, when such factor and not test weight determines the grade, and (7) whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt must agree with the inbound inspection certificates for the car or barge.

§ 421.3534 *Basis of purchase.* Eligible flaxseed will be purchased on the basis of weight, grade and quality factors. The grade shall be determined in accordance with the Official Grain Standards of the United States for flaxseed by a grain inspector licensed by the Secretary of Agriculture, except that wherever the services of such a licensed inspector are not available the CSS Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for flaxseed. Such designation may be revoked in writing by the CSS Commodity Office at any time.

§ 421.3535 *Determination of quantity.* (a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 421.3536 *Authorized counties and purchase prices*—(a) *Counties and county rates.* The basic purchase price per bushel of flaxseed grading No. 1 and containing 10.6 to 11.0 percent moisture delivered under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. Texas counties authorized under this program and the basic purchase rates are as follows:

TEXAS

County	*Rate per bushel*	County	*Rate per bushel*
Aransas	$2.63	Karnes	$2.56
Atascosa	2.54	Kimble	2.43
Bastrop	2.51	Kleberg	2.60
Bee	2.62	La Salle	2.47
Bell	2.49	Lavaca	2.51
Bexar	2.52	Lee	2.54
Blanco	2.48	Live Oak	2.59
Bowie	2.40	McColloch	2.44
Brooks	2.53	McMullen	2.56
Brown	2.45	Mason	2.45
Burnet	2.45	Matagorda	2.54
Caldwell	2.51	Maverick	2.39
Calhoun	2.53	Medina	2.50
Cameron	2.48	Milam	2.51
Coleman	2.42	Mills	2.45
Collin	2.45	Nueces	2.64
Colorado	2.58	Real	2.44
Comal	2.51	Red River	2.40
Concho	2.42	Refugio	2.57
De Witt	2.52	Runnels	2.40
Dimmit	2.43	San Patricio	2.65
Duval	2.57	San Saba	2.45
Frio	2.49	Taylor	2.38
Galveston	2.63	Travis	2.51
Goliad	2.58	Uvalde	2.44
Gonzales	2.52	Victoria	2.56
Guadalupe	2.51	Webb	2.48
Hamilton	2.42	Wharton	2.60
Hays	2.51	Willacy	2.50
Hidalgo	2.48	Williamson	2.51
Jackson	2.52	Wilson	2.54
Jim Hogg	2.52	Zapata	2.47
Jim Wells	2.61	Zavala	2.42

(b) *Terminal market rates.* (1) The basic purchase price shall be $2.84 per bushel for No. 1 flaxseed delivered to authorized dealers at the Corpus Christi and Houston, Texas terminal markets.

(2) Such terminal market purchase prices will be for flaxseed delivered in carload lots which have been shipped by rail on a domestic interstate freight rate basis, from a country shipping point to the said terminal markets as evidenced by paid freight bills duly registered for transit privileges and other documents as required in this subpart: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional freight rate from the aforesaid terminal markets, there shall be deducted from the applicable terminal purchase price the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The terminal warehouse receipt must be accompanied by a registered freight bill, or by a supplemental certificate signed by the warehouseman, containing data like that on such freight bills, in the form prescribed by the CSS Commodity Office, Dallas, Texas.

(3) The purchase price of flaxseed delivered at the aforesaid terminal markets by rail in carload lots for which neither registered freight bills nor such freight certificates are presented, will be the terminal purchase price less 12 cents per bushel. Flaxseed delivered by truck at the designated terminals in the State of Texas will be purchased by CCC under this program on the basis of the terminal rate minus 16½ cents per bushel.

(c) *Grade discount.* The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) *Premiums for low moisture content.* The following premiums for low moisture content are applicable to eligible flaxseed:

Moisture content (percent):	Premium (*cents per bushel*)
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	1
9.6 to 10.0 inclusive	2
9.1 to 9.5 inclusive	3
9.0 or less	4

§ 421:3537 *Storage charges.* To compensate CCC for storage charges on flaxseed acquired under this program, the following deduction per bushel of flaxseed purchased shall be made from the basic purchase prices set forth in § 421.3536:

For flaxseed deposited in:	Deduction *per bushel* (*cents*)
April 1958	13.5
May 1958	12.0
June 1958	10.5
July 1958	9.0

§ 421.3538 *Service charge.* A service charge of one-half cent per bushel or a minimum of $1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 421.3539 *Liens.* If there are any liens or encumbrances on the flaxseed, waivers that will fully protect the interests of CCC must be presented to the county office at the time of application for delivery instructions even though the liens or encumbrances are satisfied from the purchase proceeds.

§ 421.3540 *Setoffs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the

note evidencing such loan out of the proceeds of the price support purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support purchase to the extent of such indebtedness or installment(s), but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.3541 ***Payment.*** **Payment to the producer for flaxseed purchased under this program shall be made by the ASC county office by means of sight draft drawn on CCC, and on the basis of the purchase documents indicated in § 421.3533, subject to the provisions relating to setoffs and service charges.**

Issued this 23d of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3178; Filed, Apr. 28, 1958; 8:52 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

REDEMPTION OF CERTIFICATES IN GRAINS

Sec.	
485.451	Purpose.
485.452	Redemption in CCC-owned grains or loan grains.
485.453	Redemption in grains limited to producers.
485.454	Grains obtainable in redemption.
485.455	Where to apply.
485.456	When redemption may be made.
485.457	Value of certificates.
485.458	Value of grains.
485.459	Specific provisions relating to loan grain.
485.460	Place of delivery of CCC-owned grain.
485.461	Delivery of CCC-owned grain from warehouses.
485.462	Delivery of CCC-owned grain from CCC binsites.
485.463	Issuance of Balance certificates.
485.464	Grains obtained ineligible for price support.
485.465	Penalty free sale of CCC-owned wheat and rice.

AUTHORITY: §§ 485.451 to 485.465 issued under sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Interpret or apply sec. 105, 70 Stat. 190; 7 U. S. C. 1823.

§ 485.451 *Purpose.* The purpose of the regulations in §§ 485.451 through 485.465 is to set forth the terms and conditions under which certificates issued to producers with respect to wheat, corn, and rice for participation in the acreage reserve part of the Soil Bank Program for 1958 or later years will be redeemed by Commodity Credit Corporation (hereinafter referred to as "CCC") in grains in lieu of cash, at the option of the producer. The Secretary reserves the right to modify, amend, supplement or revise any of the provisions of the regulations in §§ 485.451 through 485.465 at any time.

§ 485.452 *Redemption in CCC-owned grains or loan grains.* Acreage reserve certificates will be redeemed in grain either (a) through the delivery of warehouse or binsite stored grains owned by CCC (such grain is hereinafter referred to as "CCC-owned grain"), or (b) by releasing to a producer grain which had been placed under price support loan by him. (Such grain is hereinafter referred to as "loan grain.") In the case of farm storage loans, CCC will permit delivery on the farm of such loan grain in satisfaction of the loan to the extent that the producer wishes to obtain redemption of the certificate in such grain. Grain under reseal, extended reseal, and re-extended reseal loans may be obtained in redemption of certificates. In the case of warehouse storage loans, CCC will permit the producer to relinquish his interest in such loan grain in satisfaction of the loan to the extent that the producer wishes to obtain redemption of the certificates in such grain. Interest on the loan will not be charged the producer with respect to loan grain which he obtains in redemption of a certificate.

§ 485.453 *Redemption in grains limited to producers.* Only a producer to whom a certificate is issued may obtain the redemption of such certificate in grain. Assignees and holders of liens or encumbrances to whom certificates are issued and holders in due course of certificates are not entitled to obtain redemption of such certificates in grain.

§ 485.454 *Grains obtainable in redemption.* (a) (1) Certificates issued with respect to wheat may be redeemed in wheat, oats, rye, barley, or grain sorghums.

(2) Certificates issued with respect to corn may be redeemed in corn, oats, rye, barley, or grain sorghums.

(3) Certificates issued with respect to rice may be redeemed in rough rice (but not milled rice), oats, barley, rye, or grain sorghums.

(b) The right of a producer to obtain redemption of certificates in CCC-owned grain shall be subject to the availability of such grain in the county in which the producer desires delivery. CCC shall not be obligated to make stocks of grain available in any particular county. In addition, in the case of both CCC-owned grain and loan grain, CCC reserves the right to withdraw from the list of grains obtainable in redemption any class of any grain, or to restrict the availability of any grain in any area, whenever such action is deemed necessary, either to carry out the requirements of the Soil Bank Act or in the interest of CCC inventory management.

§ 485.455 *Where to apply.* (a) Producers who wish to obtain redemption of certificates in CCC-owned grain must apply at the ASC County Office in the county in which delivery of the grain is desired.

(b) Producers who wish to obtain redemption of certificates in loan grain must apply at the ASC County Office which approved the loan.

§ 485.456 *When redemption may be made.* Certificates issued with respect to any year's crop shall be redeemable in a grain only (a) after the end of the normal harvesting season for that year's crop of such grain in the area where delivery is desired or the area where the loan grain is stored, and (b) before the beginning of the normal harvesting season for the succeeding year's crop of such grain in such area. The normal harvesting season for each area is shown in Appendix A to the regulations in this subpart.

§ 485.457 *Value of certificates.* For purposes of redemption in grains hereunder, certificates shall be valued at face value.

§ 485.458 *Value of grains*—(a) *CCC-owned grain.* CCC-owned grain obtained in redemption of a certificate shall be valued as follows:

(1) CCC-owned grain which is stored in the area of its production without transit billing shall be valued at the applicable current price support rate, including premiums and discounts, established for the class, grade, and quality of the commodity at the point of storage, all as determined by CCC, less a discount of 5 per centum in the case of all grains except wheat (no discount from the price support rate shall apply to wheat): *Provided,* That in the case of wheat or corn produced outside the commercial producing area for such commodity for the year with respect to which the certificate was issued the applicable price support rate shall be adjusted upward by CCC to reflect the price support rate which would have been in effect at the point of storage if the county had been in the commercial producing area for the commodity.

(2) CCC-owned grain which is not stored in the area of its production, or which is stored in the area of its production with transit billing, shall be valued at the applicable average current price support rate, including premiums and discounts, established for the class, grade and quality of the commodity at the point(s) of production, plus the average transportation cost to the point of storage, all as determined by CCC, less a discount of 5 per centum in the

case of all grain except wheat (no discount from the price support rate shall apply to wheat): *Provided*, That in the case of wheat or corn produced outside the commercial producing area for such commodity for the year with respect to which the certificate was issued, the applicable price support rate shall be adjusted upward by CCC to reflect the current price support rate which would have been in effect at the point of production if the county had been in the commercial producing area for the commodity.

(3) Transit billing behind grain delivered to a producer shall be transferred to the producer by CCC.

(b) *Loan grain.* (1) Loan grain obtained in redemption of certificates shall be valued at the applicable current price support rate for the commodity in effect at the point of storage or county of production whichever is applicable (prior to warehouse storage deductions, if any), less a discount of 5 per centum in the case of all commodities except wheat (no discount from the price support rate shall apply to wheat). The same basis of valuation (current support rate) shall be applicable to grain under loan, reseal loan, extended reseal loan, and re-extended reseal loan.

(2) In the case of reseal, extended reseal or re-extended reseal loan grain, CCC will pay to the producer any storage payment earned during the applicable storage period on the quantity of grain obtained in redemption of the certificate. Such storage payment will be computed on a pro rata basis for reseal, extended reseal, and re-extended reseal loan grain obtained in redemption of a certificate prior to the extended maturity date under the applicable price support regulations.

(3) In the case of warehouse-stored loan grain, the producer shall be responsible to the warehouseman for payment of all warehouse charges on the grain obtained in redemption of the certificates. CCC will refund to the producer any storage amounts deducted in determining the loan rate on that quantity of warehouse-stored loan grain obtained in redemption of the certificate. In addition, CCC will pay to the producer receiving charges on the quantity of grain obtained at the rate specified therefor in the Uniform Grain Storage Agreement or other applicable rate, except that in the case of rice, CCC will pay the producer 8 cents per hundredweight on the quantity of rice obtained in redemption of a certificate as compensation for any receiving and loading out charges prepaid by the producer.

(c) *Current price support rate.* For purposes of §§ 485.451 through 485.465, the "current price support rate" is defined as follows:

(1) In the case of wheat, oats, rye, barley, and grain sorghums, the "current price support rate" shall be the price support rate which is effective during the marketing year which begins on July 1 of the year with respect to which the certificate is issued and ends on June 30 of the following year.

(2) In the case of rice, the "current price support rate" shall be the price support rate which is effective during the marketing year which begins on August 1 of the year with respect to which the certificate is issued and ends on July 31 of the following year.

(3) In the case of corn, the "current price support rate" shall be the price support rate which is effective during the marketing year which begins on October 1 of the year with respect to which the certificate is issued and ends on September 30 of the following year.

§ 485.459 *Specific provisions relating to loan grain*—(a) *Farm-stored loan grain.* (1) If a producer obtains only a part of the grain under a farm-storage loan in redemption of a certificate, the quantity so obtained must be removed from the storage structure(s) and segregated from the grain which remains as collateral for the outstanding balance of the loan.

(2) If the value of the certificate(s) surrendered is insufficient to completely liquidate the farm-storage loan, the producer if he wishes to redeem the balance of the grain under loan must redeem such balance in cash at the price support rate shown on the original loan document, plus interest thereon.

(b) *Warehouse-stored loan grain.* (1) A producer may not obtain less than the quantity of grain represented by one or more entire warehouse receipt(s) in redemption of his certificate(s). If the value of the certificate(s) surrendered is insufficient to liquidate the amount of a loan represented by an entire warehouse receipt, the balance of the amount of the loan represented by such receipt must be paid in cash in redemption of the loan at the applicable price support rate, plus interest thereon.

(2) No equity payments will be made by CCC on loan grain obtained by producers in redemption of certificates.

§ 485.460 *Place of delivery of CCC-owned grain.* Delivery of CCC-owned grain will be made in warehouses where such grain is stored or at CCC binsites, at the option of CCC. Grain will be delivered at CCC binsites only if CCC is unable to make delivery in a warehouse.

§ 485.461 *Delivery of CCC-owned grain in warehouses.* (a) CCC-owned warehouse stored grain shall be delivered "in store." If delivery is to be made of warehouse-stored CCC-owned grain, the county office shall issue a Delivery Order to the producer setting forth the quantity, grade and quality of the commodity to be delivered to the producer, and the warehouse in which the grain is to be delivered. On grain stored with transit billing the Delivery Order shall also contain information concerning evidence of transfer of billing to the producer. The producer may obtain the grain by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the producer to whom issued.

(b) Title and risk of loss to the grain specified in the Delivery Order shall pass to the producer on the date of issuance of the Delivery Order by the ASC County Office. CCC shall be responsible for all warehouse charges, except load out charges, accruing through the date of issuance of the Delivery Order. The producer shall be responsible for load out charges (if any) and for all warehouse charges accruing after the date of issuance of the Delivery Order.

(c) Any difference in the value of the transit billing, grade, quality, and quantity of the grain delivered to the producer from that shown on the Delivery Order shall be settled between the producer and the warehouseman.

§ 485.462 *Delivery of CCC-owned grain from CCC binsites.* (a) Deliveries of CCC-owned grain from CCC binsites will be made f. o. b. the producer's conveyance at the binsite.

(b) In the event of the inadvertent delivery to the producer of a quantity of grain in excess of that agreed upon, the producer shall pay CCC for such excess quantity at the current price support rate applicable to such grain without the discount provided in § 485.458.

§ 485.463 *Issuance of Balance Certificates.* In the event that the full amount of the face value of a certificate is not redeemed in grain, a Balance Certificate shall be issued to the producer for the unused amount, except that if the amount is $3.00 or less no Balance Certificate will be issued unless requested by the producer. Balance Certificates will be redeemed in cash or in grains in the same manner as other certificates.

§ 485.464 *Grains obtained ineligible for price support.* Grains obtained by producers in redemption of certificates shall not be eligible for tender to CCC under the price support program.

§ 485.465 *Penalty free sale of CCC-owned wheat and rice.* Quantities of CCC-owned wheat and rice obtained by a producer in redemption of a certificate and offered for sale shall be taken by the buyer as penalty free, if identified by a properly executed producer's copy of the Soil Bank Delivery Order, CCC Form 404 or CCC Form 103 (or Form CCC Grain 51, when available). The applicable Marketing Quota Regulations for Wheat and Rice, respectively, contain the authority for the penalty free sale of these commodities.

APPENDIX A—NORMAL HARVESTING SEASON FOR GRAINS BY AREA

State	Wheat, barley, rye, and oats	Corn and grain sorghums	Rice
Alabama	May 15-June 15	Oct. 1-Nov. 30	
Arizona	May 15-Oct. 31	Aug. 15-Nov. 15	Sept. 15-Dec. 15.
Arkansas	May 1-July 15	Oct. 1-Nov. 30	Sept. 1-Nov. 15.
California	May 1-Sept. 15	Sept. 15-Dec. 15	Sept. 15-Dec. 15.
Colorado	July 1-Aug. 31	Sept. 15-Nov. 30	
Delaware	June 1-July 15	Sept. 1-Oct. 31	
Florida	May 1-May 31	Sept. 15-Nov. 15	Sept. 1-Oct. 15.
Georgia	May 1-July 15	Oct. 1-Dec. 15	
Idaho	July 15-Sept. 30	Oct. 15-Nov. 15	
Illinois	July 1-Aug. 15	Oct. 15-Nov. 30	Sept. 1-Nov. 15.
Indiana	June 15-July 31	do	
Iowa	July 1-July 31	Oct. 15-Nov. 15	
Kansas	June 15-July 15	Oct. 1-Nov. 15	
Kentucky	June 1-July 31	do	
Louisiana	May 15-June 15	Aug. 15-Oct. 15	Sept. 1-Oct. 15.
Maryland	June 11-July 31	Sept. 1-Oct. 31	
Michigan	July 15-Aug. 15	Oct. 15-Nov. 30	
Minnesota	July 1-Sept. 15	do	
Mississippi	May 15-June 30	Sept. 15-Nov. 15	Sept. 1-Nov. 15.
Missouri	June 1-July 15	Sept. 15-Nov. 30	Do.
Montana	Aug. 1-Sept. 30	Sept. 15-Oct. 31	
Nebraska	June 15-Aug. 31	Oct. 1-Nov. 15	
Nevada	July 15-Aug. 31		
New Jersey	June 1-Aug. 15	Sept. 1-Oct. 31	
New Mexico	June 15-Aug. 15	Oct. 15-Nov. 30	
New York	July 1-Aug. 15	Sept. 1-Dec. 1	
North Carolina	May 15-July 15	Oct. 15-Dec. 15	Do.
North Dakota	July 15-Sept. 15	Sept. 15-Oct. 31	
Ohio	June 15-Aug. 15	Oct. 1-Nov. 30	
Oklahoma	May 15-July 15	Sept. 1-Nov. 30	Do.
Oregon	July 1-Sept. 15	Oct. 1-Nov. 30	
Pennsylvania	June 15-Aug. 15	Sept. 1-Nov. 15	
South Carolina	May 15-June 30	Oct. 15-Dec. 15	Do.
South Dakota	July 1-Aug. 15	Oct. 15-Nov. 30	
Tennessee	June 1-July 15	do	Do.
Texas	May 1-July 15	June 15-Nov. 15	Sept. 1-Oct. 15.
Utah	July 15-Sept. 30	Sept. 1-Oct. 15	
Virginia	June 1-July 31	Sept. 1-Nov. 30	
Washington	July 1-Oct. 15		
West Virginia	June 15-Aug. 31	Sept. 15-Dec. 15	
Wisconsin	July 15-Aug. 15	Oct. 1-Nov. 15	
Wyoming	July 15-Sept. 15	Sept. 15-Nov. 30	

Done at Washington, D. C., this 23d day of April 1958.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3157; Filed, Apr. 28, 1958; 8:47 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

REIMBURSEMENT

The statement regarding reimbursement payments to participating schools and child-care institutions is hereby amended as follows:

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A or Type B lunch by schools participating in the National School Lunch Program.

(b) For schools that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be four cents per half pint for schools that serve Type A or B meals under the National School Lunch Program. For other schools and for child-care institutions that offer milk to children as a separately priced item, the maximum rate of reimbursement shall be three cents per half pint. Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) Schools or child-care institutions that do not offer milk to children as a separately priced item, shall, at the time they apply for participation, submit for approval the methods and practices under which they plan to encourage increased consumption of milk by children. The rate of reimbursement for such schools and institutions shall be two cents per half pint.

(d) Schools operating the program in more than one school attendance unit may be regarded as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of three cents per half pint unless all units are serving Type A or Type B meals under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under this program to reduce the price of milk to children. The full amount of such payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted in instances where the situation in a school or child-care institution justifies a distribution cost margin fractionally above one cent, and such exceptions shall be subject to periodic reviews.

(Sec. 4, 62 Stat. 1070; 15 U. S. C. 714b)

Effective date. This amendment shall be effective June 1, 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary of Agriculture.

[F. R. Doc. 58-3174; Filed, Apr. 28, 1958; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 11th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2 as amended, 22 F. R. 2656; cf. 22 F. R. 2679) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Leo S. Accomazzo (old Shumway Bros.) Ranch, located at the intersection of East Dysart Road and Southern Avenue, Route 1, Avondale.

L. N. Cottrell Poultry Yard, 2626 West Campbell Avenue, Phoenix.

Duane Drennen Farm No. 1, Parker, mailing address, c/o Colorado River Trading Company.

Duane Drennen Farm No. 2, Parker, mailing address, c/o Colorado River Trading Company.

Tom Drennen Farm, Parker, mailing address, ℅ Colorado River Trading Company.

Elmer Emrick Farm, Route 1, Box 1[illegible], Somerton.

Fewel Ranches, P. O. Box 1, Vicksburg.

Arnold Gillatt Stable, 3231 North Craycroft, Tucson.

E. A. Heald Chicken Yard, P. O. Box 17[illegible], Parker.

William Hershkowitz Farm, P. O. Box 1114, Wickenburg.

Hundred Eleven Ranch (Sombrero Butte), Mammoth.

Mission Road Market, 1256 Mission Road, Tucson.

Emon Parker Chicken Yard, 4129 East Magnolia Street, Tempe.

Tom Rhodes Ranch, P. O. Box 96, Mammoth.

Rhodes-Mercer 111 Farm, Mammoth.

River Farm, 3100 South Seventh Street, Phoenix.

Daniel Robles Residence, P. O. Box 1[illegible], Parker.

Roseline Farms, Box 86, Vicksburg.

Howard Sakiestewa Farm, south of Parker, Route 1, P. O. Box 49, Parker.

Shady Acres Nursery & Bird Farm, 3640 East Washington Street, Phoenix.
Clay Sharp Farm, Box 1931, Parker.
E. B. Shumway Chicken Farm, Box 913, Buckeye.
Frank Spatig Farm, Route 1, Box 184, Somerton.
Swanson Farms, Inc., Arlington.
Ernest Williams Chicken Yard, Route 1, Somerton.

CALIFORNIA

Ray Ansolabehere property, 20035 Fruitvale, Rosedale.
Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 54, mail address Box 226, Coachella.
Ruth H. Penner, Sec. 2, T. 27 S., R. 24 E., MDM, 0.6 mile west of the intersection of Palm and Gromer Avenues, P. O. Box 186, Wasco.
E. L. O'Riley property, Sec. 35, T. 27 S., R. 28 E., Bodfish.
Glade Wattenbarger property, Sec. 35, T. 29 S., R. 30 E., MDB&M, Granite Station, Bakersfield.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

LaSalvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

Cal-Fed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley.
P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.
Floyd B. Carrion property, located on the south side of Avenue 70, 0.8 mile west of Lincoln Street, P. O. Box 564, Mecca.
Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.
Union Development Co. Warehouse, located approximately 100 yards south of the intersection of County Roads No. 86 and West A, Niland.
Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box [illegible], Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective April 29, 1958, when they shall supersede P. P. C. 612, Tenth Revision, effective March 20, 1958 (23 F. R. 1853).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 23d day of April 1958.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 58-3156; Filed, Apr. 28, 1958; 8:47 a. m.]

[P. P. C. 624, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.79–2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79–2, 22 F. R. 5913), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85–36; 71 Stat. 32, 33), administrative instructions appearing as 7 CFR 301.79–2a (22 F. R. 9854) are hereby revised to read as follows:

§ 301.79–2a *Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.* Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

The property known as the Clarence Williams Farm, located in sec. 21, T. 5 N., R. 8 E.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

The property known as the Bert Hardesty Farm, shown on some ownership maps as the E. C. Adkisson Farm, located 1½ miles north and 3¼ miles east of the Town of Armorel on State Highway 137, this tract of land being the S½ of SE¼ of sec. 6, T. 15 N., R. 13 E.

That area bounded on the north by the Arkansas-Missouri State line; on the east by the Mississippi River levee; on the south by the south section lines of sec. 30, T. 16 N., R. 13 E., of secs. 25, 26, 27, 28, 29, and 30, T. 16 N., R. 12 E., and of secs. 25, 26, and 27, T. 16 N., R. 11 E.; and on the west by U. S. Highway 61.

That area bounded by a line beginning at the intersection of State Highway 18 and the Mississippi River levee and extending southwest along the levee to the west section line of sec. 4, T. 14 N., R. 12 E., thence due north along the west section lines of sec. 4, T. 14 N., R. 12 E., and of secs. 33, 28, 21, and 16, T. 15 N., R. 12 E. to State Highway 18, and thence east, south, and southeast along said highway to the point of beginning.

The property known as the Milton Bunch Farm, in E½ sec. 21, T. 16 N., R. 11 E.

The property known as the Hughes and Humphries Trustees Farm, in E½ sec. 35, T. 15 N., R. 11 E.

KENTUCKY

Fulton County. That portion of the N½ sec. 22, T. 1 N., R. 4 W., owned by Jesse McNeill and King McNeill.

That portion of the Norman Sutton farm lying between the levee and the Mississippi River, in sec. 12, T. 1 N., R. 7 W.

All of the area known as the detached portion of Fulton County.

All of Island No. 8 in the Mississippi River.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

MISSOURI

New Madrid County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending north along State Highway B to the point where it intersects the No. 1 drainage ditch, thence northeast along the No. 1 drainage ditch to the point where it intersects U. S. Highway 62 and thence east to the point where U. S. Highway 62 intersects U. S. Highway 61 and thence east on the section line common to secs. 12 and 13, T. 22 N., R. 13 E., and continuing directly east to the Mississippi River.

The property owned by H. E. Hunter and operated by T. C. Wiley, Claudie Harris, M. B. Young, and Roosevelt Walker, located on the north and south sides of a dirt road, approximately 0.6 mile west of U. S. Highway 61 at Ristine.

Pemiscot County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, being the W½NE¼ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

Camden County. The property owned and operated by Mack L. Sawyer, located on the north side of a black top road and 0.3 mile west of Pierceville.

New Hanover County. That area bounded by a line beginning at the North East Cape Fear River Bridge on A. C. L. Railroad and extending southward along said railroad to Prince George Creek, thence along said creek westward to Highway U. S. 117, thence southward along U. S. 117 to a drain ditch approximately one-tenth mile south of the entrance to the North Carolina Vegetable Research Station, thence in a northwesterly direction to the point where Prince George Creek empties into the North East Cape Fear River, thence upstream following said river to said A. C. L. Railroad bridge.

The property owned and operated by W. A. Buck, located on the west side of Highway U. S. 117, across from Wrightsboro school and approximately 1,400 feet north of the intersection of Highway U. S. 117 and Winter Park-Wrightsboro Road.

The property owned and operated by P. Buis, located on the south side of Black Swamp Road approximately 1.6 miles east of Blue Clay Road.

The property owned and operated by Cox Brothers, located on the west side of Blue Clay Road 2.1 miles north of Wrightsboro.

The property owned and operated by H. C. Johnson, located on the northeast side of Gordon Road 0.6 mile northwest of the intersection of Gordon Road and U. S. Highway 17.

The property owned and operated by J. D. Murray, located at end of Murrayville Road 2.2 miles from the intersection with Black Swamp Road.

The property known as Top Notch Farm, located at the west end of Chair Road and owned by the Peschau Estate.

The property owned and operated by A. G. Seitter, Sr., located on the west side of U. S. Highway 117 and approximately 50 feet north of junction of U. S. Highway 117 and Winter Park-Wrightsboro Road.

The property, consisting of two fields, owned and operated by D. Swart and Sons, located 1.3 miles south of the intersection of Skippers Corner Road and Atlantic Coastline Railroad and approximately 1 mile east of U. S. Highway 117.

The property owned and operated by Alex Trask, located west of Blue Clay Road beginning at a point approximately 1,000 feet north of the intersection of Blue Clay Road and Black Swamp Road and extending northward along Blue Clay Road for approximately 1,400 feet to a ditch separating the Trask and Cox properties.

The property owned and operated by Alex Trask, located on the north side of Black Swamp Road and approximately 1.3 miles east of Blue Clay Road.

The property owned and operated by Alex Trask, located on the north side of Black Swamp Road 2.2 miles east of Blue Clay Road.

The property owned and operated by Raiford Trask, located on the east side of Blue Clay Road and bounded on the west by Blue Clay Road beginning at the intersection of Blue Clay Road and Black Swamp Road and extending north for 2,400 feet, on the south by Black Swamp Road beginning at the junction of Blue Clay and Black Swamp Roads and extending eastward seven-tenths mile, on the north by a line beginning at northern terminus of west boundary and extending eastward parallel to the south boundary for seven-tenths mile, and on the east by a line connecting the east termini of the north and south boundaries.

The property owned and operated by Raiford Trask, located on the east side of Blue Clay Road 1.4 miles north of point where Blue Clay Road crosses A. C. L. Railroad.

The property owned and operated by Raiford Trask as a packing and storage area, located just south of Wrightsboro Station on the west side of A. C. L. Railroad; and that property owned and operated by Alex Trask as a packing and storage area, located just south of Wrightsboro Station on the east side of A. C. L. Railroad.

The property owned and operated by Raiford Trask, located on the west side of Blue Clay Road 0.3 mile north of Wrightsboro.

Pender County. That area bounded on the north by N. C. Highway 210, on the east by the Moore-Town Road, on the south by the Moore-Town Road and on the west by a line beginning on N. C. Highway 210 four-tenths mile west from the junction of N. C. Highway 210 and the Moore-Town Road and extending due south to Moore-Town Road.

The property owned and operated by P. Brask, known as Marlboro Farm, located on the west side of U. S. Highway 117, approximately seven-tenths mile north of Paul's Place. Also that property owned and operated by P. Brask adjoining Marlboro Farm on the south.

The property owned and operated by P. Katalinic, located on the east and west side of U, S. Highway 117 at the junction of Stag Park Road and U. S. Highway 117.

The property owned and operated by Paul Paskas, located approximately 1.9 miles west of Paul's Place and three-tenths mile north of N. C. Highway 40 (formerly Highway 210).

The property owned and operated by Mike Poryk, located on the west side of Long Creek-Burgaw Highway 0.2 mile south of Burgaw City limits.

The property owned and operated by C. Heide Trask, located on the south side of N. C. Highway 210 and 1.5 miles west of the junction of U. S. Highway 117 and N. C. Highway 210.

The property owned and operated by C. Heide Trask, located on Moore-Town Road four-tenths mile from its intersection with N. C. Highway 210.

The property owned and operated by W. E. Motley, located on the east side of Kelly Road 1.1 miles northeast of the junction of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located at the intersection of Kelly Road and N. C. Highway 210, being on the north side of N. C. Highway 210 and the east side of Kelly Road, approximately 500 feet north of the intersection of Kelly Road and N. C. Highway 40.

The property owned and operated by Henry Clark, located on the south side of N. C. Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by W. B. Keith, located on the west side of Clarks Landing Loop Road and one mile southwest of Bell's Crossroads.

TENNESSEE

Dyer County. All of the county except Civil Districts 1, 6, 7, 8, 9, and 15.

Lake County. The entire county.

Lauderdale County. Civil Districts 4, 5, 8, and 13.

Obion County. Civil Districts 5, 9, and 12, and that part of Civil District 13 consisting of the farm of approximately 365 acres owned by R. C. Reynolds, 730 East High Street, Union City, operated by O. T. Baker and located south of Union City, approximately one mile south of the intersection of U. S. Highway 45-W and U. S. Highway 51, lying on the east side of U. S. Highway 45-W and extending southward from this point, between U. S. Highway 45-W and the Gulf, Mobile & Ohio Railroad to the south boundary of the property.

This revision has the effect of adding to the areas now regulated in Fulton County, Kentucky; New Madrid County, Missouri; and New Hanover and Pender Counties, North Carolina.

The foregoing administrative instructions shall be effective April 29, 1958, and shall supersede those contained in P. P. C. 624, Revised, effective December 10, 1957 (7 CFR 301.79-2a; 22 F. R. 9854).

These instructions should be made effective as soon as possible with respect to the newly regulated areas in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 23d day of April 1958.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 58-3155; Filed, Apr. 28, 1958; 8:47 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1958 CROP OF RICE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to (1) permit a change in the cropland on a farm without requiring the farm to be reconstituted when the cropland change is 15 percent or less of the total cropland on the farm and such cropland was acquired for a governmental or other public purpose for nonagricultural use, and (2) preclude the establishment of a base acreage for a person or irrigation company when such person or company shared in a prior crop of rice by virtue of furnishing water only for a share of the crop.

Present regulations leave the ASC county committee no choice but to reconstitute the rice acreage allotment and rice history acreages when reconstituting a farm even though the cropland being removed represents a very small percentage of the total cropland on the farm. Because of the large number of instances in which relatively small acreages of farms will be taken out of agricultural use because of the Federal road program and other reasons, it is believed to be in the interest of more effective and economical administration of the rice marketing quota program not to reconstitute farms from which such small acreages are taken. Accordingly, the regulations are being amended as provided in amendment No. 1 below.

Section 730.916 (a) of said regulations requires the county committee, with the approval of the State committee, to establish a base acreage of rice for each old producer in the county. An old producer is defined in said regulations as being any person engaged in the production of rice during one or more of the years 1953, 1954, 1955, 1956 or 1957, including any person who was engaged in the production of rice in 1955, 1956 or 1957 on a farm for which no rice acreage allotment was determined for any of such years. Under the rice acreage allotment regulations for the years prior to 1958, persons or irrigation companies sharing in rice crops during the base period solely by virtue of furnishing water were considered as old producers and entitled to price support on their share of the rice crop, provided the crop was otherwise eligible, but no base acreage or acreage allotment was established for such persons. Through inadvertence, the regulations for 1958 originally issued did not preclude the establishment of base acreages and allotments for such producers. In order to make the 1958 regulations consistent with those for prior years in this respect, amendment No. 2 below is being issued.

Prior to preparing such amendments, public notice (23 F. R. 1552) of the Secretary's intention to issue the amendments was given in accordance with provisions of the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or recommendations pertaining to these amendments were received pursuant to such notice.

1. Section 730.931 (a) is amended by adding a sentence following the second sentence of subparagraph (1) to read as follows: "Notwithstanding the provisions of this subparagraph, the 1958 rice allotment initially established and the rice history acreages for any farm from which 15 per centum or less of the cropland was acquired for a governmental or other public purpose for nonagricultural use shall not be reconstituted."

2. Section 730.916 (a) is amended by changing the period at the end of the second sentence to a comma and adding the following language: "except for a person or irrigation company furnishing water for a share of the crop."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued at Washington, D. C., this 23d day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3158; Filed, Apr. 28, 1958; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 735, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.842 (Lemon Regulation 735; 23 F. R. 2588) are hereby further amended to read as follows:

(ii) District 2: 344,100 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 24, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3173; Filed, Apr. 28, 1958; 8:51 a. m.]

[Docket No. AO-268-A4]

PART 1002—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

ORDER AMENDING ORDER

§ 1002.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Greater Wheeling marketing area. Any delay beyond May 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Greater Wheeling marketing area.

The changes effected by this order amending the order do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on February 14, 1958, the recommended decision having been issued on March 28, 1958 (23 F. R. 2196), and the final decision having been issued on April 14, 1958. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order effective May 1, 1958 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1002.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1002.71 and 1002.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1002.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add the amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.50
All others	1.95

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That the result of the computation pursuant to this subparagraph shall be adjusted to an amount which does not differ by more than 15 cents from the "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the Cleveland, Ohio, Federal milk order (Part 975 of this chapter);

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November–December	113	116
February	December–January	115	118
March	January–February	115	118
April	February–March	115	118
May	March–April	118	121
June	April–May	130	133
July	May–June	137	140
August	June–July	127	130
September	July–August	113	116
October	August–September	110	113
November	September–October	110	113
December	October–November	113	116

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of April 1958, to be effective on and after May 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3176; Filed, Apr. 28, 1958; 8:51 a. m.]

[Docket No. AO-268-A4]

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

ORDER AMENDING ORDER

§ 1009.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Clarksburg marketing area. Any delay beyond May 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Clarksburg marketing area.

The changes effected by this order amending the order do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on February 14, 1958, the recommended decision having been issued on March 28, 1958 (23 F. R. 2196), and the final decision having been issued on April 14, 1958. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order effective May 1, 1958 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1009.27 (k) (1) and (2) and substitute therefor the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the uniform prices, computed pursuant to §§ 1009.71 and 1009.72, and the producer butterfat differential, both for the preceding month.

2. Delete § 1009.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That the Class I price shall not be more than 30 cents in excess of, nor less than 25 cents in excess of, the Class I price effective for the same month under the terms of the Greater Wheeling Federal milk order (Part 1002 of this chapter):

(1) Add the amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.75
All others	2.20

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	116
February	December-January	115	118
March	January-February	115	118
April	February-March	115	118
May	March-April	118	121
June	April-May	130	133
July	May-June	137	140
August	June-July	127	130
September	July-August	113	116
October	August-September	110	113
November	September-October	110	113
December	October-November	113	116

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of April 1958, to be effective on and after May 1, 1958.

DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3177; Filed, Apr. 28, 1958; 8:52 a. m.]

[Docket No. AO-278-A1]

PART 1012—MILK IN BLUEFIELD MARKETING AREA

ORDER AMENDING ORDER

§ 1012.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Bluefield marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Bluefield marketing area. Any delay beyond May 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Bluefield marketing area.

The changes effected by this order amending the order do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on February 11, 1958, the recommended decision having been issued on March 28, 1958 (23 F. R. 2199), and the final decision having been issued on April 14, 1958. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order effective May 1, 1958 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the representative period (January 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Bluefield marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1012.11 and substitute the following:

§ 1012.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

2. Delete § 1012.42 (c) and substitute the following:

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk which is Class II milk in the case of butterfat and skim (excluding that in milk diverted pursuant to § 1012.11 and shrinkage determined pursuant to paragraph (a) of this section) classified pursuant to § 1012.41 (a) and (b) (1), (2) and (3). The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

3. Delete § 1012.51 (a) and substitute the following:

(a) *Class I milk price.* For each month, ending with and including the month of October 1959, the Class I milk price shall be the basic formula price for the preceding month, plus $1.45 during the months of April, May and June; plus $1.70 during the months of March and July; and plus $2.10 during the months of August, September, October, November, December, January, and February.

4. In § 1012.51 (b) (1), delete the list of plants and substitute the following:

Company and Location

Pet Milk Company, Greeneville, Tenn.
Pet Milk Company, Abingdon, Va.
Carnation Company, Galax, Va.
Carnation Company, Murfreesboro, Tenn.
Carnation Company, Statesville, N. C.
Borden Company, Lewisburg, Tenn.
Borden Company, Chester, S. C.
Kraft Foods Company, Independence, Va.
Kraft Foods Company, Greeneville, Tenn.

5. Delete § 1012.80 and substitute the following:

§ 1012.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months beginning with September of the preceding year and through February of the current year, by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

6. Delete § 1012.82 (a) and substitute the following:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months beginning with September of the preceding year through February of the current year.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of April 1958, to be effective on and after May 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3175; Filed, Apr. 28, 1958; 8:51 a. m.]

[Amdt. 8]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. Section 1015.302 (b) (23 F. R. 1169) is hereby amended to read as follows:

(b) *Order.* During the period from April 30, 1958, through July 31, 1958, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area:

(1) No person may handle cucumbers, except for conversion into pickles or relishes, unless the cucumbers meet the requirements of the U. S. Fancy, U. S. Extra No. 1, U. S. No. 1, U. S. No 1 Small, or U. S. No. 1 Large grades, and not larger than 2½ inches in diameter:

(2) Each handler may handle up to, but not to exceed, one bushel (54 pounds net) of cucumbers per day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers.

(3) No person may handle cucumbers unless the cucumbers are so packed that they meet the grade requirements of this section and one of the applicable pack specifications established in § 1015.101 (23 F. R. 1168). Each container of cucumbers in each lot, or portion of a lot, shall be marked or stamped to show the U. S. grade applicable to such lot pursuant to the pack specifications established in § 1015.101 and as certified by the Federal-State Inspection Service. The marking or stamping shall be in letters at least one-half inch high and so placed on each container as to be conspicuous and legible.

(4) No person may handle any cucumbers unless the cucumbers are inspected and certified pursuant to the provisions of § 1015.60; and

(5) The grades used in this section shall have the same meanings assigned these terms in the United States Standards for Cucumbers (§§ 51.2220 through 51.2239 of this title; 23 F. R. 1165), including the tolerances set forth therein, and all other terms shall have the same meanings as when used in this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated April 25, 1958, to become effective April 30, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-3216; Filed, Apr. 28, 1958; 9:18 a. m.]

[Amdt. 4]

PART 1070—CUCUMBERS

IMPORT RESTRICTIONS; MINIMUM QUANTITIES

Pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015), regulating the handling of cucumbers grown in Florida, and in accordance with the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraphs (b) *Import restrictions* and (c) *Minimum quantities* of § 1070.1 (*Cucumber Regulation No. 1;* 22 F. R. 9045, 9699, 9917; 23 F. R. 1169) are amended to read as follows:

(b) *Import restrictions.* During the period from May 4, 1958, through July 31, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person may import any cucumbers of any variety unless the cucumbers meet the requirements of U. S. No. 1 or better grade, and have a maximum diameter of not larger than 2⅜ inches.

(c) *Minimum quantities.* Any lot of cucumbers which, in the aggregate, does not exceed 54 pounds may be imported without regard to the provisions of paragraph (b) or (e) of this section.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this mandatory regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (supra), which make such amended regulation mandatory; (ii) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, quality and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (§ 1015.301, as amended); (iii) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date; and (iv) notice hereof is hereby determined to be reasonable in accordance with the requirements of the Act and is in excess of the minimum period of three days specified in the Act.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated April 25, 1958, to become effective May 4, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 58-3217; Filed, Apr. 28, 1958; 9:18 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 327—ASSESSMENTS

ASSESSMENT DECISIONS

The following amendments of assessment decisions have been adopted:

1. Section 327.123 is amended to read as follows:

§ 327.123 *Assessment Decision No. 23; cash items eligible for deduction as exchanges.* (a) The term "cash item" as used in the Federal Deposit Insurance Act and in the rules and regulations refers to items eligible for deduction under local and outside exchanges. Cash items eligible for deduction are defined in § 327.1 (b), effective March 30, 1954. A cash item eligible for deduction as defined therein must meet the following requirements:

(1) The instrument, check, or draft must provide for the payment of money.

(2) The instrument, check, or draft must have been received by the reporting bank in the regular course of business.

(3) The instrument, check, or draft must be in the process of collection.

(4) The instrument, check, or draft must be payable on presentation.

(5) In consideration therefor the reporting bank must have done one of the following:

(i) Given credit to a deposit account;

(ii) Issued a credit instrument;

(iii) Paid the item (see § 327.125 Assessment Decision No. 25, Cash Items Paid by the Reporting Bank);

(iv) Credited the amount thereof upon an indebtedness to the bank; or

(v) Received the instrument in payment for Series E bonds or other security (not an asset of the bank), or as a collection for public utility service, or in a like transaction: *Provided, however,* That an instrument received in payment of, or arising from, the sale or other disposition of any of the bank's assets is not a cash item.

(6) The payer or drawee of the instrument, check, or draft, must be a bank or person other than the reporting bank.

(b) The following are examples which do not meet the requirements of a cash item eligible for deduction:

(1) Any instrument received in payment of or arising from the sale or other disposition of any of its assets.

(2) A draft payable at a future date such as upon arrival of a car.

(3) Any instrument, check, or draft received in payment of clearings.

(4) Any instrument, check, or draft received in payment for cash items paid or credited to a deposit account and forwarded for collection.

(5) Drafts issued to transfer its own funds.

(6) Any instrument, check or draft drawn and delivered to a bank, or exchanged between banks, or drawn by an officer, director, stockholder, or affiliate of the reporting bank, or by any other person or corporation for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day. However, where such an instrument has been credited to a deposit account and included in the reported deposits and is in the process of collection at the close of business on a base day, it may be subtracted under Item F of the Certified Statement in its actual amount from reported deposits in computing the assessment base: *Provided,* That if a bank computes its assessments under the (aa) method, such instruments may not be subtracted unless they are received and reflected on the books of the bank as a part of the business of the base day, in accordance with the normal procedure of the bank.[5a]

(7) Any instrument, check, or draft received by the reporting bank drawn on any branch or office of the reporting bank.

(8) Any instrument, check, or draft held by the reporting bank until made good by the maker or endorser.

(c) For definition of cash item for the base day from September 21, 1950 through the December 31, 1953 base day, see footnote 5.

[5] For the period based upon deposits from July 1, 1950 through the December 31, 1953 base day, the definition of a cash item appeared in § 327.1 (a) of the rules and regulations in effect to March 30, 1954. The above items in subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section were the same for that period but the items in subparagraphs (5) and (6) of paragraph (a) of this section were different so that the definition for said period included checks and drafts for which cash or other consideration was given and included instruments, checks or drafts where the payer or drawee was a branch office or a main office of the reporting bank other than the office where the item was received.

The principal differences between cash items eligible for deduction prior to March 30, 1954, and those eligible for deduction thereafter are as follows:

1. After July 1, 1950, and prior to March 30, 1954, but not thereafter, the bank could include in cash items eligible for deduction instruments drawn on other banks received in payment of or arising from the sale or other disposition of any of its assets.

2. After July 1, 1950, and prior to March 30, 1954, but not thereafter, the reporting bank could include in cash items eligible for deduction instruments, checks, or drafts re-

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[5a] Prior to the March 31, 1958 assessment base day, the instruments described in subparagraph (6) of paragraph (b) of this section were ineligible for deduction as cash items or otherwise, but thereafter they may be deducted in their actual amount if included in reported deposit liabilities, and remain uncollected at the close of business on the base day.

See §§ 327.127, 327.128 and 327.130, Assessment Decisions No. 27, Cash Items Deductions; Local, No. 28, Cash Items Deductions; Outside, and No. 30, Cash Items Deductions; Change in Alternate Method.

ceived by the reporting bank on the base days drawn on another branch or office of the reporting bank.

3. After July 1, 1950, and prior to March 30, 1954, the reporting bank could not include in cash items eligible for deduction any instruments, other than checks or bank drafts for which it had given cash. This limitation was removed in the regulations effective March 30, 1954, so that thereafter instruments other than checks and bank drafts, such as postal money orders and interest coupons could be included in cash items eligible for deduction if cash was given therefor.

2. Section 327.125 is amended to read as follows:

§ 327.125 *Assessment Decision No. 25; cash items paid by the reporting bank.* (a) Only items credited to deposit accounts or paid are eligible for deduction. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges, for a definition of a cash item.)

(b) In the amended rules and regulations, effective March 30, 1954, the word "paid" is defined to include items for which the bank has given cash, received as a payment on a debt to the bank, received in payment for a Series E bond or other security (not an asset of the bank), and as a collection for public utilities service or in a similar transaction.

(c) It is specifically provided in said amended rules and regulations that an instrument received by the bank in payment of, or arising from, the sale or other disposition of any of its assets is not a cash item.

(d) Following are examples of items considered "paid" and eligible for deduction as cash items if they meet all the other requirements of a cash item:

(1) Items cashed over the counter.

(2) Items received and paid for in local clearings or paid for in cash letters received.

(3) Items received as a payment on, or in payment of, a note to the bank.

(4) Items received as a payment on principal or interest on a mortgage held by the bank, not arising from the sale of its own property.

(5) Items received in payment of rent to the bank on wholly owned real estate.

(e) Following are examples of items not within the definition of "paid" and ineligible for deduction:

(1) Items received for the sale or other disposition of securities owned by the bank. (See § 327.139 Assessment Decision No. 39, Checks and Drafts Received for the Sale or Other Dispostion of the Bank's Own Assets.)

(2) Items received for the sale of notes or mortgages owned by the bank. (Note the distinction between an item received for the sale of a note or mortgage owned by the bank which is ineligible for deduction and an item received as a payment on a note or mortgage not arising from the sale of its own property, which is an eligible deduction.) (See § 327.139 Assessment Decision No. 39, Checks and Drafts Received for the Sale or Other Disposition of the Bank's Own Assets.)

(3) Instruments received in payment for cash items previously paid or credited to deposit accounts and previously forwarded for collection. (See § 327.138 Assessment Decision No. 38, Checks or Drafts Received in Payment of Cash Items Forwarded for Collection.)

(4) Instruments received in payment of clearings. (See § 327.137 Assessment Decision No. 37, Checks or Drafts Received in Payment of Clearings.)

(5) Drafts drawn by the reporting bank to transfer its own funds. (See § 327.176 Assessment Decision No. 76, Drafts for Transfer of Bank's Own Funds.)

(6) Instruments, checks or drafts drawn and delivered to a bank, or exchanged between banks, or drawn by an officer, director, stockholder, or affiliate of the reporting bank, or by any other person or corporation for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day.[6a] (See § 327.202 Assessment Decision No. 102, Instruments Drawn for the Purpose of Abnormally Increasing Deposits or Deductions.)

(f) For the definition of cash items for the base days from September 21, 1950, through December 31, 1953, see footnote 6.

3. Section 327.153 is amended to read as follows:

§ 327.153 *Assessment Decision No. 53; deductions; in general.* (a) The assessment for deposit insurance is based upon the bank's liability for deposits. Certain deposits are exempt from assessment under specific provisions of the Federal Deposit Insurance Act and these exempt provisions are known as "exclusions". (See § 327.157 Assessment Decision No. 57, Deposit Exclusions, In General.)

(b) Certain deductions may be made from the total of reported deposits: *Provided, however,* That no deduction may be made unless the items deducted have been included in the total of the reported deposits with the exception of cash items paid. (See § 327.125 Assessment Decision No. 25, Cash Items Paid by the Reporting Bank.)

(c) The eligible deductions from reported deposits include the following:

(1) Cash items in the process of collection. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

(2) Trust funds deposited by the reporting fiduciary bank in other insured banks. (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

(3) Checks drawn against the reporting bank which it has paid or credited to deposit accounts but has not yet subtracted from the control account for deposits. (See § 327.104 Assessment Decision No. 4, Accumulated Checks of Customers.)

(4) Checks issued in payment for securities purchased for the bank's own portfolio. (See § 327.144 and § 327.133 Assessment Decisions No. 44, Commercial Paper Purchased, and No. 33, Cashiers' and Other Officers' Checks.)

(5) Expense checks or cashiers' checks issued in payment of the bank's own expenses. (See § 327.133 Assessment Decision No. 33, Cashiers' and Other Officers' Checks.)

(6) Deposits representing the bank's own funds. (See § 327.162 Assessment Decision No. 62, Deposits Representing the Bank's Own Funds.)

(7) Checks issued in payment of dividends on the bank's own stock. (See § 327.165 Assessment Decision No. 65, Dividend Checks and Deposits.)

(8) An item drawn against a deposit account in the main office or branch office of the reporting bank which is received by an office of the reporting bank other than the office where the deposit account is carried and which has been paid or credited to a deposit account, if not subtracted from the control of deposits may be deducted therefrom. (See § 327.117 Assessment Decision No. 17, Branch Items.)

(9) Deposit accounts set up merely to record the amount of commitments for loans where interest is not payable on such commitments. (See § 327.145 Assessment Decision No. 45, Commitments for Loans.)

(10) An item received for the purpose of abnormally increasing deposits or reducing assessments with deductions on any assessment base day which has been credited to a deposit account and included in reported deposit liabilities and is in the process of collection. (See § 327.202 Assessment Decision No. 102, Instruments Drawn for the Purpose of Abnormally Increasing Deposits or Deductions.)

(d) Reciprocal bank balances with insured banks may also be deducted to the extent explained in § 327.233 Assessment Decision No. 133, Reciprocal Bank Balances.

4. Section 327.202 is amended to read as follows:

§ 327.202 *Assessment Decision No. 102; instruments drawn for the purpose of abnormally increasing deposits or deductions.* (a) No deductions as cash items may be claimed for instruments which are received for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day. This includes, but is not

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[6] For the period from July 1, 1950, to March 30, 1954, the definition of "paid" was in § 327.1 (a) of the rules and regulations. For that period, the term "paid" was deemed to include checks or bank drafts for which the bank had given cash or other consideration. For that period the only nondeposit items eligible for deduction were checks and bank drafts. Thus, Series E bonds cashed or any coupons cashed were ineligible for deduction prior to March 30, 1954, but are eligible for deduction thereafter. From July 1, 1950, to March 30, 1954, the reporting bank could include in cash items eligible for deduction the checks and drafts drawn on other banks received in the sale of any of its assets. Such items are ineligible for deduction after March 30, 1954.

[6a] Prior to the March 31, 1958, assessment base day, the instruments described in subparagraph (6) of paragraph (e) of this section were ineligible for deduction as cash items or otherwise, but thereafter they may be deducted in their actual amounts if included in reported deposit liabilities and remain uncollected at the close of business on the base day.

limited to, drafts drawn and delivered to a bank, or exchanged between banks, or drawn by an officer, director, stockholder, or affiliate of the reporting bank, or by any other person or corporation for the purpose of abnormally increasing deposits or reducing assessments with deductions on the base day.

(b) However, where such an instrument has been credited to a deposit account and included in reported deposit liabilities and is in the process of collection at the close of business on a base day, it may be subtracted under Item F of the Certified Statement in its actual amount from reported deposits in computing the assessment base: *Provided*, That where a bank claims deductions for cash items under the (aa) method, such instruments may not be subtracted unless they are received and reflected on the books of the bank as a part of the business of the base day, in accordance with the normal procedure of the bank.

(c) This applies to any abnormal transactions designed to abnormally increase deposits or reduce assessments with deductions on any base day, including deductions for reciprocal bank balances or any other type of deductions. A factor in determining the purpose will be the length of time the funds remain on deposit and whether the withdrawal is in substantially the same amount as the credit given.

(Sec. 9, 64 Stat. 882; 12 U. S. C. 1819)

FEDERAL DEPOSIT INSURANCE
CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 58-3164; Filed, Apr. 28, 1958; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6629 is added to read:

§ 600.6629 *VOR civil airway No. 1529 (Los Angeles, Calif., to Pembina, N. Dak.)*. From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Milford, Utah, omnirange station; Myton, Utah, omnirange station; Rawlins-Cherokee, Wyo., omnirange station; Casper, Wyo., omnirange station; Dickinson, N. Dak., omnirange station; to the Pembina, N. Dak., radio range station.

2. Section 600.6631 is added to read:

§ 600.6631 *VOR civil airway No. 1531 (San Francisco, Calif., to U. S.-Canadian Border)*. From the point of intersection of the Oakland omnirange 217° and the Salinas, Calif., omnirange 319° radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 055° and the Reno omnirange 230° radials; Reno, Nev., omnirange station; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; Elko, Nev., omnirange station; Wells, Nev., omnirange station; Pocatello, Idaho, omnirange station; Billings, Mont., omnirange station; Miles City, Mont., omnirange station; Dickinson, N. Dak., omnirange station; Minot, N. Dak., omnirange station; to the Brandon, Manitoba, nondirectional radio beacon.

3. Section 600.6633 is added to read:

§ 600.6633 *VOR civil airway No. 1533 (San Francisco, Calif., to U. S.-Canadian Border)*. From the point of intersection of the Oakland, Calif., omnirange 217° and the Salinas, Calif., omnirange 319° radials via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of the Sacramento omnirange 346° and the Red Bluff omnirange 158° radials; Red Bluff, Calif., omnirange station; intersection of the Red Bluff omnirange 018° and the Klamath Falls omnirange 181° radials; Klamath Falls, Oreg., omnirange station; Redmond, Oreg., omnirange station; Pendleton, Oreg., omnirange station; Mullan Pass, Idaho, omnirange station; to the Cowley, Alberta, radio range station.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., May 29, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 22, 1958.

[F. R. Doc. 58-3141; Filed, Apr. 28, 1958; 8:45 a. m.]

[Amdt. 7]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.6629 is added to read:

§ 601.6629 *VOR civil airway No. 1529 control areas (Los Angeles, Calif., to Pembina, N. Dak.)*. All of VOR civil airway No. 1529.

2. Section 601.6631 is added to read:

§ 601.6631 *VOR civil airway No. 1531 control areas (San Francisco, Calif., to U. S.-Canadian Border)*. All of VOR civil airway No. 1531.

3. Section 601.6633 is added to read:

§ 601.6633 *VOR civil airway No. 1533 control areas (San Francisco, Calif., to U. S.-Canadian Border)*. All of VOR civil airway No. 1533.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., May 29, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 22, 1958.

[F. R. Doc. 58-3142; Filed, Apr. 28, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

Section 230.11 *Descriptive list* is amended as follows:

1. Paragraph (g) *Ceramic materials* is amended by the addition of samples 181, 182, and 183 to read as follows:

Lithium ores.[1]

Sample No.	Name	% Li_2O	Approximate weight of sample in grams	Price per sample
181	(Spodumene)	6.80	45	$4.00
182	(Petalite)	4.34	45	4.00
183	(Lepidolite)	4.12	65	4.00

2. Paragraph (p) *Standards for rubber compounding* is amended to change the title and to add samples 383, 385, and 387 to read as follows:

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[1] Certified only for Li_2O at this time.

(p) *Standard rubbers and rubber compounding materials*—(1) *Rubbers.*[1]

Sample No.	Name	Approximate weight of sample in grams	Price per sample
385	Natural rubber	31,500	$44.00
386	Styrene-butadiene, type 1500.	34,000	27.00
387	Styrene-butadiene, type 1000.	34,000	23.00

(2) *Rubber compounding materials.*[1]

Sample No.	Name	Approximate weight of sample in grams	Price per sample
370a	Zinc oxide	2,000	$2.15
371b	Sulfur	1,400	1.75
372c	Stearic acid	800	1.90
373b	Benzothiazyl-disulfide	500	1.75
374a	Tetramethylthiuram-disulfide.	500	3.50
375c	Channel black	7,500	3.50
376a	Light magnesia	450	2.40
377	Phenyl-beta-naphthylamine.	600	4.00
378	Oil furnace black	7,000	3.50
379	Conducting black	5,500	3.50
380	Calcium carbonate	6,000	2.50
381	Calcium silicate	4,000	2.50
382	Gas furnace black	7,500	3.50
383	Mercaptobenzothiazole	800	2.75

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: April 22, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-3159; Filed, Apr. 28, 1958; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

BOX RENTAL FEES

The proposed amendments to paragraph (c) of § 41.3 published in the FEDERAL REGISTER of December 14, 1957, at page 10064 (22 F. R. 10064) are adopted as the regulations of the Post Office Department, effective July 1, 1958, with the following changes:

1. Subparagraph (2) (i) (*a*) is amended to read as follows:

(*a*) With the exception of rural station and stations and branches primarily servicing academic institutions, box fees at stations and branches of first-class offices will be related to the fees established at the main office. The fees at such stations and branches generally will be those prescribed at the main office or those prescribed for the first or second group below those charged at the main office, depending upon the level of postal activity and the value of service rendered at such stations or branches.

2. Subdivision (iii) of subparagraph (2) is amended to read as follows:

(iii) *Academic institutions.* The following regulations will apply only to stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institutions:

(*a*) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by personnel employed by the school, box rental fees, if any, are subject to the control of the academic institution and the revenues therefrom, if any, shall not be considered as postal funds.

(*b*) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockboxes shall be charged on the basis of the following schedule and all revenues therefrom shall be considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester	$0.30	$0.40	$0.50	$0.60	$0.90	$1.50	[illegible]
Per quarter	.20	.30	.35	.40	.60	1.00	[illegible]

The regulations, as adopted, read as follows:

In § 41.3 *Post office boxes,* amend paragraph (c) to read as follows:

(c) *Rental rates*—(1) *Boxes at main offices*—(i) *Classification of offices.* The following nine groups of post offices have been established for purposes of setting rental fees for call and lockboxes:

POST OFFICES WITH CITY CARRIER SERVICE

Group A: This group consists of the largest first-class post offices in the postal system. These offices usually have annual postal receipts in excess of five million dollars, usually employ a thousand or more regular employees, and have postmasters in salary level 16 or above.

Group B: Post offices of this group usually have annual receipts ranging from one and one-half to five million dollars, have approximately 300 to 1,000 employees, and have postmasters in salary levels 14 or 15.

Group C: Post offices of this group usually have annual receipts ranging from $500,000 to one and one-half million dollars, have approximately 60 to 300 employees, and have postmasters in salary levels 12 or 13.

Group D: This group of post offices usually have annual receipts ranging from $100,000 to $500,000, have approximately 25 to 60 employees, and have postmasters in salary levels 10 or 11.

Group E: This group mainly consists of larger second-class and smaller first-class offices offering city delivery service, with annual receipts usually ranging from $20,000 to $100,000, and with approximately 5 to 25 employees. Postmasters of these offices are in salary levels 7, 8, or 9.

POST OFFICES WITHOUT CITY CARRIER SERVICE

Group F: Post offices of this group mainly consist of smaller first-class and larger second-class offices that do not offer city or village letter carrier service, with annual receipts usually ranging from $16,000 to $60,000, and with approximately 5 to 20 employees. However, some larger first-class post offices which do not provide city-carrier service are also included in this group. Postmasters of these offices are in salary level 8 or above.

Group G: This group is composed of larger third-class offices and smaller second-class offices none of which offer city letter carrier service. Annual receipts of these offices usually range from $6,000 to $16,000 and fewer than six employees are usually employed. This group includes all non-city carrier offices with postmasters in salary level 7.

Group H: This group consists of smaller third-class offices none of which offer city letter carrier service. Annual receipts of these offices generally range between $1,500 and $6,000. Postmasters of these offices are in salary levels 5 or 6.

Group I: This group is composed of all fourth-class offices.

(ii) *Rate schedule.* The quarterly box rent schedules for main post offices are as follows:

Post Office groups	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	Size No.		Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity.				
	To 225	225 to 500	To 225	225 to	500 to	900 to	[illegible] and over
Offices with city carrier service:							
Group A	$2.25	$3.00	$4.50	$6.00	$8.00	$10.00	[illegible]
Group B	1.50	2.25	3.00	4.50	6.00	7.50	[illegible]
Group C	1.10	1.50	2.25	3.00	4.50	6.00	[illegible]
Group D	.80	1.10	1.70	2.25	3.00	4.50	[illegible]
Group E	.65	.80	1.20	1.50	2.25	3.00	[illegible]
Offices without city carrier service:							
Group F	.50	.65	.90	1.10	1.50	2.25	[illegible]
Group G	.35	.50	.70	.90	1.10	1.50	[illegible]
Group H	.20	.30	.50	.65	.90	1.10	[illegible]
Group I	.15	.20	.35	.50	.65	.90	[illegible]

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[1] Normally, samples are shipped railway express, express charges collect.

(2) *Boxes at stations and branches*—(i) *First class offices.* (*a*) With the exception of rural stations and stations and branches primarily servicing academic institutions, box fees at stations and branches of first class offices will be related to the fees established at the main office. The fees at such stations and branches generally will be those prescribed at the main office or those prescribed for the first or second Group below those charged at the main office depending upon the level of postal activity and the value of service rendered at such stations or branches.

(*b*) All rural stations will charge the fees as prescribed for Group I post offices.

(ii) *Second- and third-class offices.* (*a*) With the exception of rural stations and stations and branches primarily servicing academic institutions, stations and branches of second- and third-class post offices will charge the same box rental fees as those at the main office.

(*b*) All rural stations will charge the fees as prescribed for Group I post offices.

(iii) *Academic institutions.* The following regulations will apply only to stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institutions:

(*a*) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by personnel employed by the school, box rental fees, if any, are subject to the control of the academic institution and the revenues therefrom, if any, shall not be considered as postal funds.

(*b*) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockboxes shall be charged on the basis of the following schedule and all revenues therefrom shall be considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester	$0.30	$0.40	$0.50	$0.60	$0.90	$1.50	$2.40
Per quarter	.20	.30	.35	.40	.60	1.00	1.60

(3) *General regulations.* (i) In new box rentals the postmaster will make every effort to rent a box with sufficient capacity to handle estimated average daily mail volume of the patron.

(ii) In cases where the average daily volume of mail received by a patron now renting a box exceeds the capacity of the box now rented and if larger size boxes are available, postmasters will encourage the patron to advance to a box of sufficient capacity at the start of the next fiscal year. Advance cooperative arrangements will be made with such patrons to mimimize any problem which a change in box number might occasion.

(iii) Certain instances arise when boxes of sufficient capacity are not available or cannot be provided because of practical considerations to handle the average daily mail volume of a patron. In such cases special arrangements may be entered into by postmasters to provide a box number and utilize bags or other containers in lieu of lockboxes. The fee for such a service shall be equivalent to the rental that would be collected if the patron had been provided with the largest size box contained in the installation.

NOTE: The corresponding section in the Postal Manual is section 151.33.

(R. S. 161, 396, as amended, 3901, 4051; 5 U. S. C. 22, 369, 39 U. S. C. 279, 783)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3193; Filed, Apr. 28, 1958; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRCRAFT FLIGHT RECORDER

The proposed regulation § 514.50 establishes minimum performace standards for aircraft flight recorders to be used in civil aircraft of the United States.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rule should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.50 is added under Subpart B of this part to read as follows:

§ 514.50 *Aircraft flight recorder—TSO-C51*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft flight recorder instruments which specifically are required to be approved for use in civil aircraft of the United States. Aircraft flight recorder instruments to be eligible for installation in civil aircraft shall meet the standards set forth in CAA-CAB standard, "Aircraft Flight Recorder Instrument", dated March 13, 1958.[1]

(b) *Marking.* In addition to the information required in § 514.3, the rating (nominal voltage and wattage) shall also be marked on the instrument.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 22, 1958.

[F. R. Doc. 58-3140; Filed, Apr. 28, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 4b, 40, 41, 42, 43, 60]

[Draft Release No. 58-9]

SPECIAL REGULATIONS TO PROVIDE FOR PROVISIONAL CERTIFICATION AND OPERATION OF MULTIENGINE TURBINE-POWERED TRANSPORT AIRPLANES FOR WHICH TYPE CERTIFICATES HAVE NOT BEEN ISSUED

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 29, 1958. Copies of such communications will be available after June 3, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The aviation industry of the United States has been engaged for several years in a vast program of design, development, and production of turbine-powered transports. Several hundred of these transports have been ordered by United States' air carriers at a cost of nearly two billion dollars. One airplane of this type has already been flown by the manufacturer for several hundred hours in an extremely varied and rigorous flight test program. Other types are in various stages of design, production, and testing by their manufacturers.

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[1] Copies may be obtained from the CAA Aircraft Engineering Division (W-241), Washington 25, D. C.

Certain air carriers have expressed the desire to operate these airplanes prior to completion of the type certification programs. The air carriers have indicated in particular that they desire to conduct crew training and obtain as much experience as possible in ground handling, maintenance, and flight of these new airplanes prior to their introduction into commercial service. Although certain limited operations of this nature have been permitted by the Administrator in the past, he has advised the Board that he considers his authority under Part 1 of the Civil Air Regulations inadequate for him to grant permission for the operations presently contemplated by the air carriers. The Bureau is of the opinion, however, that such operations by air carriers intending to use the airplanes in air carrier service will be in the public interest and should be permitted and encouraged prior to completion of type certification procedures provided appropriate operating limitations are imposed. This will afford technical personnel of the air carriers, the Civil Aeronautics Administration, the Civil Aeronautics Board, and others an excellent opportunity to become familiar with the new equipment before it is used in air transportation.

These airplanes are being built, to the best of the manufacturers' knowledge and ability, to comply with the requirements of the Civil Air Regulations applicable to transport category airplanes. However, manufacturers of several of these types of airplanes have not yet demonstrated compliance with the standards established in these regulations for the issuance of type certificates. In making these demonstrations, the manufacturers would permit such descriptive data, test reports, and computations as are necessary to demonstrate that the airplanes comply with the requirements of Part 4b. In addition, it is the CAA policy that the manufacturers' test pilots certify that the airplanes have been flown at least in all maneuvers necessary for proof of compliance with the flight requirements of Part 4b and Special Civil Air Regulation No. SR-422.

Normally, during the development of a new type airplane, the manufacturer applies to the Administrator for an experimental certificate. The Administrator thereafter issues a certificate in accordance with Part 1 of the Civil Air Regulations if he finds that the airplane may be safely test flown by the manufacturer to show compliance with the Civil Air Regulations for the issuance of a type certificate. The Administrator prescribes appropriate operating restrictions, including the prohibition of carrying persons or property for compensation or hire. Such certificates remain effective for one year. It is the policy of the CAA during these processes to do everything possible to encourage legitimate experimentation leading to improvement in airplanes whenever this may be done without endangering persons and property involved in the experimentation. In the present situation, turbine-powered transports have been issued experimental certificates in order that flight test programs may be completed. Historically, however, and in keeping with the intent of section 603 (a) (1) and (c) of the Civil Aeronautics Act of 1938, as amended, operations conducted in airplanes so certificated have been limited for the most part to flight test work.

It is the practice of manufacturers to initiate production of airplanes of a new type while they are accomplishing the type certification program. Thus, many airplanes may be completed prior to issuance of the basic type certificate; the number produced by various manufacturers will, of course, vary with orders on hand and anticipated demand for the airplanes.

Since these airplanes have not been completely tested and shown to meet the applicable airworthiness requirements, it is prudent that training and service testing operations by air carriers be carefully controlled to insure the maximum possible safety of persons and property. In determining the nature and extent of precertification operations which could usefully be conducted by air carriers, the Bureau has given attention to the following: Type and area of operations, operating limitations, permissive flight maneuvers, crew complement and qualifications, categories of persons who should be carried, and other special limitations. The Board has also solicited the views of appropriate industry and airman groups concerning the proposed operations of the new jets prior to completion of type certification. Those replying to the Bureau's inquires generally endorsed maximum use by the air carriers of the new jet transports before they are used in commercial passenger service.

In such precertification operations, the Bureau considers that air carriers will be able to perform essential crew training and service tests and obtain useful information concerning fuel management, dispatching and traffic control procedures, and other operating practices. The Bureau does not consider, however, that at this time these transports should be operated in air transportation; i. e., carrying persons, property, or mail for compensation or hire. After the Board has had an opportunity to evaluate experience gained under this regulation, consideration will be given to limited carriage of cargo and mail if such is determined to be in the public interest.

Apart from the useful technical information which may be obtained from the proposed operations, an immediate important consideration is that of national prestige. Competition for world supremacy in air transportation is extremely keen. Various nations have produced or are developing jet transports which they hope will eventually be used extensively in global commercial operations. Speedy introduction of jets into the service of the United States is necessary, therefore, to assure the continued sound development of an air transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense. Regulation of these operations must be accomplished, however, in such manner as to insure the highest degree of safety consistent with the nature of the operation to be conducted.

Accordingly, the Bureau proposal herein would provide a means by which air carriers may use certain jet transports, which have not been type certificated by the Administrator, in crew training and simulated air carrier operations not in air transportation. Various procedures and limitations are set forth in the proposal to insure the maximum possible safety of persons and property consistent with the nature of the operations to be conducted. These provisions cover three separate aspects of the problem: Provisional type certification, provisional airworthiness certification, and operational rules.

In order to be eligible for the issuance of a provisional type certificate, the U. S. manufacturer of multiengine turbine-powered transport type airplanes must have already applied to the Administrator for the issuance of a transport category type certificate. Furthermore, to insure that this authority is extended only to manufacturers who have had experience in building transport type airplanes in accordance with the Civil Air Regulations, applications will be considered only from manufacturers who previously have received a type certificate for at least one airplane in the transport category and have a production certificate for that type. The Board also proposes that the Civil Aeronautics Administration's official flight test program with respect to transport type certification shall be in progress; and that this flight test program shall have progressed to the extent that the Administrator can reasonably predict that transport type certification will be completed within six months. In view of the fact that full certification will not have been completed, however, the proposed regulation necessarily places a great reliance on the experience, reliability, and integrity of the manufacturers. For example, they will be required to certify that the airplanes for which provisional type certification is sought have been designed and constructed in accordance with the applicable airworthiness requirements of the Civil Air Regulations; have undergone certain flight testing; and are considered safe for the operations contemplated by this special regulation—also that special inspection and maintenance instructions have been established to insure safe operation of the airplanes. The Administrator will be required to find, on the basis of the provisions contained in this special regulation, that the airplanes have no features, characteristics, or conditions which render them unsafe when operated in accordance with the airplane flight manual which the manufacturers must prepare.

With respect to the airworthiness of airplanes for which provisional type certificates have been issued, considerable reliance is also placed on the experience of the manufacturers. For example, the airplanes must be manufactured under a production and quality control system which is comparable to that required for the issuance of a production certificate; and each airplane shall have been flown at least five hours by the manufacturer and found by him to be in safe operating condition, and the manufacturer must present a statement that the airplane conforms to the terms of a provisional type certificate.

The Bureau proposes that operation of these airplanes be limited to holders of currently effective air carrier operating certificates issued in accordance with Part 40, 41, or 42 of the Civil Air Regulations. Operations which may be conducted include crew training and simulated air carrier operations not in air transportation. All operations must be conducted in accordance with the Civil Air Regulations of general applicability, such as Parts 43 and 60, and certain additional restrictions. For example, the airplanes must be operated in accordance with the airplane flight manual furnished by the manufacturers; specific procedures for operations at airports where the runways may require a take-off or approach over populated areas will be established and must be approved by the Administrator. Various other restrictions pertaining, in particular, to maintenance and airworthiness are imposed.

The Bureau has also received a recommendation that airplanes operated under this proposed special regulation be equipped with flight recorders. It is not contemplated that these flight recorders be limited to a type designed to meet the requirements of § 40.208 of Part 40. In this respect, the Bureau has been advised that extensive plans have been made for the installation of certain NACA recorders in a cooperative effort among aircraft manufacturers, air carriers, and the NACA. It is the Bureau's understanding, furthermore, that these instruments will be installed in the first airplanes to be delivered and will enable industry and government alike to obtain valuable technical data with respect to the operation of these airplanes under this special regulation. Specific comment is requested on this recommendation.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of a Special Civil Air Regulation to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, a multiengine turbine-powered transport airplane for which the issuance of a transport category type certificate is pending shall be eligible for provisional certification and operation in accordance with the provisions of this special regulation.

SECTION 1. *Provisional type certificate*—(a) *Applicant*. (1) Any U. S. manufacturer of a multiengine turbine-powered transport-type airplane may apply for the issuance of a provisional type certificate provided that he has applied to the Administrator for the issuance of a transport category type certificate for such airplane. The application for a provisional type certificate shall be made in a manner prescribed by the Administrator.

(2) The applicant shall be a manufacturer who has previously received a type certificate for at least one airplane in the transport category and has a currently effective production certificate for that type.

(b) *Requirements for issuance.* The Administrator shall issue a provisional type certificate for an airplane for which application is made in accordance with paragraph (a) of this section when the conditions of subparagraphs (1) through (9) of this paragraph are met.

(1) The applicant shall submit the report of flight test required by § 4b.16 of Part 4b of the Civil Air Regulations and the Civil Aeronautics Administration's official flight test program with respect to the transport-type certification shall be in progress.

(2) On the basis of the progress made in the schedule established by the applicant for the type certification of the airplane, the Administrator can reasonably predict that such type certificate will be issued not later than 6 months from the date application was made for a provisional type certificate under this Special Civil Air Regulation.

(3) The applicant shall certify that to the best of his knowledge the airplane for which provisional type certification is sought has been designed and constructed in accordance with those airworthiness requirements applicable to the issuance of the type certificate for that airplane.

(4) An airplane conforming with the type for which a type certificate has been applied shall have been flown at least 100 hours by the applicant.

(5) The applicant shall have flown the airplane in all maneuvers necessary to show compliance with those flight requirements applicable to the issuance of the type certificate.

(6) The applicant shall have prepared a provisional airplane flight manual containing all the limitations, information, and procedures as are required for the issuance of the type certificate for that airplane: *Provided*, That where all limitations, information, and procedures have not been established, the applicant shall establish appropriate restrictions on the operation of the airplane.

(7) The applicant shall state that the airplane is considered safe for operation for the purposes set forth herein when conducted in accordance with the airplane flight manual prescribed in subparagraph (6) of this paragraph.

(8) The applicant shall establish special inspections and maintenance instructions which he considers necessary to insure safe operation of the airplane.

(9) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the airplane flight manual prescribed in subparagraph (6) of this paragraph.

(c) *Transferability.* A provisional type certificate issued under this special regulation shall not be transferable.

(d) *Duration.* A provisional type certificate shall remain in effect for 6 months, or 30 days after the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board.

SEC. II. *Provisional airworthiness certificate*—(a) *Applicant.* The holder of a provisional type certificate or a certificated U. S. air carrier may apply for the issuance of a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued in accordance with the provisions of section I of this special regulation. The application for a provisional airworthiness certificate shall be made in a manner prescribed by the Administrator.

(b) *Requirements for issuance.* (1) An applicant for a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued shall be issued such provisional airworthiness certificate upon presentation of a statement of conformity by the manufacturer that such airplane conforms to the provisional type certificate.

(2) The airplane shall have been manufactured under a production and quality control system established in anticipation of and intended to be used as a basis for the production certificate to be issued to cover that airplane.

(3) The airplane shall have been flown at least 5 hours by the manufacturer and found by him to be in safe operating condition.

(4) The airplane shall be furnished with an airplane flight manual as required by Section I of this special regulation.

(5) The Administrator shall find on the basis of the provisions contained in this special regulation that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the airplane flight manual prescribed in Section I of this special regulation.

(6) The words "provisional airworthiness" shall be displayed near each entrance to the cabin or cockpit of the airplane with markings which shall be in letters not less than 2 inches in height.

(c) *Transferability.* A provisional airworthiness certificate issued under this special regulation shall not be transferable.

(d) *Duration.* A provisional airworthiness certificate shall remain in effect for 6 months, or 30 days after the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board.

SEC. III. *Operation rules.* An air carrier holding an air carrier operating certificate issued by the Administrator in accordance with Part 40, 41, or 42 of the Civil Air Regulations may operate multiengine turbine-powered transport category airplanes certificated in accordance with Sections I and II of this special regulation in accordance with the following operating rules:

(a) An air carrier may conduct flights for the purpose of crew training, service testing, and simulated air carrier operations not in air transportation, and such other operations as may be specifically authorized by the Board.

(b) Operations which are conducted for the purposes delineated in the definition of "flight test" in § 60.60 of Part 60 of the Civil Air Regulations shall be conducted in accordance with § 60.24.

(c) (1) The airplane shall be operated in accordance with the limitations, information, and procedures prescribed in the airplane flight manual prepared in accordance with Section I of this special regulation.

(2) An air carrier shall establish procedures for the use and guidance of flight and ground operations personnel in the conduct of its operations. Specific procedures for operations from airports where the runways may require a take-off or approach over populated areas will be made. These procedures shall be approved by the Administrator.

(d) In addition to crew members, only those persons listed in § 40.356 (c) of Part 40 shall be carried in operations conducted under this special regulation.

(e) (1) Each air carrier shall insure that each flight crew member possesses adequate knowledge of and familiarity with the airplanes and procedures to be used by him.

(2) Each air carrier shall maintain current records for each such flight crew member. These records shall contain such information as is necessary to show that the crew members are properly trained and qualified to perform their assigned duties.

(3) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency of each flight crew member and such

certification shall become a part of the flight crew member's record.

(f) (1) Airplanes operated under this regulation shall be maintained in accordance with applicable Civil Air Regulations and any special inspections and maintenance instructions prescribed by the manufacturer or the Administrator.

(2) A log of flights conducted under this regulation shall be kept and made available to the Administrator, and accurate and complete records shall be kept of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during operations, and of the recommendations made and action taken. Items for which design changes may be required will be reported to the manufacturer and the Administrator.

(3) No airplane issued a provisional airworthiness certificate under this special regulation shall be operated if the manufacturer or the Administrator determines that any change in design, construction, or operation is necessary to insure safe operation until such change is made. (See also § 1.24 of Part 1 of the Civil Air Regulations.)

(g) The provisional airworthiness certificate shall be prominently displayed in the airplane at all times.

(h) Operations under this special regulation shall be restricted to the United States, its territories, and possessions unless otherwise authorized by the Board.

This Special Civil Air Regulation shall terminate in 3 years unless sooner superseded or rescinded by the Board.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205a, 52 Stat. 984; 49 U. S. C. 425a. Interpret or apply secs. 601–610, 52 Stat. 1007, 1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., April 22, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58–3169; Filed, Apr. 28, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 60; Chief Counsel's Order No. 1958–5]

CASES IN TAX COURT OF UNITED STATES

DELEGATION ORDER

1. Pursuant to the authority vested in the undersigned: *It is ordered*, That cases in the Tax Court of the United States shall be handled as provided in this order, as follows:

(a) *Pre-session cases.* Prior to the opening date of the session at which a case is calendared for trial or of any pre-trial hearing of or report session on a case, as to each such case:

(1) Settlement negotiations with the petitioner or his counsel or both shall be conducted by the Regional Appellate Division, with Regional Counsel invited to participate; and

(2) A settlement or concession of the case in whole or in part, negotiated or made by the Regional Appellate Division and concurred in by Regional Counsel will dispose of the case or the issue or issues involved; and

(3) If the Regional Appellate Division and Regional Counsel fail to agree (i) as to a proposed settlement or concession or (ii) that there should not be a settlement or concession the views of each office shall be submitted by Regional Counsel to the Chief Counsel; and the decision of the Chief Counsel in such a case shall be controlling and action shall be taken in accordance with his memorandum as to the whole case, or as to the issue or issues on which there was a failure to agree at the regional level.

(b) *Session cases.* On and after the opening date of the session at which a case is calendared for trial, or of any pre-trial hearing of or report session on a case, as to each such case:

(1) The conclusion of Regional Counsel, whether the case, in whole or in part, should be settled, conceded, or tried shall be controlling; and Regional Counsel's memorandum on the settlement or concession shall be the basis for disposition of the case, in whole or in part, as the case may be; and

(2) Regional Counsel is authorized to execute stipulations of settlement of an issue or issues or of the whole case, and of concession of the case in whole or in part.

(c) *Continuance of authority of Counsel.* The authority of Regional Counsel under paragraph (b) shall continue:

(1) During the session at which the case is calendared for trial, or during the pre-trial or report session, as the case may be; and

(2) If a pre-trial or report session is held on the case after notice has been given that the case is calendared for trial: from the opening day of the pre-trial or report session, which ever is earlier, to and during the session for which the case is calendared for trial; and

(3) If a case is continued other than generally from a pre-trial, report, or trial session: during such continuance; and

(4) From the time when any action is taken by Regional Counsel, during any period of time prescribed in (1), (2) and (3) of this paragraph, which modifies a pre-session conclusion of the Regional Appellate Division with respect to any issue or issues of the case.

(d) *Reversion to pre-session status.* If a case is continued generally from a pre-trial, report, or trial session without action having been taken by Regional Counsel to modify a pre-session conclusion of the Regional Appellate Division with respect to any issue or issues of the case, it shall revert to the status of a pre-session case and paragraph (a) shall apply until paragraph (b) again becomes effective.

(e) *Responsibility of Regional Counsel.* Regional Counsel shall act for the Chief Counsel, and shall be responsible for, and have power of decision in, proceedings before the Court. In the post-trial processing of a case Regional Counsel shall have all the authority stated in subparagraphs (1) and (2) of paragraph (b). Regional Counsel may consult at any time with the Regional Appellate Division to the full extent desirable. With the approval of the Chief Counsel, Regional Counsel may redelegate any function by this Order vested in Regional Counsel.

(f) *Supervision by Chief Counsel.* In the performance of his functions under this Order, Regional Counsel shall be subject to the general supervision and control of the Chief Counsel.

2. The instructions contained in this order supersede prior instructions to the extent that the prior instructions are inconsistent herewith.

3. This revision shall be effective May 1, 1958.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.
ARCH M. CANTRALL,
Chief Counsel.

Approved: April 17, 1958.

NELSON P. ROSE,
General Counsel for the Treasury Department.

Approved: April 17, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58–3168; Filed, Apr. 25, 1958; 2:17 p. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2509, Amdt. 27]

SOLICITOR

DELEGATION OF AUTHORITY, GENERAL

APRIL 22, 1958.

Requests to the Attorney General for title opinions and correspondence concerning condemnation proceedings constitute aspects of the legal work of the Department, which is under the authority of the Solicitor, and will henceforth be handled by the Office of the Solicitor, except to the extent that the Solicitor, in writing, may authorize officers of bureaus or offices to communicate directly with the Department of Justice on such matters. Accordingly, section 60, correspondence concerning condemnation proceedings, and section 61, request for title opinions (17 F. R. 6795, 8634) are revoked.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-3145; Filed, Apr. 28, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Appeals Board Docket No. FC-43; B. F. C. Case 229]

NISAN SIMON COHEN

APPEALS BOARD DECISION

In the matter of Nisan Simon Cohen, 33 Biesbosstraat, Amsterdam, Netherlands, Appeals Board Docket No. FC-43; B. F. C. Case No. 229.

Nisan Simon Cohen, of Amsterdam, Netherlands, hereinafter referred to as the appellant, has appealed from an order revoking export licenses and denying export privileges issued April 29, 1957, by John C. Borton, Director, Office of Export Supply, Bureau of Foreign Commerce (22 F. R. 3134; May 2, 1957). Appellant did not request an oral hearing and was advised that the appeal would be considered on the record.

Notice of appeal, dated May 16, 1957, was followed by a letter from appellant dated June 18, 1957, which stated in effect that he assumed that medicine, in this case aureomycin (50,000 vials), was in no respect strategic goods and could be delivered in this case to Communist China. In this letter, appellant pointed out that his business with the U. S. is by far the main part of his activities.

This letter was not considered adequate support of the appeal and following examination of the record, the Appeals Board, in a letter dated July 18, 1957, requested further information from appellant including nine specific questions designed to clarify the situation and requested reply within fifteen days.

Although the order was running against him, appellant requested an extension of time, which was granted to September 23, 1957. No timely reply having been received, the Board advised appellant by letter dated January 15, 1958, that unless his answer was in U. S. Government hands within 10 days following receipt, the Board would consider the dismissal of the appeal on the ground that it had been abandoned.

Appellant's answer, dated January 31, 1958, which enclosed only a portion of the documents requested, has been carefully examined and found to be evasive, inconclusive and inadequate to support his case as against the documents of record.

The order, supported by the record, showed that this appellant, whose main business was importing commodities from the U. S., to fill an order for aureomycin destined for Communist China, purchased 50,000 vials of aureomycin of U. S. origin from a firm in Belgium, which in turn, through another Belgium firm, obtained the aureomycin from an American exporter for shipment to Brussels, Belgium, as the ultimate destination. This shipment was then forwarded to Amsterdam, The Netherlands, and then transshipped by appellant to a Berlin agent of the China National Import and Export Corporation, Peking.

This appellant, who had been previously involved in violations of U. S. export laws, although given more than ample opportunity by the Board to justify his acts, following his receipt of the order, has, by inadequate and evasive answers to questions, shown he is unwilling or unable to do so.

His experience as an importer of U. S. commodities is such that the Board is convinced, on the basis of the whole record, that his actions in this matter constituted a knowing and deliberate violation of the pertinent U. S. export laws and regulations thereunder, and the order issued against him was appropriate.

The appeal is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 15, 1958.

[F. R. Doc. 58-3165; Filed, Apr. 28, 1958; 8:49 a. m.]

[Appeals Board Docket No. FC-45; B. F. C. Case 230]

LONDON EXPORT CORP., LTD.

APPEALS BOARD DECISION

In the matter of London Export Corporation Ltd., 5 Chandos Street, London W. 1, England, Appeals Board Docket No. FC-45; B. F. C. Case No. 230.

This is an appeal by London Export Corporation from an order denying export privileges issued May 24, 1957, by John C. Barton, Director, Office of Export Supply, Bureau of Foreign Commerce (22 F. R. 3765; May 29, 1957). Appellant advised that it did not request an oral hearing. The order also included a denial of export privileges to N. V. Transmare Handelmaatschappij of Rotterdam, The Netherlands, which was appealed and is being denied concurrently.

Appellant's letter dated February 10, 1958, supporting its appeal in detail, stated in effect that it is engaged in the import-export business; that the company is a United Kingdom correspondent of the China National Import-Export Corporation; that it agreed to buy from Transmare, aureomycin (10,000 vials) which was stated to be of U. S. origin and which Transmare agreed to sell and deliver to appellant in Rotterdam; that Transmare caused the aureomycin to be delivered to us (appellant) who caused it to be shipped to China. The letter stated, "All these facts are undoubtedly true."

Appellant also stated in this letter: "We have informed you that we knew nothing and had no cause to know anything about United States export controls before September, 1956. There is nothing on the record to impugn our integrity, and we are at a loss to understand why or how this Company could be assumed to have knowledge of United States export control. There is no suggestion, as in fact there could be no foundation for such a suggestion, that this Company in its normal commercial operations is habituated to dealing in the United States market or with United States goods. As was stated by us in our correspondence, which we understand was before the Compliance Commissioner, we have never dealt in the United States or ever had occasion to concern ourselves with the United States exportation law."

Appellant's corporation letterhead discloses that it is "Correspondents in United Kingdom for China National Import-Export Corporation", and that appellant has four directors. Two of these directors, one of whom signed the letter of appeal dated February 10, 1958, were, as far back as 1953, among a list of the then 29 council members of the British Council for the Promotion of International Trade.

As to the above quoted statement, printed and mimeographed documents of information issued by this Council, as far back as 1953, and in considerable number and length, indicated an extensive knowledge of international east-west trade in drugs, including antibiotics, of which aureomycin is one; and included information that the United States authorities probably will try to cut down the flow of pharmaceuticals into China, and that antibiotics are a direct aid of the Chinese armies. Other Council documents indicated that the U. S. sends nothing to China. The general tone of these Council documents favors increasing the importation into Communist China of commodities which have been embargoed by the U. S. and embargoed or restricted by the British. These Council documents were information publicly distributed to interested parties.

This appellant is a corporation, directed and guided by its four directors. It is inconceivable to the Board that this corporation, having had fifty percent of its directors members of the Council, could have been making other than knowing false statements in their letter of appeal dated February 10, 1958. Therefore, similar statements elsewhere on the record are false.

The Board, having examined the whole record from this viewpoint, concludes that appellant did initiate a transaction for the purchase of aureomycin of U. S. origin for ultimate destination China in knowing violation of U. S. export laws and regulations.

Anyone who knowingly initiates or participates in illegal export transactions involving U. S. origin commodities is subject to at least suspension of their export privileges and in a degree commensurate with their knowledge and intent.

The oft-appearing contentions by foreign appellants, which also appear in this appeal, that U. S. sanctions should not be held against them because they have not violated export laws and regulations of their own or other foreign countries, have no standing before this Board and have become monotonous through repetition.

The Board also concludes that the culpability of this appellant exceeded that of Transmare and that the greater suspension imposed upon this appellant was appropriate, and, under the circumstances, just.

The appeal is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 15, 1958.

[F. R. Doc. 58-3166; Filed, Apr. 28, 1958; 8:49 a. m.]

[Appeals Board Docket No. FC-47; B. F. C. Case 230]

N. V. TRANSMARE HANDELMAATSCHAPPIJ AND H. AARSEN

APPEALS BOARD DECISION

In the matter of N. V. Transmare Handelmaatschappij and H. Aarsen, Meent 93, Rotterdam, Netherlands, Appeals Board Docket No. FC-47; B. F. C. Case No. 230.

This is an appeal by N. V. Transmare Handelmaatschappij and H. Aarsen, Meent 93, Rotterdam, Netherlands, from an order denying export privileges issued May 24, 1957, by John C. Borton, Director, Office of Export Supply, Bureau of Foreign Commerce (22 F. R. 3765; May 29, 1957). This appeal has been considered on the record without an oral hearing at appellant's request. The order also included a denial of export privileges to London Export Corporation Ltd., London, England, which was appealed and is being denied concurrently.

The order in brief stated as findings of fact that these appellants, hereinafter referred to as Transmare, engaged in the export-import business in Rotterdam; that negotiations between Transmare and London Export Corporation Ltd., hereinafter called London Export, resulted in a contract whereby Transmare agreed to obtain 10,000 vials of aureomycin for sale and delivery to London Export in Rotterdam, The Netherlands; that Transmare knew that U. S. export regulations forbade the exportation of aureomycin from the U. S. to Communist China without prior U. S. authorization; that it was the intent to ship the aureomycin to Communist China; that Transmare purchased the aureomycin from a supplier in the U. S. and required the supplier to execute an export declaration certifying that the aureomycin was being exported from the United States to Transmare as the ultimate consignee and The Netherlands as the country of ultimate destination; and that upon its arrival in Rotterdam, Transmare, knowing it was to be exported to Communist China, delivered the shipment into the control of London Export which caused it to be transshipped to China in violation of U. S. export laws and regulations. The foregoing facts are supported by the record.

In its letter of appeal dated June 21, 1957, Transmare, in part, referred to earlier documents of record, which have been examined by the Appeals Board, and indicated: that it knew there were U. S. regulations restricting shipments from the U. S. to Communist China; that all these regulations cannot be known to foreign firms; that it did not know that such exports of aureomycin were prohibited; and that the U. S. supplier's export declaration, giving The Netherlands as the ultimate destination of the shipment was not based on information from Transmare. Also, Transmare generally referred to international monetary switch transactions implying, but not stating, that this was such switch transaction.

The Board noted that Transmare's letter to the Bureau of Foreign Commerce dated October 12, 1955, stated, in effect, that to avoid risk with regard to U. S. purchase of the aureomycin, Transmare purposely prescribed in the letter of credit, opened in favor of the U. S. supplier, that there be no restrictive clauses as to the ultimate destination of the goods.

The privilege of engaging in U. S. export trade carries with it a positive duty to make reasonably sure that the transaction involved does not subvert the purpose of the U. S. export control laws and regulations.

In this case, Transmare, a company continually engaged in this trade over a long period, knew that this aureomycin was intended for Communist China and has shown no evidence that it knew of any change in intent.

Transmare claims in effect that they could not have known that London Export still intended to transship the aureomycin to Communist China. However, they, not London Export, had caused the change in the contract originally drawn by London Export which substituted Rotterdam for Communist China as the destination. This is not a valid excuse where Transmare took no steps to make sure whether or not London's original intent had been changed and did not advise U. S. authorities of the original intent as required by U. S. export regulations.

The Board does not find support for this appeal in the record.

The appeal is denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 15, 1958.

[F. R. Doc. 58-3167; Filed, Apr. 28, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13381]

ARROW DRILLING CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 23, 1958.

In the matter of Arrow Drilling Company, Operator, and Hamilton Dome Oil Company, Ltd., Operator, et al.,[1] Docket No. G-13381.

Take notice that on October 7, 1957, Arrow Drilling Company (Arrow), Operator, an independent producer with a principal office in Tulsa, Oklahoma, and Hamilton Dome Oil Company, Ltd. (Operator) with a principal office in Tulsa, Oklahoma, an independent producer together with Stewart Petroleum Company (Stewart), filed a joint application pursuant to Section 7 of the Natural Gas Act for the purposes set forth as follows:

(1) Arrow, Operator, to abandon service to Texas Eastern Transmission Corporation (Texas Eastern) with respect to gas produced in the Jefferson Area of Rodessa Field in Marion County, Texas, which service is covered by a gas sales contract dated August 1, 1952, between Arrow and Stewart, as sellers, and Texas Eastern, as buyer. Arrow[2] was authorized on January 23, 1956, in Docket No. G-6191 to gather the subject gas produced from leases owned or controlled by it in said field, process the gas in its plant at Lodi, Marion County, Texas, in which plant Stewart owns an interest, and sell the residue gas therefrom to Texas Eastern under the aforementioned contract.

(2) Hamilton, Operator, et al., to continue the service proposed to be abandoned by Arrow in (1) above.

The application recites that on January 23, 1956, in Docket No. G-6191, Arrow, on behalf of itself and Stewart Petroleum Company, was issued a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce by Arrow and Stewart to Texas Eastern. The same service will be continued to be rendered by Hamilton, Operator, et al.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 18, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3146; Filed, Apr. 28, 1958; 8:46 a. m.]

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[1] "Et al." party is Stewart Petroleum Company (Stewart).

[2] Arrow has applied on behalf of itself, as operator, and Stewart.

[Docket No. G-13724]

Algonquin Gas Transmission Co.

NOTICE OF APPLICATION AND DATE OF HEARING

April 23, 1958.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Boston, Massachusetts, filed an application on November 15, 1957, as supplemented on November 29, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for authority to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell additional volumes of natural gas to six existing customers commencing September 1, 1958, as indicated below:

Customer	Peak day Mcf @ 14.73 psia		
	Authorized	Proposed	Total
Boston Gas Co	52,688	2,512	55,200
Brockton Taunton Gas Co	9,000	1,000	10,000
Buzzards Bay Gas Co	3,260	1,180	4,440
The Connecticut Gas Co	18,790	920	19,710
The Hartford Gas Co	14,500	1,000	15,500
Fall River Gas Co	9,028	972	10,000
Total	107,266	7,584	114,850

The application states that Applicant's gas supply, including the additional allocation of 10,200 Mcf per day from Texas Eastern Transmission Corporation as proposed by Texas Eastern in its application in Docket No. G-12446,[1] is sufficient and will leave uncommitted 3,010 Mcf per day, which will provide flexibility of operation on its system in addition to allowing for proposed revisions of the estimated requirements of the six customers involved herein.

No new facilities are proposed to effect the increased sales, as Applicant states, they will be made through existing delivery points from previously authorized capacity.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3147; Filed, Apr. 28, 1958; 8:46 a. m.]

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[1] Authorized by Examiner's Decision issued April 16, 1958, in Docket No. G-12446, et al.

[Docket No. G-14777]

Transcontinental Gas Pipe Line Corp. and Texas Eastern Transmission Corp.

NOTICE OF APPLICATION AND DATE OF HEARING

April 23, 1958.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) and Transcontinental Gas Pipe Line Corporation (Transco), hereinafter referred to collectively as Applicants, filed a joint application on March 28, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain tie-over facilities interconnecting their main systems, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application seeks authorization for the construction and operation of facilities interconnecting the main line systems of applicants at their respective Mississippi River crossings in Pointe Coupee and West Feliciana Parishes, Louisiana. The proposed facilities consist of approximately 1,540 feet of 18″ tie-line connecting the applicants' systems on the west bank of the river and 1,866 feet of 18″ tie-line connecting applicants' systems on the east bank of the river.

Applicants state that the proposed facilities will be operated only during periods of emergency on either applicant's Mississippi River crossing in case of wash-outs, which are possible at any time. Applicants further state that in the event such facilities are placed in operation, there will be no exchange of gas between applicants, nor will there be any commingling of gas of their respective gas systems. The tie-overs will permit diversion of gas of either applicant suffering emergency due to loss of a crossing, to any one or more crossings of the other applicant that may be available.

The overall capital cost of the entire project of both applicants is estimated to be $82,452. Each party will bear one-half of the overall capital cost, or $41,226, and each party will own one-half of each tie-over on each bank of the river.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3148; Filed, Apr. 28, 1958; 8:46 a. m.]

[Docket No. G-14944]

Kroy American Oils, Inc., et al.

ORDER ACCEPTING NOTICE OF SUCCESSION, ORDERING HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

April 23, 1958.

Kroy American Oil, Inc. (Operator) et al. (Kroy), on March 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 20, 1958.

Purchaser: Cities Service Gas Company.

Rate schedule designation: Supplement No. 1 to Kroy's FPC Gas Rate Schedule No. 1.

Effective date: April 24, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Thereafter, on April 11, 1958, Kroy tendered for filing a notice of succession, dated April 10, 1958, to Great Sweet Grass Oils Company (Operator) et al. The sale of natural gas involved in the notice of succession is made to Cities Service Gas Company from the Mary Thomas No. 1 well in McClain County, Oklahoma, and is presently covered by Great Sweet Grass' FPC Gas Rate Schedule No. 2. Kroy and Great Sweet Grass have also submitted the required certificate application and petition to vacate which will be treated under separate order. Great Sweet Brier's FPC Gas Rate Schedule No. 2 should be redesignated as Kroy's FPC Gas Rate Schedule No. 1.

In support of the proposed periodic rate increase, Kroy states that the increased rate will enable it to meet rising costs of labor and material. No cost data have, however, been submitted as a basis for such allegations.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest to accept the aforesaid notice of succession and to permit it to take effect as of November 23, 1957, the date of transfer of the producing properties, and to redesignate Great Sweet Grass' FPC Gas Rate Schedule No. 2 as Kroy's FPC Gas Rate Schedule No. 1.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Kroy's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The notice of succession as tendered for filing by Kroy on April 11, 1958, is hereby accepted for filing and is permitted to take effect as of November 23, 1957, and Great Sweet Grass' FPC Gas Rate Schedule No. 2 is hereby redesignated as Kroy's FPC Gas Rate Schedule No. 1.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Kroy's FPC Gas Rate Schedule No. 1.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3154; Filed, Apr. 28, 1958;
8:47 a. m.]

[Docket No. R-167]

RATE FILINGS BASED UPON KANSAS OIL AND GAS SEVERANCE TAX ACT

NOTICE OF PROPOSED ISSUANCE OF GENERAL ORDER

APRIL 24, 1958.

1. Notice is hereby given that the Commission has under consideration the issuance of a general order in the above-entitled matter.

2. On January 30, 1958, the Supreme Court of the State of Kansas, in State of Kansas ex rel. Dole, et al. v. Kirchner, et al., Case No. 40,922, held the Kansas Oil and Gas Severance Tax Act (chap. 516, Laws of 1957, G. S. 1957 Supp. 79-4201) to be unconstitutional in that the subject of the law was not clearly expressed in its title as required by the constitution of the State of Kansas.

3. It follows from this decision that rate filings made pursuant to section 4 of the Natural Gas Act and Part 154 of the regulations under the Natural Gas Act have no legal basis to the extent that they were predicated solely on this Severance Tax Act. Such filings, therefore, should be cancelled.

4. Although, under section 4 (a) of the Administrative Procedure Act no general notice of the action proposed herein is required, the Commission is cognizant of the importance of the decision of the Kansas Supreme Court to it and to the producers in that State. It, therefore, is taking this method of informing the public and the interested parties that it has under consideration the issuance of an order which will implement the action of the Kansas Supreme Court as it affects, particularly, any rate filings purporting to effectuate or pass on to purchasers the severance tax described above.

5. The order herein under consideration is proposed to be issued under the authority granted to the Federal Power Commission by sections 4 and 16 of the Natural Gas Act (52 Stat. 822, 830; 15 U. S. C. 717c, 717o).

Any person may submit to the Federal Power Commission, Washington 25, D. C., not later than May 23, 1958, data, views, comments, and suggestions in writing concerning the above-described order. An original and nine copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed statement and order.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3153; Filed, Apr. 28, 1958;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1147]

OMAF CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING COMPANY FROM ALL PROVISIONS OF ACT

APRIL 23, 1958.

Notice is hereby given that Omaf Corporation ("Omaf"), a Delaware corporation, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order exempting Omaf from all the provisions of the act.

The application states that Omaf is a wholly-owned subsidiary of Olin Mathieson Chemical Corporation ("Olin Mathieson"), a Virginia corporation engaged in manufacturing a wide range of products. Olin Mathieson has entered into an aluminum program whereby it will become an integrated producer and fabricator of aluminum and aluminum products. As a part of this program, Olin Mathieson has participated in the formation of a French Guinea corporation called Fria, Compagnie Internationale pour la Production de l'Alumine ("Fria") for the purpose of mining extensive bauxite deposits in French Guinea. The bauxite will be refined into alumina for shipment to the founding shareholders of Fria, a group consisting of Olin Mathieson and French, Swiss and British aluminum companies.

It is stated further that, in order to meet its commitments to assist in the financing of the Fria project, Olin Mathieson will cause Omaf to issue and sell its notes to two insurance companies in an aggregate principal amount not exceeding $40,000,000. The proceeds of the issue and sale of such notes will be loaned by Omaf to Fria. The notes of Fria evidencing such loans will be secured by a mortgage on the property and equipment of Fria and two of its subsidiaries and will contain terms corresponding to those of Omaf's notes in respect of interest, maturity and prepayment. The notes issued by Fria will be pledged by Omaf with a U. S. trustee as security for the notes sold by Omaf to the insurance companies. As additional security, all the issued and outstanding capital stock of Omaf will be pledged by Olin Mathieson with the trustee.

The application also states that Omaf will serve as a debt financing vehicle to facilitate the financing of the Fria project. Omaf will not trade in the Fria notes and will not own or hold the securities of any other company. It will be organized in such a way that it receives only enough money to pay its operating expenses. It will not operate at a profit and will pay no dividends. Omaf's sole asset, the Fria notes, will be pledged with the trustee and will be discharged by direct payments by Fria to the trustee with such payments simultaneously discharging Omaf's obligations under its notes. Omaf will not deal with the Fria notes after the initial act of pledging them with the trustee. None of the outstanding securities of Omaf will be held by the public.

Section 6 (c) of the act provides that the Commission, may conditionally or unconditionally, exempt any persons, securities or transactions, from any provision of the act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Omaf urges that it is not necessary or appropriate in the public interest or consistent with the protection of investors that Omaf be subject to the provisions of the act since it will be merely a debt financing vehicle for one aspect of Olin Mathieson's activities, its only asset will be the mortgage notes of Fria which it does not intend to sell or trade and it will not own or trade in any other securities or have any of its own securities outstanding in the hands of the public.

Notice is further given that any interested person may, not later than May 7, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3149; Filed, Apr. 28, 1958; 8:46 a. m.]

[File Nos. 24S-1499, 24S-1579]

CENTRAL OILS, INC.

ORDER WITHDRAWING REQUEST FOR HEARING AND CANCELLING HEARING

APRIL 23, 1958.

The Commission by order dated March 21, 1958, having ordered that a hearing in the above-entitled matters, pursuant to section 3 (b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, commence on May 1, 1958, at 10:00 a. m., Pacific Standard Time, at the Seattle Regional Office of the Commission, Room 304, 905 Second Avenue Building, Seattle, Washington, and

The Company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto,

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the order dated March 21, 1958, scheduling a hearing for May 1, 1958, be and it hereby is rescinded.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the Company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3150; Filed, Apr. 28, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-13]

MANAGER, DISASTER FIELD OFFICE, MONROE, LA.

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F. R. 5811, 8197, 23 F. R. 557, 1768) there is hereby delegated to the Manager of the Disaster Field Office, Monroe, Louisiana, the following authority:

A. *Specific.*

FINANCIAL ASSISTANCE

1. To approve disaster loans in an amount not exceeding $20,000.
2. To decline original disaster loan applications in an amount not exceeding $20,000, but not reconsideration of such applications.
3. To execute loan authorizations for disaster loans of $20,000 or less approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.
By ....
Manager,
Monroe Disaster Field Office.

4. To execute modifications or amendments to loan authorizations for disaster loans approved under delegated authority by the Manager, Monroe Disaster Field Office, by issuance of Certificates of Modification.

ADMINISTRATIVE

5. To administter oaths of office.
6. To approve annual and sick leave for employees under his supervison.
7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Disaster Field Office.

II. The authority delegated in subsection I. B. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Disaster Field Office.

Dated: April 7, 1958.

C. W. FERGUSON,
Regional Director, SBA,
Region X.,

[F. R. Doc. 58-3151; Filed, Apr. 28, 1958; 8:46 a. m.]

[Declaration of Disaster Area 186]

FLORIDA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of April 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: St. Lucie (Tornado occurring on or about April 15, 1958).

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, Pacific Building, Room 310, 327 NE. First Avenue, Miami 32, Fla.

2. No special field offices will be established at this time.
3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1958.

Dated: April 17, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-3152; Filed, Apr. 28, 1958, 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-330]

ACCIDENT OCCURRING AT MIAMI, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N5904, which occurred at Miami, Florida, March 25, 1958.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, May 7, 1958, at 9:30 a. m. (local time) at the Empress Hotel, between 43d and 44th Streets, Miami Beach, Florida.

Dated at Washington, D. C., April 22, 1958.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 58-3170; Filed, Apr. 28, 1958; 8:50 a. m.]

[Docket No. SR-2255]

J. L. NORMAN

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of James T. Pyle, Administrator of Civil Aeronautics, complainant v. J. L. Norman, Docket No. SR-2255, respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for May 7 is postponed to June 11, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 24, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3171; Filed, Apr. 28, 1958; 8:50 a. m.]

TARIFF COMMISSION

LEAD AND ZINC

"ESCAPE CLAUSE" REPORT

APRIL 24, 1958.

The Tariff Commission today submitted to the President its report on "escape clause" Investigation No. 65, conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to unmanufactured lead articles provided for in paragraphs 391 and 392 (except Babbitt metal, solder, lead in sheets, pipe, shot, glaziers' lead, and lead wire), and unmanufactured zinc articles provided for in paragraphs 393 and 394 (except zinc dust and zinc in sheets), of the Tariff Act of 1930. Unmanufactured lead and zinc are currently dutiable at reduced rates as a result of concessions granted in the General Agreement on Tariffs and Trade.

The Commission unanimously found that unmanufactured lead and zinc are being imported into the United States in such increased quantities as to cause serious injury to the domestic industries producing like or directly competitive products. The six members of the Commission divided evenly on the remedy that is necessary, and each group of three issued a separate statement in support of its finding of serious injury and its recommendations for remedying that injury.

Commissioners Brossard, Talbot, and Schreiber recommend the application of the maximum permissible rates of duty, as well as quantitative restrictions, on imports of unmanufactured lead and zinc. The increased duties they recommend are as follows: On lead-bearing ores, 1⅘ cents per pound on the lead content; on lead pigs and bars, 2¹¹⁄₁₆ cents per pound on the lead content; on zinc-bearing ores, 1⅘ cents per pound on the zinc content; and on zinc blocks, pigs, or slabs, 2¹⁄₁₀ cents per pound. The annual quota limitation they recommend for unmanufactured lead is 221,700 short tons (of lead content), and for unmanufactured zinc is 325,600 short tons (zinc content of ores and gross weight of imports of unmanufactured zinc in other forms). The quantitative restrictions would not apply to imports for Government stockpiles or to duty-free imports for export after being smelted and refined.

Commissioners Sutton, Jones, and Dowling recommend the reimposition of the rates of duty originally imposed by the Tariff Act of 1930, and they oppose quota limitations of any kind. The increased duties that they recommend are as follows: On lead-bearing ores, 1½ cents per pound on the lead content; on lead pigs and bars, 2⅛ cents per pound on the lead content; on zinc-bearing ores, 1½ cents per pound on the zinc content; and on zinc blocks, pigs, or slabs, 1¾ cents per pound.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-3163; Filed, Apr. 28, 1958; 8:48 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 85

Washington, Wednesday, April 30, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Effective May 30, 1958, paragraph (a) (3) of § 25.254 is amended as set out below.

§ 25.254 *Rates of additional compensation payable under § 25.251.* (a) * * *

(3) Positions in which the employee has a regular 40-hour basic workweek requiring full-time performance of actual work, and is required, in addition, to remain on standby duty: 14 to 18 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—15 percent; 19 to 27 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—20 percent; 28 or more hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—25 percent; 7 to 9 hours on one or more of his regular weekly nonworkdays—15 percent; 10 to 13 hours on one or more of his regular weekly nonworkdays—20 percent; 14 or more hours on one or more of his regular weekly nonworkdays—25 percent.

2. Paragraphs (a) and (e) of § 25.274 are amended to read as follows:

§ 25.274 *Construction and computation of existing aggregate rates.* (a) An employee's existing aggregate rate shall be constructed on the basis of the estimate of earnings which the employee would have received over an appropriate period, generally a year, if his tour of duty immediately prior to the date section 401 of the Federal Employees Pay Act of 1945, as amended, becomes applicable to him, remained the same. Where conditions require construction of an existing aggregate rate, this rate must be determined on the basis of the employee's tour of duty immediately prior to the date on which the additional annual compensation provisions are made applicable to him.

* * * * *

(e) When an agency elects to pay an employee premium pay on an additional annual basis in accordance with § 25.251 or § 25.261, he shall continue to receive hourly premium rates properly payable under Titles II and III of the Federal Employees Pay Act of 1945, as amended, until his base pay plus appropriate additional annual premium pay equals or exceeds his existing aggregate rate. When this occurs, the employee's rate of compensation shall be computed and paid under the additional annual compensation provisions.

(Sec. 605, 59 Stat. 304; 5 U. S. C. 945)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3197; Filed, Apr. 29, 1958; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.19, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT-CONSUMPTION PORTION OF MAINLAND QUOTA FOR PUERTO RICO, 1958

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of amending Sugar Regulation 814.19 (23 F. R. 136) which established initial allotments of the direct-consumption portion of the 1958 mainland quota for Puerto Rico.

This amendment of S. R. 814.19 is necessary to: (1) Substitute final data on the entries of sugar into the continental United States during 1957 for estimates used in deriving average annual marketings 1953–57, the measure of past marketings used in the determination of initial allotments and, (2) prorate to other allottees the deficit in the

(Continued on p. 2855)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 1–209 ($2.25)

Title 14, Parts 1–39 ($0.50)

Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75)

Title 38 ($0.40)

Title 49, Parts 1–70 ($0.70)

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allotment of South Porto Rico Sugar Company, which by official notice to the Department released its entire 1958 allotment.

Findings heretofore made by the Secretary in the course of this proceeding (23 F. R. 136) provide that this order shall be revised without further notice or hearing for the purposes indicated above.

Accordingly, allotments for all allottees, exclusive of South Porto Rico Sugar Company, are herein established on the basis of the final data shown below, and consistent with the findings heretofore made in the course of this proceeding:

[Short tons, raw value]

Allottee	Average annual marketings 1953-57	Highest annual marketings 1953-57
Central Aguirre Sugar Co., a trust	6, 367	10, 640
Central Roig Refining Co	20, 191	28, 665
Central San Francisco	1, 038	2, 590
Porto Rican American Sugar Rfy., Inc	79, 960	116, 611
Western Sugar Refining Co	20, 254	29, 988
Total	127, 810	188, 494

Effective date. Allotments established by this order are larger than the allotments established in S. R. 814.19. To afford each allottee adequate opportunity to acquire and process additional raw sugar and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that paragraph (a) of § 814.19 be amended to read as follows:

§ 814.19 *Allotment of the direct-consumption portion of 1958 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1958 sugar quota for Puerto Rico, amounting to 130,016 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	6, 897
Central Roig Refining Co	20, 125
Central San Francisco	1, 419
Porto Rican American Sugar Rfy., Inc	80, 763
Western Sugar Refining Co	20, 612
All other persons (raw sugar only)	200
Total	130,016

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 25th day of April 1958.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 58-3214; Filed, Apr. 29, 1958; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-227-A8]

PART 928—MILK IN NEOSHO VALLEY MARKETING AREA

ORDER AMENDING ORDER

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest: and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Neosho Valley marketing area. Any delay beyond May 1 in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Neosho Valley marketing area.

The changes effected by this order amending the order do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on November 13, 1957, the recommended decision having been issued on March 7, 1958 (23 F. R. 1700), and the final decision having been issued on April 14, 1958. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order effective May 1, 1958 (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. This issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of pro-

ducers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Revise § 928.8 (d) to read as follows:

(d) Any cooperative association, with respect to milk of producers (1) which it causes to be diverted to an unapproved plant for the account of such association; (2) delivered for its account to the approved plant of another cooperative association; and (3) for which it elects to report as a handler and which is delivered to the pool plant(s) of another handler in a tank truck owned, operated, or controlled by, such association (such milk shall be considered as having been received by the cooperative association at the plant to which it is delivered).

2. In § 928.11 change the phrase "or another handler in his capacity as the operator of a pool plant" to read "or another handler either in his capacity as the operator of an approved plant or as a cooperative association acting pursuant to § 928.8 (d)."

3. In § 928.30 (a) (1), delete the word "and" from subdivision (ii), change the period at the end of subdivision (iii) to a comma, and add the word "and", and add a subdivision (iv), as follows:

(iv) Milk received from a cooperative association pursuant to subparagraphs (2) and (3) of § 928.8 (d).

4. Delete § 928.46 (a) (3) and substitute therefor the following:

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received in other source milk other than that to be subtracted pursuant to subparagraph (4) of this paragraph;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing order issued pursuant to the act;

5. Renumber subparagraphs (4) and (5) of § 928.46 (a) as "(5)" and "(6)", respectively.

6. In § 928.70 change the citation "pursuant to § 928.46 (a) (5) or (b)" to read "pursuant to § 928.46 (a) (6) or (b)".

7. In § 928.71 delete the phrases "For each delivery period of September 1957 through February 1958 and for each delivery period of August through January thereafter" and substitute therefor the phrase "For each delivery period of August through January".

8. In §§ 928.72, 928.80, 928.81, 928.93, and 928.94 delete the phrases "the delivery periods of March 1958 through August 1958 and each of the delivery periods of February through July of each year thereafter," and substitute therefor the phrase "the delivery periods of February through July".

9. In § 928.80 delete the phrase "during the preceding delivery periods of September 1957 through December 1957 and preceding delivery periods of August through November of each year thereafter" and substitute therefor the phrase "during the preceding delivery periods of August through November".

10. In § 928.80 change the period to a colon and add the following: *"Provided,* That with respect to any producer on 'every-other-day' delivery the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 928.81: *And provided further,* That in the case of producers delivering milk to an approved plant which first qualifies as such during any month other than August, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his verifiable deliveries of milk to such plant during the period August through November immediately preceding."

11. In § 928.83 change "February 15" to "January 15".

12. Add a paragraph (c) to § 928.90, as follows:

(c) On or before the 17th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as a handler pursuant to § 928.8 (d), not less than the value of such milk as is classified pursuant to § 928.44 (a) at the applicable class prices.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of April 1958 to be effective on and after May 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3215; Filed, Apr. 29, 1958; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 614—CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

PART 710—CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 503 (23 F. R. 1676) as amended by Administrative Orders Nos. 504 (23 F. R. 1858) and 506 (23 F. R. 2256), appointed, convened, and gave notice of the hearings of Industry Committee No. 38-A, to recommend the minimum wage rate or rates to be paid under section 6 (c) of the Act to employees in the corsets, brassieres, and allied garments industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to investigation and hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is published in 22 F. R. 4053. Industry Committee No. 38-A recommended an increase of five cents per hour in the applicable minimum wage.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending Title 29, Code of Federal Regulations, effective May 15, 1958, as follows:

1. Part 710 is hereby revoked.
2. Part 614 is hereby added to read as follows:

Sec.
614.1 Definition of the industry.
614.2 Wage rates.
614.3 Application and notice.

AUTHORITY: §§ 614.1 to 614.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 614.1 *Definition of the industry.* The corsets, brassieres, and allied garments industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

§ 614.2 *Wage rates.* Wages at a rate of not less than 80 cents an hour shall be paid in the corsets, brassieres, and allied garments industry in Puerto Rico.

§ 614.3 *Application and notice.* (a) Wages of not less than the hourly wage rate specified in § 614.2 shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the corsets, brassieres, and allied garments industry in Puerto Rico.

(b) Every employer employing any such employees shall post in a conspicuous place in each department of his establishment where any such employees are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 24th day of April 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3195; Filed, Apr. 29, 1958; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 146a, 146c; 22 F. R. 2098, [illegible], 6590; 23 F. R. 2214) are amended as set forth below:

1. The headnote and paragraph (a) (1) of § 141a.96 are amended to read as follows:

§ 141a.96 *Penicillin-streptomycin-neomycin-polymyxin ointment; penicillin-dihydrostreptomycin - neomycin - polymyxin ointment* — (a) *Potency* — (1) *Penicillin content.* Proceed as directed in § 141a.35 (a) (1), (2), and (3), except if diethylaminoethyl ester penicillin G hydriodide is used, after the extraction or blending procedure described in § 141a.8 (a) (1) and (2), proceed as directed in § 141a.51 (a), or if the iodometric assay is used, one drop of 1.2 *N* HCl is added to the blank immediately before the addition of the 0.01 *N* I_2. The penicillin content is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

2. Section 146a.22 is revised to read as follows:

§ 146a.22 *Penicillin-streptomycin-neomycin-polymyxin ointment; penicillin-dihydrostreptomycin - neomycin - polymyxin ointment.* Penicillin-streptomycin-neomycin-polymyxin ointment and penicillin-dihydrostreptomycin - neomycin-polymyxin ointment conform to all requirements and are subject to all procedures prescribed by § 146a.89 for penicillin-streptomycin-neomycin ointment and penicillin-dihydrostreptomycin-neomycin ointment, except that:

(a) They may contain diethylaminoethyl ester penicillin G hydriodide. The diethylaminoethyl ester penicillin G hydriodide used conforms to the requirements prescribed by § 146a.74 (a), except § 146a.74 (a) (2) and (3).

(b) They contain not less than 25,000 units of polymyxin B per single-dose container. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter.

(c) In addition to complying with the requirements of § 146a.89 (b), each package shall bear on the outside wrapper or container and the immediate container the number of units of polymyxin B in each gram or prescribed dose.

(d) In addition to complying with the requirements of § 146a.89 (c), a person who requests certification of a batch shall submit with his request a statement showing the number of units of polymyxin in each gram of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the polymyxin B used in making the batch for potency and toxicity. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(e) The fee for the services rendered with respect to the sample submitted in accordance with paragraph (d) of this section shall be $4.00 for each immediate container of the polymyxin used in making the batch.

3. In § 146a.66 *1-Ephenamine penicillin G for aqueous injection*, subparagraph (1) (iii) of paragraph (c) *Labeling*, is amended by changing the words "36 months" to read "36 months or 48 months or 60 months".

4. In § 146c.205 *Chlortetracycline powder* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling*, is amended by changing the number "48" to "60".

5. In § 146c.206 *Chlortetracycline ophthalmic* * * *, subparagraph (1) (iii) of paragraph (c) *Labeling*, is amended to read as follows:

(iii) The statement "Expiration date ----------," the blank being filled in with the date that is 36 months, if it is chlortetracycline ophthalmic; or if it is tetracycline hydrochloride ophthalmic, the blank is filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357)

Dated: April 24, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3201; Filed, Apr. 29, 1958; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 203—HEARINGS ON MAILABILITY

REVISION OF PART

Correction

In Federal Register Document 58-3161, published at page 2798 in the issue for Saturday, April 26, 1958, the authority citation shoud read as follows:

AUTHORITY: §§ 203.1 to 203.14 issued under R. S. 161, 396, as amended, sec. 1, 62 Stat. 740, as amended, 741, 762, as amended, 768, as amended, 769, 781, as amended, 782; 5 U. S. C. 22, 369, 18 U. S. C. 871, 876, 1302, 1461, 1463, 1715, 1717, 1718.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 66]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Correction

In Federal Register Document 58-2862, published at page 2729 in the issue for Thursday, April 24, 1958, the following change should be made in the VOR procedure for Long Beach Airport, California: In the fifth column headed "Condition", the first entry should read "T-dn*------."

[Amdt. 67]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Famoso FM (Final)	BFL-LFR	Direct	1600	T-dn	300-1	300-1	[illegible]
Bakersfield VOR	BFL-LFR	Direct	2000	C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	[illegible]

Procedure turn W side NW crs, 321 Outbnd, 141 Inbnd, 2000′ within 10 mi.
Crs and distance, facility to airport, 141—1.7.
Minimum altitude over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, turn right (W) and climb to 2500′ on NW crs within 25 mi, or when directed by ATC, climb to 2000′ on the SW crs within 15 mi.
Note: Take-offs and landings runway 7-25 NA. Night take-offs runway 16 NA. Night landings runway 34 NA.
Caution: Numerous unlighted TV receiving antennas in approach areas to runways 25-30-34.
Standard clearance on procedure turn not provided over 1050′ obstruction 4 mi NW of range.
Major Changes: Changes airport name from Kern County.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class, SBMRAZ; Ident., BFL; Procedure No. 1, Amdt. 6; Eff. Date, 24 May 58; Sup. Amdt. No. 5; Dated, 6 Aug. 55

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
PIR VOR	PIR-LFR	Direct	3000	T-dn*	300-1	300-1	[illegible]
				C-d	400-1	500-1	[illegible]
				C-n	400-1½	500-1½	[illegible]
				S-d-25	400-1	500-1	[illegible]
				S-n-25	400-1½	500-1½	[illegible]
				A-dn	800-2	800-2	[illegible]

*Take-off to NW restricted to 400-1.
Procedure turn N side E crs, 083 Outbnd, 263 Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 268—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, turn left, climb to 3500′ on W crs within [illegible] miles.

City, Pierre; State, S. Dak.; Airport Name, Pierre; Elev., 1742′; Fac. Class, SBRAZ; Ident., PIR; Procedure No. 1, Amdt. 9; Eff. Date, 3 Apr. 58; Sup. Amdt. No. 8; Dated, 16 June 56

PROCEDURE CANCELLED, EFFECTIVE 1 APRIL 1958.

City, Fresno; State, Calif.; Airport Name, Fresno-Chandler; Elev., 277′; Fac. Class, SBRAZ; Ident., FNO; Procedure No. 2, Amdt. 7; Eff. Date, 5 May 58; Sup. Amdt. No. 6; Dated, 16 June 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbus LFR	LOM	Direct	2000	T-dn	300-1	300-1	[illegible]
Columbus VOR	LOM	Direct	2000	C-dn	500-1	500-1	[illegible]
Marvyn Int	LOM	Direct	2000	A-dn	800-2	800-2	[illegible]

Procedure turn W side of crs, 232 Outbnd, 052 Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1500′ over LOM. 900′ over LMM.
Crs and distance, facility to airport, LOM 5.9—052. LMM 0.7—052.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 miles of LMM climb to 2000 on crs of [illegible] within 20 miles.
Caution: Tower 1049′ immediately adjacent LOM.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev. 397′; Fac. Class, LOM LMM; Ident., CS SG; Procedure No. 1, Amdt. 6; Eff. Date, 24 May 58; Sup. Amdt. No. 5; Dated, 9 Nov. 57

PROCEDURE CANCELLED, EFFECTIVE 28 MARCH 1958, DUE RELOCATION OF LFT H FACILITY.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 41′; Fac. Class, MH; Ident., LFT; Procedure No. 1, Amdt. 6; Eff. Date, 1 Sept. 56; Sup. Amdt. No. 5; Dated, 5 Feb. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Fresno FM	BFL-VOR (Final)	Direct	1600	T-dn	300-1	300-1	200-½
Bakersfield LFR	BFL-VOR	Direct	2000	C-dn	700-1	700-1	700-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 310 Outbnd, 130 Inbnd, 2000′ within 10 mi.

Minimum altitude over facility on final approach crs, 1600′.

Crs and distance, facility to airport, 130—3.8.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi, turn right W and climb to 2000′ on R-319 within 20 mi, or when directed by ATC, climb to 2000′ on R-225 within 15 mi.

Note: Standard clearance not provided over 1050′ tower 3 mi NE of VOR on procedure turn or on missed approach.

Note: Take-offs or landings runway 7-25 NA. Night take-offs Runway 16 NA. Night landings Runway 34 NA.

Caution: Numerous unlighted TV receiving antennas in approach areas to Runways 25-30-34.

Major Changes: Changes airport name from Kern County.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class, BVOR; Ident., BFL; Procedure No. 1, Amdt. 4; Eff. Date, 24 May 58; Sup. Amdt. No. 3; Dated, 6 Aug. 55

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Goshen LFR	SBN-VOR	Direct	2500	T-dn	300-1	300-1	200-½
South Bend LFR	SBN-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
Union Int.	SBN-VOR	Direct	2000	A-dn	800-2	800-2	800-2
N Liberty Int.	SBN-VOR	Direct	2000				
Int W crs SBN LFR and 253 R SBN VOR	SBN-VOR	Direct	2000				
Int N crs SBN LFR and 350 R, SBN VOR	SBN-VOR	Direct	1900				

Procedure turn W side of crs, 360 Outbnd, 180 Inbnd, 2100′ within 10 miles.

Minimum altitude over facility on final approach crs, 1400′.

Crs and distance, facility to airport, 180—3.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, make right turn, climbing to 2000′ and return to SBN VOR or when directed by ATC: (1) climb to 2000′ on R-180 within 20 miles.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev. 778′; Fac. Class BVOR; Ident., SBN; Procedure No. 1, Amdt. 5; Eff. Date, 24 May 58; Sup. Amdt. No. 4; Dated, 24 Dec. 55

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

Terminal VOR Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LSE-LFR	LSE-VOR	Direct	2400	T-d	*400-1	*400-1	#400-1
LSE-LFR	LSE-VOR (Final)	Direct	1100	T-n	*400-1½	*400-1½	#400-1½
Nodine-BVOR	LSE-VOR	Direct	2400	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 takeoff authorized on Rwys 31, 36, and 18.

#200-½ takeoff authorized on Rwys 31, 36, and 18.

Procedure turn West side of crs, 318 Outbnd, 138° Inbnd, 2400′ within 10 miles.

Minimum altitude over facility on final approach crs, 1900##; 1100′ after passing LSE-LFR or int Nodine-BVOR R-071.

##1900′ m. s. l. (1200′ ceiling) required if unable to determine passing LSE-LFR or Nodine-VOR R-071.

Facility on airport.

Crs and distance, breakoff point to Rwy 13, 130°—0.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over LSE-VOR make immediate right climbing turn, climb to 2400′ on LSE R-318 within 10 mi.

Caution: 950′ m. s. l. tower 2 mi SE of airport. 1227′ m. s. l. bluffs and 1440′ tower 3 and 4 mi. SE, respectively, of airport. 1273′ m. s. l. tower 4 mi. WSW of airport and [illegible]′ tower 3.5 mi W of airport. 1240′ bluffs 2 mi. NE of airport.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class, VOR; Ident., LSE; Procedure No. TerVOR-13, Amdt. 1, Eff. Date, 24 May 58; Sup. Amdt. No. Orig.; Dated, 1 Mar. 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LSE-LFR	LSE-VOR	Direct	2400	T-d	*400-1	*400-1	#400-1
Nodine-BVOR	LSE-VOR	Direct	2400	T-n	*400-1½	*400-1½	#400-1½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-18	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 takeoff authorized on Rwys 31, 36, and 18.
#200-½ takeoff authorized on Rwys 31, 36, and 18.
Procedure turn West side of crs, 350 Outbnd, 170° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′##; 1100′ after passing 270° brg. to LSE-LFR or Nodine BVOR R-076 (3.5 mi from Rwy 18).
##2000′ m. s. l. (1300′ ceiling) required if unable to determine passing 270° brg. to LSE-LFR or Nodine R-076.
Facility on airport.
Crs and distance, breakoff point to Rwy 18, 175°—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over LSE-VOR make right climbing turn, climb to 2400′ on LSE R-318 within 10 miles.

CAUTION: 950′ m. s. l. tower 2 mi SE of airport. 1227′ m. s. l. bluffs and 1440′ tower 3 and 4 mi SE, respectively, of airport. 1273′ m. s. l. tower 4 mi WSW of airport and 1440′ tower 3.5 mi West of airport. 1240′ bluffs 2 mi NE of airport.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class, VOR; Ident., LSE; Procedure No. TerVOR-18, Amdt. 1; Eff. Date, 24 May 58; Sup. Amdt. No. Orig.; Dated, 1 Mar. 58

LSE-LFR	LSE-VOR	Direct	2400	T-d	*400-1	*400-1	#400-1
Nodine-BVOR	LSE-VOR	Direct	2400	T-n	*400-1½	*400-1½	#400-1½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 takeoff authorized on Rwys 31, 36, and 18.
#200-½ takeoff authorized on Rwys 31, 36, and 18.
Procedure turn East side of crs, 181° Outbnd, 001° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′##; 1100′ after passing Nodine BVOR R-128 (5.2 mi from Rwy 36).
##2300′ m. s. l. (1600′ ceiling) required if unable to determine passing LSE R-223 or Nodine R-128.
Facility on airport.
Crs and distance, breakoff point to Rwy 36, 355°—0.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over LSE-VOR make left climbing turn, climb to 2400′ on LSE R-318 within 10 miles.

CAUTION: 950′ m. s. l. tower 2 mi SE of airport. 1227′ m. s. l. bluffs and 1440′ tower 3 and 4 mi SE, respectively, of airport. 1273′ m. s. l. tower 4 mi WSW of airport and 1440′ tower 3.5 mi West of airport. 1240′ bluffs 2 mi NE of airport.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class, VOR; Ident., LSE; Procedure No. TerVOR-36, Amdt. 1; Eff. Date, 24 May 58; Sup. Amdt. No. Orig.; Dated, 1 Mar. 58

				T-dn	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 308 Outbnd, 128 Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to app end rny 12, 122—0.7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, make right climbing turn to 2500′, intercept R-137 and proceed on R-137 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class, BVOR; Ident., ALO; Procedure No. TerVOR-12, Amdt. 4; Eff. Date, 31 Mar. 58; Sup. Amdt. No. 3; Dated, 14 Dec. 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
BFL LFR	LMM	Direct	2000	T-dn	300-1	300-1	300-½
BFL VOR	LMM	Direct	2000	C-dn	700-1	700-1	700-1½
Whitman Int	LMM	Direct	5000	S-dn-30#	400-¾	400-¾	600-¾
Maricopa Int	LMM	Direct	3000	A-dn	700-2	700-2	700-2
Wheeler Ridge Int	LMM	Direct	5000				
Grapevine Int	LMM	Direct	5000				

#400-1 required with glide slope inoperative.
Procedure turn *S side SE crs, 119 Outbnd, 299 Inbnd, 1900′ within 10 mi of OM. Beyond 10 mi NA.
*Procedure turn S side for more favorable terrain.
Minimum altitude at G. S. int inbnd, 1900.
Altitude of G. S. and distance to appr end rny at OM 1820—4.1, at MM 690—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on NW crs BLF LFR within 20 miles or to 2000′ on R-322 BFL within 20 miles.

ALTERNATE MISSED APPROACH, when directed by ATC, climb to 2000′ on SW crs of BFL LFR within 15 miles.
NOTE: Take-offs and landings runway 7-25 NA. Night take-offs runway 16 NA. Night landings rny 34 NA.
AIR CARRIER NOTE: Sliding scale not applicable, except 2-engine take-off minimums of 400-¾ authorized.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25-30-34.
MAJOR CHANGES: Airport name changed from Kern County.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class, ILS; Ident., BFL; Procedure No. ILS-30, Amdt. 7; Eff. Date, 24 May 58; Sup. Amdt. No. 6; Dated, 6 Aug. 55

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakeville Int**	LOM	Direct	2500	T-dn	300-1	300-1	200-½
South Bend LFR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
South Bend VOR	LOM	Direct	2000	S-dn 27:			
New Carlisle FM	LOM	Direct	2000	ILS	200-½	200-½	200-½
Goshen LFR via crs 311 (ILS only)	E crs ILS (ILS Final)	Direct	2200	ADF	500-1	500-1	500-1
Goshen LFR (ADF transition)	LOM	Direct	2500	A-dn:			
*Union LFR Int (ILS only)	LOM (ILS Final)	Direct	2000	ILS	600-2	600-2	600-2
*Union VOR Int (ILS only)	LOM (ILS Final)	Direct	2000	ADF	800-2	800-2	800-2
Goshen VOR via R-333 (ILS only)	E crs ILS (ILS Final)	Direct	2500				
Goshen VOR (ADF transition)	LOM	Direct	2500				

**Lakeville Int—Int R-170 SBN and R-270 GSH.

*Fly to left of ADF crs to intercept localizer crs within 5 mi of LOM when using transition as final for ILS.

Procedure turn N side of crs, 088 Outbnd, 268 Inbnd, 2000′ within 10 mi.

Minimum altitude at glide slope int inbnd, 2000′ ILS. Min. alt. inbnd final, 1500′ ADF.

Altitude of glide slope and distance to approach end of runway at OM—1900′—3.8; at MM—975—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 2100′ on W crs SBN LFR or when directed by ATC:

(1) Make right climbing turn to 2100′ on N crs SBN LFR.

(2) Make right turn, climb to 2000′ on R-003 SBN.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class, ILS SBN; Ident., LOM SB; Procedure No. ILS-27, Comb. ILS-ADF, Amdt. 8; Eff. Date, 24 May 58; Sup. Amdt. No. 7; Dated, 26 May 56

SPI-LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
SPI-VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Int R-209 SPI, and/or SW crs SPI LFR and R-312 VLA (via crs 015).	SW crs ILS (final)	Direct	2000	S-dn-4:			
				ILS	300-¾	300-¾	300-¾
Int R-097 SPI VOR and 250°-070° Brg SPI LOM.	LOM	Direct	2600	ADF	400-1	400-1	400-1
				A-dn:			
Int R-266 SPI VOR and 125°-305° Brg SPI LOM.	LOM	Direct	2000	*ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*All installed components of the ILS must be operating; otherwise, alternate minimums of 800-2 apply.

Procedure turn S side of crs, 218 Outbnd, 038 Inbnd, 2000′ within 10 miles.

Minimum altitude at G. S. int inbnd, 2000′ ILS; minimum altitude over LOM inbnd, final, 1500′ ADF.

Altitude of G. S. and distance to appr end of rny at OM 2077—5.1, at MM 797—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles, (ADF), make left turn, climb to 2000′ to Petersburg Int (Int R-285 SPI and NW crs SPI LFR) via R-285 SPI, or if directed by ATC: (1) Climb to 2000′ and proceed to SPI VOR.

NOTE: No approach lights.

City, Springfield; State, Illinois; Airport Name, Capital; Elevation, 593′; Fac. Class, ILS-SPI; Ident., LOM-SP; Procedure No. ILS-4, Comb. ILS-ADF, Amdt. 3; Eff. Date, 24 May 58; Sup. Amdt. No. 2; Dated, 11 May 57

ICT-LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
ICT-VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Viola Rbn via crs 046	SW crs ILS (Final ILS)	Direct	2500	S-dn-1:			
Viola RBN	LOM	Direct	2500	ILS	200-½	200-½	200-½
Oxford RBN	LOM	Direct	2500	ADF	400-1	400-1	400-1
Derby RBN	LOM	Direct	2500	A-dn:			
Mayfield Int	LOM (Final)	Direct	2500	ILS	600-2	600-2	600-2
*Conway Int via R-050 ANY VOR	SW crs ILS (final)	Direct	2500	ADF	800-2	800-2	800-2

*Int R-318 PNC VOR and R-050 ANY VOR.

Procedure turn W side of crs, 190 Outbnd, 010 Inbnd, 2500′ within 10 miles. (Procedure turn non-standard to avoid McConnell AFB.)

Minimum altitude at G. S. int inbnd, 2500′ ILS, inbnd final 2000′ ADF.

Altitude of G. S. and distance to approach end of rny at OM 2559—4.2, at MM 1530—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, climb to 3000′ on N crs ILS (010) intercept and proceed outbnd on NW crs of ICT-LFR within 20 mi or, when directed by ATC: (1) make left turn, climb to 2900′ proceeding outbnd on R-216 ICT within 20 mi.

CAUTION: Simultaneous approaches being conducted on Derby RBN to McConnell AFB. 2444′ MSL tower 7.8 mi NNW of airport.

City, Wichita; State, Kans.; Airport Name, Municipal; Elev., 1332′; Fac. Class, ILS-ICT; Ident., LOM-IC; Procedure No. 1, Comb. ILS-ADF, Amdt. 3; Eff. Date, 21 Apr. 58; Sup. Amdt. No. 2; Dated, 22 Sept. 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 22, 1958.

[F. R. Doc. 58-3143; Filed, Apr. 29, 1958; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

REMAND OF CASES BY APPEALS COUNCIL TO REFEREES

Section 403.710 of Regulations No. 3, as amended (20 CFR 403.710) is further amended by revising paragraphs (c) and (d) to read:

§ 403.710 *Appeals Council proceedings on certification and review.* * * *

(c) *Procedure before Appeals Council on review of referee's decision or Bureau's revised determination.* (1) Whenever the Appeals Council determines to review a referee's decision or the revised determination of the Bureau (except when the case is remanded to a referee in accordance with paragraph (d) of this section) the Appeals Council shall make available to any party upon request a copy of the transcript of evidence adduced at the hearing or a condensed statement thereof or, where the hearing before the referee was waived (see § 403.709 (i)), copies or a statement of the contents of the documents upon which the referee's decision was based. The parties shall be given, upon their request, a reasonable opportunity to file briefs or other written statements of contentions. Copies of such brief or other written statement, where there is more than one party, shall be filed in a sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

(2) Evidence in addition to the evidence introduced at the hearing before

the referee, or the documents before the referee where the hearing is waived, may not be presented except where it appears to the Appeals Council that additional material evidence is available which may affect its decision. If it appears that such additional evidence is available, the Appeals Council shall receive such evidence or designate a referee or member of the Appeals Council before whom the evidence shall be introduced. Before additional evidence may be presented, as provided in this paragraph, notice shall be mailed to the parties, unless such notice is waived, at their last known addresses, that evidence will be received with respect to certain matters, and the parties shall be given a reasonable opportunity to present evidence which is relevant and material to such matters. When the additional evidence is introduced before a referee or a member of the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request.

(d) *Decision by Appeals Council or remanding of case.* (1) If a case is certified to the Appeals Council by a referee, the Appeals Council shall make a decision. If the Appeals Council determines to review a referee's decision or the Bureau's revised determination in a case, as provided in this section, the Appeals Council may either make a decision in such case or remand such case to a referee for hearing and decision in accordance with the provisions of § 403.709, which decision may be further reviewed as provided in this section.

(2) The decision of the Appeals Council, where the case is not remanded to the referee, shall be based upon the evidence adduced at the hearing or, where the hearing before the referee was waived (see § 403.709 (i)), the documents upon which the referee's decision was based, and such further evidence as the Appeals Council may receive, as provided in paragraphs (a) and (c) of this section. The decision shall be made in writing and contain findings of fact and a statement of reasons. A copy of the decision shall be mailed to the parties at their last known addresses.

(Sec. 1102, 49 Stat. 647 as amended; 42 U. S. C. 1302. Interprets or applies sec. 205, 53 Stat. 1368 as amended, sec. 221, 66 Stat. 772; 42 U. S. C. 405, 421)

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: April 22, 1958.

E. L. RICHARDSON,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-3181; Filed, Apr. 29, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 58-15]

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

MEMBERS OF MERCHANT MARINE CADET CORPS

The designation of students at the United States Merchant Marine Academy has been changed from "Cadet-Midshipman" to "Cadet." The text of 46 CFR 12.25-25 is, therefore, revised to reflect this change of designation of students. Because this amendment to 46 CFR 12.25-25 is editorial in nature, it is hereby found that compliance with the Administrative Procedure Act with respect to notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 12.25-25 is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 12.25-25 *Members of Merchant Marine Cadet Corps.* No ratings other than cadet (deck) or cadet (engine) as appropriate, and lifeboatman shall be shown on a merchant mariner's document issued to a member of the U. S. Merchant Marine Cadet Corps. The merchant mariner's document shall also be stamped "Valid only while cadet in the U. S. Maritime Administration training program." The merchant mariner's document thus prepared shall be surrendered upon the holder being certified in any other rating or being issued a license and the rating of cadet (deck) or cadet (engine) shall be omitted from any new merchant mariner's document issued.

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672-1, 672-2)

Dated: April 24, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral,
U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-3198; Filed, Apr. 29, 1958; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-40]

PART 190—GENERAL

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of April A. D. 1958.

The matter of field offices designated for filing of reports under the Motor Carrier Safety Regulations prescribed by order dated April 14, 1952, as amended by order dated March 25, 1953, being under consideration; and

It appearing that a notice of proposed rule making was issued, dated February 19, 1958 (23 F. R. 1256), for the purpose of amending § 190.40 in view of changes in territories of the Bureau of Motor Carriers field districts, district office locations, and district offices to which motor carriers having their principal place of business in Canada shall file accident and monthly hours of service reports and that no views or arguments were received in response to the said notice;

It is ordered, That 49 CFR Part 190 be, and the same is hereby, amended by deleting the center head Subpart C—Field Offices, and by revising § 190.40 so as to read as follows:

§ 190.40 *Accident and hours of service reports*—(a) *Where filed.* Motor carriers shall file reports required by §§ 194.5, 194.7, 194.9, and 195.9 of this subchapter by serving or the mailing by first-class mail to the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which such carrier has his or its principal place of business as shown in the following table:

District No.	Territory included	Location of district office
1	Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Boston 9, Mass.
2	Connecticut, New Jersey, and New York.	New York 18, N. Y.
3	Delaware, District of Columbia, Eastern Pennsylvania, Maryland, and Virginia.	Philadelphia 6, Pa.
4	Ohio, Western Pennsylvania, and West Virginia.	Columbus 15, Ohio.
6	Alabama, Florida, Georgia, North Carolina, and South Carolina.	Atlanta 3, Ga.
7	Kentucky, Mississippi, and Tennessee.	Nashville 3, Tenn.
8	Illinois, Indiana, and Michigan.	Chicago 7, Ill.
9	Minnesota, North Dakota, South Dakota, and Wisconsin.	Minneapolis 1, Minn.
10	Iowa, Kansas, Missouri, and Nebraska.	Kansas City 6, Mo.
12	Arkansas, Louisiana, Oklahoma, and Texas.	Fort Worth 2, Tex.
13	Colorado, Montana, New Mexico, Utah, and Wyoming.	Denver 2, Colo.
15	Idaho, Oregon, and Washington.	Portland 5, Oreg.
16	Arizona, California, and Nevada.	San Francisco [illegible], Calif.

[illegible] *Reports by foreign carriers, where* [illegible] Motor Carriers having their principal place of business outside the borders of the United States shall file the reports required by §§ 194.5, 194.7, 194.9, and 195.9 of this subchapter at district offices as follows:

Canada:	*District*
That part of Canada east of the Richelieu, St. Lawrence, and St. Maurice Rivers to La Tuque on the north and thence a straight line due north to the Canadian border	1
That part of Canada west of the Richelieu, St. Lawrence, and St. Maurice Rivers to La Tuque on the north and thence a straight line due north to the Canadian border; and east of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border	2
That part of Canada on the west of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border; and on the east of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian border	8
That part of Canada west of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian border; and on and east of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border	9
That part of Canada west of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border, and all of the Province of Alberta	13
All of the Province of British Columbia	15

Mexico:	*District*
Baja California and Sonora	16
Those in all other Mexican States	12

It is further ordered, That this order shall be effective May 15, 1958, and shall continue in effect until further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3188; Filed, Apr. 29, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

AVOCADOS GROWN IN SOUTH FLORIDA

PACK REGULATION

Notice is hereby given that the Department is considering the proposals, hereinafter set forth, submitted by the Avocado Administrative Committee, established pursuant to the amended marketing agreement and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining to the said proposals, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., no later than the tenth day after publication hereof in the FEDERAL REGISTER.

The proposals are that the Secretary:

(1) Establish as pack specifications for the grading and packing of avocados the grades as set forth in the United States Standards for Florida avocados (§§ 51.3050–51.3069; 22 F. R. 6205);

(2) Prohibit, on and after June 1, 1958, the handling of any container of avocados unless such avocados are packed in accordance with Standard pack, as set forth in the aforesaid United States Standards for Florida avocados;

(3) Prohibit, on and after June 1, 1958, the handling of any container of avocados unless the avocados in such container meet the requirements of one of the United States grades (established as pack specifications as aforesaid) and each container in each lot is marked or stamped to show the United States grade applicable to such lot: *Provided*, That in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Avocado Administrative Committee in accordance with the following, which appropriately identifies the grade of such avocados:

(i) Registration of each label, brand, or trademark with the Avocado Administrative Committee shall be on forms prescribed by it and shall be filed with such committee not less than 30 days prior to use in lieu of the foregoing marking requirement.

(ii) A label, brand, or trademark registered with the committee, during a fiscal year, to identify a specific grade may not be re-registered during the same fiscal year to identify any other grade.

(iii) Each label, brand, or trademark registered with the committee shall include the name and address of the handler and shall be sufficiently distinctive otherwise that it can be readily identified and distinguished from other registered labels, brands, or trademarks.

(iv) If a label, brand, or trademark is registered by a handler to identify a specific grade, in order for a label, brand, or trademark of practically the same design and lettering with a different color, or additional terms or name, to be registered to represent a different grade, the name of the color and the additional terms or name shall appear on the label, brand, or trademark in block letters of at least one-half (½) inch in height, of contrasting color.

(v) A label, brand, or trademark registered with the committee to identify a specific grade shall not be used on any container packed with avocados of a lower grade than that for which the label, brand, or trademark is registered.

Dated: April 25, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3212; Filed, Apr. 29, 1958; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATION

NOTICE OF PROPOSED DECISION IN THE DETERMINATION OF PREVAILING MINIMUM WAGES FOR THE DRUGS AND MEDICINE INDUSTRY

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U. S. C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the Drugs and Medicine Industry has been certified to me by the Hearing Examiner. The record, having been fully considered, the rules of practice, 29 CFR 203.21 (b) next require issuance of a proposed decision in the matter, including a statement of findings and conclusions, as well as the reasons and basis therefor, and the appropriate wage determination.

DEFINITION

The notice of hearing defined the industry to include the following: Drugs or medical preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals. Typical products of the industry are: bulk organic and inorganic medicinal chemicals and their derivatives; endocrine products; basic vitamins; active medicinal principles such as alkaloids from botanical drugs and herbs; drugs and medicines in pharmaceutical preparations such as ampules, tablets, capsules, ointments, solutions and suspensions for human and veterinary use, including vitamin preparations and galenicals such as fluid extracts and tinctures; viruses, serums, toxins, and analogous products such as allergenic extracts, and normal serums and plasmas for human or veterinary use; and bacteriological media.

Management and labor representatives at the hearing stated that they had no objections to this definition. Its content is not substantially different from the one currently in effect (41 CFR 202.28). After full consideration of the record, I find that the definition as proposed in the notice is appropriate for this industry.

LOCALITY

The notice of hearing informed interested persons that they could appear at the hearing and submit data, views, and arguments as to whether there should be a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas). Information was particularly invited with reference to the geographic pattern of competition within the industry. Industry representatives stated they had no objection to an industry-wide determination. Labor representatives recommended a single determination for the entire industry. Past determinations for this industry have been on an industry-wide basis.

Substantially all of the information supplied on competitive and marketing factors in the industry was offered in an exhibit prepared by the Public Contracts Division and by the testimony of a Government procurement officer of a Federal Agency involved. It analyzed bidders, contractors and shipments to the Government on contracts awarded by the Veterans Administration and the Military Medical Procurement Agency, formerly the Armed Services Medical Procurement Agency. The contracts awarded by these agencies account for most of the Federal Government procurement of drugs and medicines.

The products of the drugs and medicine industry are marked by a relatively high value per pound. Transportation charges constitute only an insignificant portion of the cost of the delivered products. Producers generally distribute their production throughout the nation. The study of origins and destinations of actual shipments and bids on shipments for Government use, here in evidence, shows shipments and offers to ship from the several geographic areas proportionally to the concentration of the industry in those areas, for destinations proportionally to the concentration of Government consumption requirements within the areas of destination. This points to industry-wide competition and nationwide distribution, as distinguished from limited areas of competition.

The pattern of Government procurement reflects the relative insignificance of shipping costs, which inhibits development of limited areas of competition. The great majority of invitations to bid oblige the successful bidder to deliver to any point or points in the continental United States that may be designated by procuring agency during the term of the contract.

Government Exhibit 8 shows that during the fiscal years chosen for examination bids were received from each of the 4 geographical areas into which the Exhibit divides the country. Bids from each of these areas contemplated delivery of the finished product specifically within its own area, to each other such area, and to any area the purchasing agency might thereafter designate. Among the 20 possible origin-delivery combinations in this exhibit, such bids were successful in 16 of them. The very lack of a current minimum wage determination may explain the lack of success attending the bids in three of the remaining four possible combinations, for they contemplated production in an area showing high minimum wages for delivery to three lower minimum wage areas.

Though a substantial portion of the Government procurement in this industry is for proprietary items, generally manufactured by only a single company, there are so many such items so nearly alike that there is substantial competition between them in their selection for use at the level of the individual physician or hospital. There is thus substantial industry-wide competition even in this segment of the Government procurement. Furthermore, the producers of these proprietary items customarily market them through wholesale distributors located throughout the industry. Such distributors keep stocks of goods on hand, and are regular dealers equally eligible to bid on Government invitations calling for the proprietary items as are the proprietors who manufacture them.

Under all these circumstances, separate determinations for separate geographic areas would not accord with the purposes of the Act, and I find that the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under contracts subject to the Act in the drugs and medicine industry is all that area in which the industry has its establishments.

WAGES

The wage data introduced at the hearing is contained primarily in a tabulated presentation of a survey of the industry conducted by the Bureau of Labor Statistics. The survey was based on the August 15, 1956, payroll period. It included all establishments within the industry employing 10 or more employees. The survey revealed that there are 428 such establishments, employing a total of 85,769 workers, 42,724 of whom were considered "covered", and protected by the Walsh-Healey minimum wage determination when the establishment is engaged on the work to which it applies. Wage data were obtained from 395 of these establishments, employing 83,103 total, and 41,228 covered, workers. This represents 92.2 percent of the establishments in the defined industry, employing 96.9 percent of its total workers, and 96.5 percent of its covered workers. In accordance with standard statistical techniques, the remaining 33 establishments were included in the tabulated results by ascribing to each of them the wages found in those plants actually studied which had similar characteristics of size, location, and the like.

The AFL-CIO for itself, and two affiliated unions, the International Chemical Workers and the Oil, Chemical and Atomic Workers International Union, relied on the following facts shown on the Bureau of Labor Statistics tabulations for their proposals as to the prevailing minimum wage. Half of the covered workers in the industry were employed in establishments which paid none of them less than $1.36 per hour. In establishments employing 50.7 percent of the covered workers at least [illegible] percent of them received wages of $1.40 per hour or more. Only 6 workers in those establishments received less than $1.40 per hour. The unions took the position that these figures justified a finding that a minimum wage of $1.38 per hour prevailed in August of 1956. On the basis of increases in minimum wages which had occurred since August 1956, as reflected by their collective bargaining agreements, the unions urged that the prevailing minimum wage had risen seven cents per hour since the survey. Adding the $1.38, which they derive from the data based on the August 1956 pay period, and the seven cent increase they contend has subsequently occurred, the unions take the position that the present prevailing minimum wage is $1.45 per hour.

The drugs and medicines trade associations did not make affirmative minimum wage recommendations or present evidence at the hearing, but post-hearing recommendations were filed by the American Pharmaceutical Manufacturers Association on behalf of its members. This Association commented that on one basis a present determination of $1.24 per hour would be comparable to the $0.93 per hour determination in which it acquiesced when it was made in 1952. In order to avoid what they characterize as harmful discrimination against small establishments they "urge recognition of the fact that a $1.00 rate actually prevailed in August 1956 * * * for more than a 'handful of workers'", and "earnestly recommend that the minimum not be extended beyond $1.24".

The contention of the unions that in determining the prevailing minimum wage in this industry operative effect be given a minimum wage of not less than $1.36 per hour paid by about 17 percent of all plants to half of all covered employees, requires evaluation of whether such rate is best representative of the minimum wage practices in this industry as disclosed by the evidence viewed as a whole. The $1.36 figure represents the median minimum wage paid by plants in the industry, weighted in accordance with the total covered worker employment in such plants.

The evidence of record shows that 355 of the 428 plants in this industry (or 82.9 percent of them) have a lower minimum wage than $1.36 an hour. Though these 355 plants employ not more than half the workers in the industry, they constitute all but a small portion of the employment and production units in the industry.

In these circumstances, the suggested weighting of the evidence would exclude altogether from consideration of Gov-

[illegible] contracts, an overwhelming portion of the possible contractors in this industry. The evidence of minimum wages does not compel this result. Neither would such result be necessary to accord to the statutory terms nor for accomplishment of the Congressional purpose "to eliminate the practice under which the Government is compelled to deal with sweat shops" and "substandard factories" (House Report 2946, 74th Cong., 2d Sess.).

On the other hand, a median plant approach encompasses evaluating the evidence of minimum wages without weighting the plants in accordance with their employment of total covered workers. Under the evidence here, the minimum wage for the median plant (unweighted for covered workers), is [illegible] per hour. The record here also demonstrates, however, that inflexible application of only the unweighted plant median, which disregards the relative employment, size and production of the several plants, also does not appropriately realize the statutory terms and purpose. The fact that the lower minimum wage half of the plants in the industry employ only 14.2 percent of its workers, and presumably account for not much more of its production, indicates fairly clearly that their wage practices cannot be used to mark the boundary of those which are prevailing for persons employed in the industry.

The unions also suggest $1.40 per hour as appropriate for consideration of the prevailing minimum wage here. This figure is arrived at by not reflecting or taking cognizance of the minimum wage of the lowest paid covered worker in the plants at the critical median level. Selection of the prevailing minimum wage rate, as proposed by the unions, from a list of wages which exceed the actual minimum wages paid by the several plants in the industry, would not adequately weigh the substantial evidence of record on actual minimum wages paid in determining the prevailing minimum wage. This suggested method of determining prevailing minimum wages from among minimum wages paid to the bulk of employees at the lower end of each plant's wage scale rather than from the actual minimum wage paid by each plant to its lowest paid covered employee, would be pertinent in certain situations not existing here involving the scope or quality of the evidence as to the actual minimum wage paid by each plant.

The Unions also recommend $1.38 per hour for determination as the prevailing minimum wage in this industry. This figure is drawn from the midpoint between the $1.40 and $1.36 per hour rates also suggested by the unions. Since neither $1.40 or $1.36 per hour is found above to represent the industry prevailing minimum wage, and since the $1.38 is made dependent on each of them for its validity, it is not proper for determination as the minimum wage which prevails in this industry.

The American Pharmaceutical Manufacturers' Association did not recommend a specific minimum wage, but its post-hearing brief analyzing the evidence commented that $1.20 an hour appeared to it to be the highest minimum wage appropriate for determination as prevailing in this industry.

This rate is so situated within the range between the rates of $1.36 and $1.06, respectively found to be too high and too low for consideration as prevalent, as to avoid their disabilities. The wage survey data on payment of $1.20 as a minimum wage show that 67.5 percent of all covered workers in the industry are employed in establishments which pay plant minimum wages of not less than $1.20 an hour.

The substantial evidence of record, considered as a whole, supports the rate of $1.20 as appropriate for determination as the prevailing minimum wage in this industry.

The Bureau of Labor Statistics wage survey data discloses certain special characteristics of this industry which have direct bearing on evaluation of the minimum wage data. One of these factors is the very large concentration of the industry's total covered employment in a relatively small number of large plants. Table 1A of Government's Exhibit No. 5 discloses that 57 percent of all covered employees are employed in 7.2 percent of the industry's establishments, each of which employs 501 or more employees. Another unusual circumstance is the relatively small number of covered employees employed by the numerical majority of establishments in the industry. Table 1A also shows that 54.3 percent of the total number of establishments in the industry, all in the 10 to 50 worker smallest size category, employ a total of only 8.2 percent of all covered workers.

Thus, the evidence presents two extremes with relation to the data normally in closer approximation and usually adverted to for a finding as to the minimum wage which prevails. As to industries where the employment is better diffused among the various plants in the industry, relating establishment minimum wages separately to total employment units or to total covered employment in such units has yielded minimum wages which are in relative proximity so that either could be characterized as prevailing in the particular industry. The exercise of statutory discretion in such cases has favored choice of one of these two minimum wages which under all the facts of record most accurately measures the prevailing minimum wages in the industry considered as a whole. Such process of determination, however, is precluded here by the evidence which shows a substantial spread between the minimum wage suggested by each of the two approaches. Any choice between them in appraising the minimum wages of the industry as a whole, would depend upon whether the various sizes of plants as to employment should be disregarded and all should be treated as equals in their contribution to the prevailing minimum wage standard of the industry, or whether they should be accorded force and influence in accordance with their size.

In this industry, no single minimum hourly wage is found among the several plants with such frequency that it fairly may be said to be "prevailing" in the industry, in the sense that it will serve to distinguish the plants which pay "not less than * * * the prevailing minimum wages for persons employed in * * * the particular or similar industries." In this context, the minimum wage practices of the large plants dominating employment in the industry inherently have greater, but not necessarily exclusive weight in influencing the practice which is prevalent in the industry as a whole, than the practices of its least substantial employing and productive units. However, each productive unit regardless of size offers some measurable contribution to the minimum wage practices of the industry viewed as a whole requiring evaluation and weighting.

These several considerations are satisfied by the $1.20 rate suggested. This rate has substantial representation as a minimum wage in the various sizes of plants studied from the largest to the smallest. While it recognizes the impact of the minimum wages paid by the large plants employing the majority of the covered workers, it also gives due weight to the minimum wage practices of the smaller sized plants. Thus, all but 2 of the 31 largest plants each with an employment of 501 and more workers employing 57.7 percent of the covered workers in the industry, paid experienced workers minimum wages of not less than $1.20 an hour. Similarly, 51.4 percent of the establishments in the 251 to 500 worker size, and virtually 30 percent of the establishments in both the 51 to 250 and the smallest 10 to 50 worker size, also paid covered workers minimum wages of not less than $1.20 per hour.

It is evident from this analysis that the $1.20 rate more accurately measures the prevalent minimum wage practice in this industry than other rates proposed as appropriate for determination.

The unions also urge that the prevailing minimum wage which is justified by the data resulting from the August 1956 payroll period should be increased seven cents per hour to adjust to wage increases which have occurred since that time. At the hearing in April of 1957, they submitted data as to the wage changes which had occurred since August of 1956. In 36 plants employing 14,886 workers where the unions had collective bargaining status, it appears that minimum wage increases have occurred in 21 of these plants employing 9,919 workers. Only one of these plant wage increases involve minimum wage movements touching or crossing the $1.20 per hour minimum wage point in the wage tabulations. This necessarily leads to the conclusion that even if all the wage changes which have been proved by the unions had been in effect in August of 1956, and fully reflected in the Bureau of Labor Statistics' tabulations, they would not have been effective to vary the cited support for the $1.20 rate above discussed. These particular changes do not, therefore, alter the conclusion that $1.20 per hour is the prevailing minimum wage in this industry.

There remains the question whether the proof of union minimum wage increases together with increases in average hourly earnings as tabulated by the Bureau of Labor Statistics in the Monthly Labor Review warrants an inference of such a general increase in minimum wages as to justify a determination that the prevailing minimum wage has risen above its August 1956 level. The union showing relates to 8.4 percent of the plants employing 35 percent of the covered employees in the industry. Minimum wages were increased in 58 percent of the union plants employing 69.9 percent of the covered employees in the union plants, and 23.4 percent of all covered workers in the industry. The union minimum wage increase averages 6.8 cents among the employees receiving it, or 4.5 cents among all the union employees.

Average hourly earnings in this industry published by the Bureau of Labor Statistics in the Monthly Labor Review adjusted to reflect only straight time wages, have risen seven cents per hour from August 1956 to June 1957. Such wages rose 42 cents per hour from January 1951 to August 1956, when, as discussed above, the prevailing minimum wage increased 27 cents. No method is suggested to measure movements in prevailing minimum wages solely by movements in adjusted average hourly earnings, which are composed of such factors, unrelated to increase in minimum wages as variations in the amount of shift work, employment as between high-wage and other plants, relative number of workers paid above the minimum, and others.

The data presented here both as to the relationship between these movements in this industry over a long period of time and the actual data as to the recent movement of minimum wages as to 23.4 percent of all covered workers in the industry, suggests an inference that some measure of increase in the prevailing minimum wage may have occurred since August 1956. However, there appears no way to measure such increase as may have occurred with the necessary support of the substantial evidence of record, and none may be found for failure of proof.

BEGINNERS

Separate wage data for beginners was obtained in the Bureau of Labor Statistics' survey. It showed that only 66 establishments in the industry employed 746 workers classified as beginners. The labor union representatives at the hearing specifically recommended that no wage rates be authorized to be paid below the general prevailing minimum wage to be established for the industry. The American Pharmaceutical Manufacturers Association stated in a post hearing submission that there was no strong sentiment in the industry for separate beginner or learner rates.

By reason of these positions of interested parties, and the scarcity of such special wage rates in the industry, the tables reflecting the wages paid all covered workers, including beginners, are the ones which have been basically relied on to ascertain the prevailing minimum wage. In this situation, there appears to be no basis for a tolerance for learners or beginners, and none will be provided. Apprentices and handicapped workers may, of course, be employed at special rates as provided in the general regulations (41 CFR Part 201).

PROPOSED DETERMINATION

Accordingly, upon the findings and conclusions stated herein, and pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U. S. C. Sec. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. Sec. 237), notice is hereby given that I propose to amend the minimum wage determination for the drug, medicine and toilet preparations and cosmetics industry by deleting all reference to the drug and medicine branch thereof in 41 CFR 202.28 and promulgating a new section entitled "Drugs and Medicine Industry", as follows:

§ 202.60 *Drugs and Medicine Industry*—(a) *Definition.* (1) The drugs and medicine industry is defined to include the following: Drugs or medical preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure of any function of the body of man or other animals.

(2) Typical products of the industry are: Bulk organic and inorganic medicinal chemicals and their derivatives; endocrine products; basic vitamins active medicinal principles such as alkaloids from botanical drugs and herbs; drugs and medicines in pharmaceutical preparations such as ampules, tablets, capsules, ointments, solutions and suspensions for human and veterinary use, including vitamin preparations and galenicals such as fluid extracts and tinctures; viruses, serums, toxins, and analogous products such as allergenic extracts, and normal serums and plasmas for human or veterinary use; and bacteriological media.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture of products of the drugs and medicine industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.20 per hour arrived at either on a time or piece rate basis.

(c) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 25th day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3218; Filed, Apr. 29, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12076; FCC 58-394]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

(ERIE, PA., AKRON-CLEVELAND, OHIO, CLARKSBURG AND WESTON, W. VA., FLINT-SAGINAW-BAY CITY, MICH.)

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on June 27, 1957 (FCC 57-699), proposing to shift Channel 12 from Erie, Pennsylvania, to Cleveland, Ohio, or to Cleveland-Akron, Ohio, and to shift Channel 12 from Flint, Michigan, to Saginaw-Bay City-Flint, Michigan. This proceeding was initiated at the request of several petitioners who requested amendments of § 3.606, Television Broadcast Stations, as follows: (1) Great Lakes Television Company, permittee of Television Station WSEE on Channel 35 in Erie, on July 13, 1956, petitioned that Channel 12 be deleted from Erie and assigned to Cleveland; (2) Lake Huron Broadcasting Corporation, licensee of Station WKNX-TV on Channel 57 in Saginaw, Michigan, on August 30, 1956, requested that Channel 12 be shifted from Flint to the hyphenated area of Saginaw-Bay City-Flint; and (3) Summit Radio Corporation, permittee of Station WAKR-TV on Channel 49 in Akron, on May 27, 1957, requested that Channel 12 be deleted from Erie and assigned to the hyphenated communities of Cleveland-Akron. The WAKR-TV petition further requested that the Commission order the permittee of Station WBLK-TV, authorized to operate on Channel 12 at Clarksburg, West Virginia, to show cause why its transmitter should not be relocated at a site south of Clarksburg and that a final grant on Channel 12 in the presently pending Flint adjudicatory proceeding for the channel be conditioned upon selection of a site at least 170 miles from the Cleveland "antenna farm" at Parma, Ohio.

2. On February 19, 1958, the Detroit Educational Television Foundation, licensee of noncommercial educational station WTVS on Channel 56 at Detroit, Michigan, filed a petition for rule making to delete Channel 12 from Flint, Michigan, and to reserve the channel for education in Detroit. Since this petition involves one of the channels under consideration in this proceeding and is in conflict with certain other proposals, it is being treated herein as a counterproposal.

3. On June 7, 1957, Telecasting, Inc., permittee of Station WENS, authorized to operate on Channel 16 in Pittsburgh, Pennsylvania, petitioned to exchange Channels 9 and 16 between Steubenville, Ohio and Pittsburgh, or, in the alternative, to add Channel 6 to Pittsburgh by making VHF channel changes in seven areas (Pittsburgh, Erie, Lancaster and Johnstown-Altoona, Pennsylvania; Cleveland-Akron, Ohio; Clarksburg, West Virginia; and Philadelphia-Wilmington-Camden-Atlantic City). On August 30, 1957, and on November 12,

1956. Telecasting filed comments and reply comments in the subject proceeding, re-urging as counterproposals the identical proposals which it advanced in its June 7, 1957, petition and also suggesting certain additional channel changes. Several other parties filed reply comments in the instant case, which were directed solely to Telecasting's alternative proposals. On December 18, 1957, the Commission adopted a Memorandum Opinion and Order (FCC 57-1394) denying Telecasting's proposals. Thus, the comments filed in the instant proceeding relating solely to Telecasting's proposals need not be discussed herein.

4. Comments and reply comments favoring the proposal to shift Channel 12 from Erie to Cleveland or Cleveland-Akron were filed by Great Lakes Television Company (WSEE); Summit Radio Corporation (WAKR-TV); Peoples Broadcasting Corporation, licensee of AM broadcast Station WGAR, Cleveland; Forest City Publishing Company, permittee of Station WHK-TV, authorized to operate on Channel 19 at Cleveland; and Cleveland Broadcasting, Inc., permittee of Station WERE-TV, authorized to operate on Channel 65 at Cleveland. Comments and reply comments in opposition to this proposal were filed by Dispatch, Inc., licensee of Station WICU on Channel 12 at Erie; Westinghouse Broadcasting Company, Inc., licensee of Station KYW-TV on Channel 3 at Cleveland; Scripps-Howard Radio, Inc., licensee of Station WEWS on Channel 5 at Cleveland; Storer Broadcasting Company, licensee of Station WJW-TV on Channel 9 at Cleveland; WSTV, Inc., permittee of Station WBOY-TV, authorized to operate on Channel 12 at Clarksburg; Midwest TV Company, permittee of Station WMAC-TV, authorized to operate on Channel 23 at Massillon, Ohio; and Sparton Broadcasting Company, licensee of Station WWTV on Channel 13 at Cadillac, Michigan. Comments and reply comments favoring the proposal to shift Channel 12 from Flint to Saginaw-Bay City-Flint were filed by Lake Huron Broadcasting Corporation (WKNX-TV); and oppositions to this proposal were filed by WJR, The Goodwill Station, Inc., permittee of television Station WJRT, authorized to operate on Channel 12 at Flint; and W. S. Butterfield Theatres, Inc., and Trebit Corporation (jointly), applicants for Channel 12 in Flint.

5. Various parties have tendered counterproposals. Tri-Cities Telecasting, Inc., permittee of Station WTLC, authorized to operate on Channel 28 at Canton, Ohio, and Brush-Moore Newspapers, Inc., parent Corporation of the Ohio Broadcasting Company, licensee of radio Stations WHBC and WHBC-FM in Canton, ask that Channel 12 be shifted from Erie to Canton, Washtenaw Broadcasting Company, Inc. (WPAG-TV, Channel 20, Ann Arbor, Michigan), and the Regents of the University of Michigan, request that Channel 12 be moved from Flint to Ann Arbor, Michigan. Scripps-Howard Radio, Inc., licensee of Station WEWS on Channel 5 in Cleveland, Ohio, Westinghouse Broadcasting Company, Inc., licensee of Station KYW-TV on Channel 3 in Cleveland, and Storer Broadcasting Company, licensee of Station WJW-TV on Channel 9 in Cleveland, all oppose the proposal to delete Channel 12 from Erie, but urge that, if the Commission shifts Channel 12 from Erie, it be assigned to Akron or reserved for education in Cleveland. Various parties filed oppositions to these counterproposals.

6. In sum, the original proposals and counterproposals in this proceeding are as follows: (1) to shift Channel 12 from Erie, Pennsylvania, to the Cleveland-Akron area; (2) to reassign Channel 12 from Flint, Michigan, to the hyphenated communities of Saginaw-Bay City-Flint, Michigan; (3) to shift Channel 12 from Erie to Canton, Ohio; (4) to assign Channel 12 to Akron alone or reserve it for education in Cleveland; (5) to shift Channel 12 from Flint to Ann Arbor, Michigan; and (6) to shift Channel 12 from Flint to Detroit, Michigan, and reserve the channel for education in Detroit.

7. The Commission's Report and Order of June 26, 1956 (FCC 56-587) in the general television allocations proceeding (Docket No. 11532) stated with respect to various proposals for city-by-city deintermixture of UHF and VHF channels (par. 31): "Because of the widely varying circumstances in individual markets and the numerous factors which bear on the choice of techniques in any individual community or area, it is not possible to formulate rigid criteria whose perfunctory application to individual cases will automatically indicate the course which would best serve the public interest in each community." Nevertheless, the Commission announced in that Report and Order that the merits of proposals to eliminate a VHF commercial assignment would depend to a large extent on such factors as:

1. Whether significant numbers of people would lack service as a result of elimination of the VHF channel.
2. Whether one or more UHF stations are operating in the area.
3. Whether a reasonably high proportion of the sets in use can receive UHF signals.
4. Whether the terrain is reasonably favorable for UHF coverage.
5. Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

The Commission further held that the desirability of assigning a first VHF channel or of adding an additional VHF channel would depend principally upon:

1. Whether it is possible to locate the new transmitter so as to meet minimum transmitter spacings.
2. Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.
3. Whether the addition of a new VHF assignment would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

8. Predictions as to population losing their only Grade B signal (i. e., population within a "white area") resulting from the deletion of Channel 12 from Erie, as computed by the various parties, range from zero to 16,254 depending upon the assumptions made and the methods used. WSEE (Channel 35, Erie) asserts that no one would lack service since WSEE presently serves a substantially greater area and larger population than WICU (Channel 12, Erie), and since the entire area within the WICU Grade B contour is within the WSEE Grade B contour. Both WSEE and WICU have recently received authorizations to improve their facilities. WSEE and WAKR-TV (Channel 49, Akron) have calculated that the authorized WSEE and WICU Grade B service areas are approximately equal in area and population. WICU submitted data showing that the deletion of Channel 12 from Erie would result in the creation of a Grade B "white area" of 440 square miles and 12,600 persons; while a similar engineering study by WEWS (Channel 5, Cleveland) shows a "white area" of 380 square miles and 16,254 persons. The WICU and WEWS computations are not significant, however, since they take into consideration WICU's authorized facilities but not WSEE's authorized facilities.

9. Since any computation of the area and population that might lose service by the deletion of Channel 12 from Erie must of necessity be grounded on so many variables and assumptions, including heights and powers to be employed in the future and additional stations that might take the air, significant computations are difficult. We believe that the record supports the conclusion that some "white area" would result from the deletion of Channel 12 from Erie, but that this white area would contain fewer than 16,254 persons.

10. The proponents of the proposal to delete Channel 12 from Erie assert that the Erie area is predominantly UHF, while the opponents contend that it is overwhelmingly VHF. One UHF station (WSEE) and one VHF station (WICU) now operate in Erie. Three competing applications are pending for a second UHF station. A UHF station (WICA) operated in Ashtabula, Ohio, 41 miles from Erie, until June 16, 1956, and the proponents argue that WICA will probably return to the air if Erie is deintermixed. The permittee of WICA, however, did not file any comments in this proceeding. UHF stations operate in Youngstown, Ohio and Buffalo, New York, 75 and 85 miles, respectively, from Erie. The closest VHF stations to Erie are in Buffalo, Cleveland and Pittsburgh, 85, 95 and 115 miles away. Our review of the record discloses that VHF stations other than WICU serve the greater part of the authorized WICU Grade B service area, although the Grade B contours of these other VHF stations fall short of the city of Erie. We therefore find that the deletion of Channel 12 from Erie will not result in effective deintermixture in much of the authorized service areas of the Erie stations.

11. Estimates of UHF set conversion in the city of Erie vary from 69.8 percent to 82.2 percent. All parties agree that the number of UHF equipped television homes declines rapidly as the dis-

tance from Erie increases; and WICU asserts, on the basis of a survey that it conducted, that less than 50 percent of the television homes within the entire WSEE (Channel 35, Erie) Grade B contour can receive UHF signals, and that less than 25 percent of the homes within the WSEE Grade B contour but outside the Erie metropolitan area are so equipped. We are of the opinion that, while there is reasonably high UHF set conversion in Erie, the average set conversion throughout the entire service areas of the Erie stations is moderately low.

12. While it is clear that the terrain within five miles of Lake Erie, the coastal area in which the city of Erie and nearby communities to the east and west are located, is quite smooth and favorable for the propagation of UHF signals, the terrain in the remainder of the area served by the Erie UHF and VHF stations is rough and broken. As would normally be expected, and as field intensity measurements made by WICU disclose, the propagation of the UHF signals in the area south of the coastal plain is poorer than along Lake Erie. At the same time, a large part of the population within the computed service area of the Erie stations live in communities located in valleys well below the line of sight of both WICU and WSEE. From data submitted in this record we conclude that while the terrain within the WICU and WSEE computed Grade B service areas south of the Lake Erie coastal plain substantially suppresses UHF signals, there is markedly less suppression of VHF signals in that area.

13. The parties favoring the deletion of Channel 12 from Erie predict that the Erie area would enjoy a significantly greater availability and choice of services if deintermixture is effected; that the continued operation of WICU on Channel 12 may force all UHF stations off the air in the area; that only UHF can provide three fully competitive outlets in Erie for the three national networks; and that if WICA in Ashtabula is to return to the air and any other communities within sixty miles of Erie are ever to have their own stations, these must be in the UHF band. Contrarily, the opponents of the proposal assert that Erie should be permitted to retain its only VHF station, since other cities of similar size have at least one VHF station; that limiting Erie to UHF facilities would impair its ability to serve many rural, remote, isolated persons whose economic interests are tied to Erie; that effective deintermixture cannot be achieved in the area now served by the Erie VHF station because a substantial portion of this area is blanketed by VHF signals from other cities; and that UHF stations can continue to compete with a single VHF facility in Erie.

14. Cleveland and Akron are about 25 miles apart. Cleveland has three VHF stations (KYW-TV on Channel 3, WEWS on Channel 5 and WJW-TV on Channel 8), and Akron has one UHF station (WAKR-TV on Channel 49). Advocates of the proposal to move the channel argue that it is needed to provide a fourth competitive VHF service to the Cleveland-Akron area; that unless the proposal is adopted, the Cleveland metropolitan area, one of the top ten markets in the nation, will be permanently limited to three stations; and that a fourth station is needed to provide effective local television service, since the best viewing hours of the three present Cleveland stations are utilized by the networks. WAKR-TV asserts that since the three Cleveland VHF stations provide Grade A service to Akron, WAKR-TV cannot compete effectively with the Cleveland stations in the Akron market and cannot continue to operate on a UHF channel indefinitely.

15. We are not convinced that a more compelling need has been demonstrated for the use of Channel 12 in the Cleveland-Akron area than in Erie. Some "white area" would result from the deletion of Channel 12 from Erie. Erie is not a predominantly UHF community. Much of the area within the computed Grade B service area of the Erie stations is served with multiple VHF signals from Buffalo, Cleveland and Pittsburgh stations. Although UHF set conversion is moderately high in and immediately adjacent to the city of Erie, there is considerably less UHF conversion outside the Erie metropolitan area. Except for a narrow strip of coastal land along Lake Erie, the terrain within the Grade B contours of the Erie stations is rough and hilly and not well suited to UHF propagation. The deletion of Channel 12 from Erie would probably deprive a number of isolated communities of their best, or of their only, dependable television service. On the other hand, the entire Cleveland-Akron area is already well served with three VHF services, and WAKR-TV provides a local UHF television service to Akron. In consideration of the service and lack of service in the Erie and Cleveland-Akron areas, we cannot say that the latter has a greater need for Channel 12 than the former, or that the proposal to shift Channel 12 to the Cleveland-Akron area would result in greater compliance with the requirement of section 307 (b) of the Communications Act for a more fair, efficient and equitable distribution of television facilities to these communities.

16. Since we have decided that Channel 12 should not be removed from Erie, no useful purpose would be served by discussing the arguments advanced by various parties with respect to where Channel 12, if deleted from Erie, could best be assigned and the transmitter site difficulties attendant upon the assignment of the channel to Cleveland, Akron, or to the hyphenated allocation of Cleveland-Akron.

17. There remains for discussion the counterproposals to shift Channel 12 from Erie to Canton, Ohio. The two parties who urge that Channel 12 be assigned to Canton did not submit any engineering data and did not comment on the technical feasibility of this counterproposal. However, our independent study discloses that Canton is approximately 118 miles from Clarksburg, West Virginia, where WBOY-TV is authorized to operate on Channel 12. The assigment of that channel to Canton would therefore represent a substantial departure from the minimum cochannel spacing of 170 miles. As we have often indicated, it is our view that such an allocation would not serve the public interest at the present time. See Memorandum Opinion and Order of December 19, 1956 (released December 27, 1956) in Docket No. 11532 (FCC 56-1269). We reaffirm that view here.

18. The three existing VHF stations in Cleveland (WEWS, KYW-TV and WJW-TV) oppose the proposal to delete Channel 12 from Erie, but urge that, if the Commission nevertheless decides to finalize that proposal, the channel be reserved for non-commercial educational use in Cleveland. We note, however, that no educational organization has filed comments requesting that the Channel be so reserved, and we do not believe that a compelling need has been demonstrated for such a reservation.

19. Channel 12 is presently assigned to Flint, Michigan, and WJR, The Goodwill Station, Inc., has a construction permit for Station WJRT on that channel with a transmitter site near Chesaning, Michigan, from which site city-grade service will be provided to the cities of Flint, Saginaw, and Bay City, Michigan[1]

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[1] On May 14, 1954 the Commission released a Final Decision granting the application of WJR and denying the mutually exclusive applications of Trebit Corporation and W. S. Butterfield Theatres, Inc. Within 30 days Trebit, Butterfield and a "Citizens Committee for a VHF television station for Flint" filed petitions to reconsider. On December 6, 1954 the Commission reaffirmed its grant to WJR. Ten days later WJR filed an application for modification of its CP to change its transmitter location from Clarkston—a community between Flint and Detroit—to Chesaning, a community north of Flint in the direction of Saginaw and Bay City. Trebit and Butterfield by joint petition requested the Commission to vacate and set aside its original decision preferring WJR, to reopen the record and to order a further hearing. In a Memorandum Opinion and Order, released April 1, 1955, the Commission denied the Trebit and Butterfield joint petition. On April 14, 1955, the Commission granted WJR's modification application.

Three television stations operating in Northern Michigan (including WKNX-TV) protested. On June 10, 1955, the Commission released its Memorandum Opinion and Order designating the application for hearing and postponing the effective date of its grant. After a hearing the Examiner released an Initial Decision on January 17, 1956, and supplemented this Decision on April 5, 1956, reaffirming the grant to WJR.

While the protest proceeding was pending, Trebit and Butterfield sought court review of the Commission's refusal to reopen the comparative hearing record in light of facts disclosed in the application for modification of CP. In a decision released May 24, 1956, the Court of Appeals held that the Commission had abused its discretion in refusing to reopen the comparative hearing record along the lines suggested by Trebit and Butterfield, and directed the Commission to "conduct further hearings on the question of developments between WJR's original and modified proposals and * * * to reconsider its grant to WJR in the light of the developments thus disclosed".

On October 19, 1956, the Commission issued an Order reopening the comparative hearing and remanding the cases for further hearing. One of the issues in this further

20. Lake Huron Broadcasting Corporation (WKNX-TV) urges that Channel 12 be shifted from Flint to Saginaw-Bay City-Flint and that new parties be permitted to file applications for the channel. Lake Huron contends that its request would not cause any delay in the eventual use of this channel; that UHF has been unsuccessful in Saginaw-Bay City-Flint, two UHF grants for Flint and one for Bay City having been surrendered, due to the presence of strong VHF signals from three pre-freeze VHF stations in Detroit, one pre-freeze VHF in Lansing and a post-freeze VHF in Bay City; that WKNX-TV is the sole UHF station on the air in north central Michigan; that because of strong VHF competition in the area, there is no likelihood that another UHF station will be constructed; that WKNX-TV has only been able to survive because of fortuitous circumstances, the principal one being that WJRT on Flint Channel 12 has not yet become operative; that although WKNX-TV has been able to compete with a single VHF station (WNEM-TV on Channel 5 in Bay City),[2] it cannot possibly survive the advent of a Flint Channel 12 station and the certain attendant loss of WKNX's CBS affiliation; that the WJR proposal for a Flint Channel 12 operation from a site only 11 miles south of Saginaw would place a city-grade signal over Saginaw and Bay City, and its service area will wholly encompass that of WKNX-TV; that if WKNX-TV is forced to go off the air, Saginaw will be left without a station of its own; that if the Commission is to have an opportunity to pass upon the desirability of granting the last remaining VHF channel in this area to an applicant committed to giving some consideration to the special needs of Saginaw, it must be through a joint allocation of that channel to Flint-Saginaw-Bay City; that Saginaw is an important market in its own right, the 101st market in the nation, and is about half the size of Flint; and that Flint's television needs are better served by outside stations than those of Saginaw, since Flint gets Grade B signals from all three Detroit stations, a Grade A signal from both WJIM-TV in Lansing and WNEM-TV in Bay City, and will receive an additional VHF service from Parma-Onondaga, although Saginaw can hope to receive only Station WNEM-TV and a Channel 12 station. WKNX-TV further asserts that, when considering a suitable site for a Channel 12 facility to serve the Flint-Saginaw-Bay City area, maximum height and power will be needed to provide city-grade signals over all of the three principal cities; that the site near Chesaning, Michigan presently proposed by WJR, while furnishing city-grade coverage to all three cities, would not provide sufficient coverage in areas now served by only one or two stations; and that an assumed site two miles north of Gilford, Michigan, in Zone II, with maximum power (316 kw at 1,500 feet) will provide city-grade coverage to underserved areas.

21. WJR, in opposing the proposal to shift Channel 12 from Flint to Saginaw-Bay City-Flint, alleges that the Commission in its Sixth Report and Order made an equitable allocation of VHF and UHF channels to Flint, Saginaw and Bay City, and that nothing has occurred to render the allocation inequitable; that WKNX-TV's principal purpose in filing its petition to shift Channel 12 is to delay the inauguration of a Flint Channel 12 operation; that no change in the allocation of Channel 12 which would require WJR to lose its Flint identification could be effectuated without first affording WJR a hearing pursuant to Section 316, since WJR holds a valid construction permit; that considerable delay would be involved in getting a Channel 12 station on the air by adopting the WKNX-TV proposal; that the complexity of the present proceedings involving Channel 12, as alleged by WKNX-TV, does not exist, and these proceedings should soon end with a final decision in the further hearing ordered by the Court; that even if the Flint Channel 12 proceeding were as complex as alleged by WKNX-TV, legal complexity affords no basis for discarding or reopening the record or for reallocating Channel 12; that any new hearing on Channel 12 with new applicants would probably require several more years for final determination; that while operation by WJR on Channel 12 will result in new competition to WKNX-TV, WKNX-TV will probably still retain its ABC affiliation; and should be able to remain on the air; and that Flint is far larger than Saginaw or Bay City and is the only one of these cities which does not now have its operating station. WJR argues that WKNX-TV's contention that Flint's needs are better served than Saginaw's needs by outside stations lends no support to the proposed reallocation of Channel 12, because such reallocation is based upon the false premise that the entire Flint-Saginaw-Bay City area can only support two stations, and because the overriding fact of Flint's needs for a local transmission facility of its own is ignored.

22. The following civic and governmental groups filed comments favoring the proposal to shift Channel 12 from Flint to Saginaw-Bay City-Flint: City Council of the City of Saginaw, President and Executive Director of Saginaw Community Chest, Saginaw Chamber of Commerce, Bay City Commission, and City Manager of Midland. The following civic, governmental, fraternal, commercial and miscellaneous groups have filed comments opposing the proposal to shift Channel 12 from Flint to Saginaw-Bay City-Flint; Board of Directors of Flint Rotary Club, President of Flint Civitan Club, Flint Chamber of Commerce, Director Region No. 1-C, UAW-CIO, City Manager of Flint, President of Greater Flint Downtown Corporation, President of Genesee County Traffic Safety Commission, Flint City Commission, Greater Flint Council of Churches, Board of Directors of Flint Community Players, Flint Jewish Community Council, Flint Junior College, Cooperative Extension Service of Michigan State University in Genesee County, Manufacturers' Association of Flint, Citizens Committee for VHF Television Station for Flint, Tall Pine Council, Boy Scouts of American, Flint Youth Bureau, Flint Junior Chamber of Commerce, Director of Mott Foundation Program, Flint Public Schools, Genesee County Chapter of American Red Cross, Flint Farmers Club, International Institute of Flint, Genesee County Girl Scout Council, David B. Treat of Flint, Michigan, Catholic Social Service Bureau of Flint, Flint Goodwill Industries, Kiwanis Club of Flint, Red Feather Fund of Flint, and Council of Social Agencies of Flint and Genesee County. No new facts were alleged in these comments which were not covered in other formal comments.

23. We are not persuaded that Channel 12 should be moved from Flint to Saginaw-Bay City-Flint. We believe that as between the cities of Flint and Saginaw, there is a decidedly greater need for a VHF channel in Flint. The Flint metropolitan area, with a population of 270,963, is the 69th market in the nation. The Saginaw metropolitan area, with a population of 153,515, is the 111th market.

24. Six years have transpired since the adoption of the Sixth Report and Order allocating Channel 12 to Flint, and that city is still without local service. The smaller cities of Saginaw and Bay City, on the other hand, have long enjoyed local television service (WKNX-TV on Channel 57 at Saginaw and WNEM-TV on Channel 5 at Bay City). Reopening of the Flint Channel 12 proceeding would entail further delay, and any Commission decision resulting in such delay, in the absence of most compelling reasons not present in this case, would not be in the public interest.

25. Washtenaw Broadcasting Company, Inc., authorized to operate Station WPAG-TV on Channel 20 in Ann Arbor, and the Regents of the University of Michigan ask that Channel 12 be moved from Flint to Ann Arbor. They propose a share-time arrangement, with the University operating a non-commercial educational station during part of the broadcast hours and with WPAG-TV utilizing the remaining hours. They assert that a VHF channel is needed in Ann

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proceeding dealt with the proposed shift by WJR of its site from the vicinity of Detroit to the outskirts of Saginaw. WKNX-TV filed a petition to intervene in the hearing on this issue. On December 14, 1956, the Commission adopted a Memorandum Opinion and Order denying the joint petition of Trebit and Butterfield but granting WKNX-TV's petition to intervene. On January 23, 1957, the Commission granted a request by WKNX-TV that a final decision in the protest hearing (Docket No. 11412) be deferred until a final decision is reached in the further comparative proceeding so as not to prejudge matters on which the Court of Appeals had ordered a further hearing. On January 6, 1957, the taking of evidence at the further hearing was begun, and the record was closed on April 17, 1957. On September 12, 1957, the Examiner issued an Initial Decision preferring WJR.

[2] WKNX-TV asserts that, although WJIM-TV on Channel 6 in Lansing in theory places a Grade B signal over Saginaw, because of adjacent channel interference, the strong city-grade signal of WNEM-TV on Channel 5 blots out the weaker WJIM-TV Grade B signal in Saginaw and its immediate environs.

Arbor because that city already receives six VHF stations (three from Detroit, one from Windsor, Ontario, one from Lansing and one from Toledo) and will, at the conclusion of pending hearings, also receive VHF signals from new stations at Parma-Onondaga and Toledo; that elimination of Channel 12 from the Flint-Saginaw area would not result in a significant number of people lacking service because of the present service from stations on Channel 6 at Lansing, Channel 5 at Bay City and Channel 57 at Saginaw; that Station WKNX-TV on Channel 57 in Saginaw can continue to render valuable UHF service if a Channel 12 station does not commence operation in the Saginaw-Bay City-Flint area; that UHF set saturation in the Saginaw area is about 90 percent, as compared with a very low conversion rate in the Ann Arbor area; that the Saginaw-Bay City-Flint area is favorable for UHF coverage, while the terrain in the Ann Arbor area is extremely hilly and not well suited for UHF propagation; and that the shift of Channel 12 from Flint to Ann Arbor would improve the opportunity for effective competition among a greater number of stations in both the Saginaw-Bay City-Flint and the Ann Arbor areas. The Regents of the University of Michigan represent that if the University is permitted share-time operation on Channel 12 in Ann Arbor, it will produce "quality programs in the public interest and in keeping with the educational policies and practices of the University."

26. The following civic, governmental and educational groups have filed separate comments favoring the counterproposal to shift Channel 12 from Flint to Ann Arbor, Michigan: Superintendent of Ypsilanti, Michigan, Public Schools, Washtenaw County Board of Education, Eastern Michigan College, and Ann Arbor City Council. These parties advanced no arguments not also urged by WPAG-TV and the Regents of the University of Michigan.

27. The counterproposal to shift Channel 12 from Flint to Ann Arbor was first considered and rejected by the Commission on June 27, 1957, when we adopted our Notice of Proposed Rule Making in the instant proceeding (FCC 57-699). Few new arguments have been advanced which were not included in the original petition. We reaffirm our belief that our interim objective, embodied in the Commission's Report and Order issued on June 26, 1956, in Docket No. 11532 (FCC 56-587), of improving the opportunities for effective competition among a greater number of stations would not be served by assigning Channel 12 to Ann Arbor and thereby precluding its use as the first local service in the much more populous City of Flint.

28. The Detroit Educational Television Foundation requests that Channel 12 be deleted from Flint and reserved for noncommercial educational use in Detroit, Michigan. The Foundation asserts that it desires to apply for and construct an educational station on Channel 12 which would serve the Detroit, Ann Arbor, and Flint areas; that it has operated Station WTVS on UHF Channel 56 in Detroit since September 27, 1955; and that with four VHF commercial services available (three Detroit stations and one in Windsor, Ontario) the Foundation has found it extremely difficult to promote the conversion of receivers to UHF on a large scale.

28. We believe that this counterproposal should be rejected. It would be contrary to the mandate of section 307 (b) of the Communications Act to delete the only VHF channel assigned to Flint, which has no local operating station, in order to add the channel to Detroit, which already has three commercial VHF stations and one noncommercial educational UHF station.

30. In view of the above considerations, we are convinced that the adoption of any of the proposals or counterproposals in this proceeding would not serve the public interest, convenience and necessity, and we conclude therefore that the allocation of Channel 12 to Erie, Pennsylvania, and the assignment of the same channel to Flint, Michigan, should remain unchanged.

31. *Accordingly, it is ordered,* That the petitions of Great Lakes Television Company, Lake Huron Broadcasting Corporation, Summit Radio Corporation and Detroit Educational Television Foundation are denied and this proceeding is terminated.

Adopted: April 23, 1958.

Released: April 25, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3203; Filed, Apr. 29, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 196]

[Ex Parte MC-40]

INSPECTION AND MAINTENANCE

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 22d day of April A. D. 1958

The matter of inspection and maintenance under the Motor Carrier Safety Regulations prescribed by order dated April 14, 1952, as amended, being under consideration; and

It appearing that experience has established facts that certain motor carriers fail to inspect and maintain motor vehicles in safe operating condition;

It further appearing that the existing administrative policy of the Bureau of Motor Carriers in the matter of declaring and marking "out of service" any vehicle revealed by inspection or operation to be so imminently hazardous to operate as to be likely to cause an accident or breakdown may be susceptible of varying interpretations thereby making it advisable to amend § 196.5 so as to specify standards for which any motor vehicle shall be declared and marked "out of service" with a prescribed sticker by certain employees of the Bureau of Motor Carriers;

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the Commission's proposal to vacate and set aside § 196.5, other than the forms entitled, "Out of Service Vehicle" and Form B. M. C. 63 (1958) "Out of Service Notice" prescribed therein; of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR 196.5) (49 Stat. 546, as amended, 49 U. S. C. 304) by substituting the following rule in lieu of the rule now in effect:

§ 196.5 *Motor vehicles declared "out of service."* (a) Any safety supervisor, district supervisor or safety inspector of the Bureau of Motor Carriers is authorized to declare and mark "Out of Service" with the prescribed sticker, any motor vehicle which in his judgment is unsafe to operate because any of the required parts and accessories, referred to in paragraphs (b) through (k) of this section, are missing or have any of the defects described therein. Such motor vehicle shall not be operated until the repairs required by the "Out of Service Notice" on Form BMC-63 have been satisfactorily completed and the "out of service" sticker removed. No person shall remove the "out of service" sticker from such motor vehicle prior to the completion of the required repairs, and when the repairs have been made, the carrier shall so certify to the Commission on Form BMC-63, in accordance with the terms prescribed thereon.

(b) *Engine.* The vehicle engine cannot be made to start operating within 10 minutes without the use of equipment or materials not carried on the vehicle.

(c) *Steering mechanism*—(1) *Turning.* The steering wheels are incapable of being turned from full-right to full-left because of interference by parts of the steering mechanism.

(2) *Steering wheel play.* The steering wheel turns more than 30 degrees without associated movement of the front wheels.

(3) *Steering column.* Any absence or looseness of bolts or positioning parts so as to permit motion of the steering column from its normal position.

(4) *Steering box attachment.* Any absence or looseness of bolts or other parts so as to permit motion of the steering box at the point of attachment to the vehicle frame.

(5) *Ball and socket joints.* Any looseness at any ball and socket joint in the steering linkage in excess of one-half inch measured in alignment with the shank or neck of the ball.

(6) *Fastening or locking parts.* Any absence or looseness of fastening or locking parts in any part of the steering mechanism.

(7) *Front wheel play.* The play about either a horizontal or vertical axis of either front wheel exceeds one [illegible] measured at the tread surface of the tire.

(d) *Brake systems.*—(1) *Stopping.* The vehicle or combination fails, in the vehicle to stop from a speed of 20 miles per hour in a distance of 75 feet from a point at which the brake controls are first moved for the purpose of applying brakes when tested on a smooth, dry, level surface free from loose material.

(2) *Missing or inoperative brakes.* Brakes missing or not operating on any wheel of any vehicle except the front wheels of trucks or truck-tractors having three or more axles and except wheels of one steerable axle of trucks or truck-tractors equipped with two or more steerable axles.

(3) *Equalization.* The braking force developed on any wheel is less than one-half the braking force developed on the other wheel of the same axle.

(4) *Hoses, tubing, piping, and connections.* (i) Any brake hose is worn, charred, cut, or cracked through the outer casing and through one ply of fabric.

(ii) Any brake hose or brake tubing, or brake piping with audible leak, bulge, or restriction.

(iii) Any brake system connection with an audible leak.

(5) *Lining.* Any service brake lining missing, cracked through across the face or pulling away from the brake shoe.

(6) *Drums.* Any crack visible on the exterior of any brake drum extending more than one-half the width of the drum.

(7) *Any reservoir pressure.* Beginning at governor cut-in pressure, with the engine running at idling speed and all air service brakes fully applied, the reservoir pressure drops more than 10 pounds per square inch at the end of 3 minutes or with emergency line disconnected, a trailer brake air system leaks audibly.

(8) *Vacuum system.* (i) Beginning with the vacuum braking system of the towing vehicle or single vehicle at atmospheric pressure and the trailer brake connections, if any, closed, the engine is started while moderate pressure is maintained on the brake pedal, and the brake pedal fails to move as an indication that the vacuum system is in working order.

(ii) With all vacuum brakes fully applied, with the trailer brake connections open (if a trailer is connected) and the engine operated long enough to reach constant vacuum, and then stopped, the brake application cannot then be maintained for at least 5 minutes without brakes releasing.

(9) *Brake chamber leaks.* Any brake chamber leaking or not securely mounted.

(10) *Hydraulic system.* The hydraulic service brake pedal, while applied with uniform foot pressure, continues to move forward or downward.

(11) *Pedal reserve.* On mechanical or hydraulic brake systems, the service brake pedal first meets firm resistance at a point closer to the floorboard or other fixed obstruction to pedal travel than 20 percent of the total pedal travel from released position when measured in a straight line.

(12) *Parking brake.* (i) Any mechanical part of the parking brake missing, broken, or disconnected.

(ii) Parking brake not capable of locking the rear driving wheels and not adequate under any condition of loading to hold the vehicle or combination to the limit of traction of such braked wheels on the grade on which it is tested.

(iii) Parking brake mechanism, when fully applied, will not hold in the applied position without manual effort.

(e) *Lighting devices, reflectors, and electrical equipment.* During the period of one-half hour after sunset to one-half hour before sunrise or during any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet:

(1) *Headlamps.* More than one filament in the headlight system is inoperative.

(2) *Lamps on rear.* There are not at least two lighted red lamps, other than stop lamps, and at least one operative stop lamp on the rear of the vehicle visible from a distance of 500 feet.

(3) *Lamps on projecting loads.* There are not at least two lighted red lamps on the rear of loads projecting four or more feet beyond the vehicle body.

(4) *Reflectors on rear.* There is not at least one red reflector on the rear of the vehicle mounted at a height of not less than 24 inches or more than 60 inches above the ground or as near thereto as the configuration of the vehicle permits.

(5) *Electrical connections.* Any visible electrical connections made by twisting together wiring between the towed and towing vehicle.

(f) *Tires*—(1) *Any tire.* Wear of any tire exceeding four outer textile plies.

(2) *Unvulcanized patches or boots.* Any tire containing an unvulcanized blowout patch or boot.

(3) *Cuts.* Any single tire or both tires on a pair of duals cut through 3 or more layers of fabric, the cut being 4 inches or more long at the third layer.

(4) *Flat tires.* Any tire on any wheel flat or having an audible leak.

(5) *Steering axle.* Any tire on any steering axle of a single vehicle or towing vehicle in which any part of a carcass ply is showing in the tread, or the sidewall.

(6) *Dual tires.* More than one tire on any dual tire installation having one or more textile plies showing.

(g) *Wheels and rims*—(1) *Loose or cracked rims or wheels.* Any rim, wheel, or wheel flange loose or cracked.

(2) *Bolts, nuts, and lugs.* More than one-fourth of the bolts, or the nuts, or the lugs for attaching the wheels to the hub or the rim to the wheel are missing, loose, or defective.

(h) *Exhaust systems.* Exhaust system not securely fastened or having visible or audible leaks to a point rear or above the passenger or driver compartment.

(i) *Fuel systems*—(i) *Leakage.* Gasoline or liquified petroleum gas fuel system having a leak at any points.

(ii) *Fill pipe caps.* Any gasoline fuel tank fill pipe without a cap.

(j) *Coupling devices and adjustable axle assemblies*—(1) *Tow-bars, adjustable fifth wheel, and adjustable axle assembly, locking devices.* Tow bars, adjustable fifth wheels, or adjustable axle assemblies lacking one or more locking devices, or any such locking devices not properly fitted.

(2) *Fifth wheel, tow-bar and axle play.* (i) Play lengthwise the vehicle exceeding one inch between the upper and lower fifth wheel halves.

(ii) Where provision is made for adjustment of a fifth wheel lower half, tow-bar, axle, or tandem axle assembly, relative to the vehicle frame, there is more than one-half inch of play lengthwise the vehicle in any such adjustment when locked or latched in position.

(3) *Fifth wheel mounting.* Fifth wheel mountings including bolts, nuts, and brackets, but not including adjustable features, which are loose, worn, or broken so as to permit observable relative motion between the fifth wheel mounting and the frame of the vehicle.

(4) *Fifth wheel and tow-bar cracks or breaks.* Any cracks or breaks in the tow-bar or the fifth wheel, except the horns.

(k) *Suspension*—(1) *Axle positioning parts.* Any torque arms, U-bolts, spring hangers or other axle positioning parts cracked, broken, loose, or missing so as to permit displacement of an axle from its normal position.

(2) *Leaf spring assembly.* One-fourth or more of the leaves in leaf spring assemblies broken or missing, or the main leaf depended upon for positioning the axle is broken.

(3) *Torsion bar assembly.* Any part of the torsion bar assembly or any part used for attaching the torsion bar to the vehicle frame or axle cracked, broken, or missing.

(4) *Torsion bar.* Any torsion bar broken or having a crack extending crosswise the bar, either directly or inclined, to an extent of one-half its diameter or more.

(l)-(y) [Reserved.]

(z) *Appeal by carrier.* A carrier when notified by a safety supervisor, district supervisor, or safety inspector, in writing, that a motor vehicle has been declared and marked out-of-service because of the conditions set out and described in said notice, may, before the close of the first business day following the date of said notice, appeal by telegraph to the district director of the Bureau of Motor Carriers for the district in which said carrier has his or its principal place of business, and upon receipt of such appeal, the district director shall arrange for the assignment of another safety supervisor, district supervisor, or safety inspector other than the one from whose decision the appeal is taken to re-examine and inspect said vehicle within 24 hours from date of receipt of appeal. If upon re-examination the motor vehicle is found in serviceable condition, the district director shall immediately notify the carrier, at the carrier's expense, by telegraph, whereupon such motor vehicle may be put into service without further delay; but if the re-examination and inspection of said motor vehicle sustains the decision of the safety supervisor, district supervisor, or safety inspector, the district director shall at once notify the carrier owning or operating such motor vehicle that the appeal from the safety supervisor, district supervisor, or safety inspector is dismissed, and upon the receipt of such notice the carrier may, within thirty days appeal to the Interstate Commerce Commission, and upon such appeal, and after hearing, said Commission may sustain the prior findings or may revise, modify, or set aside such action of the district director and declare that said motor vehicle is in serviceable condition and authorize the same to be operated. The fact that either appeal is pending, however, does not authorize the operation of the vehicle.

It is further ordered, That interested persons may on or before July 1, 1958, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration shall be given to the proposed amendments, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3189; Filed, Apr. 29, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS) AND MILITARY DEPARTMENTS

DELEGATIONS OF AUTHORITY WITH RESPECT TO MAKING OF TAX DETERMINATIONS ON WHERRY HOUSING PROJECTS

The Secretary of Defense approved the following delegations of authority on April 22, 1958:

Reissuance. This Directive is a reissuance of DoD Directive 4165.30, "Taxes on Wherry Housing Projects", November 16, 1956 (published at 21 F. R. 9228), in order to clarify responsibility for the making of determinations of amounts which may be deducted appropriately from the taxes or assessments on Wherry projects constructed in connection with installations of the Atomic Energy Commission.

Delegation of authority. A. Pursuant to the authority vested in the Secretary of Defense by section 202 (f) of the National Security Act of 1947, as amended, and section 5 of the Reorganization Plan No. 6 of 1953, the authority conferred on the Secretary of Defense by section 511, Public Law 85-1020 (70 Stat. 1110), is hereby delegated as set forth below.

B. The Assistant Secretary of Defense (Properties and Installations) is delegated the autority to:

1. Issue instructions for the guidance of the military departments in making determinations under Public Law 85-1020 as to the amounts which may be deducted appropriately from the taxes or assessments on Wherry projects.

2. Enter into agreement with the head of any executive department or agency of the Federal Government for the furnishing of information regarding the amount of any payments or other contributions made to local taxing or other public agencies with respect to Wherry projects or for establishing procedures to facilitate implementation of Public Law 85-1020.

3. Perform such functions under Public Law 85-1020 as are not otherwise delegated to the Secretaries of the military departments.

C. The Secretary of each military department, or his designee, is hereby delegated the authority to:

1. Determine the amounts which may be deducted appropriately under Public Law 85-1020 from taxes or assessments on Wherry projects constructed pursuant to certification by that department.

2. Assist the lessees of Wherry projects in furnishing information regarding appropriate deductions to local taxing authorities for the purpose of fixing the net amount of taxes to be paid on Wherry projects.

D. The Secretary of the Army, or his designee, is hereby delegated the authority to:

Determine the amounts which may be deducted appropriately under Public Law 85-1020 from taxes or assessments on Wherry projects constructed pursuant to certification by the Atomic Energy Commission.

Cancellation. This cancels and supersedes Federal Register document published at 21 F. R. 9228.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

APRIL 22, 1958.

[F. R. Doc. 58-3180; Filed, Apr. 29, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial Number A.027776 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and the mineral leasing laws. The applicant desires the land for Port of Whittier Communications Facility.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TRACT R

(Formerly Designated ACS Station Site)

Beginning at Corner No. 9, U. S. Survey No. 2559, official survey of the Whittier Townsite, Alaska, accepted 5 June 1942; thence N. 78°51′ W. 148.37′ to Corner No. 1, the true point of beginning; thence S. [illegible] W. 189.25′ to the SE corner of Lot 39, Blk. 11, of said survey which is Corner No. 2; thence N. 74°00′ W. 228.28′ along the northerly line of 1st St. to the SW corner of Lot 36, Blk 11, of said survey which is Corner No. 3; thence N. 16°00′ E. 109.96 feet, along the West line of Lot 36, to the 1-9 line of said survey which is Corner No. 4; thence S. 78°51′ E. [illegible] feet, along said 1-9 line to Corner No. 1, the true point of beginning.

Containing 0.82 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-3202; Filed, Apr. 29, 1958; 8:50 a. m.]

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

GOVERNMENT PURCHASES OF CRUDE PETROLEUM AND PETROLEUM PRODUCTS

SECTION 1. *Purpose.* The purpose of these rules is to set forth the standards which will govern the issuance of certi-

[illegible] of compliance, and representations of compliance, with the Voluntary Oil Import Program pursuant to section 4 of Executive Order 10761 entitled "Government Purchases of Crude Petroleum and Petroleum Products" (23 F. R. 2067). The rules also make a change in the requirements for reporting under the Voluntary Oil Import Program.

SEC. 2. *Scope of compliance.* If a company has both an allocation for the importation of crude oil into Districts I–IV and an allocation for importation of crude oil into District V, the company must observe both the allocation respecting Districts I–IV and the allocation respecting District V in order to be in compliance with the Voluntary Oil Import Program. A parent company and its subsidiaries controlled by majority stock ownership or wholly owned will be regarded as a single organization with respect to compliance with the program.

SEC. 3. *Requests for certificates; reporting.* Requests for certificates of compliance should be addressed to Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C. Each company reporting its actual and estimated imports of crude oil (on Form Budget Bureau No. 42–R 1307) to the Administrator is requested to state its actual and estimated imports to the nearest 100 barrels daily. Any company which requests the issuance of a certificate of compliance must accompany the request with a statement of its actual imports to the nearest 100 barrels daily for the period which the certificate will cover, if that company has not filed with the Administrator reports of imports to the nearest 100 barrels daily for that period. In connection with reports and statements, attention is called to the provisions of 18 U. S. C., sec. 1001.

SEC. 4. *Submission of bids.* Section 1 of Executive Order 10761 refers to a period of three months preceding "the month in which a bid is submitted to a Government department or agency." The month in which a bid is opened will be considered to be the month in which a bid is submitted to a Government department or agency.

SEC. 5. *Districts I–IV prior to July 1, 1958.* With respect to Districts I–IV prior to July 1, 1958, an importer will be deemed to be in compliance for the three months preceding the month in which a bid is opened, as required by Executive Order 10761, when:

(a) His average barrels per day of actual crude oil imports for the entire period during which he has had an allocation plus the average barrels per day of crude oil imports estimated for the months through June 1958 in the report submitted to the Administrator, Voluntary Oil Import Program in March 1958 are not greater than his allocation as it stood prior to April 1, 1958;

(b) His average barrels per day of crude oil imports for the three months preceding the month in which a bid is opened has not been greater than his average allocation for the same months; or

(c) His average barrels per day of crude oil imports for the entire period during which he has had an allocation has not been greater than his average allocation for the same period.

SEC. 6. *Districts I–IV on and after July 1, 1958.* (a) With respect to Districts I–IV on July 1, 1958, and thereafter, an importer will be deemed to be in compliance for the three months preceding the month in which a bid is opened, as required by Executive Order 10761, when his average barrels per day of crude oil imports for the three months preceding the month in which a bid is opened has not been greater than his average allocation for the same months.

(b) If an importer's average barrels per day of crude oil imports for a particular period of three months has exceeded his average allocation for that period, the Administrator, Voluntary Oil Import Program, may determine that the importer is in compliance for that period if the importer (1) makes a satisfactory showing that the overage was due solely to the difficulty of scheduling receipts or to an historical pattern of imports based on seasonal availability of transportation and (2) offers satisfactory assurance that his imports during succeeding months through September 1958 will result in an average barrels per day of crude oil imports during the period April 1, 1958, through September 1958 that will not be greater than his average allocation for that period.

SEC. 7. *District V.* With respect to District V, an importer will be deemed to be in compliance for the three months preceding the month in which a bid is opened, as required by Executive Order 10761, when:

(a) His average barrels per day of actual crude oil imports for the entire period during which he has had an allocation plus the average barrels per day of crude oil imports estimated for the months through June 1958 in the reports submitted to the Administrator, Voluntary Oil Import Program, are not greater than his allocation for the same period; or

(b) His average barrels per day of crude oil imports for the three months preceding the month in which a bid is opened has not been greater than his allocation for the same months.

SEC. 8. *Commingled foreign crude oil.* While an importing company may be in compliance with the Voluntary Oil Import Program insofar as its imports of crude oil are concerned, it is possible that the products of a particular refinery owned by that company may not be "complying petroleum products." This situation would arise if, under a processing agreement, crude oil which had not been imported in compliance with the Voluntary Oil Import Program were commingled with other crude supplying the refinery.

SEC. 9. *Storage in bond.* If, because of the difficulty of scheduling tanker shipments, the unloading of a particular cargo or cargoes of crude oil would cause an importer to exceed its allocation, the importer may store the crude oil in bond and charge the crude against its allocation for the month in which the crude is withdrawn.

SEC. 10. *Compliance during contract period.* (a) With respect to Districts I–IV, an importer will be deemed to be in compliance with the Voluntary Oil Import Program during a contract period, or that part of a contract period, falling between April 1, 1958, and September 30, 1958, if his average barrels per day of actual crude oil imports for those months in which he has imported during the period April 1 through September 1958 plus the average barrels per day of crude oil imports estimated for the remainder of the period April 1, through September 1958 in the reports submitted to the Administrator, Voluntary Oil Import Program, are not greater than his average allocation for the period April 1 through September 1958.

(b) With respect to District V, an importer will be deemed to be in compliance with the Voluntary Oil Import Program during a contract period, or that part of a contract period, falling between April 1, 1958, and June 30, 1958, if his average barrels per day of actual crude oil imports for those months in which he has imported during the period January 1, 1958, through June 1958 plus the average barrels per day of crude oil imports estimated for the remainder of the period January 1 through June 1958 in the reports submitted to the Administrator, Voluntary Oil Import Program, are not greater than his allocation for the period January 1, through June 1958.

(c) As soon as is practicable, rules will be issued covering a period following September 30, 1958 with respect to Districts I–IV and a period following June 30, 1958 with respect to District V.

M. V. CARSON, Jr.,
Administrator,
Voluntary Oil Import Program.

APRIL 28, 1958.

[F. R. Doc. 58–3240; Filed, Apr. 28, 1958; 2:19 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR AERIAL SPRAYING IN STATES OF NEW YORK AND PENNSYLVANIA

Pursuant to the authority vested in the Administrator, Agricultural Research Service, by the Secretary of Agriculture, under date of April 16, 1958 (23 F. R. 2621), authority is delegated to the Chief, Procurement Branch, Administrative Services Division, Washington, D. C., and to the Regional Business Manager and the Administrative Services Officer, Philadelphia, Pennsylvania, to negotiate, without advertising, under sections 302 (c) (4) and 302 (c) (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended), contracts required by the Department of Agriculture for aerial spraying of approximately 140,000 acres of wooded areas in New York and Pennsyl-

vania for the period ending December 31, 1958.

The authority hereby delegated shall be exercised in accordance with the requirements of the above-titled act, particularly sections 304, 305 and 307, the delegation of authority by the Administrator, General Services Administration to the Secretary of Agriculture, under date of April 3, 1958 (23 F. R. 2304), the policies, procedures and controls prescribed by the General Services Administration, and the delegation of authority by the Secretary of Agriculture above-mentioned.

The authority herein delegated may not be redelegated.

Done at Washington, D. C., this 25th day of April 1958.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3213; Filed, Apr. 29, 1958; 8:52 a. m.]

Office of the Secretary

FLORIDA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Broward.
Charlotte.
Collier.
Dade.
Glades.
Indian River.
Lee.
Martin.
Okeechobee.
Palm Beach.
St. Lucie.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 24th day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3191; Filed, Apr. 29, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11588, 11999; FCC 58M-412]

JOSEPH M. RIPLEY, INC., AND DAN RICHARDSON

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP-9788; Dan Richardson, Orange Park, Florida, Docket No. 11999, File No BP-10697; for construction permits.

The Hearing Examiner having under consideration "Petition For Leave To Amend" filed herein on April 2, 1958, by Joseph M. Ripley, Inc.; "Opposition To Petition For Leave To Amend" filed by Dan Richardson, another applicant, on April 14, 1958; "Reply of Broadcast Bureau To Petition For Leave To Amend Filed by Joseph M. Ripley, Inc." filed on April 11, 1958; "Notice of Taking Depositions" filed by Joseph M. Ripley, Inc. on April 14, 1958; and "Motion To Quash Request To Take Depositions" filed by Dan Richardson on April 21, 1958: *It is ordered,* This 23d day of April 1958, that oral argument will be held on (1) "Petition For Leave To Amend" and (2) "Notice of Taking Depositions" on May 5, 1958, 10 o'clock a. m., at the Commission's offices in Washington, D. C.

Released: April 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3204; Filed, Apr. 29, 1958; 8:51 a. m.]

[Docket Nos. 11882, 12321; FCC 58M-415]

OREGON RADIO, INC. (KSLM) AND LINCOLN ELECTRONICS, INC. (KBCH)

ORDER CONTINUING HEARING

In re applications of Oregon Radio, Incorporated (KSLM), Salem, Oregon, Docket No. 11882, File No. BP-10272; Lincoln Electronics, Inc. (KBCH), Oceanlake, Oregon, Docket No. 12321, File No. BP-11556; for construction permits

The Hearing Examiner having under consideration a motion filed April 22, 1958, by Oregon Radio, Incorporated (KSLM), requesting that the further pre-hearing conference now scheduled for Wednesday, April 23, 1958, be continued until Friday, April 25, 1958; and

It appearing that the reason for the requested continuance arises from the fact that certain engineering material will not be available in time for study by all of the parties prior to Wednesday, April 23, 1958, and the additional time is necessary for such study; that all parties have consented to the granting of the motion for continuance and have agreed to waive provisions of § 1.43 of the Commission's Rules to permit immediate consideration of this motion; that good cause for the granting of the continuance having been shown;

It is ordered, This the 23d day of April 1958, that the motion for continuance is granted and the pre-hearing conference now scheduled for Wednesday, April 23, 1958, is continued until Friday, April 25, 1958, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.;

It is further ordered, That the evidentiary hearing in this proceeding presently scheduled to begin on Tuesday, April 29, 1958, is continued to a date to be announced at the conclusion of the hearing conference on April 25, 1958.

Released: April 24, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3205; Filed, Apr. 29, 1958; 8:51 a. m.]

[Docket No. 12031; FCC 58M-[illegible]]

BIRCH BAY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of George A. Wilson & L. N. Ostrander d/b as Birch Bay Broadcasting Company, Blaine, Washington, Docket No. 12031, File No. BP-10848; for construction permit.

It is ordered, This 17th day of April 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 25, 1958, in Washington, D. C.

Released: April 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3206; Filed, Apr. 29, 1958; 8:51 a. m.]

[Docket. Nos. 12229, 12230; FCC 58M-[illegible]]

WALTER G. ALLEN AND MARSHALL COUNTY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Walter G. Allen, Huntsville, Alabama, Docket No. 12229, File No. BP-10871; Marshall County Broadcasting Company, Inc., Arab, Alabama, Docket No. 12230, File No. BP-11088; for construction permits.

The Hearing Examiner having under consideration "Petition For Postponement Of Hearing" filed by Marshall County Broadcasting Company, Inc. on April 21, 1958, requesting that the hearing in the above-entitled proceeding, which is presently scheduled for this date, be postponed to a later date;

It appearing that good cause exists for the granting of such petition and there is no opposition thereto;

It further appearing that counsel for all parties have consented to a waiver of § 1.43 of the Commission's Rules;

It is therefore ordered, This 22d day of April 1958, that the petition herein be, and the same is hereby, granted and the hearing now scheduled to commence on this date is hereby continued without date.

Released: April 22, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3207; Filed, Apr. 29, 1958; 8:51 a. m.]

[Docket Nos. 12287, 12288; FCC 58M-414]

SHERRILL C. CORWIN AND K-VHF (TV)

ORDER FOLLOWING PRE-HEARING CONFERENCE (SCHEDULING HEARING)

In re applications of Sherrill C. Corwin, Los Angeles, California, Docket No. 12287, File No. BPCT-2368; Frederick J. Bassett and William E. Sullivan (Partners) as K-UHF (TV), Los Angeles, California, Docket No. 12288, File No. BPCT-2385; for construction permits for a new television broadcast station (Channel 34).

1. A pre-hearing conference in the above-entitled proceeding was begun on March 3, 1958, and resumed on April 21, 1958. Both conference sessions followed published orders specifying the time and place for such conferences. Sherrill C. Corwin, applicant in Docket 12287, and the Chief, Broadcast Bureau have been represented by counsel. Frederick J. Bassett and William E. Sullivan, Partners, d/b as K-UHF (TV), applicant in Docket 12288, have not appeared in person or by attorney but in lieu thereof submitted a pleading which was received in the offices of the Commission on April 21, 1958, which communication is to be found in the transcript of the hearing conference held on that date.

2. The Commission by order dated January 22, 1958, found that Sherrill C. Corwin, hereinafter sometimes referred to as Corwin, is legally, financially, technically and otherwise qualified to construct, own and operate the proposed station but was unable to find that Frederick J. Bassett and William E. Sullivan, Partners, d/b as K-UHF (TV), hereinafter sometimes referred to as K-UHF (TV), were legally, financially or technically qualified to construct, own and operate the proposed station and as the two applications were mutually exclusive, a hearing pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, was necessary and designated both applications for hearing in a consolidated proceeding upon the following issues:

1. To determine whether K-UHF (TV) is in fact a legally qualified applicant inasmuch as its partnership agreement states that such partnership shall not commence until the effective date of the requested construction permit.

2. To determine the financial qualifications of K-UHF (TV) to construct, own and operate the proposed television broadcast station.

3. To determine whether the antenna system and site proposed by K-UHF (TV) would constitute a hazard to air navigation.

4. To determine the technical qualifications of K-UHF (TV) to construct, own and operate the proposed television broadcast station.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

The Commission order also specified that the issues may be enlarged by the Hearing Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

3. In the written communication received April 21, 1958, from K-UHF (TV), this applicant proposed that the presentation of their case be handled entirely by the submission of correspondence and exhibits and through the exchange of such exhibits. The other parties to the proceeding and the Hearing Examiner construe the pleading to be a written request filed pursuant to the provisions of § 1.111 of the Commission's rules that the parties present their direct affirmative case in written form. This proposal is accepted by counsel for Sherrill C. Corwin and by counsel for the Chief, Broadcast Bureau and is approved by the Hearing Examiner.

4. The written communication from K-UHF (TV) received April 21, 1958, erroneously assumes that applicant Corwin is required to respond to Issues 1 through 4 inclusive. K-UHF (TV) is the only applicant required to respond to these four issues.

5. Both applicants are required to respond to the comparative issue (Issue 5). Each applicant will show to the extent deemed necessary to him so much of the background and experience of each of its principals as may be necessary to show the ability of the applicant to own and operate the proposed television station. Each applicant will show, to the extent deemed necessary by him, the facilities proposed, including but not necessarily limited to the transmitter, studio and technical equipment, number of cameras, size and location of studios, and such other equipment and facilities as will be used in the operation of the proposed station. Each applicant will show to the extent deemed necessary by him the programming proposed, including the availability of network, film, and plans for locally originated programs together with such material or information as the applicant deems necessary to establish that he is capable of programming as proposed and to establish that the programs as proposed will serve the public interest, convenience and necessity. Each applicant will show his proposed typical week and an appropriate analysis thereof. He may include a statement of program policies. If there are any types of programs not reflected in the proposed typical week, he may so state and explain why such programs are not included.

6. No part of this order is to be construed as limiting or restricting either applicant to developing facts relating only to those matters specifically referred to herein. Each applicant will decide what exhibits he will prepare and what facts will be shown in the exhibits. Each applicant is authorized to prepare exhibits disclosing all facts and information deemed by him as necessary to give a complete and adequate representation of its plans and proposals to the extent required by the issues specified by the Commission. The exhibits will be exchanged by the parties on or before June 2, 1958, and the exhibits exchanged on that date shall constitute the entire direct affirmative showing of the applicant with respect to each issue to which the applicant intends to respond.

7. Each of the exhibits to be exchanged on June 2, 1958, will be verified by the person or persons having personal knowledge of the facts and representations made in the exhibit. An exhibit which is intended to show the existence of funds, availability of credit, ability to purchase equipment or supplies on time, to rent or build studio facilities or lease property shall be verified by the person who is to furnish the material, extend credit, build or lease properties, as the case may be.

8. The evidentiary hearing in this proceeding will begin on Monday, June 16, 1958. Only those exhibits which have been exchanged with the parties on or before June 2, 1958, will be received in evidence in support of the direct affirmative case of the applicant. At the evidentiary hearing, the principals or witnesses for an applicant, if called, will be permitted to testify but such testimony will be limited to qualifying and explaining the exhibits exchanged on June 2, 1958, or in qualifying and explaining plans or proposals advanced in exhibits which, after being offered in evidence, are rejected by the Hearing Examiner. Testimony which will expand or amplify the plans and proposals of an applicant beyond those clearly defined in the exhibits exchanged on June 2, 1958, will not be received.

9. In rebuttal, each applicant may give testimony and introduce exhibits to rebut the affirmative case made by the competing applicant; however, such testimony and exhibits will be clearly rebuttal testimony and may not be used for the purpose of amplifying the plans and proposals of the applicant beyond those clearly defined in the exhibits enchanged on June 2, 1958, to establish his affirmative direct case.

It is ordered, This the 23d day of April 1958, that in accordance with the procedures outlined above, all exhibits to be offered in evidence in support of the direct affirmative case of each applicant will be exchanged with the other parties to the proceeding on or before the close of business on Monday, June 2, 1958;

It is further ordered, That the evidentiary hearing in this proceeding will begin on Monday, June 16, 1958, in the offices of the Commission, Washington, D. C.

Released: April 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3206; Filed, Apr. 29, 1958; 8:51 a. m.]

[Docket Nos. 12309; FCC 58M-418]

VIDEO INDEPENDENT THEATRES, INC. (KVIT)

ORDER CONTINUING HEARING

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

The Hearing Examiner having under consideration an oral request by counsel for applicant Video for further continuance of the hearing of May 5 to May 26, 1958;

It appearing that counsel for Video has appealed to the Commission from a ruling of the Hearing Examiner, released April 16, 1958, ordering the production of certain documents, and that counsel deems it important that the appeal be decided before hearing is held; and that counsel for the other parties have no objection to the requested continuance;

It is ordered, This 23d day of April 1958, that the oral request is granted, and that the hearing is further continued from May 5 to Monday, May 26, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: April 24, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3209; Filed, Apr. 29, 1958; 8:51 a. m.]

[Docket Nos. 12349—12351; FCC 58M-413]

WJPB-TV, INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of WJPB-TV, Inc., Weston, West Virginia, Docket No. 12349; File No. BPCT-2318; West Virginia Radio Corporation, Weston, West Virginia, Docket No. 12350, File No. BPCT-2343; Telecasting, Inc., Weston, West Virginia, Docket No. 12351, File No. BPCT-2345; for construction permits for new television broadcast stations (Channel 5).

It is ordered, This 23d day of April 1958, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.111 of the Commission's Rules at 10 o'clock a. m., May 6, 1958, in the Commission's offices, Washington, D. C.

Released: April 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3210; Filed, Apr. 29, 1958; 8:51 a. m.]

[Docket Nos. 12395, 12396; FCC 58M-399]

HISTORYLAND RADIO AND STAR BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of T. Harry Gatton, tr/as Historyland Radio, Fredericksburg, Virginia, Docket No. 12395, File No. BP-11137; Star Broadcasting Corporation, Fredericksburg, Virginia, Docket No. 12396, File No. BP-11460; for construction permits.

It is ordered, This 17th day of April 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 25, 1958, in Washington, D. C.

Released: April 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3211; Filed, Apr. 29, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PERSIAN GULF OUTWARD FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for aproval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7700-4, between the member lines of The Persian Gulf Outward Freight Conference, modifies the basic agreement of that conference (No. 7700, as amended) to include within the scope thereof the trade from ports in Eastern Canada to ports in the Persian Gulf and adjacent waters in the range west of Karachi and north east of Aden (but excluding both Aden and Karachi).

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 25, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3199; Filed, Apr. 29, 1958; 8:49 a. m.]

REDERIET OCEAN A/S AND WEST COAST LINE, INC., ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8251, between Rederiet Ocean A/S and West Coast Line Inc., (the carriers comprising the West Coast Line joint service), and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8251, upon approval, will supersede and cancel approved Agreement No. [illegible] between the same parties in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 25, 1958.

By Order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3200; Filed, Apr. 29, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14934]

RODMAN, LATE & NOEL

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

APRIL 24, 1958.

Rodman, Late & Noel (Rodman), on March 25, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Rodman's FPC Gas Rate Schedule No. 1.
Effective date: April 25, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Rodman cites the favored-nation provision of the contract and refers to El Paso's letter agreeing to pay the increased price subject to the Commission's approval. Rodman further states that the contract provisions were designed to protect the producer.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Rodman's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Rodman's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 25, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3182; Filed, Apr. 29, 1958; 8:45 a. m.]

[Docket No. G-14935]

TEXAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

APRIL 24, 1958.

The Texas Company (Operator) et al. (Texas), on March 25, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Natural Gas Pipe Line Company of America.
Rate schedule designation: Supplement No. 16 to Texas' FPC Gas Rate Schedule No. 133.
Effective date: May 10, 1958 (effective date is the effective date proposed by Texas).

In support of the proposed rate increase, Texas states that the increased price is provided by the contract, that it is just and reasonable and that the pricing arrangement is common in long-term contracts and is beneficial to both buyer and seller in that it provides a low initial price which increases as seller's costs increase and buyer's capital investment is amortized. Texas also cites its exhibits in the suspension proceeding in Docket No. G-8969 and recent increases in hourly wages and steel prices.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 16 to Texas' FPC Gas Rate Schedule No. 133 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 16 to Texas' FPC Gas Rate Schedule No. 133.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3183; Filed, Apr. 29, 1958; 8:46 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12506.

[Docket No. G-14954]

ASSOCIATED OIL & GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING CHANGES IN RATES

APRIL 24, 1958.

On February 17, 1958, Associated Oil & Gas Company (Associated), tendered for filing a proposed letter agreement with Trunkline Gas Company, dated February 10, 1958. This tendered filing, which was designated in duplicate as Supplement No. 1 to Associated's FPC Gas Rate Schedule No. 5 and as Supplement No. 2 to its Rate Schedule No. 6, purported to release from performance under each such schedule of acreage under four leases previously committed thereunder. The so-designated Supplements Nos. 1 and 2, which constituted, in effect, notice of cancellation of a part of an effective rate schedule, were accepted for filing to be effective on March 20, 1958, upon expiration of statutory notice.

On March 25, 1958, after the required notice period had expired on the prior filings, Associated tendered for filing as an initial rate schedule a second agreement with Trunkline, also dated February 10, 1958. The filing so tendered on March 25 provides for the sale to Trunkline of gas produced from acreage covered under five leases, four of which are the leases purportedly released by the prior filing of February 17, 1958. The fifth lease had not heretofore been dedicated under a gas sales contract. Concurrently herewith, we have, by separate action, vacated and voided our prior acceptance of the filings tendered on February 17, 1958.

The filing tendered on March 25, 1958, has been designated in duplicate as Supplement No. 2 to Associated's FPC Gas Rate Schedule No. 5 and as Supplement No. 3 to its Rate Schedule No. 6.

The changes in rate schedules so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that Supplements Nos. 1 and 2 to Associated's FPC Gas Rate Schedule No. 5 and Supplements Nos. 2 and 3 to Associated's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is also necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the hearing hereinafter ordered and provided embrace the question of compliance by Associated with the Commission's Regulations under the Natural Gas Act, particularly § 154.97 thereof (18 CFR 154.97), in submitting its above-mentioned tendered filing of February 17, 1958.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly section 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the matters and issues referred to in paragraphs (1) and (2) above.

(B) Pending such hearing and decision thereon, said Supplements 1 and 2 to Associated's FPC Gas Rate Schedule No. 5 and Supplements 2 and 3 to Associated's FPC Gas Rate Schedule No. 6 be and they are each hereby suspended and the use thereof deferred until April 26, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have

expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3184; Filed, Apr. 29, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 214]

MOTOR CARRIER APPLICATIONS

APRIL 25, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 222 (Sub No. 22), filed April 17, 1958. Applicant: LIBERTY MOTOR FREIGHT LINES, INCORPORATED, 1535 Paterson Plank Road, Secaucus, N. J. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Chysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between (a) Boston, Mass., and St. Louis, Mo., (b) Philadelphia, Pa., and St. Louis, Mo., and (c) Chicago, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Massachusetts, Illinois, New York, Ohio, Indiana, Missouri, Pennsylvania, Connecticut, Rhode Island, New Jersey, Kentucky, Maryland, West Virginia, Michigan, and Delaware.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 1124 (Sub No. 143), filed February 24, 1958. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bulk, between points in Texas, Louisiana, Arkansas, Tennessee, Mississippi, and Alabama. Applicant is authorized to conduct operations in Louisiana, Texas, Arkansas, and Tennessee.

HEARING: June 12, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 3560 (Sub No. 13), filed April 23, 1958. Applicant: GENERAL EXPRESSWAYS, INC., 221 West Roosevelt Road, Chicago 5, Ill. Applicant's attorney: Floyd F. Shields, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation assembly plant at Valley Park, Mo., located on the north side of U. S. Highway 66, approximately 19 miles west of St. Louis, Mo., as an off-route point in connection with applicant's regular route operations to and from St. Louis, Mo., and to and from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. Applicant is authorized to conduct operations in Massachusetts, District of Columbia, Maryland, Connecticut, New York, Rhode Island, New Jersey, Delaware, Iowa, Michigan, Ohio, Indiana, Illinois, Missouri, Minnesota, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 8681 (Sub No. 66), filed April 11, 1958. Applicant: WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street., Indianapolis 2, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kalamazoo, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and *rejected and/or damaged shipments* of automobiles, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 8, 1958, at the Federal Building, Detroit, Mich., before Examiner William R. Tyers.

No. MC 10343 (Sub No. 7), filed April 14, 1958. Applicant: CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 10472 (Sub No. 17), filed April 13, 1958. Applicant: BYERS TRANSPORTATION COMPANY, INC., [illegible] Washington, Kansas City, Mo. Applicant's attorney: Lowell L. Knipmeyer, Waltower Building, Kansas City 6, Mo. Authority sought to operate as a common carrier, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation plant at or near Valley Park, Mo., and Valley Park, Mo., as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Kansas, and Illinois.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 14582 (Sub No. 6), filed April 21, 1958. Applicant: ELFRINK TRUCK LINES, INC., Advance, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Advance and Lutesville, Mo., and points within [illegible] miles of each, on the one hand, and, on the other, the site of the Chrysler Corporation Plant near Valley Park, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 20111 (Sub No. 2), filed April 21, 1958. Applicant: EAST SIDE EXPRESS, INC., 710 South Sixth Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 29988 (Sub No. 69), filed April 17, 1958. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, serving the site of the plant of the Chrysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between Denver, Colo., Chicago, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Colorado, Washington, Idaho, Utah, Wyoming, Illinois, Missouri, Kansas, Arizona, California, New York, Massachusetts, Indiana, New Jersey, New Mexico, Oregon, Pennsylvania, Ohio, and Michigan.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 31600 (Sub No. 448), filed April 11, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorinated hydrocarbons*, in bulk, in tank vehicles, from Edgewater and Elizabethport, N. J., to Baltimore, Md., Bronx and Brooklyn, N. Y., Lancaster, Norristown, and Tylersport, Pa., and Cleveland, Minerva, Portsmouth, Teays, and Waverly, Ohio. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, Maine, New Hampshire, Pennsylvania, Vermont, Indiana, Michigan, Delaware, Ohio, Illinois, South Carolina, North Carolina, Maryland, West Virginia, New Jersey, and Virginia.

HEARING: June 5, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 31600 (Sub No. 449), filed April 14, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Wilmer B. Hill, 216 Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distilled spirits*, in bonded stainless steel tank vehicles, from Owensboro, Ky., to Peekskill, N. Y. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, Maine, New Hampshire, Pennsylvania, Vermont, Indiana, Michigan, Delaware, Ohio, Illinois, South Carolina, North Carolina, Maryland, West Virginia, New Jersey, and Virginia.

HEARING: June 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 32838 (Sub No. 10), filed April 11, 1958. Applicant: WEAVER W. SCHERFF, doing business as SCHERFF'S TRUCK LINE, California, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Illinois, Kansas, Oklahoma, and Iowa.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 35320 (Sub No. 54), filed March 3, 1958. Applicant: T. I. M. E., INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., 1105 Great Plains Life Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except sand, gravel, coal, livestock, and articles not suitable for transportation in standard equipment, between junction unnumbered highway (formerly U. S. Highway 41), near Cassville, Ga., and junction U. S. Highway 41 and Georgia Highway 293, over U. S. Highway 41, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Atlanta, Ga. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kentucky, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: June 6, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 35320 (Sub No. 55), filed March 3, 1958. Applicant: T. I. M. E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., 1105 Great Plains Life Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except Class A and B explosives, articles requiring other than van-type equipment, and household goods as defined by the Commission, between Tulsa, Okla., and Oklahoma City, Okla., over Turner Turnpike, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Tulsa and Oklahoma City, Okla. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kentucky, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: June 5, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 36832 (Sub No. 11), filed April 22, 1958. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 4535 West Adams Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment, between the site of the plant of the Chrysler Corporation located at Valley Park, Mo., on the one hand, and, on the other, St. Louis, Mo. Applicant is authorized to conduct operations in Illinois, Missouri, Kentucky, Michigan, Iowa, Kansas, Indiana, and Ohio.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board Board No. 135.

No. MC 43038 (Sub No. 406), filed April 17, 1958. Applicant: COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial and secondary movements, in truckaway and driveaway service, from Kalamazoo, Mich., to points in the United States and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: May 8, 1958, at the Federal Building, Detroit, Mich., before Examiner William R. Tyers.

No. MC 43421 (Sub No. 23), filed April 17, 1958. Applicant: DORHN TRANSFER COMPANY, Robinson Building, Rock Island, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Chrysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Indianapolis, Ind. Applicant is authorized to conduct operations in Illinois, Iowa, Missouri, Michigan, Ohio, Indiana, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 46599 (Sub No. 29), filed April 21, 1958. Applicant: HEALZER CARTAGE CO., 1428 West Ninth Street, Kansas City 1, Mo. Applicant's attorney: Floyd F. Shields, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock and household goods as defined by the Commission, serving the site of the Chrysler Corporation new Assembly Plant at Valley Park, Mo., located on the north side of U. S. Highway 66, approximately 19 miles west of St. Louis, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo., and to and from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. Applicant is authorized to conduct operations in Illinois, Missouri, Kansas, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 47336 (Sub No. 10), filed April 3, 1958. Applicant: ECLIPSE MOTOR LINES, INC., 920 National Road, Bridgeport, Ohio. Applicant's attorney: James M. Burtch, Jr., 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate, black plate,* and *terne plate,* from Steubenville and Yorkville, Ohio, Irwin and Aliquippa, Pa., and Weirton, W. Va., to Cambridge, Md., and *damaged and rejected commodities* of the above-described commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct regular route operations in Pennsylvania and West Virginia and irregular route operations in Indiana, Maryland, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

HEARING: June 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 52657 (Sub No. 515), filed April 10, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers,* other than those designed to be drawn by passenger automobiles, in initial movements in truckaway service, from Chicago, Ill., to points in Arizona, Nevada, New Hampshire, Oregon, Utah, and Vermont; (b) *trailers,* other than those designed to be drawn by passenger automobiles, in initial movements in driveaway service, from Chicago, Ill., to points in the United States, and Alaska; (c) *trailers,* other than those designed to be drawn by passenger automobiles, in initial movements in truckaway and driveaway service; *trailer parts and attachments,* including but not restricted to trailer converter dollies, jeep dollies, third axle attachments, goose necks, decks, and rear axle assemblies, from Pleasant Ridge (Rensselaer P. O.), Ind., to points in the United States and Alaska; (d) *tractors,* in secondary movements in driveaway service, only when drawing trailers moving in initial driveaway service as described in (b) and (c) above, from Chicago, Ill., and Pleasant Ridge (Rensselaer P. O.), Ind., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, and Alaska; and (e) *trailer converter dollies,* from Chicago, Ill., to points in the United States except those in California, Colorado, Idaho, Maine, Montana, New Mexico, Washington, and Wyoming; and to points in Alaska. Applicant is authorized to conduct operations throughout the United States and Alaska.

HEARING: June 11, 1958, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 52877 (Sub No. 4), filed April 17, 1958. Applicant: CHICAGO-ST. LOUIS EXPRESS, INC., 1030 South 11th Street, St. Louis, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as as *common carrier*, by motor vehicle, transporting: *General commodities,* except livestock, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the site of the plant of the Chrysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 56167 (Sub No. 2), filed April 14, 1958. Applicant: DAVID K. HERSHEY, R. D. No. 5, Hanover, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* and *crushed limestone products,* from points in Adams County, Pa., to points in Delaware, Virginia, West Virginia, and the District of Columbia; and *slag,* from Sparrows Point, Md., to Hanover, Pa., and points in Pennsylvania within 50 miles of Hanover. Applicant is authorized to conduct operations in Pennsylvania and Maryland.

HEARING: June 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William E. Messer.

No. MC 59488 (Sub No. 23), filed April 16, 1958. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, Cotton Belt Tracks and Lelia Street, P. O. Box 619, Texarkana, Tex. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Tennessee, Arkansas, Texas, and Louisiana.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 59649 (Sub No. 10), filed April 16, 1958. Applicant: PEORIA CARTAGE COMPANY, 905-911 South Washington Street, Peoria, Ill. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called household movings), livestock, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 59680 (Sub No. 124), filed March 5, 1958. Applicant: STRICKLAND TRANSPORTATION CO., INC., P. O. Box 5689, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Hope, Ark., and Carthage, Tex., from Hope over Arkansas Highway 29 and Louisiana Highway 3 to Shreveport, La., and thence over U. S. Highway 79 to Carthage, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Hope, Ark., and Houston, Tex., via Texarkana, Ark.-Tex. Applicant is authorized to conduct operations in Texas, Arkansas, Tennessee, Louisiana, Mississippi, Missouri, Oklahoma, Illinois, Indiana, New Jersey, Ohio, and New York.

NOTE: Applicant proposes that the above service be restricted to the transportation of shipments to or from points east of Texarkana but with no service to or from Shreveport, La. Applicant states the sole purpose for seeking the above-described alternate route authority is to allow it to use its station at Shreveport, La., as a relay point instead of Texarkana, Ark.-Tex. on equipment moving north and south from and to Houston.

HEARING: June 27, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 153, or, if the Joint Board waives its right to par-pate, before Examiner Reece Harrison.

No. MC 59680 (Sub No. 125), filed April 10, 1958. Applicant: STRICKLAND TRANSPORTATION CO., INC., P. O. Box 5689, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Little Rock, Ark., and Shreveport, La., from Little Rock over U. S. Highway 67 to Hope, Ark., and thence over Arkansas Highway 29 and Louisiana Highway 3 to Shreveport, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Shreveport, La., and Little Rock, Ark., from Shreveport over U. S. Highway 71 to Texarkana, Ark.-Tex., and thence over U. S. Highway 67 to Little Rock, in Certificate MC 59680. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Louisiana, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Tennessee, and Texas.

HEARING: June 27, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 35, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 61616 (Sub No. 61) (CORRECTION), filed April 7, 1958, published issue April 23, 1958. Applicant: MID-WEST BUSLINES, INC., 319 Dowling Street, Houston, Tex. Applicant's attorney: R. Ben Allen, Boyle Building, Little Rock, Ark. The publication of April 23, 1958, at Page 2717, with regard to route (2) was in error. Correctly stated it should read: (2) from junction U. S. Highway 65 and Louisiana Highway 15 near Clayton, La., to Natchez, Miss. over U. S. Highway 65 and 84 * * *.

No. MC 62835 (Sub No. 9), filed April 8, 1958. Applicant: C. E. S. TRUCK LINES, INC., U. S. Highway 61–67, Crystal City, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular route operations in Illinois and Missouri, and irregular route operations in Arkansas, Illinois, Indiana, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 64932 (Sub No. 238), filed April 14, 1958. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Michigan, Indiana, Ohio, and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: June 12, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 64932 (Sub No. 239), filed April 15, 1958. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ordill, Ill., and points within 10 miles thereof, to points in Ohio, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Indiana, Kentucky, Tennessee, and Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: June 12, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 67646 (Sub No. 46), filed April 2, 1958. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, Fifth and Vine Streets, Box 738, Sunbury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Amity Hall, Perry County, Pa., and Lewistown, Mifflin County, Pa., over U. S. Highway 322, serving no intermediate points, and (2) between Lewistown, Mifflin County, Pa., and Potters Mills, Centre County, Pa., over U. S. Highway 322, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's authorized regular-route operations. Applicant is authorized to transport similar commodities in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

HEARING: June 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 69116 (Sub No. 44), filed April 17, 1958. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration, serving the site of the plant of the Chrysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between St. Louis, Mo., and Boston, Mass., and St. Louis, Mo., and Quincy, Ill. Applicant is authorized to conduct operations in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Maryland, Ohio, Kansas, Iowa, and Nebraska.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 69402 (Sub No. 1), filed April 21, 1958. Applicant: BEE LINE TRUCKING COMPANY, 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission in 1 M. C. C. 656, on the one hand, and, on the other, the site of the Chrysler Corporation Plant near Valley Park, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 72300 (Sub No. 29), filed April 16, 1958. Applicant: AMERICAN CARLOADING CORPORATION, 261 Hastings Street, Detroit 26, Mich. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Ohio, Wisconsin, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 74721 (Sub No. 63), filed April 16, 1958. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than small-arms ammunition, livestock, household goods as defined by the Commission, and liquids in bulk, in tank vehicles, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Minnesota, Wisconsin, Illinois, Iowa, Indiana, New York, New Jersey, Maryland, Missouri, and the District of Columbia.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 75281 (Sub No. 4), filed April 21, 1958. Applicant: RIGHTER TRUCKING COMPANY, INCORPORATED, Charleston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 92983 (Sub No. 283), filed April 9, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Ia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Oklahoma, Mississippi, Georgia, Connecticut, Massachusetts, Pennsylvania, South Dakota, North Dakota, Texas, New York, Michigan, Tennessee, Florida, Louisiana, North Carolina, South Carolina, Kentucky, Arkansas, Ohio, Minnesota, Indiana, Kansas, Missouri, Wisconsin, Nebraska, Illinois, and Iowa.

HEARING: June 4, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 92983 (Sub No. 284), filed April 10, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Ia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils, including blends thereof*, in bulk, in tank vehicles, between Jacksonville and Champaign, Ill., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Massachusetts, Maryland, Mississippi, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, North Carolina, South Carolina, Louisiana, Florida, Tennessee, Michigan, New York, Texas, North Dakota, South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

HEARING: June 4, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 102567 (Sub No. 67), filed March 24, 1958. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Pulaski and Lonoke Counties, Ark., to points in Missouri east of Missouri Highway 5. Applicant is authorized to conduct operations in Texas, Arkansas, Louisiana, Mississippi, Missouri, Tennessee, Alabama, Georgia, and Oklahoma.

HEARING: June 26, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 91, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 103880 (Sub No. 188), filed March 26, 1958. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Indiana, Michigan, Ohio, Illinois, Kentucky, Wisconsin, West Virginia, Pennsylvania, Iowa, Missouri, New York, Connecticut, Massachusetts, Kansas, Minnesota, Tennessee, Arkansas, Mississippi, North Carolina, South Carolina, Alabama, Florida, Georgia, Louisiana, Oklahoma, Texas, Rhode Island, Delaware, Maryland, Maine, New Jersey, Vermont, and New Hampshire.

HEARING: June 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 104210 (Sub. No. 62), filed February 3, 1958. Applicant: THE TRANSPORT COMPANY, INC., [illegible] Agnes Street, Corpus Christie, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline and jet fuels* moving on government bills of lading, in bulk, in tank vehicles, from Big Spring, Tex., to Altus Air Force Base, Altus, Okla. Applicant is authorized to transport petroleum and petroleum products in Louisiana, New Mexico, Oklahoma, and Texas.

HEARING: June 18, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 105813 (Sub No. 31), filed April 2, 1958. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission in Appendix I to Ex Parte No. MC–45, Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 (272), from Joliet, Ill., to points in Florida. Applicant is authorized to conduct operations in Delaware, Florida, Illinois, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Wisconsin, and the District of Columbia.

HEARING: June 9, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 106049 (Sub No. 30), filed March 10, 1958. Applicant: ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., 260 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Brewton, Ala., and Andalusia, Ala., over U. S. Highway 29, serving no intermediate points, (2) between junction of U. S. Highways 84 and 31 near Evergreen, Ala., and Monroeville, Ala., from junction of U. S. Highways 84 and 31 over U. S. Highway 84 to the junction of Alabama Highway 11, thence over Alabama Highway 11 to Monroeville, and return over the same route, serving no intermediate points, the above two routes being alternate routes for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, and Mississippi.

HEARING: June 11, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 106049 (Sub No. 31), filed March 10, 1958. Applicant: ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., 290 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building., Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including those of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Pensacola, Fla., and Panama City, Fla., from Pensacola over U. S. Highway 98 to Panama City, and return over the same route, serving all intermediate points, and the off-route point of Pace, Fla. Applicant is authorized to conduct operations in Georgia, Alabama, Louisiana, and Florida.

HEARING: June 5, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 106943 (Sub No. 63), filed March 21, 1958. Applicant: EASTERN EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of Centex Industrial Development at or near Elk Grove, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: June 10, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 107002 (Sub No. 119), filed March 14, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P. O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, unmixed, *liquid sugar*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from New Orleans, La., to points in Alabama, Arkansas, Mississippi, Oklahoma, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia.

HEARING: June 24, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Reece Harrison.

No. MC 107107 (Sub No. 97), filed March 7, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, 2424 Northwest 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, as defined by the Commission, from Detroit, Mich., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: June 3, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard H. Roberts.

No. MC 107403 (Sub No. 257), filed April 9, 1958. Applicant: E. BROOKE MATLACK, INC., Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Robert H. Shertz, 811 Lewis Tower Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Canton, Ohio, to points in the lower peninsula of Michigan. Applicant is authorized to conduct similar operations in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: May 16, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 107515 (Sub No. 268), filed February 6, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carizzo Springs, San Antonio and Houston, Tex., to points in Tennessee, Georgia, Alabama, Florida, South Carolina, and North Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: June 20, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Reece Harrison.

No. MC 107515 (Sub No. 278), filed April 7, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., and points within ten miles thereof, to points in Kentucky, West Virginia, and those points in Virginia on and south of the southern boundaries of Shenandoah, Warren, Fauquier, and Prince William Counties. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: June 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 107757 (Sub No. 15), filed April 21, 1958. Applicant: M. C. SLATER, INC., 1129 Bremen Avenue, St. Louis 7, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, serving the site of the Chrysler Corporation Plant near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 108461 (Sub No. 66), filed April 11, 1958. Applicant: WHITFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's attorney: Loyal G. Kaplan, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except livestock, commodities of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, between Salt Lake City, Utah, and Aztec and Farmington, N. Mex.: from Salt Lake City over U. S. Highway 50 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 550 at Durango, Colo., thence over U. S. Highway 550 to Farmington, serving Aztec and Farmington, N. Mex., and serving intermediate points between Aztec and Farmington, N. Mex., and return over the same route; from Salt Lake City, Utah, to Albuquerque, N. Mex.: from Salt Lake City over U. S. Highway 50 to junction with U. S. Highway 160, thence over U. S. Highway 160 to junction with U. S. Highway 666 at Cortez, Colo., thence over U. S. Highway 666 to junction with U. S. Highway 66 at Gallup, N. Mex., and thence over U. S. Highway 66 to

Albuquerque, serving all intermediate points between Shiprock and Albuquerque, N. Mex., and the off-route points located within 30 miles of Grants, N. Mex. Applicant is authorized to conduct operations in Texas, New Mexico, Utah, Colorado, Arizona, and California.

HEARING: June 2, 1958, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 212.

No. MC 109637 (Sub No. 75), filed March 21, 1958. Applicant: GASOLINE TRANSPORT CO., a Corporation, 4107 Bells Avenue, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resin*, and *liquid glue*, in bulk, in tank vehicles, from Meredosia, Ill., and points within 5 miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. Applicant is authorized to conduct operations in Illinois, Tennessee, Kentucky, Indiana, Ohio, Georgia, Missouri, Minnesota Alabama, Florida, Louisiana, Michigan, Mississippi, North Carolina, Texas, West Virginia, Wisconsin, and Iowa.

NOTE: Applicant is under common control with Alabama Tank Lines, Inc., Docket No. MC 116387.

HEARING: June 24, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Reece Harrison.

No. MC 110328 PETITION TO REOPEN CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED TO ROY A. LEIPHART TRUCKING, INC., South 16th Street, Columbia, Pa., filed April 3, 1958.

Petitioner's attorney: Norman T. Petow, 43 West Duke Street, York, Pa. Petitioner requests that certificate issued to Charles John Smith, dba Charles Smith Motor Express (MC 75559 Sub 1), be reopened for further hearing. Petitioner acquired the authority from Smith November 13, 1953, and was issued Certificate No. MC 110328, March 17, 1954. Contained in said certificate issued to Smith was authority (in part) to transport *Canned goods* and *groceries*, from Baltimore, Md., and Dallastown, Pa., to Lebanon, Lykens, Harrisburg, Lancaster, Reading Shamokin, Sunbury, York, Hanover, Red Lion and Hershey, Pa. Petitioner states that Smith regularly and continuously transported canned goods and groceries and in so transporting carried such merchandise as is commonly dealt in by wholesale, retail and chain grocery and food business houses which merchandise included all items commonly dealt in by such organizations which would not be fit for human consumption but which would be generally sold and distributed by said organizations. That Petitioner upon grant of its certificate March 17, 1954, continued such service, assuming that it had authority to transport such merchandise as is dealt in by the above organizations. Petitioner has filed an application in conjunction with this petition requesting authority to transport such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and requests consolidated hearing of both. Petitioner states that since the grant of authority to Smith, it has regularly and continuously transported such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, until on or about December 1, 1957.

HEARING: June 5, 1958, at the Offices of the Interstate Commerce Commision, Washington, D. C., before Examiner Isadore Freidson.

No. MC 110328 (Sub No. 5), filed April 3, 1958. Applicant: ROY A. LEIPHART TRUCKING, INC., South 16th Street, Columbia, Pa. Applicant's attorney: Norman T. Petow, 43 West Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, from Baltimore, Md., to Windsor, Lebanon, Lykens, Harrisburg, Lancaster, Reading, Shamokin, Sunbury, York, Hanover, Red Lion, and Hershey, Pa. Applicant is authorized to conduct operations in Delaware, Pennsylvania, Massachusetts, New York, New Jersey, Maryland, District of Columbia, Virginia, Ohio, Rhode Island, and West Virginia.

NOTE: Applicant has filed a petition to reopen Certificate No. MC 110328 and requests hearing be held at same time as this application.

HEARING: June 5, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 110525 (Sub No. 354), filed April 11, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fulorinated hydrocarbons*, in bulk, in tank vehicles, (1) from Edgewater, N. J., to Albany, New York City, and Suffern, N. Y., Bridgeport, Conn., Chicopee, Easthampton, and West Rocksbury, Mass., Cleveland, Minerva, Portsmouth, Teays, and Waverly, Ohio, Lancaster, Norristown, and Tylersport, Pa., (2) from Elizabethport, N. J., to Albany, New York City, and Suffern, N. Y., Bridgeport, Conn., Chicopee, Easthampton, and West Rocksbury, Mass., Cleveland, Minerva, Portsmouth, Teays, and Waverly, Ohio, and Tylersport, Pa. Applicant is authorized to conduct operations in Maryland, New Jersey, Kentucky, Pennsylvania, Delaware, West Virginia, New York, Connecticut, Massachusetts, Michigan, Rhode Island, Tennessee, Illinois, Ohio, North Carolina, Indiana, Virginia, Wisconsin, Missouri, Alabama, and Minnesota.

HEARING: June 5, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 111159 (Sub No. 52), filed March 20, 1958. Applicant: MILLER TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 14, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Moundville, Ala., and points within 25 miles thereof, to points in Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

HEARING: June 11, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 111231 (Sub No. 33), filed April 14, 1958. Applicant: JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark. Applicant's attorney: Wentworth E. Griffin, 10th Floor, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant located on U. S. Highway 66 near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Kansas, Illinois, and Texas.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 111281 (Sub No. 10), filed April 17, 1958. Applicant: ECK MILLER TRANSFER CO., 421 East Second Street, Owensboro, Ky. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the plant of the Chrysler Corporation located at Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between Evansville; Ind., and St. Louis, Mo. Applicant is authorized to conduct operations in Indiana, Kentucky, Illinois, Tennessee, Ohio, Missouri, Virginia, West Virginia, and Michigan.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 111401 (Sub No. 93), filed March 17, 1958. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turpentine*, in bulk, in tank vehicles, from Picayune, Miss., to Oklahoma City, Okla., and *empty containers or other such incidental facilities* used in transporting turpentine, on return. Applicant is authorized to conduct operations in Oklahoma, Kansas, Colorado, Texas, New Mexico, Louisiana, Mississippi, Tennessee, Missouri, and California.

HEARING: June 4, 1958 at the Federal Building, Oklahoma City, Okla., before Examiner Reece Harrison.

No. MC 111472 (Sub No. 56), filed April 10, 1958. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts thereof,* and *tractor attachments* for earth moving, from Topeka, Salina, and Hesston, Kans., Fort Dodge and Pella, Iowa, Milwaukee and New Holstein, Wis., Bloomington, Ill., Glencoe, Minn., and Cleveland, Ohio, to Ports of Entry on the boundary between the United States and Canada at Noyes, Minn., Detroit, Mich., and Buffalo, N. Y., and *rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Iowa, Indiana, Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Michigan, Kansas, Ohio, Tennessee, Pennsylvania, Oklahoma, New York, Colorado, Georgia, Kentucky, Maryland, Virginia, West Virginia, Delaware, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Alabama, Arkansas, Georgia, Louisiana, Texas, Arizona, California, Idaho, Mississippi, Montana, New Mexico, Oregon, Utah, Washington, Wyoming, and Florida.

NOTE: A proceeding has been instituted under section 212 (c) No. MC 111472 (Sub 53), to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 13, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Allen W. Hagerty.

No. MC 112020 (Sub No. 43), filed February 19, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formaldehyde,* in bulk, in tank vehicles, from points in Tennessee on and west of Kentucky Lake and Tennessee River, points in Alabama (except Fox), and points in Louisiana (except points in Ascension Parish, Bossier City, Lake Charles, and points within thirteen (13) miles of Lake Charles, North Baton Rouge, Shreveport, and Superior), points in Kansas (except Lawrence), and those in Missouri, to Tyler, Tex., and points within ten (10) miles thereof; and (2) *Liquid resins,* in bulk, in tank vehicles, from Tyler, Tex., and points within ten (10) miles thereof, to points in Arkansas, Louisiana, Oklahoma, Mississippi, points in Tennessee on and west of Kentucky Lake and Tennessee River, points in Kansas, Missouri, and those in Alabama (except Fox). Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

HEARING: June 11, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 112497 (Sub No. 108), filed March 24, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals,* in bulk, in tank vehicles, between McIntosh, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Louisiana and Mississippi. Applicant is authorized to conduct operations in Louisiana, Arkansas, Alabama, Florida, Georgia, Mississippi, California, Ohio, New York, South Carolina, Tennessee, Texas, Kentucky, and North Carolina.

HEARING: June 23, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 112750 (Sub No. 29), filed March 21, 1958. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Bldg., 222-17 Northern Boulevard, Bayside, L. I., N. Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place, Washington 6, D. C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin and bullion), as are used in the businesses of banks and banking institutions, (1) between Dallas and Fort Worth, Tex., on the one hand, and, on the other, points in Oklahoma, Johnston, Coal, Atoka, Bryan, Pushmataha, Choctaw, and McCurtain Counties, Okla., (3) between Wichita Falls, Tex., on the one hand, and, on the other, points in Jefferson, Stephens, Comanche, Cotton, and Oklahoma Counties, Okla., (3) between Dallas and Fort Worth, Tex., on the one hand, and, on the other, points in Miller County, Ark., and (4) between Dallas and Fort Worth, Tex., on the one hand, and, on the other, points in Sabine, Natchitoches, Grant, LaSalle, Catahoula, and Concordia Counties, La., and points in all counties in Louisiana north of the above-named Louisiana counties, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to conduct similar operations between specified points in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: June 16, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 112822 (Sub No. 14), filed February 13, 1958. Applicant: EARL BRAY, INC., P. O. Box 910, Linwood and North Streets, Cushing, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid dairy wax,* in bulk, in insulated tank vehicles, from Ponca City, Okla., to all points in Minnesota; *lubricating oil,* in bulk, in tank vehicles, from Kansas City, Kans., to all points in Arkansas; and *rejected or contaminated shipments* of the commodities specified from points in Arkansas and Minnesota to Ponca City, Okla., and Kansas City, Kans. Applicant is authorized to transport dairy wax in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Louisiana and petroleum products in Arkansas, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: June 5, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Reece Harrison.

No. MC 113325 (Sub No. 2), filed April 21, 1958. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant near Valley, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 114004 (Sub No. 17), filed March 12, 1958. Applicant: ARKANSAS TRUCKING CO., INC., P. O. Box 1715, 8828 New Benton Highway, Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, in initial movements, by haulaway method (except utility trailers), from points in Comanche and Grady Counties, Okla., to points in the United States and the District of Columbia, except Mt. Clemens, Flint, and Detroit, Mich., and *damaged or refused trailers* on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 4, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Reece Harrison.

No. MC 114019 (Sub No. 16), filed April 18, 1958. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in bulk and in packages or containers, from points in Lake County, Ohio, to points in Illinois, Indiana, Michigan, Pennsylvania, New York, Virginia, West Virginia, Maryland, Kentucky, and St. Louis, Mo., and *empty containers or other such incidental facilities* used in transporting salt, on return. Applicant is authorized to conduct operations as a contract carrier

in No. MC 9685 and sub-numbers thereunder, in Tennessee, Ohio, Indiana, Illinois, Pennsylvania, Wisconsin, Iowa, New York, West Virginia, Missouri, Michigan, Kentucky, Minnesota, New Jersey, Nebraska, Georgia, North Carolina, South Carolina, Virginia, Florida, the District of Columbia, Maryland, Arkansas, Mississippi, Massachusetts, New Hampshire, Vermont, and Delaware.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 9685 Sub No. 58, to determine whether applicant's status is that of a contract or common carrier.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 114928 (Sub No. 3), filed February 27, 1958. Applicant: PELLHAM TRANSPORTATION CO., INC., 554 South 11, Kansas City, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including those requiring refrigeration*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and the site of the Olin-Mathieson Chemical Corporation Plant near Mapleton, Ill. Applicant is authorized to conduct operations in Illinois, Missouri, and Kansas.

NOTE: The Commission has instituted a proceeding on its own motion under section 212 (c) of the Interstate Commerce Act for determining whether the carrier's outstanding contract carrier authority as of August 22, 1957, should be revoked and a certificate of public convenience and necessity issued in lieu thereof.

HEARING: June 10, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 114928 (Sub No. 4), filed February 27, 1958. Applicant: PELLHAM TRANSPORTATION CO., INC., 554 South 11, Kansas City, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including those requiring refrigeration*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and the site of the Hotpoint Company Plant, bounded by Devon Avenue on the South, Tonne Road on the West, Landmeir Road on the North, and Busse Road on the East, located in Cook County, Ill. Applicant is authorized to conduct operations in Illinois, Missouri, and Kansas.

NOTE: The Commission has instituted a proceeding on its own motion under section 212 (c) of the Interstate Commerce Act for determining whether the carrier's outstanding contract carrier authority as of August 22, 1957, should be revoked and a certificate of public convenience and necessity issued in lieu thereof.

HEARING: June 10, 1958, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 116008 (Sub No. 14), (CORRECTION) filed March 27, 1958, published issue April 16, 1958, at page 2471. Applicant: ARCHIE'S MOTOR FREIGHT, INC., 316 East Sixth Street, Richmond, Va. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, wood pulp,* and *pulpboard*, between West Point, Va., on the one hand, and, on the other, Hampton, Newport News, Norfolk, Portsmouth, and Richmond, Va. Applicant is authorized to conduct operations in Pennsylvania, Virginia, Kentucky, Tennessee, West Virginia, Maryland, District of Columbia, New Jersey, North Carolina, Georgia, and Florida.

NOTE: Previous publication gave applicant's name as Archie's Motor *Express* Freight, INC. This was in error. The correct name is *ARCHIE'S MOTOR FREIGHT, INC.*

HEARING: Remains as assigned May 22, 1958, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116178 (Sub No. 1), (Correction) filed March 10, 1958, published April 16, 1958, at page 2471. Applicant: ERVIN DAVIS, doing business as A-EMERGENCY TOW SERVICE, 1326 Washington Avenue, Kansas City, Mo. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, repossessed or abandoned motor vehicles* with transportation of replacement motor vehicles to point of wreck, damage, or disablement; and *wrecked, damaged or disabled trailers* by the use of wrecking equipment only, between points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma, in non-radial, cross-hauling service. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and Oklahoma. Previous publication inadvertently omitted the State of Missouri from the territory proposed to be served.

HEARING: June 4, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 116387 (Sub No. 12), filed March 14, 1958. Applicant: ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals*, in bulk, in tank vehicles, between McIntosh, Ala., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Louisiana and Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: June 23, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 116947 (Sub No. 2), filed March 24, 1958. Applicant HUGH H. SCOTT, doing business as SCOTT TRANSFER COMPANY, 5 Haynes Street SW., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store fixtures*, from Atlanta, Ga., to points in Alabama, Arkansas, California, Colorado, Florida, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, and Washington, and *damaged or rejected shipments* of uncrated store fixtures on return.

HEARING: June 6, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Richard H. Roberts.

No. MC 117162, filed February 4, 1958. Applicant: FOREIGN AUTO TRANSPORT, LTD., a Corporation, 222 North Osage, Independence, Mo. Applicant's attorneys: John R. Miller, Suite 928 Dwight Building, Kansas City, Mo., and James F. Miller, 500 Board of Trade Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, including passenger automobiles* and *busses*, and *parts and equipment* for motor vehicles, from Houston, Tex., to all points in Oklahoma, Kansas, Missouri, and Colorado; and *damaged, rejected or refused motor vehicles and parts and equipment* for motor vehicles, and *empty containers or other such incidental facilities*, not specified, used in transporting parts and equipment for motor vehicles, on return. RESTRICTION: Applied-for authority to be limited to transportation of the commodities specified which are manufactured outside the continental limits of the United States.

HEARING: June 19, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Reece Harrison.

No. MC 117175, filed February 10, 1958. Applicant: SCHWERMAN TRUCKING CO. OF TEXAS, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First Nat'l. Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *mortar*, from Dallas and Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma.

HEARING: June 6, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 117203, filed February 24, 1958. Applicant: HERMAN LORENZ, doing business as NORTHBROOK GARAGE, 1891 Shermer, Northbrook, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, from points in Illinois to points in Wisconsin.

NOTE: Applicant states that he will transport the vehicles specified above for members of the Motor Vehicle and Affiliated Truck Owners Association, and to render emergency repair services required, predicated upon site of wreck or breakdown.

HEARING: June 6, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC. 117206, filed February 26, 1958. Applicant: NATIONAL TRUCKING COMPANY, a Corporation, 709 Talleyrand Avenue, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis*, and *automobile and truck parts*, in initial movements, in truckaway and driveaway service, from points of manufacture and assembly in Jacksonville, Fla., to points in Florida, and that part of Georgia on and south of U. S. Highway 78; *Automobiles, trucks*, and *chassis*, new, used, or unfinished, in secondary or subsequent movements, in truckaway and driveaway service, between Jacksonville, Fla., and points in Florida and that part of Georgia on and south of U. S. Highway 78; *Automobiles, trucks*, and *chassis*, new or unfinished, in secondary movements, in truckaway and driveaway service, between Ridgeland, S. C., on the one hand, and, on the other, points in Florida and that part of Georgia on and south of U. S. Highway 78; *Automobiles, trucks, chassis*, and *automobile and truck parts* when moving with new automobiles, trucks, or chassis, in initial movements, in truckaway and driveaway service, from Hapeville, Ga., to points in Florida; and *Automobiles, trucks, chassis*, and *automobile and truck parts* when moving with new automobiles, trucks, or chassis, in secondary movements, in truckaway and driveaway service, from Savannah, Ga., and Sanford, Fla., to points in that part of Georgia in and south of Seminole, Decatur, Mitchell, Worth, Turner, Ben Hill, Telfair, Wheeler, Treutlen, Candler, Bullock, and Screven Counties, Ga.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 2903 and Subs thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier, under section 212 (c) of the act, which was assigned Docket No. MC 2903 (Sub No. 8). The purpose of the instant application (MC 117206) is to convert applicant's status from contract carrier to common carrier.

HEARING: May 14, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 117219, filed March 3, 1958. Applicant: GERALD DEAN SQUIER, 521 Maple Street, Osage, Iowa. Applicant's attorney: Joseph B. Casey, Home Trust & Savings Bank Building, Osage, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route transporting: *Liquid animal blood*, in bulk, in tank vehicles, from Austin, Minn., to Osage, Iowa, from Austin over U. S. Highway 218 to Osage, serving no intermediate points, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

NOTE: Applicant states he proposes to pick up the liquid animal blood at the plant of George A. Hormel & Co., Austin, Minn., and to transport it by bulk tank to the spray drying plant of Pacific Adhesives Co., Inc., at Osage, Iowa.

HEARING: May 29, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 117222, filed March 4, 1958. Applicant: DAVID J. PRUDEN, 3111 Madison Street, Little Rock, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, and other clay products; chemicals*, in sacks and in bulk, used in the manufacture of brick; and *equipment and machinery, and parts therefor, used in the manufacture of brick and tile*, between points in Arkansas, on the one hand, and, on the other, points in Oklahoma, Texas, Louisiana, Missouri, Ohio, Indiana, Kansas, Tennessee, Mississippi, Illinois, and Kentucky.

HEARING: June 26, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Reece Harrison.

No. MC 117266, filed March 17, 1958. Applicant: GRAY & SON TRUCK LINES, INC., 1918 North Eighth Street, P. O. Box 786, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps* and *shades*, and *parts and supplies used in the making of the lamps and shades*, between Arlington, Ky., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Michigan, Ohio, Tennessee, Mississippi, Wisconsin, Louisiana, Georgia, Alabama, and Arkansas.

HEARING: May 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Alfred B. Hurley.

No. MC 117266 (Sub No. 1), filed March 17, 1958. Applicant: GRAY & SON TRUCK LINES, INC., 1918 North Eighth Street, P. O. Box 786, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Paducah, Ky., and points in McCracken, Marshall, and Calloway Counties, Ky., and Cairo, Ill., on the one hand, and, on the other, points in Kentucky on U. S. Highway 51 between junction U. S. Highways 60 and 51 near Wickliffe, Ky., and junction Kentucky Highway 94, all points on Kentucky Highway 94 between the Mississippi River and Murray, Ky., points on U. S. Highway 45 between Paducah, Ky., and Fulton, Ky., excluding Mayfield and Fulton, Ky., points on Kentucky Highway 97 between Mayfield, Ky., and junction Kentucky Highway 94, points on Kentucky Highway 121 between Mayfield, Ky., and junction Kentucky Highway 94, points on Kentucky Highway 58 between Mayfield, Ky., and Benton, Ky., and those on Kentucky Highway 80 between Mayfield, Ky., and junction Kentucky Highway 94.

HEARING: May 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 156, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 117323, filed April 7, 1958. Applicant: A. N. EDDINS AND I. T. EDDINS, A Partnership, doing business as EDDINS LIVESTOCK DEALERS, Stanardsville, Va. Applicant's attorney: David F. Berry, Stanardsville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Baltimore, Md., to Stanardsville, Va., and points within 15 miles of Stanardsville.

HEARING: June 5, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 117326 (Sub No. 1), filed April 11, 1958. Applicant: W. EDWIN MOSER, Route No. 2, Boonsboro, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burned lime*, in bulk, in spreader vehicles, from Blair and Martinsburg (Berkeley County), W. Va., to points in Washington and Frederick Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117337, filed April 14, 1958. Applicant: HOWARD M. NELSON, doing business as NELSON TRUCKING SERVICE, Jefferson, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry watering and feeding troughs, feeders, tanks, pans and tank heaters*, from Jefferson, Iowa, to points in Illinois on and north of a line beginning at U. S. Highway 40 at the Illinois-Missouri State line and extending along U. S. Highway 40 to Vandalia, thence on and west along U. S. Highway 51 to the Illinois-Wisconsin State line; points in Minnesota on and south of U. S. Highway 212; points in Missouri on and north of U. S. Highway 50; points in Nebraska on and east of U. S. Highway 281; and points in South Dakota on and south of a line beginning at U. S. Highway 14 at the South Dakota-Minnesota State line and extending along U. S. Highway 14 to junction U. S. Highway 281, and thence on and east of a line extending along U. S. Highway 281 to the South Dakota-Nebraska State line.

HEARING: May 29, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Allen W. Hagerty.

MOTOR CARRIERS OF PASSENGERS

No. MC 117324, filed April 7, 1958. Applicant: FORT DODGE TRANSPORTATION COMPANY, a Corporation, 425 First Avenue North, Fort Dodge, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Fort Dodge, Iowa, and points within fifty (50) miles of Fort Dodge, and extending to points in Minnesota, Wisconsin, Illinois, Nebraska, Missouri, Arkansas, Colorado, California, New York, Louisiana, South Dakota, and the District of Columbia.

HEARING: June 2, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Allen W. Hagerty.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29886 (Sub No. 115) filed April 9, 1958. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Munice, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight carrying trailers, trailer and truck bodies, dollies* with and without bodies, set up or knocked down, from the site of the plant of Willys Motor, Inc., in Toledo, Ohio, to points in Arizona, California, Colorado, Iowa, Idaho, Maine, Maryland, Minnesota, Montana, New Hampshire, Nevada, North Dakota, New Mexico, Nebraska, Oregon, South Dakota, Utah, Virginia, Vermont, Washington, West Virginia, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

No. MC 30319 (Sub No. 93), filed April 14, 1958. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Oak Hill, Tex., and Llano, Tex., from Oak Hill over Texas Highway 71 to junction of U. S. Highway 281, thence over U. S. Highway 281 to Marble Falls, thence return over U. S. Highway 281 to junction of Texas Highway 71, thence over Texas Highway 71 to Llano, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Texas.

NOTE: Dual operations or common control may be involved. Applicant states that it does not seek to serve any intermediate points between Oak Hill and Llano, except Marble Falls, which point it is presently authorized to serve in connection with its regular route operations.

No. MC 61403 (Sub No. 28), filed April 14, 1958. Applicant: ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Mineral Springs, Ala., to points in Tennessee on and east of U. S. Highway 431. Applicant is authorized to conduct operations in Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Georgia, Kentucky, Indiana, Illinois, Louisiana, Mississippi, New Hampshire, Rhode Island, Vermont, Arkansas, Ohio, District of Columbia, Florida, Michigan, Missouri, New Jersey, Maryland, New York, Delaware, Pennsylvania, Alabama, Texas, Connecticut, Maine, Massachusetts, Minnesota, and Wisconsin.

No. MC 102608 (Sub No. 11), filed March 31, 1958. Applicant: BURLINGTON-CHICAGO CARTAGE, INC., 604 Tremont Street, Kewanee, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the new plant-site location of the Caterpillar Tractor Co., located on Illinois Highway 29, approximately six and one-half (6½) miles north of Peoria, Ill. (north of Mossville, Ill.), and south of Chillicothe, Ill., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Iowa, and Nebraska.

No. MC 114004 (Sub No. 18), (Amendment) published issue of April 2, 1958, at Page 2165, filed March 14, 1958. Applicant: ARKANSAS TRUCKING CO., INC., P. O. Box 1715, 8828 New Benton Highway, Little Rock, Ark. Applicant's attorney: Ed. E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down, from Camden, Ark., and points within 25 miles thereof to points in the United States including District of Columbia and *damaged or refused panels and material*, and *materials* used in said buildings on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: Verified statements filed in support of the application indicate a need for service in the transportation of panels, prefabricated buildings, and pannelled homes.

No. MC 114194 (Sub No. 8), filed April 10, 1958. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used wooden pallets, skids, boxes* and *wood sawdust, chips*, and *shavings*, packaged and in bulk, from St. Louis, Mo., and Collinsville, Ill., to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Missouri, Iowa, and Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, and Tennessee.

No. MC 114958 (Sub No. 1), filed April 14, 1958. Applicant: GEORGE E. BROWN, doing business as OCEANWAY TRANSPORT, P. O. Box 747, Route No. 1, Florence, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in those portions of Lincoln, Lane, and Douglas Counties, Oreg., located west of a line running north and south through the post office site at Greenleaf, Oreg., to points on Coos Bay, Oreg. Applicant is authorized to transport lumber in Oregon.

No. MC 115380 (Sub No. 1), filed April 11, 1958. Applicant: JOHN W. BOLTON, 35 Aronld Street, Westfield, Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in containers, and *equipment* and *supplies* required for the installation of appliances using liquefied petroleum gases, from Westfield, Mass., to Bristol, Thomaston, and Wallingford, Conn., Bellows Falls and Norwich, Vt. and *empty steel containers* used in transporting liquefied petroleum gases on return. Applicant is authorized to conduct operations in Massachusetts and New York.

No. MC 115904 (Sub No. 2), filed April 14, 1958. Applicant: LOUIS GROVER, Route 5, West Broadway, Idaho Falls, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, roofing materials* or *tar* in containers, from the site of the Plant of Husky Refining Co., approximately 4 miles north of Cody, Wyo., to points in Idaho south and east of the Salmon River; (2) *Pumice, cinder or cement building blocks*, from points in Bonneville County, Idaho to points in Montana and Wyoming, except points in Teton County, Wyo. Applicant is authorized to conduct operations in Montana, Idaho, and Utah.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 235), filed April 22, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, Law Department, 180 Boyden Avenue, Maplewood, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and* their baggage in the same vehicle with passengers, in round-trip special operations during the racing seasons, (1) beginning and ending at Paterson, Clifton and Passaic, N. J., and extending to Aqueduct Race Track, New York, N. Y., Belmont Race Track, Elmont, N. Y., Jamaica Race Track, New York, N. Y., Roosevelt Raceway, Westbury, N. Y., Delaware Park Race Track, Stanton, Del., Pimlico Race Track, Baltimore, Md., Laurel Race Track, Laurel, Md., and Bowie Race Track, Bowie, Md., and (2) beginning and ending at Clifton and Passaic, N. J., and extending to the Yonkers Raceway, Yonkers, N. Y. Applicant is authorized to conduct operations in Delaware, Connecticut, Maryland, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

PETITION

No. MC 116365, APPLICANT'S PETITION dated February 25, 1958 FOR REOPENING, RECONSIDERATION AND MODIFICATION OF CERTIFICATE, DEPENDABLE FREIGHT LINES, INC. OF BURLINGTON, 4501 North Howard Street, Philadelphia 40, Pa. Applicant's representative: Jacob Polin, P. O. Box 317, Bala-Cynwyd, Pa. Petitioner requests waiver of Rule 101 (e) of the Commission's general rules of practice and permission to file petition for modification of its certificate No. MC 116365 dated February 14, 1958. Petitioner is the eighth successor-in-interest to the original "grandfather" applicant, Flavio Vannozi (deceased) in No. MC 41134 who was granted a certificate dated July 29, 1941 authorizing the transportation of general commodities except household goods as defined by the Commission, dangerous explosives and *other dangerous articles*, etc. Petitioner states that the exceptions were modified, as set forth in the general commodity authority contained in Vannozi's application; that a group of exceptions was adopted beyond the scope of the application and contrary to proof submitted. Petitioner contends that the general commodity description in the "grandfather" application excepted "explosives" but by not listing "other dangerous articles" Vannozi held himself out to transport any dangerous article not of an explosive nature. Therefore, petitioner requests leave to file the instant petition, and seeks to modify the general commodity rights involved herein by excluding the phrase "and other dangerous articles" from the exceptions thereto.

No. MC 103362 (Sub No. 4), SUPPLEMENT. Applicant: SUPERIOR CARRIERS, INC., Berkshire Valley Road, Kenvil, New Jersey. Applicant's attorney: John T. Hildemann, P. O. Box 457, Woodbridge, New Jersey. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 10, 1958, the carrier requested dismissal of the application, and an order was entered on April 21, 1958, effective June 4, 1958, dismissing the application and discontinuing the proceeding.

Application for Certificates or Permits Which Are To Be Processed Concurrently With Applications Under Section 5, Governed by Special Rule 1.240 to the Extent Applicable

MOTOR CARRIER OF PROPERTY

No. MC 98404 (Sub No. 3), filed April 22, 1958. Applicant: JAMES C. COPE, doing business as COPE TRUCKING COMPANY, 53 Garfield Street, Asheville, N. C. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in North Carolina as follows: (1) From Murphy over U. S. Highway 19 to Asheville, serving Murphy, Andrews, Topton, Bryson City, Cherokee, Maggie, Waynesville, Lake Junaluska, Clyde, Canton, Enka, and Asheville; (2) from Cherokee to the North Carolina-Tennessee State line over N. C. Highway 107; (3) from Lauada to Franklin over N. C. Highway 28; (4) from Lake Junaluska over U. S. Highway 23 and 19-A to Waynesville, Hazelwood, Sylva, Dillsboro, and Franklin; (5) from Sylva to Whittier via U. S. Highway 19-A, including Dillsboro and Ela; (6) from Franklin over U. S. Highway 64 to Hayesville and Murphy; (7) from Topton over U. S. Highway 129 to Robbinsville and Tapoco and the North Carolina-Tennessee State line, and over an unnumbered highway to Fontana Village; (8) from Bryson City over U. S. Highway 19 to Lauada; thence over U. S. Highway 19 to junction with N. C. Highway 28 leading to Stecoah, thence over N. C. Highway 28 to Stecoah, thence over unnumbered paved highway to Fontana Village; and return, serving all intermediate points; (9) from Asheville over U. S. Highway 23 via Weaverville, Stocksville, and Swiss to Ramsaytown; from intersection of U. S. Highway 23 and N. C. Highway 36-A southeast of Mars Hill, over N. C. Highway 36-A, to Mars Hill; thence northeast over N. C. Highway 213 to the intersection of U. S. Highway 23; (10) from the intersection of U. S. Highway 23 and U. S. Highway 19-E over U. S. Highway 19-E via Burnsville, Micaville, Spruce Pine, Ingalls, Plumtree, and Cranberry to Elk Park; from Burnsville over N. C. Highway 197 to Pensacola; from Micaville over N. C. Highway 80 to Celo; (11) from the intersection of U. S. Highway 19-E and N. C. Highway 197, west of Burnsville, over N. C. Highway 197 via Day Book and Green Mountain to Red Hill; thence over N. C. Highway 26 via Bakersville and Spruce Pine to the intersection of N. C. Highway 26-A, thence over N. C. Highway 26-A to Little Switzerland; from Day Book over an unnumbered road to Ramsaytown on U. S. Highway 23; (12) from Ingalls over N. C. Highway 194 via Crossnore, Newland, and Banner Elk to Vilas, thence over U. S. Highway 421 to Boone; thence over U. S. Highways 321 and 221 to Blowing Rock; from Newland over N. C. Highway 181 to Linville, thence over U. S. Highway 221 via Pineola to the junction of N. C. Highway 194.

OFF-ROUTE OPERATION from N. C. Highway 194 over N. C. Highway 26 to Sevier to Woodlawn over U. S. Highway 221 and from Woodlawn over U. S. Highway 221 north by Ashford to the intersection of U. S. Highway 221 and N. C. Highway 194; (13) from Marshall to Hot Springs via Walnut, on and over U. S. Highway 25-70, serving Barnard as an off-route point; (14) from Asheville to Marshall over U. S. Highways 25 and 70 via Alexander, and alternate route from Asheville to Marshall over N. C. Highway 191 via Woodfin and Elk Mountain to junction with U. S. Highways 25 and 70 one mile south of Alexander, thence U. S. Highway 25 and 70 to Marshall; (15) from Morganton to Newland over N. C. Highway 181. From Morganton to Marion over U. S. Highway 70; (16) from Marion to Pineola over U. S. Highway 221. From Woodlawn to the N. C.-Tenn. State line over N. C. Highway 26. From the intersection of N. C. Highway 26 and N. C. Highway 80 over N. C. Highway 80 to its intersection with U. S. Highway 19-E; (17) from the N. C.-Tenn. State line to the N. C.-Tenn. State line, viz: From the N. C.-Tenn. State line at a point 15 miles south of Erwin, Tenn., over U. S. Highway 19-W to King River, thence over U. S. Highway 19-E to the N. C.-Tenn. State line at a point 3 miles northwest of Elk Park. From Pensacola to Red Hill over N. C. Highway 197; (18) from Ingalls to Banner Elk over N. C. Highway 194. Return over the same routes serving all intermediate points; (19) between Waynesville, N. C., and Cruso, N. C., over U. S. Highway 276 serving all intermediate points; and between Canton, N. C., and intersection N. C. Highway 110 and U. S. Highway 276, over N. C. Highway 110, serving all intermediate points, and return over the same routes.

IRREGULAR ROUTES: Between points within 50 miles of Asheville, N. C., including Asheville, on the one hand, and, on the other, points in North Carolina on and west of U. S. Highway 1; *caustic soda*, from points within a 50-mile radius of Asheville, N. C., including Asheville, to Plymouth, New Bern, and Fayetteville, N. C.

NOTE: By this application, directly related to No. MC-F 6891, published this issue, applicant seeks a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, in lieu of intrastate certificate on file with this Commission.

Applications Under Sections 5 and 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6890. Authority sought for purchase by SANDERS TRUCK LINE, INC., 301 Forster, Farmington, Mo., of the operating rights of C. D. BENTON AND L. G. BENTON, (C. D. BENTON, EXECUTOR), doing business as SANDERS TRUCK LINES, 301 Forster, Farmington, Mo., and for acquisition by C. D. BENTON AND L. G. BENTON (C. D. BENTON, EXECUTOR), also of Farmington, of control of such rights through the purchase. Applicants' attorney: J. Richard Roberts, Farmers Bank Building, Farmington, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Fredericktown, Mo., and East St. Louis, Ill., serving certain intermediate and off-route points; *livestock*, from Farmington, Mo., to East St. Louis, Ill., serving no intermediate points. Vendee holds no authority from this Commission, but is affiliated with UNITED VAN LINES, INC., of St. Louis, Mo., which is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6891. Authority sought for purchase by JAMES C. COPE, doing business as COPE TRUCKING COMPANY, Bryson City, N. C., of the operating rights and property of R. FRANK BUCKNER, doing business as BUCKNER TRANSFER COMPANY, 33 Garfield Street, Asheville, N. C. Applicants' attorney: Albert Edward May, 1625 K Street NW., Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Asheville, N. C., and Ramsaytown, N. C., between Marshall, N. C., and junction North Carolina Highway 213 and U. S. Highway 23, between Elk Park, N. C., and junction U. S. Highways 19 (formerly U. S. Highway 23) and 19E, between Red Hill, N. C., and Pensacola, N. C., between Micaville, N. C., and Celo, N. C., between Red Hill, N. C., and Little Switzerland, N. C., between Ramsaytown, N. C., and Day Book, N. C., between Ingalls, N. C., and Vilas, N. C., between Zionville, N. C., and Deep Gap, N. C., between Newland, N. C., and Pineola, N. C., and between Burnsville, N. C., and Johnson City, Tenn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in the State of North Carolina under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act. Application has been filed for temporary authority under section 210a (b).

NOTE: No. MC 98404 Sub 3 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3186; Filed, Apr. 29, 1958; 8:46 a. m.]

[Notice 33]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 25, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-3598 (Deviation No. 2), WOOSTER EXPRESS, INC., 2939 Main Street, Hartford, Conn., filed April 16, 1958. Attorney for said carrier, Louis B. Warren, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike at or near Weston, Mass. (Interchange No. 14) and Interchange No. 3 of the said Turnpike in the Town of Westfield, Mass., as follows: From the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to Interchange No. 3 of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From Northampton, Mass., over U. S. Highway 5 to New Haven, Conn., thence over U. S. Highway 1 to Newark, N. J.; from Northampton over U. S. Highway 5 to Springfield, Mass., thence over Alternate U. S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 15 to New Haven, Conn., and thence over U. S. Highway 1 to Newark; from Northampton to Hartford as specified above, thence over U. S. Highway 6 to Thomaston, Conn., thence over Connecticut Highway 8 to Stratford, Conn., and thence over U. S. Highway 1 to Newark; from Southbridge, Mass., over Massachusetts Highway 131 to Sturbridge, Mass., thence over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, and thence over Connecticut Highway 15 to Hartford, Conn.; from Boston, Mass., over U. S. Highway 20 to Springfield, Mass.; from Northampton over Massachusetts Highway 10 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 10 to New Haven; from Boston over U. S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Northampton; and from Boston over U. S. Highway 20 to Marlboro, Mass., thence over Massachusetts Highway 85 to junction Massachusetts Highway 16 at a point approximately two miles east of Milford, Mass., thence over Massachusetts Highway 16 to Douglas, Mass., thence over unnumbered highway to junction Massachusetts Highway 197 at a point approximately two miles northeast of Webster, Mass., thence over Massachusetts Highway 197 to junction Massachusetts Highway 131, and thence over Massachusetts Highway 131 to Southbridge, Mass.; and return over the same routes.

No. MC-3598 (Deviation No. 3), WOOSTER EXPRESS, INC., 2939 Main Street, Hartford, Conn., filed April 16, 1958. Attorney for said carrier, Louis B. Warren, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Boston, Mass., and the junction of U. S. Highway 20 and Massachusetts Highway 9 east of Worcester, Mass., as follows: From Boston over Massachusetts Highway 9 to junction U. S. Highway 20 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From Boston, Mass., over U. S. Highway 20 to Springfield, Mass.; and from Boston over U. S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Northampton, Mass.; and return over the same routes.

No. MC-9876 (Deviation No. 2), THE NATIONAL TRANSPORTATION COMPANY, 251 State Street, Extension, Bridgeport 5, Conn., filed April 17, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between the Eastern Terminus of the Massachusetts Turnpike at Weston, Mass., and East Lee, Mass., as follows: From the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to East Lee, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Springfield, Mass., over U. S. Highway 20 to Albany, N. Y., thence over New York Highway 5 to Schenectady, N. Y.; from Greenfield, Mass., over Massachusetts Highway 2 to junction unnumbered highway (formerly Massachusetts Highway 2) near Westminister, Mass., thence over unnumbered highway to junction Massachusetts Highway 31 (formerly Massachusetts Highway 2), thence over Massachusetts Highway 31 to Fitchburg, thence over Massachusetts Highway 2A (formerly Massachusetts Highway 2) to junction Massachusetts Highway 2 near East Acton, Mass., thence over Massachusetts Highway 2 to Boston, Mass.; and return over the same routes.

No. MC-9876 (Deviation No. 3), THE NATIONAL TRANSPORTATION COMPANY, 351 State Street, Extension, Bridgeport 5, Conn., filed April 17, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Trenton Freeway in Trenton, N. J., and the Western Terminus of said Freeway in Morrisville, Pa., as follows: From the Eastern Terminus of the Trenton Freeway over the Trenton Freeway to the Western Terminus, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: From New Freedom, Pa., over Pennsylvania Highway 516 to junction U. S. Highway 111, thence over U. S. Highway 111 to York, Pa., thence over U. S. Highway 30 to Philadelphia, Pa., and thence over U. S. Highway 1 to junction U. S. Highway 9; and from junction Pennsylvania Highway 516 and U. S. Highway 111 over U. S. Highway 111 to Baltimore, Md., thence over U. S. Highway 40 to New Castle, Del., thence by ferry across the Delaware River to Pennsville, N. J., thence over U. S. Highway 130 to junction U. S. Highway 1 thence over U. S. Highway 1 to junction U. S. Highway 9; and return over the same routes.

No. MC-40858 (Deviation No. 1), THE SILVER FLEET MOTOR EXPRESS, INC., 216 Pearl Street, Louisville 2, Ky., filed April 17, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Nashville, Tenn., and Birmingham, Ala., as follows: From Nashville over U. S. Highway 31A to Lewisburg, Tenn., thence over U. S. Highway 431 to Fayetteville, Tenn., thence over U. S. Highway 231 to junction Alabama Highway 79 near Cleveland, Ala., thence over Alabama Highway 79 to Birmingham, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Nashville, Tenn., and Birmingham, Ala., over U. S. Highway 31.

No. MC-74721 (Deviation No. 2), MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio, filed April 21, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, (A) between junction U. S. Highway 66 and unnumbered highway (approximately 4 miles south of White City, Ill.), and junction U. S. Highway 66 and Illinois Highway 4, as follows: From junction U. S. Highway 66 and unnumbered highway over U. S. Highway 66 to junction Illinois Highway 4; and (B) between junction U. S. Highway 66 and Illinois Highway 4 (approximately 2 miles north of Hamel, Ill.), and St. Louis, Mo., as follows: From Junction U. S. Highway 66 and Illinois Highway 4 over U. S. Highway 66 to St. Louis, Mo.; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Louis, Mo., and Onarga, Ill., over the following pertinent route: From St. Louis over City U. S. Highway 66 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction Illinois Highway 4, approximately two miles north of Hamel, Ill., thence over Illinois Highway 4 to Staunton, Ill., thence over unnumbered highway to junction U. S. Highway 66, south of Mount Olive, Ill., thence over U. S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to Fullerton, Ill., and thence over U. S. Highway 54 to Onarga.

No. MC-76032 (Deviation No. 2), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., filed April 18, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Chicago, Ill., and South Bend, Ind., as follows: From Chicago over Indiana East-West Toll Road using all interchange points to and from said Toll Road within the Chicago Commercial Zone as defined by this Commission, to the point of interchange with U. S. Highway 31, thence over U. S. Highway 31 to South Bend and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Chicago, Ill., and South Bend, Ind., over the following pertinent routes: from Chicago over U. S. Highway 41 to junction U. S. Highway 30, thence over U. S. Highway 30 to Valparaiso, Ind., thence over Indiana Highway 2 to South Bend (also from Chicago over U. S. Highway 20 to Elkhart, Ind.).

No. MC-105225 (Deviation No. 2), SERVICE, INCORPORATED, 617 Waughtown Street, P. O. Box 213, Winston-Salem, N. C., filed April 21, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Strasburg, Va., and junction U. S. Highway 340 and Virginia Highway 277, as follows: From Strasburg over Virginia Highway 55 to junction U. S. Highway 340, thence over U. S. Highway 340 to junction Virginia Highway 277 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Strasburg, Va., and junction Virginia Highway 277 and U. S. Highway 50 near Boyce, Va., over the following pertinent route: from Strasburg over U. S. Highway 11 to junction Virginia Highway 277 at Stephens City, Va., thence over Virginia Highway 277 to junction U. S. Highway 50.

No. MC-106977 (Deviation No. 2), T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P. O. Box 2625, Houston 1, Tex., filed April 22, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Houston, Tex., and Virginia Point, Tex., as follows: From Houston over U. S. Highway 75 to Virginia Point and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Houston, Tex., and Virginia Point, Tex., over Texas Highway 3.

MOTOR CARRIERS OF PASSENGERS

No. MC-13300 (Deviation No. 2), CAROLINA COACH COMPANY, 1201 South Blount Street, P. O. Box 1591, Raleigh, N. C., filed April 18, 1958. Attorney for said carrier, Robert E. Quirk, Investment Building, Washington 5, D. C. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between Richmond, Va., and Petersburg, Va., as follows: from Richmond over the new Richmond-Petersburg Turnpike and access routes to Petersburg and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Richmond, Va., and Petersburg, Va., over combined U. S. Highways 1 and 301.

No. MC-13300 (Deviation No. 3), CAROLINA COACH COMPANY, P. O. Box 1591, Raleigh, N. C., filed April 21, 1958. Attorney for said carrier, Robert E. Quirk, Investment Building, Washington 5, D. C. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between Petersburg, Va., and junction U. S. Highways 1 and 401 approximately 6 miles north of Raleigh, N. C., as follows: From Petersburg over U. S. Highway 1 to its junction with U. S. Highway 401 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Petersburg, Va., and the junction of U. S. Highways 1 and 401 approximately 6 miles north of Raleigh, N. C., over the following pertinent route: From Petersburg, over U. S. Highway 301 to Pleasant Hill, N. C., thence over North Carolina Highway 48 to Brinkleyville, N. C., thence over North Carolina Highway 561 to Louisburg, N. C., thence over U. S. Highway 401 to its junction with U. S. Highway 1.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3187; Filed, Apr. 29, 1958; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 25, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34625: *Anti-knock compound—Dowling, Tex., to Illinois points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B7265), for interested rail carriers. Rates on motor fuel anti-knock compound, carloads from Dowling, Tex., to Lemont and Lockport, Ill.

Grounds for relief: Market competition with Baton Rouge, La.

Tariff: Supplement 454 to Southwestern Freight Bureau tariff I. C. C. 4139.

FSA No. 34626: *Cement and related articles—El Paso, Tex., to New Mexico.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7264), for interested rail carriers. Rates on cement and related articles, carloads, as described in the application from El Paso, Tex., to specified points in New Mexico.

Grounds for relief: Truck competition.

Tariff: Supplement 30 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4186.

FSA No. 34627: *Caustic soda—Plaquemine, La., to Tennessee points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7271), for interested rail carriers. Rates on caustic soda, in solution, tank-car loads from Plaquemine, La., to Boyce, Calhoun, Chattanooga, Lowland, and North Chattanooga, Tenn.

Grounds for relief: Market competition with Baton Rouge, La.

Tariff: Supplement 300 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4087.

FSA No. 34628: *Fertilizer and materials from and to points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3650), for interested rail carriers. Rates on fertilizers and fertilizer materials, liquid, as described in the application, tank-car loads (a) between points in southern territory, also between points in southern territory, on the one hand, and Ohio and Mississippi River crossings and related points, and points in Virginia and West Virginia, on the other, and (b) from South Points, Ohio, to points in southern territory.

Grounds for relief: Short-line distance formula, grouping, and maintenance of rates including relief line arbitraries.

Tariffs: Supplement 51 to Southern Freight Association, Agent, tariff, I. C. C. 1267. Supplement 120 to Southern Freight Association, Agent, tariff, I. C. C. 1510.

FSA No. 34629: *Fertilizer and materials—South Point, Ohio, to southern points.* Filed by O. W. South, Jr., Agent (SFA No. A-3651), for interested rail carriers. Rates on fertilizers and fertilizer materials, carloads from South Point, Ohio, to specified points in Kentucky, North Carolina, Tennessee and Virginia.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 120 to Southern Freight Association, Agent, tariff I. C. C. 1510.

FSA No. 34630: *Rubber between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2435), for interested rail carriers. Rates on rubber (artificial, guale, natural, neoprene or synthetic), reclaimed, carloads, as described in the application between points in official territory, on the one hand, and points on the Chicago, Burlington and Quincy Railroad Company in Illinois territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 71 to Traffic Executive Association—Eastern Railroads, Agent, tariff I. C. C. A-1059.

FSA No. 34631: *Bituminous fine coal to Rock Rapids, Iowa.* Filed by R. G. Raasch, Agent (I. F. A. No. 2), for interested rail carriers. Rates on bituminous fine coal, carloads from Mines in Illinois, Indiana, and western Kentucky to Rock Rapids, Iowa.

Grounds for relief: Gas competition.

Tariffs: Supplement 2 to Illinois Freight Association, Agent, tariff I. C. C. 890; supplement 16 to Southern Freight Association, Agent, tariff I. C. C. 1603, and supplements to individual lines tariffs listed in the application.

FSA No. 34632: *Vegetables from Alabama, Louisiana and Mississippi points.* Filed by O. W. South, Jr., Agent (SFA No. A3652), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads from specified base points in Alabama, Louisiana (east of the Mississippi River), and Mississippi, and points grouped with and taking base point rates to specified points in southern territory.

Grounds for relief: Rate relationship formula, grouping, and competition with motor trucks.

Tariff: Supplement 26 to Southern Freight Association, Agent, tariff I. C. C. 1558.

FSA No. 34633: *Vegetables—Alabama, Mississippi, and Louisiana points to official territory.* Filed by O. W. South, Jr., Agent (SFA No. A3653), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads from specified base points in Alabama, Louisiana (east of the Mississippi River), and Mississippi and points grouped with and taking base point rates to specified points in official (including Illinois territory).

Grounds for relief: Rate relationship formula, grouping, and competition with motor trucks.

Tariff: Supplement 55 to Southern Freight Association, Agent, tariff I. C. C. 1277.

FSA No. 34634: *Sand—Missouri points to Jamestown, N. Y.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7267), for interested rail carriers. Rates on sand, noibn, carloads, and sand, ground or pulverized, carloads from North Jefferson and Jefferson City, Mo., to Jamestown, N. Y.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 153 to Southwestern Lines Freight tariff I. C. C. 4135.

FSA No. 34635: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 319), for interested rail carriers. Rates on anhydrous ammonia, carloads, and other commodities described in the application, between points in Texas as described in the application.

Grounds for relief: Short-line distance formula, and Texas intrastate competition.

Tariff: Supplement 57 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C. 865.

FSA No. 34637: *Liquid caustic soda—Arkansas, Louisiana, and Texas, to Natchez, Miss.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7273), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Arkansas, Louisiana, and Texas points named in the application to Natchez, Miss.

Grounds for relief: Market competition with Baton Rouge, La.

Tariffs: Supplement 301 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4087 and two other schedules.

FSA No. 34638: *Cement—Hydrac, Kans., to southern, western, and eastern points.* Filed by Western Trunk Line Committee, Agent (No. A-1973), for interested rail carriers. Rates on cement, and related commodities, carloads from Hydrac, Kans., to specified points in southern, southwestern, official, and western trunk line territories.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 19 to Western Trunk Line Committee, Agent, tariff I. C. C. A-4137 and two other schedules.

FSA No. 34639: *Coal—Tennessee mines to South Carolina points.* Filed by O. W. South, Jr., Agent (SFA No. A3654), for interested rail carriers. Rates on coal, carloads from mines in Tennessee on the Louisville and Nashville Railroad in groups 1 and 2 to stations in South Carolina on the Columbia, Newberry and Laurens Railroad Company.

Grounds for relief: Maintenance of origin group relations with cross-country destinations on Southern Railway Company.

Tariff: Supplement 54 to Southern Freight Tariff Bureau tariff I. C. C. 14[illegible].

AGGREGATE-OF-INTERMEDIATES

FSA No. 34636: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 318), for interested rail carriers. Rates on anhydrous ammonia, carloads, and other commodities, as described in the application, carloads between points in Texas as described in the application.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition not applicable in constructing combination rates from or to points beyond the named points in Texas.

Tariff: Supplement 57 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3185; Filed, Apr. 29, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNETJE COHEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Annetje Cohen nee Aleng; Antwerp, Belgium; $16,280.55 in the Treasury of the United States; Vesting Orders Nos. 17913, 17947, 17950, 17914, 17945 and 17897; Claims Nos. 61803, 61804, 61805 and 61806.

Executed at Washington, D. C., on April 23, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3194; Filed, Apr. 29, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Barnesville Manufacturing Co., Inc., 315-319 South Gardner Street, Barnesville, Ohio; effective 4-18-58 to 4-17-59 (ladies' pajamas).

Blue Bell, Inc., Columbia City, Ind.; effective 5-1-58 to 4-30-59 (men's and boys' dungarees).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 5-1-58 to 4-30-59 (shirts).

Ely & Walker, Inc., Illmo, Mo.; effective 4-30-58 to 4-29-59 (dungarees, overalls, jeans).

Glen Lyon Bra Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 4-18-58 to 4-17-59 (ladies' brassieres).

Linn Manufacturing Co., Linn, Mo.; effective 5-1-58 to 4-30-59 (men's trousers).

McEwen Manufacturing Co., McEwen, Tenn.; effective 4-16-58 to 4-15-59 (overalls, playsuits, dungarees).

Reliance Manufacturing Co., Magnolia Factory, Laurel, Miss.; effective 5-1-58 to 4-30-59 (men's and boys' sport shirts).

Stately Lady Nitewear, Inc., 315 East 12th Street, Charlotte, N. C.; effective 4-24-58 to 4-23-59 (ladies' and children's pajamas and gowns).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Branch Fashions, Inc., 20 Seventh Avenue, Long Branch, N. J.; effective 4-18-58 to 4-17-59; six learners (ladies' blouses).

Loma Manufacturing Co., Inc., 101 South Main Street, Winchester, Ky.; effective 4-18-58 to 4-17-59; 10 learners (ladies' blouses, children's outer garments).

Selro Manufacturing Co., 113 Gay Street, Cambridge, Md.; effective 4-20-58 to 4-19-59; 10 learners (women's sportswear—Capri—pedal pushers, etc.).

Selro Manufacturing Co., Rear 115 Race Street, Cambridge, Md.; effective 4-25-58 to 4-24-59; 10 learners (women's sportswear—Capri—pedal pushers, etc.).

Nelly Don, Inc., Nevada, Mo.; effective 4-15-58 to 10-14-58; 15 learners for plant expansion purposes (women's dresses).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Second and Washington Streets, Steelton, Pa.; effective 4-16-58 to 4-15-59; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of: (1) cigar machine operating for a learning period of 320 hours; (2) packing (cigars retailing for 6 cents or less) for a learning period of 160 hours, and (3) machine stripping for a learning period of 160 hours. All at 80 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill.; effective 5-1-58 to 4-30-59; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Atlantic Hosiery, Inc., 948 White Horse Pike, Elwood, N. J.; effective 4-18-58 to 4-17-59; five learners for normal labor turnover purposes (seamless).

Georgia Hosiery Mills, Cave Spring, Ga.; effective 4-16-58 to 10-15-58; 25 learners for plant expansion purposes (seamless).

Hanover Mills, Inc., Carolina Beach Road and Marion Drive, Wilmington, N. C.; effective 4-29-58 to 10-28-58; 60 learners for plant expansion purposes (seamless).

Kale Knitting Mills, Inc., Mebane, N. C.; effective 4-19-58 to 4-18-59; five learners for normal labor turnover purposes (seamless).

Merrimac Knitting Mills, Inc., 235 Central Street, Franklin, N. H.; effective 4-26-58 to 4-25-59; five learners for normal labor turnover purposes (seamless).

Rockford Textile Mills, Inc., McMinnville, Tenn.; effective 4-21-58 to 4-20-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Rockwood Hosiery Co., P. O. Box 60, Rockwood, Tenn.; effective 5-2-58 to 5-1-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Franklin, N. C., effective 4-16-58 to 4-15-59; five learners for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dixie Belle Textiles, Inc., Gibsonville, N. C.; effective 4-14-58 to 4-13-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's woven underwear).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 4-1-58 to 3-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear, slips). This certificate was listed in the April 19, 1958, issue of the FEDERAL REGISTER without specifically indicating that the authorized occupations included final inspection of assembled garments for a learning period of 160 hours.

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; effective 4-26-58 to 4-25-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear, slips, nightgowns, panties). This certificate was listed in the April 19, 1958 issue of the FEDERAL REGISTER without specifically indicating that the authorized occupations included final inspection of assembled garments for a learning period of 160 hours.

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Casey Manufacturing Co., East Main Street, Casey, Ill.; effective 4-14-58 to 4-13-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and misses' shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Anvil Metal Products, Inc., P. O. Box 324, Barranquitas, P. R.; effective 3-31-58 to 9-30-58; authorizing the employment of 20 learners for plant expansion purposes, in the occupations of metal polisher (buffing); metal spinner (molding); metal stamping; inspection, and assembly, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (planters, parts for trophies and parts for electric lamps).

Edro Corp., P. O. Box 355, Anasco, P. R.; effective 3-21-58 to 6-12-58; authorizing the employment of 32 learners for plant expansion purposes, in the occupations of machine stitching, inseam thumbing, inseam closing, half P. K. fitting, and darting, each for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (replacement certificate) (fabric gloves).

Edro Corp., P. O. Box 355, Anasco, P. R.; effective 4-10-58 to 9-24-58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of sewing machine operators, and laying off, each for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (replacement certificate) (fabric gloves).

Gordonshire Knitting Mills, Inc., P. O. Box 1127, Cayey, P. R.; effective 4-3-58 to 6-2-58; authorizing the employment of 35 learners for plant expansion purposes, in the occupations of (1) loopers, and menders, each for a learning period of 960 hours at the rates of 50 cents an hour for the first 480 hours and 57 cents an hour for the remaining 480 hours; (2) examiners, and knitters, each for a learning period of 240 hours at the rate of 50 cents an hour (replacement certificate) (seamless hosiery).

Puerto Rico Hosiery Mills, Inc., P. O. Box 936, Arecibo, P. R.; effective 4-3-58 to 9-4-58; authorizing the employment of 11 learners for normal labor turnover purposes, in the occupations of knitting, and seaming, each for a learning period of 960 hours at the rates of 55 cents an hour for the first 480 hours and 61 cents an hour for the remaining 480 hours (replacement certificate) (ladies' full fashioned hosiery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 23d day of April 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-3196; Filed, Apr. 29, 1958; 8:49 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. Section 485.164 is renumbered as § 485.164 (a).
2. Section 485.164 is amended by adding a paragraph (b) as follows:

(b) For purposes of applying the payment limitation prescribed in paragraph (a) of this section, the rules contained in subparagraphs (1) through (6) of this paragraph shall be effective to determine whether certain individuals interested in farming operations as landowners, landlords, tenants or sharecroppers are to be treated as one producer or as separate producers. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of producers shall apply.

(1) A partnership shall be considered as a producer. Individual members of the partnership may be considered as separate producers or recognized in another capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or on another farm only if (i) the individual members operating in a separate capacity are not identical with the membership of the partnership, and (ii) the individual members also operated as separate producers or in a separate capacity as producers on the farm during the year preceding the first year of the contract period.

(2) A corporation or association shall be considered as a producer. A stockholder who owns a majority of the stock of a corporation shall not be considered as a separate producer on the same farm nor recognized in any other capacity on the same farm as a landowner, landlord, tenant, or sharecropper.

(3) An estate or trust shall be considered as a producer unless the estate has only one heir or the trust has only one beneficiary, in which case only the sole heir or the sole beneficiary shall be considered as a producer. Subject to the provisions of paragraph (a) of this section, an individual who is not the sole heir of the estate or the sole beneficiary of the trust may be considered as a separate producer or recognized in a different capacity as landlord, landowner, tenant, or sharecropper, on the same farm or on another farm, provided such separate producer status is established to the satisfaction of the county committee.

(4) Two or more individuals operating as a group under an arrangement which, although lacking the legal elements of a partnership or corporation, is in the nature of a joint undertaking shall be considered as a producer. (Clubs, societies, fraternal and religious organizations, as well as informal arrangements between two or more individuals, are examples of such groups.) Individual members of the group shall not be considered as separate producers on the same farm nor recognized on the same farm in any other capacity as landowners, landlords, tenants, or sharecroppers.

(5) Husband and wife shall not be considered as separate producers nor recognized in any other capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or on different farms. Other individuals having any family relationship may be considered as separate producers if they are participating on different farms. Such individuals may be considered as separate producers on the same farm or recognized in different capacities on the same farm as landlords, landowners, tenants, or sharecroppers only if such individuals operated as separate producers or in separate capacities during the year preceding the first year of the contract period.

(6) Individuals having a joint or common interest arising out of their interests in the ownership of the farm as joint tenants, tenants by the entirety

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 1–209 ($2.25)

Title 14, Parts 1–39 ($0.50)

Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75)

Title 38 ($0.40)

Title 49, Parts 1–70 ($0.70)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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or tenants in common shall not be considered as separate producers on the same farm nor recognized in any other capacity on the same farm as landlords, landowners, tenants or sharecroppers.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Done at Washington, D. C., this 25th day of April, 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3272; Filed, Apr. 30, 1958; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—RICE MARKETING QUOTA REGULATIONS FOR 1958 AND SUBSEQUENT CROP YEARS

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AUTHORITY: §§ 730.950 to 730.995 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 351–356, 362–368, 372–374, 376, 52 Stat. 38, as amended; 52 Stat. 41, as amended; sec. 106, 70 Stat. 191, 7 U. S. C. 1301, 1351–1356, 1362–1368, 1372–1374, 1376, 1824.

GENERAL

§ 730.950 *Basis and purpose.* The regulations contained in §§ 730.950 to 730.995, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the following provisions for the 1958 and subsequent crops of rice: The measurement of farms and the final dates for the disposal of excess acreage; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by rice producers and handlers; and special provisions and exemptions applicable to farms on which the acreage of nonirrigated (dry land) rice is 3 acres or less, rice produced by publicly-owned experiment stations, and rice planted for wildlife feed. The regulations in §§ 730.950 to 730.995 will remain in effect until amended, superseded, or suspended. Prior to preparing §§ 730.950 to 730.995, inclusive, public notice (23 F. R. 1095) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or recommendations pertaining to the regulations in §§ 730.950 to 730.995, inclusive, were received pursuant to such notice.

§ 730.951 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Acts" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee, or the person acting in such capacity.

(f) "Committees":

(1) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(3) "Community committee" means the persons elected within a community as the community committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and

community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(g) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(h) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(j) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop-share lease, contract, or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop, or the proceeds thereof. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(k) "Landlord" or "owner" means a person who owns land.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(n) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(o) "Buyer" means a person who buys rice.

(p) "Intermediate buyer" means any buyer or transferee who purchases or acquires any rice prior to the time the rice so purchased or acquired has been marketed either (1) to a warehouseman, mill operator, or processor, or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or mill operator.

(q) "Transferee" means a person who acquires rice from a producer or any other person by barter, exchange or gift.

(r) "Crop year" means the calendar year in which the rice crop is produced.

(s) "Marketing year" means the period beginning August 1, and ending July 31 of the following year, both dates inclusive.

(t) "Farm" means a farm as defined in the regulations governing determination of acreage and performance (Part 718 of this chapter), and any amendments thereto.

(u) "Farm acreage allotment" means the rice acreage allotment established for the farm in accordance with applicable regulations.

(v) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding any acreage of (1) nonirrigated rice produced on any farm on which such acreage is three acres or less, (2) sweet, glutenous, or candy rice commonly known as Mochi Gomi, (3) rice grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station, (4) any acreage of rice grown by any Federal or State Wildlife refuge farm where all rice on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm, and (5) any acreage planted to rice in excess of the farm rice acreage allotment, or when applicable, the permitted acreage or rice under an acreage reserve agreement or conservation reserve contract under the soil bank program, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for the disposal of excess acreage as provided in § 730.955 (b) of this subpart so that rice cannot be harvested therefrom.

(w) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

(x) "Rice" as used in the regulations of this subpart means rough rice with a maximum moisture content of 14 percent. Rice with a moisture content in excess of 14 percent will be adjusted to the equivalent of 14 percent moisture content.

(y) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.953.

(z) "Normal production" of any number of acres of rice on a farm means the normal yield of rice for the farm times such number of acres.

(aa) "Farm marketing quota" means the rice marketing quota established for the farm under § 730.958.

(bb) "Farm marketing excess" means the amount of rice determined for any farm under § 730.959 or § 730.962, whichever is applicable.

(cc) "Penalty" means the penalty referred to in § 730.972.

(dd) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm by the rice acreage on the farm.

(ee) "Actual production" of any number of acres of rice on a farm means the actual average yield per acre for the farm times such number of acres.

(ff) "Market" means to dispose of rice, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift.

(1) The terms "marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(2) The term "sale" means any transfer of title to rice by a producer by any means other than barter, exchange or gift. The penalty on excess rice is due regardless of what use is made of the excess rice.

(3) The terms "barter" and "exchange" mean transfer of title to rice by a producer in return for rice or any other commodity, service, or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called "toll rice").

(4) The term "gift" means any transfer of title to rice accompanied by delivery of the rice by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

§ 730.952 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 730.953 *Normal yields*—(a) *Farms for which normal yields will be determined.* The county committee will determine a normal yield for each farm for which a farm marketing excess is required to be determined for any crop year, for each farm for which a request is made to the county committee by the operator, either prior to or after seeding, and for each farm as required for the purposes of the provisions of § 730.960 (h) and (i). Determination of farm normal yields shall be documented in a manner approved by the State committee and such determination shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved by or on behalf of the State committee.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per harvested acre for all of the five calendar years immediately preceding the calendar year for which the yield is determined are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields adjusted for abnormal weather conditions and for trends in yields.

(c) *Appraised yields.* If for any year of such 5-year period data are not available or there was no actual yield, then the normal yield (per harvested acre of rice) for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions during such 5-year period, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available. If on the account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

MEASUREMENT OF FARMS AND FINAL DATES FOR DISPOSAL OF EXCESS ACREAGE

§ 730.954 *Measurement of farms*—(a) *Identification of farms.* Each rice farm shall be identified by a farm serial number, assigned by the county committee, and all records pertaining to rice marketing quotas for the crop year shall be identified by the farm serial number.

(b) *Farms which are to be measured.* The county committee shall provide for the measurement of all farms in the county having a rice acreage allotment and any other farm in the county on which the committee has reason to believe there is rice which could be available for harvest, regardless of its intended use, for the purpose of ascertaining with respect to each of such farms the acreage of rice and whether such acreage is in excess of the farm acreage allotment. Measurement shall be made under the general supervision of the county committee in accordance with Part 718 of this chapter (22 F. R. 3747), and any amendments thereto.

(c) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. In addition, upon request of the county committee, the State administrative officer may designate an employee of the State committee to serve as a reporter.

(d) *Measurement of rice acreage.* Upon his first visit to the farm for purposes of measurement, the reporter assigned thereto shall measure all fields on the farm growing rice. All farms measured which are found to have acreage on which rice is growing in excess of the farm rice acreage allotment shall be revisited by the reporter for the purpose of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any such farm if the farm operator or his representative fails to notify the ASC county office by the dates specified on the notice of excess acreage (Form CSS–590) of his intention to adjust the excess acreage on the farm and pay the cost of remeasurement. On this visit all acreage devoted to rice and which has not been adjusted prior to harvest so as not to qualify as rice acreage in accordance with these regulations shall be measured. In making such measurements, the data acquired on the first visit may be utilized.

(e) *Water company measurements.* Notwithstanding other provisions of this section, acreage measurements made by employees of water or irrigation companies to determine water charges may be used in lieu of or in connection with measurements by a reporter, subject to the following conditions: (1) The State and county committees determine that such measurements are accurate and meet the standards for measurements set out in such regulations; (2) a visual inspection is made by a representative of the State or county committee in order to ascertain that all rice acreage on the farm has been included; (3) a spot check of at least 10 per centum of the farms so measured is made; and (4) the water or irrigation company does not share in the rice crop on the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of the regulations in this subpart and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the rice acreage and the rice acreage in excess of the farm rice acreage allotment.

§ 730.955 *Notice of excess acreage and final dates for disposal of excess acreage*—(a) *Notice of excess acreage.* (1) If the county committee determines that the rice acreage on any farm is in excess of the farm rice acreage allotment, the operator shall be mailed a written notice on Form CSS–590 showing the rice acreage and the final date for adjusting such acreage to the farm rice acreage allotment. The date shown on such notice shall be the applicable date as established under paragraph (b) of this section, except that if the notice is not mailed at least 15 days prior to such date, the period during which the excess rice acreage may be adjusted to the rice acreage allotment shall be extended to a date which is 15 days from the date the notice is mailed. Form CSS–590 original or revised shall bear the actual or facsimile signature of the county office manager or a member of the county committee. Such facsimile signature may be affixed by a county office employee.

(2) If the producer on the farm is unable, because of conditions beyond his control, to dispose of the excess acreage within the time limit prescribed on the notice, a request for additional time may be filed in writing at the county office by any producer on the farm who has an interest in the crop. In order to be considered, the request for additional time must be filed prior to the expiration of the final date for disposition of the excess as shown on the notice. The reason the producer on the farm is unable to dispose of the excess acreage within the prescribed time limit shall be set forth in the request for additional time. If the county committee or the county office manager determines from the facts available that the producer is unable to dispose of the excess acreage within the prescribed time because of conditions beyond his control, the county committee or county office manager may grant an extension of such time sufficient to afford a fair and reasonable opportunity for such disposal: *Provided*, That such extended period shall not exceed 15 days from the time prescribed in the notice from which relief is sought. If an extension is granted, the operator shall be mailed a revised notice on Form CSS–590 showing the extended disposition date. If a request for an extension is denied, the county office manager shall notify the operator by letter of the denial.

(3) If the producer is unable to dispose of the excess rice acreage because of conditions beyond his control and the producer failed to apply for an extension by the county committee prior to the disposal date referred to in subparagraphs (1) or (2) of this paragraph, a request for additional time may be filed in writing at the county office for consideration by the State committee, by any producer on the farm who has an interest in the crop. In order to be considered he must file the request in writing and show the reason he was unable to comply with the expiration date of which he was notified. If the State committee, or State administrative officer on behalf of the State committee, determines that the producer was unable, because of conditions beyond his control, to dispose of the excess acreage within the time limit, the county office may be authorized to extend the expiration date. Upon receipt of such authorization, the county committee or county office manager shall extend the previous date for disposition to provide the producer a reasonable opportunity to dispose of the excess acreage. If any extension of time is granted pursuant to this subparagraph, the farm operator shall be mailed a revised notice showing the extended disposition date. If a request for an extension is denied, the county office manager shall notify the operator by letter of the denial.

(4) Extensions also, may be granted in accordance with subparagraphs (2) or (3) of this paragraph, if it is determined that an extension is reasonable because of the physical condition of the rice acreage.

(5) Notwithstanding the provisions of subparagraphs (2) and (3) of this paragraph, in no case shall a disposition date be later than the time the harvesting of rice begins on the farm, except where it may be necessary to issue a delayed notice in accordance with subparagraph (1) of this paragraph.

(6) The rice acreage determined for any farm and shown on Form CSS–590 original or revised which was mailed to the operator of the farm under paragraph (a) of this section, shall be considered the rice acreage on such farm, unless the operator or his representative notifies the county office on or before the applicable date for disposal of excess acreage of his intention to adjust such acreage to the farm allotment and pays the estimated cost of checking the adjusted acreage in accordance with the regulations governing determination of acreage and performance (Part 718 of

this chapter) and any amendments thereto.

(b) *Final date for the disposal of excess acreage.* The final dates determined by the Secretary, upon recommendation of the county and State committees, for the disposal of excess rice acreage are considered to be not later than 30 days prior to the date rice harvest normally begins in the county or State. The dates for each crop year in each county or area of a county by which excess rice must be destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) so that rice cannot be harvested therefrom, unless extended as provided in paragraph (a) of this section, are as follows:

Arkansas: August 1—All counties.
California: September 1—All counties.
Florida: October 15—All counties.
Illinois: September 15—All counties.
Louisiana: August 1—All counties.
Mississippi: August 15—All counties.
Missouri: August 15—All counties.
North Carolina: August 31—All counties.
Oklahoma: August 15—All counties.
South Carolina: August 1—All counties for rice planted on or about March 15; September 15—All counties for rice planted on or about May 15; October 15—All counties for rice planted on or about June 15.
Tennessee: August 31—All counties.
Texas: July 15—All counties except Bowie County; September 1—Bowie County.

§ 730.956 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) name of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the rice acreage, (g) the farm normal yield, and (h) the farm marketing excess in pounds.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 730.957 *Marketing quotas in effect.* Marketing quotas when effective with respect to a particular crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.958 *Farm marketing quota.* The farm marketing quota for any farm for any crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.959 *Farm marketing excess.* The farm marketing excess for any crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm acreage allotment therefor: *Provided,* That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm rice acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 730.960 *Notice of farm marketing excess.* Written notice of the farm marketing quota and farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm as shown on ASC county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the rice produced on the farm for which the notice is given. Each notice shall be on a Form MQ-93—Rice and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof and shall be signed by a member of the county committee on behalf of the county committee.

§ 730.961 *Farms for which proper notice of the farm marketing quota and farm marketing excess of rice was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of rice established for the farm, was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 730.960, 730.962, 730.980, and 730.981, the producer shall be so notified by the county committee on Form MQ-93—Rice and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the farm marketing excess as provided in §§ 730.962, 730.980, and 730.981. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ-93—Rice with a copy of the determination of the county committee as provided in § 730.962 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 730.962 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* (1) Any producer having an interest in the rice produced on any farm for which there is an excess may (i) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed, as provided in § 730.961, apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced on the farm in the applicable crop year, or (ii) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production of rice on the farm was not in excess of the normal production of the acreage allotment.

(2) The date on which the harvesting of rice is normally substantially completed in the county or area in the county shall be determined by the Secretary taking into consideration recommendations which the State and county committees may make. Unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.961 or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and a place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(3) The established date on which rice harvest is normally substantially completed has been determined as aforesaid in rice-producing counties to be as follows:

Arkansas: November 15—All counties.
California: November 30—All counties.
Florida: November 30—All counties.
Illinois: October 15—All counties.
Louisiana: November 3—All counties.
Mississippi: October 31—All counties.
Missouri: October 1—All counties.
North Carolina: November 1—All counties.
Oklahoma: November 15—All counties.
South Carolina: November 1—All counties.
Tennessee: November 1—All counties.
Texas: October 20—All counties.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant.

(2) The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, sales, and storage of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In determining actual production, the county committee shall include, in addition to the actual production of the harvested acreage, the estimated production of any unharvested acreage which has been classified as rice acreage, unless the county committee determines that no rice could be harvested in any manner from the unharvested excess acreage after approval of the downward adjustment.

(3) In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence, or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which are available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public.

(4) The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (ii) a concise statement of the findings of the county committee upon the questions of fact, and (iii) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A revised notice on Form MQ-93—Rice with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

(5) All county committee determinations made in connection with applications for adjustment in the farm marketing excess shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved by or on behalf of the State committee.

(c) *Adjustment where no rice is produced.* Notwithstanding the foregoing provisions of this section, whenever the county committee determines that no rice has been or will be produced in a particular crop year on a farm for which a farm marketing excess has been determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment as provided in paragraph (b) of this section, without the necessity of an application by the producer.

§ 730.963 *Publication of the farm acreage allotments, marketing quotas, and marketing excesses.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 730.964 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.965 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the rice. If a successor in interest should acquire from a deceased producer rice subject to lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor in interest to market the rice penalty free until the penalty has been satisfied.

§ 730.966 *Review of quotas*—(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided,* That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Part 711 of this chapter) as issued by the Secretary (21 F. R. 9365), and any amendments thereto.

(b) *Action by county committee prior to review hearing.* Action shall be taken by the county committee prior to the review hearing in accordance with § 711.14 of this chapter.

(c) *Court review.* If the producer is dissatisfied with the determination of the review committee he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 730.967 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ-76—Rice) for the applicable year if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 730.975 or § 730.976, (3) the farm marketing excess is stored, as provided in § 730.980, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 730.981. A marketing card shall not be issued until the performance report (CSS-578) has been signed by the operator or his representative. Marketing cards will be delivered to producers at the office of the county committee, except that if the county committee determines that it would facilitate the administration of the act, and the committee has reason to believe that the marketing card will be used, marketing cards may be mailed to the producers entitled thereto: *Provided,* That the producers are instructed in writing to sign the card in the appropriate space thereon prior to its use. Each marketing card shall be serially numbered and shall show the names of the State and county and the serial number of the farm, the actual or facsimile signature of the county office manager or a member of the county committee, the date of issuance, the name and address of the producer to whom issued, and the signature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or a member of the county committee giving an explanation of the reason the signature of the producer cannot be made. The facsimile signature provided for herein may be affixed by a county office employee.

(b) *Producers ineligible to receive marketing cards.* The producers on a farm shall be ineligible to receive marketing cards: (1) if any producer on the farm owes any penalty for excess rice in any preceding crop year, (2) if determination of the rice acreage has not been made and has been prevented by any producer on the farm, and (3) if the farm marketing excess determined under § 730.959 is adjusted under § 730.962. A producer shall not be considered to owe any penalty under subparagraph (1) of this paragraph if he has avoided or postponed payment of the penalty through storage of excess rice in accordance with applicable regulations.

(c) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a rice producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraphs (a) and (b) of this section, he is eligible to receive a marketing card for each of such farms. However, only one rice marketing card need be issued to a producer who has an interest in the rice crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the rice crop, and (3) the producer's liability has not been reduced to a proportionate share on any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing certificates with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties or the State committee determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of rice, together with any other information deemed necessary to enforce the act.

(d) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify rice produced on any farm the serial number of which is not entered on the card. A marketing card shall not be used to market any rice which was not produced on a farm the serial number of which appears on the marketing card.

(e) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act. A marketing certificate may be issued in such cases for any proved production.

§ 730.968 *Issuance of marketing certificates*—(a) *Producers to whom marketing certificates may be issued.* The county office manager or a member of the county committee shall upon request issue a marketing certificate, Form MQ–94—Rice, to any producer (1) who is eligible to receive a marketing card and who desires to market rice by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee; (2) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 730.975 (c); (3) who is ineligible to receive a marketing card solely because of penalties owed by him or by any producer on the farm for excess rice for any preceding crop year; (4) who is ineligible to receive a marketing card solely because of excess rice produced on another farm as provided in § 730.967 (c); (5) who is otherwise eligible to receive a marketing card but who has an interest in the rice crop on a farm for which a multiple producer is ineligible to receive a marketing card; (6) who is ineligible to receive a marketing card because the farm marketing excess determined under § 730.959 was adjusted under § 730.962; (7) who has eligible rice produced in a prior year but is ineligible to receive a marketing card for the current crop year; or (8) who is ineligible to receive a marketing card under § 730.967 (e).

(b) *Completion of marketing certificate.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county, and the serial number of the farm, (3) the number of pounds of rice eligible to be sold, (4) the serial number of the marketing card assigned to the producer for the farm if applicable, or the word "none" if no card has been assigned, and (5) the actual or facsimile signature of the county office manager or a member of the county committee, and the date of issuance. Such facsimile signature provided for herein may be affixed by a county office employee. The original and first copy of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the triplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify rice produced on any farm the serial number of which is not entered on the certificate. When the rice is marketed the buyer or transferee shall enter both on the original and copy of the marketing certificate (i) the number of pounds of rice marketed, (ii) the date marketed and (iii) the name and address of the buyer or transferee. Both the buyer or transferee and the producer shall sign the original and copy of the marketing certificate. The original shall be retained by the buyer or transferee and the copy shall be returned to the producer. If all of the rice eligible to be marketed was not marketed in one transaction, or if the producer desires to market part of the eligible rice to another buyer or transferee, he shall request the county office manager or his designee or the county committee to issue a marketing certificate for the balance of the unmarketed eligible rice. Such request shall be accompanied by the completed producer's copy of the marketing certificate showing the amount of rice previously marketed. The completed producer's copy of the marketing certificate shall be retained in the county office and a marketing certificate for the balance of the unmarketed eligible rice shall be issued to the producer. Notwithstanding the foregoing, the producer may request, and the county office shall issue, more than one marketing certificate at one time, provided the total number of pounds of rice shown on all the marketing certificates as eligible to be marketed does not exceed the number of pounds eligible to be marketed for the farm.

§ 730.969 *Lost, destroyed, or stolen marketing cards, marketing certificates, or soil bank delivery orders*—(a) *Report of loss, destruction, or theft.* In case a marketing card, marketing certificate, or producer's copy of soil bank delivery order (CCC Form 382 or CCC Form 103) delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card, marketing certificate, or soil bank delivery order, was issued; (2) the name of the producer to whom the marketing card, marketing certificate or soil bank delivery order was issued, if someone other than the operator; (3) the serial number of the marketing card, marketing certificate or soil bank delivery order; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card, marketing certificate, or producer's copy of soil bank delivery order, was in fact lost, destroyed, or stolen it shall cause to be cancelled such marketing card, marketing certificate or producer's copy of soil bank delivery order, and instruct the county office manager to give notice to the producer to whom the marketing card, marketing certificate, or soil bank delivery order was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card, marketing certificate or soil bank delivery order was issued, it shall cause to be issued to or for him a marketing card, marketing certificate or producer's copy of soil bank delivery order to replace the lost, destroyed or stolen marketing card, marketing certificate or producer's copy of soil bank delivery order. Each marketing card, marketing certificate, or producer's copy of soil bank delivery order issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card, marketing certificate or producer's copy of soil bank delivery order is cancelled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, mill operators, or warehousemen who serve the county or the immediate vicinity of the farm, that the marketing card, marketing certificate or producer's copy of soil bank delivery order is cancelled and of the issuance of any duplicate. Any person coming into possession of a cancelled marketing card, marketing certificate or producer's copy of soil bank delivery order shall immediately return it to the ASC county office from which it was issued.

§ 730.970 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of error, be cancelled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 730.969 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Cancelled." In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the mill operators, warehousemen, and buyers who serve the county or are in the immediate vicinity that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section containing a notation thereon of the date of mailing shall be kept among the records of the ASC county office.

IDENTIFICATION OF RICE

§ 730.971 *Time and manner of identification.* Each producer of rice and each intermediate buyer shall, at the time he markets any rice, identify the rice to the buyer or transferee in the manner hereinafter provided as being subject to or not subject to the penalty or the lien for the penalty, as follows:

(a) *Identification by marketing card.* A marketing card (MQ–76—Rice) for the applicable crop year shall, when presented to the buyer by the producer to whom it was issued, the evidence to the buyer that the rice for which the marketing card was issued may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for the penalty.

(b) *Identification by marketing certificate.* A marketing certificate (MQ–94—Rice) properly executed shall, when delivered to the buyer by the producer, be evidence that the amount of rice shown thereon may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for penalty.

(c) *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–94—Rice), properly executed by the first intermediate buyer and the producter of the rice and any subsequent buyer in the manner outlined in § 730.984 (d) or § 730.985, shall be evidence to any buyer that the rice covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (1) the MQ–94—Rice shows the serial number of the marketing card, marketing certificate or soil bank delivery order by which the rice was identified and the signatures of the producer and intermediate buyer, or (2) the original MQ–95—Rice bears the endorsement "Penalty Satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

(d) *Identification by soil bank delivery order.* The quantity of rice obtained by redemption of soil bank certificates, CCC Form 379, by a producer, if offered for sale, shall be taken by the buyer as penalty free if identified by the producer's copy of the soil bank delivery order, Form CCC–382 or CCC–103, completely filled in by the county committee.

(e) *Rice sweepings, spillage, or accumulation of samples.* A person other than a producer or immediate buyer offering rice swepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman or processor, or other grain dealer, who conducts his business in a manner substantially the same as an elevator operator or warehouseman, stating that the rice had previously been marketed to the person executing the certificate, if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage. Any person other than a producer or intermediate buyer offering rice accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the rice was an accmmulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples.

(f) *Rice identified as subject to the penalty and lien for the penalty.* All rice marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in this section shall be taken by the buyer thereof as rice subject to penalty and the lien for the penalty and the buyer of such rice shall pay the penalty thereon at the rate prescribed in § 730.972.

PENALTY

§ 730.972 *Rate of penalty.* The rate of penalty shall be 50 percent of the parity price per pound of rice as of June 15 of the calendar year in which the crop is produced. The rate of penalty in cents per pound will be published by amendment as soon as it can be determined.

§ 730.973 *Lien for penalty.* The entire amount of rice produced in any year on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the penalty is paid in accordance with § 730.975 or § 730.976, or the farm marketing excess is stored in accordance with § 730.980, or delivered to the Secretary in accordance with § 730.981.

§ 730.974 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.975 (b) or § 730.976 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 730.975 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced on any farm for which a farm marketing excess is determined shall be liable to pay the amount of penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* To the extent collection has not been made prior thereto, the amount of the penalty with respect to the farm marketing excess for any farm shall be remitted by the producer not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 730.962 (a) (3), or not later than 30 calendar days after notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.961: *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.981 or § 730.961 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.980 or § 730.961 shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.980 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made (1) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated (as established in accordance with § 730.962), or (2) in the case of a delayed notice of the farm marketing excess within 30 days from the date such notice is mailed to him, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the fact that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 730.980 or § 730.981, that his share of the rice crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the rice crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the rice produced on the farm bears to the total amount of rice produced on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 730.980 or § 730.981, stores or delivers to the Secretary the number of pounds required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 730.968 to be used by him only in the marketing of his proportionate share of the rice crop produced on the farm.

§ 730.976 *Payment of penalties by buyers or transferees*—(a) *Buyers or transferees liable for payment of penalties.* Each person within the United States who buys or acquires from the producer any rice subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Rice shall be taken as subject to the lien for the penalty unless the producer presents to the person who buys or acquires such rice a marketing card (MQ-76—Rice), marketing certificates (MQ-94—Rice) or a completed producer's copy of soil bank delivery order (CCC Form 382 or CCC Form 103) as prescribed in §§ 730.971 (a), (b), or (d).

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys or acquires rice which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon. Rice purchased or acquired from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale or transfer, the intermediate buyer delivers to the purchaser or transferee the original and a copy of an intermediate buyer's record and report, MQ-95—Rice, properly executed by the producer of the rice and the first intermediate buyer, which show (1) the serial number of the marketing card, marketing certificate, or soil bank delivery order by which the rice covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty Satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any person who buys or acquires rice pursuant to paragraph (a) or (b) of this section shall be due at the time the rice is purchased or acquired and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The person who buys or acquires rice may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the person who buys or acquires rice pursuant to paragraph (a) or (b) of this section. Any person who buys or acquires rice who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased or acquired a receipt for the amount so deducted which shall be in the case of rice purchased or acquired from the producer by an intermediate buyer, on MQ-95—Rice, and in all other cases, on MQ-81—Rice.

§ 730.977 *Remittance of penalties to the treasurer of the county committee.* The penalty shall be delivered or mailed to the county committee. The penalty shall be remitted only in legal tender, or by check, draft or money order drawn payable to the order of the Commodity Stabilization Service, USDA. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, it shall be accompanied by the original and first copy of MQ-95—Rice, and the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of both copies the statement "Penalty Satisfied" and his signature and title and the date thereof before returning the first copy to the intermediate buyer.

§ 730.978 *Deposit of funds.* All funds received in the office of the county committee in connection with penalties for rice shall be scheduled and transmitted by the treasurer of the county committee on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a deposit fund account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (referred to in this subpart as "deposit fund account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county committee bank account and issue a check in the amount thereof, payable to the order of the Commodity Stabilization Service, USDA. The treasurer of the county committee shall make and keep a record of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.979 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess, or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the county committee and transmitted by the treasurer of the county committee to the State committee.

§ 730.980 *Stored farm marketing excess*—(a) *Amount of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined at the time of storage under § 730.959 or § 730.962, whichever is applicable.

(b) *Kinds of storage; commingling and substitution.* Excess rice shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage," or in any other place adapted to the storage of rice, hereinafter referred to as "non-licensed storage." Commingling and substitution shall be permissible in the case of licensed storage. In the case of non-licensed storage, excess rice may, with the prior written approval of the county committee, be commingled with stored excess rice from any other year and any or all stored excess rice may be replaced by rice produced by the same producer from any other year on the same or any other farm if (1) the county committee gives prior written approval of such replacement; (2) the county committee determines that the rice which is to be used for substitution is of a quality equal to or better than the rice in storage and for which substitution is to be made; (3) the stored excess rice which is removed from storage is replaced by an equivalent amount of rice within 30 days after such removal; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess rice from storage without compliances with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in paragraph (g) of this section. Rice in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess rice in which the same producer has an interest, provided the rice so stored is determined by the county committee to be of a quality equal to or better than the rice produced on the farm with the excess. The storage of rice in non-licensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored rice by quarter section or other comparable descriptive location in areas where description is not by quarter section. Excess rice for any year which was properly stored in non-licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the rice, a written request to do so is filed with the county committee and approval of such committee is granted in writing, and if the rice is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions, the bond or escrow funds held in connection with the non-licensed storage may be released. The penalty on any stored rice removed from non-licensed storage without the prior written authorization from the county committee shall be due on such removal. Rice produced on a farm by any producer may be placed in non-licensed storage and substituted for excess rice for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty if a written request to do so is filed with the county committee and approval of such committee is granted in writing upon the determination of the county committee that the rice to be stored in non-licensed storage is of a quality equal to or better than the rice in licensed storage, and the rice in an amount equal to the amount in licensed storage for which substitution is desired is stored in non-licensed storage in accordance with paragraphs (b) and (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in paragraph (d) of this section. When all requirements for non-licensed storage have been met in accordance with this section, the warehouse receipt covering the rice in licensed storage shall be returned to the person who deposited it. Rice stored in non-licensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess rice in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of rice so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a non-negotiable receipt as to which the warehouseman or elevator operator has been notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to rice covered by the warehouse receipt(s) is paid or otherwise satisfied in accordance with law, the warehouse receipt(s) shall be returned to the person who deposited it.

(d) *Non-licensed storage bonds.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the rice and either by two persons as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under this subpart, and that if at any time any producer on the farm prevents the inspection of rice so stored, the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. Unless the bond in effect permits the commingling or substitution of rice in storage, a new bond covering all excess rice of the producer stored in non-licensed storage and not covered by funds in escrow shall be required as a condition for commingling rice or permitting substitution of any other year stored excess rice. In such case, upon approval and acceptance of the new bond, the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided*, That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of this subpart with respect to stored farm marketing excess.

(e) *Non-licensed storage; deposit of funds in escrow.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with the regulations contained in this subpart shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. The treasurer of the county committee shall receive all checks, drafts, and money orders, subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that, if at any time any producer on the farm prevents inspection of any rice so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval is granted to commingle rice or to substitute rice of any crop for excess rice in storage, there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess rice for any year stored by the producer in non-licensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to rice covered by funds in escrow is paid or otherwise satisfied in accordance with law, the amount of funds covering such rice shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e), of this section are complied with prior to the expiration of the period allowed in accordance with § 730.975 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.959 or § 730.962, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any rice delivered to the Secretary under the provisions of § 730.981. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate applicable to the marketing year in which the stored excess rice was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by rice of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each such crop is satisfied.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the rice acreage on any farm for any subsequent crop of rice is less than the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to rice is less than the farm acreage allotment. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. For the purpose of this paragraph, the acreage planted to rice shall be the rice acreage on the farm plus the acreage diverted from the production of rice under the Soil Bank Acreage Reserve Program or Conservation Reserve Program.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever in any subsequent year the rice acreage does not exceed the farm acreage allotment and the actual production of rice on the farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. The actual production of rice on the farm shall include, in addition to the rice actually produced on the farm, the production of rice attributed to the soil bank acreage reserve for the farm on the basis of the yield that would be indicated from the productivity index used for determining the rate of payment per acre for the acreage reserve program. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice, to the extent of their need therefor, in accordance with their proportionate shares in the rice crop planted on the farm, or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm.

§ 730.981 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined at the time of delivery, in accordance with § 730.959 or § 730.962, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the rice by executing a form provided for this purpose and (1) deliver the rice to an elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipt for the amount of the rice, or (2) if the producer shows to the satisfaction of the county committee that it is impracticable to deliver the rice to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined in accordance with

§ 730.962 (a) or pursuant to § 730.961. Excess rice may be delivered to the Secretary after such period only if the excess rice was stored in accordance with the provisions of § 730.980 (a) to (f), and the rice has not gone out of condition through any fault of the producer.

§ 730.982 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 730.983 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.975 to 730.977. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 730.984 *Records to be kept and reports to be made by warehousemen, mill or elevator operators, other processors, or transferees and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, mill or elevator operator, processor, or transferee and each buyer other than an intermediate buyer, who buys, acquires, or receives rice from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, mill or elevator operator, processor, or transferee, and each buyer other than an intermediate buyer, shall keep as part of or in addition to the records maintained by him in the conduct of his business a record which shall show with respect to the rice purchased, acquired or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the rice or the name and address of the person who acquired the rice through redemption of a soil bank certificate, (2) the date of the transaction, (3) the amount of the rice, (4) the serial number of the marketing card (MQ–76—Rice), or marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice), or soil bank delivery order (CCC Form 382 or CCC Form 103), by which the rice was identified, or the report and penalty receipt (MQ–81—Rice), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State administrative officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Rice which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with rice subject to penalty.* Each warehouseman, mill or elevator operator, processor, or transferee, and each buyer other than an intermediate buyer, who purchases any rice from the producer or intermediate buyer which is not identified at the time the rice is purchased in the manner provided in § 730.971 (a), (b), (c), and (d), shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Rice and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the rice was purchased or acquired, (2) the names of the county and State, and the address of the ASC county office in which the rice was produced, (3) the date of the transaction, (4) the amount of the rice, (5) the year harvested, (6) the amount of the penalty incurred in connection with the transaction, and (7) whether an amount equivalent to the penalty was deducted from the price or consideration paid for the rice. Each record and report on MQ–81—Rice shall be executed in triplicate. The person who executes MQ–81—Rice shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with rice, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that rice was not identified by MQ–76—Rice, as provided in § 730.971 (a), or MQ–94—Rice, as provided in § 730.971 (b), or MQ–95—Rice, as provided in § 730.971 (c), or CCC 382 or CCC 103, as provided in § 730.971 (d), if the serial number of the marketing card, marketing certificate, intermediate buyer's record and report, or soil bank delivery order, does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with rice identified by intermediate buyer's records and reports and soil bank delivery orders.* Whenever rice is identified by the intermediate buyer's record and report (MQ–95—Rice) executed in accordance with § 730.985, the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, who purchases or acquires the rice covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the rice covered by the record and report. In all other cases, where the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the rice covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of rice purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the rice. The provisions of this paragraph for endorsing the intermediate buyer's record and report when only a portion of the rice covered by the report is purchased shall also be followed when only a portion of the rice covered by a soil bank delivery order is purchased.

(e) *Records in connection with rice identified by marketing certificates.* Whenever rice is identified by a marketing certificate (MQ–94—Rice), the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, who purchases the rice so identified shall retain the original of the marketing certificate as a record of the transaction completed as provided in § 730.968 (b).

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill or elevator operator, processor, or transferee, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the rice was produced.

§ 730.985 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act.

(b) *Form of record and report in connection with rice purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any rice from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ-95—Rice) of the following information: (1) The name and address of the producer from whom the rice was purchased or acquired, (2) the names of the county and State and the address of the ASC county office of the county in which the rice was produced, (3) the date of the transaction, (4) the number of pounds of rice, (5) the serial number of the marketing card, marketing certificate or soil bank delivery order, by which the producer identified the rice at the time it was marketed, or if the rice is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the rice, and (6) the year in which the rice was harvested. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ-95—Rice. One copy of the MQ-95—Rice so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the rice. One copy of MQ-95—Rice so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever rice is identified by a marketing certificate (MQ-94—Rice), the intermediate buyer and the producer shall complete the original and copy of the marketing certificate in accordance with the provisions of § 730.968 (b). The copy shall be retained by the producer and the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ-95—Rice to be delivered to the warehouseman, mill or elevator operator, processor, or transferee or buyer other than an intermediate buyer, who finally acquires the rice covered by MQ-95—Rice, and marketing certificate (MQ-94—Rice). Whenever the intermediate buyer markets or delivers a portion of the rice covered by a single MQ-95—Rice to another and retains a portion of the rice, the intermediate buyer shall obtain from the person to whom the portion of the rice is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ-95—Rice showing the name and signature of the person, the number of pounds of rice marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report MQ-95—Rice to the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, to whom all of the remainder of the rice covered thereby is marketed. When rice is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ-95—Rice shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, mill or elevator operator, processor, or transferee, or buyer other than an intermediate buyer. If all or the remainder of the rice is not marketed or delivered to a warehouseman, mill or elevator operator, processor, or transferee, or buyer other than an intermediate buyer, the last intermediate buyer shall, within 15 days, mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ-95—Rice contained in a book have been executed, or by February 28, of each calendar year, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ-95—Rice which were retained by him. Books of Form MQ-95—Rice shall be reissued to any intermediate buyer upon request. In the event that the county committee or State committee has reason to do so, any or all intermediate buyers to whom books of Form MQ-95—Rice were issued or reissued after the end of the calendar year may be requested to mail or deliver on or before the end of the marketing year to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ-95—Rice. In the event that the county or State committee has reason to believe that any intermediate buyer has failed or refused to comply with the regulations in this subpart, the county office manager or State administrative officer shall notify the intermediate buyer in writing that he is considered to be an intermediate buyer under the provisions of the rice marketing quota regulations and that he is requested to furnish a report within 15 days to the treasurer of the county committee on Form(s) MQ-95—Rice of all rice purchased or acquired by him during the period of time as specified in the request. The notice shall advise the intermediate buyer that the information required to be reported on Form MQ-95—Rice is in accordance with the rice marketing quota regulations and he shall be advised of the penalty for failure or refusal to keep the records and make the reports as provided in § 730.986. The intermediate buyer shall make the report for the period specified as requested by the county office manager or State administrative officer.

§ 730.986 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with the regulations in this subpart, the buyer shall, within 15 days after a written request therefor made by the county office manager or State administrative officer and deposited in the United States mails, registered and addressed to him at his last known address, make a report, verified as true and correct by affidavit on MQ-97—Rice to such person with respect to all rice purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of rice purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the rice, (b) the date of the transaction, (c) the amount of the rice, (d) the serial number of the marketing card (MQ-76—Rice), marketing certificate (MQ-94—Rice), soil bank delivery order (CCC Form 382 or CCC Form 103), or intermediate buyer's record and report (MQ-95—Rice), or the report and penalty receipt (MQ-81—Rice), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the rice purchased or acquired.

§ 730.987 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 730.984, § 730.985, or § 730.986, and who fails to keep any such record or make any such report, or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.988 *Records to be kept and reports to be made by producers.* Each producer with respect to any rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act. Upon written request of the county committee or county office manager any producer shall, within 15 days from the date the request was mailed to him, file with the treasurer of the county committee for the county in which the farm is situated, a farm operator's report on MQ-98—Rice showing for the farm the following information: (a) The total number of pounds of rice produced thereon in the applicable crop year, (b) the name and address of each buyer or transferee of any rice, (c) the amount of rice sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price of consideration for the rice, (e) the amount of unmarketed rice of the applicable crop on hand, (f) the disposition of any rice not otherwise accounted for, and (g) rice acreage for the applicable crop year.

§ 730.989 *Data to be kept confidential.* Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 730.990 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 730.984 to 730.988 and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing in quintuplicate to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.991 *Farms on which the only acreage of rice is nonirrigated rice not in excess of three acres*—(a) *Conditions of exception.* The farm marketing quota of rice for any crop shall not be applicable to any nonirrigated (dry land) farm on which the rice acreage for such crop is not in excess of three acres.

(b) *Issuing marketing cards.* The county office manager or his designee or a member of the county committee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 730.967 to 730.970, inclusive.

§ 730.992 *Experimental rice farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any rice of any crop grown for experimental purposes only on land owned or leased by any publicly-owned agricultural experiment station, and which is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the planting of the rice crop on the farm. The production of foundation, registered or certified seed rice will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager or his designee, or a member of the county committee shall, upon written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 730.967 to 730.970, inclusive.

§ 730.993 *Rice produced on a wildlife refuge farm.* The penalty shall not apply to any rice produced on any farm operated by any Federal or State wildlife refuge farm when all the rice on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 730.967, 730.968, 730.991, and 730.992, but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the rice produced on the farm will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 730.994 *Erroneous notices*—(a) *Erroneous notice of acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice acreage allotment for a crop year which was larger than the finally-approved acreage allotment and the State and county committees find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to rice in excess of the finally-approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage as provided in § 730.955 (b), the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the produced was justified in relying on the erroneous notice of rice acreage allotment for the farm, such determination shall be subject to review and approval by the State committee or on behalf of the State committee, by the State administrative officer before the erroneous allotment is used by the county committee to determine the marketing quota and farm marketing excess for the farm.

(b) *Erroneous notice of measured acreage.* If it is determined that any farm is out of compliance for marketing quota purposes, the farm nevertheless shall be deemed in compliance for marketing quota purposes, if the county committee, with the approval of the State administrative officer determines from the facts and circumstances that: (1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 730.995 *Approval of reporting and record-keeping requirements.* The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3219; Filed, Apr. 30, 1958; 8:45 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812, Amdt. 1]

PART 812 — SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

PRORATION OF DEFICIT IN QUOTA FOR HAWAII

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1958 or until amended or superseded by regulations hereafter made during the calendar year 1958.

Basis and purpose. The regulations in this part which were published at 22 F. R. 11026 established requirements for local consumption in Hawaii during 1958 amounting to 45,000 short tons, raw value, and established a quota equal to such local requirements. Similar requirements and quotas have been established each year under the act and through 1957 Hawaii has been able to fill the quota for local consumption. Currently, however, processors in the Territory of Hawaii have no sugar available for marketing and will have no such sugar available until the harvest of sugarcane, which was suspended about the end of January, is resumed and sufficient time has elapsed to process and refine sugar therefrom. For the most part, consumption of sugar is not deferrable. A requirement for sugar to be consumed today cannot be met by sugar that will not become available until some future date. Thus, the Territory of Hawaii will be unable to fill a portion of its quota for local consumption of 45,000 tons for 1958.

When such a deficit in the quota for any domestic area is recognized, section 204 of the act requires that quotas be revised by prorating such deficit to other domestic areas and Cuba on the basis of the quotas then in effect. Whenever the Secretary finds that any area will be unable to fill its proration of any such deficit, section 204 provides that he may apportion such unfilled amount on such basis and to such areas as he determines is required to fill such deficit.

Quotas for "other domestic areas and Cuba" for consumption in the Territory of Hawaii during 1958, in effect, heretofore have been zero, and, therefore, equal. Puerto Rico and the Virgin Islands will be unable to supply any quantities in addition to the quotas already established for such areas for consumption in the continental United States and in Puerto Rico. Accordingly, the deficit in the quota for consumption in Hawaii is prorated equally among the Domestic Beet and Mainland Cane Sugar Areas and Cuba.

The reallocation, to be effective in making supplies available, must be of sufficient size to make it practical to fill the allocation to each area. A deficit of 15,000 short tons, raw value, is hereby declared.

The provision of § 816.5 (c) that "A marketing of mainland sugar which is consigned by the processor to points outside the continental United States shall not be effective for the purpose of filling a qouta established for the Mainland Cane Sugar Area or the Domestic Beet Sugar Area, or allotments thereof" was intended to apply to the quotas for mainland areas established on the basis of section 202 (a) of the act. Allotment proceedings applicable to such areas have dealt only with quotas for consumption in the continental United States. Therefore, in order to give the provisions of § 816.5 (c) and §§ 814.25 and 814.34 the intended effect such regulations are made inapplicable to quotas for mainland areas for consumption in the Territory of Hawaii.

Thus, marketings for consumption in Hawaii shall have effect for filling the respective area's quota for consumption in Hawaii.

Any delay in the effective date of this amendment is likely to cause a shortage of sugar for consumption in the Territory of Hawaii inconsistent with the objectives of the act. Therefore, the notice and 30-day effective date provisions of the Administrative Procedure Act are impracticable and not in the public interest and this amendment shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary by sections 203, 204 and 403 (a) of the Act, §§ 812.22 and 812.23 are hereby added to Part 812 to read as follows:

§ 812.22 *Deficit in quotas.* A deficit in the quota for Hawaii established in § 812.21 amounting to 15,000 short tons, raw value, is hereby established.

§ 812.23 *Proration of deficit.* (a) The deficit in the quota for sugar to be marketed for consumption in Hawaii determined in § 812.22 is hereby prorated as follows:

Area	*Short tons, raw value*
Domestic Beet Sugar Area	5,000
Mainland Cane Sugar Area	5,000
Cuba	5,000

(b) The provisions of §§ 814.25, 814.34 and 816.5 (c) of this chapter shall not apply to quotas for domestic areas established in this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 201, 203, 209, 210; 61 Stat. 923, as amended, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 25th day of April 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3273; Filed, Apr. 30, 1958; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6528]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SPECIALTY HOUSE, INC., ET AL.

Subpart—*Importing, selling, or transporting flammable wear:* § 13.1057 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111; 15 U. S. C. 45, 1191) [Cease and desist order, The Specialty House, Inc., et al., New York, N. Y., Docket 6528, Mar. 11, 1958]

In the Matter of The Specialty House, Inc., a Corporation, and Samuel Davis, Mortimer L. Taylor, Philip Kures, and William Yanoff, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging importers in New York City with selling silk scarves manufactured in Japan which were so highly flammable as to be dangerous when worn.

Following acceptance of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Specialty House, Inc., a corporation, and its officers, and respondents Samuel Davis, Mortimer L. Taylor, Philip Kures, and William Yanoff, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3246; Filed, Apr. 30, 1958; 8:51 a. m.]

[Docket 6687]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HARSAM DISTRIBUTORS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harsam Distributors, Inc., et al., New York, N. Y., Docket 6687, Mar. 21, 1958]

In the Matter of Harsam Distributors, Inc., a Corporation; and Harry Wagonfeld and Louis Wagonfeld, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commission charging sellers in New York City of their domestically blended "White

Christmas" perfume which contained some imported ingredients, with representing falsely in advertising and on labels that the perfume sold at nationally advertised fictitious prices greatly in excess of the customary prices; and, through use of French words and otherwise, that the perfume was a French product.

On the basis of the record made at the usual proceedings, the hearing examiner made his initial decision and order to cease and desist from which respondents appealed. The Commission denied the appeal, modified the order, and on March 21 adopted it as modified as its own decision.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondents, Harsam Distributors, Inc., a corporation, and Harry Wagonfeld, individually and as an officer of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of "White Christmas" perfume, or any other cosmetic, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Represents that the usual or customary price of any such product is in excess of the price at which such product is regularly or customarily sold in the normal course of business, or that any price which is no lower than the price at which the same product has been regularly or customarily sold in the recent normal course of business is a reduced price;

(b) Represents that any particular figure is a nationally advertised price of such products, when such figure is in excess of the usual and customary selling price of said products;

(c) Includes the words "Concentré Fabriqué avec Essences de France," or "Parfum" or a replica of the tricolor of France, or any other word, term, symbol or depiction indicative of foreign origin, as descriptive of or in connection with products manufactured or compounded in the United States, unless it is clearly and conspicuously revealed in immediate conjunction therewith that such products are manufactured or compounded in the United States;

(d) Otherwise represents that products which are manufactured or compounded in the United States are manufactured or compounded in France, or in any other foreign country; provided, however, that in cases where certain of the ingredients of any products are imported into the United States such fact may be stated if accompanied by a clear and conspicuous statement that such ingredients were blended with domestic ingredients and that the resulting product was bottled and packaged in the United States.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 of this order.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Louis Wagonfeld.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Harsam Distributors, Inc., a corporation, and Harry Wagonfeld, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the initial decision, as modified.

Issued: March 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3247; Filed, Apr. 30, 1958; 8:52 a. m.]

[Docket 6930]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MASONEK & BLOOM, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary:* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Masonek & Bloom, Inc., et al., San Francisco, Calif., Docket 6930, Mar. 20, 1958]

In the Matter of Masonek & Bloom, Inc., a Corporation, Sanford Masonek, Individually and as President of Said Corporation, and Charles L. Bloom, Individually and as Secretary and Treasurer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in San Francisco with violating the Fur Products Labeling Act by false advertising, invoicing, and labeling in connection with the sale of fur products at auction by others pursuant to arrangements under which they furnished price lists and other invoice memoranda and affixed labels to fur products containing purported insurance valuations greatly in excess of their usual prices which were used as the basis of public announcements and other forms of advertising.

Following acceptance of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents, Masonek & Bloom, Inc., a corporation, and its officers, and Sanford Masonek and Charles L. Bloom, individually and as officers of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation, or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding and falsely or deceptively advertising and invoicing fur products through the use of any label, advertisement, public announcement, notice, invoice, or other memorandum, which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which contains any representation as to value in excess of the price at which such products are usually sold by respondents in the regular course of their business;

2. Making use of any pricing claims or representations of the type referred to in paragraph (1) above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims are based;

3. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

(g) The item number or mark assigned to such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Masonek & Bloom, Inc., a corporation; Sanford Masonek, individually and as president of said corporation; and Charles L. Bloom, individually and as secretary and treasurer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 20, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3248; Filed, Apr. 30, 1958; 8:52 a. m.]

[Docket 6710]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BLACK MANUFACTURING CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Black Manufacturing Company, Seattle, Wash., Docket 6710, Mar. 20, 1958]

This case was heard by a hearing examiner on the complaint of the Commission charging a manufacturer with principal place of business in Seattle, Wash.—a substantial factor in the work clothes and sportswear industry in the Pacific Northwest and Alaska—with discriminating in price in violation of section 2 (d) of the Clayton Act by paying allowances for cooperative advertising to some, but not all, of its customers, which payments, additionally, followed no particular pattern but were determined by personal negotiation; and in violation of section 2 (a) of the Clayton Act through use of an annual users discount and freight allowances.

After the usual proceedings, the hearing examiner made his initial decision and order to cease and desist violating section 2 (d) and dismissing the charges of violation of section 2 (a) for failure to sustain them, which became on March 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Black Manufacturing Company, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device in, or in connection with the sale of work clothes and sportswear, including jackets and trousers of whipcord and denim, or any other similar products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondent, or its successors and assigns, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That the charges of the complaint set out in Count I thereof be, and the same are hereby, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 20, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3249; Filed, Apr. 30, 1958; 8:52 a. m.]

[Docket 6984]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

IRIE MANUFACTURING CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c) [Cease and desist order, Irie Manufacturing Company, Inc., et al., New York, N. Y., Docket 6984, Mar. 19, 1958]

In the Matter of Irie Manufacturing Company, Inc., U. S. Blanket Corporation, Corporations, and Nat Nasshorn, David Nasshorn and Larry Curtis, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging importers in New York City with violating the Wool Products Labeling Act by labeling blankets as "50 percent reprocessed wool, 50 percent cotton and artificial fibers" when they contained substantially less wool than so claimed, and with failing in other respects to comply with the requirements of the act.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Irie Manufacturing Company, Inc., and U. S. Blanket Corporation, corporations, and their officers, and respondents Nat Nasshorn, David Nasshorn and Larry Curtis, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of blankets or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to, or place on each such product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

a. The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

b. The maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling, or adulterating matter;

c. The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3250; Filed, Apr. 30, 1958; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1958 Dept. Cir. 1008]

PART 338—REGULATIONS GOVERNING TREASURY SAVINGS STAMP AGENTS FOR THE SALE OF UNITED STATES SAVINGS STAMPS AT SCHOOLS [1]

APRIL 25, 1958.

Sec.
338.1 Authority for circular.
338.2 Eligibility for applying for agency.
338.3 Qualification of agents.
338.4 Responsibility of agents.
338.5 Scope of authority of Treasury Savings Stamp Agent.
338.6 Supplying stamps to agents.
338.7 Accounting for stamps by agents.
338.8 Records and reports, preparation, maintenance and destruction by agents.
338.9 Losses in transportation.
338.10 Action by postmasters in connection with an agent's failure to account.
338.11 Termination of an agent's qualification.
338.12 Miscellaneous.

AUTHORITY: §§ 338.1 to 338.12 issued under sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c.

§ 338.1 *Authority for circular.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended, 31 U. S. C. 757c), hereby prescribes the regulations in this part for the qualification and control of Treasury Savings Stamp Agents.

§ 338.2 *Eligibility for applying for agency.* Any individual is eligible to apply for qualification as a Treasury Savings Stamp Agent to sell United States Savings Stamps (hereinafter referred to as stamps) at a specific school or schools in the United States, its territories and possessions and the Canal Zone, upon being recommended for qualification by (a) the principal or superintendent, or other person in charge of a school, (b) a duly constituted school board, or (c) with the consent of the appropriate school official or board to the sale of stamps at the subject school, an organization, association or a unit of a state or nationally federated civic, parents', parent-teachers', service, teachers', veterans', or women's organization.

§ 338.3 *Qualification of agents.* An eligible applicant seeking qualification as a Treasury Savings Stamp Agent (hereinafter referred to as an agent) shall file a duly completed Application-Agreement, Treasury Form PD 2949 (original and two copies), with the local State Director of the Treasury's U. S. Savings Bonds Division. The term "State Director" shall include any director appointed by the U. S. Savings Bonds Division for the District of Columbia or for any territory or possession of the United States or the Canal Zone. If such Application-Agreement is accepted, the State Director will certify it and distribute a copy bearing his certification to (a) the postmaster of the post office, branch or station designated in the application, and (b) the agent. Upon receipt of such copies, the postmaster and the agent are authorized to perform the functions necessary to effect the sale of stamps as provided in this part. An applicant is not authorized to act as or to represent himself to be a Treasury Savings Stamp Agent unless and until he receives a completed copy of his Application-Agreement bearing the certification of the State Director.

§ 338.4 *Responsibility of agents.* Each agent will be responsible for the faithful performance of his duties and functions and for fully accounting for all stamps received without prepayment, as provided in this part.

§ 338.5 *Scope of authority of Treasury Savings Stamp Agent.* An agent qualified pursuant to this part is authorized to sell stamps only at the school or schools designated in the agent's Application-Agreement, and in accordance with the provisions of this part. Agents may sell stamps only for cash and at their face value. Qualification as a Treasury Savings Stamp Agent does not authorize an individual to act in any other agency capacity for or on behalf of the Treasury Department.

§ 338.6 *Supplying stamps to agents*—(a) *Agents.* Each agent is authorized to obtain stamps without prepayment in denominations and amounts sufficient to meet the agent's anticipated sales for the day of a school week designated by the appropriate school official as the day when U. S. Savings Stamps may be purchased by students of the school, provided that the agent has properly accounted for stamps previously obtained without prepayment. Each agent shall call at the post office designated in his Application-Agreement to obtain the stamps and in exchange therefor shall sign a Post Office Department receipt form covering the full amount of the stamps. The stamps may be obtained by the agent on the day they are to be sold or on the preceding business day. The post office from which an agent obtains stamps shall be kept advised by the agent of his stamp requirements.

(b) *Post Offices.* The post office, branch, or station designated in an agent's Application-Agreement (hereinafter referred to as the post office) is authorized to supply such agent with stamps without prepayment in accordance with the provisions and limitations of this section. The receipt which the agent is required to sign shall be retained by the post office subject to return to the agent when all of the stamps covered by the receipt have been fully accounted for.

§ 338.7 *Accounting for stamps by agents*—(a) *General.* All stamps obtained by an agent without prepayment, and the proceeds of sales thereof, are the property of the United States and shall be held in trust by the agent for the United States until duly accounted for. The total value of such stamps must be accounted for by the agent not later than the second business day following the day the stamps were to be sold at the school served by the agent. The accounting shall be in the form of unsold stamps or cash, or both, and shall be made at the post office from which the stamps were obtained. If sickness or other disability prevents the agent from making a timely accounting, he shall cause the appropriate post office to be notified of the reasons for his failure to make such accounting.

(b) *Accounting made in full.* When the stamps are fully accounted for the postal employee to whom the accounting is made shall mark "canceled" over his signature and the current date on the receipt covering the stamps (see § 338.6), and shall immediately return the receipt to the agent. If such receipt is not available for any reason the postal employee shall, over his signature and current date, appropriately record the facts of the accounting and the unavailability of the receipt on Treasury Form PD 2950 (see § 338.8 (b)) for the agent's record.

(c) *Accounting not made in full.* If the agent does not fully account for the stamps, the postal employee to whom the accounting is made shall appropriately note the facts, under the current date, on the agent's receipt and require the agent to endorse such notation. The receipt will be retained by the post office until a full accounting is made. A similar notation of the facts shall be made and endorsed by the postal employee on Treasury Form PD 2950 for the agent's record.

§ 338.8 *Records and reports, preparation, maintenance and destruction by agents*—(a) *Receipts by agents for stamps obtained without prepayment.* Sections 338.6 and 338.7 cover the preparation and distribution of receipts for stamps obtained by agents without prepayment. A receipt duly canceled and returned to an agent shall be retained by him one calendar month after the month in which it is returned after which the agent may retain or destroy the receipt as he may elect.

(b) *Record of transportation of stamps and proceeds thereof to post office.* Each agent shall keep a record, in duplicate, by calendar month, of unsold stamps and/or the proceeds of stamp sales shipped or otherwise delivered during the month to the post office. A Treasury Form PD 2950 is provided for this purpose. Entries shall be made on Form PD 2950 at the time each shipment or delivery is made. The agent shall take the duplicate copy of Form PD 2950 with him each time he makes an accounting to the post office for stamps that he obtained without prepayment. The original and the duplicate copy of this form shall be retained one calendar month after the date of the last shipment recorded thereon, after which the agent may retain or destroy them: *Provided, however,* That when (1) unsold stamps or the proceeds of stamp sales are lost, stolen or destroyed in transit, or (2) the agent does not account in full for stamps covered by a receipt, the Form PD 2950 (both copies) shall be retained by the agent until one calendar month after the deficiency is removed, unless the form is delivered to the Treasury.

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[1] This is to facilitate the carrying out of the Treasury's School Savings Program as administered by the Savings Bonds Division of the Treasury Department.

(c) *Other.* Other records prepared and maintained by and for the agent's own use may be disposed of at the discretion of the agent: *Provided, however,* That any records, affidavits, etc., that are prepared in connection with a loss which may be the subject of a claim to the Treasury for relief shall be retained as provided in § 338.9 (d).

§ 338.9 *Losses in transportation*—(a) *General.* The Government Losses in Shipment Act, as amended, (5 U. S. C. 134–134h) provides protection against losses arising from shipments of valuables made at the risk of the United States, if the shipments are made in accordance with prescribed regulations. The term "shipment" as used in this part is defined (in the same manner as provided in the Government Losses in Shipment Act, as amended) to mean "the transportation or the effecting of transportation of valuables without limitation as to the means or facilities used * * *." The transportation of stamps from the post office to the school and of unsold stamps and/or cash from the school to the post office by or in the possession of a Treasury Savings Stamp Agent are shipments of valuables at the risk of the United States. Accordingly, an agent may be relieved of his accountability for stamps if they are lost, stolen or destroyed in shipment (see paragraph (d) of this section).

(b) *Preparation for transportation.* The amount of stamps and/or proceeds thereof being transported from or to the post office must be established, prior to transportation, by actual count by the agent. The agent's receipt given at the post office for stamps obtained without prepayment will constitute an adequate record of the amount of stamps being transported by the agent to the school.

(c) *Procedure for transportation and delivery.* An agent must transport and deliver the stamps and/or the proceeds thereof in person, using due care to prevent loss, theft or destruction in transit. The agent's trip may be made on foot or by private or public transportation facilities.

(d) *Report of losses and presentation of claims for relief.* Losses occurring during the transportation by an agent of stamps or the proceeds thereof shall be promptly reported by the agent to (1) the State Director who certified the agent's Application-Agreement and (2) the post office. Local police authorities should also be notified if the loss is occasioned by theft. If prompt recovery of the loss does not seem possible, the agent should supplement the report of loss by presenting his claim for relief to the State Director who, in turn, will present it for consideration by the Treasury Department. The agent's claim should be supported by the appropriate duplicate copy of Form PD 2950; the report of any investigation made; action taken or expected to be taken and of any results obtained or expected; statements by the agent as to the circumstances and cause of the loss; and, if available, statements or affidavits of any witnesses to the incident causing the loss. The foregoing data need not be furnished if it has previously been furnished to or obtained by the Treasury's Secret Service. Stamp agents should bear the foregoing requirements in mind so that in the event of a loss, they may be in a position to obtain data for justifying a claim for relief from the loss. Unless the records referred to in this part have been turned over to the Treasury they should be retained, notwithstanding the provisions of § 338.8, until one calendar month after the claim is settled. An agent will be relieved of liability for a loss occurring during his transportation of stamps or the proceeds therof, unless it arose as a result of his failure to comply with the provisions of this part and instructions issued hereunder.

§ 338.10 *Action by postmasters in connection with an agent's failure to account.* Postmasters should promptly report any failure of an agent to account, in whole or in part, for stamps supplied to the agent without prepayment. Such reports should be made to the State Director of the U. S. Savings Bonds Division who certified the respective agent's Application-Agreement.

§ 338.11 *Termination of an agent's qualification.* The Secretary of the Treasury, the Fiscal Assistant Secretary of the Treasury, the National Director or a State Director of the U. S. Savings Bonds Division may terminate the qualification of a Treasury Savings Stamp Agent at any time, by written notice to the agent, in which event a copy of such notice will be sent to the post office concerned. A qualified agent may withdraw from and discontinue his agency by giving an appropriate written notice to the office of the State Director of the U. S. Savings Bonds Division who certified the agent's Application-Agreement: *Provided, however,* That the agent will be obligated to make a full accounting for all stamps received by him without prepayment.

§ 338.12 *Miscellaneous.* The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of this part and to provide supplementary instructions for operations hereunder. Information as to any such actions shall be promptly furnished to agents concerned.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this document.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3242; Filed, Apr. 30, 1958; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 64 (OPR-4, Revised)]

OPR-4—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE TO DECOMMISSION SHIPS TO BE WITHDRAWN FROM OPERATION AND PLACED IN A RESERVE FLEET

OPR-4 (NSA Order No. 64) is hereby revised to read as follows:

Sec.
1. What this order does.
2. General Agents' responsibilities.
3. General Agents' duties.
4. General provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order outlines General Agents' responsibilities in connection with the work required for the proper stripping and deactivation of ships assigned to reserve fleets, whenever advice is received that a ship is to be withdrawn from operation. Generally, this order also defines the nature and extent of the work required to properly prepare a ship for layup.

SEC. 2. *General Agents' responsibilities.* It shall be the responsibility of the general agent to perform the following:

(a) Reduce the ship's personnel to only those necessary to perform or supervise the work involved, as soon as practicable after receipt of instructions to prepare the ship for layup and to remove unnecessary supplies and material from the ship to segregate and hold, deliver, or otherwise dispose of supplies and materials as directed.

(b) Prepare specifications covering deactivation work. The District Office will furnish the general agent with a standard sample specification for guidance, which is to be amended as necessary after the agent has surveyed the vessel to meet conditions existing on each individual vessel.

(c) Properly supervise the work outlined herein and assure that copies of all specifications are furnished to the local Maritime Administration office and to all department heads and ships' officers employed on board during the deactivation period.

(d) Obtain a United States Coast Guard towing permit when required for a vessel which is to be towed.

SEC. 3. *General Agents' duties.* The general agent for the account of the Maritime Administration shall have the following items of work performed prior to delivering the ship to the reserve fleet:

(a) *Holds and 'tween decks*—(1) *Grain fittings, ammunition fittings, special fittings and dunnage.* All dunnage, grain fittings and ammunition fittings shall be removed from the ship, unless otherwise directed by the Coast Director.

(2) *'Tween deck hatches and beams.* All 'Tween Deck hatch beams shall be properly in place. All wooden 'tween deck hatch covers shall be spread over hatches, leaving a three-inch air space between hatch covers. A piece of dunnage is to be nailed 'thwartships to each hatch cover to prevent movement of covers. Steel pontoon and folding type hatch covers shall be securely wedged in a partially open position to permit proper circulation of air. 'Tween deck hatches shall be properly and entirely roped off.

(3) *Weather deck hatches.* All weather deck hatches shall be closed and secured to ensure water-tightness.

(4) *Cleaning.* All holds and 'tween decks to be left free of any debris and swept clean. This includes limber spaces, channels and overhead beams accumulating cargo residue and other debris.

(5) *Bilges.* All cargo hold bilges and bilge wells shall be cleaned and drained. Cargo hold bilge strainer plates shall be removed and stowed adjacent to the bilge wells. All sounding pipes are to be proven free and clear.

(6) *Ventilators.* All ventilator cowls shall be unshipped, stowed and secured in the nearest 'tween deck. Ventilator trunks shall be plugged with wood and canvas covered.

(7) *Storerooms.* All storerooms, deck, engine and stewards, including magazines, are to be swept clean and free of debris.

(8) *Smokestack.* Close all skylights, doors and hatches to the engine room and fidley. When so directed by Maritime Administration representative, furnish and install cover for stack. Same to be constructed of one-inch tongue and groove kiln-dried pressure-treated boards or equal with proper strengthening on underside, to fit into stack and covered on weather side with substantial waterproof material made watertight. Cover shall be fitted with access hatch about 24 inches square, located over centerline baffle to permit entry of man during stack preservation. Secure cover by means of sufficient wire lashing attached to the stack stays. This item to be completed immediately after the boilers are cleaned.

(b) *Lifeboats and life rafts.* Lifeboats shall be completely stripped of all gear, and equipment except tanks, ridge poles, spreaders, rudders, oars and masts. The tanks are to be unfastened but remain in their respective boats. The lifeboats on Liberty ships shall be stowed in the wings of the 'tween decks of No. 2 and No. 4 holds, and on Victory ships in No. 3 and No. 4 holds. On other type vessels, if possible the boats should be stowed in the 'tween decks of the nearest hold. The Maritime Administration local representative may make determinations on ships where lifeboats cannot be stowed below decks that the lifeboats may be warehoused, left on board, or otherwise disposed of. Boats stowed in 'tween decks shall be properly chocked and secured in an upright position at least two feet inboard of the skin of the ship and six inches off the deck. Boats left on board but not stowed in 'tween decks shall be secured and covered with suitable wooden covers built over each boat. Worm gears on lifeboat davits shall be thoroughly greased. Wire boat falls on gravity davits and boat winches shall be removed, tagged, greased and stowed in sheltered area. When an unstripped lifeboat is required to be left on board in davits for use of a riding crew accompanying the ship to a reserve fleet, the boat shall be left in either port or starboard after davits. Life rafts shall be removed from the vessel. The boat deck in way of removed boats shall be roped off with wire rope or chain securely fastened to welded flat bar stanchions.

(c) *Lifeboat motors.* If lifeboats are stowed on weather decks, the motors are to be removed from the boats, properly drained, tagged, and stowed in a sealed compartment. The motors on lifeboats which have been stowed below decks are to be drained. The gasoline is to be removed from tanks, after which the system is to be flushed with carbon tetrachloride.

(d) *Accommodation ladders and brow type gangways.* Wooden accommodation ladders and wooden brow type gangways shall be unshipped from present locations, together with all gear, including stanchions, platforms, davits, tackle, etc., and stowed in a convenient 'tween deck two feet from the skin of the ship and six inches from the deck.

(e) *Booms and masts.* All booms shall be stripped without burning shackles or fittings, and all gear coiled, tagged and stowed below in the respective 'tween decks. Heavy lift blocks, purchase and topping lift, shall be unshipped and neatly stowed in the 'tween decks, on the deck, clear of the hatch and skin of the ship so as to permit preservation without further handling. Heavy lift blocks shall be secured with lashings. All booms except the heavy lift shall be lowered into the cradles properly wedged to prevent them from resting on the metal of the cradle and properly wedged under the goosenecks to prevent them from freezing in sockets. Goosenecks are to be coated with preservative compound. Heavy lift booms are to be jacked up and lowered vertically in place on wood blocks to allow gooseneck pins to be preserved. All telescopic topmasts shall be lowered and housed. Signal and antenna masts where hinged shall be lowered to the deck and properly secured as directed.

(f) *Radio antenna.* Radio antenna and insulators shall be rigged down, carefully coiled, secured, and stowed in a sealed storeroom.

(g) *Mooring wires and rope hawsers.* A total of eight lengths of wire, each with a 6-foot eye, minimum ⅞-inch diameter, each 250 feet minimum length, shall be coiled and left on deck, four forward and four aft, ready for use at the reserve fleets for mooring. Wire spring lines, topping lifts and purchases for heavy lifts may be used. Insurance wires also shall be ready fore and aft. All other wires shall be neatly coiled, tagged, and stowed in the 'tween decks. Rope hawsers and all other manila rope shall be removed from the ship and disposed of as directed by Maritime Administration representative.

(h) *Anchor windlass.* On steam operated windlasses remove section of steam line in way of steam valve and secure same with wire adjacent to windlass. Install flange with 1½-inch pipe connection for air. Remove exhaust valve completely and secure same with wire adjacent to exhaust line. Blank off sections of steam and exhaust lines going aft. Electric anchor windlasses are to be left ready for service. Exposed moving parts subject to deterioration are to be coated with preservative.

(i) *Sanitary bowls, sinks and wash basins.* All sanitary traps, toilet bowls, sinks and wash basins shall be dried out and trap plugs removed and wired adjacent. All head and washroom doors shall be locked after inspection of the vessel prior to departure for the fleet.

(j) *Narcotics.* All narcotics, including paragoric and morphine syrettes from abandoned ship kits, shall be removed and disposed of in accordance with General Services Administration regulations, Section 1–IV–102.00, Disposal of Surplus Narcotics, "Regulation of GSA" Title I, Personal Property Management.

(k) *Subsistence stores.* All subsistence stores, including canned lifeboat rations and water, shall be removed from the ship and disposed of as directed by the local Maritime Administration representative.

(l) *Stripping.* All items constructed of wood, metal, glass, crockery and plastic shall remain aboard, with the exception of valuable equipment such as barometers, clinometers, clocks, binoculars, chronometers, sextants, tachometers, typewriters, adding machines, micrometers, firearms, silverware, etc. These valuable items shall be cleaned, repaired if necessary, properly tagged and packaged to assure against damage in handling, and returned to warehouse. The duty must be paid on all foreign-purchased instruments removed. The following items shall be removed, properly tagged, and disposed of as directed by local U. S. Maritime Administration representative:

(1) All slop chest items, medicines and surgical instruments.

(2) Remove lead-acid batteries only, and dispose of as directed by a Maritime Administration representative. Alkaline type batteries shall remain aboard and be prepared for storage as follows:

(i) Fill each cell with distilled water to the midpoint between top of plate and top of cell container.

(ii) Charge batteries to 1.75 volts per cell. When this voltage is reached continue charge for six hours.

(iii) Check specific gravity of each cell and ascertain that specific gravity is between 1.190 and 1.200. If not, correct to obtain reading within the aforementioned range. Electrolyte level, if low, should be restored to ¾ inch above plates.

(iv) Ensure that battery trays are clean and dry.

(v) Disconnect batteries and tag battery leads.

(vi) Remove inter-connectors to interrupt any stray current circuits. Place connectors and bolts in envelope and store with batteries.

(vii) Cell tops are to be cleaned.

(viii) Check steel cases of cells to ensure they have complete coating of (a) Nicadvar bitumastic maintenance coating or (b) Gaco neoprene maintenance coating N–700–1.

(ix) Insure all battery vent caps are closed.

(3) All entertainment radios, lifeboat radios, and lifeboat transmitters.

(4) All electric and pneumatic hand tools, A. C. fans, oxygen-breathing apparatus, fresh air hose mask, flame safety lamp, and other protective equipment.

(5) All cordage, scrap rope, net slings and rope ladders.

(6) All coal and forge coke.

(7) All inflammables, paints, greases and oil in containers, pyrotechnics such as Lyle gunpowder bags, rockets, flares, primers, pilot signals, etc.

(8) All freon, oxygen, hydrogen and acetylene gas cylinders, and all empty or partially empty drums and carboys to be returned to the suppliers for credit. All CO_2 cylinders shall remain aboard.

(9) All deck, engine and steward's consumable stores, except pipe, pipe fittings and plumbing supplies, electrical fittings and supplies, fire brick, hardware, metals, hand tools and packing.

(10) Mattresses and pillows selected for return to warehouse are to be cleaned, renovated and sterilized. Curtains, spreads and rugs so selected are to be laundered. All items to be counted, packaged by type, and properly tagged.

(11) Miscellaneous blocks and other deck equipment shall be neatly stowed on shelves in the bosun's storeroom. Blocks are to be separated from other equipment to allow preservation without further handling. All gear or equipment shall be removed from mast lockers. Loose equipment shall not be left laying about the decks but shall be neatly stowed in storerooms.

(12) All boiler water testing equipment and material, including water conditioning compounds.

(13) All canvas, signal flags, bunting, canvas windsails, life jackets, life rings, etc.

(14) Name boards and all electric navigation lights, unless permanently installed, shall be removed from locations and properly stowed. All weather-exposed binnacles and sounding machines to be removed from present locations and stored in sealed storerooms.

(15) Cargo floodlights, searchlights, daytime blinker signal searchlights, debarkation lights, etc., unless permanently installed, are to be removed from present locations and stowed in sealed storerooms.

(16) All sheet metal constructed storage boxes, such as lyle gun box, boat fall boxes, etc., which are exposed to the weather shall be removed from their present locations and stowed in 'tween decks.

(m) *Sealing up rooms.* All items remaining aboard of a pilferable, fragile or delicate nature, such as tools, galley gear, mess gear, and spare parts of small size, shall be placed in a storeroom behind a solid metal door. The door shall then be closed and, if a hasp and keeper is not provided, such hasp and keeper shall be installed and door shall be sealed with a numbered metal car seal to the satisfaction of the Maritime Administration representative. Expanded metal lockers shall not be used for the stowage of pilferable material.

(n) *Books, log books, blueprints and navigation books.* Merchant Marine Library books shall be removed by the Merchant Marine Library Association. All log books and bell books shall be listed in a covering letter and forwarded to the District Property and Supply Officer, Maritime Administration, 45 Broadway, New York 4, New York. Copies of the covering letter shall in each case be sent to the Chief, Division of Office Services, Office of Property and Supply, Maritime Administration, U. S. Department of Commerce, Washington 25, D. C., and to the cognizant Coast Director who shall check each list to ensure completeness of submissions. Blueprints, instruction books, ship's plans and ship's correspondence shall be properly sorted and stored in metal cabinets located in chief engineer's or master's office. Navigation charts are to remain in chart desk.

(o) *Rented equipment.* Owners of all rented equipment shall be requested to remove all such equipment before the ship departs for the fleet.

(p) *Main radio installation.* Main radio installation—to be serviced and prepared for layup as follows:

(1) Open all switches.

(2) Remove all spare radio tubes, fuses and spare parts, etc., and pack, mark and stow in spare parts box in sealed storeroom.

(3) Inspect equipment for fungus, mold, dampness, verdigris or any other deterioration. Where such conditions exist the affected surfaces are to be carefully dried and cleaned to prevent further damage. All weather deck openings to the radio room shall be closed prior to the start of the deactivating work to prevent moisture from entering.

(q) *Bunker fuel oil.* With the exception of diesel oil which may remain aboard in any quantity, bunker fuel oil must not be on board in excess of 1,000 barrels or less than 500 barrels unless otherwise directed by local Maritime Administration representative, and duty must be paid on all oil of foreign origin if removed, but not if transferred to another ship. Whenever possible, remaining fuel oil shall be pumped back to the settling tanks.

(r) *Peloruses and gyro compass repeaters and compasses.* Peloruses and gyro compass repeaters shall be properly disconnected (not cut), tagged, and stored face down, compasses (magnetic and gyro repeaters) shall be removed from binnacles and also stowed upside down; the radar, loran, direction finder, fathometer, and spare master gyro tubes, fuses, spare parts, shall be collected, tagged, wrapped and stowed in a spare parts box, all of which shall be placed in sealed storeroom. The master gyro compass room, if suitable, may be used.

(s) *Garbage and trash.* All garbage and trash shall be removed and the deck swept clean.

(t) *Keys and ship's documents.* All master keys, including head and washroom keys, shall be tagged and turned over to the fleet representative by the master upon arrival of the ship at the fleet. All other keys shall be tagged and locked in the master's safe. All the ship's documents and papers shall also be delivered by the master to the fleet representative, together with a list of these documents and papers in triplicate. The fleet superintendent will give the master a signed receipt for all papers and keys. The combination of the ship's safe shall be left among the ship's papers.

(u) *Securing the engine room and machinery components.* (1) The propulsion shaft or shafts on all ships shall be secured and locked by using a keeper plate on tailshaft coupling. Plate to be drilled for three coupling bolts and fitted to the coupling flange on topside using original coupling bolts. Keeper plate to be ¾-inch steel plate properly secured to steel frames by four 1-inch diameter fitted bolts, two on each side. Installation is to permit keeper plate to be removable. In no instance shall jacking gear be left engaged to act as a brake.

(2) Stern glands shall be tightened or repacked to prevent leakage.

(3) For ships going to fleets south of Astoria, Oregon and James River, Virginia, all sea valves are to be tightly closed and valve wheels securely wired to the valve body in a closed position to prevent accidental opening, except that, where blank flanges are installed against the skin valve, valve wheels need not be wired. Leaking sea valves below the light water line must be repaired or blanked off at the skin valve. In all cases where any piping or machinery is disconnected or opened, and the possibility exists that a leaky valve or the opening of a valve would permit access of sea water, all such valves below the light loadline are to be properly blanked off. For ships going to fleets north of Suisun Bay, California and north of Wilmington, North Carolina, break flanges, furnish and install blank flanges, minimum ⅜-inch steel plate, in way of all sea valves below light loadline. A ¾-inch extra heavy nipple is to be fitted and welded in center of blank flanges, and fitted with a cap. These blank flanges are to be tested and proven tight. Extreme care is to be taken in draining the systems so that all piping, fittings, etc., are fully drained.

(4) Specifications and uniform cold weather draining instructions have been prepared for all ships entering Pacific Northwest fleets and fleets north of Hatteras on the East Coast, which will be supplied by local Maritime Administration representatives. Strict compliance is required.

(5) Engine room bilges: Tank tops in engine room, fire room and shaft alley shall be thoroughly cleaned, all debris removed, and bilges left dry. Bilge strainer plates shall be removed and stowed alongside of bilge wells.

(6) Open all circuit breakers and switches on the main switchboard.

switches energizing circuits in bad condition shall be tagged accordingly.

(7) The rudder shall be secured in a midship position as directed, to prevent shifting under tow.

(v) *Servicing propulsion machinery for reciprocating, turbine and diesel engines*—(1) *Reciprocating main engine cylinders and valve chests.* The main engine cylinders and valves are to be drained free of all water and all exposed parts coated lightly with rust preventive compound.

(2) *Main engine piston rod and valve stem packing.* The metallic packing assembly on each piston rod and valve stem is to be dropped; all boxes, segments, rings and springs are to be cleaned of all carbon or other foreign matter. At completion of cleaning, all boxes, packing segment rings and springs are to be coated with rust preventive compound. The packing assembly parts of each rod and valve stem are to be bundled in heavy oiled paper, tagged and stored in a sealed storeroom. The piston rods and valve stems are to be cleaned and coated with rust preventive compound. The packing box securing studs and nuts are to be coated with rust preventive compound, and all packing boxes replaced with securing nuts at half thread position. On ships going into cold weather fleets, the lower bull's eye on H. P., I. P. and L. P. cylinders are to be drained by lowering the cylinder neck bushings. Tags to be affixed stating that neck bushings are to be replaced as originally positioned upon reactivation of vessel.

(3) *Line shaft bearings, guides and thrust.* Water service lines are to be disconnected and drained. Connections to be released at lowest point to assure proper drainage.

(4) *Main thrust.* The main thrust bearing, when separately housed, shall be drained, cleaned and left dry.

(5) *Generators (steam end).* Cylinders to be drained through drain valves and valves left open. Piston rods and valve stems to be coated with rust preventive compound.

NOTE: Piston rod and valve stem packing not to be removed.

(6) *Generators (electrical end).* The commutator brush springs are to be released, the brushes removed and fastened firmly together and wired adjacent to, but clear of, rotating element.

(7) *Auxiliary machinery.* All steam cylinders and steam valve chests and water ends on all machinery throughout the ship are to be drained after the steam and exhaust lines leading thereto have been dealt with as required elsewhere in this directive. Special attention shall be paid to that portion of these lines between machinery and throttle valves or riser pipes in the immediate vicinity. It is not required that pump heads be raised or that cylinder heads and valve plates be removed or loosened to provide full drainage. Removal of plugs or drain valves during air blowing will suffice. Probe drainage opening with wire where no evidence of condensate can be seen. All exposed working parts are to be covered with rust preventive compound.

NOTE: Valve stem, piston rod and shaft seal packing need not be removed.

(8) *Main boilers.* The water side of all boilers shall be thoroughly flushed and cleaned of all loose scale, mud and other foreign material. This shall include economizers, superheaters and water walls. After cleaning, all parts shall be thoroughly drained. One manhole plate on steam drum and one handhole plate in each end of each boiler removed. Handhole plates are to be secured by wire to a stud adjacent to its respective location. Boiler casing doors shall be removed and stowed adjacent to respective boilers. Burners and tips shall be removed and stowed in engineroom storeroom. Fire side of all boilers shall be thoroughly cleaned, including fire sides of generating tubes, air heaters, stack, uptakes and superheaters. All debris and foreign matter shall be removed ashore. Under no circumstances shall water or steam be used in cleaning the fire side of any boiler, economizer, superheater or water wall. Boiler room area shall be swept and left in a clean, orderly condition. Foster Wheeler design boilers on Victory type vessels shall have the diaphragm plates removed in way of downcomer tubes. The inspection plate removed to accomplish this work shall be installed as a portable plate secured with dogs.

(9) *Main air pump and attached pump.* The main air pump and attached ram pumps are to be drained of all water by slacking back on inspection plate openings and removal of drain plugs where necessary. At completion of draining all removals made for the purpose are to be left open and drain plugs wired adjacent to openings.

(10) *Main condenser, auxiliary condenser, freon condenser and distiller.* All condensers and distillers are to be drained on the steam, liquid and salt water side, except freon side of reefer condenser, by the removal of drain plugs or breaking of joints where drain plugs are non-existent. Whatever method of drainage is employed, all removals are to be replaced as before with no outlets from the condensers left open.

(11) *Steam, exhaust and water lines.* The contractor is to open up all steam, exhaust and water lines throughout vessel, including tank heating coils at the lowest points and extremities, by the removal of drain plugs, valve bonnets, or other suitable means, and blow out by compressed air all water or condensation from such lines. At completion of draining all removals made for this purpose are to be left open and drain plugs wired adjacent to openings. Insulation blankets shall be removed from throttle and stop valves and flanged connections on boilers and large steam lines. Those found in good condition shall be tagged and stowed in a sealed storeroom.

(12) *Evaporator.* The evaporator is to be opened up, scaled, cleaned and drained. The cover studs and nuts are to be coated with rust preventive compound and the cover replaced slightly ajar to ensure circulation of air into the shell. All nuts are to be replaced hand tight on the studs.

(13) *Feed water heater.* The feed water heater is to be opened up, cleaned and drained. The cover studs and nuts are to be coated with rust preventive compound, cover replaced slightly ajar, and nuts placed on studs hand tight.

(14) *Filter box and inspection tank.* The filter box and inspection tank are to be drained and the drain plugs wired adjacent to openings.

(15) *Steam traps and manifolds.* All steam traps and manifolds are to be drained and the adjacent lines are also to be drained. At completion of draining, all removals made for the purpose are to be left open, and drain plugs wired adjacent to openings.

(16) *Grease extractors.* All grease extractors shall be cleaned and drained and loofa sponges and similar purpose material removed and disposed of off the ship.

(17) *Steam, exhaust and liquid valves.* All manifold and other valves throughout the vessel, including boiler valves and machinery operating valves, which do not affect seaworthiness, are to be left with the valve disc raised off the seat.

(18) *Reducing valves.* All reducing valves are to be drained and all removals made for this purpose are to be left open and drain plugs wired adjacent to openings.

(19) *Main throttle valves.* The main throttle valve is to be thoroughly drained and the drain plugs are to be left out and wired adjacent to valve.

(20) *Freon refrigeration system.* The freon refrigeration system shall be charged to full capacity of gas, after which the system is to be blanked off in such manner as to ensure that full charge is maintained. The condenser to be thoroughly drained.

(21) *Tools.* All tools of every description except those otherwise specified for removal are to be cleaned, coated with rust preventive compound, and placed in the storerooms. The doors leading to each storeroom are to be closed and sealed. Storerooms to be assigned by U. S. Maritime Administration Surveyor.

(22) *Main and all auxiliary turbine units.* Thoroughly drain all main and all auxiliary turbine units and their connections of all water and moisture by the removal of drain plugs and drain valve bonnets, or breaking of joints. At conclusion of draining, all openings made for the purpose of draining are to be left open. Drain plugs to be wired adjacent to openings.

NOTE: Main and auxiliary turbine shafting and packing assemblies are to remain intact.

(23) *Main and auxiliary turbines; lubricating oil systems and sumps.* Transfer all lubricating oil from each sump tank, both main sump and all auxiliary sumps to a reserve tank, after which open up and thoroughly clean all sumps and close up as before. Drop sufficient clean lubricating oil to each sump tank, after which circulate clean oil through each respective lubricating oil system. While the lubricating oil is being circulated, each turbine unit, both main and auxiliary, is to be jacked over

five (5) complete revolutions to ensure that clean oil has circulated through each bearing and gear of the respective units. At completion of jacking and oil circulating, the oil in the various sump tanks is to be pumped back to the reserve tank and all sumps left empty.

(24) *Turbine driven feed pump.* Drain all liquid from the lubricating oil sump tank. Open up and thoroughly clean, after which close up as before. Flush all bearings with clean lubricating oil.

(25) *Motors; deck winches, capstans and steering gear.* The commutator brush springs are to be released and the carbon brushes removed, wired and stored in controller boxes adjacent to motors. Take insulation resistance readings of all generators and motors on vessel except those of fractional horsepower. The results of those readings shall be included in the condition survey. On exposed motors all defective inspection plate gaskets are to be renewed to ensure that each motor is watertight.

(26) *Deck winch and capstan controller boxes and master switches.* Remove the covers from each controller box and master switch box of each deck winch and capstan, dry out any moisture and close up in watertight condition. Any and all defective gaskets are to be renewed to ensure that each box is watertight.

(27) *Diesel auxiliary generator.* Thoroughly drain all liquids from the water jacket, heat exchangers, lubricating oil system and sump. Thoroughly clean the sump tank and close up as before. By use of hand pump, flush the entire lubricating oil system with clean lubricating oil and, during the flushing operation jack the engine over five (5) revolutions to ensure that all bearings are well coated. At the conclusion of this operation, remove the oil from the sump and leave the system closed up and intact.

(28) *Steam boilers (heating).* Flush down the water sides with fresh water, after which thoroughly drain off all water. Remove one (1) manhole plate and one (1) handhole plate if such exists and secure the removed plates adjacent to their respective locations with wire. Thoroughly clean the fire sides including the uptakes and stack, and remove all debris ashore.

NOTE: Neither steam nor water shall be used for cleaning fire sides of boiler.

(29) *Heat exchangers, oil coolers and distiller.* All heat exchangers, including lube oil coolers and the distiller, with the exception of fuel oil heaters, are to be drained on the steam, liquid and salt water sides by the removal of drain plugs or breaking of joints where plugs are non-existent. At the completion of draining, all removals made for this purpose are to be left open, plainly marked, and drain plugs wired adjacent to openings.

(30) *Diesel main engine and generators.* Remove all oil from the crank cases and sumps of main engine and generators by pumping such oil into the settling tank. Thoroughly clean the sump tanks and all crank cases, and close up as before. Fill each sump tank with sufficient clean lubricating oil to circulate the lubricating systems of each engine. Circulate the clean lubricating oil through each system under pressure and, while the oil is being circulated, each engine is to be jacked over five (5) complete revolutions. At the conclusion of this operation the clean oil left in the sump tanks is to be pumped back to the reserve tanks. The daily service fuel oil tank is to be pumped out dry, tank thoroughly cleaned, and closed up as before. The water jackets of main engine and for auxiliaries are to be thoroughly drained, and all openings made for draining are to remain open. Open up and clean the exhaust manifolds and exhaust stack including silencer, which also shall remain open. Remove all debris ashore.

(31) *Lubricating oil and fuel oil centrifuges.* Open up and thoroughly clean the centrifuges of the lubricating oil and fuel oil systems. Sediment drain tanks to be opened, thoroughly cleaned, and left open upon completion.

(w) *Steering engine gears and steering engine room.* All rods and gears of the steering engine are to be coated with rust preventive compound and steering engine room is to be broom-cleaned and left in an orderly condition. Any and all resultant debris to be removed ashore.

(x) *Inventory.* Inventory shall be effected in accordance with instructions issued by the local Maritime Administration office.

(y) *Certificates of inspection, registry, enrollment, and radio license.* Ship's Certificate of Inspection shall be turned in to the United States Coast Guard, and the Ship's Radio License shall be sent to the Federal Communications Commission, Washington 25, D. C. The general agent shall deposit the Certificate of Registry or Enrollment in office of Collector of Customs of the District in the area where the ship is to be laid up, and noted on the Certificate of Redelivery, Form No. MA2-104, the place and date of deposit of either or both certificates if used.

(z) *Property transfer notice.* Material removed to another Maritime Administration activity shall be covered by Property Transfer Notice, in accordance with Management Order No. 538. Property Transfer Notices must accompany all material to a U. S. Maritime Administration warehouse. All other material removed for disposition must be covered by listing, as directed by local Maritime Administration office.

(aa) *Drydocking.* Drydocking will be required when records indicate underwater repairs are necessary, or that period since last drydocking was greater than six (6) months. When drydocking is required, the following items of work shall be accomplished:

(1) *Anchor chains.* While vessel is on drydock, range both chains and wash off clean; drain and clean chain locker and hand pump system. Chains and chain locker to be coated with metal conditioning compound. At completion restow chains in lockers.

(2) *Peak tanks, void tanks and double bottom fresh water tanks.* While vessel is on drydock remove bleeder plugs and flush out to remove mud and sand. Upon completion replace plugs as before.

(3) *Stern gland.* The stern gland is to be completely repacked with approved packing.

(4) *Hull cleaning and painting.* Sandblast to bare metal a 4-foot band all around from 2 feet above to 2 feet below flotation line. Apply one coat of vinyl wash primer and two coats of anticorrosive paint to bare surface.

(bb) *Condition surveys.* A condition survey shall be prepared reflecting the condition of all parts of the vessel, its equipment and appurtenances, such survey to be effected jointly by representatives of the Division of Ship Repair and Maintenance, the Division of Operations, and the general agent. In preparing condition survey, items requiring corrective action contained in repair lists, American Bureau of Shipping reports, notes of protest, or U. S. Coast Guard citations, are to be included and specifically referred to. Wherever possible, estimated costs for corrective repairs are to be shown. There should also be included in survey report special structural information involving type, volume and location of ballast, booms, gyro compasses, radar, and other specific installations that would provide valuable information in determining condition of vessels for withdrawal preference. Copies of condition survey are to be distributed in accordance with existing procedures, similar to redelivery surveys effected on vessels from BBC operation. When condition surveys disclose safety hazards such as defective ladders, handrails, etc., or where items of work are required to prevent deterioration in reserve fleet, they shall be repaired prior to sending the ship to the fleet.

(cc) *Ballast.* Liquid ballast not essential for stability purposes shall be removed unless otherwise directed. Sand and loose rock ballast shall also be removed, but poured concrete or block ballast shall not be removed unless specifically directed by the local Maritime Administration representative. Valuable metallic ballast shall be reported in the condition survey report.

(dd) *Electrical receptacles.* All weather-exposed electrical receptacles are to be closed to prevent leakage. Missing caps and vapor globes are to be replaced on weather decks.

(ee) *Fore peak tank, after peak tank No. 1 and No. 2 deep tanks; port and starboard; and void tanks.* These tanks are to be opened, drained, and all covers are to be replaced watertight.

(ff) *Fresh water double bottom tanks.* Prior to delivery to fleet, the fresh water double bottom tanks are to be pressed up with fresh water.

(gg) *Domestic fresh water tanks and service water tanks.* Domestic tanks and all hot and cold water service tanks throughout the vessel are to be drained by removing drain plugs, removing valve bonnets, or breaking joints. At completion of draining, all removed or disturbed parts are to be left open and plainly marked. Drain plugs shall be wired adjacent to openings.

(hh) *Cleanliness of quarters.* Drawers and lockers shall be thoroughly cleaned and no equipment shall be left in quarters unless otherwise specified in these instructions. Rooms shall be stripped of all linen, wearing apparel or other articles. Rooms shall be swept clean and doors locked. All staterooms, galleys, messrooms, refrigerated spaces, shall be stripped and cleaned. Portholes shall be dogged and chart room windows securely closed.

Food: Food shall not be left in refrigerators, messrooms, or storerooms, and those spaces shall be thoroughly cleaned. Reefer spaces shall be thoroughly cleaned and the gratings stowed on end and the doors secured in an open position. No food shall be left on board by riding crews. Galley stoves shall be disconnected and moved out approximately 2 feet from bulkhead in order to expose all areas for preservation. Canopies, fans and air ducts above the galley range shall be thoroughly cleaned of all grease, ash, carbon, etc., and made ready for preservation. Burner, furnace and range to be cleaned. Galley stack to be cropped approximately 4 feet above deck and trunk plugged with wood and canvas covered. Stack shall be stowed in tween deck.

(ii) *CO_2 controls.* Master CO_2 controls shall be disconnected, all CO_2 bottle stop valves tightly closed, and CO_2 rooms shall be locked. These requirements must be strictly observed.

(jj) *Fire fighting equipment.* All portable fire extinguishers shall be removed except CO_2 extinguishers, which shall be left in place aboard ship. All fire fighting hoses shall be removed from vessel and disposed of as directed. The semi-portable foamite fire extinguishers in engine room shall be emptied, cleaned, and loosely re-assembled.

(kk) *Riding crews.* (1) Unvented oil stoves for heating quarters shall not be furnished riding crews for ships under tow.

(2) The riding master shall at all times maintain full control over the riding crew. Upon the arrival of the ship at the reserve fleet, fleet officers will inspect the ship along with the riding master to determine that satisfactory conditions exist relative to sanitation, security and safety.

(3) The riding master shall receive from the fleet representative a receipt upon delivery of the keys and ship documents after the joint inspection. A sample format is set forth below as Exhibit A.

(ll) *Limiting drafts.* It shall be the responsibility of the agent delivering the ship to reduce the draft to the minimum practical for the type. In any case, the draft shall not be in excess of the draft limit allowable for the fleet site to which the ship has been ordered. The draft limits for the various reserve fleet sites are as follows:

	Feet
Hudson River	25
James River	24
Wilmington, N. C	16
Mobile, Ala	15½
Beaumont, Tex	16
Suisun Bay, Calif	18
Astoria, Oreg	24
Olympia, Wash	25

The foregoing are maximum drafts and not mean drafts. If a ship's draft when ready for delivery to a fleet site exceeds the maximum draft listed for that site, the master shall immediately contact the local Maritime Administration office for further instructions.

(mm) *Greases and preservatives.* Where this order requires preservatives to be used, they shall comply with the following specifications: Compound, Metal Conditioning, Spec. No. MIL–M–15205a, Grade II Compound, Rust Preventive, Type B, Medium Grade, USMC Specification No. 52–MC–602A.

(nn) *Navigational equipment for towing.* In order that the vessels will comply with all regulatory requirements of the U. S. Coast Guard and rules of the road while being towed to a reserve fleet, the following items of equipment are required to be aboard. They have been assembled in the form of a "kit" which is available from the local Maritime Administration office.

1 red side light (kerosene).

1 green side light (kerosene).

1 fixed stern light (kerosene).

2 anchor lights (kerosene) 360°/3 mi. white light.

2 "Not under command" lights, red (kerosene) with 6-foot tack line on each.

3 black balls (2 feet diameter) with 6-foot tack line on each.

1 ea. International Code flags "N" and "C".

1 signal pistol with 12 red parachute flares in watertight container.

1 hand-operated fog horn.

1 ship's bell forward.

1 fog gong aft.

1 pilot ladder, 40 feet (chain and aluminum construction).

1 supply of kerosene in can.

1 life jacket per member of riding crew, plus 25 percent spares.

In addition, the following halyards shall be left in place:

Bridge—For "Not under command" lights, ship's, and International Code flags.

Forward—For anchor ball and light, not less than 20 feet above the deck.

Aft—For anchor light, not less than 15 feet lower than forward anchor light or other accessible device for suspending the light.

Upon delivery of the vessel to the reserve fleet this equipment is to be turned over to Fleet Superintendent for his disposal.

(oo) *Tags.* Wherever tagging is mentioned throughout this order, tags supplied shall be of non-ferrous metal or plastic, impervious to oil, water and weather.

SEC. 4. *General provisions.* (a) The General Agent's Completion Report shall be filled out and signed by a responsible member of the general agent's operating department, preferably the master of the ship, and given to the fleet representative of the fleet to which the ship is delivered. A copy of this report shall be forwarded to the local Maritime Administration office, where the ship was prepared for layup. A sample format is set forth below as Exhibit B.

(b) A "Cost of Preparation for Layup Report" shall be filled out in triplicate and two copies forwarded to the National Shipping Authority, Chief, Division of Operations, Washington 25, D. C., and one copy forwarded to the respective Coast Director, as soon as possible after delivery of the ship to the fleet site. A sample format is set forth below as Exhibit C.

(c) Detailed instructions will be issued by the local Maritime Administration representative wherever mentioned in the foregoing.

(d) Copies of all layup specifications are to be made available to the local Maritime Administration office for screening and approval before submitting to contractors. Before awards are made, the local office representative must review and approve the award. General Agents will make the award designated by the local office. Copies of all bid tenders to be made available to the local office.

(e) An authorized Certificate of Redelivery furnished by the NSA shall be processed and filled out by the respective Coast Director and forwarded to the General Agent for execution and return. Five copies of the executed certificate shall be forwarded by the Coast Director to the National Shipping Authority, Chief, Division of Operations, Washington 25, D. C. The disposition of the ship's marine documents (Certificate of Registry or Enrollment or Temporary Enrollment if used) shall be stated on the Certificate of Redelivery showing place and date of deposit.

Approved: April 23, 1958.

[SEAL] WALTER C. FORD,
Deputy Maritime Administrator.

Exhibit A

U. S. DEPARTMENT OF COMMERCE MARITIME ADMINISTRATION NATIONAL SHIPPING AUTHORITY

SHIP CONDITION RECEIPT

Date..
To:.., General Agent of the SS..
This will certify that the subject ship arrived at.......................... ....
(time) (date)
at the.......................................Fleet and was found to conform with the acceptance requirements, except as noted below.

1. Stability and watertight integrity
2. Cleanliness and sanitation
3. Storerooms
4. Inventory of ship's documents
5. Keys
6. Remarks:

....
Fleet Superintendent

cc: Local Maritime Administration office where ship prepared for layup, Coast Director.
comm–dc

Exhibit B

U. S. DEPARTMENT OF COMMERCE MARITIME ADMINISTRATION NATIONAL SHIPPING AUTHORITY

GENERAL AGENT'S COMPLETION REPORT

S. S. or M. S..
Prepared for layup at..
Date..
General Agent..
Delivered to Reserve Fleet at..
Date of Delivery..

The above ship was prepared for layup in full accordance with U. S. M. A., NSA Order No. ____ (OPR-____).

Signed..
Title..

Exhibit C

U. S. DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION
NATIONAL SHIPPING AUTHORITY

COST OF PREPARING FOR LAYUP AND STRIPPING

Name of ship ________ Operator ________
Taken over on GAA—Date ________ Time ________ Port ________
Date ordered to prepare for layup ________
Date and place commenced preparations for layup ________ Finished ________
Date departed for R. F ________ Date entered R. F ________
Was preparation done by contractor or crew? ________
Name of contractor ________
Expense incurred from time delivered under GAA for layup to time delivered to Reserve Fleet

Ship expenses (itemize)		Cost of other preparation work—stripping, trucking, etc. (itemize)	
Wages of crew (exclusive of riding crew)	$		$
Subsistence			
Lodgings			
Consumable stores			
Fuel consumed			
Wharfage			
Pilotage			
Night watchman (guards)			
GAA fees			
Other miscellaneous expenses			
Duty on foreign-purchased equipment			

Cost of harbor tugs—shifting ship (itemize) $________
Cost of local towage to fleet ________
Cost of deep sea towage ________

Total $________

Handling lines $________
Riding crew expenses:
  Wages ________
  Subsistence ________
  Return Transportation ________

Total $________

Summary of Expenses

Ship expenses $________
Contractor's costs for preparing vessel for layup ________
Cost incidental to cleaning ship, packaging and removal of ship material ________
Cost of tugs ________
Handling lines ________
Riding crew expenses ________

Grand Total $________

NOTE: Name of ship and operator must appear on each sheet.

[F. R. Doc. 58-3245; Filed, Apr. 30, 1958; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 20, 2d Revision]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Part 272 is hereby revised to read as follows:

Sec.
272.1 Purpose.
272.2 Subsidy condition survey requirements.
272.3 Subsidy condition survey instructions; general.
272.4 Execution of subsidy condition survey reports.
272.5 Distribution.
272.6 Subsidy maintenance and repair procedure.
272.7 Subsidy repair summaries.
272.8 Categorizing and allocating charges.
272.9 Modifications, alterations, additions and betterments.
272.10 Maintenance (upkeep) and repairs; definition.
272.11 Examples of expenses ineligible for subsidy participation at the maintenance (upkeep) and repair rate.
272.12 Definition of "consumables," "expendables" and "expandable equipment".
272.13 Effective date.

AUTHORITY: §§ 272.1 to 272.13 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

§ 272.1 *Purpose.* The purpose of this part is to establish the policy and procedure to be followed by the Maritime Administration, and by the subsidized steamship operators in conducting subsidy condition surveys and accomplishment and reporting of maintenance and repairs on vessels approved for operation under the Federal Maritime Board Operating-Differential Subsidy Agreements.

§ 272.2 *Subsidy condition survey requirements.* (a) Condition surveys of vessels approved for subsidized operation shall be conducted in the following instances:

(1) At the commencement of the first subsidized voyage of each vessel placed in subsidized operation, except newly constructed vessels which enter subsidized service immediately upon completion of building and for which there is a survey report made by the Trial and Guarantee Survey Boards of the Maritime Administration or any other condition report satisfactory to the United States.

(2) At the commencement of the first voyage of each vessel after resumption of subsidized operation following temporary withdrawal from subsidized operation. For the purposes of the surveys required by this subparagraph and subparagraph (5) of this paragraph a vessel which is not withdrawn from the agreement, shall not be considered as temporarily withdrawn if it performs unsubsidized voyages in a subsidized service of the same operator.

(3) At the commencement of the first voyage of each vessel following the effective date of the establishment of a maintenance (upkeep) and repair subsidy rate, if such subsidy rate was not established as of subparagraph (1) of this paragraph.

(4) Upon the discontinuance of a maintenance (upkeep) and repair subsidy rate.

(5) Upon the withdrawal of each vessel from subsidized service, either temporarily or permanently. For the purposes of the surveys required by this subparagraph and subparagraph (2) of this paragraph a vessel which is not withdrawn from the Agreement, shall not be considered as temporarily withdrawn if it performs unsubsidized voyages in a subsidized service of the same operator.

(6) Upon the termination of the last voyage of each vessel within each recapture period or at the end of such recapture period with respect to subsidized vessels in idle status at that time.

(7) Upon the termination of the last voyage of each vessel under the operating-differential subsidy contract or at the end of the contract period with respect to subsidized vessels in idle status at that time, unless such contract is immediately superseded by a new operating-differential subsidy contract with the same operator.

(b) A vessel commencing subsidized operation outside the continental limits of the United States shall be surveyed immediately at her first port of call in the United States, and it shall be incumbent upon the operator to make arrangements with the appropriate Ship Repair and Maintenance Field Office for the conducting of such survey.

§ 272.3 *Subsidy condition survey instructions; general.* Instructions and information relative to conducting subsidy condition surveys as outlined in § 272.2 will be furnished the respective Coast Directors by the Office of Government Aid with informative copies of the notifications to the Department Office of the Division of Ship Repair and Maintenance; however, the Ship Repair and Maintenance Field Offices are authorized when requested by subsidized operators, to conduct condition surveys specified in § 272.2. At the time a subsidy condition survey is to be conducted, the operator is to be invited to arrange for attendance of his representative; however, such representative is not required to be present.

(a) Condition surveys conducted in conformance with requirements of subparagraphs (1), (2) and (3) of paragraph (a) of § 272.2 will be reported on Form MA-58 and shall be prepared in sufficient detail to readily reveal a comprehensive picture of the conditions noted and shall contain indication of the "Record", "Deferred", "Unsighted", and "Builder's and/or Repair Contractor's Responsibility" items. Forms MA-55 Condition Report—Turbine and Gears, MA-56 Tooth Contact Report, MA-57 Drydock Report and MA-59 Diesel Engine Report are to be used as applicable.

(1) *Record items.* This classification shall be indicated in the survey beside all items revealing conditions which, in conformance with good commercial practice do not require immediate repairs.

(2) *Deferred item.* This classification shall be indicated in the survey beside all items which, in accordance with good commercial practice, require repairs, but which are postponed, or items which are classification and/or Coast Guard requirements carrying a grace period for performance thereof.

(3) *Unsighted items.* This classification shall be indicated in the survey beside all items not opened up for internal inspection and those items of the vessel's underwater body which could not be inspected due to the vessel being afloat.

(4) *Builder's and/or repair contractor's responsibility.* This classification shall indicate those items which have been determined to be the builder's or repair contractor's responsibility.

(b) The condition surveys prescribed in subparagraphs (4), (5), (6), and (7) of paragraph (a) of § 272.2 shall be accomplished as follows:

(1) The subsidized operator shall prepare and furnish the appropriate Ship Repair and Maintenance Field Office detailed repair specifications covering all work outstanding on the vessel after completion or repairs for the voyage immediately preceding the survey requirement. The Ship Repair and Maintenance Field Office shall conduct an inspection of the vessel prior to its next sailing for the purpose of assuring that the operator's specifications cover outstanding defects which require attention and which are attributable to subsidized operation. These specifications, together with the findings of the Ship Repair and Maintenance Field Office regarding the contents thereof, shall constitute the subsidy condition survey report required by the Operating-Differential Subsidy Contract.

(2) The Operator shall furnish the Ship Repair and Maintenance Field Office with sufficient copies of the specifications, perpared pursuant to subparagraph (1) of this paragraph, to meet the latter's needs.

(3) In those cases involving discontinuance of a maintenance and repair rate, permanent withdrawal from subsidized service or contract termination without simultaneous renewal, the work contained in these specifications and verified by the Ship Repair and Maintenance Field Office as defects attributable to subsidized operation, will not be considered for subsidy participation unless it is accomplished not later than the next drydocking period (periodical or otherwise) and providing ownership is retained by the particular operator.

(4) No work except the correction of such defects as are detailed in the specifications will be considered for subsidy participation.

(5) When and as any outstanding items noted in Recapture Condition Surveys are subsequently repaired without termination of contract, they are chargeable to the period covered by the Survey Report.

(c) The operator shall make arrangements with the appropriate Ship Repair and Maintenance Field Office for the conducting of surveys required by this part. The operator shall assist the representative of the Ship Repair and Maintenance Field Office, and shall permit access to all parts of the vessel, its log books and official records.

§ 272.4 *Execution of subsidy condition survey reports.* All survey reports are to be signed by an authorized representative of the operator of the vessel involved, if such representative was in attendance, as well as by the Marine Surveyor who conducted the survey, and by the appropriate representative of the Division of Ship Repair and Maintenance under whose jurisdiction the survey was conducted.

§ 272.5 *Distribution.* It shall be the responsibility of the respective Maritime Administrative Field Office to compile sufficient copies of the subsidy surveys in order to make distribution as follows:

(a) One copy to the Departmental Office Division of Ship Repair and Maintenance, Washington, D. C.

(b) One copy to the operator of the subsidized vessel involved.

(c) One copy to be retained in the files of the Field Office of the Division of Ship Repair and Maintenance under whose jurisdiction the survey was conducted.

§ 272.6 *Subsidy maintenance and repair procedure.* (a) The preparation of specifications, the awarding of maintenance and repair contracts, the inspection and approval of maintenance and repairs as to workmanship, quality, materials and satisfactory completion are all the responsibility of the subsidized operator.

(b) Subsidized operators shall in sufficient time, notify the representative of the Division of Ship Repair and Maintenance in the appropriate Maritime Administration Field Office as to the contemplated date and port of arrival of a subsidized vessel, so that a Marine Surveyor of the Division of Ship and Maintenance may make an inspection of proposed maintenance and repairs, and check repair lists as to the necessity for the work involved.

(c) Subsidized maintenance and repairs shall be awarded on a competitive bid basis whenever practicable or advantageous. However, work awarded on a negotiated basis shall be considered for subsidy participation if the operator furnishes satisfactory reasons for the necessity of awarding the work on other than a competitive bid basis. The Division of Ship Repair and Maintenance shall be invited to have a representative present at the negotiation of price for such work and it shall be his responsibility to determine the justification for performance of maintenance and/or repairs by the subsidized operators on a non-competitive basis, as well as reasonableness of negotiated prices. Findings in this respect shall be incorporated in the letters prepared by the Chief, Ship Repair and Maintenance Branch, transmitting to the Departmental Office in Washington, D. C., the maintenance and repair summaries covering the work involved. However, if the operator has given the district representative advance notice of his intention to negotiate the cost of repairs, the absence of such representative during the negotiations, shall not, in itself, prejudice the right of the operator to receive subsidy on such repairs.

(d) The repairing and maintenance upkeep of subsidized vessels by any subsidiary company, holding company, affiliate company, or associate company of the operator, as differentiated from directly hired shore gang labor, is subject to written approval by the Maritime Administration pursuant to section 803, Merchant Marine Act, 1936, as amended. Requests for such approval shall be addressed to Division of Contracts, Office of Government Aid, Maritime Administration, Washington, D. C. When such work is performed on subsidized vessels by any subsidiary company, holding company, affiliate company, or associate company of the operator, the specifications shall be itemized in detail and item priced.

(e) Maintenance and repair specifications, including those covering work to be performed by operator's shore gang are to be prepared in sufficient detail to permit determination of the reasonableness of prices, and are to include the items necessary for maintaining the vessel in a seaworthy condition, and in an efficient state of maintenance and repair. Contractor's invoices shall contain the contractor's price on each individual item contained in the specifications, and, whenever applicable, the item numbers contained in the applicable subsidy survey shall be indicated against the respective corrective items in the maintenance and repair specifications. Itemized prices shall be furnished for work performed by shore gangs and such item prices shall be further segregated between labor and material charges.

(f) Completion Certificates: A responsible official of the subsidized operator's engineering staff or the vessel's appropriate officers having knowledge of the work involved, shall certify on the Completion Certificate that the work involved was necessary, was satisfactorily completed, and the prices for the work covered thereby are fair and reasonable, or state any exceptions thereto. Form MA-139, "Certificate For Completion of Work", shall be utilized for this purpose and it shall be the responsibility of each subsidized operator to reproduce and furnish his own required supply of these forms. The signature of the Marine Surveyor, Maritime Administration, is not required on this form. The work covered by any Completion Certificate not executed in accordance with the foregoing provisions of this paragraph will not be eligible for subsidy until such deficiency is corrected.

(g) There must be attached one Form MA-139 to each repair specification submitted by the operator for subsidy consideration with the exception that if more than one repair specification is issued to the same contractor, one Completion Certificate may be prepared in detail to cover all specifications issued to that contractor during one repair period.

(h) In all cases where the operator furnishes material to the contractor from (1) ship's stores, (2) operator's warehouse, or (3) direct purchase for a specified job, he shall note on the invoice, requisition slip, expenditure voucher, or other form of transfer memorandum, the contract number and item number on which said material was used. The following form is suggested:

Requisitioned Materials—Received and Installed in connection with:

Voyage No. ______ Item No. ______
Order No. ______

____
(Operator's representative)

(i) A priced copy of the certified invoice, requisition slip, expenditure voucher, or other form of transfer memorandum shall be attached by operator to the contract referred to and submitted in support of the "Subsidy Repair Summary" (Form MA-140).

(j) Where a requisition covers work in the nature of services such as boiler water treatment, compass adjusting, ship's radio servicing, survey fees, etc., involving a total expenditure of less than $1,000.00, no Completion Certificate is required—an item priced copy of the invoice will suffice.

§ 272.7 *Subsidy repair summaries.* (a) The subsidized operators shall prepare a Repair Summary (Form MA-140) for each terminated voyage, including the voyages of vessels which have been temporarily withdrawn from subsidized service. This summary must be carefully prepared and executed, and must cover all expenditures both domestic and foreign made on requisitions for maintenance and repairs. On vessels which have been permanently withdrawn from the Operating-Differential Subsidy Contract, the operators shall submit repair summaries properly supported by the documents referred to in paragraph (b) of this section, covering only the correction of defects noted in off-subsidy survey reports. Each operator shall furnish his own required supply of this form.

(b) The subsidized operator shall submit the Repair Summary, as well as supplements thereto, supported by copies of all documents pertinent thereto, such as repair specifications, requisitions, completion certificates, invoices, underwriters and classification society surveys, property transfer notice, scrap credit or other forms of credit memoranda, etc., to the appropriate Ship Repair and Maintenance Field Office upon completion of repairs charged to the terminating voyage, and within 120 days after the vessel involved has sailed from her last United States port of call on the next outward voyage.

(c) The appropriate field representative of the Division of Ship Repair and Maintenance shall make a review of the Repair Summary for the purpose of ascertaining that all pertinent and required information and data are attached and in order, and shall transmit the Repair Summary with all supporting data to the Chief, Division of Ship Repair and Maintenance, Washington, D. C.

(d) After review of the Repair Summary and supporting papers, the Departmental Office of the Division of Ship Repair and Maintenance, Washington, D. C., shall furnish the operator with a letter (one copy of which shall be forwarded to the Division of Audits), setting forth determinations as to eligibility of those costs for subsidy participation which are claimed in the "Subsidizable" Total of the MA-140. This letter will also contain qualified approvals on Marine Loss items as outlined in paragraphs (e) and (f) of this section. The operator is to retain this letter with his copy of the repair summary for reference when audit is made of the repair accounts of the respective vessel. Such repair summary, together with the said letter, shall be retained for two years after final release or settlement agreement is completed between the Federal Maritime Board/Maritime Administration and the operator.

(e) To eliminate the necessity of the operators resubmitting domestic repair costs incident to marine losses for technical review and approval by the Departmental Office of the Division of Ship Repair and Maintenance, such repair costs shall be listed on the MA-140 under a separate column headed "Marine Loss", and not included in either the "Subsidizable" or "Non-Subsidizable" totals. The letter referred to in paragraph (d) of this section will contain the determinations as to approval of such marine loss items for subsidy participation; such approvals will be qualified to cover the items providing they are not recoverable from insurance.

(f) Within 120 days after all damage applicable to the "policy voyage" as defined in the operator's insurance policy is repaired, in the case of franchise or deductible not being reached, or within 120 days from the date of underwriters' rejection of insurance claim, the subsidized operator shall advise the respective District Comptroller, by letter, of those costs previously reported on Form MA-140 as Marine Losses which have been qualifiedly approved by the Departmental Office of the Division of Ship Repair and Maintenance and which are not recoverable from insurance. The respective District Comptrollers will verify that such costs have not been recovered.

(g) Within 90 days from the date of the Division of Ship Repair and Maintenance letter mentioned in paragraph (d) of this section, the subsidized operator shall refer to the Chief, Division of Ship Repair and Maintenance, Washington, D. C., for reconsideration any and all cases in which he does not agree with the decisions that a particular maintenance or repair expense shall not participate in subsidy. All decisions, unless appealed to the Division of Ship Repair and Maintenance, Washington, D. C., within the prescribed 90 days, shall be final. In his response to such appeals the Chief, Division of Ship Repair and Maintenance will indicate whether the decision rendered therein is final. Such "final determination" letters will have the concurrence of the Chief, Office of Ship Operations.

(h) The operator may appeal to the Federal Maritime Board pursuant to the provisions of section 6 of Administrator's Order No. 184, if after exercising the appeal provisions stipulated above he does not accept the "final determination" of the Chief, Division of Ship Repair and Maintenance.

(i) The subsidized operator shall prepare an Annual Repair Summary, utilizing Form MA-140A, covering all voyages of subsidized vessels terminating during the current calendar year. This Annual Repair Summary is to be prepared separately for each type of vessel (Cargo, Combination Passenger and Cargo, and Passenger), and further segregated between Maritime Administration types, i. e., C1A steam, C1A diesel, etc., and submitted in duplicate to the Chief, Division of Operating Costs and one copy to the Chief, Division of Ship Repair and Maintenance, at the same time as the voyage repair summary covering the final voyage terminated in the calendar year is submitted. It shall be the responsibility of the subsidized operator to reproduce and furnish his own required supply of this form. These forms are to reflect in their respective totals, all adjustments required pursuant to paragraphs (d), (e), (f) and (g) of this section, which are at hand when the Forms MA-140A are prepared.

§ 272.8 *Categorizing and allocating charges.* (a) The operator shall exercise due diligence and accuracy in categorizing and identifying, both in specifications and in Form MA-140, those items on which subsidy is requested. The categories of work listed on the Form MA-140 are as follows:

(1) *Drydocking and underwater repairs (A-1 and A-2).* To include all expenditures for drydocking and underwater repairs including tailshaft, rudder, sea valves, sea chests, bottom painting, hull repairs and any other work that requires drydocking of vessel.

(2) *Boiler and machinery repairs (B-1).* To include all expenditures for repairs to main and auxiliary machinery, boilers, distilling units, compressors, pumps, piping, etc., and all appurtenances thereto.

(3) *Hull and deck repairs (B-2).* To include all expenditures for repairs other than electrical work, to hull (shell plating above light load line), decks, superstructures, bulkheads, access openings, hull fittings, cargo handling machinery, standing rigging, masts, kingposts, booms, steering and anchor engines and gear, holds, tanks, piping systems, cargo refrigeration, machinery and appurtenances, lifeboats, etc.

(4) *Electrical repairs (B-3).* To include all expenditures for electrical re-

pairs, such as motors, armatures, electrical wiring, lighting, ship's radio, radar, fixed loud speaker and telephone systems, searchlights, fathometer, etc.

(5) *Exterior painting (C-1).* To include the cost of preparation of surfaces for, and painting exterior surfaces of hull (from light load line), decks and deck equipment, superstructure, cargo booms, masts, etc.

(6) *Interior painting (C-2).* To include cost of preparation of surfaces for, and painting interior surfaces of vessel, including public spaces, cabins, machinery spaces, cargo holds, tanks, etc.

(7) *Tank cleaning (C-3).* To include cost of cleaning domestic fresh water and feed water tanks, ballast tanks, fuel oil and lube oil tanks, removal of all dirt and debris from bilges, preparation of surfaces and application of prescribed coating to same.

(8) *Boiler cleaning (C-4).* To include expenditures for cleaning fire and/or watersides of boilers.

(9) *Miscellaneous subsidized repairs and maintenance not classified.* To include cost of recurring inspection fees and repairs and maintenance not classifiable under the above subsidizable subclassifications (subparagraphs (1) to (8) of this paragraph).

(10) *Improvements.* To include costs properly subsidizable in accordance with § 272.9.

(11) *Marine losses.* To include all domestic costs attributable to marine losses, regardless of franchise or deductible, and whether or not recoverable from underwriters (stevedore damage not to be included in this category).

(b) In the event a vessel to which this part is applicable shall have terminated voyages during the calendar year which:

(1) Were made in more than one subsibized service, or

(2) Were made in subsidized service, as well as unsubsidized service while under the Operating Subsidy Agreement, or

(3) Were made in services requiring a reduction of subsidy due to operations in domestic trades, or

(4) Were made in a subsidized service which was affected by subsidy rate changes,

the operator shall be required to allocate the total maintenance (upkeep) and repair costs of the vessel which have been approved by the Division of Ship Repair and Maintenance to all voyages terminating during the calendar year on the ratio which the number of days in each such voyage (determined in accordance with Part 281 of this chapter) bears to the total of the voyage days of the vessel during the year.

(c) During any such year or shorter period, the operator shall be entitled to receive payments on account of Operating-Differential Subsidy on repairs charged to each voyage at the rates determined by the Federal Maritime Board as applicable to the service and on the basis authorized by the Operating-Differential Subsidy Agreements; necessary adjustments shall be made following the close of the year or shorter period, after giving effect to the adjustments required by paragraph (b) of this section.

§ 272.9 *Modifications, alterations, additions and betterments.* (a) Any modifications, alteration, addition or betterment (work of such nature being herein called "improvements") effected during any one or a series of repair periods, whether or not in conjunction with other repairs, the aggregate cost of which does not exceed $50,000, if otherwise eligible, shall be considered for operating-differential subsidy participation, in accordance with the provisions set forth in paragraphs (b) and (c) of this section, provided the vessel is not permanently withdrawn from its subsidy contract within a period of one (1) year after completion of the work.

(b) Any improvement which does not exceed in the aggregate $10,000 is to be treated as operating expenses entitled to operating-differential subsidy participation at the rate in effect at the time that the contract for such improvement is awarded.

(c) Any improvement involving an aggregate cost in excess of $10,000 but not in excess of $50,000, shall be set up as deferred charges, and a proportionate amount charged as operating expenses of succeeding voyages, subsidized and/or non-subsidized. The operating-differential subsidy rate in effect at the time the work is contracted for is to apply on the cost of the proportionate amounts as and when charged to operating expenses of succeeding subsidized voyages. The length of time over which such charges shall be spread, shall be determined by the Departmental Office of the Division of Ship Repair and Maintenance. In determining the length of time over which these charges are to be spread, there shall be taken into consideration the remaining life of the vessel based on a 20-year life expectancy from date of build, or any extension of said period made pursuant to section 607 (b), Merchant Marine Act, 1936, as amended, the probable length of time during which the vessel will be operated in subsidized services, and the probable useful life of such improvements.

(d) Any improvement effected during any one or series of repair periods involving an aggregate cost in excess of $50,000 shall ordinarily be considered capital expenditures. However, consideration will be given to applications, in particular instances, for the treatment of expenditures of this nature in excess of $50,000 as deferred charges entitled to operating-differential subsidy participation in accordance with paragraph (c) of this section, provided such applications are made to the Chief, Division of Ship Repair and Maintenance, Washington, D. C., prior to award of the work involved, who shall, over the signature of the Chief, Office of Ship Operations, refer all such cases to Office of Government Aid with full information and recommendations thereon sufficiently in advance of commencement of the work to permit determination as to the treatment thereof.

(e) Subject to findings in each instance that the work involved constitutes reconditioning or reconstruction expenditures of this nature in excess of $50,000 will be given consideration for construction-differential subsidy, if application is made for such subsidy under the provisions of Title V, Merchant Marine Act, 1936, as amended, and the Federal Maritime Board grants such subsidy prior to the award of such work.

(f) Any contract or work order involving an improvement, the aggregate cost of which is in excess of $5,000.00, shall be supported in its respective repair summary with an explanation by the operator as to the reason for or purpose of, such improvements, and anticipated benefits.

(g) When the operator desires to spread the work incident to any improvement over more than one repair period, he shall make application to the Chief, Division of Ship Repair and Maintenance in writing, outlining the expected benefits of the improvement, the scope of work involved, number of voyages over which the work will be spread and the estimated total cost, and if such application is approved, the operator shall report the actual total cost of such work in the Repair Summary, covering the repair period in which it is finally completed, and shall attach a copy of the approval to the appropriate Summary (Form MA-140).

(h) The provisions of this section shall not be applicable to improvements required to alter, outfit, or otherwise equip a vessel for its intended subsidized service which in the opinion of the Administration should have been effected prior to the initial entry of the vessel into subsidized service. Such improvements shall not be subsidizable, except in accordance with section 501 (c), Merchant Marine Act, 1936, as amended.

(1) The procurement cost of furniture, furnishings, fixtures or any other item in the category of expendable or portable equipment utilized in connection with alterations or additions to a vessel is not eligible for subsidy participation at the maintenance and repair rate.

§ 272.10 *Maintenance (upkeep) and repairs; definition.* (a) All costs not compensated by insurance, if deemed fair and reasonable by the Federal Maritime Board, and otherwise eligible under the provisions of this part, or as it may be subsequently amended, applicable to work performed by domestic ship repair yards or other domestic independent contractors, including work performed by shore gang labor to the extent set forth hereinafter under subparagraphs (2), (3) and (4) of this paragraph, which are necessary to the maintenance, repair or replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts of vessels, their machinery and equipment (including spare parts) installed as integral parts of vessels, as distinguished from items of a portable or removable nature, shall be eligible for subsidy at the maintenance (upkeep) and repair subsidy rate. (The word "domestic" as used herein, is defined as meaning within the continental limits of the United States.)

(1) Spare propellers and tailshafts, self-contained operable units of machinery or equipment as distinguished

from items of a portable or removable nature, and spare parts purchased to be installed as integral parts of the vessel, shall be eligible for subsidy at the applicable maintenance (upkeep) and repair subsidy rate when placed aboard a subsidized vessel, provided reimbursement therefor be made by the operator to the Government in the event such items are not eventually utilized or installed in the subsidized vessel.

(2) Expenses eligible for subsidy under the maintenance (upkeep) and repair category for work performed by shore gang labor shall be limited to direct labor charges, spare parts, materials, and/or supplies as indicated in subparagraph (3) of this paragraph, and other costs incurred as the result of the payment of direct wages, such as payroll taxes and workmen's compensation insurance required by law, and welfare, pension and vacation fund payments required as a result of collective bargaining, if deemed fair and reasonable by the Federal Maritime Board. Such expenses shall be limited to those directly attributable to items of work that would be eligible for subsidy at the maintenance (upkeep) and repair subsidy rate if performed by an independent contractor aboard or for the subsidized vessel(s).

(3) Materials and/or supplies issued by the operator from ship's inventory, warehouse, or direct purchase to domestic ship repair yards, other domestic independent contractors, or shore gangs which are necessary to the maintenance, repair or replacement by duplication of or restoration to satisfactory condition of, damaged or worn parts of vessels, their machinery and equipment installed as integral parts of vessels, as distinguished from items of a portable or removable nature, shall be eligible for subsidy.

(4) Spare parts issued by the operator from his warehouse or direct purchase to domestic ship repair yards, other domestic independent contractors or shore gangs, shall be eligible for subsidy.

§ 272.11 *Examples of expenses ineligible for subsidy participation at the maintenance and repair rate.* The following are primary examples of expenses (but not limited to), which are ineligible for subsidy participation at the maintenance and repair rate:

(a) "Unsighted," "Deferred," and "Record" items: Repair items correcting conditions noted in "On-Subsidy Surveys" as "Unsighted," "Deferred" and/or "Record," where repairs clearly should have been made prior to the departure from last U. S. Continental port on the first voyage in subsidized service, or prior to the first voyage upon resumption of operation under the respective Operating-Differential Subsidy Agreement, are not eligible for participation in subsidy. The Chief, Division of Ship Repair and Maintenance, Washington, D. C., shall determine whether repairs performed in connection with an item unsighted in the initial "On-Subsidy Survey" are due to attrition after commencement of subsidized operation, or to prior non-subsidized operation, which determination shall be final. It is not the intent to pro-rate, between the periods before and after a vessel initially commences subsidized operation, the cost of individual repairs made or materials supplied.

(b) Overdue classification and inspection requirements: These are items required by the Classification Society or a Government Bureau which were due (grace periods not included) and not completed prior to the first voyage in subsidized service, or prior to the first voyage upon resumption of operation under the respective Operating-Differential Subsidy Agreement.

(c) Foreign repairs: Items of maintenance or repair of whatsoever nature, including insurance repairs, performed outside the continental limits of the United States.

(d) Marine loss: Repairs recoverable from insurance.

(e) Cargo expense: Special cargo fittings of a temporary nature (as differentiated from installations of a permanent nature), dunnage, ceiling, battens, cleaning cargo holds and tanks for cargo, reading and certification of temperatures for refrigerated cargoes, etc.

(f) Stevedore damage: Any damage to the vessel or cargo gear directly attributable to the stevedore proper. (Damage occurring during stevedoring operations, but due to ship's personnel or equipment for which the stevedore is not liable, will, if satisfactorily supported by documentary evidence and if otherwise acceptable, be considered for subsidy participation.)

(g) Special trade requirements: Initial installation of (other than replacement of existing worn or damaged) equipment necessary for the vessel's particular trade route, such as Suez Canal Davit, etc. New requirements coming into effect after vessel's entry into the particular subsidized service, as differentiated from previously established requirements shall be considered for subsidy participation.

(h) Procurement cost of any consumables, expendables or portable equipment when used or installed by crew, or furnished for inclusion in ship's inventory.

(i) Procurement costs, maintenance and repair costs, or replacement costs, incident to portable or expendable equipment.

(j) Apparent excessive maintenance and/or repair costs after operator has had an opportunity to lay before the Administration all relevant facts pertinent thereto. Any such costs determined to be excessive shall not be taken into account for reserve fund or recapture purposes as provided under Part 286 of this chapter as amended from time to time.

(k) Costs included in shore gang labor charges which the Comptroller of the Maritime Administration determines to be "overhead" as prescribed in § 282.900 of this chapter.

(l) Rental of equipment; e. g., compressors, paint floats, etc., for use by shore gangs or ship's crew in carrying out repairs or other work.

(m) Items included in repair summaries and/or supplements not submitted to Ship Repair and Maintenance Field Offices within 120 days after vessel's sailing from her last United States port of call, unless such non-submittal can be proven conclusively by the Operator to be due to circunmstances beyond his control.

(n) Items included in appeals to an original determination not submitted by the operator to the Chief, Division of Ship Repair and Maintenance within 30 days of the date of the original determination.

(o) Items included in appeals to the Federal Maritime Board which are not submitted by the operator within 60 days after the date of the "final determination" of the Chief, Division of Ship Repair and Maintenance.

(p) Operational: In general, the types of items disallowed from repair and maintenance subsidy participation under this classification are those where no actual maintenance or repairs in the literal sense of the words are involved, e. g., loading stores, landing and sorting laundry, pilot service, tug charges, removing surplus equipment to warehouse, etc.

(q) Builder's and/or Repair Contractor's liability: Those items adjudged or noted as being builder's and/or repair contractor's guarantee items.

(r) Items of repair that can be definitely and entirely attributed to non-subsidized operation.

(s) Work incident to an improvement spread over more than one repair period for which application to the Chief, Division of Ship Repair and Maintenance was not submitted as required by § 272.8 (g).

(t) Costs incident to Marine Loss not compensated by insurance which are not reported to the District Comptroller in the manner and within the time specified in § 272.7 (f).

§ 272.12 *Definition of "consumables", "expendables", and "expendable equipment."* The words "consumables", "expendables", and/or "expendable equipment", as used in this part are defined in section 3, Part I of Maritime Administration Inventory Manual, Vessel Inventories (issued July–1957 under Authority Management Order No. 627) and as implemented by Maritime Administration Inventory Books—Deck Department Consumable Stores and Expendable Equipment (Form MC 4736A—May 1, 1947), Engine Department Consumable Stores (Form MA 4736B—March 1951), Engine Department Expendable Equipment (Form MA 4736C—March 1951), Steward Department Consumable Stores and Expendable Equipment (Form MA 4736D—March 1951). In case of any conflict between this definition and the other provisions of this order the other provisions shall control.

§ 272.13 *Effective date.* The provisions of this part are applicable to all voyages of subsidized vessels terminating on or after January 1, 1958.

The reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Report's Act of 1942.

Dated: April 28, 1958.

By order of the Federal Maritime Board/Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58–3243; Filed, Apr. 30, 1958; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 58-396]

[Rules Amdts. 1-2 and 21-13]

PART 1—PRACTICE AND PROCEDURE

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of April 1958;

The Commission, having under consideration amendments of §§ 1.106, 21.24 and 21.26 of its rules, which concern the consolidation of mutually exclusive applications for hearing; and

It appearing that the amendments herein ordered would conduce to the more orderly and efficient dispatch of Commission business; and

It further appearing that the amendments herein ordered set forth a general statement of policy relative to the consolidation of mutually exclusive common carrier applications for hearing and are procedural in nature, and, therefore, proposed rule-making is not required pursuant to the provisions of section 4 (a) of the Administrative Procedure Act;

It is ordered, That, pursuant to section 4 (i) of the Communications Act of 1934, as amended, §§ 1.106, 21.24 and 21.26 of the Commission's rules are amended, as set forth below, effective the 2d day of June 1958.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 25, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Section 1.106 (b) is amended by substituting the following subparagraphs (2), (3) and (4) for present subparagraphs (2) and (3):

(2) In non-broadcast cases, other than common carrier cases, any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the later application in question has been filed within 5 days after public notice has been given in the FEDERAL REGISTER of the Commission's order which first designated for hearing the prior application or applications with which such application is in conflict.

(3) In common carrier cases, any application that is mutually exclusive with another previously filed application or applications which may require designation for hearing will be consolidated with such prior filed application or applications at any hearing scheduled thereon only if the later filed application is substantially complete and tendered for filing prior to the close of the business day preceding the date of transmittal of the Commission's notice, pursuant to section 309 (b) of the Communications Act of 1934, as amended, why such prior filed application or applications cannot be granted without a hearing, or within 30 days of the date of public notice of filing of the first prior filed application, whichever date is later. Such section 309 (b) notice will generally not be sent to any party until at least 30 days after public notice is given of the filing of the earliest of the involved prior filed applications. However, when the public interest necessitates that such section 309 (b) notice be sooner transmitted, the Commission will so state in such notice and will take such action at such earlier time as it deems necessary and appropriate.

(4) Any mutually exclusive application filed after the date prescribed in subparagraphs (1), (2), or (3) of this paragraph will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

II. Part 21 of the Commission's rules is amended in the following particulars:

1. Section 21.24 is amended by the addition of a new paragraph (d) to read as follows:

(d) Any mutually exclusive application filed after the date prescribed in § 21.27 (e) will be dismissed without prejudice and will be eligible for refiling only after a final decision is rendered by the Commission with respect to the prior application or applications or after such application or applications are dismissed or removed from the hearing docket.

2. Section 21.27 is amended by the addition of a new paragraph (e) to read as follows:

(e) An application filed with the Commission that is mutually exclusive with another previously filed application or applications which may require designation for hearing will be consolidated with such prior filed application or applications at any hearing scheduled thereon only if the later filed application is substantially complete and tendered for filing prior to the close of the business day preceding the date of transmittal of the Commission's notice, pursuant to section 309 (b) of the Communications Act of 1934, as amended, why such prior filed application or applications cannot be granted without a hearing, or within 30 days of the date of public notice of filing of the first prior filed application, whichever date is later. Such section 309 (b) notice will generally not be sent to any party until at least 30 days after public notice is given of the filing of the earliest of the involved prior filed applications. However, when the public interest necessitates that such section 309 (b) notice be sooner transmitted, the Commission will so state in such notice and will take such action at such earlier time as it deems necessary and appropriate. An application filed after the date specified herein will be disposed of in accordance with the provisions of § 21.24 (d).

[F. R. Doc. 58-3256; Filed Apr. 30, 1958; 8:54 a. m.]

[FCC 58-399]

[Rules Amdt. 3-112]

PART 3—RADIO BROADCAST SERVICES

REMOTE CONTROL OPERATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on 23d day of April 1958.

The Commission has under consideration several requests for relief from the requirements of § 3.66 (c) (4) of its rules and regulations which states that: "The station, if authorized to operate with a directional antenna and/or with a power in excess of 10 kw will be equipped so that it can be satisfactorily operated, * * *, on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power whichever is the lesser * * *."

It appears that there are instances where the power limitation imposed by this rule would work an undue hardship upon those stations presently engaged in CONELRAD operation as well as other stations wishing to operate by remote control. A number of stations use their auxiliary transmitters for CONELRAD while other stations have purchased and installed separate CONELRAD transmitters. The transmitter power for CONELRAD use has been determined by CONELRAD Field Supervisors on a case-to-case basis and is in several cases less than 50 percent of the authorized power. For example, the present rule would require a 5 kw directional station wishing to operate by remote control to install a 2.5 kw transmitter for CONELRAD use even though it might be authorized to operate with a CONELRAD power of 1 kw. It is believed this would work an undue hardship by requiring in many instances an extra transmitter especially for those stations presently capable of operating with satisfactory CONELRAD power.

We believe that it would be in the public interest to amend the rule so that the determination of the necessary CONELRAD power can be made by the CONELRAD Field Supervisor on a case-to-case basis. A certified statement from the Field Supervisor would be submitted with the application for remote control. This statement would set forth the power that would provide satisfactory service under CONELRAD.

It is administratively convenient and in the public interest to amend the rule and the amendment adopted herein is procedural in nature, and, therefore, prior publication of the notice of proposed rule making pursuant to the provisions of section 4 (a) of the Administrative Procedure Act is unnecessary.

The amendment adopted herein is issued pursuant to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

In view of the above: *It is ordered*, That effective May 26, 1958, § 3.66 of the Commission's rules and regulations is amended by the addition of the following provision to paragraph (c) (4): "*Provided, however*, That the power may be less than 50 percent upon certification by the CONELRAD Field Supervisor that such power will provide satisfactory service under CONELRAD."

Section 3.66 (c) (4) as amended reads as follows:

(4) The station, if authorized to operate with a directional antenna and/or with power in excess of 10 kw, will be equipped so that it can be satisfactorily operated in accordance with Subpart G of this part, on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power whichever is the lesser and that the necessary switching from the licensed frequency to the CONELRAD frequency can be accomplished from the remote control position: *Provided, however*, That the power may be less than 50 percent upon certification by the CONELRAD Field Supervisor that such a power will provide satisfactory service under CONELRAD.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 25, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3257; Filed, Apr. 30, 1958; 8:54 a. m.]

[Docket No. 11374; FCC 58-387]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

AVAILABILITY OF FREQUENCIES

Appearances. Joseph E. Keller and Thomas H. Wall, on behalf of the Central Committee on Radio Facilities of the American Petroleum Institute; John Eisenhart, Jr.; and A. L. Stein, on behalf of the American Waterways Operators, Inc.; Leonard W. Tuft and Howard R. Hawkins, on behalf of Radio Corporation of America Communications, Inc.; Norman E. Jorgensen, on behalf of Warner & Tamble Radio Service, Inc.; Byron E. Harrison, on behalf of the Common Carrier Bureau of the Federal Communications Commission; Anne Mooney, on behalf of the General Counsel's Office of the Federal Communications Commission; Irving Brownstein, on behalf of the Safety and Special Radio Services Bureau of the Federal Communications Commission.

PRELIMINARY STATEMENT

1. On April 27, 1955, the Commission adopted a notice of proposed rule making (FCC 55-505; released April 29, 1955) in the above designated docket looking toward amending Parts 7 and 8 of the Commission's rules by deleting the frequencies 6240 and 6455 kilocycles[1] (sometimes hereinafter referred to as "6 megacycle frequencies") from use on the Mississippi River and connecting inland waters (excluding the Great Lakes) and by making the frequency 4372.4 kilocycles available on a full-time basis for ship and coast stations using radiotelephony on the above waters (sometimes hereinafter referred to as the "Rivers" or the "Rivers System"). At the request of several interested parties, the final date for filing comments, originally set at August 5, 1955, was extended to October 31, 1955. Comments were filed by the Central Committee on Radio Facilities of the American Petroleum Institute, the American Waterways Operators, Inc., the Radiomarine Corporation of America (predecessor to Radio Corporation of America Communications, Inc.)[2] and Warner & Tamble Radio Service, Inc. These organizations are sometimes hereinafter referred to as API, AWO, RCAC, and Warner & Tamble, respectively. The comments filed by RCAC and Warner & Tamble also incorporated by reference their respective comments previously filed in closed Dockets 10377 and 10724; dockets which also pertained to changes in radiotelephone frequencies assignable for use by coast and ship stations of the Mississippi River System. All of the aforesaid commenting parties objected to the deletion of the two six megacycle frequencies, contending that the deletion of these frequencies would deprive the Mississippi commercial transportation system of a means of communication which is essential to the efficient operation of the system.

2. After considering all comments, the Commission, on July 6, 1956, adopted a report and order (21 F. R. 5361; FCC 56-648, released July 11, 1956) which amended Parts 7 and 8 of its rules by making the frequency 4372.4 kilocycles available on a full-time basis for ship and coast stations using radiotelephony on the Rivers System, effective August 14, 1956; and by deleting the frequencies 6240 and 6455 kilocycles from the complement of frequencies available for assignment for maritime telephone under Parts 7 and 8, effective February 1, 1957 (the expiration date of the existing licenses then held by the coast stations involved).

3. Timely petitions objecting to the Commission's report and order of July 6, 1956, and requesting a public hearing, a rehearing and/or reconsideration of the action ordered, and a stay of the order in the interim, were filed by AWO, Warner & Tamble, API, G. W. Gladders Towing Co., Inc., Union Barge Line Corporation, Ashland Oil and Refining Co., American Barge Line Company and Southland Towing Company, The Ohio River Company, Ohio Barge Line, Inc., and Radiomarine Corporation of America, on July 31 and August 10, 1956.

4. On January 17, 1957, the Commission adopted an order (FCC 57-68, released January 18, 1957) wherein, after referring to the above-mentioned petitions, it stated that it appeared that additional information with respect to the interference which may be caused to other services by the continued use of the 6 megacycle frequencies for ship-shore public radiotelephony on the Mississippi River System, and with respect to the justification for permitting such use of these frequencies in derogation of the Table of Allocations in the Radio Regulations adopted at Atlantic City in 1947 (63 Stat. 1401 at 1621-1713), would aid the Commission in reaching a decision as to whether the public interest would be best served by a grant or a denial of the above-mentioned petitions. Accordingly, the Commission designated the petitions for hearing on specified issues. The order further provided that that part of the July 6th order which went into effect on August 14, 1956 (removal of daytime only limitation on the use of 4372.4 kc) should remain in force, and that that part of the July 6th order which would have become effective on February 1, 1957 (deletion of 6240 kc and 6455 kc from the Rivers System assignable frequencies), should be stayed pending final determination by the Commission on the said petitions, further action on which was deferred.

5. In response to a petition of AWO, which was supported by API, the Commission, by memorandum opinion and order adopted March 27, 1957 (FCC 57-317, released April 1, 1957), clarified and enlarged the issues as set forth in its January 17, 1957 order of designation. Subsequently, in response to a petition filed by API on May 8, 1957, the Commission adopted a memorandum opinion and order on May 29, 1957 (FCC 57-579, released June 4, 1957), which further amended the issues. As finally amended the issues read as follows:

(a) Whether the continued use of 6240 kc and 6455 kc for ship-shore public telephony on the Mississippi River System is capable of causing, or does in fact cause, harmful interference and if so, to what extent, to stations or other services of the United States or other countries, operating in accordance with said Atlantic City Table of Frequency Allocations. Evidence adduced in response to this issue shall include, but not be limited to, data based upon (1) computed delivered median field strength vs distance data for coast radiotelephony stations of the Rivers System for authorized hours of operation (for all seasons and sunspot conditions), (2) the range of usable field strengths from ship radiotelegraph stations, normally encountered under actual operating conditions at coast radiotelegraph stations, and (3) the minimum acceptable desired-to-undesired signal ratios for telegraphy-vs.-telephony; and

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[1] Sections 7.304 (d) (4) and 8.351 (d) (9) of the Commission's rules provide that use of the frequencies 6240 kc and 6455 kc by ship and coast stations of the Mississippi River System is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

[2] On August 31, 1956, RCA Communications, Inc., assumed the communications operations theretofore conducted by Radiomarine Corporation of America.

(b) What facts, if any, indicate that the Commission would be warranted in issuing an order to permit use of frequencies in derogation of said Atlantic City Table of Frequency Allocations; and

(c) Whether the deletion of the 6 mc frequencies would require an installation of a new system of radio communications for the River and the cost of such system; and

(d) What facts, if any, indicate that such continued use of the frequencies 6240 kc and 6455 kc, and other 6 megacycle frequencies, is distinctively justified, in comparison with other services or systems which have been and have not been required to operate on frequencies which are in accordance with the said Table of Frequency Allocations; and

(e) Whether the utility of a maritime mobile band would be seriously impaired by continued use of these frequencies by these petitioners; and

(f) Whether the utility of a maritime mobile band would be seriously impaired by an accumulation of this and other multiple low power out of band operations, both domestic and international; and

(g) Whether in the light of the evidence adduced pursuant to the foregoing issues it would best serve the public interest, convenience and necessity to authorize the continued use of the presently assigned 6 megacycle frequencies for ship-shore public telephony on the Mississippi River System in derogation of the said Atlantic City Table of Frequency Allocations.

6. As a means of providing ample time in which to make necessary equipment changes, in the event the decision required such changes, the Commission, by order of April 17, 1957 (FCC 57-389, released April 23, 1957), directed the Hearing Examiner to certify the record in the proceeding to the Commission for final decision without preparing either a recommended or initial decision. A petition by AWO for rehearing and reconsideration of the foregoing order was denied by Commission order of June 20, 1957 (FCC 57-668, released June 24, 1957).

7. A pre-hearing conference was held on April 23, 1957, and hearings were held on July 8-10, 15-18, 22-25, and 31, 1957. Proposed findings of fact and conclusions were timely filed by API, AWO, RCAC, Warner & Tamble, and the Commission Staff.[3] Reply findings were filed by API, AWO, RCAC, and the Commission Staff. Oral argument, in which representatives of API, AWO, RCAC, Warner & Tamble, and the Commission's General Counsel participated, was held before the Commission en banc on September 26, 1957. We have examined the disputed rulings of the Examiner and herewith approve them.

FINDINGS OF FACT; ATLANTIC CITY INTERNATIONAL TELECOMMUNICATION CONVENTION (1947); EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE (GENEVA, 1951)

8. The Atlantic City International Telecommunication Convention (1947) and the Radio Regulations, to which the United States is signatory,[4] adopted, in general, the concept of exclusive allocations of blocks of frequencies for particular radio services, providing exclusive bands for the Aeronautical Mobile Service, the Maritime Mobile Service, the Amateur Service, the Broadcasting Service, and the Fixed Service, in the radio frequency spectrum between 4 and 25 megacycles. As a result of this new agreement on spectrum allocations, some services gained space and some services lost space. Many of the active on-the-air stations at the time of the Convention were operating on frequencies which were out-of-band under the new Atlantic City Agreement. Specialized studies were made for each of the services other than Amateur, with a view to adopting plans and lists of assignments which could be agreed upon, on an engineered basis. These studies took several years, culminating in the Extraordinary Administrative Radio Conference Agreement (Geneva, 1951,[5] which provided for a world-wide program of frequency adjustments throughout the radio spectrum below 27.5 megacycles. Briefly, this Agreement provided that frequency assignments which were either "out-of-band", or "out-of-plan", or both, would be reassigned to new frequencies in accordance with the Atlantic City allocations and such lists and plans for particular services as the Extraordinary Administrative Radio Conference (EARC) was able to adopt.

9. The Atlantic City Table of Allocations, set forth in Chapter III, Article 5 of the Radio Regulations, makes a worldwide allocation of the frequency band 6200-6525 kilocycles to the Maritime Mobile services. No provision is made therein for the assignment of a 6 megacycle frequency to ship or coast stations for radiotelephony. The Special Rules Relating to Particular Services appear in Chapter III, Article 9, of the Radio Regulations. Section IV therein, entitled Maritime Mobile Service, provides (par. 263) as follows:

> The frequency bands allocated to the maritime mobile service between 4,000 and 23,000 kc/s (see article 5), are sub-divided into the following categories:
>
> (a) Ship stations, telephony:
> 4,063- 4,133 kc/s
> 8,195- 8,265 kc/s
> 12,330-12,400 kc/s
> 16,460-16,530 kc/s
> 22,000-22,070 kc/s
>
> (b) Coast stations, telephony:
> 4,368- 4,438 kc/s
> 8,745- 8,815 kc/s
> 13,130-13,200 kc/s
> 17,290-17,360 kc/s
> 22,650-22,720 kc/s
>
> (c) Ship stations, telegraphy:
> 4,133- 4,238 kc/s
> 6,200- 6,357 kc/s
> 8,265- 8,476 kc/s
> 12,400-12,714 kc/s
> 16,530-16,952 kc/s
> 22,070-22,400 kc/s
>
> (d) Coast stations, telegraphy:
> 4,238- 4,368 kc/s
> 6,357- 6,525 kc/s
> 8,476- 8,745 kc/s
> 12,714-13,130 kc/s
> 16,952-17,290 kc/s
> 22,400-22,650 kc/s

Chapter XIII, Article 33, of the Atlantic City Radio Regulations, Section V, provides (par. 788) that the frequency 6240 kilocycles is included in the passenger shipworking band, and (par. 774) that the frequency 6455 kilocycles is included in the coast station working band. The EARC Agreement, being based upon the Atlantic City Regulations, necessarily continued the international restriction to maritime radiotelegraph of the frequency band 6200-6525 kilocycles. However, the EARC Agreement did provide frequencies for radiotelephone service on the Rivers in the 2, 4, and 8 megacycle bands.

PROVISIONS FOR DEROGATION

10. Chapter III, Article 3, of the Atlantic City Radio Regulations, entitled "General Rules for the Assignment and Use of Frequencies," contains in § 1 and § 3 (paragraphs 86 and 88 of the Regulations) the following provisions for the assignment of frequencies in derogation of the Table of Allocations or other provisions of the regulations:

> 86 § 1. The countries, members of the Union, adhering to these Regulations, agree that in assigning frequencies to stations which, by their very nature, are capable of causing harmful interference to the services rendered by the stations of another country, they will make such assignments in accordance with the table of frequency allocations and other provisions of this chapter.
>
> 88 § 3. A country, member of the Union, shall not assign to a station any frequency in derogation of either the table of frequency allocations given in this chapter or the other provisions of these Regulations, except on the express condition that harmful interference shall not be caused to services carried on by stations operating in accordance with the provisions of the Convention and these Regulations.[6]

Even since the Radio Regulations which were written at the Washington Conference in 1927, provision has been made for derogation. Such a provision was not necessary prior to that time because the Regulations prior to 1927 did not include an allocations table as it is known today.

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[3] The Common Carrier Bureau, the General Counsel's Office, and the Safety and Special Radio Services Bureau of the Federal Communications Commission are sometimes hereinafter referred to as "Commission Staff" or "FCC."

[4] 87 countries are bound by the Atlantic City Radio Regulations.

[5] 63 countries have signed the Agreement (hereinafter sometimes referred to as EARC Agreement); 44 have ratified and are bound by the EARC Agreement.

[6] Harmful interference is defined as follows in Article I, Section IV (paragraph 69) of the Atlantic City Radio Regulations:

Harmful Interference: Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service (2) or obstructs or repeatedly interrupts a radio service operating in accordance with these Regulations.

(2) Any radio service, the operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguard of property, shall be considered as a safety service.

11. Concerning the authorization of station operation under the derogation provisions of the above paragraph 88, the Commission, in its above July 6, 1956, report and order, noted that under some conditions the authorization of station operation at variance with either the Atlantic City Table of Frequency Allocations, or other provisions of the related Radio Regulations, but in accordance with paragraph 88, would not be inconsistent with law. Emphasizing that the effective functioning of the vast and complicated communications system of the United States is dependent in substantial measure upon continued international cooperation, the Commission stated that the derogation provision should be used only if the provisions of international agreement are met and there exists some compelling domestic need for such derogation.

12. The Commission has made no derogation assignments in the radio frequency spectrum between 1800 kilocycles and 25,600 kilocycles. Since the signing of the EARC Agreement, the Commission has pursued a program which is designed to carry out its portion of the EARC program by bringing its own licensees in band. In its effort to carry out this international program, the Commission has cooperated with, and received the cooperation of, other countries. The number of frequency assignment changes required of Commission licensees is indicated by the fact that in the small portion of the spectrum between 6140 kilocycles and 6555 kilocycles licensees of aircraft, coast telegraph, ship telegraph, coastal telephone, ship telephone, Great Lakes coast and ship telephone, aeronautical fixed and aeronautical stations, all had to move to appropriate bands in order to be in-band under the provisions of the EARC Agreement.

RADIOTELEPHONE SERVICE ON THE RIVERS SYSTEM

13. The Mississippi River and connecting inland waters (excluding the Great Lakes) comprise a vast network of waterways, totaling in excess of 5,000 navigable river miles. The existing radiocommunication system on the rivers is substantially as described below.

14. Public coast stations at five primary locations are licensed for radiotelephone communication with ship stations on the rivers:

Call sign	Location	Licensee
WAY	Lake Bluff and Chicago, Ill.	Illinois Bell Telephone Co.
WFN	Louisville, Ky	Warner & Tamble.
WGK	St. Louis, Mo	RCAC.
WCM	Pittsburgh, Pa	RCAC.
WJG [7]	Memphis, Tenn	Warner & Tamble.

[7] Commission records show that Station WBN also is licensed to Warner & Tamble at Memphis to be operated as a substitute for the normal transmitting facilities for Class II-B Public Coast Station WJG at any time such normal transmitting facilities are inoperative as a result of either an actual emergency or preventive maintenance work.

With the exception of WFN at Louisville, Kentucky, these stations operate on a 24 hour-a-day basis.[8]

15. All of the above-listed stations have available for assignment to them, for ship-shore communications on the Rivers, the following frequencies:

Channel 1—4067 kilocycles.
Channel 2—6455 kilocycles.
Channel 5—2782 kilocycles.
Channel 6—8205.5 kilocycles.
Channel 7—4372.4 kilocycles.
Channel 8—6240 kilocycles.
Channel 9—2182 kilocycles (calling and distress).

Station WCM, Pittsburgh, licensed to RCAC, uses 2182 kc, 2782 kc, 4067 kc, 6240 kc, and 8205.5 kc. The WCM station manager testified that although WCM is also licensed to use 4372.4 kc and 6455 kc, because of received interference, little use is made of 6455 kc as compared to the use made of 6240 kc; and that WCM makes no use of 4372.4 kc because no ships on the inland waterways are equipped to operate on that frequency.

Station WGK, St. Louis, also licensed to RCAC, uses 2782 kc, 4067 kc, 6240 kc, and 6455 kc for scheduling operations.

Of the two Warner & Tamble radiotelephone stations, WJG, at Memphis, uses all of the above-listed frequencies. WFN, at Louisville, uses 8205.5 kc most of the time, but also uses 2782 kc and 2182 kc and, at times 6240 and 6455 kc.

The Illinois Bell Telephone Co. station at Chicago, WAY, makes use of all the above-listed frequencies with the exception of 4372.4 kc.

16. There are more than 4,000 towboats on the Mississippi River System, ranging in size from small push boats of 100 horsepower to boats of more than 5,000 horsepower. An estimated 500 or more of these vessels (one witness estimated 800) are radiotelephone equipped. The following frequencies are available for assignment to these ship stations:

Channel 1—4067 kc.
Channel 2—6455 kc.
Channel 3—2206 kc.[9]
Channel 4—2738 kc (intership).
Channel 5—2782 kc.
Channel 6—8205.5 kc.
Channel 7—4372.4 kc.
Channel 8—6240 kc.
Channel 9—2182 kc (calling and distress).

A ten channel, amplitude-modulated, medium to high-frequency radiotelephone transmitter with 150 watts input and 85 watts output is the equipment used most extensively by towboats on the Inland Waterways. Of the vessels so equipped, about 90 percent would be able to transmit on Channels 1, 3, 4, 5, 6, 8, and 9, whereas about 10 percent would have some variation from this list.

17. In general, two types of service are provided by coastal stations on the Mississippi River System. These are "general service," and "dispatch service." General service refers to communications in which the calls are made to a specific boat, or, in the other direction, from a boat to a specific person, or to a specified telephone number via the coastal station. In dispatch service, a shore-to-ship message is received at the coastal station by telegram, TWX, telephone call, or from some person directly, and is delivered to the addressee aboard ship by radiotelephone. In the reverse direction, a message is transmitted from a ship to the coastal station by radiotelephone and is forwarded from that point by land line telephone, TWX (Teletypewriter Exchange Service) or telegram to the addressee without direct communication between the boat and the office ashore.

18. Four of the five above-listed coast stations offer both a "general service" and a "dispatch service." Station WAY, Chicago, offers only a "general service." In addition, the four coast stations (other than WAY, Chicago), periodically broadcast bulletins containing information pertaining to weather conditions, river stages, and data on changes in navigational aids.

19. The fact that the radiotelephone operations on the Rivers System, as here considered, use a simplex system[10] of operation, combined with the availability of a dispatch service, has contributed to the growth of the scheduling technique now in use on the Rivers. Utilizing this technique, the barge lines each make arrangements with a particular coast station to call all of the vessels operated by that barge line on schedules which have been prescribed in advance. Under this system, all of the vessels operated by one company stand by on the same channel at a pre-arranged time. The simplex operation permits each ship to listen in on calls to its sister ships. Each vessel in turn reports regularly its position, as well as routine information with respect to such matters as crew requirements, payroll data, information relative to delivery and pick-up of barges en route, and arrival schedules. Thus, the coast station rapidly obtains reports for the entire fleet, and these can then be passed on to the operating company by landline communication. At the same time, the coast station delivers dispatch messages which the operating company has forwarded to the coast station for delivery at the time of the next schedule. Dispatch messages are forwarded from the operating company to the coast station, or vice versa, by teletype, telegram, or by telephone.

20. The advantage of the above-described method of radiotelephone communication is that it prevents the confusion, loss of time, and needless

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[8] There is, in addition, a public coast station licensed to the Southern Bell Telephone Co., located at New Orleans, La., which uses two megacycle frequencies which are not assigned to the Rivers System, but rather, to the coastal area. Moreover, this section does not use the simplex system in use on the Rivers System. However, the station is used by some river boats which are equipped to communicate on the New Orleans frequencies.

[9] For communication with coast stations located in the vicinity of New Orleans.

[10] A simplex system of operation is one in which both the ships and the coast stations transmit on the same frequency, as contrasted with a duplex operation in which the ships transmit on one frequency, and the coast stations transmit on another frequency. In the latter case two frequencies would be required to maintain one two-way conversation.

congestion of frequencies which would be caused by unscheduled methods of communication. It permits the gathering and evaluation of all information pertinent to a company's operations at one time, assisting in the intelligent and economic direction of those operations. By permitting directions affecting more than one vessel (for example, the exchanging of tows) to be given to all the tows concerned at one time, it lessens the possibility of misunderstanding. It also permits a vessel to discover which of its sister ships in the vicinity cannot be reached because of atmospheric or other conditions, and to assume, with the knowledge of its home office, the responsibility of relaying necessary information to such a ship. The value and efficiency of scheduled type of operations is demonstrated by the fact that RCAC's Pittsburgh station normally communicates on one daily schedule with some 46 vessels, handling 65 or 70 messages within a thirty minute period.

21. Although, as described above, the ships and coast stations on the Rivers System transmit many of their messages during scheduled periods of operation, there are other, or nonscheduled, messages which require an immediate radiotelephone connection between ship and shore at other than the scheduled periods of operation. These include unavoidable emergency messages, concerning such matters as changes in delivery of barges, crew changes, weather conditions, illness, accidents, and the necessity for crew members to contact their homes.

22. Commercial transportation on the Rivers System is an expanding industry which is important to the national economy, and an effective ship-shore radiotelephone system contributes to the efficiency and safety of this transportation system. During 1956 the RCAC stations at Pittsburgh and St. Louis, combined, handled a total of 120,590 dispatch and general messages; a fifty percent increase over the 81,386 such messages handled by these stations in 1952. On the Mississippi River alone (from Minneapolis to the Gulf of Mexico) the total annual traffic in net tons increased from 66,922,954 in 1954 to 94,041,765 in 1955. Fifty percent of this net tonnage was devoted to petroleum and petroleum products. The total ton mileage of all cargo on the Mississippi River alone has increased from 19,351,628,418 in 1950 to 29,318,584,396 in 1955.

23. In general (but subject to seasonal, sunspot, and weather variations), the ranges covered by the two, four, six, and eight megacycles frequencies may be described as follows:

2 Mc—Limited range during daylight hours. Testimony as to the usefulness of these frequencies at night varied from "good" to testimony that at night 2782 kc was effective only in the immediate vicinity of a coast station.

4 Mc—Satisfactory service for distances ranging from 30 to 250 miles from point of transmission during daylight hours; 60 to 800 miles at night; comparatively high noise level.

6 Mc—Satisfactory service for distances ranging from 50 to 800 miles from point of transmission during daylight hours; low noise level.

8 Mc—Satisfactory service for distances ranging from 350 to 500 miles from point of transmission during daylight hours, and over 1300 miles at night; exceptionally low noise level; large skip distance.

CAPACITY OF THE RIVERS USE OF 6 MEGACYCLE FREQUENCIES TO CAUSE HARMFUL INTERFERENCE

24. As indicated in footnote 1, supra, the use of 6240 kilocycles and 6455 kilocycles on the Rivers System is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies by radiotelephone stations of the Rivers system is prohibited during the period from 8:00 p. m., until 5:00 a. m., c. s. t.

25. The frequency of 6240 kilocycles, in the band assigned to ship stations for telegraphy, is designated as a passenger ship working frequency. The frequency of 6455 kilocycles is in the coast telegraph station working band. The assignments closest to 6455 kc in terms of geography and frequency separation are 6453 kc at New York (Annapolis), giving a separation of two kilocycles between the two frequencies, and 6456.5 kc at Martinique, giving a separation of 1.5 kc between that frequency and 6455 kc.

26. As compared to the use of the 6 megacycle frequencies on the ocean, there is relatively heavy use of these frequencies by the radiotelephone stations of the Rivers System. The Commission, however, has received no complaints of interference to stations of other countries, the U. S. Government, or other Commission licensees, resulting from the use of 6240 kc and 6455 kc on the Rivers System.

27. The Commission Staff introduced evidence concerning the capability of the continued use of the two 6 megacycle frequencies on the Rivers System to cause harmful interference to stations or other services of the United States or other countries which operate in accordance with the Atlantic City Table of Frequency Allocations. A number of tangible and intangible factors that are relevant in determining whether harmful interference exists, or is being caused, were listed. Important among these factors is the desired-to-undesired signal ratio between A1 radiotelegraphy operating in the presence of A3 radiotelephony. Such signal-to-interference ratios have not been adopted by the Commission or by any other telecommunications organization on an international basis. The only technical standards of this type are the standards adopted by the International Frequency Registration Board in carrying out its duties under Article II of the Atlantic City Radio Regulations. Based on signal ratios contained therein and on theoretical calculations, the Commission Staff gave its opinion that the continued use of 6240 kc and 6455 kc for ship-to-shore public radiotelephony on the Rivers System is capable of causing harmful interference to stations or services operating in accordance with the Atlantic City Table of Frequency Allocations.

28. It was the opinion of an engineering witness for RCAC that there are several factors which militate against the possibility of interference to the reception by passenger ships at sea in the areas specified by the Commision Staff (off the East or Gulf Coasts of the United States) of the above coast radiotelegraph stations operating on 6453 and 6456.5 kilocycles. These factors include: receiver selectivity and the frequency separation between the 6455 kc Rivers frequency and the 6453 and 6456.5 kc coast station frequencies; the fact that the above coast radiotelegraph stations may radiate more power than either the coast or ship stations of the Rivers System; and the geographical separation which may exist as a result of the location of the coast radiotelegraph stations and the possible locations of the passenger ship radiotelegraph stations.

29. RCAC, licensee of stations in both the coastal radiotelegraph and the Rivers radiotelephone services, introduced evidence in support of its contention that there is effective time sharing existing between the above services—that the 6 megacycle river frequencies are used almost exclusively during the daytime, whereas, for operational reasons, the 6 megacycle band is rarely used in the passenger ship radiotelegraph service during the day.

RADIOTELEPHONE COVERAGE ON THE RIVERS SYSTEM WITH AND WITHOUT THE 6 MEGACYCLE FREQUENCIES

30. With the existing complement of 2, 4, 6, and 8 megacycle frequencies, there are some areas on the Rivers System where none of the available frequencies provide satisfactory daytime service at some times of the year. The record evidence concerning radiotelephone operation on the Rivers System with and without the 6 megacycle frequencies may be separated into data derived from theoretical calculations and that derived from actual operating experience.

31. Propagation analysts of the Commission's Staff and RCAC testified that, during certain sunspot, seasonal and hourly conditions, the deletion of the 6 megacycle frequencies would result in the creation of additional gap areas in the coverage of the radio telephone service of the Rivers System. There was differences in the methods of calculation and in the time periods used in the engineering studies upon which this testimony is based. However, seven of the twelve time periods analyzed by the Commission's Staff, and seven of the twenty time periods analyzed by the RCAC, showed that additional gap areas would result from the deletion of the 6 megacycle frequencies from the Rivers System.

32. A study by the Commission staff, which considered the coverage for each of the five Rivers coast stations listed in paragraph 12 above, shows that deletion of the 6 megacycle frequencies from the Rivers complement would, under some conditions, result in additional gaps in the existing coverage of the Rivers radiotelephone system. This study shows

that the additional river miles which would not be covered by the individual coast stations, for the conditions of time, season and sunspot activity cited, would vary from a minimum of 38 river miles to a maximum of 4,078 river miles. The Commission's engineering witness testified that in his belief, in general, the 4 megacycle frequencies cannot close the gaps which would result from the deletion of the 6 megacycle frequencies.

33. Based on data in FCC Exhibits 16 and 18, RCAC demonstrated in its Exhibit 14 that at 0600 c. s. t. of a typical summer day, during a high sunspot year (in June, 1947) no service could be provided without a 6 megacycle frequency on approximately 525 miles of the Ohio River—that, under those conditions, a 6 megacycle frequency is the only frequency which ships on this portion of the Ohio River could use to communicate with the four Rivers System coast radiotelephone stations which are open for service at 0600 c. s. t. It was testified that a portion of the above river-mile distance would receive service from the Louisville radiotelephone station if that station were in operation at 0600 c. s. t. Based on data in its Exhibit 7, RCAC demonstrated in its Exhibit 8 that deletion of the 6 megacycle frequencies from the Rivers complement would result in additional gaps in the existing coverage of the Rivers radiotelephone system which, for the conditions of time, season and sunspot activity concerned, would vary from a minimum of 29 river miles to a maximum of 2164 river miles.

34. Testimony, based on actual operating experience, as to the utility of the 6 megacycle frequencies was given by industry witnesses who communicate by means of the Rivers radiotelephone system. Among other things, these witnesses, who include master pilots, marine superintendents, and managers of Rivers coast radio stations, testified that the 6 megacycle frequencies provide the only available communications in certain dead or gap areas on the Rivers System.

35. Among the gap areas cited by the above witnesses, were the following which a master pilot testified were locations where Channels 1, 4067 kc, and 5, 2782 kc, cannot be used to communicate with any of the Rivers coast radiotelephone stations; where Channel 6, 8205.5 kc, is of extremely limited usefulness; and where a 6 megacycle frequency is of major importance in maintaining communications:

Grand Tower, Ill., to St. Genevieve, Mo. (mile 76–128).
Ohio River (mile 625–700).
Greenville to Natchez, Miss. (mile 360–540).
Cincinnati, Ohio, to Pt. Pleasant, W. Va.
Illinois River near Beardstown, Ill. (mile 35–90).
Burlington, Iowa, to Minneapolis, Minn. (mile 400–853).

This witness stated that the stretch of the Mississippi River from Greeneville, Mississippi to Natchez, Mississippi happens to be a particularly bad spot for most all the channels during the daylight hours and sometimes at night; that occasionally a ship in that area could communicate on Channel 2 (6455 kc); but that, without Channel 2, there would be a period of approximately two days of upstream travel, depending on the speed of the boat, and from 12 to 18 hours traveling downstream, when a ship would be out of radiotelephone communication with any land station.

36. The manager of coast radiotelephone station WCM, Pittsburgh, testified that an area extending from the junction of the Kanawha and Ohio Rivers at Point Pleasant, West Virginia, to Cincinnati, Ohio, was an area wherein vessels cannot be heard by WGM with any degree of consistency on 2782 kc, 4067 kc, or 8205.5 kc between the hours of approximately 8:00 a. m. and 4:00 p. m. due to extremely weak or unreadable signals.

37. Union Barge Line Corporation, a common carrier in interstate and foreign commerce, operates 11 owned towboats, a variety of other towage services furnished by other owners, and more than 300 barges, over more than 3500 miles on the inland waterways of the Mississippi River System and the Intracoastal Waterway. During April, May and June of 1953, Union conducted a test wherein the 6 megacycle frequencies were deleted from, and the frequency 4372.4 kc was installed in, the radiotelephone equipment on board the Union towboat "Beaver." Due to the deletion, direct comparison of the 6 and 4 megacycle frequencies was not possible. However, Union concluded, as a result of the test, that the transmitting characteristics of the new 4 megacycle frequency were the same as those of the 4 megacycle frequency which already was available for Rivers use, and not those more desirable characteristics associated with the 6 megacycle frequencies.

USE OF THE 6 MEGACYCLE FREQUENCIES

38. Evidence as to the use of the 6 megacycle frequencies for nonscheduled communications by Station WAY, Chicago, a Rivers coast station which does not furnish dispatch service, was introduced in FCC Exhibit No. 20. This exhibit shows that during the month of June, 1956, 300 calls were completed on 2782 kc, 81 on 4067 kc, none on 4372.4 kc, 6 on 6240 kc, 40 on 6455 kc, and 2 on 8205.5 kc. The above figures reflect daytime use only of the 6 megacycle frequencies, whereas they reflect 24 hours use of the other frequencies mentioned. The witness who introduced the exhibit expressed his opinion that the daytime use of 6455 kc in comparison with 4067 kc "would be very close." An analysis of tabulations compiled from the logs of Station WJG, Memphis, for the period January 1, 1956, through June 19, 1957, shows an average of over 100 nonscheduled daytime calls for each of the dates tabulated, and that approximately 87 percent of these calls were made on 6 megacycles.

39. With respect to the use of the 6 megacycle frequencies in the scheduling operations of the four stations which offer this service, no tabulated data was introduced concerning the operations of Station WJG at Memphis, or Station WFN at Louisville. RCAC exhibits, listing the schedules of Station WCM, Pittsburgh, and Station WGK, St. Louis, show that WGK uses 4067 kc as its primary frequency for all of its schedules and one or both of the 6 megacycle frequencies as an alternate for all but one of the 39 schedules listed. 2782 kc is the alternate frequency for that one schedule. WCM, Pittsburgh, uses 4067 kc as its primary frequency for 11 of its [illegible] schedules, 6240 kc for 3, and 2782 kc and 8205.5 kc each for one schedule. #1 alternate frequencies are 8205.5 kc for [illegible] schedules, 2782 kc for 4 schedules, and 6240 kc for 2 schedules. One schedule has no #1 alternate frequency listed. For #2 alternate frequencies WCM uses 6240 kc for 5 schedules, 8205.5 kc for two schedules, and 2782 kc for one schedule. No #2 alternate frequency is listed for 7 schedules.

40. The Ohio River Company, an authorized common carrier, operates [illegible] towboats, 12 of which operate in the Ohio Valley and are radiotelephone-equipped, and 519 cargo barges. The Port Captain for The Ohio River Company testified that since August, [illegible] 95 percent of that company's morning and afternoon scheduled radiotelephone messages in the Ohio Valley (an estimated 36 messages daily) have been handled on the 6 megacycle frequencies; that these are the only reliable frequencies for communication in the area over which the company operates. He further stated that previously the company had tried using 2, 4, and 8 megacycle frequencies, but these were not adequate for complete coverage and necessitated switching from one frequency to another in conflict with schedules of the St. Louis, Louisville, Memphis, and Chicago stations. The witness testified that this doubled the on-the-air time and caused confusion in the shore stations and on the boats. The foregoing testimony was paralleled by that of the manager of Station WCM, Pittsburgh, who testified that prior to the installation of 6240 kilocycles on the boats of The Ohio River Company WCM used 2782 kc, 4067 kc, and 8205.5 kc in order to contact all of that company's boats during daily schedules at 8:15 a. m. and 3:30 p. m. Considerable frequency shifting was necessary, and the total time consumed during each of the two daily schedules was approximately thirty minutes. Subsequent to the time that all of the above vessels were equipped with 6240 kc, the total elapsed time of each of these schedules seldom is more than fifteen minutes. Eleven of The Ohio River Company boats are equipped with Bell Telephone very high frequency radiotelephones for use in the areas within range of the Telephone Company's shore stations. This equipment provides adequate radiotelephone communication in certain heavy traffic areas, but, because the range of the equipment is limited, The Ohio River Company must depend on the 6 megacycle frequencies for the twice daily position reports, and other daytime calls.

41. The American Barge Line Company, a common carrier on the inland waterways system, operates 24 radiotelephone-equipped boats, and approximately 500 barges. The Port Captain for this company testified that an estimated 75 percent of the traffic handled with company boats during daylight

hours is handled on the 6 and 8 megacycle frequencies, with the use of 8 megacycles limited by its skip characteristics.

42. Some of the user-witnesses testified as to instances when communications had been effected on the 6 megacycle frequencies during emergencies. A towboat grounded near Natchez and damaged, was unable to communicate with the nearest vessel by means of Channels 4 and 5. The witness testified that this location is in the above-listed Greenville-Natchez dead spot area. Finally, by relaying the message for help through a land station, using Channel 2 (6455 kc), the towboat established contact with the vessel and received aid. Another situation involved a collision, with resultant fire on barges and a towboat. After failure to reach shore stations on Channels 1, 6, and 5, firefighting assistance was obtained through the use of Channel 2.

AVAILABILITY OF OTHER RADIOTELEPHONE COMMUNICATION SYSTEMS

43. Several witnesses testified in behalf of Rivers organizations which use or have used very high frequency mobile radiotelephone equipment in their operations. Among these organizations are Federal Barge Lines, Inc., The Ohio River Company, Warner & Tamble Radio Service, Inc., and Coyle Lines, Incorporated. These witnesses reported that such VHF equipment was useful up to 30 to 50 miles at points where VHF facilities are available, but that such facilities are limited, and that even where VHF service exists the operating frequencies are not uniform.

CONCLUSIONS

1. This proceeding stems from the Atlantic City International Telecommunications Convention (1947), to which the United States is signatory, and the provisions therein which necessitate the reassignment of certain radio frequencies. The background of the proceeding, and the hearing issues, are set forth in paragraphs 1–5 of the Preliminary Statement, above. Briefly, the primary matter here presented is whether the Commission should withdraw authorization for use of the frequencies 6240 and 6455 kilocycles between the hours of 5:00 a. m. and 8:00 p. m., c. s. t., for radiotelephone service on the Mississippi River and connecting inland waters (except the Great Lakes), and to substitute therefor the frequency of 4372.4 kilocycles. In implementing the Atlantic City Convention, the signatories have agreed that the assignment of frequencies to stations will be made in accordance with the table of frequency allocations and other provisions of the Regulations attached to the Convention, and that the assignment to the station of any frequency in derogation of the table of frequency allocations or other provisions of the Regulations will not be made, except on the express condition that harmful interference shall not be caused to services carried on by stations operating in accordance with the Convention and the applicable Regulations. Thus, the said operation may be authorized under the provisions of Chapter III, Article 3, § 3, of the Atlantic City Radio Regulations (paragraph 88 thereof) provided harmful interference [11] will not be caused to the services of other stations operating in accordance with said Convention and Regulations.

2. The Rivers System comprises a vast network of waterways, totaling in excess of 5,000 navigable river miles. Commercial transportation on this system is an expanding industry which is important to the national economy, and an effective ship to shore radiotelephone communications system contributes to the efficiency and safety of this transportation industry. There are more than 4,000 towboats on the Rivers System. An estimated 500 or more of these vessels are radiotelephone equipped. Public coast radiotelephone stations at five primary locations are licensed for radiotelephone communication with ship stations on the Rivers.

3. Evidence introduced in this proceeding does not establish that the use of 6240 kilocycles and 6455 kilocycles for ship to shore public radiotelephony on the Mississippi River System, as now authorized between the hours of 5:00 a. m. and 8:00 p. m., c. s. t., has in fact caused harmful interference to stations or other services of the United States or other countries operating in accordance with the Atlantic City Table of Frequency Allocations. Evidence based on a theoretical analysis of signal-to-interference ratios for a radiotelegraph signal in the presence of an interfering radiotelephone signal, was introduced to demonstrate the capability of the Rivers radiotelephone communications system to cause harmful interference. Apart from any disagreement among the parties as to the basis for the calculations involved, this capability is considered in the light of the facts that for operational reasons, the 6 megacycle band is rarely used at present in the passenger ship radiotelegraph service during the hours that the Rivers radiotelephone system is authorized to operate in that band, and that the Commission has received no complaints of interference resulting from the existing Rivers operation. The factual conditions which have been revealed as existing at the time of this proceeding do not support a conclusion that the radiotelephone operations now conducted by the ship and coast stations of the Rivers System on the 6 megacycle frequencies seriously impair the utility of the 6 megacycle maritime mobile band designated in the Atlantic City Table of Frequency Allocations.

4. With the existing complement of 2, 4, 6, and 8 megacycle frequencies, there are some areas of the Rivers System wherein none of the available frequencies provide satisfactory daytime service at some times of the year. The deletion of the 6 megacycle frequencies would create additional gap areas. Evidence based on theoretical calculations establishes that the additional river miles which would not be covered by the individual coast stations, for the period of time, season of the year and sunspot activity cited, would vary from a minimum of 29 river miles to a maximum of 4,078 river miles. Testimony based on the practical experience of user-witnesses also establishes that the proposed deletion would create additional gap areas varying from 55 to 453 river miles in length with respect to which a 6 megacycle frequency is of major importance in maintaining radiotelephone communications. The 4 megacycle frequencies cannot provide service to or from these additional gap areas.

5. The coast radiotelephone stations of the Rivers System, in general, provide two types of service termed "general service," and "dispatch service," which are described in paragraph 17 of our findings of fact above. The availability of the dispatch service and a simplex system of operation has contributed to the growth of the scheduling technique, which, as now in use on the Rivers System, provides a method for the rapid and efficient exchange of communications between vessels operating on that system and the companies which operate those vessels. Between the hours of 5:00 a. m. and 8:00 p. m., c. s. t., the period of time during which their use is authorized on the Rivers System, the 6 megacycle frequencies are important factors in the scheduling operation, both as primary and alternate frequencies. Their deletion, by creating additional gap areas to which neither the 4 megacycle Rivers frequencies nor other existing radio communications systems can provide service, would adversely affect the scheduling technique and the efficient exchange of communications which that technique provides. Similarly, the creation of additional gap areas would adversely affect nonscheduled and emergency communications on the Rivers. It does not appear that an increase in the nighttime communications, utilizing the 2, 4, and 8 megacycle frequencies authorized to the Rivers System, would provide a satisfactory substitute for the type of service which would be lost as a result of the deletion of the 6 megacycle frequencies from that system.

6. The record herein would not support a conclusion that deletion of the 6 megacycle frequencies would require installation of a new method of radio communications for the Rivers System. It does establish, however, that their deletion would adversely affect both the scheduling method now utilized and the transmission of unscheduled messages due to the inability to effectively establish contact between ships in the gap areas and coast stations. The number of individual calls would increase with an overall loss of efficiency and effectiveness as compared with the existing method. There is no evidence establishing a similarity of circumstances between the instant service and other services or systems which have been and have not been required to operate on frequencies

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[11] Harmful interference is defined in footnote 6 above.

which are in accordance with the Atlantic City Table of Frequency Allocations.[12]

7. In view of the foregoing, and the entire record in this proceeding, we conclude that it would best serve the public interest, convenience and necessity to authorize the continued use of the frequencies 6240 and 6455 kilocycles for ship-to-shore radiotelephony on the Mississippi River and connecting inland waters (excluding the Great Lakes) between the hours of 5:00 a. m. and 8:00 p. m., c. s. t., in derogation of the Atlantic City Table of Frequency Allocations. So that there will be no misunderstanding as to the conditions under which such derogation is allowed, we emphasize that the said operation, as provided in Chapter III, Article 3, § 3 of the Atlantic City Radio Regulations (par. 88 of the Regulations) is allowed only on the basis that harmful interference[13] will not be caused to services carried on by stations operating in accordance with the provisions of the Atlantic City Convention and the attached Radio Regulations. In this connection, our conclusion here pertains only to the Rivers operation as it exists at the time of this decision. It is not, nor may it be so construed, a conclusion that circumstances may not at some future date warrant discontinuance of the derogation here permitted.

8. During oral argument before the Commission en banc, the counsel appearing on behalf of the Central Committee on Radio Facilities of the American Petroleum Institute stated that the actions of the Commission Staff in this proceeding constituted "* * * a vicious pressure on the use of these 6 megacycle frequencies on the river * * *." Subsequently, counsel modified his language and, finally, in response to the query of a Commissioner, affirmed that he was not casting any aspersions on the integrity of the staff. The Commission previously has had ocassion (KTBS, Inc., 10 Pike & Fischer RR 876c, 877; Station WSOC, Inc., 23 FCC 5 323, 327) to condemn the use of Commission procedures as a vehicle for unsupported, reckless, or unwarranted attacks. We re-emphasize that we will allow vigorous and zealous advocacy, but that counsel should avoid, in Commission proceedings, indulgence in unrestrained and intemperate language, or offensive personalities. As we relate in detail in paragraphs 8–12 of our findings of fact above and summarize in paragraph 1 of our conclusions, this proceeding stems from the Atlantic City International Telecommunications Convention to which the United States is signatory, and the provisions therein which necessitate the re-assignment of certain radio frequencies. The Communications Act of 1934, as amended, places upon the Federal Communications Commission the responsibility for effecting this reassignment within its jurisdiction. Since the Atlantic City Treaty came into force, the Commission's staff, under Commission instruction and in cooperation with users of the frequencies involved, has commendably carried on a continuing and effective program to bring the extensive radio operations of this country into compliance with the provisions of that international treaty.

Accordingly, it is ordered, This 23d day of April 1958, that: (1) The above-named petitions for rehearing and/or reconsideration are granted to the extent that that part of our order of July 6, 1956 (FCC 56–648; Mimeo No. 30368) which would have become effective on February 1, 1957, and which would have deleted the frequencies of 6240 and 6455 kilocycles from use on the Mississippi River and connecting inland waterways (except the Great Lakes), is cancelled; (2) the above frequencies may be used, under the conditions set forth in paragraph 7 of our conclusions above, in derogation of the Atlantic City Table of Frequency Allocations; and (3) the proceeding in this docket is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 25, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[14]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3258; Filed, Apr. 30, 1958; 8:54 a. m.]

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[12] The Commission's Staff offered evidence to show that other services have changed frequencies in compliance with the requirements of the said Table of Allocations. This evidence was disallowed as not being meaningfully responsive to issue (d). The testimony adduced, however, was permitted to stand as an offer of proof. Review of the testimony discloses that it consisted solely of a showing that certain other services have changed frequencies to conform to the Table of Allocations. We have sustained the ruling of the Examiner on this point. No showing was made as to the circumstances surrounding or effects of these changes; whether interference would have existed if not made, whether the changes adversely affected, had no effect, or were beneficial to the service involved. Accordingly, such evidence if admitted, would have established no basis for comparative consideration of those services with that here involved.

[13] Harmful interference is defined in footnote 6 above.

[14] Commissioner Lee dissenting.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

[Docket No. AO-247-A5]

MILK IN UPSTATE MICHIGAN MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Park Place Hotel, Traverse City, Michigan, beginning at 10:00 a. m., local time, on May 20, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Upstate Michigan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

Proposed by the Michigan Milk Producers' Association:

Proposal No. 1. That § 916.51 (a) be amended by deleting the words "Through June 30, 1958".

Proposal No. 2. That § 916.11 be amended to read as follows:

§ 916.11 *Producer.* "Producer" means any qualified dairy farmer whose milk is received directly from the farm at a pool plant or is diverted to a nonpool plant for the account of a handler or a cooperative association. Milk so diverted for the account of the operator of a pool plant shall be deemed to have been received at the pool plant from which diverted.

Proposal No. 3. That § 916.43 (b) be amended to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the lowest use during the months of April, May or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification and allocation shall apply.

Proposal No. 4. That § 916.74 be amended so that the 5 cent per hundredweight administration assessment will be applicable only to milk utilized in Class I.

Proposed by Dairyland Cooperative Creamery Company:

Proposal No. 5. Amend the order to provide for an individual handler pool instead of a marketwide pool, make all necessary changes for the operation of an individual handler pool and delete all provisions with reference to a marketwide pool.

Proposal No. 6. Change the provision with reference to a pool plant as follows:

Pool plant. "Pool plant" means a plant from which either (a) 30 percent or more of the total milk received at such plant during the month with the exception of the months of "July and August" is disposed of in the marketing area as Class I, other than to another pool plant provided that the total quantity distributed on routes operated inside or outside the marketing area is equal to 50 percent or more of producers receipts, or (b) 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to a pool plant(s) as described in paragraph (a) of this section.

Proposed by Jordan Valley Cooperative Creamery:

Proposal No. 7. That § 916.8 (b) (2) be amended to read:

(2) A supply plant shall be a pool plant in any month in which 30 percent of its receipts from regularly qualified producers are transferred to a pool plant as described in paragraph (a) of this section provided that any supply plant so transferring an average of 30 percent of such receipts during the months of July thru November inclusive shall be a pool plant thru the following November.

Proposed by Inverness Dairy, Karstens Dairy, Nelson's Cloverdale Dairy and Rice's Dairy:

Proposal No. 8. Review the allocation provisions (§§ 916.46 and 916.47) with respect to allocation of producer milk and other source milk in Class II and Class III utilization.

Proposed by Karstens Dairy:

Proposal No. 9. That the pricing structure remain as is.

Proposed by Nelson's Cloverdale Dairy:

Proposal No. 10. Replace present marketwide pooling with individual-handler pools.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 11. Make such changes as may be required to make the entire order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice may be procured from Market Administrator, 916 East Front Street, Traverse City, Michigan, or the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 25th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-3238; Filed, Apr. 30, 1958; 8:49 a. m.]

[7 CFR Part 968]

[Docket No. AO-173-A9]

MILK IN WICHITA, KANS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita, Kansas, on November 19, 1957, pursuant to notice thereof issued on October 30, 1957 (22 F. R. 8853).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 19, 1958 (23 F. R. 1932) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Increasing the price of milk used to produce cottage cheese;
2. Modifying the base-rating provisions;
3. Revising the rate of butterfat differentials to producers; and
4. Reducing the in-area sales percentages contained in the pool plant standards.

Proposals to alter the Class I price differential, provide an automatic supply-demand adjustment to the Class I price, increase the Class I butterfat differential, and enlarge the marketing area were included in the notice of hearing. However, no evidence was introduced in support of any of these proposals and no further reference to them is made herein.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Cottage cheese.* Skim milk and butterfat used to produce cottage cheese curd or in creaming the curd should be classified as a separate class, and the price per hundredweight, 3.8 percent basis, should be increased by 80 cents per hundredweight. The butterfat differential in the new class would be the same as in the present Class I, namely 20 percent over the butter value. Under the present order, milk used to produce curd is Class II, at the same price as applies to other manufacturing uses. The cream dressing for cottage cheese, however, is in Class I and the Class I price and butterfat differential apply both to the butterfat and skim milk content of such cream dressing.

In 1956 supplies of producer milk in the Wichita market were adequate to cover the production of both the curd and cream dressing produced by the regulated handlers. However, in July through October 1957 supplies of producer milk were substantially lower in relation to Class I sales than in the same months of 1956. At times during these months some handlers had insufficient supplies of milk to satisfy their Class I requirements. The cooperative association investigated the possibility of shifting Grade A milk from handlers who needed it only for the manufacture of cottage cheese to the handlers who needed it for Class I purposes. Their investigation included the possibility of substituting manufacturing grade milk for the production of cottage cheese. Such substitution was specifically prohibited by the health authorities having jurisdiction in the city of Wichita and a zone extending 3 miles beyond city limits. In the circumstances, the association arranged for the importation of approved supplies of Grade A milk from distant sources in preference to attempting to develop additional permanent supplies of producer milk in the local milkshed. The territory in which cottage cheese is required to be produced from Grade A milk covers virtually all of the Wichita marketing area as defined in the order. It is estimated that approximately 60 percent of the cottage cheese curd manufactured by regulated handlers in recent months is distributed within the marketing area, the remaining 40 percent being distributed outside of the area.

In view of the clear requirement that cottage cheese curd be produced from Grade A milk, such milk should bear as much of the extra cost of producing Grade A milk as circumstances will permit. It is not feasible however, to apply Class I prices to the skim milk used to produce curd because of the great increase in product cost which would be involved. For example, in October 1957 the value per hundredweight of skim milk in Class II was only $0.574 whereas the Class I value of skim milk was $2.249.

In the circumstances, it is appropriate that the price of cottage cheese ingredients be 80 cents above the present Class II price, and that the butterfat differential be the same as the present Class I differential. At the average class prices during November 1956 through October 1957, the last 12 months preceding the hearing, the 80 cents is equal to the producer proposal for a 60-cent increase in the price of skim milk used to produce cottage cheese curd while leaving the cream dressing in Class I. By placing both the curd and dressing in a new Class II, the complete market data on the product will be reflected in one class and the value of the skim milk will be the same in the curd as in the dressing. During the 12-month period the Class I price averaged $5.072, the fat differential was 7.2 cents and the resulting fat value was 74.3 cents per pound and the skim value was $2.336 per hundredweight. The comparable Class II figures were $3.231, 6.9 cents, 69.6 cents, and 60.9 cents. The new Class II figures would have been $4.031, 7.2 cents, 73.3 cents, and $1.295, respectively.

The 80 cents will raise the ingredient cost per pound of creamed cottage cheese by 2.5 cents (from 6.19 to 8.69 cents) at the average prices which prevailed during the 12-month period. (This calculation assumes that the cream dressing contains 12 percent butterfat. This in turn would require using one-third pound of dressing with two-thirds pound of curd to make a pound of creamed cottage cheese containing 4 percent butterfat. The two-thirds pound of curd at the standard figure of 6.25 pounds of skim milk per pound of curd could be made from 4.167 pounds of skim milk.) The 2.5 cents represents a 40 percent increase in the ingredient cost of creamed cottage cheese, but would represent a smaller percentage increase in the price to consumers if manufacturing and selling margins are not increased.

The attached order places skim milk used in the cream dressing or to produce cottage cheese curd in a new Class II and assigns all other manufacturing uses (which presently constitute Class II) in Class III. The new Class III price would be the same as the present Class II price and the new Class II price, as indicated above, would be 80 cents per hundredweight above the Class III price, using the same butterfat differential as in the present Class I. The closing inventory should be left in Class III milk with the other former Class II uses. Any inventory reclassification charge which might be payable pursuant to § 968.70 (c) would then be at a rate equal to the difference between the new Class II and the Class III prices on inventory reclassified as Class II and to the difference between the Class I and Class III prices on inventory reclassified as Class I.

Related modifications: These revisions affect other provisions of the order. Perhaps the most fundamental effect involves the possible regulation of plants selling cottage cheese curd in the marketing area but having no fluid milk sales. Such an operation was described in the record. It was indicated that cottage cheese would be sold in the market from the plant of the Marion Creamery Company and that, if so, the dairy farmers would have to obtain Grade A permits. Under the type of operation contemplated by this firm, or similar operations by any other firm, the dairymen would be "approved dairy farmers" as presently defined in the order. The plant would also be an "approved plant" since the Grade A approval of plant and farms would permit the sale of fluid milk even though cottage cheese might be the only item actually so sold. The plant operator would be a handler but the operation would not qualify as a pool plant, since no Class I sales would be made in the marketing area. (The Marion Creamery Company indicated the possible development of fluid milk sales in the area and these would, of course, affect the pool plant status.) As a handler operating a nonpool plant, a seller of cottage cheese would be principally concerned with § 968.62 of the Wichita order which provides for compensatory payments. Paragraph (a) now prescribes payment of the difference between Class I and manufacturing (present Class II) prices on other source milk classified as Class I. The reference to Class II should be changed to Class III. Furthermore the paragraph must be applied to sales of cottage cheese if the higher price is to be made fully effective and equitable as between all handlers. The payment on the butterfat and skim milk equivalent used to produce cottage cheese should be at the difference between the Class II and Class III prices. Paragraph (b) of § 968.62 is stated in general terms and needs no conforming change.

The provisions relating to compensatory payments by handlers subject to other Federal orders, § 968.61 (b) require similar changes as described above for § 968.62 (a), and for similar reasons.

Under the terms of the present order, a handler operating a nonpool plant would also be subject to the administrative assessment on his entire supply of milk from approved dairy farmers. If such a nonpool plant was also a nonpool plant under another Federal order, it could be subject to some administrative expense thereunder. Such duplicate charging of administrative expense should be avoided. This problem can be met by specifying that administrative expenses due under the Wichita order from the operator of a nonpool plant can be offset by any administrative fund payments under other Federal orders.

Class II should be defined to include reconstituted skim milk, as well as that used in fluid form. Any nonfat dry milk or condensed skim milk used to produce cottage cheese would have to come from sources approved for fluid use, and the producers supplying the original skim milk should receive the Class II price for the original weight of skim milk rather than for the weight of the concentrated product.

The revised classification also affects the base-rating plan. Under the usual circumstances prevailing in the market, the quantity of base milk exceeds the Class I sales and the price of excess milk is equal to the Class II price. However, it is provided that in the event the quantity of excess milk is greater than the Class II sales, the remainder is valued at the Class I price. Under the three classes of use provided herein, the same principle can be followed by assigning excess milk first to Class III, then Class II, and finally to Class I.

2. *Base-rating plan.* During the months of June and July of 1958 and 1959 payments to producers should be made at a single uniform price rather than at base and excess prices also, producers delivering to newly qualified pool plants should have their bases computed on the same basis as at established pool plants. In all other respects the present base-rating plan should remain unchanged.

The base-rating plan is designed to encourage producers to level out the seasonality of production. Producers establish their bases during the months of normally lowest production and are then discouraged from over-production during the following base-using months by the fact that they are paid only a manufacturing price for milk produced in excess of their established bases. Under the present order, the four months of August through November constitute the base-forming period and the bases established during these months are used in paying producers during the following calendar year.

In the Wichita market, producers have responded to the base-rating plan to the extent that deliveries per producer per day are comparatively high during the base-forming months. During the past several years, the principal problem relative to seasonality of production is that production has been seasonally lowest during June and July, the two months immediately preceding the base-making period. For example, in 1957, daily production per producer averaged only 510 pounds during June and July as compared with 585 pounds for the four base-forming months of August through November. (Official notice is hereby taken of the daily average production for November 1957.) Stated another way, daily average production in June and July averaged only 87 percent of production during the following base-forming months. In 1956, the corresponding percentage was 84, in 1955 it was 88, and in 1954 it was 88.

The pattern of lowest production during June and July seems clearly established. It is reasonable to assume that the base-rating plan is a major factor contributing to this pattern, but the extreme variations in temperature, rainfall, crop yields and pasture conditions may also have affected seasonality of production during recent years. In recognition of the numerous factors involved, producers proposed that changes in the base-rating provisions be limited to a two-year period.

The two principal changes considered at the hearing were to suspend the operation of the base and excess plan during the months of June and July and to include July as one of the base-forming months. The principal problem in connection with the inclusion of July as a base-forming month is the production difficulties encountered in freshening cows during hot weather and the shorter average period of lactation of cows freshened at this time of year. Also, deliveries per producer have averaged lower in each month of August through November 1957 than in the corresponding months of 1956. This indicates a possible change in producer reactions to the base-rating plan, and other factors. On the other hand, elimination of the base-paying provisions during the months of June and July would encourage increased output by heavier feeding, or the purchase of dairy cows, particularly on the part of new shippers or those who may have failed to establish an adequate base for one reason or another. It is concluded that elimination of base-paying provisions for the months of June and July 1958 and 1959 will furnish an appropriate incentive to expand output during these months. The two-year experience will give ample opportunity to restudy the problem and reconsider the base-rating provisions by amendment action. This can be accomplished by amending § 968.16, the definition of base milk, to provide that all deliveries of milk during the specified months be considered as base milk. It follows that for such months there will be no excess milk; the computation prescribed in paragraphs (d), (e), and (f) of § 968.71 will be zero, and the announced uniform price for base milk will actually be the price for all milk.

Plants may become newly qualified as pool plants in any month of the year. In such event the producers supplying the new plant should have their bases computed from their deliveries to such plant during the previous base-making period rather than being required to form discounted bases as new producers, pursuant to § 968.90 (b) (2) of the present order. The essential difference is that the shippers to the new pool plant would have become Wichita producers by handler action whereas single new shippers at established pool plants become producers by their own choice. The bases can be computed from plant records or other evidence acceptable to the market administrator.

Bulk tank milk is picked up on an every-other-day schedule in this market. The base-setting provision should be clarified to apply to days of production rather than delivery days.

3. *Butterfat differential to producers.* The butterfat differential to producers for milk containing more or less than 3.8 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in each class.

At present, the Class I butterfat differential is 20 percent over the Chicago butter price, the Class II differential 15 percent over, and the producer differential 20 percent over. The change would, therefore slightly reduce the producer differential. The use of a weighted differential follows the same plan as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the basic test of 3.8 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.8 percent.

4. *Pool plants.* The minimum percentage of total receipts which must be sold in the marketing area as Class I to qualify as a pool plant should be reduced to 10 percent in the months of April, May, June, and July and to 15 percent in the other months of the year.

Under the present order, Class I sales in the defined marketing area must be at least 20 percent of the receipts during April, May, June, and July and 25 percent in the other months of the year. In addition, at least 40 percent of plant receipts must be sold for Class I purposes, either within or outside the marketing area, during the months of April, May, June, and July and 50 percent in the other months. It was not proposed that these latter percentages be modified.

The principal reasons for lowering the in-area percentages is that sales territories of milk distributors have increased substantially. In Wichita and other markets in the region and throughout the United States, fluid milk processing and bottling plants have grown larger and the sales territories covered by each have been greatly expanded. A Wichita handler might continue to sell a substantial volume of Class I milk within the defined marketing area but might lose status as a pool plant if the volume of out-of-area sales increased. Thus, without any significant change in his association with the market, the plant might lose status as a pool plant. It is concluded, therefore, that the percentage of in-area sales should be reduced.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Wichita, Kansas, marketing area", and "Order amending the order regulating the handling of milk in the Wichita, Kansas, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Wichita, Kansas, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 25th day of April 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] *Amending Order Regulating Handling of Milk in Wichita, Kansas, Marketing Area*

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968.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 968.1 to 968.110 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the City of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum, Park, Payne and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita or of Sedgwick County for the production of milk to be disposed of as Grade "A" milk, or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type II, No. 1, or Type III, No. 1 which is received at a plant supplying Class I milk to such an institution or base in the marketing area.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 968.61.

§ 968.7 *Approved plant.* "Approved plant" means any plant (a) approved by the health authorities of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area at which milk is received from approved dairy farmers, or (b) supplying to any agency of the United States Government located within the marketing area Class I milk products accepted as meeting the requirements of Type II, No. 1 or Type III, No. 1.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler.

(a) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 15 percent or more of such plant's total receipts from approved dairy farmers; and

(c) For the purpose of this definition the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted;

(2) Milk for which a cooperative association which does not operate a plant is defined as the handler pursuant to § 968.9 (b) shall be deemed to have been received by such cooperative association at a pool plant; and

(3) Milk transferred as Class I milk from an approved plant to another approved plant shall be credited as a Class I disposition as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, milk so transferred will be credited as a Class I disposition of the transferring plant only to the extent that classification as Class I milk is required pursuant to § 968.44 (a) (2);

(ii) In any case in which the entire quantity of Class I milk disposed of in packages of a particular size and form is received in such packages from another approved plant all such Class I disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate Class I disposition of the receiving plant.

§ 968.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of an approved plant; and

(b) Any cooperative association with respect to:

(1) The milk of any producer which such cooperative association causes to be diverted to an unapproved plant for the account of such cooperative association;

(2) The milk of any producer delivered to the approved plant of another handler during the same month in which such cooperative association is the handler pursuant to subpagaraph (1) of this paragraph with respect to any milk of such producer; and

(3) The milk of any member producer delivered for the account of such cooperative association to the approved plant of another cooperative association.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

§ 968.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 968.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 968.15 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 968.41 (a), other than a delivery to any milk processing plant.

§ 968.16 *Base milk.* "Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied by the number of days during the month for which milk was received from such producer: *Provided,* That during the months of June and July of 1958 and 1959 all producer milk received by handlers from a producer shall be considered as base milk: *And provided further,* That with respect to any producer "on every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 968.90.

§ 968.17 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 968.30 to 968.32, or

(2) Made payments pursuant to §§ 968.80 to 968.86.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51 (a) and the Class I butterfat differential pursuant to § 968.52 both for the current month; and the minimum prices for Class II and Class III milk computed pursuant to § 968.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 968.52 (b) and (c), all for the previous month;

(2) On or before the 10th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS, AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class III products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 *Payroll reports.* On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 to § 968.46.

§ 968.41 *Classes of utilization.* Subject to conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, butterfat, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II or Class III milk.

(b) Class II milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat: (1) Used to produce butter, cheese, plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, aerated cream, eggnog, casein or margarine; (2) in cream frozen and stored; (3) used for starter churning, wholesale baking and candy making; (4) disposed of as livestock feed; (5) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (6) in shrinkage up to 2 percent of producer receipts to be prorated pursuant to § 968.42; (7) in shrinkage of other source milk; and (8) in inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 968.42 *Shrinkage.* If producer milk and other source milk are both received at a pool plant, the shrinkage of skim milk and butterfat at such plant shall be prorated between the producer milk and other source milk. For the purpose of prorating shrinkage, skim milk and butterfat in milk delivered directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was delivered, and excluded from receipts of the originating handler.

§ 968.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 968.44 *Transfers.* Skim milk and butterfat transferred or diverted from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the highest-priced possible utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class III milk if its utilization as Class III milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class III milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant distributing fluid milk, cream or cottage cheese and located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(e) As Class III milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant, located not more than 250 miles from the approved plant, and which does not distribute fluid milk, fluid cream, or cottage cheese, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat is disposed of from such unapproved plant to any other milk plant in the form of milk, skim milk or cream, skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

(f) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 968.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obivous errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 968.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 968.41 (c) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk or cream according to its classification pursuant to § 968.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with the lowest priced utilization the pounds of skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with the lowest priced utilization, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in § 968.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44 (a);

(6) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest priced utilization. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 968.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Company, Mount Pleasant, Michigan.
Carnation Company, Sparta, Michigan.
Pet Milk Company, Wayland, Michigan.
Pet Milk Company, Coopersville, Michigan.
Borden Company, Orfordville, Wisconsin.
Borden Company, New London, Wisconsin.
Carnation Company, Richland Center, Wisconsin.
Carnation Company, Oconomowoc, Wisconsin.
Pet Milk Company, New Glarus, Wisconsin.
Pet Milk Company, Belleville, Wisconsin.
White House Milk Company, Manitowoc, Wisconsin.
White House Milk Company, West Bend, Wisconsin.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 *Class prices.* Subject to the provisions of § 968.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.65.

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 80 cents.

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the United States Department of Agriculture.

Present Operator and Location

Arkansas City Cooperative Milk Association, Arkansas City, Kansas.
Bennett Creamery Co., Ottawa, Kansas.
Page Milk Company, Coffeyville, Kansas.
Pet Milk Company, Iola, Kansas.

(2) The average price reported by the United States Department of Agriculture for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 968.52 *Handler butterfat differential.* If the average butterfat test of Class I, Class II or Class III milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.120;

(c) *Class III milk.* Multiply such price for the current month by 0.115.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 to 968.46, 968.50 to 968.52, 968.61, 968.62, 968.70, 968.71 and 968.80 to 968.88 shall not apply to a producer-handler.

§ 968.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I or Class II milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat so disposed of (except to other handlers) within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 968.62 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 to § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either paragraph (a) or (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was (1) disposed of during the month in the marketing area on routes as Class I milk by the difference between the Class I and the Class III prices or (2) used to produce cottage cheese so disposed of by the difference between the Class II and Class III prices.

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 *Net pool obligations of handlers operating pool plants.* The net pool obligation for milk received during each month by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices (adjusted pursuant to § 968.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46 (a) (7) by the applicable respective class prices;

(c) Add a reclassification charge equal to the difference between the Class I and Class III prices or the Class II and Class III prices, respectively, for the current month for skim milk and butterfat in inventory which is subtracted from Class I or Class II pursuant to § 968.46 (a) (4) and the corresponding step of § 968.46 (b) which is not in excess of the skim milk and butterfat remaining in Class III milk in the previous month pursuant to § 968.46 (a) (5) and the corresponding step of § 968.46 (b);

(d) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a) (3) and the corresponding step of § 968.46 (b) add an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and at the Class III price and for any skim milk or butterfat so subtracted from Class II, add an amount equal to the difference in values of such skim milk and butterfat at the Class II price and the Class III price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the applicable class price.

§ 968.71 *Computation of uniform prices for base milk and excess milk.* For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to §§ 968.80 and 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by assigning such milk in series beginning with the lowest-priced utilization, multiplying the quantity so assigned to each use classification by the applicable class price, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 968.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the second working day following the 10th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71 (h) and (e) for such producers' deliveries of base milk and excess milk, respectively, adjusted by the butterfat differential computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer (1) to whom payment is not made pursuant to paragraph (c) of this section, and (2) who is still delivering Grade A milk to such handler, an advance payment with respect to milk received from him during the first 15 days of such month computed at not less than 110 percent of the Class III price for 3.8 percent milk for the preceding month, without deduction for hauling.

(c) On or before the 11th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 11th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

(d) On or before the 10th day after the end of each month, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 968.9 (b) (2) or (3), not less than the value of such milk as classified pursuant to § 968.44 (a) at the applicable respective class price(s).

§ 968.81 *Producer butterfat differential.* In making payments pursuant to § 968.80 (a) the uniform prices per hundredweight shall be adjusted for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 968.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 968.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.86, 968.61 and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 *Payments to the producer-settlement fund.* On or before the 11th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 968.85 *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80 (a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 968.87 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler with respect to all milk received from approved dairy farmers during the month, shall pay to the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary. In the case of any handler operating a nonpool plant which is also subject to the assessment of administrative expense under another order, the payments due under this section shall be reduced by the amount of administrative expense payments under the other order.

§ 968.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 968.90 *Determination of daily base.* (a) The daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater: *Provided,* That in the case of producers delivering milk to a pool plant which was not a pool plant during all of the preceding months of August through November a daily average base for each such producer shall be computed pursuant to this paragraph on the basis of his verifiable deliveries of milk to such plant during the period August through November preceding the month in which the plant became a pool plant.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) For the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90 (b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section and § 968.90 only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the City of Wichita or Sedgwick County has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita or Sedgwick County, Kansas.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 58-3237; Filed, Apr. 30, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 20]

[Draft Release No. 58-2A]

KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS FOR APPLICANTS FOR PRIVATE AND COMMERCIAL PILOT CERTIFICATES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

The Bureau of Safety circulated as Civil Air Regulations Draft Release No. 58-2 on February 15, 1958 (23 F. R. 1014) proposed amendments to Part 20 of the Civil Air Regulations on the subject: "Knowledge, Experience, and Skill Requirements for Applicants for Private and Commercial Pilot Certificates." Reference is made to the draft release for a full explanation of the purpose and background of the proposed rules.

The draft release stated that all persons desiring to participate in the making of the proposed rules should submit comment to the Civil Aeronautics Board prior to April 18, 1958.

The Bureau has been requested by interested persons to extend the date for return of comment so that they may have additional time to secure certain data necessary to support their comment on the proposed amendments. They have raised certain questions relating to particular aspects of the proposal which they would like to explore with the aviation industry. Such questions concern the availability of flight instructors, the availability of training aircraft equipped with a minimum of instruments necessary to maintain proper attitude of the aircraft, and any additional cost and the extent of such additional cost for equipment to provide at least one such training aircraft. Since such data will greatly aid in giving proper considerations to the issues raised by the proposals, it appears that the requested extension for the return date of comment will serve a useful purpose.

Accordingly, the Bureau is extending the time for submission of comment with respect to Civil Air Regulations Draft Release No. 58-2, and the Bureau will consider written comment submitted not later than July 15, 1958. Comments should be submitted in duplicate and addressed to the Civil Aeronautics Board, Bureau of Safety, Washington 25, D. C.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., April 23, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58-3254; Filed, Apr. 30, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 12406; FCC 58-407]

LAND TRANSPORTATION RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend its rules governing the Land Transportation Radio Services to delete the exception provided applicants who are associations of owners of private automobiles to the requirements of frequency coordination contained in § 16.9. At the time § 16.9 was adopted there was only one frequency available to such applicants on a regular basis and it was, therefore, not necessary for them to coordinate their frequency selection.

3. However, with the adoption of the rule changes in Docket Nos. 11992, 11[illegible] and 12169, which provide additional fre-

quencies for the use of associations of owners of private automobiles, it becomes necessary that applicants for these frequencies coordinate their frequency selection as provided in § 16.9. Accordingly, it is proposed to amend § 16.9 by deleting the following words from the first paragraph: "Except for applications in the Automobile Emergency Radio Service proposing to use a frequency made available under provisions of § 16.503 (b) * * *"

4. The foregoing proposed amendment is issued under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before May 26, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 23, 1958.

Released: April 25, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3259; Filed, Apr. 30, 1958; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATES BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Garden peas.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 58-3287; Filed, Apr. 30, 1958; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 019378, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an addition to the Tatalina Air Force Station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Tatalina River-Takotna Area

Beginning at a point on the west boundary of an area withdrawn by Public Land Order No. 731 which is also the northeast corner of an area withdrawn by Public Land Order No. 815, at approximate Latitude 62°55'44" N., Longitude 156°01'12" W.; thence by metes and bounds,

West, 600 feet;
North, 538.1 feet;
East, 600 feet;
South, 538.1 feet to the point of beginning.

Containing 7.41 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-3251; Filed, Apr. 30, 1958; 8:53 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The National Park Service has filed an application, Serial Number A. 042044 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and the mineral leasing laws. The applicant desires the land for an Administrative and Headquarters Site for the Katmai National Monument.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KING SALMON AREA

Parcel 1

From USC and GS monument B6 being on the center line of NS Runway Station 0+36.5 go S. 3°25' E 1147.05 feet to a point which is identical with the NE corner of the reserve created for the U. S. Fish and Wildlife Service by Public Land Order No. 309 of January 5, 1946; thence S 27°00' W on the easterly boundary of said reserve 400 feet to the Point of Beginning;

thence S 62°59' E 450 feet;
thence S 27°01' W 450 feet;
thence N 62°59' W 450 feet to the easterly line of said withdrawal;
thence N 27°01' E on said easterly line 450 feet to the point of beginning, provided there shall be reserved therefrom an easement 20 feet in width for an existing road along the westerly boundary of the said described land.

Containing approximately 4.65 acres.

Parcel 2

From USC and GS monument B6, being on the center line of NS Runway Station 0+36.5, go S 3°25' E 1147.05 feet to a point which is identical with the NE corner of the reserve created for the U. S. Fish and Wildlife Service by Public Land Order No. 309 of January 5, 1946; thence S 27°00' W on the easterly boundary of said reserve 400 feet to the Point of Beginning;

Thence S 27°01' W. 1191.24 ft to right bank of Naknek River;
Thence N 58°53' W 250.80 ft. along the right bank of Naknek River;
Thence N 27°01' E 1173.30 ft.;
Thence S 63°00' E 250.00 ft. to the point of beginning.

Containing 6.78 acres more or less.

DONALD T. GRIFFITH,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 58-3220; Filed, Apr. 30, 1958; 8:45 a. m.]

Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke the Departmental order of March 18, 1908, insofar as said order affects the following-described lands provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

BOISE MERIDIAN

T. 8 S., R. 22 E.,
 Sec. 31, SE¼SE¼SW¼.

The area described contains 10 acres.

N. B. BENNETT, Jr.,
Acting Assistant Commissioner.

[Idaho 09025]

APRIL 25, 1958.

I concur.

1. The lands lie about six miles southwest of Kimama Butte, at an elevation of approximately 4,600 feet. Vegetation consists of big sage, cheat grass, native blue grass, Idaho fescue and weeds. The soil is a moderately deep lava ash quite free of rocks.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on May 31, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 30, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 30, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on August 30, 1958.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-3221; Filed, Apr. 30, 1958; 8:45 a. m.]

NEWLANDS PROJECT, CALIFORNIA-NEVADA

ORDER OF REVOCATION

APRIL 3, 1958.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental orders of July 2, 1902, August 26, 1902, July 9, 1904, June 27, 1907, August 13, 1908 (two orders), July 9, 1910, June 24, 1912, and October 18, 1940, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 14 E.,
 Sec. 20, E½SE¼;
 Sec. 21, lots 1 and 2, N½SW¼ and SE¼;
 Sec. 23, SE¼;
 Sec. 24, 25 and 26: All;
 Sec. 27, W½NW¼;
 Sec. 28, lots 1 to 12, inclusive, SW¼SW¼ and E½SE¼;
 Sec. 29, E½;
 Sec. 32, E½ and E½NW¼;
 Sec. 33, W½NE¼ and W½.
T. 17 N., R. 15 E.,
 Sec. 12, S½SE¼;
 Sec. 13, lots 1 to 8, inclusive;
 Sec. 14, lots 1 to 9, inclusive;
 Sec. 15, All.
T. 18 N., R. 15 E.,
 Sec. 2, lots 1, 2, 3, and 4 and S½N½;
 Sec. 3, lots 1, 2, 3, and 4, SE¼NE¼, SW¼, S½SW¼ and SE¼;
 Sec. 4, lots 1 to 10, inclusive, and S½NW¼;
 Sec. 5, SE¼;
 Sec. 8, NE¼ and N½SE¼;
 Sec. 9, lots 1 and 2, W½NE¼; S½NW¼, N½SW¼, and NW¼SE¼;
 Sec. 13, S½SW¼;
 Sec. 14, S½SE¼;
 Sec. 23, NE¼;
 Sec. 24, All;
 Sec. 25, N½NE¼.
T. 19 N., R. 15 E.,
 Secs. 16 and 17: All;
 Sec. 20, lot 1, N½NE¼ and NE¼NW¼;
 Sec. 21, N½N½;
 Sec. 33, lot 1, N½SE¼ and SW¼SE¼;
 Sec. 34, lots 1, 2, 3, and 4, N½ and N½SW¼;
 Sec. 35, lots 1 and 2, N½, E½SW¼, and SE¼.
T. 16 N., R. 16 E.,
 Sec. 32, NW¼NW¼, S½NW¼, and N½S½.
T. 17 N., R. 16 E.,
 Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and SW¼;
 Sec. 7, S½ of lot 2 SW¼, and SE¼SW¼;
 Sec. 11, S½;
 Sec. 12, All;
 Sec. 14, N½;
 Sec. 15, All;
 Sec. 16, SE¼;
 Sec. 17, All;
 Sec. 18, lots 1 to 7, inclusive, lots 1 and 2 of SW¼, and SE¼.
T. 18 N., R. 16 E.,
 Sec. 19, S½ lot 2 NW¼ and lot 2 SW¼;
 Sec. 30, N½ lot 2 NW¼.
T. 19 N., R. 16 E.,
 Sec. 7, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
 Secs. 8 and 17: All;
 Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
 Sec. 20, N½.
T. 13 N., R. 17 E.,
 Sec. 16, E½;
 Sec. 36, All.
T. 14 N., R. 17 E.,
 Sec. 16, lots 1, 2, and 3: All;
 Sec. 20, lots 1, 2, and 3, N½ and SW¼: All.
T. 15 N., R. 17 E.,
 Sec. 7, lots 1 to 9, inclusive, E½NW¼ and NE¼SW¼: All.
T 20 N., R. 17 E.,
 Sec. 24, S½N½ and S½;
 Sec. 25, N½ and N½SW¼.
T. 18 N., R. 18 E. (California),
 Sec. 6, lots 2, 3, and 4, S½ of lot 5, S½ of lot 17, and lots 18 to 21, inclusive;
 Sec. 18, lots 7 to 18, inclusive;
 Sec. 19, lots 9 to 12, inclusive.
T. 19 N., R. 18 E.,
 Sec. 8, NE¼ and N½NW¼;
 Sec. 14, E½SE¼;
 Sec. 18, lots 4, 5, and 6 in N½, lot 6 in S½, and lots 11 and 14;
 Sec. 31, N½ of lot 2 in S½, lot 3 in S½, and lot 8.
T. 20 N., R. 18 E.,
 Sec. 30, lots 2, 3, 4, and 5, S½ of lot 6, S½ of lot 7, and lots 8, 9, 10, 11, 12, and 16;
 Sec. 31, lots 1, 2, 6, 7, 11, and 12, N½ of lot 13, N½ of lot 16, and lots 17 and 18.

The above described areas aggregate 23,517.38 acres.

FLOYD E. DOMINY,
Associate Commissioner.

[67611]

APRIL 25, 1958.

I concur.

1. The following-described lands are within the Tahoe, Toiyabe, and El Dorado National Forests and have been

to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on May 31, 1958.

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 19 N., R. 14 E.,
  Sec. 24, W½ and SW¼;
  Sec. 32, E½NW¼.
T. 17 N., R. 15 E.,
  Sec. 12, S½SE¼.
T. 18 N., R. 15 E.,
  Sec. 2, lots 1, 2, 3, and S½N½;
  Sec. 4, lots 3, 4, and 6;
  Sec. 8, NE¼ and N½SE¼;
  Sec. 24, NE¼NW¼, SE¼NE¼, and SW¼SE¼.
T. 19 N., R. 15 E.,
  Sec. 16;
  Sec. 30, N½NE¼;
  Sec. 34, SW¼NW¼.
T. 16 N., R. 16 E.,
  Sec. 32, S½NW¼ and N½S½.
T. 17 N., R. 16 E.,
  Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, and SW¼;
  Sec. 12, N½.
T. 19 N., R. 16 E.,
  Sec. 8, N½, N½SW¼, and E½SE¼.
T. 14 N., R. 17 E.,
  Sec. 20, S½SW¼.
T. 20 N., R. 17 E.,
  Sec. 24, SW¼NW¼.
T. 18 N., R. 18 E.,
  Sec. 18, lots 7 and 8.

The areas described aggregate approximately 3,680 acres.

NEVADA

MOUNT DIABLO MERIDIAN

T. 19 N., R. 18 E.,
  Sec. 14, E½SE¼.

The area described contains 80 acres.

2. Approximately 19,197 acres have been patented without a reservation of minerals to the United States. The NW¼NW¼, sec. 32, T. 16 N., R. 16 E., M. D. M., California, which is within the Tahoe National Forest, was withdrawn from all forms of entry for use as a ranger station on January 3, 1907. Lots 4, 5, and 6 in the N½ and lot 6 in the S½ of sec. 18, and lot 8, sec. 31, T. 19 N., R. 18 E., and lots 2 and 3, sec. 30, T. 20 N., R. 18 E., M. D. M., California, were withdrawn in aid of classification by Executive order of April 14, 1925, for possible inclusion in a national forest, under the act of February 20, 1925.

3. The NE¼ and the N½NW¼, sec. 8, T. 19 N., R. 18 E., M. D. M., is vacant public land located about ten miles west of Reno, in Washoe County, Nevada. Vegetation consists chiefly of big sage, rabbitt brush, bitter brush, desert peach, cheat grass, and some scattered conifers of no commercial value. The land is not valuable for agriculture due to the steepness of the terrain and the character of the soil.

4. No application for land described in paragraph 3 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the land described in paragraph 3 is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–281 as amended), presented prior to 10:00 a. m. on May 31, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 30, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 30, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 on August 30, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the land described shall be addressed to the Manager, Bureau of Land Management, Reno, Nevada.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-3222; Filed, Apr. 30, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SPANISH TYPE PEANUTS

SUPPLY FOR 1958–59 MARKETING YEAR

The Secretary of Agriculture has had under consideration increasing the acreage allotted for 1958 for States producing Spanish type peanuts under provisions of section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), and in connection therewith held a hearing on March 14, 1958 after giving due notice of such hearing (23 F. R. 1662).

It has been determined, after giving full consideration to the views and data presented at the said hearing and all other facts available, that no increase can be granted under provisions of section 358 (c) of the Act in the acreage allotted for 1958 for States producing Spanish type peanuts.

Done at Washington, D. C. this 25th day of April 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 58-3274; Filed, Apr. 30, 1958; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

WEST COAST LINE, INC. AND AMERICAN STEVEDORES, INC.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8295, between West Coast Line, Inc., and American Stevedores, Inc., provides that the latter company, operator of Pier 44, Brooklyn, New York, will give preferential terminal service at said pier to vessels employed in the West Coast Line joint service and will furnish no such service at said pier to any vessel which is operated in competition with the West Coast Line, and further records the undertaking of the West Coast Line, Inc. to use said pier for all vessels operated in the West Coast Line service which are regularly or usually loaded or discharged at its terminal in the Port of New York rather than at railroad or similar berths.

(2) Agreement No. 8295–1, modifies the above agreement to provide that West Coast Line, Inc. will perform the clerking, checking and watching (excluding gatemen) services for the West Coast Line vessels at said Pier 44.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 28, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3244; Filed, Apr. 30, 1958; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 12]

DELEGATIONS OF FINAL AUTHORITY RELATED TO SUBSTANTIVE PROGRAM MATTERS

MAY 1, 1958.

Recent changes in the organization and procedures of the Civil Aeronautics Board and subsequent revisions in the delegations of authority require that Public Notice PN 8 be revoked and that, pursuant to section 3 (a) (1) of the Administrative Procedure Act, the following delegations of final authority by the Board to the staff be published.

Sec.
1. Officers and employees.
2. Presiding officers and hearing examiners.
3. Chief Examiner.
4. Director, Bureau of Air Operations.
5. Chief, Office of Carrier Accounts and Statistics.
6. Director, Bureau of Safety.
7. Chief, Office of Compliance.
8. General Counsel.
9. The Secretary.
10. Special agents and auditors.
11. Redelegation of authority.

SECTION 1. *Officers and employees.* All officers and employees of the Board are authorized to request such information from, or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

SEC. 2. *Presiding officers and hearing examiners.* Presiding officers, hearing examiners, individual members of the Board or any other representative assigned to hold a hearing in a proceeding is authorized to:

.01 Give notice concerning and hold hearings.

.02 Examine witnesses.

.03 Issue subpenas and take or cause depositions to be taken.

.04 Rule upon offers of proof and receive relevant evidence.

.05 Regulate the course and conduct of the hearing.

.06 Hold conferences, before or during the hearing, for the settlement or simplification of issues.

.07 Rule on motions and dispose of procedural requests or similar matters.

.08 Within his discretion, or upon the direction of the Board, certify any question to the Board for its consideration and disposition.

.09 Issue initial decisions in proceedings for the suspension or revocation of airman or other safety certificates and for the review of the Administrator's refusal to issue an airman certificate.

.10 Render an initial decision orally on the record, or in writing if, before the close of the hearing any party so requests in cases relating to rates, fares or charges, classification rules or regulations or practices affecting such matters or value of service, or mail compensation.

.11 Render a recommended decision orally on the record or in writing in cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the Civil Aeronautics Act of 1938, as amended.

.12 Render an initial decision orally on the record or in writing in cases relating to economic proceedings other than those covered by Subsections 2.10 and 2.11 above.

SEC. 3. *Chief Examiner.* The Chief Examiner is authorized to:

.01 Approve or disapprove requests for changes in procedural requirements in economic cases for good cause shown, providing that an extension of time for filing documents shall not be granted within three days of the date originally set for the filing except in cases involving unusual hardship on the requesting party or parties.

.02 Consolidate, upon recommendation of the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), into one proceeding, cases involving the investigation of a tariff or of complaints concerned with related tariffs.

.03 With the concurrence of the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate): Grant intervention in formal proceedings; deny intervention in formal proceedings to cities or Chambers of Commerce representing cities which are off-line points; dismiss applications or complaints when such dismissal is requested or consented to by the applicant or complainant, or where such party has failed to prosecute such application or complaint, provided that in the case of complaints involving the Office of Compliance, the Chief of such office concurs; consolidate into one proceeding for the purpose of hearing and decision, and approve applications for such consolidation, of cases arising under sections 401, 402, 408, 409, and 412 of the Civil Aeronautics Act, as amended; approve or deny any request for the severance of a previous application consolidated in accordance with the preceding authority; and dismiss proceedings upon his finding that the proceeding has become moot or that no further basis for continuation exists.

SEC. 4 *Director, Bureau of Air Operations*—.01 *Delegations with respect to route and carrier relationship matters.* The Director, Bureau of Air Operations, is authorized to:

A. Approve applications for an operating authority filed pursuant to Parts 296 and 297 of the economic regulations, when such approval does not involve novel or substantial questions of policy.

B. Dismiss, by letter, applications for such operating authorities, provided that each such applicant is given notice that his application will be dismissed if, in appropriate cases he does not, within [illegible] days, file information necessary to complete the processing of his application, or file a tariff.

C. Cancel an operating authority upon the filing by a Domestic or International Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

D. Issue revised operating authorities and exemption orders when revisions thereof are made necessary due to a change in name of the carrier specified in the document, provided that no issue of substance concerning the operating authority of a carrier is involved.

E. Approve relationships prohibited by §§ 296.45 and 297.13 of the economic regulations, when such approval does not involve novel or substantial questions of policy.

F. Issue the permits provided for in Part 190 of the civil air regulations if he finds that applications for such permits are in order and meet the requirements of Part 190.

G. Approve Airport Notices which indicate an intention to serve regularly a point through any airport not regularly used by a holder of a certificate of public convenience and necessity.

H. Approve Nonstop Notices which indicate an intention to inaugurate a scheduled nonstop service between any two points not consecutively named in the certificate of public convenience and necessity.

I. Dispose, without action, of contracts and agreements which, prior to review thereof, have expired, been terminated or been superseded.

J. Approve or disapprove applications of air carriers for exemptions permitting a carrier to serve a point certificated on one segment of its route in place of a point certificated on another segment of a route whenever no substantial competition to other lines will result or when no new policy is involved.

K. Approve interchange schedules which appear to conform to the service plan contemplated by the Board's orders approving the basic interchange agreements.

L. Approve in whole or in part or deny applications for a Letter of Registration filed pursuant to Part 292 of the economic regulations which do not involve new or substantial questions of policy.

.02 *Delegations with respect to rate and tariff matters.* The Director, Bureau of Air Operations, is authorized to:

A. Reject any tariff, supplement, or revised page which is filed by any air carrier, or by any foreign air carrier, and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the act or with Part 221 of the economic regulations, as amended.

B. Approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 221.190 of the economic regulations which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors; or (b) does not involve new or substantial questions of policy.

C. Permit cancellation of a tariff in instances when an investigation of a tariff is pending, or the tariff is under suspension, or where a complaint requesting investigation or suspension of a tariff has been filed.

D. Approve or disapprove methods for indicating cancellation of existing rate or rule in the publication stating the new rate or rule, in a manner other than that specifically required by Subpart I of Part 221 of the economic regulations.

E. Determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement, or looseleaf page is suspended by the Board, in accordance with Subpart I of Part 221 of the economic regulations.

F. Authorize the issuance of supplements to looseleaf tariffs in accordance with § 221.112 of the economic regulations.

G. Approve or disapprove applications for waiver of the provisions of Part 221 of the economic regulations in accordance with § 221.201.

H. Approve or disapprove applications filed under section 403 (b) of the act and § 223.8 of the economic regulations for permission to furnish free or reduced rate overseas or foreign air transportation, when such applications do not involve new and substantial questions of policy.

I. Waive or modify the requirements of paragraph 2 (a) of Order No. E–6390 with respect to any document covered thereby for such period as he deems proper, and revoke any such waiver or modification.

Sec. 5. *Chief, Office of Carrier Accounts and Statistics.* The Chief, Office of Carrier Accounts and Statistics, is authorized to:

.01 Waive, modify or interpret any of the accounting and reporting requirements of Parts 241, 242, 243 and 244 of the economic regulations and establish detailed uniform practices in connection with the submission of the reports required therein: *Provided,* That upon application by any air carrier affected by such action, the Chief shall submit any waiver, modification, interpretation or established practice to the Board for review.

.02 Authorize air carriers to substitute photographic reproductions for specified categories of records; and approve or disapprove an "application for substitution" filed by an air carrier pursuant to § 249.1 (d) of the economic regulations.

.03 Grant or deny, upon good cause shown, individual requests for extension of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver.

Sec. 6. *Director, Bureau of Safety.* The Director, Bureau of Safety, is authorized to:

.01 Publish notice of proposed changes in the civil air regulations. Such notice shall indicate clearly that the proposed changes are those of the Bureau and have not been approved by the Board.

.02 Approve, with the concurrence of the General Counsel (or his staff designee) on legal aspects, applications for waiver of the civil air regulations, under such conditions and limitations as he may deem necessary or desirable, where he finds that no new policy question is involved.

.03 Approve, with the concurrence of the General Counsel (or his staff designee) on legal aspects, requests for waiver of specific requirements of the civil air regulations, under such conditions and limitations as he may deem necessary or desirable, where he finds that the granting of the request will be in the interest of national defense and that it will not create a hazard to air safety. However, no waiver granted under the authority of this delegation shall be for a period longer than six months.

.04 Order an inquiry into the facts, conditions, circumstances and probable cause of an accident involving aircraft whenever he deems it necessary in the public interest; and designate, in writing, a presiding officer to conduct the inquiry and appoint additional persons, who, together with the presiding officer and the Investigator-in-Charge of the field investigation, constitute the Board of Inquiry.

.05 Designate one or more hearing officers to sign and issue subpenas, administer oaths and affirmations, and take or cause depositions to be taken in connection with aircraft accident investigations.

.06 Designate a hearing officer to conduct special studies and investigations on matters pertaining to safety in air navigation, sign and issue subpenas, administer oaths and affirmations and take and cause depositions to be taken.

Sec. 7. *Chief, Office of Compliance.* The Chief, Office of Compliance, is authorized to institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of subpenas and for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

Sec. 8. *General Counsel.* The General Counsel is authorized to:

.01 Issue revised certificates of public convenience and necessity and foreign air permits when revisions thereof are made necessary due to a change in name of the carrier or of points specified in the certificate or permit, provided that no issue of substance concerning the operating authority of a carrier is involved.

.02 Approve, disapprove, or request further information concerning, in accordance with the provisions of Part 311 of the Board's procedural regulations, requests for testimony of Board employees, with respect to their participation in the investigation of aircraft accidents.

.03 Approve or disapprove for good cause shown requests for changes in procedural requirements in safety enforcement cases subsequent to the Initial Decision; grant or deny requests to file additional briefs pursuant to § 301.32 of the procedural regulations; raise any issue on appeal, the resolution of which he deems important to the proper disposition of proceedings under § 301.31 of the procedural regulations; dismiss appeals or other requests for review by the Board of Initial Decisions upon his finding that the appellant has failed to file a timely specification of error, the appellant has requested dismissal of the appeal, or the matter has otherwise become moot.

.04 Approve or disapprove for good cause shown requests to extend the time for filing comments on proposed new or amended economic or procedural regulations.

Sec. 9. *The Secretary.* The Secretary is authorized to certify, as true and correct copies, transcripts of records required by section 1006 (c) of the Civil Aeronautics Act to be filed with the Appellate Court.

Sec. 10. *Special agents and auditors.* Special agents and auditors are authorized to inspect and examine lands, buildings, equipment, accounts, records and memoranda of air carriers and to make notes and copies thereof. The terms "special agent" and "auditor" are respectively construed to mean (1) any employee of the Office of Compliance, any employee of the Bureau of Safety, and any other employee of the Board specifically designated by it or the Secretary of the Board; and (2) any employee of the Audits Division, Office of Carrier Accounts and Statistics.

Sec. 11. *Redelegation of Authority.* .01 Staff members holding the following offices have the power to redelegate as follows:

A. Chief Examiner—The authority cited in section 3.02.

B. Director, Bureau of Air Operations—The authorities recited in section 4, except subsection 4.01 J, the recommendation authority cited in section 3.02, and the concurrence authority cited in section 3.03.

C. Chief, Office of Carrier Accounts and Statistics—The authorities recited in section 5.

D. Director, Bureau of Safety—The authorities cited in section 6.02 and 6.03.

E. General Counsel—The authorities cited in section 8 and the concurrence authorities cited in section 6.

.02 Pursuant to the authority cited in subsection 11.01, the following redelegations have been made:

A. By the Director, Bureau of Air Operations.

1. To the Associate Director (Domestic)—The authorities recited in section 4, except subsection 4.01 J.

2. To the Associate Director (International)—The authorities recited in section 4, except subsection 4.01 J.

3. To the Chief, Carrier Relations Division—The authorities recited in subsections 4.01 A, 4.01 B, 4.01 C, 4.01 E, 4.01 F and 4.01 I.

4. To the Chief, Routes Division—The authorities recited in Sections 4.01 G, 4.01 H and 4.01 K.

5. To the Alaska Liaison Representative—The authorities cited in subsections 4.01 L, 4.02 A, 4.02 B, 4.02 F and 4.02 G insofar as they relate to Alaskan carriers.

6. To the Chief, Tariffs Section—The authorities cited in section 4.02 A (except for Alaska carriers), and B through G.

B. By the General Counsel.

1. To the Assistant General Counsel, Rules and Legislation—The authority cited in sections 6.02, 6.03 and 8.02.

2. To the Assistant General Counsel, Opinion Writing—The authority cited in section 8.01 and section 8.03.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-3255; Filed, Apr. 30, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11710 etc.; FCC 58-384]

KNORR BROADCASTING CORP. ET AL.

ORDER AMENDING ISSUES

In the matter of Knorr Broadcasting Corporation, Lansing, Michigan, Docket No. 11710, File No. BP-10391; Capitol Broadcasting Company, East Lansing, Michigan, Docket No. 11848, File No. BP-10604; W. A. Pomeroy, Tawas City-East Tawas, Michigan, Docket No. 11849, File No. BP-10629; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of April 1958;

The Commission having under consideration (1) the Petition To Enlarge Issues, filed by the Chief, Broadcast Bureau on March 11, 1958; and (2) the Comments on Petition To Enlarge Issues, filed by Capitol Broadcasting Company on March 21, 1958;

It appearing, that good cause is shown for failure to file the instant petition not later than 15 days after the issues were first published in the FEDERAL REGISTER in view of the facts that issues were first designated in this proceeding by order released October 22, 1956, and that the Commission's Memorandum Opinion and Order in Broadcasters, Inc., et al., 23 FCC 705, upon an issue like that raised in the instant petition, was not adopted until November 27, 1957, and that petitioner now relies upon this memorandum opinion and order as authority for the instant petition;

It further appearing that no applicant in this proceeding has filed an opposition to the instant petition, and the time within which such oppositions might have been filed has passed;

It is ordered, That the issues in the above-entitled proceeding designated by Order, released October 22, 1956, as amended by order dated November 20, 1957, are enlarged by renumbering the present Issue 9 so it is Issue 10, and by adding the following as new Issue 9:

9. To determine on a comparative basis, in the event that Lansing or East Lansing, Michigan, or that Lansing and East Lansing, Michigan, are considered to have the greater need for a new radio facility under Issue 8, which of the operations proposed by Knorr Broadcasting Corporation and Capitol Broadcasting Company would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed standard broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of said applications.

Released: April 25, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3260; Filed, Apr. 30, 1958; 8:54 a. m.]

[Docket No. 11978 etc.; FCC 58-419]

CHARLES R. BRAMLETT ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

The Hearing Examiner having under consideration a petition for continuance of prehearing conference filed by Radio Orange County, Inc., on April 23, 1958;

It appearing that the date for prehearing conference is currently scheduled for May 1, 1958, but that the recent addition of a number of issues makes it feasible to allow the parties further time for preparation of their cases; and

It further appearing that an industry convention in Los Angeles conflicts with the present conference date; and

It further appearing that counsel for all other parties have consented to the present request and to immediate consideration;

It is ordered, This 25th day of April 1958, that the petition of Radio Orange County, Inc., is granted and that the conference is continued from May 1 12, 1958.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3261; Filed, Apr. 30, 1958; 8:54 a. m.]

[Docket No. 12366; FCC 58M-4[illegible]]

FLORENCE & LEE, INC.

ORDER SCHEDULING HEARING

In the matter of Florence & Lee, Inc., 3 Bruce Place, Gloucester, Massachusetts, Docket No. 12366; order to show cause why there should not be revoked the license for Radio Station WA-[illegible] aboard the vessel "Florence & Lee".

It is ordered, This 25th day of April 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 25, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3262; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12367; FCC 58M-4[illegible]]

HARRY V. BAKER & CO.

ORDER SCHEDULING HEARING

In the matter of Harry V. Baker & Company, 301 South 80th Street, Houston, Texas, Docket No. 12367; order to show cause why there should not be revoked the license for Radio Station W[illegible]-3043 aboard the vessel "East Bay".

It is ordered, This 25th day of April 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 26, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3263; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12368; FCC 58M-420]

WILLIAM J. SHEPPARD

ORDER SCHEDULING HEARING

In the matter of William J. Sheppard, P. O. Box 728, Aransas Pass, Texas, Docket No. 12368; order to show cause why there should not be revoked the license for Radio Station WF-6605 aboard the vessel "Cherokee".

It is ordered, This 25th day of April 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 24, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3264; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12369; FCC 58M-421]

JAMES C. VEAZEY

ORDER SCHEDULING HEARING

In the matter of James C. Veazey, P. O. Box 369, Aransas Pass, Texas, Docket No. 12369; order to show cause why there should not be revoked the license for Radio Station WA-3266 aboard the vessel "Dorcas."

It is ordered, This 25th day of April 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 24, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3265; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12370; FCC 58M-422]

WILLARD MOBLEY

ORDER SCHEDULING HEARING

In the matter of Willard Mobley, P. O. Box 266, Aransas Pass, Texas, Docket No. 12370; order to show cause why there should not be revoked the license for Radio Station WE-3796 aboard the vessel "Charles Schreiner".

It is ordered, This 25th day of April 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 24, 1958, in Washington, D.C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3266; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12371; FCC 58M-427]

W. R. WILKINSON

ORDER SCHEDULING HEARING

In the Matter of W. R. Wilkinson, Townsend, Georgia, Docket No. 12371; order to show cause why there should not be revoked the license for Radio Station WE-6054 aboard the vessel "Anna Lee".

It is ordered, This 25th day of April 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 27, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3267; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12372; FCC 58M-425]

RAYMOND G. GLADDING

ORDER SCHEDULING HEARING

In the matter of Raymond G. Gladding, P. O. Box 324, Key West, Florida, Docket No. 12372; order to show cause why there should not be revoked the license for Radio Station WH-6198 aboard the vessel "Saltsea."

It is ordered, This 25th day of April 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 26, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3268; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12374; FCC 58M-428]

HERNDON MARINE PRODUCTS, INC.

ORDER SCHEDULING HEARING

In the matter of Herndon Marine Products, Inc., P. O. Box 2167, Corpus Christi, Texas, Docket No. 12374; order to show cause why there should not be revoked the license for Radio Station WF-3923 aboard the vessel "Southern Maid".

It is ordered, This 25th day of April 1958, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 27, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3269; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket No. 12375; FCC 58M-426]

JOSEPH ELDRIDGE

ORDER SCHEDULING HEARING

In the matter of Joseph Eldridge, Main Street, Buzzards Bay, Massachusetts, Docket No. 12375; order to show cause why there should not be revoked the License for Radio Station WC-9954 aboard the vessel "Striper."

It is ordered, This 25th day of April 1958, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 26, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3270; Filed, Apr. 30, 1958; 8:55 a. m.]

[Docket Nos. 12407, 12408; FCC 58-409]

ANGELO TOMASSO, INC., AND NEW HAVEN REGISTER

MEMORANDUM OPINION AND ORDER SCHEDULING ORAL ARGUMENT

In the matter of the applications of Angelo Tomasso, Incorporated, New Britain, Connecticut, Docket No. 12407, File Nos. 13636-IS-P/L-M, 13637-IS-ML-M, 13638-IS-ML-M, for radio station authorizations in the Special Industrial Radio Service; New Haven Register, New Haven, Connecticut, Docket No. 12408, File No. 12779-P/L-IY-M; for radio station authorization in the Relay Press Radio Service.

1. The Commission has before it for consideration two separate Protests and Petitions for Review and Other Relief of Andrew W. Knapp, d/b as Radio Communications Service Company (hereafter called Service Company), West Haven, Connecticut, both filed March 31, 1958, seeking relief under sections 5 (d) and 309 (c) of the Communications Act of 1934, as amended, concerning grants by the Commission to two applicants for radio station authorizations. Inasmuch as the facts alleged to show status as a party in interest and the facts relied upon to show that the applications specified should not have been granted are substantially the same in both protests, they have been consolidated for consideration herein.

2. One of the protests is directed against the Commission's action of February 28, 1958, granting without hearing the above-described applications of Angelo Tomasso, Inc. (hereafter called Tomasso) for authorizations in the Special Industrial Radio Service. Such authorizations permit Tomasso to operate one base transmitter at Plainville, Connecticut (call sign KCD 451), one base transmitter at Branford, Connecticut (call sign KCF 706); and fifteen mobile transmitters (call sign KD 5877) for operation in the State of Connecticut.[1] These licenses authorized modifications of and additions to a communications system (call sign KCD 451, File No.

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[1] The applications and associated materials in the Commission's files indicate that the communications equipment and the maintenance thereof will be obtained from The Southern New England Telephone Company (hereafter called SNET) under a contract dated December 4, 1957.

14176-D4-P/L-I) which had been authorized by a license granted May 12, 1954, subsequently modified (File No. 15552-D4-ML-I) on May 19, 1954, and renewed on August 24, 1956. Such system consisted of one base transmitter at Plainville, Connecticut, and twenty-five mobile transmitters for operation in the State of Connecticut.[3]

3. The other protest is directed against the Commission's action on March 3, 1958, granting without hearing the above-described application of the New Haven Register (hereafter called Register) for an authorization in the Relay Press Radio Service. The license issued permits the operation of one base transmitter at Hamden, Connecticut and eleven mobile transmitters in New Haven County and vicinity, Connecticut (call sign KCF 775).[3]

4. On April 10, 1958, Oppositions and Answers to the protests were filed with the Commission by Tomasso and Register, as well as by SNET. Service Company filed Replies thereto on April 16, 1958.

5. Service Company states that it is an independent service organization, whose principal place of business is located at West Haven, Connecticut, doing business in and around New Haven, including Branford and Hamden, Connecticut. It states further that for about two years it has been engaged in furnishing maintenance services for private radio communications systems, such as that contemplated by the protested authorizations, and, at the present time, services numerous communications systems. The basis of Service Company's claim to be a party in interest within the meaning of sections 5 (d) and 309 (c) of the Communications Act is economic injury which it asserts is of sufficient magnitude to have a significant bearing upon its economic survival. In general, the facts alleged to support the claim of economic injury are twofold:

(a) In any given area, there is available at any point in time only a limited number of potential customers in a position to take the communications equipment maintenance and repair services offered by Service Company. The lease-maintenance contracts between SNET and the respective applicants are conditioned upon grant by the Commission of licenses, a fact known to the Commission. Thus, Service Company asserts, the Commission's action in issuing the protested licenses resulted in channeling away from Service Company potential service and maintenance business to its competitor, SNET, to the economic detriment of Service Company.

(b) In addition to the alleged fact that the protested grants channels potential business away from Service Company to a competitor, Service Company alleges further that the competition thus facilitated is illegal competition on the grounds that the lease-maintenance contracts involved are in violation of a Consent Decree[4] and the Clayton Act.[5] Thus, it is asserted, it is the Commission's action which has set such illegal competition into motion, albeit the Commission has a duty, in the public interest, not to facilitate a violation of the Consent Decree; and a specific duty by reason of section 602 (d) of the Communications Act to enforce the provisions of the Clayton Act as it pertains to common carriers engaged in wire or radio communication or radio transmission of energy.

6. The facts relied upon by Service Company to show that the grants protested were made improperly or otherwise would not be in the public interest are summarized as follows:

(a) *Consent Decree Violation.* SNET is a subsidiary of A. T. & T. and, therefore, is enjoined under Section V of the Consent Decree from leasing and maintaining facilities for private communications systems to persons who were not lessees of such systems as of March 9, 1956; the contract between Register and SNET violates the Decree because Register was not the lessee of SNET of facilities for such communications system as of March 9, 1956; that even though Tomasso was a lessee of SNET of facilities for a communications system as of March 9, 1956, the Consent Decree does not permit SNET to lease equipment to a particular lessee after March 9, 1956, which is in excess of and additional to equipment being leased thereto as of March 9, 1956, and, therefore, the contract between SNET and Tomasso, dated December 4, 1957, covering additional equipment, subject to the issuance of licenses therefor by the Commission, violates the Decree; and that it is the protested grants by the Commission to Tomasso which finally facilitated such alleged violation, and, therefore, such grants are not in the public interest.

(b) *Clayton Act Violation.* Service Company alleges that the lease-maintenance contracts between SNET and the respective applicants violate the Clayton Act, "on their face," because they effect "a forced 'tie-in' of receivers, transmitters, private line channels and associated equipment for remote control and operation of the base station, and similar equipment, which are leased and maintained only as a complete unit by the Telephone Company, and the Telephone Company refuses to furnish equipment, facilities, and maintenance on any other basis." Therefore, to grant applications which would facilitate such violation of the Clayton Act is not in the public interest.

(c) *Grants Contravene Section 309 of the Communications Act.* Service Company argues that, since the Commission considered substantially the same matters as those raised herein in its Memorandum Opinion and Order in Dockets Nos. 12323 and 12324, released February 24, 1958 (FCC 58-146, 24 FCC Rep. 110), it could not grant the instant applications, or any others involving similar factual situations, under section 309 (a) of the act without a hearing. It argues that the Commission must follow the procedures outlined in section 309 (b) of the Act and, having failed to do so, the instant grants were not in the public interest.

7. Based on the foregoing, Service Company requests that the Commission:

(a) Set aside the instant grants issued by the staff under delegated authority as contrary to law and the public interest.

(b) Institute proceedings under section 309 (b) of the act with respect to "all license applications which raise serious questions under the Consent Decree".

It also appears that Service Company suggests that the Commission should institute action under section 11 of the Clayton Act[6] to enforce compliance with section 3 of that act by SNET.

8. Protestant also requests that, in the event that the Commission deems hearings or arguments appropriate to aid in the disposition of this matter, such consideration should focus on the following issues:

(1) Whether the Consent Decree does not now prohibit A. T. & T., directly or through its subsidiaries such as Southern New England Telephone Company, from leasing and maintaining new facilities which extend private communications systems beyond such systems existing as of March 10, 1956;

(2) Whether section 309 (b) and the public interest whose vindication is entrusted to the Commission require the cessation of routine grants of licenses based on arrangements which raise serious questions under the Western Electric decree.[7]

9. Both Tomasso and Register, in Opposition and Answer to the respective protests of Service Company, state that they have been informed by SNET that it will answer the antitrust arguments concerning their lease-maintenance contracts with SNET. They also claim that there is a distinct public interest need for the continued effectiveness of their respective licenses to operate radio stations.

10. The Opposition and Answer of SNET to each protest contain substantially the same assertions. SNET claims that the protests allege "no facts," showing that Service Company is a party in interest. Furthermore, SNET argues that it is not a subsidiary of A. T. & T. and that the protests show no adequate basis to support the contention that the lease-maintenance contracts between it and the applicants violate section V of the Consent Decree; that contentions concerning a Clayton Act violation are unfounded in fact and law; and that a "casual examination" of the contracts in issue will demonstrate the falseness of Service Company's allegations. SNET argues that the grants should re-

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[3] The equipment for this system was leased from and maintained by SNET under a contract dated May 24, 1954.

[3] Register's application and associated materials show that the equipment and maintenance thereof is to be obtained from SNET under a contract dated December 5, 1957.

[4] Final Judgment, United States of America v. Western Electric Co., Inc., and American Telephone and Telegraph Co., Civil Action No. 17-49, United States District Court for the District of New Jersey, dated January 24, 1956. See Section V thereof.

[5] Act of October 15, 1914, sec. 3, 38 Stat. 731; 15 U. S. C., 1952 ed., sec. 14.

[6] 15 U. S. C. sec. 21.

[7] The protest relating to Register's application requests that consideration should include only the "paramount issue" regarding section 309 (b) procedures and the public interest.

main in effect for public interest reasons, if a hearing should be found necessary. With respect to Protestant's request for the application of section 309 (b) procedures, SNET contends that Service Company has shown no reason "why section 309 (c) does not afford adequate protection to any legitimate party in interest".

11. The factors alleged by Service Company to show standing to protest or seek relief under sections 5 (d) and 309 (c) of the act are substantially the same as, or identical to, the matters alleged by the protestants in In the Matter of the Applications of The Connecticut Water Company and Wooldridge Bros., Inc., Docket Nos. 12323 and 12324, wherein standing was found under sections 5 (b), 309 (c), and 405 of the act and an oral argument on points of law scheduled. (Memorandum Opinion & Order, release Feb. 24, 1958, FCC 58-146, 24 FCC Rep. 119.) In view of the detailed discussion therein concerning standing to protest, it is unnecessary to repeat here. Accordingly, the discussion set forth in paragraphs 11 through 13 of such Memorandum Opinion and Order is hereby incorporated by reference in the instant Memorandum Opinion and Order as applicable to the protests of Service Company.

12. It is concluded, therefore, that Service Company is a party in interest in this matter and has stated with particularity the facts and law relied upon to show why the grants being protested were made improperly or otherwise are not in the public interest.

13. We turn then to the question as to whether we should stay the effectiveness of the above-described grants under section 309 (c) of the act. It should be noted that Tomasso was the licensee of a radio comunications system consisting of one base transmitter and twenty-five mobile transmitters at the time the Commission made the subject grants to it on February 28, 1958. Such grants authorized it to alter its radiocommunication system to consist of two base transmitters and fifteen mobile transmitters. We are of the opinion, therefore, that the authorizations are necessary for the maintenance and conduct of an existing service. On the other hand, it is clear that the grant to Register does not involve an existing service and applicant has shown no compelling reason why the public interest requires that such grant remain in effect. In view of these facts, we are unable to determine that the public interest requires that the grant to Register be continued in effect during the pendency of this proceeding.

14. Protestant has requested, under section 5 (d) of the act, that the Commission review the action of the staff, under applicable delegations of authority, in granting the above-described applications. Subject to the action herein ordered with respect to providing oral argument on the issues raised by protestant, we hereby affirm the action of the staff in making such grants.

15. The Protestant further requests disposition of these and similar applications under the provisions of section 309 (b) of the act. Protestant's request in this regard is apparently based on the Commission's action in the aforementioned Connecticut Water—Wooldridge case and upon the assumption that, in that case, "the Commission ruled that vital public interest questions required consideration by the Commission en banc to ascertain whether or not the grants should be set aside as contrary to the public interest". However, the petitioner misconstrues the nature of the previous Commission action in the Connecticut Water case in that the Commission's rulings therein were confined, simply stated, to findings that protestants therein were parties in interest and that there had been sufficient allegations by such parties in interest to entitle them, under the provisions of section 309 (c) of the act, to oral argument on issues raised thereby.

16. Finally, Protestant suggests that the Commission should institute action, under section 11 of the Clayton Act, against SNET. We believe that this suggestion is premature and superfluous at this time in view of the Clayton Act issue set forth below to be heard in the proceeding designated herein.

17. It appears to us that the questions raised by Protestant concerning the Consent Decree and the Clayton Act are essentially matters of law which may be resolved on the basis of oral argument and the filing of briefs on the questions of law presented. If it should subsequently appear that there is a need for an evidentiary hearing with respect to any factual matter, an appropriate order will be entered at that time.

In view of the foregoing: *It is ordered*, Pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, That, effective immediately, the effective date of the grant of the above-designated application of the New Haven Register is postponed pending a final determination by the Commission in this proceeding; that the request for postponement of the effective date of the grant of the above-designated applications of Angelo Tomasso, Inc., is denied; that the petitions of the Protestant are granted to the extent herein provided and denied in all other respects; and that oral argument be held before the Commission en banc, at a time and place to be specified by subsequent order, on the following issues:

(1) Whether the lease-maintenance arrangements between The Southern New England Telephone Company and the respective applicants specified above are in violation of the Consent Decree.

(2) Whether the lease-maintenance arrangements between The Southern New England Telephone Company and the respective applicants specified above are per se in violation of section 3 of the Clayton Act.

(3) Whether, in light of the determinations reached in the foregoing issues, the public interest, convenience, and necessity would be served by the grant of the above-described applications of Angelo Tomasso, Inc., and the New Haven Register.

It is further ordered, That the protestant and applicants herein and The Southern New England Telephone Company are hereby made parties to this proceeding; and that

(1) Each such party intending to participate in oral argument shall file a statement of intention to appear not later than May 9, 1958; and

(2) The parties to the proceeding shall have until 30 days prior to the date of oral argument to file briefs or memoranda of law, and 15 days after the date for filing of such briefs or memoranda of law to file a reply thereto.

It is further ordered, That the Secretary shall notify the United States Department of Justice of this matter by sending to the Department a copy of this memorandum opinion and order; and that the Department is hereby granted leave to intervene in this proceeding upon filing a statement of intention to participate herein as provided in subpararagraph (1) above.

Adopted: April 25, 1958.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3271; Filed, Apr. 30, 1958; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8130]

JOHNSON & APPLING ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 25, 1958.

In the matters of Johnson & Appling, et al.,[1] Docket No. G-8130; Leland Davison,[2] Docket No. G-8373; South Texas Oil and Gas Company, Docket Nos. G-8425, G-8426, G-8427; Charles F. DeBardeleben, Jr., Operator,[3] Docket No. G-8495; M. M. Argo, Operator,[4] Docket No. G-8496; Natural Gas Distributing Corporation, et al.,[5] Docket No. G-8556; Midstates Oil Corporation,[6] Docket No. G-8795; Sinclair Oil & Gas Co.,[7] Docket No. G-8801; Siboney Petroleum Corporation,[8] Docket No. G-13933; Cities Service Oil Company,[9] Docket No. G-14529; Keating Drilling Company,[10] Docket No. G-14581.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the respective applictaions which are on file with the Commission and open to public inspection.

Applicants will produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Location of Field; and Purchaser

G-8130; West Hutchins Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

G-8373; Sprayberry Trend Area, Upton County, Tex.; El Paso Natural Gas Company.

G-8425; Morales Area, Jackson County, Tex.; Tennessee Gas Transmission Company.

G-8426; Nursery Area, Victoria County, Tex.; Tennessee Gas Transmission Company.

G-8427; Bentonville Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

G-8495; Bethany Area, Carthage Field, Panola and Harrison Counties, Tex.; Tennessee Gas Transmission Company.

G-8496; Bethany Area, Carthage Field, Panola and Harrison Counties, Tex.; Tennessee Gas Transmission Company.

G-8556; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.

G-8795; Waskom Field, Harrison County, Tex.; Arkansas Louisiana Gas Company.

G-8801; Southeast Tomball Field, Harris County, Tex.; Tennessee Gas Transmission Company.

G-13933; Morales Field, Jackson County, Tex.; Tennessee Gas Transmission Company.

G-14529; West Panhandle, Moore County, Tex.; Phillips Petroleum Company.

G-14581; Pawnee Hill Field, Logan County, Colo.; Kansas Nebraska Natural Gas Company, Inc.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 28, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

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[1] Johnson & Appling, a partnership, is filing for itself and for Guy F. Stovall, co-owner, for production from the Kainer 160-acre Gas Unit.

[2] Leland Davison is filing for himself and for Ralph Pembroke, co-owner. Both are signatory parties to the contract with El Paso.

[3] DeBardeleben is filing for himself as co-owner and operator and for M. M. Argo, W. C. Feazel, Lallage Feasel, G. M. Anderson and G. F. Anderson, co-owners of the Roberts Unit; and for himself as co-owner and operator and for W. C. Feazel, Lallage Feasel, G. M. Anderson and G. F. Anderson, co-owners of the Timmons Unit. DeBardeleben is the only signatory party to the sale contract with Tennessee.

[4] M. M. Argo is filing, in his application filed February 18, 1955, as supplemented July 28, 1955, for himself as co-owner and operator and for Charles F. DeBardeleben, Jr., co-owner, for sales of production from the McJimpsey Unit and the Argo and DeBardeleben Timmons Unit No. 3. Argo is the only signatory party to the contract with Tennessee.

[5] Natural Gas Distributing Corporation, co-owner and operator, is filing for itself and for Tex-Mex Drilling Company and Hudnall & Pirtle, co-owners of the working interest, for sales of production from the George Cooper Estate Gas Unit. All are listed as sellers in the sales contract with Tennessee. According to the application Hunt Oil Company is also a co-owner but will file separately.

[6] Midstates Oil Company is filing for itself as co-owner and operator of the Henry Hagerty, et al., No. 1 Unit and for itself as co-owner of the Anita Bookout Unit No. 2 and W. H. Hinton Unit No. 1, and for itself as owner of certain other leases exclusive of those in the above operating units. All these properties are more fully set out and described in Exhibit A to the contract between Midstates and Arkansas Louisiana dated August 11, 1954, which contract is on file with the Commission as Midstates Oil Company's FPC Rate Schedule No. 48.

[7] The application requests authorization for sale of gas produced from the C. G. Kaiser Well No. 1 and the R. D. Williams Well No. 1, more specifically described in the application.

[8] The application requests authorization for sale of gas produced from the L. R. Hollingsworth lease, more specifically described in the application.

[9] The application requests authorization for sale of gas produced from the leases on which the Castleman "A" Well and the Castleman "B" Well are located, being more specifically described in the application.

[10] Keating Drilling Company is filing for its 3.4091 percent interest in the 440 acre Arnold State "A" Unit, more specifically described in the application.

[F. R. Doc. 58-3223; Filed, Apr. 30, 1958;
8:46 a. m.]

[Docket No. G-14926]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 25, 1958.

Shell Oil Company (Shell) on March 27, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated March 25, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 4. Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 5.

Effective date: April 27, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Shell submits a copy of a letter from Texas Eastern Transmission Corporation advising Shell that the rates have been redetermined to those shown. In addition, Shell states that the contracts resulted from arm's-length negotiations and that the price provisions were brought about in order to insure it of receiving the fair market value over the life of the contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 10 (only insofar as it proposes a redetermined rate increase of 14.3733 cents per Mcf) to Shell's FPC Gas Rate Schedule No. 4 and Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 5, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 (only insofar as it proposes a redetermined rate increase of 14.3733 cents per Mcf) to Shell's FPC Gas Rate Schedule No. 4, and Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, proposed supplement No. 10 (insofar as it proposes a redetermined rate increase of 14.3733 cents per Mcf) to Shell's FPC Gas Rate Schedule No. 4, and Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 5, be and they are each hereby suspended and the use thereof deferred until September 27, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3224; Filed, Apr. 30, 1958;
8:46 a. m.]

[Docket No. G-14927]

HUMBLE OIL AND REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 25, 1958.

Humble Oil and Refining Company (Humble) on March 27, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated March 20, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 14 to Humble's FPC Gas Rate Schedule No. 12. Supplement No. 12 to Humble's FPC Gas Rate Schedule No. 14. Supplement No. 13 to Humble's FPC Gas Rate Schedule No. 22. Supplement No. 15 to Humble's FPC Gas Rate Schedule No. 10.

Effective date: April 27, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Humble submits a copy of a letter from Texas Eastern Transmission Corporation advising Humble that the rates have been redetermined to the amounts shown. In addition, Humble states that the contracts resulted from arm's-length negotiations, and that the prices are reasonable and in line with going contract prices in the Gulf Coast area of Texas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 14 to Humble's FPC Gas Rate Schedule No. 12; Supplement No. 12 to Humble's FPC Gas Rate Schedule No. 14; Supplement No. 13 to Humble's FPC Gas Rate Schedule No. 22, and Supplement No. 15 to Humble's FPC Gas Rate Schedule No. 10, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 14 to Humble's FPC Gas Rate Schedule No. 12; Supplement No. 12 to Humble's FPC Gas Rate Schedule No. 14; Supplement No. 13 to Humble's FPC Gas Rate Schedule No. 22, and Supplement No. 15 to Humble's FPC Gas Rate Schedule No. 10.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 27, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3225; Filed, Apr. 30, 1958; 8:46 a. m.]

[Docket No. G-14928]

TIDEWATER OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 25, 1958.

Tidewater Oil Company (Operator), et al., (Tidewater), on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 1, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 51.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Tidewater submits a copy of a letter from Texas Eastern Transmission Corporation advising Tidewater that the rate had been redetermined to the amount shown. In addition, Tidewater states that the contract resulted from arm's-length negotiations, and that the price consideration of the contract was for the entire volume of gas sold during the contract life.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 51 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Tidewater's FPC Gas Rate Schedule No. 51.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3226; Filed, Apr. 30, 1958; 8:46 a. m.]

[Docket No. G-14929]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 25, 1958.

Gulf Oil Corporation (Gulf Oil) on March 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Gulf Oil's FPC Gas Rate Schedule No. 118.

Effective date: May 1, 1958 (effective date is the effective date proposed by Gulf Oil).

In support of the proposed favored-nation rate increase, Gulf Oil submits a copy of a letter from El Paso Natural Gas Company notifying Gulf Oil that the price of the gas increased to 10.5 cents per Mcf effective January 1, 1958, and offering to pay the increased price contingent upon Commission action. Gulf Oil states that the contract was negotiated at arm's-length under competitive conditions with the understanding that the producer was to be paid a certain minimum total over the life of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Gulf Oil's FPC Gas Rate Schedule No. 118 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Gulf Oil's FPC Gas Rate Schedule No. 118.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3227; Filed, Apr. 30, 1958; 8:46 a. m.]

[Docket No. G-14930]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 25, 1958.

Phillips Petroleum Company (Operator), (Phillips), on March 31, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 27, 1958.

Purchaser: Consolidated Gas Utilities Corporation.

Rate schedule designation: Supplement No. 15 to Phillips' FPC Gas Rate Schedule No. 19.

Effective date: May 12, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed renegotiated rate increase, Phillips submits a copy of a letter from Consolidated Gas Utilities Corporation (Consolidated) agreeing to the increased price. In addition, Phillips states that had there not been agreement between the parties as to the increased price, Consolidated could only (under the favored-nation provision of the contract) have prevented termination of the contract by paying the highest price received for similar volumes of similar gas by any seller within a radius of 150 miles of Pampa, Texas, and that within such radius similar gas is being sold as high as 16.0 cents per Mcf. Phillips further states that this is evidence that the proposed price of 13.5 cents per Mcf plus taxes is fair and just, and that the indicated rate for this gas in order to yield its cost plus a fair return shown by Exhibit No. 324, in Docket No. G-1148, et al., is 18.75 cents per Mcf.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 15 to Phillips' FPC Gas Rate Schedule No. 19 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 15 to Phillips' FPC Gas Rate Schedule No. 19.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 12, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3228; Filed, Apr. 30, 1958; 8:46 a. m.]

[Docket No. G-14931]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 25, 1958.

Sunray Mid-Continent Oil Company (Sunray) on April 2, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated March 1, 1958. (2) Notice of Change, dated March 31, 1958. (3) Supplemental Agreement,[1] dated March 1, 1958. (4) Notice of Change, dated March 31, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: (1) Supplement No. 5 to Sunray's FPC Gas Rate Schedule No. 58. (2) Supplement No. 6 to Sunray's FPC Gas Rate Schedule No. 58. (3) Supplement No. 5 to Sunray's FPC Gas Rate Schedule No. 65. (4) Supplement No. 6 to Sunray's FPC Gas Rate Schedule No. 65.

Effective date: May 3, 1958 (effective date is the effective date proposed by Sunray).

In support of the proposed redetermined rate increases, Sunray filed copies of the agreements whereby Sunray and Northern Natural Gas Company (Northern Natural) agree to the increased price as a result of the price being arbitrated to 12.0 cents per Mcf between Northern Natural and Cities Service Oil Company (Cities Service). Sunray also incorporates by reference the support submitted by Cities Service for its increase to the effect that the 12.0 cents per Mcf price is just and reasonable and is lower than the present market value of equivalent gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 5 and 6 to Sunray's FPC Gas Rate Schedule No. 58, and supplement Nos. 5 and 6 to Sunray's FPC Gas Rate Schedule No. 65, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 5 and 6 to Sunray's FPC Gas Rate Schedule No. 58, and Supplement Nos. 5 and 6 to Sunray's FPC Gas Rate Schedule No. 65.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12460.

[1] Parties agree to redetermined increase by arbitration of base rate from 9.8262 cents to 12.0 cents per Mcf.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-3229; Filed, Apr. 30, 1958; 8:47 a. m.]

[Docket No. G-14936]

LAMAR HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

APRIL 25, 1958.

Lamar Hunt (Hunt) on March 28, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 25, 1958.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6.
Effective date: April 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Hunt states that the seller and buyer under the contract agreed to such in good faith and as a result of arm's length bargaining, that the installment schedule of prices is a single price, that the instant "change" merely fulfills the contractual obligations, and that should the Commission disallow such prices, he would be deprived of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-3230; Filed, Apr. 30, 1958; 8:47 a. m.]

[Docket No. G-14937]

WILLIAM HERBERT HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 25, 1958.

William Herbert Hunt Trust Estate (Hunt), on March 28, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated March 25, 1958.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 8. Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 9.
Effective date: April 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Hunt states that the seller and buyer under the contract agreed to such in good faith and as a result of arm's length bargaining, that the installment schedule of prices is a single price, that the instant "change" merely fulfills the contractual obligations, and that should the Commission disallow such prices, it would be deprived of property without due proces of law.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 8, and Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 9, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 8, and Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 28, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-3231; Filed, Apr. 30, 1958; 8:47 a. m.]

[Docket No. G-14938]

LAMAR HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 25, 1958.

Lamar Hunt Trust Estate (Hunt), on March 28, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated March 25, 1958.
Purchaser: H. L. Hunt.
Rate schedule designation: Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 5. Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6.
Effective date: April 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Hunt states that the seller and buyer under the contract agreed to such in good faith and as a result of arm's length bargaining, that the installment schedule of prices is a single price, that the instant "change" merely fulfills the contractual obligations, and that should the Commission disallow such prices it would be deprived of property without due process of law.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 5 and Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 5 and Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 28, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3232; Filed, Apr. 30, 1958; 8:47 a. m.]

[Docket No. G-14939]

NELSON BUNKER HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

APRIL 25, 1958.

Nelson Bunker Hunt Trust Estate (Hunt), on March 28, 1958, tendered for filing proposed changes in certain of its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated March 25, 1958.

Purchaser: H. L. Hunt.

Rate schedule designation: Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 5. Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6.

Effective date: April 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Hunt states that the seller and buyer under the contract agreed to such in good faith and as a result of arm's length bargaining, that the installment schedule of prices is a single price, that the instant "change" merely fulfills the contractual obligations, and that should the Commission disallow such prices it would be deprived of property without due process of law.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 5 and Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 5 and Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 28, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure 18 CFR 1.8 and 1.37 (f).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3233; Filed, Apr. 30, 1958; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

HAROLD M. BOTKIN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of ODM-163.

This supersedes statement previously published in the FEDERAL REGISTER November 7, 1957 (22 F. R. 8972).

Dated: April 24, 1958.

HAROLD M. BOTKIN.

[F. R. Doc. 58-3241; Filed, Apr. 30, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1586]

TEXAS-AUGELLO PETROLEUM EXPLORATION CO.

NOTICE OF AND ORDER FOR HEARING

APRIL 25, 1958.

I. Texas-Augello Petroleum Exploration Co., an Alaska corporation, with an office at Room 7, 4th Building, P. O. Box 859, Anchorage, Alaska, filed with the Commission on January 2, 1958, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 1,222,000 shares of its common stock, par value 10 cents a share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission on March [illegible], 1958, issued an order pursuant to Rule [illegible] of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Seattle Regional Office of the Commission, Room 304, 905 Second Avenue Building, Seattle, Washington at [illegible] a. m., May 23, 1958, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The notification and offering circular, as amended, contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading concerning, among other things,

(a) The failure to disclose the identity of the lessor of the Augello lease and any material interest of Carlo Augello, the company's secretary-treasurer, in said lease;

(b) The failure to disclose in the "Use of Proceeds" the provisions, if any, made for payment of the $100 monthly rental due on the La Salle lease commencing February 7, 1958, or to show other arrangements for payment of this obligation;

(c) The failure to disclose that the Augello lease as well as the Grillo and Manco leases, has only a remote chance of producing at all from the horizon in which the Prather well and Palermo well have been productive;

(d) The failure to disclose that the La Salle lease has only a remote chance of yielding a profitable recovery of natural gas and distillate;

(e) The failure to disclose with regard to the Alaska acreage the distance from the company's lease to the Richfield producing well near Anchorage;

(f) The failure to disclose that the relatively small amount of acreage is not commensurate with the risks involved in such an expensive deep test well;

(g) The failure to disclose that the Mann well on the Augello lease described as abandoned was drilled after completion of the Prather and Palermo wells;

(h) Detailed data for an 8,500-foot-well, whereas there appears to be no reasonable basis for drilling a well to that depth on any of the leases now owned by the company; and

(i) The reference in the financial statements under "Cash Disbursements" of an item, "Purchase of Treasury Stock (W. N. Johnson, $1,000.00—Charles Johnson, $750.00)—$1,750.00," and the failure to disclose such shares, the number of which is not indicated, as treasury stock in the "Statement of Capital Shares" or the disposition of such shares.

B. Whether the order dated March 3, 1958, temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered,* That William Swift, Sr., or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Texas-Angello Petroleum Exploration Co., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before May 17, 1958, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3234; Filed, Apr. 30, 1958; 8:48 a. m.]

[File No. 70-3697]

GRANITE STATE ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF PROMISSORY NOTES BY SUBSIDIARIES TO PARENT COMPANY

APRIL 24, 1958.

In the matter of Granite State Electric Company, Northern Berkshire Electric Company, New England Electric System; File No. 70-3697.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiaries, Granite State Electric Company ("Granite"), and Northern Berkshire Electric Company ("Northern"). The applicants-declarants have designated sections 7, 10, and 12 of the act and Rules 42 (b) (2) and 43 thereunder as applicable to the proposed transactions, which are summarized as follows:

Granite and Northern propose to issue and sell to NEES up to $1,100,000 and $1,245,000, respectively, of unsecured promissory notes from time to time through June 30, 1958. The proceeds derived from the proposed issue and sale are to be used to pay notes due to banks (outstanding at present in the amounts of $1,000,000 and $1,180,000 for Granite and Northern, respectively) and to provide new money for construction expenditures or to reimburse the treasury therefor. The notes proposed to be issued will mature in less than one year from date of issuance and will bear the same interest rate (4 percent per annum) to the date of maturity as the notes being prepaid or the prime interest rate at the time the notes are issued, whichever is lower, and thereafter at the prime interest rate on the issue date of the notes.

The filing states that upon the Commission's granting the authority requested in this application-declaration, Granite and Northern will make no further bank borrowings under authority heretofore granted by the Commission in File No. 70-3671, (Holding Company Act Release No. 13694). Granite and Northern propose further that if any permanent financing is done by them prior to the maturity of the notes to be issued hereunder, they will respectively apply the proceeds therefrom in reduction of, or in total payment of, their note indebtedness then outstanding; that the balance of note indebtedness then unissued hereunder, if any, will be reduced by the amount, if any, by which the proceeds of such permanent financing exceeds note indebtedness at the time outstanding; and that the maximum amount of note indebtedness proposed to be outstanding hereunder will be reduced by the amount of the proceeds of such permanent financing.

Incidental services in connection with the proposed note issuances will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated at not exceeding $300 for each applicant-declarant.

No further action by any regulatory commission, other than this Commission, is necessary to carry out the proposed transactions. The Public Utilities Commission of New Hampshire has issued an order authorizing the notes proposed to be issued by Granite.

Notice is further given that any interested person may, not later than May 12, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 under the act, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3235; Filed, Apr. 30, 1958; 8:48 a. m.]

[File No. 812-1115]

MCPHAIL CANDY CORP.

ORDER PERMITTING WITHDRAWAL OF APPLICATION

APRIL 24, 1958.

McPhail Candy Corporation ("McPhail") on October 28, 1957 filed a Notification of Registration under the Investment Company Act of 1940 ("Act") as a closed-end management investment company, and concurrently therewith filed an application pursuant to section 3 (b) (2) of the act for an order declaring it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. In the alternative the application requested exemption from all the provisions of the act pursuant to sections 6 (c) and 6 (d) thereof.

Notice of and Order for hearing on said application having been issued by the Commission on December 18, 1957 (Investment Company Act Release No.

2844); and while said hearing was in progress, McPhail having requested the withdrawal of said application; and

The Commission having considered the matter and it appearing that withdrawal of said application is not contrary to the policy and provisions of the act:

It is ordered, That the application of McPhail Candy Corporation pursuant to sections 3 (b) (2), 6 (c) and 6 (d) of the act be, and hereby is, permitted to be withdrawn, effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-3236; Filed, Apr. 30, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PAUL BRINKMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Paul Brinkmann, Sessenheim, Bas-Rhin, France; Claim No. 66387; $2,376.21 in the Treasury of the United States. Vesting Order No. 8711.

Executed at Washington, D. C., on April 24, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3252; Filed, Apr. 30, 1958; 8:53 a. m.]

H. VAN EENENAAM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

H. van Eenenaam, Prins Hendrikkade 107b, Rotterdam-C, The Netherlands; Claim No. 60493; $918.78 in the Treasury of the United States. Vesting Order No. 17950.

Executed at Washington, D. C., on April 24, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3253; Filed, Apr. 30, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 212]

INCREASED FREIGHT RATES, 1958

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 25th day of April A. D. 1958.

It appearing, that by order dated February 25, 1958, as modified by order dated March 14, 1958, the division prescribed special rules of practice and procedure to govern the further conduct of this proceeding and fixing certain dates for the submission of verified statements and other matters;

And it further appearing, that respondents, the State of Washington Public Service Commission et al., the Public Utility Commissioner of Oregon et al., and the Florida Citrus Commission et al., have filed petitions requesting a change in such dates or further modification of the Special Rules in other respects, and that the National Industrial Traffic League, National Coal Association and Upper Lake Iron Ore Shippers, have filed replies to respondents' petition;

Upon consideration of such requests and replies and good cause appearing therefor: *It is ordered*,

(1) That paragraph (e) of such special rules as modified by paragraph (2) of said order of March 14, 1958, providing for verified statements in opposition to, or not in support of petitioners or respondents, or of said schedules be, and it is hereby, further modified as follows: The June 9, 1958, date for the filing of such verified statements shall remain unchanged, but the parties shall advise the Commission and opposing counsel on or before June 20, 1958, which witness or witnesses submitting such verified statements they desire to cross-examine, with an estimate of the time required for such examination. The hearing heretofore set for July 7, 1958, for such cross-examination is canceled.

(2) That paragraph (f) of such special rules as modified by paragraph (3) of said order of March 14, 1958, be, and it is hereby, further modified to provide for verified statements in rebuttal of evidence submitted under paragraph (e) of the special rules as modified; that the date for filing such verified statements be, and it is hereby, changed from July 12, 1958, to June 30, 1958; and that the hearing heretofore set for August 4, 1958, for cross-examination on such statements be, and it is hereby, canceled.

(3) That a hearing for the purpose of cross-examination of witnesses submitting verified statements under paragraphs (e) and (f) of the special rules as modified, be, and it is hereby, assigned at the offices of the Commission in Washington, D. C., beginning at 9 a. m., United States standard time, or 10 a. m., daylight saving time, July 21, 1958; *Provided*, That if there are any matters in the rebuttal statements which cannot be dealt with by any party on cross-examination and as to which such party was not previously apprised, such party will have the right to rebut such matters, at such hearing, in a manner (either by oral testimony or by the filing of further statements) as the Commission may determine.

(4) And that the hearings heretofore provided beginning May 19, and July 21, 1958, will be before Division 2, except that, if it appears desirable for the convenience of the parties and the Commission, separate hearings covering one or more of the subjects embraced in this investigation, will be arranged before a designated hearing officer or officers who shall have the usual powers of a hearing officer in the conduct of such separate hearing.

And it is further ordered, That the above-mentioned petitions be, and they are hereby, denied in all other respects, and our order of February 25, as modified by our order of March 14, 1958, except to the extent further modified herein, be, and it is hereby, continued in full force and effect;

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, and served upon respondents and on each party heretofore filing an appearance in this proceeding;

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3239; Filed, Apr. 30, 1958; 8:49 a. m.]

FEDERAL REGISTER

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UNIVERSITY OF MICHIGAN

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TITLE 3—THE PRESIDENT

PROCLAMATION 3236

IMPOSING IMPORT QUOTAS ON TUNG NUTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), the Secretary of Agriculture advised me he had reason to believe that tung nuts are practically certain to be imported into the United States under such conditions and in such quantities as to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to tung nuts and tung oil, or to reduce substantially the amount of products processed in the United States from domestic tung nuts or tung oil with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on February 19, 1958, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter; and

WHEREAS the said Tariff Commission has made such investigation, and has reported to me its findings and recommendation made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that tung nuts are practically certain to be imported into the United States under such conditions and in such quantities as to interfere materially with the said price-support program; and

WHEREAS I find and declare that the imposition of the limitations on imports of tung nuts hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry of tung nuts will not materially interfere with the said price-support program; and

WHEREAS, on September 9, 1957, I issued Proclamation No. 3200 (22 F. R. 7265) limiting the quantity of tung oil that may be entered, or withdrawn from warehouse, for consumption during the periods specified in that proclamation; and

WHEREAS I find that the limitations on imports of tung nuts hereinafter proclaimed will not reduce the permissible total quantity of tung nuts which may be entered, or withdrawn from warehouse, for consumption to proportionately less than 50 per centum of the average annual quantity of tung nuts entered during the representative period from November 1, 1952, to October 31, 1956, inclusive:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that no tung nuts shall be permitted to be entered, or withdrawn from warehouse, for consumption in any quota period specified in the proclamation of September 9, 1957, after the total aggregate quantity of tung nuts and tung oil entered, or withdrawn from warehouse, for consumption in any such quota period has reached, in terms of oil, the equivalent of the quota for tung oil specified in that proclamation for such quota period. For the purposes of this proclamation the oil content of tung nuts shall be computed on the basis of 15.9 pounds for each 100 pounds of whole nuts, and on the basis of 35.8 pounds of oil for each 100 pounds of decorticated nuts.

In order to assure equitable treatment to supplying countries, all tung oil and tung nuts entered, or withdrawn from warehouse, for consumption pursuant to the proclamation of September 9, 1957, or this proclamation, shall have been a direct shipment destined to the United States on an original through bill of lading from the country of production.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of April in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-3340; Filed, Apr. 30, 1958; 1:11 p. m.]

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FEDERAL REGISTER

1934

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 1–209 ($2.25)

Title 14, Parts 1–39 ($0.50)

Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75)

Title 38 ($0.40)

Title 49, Parts 1–70 ($0.70)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Part 165 to end ($0.75)

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Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 5, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP CORN RE-EXTENDED RESEAL LOAN PROGRAM

A re-extended reseal loan program has been announced for 1955-crop corn. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017, 4563, and 21 F. R. 3211), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1955, supplemented by Supplements 1, 2, 3, and 4, Corn (20 F. R. 4104, 7413, 7977, 21 F. R. 3411, 4038, 7711 and 22 F. R. 3378), containing the specific requirements for the 1955-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.1170 Applicable sections of 1955 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, and 4, Corn.
421.1171 Availability.
421.1172 Eligible producer.
421.1173 Eligible corn.
421.1174 Approved storage.
421.1175 Quantity eligible for re-extended reseal loan.
421.1176 Service charges.
421.1177 Transfer of producer's equity.
421.1178 Personal liability of the producer.
421.1179 Storage and trackloading payments.
421.1180 Maturity and satisfaction.
421.1181 Support rates.

AUTHORITY: §§ 421.1170 to 421.1181 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1170 *Applicable sections of 1955 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, and 4, Corn.* The following sections of the 1955 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, and 4, Corn, as amended, published in 20 F. R. 3017, 4104, 4563, 7413, 7977, 21 F. R. 3211, 3411, 4038, 7711 and 22 F. R. 3378, shall be applicable to the 1955 Corn Re-extended Reseal Loan Program: § 421.1001 *Administration;* § 421.1008 *Liens;* § 421.1011 *Interest rate;* § 421.1013 *Safeguarding the commodity;* § 421.1014 *Insurance on farm-storage loans;* § 421.1015 *Loss or damage to the commodity;* § 421.1017 *Release of the commodity under loan;* § 421.1140 *Determination of quantity;* § 421.1152 *Approved forms;* § 421.1156 *Set-offs;* § 421.1169 *Foreclosure.* Other sections of 1955 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, and 4, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.1171 *Availability*—(a) *Area and scope.* The re-extended reseal program will be available in all counties where 1955-crop corn is under extended reseal loan except in angoumois moth areas designated by the ASC State committee: *Provided, however,* That the program will be available only where ASC State committees determine that there may be a shortage of storage space and that the corn can be safely stored on the farm for the period of the re-extended reseal loan. This program provides, under certain circumstances, for the re-extension of 1955-crop corn farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has an extended reseal loan and who desires to extend such loan must make application to the county committee which approved his extended reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is re-extended. Where new forms are not completed, re-extension of the reseal loan shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1172 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State or any agency thereof, producing corn in 1955 as landowner, landlord, tenant, or sharecropper who has an extended reseal farm-storage loan in effect on corn of the 1955 crop.

§ 421.1173 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under an extended reseal loan; (2) must meet the requirement set forth in § 421.1138 (a), (b), (c), and (e) of 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; and (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn; and (4) must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Inspection.* If a producer makes application to re-extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1141.

§ 421.1174 *Approved storage.* Corn covered by any re-extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1006 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1959, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1959.

§ 421.1175 *Quantity eligible for re-extended reseal loan.* The quantity of corn eligible for a re-extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.1176 *Service charges.* When a reseal loan is re-extended, the producer will not be required to pay an additional service charge.

§ 421.1177 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. The producer may arrange with the county committee for partial release of the commodity prior to maturity after making payment to the holder of the note for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county committee. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and release of the commodity will not be permitted, except if redemptions are made by the use of soil bank certificates. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1178 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan records, or in obtaining the loan or

the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest at the rate of 6 percent per annum from the date of disbursement of the loan) and for any resulting expense incurred by any holder of the Note. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

§ 421.1179 ***Storage and track-loading payments***—**(a)** ***Storage payment for 1957–58 storage period.*** **(1) A producer who re-extends his farm-storage reseal loan will at the time of re-extension of the reseal loan receive a payment for earned storage during the 1957–58 reseal loan period. This payment will be computed at the rate of 16 cents per bushel on the quantity of corn held in farm storage for the full reseal period, ending July 31, 1958. The reseal storage payment will be disbursed to the producer by the office of the county committee.**

(2) Upon delivery of the 1955-crop corn to CCC, the actual quantity of corn held in farm storage under the re-extended reseal loan program will be determined by weighing. The storage payments previously made to the producer at the time the reseal loan was extended, and re-extended, covering the 1956–57 and 1957–58 storage periods, will be recomputed on the basis of the actual quantity determined to have been covered by the reseal and extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the reseal and extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time the reseal loan was extended and re-extended shall be collected from the producer.

(3) No storage payment will be made for the 1957–58 reseal loan period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to the 1957–58 reseal loan period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(b) ***Storage payment for 1958–59 storage period.*** **A storage payment for the 1958–59 re-extended reseal storage period will be made as follows:**

(1) ***Storage payment for full re-extended reseal period.*** **A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1959, (ii) delivers corn to CCC on or after July 31, 1959, or (iii) delivers corn to CCC prior to July 31, 1959, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC.**

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of $0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1958, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1959, and (iii) in the case of corn delivered to CCC prior to July 31, 1959, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made for the 1958–59 re-extended reseal storage period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to such period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county office, on track at a country point.

§ 421.1180 *Maturity and satisfaction.* Re-extended reseal loans will mature on demand but not later than July 31, 1959. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county office. If the producer desires to deliver the corn he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under re-extended reseal loan is stored. The provisions of § 421.1018 (a), (c), (f), and (g) and of § 421.1145 (a) (1) shall be applicable thereto: *Provided,* That if upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals the corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery.

§ 421.1181 *Support rates.* (a) The support rate for a re-extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.1146 (b), shall be applicable in determining the settlement value.

Issued this 29th day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3316; Filed, May 1, 1958; 8:52 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 4, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP OATS EXTENDED RESEAL LOAN PROGRAM

An extended reseal loan program has been announced for 1956–crop oats. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1956, supplemented by Supplements 1, 2 and 3, oats (21 F. R. 4007, 4792, 5031, 5566, 6746 and 22 F. R. 2753 and 3035), containing the specific requirements for the 1956–crop oats price support program, is hereby further supplemented as follows:

Sec.
421.1898 Applicable sections of 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2 and 3 Oats.
421.1899 Availability.
421.1900 Eligible oats.
421.1901 Approved storage.
421.1902 Quantity eligible for extended reseal.
421.1903 Service charges.
421.1904 Transfer of producer's equity.
421.1905 Personal liability of the producer.
421.1906 Storage and track-loading payments.
421.1907 Maturity and satisfaction.
421.1908 Support rates.

AUTHORITY: §§ 421.1898 to 421.1908 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1447.

§ 421.1898 *Applicable sections of 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, Oats.* The following sections of the 1956 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, and 3, Oats as amended, published in 21 F. R. 3997, 4007, 4792, 5031, 5566, 6746 and 22 F. R. 2753 and 3035, shall be applicable to the 1956-crop Oats Extended Reseal Loan Program: § 421.1601 *Administration;* § 421.1608 *Liens;* § 421.1610 *Set-offs;* § 421.1611 *Interest rate;* § 421.1613 *Safeguarding the commodity;* § 421.1614 *Insurance on farm-storage loans;* § 421.1615 *Loss or damage to the commodity;* § 421.1617 *Release of the commodity under loan;* § 421.1620 *Foreclosure;* § 421.1880 *Determination of quantity;* § 421.1888 *Eligible producer;* § 421.[illegible]

Approved forms. Other sections of the 1956 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, and 3, Oats, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.1899 *Availability*—(a) *Area and scope.* The extended reseal program will be available in areas in the following States where ASC State committees determine that there may be a shortage of storage space, that the oats can be safely stored on farms for the period of the extended reseal loans and that it will be advantageous to producers and CCC to permit producers to obtain extended reseal loans: Michigan, Minnesota, North Dakota, South Dakota and Wisconsin. This program provides under certain circumstances, for the extension of 1956-crop oats farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the office of the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is re-extended. Where new forms are not completed, re-extension of the farm-storage loan shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1900 *Eligible oats*—(a) *Requirements of eligibility.* The oats (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.1878 (a), (b), and (c).

(b) *Inspection.* If a producer makes application to extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the oats and the farm-storage structure in which the oats are stored. If recommended by either the commodity loan inspector or the producer, a sample of the oats shall be taken and submitted for grade analysis.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1881.

§ 421.1901 *Approved storage.* Oats covered by any extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1606 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending June 30, 1959, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1959.

§ 421.1902 *Quantity eligible for extended reseal.* The quantity of oats eligible for an extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.1903 *Service charges.* When a reseal loan is extended, the producer will not be required to pay an additional service charge.

§ 421.1904 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.1617 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1905 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest as provided in § 421.1611) and for any resulting expense incurred by any holder of the note. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

§ 421.1906 *Storage and track-loading payments*—(a) *Storage payment for 1957–58 storage period.* (1) A producer who extends his farm-storage reseal loan will at the time of extension of the reseal loan receive a payment for earned storage during the reseal loan period. This payment will be computed at the rate of 12 cents per bushel on the quantity of oats held in farm-storage for the full reseal period, ending April 30, 1958. The reseal storage payment will be disbursed to the producer by the office of the county committee.

(2) Upon delivery of the 1956-crop oats to CCC, the actual quantity of oats held in farm storage under the extended reseal loan program will be determined by weighing. The storage payment previously made to the producer at the time the reseal loan was extended, covering the 1957–58 storage period, will then be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time the reseal loan was extended shall be collected from the producer.

(3) No storage payment will be made for the 1957–58 reseal loan period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to the 1957–58 reseal loan period (i) the oats have been abandoned, (ii) there has been conversion on the part of the producer or (iii) the oats were damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Storage payment for 1958–59 storage period.* A storage payment for the 1958–59 extended reseal storage period will be made as follows:

(1) *Storage payment for full extended reseal period.* A storage payment computed at the rate of 12 cents per bushel will be made to the producer on the quantity involved if he (i) redeems oats from the loan on or after April 30, 1959, (ii) delivers oats to CCC on or after April 30, 1959, or (iii) delivers oats to CCC prior to April 30, 1959, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of $0.00039 per bushel a day, but not to exceed 12 cents per bushel, according to the length of time the quantity of oats were in store after June 30, 1958, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of oats redeemed from the loan prior to April 30, 1959, and (iii) in the case of oats delivered to CCC prior to April 30, 1959, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made for the 1958–59 extended reseal storage period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to such period (i) the oats have been abandoned, (ii) there has been conversion on the part of the producer or (iii) the oats were damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on oats delivered to CCC, in accordance with instructions of the county office, on track at a country point.

§ 421.1907 *Maturity and satisfaction.* Extended reseal loans will mature on demand but not later than April 30, 1959. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged oats in accordance with the instructions of the county office. If the producer desires to deliver the oats he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may however, pay off his loan and redeem his oats at any time prior to delivery of the oats to CCC or removal of the oats by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of oats will be accepted only from bin(s) in which the oats under extended reseal loan are stored. The provisions of § 421.1618 (a), (c), (e), and (f) and of § 421.1885 (a) (1) and (d) shall be applicable thereto.

§ 421.1908 *Support rates.* The support rate for an extended reseal loan shall remain the same as for the original loan.

Issued this 29th day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3314; Filed, May 1, 1958; 8:52 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP GRAIN SORGHUMS RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1957-crop grain sorghums. The 1957 C. C. C. Grain Price Support Bulletin 1 (22 F. R. 2321), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1957, supplemented by Supplement 1, Grain Sorghums (22 F. R. 3216, 3379, 5975, 6961, 8470, 8874, 8973, 10679 and 23 F. R. 244), containing the specific requirements for the 1957-crop grain sorghums price support program, is hereby further supplemented as follows:

Sec.
421.2437 Applicable selections of 1957 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Grain Sorghums.
421.2438 Availability.
421.2439 Eligible producer.
421.2440 Eligible grain sorghums.
421.2441 Approved storage.
421.2442 Approved forms.
421.2443 Quantity eligible for resealing.
421.2444 Additional service charges.
421.2445 Transfer of producer's equity.
421.2446 Storage and track-loading payments.
421.2447 Maturity and satisfaction.
421.2448 Support rates.

AUTHORITY: §§ 421.2437 to 421.2448 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.2437 *Applicable sections of 1957 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Grain Sorghums.* The following sections of the 1957 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Grain Sorghums, published in 22 F. R. 2321, 3216, 3379, 5975, 6961, 8470, 8874, 8973, 10679 and 23 F. R. 244 shall be applicable to the 1957 grain sorghums reseal loan program: § 421.2201 *Administration;* § 421.2208 *Liens;* § 421.2210 *Setoffs;* § 421.2211 *Interest rate;* § 421.2213 *Safeguarding the commodity;* § 421.2214 *Insurance on farm-storage loans;* § 421.2215 *Loss or damage to the commodity;* § 421.2216 *Personal liability of the producer;* § 421.2217 *Release of the commodity under loan;* § 421.2219 *Foreclosure;* § 421.2430 *Determination of quantity;* § 421.2431 *Determination of quality.* Other sections of the 1957 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Grain Sorghums shall be applicable to the extent indicated in this subpart.

§ 421.2438 *Availability—*(a) *Area and scope.* The reseal program will be available in areas in the following States where ASC State committees determine that there may be a shortage of storage space, that the grain sorghums can be safely stored on farms for the period of the reseal loan and that it will be advantageous to producers and CCC to permit producers to obtain reseal loans; Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota and Texas. This program provides, under certain circumstances for the extension of 1957-crop farm-storage loans and the making of farm-storage loans on 1957-crop grain sorghums covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the office of the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(3) The producer who signed a purchase agreement on farm-stored grain sorghums is required, under the 1957 grain sorghums price support program, to notify the office of the county committee not later than March 31, 1958, in all States listed in paragraph (a) of this section if he intends to sell the grain sorghums to CCC. If the producer has notified the office of the county committee, on or before the applicable date of his intention to sell the grain sorghums to CCC or to participate in this program, he may obtain a farm-storage loan on the grain sorghums. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before June 30, 1958, if the producer has not requested or received delivery instructions.

(c) *Source and disbursement of loans.* A producer desiring to participate in the reseal loan program should make application to the office of the county committee which approved his loan or purchase agreement. Disbursements of the proceeds of loans completed on grain sorghums covered by purchase agreements shall be made to producers by county offices by means of sight drafts drawn on CCC within 15 days after execution of the loan documents. The drawing of a draft shall constitute disbursement. Disbursement shall not be made unless the grain sorghums are in existence and in good condition. If the grain sorghums were not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess. Any farm-storage loans to be resealed which are held by approved lending agencies shall be purchased and transferred to county office custody before the reseal loans are approved.

§ 421.2439 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof, producing grain sorghums in 1957 as landowner, landlord, tenant, or sharecropper, who either completed a farm-storage loan or signed a purchase agreement covering grain sorghums of the 1957 crop.

§ 421.2440 *Eligible grain sorghums—*(a) *Requirements of eligibility.* The grain sorghums must meet the requirements set forth in § 421.2428 (a), (b) and (c).

(b) *Inspection—*(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the grain sorghums and the farm-storage structure in which the grain sorghums are stored. If recommended by either the commodity loan inspector or the producer, a sample of the grain sorghums shall be taken and submitted for grade analysis.

(2) *Grain sorghums covered by purchase agreement.* If a producer makes application for a farm-storage loan on grain sorghums covered by a purchase agreement, the commodity loan inspector shall inspect the grain sorghums and storage structure, obtain a sample if the grain sorghums and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.2441 *Approved storage.* Grain sorghums covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.2206 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending May 31, 1959, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to such date.

§ 421.2442 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, secured by a Commodity Chattel Mortgage and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended. Where new forms are not completed, extension of the farm-storage loan shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original approved forms completed by the producer.

§ 421.2443 *Quantity eligible for resealing.* (a) The quantity of grain sorghums eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on the quantity in store not in excess of the quantity of grain sorghums specified in the purchase agreement, minus any quantity of the grain sorghums under such purchase agreement (1) which have been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.2444 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on grain sorghums covered by a purchase agreement, the producer shall pay an additional service charge of 1 cent per hundredweight on the number of hundredweight placed under loan, or $1.50, whichever is greater. No refund of service charges will be made, except if the amount collected is in excess of the correct amount.

§ 421.2445 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the grain sorghums mortgaged as security for a loan under this program. Subject to the provisions of § 421.2217 regarding the partial redemption of farm-storage loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the grain sorghums must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the grain sorghums from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.2446 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment will be made to the producer on the quantity involved if he (i) redeems grain sorghums from the loan on or after March 31, 1959, (ii) delivers the grain sorghums to CCC on or after March 31, 1959, or (iii) delivers the grain sorghums to CCC prior to March 31, 1959, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC. Such storage payment will be computed at the rate of 28 cents per hundredweight in the States of Arizona and California; 29 cents per hundredweight in the States of Minnesota and South Dakota; 30 cents per hundredweight in the States of Colorado, Illinois, Iowa, Kansas, Missouri and Nebraska; 31 cents per hundredweight in the States of Arkansas, Indiana, New Mexico, Oklahoma and Texas.

(2) *Prorated storage payment.* (i) A storage payment determined by prorating such yearly rate according to the length of time the quantity of grain sorghums involved was in store after May 31, 1958, will be made to the producer (*a*) in the case of loss assumed by CCC under the provisions of the loan program, (*b*) in the case of grain sorghums redeemed from the loan prior to March 31, 1959, and (*c*) in the case of grain sorghums delivered to CCC prior to March 31, 1959, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. The prorated storage payment will be computed at the rate of $0.00092 per hundredweight a day (but not to exceed 28 cents per hundredweight) in the States of Arizona and California; $0.00095 per hundredweight a day (but not to exceed 29 cents per hundredweight) in the States of Minnesota and South Dakota; $0.00099 per hundredweight a day (but not to exceed 30 cents per hundredweight) in the States of Colorado, Illinois, Iowa, Kansas, Missouri and Nebraska; $0.00102 per hundredweight a day (but not to exceed 31 cents per hundredweight) in the States of Arkansas, Indiana, New Mexico, Oklahoma and Texas. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss, and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, where the grain sorghums have been abandoned, where there has been conversion on the part of the producer or where the delivered grain sorghums are damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 6 cents per hundredweight will be made to the producer on grain sorghums delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.2447 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than March 31, 1959. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged grain sorghums in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of grain sorghums will be accepted only from bin(s) in which the grain sorghums under reseal loan are stored. The provisions of § 421.2218 (a) and (d), and of § 421.2436 (a) (1) and (b) (2), (3) and (4) and (e) and (g) shall be applicable thereto.

§ 421.2448 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for grain sorghums covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the grain sorghums in § 421.2433 (c) (1).

(b) Any discounts established for variation in quality as shown in § 421.2433 (d) and (e) shall apply.

Issued this 29th day of April 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3315; Filed, May 1, 1958; 8:52 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.302]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective as of the beginning of the first pay period following May 3, 1958:

1. Paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Jodhpur, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Poona, Rajkot, Simla, Sindri, Trivandrum, Udaipur and Vellore.
Santa Maria Island, Azores.

2. Paragraph (c) is amended by the deletion of the following:

Aleppo, Syria.
Damascus, Syria.
Kotah, India.
Port Said, Egypt.

3. Paragraph (d) is amended by the deletion of the following:

Alexandria, Egypt.
Cairo, Egypt.
Penang, Malaya.
Singapore, Singapore.

4. Paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Poona, Rajkot, Simla, Sindri, Trivandrum, Udaipur and Vellore.

5. Paragraph (c) is amended by the addition of the following:

Aleppo, United Arab Republic.
Damascus, United Arab Republic.
Port Said, United Arab Republic.
Santa Maria Island, Azores.

6. Paragraph (d) is amended by the addition of the following:

Alexandria, United Arab Republic.
Cairo, United Arab Republic.

(Sec. 102, Part I, E. O. 10009, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: April 24, 1958.

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

[F. R. Doc. 58-3310; Filed, May 1, 1958; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF INORGANIC BROMIDES IN OR ON LITCHI FRUIT AFTER FUMIGATION WITH ETHYLENE DIBROMIDE

A proposal was published in the FEDERAL REGISTER of March 13, 1958 (23 F. R. 1736), that a tolerance of 10 parts per million be established for residues of inorganic bromides in or on fresh litchi fruit resulting from fumigation with ethylene dibromide in the Quarantine Program of the U. S. Department of Agriculture. No request that said proposal be referred to an advisory committee having been filed: *It is ordered*, That § 120.146 *Tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide* (21 CFR, 1956 Supp., 120.146; 22 F. R. 3722) be amended by inserting in paragraph (b) (1), following "guavas," the words "litchi fruit,". As amended, paragraph (b) (1) will read as follows:

(1) 10 parts per million in or on: Beans (string), bitter melon (Mormodica charantia), cantaloups, Cavendish bananas, citrus fruits, cucumbers, guavas, litchi fruit, litchi nuts, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U. S. C. 346a (b) (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29).

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable, and reasonable grounds for the objections, and request a public hearing on the objections. Objections shall be filed in quintuplicate and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 28, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3286; Filed, May 1, 1958; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 510—EGYPTIAN ASSETS CONTROL REGULATIONS

REVOCATION OF PART

The Egyptian Assets Control Regulations (31 CFR 510.201-510.801) are revoked effective 12:01 a. m., e. s. t., May 1, 1958.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3339; Filed, Apr. 30, 1958; 1:48 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 12]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

PORTABLE WATER-SOLUTION TYPE FIRE EXTINGUISHERS

Minimum performance standards for portable water-solution type fire extinguishers for use in civil aircraft of the United States are defined in regulation § 514.29.

Inasmuch as this amendment which provides for a minimum dischargeable extinguisher capacity of 1 quart instead of 1⅜ quarts is a relaxation of a rule and, as such, does not impose any additional burden upon interested persons, no useful purpose should be served by compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

Section 514.29 (21 F. R. 6508) is amended to read as follows:

§ 514.29 *Portable water-solution type fire extinguishers—TSO-C19b*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for portable water-solution type fire extinguishers which are to be used in civil aircraft of the United States. New models of portable water-solution type fire extinguishers manufactured for installation in civil aircraft on or after the effective date of this order shall meet the standards of sections 5 and 6 and subsections 4.1.1, 4.1.4, 4.1.5, 4.2.3, 4.3.1 and 4.3.2 of SAE Specification AS-245A dated December 15, 1956, with the exceptions listed in subparagraph (2) of this paragraph. Portable water-solution type fire extinguishers approved by the Civil Aeronautics Administration prior to the effective date of this order may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* For the purpose of this order, the dischargeable capacity specified in 4.1.1 of AS-245A may be at least one quart.

(b) *Marking.* In addition to the information required in § 514.3, the following also must be legibly and permanently marked on the extinguisher: 1- capacity, 2- test pressure of container and 3- operating and maintenance instructions.

Effective date: May 1, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 28, 1958.

[F. R. Doc. 58-3279; Filed, May 1, 1958; 8:45 a. m.]

[Amdt. 68]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Death FM	EKO-LFR	Direct	9000	T-dn	1800-2	1800-2	1800-2
Carlin FM	EKO-LFR (Final)	Direct	7600	C-dn	2500-3	2500-3	2500-3
Elko VOR	EKO-LFR	Direct	8500	A-dn	2500-3	2500-3	2500-3

Procedure turn N side W crs, 231 Outbnd, 051 Inbnd, 8500′ within 10 mi. Beyond 10 mi NA. (Nonstandard due to terrain.)
Minimum altitude on final approach crs, 7600′.
Crs and distance, facility to airport, 204—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 9000′ on NE crs LFR between range and Death FM, all turns on N side of crs.

City, Elko; State, Nev.; Airport Name, Municipal; Elev., 5135′; Fac. Class, SBRAZ-DPTV; Ident., EKO; Procedure No. 1, Amdt. 4; Eff. Date, 31 May 58; Sup. Amdt. No. 3; Dated, 17 Mar. 56

Virgil Int SW crs Hon and E crs Pierre	HON-LFR (Final)	Direct	2000	T-dn	300-1	300-1	200-½
Huron VOR	HON-LFR	Direct	2500	C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 224 Outbnd, 044 Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 040—2.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi, climb to 3000′ on NE crs within 20 mi.
CAUTION: Radio tower 1484′ MSL 1¼ mi S of airport.

City, Huron; State, S. Dak.; Airport Name, W W Howes; Elev., 1287′; Fac. Class, BMRLZ; Ident., Hon; Procedure No 1, Amdt. 9; Eff. Date, 1 May 58; Sup. Amdt. No. 8; Dated, 17 Dec. 55.

HUF VOR	HUF-LFR	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-2	500-2
				S-d-5	400-1	400-1	400-1
				S-n-5	400-1½	400-1½	400-2
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 249 Outbnd, 069 Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 073—4.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, climb to 2000′ on E crs HUF-LFR within 20 mi.
NOTE: ADF procedure not authorized.

City, Terre Haute; State, Ind.; Airport Name, Hullman Field; Elev., 585′; Fac. Class, BMRLZ; Ident., HUF; Procedure No. 1, Amdt. 10; Eff. Date, 1 May 58; Sup. Amdt. No. 9; Dated, 26 Jan. 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hempstead LFR	BBN-RBn	Direct	1500	T-d	300-1	300-1	300-1
Long Beach Int	BBN-RBn	Direct	1500	C-d	500-1½	500-1½	500-1½
Eastland Int	BBN-RBn	Direct	1500	S-d-35	500-1	500-1	500-1
St. James Int	BBN-RBn	Direct	1500	A-d	800-2	800-2	800-2
Huntington Int	BBN-RBn	Direct	1500				
Radar Terminal Area Transitions—all directions.	BBN-RBn	Within 25 mi of IDL.	3000				

Procedure turn E side of crs, 177 Outbnd, 357 Inbnd, 1500 within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 357—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles of Babylon RBn, climb on a crs of 357° to the NE crs of the Hempstead LFR and proceed to the Hempstead LFR at 2500′.
NOTE: Straight-in approach approved on a crs of 357° to the Babylon RBn within 10 miles as determined by surveillance radar. Night operations NA.

City, Amityville, L. I.; State, N. Y.; Airport Name, Zahn's; Elev., 80′; Fac. Class, MHW; Ident., RBn; Procedure No. 1, Amdt. 2; Eff. Date, 31 May 58; Sup. Amdt. No. 1; Dated, 1 July 54

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn C-d C-n A-dn	300-1 600-1 600-2 800-2	300-1 600-1 600-2 800-2	200-½ 600-1½ 600-2 800-2

Procedure turn W side of crs, 007 Outbnd, 187 Inbnd, 2400′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 187—2.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 mi, climb to 2500′ on R-214 within 20 mi.
CAUTION: Tower 1350′ MSL 2.5 mi SE of airport in direct line of NW-SE Runway. 1780′ TV tower 10 mi WNW VOR.

City, Eau Claire; State, Wis.; Airport Name, Eau Claire; Elev., 887′; Fac. Class, BVOR; Ident., EAU; Procedure No. 1, Amdt. 4; Eff. Date, 1 May 58; **Sup. Amdt. No. 3;** Dated, 12 Jan. 57

Paducah RBN	PUK-VOR	Direct	1600	T-dn C-dn S-dn-4 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2
Int E crs Advance LFR and crs of 117° to Paducah VOR.	PUK-VOR	Direct	1600				

Procedure turn E side of crs, 221 Outbnd, 041 Inbnd, 1600 within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 041—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2000′ on R-039 within 20 miles of Paducah VOR.

City, Paducah; State, Ky.; Airport Name, Barkley; Elev., 405′; Fac. Class, BVOR; Ident., PUK; Procedure No. 1, Amdt. 2; Eff. Date, 1 May 58; Sup. Amdt. No. 1; **Dated,** 29 July 54

				T-dn* C-dn A-dn	300-1 600-1½ 800-2	300-1 600-1½ 800-2	200-½ [illegible]-1½ [illegible]

*300-1 required for take-off Runway 1.
Procedure turn N side crs, 048 Outbnd, 228 Inbnd, 1500 within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 228—8.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make a left climbing turn and return to Plattsburgh VOR at 1500′.

City, Plattsburgh; State, N. Y.; Airport Name, Municipal; Elev., 371′; Fac. Class, BVOR; Ident., PLB; Procedure No. 1, Amdt. 4; Eff. Date, 1 May 58; **Sup. Amdt. No. 3;** Dated, 29 Apr. 54

				T-dn* C-d C-n* A-dn*	300-1 600-1½ 600-2 800-2		

*Night operations on N-S runway only.
Procedure turn W side of crs, 356 Outbnd, 176 Inbnd, 3100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 176—0.7.
CAUTION: Sod field, except N-S runway paved.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mi, climb to 3100′ on R-176 within 20 mi.

City, Russell; State, Kans.; Airport Name, Russell; Elev., 1863′; Fac. Class. BVOR; Ident., RSL; Procedure No. 1, Amdt. 4; Eff. Date, 1 May 58; **Sup. Amdt. No. 3; Dated,** 2 Sept. 56.

HUF-LFR	HUF-VOR	Direct	2000	T-dn C-dn C-n S-d-18 S-n-18 A-dn	300-1 400-1 400-1½ 400-1 400-1½ 800-2	300-1 500-1 500-2 400-1 400-1½ 800-2	200-½ [illegible]-1½ 500-2 400-1 400-2 800-2
Int E crs HUF-LFR and 260 crs	HUF-VOR	Direct	2000				

Procedure turn W side of crs, 360 Outbnd, 180 Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 180—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, climb to 1900′ on R-191 within 20 miles.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class, BVOR; Ident., HUF; Procedure No. 1; Amdt. 4, Eff. Date, 1 May 58; Sup. **Amdt. No. 3;** Dated, 26 Jan. 57

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Eagle FM via crs 140 (ILS only)	NW crs ILS	Direct	4000	T-dn	300-1	300-1	200-½
Eagle FM via crs 140 (ILS only)	NW crs ILS (Final)	Direct	3900	C-d	500-1	500-1½	600-1½
Boise LFR	LOM	Direct	4000	C-n	500-1	500-1½	700-1½
Eagle FM (ADF only)	LOM	Direct	4000	S-dn-			
Eagle FM (ADF only)	LOM (Final)	Direct	3900	10L ILS	200-½	200-½	200-½
				10L-R ADF	400-1	400-1	400-1
				A-d ILS	600-2	600-2	600-2
				A-n ILS	600-2	700-2	700-2
				A-dn ADF	800-2	800-2	800-2

Procedure turn W side NW crs, 277 Outbnd, 097 Inbnd, 4000′ within 10 miles.

Minimum altitude at G. S. int inbnd, 3900′ ILS, minimum altitude over LOM inbnd final 3900′ ADF.

Altitude of G. S. and distance to appr end of rny at OM 3900′—3.8, at MM 3055′—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.8 mi, after passing LOM (ADF) turn right climb to 4000′ on N crs BOI-LFR, 302° outbnd, 122° inbnd within 10 miles.

MAJOR CHANGES: Delete 300-1 takeoff for Rwy 16-34. Rwy permanently closed.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class, ILS-IBOI; Ident, LOM-BOI; Procedure No. ILS-IOL-R, Comb. ILS-ADF; Amdt. 9; Eff. Date, 1 May 58; Sup. Amdt. No. 8; Dated, 23 Apr 55

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Quincy VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn 3:			
				ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn:			
				ILS	800-2	800-2	800-2
				ADF	800-2	800-2	800-2

Procedure turn S side of SW crs, 214 Outbnd, 034 Inbnd, 1900 within 10 mi.

Minimum altitude at glide slope int inbnd 1800′ ILS. Min. alt over LOM inbnd final 1300′ ADF.

Altitude of glide slope and distance to approach end of runway at OM: 1830′—3.8; at MM: 952′—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi of LOM (ADF), climb to 1900′ on NE crs ILS (034) within 20 mi.

NOTE: No approach lights.

CAUTION: 1560′ MSL radio tower located approximately 6.0 mi WNW of airport.

City, Quincy; State, Ill.; Airport Name, Quincy Baldwin; Elev., 769′; Fac. Class, ILS-UIN; Ident., LMM-IN; Procedure No. ILS-3, Comb ILS-ADF; Amdt. 2; Eff. Date 1 May 58; Sup. Amdt. No. 1; Dated, 10 June 54

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

APRIL 25, 1958.

[F. R. Doc. 58-3323; Filed, May 1, 1958; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Fourth Section Order 18900]

PART 143—LONG-AND-SHORT HAUL AND AGGREGATE-OF-INTERMEDIATES RATES

FOURTH SECTION APPLICATIONS FOR RELIEF

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 11th day of April A. D. 1958.

It appearing, that the matter of rules governing as to form and content of applications, the manner of presentation, and the method of justifying relief from the provisions of section 4 of the Interstate Commerce Act being under consideration,

It further appearing, that in order to facilitate the consideration and determination of fourth-section applications, and in accordance with the authority contained in section 17 of the act, it is advisable to revise and bring up to date, in the light of the July 11, 1957, amendment of section 4 of the act (49 U. S. C. 4 (1); 71 Stat. 292) rules governing the filing of applications for relief from the provisions of that section of the act,

And it further appearing, that the rules hereinafter provided being procedural, rule making procedure under section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003) is deemed unnecessary:

It is ordered, That, effective August 1, 1958, and until further order, the following rules shall govern as to form and content, the manner of presentation, and the method of justification of fourth-section applications.

It is further ordered, That 49 CFR Part 143—Long-and-Short Haul and Aggregate-of-Intermediates Rates, be, and the same is hereby, amended by adding thereto the following:

§ 143.75 *Applications, preparation and filing: conformity with rules.* Any common carrier subject to the act may apply to this Commission, under section 4 (1) of the act, for such authorization as it is empowered to grant thereunder. Such applications must conform to the requirements hereinafter provided.

§ 143.76 *Use of intermediate rules.* The fact that a point is a large producing or consuming point and that intermediate points are not consuming or producing points is not considered by the Commission to be a sufficient reason for relief from the provisions of section 4. Rule 27 of the Commission's Tariff Circular No. 20 was promulgated for the purpose of covering such situations and obviating the necessity of publishing "paper" rates from or to intermediate points.

§ 143.77 *Freight and passenger applications separate.* Separate applications shall be filed for relief with respect to freight rates and passenger fares.

§ 143.78 *Long-and-short haul and aggregate-of-intermediate applications separate.* Separate applications shall be filed for relief from the long-and-short haul provision, and for relief from the

aggregate-of-intermediates provision of section 4 of the act.

§ 143.79 ***Number of copies, form, general specifications and requirements, signatures, and verification.*** (a) Application shall be substantially in the form shown below, and five copies of each, including all exhibits and maps, must be furnished.

FORM OF APPLICATION FOR RELIEF UNDER SECTION 4 (1) OF THE ACT

FOURTH SECTION APPLICATION

Commission's number ----------
Carrier's number ----------

The ------------ Company, by ---------- ------------, its ------------ (official title), hereby petitions the Interstate Commerce Commission for authority to establish rates (or fares, or charges or classifications) hereinafter set forth without observing the long-and-short haul (or aggregate-of-intermediates) provision of section 4 (1) of the Interstate Commerce Act. (If rates, etc., are to apply over the lines of more than one carrier, the application should show that it is made for and on behalf of all such carriers, naming them, or if made for or on behalf of all carriers parties to a particular tariff, reference may be made by I. C. C. No. to such tariff for the names of such carriers.)

I. (State fully the rates, fares, charges, etc., which it is desired to establish, with complete reference to the tariffs in which published and the effective date thereof, the routes over, and the articles or classes upon which they are to apply, and names or descriptions of the points of origin and destination. See Note A, following.)

II. (State fully names or description of intermediate points at which it is desired to maintain higher rates etc., and rates etc., at such points or a sufficient number of such points to illustrate the situation, including the first and last higher-rated and the highest-rated intermediate points. Distances between all points shown should be included in this statement. In applications for relief from the aggregate-of-intermediates provision, set forth typical examples of the higher through rates, fares, or charges, and the intermediate rates, fares, or charges, that in the aggregate are less than the through rates, etc. See Note A, following. Also show I. C. C. Nos. of tariffs, and supplements thereto, containing the rates and distances stated.)

III. This application is based upon the following facts which present all of the circumstances and conditions relied upon by your applicant in justification of the relief herein prayed: (Make a complete and accurate statement as to the necessity for the proposed changes, and all of the circumstances and conditions relied upon as justifying the relief prayed. See Note A, following.)

IV. (Give specific reference to any proceeding pending before or determined by the Commission, by docket number, and report citation, if any, which may have any bearing upon, or be in any way related to the rates, etc., sought to be established or maintained. If none, state that fact.)

-------------------- Company
(Corporate title of applicant)
By ------------------------------
(Personal signature of officer)
------------------------------ (Title of officer)

NOTE A. When more convenient this information may be given in an exhibit or exhibits, and here referred to: "As stated in exhibit ------ attached to and made a part hereof." Information required under each numbered section, as above, should be shown in a separate exhibit.

Exhibits should conform to the following requirements:

Generally. Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should not be argumentative, should be limited to statements of fact, and be relevant and material to the issue.

Reference to tariff authority, routes, and distances. All exhibits showing rates, fares, charges, or other tariff or schedule provision must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedule as provided by this rule.

(b) Applications shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, multilithing, mimeographing, or by any other process, provided the copies are clear and permanently legible. Whiteline blue prints which cannot be reproduced by photography are not desirable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double spaced, except that long quotations shall be single spaced and indented. If printed, nothing less than 10-point type shall be used, except that 8-point type may be used in footnotes.

(c) The original copy of the application must be over the personal signature of an executive officer, a responsible traffic officer, or a duly authorized attorney or agent specifying his title, and sworn to before a notary public or other officer authorized by law to administer oaths. Verification shall be in the manner shown below:

VERIFICATION

State of ------------ }
County of ---------- } *ss:*

--------------------, being duly sworn, de-
(Name of affiant)
poses and says: that he is the ------------
(Title of affiant)
of the --------------------; that he is au-
(Name of applicant)
thorized by said applicant to sign and file with the Interstate Commerce Commission this application and exhibits attached hereto, and to verify the facts and statements contained in said application and exhibits; that he has carefully examined all of such statements contained in said application and exhibits; and that the same are true and correct to the best of his knowledge, information, and belief.

Subscribed and sworn to before me, ---------------- in and for the State and County above, this ------ day of ----------, 19--

[SEAL] ------------------------

My commission expires ----------------

§ 143.80 *Matters to be shown in the application.* The application shall show:

(a) The names of the carrier or carriers for, or on behalf of which it is made, or, if made on behalf of all carriers parties to a particular tariff, the application may refer to such tariff by Interstate Commerce Commission number (hereinafter abbreviated I. C. C. No. —).

(b) The I. C. C. No. of all tariffs in which rates, fares, or charges referred to in the application or exhibits are published.

(c) The rates, fares, or charges proposed to be established, and the basis or bases therefor; the articles or classes on which they are to apply; the points of origin and destination; and the routes between such points over which the rates, fares, or charges will apply. (Direct routes only with respect to applications for long-and-short haul relief). When relief is desired from or to "related" points or "group" points, the points or groups shall be indicated in the map hereinafter required to be furnished, or defined by reference to tariff publications providing the grouping.

(d) If long-and-short haul relief is sought, the intermediate points at which it is proposed to maintain rates, fares, or charges higher than those proposed from or to more distant points, the rates, fares, or charges at such points, and the basis therefor. If relief from the aggregate-of-intermediates provision of section 4 is sought, the intermediate rates, fares, or charges that in the aggregate, are less than the through rates, fares, or charges.

(e) A complete and accurate statement of the grounds relied upon as justification for the relief prayed.

(f) The foregoing information shall be furnished in instances where a hearing is desired and applicants propose to justify the relief requested at such hearing. Applicants should be prepared to show at hearings the information required in §§ 143.81, 143.82, and 143.83.

(g) Applications for relief from the provision of section 4 with respect to rates, fares, or charges included in schedules filed before the necessary relief has been obtained, shall include in the opening or second paragraph a complete statement of the tariffs and supplements containing such rates, fares, or charges in substantially the following form:

The rates (fares) (charges) as to which relief is prayed herein have been published and filed to become effective ----------
(Date)
in ------------------------------ Tariff
(Name of agent or carriers)
I. C. C. ------------ (Supplement number
(Number)
should be shown if published in a supplement.)

(h) Where Commission action is desired on the presentation made in an application, without hearing, the information required in this section and in §§ 143.81, 143.82, and 143.83, according to the ground upon which relief is prayed, shall be set forth in the application. It should be understood, however, that where the information included in the application does not fully justify the relief requested, or for other good cause, applications may be assigned for hearing at the Commission's discretion.

§ 143.81 *Information required*—(a) *Long-and-short haul relief.* Applications should show:

(1) That the rates which it is desired to establish or maintain are reasonable rates for application by way of the petitioning line or route, or are not within applicants' control, and any other facts tending to show that such rates should not be observed as maxima at intermediate points.

(2) That the lower rates for longer than for shorter hauls over the same line or route are reasonably compensatory.

In Transcontinental Cases of 1922, 74 I. C. C. 48, 71, it was held that in the administration of the fourth section the words "reasonably compensatory" imply that a rate properly so described must (1) cover and more than cover the extra or additional expenses incurred in handling the traffic to which it applies; (2) be no lower than necessary to meet existing competition; (3) not be so low as to threaten the extinction of legitimate competition by other carriers; and (4) not impose an undue burden on other traffic or jeopardize the appropriate return on the value of carrier property generally, as contemplated in section 15a of the act (since amended). It was also held that when carriers apply for relief from the long-and-short haul clause of the fourth section and propose the application of rates which they designate as "reasonably compensatory" they should affirmatively show that the rates proposed conform to the criteria indicated. Carriers should not propose rates or rate structures for approval in a fourth-section application which create infractions of other provisions of the Interstate Commerce Act.

The following information is considered pertinent in a showing as to the reasonably compensatory nature of rates:

(i) Statement of ton-mile, car-mile, and per-car earnings under the competitive rates. When a general adjustment is involved covering rates between numerous competitive points and applicable or to be applied by numerous routes, it will be sufficient, ordinarily, to give representative examples of rates throughout the territory yielding the lowest earnings for the longest and shortest hauls involved.

(ii) Statement of ton-mile and car-mile expenses of petitioning carriers on the traffic involved, or other evidence showing that the proposed rates will be reasonably compensatory.

(iii) Where competition of other carriers or types of carriers is to be met, evidence showing that the proposed rates are not lower than necessary to meet the existing competition.

(iv) Where reduced rates are proposed for the purpose of regaining lost traffic, evidence showing that there is a reasonable presumption that the reduced rates will return to the petitioning carriers sufficient traffic to more than offset the loss of revenue caused by the reduction in rates.

(3) A statement of rates at representative intermediate points at which rates exceed or would exceed the rates at more distant points under the proposed adjustment, including rates at the first and last higher-rated intermediate points and the distances from and to such intermediate points.

(4) That the higher rates for the shorter than for the longer hauls over the same line or route are reasonable. (The usual facts tending to show the reasonableness of rates should be presented.)

(5) Whether there is a complaint pending as to the reasonableness of the rates at the intermediate points on the applicant line or route.

(6) In the event rates proposed to be superseded by subsequent revisions are maintained under authority of outstanding fourth-section orders, reference to such orders shall be furnished.

(7) Where the proposed adjustment is in any way related to a prior adjustment as to which relief has been authorized, that is, the addition of origins, destinations, commodities, etc., or involves rates for the return movement of commodities as to which relief for initial hauls has been authorized, reference to orders authorizing such relief shall be furnished.

(b) *Aggregate-of-intermediates relief.* Applications should show:

(1) The origins and destinations from and to which it is proposed to continue, or to establish and maintain through rates, fares, or charges which exceed the aggregate-of-intermediate rates, fares, or charges together with the intermediate rates, fares, or charges that, in the aggregate, are less than the through rates, fares, or charges.

(2) That the intermediate rates, fares, or charges which, in the aggregate, are lower than the through rates, fares, or charges, are depressed by competitive conditions that do not affect the through rates, fares, or charges; and the same information with respect to the conditions alleged as affecting the intermediate rates as that required in applications for long-and-short haul relief with respect to similar conditions when alleged as grounds for maintaining lower rates for longer than for shorter distances.

(3) That the through rates, fares, or charges that would exceed the aggregate of intermediate rates, fares, or charges are reasonable. (The usual facts tending to show the reasonableness of rates should be presented.)

§ 143.82 *Additional matters to be shown*—(a) *Applications based on water competition.* (1) The name of the competing water line and the number of steamers or vessels of such competing line actually plying between the water points, the tonnage capacity of such steamers or vessels, and whether the water line, in the transportation of the traffic involved, is subject to the Interstate Commerce Act.

(2) The service of the water line as compared with that over the applicant line; whether the commodities as to which relief is sought are adapted to transportation by water; and that sufficient water equipment is available.

(3) The volume of the traffic moving over the water line and the volume moving over the applicant line between the same points.

(4) A detailed statement of the charges over the water line, including marine insurance, wharfage, handling, shrinkage, and all other applicable incidental charges. Where such charges are named in tariffs on file with this Commission, reference should be made to such tariffs by I. C. C. number.

(5) That facilities for loading into and unloading from barges or ships are available at the plant of shippers and receivers.

(6) The minimum tender that may be made to the water carrier, and that shippers' and receivers' plants are equipped to handle such amounts.

(7) If the season of navigation is restricted and, if so, that available storage will permit the handling by water of receivers' total needs during the season of navigation.

(8) The cost of installation, maintenance, etc., of loading, unloading, and storage facilities which must be constructed or installed before water transportation is feasible.

(9) Evidence supporting water costs and accessorial charges which are not published in tariffs on file with the Commission.

(b) *Applications based on motor carrier competition.* (1) The service over the competing motor line as compared with that over the applicant line; that the commodities as to which relief is sought are adapted to transportation by motor carrier; whether the motor carrier transportation is subject to the Interstate Commerce Act; and that the same competition does not exist at, or affect rates on like traffic to the same degree at intermediate points, this by a comparison of the motor rates at the intermediate points and the more distant points.

(2) The volume of the traffic moving over the motor line and the applicant line between the same points.

(3) The charges over the motor line, including all incidental charges, and if an interstate common or contract carrier reference to the applicable tariffs by I. C. C. numbers.

(c) *Applications based on market competition.* (1) The names of the competing producing or receiving points.

(2) The distance over the short line or route, or the rate-making route if the latter is not the short-line route, from the various producing points to the common market, together with a description of those lines or routes and authority for the distances.

(3) The rates from other producing points with reference by I. C. C. number to the tariffs naming the rates, and whether they conform to the provisions of section 4 of the act.

(4) The amount of traffic involved.

(5) Whether similar competition is to be met at intermediate points.

(d) *Applications based on weak financial condition or high operating costs of the applicant line.* Financial statistics and operating conditions.

§ 143.83 *Miscellaneous provisions.* (a) In addition to the matters specified in paragraphs F, G, and H, applications should show any other conditions or circumstances relied upon as constituting a special case within the meaning of section 4 (1) of the act.

(b) Applications should contain a map, made a part thereof, showing the relative location of lines or routes, the competitive points, and representative intermediate points at which higher rates are to be charged, or representative points from or to which it is proposed to maintain through rates, fares, or charges which exceed the aggregate of intermediates.

§ 143.84 *Acceptance of applications.* In any case when, upon inspection, the Commission is of the opinion that an application does not sufficiently set forth required material or is otherwise deficient, the Commission may decline to accept the application for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiencies and require that such deficiencies be corrected.

§ 143.85 *Applications for relief previously denied.* If the Commission denies an application, and the carrier presents a new application based upon new or additional facts in justification of the proposed rates, fares, or charges, such facts should be clearly indicated as such, and the modified application must refer specifically to the previous application and the number of the order by which it was denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 3, 4, 24 Stat. 380, as amended; 49 U. S. C. 3, 4)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3283; Filed, May 1, 1958; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

PIECE RATE SCHEDULE FOR FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Notice was published in the FEDERAL REGISTER (23 F. R. 2130) on April 1, 1958, that the Acting Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 545 of Title 29, Code of Federal Regulations, by revising Schedule C of § 545.13, entitled Piece Rate Schedule for the Fabric and Leather Glove Industry in Puerto Rico. Interested persons were given fifteen (15) days in which to submit to the Acting Administrator any written data, views, or arguments pertaining thereto. No such data, views, or arguments have been received.

This amendment is based upon the statutory authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938. Its purpose is to establish minimum piece rates commensurate with new minimum hourly rates for this industry which became effective on March 21, 1958, in accordance with the order giving effect to the recommendations of Industry Committee No. 36-C (23 F. R. 1569).

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to section 6 (a) (2) of the Fair Labor Standards Act (52 Stat. 1062; 29 U. S. C. 206 (a) (2)), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, I hereby adopt the amendment as proposed and as set forth below.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO[1]

No.	Operation	(1) Ladies' woven or knitted fabric gloves	Leather gloves[2] (2) Ladies'	Leather gloves[2] (3) Men's	Unit of payment
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			62.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove.			70.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.326			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.480		Do.
192	Feather stitch, 5 to 6 stitches per inch	.391	.603		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.432	Do.
194	Regular stitch, 5 to 6 stitches per inch	.256	.453	.432	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.166	.310	.310	Do.
196	Slip stitch, reinforcement on slip, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.310	.310	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.256	.453	.432	Do.
198	Whip stitch, 5 to 6 stitches per inch	.256	.453	.432	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing," see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

(Sec. 6, 11, 52 Stat. 1062, as amended, 1066, as amended; 29 U. S. C. 206, 211)

This amendment shall become effective June 1, 1958.

Signed at Washington, D. C., this 28th day of April 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3309; Filed, May 1, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO16-A6]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.) and the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given that the hearing held in Kansas City, Missouri, on July 24, 1956, on proposed amendments to the marketing agreement and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, pursuant to notice duly published in the FEDERAL REGISTER (21 F. R. 4520), is hereby reopened for the purpose and to the extent hereinafter set forth.

A recommended decision on the proposed amendments was issued by the Director on February 3, 1958 (23 F. R. 832). Exceptions to that portion of the recommended decision relating to the subject matter of proposal No. 2 of said notice of hearing (§ 131.80) were filed by each of the following: Anchor Serum Company, Allied Laboratories, Inc., Fort Dodge Laboratories, Inc., Jensen-Salsbery Laboratories, Inc., and Norden Laboratories, all of which are pecuniary corporations and are manufacturer handlers under the order; and Illinois Farm Bureau Serum Association and Iowa Farm Supply Company, each of which is a farmer cooperative and each is classified as a "wholesaler" under the order. A joint exception to the recommended decision on proposal No. 2 was filed by Iowa Cooperative Association, d/b/a Diamond Laboratories, a cooperative corporation whose membership is composed of licensed veterinarians; Diamond Laboratories Company, a limited partnership; and United Veterinary Corporation, which states that it is a corporation formed by Diamond Laboratories Company under Chapter 491, Code of Iowa (1954), and that it has filed for a license to manufacture anti-hog-cholera serum and hog-cholera virus as a subsidiary of Diamond Laboratories Company. Iowa Cooperative Association and Diamond Laboratories Company are manufacturer handlers under the order.

Each of the exceptions filed by the named pecuniary corporations (except Norden Laboratories) and the named farmer cooperatives request that farmer cooperative associations be specifically exempt from the recommended provisions of § 131.80 on proposal No. 2 of the aforesaid notice. Most of the exceptions contained specific recommended provisions to accomplish such exemption. The exception of Norden Laboratories, as well as some of the others, recommended that the specific prohibitions set forth in the preliminary statement of the recommended decision relating to proposal No. 2 be set forth specifically in the proposed amendment to the order. The joint exception of Iowa Cooperative Association, Diamond Laboratories Company and United Veterinary Corporation opposed the recommended provisions of § 131.80 on proposal No. 2 on numerous grounds, among which were alleged lack of authority under the act to issue such provision and alleged lack of substantial evidence of record to support it.

The question of exemptions under proposal No. 2 at the hearing was not the subject of specific consideration from the standpoint of cooperative operations and the various relationships thereof. Further, considerable time has elapsed since the hearing and marketing conditions, relationships between and among the various elements in the industry and other factors that should be considered may have changed during the intervening period. In order that all persons may be heard on the foregoing as well as other phases of the question presented by proposal No. 2 it is determined that the aforesaid hearing should be reopened for the purpose of affording interested persons the opportunity to: (1) Submit additional proposals relating to the subject matter of proposal No. 2 of the notice of hearing, including any proposal with respect to specific exemptions in connection therewith; and (2) submit additional evidence on proposal No. 2 and appropriate exemptions therefrom, including evidence relating to any specific proposals so submitted.

All persons who desire to submit written proposals relating to the subject matter of said proposal No. 2 shall file the same in quadruplicate with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D. C., not later than 20 days after publication of this document in the FEDERAL REGISTER.

Notice will thereafter be given of the time, place and scope of the reopened hearing.

Done at Washington, D. C., this 28th day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3313; Filed, May 1, 1958; 8:51 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS; SURGICAL INSTRUMENTS AND APPARATUS INDUSTRY

NOTICE OF EXTENSION OF TIME TO SUBMIT EXCEPTIONS

On April 4, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 2227) of the proposed redetermination of prevailing minimum wages in the surgical instruments and apparatus industry. The Notice provided that within thirty days from the date of its publication interested persons could submit to the Secretary of Labor, United States Department of Labor, Washington 25, D. C., their written exceptions to the proposed actions.

Notice is hereby given, upon good cause shown, that the time for filing such written exceptions with the Secretary of Labor is extended to May 19, 1958.

Signed at Washington, D. C., this 29th day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3308; Filed, May 1, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRCRAFT FLIGHT DIRECTOR

The proposed regulation § 514.51 establishes minimum performance standards for aircraft flight directors to be used in civil aircraft of the United States.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rule should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.51 is added under Subpart B of this part to read as follows:

§ 514.51 *Aircraft flight director—TSO-C52*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft flight director instruments which specifically are required to be approved for use in civil aircraft of the United States. Aircraft flight director instruments to be eligible for installation in civil aircraft shall meet the standards set forth in SAE Aeronautical Standard AS-420, "Flight Directors", dated December 15, 1954.[1]

(b) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 28, 1958.

[F. R. Doc. 58-3280; Filed, May 1, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-168]

GENERAL POLICY AND INTERPRETATIONS

NONACCEPTABILITY OF RATE FILINGS BASED UPON STATE-PRESCRIBED MINIMUM PRICES

APRIL 28, 1958.

Notice is hereby given that the Commission has under consideration the issuance of a statement of general policy in the above-entitled matter.

On January 20, 1958, the Supreme Court, in Cities Service Gas Co. v. State Corporation Commission of Kansas, 355 U. S. 391 (citing Phillips Petroleum Co. v. Wisconsin, 347 U. S. 672, and Natural Gas Pipeline Co. v. Panoma, 349 U. S. 44), vacated a judgment of the Supreme Court of Kansas thereby holding, in effect, that the State of Kansas cannot lawfully fix a minimum price at the wellhead to be charged for, or attributed to, natural gas where such gas is sold in interstate commerce for resale, either at the wellhead or after production and gathering. A week later the Court, citing the Cities Service case, reversed the Oklahoma Supreme Court which had erroneously applied the holding in the Panoma case, supra, to sales of residue gas only and not to sales at or near the wellhead. Michigan Wisconsin Pipe Line Co. v. Corporation Commission of Oklahoma, 355 U. S. 425.

It follows from the decisions in these cases that rate filings made pursuant to section 4 of the Natural Gas Act and Part 154 of the Regulations under the Natural Gas Act may have no legal basis to the extent that such filings are predicated solely on State-prescribed prices of the nature described above.

Although, under section 4 (a) of the Administrative Procedure Act, no general notice of proposed rulemaking is required where a statement of general policy is proposed to be issued, the Commission is cognizant of the importance of the decisions of the Supreme Court and any statement that it might issue in this regard. It, therefore, is taking this method of informing the public and interested parties that it is proposing to issue a statement substantially as follows as an amendment of its general rules, Part 2—General Policy and Interpretations, and possibly other statements or take other actions;

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[1] Copies may be obtained from the Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York 17, New York.

§ 2.56 *State-prescribed minimum prices for natural gas.* Since the Supreme Court has held, in effect, that States cannot lawfully fix a minimum price at the wellhead to be charged for, or attributed to, natural gas where such gas is sold in interstate commerce for resale, the Commission will reject any tender for filing pursuant to section 4 of the Natural Gas Act which would initiate or change the price for the sale of natural gas in interstate commerce for resale to the extent that such filing is based upon a State-prescribed or attributed minimum price (e. g., Gas Price-Fixing Order of State Corporation Commission of Kansas, entered December 2, 1953 or the corresponding order of the Corporation Commission of Oklahoma).

Among those questions which the Commission is considering in this connection which appear to be raised by the decisions of the Supreme Court referred to, are:

1. Whether any rate filing predicated solely upon a State minimum price order which has been declared invalid by the United States Supreme Court—

a. Must now be regarded as having been invalid from the date of filing; or

b. Must now be regarded as having become invalid upon the issuance on January 20, 1958 of the decision of the Supreme Court in Cities Service Gas Co. v. State Corporation Commission of Kansas, 355 U. S. 391, or on March 12, 1958, when the mandate of the Supreme Court was issued in that case; or

c. Must now be regarded as having become invalid on the happening of some other event; or

d. Must be regarded as still effective;

i. By reason of failure of the purchaser thereunder to protest the filing; or

ii. By reason of an agreement, expressed or implied, to pay the filed rate;

iii. By reason of legal estoppel against a protest by a purchaser thereunder; or

iv. For any other reason.

2. Whether any of the above questions should be decided by the Commission by means of a general order or decided in individual cases after appropriate proceedings, including hearings; or should be left for decision by an appropriate court in each individual situation;

3. In the absence of reparation power under the Natural Gas Act, whether the Commission can force any purchaser receiving refunds under an invalid rate as herein mentioned to pass such refunds on to its customers, and if not, whether the ultimate consumers would benefit from any refunds retained by the purchaser to whom paid by a producer hereunder.

The statement of general policy and the order herein described are proposed to be issued under the authority granted to the Federal Power Commission by sections 4 and 16 of the Natural Gas Act (52 Stat. 822, 830; 15 U. S. C. 717c, 717o).

Any person may submit to the Federal Power Commission, Washington 25, D. C., not later than May 27, 1958, data, views, comments, and suggestions in writing concerning the proposed statement and order. An original and nine copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed statement and order.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3285; Filed, May 1, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 200]

[No. 32414]

BROKERS OF PASSENGER TRANSPORTATION

TRANSFERS OF PASSENGER BROKERS' LICENSES

APRIL 17, 1958.

Pursuant to section 4 (a) of the Administrative Procedure Act, notice is hereby given that the Commission has under consideration the matter of promulgating regulations under section 204 (a) (4) of the Interstate Commerce Act, permitting transfers of passenger brokers' licenses, which are not now transferable, and requiring approval of changes in control of corporations or associations holding passenger brokers' licenses. Similar regulations (49 CFR 167.11 and 167.12) applicable to property brokers were promulgated by order entered May 16, 1949, as revised December 27, 1951, in Ex Parte No. MC-39, Practices of Property Brokers, 49 M. C. C. 277 and 53 M. C. C. 633.

Specifically, it is proposed to revise 49 CFR, Part 200, Brokers of Passenger Transportation, to include the following sections:

Transfer of brokers' licenses. A license issued a passenger broker under section 211 of the Interstate Commerce Act may be transferred, if approved by the Commission, upon application and proof that the transferee is fit, willing, and able to perform the duties, and that the transfer will not be contrary to the public interest.

Corporations and associations holding brokers' licenses. A change in the control of a corporation or association holding a passenger broker's license may be accomplished only with the approval of the Commission upon application and proof that the change in control will not be contrary to the public interest.

No oral hearing on the proposed regulations is contemplated; however, interested parties may file with the Commission, within 30 days from the date of publication hereof in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal under consideration. An original signed copy and 5 additional copies of any such statement shall be furnished for the use of the Commission.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 4.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3284; Filed, May 1, 1958; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5645 et al.]

PACIFIC SOUTHWEST LOCAL SERVICE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference covering the local air service pattern in the Pacific Southwest Local Service Case, Docket No. 5645 et al., is assigned to be held on June 2, 1958, at 1:00 p. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

It is contemplated that this proceeding will cover the local air service pattern in an area bounded on the north by San Francisco, Sacramento, and Reno; on the east by Reno, and Las Vegas; on the south by Las Vegas, Palm Springs, and San Diego; and on the west by the Pacific Ocean. The scope of this proceeding may be modified as a result of the conference. Consideration will be given at the conference to the consolidation for hearing and decision of some or all of the following applications:

Docket No.; Applicant; and Description

5645; California Central Airlines; persons, property and mail service between Burbank and/or Los Angeles and Inyokern, Calif.

6044; California Central Airlines; Service between San Francisco and Los Angeles, via Oakland, Calif., Las Vegas, Nev., and Burbank, Calif.

6045; Airline Transport Carriers, Inc.; service between San Franc[illegible] and Los Angeles, via Oakland, Calif., Las Vegas, Nev., and Burbank, Calif.

6171; Airline Transport Carriers, Inc.; persons, property and mail service between San Francisco and Los Angeles via Oakland and Burbank; Los Angeles and San Diego; Los Angeles and Reno, Nev., via Burbank, Inyokern and Bishop, Calif.

6172; California Central Airlines; that portion of the application requesting service between coterminals San Francisco, Oakland and coterminals Los Angeles, Burbank; and coterminals Los Angeles, Burbank and San Diego.

6871; Fresno, Calif.; service to Monterey and San Jose, Calif.

6582; Bonanza Air Lines, Inc.; that portion of the application requesting service between the coterminals Los Angeles, Burbank and Long Beach and the coterminals San Francisco, Oakland via Oxnard/Ventura, Santa Barbara, Santa Maria, San Luis Obispo, Monterey and San Jose.

7340; West Coast Airlines, Inc.; service between Reno and coterminals Burbank, Los Angeles, via Fresno and Bakersfield; and between Stockton and Fresno via Modesto and Merced.

7600; Bonanza Air Lines, Inc.; Service between Las Vegas and San Diego, and Las Vegas and coterminals Los Angeles, Burbank via Bakersfield and Riverside/Ontario.

7758; Southwest Airways Co. (now Pacific Air Lines, Inc.); Service between (a) Sacramento and coterminals Los Angeles, Burbank, and between the terminals Sacramento and Las Vegas, Nev., both routes via Stockton, Fresno, and Bakersfield; (b) coterminals Los Angeles, Burbank and Reno via (1) Bakersfield and Fresno, and (2) Bakersfield, Fresno, Merced, Modesto, Stockton and Sacramento, and between coterminals Los Angeles, Burbank and coterminals San Francisco/Oakland via Bakersfield, Fresno, Merced and Modesto.

7802; Bonanza Air Lines, Inc.; That portion of the application requesting service between San Diego and Las Vegas via Palm Springs/Indio; and the request for imposition of restriction on Western's route 13 to require a stop at Los Angeles on flights between San Diego and Las Vegas.

7807; Southwest Airways Co. (now Pacific Air Lines Inc.); Service over amended segment 5 between coterminals San Francisco, Oakland, the intermediate points San Jose, Monterey, Bakersfield and beyond Bakersfield: (a) Palmdale/Lancaster and the coterminals Los Angeles, Burbank: (b) the terminal Palm Springs/Indio from Nov. 1 until April 30 of each year; (c) Palmdale/Lancaster, Riverside/Ontario/San Bernardino and San Diego; and a new segment San Diego, Las Vegas via Palm Springs/Indio.

7877; United Air Lines, Inc.; delete Salinas, Calif., from route 1.

7999; Bonanza Air Lines, Inc.; service between Reno, Merced, Fresno, Visalia, Bakersfield and beyond Bakersfield: (a) Ontario/Riverside, Palm Springs and San Diego; (b) Santa Barbara and Los Angeles; (c) Las Vegas.

8428; Blatz Airlines, Inc.; passenger and property service between Las Vegas, Nev., and Long Beach, Calif.

8429; Blatz Airlines, Inc.; passenger and property service between Las Vegas, Nev., and Burbank, Calif.

8722; Southwest Airways Co. (now Pacific Air Lines, Inc.); amend item "(3)" of the terms of southwest's certificate to permit operation of nonstop service between coterminals San Francisco, Oakland and coterminals Los Angeles, Burbank on segments 1 and 5.

9135; Southwest Airways Co. (now Pacific Air Lines, Inc.); requests permanent operating authority to serve segment 5 and temporary renewal at San Luis Obispo/Paso Robles for a period up to three years.

9200; Southwest Airways Co. (now Pacific Air Lines, Inc.); amend item "(3)" of the terms of Southwest's certificate to permit nonstop service between the coterminals San Francisco, Oakland and Las Vegas, or add a new route between coterminals San Francisco, Oakland and Las Vegas.

In order to facilitate conduct of the conference it is requested that any party desiring to prosecute an application in this proceeding file on or before May 20, 1958, a motion for consolidation with Examiner Keith and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before May 20, 1958.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., April 25, 1958.

[SEAL] Francis W. Brown,
Chief Examiner.

[F. R. Doc. 58-3312; Filed, May 1, 1958; 8:51 a. m.]

[Docket No. 7939 et al.]

South Central Area Local Service Case

NOTICE OF ORAL ARGUMENT

In the matter of the applications for amendments to certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 21, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 29, 1958.

[SEAL] Francis W. Brown,
Chief Examiner.

[F. R. Doc. 58-3311; Filed, May 1, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 3]

Chief, Division of Design and Construction

DELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS

April 8, 1958.

Section 1. *Chief, Division of Design and Construction.* The Chief, Division of Design and Construction may execute and approve contracts not in excess of $200,000 for construction or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

[National Park Service Order No. 14 (19 F. R. 8824)] (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

Edward J. Kelly,
Superintendent,
National Capital Parks.

[F. R. Doc. 58-3281; Filed, May 1, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

Norval W. Postweiler

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of May 22, 1956, 21 F. R. 3393; October 27, 1956, 21 F. R. 8245; May 2, 1957, 22 F. R. 3135; November 5, 1957, 22 F. R. 8885:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 29, 1958.

Dated: April 21, 1958.

Norval W. Postweiler.

[F. R. Doc. 58-3275; Filed, May 1, 1958; 8:45 a. m.]

Stanley W. Dennis

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of November 15, 1956, 21 F. R. 8892; April 26, 1957, 22 F. R. 2956; October 25, 1957, 22 F. R. 8425:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 16, 1958.

Dated: April 16, 1958.

Stanley W. Dennis.

[F. R. Doc. 58-3276; Filed, May 1, 1958; 8:45 a. m.]

Robert deS. Couch

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of June 1, 1956, 21 F. R. 3728; November 6, 1956, 21 F. R. 8514; May 3, 1957, 22 F. R. 3165; October 30, 1957, 22 F. R. 8743:

A. Deletions: Cochran Foil, Richwell.
B. Additions: General Foods.

This statement is made as of April 20, 1958.

Dated: April 21, 1958.

Robert deS. Couch.

[F. R. Doc. 58-3277; Filed, May 1, 1958; 8:45 a. m.]

Glenn E. Carter

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of May 5, 1956, 21 F. R. 3030; October 27, 1956, 21 F. R. 8245; May 2, 1957, 22 F. R. 3135; October 30, 1957, 22 F. R. 8743:

A. Deletions: None.
B. Additions: None.

This statement is made as of April 20, 1958.

Dated: April 20, 1958.

Glenn E. Carter.

[F. R. Doc. 58-3278; Filed, May 1, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9065 etc.]

Hunt Oil Co.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

April 28, 1958.

In the matter of Hunt Oil Company, Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13473, G-13504, G-13530, G-14082, G-14408.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 30, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3288; Filed, May 1, 1958; 8:47 a. m.]

[Docket No. G-9278]

Alfred C. Glassell, Jr.

NOTICE FIXING DATE FOR HEARING

April 28, 1958.

The above proceeding is a rate investigation proceeding instituted by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed thereafter.

Take notice that pursuant to the prior orders of the Commission in this proceeding and the Natural Gas Act, particularly sections 5 and 15 thereof, a public hearing will be held commencing on June 23, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in this proceeding.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3290; Filed, May 1, 1958; 8:48 a. m.]

[Docket No. G-9174 etc.]

Midstates Oil Corp.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

April 28, 1958.

In the matter of Midstates Oil Corporation, Docket Nos. G-9174, G-9387, G-11039, G-11081, G-13427, G-13431, G-13769.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 16, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3289; Filed, May 1, 1958; 8:47 a. m.]

[Docket No. G-9282]

Altex Corp.

NOTICE FIXING DATE FOR HEARING

April 28, 1958.

The above proceeding is a rate investigation proceeding instituted by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed thereafter.

Take notice that pursuant to the prior orders of the Commission in this proceeding and the Natural Gas Act, particularly sections 5 and 15 thereof, a public hearing will be held commencing June 23, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in this proceeding.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3291; Filed, May 1, 1958; 8:48 a. m.]

[Docket No. G-9285]

Ralph E. Fair, and Ralph E. Fair, Inc.

NOTICE FIXING DATE FOR HEARING

April 28, 1958.

The above proceeding is a rate investigation proceeding instituted by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed thereafter.

Take notice that pursuant to the prior orders of the Commission in this proceeding and the Natural Gas Act, particularly sections 5 and 15 thereof, a public hearing will be held commencing on July 7, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in this proceeding.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3292; Filed, May 1, 1958; 8:48 a. m.]

[Docket No. G-9286]

Gillring Oil Co.

NOTICE FIXING DATE FOR HEARING

April 28, 1958.

The above proceeding is a rate investigation proceeding instituted by order of the Commission with the provision that a public hearing be held thereon at a date to be fixed thereafter.

Take notice that pursuant to the prior orders of the Commission in this proceeding and the Natural Gas Act, particularly sections 5 and 15 thereof, a public hearing will be held commencing on June 16, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in this proceeding.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-3293; Filed, May 1, 1958; 8:48 a. m.]

[Docket No. G-9289]

C. V. Lyman

NOTICE FIXING DATE FOR HEARING

April 28, 1958.

The above proceeding is a rate investigation proceeding instituted by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed thereafter.

Take notice that pursuant to the prior orders of the Commission in this proceeding and the Natural Gas Act, particularly sections 5 and 15 thereof, a public hearing will be held commencing on June 30, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in this proceeding.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3294; Filed, May 1, 1958; 8:48 a. m.]

[Docket No. G-9290]

Nueces Co.

NOTICE FIXING DATE FOR HEARING

April 28, 1958.

The above proceeding is a rate investigation proceeding instituted by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed thereafter.

Take notice that pursuant to the prior orders of the Commission in this proceeding and the Natural Gas Act, particularly sections 5 and 15 thereof, a public hearing will be held commencing on July 14, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in this proceeding.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3295; Filed, May 1, 1958; 8:48 a. m.]

[Docket Nos. G-9385 etc.]

Amerada Petroleum Corp. et al.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

April 28, 1958.

In the matters of Amerada Petroleum Corporation, Docket Nos. G-9385, G-10999, G-11882, G-11883, G-12882, G-13401, G-13897, G-13899, G-13900, G-13916, G-14421, G-14618; Amerada Petroleum Corporation (Operator) et al., Docket No. G-13901.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 23, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3296; Filed, May 1, 1958; 8:48 a. m.]

[Docket No. G-9417 etc.]

Bayview Oil Corp. et al.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

April 28, 1958.

In the matters of Bayview Oil Corporation, Docket Nos. G-9417, G-13739; Bayview Oil Corporation et al., Docket No. G-13421.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 16, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commission's may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3297; Filed, May 1, 1958; 8:49 a. m.]

[Docket Nos. G-9510 etc.]

Cities Service Production Co.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

April 28, 1958.

In the matter of Cities Service Production Company, Docket Nos. G-9510, G-11325, G-13388, G-14097.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on July 7, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 C. F. R. 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3298; Filed, May 1, 1958; 8:49 a. m.]

[Docket Nos. G-9514, G-14011]

BBM Drilling Co. et al.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

April 28, 1958.

In the matters of BBM Drilling Company (Operator) et al., Docket No. G-9514; BBM Drilling Company et al., Docket No. G-14011.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 2, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3300; Filed, May 1, 1958; 8:49 a. m.]

[Docket No. G-9548 etc.]

MURPHY CORP. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

APRIL 28, 1958.

In the matters of Murphy Corporation et al., Docket Nos. G-9548, G-9550, G-11366, G-11367, G-13428; Murphy Corporation, Docket Nos. G-11160, G-13429, G-13432.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 2, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3301; Filed, May 1, 1958; 8:49 a. m.]

[Docket Nos. G-9549, G-11706]

BATEMAN DRILLING CO. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

APRIL 28, 1958.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 9, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3302; Filed, May 1, 1958; 8:49 a. m.]

[Docket Nos. G-9554 etc.]

HASSIE HUNT TRUST

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

APRIL 28, 1958.

In the matter of Hassie Hunt Trust, Docket Nos. G-9554, G-11123, G-11906, G-13472, G-13529.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 30, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3303; Filed, May 1, 1958; 8:49 a. m.]

[Docket Nos. G-9605, G-11328]

MID-GULF EXPLORATION CO.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

APRIL 28, 1958.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 9, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3304; Filed, May 1, 1958; 8:50 a. m.]

[Docket No. G-9681 etc.]

MONSANTO CHEMICAL CO. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

APRIL 28, 1958.

In the matters of Monsanto Chemical Company, Docket Nos. G-9681, [illegible], G-11368, G-11369, G-13612, [illegible], G-14551; Monsanto Chemical Company (Operator) et al., Docket No. G-14728.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on June 2, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3305; Filed, May 1, 1958; 8:50 a. m.]

[Docket Nos. G-9721, G-11447]

Rebstock & Reeves Drilling Co.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

April 28, 1958.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing June 9, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3306; Filed, May 1, 1958; 8:50 a. m.]

[Docket No. G-10811]

Sharples Oil Corp.

NOTICE OF APPLICATION AND DATE OF HEARING

April 28, 1958.

Take notice that The Sharples Oil Corporation (Applicant) filed on July 26, 1956, an application for permission to abandon service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon service to:

(1) Phillips Petroleum Company (Phillips) from two of Applicant's four casinghead gas wells on its TXL-E Lease in the Spraberry Field, Midland County, Texas, dedicated under a sales contract dated October 1, 1951.

(2) Texas Gas Products Corporation (Texas Gas) from all four of Applicant's casinghead gas wells on its TXL-F Lease in the same field dedicated under another sales contract dated October 1, 1951.

Applicant states that its reason for abandoning the subject wells is that the oil reserves from which said wells have been producing are depleted.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3307; Filed, May 1, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

Fourth Section Applications for Relief

April 29, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 34640: *Butter—Dubuque and Keokuk, Iowa, to Eastern points.* Filed by O. E. Schultz, Agent (ER No. 2436), for interested rail carriers. Rates on butter, noibn, carloads from Dubuque and Keokuk, Iowa to District of Columbia and specified points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island.

Grounds for relief: Competition of motor trucks.

Tariffs: Supplement 276 to Traffic Executive Association, Eastern Railroads, Agent, tariff I. C. C. 4542; Supplement 199 to Western Trunkline Committee, Agent, tariff I. C. C. A-3723.

FSA No. 34641: *Sugar—Western and Southwestern points to Dallas, Tex.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7272), for interested rail carriers. Rates on sugar, beet or cane, carloads from specified points in Colorado, Idaho, Louisiana, Nebraska, Utah, and Wyoming to Dallas, Tex.

Grounds for relief: Market competition and origin rate relationships.

Tariffs: Supplement 28 to Southwestern Lines Tariff I. C. C. 4057. Supplement 60 to Southwestern Lines Tariff I. C. C. 4088.

FSA No. 34642: *Liquefied petroleum gas—Southwestern and Western points to Farmville, N. C.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7269), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Kansas, Louisiana, Missouri, Oklahoma, and Texas to Farmville, N. C.

Grounds for relief: Market competition, also commercial competition at Farmville with /cross-country Greenville, N. C.

Tariff: Supplement 148 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4118.

FSA No. 34643: *Anhydrous ammonia—Sterlington, La., to Peoria, Ill.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7270), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Sterlington, La., to Peoria, Ill.

Grounds for relief: Market competition with Houston, Tex.

Tariff: Supplement 261 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4112.

FSA No. 34644: *Crude petrolatum—Port Arthur, Tex., to Laurel, Miss.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7275), for interested rail carriers. Rates on crude petrolatum, suitable only for mixing, blending and/or refining, tank-car loads from Port Arthur and West Port Arthur, Tex., to Laurel, Miss.

Grounds for relief: Motor truck competition.

Tariff: Supplement 150 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4118.

FSA No. 34645: *Asphalt—Iowa and Illinois points to points in Iowa and Wisconsin.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1975), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct of petroleum other than paint, stain or varnish, tank-car loads from Linwood, Iowa, and Lockport, Ill., to specified points in Iowa and Wisconsin.

Grounds for relief: Rates constructed on defined formula basis.

Tariffs: Supplement 18 to Chicago and North Western Railway Company tariff I. C. C. 11329, and other supplemental schedules to individual lines' tariffs described in the application.

FSA No. 34646: *Cinders—Bartow, Fla., to points in Georgia.* Filed by O. W. South, Jr., Agent (SFA No. A3655), for interested rail carriers. Rates on cinders, phosphatic sludge or phosphatic bentonitic sludge, carloads from Bartow, Fla., to points in Georgia.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 145 to Southern Freight Association, Agent, tariff I. C. C. 1460.

FSA No. 34647: *Grain and grain products from and to points in official territory.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2375), for interested rail carriers. Rates on grain, grain products, and related articles, carloads and less than carloads from and to points in central territory, also from points in central territory to points in official territory and points in eastern Canada, including Canadian ports for export, all as described in the application.

Grounds for relief: Market competition. Restoration of former rate relationships disturbed by application of authorized general increases, and grouping.

Tariffs: Traffic Executive Association—Eastern Railroads, Agent, tariff I. C. C. 4403, supplement 115 and other schedules of this agency described in the application.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3282; Filed, May 1, 1958; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 23 1934 NUMBER 88

Washington, Saturday, May 3, 1958

MAY
MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3237

NATIONAL YOUTH FITNESS WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the youth of our Nation constitutes one of our most valuable assets; and

WHEREAS the scientific and technological advances of recent years have eased the problems and hardships of everyday living and have lessened the need for physical activity on the part of our young people, with a consequent adverse effect on the health of our Nation; and

WHEREAS the Chairman of the President's Council on Youth Fitness, established in July 1956 to stimulate existing programs and to initiate other measures tending to enhance the fitness of American youth, has recommended that the week beginning June 1, 1958, be designated as National Youth Fitness Week; and

WHEREAS the fitness of our young people can be promoted through the determined and constant effort of all our citizens, both young and old:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning June 1, 1958, as National Youth Fitness Week.

I request officials of the Government, and I urge American parents, as well as business, labor, agricultural, educational, religious, and civic groups, to use all appropriate means during that week to promote programs and activities which will better the mental, social, spiritual, and physical fitness of the youth of America to the end that we may assure the continuing strength and well-being of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of April in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-3374; Filed, May 1, 1958; 1:56 p. m.]

EXECUTIVE ORDER 10766

DELEGATING TO THE DIRECTOR OF THE BUREAU OF THE BUDGET THE AUTHORITY OF THE PRESIDENT TO APPROVE REGULATIONS RELATING TO THE RENTAL OF SUBSTANDARD HOUSING FOR MEMBERS OF THE UNIFORMED SERVICES

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Director of the Bureau of the Budget is hereby authorized and empowered, without the approval, ratification, or other action of the President, to exercise the authority vested in the President by section 407 (b) of the act of August 30, 1957, 71 Stat. 556 (42 U. S. C. 1594j (b)), to approve regulations prescribed pursuant to that section, relating to the rental of substandard housing for members of the uniformed services. Any such regulations may, with the approval of the Director, be made effective on any date occurring between December 31, 1957, and the date on which section 407 (b) ceases to be in force.

SEC. 2. The authority delegated to the Director of the Bureau of the Budget by section 1 of this order shall be deemed to include the authority to approve the amendment, supersedure, or termination of regulations at any time approved by the President under section 407 (b).

SEC. 3. The Secretaries referred to in section 407 (c) of the said act shall furnish the Director of the Bureau of the Budget such reports with respect to mat-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 1–209 ($2.25)

Title 14, Parts 1–39 ($0.50)

Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75)

Title 38 ($0.40)

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ters within the scope of the said regulations as he may require and at such times as he may specify.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 1, 1958.

[F. R. Doc. 58-3401; Filed, May 2, 1958; 11:52 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; TEXAS

On April 24, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

Texas	*Average value*
County:	
De Witt	$30,000
Freestone	25,000
Goliad	35,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: April 28, 1958.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-3338; Filed, May, 2, 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 133 (Corrected)]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.433 *Valencia Orange Regulation 133*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 24, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 27, 1958, and ending at 12:01 a. m., P. s. t., May 4, 1958, are hereby fixed as follows:

(i) District 1: 554,400 cartons;
(ii) District 2: 231,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 29, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3334; Filed, May 2, 1958; 8:48 a. m.]

[Valencia Orange Reg. 134]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.434 *Valencia Orange Regulation 134*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administration Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 1, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 4, 1958, and ending at 12:01 a. m., P. s. t., May 11, 1958, are hereby fixed as follows:

(i) District 1: 554,400 cartons;
(ii) District 2: 323,400 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 2, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3394; Filed, May 2, 1958; 11:19 a. m.]

[Grapefruit Reg. 287]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.908 *Grapefruit Regulation 287*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 29, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., May 5, 1958, and ending at 12:01 a. m., e. s. t., May 19, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided*, That such grapefruit which grade U. S. No. 2, or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) specified in the U. S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 2 Russet; or

(iv) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 30, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3353; Filed, May 2, 1958; 8:50 a. m.]

[Orange Reg. 340]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.909 *Orange Regulation 340*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 29, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., May 5, 1958, and ending at 12:01 a. m., e. s. t., May 19, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2; or

(ii) (a) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{6}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{6}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{12}{16}$ inches in diameter and smaller.

(b) Shipments of Temple oranges, grown in the production area, are subject to the provisions of Orange Regulation 335 (7 CFR 933.899; 23 F. R. 1000).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 30, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3354; Filed, May 2, 1958; 8:50 a. m.]

[Lemon Reg. 737]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.844 *Lemon Regulation 737*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 30, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 4, 1958, and ending at 12:01 a. m., P. s. t., May 11, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 418,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3384; Filed, May 2, 1958; 9:10 a. m.]

[Grapefruit Reg. 121]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.382 *Grapefruit Regulation 121*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 4, 1958. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 13, 1957, and will so continue until May 4, 1958; the recommendation and supporting information for continued regulation subsequent to May 3, 1958, were promptly submitted to the Department after an open meeting of the Administrative Committee on April 24, 1958; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 4, 1958, and ending at 12:01 a. m., P. s. t., August 31, 1958, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{3}{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{3}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{16}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{3}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{10}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 29, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3335; Filed, May 2, 1958; 8:48 a. m.]

PART 995—MILK IN NORTH CENTRAL OHIO MARKETING AREA

ORDER AMENDING ORDER

§ 995.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the pubilc interest to make this order amending the order effective May 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 28, 1958, and the decision of the Assistant Secretary containing all amendment provisions of this order, in the same form as contained in the recommended decision, was issued April 22, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Central Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 995.11 (b) delete "to a nonpool plant".

2. Delete § 995.12 and substitute therefor the following:

§ 995.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk of a producer which is: (a) Received at a pool plant directly from such producer or diverted from a pool plant by the operator of such plant to another pool plant, and (b) diverted during the months of January through September from a pool plant by the operator of such plant or by a cooperative association for its account to a nonpool plant for not more than one-third of the days of delivery for such producer during any month in such period, except the months of March through June: *Provided*, That milk diverted pursuant to paragraphs (a) and (b) of this section shall be deemed to have been received by the diverting handler at the pool plant from which it is diverted, except that for the purpose of §§ 995.50 and 995.60, milk diverted pursuant to paragraph (a) of this section shall be deemed to have been received by the diverting handler at a location of the plant to which it is diverted.

3. At the end of § 995.22 add a new paragraph (l) as follows:

(l) On or before the 15th day after the end of each month, upon request by a cooperative association qualifying pursuant to § 995.74 (b), report to such cooperative association the classification of its producer-member milk at each pool plant for such month.

4. Delete § 995.42 and substitute therefor the following:

§ 995.42 *Shrinkage.* The market administrator shall allocate shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at such plant;

(b) To the producer milk at such plant, add the producer milk diverted to such plant and subtract producer milk diverted from such plant to another pool plant; and

(c) Prorate the amount computed pursuant to paragraph (a) of this section between the receipts of skim milk and butterfat, respectively, in producer milk as computed pursuant to paragraph (b) of this section and in other source milk received at such plant in the form of a fluid milk product in bulk.

5. Delete § 995.43 and substitute therefor the following:

§ 995.43 *Transfers.* Skim milk and butterfat disposed of by a handler from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product in consumer packages to another pool plant;

(b) As mutually claimed by the operators of both plants in their reports submitted pursuant to § 995.30, if transferred or diverted in the form of a fluid milk product in bulk to another pool plant and:

(1) The transferee-plant has an equivalent amount of skim milk and butterfat, respectively, remaining in the claimed classification, following the sub-

ection of other source milk pursuant to § 995.46 (a) (3) and the corresponding step of § 995.46 (b) and the milk classified and assigned to supply plants pursuant to paragraph (d) of this section;

(2) The amount of transferred or diverted milk claimed as Class I milk during the month does not result in a higher proportion of the total producer milk at the transferrer-plant being classified as Class I milk than the proportion classified as Class I milk at the transferee-plant during the month; and

(3) The claimed classification results in the assignment of the maximum available Class I utilization of skim milk and butterfat, respectively, to the producer milk at both plants.

(c) As Class I milk if transferred or diverted to a nonpool plant in the form of milk, skim milk or cream in bulk unless:

(1) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to § 995.30 for the month;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification of such indicated utilization; and

(3) An equivalent amount of skim milk and butterfat was used in products in Class II milk at such nonpool plant;

(d) A handler operating a distributing plant may assign Class I milk to a supply plant(s) which was a pool plant and which transferred milk to such distributing plant during at least three of the months of September through December, immediately preceding, even though such milk is not transferred physically to such distributing plant during the current month: *Provided*, That the pounds of Class I milk to be designated as Class II milk in the distributing plant and the corresponding pounds of Class II milk to be designated as Class I milk in the supply plant for the month shall not result in a higher proportion of the total producer milk at such supply plant being classified as Class I milk than the proportion classified as Class I milk at such distributing plant during such month; and

(e) As Class I milk if transferred to a producer-handler in the form of a fluid milk product.

8. At the end of § 995.64, change the period to a colon and add the following: "*Provided*, That in the case of a producer whose total milk deliveries are subject to the provisions of this part during the current month and whose milk deliveries were priced pursuant to another order issued pursuant to the Act during the preceding period in which quotas are established pursuant to this part, the market administrator shall assign a daily quota in accordance with the foregoing provisions of this section on the basis of such deliveries under such other order during such period."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of April 1958, to be effective on and after the 1st day of May 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3337; Filed, May 2, 1958; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of sodium 2,2-dichloropropionate in or on flaxseed, apricots, peaches, plums.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.150 (22 F. R. 637, 4076, 8261)) are amended by changing § 120.150 to read as follows:

§ 120.150 *Tolerances for residues of sodium 2,2-dichloropropionate.* Tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on raw agricultural commodities, are established as follows:

(a) 75 parts per million in or on flaxseed.

(b) 35 parts per million in or on cottonseed.

(c) 30 parts per million in or on asparagus.

(d) 10 parts per million in or on potatoes.

(e) 5 parts per million in or on sugar beets (roots) and sugar beets (tops).

(f) 3 parts per million in or on apples, grapes, pears, pineapples.

(g) 1 part per million in or on apricots, peaches, plums.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 28, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3299; Filed, May 2, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1624]

[1495407]

ALASKA

PARTLY REVOKING EXECUTIVE ORDER OF MAY 4, 1907

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of May 4, 1907, reserving tracts of land in Alaska for educational purposes, is heneby revoked so far as it affects the following-described lands at Barrow:

U. S. Survey No. 2244, that part described as follows:

Beginning at Corner No. 1 of Tract B, thence
S. 13°02′ E., 307.89 feet to corner No. 8, Tract B;
S. 76°58′ W., 72.60 feet to corner No. 7, Tract B;
N. 13°02′ W., 307.89 feet to a point on the north line of Tract B;
N. 76°58′ E., 72.60 feet to point of beginning.

The tract described contains 0.51 acres.

The lands are withdrawn for use of the Department of the Army by Executive Order No. 6132 of May 15, 1933.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 29, 1958.

[F. R. Doc. 58-3324; Filed, May 2, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1020]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO CONTAINER REGULATION AND EXEMPTION

Notice is hereby given that the Department is considering the following proposals submitted by the Washington Apricot Marketing Committee established under the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514) regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

1. That the Secretary of Agriculture limit the containers in which apricots may be handled to containers meeting the following specifications:

(i) Unlidded wooden boxes with inside dimensions 7 by 11½ by 18 inches: *Provided*, That any such container shall contain not less than 28 pounds net weight of apricots;

(ii) Lidded wooden boxes with inside dimensions 4⅛ by 10½ by 15 inches: *Provided*, That any such containers shall contain not less than 14 pounds net weight of apricots;

(iii) Lidded wooden 4-basket crates with inside dimensions of 4¾ by 16 by 16 inches: *Provided*, That any such container shall contain not less than 20 pounds net weight of apricots;

(iv) Lidded wooden 4-basket crates, specified in subdivision (iii) of this paragraph, to which cleats have been added increasing the smallest dimension: *Provided*, That any such container shall contain not less than 20 pounds net weight of apricots.

2. That the Secretary of Agriculture relieve from all requirements under, or established pursuant to §§ 1020.41, 1020.52, 1020.53, and 1020.55, the handling of apricots in any individual shipment aggregating not in excess of 150 pounds net weight.

3. That the Secretary of Agriculture approve the establishment of the following exemption procedure with respect to test shipments of apricots in experimental containers:

Container exemption. Whenever container limitations are effective pursuant to § 1020.52, a handler may make test shipments of apricots in experimental containers, approved by the committee, subject to the following:

a. Test shipments shall be made only in connection with a container research project, or projects, being conducted by or in cooperation with the Washington Apricot Marketing Committee.

b. The handler shall first make application to, and receive a permit from, the Washington Apricot Marketing Committee on a form of the committee to handle each experimental container proposed to be used by the handler for test shipments. Such application shall contain the following information:

(i) Name and address of the applicant and date of application;

(ii) Description of the container, including size, weight, inside dimensions, and type of pack;

(iii) Quantity of such containers proposed to be shipped.

c. Approval of the application shall be evidenced by the issuance to the applicant by the committee of a permit which shall authorize the handling of apricots in such quantity of experimental containers as the committee may approve.

d. With respect to each test shipment of apricots handled in experimental containers, the handler shall, prior to such handling, advise the committee as to (i) the number and type of the container or containers in the test shipment, (ii) identification of the carrier, (iii) name and address of the receiver, and (iv) expected time of arrival at destination.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as when used in said marketing agreement and order.

Dated: April 30, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3336; Filed, May 2, 1958; 8:48 a. m.]

NOTICES

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VII-1 (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957 (22 F. R. 8197, 23 F. R. 557, 1768), there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000;

(c) To approve disaster loans in an amount not exceeding $50,000.

2. To decline original applications but not reconsideration of such applications for the following types of loans: (a) Disaster Loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator,
By ____________________
Chief,
Financial Assistance Division.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions, and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations.

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

(d) Cancel loan authorization prior to disbursement upon the written request of the applicant.

(e) Disburse fisheries' loans in the same manner as SBA business loans.

(f) Administer fisheries' loans within the same authority exercised with respect to SBA loans.

14. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

(a) Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

(b) Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

(c) Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

(d) Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

(e) Waive amounts due under net earnings clause.

(f) Approve requests to exceed fixed assets limitations and waive violations of this limitation.

(g) Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

(h) Approve changes in use of loan proceeds in connection with partially disbursed loans.

(i) Waive violations of agreements to maintain working capital of a specified amount.

15. To take the following actions in the administration, collection and liquidation of business or disaster loans:

(a) Approve or reject substitutions of accounts receivable and inventories.

(b) Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

(c) Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

(d) Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

(e) Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

(f) Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

(g) Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

(h) Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

16. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

19. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

20. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

21. To take peaceable custody of collateral, as mortgages in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

22. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

23. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

24. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

25. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledges, owner or otherwise, and to exercise any rights or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

26. To approve sick and annual leave for employees under his supervision.

B. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: April 15, 1958.

WILLIAM H. KELLEY,
Regional Director,
Chicago Regional Office.

[F. R. Doc. 58-3333; Filed, May 2, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-76]

AEROJET-GENERAL NUCLEONICS

NOTICE OF WITHDRAWAL OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that Aerojet-General Nucleonics, San Ramon, California, by letter dated March 14, 1958, has withdrawn its application submitted under section 104d of the Atomic Energy Act of 1954 for a license to export a 100-milliwatt nuclear reactor to the Laboratories R. Derveaux, Boulogne, France. A copy of the application and letter of withdrawal are available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 25th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3317; Filed, May 2, 1958; 8:45 a. m.]

[Docket Nos. 50-92 and 50-93]

AEROJET-GENERAL NUCLEONICS

NOTICE OF WITHDRAWALS OF APPLICATIONS REQUESTING FACILITY EXPORT LICENSE

Please take notice that by letters dated March 14, 1958, Aerojet-General Nucleonics, San Ramon, California, has withdrawn two applications, filed with the Commission on December 9, 1957, each requesting a license authorizing the export of a research reactor to The Government of Belgium for exhibition at the 1958 World's Fair in Brussels. Notice of proposed action by the Commission on these applications was published in the FEDERAL REGISTER on December 31, 1957, 22 F. R. 11088.

Dated at Germantown, Md., this 25th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3318; Filed, May 2, 1958; 8:45 a. m.]

[Docket No. 50-100]

GENERAL ELECTRIC CO.

NOTICE OF FILING OF APPLICATION FOR FACILITY EXPORT LICENSE

Please take notice that the General Electric Company, 150 East 42d Street, New York 17, New York, has submitted an application dated April 1, 1958, for a license to export a 1,000 kilowatt pool-type research reactor to National Tsing-Hua University, Taipei, Taiwan, China.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of the Republic of China, the Commission may issue a facility export license authorizing the export of the reactor to Taiwan, China.

In its review of applications sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after filing of this notice with the Federal Register Division.

Dated at Germantown, Md., this 25th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3319; Filed, May 2, 1958; 8:45 a. m.]

[Docket No. 50-102]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF FILING OF APPLICATION FOR FACILITY EXPORT LICENSE

Please take notice that American Machine & Foundry Company, 261 Madison Avenue, New York 16, New York, has submitted an application dated April 8, 1958, for a license to export a 1,000 kilowatt pool-type research reactor to Commissariat a L'Energie Atomique, Israel.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of Israel, the Commission may issue a facility export license authorizing the export of the reactor to Israel.

In its review of applications for licenses sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's Rules of Practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after filing of this notice with the Federal Register Division.

Dated at Germantown, Md., this 25th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3320; Filed, May 2, 1958; 8:46 a. m.]

[Docket No. 50-103]

AEROJET-GENERAL CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that Aerojet-General Corporation, San Ramon, California, under section 104c of the Atomic Energy Act of 1954 filed an application dated April 7, 1958, for a license to construct, possess and operate at San Ramon ten pool-type reactors, each designed to operate at a power level of one watt. The proposed reactors have been designated by the applicant as Model AGN-211, Serial Numbers 101 through 110. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 25th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3321; Filed, May 2, 1958; 8:46 a. m.]

[Docket No. 50–104]

AEROJET-GENERAL NUCLEONICS

NOTICE OF FILING OF APPLICATION FOR FACILITY EXPORT LICENSE

Please take notice that Aerojet-General Nucleonics, a Division of Aerojet-General Corporation, P. O. Box 77, San Ramon, California, has submitted an application dated April 16, 1958, for a license to export a 100 milliwatt nuclear research reactor to Instituto di Fisica, Facolta D'Ingegnerio, University of Palermo, Palermo, Sicily, Italy.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of the Republic of Italy, the Commission may issue a facility export license authorizing the export of the reactor to Italy.

In its review of applications for licenses sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after filing of this notice with the Federal Register Division.

Dated at Germantown, Md., this 25th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58–3322; Filed, May 2, 1958; 8:46 a. m.]

[Docket No. 50–94]

NORTH AMERICAN AVIATION, INC.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT AND FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to North American Aviation, Inc., Canoga Park, California, substantially in the form set forth in Annex "A" below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by North American Aviation, Inc., and the amendment thereto, and (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the applictaion for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by North American Aviation, Inc. if it is found that the reactor has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the act.

Dated at Germantown, Md., this 1st day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

ANNEX "A"

PROPOSED CONSTRUCTION PERMIT

On January 20, 1958, the Atomic Energy Commission received an application dated January 17, 1958, from North American Aviation, Inc., for a Class 104 license (defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR) to construct and operate a solution type 10 watt nuclear research reactor designated by North American Aviation, Inc., as the L-77 reactor (hereinafter the "reactor"). An amendment dated March 26, 1958 was filed by the applicant. Reference to the application herein will be to the original application as amended.

The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactor will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter "the act").

C. North American Aviation, Inc., is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. North American Aviation, Inc., is technically qualified to design and construct the reactor.

E. North American Aviation, Inc., has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to North American Aviation, Inc., will not be inimical to the common defense and security or to the health and safety of the public.

G. North American Aviation, Inc., has filed with the Commission, as proof of financial protection, pursuant to 10 CFR Part 140, copies of binder number 21 issued by Nuclear Energy Liability Insurance Association in the amount of $250,000, covering North American Aviation, Inc.'s nuclear facilities located at Canoga Park, California, including the facilities described in this permit.

Pursuant to the act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to North American Aviation, Inc., to construct the reactor as a utilization facility in conformity with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

1. The earliest completion date of the reactor is May 16, 1958. The latest completion date of the reactor is June 16, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

2. The site proposed for the location of the reactor is the location at Canoga Park, California, specified in the application.

3. The reactor will be a solution type reactor, moderated by light water. It will have a rated capacity of 10 watts and use as fuel a solution of uranyl sulfate containing uranium enriched to 20 percent or more in the isotope uranium-235.

4. At such time as this construction permit is converted into a license to operate the facility such license will incorporate—as one of its conditions—a requirement that materials having a reactivity value in excess of 0.5 percent may not be inserted into the exposure tubes.

Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, the filing of any additional information needed to bring the original application up to date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to North American Aviation, Inc., pursuant to section 104c of the act, which license shall expire 20 years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

——— ———,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58–3372; Filed, May 1, 1958; 1:56 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11710, etc.; FCC 58M–442]

KNORR BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Knorr Broadcasting Corporation, Lansing, Michigan, Docket No. 11710, File No. BP–10391; Capitol Broadcasting Company, East Lansing, Michigan, Docket No. 11848, File No. BP–10604; W. A. Pomeroy, Tawas City-East Tawas, Michigan, Docket No. 11849, File No. BP-10629; for construction permits.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter as shown by the transcript record of the further hearing held on March 21, 1958; and

It now appearing, the Commission having acted on the petition for enlargement of issues, that a further prehearing conference will conduce to the orderly dispatch of business; now therefore,

It is ordered, This 29th day of April 1958, that a further prehearing conference shall be commenced at 2:00 p. m. on Monday, May 5, 1958.

Released: April 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3343; Filed, May 2, 1958; 8:48 a. m.]

[Docket No. 11888; FCC 58M-430]

JEFFERSON COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888; File No. BP-10528; for construction permit.

It is ordered, This 25th day of April 1958, that hearing in the above-entitled proceeding will be held at the offices of the Commission at 9:30 a. m., Monday, May 5, 1958.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3344; Filed, May 2, 1958; 8:48 a. m.]

[Dockets Nos. 11569, 12405; FCC 58-386]

WILLIAMSPORT RADIO BROADCASTING ASSOCIATES, INC. (WARC)

MEMORANDUM OPINION AND ORDER REMANDING PROCEEDING TO EXAMINER FOR FURTHER HEARING OF STATED ISSUES

In re application of Williamsport Radio Broadcasting Associates, Inc. (WARC), Milton, Pennsylvania, Docket No. 11569, File No. BP-9856; for construction permit; Docket No. 12405, File No. BMP-7903; for modification of construction permit.

1. This matter arises from the application of Williamsport Radio Broadcasting Associates, Inc. (WARC)[1] for a standard broadcast station construction permit at Milton, Pennsylvania, about 15-20 miles from Williamsport, Pennsylvania, (BP-9856). We granted the construction permit sought without hearing on October 5, 1955. Under the provisions of section 309 (c) of the Communications Act protests were filed by WLYC, Williamsport, Pennsylvania, and WMLP, Milton, Pennsylvania. A hearing was had and an examiner issued an initial decision. We denied, as the examiner proposed, the protests and affirmed the grant on June 3, 1957 (22 FCC 1204). WLYC and WMLP appealed to the Court of Appeals for the District of Columbia sub nom Lycoming Bcstg Co. v. FCC, Case No. 13987. On October 1, 1957, applicant Williamsport and protestant WMLP entered into an agreement which provided for inter alia, the sale of WMLP's physical assets, contracts, insurance, accounts, etc., appurtenant to the radio broadcast business. The agreement further provided that Williamsport should file with the Commission an application for modification of its construction permit to change its transmitter site, equipment and studio location. The agreement was subject to a condition that the Commission should approve the changed condition and make a final grant to Williamsport. Pursuant to the agreement WMLP withdrew its appeal, that of WLYC remaining before the court. WLYC thereupon suggested such changed circumstances to the Court of Appeals which, by order dated November 22, 1957, vacated the Commission's order of June 3, 1957, and remanded the matter to the Commission "for consideration in the light of changed circumstances."

2. There are then, in being, Williamsport's original application for construction permit, BP-8956 (as granted without hearing, stayed by protest, reinstated and affirmed by our decision of June 3, 1957, with such reinstatement and affirmation vacated by the Court's order of November 22, 1957) and Williamsport's application for modification of construction permit, BMP-7903, submitted pursuant to the agreement.

3. We have before us for consideration (a) Williamsport's Petition to Reopen Record in Protest Proceeding, Consolidate for Hearing Modification of CP Application and Expedite Consideration Thereof: (b) WLYC's Statement in Regard to [(a)]; (c) Williamsport's Reply to [(b)]; and (d) Reply of Broadcast Bureau to "Statement in Regard to 'Petition to Reopen Record, Etc.'" filed by Lycoming Broadcasting Company (WLYC).

4. Petitioner seeks to have us reopen the remanded protest proceeding and to consolidate therewith its application for modification of construction permit, making WLYC a party to the entire consolidated proceeding in order that all parties may be heard on all aspects of the changed proposals in which they may have any interest. The Broadcast Bureau concurs generally. WLYC opposes the relief sought by Williamsport on the ground that such procedure is "improper" (but cites us to no authority for such a conclusion) and unnecessary for the Commission can consider the remanded cause "in the light of changed circumstances" without passing on the suitability of the new site, facilities, etc., proposed by Williamsport. However, WLYC interposes no objection to the issues proposed by the petitioner, which deals with matters arising out of the modification application.

5. In view of the disposition of the Commission to adjudicate all related controversial matters in one hearing if at all possible, WLYC's objection to the consolidation proposed by petitioner is not persuasive. The procedure here proposed is conducive to the speedy, informed dispatch of the Commission's business and is not precluded by any provision of the statute.

6. We take further note of the contention advanced by Williamsport that its grant of a CP under its original proposal remains valid and that the sole issue before the Commission is whether the modification of such application and permit should be approved and affirmed by the Commission and the counterclaim by WLYC that the validity of the original grant is open to redetermination. We cannot agree fully with either contention. As we read the statute, Williamsport has a valid grant which is still subject to being set aside by matter adduced at a hearing. Insofar as the changed circumstances could or might result in such a setting aside, the grant is still subject to protest and evidence may be introduced at the new hearing within the limitations of paragraph 10, infra.

7. WLYC requests us to place the "burden of adducing evidence" upon Williamsport as to the effect of the changed circumstances upon the Commission's decision.

We are not persuaded by WLYC's argument to shift the burden which we have already assigned and feel that the processes of the Commission afford ample recourse for WLYC to discover or secure such evidence as it may deem proper.

8. WLYC further requests the Commission to provide specifically in its order governing further proceedings that the effectiveness of the original construction permit is again stayed pending outcome of the remand proceedings. We find no problem here calling for such a declaration. The grant, postponed until our decision of June 3, 1957, has, by the action of the Court of Appeals in vacating said decision, resumed the status it occupied immediately prior thereto, i. e., postponement.

9. We further note Williamsport's petition to expedite this proceeding. Section 309 (c) requires that hearing and determination of protest cases shall be expedited. The Commission believes that the manner in which the instant proceeding is being handled constitutes reasonable compliance with the statute. Therefore, since the petition to expedite is inappropriate, it will be denied.

10. In view of the foregoing: *It is ordered*, This 23d day of April 1958, that the proceeding herein is remanded to the Hearing Examiner for further hearing on the issues specified in our Memorandum Opinion and Order of December 1955 (20 F. R. 9322); and the following additional issues:

(5) To determine the nature of the changes proposed in the operation of the proposed station from the propo

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[1] Note that applicant, Williamsport owns Station WWPA in Williamsport, but is here applying for a station in Milton, Penna.

covered by evidence heretofore adduced in the proceeding in Docket 11569, and the reasons for said changes;

(6) To determine the nature and extent of overlap, if any, of the primary service areas of the proposed station, as modified, and of Station WWPA in Williamsport, Pennsylvania, and whether such overlap, if any, contravenes § 3.35 of the Commission's rules;

(7) To determine whether, in light of the evidence heretofore adduced herein and the additional evidence to be adduced, reflecting the changed circumstances, the Commission should reinstate and affirm its grant of October 5, 1955, as modified;

and for the preparation of a new or supplemental Initial Decision based upon the issues as amended. Nothing herein shall be construed to authorize or require the introduction or consideration of evidence which could have been introduced at the former hearing except to the extent that such may be required by the changed circumstances herein;

That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing additional issues shall be upon the protestant, WLYC;

That the application for modification of construction permit of Williamsport Radio Broadcasting Associates, Inc., BMP-7903, is hereby consolidated with this proceeding for further hearing and that Lycoming Broadcasting Company (WLYC) is made a party in such further hearing for all purposes and as to all matters which may properly come before the Examiner;

That in all other respects the petition to reopen the record, consolidate for hearing application for modification of construction permit, and expedite consideration thereof filed by Williamsport Radio Broadcasting Associates, Inc. (WARC) is denied; and

That WLYC's petition to issue a declaratory ruling upon the continuance of a stayed status of Williamsport's construction permit, such declaration being deemed unnecessary, is denied.

Released: April 25, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3345; Filed, May 2, 1958; 8:49 a. m.]

[Docket No. 12068; FCC 58M-437]

FLORENCE BROADCASTING CO., INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068; File No. BP-10850; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing, that a short continuance of the presently scheduled prehearing conference is desirable;

It is ordered, This 29th day of April 1958, that the prehearing conference herein, presently scheduled for June 2, 1958, is continued until June 4, 1958, at 10:00 a. m.

Released: April 29, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3346; Filed, May 2, 1958; 8:49 a. m.]

[Docket No. 12139; FCC 58M-432]

CHARLES HENRY CONEY

ORDER SCHEDULING HEARING

In the matter of Charles Henry Coney, Coney Dock, Beach Haven, New Jersey and 722 52d Street, Palm Beach, Florida, Docket No. 12139; suspension of restricted radiotelephone operator permit.

It is ordered, This 28th day of April 1958, that hearing in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Wednesday, May 28, 1958.

Released: April 30, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3347; Filed, May 2, 1958; 8:49 a. m.]

[Docket Nos. 12313, 12314; FCC 58M-438]

LOUIS ADELMAN AND GUINAN REALTY CO.

ORDER CONTINUING HEARING

In re applications of Louis Adelman, Hazleton, Pennsylvania, Docket No. 12313, File No. BP-11134; Daniel F. Guinan, Richard H. Guinan, Francis D. Guinan and Lawrence E. Guinan d/b as Guinan Realty Company, Mount Carmel, Pennsylvania, Docket No. 12314, File No. BP-11589; for construction permits.

The Hearing Examiner having under consideration a petition filed April 24, 1958, on behalf of Louis Adelman, requesting continuance of the hearing from June 3 to June 12, 1958; and

It appearing, that personal and professional commitments of applicants' attorneys and engineers make it difficult for the parties to meet the dates now scheduled for an informal conference and other procedural steps; and

It further appearing, that counsel for all parties have informally consented to an immediate consideration of this petition, and that the granting thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 29th day of April 1958, that the above petition is granted, and that the hearing now scheduled to be commenced at 10:00 a. m. on June 3, 1958, is continued to 10:00 a. m. on Thursday, June 12, 1958.

Released: April 29, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3348; Filed, May 2, 1958; 8:49 a. m.]

[Docket Nos. 12318, 12319; FCC 58M-433]

TELEMUSIC CO. AND SOUTHWEST BROADCASTING CO., INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Richard C. Simonton, d/b as Telemusic Co., San Bernardino, California, Docket No. 12318, File No. BPH-2188; Southwest Broadcasting Company, Inc., Redlands, California, Docket No. 12319, File No. BPH-2215; for construction permits.

The Hearing Examiner having under consideration a motion, filed by Southwest Broadcasting Company, Inc., on April 25, 1958, requesting continuance of prehearing conference herein;

It appearing, that counsel for other parties to the proceeding have consented to immediate consideration and grant of the motion: *Provided, however*, That the Broadcast Bureau reserves the right to move for the scheduling of a prehearing conference and for further proceedings in the event the Rulemaking proceeding, which is the basis for the motion for continuance, becomes unduly protracted;

It is ordered, This 28th day of April 1958, that the above motion is granted without prejudice to the filing of a motion to reschedule if the rulemaking proceeding, referred to herein, becomes unduly protracted; and the prehearing conference now scheduled for May 6, 1958 is continued without date, pending the outcome of the Southwest Broadcasting Company, Inc., request for Rulemaking looking toward the allocation of Channel 300 to Redlands, California.

Released: April 29, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3349; Filed, May 2, 1958; 8:49 a. m.]

[Docket Nos. 12329-12331; FCC 58M-440]

FOX VALLEY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Dave Edelson, Ralph T. Buehlman and Walter F. Meyers, d/b as Fox Valley Broadcasting Company, Geneva, Illinois, Docket No. 12329, File No. BP-11038; Radio Wisconsin, Incorporated (WISC), Madison, Wisconsin, Docket No. 12330; File No. BP-11396; Logansport Broadcasting Corporation, Aurora-Batavia, Illinois, Docket No. 12331, File No. BP-11405; for construction permits.

The Hearing Examiner having under consideration a petition, filed on April 25, 1958, on behalf of Fox Valley Broadcasting Company, requesting that the date for the informal exchange of exhibits in the above-entitled proceeding be postponed from May 9, 1958, to May 19, 1958, that the date for the formal exchange of exhibits therein be postponed from May 23, 1958, to June 2, 1958, and that the date for the commencement of the hearing in the said proceeding be postponed from May 28, 1958, to June 9, 1958; and

It appearing, that counsel for all of the other parties to the proceeding do not object to a grant of the relief requested herein;

It is ordered, This 29th day of April 1958, that the above petition be, and it is hereby, granted in all respects, and that the date of the hearing in the above-entitled proceeding be, and it is hereby, continued until 10:00 o'clock a. m., on Monday, June 9, 1958.

Released: April 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3350; Filed, May 2, 1958; 8:50 a. m.]

[Docket No. 12373; FCC 58M-429]

LEONARD RECABAREN

ORDER SCHEDULING HEARING

In the matter of Leonard Recabaren, 5805 Beaumont Street, La Jolla, California, Docket No. 12373; order to show cause why there should not be revoked the license for Radio Station KSIC aboard the vessel Ruthie B.

It is ordered, This 25th day of April 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 27, 1958, in Washington, D. C.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3351; Filed, May 2, 1958; 8:50 a. m.]

[Docket Nos. 12395, 12396; FCC 58M-431]

HISTORYLAND RADIO AND STAR BROADCASTING CORP.

NOTICE SCHEDULING PREHEARING CONFERENCE

In re applications of T. Harry Gatton, tr/as Historyland Radio, Fredericksburg, Virginia, Docket No. 12395, File No. BP-11137; Star Broadcasting Corporation, Fredericksburg, Virginia, Docket No. 12396, File No. BP-11460; for construction permits.

A prehearing conference will be held Monday, May 19, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: April 28, 1958.

Released: April 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3352; Filed, May 2, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF MODIFICATION OF LAND WITHDRAWAL

APRIL 29, 1958.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063) as amended, this Commission, on August 10, 1950, May 2, 1951, and January 26, 1955, gave notice of the reservation of certain United States lands for the Fish Creek and Clearwater Nos. 1 and 2 Developments of this project (No. 1927) pursuant to the filing by The California Oregon Power Company on January 23, 1950, and April 2, 1951, of applications for amendment of License to include the above-noted developments and amendments thereto filed February 24, 1953, September 1, 1953, and October 19, 1954.

On February 19, 1958, the Licensee filed an application for further amendment of License, supported by revised exhibits, filed the same date, to adjust the project boundaries to include all of certain spillway areas within each of the above developments.

Therefore, in accordance with section 24 of the Federal Power Act notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in project No. 1927 and are, from the date of filing of the revised exhibits, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

All portions of the following described subdivisions lying within a strip 100 feet in width as delimited upon a map designated "Exhibit K-27 sheet No. 1" (F. P. C. No. 1927-214) entitled Project No. 1927 Fish Creek Development, Forebay Spillway location, and filed in the office of the Commission February 19, 1958:

T. 26 S., R. 3 E.,
Sec. 34: SE¼NW¼ 2.53 acres;
Sec. 34: SW¼NE¼ 2.36 acres.

All portions of the following described subdivisions lying within a strip of land varying from 50 feet to 100 feet in width as delimited upon a map designated "Exhibit K-28 sheet 1" (F. P. C. No. 1927-215) entitled Project No. 1927, Clearwater No. 1 Development, Forebay Spillway location, and filed in the office of the Commission February 19, 1958.

T. 26 S., R. 4 E. (unsurveyed),
Sec. 34: SE¼SE¼ 0.72 acres;
Sec. 34: SW¼SE¼ 0.39 acres.

T. 27 S., R. 4 E. (unsurveyed),
Sec. 3: NW¼NE¼ 1.15 acres;
Sec. 3: NE¼NW¼ 2.48 acres;
Sec. 3: NW¼NW¼ 0.11 acres.

All portions of the following described subdivisions lying within a strip of land [illegible] feet in width as delimited upon a map designated "Exhibit K-29 sheet 1" (F. P. C. No. 1927-216) entitled Project No. 1927, Clearwater No. 2 Development, Forebay Spillway location, and filed in the office of the Commission February 19, 1958:

T. 26 S., R. 3 E.,
Sec. 36: NE¼SW¼ 2.81 acres;
Sec. 36: SE¼SW¼ 1.88 acres.

This notice modifies that given January 26, 1955, insofar as it refers to the Fish Creek and Clearwater Nos. 1 and 2 Developments, proper. The area reserved under this notice embraces approximately 14.43 acres, all within the Umpqua National Forest and of which approximately 9.67 acres, have been heretofore reserved for power purposes under Power Site Classification No. [illegible] and approximately 3.02 acres have been included in withdrawal notice in this project (No. 1927).

Copies of the project maps, F. P. C. No. 1927-214, 215 and 216, which modify maps F. P. C. No. 1927-132, 157, 158 and 172, are being transmitted to the Bureau of Land Management, Forest Service, and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3325; Filed, May 2, 1958; 8:47 a. m.]

[Docket No. G-12399]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF AMENDED APPLICATIONS

APRIL 29, 1958.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware corporation, with its principal place of business at 122 South Michigan Avenue, Chicago 3, Illinois, filed on April 3, 1958, and April 15, 1958, amended applications in Docket No. G-12399 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Applicant proposes in the amended applications to increase its daily system sales capacity by 185,000 Mcf of natural gas per day over and above its present authorized maximum sales capacity of 510,000 Mcf per day and the 35,000 Mcf per day of additional capacity installed pursuant to temporary authorization issued on April 12, 1957, in Docket No. G-9966. Applicant proposes to make the additional volume of 185,000 Mcf per day together with an additional volume of 20,000 Mcf per day proposed to be obtained through the expansion of Texas Illinois Natural Gas Pipeline Company's system in Docket No. G-14829, available to all of its present customers and those of Texas Illinois Natural Gas Pipeline Company on a pro rata basis of daily contract quantities in effect prior to the allocated temporary quantities on December 12, 1957. It is also proposed to make available, if so ordered by the Commission, natural gas to the towns of Pacific Junction, Malvern, Emerson, Osceola, What Cheer, Keota and Sigourney in the State of Iowa and to the towns of Atkinson, Sheffield and Ladd in the State of Illinois.

Applicant states that it will not sell or deliver to any local distributing company serving the Chicago, Illinois-Gary, Indiana area any part of the increased quantity of 185,000 Mcf of gas resulting from the proposed increase in system capacity for resale by said local distributing companies on a firm basis for the purpose of making the sales either to United States Steel Corporation or Inland Steel Company in the Chicago-Gary area that are proposed to be made by Midwestern Gas Transmission Company in its application filed at Docket No. G-9451, pending final decision by the Federal Power Commission as to said proposed sales by Midwestern Gas Transmission Company.

The first application in this docket depended upon Applicant receiving a certificate in Docket No. G-9966. It is now proposed by the amendments to revise the sequence and the manner in which the proposed additional facilities applied for in the first application herein and those applied for in Docket No. G-9966 are to be constructed and placed in service. By the amended applications it is proposed to construct:

(1) Approximately 232 miles of 36-inch loop pipeline on Applicant's main transmission system between Compressor Station No. 106 near Beatrice, Nebraska, and Joliet, Illinois, in lieu of approximately 59 miles of 36-inch loop pipeline as originally proposed herein;

(2) Approximately 258 miles of 36-inch, and 21 miles of 26-inch loop pipeline on its mainline system between Fritch, Texas, and Compressor Station No. 106 near Beatrice, Nebraska, in lieu of approximately 337 miles of 30-inch loop pipeline as originally proposed;

(3) Installation of one compressor station with 8,160 BHP at a point on Applicant's pipeline extension between Fritch, Texas, and Jack and Wise Counties, Texas, which compressor station was not proposed in the original application herein;

(4) Installation of one compressor station with 4,125 BHP at the point of origin of Applicant's Fritch-Jack and Wise Counties pipeline in Wise County, Texas, which compressor station was not proposed originally in the instant docket;

(5) Additional metering facilities at Applicant's existing metering station near Joliet, Illinois, which are identical with the additional metering facilities originally proposed herein;

(6) Additional town border metering facilities for the ten towns previously named.

Omitted from the facilities first proposed are additions of compressor horsepower in Stations 107, 108, 109 and 111. A part of the above facilities were included by Applicant in its application filed in Docket No. G-9966.

Applicant proposes to obtain its supply of natural gas from its own production and other properties under contract with 44 other producers, including service agreements with Colorado Interstate Gas Company, covering properties located in Colorado, Kansas, Oklahoma, and Texas.

The estimated cost of the proposed facilities is $86,158,000, to be financed in part by bank loans and in part by the issuance and sale of preferred and common stock to its parent company, The Peoples Gas, Light & Coke Company.

Additional protests or petitions to intervene, including amendments to protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3326; Filed, May 2, 1958; 8:47 a. m.]

[Docket No. G-14226]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 29, 1958.

Take notice that on January 10, 1958, Texas Eastern Transmission Corporation (Applicant), filed in Docket No. G-14226 an application pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a new 6,600 HP Compressor Station on its existing 30-inch McAllen-Vidor main line, at the junction of said line and its existing 24-inch Provident City-Blessing line near Blessing, in Matagorda County, Texas, subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission, and open for public inspection.

The application recites the purpose of the proposed facilities is to permit greater flexibility of operation of Applicant's system at a point where a number of its major supply pipelines intersect, which would permit swings in Applicant's purchases from producers in the Provident City area and along the McAllen-Blessing line and provide greater operating stability and control over line pack in this segment of its system.

The total capital cost of the proposed facilities is $2,388,386, which includes $334,000 as the cost attributable to the main compressor units, and other equipment salvaged in connection with the reconversion program authorized in Docket No. G-2503. The cost of the proposals will be defrayed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 25, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3327; Filed, May 2, 1958; 8:47 a. m.

[Docket No. G-14060]

SINCLAIR OIL & GAS CO.

ORDER ACCEPTING CORRECTION TO RATE SCHEDULE HERETOFORE SUSPENDED

APRIL 29, 1958.

On November 25, 1957, Sinclair Oil & Gas Company (Sinclair) filed, among others, a favored-nation rate increase for sales of natural gas in Emma Field, Andrews County, Texas, to El Paso Natural Gas Company, which was designated as Supplement No. 3 to Sinclair's FPC Gas Rate Schedule No. 92. By order issued December 23, 1957, in this proceeding, the Commission ordered that a public hearing be held concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Sinclair's FPC Gas Rate Schedule No. 92, and suspended and deferred the use of said supplement until May 26, 1958, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

On March 31, 1958, Sinclair filed a correction to the aforementioned Supplement No. 3 to its FPC Gas Rate Schedule No. 92 to include all of the Texas tax reimbursement. The now proposed rates are 8.14863 cents and 8.16222 cents per Mcf reflecting a further yearly increase of $112.[1]

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[1] There are several leases involved and the value of gas at the wellhead upon which the tax reimbursement is based differs for some leases.

The Commission finds: Good cause has been shewn that the correction filed by Sinclair on March 31, 1958, to proposed Supplement No. 3 to its FPC Gas Rate Schedule No. 92, which was suspended by Commission's order issued December 23, 1957, in this proceeding, be accepted for filing and that the suspended rates contained in said supplement shall be the proposed corrected rates, as stated above, and regarded as a part of the suspended rates as originally ordered.

The Commission orders: Supplement No. 3 to Sinclair's FPC Gas Rate Schedule No. 92 is hereby corrected as proposed by the filing made by Sinclair on March 31, 1958, and the now proposed rates are 8.14863 cents and 8.16222 cents per Mcf, and the said proposed corrected rates are hereby made subject to the suspension order issued on December 23, 1957, in this proceeding, and the use of such rates as corrected is deferred until May 26, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3328; Filed, May 2, 1958; 8:47 a. m.]

[Docket No. G-1901]

ROCKLAND LIGHT AND POWER CO. (NOW ORANGE AND ROCKLAND UTILITIES, INC.)

NOTICE OF PETITION FOR MODIFICATION OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 29, 1958.

Take notice that Orange and Rockland Utilities, Inc. (Applicant), successor to Rockland Light and Power Company, a New York corporation with its principal place of business at Nyack, New York, has filed a petition for modification of paragraph B (iii) of the Commission order issued May 1, 1953, granting a certificate of public convenience and necessity to Rockland Light and Power Company in Docket No. G-1901. The petition requests the order be modified so as to authorize construction and operation of a 6-inch pipeline in lieu of the 4-inch pipeline originally authorized to serve the Village of Monroe, New York.

The pipeline is to be some 37,000 feet in length commencing at a tap to be made on the existing line of Home Gas Company at a point near the Village of Greenwood Lake and extending to the Village of Monroe, all situated within the County of Orange, New York.

In support of the petition the Applicant recites that the Rockland Light and Power Company is now Orange and Rockland Utilities, Inc., that a re-evaluation of the requirements of the Monroe area indicates that the originally authorized 4-inch line would be inadequate to supply the future requirements of the area, that the cost of the proposed 6-inch line is estimated to be $195,000, that the hourly capacity of the proposed 6-inch pipeline will be approximately three times that of a 4-inch line and that the estimated cost of the 6-inch line is only 17 percent more than the presently estimated cost of a 4-inch line.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) or before May 20, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3341; Filed, May 2, 1958; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 336]

SPECIAL ASSISTANT TO THE ADMINISTRATOR (NICARO PROJECT)

DELEGATION OF AUTHORITY TO MANAGE NICKEL PROJECT

Authorizing the Special Assistant to the Administrator (Nicaro Project) to manage the Nickel Producing and Processing Facilities and Activities relating to the Nicaro Nickel project in Oriente Province, Cuba.

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U. S. C. 741-514, 41 U. S. C. 251-260), the Defense Production Act of 1950 (64 Stat. 798; 50 U. S. C. App. 2061-2166), the National Industrial Reserve Act of 1948 (62 Stat. 1255, 50 U. S. C. 451-462), and Executive Order No. 10480 (18 F. R. 4939), all as amended, authority is hereby delegated to the Special Assistant to the Administrator (Nicaro Project) to manage the Nicaro nickel producing and processing facilities and activities administered by the Government in Oriente Province, Cuba, and any and all other facilities and activities related thereto regardless of where located. In furtherance thereof, the Special Assistant to the Administrator (Nicaro Project) is fully authorized to negotiate, execute, administer, amend, and terminate any and all contracts, letters of intent, deeds, and other contractual instruments relating to the Nicaro nickel project, and to take such other action in connection therewith as may be necessary and lawful.

2. The authority so delegated shall be exercised in accordance with applicable directives and certificates issued by the Secretary of Defense under said National Industrial Reserve Act of 1948, and by the Director of the Office of Defense Mobilization under the Defense Production Act of 1950.

3. The delegation of authority entitled "Authorizing the Deputy Administrator of General Services to Manage the Nickel Producing and Processing Facilities and Activities Relating to the Nicaro Nickel Project in Oriente Province, Cuba," and dated May 25, 1956 (21 F. R. 3664), is hereby rescinded.

This delegation of authority shall be effective upon publication in the Federal Register.

Dated: April 22, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-3397; Filed, May 2, 1958; 11:22 a. m.]

Public Buildings Service

[Wildlife Order 47]

VETERANS ADMINISTRATION HOSPITAL RESERVATION, FORT LYON, COLO.

TRANSFER TO STATE OF COLORADO

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated January 8, 1958, the property known as the Veterans Administration Hospital Reservation (Portion) (V-Colo-430-B), Fort Lyon, County of Bent, Colorado, and more particularly decribed in said deed, has been transferred from the United States to the State of Colorado.

2. The above described property was transferred to the State of Colorado for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

Dated: April 28, 1958.

F. MORAN MCCONIHE,
Commissioner,
Public Buildings Service.

[F. R. Doc. 58-3329; Filed, May 2, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1149]

AURORA CORP. AND ONE WILLIAM STREET FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING SALE OF ASSETS BY PROMOTER TO REGISTERED COMPANY

APRIL 28, 1958.

Notice is hereby given that Aurora Corporation ("Aurora"), and The One William Street Fund, Inc. ("William"), have filed an application pursuant to sections 17 (b) and 23 (b) of the Investment Company Act of 1940 ("act") for an order permitting the sale by Aurora to William of portfolio securities and cash in exchange for shares of the common stock of William, as more fully set forth below.

The application makes the following representations:

On April 7, 1958, William registered under the act as a closed-end diversified investment company. It also filed a registration statement under the Securities Act of 1933 covering an initial offering of 3,000,000 shares of its stock to be offered for public sale through a group of underwriters headed by Lehman Brothers ("Lehman"), which also will be

William's investment adviser. Aurora is a private investment company for which Lehman has acted as investment adviser since November 1956 and which proposes to sell substantially all of its portfolio securities and cash, amounting to approximately $37,000,000 to William in exchange for the latter's common stock. This sale is to be made simultaneously with the delivery to the underwriters of the shares of William's common stock sold by them during the initial offering of William's stock. Such delivery will be made at a closing expected to take place about May 29, 1958. The sale by Aurora is contingent in part on the receipt by William of at least $25,000,000 from the sale of its common stock to the underwriters.

William will become an open-end company upon the delivery of its shares to the underwriters at the closing for the initial offering of its stock. Thereafter, a continuous offering of William's shares will be made through William Street Sales, Inc. which was organized and is owned by Lehman for the purpose of acting as distributor of William's shares.

Aurora's funds have been invested in a portfolio of marketable securities acquired and held since November 1956 with the advice of Lehman. Lehman has advised William that the securities held by Aurora are of the caliber and type that would under ordinary circumstances be purchased and held to meet William's investment objectives. The securities to be transferred by Aurora to William will be valued at their market value as of the close of business on the day preceding the closing. Such value will be determined in accordance with the procedures to be used for calculating net asset value for issuance and redemption of William's shares, with the exception that the brokerage actually paid by Aurora (approximately $130,000 as of March 31, 1958) in acquiring the securities transferred will be added. The number of William shares to be delivered to Aurora will be determined by dividing the aggregate value of the securities transferred, as so calculated, plus the cash to be transferred, by $11.5625, which is the net amount per share which William will receive from the sale of its stock to the underwriters.

The shares of William stock to be received by Aurora will be distributed on a pro rata basis to the latter's stockholders pursuant to a plan of liquidation. Aurora has twenty-eight stockholders and each of them will represent in writing that they intend to hold the William stock which they will receive upon the dissolution of Aurora for investment and not for distribution to the public. A tax ruling has been obtained which provides that the cost for tax purposes of the securities to be received by William will be the same as the base in the hands of Aurora. As of March 31, 1958, the aggregate of Aurora costs exceeded the market value of its securities by approximately $532,000.

A number of individuals who are substantial stockholders and directors of Aurora have participated in the formation of William and will become directors of William. Accordingly, the contemplated sale by Aurora to William may be deemed to be a sale by a promoter of a registered investment company to such company which would be prohibited by section 17 (a) (1) of the act unless exempted by order under section 17 (b) of the act. Section 17 (b) provides that the Commission shall exempt a proposed transaction from the provisions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Since, in computing the number of William shares to be issued to Aurora, allowance will be made for the brokerage commissions paid by it in acquiring the securities to be transferred, the shares of William stock so issued may be deemed to be sold at a price below the current net asset value of the stock. This would be prohibited by section 23 (b) of the act, unless the Commission finds it appropriate for the protection of investors to issue an order permitting such sale under clause (5) of section 23 (b).

Applicant states that the addition of the brokerage actually paid to the market value of the securities being transferred to William is a fair adjustment between the stockholders providing securities and those providing money. It points out that it will be necessary to pay brokerage on securities acquired in investing the money received by William from the underwriting. Such brokerage expense will be borne proportionately by all stockholders, those who provide securities through Aurora as well as those who provide money through the underwriting, since the net asset value of each outstanding share of William will be reduced by an amount equal to its proportionate share of this expense. Applicant states that if the brokerage adjustment were not made with respect to the contributed securities, stockholders providing money would receive a windfall to the extent of their proportionate share of the brokerage paid on the securities to be provided by Aurora. Applicant also points out, as an additional justification of the brokerage adjustment, that the cost of the securities provided by Aurora is greater than their present market value. Since William will be able to use this higher cost basis for income tax purposes, the stockholders providing money may benefit to the extent that the transferred securities may appreciate from the present market value to Aurora's higher cost without William bearing the tax incidents of capital gain.

Notice is further given that any interested person may, not later than May 12, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3330; Filed, May 2, 1958; 8:48 a. m.]

[File No. 812-1150]

STATE STREET INVESTMENT CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER PERMITTING ISSUANCE OF REDEEMABLE SECURITY PURSUANT TO MERGER WITHOUT PROSPECTUS

APRIL 28, 1958.

Notice is hereby given that State Street Investment Corporation ("State Street"), a registered open-end investment company has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the issuance of its shares at net asset value plus a 3½ percent premium, to the shareholders of J. D. Adams Manufacturing Company ("Adams") pursuant to an Agreement of Merger between State Street and Adams.

The application makes the following representations:

Adams was formerly engaged in the manufacturing business. On January 1, 1955, Adams sold its business and equipment for cash and since that date has operated exclusively as an investment company. Adams registered as an investment company under the Act in October 1955; however, this Commission by Order dated April 27, 1956 (Investment Company Act Release No. 2347) declared that Adams had ceased to be an investment company as Adams had less than 100 stockholders and was not making and did not propose to make a public offering of its securities. Adams now has 76 stockholders and is a personal holding company for Federal income tax purposes.

Pursuant to an Agreement of Merger dated March 7, 1958, Adams will merge into State Street and the latter will acquire all the assets of and assume all the liabilities of Adams. The shareholders of Adams will receive shares of State Street on the basis of relative net asset value of the shares of each company as of the close of the last full business day of the New York Stock Exchange preceding the closing date except that the net asset value of the shares of State Street will be adjusted to reflect the addition of a 3½ percent premium. Adams has 246,754 shares outstanding and as of December 31, 1957 the net asset value of such shares aggregated approximately $8,600,000. As of the same date State

Street had approximately 5,000,000 shares outstanding with an aggregate net asset value of $139,900,000.

Although State Street is an open-end investment company, it is not offering its shares continuously nor has it done so since 1944. The shares of State Street are traded in the over-the-counter market and for many years its shares have sold at a premium over net asset value. For the year 1957 the premium ranged from a low of 3 percent to a high of 18 percent and for the first three months of 1958 the premium has ranged from a low of 0.1 percent to a high of 8 percent. It was felt by State Street that it would not be fair to existing State Street shareholders who would be obliged to pay a premium in the over-the-counter market if they desired to acquire more shares to issue the shares to Adams' shareholders without receiving some premium over net asset value. Accordingly, State Street requested a premium and after negotiation a premium of 3½ percent was agreed upon.

It is further recited in the application that the terms of the merger are the result of arm's-length negotiations between the officers of State Street and the representatives of Adams, and that at a special meeting of stockholders of Adams held on March 25, 1958, the proposed merger was approved by the affirmative vote of the holders of 96 percent of the outstanding shares of Adams. The remaining 4 percent of the shares were not represented at the meeting and did not vote. Applicant claims that the merger is beneficial to the shareholders of State Street and of Adams.

Section 22 (d) of the act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. As noted above, State Street is not currently offering its securities and does not now have an effective prospectus which describes a "current public offering price" for its shares. Accordingly, it appears that the issuance of State Street shares pursuant to the Agreement of Merger will not comply with the provisions of section 22 (d) of the act.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than May 13, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3331; Filed, May 2, 1958; 8:48 a. m.]

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

APRIL 29, 1958.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On April 18, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending April 29, 1958.

III. The Commission being of the opinion that the public interest requires the summary suspenion of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, April 30, 1958, to May 9, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3332; Filed, May 2, 1958; 8:48 a. m.]

TARIFF COMMISSION

[Investigation 34]

CARPET WOOL AND WOOL FOR PAPER-MAKERS' FELTS

INSTITUTION OF INVESTIGATION

Pursuant to a resolution adopted April 28, 1958, by the Committee on Finance, United States Senate, the United States Tariff Commission, on the 29th day of April 1958, instituted an investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the grades and qualities of wool imported into the United States for use in the manufacture of carpets and paper-makers' felts and of domestic wools similar in grade and character. A copy of the resolution is available upon request made to the Secretary, United States Tariff Commission, Washington 25, D. C.

The Committee resolution provides that the investigation shall include such hearings as may be necessary. Announcement regarding such hearings in connection with this investigation as the Commission may deem necessary will be made at a future date.

Issued: April 30, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-3342; Filed, May 2, 1958; 8:48 a. m.]

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TITLE 21—F

Chapter I—Fo
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PART 29—FRUIT
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TITLE 7

Chapter IX—
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PART 953—LEM

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FEDERAL REGISTER
VOLUME 23 NUMBER 89
Washington, Tuesday, May 6, 1958

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

EFFECTIVE DATE OF ORDER AMENDING IDENTITY STANDARD FOR FRUIT JELLY; PRICKLY PEAR JELLY

In the matter of adopting a definition and standard of identity for prickly pear jelly:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of March 22, 1958 (23 F. R. 1919), and the amendment promulgated by that order will become effective on May 21, 1958.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341)

Dated: April 29, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3375; Filed, May 5, 1958; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 736, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.843 (Lemon Regulation 736; 23 F. R. 2787) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 1, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3385; Filed, May 5, 1958; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

DETERMINATION THAT PACKING, HANDLING, PREPARING IN THEIR RAW OR NATURAL STATE OF FRESH FRUITS AND VEGETABLES IS PART OF AN INDUSTRY OF A SEASONAL NATURE; AMENDMENT

On December 6, 1957, notice was published in the FEDERAL REGISTER (22 F. R.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 25, Rev. Jan. 1, 1958 ($4.50)

Title 26 (1954), Rev. Jan. 1, 1958 ($3.00)

Title 49, Parts 91–164, Rev. Jan. 1, 1958 ($5.00)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Part 165 to end ($0.75)

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9753) of a proposed amendment of the determination of August 24, 1940 (5 F. R. 3167) that the packing, handling, and preparing in their raw or natural state of perishable or seasonal fresh fruits and vegetables is a part of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, as amended; 29 U. S. C. 207 (b) (3)). Interested persons were afforded an opportunity to submit written data, views, or arguments regarding the proposed amendment.

The only objections to the proposal received were from interested persons in the potato packing industry in the Red

River Valley area of Minnesota and North Dakota. These objections were based on the misapprehension that under the amended determination the operations of potato wash plants in that area could be construed to constitute "in-transit handling" in connection with the distribution of the commodity and therefore be considered outside the scope of the exemption. These potato wash plants are engaged in receiving, washing, sizing, grading, packing, and loading potatoes for shipment to market. Available information shows that their operations are associated with the assembling of potatoes and are, therefore, within the scope of the proposed amendment.

This amendment is based upon the statutory authority contained in section 7 (b) (3) of the Fair Labor Standards Act of 1938. Its purpose is to more clearly express the Administrator's long standing interpretation of the scope of the seasonal industry determination applicable to fresh fruits and vegetables. Since no substantive change in the determination will be effected by adoption of this amendment, and in view of the fact that the determination has been administratively interpreted consistent with the amendment since its promulgation, good cause exists for not delaying the effective date of the amendment.

Accordingly, pursuant to authority under section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063), as amended; 29 U. S. C. 207 (b) (3), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, and § 526.5 (b) of Title 29, Code of Federal Regulations, I hereby adopt the proposal. Paragraph 3 of the determination of August 24, 1940 (5 F. R. 3167) is hereby amended by adding at the end thereof the following:

NOTE: As used in this determination packing, handling, and preparing in their raw or natural state of perishable or seasonal fresh fruits and vegetables means these operations when associated with the assembling of these commodities, including packing, handling, and preparing at packing houses; handling and preparing preceding entry of the commodities into packing houses and processing plants; and handling and preparing of farm-packed produce at packing houses and at shipping sheds or platforms which, except for packing the commodities, perform the same function as packing houses. The operations of packing, handling, and preparing are not included in the determination when they are performed as essentially distributive functions. The term "distributive functions" includes the wholesaling, repacking and in-transit handling after the commodities have left the packing houses and shipping sheds or platforms referred to above.

The above amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 7, 52 Stat. 1063, as amended; 29 U. S. C. 207)

Signed at Washington, D. C., this 29th day of April 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3383; Filed, May 5, 1958; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

In § 536.26, amend paragraph (e) (2) and the first sentence of paragraph (n) (5) to read as follows:

§ 536.26 *Claims arising in foreign countries.* * * *

(e) *Claims not payable.* * * *

(2) Falls under any workmen's compensation law or regulation, whether Federal Employees Compensation Act of September 7, 1916 (39 Stat. 742), as amended (5 U. S. C. 751), Longshoremen's and Harborworkers Compensation Act (44 Stat. 1424; 33 U. S. C. 901), or local law or custom, except when specifically authorized by The Judge Advocate General, or his designee, in each case;

* * * * *

(n) *Foreign Claims Commissions.* * * *

(5) *Monetary jurisdiction.* Unless specifically limited in the appointing orders, a commission of one member shall have authority to settle claims not over $1,000. * * *

[C2, AR 25-90, April 28, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] R. V. LEE,
Major General,
U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 58-3357; Filed, May 5, 1958; 8:45 a. m.]

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 599—BONDS AND INSURANCE

PART 602—GOVERNMENT PROPERTY

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Add paragraph (c) to § 590.201-9, as follows:

§ 590.201-9 *Sources of supplies.* * * *

(c) *Procurement of perishable subsistence.* Perishable subsistence may be procured from other than "regular dealers" as required by § 1.201-9 (a) of this title.

2. A new Subpart O is added to Part 590, as follows:

SUBPART O—MAINTENANCE OF MOBILIZATION BASE

Sec.
590.1500 Scope of subpart.
590.1501 Defense Mobilization Order DMO VII-7.
590.1502 Procedures for the integration of current procurement with the Production Allocation Program.
590.1503 DOD Directive 3005.3, December 7, 1954 "Maintenance of the Mobilization Base".

AUTHORITY: §§ 590.1500 to 590.1503 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U. S. C. 2301-2314.

§ 590.1500 *Scope of subpart.* This subpart sets forth the policy and procedures relative to the procurement of planned items in the interest of maintaining the mobilization base.

§ 590.1501 *Defense Mobilization Order DMO VII-7.* Defense Mobilization Order DMO VII-7, as amended, contains the following statement of policy with respect to current procurement in maintaining the mobilization base:

> a. Procurement agencies shall integrate current procurement with their industrial mobilization plans to the greatest possible extent with the objective of supporting the mobilization base within authorities and funds available.
>
> b. Data assembled on essential mobilization suppliers by the industrial mobilization planning of these agencies shall be used in planning current procurement. The policy of using contractors and facilities essential to the mobilization base is considered to be in the best interest of the Government. Suppliers that are deemed to be part of the mobilization base normally will be invited to participate in appropriate current procurement.

§ 590.1502 *Procedures for the integration of current procurement with the Production Allocation Program.* The following procedures are established to integrate current procurement with the Production Allocation Program. These procedures are applicable to all contracts for supplies in excess of $100,000. As used in this subpart, a producer becomes a "planned producer," and capacity becomes "allocated" when management has accepted a "Tentative Schedule of Production"—DD Form 405 (Desired Production and Production Schedule Work Sheet—Production Allocation Program) or DD Form 406 (Tentative Schedule of Production and Request for Allocation—Production Allocation Program) (See step 11, page 31 of the Production Allocation Manual).

(a) When procurement of any planned item is to be accomplished by formal advertising, the contract may be placed without regard to schedules developed under the Production Allocation Program. However, the bidders' list will include all planned producers for the item.

(b) The Armed Services Procurement Planning Officer (ASPPO), as set forth in the Register of Planned Producers, will be informed when any contract regardless of duration, is placed in a facility for which production planning has been initiated. The ASPPO will advise all affected claimant agencies that a contract has been placed with the planned producer, including the period of a contract performance, so that they may take, or in the event of M-Day be prepared to take, appropriate action.

(c) As a general rule, a manufacturer engaged in production of a military item at the time an emergency develops will be required to continue to produce that item regardless of whether or not it is in line with his production allocation planning agreement. Therefore, whenever a current contract for an authorized planning item is awarded to a qualified producer who is not a planned producer, consideration will be given to bringing the qualified contractor into the Production Allocation Program as a planned producer.

§ 590.1503 *DOD Directive 3005.3, December 7, 1954, "Maintenance of the Mobilization Base."* (a) DOD Directive 3005.3 requires that a review be made of proposed procurement of items contained in the Preferential Planning List and that responsibility for such review be maintained at the level of the Procurement Secretaries or their authorized designees. Each chief of a technical service is appointed an authorized designee of the Assistant Secretary of the Army (Logistics) for the purpose of reviewing those items on the Preferential Planning List for which his technical service has been assigned procurement responsibility. Chiefs of technical services may designate general officers within their respective technical services to perform the required review. The review, in furtherence of the policy quoted in § 590.1501 and to integrate current procurement with military mobilization plans, will take into consideration the following factors:

(1) Maintaining multiple sources of supply;

(2) Geographic dispersal;

(3) Avoidance of undue concentration of contracts in a few leading suppliers;

(4) Multiple awards;

(5) Preservation of essential skilled labor forces;

(6) Utilization of existing open industrial capacity;

(7) Preservation of essential management organization and "know-how";

(8) Maximum subcontracting; and

(9) Any other factors relevant to maintaining a sound mobilization base, including the utilization of small business concerns to the maximum extent practicable.

(b) In carrying out negotiations under this program, the authority contained in 10 U. S. C. 2304 (a) (16) shall be used. In this connection comparative price experience shall be used to negotiate the best possible price for the Government.

3. Section 592.106-3 is added, §§ 592.150 to 592.157 are revised, and § 592.158 is revoked, as follows:

§ 592.106-3 *Award Information to Unsuccesful Offerors.* See § 3.106-3 of this title.

§ 592.150 *Statement of contingent or other fees.* The prescribed procedure with respect to obtaining information concerning contingent or other fees paid by suppliers or contractors for soliciting or securing Government contracts including the use of Standard Form 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing or Resulting from Award of Contract) is set forth in Subpart E, Part 1 of this title and Subpart E, Part 590 of this chapter.

§ 592.151 *F. o. b. purchasing policy.* The policy with respect to purchasing f. o. b. origin or destination is set forth in § 1.306 of this title and § 590.306 of this chapter.

§ 592.152 *Qualified products.* Qualified Products Lists may be used in procurement by negotiation in accordance with the policy and procedures set forth in Subpart E, Part 2 of this title and Subpart E, Part 591 of this chapter.

§ 592.153 *Awards; selection of contractors.* The policy of the Department of the Army with respect to the selection of contractors is prescribed in § 1.307 of this title and § 590.307 of this chapter.

§ 592.154 *Submission of information on equal or identical proposals.* The provisions of § 591.406-4 (b) of this chapter relating to procurement by formal advertising, are similarly applicable to procurement by negotiation.

§ 592.155 *Increase or decrease in specified quantity.* Negotiated contracts may contain a clause providing for increases or decreases in the quantities specified in the contracts at the option of the Government. The maximum percentage of such increases or decreases will be subject to negotiation.

§ 592.156 *Disclosure of mistakes after award.* It is the policy of the Department of the Army to conduct negotiations with a view toward complete and final understanding between the contracting parties prior to the execution of a formal contract. The consideration to be given a mistake alleged by a contractor after completion of negotiations and award of the contract will depend on whether the evidence establishes that the claim of mistake is bona fide. Except for such cases where the matter is resolved under Subpart D, Part 606 of this chapter, mistakes alleged by contractors after award will be processed in the same manner as prescribed in § 591.405-3 of this chapter for advertised procurements.

§ 592.157 *Protests involving negotiated procurements.* Protests or objections to actions taken or to be taken by a contracting officer in connection with a negotiated procurement shall be handled in accordance with the requirements and procedure set forth in § 591.451 of this chapter except that:

(a) Copies of proposals and requests for proposals, if any, and an abstract of proposals shall be submitted to higher authority in lieu of the requirement for copies of bids, the invitation for bids and abstract of bids under § 591.451 (f) of this chapter.

(b) The documented case required by § 591.451 (f) of this chapter shall include a copy of the contract, or reference to the number and date thereof.

4. Sections 592.203-2, 592.303, and 592.401 are revised to read as follows:

§ 592.203-2 *Application.* Negotiated purchases or contracts aggregating $1,000 or less shall be made in accordance with Subpart F, Part 3 of this title and Subpart F, Part 592 of this chapter, except that appropriate forms of negotiated purchase orders and contracts shall be used as applicable. 10 U. S. C. 2304 (a) (3) shall be cited as the authority for negotiation of any contract for property or services involving amounts of $1,000 or less, to the exclusion of any other authority which might apply to the procurement, except purchases or contracts for property or services procured and used outside the United States, its Territories, and its possessions, shall be negotiated pursuant to 10 U. S. C. 2304 (a) (6).

§ 592.303 *Determinations and findings by the Head of a Procuring Activity signing as "a chief officer responsible for procurement."* (a) In addition to the determinations and findings authorized to be made by the Head of a Procuring Activity under § 3.303 of this title, the Head of a Procuring Activity, signing as "a chief officer responsible for procurement" may make the determination required by §§ 3.405-1 and 3.405-2 of this title with respect to the use of a Time and Materials contract, or the Labor Hour contract.

(b) The Head of a Procuring Activity may delegate authority to make the determinations and findings required by §§ 3.403-4, 3.404, 3.405-1 and 3.405-2 of this title, and to the Deputy Head, Assistant or to the Chief of Staff of the Procuring Activity, and to chiefs of principal purchasing offices (§ 590.[illegible] of this chapter) and chiefs of field procuring activities. He may also personally select one alternate for each such delegate, provided, however, that such alternate will be empowered to make the required determination only during periods of official absence of the delegate for whom he has been selected as alternate. Neither delegates nor their alternates may redelegate this authority.

(c) Determinations and findings which may be made by the Head of a Procuring Activity in connection with procurement actions effected under the authority of Title II of the First War Powers Act, 1941, 50 U. S. C. App. 611, as amended, are set forth in § 606.[illegible] of this chapter. Such authority may not be redelegated below the level of the Head of a Procuring Activity unless specifically authorized by the Assistant Secretary of the Army (Logistics).

§ 592.401 *Type of contracts.* In accordance with the basic policy set forth in § 3.401 of this title, the fixed price type of contract generally shall be used for negotiated contracts; other types of contracts may be used only when the requirements of Subpart D, Part 3 of this title and this part, and § 606.104 of this chapter have been satisfied. All prime cost-reimbursement type contracts, letter contracts, fixed-price contracts providing for the redetermination of price and fixed-price incentive type contracts shall include the clause set forth in § 596.150-7 of this chapter which prohibits cost-plus-a-percentage-of-cost subcontracts.

5. New §§ 596.150-7 and 596.203-51 are added, and § 599.552 (a) is revised, as follows:

§ 596.150-7 *Cost-plus-a-percentage-of-cost subcontracting.* Pursuant to § 3.401 of this title the following clause shall be included in all fixed-price contracts, including letter contracts, which provide for the redetermination of price and fixed price incentive type contracts:

Cost-Plus-a-Percentage-of-Cost Subcontracting.

The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

§ 596.203–51 *Cost-plus-a-percentage-of-cost subcontracting.* The clause set forth in § 596.150–7 shall be included in all cost-reimbursement type contracts.

§ 596.552 *Accident and disability insurance for extra-hazardous occupations.* (a) Insurance for risks of disability or death due to extra-hazardous occupations of contractor employees may be procured under one of the master policies negotiated with the Indemnity Insurance Company of North America. Master Policy No. FD–502 covers research operations, and Master Policy No. FD–508 covers other than research operations. Effective on new and renewal policies dated April 1, 1958 or later, the rate is $30.00 per year/per person for $10,000 insurance. Coverage is available in units of $5,000, $10,000, $15,000, and $20,000. For units of coverage other than $10,000, the rate of $30.00 shall be adjusted in the same ratio that the amount of coverage purchased bears to $10,000. The cost of coverage for less than 1 year is reduced pro rata, subject to a minimum premium of $5.00. The contractor may insure those employees who are engaged in extra-hazardous operations under a Government contract by contacting the insurance company. (Indemnity Insurance Company of North America, 620 Woodward Building, Washington 25, D. C.)

6. Revise paragraphs (b), (c), (d), (e), (f), and (g) of § 602.450, and add § 602.1706–2, as follows:

§ 602.450 *Contractor operated motor vehicles.* * * *

(b) When a standby-industrial installation is reactivated and operated by a contractor under a contract, the terms of which require and authorize the furnishing of vehicles by the Government, the technical service concerned shall transfer such vehicles as are on hand at the installation which are determined as suitable for the functions to be performed by the contractor. Vehicles transferred shall be reclassified as contractor vehicles and transferred to the contract account as Government-furnished property. Vehicles which are not authorized under the terms of the contract or are not suitable for use thereunder shall be declared excess to the needs of the installation and returned to appropriate supply channels.

(c) When an industrial installation is placed in a standby status, the owning technical service shall determine the vehicles at the installation which are necessary to its operational activities and which should not be removed or replaced. The disposition of all other vehicles shall be made in the following order: (1) As required by the technical service concerned for use in the maintenance of the installation, (2) as required by the owning technical service for use in the performance of other contracts, (3) returned to appropriate supply channels. Vehicles which have been determined by the technical service concerned as suitable for the purpose of maintaining the installation in a standby status shall be classified as military vehicles and transferred to the appropriate account. Vehicles which the owning technical service requires for use in the performance of other contracts shall be transferred to such contract accounts if authorized by the terms thereof. All remaining vehicles shall be turned in to appropriate supply channels.

(d) Contractor vehicles shall not be included in the bulk allowances of administrative vehicles. When applicable, request for changes in these allowances caused by compliance with paragraphs (a) and (b) of this section will be made by technical service concerned in accordance with AR 58–5 (Administrative Army Regulations Pertaining to Motor Vehicles Management).

(e) Military vehicles transferred to contractor vehicle classification and contractor-procured vehicles registered by the Department of the Army Motor Vehicle Central Records Office are the responsibility of the technical service administering the contract. The supervision and accomplishment of all functions and obligations assumed by the contractor in connection with the operation, utilization of minimum essential vehicles, maintenance, storage, etc., as well as the protection of the Government's interest with respect to contractor vehicles rests with the Contracting Officer. For the purpose of distinguishing contractor vehicles from vehicles in use by the Department of the Army, the contractor, immediately upon the receipt of a vehicle, either by transfer from the Department of the Army or by procurement in the open market shall immediately remove all Department of the Army insignia or markings and shall identify the contractor vehicle in accordance with AR 746–2300–1 (Administrative Army Regulations Pertaining to Marking of Vehicles).

(f) Contractor-operated vehicles utilized outside the confines of a contractor-operated installation shall bear United States Government license plates. Requests for United States Government license plates will be submitted in accordance with AR 746–2300–1.

(g) Statutory restrictions limiting the use of Government-owned vehicles to official business are equally applicable to contractor vehicles. Information governing the use of such vehicles under Department of the Army control is contained in AR 58–5. Contractor vehicles, including busses of less than 12 passengers, shall not be used to transport employees or any other personnel between their places of residence and employment. In the absence of adequate public transportation facilities, service may be augmented or inaugurated under AR 55–90 (Administrative Army Regulations Pertaining to Transportation), provided the other conditions as set forth therein are satisfied.

§ 602.1706–2 *Financial control accounts.* In order to conform to the Financial Management Plan of the Department of the Army, quarterly reports of the dollar amounts of property specified in § 30.2 of this title will be secured from Department of the Army contractors. Production equipment valued at less than $500 but meeting the criteria for plant equipment will be reported as plant equipment. [304.7]

7. Revise Subpart R, Part 602, as follows:

SUBPART R—AUDIT OF INDUSTRIAL RECORDS

Sec.
602.1801 Responsibility for adults.
602.1802 Reports of audit.
602.1803 Records in unsatisfactory condition.

AUTHORITY: §§ 602.1801 to 602.1803 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2314.

§ 602.1801 *Responsibility for audits.* Government and contractor-maintained records pertaining to Government property in possession of contractors are subject to audit by the United States Army Audit Agency.

§ 602.1802 *Reports of audit.* (a) Audit findings and recommendations pertaining to the administration of Government property in possession of contractors will be reported in the internal audit report covering the audit of the activity administering the contracts involved. Heads of procuring activities will establish such controls and procedures as are necessary to insure that deficiencies recorded in reports of audit are corrected and that due consideration is given to any recommendation contained in the reports. Deficiencies not corrected as of the next audit of the activity will be reported to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., by the United States Army Audit Agency.

(b) Informal advisory reports of the results of audit of contractor's property records will be furnished the activity from time to time. Such reports may be in the form of separate letter reports or by comments contained in advisory audit reports pertaining to system surveys or to individual contracts. Unless specifically requested, no reply to such report is required. The action taken on such reports will be reviewed by the United States Army Audit Agency, and reported in the activity internal audit report.

§ 602.1803 *Records in unsatisfactory condition.* (a) If the Government or contractor-maintained records of Government property in possession of contractors are in such condition that the status of Government property cannot be ascertained without undue expenditure of time, a special report will be submitted by the United States Army Audit Agency, through the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., to the Head of the Procuring Activity, with an information copy to The Inspector General, Department of the Army, Washington 25, D. C.

(b) Upon receipt of the report, the Head of the Procuring Activity will direct the activity commander to take the necessary corrective action and will maintain a close followup to insure that such action is taken promptly. The Head of the Procuring Activity is responsible for insuring that the Regional

Director, United States Army Audit Agency is notified when corrective action has been taken.

(c) If the circumstances are such as to justify a waiver of accounting requirements, the case will be prepared and submitted in accordance with AR 735-79 (Administrative Army Regulations pertaining to Property Accountability).

8. In § 606.204-1, revise paragraph (c) to read as follows:

§ 606.204-1 *Personal or professional service.* * * *

(c) *Contracts for employment of other than experts or consultants which may involve personal or professional services.* Contracts with individuals or organizations containing any one or more of the following elements shall be submitted, prior to award, to the Head of the Procuring Activity involved for review.

9. Subpart H of Part 606, including §§ 606.801, 606.802, 606.803, 606.804, and 606.805, is revoked.

10. In § 606.1205-4, revise paragraph (c) to read as follows:

§ 606.1205-4 *Contract provision for progress payments.* * * *

(c) All requests involving progress payments at rates exceeding 70 percent of total costs or exceeding 85 percent of direct labor and material costs, if regarded favorably by the Head of a Procuring Activity, or by a general officer, designated by him, shall be forwarded with supporting information through the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, to the Comptroller of the Army, in accordance with the provisions of § 82.64 of this title.

[C4 and C5, APP, Jan. 30, and Mar. 28, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U. S. C. 2301-2314)

[SEAL] R. V. LEE,
Major General,
U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 58-3356; Filed, May 5, 1958; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

VARIATIONS IN FORM OF RENEGOTIATION AGREEMENT

Section 1498.2 (g) *Special provisions relating to pending price revision* is amended by inserting, in the last sentence of the form of clause set forth in subparagraphs (2) and (4), the following:

1. In each case, after "Act," insert "after being reduced by the sum of __________ (__________) Dollars representing the taxes measured by income, other than Federal taxes, which are attributable to the portion of the profits of the Contractor which is not excessive,".

2. In each case, "after any such additional profits", insert "as so adjusted".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: May 1, 1958.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 58-3379; Filed, May 5, 1958; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

REALLOCATION OF CERTAIN FREQUENCY BANDS; CORRECTION

In the matter of amendment of Parts 2, 4, 7, 8, 9, 10, 11, 12, 16, and 21 of the Commission's rules and regulations to reallocate certain frequency bands above 25 Mc, now designated for exclusive Amateur or other non-Government use to Government services on a shared or exclusive basis, and conversely to reallocate to non-Government use certain bands now designated for Government use.

The Commission's Memorandum Opinion and Order of April 16, 1958 (FCC 58-379, mimeo no. 57291) in the above entitled matter (published in the FEDERAL REGISTER April 23, 1958) (23 F. R. [illegible]) is corrected in the following particulars:

1. Amend footnote US104A under amendatory paragraph 2 of Part 2 (§ 2.104 (a) (5)) to read as follows:

US104A Each non-Government station in the fixed service, authorized to operate in the band 890-942 Mc and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiopositioning service during such term. Renewals of such authorizations, however, shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 Mc, (2) accept any harmful interference that may be experienced from the radiopositioning service, and (3) shall not cause harmful interference to the radiopositioning service.

2. Add the text of footnote[1] under amendatory paragraph 7 of Part 16 (§ 16.402 (d)), immediately following the frequency table, to read as follows:

[1] Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

3. Correct amendatory paragraph 6 of Part 21 to read as follows:

6. In § 21.804 (d), delete the entire line concerning the frequency band 2450-2500 Mc.

Released: May 1, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3380; Filed, May 5, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 39, 149, 301]

MONTHLY RETURNS AND PAYMENT OF EMPLOYMENT TAXES AND EXCISE TAXES, AND PROCEDURE AND ADMINISTRATION RELATING TO SEPARATE ACCOUNTING FOR CERTAIN COLLECTED TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL O. HARRINGTON,
Commissioner of Internal Revenue.

Regulations relating to monthly returns and payment of employment taxes and excise taxes; and Regulations on Procedure and Administration amended to conform to amendments made to of the Internal Revenue Code of 1954 by act of February 11, 1958 (Public Law 85–321), relating to separate accounting for certain collected taxes.

The following regulations relate to monthly returns and payment of employment taxes and excise taxes, and to separate accounting for certain collected taxes pursuant to section 7512 of the Internal Revenue Code of 1954, as added by the Act of February 11, 1958 (Public Law 85–321, 72 Stat. 5).

Regulations on monthly returns and payment of employment taxes (26 CFR (1954) Part 39):

PARAGRAPH 1. The following regulations, relating to monthly returns and payment of certain employment taxes imposed by subtitle C of the Internal Revenue Code of 1954, are hereby prescribed under those administrative provisions of subtitle F of such Code which are applicable to such taxes:

Sec.
39.1–1 Introduction.
39.1–2 Monthly tax returns.
39.1–3 Payment of tax.
39.1–4 Information returns or statements.
39.1–5 Extensions of time for filing information returns.
39.1–6 Application of regulations.

§ 39.1–1 *Introduction.* (a) The purpose of the regulations in this part is to provide rules for (1) the filing by employers, under certain circumstances, of monthly returns of employment taxes in lieu of quarterly returns, (2) the payment of the taxes required to be reported on such monthly returns, (3) the filing of quarterly information returns disclosing information similar to the information called for in Schedule A of Form 941, Form 941PR, or Form 941VI, and (4) the filing of Forms W–3 or similar statements, together with the district director's copies of Forms W–2, by employers who are required to file such monthly returns.

(b) The terms used in the regulations in this part have the same meaning as when used in the Employment Tax Regulations (Part 31 of this chapter), and as when used in Regulations 120 (26 CFR (1939) Part 406), and Regulations 128 (26 CFR (1939) Part 408), whichever is appropriate, to the extent such Regulations 120 and 128 are not superseded by such Employment Tax Regulations.

§ 39.1–2 *Monthly tax returns*—(a) *Requirement.* (1) The provisions of this section are applicable in respect of the taxes reportable on Form 941, Form 941PR, or Form 941VI pursuant to § 406.601 of Regulations 120 (26 CFR (1939) 406.601) or § 408.601 of Regulations 128 (26 CFR (1939) 408.601). An employer who is required by such § 406.601 or § 408.601 to make quarterly returns on any such form shall, in lieu of making such quarterly returns, make returns of such taxes in accordance with the regulations in this part if he is so notified in writing by the district director. The district director may so notify any employer (i) who, by reason of notification as provided in § 301.7512–1 of this chapter (Regulations on Procedure and Administration), is required to comply with the provisions of such § 301.7512–1, or (ii) who has failed to (*a*) make any such return on Form 941, Form 941PR, or Form 941VI, (*b*) pay tax reportable on any such form, or (*c*) deposit any such tax pursuant to regulations relating to section 6302 (c) of the Code, at the time and in the manner prescribed by applicable regulations. Every employer so notified by the district director shall make a return for the calendar month in which the notice is received and for each calendar month thereafter (whether or not wages are paid in any such month) until he has filed a final return or is required to make quarterly returns pursuant to notification as provided in paragraph (b) of this section. However, if the notice provided for in this subparagraph is received after the close of the first month of a calendar quarter, the first return under this section shall be made for the period beginning with the first day of such quarter and ending with the last day of the month in which the notice is received.

(2) Each return required under this section shall be made on the form prescribed for making the return which would otherwise be required of the employer under the provisions of § 406.601 of Regulations 120 (26 CFR (1939) 406.601) or § 408.601 of Regulations 128 (26 CFR (1939) 408.601), except that, if some other form is furnished by the district director for use in lieu of such prescribed form, the return shall be made on such other form.

(3) Each return required under this section shall be filed on or before the fifteenth day following the period for which it is made. No extension of time for filing such return may be granted by the district director.

(b) *Termination of requirement.* The district director, in his discretion, may notify the employer in writing that he shall discontinue the filing of monthly returns under this section. If the employer is so notified, the last month for which a return shall be made under this section is the last month of the calendar quarter in which such notice of discontinuance is received. Thereafter, the employer shall make quarterly returns in accordance with the provisions of § 406.601 of Regulations 120 (26 CFR (1939) 406.601) or § 408.601 of Regulations 128 (26 CFR (1939) 408.601).

§ 39.1–3 *Payment of tax.* (a) The taxes required to be reported on each return required pursuant to § 39.1–2 are due and payable to the district director at the time prescribed in paragraph (a) (3) of § 39.1–2 for filing such return.

(b) The provisions of paragraph (b) of § 406.606 of Regulations 120 (26 CFR (1939) 406.606) and of paragraph (b) of § 408.607 of Regulations 128 (26 CFR (1939) 408.607), relating to deposits of taxes pursuant to section 6302 (c) of the Internal Revenue Code of 1954, do not apply to taxes for the month in which the employer receives notice from the district director that returns are required under § 39.1–2, or for any subsequent month for which such a return is required.

§ 39.1–4 *Information returns or statements*—(a) *Federal Insurance Contributions Act.* (1) Every employer who is required under § 39.1–2 to make a return of tax under the Federal Insurance Contributions Act for any period within a calendar quarter shall make an information return for such calendar quarter. The information reported on such return shall include, with respect to each employee to whom the employer pays wages as defined in the Federal Insurance Contributions Act, the account number of the employee, the employee's name, the total amount of such wages paid by the employer to the employee during the calendar quarter, and such other information as may be called for on the form provided for making such return.

(2) Each return required under subparagraph (1) of this paragraph shall be made on Schedule A of Form 941, or the equivalent schedule of Form 941PR or Form 941VI, except that, if some other form or schedule is furnished by the district director for the purpose of making the return required by subparagraph (1) of this paragraph, the return shall be made on such other form or schedule.

(3) Each information return required under this paragraph shall be filed on or before the fifteenth day following the calendar quarter for which it is made, except that, if a tax return under § 39.1–2 is made as a final return for a period ending prior to the last day of a calendar quarter, the information return shall be filed on or before the fifteenth day following the period for which the tax return is filed.

(b) *Income tax withheld from wages.* (1) Every employer who is required under § 39.1–2 to make a return of income tax withheld from wages for a period ending December 31, or for any period for which such return is made as a final return, shall make an information statement for the calendar year which includes such period.

(2) Each information statement required under subparagraph (1) of this paragraph shall be made on Form W–3, except that, if some other form is furnished by the district director for use in lieu of Form W–3, the information statement shall be made on such other forms. The information statement shall be accompanied by the district director's copy of each withholding statement on Form W–2 required to be furnished by the employer with respect to wages paid during the calendar year (as well as such copy of each corrected statement for a prior year).

(3) Each information statement required by this paragraph shall be filed on or before January 31 following the calendar year, except that, if a return under § 39.1–2 is filed as a final return for a period ending prior to December 31, the information statement shall be filed on or before the last day of the month following such period.

§ 39.1–5 *Extensions of time for filing information returns.* The district director may, upon application of the employer, grant an extension of time in which to file any information return required under paragraph (a) of § 39.1–4. Such extension of time shall not extend beyond the last day of the calendar month in which occurs the due date prescribed in paragraph (a) of § 39.1–4 for

filing the information return. Each application for an extension of time for filing an information return shall be made in writing, shall be addressed to the district director with whom the employer will file the return, and shall contain a full recital of the causes for the delay. The application shall be filed with the district director on or before the due date prescribed in paragraph (a) of § 39.1-4 for filing the return.

§ 39.1-6 *Application of regulations.* **The regulations in this part supplement and modify provisions of existing regulations relating to returns, deposits, and payments of employment taxes, and shall be applicable after June 30, 1958, notwithstanding any existing regulation to the contrary.**

Regulations on monthly returns and payment of excise taxes (26 CFR (1954) Part 149):

Par. 2. The following regulations, relating to monthly returns and payment of certain excise taxes imposed by subtitle D of the Internal Revenue Code of 1954, are hereby prescribed under those administrative provisions of subtitle F of such Code which are applicable to such taxes:

Sec.
149.1-1 Introduction.
149.1-2 Monthly tax returns.
149.1-3 Payment of tax.
149.1-4 Application of regulations.

§ 149.1-1 *Introduction.* The purpose of the regulations in this part is to provide rules for (a) the filing, under certain circumstances, of monthly returns of excise taxes in lieu of quarterly returns, and (b) the payment of the taxes required to be reported on such monthly returns.

§ 149.1-2 *Monthly tax returns*—(a) *Requirement.* (1) The provisions of this section are applicable in respect of the taxes reportable on Form 720 pursuant to § 477.3 (a) of Treasury Decision 6025, approved July 3, 1953 (26 CFR (1939) 1957 Supp., 477.3 (a)). A person who is required by such § 477.3 (a) to make quarterly returns on Form 720 shall, in lieu of making such quarterly returns, make returns of such taxes in accordance with the regulations in this part if he is so notified in writing by the district director. The district director may so notify any person (i) who, by reason of notification as provided in § 301.7512-1 of this chapter (Regulations on Procedure and Administration), is required to comply with the provisions of such § 301.7512-1, or (ii) who has failed to (*a*) make any such return on Form 720, (*b*) pay any tax reportable on Form 720, or (*c*) deposit any such tax pursuant to regulations relating to section 6302 (c) of the Code, at the time and in the manner prescribed by applicable regulations. Every person so notified by the district director shall make a return for the calendar month in which the notice is received and for each calendar month thereafter (whether or not tax liability is incurred in any such month) until he has filed a final return or is required to make quarterly returns pursuant to notification as provided in paragraph (b) of this section. However, if a person filing returns on a quarterly basis receives the notice provided for in this subparagraph after the close of the first month of a calendar quarter, the first return under this section shall be made for the period beginning with the first day of such quarter and ending with the last day of the month in which the notice is received.

(2) Each return required under this section shall be made on Form 720, except that, if some other form is furnished by the district director for use in lieu of Form 720, the return shall be made on such other form.

(3) Each return required under this section shall be filed on or before the fifteenth day following the period for which it is made. No extension of time for filing such return may be granted by the district director.

(b) *Termination of requirement.* The district director, in his discretion, may notify the person in writing that he shall discontinue the filing of monthly returns under this section. If the person is so notified, the last month for which a return shall be made under this section is the last month of the calendar quarter in which such notice of discontinuance is received. Thereafter, the person shall make quarterly returns in accordance with the provisions of § 477.3 (a) of Treasury Decision 6025 (26 CFR (1939) 1957 Supp., 477.3 (a)).

§ 149.1-3 *Payment of tax.* (a) The taxes required to be reported on each return required pursuant to § 149.1-2 are due and payable to the district director at the time prescribed in paragraph (a) (3) of § 149.1-2 for filing such return.

(b) The provisions of § 477.4 (c) of Treasury Decision 6025 (26 CFR (1939) 1957 Supp., 477.4 (c)), relating to deposits of taxes pursuant to section 6302 (c) of the Internal Revenue Code of 1954, do not apply to taxes for any month, required to be reported on a return made pursuant to § 149.1-2, unless the due date prescribed in such § 477.4 (c) for making the deposit for such month occurs prior to the due date prescribed in paragraph (a) (3) of § 149.1-2 for filing such return.

§ 149.1-4 *Application of regulations.* The regulations in this part supplement and modify provisions of existing regulations relating to returns, deposits, and payments of excise taxes, and shall be applicable after June 30, 1958, notwithstanding any existing regulation to the contrary. However, any notice in effect under the provisions of § 477.3 (b) of Treasury Decision 6025 (26 CFR (1939) 1957 Supp., 4773 (b)) requiring the filing of a return for the month in which the regulations in this part are published in the Federal Register shall continue in effect as a notice under § 149.1-2 received in the month following the month of such publication.

Regulations on procedure and administration (26 CFR (1954) Part 301):

Par. 3. The regulations on Procedure and Administration (Part 301) are amended to conform to the amendments made to chapter 77 of the Internal Revenue Code of 1954 by the Act of February 11, 1958 (Public Law 85-321, 72 Stat. 5) relating to separate accounting for certain collected taxes, by inserting immediately after § 301.7511 the following new sections:

§ 301.7512 *Statutory provisions; separate accounting for certain collected taxes, etc.*

Sec. 7512. *Separate accounting for certain collected taxes, etc.*—(a) *General rule.* Whenever any person who is required to collect, account for, and pay over any tax imposed by subtitle C or by chapter 33—

(1) At the time and in the manner prescribed by law or regulations (A) fails to collect, truthfully account for, or pay over such tax, or (B) fails to make deposits, payments, or returns of such tax, and

(2) Is notified, by notice delivered in hand to such person, of any such failure,

then all the requirements of subsection (b) shall be complied with. In the case of a corporation, partnership, or trust, notice delivered in hand to an officer, partner or trustee, shall, for purposes of this section, be deemed to be notice delivered in hand to such corporation, partnership, or trust and to all officers, partners, trustees, and employees thereof.

(b) *Requirements.* Any person who is required to collect, account for, and pay over any tax imposed by subtitle C or by chapter 33, if notice has been delivered to such person in accordance with subsection (a), shall collect the taxes imposed by subtitle C or chapter 33 which become collectible after delivery of such notice, shall (not later than the end of the second banking day after any amount of such tax is collected) deposit such amount in a separate account in a bank (as defined in section 581), and shall keep the amount of such taxes in such account until payment over to the United States. Any such account shall be designated as a special fund in trust for the United States, payable to the United States by such person as trustee.

(c) *Relief from further compliance with subsection (b).* Whenever the Secretary or his delegate is satisfied, with respect to any notification made under subsection (a), that all requirements of law and regulations with respect to the taxes imposed by subtitle C or chapter 33, as the case may be, will henceforth be complied with, he may cancel such notification. Such cancellation shall take effect at such time as is specified in the notice of such cancellation.

[Sec. 7512 as added by sec. 1, Act of Feb. 11, 1958 (Pub. Law 85-321, 72 Stat. 5)]

§ 301.7512-1 *Separate accounting for certain collected taxes*—(a) *Scope.* The provisions of section 7512 and this section apply to—

(1) The following taxes imposed by subtitle C of the Code in respect of wages or compensation paid after February 11, 1958, for pay periods beginning after such date:

(i) The employee tax imposed by section 3101 of chapter 21 (Federal Insurance Contributions Act),

(ii) The employee tax imposed by section 3201 of chapter 22 (Railroad Retirement Tax Act), and

(iii) The income tax required to be withheld on wages by section 3402 of chapter 24 (Collection of Income Tax at Source on Wages); and

(2) The following taxes imposed by chapter 33 of the Code in respect of taxable payments made after February 11, 1958:

(i) The taxes imposed by section 4231 (1), (2), and (3) on amounts paid for admissions,

(ii) The taxes imposed by section 4241 on amounts paid as club dues,

(iii) The taxes imposed by section 4251 on amounts paid for communications services or facilities,

(iv) The taxes imposed by sections 4261 and 4271 on amounts paid for transportation of persons and property, respectively, and

(v) The tax imposed by section 4286 on amounts collected for the use of safe deposit boxes.

(b) *Requirement.* If the district director determines that any person required to collect, account for, and pay over any tax described in paragraph (a) of this section has, at the time and in the manner prescribed by law or regulations, failed to collect, truthfully account for, or pay over any such tax, or make deposits, payments, or returns of any such tax, such person, if notified to do so by the district director in accordance with section 7512 and paragraph (d) of this section, shall—

(1) Collect, at the times and in the manner provided by the law and the regulations in respect of the various taxes described in paragraph (a) of this section, all of the taxes described in such paragraph which become collectible by him after receipt of such notice;

(2) Deposit the taxes so collected, not later than the end of the second banking day after collection, with a bank, as defined in section 581, in a separate account established in accordance with paragraph (c) of this section; and

(3) Keep in such account the taxes so deposited until payment thereof is made to the United States as required by the law and the regulations in respect of such taxes.

The separate accounting requirements contained in subparagraphs (1), (2), and (3) of this paragraph are applicable, in the case of the taxes described in paragraph (a) (1) of this section, to taxes with respect to wages or compensation paid after receipt of the notice from the district director, irrespective of whether such wages or compensation was earned prior to or after receipt of the notice; and, in the case of the taxes described in paragraph (a) (2) of this section, to taxes with respect to taxable payments made after receipt of the notice from the district director, irrespective of whether the transactions with respect to which such payments were made occurred prior to or after receipt of the notice.

(c) *Trust fund account.* The separate bank account referred to in paragraph (b) of this section shall be established under the designation, "Special Fund in Trust for United States, Sec. 7512, I. R. C., payable to Internal Revenue Service on demand by (name of person required to establish account) as trustee". The taxes deposited in such account shall constitute a fund in trust for the United States payable only to the Internal Revenue Service.

(d) *Notice.* Notice to any person requiring his compliance with the provisions of section 7512 (b) and this section shall be in writing and shall be delivered in hand to such person by an internal revenue officer or employee. In the case of a trade or business carried on other than as a sole proprietorship, such as a corporation, partnership, or trust, notice delivered in hand to an officer, partner, or trustee shall be deemed to be notice delivered in hand to such corporation, partnership, or trust and to all officers, partners, trustees, and employees thereof.

(e) *Cancellation of notice.* The district director may relieve a person to whom notice requiring separate accounting has been given pursuant to section 7512 and this section from further compliance with such separate accounting requirements whenever he is satisfied that such person will comply with all requirements of the Code and the regulations applicable, in respect of the taxes to which the notice relates, in the case of persons not required to comply with the provisions of section 7512 (b). Notice of cancellation of the requirement for separate accounting shall be made in writing and shall take effect at such time as is specified in the notice of cancellation.

(f) *Penalties.* For criminal penalty for failure to comply with any provision of section 7512, see section 7215. For criminal penalties for failure to file return, supply information, or pay tax, for failure to collect or pay over tax, and for attempt to evade or defeat tax, see sections 7203, 7202, and 7201, respectively.

[F. R. Doc. 58-3413; Filed, May 5, 1958; 10:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[Docket No. AO-303]

HANDLING OF NECTARINES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of nectarines grown in the State of California, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Fresno, California, on March 19-21, 1958, pursuant to a notice thereof which was published March 1, 1958, in the FEDERAL REGISTER (23 F. R. 1272). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Nectarine Order Promulgation Committee, a committee of growers and handlers, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the secretary in administration of the program;

(c) The establishment of a committee of handlers to advise the administrative agency with respect to matters pertaining to regulation;

(d) The incurring of expenses and the levying of assessments;

(e) Authority to establish marketing research and development projects;

(f) The method for regulating shipments of nectarines grown in the production area;

(g) The provision of exemptions and the establishment of special regulations for nectarines handled to designated market areas within the State of California, or for nectarines handled in certain types of shipments or for certain specified purposes;

(h) The requirement for inspection and certification of nectarines handled;

(i) The establishment of reporting requirements for handlers;

(j) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(k) Additional terms and conditions as set forth in §§ 937.62 through 937.71 and published in FEDERAL REGISTER (23 F. R. 1272) on March 1, 1958, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 937.72 through

937.74, and also published in the said issue of the Federal Register, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Except for a very limited production in the State of Pennsylvania, the commercial crop of nectarines in the United States is produced within the production area in the State of California. For all practical purposes, such production is shipped in fresh market channels. In 1956, the lastest year for which complete data are available, of a total of 488 carloads shipped interstate by rail, 180 carloads were shipped to destinations in the North Atlantic region, 9 to destinations in the South Atlantic, 286 to destinations in the North Central, and 7 in the South Central. A total of 6 carloads was shipped to Canada In addition, more than 200 carlot equivalents were reported shipped by truck; of these shipments, 178 were distributed in States west of the Mississippi River, 33 east of the Mississippi, and 2 in Canada.

California is an important market for nectarines. Annual unloads for 1956 as reported by the Agricultural Marketing Service show unloads of 401 carload equivalents in Los Angeles, 44 in Oakland, and 48 in San Francisco. However, it is known that a considerable quantity of the nectarines counted in these unloads, particularly from Los Angeles, was later transshipped to destinations outside California. The market area of Los Angeles is a major assembly point for truck shipments of California fruits and vegetables. It is common practice for trucks to assemble mixed loads of fruits, or of fruits and vegetables in the market area of Los Angeles and to transport them to destinations in such States as Arizona, Colorado, Oklahoma, Texas, and others, mainly located west of the Mississippi River. A substantial quantity of nectarines moves out of Los Angeles in these mixed loads. Some quantities of nectarines are shipped from Los Angeles and San Francisco in export.

Any handling of California nectarines in fresh market channels exerts an influence on all other handling of such nectarines in fresh form. Sellers of nectarines, as of other commodities, endeavor to conduct their businesses so as to secure maximum returns for the nectarines they have for sale. The seller of nectarines continually surveys all accessible markets so that he may take advantage of the best possible opportunity to market the fruit. Markets within the State of California provide opportunities to dispose of nectarines the same as markets within other States, or for export; and the sale of a quantity of nectarines in a market within California exerts an equal influence on all other sales of nectarines as a like quantity sold in another market within any other State. If shipments of nectarines to markets outside California were regulated while those within the State were unregulated, growers and handlers would attempt to market within the State all the lower quality nectarines which could not be shipped under regulation. This would depress the price of nectarines in California markets to a level below that prevailing in markets outside the State. The existence of a lower price level for nectarines marketed within California would tend to depress the prices for nectarines sold in interstate markets. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used in bargaining for nectarines to be shipped into other markets, including markets outside the State of California. As a matter of fact, there is at least one major business concern which controls retail stores in Los Angeles, San Francisco, and other cities in California, as well as in cities along the eastern seaboard. The persons who exercise control in this concern are well aware of the price situation in all markets in which their outlets are located. Moreover, it appears obvious that with substantial quantities of poor quality nectarines burdening markets in the State of California, there would be little opportunity to sell in such markets nectarines meeting the requirements of the regulations established. The larger quantity of nectarines, which would be required to be sold in interstate markets under such circumstances, would likewise tend to lower the level of prices in the interstate markets.

The movement of nectarines by truck in complete loads is increasing. It is now customary to load nectarines on trucks at the packing shed. Often the buyer may not know the final destination of the nectarines at time of purchase. If the market is less favorable in the State of California than elsewhere, the purchaser moves the nectarines to a more favorable market outside the State. This, coupled with the transshipment of nectarines particularly from Los Angeles, would make it virtually impossible to effect compliance with regulations governing interstate shipments if shipments to markets within the State were unregulated. Because of the foregoing, it is concluded that the movement and sale of California nectarines, whether to a market within the State of California or outside thereof, affect prices of all nectarines grown in the production area. Therefore, it is hereby found that all handling of nectarines grown in the production area is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. Hence, except as hereinafter otherwise provided, all handling of all nectarines grown in the production area should be subject to the authority of the act and of the order.

(2) Although there has been considerable variation in annual production of California nectarines, the trend has been upward. In the 4-year period 1936–39 average annual production was approximately 11,000 tons, and in the period 1950–54 such production was slightly above 14,000 tons. Since 1954 the trend in production has increased sharply. In 1955 production was 24,000 tons. Production dropped to 19,000 tons in 1956 but in 1957 jumped to 36,000 tons. This recent sharp increase in production is a reflection of accelerated planting of nectarines beginning in 1950. Increased planting has been stimulated largely by the development of new varieties which have more attractive appearance and better shipping qualities. The acreage of nonbearing nectarine trees increased from 1,045 acres in 1950 to 6,223 in 1957 while bearing acreage increased from 2,716 to 3,633 during the same period. However, there was little or no increase in bearing acreage until 1955, as older orchards of the standard varieties were being pulled out at about the same rate as new plantings were coming into bearing. Bearing acreage in 1957 was estimated at 4,900 acres and the result is seen in the 36,000 tons produced that year. Nectarine trees produce a commercial crop the fourth season after planting. Planting records indicate that a major proportion of the trees now in bearing has not reached the maximum bearing stage. This, coupled with the potential of the more than 6,000 acres not yet in bearing, gives an indication of the problem developing within the industry.

While the season average price of California nectarines has been favorable and such average was 99 percent of parity for the 1957 season as a whole, it seems apparent in view of the prospective large increase in production that prices will be demoralized unless the industry organizes to avert such a development before the full impact of the increased supply is felt.

Moreover, even though from an overall standpoint favorable prices have been received for California nectarines, there were periods during each marketing season when nectarines of particular sizes, qualities, and maturities did not return costs of harvesting and marketing. Prices for nectarines are generally high at the beginning of the season, and growers and handlers are anxious to start shipping in order to take advantage of such prices. Likewise, some of the late maturing varieties develop more desirable size and color than the earlier varieties, and shippers tend to ship such late maturing varieties before they have reached a proper stage of maturity. Under such circumstances, the earliest shipments of each variety often have not been sufficiently mature to give consumer satisfaction. It is believed that consumer dissatisfaction arising from the purchase and consumption of such nectarines curtails demand for nectarines. It is particularly important in view of the prospective increase in production, which as it develops will have to be absorbed by the market, that the nectarines consumers receive are of desirable grade, quality, size, and maturity. Nectarines of sizes which are smaller than the normal size range for the particular variety do not develop the flavor and quality characteristics that are desired by consumers. Shipment of such nectarines depresses the price for all nectarines and contributes to disorderly marketing conditions for the desired sizes and qualities of such fruit. The establishment of regulations with respect to grade, quality, size, and maturity such as are contemplated under the order would provide whereby orderly marketing would be promoted. This would tend to effectuate the declared policy of the act. The containers used in the shipment of nectarines are mainly those which were developed for and used in the shipment of peaches and plums. These containers are the 4-basket crate, the Los Angeles lug, and the California peach box. There are some indications that these containers are not suitable in all respects for the shipment of all varieties of nectarines. The relatively recent development of a large number of new varieties, many of which develop larger fruit than the older standard varieties, and the increasing production of them has focused the attention of the industry on the need to develop more suitable containers in which to handle this fruit. Large sizes and varieties of nectarines particularly bring better prices than others. Evidence was presented to show that containers of nectarines have been mismarked as to size and variety. In some cases, the number of nectarines in the container corresponded to the count marked on the outside, but the nectarines were of such a size that a larger number would have been necessary to achieve a tight pack in the container. Not only is such improper marking misleading to buyers, but the failure to properly fill the container results in bruising of the fruit in transit. Improper marking, slack packs, and bruised fruit destroy trade confidence in nectarines. Restrictions on the size, capacity, dimensions, markings, and pack of containers used in the marketing of California nectarines would provide a means of enabling buyers and handlers alike to know the exact size and quantity of nectarines covered by prices quoted and would tend to increase trade confidence and stability in the marketing of this fruit.

Therefore, it is concluded that the establishment of the order, providing for the regulation of maturity, grade, size, and quality of shipments of California nectarines, and for the establishment of uniform containers to be used for such shipments, is necessary to effectuate the declared purposes of the act. Also, the establishment and maintenance in effect of minimum standards of quality and maturity, when prices are above the parity level, will effectuate such orderly marketing of California nectarines as will be in the public interest. The objective under such order is the tailoring of the supply of nectarines available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be packaged uniformly and be of desirable maturity, grade, size, and quality. Such limitations on shipments of California nectarines should contribute to the establishment of more orderly marketing conditions for such fruit and tend to increase the demand therefor.

(2) The term "nectarines" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all varieties of the fruit classified botanically as Prunus amygdalus nectarina which is grown in the production area. Such fruit is commonly called nectarines, and the term has a specific meaning to all growers, handlers, and others who produce and market the commodity.

The term "variety" should be defined in the order, as hereinafter set forth, since it is proposed, for reasons hereinafter discussed, to provide authority for different regulations for different varieties of nectarines. There are over 60 varieties of nectarines grown commercially in the production area but only about 20 of such varieties are now produced in significant quantities. Also, additional varieties are being propagated. Each of the varieties has characteristics which serve to distinguish it. From a market standpoint, however, they are competitive one with the other. It is necessary, therefore, that all varieties of nectarines, including those that may be developed in the future, be subject to regulations under the order.

A definition of "production area" should be set forth in the order to delineate the area in which the nectarines to be regulated are grown. Nectarine production in California currently is concentrated in the lower San Joaquin Valley. Since this area, by reason of soil and climate, is the best suited of any in the State for nectarine production, it is likely to continue as the major producing area. However, nectarines may be produced in any area of the State where soil and water conditions are such that necessary irrigation can be carried out; but commercial production has not been feasible in some areas. Where high humidity conditions exist, certain disease problems have restricted nectarine production. Also, nectarine trees require a certain number of hours of temperatures below 45 degrees during the winter months to produce a satisfactory crop; and these conditions are not always present in some areas. However, efforts are being made to develop varieties more resistant to disease and varieties with shorter chilling requirements. Improvements are being made in methods of controlling diseases. As these limiting factors are overcome, production of nectarines on a commercial scale will become feasible for all parts of the State. It is concluded, therefore, that the State of California is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of nectarines that is regulated, the term "handler" should apply to all persons who place nectarines in commerce by performing any of the activities within the scope of the term "handle," as hereinafter described. In other words, any person who is responsible for the sale, delivery, consignment, or transportation of nectarines, or who in any other way places nectarines in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of nectarines owned by another person should not be considered as making such carrier a "handler" as, in such instances, the carrier is performing services for hire and is not responsible for the quality or pack of the commodity. Of course, if the carrier is the owner of the nectarines being transported, such carrier would be the handler the same as any other person who may primarily be engaged in another business—such as producer or retailer—but at times is also a handler of nectarines.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place nectarines in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of nectarines begins at the time the fruit is picked from the trees and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling, consigning, delivering, or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of nectarines to fruit which conforms to the applicable regulations under the order.

There are some sales of nectarines on-the-tree. Also, after picking, it is usual for nectarines to be sorted, graded, packed, or otherwise prepared for market. Such preparation for market may be performed in the orchard where the fruit is grown or the nectarines may be transported to a packinghouse prior to sorting, grading, and packing. The grower, in such instances, properly relies on the person preparing the nectarines for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Moreover, such activities are, of necessity, preliminary to placing the nectarines in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to endeavor to require persons engaged in the preparation of nectarines for market to meet the requirements of regulations under the program until after such preparation. Therefore, such activities should be excluded from the definition of "handle." Nectarines may be sold, after packing, at the orchard where grown or at a packinghouse to truckers and others who transport the nectarines from such points to markets within and without the State. The sale or delivery of nectarines to such persons, and the subsequent movement to market, are handling transactions. Any person who engages in any such transaction, whether grower, packinghouse operator, trucker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the nectarines he handles meet all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading and otherwise preparing the nectarines for market. The primary responsibility for determining whether a particular lot of nectarines conforms to the applicable regulations should rest with the person who places such lot, or causes it to be placed, in the current of commerce. In most cases, such person will be the one who was responsible for grading and preparing the nectarines for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the nectarines are met at the time such persons handle the nectarines. This can readily be ascertained by determining that the nectarines have been inspected and certified as meeting such regulations or by having them inspected. As all handling of nectarines is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, delivery, or transportation of nectarines within the production area or between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the Nectarine Administrative Committee—the agency which will administer the program locally—are to be maintained. At the present time, it is desirable to establish a 12-month period ending the last day of February of each year as a fiscal period. Such a period would fix the end of one fiscal period and the beginning of the next at a time of inactivity in the marketing of nectarines. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, it may develop that for convenience of management, or for other good and sufficient reasons not now apparent, that it would be desirable to establish a fiscal period other than one ending the last day of February; hence, authority should be included in the order to provide for such establishment subject to approval of the Secretary pursuant to recommendations of the committee. Therefore, it is concluded that such term should be defined as hereinafter set forth to provide this flexibility.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "pack" is commonly used throughout the nectarine trade and refers to a combination of factors relating to the grade, size, quality, and quantity of nectarines in a particular type and size of container and to the arrangement of the nectarines within that container. For example, "U. S. No. 1, 4 x 5 pack" is considered by the nectarine trade as a specific pack. "U. S. No. 1" describes the grade, "4 x 5 pack," the size, the container (a 4-basket crate), quantity of nectarines, and the arrangement of the nectarines within the container. Under certain circumstances, it may be desirable to regulate shipments of nectarines on the basis of particular grades or sizes, or both, that may be shipped in a specific container or containers and to specify the arrangement of the fruit within the container. Hence, it is concluded that "pack" should be defined as hereinafter set forth.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged, within the production area, in the production of nectarines for market and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as eligibility to vote for, and to serve as, a member or alternate member on the Nectarine Administrative Committee and for other reasons. The term "grower" should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of committee members. The districts (i. e., the geographical divisions of the production area as established and as set forth in the order) represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

The term "container" should be defined in the order to mean a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging, or handling of nectarines. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which nectarines are sold or move to market, for which different regulations could be applicable.

The period of harvesting and shipping nectarines is commonly referred to in the industry as the "marketing season." The term "marketing season" is used in various instances in the order, hence it should be defined to insure that its meaning will be the same in each instance. A period beginning May 1 and ending November 30 would be sufficient to cover all fresh shipments of nectarines that are likely to be made in any season. Therefore, it is concluded that such period should be defined in the order as the "marketing season."

(b) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Nectarine Administrative Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 8 members. The members and alternates should be growers, or employees of growers. Alternate members should be provided to act in the place and stead of the members. A committee of 8 members would be large enough to provide representation to all segments of the industry. Employees of growers should be eligible to serve on the committee. Some growers of nectarines are corporations. These corporations and some of the larger individual growers have employees who are in complete charge of growing and marketing nectarines. Such employees would be qualified from the standpoint of knowledge and personal experience for service on the committee, and it would not be in the interest of the industry to deny them the opportunity to be nominated and to serve on the committee. Three of the members and their respective alternates should represent District 1. Two members and their respective alternates should represent District 2. Districts 3, 4, and 5 should each be represented by one member and an alternate. Such representation recognizes to the extent practicable the relative volume of production in the various districts. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons, such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

Each member of the committee and his alternate should be a grower, or an employee of a grower, of nectarines in district for which selected. Persons with such qualifications should be intimately acquainted with the problems of producing or marketing nectarines grown in such district and may be expected to present accurately the problems incident to the production or handling of nectarines grown in that district. However, since it is provided that both growers and employees of growers may serve on the committee, the order should provide that a grower, including employees of such grower, shall be eligible to fill but one position on the committee regardless of the number of districts in which he produces nectarines. This is necessary to prevent any grower from securing disproportionate representation.

The term of office of committee members and alternates under the proposed program should be for one year beginning March 1 and ending the last day of February. This will establish an orderly procedure for changing the membership of the committee. The establishment of a term of one year will give growers an opportunity to express their wishes as to those they desire to serve on the committee the following marketing season. The term of office will begin sufficiently in advance of the time shipment of nectarines commences each season to allow adequate time for the committee to organize and start operating. Since it is possible that the new committee members may not be appointed immediately upon expiration of the term of existing members, or that same may fail to qualify immediately, provision should be made for members to continue to serve on the committee until their successors are selected and have qualified. This is necessary to insure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; and the nomination of prospective members and alternate members at meetings of the growers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held or caused to be held by the committee not later than February 15 of each year. Insofar as possible, the committee should schedule such nomination meetings at such times and places as will result in maximum grower participation. By having such nomination meetings not later than February 15 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary prior to the expiration of the terms of office of existing members. The committee should be authorized to adopt procedural rules for the conduct of nomination meetings so that such meetings will be held in an orderly and uniform manner.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial committee members and alternates from nominations which may be made by growers or appropriate groups thereof, or from other eligible persons; and the order should so provide. Because of the numerous meetings held throughout the production area in preparation for the hearing and the wide acquaintance gained thereby, the Nectarine Order Promulgation Committee representing the proponent group is well qualified to submit initial nominations. The order should provide that such committee may submit such nominations and that, if it deems it advisable, may conduct meetings of the growers in the various districts to secure such nominations. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than the effective date thereof.

The order should provide that only growers who are present at the nomination meetings, or who are represented at such meetings by a duly authorized employee, may participate in designating nominees for members and alternates. In regard to such participation, the proposal set forth in the notice of hearing would permit a grower to cast one vote for each position to be filled from the district in which he is a producer. However, concern was expressed at the hearing at the possibility that permitting growers in a district with two or more member positions on the committee to cast a vote for each position to be filled might result in the election of all nominees for the district from the same local area. The feeling was expressed generally that such an occurrence would be undesirable, as growers in other areas within the district would feel that their problems were inadequately represented on the committee. It was generally conceded that steps should be taken to prevent such an occurrence. A proposal was made that the order authorize the committee to establish subdivisions of districts having two or more member positions on the committee if it became desirable to do so, so that a member and alternate would be chosen in each such division. A further proposal was made to limit the vote of each grower to one vote for one member and one vote for one alternate in the district in which he produces nectarines regardless of the number of positions to be filled from the respective district. It was advanced that this would be sufficient to accomplish the desired objective as the growers from any one area would not be permitted to vote for all positions to be filled. Since there was no disagreement as to the desirability of providing a means of assuring equitable representation within districts, it is concluded that the order should provide, as hereinafter set forth, that each eligible grower shall cast but one vote for one member and one vote for one alternate member in the district in which such grower produces nectarines. For the same reasons set forth concerning the provision of growers' employees serving on the committee, an authorized employee of a grower should be permitted to vote in place of such grower. However, this is not intended to permit any grower business unit (whether an individual, partnership, corporation, or otherwise) more than one vote each for one member and one vote for one alternate in any one particular district.

In order that there will be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to help insure that each district will have representation at meetings. If any committee member is sick, or otherwise unable to attend a meeting, the alternate member should represent the district at such meeting. Each alternate who is selected should have the same qualifications for membership as the members of the committee and should be able to perform such duties as are assigned to him by the committee. The alternate should be able to take over the duties of the member for the district represented should the member die, be removed from office, or be disqualified. The alternate should serve until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that in the event neither member nor his alternate is able to attend a meeting, such member or the committee may designate any other alternate member from the same district who is not acting as a member to serve in such member's place and stead.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, and that it may develop that there are other duties which the committee may need to perform.

With respect to the provision set forth in § 937.31 (1) providing for redistricting and reapportionment of membership on the committee, such provision is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. The division of the production area into the districts as set forth in the order is a logical one at the present time from the standpoint of geographical considerations and relative volume of production. However, shifts or other changes which may take place in the future due to increased or decreased production cannot be foreseen. Additional plantings of nectarines are continuing to being made within the production area. New varieties are being developed which may extend planting to new locations within such area. Decreased acreage may result from the pulling out of trees of undesirable varieties. Therefore it is desirable to provide flexibility of operation so that if it should be in the best interests of the administration of the order to change the boundaries of districts, or reapportion the representation on the committee among districts, the committee may so recommend; and the Secretary may take such action.

At least 6 members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make any decisions; and decisions of the committee for recommending regulations should require a minimum of 5 concurring votes. All other actions of the committee should require a majority vote of those present, which would insure a minimum of at least 4 concurring votes. These provisions will assure that the actions of the committee will be considered by at least three-fourths of the committee and that recommendations for regulation will be approved by not less than a majority of the entire committee.

In addition to meetings held where the committee is assembled in one place, the committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that the members and alternates of the committee may receive compensation for the time spent in attending committee meetings. The order authorizes a maximum of $5.00 per day for this purpose, since the time so spent is usually at financial sacrifice to their personal businesses. While the payment of an amount not to exceed $5.00 per day will be no means fully compensate such members and alternates for the time spent away from their personal businesses, there are producers in the production area who are willing to represent the industry by serving on the committee even though they do so at some personal sacrifice. The order also should provide for reimbursement of actual out-of-pocket reasonable expenses incurred by members and alternates on committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all nectarine growers and handlers in the production area.

In order for an alternate to adequately represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same compensation and reimbursement of expenses that are available to members should be made available also to alternate members when they are so requested and attend such meetings as alternates.

Provision should be made in the order whereby each committee will prepare an annual report as soon as practicable after the close of the marketing season. Such report should consist primarily of statistical data such as total shipments by variety, by district, and by size. Such reports would provide committee members, the industry, and the Secretary with a valuable reference information which would be useful from the standpoint of establishment of regulations and the evaluation of varieties and sizes.

(c) Provision should be made in the order for an advisory committee of handlers, to be known as the Shippers' Advisory Committee, the function of which would be to advise the Nectarine Administrative Committee on marketing conditions and to suggest the level of regulation believed, by the advisory committee, to be necessary to effect orderly marketing of the crop. Handlers are in daily contact with market receivers and, by reason of their experience and the knowledge gained by such contacts, will be in a position to furnish the administrative committee with valuable information regarding market conditions and preferences. Growers often are primarily concerned with production problems and may not have the up-to-date information on marketing conditions needed to formulate recommendations for regulations of a variety or group of varieties which would be most beneficial. The provision for an advisory committee will tend to give the balance necessary to the development of economically sound regulation of nectarine shipments.

An advisory committee composed of five handlers, or employees of handlers, should be sufficiently large to provide representation of all handler groups. The members of the advisory committee should be selected by handlers at an annual meeting held by the administrative committee. Selection of the members of the advisory committee by the handlers will tend to provide such handlers with a voice in the operation of the order. However, the administrative committee should be authorized to prescribe such procedures for the election of such members as may be necessary to assure that the advisory committee is reasonably representative of all handlers.

The members of the advisory committee should serve during the marketing season for which they are selected and, since they will be performing a service for the committee, they should be reimbursed for reasonable expenses incurred in their attendance of administrative committee meetings. Employees of handlers, as well as handlers themselves, should be eligible to serve on the committee for the same reasons as given heretofore for making both growers and their employees eligible to serve on the administrative committee. Each member of the advisory committee should have an alternate, having the same qualifications as the member, so that a full committee would be available at all times. Such an alternate would serve in the place of the member whenever the latter was unable, for any reason, to attend meetings of the administrative committee.

(d) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its power and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order, and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each handler who first handles nectaduring a fiscal period should pay assessments to the committee, at a rate fixed by the Secretary, on all nectarines handled. In this way, each handler's total payments of assessments during a fiscal period would be proportionate to the quantity of nectarines handled by each such handler and assessments would be levied on the same nectarines only once.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Each budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment to be applicable during a fiscal year should be fixed by the Secretary on the basis of the recommendation of the committee, or from other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis and in an amount designed to secure sufficient funds to cover the expenses which may be incurred during the fiscal period and to accumulate and maintain an operating reserve.

The accumulation and maintenance of an operating reserve are important and accepted functions of any business. Such a reserve is especially necessary to the continued effective and economical operation of the order over a period of years. In most years, shipments of nectarines will not be made in any substantial volume until after July 1, or more than four months after the beginning of the fiscal year. The period prior to the shipping season will be the period of greatest activity as the committee will be surveying the prospective crop and market conditions and developing a marketing policy for the marketing of the crop. In all probability, over one-half of the committee's expenses for the fiscal period generally will be incurred before current assessment income is equal to current expenses. While the committee should be authorized to accept advance payments of assessments from handlers, as one means of financing its early organization, it usually would be necessary unless an operating reserve is established to borrow the funds to operate during the portion of each fiscal period until assessment income is sufficient to meet expenditures. The cost of such borrowing is, of course, an expense of operation and, as such, is borne by handlers. Over the years, therefore, handlers would have to pay expenses under the order which would equal or exceed the cost of establishing and maintaining an operating reserve.

A further saving would accrue to the industry through such a reserve by reason of the manner in which nectarines are marketed. The record of the hearing shows that about 95 percent of all nectarine shipments are handled for the account of the grower—i. e., the handler markets the nectarines of growers and, after deducting the marketing costs, including any assessments under an order, the net proceeds are paid to such growers. Therefore, while the assessments are collected from handlers, the nectarine growers are the ones who actually pay them. If provisions were not made for a reserve, it would be necessary to return to handlers any excess of assessment income over actual expenses during each fiscal period. The cost of determining each handler's pro rata share of such excess and the refunding of such shares to handlers would be an expense chargable to such fiscal period. In addition, handlers upon receipt of such refunds would have the obligation of returning to each of their growers his pro rata share of the refund. Where the excess of assessment over expenses during a fiscal period is not large, the costs to handlers of returning to growers their proportionate shares of such excess well may exceed the total refund involved.

There are further advantages that would accrue to the industry through the existence of such an operating reserve. Funds would be available to pay a deficit during any season when, either by overestimation of nectarine shipments or an unexpected reduction in the crop by weather hazards, assessment income did not equal expenses. Without the reserve, it would be necessary for handlers to cover the deficit. Where handlers had already made returns to growers, it would be difficult to obtain the additional funds from growers that would be required to meet the increased assessment that would be necessary. Also, it would constitute an extra burden on the industry to increase the assessment rate after some disaster had reduced the crop.

The reserve fund would be available for use in connection with the liquidation of the program in the event the order is terminated, as well as to cover operational costs, such as salaries and other necessary expenses, during any period when the order, or any of its provisions, is inoperative or suspended. It is possible, of course, that the program may be terminated at the end of a fiscal period, or during a year when the production of nectarines is relatively light. In such circumstances, it would be burdensome to handlers to require payment of an assessment to cover the liquidation costs. All handlers receive benefits from the program's operation; and even if a handler ceases handling nectarines before the full time of its operation has expired, it would be appropriate and equitable for such handler to share in the expense of liquidation. Should the order provisions be suspended, it is likely such suspension would occur during a period when nectarine production has been seriously curtailed. It would seem reasonable and proper, therefore, to use the reserve funds to defray the costs of liquidation or any necessary expenses during a period when particular provisions of the order are inoperative. It is anticipated, of course, that the committee will endeavor to minimize costs in this regard as far as reasonably practicable consistent with the efficient performance of its responsibilities.

Evidence presented at the hearing was to the effect that the handlers of nectarines have been a relatively stable group with few changes in personnel from year to year and that it would be equitable, and far less burdensome, to contribute to the establishment of such an operating reserve during years of normal production rather than to have a high rate of assessment during a season when the crop is materially reduced. Moreover, the growers of nectarines do not change frequently as production of tree crops cannot be shifted rapidly to other commodities. In other words, those who would be making the slightly higher payment that might be required in the years when the reserve fund was being established would benefit when the assessments would be correspondingly reduced.

The proposed reserve fund should be built up slowly over a number of years to avoid imposing a high assessment for this purpose. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess funds at the end of a fiscal period for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expenses be provided. After the reserve is built up to that amount, the assessment rate for following fiscal periods should be fixed so that a deficit may be incurred. Any such deficits should be paid from the reserve until it reaches a level considered too low for the purpose for which it was established, as heretofore described, after which replenishment of the reserve should be undertaken. In this manner, the industry would receive full benefits of the economy of operation which will result from the committee never being in the position of having to incur the cost of borrowing money to finance operations during the pre-harvesting period when assessment income would not cover expenses or of having to make refunds of excess assessments at the end of a fiscal year. Such handling of the assessments and reserve funds is believed to be equitable, in the circumstances, and would effect desirable economies in the administration of the program.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed.

Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances. In view of the foregoing, it is, therefore, concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of reserve fund in the manner heretofore described.

Should it develop that assessment income, during a fiscal period, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all nectarines handled during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportionate to the total volume of nectarines handled during that period. Likewise, should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods would tend to increase rather than decrease total expenses as complete liquidation of the committee's affairs would be necessary to eliminate the payment of any salaries, rent, or utilities. Thereafter, when operations were resumed, it would be necessary to hire and train new personnel and new quarters would have to be obtained and outfitted. Such costs probably would exceed the expenses of maintaining an office and a minimum staff during a period of suspension. Moreover, the committee should be in a position to resume its functions at any time conditions are such that a period of suspension of operations should be terminated. Since expenses will not cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments during such periods.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property and other assets to the committee. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the committee the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

(e) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of nectarines.

Through the medium of research investigation, the committee should be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to nectarines which would be of value in determining what regulations should be established, in accordance with the act and the order, for the benefit of the nectarine industry in the production area. Specifically mentioned was research to develop more suitable containers and investigation of handling methods which would tend to maintain quality. Measurement of consumer acceptability of various varieties and work on the development of new markets were indicated as fields needing attention. As the committee becomes more aware of the areas of marketing research and development which may profitably be entered, other projects will undoubtedly be initiated, the scope and character of which may not have been apparent during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising and sales and trade promotion projects which are not permitted by the act), to spend assessment funds for them and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by the lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies such as State universities and public and private agencies. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

(f) The declared policy of the act is to establish and maintain such orderly marketing conditions for nectarines, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of nectarine shipments by maturity, grade, size, or quality, or any combination thereof, as authorized in the order, provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of nectarine shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of nectarines. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for nectarines, since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such maturity, grade, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions to the end that favorable returns would be received by growers for nectarines. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the amendment, modification, suspension, or termination of such regulations, as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to help growers to obtain favorable returns through establishment of more orderly marketing conditions for nectarines. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments, or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The maturity, grade, size, and quality of nectarines which are shipped at any particular time have a direct effect on returns to growers. It is a fact that poorer grades, and less desirable sizes, of nectarines marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of nectarines of low grade should result in more favorable returns for the better grades marketed by eliminating the price depressing effect of poor quality nectarines.

Handlers have shipped in fresh fruit channels immature nectarines and nectarines of less desirable grade and quality and of undesirable size. Such nectarines may be sold only at discounts. The returns from such sales often do not cover the cash costs of harvesting and marketing. The sale of this type of fruit tends to depress the prices for the entire crop, for the particular year, below the level which otherwise would exist if only fruit of suitable maturity, grade, size, and quality, considering the supply and demand conditions for such fruit, is available in the markets.

The demand for particular grades, sizes, and qualities of nectarines varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply situation for nectarines is subject to changes from time to time during a particular season depending upon the varietal composition of the nectarines available at any given time as well as the overall volume and quality of the crop. The supply and demand for nectarines during a portion of the season may be such that a quantity of a particular size may be marketed to advantage but to endeavor to market all of the nectarines of such size may reduce the prices received for such size to less than marketing costs and tend to demoralize the market for all other qualities and sizes of nectarines. Hence, the committee should have the authority to recommend, and the Secretary to fix, regulations which would permit only a portion of a particular size of a variety or varieties of nectarines to be handled during a specified period.

The grade, size, and quality composition of the nectarine crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. As the volume of production increases, there doubtless will be a sufficient volume of nectarines harvested in the production area so that the shipment of only the more desirable grades, sizes, and qualities of nectarines could fill market demands. Proper maturity is an important factor determining consumer acceptance. Prices for nectarines in the production area generally start each season at a high level. Haste to take advantage of high prices early in the season has frequently caused the shipment of immature, excessively small, and poor quality nectarines. Also, some of the later varieties develop larger sizes and more color, and these often are shipped before they reach proper maturity at various times during the season presumably to take advantage of better prices. This has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand. In view of the prospective large increase in the volume of production, it is particularly important that consumers be presented with nectarines which are of desirable maturity, grade, size, and quality. Therefore, the order should provide for the establishment by the Secretary of regulations by maturity, grade, size, quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the hereinafter enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the nectarine crop will be marketed.

As heretofore stated, more than 60 different varieties of nectarines are grown in the production area. However, only about 20 are produced in commercially significant quantities. Each variety has certain characteristics which serve to distinguish it from other varieties. The differences in characteristics, such as shape, size, color, and maturing characteristics, may make it undesirable to apply the same regulations to all varieties, in that under certain circumstances a given regulation may eliminate an excessive proportion of some varieties from the market. For example, it may be undesirable to apply the same size regulation to a variety which normally grows to smaller sizes as to those which grow to larger sizes. Also, differences in demand exist for some varieties which may make it desirable to recognize such differences in the establishment of regulations. The order should, therefore, provide authority for the issuance of different regulations for different varieties.

Regulations issued should cover the entire production area. Minor variations occur in characteristics of varieties in different locations within districts as well as between districts, but such variations are insufficient to justify the issuance of different regulations. Such variations are as great within districts as between districts and can be largely overcome through proper cultural practices.

The containers used in the shipment of nectarines, as heretofore indicated, are mainly those which were developed for use in the shipping of peaches and plums. These containers are the 4-basket crate, the Los Angeles lug, and the California peach box. Indications are that such containers are not entirely suitable for shipment of all varieties of nectarines. The recent development of new varieties of nectarines which grow to larger sizes than the older standard varieties has focused the attention of the industry on the need to develop more suitable containers in which to handle nectarines, particularly those of the larger sizes. The development and standardization of improved shipping containers would tend to promote orderly marketing of this fruit. Certain detrimental marking practices with respect to containers and the pack of containers have been followed by handlers in the nectarine industry. Larger sizes in general and some particular varieties of nectarines customarily bring higher prices than others. Containers of nectarines have been marked to indicate that the nectarines therein were of a size larger than was actually in such container. Likewise, containers have been marked to indicate that the nectarines in such containers were of a variety having greater trade acceptance than that actually packed in such containers. The size of nectarines in the Los Angeles lug and the California peach box is usually quoted by count, i. e., the number that it takes to fill the container when packed in accordance with good commercial practice. Good commercial practice requires a tight pack which prevents shifting of the fruit in the container, as such shifting bruises or otherwise damages the fruit. When fruit is marked to show the number of fruit (count) in the container, it takes that number of nectarines of a particular size to make a tight pack. In some cases, the count of nectarines in the container has corresponded to the number marked on the outside, but the nectarines were of such a size that a larger number would have been necessary to achieve a tight pack. Not only is the mismarking of containers misleading to buyers, but the failure to properly fill the containers is destructive of fruit quality in transit. Such practices destroy trade confidence, reduce demand, and contribute to disorderly marketing conditions. Hence, it is concluded that the order should provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, markings, or pack of the containers which may be used in the packaging or handling of nectarines including authority to regulate shipments of nectarines differently for containers of different capacities on the basis of the particular grades and sizes which may be packed in such containers.

It is not in the public interest to cease regulation when the season average price of nectarines exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both, and such grading and inspection requirements, during any and all periods when the season average price for nectarines may be above parity, as will effectuate such orderly marketing of nectarines and will be in the public interest. Some nectarines do not give consumer satisfaction regardless of the price level. Nectarines which are immature or otherwise of undesirable quality and nectarines of sizes below the normal size range for the particular variety are examples of the type of fruit that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of insufficiently mature nectarines or fruit lacking in the quality necessary to assure delivery in satisfactory condition would cause an adverse buyer reaction and would tend to demoralize the market for later shipments of such fruit. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulation when the season average price is above parity. Hence, the discontinuance of regulations during seasons when the average price exceeds parity could adversely affect consumers and also result in dissipation of all benefits from the prior operation of the program.

Adverse growing conditions and weather factors may cause some fruit to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. The possible development depends on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality and maturity that may be made applicable during a particular year should be established by the Secretary upon the basis of the recommendations of the committee, made after review of the existing conditions that year, or other available information.

(g) The order should provide for the exemption from its provisions of such handling of nectarines which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Nectarines which are handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for nectarines sold for fresh consumption in the domestic and export markets. Hence, nectarines handled for such purposes should be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of nectarines, in such specified small quantities, or types of shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of nectarines in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments, and the period during which such exemptions should be in effect.

At the hearing particular reference was made to the nature of the distribution system in the State of California wherein at least 90 percent of the nectarines distributed intrastate passes through a few of the larger markets in the State. Growers often find that their local retail food store is handling nectarines which have made a round trip to the San Francisco Bay Area or to Los Angeles. Because of this, it was advanced that effective control of all intrastate shipments might be achieved by regulating shipments through the principal metropolitan areas of the State. It is recognized, as hereinbefore noted, that all intrastate handling of nectarines burdens, obstructs, or affects interstate or foreign commerce. However, if effective control of such handling can be achieved through the regulation of shipments to the larger metropolitan areas of the State, it would be in the interest of the nectarine industry to exclude from regulation those shipments that it is unnecessary to regulate to effectuate the purposes of the act. The volume remaining uncontrolled would be small and probably very difficult to inspect and assess. In view of the foregoing, it is concluded that the order should include authority to exempt, as hereinafter set forth, the handling of nectarines to designated areas within the State of California. If handling to certain areas is exempted, and it is later deemed advisable because of changing conditions or otherwise to regulate such handling, regulations can be established for shipments to such areas.

The allowance of any exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent nectarines handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the nectarines moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such nectarines do not have to comply with grade, size, quality, and other requirements. These procedures might include such requirements as filing applications for authorization to move nectarines in exempted channels and certification by the receiver that such nectarines would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(h) Provision should be made in the order requiring all nectarines handled, whenever regulations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation. Inspection and certification of all nectarines subject to regulation are essential to provide evidence of compliance with the regulations in effect. As the handler of a lot of nectarines is responsible for compliance with the regulations and is the only person with prior knowledge that the nectarines are to be handled, it is reasonable and necessary to require handlers to submit each lot of nectarines handled for inspection and certification. Handlers are familiar with the Federal and Federal-State Inspection Services and with the procedures for inspection and certification of fruits in the production area. The evidence of record indicates that only such services are in a position to perform the required inspection and certification. However, the requirement of mandatory inspection poses some problems which require specific handling. As indicated heretofore, there are some small grower-packers who pack their nectarines in the orchard. These so-called shade-tree packers often are located some distance from shipping centers and primarily ship their fruit by truck to markets within the production area. The largest daily volume of this fruit is packed and shipped on Sunday, and inspection has been available only at a high per package cost because of the established minimum fees, and overtime and travel charges. To solve this problem, the committee should be authorized to contract with the inspection services for the costs of inspection and certification required by the order and to collect from the handlers their pro rata shares of such costs. In this manner, the costs, per package, for the required inspection and certification will be uniform to all handlers and the industry will pay only the actual costs of such services. A representative of the inspection services testified that such an agreement could be satisfactorily arranged. It must be recognized, however, that there will be some instances of small irregular shipments from outlying areas where it will not be practical to have an inspector make the required inspection prior to the handling of the nectarines. The order should, therefore, authorize the committee to issue a waiver of inspection where it would not be feasible, under the circumstances, to inspect a particular shipment of nectarines. Such waivers of inspection should be issued only to the extent necessary. The order should provide that the committee should adopt, subject to the approval of the Secretary, rules and regulations to govern the issuance of such waivers so as to assure that this exception would be carried out on a fair and equitable basis.

Responsibility for having each lot of nectarines inspected, or obtaining an appropriate waiver therefor, should fall on each persons who handles nectarines. In this way, not only will the handler who first ships or handles nectarines be responsible for meeting this requirement but also no subsequent handler may handle such nectarines unless a properly issued inspection certificate or waiver, valid pursuant to the terms of the order and the applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments of nectarines conforms to all requirements of the order if the regulations are to be of maximum benefit.

After the first handler of a lot of nectarines has had such lot inspected and certified as meeting all applicable regulations, subsequent handlers should, under ordinary circumstances, be permitted to handle such fruit without incurring the expense of another inspection. To facilitate the identification of lots that have been inspected prior to movement to transshipment points, all nectarines inspected at shipping points should be appropriately marked to so indicate unless such nectarines are being loaded for direct shipment to destinations outside the production area. However, some nectarines are placed in refrigerated storage for short periods after being packed and inspected and prior to the final handling. Should such stored fruit be held in storage too long, and deteriorate materially, it would have an adverse effect upon the market equal to any other shipment of nectarines not meeting the regulation requirements. Hence, authority should be provided to establish a period of time prior to shipment during which the required inspection must be performed. This would mean that, even though a particular lot of nectarines has been inspected, if such inspection was performed prior to the period specified, an additional inspection would be required. Such a provision is necessary to prevent the handling of fruit which has been stored too long and deteriorated.

(i) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is anticipated that most of the information needed by the committee in order to carry out its functions can be obtained from copies of shipping manifests. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information with respect to nectarine shipments may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information may not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information which may affect detrimentally the trade or financial position, or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of nectarines. Such records should be retained for not less than two succeeding years.

(j) Except as provided in the order, no handler should be permitted to handle nectarines, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle nectarines except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(k) The provisions of §§ 937.62 through 937.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 937.72 through 937.74, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 937.62 *Right of the Secretary;* § 937.63 *Effective time;* § 937.64 *Termination;* § 937.65 *Proceedings after termination;* § 937.66 *Effect of termination or amendment;* § 937.67 *Duration of immunities;* §937.68 *Agents;* § 937.69 *Derogation;* § 937.70 *Personal liability;* and § 937.71 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 937.72 *Counterparts;* § 937.73 *Additional parties;* and § 937.74 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. April 7, 1958, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of nectarines grown in the production area in same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of nectarines grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of nectarines grown in the production area as defined in said

marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 937.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 937.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 937.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 937.4 *Production area.* "Production area" means the State of California.

§ 937.5 *Nectarines.* "Nectarines" means all varieties of Prunus Amygdalus Nectarina, commonly called nectarines, grown in the production area.

§ 937.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of nectarines.

§ 937.7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on March 1 of one year and ending on the last day of February of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ 937.8 *Committee.* "Committee" means the Nectarine Administrative Committee established pursuant to § 937.20.

§ 937.9 *Grower.* "Grower" is synonymous with producer and means any person who produces nectarines for the fresh market and who has a proprietary interest therein.

§ 937.10 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting nectarines owned by another person) who handles nectarines.

§ 937.11 *Handle.* "Handle" and ship are synonymous and mean to sell, consign, deliver, or transport nectarines, or to cause nectarines to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided,* That the term handle shall not include the sale of nectarines on the tree, the transportation within the production area of nectarines from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such nectarines to such packing facility for such preparation.

§ 937.12 *District.* "District" means the applicable one of the following described subdivisions of the production area or such other subdivision as may be prescribed pursuant to § 937.31:

(a) "District 1" shall include the counties of Fresno and Madera.

(b) "District 2" shall include the counties of Tulare and Kings.

(c) "District 3" shall include the counties of Merced and Stanislaus.

(d) "District 4" shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.

(e) "District 5" shall include the balance of the production area.

§ 937.13 *Pack.* "Pack" means the specific arrangement, size, weight, count, or grade of a quantity of nectarines in a particular type and size of container, or any combination thereof.

§ 937.14 *Container.* "Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of nectarines.

§ 937.15 *Marketing season.* "Marketing season" means the period beginning on May 1 and ending on November 30 of any year.

ADMINISTRATIVE BODY

§ 937.20 *Establishment and membership.* There is hereby established a Nectarine Administrative Committee consisting of eight members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. The members and their alternates shall be growers or employees of growers. Three of the members and their respective alternates shall be producers of nectarines in District 1. Two of the members and their respective alternates shall be producers of nectarines in District 2. One of the members and his alternate shall be producers of nectarines in District 3; one member and his alternate shall be producers of nectarines in District 4; and one member and his alternate shall be producers of nectarines in District 5.

§ 937.21 *Term of office.* The term of office of each member and alternate member of the committee shall be for one year beginning March 1 and ending on the last day of February. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 937.22 *Nomination*—(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § 937.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of the growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

(2) Only growers who are present at such nomination meetings, or represented at such meetings by duly authorized employees, may participate in the nomination and election of nominees for members and their alternates. Each such grower, including employees of such grower, shall be entitled to cast but one vote for one nominee for member and one vote for one nominee for alternate member in the district in which he produces nectarines.

(3) A particular grower, including employees of such grower, shall be eligible for membership as principal or alternate to fill only one position on the committee.

§ 937.23 *Selection.* From the nominations made pursuant to § 937.22, or from other qualified persons, the Secretary shall select the eight members of the committee and an alternate for each such member.

§ 937.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 937.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 937.20.

§ 937.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 937.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 937.22 and 937.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 937.20.

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[1] The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

§ 937.27 *Alternate members.* An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district to serve in such member's place and stead.

§ 937.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 937.31 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to nectarines;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request;

(k) To investigate compliance with the provisions of this part;

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in nectarine production within the districts and the production area.

§ 937.32 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of the majority of those present: *Provided,* That any action of the committee to recommend regulations pursuant to §§ 937.50 to 937.55 shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 937.33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $5.00 per day or portion thereof spent in performing such duties: *Provided,* That the committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 937.34 *Annual report.* The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

§ 937.37 *Shippers' Advisory Committee.* (a) A Shippers' Advisory Committee, consisting of five members, who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members and alternate members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve in such capacities during the marketing season subsequent to such election. Such meeting shall be supervised by the Nectarine Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers.

(c) The Shippers' Advisory Committee may attend each meeting of the Nectarine Administrative Committee held to consider recommendations with respect to regulations of shipments pursuant to the provisions of this subpart. The Shippers' Advisory Committee may advise the committee on matters relating to such recommendations, but shall have no vote with such committee in any matter. Members of the Shippers' Advisory Committee shall serve without compensation but may be reimbursed for expenses necessarily incurred in attendance of meetings of the Nectarine Administrative Committee.

EXPENSES AND ASSESSMENTS

§ 937.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in § 937.41.

§ 937.41 *Assessments.* (a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each person who first handles nectarines during such period shall pay to the committee, upon demand, assessments on all nectarines so handled. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all nectarines handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 937.42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 937.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of nectarines. The expense of such projects shall be paid from funds collected pursuant to § 937.41.

REGULATIONS

§ 937.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 937.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of nectarines within the production area;

(2) The expected general quality and size of nectarines in the production area and in other areas;

(3) The expected demand conditions for nectarines in different market outlets;

(4) The expected shipments of nectarines produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of nectarines; and

(8) The type of regulations expected to be recommended during the marketing season.

§ 937.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of nectarines in the manner provided in § 937.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for nectarines during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 937.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of nectarines whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of nectarines grown in the production area;

(2) Limit the shipment of nectarines by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of nectarines.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 937.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 937.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of nectarines in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 937.54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 937.41, 937.52, 937.53, and 937.55, and the regulations issued thereunder, handle nectarines (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 937.41, 937.52, 937.53, or 937.55, the handling of nectarines (1) to designated market areas within the State of California; or (2) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 937.45), or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretry, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent nectarines handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle nectarines pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the nectarines will not be used for any purpose not authorized by this section.

§ 937.55 *Inspection and certification.* (a) Whenever the handling of any variety of nectarines is regulated pursuant to § 937.52 or § 937.53, each handler who handles nectarines shall, prior thereto, cause such nectarines to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirments of such regulation: *Provided*, That inspection and certification shall not be required for nectarines which previously have been so inspected and certified if such prior inspection was performed within such period as may be established pursuant to paragraph (d) of this section. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such nectarines. The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided*, That all shipments made under such waiver shall comply with all regulations in effect.

(b) The committee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(c) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 937.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of nectarines as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the nectarines received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 937.61 *Compliance.* Except as provided in this part, no person shall handle nectarines, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle nectarines except in conformity with the provisions of this part and the regulations issued under this part.

§ 937.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 937.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 937.64.

§ 937.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided,* That such majority has, during the current marketing season, produced more than 50 percent of the volume of the nectarines which were produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of March subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum within the period beginning December 1, 1960, and ending February 1, 1961, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum within the same 2-month period of every second fiscal period thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 937.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 937.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 937.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 937.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 937.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 937.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 937.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 937.72 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.*

§ 937.73 *Additional parties.* After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 937.74 *Order with marketing agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of nectarines in the same manner as is provided for in this agreement.*

Dated: April 30, 1958.

[SEAL] P. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3369; Filed, May 5, 1958; 8:48 a. m.]

[7 CFR Part 962]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is giving consideration to the following recommendation, submitted by the Industry Committee, established pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602 et seq.).

(a) That during the 1958-59 fiscal period, no handler shall ship to destinations other than in the adjacent markets any peaches which are of a size smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter.

(b) When used herein, the terms "fiscal period," "handler," "adjacent markets," "ship," and "peaches," shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the term "diameter" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210-51.1223 of this title).

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: May 1, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3370; Filed, May 5, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 12404]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING; CORRECTION

The Commission's Notice of Proposed Rule Making of April 16, 1958 (FCC 58-378, mimeo. 57290) in the above entitled matter (published in the FEDERAL REGISTER April 23, 1958) (23 F. R. 2698), is amended in the following particulars:

1. Renumber the columns 1, 2, 3 and 4 instead of 3, 4, 5 and 6.

2. In the band 942-952 Mc, in the column re-numbered as 4, insert an additional class of stations to read:

(f) TV STL (Audio only).

3. In column 1, in the band 2450-2500 Mc, insert the footnote indicator US110.

4. Insert footnote US110 between footnotes US108 and US111, to read as follows:

US110 The Government radiopositioning service is permitted in the band 2450-2500 Mc on the condition that harmful interference is not caused to non-Government services.

5. Correct the text of footnote US16 to read as follows:

US16 The frequency 22235 Mc/s is designated for industrial, scientific and medical purposes: emissions must be confined within the limits of 22110-22360 Mc/s. Radiocommunciation services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

Released: May 1, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3381; Filed, May 5, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 029859]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 28, 1958.

Pursuant to the authority delegated by the Director's Order No. 541, section 2.5 dated April 21, 1954, the following described lands, which have been conveyed to the United States, are hereby opened to application, selection, and location under the public land laws:

MONTANA PRINCIPAL MERIDIAN

T. 33 N., R. 3 W.,
  Sec. 4: S½SW¼;
  Sec. 8: E½NE¼;
  Sec. 9: NW¼;
Totaling 320 acres.

The above described public domain lands are rolling to rough in terrain, and are typical fair quality range land for northern Montana. They contain no live water or timber and are covered by a fair stand of native grasses. The lands are best suited for grazing and are not suited for the production of cultivated agricultural crops. The S½SW¼ of Sec. 4 and E½NE¼ of Sec. 8, T. 33 N., R. 3 W., are classified as suitable for exchange to the State of Montana under Sec. 8 of the Act of June 28, 1934, as amended.

Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections and locations in accordance with the following:

A. Beginning on the date of this order, the lands which are classified suitable for exchange to the State of Montana will become subject to application, location, offer or selection under the public land laws. This opening is made in furtherance of a proposed exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g), as amended, which would exchange vacant public domain lands in Montana for State-owned lands in Glacier Park (M-06353). Since this opening is made in order to assist in a Federal Land Program, insofar as it applies to the lands classified suitable for exchange, it is not subject to the provisions contained in the act of September 24, 1944 (58 Stat. 747; 43 U. S. C. 279-284; 43 CFR 181), as amended, granting certain preference rights to veterans of World War II, the Korean Conflict, and others.

B. The remaining lands included in this order, not classified for exchange to the State (NW¼ of Sec. 9), are opened under the following provisions:

(1) No application will be allowed under the homestead, desert land, small

ect, or any other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such application or shall be so classified upon consideration of the application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

(3) Beginning on the date of this order, the NW¼ of Sec. 9 shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; U. S. C. 279–284), as amended. All applications pursuant to this act, filed on or before June 3, 1958 shall be treated as though simultaneously filed at that time. Applications from qualified veterans between that time and September 2, 1958 will be considered in the order of their receipt. All applications received prior to September 2, 1958 from applicants not entitled to veterans preference, will be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. D. Nielson,
State Supervisor.

[F. R. Doc. 58-3359; Filed, May 5, 1958; 8:46 a. m.]

National Park Service

[Order 1]

Great Smoky Mountains National Park; Administrative Officer

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

Section 1. *The Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F. R. [illegible]) and amendments thereto; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region One Order No. 3 and amendments)

Edward A. Hummel,
Superintendent, Great Smoky Mountains National Park.

[F. R. Doc. 58-3360; Filed, May 5, 1958; 8:46 a. m.]

[Yellowstone National Park Order 3]

Assistant Superintendent, Administrative Officer and Supply Officer

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

March 31, 1958.

Section 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $100,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent in behalf of any coordinated area.

Sec. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

Sec. 3. *Supply Officer.* The Supply Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Supply Officer in behalf of any coordinated area.

Sec. 4. *Revocation.* This order supersedes Order No. 2 issued November 28, 1956.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., Sec. 2. Region Two Order No. 3)

Lemuel A. Garrison,
Superintendent, Yellowstone National Park.

[F. R. Doc. 58-3361; Filed, May 5, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Clarksville Auction Co. et al.

DEPOSTING OF STOCKYARDS

It has been ascertained that the Clarksville Auction Company, Clarksville, Texas, originally posted on April 1, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under the act for the reason that it no longer meets the area requirements, and that the Owen Bros. Stockyards, Texarkana, Texas, originally posted on May 24, 1937, under the name of Owen Bros. Horse & Mule Commission Co., as being subject to said act, no longer comes within the definition of a stockyard under the act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective upon publication in the Federal Register.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 30th day of April 1958.

[SEAL] John C. Pierce, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 58-3386; Filed, May 5, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12263]

Radio Regulations of International Telecommunication Union

FIFTH NOTICE OF INQUIRY; CORRECTION

The Commission's Fifth Notice of Inquiry of April 16, 1958 (FCC 58-380, mimeo no. 57292) in the above entitled matter (published in the Federal Register April 23, 1958) (23 F. R. 2701), is amended to correct paragraph 4 of that Notice to reads as follows:

4. Any interested person is invited to file comments with the Commission concerning the proposed changes to Chapter III of the Radio Regulations, which includes the international table of frequency allocations, as set forth in the Appendix, on or before May 15, 1958. In accordance with the provision of § 1.54 of the Commission's rules an original and fifteen (15) copies of all comments shall be furnished to the Commission.

Released: May 1, 1958.

Federal Communications Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-3382; Filed, May 5, 1958; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

Moore-McCormack Lines, Inc., et al.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8272, between Moore-McCormack Lines, Inc. (American Republics Line), and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Uruguay, Brazil and Argentine to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8272, upon approval, will

supersede and cancel approved Agreement No. 7731, between the same parties in the same trade.

(2) Agreement No. 8287, between Compagnie Maritime Des Chargeurs Reunis and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from French Equatorial Africa to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 30, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3358; Filed, May 5, 1958; 8:45 a. m.]

UNITED STATES LINES CO.

NOTICE OF APPLICATION TO CARRY OUTBOUND, PART CARGOES OF GRAIN

Notice is hereby given that United States Lines Company seeks permission to carry outbound, part cargoes of grain on its subsidized vessels on Line B Service, Trade Route Nos. 5, 7 and 9, to ports on Line F Service, Trade Route No. 8, to satisfy the demands of shippers for optional ports of discharge.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605 (c) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1175, should by close of business on May 19, 1958, notify the Secretary, Federal Maritime Board, in writing (in triplicate) and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

Dated: May 1, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3376; Filed, May 5, 1958; 8:49 a. m.]

STATES MARINE CORP. ET AL.

NOTICE OF TERMINATION OF BAREBOAT CHARTERS

Notice of annual review of bareboat charters covering the vessels "Simmons Victory," "Omar E. Chapman," "Alma Victory," "Albion Victory," "Binghamton Victory," and "Oberlin Victory" (Charterers: States Marine Corporation, Boston Shipping Corporation, States Marine Corporation, Prudential Steamship Corporation, States Marine Corporation, and Atlantic Ocean Transport Corporation, respectively) appeared in the FEDERAL REGISTER issue of April 18, 1958 (23 F. R. 2575), in which comments were invited with respect to justification for continuing or discontinuing said charters.

The Federal Maritime Board has determined that conditions do not exist justifying the continuance of the charters beyond a year's period of operation of the vessels named above.

Dated: May 1, 1958.

By Order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3377; Filed, May 5, 1958; 8:49 a. m.]

NORTHERN PAN-AMERICAN LINE AKTIESELSKAB

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8257-1, between The Northern Pan-American Line Aktieselskab, Aktieselskabet Sobral, and the carriers comprising the A. P. Moller-Maersk Line joint service, modifies approved Gulf West Africa Line joint service agreement to provide (1) for the appointment of Oivind Lorentzen Inc., New York, as agent for the Gulf West Africa Line in the United States, and for the appointment of A. P. Moller, Copenhagen, as agent for said line in West Africa, including the Azores, Cape Verde Islands, Madeira and Canary Islands, and (2) for a change in the form of signature of the joint service to conference, pooling or other agreements. Under Agreement No. 8257 certain functions are delegated to Oivind Lorentzen, Inc. and A. P. Moller-Maersk Line, to be performed on behalf of the joint service in the United States and West Africa, respectively.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 1, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3378; Filed, May 5, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-39]

CURTISS-WRIGHT CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on April 12, 1958, 23 F. R. 2412, the Atomic Energy Commission has issued License No. R-36 authorizing Curtiss-Wright Corporation to possess and operate a one thousand kilowatt research reactor at Quehanna, Pennsylvania.

Dated at Germantown, Md., this [illegible] day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3355; Filed, May 5, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14932]

CABOT CARBON CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

APRIL 30, 1958.

Cabot Carbon Company (Cabot), on March 31, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 28, 1958.

Purchaser: Natural Gas Pipe Line Company of America.

Rate schedule designation: Supplement No. 4 to Cabot's FPC Gas Rate Schedule No. 22.

Effective date: May 10, 1958 (effective date is the date proposed by Cabot).

In support of the proposed rate increase, Cabot states that the increased price is provided by the contract, that it is just and reasonable and that the pricing arrangement is common in long-term contracts and is beneficial to both buyer and seller in that it provides a low initial price which increases as seller's costs increase and buyer's capital investment is amortized.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Cabot's FPC Gas Rate Schedule No. 22 be suspended and the use thereof deferred as hereinafter ordered.

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12539.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Cabot's FPC Gas Rate Schedule No. 22.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3362; Filed, May 5, 1958; 8:46 a. m.]

[Docket No. G-14933]

MURPHY CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

APRIL 30, 1958.

Murphy Corporation (Murphy), on March 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated March 26, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Murphy's FPC Gas Rate Schedule No. 13.

Effective date: May 1, 1958 (effective date is the date proposed by Murphy).

In support of the proposed rate increase, Murphy cites the favored-nation contract provision.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Murphy's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Murphy's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3363; Filed, May 5, 1958; 8:46 a. m.]

[Docket No. G-14970]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 30, 1958.

Shell Oil Company, (Shell), on April 10, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement, dated March 18, 1958;[1] (2) Supplemental Agreement, dated March 18, 1958; (3) Notice of Change, dated April 7, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 127; (2) Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 127; (3) Supplement No. 11 to Shell's FPC Gas Rate Schedule No. 127.

Effective date: May 11, 1958 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increased rate, Shell states that the increased rate resulted from the renegotiation of its basic contract with the buyer, United, and that the proposed increase constituted one of the chief inducements for extending the term of the basic contract for approximately 19 years. Shell also states that the proposed rate and other provisions are identical to those under which an intrastate sale is being made to the same buyer, United, by another producer in the same field.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 9, 10 and 11 to Shell's FPC Gas Rate Schedule No. 127 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 9, 10 and 11 to Shell's FPC Gas Rate Schedule No. 127.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 11, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3364; Filed, May 5, 1958; 8:47 a. m.]

[Docket No. G-14971]

HOLLAND-AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

April 30, 1958.

Holland-American Petroleum Corporation (Operator) et al. (Holland) on April 10, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

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[1] Renegotiation of increase of base rate to 13.75 cents per Mcf.

Description: Notices of Change, dated April 3, 1958.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: (1) Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 2; (2) Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 3; (3) Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 4; (4) Supplement No. 5 to Holland's FPC Gas Rate Schedule No. 10.
Effective date: May 11, 1958 (effective date is the first day after expiration of the required thirty days notice).

In support of the proposed increased rates, Holland-American states that each of the increased rates resulted from a redetermination in accordance with the basic contract effective February 5, 1958, and requests that the increased rates be permitted to take effect upon that date. It also cites higher rates to other buyers in the area. Such cited higher rates, however, are not increased rates but are for initial services.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 2, Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 3, Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 4 and Supplement No. 5 to Holland's FPC Gas Rate Schedule No. 10 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 2, Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 3, Supplement No. 7 to Holland's FPC Gas Rate Schedule No. 4 and Supplement No. 5 to Holland's FPC Gas Rate Schedule No. 10.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 11, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3365; Filed, May 5, 1958; 8:47 a. m.]

[Docket No. G-14972]

T. C. HUDDLE ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 30, 1958.

T. C. Huddle (Operator) et al. (Huddle), on April 10, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 3, 1958.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 9 to Huddle's FPC Gas Rate Schedule No. 2.
Effective date: May 11, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increased rate, Huddle states that the increased rate resulted from a price redetermination in accordance with the basic contract effective February 5, 1958, and requests that the increased rate be permitted to take effect upon that date. It also cites higher rates to other buyers in the area. Such cited higher rates, however, are not increased rates but are rates for initial services.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Huddle's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Huddle's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 11, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3366; Filed, May 5, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-704]

DEMPSTER INVESTMENT CO.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 29, 1958.

Notice is hereby given that Dempster Investment Company ("Applicant"), an Illinois corporation and a closed-end, diversified investment company registered as such under the Investment Company Act of 1940 ("act"), has filed an application and amendments thereto pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the act, by virtue of the provisions of section 3 (c) (1) of the act.

Applicant, formerly named Sentinel Radio Corporation, was organized on March 21, 1931. Subsequent to the sale as of December 31, 1955, of all its assets Applicant's funds were invested in short term U. S. Treasury Bills.

At the close of business December 4, 1957, Applicant had outstanding a total of 178,493 common shares held by 175 shareholders. On December 23, 1957, Applicant filed its Notification of Registration as an investment company pursuant to section 8 (a) of the act.

On January 3, 1958, Applicant mailed to all of its shareholders, an Invitation to Tender Common Shares for purchase by Applicant at a price of $8.91 per share, its approximate net asset value, and Applicant undertook therein to purchase all Common Shares properly tendered to it in accordance with said Invitation and delivered to City National Bank and Trust Company of Chicago, its Transfer Agent, on or prior to 5:00 o'clock p. m., central standard time, March 31, 1958. As a result of said Invitation to Tender Common Shares, the outstanding shares of Applicant have been reduced to 149,525 shares, which Applicant states are beneficially held by not more than [illegible] shareholders. Of the said 149,525 shares, 144,935 shares are beneficially owned by Ernest Alschuler, in whose name said shares are registered. Said shares are held by Leonore S. Alschuler, Milton D. [illegible] and Ernest Alschuler, Trustees under an Indenture of Trust dated December 31, 1956, of which said Ernest Alschuler is the beneficiary. It is stated that no other person, firm, corporation or trust owns, either legally or beneficially, ten percentum or more of the outstanding voting securities of Applicant. Applicant further states that it is not making and does not presently propose to make a public offering of its securities.

Section 3 (c) (1) of the act excepts from the definition of an "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Section 8 (f) of the act provides, in part, that whenever the Commission, upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect. Section 8 (f) further provides that an order thereunder may be made upon conditions necessary for the protection of investors.

Notice is further given that any interested person may, not later than May 13, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3367; Filed, May 5, 1958; 8:47 a. m.]

[File No. 24S-1598]

GEM STATE SECURITIES CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 30, 1958.

I. On December 6, 1957, Gem State Securities Corporation was incorporated under the laws of the State of Idaho, with its principal place of business at Boise, Idaho, for the purpose of organizing, operating and managing a life insurance company under the laws of Idaho. The company filed with the Commission on March 7, 1958 a notification and offering circular relative to a proposed offering of 100,000 shares of its $1.00 par value stock at $2.50 per share for an aggregate offering of $250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder. James M. Raymond and W. Floyd Sparrow were named as underwriters.

II. The Commission has reasonable cause to believe that the Regulation A exemption for the above filing is not available because the terms and conditions of Regulation A have not been complied with in that:

(a) The offering of the securities was commenced and securities sold prior to the time permitted by Rule 255 (a), and at a different price from that stated in the offering circular;

(b) The offering of the securities was made and the securities sold in jurisdictions other than those set forth in Item 8 of the notification on Form 1-A; and

(c) An offering circular has not been and is not being delivered to offerees and purchasers of the securities as required by Rule 256 (a).

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry, and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3368; Filed, May 5, 1958; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BARONNE ALICE MARIANNA DE ZILUCA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Baronne Alice Marinna de Ziluca; Hotel Tivoli, Avenida da Liberdade, Lisbon, Portugal; Claim No. 63172; $7,628.09 in the Treasury of the United States; and the following securities, presently in the custody of the Federal Reserve Bank, New York: $22,000 Federal Republic of Germany Ext. issued 1958 German Ext. loan of 1924, 5½ percent dollar bonds, due 10-15-59—Bond Nos. 38817-38 at $1,000 each; $6,000 Federal Republic of Germany, 1953 Funding issue, Ext. loan of 1924, 3 percent dollar bonds, due 10-15-72, Bond Nos. 6748-53 at $1,000 each; $50 Federal Republic of Germany, 1953 Funding issue, Ext. loan of 1924, 3 percent dollar bonds due 10-15-72, Non-interest bearing certificate, Scrip Certificate No. 05037; $3,000 Federal Republic of Germany, Prussia Conversion 1953 issue, 4 percent dollar bonds due 10-1-72, Bond Nos. 9579 and 9643-4 at $1,000 each; 96 coupons due 4-15-37 through 10-15-52 detached from Free State of Prussia 6 percent SFGB Ext. 1927 loan due 10-15-52, Bond Nos. 17369-70, 02900; $400 Federal Republic of Germany, Conversion and Funding issue, 1953 ten year 3 percent dollar bonds due 1-1-63 with 7-1-58 sca, Bond Nos. C006757-60 at $100 each; 9 coupons due 1-1-40 through 1-1-41 detached from Conversion Office for German Foreign Debts, 3 percent dollar bonds Nos. 97649-51, due 1-1-46.

Vesting Order No. 17983.

Executed at Washington, D. C., on April 28, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3373; Filed, May 5, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 1, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34648: *Wrought iron or steel pipe—Interstate points to Clarkwood, Tex.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7274), for interested rail carriers. Rates on pipe, wrought iron or steel, and related articles, carloads from specified points in official (including Illinois), western trunk-line, southern, and southwestern territories to Clarkwood, Tex.

Grounds for relief: Commercial competition with Corpus Christi, Tex.

Tariff: Supplement 147 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4116.

FSA No. 34649: *Anhydrous ammonia between Illinois and southern territories.* Filed by Illinois Freight Association, Agent (IFA No. 3), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitraries.

Tariff: Supplement 2 to Illinois Freight Association, Agent, tariff I. C. C. 899.

FSA No. 34650: *Paper and paper articles between points in official territory.* Filed by O. E. Schultz, Agent (ER No. 2437), for interested rail carriers. Rates on paper, paper articles, and related commodities, carloads, also cores, skids, or platforms, empty, returned, used in transportation of paper articles, carloads from and to points in official territory excluding northern Illinois, southern Wisconsin, and extended zone C in Wisconsin.

Grounds for relief: Short-line distance formulas, and rates made with relation thereto, and short or relief-line arbitraries.

Tariffs: Traffic Executive Association-Eastern Railroads, Agent, tariff I. C. C. C-13, and another tariff named in the application.

FSA No. 34651: *Potatoes from and to points within Western Trunk Line territory and to points in southern territory.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1978), for interested rail carriers. Rates on potatoes, other than sweet, carloads from specified points in western trunk line territory to specified points in that territory, also to specified points in southern territory.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 144 to Western Trunk Line Committee, Agent, tariff I. C. C. A-3511 and two other schedules.

FSA No. 34652: *Paper and paper articles—Denver, Colo., to Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7276), for interested rail carriers. Rates on paper and related articles, carloads, also wallboard, carloads from Denver, Colo., to points in Arkansas, Louisiana (west of the Mississippi River), southern Missouri, eastern New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula, and market competition with other producing points.

Tariff: Supplement 78 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4198.

FSA No. 34653: *T. O. F. C. Service—Prefabricated buildings from Galesburg, Ill., to southwestern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7278), for interested rail carriers. Rates on metal buildings, metal prefabricated buildings, metal grain bins and metal silos, complete, knocked down or in sections, in specified minimum quantities loaded in or on trailers and transported on railroad flat cars from Galesburg, Ill., to specified points in Oklahoma, and Texas.

Grounds for relief: Motor truck competition.

Tariff: Supplement 48 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4254.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3371; Filed, May 8, 1958; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 90

Washington, Wednesday, May 7, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) of § 6.313 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3411; Filed, May 6, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Effective April 17, 1958, the interest rate on loans being closed through national farm loan associations by the Federal Land Bank of Columbia was reduced from 6 percent per annum to 5½ percent per annum; effective April 23, 1958, the interest rate on loans being closed through national farm loan associations by the Federal Land Bank of Omaha was reduced from 5 percent per annum to 4½ percent per annum; effective April 24, 1958, the interest rate on loans being closed through national farm loan associations by the Federal Land Bank of Spokane was reduced from 5½ percent per annum to 5 percent per annum; and effective May 1, 1958, the interest rate on loans being closed through national farm loan associations by the Federal Land Bank of Berkeley was reduced from 5½ percent per annum to 5 percent per annum. In order to reflect such changes, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (23 F. R. 2137), is amended: by substituting "5½" for "6" in the line with "Columbia" therein; by substituting "4½" for "5" in the line with "Omaha" therein; by substituting "5" for "5½" in the line with "Spokane" therein; and by substituting "5" for "5½" in the line with "Berkeley" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12, 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771, 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 58-3410; Filed, May 6, 1958; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 133, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 25, Rev. Jan. 1, 1958 ($4.50)

Title 26 (1954), Rev. Jan. 1, 1958 ($3.00)

Title 49, Parts 91–164, Rev. Jan. 1, 1958 ($5.00)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Part 165 to end ($0.75)

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engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insuf-

[illegible] and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) of § 922.433 (Valencia Orange Regulation 133, 23 F. R. 2963) are hereby amended to read as follows:

(i) District 1: 600,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 2, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3395; Filed, May 6, 1958; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 38]

PART 4b—AIRPLANE AIRWORTHINESS: TRANSPORT CATEGORIES

FATIGUE EVALUATION

This supplement sets forth the Civil Aeronautics Administration interpretation of flight structure and policies on the fatigue evaluation of airplane structures.

1. A new § 4b.270-1 is added to read:

§ 4b.270-1 *Flight structure for fatigue evaluation (CAA interpretations which apply to § 4b.270).* The term "flight structure" as applied to fatigue evaluation is defined as those portions of the airplane's structure failure of which could result in catastrophic failure of the aircraft and includes the wings, fixed and movable control surfaces, fuselage, and their related primary attachments.

2. A new § 4b.270-2 is added to read:

§ 4b.270-2 *Fatigue evaluation, general (CAA policies which apply to § 4b.270).* The applicant should submit to the CAA a report outlining the procedures and the substantiating analyses and tests he proposes to follow in showing compliance with the fatigue evaluation requirements of § 4b.270. Typical procedures which may be used as guidance in the fatigue evaluation of the structures are discussed in Appendix H[1] to the Civil Aeronautics Manual 4b.

This supplement shall become effective June 6, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 1, 1958.

[F. R. Doc. 58-3388; Filed, May 6, 1958; 8:45 a. m.]

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[1] Not filed for publication in the FEDERAL REGISTER.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 407—PROCEDURE FOR USE OF DOMESTIC NON-FEDERAL NAVIGATION FACILITIES FOR CAA APPROVED OPERATIONS

SUBPART C—INSTRUMENT LANDING SYSTEM (ILS) FACILITIES

A new Subpart C is added as follows:

Sec.
407.20 Introduction.
407.21 Policy.
407.22 Implementation requirements.
407.23 Source of publications.
407.24 (Appendix 1) Performance requirements.
407.25 (Appendix 2) Installation requirements.
407.26 (Appendix 3) Maintenance and operation requirements.
407.27 (Appendix 4) Reports required by Civil Aeronautics Administration.

AUTHORITY: §§ 407.20 to 407.27 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 301, 302, 601, 52 Stat. 985, 1007, as amended; 49 U. S. C. 451, 452, 551.

§ 407.20 *Introduction.* The policy and the minimum general requirements of the Civil Aeronautics Administration for the operation of non-federal Instrument Landing System (ILS) facilities which are to be involved in the approval of instrument flight rules and air traffic control procedures related to such facilities are prescribed in Technical Standard Order N-29 adopted by the Administrator on May 15, 1958. Technical Standard Order N-29, which is set forth in this part, is mandatory upon all employees of the Civil Aeronautics Administration in their discussions, advice, or recommendations to the public, or in their approval of the use of this type facility in any CAA-approved air operation or procedure. Personnel of the Regional Air Navigation Facilities Division are responsible for the application of this Technical Standard Order on the part of CAA. Deviations from the Implementation Requirements prescribed herein will be permitted only upon approval of the Director, Office of Air Navigation Facilities, Civil Aeronautics Administration, Washington 25, D. C.

§ 407.21 *Policy.* (a) When the Civil Aeronautics Administration is requested by the owner of a non-Federal ILS to approve an IFR procedure for public use based on that facility, the CAA will require as a condition to such approval that the following minimum requirements be met:

(1) The performance of the facility as determined by air and ground inspections shall be in accordance with § 407.24 (Appendix 1).

(2) The installation of the equipment shall meet requirements of § 407.25 (Appendix 2).

(3) The owner shall operate and maintain the facility in accordance with § 407.26 (Appendix 3).

(4) The owner shall furnish CAA periodic reports relative to the performance of the facility as described in § 407.27 (Appendix 4) and shall permit the CAA to inspect the facility and its operation at such times as the CAA deems necessary.

(5) The owner shall give assurance that he will not withdraw the facility from service except with the concurrence of CAA.

(b) The owner will bear all costs incident upon his meeting the requirements set forth in paragraph (a) of this section, and those for flight and ground inspections which the CAA may be required to make prior to commissioning and periodically thereafter to satisfy itself that these requirements are met.

(c) If the requirements in paragraphs (a) and (b) of this section are met, the CAA will commission the facility as a prerequisite to its approval for use in an IFR procedure. The CAA will not implicitly or explicitly assume any responsibility for the facility by virtue of such approval. The CAA will withdraw its authorization to use the facility at any time it considers that the requirements set forth herein are not being met or will decommission the facility when the frequency channel is required for higher priority common system service.

§ 407.22 *Implementation requirements.* (a) Action under TSO N-29 will be initiated when the CAA has received from the owner a request for an IFR procedure based on his facility and he has submitted:

(1) A description of the facility, together with evidence that the equipment is capable of meeting the minimum performance requirements contained in § 407.24 (Appendix 1) and is installed in accordance with § 407.25 (Appendix 2).

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and manual of maintenance operation to meet the requirements of § 407.26 (Appendix 3).

(4) A statement of intent to meet the requirements of the Policy.

(b) The CAA will then perform whatever initial air and ground inspections are necessary to satisfy itself from a technical, operational and maintenance viewpoint that the facility and equipment are capable of meeting the requirements.

(c) The proposed operating procedure and maintenance organization and manual will be evaluated.

(d) The owner will be advised of the results of the inspections and evaluations and of any facility, maintenance manual, or organizational changes that will be required. The owner will correct deficiencies and operate the facility for an in-service test evaluation so that the CAA may satisfy itself that the facility will meet the requirements for commissioning and use in an approved procedure. The approval of the facility is not to be taken as automatic approval of any specific procedure.

§ 407.23 *Source of publications.* Copies of the Technical Standard Order with its Appendixes and related publications may be obtained from the Regional Offices of the Civil Aeronautics Administration, located in Jamaica, New York; Fort Worth, Texas; Kansas City, Missouri; Los Angeles, California; Anchorage, Alaska; and Honolulu, Territory of Hawaii.

§ 407.24 *(Appendix 1) Performance requirements.* (a) The performance of the ILS shall be in accordance with International Standards and Recommended Practices, Aeronautical Telecommunications, Part I, Paragraph 3.1 (Annex 10 to the Convention on International Civil Aviation) with the following exceptions, additions, and clarification:

(1) The first part of paragraph 3.1.3, relating to suppression of radiation wholly or in part in any or all directions outside the 20-degree sector centered on the course line in order to reduce localizer bands, shall not apply. Radiation patterns shall conform to limits specified in 3.1.3.3 and 3.1.3.4. This shall not be construed to mean that suppression of radiation to the rear of the antenna array in order to satisfy difficult siting conditions (per 3.1.3.1.4) is not permitted. For example, if a reflector screen for the antenna array is required to overcome a siting problem, the area to the rear of the localizer may be rendered unusable and should be so advertised.

(2) With reference to 3.1.3.7.1 and 3.1.3.7.3, the portion of such paragraphs relating to removal of navigational signals only from a localizer which has deviated from standards as set forth in subject paragraph, leaving the radio frequency carrier, communications audio frequencies (where used) and identification signals to continue radiating, shall apply. However, in addition, all such monitoring shall conform to any of the pertinent requirements of section 700 of Air Traffic Control Manual, ATC-2-B, entitled "Communications Procedures".

(3) Installation of a third marker beacon (Inner Marker) is not required.

(b) Ground inspection will consist of an examination of the design features of the equipment in order to determine that conditions may not arise which would permit unsafe operation due to component failure or deterioration. The monitors will be subjected to periodic calibration and stability checks during the in-service test evaluation period. These tests, and ground checks of glide slope and localizer radiation characteristics, will be conducted generally in accordance with instructions contained in Federal Airways Manual of Operations IV-B-3-4, adapted to suit the facility.

(c) Flight tests to determine the adequacy of the facility to meet operational requirements and compliance with applicable Standards and Recommended Practices (SARP's) will be conducted in accordance with the U. S. Standard Flight Inspection Manual, with particular reference to section 217.

§ 407.25 *(Appendix 2) Installation requirements.* (a) The facility shall be of a permanent nature, located, constructed and installed according to ICAO Standards (Annex 10) and accepted good engineering practices, applicable electric and safety codes, and FCC license requirements.

(b) There shall be a reliable source of primary power. It may be from a power distribution system or may be locally generated. A standby system will be required for localizer, glide slope and monitor accessories to supplement the primary power system, except when primary power is supplied from two or more independent sources.

(c) Dual transmitting equipment with automatic changeover is required.

(d) There shall be means for determining on the ground the performance of the equipment (including the antennae) initially and periodically.

(e) Non-Federal ILS facilities must have or be supplemented with, dependent on specific circumstances, certain ground-air and landline communications services as follows:

(1) At facilities located outside of and not immediately adjacent to air traffic control zones or areas, ground-air communications from the airport served by the facility must be available. Voice on the localizer controlled from the airport will be encouraged in the interest of reducing channel interference and minimizing airborne equipment requirements; however, separate communication channels will be acceptable.

(2) At facilities located within or immediately adjacent to air traffic control zones or areas, ground-air communications from the airport served by the facility, as outlined in subparagraph (1) of this paragraph, must be available and, in addition, reliable communications (landline telephone minimum) from the airport to the nearest CAA air traffic control or communication facility must be provided.

(3) Provisions of subparagraphs (1) and (2) of this paragraph are not mandatory at airports where an adjacent CAA facility is capable of communicating with aircraft on the ground at the airport and during the entire proposed instrument approach procedure.

(4) At low traffic density airports, located within or immediately adjacent to air traffic control zones or areas, and where extensive delays are not a factor, the communications requirements of subparagraphs (1) and (2) of this paragraph, may be reduced to reliable communications (landline telephone minimum) from the airport to the nearest CAA air traffic control or communication facility, providing an adjacent CAA facility is capable of communicating with aircraft during the proposed instrument approach procedure down to the airport surface or at least to the minimum approach altitude.

§ 407.26 *(Appendix 3) Maintenance and operation requirements.* (a) The owner shall establish an adequate system of maintenance and provide qualified maintenance personnel to maintain the facility at the performance level existent at the time of commissioning. As a minimum, the maintenance personnel shall meet FCC licensing requirements plus demonstrating to CAA that they possess the special knowledge and skills required to maintain the facility.

(b) The owner shall prepare an operating and maintenance manual outlining mandatory procedures for operation, preventive maintenance, and emergency maintenance. This manual must be approved by the CAA and must include instructions covering the following points:

(1) Physical security of the facility and procedure for participation in CONELRAD air defense plan.

(2) Maintenance and operation of equipment by authorized personnel only.

(3) FCC license requirements for operating and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relationship between the facility and CAA air traffic control facilities. Boundaries of controlled airspace over and immediately adjacent to the facility must be described. If applicable, instructions for relaying air traffic control instructions and information must be included. If the ILS is located outside of controlled airspace, instructions for the operation of an air traffic advisory service must be included.

(6) Instructions pertaining to Air Ground communications, if such service is provided. Appropriate sections of CAA manuals of operation may be incorporated by reference, or necessary instructions written directly in the manual.

(7) Notification of CAA regarding suspension of service.

(8) Detailed and specific maintenance procedures and servicing guides with the frequency of such servicing; i. e., weekly, monthly, annually, etc.

(9) Keeping of station logs and other technical records and submission of reports per § 407.27 (Appendix 4).

(10) Monitoring of the facility.

(11) Inspections by Federal government personnel.

(12) Names, addresses and telephone numbers of persons to be notified in an emergency.

(13) Shutdowns for routine maintenance and issuance of Notices to Airmen for routine and emergency shutdowns.

(14) Description of critical portions of the facility that must not be changed, adjusted, or repaired without a CAA flight check to confirm published facility operations.

(15) Explanation of types of activity (construction, grading, etc.) in the vicinity of the facility that may require shutdown or recertification by CAA flight check.

(16) Procedure for conducting a ground check of localizer course alignment, width, and clearance, and glide slope elevation angle and width.

(17) Commissioning the facility.

(18) An acceptable procedure for modifying or revision of the manual.

(c) A ground check of localizer course alignment, width and clearances, and glide slope elevation angle and width must be conducted monthly in accordance with established procedures approved by the CAA at the time of commissioning and a report of the results of these ground checks will be submitted to CAA per § 407.27 (Appendix 4).

(d) The owner shall submit to the CAA for approval any proposed modifications to the facility and must not permit any modifications to be performed without specific CAA approval.

(e) The owner's maintenance personnel shall participate in inspections performed by CAA personnel and will be required to demonstrate proficiency in accomplishing maintenance procedures and use of specialized test equipment.

(f) Improvements in ILS maintenance brought about by progress in "the state of the art" shall be incorporated by the owner when required by CAA.

(g) Test instruments required for maintenance of the facility shall be of types approved by the CAA.

(h) The owner shall require the facility to be shutdown immediately upon receipt of two successive pilot reports of malfunctioning.

(i) The operating and maintenance manual must include pertinent data covering the facility involved. These data should include:

(1) Facility component locations with respect to airport layout, instrument runway, etc.

(2) The type, make, and model of the basic radio equipments which will provide the service.

(3) The station power emission and frequencies of the localizer, glide slope, markers and associated compass locators, if any.

(4) The hours of operation.

(5) Station identification call letters and the method of station identification, and the time spacing of this identification.

(j) The owner shall provide a stock of spare parts including vacuum tubes, sufficient to make possible prompt replacement of components which fail or deteriorate in service.

(k) The following Federal Airways Manuals of Operation may be of help to the owner in developing his operating and maintenance manual:

(1) IV-A-1-2 Certification of Facility Performance by Electronics Maintenance Personnel;

(2) IV-A-2-2 Electronics Maintenance Log, Form 406c and Summary of Facility Performance, Form ACA-2171;

(3) IV-A-4 Maintenance of Electronics Equipment;

(4) IV-B-1-4 Description and Theory of Instrument Landing System;

(5) IV-B-2-4-1 Instrument Landing System Installation Drawings;

(6) IV-B-2-4-2 Installation Instructions for Null-Reference Glide Slope;

(7) IV-B-3-4 Maintenance of Instrument Landing Systems;

(8) IV-B-3-7 Maintenance Instructions for 75 Megacycle Markers;

(9) IV-B-3-10 Maintenance of Nondirectional Radio Beacons;

(10) VI-C-2-4 Inspection of Instrument Landing System Localizers;

(11) VI-C-2-5 Null-Reference Glide Slope Inspection Procedure;

(12) ATC-2-B ATC Manual—Communications Procedures (Formerly II-B).

§ 407.27 *(Appendix 4) Reports required by Civil Aeronautics Administration.* (a) The initial supply of forms required for submission of the following reports[1] will be furnished by CAA. Additional quantities of these forms may be obtained from CAA upon request. Unless otherwise stated, these reports should be submitted to the CAA Regional Office of the region in which the facility is located.

(1) *Record of meter readings and adjustments—Form ACA-198.* This form shall be completed by the owner and shall represent the equipment adjustments and meter readings as of the time of commissioning. One copy shall be retained in the permanent records of the facility and two copies furnished to CAA. The form shall be revised following any major repairs, modernization or returning so that it reflects an accurate record of facility operation and adjustment.

(2) *Maintenance log of communication facilities—Form ACA-406c.* This form constitutes a permanent record of all malfunctioning of the equipment encountered in the maintenance of the facility. Such record will include information on the type of work and/or adjustments performed including results of periodic ground checks, equipment failures, causes (if determined) and corrective action taken. The original log shall be kept at the facility and one copy furnished to the CAA at the end of each month. Specific instructions regarding the preparation of this form are contained in Federal Airways Manual of Operation IV-A-2-2, and additional instructions contained in Performance Standardization Branch Instructions No. 7, 10 Rev. No. 1, No. 11 Rev. No. 2 and 12.

(3) *Radio transmitter operation record—Form ACA-418.* A complete record of meter readings will be kept on Form ACA-418. The readings should be recorded on each scheduled visit to the station. The original of the form shall be kept at the facility and one copy of each month's record forwarded to CAA. Instructions for the use of this form are contained on the cover of the booklet of forms.

(4) *Electronic facility unavailability record—Form ACA-2171.1 (IBM Card).* Equipment failures that remove the facility from service shall be recorded on Form ACA-2171.1 "mark sense" cards. Each failure shall be entered on a separate card and the cards forwarded, in a single package, to Maintenance Operations Division, W-670, Washington, D. C., at the end of each month. Specific instructions for preparation and coding of the outage reports are contained in Federal Airways Manual of Operation IV-A-2-2, and additional instructions contained on Performance Standardization Branch Instructions No. 7, No. 10 Revision No. 1, No. 11 Revision No. 2, and No. 12.

This amendment shall become effective May 15, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 1, 1958.

[F. R. Doc. 58-3387; Filed, May 6, 1958; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter III — Public Housing Administration, Housing and Home Finance Agency

PART 320—LOW-RENT HOUSING PROGRAM

FEDERALLY OWNED LOW-RENT HOUSING

Section 320.6 *Federally owned low-rent housing* is amended as follows:

1. The heading "Arizona" and the item "Avondale; Housing Authority of Maricopa County, Post Office Box 150, Phoenix, Ariz." are deleted.

2. Under the heading "California," the following are deleted:

Patterson; Housing Authority of the County of Stanislaus, Post Office Box 935, Modesto, Calif.

Soledad; Housing Authority of the County of Monterey, 134 Carneros Street, Salinas, Calif.

Woodland.

3. The heading "Minnesota" and the item "Sumner Field Homes; Public Housing Administration, Sumner Field Homes, 1061 Eighth Avenue, North, Minneapolis 11, Minn." are deleted.

(Sec. 8, 50 Stat. 891; 42 U. S. C. 1408)

Date approved: April 30, 1958.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 58-3392; Filed, May 6, 1958; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

TERMINATION OF EXEMPTION FOR DESIGNATED FOODS FOR WHICH LABEL DECLARATION OF INGREDIENTS HAS NOT BEEN REQUIRED PENDING STANDARDIZATION; EXTENSION OF EFFECTIVE DATE

On September 17, 1957, there was published in the FEDERAL REGISTER (22 F. R. 7393) an order terminating the exemption for certain designated foods for which label declaration of ingredients as prescribed by section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act had not been required. The Commissioner of Food and Drugs has received requests from the National Canners Association, Canners League of California, Northwest Canners and Freezers Association, California Olive Association, New York State Canners and Freezers Association, and other members of the canning industry for an extension of the effective date of the above-cited order; and good reason therefor appearing, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs (22 F. R. 1045): *It is ordered,* That the effective date of the above-referenced order be extended until September 17, 1959.

The statement of policy in which this order appeared (21 CFR 3.1 (22 F. R. 7393)) is amended by changing the introduction to the section to read as follows:

§ 3.1 ***Termination of exemption for designated foods for which label declaration of ingredients has not been required pending standardization.*** Effective September 17, 1959, the exemption from the label declaration of ingredients requirements of section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act is terminated for the following foods:

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[1] The reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

* * * * *

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: May 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3407; Filed, May 6, 1958; 8:49 a. m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for certification of streptomycin and streptomycin-containing drugs (21 CFR Parts 141b, 146b; 21 CFR, 1956 Supp., 141b.113, 146b.108; 22 F. R. 3041) are amended as set forth below:

1. The headnote of § 141b.113 is changed to read: "§ 141b.113 *Streptomycin syrup; streptomycin in gel (streptomycin oral suspension); dihydrostreptomycin syrup; dihydrostreptomycin in gel (dihydrostreptomycin oral suspension).*"

2. Section 146b.108 *Streptomycin sulfate* * * * is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146b.108 *Streptomycin syrup; streptomycin in gel (streptomycin oral suspension); dihydrostreptomycin syrup; dihydrostreptomycin in gel (dihydrostreptomycin oral suspension)*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin syrup and dihydrostreptomycin syrup are streptomycin or dihydrostreptomycin dissolved in a suitable and harmless diluent that contains one or more suitable and harmless preservatives. Streptomycin in gel and dihydrostreptomycin in gel are streptomycin or dihydrostreptomycin dissolved or suspended in a suitable and harmless gel base that contains a suitable and harmless adsorbent and one or more suitable and harmless preservatives. Each such drug may contain one or more suitable and harmless suspending or dispersing agents, flavorings, pectin, bismuth glycolylarsanilate, bismuth magma, or bismuth subcarbonate, suitable mineral salts, procaine hydrochloride, a suitable antispasmodic agent, and one or more suitable sulfonamides. Its potency is not less than 10 milligrams per milliliter. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except subparagraphs (2), (4), and (6) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility, pyrogens, and moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) (3) is changed to read as follows:

(c) *Labeling.* * * *

(3) On the label and labeling, if it contains, in addition to streptomycin or dihydrostreptomycin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "streptomycin syrup," "streptomycin in gel," "dihydrostreptomycin syrup," or "dihydrostreptomycin in gel," wherever such name appears, the words "with ______ (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

3a. In § 146b.128 *Streptomycin-polymyxin in gel* * * *, the introduction to the section is changed to read: "Streptomycin-polymyxin in gel and dihydrostreptomycin-polymyxin in gel conform to all requirements and are subject to all procedures prescribed by § 146b.108 for streptomycin in gel and dihydrostreptomycin in gel, except that:".

b. Section 146b.128 (c) is deleted, and paragraphs (d), (e), and (f) are redesignated as (c), (d), and (e), respectively.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: April 30, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3402; Filed, May 6, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54582]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; SUGAR FROM AUSTRALIA

Reference is made to T. D. 52923 dated February 8, 1952, relating to countervailing duties on sugar from Australia.

The instructions in that Treasury decision suspended the operation of T. D. 49157 dated September 15, 1937, because it had been found that no grants or bounties had actually been paid on the involved commodity during the years immediately preceding the year 1952.

The Treasury Department is in receipt of official information that the payment of grants and bounties was resumed in August 1955. According to such information, bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U. S. C. 1303), were paid or bestowed at varying rates depending upon the net home consumption price of sugar and an Australian equivalent of the world parity price of that commodity. The net amount of bounty is equal to the rates of export sugar rebate per ton (2,240 lbs.) of sugar content of the exported products. The rates paid or bestowed on the exportation of the involved products are set forth in the following table showing the year and month during which each rate was applicable:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

Net Amount of Bounty per 2,240 Pounds of Sugar Content

1955:	
August	£A16. 14.0
September	£A16. 18.0
October	£A16. 7.0
November	£A17. 18.0
December	£A18. 18.0
1956:	
January	£A18. 15.0
February	£A18. 12.0
March	£A18. 2.0
April	£A18. 3.0
May	£A18. 2.0
June	£A24. 12.0
July	£A24. 4.0
August	£A23. 19.0
September	£A24. 0.0
October	£A26. 7.0
November	£A28. 1.0
December	£A17. 1.0
1957:	
January	£A12. 8.0
February	Nil
March	£A2. 0.0
April	Nil
May	Nil
June	Nil
July	Nil
August	£A8. 3.0
September	£A11. 14.0
October	£A12. 18.0
November	£A17. 2.0
December	£A18. 19.0

The amounts shown in the above table are hereby ascertained, determined, and declared as the net amount of such bounty or grant per ton of 2,240 pounds of sugar content of the exported products for each of the years and months set forth in such table to which the specified amounts pertain.

Collectors are therefore hereby instructed to assess and collect on all fruit products and on all other manufactured products containing sugar, imported from Australia directly or indirectly, additional duties equal to the appropriate net amount of the bounty shown in the above table or published in subsequent issues of the weekly Treasury Decisions. The additional duties specified shall be applied to all such products entered for consumption or withdrawn from warehouse for consumption which were exported on or after August 1, 1955, and which are covered by unliquidated entries.

Such products, entered for consumption or withdrawn from warehouse for consumption, which were exported subsequent to December 1957 shall be with-from liquidation pending the publication in the weekly Treasury Decisions of the net amount of bounty for the applicable period.

The instructions contained in T. D. [illegible]941 relating to the methods for determining the sugar content of various products shall remain in effect.

This Treasury decision shall become effective upon publication in the weekly Treasury Decisions, and shall supersede T. D.'s 49157 and 52923.

The table in § 16.24 (f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R. S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U. S. C. 66, 1303, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 29, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3405; Filed, May 6, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1625]

[78859]

IDAHO

POWER SITE RESTORATION NO. 542 PARTIALLY REVOKING THE EXECUTIVE ORDER OF OCTOBER 29, 1913, WHICH CREATED POWER SITE RESERVE NO. 406

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of October 29, 1913, which created Power Site Reserve No. 406, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 4 S., R. 4 E.,
  Sec. 35, S½S½.
T. 5 S., R. 4 E.,
  Sec. 1, lots 1, 2, 3, and 4;
  Sec. 2, lots 1, 2, 3, and 4.
T. 5 S., R. 5 E.,
  Sec. 1, lots 1, 2, 3, and 4;
  Sec. 2, lots 1, 2, 3, and 4;
  Sec. 3, lots 1, 2, 3, and 4;
  Sec. 4, lots 1, 2, 3, and 4;
  Sec. 5, lots 3 and 4;
  Sec. 6, lots 1, 2, 3, and 4.
T. 4 S., R. 6 E.,
  Sec. 31, lot 4, SE¼SW¼, and S½SE¼;
  Sec. 32, S½S½;
  Sec. 33, S½S½;
  Sec. 34, S½S½.

The areas described aggregate 2,007.44 acres.

2. The Federal Power Commission on April 17, 1922, issued its general determination that where lands of the United States had theretofore been or thereafter were reserved or classified as power sites, solely because such lands were either occupied by power transmission lines, or their occupancy and use for such purposes had been applied for or authorized under appropriate laws of the United States, that the value of such lands would not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws subject to the reservation of section 24 of the Federal Power Act. The lands, therefore, to the extent that they are not included in other withdrawals or reservations, will continue open to application and appropriation under the public land laws, but without reference to the provisions of section 24 of the Federal Power Act.

3. In DA-511, Idaho, issued March 17, 1958, the Federal Power Commission vacated the withdrawal created by the filing on April 16, 1923, of application for license in Project No. 406, so far as it affected portions of the above-described lands. An earlier withdrawal for Project No. 282 of February 23, 1922 was consolidated with Project No. 406.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 1, 1958.

[F. R. Doc. 58-3389; Filed, May 6, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-225-A9]

MILK IN DETROIT, MICH., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketings orders (7 CFR Part 900), a public hearing was held at Lansing, Michigan, on December 10–13, 1957, and at Detroit, Michigan, on December 16–17, 1957, pursuant to notice thereof issued on November 18, 1957 (22 F. R. 9294).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 28, 1958 (23 F. R. 2189) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of the record of hearing relate to:

1. Various proposals for expansion of the marketing area;
2. Location differentials to handlers and to producers;
3. The price for Class II milk;
4. The establishment of interim bases for new producers and old producers relinquishing their bases;
5. Automatic revision of seasonality of normal percentages included in supply-demand adjustors;
6. Pool plant requirements applicable to distributing plants;
7. The type of pool;
8. Classification of milk transferred to nonpool plants;
9. Equivalent price provisions, and
10. Provisions applicable to producer-handlers.

The notice of hearing contained proposals for realignment of the Class I price differential and for changes in the method of computing producer prices but no supporting testimony was offered with respect to these proposals.

In view of the extensive testimony with respect to proposals for expansion of the marketing area and the closely related issues with respect to location differentials, decision with respect to these issues is reserved for a later decision. In this decision consideration is restricted to other issues of the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II milk price.* The provisions for pricing Class II milk should not be changed on the basis of this record except to revise, in conformity with present operating conditions, the list of Michigan plants used.

Class II milk under the Detroit order includes all skim milk and butterfat disposed of for consumption as fluid cream, manufactured into dairy products, disposed of for livestock feed, dumped skim milk and allowable plant loss. Since September 1956, Class II milk has been priced at the higher of the average paying prices of certain Michigan milk manufacturing plants or a butter-powder formula price (that used as an alternative basic formula price, less 18.3 cents) for the months of February through September. For the four months of October through January, twenty cents per hundredweight is added to this price.

Prior to adoption of the present provisions for pricing Class II milk the local plant price determined the Class II price in all months of the year. The change effective in 1956 was based upon evidence that this price had not always reflected the full value of milk used for manufacturing purposes. Addition of the 20 cents on a seasonal basis was designed to make the annual average price for Class II milk more representative while encouraging handlers to add to their operations only such supplies of milk as would be required for operating reserves rather than for manufacturing purposes. The alternative butter-powder formula price was designed to prevent the Class II price from sinking to unreasonably low levels in any month. This alternative price has never been the effective price.

Michigan Milk Producers Association proposed in the notice of hearing that for the months of February through September the Class II butter-powder formula price alternative apply to milk used in pool plants to produce nonfat dry milk, whole milk powder, and butter. At the hearing, however, they did not support this proposal; instead they advocated that for the four months of April through July a credit of 5 cents per pound apply to butterfat manufactured into and disposed of as butter without requiring that such manufacture be in pool plants. Others advocated that the credit apply for additional months.

The cooperative association proposing a lower price for Class II milk manufactured into butter in the flush production season alleges that it is being required to handle a constantly increasing proportion of the Class II milk of the market and must provide facilities for manufacturing in order that the milk supply of the market will be handled in an orderly fashion and that its members may be provided with a market at all times. It alleges that it cannot avoid processing the reserve supplies from producers who are not members of the association and that losses in processing such milk should not be borne by their membership. No figures showing processing costs or losses were presented, however. The volumes of butter manufactured by the proponent was shown to be substantial, particularly in the four months for which the five cents credit was proposed. Another producer cooperative with manufacturing facilities showed that its butter manufacture was more evenly distributed over the year and proposed credit be given for at least eight months of the year.

An operator of cheese manufacturing plants in Michigan protested the establishment of a special price for butter not likewise applicable to American cheese. Both products are purchased under the Government price support program at prices designed to reflect a single national average level of price to dairy farmers for manufacturing milk. Selection of butter as the product to which a credit should apply was evidently based upon the fact that this is the product to which the proponent and other cooperatives supporting the proposal are equipped to convert milk for which no other market can be found.

No claim was made that there had been any essential change in the operating or procurement policies of the local manufacturing plants upon which it should be concluded that the annual level of the Class II price in relation to the local plant prices should be reduced in order to be representative of the value of manufacturing milk. Neither is there evidence that there is need of greater seasonality in the Class II milk price. For a part of the time since the present pricing became effective, particularly from September 1956 through April 1957 the local plant price averaged somewhat higher in relation to other manufacturing milk prices than had formerly been the case. For this period the local plant price exceeded the midwest condensery price of the order by an average of 7 cents per hundredweight. For the months of September through December 1957 (official notice is hereby taken of official price announcements by the market administrator for the months of November and December 1957) the local plant price averaged 4.4 cents less than the condensery price, a more usual relationship.

Production of manufacturing grade milk in Detroit milkshed area is decreasing at the same time that the volume of milk in the Detroit pool is increasing. A number of manufacturing plants have ceased operations. While this situation may in time affect the validity of prior conclusions with respect to the level of the local plant price such change is not evident on this record. Increased demand for pool milk for Class II use in nonpool plants was shown by an operator of nonpool plants in connection with a proposed modification of the provision for classification of pool milk moved to nonpool plants.

It is concluded that no change in the provisions for pricing Class II milk should be made on the basis of this record other than to modify the list of named local plants to represent present operating conditions.

The plants operated by the Borden Company at Perrinton, Michigan, and by the Pet Milk Company at Hudson, Michigan, which are two of the nine named local plants, have ceased operations. The Grand Ledge Milk Company operations at Grand Ledge, Michigan, have been acquired by the Lansing Dairy Company, a cooperative association which also operates a Detroit pool plant and a distributing plant at Lansing. Current payments to farmers delivering milk at Grand Ledge may represent only partial returns for the milk with additional returns being received as patronage dividends.

It is concluded that these three plants should be deleted from the list of named local plants. A Borden plant at Mt. Pleasant, Michigan, at which operations and pay prices have paralleled closely those of the Perrinton plant, should be added. The resulting seven plant list is representative of current manufacturing operations in the Detroit milkshed.

2. *Base rules.* The provisions with respect to establishment of interim bases and payments to producers while establishing such bases should not be modified on the basis of this record. Provision should be included for producers losing herds through brucellosis or tuberculosis to retain their bases for 12 months and for computation of bases for producers supplying distributing plants acquiring pool status.

Each Detroit producer who delivers milk 122 days or more of the August 1–December 31 period each year establishes a base equal to his average deliveries during that period; such base is then used as a basis of payment for deliveries for the 12 month period beginning with the following February. A producer without an established base establishes an interim base by his deliveries during the first three full calendar months of his deliveries. While establishing this interim base he is paid the uniform or market average price for the base forming months of August through December and for other months the base price for a seasonally varied percentage of his monthly deliveries and the excess price for the remainder. The interim base is then established as the daily average of the quantities for which base price was to be paid except that the interim base is computed on 80 percent of deliveries for August and September and 90 percent of deliveries for other base forming months. A producer with an established base may elect to relinquish his base and establish an interim base once each year. It was proposed that the period required for formation of interim bases be extended to five months, that the percentage of deliveries to be paid at the base price and used in the computation of the interim base be reduced 5 or 10 points in all months other than April through July, and that payments at the uniform price in base forming months be eliminated. This proposal was made by the cooperative association representing more than 80 percent of all producers supplying the market.

It was not shown that the changes proposed would bring about a more even flow of milk to the market throughout the year. Effect on the total supply of the market rather than its seasonal distribution appears to be the principal purpose of the proposal. It was argued that the present provisions are too attractive in fall months to new shippers and for old shippers to increase production in an already oversupplied market.

In the Detroit market the average daily delivery per farm has somewhat less seasonal variation than formerly, in that a somewhat greater proportion of the yearly production is in fall and winter months and somewhat less in the spring and early summer months. Considerably more noticable is the constantly increasing production per farm. Since 1954 daily deliveries per farm have increased 21 percent. For the August-December period this increase has been 25 percent. Such changes are not peculiar to Detroit, but are representative of trends in many markets.

The proposal is evidently designed to make it less attractive for producers to increase the average size of their deliveries. It is concluded that the proposal should not be adopted on the basis of this record.

The base rules should provide that a producer losing the principal part of his herd through brucellosis or tuberculosis may retain his base without loss for one year. Such a provision now applies when a producer loses his barn through fire or windstorm. Loss of seventy percent of the milking herd for which evidence issued under State or Federal authority is presented represents a reasonable standard for operation of the provision.

Provision should also be made for computation of bases for producers supplying distributing plants when such plants first achieve pool plant status on the basis of deliveries to such plant during the preceding base making period. The principal need shown for such a provision was related to producers supplying plants that would be affected by proposals to increase the marketing area. Other distributing plants may also enter the market and achieve pool status. Producers supplying such plants in the preceding base forming months evidently supplied milk for Class I use at that time and if satisfactory evidence of their deliveries at that time can be furnished should have bases computed from such deliveries. The provisions set forth above for new producers appear appropriate for producers delivering to plants which first qualify as supply plants.

3. *Supply-demand adjustment.* Provision for automatic adjustment of the seasonality of the normal percentages used in supply-demand adjustment of the Class I price should not be made on the basis of this record.

The Class I price of the Detroit order is adjusted for the extent to which the average percentage that producer milk receipts were of Class I sales in the most recent two month period varies from the average of predetermined monthly "normal" percentage relationships which vary seasonally. A handler proposed that the seasonal relationship of these "normal" percentages be revised annually to reflect the seasonal relationships for the most recent 4 years.

Producers opposed this proposal on the basis that under the method of computation proposed a reduction in the annual level of the Class I price would result, and that proposals they had submitted to increase this annual level were not included in the notice of hearing.

While it would be possible to reflect recent seasonality of supply-demand relationships automatically without affecting the resulting annual level of price, it does not appear that this record provides an adequate basis for such action. No serious seasonal maladjustment in the present provision was shown. It is concluded that no change should be made on the basis of this record.

4. *Pool plant requirements.* Pool plant requirements applicable to distributing plants should be modified to permit plants which have qualified in each of the months of October through March to remain qualified for the months of April through September if they maintain the minimum required route distribution in the marketing area. The receipts of which a specified percentage of route sales are required for qualification should include only receipts from producers and from supply plants.

In order to qualify as a pool plant under present order provisions a distributing plant must have route distribution of Class I milk in the marketing area of 600 pounds or more per day and in addition must have 55 percent or more of its total receipts on routes either inside or outside the marketing area for the months of September through February or 45 percent for other months.

A handler proposed that the required proportion of fluid sales be 50 percent for the months of October through March and that no percentage apply for other months. The producers supplying this handler have a considerably wider seasonal variation in deliveries than the average of the market while the handler has considerable seasonality in his Class I sales, due to school contacts. As a consequence, the handler has with difficulty maintained status in summer months while he has had no problem in other months. As a result of this situation he can no longer take care of summer surpluses of small distributing plants in his section of the market. The manufacturing facilities of this handler provide the most accessible surplus disposal outlet for these small plants.

There was no opposition to some modification of the provisions to meet this situation. The pool plant requirements for distributing plants serve, however, as a means of preventing plants which fail to qualify as supply plants from pooling their receipts on the basis of token route operations. For this reason requirements applicable to summer months must be retained. They may be waived, however, with respect to plants which have qualified as distributing plants in each of the immediately preceding fall and winter months, and it is concluded that the order should so provide. The six-month period of required qualification for all plants should be changed to October through March. A review of the record indicates that this is now the consecutive six-month period with highest percentage of Class I utilization for the market. The qualification percentage for this period should continue to be 55 percent of receipts.

The volume of receipts from other plants used in the computation should be that from supply plants only. Such shipments form the basis upon which supply plants may qualify as pool plants. Movements from distributing plants on the other hand, have no bearing upon pool qualification of such plants.

5. *Pooling.* Handler pooling should not replace market-wide pooling. A handler proposal to change pooling of producer returns from the present market-wide basis to an individual handler basis was not supported by the proponent but was supported by a producer on behalf of certain producers in a location near the market. It was contended that under handler pooling dealers would restrict purchases from producers to a volume nearer to Class I needs and the producers supplying them would benefit by higher base blend prices. The proposal was not supported by producer organizations accepting responsibility for orderly marketing of the inspected milk supply of the market. The Detroit market supply is organized on the basis of market-wide pooling. This record provides no basis for changing the type of pool.

6. *Transfers to nonpool plants.* Milk transferred to nonpool plants is now allocated to the highest available use in the nonpool plant, except for the months of April, May, and June when it is allocated to the lowest available use. The highest use allocation provision was adopted in 1955 to discourage the practice of nonpool handlers with Class I disposition from depending upon the Detroit pool to carry their daily and seasonal reserves. The exception for the flush production months recognizes that in these months there is little likelihood of a nonpool plant depending upon Detroit pool milk for bottling purposes.

It was proposed that transfers to nonpool plants be so allocated as to give local dairy farmers' milk priority over Detroit pool milk transferred to the nonpool plant. The principal basis upon which any change was advocated however, was in connection with transfers to a manufacturing plant with no bottled milk sales, but from which bulk milk is transferred to a second nonpool plant for manufacture of cottage cheese. The second nonpool plant processes milk for fluid use. Under present order provisions the same allocation provisions apply to the second movement as to the original transfer.

In the recommended decision it was proposed that the allocation provisions be changed with respect to further movements from certain types of nonpool plants under specified circumstances. As a result of exceptions received the opportunity under such provisions for nonpool handlers to again rely upon securing reserve milk needed for their Class I business from the Detroit pool as Class II milk has been carefully reviewed. It is concluded that general application of the exceptions proposed for this single situation would be difficult of administration and could provide opportunity for widespread return to the situation which the present provisions were designed to correct. It is therefore concluded that no change should be made at this time in the provisions for classification of milk transferred to nonpool plants.

7. *Equivalent prices.* An "equivalent prices" provision should be incorporated in the order. Various price quotations have become unavailable with little, if any, advance notice. Plants used as sources of prices for computing basic formula prices and manufacturing milk prices have ceased operations. Provisions have been incorporated into orders to meet emergency situations in which particular price quotations necessary for price formulas or other provisions in the orders, may not be available to the market administrator. In such case, the Secretary would determine a price equivalent to the price quotation specified in the order. Some provision of this type is necessary to meet emergency conditions since the mechanics involved would not permit sufficient time to consider and issue an order amendment. The provision likewise will remove uncertainty as to the procedure to be followed in the absence of price quotations specified in the order and thus will prevent unnecessary interruption in the operation of the order.

8. *Producer-handlers.* The order presently defines a producer-handler as a handler who produces milk but receives

no milk from other producers, or from a cooperative association. Cooperative associations operate a number of pool plants in the Detroit market. Under the present provision a producer-handler may lose his status as a producer-handler by purchases from the pool plant of a cooperative association when a like purchase from a pool plant operated by a proprietary concern would not affect his status. There appears to be little reason for such distinction. It is concluded that the restriction should only apply to receipts from producers, and that provisions should be made to classify any milk transferred from a pool plant to the plant of a producer-handler as Class I milk. Producer-handlers buy pool milk only for use in connection with their Class I business.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Detroit, Michigan, marketing area", and "Order amending the order regulating the handling of milk in the Detroit, Michigan, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Detroit, Michigan, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 1st day of May 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending Order Regulating Handling of Milk in Detroit, Michigan, Marketing Area

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

1. Revise § 924.8 to read as follows:

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from producers.

2. Amend § 924.16 (a) to read as follows:

(a) Any plant, hereinafter referred to as a "distributing plant"

(1) In which milk is pasteurized or packaged for distribution in the marketing area;

(2) From which Class I milk is disposed of on a route(s) in the marketing area; and

(3) From which the total quantity of Class I milk distributed on all routes operated inside or outside the marketing area equals the percentage specified below of receipts from producers and from supply plants of milk approved by the appropriate health authority for fluid use:

(i) 55 percent during any of the months of October through March; or

(ii) 45 percent during any of the months of April through September, except that no such percentage requirement shall apply during such months with respect to any such plant which qualified as a distributing plant during each of the immediately preceding months of October through March.

3. Add the following as § 924.43 (d):

(d) Skim milk and butterfat transferred from a pool plant to the plant of producer-handler in the form of milk or skim milk shall be Class I utilization.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

4. In § 924.50 (c) revise the list of named plants to read as follows:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Kraft Foods, Clare, Mich.
Kraft Foods, Pinconning, Mich.
Nestle Co., Ubly, Mich.

5. Add the following as § 924.54:

§ 924.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

6. Add the following as § 924.70 (e):

(e) When a plant first becomes a pool plant pursuant to § 924.16 (a) bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August-December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

7. Amend § 924.71 (c) to read as follows:

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base, except the following producers may retain their bases without loss for twelve months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of seventy percent or more of the milk herd from brucellosis or bovine tuberculosis is shown by evidence issued under State or Federal authority.

[F. R. Doc. 58-3412; Filed, May 6, 1958; 8:51 a. m.]

Agricultural Research Service

[9 CFR Part 76]

Hog Cholera, Swine Plague and Other Communicable Swine Diseases

DISCONTINUANCE OF USE OF VIRULENT VIRUS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of sections 1 and 3 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), it is proposed to amend § 76.5 of the regulations governing the interstate movement of swine (9 CFR 76.5, as amended) in the following respects:

1. Section 76.5 (d) (2) would be amended to read:

(2) Simultaneous inoculation method. The swine may be given the simultaneous inoculation with anti-hog-cholera serum and modified live virus vaccine, prepared under license from the Secretary of Agriculture. The doses of serum and modified live virus vaccine administered shall be in conformity with the amounts specified in paragraph (f) of this section.

2. Section 76.5 (f) would be amended to read:

(f) The dosage of serum and modified live-virus vaccine used for the treatment of swine under the provisions of paragraph (d) of this section shall in no instance be less than that prescribed in subparagraphs (1) and (2) of this paragraph.

(1) *Dosage of anti-hog-cholera serum.*

Weight of swine (pounds):	*Dose of serum (cubic centimeters)*
20–40	30
40–60	30–40
60–90	40–50
90–120	50–60
120–150	60–70
150–180	70–80
180 and over	80–100

(2) *Dosage of modified live-virus vaccine with anti-hog-cholera serum.* The dosage of modified live-virus vaccine shall be that recommended on the product label by the licensed manufacturer, supplemented with anti-hog-cholera serum in the amounts specified in subparagraph (1) of this paragraph.

The object of the proposed amendment is to discontinue the use of virulent virus in conjunction with anti-hog-cholera serum as an alternative method of inoculating swine at public stockyards for the prevention of hog cholera, as a means of qualifying the swine for interstate shipment.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the Federal Register.

Done at Washington, D. C., this 1st day of May 1958.

[SEAL] M. R. Clarkson,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3396; Filed, May 6, 1958; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

Enforcement of Federal Food, Drug, and Cosmetic Act

EXTENSION OF TIME FOR FILING COMMENTS IN RE PROPOSAL TO EXEMPT CITRUS FRUIT BEARING CHEMICAL PRESERVATIVE FROM LABELING REQUIREMENTS

By a notice published in the Federal Register of April 4, 1958 (23 F. R. 2231), a period of 30 days was allowed for interested persons to submit evidence and comments in the above-entitled matter.

The Commissioner of Food and Drugs has received requests for an extension of time for filing comments in the above-entitled matter; and good reason therefor appearing: *It is ordered,* That the time for filing comments be extended until September 1, 1958. This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371), which authority was delegated to the Commissioner by the Secretary of Health, Education, and Welfare (22 F. R. 1045).

Dated: May 1, 1958.

[SEAL] Geo. P. Larrick,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3409; Filed, May 6, 1958; 8:50 a. m.]

[21 CFR Part 120]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 2-(1-METHYLHEPTYL)-4,6-DINITROPHENYL CROTONATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, proposing the establishment of tolerances of 2 parts per million for residues of 2-(1-methylheptyl)-4,6-dinitrophenyl crotonate in or on the following raw agricultural commodities: Apples, apricots, beans (dry form), beans (succulent form), blackberries, blueberries (huckleberries), boysenberries, cantaloups, cherries, crabapples, cucumbers, currants, dewberries, gooseberries, grapes, honeydew melons, loganberries, muskmelons, nectarines, peaches, pears, peas (dry form), peas (succulent form), plums (fresh prunes), pumpkins, quinces, raspberries, soybeans (dry form), soybeans (succulent form), strawberries, summer squash, watermelons, winter squash.

The analytical method proposed in the petition for determining residues of 2-(1-methylheptyl)-4,6-dinitrophenyl crotonate is that published in Agriculture and Food Chemistry, Volume 5, No. 12, page 914 (December 1957).

Dated: April 30, 1958.

[SEAL] Robert S. Roe,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-3408; Filed, May 6, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54581]

COAL, COKE, AND BRIQUETTES IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

MAY 1, 1958.

Coal, coke made from coal, and coal or coke briquettes imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1958, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in section 4531, Internal Revenue Code of 1954:

Canada.
Japan.
United Kingdom.
West Germany.

Certain countries from which there have been no importations of coal or allied fuels since January 1, 1956, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the calendar year 1958 from countries not listed above will be furnished upon application therefor to the Bureau.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 58-3404; Filed, May 6, 1958; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS) AND MILITARY DEPARTMENTS

DELEGATIONS OF AUTHORITY WITH RESPECT TO MAKING OF TAX DETERMINATIONS ON WHERRY HOUSING PROJECTS; CORRECTION

Wherever the reference to Public Law 85-1020 appeared in F. R. document 58-3180, published at 23 F. R. 2872, it is corrected to read Public Law 84-1020.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F. R. Doc. 58-3406; Filed, May 6, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 9520 etc.]

GULF OIL CORP. ET AL

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

APRIL 28, 1958.

In the matters of Gulf Oil Corporation, Docket Nos. G-9520, G-11106, G-11335, G-11442, G-11443, G-11444, G-11847, G-12315, G-12634, G-12955, G-12956, G-13495, G-13518, G-13519, G-13526, G-13581, G-13772, G-13841, G-13983, G-13984, G-14092, G-14262, G-14410, G-14416; Gulf Oil Corporation (Operator), et al., Docket Nos. G-11851, G-13100, G-13494.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing will be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on July 7, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3390; Filed, May 6, 1958; 8:46 a. m.]

[Project No. 5]

MONTANA POWER CO.

NOTICE OF POSTPONEMENT OF HEARING

APRIL 30, 1958.

Upon consideration of the telegraphic request filed April 24, 1958, as supplemented by letter of April 25, 1958, on behalf of The Montana Power Company for postponement of the hearing now scheduled for May 20, 1958 in the above-designated matter;

Notice is hereby given that the hearing in this matter is postponed to commence at 10:00 a. m., e. d. s. t., June 24, 1958, in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3391; Filed, May 6, 1958; 8:46 a. m.]

[Docket No. G-15007]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 1, 1958.

The Texas Company (Texas) on April 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement[1] dated March 24, 1958. (2) Notice of Change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 124. (2) Supplement No. 6 to Texas' FPC Gas Rate Schedule No. 124.

Effective Date: May 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Texas states that the new rate was negotiated after bona fide arm's-length bargaining, the extension of the term from 1960 to 1978 increases the total cash operating cost of the seller in proportion to the extended life of the field operations and therefore decreases its net income from a given quantity of gas reserves, causes additional cost to the seller because of interest lost on the deferred income, and the price increase only partially compensates the seller for these and other increasing costs. Texas also states that its costs have been and are increasing as evidenced by 6 percent wage increases May 1, 1957, and steel price increases of 3 percent and 5.3 percent in 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 5 and 6 to Texas' FPC Gas Rate Schedule No. 124 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 5 and 6 to Texas' FPC Gas Rate Schedule No. 124.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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[1] Parties agree to increase of base rate from 7.5 cents at 16.7 psia to 13.75 cents at 14.65 psia. (Tax reimbursement also increased, measurement provisions, etc., also change).

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3403; Filed, May 6, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1145]

NATIONAL DEPARTMENT STORES CORP.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

APRIL 30, 1958.

Notice is hereby given that National Department Stores Corporation ("National") has filed an application and an amendment thereto, pursuant to section 3 (b) (2) of the Investment Company Act of 1940 ("act"), for an order declaring it to be engaged primarily in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

National was organized under the laws of Delaware in 1935 as a successor in bankruptcy reorganization to National Department Stores, Inc. Until 1955 National and its predecessor had operated solely in the retail store field through wholly or majority owned subsidiaries. National has outstanding 600,000 shares of common stock, its only class of security, which is registered on the New York Stock Exchange. At January 31, 1958 it had total consolidated assets estimated at approximately $23,225,000.

In 1954 and 1955 South American Gold & Platinum Company ("South American"), a Delaware corporation, acquired through a wholly owned subsidiary 143,361 shares of National's then outstanding 772,140 shares of common stock. The application recites that South American is primarily engaged in the so-called extractive industries including the exploration, development and operation through subsidiaries of mineral, oil, and other natural resource properties. In a Memorandum Opinion and Order issued December 3, 1956 (Investment Company Act Release No. 2450) this Commission declared that South American was engaged in a business or businesses other than that of an investment company. The application states that the nature of South American's business and its method of operations has not substantially changed since the issuance of that Opinion and Order.

Following its acquisition of the National stock, South American, as recited in the application, designated a new management for National and the new management instituted a program looking toward the disposition of National's store properties and in February 1957 National's stockholders adopted a resolution authorizing such program. At that time National's stockholders were advised that the future business of the corporation was being given consideration. Pending determination of this question National used some of the proceeds from the sale of store properties and funds not required in its retail operations to acquire securities not limited to the retail stores industry. With the exceptions noted below, all such securities were disposed of by April, 1957.

In June 1955 National commenced acquiring shares of stock of Placer Development, Limited ("Placer"), a Canadian corporation, and as of March 25, 1958 it had acquired 745,965 shares of such stock (approximately 29 percent) at a cost of $8,957,986. At the present time National's portfolio consists only of securities of its retail stores and related subsidiaries, stock of Placer, and an investment of approximately $300,000 in International Packers, Limited (a meat packing company).

Placer was incorporated in Canada in 1926 for the purpose of developing gold placer and other mining properties in various parts of the world. Through subsidiaries and associated companies, it is engaged in the production of gold, lead, and zinc concentrates, tungsten, coal, oil and gas. National states that, instead of purchasing outright another company or business, it has decided to enter the business of Placer by acquiring a controlling interest therein, and that at the present time it is still engaged in the process of so doing. This decision was motivated in part because Placer, like South American which controls National, is engaged in the extractive industries and National has available expert advice in this field through South American. National is Placer's largest single stockholder and has two representatives on its eight man Board of Directors, who, it is stated, are consulted and make frequent suggestions with respect to Placer's policies, management and operations. Because of its large stockholdings, National believes that it has the power to exercise a controlling influence over the management and policies of Placer.

It is asserted that National presently has two major activities, the first being the operation of its remaining store properties, and the second being its activities in connection with its interest in Placer.

In its store operations, National owns 100 percent of the stock of corporations which own and operate two department stores in Pittsburgh, Pennsylvania, and one department store company in Cleveland, Ohio, and which own related real estate and warehouses and render management and jobbing services to the retail stores. As of January 31, 1958, National's assets, related to this aspect of its business, exclusive of cash, were carried on its consolidated balance sheet in a gross amount of $13,383,000 and a net amount, after deducting the related liabilities, of approximately $9,320,000. For the year ended January 31, 1958, retail operations produced net sales of $37,165,000 and a net loss estimated at approximately $655,000.

National's investment in the stock of Placer had a market value as of March 31, 1958 of approximately $7,700,000. For the year ended January 31, 1958, it received dividends on such holdings of $467,842.

National expects to submit for approval of its stockholders at a meeting to be held on June 5, 1958 proposals (1) that its name be changed to "International Mining Corporation" to reflect National's decision to withdraw from the retail field and to concentrate on business activities in the field of natural resources extractive industries, and (2) that its corporate powers be enlarged to permit it to engage directly (as well as through subsidiaries and controlled companies) in the latter field.

National contends that it is primarily engaged (1) in the retail store business, or (2) in the business of extractive industries, and (3) that it is not primarily engaged in the business of an investment company.

Section 3 (a) (3) of the act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3 (b) (2) of the act provides, that, notwithstanding section 3 (a) (3), the term "investment company" does not include a person whom the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

The application states that National's purchases of Placer stock are continuing and are intended to continue to the extent that funds are available and shares can be purchased at satisfactory prices. It will require, however, an unpredictable period of time before Placer, by reason of any such acquisitions, would become a majority-owned subsidiary of National. It is therefore assumed, and conceded by National, that it owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of its total assets (exclusive of Government securities and cash items) within the meaning of section 3 (a) (3) of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 3 (b) (2);

It is ordered, Pursuant to section 40 (a) of the act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 17th day of June 1958, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that Rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That William W. Swift, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether National is an investment company within the definition of section 3 (a) (3) of the act;

(2) Whether National is primarily engaged in the business of extracting natural resources through its ownership of 29 percent of the voting stock of Placer;

(3) Whether National is primarily engaged in the retail store business through its wholly-owned subsidiaries.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to National; that National shall cause a copy of this notice to be mailed to its stockholders at their last known address on or before May 9, 1958; and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3393; Filed, May 6, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 34]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 2, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-30204 (Deviation No. 1), HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY, 438 Dartmouth Street, New Bedford, Mass., filed April 28, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Connecticut Turnpike at Killingly, Conn., and the Western Terminus of the said Turnpike at the Connecticut-New York State line as follows: From the Eastern Terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to the Western Terminus of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: Between New Haven, Conn., and New London, Conn., as follows: From New Haven, Conn., over U. S. Highway 1 to New London, Conn.; between Providence, R. I., and New London, Conn., as follows: From Providence, R. I., over U. S. Highway 6 to junction Rhode Island Highway 102, thence over Rhode Island Highway 102 to junction Rhode Island Highway 14, thence over Rhode Island Highway 14 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 14 to Central Village, Conn., thence north over Connecticut Highway 12 to junction Connecticut Highway 205, thence over Connecticut Highway 205 to Wauregan, Conn., thence return over Connecticut Highway 205 to junction Connecticut Highway 12, thence over Connecticut Highway 12 via Plainfield, Conn., to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Alternate U. S. Highway 1, thence over Alternate U. S. Highway 1 to New London, Conn.; between Providence, R. I., and North Grosvenordale, Conn., as follows: From Providence over U. S. Highway 6 to Danielson, Conn., thence over Connecticut Highway 12 to North Grosvenordale; between Boston, Mass., and New York, N. Y., as follows: From Boston, Mass., over U. S. Highway 1 to Providence, R. I., thence over Rhode Island Highway 3 to Hopkinton, R. I., thence over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over U. S. Highway 1 to New York, N. Y.

No. MC-67646 (Sub No. 2), (Deviation No. 1), HALL'S MOTOR TRANSIT COMPANY, Fifth and Vine Streets, P. O. Box 738, Sunbury, Pa., filed April 28, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Auburn Corners, Ohio, and Cleveland, Ohio, as follows: From junction of U. S. Highway 422 and Ohio Highway 44 at Auburn Corners over Ohio Highway 44 to junction Ohio Highways 44 and 82 at Mantua, Ohio, thence over Ohio Highway 82 to Cleveland and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Auburn Corners, Ohio, and Cleveland, Ohio, over the following pertinent route: From Auburn Corners over U. S. Highway 422 to Chagrin Falls, Ohio, and thence over unnumbered highway to Cleveland.

No. MC-109834 (Sub No. 3), (Deviation No. 1), NOVICK TRANSFER CO., INC., 700 North Cameron Street, Winchester, Va., filed April 23, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Winchester, Va., and Waynesboro, Va., as follows: From Winchester over U. S. Highway 340 to Waynesboro and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodity between Winchester, Va., and Waynesboro, Va., over the following pertinent route: From Winchester over U. S. Highway 11 to Staunton, Va., thence over U. S. Highway 250 to Waynesboro.

MOTOR CARRIERS OF PASSENGERS

No. MC-1508 (Deviation No. 8), RICHMOND-GREYHOUND LINES, INC., Transportation Building, Broad at Jefferson, Richmond 20, Va., filed April 23, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route, between Richmond, Va., and Petersburg, Va., as follows: From Richmond over the Richmond-Petersburg Turnpike to Petersburg and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Richmond, Va., and Petersburg, Va., over U. S. Highway 1.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3399; Filed, May 6, 1958; 8:47 a. m.]

[Notice 215]

MOTOR CARRIER APPLICATIONS

MAY 2, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Sub No. 10), filed April 28, 1958. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 2230 (Sub No. 8), filed April 14, 1958. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Box 1908, Lincoln, Nebr. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in truckaway service, between points in Missouri and points in Nebraska. Applicant is authorized to conduct operations in Idaho, Illinois, Indiana, Michigan, Montana, Nebraska, South Dakota, and Wyoming.

NOTE: Service will be restricted so as not to traverse any highways in Iowa or Kansas.

HEARING: June 3, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, before Joint Board No. 290.

No. MC 2962 (Sub No. 20), filed April 10, 1958. Applicant: A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, lacquers, synthetic resin solutions, oils compounded, thinning compounds* and *lacquer and varnish solvents*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Kentucky, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Indiana, Kentucky, Ohio, Tennessee, Illinois, Missouri, Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, New York, North Carolina, Oklahoma, South Carolina, Texas, and Virginia.

HEARING: July 1, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 21623 (Sub No. 79), filed March 27, 1958. Applicant: W. J. DILLNER TRANSFER CO., a corporation, 601 Melwood Street, Pittsburgh 13, Pa. Applicant's attorney: Ernie Adamson, Aspen Hill, Middleburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, on flat bed, dump, low-bed, or other specially designed vehicles, between the site of the Dillner Marine Terminal, near West Elizabeth, Pa., and all points in the United States. Applicant is authorized to conduct operations in Delaware, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia.

NOTE: Applicant states that no duplication of authority is sought.

HEARING: June 9, 1958, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Lacy W. Hinely.

No. MC 25567 (Sub No. 43), filed April 25, 1958. Applicant: HANCOCK-TRUCKING, INCORPORATED (Sheldon A. Key, Trustee), 1917 West Maryland Street, Evansville, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of the Chrysler Corporation located at or near Valley Park, St. Louis County, Mo., approximately 19 miles west of St. Louis, Mo., as an off-route point in connection with applicant's authorized regular route operations between (1) St. Louis, Mo., and Cincinnati, Ohio, (2) Chicago, Ill., and St. Louis, Mo., (3) Evansville, Ind., and St. Louis, Mo., and (4) St. Louis, Mo., and Princeton and Evansville, Ind. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 29910 (Sub No. 49), filed April 25, 1958. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Building, P. O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Plymouth Division, Chrysler Corporation, located on U. S. Highway 66, at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kansas, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 32562 (Sub No. 13), filed April 2, 1958. Applicant: POINT EXPRESS, INC., 7575 Seventh Avenue, Box 1007, Station C, Charleston, W. Va. Applicant's attorney: Francis W. McInery, 504 Commonwealth Building, 1625 K Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Racine, W. Va., and Logan, W. Va., from Racine over U. S. Highway 119 to Logan, and return over the same route, serving all intermediate points. Applicant is authorized to conduct regular route operations in Kentucky, Ohio and West Virginia, and over irregular routes in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia.

HEARING: June 26, 1958, at the City Council Chamber City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 36473 (Sub No. 65), filed April 3, 1958. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. Applicant's representative: Ben H. Fowler, c/o Central Truck Lines, Inc., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Lake City, Fla., and Pearson, Fla., from Lake City over U. S. Highway 441 to

Pearson, and return over the same route, serving no intermediate points. (2) Between Glen Saint Mary, Fla., and Valdosta, Ga., from Glen Saint Mary over Florida Highway 125 to junction Florida Highway 2 at Eddy, Fla., thence over Florida Highway 2 to the Florida-Georgia State line, thence over Georgia Highway 94 to Valdosta, and return over the same route, serving no intermediate points. (3) Between Okeechobee, Fla., and junction Florida Highway 710 and Sunshine State Parkway, Fla., from Okeechobee over Florida Highway 70 to junction Florida Highway 710, thence over Florida Highway 710 to junction Sunshine State Parkway, and return over the same route, serving no intermediate points, and serving Okeechobee for purpose of joinder only. (4) Between Lakeland, Ga., and junction Georgia Highway 122 and U. S. Highway 84 (near Thomasville, Ga.), from Lakeland over Georgia Highway 122 to junction U. S. Highway 84 (near Thomasville, Ga.), and return over the same route, serving no intermediate points. (5) Serving the site of the Pratt and Whitney Division of United Aircraft Corporation plant, and the site of the Apix Corporation plant, near West Palm Beach, Fla., as off-route points in connection with applicant's authorized regular route operations. In this connection applicant is authorized to serve the site of the plant of Pratt and Whitney Division of United Aircraft Corporation, near West Palm Beach, Fla., as an off-route point in connection with authorized regular route operations to and from West Palm Beach, Fla., in No. MC 36473 (Sub No. 62), and desires to eliminate the wording to and from West Palm Beach, Fla. (6) Serving the site of the Glenn L. Martin Company plant, near Orlando, Fla., as an off-route point in connection with applicant's authorized regular route operations. (7) Serving Edgar, Fla., as an off-route point in connection with applicant's authorized regular route operations to and from Hawthorne, Fla.

NOTE: Routes (1) through (4) are alternate routes for operating convenience only, in connection with applicant's present authority. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, and Louisiana.

HEARING: June 4, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 41147 (Sub No. 2), filed April 25, 1958. Applicant: L. S. FRICK SERVICE CO., INC., 303 West Main Street, Belleville, Ill. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations between Belleville, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 46280 (Sub No. 38), filed April 24, 1958. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., on the one hand, and, on the other, the site of the Plymouth-St. Louis Assembly plant of Chrysler Corporation, located on U. S. Highway 66 near Valley Park, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 47603 (Sub No. 10) (CORRECTION), filed April 3, 1958, published issue of April 16, 1958, at page 2467. Applicant: PROPST TRANSPORT, INC., Concord, N. C. Applicant's attorneys: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga., and George C. Young, 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, in truckaway and driveaway service, from the site of the Chrysler Corporation Assembly Plant, located in St. Louis County, Mo., to points in North Carolina and South Carolina, and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Michigan, South Carolina, North Carolina, Pennsylvania, New York, New Jersey, and Virginia.

NOTE: Previous notice gave applicant's name as Probst Transport, Inc. This was in error, applicant's correct name is *PROPST TRANSPORT, INC.*

HEARING: Remains as assigned, May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 50069 (Sub No. 195), filed March 27, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Warren County, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Massachusetts, Maine, New Hampshire, Rhode Island, Vermont, Tennessee, Oklahoma, Nebraska, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, Wisconsin, New York, Iowa, Minnesota, New Jersey, Connecticut, Delaware, and Kansas.

HEARING: June 13, 1958, at the New Post Office Bldg., Columbus, Ohio, before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 55811 (Sub No. 38), filed February 26, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Cuyahoga and Lake Counties, Ohio, to points in Illinois, Indiana, Michigan, Ohio, points in West Virginia within ten (10) miles of the West Virginia State line, including points in Hancock, Brooke, and Ohio Counties, W. Va., points in Pennsylvania within ten (10) miles of the Pennsylvania-Ohio State line and those in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeanette, Schenley, and South Connellsville, Pa. and points within ten (10) miles of Jeanette, Schenley, and South Connellsville, Pa., and *empty containers or other such incidental facilities* used in transporting salt, on return. Applicant is authorized to transport salt in Michigan, Ohio, and Indiana and states any duplication of authority will constitute only one authority.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 55811 (Sub No. 42), filed April 14, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food preparations*, from De Kalb, Rochelle and Mendota, Ill., to Indianapolis, Ind., and Cincinnati and Columbus, Ohio, and *damaged or rejected shipments* of canned food preparations, on return. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: June 30, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 56244 (Sub No. 20), filed April 22, 1958. Applicant: KUHN TRANSPORTATION COMPANY, INC., Gardners, Pa. Applicant's attorney: John E. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxboard*, from Halltown, W. Va., to points in Ohio, Indiana, Illinois, and Michigan, and Louisville, Ky., and St. Louis, Mo., and *waste paper, boxboard clippings, empty skids and pallets*, and *paper cones*, on return. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New York, New Jersey, West Virginia, Ohio, Illinois, Indiana, Kentucky, Michigan, Iowa, Missouri, and Virginia.

HEARING: June 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 59583 (Sub No. 73), filed April 4, 1958. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Frederick, Md., and Gettysburg, Pa., over U. S. Highway 15, serving no intermediate or off-route points as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Hagerstown, Md., and Trenton, N. J., (b) Harrisburg and Gettysburg, Pa., and (c) Chambersburg and Philadelphia, Pa.; and (2) between Canton, N. C., and Atlanta, Ga., over U. S. Highway 23, serving no intermediate or off-route points and no points of origin or destination or presently authorized to be served, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Asheville and Canton, N. C., and (b) Atlanta, Ga., and Knoxville, Tenn. Applicant is authorized to conduct similar operations in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

HEARING: June 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

No. MC 72923 (Sub No. 18), filed March 12, 1958. Applicant: INTERSTATE TRUCK SERVICE, INC., 605–611 South First Street, Martins Ferry, Ohio. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and liquid commodities, in bulk; (a) between points in Ohio and West Virginia within two miles of the Ohio River northerly from Sistersville, W. Va., and Fly, Ohio, and extending to the junction of the West Virginia-Ohio-Pennsylvania State lines, points in Ohio in the above-specified origin territory and Barnesville, Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of U. S. Highway 219 extending from the Maryland-Pennsylvania State line near Salisbury, Pa., to Ebensburg, Pa., thence on and south of U. S. Highway 422 extending from Ebensburg to Portersville, Pa., thence on and west of U. S. Highway 19 extending from Portersville to Mercer, Pa., and thence on and south of U. S. Highway 62 extending from Mercer to the Pennsylvania-Ohio State line, Sparrows Point, Md., New York, N. Y., and points within [illegible] miles of New York, points within 30 miles of Philadelphia, Pa., and points in New York on and west of line beginning at Windsor Beach, N. Y., and extending to Rochester, N. Y., thence along U. S. Highway 15 to Wayland, N. Y., thence along New York Highway 245 to Dansville, N. Y., thence along New York Highway 36 to Andover, N. Y., and thence along the New York Highway 17 to the New York-Pennsylvania State line. (b) Between points in West Virginia in the above-specified origin territory, on the one hand, and, on the other, points in Ohio. (2) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Ohio and West Virginia within two miles of the Ohio River northerly from Sistersville, W. Va., and Fly, Ohio, extending to the junction of the West Virginia-Ohio-Pennsylvania State lines, on the one hand, and, on the other, Baltimore, Md., and Philadelphia, Pa. Applicant is authorized to conduct operations in Ohio, West Virginia, Pennsylvania, Maryland, District of Columbia, Indiana, Kentucky, New York, Delaware, Massachusetts, New Jersey, Tennessee, and Virginia.

NOTE: Applicant states that it now holds the authority requested above so far as points and territory are concerned. In conducting operations between points in West Virginia and Ohio, on the one hand, and the described territory to the east of West Virginia and Ohio, applicant must move through the base territory (described as the origin territory in (2) above). As matters now stand applicant must move past the Pennsylvania Turnpike to reach the base territory and must then return to the Pennsylvania Turnpike in order to proceed eastward. Several examples are fully described in the application. The granting of the authority sought will not enable applicant to transport any additional commodities or serve any additional points, but will merely enable it to couple the operating rights already held in such a way as to enable the use of better routes.

HEARING: June 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 86188 (Sub No. 33), filed April 18, 1958. Applicant: NORTHLAND PETROLEUM TRANSPORT CO., a corporation, 1207 Manheim Pike, Lancaster, Pa. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Paulsboro, N. J., site of the refinery of Socony Mobile Oil Company, Inc. located in Greenwich Township, Gloucester County, N. J., to all points in Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, and *returned or rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Maryland, New Jersey, Ohio, Pennsylvania, and West Virginia.

HEARING: June 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 101126 (Sub No. 95), filed March 3, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable fatty acids, resin plasticizers, twitchell textile oil* and *animal grease* and *tallow*, inedible, in bulk, in insulated, stainless steel tank vehicles, from St. Bernard, Ohio, to Kansas City, Mo. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 101126 and subs thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: June 24, 1958, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Lacy W. Hinely.

No. MC 101126 (Sub No. 98), filed March 13, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals* and *detergent alkylate*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Chicago, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Ohio, Kentucky, Illinois, New York, Michigan, Maryland, North Carolina, Tennessee, South Carolina, Virginia, New Jersey, Alabama, Wisconsin, Missouri, Arkansas, Iowa, Kansas, Minnesota, Nebraska, and Indiana.

HEARING: June 24, 1958, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Lacy W. Hinely.

No. MC 101126 (Sub No. 102), filed April 16, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinanti 12, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in covered hopper vehicles, from Cincinnati, Ohio, to Harriet, N. Y., Wrenshall, Minn., and Kansas City, Kans. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 13, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lacy W. Hinely.

No. MC 101126 (Sub No. 103), filed April 18, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compound*, in bulk, in insulated, stainless steel tank vehicles, from St. Bernard, Ohio, to Chicago, Ill. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 101126 (Sub No. 86).

HEARING: June 13, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 101126 (Sub No. 104), filed April 18, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from St. Bernard, Ohio, to points in Kentucky, except points in Jefferson County, Ky. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, South Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 101126 Sub No. 86, to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 12, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 103802 (Sub No. 6), filed April 24, 1958. Applicant: ALFRED E. FOSSMEYER, doing business as CHECKER EXPRESS LINES, 709 South 13th Street, Vincennes, Ind. Applicant's attorneys: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., and Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo. Applicant is authorized to transport similar commodities in Illinois, Indiana, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 107107 (Sub. No. 98), filed March 10, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Miami 42, Fla., Also: 2424 Northwest 46th Street, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, meats, meat products and meat by-products*, as defined by the Commission, from Cleveland, Ohio, and points within 10 miles thereof, to Atlanta, Ga., and points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: June 20, 1958, at the Old Post Office Building, Public Square & Superior Avenue, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 108059 (Sub No. 1), filed April 16, 1958. Applicant: EDWARD ZEDEKER, 3376 Jonathan Drive, Xenia, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat* and *packinghouse products*, from Esterville, Iowa, to Philadelphia, Pa., and *empty containers or other such incidental facilities* used in transporting meat and packinghouse products, on return.

HEARING: June 12, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lacy W. Hinely.

No. MC 110478 (Sub No. 9), filed April 16, 1958. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, Ohio. Applicant's attorney: Ralph W. Sanborn, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* and *fire clay*, from points in Tuscarawas and Jefferson Counties, Ohio, Springfield Township, Summit County, Palmyra Township, Portage County, and Brown Township, Carroll County, Ohio, to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; and *empty containers, pallets, cardboard* and *lumber* used in the manufacture, packing or shipping of clay products and fire clay, on return. Applicant is authorized to conduct operations in Ohio, New York, New Jersey, Delaware, the District of Columbia, Virginia, Maryland, West Virginia, Kentucky, Missouri, Pennsylvania, Illinois, Indiana, Michigan, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 110478 Sub 6 to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 16, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lacy W. Hinely.

No. MC 110563 (Sub No. 9), filed April 3, 1958. Applicant: COLDWAY FOOD EXPRESS, Inc., Van Demark Road, P. O. Box 259, Sidney, Ohio. Applicant's attorney: Carl S. Clark, 3510 Leveque Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Canned and preserved foodstuffs*, such as foodstuffs not frozen or fresh, from that part of Pennsylvania lying on and south of a line beginning at the Pennsylvania-New Jersey State line near New Hope, Pa., and extending westward along U. S. Highway 202 to junction U. S. Highway 30 near Paoli, Pa., thence along U. S. Highway 30 to junction Pennsylvania Highway 10 (formerly U. S. Highway 122), thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, excluding Philadelphia, Pa., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, including points on the indicated portions of the highways indicated. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia.

HEARING: June 18, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lacy W. Hinely.

No. MC 110682 (Sub No. 2), filed March 7, 1958. Applicant: E. EARL CARPENTER, doing business as CARPENTER TRANSFER, R. No. 4, East Grafton Road, Fairmont, W. Va. Applicant's attorney: Bonn Brown, Elkins, W. Va. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Corrugated containers* in bundles, and *inner packing* in bundles, loaded in trailer vehicles flat or on paper or wooden pallets, from Fairmont, W. Va., to points in Indiana and New Jersey. *Pallets* and *containers, paper in rolls*, and *scrap paper*, from points in Ohio, New York, Virginia, Maryland, Pennsylvania, Indiana, and New Jersey, to Fairmont, W. Va. In Permit No. MC 110682 (Sub No. 1) applicant is authorized to transport corrugated fiber shipping containers and fiber inner packing from Fairmont, W. Va., to points in Ohio, Pennsylvania, New York, Maryland, and Virginia.

HEARING: June 10, 1958, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Lacy W. Hinely.

No. MC 111196 (Sub No. 11), filed March 12, 1958. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer materials* (other than superphosphate), from Curtis Bay, Baltimore, Md., to points in Ohio. *Fertilizer* and *fertilizer materials*, from Columbus, Ohio to points in Pennsylvania on and west of U. S. Highway 219, and points in West Virginia on and north of U. S. Highway 33. *Fertilizer* and *fertilizer materials*, from Alliance, Ohio, to points in West Virginia on and north of U. S. Highway 33; from Lexington Township (except Alliance), Stark

County, Ohio to points in West Virginia on and north of U. S. Highway 33 except those west of U. S. Highway 219, and also north of U. S. Highway 50. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-specified destination territory to the above specified origin points. Applicant is authorized to transport similar commodities in Maryland, Ohio, Pennsylvania, and West Virginia.

HEARING: June 11, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lacy W. Hinely.

No. MC 112928 (Sub No. 2), filed April 4, 1958. Applicant: HERBERT M. GLICK, doing business as GLICK'S EXPRESS, R. R. No. 3, Auburn, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic materials or products*, from Auburn, Ind., to points in the New York, N. Y., Commercial Zone, as defined by the Commission, and to points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont; (2) *Plastic materials or products*, such as powders, granules, pellets, flakes, lumps, or solid mass, in bags, boxes, barrels, or pails from Pottstown, Pa., Camden, N. J. and Leominster, Mass., to Auburn, Ind.; and (3) *Paper articles*, from points in the New York, N. Y., Commercial Zone, as defined by the Commission, to Auburn, Ind. Applicant is authorized to transport other commodities than those described above in Connecticut, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, and Vermont.

HEARING: June 30, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 113254 (Sub No. 2), filed April 14, 1958. Applicant: BREYER EXCHANGE, INC., First and Allen Lane SW., New Philadelphia, Ohio. Applicant's attorney: Ralph W. Sanborn, 808 Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt compounds*, in containers, on pallets, and in bulk, from points in Lake County, Ohio, to points in New York on and west of a line beginning at the Niagara River southeast of Tonawanda, N. Y., and extending along New York Highway 324 to junction New York Highway 78, thence south along New York Highway 78 to junction U. S. Highway 20, thence south along U. S. Highway 20 to junction U. S. Highway 62, and thence south along U. S. Highway 62 to the New York-Pennsylvania State line; to points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U. S. Highway 62 to junction Pennsylvania Highway 66, thence south along Pennsylvania Highway 66 to junction U. S. Highway 422, thence southeast along U. S. Highway 422 to junction U. S. Highway 119, and thence southwest along U. S. Highway 119 to the Pennsylvania-West Virginia State line; and to points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Jackson, Mason, Putnam, Kanawha, Cabell and Wayne Counties, W. Va., and *empty containers and pallets* from the above destination territoy to the above origin territory. *Salt* and *salt compounds*, in containers, on pallets, and in bulk, from Rittman, Ohio, to points in Wetzel, Tyler, Pleasants, Wood, Jackson, Mason, Putnam, Kanawha, Cabell, and Wayne Counties, W. Va., and *empty containers and pallets* from the destination territory to the origin territory. *Salt* and *salt compounds*, in containers, from Rittman, Ohio, to points in New York on and west of a line beginning at the Niagara River southeast of Tonawanda, N. Y., and extending along New York Highway 324 to junction New York Highway 78, thence south along New York Highway 78 to junction U. S. Highway 20, thence south along U. S. Highway 20 to junction U. S. Highway 62, and thence south along U. S. Highway 62 to the New York-Pennsylvania State line; to points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U. S. Highway 62 to junction Pennsylvania Highway 66, thence south along Pennsylvania Highway 66 to junction U. S. Highway 422, thence southeast along U. S. Highway 422 to junction U. S. Highway 119, and thence southwest along U. S. Highway 119 to the Pennsylvania-West Virginia State line; and to points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Jackson, Mason, Putnam, Kanawha, Cabell and Wayne Counties, W. Va., and *empty containers* and *pallets* from the destination territory to the origin territory. Applicant is authorized to transport salt and salt compounds, in bulk, from Rittman, Ohio to points in New York, Pennsylvania, and West Virginia.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 114332 (Sub No. 2) (CORRECTION), filed March 25, 1958, published page 2471, issue of FEDERAL REGISTER April 16, 1958.

Applicant: RAYBURN TRUCKING, INC., 506 Barrett Street, Wilmington, Del. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid glue*, in bulk, and catalyst agent, (2) *Formaldehyde*, and *Methanol*. Previous publication indicates that one of the destination points proposed to be served is Hallsboro, N. C. The spelling of the said point was incorrect. The proper name of the town is HILLSBORO.

HEARING: Remains as assigned, May 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 115826 (Sub No. 3), filed April 14, 1958. Applicant: W. J. DIGBY, INC., 3100 Brighton Boulevard, Denver 5, Colorado. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, from Denver, Colo., to points in Texas and Louisiana, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, and *exempt commodities*, on return. Applicant is authorized to transport general commodities except livestock, household goods as defined by the Commission and commodities of unusual value, between Boulder, Colo., and points within 50 miles thereof and points in Colorado.

NOTE: Applicant owns all of stock of Boulder Truck Service, Inc., a corporation conducting intrastate operations in Colorado under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, Docket No. MC 111235 Sub 1. Applicant states that such operations will be canceled if the proposed application herein is granted.

HEARING: June 4, 1958, at the New Customs House, Denver, Colo., before Examiner Robert A. Joyner.

No. MC 115856 (Sub No. 4), filed April 7, 1958. Applicant: TRANSPORT DELIVERY COMPANY, a corporation, Thompson Building, Tulsa, Okla. Applicant's attorneys: John H. Hendern and Henry Andrae, Central Trust Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Trenton, Mo., and points within ten (10) miles thereof, to points in Lee, Van Buren, Davis, Appahoose, Wayne, Decatur, Ringgold, Taylor, Page, Fremont, Des Moines, Henry, Jefferson, Wapello, Monroe, Lucas, Clarke, Union, Adams, Montgomery, Mills, Louisa, Muscatine, Washington, Keokuk, Mahaska, Marion, Warren, Madison, Adair, Cass, Pottawattamie, and Jasper Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

HEARING: June 9, 1958, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 137, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 116643 (Sub No. 1), filed March 14, 1958. Applicant: CLYDE P. BOWLING, GEORGE O. BOWLING, AND MAURICE P. BOWLING, doing business as BOWLING CONSTRUCTION COMPANY, P. O. Box 985, Bluefield, W. Va. Applicant's attorney: James A. Bibby, Jr., Suite 504 Security Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and equipment*, which, because of size or weight, requires special handling and use of special equipment, between points in Mercer and McDowell Counties, W. Va., and points in Tazewell, Buchanan, Dickenson, Wise, Lee, Scott, Russell, Bland, and Giles Counties, Va., and those in Pike, Letcher, and Harlan Counties, Ky.

HEARING: June 27, 1958, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 263, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 117253, filed March 17, 1958. Applicant: R. A. MILLER PRODUCE, INC., 4422 Washington Boulevard, Belpre, Ohio. Applicant's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric wiring material*, from Parkersburg, W. Va., to Denver, Colo., and Los Angeles and San Francisco, Calif.; and (2) *Rejected, damaged, defective, and returned shipments* of electric wiring material, from the above-specified destination points to Parkersburg, W. Va.

HEARING: June 25, 1958, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Lacy W. Hinely.

No. MC 117254, filed March 14, 1958. Applicant: MADDEN TRUCKING COMPANY, INC., 213 Ninth and Chester Building, Cleveland, Ohio. Applicant's attorney: George S. Maxwell, 1032 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crated and uncrated business machines, supplies, parts, and accessories*, from the factories of the Addressograph-Multigraph Corporation at Cleveland, Ohio, to the warehouses and distributors of same at Boston, Mass., New York, N. Y., Teterboro, N. J., Philadelphia, Pa., Chicago, Ill., Indianapolis, Ind., St. Louis, Mo., Detroit, Mich., St. Paul, Minn., Baltimore, Md., Providence, R. I., and Washington, D. C.; and (2) *Machinery and materials used by the Addressograph-Multigraph Corporation* and *equipment to be repaired*, from the above-specified destination points to the above-described origin points.

HEARING: June 11, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Lacy W. Hinley.

No. MC 117344 (Sub No. 2), filed April 16, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Enamels, lacquers, paints, resins*, and *varnishes*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Indiana, Kentucky, Tennessee, and the lower Peninsula of Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

NOTE: Applicant has filed appropriate application with this Commission for a determination of its status as a common or contract carrier in No. MC 50404 and Subs thereunder.

HEARING: June 17, 1958, at the New Post Office Building., Columbus, Ohio, before Examiner Lacy W. Hinely.

No. MC 117355, filed April 21, 1958. Applicant: JESSE A. KRONINGER, INC., R. R. No. 1, Mertztown, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Northumberland County, Pa., to points in New York, New Jersey, Delaware, and Maryland.

HEARING: June 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald A. Sutherland.

No. MC 117357, filed April 22, 1958. Applicant: ELMER A. STONE, JR., Rt. No. 2, Boonsboro, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burned lime*, in bulk, in spreader vehicles, from Blair (Logan County) and Martinsburg (Berkeley County), W. Va., to points in Washington and Frederick Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 237), filed April 22, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, Law Dept.—Public Service Coordinated Transport, 180 Boyden Avenue, Maplewood, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between New Brunswick, N. J., and Manville, N. J., from New Brunswick over Somerset County Road No. 527 in Franklin Township to South Bound Brook, thence over city streets to unnumbered highways in Franklin Township, and thence over unnumbered highways and city streets to Manville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, the District of Columbia, and Virginia.

HEARING: June 10, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John McCarthy.

No. MC 111504 (Sub No. 2), filed March 24, 1958. Applicant: STARR TRANSIT CO., INC., 50 North Johnston Avenue, Trenton, N. J. Applicant's attorneys: Edward F. Bowes and A. David Millner, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip sightseeing and pleasure tours, beginning and ending at points in Mercer County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Florida and the District of Columbia. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

HEARING: June 12, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John McCarthy.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 7060 (Sub No. 1), filed April 16, 1958. Applicant: FRANK NEIDERLANDER, doing business as BURG[illegible] TRANSFER, 522 North Westnedge Avenue, Kalamazoo, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* and *packing-house products*, on a reshipment basis, from Kalamazoo, Mich., to points in Kalamazoo, Barry, Calhoun, Eaton, Van Buren, Allegan, St. Joseph, Cass, Branch, and Berrien Counties, Mich. Applicant is authorized to conduct operations in Michigan.

No. MC 66562 (Sub No. 1412), filed April 18, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including Class A and B explosives*, moving in express service, between Roanoke, Va., and Bristol, Va.: from Roanoke over U. S. Highway 460 to junction alternate U. S. Highway 460, thence over alternate U. S. Highway 460 to Salem, Va., and thence over U. S. Highway 11 to Bristol, and return over the same route, serving the intermediate points of Salem, Elliston, Christiansburg, Radford, Dublin, Pulaski, Wytheville, Marion, Chilhowie, and Abingdon, and the off-route points of Cambria, Max Meadow, Rural Retreat, Glade Spring, Emory, and Meadow View. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that interchange with rail or air express service will be made at Roanoke or Bristol.

No. MC 66562 (Sub No. 1415), filed April 24, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Dept.—Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, moving in express service, between Leechburg, Pa., and Schenley, Pa. (Kiskiminetas Junction, Pa.): from Leechburg over Pennsylvania Highway 66 to unnumbered highway known as Old Schenley Road, thence over unnumbered highway to Schenley, and return over the same route. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the proposed operation will be an extension of its authorized regular route operation between New Kensington and Saltsburg, Pa., in No. MC 66562 Sub No. 848, and that Schenley, Pa., will be served as an intermediate point in connection with such authorized regular route operation. The traffic to be handled will be interchanged with rail or air express service at New Kensington, Pa.

No. MC 66562 (Sub No. 1416), filed April 24, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Dept., Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving Freeport, Pa., as an intermediate point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Kittanning, Pa., in Certificate No. MC 66562 Sub No. 1286. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail or air express service will be made at Pittsburgh, Pa.

No. MC 101126 (Sub No. 105), filed April 21, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in insulated stainless steel tank vehicles, from Gibson City, Ill., to Cleveland, Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, South Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 101126 Sub No. 86, to determine whether applicant's status is that of a contract or common carrier.

No. MC 103201 (Sub No. 16), filed April 23, 1958. Applicant: FRONTIER FREIGHT LINES, a corporation, 929 South Fourth West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Pacific Northwest Pipeline Compressor Station No. 23, located approximately 12 miles southwest of Big Piney, Wyo., as an off-route point in connection with applicant's authorized regular route operations between Kemmerer and Big Piney, Wyo., over U. S. Highway 189. Applicant is authorized to conduct operations in Utah and Wyoming.

No. MC 105642 (Sub No. 3), filed April 24, 1958. Applicant: BARDSTOWN TRANSFER LINE, INC., 116 West Stephen Foster, Bardstown, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Bardstown, Ky., and Smith's Switch, Ky., from Bardstown over U. S. Highway 62 to junction of Kentucky Highway 61 at Boston, thence over Kentucky Highway 61 to Smith's Switch, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Kentucky.

No. MC 107496 (Sub No. 107), filed April 21, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from LaPlatte, Nebr., to points in Nebraska. Applicant is authorized to conduct operations in Wisconsin, Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, North Dakota, Kansas, Ohio, Kentucky, Texas, Louisiana, Arkansas, Oklahoma, Colorado, and Indiana.

No. MC 107496 (Sub No. 108), filed April 24, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Ponca City, Okla., to points in Nebraska. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Colorado, Indiana, Kentucky, Ohio, Kansas, North Dakota, South Dakota, Nebraska, Missouri, Minnesota, Wisconsin, Illinois, and Iowa.

No. MC 108835 (Sub No. 7), filed April 21, 1958. Applicant: HYMAN TRANSPORTATION COMPANY, a corporation, 8 North State Street, Aberdeen, S. Dak. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from Minneapolis, Minn., to Watertown, S. Dak., over U. S. Highway 212; (2) from Minneapolis, Minn., over Minnesota Highway 7 to junction with U. S. Highway 212 at Montevideo, Minn.; (3) from Willmar, Minn., over U. S. Highway 23 to Clara City, Minn.; (4) from Milbank, S. Dak., over U. S. Highway 77 to junction with U. S. Highway 212; (5) from Watertown, S. Dak., over South Dakota Highway 20 to junction with South Dakota Highway 25 and thence over South Dakota Highway 25 to Webster, S. Dak.; and (6) from Watertown, S. Dak., over U. S. Highway 212 to Redfield, S. Dak., and thence over U. S. Highway 281 to Aberdeen, S. Dak., and return over the above specified routes, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular and irregular route operations in South Dakota, Minnesota, and Iowa.

NOTE: In connection with the proposed alternate routes above-described, applicant requests the right to join said alternate routes at their termini with other existing alternate or regular routes for the purpose of performing a through service to, from and between points presently authorized to be served; further, applicant requests the following RESTRICTION: Operations from Watertown, S. Dak., to Minneapolis-St. Paul, Minn., shall be restricted to transportation of shipments of *meats, packinghouse products and commodities used by packinghouses*, as described by the Commission, moving from Watertown, S. Dak., to Minneapolis-St. Paul, Minn., or points beyond.

No. MC 108890 (Sub No. 3), filed April 25, 1958. Applicant: REYNOLD WAGNER, 220 South Chambers, Sioux City, Iowa. Applicant's attorney: Wallace W. Huff, 310–14 Security Bank Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feeds*, from Sioux City, Iowa, to Ellsworth, Luverne, and Adrian, Minn. Applicant is authorized to transport similar commodities in Iowa, Nebraska, and South Dakota.

No. MC 110130 (Sub No. 7), filed April 21, 1958. Applicant: JOE WARREN AND MERRICK WARREN, doing business as WARREN BROTHERS, Center Road Station, R. F. D. No. 2, Linesville, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in open top or dump vehicles, from mines and coal yards in Butler, Mercer, and Venango Counties, Pa., to points in Ashtabula, Cuyahoga, Lake, and Lorain Counties, Ohio, and Dunkirk, N. Y. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 110130 (Sub No. 5).

No. MC 112020 (Sub No. 44), filed April 21, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Texas. Ap-

plicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils* and *petroleum waxes,* in bulk, in tank vehicles, from points in Jefferson County, Tex., to points in Wisconsin. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

PETITIONS

No. MC 19201 (Sub No. 4), PETITION FOR MODIFICATION OF CONDITION IN CERTIFICATE, dated April 17, 1958, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, Harrisburg, Pa. Pennsylvania Truck Lines, Inc., petitioner, requests permission to file this petition, and seeks reopening of the above proceeding for the purpose of modifying its Certificate MC 19201 Sub 4 so as to eliminate Piqua, Ohio, as a key point applicable to the route between West Jefferson, Ohio, and Greenville, Ohio, originally authorized at MC 19201 Sub-25 (now incorporated in MC 19201 Sub 4). Operations over the said route are restricted, in part, as follows: "No shipment shall be transported by said carrier as a common carrier by motor vehicle between any of the following points or through or to or from more than one of said points: Cincinnati, Columbus, and Piqua, Ohio, and Richmond, Ind." Petitioner states that because of the prohibition of substituted truck service between Columbus and Piqua, the railroad is required to conduct inefficient and wasteful operations and petitioner has been prevented from affording to the railroad full and effective use of its operating rights. Further, the presence of Piqua as a key point has deprived the public generally, and interested shippers and receivers particularly, of the benefits of improved service. Petitioner believes that the granting of this petition would not result in any appreciable alteration of the existing competitive situation.

No. MC 114529, PETITION FOR DEFINITION AND/OR FOR REOPENING AND ELIMINATION OF "TRUCKLOAD" RESTRICTION, dated April 22, 1958, TRAVELERS MOTOR FREIGHT, INC., 42—38th Street, Wheeling, W. Va. Petitioner's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Travelers Motor Freight, Inc., petitioner, requests (a) to specifically define the word "truckloads" as contained in its Certificate No. MC 114529 dated March 13, 1958, and if relief sought is not afforded through definition, (b) to reopen the proceeding to the extent of amending the said certificate by either deleting the restriction "in truckloads only" or by substituting therefor the phrase "any quantities". Petitioner does not seek to conduct operations beyond the scope of its existing authority but merely seeks such relief as would result from the elimination of the "truckload" restriction which it believes should not have been imposed at the time the initial certificate was issued. In the event the Commission's definition of "truckloads" would not immediately afford the relief sought, petitioner requests that this proceeding be reopened and handled without oral hearing in order to expedite final determination.

PETITION FOR A DECLARATORY ORDER WITH RESPECT TO SECTION 303 (b) OF THE INTERSTATE COMMERCE ACT

[Docket No. W-C-2]

By joint petition dated March 19, 1958, American Commercial Barge Line Company, Jeffersonville, Ind., Federal Barge Lines, Inc., St. Louis, Mo., John I. Hay Company, Chicago 4, Ill., Mississippi Valley Barge Line Company, St. Louis 1, Mo., The Ohio River Company, Cincinnati, Ohio, Union Barge Line Corporation, Pittsburgh 22, Pa. Petitioners' attorney: Harry C. Ames, Ames, Hill & Ames, Transportation Building, Washington 6, D. C., seek the issuance of a declaratory order under section 5 (d) of the Administrative Procedure Act with respect to the following questions; and that due to the many carriers and the many commodities involved, petitioners request that hearing be held thereon: (1) Does section 303 (b) of the Interstate Commerce Act provide exemption only for those commodities which were transported in bulk, within the meaning of the statute, on June 1, 1939, on the particular waterway where the exemption is claimed, or (2) Does the exemption embrace commodities which were transported June 1, 1939, in bulk "in accordance with the existing custom of the trade" on streams or waterways other than the one for which exemption is claimed, and (3) Can section 303 (b) be construed so as to provide exemption with respect to commodities which were either not in transportation by water at all on June 1, 1939, or which as of that date were not transported "in accordance with the existing custom of the trade" as bulk commodities defined in this paragraph, even though now the transportation of such commodities by water, in the absence of the June 1, 1939, restriction, would meet the definition of bulk commodities in this particular paragraph? The commodities involved in these questions are, dry: alumina; ammonium nitrate; ammonium sulphate; cement; concentrates, zinc; feldspar; fluorspar; ferro-alloys; ferro manganese; flue dust; fly ash; magnesite, dead burned; manure salt, milo maize; mud, drilling; ores, viz, barytes, chrome, illmenite, iron, manganese, zinc; phosphate, dicalcium; phosphate rock; salt; sludge; soya beans; superphosphate; triple superphosphate, etc., and Liquid: Not in certified tank barges: alcohol; caustic soda; glycol; linseed oil; liquid sugar; methanol; molten sulphur; monochlorobenzine; oil, soya bean; etc.

Replies to the petition and representations for or against the issuance of a declaratory order and the assignment of the matters here involved for hearing should be filed with the Commission within 30 days from the date of the notice in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTION 212 (c)

CONVERSION PROCEEDINGS

No. MC 103363 (Sub No. 4) (CORRECTION) (SUPPLEMENT), published issue April 30, 1958, at page 2889. Applicant: SUPERIOR CARRIERS, INC., Berkshire Valley Road, Kenvil, N. J. Applicant's attorney: John T. Hildemann, P. O. Box 457, Woodbridge, N. J. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 10, 1958, the carrier requested dismissal of the application, and an order was entered on April 21, 1958, effective June 4, 1958, dismissing the application and discontinuing the proceeding. Previous publication erroneously indicated docket number assigned to this proceeding as No. MC 103362 (Sub No. 4).

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3400; Filed, May 6, 1958; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 2, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34654: *Petroleum lubricating oil—Cleveland, Ohio to Michigan points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2370), for interested rail carriers. Rates on oil, petroleum, lubricating, tank-car loads, as further described in the application from Cleveland, Ohio to Detroit and Flat Rock, Mich.

Grounds for relief: Barge competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34655: *Petroleum lubricating oil—Cleveland, Ohio, to Michigan points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2371), for interested rail carriers. Rates on petroleum lubricating oil, tank-car loads, as further described in the application from Cleveland, Ohio to Detroit and Flat Rock, Mich.

Grounds for relief: Maintenance of depressed water-competitive rates not applicable in constructing combination rates lower than through one-factor rates from or to points beyond the named points.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3398; Filed, May 6, 1958; 8:47 a. m.]

REA[illegible]NG ROOM

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 91

Washington, Thursday, May 8, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

SELECTION FROM CERTIFICATES

Paragraph (a) of § 2.205 is amended as set out below.

§ 2.205 *Selection from certificates*—(a) *Order of selection.* An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from the highest three (3) eligibles available for appointment on the certificate. For the second vacancy, he shall make selection from the three (3) highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer shall not be required to consider any eligible (1) who has been considered by him for three (3) separate appointments from the same or different certificates for the same position, or (2) to whose certification for the particular position he makes an objection that is sustained by the Commission for any of the reasons stated in § 2.106 or for other reasons considered by the Commission to be disqualifying for the particular position. The Commission may also sustain an objection to certification of an otherwise qualified eligible for an overseas position on the basis of special overseas selection factors.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3453; Filed, May 7, 1958; 8:49 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

NONPAY STATUS

Effective June 8, 1958, § 30.204 is amended by inserting "(a)" immediately before "Whenever" at the beginning of the section and adding a new paragraph (b) as follows:

§ 30.204 *Nonpay status.* (a) * * *

(b) Any period covered by a refund for the value of unearned advanced leave shall not be considered a nonpay status under this section.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3452; Filed, May 7, 1958; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

[Announcement CN-EX-6]

PART 482—COTTON

SUBPART—COTTON EXPORT PROGRAM—PAYMENT IN KIND

Sec.
482.101 General statement.
482.102 Definitions.
482.103 General conditions of eligibility.
482.104 Registration.
482.105 Cancellation of sale or failure to export.
482.106 Payment rate.
482.107 Amount due exporters.
482.108 Export conditions.
482.109 Application for cotton export payment and credit to exporter's account.
482.110 Satisfactory evidence of exportation.
482.111 Acquiring CCC cotton for export.
482.112 Records and reports.
482.113 Amendment or termination.
482.114 Good faith.
482.115 Persons not eligible.
Appendix.

AUTHORITY: §§ 482.101 to 482.115 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 203, 70 Stat. 188, 15 U. S. C. 714c, 7 U. S. C. 1853.

§ 482.101 *General statement.* In order to encourage the movement of cotton by the commercial cotton trade into export channels, Commodity Credit Corporation (referred to in this subpart as "CCC") will carry out a cotton export program (referred to in this subpart as

(Continued on p. 3053)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 25, Rev. Jan. 1, 1958 ($4.50)

Title 26 (1954), Rev. Jan. 1, 1958 ($3.00)

Title 49, Parts 91–164, Rev. Jan. 1, 1958 ($5.00)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Part 165 to end ($0.75)

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the "program") under which payments, in the form of credits which may be used to acquire cotton from CCC's stocks for export, will be made to exporters in connection with the exportation of upland cotton produced in the continental United States. The program will be administered through the CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans Office"). Additional information pertaining to the operation of the program may be obtained from the New Orleans Office.

§ 482.102 *Definitions*—(a) *Cotton.* "Cotton" means upland cotton grown in the continental United States, of grades within the universal standards for American upland cotton, having a staple length of $^{13}/_{16}$ inch or longer and excludes reginned, loose, or pickery cotton or any other such irregular cotton.

(b) *Export.* "Export" means the shipment from the continental United States to an eligible destination as specified in § 482.108. If cotton is exported under this subpart, the date which appears on the applicable on-board ocean bill of lading, or if shipment is by rail, the date the shipment clears United States Customs, will be accepted hereunder as the date of export.

(c) *Exporter.* "Exporter" means any individual, partnership, corporation, association, or other business entity, which is located and maintains a business organization within the continental United States, and which is engaged in the business of exporting cotton.

(d) *Director.* "Director" means the Director of the New Orleans Office.

(e) *Export sale.* "Export sale" means a sale by an exporter to a foreign purchaser.

(f) *Consignment.* "Consignment" means the shipment of cotton from the continental United States by an exporter prior to the sale of such cotton by the exporter.

(g) *Public notice.* "Public notice" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

§ 482.103 *General conditions of eligibility.* If an exporter exports cotton, as defined in § 482.102 (a), from the continental United States to an eligible destination, the exporter will be eligible to receive a payment in the form of a credit, subject to the following terms and conditions and the other terms and conditions set forth in this subpart:

(a) Such cotton must have been exported in fulfillment of an export sale or consignment registered as provided in § 482.104.

(b) Such cotton must have been exported in accordance with § 482.108.

(c) The exporter must have submitted to the New Orleans Office an application for such payment in accordance with § 482.109 and satisfactory evidence of the exportation of such cotton in accordance with § 482.110.

(d) The payment rate shall be determined in accordance with § 482.106.

(e) The amount of the credit, the method of using the credit, and other terms and conditions applicable to the credit will be determined in accordance with §§ 482.107 and 482.111.

(f) Cotton exported pursuant to any program wherein the CCC sales price reflects an export allowance, cotton which is sold by CCC under conditions specifically excluding such cotton from exportation under this program, cotton exported pursuant to a CCC barter contract, cotton exported under an export sale financed under Title I of Public Law 480, 83d Congress (unless the applicable purchase authorization specifically provides that such cotton shall be eligible for a payment hereunder), and cotton shipped as offset cotton in connection with Proclamation 2544 of the President of the United States shall not be eligible for a payment under this subpart.

§ 482.104 *Registration.* CCC will register an export sale or consignment of cotton when, and only in the event that, the following requirements have been met:

(a) *Telegraphic notice of sale or consignment.* The exporter must send a notice of the export sale or consignment to the New Orleans Office by telegram. In the case of an export sale, such telegram shall be filed with the telegraph office not later than midnight (exporter's local time) on the date the sale is made; except that in the case of any sale made before the announcement of the original payment rate, such telegram must be filed with the telegraph office not later than 10 business days after such announcement. A notice of sale filed after the applicable date as determined above may be accepted by the Director if he determines that the delay is due to circumstances beyond the control of the exporter. In the case of a consignment, such telegram should be filed with the telegraph office when it is determined that the consignment will be made and must be filed prior to export of the cotton. In the case of an export sale, the notice must state the date of sale, name and address of the foreign purchaser, country of destination, number of bales sold, and the period of export. In case of a consignment, the notice must state the country of destination, number of bales, and anticipated date of consignment.

(b) *Submission of Form 37.* The exporter must send to the New Orleans Office a Confirmation of Cotton Sale or Consignment, CCC Cotton Form 37 (hereinafter referred to as "Form 37"), properly executed, in triplicate. The number of bales shown on the Form 37 must agree with the number of bales shown in the telegraphic notice. The Form 37 must be mailed in an envelope postmarked not later than five business days after the date of the telegraphic notice of sale or consignment. An extension of such five-day period may be granted by the Director before or after expiration of such period if he determines that additional time in which to submit the Form 37 is required by the exporter. Supplies of Form 37 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans Office.

(c) *Name in which filed.* The telegraphic notice of sale or consignment and the Form 37 must be filed in the name of the exporter who sold or consigned the cotton. If a sale or consignment is made under a trade name, and documents to evidence export will be submitted under such trade name, the telegraphic notice and the Form 37 must show, in addition to the exporter's name, the trade name under which the cotton is to be shipped.

(d) *Refusal of registration.* CCC reserves the right to refuse to register any sale or consignment if it determines that such sale was made or notice of consignment was filed for the purpose of obtaining a higher rate of payment than otherwise would be applicable. CCC also reserves the right to waive any informality in a notice of sale or consignment or Form 37.

(e) *Registration number.* Upon receipt of an acceptable Form 37, a registration number will be assigned by the New Orleans Office, and a copy of Form 37 showing such number will be returned to the exporter. All correspondence relating to a sale or consignment for which a registration number has been assigned shall refer to the registration number.

§ 482.105 *Cancellation of sale or failure to export.* (a) The exporter shall notify the New Orleans Office promptly in every case where, after filing a telegraphic notice of sale, a sale is canceled in whole or in part by the exporter or by the importer, stating fully the reason for such cancellation. Such notification shall be by telegram, and if the sale is canceled in part, shall be confirmed by submission of a corrected Form 37 submitted in the same manner as provided in § 482.104. The exporter shall also notify the New Orleans Office promptly when for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the period provided for export under this subpart.

(b) If the Director determines that the exporter is prevented from exporting cotton in fulfillment of a registered sale or consignment due to a cause which the Director determines to be beyond the exporter's control, the registration may be canceled in whole or in part and the exporter will be so informed by the Director. If a sale is canceled in whole and CCC agrees to the cancellation of the registration, the exporter will be so informed by the Director, and if a sale is canceled in part and CCC agrees to the cancellation, a copy of the corrected Form 37 will be returned to the exporter.

(c) If an exporter files a telegraphic notice of sale or consignment and fails to file satisfactory evidence of exportation of cotton to eligible destinations, in accordance with this subpart, in fulfillment of the export sale or consignment (except for the tolerance allowed by the sales contract or trade rules under which the sale was made, a two percent tolerance in the case of consignments, or as otherwise approved by CCC), and if the registration has not been canceled by CCC as provided in paragraph (b) of this section, such exporter and its subsidiaries and affiliates may be denied the right to continue participating in this or any other program administered by CCC for such period as CCC may determine or until the exporter has agreed to or complied with such terms and conditions as the Director may prescribe. Such terms and conditions, among other things, may:

(1) Require the payment by the exporter, or cancellation of credits in the exporter's account, of an amount not to exceed forty (40) percent of the payment applicable to the quantity of cotton with respect to which the exporter has failed to fulfill his obligation; or

(2) Require that the rate of payment on future exports of cotton not in excess of such quantity be at a payment rate which is reduced by an amount equal to the difference between the rate which was applicable to the sale or consignment covered by such telegraphic notice and the highest rate between the date the telegraphic notice was filed and the date the exporter gives notice of cancellation of the sale or consignment or the final date for export, whichever is earlier; or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

§ 482.106 *Payment rate.* The rate of payment will be determined by the Executive Vice President, CCC, and announced by public notice. The rate of payment may be changed at any time without prior notice. In the case of an export sale, the applicable rate of payment shall be the rate in effect on the date of sale: *Provided,* That in the case of export sales made before the announcement of the original payment rate, the rate of payment shall be the original payment rate: *And provided further,* That in the case of a notice of sale filed after the applicable date specified in § 482.104 which is accepted by the Director, the rate of payment on the cotton exported under such sale will be the lower of the rate of payment in effect on the date of the export sale and the rate of payment in effect on the date on which the exporter files the notice of such sale. (The date of sale must be stated in the telegraphic notice and on Form 37 and must agree with the date shown on the documents required under § 482.110.) In the case of a consignment, the applicable rate of payment shall be the rate in effect on the date telegraphic notice of the consignment is filed.

§ 482.107 *Amount due exporters.* The amount of the credit due an exporter will be determined by multiplying the applicable payment rate by the actual gross weight of the cotton exported exclusive of any franchised weight and exclusive of patches. Payment will not be made on quantities exported which are in excess of the number of pounds shown on the Form 37 plus, in the case of export sales, any tolerance specified in the sales contract, including any tolerance contained in the trade rules specifically incorporated in the sales contract, or in case of consignments, a tolerance of two percent.

§ 482.108 *Export conditions—*(a) *Eligible destination.* An eligible destination, to which cotton may be exported under this subpart, shall be any destination outside the continental United States other than Alaska, Hawaii, Puerto Rico, or other than a country covered in § 482.109 (b), unless a license, if required, has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce. It is the policy of CCC not to make payments on the export of cotton to countries or areas for which general or specific export licenses will not be issued by the Bureau of Foreign Commerce. Accordingly, in making application for an export payment under this announcement the exporter makes the warranty contained in § 482.109 (b).

(b) *Time for export.* To be eligible for payment under this subpart, cotton must be exported on or after August 1, 1958, and not later than (1) in the case of export sales nine months, and in the case of consignments two months, after the date the telegraphic notice of the export sale or consignment is filed with the telegraph company, or (2) July 31, 1959, whichever is earlier: *Provided,* That cotton may be exported not later than July 31, 1959, against any export sale if the terms of the export sale provide for delivery after the expiration of such nine-month period.

§ 482.109 *Application for cotton export payment and credit to exporter's account—*(a) *Application for payment.* After exporting cotton in fulfillment of a sale or consignment registered under this subpart, the exporter shall submit to the New Orleans Office an original and two copies of Application for Cotton Export Payment, CCC Cotton Form 38 (hereinafter referred to as "Form 38") together with satisfactory evidence of such exportation, as provided in § 482.110, not later than 30 days after the date of the landing certificate (for rail shipments), or on-board ocean bill of lading or on-board endorsement of port or custody bill of lading (for ocean shipments). An extension of the time for submission of the Form 38 may be granted by the Director if he determines that the exporter has been or will be delayed in submitting such form by a cause which the Director determines to be beyond the control of the exporter. The weight on which payment is claimed must agree with the weight in the exporter's affidavit as provided in § 482.110 (f). Supplies of Form 38 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans Office.

(b) *Warranty.* By submitting a Form 38 to the New Orleans Office, the exporter represents and warrants that the cotton covered by such Form 38 was not exported to, and has not and will not be transshipped or caused to be transshipped by the exporter to:

(1) Any country or area listed in Subgroup A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau;

license unless specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; or

(2) Hong Kong if a specific license for such exportation or transshipment is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.[1]

(c) *Crediting of export payment.* The New Orleans Office will establish an account for each exporter participating in the program. Upon receipt of a Form 38 and satisfactory evidence of exportation, the New Orleans Office will determine (in accordance with the provisions of § 482.107) the amount of payment due and credit the exporter's account with this amount. This credit may be used only in accordance with § 482.111. A copy of the Form 38 reflecting the amount of credit earned will be returned to the exporter.

§ 482.110 *Satisfactory evidence of exportation.* Evidence of exportation, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Director:

(a) Separate documents must be submitted to the New Orleans Office for each export shipment, and all documents covering any one shipment must be submitted at the same time. The registration number assigned by the New Orleans Office must be shown on each document. If the export sale is financed under Public Law 480, the Purchase Authorization Number must also be shown on the documents evidencing exportation. Where exportation or transshipment has been made to one or more of the countries or areas described in § 482.109 (b) under license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce, evidence of exportation shall identify, in addition to the name and address of the consignee, the license issued by that Bureau. In the case of an exportation or transshipment to Hong Kong not requiring a specific license, the documents evidencing exportation shall contain a statement by the exporter that a specific license was not required.

(b) In the case of sales, there shall be submitted a certified true copy of the sales contract. (The sales contract may be a formal sales contract, sales confirmation, or other documentary evidence of the sale.) If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.

(c) For shipments by ocean carrier, there shall be submitted a nonnegotiable copy of either (1) an on-board ocean bill of lading, or (2) a port or custody bill of lading with on-board endorsement. The bill of lading must be certified by the exporter as being a true copy and must show the number of bales, marks, and gross weight of the cotton, the date and place of loading, the name of the vessel, the destination of the cotton, and the name and address of both the person who exported the cotton and the person to whom it is shipped.

(d) For shipments by rail, there shall be submitted a copy of the railroad bill of lading, certified to by the exporter as being a true copy, under which the cotton is shipped, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the cotton is exported, showing the number of bales, marks, the place and date of entry, and gross landed weight of the cotton, and the name and address of both the person who exported the cotton from the United States and the person to whom it is shipped.

(e) There shall be submitted a copy of the tag list showing the bale numbers under which the cotton is exported and containing a certification by the exporter that the cotton was produced in the continental United States, is of grades within the universal standards for American upland cotton, is of staple lengths of 13/16 inch or longer, and is not reginned, loose or pickery cotton or any other such irregular cotton. Such tag list shall be sworn to by the exporter as true and correct.

(f) There shall be furnished an affidavit of the exporter reflecting, in relation to each bill of lading, the actual gross weight of the cotton shipped, exclusive of any franchised weight and exclusive of patches. The weights shown must agree with the weight claimed on the Form 38.

(g) If the shipper or consignor named in the bill of lading or landing certificate is other than the exporter named in the Form 37, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or landing certificate submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 37 nor the consignee identified with the sale contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as seller or purchaser of the cotton shown on the documents submitted to evidence exportation.

(h) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Director.

(i) If cotton is loaded on board a vessel for shipment to an eligible destination and is destroyed or damaged while on board such vessel and the cotton or the salvage therefrom does not reenter the continental United States or does not enter Alaska, Hawaii, or Puerto Rico, or countries designated in § 482.109 (b), the cotton shall be regarded as having been exported for the purposes of this subpart.

(j) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date for exportation, determined in accordance with § 482.108 (b), shall constitute prima facie evidence of failure to export.

§ 482.111 *Acquiring CCC cotton for export*—(a) *General provisions.* Payments earned by an exporter hereunder and credited to his account by CCC under § 482.109 shall be used by the exporter in payment for cotton acquired from CCC. The exporter shall acquire such cotton in accordance with the terms and conditions of this subpart and of Announcements CN-EX-5 and NO-C-11, and any amendments or revisions thereof, under which cotton will be sold periodically on a competitive bid basis for export. Any cotton in CCC inventory available for sale may be bid on by the exporter.

(b) *Acquiring CCC cotton prior to export.* In the event the exporter has previously purchased cotton from CCC under Announcements CN-EX-5 and NO-C-11, and any amendments or revisions thereof, CCC will, upon request of the exporter, apply credits earned under this program as payment for cotton previously purchased from CCC under such announcements and will refund to the exporter cash, previously received from the exporter as payment for such cotton, equal to the amount of credits so applied.

(c) *Time of purchase.* The exporter shall (1) use any such credit to acquire cotton not later than 90 days after the date of export of the cotton on which the credit was earned or July 31, 1959, whichever is earlier, or (2) request that such credit be applied not later than the end of such 90 day period or by August 31, 1959, whichever is earlier, in payment for cotton previously purchased from CCC. In the event that the exporter does not, within such 90 day period, use such credit to acquire cotton hereunder or request CCC to apply such credit in payment for cotton previously purchased from CCC, the amount of such credit shall be reduced by one-half of 1 percent for each day after the expiration of such 90 day period until the exporter uses such credit to acquire cotton or requests that such credit be applied as payment for cotton previously purchased: *Provided, however,* That any credit not used to acquire cotton from CCC by July 31, 1959, or applied by August 31, 1959, as payment for cotton purchased prior to July 31, 1959, shall be canceled and the exporter shall not be entitled to any rights with respect to such credit.

(d) *Payments in cash.* Notwithstanding any other provision of this subpart, CCC may satisfy the credits in an exporter's account by payment of the amount thereof in cash, if CCC determines that cotton is not available in CCC inventory in the quantity required to make export payments in kind.

§ 482.112 *Records and reports.* The exporter shall make available to CCC from time to time, upon CCC's request, such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts and other documents and papers, as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of three years after date of last payment under any sales registration.

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[1] Information to exporters: The Department of Commerce regulations prohibit exportation or re-exportation by anyone, including a foreign exporter, of the cotton exported pursuant to the terms of this announcement, to Soviet Bloc countries and other prohibited areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

§ 482.113 *Amendment or termination.* CCC reserves the right to amend or terminate any and all of the provisions of this subpart at any time by giving public notice thereof: *Provided, however,* That such amendment or termination shall not apply to export sales of cotton or consignments for which the exporter has filed notice of sale or consignment before the effective date of such amendment or termination.

§ 482.114 *Good faith.* If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under this program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered, or both. Such exporter may also be required to refund to CCC an amount equal to the amount of any credit received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

§ 482.115 *Persons not eligible.* No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

NOTE: The record-keeping and reporting requirements of this announcement have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Reports Act of 1942.

Issued this 2d day of May 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

(Revision of September 30, 1957)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities to Macao, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under validated license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong unless the commodity is included on the general license GHK list.

These regulations further require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgement of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8 (15 CFR 371.4 and 371.8)) against sales or resale for re-export of said commodities, or any part thereof, without prior Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10 (c) (15 CFR 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the Field Offices of the Department of Commerce.

[F. R. Doc. 58-3476; Filed, May 7, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

READY-TO-COOK POULTRY

The regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment will suspend until January 1, 1959 the requirement for the removal of kidneys from young poultry.

It is hereby found that good cause exists for not engaging in public rule making procedures and for making this amendment effective May 1, 1958, for the reasons that: (1) The inspection service under this program is currently in effect and persons subject thereto should have immediate notice of this change; (2) the amendment is in the nature of a relieving restriction; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

Substitute a colon for the period following the word "processing" in the first sentence of the definition of "Ready-to-cook Poultry" in § 70.1 and add the following: "*Provided,* That kidneys shall not be required to be removed from young poultry prior to January 1, 1959: *And provided further,* That the term 'young' as used in the preceding proviso means that class of poultry where the word 'young' is used in defining the particular class as set forth in §§ 70.301 to 70.306, inclusive."

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 5th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3474; Filed, May 7, 1958; 8:51 a. m.]

Subchapter D—Regulations Under the Poultry Products Inspection Act

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

READY-TO-COOK POULTRY

The regulations governing the inspection of poultry and poultry products (7 CFR Part 81) are amended as hereinafter set forth pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.). The amendment will suspend until January 1, 1959 the requirement for the removal of kidneys from young poultry.

It is hereby found that good cause exists for not engaging in public rule making procedures and for making this amendment effective May 1, 1958, for the reasons that: (1) The inspection service under this program will be inaugurated on May 1, 1958 and persons subject thereto should have immediate notice of this change; (2) the amendment is in the nature of a relieving restriction; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

Substitute a colon for the period following the word "processing" in the first sentence of the definition of *Ready-to-cook Poultry* in § 81.1 and add the following: "*Provided,* That kidneys shall not be required to be removed from young poultry prior to January 1, 1959: *And provided further,* That the term 'young' as used in the preceding proviso means that class of poultry where the word 'young' is used in defining the particular class as set forth in §§ 70.301 to 70.306, inclusive, of this chapter."

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

Issued at Washington, D. C., this 5th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3473; Filed, May 7, 1958; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6916]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FIRE SAFETY SERVICES, INC., AND HOWARD GRANT

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1520 *Personnel or staff;* [Misrepresenting oneself and goods]—Goods: § 13.1663 *Individual's special selection or situations;* [*Misrepresenting oneself and goods*]—Prices: § 13.1795 *Coverage or extras;* § 13.1817 *Reductions for prospect referrals.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1895 *Scientific or other relevant facts.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.* Subpart—*Securing signatures wrongfully:* § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Fire Safety Services, Inc., et al., Washington, D. C., Docket 6916, March 19, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors of home fire alarm systems in Washington, D. C., with representing falsely, through salesmen who gave demonstrations in the homes of prospects, that said representatives were not salesmen but demonstrators desiring only to make a fire prevention talk to specially selected prospects, and in such demonstrations exhibiting newspaper clippings and horror pictures to induce sale of the products; misrepresenting the cost of the systems and representing falsely that all or most of it could be earned by submission of names of other prospects which would be held in confidence; inducing purchasers to sign in blank contracts and promissory notes which were later filled in with total costs and carrying charges, contrary to the representations made, and failing to reveal that the contracts and notes would be discounted.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 19, 1958, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Fire Safety Services, Inc., a corporation, and its officers and Howard Grant, individually and as officer of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined by the Federal Trade Commission Act, of fire detection or fire alarm systems do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents' salesmen only desire to make fire prevention talks or demonstrations;

(b) That respondents' representatives are not salesmen but are only demonstrators;

(c) That prospective purchasers or their homes have been specially selected for demonstration purposes;

(d) That the total or monthly cost of respondents' fire alarm system will be reduced in any amount by the submission of names of prospective purchasers under respondents' referral program;

(e) That the identity of those supplying names of prospective purchasers will not be revealed to said prospective purchasers;

(f) That the contract or promissory note for the purchase price of the system will not be discounted or failing to reveal that such will be discounted;

(g) That carrying charges will not be added to the total cost of the system or failing to reveal that carrying charges will be added.

2. Inducing the purchase of respondents' products by employing "scare tactics" by exhibiting newspaper clippings and horror pictures calculated to unduly arouse parents emotionally as to the need to protect themselves and their children from the hazards of fire.

3. Misrepresenting in any manner the amount of money any purchaser or prospective purchaser will probably or may reasonably expect to receive from the submission of names of prospects under respondents' referral program.

4. Using any referral program in inducing the sale of their fire alarm system unless, (1) all of the terms and conditions thereof are fully explained to the purchaser or prospective purchaser prior to consummation of the sale, (2) any person submitting the name of a prospect who cannot be solicited for any reason is given the option of submitting a replacement name, and (3) the promised sum of money is actually paid to the purchaser who submitted the name of a prospect to whom a demonstration or sale of the system is made pursuant to such referral.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3465; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6924]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NELS IRWIN AND SCREEN-PRINT PRODUCTS COMPANY

Subpart—*Advertising falsely or misleadingly:* § 13.55 *Demand, business, or other opportunities;* § 13.60 *Earnings and profits;* § 13.110 *Indorsements, approval, or awards;* § 13.143 *Opportunities;* § 13.155 *Prices:* Retail or selling as wholesale, jobbing, factory distributors, etc., or discounted; § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nels Irwin trading as Screen-Print Products Company, Los Angeles, Calif., Docket 6924, March 21, 1958]

In the Matter of Nels Irwin, Individually and Trading and Doing Business as Screen-Print Products Company.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Los Angeles, Calif., engaged in the sale of screen-printing kits together with an instruction course in screen-printing, with making a variety of false representations in advertising to induce sale of his products, including demand, opportunities, profits, special offers, prices, approval, etc.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Nels Irwin, individually and trading and doing business as Screen-Print Products Company, or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of screen-printing kits and courses designed to teach or instruct in the screen-printing process, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication that:

1. Screen-printing is a new or secret process or that it is revolutionizing the printing industry.

2. Screen-printing can be carried on effectively without any special equipment.

3. A demand exists for screen-printers everywhere or that the area, in which the solicited customer lives is critically short of screen-printers unless such is the fact.

4. Earnings that may be made from screen-printing by persons completing respondent's course are greater than the earnings customarily or regularly made by persons not completing respondent's course.

5. No selling is required by a customer on completion of respondent's course in screen-printing to secure screen-printing business or jobs.

6. Respondent's screen-printing kits contain such a complete inventory of equipment and materials that purchasers will be able to start their own screen-printing business, on other than a limited scale, upon completion of respondent's course without additional purchases.

7. That any savings accrue to purchasers of respondent's course and kit, unless based upon the price at which respondent sells such merchandise in the usual and regular course of business.

8. Prospective customers may examine respondent's course and kits at home without any cost to said prospective customers.

9. On the payment of a deposit or down payment the entire course and kit will be sent to the prospective customers.

10. Respondent's screen-printing course and "Trace Art" book have been approved unless they have been officially approved by some reputable independent person or business concern, and the name of such person or concern is so designated.

11. Charges made for respondent's screen-printing equipment and materials are wholesale prices unless such is the fact.

12. That the past or current annual membership charges or fees in the United Screen-Printers International amounted to or now amounts to any figure which is in excess of the actual cost of said past or current charges or fees.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3466; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6804]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FIDELITY STORM SASH CO. OF D. C., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.155 *Prices:* Bait; terms and conditions; § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Fidelity Storm Sash Co., Inc., of D. C. (Baltimore, Md.) et al., Docket 6804, March 27, 1958]

In the Matter of Fidelity Storm Sash Co., of D. C., Inc., a Corporation, and Marty Burke and Bernard Weissman, Individually and as Officers of Said Corporation; Fidelity Storm Sash Co., Inc., of Maryland, a Corporation, and Marty Burke, Bernard Weissman, and Ruth Burke, Individually and as Officers of Said Corporation; Fidelity Storm Sash Co., Inc., a Corporation, Located in State of Pennsylvania, and Marty Burke and Ruth Burke, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated companies located in Baltimore and Philadelphia with using bait advertising to sell storm windows; and with representing falsely that they manufactured the storm windows, and that purchasers who allowed photographs of the windows installed by respondents to be taken and used for "model home" demonstration purposes would receive a price reduction; and that installation of the windows would result in savings of as much as 33 percent in fuel bills.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Fidelity Storm Sash Co. of D. C., Inc., a corporation and its officers, respondents Marty Burke and Bernard Weissman, individually and as officers of said corporation; respondent Fidelity Storm Sash Co., Inc., of Md., a corporation, and its officers, respondents Marty Burke, Bernard Weissman and Ruth Burke, individually and as officers of said corporation; respondent Fidelity Storm Sash Co., Inc., a corporation, and its officers, respondents Marty Burke and Ruth Burke, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of storm windows and doors, or any other related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That said products are offered for sale when such offer is not a bona fide offer to sell the products so offered.

2. That they manufacture said products sold by them.

3. That said products are sold at any special or reduced price, unless such is the fact.

4. That any specific percentage or any specific amount of savings in fuel bills will result from the installation of storm windows.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3467; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6917]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LURKIS FURS, INC. AND JACOB LURKIS

Subpart—*Advertising falsely or misleadingly:* § 13.235 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act.* Subpart—*Concealing, obliterating, or removing law-required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Lurkis Furs, Inc., et al., Newark, N. J., Docket 6917, April 1, 1958]

In the Matter of Lurkis Furs, Inc., a Corporation, and Jacob Lurkis, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Newark, N. J., with violating the Fur Products Labeling Act by removing the required labels from fur products prior to delivery to the ultimate consumer; failing to comply with the invoicing and labeling requirements; and advertising fur products falsely as being from the stock of a liquidating business.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Lurkis Furs, Inc., a corporation, and its officers and Jacob Lurkis, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Removing, or causing the removal, or participating in the removal of labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products;

2. Misbranding fur products by:

(a) Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artifically colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product;

(b) Failing to show on labels attached to fur products the item numbers or marks assigned to fur products as required by Rule 40 (a) of the rules and regulations (§ 301.40 (a));

(c) Setting forth on labels affixed to fur products:

(1) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, in abbreviated form;

(2) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, which is intermingled with non-required information;

(3) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, in handwriting;

3. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name of the country of origin of any imported furs contained in a fur product;

(6) The name and address of the person issuing such invoice;

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(a) Represents that any of such fur products are from the stock of a business in the state of liquidation, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Lurkis Furs, Inc., a corporation, and Jacob Lurkis, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3468; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6969]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COYNER-EVANS CO., INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Coyner-Evans Co., Inc., et al., Miami, Fla., Docket 6969, March 26, 1958]

In the Matter of Coyner-Evans Company, Inc., a Corporation; Ed Coyner, Individually and as President-Treasurer of Coyner-Evans Company, Inc., and as a Partner Trading as Brice & Johnson; and Clyde B. Coyner, Individually and as Vice President and Assistant General Manager of Coyner-Evans Company, Inc., and as a Partner Trading as Brice & Johnson

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a produce jobber in Miami, Fla., with violating section 2 (c) of the Clayton Act by receiving illegal brokerage on purchases of celery and other fresh produce made for its own account through its controlled intermediary which accepted fees as an independent broker although it was acting for said jobber.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Coyner-Evans Company, Inc., a corporation, Ed Coyner, individually and as president-treasurer of Coyner-Evans Company, Inc., and as a partner trading as Brice & Johnson, and Clyde B. Coyner, individually and as vice president and assistant general manager of Coyner-Evans Company, Inc., and as a partner trading as Brice & Johnson, and each of them and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the purchase by respondents, or any of them, of celery, produce, seeds, farm supplies and equipment, or other products, in commerce, as "commerce" is defined in the Calyton Act, do forthwith cease and desist from:

(a) Receiving or accepting, directly or indirectly, from any sellers, anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof, upon the purchase of any of said products made by respondents for their own account.

(b) Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon the purchase of any of said products where said respondent is the agent, representative or intermediary acting for or in behalf of or is subject to the direct or indirect control of the buyer, or of any of the officers of said buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 26, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3469; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6960]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. LIEBES & CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, H. Liebes & Co. et al., San Francisco, Calif., Docket 6960, April 2, 1958]

In the Matter of H. Liebes & Company, a Corporation, and Sidney Liebes and Lloyd Liebes, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in San Francisco with violating the Fur Products Labeling Act by failing to invoice and label fur products as required; and by advertising in newspapers which contained the names of animals other than those producing certain furs, set forth comparative prices without designating the time of the original prices, and represented selling prices as reduced from regular prices without maintaining adequate records disclosing the facts on which such pricing claims were based.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents H. Liebes & Company, a corporation, and its officers, and Sidney Liebes and Lloyd Liebes, as individuals and as officers of said corporation; and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information;

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported fur contained in a fur product;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Sets forth the name of an animal other than the name of the animal or animals producing the fur or furs contained in the fur product;

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the prices at which such products, in the recent regular course of business, has been usually and customarily sold by the Respondents;

3. Makes use of comparative prices or savings claims unless such are based upon current market values or unless a bona fide price at a designated time is stated;

4. Makes pricing claims and representations of the type referred to in subparagraphs 2 and 3 above, unless there are maintained by Respondents full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents H. Liebes and Company a corporation, and Sidney Liebes and Lloyd Liebes, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3470; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6918]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAURICE COHEN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Maurice Cohen and Eugene Cohen trading as Master Furriers, Duluth, Minn., Docket 6918, April 2, 1958]

In the Matter of Maurice Cohen, and Eugene Cohen, Individuals and Co-Partners Trading as Master Furriers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Duluth, Minn., with violating the Fur Products Labeling Act by failing to invoice and label fur products as required; by newspaper advertising which failed to name the animal producing certain furs, represented prices as reduced from regular prices which were in fact fictitious, and failed to give a designated time of comparative prices; and by failing to maintain adequate records disclosing the facts on which such pricing claims were based.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Maurice Cohen and Eugene Cohen, individually and as co-partners trading as [illegible] Furriers, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the geographic origin of the animal that produced the fur from which such product was manufactured.

B. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels affixed to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is mingled with non-required information.

3. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

4. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

B. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

C. Makes use of comparative prices unless such compared prices are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

D. Makes price claims and representations of the types referred to in paragraphs B and C above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3471; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6851]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RANSOHOFF'S, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ransohoff's, Inc., San Francisco, Calif., Docket 6851, April 3, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Francisco with violating the Fur Products Labeling Act by failing to comply with the invoicing and labeling requirements; by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products, represented prices as reduced from regular prices which were in fact fictitious, and used comparative prices and percentage savings claims not based on current market values; and by failing to maintain adequate records as the basis for such purported pricing claims.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Ransohoff's, Inc., a corporation, and its officers, and its representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "comerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artifically colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, in abbreviated form or in handwriting;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information;

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the prices at which such products, in the recent regular course of business, have been usually and customarily sold by the respondent;

3. Makes use of comparative prices or percentage savings claims unless such comparative prices or percentage savings are based upon current market values or unless a bona fide price at a designated time is stated;

4. Makes pricing claims and representations of the type referred to in paragraphs 2 and 3 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Ransohoff's, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3472; Filed, May 7, 1958; 8:50 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART G—GENERAL STATEMENTS OF INTERPRETATION OF THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

EXEMPTIONS; AGRICULTURE

In accordance with section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Title 29, Code of Federal Regulations, Part 4, Subpart G, § 4.123 (b), is amended by adding at the end thereof the following: "While it is the position of the Department that a minor who leaves one district where schools are closed and who moves into and lives in another district where schools are in session may not work during the hours that schools are in session in the new district, it will not be asserted that this position prevents the employment of a minor in a district where schools are in session, if the school last attended by the minor has closed for summer vacation. As a reasonable precaution, however, no employer should employ a child under such circumstances before May 15, and after that date he should do so only if he is shown by the minor satisfactory evidence in the form of a written statement signed by a school official stating that the school with which he is connected is the one last attended by the minor and that the school is closed for summer vacation. Such statement should contain the minor's name, the name and address of the school, the date the school closed for the current year, the date the statement was signed, and the title of the school official signing the statement."

(Secs. 3, 11, 52 Stat. 1060, as amended; 1066, as amended; 29 U. S. C. 203, 211)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., [illegible] day of May 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3481; Filed, May 7, [illegible] 8:53 a. m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 703—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to Section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary by Administrative Order No. 503 (23 F. R. 1676), as amended by Administrative Order No. 504 (23 F. R. 1858), appointed, convened, and gave notice of the hearings of Industry Committee No. 38-B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to investigation and hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 703. The recommendations of the committee provide for amending the definition of the industry by excluding therefrom belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials. Minor editorial changes have been made. In addition, the recommendations provide for new rates for the classifications within the industry.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending Title 29, Code of Federal Regulations, effective, May 24, 1958, as follows:

1. Part 703 is hereby revoked.

2. Part 615 is hereby added to read as follows:

Sec.
615.1 Definitions.
615.2 Wage rates.
615.3 Notices.

AUTHORITY: §§ 615.1 to 615.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 615.1 *Definitions.* The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is defined as the manufacture from any material of men's and boys' [illegible] furnishings, accessories, and related products: *Provided, however,* That this industry shall not include the manufacture of hand-made straw hats, gloves, hosiery, footwear, belts, (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico (Part 610 of this chapter) or in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (Part 609 of this chapter).

§ 615.2 *Wage rates.* (a) Wages at a rate of not less than 72½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the suits, coats, jackets, neckties, hats, and caps classification of the men's and boys' clothing and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of men's, youths', and boys' suits, coats, jackets (except denim work coats and jackets), overcoats, topcoats, fabric raincoats, and similar outerwear; neckties and bow ties; and hats and caps.

(b) Wages at a rate of not less than [illegible] cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the men's and boys' clothing and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products in the said industry not included in paragraph (a) of this section.

§ 615.3 *Notices.* Every employer subject to the provisions of § 615.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 615.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 2d day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3484; Filed, May 7, 1958; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

Basis and purpose. Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U. S. C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in October 1957. The whaling regulations, as last amended in October 1957, have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U. S. C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 22 F. R. 1721, March 16, 1957, are amended and republished to read as hereinafter set forth.

ROSS LEFFLER,
Assistant Secretary of the Interior.

MAY 2, 1958.

Sec.
351.1 Inspection.
351.2 Killing of gray or right whales prohibited.
351.3 Killing of calves or suckling whales prohibited.
351.4 Operation of factory ships limited.
351.5 Closed area for factory ships in Antarctic.
351.6 Limitations on the taking of humpback whales.
351.7 Closed seasons for pelagic whaling for baleen and sperm whales.
351.8 Catch quota for baleen whales.
351.9 Minimum size limits.
351.10 Closed seasons for land stations.
351.11 Use of factory ships in waters other than south of 40° South Latitude.
351.12 Limitations on processing of whales.
351.13 Prompt processing required.
351.14 Remuneration of employees.
351.15 Submission of laws and regulations.
351.16 Submission of statistical data.
351.17 Factory ship operations within territorial waters.
351.18 Definitions.

AUTHORITY: §§ 351.1 to 351.18 issued under Art. V, 62 Stat. 1718. Interpret or apply secs. 2-14, 64 Stat. 421-425; 16 U. S. C. 916-916l.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operation of factory ships limited.* (a) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.[1]

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed area for factory ships in Antarctic.* It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from November 8, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from November 8, 1958, after which it will automatically become operative again on November 8, 1959.)

§ 351.6 *Limitations on the taking of humpback whales.* (a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of five years. (This five-year period comes to an end on November 8, 1959.)

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[1] This paragraph was objected to within the prescribed period ending November 7, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on February 24, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from February 24, 1960.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of five years. (This five-year period comes to an end on November 8, 1959.)

(c) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2d, 3d, and 4th of February in any year.

§ 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales.* (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from January 7 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before February 1 in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d) and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided,* That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided,* That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto:

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in any one season: *Provided,* That in the season 1957–58 the number shall not exceed fourteen thousand five hundred blue-whale units.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or
(2) Two and a half humpback whales or
(3) Six sei whales.

(c) Notification shall be given in accordance with the provision of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided,* That when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 (but 13,000 in the season 1957–58) notification shall be given as aforesaid at the end of each day of data on the number of bluewhale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: *Provided,* That the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than [illegible] feet (15.2 metres) may be taken for delivery to land stations in the Northern Hempishere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 *Closed seasons for land stations.* (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided,* That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of thi

Provided, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.[2]

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 *Use of factory ships in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season: *Provided*, That this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 *Limitations of processing of whales.* (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of §§ 351.2, 351.4, 351.5, 351.6, 351.7, 351.8 or 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.* (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (1) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (2) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (3) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (1) and (3) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information there shall be specified:

(a) The name and gross tonnage of each factory ship;

(b) The number and aggregate gross tonnage of the whale catchers;

(c) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.*[3] (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

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[2] This paragraph came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not therefore binding on the Commonwealth of Australia.

[3] This section was inserted by the Commission at its first meeting in 1949, and came into force on January 11, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which reads as follows:

§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) On the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* (a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

[F. R. Doc. 58-3416; Filed, May 7, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-2]

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

PART 74—COSTS AND CHARGES

REVISION OF STANDARD CHARGES

The purpose of the amendments to the regulation in this document is to increase charges for the preparation of replacement aids to navigation, charges for vessel time involved in the placement of replacement aids to navigation on station, and incidental service charges to coincide with actual operating costs for such service rendered during fiscal year 1957.

By virtue of the Authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 167-3 (18 F. R. 2962) and 167-23 (21 F. R. 5852) to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

Section 70.05-50 is amended to read as follows:

§ 70.05-50 *Table of charges.* Charges for preparation of a replacement aid, and charges for vessel time as indicated in § 70.05-45 shall be in accordance with the following table:

TABLE A—STANDARD CHARGES

Type of aid	Preparation of replacement aid	Vessel time per hour
1. Lighted buoy for exposed station, with or without sound	$120	$101
2. Bell, gong or whistle buoys, unlighted	51	101
3. Lighted buoy (8' or 9') for sheltered station, with or without sound	100	101
4. Lighted buoy (7' or less) for sheltered station, with or without sound	76	46
5. Can or nun buoys (1st and 2d class), except river type	16	46
6. Can or nun buoys (3d class), except river type	12	30
7. Wooden spar buoy, any class	14	46
8. River type buoy	7	30
9. Lighting apparatus (only)	49	30
10. Minor structures on submarine sites such as piling, pile clusters, etc	----	27

(Sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies sec. 1, 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642)

SUBPART 74.01—CHARGES FOR COAST [illegible] AIDS TO NAVIGATION

Section 74.01-1 is amended to read as follows:

§ 74.01-1 *Table of charges.* Charges for authorized work performed under the provisions of §§ 62.01-10 (b), [illegible] (c), 64.15-1, and 64.15-5 of this subchapter shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the cost incurred by the Coast Guard when having such work performed on contract:

TABLE B—STANDARD CHARGES

Type of aid	Preparation of temporary aid	Service charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or without sound	$124	[illegible]
2. Bell, gong or whistle buoys, unlighted	53	[illegible]
3. Lighted buoy (8' or 9') for sheltered station, with or without sound	114	[illegible]
4. Lighted buoy (7' or less) for sheltered station, with or without sound	90	[illegible]
5. Can or nun buoy (1st and 2d class), except river type	18	[illegible]
6. Can or nun buoy (3d class), except river type	14	[illegible]
7. Wooden spar buoy, any class	16	[illegible]
8. River type buoy	8	[illegible]
9. Lighting apparatus (only)	60	[illegible]

(Sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies sec. 1, 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642)

[SEAL] A. C. RICHMOND,
Vice Admiral,
U. S. Coast Guard,
Commandant.

APRIL 30, 1958.

[F. R. Doc. 58-3438; Filed, May 7, 1958; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 4]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

This revision of General Services Administration Regulation 7, which established an open market purchase program for domestic mica, liminates the time limitation for making application for participation in the program, reflects changes in GSA regional office jurisdiction over the Government depots, combines the previously published Revision 3 of said regulation and amendments thereto, and makes other miscellaneous changes.

Sec.
1 Basis and purpose.
2 Definitions.
3 Duration of Programs A and B.
4 Program A.
5 Program B.
6 Access to books and records.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C.

App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093. E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to Executive Order 10480 dated August 14, 1953 (18 F. R. 4939, 3 CFR, 1953 Supp.), hand-cobbed muscovite ruby and nonruby crude mica and processed muscovite ruby and nonruby block and film mica, all of domestic origin. In accordance with Programs A and B set forth herein, the Administrator will buy domestically produced mica conforming to the requirements, at the prices, and under the other terms and conditions of this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Government depot" means the purchase depots of the Government at Franklin, New Hampshire, Spruce Pine, North Carolina, Custer, South Dakota, or any other such depots established hereafter.

(c) "Domestic origin" means mined within the United States (the forty-eight States and the District of Columbia).

(d) "Block mica" means processed muscovite ruby and nonruby block mica which conforms with the requiremnts of section 4 (b) of this regulation.

(e) "Film mica" means processed muscovite ruby and nonruby film mica which conforms with the requirements of section 4 (b) of this regulation.

(f) "Hand-cobbed mica" means run-of-the-mine muscovite ruby and nonruby mica crystal which is free from dirt, rock and mine run scrap and which conforms with the requirements of section 5 (b) of this regulation.

(g) "Program A" means the Program for purchase by the Government of processed block and film mica of domestic origin.

(h) "Program B" means the Program for purchase by the Government of hand-cobbed mica of domestic origin.

(i) "Regional Commissioner" means the Commissioner of any one of the following General Services Administration regional offices having jurisdiction as indicated below:

Region No.	Address	Government depot over which jurisdiction is exercised
1	Regional Commissioner, General Services Administration, 620 Post Office and Courthouse, Boston 9, Mass.	Franklin, N. H.
3	Regional Commissioner, General Services Administration, Regional Office Building, 7th and D Streets, SW., Washington 25, D. C.	Spruce Pine, N. C.
8	Regional Commissioner, General Services Administration, 41 Denver Federal Center, Denver 2, Colo.	Custer, S. D.

SEC. 3. *Duration of Programs A and B.* Programs A and B shall terminate and be of no further force or effect and deliveries thereunder will not be accepted after the close of business June 30, 1962, or when the total block, film and hand-cobbed mica delivered to and accepted by the Government under said Programs reaches the equivalent of 25,000 short tons of hand-cobbed mica, whichever first occurs. For the purpose of computing said 25,000 short tons of hand-cobbed mica, 90 pounds of block or film mica shall be deemed to be the equivalent of one (1) short ton of hand-cobbed mica.

SEC. 4. *Program A*—(a) *Participation in program.* Any person or firm wishing to participate in Program A shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction over the Government depot nearest to the location of his mica processing plant. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program A is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver block or film mica which conforms with the requirements set forth in paragraph (b) of this section.

(b) *Requirements.* (1) All block and film mica purchased under Program A shall in every respect conform to the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of block or film mica by the Government. All good stained and better nonruby block and film mica purchased under Program A shall in addition conform in every respect to the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748 latest revision as of the date of acceptance of each lot of nonruby block or film mica by the Government. The qualities for all block and film mica which will be accepted are good stained and better, stained and heavy stained.

(2) The following grades will be accepted:

Grades	Area of minimum rectangle	Minimum dimension of 1 side
	Square inches	*Inches*
No. 6	1	¾
No. 5½	2¼	⅞
No. 5	3	1
No. 4	6	1½
No. 3 and larger	10	2

(3) All good stained and better block and film mica must be full-trimmed; stained and heavy stained will be accepted in half-trimmed or full-trimmed form.

(c) *Deliveries.* Block and film mica offered to the Government under Program A shall be delivered f. o. b. the Government depot nearest to the participant's processing plant. Each individual lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Prior to delivery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) *Inspection and acceptance.* Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b) of this section will be rejected and all costs to the Government except inspection costs in connection therewith will be borne by the owner of the mica. The decision of the Government with regard to acceptance (including quality, grade and other requirements) or rejection will be final.

(e) *Price and payment.* (1) Payment for each lot of processed ruby and nonruby block and film mica, containing at least eighteen percent (18%) good stained and better quality, delivered f. o. b. Government depot, and accepted by the Government, shall be made on the basis of the following Price Schedule:

[Per pound]

Grades	Ruby				
	Qualities (full-trimmed)			Qualities (half-trimmed)	
	Good stained and better	Stained	Heavy stained	Stained	Heavy stained
No. 3 and larger	$70.00	$31.90	$14.80	$12.00	$8.00
No. 4 and No. 5	40.00	18.25	6.85	5.00	4.00
No. 5½ and No. 6	17.70	7.55	4.00	3.00	2.00
	Nonruby				
No. 3 and larger	$70.00	$25.55	$11.85	$9.60	$6.40
No. 4 and No. 5	40.00	14.60	5.45	4.00	3.20
No. 5½ and No. 6	17.70	6.55	4.00	2.40	1.60

(2) Payment for each lot of processed ruby and nonruby block and film mica containing less than eighteen percent (18%) good stained or better quality, delivered f. o. b. Government depot, and accepted by the Government, shall be made on the basis of the Price Schedule appearing in subparagraph (1) of this

paragraph, adjusted to reflect the proportionately lower quantity of good stained or better quality mica contained in each such lot. The price adjustment provided for herein shall be effected in the following manner: The dollar and cents value of each lot shall be determined in accordance with the aforesaid Price Schedule. Such value shall be multiplied by a fraction, the denominator of which shall be eighteen percent (18%), and the numerator of which shall be the percentage expression of the quantity of good stained or better quality mica contained in such lot. The result shall be the final basis for payment.

(3) At the time of the Government's acceptance provided for in paragraph (d) of this section, the Government will make a preliminary payment. When the actual value of such mica has been determined, the amount of such actual value less the preliminary payment shall be paid to the participant. If the actual value is less than the preliminary payment, the excess of the preliminary payment over the actual value shall be repaid by the participant to the Government.

SEC. 5. *Program B*—(a) *Participation in program.* Any person or firm wishing to participate in Program B shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction over the Government depot nearest to the location of his mine or deposit. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program B is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver hand-cobbed mica which conforms with the requirements set forth in paragraph (b) of this section.

(b) *Requirements.* (1) All hand-cobbed mica under Program B must yield at least forty and five-tenths (40.5) pounds of stained or better quality block or film mica per short ton.

(2) All block and film mica to be processed from this hand-cobbed mica shall conform in all other respects with the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of hand-cobbed mica by the Government.

(3) The good stained and better nonruby block and film to be processed from this hand-cobbed mica shall, in addition, conform in every respect with the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748, latest revision as of the date of acceptance of each lot of nonruby hand-cobbed mica by the Government.

(c) *Inspection and acceptance.* The participant shall give reasonable advance notice to the Superintendent of the Government depot to which he will ship the hand-cobbed mica, stating the quantity he proposes to offer for sale to the Government under Program B. Upon such notification, the Government shall arrange for inspection of the hand-cobbed mica offered at the point of production or at such other points as are mutually agreed upon between the participant and the Government: *Provided, however,* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government depot to which the participant will ship. After inspection by a Government inspector the hand-cobbed mica will be accepted by the Government if in the judgment of the Government inspector the offered hand-cobbed mica will conform to the requirements of paragraph (b) of this section, and will be rejected by the Government if in his judgment it will not conform to such requirements. Such acceptance or rejection shall be final. If, after processing, the Government determines that any such accepted lot or lots of hand-cobbed mica delivered from a specific mine or deposit fail to yield block or film mica in accordance with the requirements of paragraph (b) of this section, the Government reserves the right to refuse to consider or accept further offerings of hand-cobbed mica from the particular mine or deposit from which such lot or lots were produced.

(d) *Deliveries.* Hand-cobbed mica accepted by the Government under Program B is to be delivered as follows: (1) If shipped by rail, f. o. b. common carrier's conveyance at a railroad delivery point designated by the Government which will be as close as possible to the Government depot; or (2) if shipped by motor truck, f. o. b. Government depot. Each individual lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Hand-cobbed mica accepted by the Government under paragraph (c) of this section shall not be delivered in shipments of less than one thousand (1,000) pounds. Prior to shipment the shipper must give the Superintendent of the Government depot to which he is shipping reasonable advance notice with respect to the quantity to be shipped and the proposed shipping date. The Superintendent of the Government depot will then establish a shipping schedule with each shipper and will instruct the shipper how to prepare the hand-cobbed mica for shipment. The Government reserves the right to reject any hand-cobbed mica which has not been so scheduled and prepared.

(e) *Price and payment.* (1) The prices to be paid for each short ton of ruby and nonruby hand-cobbed mica, delivered to and accepted by the Government in accordance with the provisions of this section, shall be at the rate of Six Hundred Dollars ($600) for ruby hand-cobbed mica, and at the rate of Five Hundred and Forty Dollars ($540) for nonruby hand-cobbed mica, containing exactly 16.2 pounds of good stained or better quality and exactly 24.3 pounds of stained quality block or film mica. Payment shall be made on the basis of these prices, increased or decreased proportionately to reflect the actual yield of good stained or better and stained quality block or film mica, as provided in subparagraph (2) of this paragraph.

(2) Payment for each short ton of ruby and nonruby hand-cobbed mica delivered to and accepted by the Government in accordance with the provisions of this section shall be effected in the following manner:

(i) At the time of the Government acceptance provided for in paragraph (c) of this section, the Government shall estimate the yield in pounds of good stained or better quality in each lot of hand-cobbed mica delivered hereunder. Such estimated yield shall be divided by 16.2 pounds to determine the estimated number of short tons of hand-cobbed mica that may be paid for at the rate of $600 per short ton in the case of ruby hand-cobbed mica, and at the rate of $540 per short ton in the case of nonruby hand-cobbed mica. Promptly after the Government acceptance referred to hereinabove, the Government will make a preliminary payment based upon the above estimate.

(ii) Each lot of ruby and nonruby hand-cobbed mica shall be processed by the Government and the actual yield of good stained or better quality, and of stained quality shall be determined by the Government.

(iii) The actual yield of good stained or better quality, as determined in step (ii) above, shall be divided by 16.2 pounds to determine, on the basis of actual yield, the number of short tons of hand-cobbed mica for which payment is allowed at the rate of $600 per short ton, in the case of ruby hand-cobbed mica, and at the rate of $540 per short ton, in the case of nonruby hand-cobbed mica. Multiply such number of short tons of hand-cobbed mica by $600 or $540, whichever is applicable.

(iv) Multiply the number of short tons of hand-cobbed mica, as determined in step (iii) above, by 2,000 pounds and by 4½ percent.

(v) Multiply the number of pounds, as determined in step (iv) above, by 27 percent.

((vi) Deduct the number of pounds, as determined in step (v) above, from the actual number of pounds of stained quality mica, as determined in step (ii) above, to determine the number of pounds of stained quality mica for which payment shall be made.

(vii) Calculate the dollar and cents value of the actual number of pounds of stained quality mica, as determined in step (ii) above, by means of the Price Schedule appearing in section 4 of this regulation.

(viii) Calculate the net dollar and cents value of the stained quality mica for which payment shall be made by multiplying the dollar and cents value of the actual number of pounds of stained quality mica, as calculated in step (vii) above, by a fraction, the numerator of which is represented by the number of pounds of stained quality mica, as determined in step (vi) above, and the denominator of which is represented by the actual yield of stained quality mica, as determined in step (ii) above, and by deducting from the product the actual cost of rifting and trimming of the number of pounds of stained quality mica, as determined in step (vi) above, for which payment is made.

(ix) Add the dollar and cents figures, as calculated in step (iii) and step (viii) above, to determine the actual value of deliveries under this subparagraph. The Government shall pay not to exceed such actual value for such deliveries. Hence, if the actual value exceeds the preliminary payment, as determined in step (i) above, the amount of the excess shall be paid to the participant; and if the actual value is less than said preliminary payment, the amount of the overpayment shall be paid by the participant to the Government.

Notwithstanding any other provision of this subparagraph, neither the preliminary payment, as determined in step (i) above, nor the aggregate of the payments by the Government under this subparagraph shall exceed the product of $600 times the actual number of short tons of ruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, nor more than the product of $540 times the actual number of short tons of nonruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, whichever is applicable: *Provided, however*, That the provisions of this sentence shall not be applicable with respect to hand-cobbed mica delivered prior to September 16, 1955, by any participant pursuant to supplemental arrangements made between such participant and the Government.

(3) In lieu of the methods of payment provided for under subparagraphs (1) and (2) of this paragraph, payment for each lot of hand-cobbed mica delivered to and accepted by the Government hereunder may be effected, if the participant so elects at the time of such acceptance, in accordance with the method of payment and the prices provided for in section 4 (e) of this regulation for the actual yield of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality derived from such lot, less a deduction of $4.00 per pound of such actual yield to apply against the cost of rifting and trimming. The payments provided for herein shall be effected in the following manner:

(i) At the time of the Government acceptance provided for in paragraph (c) of this section, the Government shall estimate (*a*) the yield in pounds each of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality in each such lot, and the grades thereof, and (*b*) whether or not such estimated yield contains at least eighteen percent (18%) good stained or better quality mica, and shall compute the dollar and cents value of such estimated yield by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e) (2) of said section 4 if the lot is estimated to produce a yield of less than eighteen percent (18%) of good stained or better quality mica. Promptly after such Government acceptance, the Government will make a preliminary payment based on the above estimated dollar and cents value, less a deduction to apply against the cost of rifting and trimming calculated by multiplying the total number of pounds of estimated yield by $4.00.

(ii) Each lot of ruby and nonruby hand-cobbed mica shall be processed by the Government and the actual yield of block and film mica of good stained or better, stained, and heavy stained quality shall be determined by the Government.

(iii) Calculate the dollar and cents value of the total actual yield in pounds of block and film mica of good stained or better, stained, and heavy stained quality, as determined in step (ii) above, by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e) (2) of said section 4 if the lot has produced a yield of less than eighteen percent (18%) of good stained or better quality mica.

(iv) Deduct from the dollar and cents value, as calculated in step (iii) above, to apply against the cost of rifting and trimming, an amount calculated by multiplying the total actual yield in pounds, as determined in step (ii) above, by $4.00 to determine the actual net value of deliveries under this subparagraph. The Government shall pay not to exceed such actual net value for such deliveries. Hence, if the actual net value exceeds the preliminary payment, as determined in step (i) above, the amount of the excess shall be paid to the participant; and if the actual net value is less than said preliminary payment, the amount of the overpayment shall be paid by the participant to the Government.

(4) Regardless of which particular method provided herein is used in computing the amount to be paid for any lot of hand-cobbed mica delivered to or accepted by the Government hereunder, such payment is for the entire lot and such entire lot shall become the property of the Government.

Sec. 6. *Access to books and records.* During the duration of the Programs, and for a period of three (3) years thereafter; authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers and records of any seller involving transactions related to either Program.

Dated: May 2, 1958.

Franklin Floete,
Administrator of General Services.

[F. R. Doc. 58-3430; Filed, May 7, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

Child Labor Regulations, Orders and Statements of Interpretation

OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING; EXEMPTIONS

A request has been received from the National Association of State Supervisors of Trade and Industrial Education urging a broadening of the exemptions for student-learners enrolled in cooperative vocational training programs for employment in the occupations declared hazardous under Hazardous Occupations Orders Nos. 5, 8, and 12 (29 CFR Part 4, Subpart E, §§ 4.55, 4.59, and 4.63 respectively), and the Bureau of Labor Standards has conducted an investigation concerning the advisability of such action. The report of investigation, which has been submitted, recommends revision of the above-cited orders to provide uniform exemptions for student-learners similar to the exemption now included in Order No. 12. The report recommends the amending of Order No. 5 so as to provide uniform exemptions for apprentices under these three orders as well. Further, it recommends the elimination of reference to specific trades or crafts now in the student-learner exemption in Order No. 12 and in the apprenticeship exemption in Order No. 5. It is the purpose of the proposed amendment to adopt these recommendations.

The recommendations regarding the student-learner exemptions are based upon such considerations as the Bureau's very satisfactory experience with the student-learner exemption now provided under Order No. 12, the decided increase in safety activities in the vocational-education field since Orders Nos. 5 and 8 were originally issued, and the fact that few student-learners fall within the 4,000-hour minimum training period exemptions now contained in Orders Nos. 5 and 8. If the uniform student-learner exemptions are adopted, the 4,000-hour minimum training period exemptions will be deleted. The recommendation that reference to specific trades or crafts in the student-learner exemption in Order No. 12 be eliminated is made since experience with this exemption has shown that such a restriction is impracticable. The similar elimination in the apprenticeship exemption of Order No. 5 is made since it appears desirable to have the language of that exemption uniform with that contained in the apprenticeship exemptions of Orders Nos. 8 and 12.

Accordingly, pursuant to authority contained in section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 2 (3 CFR, 1943–1948 Comp. p. 1064), and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D), I propose to amend Hazardous Occupations

Orders Nos. 5, 8, and 12 (29 CFR Part 4, Subpart E, §§ 4.55 (c), 4.59 (c) (2), and 4.63 (c) (2) respectively), to read as follows:

§ 4.55 *Occupations involved in the operation of power-driven woodworking machines (Order 5).* * * *

(c) *Exemptions.* (1) This section shall not apply to the employment of apprentices in the occupations herein declared particularly hazardous: *Provided,* That (i) the apprentice is employed in a craft recognized as an apprenticeable trade, (ii) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (iii) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

§ 4.59 *Occupations involving the operation of power-driven metal forming, punching, and shearing machines (Order 8).* * * *

(c) *Exemptions.* * * *

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

§ 4.63 *Occupations involving the operation of paper-products machines (Order 12).* * * *

(c) *Exemptions.* * * *

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

Accordingly, notice is hereby given of a public hearing to be held June 17, 1958, commencing at 10 a. m., Room No. 5223, United States Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before a presiding officer to be hereafter designated, at which hearing interested persons may appear and submit data, views, or arguments with respect to said proposed amendments. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file written views, or arguments with the Secretary of Labor not later than the day prior to the hearing in order that the same may be made a part of the record of the hearing.

Signed at Washington, D. C., this 29th day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3482; Filed, May 7, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

SPECIAL TECHNICAL SERVICES DIVISION

Paragraph 1113.62 of the statement on organization and functions of the Internal Revenue Service which was published in 21 F. R. 10424-5, December 28, 1956, is hereby amended to read as follows:

1113.62 *Special Technical Services Division.* The Special Technical Services Division conducts a program of technical services which includes the preparation and issuance of replies to communications which relate to general technical information. It provides technical research and reference material and services for National Office personnel. It conducts special studies of tax problems for the purpose of reducing areas of controversy, promoting uniformity and establishing policy guidance. It periodically prepares and publishes summaries of technical developments for Service personnel, prepares tax guides for the public, reviews technical material used for training Service personnel, develops technical materials for use in annual training institutes in district offices, and reviews tax guide material prepared outside the Service. The Division conducts a program for the selection and publication of precedent rulings, decisions, procedures, policy announcements, and other statements in the Internal Revenue Bulletin. It provides expert technical advice on engineering and valuation aspects of tax determinations, and grants (or denies, as the case may be) permission to taxpayers to change the method of accounting for depletion, depreciation, and obsolescence. It replies to and makes determinations on inquiries arising from within the Service, taxpayers, and others on engineering and valuation matters which do not involve the establishment of precedents. The Division Director is responsible for and supervises the activities of four branches: Technical Reference Branch, Technical Projects Branch, Bulletin Branch, and Engineering and Valuation Branch.

Dated: April 29, 1958.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 58-3437; Filed, May 7, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

MAY 1, 1958.

The notice of proposed withdrawal and reservation of lands serial no. Sacramento 047050, Mendocino National Forest, published in the FEDERAL REGISTER of Friday, September 6, 1957, pages 7156-7157 (F. R. Doc. 57-7292), is corrected as to the land description for Mendocino Pass Road, Forest Highway 7 (3) Roadside Zone to read as follows: NW¼SE¼ section 27, NE¼ section 36, T. 23 N., R. 11 W., M. D. M. Under Administrative Sites, Hull Mountain, NW¼NE¼ section 11, T. 19 N., R. 10 W., M. D. M., is changed to read as NW¼NW¼.

C. K. CARON,
Acting State Supervisor.

[F. R. Doc. 58-3414; Filed, May 7, 1958; 8:45 a. m.]

[Classification 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

APRIL 29, 1958.

Effective April 29, 1958, the following described lands listed under paragraph 1 of Federal Register Document 57-4460 appearing on page 3895 of the issue for June 4, 1957, are hereby revoked from the classification order:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 5 E.,
  Sec. 4, S½;
  Sec. 5, S½;
  Secs. 6 to 9, incl., All;
  Sec. 17, All;
  Sec. 19, All;
  Secs. 29 to 33, incl., All.
T. 3 N., R. 2 E.,
  Sec. 1, All;
  Sec. 2, NE¼, E½SE¼;
  Sec. 12, All.
T. 4 N., R. 2 E.,
  Sec. 2, W½NW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, N½NW¼SW¼, NE¼SW¼, NE¼SE¼SW¼, W½SW¼SE¼, S½NW¼NW¼NE¼, SW¼NW¼SW¼NE¼, SE¼SW¼NE¼NW¼, S½NE¼SE¼NW¼, SE¼SE¼SW¼, N½SW¼SE¼SW¼;
  Sec. 4, SE¼SW¼NE¼, SW¼SE¼NE¼, NE¼NW¼SE¼, W½NE¼SE¼, W½SE¼SW¼SE¼, S½SW¼SE¼SE¼, SE¼SE¼SW¼SE¼, N½NE¼NW¼NE¼, SW¼NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, NW¼SE¼NW¼NE¼, SW¼NW¼NE¼, W½NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, SE¼NE¼SE¼NW¼, NE¼SE¼SE¼NW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼, NW¼NE¼NW¼SW¼;
  Sec. 5, N½NW¼SW¼, NW¼NE¼SW¼, N½NW¼SE¼, W½SE¼NW¼SW¼, E½SW¼NE¼SW¼, E½NE¼SE¼SE¼, E½SE¼NE¼SE¼, SE¼SE¼SE¼, SE¼SW¼SE¼SE¼;
  Sec. 6, N½NE¼, N½SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, E½NE¼NE¼SE¼, SW¼SW¼NW¼, N½NE¼NW¼SW¼, W½NW¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NE¼SE¼SW¼, SW¼SW¼NW¼SE¼, NW¼SW¼SE¼, SW¼NE¼SW¼SE¼, NE¼SW¼SW¼SE¼, SE¼SW¼SE¼, SW¼SW¼SE¼SE¼, SE¼NE¼NW¼SW¼, NE¼NW¼NE¼SW¼, SE¼NW¼NE¼SW¼, SW¼NE¼NE¼SW¼, W½SE¼NE¼SW¼, E½SW¼NE¼SW¼, N½SW¼SE¼NW¼, NW¼SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, SW¼SW¼SW¼NE¼, E½SW¼SW¼NE¼, SW¼SW¼SE¼NE¼, E½SW¼SE¼NE¼, W½SE¼SE¼NE¼, SE¼NE¼SE¼NE¼, NE¼NE¼NW¼SE¼, SE¼SW¼NW¼;
  Sec. 10, NW¼NW¼SE¼, W½NE¼NW¼SE¼, E½SW¼SE¼NW¼, W½SE¼SE¼NW¼, NE¼SE¼SE¼NW¼, SW¼NE¼SE¼NW¼;
  Sec. 11, S½NW¼SW¼NW¼, SW¼SW¼NW¼, N½NW¼SW¼, W½NW¼NE¼SW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼, N½NE¼NW¼, W½SW¼NW¼NE¼, E½NW¼SW¼NE¼, W½NE¼SW¼NE¼, E½SW¼SW¼NE¼, SE¼SW¼NE¼, W½SW¼SE¼NW¼, NE¼NW¼SE¼, N½NE¼SE¼, SE¼NE¼SE¼, NE¼SE¼SE¼, NW¼SE¼NW¼NW¼, W½NE¼NE¼SW¼, NE¼SW¼NE¼SW¼, S½NW¼SE¼SW¼, SW¼NE¼SE¼SW¼, N½SE¼SW¼SW¼, NE¼SW¼SW¼SW¼, SW¼SW¼SW¼SW¼, E½SE¼SE¼SE¼;
  Sec. 12, SW¼NW¼NW¼, W½SE¼NW¼NW¼, S½NW¼NW¼SW¼, NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, E½SE¼NE¼NE¼, NE¼SE¼NE¼, SE¼NW¼SE¼NE¼, SE¼SW¼SW¼NE¼, S½SE¼SW¼NE¼, NE¼SE¼SW¼NE¼, N½SW¼SE¼NE¼, E½SE¼SE¼NE¼, N½NW¼NW¼SE¼, N½NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, SE¼NW¼NE¼SE¼, N½SW¼NE¼SE¼, SW¼SW¼NE¼SE¼, SE¼SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, NE¼NE¼NE¼SW¼, S½NE¼NE¼SW¼, SE¼NW¼NE¼SW¼, NW¼SW¼NE¼SW¼, N½SE¼NW¼SW¼;
  Sec. 13, SE¼SW¼NW¼, W½SW¼SE¼NW¼, N½NW¼NW¼NW¼, NW¼NE¼NW¼NW¼, S½NE¼NW¼NW¼, NW¼SW¼NE¼NW¼, SW¼NW¼SW¼NW¼, NE¼SW¼SW¼NW¼, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, NW¼SE¼NE¼NE¼, NE¼SW¼NE¼NE¼, SW¼SW¼NE¼NE¼, N½NE¼SW¼NE¼, NW¼NE¼NW¼SW¼, NW¼SW¼NW¼SW¼, S½SW¼NW¼SW¼, NW¼NW¼SW¼SW¼;
  Sec. 14, W½NE¼NE¼SW¼, SE¼NE¼NE¼SE¼, S½NE¼SE¼SE¼, N½SW¼SE¼SE¼, N½SE¼SW¼SE¼, N½SW¼SW¼SE¼, SE¼SW¼SW¼SE¼, SE¼SE¼SE¼SW¼;
  Sec. 15, SE¼NE¼SE¼, E½SW¼NE¼SE¼, SW¼NW¼NE¼NW¼, SE¼NE¼NW¼NW¼, N½SW¼NW¼NW¼, NW¼SE¼NW¼NW¼, SW¼NW¼NW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, SW¼NE¼SW¼SW¼, W½SE¼SW¼SW¼;
  Sec. 22, SW¼, S½SE¼, S½N½SE¼, S½N½NW¼SE¼;
  Sec. 26, All;
  Sec. 27, NE¼;
  Sec. 28, All;
  Sec. 32, NE¼;
  Sec. 33, All;
  Sec. 34, All.
T. 4 N., R. 3 E.,
  Sec. 1, W½W½ of Lot 2 of NW¼, SE¼W½ of Lot 2 of NW¼, W½ of Lot 1 of NW¼, W½E½ of Lot 1 of NW¼, N½N½SW¼;
  Sec. 2, Lot 2 of NE¼, E½E½ of Lot 1 of NE¼, NW¼E½ of Lot 1 of NE¼, N½E½ of Lot 2 of NW¼, NE¼W½ of Lot 2 of NW¼;
  Sec. 5, NW¼, W½ of Lot 2 of NE¼, W½E½ of Lot 2 of NE¼, N½W½ of Lot 1 of NE¼, S½SW¼, N½NE¼SW¼, NE¼NW¼SW¼;
  Sec. 6, N½NE¼NE¼, SE¼NE¼NE¼, E½SE¼NE¼;
  Sec. 8, NE¼, N½NW¼, SE¼NW¼, N½SE¼, NE¼SW¼;
  Sec. 9, S½NW¼, N½SW¼;
  Sec. 15, S½;
  Sec. 27, S½, S½N½.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-3415; Filed, May 7, 1958; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial No. Fairbanks 019269, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a training maneuver area and a weapons testing and firing area.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Big Delta Area

Beginning at the U. S. C. & G. S. Monument "Big Delta Airport", latitude 63°59′35″ N., longitude 145°43′40″ W., thence N. 04°55′47.3″ E., 11,997.64 feet to Mile Post 270 on the Richardson Highway; thence due West to the mean high water line on the East bank of Delta River, which point is the true point of beginning for this description; thence Southerly along the West boundary of the Big Delta Military Reservation to the Southwest corner thereof; thence due East along the South boundary of the Big Delta Military Reservation to the north ¼ corner monument of Section 28, Township 11 South, Range 10 East, Fairbanks Meridian; thence South along the north-south center lines of Sections 28 and 33, Township 11 South, Range 10 East, Fairbanks Meridian and Sections 4, 9 and 16, Township 12 South, Range 10 East, Fairbanks Meridian to the center section monument of Section 16, thence East to the west ¼ corner monument of Section 15, Township 12 ,South, Range 10 East; thence S. 0°05″ E. to the West section corner monument common to Sections 15 and 22; thence East to the ¼ corner monument common to Sections 15 and 22; thence South along the north-south center lines of Sections 22, 27 and 34, Township 12 South, Range 10 East, Fairbanks Meridian, to the South ¼ corner of Section 34; thence East 74 feet, more or less, along the South boundary of Section 34 to a point one-half mile West of the center-line of the existing Richardson Highway; thence Southerly, parallel to and one-half mile west of said center-line, to a point one-half mile due West of Donnelly, Alaska; thence N. 75°30′ W., 190,740 feet, more or less, to the East bank of the Buchanan Creek; thence Northerly along the East bank of Buchanan Creek and the East bank of the Little Delta River to a point 11,560 feet, Southerly from the point of confluence of the Little Delta River and the Tanana River, which point is also located at latitude 64°15′ N., longitude 146°43′ W., approximately; thence S. 52°40′ E., 160,843 feet, more or less, to a point identical with a point located at latitude 63°59′ N., longitude 145°55′ W., approximately; thence N. 60°43′ E., 31,705 feet, more or less, to the point of beginning.

The land above described contains 572,000 acres more or less, and is subject to the continued public use of the Richardson Highway.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-3480; Filed, May 7, 1958; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHOSHONE LIVESTOCK AUCTION CO. ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

IDAHO

Shoshone Livestock Auction Company, Shoshone, February 26, 1958.

IOWA

McIntosh Livestock Auction Company, Ida Grove, March 14, 1958.

Keosauqua Sales Co., Inc., Keosauqua, March 11, 1958.

Sioux Center Sales Company, Sioux Center, April 2, 1958.

OKLAHOMA

Apache Livestock Sale, Apache, February 7, 1958.

Hobart Stockyards, Hobart, February 5, 1958.

LeFlore County Livestock Auction, Wister, April 3, 1958.

Done at Washington, D. C., this 2d day of May, 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-3475; Filed, May 7, 1958; 8:51 a. m.]

Office of the Secretary

HEAD, PROCUREMENT MANAGEMENT SECTION, PROCUREMENT AND PROPERTY MANAGEMENT DIVISION, OFFICE OF PLANT AND OPERATIONS

DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of April 18, 1958 (23 F. R. 2772), authority is delegated to the Head, Procurement Management Section, Procurement and Property Management Division, Office of Plant and Operations, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended), a contract for architectural and engineering services in connection with the construction of a building at the Agricultural Research Center, Beltsville, Maryland, for the Atomic Energy Commission.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled Act, particularly the applicable provisions of Title 3 thereof with respect to negotiated contracts, and with all provisions of law, and the policies, procedures and controls prescribed by the General Services Administration.

The delegation shall not extend beyond July 1, 1958.

Done at Washington, D. C., this 5th day of May 1958.

[SEAL] RALPH S. ROBERTS,
Administrative Assistant Secretary.

[F. R. Doc. 58-3477; Filed, May 7, 1958; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 247]

VAN DOORN & CO. N. V. ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Van Doorn & Co. N. V., Johan Hendrik Wijsman, B. A. van Doorn, Rederijstraat 3, Rotterdam, Netherlands; J. H. Vantol, Ltd., Norfolk House, Laurence Pountney Hill, Cannon Street, London, E. C. 4, England, respondents; Case No. 247.

The respondents, Van Doorn & Co. N. V., Johan Hendrik Wijsman, B. A. van Doorn, and J. H. Vantol, Ltd., having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce of the U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they participated in the unauthorized transshipment to Soviet Bloc destinations of cottonseed oils which had been exported from the United States, duly appeared herein, admitted numerous facts, and offered various arguments and facts in mitigation.

In accordance with the practice, this case was referred to the Compliance Commissioner, who held a hearing at which all parties were present, either in person or by counsel. During the course of the hearing, the parties agreed to submit the disposition of this case to the Compliance Commissioner's discretion and waived all rights to appeal from any order entered herein provided that such order was in the form of and according to the recommendation of the Compliance Commissioner. The Compliance Commissioner has now made his recommendation herein, and it appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answers of the respondents, the evidence submitted in support of and in defense of the charges and the recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Van Doorn & Co. N. V. was engaged in the importation and exportation of seed oils in Rotterdam, the Netherlands, and Johan Hendrik Wijsman and B. A. van Doorn were managing directors thereof.

2. At all times hereinafter mentioned, J. H. Vantol, Ltd. was engaged in the importation and exportation of seed oils in London, England; during said times and until the first day of January 1956, Johan Hendrik Wijsman was its managing director.

3. On or about the 27th day of April 1955, by reason of a communication from the United States Embassy in London, Vantol became informed that cottonseed oils which originated in and had been exported from the United States might not be transshipped to Soviet Bloc destinations without prior approval by the Bureau of Foreign Commerce of the United States Department of Commerce.

4. Wijsman became similarly informed on the 4th day of May 1955.

5. During the period involved, Wijsman's business station was in London but he had departed London for Rotterdam on April 26, 1955, returned to London on May 4, at which time he had discussed the communication from the American Embassy with Vantol's attorneys and then he went again to Rotterdam on May 5th.

6. Following Wijsman's return to Rotterdam on May 5th, he discussed the

communication from the American Embassy with Van Doorn, the individual.

7. On May 27, 1955, a representative of the American Consulate General in Rotterdam also informed Van Doorn, the individual, that oils which had been exported from the United States might not be transshipped to Soviet Bloc destinations without prior approval by the Bureau of Foreign Commerce of the United States Department of Commerce.

8. The business in oils conducted by the respondents involved the purchase thereof out of tanks in Rotterdam and all oils involved herein had been exported from the United States and had come to rest in Rotterdam prior to the purchase thereof by respondents.

9. Respondents at all times knew that such oils had been exported from the United States.

10. Prior to the time that respondents are shown to have had knowledge of the restrictions imposed by the United States against such transshipment of American-origin oils, Van Doorn Company had purchased much of the oils involved herein but, thereafter, with the knowledge and approval of Van Doorn, the individual, and Wijsman, it contracted to sell for transshipment to Soviet Russia and acquired for that purpose about 7,000 tons in addition.

11. Subsequent to such knowledge and with knowledge that it was the intention of Van Doorn to transship such oils to Soviet Bloc destinations without first obtaining approval from the Bureau of Foreign Commerce, Vantol sold Van Doorn Company about 6,000 tons of oils.

12. Subsequent to the notification to Van Doorn (to which reference is made in Finding 7 hereof), with Wijsman's and his knowledge and approval and under their direction, Van Doorn Company transshipped to Soviet Russia about 7,000 tons of said oils. And, subsequent to the notification to Wijsman (to which reference is made in Finding 4 hereof), but prior to said notification to Van Doorn, the individual, Van Doorn Company, with Wijsman's knowledge and approval and under his direction, transshipped about 19,000 tons of said oils to Soviet Russia. All said transshipments were made without first obtaining approval therefor from the Bureau of Foreign Commerce.

And, from the foregoing, I have concluded:

A. That respondents, Van Doorn & Co. N. V., B. A. van Doorn, and Johan Hendrik Wijsman, in violation of § 381.4 of the Export Regulations, knowingly bought, sold, and disposed of goods exported from the United States with knowledge that violations of the Export Control Law and regulations were about to and were intended to occur.

B. That respondents Van Doorn & Co. N. V., B. A. van Doorn, and Johan Hendrik Wijsman knowingly transshipped U. S. origin goods to Soviet Bloc destinations, contrary to notification that such transshipments were prohibited and contrary to U. S. Export Control Law and regulations, in violation of §§ 381.2 and 381.6 of the Export Regulations.

C. That respondent Vantol, after having been informed that such transshipments were prohibited by U. S. export control regulations, sold and disposed of goods exported from the United States with knowledge that such goods were to be transshipped to Soviet Bloc destinations without prior approval from the Bureau of Foreign Commerce, and thus committed acts known by it to be intended to be in violation of U. S. export control regulations, all in violation of §§ 381.2, 381.4, and 381.6 of the Export Regulations.

In making his recommendation, the Compliance Commissioner said, in part:

> From the answers it became apparent that the Van Doorn company and Wijsman did not contest any of the factual allegations in the charging letters. Except that Van Doorn, the individual, seemed to raise a question as to his personal knowledge of U. S. controls affecting the transshipment of oils to Soviet destinations, he, too, admitted all other basic facts.
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> Because of the nature of the answers filed from the very beginning of the hearing I endeavored to procure concessions on the record that the facts were not in dispute. [Respondents], with some reservations * * *, readily and on numerous occasions throughout the hearing conceded that the essential facts involved in the case were not in dispute and were admitted. * * *
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> * * * it is quite clear that these two compliance cases did not present for determination any issues beyond the reservations (Van Doorn's personal knowledge and Vantol's knowledge) adversely disposed of * * *.
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> * * * * *
>
> Respondents tendered familiar arguments in defense, such as the alleged improper attempt of the United States to exercise extraterritorial control over nonresident nationals not subject to its jurisdiction, legality of the transactions in the countries where the respondents resided, and either approval of or acquiescence by their governments in the transactions. Respondents contended also that they had every right to assume that they could transship these oils to Soviet destinations because of the manner in which the business was transacted. They had become acquainted with U. S. export controls prohibiting the transshipment of oils to Soviet destinations from their experience with contracts containing so-called barter clauses. * * * These barter clauses provide against either the transshipment of the oils involved in the contracts concerned or the utilization of such oils for the purpose of substituting stocks of oils transshipped or to be transshipped. Their argument in this connection was that they had every right to assume that oils which were not subject to this barter clause could be freely transshipped.
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> The defenses other than that grounded upon the socalled barter clause have been ruled insufficient consistently because it has always been our theory that we are not attempting to exercise extraterritorial jurisdiction over nonresident alien nationals but are simply enforcing a restriction which we have placed on goods exported from the United States, very much in the same manner as a covenant running with the land is enforced against purchasers thereof, even though such purchasers do not subscribe thereto. In essence, as I have expressed myself elsewhere, we are authorized to take whatever action is necessary to achieve effective enforcement of the Export Control Act. If we find that practices such as transshipments by nonresident alien nationals tend to interfere with, obstruct, or defeat effective enforcement of law, we are not only authorized, but we must take steps to stop such practices.
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> * * * the defense grounded upon the barter clause [is overruled because] all the respondents had actual notice from diplomatic representatives of the United States that the transshipments complained of here would be or were in violation of U. S. export control regulations. * * *
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> * * * in this case, foreigners were involved, and there was not one piece of false writing or one false representation made to any American official or American exporter. * * * [Also] the materials involved were not strategic * * *
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> * * * During one of the off-the-record discussions, since it was quite apparent to me that the respondents were all anxious for a prompt disposition upon what appeared to be wholly admitted facts, I suggested the possibility that they might (to borrow an expression from the courts) "throw themselves on the court's mercy." * * *
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> * * * * *
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> The ultimate agreement of all the parties, as established on the record in this case in open hearing, is as follows: The parties submit the case to the absolute discretion of the Compliance Commissioner for him to make whatever recommendation he believes is fair for the disposition of this case against all respondents and, in the event that such recommendation is accepted by the Director and an order signed by him in the form submitted by the Compliance Commissioner, the parties agree to be bound thereby and waive all rights to appeal; if, however, the Director should take any action which results in a disposition more onerous to the respondents than that recommended by the Compliance Commissioner, the respondents reserve all rights to appeal from each and every part of the order of the Director and such rights of appeal are not limited to any differential between the action recommended by the Commissioner and the action taken by the Director; such right of appeal is preserved as to the entire case. * * *

It was on this basis that the Compliance Commissioner made his recommendation and submitted this order.

Having concluded that the action recommended by the Compliance Commissioner is fair, just, and necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. Until one year from the date hereof, the respondents be and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as parties to or as representatives of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Upon condition that the respective respondents comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, (a) as to J. H. Vantol, Ltd., only the first sixty days (until July 4, 1958) shall be and become effective forthwith and the remaining ten months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof; and (b) as to Van Doorn & Co., N. V., and B. A. van Doorn, only the first one hundred five days (until August 18, 1958) shall be and become effective forthwith and the remaining eight and one half months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof; and (c) as to Johan Hendrik Wijsman, only the first six months (until November 3, 1958) shall be and become effective forthwith and the remaining six months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof. During the said remaining period of ten months, as to J. H. Vantol, Ltd., all export privileges otherwise denied to it shall be restored to it, without further action, upon the foregoing condition. During the said remaining period of eight and one half months, as to Van Doorn & Co. N. V. and B. A. van Doorn, all export privileges otherwise denied to them shall be restored to them, without further action, upon the foregoing condition. During the said remaining period of six months, as to Johan Hendrik Wijsman, all export privileges otherwise denied to him shall be restored to him, without further action, upon the foregoing condition.

IV. The privileges conditionally restored to any respondent, under Part III hereof, may be revoked summarily and without notice as to him or it upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent, at any time following the date hereof, has knowingly failed to comply with the condition under which or whereby, by Part III hereof, he or it has been permitted to engage in any phase of the export business otherwise denied to him or it under Part I hereof.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when a respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, on behalf of any such respondent, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, use, dispose of, finance, transport, or forward, any commodity on behalf of or in any association with such respondent. Nor shall any person do any of the foregoing acts with respect to any commodity or exportation in which a respondent may have any interest or benefit of any kind or nature, direct or indirect.

Dated: May 5, 1958.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 58-3427; Filed, May 7, 1958; 8:47 a. m.]

Federal Maritime Board

AMERFORD INTERNATIONAL CORP. ET AL.

NOTICE TO SHOW CAUSE WHY REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 1st day of May 1958, the Board entered the following order:

Whereas, the registrants named in the Appendix set forth below are registered pursuant to Federal Maritime Board General Order 72 (46 CFR Part 244), and

Whereas, the Board has requested these registrants to furnish information in connection with their forwarding operations pursuant to General Order 72; and

Whereas, registered letters sent to the first thirty-two of these registrants have been returned by the post office as undeliverable, and the Board is unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas, the other named registrants have failed to respond to registered letters in violation of General Order 72:

Now, therefore, it is ordered, That the named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated, and

It is further ordered, That failure of any registrant to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and that the Secretary notify the registrant of such cancellation by letter to be sent by registered mail to its last known address; and

It is further ordered, That a copy of this order be sent by registered mail to each of the name registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

APPENDIX

Name; Reg. No.; and Date Issued

Amerford International Corporation (N. Y.); 249; June 29, 1950.

Arana Company (N. Y.) (Marciana Arana, dba); 1268; February 27, 1951.

Ashtiany Shipping Co., Inc. (N. Y.); 1506; June 2, 1952.

Calvert & Olson, Inc. (N. Y.); 764; July 24, 1950.

E. I. Burns (N. Y.); 1580; January 23, 1953.

Columbia Shipping Co. (N. Y.) (Nathan Spitzer, dba); 1273; March 12, 1951.

Containerships, Inc. (Miami); 2068; October 31, 1956.

Delmar Shipping & Forwarding Co. (N. Y.) (Consuelo Delanoy, dba); 1872; May 3, 1955.

Downtown Exchange, Inc. (N. Y.); 1706; February 11, 1954.

Expresso Latinoamericano (N. Y.) (Jose A. Hidalgo, dba); 1351; April 20, 1954.

A. M. Fernandez Company (N. Y.); 711; May 20, 1954.

H. Finger Company (N. Y.) (H. Finger, dba); 1072; August 13, 1951.

Fleetwood International Co. (N. Y.); 1025; August 18, 1950.

M. D. Gilbert (Seattle); 402; July 13, 1950.

M. L. Gutierrez (N. Y.); 1407; November 29, 1951.

Hermes Trading Corporation (Hoboken, N. J.); 1294; April 23, 1951.

Inter-Caribbean Corporation (Miami); 1660; September 4, 1953.

New World Forwarding Company (N. Y.); 1288; April 9, 1951.

Pak Forwarding Co. (N. Y.) (Burton J. Lerner, dba); 915; December 21, 1955.

Paktex Forwarding Co. (N. Y.) (Marit Radberg, dba); 1441; February 21, 1952.

Rafael Pelegri (N. Y.); 658; July 20, 1950.

Perez & McFaull (N. Y.); 1329; June 18, 1951.

Jack Rolnick (N. Y.); 1649; August 14, 1953.

Schneider Bros. & Co., Inc. (N. Y.); 281; June 30, 1950.

Seminole Forwarding Company (Miami) (Esculca Suero, dba); 1532; August 27, 1952.

Joseph Gaines Slate (N. Y.); 1193; December 19, 1950.

Transcarloading Corp. (Miami); 2177; July 30, 1957.

Trans-Ibera Express, Inc. (N. Y.); 514; July 13, 1950.

Transpanamerica, Inc. (N. Y.); 1277; March 20, 1951.

Transmar International Co. (N. Y.); 1584; January 30, 1953.

Venezuela Shipping Agency, Inc. (N. Y.); 777; July 25, 1950.

Vicuna Company/Oscar Sandoval & Co. (N. Y.) (Fernando Vicuna, dba); 1032; February 16, 1954.

All America Forwarding & Shipping Co. (N. Y.); 2080; December 20, 1956.

Baltimore Export Services (Baltimore) (T. A. Munroe, dba); 2099; February 7, 1957.

Balogh Forwarding Company (N. Y.); 959; August 2, 1950.

Colonial Shipping Company (N. Y.) (Manuela Perez, dba); 1761; July 19, 1954.

Houston Cargo Expediters (Houston) (Talbert L. Payne, dba); 2027; June 8, 1956.

Dos Americas Export Import (N. Y.) (Jose I. Rosillo, dba); 1211; January 3, 1951.

The Francesco Parisi Forwarding Corp. (N. Y.); 618; July 18, 1950.

Hansen Shipping Co. (N. Y.); 718; July 21, 1950.

Helm International Corporation (N. Y.); 2070; November 1, 1956.

Manque Industries Corporation (N. Y.); 1472; April 14, 1952.

Middle East Shipping Corp. (N. Y.); 1449; March 4, 1952.

Plate Shipping Corp. (N. Y.); 1503; 1952.

F. F. Soto Shipping Co. (Los Angeles) (F. F. Soto, dba); 1363; August 21, 1951.

Thomas Freight Forwarders (N. Y.) (Thomas T. Gaffney, dba); 2211; October 16, 1957.

Thomas J. Wynne (N. Y.); 2202; September 25, 1957.

Wilder Shipping Agency (Miami) (James G. Wilder, dba); 2202; September 25, 1957.

Francesco Parisi Forwarding Corp. (N. Y.); 618; July 18, 1950.

Guillermo Correa (N. Y.); 1112; September 21, 1950.

Dated: May 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3450; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 815]

COMMON CARRIERS BY WATER; STATUS OF EXPRESS COMPANIES, TRUCK LINES AND OTHER NON-VESSEL CARRIERS

NOTICE OF SUPPLEMENTAL ORDERS

1. On April 11, 1957, the Federal Maritime Board issued the following First Supplemental Order in this proceeding:

Whereas, pursuant to its order of March 14, 1957, the Board published in the FEDERAL REGISTER on March 19, 1957 (22 F. R. 1788), a notice of investigation and hearing in this proceeding to determine the classification and status of express companies, truck lines and other non-vessel carriers under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

Whereas, Garrison Fast Freight, Inc., one of the respondents in this proceeding, sold its assets, including its operating equipment and terminals in Alaska, to Consolidated Freightways, Inc.; and

Whereas, Garrison Fast Freight, Inc., is no longer operating as a common carrier; and

Whereas, Consolidated Freightways, Inc., is now operating the common carrier service formerly operated by Garrison Fast Freight, Inc., now therefore

It is ordered, That the name of Garrison Fast Freight, Inc., be removed from the list of respondents in Docket No. 815, and that the name of Consolidated Freightways, Inc., be added to the list of respondents in said docket.

2. On April 28, 1958, the Federal Maritime Board issued the following Second Supplemental Order in this proceeding:

It appearing that there is currently pending in this proceeding an investigation of the status of motor truck companies, freight forwarders, and express companies who have filed tariffs as common carriers by water, or tariffs in which the said classes are shown as participating common carriers by water, which tariffs name rates, fares, charges, classifications, rules, practices and regulations from, to or between U. S. ports on the one hand, and U. S. Districts, Territories or Possessions on the other; also from, to, or between U. S. ports on the one hand and foreign countries on the other;

It further appearing that since the institution of this proceeding, new carriers, listed in Appendix B set forth below, have filed with the Board tariff schedules naming rates in the above trades;

It further appearing that said additional carriers listed in Appendix B should made respondents in this proceeding;

It is ordered, That the Board supplement said Order in Docket No. 815 to include a determination of the classification and status of the aforesaid additional carriers under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended;

It is further ordered, That the Board investigate the lawfulness of all agreements, filed under section 15 of the Shipping Act, 1916, as amended, in which any of the aforesaid classes of carriers are parties thereto; and

It is further ordered, That copies of this Supplemental Order shall be forthwith served upon all persons, corporations, agents and companies listed in Appendix B set forth below, and the said parties be, and they are hereby, made respondents in this proceeding; that said parties be duly notified of the time and place of the hearing herein ordered, and that notice of such hearing be published in the FEDERAL REGISTER.

Appendix B

Aero Mayflower Transit Co., Inc., Indianapolis, Ind.

Airline Vans, Dallas, Tex.

American Red Ball Transit Co., Inc., Indianapolis, Ind.

C. F. Van Lines (Division of Consolidated Freightways, Inc.), Menlo Park, Calif.

Mr. Carroll F. Genovese, Agent, Washington, D. C.

DeWitt Transfer & Storage Co., Los Angeles, Calif.

Imperial Van & Storage, Inc., Long Beach, Calif.

King Van Lines, Inc., Wichita, Kans.

Weathers Bros. Transfer, Inc., Atlanta, Ga.

Mollerup Van Lines d/b/a, Mollerup Van Lines and Mollerup Moving & Storage Co., Salt Lake City, Utah.

Neptune Storage, Inc., New Rochelle, N. Y.

Smyth Overseas Van Lines, Inc., Seattle, Wash.

Dated: May 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3451; Filed, May 7, 1958; 8:49 a. m.]

Office of the Secretary

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO SETTLE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Pursuant to the provisions of section 403 (a) of the Federal Tort Claims Act, 28 U. S. C. 2672, authority to consider, ascertain, adjust, determine, and settle any claim for money damages of $1,000 or less against the United States caused by the negligent or wrongful act or omission of an employee of the Civil Aeronautics Administration is hereby conferred upon (1) each Regional Administrator of the Civil Aeronautics Administration; the Director, Washington National Airport; the Director, Technical Development Center; and the Director, Aeronautical Center, with respect to employees under their respective jurisdictions and (2) the Assistant Administrator for Administration with respect to employees in the Medical Research Laboratory and in the Washington office of the Civil Aeronautics Administration.

Notwithstanding the provisions of § 3.02 of Department Order No. 70, action taken in the settlement of claims under this authority, by the official named herein, shall be deemed to be final insofar as the Department of Commerce is concerned.

Dated: May 1, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-3479; Filed, May 7, 1958; 8:53 a. m.]

HAROLD J. CARR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 10, 1956, 21 F. R. 3127; October 27, 1956, 21 F. R. 8245; May 3, 1957, 22 F. R. 3165; October 30, 1957, 22 F. R. 8743:

A. Deletions

December 5, 1957—Allied Chemical & Dye Corp.

December 5, 1957—Marquette Cement Mfg. Co.

December 6, 1957—Rohm & Haas Co.

December 5, 1957—Transamerica Corp.

February 27, 1958—Owens-Corning Fiberglas Corp.

April 17, 1958—Mission Development Co.

B. Additions

December 5, 1957—Continental Insurance Co.

December 5, 1957—Hooker Electrochemical Co.

December 5, 1957—Lone Star Cement Corp.

February 27, 1958—Merck & Co., Inc.

April 17, 1958—U. S. Steel Corp.

This statement is made as of April 20, 1958.

HAROLD J. CARR.

APRIL 22, 1958.

[F. R. Doc. 58-3447; Filed, May 7, 1958; 8:49 a. m.]

ROBERT D. JAMES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 7, 1956, 21 F. R. 8545; April 20, 1957, 22 F. R. 2784; October 18, 1957, 22 F. R. 8243:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 10, 1958.

ROBERT D. JAMES.

APRIL 18, 1958.

[F. R. Doc. 58-3448; Filed, May 7, 1958; 8:49 a. m.]

RALPH F. STARZ

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 25, 1956, 21 F. R. 8197; April 26, 1957, 22 F. R. 2956; November 14, 1957, 22 F. R. 9082:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 18, 1958.

RALPH F. STARZ.

APRIL 25, 1958.

[F. R. Doc. 58-3449; Filed, May 7, 1958; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

WASHINGTON HEADQUARTERS; FIELD SERVICE

The following amendments are made to the description of organization, functions, and procedures of the Food and Drug Administration published in the FEDERAL REGISTER of September 5, 1956 (21 F. R. 6682) to provide for recent changes in organization and changes in addresses in the field service:

1. Section B is revised to read as follows:

B. *Washington headquarters.* The central organzation of the Food and Drug Administration consists of the Offices of the Commissioner and Deputy Commissioner, the Divisions of Administrative Management, Federal-State Relations, and Public Information, and the following Bureaus:

Bureau of Biological and Physical Sciences.
Bureau of Enforcement.
Bureau of Field Administration.
Bureau of Medicine.
Bureau of Program Planning and Appraisal.

The Offices of the Commissioner and Deputy Commissioner, the Divisions of Administrative Management, Federal-State Relations, and Public Information, and the Bureaus of Enforcement, Field Administration, and Program Planning and Appraisal are in the Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washinigton 25, D. C. The Bureau of Medicine is located at 501 First Street SE., Washington 25, D. C. The Bureau of Biological and Physical Sciences and all the Divisions functioning under that Bureau, with the exception of the Division of Cosmetics, are in the South Agriculture Building, 12th and C Streets SW., Washington 25, D. C. The Division of Cosmetics is located at 501 First Street SE., Washington 25, D. C.

2. Section C *Field Service* is amended as follows:

a. Under Baltimore District, the address of the Norfolk, Va., inspection station is changed to Room 217, Franklin Building, Norfolk 10, Va. (P. O. Box 1222).

b. Under Buffalo District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Room 317, Post Office Building, Albany, N. Y. Room 303, Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa. Room 417, Federal Building, Rochester, N. Y.

c. Under Chicago District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Room 1027, Federal Building, 231 West Lafayette Boulevard, Detroit 26, Mich. Room 305, U. S. Appraisers Stores Building, 628 East Michigan Street, Milwaukee 2, Wis. (P. O. Box 850).

d. The address of the Kansas City District is changed to: Room 330, U. S. Courthouse, Kansas City 6, Mo.

e. Under Los Angeles District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Pier A, Berth 5, Long Beach, Calif. Room 100A, Ellis Building, Phoenix, Arizona.

f. Under New Orleans District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Room 241, Post Office Building, Fifth Avenue and 19th Street, N., Birmingham 1, Ala. (P. O. Box 1649). * * *

g. Under New York District, the paragraph "Inspection stations" is changed to read:

Inspection station: Room B-93, Post Office Building, Newark 1, N. J. (P. O. Box 204).

h. Under St. Louis District, the address of the Peoria, Ill., inspection station is changed to read: "Room 51, Post Office Building, 100 North Munroe Street, Peoria, Ill. (P. O. Box 217)."

i. Under San Francisco District, a new paragraph is inserted, reading as follows:

Inspection station: Room 304, Post Office Building, Fresno, Calif. (P. O. Box 169).

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: May 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3428; Filed, May 7, 1958; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7596 et al.]

DALLAS TO THE WEST SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 27, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3478; Filed, May 7, 1958; 8:52 a. m.]

CIVIL SERVICE COMMISSION

MEDICAL TECHNICIAN (GENERAL) POSITIONS IN RENO, NEV., AREA

NOTICE OF INCREASE IN MINIMUM RATE OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for all positions in the Reno, Nevada, area specified by the title Medical Technician (General), GS-645-5, to $4210, the fifth step of the grade.

This increase will be effective on the first day of the second pay period which begins after May 8, 1958.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3436; Filed, May 7, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12067; FCC 58M-450]

WHAS, INC.

ORDER CONTINUING HEARING

In re application of WHAS, Inc., Louisville, Kentucky, Docket No, 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

The Hearing Examiner having under consideration a "Motion for Continuance of Hearing" from May 7, 1958, to either May 28, 1958, or June 2, 1958, said motion having been filed on April 30, 1958, by counsel for the Department of Aeronautics, Commonwealth of Kentucky; and

It appearing, that the parties have agreed to a waiver of § 1.43 of the Commission's rules in order that this motion may be promptly acted upon; and

It further appearing, that the motion recites "good cause" for a reasonable continuance but that the additional time requested in the motion is not justified, *It is ordered*, This 1st day of May 1958, that the motion is granted to the extent that the hearing now scheduled for May 7, 1958, be and it hereby is rescheduled to commence at 10:00 a. m., May 26, 1958, in the Commission's offices in Washington, D. C., and is denied in all other respects.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3454; Filed, May 7, 1958; 8:49 a. m.]

[Docket Nos. 12258, 12260; FCC 58M-447]

WABASH VALLEY BROADCASTING CORP. AND ILLIANA TELECASTING CORP.

ORDER CONTINUING HEARING

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana, Docket No. 12258, File No. BPCT-2293; Illiana Telecasting Corporation, Terre Haute, Indiana, Docket No. 12260, File No. BPCT-2392; for construction permits for new television broadcast stations (Channel 2).

The Hearing Examiner having under consideration a joint motion for continuance filed by the two applicants herein on April 30, 1958;

It appearing that counsel for the Chief of the Commission's Broadcast Bureau has consented to the grant of this motion and to its immediate consideration;

It is ordered, This 30th day of April 1958, that the above motion is granted to the extent indicated herein; and the dates designated for various procedural steps herein are postponed as follows:

	From	To
Date for exchange of exhibits	May 1, 1958	July 1, 1958
Date for further prehearing conference	May 9, 1958	July 9, 1958
Hearing date	May 19, 1958	July 21, 1958

Released: May 5, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3455; Filed, May 7, 1958; 8:49 a. m.]

[Docket Nos. 12349-12351; FCC 58M-446]

WJPB-TV, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of WJPB-TV, Inc., Weston, West Virginia, Docket No. 12349, File No. BPCT-2318; West Virginia Radio Corporation, Weston, West Virginia, Docket No. 12350, File No. BPCT-2343; Telecasting, Inc., Weston, West Virginia, Docket No. 12351, File No. BPCT-2345; for construction permits for new television broadcast stations (Channel 5).

On the Hearing Examiner's own motion, due to the death of counsel for WJPB-TV, Inc.: *It is ordered*, This 1st day of May 1958, that the pre-hearing conference and the hearing in the above-entitled proceeding, presently scheduled for May 6, 1958, and May 19, 1958, respectively, be, and the same are hereby, continued without date.

Released: May 1, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3456; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12376; FCC 58M-452]

ALASKA TOWING CO.

ORDER SCHEDULING HEARING

In the matter of Alaska Towing Company, P. O. Box 2466, Ketchikan, Alaska; order to show cause why there should not be revoked the License for Radio Station WB-7326 aboard the vessel "Nile".

It is ordered, This 29th day of April 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 8, 1958, in Washington, D. C.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3457; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12377; FCC 58M-453]

BELL MARINE SERVICE

ORDER SCHEDULING HEARING

In the matter of Bell Marine Service, P. O. Box 9359, Houston, Texas; order to show cause why there should not be revoked the License for Radio Station WG-7063 aboard the vessel "W. M. Garrett".

It is ordered, This 29th day of April 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 7, 1958, in Washington, D. C.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3458; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12379; FCC 58M-455]

MICHAEL W. LANASA

ORDER SCHEDULING HEARING

In the matter of Michael W. Lanasa, P. O. Box 728, Key West, Florida; order to show cause why there should not be revoked the License for Radio Stations WC-6826 aboard the vessel "Sea Bee".

It is ordered, This 29th day of April 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1958, in Washington, D. C.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3459; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12378; FCC 58M-454]

ANDRE ST. PIERRE

ORDER SCHEDULING HEARING

In the matter of Andre St. Pierre, P. O. Box 273, Cut Off, Louisiana; order to show cause why there should not be revoked the License for Radio Station WH-5543 aboard the vessel "Tony S".

It is ordered, This 29th day of April 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1958, in Washington, D. C.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3460; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12380; FCC 58M-456]

PORT ARTHUR TOWING CO.

ORDER SCHEDULING HEARING

In the matter of Port Arthur Towing Company, P. O. Box 1409, Port Arthur, Texas; order to show cause why there should not be revoked the License for Radio Station WH-2718 aboard the vessel "Leo".

It is ordered, This 29th day of April 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 7, 1958, in Washington, D. C.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3461; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12381; FCC 58M-457]

PETER CONDELLI

ORDER SCHEDULING HEARING

In the matter of Peter Condelli, 25 Hale Street, Boston, Massachusetts; order to show cause why there should not be revoked the License for Radio Station WA-5351 aboard the vessel "Geraldine & Phyllis".

It is ordered, This 29th day of April 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1958, in Washington, D. C.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3462; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12382; FCC 58M-458]

JESUS F. TRILLA

ORDER SCHEDULING HEARING

In the matter of Jesus F. Trilla, P. O. Box 1325, San Juan, Puerto Rico; order to show cause why there should not be revoked the License for Radio Station WH-5236 aboard the vessel "Lucky Star".

It is ordered, This 29th day of April 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 7, 1958, in Washington, D. C.

Released: May 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3463; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12409; FCC 58M-462]

TIMOTHY P. MASON

ORDER SCHEDULING HEARING

In the matter of Timothy P. Mason, c/o Frank Hall, Fernandina Beach, Florida; Order to show cause why there should not be revoked the License for Radio Station WE-5764 aboard the vessel "Wanda."

It is ordered, This 2d day of May 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 8, 1958, in Washington, D. C.

Released: May 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3464; Filed, May 7, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2241]

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MAY 2, 1958.

Public notice is hereby given that Public Utility District No. 1 of Klickitat County, Washington, having its office in Goldendale, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2241, to be known as White Salmon River Hydroelectric Project and located on White Salmon River, Trout Lake Creek, Trout Lake and Nine Foot Creek in Klickitat and Skamania Counties, Washington, and to consist of six developments with a total installed capacity of 177,000 kw, extending over practically the full course of the White Salmon River, and described as follows: (1) Nine Foot Creek, on White Salmon River five and one-half miles above Trout Lake, a rock-fill dam 160 feet high, having a storage capacity of about 10,000 acre-feet; a canal 8,000 feet long to a forebay; and a powerhouse on Trout Lake Creek with 22,000 kw installed capacity; (2) Trout Lake, an earth-fill dam approximately 8,000 feet long and 104 feet high located below Trout Lake across Trout Lake Creek and White Salmon River, creating a reservoir with a capacity of 73,000 acre-feet; a canal about 5.25 miles long to a forebay opposite river mile 21.25; and a powerhouse with 13,000 kw installed capacity; (3) Gilmer, a diversion dam about 40 feet high at river mile 21.25; a canal about 5.75 miles long to a forebay opposite river mile 15.5; and a powerhouse with 48,000 kw installed capacity; (4) Husum, a diversion dam about 40 feet high at river mile 15.5; a canal about 5.5 miles long to a forebay opposite river mile 10; and a powerhouse with 39,000 kw installed capacity; (5) Buck Creek, a diversion dam about 40 feet high at river mile 10.0; a canal about 4 miles long to a forebay opposite river mile 6; and a powerhouse with 15,000 kw installed capacity; and (6) Condit, redevelopment of old Pacific Power & Light Company dam and powerhouse by raising the height of the dam about 10 feet to a total height of about 334 feet at river mile 2.7; a conduit about 8,000 feet long to a surge tank opposite river mile 2; and a new powerhouse on the river with 40,000 kw installed capacity.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is June 9, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3417; Filed, May 7, 1958; 8:45 a. m.]

[Docket Nos. G-3598, G-9012, G-10099]

KANSAS NATURAL GAS, INC.

NOTICE OF SEVERANCE, CONSOLIDATION AND DATE OF HEARING

MAY 2, 1958.

Kansas Natural Gas, Inc. (Applicant), a Kansas corporation with principal place of business at 105 West 13th Street, Box 270, Hays, Kansas, has heretofore filed applications for certificates of public convenience and necessity in the above-captioned dockets, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

The application in Docket No. G-3598 was filed on September 29, 1954 and amended on November 29, 1954. Said application was filed by Applicant for itself and as agent for Ross Beach, Paul Ward, Mildred E. Ward, Ross Beach, Jr., Kenneth Scott Morrison, H. C. Bennett, C. L. Roberts, The Producers Pipe Line and Gas Inc., and Bessie Mae Jacobs Morrison for self and as Trustee for Kenneth Scott Morrison and William Howard Morrison. Said application seeks certificates authorizing Applicant and Ross Beach, et al., respectively, to continue the sale of natural gas in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc., Kansas Colorado Utilities, Inc., and Cities Service Gas Company for resale. The gas involved is produced from the Hugoton Field, Morton, Finney, Kearny, Stanton, Haskell, Stevens, and Grant Counties, Kansas. Notice of the filing of said application and the date of hearing thereon was issued on March 28, 1955 and published in the FEDERAL REGISTER on April 1, 1955 (20 F. R. 2067). This notice also fixed April 5, 1955 as the last day for filing protests or petitions to intervene. By notices issued on April 8, 1955 and May 4, 1955, respectively, the hearing scheduled on said application was continued to June 3, 1955 and thereafter to a date to be fixed by further notice.

The application in Docket No. G-9012 was filed on June 7, 1955 by Applicant as agent for C. L. Roberts, Grover M. Simpson, Mrs. Ross Beach, Sr., H. C. Bennett, and Bennett & Roberts Drilling Company. Applicant is a signatory party to the gas sales contract involved but does not own any working interest in the wells, units, leases, or acreage involved. Said application seeks certificates authorizing C. L. Roberts, et al. to sell natural gas in interstate commerce produced from Hugoton Field, Kearny County, Kansas, to Kansas-Nebraska Natural Gas Company, Inc. for resale. Notice of the filing of said application and the date of hearing thereon was issued on August 5, 1955 and published in the FEDERAL REGISTER on August 11, 1955 (20 F. R. 5835). This notice also fixed August 29, 1955 as the last day for filing protests or petitions to intervene. By notice issued on August 23, 1955, the hearing scheduled on said application was continued to a date to be fixed by further notice. This notice also denied, without prejudice, a motion by Applicant to consolidate the application in Docket No. G-9012 with those in Docket Nos. G-3598 and G-9115.

The application in Docket No. G-9115 was filed on July 7, 1955 and amended on July 15, 1955. Said application was filed by Applicant as agent for Mrs. Ross Beach, Jr., and Mrs. Paul Ward. Applicant is a signatory party to the gas sales contract involved but does not own any working interest in the wells, units, leases, or acreage involved. Said application seeks certificates authorizing Mrs. Ross Beach, Jr., et al. to sell natural gas in interstate commerce produced from Hugoton Field, Kearny County, Kansas, to Colorado Interstate Gas Company for resale. Notice of the filing of said application and the date of hearing thereon was issued on December 22, 1955 and published in the FEDERAL REGISTER on December 29, 1955 (20 F. R. 10076). This notice fixed January 9, 1956 as the last day for filing protests or petitions to intervene and scheduled the application for hearing on January 30, 1956. A hearing on said application commenced on January 30, 1956 but was recessed by the Presiding Examiner to a date to be fixed by further notice in view of a notice issued on January 25, 1956 continuing the matter to such a date. Said notice also denied, without prejudice, a motion by Applicant to consolidate the application in Docket No. G-9115 with those in Docket Nos. G-3598 and G-9012.

The application in Docket No. G-10099 was filed on March 13, 1956 by Applicant as agent for Shell Oil Company, Michaelis Drilling Company, William Graham Oil Company, Paul Ward, Ross Beach, Sr., and Ross Beach, Jr. Applicant is a signatory party to the gas sales contract involved but does not own any working interest in the wells, units, leases, or acreage involved. Said application seeks certificates authorizing Shell Oil Company, et al., to sell natural gas in interstate commerce produced from Hugoton Field, Haskell County, Kansas, to Colorado Interstate Gas Company for resale. Notice of the filing of said application and the date of hearing thereon was issued on August 29, 1956 and published in the FEDERAL REGISTER on September 6, 1956 (21 F. R. 6725-8). This notice also fixed September 17, 1956 as the last day for filing protests or petitions to intervene. Pursuant to said notice, a hearing was held on October 2, 1956 with respect to the application in Docket No. G-10099 among others. Subsequently, by order issued on October 16, 1956 In the Matters of Rycade Oil Corporation, et al., Docket No. G-3244, et al., certificates of public convenience and necessity were issued in Docket No. G-10099, inter alia, authorizing the instant sales. By order issued on December 13, 1956, the proceeding upon the application in Docket No. G-10099 was reopened and continued to a date to be fixed by further notice.

In Docket Nos. G-3598, G-9012, G-9115 and G-10099, respectively, Applicant seeks certificates no "* * * broader in scope that the prayer * * *" contained in its applications which, in turn, respectively request that any certificates issued authorize said sales during the term of the gas sales contracts "* * * including extensions and renewals, and * * * provide for the expiration thereof simultaneously with the expiration of said gas sales contract, and authorize Applicant to cease said sales at said time."

Take notice that the proceeding upon the application in Docket No. G-10099 as heretofore reopened and continued is hereby severed from the proceeding upon the applications In the Matters of Rycade Oil Corporation, et al., Docket No. G-3244, et al., with which it was formerly consolidated for purposes of hearing.

Take notice that the proceedings upon the applications in Docket Nos. G-3598, G-9012, G-9115 and G-10099 are hereby consolidated for purposes of hearing or further hearing.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1958 at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3418; Filed, May 7, 1958; 8:45 a. m.]

[Docket No. G-6145]

HUMBLE OIL & REFINING CO.

NOTICE OF HEARING

MAY 2, 1958.

Humble Oil & Refining Company (Applicant), a Texas corporation with principal place of business at Houston, Texas, has heretofore filed an application for a certificate of public convenience and necessity in the above-captioned docket, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Notice of the filing of said application and its consolidation for purposes of hearing was issued on August 29, 1956, and published in the FEDERAL REGISTER on September 6, 1956 (21 F. R. 6725-28). Said notice also fixed September 17, 1956, as the last day for filing protests or petitions to intervene. By further notice issued on September 24, 1956, said application was severed at the request of Applicant from the applications with which it had been previously consolidated and the hearing thereon postponed to a date to be fixed by further notice.

Applicant proposes to sell and to continue the sale of natural gas in interstate commerce from production in the Spraberry Trend Area, Midland, Reagan, Upton and Glasscock Counties, Texas, to El Paso Natural Gas Company (El Paso) for resale. Application for such authority was filed on November 19, 1954 and amended on January 21, 1955, March 2, 1956, March 5, 1956, January 7, 1958, and March 14, 1958, respectively. The last two amendments seek to have certain specified lands and leases released and deleted from dedication to the performance of the basic sales contract to which they were heretofore dedicated along with other lands and leases. Applicant states that it has assigned said lands and leases to Hanley Company and J. E. Jones Drilling Company. At the time of the assignment the acreage so assigned was not productive, was not connected in any way to El Paso's gathering system, and no deliveries of gas from said leases has ever been made by Applicant.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3419; Filed, May 7, 1958; 8:45 a. m.]

[Docket No. G-13953]

PAN AMERICAN PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 2, 1958.

Take notice that Pan American Petroleum Corporation (Applicant) filed an application on December 12, 1957, for permission and approval to abandon service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to Superior Oil Company from its W. M. Williams Well No. 1, located in Lake Creek Field, Montgomery County, Texas, which sale was previously authorized on May 21, 1956, in Docket No. G-9830.

The application states that W. M. Williams Well No. 1 ceased production on March 10, 1957, due to water encroachment in the producing horizons, that on June 10, 1957, the W. M. Williams Lease expired under its own terms, and that the well had been permanently plugged and abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 29, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3420; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-14700]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 2, 1958.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application on March 18, 1958, for permission and approval to abandon natural gas facilities and for authorization to take deliveries of natural gas pursuant to section 7 of the Natural Gas Act as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon approximately 2.38 miles of existing 4" lateral pipeline together with a meter station and appurtenant equipment in Acadia Parish, Louisiana. The 4" lateral line extends from the Esterwood Field in Acadia Parish, Louisiana, to Applicant's 18" main line lateral and is being used to receive gas produced in the Esterwood Field by the Atlantic Refining Company (Atlantic) and P. R. Rutherford (Rutherford).

The application states that Applicant has entered into agreements with Atlantic and Rutherford, changing the point of delivery for the gas from the present location in the Estherwood Field to the tailgate of the nearby Acadia Corporation's Egan plant.

The application further states that the producers would build the field lines required to carry the gas from the wells to the Egan plant. Applicant would then receive the gas through its existing West Gueyden Meter Station which is located at the Egan plant. Applicant states that by agreement dated November 25, 1957, as supplemented January 10, 1958, between Applicant and Acadia Corporation, the latter agrees to purchase the said 2.38 miles of 4" lateral for the sum of $31,893 which Applicant represents to be the original cost of said facilities, less depreciation.

Applicant also seeks authorization to take deliveries from Atlantic and Rutherford at its existing West Gueyden Meter Station in lieu of the present delivery point.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 29, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3421; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15008]

GULF OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 2, 1958.

Gulf Oil Corporation (Operator) et al. (Gulf Oil), on April 2, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 31, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 77.

Effective date: May 3, 1958 (effective date is the first day after expiration of the required thirty days notice).

In support of the proposed rate increase, Gulf Oil states that the contract was negotiated at arm's-length and that the pricing provision was the basic consideration for Gulf Oil's committing the gas for the period of the contract. Additionally, Gulf Oil makes reference to its testimony and exhibits in the proceedings in Docket No. G-8516. Gulf Oil also states that all other producers in the Pistol Ridge Field, except Crow Drilling Company, are collecting 20 cents for their gas (under initial rate schedules) and to deny the 20.0-cent rate to Gulf Oil is discriminatory. In further support of the proposed rate increase, Gulf Oil quotes verbatim the third, fourth and fifth paragraphs of the Commission's order issued March 11, 1958, In the Matter of Reef Fields Gasoline Corporation (Operator), et al., Docket No. G-14030, accepting a superseding rate schedule and terminating the proceeding as a basis for Gulf Oil's plea that the subject filing be accepted to prevent discrimination. In addition, Gulf Oil cites the retendered increases of Orange Grove and Associated which the Commission permitted to be filed and suspended. Gulf Oil relates the similarity of such resubmittals to its own.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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[1] The change in rate filed herein is the same as that previously filed by Gulf Oil and was disallowed by Commission order issued February 6, 1957, in Docket No. G-8516. This disallowance was stayed by Commission order issued April 3, 1957, until May 31, 1957, or if judicial review is sought, until the court took action on the request for stay. Gulf Oil's Petition to Review was filed with the United States Court of Appeals for the Fifth Circuit on May 29, 1957, and a decision was handed down by the Court on April 23, 1958, directing the Commission to reopen the proceedings to afford Gulf Oil reasonable opportunity to adduce such evidence as it may be advised is relevant to the inquiry whether the proposed rate of 20 cents per Mcf is just and reasonable. In all other respects the petition was denied.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 77 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 77.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 3, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] Michael J. Farrell,
Acting Secretary.

[F. R. Doc. 58-3422; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15009]

American Petrofina, Inc.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

May 2, 1958.

American Petrofina, Inc., (Petrofina) on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Petrofina's FPC Gas Rate Schedule No. 9.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Petrofina states that the contract was entered into after good faith arm's-length bargaining; that the sale is an installment sale of the entire volume of gas over the life of the contract, and the proposed price does not exceed the fair market value of the gas where produced. Petrofina further states that its costs are increasing and nonapproval of the increase would be confiscatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Petrofina's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Petrofina's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] Michael J. Farrell,
Acting Secretary.

[F. R. Doc. 58-3423; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15010]

Sun Oil Co.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

May 2, 1958.

Sun Oil Company (Sun) on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 1, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 11 to Sun's FPC Gas Rate Schedule No. 32.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Sun submits a copy of a letter from Texas Eastern Transmission Corporation notifying Sun that the prices have been redetermined to those proposed on the basis of the contract provision, i. e., the arithmetical average of the three highest prices paid by three different interstate transporters in Texas Railroad Commission District No. 2. In addition, Sun states that the contract provisions were arrived at by good faith arm's-length bargaining; that they constitute an integral part of the consideration, and the proposed prices do not exceed the value of the gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Sun's FPC Gas Rate Schedule No. 32 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Sun's FPC Gas Rate Schedule No. 32.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] Michael J. Farrell,
Acting Secretary.

[F. R. Doc. 58-3424; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15011]

SUN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 2, 1958.

Sun Oil Company (Operator) et al., (Sun), on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 1, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 12 to Sun's FPC Gas Rate Schedule No. 24.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Sun submits a copy of a letter from Texas Eastern Transmission Corporation notifying Sun that the prices have been redetermined to those proposed on the basis of the contract provision, i. e., the arithmetical average of the three highest prices paid by three different interstate transporters in Texas Railroad Commission District No. 2. In addition, Sun states that the contract provisions were arrived at by good faith arm's-length bargaining; that they constitute an integral part of the consideration, and the proposed prices do not exceed the value of the gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 12 to Sun's FPC Gas Rate Schedule No. 24 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Sun's FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3425; Filed, May 7, 1958; 8:47 a. m.]

[Docket No. G-15016]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 2, 1958.

Sun Oil Company (Sun) on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 17, 1958.

Purchaser: Standard Oil Company of Texas.

Rate schedule designation: Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 29.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice, or the date the suspended rate in Docket No. G-13618 is made effective in the manner prescribed by the Natural Gas Act, whichever is later).

In support of the proposed favored-nation rate increase, Sun submits a copy of a letter from Texas Eastern Transmission Corporation to Standard Oil Company of Texas (Standard Oil) notifying Standard Oil that it has entered into a contract for the sale of gas by another seller within the favored-nations area providing for a current rate of 14.4 cents per Mcf and offering to pay the same rate to Standard Oil.[2] In addition, Sun states that its contract with Standard Oil resulted from good faith arm's-length negotiations and the adjusted price does not exceed the present value of the gas in the field where produced.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 29 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 29.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, or until such later date as the corresponding rate of the buyer (Standard Oil), suspended in Docket No. G-14072, is placed in effect in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3426; Filed, May 7, 1958; 8:47 a. m.]

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[1] A previous increase was suspended in Docket No. G-13618 until April 1, 1958, and until such further time as made effective in the manner prescribed by the Natural Gas Act, but no motion has been filed by Sun to place the suspended rate in effect subject to refund.

[2] Standard Oil in turn resells the gas to Texas Eastern Transmission Corporation.

FEDERAL RESERVE SYSTEM

BANK SHARES INC.

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), by Bank Shares Incorporated, Minneapolis, Minnesota, a bank holding company, for a determination by said Board that each of the companies listed below and the activities thereof are of the kind described in those provisions of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the act:

1. Chicago-Lake Agency, Incorporated.
2. Columbia Heights Agency, Incorporated.
3. Marquette Insurance Agency, Incorporated.
4. University National Agency, Incorporated.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after du notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on May 20, 1958, at 10 o'clock a. m., at the office of the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, in the City of Minneapolis, State of Minnesota, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's Rules of Practice for Formal Hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to the public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before May 15, 1958, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

Dated: May 2, 1958.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-3429; Filed, May 7, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 812-1151, 812-1152]

TRUSTEED FUNDS, INC., AND COMMONWEALTH FUND PLANS

NOTICE OF FILING OF APPLICATION FOR ORDERS PERMITTING OFFER OF EXCHANGE OF SECURITIES PRIOR TO MATURITY OF PLANS AND OFFER OF SALE OF SECURITIES AFTER MATURITY BOTH AT REDUCED SALES LOAD

MAY 1, 1958.

Notice is hereby given that Trusteed Funds, Inc. ("Trusteed"), the sponsor and underwriter for Commonwealth Fund Indenture of Trust Plans A and B ("Commonwealth Plans A and B") and Commonwealth Fund Indenture of Trust Plans C and D ("Commonwealth Plans C and D"), registered open-end investment companies, has filed two applications pursuant to section 11 (a) and section 6 (c) of the Invest Company Act of 1940 ("act") for exemptions from the provisions of section 11 (a) and section 22 (d) of the act, respectively, in respect of proposed transactions desribed below.

Since 1938 Trusteed has sold, as underwriter for the two Commonwealth Funds, four types of securities designated as Plans A and B issued by Commonwealth Plans A and B, and Plans C and D issued by Commonwealth Plan C. The sale of the Plan D security was discontinued in 1949. All of these securities have a maturity date of twenty-one years, and the first plans mature in 1959.

Trusteed proposes to solicit the exchange of these outstanding securities within twelve months of the maturity dates for a new Plan C security.

The exchanges will be effected on the basis of the net liquidating value of the outstanding security as of the time the exchange is made, plus a sales load of 4 percent. With respect to Plans A, B and D, the Plan C security to be offered will not exceed the net liquidating value of the security to be exchanged rounded off to the nearest lower $100 multiple. Where the security to be exchanged is a Plan C security, the security offered may equal but not exceed, the net liquidating value of the security to be exchanged. The current effective prospectus of Commonwealth Plan C prescribes a sale load for Plan C of 7½ percent for amounts of less than $25,000 and 4 percent for amounts in excess of $25,000.

Trusteed also proposes to make the same offer of exchange to holders of matured plans within six months after the date of maturity of such plans.

Section 11 (a) of the Act prohibits the exchanges of securities of open-end companies, including exchanges between various classes or series of securities of the same company, on any basis other than the relative net asset values of the securities to be exchanged, subject to certain exceptions contained in section 11 (b) not pertinent here, unless the terms of the offer of exchange are first approved by the Commission.

Section 22 (d) of the Act prohibits the sale of securities of open-end companies to the public except at a current public offering price described in the prospectus. An exception, applicable here, is provided in section 22 (d) (i) in respect of offers of exchange permitted by section 11.

Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

As noted above, Trusteed is proposing in effect two offers of exchange, one within twelve months prior to maturity to holders of plans and an offer of exchange within six months after maturity. On exchanges that are effected at or prior to the date of maturity of the outstanding plans, an order of the Commission under section 11 (a) permitting such exchanges must be obtained before the exchanges may be made at a price which includes a sales load. With respect to offers of exchanges solicited after the maturity date at which time the offeree would no longer be a security holder, the sale of the new Plan C security in exchange at a reduced load would contravene the provisions of section 22 (d) of the act. Trusteed, therefore, seeks an order of exemption from section 22 (d) of the act pursuant to section 6 (c) of the act in respect of such post-maturity exchanges.

Notice is further given that any interested person may, not later than May 15, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3432; Filed, May 7, 1958; 8:47 a. m.]

[File No. 70-3685]

OHIO VALLEY GAS CO. ET AL.

NOTICE OF PROPOSED TRANSFER OF GAS PROPERTIES BY SUBSIDIARY TO ASSOCIATE COMPANY IN FURTHERANCE OF SYSTEM'S REALIGNMENT PROGRAM

MAY 1, 1958.

In the matter of The Ohio Valley Gas Company, United Fuel Gas Company, The Columbia Gas System, Inc.; File No. 70-3685.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, United Fuel Gas Company ("United"), a wholly-owned subsidiary of Columbia, and The Ohio Valley Gas Company ("Valley"), a newly formed Ohio corporation which upon consummation of the proposed transactions will also be a wholly-owned subsidiary of Columbia, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, 12 (f) and 12 (g) of the act and Rule 43 promulgated thereunder as applicable to the proposed transactions which are described below.

Columbia and its subsidiaries have evolved a program of corporate realignment designed for corporate simplification and for minimizing the problems of rate regulation by realigning the system's properties in such a manner that (a) all production, storage and transmission facilities used to transport gas in interstate commerce and service wholesale business will, to the extent possible, be owned and operated by one corporation, subject only to the jurisdiction of the Federal Power Commission, and that (b) the retail distribution facilities in each State will be owned by a single company subject only to the jurisdiction of the appropriate State commission. The instant filing covers an intermediate step in this realignment program.

United, a West Virginia corporation, is engaged in the production, purchase, transmission, storage, sale and distribution of natural gas, selling gas at wholesale in interstate and intrastate commerce and distributing gas at retail in the States of West Virginia and Ohio. Valley, an Ohio corporation, will become, upon the consummation of the proposed transactions, a wholly-owned subsidiary of Columbia engaged in the business of purchasing, distributing and selling natural gas at retail within the State of Ohio.

United will transfer to Valley all of its assets and properties in the State of Ohio which it uses in connection with the retail distribution of natural gas, except those used in rendering service to Detroit Steel Company.

Valley will pay to United an amount in cash equal to the excess of (1) the aggregate book value of the assets and properties recorded (at original cost) on the books of United as of said closing date, less the related reserves, over (2) the aggregate amount recorded on the books of United as of said closing date of the liabilities and obligations assumed by Valley. United will retain the cash so received for general corporate purposes.

In order to obtain the cash required to make the above-mentioned payment to United and to obtain cash for current working funds incident to the operation of the properties to be acquired, Valley proposes to issue and sell to Columbia (1) an unsecured installment promissory note bearing interest at an annual rate equal to the nearest 1/10th of 1 percent of the composite rate borne by United's notes held by Columbia as of the closing date and (2) shares of Valley's authorized capital stock, $90 par value. The note and stock will be sold in approximately equal amounts. As of December 31, 1956, the properties and assets involved aggregated $1,318,994.

The Public Utility Commission of Ohio has authorized the sale of the assets and properties by United, the acquisition thereof by Valley and the issuance and sale of the stock and note by Valley. United must obtain from the Federal Power Commission a Certificate of Convenience and Necessity to sell natural gas to Valley for resale and for the construction of certain measuring stations in connection with the proposed sale. United has filed an appropriate application with the Federal Power Commission.

The fees and expenses to be incurred by the companies in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than May 19, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application-declaration, as amended or as it may hereafter be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 promulgated under the act, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3433; Filed, May 7, 1958; 8:47 a. m.]

[File No. 70-3699]

APPALACHIAN POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE AND SALE BY SUBSIDIARY AT COMPETITIVE BIDDING OF BONDS AND PROPOSED CAPITAL CONTRIBUTION BY HOLDING COMPANY TO SUBSIDIARY

MAY 2, 1958.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, and its public-utility subsidiary, Appalachian Power Company ("Appalachian"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b) and 12 of the Act and Rules 42, 45 and 50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $25,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), -- percent Series, to be dated as of May 1, 1958, and to mature May 1, 1988. The interest rate on the New Bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Appalachian (which will not be less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. American proposes, prior to or concurrently with the sale of the New Bonds by Appalachian, to make a cash capital contribution of $10,000,000 to Appalachian.

The New Bonds are proposed to be issued under and secured by the Mortgage and Deed of Trust, dated as of December 1, 1940, between Appalachian and Bankers Trust Company, corporate trustee, and to an individual trustee, as heretofore supplemented and amended and as proposed to be supplemented and amended by a Supplemental Indenture dated as of May 1, 1958.

The proceeds of the cash capital contribution and the sale of the New Bonds are to be applied, to the extent necessary, to the prepayment, without premium, of Appalachian's Notes Payable to Banks. As of April 15, 1958, such notes were outstanding in the amount of $26,500,000, and it is expected that not more than $5,500,000 additional amount of such notes will be issued. Thus, the amount of these notes to be outstanding at the time the transactions described above are consummated will not exceed $32,000,000. Any remaining proceeds will be added to Appalachian's treasury funds and will be applied to extensions, additions and improvements to its properties.

Appalachian is organized and is doing business in the State of Virginia and is also doing business in the States of West Virginia and Tennessee. The application states that various aspects of the proposed transactions will be expressly authorized by the Virginia State Corporation Commission, the Public Service Commission of West Virginia and the Tennessee Public Service Commission. The application further states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Appalachian in connection with the proposed transactions are estimated as follows:

Filing fee for registration statement	$2,587.00
Federal issuance stamp taxes	27,500.00
State taxes and fees:	
State of Virginia	18,500.00
State of West Virginia	1,000.00
State of Tennessee	250.00
Printing registration statement, prospectus, supplemental indenture, bidding papers, etc	17,000.00
Printing and engraving new bonds	7,750.00
Charges of trustee (including counsel fees)	11,000.00
Certified public accountants' charges	2,700.00
Legal fees of counsel to the company:	
Simpson, Thacher & Bartlett	12,000.00
Hunton, Williams, Gay, Moore & Powell	4,500.00
McClintic, James, Wise & Robinson	3,750.00
Penn, Hunter, Smith & Davis	2,250.00
Miscellaneous expenses	7,500.00
	117,287.00

No other expenses are to be paid or incurred by Appalachian or any associate company in connection with the proposed transactions except that routine services incident to the transactions will be performed by American Gas and Electric Service Corporation, the service corporation for the American Gas and Electric system.

The fee of Winthrop, Stimson, Putnam & Roberts, counsel for the purchasers of the New Bonds, is estimated at $7,200 and will be paid by the successful bidders.

Notice is further given that any interested person may, not later than May 19, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application-declaration as filed or as it may hereafter be amended, may be granted or permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3434; Filed, May 7, 1958; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V-1 (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957 (22 F. R. 8197, 23 F. R. 557, 1768) there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation business loans in an amount not exceeding $100,000; and

2. To approve disaster loans in an amount not exceeding $50,000.

3. To decline original applications but not reconsiderations of disaster loans.

4. To approve or decline Limited Loan Participation loans.

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for all loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.
By ________________,
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations of undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions, and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations.

(b) Extend the period of Disbursement of loans of $50,000 or less for a period not to exceed four months.

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant.

(e) Disburse fisheries' loans in the same manner as SBA business loans.

(f) Administer fisheries' loans within the same authority exercised with respect to SBA loans.

14. To take the following actions in all loans except those loans classified as "problem" loans or "in liquidation":

(a) Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

(b) Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

(c) Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

(d) Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

(e) Waive amounts due under net earnings clause.

(f) Approve requests to exceed fixed assets limitations and waive violations of this limitation.

(g) Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable, and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

(h) Approve changes in use of loan proceeds in connection with partially disbursed loans.

(i) Waive violations of agreements to maintain working capital of a specified amount.

15. To take the following actions in the administration, collection and liquidation of business or disaster loans:

(a) Approve or reject substitutions of accounts receivable and inventories.

(b) Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

(c) Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

(d) Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

(e) Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

(f) Designate proxies to vote at stockholders' meetings on stock held as collateral, and determines how such shares are to be voted.

(g) Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

(h) Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

16. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

17. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

20. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

21. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

22. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

23. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

24. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

25. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

26. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title, and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

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27. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions as specified in the above delegated authorities.

II. The authority delegated herein may not be redelegated with the exception of IB.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, [illegible] Assistance Division.

IV. All previous authority [illegible] by the Regional Director to the C[illegible] Financial Assistance Division is [illegible] rescinded without prejudice to [illegible] taken under all such delegations of [illegible]thority prior to the date hereof.

Dated: April 11, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-3435; Filed, May 7, [illegible] 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. [illegible] (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Cameron Dress Co., Inc., 147 North Cameron Street, Harrisburg, Pa.; effective 4-24-58 to 4-23-59 (ladies' dresses).

Carolina Industrial Manufacturing Corp., 364 Ashe Street, Greensboro, N. C.; effective 5-7-58 to 5-6-59 (children's woven dresses).

Mode O'Day Corp., Plant No. 3, 59 South First West, Box 288, Logan, Utah; effective 4-24-58 to 4-23-59 (learners may not be employed at special minimum wage rates in the production of separate skirts) (women's cotton and rayon house and street dresses).

The Newton Co., Newton, Miss.; effective 5-1-58 to 4-30-59 (workers engaged in the production of ladies' slacks) (ladies' slacks).

The Newton Co., Newton Miss.; effective 5-1-58 to 4-30-59 (workers engaged in the production of men's slacks) (men's slacks).

Norris Manufacturing Co., Taylors, S. C.; effective 4-30-58 to 4-29-59 (sport shirts).

Putnam Manufacturing Co., Cookeville, Tenn.; effective 5-1-58 to 4-30-59 (men's cotton work pants).

Boris Smoler & Sons, Inc., 600-[illegible] Crawford Avenue, Elkhart, Ind.; effective 5-1-58 to 4-30-59 (dresses).

[illegible] Hope Manufacturing Co., Inc., [illegible] Hope, N. C.; effective 4-25-58 to [illegible] (children's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brunswick Manufacturing Co., Brunswick, Ga.; effective 4-25-58 to 4-24-59; 10 learners (children's and ladies' jackets).

Devil Dog Manufacturing Co., Inc., Zebulon, N. C.; effective 4-25-58 to 4-24-59; 10 learners (children's boxer shorts and longies).

Dillsburg Dress Co., York Street, Dillsburg, Pa.; effective 4-23-58 to 4-22-59; six learners (ladies' cotton housedresses).

Gaspar La Fata & Co., 14-16 Bush Avenue, Mariners Harbor, Staten Island 3, N. Y.; effective 4-28-58 to 10-27-58; five learners (pants).

Lordley, Inc., Wendell, N. C.; effective 4-25-58 to 4-24-59; 10 learners (men's sport shirts).

New Bloomfield Dress Co., 221 West Market Street, Newport, Pa.; effective 4-25-58 to 4-24-59; 10 learners (ladies' dresses).

[illegible]-Dar Dress, 618-620 Washington Avenue, Jermyn, Pa.; effective 4-29-58 to 4-28-59; four learners (ladies' dresses).

Schoolhouse Togs, Inc., Route 1, Rockport, Maine; effective 4-25-58 to 4-24-59; five learners (children's blouses).

Boris Smoler & Sons, Inc., 507 Jefferson, La Porte, Ind.; effective 5-1-58 to 4-30-59; 10 learners (cotton and synthetic dresses).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 4-25-58 to 4-24-59; five learners (ladies' pajamas and dusters).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Glennville Manufacturing Co., Glennville, Ga.; effective 4-24-58 to 10-23-58; 30 learners (men's sport shirts).

Frank Mann, Inc., 2506 North General Bruce Drive, Temple, Texas; effective 5-1-58 to 10-31-58; 100 learners (boys' single pants and blue jeans).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Waitt & Bond, Inc., 526 Ash Street, Scranton, Pa.; effective 4-26-58 to 4-25-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

North Star Glove Co., Inc., 2317 Pacific Avenue, Tacoma, Wash.; effective 4-25-58 to 4-24-59; 6 learners for normal labor turnover purposes (Canton flannel and leather faced work gloves).

Wells Lamont Corp., 801 East Main, Brownsville, Tenn.; effective 4-24-58 to 4-23-59; 10 percent of the total number of workers engaged in the authorized learner occupations for normal labor turnover purposes (fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Prim Hosiery Mills, Chester, Ill., effective 4-23-58 to 4-22-59; five percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned—seamless).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Lansford Shoe Corp., Lansford, Pa.; effective 4-28-58 to 4-27-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sandal and play shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Camel Manufacturing Co., 329 South Central Street, Knoxville, Tenn.; effective 4-28-58 to 10-27-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (tents), tarpaulins, hatch covers, etc.).

Hickey-Freeman Co., 1155 Clinton Avenue North, Rochester, N. Y.; effective 4-29-58 to 10-28-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours each at the rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (suits, overcoats, topcoats, sport coats, and slacks).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Northridge Knitting Mills, Inc., P. O. Box 572, San German, P. R.; effective 3-26-58 to 3-25-59; authorizing the employment of 11 learners for normal labor turnover purposes, in the occupations of (1) knitting, topping, and looping each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; (2) machine stitching (seaming and cardigan sewing); and finishing (pressing), each for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours (ladies' full-fashioned sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 1st day of May 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-3483; Filed, May 7, 1958; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRIDA HUTH-VOGT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frida Huth-Vogt, 45 Clarastrasse, Basle, Switzerland; Claim No. 62519; Vesting Order No. 17829; $827.05 in the Treasury of the United States.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 58-3439; Filed, May 7, 1958; 8:48 a. m.]

H. G. MEYER-BALL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

H. G. Meyer-Ball, Kaulbachstrasse 25, Munich, Germany; Claim No. 61904; Vesting Order No. 17983; $5,708.84 in the Treasury of the United States.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 58-3440; Filed, May 7, 1958; 8:48 a. m.]

OTTO HEMMINGA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Otto Hemminga, Heemstede, Holland; $70.08 in the Treasury of the United States.

Evert Marinus Leendert Hemminga, Waddinxveen, Holland; $70.08 in the Treasury of the United States.

Maria Magdalena Pauwels, nee Hemminga, Nieuwer-Amstel, Holland; $70.08 in the Treasury of the United States.

Helena Geertruida Jacoba Vlaming, nee Hemminga, Amsterdam, Holland; $26.29 in the Treasury of the United States.

Hajo Klaas Hemminga, Amsterdam, Holland; $26.29 in the Treasury of the United States.

Claim No. 62262.
Vesting Order No. 17840.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3441; Filed, May 7, 1958; 8:48 a. m.]

ANNA KREIHSL AND ELFRIEDA GROEGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Kreihsl, Allerheiligenweg 536, Jettingen, Bavaria, Germany; $61.59 in the Treasury of the United States.

Elfrieda Groeger, Allerheiligenweg 536, Jettingen, Bavaria, Germany; $46.19 in the Treasury of the United States.

Claim No. 45757.
Vesting Order No. 10860.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3442; Filed, May 7, 1958; 8:49 a. m.]

CORNELIS GROENEMEYER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cornelis Groenemeyer, Parkweg 181, Voorburg, The Netherlands; $633.89 in the Treasury of the United States. Claim No. 62005; Vesting Order No. 17838.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3443; Filed, May 7, 1958; 8:49 a. m.]

MARIE M. M. HOPPENOT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie M. M. Hoppenot, Chatillon sur Seine, France; $557.42 in the Treasury of the United States.

Marie E. L. H. Hoppenot, Troyes, France; $557.42 in the Treasury of the United States.

Genevieve M. C. Hoppenot; $92.90 in the Treasury of the United States.

Pierre M. H. Bourlon de Rouvre; $92.90 in the Treasury of the United States.

Francois M. M. Bourlon de Rouvre; $92.90 in the Treasury of the United States.

Jeanne M. L. Bourlon de Rouvre; $92.90 in the Treasury of the United States.

Paris, France.

Jean Leopold Bourlon de Rouvre (Guardian for Jacques M. D. Bourlon de Rouvre and Henri M. V. Bourlon de Rouvre), Paris, France; $185.80 in the Treasury of the United States.

Claim No. 63478.
Vesting Order No. 17906.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3444; Filed, May 7, 1958; 8:49 a. m.]

GERTRUD ARMBRUSTER-BLECHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrud Armbruster-Blecher, Duque de Sevilla 1, Madrid, Spain; $6,467.01 in the Treasury of the United States. Claim No. 61705. Vesting Order No. 17706.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3445; Filed, May 7, 1958; 8:49 a. m.]

ANNETTE KELLERMANN

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on August 7, 1956 (21 F. R. 5876) with respect to the return of the property described below to Karen Kellermann;

Whereas, information was subsequently received to the effect that Karen Kellermann died in Denmark on October 3, 1953, that her sole heir, Asger Kellermann, died in Denmark on January 14, 1954, and that the sole heir after Asger Kellermann is Annette Kellermann;

Whereas, Annette Kellermann has been substituted as claimant in this matter;

Now, therefore, pursuant to section 32 of the Trading with the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under the heading "Claimant" the name and address of Karen Kellermann and substituting therefor the following:

Claimant, Claim No., and Property

Annette Kellermann, 55 rue de Grenelle, Paris 7e, France; Claim No. 39987; $95.55 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power and every right of whatsoever nature, including, but not limited to all monies and amounts by way of royalties, share of profits, or other emolument, and all causes of action accrued or to accrue, relating to the compositions entitled In a Nutshell, Green Bushes and Arrival Platform Humlet, by Percy Aldridge Grainger, as listed in Exhibit A of Vesting Order No. 4031 (9 F. R. 13780, November 17, 1944), to the extent owned by Karen Kellermann (now deceased), immediately prior to the vesting thereof by Vesting Order No. 4031.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on April 29, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3446; Filed, May 7, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34656: *Substituted service, motor and rail, Erie and N. Y., N. H. & H. R. R.'s.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 85), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flatcars between Chicago, Ill., or Hammond, Ind., on the one hand, and Springfield, Mass., Hartford, or New Haven, Conn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34657: *Substituted service, rail and motor, Pennsylvania and N. Y., N. H. & H. R. R.'s.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 86), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flatcars between Chicago, Ill., Cincinnati, Cleveland, Toledo, Ohio, Detroit, Mich., East St. Louis, Ill., Indianapolis, Ind., or Louisville, Ky., on the one hand, and Springfield, Mass., Hartford, or New Haven, Conn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34658: *Substituted service, motor and rail, Erie Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 87), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flat cars between Chicago, Ill., or Hammond, Ind., on the one hand, and Jersey City, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34659: *Substituted service, motor and rail, Erie and N. Y., N. H. & H. R. R.'s.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 88), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flat cars between Chicago, Ill., or Hammond, Ind., on the one hand, and Providence, R. I., Boston, or Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34660: *Hexamethylene diamine solution from Orange, Tex., to Ampthill, Va.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7280), for interested rail carriers. Rates on Hexamethylene diamine solution, tank-car loads from Orange, Texas to Ampthill, Va.

Grounds for relief: Rates constructed on a short line distance formula.

Tariff: Supplement 467 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3431; Filed, May 7, 1958; 8:47 a. m.]

UNIVERSITY OF MICHIGAN

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TITLE 7—

Chapter II—Agr
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PART 210—NATIO
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Regulations are
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Sec.
210.1 General pur
210.2 Definitions.
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210.19 Program inf

AUTHORITY: §§ 21
secs. 2–11, 60 Stat.
U. S. C. 1751–1760.

§ 210.1 *Genera*
(a) Section 2 of
Lunch Act, as a
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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 92

Washington, Friday, May 9, 1958

TITLE 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Regulations are hereby amended, revised and reissued for the operation of the cash-for-food assistance phase of the National School Lunch Program pursuant to the authority contained in the National School Lunch Act, as amended (42 U. S. C. 1751–1760).

Sec.
210.1 General purpose and scope.
210.2 Definitions.
210.3 Administration.
210.4 Apportionment of funds to States.
210.5 Payments to States.
210.6 Matching of funds.
210.7 Use of funds.
210.8 Requirements for participation.
210.9 Requirements for lunches.
210.10 Reimbursement payments.
210.11 Effective date for reimbursement.
210.12 Reimbursement procedure.
210.13 Special responsibilities of State agencies.
210.14 Review of operating balances.
210.15 Claims against schools.
210.16 Administrative analyses and audits.
210.17 Prohibitions.
210.18 Miscellaneous provisions.
210.19 Program information.

AUTHORITY: §§ 210.1 to 210.19 issued under secs. 2-11, 60 Stat. 230–233, as amended; 42 U. S. C. 1751–1760.

§ 210.1 *General purpose and scope.* (a) Section 2 of the National School Lunch Act, as amended, states: "It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs."

(b) The Act authorizes the apportionment of funds to the States for (1) food assistance and (2) nonfood assistance, and also authorizes donations of agricultural commodities and other foods acquired by the Department. This Part announces the policies and prescribes the regulations with respect to the operation of the cash-for-food assistance phase of the Program (i. e., subparagraph (1) of this paragraph) conducted under the National School Lunch Act.

§ 210.2 *Definitions.* For the purposes of this part:

(a) The term "act" means the National School Lunch Act, as amended.

(b) The term "AMS" means the Agricultural Marketing Service of the United States Department of Agriculture.

(c) The term "cost of obtaining food" means the cost of obtaining agricultural commodities and other foods for consumption by children during any fiscal year. Such costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

(d) The term "Department" means the United States Department of Agriculture.

(e) The term "FDD" means the Food Distribution Division of the Agricultural Marketing Service of the United States Department of Agriculture.

(f) The term "fiscal year" means a period of twelve calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(g) The term "fluid whole milk" means unflavored milk which meets State and local butterfat and sanitation standards for fluid whole milk, and flavored milk made from fluid whole milk which meets such standards.

(h) The term "nonprofit lunch program" means food service maintained by the school for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food service.

(i) The term "nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(j) The term "Program" means the National School Lunch Program con-

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 25, Rev. Jan. 1, 1958 ($4.50)

Title 26 (1954), Rev. Jan. 1, 1958 ($3.00)

Title 49, Parts 91–164, Rev. Jan. 1, 1958 ($5.00)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Part 165 to end ($0.75)

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ducted under the National School Lunch Act.

(k) The term "school" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as defined in the statutes of the State, and, in the case of Puerto Rico, nonprofit child-care centers certified by the Governor of Puerto Rico. The term also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit lunch program.

(l) The term "State" means any of the forty-eight States, the District of Columbia, Puerto Rico, Alaska, Guam, Hawaii, and the Virgin Islands.

The term "State Agency" means the educational agency of the State.

§ 210.3 *Administration.* (a) Within the Department, AMS shall act on behalf of the Department in the administration of the Program. Within AMS, FDD shall be responsible for Program administration.

(b) Within the States, responsibility for the administration of the Program in schools shall be in the State Agency, except that FDD shall administer the Program in nonprofit private schools of any State wherein the State Agency is not permitted by law to disburse Federal funds paid to it under the act to nonprofit private schools, or to match Federal funds paid to such schools. References in this part to "FDD where applicable" are to FDD as the agency administering the Program in nonprofit private schools.

(c) Each State Agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreements shall cover a fiscal year and may be extended for succeeding fiscal years at the option of the Department.

§ 210.4 *Apportionment of funds to States.* (a) Any Federal funds made available for cash-for-food assistance shall be apportioned among the States in accordance with section 4 of the act, which directs that such apportionment shall be on the basis of the number of children in the State, aged five to seventeen inclusive, and the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. Data on the child-age population and per capita income shall be the latest figures certified by the United States Department of Commerce. The total of such funds made available for use in Puerto Rico, Guam and the Virgin Islands shall not exceed 3 percent of the funds appropriated for the Program, except that, in the case of the first apportionment of funds from any annual or supplemental appropriation the apportionments for Puerto Rico, Guam and the Virgin Islands shall not be less for each than the amounts which will result in an allotment per school-age child equal to the allotment per school-age child of the lowest income State other than Puerto Rico, Guam and the Virgin Islands.

(b) If any State cannot utilize all the funds apportioned to it, such funds shall be reapportioned to the remaining States according to the formula outlined in paragraph (a) of this section: *Provided, however, That* the Department may determine the minimum amount of such funds that it is practicable to reapportion.

(c) A share of the funds apportioned to any State shall be withheld by AMS for the nonprofit private schools of that State if the State Agency does not administer the Program in such schools. The percentage of funds so withheld by AMS shall be determined by the relative enrollments in public and nonprofit private schools within the State. Data on enrollments shall be the latest figures available from the United States Office of Education.

§ 210.5 *Payments to States.* (a) The funds apportioned to any State Agency for any fiscal year shall be made available in not less than nine monthly payments, except that for Guam, Puerto Rico, and the Virgin Islands such funds shall be made available in not less than seven monthly payments. The amount of each payment shall be in accordance with the monthly pattern of participation in each State, as measured by the number of lunches served, based upon the most recent year for which final participation data are available. The first payment shall be scheduled to arrive in the State on or about September 1 and shall include payments for July, August, and September. Payments for succeeding months shall be scheduled to arrive in the State on or about the first of each month to cover operations for that month: *Provided, however,* That the payment for May shall cover operations for May and June, except that for Guam, Puerto Rico, and the Virgin Islands the payment for March shall cover operations for March, April, May, and June. AMS may make such additional payments as are necessary.

(b) If cash-for-food assistance funds are not made available to AMS by September 1, the first payment shall be made as soon as practicable after such funds are made available.

(c) The State Agency shall return to AMS any Federal funds paid to it under the Program which are unobligated at the end of each fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FDD. The State Agency shall also pay to AMS any interest paid or credited to it with respect to Federal funds paid to it under the Program.

§ 210.6 *Matching of funds.* (a) During any fiscal year, payments made by AMS to each State Agency, or the aggregate payment made by AMS to nonprofit private schools in any State, shall be upon the condition that each dollar thereof shall be matched by three dollars of funds from sources within the State: *Provided, however,* That if the per capita income of any State is less than the per capita income of the United States, the matching requirement for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States.

(b) Funds from sources within the State shall include: (1) Funds expended for the Program, including Program administration, by the State or its political subdivisions or by or on behalf of any school, from children's payments or from any other source of State or local funds, except funds expended for land or the acquisition, construction or alteration of buildings; and (2) the value of commodities, services, supplies, facilities and equipment donated to the Program, except the value of commodities donated by FDD or the value of land or the rental value of buildings used in connection with the Program. The value of donations eligible for matching shall be certified by the State Agency or by the nonprofit private schools administered by FDD.

(c) It shall be the responsibility of the State Agency, or FDD where applicable, to determine whether the matching requirements of the act are being met. In the event it appears that the matching requirements will not be met, the State Agency or FDD shall take corrective action to assure compliance with these requirements.

(d) In the event any State fails to match the full amount of the Federal funds advanced to it, the State shall return to AMS the amount of the Federal funds which it failed to match.

(e) In any State where the aggregate payment of Federal funds to private schools administered by FDD is not matched, any individual school not matching the Federal funds paid to it shall return to AMS its pro rata share of the amount of the Federal funds determined by AMS not to have been matched.

§ 210.7 *Use of funds.* (a) Federal funds available as cash-for-food assistance shall be used only to reimburse schools in connection with lunches served to children of high school grade or under in accordance with the provisions of this part during the fiscal year for which such funds are appropriated.

(b) Income accruing to the lunch program of any school shall be used only for Program purposes: *Provided, however,* That such income shall not be used to purchase land, to acquire or construct buildings, or to make alterations of existing buildings: *And provided further,* That only funds from sources other than Federal or children's payments for lunches shall be used to finance out-of-State travel of school lunch personnel or the purchase of automotive equipment.

§ 210.8 *Requirements for participation.* (a) Any school not participating in the Program in the previous fiscal year shall make written application for participation to the State Agency, or FDD where applicable.

(b) Applications shall include the name and address of the school and the following information: (1) The beginning date of lunch service under the Program; (2) the estimated average daily attendance or membership; (3) the lunch price to be charged children; (4) the estimated daily number of free or reduced price lunches to be served; and (5) the amount of funds and the value of food on hand for the Program at the time of application.

(c) Schools shall be selected for participation in the Program on the basis of need and attendance: *Provided, however,* That a school which operates its lunch program under a fee, concession, or contract arrangement shall not be eligible for participation, even though the school operates its lunch program on a nonprofit basis.

(d) Schools selected for participation shall enter into a written agreement with the State Agency or, in those States in which FDD administers the Program in private schools, such private schools shall enter into an agreement with the Department. Such agreements shall be on a form approved by FDD and shall provide that the school shall:

(1) Operate a nonprofit lunch program and observe the limitations on the use of program income set forth in § 210.7 (b);

(2) Limit its operating balance to a level consistent with Program needs;

(3) Serve lunches which meet the minimum requirements prescribed in § 210.9 during a period designated as the lunch period by the school;

(4) Price the Type A lunch as a unit;

(5) Supply lunches without cost or at reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof;

(6) Make no discrimination against any child because of his inability to pay the full price of the lunch;

(7) Claim reimbursement only for the type or types of lunches specified in the agreement;

(8) Submit claims for reimbursement in accordance with procedures established by the State Agency, or FDD where applicable;

(9) Maintain, in the storage, preparation and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(10) Purchase, in as large quantities as may be efficiently utilized in its lunch program, foods designated as plentiful by the State Agency, or FDD where applicable;

(11) Accept and use, in as large quantities as may be efficiently utilized in its lunch program, such foods as may be offered as a donation by the Department;

(12) Maintain necessary facilities for storing, preparing and serving food;

(13) Maintain full and accurate records of its lunch program, including records with respect to the following:

(i) *Lunch service.* (*a*) Daily number of lunches served to children, by type of lunch.

(*b*) Daily number of lunches served free or at reduced price to children, by type of lunch.

(*c*) Daily number of adults eating in the lunchroom (unless the income from food sales to adults is maintained as a separate account under subdivision (ii) (*c*) of this subparagraph).

(ii) *Program income (receipts).* (*a*) from children's payments.

(*b*) From Federal school lunch reimbursement.

(*c*) From all other sources, including Federal reimbursement under the Special Milk Program.

(iii) *Program expenditures.* (Supported by invoices, receipts or other evidence of expenditure.)

(*a*) For food.

(*b*) For labor.

(*c*) All other expenditures.

(iv) *Value of donations to Program.* (*a*) Donated food, exclusive of foods donated by the Department.

(*b*) Donated services.

(*c*) All donations other than food and services.

Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain.

(14) Upon request, make all accounts and records pertaining to its lunch program available to the State Agency and to AMS, for audit or administrative review, at a reasonable time and place.

(e) Schools operating a lunch program under an agreement as provided in paragraph (d) of this section may serve children from other schools whether or not such other schools operate lunch programs, and may make a claim for reimbursement in connection with lunches served all children. In States in which FDD administers the program in nonprofit private schools, any public school operating a lunch program under such an agreement may serve children from a private school, or any private school operating a lunch program under such an agreement may serve children from a public school, and separate claims for reimbursement may be made in connection with lunches served children from each type of school: *Provided, however,* That both schools shall enter into a special agreement with the State Agency and with the Department covering the preparation and serving of lunches, the keeping of records, and the submission of claims and reports.

§ 210.9 *Requirements for lunches.* (a) (1) Except as otherwise provided in this section, a Type A lunch shall contain as a minimum:

(i) One-half pint of fluid whole milk as a beverage.

(ii) Two ounces (edible portion as served) of lean meat, poultry, or fish; or two ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or four tablespoons of peanut butter; or an equivalent quantity of any combination of the above-listed foods. To be counted in meeting this requirement, these foods must be served in a main dish or in a main dish and one other menu item.

(iii) A three-fourth cup serving consisting of two or more vegetables or fruits, or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(iv) One slice of whole-grain or enriched bread; or a serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(v) Two teaspoons of butter or fortified margarine.

(2) If a sufficient supply of fluid whole milk cannot be obtained, the requirement in subparagraph (1) (i) of this paragraph shall be met by serving the fluid whole milk equivalent in reconstituted evaporated or dry whole milk, unless prior written approval has been obtained from the State Agency, or FDD where applicable, to serve lunches without milk. If emergency conditions prevent a school approved for the service of Type A lunches from temporarily obtaining a sufficient supply of fluid whole milk, the State Agency, or FDD where applicable, may approve reimbursement for lunches served without milk during the emergency period.

(b) A Type C lunch is one-half pint of fluid whole milk. A school preparing food shall not be approved to serve a Type C lunch unless it is approved to serve a Type A lunch.

(c) In Puerto Rico and the Virgin Islands the following variations from the lunch requirements are authorized: In the Type A and the Type C lunch the milk requirement may be met by serving either fluid whole milk, or reconstituted evaporated milk, or reconstituted dry whole or nonfat dry milk. In the Type A lunch, a serving of rice or a starchy vegetable, such as tanniers, yams, plantains, or sweet potatoes, may be substituted for the bread requirement; and the minimum amount of butter or fortified margarine may be reduced by one-half of the prescribed amount.

§ 210.10 *Reimbursement payments.* (a) Reimbursement shall be paid only in connection with lunches meeting the requirements of § 210.9. The maximum rate of reimbursement shall be 9 cents for a Type A lunch, except that not to exceed 7 cents may be paid if the Type A lunch does not include milk; and the maximum rate of reimbursement shall be 2 cents for a Type C lunch.

(b) In agreements with schools, the State Agency, or FDD where applicable, shall assign rates of reimbursement within the maximum rates, and any variation between schools in the assigned rates for particular lunch types shall reflect the relative needs of the schools as determined by the State Agency, or FDD where applicable. Assigned rates may be changed by the State Agency, or FDD where applicable. Notice of any change shall be given to the schools.

(c) Schools shall be reimbursed on the basis of the number of lunches served to children times the assigned rate, except that the last claim from a school each fiscal year may be paid at a rate in excess of the assigned rate or the maximum rate: *Provided, however,* That the total reimbursement to a school during any fiscal year shall not exceed the lesser of (1) an amount equal to the number of lunches served to children during the fiscal year times the maximum rate, or (2) the cost of obtaining food.

§ 210.11 *Effective date for reimbursement.* Reimbursement payments may be made only to schools operating under an agreement with the State Agency, or the Department, and may be made only after execution of the agreement. Such payments may include reimbursement in connection with lunches served in accordance with provisions of the Program in the calendar month preceding the calendar month in which the agreement is executed.

§ 210.12 *Reimbursement procedure.* (a) Each State Agency, or FDD where applicable, shall require schools to submit a "Claim for Reimbursement" on a calendar month basis: *Provided, however,* That not more than 5 days of the school beginning or ending month of the school may be combined with the claim of the month immediately following the opening month or preceding the closing month. Combinations involving the closing month of one fiscal year and the beginning month of the next fiscal year shall not be permitted.

(b) Except as otherwise provided in this section, the Claim for Reimbursement shall include the following items: (1) The month and year for which claim is made; (2) the name and address of the school; (3) the number of days that lunches were served; (4) the total number of lunches served to children, by type, the assigned rate of reimbursement for such lunches, and the total amount of reimbursement claimed; (5) the number of free or reduced price lunches, by type; (6) income (receipts) from children's payments; (7) income (receipts) from reimbursement; (8) all other income (receipts); (9) expenditures representing the cost of obtaining food; (10) all other expenditures, and (11) the value of donated goods and services, excluding the value of commodities donated by the Department. In submitting a claim each school shall certify that the claim is true and correct; that records are available to support the claim; and that payment has not been received. Reporting of income (receipts) and expenditures shall be in accordance with the system of accounting established by the State, or FDD where applicable, and shall be such as to permit determination of the operating balance available to the school. State Agencies may obtain approval of FDD for collecting the information required in subparagraphs (6), (7), (8), (10) and (11) of this paragraph on other than a monthly basis.

§ 210.13 *Special responsibilities of State agencies*—(a) *Program supervision.* (1) Each State Agency shall provide or cause to be provided, adequate personnel for program supervision, including instructional and advisory services to schools, and other supervisory assistance to assure adequacy of program operations. As one part of the supervisory assistance activities, administrative reviews, supplemented if necessary by performance surveys, shall be made each fiscal year for a minimum of one-third of the participating attendance units in which food is prepared: *Provided, however,* That administrative reviews made by personnel directly involved in the daily management and operation of the lunch program under review shall not be counted in meeting this requirement: *And provided further,* That the use of performance surveys in lieu of administrative reviews to meet more than one-half of this requirement shall be only on the basis of consultation with and approval of FDD.

(2) An administrative review shall include, as a minimum, information on the following phases of Program operations compiled through a visit to the school's lunch program: (i) Whether the lunches served met the requirements of § 210.9; (ii) whether free or reduced price lunches are being served in accordance with § 210.8; (iii) whether the records maintained by the school are sufficient to support its claims and to provide a proper basis for establishing the nonprofit status of its lunch program, except that the State Agency may use audits or other types of visits to determine the adequacy of the records maintained by the school under review; and shall include recommendations to correct operating weaknesses revealed during the course of the review.

(3) Performance surveys shall be reports to the State Agency submitted by the school, on a form approved by FDD, providing information from which the State Agency may evaluate the areas of program operations indicated as a minimum for an administrative review. Such surveys shall be reviewed by the State Agency and recommendations shall be made to the schools in the event that the surveys reveal operating weaknesses.

(4) Administrative review reports and performance surveys, together with a record of follow-up action taken, shall be maintained on file by the State Agency.

(b) *State conducted audit programs.* A State Agency may submit for approval by AMS a plan whereby it will conduct audits in schools. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan, or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by AMS, and shall be reviewed by AMS to the extent necessary to determine compliance therewith, such review to be made not less than once each year. AMS shall have the right to perform test audits of schools and to make audits on a Statewide basis if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(c) *Annual information statement.* (1) Prior to the execution or extension of an agreement between the State Agency and the Department, each State Agency shall submit to FDD a current annual information statement concerning the number and type of personnel and the amounts of administrative and program funds available to the State Agency for administering the Program during that fiscal year.

(2) In the event that the State Agency conducts its own audits of schools, the current annual information statement shall include similar information concering the conduct of the audit program together with information on the planned audit coverage for the year.

(d) *Section 6 distribution information.* Information on schools eligible to receive food commodities available under section 6 of the act shall be prepared each year by the State Agency with accompanying information on the average daily number of Type A lunches to be served in such schools. This information shall be prepared as early as practicable each fiscal year and forwarded no later than September 1 to the agency of the State handling the distribution of section 6 commodities. The State Agency shall be responsible for promptly revising the information to reflect additions or deletions of eligible schools, and for providing such adjustments in participation data as are determined necessary by the State Agency.

(e) *Plentiful foods.* State Agencies shall provide schools with monthly information on foods available in plentiful supply, based on information provided by FDD.

(f) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds advanced to it under the Program each fiscal year and shall maintain a current record of payments made to schools and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(g) *Records and reports.* Each State Agency shall maintain current records on the Program operations in schools and submit monthly reports to FDD on such operations, on a form provided by FDD. Such records shall be maintained for a period of three years after the end of the fiscal year to which they pertain.

(h) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. AMS shall make investigations at the request of the State Agency or where AMS determines investigations by AMS are appropriate.

§ 210.14 *Review of operating balances.* At least once during each fiscal year, but not later than March 1, the State Agency, or FDD where applicable, shall review the information on operating balances reported by schools and shall require those schools with balances of more than two months' operating cost to explain the need for such a balance. If, after consideration of such explanation or the school's plan for utilizing its operating balance, it is determined that such balance is excessive to the school's operating needs, the State Agency, or FDD where applicable, shall reduce or deny reimbursement payments to the school until the operating balance is reduced to an amount consistent with the school's operating needs. The amounts by which reimbursement payments were reduced or the amounts denied shall not subsequently be paid to the school. Evidence of the action taken as a result of the review of balances shall be maintained on file.

§ 210.15 *Claims against schools.* (a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school of the reasons for nonpayment or disallowance. The school may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school was not proper under this part, it shall advise the school of the amount and basis of the alleged overpayment and may request a refund or advise the school that the amount overpaid is being deducted from subsequent claims. The school shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school, by refund or by deduction from subsequent claims for reimbursement made by the school. If new evidence becomes available to the school, it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer to FDD for determination any action it proposes to take under this section.

(d) The State Agency shall retain for AMS audit and review all records pertaining to action taken under this section.

(e) If FDD does not concur with the State Agency's action in paying a claim or a reclaim, or in failing to collect an overpayment, FDD shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases the State Agency shall have full opportunity to submit to FDD evidence or information concerning the action taken. If, in the determination of FDD, the State Agency's action was unwarranted, the State Agency shall promptly pay to AMS the amount of the claim, reclaim or overpayment.

(f) The amounts recovered by the State Agency from schools shall be available to make reimbursement payments only for lunches served during the fiscal year for which the funds were initially available.

(g) With respect to schools in which FDD administers the program, when FDD disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools of the reasons for such disallowance or demand and the schools shall have full opportunity to submit evidence or to file reclaims for any amount disallowed or demanded in the same manner afforded in this section to schools administered by State Agencies.

(h) In the event that the State Agency, or FDD where applicable, finds that a school is failing to meet the requirements of § 210.9 (a) (1) (ii), (iii), (iv), or (v), the State Agency or FDD need not disallow payment or collect an overpayment arising out of such failure, if the State Agency or FDD takes such other action as, in its opinion, will have a corrective effect.

§ 210.16 *Administrative analyses and audits.* Each State Agency shall provide AMS with full opportunity to conduct administrative analyses (including visits to schools) and audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon a reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any school.

§ 210.17 *Prohibitions.* (a) In carrying out the provisions of the act neither the Department nor the State Agency shall impose any requirements with respect to teaching personnel, curriculum, instructions, methods of instruction, or materials of instruction in any school as a condition for participation in the Program.

(b) If a State maintains separate school systems for minority and for majority races, no funds made available pursuant to this agreement shall be paid or disbursed to the State Agency unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to the State Agency.

§ 210.18 *Miscellaneous provisions*—(a) *Disqualification and non-compliance.* Any State Agency or any school may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any private school in which FDD administers the Program, by any improper or negligent action, is diminished, lost, misapplied or diverted from the Program, by the State Agency, or by the school to which such funds are disbursed, FDD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school causing the loss. The State Agency or the school shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be waived by AMS through notice in writing to the affected State Agencies or nonprofit private schools in which the Program is administered by FDD, when such waiver is determined to be desirable for program operations and is not inconsistent with the requirements of the act. Any or all of the provisions of this part may be withdrawn or amended at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to the nonprofit private schools in which the Program is administered by FDD: *And provided further,* That any change in the requirements for lunches or in the maximum rates of reimbursement shall become effective at the beginning of a fiscal year.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 210.19 *Program information.* Schools desiring information concerning the Program should write to their State educational agency or to the appropriate Area Office of FDD–AMS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, New York 13, New York.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and the Virgin Islands:

Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE., Atlanta 23, Georgia.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Food Distribution Division, AMS, United States Department of Agriculture, 431 South Dearborn Street, Chicago 5, Illinois.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Food Distribution Division, AMS, United States Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

(e) In the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Appraisers Building, 630 Sansome Street, San Francisco 11, California.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This part, as revised, shall become effective July 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

MAY 6, 1958.

[F. R. Doc. 58-3513; Filed, May 8, 1958; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 69]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions			1500	T-d	500-1½	500-1½	500-1½
				T-n	600-2	600-2	600-2
				C-d	500-1½	500-1½	500-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 095 Outbnd, 275 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach, 900′.
Crs and distance, facility to airport, *190—1.4.
*Contact must be established at reef (shoreline) 2.2 miles from station on crs of 275° mag. and flight to airport under visual contact conditions.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, climb to 1500′ on crs of 275° within 20 miles.
CAUTION: Standard obstruction clearance not provided for circling north of the runway. 422′ msl towers located 1.5 mi north of runway—in vicinity of HHW "AWK".

City and State, Wake Island; Airport Name, Wake Airport; Alev., 12′; Fac. Class, HHW; Ident., AWK; Procedure No. 1; Amdt. 5; Eff. Date, 23 Apr. 58; Sup. Amdt. No. 4; Dated, 22 Apr. 58.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions			1500	T-d	500-1½	500-1½	500-1½
				T-n	600-2	600-2	600-2
				C-d	500-1½	500-1½	500-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 275 Outbnd, 095 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, facility to airport, 095—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.5 miles climb to 1500′ on crs of 095° within 20 miles.
CAUTION: Standard obstruction clearance not provided for circling north of the runway. 422′ msl towers located 1.5 mi. north of runway—in vicinity of HHW AWK.

City and State, Wake Island; Airport Name, Wake Airport; Elev., 12′; Fac. Class, MHW; Ident., AXX; Procedure No. 2, Amdt. 5; Eff. Date, 23 Apr. 58; Sup. Amdt. No. 4; Dated, 22 Apr. 58

2. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions			1500	T-dn	400-1	400-1	400-1
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 280° Outbnd, 100° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, breakoff point to app end rny 9, 093—0.5‡.
‡Approximately over AXX RBn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile, climb to 1500′ on R-100 within 20 miles.
CAUTION: Standard obstruction clearance not provided for circling north of the runway. 422′ msl towers located 1.5 mi north of runway—in vicinity of HHW "AWK".

City and State, Wake Island; Airport Name, Wake Airport; Elev., 12′; Fac. Class, VOR; Ident., AWK; Procedure No. TerVOR-9, Amdt. 3; Eff. Date, 23 Apr. 58; Sup. Amdt. No. 2; Dated, 22 Apr. 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions			1500	T-dn C-dn A-dn	400-1 500-1 800-2	400-1 500-1 800-2	[illegible]

Procedure turn North side of crs, 090 Outbnd, 270 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final crs, 500′.
Crs and distance, breakoff point to app end rny 27, 273—0.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, climb to 1500′ on R-270 within 20 mi.
CAUTION: Standard obstruction clearance not provided for circling north of the runway. 422′ msl towers located 1.5 mi north of runway—in vicinity of HHW "AWK".

City and State, Wake Island; Airport Name, Wake; Elev., 12′; Fac. Class, VOR; Ident., AWK; Procedure No. Ter VOR-27, Amdt. 2; Eff. Date, 23 Apr. 58; Sup. Amdt. No 1; Dated, 22 Apr. 58

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SEA LFR	LOM	Direct	2000	T-dn	300-1	300-1	[illegible]
SEA VOR	LOM	Direct	2000	C-dn	500-1	500-1	[illegible]
Vashon Int	LOM	Direct	2000	S-dn-34:			
Hobart FM	LOM	Direct	4000	ILS	300-¾	300-¾	[illegible]
TCM LFR	LOM	Direct	2000	ADF	400-1	400-1	[illegible]
Harbor Island FM	LOM	Direct	2000	A-dn:			
TCM LFR	Puyallup Int*	Direct	2000	ILS	600-2	600-2	[illegible]
Puyallup Int*	LOM (Final)	Direct	1700	ADF	800-2	800-2	[illegible]

*Int 020° brg from TCM LFR and S crs ILS or Brg 338° to LOM.
Procedure turn E side of S crs, 158 Outbnd, 338 Inbnd, 2000′ within 8 mi. NA beyond 8 mi.
Minimum altitude at glide slope int inbnd, 1700′ ILS. Min. alt over LOM inbnd final 1600′ ADF.
Altitude of glide slope and distance to approach end of rnwy at OM, 1700′—4.3; at MM, 600′—0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, after passing LOM (ADF) climb to [illegible] on NW crs. SEA-LFR within 20 mi.
Alternate missed approach when directed by ATC, climb to 2000′ on 338 radial SEA-VOR within 10 mi.
CAUTION: Terrain and trees 523′ MSL located immediately N and NE of airport.
NOTE: All fixes within 30 mi of Seattle-Tacoma Radar may be determined by surveillance radar.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma Intl.; Elev., 424′; Fac. Class, ILS-SEA; Ident., LOM-SE; Procedure No. ILS-34, Comb. ILS-ADF; Amdt. [illegible]; Eff. Date, 6 May 58; Sup. Amdt. No. 13; Dated, 5 May 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 6, 1958.

[F. R. Doc. 58-3519; Filed, May 8, 1958; 8:52 a. m.]

[Amdt. 31]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.6629 *VOR civil airway 1529* is added to read:

From *Los Angeles, Calif., VOR; to Alhambra INT, Calif.; northeastbound, MEA 12,000; southwestbound, MEA 3,000. *9,000—MCA Los Angeles VOR, northeastbound.

From Alhambra INT, Calif.; to Hawkins INT, Calif.; northeastbound, MEA 12,000; southwestbound MEA 9,000.

From Hawkins INT, Calif.; to Daggett, Calif., VOR; MEA 12,000.

From Daggett, Calif., VOR; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.

From Silver Lake INT, Calif.; to *Clark INT, Calif.; MEA 9,500. *13,000—MRA.

From Clark INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 8,000.

From Mormon Mesa, Nev., VOR; to Milford, Utah, VOR; MEA 10,000.

From Milford, Utah, VOR; to Myton, Utah, VOR; MEA *21,000. *15,000—MOCA.

From Myton, Utah, VOR; to Rawlins-Cherokee, Wyo., VOR; MEA 12,500.

From Rawlins-Cherokee, Wyo., VOR; to Casper, Wyo., VOR; MEA 11,000.

From Casper, Wyo., VOR; to Dickinson, N. Dak., VOR; MEA *17,000. *8,300—MOCA.

From Dickinson, N. Dak., VOR; to Pembina, N. Dak., LFR; MEA *13,000. *8,300—MOCA.

Section 610.6631 *VOR civil airway 1531* is added to read:

From Half Moon Bay INT, Calif.; to Oakland, Calif., VOR; MEA 4,000.

From Oakland, Calif., VOR; to Sacramento, Calif., VOR; MEA 4,000.

From Bay Point, Calif., FM; to Sacramento, Calif., VOR; eastbound only; MEA 2,000.

From Sacramento, Calif., VOR; to Folsom INT, Calif.; MEA 3,000.

From Folsom INT, Calif.; to *Coloma INT, Calif.; northeastbound, MEA 9,500; southwestbound, MEA 5,000. *9,500—MCA Coloma INT, northeastbound.

From Coloma INT, Calif.; to Tahoe INT, Calif.; northeastbound, MEA 13,000; southwestbound, MEA 9,500.

From Tahoe INT, Calif.; to *Reno, Nev. VOR; MEA 13,000. *12,000—MCA Reno VOR, southwestbound.

From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 10,000.

From Lovelock, Nev., VOR; to Battle Mountain, Nev. VOR; MEA 12,000.

From Battle Mountain, Nev., VOR; to Elko, Nev., VOR; MEA 11,000.

From Elko, Nev., VOR; to Wells, Nev., VOR; MEA 13,000.

From Wells, Nev., VOR; to Pocatello, Idaho, VOR; MEA 15,000.

From Pocatello, Idaho, VOR; to Billings, Mont., VOR; MEA 13,000.

From Billings, Mont., VOR; to Miles City, Mont., VOR; MEA 5,300.

From Nibbe, Mont., FM; to Miles City, Mont. VOR; eastbound only, MEA 5,000.

From Miles City, Mont., VOR; to Dickinson, N. Dak., VOR; MEA 4,500.

From Dickinson, N. Dak., VOR; to Minot, N. Dak., VOR; MEA 4,000.

From Minot, N. Dak., VOR; to U. S.-Canadian Border; MEA *4,200. *3,200—MOCA.

Section 610.6633 *VOR civil airway 1533* is added to read:

From Half Moon Bay, INT, Calif.; to Oakland, Calif., VOR; MEA 4,000.

From Oakland, Calif., VOR; to Sacramento, Calif., VOR; MEA 4,000.

From Bay Point, Calif., FM; to Sacramento, Calif., VOR, eastbound only; MEA [illegible].

From Sacramento, Calif., VOR; to *Grimes INT, Calif.; MEA 2,000. *4,000—MCA Grimes INT, northbound.

From Grimes INT, Calif.; to Red Bluff, Calif., VOR; MEA 4,000.

From Red Bluff, Calif., VOR; to Klamath Falls, Oreg., VOR; MEA 10,000.

From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA *12,000. *10,000—MOCA.

From Redmond, Oreg., VOR; to *Heppner INT, Oreg.; MEA **12,000. *10,000—MRA. **8,000—MOCA.

From Heppner INT, Oreg.; to Pendleton, Oreg., VOR; MEA *10,000. *6,000—MOCA.

From Pendleton, Oreg., VOR; to Mullan Pass, Idaho, VOR; MEA 12,000.

From Mullan Pass, Idaho, VOR; to U. S.-Canadian Border; MEA 14,000.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective May [illegible], 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator,
of Civil Aeronautics.

MAY 2, 1958.

[F. R. Doc. 58-3486; Filed, May 8, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 205—CHEMISTRY

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

TEST FEE SCHEDULES AND STANDARD SAMPLES

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

1. A new section is added to read as follows:

§ 205.110 *Benzoic acid thermometric standards.*

Item	Description	Fee
	Benzoic acid thermometric standard	
205.110a	A certified cell, a companion uncertified cell, and an instrument case to hold the pair of cells	$220
205.110b	Replacement cells:	
	1. Certified cell	155
	2. Companion cell	40

2. In § 230.11 *Descriptive list*, paragraph (r) *Radioactive standards*, is amended to add a new standard to read as follows:

CARBON-14 DATING STANDARDS

Sample No.	Description	Price per sample
4990	Contemporary standard for Carbon-14 dating laboratories (sample consists of 5 lb. of oxalic acid)	$5

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interpret or apply sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

R. D. HUNTOON,
Acting Director,
National Bureau of Standards.

Approved: May 5, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-3487; Filed, May 8, 1958; 8:45 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 5]

PART 103—SMALL BUSINESS SIZE STANDARDS

CONSTRUCTION INDUSTRY

The small business size standards regulation, as amended, (21 F. R. 9709, 22 F. R. 2121, 2758, 3314, 4190, 23 F. R. 2636) is hereby further amended by adding the following news paragraph (f) to § 103.3:

(f) *Construction industry.* A small business concern in the construction industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) the average annual receipts of the concern and its affiliates for the preceding three years are $5,000,000 or less.

(Sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634)

Dated: May 1, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-3494; Filed, May 8, 1958; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

GOVERNMENT OF THE DISTRICT OF COLUMBIA; STUDENT PRACTICAL NURSES

1. Effective May 1, 1958, the following item is added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* * * *

Student practical nurses, Government of the District of Columbia, D. C. General Hospital, approved training during clinical affiliation.

2. Effective May 1, 1958, the following item is added to § 27.2:

§ 27.2 *Maximum stipends prescribed.* * * *

Student practical nurses, Government of the District of Columbia, D. C. General Hospital:

Approved training during clinical affiliation, per month	$20

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3495; Filed, May 8, 1958; 8:48 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; STUDENT MEDICAL TYPIST

1. Effective May 1, 1958, the following item is added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* * * *

Student medical typist, Department of Health, Education, and Welfare, approved training for a 90-day period.

2. Effective May 1, 1958, the following item is added to § 27.2:

§ 27.2 *Maximum stipends prescribed.* * * *

Student medical typist, Department of Health, Education, and Welfare: Approved training for a 90-day period—no stipend other than any maintenance provided.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3496; Filed, May 8, 1958; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

ADEQUACY OF PREPARATION AND PACKAGING

The proposed amendment to paragraph (d) of § 15.2 published in the FEDERAL REGISTER of April 4, 1958, at page 2221 (23 F. R. 2221) is hereby adopted as a regulation of the Post Office Department effective May 15, 1958, without change, as set forth below.

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

In § 15.2 *Adequacy of preparation and packaging* add the following to paragraph (d): "The package must not contain more than 0.1 millicuries of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second."

NOTE: The corresponding Postal Manual section is 125.24.

(R. S. 161, 396, as amended; sec. 24, 20 Stat. 361, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

[F. R. Doc. 58-3509; Filed, May 8, 1958; 8:51 a. m.]

PART 16—BULK MAILINGS

PART 22—SECOND CLASS

PART 25—FOURTH CLASS

MISCELLANEOUS AMENDMENTS

The proposed amendments to §§ 16.1, 22.2, and 25.9 published in the FEDERAL REGISTER of April 9, 1958, at page 2301 (23 F. R. 2301) are hereby adopted as regulations of the Post Office Department effective May 15, 1958, without change, as set forth below.

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

PART 16—BULK MAILINGS

In § 16.1 *Second-class publications,* amend paragraph (b) (6) to read as follows:

(6) Sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper right corner a notice of entry, and in the upper left corner the name of the publication and the mailing address to which undeliverable copies or change of address notices are to be sent. See § 22.2 (d) (6) of this chapter.

NOTE: The corresponding Postal Manual section is 126.12f.

(R. S. 161, 396, as amended; sec. 5, 18 Stat. 232, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 283)

PART 22—SECOND CLASS

In § 22.2 *Qualifications for second-class privileges,* add the following to paragraph (d) (6): "Addresses in mastheads and date lines must be printed so they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent. See § 16.1 (b) (6) of this chapter."

NOTE: The corresponding Postal Manual section is 132.25f.

(R. S. 161, 396, as amended; sec. 1, 25 Stat. 1, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 249)

PART 25—FOURTH CLASS

In § 25.9 *Nonprofit organizations,* amend paragraph (a) to read as follows:

(a) *Library books.* The name of the mailing public library, organization or association must be shown in the return address on parcels of books sent to county or other unit libraries or as a loan to readers. Parcels of books returned by libraries or readers must show in the address the name of the lending library, organization, or association. No permit is required.

NOTE: The corresponding Postal Manual section is 135.9a.

(R. S. 161, 396, as amended; sec. 204, 62 Stat. 1262, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 292a)

[F. R. Doc. 58-3508; Filed, May 8, 1958; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-2]

PART 74—COSTS AND CHARGES

Correction

In Federal Register Document 58-3438, appearing on page 3066 of the issue for Thursday, May 8, 1958, Table B under § 74.01-1 is corrected to read as follows:

TABLE B—STANDARD CHARGES

Type of aid	Preparation of temporary aid	Service charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or without sound	$134	$65
2. Bell, gong or whistle buoys, unlighted	53	18
3. Lighted buoy (8′ or 9′) for sheltered station, with or without sound	114	52
4. Lighted buoy (7′ or less) for sheltered station, with or without sound	90	33
5. Can or nun buoy (1st and 2d class), except river type	18	7
6. Can or nun buoy (3d class), except river type	14	4
7. Wooden spar buoy, any class	16	4
8. River type buoy	8	4
9. Lighting apparatus (only)	60	34

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 103—VOCATIONAL EDUCATION IN PRACTICAL NURSING

Pursuant to section 301 of Public Law 911, 84th Congress (70 Stat. 925), relating to State plans and programs for practical nurse training, the following regulations are hereby prescribed.

Sec.
103.1 Definitions.
103.2 The State plan.
103.3 Less than college grade.
103.4 Public supervision and control.
103.5 Allotments.
103.6 Reallotments.
103.7 Report on basis of Federal fiscal year.
103.8 Annual report.
103.9 Extension and improvement of practical nurse training.
103.10 Other health occupations.
103.11 Reimbursable costs of carrying out the State plan.
103.12 Effect of State rules.
103.13 Public nature of funds.
103.14 Pro-rating.
103.15 Effect of payments.

AUTHORITY: §§ 103.1 to 103.15 issued under sec. 205, 70 Stat. 927; 20 U. S. C. 15ee. Interpret or apply 70 Stat. 925-929; 20 U. S. C. 15aa-15jj.

§ 103.1 *Definitions.* As used in this part, the terms below are defined as follows:

(a) "Act" and "Title II" mean Title II of the Vocational Education Act of 1946 as added by Title III of Public Law 911, 84th Congress (70 Stat. 925).

(b) "Commissioner", "practical nurse training", "practical nurse", "local education agency", "State", and "State board", are used as defined in section [illegible] of the act.

(c) "State director" means the person directly responsible for the administration of the total State program of vocational education and the coordination of the work of the State supervisors.

(d) "Other health agencies" means institutions or establishments other than hospitals which provide patients with medical or nursing services under the direction of a doctor or registered professional nurse.

(e) "Vocational guidance" means only that guidance which is related to the recruitment, selection and retention of persons for training and the placement of persons trained in the program.

§ 103.2 *The State plan.* (a) Under the terms of Title II, each State, in order to participate in the benefits of the program, is required to submit a plan for the program of extension and improvement of practical nurse training in which it expects Federal financial participation. Such plan must be separate and distinct from State plans under other vocational education grants. To be approvable, a plan must have been adopted by the State board and must meet the conditions of section 203 (a) of Title II. When approved by the Commissioner of Education, the State plan becomes the basis for Federal grants, and a State may be certified to receive grants with respect to proper expenditures made on or after the date on which such plan is submitted in approvable form.

(b) *The State board.* The State plan shall designate the State board as the sole agency for the administration of the plan or for the supervision of administration of the plan by local educational agencies. If the plan provides for the use of the facilities of any agency other than the State board or a local educational agency the program in which such facilities are used must still be administered by the State board or by a local educational agency under the supervision of the State board.

(c) *Authority of State board.* The State plan shall set forth the authority of the State board under State law for the administration of the program. If there is any administration by local agencies, the basis under State law for the supervision of such administration by the State board shall also be set forth. Copies of, or citations to, all directly pertinent laws and interpretations of laws by appropriate State officials or courts shall be furnished as part of the plan.

(d) *Plans, policies and methods.* The State plan shall show the plans, policies, and methods to be followed in extending and improving practical nurse training under the plan, and in administering and supervising the administration of the plan.

(e) *Fiscal administration and retention of records.* The State plan shall provide for such accounting, budgeting and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan. State and local agencies receiving grants under the Acts shall keep accessible and intact all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and of matching funds, until notified of the completion of program reviews and of the fiscal audit covering such records. Records supporting accountability for non-consumable equipment purchased under the program (whether from Federal or matching funds) and costing $10 or more shall be maintained until notification of the completion of the review and audit covering the disposition of such equipment.

(f) *Use of registered professional nurse in State supervision.* The State plan shall provide that the individual supervising the functions of the State board under the plan for the extension and improvement of the practical nurse training program shall be a registered professional nurse or shall have the consultative services of a registered professional nurse available to him. The place in the administrative structure of the supervisor who is a registered professional nurse and a member of the staff of the State board is to be set forth in the State plan together with duties and the minimum qualifications to be required for the position. If the supervision of the practical nurse training program is assigned to a person who is not a registered professional nurse, it is necessary that the State provide for the consultative services of a registered professional nurse. In such case the State plan shall set forth the duties and the minimum qualifications of the consultant and the arrangements under which the consultative services are to be used on a planned systematic year-round basis to assure that the technical aspects of the training program meet acceptable standards.

(g) *Minimum qualifications of teachers, teacher-trainers, supervisors and directors.* The State plan shall contain minimum qualifications for teachers, teacher-trainers, supervisors and directors having responsibilities in carrying out the State plan. These minimum qualifications must apply to all such personnel engaged directly or substantially in activities for which funds are used under the plan regardless of whether there is to be Federal financial participation in their salaries.

(h) *Custody of funds granted under Title II.* The State plan shall specify the official authorized by State law to receive and provide for the custody of all funds paid to the State under Title II. These as well as all other funds held for plan purposes at the State level must be held subject to requisition or disbursement by the State board.

(i) *Plan provision for reports.* The State plan shall provide that the State board will make such reports, in such form and containing such information, as the Commissioner may from time to time reasonably require to carry out his functions under Title II, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

(j) *Submission.* The State plan and all amendments thereto shall be submitted by a duly authorized officer of the State board. The plan shall indicate the official or officials who are authorized to submit plan material.

(k) *Amendment.* The plan must be amended whenever necessary to reflect any material change in the program provided for by the plan, any changes in pertinent State law or in the organization, policies or operations relating to the program.

§ 103.3 *Less than college grade.* The State plan is required to provide that all vocational instruction carried on thereunder will be of less than college grade. This provision can be met only when all of the following conditions exist:

(a) The course is terminal in nature rather directed toward obtaining a baccalaureate degree.

(b) The fact that the course is "of less than college grade", as here defined is discernible from the institution's catalog or other announcement describing the course.

(c) The course, (1) if offered by an institution which does not have a four-year program leading to a baccalaureate degree, is not designed by the institution for credit toward such a degree nor applied for credit toward such a degree as indicated by transfer policies of four-year degree granting institutions; or (2) if offered in a four-year degree granting institution, is not offered for credit leading to a baccalaureate degree.

§ 103.4 *Public supervision and control.* The State plan is required to provide that the vocational instruction and teacher training carried on thereunder will be in schools or classes under public supervision and control. A school or class is considered to be under public supervision and control when it meets all of the following criteria:

(a) It is organized and operated under the direction of a State or local board responsible for expenditure of public school funds for vocational education in the State or community.

(b) The teachers are employed as public school teachers under the conditions generally applicable to the employment of other public school teachers employed by the State or local board responsible for vocational education.

(c) Officials on the staff of a State or local agency responsible for vocational education shall have full charge of:

(1) Employing teachers

(2) Determining whether pupils qualify for admission to classes

(3) Determining content and organization of courses and curriculum.

§ 103.5 *Allotments.* Under section 202 (a) of Title II, each State is entitled to an allotment out of the funds appropriated for each fiscal year. Each State will be notified of the amount of its allotment for a year as soon as possible after the appropriation is made by Congress.

§ 103.6 *Reallotment.* (a) Pursuant to section 202 (b) of Title II, amounts of allotments which are certified, on or before the dates fixed by the Commissioner, as not required for carrying out the States' plans will be realloted to the other States.

(b) Reallotments will be made in proportion to the original allotments to the States for the fiscal year under section 202 (a) of Title II, except that, subject to the provisions of paragraph (c) of this section, (1) no reallotment will be made to any State which has certified that it will not require the full amount of its allotment for such year, and (2) the total amounts realloted to a State will not exceed the amount which it has certified will be needed for such year.

(c) Any State which (1) has certified that it will not require the full amount of its allotment, or (2) has certified as to the amount in excess of its original allotment which will be required to carry out the State plan for a fiscal year, may nevertheless amend such certification by filing the appropriate form with the Commissioner on or before a date fixed pursuant to paragraph (a) of this section. The amended certification will then be used in computing all reallotments for that fiscal year made subsequent to such date.

§ 103.7 *Report on basis of Federal fiscal year.* (a) Reporting and accounting in the administration of the act on the Federal, State, and local levels shall be based upon the Federal Government's fiscal year, which begins on the first day of July and ends on the 30th day of June.

(b) An expenditure under a State plan will be charged to that Federal fiscal year in which the obligation was incurred. Expenditure reports are to be prepared on this basis. For the purposes of this section, "obligation" shall mean only bona fide encumbrances which are supported by contracts or other evidence of liability consistent with State purchasing procedure.

§ 103.8 *Annual report.* In addition to information supplied in connection with periodic requests for grants, each State shall make an annual report on the operation of its program, as outlined by instructions which will be supplied to the State board. If from time to time there is a need for information from the State which is not secured from the regular annual reports, special reports will be requested.

§ 103.9 *Extension and improvement of practical nurse training.* (a) Under Title II, Federal financial participation is available only in expenditures made under the State plan for the "extension and improvement" of practical nurse training. Such phrase includes expenditures for purposes such as the following:

(1) To encourage the establishment of programs for training practical nurses in communities not served;

(2) To stimulate the expansion of the program of training practical nurses in communities that have not been able to train the number of practical nurses needed;

(3) To develop programs of training for other approvable health occupations;

(4) To improve the program through such means as: (i) More effective use of advisory committees, (ii) better selection of trainees, (iii) increased retention of those who enroll, (iv) better placement of those completing training, (v) improvement of curriculum and teaching aides, (vi) improvement of administration, supervision, coordination and teaching;

(5) To secure necessary educational information and data as a basis for the proposed development and improvement of the practical nurse training program, through such means as:

(i) Gathering data and other factual information which will be of assistance in planning and operating the program,

(ii) Conducting studies and surveys dealing with the needs for practical nurse training, the methods and materials to be used and the results obtained from instruction,

(iii) The appraisal and preparation of instructional materials,

(iv) The evaluation of facilities.

(b) In order to use Federal funds for research, the State plan shall set forth the qualifications of the persons who are to conduct the research. The items for which reimbursement may be made are the same as those for State supervision.

(c) Section 207 of Title II provides that nothing in such title shall in any way affect the availability for practical nurse training of amounts paid the States under the Act of February 23, 1917 (39 Stat. 929) or as amended and extended, or Title I of the Vocational Education Act of 1946, as amended and extended. Accordingly grants for carrying on practical nurse training activities which do not constitute an extension or improvement for the purposes of Title II are available under other vocational education programs to the same extent as though Title II had not been enacted. Activities which do constitute an extension and improvement of practical nurse training may also be claimed under other vocational education programs to the extent that their cost is not claimed under Title II.

§ 103.10 *Other health occupations.* "Other health occupations" for which training may be given are those requiring training similar in nature to that for practical nursing. Expenditures for training for "other health occupations" under a plan for extension and improvement of practical nurse training may be claimed as a cost of carrying out such plan only when all of the following conditions inherent in the training of practical nurses under the plan are met:

(a) The training required for the occupation:

(1) Is of less than college grade (see § 103.3) and is given in schools or classes (including field or laboratory work incident thereto),

(2) Combines theoretical instruction and learning through supervised practice,

(3) Develops basic understandings and necessary skills required in giving nursing care or other health services to the patient, and

(4) Is not so simple or brief as to be most easily provided by employers as a part of employee orientation.

(b) Employment opportunities in the occupation in hospitals or other health agencies warrant setting up a training program.

(c) The occupation is not recognized as an occupation in other than the health field. In applying this condition the scope and nature of the duties rather than the title of the occupation are basic.

§ 103.11 *Reimbursable costs of carrying out the State plan.* The following are among the expenditures which are reimbursable, to the extent that they are incurred for the purposes of Title II:

(a) The salaries of persons who have professional responsibilities under the State plan and who meet qualifications described in the State plan for such positions; also, the salaries of clerical and service personnel working under the direction of the qualified professional personnel.

(b) Necessary expenditures for travel, provided they are in accordance with State rules and regulations governing travel and the provisions for travel set forth in the State plan.

(c) Current administrative expenditures such as communications, supplies, printing, and (when suitable space is not available in publicly owned buildings) rental of space, light, heat, and janitor service. Charges for rental of space, light, heat, and janitor services shall be restricted to payments for such items in buildings which are not publicly owned. For the purpose of this paragraph, capital expenditures for items of equipment costing more than $10 will not be considered current administrative expenditures.

(d) Costs of a State retirement system, including the employer's contribution to such retirement plan on behalf of employees whose salaries are paid under the plan.

(e) Equipment and supplies for instruction. For the purposes of this paragraph equipment for instruction shall mean equipment used directly in the instructional process rather than equipment, such as desks and chairs, which is merely accessory and subordinate to the instructional process.

§ 103.12 *Effect of State rules.* Subject to the provisions and limitations of Title II and this part, Federal financial participation will be available only in expenditures made under the State plan in accordance with applicable State laws, rules, regulations, and standards governing expenditures by State and local agencies.

§ 103.13 *Public nature of funds.* The expenditures to be considered in computing Federal participation must be made from public funds.

(a) In addition to appropriated funds, such funds may include funds derived from donations by private organizations or individuals which are deposited in accordance with State or local law to the account of the State board or local educational agency without such conditions or restrictions on their use as would negate their public character.

(b) Tuition and fees may be collected from students enrolled in a course, at rates comparable to those charged by public educational authorities for similar courses to cover any portions of the cost of the course which are not claimed under the State plan. However, tuition and fees collected from students may not be used as State or local funds for the purpose of matching the Federal funds.

§ 103.14 *Pro-rating.* In determining the amount of the Federal grant only the costs of carrying out the approved State plan can be considered. Where an expenditure is made for the benefit of this program and any other programs, whether vocational or not, the amount to be charged as a cost of carrying out the State plan under this title, shall not exceed the amount arrived at under a reasonable apportionment.

§ 103.15 *Effect of payments.* (a) Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any Federal requirements.

(b) The final amount to be paid for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized. The State assumes responsibility for accounting for all payments made out of its allotment by making expenditures for authorized plan purposes.

Dated: April 8, 1958.

[SEAL] L. G. DERTHICK,
U. S. Commissioner of Education.

Approved: May 2, 1958.

E. L. RICHARDSON,
Acting Secretary.

[F. R. Doc. 58-3500; Filed, May 8, 1958; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte MC-5]

Part 7—List of Forms, Part II, Interstate Commerce Act

APPLICATION FOR AUTHORITY TO SELF-INSURE

In the matter of security for protection of the public as provided in part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to part II of the act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of February A. D. 1958.

The matter of Form B. M. C. 40, Application for Authority to Self-Insure under section 215, Interstate Commerce Act, prescribed by order of the Commission of August 3, 1936, being under consideration; and

It appearing, that there is need for amendment of Form B. M. C. 40; and that, since only a revision of the form with no amendment of regulations prescribing its use is involved, notice of proposed rule making pursuant to section 5 (a) of the Administrative Procedure Act is deemed unnecessary;

It is ordered, That Form B. M. C. 40 (Rev. '58), a copy of which is attached hereto and made a part hereof,[1] be, and is hereby, prescribed for use by motor carriers in applying for authority to self-insure.

It is further ordered, That § 7.40 be revised so as to read as follows:

§ 7.40 *B. M. C. 40 (Rev. '58)*. Application for authority to self-insure under section 215 of the Interstate Commerce Act.

This order shall be effective June 30, 1958, and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3492; Filed, May 8, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 22]

Second Class

ADVERTISEMENTS IN PERIODICALS

It has come to the attention of the Department that, due to modern practices and techniques in the advertising field, there is some confusion with respect to applying the Department's regulations as to advertisements in periodicals. In order to relieve this confusion, the Department proposes to clarify its regulations in this matter and provide workable standards for the guidance of postal employees and publishers, which will provide effectively for modern advertising methods.

It is believed that the following amendment to Title 39, Chapter I, CFR, will achieve the desired purpose.

The proposed change relates to a proprietary function of Government and is, therefore, exempt from the rule making requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements in this case so that postal patrons may have an opportunity to present written views concerning the proposed regulations. Such written views may be submitted to Mr. Edwin A. Riley, Director, Postal Services Division, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to June 15, 1958.

In § 22.4 *What may be mailed at second-class rates* amend paragraph (i) to read as follows:

(i) *Advertisements.* All advertisements in periodicals must be permanently attached. Page numbers in sequence must be allowed for all advertisements if the periodical carries page numbers. Annuals, directories, catalogs, yearbooks, or other types of separate publications may not be accepted as advertisements. The physical make-up of advertisements may include such features as the following:

(1) Different advertisements may occupy the same space in different copies of the same issue.

(2) Advertisements having coupons or application or order forms occupying not more than one-half of the page as permitted by paragraph (h) (3) (v) of this section may not be smaller than one-eighth of the size of the regular pages.

(3) Advertisements larger than the regular pages may be prepared for folding out horizontally, vertically, or both.

(4) Advertisements may be die-cut or deckle-edged.

(5) Multiple page advertisements may be prepared for detachment as permitted by paragraph (h) (3) (i) of this section and may be held together by staples or other means separate from and in addition to the regular binding of the periodical.

(6) Advertisements may include statements that they are printed on the product or by means of the product of the advertiser.

NOTE: The corresponding Postal Manual section is 132.49.

(R. S. 161, 396, as amended; secs. 12, 14, 20 Stat. 359, as amended; sec. 1, 37 Stat. 550, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 225, 226, 229)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3510; Filed, May 8, 1958; 8:51 a. m.]

[39 CFR Part 111]

Postal Union Mail

MATTER FOR THE BLIND IN OTHER COUNTRIES

It is proposed to adopt regulations to the effect that raised print for the blind and certain other matter for the blind may be sent to other countries by surface mail subject to the same postage rates as are applied to such matter in the domestic mails.

Application of the domestic rates to the above matter in the international mails will result in no increase in the existing rates for such matter with the exception of letters written in point print or raised characters and letters on sound reproduction records. In this respect such increase will not exceed the domestice rate therefor. In addition, matter for the blind which may now be sent free of postage in the domestic mails will, under the proposed changes, be transmissible free of postage to all countries of the world.

The following amendment to 39 CFR, Chapter I, Part 111, will achieve the desired purpose.

The proposed regulations relate to a proprietary function of Government, and are therefore exempt from the rule making requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements of the Administrative Procedure Act in matters of this kind, and to afford postal patrons an opportunity to present written views concerning the proposed amendments. Such written views may be submitted to Mr. Greever Allan, Director, International Service Division, Room 5435, Post Office Department, Washington 25, D. C., at any time prior to May 30, 1958.

In § 111.2 *Specific categories* amend paragraph (e) to read as follows:

(e) *Matter for the blind*—(1) *Rates.* Surface rates for matter for the blind are the same as those prescribed for such matter in the domestic mails (See Part

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[1] Filed as part of the original document.

28 of this chapter). For airmail rates see country items in § 111.1 (a).

(2) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(3) *Dimensions.* See paragraph (d) (3) of this section.

(4) *Description.* The matter acceptable in the domestic mails under the provisions of Part 28 of this chapter is generally acceptable to other countries as "matter for the blind," provided it does not exceed the international size and weight limits. Plates and special paper for embossing blind literature are accepted under the conditions applicable to the category of "reproducers for sound reproduction records and appliances for the blind" at the one cent per pound rate. Other items in that category, and matter for the blind exceeding the prescribed international size or weight limits, must be mailed as parcel post or under some other international mail classification.

(5) *Preparation and marking.* Matter for the blind must be mailed in unsealed envelopes or wrappers. The words "matter for the blind," or the markings prescribed in Part 28 of this chapter must be placed on the address side. The word "free" must appear in the upper right corner of articles which are acceptable free of postage.

NOTE: The corresponding Postal Manual section is 221.25.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3511; Filed, May 8, 1958; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the following proposals of the Avocado Administrative Committee established under the Marketing Agreement and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That all avocados handled be required to meet the requirements of the U. S. Combination grade except that not to exceed 50 percent, by count, of the avocados in any lot, and not to exceed 60 percent, by count, of the avocados in any container in such lot, may grade not less than U. S. No. 2;

(b) That no avocados of the varieties listed in Column 1 of the following table shall be handled prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of such table and thereafter each such variety shall be handled only in conformance with paragraphs (c), (d), (e), and (h) hereof.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	[illegible] (8)
Fuchs	6-17-58	12 ounces 3$\frac{1}{16}$ inches	7- 1-58	11 ounces 2$\frac{15}{16}$ inches	7-15-58	10 ounces 2$\frac{13}{16}$ inches	[illegible]
Pollock	7- 1-58	18 ounces 3$\frac{11}{16}$ inches	7-22-58	16 ounces 3$\frac{8}{16}$ inches	8- 5-58	14 ounces 3$\frac{5}{16}$ inches	[illegible]
Simmonds	7- 1-58	16 ounces 3$\frac{9}{16}$ inches	7-22-58	14 ounces 3$\frac{7}{16}$ inches	8- 5-58	12 ounces 3$\frac{4}{16}$ inches	[illegible]
Hardee	7- 1-58	16 ounces 3$\frac{5}{16}$ inches	7-15-58	14 ounces 3$\frac{4}{16}$ inches	7-29-58	12 ounces 2$\frac{15}{16}$ inches	[illegible]
Nadir	7- 8-58	14 ounces 3$\frac{4}{16}$ inches	7-22-58	12 ounces 3$\frac{2}{16}$ inches	8- 5-58	10 ounces 2$\frac{15}{16}$ inches	[illegible]
Trapp	7-29-58	14 ounces 3$\frac{8}{16}$ inches	8-12-58	12 ounces 3$\frac{7}{16}$ inches	8-26-58	10 ounces 3$\frac{3}{16}$ inches	[illegible]
Waldin	8- 5-58	16 ounces 3$\frac{9}{16}$ inches	8-19-58	14 ounces 3$\frac{6}{16}$ inches	9- 2-58	11 ounces 3$\frac{2}{16}$ inches	[illegible]
Petersen	8- 5-58	12 ounces 3$\frac{6}{16}$ inches	8-19-58	11 ounces 3$\frac{4}{16}$ inches	9- 2-58	10 ounces 3$\frac{2}{16}$ inches	[illegible]
Pinelli	8-19-58	18 ounces	8-26-58	16 ounces	9- 2-58	12 ounces	[illegible]
Tonnage	8-26-58	14 ounces 3$\frac{5}{16}$ inches	9- 2-58	12 ounces 3$\frac{2}{16}$ inches	9- 9-58	10 ounces 2$\frac{15}{16}$ inches	[illegible]
Fairchild	8-26-58	16 ounces 3$\frac{10}{16}$ inches	9- 9-58	14 ounces 3$\frac{7}{16}$ inches	9-23-58	11 ounces 3$\frac{4}{16}$ inches	[illegible]
Booth 8	9-16-58	15 ounces 3$\frac{6}{16}$ inches	9-30-58	13 ounces 3$\frac{5}{16}$ inches	10-14-58	11 ounces 3$\frac{1}{16}$ inches	[illegible]
Nirody	9-16-58	18 ounces 3$\frac{15}{16}$ inches	9-30-58	15 ounces 3$\frac{11}{16}$ inches	10-14-58	12 ounces 3$\frac{6}{16}$ inches	[illegible]
Simpson	9-30-58	16 ounces	10-14-58	14 ounces	10-28-58	10 ounces	[illegible]
Rue	10- 7-58	30 ounces 4$\frac{3}{16}$ inches	10-14-58	24 ounces 3$\frac{15}{16}$ inches	10-28-58	18 ounces 3$\frac{9}{16}$ inches	[illegible]
B. Prince	10- 7-58	16 ounces	10-21-58	14 ounces	11- 4-58	10 ounces	[illegible]
Lula	10- 7-58	18 ounces 3$\frac{10}{16}$ inches	10-21-58	16 ounces 3$\frac{7}{16}$ inches	11- 4-58	14 ounces 3$\frac{4}{16}$ inches	[illegible]
Booth 7	10-14-58	16 ounces 3$\frac{10}{16}$ inches	10-28-58	14 ounces 3$\frac{8}{16}$ inches	11-11-58	11 ounces 3$\frac{2}{16}$ inches	[illegible]
Sherman	10-14-58	16 ounces	10-28-58	14 ounces	11-11-58	10 ounces	[illegible]
Vaca	10-14-58	16 ounces 3$\frac{9}{16}$ inches	10-28-58	14 ounces 3$\frac{7}{16}$ inches	11-11-58	10 ounces 3 inches	[illegible]
Marcus	10-14-58	32 ounces	11-25-58				
Hickson	10-21-58	14 ounces 3$\frac{4}{16}$ inches	11- 4-58	12 ounces 3$\frac{1}{16}$ inches	11-18-58	10 ounces 2$\frac{15}{16}$ inches	[illegible]
Collinson	10-21-58	16 ounces 3$\frac{11}{16}$ inches	11- 4-58	14 ounces 3$\frac{9}{16}$ inches	11-18-58	10 ounces 3$\frac{1}{16}$ inches	[illegible]
Avon	10-21-58	14 ounces 3$\frac{8}{16}$ inches	11- 4-58	12 ounces 3$\frac{5}{16}$ inches	11-18-58	9 ounces 2$\frac{15}{16}$ inches	[illegible]
Booth 5	10-21-58	16 ounces 3$\frac{11}{16}$ inches	11- 4-58	14 ounces 3$\frac{9}{16}$ inches	11-18-58	10 ounces 3$\frac{3}{16}$ inches	[illegible]
Blair	10-21-58	16 ounces	11- 4-58				
Nelson	10-21-58	14 ounces 3$\frac{8}{16}$ inches	11- 4-58	12 ounces 3$\frac{5}{16}$ inches	11-18-58	10 ounces 3$\frac{1}{16}$ inches	[illegible]
Winslowson	10-28-58	18 ounces 3$\frac{14}{16}$ inches	11-11-58	16 ounces 3$\frac{12}{16}$ inches	11-25-58	10 ounces 3$\frac{4}{16}$ inches	[illegible]
Monroe	10-28-58	24 ounces	11-25-58	20 ounces	12-16-58	14 ounces	[illegible]
Hall	10-21-58	24 ounces 3$\frac{13}{16}$ inches	11- 4-58	18 ounces 3$\frac{7}{16}$ inches	12- 2-58	14 ounces 3$\frac{3}{16}$ inches	[illegible]
Herman	11- 4-58	16 ounces 3$\frac{9}{16}$ inches	11-18-58	14 ounces 3$\frac{7}{16}$ inches	12- 2-58	10 ounces 3$\frac{1}{16}$ inches	[illegible]
Booth 10	11- 4-58	16 ounces	11-18-58	14 ounces	12- 2-58	10 ounces	[illegible]
Booth 11	10-28-58	16 ounces 3$\frac{12}{16}$ inches	11-11-58	14 ounces 3$\frac{9}{16}$ inches	12- 2-58	10 ounces 3$\frac{3}{16}$ inches	[illegible]
Ajax (B. 7B)	11-11-58	18 ounces 3$\frac{12}{16}$ inches	11-25-58	15 ounces 3$\frac{8}{16}$ inches	12- 9-58	11 ounces 3$\frac{3}{16}$ inches	[illegible]
Booth 3	11-11-58	16 ounces 3$\frac{9}{16}$ inches	11-25-58	14 ounces 3$\frac{7}{16}$ inches	12- 9-58	10 ounces 3$\frac{1}{16}$ inches	[illegible]
Booth 1	11-18-58	16 ounces 3$\frac{11}{16}$ inches	12- 2-58	14 ounces 3$\frac{8}{16}$ inches	12-16-58	10 ounces 3$\frac{1}{16}$ inches	[illegible]
Taylor	11-18-58	14 ounces 3$\frac{4}{16}$ inches	12- 2-58	12 ounces 3$\frac{2}{16}$ inches	12-16-58	9 ounces 2$\frac{13}{16}$ inches	[illegible]
Dunedin	11-18-58	16 ounces 3$\frac{10}{16}$ inches	12- 2-58	14 ounces 3$\frac{8}{16}$ inches	12-16-58	10 ounces 3$\frac{4}{16}$ inches	[illegible]
Choquette	10-28-58	30 ounces 4$\frac{3}{16}$ inches	11-18-58	22 ounces 3$\frac{15}{16}$ inches	12- 2-58	18 ounces 3$\frac{11}{16}$ inches	[illegible]
Linda	12- 9-58	18 ounces	12-23-58	15 ounces	1- 6-59	12 ounces.	[illegible]
Byars #1	12- 9-58	16 ounces	12-23-58	14 ounces	1- 6-59	10 ounces	[illegible]
Nabal	12- 9-58	14 ounces 3$\frac{8}{16}$ inches	12-23-58	12 ounces 3$\frac{5}{16}$ inches	1- 6-59	9 ounces 3 inches.	[illegible]
Wagner	12-16-58	12 ounces 3$\frac{5}{16}$ inches	12-30-58	10 ounces 3$\frac{2}{16}$ inches	1-13-59	8 ounces 2$\frac{11}{16}$ inches	[illegible]
Schmidt	1-27-59	16 ounces	2-10-59	14 ounces	2-24-59	----------	----------
Itzamna	2-24-59						

(c) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(d) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(e) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 5.

(f) That varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(1) Such avocados shall not be handled prior to 12:01 a. m., e. s. t., June 3, 1958.

(2) During the period beginning at 12:01 a. m., e. s. t., June 3, 1958, and ending at 12:01 a. m., e. s. t., June 17, 1958, the individual fruit in each lot of such avocados shall weight at least 16 ounces.

(3) During the period beginning at 12:01 a. m., e. s. t., June 17, 1958, and ending at 12:01 a. m., e. s. t., July 15, 1958, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(4) During the period beginning at 12:01 a. m., e. s. t., July 15, 1958, and ending at 12:01 a. m., e. s. t., September 9, 1958, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(5) Any lot of such avocados may be handled without regard to the minimum weight requirements of this paragraph (f) if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(g) That varieties of avocados not covered by paragraphs (a) through (f) hereof shall not be handled except in accordance with the following terms and conditions:

(1) Such avocados shall not be handled prior to 12:01 a. m., e. s. t., September 9, 1958.

(2) During the period beginning at 12:01 a. m., e. s. t., September 9, 1958, and ending at 12:01 a. m., e. s. t., October 7, 1958, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(3) During the period beginning at 12:01 a. m., e. s. t., October 7, 1958, and ending at 12:01 a. m., e. s. t., December 23, 1958, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(4) Any lot of such avocados may be handled without regard to the minimum weight requirements of this paragraph (g) if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(h) Notwithstanding the provisions of paragraphs (c) through (g) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (f) and (g). Such tolerances shall be on a lot basis, but not to exceed double such tolerance shall be permitted for an individual container in a lot;

(i) As used herein, the terms "U. S. Combination grade" and "U. S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069; 22 F. R. 6205).

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: May 5, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3497; Filed, May 8, 1958; 8:48 a. m.]

[7 CFR Part 1067]

PROHIBITIONS OF IMPORTED COMMODITIES

AVOCADOS

Notice is hereby given that the Department is giving consideration to the quality and maturity requirements that should be made applicable to the importation of avocados into the United States, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and to requiring inspection and certification of each such import by the Federal or Federal-State Inspection Service pursuant to the provisions of § 1060.4 of the general regulations (7 CFR Part 1060) applicable to the importation of certain listed commodities (including avocados).

The requirements under consideration are as follows and are designed to impose grade and maturity restrictions on imports of avocados that are comparable to those being made applicable to the handling of Florida avocados pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969) regulating the handling of avocados grown in south Florida:

(a) All avocados imported shall meet the requirements of the U. S. Combination grade except that not to exceed 50 percent, by count, of the avocados in any lot, and not to exceed 60 percent, by count, of the avocados in any container in such lot, may grade not less than U. S. No. 2.

(b) Avocados of the Wilson variety shall not be imported (1) prior to 12:01 a. m., e. s. t., July 1, 1958, unless the individual fruit in each lot of such avocados weigh at least 16 ounces; and (2) during the period beginning at 12:01 a. m., e. s. t., July 1, 1958, and ending at 12:01 a. m., e. s. t., August 25, 1958, unless the individual fruit in each lot of such avocados weight at least 14 ounces.

(c) Avocados of the Pollock variety shall not be imported (1) prior to 12:01 a. m., e. s. t., July 6, 1958, unless the individual fruit in each lot of such avocados weigh at least 18 ounces or measure at least $3\frac{11}{16}$ inches in diameter; (2) during the period beginning at 12:01 a. m., e. s. t., July 6, 1958, and ending at 12:01 a. m., e. s. t., July 20, 1958, unless the individual fruit in each lot of such avocados weigh at least 16 ounces or measure at least $3\frac{8}{16}$ inches in diameter; and (3) during the period beginning at 12:01 a. m., e. s. t., July 20, 1958, and ending at 12:01 a. m., e. s. t., August 10, 1958, unless the individual fruit in each lot of such avocados weigh at least 14 ounces or measure at least $3\frac{5}{16}$ inches in diameter.

(d) Avocados of the Catalina variety shall not be imported (1) prior to July 6, 1958, unless the individual fruit in each lot of such fruit weigh at least 20 ounces; (2) during the period beginning at 12:01 a. m., e. s. t., July 6, 1958, and ending at 12:01 a. m., e. s. t., July 27, 1958, unless the individual fruit in each lot of such avocados weigh at least 18 ounces; and (3) during the period beginning at 12:01 a. m., e. s. t., July 27, 1958, and ending at 12:01 a. m., e. s. t., August 3, 1958, unless the individual fruit in each lot of such avocados weigh at least 16 ounces.

(e) Avocados of the Trapp variety shall not be imported (1) prior to 12:01 a. m., e. s. t., July 27, 1958, unless the individual fruit in each lot of such variety weigh at least 14 ounces or measure at least $3\frac{9}{16}$ inches in diameter; (2) during the period beginning at 12:01 a. m., e. s. t., July 27, 1958, and ending at 12:01 a. m., e. s. t., August 10, 1958, unless the individual fruit in each lot of such avocados weigh at least 12 ounces or measure at least $3\frac{7}{16}$ inches in diameter; and (3) during the period beginning at 12:01 a. m., e. s. t., August 10, 1958, and ending at 12:01 a. m., e. s. t., August 31, 1958, unless the individual fruit in each lot of such avocados weigh at least 10 ounces or measure at least $3\frac{3}{16}$ inches in diameter.

(f) Avocados of any variety not specified in paragraph (b) through (e) hereof shall not be imported (1) prior to 12:01 a. m., e. s. t., July 1, 1958, unless the individual fruit in each lot of such avocados weigh at least 14 ounces; and (2) during the period beginning at 12:01 a. m., e. s. t., July 1, 1958, and ending at 12:01 a. m., e. s. t., August 25, 1958, unless the individual fruit in each lot of such avocados weigh at least 12 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(g) Notwithstanding the provisions of paragraphs (b) through (f) hereof regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety prescribed in such paragraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(h) As used herein, the terms "U. S. Combination grade" and "U. S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069; 22 F. R. 6205).

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: May 5, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3498; Filed, May 8, 1958; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF METHYL BROMIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by the Dow Chemical Company, Midland, Michigan, proposing the establishment of tolerances for residues of methyl bromide (as inorganic bromide) in or on the following raw agricultural commodities, from fumigation, as follows:

1. 100 parts per million in or on copra.
2. 50 parts per million in or on cipollini bulbs, garlic, peas (in pods), sweet corn (kernels plus cob with husks removed).
3. 30 parts per million in or on carrots (roots), citrus citron, cucumbers, grapefruit, horseradish, Jerusalem artichokes, kumquats, lemons, limes, okra, oranges, parsnips (roots), peppers, pimentos, radishes, salsify roots, strawberries, sugar beets (roots), summer squash, sweetpotatoes, tangelos, tangerines, yams.
4. 20 parts per million in or on apricots, cantaloups, cherries, grapes, honeydew melons, mangoes, muskmelons, nectarines, papayas, peaches, pineapples, plums (fresh prunes), pumpkins, watermelons, winter squash, zucchini squash.

The analytical method proposed in the petition for determining residues of methyl bromide is that described in Industrial and Engineering Chemistry, Analytical Edition, Volume 14, pages 1–4 (January 15, 1942).

Dated: May 1, 1958.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-3502; Filed, May 8, 1958; 8:49 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF *O,O*-DIETHYL *O*-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL) PHOSPHOROTHIOATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Geigy Chemical Corporation, Ardsley, New York, proposing the establishment of a tolerance of 0.75 part per million for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on each of the following raw agricultural commodities: beans, snap (succulent form), cucumbers, figs, hops, onions (dry bulb), onions (green).

The analytical methods proposed in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate are those described in the FEDERAL REGISTER of March 21, 1957 (22 F. R. 1889).

Dated: May 2, 1958.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-3501; Filed, May 8, 1958; 8:49 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM-*O*-PHENYLPHENATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 125 parts per million for residues of sodium-*o*- phenylphenate, as *o*-phenylphenol, in or on cantaloups.

The analytical method proposed in the petition for determining residues of *o*-phenylphenol is that published in the FEDERAL REGISTER on December 28, [illegible] (20 F. R. 9508).

Dated: May 1, 1958.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-3504; Filed, May 8, 1958; 8:50 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF *p*-CHLOROBENZYL *p*-CHLOROPHENYL SULFIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by California Spray-Chemical Corporation, Richmond, California, proposing the establishment of tolerances of 3 parts per million for residues of *p*-chlorobenzyl *p*-chlorophenyl sulfide in or on the following raw agricultural commodities: apples, apricots, blackberries, boysenberries, cherries, citrus citron, crabapples, eggplants, figs, grapefruit, grapes, kumquats, lemons, limes, loganberries, nectarines, oranges, peaches, pears, peppers, pimentos, plums (fresh prunes), quinces, raspberries, strawberries, tangelos, tangerines, tomatoes.

The analytical methods proposed in the petition for determining residues of *p*-chlorobenzyl *p*-cholorophenyl sulfide are modifications of those described in:

1. Journal of Science Food and Agriculture, Volume 6, No. 8, pages 441–[illegible] (1955).
2. Chemistry and Industry, pages 1359–1360 (1954).
3. Agriculture and Food Chemistry, Volume 5, No. 3 (March 1957).

Dated: May 1, 1958.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-3503; Filed, May 8, 1958; 8:50 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF HEPTACHLOR

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

(1), 68 Stat. 512; 21 U. S. C. 346a (1)), the following notice is issued:

A petition has been filed by Velsicol Chemical Corporation, 330 East Grand Avenue, Chicago, Illinois, proposing the establishment of a tolerance of 3.75 parts per million for residues of heptachlor in or on the following raw agricultural commodities: Alfalfa, clover, lespedeza, sweetclover.

The analytical method proposed in the petition for determining residues of heptachlor is an adaptation to microtechniques of the method described in Analytical Chemistry, Vol. 24, page 733 (April 1952).

Dated: May 1, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological
and Physical Sciences.

[F. R. Doc. 58-3505; Filed, May 8, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958 Supp. 161]

HANOVER INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 2, 1958.

Effective December 31, 1957, The Hanover Fire Insurance Company New York, New York, a New York corporation, formally changed its name to The Hanover Insurance Company. A copy, certified by the Deputy Superintendent of Insurance of the State of New York, of the Amended Charter changing the name of The Hanover Fire Insurance Company to The Hanover Insurance Company, approved by the Insurance Department of New York, December 31, 1957, has been received and filed in the Treasury.

The change in name of The Hanover Fire Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (6 U. S. C. 6-13) to qualify as sole surety on such obligations.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3512; Filed, May 8, 1958; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Texas a production disaster resulting from excessive rainfall has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Texas

Hardeman
Wilbarger

Pursuant to the authority set forth above, production emergency loans may be made in the above-named counties until further notice.

Done at Washington, D. C., this 5th day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3499; Filed, May 8, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the publishing of notice of the proposed action in the FEDERAL REGISTER on April 16, 1958, 23 F. R. 2462, the Atomic Energy Commission has issued Construction Permit CPRR-25 authorizing General Dynamics Corporation to construct at the location in Torrey Pines Mesa, California, described in the application in Docket No. 50-89 a heterogeneous, tank-type research reactor with a rated capacity of 10 kilowatts (thermal) which has been designated by General Dynamics Corporation as the TRIGA reactor.

Dated at Germantown, Md., this 2d day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3485; Filed, May 8, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13154 etc.]

OKLAHOMA NATURAL GAS CO. AND PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 5, 1958.

In the matters of Oklahoma Natural Gas Company, Docket Nos. G-13154 and G-14564; Phillips Petroleum Company, Docket No. G-14588.

Take notice that (1) on August 27, 1957, Oklahoma Natural Gas Company (Oklahoma Natural), an independent producer, and a Delaware corporation with its principal office in Tulsa, Oklahoma, filed in Docket No. G-13154 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Consolidated Gas Utilities Corporation (Consolidated) for resale, from wells located in the Deep Chickasha Gas Field, Grady County, Oklahoma, for a period extending from date of authorization to December 25, 1957, subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission and open for public inspection; and (2) on February 24, 1958, Oklahoma Natural filed in Docket No. G-14564 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the sale of natural gas in interstate commerce to Consolidated for resale, subject to the jurisdiction of the Commission, from the same sources described in (1) in Docket No. G-13154, under a basic contract dated January 31, 1958, extending for a two-year period from date of the first delivery, as more fully stated in the application filed with the Commission, and open for public inspection.

The application in Docket No. G-14564 as well as in Docket No. G-13154 states that the purpose of the proposed sales is to cure an imbalance in production in the field between Oklahoma Natural (under produced) and Consolidated (over produced).

On March 3, 1958, Phillips Petroleum Company (Phillips), an independent producer, and a Delaware corporation with a principal place of business in Bartlesville, Oklahoma, filed in Docket No. G-14588 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Consolidated for resale from sources of production (Mona Lease) in the Deep Chickasha Gas Field, Grady County, Oklahoma, under the terms of a contract dated October 6, 1953, for a two year period subject to the jurisdiction of the Commission, as more fully related in an application filed with the Commission, and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c)

(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3488; Filed, May 8, 1958; 8:46 a. m.]

[Docket No. G-14209]

SOUTHWEST NATURAL PRODUCTION CO. AND DADE PETROLEUM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 5, 1958.

Take notice that Southwest Natural Production Company (Southwest), an independent producer with a principal place of business in Shreveport, Louisiana, and Dade Petroleum, Inc. (Dade), an independent producer with a principal place of business in Miami, Florida, filed on January 9, 1958, pursuant to section 7 of the Natural Gas Act, a joint application in Docket No. G-14209 for (1) a certificate of public convenience and necessity authorizing Southwest to sell natural gas in interstate commerce to United Gas Pipe Line Company (United), for resale from acreage in the P. V. Smith Gas Unit, Sibley Field, Webster Parish, Louisiana, made the subject of a basic contract dated January 19, 1950, as amended, between Atlantic Refinery Company (Atlantic) as seller, and United as buyer, subject to the jursdiction of the Commission, and (2) authorization permitting Dade to abandon the sale of natural gas to United, subject to the jurisdiction of the Commission, as covered by the basic contract dated January 19, 1950, between Atlantic and United, referred to in (1) above, and made the subject of certificate authorization by the Commission as reflected in its order issued August 9, 1957, In the Matters of Seaboard Oil Company et al., Docket No. G-9482 et al., in which proceeding in Docket No. G-12445 Dade was authorized to render service to United from P. V. Smith Gas Unit, Sibley Field, Webster Parish, Louisiana, all as more fully described in joint application filed with the Commission, and open for public inspection.

The joint application recites that Southwest will continue to render service to United previously authorized to be rendered by Dade.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 19, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3489; Filed, May 8, 1958; 8:46 a. m.]

[Docket Nos. G-14163, G-14178]

AMOY MINERALS CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 5, 1958.

In the matters of Amoy Minerals Corporation et al., Docket No. G-14163; Texas Illinois Natural Gas Pipeline Company, Docket No. G-14178.

Take notice that on January 6, 1958, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation, having its principal place of business in Chicago, Illinois, filed in Docket No. G-14178, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 3-inch tap on its existing 26-inch main transmission line in Victoria County, Texas, and the operation and maintenance of a meter station to be located immediately adjacent to said tap, in order to purchase and receive natural gas produced in the Witte Field in Victoria County, Texas, by Amoy Minerals Corporation (Amoy) et al., subject to the jurisdiction of the Commission, and as more fully described in the applications on file with the Commission, and open for public inspection.

The estimated capital cost of the proposed tap is $1,400 which cost will be defrayed by Texas Illinois from funds on hand.

On January 2, 1958, Amoy Mineral Corporation (Amoy) a Texas corporation with a principal place of business in Refugio, Texas, and W. H. Francis (contract signatory party), independent producers, filed an application in Docket No. G-14163, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce produced in the Witte Field in Victoria County, Texas, to Texas Illinois for resale (under a contract dated December 1, 1957 between Texas Illinois and Amoy and W. H. Francis), subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission, and open for public inspection.

The applications of Texas Illinois (Docket No. G-14178) and Amoy et al. (Docket No. G-14163) recite that the proposals of the Applicants will enable Texas Illinois to purchase and receive additional volumes of natural gas for Texas Illinois system requirements.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June [illegible] 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3490; Filed, May 8, 1958; 8:46 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

ORDER FIXING HEARING

MAY 5, 1958.

On June 21, 1950 application was filed by South Carolina Public Service Authority, licensee for major Project No.

amendment of license for the to authorise operation of the -Cooper reservoir with normal water level at elevation 76.8 feet mean sea level at Wilson Landing to operate all other project waters the Santee and Cooper Rivers at such as may result therefrom.

Numerous protests against the granting of the application and requests for hearing thereon have been received by the Commission from individuals, corporations, civic groups and county officials.

In view of the elapsed time since the filing of the application for amendment, a notice dated February 25, 1958 was mailed to all protestants or their representatives whose names and addresses were known to the Commission, requesting a statement of their present position with respect to the application for amendment prior to any staff recommendation thereon to the Commission. In response to the notice, numerous renewals of protests against the application and requests for hearing thereon have been received by the Commission.

The Commission finds: In the circumstances recited herein, it is in the public interest that a public hearing be held in the matter involving the pending application for amendment of license.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon it by the Federal Power Act, particularly sections 6 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on June 3, 1958, commencing at 10:00 a. m., e. s. t., in Recorder's Court Room, Old City Hall, [illegible] North Main Street, Sumter, South Carolina, respecting the issues involved in the pending application for amendment of the license for Project No. 199.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3506; Filed, May 8, 1958; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

HENRY W. CLARK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change in business interests since submission of last statement.

This supersedes statement previously published in the FEDERAL REGISTER, November 28, 1957 (22 F. R. 9547).

Dated: April 26, 1958.

HENRY W. CLARK.

[F. R. Doc. 58-3507; Filed, May 8, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32352]

FREIGHT FORWARDER RATES, ETC., TO NEW MEXICO

INSTITUTION OF INVESTIGATION

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 24th day of April A. D. 1958.

By petition dated January 15, 1958, the State Corporation Commission of New Mexico requests that the Interstate Commerce Commission institute an investigation into the lawfulness, under sections 404 (a), 404 (b), and 406 (b), Part IV, of the Interstate Commerce Act, of the classifications, rates, rules, regulations, charges, and practices maintained by certain freight forwarders with respect to traffic destined to points in New Mexico and originating at points in certain States east thereof including Maine, Massachusetts, New York, North Carolina, Illinois, Wisconsin, and Missouri. As indicated by an amended certificate of service, dated March 18, 1958, a copy of this petition has been served upon each of the following freight forwarders or their authorized representatives; Acme Fast Freight, Inc., Merchants Carloading Co., Inc., National Carloading Corporation, Pacific Forwarding Association, Inc., Republic Carloading and Distributing Co., Inc., and Universal Carloading & Distributing Co., Inc. The period of time provided in the General Rules of Practice for filing replies to the petition has expired, and no reply has been filed.

Upon consideration of the petition, and for good cause appearing:

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the matters presented in the petition and as to the reasonableness and lawfulness otherwise under sections 404 (a), 404 (b), and 406 (b) of the act of the classifications, rates, rules, regulations, charges, and practices assailed in the petition with a view to making such findings in the premises as the facts and circumstances may warrant, and to grant such other relief and to enter such order or orders as the facts may justify.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing on June 3, 1958, at 9:30 o'clock a. m., United States standard time (or local daylight saving time, if that time is observed) at the Hearing Room, Office of the State Corporation Commission of New Mexico, Santa Fe, New Mexico, before Examiner Walter T. Cantrell.

And it is further ordered, That the Acme Fast Freight, Inc., Merchants Carloading Co., Inc., National Carloading Corporation, Pacific Forwarding Association, Inc., Republic Carloading and Distributing Co., Inc., and Universal Carloading & Distributing Co., Inc., be and they are hereby, made respondents in this proceeding; that copies of this order be served upon such respondents and all other known interested bodies, organizations, or individuals; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3491; Filed, May 8, 1958; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 6, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34661: *Petroleum oil—Southwest to Western trunk line points.* Filed by the Southwestern Freight Bureau, Agent (SWFB No. B-7277), for interested rail carriers. Rates on petroleum transformer oil, tank-car loads from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to points in Colorado, New Mexico, Utah, and Wyoming.

Grounds for relief: Competition with petroleum lubricating oil.

Tariff: Supplement 100 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4066.

FSA No. 34662: *TOFC service—Iron and steel articles—Illinois to Kansas.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1977), for interested rail carriers. Rates on iron and steel articles, loaded in or on trailer, or in demountable trailer bodies, and transported on railroad flat cars from Chicago, Joliet, Rock Falls, and Sterling, Ill., to specified points in Kansas.

Grounds for relief: Motor truck competition.

Tariff: Supplement 12 to Western Trunk Line Committee, Agent, tariff I. C. C. A-4213.

FSA No. 34663: *Anhydrous ammonia between points in Central and Illinois, Southwestern and Western trunk line territories.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7282), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads between specified points in Indiana, and Kentucky, on the one hand, and points in Illinois, southwestern and western trunk line territories, on the other.

Grounds for relief: Short-line distance formula, and grouping.

Tariffs: Supplement 266 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4112, and other schedules listed in the application.

FSA No. 34664: *Liquefied petroleum gas between points in Southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3649), for interested rail carriers.

UNIVERSITY OF MICHIGAN

Rates on liquefied petroleum gas, tank-car loads between points in southern territory, Ohio and Mississippi River crossings, and border points.

Grounds for relief: Short-line distance formulas, grouping, relief line arbitraries, barge, truck and pipe-line competition.

Tariff: Supplement 98 to Southern Freight Association, Agent, tariff I. C. C. 1561.

FSA No. 34665: ***Liquefied petroleum gas—Southwestern to Southern territory.*** **Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7263), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to specified points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, also Evansville and Vaughan, Ind., Cincinnati, Ohio, and Hagerstown, and other specified points in Maryland.**

Grounds for relief: Competition of southwestern producers with those in the New Orleans-Baton Rouge, La., group to southern destinations.

Tariffs: Supplement 152 to Southwestern Freight Bureau tariff I. C. C. 4118, and another tariff listed in the application.

FSA No. 34666: *Roofing and building materials between and from and to points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3660), for interested rail carriers. Rates on roofing and building materials, and related articles, carloads between points in southern territory, Ohio and Mississippi River crossings, border territory and related points, including St. Louis, Mo., East St. Louis, Ill., and intermediate points in Illinois and Indiana.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariff: Supplement 37 to Southern Freight Association, Agent, tariff I. C. C. 1532.

FSA No. 34667: *Fine coal—Mines in Alabama, Kentucky, Tennessee, and Virginia.* Filed by Southern Railway Company, Agent (No. 131-A), for interested rail carriers. Rates on fine coal, carloads, as described in the application, from mines in Alabama, Kentucky, Tennessee, and Virginia, as described in the application to Rome, Ga., on the Southern Railway Company.

Grounds for relief: Competition of natural gas.

Tariffs: Supplement 46 to Southern Railway Company's tariff I. C. C. A-11166; Supplement 40 to Southern Railway Company's tariff I. C. C. A-11352.

FSA No. 34668: *Acrylonitrile—New Orleans, La., to Lugoff, S. C.* Filed by O. W. South, Agent (SFA No. A3657), for interested rail carriers. Rates on acrylonitrile, tank-car loads from New Orleans, La., to Lugoff, S. C.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 85 to Southern Freight Association, Agent, tariff I. C. C. 1526.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3493; Filed, May 8, 1958; 8:47 a. m.]

UNIVERSITY
OF MICHIGAN

MAY 12 1958

MAIN
READING ROOM

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 23 NUMBER 93

Washington, Saturday, May 10, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3238

MOTHER'S DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the spirit of motherhood adds strength and grace to the children of men; and

WHEREAS by precept and example the mothers of America have a daily opportunity to shape the lives and destinies of our citizens; and

WHEREAS, in recognition of their place in our homes and in our hearts, we are wont to pay special homage to our mothers on one day of each year; and

WHEREAS the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), gave official recognition to this annual observance by designating the second Sunday in May of each year as Mother's Day, and by requesting the President to issue a proclamation calling for the celebration of that day;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby request the observance of Sunday, the eleventh day of May, 1958, as Mother's Day; and I direct that the flag of the United States be displayed on all Government buildings on that day.

I also call upon the people of the Nation to display the flag at their homes or other suitable places on Mother's Day, as a public demonstration of our esteem for the mothers of our land; and to reaffirm on that day our gratitude for the heritage of love and honor our own mothers have bequeathed to each one of us.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-3594; Filed, May 9, 1958; 10:51 a. m.]

PROCLAMATION 3239

MINNESOTA CENTENNIAL CELEBRATION, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the story of Minnesota stirs the imagination and warms the hearts of all who hold our history dear; and

WHEREAS on May 11, 1858, Minnesota added her bright star to the flag of our Nation to become the thirty-second State of the Union; and

WHEREAS the centenary of this richly endowed Commonwealth, celebrated as the "Star of the North", will be commemorated with appropriate ceremonies by its citizens and by the Nation; and

WHEREAS the Congress, by a joint resolution approved May 9, 1958, has authorized and requested the President to issue a proclamation calling upon the people of the United States to celebrate the anniversary of Minnesota's statehood:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, pursuant to the joint resolution of Congress, do hereby call upon the American people to observe Sunday, May 11, 1958, the one hundredth anniversary of the admission of Minnesota into the Union, with ceremonies designed to honor that State and its people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-3593; Filed, May 9, 1958; 10:51 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 14: Parts 40–399 ($0.40)
Part 400 to end ($1.50)

Title 24 ($1.00)

Title 33 ($1.50)

●

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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EXECUTIVE ORDER 10767

FURTHER EXTENSION OF THE EXISTENCE OF THE QUETICO-SUPERIOR COMMITTEE

By virtue of the authority vested in me as President of the United States, the existence of the Quetico-Superior Committee, which was created by Executive Order No. 6783 of June 30, 1934, and the existence of which has been extended from time to time, the last extension being made to June 30, 1958, by Executive Order No. 10541 of June 30, 1954, is hereby further extended for a period of four years ending June 30, 1962.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 9, 1958.

[F. R. Doc. 58-3602; Filed, May 9, 1958; 11:13 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR 1958 AND SUBSEQUENT CROP YEARS

EXTENSION OF DATE FOR FILING APPLICATION FOR FEED WHEAT EXEMPTION

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of extending the closing dates for making applications for exemption from marketing quota obligations for the 1958 and subsequent crops of wheat where all the wheat is fed or used for seed or food on the farm where produced.

The regulations in this subpart incorporate and supersede the feed, food, and seed wheat exemption regulations covering the 1958 crop of wheat (22 F. R. 8213, 8349), and accordingly no amendment to § 728.842 of such regulations is determined to be necessary.

Since farmers in many areas are now preparing to harvest their 1958 crop wheat, it is imperative that they be notified of the amendment herein as soon as possible. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.893 (a) is amended by striking out the second and third sentences and inserting in lieu thereof the following: "The application for exemption relating to the 1959 and subsequent crops must be signed by at least one wheat producer on the farm and filed in the county office not later than 15 days after the mailing to the operator of the farm of the first notification of excess wheat acreage on Form CSS-590 as provided under § 728.855. The application for exemption relating to the 1958 crop must be signed by at least one wheat producer on the farm and filed in the county office not later than June 6, 1958, or 15 days prior to the final date for adjusting excess acreage to the farm wheat acreage allotment as determined under § 728.855, whichever is later. If the producer is unable to file the application for exemption by the appropriate closing date, an application for exemption may be filled out by the producer and left at the county office, together with a written request for additional time for filing the application for consideration by the State committee. In order to be considered, the producer must show the reasons he was unable to comply with the closing date. If the State committee, or State administrative officer on behalf of the State committee, determines that the producer was unable, because of conditions beyond his control, to file the application for exemption within the time limit, the county office may be authorized to extend the closing date and accept the application for exemption for filing. If a request is denied, the county office manager shall notify the producer by letter of denial. Any wheat acreage in excess of 30 acres on any farm for which a 1958 application for exemption is made under this section may be disposed of within 15 days after the date of filing of such application for exemption in the county office or the final date for adjusting the excess wheat acreage on the farm to the farm wheat acreage allotment as provided under § 728.855, whichever is later."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 375. Interprets or applies sec. 335, 52 Stat. 54, as amended; 71 Stat. 477; 7 U. S. C. 1335)

Issued this 6th day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3535; Filed, May 9, 1958; 8:48 a. m.]

PART 730—RICE

SUBPART—RICE MARKETING QUOTA REGULATIONS FOR 1958 AND SUBSEQUENT CROP YEARS

Correction

In Federal Register Document 58-3219, published at page 2897 in the issue for Thursday, May 1, 1958, the following changes should be made:

1. In paragraph (c) of § 730.971, "MQ-94", appearing in the 4th and 14th lines, should read "MQ-95".

2. In paragraph (e) of § 730.971, the word "immediate", appearing in the third line, should read "intermediate".

3. In paragraph (a) of § 730.994, the word "produced", appearing in the second line of the last sentence, should read "producer".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 135]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.435 *Valencia Orange Regulation 135*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act,

to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 8, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 11, 1958, and ending at 12:01 a. m., P. s. t., May 18, 1958, are hereby fixed as follows:

(i) District 1: 462,000 cartons;
(ii) District 2: 462,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 9, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3604; Filed, May 9, 1958; 12:53 p. m.]

[Lemon Reg. 738]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.845 *Lemon Regulation 738*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 7, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 11, 1958, and ending at 12:01 a. m., P. s. t., May 18, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 418,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 8, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3582; Filed, May 9, 1958; 9:04 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F-1—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

PEDIGREE CERTIFICATE

On April 8, 1958, there was published in the FEDERAL REGISTER (23 F. R. 2279) a notice with respect to a proposed amendment of the opening paragraphs of § 151.9 (a) and (b) (1), Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with the notice, and pursuant to the provisions of paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606), opening paragraphs are hereby amended to read as follows:

§ 151.9 *Recognized breeds and books of record.* * * *

(a) *Breeds and books of record in countries other than Canada.* Books of the registry associations listed below are recognized for the following breeds: *Provided,* That no Belted Galloway cattle, horse of the Criolla, Fjordhest (formerly known as Westland), Shetland Pony or Welsh Pony and Cob breed, dog, or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

* * * * *

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: *Provided,* That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Division to be of the same breed: *Provided further,* That no Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle Horse, Arabian, Canadian, Shetland Pony or Welsh Pony and Cob breed in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

* * * * *

The change in § 151.9 (b) (1) adds the Shetland Pony and the Welsh Pony and Cob to the list of breeds of horses in Canada which will not be certified by the Animal Inspection and Quarantine Division of the Agricultural Research Service, Department of Agriculture, as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for such animal. The opening paragraph of § 151.9 (a) is revised for purposes of clarification of the words "Welsh Pony", to make it clear that, in the case of countries other than Canada, the requirement for a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved applies to the entire breed designated as "Welsh Pony and Cob."

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606)

Effective date. The foregoing amendment shall become effective on June 8, 1958.

Done at Washington, D. C., this 7th day of May 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 58-3545; Filed, May 9, 1958; 8:50 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

Part 50—Licensing of Production and Utilization Facilities

FILING OF APPLICATIONS FOR LICENSES, OATH OR AFFIRMATION

Effective 30 days after publication in the Federal Register, § 50.30 is amended to read as follows:

§ 50.30 *Filing of applications for licenses, oath or affirmation*—(a) *Place of filing.* Each application for a license, including whenever appropriate a construction permit, or amendment thereof should be filed with the Atomic Energy Commission, Attention: Division of Licensing and Regulation. Filings made by mail should be addressed to the Commission at Washington 25, D. C. Filings may be made in person at the Commission's offices at 1717 H Street NW., Washington, D. C., or its offices at Germantown, Maryland.

(b) *Oath or affirmation.* Each application for a license, including whenever appropriate a construction permit or amendment thereof, should be executed in three signed originals by the applicant or duly authorized officer thereof under oath or affirmation.

(c) *Number of copies of applications.* Each filing of an application for license authorizing export only or amendment thereof should include, in addition to the three originals, three copies of the application. Each filing of any other application under this section should include, in addition to the three signed originals, 19 copies of the application, except that with respect to that portion of the application containing the information required by § 50.34 (Hazards Summary Report) the filing should include 40 copies.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Germantown, Md., this 2d day of May 1958.

For the Atomic Energy Commission.

K. E. Fields,
General Manager.

[F. R. Doc. 58-3514; Filed, May 9, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 8]

Part 600—Designation of Civil Airways

ALTERATIONS

The civil airway alternations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended by changing the portion which reads: "Fresno, Calif., radio range station; Sacramento, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station;" to read: "Fresno, Calif., radio range station; the intersection of the northwest course of the Fresno, Calif., radio range and the southeast course of the Sacramento, Calif., radio range; Sacramento, Calif., radio range station; Red Bluff, Calif., radio range station;".

2. Section 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended by deleting the portion which reads: "From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, nondirectional radio beacon; the Mansfield, Ohio, nondirectional radio beacon to the Pittsburgh, Pa., radio range station."

3. Section 600.222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.)* is amended by changing the portion which reads: "From the intersection of the west course of the Buffalo, N. Y., radio range and the United States-Canadian Border via the Buffalo, N. Y., radio range station; the intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range to the Rochester, N. Y., radio range station." to read: "From the intersection of the west course of the Buffalo, N. Y., radio range and the United States-Canadian Border to the Buffalo, N. Y., radio range station."

4. Section 600.255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio)* is revoked.

5. Section 600.260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.)* is amended by changing the portion which reads: "east course of the Stockton, Calif., radio range and a point at Lat. 37°44'10'', Long. 120°44'25''." to read: "east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range."

6. Section 600.610 is amended to read:

§ 600.610 *Blue civil airway No. 10 (Oakland, Calif., to Red Bluff, Calif.).* From the Oakland, Calif., radio range station via the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Williams, Calif., radio range; Williams, Calif., radio range station to the Red Bluff, Calif., radio range station.

7. Section 600.611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.)* is revoked.

8. Section 600.639 is amended by changing the caption to read: "*Blue civil airway No. 39 (Augusta, Ga., to Elmira, N. Y.)*", and by changing the first portion to read: "From the Augusta, Ga., radio range station via the intersection of the north course of the Augusta, Ga., radio range and the south course of the Greenville, S. C., radio range to the Greenville, S. C., radio range station."

9. Section 600.644 is amended to read:

§ 600.644 *Blue civil airway No. 44 (Dundee, Mich., to United States-Canadian Border).* From the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ontario, Canada, radio range to the intersection of the southwest course of the Windsor, Ontario, Canada, radio range with the United States-Canadian Border.

10. Section 600.647 is amended by changing the caption to read: "*Blue civil airway No. 47 (Blackstone, Va., to Philipsburg, Pa.)*, and by changing all after "Altoona, Pa., radio range station" to read: "Altoona, Pa., radio range station to the Philipsburg, Pa., radio range station."

11. Section 600.687 is amended by changing the caption to read: "*Blue civil airway No. 87 (Knoxville, Tenn., to Dayton, Ohio)*," by changing all before Corbin, Ky., VHF VAR radio range station to read: "From the Knoxville, Tenn., radio range station via the Corbin, Ky., VHF VAR radio range station;" and by deleting the last portion which reads: "From the Findlay, Ohio, nondirectional radio beacon via the Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Detroit, Mich., radio range."

12. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing all before the Jacksonville, Fla., omnirange station to read: "From the Key West, Fla., omnirange station via the intersection of the Key West omnirange 078° and the Miami, Fla., omnirange 204° radials; intersection of the Miami omnirange 204° radial and the Miami International Airport ILS localizer west course; Miami, Fla., International Airport ILS localizer; intersection of the Miami International Airport ILS localizer east course and the West Palm Beach omnirange 183° radial; West Palm Beach, Fla., omnirange station, including an east alternate from the intersection of the Miami International Airport ILS localizer east course and the West Palm Beach omnirange 183° radial to the West Palm Beach omnirange station via the intersection of the Miami International Airport ILS localizer east course with the Biscayne, Fla., omnirange 021° radial, and the intersection of the Biscayne omnirange 021° with the West Palm Beach omnirange 168° radial; Vero Beach, Fla., omnirange station, including an east alternate via the intersection of the West Palm Beach omnirange 358° and the Vero Beach omnirange 143° radials; Daytona Beach, Fla., omnirange station; intersection of the Daytona Beach omnirange 344° and the Jacksonville omnirange 159° radials; Jacksonville, Fla., omnirange station, including an east alternate via the intersection of the Daytona Beach omnirange 360° and the Jacksonville omnirange 144° radials;" and by adding a last sentence to read: "The airspace which lies within the Miami warning area (W-171) and the Patrick AFB warning area (W-497A) shall be used only after obtaining

prior approval from Civil Aeronautics Administration Air Traffic Control."

13. Section 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to London, Ontario)* is amended by changing the portion which reads: "Bowling Green, Ky., omnirange station;" to read: "Bowling Green, Ky., omnirange station, including an east alternate via the intersection of the Nashville omnirange 044° and the Bowling Green omnirange 174° radials;".

14. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Omaha, Nebr., omnirange station, including a north and a south alternate;" to read: "Omaha, Nebr., omnirange station;".

15. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Omaha, Nebr., omnirange station, including a north and a south alternate;" to read: "Omaha, Nebr., omnirange station;".

16. Section 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Green Bay, Wis.)* is amended by changing the portion which reads: "Jackson, Miss., omnirange station, including a west alternate;" to read: "Jackson, Miss., omnirange station, including an east alternate;".

17. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing the portion which reads: "That airspace over United States territory from the Pueblo, Colo., omnirange station via the Lamar, Colo., omnirange station, including a north alternate;" to read: "That airspace over United States territory from the Pueblo, Colo., omnirange station via the Lamar, Colo., omnirange station;".

18. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing that portion which reads: "Pine Bluff, Ark., omnirange station, including a south alternate;" to read: "Pine Bluff, Ark., omnirange station, including a south alternate via the intersection of the Texarkana omnirange 090° and the Pine Bluff omnirange 233° radials;" by changing the portion which reads: "Nashville, Tenn., omnirange station;" to read: "Nashville, Tenn., omnirange station, including a north alternate via the intersection of the Jacks Creek, Tenn., omnirange 044° and the Nashville omnirange 284° radials;" and by changing the portion which reads: "intersection of the Crossville omnirange 104° and the Knoxville omnirange 249° radials; Knoxville, Tenn., omnirange station; Tri-City, Tenn., omnirange station;" to read: "intersection of the Crossville omnirange 107° and the Knoxville omnirange 248° radials; Knoxville, Tenn., omnirange station; Tri-City, Tenn., omnirange station, including a south alternate via the intersection of the Knoxville 090° and the Tri-City 235° radials;".

19. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: "to the Great Falls, Mont., omnirange station." to read: "to the Great Falls, Mont., omnirange station, including a west alternate via the intersection of the Lewistown omnirange 274° and the Great Falls omnirange 122° radials." and by changing the portion which reads: "Truth or Consequences, N. Mex., omnirange station; the intersection of the Truth or Consequences, N. Mex., omnirange 021° True and the Albuquerque, N. Mex., omnirange 169° True radials; Albuquerque, N. Mex., omnirange station;" to read: "Truth or Consequences, N. Mex., omnirange station; intersection of the Truth or Consequences omnirange 028° and the La Joya, N. Mex., omnirange 189° radials; La Joya, N. Mex., omnirange station; intersection of the La Joya omnirange 015° and the Albuquerque omnirange 163° radials; Albuquerque, N. Mex., omnirange station;".

20. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: "From the San Diego, Calif., omnirange station via the Oceanside, Calif., omnirange station;" to read: "From the San Diego, Calif., omnirange station via the Oceanside, Calif., omnirange station, including an east alternate via the intersection of the San Diego omnirange 358° and the Oceanside omnirange 131° radials;".

21. Section 600.6035 is amended by changing the caption to read: "*VOR civil airway No. 35 (Key West, Fla., to Syracuse, N. Y.)*", by changing all before Fort Myers, Fla., omnirange station to read: "From the Key West, Fla., omnirange station via the intersection of the Key West omnirange 078° and the Miami omnirange 153° radials; Miami, Fla., omnirange station; intersection of the Miami omnirange 269° and the Fort Myers omnirange 134° radials, including a west alternate from the point of intersection of the Miami omnirange 153° radial and the Miami International Airport ILS localizer west course to the point of intersection of the Miami omnirange 269° and the Fort Myers omnirange 134° radials via the intersection of the Miami International Airport ILS localizer west course and the Fort Myers omnirange 134° radial; Fort Myers, Fla., omnirange station;", by changing that portion which reads: "Tri-City, Tenn., omnirange station;" to read: "Tri-City, Tenn., omnirange station, including an east alternate via the intersection of the Asheville omnirange 022° and the Tri-City omnirange 146° radials, and also a west alternate via the Asheville omnirange 329° and the Tri-City omnirange 204° radials;", and by changing all after "Elmira, N. Y., omnirange station;" to read: "Elmira, N. Y., omnirange station; Watkins Glen, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station, including an east alternate via the intersection of the Elmira omnirange 047° and the Syracuse omnirange 177° radials. The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB restricted area (R-336) are excluded during this restricted area's time of designation."

22. Section 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.)* is amended by changing the portion which reads: "From the Savannah, Ga., omnirange station via the Allendale, S. C., omnirange station;" to read: "From the Savannah, Ga., omnirange station via the Allendale, S. C., omnirange station, including a west alternate via the Savannah omnirange 284° and the Allendale omnirange 194° radials;".

23. Section 600.6051 is amended by changing the caption to read: "*VOR civil airway No. 51 (Key West, Fla., to Chicago, Ill.)*" and by changing all before the Jacksonville, Fla., omnirange station to read: "From the Key West, Fla., omnirange station via the intersection of the Key West omnirange 041° and the Miami, Fla., omnirange 222° radials; intersection of the Miami omnirange 222° and the Biscayne omnirange [illegible] radials; Biscayne, Fla., omnirange station; Miami, Fla., omnirange station; intersection of the Miami omnirange 343° and the Vero Beach omnirange 191° radials; Vero Beach, Fla., omnirange station; Daytona Beach, Fla., omnirange station; intersection of the Daytona Beach omnirange 344° and the Jacksonville, Fla., omnirange 159° radials;" and by changing the last sentence which reads: "The portions of this airway which overlap the Sterling restricted areas (R-169 and R-170) are excluded." to read: "The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Sterling restricted areas (R-169 and R-170) are excluded during the times of designation of these restricted areas. The portion of this airway which lies within the geographic limits of, and between the established altitudes of, the Key West warning area (W-178) is excluded during the time of use of this warning area."

24. Section 600.6054 *VOR civil airway No. 54 (Quitman, Tex., to Charlotte, N. C.)* is amended by changing the portion which reads: "Chattanooga, Tenn., omnirange station;" to read: "Chattanooga, Tenn., omnirange station, including a north alternate via the Muscle Shoals omnirange 067° and the Chattanooga omnirange 282° radials;".

25. Section 600.6056 *VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.)* is amended by changing the portion which reads: "Columbia, S. C., omnirange station;" to read: "Columbia, S. C., omnirange station, including a north alternate via the intersection of the Augusta omnirange 054° and the Columbia omnirange 266° radials;".

26. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing the portion that reads: "Corona, N. Mex., omnirange station, including a north alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 103° True and the Corona omnirange 328° True radials and also a south alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque 169° True and the Corona omnirange 272° True radials;"

to read: "Corona, N. Mex., omnirange station, including a north alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 103° and the Corona omnirange [illegible]° radials and also a south alternate from the Albuquerque omnirange station to the Corona omnirange station via the intersection of the Albuquerque omnirange 163° and the Corona omnirange [illegible]° radials;".

27. Section 600.6094 *VOR civil airway No. 94 (Casa Grande, Ariz., to Longview, Tex.)* is amended by changing all before the Salt Flat, Tex., omnirange station to read: "From the Casa Grande, Ariz., omnirange station via the San Simon, Ariz., omnirange station; Deming, N. Mex., omnirange station; intersection of the Deming omnirange 112° and the Newman omnirange 272° radials; Newman, Tex., omnirange station; intersection of the Newman omnirange [illegible]1° and the Salt Flat omnirange 312° radials; Salt Flat, Tex., omnirange station;".

28. Section 600.6100 is amended by changing the caption to read: "*VOR civil airway No. 100 (Rock River, Wyo., to Detroit, Mich.)*" and by changing all before the Fort Dodge, Iowa, omnirange station to read: "From the Rock River, Wyo., omnirange station via the Chadron, Nebr., omnirange station; O'Neill, Nebr., omnirange station; Sioux City, Iowa, omnirange station; Fort Dodge, Iowa, omnirange station;".

29. Section 600.6107 *Vor civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.)* is amended by changing the portion which reads: "From the point of intersection of the Long Beach, Calif., omnirange 287° True and the Los Angeles, Calif., omnirange 149° True radials via the point of intersection of the Long Beach omnirange 287° True and the Fillmore omnirange 163° True radials;" to read: "From the Los Angeles, Calif., omnirange station via the point of intersection of the Long Beach, Calif., omnirange 287° and the Los Angeles omnirange 149° radials; point of intersection of the Long Beach omnirange 287° and the Fillmore omnirange 163° radials;".

30. Section 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Buffalo, N. Y.)* is amended by changing the portion which reads: "intersection of the Chattanooga omnirange 032° True and the Knoxville omnirange 249° True radials;" to read: "intersection of the Chattanooga omnirange 032° and the Knoxville 248° radials;".

31. Section 600.6123 *VOR civil airway No. 123 (Washington, D. C., to Wilton, Conn.)* is amended by changing the portion which reads: "point of intersection of the Baltimore, Md., LF radio range north course and the Baltimore, Md., omnirange 045° True radial; point of intersection of the Baltimore omnirange 045° True and the Woodstown omnirange 269° True radials;" to read: "point of intersection of the Baltimore LF radio range north course, the West Chester, Pa., omnirange 231° and the Westminster, Md., omnirange 107° radials; point of intersection of the West Chester omnirange 231° and the Woodstown, N. J., omnirange 269° radials;".

32. Section 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.)* is amended by changing all after "Huguenot, N. Y., omnirange station;" to read: "Huguenot, N. Y., omnirange station; to the point of intersection of the Huguenot omnirange 114° and the Wilton omnirange 240° radials."

33. Section 600.6138 is amended to read:

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Neola, Iowa).* From the Rock River, Wyo., omnirange station via the Cheyenne, Wyo., omnirange station, including a north alternate via the intersection of the Rock River omnirange 108° and the Cheyenne omnirange 320° radials; to the Sidney, Nebr., omnirange station, including a south alternate. From the Grand Island, Nebr., omnirange station via the intersection of the Grand Island omnirange 099° and the Neola omnirange 236° radials; to the Neola, Iowa, omnirange station.

34. Section 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.)* is amended by changing the portion which reads: "intersection of the Nashville omnirange 059° True radial and the Corbin VAR west aural course;" to read: "intersection of the Nashville omnirange 059° radial and the Corbin VAR west aural course, including a north alternate via the point of intersection of the Nashville omnirange 044° and the Bowling Green, Ky., omnirange 101° radials;" and by changing "From the Baltimore, Md., omnirange station via the point of intersection of the Baltimore omnirange 045° True and the Woodstown omnirange 269° True radials; Woodstown, N. J., omnirange station;" to read: "From the Baltimore, Md., omnirange station via the point of intersection of the Baltimore LF radio range north course, the West Chester, Pa., omnirange 231° and the Westminster, Md., omnirange 107° radials; the point of intersection of the West Chester omnirange 231° and the Woodstown omnirange 269° radials; Woodstown, N. J., omnirange station;".

35. Section 600.6148 is amended to read:

§ 600.6148 *VOR civil airway No. 148 (Denver, Colo., to Minneapolis, Minn.).* From the Denver, Colo., omnirange station via the intersection of the Denver omnirange 186° and the Kiowa omnirange 278° radials; Kiowa, Colo., omnirange station; Thurman, Colo., omnirange station; Imperial, Nebr., omnirange station; North Platte, Nebr., omnirange station; O'Neill, Nebr., omnirange station; Sioux Falls, S. Dak., omnirange station; Redwood Falls, Minn., omnirange station; to the Minneapolis, Minn., omnirange station.

36. Section 600.6152 *VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.)* is amended by changing the portion that reads: "to the Daytona Beach, Fla., omnirange station." to read: "to the Daytona Beach, Fla., omnirange station, including a north alternate via the intersection of the Orlando omnirange 354° and the Daytona Beach omnirange 219° radials and also a south alternate via the intersection of the Orlando omnirange 049° and the Daytona Beach 161° radials."

37. Section 600.6157 is amended by changing the caption to read: "*VOR civil airway No. 157 (Key West, Fla., to Richmond, Va.)*" and by changing that portion which reads: "From the Miami, Fla., omnirange station via the La Belle, Fla., omnirange station;" to read: "From the Key West, Fla., omnirange station via the Miami, Fla., omnirange station; La Belle, Fla., omnirange station, including a west alternate from the intersection of the Miami omnirange 222° and the Fort Myers, Fla., omnirange 134° radials via the intersection of the Fort Myers omnirange 134° and the La Belle omnirange 161° radials to the La Belle, Fla., omnirange station;" by changing the portion which reads: "From the Allendale, S. C., omnirange station via the intersection of the Allendale omnirange 060° True and the Florence omnirange 216° True radials;" to read: "From the Alma, Ga., omnirange station via the Allendale, S. C., omnirange station; intersection of the Allendale omnirange 060° and the Florence omnirange 216° radials; to the Florence, S. C., omnirange station." and by changing all after "to the Brooke, Va., omnirange station." to read: "to the Brooke, Va., omnirange station. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Camp Pickett restricted area (R-44) and the Camp A. P. Hill restricted area (R-40) are excluded during the times of designation of these restricted areas. The portion of this airway which lies within the geographic limits of, and between the established altitudes of, the Key West warning area (W-173) is excluded during the time of use of this warning area."

38. Section 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.)* is amended by changing all before: "Gainesville, Fla., omnirange station;" to read: "From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 343° and the West Palm Beach omnirange 219° radials; West Palm Beach, Fla., omnirange station; Vero Beach, Fla., omnirange station; Orlando, Fla., omnirange station, including an east alternate from the Vero Beach omnirange station to the Orlando omnirange station via the intersection of the Vero Beach omnirange 342° and the Orlando omnirange 123° radials and also a west alternate from the West Palm Beach omnirange station to the Orlando omnirange station via the intersection of West Palm Beach omnirange 311° and the Orlando omnirange 163° radials; point of intersection of the Orlando omnirange 306° and the Lakeland, Fla., omnirange 012° radials; Gainesville, Fla., omnirange station;".

39. Section 600.6161 *VOR civil airway No. 161 (Fort Worth, Tex., to Alexandria, Minn.)* is amended by changing the portion which reads: "Des Moines, Iowa, omnirange station; Waterloo, Iowa, omnirange station;" to read: "Des Moines, Iowa, omnirange station; New-

ton, Iowa, omnirange station; Waterloo, Iowa, omnirange station;".

40. Section 600.6172 is amended to read:

§ 600.6172 *VOR civil airway No. 172 (Denver, Colo., to Chicago, Ill.).* From the Denver, Colo., omnirange station via the point of intersection of the Denver omnirange 061° and the Imperial, Nebr., omnirange 271° radials; point of intersection of the Imperial omnirange 271° and the North Platte omnirange 246° radials; North Platte, Nebr., omnirange station; intersection of the North Platte omnirange 076° and the Grand Island, Nebr., omnirange 288° radials; Wolbach, Nebr., omnirange station; Neola, Iowa, omnirange station; Newton, Iowa, omnirange station; Cedar Rapids, Iowa, omnirange station; Polo, Ill., omnirange station; to the Chicago, Ill., International (O'Hare) Airport terminal omnirange station.

41. Section 600.6192 is amended to read:

§ 600.6192 *VOR civil airway No. 192 (Zuni, N. Mex., to Tucumcari, N. Mex.).* From the Zuni, N. Mex., omnirange station via the La Joya, N. Mex., omnirange station; Corona, N. Mex., omnirange station to the Tucumcari, N. Mex., omnirange station.

42. Section 600.6196 *VOR civil airway No. 196 (Rock River, Wyo., to Chadron, Nebr.)* is revoked.

43. Section 600.6213 is amended to read:

§ 600.6213 *VOR civil airway No. 213 (Myrtle Beach, S. C., to Tappahannock, Va.).* From the Myrtle Beach, S. C., omnirange station via the Rocky Mount, N. C., omnirange station; Hopewell, Va., omnirange station; to the point of intersection of the Hopewell omnirange 019° radial with the Brooke, Va., omnirange direct radial to the Cape Charles, Va., omnirange station.

44. Section 600.6267 is amended to read:

§ 600.6267 *VOR civil airway No. 267 (Miami, Fla., to Jacksonville, Fla.).* From the Miami, Fla., omnirange station via the Orlando, Fla., omnirange station; to the Jacksonville, Fla., omnirange station, including an east alternate from the Orlando omnirange station to the Jacksonville omnirange station via the Daytona Beach, Fla., omnirange station and the point of intersection of the Daytona Beach omnirange 308° and the Jacksonville omnirange 174° radials. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Jacksonville restricted area (R-161), the Lake George restricted area (R-176) and the Sterling restricted areas (R-169 and R-170) are excluded during the times of designation of these restricted areas.

45. Section 600.6278 is amended to read:

§ 600.6278 *VOR civil airway No. 278 (Guthrie, Tex., to Texarkana, Ark.).* From the Guthrie, Tex., omnirange station to the Ft. Worth, Tex., omnirange station. From the Dallas, Tex., omnirange station via the intersection of the Dallas omnirange 057° and the Texarkana, Ark., omnirange 271° radials; to the Texarkana, Ark., omnirange station.

46. Section 600.6295 is amended to read:

§ 600.6295 *VOR civil airway No. 295 (Miami, Fla., to Cross City, Fla.)* From the Biscayne, Fla., omnirange station via the intersection of the Biscayne omnirange 021° and the Vero Beach omnirange 143° radials; Vero Beach, Fla., omnirange station; intersection of the Vero Beach omnirange 296° and the Orlando omnirange 163° radials; Orlando, Fla., omnirange station; intersection of the Orlando omnirange 284° and the Cross City omnirange 150° radials; to the Cross City, Fla., omnirange station. The airspace which lies within the Miami warning area (W-171) and the Patrick AFB warning areas (W-497A and W-497B) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

47. In F. R. Doc. 53-1979 appearing at Page 1203 of the issue for Wednesday, March 4, 1953, "§§ 600.6400 through 600.6499" under Item 15 should read: "§§ 600.6400 through 600.6420". This reduces the amount of numbers assigned for Hawaiian VOR civil airways.

48. Section 600.6421 is added to read:

§ 600.6421 *VOR civil airway No. 421 (Zuni, N. Mex., to Farmington, N. Mex.).* From the Zuni, N. Mex., omnirange station to the Farmington, N. Mex., omnirange station.

49. Section 600.6422 is added to read:

§ 600.6422 *VOR civil airway No. 422.* [Unassigned.]

50. Section 600.6423 is added to read:

§ 600.6423 *VOR civil airway No. 423 (Delta, Utah, to Malad City, Idaho).* From the Delta, Utah, omnirange station via the intersection of the Delta omnirange 004° and the Malad City omnirange 179° radials; to the Malad City, Idaho, omnirange station. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Tooele restricted area (R-399) and the Deseret restricted area (R-514) are excluded during the designated times of use of these restricted areas.

51. Section 600.6604 *VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "to the Wells, Nev., omnirange station." to read: "Wells, Nev., omnirange station; to the Malad City, Idaho, omnirange station."

52. Section 600.6606 *VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "to the Chadron, Nebr., omnirange station. From the Sioux City, Iowa, omnirange station via the Fort Dodge, Iowa, omnirange station;" to read: "Chadron, Nebr., omnirange station; O'Neill, Nebr., omnirange station; Sioux City, Iowa, omnirange station; Fort Dodge, Iowa, omnirange station;".

53. Section 600.6608 *VOR civil airway No. 1508 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "From the Sioux City, Iowa, omnirange station via the Fort Dodge, Iowa, omnirange station;" to read: "From the O'Neill, Nebr., omnirange station via the Sioux City, Iowa, omnirange station; Fort Dodge, Iowa, omnirange station;".

54. Section 600.6620 *VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D. C.)* is amended by deleting the portion which reads: "point of intersection of the Crossville, Tenn., omnirange 104° True and the Knoxville omnirange 249° True radials;".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret of apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., June 5, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 6, 1958.

[F. R. Doc. 58-3517; Filed, May 9, 1958; 8:45 a. m.]

[Amdt. 8]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.255 *Red civil airway No. 55 control areas (Chicago, Ill., to Columbus, Ohio)* is revoked.

2. Section 601.610 is amended by changing the caption to read: *"Blue civil airway No. 10 control areas (Oakland, Calif., to Red Bluff, Calif.)."*

3. Section 601.611 *Blue civil airway No. 11 control areas (Findlay, Ohio, to Dunkirk, N. Y.)* is revoked.

4. Section 601.639 is amended by changing the caption to read: *"Blue civil airway No. 39 control areas (Augusta, Ga., to Elmira, N. Y.)."*

5. Section 601.644 is amended by changing the caption to read: *"Blue civil airway No. 44 control areas (Dundee, Mich., to United States-Canadian Border)."*

6. Section 601.647 is amended by changing the caption to read: *"Blue civil airway No. 47 control areas (Blackstone, Va., to Philipsburg, Pa.)."*

7. Section 601.687 is amended by changing the caption to read: *"Blue civil airway No. 87 control areas (Knoxville, Tenn., to Dayton, Ohio)."*

8. Section 601.1006 *Control area extension (Lake Charles, La.)* is amended by adding the following portion to present control area extension: "that airspace northwest of Lake Charles lying within 5 miles either side of the 113° True radial of the Lufkin, Tex., omnirange extending between the Lufkin omnirange station and the Lake Charles 10-mile radius control area extension."

9. Section 601.1011 is amended to read:

§ 601.1011 *Control area extension (Daytona Beach, Fla.)*. Within 5 miles either side of the 244° True radial of the Daytona Beach omnirange extending from the omnirange station to a point 20 miles southwest.

10. Section 601.1027 *Control area extension (Kansas City, Mo.)* is amended by changing the words which read: "and excluding the portion below 4,000 feet which overlaps the Lake City, Mo., restricted area." to read: "and excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Lake City restricted area (R-307) during this restricted area's time of designation."

11. Section 601.1036 is amended to read:

§ 601.1036 *Control area extension (West Palm Beach, Fla.)*. Within 5 miles either side of the 151° True radial of the West Palm Beach omnirange extending from the West Palm Beach omnirange station via the intersection of the West Palm Beach 151° True radial and the Biscayne, Fla., 051° True radial thence via the Biscayne 051° True radial to the Biscayne, Fla., omnirange station. The airspace which lies within the Patrick AFB warning area (W-497B) and the Miami warning area (W-171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

12. Section 601.1053 *Control area extension (Houston, Tex.) (Beaumont-Palacios-Houston area)* is amended by deleting the phrase: "The portions of this control area which overlap the Palacios restricted area (R-494) and the Palacios warning area (W-494) are excluded."

13. Section 601.1117 *Control area extension (Grosse Isle, Mich.)* is amended by changing the words which read: "bounded on the west by Blue civil airway No. 87," to read: "bounded on the west by VOR civil airway No. 275,".

14. Section 601.1128 *Control area extension (Jackson, Miss.)* is revoked.

15. Section 601.1155 *Control area extension (Omaha, Nebr.)* is amended by changing the words which read: "VOR civil airways Nos. 8-S and 6-S," to read: "VOR civil airways Nos. 8 and 6," wherever they appear.

16. Section 601.1183 *Control area extension (Wake Island)* is revoked.

17. Section 601.1190 *Control area extension (Fairfield, Calif.)* is revoked.

18. Section 601.1193 *Control area extension (Monterey, Calif.)* is amended by changing the words which read: "excluding the area below 3,000 feet within the boundaries of the Fort Ord restricted area." to read: "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Fort Ord restricted area (R-284) during this restricted area's time of designation."

19. Section 601.1194 is amended to read:

§ 601.1194 *Control area extension (Sacramento, Calif.)*. The airspace northwest and northeast of Sacramento bounded on the north by VOR civil airway No. 200, on the west by VOR civil airway No. 27, on the southwest by VOR civil airway No. 199, on the southeast by VOR civil airway No. 6 and 6-N, and on the east by longitude 121°09′00″; the airspace east of Sacramento within a 50-mile radius of Mather Air Force Base in the east quadrant of the Sacramento radio range bounded on the northwest by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1. The portion of this control area which lies within the geographic limits of, and between the designated altitudes of, the Camp Beale restricted area (R-265) is excluded during this restricted area's time of designation.

20. Section 601.1251 *Control area extension (Mansfield, Ohio)* is amended by changing the words which read: "on the southwest by Red civil airway No. 55 and on the north by Red civil airway No. 17." to read: "on the southwest by VOR civil airway No. 279 and on the north by VOR civil airway No. 8."

21. Section 601.1386 is amended to read:

§ 601.1386 *Control area extension (Orlando, Fla.)*. The airspace within 5 miles either side of the 71° True radial of the Orlando omnirange extending from the omnirange station to the Wilmington, N. C., control area extension (§ 601.1150), excluding the airspace below 14,000 feet MSL lying between the eastern edge of VOR civil airway No. 3 and the western edge of the Wilmington Control Area (§ 601.1150).

22. Section 601.1389 *Control area extension (Miami, Fla.)* is amended by changing the words which read: "Miami omnirange 023° True radial" to read: "Miami omnirange 031° True radial" wherever they appear.

23. Section 601.1394 *Control area extension (Williams, Calif.)* is revoked.

24. Section 601.1412 is amended to read:

§ 601.1412 *Control area extension (Marysville, Calif.)*. The airspace north of Marysville bounded on the south by VOR civil airway No. 200, on the west by VOR civil airway No. 23, on the north by the Red Bluff, Calif., control area extension (§ 601.1048) and on the east by a line extending from a point at latitude 39°24′00″, longitude 121°33′00″ via a point at latitude 39°50′00″, longitude 121°43′00″ to a point at latitude 40°05′20″, longitude 121°53′00″.

25. Section 601.1454 is added to read:

§ 601.1454 *Control area extension (Miami, Fla.)*. The airspace bounded on the north by VOR civil airway No. 293, on the east by VOR civil airway No. 3 and on the south and west by VOR civil airway No. 51 and Blue civil airway No. 19. The portions of this control area which lie within the geographic limits of, and between the designated altitudes of, the Sterling restricted areas (R-169 and R-170) are excluded during the times of designation of these restricted areas.

26. Section 601.2080 is amended to read:

§ 601.2080 *Wichita, Kans., control zone.* Within a 5-mile radius of the Wichita Municipal Airport, within 2 miles either side of 20° and 200° True bearing from the Wichita ILS outer compass locater extending from the 5-mile radius zone to a point 12 miles south of the outer compass locater, and within 2 miles either side of the 180° and 360° True radials of the Wichita omnirange extending from the 5-mile radius zone to a point 12 miles north of the omnirange station.

27. Section 601.2140 is amended to read:

§ 601.2140 *Daytona Beach, Fla., control zone.* Within a 5-mile radius of the Daytona Beach Airport and within 2 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 10 miles west.

28. Section 601.2147 is amended to read:

§ 601.2147 *Waterloo, Iowa, control zone.* Within a 5-mile radius of the Waterloo Municipal Airport, and within 2 miles either side of the 78°, 118°, 200°, 238°, 314° and 356° True radials of the Waterloo omnirange extending to points 12 miles beyond the omnirange station.

29. Section 601.2148 is amended to read:

§ 601.2148 *Jackson, Miss., control zone.* Within a 5-mile radius of Hawkins Airport and within 2 miles either side of the north course of the Jackson radio range extending from the radio range station to the Flora fan marker.

30. Section 601.2425 is added to read:

§ 601.2425 *Wichita, Kans., control zone.* Within a 7-mile radius of the McConnell Air Force Base, Wichita, Kans., and within 2 miles either side of a 192° True bearing through the Wichita AFB nondirectional radio beacon extending from the 7-mile radius zone to a point 12 miles south of the nondirectional radio beacon. The portion of this control zone which overlaps the Wichita control zone (§ 601.2080) is excluded.

31. Section 601.2312 *Columbus, Ind., control zone* is amended by changing the name "Atterbury AFB" to read: "Bakalar AFB" wherever it appears.

32. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended by deleting the following reporting points: "Merced, Calif. (Castle), radio range station; Williams, Calif., radio range station;".

33. Section 601.4217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended by deleting the following re-

porting points: "Fort Wayne, Ind., radio range station; Findlay, Ohio, nondirectional radio beacon; Mansfield, Ohio, nondirectional radio beacon; Bergholz, Pa., nondirectional radio beacon;".

34. Section 601.4222 is amended to read:

§ 601.4222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* Utica, N. Y., radio range station.

35. Section 601.4255 *Red civil airway No. 55 (Chicago, Ill., to Columbus, Ohio)* is revoked.

36. Section 601.4603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.)* is amended after Cross City, Fla., radio range station by adding the following reporting point: "Kokomo, Ind., nondirectional radio beacon;".

37. Section 601.4610 is amended to read:

§ 601.4610 *Blue civil airway No. 10 (Oakland, Calif., to Red Bluff, Calif.).* Williams, Calif., radio range station.

38. Section 601.4611 *Blue civil airway No. 11 (Findlay, Ohio, to Dunkirk, N. Y.)* is revoked.

39. Section 601.4639 is amended by changing the caption to read: "*Blue civil airway No. 39 (Augusta Ga., to Elmira, N. Y.).*"

40. Section 601.4644 is amended to read:

§ 601.4644 *Blue civil airway No. 44 (Dundee, Mich., to United States-Canadian Border).* No reporting point designation.

41. Section 601.4647 is amended to read:

§601.4647 *Blue civil airway No. 47 (Blackstone, Va., to Philipsburg, Pa.).* The intersection of the south course of the Altoona, Pa., radio range and the southeast course of the Pittsburgh, Pa., radio range.

42. Section 601.4686 is amended to read:

§ 601.4686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* Fort Wayne, Ind., radio range station.

43. Section 601.4687 is amended by changing the caption to read: "*Blue civil airway No. 87 (Knoxville, Tenn., to Dayton, Ohio).*"

44. Section 601.6019 is amended to read:

§ 601.6019 *VOR civil airway No. 19 control areas (El Paso, Tex., to Great Falls, Mont.).* All of VOR civil airway No. 19 including east and west alternates.

45. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Key West, Fla., to Syracuse, N. Y.).* All of VOR civil airway No. 35 including east and west alternates, but excluding the airspace between the main airway and its east alternate from the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station. The airspace below 2,000 feet, mean sea level, which lies beyond the continental limits of the United States is excluded.

46. Section 601.6051 is amended to read:

§ 601.6051 *VOR civil airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).* All of VOR civil airway No. 51 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station.

47. Section 601.6056 is amended to read:

§ 601.6056 *VOR civil airway No. 56 control areas (Montgomery, Ala., to Florence, S. C.).* All of VOR civil airway No. 56 including a north alternate.

48. Section 601.6100 is amended to read:

§601.6100 *VOR civil ariway No. 100 control areas (Rock River, Wyo., to Detroit, Mich.).* All of VOR civil airway No. 100.

49. Section 601.6138 is amended to read:

§ 601.6138 *VOR civil airway No. 138 control areas (Rock River, Wyo., to Neola, Iowa).* All of VOR civil airway No. 138 including a north and a south alternate.

50. Section 601.6148 is amended to read:

§ 601.6148 *VOR civil airway No. 148 control areas (Denver, Colo., to Minneapolis, Minn.).* All of VOR civil airway No. 148.

51. Section 601.6152 is amended to read:

§ 601.6152 *VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of VOR civil airway No. 152, including north and south alternates.

52. Section 601.6157 is amended to read:

§ 601.6157 *VOR civil airway No. 157 control areas (Key West, Fla., to Richmond, Va.).* All of VOR civil airway No. 157 including a west alternate.

53. Section 601.6192 is amended to read:

§ 601.6192 *VOR civil airway No. 192 control areas (Zuni, N. Mex., to Tucumcari, N. Mex.).* All of VOR civil airway No. 192.

54. Section 601.6196 *VOR civil airway No. 196 control areas (Rock River, Wyo., to Chadron, Nebr.)* is revoked.

55. Section 601.6213 is amended to read:

§ 601.6213 *VOR civil airway No. 213 control areas (Myrtle Beach, S. C., to Tappahannock, Va.).* All of VOR civil airway No. 213.

56. Section 601.6278 is amended to read:

§ 601.6278 *VOR civil airway No. 278 control areas (Guthrie, Tex., to Texarkana, Ark.).* All of VOR civil airway No. 278.

57. Section 601.6295 is amended to read:

§ 601.6295 *VOR civil airway No. 295 control areas (Miami, Fla., to Cross City, Fla.).* All of VOR civil airway No. 295.

58. In F. R. Doc. 53-1980 appearing at page 1204 of the issue for Wednesday, March 4, 1953, "§§ 601.6400 through 601.6499" under Item 27, should read: "§§ 601.6400 through 601.6420". This reduces the amount of numbers assigned for Hawaiian VOR civil airway control areas.

59. Section 601.6421 is added to read:

§ 601.6421 *VOR civil airway No. 421 control areas (Zuni, N. Mex., to Farmington, N. Mex.).* All of VOR civil airway No. 421.

60. Section 601.6422 is added to read:

§ 601.6422 *VOR civil airway No. 422.* [Unassigned.]

61. Section 601.6423 is added to read:

§ 601.6423 *VOR civil airway No. 423 control areas (Delta, Utah, to Malad City, Idaho).* All of VOR civil airway No. 423.

62. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

O'Neill, Nebr., omnirange station.
Wolbach, Nebr., omnirange station.
Newton, Iowa, omnirange station.
Biscayne, Fla., omnirange station.

by changing the following point to read:

Belle Glade Intersection: The intersection of the Miami, Fla., 343° True and the West Palm Beach, Fla., 270° True radials.

and by revoking the following reporting points:

Marion Intersection: The intersection of the Mansfield, Ohio, omnirange 244° True and the Appleton, Ohio, omnirange [illegible]° True radials.

New Braunfels Intersection: The intersection of the San Antonio, Tex., omnirange 074° True and the Austin, Tex., omnirange 207° True radials.

Barberville Intersection: The intersection of the Orlando, Fla., 354° True and the Gainesville, Fla., 117° True radials.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. June 5, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 6, 1958.

[F. R. Doc. 58-3518; Filed, May 9, 1958; 8:46 a. m.]

[Amdt. 32]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.101 *Amber civil airway 1* is amended to read in part:

From Fresno, Calif., LFR; to Sacramento, Calif., LFR; MEA 5,000.
From Sacramento, Calif., LFR; to Red Bluff, Calif., LFR; MEA 4,000.

Section 610.217 *Red civil airway 17* is amended to delete:

From Fort Wayne, Ind., LFR; to Findlay, Ohio, LF/RBN; MEA 2,100.
From Findlay, Ohio, LF/RBN; to Mansfield, Ohio, LF/RBN; MEA 2,700.
From Mansfield, Ohio, LF/RBN; to Bergholz, Ohio, LF/RBN; MEA 2,500.
From Bergholz, Ohio, LF/RBN; to Pittsburgh, Pa., LFR; MEA 2,700.

Section 610.22 *Red civil airway 22* is amended to delete:

From Buffalo, N. Y., LFR; to Rochester, N. Y., LFR; MEA 2,000.

Section 610.255 *Red civil airway 55* is deleted.

Section 610.260 *Red civil airway 60* is amended to read in part:

From Stockton, Calif., LFR; to Copper INT, Calif.; MEA 3,000.

Section 610.284 *Red civil airway 84* is amended to read in part:

From York INT, Ala.; to Maxwell AFB, Ala., LFR; MEA 2,000.

Section 610.610 *Blue civil airway 10* is amended by adding:

From Williams, Calif., LFR; to Red Bluff, LFR; MEA 3,000.

Section 610.611 *Blue civil airway 11* is deleted.

Section 610.639 *Blue civil airway 39* is amended to delete:

From Savannah, Ga., LFR; to Millen INT, Ga.; MEA 1,400.
From Millen INT, Ga.; to Augusta, Ga., LFR; MEA 1,700.

Section 610.644 *Blue civil airway 44* is amended to delete:

From Indianapolis, Ind., LFR; to Kokomo, Ind., LF/RBN; MEA 2,800.
From Kokomo, Ind., LF/RBN; to Fort Wayne, Ind., LFR; MEA 2,000.
From Fort Wayne, Ind., LFR; to Archbold INT, Ohio; MEA 2,300.

Section 610.647 *Blue civil airway 47* is amended to delete:

From Philipsburg, Pa., LFR; to Bradford, Pa., LF/RBN; MEA 4,000.
From Bradford, Pa., LF/RBN; to *Dunkirk, N. Y., LF/RBN; MEA 4,200. *3,000—MCA Dunkirk LF/RBN, southeastbound.

Section 610.687 *Blue civil airway 87* is amended to delete:

From Int. S crs Atlanta NAS and NE crs Atlanta, LFR; to Atlanta NAS, Ga., LFR; MEA 8,000.
From Atlanta NAS, Ga., LFR; to Murphy, N. C., LF/RBN; MEA 7,000.
From Murphy, N. C., LF/RBN; to Knoxville, Tenn., LFR; MEA 7,600.
From Tallassee, Tenn., FM; to Knoxville, Tenn., LFR, southbound only; MEA 7,000.
From Findlay, Ohio, LF/RBN; to Toledo, Ohio, LFR; MEA 2,100.
From Toledo, Ohio, LFR; to Dundee INT, Mich.; MEA 2,100.
From Dundee INT, Mich.; to Ann Arbor INT, Mich.; MEA 2,000.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Columbus, Ga., VOR; to La Grange, Ga., VOR; MEA 2,000.
From La Grange, Ga., VOR; to Anniston, Ala., VOR; MEA 4,000.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From Myrtle Beach, S. C., VOR; to *Green INT, S. C.; MEA 1,400. *2,800—MRA.
From Green INT, S. C.; to Wilmington, N. C., VOR; MEA 1,400.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Key West, Fla., VOR; to *Marathon INT, Fla.; MEA **1,500. *6,000—MRA. **1,300—MOCA.
From Marathon INT, Fla.; to Eagle INT, Fla.; MEA *6,000. *1,200—MOCA.
From Eagle INT, Fla.; to Krome INT, Fla.; MEA *2,500. *1,300—MOCA.
From Krome INT, Fla.; to Miami, Fla., ILS/LOM; MEA 1,100.
From Miami, Fla., ILS/LOM; to Flagler INT, Fla.; MEA 1,300.
From Flagler INT, Fla.; to *Dania INT, Fla.; MEA 2,000. *2,000—MCA Dania INT, northbound.
From Dania INT, Fla.; to West Palm Beach, Fla., VOR; MEA 2,000.
From West Palm Beach, Fla., VOR via E alter.; to Stuart INT, Fla., via E alter.; MEA 1,700.
From Stuart INT, Fla., via E alter.; to Vero Beach, Fla., VOR via E alter.; MEA 1,200.
From Vero Beach, Fla.; to Hopkins INT, Fla.; MEA *1,500. *1,300—MOCA.
From Hopkins INT, Fla.; to Maytown INT, Fla.; MEA *2,000. *1,400—MOCA.
From Maytown, INT, Fla.; to Oakhill INT, Fla.; MEA 1,200.
From Oakhill INT, Fla.; to Daytona Beach, Fla., VOR; MEA 1,400.
From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA 1,500. *3,000—MRA.
From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,500.
From Jacksonville, Fla., VOR; to Brunswick, Ga., VOR; MEA 1,200.
From Daytona Beach, Fla., VOR via E alter.; to *Crocker INT, Fla., via E alter.; MEA **1,500. *3,500—MRA. **1,300—MOCA.
From Crocker INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA *1,500. *1,300—MOCA.

Section 610.6003 *VOR civil airway 3* is amended by adding:

From Flagler INT, Fla., via E alter.; to West Palm Beach, Fla., VOR via E alter.; MEA 1,400.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Nashville, Tenn., VOR; to *Cottontown INT, Tenn.; MEA 2,000. *4,000—MRA.
From Cottontown INT, Tenn.; to Bowling Green, Ky., VOR; MEA 2,300.

Section 610.6005 *VOR civil airway 5* is amended by adding:

From Nashville, Tenn., VOR via E alter.; to River Bend INT, Tenn., via E alter.; MEA 2,000.
From River Bend INT, Tenn., via E alter.; to Bowling Green, Ky., VOR via E alter.; MEA 2,300.

Section 610.6006 *VOR civil airway 6* is amended to delete:

From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR via S alter.; MEA *4,000. Via N alter.; MEA **4,000. *3,500—MOCA. **2,900—MOCA.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From North Platte, Nebr., VOR via N alter.; to Ansley INT, Nebr., via N alter.; MEA *5,400. *3,200—MOCA.
From Ansley INT, Nebr., via N alter.; to Grand Island, Nebr., VOR via N alter.; MEA *5,400. *4,100—MOCA.
From Omaha, Nebr., VOR; to *Lyman INT, Iowa, MEA 2,500. *5,500—MRA.
From Lyman INT, Iowa; to *Middle River INT, Iowa; MEA 2,500. *3,000—MRA.
From Omaha, Nebr., VOR via S alter.; to Winterset INT, Iowa, via S alter., MEA *3,600. *2,700—MOCA.
From Winterset INT, Iowa, via S alter.; to Des Moines, Iowa, VOR via S alter.; MEA 2,300.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Miami, Fla., VOR; to *Hammock INT, Fla.; MEA 1,200. *2,000—MRA.
From Hammock INT, Fla.; to *Bunker INT, Fla.; MEA 1,200. *1,500—MRA.
From Bunker INT, Fla.; to Ft. Myers, Fla., VOR; MEA 1,200.

Section 610.6008 *VOR civil airway 8* is amended to delete:

From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR via S alter.; MEA *4,000. Via N alter.; MEA **4,000. *3,500—MOCA. **2,900—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Omaha, Nebr., VOR; to *Lyman INT, Iowa; MEA 2,500. *5,500—MRA.
From Lyman INT, Iowa; to *Middle River INT, Iowa; MEA 2,500. *3,000—MRA.
From Omaha, Nebr., VOR via S alter.; to Winterset INT, Iowa, via S alter.; MEA *3,600. *2,700—MOCA.
From Winterset INT, Iowa, via S alter.; to Des Moines, Iowa, VOR via S alter.; MEA 2,300.

Section 610.6009 *VOR civil airway 9* is amended to delete:

From McComb, Miss., VOR via W alter.; to Jackson, Miss., VOR via W alter.; MEA 2,000.

Section 610.6009 *VOR civil airway 9* is amended by adding:

From McComb, Miss., VOR via E alter.; to Jackson, Miss., VOR via E alter.; MEA 2,000.

Section 610.6009 *VOR civil airway 9* is amended to read in part:

From McComb, Miss., VOR; to Jackson, Miss., VOR; MEA 2,100.
From Jackson, Miss., VOR; to Greenwood, Miss., VOR; MEA *1,700. *1,500—MOCA.
From Jackson, Miss., VOR via W alter; to Greenwood, Miss., VOR via W alter.; MEA 1,700.

Section 610.6010 *VOR civil airway 10* is amended to delete:

From Pueblo, Colo., VOR via N alter.; to Lamar, Colo., VOR via N alter.; MEA 6,800.

Section 610.6011 *VOR civil airway 11* is amended to read in part:

From Scotland, Ind., VOR via E alter.; to *Paragon INT, Ind., via E alter.; MEA **3,000. *3,000—MRA. **2,200—MOCA.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Lufkin, Tex., VOR; to *Carthage INT, Tex.; MEA 2,400. *2,500—MRA.
From Lufkin, Tex., VOR via E alter.; to Shreveport, La., VOR via E alter.; MEA *2,500. *1,900—MOCA.
From Des Moines, Iowa, VOR; to Ankeny INT, Iowa; MEA 2,500.
From Ankeny INT, Iowa; to Ames INT, Iowa; MEA *3,000. *2,600—MOCA.
From Des Moines, Iowa, VOR via E alter.; to Elkhart INT, Iowa, via E alter.; MEA 2,500.
From Elkhart INT, Iowa, via E alter.; to Union INT, Iowa, via E alter.; MEA *3,000. *2,300—MOCA.
From Union INT, Iowa, via E alter.; to Mason City, Iowa, VOR via E alter.; MEA *3,000. *2,200—MOCA.
From Des Moines, Iowa, VOR via W alter.; to Grimes INT, Iowa, via W alter.; MEA 2,500.
From Grimes INT, Iowa, via W alter.; to Fort Dodge, Iowa, VOR via W alter.; MEA *5,000. *2,800—MOCA.

Section 610.6016 *VOR civil airway 16* is amended by adding:

From Knoxville, Tenn., VOR via S alter.; to *Douglas INT, Tenn., via S alter.; MEA 5,600. *8,000—MRA.
From Douglas INT, Tenn., via S alter.; to Del Rio INT, Tenn., via S alter.; MEA 5,600.
From Del Rio INT, Tenn., via S alter.; to Tri-City, Tenn., VOR via S alter.; MEA 6,900.
From Jacks Creek, Tenn., VOR via N alter.; to *Waverly INT, Tenn., via N alter.; MEA **2,000. *3,500—MRA. **1,800—MOCA.
From Waverly INT, Tenn., via N alter.; to Vanleer INT, Tenn., via N alter.; MEA *2,000. *1,800—MOCA.
From Vanleer INT, Tenn., via N alter.; to Nashville, Tenn., VOR via N alter.; MEA 3,000.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Texarkana, Ark., VOR via S alter.; to *Waterloo INT, Ark., via S alter.; MEA 1,700. *4,000—MRA.
From Waterloo INT, Ark., via S alter.; to Pine Bluff, Ark., VOR via S alter.; MEA *4,000. *1,500—MOCA.
From Crossville, Tenn., VOR; to Sweetwater INT, Tenn.; MEA 5,000.
From Sweetwater INT, Tenn.; to Knoxville, Tenn., VOR; MEA 3,000.
From Avery INT, Tex., via N alter.; to Texarkana, Ark., VOR via N alter.; MEA 1,700.
From Knoxville, Tenn., VOR; to *Ottway INT, Tenn.; MEA 4,000. *8,000—MRA.
From Ottway INT, Tenn.; to *Telford INT, Tenn.; MEA 6,000. *9,000—MRA.
From Telford INT, Tenn.; to Tri-City, Tenn., VOR; MEA 6,000.
From Coyle, N. J., VOR; to Woolf INT, N. J.; MEA 1,500.
From Woolf INT, N. J.; to *Patchogue INT, N. Y.; MEA **2,000. *4,000—MRA. **1,500—MOCA.
From Patchogue INT, N. Y.; to Riverhead, N. Y., VOR; MEA *2,000. *1,500—MOCA.
From Riverhead, N. Y., VOR; to Norwich, Conn., VOR; MEA 2,000.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Shreveport, La., VOR via N alter.; to *Cotton INT, La., via N alter.; MEA 1,600. *2,000—MRA.
From Cotton INT, La., via N alter.; to Homer INT, La., via N alter.; MEA *1,600. *1,500—MOCA.
From Homer INT, La., via N alter.; to Monroe, La., VOR via N alter.; MEA *2,500. *1,900—MOCA.
From Monroe, La., VOR; to *Rayville INT, La.; MEA 1,700. *3,000—MRA.
From Rayville INT, La.; to *Oak Ridge INT, Miss.; MEA 1,700. *4,000—MRA.
From Oak Ridge INT, Miss.; to Jackson, Miss., VOR; MEA 1,700.
From Jackson, Miss., VOR; to Meridian, Miss., VOR; MEA *2,000. *1,700—MOCA.
From Monroe, La., VOR via S alter.; to Jackson, Miss., VOR via S alter.; MEA *2,500. *1,700—MOCA.
From Jackson, Miss., VOR via S alter.; to Meridian, Miss., VOR via S alter.; MEA *2,000. *1,900—MOCA.

Section 610.6019 *VOR civil airway 19* is amended by adding:

From Lewistown, Mont., VOR via W alter.; to Great Falls, Mont., VOR via W alter.; MEA 10,000.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From Truth or Consequence, N. Mex., VOR; to La Joya, N. Mex., VOR; MEA 9,000.
From La Joya, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 8,000.

Section 610.6622 *VOR civil airway 22* is amended to read in part:

From *Taylor INT, Fla.; to **Moniac INT, Fla.; MEA ***3,000. *4,000—MRA. **4,000—MRA. ***1,200—MOCA.
From Moniac INT, Fla.; to Bryceville INT, Fla.; MEA *2,500. *1,200—MOCA.
From *Taylor INT, Fla., via N alter.; to **Moniac INT, Fla., via N alter.; MEA ***3,000. *4,000—MRA. **4,000—MRA. ***1,200—MOCA.
From Moniac INT, Fla., via N alter.; to Bryceville INT, Fla., via N alter.; MEA *2,500. *1,200—MOCA.

Section 610.6023 *VOR civil airway 23* is amended by adding:

From San Diego, Calif., VOR via E alter.; to San Marcos INT, Calif., via E alter.; southbound, MEA 2,500; northbound, MEA 3,000.
From San Marcos INT, Calif., via E alter.; to Oceanside, Calif., VOR via E alter.; MEA 3,000.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Rapid City, S. Dak., VOR via N alter.; to Elm Springs INT, S. Dak., via N alter.; northeastbound, MEA *5,000; southwestbound, MEA 4,500. *4,500—MOCA.
From Elm Springs INT, S. Dak., via N alter.; to Philip, S. Dak., VOR via N alter.; MEA 4,500.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Miami, Fla., VOR; to *Ford INT, Fla.; MEA **1,500. *2,500—MRA. **1,200—MOCA.
From Ford INT, Fla.; to *Pine INT, Fla.; MEA **1,500. *2,500—MRA. **1,200—MOCA.
From Pine INT, Fla.; to *Copeland INT, Fla.; MEA **1,500. *2,500—MRA. **1,200—MOCA.
From Copeland INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,500. *1,200—MOCA.
From Elmira, N. Y., VOR; to Watkins Glen, N. Y., VOR; MEA 3,500.
From Watkins Glen, N. Y., VOR; to Syracuse, N. Y., VOR; MEA 3,500.

Section 610.6035 *VOR civil airway 35* is amended by adding:

From Key West, Fla., VOR; to *Marathon INT, Fla.; MEA **1,500. *6,000—MRA. **1,300—MOCA.
From Marathon INT, Fla.; to *Gulfstream INT, Fla.; MEA **9,000. *9,000—MRA. **1,100—MOCA.
From Gulfstream INT, Fla.; to Elliott INT, Fla.; MEA *4,000. *1,200—MOCA.
From Elliott INT, Fla.; to Miami, Fla., VOR; MEA 1,300.
From Miami, Fla., ILS/LOM via W alter.; to Krome INT, Fla., via W alter.; MEA [illegible]
From Krome INT, Fla., via W alter.; to *Vega INT, Fla., via W alter.; MEA **[illegible] *3,600—MRA. **1,200—MOCA.
From Vega INT, Fla., via W alter.; to *Copeland INT, Fla., via W alter.; MEA **3,600. *2,500—MRA. **1,200—MOCA.
From Asheville, N. C., VOR via E alter.; to Tri-City, Tenn., VOR via E alter.; MEA [illegible]
From Asheville, N. C., VOR via W alter.; to Tri-City, Tenn., VOR via W alter.; MEA 8,000.

Section 610.6037 *VOR civil airway 37* is amended by adding:

From Savannah, Ga., VOR via W alter.; to *Marlow INT, Ga., via W alter.; MEA [illegible] *2,000—MRA.
From Marlow INT, Ga., via W alter.; to Allendale, S. C., VOR via W alter.; MEA *2,000. *1,500—MOCA.

Section 610.6046 *VOR civil airway 46* is amended to delete:

From Riverhead, N. Y., VOR via S alter.; to *White Cap INT, N. Y., via S alter.; MEA 1,500. *10,000—MRA.

Section 610.6046 *VOR civil airway 46* is amended to read in part:

From Glen Cove INT, N. Y., to Riverhead, N. Y., VOR; MEA 1,600.
From Riverhead, N. Y., VOR; to Hampton, N. Y., VOR; MEA 8,000.
From Hampton, N. Y., VOR; to Newport, INT, R. I., MEA 3,000.

Section 610.6051 *VOR civil airway 51* is amended by adding:

From Key West, Fla., VOR; to Harvey INT, Fla., MEA *2,500. *1,300—MOCA.
From Harvey INT, Fla.; to Biscayne, Fla., VOR; MEA 1,300.
From Biscayne, Fla., VOR; to Miami, Fla., VOR; MEA 1,400.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Miami, Fla., VOR; to New River INT, Fla.; MEA 1,100.
From New River INT, Fla.; to *Belle Glade INT, Fla.; MEA **2,000. *2,000—MRA. **1,200—MOCA.
From Belle Glade INT, Fla.; to Vero Beach, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Vero Beach, Fla., VOR; to Hopkins INT, Fla.; MEA *1,500. *1,300—MOCA.
From Hopkins INT, Fla.; to Maytown INT, Fla.; MEA *2,000. *1,400—MOCA.
From Maytown INT, Fla.; to Oakhill INT, Fla.; MEA 1,200.
From Oakhill INT, Fla.; to Daytona Beach, Fla., VOR; MEA 1,400.
From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA 1,500. *3,000—MRA.
From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,500.

Section 610.6052 *VOR civil airway 52* is amended to read in part:

From Des Moines, Iowa, VOR; to Ottumwa, Iowa, VOR; MEA 2,200.

Section 610.6054 *VOR civil airway 54* is amended by adding:

From Muscle Shoals, Ala., VOR via N alter.; to Taft INT, Ala., via N alter.; MEA 2,000.
From Taft INT, Ala., via N alter.; to Chattanooga, Tenn., VOR via N alter.; MEA [illegible]

Section 610.6056 *VOR civil airway 56* is amended by adding:

From Augusta, Ga., VOR via N alter.; to Columbia, S. C., VOR via N alter.; MEA [illegible]

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From *Elmendorf INT, Tex.; to **Floresville INT, Tex.; MEA 2,200. *4,000—MRA. **[illegible]—MRA.
From Floresville INT, Tex.; to Corpus Christi, Tex., VOR; MEA 2,200.
From Albuquerque, N. Mex., VOR via S alter.; to Belen INT, N. Mex., via S alter.; MEA 9,000.
From Belen INT, N. Mex., via S alter.; to Corona, N. Mex., VOR via S alter.; MEA 9,500.

Section 610.6069 *VOR civil airway 69* is amended to read in part:

From Shreveport, La., VOR; to *Cotton INT, La.; MEA 1,600. *2,000—MRA.
From Cotton INT, La.; to Homer INT, La.; MEA *1,600. *1,500—MOCA.
From Homer INT, La.; to *Gordon INT, La.; MEA 1,600. *3,000—MRA.

Section 610.6074 *VOR civil airway 74* is amended to read in part:

From Ponca City, Okla., VOR; to *Skiatook INT, Okla.; MEA 2,400. *3,500—MRA.
From Skiatook INT, Okla.; to Tulsa, Okla., VOR; MEA 2,400.
From Tulsa, Okla., VOR; to Mazie INT, Okla.; MEA 2,200.

Section 610.6078 *VOR civil airway 78* is amended to read in part:

From Madison INT, Minn.; to Litchfield INT, Minn.; MEA *6,600. *2,600—MOCA.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From Chadron, Nebr., VOR; to *Fairburn INT, S. Dak.; MEA 5,600. *7,000—MRA.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From San Simon, Ariz., VOR; to Deming, N. Mex., VOR; MEA 9,000.
From Deming, N. Mex., VOR; to Newman, Tex., VOR; MEA 9,000.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Miami, Fla., VOR; to *Cypress INT, Fla., MEA 1,100. *1,400—MRA.
From Cypress INT, Fla.; to La Belle, Fla., VOR; MEA *2,000. *1,200—MOCA.

Section 610.6100 *VOR civil airway 100* is amended to delete:

From North Platte, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *10,000. *4,300—MOCA.

Section 610.6100 *VOR civil airway 100* is amended by adding:

From Rock River, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,500—MRA.
From Wheatland INT, Wyo.; to Chadron, Nebr., VOR; MEA *10,000. *8,000—MOCA.
From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *15,000. *5,600—MOCA.
From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,100. *2,900—MOCA.

Section 610.6103 *VOR civil airway 103* is amended to read in part:

From Elkins, W. Va., VOR; to Clarksburg, W. Va., VOR; MEA 5,000.
From Clarksburg, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 3,000.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From *Clara INT, W. Va.; to Clarksburg, W. Va., VOR; MEA 4,000. *5,000—MRA.
From Clarksburg, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6107 *VOR civil airway 107* is amended by adding:

From Los Angeles, Calif., VOR; to Hermosa INT, Calif.; MEA 2,000.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Gregg County, Tex., VOR; to *Carthage INT, La.; MEA **2,500. *2,500—MRA. **1,600—MOCA.
From Carthage INT, La.; to *Converse INT, La.; MEA **2,500. *3,000—MRA. **1,600—MOCA.

Section 610.6115 *VOR civil airway 115* is amended to read in part:

From Chattanooga, Tenn., VOR; to Knoxville, Tenn., VOR; MEA 3,000.

Section 610.6123 *VOR civil airway 123* is amended to read in part:

From Baltimore, Md., LFR; to *Port Deposit INT, Md.; MEA 6,000. *6,000—MCA Port Deposit INT, southwestbound.

Section 610.6126 *VOR civil airway 126* is amended to delete:

From Huguenot, N. Y., VOR; to Wilton, Conn., VOR; MEA 3,000.

Section 610.6126 *VOR civil airway 126* is amended by adding:

From Huguenot, N. Y., VOR; to Armonk INT, N. Y.; MEA, 3,000.

Section 610.6131 *VOR civil airway 131* is amended to read in part:

From Tulsa, Okla., VOR; to *Talala INT, Okla.; MEA 2,200. *3,000—MRA.
From Talala INT, Okla.; to *Coffeyville INT, Kans.; MEA 2,200. *7,000—MRA.

Section 610.6138 *VOR civil airway 138* is amended by adding:

From Grand Island, Nebr., VOR; to Gretna INT, Nebr.; MEA *4,000. *3,500—MOCA.
From Gretna INT, Nebr.; to Neola, Iowa, VOR; MEA 2,700.

Section 610.6140 *VOR civil airway 140* is amended by adding:

From Nashville, Tenn., VOR via N alter.; to Hillsdale INT, Tenn., via N alter.; MEA 2,000.
From Hillsdale INT, Tenn., via N alter.; to Freedom INT, Ky., via N alter.; MEA *2,500. *2,000—MOCA.
From Freedom INT, Ky., via N alter.; to Highway INT, Ky., via N alter.; MEA *3,000. *2,000—MOCA.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From *Adair INT, Ark., via N alter.; to Fayetteville, Ark., VOR via N alter.; MEA 2,700. *2,600—MRA.
From Dyersburg, Tenn., VOR; to *Waverly INT, Tenn.; MEA **3,500. *3,500—MRA. **1,800—MOCA.
From Waverly INT, Tenn.; to Nashville, Tenn., VOR; MEA 3,000.
From Baltimore, Md., VOR; to *Port Deposit INT, Md.; MEA 6,000. *6,000—MCA Port Deposit INT, southwestbound.

Section 610.6142 *VOR civil airway 142* is amended to read in part:

From Erie, Pa., VOR; to Buffalo, N. Y., VOR; MEA 4,000.

Section 610.6148 *VOR civil airway 148* is amended by adding:

From North Platte, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *5,200. *4,200—MOCA.
From O'Neill, Nebr., VOR; to *Tyndall INT, S. Dak., MEA **4,000. *7,500—MRA. **3,000—MOCA.
From Tyndall INT, S. Dak.; to Sioux Falls, S. Dak., VOR; MEA *4,000. *3,000—MOCA.
From Sioux Falls, S. Dak., VOR; to Redwood Falls, Minn., VOR; MEA *3,000. *2,800—MOCA.
From Redwood Falls, Minn., VOR; to Minneapolis, Minn., VOR; MEA 2,200.

Section 610.6152 *VOR civil airway 152* is amended to read in part:

From Orlando, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,500.

Section 610.6152 *VOR civil airway 152* is amended by adding:

From Orlando, Fla., VOR via N alter.; to Woodruff INT, Fla., via N alter.; MEA 2,000.
From Woodruff INT, Fla., via N alter.; to Daytona Beach, Fla., VOR via N alter.; MEA 1,400.
From Orlando, Fla., VOR via S alter.; to Daytona Beach, Fla., VOR via S alter.; MEA 1,400.

Section 610.6157 *VOR civil airway 157* is amended by adding:

From Key West, Fla., VOR; to Harvey INT, Fla.; MEA *2,500. *1,300—MOCA.
From Harvey INT, Fla.; to Miami, Fla., VOR; MEA 1,200.
From Miami, Fla., VOR via W alter.; to Harvey INT, Fla., via W alter.; MEA 1,200.
From Harvey INT, Fla., via W alter.; to Vega INT, Fla., via W alter.; MEA *6,000. *1,200—MOCA.
From Vega INT, Fla., via W alter.; to *Pine INT, Fla., via W alter.; MEA **3,600. *2,500—MRA. **1,200—MOCA.
From Pine INT, Fla., via W alter.; to *Bunker INT, Fla., via W alter.; MEA **2,500. *1,500—MRA. **1,200—MOCA.
From Bunker INT, Fla., via W alter.; to La Belle, Fla., VOR via W alter.; MEA *1,500. *1,200—MOCA.
From Alma, Ga., VOR; to *Lotts INT, Ga.; MEA **2,500. *2,000—MRA. **1,500—MOCA.
From Lotts INT, Ga.; to Allendale, S. C., VOR; MEA *2,000. *1,600—MOCA.

Section 610.6157 *VOR civil airway 157* is amended to read in part:

From Miami, Fla., VOR; to *Cypress INT, Fla.; MEA 1,100. *1,400—MRA.
From Cypress INT, Fla.; to La Belle, Fla., VOR; MEA *2,000. *1,200—MOCA.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From Miami, Fla., VOR; to New River INT, Fla.; MEA 1,100.
From New River INT, Fla.; to West Palm Beach, Fla., VOR; MEA 1,200.

Section 610.6161 *VOR civil airway 161* is amended to read in part:

From Des Moines, Iowa, VOR; to Newton, Iowa, VOR; MEA 2,700.
From Newton, Iowa, VOR; to *Marshalltown INT, Iowa; MEA 2,300. *2,700—MRA.
From Marshalltown INT, Iowa; to Waterloo, Iowa, VOR; MEA 2,300.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Alice, Tex., VOR; to *Floresville INT, Tex.; MEA 2,200. *4,000—MRA.
From Floresville INT, Tex.; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.

Section 610.6169 *VOR civil airway 169* is amended to read in part:

From Chadron, Nebr., VOR; to *Fairburn INT, S. Dak.; MEA 5,600. *7,000—MRA.

Section 610.6172 *VOR civil airway 172* is amended to delete:

From Des Moines, Iowa, VOR; to *Monroe INT, Iowa; MEA 2,200. *3,500—MRA.
From Monroe INT, Iowa; to Grinnell INT, Iowa; MEA 2,200.
From Grinnell INT, Iowa; to Cedar Rapids, Iowa, VOR; MEA 2,200.

Section 610.6172 *VOR civil airway 172* is amended by adding:

From North Platte, Nebr., VOR; to Wolbach, Nebr., VOR; MEA *5,400. *3,200—MOCA.

From Wolbach, Nebr., VOR; to Neola, Iowa, VOR; MEA *3,500. *3,000—MOCA.

From Neola, Iowa, VOR; to Avoca INT, Iowa; MEA 2,300.

From Avoca INT, Iowa; to Dallas Center INT, Iowa; MEA 2,600.

From Dallas Center INT, Iowa; to Elkhart INT, Iowa; MEA 2,400.

From Elkhart INT, Iowa; to Newton, Iowa, VOR; MEA 2,000.

From Newton, Iowa, VOR; to Cedar Rapids, Iowa, VOR; MEA 2,200.

Section 610.6174 *VOR civil airway 174* is amended to read in part:

From Livonia INT, Ind.; to Louisville, Ky., VOR; MEA 2,600.

Section 610.6185 *VOR civil airway 185* is amended to read in part:

From Asheville, N. C., VOR; to *Douglas INT, Tenn.; MEA 8,000. *8,000—MRA.

From Douglas INT, Tenn.; to *Piedmont INT, Tenn.; MEA 8,000. *8,000—MRA.

From Asheville, N. C., VOR via E alter.; to *Ottway INT, Tenn., via E alter.; MEA 8,000. *8,000—MRA.

From Ottway INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter.; MEA 4,000.

Section 610.6192 *VOR civil airway 192* is amended to read:

From Zuni, N. Mex., VOR; to Lava INT, N. Mex.; MEA 10,000.

From Lava INT, N. Mex.; to Hickman INT, N. Mex.; MEA 10,500.

From Hickman INT, N. Mex.; to *La Joya, N. Mex., VOR; MEA **13,000. *10,000—MCA La Joya VOR, westbound. **11,000—MOCA.

From La Joya, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 9,500.

From Corona, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA *11,000. *9,000—MOCA.

Section 610.6196 *VOR civil airway 196* is amended to delete:

From Rock River, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,500—MRA.

From Wheatland INT, Wyo.; to Chadron, Nebr., VOR; MEA *10,000. *8,000—MOCA.

Section 610.6198 *VOR civil airway 198* is amended to delete:

From Hilltop, Ariz., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.

Section 610.6213 *VOR civil airway 213* is amended by adding:

From Myrtle Beach, S. C., VOR; to Rocky Mountain, N. C., VOR; MEA *5,500. *1,600—MOCA.

Section 610.6227 *VOR civil airway 227* is amended to read in part:

From Sanders INT, Ind.; to *Paragon INT, Ind.; MEA **2,500. *3,000—MRA. **2,200—MOCA.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Miami, Fla., VOR; to New River INT, Fla.; MEA 1,100.

From New River INT, Fla.; to *Belle Glade INT, Fla.; MEA **2,000. *2,000—MRA. **1,200—MOCA.

From Belle Glade INT, Fla.; to *Dixie Ranch INT, Fla.; MEA **6,000. *2,000—MRA. **1,300—MOCA.

From Dixie Ranch INT, Fla.; to Kissimmee INT, Fla.; MEA *4,000. *1,200—MOCA.

From Kissimmee INT, Fla.; to *St. Cloud INT, Fla.; MEA **1,500. *3,000—MRA. **1,300—MOCA.

From St. Cloud INT, Fla.; to Orlando, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Orlando, Fla., VOR; to Woodruff INT, Fla.; MEA 2,000.

From Woodruff INT, Fla.; to *Roy INT, Fla.; MEA **3,000. *2,800—MRA. **1,300—MOCA.

From Roy INT, Fla.; to Blue Jacket INT, Fla.; MEA *2,800. *1,200—MOCA.

From Blue Jacket INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,500.

From Orlando, Fla., VOR via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA 1,500.

From Daytona Beach, Fla., VOR via E alter.; to *Roy INT, Fla., via E alter.; MEA 1,500. *2,800—MRA.

From Roy INT, Fla., via E alter.; to Blue Jacket INT, Fla., via E alter.; MEA *2,800. *1,200—MOCA.

From Blue Jacket INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA 1,500.

Section 610.6278 *VOR civil airway 278* is amended by adding:

From Dallas, Tex., VOR; to Tidwell INT, Tex.; MEA 2,000.

From Tidwell INT, Tex.; to Avery INT, Tex.; MEA *5,500. *1,600—MOCA.

From Avery INT, Tex.; to Texarkana, Ark., VOR; MEA 1,700.

Section 610.6293 *VOR civil airway 293* is amended to read in part:

From West Palm Beach, Fla., VOR; to *Belle Glade INT, Fla.; MEA **1,500. *2,000—MRA. **1,300—MOCA.

From Belle Glade INT, Fla.; to La Belle, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6295 *VOR civil airway 295* is amended by adding:

From Biscayne, Fla., VOR; to Martin INT, Fla.; MEA 1,400.

From Martin INT, Fla.; to *Perch INT, Fla.; MEA **4,000. *4,000—MRA. **1,000—MOCA.

From Perch INT, Fla.; to Stuart INT, Fla.; MEA *4,000. *1,000—MOCA.

From Stuart INT, Fla.; to Vero Beach, Fla., VOR; MEA 1,200.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to delete:

From *Swordfish INT, T. H., via N alter.; to Orchid INT, T. H., via N alter.; eastbound, MEA 4,000; westbound, MEA 7,000. *7,000—MRA.

Section 610.6412 *Hawaii VOR civil airway 12* is amended to read in part:

From *Swordfish INT, T. H.; to Orchid INT, T. H.; eastbound, MEA 4,000; westbound, MEA 7,000. *7,000—MRA.

Section 610.6421 *VOR civil airway 421* is added to read:

From Zuni, N. Mex., VOR; to Farmington, N. Mex., VOR; MEA *12,000. *10,000—MOCA.

Section 610.6423 *VOR civil airway 423* is added to read:

From Delta, Utah, VOR; to Malad City, Utah, VOR; MEA 13,000.

Section 610.6600 *VOR civil airway 1500* is amended to read in part:

From Madison INT, Minn.; to Litchfield INT, Minn.; MEA *6,600. *2,600—MOCA.

Section 610.6604 *VOR civil airway 1504* is amended by adding:

From Wells, Nev., VOR; to Malad City, Utah, VOR; MEA 14,000.

Section 610.6606 *VOR civil airway 1506* is amended by adding:

From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *15,000. *5,600—MOCA.

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,100. *2,900—MOCA.

Section 610.6608 *VOR civil airway 1508* is amended by adding:

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,100. *2,900—MOCA.

Section 610.6610 *VOR civil airway 1510* is amended to read in part:

From Omaha, Nebr., VOR; to *Lyman INT, Iowa; MEA 2,500. *5,500—MRA.

From Lyman INT, Iowa; MEA *Middle River INT, Iowa; MEA 2,500. *3,000—MRA.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Dyersburg, Tenn., VOR; to *Waverly INT, Tenn.; MEA **3,500. *3,500—MRA. **1,800—MOCA.

From Waverly INT, Tenn.; to McEwen INT, Tenn.; MEA *3;500. *1,800—MOCA.

From Nashville, Tenn., VOR; to *Lebanon INT, Tenn.; MEA 2,000. *2,300—MRA.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Muscle Shoals, Ala., VOR; to Taft INT, Ala.; MEA 2,000.

From Taft INT, Ala.; to Winchester INT, Tenn.; MEA 4,000.

From Winchester INT, Tenn.; to Sweetwater INT, Tenn.; MEA *8,000. *4,400—MOCA.

From Sweetwater INT, Tenn.; to Knoxville, Tenn., VOR; MEA 3,000.

From Knoxville, Tenn.; VOR; to *Piedmont INT, Tenn.; MEA 6,000. *8,000—MRA.

From Piedmont INT, Tenn.; to *Ottway INT, Tenn.; MEA 6,000. *8,000—MRA.

From Ottway INT, Tenn.; to *Telford INT, Tenn.; MEA 6,000. *9,000—MRA.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From Texarkana, Ark., VOR; to *Waterloo INT, Ark.; MEA 1,700. *4,000—MRA.

From Waterloo INT, Ark.; to *Hampton INT, Ark.; MEA **8,500. *4,500—MRA. **1,600—MOCA.

From Hampton INT, Ark.; to Greenwood, Miss., VOR; MEA *8,500. *1,600—MOCA.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective June 5, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 6, 1958.

[F. R. Doc. 58-3520; Filed, May 9, 1958; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter H—Internal Revenue Practice

PART 601—STATEMENT OF PROCEDURAL RULES

MISCELLANEOUS AMENDMENTS

This part, as filed with the FEDERAL REGISTER on June 29, 1955, and as last amended on August 4, 1956, is further amended as follows:

PARAGRAPH 1. Section 601.101 (b) *Scope*, is amended by striking out the seventh sentence and inserting in lieu thereof the following: "The procedural rules of the Service with respect to distilled spirits, wine, beer, tobacco products, tobacco materials, cigarette papers and tubes, and certain firearms are described in Subpart C of this part."

PAR. 2. Section 601.104 *Collection functions*, is amended as follows:

(A) By striking out ", revenue agent," in the second sentence of paragraph (a) (1).

(B) By striking out the eighth sentence of paragraph (a) (1) and inserting in lieu thereof the following: "In the case of certain individual income taxpayers having gross income not exceeding an amount prescribed by law and consisting of income from specified sources, a special form (Form 1040A) is prescribed upon which the taxpayer may set forth the information necessary to a determination of his tax liability. The taxpayer may compute the tax on Form 1040A and transmit with the return any unpaid balance of the tax, or he may have the district director compute the tax and mail him a notice stating the amount of tax due."

(C) By striking out the last sentence of paragraph (c) (2) and inserting in lieu thereof the following: "28 U. S. C. [illegible]."

PAR. 3. Section 601.105 *Examination of returns and claims for refund, credit or abatement; determination of correct tax liability*, is amended as follows:

(A) By striking out "deficiency" in the third sentence of paragraph (a) and inserting in lieu thereof "additional tax".

(B) By striking out "by the Collection Division" in the fourth sentence of paragraph (a).

(C) By striking out "collection" in the third sentence of paragraph (b) (1) and inserting in lieu thereof "revenue".

(D) By striking out the second sentence of paragraph (b) (2) and inserting in lieu thereof the following: "Ordinarily these are returns which do not disclose activities involving the conduct of a business, and, in some cases, returns which disclose business activities and which involve adjustments of a minor nature."

(E) By striking out the third and fourth sentences of paragraph (b) (4) and inserting in lieu thereof the following: "The taxpayer will be furnished a statement explaining the proposed adjustments as a basis for requesting an informal conference, if desired. Such informal conference will afford the taxpayer an opportunity to discuss orally the proposed adjustments prior to the preparation of the examining agent's final report."

(F) By striking out the last three sentences of paragraph (c) (1).

(G) By striking out the second sentence of paragraph (c) (2) and inserting in lieu thereof the following: "This procedure, however, is not applicable in the determination of liability for any excise tax imposed by subtitle E of the Internal Revenue Code (relating to alcohol, tobacco, machine guns and certain other firearms), or by subchapter D of chapter 38 (relating to certain import taxes) insofar as it relates to alcohol and tobacco."

(H) By inserting "final" after "agent's" in the second sentence of paragraph (c) (3).

(I) By striking out paragraph (d) and inserting in lieu thereof the following:

(d) *Thirty-day letters and protests*—(1) *General*. The report of the examining agent, as approved after review, recommends one of four determinations:

(i) Acceptance of the return as filed and closing of the case;

(ii) Assertion of a given deficiency or additional tax;

(iii) Allowance of a given overassessment, with or without a claim for refund, credit, or abatement;

(iv) If a claim for refund, credit, or abatement has been filed and has been found wholly lacking in merit, denial of the claim.

If any one of the last three determinations is made (except a full allowance of a claim in respect of any tax), unless the taxpayer has previously agreed with the finding by signing an agreement form as above described in this section, the district director sends to the taxpayer a preliminary or "30-day letter". This is a form letter which states the determination proposed to be made. It is accompanied by a copy of the examining agent's report explaining the basis of the proposed determination. It suggests to the taxpayer that if he concurs in the recommendation, he indicate his agreement by executing and returning the enclosed form of waiver or acceptance. The preliminary letter also advises the taxpayer that if he disagrees with the proposed determination, he may file a written protest under oath within 30 days (from the date of the letter) stating the grounds for his disagreement and may have a hearing in the Appellate Division of the region if requested, and if that Division has jurisdiction (see § 601.106 (a) (3)). Failure by the taxpayer to make any response within 30 days will result in the issuance of a statutory notice of deficiency or other appropriate action, such as the issuance of a notice of adjustment or the denial of a claim in income, profits, estate and gift tax cases, and appropriate adjustment of the tax liability or denial of a claim in excise and employment tax cases.

(2) *Protests*. (i) If the taxpayer chooses to file a protest against the proposed determination set forth in the "30-day letter", his protest should be filed in the district director's office and, following review of the protest, the case will be referred to the Appellate Division of the region if that Division has jurisdiction. The taxpayer will also be accorded a conference in the Appellate Division if he requests it. Protests should be filed in triplicate. No particular form of protest has been prescribed. However, instructions for the preparation of protests are sent with the "30-day letter". For a description of the procedure in the Appellate Division, see § 601.106.

(ii) Protests against proposed determinations of excise taxes imposed by chapter 35 of the Code (relating to wagering), and subchapter A of chapter 39 (relating to narcotic drugs and marihuana), which are excluded from Appellate Division jurisdiction, are reviewed in the Audit Division of the district director's office. In the event that an agreement with the taxpayer is reached, he will be requested to execute an appropriate agreement form. If consideration of the protest does not result in closing the case on an agreed basis, the taxpayer is notified of the conclusions reached. Any additional tax will then be assessed or any overpayment will be credited or refunded.

(J) By striking out "Claims" in the first sentence of paragraph (e) (2) and inserting in lieu thereof "Generally, claims".

(K) By adding at the end of paragraph (e) the following new subparagraph (6):

(6) For special procedure applicable to claims for payment in respect of gasoline used on a farm for farming purposes, for nonhighway purposes, or by local transit systems, see sections 6420 and 6421 of the Code and § 601.402 (c) (3).

PAR. 4. Section 601.106 *Appellate functions*, is amended as follows:

(A) By striking out the first sentence of paragraph (b) and inserting in lieu thereof the following: "In any case in which the district director has issued a preliminary or "30-day letter" and the taxpayer files a written protest under oath against the proposed determination of tax liability, except as to those taxes described in paragraph (a) (3) of this section, the taxpayer has the right (and will be so advised by the district director) of administrative appeal to the Appellate Division of the region."

(B) By striking out the last sentence of paragraph (d) (1) (i) and inserting in lieu thereof the following: "As an incident to such settlement the taxpayer may also be required to execute an agreement providing that prompt payment of the agreed deficiency or additional tax, together with interest due thereon, will be made and that no claim for refund will be filed or prosecuted other than for the agreed amount of any overassessment."

(C) By striking out the last sentence of paragraph (d) (1) (ii) and inserting in lieu thereof the following: "In any other unagreed case, the case and its administrative record will be returned to the district director with directions to take such action with respect to the tax liability determined in the Appellate Division as may be appropriate, such as the issuance of a statutory notice of disallowance of a claim for refund or credit in whole or in part, the preparation of a notice of adjustment or other appropriate action, or the collection of any additional tax (excise and employment tax cases)."

(D) By striking out paragraph (f) (5) and insering in lieu thereof the following:

(5) *Rule V*. In order to bring an income, profits, estate or gift tax case in prestatutory notice status or an unagreed employment or excise tax case before the Appellate Division, the taxpayer must first file with the district director of internal revenue a written protest setting forth specifically the reasons for his re-

fusal to accept the district director's findings. The protest and any new facts, law, or argument presented therewith will be reviewed by the district director for the purpose of deciding whether further development and action is required prior to referring the case to the Appellate Division.

PAR. 5. Section 601.108 *Review of overassessments exceeding $100,000,* is amended as follows:

(A) By striking out the last sentence of paragraph (b).

(B) By striking out the last two sentences of paragraph (c) and inserting in lieu thereof the following: "If the final determination involves a rejection of a claimed overpayment, in whole or in part, a statutory notice of disallowance will be sent by registered mail to the taxpayer, except where the taxpayer has filed a written waiver of such notice of disallowance. See section 6532 (a) (1) and (3) of the Code."

PAR. 6. Section 601.201 *Rulings and determination letters,* is amended as follows:

(A) By striking out paragraph (c) (4) and (5) and inserting in lieu thereof the following:

(4) District directors of internal revenue are authorized to issue determination letters involving the exempt status of an organization described in section 501 (c) or (d) or section 521 of the Code with respect to the filing of returns or the payment of income tax. Such determination letters are restricted to routine determinations in which the application of the law to the facts shown on the exemption application filed by the organization is clear and which do not present an involved or questionable issue. District directors are not authorized to issue determination letters involving questions concerning the provisions of section 502 (relating to feeder organizations), section 503 (relating to prohibited transactions), section 504 (relating to accumulations of income), or sections 511 through 515 (relating to unrelated business income tax). Exemption applications presenting involved or questionable issues will be forwarded by the district director of internal revenue to the National Office in Washington, D. C., for the issuance of a ruling. Requests for determination letters involving the provisions of sections 502, 503, 504, or 511 through 515 should be submitted to the Commissioner of Internal Revenue, Washington 25, D. C. See also paragraph (k) of this section.

(5) District directors are authorized to issue determination letters, if requested by taxpayers, involving the qualifications of pension, annuity, profit-sharing, and stock bonus plans under section 401 (a) of the Code, and the status for exemption under section 501 (a) of the Code of trusts forming a part of such plans, as provided in paragraph (l) of this section. However, advance determination letters as to the qualification of such plans under section 401 (a), and the status for exemption under section 501 (a) of trusts forming a part of such plans, are not required under the Code or corresponding regulations as a condition precedent for obtaining any of the tax benefits pertaining to qualified plans and exempt trusts.

(B) By striking out the first sentence of paragraph (f) (1) and inserting in lieu thereof the following: "Except as provided in subparagraph (2) of this paragraph, requests for determination letters and rulings should be submitted in duplicate if more than one issue is presented in the request."

(C) By striking out paragraph (f) (2) and inserting in lieu thereof the following:

(2) If the request is an application for exemption from income tax as an organization described in section 501 (c) or (d) or section 521 of the Code, see paragraph (k) of this section. If the request is with respect to the qualification of a plan under section 401 (a) of the Code, see paragraph (l) of this section. It is not required that the application or request described in this subparagraph, or that the information required to be filed with such application or request, be submitted in duplicate.

(D) By striking out paragraph (l) (1) and inserting in lieu thereof the following:

(1) Advance determination letters as to the qualification of pension, annuity, profit-sharing, and stock bonus plans under section 401 (a) of the Code are issued if requested by taxpayers. Such determination letters are issued with respect to consummated or proposed transactions and are restricted to:

(i) The initial qualification of a plan under section 401 (a) of the Code, and if trusteed, the status for exemption under section 501 (a) of the Code of a trust forming part of the plan;

(ii) Compliance with the applicable requirements of a foreign situs trust for the purpose of determining taxability of beneficiaries (section 402 (c) of the Code) and deductions for employer contributions (section 404 (a) (4) of the Code);

(iii) Amendments to a plan and trust;

(iv) Curtailment of a plan;

(v) Termination of a plan and trust; and

(vi) The effect upon the qualification of the plan and upon the status for exemption of the trust forming a part of such a plan of an investment of trust funds in the stock or securities of the employer or controlled corporation. (For purposes of this subdivision, control of a corporation exists through ownership of 50 percent or more of all voting stock or of 50 percent or more of the total value of shares of all classes of stock.)

(E) By striking out paragraph (l) (2) (iv) and inserting in lieu thereof the following:

(iv) In the case of a pooled fund arrangement (individual trusts under separate plans pooling their funds for investment purposes through a master trust), the request on behalf of the master trust is to be filed with the district director where the principal place of business of such trust is located, but requests for participating trusts and related plans are to be filed where the principal place of business of each employer is located or, in the case of parent and subsidiary companies, where the principal place of business of the parent company is located, regardless of whether consolidated returns are filed;

(v) In the case of a plan of multiple employers not provided for in the categories set forth in subdivisions (ii) and (iii) of this subparagraph, where the trustee's principal place of business is located or, if more than one trustee, or if non-trusteed, where the usual place of meeting of the trustees or principal supervisors is held.

(F) By redesignating subparagraph (3) of paragraph (l) as subparagraph (4).

(G) By inserting after paragraph (l) (2) the following:

(3) Determination letters authorized by this paragraph do not include determinations or opinions under section [illegible], relating to taxability of beneficiaries, section 502, relating to feeder organizations, section 503, relating to prohibited transactions, and sections 511 through 515, relating to the unrelated business tax, and, except as provided in subparagraph (1) of this paragraph, do not include determinations or opinions under section 402, relating to taxability of distributees, or section 404, relating to deductions for employer contributions. Where determinations by district directors under a section are not authorized by this paragraph, requests for rulings under such section should be submitted to the Commissioner of Internal Revenue, Washington 25, D. C. Determination letters authorized by this paragraph are subject to review by the National Office.

(H) By adding at the end of paragraph (l) the following new subparagraph (5):

(5) (i) Where an issue arises in a district director's office with respect to matters within the contemplation of this paragraph, the taxpayer may request the district director to refer such issues to the National Office. The taxpayer will be advised through the district director's office whether the request will be complied with, and if so, when referral to the National Office is made. If referral to the National Office is made, the taxpayer will be granted a conference in the National Office, if requested, and he may furnish a brief or memorandum with respect to the points at issue.

(ii) Where the district director does not refer an issue with regard to matters described in this paragraph to the National Office, the taxpayer may request National Office consideration. A notice of intention that National Office consideration will be requested must be filed with the district director's office where the case is pending. The taxpayer may request National Office consideration immediately after the district director has made a determination adverse to the taxpayer on the issue with regard to which a determination letter was requested. The taxpayer may also request National Office consideration if no referral to the National Office is made by the district director or if no determination on the issue submitted by the taxpayer is made by the district director within 30 days after the notice of intention to request National Office consideration has been filed with such district director. Requests for National Office consideration will be entertained by the National Office upon a clear showing of the following circumstances:

(*a*) That the position of the field office is contrary to the law or regulations on the points at issue;

(*b*) That the position of the field office is contrary to the position of the Internal Revenue Service as set forth in a published ruling currently in effect;

(*c*) That the position of the field office is contrary to a court decision which is followed by the Service, i. e., acquiescence in an adverse Tax Court decision;

(*d*) That the contemplated field action is in conflict with a determination made in a similar case in the same or another district; or

(*e*) That the issues arise because of unique or novel facts which had not been previously passed upon, as indicated by published rulings or announcements.

If the National Office decides to consider a case, the taxpayer will be afforded an opportunity to furnish a brief or memorandum on the points at issue and to indicate whether a conference in Washington is desired or whether a determination is to be made on the written submission only. Copies of all written submissions are to be furnished the district director. The district director may submit rebuttal memoranda to the National Office. If a conference is requested, the time and place will be set and the taxpayer will be advised After full consideration of all the facts presented, taxpayer's briefs or memoranda, the district director's rebuttal memoranda, and conference discussions, the taxpayer will be notified by the National Office of the determination made and the district director's office will dispose of the case in accordance with such determination.

PAR. 7. Section 601.202 (d) *Applicability of ruling requirements*, is amended by inserting "requests for" before "rulings".

PAR. 8. Section 601.203 *Offers in compromise*, is amended as follows:

(A) By striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Use of prescribed form.* Offers in compromise are required to be submitted on Form 656 (Rev. 7–57), properly executed, and accompanied by a financial statement on Form 433. Form 656 is used in all cases regardless of whether the amount of the offer is tendered in full at the time the offer is filed or the amount of the offer is to be paid by deferred payment or payments. Copies of Form 656 may be obtained from district directors of internal revenue. An offer in compromise should be filed with the district director charged with the duty of collecting the tax sought to be compromised.

(B) By striking out the third sentence of paragraph (d) and inserting in lieu thereof the following: "If the offer is one with respect to which the district director has processing jurisdiction and the proponent does not agree with the rejection or proposed rejection, and neither the internal revenue agent nor the conferee of the district director's office has been able to convince the proponent of the correctness of the conclusion reached, the proponent will be apprised of his privilege of submitting a request in writing for a hearing before the Appellate Division of the region."

PAR. 9. The heading of Subpart C is amended to read as follows: "Subpart C—Provisions Relating to Distilled Spirits, Wine, Beer, Tobacco Products, Tobacco Materials, Cigarette Papers and Tubes, and Certain Firearms".

PAR. 10. Section 601.301 (c) *Regulations*, is amended as follows:

(A) By striking out "52–F," in the third sentence.

(B) By striking out "formulas for denaturation," in the second sentence of subparagraph (1).

(C) By revising subparagraph (18) as follows:

(1) By striking out "*, tobacco products*" in the heading, and

(2) By striking out "and tobacco and tobacco products," in the first sentence.

(D) By striking out subparagraph (21) and inserting in lieu thereof the following:

(21) *Drawback of tax on distilled spirits, wine, and beer.* Part 252 of this chapter contains the regulations relative to the allowance of drawback of internal revenue tax on (i) distilled spirits and wines packaged or bottled especially for export, and beer brewed and manufactured in the United States, when exported or used as supplies on vessels or aircraft, (ii) distilled spirits exported in distillers' original packages containing not less than 20 wine gallons each, and (iii) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations, including perfumery), upon exportation of such products.

(E) By striking out subparagraph (25) and inserting in lieu thereof the following:

(25) *Production of vinegar by the vaporizing process.* Part 195 of this chapter contains the regulations relative to the production of vinegar by the vaporizing process (fermentation and distillation of alcoholic liquid), and covers requirements governing the location, use, construction, equipment and proprietorship, plant operations, and records and reports of operations at vinegar plants.

(F) By striking out "chapters 51 and 52" in the second sentence of subparagraph (29) and inserting in lieu thereof "chapter 51".

(G) By striking out the parenthetical expression "(26 CFR (1939) Parts 182, 183, 184, 185)" in subparagraph (32) and inserting in lieu thereof the parenthetical expression "(26 CFR (1939) Parts 182, 183, 184, and 185, superseded, respectively, by Parts 182, 220, 221, and 225 of this chapter)".

(H) By striking out subparagraph (33) and inserting in lieu thereof the following:

(33) *Formulas for denatured alcohol.* Part 212 of this chapter relates to formulas used for the denaturation of alcohol. The regulations give formulas for the production of specially and completely denatured alcohol, the specifications for denaturants, a listing of processes and products in which specially denatured alcohol is used and specific formulas authorized for each use, a listing of denaturants and the formulas in which used, and a table of weights of the formulas of specially denatured alcohol. (The procedural requirements relative to permits, and the production, disposition and use of denatured alcohol are prescribed in Part 182 of this chapter.

PAR. 11. Section 601.302 (a) *Collection*, is amended by striking out the first seven sentences and inserting in lieu thereof the following: "Taxes on distilled spirits are paid principally by stamps purchased from the district director of internal revenue. In the case of distilled spirits taxpaid in bulk gauging tanks for removal in tank cars, tank trucks or by pipeline, there is the optional method of paying by purchase of a certificate of payment (Form 1595) or by use of distilled spirits excise tax sheet stamps issued in various denominations. Form 1595 is attached to the tank and later, in the case of removal by pipeline, canceled and surrendered to the appropriate internal revenue officer. In the case of removals in tank cars and tank trucks it is canceled and attached to the route board of such container for removal and scalping at the consignee premises. The distilled spirits excise tax sheet stamps are canceled and surrendered in the exact amount to the appropriate internal revenue officer. In the case of distilled spirits taxpaid with distilled spirits excise tax sheet stamps and removed in tank cars, tank trucks, or barrels or similar bulk containers, a wholesale liquor dealer stamp is issued by the appropriate internal revenue officer for attachment to the container (the route board in the case of a tank car or tank truck) for removal and scalping at the consignee premises. Distilled spirits excise tax sheet stamps are also used to taxpay distilled spirits bottled in bond and the cases are marked appropriately to indicate taxpayment."

PAR. 12. Section 601.303 *Claims*, is amended by adding at the end thereof the following new paragraph (d):

(d) *Claims for allowance, credit, or relief.* Where sparkling wine or artificially carbonated wine produced in the United States and removed subject to tax, has been returned to a bonded wine cellar as unmerchantable and for conversion into still wine or for destruction, or where beer has been returned to the brewery for reconditioning or destruction, proprietors may obtain allowance, credit, or relief for the tax provided the quantity of wine converted or destroyed totals 30 wine gallons or title to the beer so returned has not passed from the brewer to any other person. Procedural instructions for such claims with respect to wine are contained in Part 240 of this chapter, and with respect to beer, in Part 245 of this chapter.

Par. 13. Section 601.304 *Preparation and filing of claims*, is amended as follows:

(A) By striking out paragraph (h) and inserting in lieu thereof the following:

(h) *Drawback of tax on distilled spirits, wine, and beer.* Claims for drawback of internal revenue tax paid on (1) distilled spirits and wines packaged or bottled especially for export, and beer brewed and manufactured in the United States, when exported or used as supplies on vessels or aircraft; (2) distilled spirits exported in distillers' original packages containing not less than 20 wine gallons; and (3) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including perfumery), upon exportation of such products, must be prepared and filed in accordance with Part 252 of this chapter. The regulations in Part 252 of this chapter contain full information in respect to the procedure to be followed, the forms to be used, the time within which the claims must be filed, and the supporting documents which must be submitted with the claim.

(B) By striking out the second sentence of paragraph (i) and inserting in lieu thereof the following: "Such claims must be filed within the 3 months next succeeding the quarter in which the spirits are used except that, subject to the filing of a proper bond and other requirements, claims may be filed on a monthly basis in lieu of a quarterly basis."

Par. 14. Section 601.305 (a) *Liability under Internal Revenue Code*, is amended to read as follows:

(a) *Liability under Internal Revenue Code.* Persons desiring to submit offers in compromise in order to avoid forfeiture or prosecution proceedings, and taxpayers who disclaim liability for the amount of taxes assessed, or claim inability to pay the taxes in full, may submit offers in compromise to the district director of internal revenue, or to an internal revenue officer. The Director, Alcohol and Tobacco Tax Division, has the authority to accept or reject offers in compromise of liability to forfeiture of personal property seized in connection with liquor, firearms, tobacco, and wagering tax violations, and each assistant regional commissioner (alcohol and tobacco tax) has the authority to accept or reject offers in compromise of (1) tax liabilities arising from (i) the illegal production of untaxpaid distilled spirits, wines, or beer, and (ii) the failure to file returns of, or to pay, occupational taxes with respect to distilled spirits, wines, or beer, and (2) criminal liabilities of retail dealers in liquor arising from violations of the internal revenue laws relating to liquor, including the reuse of liquor bottles. The Commissioner accepts or rejects all other offers in compromise except those in compromise of violations under paragraph (b) of this section. (For offers in compromise generally, see § 601.203.) Form 656 (Rev. 7–57) is used in all cases regardless of whether the amount of the offer is tendered in full at the time the offer is filed or the amount of the offer is to be paid by deferred payment or payments. Such offers are forwarded by the district director to the assistant regional commissioner (alcohol and tobacco tax) for consideration and appropriate action. When the offer is acted upon, the district director and the proponent are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer is returned to the proponent and forfeiture, prosecution, or collection proceedings are resumed. If the offer is accepted, the taxpayer is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

Par. 15. Section 601.311 (b) *Regulations*, is amended by adding at the end thereof the following new subparagraphs (7) and (8):

(7) Part 253 of this chapter, relating to the removal of tobacco products (manufactured tobacco, cigarettes and cigars) and cigarette papers and tubes, without payment of tax, from bonded domestic internal revenue factories and from bonded internal revenue tobacco export warehouses for delivery to foreign-trade zones.

(8) Part 200 of this chapter, relating to the procedure and practice in connection with the disapproval of applications for permits, and the suspension and revocation of permits, under chapter 52 of the Code.

Par. 16. Section 601.312 *Special qualification and bonding requirements*, is amended as follows:

(A) By striking out the second sentence of paragraph (b) and inserting in lieu thereof the following: "A proprietor of a customs bonded manufacturing warehouse, Class 6, desiring to remove from a warehouse, without payment of tax, for export to a foreign country or a possession of the United States, cigars on which customs duties have been paid shall, prior to making the first removal, file a bond on the prescribed form with the assistant regional commissioner (alcohol and tobacco tax)."

(B) By adding at the end of paragraph (b) the following sentence: "A proprietor of a customs bonded manufacturing warehouse who elects to taxpay cigars, removed for domestic consumption, by return is required to file a bond as provided in paragraph (a) of this section."

(C) By striking out paragraph (c) and inserting in lieu thereof the following:

(c) *Drawback of tax.* Tobacco products, and cigarette papers and tubes, on which the tax has been paid may be exported with benefit of drawback of such tax. Where a claim for allowance of drawback of tax is filed, the claimant is required to file bond as set forth in § 601.316 (b).

Par. 17 Section 601.313 *Collection of taxes*, is amended as follows:

(A) By striking out "cigars, cigarettes," in the first sentence of paragraph (a) and inserting in lieu thereof "cigarettes."

(B) By inserting after the first sentence of paragraph (a) the following: "The taxes on cigars are paid by stamps or by return, Form 2135, at the option of the manufacturers, importers, and proprietors of customs bonded manufacturing warehouses, Class 6. Tobacco products tax stamps are purchased from, and cigar tax returns are filed with, the appropriate district director."

(C) By striking out the first sentence of paragraph (b) and inserting in lieu thereof the following: "The taxes on cigarette papers and tubes are payable by the manufacturer or importer by return."

Par. 18. Section 601.316 *Administrative remedies available to taxpayers after the purchase of tobacco tax stamps or after assessment or payment of tobacco taxes*, is amended as follows:

(A) By striking out the heading and inserting in lieu thereof *"Claims"*.

(B) By striking out the next to the last sentence of paragraph (c) and inserting in lieu thereof the following: "In either case, the procedure to be followed by the claimant is the same as that set forth in the case of claims for abatement or refund of taxes as described in § 601.303 (b) and (c) except that the claims are filed with the assistant regional commissioner (alcohol and tobacco tax)."

(C) By striking out paragraph (d) and inserting in lieu thereof the following:

(d) *Claims for remission of tax.* Where tobacco products, before removal from the factory or after removal for tax-exempt purposes, are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, a claim for remission of such tax may be filed. Such claim is filed, in letter form, with the assistant regional commissioner (alcohol and tobacco tax) and must be accompanied by evidence necessary to support the claim.

(D) By striking out paragraph (e) and inserting in lieu thereof the following:

(e) *Claims for allowance of tax.* Where cigars, after removal from the factory subject to tax payable by return, and prior to the time for payment of such tax, are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, or are withdrawn from the market while in the possession or ownership of the manufacturer of such cigars, relief from the payment of such tax may be extended to the manufacturer by allowance of the tax. The claim for allowance shall be filed by the manufacturer with his tax return, Form 2135, on which the removal of such cigars is reported. The manufacturer may take a credit or deduction on such tax return of the amount of tax on the cigars so lost, destroyed, or withdrawn from the market.

(f) *General.* Detailed instructions as to the requirements necessary to be complied with in connection with the filing of claims for redemption, drawback, refund, abatement, allowance, and remission are fully set forth in the regulations referred to in § 601.311 (b).

PAR. 19. Section 601.318 *Forms*, is amended by striking out the second sentence and inserting in lieu thereof the following: "Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from assistant regional commissioners (alcohol and tobacco tax)."

PAR. 20. Immediately preceding § 601.326 *Seizures of vessels, vehicles, and aircraft in connection with contraband firearms*, insert an undesignated center heading as follows: "Seized Property".

PAR. 21. Section 601.326 *Seizures of vessels, vehicles, and aircraft in connection with contraband firearms*, is amended to read as follows:

§ 601.326 *Seizure and forfeiture of personal property.* Part 172 of this chapter contains the regulations relative to the personal property seized by officers of the Internal Revenue Service as subject to forfeiture as being used, or intended to be used, to violate certain Federal laws; the remission or mitigation of such forfeitures; and the administrative sale or other disposition, pursuant to forfeiture, of such seized property other than firearms seized under the National or Federal Firearms Act. For disposal of firearms under such Acts, see 26 U. S. C. 5862 (b) and 15 U. S. C. 905 (b), respectively.

PAR. 22. Section 601.401 *Employment taxes*, is amended as follows:

(A) By striking out the fifth sentence of paragraph (a) (1) and inserting in lieu thereof the following: "Chapter 23 (Federal Unemployment Tax Act) imposes a tax on employers of four or more individuals with respect to 'wages' paid."

(B) By striking out the last six sentences of paragraph (a) (3) and inserting in lieu thereof the following "All other returns of Federal employment taxes (with the exception of returns filed for agricultural employees) are required to be filed for each calendar quarter. The employer and employee taxes imposed by chapter 21 (other than the employer and employee taxes on wages paid for agricultural labor) and the tax required to be deducted and withheld upon wages by chapter 24 are combined in a single return on Form 941. In the case of wages paid by employers for domestic service performed in a private home not on a farm operated for profit, the return of both the employee tax and the employer tax imposed by chapter 21 is on Form 942. However, if the employer is required to file a return for the same quarter on Form 941, he may at his election include the taxes with respect to such domestic service on Form 941. The employer and employee taxes imposed by chapter 21 with respect to wages paid for agricultural labor are required to be reported annually on Form 943. Under the Railroad Retirement Tax Act, the return required of the employer is on Form CT-1, and the return required of each employee representative is on Form CT-2."

(C) By striking out paragraph (a) (5) and inserting in lieu thereof the following:

(5) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of Federal employment taxes.* If (i) during any calendar month, other than the last month of a calendar quarter, the aggregate amount of the employee tax deducted and the employer tax under chapter 21 and the income tax withheld at source on wages under chapter 24, exclusive of taxes reportable on Form 942 and Form 943, exceeds $100, or (ii) at the end of any month or period of two or more months ending prior to December 1 of any calendar year, the total amount of undeposited taxes imposed by chapter 21 (employee tax deducted plus employer tax), with respect to wages paid for agricultural labor, exceeds $100, it is the duty of the employer to deposit such amount within 15 days after the close of such calendar month with a Federal Reserve bank or a commercial bank authorized in accordance with Treasury Department Circular No. 848, as revised, to accept remittance of these taxes for transmission to a Federal Reserve bank. The remittance of such amount must be accompanied by a Federal Depositary Receipt (Form 450). After the Federal Reserve bank has validated the depositary receipt, it will be returned to the employer. The validated receipts must be attached to the return on Form 941 for the calendar quarter, or Form 943 for the calendar year, with respect to which such deposits are made, and the employer shall pay to the district director the balance, if any, of the taxes due for the quarter or the year, as the case may be. In the case of the last month of any calendar quarter (last month of the calendar year in the case of agricultural employers) the employer may either include with his return direct remittance to the district director for the amount of such taxes or attach to the return a depositary receipt validated by a Federal Reserve bank. If a deposit is made for the last month of the quarter (last month of the year for agricultural employers), it must be made in ample time to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return at the time prescribed for filing such return. A procedure similar to that prescribed above for nonagricultural employers is prescribed with respect to the tax on employers and employees imposed by chapter 22, except that the depositary receipt for use in such cases is Form 515 (Railroad Retirement Depositary Receipt).

(D) By inserting "or Form 943" after "Form 941" in the first and third sentences of paragraph (b) (1).

(E) By striking out paragraph (b) (3) and inserting in lieu thereof the following:

(3) *Reporting of wages.* Forms 941, 942, and 943 each require, as a part of the return, that the wages of each employee paid during the period covered by the return be reported thereon. It is necessary at times that employers correct wage information previously reported. A special form, Form 941c, has been adopted for use in correcting erroneous wage information or omissions of such wage information on Forms 941, 942, or 943. Instructions on Forms 941, 941c, 942, and 943 explain the manner of preparing and filing the forms. Any further instructions should be obtained from the district director for the district in which the returns are filed.

(F) By striking out "*Quarterly adjustments*" in the heading of paragraph (c) and inserting in lieu thereof "*Adjustments*".

(G) By striking out the first sentence of paragraph (c) (2) and inserting in lieu thereof the following: "Errors in withholding during any return period under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act should be corrected in the return for such period, if such errors are ascertained prior to the time the return is required to be filed with the district director."

(H) By striking out "quarterly" in the second sentence of paragraph (c) (2).

PAR. 23. Section 601.402 (c) *Returns, refunds, and credits*, is amended by adding at the end thereof the following new subparagraph (3):

(3) *Payments in respect of gasoline used on a farm for farming purposes, for non-highway purposes, or by local transit systems.* Section 6420 prescribes the circumstances and conditions under which the ultimate purchaser of gasoline used on a farm for farming purposes may obtain a payment in respect of such gasoline. Form 2240 is prescribed for use in filing a claim in respect of any such payment. Section 6421 prescribes the circumstances and conditions under which the ultimate purchaser of gasoline used for certain non-highway purposes or by local transit systems may obtain a payment in respect of such gasoline. Claims in respect of gasoline so used shall be filed on Form 843. Claims referred to in this subparagraph should be filed with the district director for the district in which the claimant's principal place of business is located.

PAR. 24. Section 601.403 *Miscellaneous excise taxes collected by return*, is amended as follows:

(A) By redesignating subparagraphs (6), (7), (8), and (9) of paragraph (a) as subparagraphs (7), (8), (9), and (10).

(B) By inserting after paragraph (a) (5) the following new subparagraph (6):

(6) *Highway motor vehicle use.* Subchapter D of chapter 36 of the Code

imposes a tax for each taxable year (commencing after June 30, 1956, and ending before July 1, 1972) upon the use, at any time during the taxable year, on the public highways in the United States of any highway motor vehicle which (together with certain semitrailers and trailers) has a taxable gross weight in excess of 26,000 pounds.

(C) By striking out the last two sentences of paragraph (c) (1) and inserting in lieu thereof the following: "The tax on the use of highway motor vehicles, the tax on wagers, the tax on hydraulic mining, and the tax on circulation other than of national banks are also collected by means of returns. The returns of the tax on wagers are required to be filed monthly; returns of the taxes on hydraulic mining and on the use of highway motor vehicles are required to be filed annually; and the returns of the tax on circulation are required to be filed on June 1 and December 1 of each calendar year."

(D) By striking out the first sentence of paragraph (c) (3) and inserting in lieu thereof the following: "A procedure similar to the Depositary Receipt procedure with respect to the payment of certain Federal employment taxes, described in § 601.401 (a) (5), is prescribed with respect to the miscellaneous excise taxes (except the taxes on the use of highway motor vehicles, wagers, hydraulic mining, and circulation other than of national banks) referred to in paragraph (a) of this section."

(E) By redesignating paragraph (d) as paragraph (e).

(F) By inserting after paragraph (c) the following new paragraph (d):

(d) *Refunds and credits.* The procedure in § 601.402 (c) (2) regarding refunds and credits in respect of sales taxes collected by return is, in general, applicable with respect to the miscellaneous excise taxes collected by return, except that in the case of the collected taxes referred to in paragraph (c) (2) of this section, the person upon whom the tax is imposed may file a claim on Form 843 for refund of erroneous or illegal payment of tax, but cannot take a credit since he is not required to file a return with respect to such taxes.

PAR. 25. Section 601.404 *Miscellaneous excise taxes collected by sale of revenue stamps,* is amended as follows:

(A) By striking out the first two sentences of paragraph (f) (4) and inserting in lieu thereof the following: "Payments for such stamps may be made by means of cash, post office money order, or certified check, or by personal check to the extent provided by regulations."

(B) By striking out the last sentence of paragraph (k) and inserting in lieu thereof the following: "The following forms are prescribed for registration: Form 678 (relating to occupational taxes with respect to narcotics and marihuana), Form 11 (relating to adulterated and process or renovated butter and filled cheese), Form 11-B (relating to occupational taxes with respect to coin-operated amusement and gaming devices, bowling alleys, and billiard and pool tables), Form 11-C (relating to occupational tax with respect to wagering)."

PAR. 26. Section 601.510, *Delivery of checks in payment of refunds,* is amended as follows:

(A) By changing the heading to read as follows: "*Delivery of checks in payment of refunds—*(a) *In general.*"

(B) By adding at the end of such section the following new paragraph:

(b) *Cases in litigation.* Checks in payment of claims which have either been reduced to judgment or settled in the course or as a result of litigation will be drawn in the name of the person or persons entitled to the money and, in the case of actions arising in the United States district courts, will be sent to the appropriate United States Attorney, and, in actions arising in the United States Court of Claims, to the Assistant Attorney General, Tax Division, Department of Justice, for delivery to the taxpayer or the counsel of record in the court proceeding.

PAR. 27. Section 601.601 (a) *Formulation,* is amended by striking out the last sentence of subparagraph (1) and inserting in lieu thereof the following: "After approval by the Commissioner (and, in the case of regulations relating to narcotics and certain regulations relating to alcohol and tobacco taxes, the approval of the Commissioner of Narcotics or the Commissioner of Customs, as the case may be), regulations and Treasury decisions are forwarded to the Secretary or his delegate for further consideration and final aproval."

PAR. 28. Section 601.702 (b) *Final opinions and orders,* is amended as follows:

(A) By striking out the period at the end of the heading of subparagraph (1) and inserting in lieu thereof the following: "(i) *Income, profits, estate or gift tax.*"

(B) By adding at the end of subparagraph (1) (i) the following new subdivision:

(ii) *Refilling of liquor bottles.* For each offer in compromise submitted and accepted on or after December 21, 1956, pursuant to section 7122 of the Internal Revenue Code of 1954, in any case arising under sections 5641 and 5643 of the Internal Revenue Code of 1954, relating to refilling of liquor bottles, a copy of the abstract and statement relating to the offer shall be available for public inspection for a period of one year in the office of the assistant regional commissioner (alcohol and tobacco tax) accepting the offer and in the office of the district director for the internal revenue district in which the offer is submitted. Information, however, is not disclosed concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data, amount or source of income, profits, losses, or expenditures, or any other matter within the prohibition of section 1905 of Title 18 of the United States Code.

(R. S. 161; 5 U. S. C. 22)

[SEAL] RUSSELL O. HARRINGTON,
Commissioner of Internal Revenue.

[F. R. Doc. 58-3538; Filed, May 9, 1958; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 58-410]

[Rules Amdt. 12-3]

PART 12—AMATEUR RADIO SERVICE

CHANGE IN IDENTIFICATION DESIGNATOR FOR RADIO CIVIL EMERGENCY SERVICE TRAINING MESSAGES

1. The Commission has received a petition from the Federal Civil Defense Administration (FCDA) to amend § 12.254 (a) of the Commission's rules applicable to the Radio Amateur Civil Emergency Service (RACES), so as to substitute the word "exercise" in place of the words "drill" and "test" as an identification of messages handled for training purposes. The stated purpose of the petitioner is to expedite future intersystem communication by standardization of procedure.

2. In support of the requested amendment, petitioner cites difficulty being experienced in handling the considerable amount of message traffic between RACES networks and governmental circuits during nationwide civil defense exercises. The rule in question requires RACES stations to identify civil defense training messages by the words "drill" or "test" whereas governmental circuits identify such messages by the word "exercise." As a result of this dissimilarity of identification procedure, petitioner alleges that considerable time is lost in the transfer of message traffic from one system to another, and that, on occasion, traffic has been refused or delayed until texts are reworded to comply with the receiving system's requirements.

3. The Commission considers that the objective of the petition is reasonable. It appears, however, that this objective can be accomplished by permitting the use of the word "exercise" as as optional method of identification without requiring discontinuance of the use of the words "test" or "drill."

Inasmuch as the present rule has been in force for a number of years it is presumed that many RACES organizations have adopted procedures in conformity therewith. Therefore to delete the words "drill" and "test" may cause a hardship to such organizations and would appear to serve no useful purpose.

4. Therefore, provision for the use of the word "exercise" as an optional method of identification is being made. However, the request for deletion of the words "drill" and "test" as methods of identification is not being granted.

5. In view of the foregoing, the petition of FCDA is granted to the extent consistent with the action taken herein and in all other respects is denied.

6. As stated above, the rule amendment being ordered herein merely adds an additional method which may be utilized for identifying civil defense training messages transmitted by RACES stations and, as such, will not detrimentally affect any person. In view of this fact, the Commission finds that compliance with the Public Notice require-

ments of section 4 of the Administrative Procedure Act is unnecessary and that the amendment ordered herein should be made effective immediately.

7. *Accordingly, it is ordered*, That under authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, § 12.254 (a) of the Commission's rules is amended, effective May 5, 1958, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: May 5, 1958.

Released: May 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 12.254 (a) is amended to read as follows:

(a) Communications for training purposes consisting of necessary drills and tests to insure establishment and maintenance of orderly and efficient operation of the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith for the conduct of civil defense communications, including communications directly concerned with the conduct of practice alerts, practice blackouts, practice mobilization, and other comparable situations as may be ordered or initiated by competent civil defense authority or by the United States governmental or military authority charged with the defense of the area concerned. All messages which are transmitted in connection with such drills, exercises and tests shall be clearly identified as such by use of any one of the words "Drill" or "Exercise" or "Test" in the body of such messages.

[F. R. Doc. 58-3539; Filed, May 9, 1958; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

RESALE OF GOODS IN AN ALTERED FORM OR AS PARTS OR INGREDIENTS OF OTHER GOODS

In accordance with section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and pursuant to the Fair Labor Standards Act of 1938 (29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, § 779.15 (c) of the above-captioned Part 779 is hereby amended by striking the entire last sentence and inserting in place thereof the following: "Similarly, goods are sold for resale where they are sold for use as a principal raw material in the production of a specific product to be sold, such as sales of coal for the production of coke, coal gas, or electricity, or sales of liquefied-petroleum-gas for the production of chemicals or synthetic rubber. Likewise, goods are considered sold for resale where they are specifically designed for a particular use in the production of another product to be sold, such as cast shed sand for the production of steel and dies for the production of manufactured goods.[*] However, the goods are not considered sold for resale if sold for general industrial or commercial uses, such as coal for use in laundries, bakeries, nurseries, canneries, or for space heating, or ice for use by grocery stores or meat markets in cooling and preserving groceries and meat to be sold."

(52 Stat. 1060, as amended; 29 U. S. C. 201-219)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 6th day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3544; Filed, May 9, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1626]

[011033]

ARIZONA

WITHDRAWING PUBLIC LANDS WITHIN SITGREAVES NATIONAL FOREST FOR USE OF THE FOREST SERVICE

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Sitgreaves National Forest in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws nor the Act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation, campground and picnic areas, and roadside zones, as indicated:

GILA AND SALT RIVER MERIDIAN

RECREATION AREAS

Lakeside Recreation Area

T. 9 N., R. 22 E.
- Sec. 25, S½NW¼, N½NW¼SW¼, N½S½NW¼SW¼, NE¼SW¼, NW¼SE¼, NE¼SW¼SE¼, and NW¼SE¼SE¼.

The areas described aggregate 210 acres.

Jaques Lake Recreational Area

T. 9 N., R. 22 E.
- Sec. 10, E½E½W½SW¼, E½NE¼NW¼, NW¼NE¼, SW¼SE¼, and E½E½;
- Sec. 15, NE¼, E½NW¼, S½SW¼NW¼, E½E½NW¼NW¼, and NW¼SW¼.

The areas described aggregate 590 acres.

L. D. S. Church Recreation Area

T. 9 N., R. 22 E.
- Sec. 16, Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 16, 17, and 18.

The areas described aggregate 446.38 acres.

Show Low Camp Ground and Picnic Area

T. 10 N., R. 22 E.
- Sec. 19, Lot 4, and SE¼SW¼;

T. 10 N., R. 21 E.
- Sec. 24, NE¼NW¼SE¼SE¼, NE¼SE¼SE¼, N½SE¼SE¼SE¼, and SE¼SE¼SE¼SE¼.

The areas described aggregate 96.25 acres.

Show Low Recreation Area

T. 10 N., R. 22 E.
- Sec. 15, W½, and W½E½;
- Sec. 16, S½, and E½NE¼.

The areas described aggregate 880 acres.

ROADSIDE ZONES

Springerville-Globe (U. S. Highway 60 F. H. 30) Highway Roadside Zone. A strip of land 200 feet on each side of the center line of U. S. Highway 60 through the following legal subdivisions:

T. 10 N., R. 23 E.
- Sec. 12, N½;
- Sec. 11, S½N½, and N½S½;
- Sec. 10, S½;
- Sec. 9, S½S½;
- Sec. 16, N½N½NW¼;
- Sec. 17, N½N½;
- Sec. 18, S½N½, and N½NW¼SW¼.

T. 10 N., R. 22 E.
- Sec. 13, S½SE¼NE¼, and N½S½;
- Sec. 14, N½S½;
- Sec. 15, E½SE¼;
- Sec. 30, Lot 1.

T. 10 N., R. 21 E.
- Sec. 25, E½NE¼, E½SE¼SW¼NE¼, S½N½NW¼SE¼, S½NW¼SE¼, SW¼SE¼, S½SE¼SW¼, and S½N½SE¼SW¼;
- Sec. 36, E½NW¼, and SW¼.

T. 9 N., R. 21 E.
- Sec. 1, NW¼SW¼NW¼;
- Sec. 2, Lots 5, 13, and 14.

The area described contains approximately 520 acres.

Holbrook-Show Low (State No. 77 F. H. 16) Highway, Roadside Zone. A strip of land 200 feet on each side of the center line of State Highway 77 through the following legal subdivisions:

T. 11 N., R. 21 E.
- Sec. 1, Lots 1, 2, and 6.

T. 11 N., R. 22 E.
- Sec. 18, E½E½W½, and SW¼SW¼SE¼;
- Sec. 19, NE¼NW¼, W½NE¼, and SE¼;
- Sec. 30, E½NE¼, and NE¼SE¼;
- Sec. 29, SW¼;
- Sec. 32, W½.

T. 10 N., R. 22 E.
- Sec. 5, Lot 3, Lot 2, SW¼NE¼, and W½SE¼;
- Sec. 8, E½NE¼, and NE¼SE¼;
- Sec. 16, NW¼.

The area described contains approximately 327 acres.

Show Low-McNary (State No. 173 F. H. 17) Highway Roadside Zone. A strip of land 200 feet on each side of the center line of State Highway No. 173 through the following legal subdivisions:

T. 10 N., R. 22 E.
- Sec. 32, W½E½NE¼, E½W½NE¼, W½SE¼, and S½S½SE¼SE¼.

T. 9 N., R. 22 E.
- Sec. 4, Lot 4, SW¼NW¼, and N½NE¼SW¼;

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[*] Cf. Walling v. Amidon, 59 F. Supp. 294 (D. Colo.) reversed on other grounds in 153 F. 2d 159 (C. A. 10); Walling v. Roland Electric Co., 146 F. 2d 745 (C. A. 4).

Sec. 5, Lots 8 and 9, E½SW¼NE¼NE¼, and SE¼NE¼NE¼;
Sec. 22, W½NW¼SE¼NE¼, and SW¼SE¼NE¼.
T. 9 N., R. 23 E.
Sec. 31, W½SE¼SW¼.
The area described contains approximately 95 acres.

The areas described in this order total, in the aggregate, approximately 3,164.63 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 6, 1958.

[F. R. Doc. 58-3521; Filed, May 9, 1958; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter F—Marine Engineering

[CGFR 58-16]

PART 55—PIPING SYSTEMS AND APPURTENANCES

SUBPART 55.10—PUMPING ARRANGEMENT AND PIPING SYSTEMS

BILGE AND BALLAST PIPING

The requirements in 46 CFR 55.10-25 (c) (1) and 55.10-25 (i) are inconsistent and a request has been made respecting the intent of the regulations governing bilge and ballast piping. 46 CFR 55.10-25 (c) (1) applies to all vessels and requirements for stop-check valves in the machinery space for controlling bilge suctions from various compartments, while 46 CFR 55.10-25 (i) deals with bilge and ballast piping for Great Lakes' cargo vessels and permits a common bilge and ballast line for cargo spaces on Great Lakes' vessels, which would preclude the use of stop-check valves for controlling the bilge suctions from these compartments. Bilge and ballast valving arrangements employing stop valves in the manifold in lieu of stop-check valves are the generally accepted practice on Great Lakes' cargo vessels. The amendment in this document to 46 CFR 55.10-25 (c) (1) eliminates this apparent inconsistency in the requirements.

Because this amendment to 46 CFR 55.10-25 (c) (1) is in the nature of an editorial clarification which does not impose any additional requirements, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment to 46 CFR 55.10-25 (c) (1) is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 55.10-25 *Bilge and ballast piping.* * * *

(c) (1) Bilge suctions shall be led from manifolds, which shall be controlled above the floor plating in the compartments in which they are located, and shall be easily accessible at all times. Except as otherwise permitted by paragraph (i) of this section for Great Lakes cargo vessels employing a common bilge and ballast system for the cargo spaces, valves in the machinery space controlling bilge suctions from various compartments shall be of the stop-check type.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interprets or applies R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. [illegible], as amended, secs. 2, 3, 17, 54 Stat. [illegible], as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, [illegible], 391a, 392, 399, 404-409, 411, 412, 435, [illegible], 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. [illegible]; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: May 5, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-3537; Filed, May 9, [illegible]; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 171, 172, 173, 174, 183, 184]

OVERRIDING ROYALTIES ON GAS AND OIL LEASES

NOTICE OF PROPOSED RULE MAKING

MAY 6, 1958.

Notice is hereby given of intention to add new paragraphs to Parts 171, 172, 173, 174, 183, and 184, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of these additions is to permit the payment of overriding royalties on oil and gas leases on Indian tribal and allotted lands.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed additions, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

1. Section 171.26 is amended to change the caption and to add a new paragraph identified as (d), as follows:

§ 171.26 *Assignments and overriding royalties.* * * *

(d) An agreement creating overriding royalties or payments out of production on oil and gas leases shall be subject to the condition that nothing in the agreement or the approval thereof by the Secretary of the Interior shall be construed as modifying any of the obligations of the lessee, including, but not limited to, obligations for diligent development and operation, protection against drainage, compliance with the oil and gas operating regulations (30 CFR Part 221), and the requirement for departmental approval before abandonment of any well, all such obligations to remain in full force and effect, the same as if free of any such royalties or payments.

2. Section 172.22 is amended to change the caption and to add a new paragraph identified as (d), as follows:

§ 172.22 *Assignments and overriding royalties.* * * *

(d) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

3. Section 173.21 is amended to change the caption and to add a new paragraph identified as (d), as follows:

§ 173.21 *Assignments and overriding royalties.* * * *

(d) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

4. Section 174.38 is amended to change the caption, to designate the existing text as paragraph (a) and to add a new paragraph identified as (b), as follows:

§ 174.38 *Assignments and overriding royalties.* * * *

(b) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

5. Section 183.46 is amended by the addition of a new paragraph reading as follows:

§ 183.46 *Approval of lease instruments.* * * *

(d) *Overriding royalties.* An agreement creating overriding royalties or payments out of production shall be subject to the condition that nothing in the agreement or the approval thereof by the Superintendent shall be construed as modifying any of the obligations of the lessee, including, but not limited to, obligations for diligent development and operations, protection against drainage, compliance with the oil and gas operating regulations (30 CFR Part 221), and the requirement for departmental approval before abandonment of any well, all such obligations to remain in full force and effect, the same as if free of any such royalties or payments.

6. Section 184.26 is amended to change the caption, to designate the existing text as paragraph (a) and to add a new paragraph identified as (b), as follows:

§ 184.26 *Assignments and overriding royalties.* * * *

(b) An agreement creating overriding royalties or payments out of production shall be subject to the condition that nothing in the agreement or the approval thereof by the Secretary of the Interior shall be construed as modifying any of the obligations of the lessee, including, but not limited to, obligations for diligent development and operation, protection against drainage, compliance with the oil and gas operating regulations (30 CFR Part 221), and the requirement for departmental approval before abandonment of any well, all such obligations to remain in full force and effect, the same as if free of any such royalties or payments.

[F. R. Doc. 58-3522; Filed, May 9, 1958; 8:46 a. m.]

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASES

OVERRIDING ROYALTIES

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the act of February 25, 1920 (41 Stat. 437; 30 U. S. C. sec. 181, et seq.), as amended and supplemented, it is proposed to revise 43 CFR 192.83 as hereinafter set forth.

Interested parties may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication hereof in the FEDERAL REGISTER.

Dated: May 6, 1958.

ROGER ERNST,
Assistant Secretary of the Interior.

Section 192.83 is revised to read as follows:

§ 192.83 *Overriding royalties.* An agreement creating overriding royalties or payments out of production shall be subject to the condition that nothing in the agreement or the approval thereof by the Secretary of the Interior shall be construed as modifying any of the obligations of the lessee, including, but not limited to, obligations for diligent development and operation, protection against drainage, compliance with oil and gas operating regulations (30 CFR Part 221), and the requirement for Departmental approval before abandonment of any well, all such obligations to remain in full force and effect, the same as if free of any such royalties or payments.

[F. R. Doc. 58-3523; Filed, May 9, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12011]

TELEVISION BROADCAST STATIONS (CARBONDALE-HARRISBURG, ILL.)

ORDER EXTENDING TIME FOR FILING OPPOSITIONS TO PETITION FOR RECONSIDERATION

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Carbondale-Harrisburg, Illinois).

1. The Commission has before it for consideration a petition filed on May 1, 1958, by Indiana Broadcasting Corporation, licensee of Station WISH-TV at Indianapolis, Indiana, requesting the Commission to extend the time for filing oppositions to a Petition for Reconsideration or Rehearing filed in the above-mentioned proceeding on April 24, 1958, by Hoyt B. Wooten, d/b as WREC Broadcasting Service, licensee of Station WREC-TV, Memphis, Tennessee, from May 7, 1958, to May 26, 1958.

2. In support of its request, petitioner states that WREC Broadcasting Service's petition raises a number of detailed engineering questions which require thorough study before it can determine its position with respect thereto; that the additional time requested is needed to make this study because petitioner's consulting engineer has been out of town continuously since the WREC petition was filed and is not expected to return to his office until May 5, 1958; and that its officials have been in Los Angeles for the National Association of Broadcasters' convention since the petition was filed and will not be available for consultation about the matter until after May 5, 1958. Indiana Broadcasting also states that counsel for WREC Broadcasting Service has advised that he consents to the grant of this request for extension of time.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing oppositions to the above-mentioned petition.

4. In view of the foregoing: *It is ordered,* That the time for filing oppositions to the above-mentioned Petition for Reconsideration or Rehearing of WREC Broadcasting Service is extended from May 7, 1958, to May 26, 1958.

Adopted: May 6, 1958.

Released: May 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3540; Filed, May 9, 1958; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK

EXTENSION OF TIME

A notice of proposed revision of the United States Standards for Grades of Nonfat Dry Milk was published in the FEDERAL REGISTER on April 10, 1958 (23 F. R. 2349), giving interested parties 30 days in which to file written data, views, or arguments.

Notice is given that the time in which to file the aforesaid data, views, or arguments is hereby extended to May 15, 1958.

Done at Washington, D. C., this 6th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3534; Filed, May 9, 1958; 8:48 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on April 17, 1958, the Atomic Energy Commission has issued to General Electric Company Amendment No. 3 to its License DPR-1. The notice was published in the FEDERAL REGISTER on April 19, 1958, 23 F. R. 2622.

Dated at Germantown, Md., this 3d day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3515; Filed, May 9, 1958; 8:45 a. m.]

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on April 16, 1958, 23 F. R. 2462, the Atomic Energy Commission has issued License R-38 authorizing General Dynamics Corporation to possess and operate at the location in Torrey Pines Mesa, California, described in the application in Docket 50-89, a 10 kilowatt (thermal) reactor which has been designated by General Dynamics Corporation as the TRIGA reactor.

Dated at Germantown, Md., this 3d day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3516; Filed, May 9, 1958; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION

MARCH 31, 1958.

Report of purchases under Domestic Purchase Regulation (operating on delegation of authority by Department of Interior under Public Law 733).

Commodity	Termination date of program	Unit of measure	Total limitation	Interim limitation	Purchases			
					Fiscal year to date		Inception to date	
					Quantity	Cost [1]	Quantity	Cost [1]
Asbestos	12-31-58	Short tons, Crude No. 1 and No. 2.	2,000	1,919	619	$746,436.75	1,147	$1,354,116.75
		Short tons, Crude No. 3.	2,000	1,919	362	144,913.40	716	286,373.40
Columbium tantalum.	12-31-58	Pounds, contained combined pentoxide.	250,000	57,559	32,495	126,334.07	32,909	127,037.23
Fluorspar	12-31-58	Short tons, acid grade	250,000	126,647	34,849	2,185,896.92	62,965	3,719,933.44
Tungsten	12-31-58	Short ton units, tungsten trioxide.	1,250,000	293,584	0	0	283,463	15,537,920.91

[1] Material cost.

Dated: May 6, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-3536; Filed, May 9, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13148 etc.]

P & S OIL CORP. AND PIPE LINE CONSTRUCTION AND DRILLING CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 6, 1958.

In the matters of P & S Oil and Gas Corporation, Docket Nos. G-13148, G-13149, G-13150, G-13151, G-13152; Pipe Line Construction and Drilling Company, Docket No. G-13153.

Take notice that P & S Oil and Gas Corporation (P & S), an independent producer with a principal place of business in Charleston, West Virginia, filed on August 27, 1957, pursuant to section 7 of the Natural Gas Act, applications for certificates of public convenience and necessity authorizing the sales of natural gas in interstate commerce to Hope Natural Gas Company (Hope) for resale, as follows:

(1) Docket No. G-13148. P & S to Hope from acreage in the Chapmanville Field, Boone, Lincoln and Logan Counties, West Virginia, under contract dated October 22, 1949.

(2) Docket No. G-13149. P & S to Hope from acreage in the Oceana Field, Clear Fork District, Wyoming County, West Virginia, under contract dated March 2, 1951.

(3) Docket No. G-13150. P & S to Hope from acreage in the Grundy Field, Buchanan County, Virginia, under contract dated December 3, 1952.

(4) Docket No. G-13151. P & S to Hope from acreage in the Sandridge Field, Sherman District, Calhoun County, West Virginia, under contract dated April 2, 1956.

(5) Docket No. G-13152. P & S to Hope from the Fern Minney, et al. lease, Sherman District, Calhoun County, West Virginia, under contract dated June 28, 1956.

subject to the jurisdiction of the Commission, all as more fully described in the said applications on file with the Commission, and open for public inspection.

Pipe Line Construction and Drilling Company (Drilling Company), an independent producer with a principal place of business in Camp Hill, Pennsylvania, filed on August 27, 1957, an application in Docket No. G-13153 pursuant to section 7 (b) of the Natural Gas Act for authorization to abandon service to Hope, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open for public inspection.

The applications of Drilling Company (Docket No. G-13153) and of P & S (Docket Nos. G-13148—G-13152, inclusive) recite that pursuant to agreements dated October 1, 1956, Drilling Company assigned its interests in leasehold acreage to P & S; and that P & S will continue to render service to Hope previously rendered by Drilling Company. Certificates of public convenience and necessity were granted to Drilling Company for the sale of gas to Hope in Docket Nos. G-5562, G-5592, G-5626, G-10309 and G-10909; Docket Nos. G-5562, G-5592 and G-5626 on July 13, 1955, and Docket No. G-10309 on April 8, 1957, and in Docket No. G-10909 on April 24, 1957.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3524; Filed, May 9, 1958; 8:47 a. m.]

[Docket No. G-15012]

EDWIN L. COX

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Edwin L. Cox (Cox) on April 7, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 26, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 5 to Cox's FPC Gas Rate Schedule No. 10.

Effective date: May 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed two-step periodic rate increase, Cox states that the pricing provisions collectively represent the negotiated contract price and the arrangement for periodic increases is economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Cox's FPC Gas Rate Schedule No. 10 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Cox's FPC Gas Rate Schedule No. 10.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3525; Filed, May 9, 1958; 8:47 a. m.]

[Docket No. G-15013]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Phillips Petroleum Company (Phillips) on April 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 4 to Phillips' FPC Gas Rate Schedule No. 307.

Effective date: May 10, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed periodic rate increase, Phillips states that the proposed rate is not unjust nor unreasonable, the indicated price for the gas is 18.5 cents per Mcf as shown by evidence in Docket Nos. G-1148, et al., and the proposed price will only reduce the deficiency in Phillips' jurisdictional revenues.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Phillips' FPC Gas Rate Schedule No. 307 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Phillips' FPC Gas Rate Schedule No. 307.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3526; Filed, May 9, 1958; 8:47 a. m.]

[Docket No. G-15027]

ATLANTIC REFINING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

The Atlantic Refining Company (Operator), et al. (Atlantic), on April 9, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 7, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 7 to Atlantic's FPC Gas Rate Schedule No. 133.

Effective date: May 10, 1958 (effective date is the effective date proposed by Atlantic).

In support of the proposed periodic rate increase, Atlantic submits its usual general statements citing the contract provisions, stating that the increase is the result of the mechanical operation of a contract provision, and that such provisions are common in long-term contracts and beneficial to both buyer and seller in providing a low initial price, which price increases as buyer's capital investment is amortized and seller's costs increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Atlantic's FPC Gas Rate Schedule No. 133 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Atlantic's FPC Gas Rate Schedule No. 133.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

---

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12461.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3527; Filed, May 9, 1958; 8:47 a. m.]

[Docket No. G-15028]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Shell Oil Company (Shell) on April 8, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 8, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 83.

Effective date: May 9, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Shell merely states that the increased price was determined through arm's-length negotiation pursuant to the provisions of the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 83 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 83.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3528; Filed, May 9, 1958; 8:47 a. m.]

[Docket No. G-15029]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Sinclair Oil & Gas Company (Sinclair) on April 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 7, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 3 to Sinclair's FPC Gas Rate Schedule No. 140.

Effective date: May 10, 1958 (effective date is the effective date proposed by Sinclair).

In support of the proposed two-step periodic rate increase, Sinclair states that the increase fulfills the contractual obligations of the parties and the increased rate will not result in an excessive rate of return to applicant.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Sinclair's FPC Gas Rate Schedule No. 140 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sinclair's FPC Gas Rate Schedule No. 140.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3529; Filed, May 9, 1958; 8:47 a. m.]

[Docket No. G-15030]

SINCLAIR OIL & GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Sinclair Oil & Gas Company (Sinclair) on April 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 7, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 145.

Effective date: May 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Sinclair cites the contract provision therefor and states that the increased rate will not result in an excessive rate of return, but will assist applicant in obtaining a just rate and a return commensurate with inherent risks.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 145 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 145.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3530; Filed, May 9, 1958; 8:48 a. m.]

[Docket No. G-15031]

LE CUNO OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Le Cuno Oil Corporation, (Operator) et al. (Le Cuno) on April 11, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 6 to Le Cuno's FPC Gas Rate Schedule No. 4.

Effective date: May 12, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Le Cuno states that the contract was negotiated at arm's-length, the price escalation provisions are common in long-term contracts and induce sellers to commit their gas for such long term, and are beneficial to both buyer and seller. Le Cuno further states that the increased rate is just and reasonable and to deny same would be discriminatory and would amount to confiscation of seller's property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Le Cuno's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Le Cuno's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 12, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3531; Filed, May 9, 1958; 8:48 a. m.]

[Docket No. G-15032]

CHARM OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Charm Oil Company (Charm) on April 14, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 9, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Charm's FPC Gas Rate Schedule No. 2.

Effective date: May 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Charm states that the price escalation clause itself established what a fair market price for the gas would be at specified periods and the proposed 10.5 cents per Mcf rate is not above such fair market price and is below prices for like gas in other areas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Charm's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Charm's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3532; Filed, May 9, 1958; 8:48 a. m.]

[Docket No. G-15033]

CHRISTIE, MITCHELL & MITCHELL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 6, 1958.

Christie, Mitchell & Mitchell Company et al. (Christie) on April 10, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 8, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 10 to Christie's FPC Gas Rate Schedule No. 11.

Effective date: May 11, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Christie states that the contractual provisions therefor were entered into in fair, arm's-length dealings; that the increased price is just and reasonable and will afford seller only a fair return on its investment. Christie states additionally that it is entitled to the increased price as a matter of equity.

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-6650.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Christie's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Christie's FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 11, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3533; Filed, May 9, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12209, 12210; FCC 58M-463]

DAVID M. SEGAL ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permits.

The Hearing Examiner having under consideration a unanimous oral request for a continuance of the prehearing conference in the above-entitled matter, presently scheduled for May 12, 1958, to June 2, 1958; and

It appearing that good cause has been shown for the continuance and that the convenience of all the parties will be served thereby,

It is ordered, This 5th day of May 1958, that the prehearing conference heretofore scheduled to take place on May 12, 1958, is hereby rescheduled to commence at 10:00 a. m., June 2, 1958, in the Commission's offices in Washington D. C.

Released: May 5, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3541; Filed, May 9, 1958; 8:50 a. m.]

[Docket No. 12237 etc.; FCC 58M-474]

OKLAHOMA TELEVISION CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; William G. Aly, Richard J. Carrere, Frank B. Ellis, George C. Foltz, George E. Martin, Joseph A. Paretti, Chalin O. Perez, John E. Pottharst, and William H. Saunders, Jr., d/b as Coastal Television Company, New Orleans, Louisiana, Docket No. 12289, File No. BPCT-2430; for construction permits for New Television Broadcast Stations (Channel 12). Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT-4679; for modification of construction permit (From Channel 20 to Channel 12).

Pursuant to agreements reached by all parties as shown by the transcript record of the further prehearing conference held on this date,

It is ordered, This 5th day of May 1958, that the hearing in this proceeding shall be commenced at 10:00 a. m. on Monday, June 9, 1958.

Released: May 7, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3542; Filed, May 9, 1958; 8:50 a. m.]

[Docket Nos. 12329-12331; FCC 58M-467]

FOX VALLEY BROADCASTING CO. ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Dave Edelson, Ralph T. Buehlman and Walter F. Meyers, d/b as Fox Valley Broadcasting Company, Geneva, Illinois, Docket No. 12329, File No. BP-11038; Radio Wisconsin Incorporated (WISC), Madison, Wisconsin, Docket No. 12330, File No. BP-11396; Logansport Broadcasting Corporation, Aurora-Batavia, Illinois, Docket No. 12331, File No. BP-11405; for construction permits.

It is ordered, This 5th day of May 1958, upon request of Fox Valley Broadcasting Company, made pursuant to § 1.45 of the rules, that oral argument on the petition of Logansport Broadcasting Corporation, requesting leave to amend its above-entitled application, will be held at 10:00 a. m., Wednesday, May 14, 1958, in the offices of this Commission, Washington, D. C.

Released: May 6, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3543; Filed, May 9, 1958; 8:50 a. m.]

CIVIL SERVICE COMMISSION

GEOLOGY POSITIONS IN CONTINENTAL UNITED STATES AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the rate of pay to the top step of grades GS-5 through GS-17 for all positions in Geology Series GS-1350-0. The new minimum rates of compensation are as follows:

GS-5, $4,480 (top step).
GS-6, $4,890 (top step).
GS-7, $5,335 (top step).
GS-8, $5,780 (top step).
GS-9, $6,250 (top step).
GS-10, $6,725 (top step).
GS-11, $7,465 (top step).
GS-12, $8,645 (top step).
GS-13, $10,065 (top step).
GS-14, $11,395 (top step).
GS-15, $12,690 (top step).
GS-16, $13,760 (top step).
GS-17, $14,835 (top step).

The increases are effective on the first day of the second pay period which begins after May 13, 1958, and apply throughout the continental United States and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3546; Filed, May 9, 1958; 8:51 a. m.]

Part II begins on page 3165

UNIVERSITY OF MICHIGAN
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MAIN [illegible] ROOM

PART I

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

VOLUME 23 NUMBER 94

Washington, Tuesday, May 13, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

Subchapter D—Federal Intermediate Credit Banks

PART 45—COLLATERAL TRUST DEBENTURES

Subchapter F—Banks for Cooperatives

PART 73—BANKS FOR COOPERATIVES CONSOLIDATED DEBENTURES

RESTRICTIVE ENDORSEMENTS OF BEARER SECURITIES

The following new § 10.120d is hereby inserted immediately following § 10.120c in Part 10 of Title 6 of the Code of Federal Regulations:

§ 10.120d *Restrictive endorsements of bearer securities.* When consolidated coupon bonds issued by the 12 Federal land banks are being presented to Federal Reserve Banks or Branches, or to the Treasurer of the United States, by or through banks (including Federal land banks) for payment, redemption, or exchange pursuant to an optional exchange offering, such bonds may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated coupon bonds so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds. (See 31 CFR 328.1–328.6.)

(Sec. 20, 39 Stat. 377; 12 U. S. C. 862)

The following new § 45.2 is hereby added at the end of Part 45 of Title 6 of the Code of Federal Regulations:

§ 45.2 *Restrictive endorsements of bearer securities.* When consolidated debentures issued by the 12 Federal intermediate credit banks are being presented to Federal Reserve Banks or Branches, or to the Treasurer of the United States, by or through banks (including Federal intermediate credit banks) for redemption, such debentures may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated debentures issued by the 12 Federal intermediate credit banks so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds. (See 31 CFR 328.1–328.6.)

(Sec. 209, 42 Stat. 1459; 12 U. S. C. 1101)

The following new § 73.19 is hereby added at the end of Part 73 of Title 6 of the Code of Federal Regulations:

§ 73.19 *Restrictive endorsements of bearer securities.* When consolidated debentures issued by the 13 banks for cooperatives are being presented to Federal Reserve Banks or Branches, or to the Treasurer of the United States, by or through banks (including banks for cooperatives) for redemption, such debentures may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated debentures issued by the 13 banks for cooperatives so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds. (See 31 CFR 328.1–328.6.)

(Continued on p. 3141)

> *This issue is divided into two parts, Part II of which contains the Guide to Record Retention Requirements, Appendix A to Title 1, Code of Federal Regulations.*

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 14: Parts 40–399 ($0.40)
Part 400 to end ($1.50)

Title 24 ($1.00)

Title 33 ($1.50)

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Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(Sec. 17, 48 Stat. 263, as amended; 12 U. S. C. [illegible])

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 58-3568; Filed, May 12, 1958; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR POTATOES[1]

On November 8, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 8984) regarding a proposed revision of United States Standards for Potatoes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Potatoes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

GRADES

Sec.
51.1540 U. S. Fancy.
51.1541 U. S. No. 1.
51.1542 U. S. Commercial.
51.1543 U. S. No. 2.

UNCLASSIFIED

51.1544 Unclassified.

SIZE

51.1545 Size

SKINNING CLASSIFICATION

51.1546 Skinning classification.

APPLICATION OF TOLERANCES

51.1547 Application of tolerances.

DEFINITIONS

51.1548 Fairly well matured.
51.1549 Well shaped.
51.1550 Clean.
51.1551 Fairly well shaped.
51.1552 Fairly clean.
51.1553 Soft rot or wet breakdown.
51.1554 Damage.
51.1555 Seriously misshapen.
51.1556 Serious damage.

AUTHORITY: §§ 51.1540 to 51.1556 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. C. C. 1624.

GRADES

§ 51.1540 *U. S. Fancy.* "U. S. Fancy" consists of potatoes of one variety or similar varietal characteristics which are fairly well matured and well shaped; which are clean unless specified as fairly clean; which are not frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from damage caused by sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, shriveling, sprouting, scab, dry rot, rhizoctonia, dried stems, insects, larvae, worms, other disease, or mechanical or other means.

(a) *Size.* Unless otherwise specified, the size shall be as follows:

(1) The diameter of each potato shall be not less than 2 inches;

(2) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Sebago, Pontiac, Kennebec, Green Mountain, or other similar varieties, not less than 60 percent of the potatoes in any lot shall be 2¼ inches or larger but not larger than 4 inches in diameter, including therein not less than 30 percent which are 2¾ inches or larger; and,

(3) For long varieties such as Russet Burbank, Early Gem, White Rose, or other similar varieties, not less than 60 percent of the potatoes in any lot shall be 6 ounces or more in weight, including therein not less than 30 percent which are 10 ounces or more in weight. (See § 51.1545.)

(b) *Tolerances for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 5 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade relating to external and internal defects: *Provided*, That not more than two-fifths of this amount, or 2 percent, shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than one-half of 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. (See § 51.1547.)

§ 51.1541 *U. S. No. 1.* "U. S. No. 1" consists of potatoes of one variety or similar varietal characteristics which are fairly well shaped; which are not frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollowheart, internal discoloration, external discoloration, shriveling, sprouting, scab, dry rot, rhizoctonia, dried stems, insects, larvae, worms, other disease, or mechanical or other means. (See § 51.1546.)

(a) *Size.* Unless otherwise specified, the diameter of each potato shall be not less than 1⅞ inches. (See § 51.1545.)

(b) *Tolerances for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 11 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

(1) 6 percent for potatoes having external defects; and,

(2) 5 percent for potatoes which are damaged by hollowheart, internal discoloration or other internal defects:

And provided further, That included in the above tolerances for external and internal defects not more than 3 percent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. (See § 51.1547.)

§ 51.1542 *U. S. Commercial.* "U. S. Commercial" consists of potatoes which meet the requirements of U. S. No. 1 grade except that potatoes shall be free from serious damage caused by dirt or other foreign matter, russet scab, and rhizoctonia, and except for the increased tolerances for defects specified in paragraph (b) of this section. (See §§ 51.1541 and 51.1546.)

(a) *Size.* Unless otherwise specified, the diameter of each potato shall be not less than 1⅞ inches. (See § 51.1545.)

(b) *Tolerances for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 20 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade, including therein not more than 11 percent for potatoes which fail to meet the requirements of U. S. No. 2 grade: *Provided*, That included in this latter amount not more than the following percentages shall be allowed for the defects listed:

(1) 6 percent for potatoes having external defects; and,

(2) 5 percent for potatoes which are seriously damaged by hollowheart, internal discoloration or other internal defects:

And provided further, That included in the above tolerances for external and internal defects not more than 3 percent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. (See § 51.1547.)

§ 51.1543 *U. S. No. 2.* "U. S. No. 2" consists of potatoes of one variety or similar varietal characteristics which are not seriously misshapen or frozen; and which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, soft rot or wet breakdown, and free from serious damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollowheart, internal discoloration, external discoloration, shriveling, scab, dry rot, rhizoctonia, insects, larvae, worms, other disease, or mechanical or other means. (See § 51.1546.)

(a) *Size.* Unless otherwise specified, the diameter of each potato shall be not less than 1½ inches. (See § 51.1545.)

(b) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 11 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

---

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(1) 6 percent for potatoes having external defects; and,

(2) 5 percent for potatoes which are seriously damaged by hollowheart, internal discoloration or other internal defects:

And provided further, That included in the above tolerances for external and internal defects not more than 3 percent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot, or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. (See § 51.1547.)

UNCLASSIFIED

§ 51.1544 *Unclassified.* "Unclassified" consists of potatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of this subpart but is provided as a designation to show that no grade has been applied to the lot.

SIZE

§ 51.1545 *Size.* (a) The count, minimum size or range of size may be specified in connection with the grade in terms of number of potatoes per container, or diameter or weight of the individual potato, or in accordance with one of the following size classifications:

(1) *Size A.* (i) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Sebago, Pontiac, Kennebec, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than 1⅞ inches, and not less than 60 percent of the potatoes in the lot shall be 2¼ inches or larger;

(ii) For long varieties such as Russet Burbank, Early Gem, White Rose, or other similar varieties, the diameter of each potato shall be not less than 1⅞ inches, and not less than 40 percent of the potatoes in the lot shall be 6 ounces or more in weight;

(2) *Size B.* For all varieties the potatoes shall be from 1½ to 2¼ inches in diameter, inclusive; and,

(3) *Size C.* For all varieties the potatoes shall be from 1 inch to 1½ inches in diameter, inclusive.

(b) *Diameter.* "Diameter" means the greatest dimension at right angles to the longitudinal axis.

(c) *Tolerances for size.* In order to allow for variations incident to proper sizing, the following tolerances shall be allowed:

(1) Not more than 3 percent of the potatoes in any lot may fail to meet the specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2¼ inches or more in diameter or 6 ounces or more in weight. In addition, not more than 10 percent may fail to meet any specified maximum size;

(2) When a percentage of the potatoes is specified to be of a certain size and larger, individual packages containing 15 pounds or less shall have not less than one-half of the percentage specified and individual packages containing more than 15 pounds shall have not less than three-fourths of the percentage specified; and,

(3) When a number of potatoes per package is specified, the number of potatoes in individual packages shall not vary more than 5 percent from the number specified.

SKINNING CLASSIFICATION

§ 51.1546 *Skinning classification.* (a) The following optional skinning classifications are provided as a basis for classifying lots of potatoes as to the degree of skinning:

(1) "Practically no skinning" means that not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered";

(2) "Slightly skinned" means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered";

(3) "Moderately skinned" means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered"; and,

(4) "Badly skinned" means that more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered".

APPLICATION OF TOLERANCES

§ 51.1547 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 15 pounds, when a tolerance of 10 percent or more is provided, individual packages in the lot shall have not more than one and one-half times the tolerance specified, and when a tolerance of less than 10 percent is provided, individual packages in the lot shall have not more than double the tolerance specified, except that for potatoes which are frozen or affected by soft rot or wet breakdown, en route or at destination, not more than one-tenth of the packages may contain more than four times the tolerance specified, and except that at least one defective and one off-size potato may be permitted in any package; and,

(2) For packages which contain 15-pounds or less, individual packages in the lot are not restricted as to the percentage of defects and off-size: *Provided,* That not more than one-tenth of the packages may have more than one potato which is frozen or affected by soft rot or wet breakdown.

DEFINITIONS

§ 51.1548 *Fairly well matured.* "Fairly well matured" means that not more than 10 percent, by weight, of the individual potatoes in the lot have more than one-fourth of the skin missing or feathered.

§ 51.1549 *Well shaped.* "Well shaped" means that the potato has the normal shape for the variety and is not pointed, dumbell-shaped or otherwise ill-formed.

§ 51.1550 *Clean.* "Clean" means that the individual potato is practically free from dirt or staining and practically no loose dirt or other foreign matter is present in the container.

§ 51.1551 *Fairly well shaped.* "Fairly well shaped" means that the individual potato is not materially pointed, dumbbell-shaped or otherwise ill-formed.

§ 51.1552 *Fairly clean.* "Fairly clean" means that the individual potato is reasonably free from dirt or staining and not more than a slight amount of loose dirt or other foreign matter is present in the container.

§ 51.1553 *Soft rot or wet breakdown.* "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

§ 51.1554 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dirt or other foreign matter when the individual potato is more than slightly dirty or slightly stained, or when more than a moderate amount of loose dirt or other foreign matter is present in the container;

(b) Sunburn when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the affected area;

(c) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is materially affected by yellowish or greenish surface discoloration, or when discoloration extends into the flesh of the potato and cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area;

(d) Second growth which materially affects the appearance of the individual potato;

(e) Growth cracks which materially affect the appearance of the individual potato;

(f) Air cracks which are deep, or shallow air cracks which materially affect the appearance of the individual potato;

(g) Hollowheart which materially affects the internal appearance of the potato cut longitudinally;

(h) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there is more than the equivalent of 3 scattered light brown spots one-eighth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long type potato 6 ounces in weight, or correspondingly lesser or greater numbers of spots on smaller or larger potatoes;

(i) External discoloration when the appearance of the potato is materially affected;

(j) Shriveling when the potato is more than moderately shriveled, spongy or flabby;

(k) Sprouting when more than 10 percent of the potatoes in the lot have external sprouts over three-fourths inch in length, or when the removal of an ingrown sprout causes a loss of more than 5 percent of the total weight of the potato including peel covering the defective area;

(l) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds 5 percent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds 3 percent of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering the defective area; or when russet scab materially affects the appearance of the potato;

(m) Rhizoctonia when the appearance of the potato is materially affected, or when the surface is materially caked with black scurf;

(n) Dried stems when pliable and over one-eighth inch in diameter and over 2½ inches long, or when stiff and over one-eighth inch in diameter and over 1 inch long;

(o) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass root or similar injury in a round or intermediate type potato 2½ inches in diameter, or in a long type potato 6 ounces in weight, is more than three-fourths inch long, or when the aggregate length of all holes in such potatoes is more than 1¼ inches, or correspondingly shorter or longer holes in smaller or larger potatoes, or when other types of injury materially affect the appearance of the potato or cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area; and,

(p) Mechanical or other means when cuts, shatter bruises or other bruises, punctures, or other injuries materially affect the appearance of the potato or cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering the defective area.

§ 51.1555 *Seriously misshapen.* "Seriously misshapen" means that the individual potato is seriously pointed, dumbbell-shaped or otherwise badly deformed.

§ 51.1556 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the edible or shipping quality, or the internal or external appearance of the individual potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt or other foreign matter when the individual potato is badly caked with dirt or badly stained, or when an excessive amount of loose dirt or other foreign matter is present in the container;

(b) Sunburn when the discoloration extends into the flesh to such an extent that it cannot be removed without a loss of more than 10 perent of the total weight of the potato including peel covering the affected area;

(c) Greening caused by exposure to natural or artificial light when the appearance of the individual potato is seriously affected by yellowish or greenish surface discoloration or when such discoloration extends into the flesh of the potato and cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area;

(d) Second growth which seriously affects the appearance of the individual potato;

(e) Growth cracks which seriously affect the appearance of the individual potato;

(f) Air cracks which seriously affect the appearance of the individual potato;

(g) Hollowheart which seriously affects the internal appearance of the potato cut longitudinally;

(h) Internal discoloration, any part of which affects the vascular ring or occurs between the ring and the skin of the potato when the discoloration cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area, or discoloration occurring entirely within the area bounded by the vascular ring when there is more than the equivalent of 6 scattered light brown spots one-eighth inch in diameter in a round or intermediate type potato 2½ inches in diameter or in a long type potato 6 ounces in weight, or correspondingly lesser or greater numbers of spots on smaller or larger potatoes;

(i) External discoloration when the appearance of the potato is seriously affected;

(j) Shriveling when the potato is excessively shriveled, spongy or flabby;

(k) Scab when surface scab shows no pronounced contrast with the background color of the potato and the aggregate area exceeds 50 percent of the surface, or when surface scab shows a pronounced contrast with the background color and the aggregate area exceeds 25 percent of the surface; when pitted scab affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering the defective area; or when russet scab seriously affects the appearance of the potato;

(l) Rhizoctonia when the appearance of the potato is seriously affected, or when the surface is badly caked with black scurf;

(m) Insects, larvae or worms when present inside the potato, or when any hole caused by them or by grass roots or similar injury in a round or intermediate type potato 2½ inches in diameter, or in a long type potato 6 ounces in weight, is more than 1½ inches long, or when the aggregate length of all holes in such potatoes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger potatoes, or when other types of injury seriously affect the appearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area; and,

(n) Mechanical or other means when a fairly smooth cut such as is made by a knife to remove injury occurs on both ends of the potato: *Provided,* That such a cut shall be permitted on one end of the potato if the length of the remaining portion of the clipped potato is more than one and one-half times the greatest diameter of the cut and that the remaining portion of a clipped long-type potato weighs at least 6 ounces; or when other cuts, shatter bruises or other bruises, punctures, or other injuries seriously affect the appearance of the potato or cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering the defective area.

The United States Standards for Potatoes contained in this subpart shall become effective on July 15, 1958, and will thereupon supersede the United States Standards for Potatoes which have been in effect since June 1, 1949 (7 CFR §§ 51.1540 to 51.1559).

Dated: May 8, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3583; Filed, May 12, 1958; 8:52 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

The following counties are hereby added to the list of counties, published January 16, 1958 (23 F. R. 289), as supplemented by an appendix published March 25, 1958 (23 F. R. 1943), which were designated for barley crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a)

of § 401.1 of the above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769).

- California:
  - Kern.
  - Los Angeles.
  - Tulare.
- Idaho:
  - Latah.
  - Nez Perce.
- Montana:
  - Yellowstone.
- Oregon:
  - Gilliam.
  - Jefferson.
  - Union.
  - Wallowa.
- Oregon—Con.
  - Wasco.
- Washington:
  - Adams.
  - Asotin.
  - Benton.
  - Columbia.
  - Douglas.
  - Franklin.
  - Grant.
  - Klickitat.
  - Lincoln.
  - Spokane.

(Secs. 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 58-3567; Filed, May 12, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 134, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.434 (Valencia Orange Regulation 134, 23 F. R. 2983) are hereby amended to read as follows:

(ii) District 2: 392,700 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 8, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3581; Filed, May 12, 1958; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6372]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SOUTHERN OXYGEN CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials;* § 13.733 *Cylinder or container rental.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Southern Oxygen Company, Bladensburg, Md., Docket 6372, Apr. 1, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a company with main office in Bladensburg, Md., operating plants and maintaining warehouses in ten States in the middle Atlantic region and as far west as Kentucky and Tennessee for the production and processing of compressed gases, both commercial or industrial and medical, with discriminating in price in violation of section 2 (a) of the Clayton Act through charging some customers higher prices than it charged others for its products of like grade and quality and through charging some, but not all, of its customers "demurrage" or cylinder rental.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Southern Oxygen Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of compressed gases in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

1. By selling compressed gases to any purchaser at prices higher than the prices at which those products are sold by respondent Southern to any other purchaser, where, in the sale of such products to the purchaser charged the lower price, respondent Southern is in competition with any other seller:

Provided, however, That nothing herein contained shall prohibit the classification of purchasers for pricing purposes where respondent Southern can establish that the classification and the resultant differences in price between purchasers make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such products are to such purchasers sold or delivered.

And provided further, That this order shall not be construed to prohibit respondent Southern from charging a purchaser in one trading area prices lower than the prices charged a purchaser in another trading area where respondent Southern can show that such lower price does not undercut the price at which the purchaser charged the lower price may purchase compressed gases of like grade and quality from another seller;

2. By extending to any purchaser of compressed gases more favorable terms or rates for cylinder use than are extended to any other purchaser where, in the sale of compressed gases to the favored purchaser, respondent Southern is in competition with any other seller.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 1, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3563; Filed, May 12, 1958; 8:48 a. m.]

[Docket 6698]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SHELL OIL CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.792 *User discounts on retail sales;*[1] [*Discriminating in price under section 2, Clayton Act, as amended*]—Knowingly inducing or receiving discriminating price under 2 (f): § 13.850 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Shell Oil Company (New York, N. Y.) et al., Docket 6698, Apr. 2, 1958]

In the Matter of Shell Oil Company, a Corporation, Premier Cab Association, Inc., a Corporation, and Washington Cab Association, Inc., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the

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[1] New.

Commission charging an oil company with principal office in New York City with violating section 2 (a) of the Clayton Act by granting user discounts to two cab association customers in Washington, D. C., on gasoline resold to the public generally, and charging the two cab associations with violating section 2 (f) of the same act by knowingly inducing and receiving the user discounts on gasoline they resold to the public in competition with retail filling stations.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist. Counsel for both parties having jointly requested a modification in certain designated respects, the Commission granted the request and on April 2 adopted the initial decision as modified in accordance therewith.

The order to cease and desist is as follows:

It is ordered, That respondent Shell Oil Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of petroleum products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of automotive petroleum products of like grade and quality:

By selling to any user or organization of users any of such products, which are resold, at a lower price than respondent's price to any other purchaser who competes with such user or organization of users in the resale of such products.

The terms "resold" and "resale," as used in this order, shall not include sales to an affiliate of a buyer from respondent Shell Oil Company solely for use by such affiliate, or sales by an organization for use in vehicles identified by its trade name, such as sales by a cooperatively-owned taxicab company of such products for use in the taxicabs of its members.

The term "selling to any user," as used in this order, does not include sales for delivery to a business location which is primarily a reseller operation with respect to petroleum products and where only an insubstantial percentage of such deliveries are used by the purchaser: *It is further ordered*, That respondent Premier Cab Association, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase in commerce, as "commerce" is defined in the Clayton Act, of petroleum products which it resells for use in vehicles other than the taxicabs of its members, do forthwith cease and desist from knowingly inducing or receiving from respondent Shell Oil Company, or from any other seller, prices for such products which are lower than the prices at which such sellers sells such products of like grade and quality to any other purchaser competing with respondent Premier Cab Association, Inc., in the resale of petroleum products.

It is further ordered, That respondent Washington Cab Association, Inc., a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase in commerce, as "commerce" is defined in the Clayton Act, of petroleum products which it resells for use in vehicles other than the taxicabs of its members, do forthwith cease and desist from knowingly inducing or receiving from respondent Shell Oil Company, or from any other seller, prices for such products which are lower than the prices at which such seller sells such products of like grade and quality to any other purchaser competing with respondent Washington Cab Association, Inc., in the resale of petroleum products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Shell Oil Company, Premier Cab Association, Inc., and Washington Cab Association, Inc., shall, within sixty (60) days after service of this order upon them, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision as modified.

Issued: April 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3561; Filed, May 12, 1958; 8:47 a. m.]

[Docket 6846]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FURS BY KODA, INC., AND ALBERT GERSHBERG

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Furs by Koda, Inc., et al., New York, N. Y., Docket 6846, Apr. 4, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to label certain fur products as required and by invoicing which did not set forth the terms "second-hand" and "used fur" where applicable, and which failed in other respects to conform to requirements of the Act.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Furs by Koda, Inc., a corporation, and its officers and Albert Gershberg, individually and as an officer of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or manufacture for introduction into commerce, or the sale, or offering for sale, in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(e) The name or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is the fact.

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact.

(e) The name and address of the persons issuing such invoice.

(f) The name of the country of origin of any imported fur contained in a fur product.

(g) That the fur products contain secondhand used fur when such is the fact.

(h) The item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Furs by Koda, Inc., a corporation, and its officers and Albert Gershberg, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 4, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3562; Filed, May 12, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54585]

PART 26—DISCLOSURE OF INFORMATION

RESTRICTION ON MANIFEST INFORMATION

Certain commercial data relating to imports and exports is made available on a current basis to accredited representatives of the press under the terms and conditions set forth in §§ 26.5, 26.6, and 26.7 of the Customs Regulations. Section 26.7 provides in part that upon receipt of a written application of an importer, exporter, or master or owner of any vessel, the information identified in § 26.5 will be withheld if the application is supported by evidence that the publication of such data has been or will be detrimental to the applicant.

In the interest of providing the public, through accredited representatives of the press and associations designated in § 26.5, with a maximum of current data relating to imports and exports consistent with the necessary protection to private business relationships, it has now been decided that the restrictions provided for in § 26.7 (a) upon dissemination of such current data should be limited to the withholding, upon application, of the names of consignees of imports. The disclosure of other data identified in § 26.5, which data is of a general nature but of considerable statistical value to the public, should not be restricted. Therefore, § 26.7 (a) of the Customs Regulations is amended to read as follows:

(a) Upon written application of a consignee or importer, the collector of customs shall refuse to permit any person, except as provided in § 26.4, to copy the name of such consignee from manifests.

(R. S. 161, 251, sec. 624, 46 Stat. 759, sec. 3, 60 Stat. 238, 5 U. S. C. 22, 1002, 19 U. S. C. 66, 1624)

Notice of the proposed issuance of the foregoing amendment was published in the FEDERAL REGISTER on October 5, 1957 (22 F. R. 7942). Due consideration was accorded to all data, views, and arguments received pertaining to the proposed amendment, none of which was found to warrant any change. However, some minor changes in terminology have been made to conform to related provisions in § 26.5 (c).

This amendment terminates suspensions of disclosure heretofore granted by collectors of customs. However, to reduce administrative problems for collectors of customs and to make it unnecessary for reapplication by those importers who had previously obtained suspensions of disclosure of data or whose applications have not yet been acted on, any applications by importers which have been previously granted or have not been acted on shall remain in effect or be granted, respectively, only as to the disclosure of the consignee's name.

(R. S. 161; 5 U. S. C. 22. Interprets or applies R. S. 251, sec. 624, 46 Stat. 759, sec. 3, 60 Stat. 238; 5 U. S. C. 1002, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: May 2, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3574; Filed, May 12, 1958; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

TETRACYCLINE-NOVOBIOCIN FOR ORAL SUSPENSION

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), § 146c.239 of the regulations for certification of tetracycline and tetracycline-containing drugs (23 F. R. 53) are amended as set forth below:

1. Section 146c.239 (a) is amended by changing "25 milligrams" in the first sentence to read "12.5 milligrams".

2. Section 146c.239 (c) is amended by changing the number "12" in the second sentence to read "18".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: May 6, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3565; Filed, May 12, 1958; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1627]

COLORADO AND IDAHO

WITHDRAWING LANDS IN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITE, RECREATION AREA, AND CAMPGROUND

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereafter indicated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site, recreation area, and campground:

[COLORADO 011863]

RIO GRANDE NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

Seepage Creek Administrative Site:
  T. 40 N., R. 2 W.,
    Sec. 1, S½NW¼, SW¼SW¼NE¼, NW¼SE¼, SE¼SE¼, N½SW¼SE¼, W½SW¼SW¼SE¼, NE¼SW¼SW¼SE¼, N½SE¼SW¼SE¼, SE¼SE¼SW¼SE¼ and SW¼;
    Sec. 12, N½NW¼, NW¼SW¼NW¼ and W½NE¼SW¼NW¼.
  The areas described aggregate 460 acres.

[COLORADO 012204]

ROUTT NATIONAL FOREST, SIXTH PRINCIPAL MERIDIAN

Big Creek Lakes Recreation Area:
  T. 11 N., R. 82 W.,
    Sec. 2, NW¼SW¼;
    Sec. 3, S½NE¼, SE¼ and S½SW¼;
    Sec. 9, E½NE¼, S½SW¼ and SE¼;
    Sec. 10, NW¼;
    Sec. 16;
    Sec. 20, SW¼ and E½;
    Sec. 21, W½ and NE¼.
  The areas described aggregate 2,440 acres.

[IDAHO 07267]

COEUR D'ALENE NATIONAL FOREST, BOISE MERIDIAN

Honeysuckle Campground:
T. 51 N., R. 1 W.,
Sec. 28, SE¼NW¼.
The area described contains 40 acres.

The total area withdrawn by this order is 2,940 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 6, 1958.

[F. R. Doc. 58-3550; Filed, May 12, 1958; 8:45 a. m.]

[Public Land Order 1628]

ARIZONA AND COLORADO

RESERVING LANDS WITHIN NATIONAL FORESTS IN ARIZONA AND COLORADO FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, CAMPGROUNDS, AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands within the National forests indicated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining, but not mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, campgrounds, and recreation areas:

[COLORADO 016735]

NEW MEXICO PRINCIPAL MERIDIAN, SAN JUAN NATIONAL FOREST

Vallecito Guard Station Administrative Site:
T. 37 N., R. 6 W.,
Sec. 29, lots 3 and 4.
The tracts described contain 67.60 acres.

[ARIZONA 09280]

GILA AND SALT RIVER MERIDIAN, TONTO NATIONAL FOREST

Upper East Verde Recreational Area:
T. 12 N., R 10 E.,
Sec. 12, SW¼SW¼, unsurveyed;
Sec. 11, SE¼SE¼, unsurveyed;
Sec. 13, NW¼NW¼, unsurveyed;
Sec. 14, NE¼NE¼, unsurveyed.
The areas described total 160 acres.

Webber Creek Organization Site and Public Recreation Area:
T. 12 N., R. 9 E.,
Sec. 14, SW¼SE¼, SE¼SW¼, unsurveyed;
Sec. 22, E½, unsurveyed;
Sec. 23, all, except area included in HES 50, unsurveyed;
Sec. 24, SW¼SW¼, unsurveyed;
Sec. 25, NW¼NW¼, unsurveyed;
Sec. 26, N½, except area included in HES 50, unsurveyed;
Sec. 27, NE¼NE¼, unsurveyed.
The areas described total 1,322.28 acres.

[ARIZONA 015596]

GILA AND SALT RIVER MERIDIAN, COCONINO NATIONAL FOREST

Camp Verde Administrative Site:
T. 13 N., R. 5 E.,
Sec. 5, NE¼, and lot 6.
The areas described total 213.60 acres.

The total areas described aggregate 1,763.48 acres.

This order shall be subject to existing withdrawals for other than forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for National forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 6, 1958.

[F. R. Doc. 58-3551; Filed, May 12, 1958; 8:46 a. m.]

[Public Land Order 1629]

[72191]

MICHIGAN

PARTIALLY REVOKING THE EXECUTIVE ORDER OF DECEMBER 9, 1852, WHICH RESERVED CERTAIN ISLANDS FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of December 9, 1852, which reserved certain islands for lighthouse purposes, is hereby revoked so far as it affects the following-described lands:

MICHIGAN MERIDIAN

DRUMMOND ISLAND

T. 41 N., R. 4 E.,
Sec. 12, lots 1 and 2.

The tracts described contain 56.7 acres.

2. The description is in terms of the official plat approved in 1845. Lot 1 has been resurveyed, the official plat thereof having been filed February 12, 1957, to segregate an area of 24.5 acres which has been patented. The residual area of original lot 1 is now designated as lot 3, containing 6.8 acres. Lot 2 contains 25.40 acres.

3. This revocation is made in furtherance of an exchange under the act of July 31, 1912 (37 Stat. 241) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 7, 1958.

[F. R. Doc. 58-3552; Filed, May 12, 1958; 8:46 a. m.]

[Public Land Order 1630]

[Nevada 046333]

NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 4702 OF AUGUST 10, 1927

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), it is ordered as follows:

1. Executive Order No. 4702 of August 10, 1927, which withdrew public lands in Nevada for use of the Department of Commerce as an air mail beacon site, is hereby revoked so far as it affects the following-described lands;

MOUNT DIABLO MERIDIAN

T. 19 S., R. 63 E.,
Sec. 4, N½SW¼NE¼, SE¼NE¼ and N½SE¼.

The areas described aggregate 140 acres.

2. The lands are located northeast of Las Vegas in Clark County, in a mountainous and undulating area.

3. No application for the lands may be allowed under the homestead, desert-land, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights, conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on June 12, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on Septem-

ber 11, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on September 11, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to application and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on September 11, 1958.

6. No application under the Small Tract Law for lands in Clark County, will be accepted.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 7, 1958.

[F. R. Doc. 58-3553; Filed, May 12, 1958; 8:46 a. m.]

[Public Land Order 1631]

[Fairbanks 012896, 014300, 013539]

ALASKA

PARTIALLY REVOKING, AND AMENDING, PUBLIC LAND ORDER NO. 1588 OF FEBRUARY 12, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1588 of February 12, 1958, which withdrew lands in Alaska for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following described lands:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
  Sec. 29, W½W½SW¼SE¼NW¼, W½SW¼NW¼SE¼NW¼, and SE¼SE¼NW¼NW¼;
  Sec. 30, SE¼NE¼, and SE¼;
  Sec. 31, that portion of lot 4 and SE¼SW¼ described as follows:

Beginning at the southwest corner of section 31, thence north, 330 feet along the west boundary of section 31;

N. 73° E., 2,400 feet to a point on the centerline of said section;

Southerly, 1,000 feet approximately, along centerline to the southeast corner of the SW¼ section 31;

Westerly, along the section line to point of beginning.

T. 2 S., R. 2 W.,
  Sec. 6, that portion of lot 1 and SE¼NE¼ described as follows:

Beginning at the northwest corner of lot 1, thence, east, 650 feet, approximately, along north line of lot 1;

S. 45°30′ E., 1,200 feet to a point on the east boundary line of lot 1;

Southerly, 850 feet along said east line;

S. 20°00′ W., 900 feet to a point on the eastwest center line section 6;

Westerly, along said centerline to the southwest corner of the SE¼NE¼;

Northerly, along the west line of the SE¼NE¼ and lot 1 to point of beginning;

  Lots 2, 3, 4, 5, 6, and 7, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼.

The areas described aggregate 767.18 acres.

2. The land description of Tract E, under Fairbanks 014300, in Public Land Order No. 1588, appearing as Federal Register Document No. 58-1260, in the issue of Wednesday, February 19, 1958, at page 1072, is corrected by redescribing the tie between the point of beginning of Tract A and the point of beginning of Tract E to read as follows:

TRACT E

"Beginning at a point from which the point of beginning of tract "A" above, bears S. 54°08′ E., 290 feet; S. 39°20′30″ E., 2,912 feet; South, 800 feet; and East, 400 feet, thence * * *."

3. Pursuant to section 202 (b) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46-3 (b)), and subject to the requirements of that act and the regulations in 43 CFR Part 76, the Territory of Alaska shall be entitled until 10:00 a. m., August 6, 1958, to a preferred right of selection of the restored lands in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

4. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph (b.) (1) below, the lands, beginning at 10:00 a. m. on August 6, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended). Beginning at 10:00 a. m. on November 5, 1958, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may by presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 6, 1958, will be considered as simultaneously filed at that hour. Rights under such preference-right applications after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on November 5, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, beginning at 10:00 a. m. on November 5, 1958.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands released by this order shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 7, 1958.

[F. R. Doc. 58-3554; Filed, May 12, 1958; 8:46 a. m.]

[Public Land Order 1632]

[Nevada 041789, 013136]

NEVADA

WITHDRAWING PUBLIC LANDS IN NEVADA FOR USE BY THE DEPARTMENT OF THE NAVY IN CONNECTION WITH THE BLACK ROCK AND THE SAHWAVE AERIAL GUNNERY RANGES

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except as hereafter indicated, and reserved for use by the Department of the Navy as air-to-air gunnery ranges:

BLACK ROCK DESERT GUNNERY RANGE

[Nevada 041789]

Beginning at the corner of Ts. 34 and 35 N., Rs. 24 and 25 E., M. D. M., Nevada;

Thence south 6 miles more or less to a point east of the corner of Secs. 3, 4, 33, and 34, Ts. 33 and 34 N., R. 24 E.

Thence east 2½ miles more or less to a point precisely 19 miles west and approximately 9 miles south of the corner of Secs. 7, 12, 13, and 18, T. 35 N., Rs. 28 and 29 E.

Thence north 1 mile more or less to a point 19 miles west and 8 miles south of Secs. 7, 12, 13, and 18, T. 35 N., Rs. 28 and 29 E.

Thence east 2 miles.
Thence north 1 mile.
Thence east 1 mile.
Thence north 1 mile.
Thence east 1 mile.
Thence north 1 mile.
Thence east 2 miles.
Thence north 1 mile.
Thence east 1 mile.
Thence north 1 mile.
Thence east 3 miles.
Thence north 1 mile.
Thence east 2 miles.
Thence north 1 mile.
Thence east 4 miles.
Thence north 1 mile.

Thence east 3 miles to the corner of Secs. 7, 12, 13, and 18, T. 35 N., Rs. 28 and 29 E.

Thence northerly 3¼ miles more or less along the line between Ts. 35 and 35½ N., Rs. 28 and 29 E., to the closing corner of T. 35½ N., Rs. 28 and 29 E., on the 7th Standard Parallel north.

Thence easterly 3⅛ miles more or less along the 7th Standard Parallel north to the standard corner of T. 36 N., Rs. 28 and 29 E.

Thence north 16 miles more or less to a point west of the corner of Ts. 38 and 39 N., Rs. 29 and 30 E.

Thence east 2½ miles more or less to a corner of Ts. 38 and 39 N., Rs. 29 and 30 E.

Thence northerly 12 miles more or less along the west boundary of Ts. 39 and 40 N., R. 30 E., to the closing corner of T. 40 N., R. 30 E., on the 8th Standard Parallel north.

Thence westerly ¼ mile more or less along the 8th Standard Parallel north to the SW corner of T. 41 N., R. 30 E.

Thence north 2 miles more or less to a point east of the standard corner of T. 41 N., Rs. 28 and 29 E.

Thence west 1¼ miles more or less to the standard corner of T. 41 N., Rs. 28 and 29 E.

Thence westerly 3 miles more or less along the 8th Standard Parallel north to the standard corner of secs. 33 and 34, T. 41 N., R. 28 E.

Thence south 6 miles more or less to a point east of the corner of Ts. 39 and 40 N., Rs. 27 and 28 E.

Thence west 3½ miles more or less to the corner of Ts. 39 and 40 N., Rs. 27 and 28 E.

Thence south 6 miles.
Thence west 3 miles.

Thence south 12 miles more or less to a point east of the corner of Ts. 36 and 37 N., Rs. 26 and 27 E.

Thence west 3 miles more or less to the corner of Ts. 36 and 37 N., Rs. 26 and 27 E.

Thence southerly 6½ miles more or less along the line between T. 36 N., Rs. 26 and 27 E., to the standard corner of T. 36 N., Rs. 26 and 27 E.

Thence westerly 12½ miles more or less along the 7th Standard Parallel north through Rs. 26, 25, and a portion of 24 E., to the closing corner of T. 35 N., Rs. 24 and 25 E.

Thence southerly 6½ miles more or less along the line between T. 35 N., Rs. 24 and 25 E., to the corner of Ts. 34 and 35 N., Rs. 24 and 25 E., to the point of beginning.

Situated in Pershing and Humboldt Counties, Nevada, and containing approximately 272,000 acres, more or less.

In terms of the public land surveys, the lands in the Black Rock Desert Gunnery Range would probably be described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 34 N., R. 25 E. (unsurveyed),
  Secs. 1 to 23, inclusive;
  Secs. 27 to 32, inclusive.
T. 35 N., R. 25 E. (unsurveyed).
T. 34 N., R. 26 E. (unsurveyed),
  Secs. 4 to 8, inclusive.
T. 35 N., R. 26 E. (unsurveyed).
T. 35 N., R. 27 E. (unsurveyed),
  Secs. 1 to 24, inclusive;
  Secs. 29 and 30.
T. 36 N., R. 27 E. (unsurveyed).
T. 37 N., R. 27 E. (unsurveyed),
  Secs. 1 to 3, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 to 36, inclusive.
T. 38 N., R. 27 E. (unsurveyed),
  Secs. 1 to 3, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 to 36, inclusive.
T. 35 N., R. 28 E. (unsurveyed),
  Secs. 4 to 9, inclusive.
T. 35½ N., R. 28 E. (unsurveyed),
  Secs. 28 to 33, inclusive.
Tps. 36, 37, 38, and 39 N., R. 28 E. (unsurveyed).
T. 40 N., R. 28 E. (unsurveyed),
  Secs. 1 and 2;
  Secs. 3 and 10, E½;
  Secs. 11, 12, 13, and 14;
  Secs. 15 and 22, E½;
  Secs. 23, 24, 25, and 26;
  Secs. 27 and 34, E½;
  Secs. 35 and 36.
Tps. 39 and 40 N., R. 29 E. (unsurveyed).
T. 41 N., R. 29 E. (unsurveyed),
  Secs. 29, 30, 31, and 32.

SAHWAVE MOUNTAIN GUNNERY RANGE

[Nevada 013136]

MOUNT DIABLO MERIDIAN, NEVADA

T. 25 N., R. 25 E.,
  Secs. 1 to 5, inclusve and 8 to 17, inclusive.
T. 25 N., R. 26 E.,
  Secs. 1 to 18, inclusive.
T. 25 N., R. 27 E.,
  Secs. 1 to 18, inclusive.
T. 26 N., R. 25 E.,
  All.
T. 26 N., R. 26 E.,
  All.
T. 26 N., R. 27 E.,
  All.
T. 27 N., R. 25 E.,
  All.
T. 27 N., R. 26 E.,
  All.
T. 27 N., R. 27 E.,
  All.
T. 28 N., R. 25 E.,
  All.
T. 28 N., R. 26 E.,
  All.
T. 28 N., R. 27 E.,
  All.
T. 29 N., R. 25 E.,
  All; unsurveyed.
T. 29 N., R. 26 E.,
  All.
T. 29 N., R. 27 E.,
  All.
T. 30 N., R. 25 E.,
  All; unsurveyed.
T. 30 N., R. 26 E.,
  All.
T. 30 N., R. 27 E.,
  All.
T. 31 N., R. 25 E.,
  All; unsurveyed.
T. 31 N., R. 26 E.,
  All; unsurveyed.
T. 31 N., R. 27 E.,
  All; unsurveyed.
T. 32 N., R. 25 E.,
  All; unsurveyed.
T. 32 N., R. 26 E.,
  All; unsurveyed.
T. 32 N., R. 27 E.,
  All; unsurveyed.
T. 25 N., R. 28 E.,
  Secs. 4 to 9, inclusive, and secs. 16 to 18, inclusive.
T. 26 N., R. 28 E.,
  Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 27 N., R. 28 E.,
  Secs. 4 to 9, inclusive, secs. 16 to 21 inclusive, and secs. 28 to 33, inclusive.
T. 28 N., R. 28 E.,
  Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 29 N., R. 28 E.,
  Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 30 N., R. 28 E.,
  Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 31 N., R. 28 E.,
  Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive; unsurveyed.
T. 32 N., R. 28 E.,
  Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.

situated in Pershing County, Nevada, and containing approximately 519,106 acres, more or less.

2. The jurisdiction granted by this order is subject to the following conditions:

(a) That all minerals, including oil and gas, in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition of, or exploration for such minerals shall be made except under the applicable mining and mineral-leasing laws, and then only after such modifications of the provisions of this order, with concurrence of the Department of the Navy, as may be necessary to permit such disposition.

(b) The Bureau of Land Management may issue leases or permits for the surface use of the lands, shall administer the timber and other material resources of the lands, and may sell or otherwise dispose of such timber or materials under applicable laws, with the concurrence of the Department of the Navy, and under such conditions as may be prescribed by that Department and the Department of the Interior consistent with the primary purpose of the withdrawal.

(c) The Public shall have access to and across the lands for hunting, fishing and trapping during the months of January, February, March, May, and October, and on Saturdays, Sundays, and legal holidays.

(d) All hunting, fishing and trapping on the lands shall be in accordance with the fish and game laws of the State of Nevada.

(e) The lands shall not be used for the firing of rockets or missiles.

(f) The lands shall not be used for any purposes which might at any time render them unsuitable or dangerous for use under the public-land laws by reason of unexploded ordnance.

(g) The Department of the Navy shall not enclose roads or trails commonly in public use, except at such times as may be necessary in the interest of public safety or national security as determined by the Commanding Officer in charge, at which times suitable warning notices shall be kept posted.

(h) Grazing use of the withdrawn lands shall be administered by the Bureau of Land Management under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended, at such times and in such manner as may be agreed upon between the Bureau of Land Management and the Department of the Navy and in conformance with the terms and conditions of this order.

(i) The Bureau of Land Management may authorize grazing use of the lands in accordance with existing laws and regulations, during the months of January, February and March of each year by sheep and year long by cattle and horses. Authorized users of the range shall have access to the lands during the months of May and October for cattle roundups, and on Saturdays, Sundays, and legal holidays to care for livestock and to maintain range facilities. During the periods for such access no use of the lands for gunnery purposes shall be permitted. Modifications of the periods, and manner of use provided by this paragraph may be made by mutual agreement between the Commanding Officer in charge and the authorized officer of the Bureau of Land Management, where necessary to meet unusual grazing conditions, but the total time will not be less than that specified above.

(j) The Department of the Navy shall take all reasonable precautions to prevent and suppress brush and range fires occurring within the withdrawn lands during the period of military use, or outside such lands resulting from military use. The Department of the Navy may enter into an agreement with the Bureau of Land Management to provide for a transfer of funds for the suppression of range fires by the Bureau of Land Management.

(k) The provisions of paragraphs (c), (e), (h), and (i) of this order shall not apply to land in the Black Rock Desert Gunnery Range (Nevada 041789) described in paragraph 1.

(l) The Department of the Navy shall repair, restore or replace all existing and future range improvements such as roads, fences, wells, and reservoirs, as may be damaged or destroyed by military operations.

(m) Personnel of the State Department of Fish and Game and the United States Bureau of Sport Fisheries and Wildlife shall have access to the lands at appropriate times not inconsistent with military requirements, at such times as may be mutually agreed upon with the Commanding Officer of the Installation in charge, for the purpose of conducting investigations and programs for the control of predatory animals, and at all times when hunting, fishing or trapping is being permitted, for enforcement of the game laws.

(n) The Department of the Navy shall not appropriate or use any waters in, on or under the lands.

3. The jurisdiction of the Department of the Navy over, and its use of the lands described in this order shall terminate five years after the date of this order. Upon the termination of such jurisdiction as provided by this paragraph, such jurisdiction over and administration of the lands shall be vested in the Department of the Interior and any other department or agency of the Federal Government according to their respective interests then of record; provided, that the Department of the Interior may consent to use by the Department of the Navy of the lands or portions thereof for an additional period of five years under the terms and conditions of this order if at the end of four years from the date of this order the Department of the Navy notifies the Department of the Interior of a continuing military requirement for the use of the lands or portions thereof, and affirmatively demonstrates its need therefor.

4. The original applications of the Department of the Navy, as amended by its applications of March 6, 1957, encompassed 521,026 acres for the basic Sahwave Mountain Aerial Gunnery Range (Nev. 013136), 1,335,000 acres for an extension to the Basic Sahwave Range (Nev. 040230), and 272,000 acres comprising the basic Black Rock Desert Aerial Gunnery Range (Nev. 041789). The withdrawal made by this order covers lands remaining after deletions from the areas above described, made by the Department of the Navy in a letter of March 13, 1958, to the Secretary of the Interior.

Irrespective of the regulations in 43 CFR 295.11 (b) (Departmental Circular No. 1982 of August 12, 1957), the deleted lands shall not be relieved of the segregative provisions of 43 CFR 295.11 until 12:00 o'clock noon on July 1, 1958. At that time the eliminated lands shall become subject to location under the United States mining laws, and applications under the public land laws which have been suspended in accordance with 43 CFR 295.11 may be adjudicated.

Nothing in this paragraph shall be construed to affect valid existing rights, including valid mining locations made prior to the date the lands were segregated from such location on the records of the Bureau of Land Management.

Roger Ernst,
Assistant Secretary of the Interior.

May 7, 1958.

[F. R. Doc. 58-3555; Filed, May 12, 1958; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Docket No. 32406]

Part 132—Power Brakes and Drawbars (Railroad)

INSPECTION, TESTING AND MAINTENANCE OF AIR BRAKE EQUIPMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of May A. D. 1958.

It appearin, that on April 11, 1958, the Congress of the United States enacted into law the Power or Train Brakes Safety Appliance Act of 1958, under the provisions of which the Interstate Commerce Commission is directed to adopt and put into effect 120 days after such enactment, the rules, standards, and instructions of the Association of American Railroads, adopted in 1925, and revised in 1933, 1934, 1941, and 1953, with such revisions as had been adopted prior to the enactment of such Act, for the installation, inspection, maintenance, and repair of all power or train brakes for common carrier engaged in interstate commerce by railroad;

It is ordered, That the said rules, standards, and instructions of the said Association of American Railroads, as hereinafter set forth in their codified form, be, and they are hereby, adopted and prescribed to become effective on August 9, 1958, and that all common carriers engaged in interstate commerce by railroad observe and comply with such rules, standards, and instructions;

It is further ordered, That 49 CFR Part 132, Power Brakes and Drawbars (Railroad) be, and it is hereby, amended by adding thereto a center head and §§ 132.10 to 132.17, inclusive, reading as follows:

RULES FOR INSPECTION, TESTING AND MAINTENANCE OF AIR BRAKE EQUIPMENT

Sec.
132.10 General rules, locomotives.
132.11 Train air brake system tests.
132.12 Initial terminal road train air brake tests.
132.13 Road train and intermediate terminal train air brake tests.
132.14 Inbound brake equipment inspection.
132.15 Double heading and helper service.
132.16 Running tests.
132.17 Freight and passenger train car brakes—testing and repairing brakes on cars while on shop or repair tracks—periodical repairs.

Authority: §§ 132.10 to 132.17 issued under sec. 2, 32 Stat. 943, as amended, Pub. Law 85-375, 45 U. S. C. 9.

§ 132.10 *General rules; locomotives.* (a) Air brake and hand brake equipment on locomotives including tender must be inspected and maintained in accordance with the requirements of the Locomotive Inspection and United States Safety Appliance Acts and related orders and regulations of the Interstate Commerce Commission.

(b) It must be known that air brake equipment on locomotives is in a safe and suitable condition for service.

(c) Compressor or compressors must be tested for capacity by orifice test as often as conditions require but not less frequently than required by law and orders of the I. C. C.

(d) Main reservoirs shall be subjected to tests periodically as required by law and orders of the I. C. C.

(e) Air gauges must be tested periodically as required by law and orders of the I. C. C., and whenever any irregularity is reported. They shall be compared with an accurate deadweight tester, or test gauge. Gauges found inaccurate or defective must be repaired or replaced.

(f) (1) All operating portions of air brake equipment together with dirt collectors and filters must be cleaned, repaired and tested as often as conditions require to maintain them in a safe and suitable condition for service, and not less frequently than required by law and orders of the I. C. C.

(2) On locomotives so equipped, hand brakes, parts, and connections must be inspected, and necessary repairs made as often as the service requires, with date being suitably stencilled or tagged.

(g) The date of testing or cleaning of air brake equipment and the initials of the shop or station at which the work was done shall be placed on a card displayed under transparent covering in the cab of each locomotive unit.

(h) (1) Minimum brake cylinder piston travel must be sufficient to provide proper brake shoe clearance when brakes are released.

(2) Maximum brake cylinder piston travel when locomotive is standing must not exceed the following:

Steam locomotives:	*Inches*
Cam type of driving wheel brake	3½
Other types of driving wheel brakes	6
Engine truck brake	8
Engine trailer truck brake	8
Tender brake (truck mounted and tender bed mounted)	8
Tender brake (body mounted)	9

Locomotives other than steam:	*Inches*
Driving wheel brake	6
Swivel type truck brake with brakes on more than one truck operated by one brake cylinder	7
Swivel type truck brake equipped with one brake cylinder	8
Swivel type truck brake equipped with two or more brake cylinders	6

(i) (1) Foundation brake rigging, and safety supports, where used, must be maintained in a safe and suitable condition for service. Levers, rods, brake beams, hangars and pins must be of ample strength and must not bind or foul in any way that will affect proper operation of brakes. All pins must be properly applied and secured in place with suitable locking devices. Brake shoes must be properly applied and kept approximately in line with treads of wheels or other braking surfaces.

(2) No part of the foundation brake rigging and safety supports shall be closer to the rails than specified by law and orders of the I. C. C.

(j) (1) Main reservoir leakage: Leakage from main air reservoir and related piping shall not exceed an average of 3 pounds per minute in a test of three minutes' duration, made after the pressure has been reduced 40 percent below maximum pressure.

(2) Brake pipe leakage: Brake pipe leakage must not exceed 5 pounds per minute after a reduction of 10 pounds has been made from brake pipe air pressure of not less than 70 pounds.

(3) Brake cylinder leakage: With a full service application of brakes, and with communication to the brake cylinders closed, brakes must remain applied not less than five minutes.

(4) The main reservoir system of each unit shall be equipped with at least one safety valve, the capacity of which shall be sufficient to prevent an accumulation of pressure of more than 10 pounds per square inch above the maximum setting of the compressor governor fixed by the chief mechanical officer of the carrier operating the locomotive.

(5) A suitable governor shall be provided that will stop and start the air compressor within 5 pounds above or below the pressures fixed.

(6) Compressor governor when used in connection with the automatic air brake system shall be so adjusted that the compressor will start when the main reservoir pressure is not less than 15 pounds above the maximum brake-pipe pressure fixed by the rules of the carrier and will not stop the compressor until the reservoir pressure has increased not less than 10 pounds.

(k) The communicating signal system on locomotives when used in passenger service must be tested and known to be in a safe and suitable condition for service before each trip.

(l) Enginemen when taking charge of locomotives must know that the brakes are in operative condition.

(m) In freezing weather drain cocks on air compressors of steam locomotives must be left open while compressors are shut off.

(n) Air pressure regulating devices must be adjusted for the following pressures:

LOCOMOTIVES

		Pounds
(1)	Minimum brake pipe air pressure:	
	Road Service	70
	Switch Service	60
(2)	Minimum differential between brake pipe and main reservoir air pressures, with brake valve in running position	15
(3)	Safety valve for straight air brake	30–55
(4)	Safety valve for LT, ET, No. 8–EL, No. 14 El, No. 6–DS, No. 6–BL and No. 6–SL equipment	30–68
(5)	Safety valve for HSC and No. 24–RL equipment	30–75
(6)	Reducing valve for independent or straight air brake	30–50
(7)	Self-lapping portion for electro-pneumatic brake (minimum full application pressure)	50
(8)	Self-lapping portion for independent air brake (full application pressure)	30–50
(9)	Reducing valve for air signal	40–60
(10)	Reducing valve for high-speed brake (minimum)	50

CARS

		Pounds
(11)	Reducing valve for high-speed brake	58–62
(12)	Safety valve for PS, LN, UC, AML, AMU and AB–1–B air brakes	58–62
(13)	Safety valve for HSC air brake	58–77
(14)	Governor valve for water raising system	60
(15)	Reducing valve for water raising system	20–30

§ 132.11 *Train air brake system tests.* (a) Supervisors are jointly responsible with inspectors, enginemen and trainmen for condition of air brake and air signal equipment on motive power and cars to the extent that it is possible to detect defective equipment by required air tests.

(b) Communicating signal system on passenger equipment trains must be tested and known to be in a suitable condition for service before leaving terminal.

(c) Each train must have the air brakes in effective operating condition, and at no time shall the number and location of operative air brakes be less than permitted by Federal requirements. When piston travel is in excess of 10 inches, the air brakes cannot be considered in effective operating condition.

(d) Condensation must be blown from the pipe from which air is taken before connecting yard line or motive power to train.

§ 132.12 *Initial terminal road train air brake tests.* All trains must be given inspection and test as specified by paragraphs (a) to (h) of this section at points: (1) Where a train is originally made up (Initial Terminal); (2) Where train consist is changed other than by adding or removing a solid block of cars and train brake system remains charged; (3) Where train is received in interchange. Each carrier shall establish designated intermediate inspection points within a limit of not to exceed 500 miles where additional inspection will be made to determine that (1) Brake pipe leakage does not exceed 5 pounds per minute; (2) Brakes apply on each car from a 20 pound service brake pipe reduction; (3) That brake rigging is properly secured and does not bind or foul.

(a) Train air brake system must be charged to required air pressure, angle cocks and cutout cocks must be properly positioned, air hose must be properly coupled and must be in condition for service. An examination must be made for leaks and necessary repairs made to reduce leakage to a minimum. Retaining valves and retaining valve pipes must be inspected and known to be in condition for service. If train is to be operated in electro-pneumatic brake operation, brake circuit cables must be properly connected.

(b) (1) After the air brake system on a freight train is charged to within 15 pounds of the setting of the feed valve on the locomotive, but to not less than 60 pounds, as indicated by an accurate gauge at rear end of train, and on a passenger train when charged to not less than 70 pounds, and upon receiving the signal to apply brakes for test, a 15 pound brake pipe service reduction must be made in automatic brake operation, the brake valve lapped, and the number of pounds of brake pipe leakage per minute noted as indicated by brake pipe gauge, after which brake pipe reduction must be increased to full service. Inspection of the train brakes must be made to determine that angle cocks are properly positioned, that the brakes are applied on each car, that piston travel is correct, that brake rigging does not bind or foul, and that all parts of the brake equipment are properly secured. When this inspection has been completed, the release signal must be given and brakes released and each brake inspected to see that all have released.

(2) When a passenger train is to be operated in electro-pneumatic brake operation and after completion of test of brakes as prescribed by subparagraph (1) of this paragraph the brake system must be recharged to not less than 90 pounds air pressure, and upon receiving the signal to apply brakes for test, a minimum 20 pound electro-pneumatic brake application must be made as indicated by the brake cylinder gauge. Inspection of the train brakes must then be made to determine if brakes are applied on each car. When this inspection has been completed, the release signal must be given and brakes released and each brake inspected to see that all have released.

(3) When the locomotive used to haul the train is provided with means for maintaining brake pipe pressure at a constant level during service application of the train brakes, this feature must be cut out during train air brake tests.

(c) Brake pipe leakage must not exceed 5 pounds per minute.

(d) (1) At initial terminal piston travel of body mounted brake cylinders which is less than 7 inches or more than 9 inches must be adjusted to nominally 7 inches.

(2) Minimum brake cylinder piston travel of truck mounted brake cylinders must be sufficient to provide proper brake shoe clearance when brakes are released. Maximum piston travel must not exceed 6 inches.

(3) Piston travel of brake cylinders on freight cars equipped with other than standard single capacity brake, must be adjusted as indicated on badge plate or stenciling on car located in a conspicuous place near brake cylinder.

(e) When test of air brakes has been completed the engineman and conductor must be advised that train is in proper condition to proceed.

(f) During standing test, brakes must not be applied or released until proper signal is given.

(g) (1) When train air brake system is tested from a yard test plant, an engineer's brake valve or a suitable test device must be used to provide increase and reduction of brake pipe air pressure or electro-pneumatic brake application and release at the same or a slower rate as with engineer's brake valve and yard test plant must be connected to the end which will be nearest to the hauling road locomotive.

(2) When yard test plant is used, the train air brake system must be charged and tested as prescribed by paragraphs (a) to (e) of this section inclusive, and when practicable should be kept charged until road motive power is coupled to train, after which, an automatic brake application and release test of air brakes on rear car must be made. If train is to be operated in electro-pneumatic brake operation, this test must also be made in electro-pneumatic brake operation before proceeding.

(3) If after testing the brakes as prescribed in subparagraph (2) of this paragraph the train is not kept charged until road motive power is attached, the brakes must be tested as prescribed by paragraph (b) (1) of this section and if train is to be operated in electro-pneumatic brake operation as prescribed by paragraph (b) (2) of this section.

(h) Before adjusting piston travel or working on brake rigging, cutout cock in brake pipe branch must be closed and air reservoirs must be drained. When cutout cocks are provided in brake cylinder pipes, these cutout cocks only may be closed and air reservoirs need not be drained.

§ 132.13 *Road train and intermediate terminal train air brake tests.* (a) Passenger trains: Before motive power is detached or angle cocks are closed on a passenger train operated in either automatic or electro-pneumatic brake operation, except when closing angle cocks for cutting off one or more cars from the rear end of train, automatic air brake must be applied. After recoupling, brake system must be recharged to required air pressure and before proceeding and upon receipt of proper request or signal, application and release tests of brakes on rear car must be made from locomotive in automatic brake operation. If train is to be operated in electro-pneumatic brake operation, this test must also be made in electro-pneumatic brake operation before proceeding. Inspector or trainman must determine if brakes on rear car of train properly apply and release.

(b) Freight trains: Before motive power is detached or angle cocks are closed on a freight train, brakes must be applied with not less than a 20 pound brake pipe reduction. After recoupling and angle cocks are opened, it must be known that brake pipe air pressure is being properly restored as indicated by the caboose gauge and that brakes on rear car are released. In the absence of a caboose gauge, air brake test must be made as prescribed by that portion of paragraph (a) of this section pertaining to automatic brake operation.

(c) (1) At a point other than initial terminal where locomotive or caboose is changed, or where one or more consecutive cars are cut off from rear end or head end of train with consist otherwise remaining intact, after train brake system is charged to within 15 pounds of feed valve setting on locomotive but not less than 60 pounds as indicated at rear of freight train, and on a passenger train to at least 70 pounds, a 20 pound brake pipe reduction must be made and it must be determined that brakes on rear car apply and release properly.

(2) Before proceeding it must be known that brake pipe pressure as indicated at rear of freight train is being restored.

(3) On trains operating with electro-pneumatic brakes, with brake system charged to not less than 70 pounds, test must be made to determine that rear brakes apply and release properly from a minimum 20 pounds electro-pneumatic brake application as indicated by brake cylinder gauge.

[Former 42 (b) eliminated account consolidated with § 132.13 (c) (1) as indicated above.]

(d) (1) At a point other than a terminal where one or more cars are added to a train, and after the train brake system is charged to not less than 60 pounds as indicated by a gauge at the rear of freight train and on a passenger train to not less than 70 pounds, tests of air brakes must be made to determine that brake pipe leakage does not exceed five (5) pounds per minute as indicated by the brake pipe gauge after a 15 pound brake pipe reduction. After the leakage test is completed, brake pipe reduction must be increased to full service, and it must be known that the brakes on each of these cars and on the rear car of train apply and release. Cars added to train which have not been inspected in accordance with § 132.12 (a) to (h) must be so inspected and tested at next terminal where facilities are available for such attention.

(2) (i) At a terminal where a solid block of cars which has been previously charged and tested as prescribed by § 132.12 (a) to (h) is added to a train, test must be made to determine that brakes on the rear car of train apply and release.

(ii) When cars which have not been previously charged and tested as prescribed by § 132.12 (a) to (h) are added to a train, such cars may either be given inspection and tests in accordance with § 132.12 (a) to (h), or tested as prescribed by subparagraph (1) of this paragraph prior to departure in which case these cars must be inspected and tested in accordance with § 132.12 (a) to (h) at next terminal.

(3) Before proceeding it must be known that the brake pipe pressure at the rear of freight train is being restored.

(e) (1) Transfer train and yard train movements not exceeding 20 miles, must have the air brake hose coupled between all cars, and after the brake system is charged to not less than 60 pounds, a 15 pound service brake pipe reduction must be made to determine that the brakes are applied on each car before releasing and proceeding.

(2) Transfer train and yard train movements exceeding 20 miles must have brake inspection in accrodance with § 132.12 (a) to (h).

(f) The automatic air brake must not be depended upon to hold a locomotive, cars or train, when standing on a grade, whether locomotive is attached or detached from cars or train. When required, a sufficient number of hand brakes must be applied to hold train, before air brakes are released. When ready to start, hand brakes must not be released until it is known that the air brake system is properly charged.

§ 132.14 *Inbound brake equipment inspection.* (a) At points where inspectors are employed to make a general inspection of trains upon arrival at terminals, visual inspection must be made of retaining valves and retaining valve pipes, release valves and rods, brake rigging, safety supports, hand brakes, hose and position of angle cocks and make necessary repairs or mark for repair tracks any cars to which yard repairs cannot be promptly made.

(b) Freight trains arriving at terminals where facilities are available and at which special instructions provide for immediate brake inspection and repairs, shall be left with air brakes applied by a service brake pipe reduction of 20 pounds so that inspectors can obtain a proper check of the piston travel. Trainmen will not close any angle cock or cut the locomotive off until the 20 pound service reduction has been made. Inspection of the brakes and needed repairs should be made as soon thereafter as practicable.

§ 132.15 *Double heading and helper service.* (a) When more than one locomotive is attached to a train, the engineman of the leading locomotive shall operate the brakes. On all other motive power units in the train the brake pipe cutout cock to the brake valve must be closed, the maximum main reservoir pressure maintained and brake valve handles kept in the prescribed position. In case it becomes necessary for the leading locomotive to give up control of the train short of the destination of the train, a test of the brakes must be made to see that the brakes are operative from the automatic brake valve of the locomotive taking control of the train.

(b) The electro-pneumatic brake valve on all motive power units other than that which is handling the train must be cut out, handle of brake valve kept in the prescribed position, and air compressors kept running if practicable.

§ 132.16 *Running tests.* When motive power, engine crew or train crew has been changed, angle cocks have been closed except for cutting off one or more cars from the rear end of train or electro-pneumatic brake circuit cables between power units and/or cars have been disconnected, running test of train air brakes on passenger train must be made, as soon as speed of train permits, by use of automatic brake if operating in automatic brake operation or by use of electro-pneumatic brake if operating in electro-pneumatic brake operation. Steam or power must not be shut off unless required and running test must be made by applying train air brakes with sufficient force to ascertain whether or not brakes are operating properly. If air brakes do not properly operate, train must be stopped, cause of failure ascertained and corrected and running test repeated.

§ 132.17 *Freight and passenger train car brakes*—(a) *Testing and repairing brakes on cars while on shop or repair tracks.* (1) When a freight car having brake equipment due for periodic attention is on shop or repair tracks where facilities are available for making air brake repairs, brake equipment must be given attention in accordance with the requirements of the currently effective AAR Code of Rules[1] for cars in interchange.

(2) (i) When a freight car having brake equipment not due for periodic attention as indicated by standard stenciling is on shop or repair tracks, brake equipment must be tested by use of single car testing device as prescribed by currently effective AAR Code of Tests,[1] providing such car has not been so tested within the previous 90 days as indicated by stenciling. Piston travel must be adjusted to nominally 7 inches on cars having standard single capacity brake. Piston travel of brake cylinders on freight cars equipped with other than standard single capacity brake, must be adjusted as indicated on badge plate or stenciling on car located in a conspicuous place near brake cylinder. After piston travel has been adjusted and with brakes released, sufficient brake shoe clearance must be provided.

(ii) When a car equipped for use in passenger train service not due for periodical air brake repairs, as indicated by stenciled or recorded cleaning dates, is on shop or repair tracks, brake equipment must be tested by use of single car testing device as prescribed by currently effective AAR Code of Tests.[1] Piston travel of brake cylinders must be adjusted if required, to the standard travel for that type of brake cylinder. After piston travel has been adjusted and with brakes released, sufficient brake shoe clearance must be provided.

(iii) Before a car is released from a shop or repair track, it must be known that brake pipe is securely clamped, angle cocks in proper position with suitable clearance, valves, reservoirs and cylinders tight on supports and supports securely attached to car.

(3) (i) If triple valve, control valves or brake cylinders on a freight car do not meet requirements during single car test as specified by the currently effective AAR Code of Tests,[1] brake equipment must be given attention specified by currently effective AAR approved Code of Rules[1] for cars in interchange.

(ii) If, on passenger equipment cars, triple valves, control valves, brake cylinders, slack adjusters, high speed reducing valves, relay valves, quick service valves, vent valves, brake application valves or conductor's valves do not meet requirements during single car test as prescribed by subparagraph (2) (ii) of this paragraph, and if speed governor control, magnet valves, or wheel slide control does not operate properly when tested by a suitable test device, defective part or parts must be repaired or replaced and new cleaning date must be stenciled or recorded as required.

(4) When cars are on shop or repair tracks hand brakes and connections must be inspected, tested and necessary repairs made to insure they are in a suitable condition for safe and effective operation.

(b) *Periodical repairs.* Brake equipment on cars must be cleaned, repaired, lubricated and tested as often as required to maintain it in a safe and suitable condition for service but not less frequently than as required by currently effective AAR Code of Rules for cars in interchange.

And it is further ordered, That a copy of this order be served on each common carrier engaged in interstate commerce by railroad and notice of such order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing with the Director of the Division of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3572; Filed, May 12, 1958; 8:50 a. m.]

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[1] Available at Association of American Railroads.

Subchapter B—Carriers by Motor Vehicles

[No. 32339]

PART 179—TRANSFERS OF OPERATING RIGHTS

APPLICATIONS; CHANGE IN EFFECTIVE DATE

The above entitled matter coming on for further consideration, and good cause appearing therefor:

It is ordered, That the effective date of the order of the Commission, entered April 1, 1958, amending the Rules and Regulations Governing Transfers of Rights To Operate as a Motor Carrier in Interstate or Foreign Commerce (49 CFR Part 179), be, and it is hereby, postponed from May 15, 1958, to July 1, 1958;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 551, as amended, 552, as amended, 555, as amended; 49 U. S. C. 306, 309, 312)

Dated at Washington, D. C., this 8th day of May A. D. 1958.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3616; Filed, May 12, 1958; 9:06 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 49]

[Draft Release No. 58-10]

TRANSPORTATION OF ETIOLOGIC AGENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments as hereinafter set forth to revised Part 49 of the Civil Air Regulations adopted by the Board April 21, 1958 (23 F. R. 2790), to become effective June 25, 1958.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by June 16, 1958. Copies of such communications will be available after June 18, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 49 of the Civil Air Regulations provides for the transportation by air of certain articles commonly classified as explosives or other dangerous articles. This part does not at the present time contain any regulations covering the transportation by air of various infectious biologic agents referred to as etiologic agents, a term used by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare (PHS) to denote the causative agents for various diseases.

On March 15, 1957, after due notice to the public, PHS adopted detailed regulations classifying etiologic agents and prescribing packing and marking requirements for the interstate shipment of such agents, including interstate air transportation. In the meantime, the Interstate Commerce Commission has requested amendment of the Transportation of Explosives Act to provide it with statutory authority to regulate the shipment of etiologic agents. While it is the Board's intent to consider the advisability of adopting the ICC Regulations as soon as they are promulgated, pursuant to section 902 (h) of the Civil Aeronautics Act of 1938, as amended, it is considered appropriate, as an interim measure, in the interest of safety, for the Board to promulgate regulations covering the transportation by air of these agents which are similar to the regulations promulgated by the PHS but modified so as to meet more specifically the requirements for transportation by air.

It is to be noted that neither the regulations of the PHS nor the regulations proposed hereinafter contain any provision for the "labeling" of etiologic agents since such a label has not yet been developed for uniform application. Until such a label is developed, it is considered that the requirements for the shipper to mark the name of the article on each package and to certify each such package as acceptable for air transportation, will provide an acceptable level of safety.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that revised Part 49 of the Civil Air Regulations be amended:

1. By amending § 49.1 (a) by inserting after the phrase "Explosives and other dangerous articles," the words "as defined and regulated in this part, and".

2. By amending § 49.5 by amending the definition of *"Explosives and other dangerous articles"* to read as follows:

§ 49.5 *Definitions.* * * *

Explosives and other dangerous articles. (a) *Etiologic agents.* Etiologic agents are the causative agents of the following diseases: Anthrax, botulism, brucellosis, cholera, Colorado tick fever, Coxsackie diseases, diphtheria, encephalitis (arthropodborne), glanders, leptospirosis, lymphocytic choriomeningitis, melioidosis, meningococcal meningitis, paratyphoid fever, plague, poliomyelitis, Q fever, rabies, relapsing fever, rickettsialpox, Rift Valley fever, Rocky Mountain spotted fever, schistosomiasis, scrub typhus, smallpox, tetanus, tuberculosis, tularemia, typhoid fever, typhus fever, and yellow fever.

(b) As defined in Part 73 of the ICC Regulations (49 CFR Part 73):

Acids and other corrosive liquids.
Compressed gases.
Explosives.
Flammable liquids.
Flammable solids.
Oxidizing materials.
Poisonous articles.

3. By amending § 49.5 by inserting between the definitions "Quantity" and "Unit of radiation" a new definition "Surgeon General" to read as follows:

Surgeon General. The Surgeon General is the Surgeon General of the Public Health Service, United States Department of Health, Education, and Welfare.

4. By amending § 49.12 by inserting between "dangerous articles" and "acceptable" the words "except etiologic agents,".

5. By amending the second sentence in § 49.13 (b) by inserting between "so provide," and "such certification" the words "and in the case of etiologic agents,".

6. By amending the first sentence in § 49.22 by inserting between "type of label," and "the quantity," the words "if any,".

7. By amending the first sentence in § 49.23 by changing the reference "§ 49.25" to read "§§ 49.25 and 49.26 (b)".

8. By adding a new § 49.26 to read as follows:

§ 49.26 *Special requirements for etiologic agents.* (a) No shipper shall offer and no air carrier or other operator of aircraft shall knowingly accept etiologic agents for carriage by air unless:

(1) In the case of fluid materials or solid materials other than frozen, the containers of the etiologic agent are watertight and airtight and are enclosed in a second durable watertight and airtight container with the intervening space provided with sufficient absorbent material so placed as to absorb the entire contents in case of breakage, and each such double container is individually enclosed in a shipping container constructed of corrugated cardboard, fiberglas, wood, or other material of equivalent strength.

(2) In the case of frozen materials, the containers of the etiologic agent are watertight and airtight and are enclosed in a second durable watertight and airtight container or surounded by sufficient absorbent material to absorb the contents in case of breakage; the package contains enough dry ice and sufficient insulation material to insure that the material will remain frozen for at least 24 hours longer than the expected time of delivery of the shipment to the consignee; and the container with its immediate surrounding material, dry ice and insulation, is enclosed in a shipping container contructed of corrugated cardboard, fiberglas, wood, or other material of equivalent strength.

(3) The total contents of a shipping container do not exceed one U. S. gallon.

(4) All containers and closures are so designed and constructed of such materials that they are capable of withstanding without rupture or leakage of contents, all shocks, pressure changes, or other conditions ordinarily incident to transportation handling.

(5) The shipping documents and the manifest acompanying the shipment includes statements that the shipment contains infectious material and identifies the etiologic agent involved. The shipment itself shall be appropriately marked.

(b) In the event of leakage or other indication of escape of an etiologic agent from a container, the air carrier or other operator of aircraft shall:

(1) Immediately notify the Surgeon General or his authorized representative and the Administrator of Civil Aeronautics.

(2) Remove from service and isolate any aircraft or other equipment known to be or suspected of being contaminated.

(3) Isolate any area known to be or suspected of being contaminated.

(4) Prevent removal of any luggage, cargo, or other items from the affected areas, aircraft, or equipment unless such removal is necessary for purposes of safety or the preservation of life, health, or property.

(5) Inform all passengers, employees, and other persons who were or may have been exposed to contamination or infection, of the hazards thereof and re-

quest that such persons remain isolated until appropriate measures can be taken to prevent the transmission of disease. In the event any such person departs before appropriate decontamination procedures have been applied, the air carrier or other operator of aircraft shall notify the State or local health authorities having jurisdiction.

(6) Obtain names, home addresses, and addresses of destination of all persons who may have been exposed to contamination or infection.

(7) Apply appropriate decontamination procedures and other measures as specified by the Surgeon General or his authorized representative.

(8) Except when necessary for purposes of safety or the preservation of life, health, or property, or for purposes of decontamination, prevent persons from boarding the aircraft or entering the area until clearance is obtained from the Surgeon General or his authorized representative.

(9) Continue the isolation of the aircraft, equipment, or affected areas pending completion of measures prescribed by the Surgeon General for preventing the spread of disease and until such time as clearance is obtained from the Surgeon General or his authorized representative.

(c) In the event of loss of a shipment of etiologic agents in transit, the air carrier or other operator of aircraft shall immediately notify the Surgeon General or his duly authorized representative of such loss and provide him with all available information concerning the nature of the shipment, circumstances surrounding its loss, and such other information as he may require.

(d) The provisions of this part shall not apply to specimens transmitted to laboratories for diagnostic purposes or to finished biological products for human or veterinary use bearing the U. S. Government license number of the manufacturer.

9. By amending § 49.31 by adding a new paragraph (f) to read as follows:

§ 49.31 *Articles which may be carried on passenger-carrying aircraft.* * * *

(f) Etiologic agents subject to the limitations contained in § 49.26 (a).

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560; sec. 902, 52 Stat. 1015, as amended; 49 U. S. C. 622)

Dated at Washington, D. C., May 7, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58–3576; Filed, May 12, 1958; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 976]

MILK IN FORT SMITH, ARK., MARKETING AREA

REFERENDUM ORDER; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

A referendum was held on April 18, 1958, pursuant to a decision of the Assistant Secretary issued April 8, 1958. The order on which the referendum was held provided, among other things, for the adoption of individual handler pooling. Accordingly, pursuant to the requirements of the Agricultural Marketing Agreement Act, a favorable vote by producers in the referendum of at least 75 percent was necessary in order to make the amended order effective. Only 72.3 percent of the producers who voted in the referendum voted to approve the amended order.

Following the completion of the referendum, a substantial number of producers who stated that they had voted against approval of the proposed amended order requested an opportunity to change their vote because, they averred, they had voted against the amended order without understanding that an adverse vote could result in discontinuance of the order.

Therefore, pursuant to section 5c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a further referendum be conducted among producers (as defined in the proposed amended order regulating the handling of milk in the Fort Smith, Arkansas, marketing area which was annexed to the decision issued April 8, 1958 (23 F. R. 2378)) who, during the representative period were engaged in the production of milk for sale in the marketing area to determine whether such producers approve the issuance of such order.

The month of February 1958, is hereby determined to be the representative period for the conducting of such referendum.

Richard E. Arnold is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

[SEAL] DON PAARLBERG,
Assistant Secretary.

MAY 7, 1958.

[F. R. Doc. 58–3566; Filed, May 12, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 22, 1958.

In accordance with authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147), it is ordered as follows:

The order dated May 16, 1918, establishing Stock Driveway Withdrawal No. 19, Wyoming No. 4, pursuant to the provisions of section 10 of the Act of Congress approved December 29, 1916 (39 Stat. 862), and the order dated May 13, 1944, enlarging Stock Driveway Withdrawal No. 3, Wyoming No. 1 pursuant to the authority contained in section 7 of the Act of June 28, 1934 (48 Stat. 1272) as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), and section 10 of the Act of Congress approved December 29, 1916 (39 Stat. 862), are revoked only insofar as they pertain to the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 19, WYOMING NO. 4

T. 41 N., R. 60 W.,
  Sec. 19, All;
  Sec. 20, NW¼NW¼, S½NW¼, SW¼.
T. 41 N., R. 61 W.,
  Sec. 13, N½S½;
  Sec. 19, N½NE¼;
  Sec. 20, S½N½;
  Sec. 21, S½N½;
  Sec. 23, N½NW¼.

STOCK DRIVEWAY WITHDRAWAL NO. 3, WYOMING NO. 1

T. 44 N., R. 72 W.,
  Sec. 7, SE¼;
  Sec. 18, NE¼NE¼, S½NE¼;
  Sec. 19, NE¼NE¼.
T. 45 N., R. 72 W.,
  Sec. 18, NW¼NE¼.
T. 46 N., R. 72 W.,
  Sec. 31, SE¼SE¼.
T. 47 N., R. 72 W.,
  Sec. 7, Lots 3, 4.

The areas described total 2033.33 acres of public land.

These lands are located in Campbell and Weston Counties, and are isolated by fenced lands in private ownership. The topography is rolling prairie, with native grass and sagebrush vegetal cover. The soil is moderately deep, developed over sandstone, and erosion is slight to moderate. U. S. Highway No. 89 traverses part of the lands and the remainder are accessible from existing roads and trails. These areas are typical of grazing lands in the vicinity.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application which is filed will be considered on its merits. The lands will not become subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified Veterans of World War II or of the Korean Conflict and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on June 17, 1958, will be considered as simultaneously filed at that hour. Rights under such preference rights applications filed after that hour and before 10:00 a. m. on September 16, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on September 16, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based on valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-3547; Filed, May 12, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyard Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on October 21, 1957 (16 A. D. 971), authorizing the respondent, St. Louis National Stockyards Company, National Stock Yards, Illinois, to assess the current temporary schedule of rates and charges to and including June 30, 1959, unless modified or extended by further order before the latter date.

On April 25, 1958, a petition was filed on behalf of the respondent requesting authority to make certain modifications in its current temporary schedule of rates and charges and requesting that such current temporary schedule, as so modified, be continued in effect to and including June 30, 1959. The proposed modifications are set forth below.

YARDAGE CHARGES

	Rate per head	
	Present	Proposed
A. Livestock sold or resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	$0.88	$0.94
Calves	.51	.54
Hogs	.32	.34
Sheep and goats	.20	.22
Bulls weighing 800 pounds or over	1.45	1.55
B. Livestock received directly by packers through the yards:		
Cattle (except bulls weighing 800 pounds or over)	.44	.47
Calves	.26	.28
Hogs	.16	.17
Sheep and goats	.10	.11
Bulls weighing 800 pounds or over	.73	.78
C. Livestock resold at the yards for local delivery other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	.26	.29
Calves	.16	.18
Hogs	.09	.10
Sheep and goats	.06	.07
Bulls weighing 800 pounds or over	.39	.44
D. Livestock resold at yards, for shipment off the market, other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	.12	.13
Calves	.08	.09
Hogs	.04	.05
Sheep and goats	.03	.04
Bulls weighing 800 pounds or over	.20	.22

The proposed rates and charges, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition a[illegible] contents should be given in orde[illegible] [illegible]al interested persons may have [illegible] opportunity to indicate a desire to [illegible] heard in the matter.

All interested person[illegible] [illegible]o desire to be heard in the matter [illegible]ll notify the Hearing Clerk, United [illegible]tes Department of Agriculture, [illegible]shington 25, D. C., within 15 days aft[illegible] [illegible]e publication of this notice.

Done at Washington, D. C., this 8th day of May 1958.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-3584; Filed, May 12, 1958; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 248]

MOHAN ZEE

ORDER DENYING EXPORT PRIVILEGES

In the matter of Mohan Zee, Post Office Box 666, Hong Kong, Respondent, Case No. 248.

The respondent, Mohan Zee, having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, with having participated in a scheme or plan whereby, in violation of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, large quantities of tobacco were exported from the United States to Nanyang Brothers Tobacco Co., Ltd., a designated national pursuant to the Trading With the Enemy Act; and

The said respondent having been served with the charging letter and having appeared and answered herein;

This case was referred to the Compliance Commissioner. (This case was severed from the case against Universal Leaf Tobacco Co., Inc., 23 F. R. 1765, Mar. 14, 1958; and see also A. C. Monk & Co., Inc., 22 F. R. 8324, Oct. 23, 1957; Nanyang Brothers Tobacco Co., Ltd. and Tsze E. Pun & Co., 22 F. R. 10311, Dec. 20, 1957.)

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and respondent's answer in opposition thereto, has transmitted to the undersigned Acting Director, Office of Export Supply, Bureau of Foreign Commerce, U. S. Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondent be denied export privileges as hereafter set forth, together with which report he has transmitted also all exhibits submitted, the charging letter and answer.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereafter mentioned, Universal Leaf Tobacco Co., Inc., of Richmond, Virginia, was and now is engaged in the exportation of leaf tobacco from the United States. It was duly served with a charging letter in this case, admitted, for the purpose of this case, the facts therein charged, and consented to the entry against it of an export control denial order placing it on probation for a period of six months, with the proviso that if, during said six months, it violated any export control regulation, it would be denied export privileges for a period of six months. In the the United States District Court for the Eastern District of Virginia, it was charged, upon an information, with violations of the Export Control Act, the regulations promulgated thereunder, and of the Trading With the Enemy Act, it pleaded nolo contendere thereto, and was fined $50,000. It is not a party to this order, this case having been severed when an order was entered against it.

2. At all times hereafter mentioned, Mohan Zee was engaged in the business of acquiring and distributing to purchasers in Hong Kong tobaccos exported from the United States by Universal, for whom he had previously acted as sole agent in Hong Kong. In connection with such sales, particularly the sales hereafter mentioned, he acted as a conduit for Universal.

3. In connection with the tobacco transactions hereafter described, he acted as agent for Nanyang Brothers Tobacco Co., Ltd., a designated national under the Trading With the Enemy Act, engaged in the business of manufacturing cigarettes in Hong Kong. At some time after the happening of the events hereafter described, Mohan Zee also became a designated national and so remains as of the date hereof.

4. In substance, if a person or firm is a designated national under the Trading With the Enemy Act (by action of the Treasury Department), no person subject to the jurisdiction of the United States is permitted, among other things, to transport or export or deal in or exercise any right "with respect to, or transactions involving, any property in which" such designated national "has any interest." (Title 50, U. S. C. A. App. sec. 5 (b) (1) (B))

5. During some time prior to the happening of the events hereafter described, Universal, with the aid of Mohan Zee, had made shipments to Nanyang, despite the fact that Nanyang was, at such times, a designated national. Mohan Zee and Universal became duly informed that, because Nanyang had become a designated national, Universal would not be permitted to export tobaccos to Nanyang as long as it so remained.

6. Having such knowledge, Mohan Zee, with the agreement and collaboration of Universal, did thereafter contrive a plan or scheme whereby Nanyang would be able to acquire tobaccos exported by Universal from the United States even though Nanyang was and remained a designated national.

7. The plan or scheme to which Mohan Zee and Universal agreed was that Universal's sales of tobacco would be made by using Mohan Zee as the ostensible purchaser and consignee and that Mohan Zee, on arrival of the tobaccos in Hong Kong, would turn them over to Nanyang.

8. Some of the sales and deliveries of tobacco hereafter described were made during a time when tobaccos were not permitted to be exported from the United States to Hong Kong unless, prior to such exportation, the exporter had applied to the Department of Commerce for and had obtained from it a validated license. This requirement was modified on or about the 20th day of May 1954, and exportations of tobacco from the United States following that day were permitted to be made pursuant to a general license authorizing the exportation of tobacco provided that other conditions, such as, for example, the fact that the consignee was a designated national, were not existent.

9. For the purpose of exporting tobaccos to be shipped to Mohan Zee for delivery to Nanyang, in the second half of 1953 and the first half of 1954, Universal applied to the Department of Commerce for validated export licenses to export tobaccos to Hong Kong. The tobaccos described by Universal in its applications for export licenses had all been sold to or earmarked for Nanyang at the time of and prior to the time when Universal applied for said export licenses. In each of the said applications, in accordance with the plan to which Mohan Zee agreed and was a party, Universal falsely stated and represented that the purchaser, intermediate and ultimate consignee in Hong Kong was Mohan Zee. Upon this representation and upon consignee statements submitted by Mohan Zee falsely stating that he was the consignee and purchaser, nine validated licenses were issued authorizing the exportation by Universal to Mohan Zee of the tobaccos therein described.

10. Thereafter, and in accordance with the said plan or scheme, Universal exported from the United States, pursuant to the authority of validated export licenses, a total of at least two hundred twenty-three hogsheads of leaf tobacco.

11. In order to effectuate said exportations, Universal did, at about the same times, in accordance with said plan or scheme, cause to be authenticated shipper's export declarations in which it falsely named Mohan Zee as the ultimate consignee and obtained bills of lading in which Mohan Zee similarly was named as consignee.

12. Thereafter, and further in pursuance of said plan or scheme, Universal made additional exportations of tobacco from the United States to Mohan Zee for Nanyang, which exportations were made under and pursuant to general license. In this series of exportations, Universal exported about one hundred twenty-one hogsheads of tobacco.

13. For these shipments Universal caused to be authenticated shipper's export declarations in which, in accordance with said plan or scheme, Mohan Zee was designated falsely as the ultimate consignee.

14. The tobaccos so exported to Mohan Zee for Nanyang were of an aggregate value of approximately Two Hundred Thousand Dollars.

15. All the said tobaccos were in fact purchased by Mohan Zee from Universal for Nanyang, and in connection with none of said exportations was Mohan Zee the true ultimate consignee.

16. There is no evidence that any of said tobaccos were reexported from Hong Kong.

And, from the foregoing, the following are my conclusions:

A. Mohan Zee knowingly caused false representations, statements, and certifications to be made to and material facts to be concealed from the Department of Commerce in connection with the preparation, submission, issuance, and use of applications for validated licenses, validated licenses, and shipper's export declarations for the purpose of or in connection with effecting exportations from the United States, in violation of § 381.5 of the Export Regulations.

B. Mohan Zee knowingly caused to be used validated export licenses and authenticated shipper's export declarations for the purpose of and in connection with facilitating and effecting exports from the United States, contrary to the terms, conditions, and provisions of said licenses and declarations, in violation of §§ 381.5 and 381.8 of the Export Regulations.

C. Mohan Zee knowingly acted in concert with another or others for the purpose of bringing about violations of the Export Control Act of 1949, as amended, and the regulations and licenses issued and established thereunder, as aforesaid, in violation of § 381.3 of the Export Regulations.

Now, after careful consideration of the entire record and being of the opinion that the recommendation made by the Compliance Commissioner is fair and just and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. The respondent, Mohan Zee, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges, to the extent that the respondent may be affected thereby, shall extend not only to him, but also to any persons, firms, corporations, or business organizations with which he may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or Services connected therewith.

III. Such denial of export privileges shall be for a period of eighteen months or so long as the said respondent shall continue to be a designated national under the Trading With the Enemy Act, whichever shall be the longer period. If, after the expiration of eighteen months from the date hereof, the Foreign Assets Control of the Treasury Department makes a finding that the respondent is no longer a designated national, then all export privileges denied to him hereby shall be restored to him without further order or action of the Bureau of Foreign Commerce.

IV. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondent hereto or any related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, on behalf of or in any association with him or any related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any such person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in or from which the respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: May 8, 1958.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 58-3548; Filed, May 12, 1958; 8:45 a. m.]

[File 23-554]

STEUERUNGSTECHNIK UND MESSGERATE, G. M. B. H.

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Steuerungstechnik und Messgerate, G. m. b. H., Wahringerstrasse 12, Vienna IX, Austria, Respondent, File 23-554.

There is pending an investigation concerning the apparent unauthorized diversion from Austria, the country of ultimate destination, to another country, of certain laboratory equipment known as a centrifuge which had been exported from the United States for delivery to and use in Austria, and the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Steuerungstechnik und Messgerate, G. m. b. H., of Vienna, Austria, all export privileges for an indefinite period by reason of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondent participated in an unauthorized diversion with the intention to circumvent the Export Control Act of 1949, as amended, and regulations promulgated thereunder, and finding (1) that interrogatories were duly served upon it, (2) that it has refused to answer said interrogatories, claiming that the centrifuge involved was not strategic or if strategic that it was not so informed by the American exporter and that, therefore, having become the sole owner thereof, it had the absolute right to dispose of it without accounting therefor, (3) that the reasons given for refusal to answer are without reasonable cause and do not constitute an adequate explanation for such refusal and, having concluded (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving and transshipping commodities exported from the United States so long as it is effective: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. The respondent, its successors or assigns, partners, directors, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States) shall, on behalf of or in any association with the respondent or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, or do any of the foregoing acts with respect to any exportation in which respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C., at the earliest convenient date.

Dated: May 8, 1958.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 58-3549; Filed, May 12, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9184]

LINEAS AEREAS DE NICARAGUA, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Lineas Aereas de Nicaragua, S. A., for an amendment of its foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property and mail between the terminal points of Managua, Nicaragua and Miami, Florida, so as to include as an intermediate point San Salvador, El Salvador.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 15, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., May 7, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3577; Filed, May 12, 1958; 8:51 a. m.]

[Docket No. 9205]

EMPRESA GUATEMALTECA DE AVIACION, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Empresa Guatemalteca de Aviacion, S. A. for extension or renewal of its foreign air carrier permit between a point or points in Guatemala, the intermediate point Balize, British Honduras, and the terminal point Miami, Fla., with respect to persons, property, and mail; between a point or points in Guatemala, and the terminal point New Orleans, La., with respect to property and mail; and for certain additional authorizations.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 19, 1958, at 10:00 a. m. e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., May 7, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3578; Filed, May 12, 1958; 8:51 a. m.]

[Docket No. 8235]

HUGHES TWA-ATLAS-NORTHEAST AIRLINES POSSIBLE COMMON CONTROL CASE

NOTICE OF RESUMPTION OF HEARING

In the matter of the investigation of the possible common control of Trans World Airlines, Inc., and Northeast Airlines, Inc., by Howard R. Hughes.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding will be resumed on June 16, 1958, at 10:00 a. m., e. d. s. t., in Room 5859, Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington 25, D. C., before Paul N. Pfeiffer, Hearing Examiner.

Dated at Washington, D. C., May 7, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3579; Filed, May 12, 1958; 8:51 a. m.]

[Docket No. 9224]

TRANS WORLD AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of schedules filed and published by Trans World Airlines, Inc., Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on May 14, 1958, is postponed to July 1, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., May 7, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3580; Filed, May 12, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8520]

ANDERSON-PRICHARD OIL CORP.

NOTICE OF PETITION TO ABANDON AND DATE OF HEARING

MAY 7, 1958.

Take notice that Anderson-Prichard Oil Corporation (Applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, filed on February 4, 1955, in Docket No. G-8520, an application pursuant to section 7 (b) of the Natural Gas Act for authorization to abandon the service hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the application which is on file with the Commission and open for public inspection.

Applicant states that the supply of gas committed to a contract with Tennessee Gas Transmission Company, dated May 19, 1953, and to the service later authorized by Commission order issued December 14, 1956, granting a certificate of public convenience and necessity in Docket No. G-4657, has been depleted as of December 30, 1954, so that the continuance of service is not warranted. Applicant prays for authorization to abandon said sale and service.

The contract and certificate order above described cover the sale of gas produced from the R. A. Johnston Lease, E. Freisburg Field, Colorado County, Texas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3556; Filed, May 12, 1958; 8:47 a. m.]

[Docket No. G-14049]

PURE OIL CO.

ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 7, 1958.

The Pure Oil Company (Pure) on March 31, 1958, filed a motion requesting that the Commission amend the order issued herein on December 24, 1957; which provided for hearing and suspension, among others[1] of Supplement No. 7 to its FPC Gas Rate Schedule No. 26 until June 1, 1958. Pure requests that the period of suspension be shortened so as to coincide with the effective date of the proposed increased rate of Magnolia Petroleum Company in Docket No. G-14699. Magnolia and Pure are among the producers of gas from Dollarhide Field, whose gas is processed in Dollarhide Gasoline Plant, Andrews County, Texas, and delivered to El Paso Natural Gas Company, the buyer under Pure's said Rate Schedule No. 26.

By said Supplement No. 7, Pure proposes to make effective on January 1, 1958, a periodic increase of one cent, from 10 cents to 11 cents per Mcf, in accordance with the terms of its Rate

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[1] Also suspended were Supplement No. 6 to Pure's FPC Gas Rate Schedule No. 1 and Supplement No. 1 to Pure's FPC Gas Rate Schedule No. 28.

Schedule No. 26, which also provides for "favored-nation" increases not invoked by Pure. Magnolia however, had tendered a favored-nation increase to 11.66032 cents per Mcf on August 16, 1957, which, after suspension, was permitted to take effect, subject to possible refund of excess charges, on January 10, 1958, in Docket No. G-14699. Thereafter, on February 19, 1958, Magnolia filed Supplement No. 8 to its FPC Gas Rate Schedule No. 103, seeking to substitute a periodic increase to a rate of 11.0 cents for the said rate of 11.66032 cents per Mcf. In view of the fact that a reduction in rates was proposed, the Commission granted Magnolia's request for the substitution and suspended the substituted periodic increased rate for one day, until March 23, 1958.[3]

The Commission finds: Pure's aforementioned motion for amendment of the order issued herein December 24, 1957, sets forth now new facts and no principles of law which either were not fully considered by the Commission when the said order was issued, or which having now been considered warrant any change in or modification of said order.

The Commission orders: The motion filed by Pure for reconsideration and modification of the order for hearing and suspension issued herein December 24, 1957, is hereby denied.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3557; Filed, May 12, 1958; 8:47 a. m.]

[Docket No. G-14534]

MISSOURI PUBLIC SERVICE CO. AND CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 7, 1958.

Take notice that on February 20, 1958, Missouri Public Service Company (Public Service) and Cities Service Gas Company (Cities Service) filed in Docket No. 14534 a joint application, as supplemented on March 26, 1958, requesting authority pursuant to section 7 (b) and (c) of the Natural Gas Act for Public Service to abandon and Cities Service to acquire and operate approximately 5.79 miles of 8-inch natural gas transmission pipeline extending from near Fort Scott, Kansas, to a point in Missouri about one mile east of the Kansas-Missouri state line. Cities Service also proposes to relocate an existing metering and regulating station used to measure deliveries to its existing customer, Public Service, from a point on the subject line in Kansas to the eastern terminus of the subject line in Missouri where it will connect with Public Service's existing line extending to Nevada, Missouri.

The application states that 18 rural customers now being served by Public Service in Kansas from the subject line will in future be served without interruption by the Gas Service Company, which presently purchases gas from Cities Service and distributes same in Fort Scott, Kansas.

Public Service also seeks a declaration of exemption from Federal Power Commission jurisdiction pursuant to section 1 (c) of the Natural Gas Act, since after the abandonment by it and the assumption of service by Cities Service, Public Service will receive and transport gas entirely in Missouri for consumption entirely in Missouri. Certification from the Public Service Commission of the State of Missouri that it has and is exercising regulatory jurisdiction over Public Service's rates and service has not yet been furnished to this Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 29, 1958. Failure of any party to appear at and participate in the hearing shall be construed as wavier of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3558; Filed, May 12, 1958; 8:47 a. m.]

[Docket No. G-15014]

JOSEPH I. O'NEILL, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 7, 1958.

Joseph I. O'Neill, Jr. (Operator) et al. (O'Neill), on April 8, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 31, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to O'Neill's FPC Gas Rate Schedule No. 1.

Effective date: May 9, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, O'Neill states that the increase is just and reasonable; that the contract resulted from arm's-length negotiations, and the price escalation provision was an important part of the consideration designed to protect the seller against increasing costs. O'Neill further states that the additional revenue is necessary.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to and in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to O'Neill's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to O'Neill's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3559; Filed, May 12, 1958; 8:47 a. m.]

[Docket No. G-15015]

HOUSTON NATURAL GAS PRODUCTION CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 7, 1958.

Houston Natural Gas Production Company (Operator) et al. (Houston), on April 8, 1958, tendered for filing proposed changes in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

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[3] As of April 25, 1958, Magnolia had not filed a motion to place the proposed periodic increase into effect.

Description: Notices of Change, dated April 7, 1958.

Purchaser: Texas Gas Pipe Line Corporation.

Rate Schedule Designation: Supplement No. 15 to Houston's FPC Gas Rate Schedule No. 2. Supplement No. 16 to Houston's FPC Gas Rate Schedule No. 2.

Effective Date: June 1, 1958 (effective date is the effective date proposed by Houston).

In support of the proposed periodic rate increases, Houston states that the contract was negotiated in competitive arm's-length bargaining over a considerable period of time and was considered fair and equitable by both parties.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 15 and 16 to Houston's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 15 and 16 to Houston's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3560; Filed, May 12, 1958; 8:47 a. m.]

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[1] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-10438 and G-12598.

[Docket No. G-14723]

CITIES SERVICE OIL CO. ET AL.

ORDER REDESIGNATING PROCEEDINGS AND PROVIDING FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 7, 1958.

Cities Service Oil Company (Operator) et al. (Cities Service) on April 7, 1958, tendered for filing certain proposed renegotiated rate increases for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Supplemental Agreements, dated March 1, 1958.

Purchaser: Northern Natural Gas Company.

Rate Schedule Designation: Supplement Nos. 20, 21, 22 and 23 to Cities Service's FPC Gas Rate Schedule No. 89.

Effective Date: May 8, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The proposed rate increases herein are supplementary to and a continuation of the same renegotiated rate increases which were tendered to the Commission on February 19, 1958, and were suspended by Commission order issued March 21, 1958, until August 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. Included within the increases tendered on February 19, 1958, were certain non-signatory co-owners with Cities Service; however, the interests of certain signatory co-owners, whose gas is sold pursuant to the rate schedules but who had neither agreed to the price nor been included in the arbitration proceeding, were not included.

The filings tendered herein include supplemental agreements in which the various signatory co-owners now agree to the price for their portion of the gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplements Nos. 20, 21, 22 and 23 to Cities Service's FPC Gas Rate Schedule No. 89, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements Nos. 20, 21, 22 and 23 to Cities Service's FPC Gas Rate Schedule No. 89.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The title of this proceeding shall be changed from Cities Service Oil Company to Cities Service Oil Company (Operator), et al.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3569; Filed, May 12, 1958; 8:49 a. m.]

[Docket No. G-14724]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 7, 1958.

Cities Service Oil Company (Operator) et al. (Cities Service), on April 7, 1958, tendered for filing certain proposed renegotiated rate increases for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Supplemental Agreements, dated March 1, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplements Nos. 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 to Cities Service's FPC Gas Rate Schedule No. 70.

Effective date: May 8, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The proposed rate increases herein are supplementary to and a continuation of the same renegotiated rate increases which were tendered to the Commission on February 19, 1958, and were suspended by Commission order issued March 21, 1958, until August 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. Included within these increases tendered on February 19, 1958, were certain non-signatory co-owners with Cities Service; however, the interests of certain signatory co-owners, whose gas is sold pursuant to the rate schedules but had neither agreed to the price or been included in the arbitration proceeding, were not included.

The filings tendered herein include supplemental agreements in which the various signatory co-owners now agree to the price for their portion of the gas.

Three of the signatory co-owners, W. H. Helmerich III et al., Stevens County

Oil and Gas Company and Sunray Mid-Continent Oil Company, included in Cities Service's filing herein, have previously filed for the same price increase under their own filed rate schedules and the proposed increased rates were ordered for hearing and suspended by the Commission in Dockets Nos. G-14826, G-14824, and G-14931, respectively. Even so, in compliance with the requirements of § 154.91 of the Commission's Regulations under the Natural Gas Act, Cities Service's instant filings cover the interests of these signatories to the sales contract. However, having elected to file their own individual FPC Gas Rate Schedules for the sales involved, Helmerich, Stevens, and Sunray are responsible for maintaining such rate schedules, and their interests are not considered to be controlled by Cities Service's subject rate schedules and filings thereunder. Rather, the lawfulness of the increased rates proposed by these three sellers of gas will be determined in the aforementioned separate proceedings in Docket Nos. G-14826, G-14824, and G-14931.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplements Nos. 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74 to Cities Service's FPC Gas Rate Schedule No. 70, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements Nos. 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 to Cities Service's FPC Gas Rate Schedule No. 70.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as they are made effective in the manner prescribed in the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3570; Filed, May 12, 1958; 8:50 a. m.]

[Docket No. G-15056]

TEXAS GULF PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 7, 1958.

Texas Gulf Producing Company (Texas Gulf), on April 7, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Contract dated March 14, 1958.

Purchaser: United Gas Pipe Line Company.

Rate Schedule Designaiton: Texas Gulf's FPC Gas Rate Schedule No. 30.

Effective Date: May 8, 1958 (effective date is the first day after expiration of the required thirty days notice).

The gas sales contract, tendered by Texas Gulf herein as an initial service contract, covers the sale of gas produced from the N. Le Blanc Unit, Abbeville Field, Vermilion Parish, Louisiana, at a proposed rate of 19.5 cents per Mcf from the proposed effective date, March 14, 1958, to October 25, 1961. As stated by Texas Gulf, gas has for some time been produced from its working interest (25.48 percent) in the said Unit and delivered to United Gas by Continental Oil Company, operator of the Unit, in accordance with Continental's contract filed as its FPC Gas Rate Schedule No. 98 and Supplement No. 1 thereto at the present rate of 10.29 cents per Mcf. Although Texas Gulf is not a signatory party to that contract, these deliveries of gas produced from Texas Gulf's working interest are presently covered by Continental's rate schedule in accordance with § 154.91 (b) of the Commission's regulations under the Natural Gas Act. The tendered new contract, therefore, purports to change the rate presently being charged for Texas Gulf's gas and is not a contract for an initial service.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Texas Gulf's FPC Gas Rate Schedule No. 30 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Texas Gulf's FPC Gas Rate Schedule No. 30.

(B) Pending such hearing and decision thereon, said rate schedule be and it is hereby suspended and the use thereof deferred until October 8, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) The rate schedule hereby suspended shall not be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3571; Filed, May 12, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2056]

WASHINGTON PLANNING CORPORATION OF MARYLAND

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 7, 1958.

I. Washington Planning Corporation of Maryland, a Maryland Corporation, with an office at 832 Warner Building, Washington, D. C. filed with the Commission on June 6, 1957, a notification and offering circular and filed amendments thereto relating to an offering of 27,200 shares of 50¢ par value Class A common stock at $1.00 per share; 45,100 shares of 1¢ par value Class B common stock at par (sold exclusively to Washington Underwriters Inc., an affiliate of the issuer); and 45,000 shares of $1.00 par value preferred stock at $5.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, concerning, among other things:

1. The failure to disclose that the issuer has sustained and is sustaining a net loss from its business operations;

2. The failure to disclose that the offering was to be made on an installment payment basis pursuant to subscription agreements;

3. The failure to disclose that commissions were to be paid for sale of the securities;

4. The failure to disclose that a part of the proceeds was to be used to pay

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[1] Present rate is designated Continental Oil Company's Supplement No. 1 to its FPC Gas Rate Schedule No. 98.

expenses of and make advances to companies other than the issuer.

B. The use of the offering circular without appropriate disclosure in the foregoing matters has been and would be a violation of section 17 of the Securities Act of 1933, as amended.

C. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to file copies of the subscription forms used in connection with the sale of its securities as required by Rule 258 (c); and

2. The issuer failed to file a complete and accurate report on Form 2-A as required by Rule 260 in that the report filed on January 27, 1958, and amended on March 27, 1958, does not accurately state the amount of cash proceeds received from the offering, and does not reflect the commissions paid for sale of the issuer's securities.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry, and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3564; Filed, May 12, 1958; 8:48 a. m.]

SELECTIVE SERVICE SYSTEM

STATEMENT OF ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, AND PLACES AT WHICH INFORMATION MAY BE SECURED

MISCELLANEOUS AMENDMENTS

The Statement of Organization, Delegations of Final Authority, and Places at which Information may be Secured made by the Selective Service System (14 F. R. 2676), as amended (17 F. R. 5405; 21 F. R. 3205), is hereby further amended as follows:

1. Paragraph (b) of section 2 is amended to read as follows:

(b) to provide for the selection and induction into the Armed Forces of male persons qualified in needed medical, dental, or allied specialist categories pursuant to requisitions submitted by the Secretary of Defense;

2. (a) Subparagraph (1) of paragraph (a) of section 5 is revoked and subparagraphs (2), (3), (4), (5), (6), and (7) of paragraph (a) of section 5 are redesignated as subparagraphs (1), (2), (3), (4), (5), and (6), respectively.

(b) Paragraphs (b) and (f) of section 5 are amended to read as follows:

(b) *Administrative Division.* The Administrative Division performs or supervises all civilian personnel functions required in the operation of the Selective Service System and maintains liaison in personnel matters with the Civil Service Commission and wage boards; prepares and maintains leave, retirement, and pay roll records for National Headquarters and is responsible for the control of civilian retirement records for the System; issues travel orders, processes and audits travel accounts and commercial bills of lading, and maintains imprest funds for National Headquarters; controls travel funds for National Headquarters and maintains the administrative accounts therefor; allocates office space, and maintains liaison with the Public Buildings Service, General Services Administration, for building maintenance and services for National Headquarters; secures supplies and property for National Headquarters and maintains a stockroom for the issue thereof; maintains a property record for National Headquarters; maintains and administers fire and disaster warden services for National Headquarters; processes and distributes all printed material for the System and maintains liaison with the Public Printer; maintains reproduction, photographic, and photostatic facilities for National Headquarters; maintains a warehouse and provides for bulk shipments of forms, publications, supplies, and equipment; maintains a unit for general clerical, typist, and stenographic services; maintains mail and communications systems and messenger service; establishes filing systems for the System and has custody of and maintains the current files of National Headquarters; plans, provides for, and supervises the performance by conscientious objectors of civilian work contributing to the maintenance of the national health, safety or interest in lieu of induction into military service; and performs such other functions as the Director may delegate.

* * * * *

(f) *Manpower Division.* The Manpower Division applies plans and programs for the registration, classification, selection for or deferment from military service, and delivery for induction of persons liable for training and service in the Armed Forces; initiates, prepares, and coordinates regulations, procedures, and forms required in the manpower procurement process; recommends quotas and credits and allocation of calls for the States, Territories, and possessions; maintains national records of availability and national records of deliveries to the Armed Forces; evaluates the effectiveness of policies and procedures in manpower procurement, and plans for the improvement of the operation or its enlargement to meet more urgent or emergency situations; secures from industry, agriculture, and Government information on manpower problems, and evaluates and disseminates this information to the System as needed; maintains liaison with the Department of Defense and the various armed services on matters concerning the regulations, policies, procedures, and forms involved in the examination of registrants, their induction into military service, and the classification of registrants who have a military status; processes all correspondence and inquiries concerning the interpretation of policies and regulations on manpower procurement; processes all correspondence concerning the classification of individual registrants under the Universal Military Training and Service Act, as amended; investigates the selective service processing of individual registrants when necessary by securing their files and cover sheets from local boards and prepares recommendations to the Director on the action to be taken after briefing and evaluating the evidence in each case; and performs such other functions as the Director may delegate.

3. Section 30 is amended to read as follows:

SEC. 30. *Places to secure information concerning functions and operations of Selective Service System.* Information concerning any of the functions for which the Selective Service System is responsible and its operations may be obtained in person or by letter at the office of the local board having jurisdiction over the area in which any person desiring such information is located. Information as to the location of the local board office for a particular area may be obtained from the respective State Headquarters for Selective Service. In the State of New York there are two State Headquarters, one in the City of New York with jurisdiction over that city and one in the City of Albany with jurisdiction over the remainder of that State. State Headquarters are located in the capital of each of the other States with the exception of the following:

State:	*Location of State headquarters*
Delaware	Wilmington.
Florida	St. Augustine.
Iowa	Fort Des Moines.
Louisiana	New Orleans.
Maryland	Baltimore.
New Jersey	Newark.
Oregon	Portland.
South Dakota	Rapid City.
Utah	Fort Douglas.
Washington	Tacoma.

State Headquarters in the Territories, possessions, and District of Columbia are located as follows:

Alaska	Juneau.
Canal Zone	Balboa Heights.
District of Columbia	Washington.
Guam	Agana.
Hawaii	Honolulu.
Puerto Rico	San Juan.
Virgin Islands	St. Thomas.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

MAY 1, 1958.

[F. R. Doc. 58-3575; Filed, May 12, 1958; 8:51 a. m.]

PART II

FEDERAL REGISTER

VOLUME 23 NUMBER 94

Washington, Tuesday, May 13, 1958

TITLE 1—GENERAL PROVISIONS

Appendix A—Guide to Record Retention Requirements

REVISION AS OF JANUARY 1, 1958

NOTICE

Appendix A to Title 1 does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1958.

Introduction. The following list was compiled as a guide to generally applicable provisions of Federal laws and regulations relating to the retention of records by the public. The list is derived from the laws contained in the United States Code as amended by the laws enacted in 1957, and from the regulations contained in the Code of Federal Regulations as amended in the daily issues of the FEDERAL REGISTER through December 31, 1957. It represents an effort to show (1) what published requirements there are on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) how long they must be kept.

Coverage. The list is confined to generally applicable published requirements on record retention. Not included are requirements applying to named individuals and corporations such as professional or patriotic associations, port or bridge authorities. Also not included are requirements as to the furnishing of reports to Government agencies, the filing of tax returns, the submission of supporting evidence with applications or claims, and similar materials. Likewise the provisions of individual Government contracts may require the keeping of records, but no attempt has been made to include all such provisions.

In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, or to keep working papers necessary to the preparation of a report. Ordinarily such implied requirements are not included.

The list also does not contain requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, and similar documents, unless they are closely related to other records which must be kept. It does not include requirements as to the display of posters, notices, or other signs in factories, hotels, or other places of business.

Arrangement. The list is arranged alphabetically by the names of the Departments, followed by the major agencies imposing or having a special interest in the requirements, and thereunder by the bureau or office immediately concerned with the requirements. Individual items are numbered to simplify indexing, but they are not alphabetically arranged.

Three supplements to the list contain generalized information about certain requirements under the Emergency Price Control Act of 1942; the requirements of the Petroleum Administration for Defense which are still in effect; and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

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I. DEPARTMENT OF AGRICULTURE

1. Office of the Secretary

(Foreign Agricultural Service)

1.1 *Persons importing certain dairy commodities.* To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.27

2. Agricultural Conservation Program Service

2.1 *Persons eligible for agricultural conservation payments.* To keep receipts or invoices of purchases, transportation, and analysis of materials; and records of seed collections and production, labor and equipment expenses, or other services performed or expenditures made as evidence of costs in carrying out conservation practices, including any pH determinations issued by the Extension Service or any other qualified agency.

Retention period: Until presented to the farm inspector at time of inspection. 7 CFR 1102.311–1105.768 containing numerous references to record requirements.

2.2 *Producers of gum naval stores from turpentine trees.* To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: Until requested by the local inspector (area forester). 1953 provisions—7 CFR 1106.402 (17 F. R. 7270); 1954—7 CFR 1106.502; 1955—7 CFR 1106.602; 1956—7 CFR 1106.705; 1957—7 CFR 1106.805; 1958—7 CFR 1106.906

3. Agricultural Marketing Service

MARKETING ORDER PROGRAM FOR FRUITS AND VEGETABLES UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

INDIVIDUAL HANDLERS OF VARIOUS COMMODITIES UNDER MARKETING ORDERS

3.1 *Almond handlers.* To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, surplus disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 909.70

3.2 *Almond handlers.* To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 909.71 (retention: 909.70)

3.3 *Growers and handlers of Valencia and navel oranges under Marketing Orders 22 and 14.* To maintain copies of exemption certificates.

Retention period: Not specified. 7 CFR 914.120, 922.120

3.4 *Handlers—by-product manufacturers, or charitable institutions, handling Valencia and navel oranges under Marketing Orders 22 and 14.* To maintain a file of orange diversion reports.

Retention period: Not specified. 7 CFR 914.131, 922.131

3.5 *Potato handlers.* To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 938.69

3.6 *Tomato handlers.* To maintain records of tomatoes received and disposed as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 years. 7 CFR 945.80

3.7 *Central marketing organizations.* To keep records regarding allotment transactions for lemon handlers.

Retention period: At least 2 years after end of fiscal year in which applicable transaction was completed. 7 CFR 953.62 (retention: 953.130)

3.8 *Dried fig handlers.* To keep records as prescribed by the Dried Fig Administrative Committee, of all dried figs handled, including dried figs acquired, stored, and disposed.

Retention period: At least 2 years after the end of the crop year to which such records apply. 7 CFR 964.65, 964.66, 964.165

3.9 *Walnut handlers.* To keep records of walnuts received, held, and disposed of as may be prescribed by the Control Board.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.79

3.10 *Raisin handlers.* To keep records as prescribed by the Raisin Administrative Committee, of raisins acquired, stored, and disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.77

3.11 *Raisin handlers.* To keep complete, accurate, and current records showing quantity and varieties of raisins handled, identity of producers and dehydrators, to whom sold, and other details of activities.

Retention period: At least 2 years after the termination of the crop year in which the transaction occurred. 7 CFR 989.173, 989.176

3.12 *Prune handlers.* To keep records of prunes received, held, and disposed as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.76, 993.176

3.13 *Pecan handlers and subsidiaries and affiliates thereof.* To keep books and records showing the details of the respective person's handling of unshelled pecans.

Retention period: 2 years after date of transaction. 7 CFR 994.80

3.14 *Pecan handlers.* To maintain records with respect to shipments of unshelled pecans outside the five-State area, including quantity shipped, variety or type, date of shipment, receiver or destination, and inspection certificate number or P. A. C. Form 1 number.

Retention period: 2 years after date of transaction. 7 CFR 994.480 (retention: 994.80)

3.15 *Filbert handlers.* To keep records of all filberts held or disposed.

Retention period: Not specified. 7 CFR 997.83

3.16 *Lime handlers.* To maintain records of limes received and disposed of in order to verify reports submitted to the Florida Lime Administrative Committee.

Retention period: At least 2 succeeding fiscal years. 7 CFR 1001.60

3.17 *Date handlers.* To maintain records of the handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 1003.68

3.18 *Cucumber handlers.* To maintain records of cucumbers received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 1015.70

3.19 *Onion handlers.* To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 1017.65

3.20 *Apricot handlers.* To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 1020.60

3.21 *Cherry handlers.* To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 1022.60

SHIPPERS HANDLING EXEMPTED FRUITS AND VEGETABLES

3.22 *Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.* To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 936.141, 945.80 (tomatoes)

(Certificate (record) returned after shipment of commodities (pears, grapes, and potatoes) 7 CFR 939.125, 951.122, 981.104)

DIVERSION PROGRAMS COVERING DATES AND IRISH POTATOES UNDER SECTION 32, PUBLIC LAW 320, 74TH CONGRESS, AS AMENDED

3.23 *Date diverters.* To maintain records and accounts relating to dates diverted or disposed of under the Date Diversion Payment Program.

Retention period: 1955 marketing season—at least until October 31, 1958, 6 CFR 518.524; 1956 marketinig season—until October 31, 1959, 6 CFR 518.545; 1957 marketing season—until October 1, 1960, 6 CFR 518.566

3.24 *Irish potato diverters.* To keep records and accounts relative to fresh Irish potatoes diverted and sold for use as livestock feed.

Retention period: 2 years after date of last payment. 6 CFR 519.115, 519.145, 519.171

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (FRUITS AND VEGETABLES)

3.25 *Commission merchants, dealers and brokers.* To keep accounts, records, memoranda, and documents which disclose all business transactions, including ownership of such business by stockholding or otherwise.

Retention period: 2 years. 7 CFR 46.15, 46.16, 46.19

AGRICULTURAL COMMODITY DISTRIBUTION PROGRAMS

3.26 *Cooperating State agencies and private institutions.* The Agricultural Marketing Service, in carrying out the National School Lunch Program and the Special Milk Program, and programs for the distribution of various agricultural commodities, considers all pertinent records of cooperating State agencies and private institutions as non-Federal, subject, however, to administrative review by AMS and to fiscal audit by AMS or GAO auditors.

Retention period: School Lunch Program—not less than 3 years, 42 U. S. C. 1760; Special Milk Program—3 years after the end of each Federal fiscal year's operation, 6 CFR 502.203, 502.209, 502.212; distribution of various agricultural commodities—not less than 2 years. 7 U. S. C. 612c, 7 U. S. C. 1431, 42 U. S. C. 1755

POULTRY AND POULTRY PRODUCTS EXPORT PROGRAM

3.27 *Exporters of poultry and poultry products under the poultry export program.* To maintain records showing purchases, sales, and deliveries of products exported or to be exported.

Retention period: 2 years after effective date of program. 6 CFR 530.107

INSPECTION OF DAIRY PRODUCTS

3.28 *Dairy products manufacturers, processors, and packagers operating approved plants under Department of Agriculture inspection.* To maintain records of quality tests of producers of raw milk and of producers, sellers, and shippers of raw cream; and plant and laboratory tests and analyses of raw materials and finished products.

Retention period: 1 year. 7 CFR 58.143, 58.169

PACKERS AND STOCKYARDS ACT, 1921

Regulations pertaining to interstate and foreign commerce in livestock and poultry as follows:

3.29 *Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.* To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified; however, required to post and keep open for inspection currently effective schedules only. 9 CFR 201.22

3.30 *Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.* To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceed of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: Not specified.[1] 9 CFR 201.45

3.31 *Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.* To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: Not specified.[1] 9 CFR 201.46

3.32 *Sellers of live poultry under Packers and Stockyards Act regulations.* To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: Not specified.[1] 9 CFR 201.48

3.33 *Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.* To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: Not specified.[1] 9 CFR 201.49

3.34 *Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.* To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the District Supervisor of the Service).

Retention period: Not specified.[1] 9 CFR 201.74

3.35 *Authorized State livestock associations and agencies.* To keep adequate detailed records of collection of fees, disbursement, inspections, and brands and marks.

Retention period: Not specified.[1] 9 CFR 201.86

3.36 *Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.* To keep adequate records showing in detail the

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[1] Records shall not be destroyed or disposed of without the consent in writing of the Chief, Packers and Stockyards Branch, AMS, Department of Agriculture. 9 CFR 201.50

income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[1] 9 CFR 201.89

WAREHOUSE ACT OF 1916, AS AMENDED

Regulations pertaining to warehousing agricultural products as follows:

3.37 *Licensed warehousemen.* To keep copies of all receipts issued.

Retention period: Not specified. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 109.17, 110.17, 111.18, 112.17, 113.17, 114.17

3.38 *Licensed warehousemen.* To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 109.34, 110.29, 111.33, 112.29, 113.29, 114.29

3.39 *Licensed warehousemen.* To keep a copy of his current rules and schedule of charges exposed conspicuously in a place accessible to the public.

Retention period: Required to expose current copy only. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 107.32, 108.30, 109.35, 110.30, 111.34, 112.30, 113.30, 114.30

3.40 *Licensed warehousemen.* Shall use for his licensed warehouse a system of accounts approved for the purpose by the Service, and maintain such records as are specified.

Retention period: Not specified. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 109.40, 110.34, 111.41, 112.34, 113.36, 114.34

3.41 *Licensed warehousemen.* Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: As may be prescribed by the Department or Service. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 109.42, 110.36, 111.44, 112.36, 113.38, 114.36

3.42 *Licensed warehousemen.* To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: Not specified. 7 CFR 101.47, 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 109.25, 111.56, 112.49, 113.52, 114.50

3.43 *Licensed cotton warehousemen.* To keep records of cotton sampling including the written request, if any.

Retention period: Not specified. 7 CFR 101.49

3.44 *Licensed classifiers, inspectors, graders, and weighers of agricultural commodities.* To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 109.64, 110.61, 111.70, 112.59, 113.65, 114.64

3.45 *Licensed grain warehousemen.* To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: Not specified. 7 CFR 102.30

3.46 *Licensed warehousemen.* To keep inquiries received in writing advising of interest in deteriorating commodities stored in warehouse.

Retention period: Not specified. 7 CFR 102.54, 103.39, 107.51, 108.42, 109.49, 110.46, 111.52, 112.43, 113.47, 114.46

REGULATIONS FOR THE MARKETING ORDER PROGRAM FOR DAIRY PRODUCTS UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

3.47 *Milk handlers.* To keep detailed accounts and summary records of their operations and facilities with respect to (a) the receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products.

Retention period: 3 years, to begin at the end of the calendar month to which such books and receipts pertain, or for a longer period if notified by the Marketing Administrator. 7 CFR Parts 903–1018 (see specific milk marketing area).

FEDERAL SEED ACT

Regulations pertaining to handlers, shippers, and procurers of seeds as follows:

3.48 *Persons handling agricultural seeds subject to the Federal Seed Act regulations.* To keep complete records of each lot of agricultural seed handled.

Retention period: 3 years. 7 CFR 201.4

3.49 *Country shippers of agricultural seeds subject to the Federal Seed Act regulations.* To keep copies of declarations they have issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery, and records of purity and germination tests.

Retention period: 3 years. 7 CFR 201.5, 201.6, 201.7 (retention: 201.4)

3.50 *Procurers of seeds from growers subject to the Federal Seed Act regulations.* To obtain and keep the growers declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

3.51 *Growers of seeds subject to the Federal Seed Act regulations.* To keep copy of the growers declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE COTTON ACTS

3.52 *Cotton quotation committees.* To keep records of spot markets cotton sales.

Retention period: Not specified. 7 CFR 27.98

3.53 *Licensed cotton classers.* To keep copies of certificates issued by them.

Retention period: 1 year after date of issuance. 7 CFR 28.87

3.54 *Licensed cotton classers who place certificate of classification directly on warehouse receipts, weight certificates, or on other documents showing such classification.* To keep records of each bale and sample classified showing bale number, grade, length of staple, or other class of each bale, and date classed.

Retention period: 1 year after date of classification. 7 CFR 28.87

3.55 *Licensed cottonseed chemists.* To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

3.56 *Licensed cottonseed samplers.* To keep books and records relating to the performance of their duties available for inspection or examination by a representative of the Department.

Retention period: Not specified. 7 CFR 61.35

NAVAL STORES ACT OF 1923, AS AMENDED

3.57 *Accredited turpentine and rosin processors for naval stores.* To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

4. Agricultural Research Service

4.1 *Aircraft operators affected by the Japanese beetle quarantine and the regulations thereunder.* To make suitable records of required treatments for disinsectization in the aircraft log, weight and balance manifest, or cargo manifest, as evidence of compliance with instructions.

Retention period: To the end of the calendar year in which recorded. 7 CFR 301.48–8a

4.2 *Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.* To keep detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products; and of the sale, shipment, or other disposition of the products.

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[1] Records shall not be destroyed or disposed of without the consent in writing of the Chief, Packers and Stockyards Branch, AMS, Department of Agriculture. 9 CFR 201.50

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inspection and Quarantine Division. 9 CFR 116.1 (retention: 116.3)

4.3 *Licensees preparing anti-hog-cholera serum and hog-cholera virus.* To keep records pertaining to virus production, serum preparation, and to pigs used to produce virus.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inspection and Quarantine Division. 9 CFR 116.2 (retention: 116.3)

4.4 *Handlers of anti-hog-cholera serum or hog-cholera virus.* To keep records pertaining to the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus.

Retention period: 2 years. 9 CFR 131.49

4.5 *Alaskan fur farmers.* To keep books and records for inspection by the Alaska Game Commission.

Retention period: Not specified. 9 CFR 160.3

5. Commodity Exchange Authority

5.1 *Futures commission merchants depositing customers' monies in a bank or trust company.* Must secure a written waiver agreement from such bank or trust company and keep as a permanent record an executed copy of this agreement.

Retention period: 5 years from date of closing of such bank account.[1] 17 CFR 1.20 (retention: 1.31)

5.2 *Futures commission merchants investing customers' money or loaning customers' money on the security of negotiable warehouse receipts.* To deposit such obligations, securities and warehouse receipts in safekeeping with a bank, trust company or clearing organization and keep an executed copy of agreement with bank, trust company, or clearing organization as specified in the section cited.

Retention period: 5 years after termination of agreement.[1] 17 CFR 1.26 (retention: 1.31)

5.3 *Futures commission merchants.* To keep the following records re obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations, date disposition made and amount received therefor, name of person to or through whom sold; and the following records re warehouse receipts, date loan made, name of person to whom funds loaned, amount loaned, description of warehouse receipts, date and particular of any changes or substitutions, date on which loan repaid.

Retention period: 5 years after investment liquidated or loan paid.[1] 17 CFR 1.27 (retention: 1.31)

5.4 *Futures commission merchants.* To keep a permanent record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[1] 17 CFR 1.32 (retention: 1.31)

5.5 *Futures commission merchants.* To keep record showing position of each customer in each future of each commodity on each contract market as of last business day of each calendar month.

Retention period: 5 years.[1] 17 CFR 1.33 (retention: 1.31)

5.6 *Futures commission merchants.* To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

5.7 *Futures commission merchants.* To keep statement to show as of close of last business day of fiscal year and semiannually thereafter, net profit or loss from combined open trades, credit or debit balance of commodity margin account of each customer, whether or not customer has open trades or contracts, description of all securities and property in segregated account received from each customer to margin, guarantee or secure trades or contracts.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

5.8 *Futures commission merchants and members of contract market.* To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

5.9 *Futures commission merchants and clearing members of contract markets.* To prepare and keep in permanent form the following: (a) A financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made).

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

5.10 *Futures commission merchants.* To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities, name and address of customer, date received and returned or otherwise disposed of.

Retention period: 5 years from date of return of property.[1] 17 CFR 1.36 (retention: 1.31)

5.11 *Futures commission merchants.* To keep record showing for each futures account name, address and principal occupation of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[1] 17 CFR 1.37 (retention: 1.31)

5.12 *Contract markets.* To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[1] 17 CFR 1.39 (retention: 1.31)

5.13 *Contract markets shall require warehouse operators whose receipts are deliverable in satisfaction of futures contracts.* To keep records showing stocks traded for future delivery on contract market, in store by kind, class, and grade including lots and parcels stored specially or separately.

Retention period: 5 years.[1] 17 CFR 1.44 (retention: 1.31)

5.14 *Persons having or controlling open contracts in futures in excess of amounts specified.* To keep books and records showing details of such contracts and related transactions, names and addresses of all futures commission merchants, and board of trade members with whom contracts held, all persons having a participating financial interest, name and address of partners, stockholders controlling 20 percent or more of capital stock of corporation, persons participating in management or having financial or beneficial interest in trading operations of associations or trusts.

Retention period: 5 years.[1] 17 CFR 2.14, 2.15, 3.14, 3.15, 4.14, 4.15, 5.14, 5.15, 6.14, 6.15, 7.14, 7.15, 8.14, 8.15, 9.14, 9.15, 10.14, 10.15, 11.14, 11.15 (retention: 1.31)

6. Commodity Stabilization Service

MARKETING QUOTAS FOR COTTON, WHEAT, TOBACCO, PEANUTS, AND RICE

6.1 *Ginners of upland cotton.* To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale; and (h) kind of bagging used on each bale if other than jute.

Retention period:[2] 1956 crop—until December 31, 1958, 7 CFR 722.776; 1957 crop—until December 31, 1959, 7 CFR 722.876 (retention: 722.880)

6.2 *Buyers and transferees of upland cotton.* To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; (e) amount of penalties to be collected, if any; and (f) serial number of the marketing card or certificate or brief description of the loan document by which the cotton was identified when marketed.

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[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

[2] As specified, or longer if requested by the Director, Cotton Division, CSS.

Retention period:[3] 1956 crop—until December 31, 1958, 7 CFR 722.777, 722.778; 1957 crop—until December 31, 1959, 7 CFR 722.877, 722.878 (retention: 722.880)

6.3 *Buyers and transferees of upland cotton not identified by marketing cards, marketing certificates, or loan documents.* To keep copy of report showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or lot less than a bale; and (e) amount of penalty collected, if any.

Retention period: Not specified for 1956 crop, 7 CFR 722.777, 722.778; 1957 crop—until December 31, 1959, 7 CFR 722.877, 722.878 (retention: 722.880)

6.4 *Buyers and transferees of upland cotton identified by marketing certificates.* To keep copy of report of transactions (Form MQ-91—Cotton (Upland)).

Retention period: Not specified for 1956 crop, 7 CFR 722.777, 722.778; 1957 crop—until December 31, 1959, 7 CFR 722.877, 722.878 (retention: 722.880)

6.5 *Warehousemen, ginners, buyers, processors, common carriers, and other persons handling upland cotton from, for, or on behalf of the producer.* To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: Not specified for 1956 crop, 7 CFR 722.779; 1957 crop—until December 31, 1959, 7 CFR 722.879 (retention: 722.880)

6.6 *Producers of upland cotton marketed to persons not within the United States.* To keep copy of certificate showing name and address of buyer or transferee.

Retention period: Not specified for 1956 crop, 7 CFR 722.780; 1957 crop—until December 31, 1959, 7 CFR 722.882

6.7 *Ginners of extra long staple cotton.* To keep for each bale or lot less than a bale records showing (a) date of ginning; (b) name of the operator of the farm on which produced; (c) name of the producer; (d) county and State in which produced; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot less than a bale; and (h) kind of bagging used if other than jute.

Retention period:[3] 1956 crop—until December 31, 1958, 7 CFR 722.1376; 1957 crop—until December 31, 1959, 7 CFR 722.1476 (retention: 722.1480)

6.8 *Buyers and transferees of extra long staple cotton.* To keep for each bale or lot less than a bale records showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing origin and weight of cotton; (d) number of pounds in each bale and lot purchased; and (e) penalties to be collected, if any.

Retention period:[3] 1956 crop—until December 31, 1958, 7 CFR 722.1377, 722.1378; 1957 crop—until December 31, 1959, 7 CFR 722.1477, 722.1478 (retention: 722.1480)

6.9 *Buyers and transferees of extra long staple cotton not identified by marketing cards, marketing certificates, or loan documents.* To keep copy of report showing (a) name and address of the producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or lot less than a bale; and (e) amount of penalty collected, if any.

Retention period: Not specified for 1956 crop, 7 CFR 722.1377, 722.1378; 1957 crop—until December 31, 1959, 7 CFR 722.1477, 722.1478 (retention: 722.1480)

6.10 *Buyers and transferees of extra long staple cotton identified by marketing certificates.* To keep copy of report of transaction (Form MQ-91—Cotton (ELS)).

Retention period: Not specified for 1956 crop, 7 CFR 722.1377, 722.1378; 1957 crop—until December 31, 1959, 7 CFR 722.1477, 722.1478 (retention: 722.1480)

6.11 *Warehousemen, ginners, buyers, processors, common carriers, and other persons hahdling extra long staple cotton from, for, or on behalf of the producer.* To keep records concerning such cotton, so that the accuracy of any reports or other records that may be required can be checked.

Retention period: Not specified for 1956 crop, 7 CFR 722.1379; 1957 crop—until December 31, 1959, 7 CFR 722.1479 (retention: 722.1480)

6.12 *Producers of extra long staple cotton marketed to persons not within the United States.* To keep copy of certificate showing name and address of buyer or transferee.

Retention period: Not specified for 1956 crop, 7 CFR 722.1380; 1957 crop—until December 31, 1959, 7 CFR 722.1482

6.13 *Producers and producer-manufacturers of cigar-filled tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations.* To keep copies of specified reports on disposition of tobacco.

Retention period:[4] 1955-56 marketing year—until September 30, 1958, 7 CFR 723.652, 723.661; 1956-57 year—until September 30, 1959, 7 CFR 723.752, 723.761; 1957-58 year—until September 30, 1960, 7 CFR 723.852, 723.861

6.14 *Buyers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations.* To keep records with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period:[4] 1955-56 marketing year—until September 30, 1958, 7 CFR 723.653, 723.654, 723.661; 1956-57 year—until September 30, 1959, 7 CFR 723.753, 723.754, 723.761; 1957-58 year—until September 30, 1960, 7 CFR 723.853, 723.854, 723.861

6.15 *Truckers and persons engaged in sorting, stemming, packing, or otherwise processing cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period:[4] 1955-56 marketing year—until September 30, 1958, 7 CFR 723.656, 723.661; 1956-57 year—until September 30, 1959, 7 CFR 723.756, 723.761; 1957 year—until September 30, 1960, 7 CFR 723.856, 723.861

6.16 *Producers of burley and flue-cured tobacco.* To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period:[4] 1955-56 marketing year—until June 30, 1958, for flue-cured tobacco and until September 30, 1958, for burley tobacco, 7 CFR 725.652, 725.661; for 1956-57 year—until June 30, 1959, for flue-cured tobacco and until September 30, 1959, for burley tobacco, 7 CFR 725.752, 725.761; 1957-58 year—until June 30, 1960, for flue-cured tobacco and until September 30, 1960, for burley tobacco, 7 CFR 725.852, 725.861

6.17 *Warehousemen handling burley and flue-cured tobacco.* To keep records that will permit furnishing detailed information of all transactions.

Retention period:[4] 1955-56 marketing year—until June 30, 1958, for flue-cured tobacco and until September 30, 1958, for burley tobacco, 7 CFR 725.653, 725.661; for 1956-57 year—until June 30, 1959, for flue-cured tobacco and until September 30, 1959, for burley tobacco, 7 CFR 725.753, 725.761; 1957-58 year—until June 30, 1960, for flue-cured tobacco and until September 30, 1960, for burley tobacco, 7 CFR 725.853, 725.861

6.18 *Dealers handling burley and flue-cured tobacco.* To keep records that will permit furnishing detailed information of all transactions.

Retention period:[4] 1955-56 marketing year—until June 30, 1958, for flue-cured tobacco and until September 30, 1958, for burley tobacco, 7 CFR 725.654, 725.661; for 1956-57 year—until June 30, 1959, for flue-cured tobacco and until September 30, 1959, for burley tobacco, 7 CFR 725.754, 725.761; 1957–58 year—until June 30, 1960, for flue-cured tobacco and until September 30, 1960, for burley tobacco, 7 CFR 725.854, 725.861

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[3] As specified, or longer if requested by the Director, Cotton Division, CSS.

[4] As specified, or longer if requested by the State administrative officer or the Director, Tobacco Division, CSS.

6.19 *Truckers and persons redrying, prizing, or stemming burley and flue-cured tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [4] 1955–56 marketing year—until June 30, 1958, for flue-cured tobacco and until September 30, 1958, for burley tobacco, 7 CFR 725.656, 725.661; for 1956–57 year—until June 30, 1959, for flue-cured tobacco and until September 30, 1959, for burley tobacco, 7 CFR 725.756, 725.761; 1957–58 year—until June 30, 1960, for flue-cured tobacco and until September 30, 1960, for burley tobacco, 7 CFR 725.856, 725.861

6.20 *Producers of fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount of tobacco on hand and its location, (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period: [4] 1955–56 marketing year—until September 30, 1958, 7 CFR 726.652, 726.661; for 1956–57 year—until September 30, 1959, 7 CFR 725.752, 725.761; 1957–58 year—until September 30, 1960, 7 CFR 725.852, 725.861

6.21 *Warehousemen handling fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep records that will permit furnishing detailed information of all transactions.

Retention period: [4] 1955–56 marketing year—until September 30, 1958, 7 CFR 726.653, 726.661; 1956–57 year—until September 30, 1959, 7 CFR 725.753, 725.761; 1957–58 year—until September 30, 1960, 7 CFR 725.853, 725.861

6.22 *Dealers handling fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep records that will permit furnishing detailed information of all transactions.

Retention period: [4] 1955–56 marketing year—until September 30, 1958, 7 CFR 726.654, 726.661; 1956–57 year—until September 30, 1959, 7 CFR 725.754, 725.761; 1957–58 year—until September 30, 1960, 7 CFR 725.854, 725.861

6.23 *Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period: [4] 1955–56 marketing year—until September 30, 1958, 7 CFR 726.656, 726.661; 1956–57 year—until September 30, 1959, 7 CFR 725.756, 725.761; 1957–58 year—until September 30, 1960, 7 CFR 725.856, 725.861

6.24 *Producers of Maryland tobacco.* To keep copies of reports with respect to disposition of tobacco produced showing (a) number of fields and acres harvested, (b) total pounds produced, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person through whom marketed, number of pounds marketed, gross price, and date of marketing.

Retention period: [4] 1956–57 marketing year—until September 30, 1959, 7 CFR 727.752, 727.761; 1957–58 year—until September 30, 1960, 7 CFR 727.852, 727.861

6.25 *Warehousemen handling Maryland tobacco.* To keep records that will permit furnishing detailed information on all transactions.

Retention period: [4] 1956–57 marketing year—until September 30, 1959, 7 CFR 727.753, 727.761; 1957–58 year—until September 30, 1960, 7 CFR 727.853, 727.861

6.26 *Dealers handling Maryland tobacco.* To keep complete and detailed records showing all purchases and resales of tobacco made by or for the dealer, and resales of tobacco bought from crops produced prior to 1956 (for 1956–57 marketing year) and prior to 1957 (for 1957–58 marketing year); and to keep copies of required reports.

Retention period: [4] 1956–57 marketing year—until September 30, 1959, 7 CFR 727.754, 727.761; 1957–58 year—until September 30, 1960, 7 CFR 727.854, 727.861

6.27 *Truckers and persons redrying, prizing, or stemming Maryland tobacco.* To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period: [4] 1956–57 marketing year—until September 30, 1959, 7 CFR 727.756, 727.761; 1957–58 year—until September 30, 1960, 7 CFR 727.859, 727.861

6.28 *Wheat producers, warehousemen, elevator operators, feeders, processors, and buyers.* To keep records of wheat transactions (as specified in the regulations).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends and indefinite. 1955 marketing year—7 CFR 728.586, 728.587, 728.590; 1956 year—7 CFR 728.687, 728.688, 728.691; 1957 year—7 CFR 728.787, 728.788, 728.791

6.29 *Peanut producers.* To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [5] 1955–56 marketing year—until July 31, 1958, 7 CFR 729.661, 729.667; 1956–57 year—until July 31, 1959, 7 CFR 729.761, 729.767; 1957 and subsequent crops—3 years following end of pertinent marketing year, 7 CFR 729.857, 729.863

6.30 *Peanut buyers.* To keep detailed records of peanuts marketed and sales memoranda with respect to purchases of farmers stock peanuts.

Retention period: [5] 1955–56 marketing year—until July 31, 1958, 7 CFR 729.662, 729.667; 1956–57 year—until July 31, 1959, 7 CFR 729.762, 729.767; 1957 and subsequent crops—3 years following end of pertinent marketing year, 7 CFR 729.858, 729.863

6.31 *Peanut shellers purchasing or retaining shelled peanuts.* To keep record of such purchases or acquisitions (form prescribed).

Retention period: [5] 1955–56 marketing year—until July 31, 1958, 7 CFR 729.662, 729.667; 1956–57 year—until July 31, 1959, 7 CFR 729.762, 729.767; 1957 and subsequent crops—3 years following end of pertinent marketing year, 7 CFR 729.858, 729.863

6.32 *Peanut shellers not purchasing or retaining shelled peanuts.* To keep records of the shellings of each lot of peanuts (form prescribed).

Retention period: [5] 1955–56 marketing year—until July 31, 1958, 7 CFR 729.663, 729.667; 1956–57 year—until July 31, 1959, 7 CFR 729.763, 729.767; 1957 and subsequent crops—3 years following end of pertinent marketing year, 7 CFR 729.859, 729,863

6.33 *Rice producers, warehousemen, mill or elevator operators, or processors, and buyers.* To keep records of rice transactions as prescribed.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 1955 crop—7 CFR 730.687, 730.688, 730.691; 1956 crop—7 CFR 730.788, 730.789, 730.792; 1957 crop—7 CFR 730.888, 730.889, 730.892

IMPORT QUOTAS AND FAIR WAGE RATES UNDER THE SUGAR ACT

6.34 *Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.* To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed information for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

6.35 *Persons marketing sugar and liquid sugar produced from sugar beets and sugar cane grown in the continental United States.* To keep record of processings, receipts and marketings of mainland sugar.

Retention period: 5 years following the end of the calendar year in which sugar is marketed. 7 CFR 815.7

6.36 *Importers (individuals, partnerships, corporations, associations, or bonded importers of sugar for reexport).* To keep records of transactions in sugar or liquid sugar.

Retention period: 2 years from the date of the exportation of sugar covered by such bond. 7 CFR 818.5

6.37 *Persons importing, using, or marketing sugar for alcohol or livestock*

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[4] As specified, or longer if requested by the State administrative officer or the Director, Tobacco Division, CSS.

[5] As specified, or longer if requested by the Director, Oils and Peanuts Division, CSS.

feed. To keep records of transactions in or uses of such sugar or liquid sugar or any other necessary records.

Retention period: Not less than 2 years from the date of entry or marketing of such sugar or liquid sugar, or from date of acquisition of such sugar or liquid sugar by the user. 7 CFR 819.3

6.38 *Employers of Virgin Island apprentice operators of mechanical loaders and tractors in the sugar industry.* To keep a copy of the certificate of learner or apprentice issued by the St. Croix Municipal Wage Commissioner.

Retention period: Not specified. 7 CFR 868.7

6.39 *Employers of Virgin Island handicapped workers in the sugar industry.* To keep a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner.

Retention period: Not specified. 7 CFR 868.7

7. Commodity Stabilization Service and Commodity Credit Corporation

7.1 *Cooperative marketing associations of producers participating in the Rice Loan and Purchase programs.* To maintain records of the total quantity of rough rice acquired by or delivered to the association from all sources, the quantity of eligible rice delivered by eligible producer members, and separate records of both eligible and ineligible rice.

Retention period: 1954 crop—at least until May 1, 1960, 6 CFR 421.577; 1955 crop—at least until May 1, 1961, 6 CFR 421.1337

7.2 *Borrowers under Milk and Butterfat Price Support program from the Commodity Credit Corporation.* To keep complete and accurate records and accounts showing all details incident to acquisition and disposition of inventories of all types of milk solids products for which loans made.

Retention period: 3 years after March 31, 1955, or 2 years after date of audit by CCC. 6 CFR 430.175

7.3 *Cottonseed crushers participating in the 1954 Cottonseed Price Support program.* To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 2 years from the last date any of the products tendered by the crusher have been delivered. 6 CFR 443.1044

7.4 *Cooperative associations of producers participating in the tung nut Price Support program.* To maintain detailed records as specified pertaining to quantities of tung nuts and tung nut oil obtained and processed.

Retention period: 1956 crop—until July 1, 1959, 6 CFR 443.1264; 1957 crop—until July 1, 1960, 6 CFR 443.1364

7.5 *Peanut shellers participating in the Peanut Price Support program.* To keep accounts with respect to the production and purchase of No. 2 peanuts and farmers stock peanuts from which No. 2 peanuts were produced, including types, grades, and quantity, names and addresses of producers, and date and place received.

Retention period: 2 years after the last No. 2 peanuts are delivered to CCC. 6 CFR 446.729, 446.829, 446.929

7.6 *Mohair producers participating in the Payment Program for Mohair, and their marketing agencies.* To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 1955 program, until April 1, 1959. 6 CFR 468.39

7.7 *Handlers participating in the 1954 Wool Price Support program.* To keep authorization from pool manager to represent him and pool manager's assurance to comply with all requirements of the program.

Retention period: Not specified. 6 CFR 472.521

7.8 *Pool managers and member-associations participating in the 1954 Wool Price Support program.* To keep agreements or other documents showing membership and authorization to handler.

Retention period: Not specified. 6 CFR 472.522

7.9 *Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies.* To maintain books, records, and accounts showing: for the 1955 program—the marketing of wool on which application for payment is based; for the 1956, 1957, and 1958 programs—purchases of lambs on and after April 1, 1956, and marketing of wool (and/or lambs for the 1957 and 1958 programs) on which application is based.

Retention period: 1955 program—until April 1, 1959, 6 CFR 472.618; 1956 program—until April 1, 1960, 6 CFR 472.717; 1957 program—until April 1, 1961, 6 CFR 472.824; 1958 program—until April 1, 1962, 6 CFR 472.948

7.10 *Lamb and yearling producers participating in the Payment Program for Lambs and Yearlings (Pulled Wool), and persons furnishing evidence to an applicant to enable him to receive payment under the program.* To maintain books, records, and accounts showing: for the 1955 program—the marketing and slaughtering of lambs and yearlings on which an application for payment is based; for the 1956 program—purchases of unshorn lambs on or after April 1, 1956, and marketing of unshorn lambs on which application for payment is based.

Retention period: 1955 program—until April 1, 1959, 6 CFR 472.666; 1956 program—until April 1, 1960, 6 CFR 472.764

7.11 *Dealers selling designated surplus feed grains or approved mixed feed to farmers under the Emergency Feed Program.* To maintain books and records which will permit verification of all transactions with regard to farmer's purchase orders and dealer's certificates.

Retention period: 1956 program—until July 1, 1960, 6 CFR 475.33; 1957 program—at least 3 full years following exchange of the purchase order for dealer's certificate, 6 CFR 475.46; or to be kept longer if requested by the Commodity Credit Corporation.

7.12 *State agencies distributing feed grain under Disaster Relief programs.* To maintain records pertaining to the receipt and distribution of feed grain delivered by CCC.

Retention period: Until January 1, 1961. 6 CFR 476.108

7.13 *Exporters participating in the Commodity Credit Corporation's wheat and wheat flour export payment programs under the International Wheat Agreement.* To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with the programs.

Retention period: 2 years after date of export. 6 CFR 481.670, 481.770, 483.177, 483.277

7.14 *Cotton products exporters (and affiliates and subsidiaries) participating in the Cotton Products Export Program.* To keep books, records, accounts, and other documents and papers pertinent to any transaction under the program.

Retention period: At least 3 years after the date of last payment under any sales registration. 6 CFR 482.14

7.15 *Organizations receiving food commodities under section 416 of Agricultural Act of 1949.* To maintain records of distribution and submit reports as directed.

Retention period: Not specified. 6 CFR 501.105

8. Farmers Home Administration

8.1 *Farm ownership borrowers.* To maintain annual record book (Form FHA–195 "Farm Family Record Book").

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 337.1

8.2 *Group services (a means by which two or more farmers may provide themselves with such services, equipment, and facilities which they could not otherwise obtain individually on an economically sound basis) financed in whole or part by FHA.* To maintain such records as are necessary to provide information on which to determine results of operation and to aid in future planning.

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 344.6

8.3 *Renters of Farm Ownership farms.* To be encouraged to keep records of farming operations.

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 372.6

9. Federal Crop Insurance Corporation

9.1 *Insured under Federal Crop Insurance Corporation.* To keep records of harvesting, storage, shipment, sale, or other disposition of all flax, corn, tobacco, wheat, cotton, multiple crops, dry edible beans, citrus, soybeans, barley, and peaches produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest.

Retention period: 2 years after time of loss. Through 1957 crop year (1958 crop year for multiple crops, citrus, peaches, and some wheat and barley contests), as follows: flax—7 CFR 415.10, sec. 27; corn—7 CFR 416.10, sec. 27; tobacco—7 CFR 417.8, sec. 19; wheat—7 CFR 418.6, sec. 18, 418.210, sec. 26; cotton—7 CFR 419.7, sec. 18; multiple crops—7 CFR 420.8, sec. 17; dry edible beans—7 CFR 421.6, sec. 18; citrus—7 CFR 422.6, sec. 18; soybeans—7 CFR 423.6, sec. 17; barley—7 CFR 424.6, sec. 18; and peaches—7 CFR 425.6, sec. 18, 425.26, sec. 18. 1958 and succeeding crop years for dry edible beans, cotton, corn, flax, soybeans, tobacco, and some barley and wheat contracts—7 CFR 401.11, sec. 19

10. Forest Service

10.1 *Pilots navigating aircraft within airspace reservation over certain areas of Superior National Forest in Minnesota.* To keep records and reports of flights within said airspace reservations for reasons of safety or conducting rescue operations.

Retention period: Not specified. 36 CFR 251.28, 251.29

I. DEPARTMENT OF COMMERCE

1. Business and Defense Services Administration

1.1 *Persons in the United States participating in transactions covered by BDSA Regulation 3.* To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of BDSA Regulation 3 (Operations of the Priorities and Allocations System between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, BDSA Reg. 3, sec. 7 (a)

1.2 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulations 1 and 2.* To keep accurate and complete records of receipts and deliveries (including records of allotments received and made) in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1—Basic Rules of the Defense Materials System; and DMS Reg. 2—Construction under the Defense Materials System, as applicable.

Retention period: For at least 2 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 25 (a) and (b); DMS Reg. 2, sec. 21 (a) and (b)

1.3 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Order M-107.* To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M-107—Titanium Mill Products.

Retention period: For at least 2 years. 32A CFR Ch. VI, Order M-107, sec. 7 (a)

1.4 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA (formerly NPA) Regulation 2 and BDSA (formerly NPA) Orders M-1A, M-5A, M-17, M-41, and M-43A.* To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Reg. 2—Basic Rules of the Priorities System; BDSA Order M-1A—Iron and Steel; BDSA Order M-5A—Aluminum; BDSA Order M-17—Components or Parts; BDSA Order M-41—Metalworking Machines: Delivery; BDSA Order M-43A—Construction Machinery: Distribution, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 2, sec. 24 (a); Order M-1A, sec. 19 (a); Order M-5A, sec. 15 (a); Order M-17, sec. 8 (a); Order M-41, sec. 13 (a); Order M-43A, sec. 9 (a)

1.5 *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.* To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of that regulation.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 6, sec. 8 (a)

1.6 *Persons participating in transactions covered by BDSA Order M-1B.* To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of Order M-1B (Nickel Alloys).

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-1B, sec. 13 (a)

1.7 *Producers and distributors of copper controlled materials, producers of intermediate shapes, and users of copper raw materials. (BDSA Order M-11A—Copper and Copper Base Alloys).* To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials. Such records shall include, but shall not be limited to, all authorized controlled material orders, certified orders and directives received by such persons, and copies of all authorized controlled material orders, rated orders, and certified orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-11A, sec. 12 (a)

1.8 *Individuals, corporations, partnerships, associations, or any other organized group of persons participating in any transaction covered by BDSA Order M-108—Argon.* To keep accurate and complete records of such transactions, including all rated orders and directives received by such persons pertaining to argon, copies of all rated orders for argon placed by such persons, and records of all purchases, receipts, inventories, production, use, sales and deliveries of argon. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of Order M-108—Argon.

Retention period: At least 3 years after date of transaction. 32A CFR Ch. VI, Order M-108, sec. 6 (a)

2. Civil Aeronautics Administration

NOTE: For additional interpretations and implementations of the Administration see Civil Aeronautics Board.

2.1 *Manufacturers of aircraft.* To keep at factory, for all models type certificated under the delegation option procedures, current records containing the following: (a) Technical data file for each type aircraft, (b) complete inspection record for each airplane produced, (c) report required to be submitted with the original application for the production certificate, (d) factory inspection reports, (e) records of all major repairs and alterations performed.

Retention period: Technical data, report submitted with application, and repair records, for duration of manufacturers operations; inspection records, 2 years. 14 CFR 410.32, 410.33, 410.38

2.2 *Contractors for construction of public airports.* To keep payroll records during the course of the work for all laborers and mechanics as specified in the section cited.

Retention period: 3 years. 14 CFR 550.7

2.3 *Sponsors of the construction of public airports.* To keep records of all affidavits and copies of payroll furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 550.7

2.4 *Sponsors of the construction of public airports.* To retain in its files documentary evidence such as invoices, cost estimates and payrolls supporting each item for project cost. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants and receipts for cash payments.

Retention period: Until final payment. 14 CFR 550.8

2.5 *Sponsors of public airports.* To keep, after the completion of the project and during the term of these covenants, a current system of airport accounts and records, sufficient to provide annual statements of income and expenses. Also all airport records affecting the airport, including deeds, leases, operations, and use agreements, regulations and other instruments.

Retention period: Term of covenant, but not to exceed 20 years. 14 CFR 550.11

2.6 *Petitioners for reimbursement for cost of rehabilitation or repair to public airports.* To secure and retain in their files documentary evidence of costs and payments therefor such as invoices, cost estimates, payrolls, vouchers, canceled checks or warrants, and receipts.

Retention period: Until final payment. 14 CFR 560.15

2.7 *Airport traffic control tower personnel.* (a) *Voice records.* To provide for the continuous recordings of radio transmissions by changing voice records promptly, as they are completed, at locations where voice recorders are installed.

(b) *Written records.* To record air route traffic control messages and clearances, flight plans received from pilot (either by radio, interphone, or telephone) on appropriate forms and to maintain airport traffic control operating forms.

Retention period: Not specified. 14 CFR 617.66

3. Bureau of Foreign Commerce

3.1 *Persons requesting Certificate of Eligibility to participate in the British Token Import Plan.* To keep available for inspection documentary evidence supporting data supplied in Request for Certification.

Retention period: Not specified. 15 CFR 361.3

3.2 *Persons participating in the British Token Import Plan.* To keep documents constituting evidence of an "accepted order" submitted in support of an application for Token Quota Vouchers.

Retention period: 3 years from the date of receipt by the Department of the application for Token Quota Vouchers covering accepted orders. 15 CFR 361.4

3.3 *Persons participating in the British Token Import Plan.* To keep documents constituting evidence of an "accepted order" submitted in support of an application for Token Quota Vouchers to share in Token Quota Balances.

Retention period: 3 years from the date of receipt by the Department of the application for such Token Quota Vouchers covering accepted orders. 15 CFR 361.7

3.4 *Holders of U. S. Import Certificates selling or transferring commodities covered by such certificates.* To secure and retain a written acceptance by the purchaser or transferee of all obligations imposed under the export regulations of the United States.

Retention period: 3 years. 15 CFR 368.1

3.5 *Executors of Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.* To secure and retain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 3 years. 15 CFR 368.1

3.6 *Exporters of surplus agricultural commodities.* To obtain and keep available for inspection, upon demand, by the Bureau of Foreign Commerce, documents of acknowledgment from foreign purchasers and documents constituting evidence of the contract of purchase and sale.

Retention period: 3 years. 15 CFR 371.8

3.7 *Applicants for export licenses.* To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 3 years from date of receipt of the application by the Bureau as shown on Form IT– or FC–116. 15 CFR 372.4

3.8 *Applicants for export licenses.* To keep the originals of any copies of documents submitted in support of applications.

Retention period: 3 years from date of receipt of the license application by the Department (as shown on Form IT– or FC–116). 15 CFR 372.9

3.9 *Applicants for a time limit license.* To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from the date of receipt of the application (as shown on Form IT– or FC–116). 15 CFR 377.3

3.10 *Consignee-distributor under foreign distribution licenses.* To keep records of orders relating to reexportations.

Retention period: 3 years from date of reexportation. 15 CFR 378.4

3.11 *Transferors and transferees of export licenses.* To keep records of all documents evidencing the order covered by these licenses.

Retention period: 3 years from date of certification. 15 CFR 380.1

Foreign Trade Zones Board

3.12 *Grantees of foreign trade zones.* To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports," approved February 6, 1939.

Retention period: Not specified. 15 CFR 400.1002a

4. Maritime Administration

4.1 *General agents (shipping companies) or their subcontractors and berth agents.* To keep books, records, documents and accounts (which shall be the property of the U. S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, AGE–1, sec. 2 (b), General Agents service agreement, Art. 3 (g) (1) and Art. 14; Berth Agents service agreement, Art. 3 (e) (1) and Art. 14

4.2 *Agents entering into service agreements.* To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, FIS–1, sec. 1

4.3 *Agents entering into service agreements.* To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

4.4 *General agents.* To prepare monthly invoices for compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record in agency account books.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, FIS–2, sec. 1 (a) (1) and sec. 5

4.5 *General agents.* To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1—Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, INS–1, sec. 7 (b)

4.6 *General agents.* To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, OPR–1, sec. 2 (e)

4.7 *Masters.* To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

4.8 *General agents.* To keep a copy of each Job Order, Supplemental Job Order or Worksmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, SRM–1, sec. 3 (a) (1)

4.9 *General agents.* To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.[*] 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3 (d); SRM–4, sec. 2; SRM–5, sec. 3 (a) and sec. 19

4.10 *Charters of Government-owned dry-cargo vessels.* To keep books, records, and accounts, required under Clause 37 (1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1956.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

4.11 *Operators of vessels newly constructed under Federal Maritime Board ship construction contracts, containing guarantee clauses.* To keep records, including log extracts of all deficiencies, defects, weaknesses, etc., found in the ship while in the operator's custody and operation, and, if possible, the causes thereof; and maintain 12 complete sets of records of the items deemed to be the builder's responsibility, including the initial report of the deficiency, specifications, itemized costs, and completion certificates for all such work awarded during the guarantee period, and, if possible, the cause of the deficiencies and all related correspondence for use at the time of the Final Guarantee Survey.

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[*] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

Retention period: 3 years after date of the final guarantee survey. 46 CFR 247.4

4.12 *Operators of operating-differential subsidized vessels.* To keep copy of Form MA-140, Summary report on voyage repairs.

Retention period: To be held available for examination when audit is made. 46 CFR 272.6

4.13 *Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.* To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the contractor. 46 CFR 282.00, 282.01, 292.3

4.14 *Operating-differential subsidy contractors.* To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the contractor. 46 CFR 282.364.

4.15 *Contractors and subcontractors.* To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination and acceptance of payment by the Maritime Administration. 46 CFR 285.5

4.16 *Contractors and subcontractors.* To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

4.17 *Operators of operating-differential subsidy agreements and depositories.* To keep certified copies of resolutions authorizing the establishment of special and construction reserve funds involved.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator. 46 CFR 286.1, 287.6

4.18 *Taxpayers establishing construction reserve funds.* To keep such records as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.24

4.19 *Operators of operating-differential subsidy agreements.* To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator. 46 CFR 292.8

4.20 *Citizen applicants to purchase or charter a war-built vessel.* To keep books, records, and accounts available for examination as deemed necessary by the Maritime Commission to verify financial statements submitted.

Retention period: Not specified. 46 CFR 299.8

4.21 *Purchasers of war-built vessels.* To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

4.22 *Charterers of war-built vessels.* To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the charterer. 46 CFR 299.31

4.23 *Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.* To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the charterer. 46 CFR 299.39, 299.130, 299.202

4.24 *Charterers of war-built vessels.* To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the charterer. 46 CFR 299.48, 299.52, 299.53

4.25 *Underwriting agents under war risk insurance program for hull, P & I and second seamen.* To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders of policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Secretary of Commerce.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.7

4.26 *Those assured under war risk cargo insurance program.* To keep records in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

4.27 *Underwriting agents under war risk cargo insurance program.* To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

4.28 *State marine academies.* To keep records pertaining to academies, officers, instructors, crew cadets, training ships and shore bases, and daily logs of absences, with or without leave, hospitalizations, disenrollments and other analogous data.

Retention period: Personnel records—60 years from date of enrollment; all other records—12 years after final audit. 46 CFR 310.3

5. Bureau of Public Roads

5.1 *State highway departments or their agents.* To keep records and all supporting documents pertaining to the cost of construction, inspection, tests, and maintenance of Federal-aid highway projects.

Retention period: 3 years after payment of final voucher. 23 CFR 1.19

6. Under Secretary of Commerce for Transportation

6.1 *Ship and aircraft owners, masters, officers, employees and agents participating in transportation.* To retain records of shipments in sufficient detail to permit an audit to determine if the provisions of orders T-1 (Shipping restrictions; Sub Group A, Hong Kong and

Macao), T-2 (Shipping restrictions; Communist China), have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T-1, sec. 4; T-2, sec. 5

III. DEPARTMENT OF DEFENSE

1. Office of the Secretary of Defense (Departments of Army, Navy, Air Force)

1.1 *Contractors with negotiated fixed price supply contracts and purchase orders in excess of $1,000.* A standard "Examination of Records" clause is provided. Must agree to retain and make available to the Comptroller General of the United States or his duly authorized representatives any directly pertinent books, documents, papers, and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.104-15. ASPR 7-104.15

1.2 *Subcontractors with contracts or purchase orders in excess of $1,000 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed price supply contracts and purchase orders in excess of $1,000.* Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after fixed payment under the subcontract. 32 CFR 7.104-15. ASPR 7-104.15

1.3 *Contractors with cost reimbursement type supply contracts.* A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-a-fixed-fee, time-and-material, or labor-hour subcontract under his cost reimbursement type prime contract.

Retention period: 6 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203-7. ASPR 7-203.7

1.4 *Subcontractors with contracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost reimbursement type prime contracts.* Must agree to maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 6 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203-7. ASPR 7-203.7

1.5 *Subcontractors whose contracts are other than cost, cost-plus-fixed-fee, time-and-material, or labor-hour contracts under cost reimbursement type prime contracts.* Must agree to retain and make available to the Comptroller General of the United States or his duly authorized representatives any directly pertinent books, documents, papers and records involving transactions related to the contract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.203-7. ASPR 7-203.7

1.6 *Contractors with fixed price contracts in excess of $1,000 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or non-profit institutions when no profit is contemplated.* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.701. ASPR 8-701

1.7 *Contractors with cost-type contracts for supplies and experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or non-profit institutions.* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.702. ASPR 8-702

1.8 *Contractors with fixed price construction contracts amounting to more than $1,000 (or $5,000 in certain cases).* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.703. ASPR 8-703

1.9 *Subcontractors with fixed price subcontracts.* The standard Termination Clause suggested for use in fixed price subcontracts contains the provision that the subcontractor agrees to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.706. ASPR 8-706

1.10 *Contractors with construction contracts in excess of $2,000 (for work in continental United States, Alaska, and Hawaii).* To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 32 CFR 12.403-1. ASPR 12-403.1 (4)

1.11 *Contractors with Army, Navy, Air Force.* To keep control records for Government property, whether furnished to or acquired by a contractor for the account of the Government, to be designated and used as official contract records by the Government, whenever possible. Records and procedures shall be reviewed and approved by the Contract Administrator; status of records should be readily ascertained; consolidated property records may be maintained. Property records shall show a unit price, determined by the Government, and property amount number for each item. Records include those of material, special tooling, plant equipment, real property, and scrap. (Specific information given in Code.)

Retention period: Not specified. 32 CFR 30.2, paragraphs 301 and 304. 32 CFR 30.3, paragraphs 207 and 210. (Various regulations of the Army, Navy, and Air Force repeat these requirements as they relate to particular types of contracts.)

1.12 *Banks holding in special accounts advance payments to contractors under the terms of the Armed Services Procurement Act of 1947.* To keep books and records, memoranda, checks, correspondence or documents pertaining to the account.

Retention period: 6 years after closing of the account. 32 CFR 82.48-1

1.13 *Contractors receiving advance payments secured by lien on supplies and property covered by contract.* To keep adequate accounting control over such property on its books and records.

Retention period: Not specified (implication is that records need not be kept after lien is satisfied). 32 CFR 82.48–2

1.14 *Contractors supplying military and Federal specification items.* To keep records of examination and tests performed.

Retention period: As specified in contract. 32 CFR 154.3

2. Department of the Army

2.1 *Manufacturers for export.* To keep sales records together with evidence of exportation.

Retention period: 4 years from last day of the month following sale. 32 CFR 800.202

2.2 *Reclamation Board, State of California, as operating agency for the Big Dry Creek Reservoir and Diversion, Fresno County Stream Group.* To keep a continuous record of Big Dry Creek Reservoir stage, including specified inflow, release, diversion, flow, and such other operational data as shall be deemed necessary by the operating agency or as shall be requested by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality.

Retention period: Not specified. 33 CFR 208.83

2.3 *Owners of private interstate toll bridges.* To keep records relating to construction, financing, and promotion of such bridge.

Retention period: At least 3 years after completion of bridge. 33 U. S. C. 528

2.4 *States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.* To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

3. Department of the Navy

3.1 *Contractors with cost-type contract.* Must keep on file and make available for inspection and audit, books, records, and other documents which evidence costs and expenditures applicable to performance of the contract.

Retention period. Not specified. 32 CFR 741.9

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 *Local educational agencies in areas affected by Federal activities receiving Federal grants for construction of minimum school facilities.* To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 111.30, 112.30

1.2 *Local educational agencies in areas affected by Federal activities receiving Federal grants for financial assistance for current expenditures.* To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 113.70

1.3 *State boards for vocational education.* To keep records of the accounts of Federal funds and State and local funds used for matching under the Federal vocational education acts.

Retention period: Not specified. 45 CFR 102.13

1.4 *State boards for vocational education or their agents.* To keep copies of all arrangements and agreements of any kind, relating to the operation of Federally aided programs of vocational education or the use of Federal vocational funds.

Retention period: Not specified. 45 CFR 102.13

1.5 *State boards for vocational education.* To keep full statements of each instructor's qualifications.

Retention period: Not specified. 45 CFR 102.206

1.6 *State boards for vocational education.* To keep records as evidence that the training of vocational students has been adequately supervised.

Retention period: Not specified. 45 CFR 102.206

1.7 *State and local agencies participating in the library services program under the Library Services Act.* To keep such accounts and supporting documents as will permit an accurate and expeditious audit of the program at any time.

Retention period: Until completion of fiscal audit or for 3 years, whichever is later. 45 CFR 130.6

2. Food and Drug Administration

2.1 *Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep food shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep written agreement containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such food from such establishment. 21 CFR 1.13

2.2 *Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep drugs and devices shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep written agreement containing such specifications as will insure that such drug or device will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such drugs or devices from such establishments. 21 CFR 1.107

2.3 *Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep cosmetics shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep a written agreement containing such specifications as will insure that such cosmetic will not be adulterated or misbranded upon completion of such processing, labeling or repacking.

Retention period: 2 years after final shipment or delivery of such cosmetics from such establishments. 21 CFR 1.204

2.4 *Coal-tar color distributors or manufacturers to whom certificates have been issued by the Food and Drug Administration.* To keep complete records of disposal of all coal-tar color from the batch covered by each certificate.

Retention period: At least 2 years after disposal of all such color. 21 CFR 9.12

2.5 *Packers of processed shrimp and canned oysters operating under the seafood inspection service.* To keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 *New drug distributors and importers for investigational use.* To keep statement by expert that drug will be used with proper facilities by or under him for investigation and complete records of shipments and deliveries.

Retention period: 2 years—(a) after a new-drug application becomes effective, (b) after shipment and delivery of drugs for investigational use is discontinued, if an application does not become effective, or (c) after disposition (by importer) of all lots of drugs to which such statements and records relate, whichever retention requirement is applicable. 21 CFR 130.3

2.7 *Antibiotic and antibiotic-containing drug distributors to whom certifications have been issued by the Food and Drug Administration.* To keep complete records of shipments and deliveries.

Retention period: 3 years (photostatic or other permanent records may be used as substitutes after the first 2 years, 21 CFR 146–1). 21 CFR 146.5, 146.18–146.23

2.8 *Insulin distributors to whom certifications have been issued by the Food and Drug Administration.* To keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by a certificate. 21 CFR 164.8

2.9 *Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the*

United States. To keep all thermograph charts.

Retention period: For 2 years unless within that period examined and released by authorized agent of Secretary. 21 CFR 290.17

3. Public Health Service

3.1 *State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.* To maintain records of authorized personnel training for health work under Federal grants provided under section 314 of the Public Health Service Act for purpose of audit for compliance with Public Health Service standards, and have accessible the available records, documents, and information pertinent to the audit of activities and programs described in the plan of the cooperating agency.

Retention period: Not specified.[7] 42 CFR 51.11, 51.15

3.2 *State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.* To maintain a separate and distinct fund account for each Public Health Service grant authorized under section 314 of the Public Health Service Act.

Retention period:[7] Not specified. 42 CFR 51.13

3.3 *Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.* Applicants and contractors to maintain payroll records and kickback affidavits for all laborers and mechanics working at the site.

Retention period: 3 years after completion of the contract. 42 CFR 53.127

3.4 *Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.* To be required by the State agencies to establish and maintain adequate accounting and fiscal records reflecting the receipt and expenditure of funds allotted and paid for construction of hospitals and medical facilities under the Public Health Service Act.

Retention period: Not specified. 42 CFR 53.129

3.5 *State agencies receiving Federal funds for hospital and medical facilities survey and construction projects.* To maintain accounts of all Federal and State funds allotted for construction projects reflecting the funds allotted, encumbered, and unencumbered balances, including separate fund accounts for identifying the Federal and State funds.

Retention period: Not specified. 42 CFR 53.129

3.6 *State agencies receiving Federal funds for applicants for construction project grants or, for the State itself, as an applicant.* To keep adequate records of account and fiscal controls shall be maintained by the State to assure proper accounting of all funds received and disbursed, including similar suitable accounts to show the receipt and disbursement of State, local or other funds used for matching purposes.

Retention period: Not specified. 42 CFR 53.129

3.7 *Institutions receiving grants for construction of research facilities.* To maintain such fiscal or other records and furnish such progress or other reports relating to the construction as may be directed by the Surgeon General.

Retention period: Not specified. 42 CFR 57.8

3.8 *Institutions receiving Federal grants for National Institutes of Health training.* To make available for audit or other reasonable inspection the fiscal and other records of the institution relating to the training for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.9 *Licensed domestic and foreign manufacturing establishments of biologic products or trivalent organic arsenicals.* To keep records, with dates of the various steps in the manufacture, testing, disposition, and distribution of each lot; complete records of recall from distribution; sterilization records, including date, duration and temperature of each sterilization; animal necropsy records; records clearly indicating degree of responsibility for establishments participating in manufacture, and reference samples of each lot.

Representatives of licensed foreign establishments distributing biologic products or trivalent organic arsenicals into any State or possession of the United States. To keep such records of distribution as are required of domestic licensed establishments.

Retention period: For production, testing, disposition, and distribution, an interval sufficient to permit the return of any clinical report of unfavorable reaction with a minimum of 6 months and a maximum of 5 years considered adequate; for distribution records, in any event, as long as the lot remains the property of the manufacturer; for reference samples, until the entire lot has become outdated and for 6 months thereafter, with a certain exception authorized to be made. 42 CFR 73.21, 73.36

4. Social Security Administration

Bureau of Federal Credit Unions

4.1 *Treasurers of Federal Credit Unions.* To keep copies of the Supervision Fee Certificates.

Retention period: Permanent. 45 CFR 301.6

4.2 *Federal Credit Unions.* To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified.[8] 45 CFR 301.14

4.3 *Federal Credit Unions voluntarily liquidated.* To keep settled passbooks of members along with the books and records of the credit unions as are necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the Charter. 45 CFR 310.11, 310.13

4.4 *Federal Credit Unions liquidated.* All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union.

Retention period: 5 years following the date of cancellation of the charter. 45 CFR 310.13

Bureau of Old-Age and Survivors Insurance

4.5 *States under agreement for special coverage of State and local government employees.* To keep or cause to be kept (by political subdivisions thereof) accurate records of all remuneration paid employees in coverage groups, containing date relating to employee identification, payments made, withholdings and collections, and details of adjustment or settlement, necessary explanations, a complete and detailed record respecting any contribution or interest against which a refund or credit is claimed, and, as a part of these records, copies or returns, reports, schedules, and statements required to be kept under these regulations or by instructions applicable to any form prescribed thereunder.

Retention period: For records relating to claims, at least 4 years after claim is filed; for others, at least 4 years after due date or date of payment of related contribution, whichever is later. 20 CFR 404.1254, 404.1256

V. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 *Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.* To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: 3 years from date permission is granted. 43 CFR 5.1

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[7] All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for three years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements. (PHS–CB Health Grants Manual—Part 17–1.8C)

[8] See Accounting Manual for Federal Credit Unions (October 1954), pp. 109–111.

2. Alaska Game Commission

2.1 *Persons selling or otherwise disposing of designated poisons.* To keep a record in a special book, showing name and address of persons purchasing or otherwise procuring said poisons, and the kind and amount thereof, as required by Section 8 of the Alaska Game Law.

Retention period: Not specified. 50 CFR 162.1

2.2 *Persons selling strychnine or other poison designated by the Commission.* To keep a record showing name and address of purchaser, kind and amount sold.

Retention period: Not specified. 48 U. S. C. 197

3. Fish and Wildlife Service

3.1 *Operators of cold storage or locker plants receiving, possessing, or having custody of migratory game birds.* To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the close of the open season on migratory game birds. 50 CFR 6.9

3.2 *Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.* To keep records and make reports as specified in the permits issued by the Fish and Wildlife Service for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period: 6 months following the date on which necessary reports are submitted. 50 CFR 6.15 (retention: 6.23)

3.3 *Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.* To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 6 months following the date on which necessary reports are submitted. 50 CFR 6.61 (retention: 6.23)

3.4 *California State Agricultural Commissioner authorized to kill or to have killed certain birds economically injurious.* To keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and to make a report thereof.

Retention period: 6 months following the date on which necessary reports are submitted. 50 CFR 6.63 (retention: 6.23)

3.5 *Persons authorized to kill depredating purple gallinules in Louisiana.* To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 6 months following the date on which necessary reports are submitted. 50 CFR 6.64 (retention: 6.23)

3.6 *State fish and game departments conducting wildlife restoration projects with Federal aid.* To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: 3 years following notification of acceptability of project claims and accomplishments. 50 CFR 41.50, 41.54

3.7 *Alaska fur dealers, mission stores and cooperative stores operated exclusively by and for native Indians and Eskimos.* To keep records showing the number of each kind of furs purchased or procured, from whom purchased and to whom sold, date of purchase or sale, name and license number of trapper.

Retention period: 6 months after submittal of reports. 50 CFR 46.32 (retention: 46.34)

3.8 *Hunters and trappers in Alaska.* To keep records showing the kind and number of each species of animal or bird taken in Alaska.

Retention period: 6 months after submittal of reports. 50 CFR 46.33 (retention: 46.34)

3.9 *Persons engaging in commercial-fishing operations in Alaska.* To maintain accurate records showing numbers of each species of trout taken, dates taken, and names and addresses of persons to whom sold.

Retention period: 6 months following the close of the commercial-fishing season. 50 CFR 46.121

3.10 *Persons issued permits to take, possess, transport, buy, or sell game animals, fur animals, game birds, nongame birds, and nests or eggs of birds and game fishes in the territory of Alaska.* To keep records required for the purpose of making reports pursuant to the provisions of any permit and to submit a report thereof.

Retention period: 6 months following the date on which necessary reports are submitted. 50 CFR 46.164

3.11 *Persons conducting fishing operations in Alaska.* To furnish daily reports of fish taken in waters where a rack or weir is maintained by the Fish and Wildlife Service for the purpose of counting salmon ascending to the spawning grounds.

Retention period: 1 year after submittal of reports. 50 CFR 102.4 (retention: 102.7)

3.12 *Buyers or processors of fish or shellfish operating in Alaska.* To (a) file notice of intention to operate, listing extent, nature, and location of operation; (b) report individual receipts of fish and allied data; (c) maintain statistical records on receipts and production; (d) submit report of operations at the close of the season on statistical forms disclosing information concerning operation, production, personnel, wages, and equipment used, and (e) report, for statistical purposes, immediately in detail any disposition of fish or shellfish not processed within the statutory 48-hour time limitation.

Retention period: 1 year after meeting reporting requirements. 50 CFR 102.7

3.13 *Otter trawl operators in Alaska.* To maintain a running log of fishing operations and furnish not later than December 15 of each year complete statistics of operations.

Retention period: 1 year after meeting reporting requirements. 50 CFR 102.30 (retention: 102.7)

3.14 *Licensees on whale catchers and factory ships, and at land stations.* To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the calendar year to which the records apply. 50 CFR 151.30, 151.31, 151.32 (retention: 151.34)

4. Geological Survey

4.1 *Coal-mine lessees (federally owned lands).* To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

4.2 *Oil and gas lessees (federally owned and restricted Indian lands).* To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period. Not specified. 30 CFR 221.23

4.3 *Mineral lessees, potash, sodium and other minerals (federally owned lands).* To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

4.4 *Oil and gas and sulphur lessees (outer Continental Shelf).* To keep well records and production records, and information obtained in the course of well operations.

Retention period: Not specified. 30 CFR 250.37

5. Bureau of Indian Affairs

5.1 *Red Lake Fisheries Association.* To keep books and records showing all receipts and disbursements, names and addresses of all persons from whom fish are purchased and to whom fish are sold, and all other transactions.

Retention period: Not specified. 25 CFR 89.13

5.2 *Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.* To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

5.3 *Indian corporations and tribes.* To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

5.4 *Secretary, Klamath Tribal Loan Board.* To keep a complete record of all meetings of the board.

Retention period: Not specified. 25 CFR 93.3

5.5 *Klamath Tribal Loan Board.* To keep records and accounts regarding the status of loans.

Retention period: Not specified. 25 CFR 93.9

5.6 *Oil and gas pipeline operators with rights-of-way over Indian lands.* To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

5.7 *Lessees of tribal lands for mining.* To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

5.8 *Lessees of allotted lands for mining.* To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period. Not specified. 25 CFR 172.25

5.9 *Lessees of lands in Crow Indian Reservation, Montana, for mining.* To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

5.10 *Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.* To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

5.11 *Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.* To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

5.12 *Lessees of lands under Quapaw Agency for lead and zinc mining.* To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

5.13 *Lessees of Osage Reservation lands for oil and gas mining.* To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

5.14 *Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.* To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

5.15 *Traders on Navajo, Zuni, and Hopi Reservations.* To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

6. International Pacific Halibut Commission

6.1 *Masters or operators of vessels holding Pacific halibut fisheries license or permit.* To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: Not specified. 50 CFR 301.9

6.2 *Halibut dealers.* To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: Not specified. 50 CFR 301.10

7. International Whaling Commission

7.1 *Factory whaling ships and land stations.* To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

8. Bureau of Land Management

8.1 *Mining recorders of notices.* To keep records of notice of location defining the tunnel claim, to which must be attached the sworn statement or declaration of the owners, claimants or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors; the extent of the work performed and their intention to prosecute work with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both.

Retention period: Not specified—to be kept in the recorder's files for future reference. 43 CFR 185.23

9. Bureau of Mines

9.1 NOTE (supplied by Bureau of Mines):

Federal Coal Mine Safety Act, Section 105 (55 Stat. 177, as amended by 66 Stat. 692, 30 U. S. C. 455)

FEDERAL COAL MINE SAFETY ACT

TITLE I

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the six-month period immediately preceding the date on which the request is made. Whoever willfully violates this section shall be fined not more than $500.

Retention period: Records of accidents involving bodily injury or loss of life in coal mines should be retained 6 months immediately preceding the date of request for such data.

10. National Park Service

10.1 *Concessioners.* To keep records of their employees, payrolls, and other records with respect to compliance with State labor standards (laws).

Retention period: 3 years. 36 CFR 28.7, 28.9

11. Office of Oil and Gas (Connally Act Administration)

11.1 *Petroleum producers in designated areas (in all of Louisiana and certain counties in Texas and New Mexico).* To keep records of inventories, production, consumption, and deliveries, and gauge tickets, run tickets, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

11.2 *Petroleum and petroleum products purchasers, refiners, storers, shippers, consignors, casinghead gasoline plants, persons dealing in; brokers, buyers and sellers.* To keep records of inventories, receipts, consumption, deliveries, and operations, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

11.3 *Petroleum and petroleum products reclamation plants.* To keep records of inventories, receipts, reclamation, and operations, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

11.4 *Petroleum and petroleum products pipelines.* To keep records of inventories, receipts, locations, diversions, and shipping, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

11.5 *Petroleum and petroleum products transporting agencies.* To keep records of shipments, diversions, and shipping, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

VI. DEPARTMENT OF JUSTICE

1. General

1.1 *Foreign agents required to register under 22 U. S. C. 611 et seq.* To keep all books and records relating to any activities which necessitate registration, including correspondence, memoranda, and other written communications, with or on behalf of foreign principals, cryptographic paraphernalia, names and addresses of those designated to receive "political propaganda," financial records, etc.

Retention period: 3 years after notifying Department that activities requiring registration are terminated. 28 CFR 5.500

1.2 *Organizations registered under Subversive Activities Control Act of 1950.* To keep bookkeeping and other financial records relating to registrants' activities, including income and disbursements, as well as books and records disclosing members, officers, and employees of registrant.

Retention period: Not specified. 28 CFR 11.204

1.3 *Manufacturers of and dealers in gambling devices.* To keep monthly record of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices, in order that monthly report may be made to the Attorney General.

Retention period: Not specified. 15 U. S. C. 1173

1.4 *Foreign agents.* To keep books and records of political activities.

Retention period: 3 years following termination of activity as agent. 22 U. S. C. 615

2. Office of Alien Property

2.1 *Persons engaged in foreign exchange transactions, transfers of credit, and export of coin or currency.* To keep a full record of each such transaction referred to in 31 CFR 127.9 and 127.10, without regard to whether such transaction is effected pursuant to license or otherwise and may be required by the Secretary of the Treasury and/or the Attorney General by means of regulations, rulings, instructions, or otherwise to keep a full record of complete information relative to any transaction referred to in section 5 (b) of the act of October 6, 1917, as amended, or relative to any property in which a foreign country or national thereof has an interest.

Retention period: At least 1 year after date of transaction, for records of transactions referred to in 31 CFR 127.9 and 127.10; not specified for records which may be required. 31 CFR 127.12

VII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 *Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.* To keep weekly payroll records setting out name, occupation and hourly wage rate of each employee, hours worked during payroll period, full weekly wages earned, and deductions made from such weekly wages, and actual weekly wages paid him.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4, 5.5

1.2 *Employers subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (See 29 CFR 5.1).* To keep payroll records for all laborers and mechanics working in the construction or development of certain projects (stipulation to be inserted in appropriate contracts by interested Federal agency).

Retention period: 3 years after termination of contract. 29 CFR 3.4, 5.5

1.3 *Employers subject to child-labor provisions of the Fair Labor Standards Act.* To keep certificates of age for employed minors under 18 years of age.

Retention period: Until termination of employment of minor. 29 CFR 4.3

1.4 *State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department, for utilization of their services in making investigations and inspections.* To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.

Retention period: Not specified. 29 CFR 4.86, 515.6

1.5 *Employers subject to minimum age standards of child labor provisions of Fair Labor Standards Act.* To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.

Retention period: Not specified. 29 CFR 4.121

1.6 *Maritime employers.* To keep a record of any injury to an employee.

Retention period: Not specified. 33 U. S. C. 929

2. Bureau of Employees' Compensation

2.1 *Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.* To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 *Employers subject to the provisions of the Longshoremens' and Harbor Workers' Compensation Act.* To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23

2.3 *Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.* To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

3. Division of Public Contracts

3.1 *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep certificate of age of employee issued by Secretary of Labor under Fair Labor Standards Act as protection against employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 201.105

3.2 *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age, certificate of age (if minor), wage and hour records.

Retention period: 4 years from date of last entry. 41 CFR 201.501

3.3 *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep records of injury frequency rates of employees.

Retention period: 4 years after date of entry. 41 CFR 201.502

4. Wage and Hour Division

4.1 *State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.* To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 4.86, 515.6

4.2 *Employers making retroactive payment of wages to employees or industrial homeworkers under supervision of the Administrator.* To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of

payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: 2 or 3 years. 29 CFR 516.2, 516.21, 545.7, 681.7, 695.6 (retention: 516.5, 545.7, 681.8, 695.7)

4.3 *Employers subject to Fair Labor Standards Act.* To keep employment records relating to wages, hours, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order, shipping and billing records (customers' bills, etc.), records of deductions from or additions to pay. 29 CFR 516.5, 516.6

4.4 *Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.* To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and, when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 3 years from termination of apprenticeship. 29 CFR 521.8

4.5 *Joint apprenticeship committees holding certificates issued by Administrator.* To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 521.8

4.6 *Employers subject to Fair Labor Standards Act employing learners under special learners certificates.* To keep payroll records of learners; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: At least 3 years from last effective date of the certificate. 29 CFR 522.7

4.7 *Independent telephone industry exchanges authorized to employ learners.* To keep payroll records of learners and occupation in which each learner is employed.

Retention period: 3 years. 29 CFR 522.70 (retention: 522.7)

4.8 *Employers subject to Fair Labor Standards Act.* To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.10 (retention: 516.5)

4.9 *Sheltered workshops (as defined in 29 CFR 525.1).* To keep records of the nature of each client's handicap, and records required under applicable provisions of 29 CFR Part 516

Retention period: Not specified. 29 CFR 525.10

4.10 *Educational institutions employing student-workers as learners at subminimum wage rates.* To keep payroll records showing rate of pay, including a copy of any special certificate issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 527.7

4.11 *Employers of homeworkers in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.* To keep records including name and address of firms outside Puerto Rico from whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor, with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7, 545.8

4.12 *Employers of homeworkers in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.* To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7, 545.8

4.13 *Employers of homeworkers in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse and neckwear industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.* To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee, 2 years. 29 CFR 545.7, 545.8

4.14 *Employers of persons engaged in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 604.3

4.15 *Homeworkers and employers in the women's apparel industry.* To maintain one copy each of certificate authorizing employment of industrial homeworkers in the women's apparel industry.

Retention period: Not specified. 29 CFR 605.8

4.16 *Employers of industrial homeworkers in the women's apparel industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 605.9

4.17 *Employers of persons engaged in the electrical, instrument, and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 606.3

4.18 *Homeworkers and employers in the jewelry manufacturing industry.* To keep a copy of certificate authorizing the employment of industrial homeworkers in the jewelry manufacturing industry.

Retention period: Not specified. 29 CFR 607.8

4.19 *Employers of industrial homeworkers in the jewelry manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 607.9

4.20 *Employers of industrial homeworkers engaged in making hand-fashioned jewelry of the Navajo, Pueblo, and Hopi Indian reservations.* To keep records, including name, address, and age of homeworker, description of work performed, amount and date of cash payments, and schedule of piece rates paid.

Retention period: Not specified. 29 CFR 607.12

4.21 *Employers of persons engaged in the handkerchief, square scarf, and art linen industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 608.3

4.22 *Employers of persons engaged in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 609.3

4.23 *Employers of persons engaged in the children's dress and related products* *industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 610.3

4.24 *Employers of persons engaged in the sweater and knit swimwear industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 611.3

4.25 *Employers of persons engaged in the needlework and fabricated textile products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 612.3

4.26 *Homeworkers and employers in the knitted outerwear industry.* To keep copy of certificate authorizing employment of industrial homeworkers in the knitted outerwear industry with employment record.

Retention period: Not specified. 29 CFR 617.8

4.27 *Employers of industrial homeworkers in the knitted outerwear industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 617.9

4.28 *Homeworkers and employers in the gloves and mittens industry.* To keep the certificate authorizing employment of industrial homeworkers in the gloves and mittens industry.

Retention period: Not specified. 29 CFR 621.9

4.29 *Employers of industrial homeworkers in the gloves and mittens industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 621.10

4.30 *Homeworkers and employers in the button and buckle manufacturing industry.* To keep the certificate authorizing the employment of industrial homeworkers.

Retention period: Not specified. 29 CFR 625.8

4.31 *Employers of industrial homeworkers in the button and buckle manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 625.9

4.32 *Homeworkers and employers in the handkerchief manufacturing industry.* To keep certificate authorizing employment of industrial homeworkers in the handkerchief manufacturing industry.

Retention period: Not specified. 29 CFR 628.8

4.33 *Employers of industrial homeworkers in the handkerchief manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 628.9

4.34 *Homeworkers and employers in the embroideries industry.* To keep copy of certificate authorizing employment of industrial homeworkers in the embroideries industry.

Retention period: Not specified. 29 CFR 633.8

4.35 *Employers of industrial homeworkers in the embroideries industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 633.9

4.36 *Employers of persons engaged in the tobacco industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 657.3

4.37 *Employers of persons engaged in the banking, insurance and finance industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 661.3

4.38 *Employers of persons engaged in chemical, petroleum, rubber, and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 670.3

4.39 *Employers of persons engaged in communications, utilities, and transportation industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 671.3

4.40 *Employers of persons engaged in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 672.3

4.41 *Employers of persons engaged in the food and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 673.3

4.42 *Employers of persons engaged in the lumber and wood products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 675.3

4.43 *Employers of persons engaged in the paper, paper products, printing, and publishing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 677.3

4.44 *Employers of persons engaged in the stone, clay, glass, cement, and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 678.3

4.45 *Employers of homeworkers in Puerto Rico (other than needlework industries).* To keep records pertaining to employment of such homeworkers.

Retention period: 2 years. 29 CFR 681.7, 681.8

4.46 *Employers of homeworkers in industries in Puerto Rico (other than needlework industries).* To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.

Retention period: 2 years. 29 CFR 681.7, 681.8

4.47 *Employers of persons engaged in the wholesaling, warehousing, and other distribution industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 683.3

4.48 *Employers of persons engaged in leather, leather goods, shoe, and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 686.3

4.49 *Employers of persons engaged in the hosiery industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 687.3

4.50 *Employers of persons engaged in the artificial flower, decoration, and party favor industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 688.3

4.51 *Employers of persons engaged in the sugar manufacturing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 689.3

4.52 *Employers of persons engaged in industries in the Virgin Islands.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention Period: Not specified. 29 CFR 694.3

4.53 *Employers of homeworkers in industries in the Virgin Islands.* To keep records pertaining to such homeworkers.

Retention period: 3 years. 29 CFR 695.6, 695.7

4.54 *Employers of homeworkers in industries in the Virgin Islands.* To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.

Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7

4.55 *Employers of persons engaged in industries in American Samoa.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 697.3

4.56 *Employers of persons engaged in the textile and textile products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 699.3

4.57 *Employers of persons engaged in the men's and boys' clothing and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 703.3

4.58 *Employers of persons engaged in the alcoholic beverage and industrial alcohol industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 706.3

4.59 *Employers of persons engaged in the straw, hair and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 708.3

4.60 *Employers of persons engaged in the button, jewelry, and lapidary work industry in Puerto Rico.* To keep wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 709.3

4.61 *Employers of persons engaged in the corsets, brassieres, and allied garments industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 710.3

4.62 *Employers of persons engaged in the fabricated plastic products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 713.3

4.63 *Employers of persons engaged in the fabric and leather glove industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 715.3

VIII. POST OFFICE DEPARTMENT

1.1 *Postage meter licensees.* To keep a Meter Record Book (Form 3602-A), showing daily register readings of metered mail.

Retention period: At least 1 year from date of final entry. 39 CFR 33.3, 33.7

1.2 *Postage meter manufacturers.* To maintain a complete record, by serial number, of all meters manufactured and their movements from production to scrapping and of all meter keys issued to postmasters.

Retention period: Not specified. 39 CFR 33.8

1.3 *Apartment house managers.* With respect to mail receptacles, (a) to maintain (1) a record of the number of keys supplied by the manufacturers and jobbers, relating the key number to the receptacle number, and (2) a record of the combination of keyless locks so that new tenants may be given the combination and (b) to maintain (1) in apartment houses where there are 25 or more receptacles, a complete directory of all persons receiving mail and, (2) where an apartment house is divided into units with separate entrances and with each unit having 25 or more receptacles, a separate directory for each unit. In addition, where mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

Retention period: Not specified. 39 CFR 45.6

IX. DEPARTMENT OF STATE

1.1 *Alien applicants for nonimmigrant visas.* To retain all documents and letters in support of a claim for eligibility to receive a nonimmigrant visa which were presented to, and returned by, the consular officer.

Retention period: For examination by immigration officials at port of entry. 22 CFR 41.10

1.2 *Persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.* To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records relating to the importation and exportation of articles enumerated in the United States Munitions List. Records of imports shall contain information on the consignor and the country of origin. Records of exports shall contain information as to the source of supply, consignee, purchaser, and the initial and ultimate destination of the shipments. Records covering both import and export shipments shall, in addition, include statistics on quantities shipped and the estimated values thereof.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.6

X. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 *General depositaries.* To retain one copy of the certificate of deposit, distributed in accordance with instructions printed thereon.

Retention period. Not specified. 31 CFR 202.6

1.2 *Active general depositaries.* To retain copies of the daily transcripts of the Treasurer's account, describing the checks charged to the account of the Treasurer of the United States, in order to secure coverage of accompanying checks under the Government Losses in Shipment Act, and the quadruplicate copies of certificates of deposit.

Retention period: Not specified. 31 CFR 202.21, 205.3

1.3 *Depositaries for Federal taxes.* To establish and maintain an adequate record of all deposits received from employers, including date of payment, employer's identification number, and the total amount of tax deposit.

Retention period: Not specified. 31 CFR 213.5

1.4 *Authorized depositaries for bonds, notes, or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds.* To retain duplicate copy of receipt for deposit of bonds, notes, or other obligations as security for penal bonds.

Retention period: Not specified. 31 CFR 225.8

1.5 *Depositors of money paid in offer in compromise on claims in favor of United States under 31 U. S. C. 194.* To keep duplicate copy of certificate of deposit (Form 209, formerly 6599).

Retention period: Not specified. 31 CFR 240.3

1.6 *Consignees of shipments under Government Losses in Shipment Act.* To make a matter of record all findings of consignee on inspection of shipment, subject to the call or inspection of the Secretary of the Treasury or other duly authorized Government officer.

Retention period: Not specified. 31 CFR 261.5

1.7 *Public and private agencies holding refugee relief loans.* To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953 and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 *National banks acting as insurance agents and as brokers or agent for loans on real estate.* To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and records as may be required by insurance companies.

Retention period: Permanent, except for copies of reports made by the agent bank to each insurance company which it represents, which copies shall be kept for a period of five years, and except for records of loans negotiated by the bank in acting as broker or agent in making or procuring loans on real estate, which records shall be kept for a period of five years. 12 CFR 2.2, 2.4

2.2 *National banks exercising trust powers.* To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under Regulations and State and local law.

Retention period: Not specified. 12 CFR 4.1, 4.3 [See also 12 CFR 206.7.]

2.3 *National banking associations.* To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U. S. C. 62

3. Bureau of Customs

3.1 *Importers of leather sold to be used in the manufacture of footwear.*[a] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.84

3.2 *Importers of leather to be used in the manufacture of harness or saddlery.*[a] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.85 (retention: 10.84)

3.3 *Importers of hides and skins of the India water buffalo to be used in the manufacture of rawhide articles.*[a] To keep records to support blanket certificates issued to show sales of such hides and skins during a specific period to a specified manufacturer showing quantity and description of the hides and skins and identifying such hides and skins with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.86 (retention: 10.84)

3.4 *Importers of leather to be used in the manufacture of footballs, basketballs, soccer balls, or medicine balls.*[a] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.87 (retention: 10.84)

3.5 *Importers of Patna rice to be used in the manufacture of canned soups.*[a] To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: 3 years from liquidation of the entry. 19 CFR 10.88

3.6 *Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.* To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 *Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.* To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period or at completion of lot: (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 *Manufacturers, processors, or dealers of articles of wool or hair of the camel.* To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9 *Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.*[a] To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.100

3.10 *Importers of limestone to be used in the manufacture of fertilizer.*[a] To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identifying such limestone with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.101

3.11 *Importers of bauxite, calcined, to be used in the manufacture of firebrick or other refractories.*[a] To keep records to support blanket certificates issued to show sales of such bauxite during a specific period to a specified manufacturer showing quantity and description of the bauxite and identifying such bauxite with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.102

3.12 *Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.*[a] To keep such records of their operations as will enable them to file an annual statement, not later than 60 days after the termination of their fiscal year, showing the quantities of ore and crude metal on hand at the beginning of the period and the dutiable contents thereof; the quantities of ore and crude metal received during the period and the dutiable contents thereof; the quantities of ore and crude metal to be accounted for and the dutiable contents thereof; the quantities of ore and crude metal on hand at the end of the period and the dutiable contents thereof; the quantities of ore and crude metal worked during the period and the dutiable contents thereof; and the wastage incurred during the period.

Retention period: 5 years from date of the related annual statement. 19 CFR 19.19

3.13 *Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.* To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 *Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (a), Tariff Act of 1930.*[a] To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported merchandise used, the quantity of finished product obtained, and, if valuable waste is incurred in manufacture and claim is made for an allowance for such waste, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the relative values thereof at the time of separation.

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[a] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 *Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (b), Tariff Act of 1930, as amended.*[*] To keep detailed records pertaining to duty-paid sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, printing papers (coated or uncoated), or of the articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 *Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313 (d), Tariff Act of 1930, as amended.*[*] To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 *Licensed customhouse brokers.* To maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after preparation or receipt. 19 CFR 31.9

4. Foreign Assets Control

4.1 *Persons engaged in transactions subject to Foreign Assets Control regulations, Transaction Control regulations, and Egyptian Assets Control regulations.* To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.60, 510.801

5. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect on December 31, 1957. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 5.9 regardless of other requirements which for other purposes allow shorter retention periods.

Citations are to the 1939 Code of Federal Regulations unless otherwise indicated.

5.1 *Persons engaged in construction of aircraft for the Army and the Air Force.* To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 16.13

5.2 *Persons engaged in construction of naval vessels or aircraft for the Navy.* To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 17.14

5.3 *Persons engaged in the production, purchase, or sale of merchandise.* To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.22 (c)-1, 39.22 (c)-2, 39.22 (d)-2 (retention: 39.54-1)

5.4 *Persons claiming allowance for depletion of natural gas property without reference to discovery value or percentage depletion.* To keep accurate records of periodical pressure determinations where the annual production is not metered.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.23 (m)-2 (retention: 39.54-1)

5.5 *Persons claiming an allowance for depletion and depreciation of mineral property.* To keep accurate accounts in which shall be recorded the cost or other basis of the mineral deposit and of the plant and equipment, together with subsequent allowable capital additions to each account and all of the other adjustments required. Records shall also be kept of the amounts of periodic depletion and depreciation computed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.23 (m)-11 (retention: 39.54-1)

5.6 *Persons claiming an allowance for depletion or depreciation of timber property.* To keep accurate ledger accounts in which shall be recorded the cost or other basis of the timber property (including plants, improvements, and equipment) together with subsequent allowable capital additions to each account and all other adjustments required. In such accounts the quantity of timber, of land, and of other resources, if any, shall be set up separately and a proper part of the total cost or value allocated to each. Records shall also be kept of the amounts of periodic depletion and depreciation computed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.23 (m)-28 (retention: 39.54-1)

5.7 *Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.* To keep records as will enable allocation to be made of amounts of each class of exempt income and amounts of items or parts of items allocated to each class.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.24 (a)-4 (retention: 39.54-1)

5.8 *Corporations claiming allowance for dividends paid to shareholders.* To keep permanent records necessary (a) to establish that dividends with respect to which the allowance is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.27 (b)-2 (retention: 39.54-1)

5.9 *Persons subject to income tax, except persons whose gross income consists solely of compensation for personal services rendered or arises solely from growing and selling products of the soil.* To keep permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, and other matters required to be shown in any income tax return. In addition, every organization which is exempt from income tax but required to file an annual income return must keep permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts and disbursements, and other required information.

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[*] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.54–1 (See also 26 CFR 39.41–3, 39.41–4, 39.44–1, and 26 CFR (1954) 1.446–1 dealing with accounting methods and periods.)

5.10 *Persons who participate in a transfer to a corporation controlled by the transferor.* To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (5)–3 (retention: 39.54–1); 26 CFR (1954) 1.351–3

5.11 *Corporations receiving distributions in complete liquidation of subsidiaries.* To keep records showing information with respect to the plan of liquidation and its adoption.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (6)–5 (retention: 39.54–1); 26 CFR (1954) 1.332–6

5.12 *Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.* To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (7)–5 (retention: 39.54–1); 26 CFR (1954) 1.333–5

5.13 *Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.* To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (b) (10)–2 (retention: 39.54–1); 26 CFR (1954) 1.371–1

5.14 *Persons who participate in a tax-free exchange in connection with a corporate reorganization.* To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (g)–6 (retention: 39.54–1); 26 CFR (1954) 1.368–3

5.15 *Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.* To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.112 (*l*)–2 (retention: 39.54–1); 26 CFR (1954) 1.371–2

5.16 *Persons making or receiving gifts of property acquired by gift after December 31, 1920.* To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, to insure a fair and adequate determination of the proper basis.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.113 (a) (2)–1 (retention: 39.54–1); 26 CFR (1954) 1.1015–1

5.17 *Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.* To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.113 (a) (5)–1 (retention: 39.54–1); 26 CFR (1954) 1.1014–4

5.18 *Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.* To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.131 (e)–1 (retention: 39.54–1); 26 CFR (1954) 1.905–2

5.19 *Regulated investment companies.* To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.362–3, 39.362–4; 26 CFR (1954) 1.852–6, 1.852–7

5.20 *Executors of estates.* (a) To preserve in their files letters from brokers furnishing quotations, or evidence obtained from officers of issuing companies as to sales, of stocks and bonds which are not listed upon an exchange but are dealt in through brokers, or which have a market.

Retention period: Not specified. 26 CFR 81.10

(b) To keep complete and detailed records of the affairs of the estate as will enable the Commissioner to determine accurately the amount of the tax liability.

Retention period: Not specified. 26 CFR 81.103

5.21 *Persons making transfers of property by gift.* (a) To preserve in their files letters from brokers furnishing quotations, or evidence obtained from officers of issuing companies as to sales, of stocks and bonds which are not listed upon an exchange but are dealt in through brokers, or which have a market.

Retention period: Not specified. 26 CFR 86.19

(b) To keep such books of account or records as are necessary to establish the amount of their total gifts together with the deductions allowable in determining the amount of their net gifts, and the other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 86.25

5.22 *Persons required to collect and account for admissions and cabaret taxes*—(a) *Admissions.* (1) To keep the portions of the tickets taken up by them.

Retention period: Not less than six months. 26 CFR 101.18

(2) To keep a copy of the statement of the numbers of obsolete and unusable tickets destroyed, their denominations, and all other pertinent information.

Retention period: Not specified. 26 CFR 101.18

(3) To keep substantially in accordance with the form outlined in the regu-

lations an accurate daily record of admissions to all classes, including free or complimentary tickets or admissions and reduced rate admissions; a classified daily record showing as to each class of tickets sold all figures and other information necessary to determine the amount of tax due for the day, and due as charges in excess of established price for the day; to keep sworn copies of management reports attached to and made a part of the records for the period covered thereby.

Retention period: 4 years from the date the tax became due. 26 CFR 101.32

(b) *Cabarets.* (1) To keep waiters' checks or bills or cash register tapes where the passing on of the tax to patrons is evidenced by entries thereon.

Retention period: Not less than 6 months. 26 CFR 101.18, 101.32

(2) To keep adequate and sufficient records with respect to the operations for each day on which public performances are held showing receipts from charges paid by all patrons entitled to be present during any part of the performance, and the tax due.

Retention period: 4 years from the date the tax became due. 26 CFR 101.32

(c) *Duplicate returns, credits, and abatements or refunds.* A duplicate copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: For duplicate returns—4 years from the time tax became due; for credits—4 years from the date return is filed on which the credit is taken; and for abatements or refunds—4 years from date claim is filed. 26 CFR 101.32, 101.33, 101.41, 101.42

5.23 *Social, athletic, or sporting club or organization required to collect the tax on dues or initiation fees.* To keep up-to-date records showing the names and addresses of its members of each class, the amounts they have paid as dues, membership fees, or assessments, the tax, and the dates paid, to the club or others as a prerequisite to membership. To also keep a record in which shall be entered each day (a) under the head of "Life membership" (1) the number of life members from whom a life-membership tax has been collected on that day, and (2) the total amount of tax so collected; and (b) under the head of each other class of membership (1) the number of members of that class paying on that day dues or membership fees or initiation fees, (2) the total amount so paid by members of that class, and (3) the total amount of tax collected on such payments. A duplicate copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: 4 years from the date the tax became due; with respect to credits, 4 years from the date return is filed on which the credit is taken; and, with respect to abatements or refunds claimed, 4 years from date claim is filed. 26 CFR 101.38, 101.39, 101.41, 101.42

5.24 *Persons making contracts of sale of cotton for future delivery, and persons who act in capacity of clearing house or associations for such transactions.* To keep detailed records concerning the contracts and parties thereto in accordance with forms prescribed in regulations.

Retention period: Not less than 2 years. 26 CFR 110.8, 110.9, 110.10, 110.11

5.25 *Parties to transfers of any interest in silver bullion.* To keep accurate and complete record of every transfer of interest in silver bullion, and the record of a transferee shall be so kept that on a subsequent transfer the actual cost to him of the particular interest transferred can be determined.

Retention period: 4 years from the date the tax became due. 26 CFR 112.101

5.26 *Persons engaged in the business of buying, selling, or transferring stocks or bonds.* To keep a record of each transaction showing date of transaction, names of all parties involved, number, names, description, par and face value, selling price of stocks, and other related information.

Retention period: 4 years from the time of the transaction. 26 CFR 113.38, 113.68, 113.150

5.27 *Members of a stock exchange involved in transferring accounts through clearing houses, engaged in the business of clearing, settling, or adjusting transactions in stocks or bonds.* To keep records of the particulars of transactions transferring the accounts of customers without change of ownership of the securities of such customers, wherever a clearing house carries upon its sheets or records information or reports of such transactions.

Retention period: 4 years from the time of the related transaction. 26 CFR 113.41, 113.71, 113.150

5.28 *Members of a securities exchange registered with the Securities and Exchange Commission as a national exchange who have appointed clearing houses for affixing stamps.* To maintain in permanent form complete and adequate daily records, such as a blotter or similar book of original entry, of all transactions in stocks and bonds, whether taxable or not, including rights to subscribe for or to receive stocks or bonds, arising in the conduct of their business, irrespective of whether the stocks or bonds are listed or unlisted, whether the transactions are clearable or not, and including transactions involving loans or borrowings of stocks or bonds, and over-the-counter sales, showing with respect to each transaction the amount of tax payable or the basis on which exemption from tax is claimed.

Retention period: 4 years from the date of the transaction. 26 CFR 113.41, 113.71, 113.150

5.29 *Clearing houses appointed for the purpose of affixing stamps by members of a securities exchange registered with the Securities and Exchange Commission as a national exchange.* To keep in permanent form the daily reports received from its members, and the daily summary statement of the total tax shown on such reports (if one is made).

Retention period: 4 years from the date of the report or statement. 26 CFR 113.41, 113.71, 113.150

5.30 *Persons having control or possession of policies of insurance or reinsurance issued by foreign insurers.* To keep the instrument of insurance.

Retention period: 4 years from the date of issuance of the policy. 26 CFR 113.107

5.31 *Persons, solicitors, or brokers accepting, placing, or soliciting contracts of insurance or reinsurance by foreign insurers.* To keep a record of each policy or other instrument subject to tax.

Retention period: 4 years from the time of the transaction. 26 CFR 113.108, 113.150

5.32 *Persons required to keep records with respect to documentary stamp taxes.* To maintain and preserve all instruments, memoranda, books, or other documents to which documentary stamps have been affixed and canceled in payment of stamp taxes; all certificates of exemption executed in lieu of the payment of stamp taxes; and all other records required by the documentary stamp tax regulations.

Retention period: 4 years from the time of the related transaction. 26 CFR 113.150

5.33 *Persons required to collect tax on use of safe deposit boxes.* To keep accurate records and accounts of all transactions subject to tax and evidence of the right to exemption on any such transaction in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.71, 130.77

5.34 *Carriers of petroleum by pipe line.* To keep accurate records and accounts showing (a) the daily volume of commodities accepted for transportation; (b) daily run records of the amount taken into the pipe lines and the amount delivered from such lines; (c) deductions from acceptances or allowances for evaporation, basic sediment, water, etc.; and (d) the charge per barrel, and the total charge for each movement. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.71, 130.77

5.35 *Persons required to collect taxes on amounts paid for (a) telegraph, telephone, cable, or radio dispatches, messages, or conversations, (b) any leased wire, or talking circuit special service, or wire and equipment services, etc., or (c) any local telephone services, etc.* To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 130.47, 130.71, 130.77

5.36 *Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.* To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: (a) Except as provided in paragraph (b) *below*, 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears.

(b) On or after October 1, 1956, carriers furnishing transportation or facilities paid by a State, a Territory of the United States, or any political subdivision thereof, or the District of Columbia, shall retain all exemption certificates accepted, with the record of services and facilities rendered for a period of at least 3 years from the date the tax would have become due if payable. 26 CFR 130.54, 130.62, 130.71, 130.77; 26 CFR (1954) 42.4261–6 (e), 42.4292–1 (b)

5.37 *Domestic manufacturers of cigarette papers and tubes.* To keep a book record of cigarette papers made up into packages, books, sets, or tubes and the number of tubes sold, and to keep a record of manufacturers and others to whom sold showing the number of tubes so sold tax-free and taxpaid.

Retention period: Not specified. 26 CFR 140.190

5.38 *Proprietors of bonded sea stores warehouses.* To keep an accurate account of articles received, withdrawn, delivered, transferred, repacked, and on hand.

Retention period: Not specified. 26 CFR 141.14

5.39 *Persons engaged in the business of transporting property for hire.* To keep accurate records to show with respect to each individual transaction the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 143.33, 143.34, 143.51, 143.60

5.40 *Persons who ship or pay for transportation of shipments to points of export.* To retain triplicates of Export Exemption Certificates with shipping papers, and documentary evidence of the exportation of property, such as a copy of export bill of lading, memorandum from the captain of the vessel, customs official, or foreign consignee, shipper's export declaration, or other evidence sufficient to establish the fact that the property has actually been exported.

Retention period: 4 years. 26 CFR 143.33, 143.34

5.41 *Manufacturers of smoking opium.* To keep a book conforming to Form 271 which shall contain a daily accurate account of (a) the quantity of crude gum opium (including all forms, preparations, or derivatives suitable for manufacturing opium for smoking purposes) and other materials purchased and sold; (b) name and address of purchaser or seller; (c) if articles are shipped or delivered to some other person, the name of such other person and place of delivery; (d) the sizes of the packages and number of packages of each size purchased and sold; (e) the total quantity of prepared smoking opium (1) manufactured, (2) sold, (3) removed tax paid, and (f) the number and value of stamps purchased and used.

Retention period: Not specified. 26 CFR 150.10

5.42 *Persons making application for registry or reregistry as retail dealers, physicians, dentists, veterinary surgeons, etc., manufacturers of and dealers in exempt preparations, and those entitled to obtain and use narcotics in a laboratory.* To keep the duplicates of inventories required to be made of the narcotic drugs and preparations on hand at the time of making the inventories.

Retention period: 2 years. 26 CFR 151.10

5.43 *Manufacturers or producers of packages containing one ounce or more of morphine, cocaine or isonipecaine or any of their salts or derivatives, and of packages containing tablets, pills, or preparations the content of which amounts to one ounce or more of such drugs, and wholesale dealers disposing of such packages*—(a) *Manufacturers or producers.* To keep a record of the individual identification number placed on each package manufactured and produced together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained.

(b) *Wholesale dealers.* To keep a record showing as to each package disposed of the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained.

Retention period: Permanent. 26 CFR 151.59

5.44 *Manufacturers, importers, producers, compounders, wholesale dealers and other authorized persons filling orders for narcotic drugs.* To keep as a part of their permanent records order forms for narcotic drugs, including orders of exempt officials.

Retention period: 2 years. 26 CFR 151.70, 151.88, 151.96

5.45 *Registrants authorized to execute and present order forms for narcotic drugs.* (a) To keep on file duplicate order forms.

(b) To keep on file original and duplicate order forms which are improperly executed or mutilated so as to make them unusable.

(c) To keep on file with the duplicates thereof original order forms returned because of improper preparation.

(d) To keep on file attached to the duplicates thereof original order forms which are not accepted, or cannot be filled, and are returned with a letter of explanation. The letter of explanation is also attached to the duplicate.

(e) To file with the duplicates of order forms, the unfilled originals of which have been lost, the duplicates of second orders and of the affidavits accompanying the second orders, and to attach, if returned, the originals of the first order forms to the duplicates and affidavits.

Retention period: 2 years. 26 CFR 151.76, 151.85, 151.88, 151.89

5.46 *Narcotic registrants or exempt officials purchasing narcotics from court officers under judicial proceedings.* To retain duplicates of official order forms or purchase orders.

Retention period: 2 years. 26 CFR 151.88, 151.197

5.47 *Persons registered for the purpose of engaging in any activity involving the use of narcotic drugs.* To file with their official order forms and records receipts for samples of narcotics furnished to Federal and State enforcement officers.

Retention period: Not specified. 26 CFR 151.97

5.48 *Importers, manufacturers, producers, compounders, wholesale dealers, and others filling orders for narcotic drugs submitted by qualified dealers or practitioners in the Virgin Islands.* To keep records in the same manner as in the case of domestic sales, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date the order was approved by the Commissioner of Health of the Virgin Islands and the date the order was received by them.

Retention period: Not specified. 26 CFR 151.102

5.49 *Manufacturers, importers, producers, and compounders of, and wholesale dealers in taxable narcotics.* To keep invoices, original sales orders, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase, receipt, or disposition. Also manufacturers must keep available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced.

Retention period: Not specified. 26 CFR 151.115, 151.116, 151.117, 151.150, 151.151

5.50 *Manufacturers importing opium or medicinal coca leaves.* To keep, where factory procedure is such that partial withdrawals are made from individual containers, a complete record of all such withdrawals on a stock record card attached to each container.

Retention period: Not specified. 26 CFR 151.129, 151.139

5.51 *Manufacturers, producers, compounders, and importers of, and wholesale dealers in narcotic drugs.* To retain on file together with other narcotic records duplicate copies of all returns, properly sworn to as in the case of original copies.

Retention period: Not less than 2 years. 26 CFR 151.163

5.52 *Retail dealers and other persons qualified to sell narcotic drugs at retail.* To keep written prescriptions and written records of oral prescriptions for narcotic drugs in a separate file.

Retention period: Not less than 2 years. 26 CFR 151.174

5.53 *Physicians, dentists, veterinary surgeons, and other practitioners (including hospitals and institutions).* To keep daily records showing the kind and quantity of narcotics dispensed or administered, the names and addresses of persons to whom dispensed or administered, the names and addresses of persons upon whose authority, and the purpose for which, dispensed or administered. In lieu of these records practitioners who, in their office practices, administer minute quantities of narcotics in stock preparations, may keep, as to such preparations, records of the date when each stock preparation is made or purchased and the date when the preparation is exhausted.

Retention period: Not specified. 26 CFR 151.177, 151.178, 151.179

5.54 *Manufacturers, producers, compounders, and vendors (including dispensing physicians) of exempt narcotic preparations.* To keep a record in accordance with the form outlined in the regulations of all sales, exchanges, gifts or other dispositions of exempt preparations. Separate records shall be kept of dispositions to registrants and dispositions to consumers. The record of dispositions to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation, and the date upon which delivery to registrant, his agent or a carrier is made. The record of dispositions to consumers shall show the name of the recipient, his address, the name and quantity of the preparations, and the date of delivery. Manufacturers of and dealers in exempt preparations, who also manufacture and deal in taxable drugs, are deemed in compliance with this requirement as to records if all such dispositions are evidenced by vouchers or invoices, which contain all the required information and are kept in a separate file arranged chronologically. Registrants, supplying exempt preparations to consumers pursuant to prescriptions issued by registered physicians, are deemed in compliance with the requirement as to records of dispositions to consumers if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filing, and the prescriptions are kept on the narcotic prescription file.

Retention period: Not specified. 26 CFR 151.185

5.55 *Laboratories using narcotics.* To keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations; to keep duplicate copies of official order forms used to obtain narcotic drugs; to keep the original of the return of inventory the duplicate of which is forwarded to the district director; and to keep a special record in accordance with the form outlined in the regulations showing date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

Retention period: Not less than 2 years from date of last transaction shown therein. 26 CFR 151.186, 151,187a

5.56 *Laboratories transferring and receiving narcotic drugs for chemical or pharmacological tests*—(a) *Transferors.* To keep on file with the official order form or with the order and exempt certificate, as the case may be, the written approval of the Commissioner of Narcotics to the transfer of an appropriate quantity of a narcotic drug to another qualified registrant or to an exempt official for the purpose of having the desired tests made.

(b) *Transferees.* To keep a record of such drugs used and disposed of in the manner described in item 5.55 above with additional data, in the case of pharmacological tests, accounting for quantities dispensed to humans and animals. A copy of the report to the transferor of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record required.

Retention period: Not less than 2 years from the date of the last transaction therein. 26 CFR 151.187a

5.57 *Persons required to make statements with respect to narcotics lost or destroyed*—(a) *Persons having title to narcotics lost or destroyed through breakage of container or other accident, other than in transit.* To retain a copy of statement, forwarded to narcotic district supervisor, as to kinds and quantities of narcotics lost or destroyed and the circumstances involved.

(b) *Consignees of narcotics lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the signed statement of the facts, filed with the narcotics district supervisor immediately upon ascertainment of the occurrence, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not specified. 26 CFR 151.194

5.58 *Persons desiring to discontinue a business, involving the use of narcotic drugs, on any date other than June 30.* To retain on file with narcotic records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 151.195

5.59 *Narcotic registrants disposing of excess or undesired narcotics.* To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 151.196

5.60 *Applicants for registry required to submit inventories of marihuana and preparations thereof on hand.* To keep duplicates of inventories required to be made of marihuana and preparations thereof on hand at the time of making such inventories.

Retention period: 2 years. 26 CFR 152.8

5.61 *Transferors and transferees of marihuana*—(a) *Transferors.* To preserve the originals of order forms for marihuana.

(b) *Transferees.* To preserve the duplicates of order forms for marihuana.

Retention period: 2 years. 26 CFR 152.49

5.62 *Physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, and other practitioners dispensing or administering marihuana to patients.* To keep daily records showing the kind and quantity of marihuana dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person under whose authority the marihuana is dispensed or administered and the purpose for which it is dispensed or administered.

Retention period: 2 years. 26 CFR 152.53, 152.54

5.63 *Dealers filling marihuana prescriptions.* To keep marihuana prescriptions in a separate file. Dealers registered under the Harrison Narcotic Law, as amended, as retail dealers, who keep marihuana prescriptions on the narcotic prescription file, will be deemed in compliance with this provision.

Retention period: 2 years. 26 CFR 152.64

5.64 *Transferors and transferees of unsterilized marihuana seeds or the plant Cannabis sativa L.* To keep records covering dispositions and receipts of such seeds or such plant.

Retention period: 2 years. 26 CFR 152.68, 152.68a, 152.78

5.65 *Persons required to render returns with respect to marihuana.* To retain duplicates of such returns.

Retention period: 2 years. 26 CFR 152.75, 152.78

5.66 *Persons registered to obtain marihuana for laboratory use.* To keep complete records relating to the receipt, disposal, and stock on hand of all marihuana; to keep in accordance with the form outlined in the regulations a special record showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition.

Retention period: 2 years. 26 CFR 152.77, 152.78

5.67 *Persons registered to process the Cannabis sativa L plants and parts thereof for the purpose of extracting any fiber or fiber products therefrom.* To keep in accordance with the form outlined in the regulations complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom.

Retention period: 2 years. 26 CFR 152.77a, 152.78

5.68 *Persons taxable under the Marihuana Tax Act.* To retain all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: 2 years. 26 CFR 152.78

5.69 *Persons required to make statements with respect to marihuana lost or destroyed*—(a) *Persons having title to marihuana lost or destroyed through breakage of container or other accident, other than in transit.* To keep a copy of affidavit, forwarded to narcotic district supervisor, as to the kind and quantity of marihuana items lost or destroyed and the circumstances involved.

(b) *Consignees of marihuana lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the sworn statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not specified. 26 CFR 152.97

5.70 *Persons desiring to discontinue a business, involving the use of marihuana, on any date other than June 30.* To retain on file with marihuana records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 152.98

5.71 *Marihuana registrants disposing of excess, undesirable, or useless marihuana.* To retain copies of inventories of excess, undesirable, or useless marihuana shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 152.98

5.72 *Operators of industrial alcohol plants, and industrial alcohol bonded warehouses (as defined in 26 CFR 171.182, 171.183).* To keep records pertaining to distilled spirits redistilled at industrial alcohol plants, and distilled spirits transferred in bond to, or removed for an authorized purpose from, industrial alcohol plants and industrial alcohol bonded warehouses (under 26 CFR Part 171, Subpart G, to be maintained in accordance with 26 CFR Part 171, Subpart G, and applicable provisions of 26 CFR (1954) Part 182).

Retention period: 3 years. 26 CFR 171.256 (retention: 26 CFR (1954) 182.324)

5.73 *Proprietors of distilleries engaged in national emergency transfers of distilled spirits (under 26 CFR Part 171, Subpart G).* To keep such records as the Commissioner may deem necessary to meet the requirements of the national defense.

Retention period: Not specified, but regulations and operations under them cease to be effective 5 years from date of enactment of sec. 3183 I. R. C. Public Law 700, 84th Congress, extends effective period to July 11, 1958. 26 CFR 171.279, 171.280

5.74 *Persons or organizations holding, on November 1, 1951, distilled spirits, wines, and malt liquors intended for sale upon which internal revenue tax has been paid.* To keep copies of inventories, reports, and records relating to inventories of distilled spirits, wines, and malt liquors as required by 26 CFR 171.300.

Retention period: Not specified. 26 CFR 171.302–171.310

5.75 *Manufacturers of white phosphorus matches.* To keep a daily record on a prescribed form showing the total of each material used each day and the total number of matches produced, and the number of stamped packages and original packages in which packed, also the total number of stamped packages and original packages, together with the total number of matches disposed of each day. To also keep the names of customers to whom matches are consigned and the quantities so sold.

Retention period: Not specified. 26 CFR 300.20, 300.23

5.76 *Manufacturers of filled cheese.* To keep a daily record of the number of pounds of each material used by him in the manufacture of filled cheese and the number of pounds of each such kind of material used for purposes other than the manufacture of filled cheese; the number of taxable pounds of filled cheese produced; the number of taxable pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and the address to which sent; the number of taxable pounds of filled cheese returned to the factory in each instance, name of person by whom returned, date of receipt, and address from which returned; the number of taxable pounds of filled cheese reworked, dumped, or destroyed; and the total values of filled-cheese stamps purchased and used. A duplicate of the return shall also be kept.

Retention period: 4 years. 26 CFR 301.22, 301.23

5.77 *Wholesale dealers in filled cheese.* To keep a daily record of the number of pounds in each consignment received by him, giving the name and address of the consignor and date of receipt; and the number of pounds disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent. A duplicate of the return shall also be kept.

Retention period: 4 years. 26 CFR 301.32, 301.33

5.78 *Persons responsible for returns and payment of tax on sales of pistols and revolvers.* To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax becomes due and, with respect to credits, 4 years from the date the credit is taken. 26 CFR 302.9, 302.12, 302.15

5.79 *Persons making exports of pistols and revolvers*—(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.

Retention period: Not specified. 26 CFR 302.16, 302.17, 302.18

5.80 *Owners or consignees of imported playing cards.* To keep copy of receipted order (Form 923) for purchase of stamps for payment of tax on imported playing cards.

Retention period: 3 years following the close of the year in which the stamps were purchased. 26 CFR 305.19

5.81 *Importers of playing cards.* To keep copy of receipted order form for tax stamps in payment of tax on imported playing cards, showing name and address of person by whom imported, name of foreign country, quantity of cards imported, number and value of stamps, and total value of all stamps.

Retention period: 3 years following the close of the year in which the stamps were purchased. 26 CFR 305.19

5.82 *Processors of coconut and other vegetable oils.* To keep on file accurate records and accounts (and in detail as specified) with respect to such processing. A separate record must be kept for each plant where oil or oils are processed. A complete and detailed record of each overpayment, for which claim for refund or credit is filed, must also be kept.

Retention period: 4 years from the date the tax became due, and, with respect to overpayments, 4 years from the date a claim for credit or refund has been filed. 26 CFR 306.8, 306.19

5.83 *Manufacturers of adulterated and process or renovated butter.* (a) To keep records showing (1) the number of pounds of each material or ingredient used in the production of adulterated and process or renovated butter, and the number of pounds of such materials used for other purposes, (2) the number of pounds of adulterated and process or renovated butter produced, (3) the num-

ber of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment, (4) the number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt, (5) the number of pounds reworked, disposed of as grease, or otherwise destroyed, (6) the total value of adulterated and process or renovated butter tax stamps purchased and used.

(b) To record (1) sample packages of taxpaid adulterated and process or renovated butter distributed gratuitously in the same manner as adulterated and process or renovated butter which is sold, (2) transfers by a manufacturer to himself as a wholesale or retail dealer in the same manner as a transfer to another person, (3) deliveries of adulterated and process or renovated butter to each address separately, where one person is doing business at different places, as in the case of chain stores, (4) shipments of adulterated and process or renovated butter to one person on the order of another person in the name and address of the consignee, followed by "acc't of" and the name and address of the person for whose account the shipment was made, but not consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party. Carbon duplicates of complete returns and copies of certificates executed by officer supervising the dumping and repacking of adulterated and process or renovated butter shall also be retained.

Retention period: 4 years. 26 CFR 310.109, 310.123

5.84 *Wholesale dealers in adulterated and process or renovated butter.* (a) To keep records showing (1) the number of pounds in each consignment of adulterated and process or renovated butter received, the name and address of the consignor, and the date of receipt, and (2) the number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(b) To record (1) sample packages of taxpaid adulterated and process or renovated butter received and disposed of gratuitously in the same manner as adulterated and process or renovated butter which is purchased and sold, (2) transfers by a wholesale dealer to himself as a retail dealer in the same manner as a sale to another person, (3) deliveries of adulterated and process or renovated butter to each address separately, where one person is doing business at different places, as in the case of chain stores, (4) shipments of adulterated and process or renovated butter to one person on the order of another person in the name and address of the consignee followed by "acc't of" and the name and address of the person giving the order, but not receipts of adulterated and process or renovated butter which a wholesale dealer orders delivered direct to a third party, nor consignments in the name of agents, solicitors, or other persons transmitting orders for other parties, (5) returns of adulterated and process or renovated butter by customers separately from other receipts, returns of adulterated and process or renovated butter to manufacturers or other wholesale dealers separately from other disposals, and sales of repossessed goods with other disposals. Carbon duplicates of returns shall also be retained.

Retention period: 4 years. 26 CFR 310.115, 310.127

5.85 *Persons who manufacture manufactured sugar.* (a) To keep an accurate record of the manufacturing done by them, separately at and for each place where the manufacturing is done, showing (1) the quantity of manufactured sugar and other sugar on hand at the beginning of, received during, and on hand at the end of the month, (2) the quantity of manufactured sugar produced, sold, and used in the production of other articles for sale during the month, and (3) the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

(b) Records shall contain sufficient information to enable Commissioner to determine amount of tax due, and shall be kept of all transactions involved in any way in any claim or deduction based upon an exemption, or in connection with any claim for payment, refund, credit, or abatement.

Retention period: 4 years. 26 CFR 312.504

5.86 *Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.* To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales, and complete and detailed records of overpayments, for which credit is taken or refund is claimed, must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs, or, in the case of overpayments, 4 years from the date credit is taken or refund claimed. 26 CFR 314.23, 314.60, 314.62, 314.64

5.87 *Persons liable to pay floor stocks tax on gasoline held on November 1, 1951.* To keep records showing payment of floor stocks tax on gasoline, including the duplicate of the return, inventories, and other relevant papers and material. Persons holding gasoline at more than one location shall keep separate inventories for each location (one copy at each location and one copy at the principal place of business) consolidated into a single inventory at the principal place of business.

Retention period: 4 years from the date the tax is due. 26 CFR 314.71, 314.73, 314.74

5.88 *Licensed manufacturers of firearms.* To keep complete and adequate records of all firearms and ammunition disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers.

Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70, 315.71

5.89 *Licensed dealers in firearms.* To keep complete and adequate records of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of business.

Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70, 315.72

5.90 *Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax.* To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 316.7, 316.23, 316.24, 316.26, 316.28, 316.29, 316.61a, 316.63, 316.72, 316.81, 316.121, 316.200, 316.202, 316.204, 316.204a

5.91 *Persons dealing in, handling, or receiving articles exempt from manufacturers' excise tax.* To keep certificates, which are not turned over to manufacturers of articles, together with proper records, supporting orders, and invoices with respect to exempt sales.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.22, 316.26, 316.27, 316.28, 316.72, 316.204

5.92 *Persons required to file a return and pay tax on the sale of an article at retail.* To keep accurate records, including duplicates of returns, and accounts of all transactions. To maintain evidence of sales at retail for export, or shipment to a possession of the United States, sales at retail to the United States, States, or Territories of the United States, political subdivisions thereof, or District of Columbia, sales for resale, and sales at retail of articles for religious purposes which could also be used for nonreligious purposes, upon which no tax is due. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due; in the case of tax-free sales, 4 years from the last day of the month following the month in which the sale was made; and, with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 320.20, 320.21, 320.22, 320.23, 320.37, 320.72, 320.76

5.93 *Persons claiming exemption for tax on sale of diesel fuel*—(a) *Sales to a State or Territory of the United States, or a political subdivision thereof, or the District of Columbia.* To be prepared to produce evidence, such as clearly identified orders or contracts of a State, Territory of the United States, or a political subdivision thereof, or the District of Columbia, of right to exemption.

(b) *Sales for export and shipments to possessions of the United States.* To maintain adequate records to establish that the liquid was sold for export and documentary evidence that it was in fact exported.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 324.30, 324.31, 324.33, 324.42

5.94 *Persons required to file a return and pay tax on the sale or use of diesel fuel.* To keep accurate records and accounts of all taxable transactions. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due, and with respect to overpayments, 4 years from the date the credit is taken or refund is claimed. 26 CFR 324.42, 324.45

5.95 *Persons required to pay excise tax on wagering.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment of, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due, and with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 325.32, 325.35

5.96 *Persons paying excise tax on wagering claiming credit or refund of tax on laid-off wagers.* To keep a complete and detailed record of each laid-off wager including a copy of the certificate obtained from the person accepting the laid-off wager in support of the claim.

Retention period: 4 years from the date any credit is taken or refund is claimed. 26 CFR 325.34

5.97 *Persons engaged in receiving wagers for or on behalf of another person at any place other than a registered place of business of such other person.* To keep daily records showing, (a) the gross amount of wagers received, (b) the amount retained as a commission or as compensation, (c) the amount turned over to the person for whom the wagers were received and such person's name and address.

Retention period: 4 years from the date the wager was received. 26 CFR 325.51

5.98 *Employers subject to tax under the Federal Unemployment Tax Act*—(a) *General.* To keep such records as are necessary to establish: (1) The total amount of remuneration paid to employees for services performed; (2) the amount of such remuneration which constitutes wages subject to tax; (3) the amount of contributions paid into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and not deducted from the remuneration of employees, and (ii) payments made and deducted from the remuneration of employees; and (iii) the information required to be shown on the prescribed return and the extent to which the employer is liable for the tax. If the total remuneration and the amount thereof which is subject to the tax are not equal, the reason therefor shall be made a matter of record. To also keep copies of returns, schedules, statements, and other required documents.

(b) *Records of persons who are not employers.* To keep proper records which will establish that person is not an employer subject to tax (including, where necessary, records of the number of employees employed each day).

(c) *Records of claimants.* Any person claiming refund, credit, or abatement of any tax, penalty or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraph (a) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is the later. Records required by paragraph (b) shall be maintained for a period of at least 4 years after the due date of the tax for the calendar year to which they relate. Records required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 403.511

5.99 *Employers required to deduct and withhold income tax on wages paid*—(a) *General.* To keep accurate records of all remuneration paid to employees, showing with respect to each employee: (1) The name and address of the employee; (2) to the extent material, the dates on which the employee worked during each calendar quarter, including the days for which remuneration is paid or payable, and the character of the services performed; (3) the total amount (including any sum withheld therefrom as tax or for any other reason) and date of each remuneration payment, and the period of services covered by such payment; (4) the amount of each remuneration payment which constitutes wages subject to withholding; (5) the amount of tax withheld or collected with respect to each remuneration payment and, if collected at a time other than the time such payment was made, the date collected; (6) the withholding exemption certificates (Form W-4) filed with the employer by the employee; (7) the agreements, if any, between the employer and the employee for the withholding of additional amounts of tax; (8) copies of any statements furnished by nonresident alien employees in Canada or Mexico exempt from tax by reason of performing services in transportation service; (9) copies of any statements furnished by the employee relating to residence or physical presence in a foreign country; (10) copies of any statements furnished by the employee relating to bona fide residence in Puerto Rico; (11) the amount of each payment of sick pay excludable from the gross income of the employee on which income tax is not withheld and information evidencing the employee's entitlement to the sick pay exclusion. Accurate records of the details of each adjustment or settlement shall also be kept. To also keep copies of returns, schedules, statements, and other required documents.

(b) *Records of claimants.* Any person claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraph (a) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is the later. Records required by paragraph (b) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 406.207, 406.607

5.100 *Employers liable for tax under Federal Insurance Contributions Act*—(a) *General.* To keep a record of his identification number and accurate records of all remuneration paid to his employees for services performed for him. Such records shall show with respect to each employee: (1) The name, address, and account number of each employee (if the employee does not have an account number but has a receipt showing he has applied for a number, the employer shall enter in his records the date of issue of the receipt, its termination date, the address of the issuing office of the Social Security Administration, and the name and address of the employee exactly as shown in the receipt); (2) to the extent material to the determination of tax liability, the dates on which the employee worked during each calendar quarter, including the days for which remuneration is paid or payable to the employee, and the character of the services performed, and in addition, in the case of agricultural labor, whether such agricultural labor is performed on a full-time basis, and the date on which the employer-employee relationship commenced in each instance and, if terminated, the date of the termination thereof; (3) the total amount (including any sum withheld therefrom as tax or for any other reason) and date of each remuneration payment and the period of services covered by such payment; (4) the amount of such remuneration payment which constitutes wages subject to tax; and (5) the amount of employees' tax withheld or collected with respect to such payment, and if collected at a time other than the time such payment was made, the date collected. If the total remuneration payment and the amount thereof which is taxable are not equal, the reasons therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement shall also be kept. To also keep copies of returns, schedules, statements, and other required documents.

(b) *Statements supporting employers' claims for employee tax.* Where an employer files a claim for refund, credit, or abatement of employees' tax collected from an employee, the employer shall maintain as a part of his records the written receipt of the employee, showing the date and amount of the repayment of the employees' tax or the written consent of the employee to allowance of the refund, credit, or abatement and the written statement of the employee that he has not claimed and will not claim refund or credit of the amount of the overcollection.

(c) *Records of claimants.* Any person claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraph (a) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is the later; and records required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 408.501, 408.504, 408.609, 408.801

5.101 *Persons subject to the Railroad Retirement Tax Act*—(a) *Employers.* To keep accurate records of all remuneration other than tips paid to his employees for services rendered. Such records shall show with respect to each employee: (1) The name and address of the employee; (2) the total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment; (3) the amount of such payment of remuneration with respect to which the tax is imposed; and (4) the amount of employees' tax withheld or collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected. If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement, including the date and amount of each adjustment or settlement shall also be kept.

(b) *Employee representative.* To keep accurate records of all remuneration paid to him for services rendered (including "time lost") by him as an employee representative. Such records shall show: (1) the name and address of each employee organization employing him; (2) the total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom) and the period of service (including any period of absence from active service) covered by such payment; and (3) the amount of such payment of remuneration with respect to which the employee representatives' tax is imposed. If the total payment of remuneration and the amount thereof with respect to which the employee representatives' tax is imposed are not equal, the reason therefor shall be made a matter of record.

(c) *Copies of returns, schedules, and statements.* To keep a copy of returns, schedules, statements, and other required documents.

(d) *Records of claimants.* Every person claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: Records required by paragraphs (a), (b), and (c) shall be maintained for a period of at least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. Records required by paragraph (d) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 411.608

5.102 *Manufacturers of filled cheese and playing cards.* To keep original permits to withdraw products from factory free of tax for use of the United States and daily entries of each withdrawal in revenue book or other Government record.

Retention period: Not specified. 26 CFR 450.4, 450.6

5.103 *Proprietors of bonded internal revenue tobacco export warehouses.* To keep an account of tobacco products showing quantities on hand, received, withdrawn, and returned.

Retention period: Not specified. 26 CFR 451.45

5.104 *Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.* To keep records of all factors entering into the computation of depreciation allowances.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.167 (a)-7 (retention: 26 CFR 39.54-1)

5.105 *Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations under the 1939 Code or 1954 Code.* To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.393-3 (retention: 26 CFR 39.54-1)

5.106 *Employers claiming deductions for contributions to an employees' trust or annuity plan or compensating an employee under a deferred-payment plan.* To keep records substantiating all data and information required to be filed with respect to each plan and the deductions claimed thereunder.

Retention period: To be kept at all times available for inspection. 26 CFR (1954) 1.404 (a)-2

5.107 *Persons required to seek the approval of the Commissioner in order to change their annual accounting period.* To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed.

Retention period: Not specified. 26 CFR (1954) 1.442-1

5.108 *Western Hemisphere trade corporations.* To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and, if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information.

Retention period: Not less than the 3-year period immediately preceding the close of the taxable year (or for such part thereof during which the corporation was in existence). 26 CFR (1954) 1.921-1

5.109 *Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.* To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1081-11 (retention: 26 CFR 39.54-1)

5.110 *Persons involved in the liquidation and replacement of lifo inventories.* To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized.

Retention period: Not specified. 26 CFR (1954) 1.1321-1, 1.1321-2

5.111 *Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free convenant bonds on payments of income made on and after January 1, 1957.* To keep copies of Forms 1042 and 1042S.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR (1954) 1.1461-2 (retention: 26 CFR 39.54-1)

5.112 *Employers required to deduct and withhold income tax on wages paid.* To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: Not specified. 26 CFR (1954) 31.3401 (a)-1, 31.6001-5

5.113 *Persons liable for floor stocks taxes on vehicles, highway tires, tread rubber, or gasoline.* To keep (a) records of separate specified inventories and copies of returns and other relevant papers and material, and (b) claimant's records of claim for refund, credit, or abatement.

Retention period: (a) At least 3 years after the date the tax becomes due or the date the tax is paid, and (b) at least 3 years after the date the claim is filed. 26 CFR (1954) 40.4226-4, 40.4226-8

5.114 *Persons subject to the tax on use of certain highway motor vehicles.*—(a) *Person in whose name vehicle registered.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds is registered at any time in the taxable year shall keep certain specified records with respect to each vehicle to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof.

(b) *Transit systems.* Every person engaged in the operation of a transit system shall keep records sufficient to show, with respect to each taxable year, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable year.

(c) *Claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

Retention period: Records required by paragraphs (a) and (b) shall be maintained for a period of at least 3 years after the date the tax becomes due or the dates the tax is paid, whichever is later. Records required by paragraph (c) (including any record required by paragraph (a) or (b) which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR (1954) 41.6001-1

5.115 *Importers of bottled distilled spirits and persons bringing bottled distilled spirits into the United States from the Virgin Islands (other than tourists).* To maintain record of strip stamps redeemed and reissued.

Retention period: 2 years. 26 CFR (1954) 170.30 (retention: 250.271, 250.272, 251.131, 251.132)

5.116 *Persons disposing of materials used in manufacturing distilled spirits.* To keep records and returns pertaining to the disposition of substances or articles of the character used in the manufacture or recovery of distilled spirits.

Retention period: 3 years. 26 CFR (1954) 173.20 (retention: 173.25)

5.117 *Importers and bottlers of distilled spirits.* To keep commercial records covering receipt, disposition, and stocks of all liquor bottles.

Retention period: 2 years. 26 CFR (1954) 175.64 (retention: 175.73)

5.118 *Persons ordering liquor bottles.* To keep in his place of business a copy of each order and the original report of shipment or delivery.

Retention period: 2 years. 26 CFR (1954) 175.73

5.119 *Manufacturer-consignor of liquor bottles.* To keep original order for liquor bottles and copy of report of shipment or delivery.

Retention period: 2 years. 26 CFR (1954) 175.73

5.120 *Manufacturers, bottlers, and importers of liquor bottles.* To keep records relating to manufacture, shipment, delivery, purchase, use or sale of all liquor bottles as may be required by the assistant regional commissioner from time to time.

Retention period: 2 years. 26 CFR (1954) 175.74 (retention: 175.73)

5.121 *Applicants for exemption from firearms transfer tax.* To retain a duplicate copy of the application for exemption, giving a description of the firearm, names and addresses of transferor and transferee, date of transfer, basis of exemption, and any other evidence the Commissioner may require.

Retention period: Not specified. 26 CFR (1954) 179.105

5.122 *Manufacturers, importers, or dealers in firearms (including pawnbrokers).* To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR (1954) 179.150

5.123 *Manufacturers, importers, and dealers of firearms (including pawnbrokers) making returns on the manufacture, receipt, transfer, or other disposition of firearms.* To keep duplicate copy of the return, whether of individual transaction or a daily summary of transactions.

Retention period: 4 years. 26 CFR (1954) 179.151

5.124 *Proprietors, permittees, or other persons charged with keeping records under industrial alcohol regulations.* To keep all required records and copies of all reports submitted available for inspection by internal revenue officers.

Retention period: 3 years, but the assistant regional commissioner may require retention up to 6 years where copies of the records are not filed with an office of the Alcohol and Tobacco Tax Division. 26 CFR (1954) 182.324

5.125 *Persons authorized by Director, Alcohol and Tobacco Tax Division, to conduct experimental operations in connection with production of alcohol.* To keep such records as prescribed by Director.

Retention period: 3 to 6 years. 26 CFR (1954) 182.328 (retention: 182.324)

5.126 *Proprietors of industrial alcohol plants.* To keep commercial records of all materials received on industrial alcohol plant premises intended for use in production of alcohol.

Retention period: 3 years. 26 CFR (1954) 182.335 (retention: 182.324)

5.127 *Proprietors of industrial alcohol plants.* To keep a separate record on Form 1442 for each process of fermentation where materials are used primarily for the production of substances other than alcohol, and such materials produce a small amount of ethyl alcohol as a byproduct.

Retention period: 3 years. 26 CFR (1954) 182.341 (retention: 182.324)

5.128 *Proprietors of industrial alcohol plants.* To keep materials slips which show date, kind and quantity of materials used, and the serial numbers of the fermenters filled, together with such other information as may be required.

Retention period: At least 1 year. 26 CFR (1954) 182.343

5.129 *Proprietors of industrial alcohol plants.* To keep a file copy of each Form 1440 covering details of alcohol gauged for withdrawal from the plant.

Retention period: 3 years. 26 CFR (1954) 182.455b (retention: 182.324)

5.130 *Proprietors of industrial alcohol plants.* To keep a daily record of industrial alcohol plant operations on Form 1442, Proprietor's Report of Operations at Industrial Alcohol Plant.

Retention period: 3 years. 26 CFR (1954) 182.456, 182.461 (retention: 182.324)

5.131 *Proprietors of industrial alcohol bonded warehouses.* To keep a file copy of each Form 1440 covering the details of alcohol gauged for deposit or withdrawal in or from the warehouse.

Retention period: 3 years. 26 CFR (1954) 182.643-182.643h (retention: 182.324)

5.132 *Proprietors of industrial alcohol bonded warehouses.* To keep file copies of monthly Form 1443-A, Report of Uncoopered Alcohol, and Form 1443-B, Report of Alcohol in Packages.

Retention period: 3 years. 26 CFR (1954) 182.647 (retention: 182.324)

5.133 *Proprietors of industrial alcohol plants who maintain taxpaid storerooms in connection with such plants.* To keep Form 52-E, Monthly Record and Report of Importer or Proprietor of Tax-Paid Premises or Record 52 for bottled alcohol only.

Retention period: 2 years. 26 CFR (1954) 182.648

5.134 *Proprietors of industrial alcohol bonded warehouses who maintain taxpaid premises in connection with such warehouses.* To keep records of transactions on Form 52-E, or Record 52, or both.

Retention period: 2 years. 26 CFR (1954) 182.648

5.135 *Proprietors of industrial alcohol plants or bonded warehouses who keep records on Form 52-E, or Form 52-F, or Record 52.* In lieu of entering serial numbers of cases or packages on such records, may, if approved, keep a separate record showing such information.

Retention period: 2 years. 26 CFR (1954) 182.648

5.136 *Proprietors of industrial alcohol plants or bonded warehouses.* To keep file copies of monthly summary reports on Form 338 (where Record 52 is kept).

Retention period: 2 years. 26 CFR (1954) 182.648

5.137 *Proprietors of industrial alcohol plants or bonded warehouses selling or offering for sale warehouse receipts.* To keep record of purchases and sales of warehouse receipts (Form 52-F).

Retention period: 3 years. 26 CFR (1954) 182.648a-182.648b (retention: 182.324)

5.138 *Proprietors of industrial alcohol plants.* To keep copy of Form 1697, report of distilled spirits stamps.

Retention period: 3 years. 26 CFR (1954) 182.648c (retention: 182.324)

5.139 *Persons holding permits to use tax-free alcohol.* To keep file copies of monthly Form 1451, report of tax-free alcohol.

Retention period: 3 years. 26 CFR (1954) 182.669 (retention: 182.324)

5.140 *Denaturers.* To keep records showing symbols and serial numbers of packages furnished their agents for filling with completely denatured alcohol and such records of packages filled and disposed of by the denaturers or for their account at places other than the denaturing plant or filling agency, including symbols and serial numbers, as will enable internal revenue officers to trace receipts and disposals.

Retention period: 3 years. 26 CFR (1954) 182.727

5.141 *Denaturers agents.* To keep such records of receipt and disposition of completely denatured alcohol, including the symbol and serial numbers of packages, as will permit the tracing of the receipt and disposal of such alcohol by the assistant regional commissioner.

Retention period: 3 years. 26 CFR (1954) 182.727

5.142 *Proprietors of denaturing plants.* To keep a file copy of each Form 1466 as a record of the alcohol and denaturants used and the denatured alcohol produced each day, and a copy of each Form 1467 as a record of packages filled.

Retention period: 3 years. 26 CFR (1954) 182.781-182.784 (retention: 182.324)

5.143 *Proprietors of denaturing plants.* To keep a file copy of each Form 1440 and 1520 covering alcohol and distillates received at denaturing plant and each Form 1453-A and 1473 covering withdrawals.

Retention period: 3 years. 26 CFR (1954) 182.785, 182.788 (retention: 182.324)

5.144 *Proprietors of denaturing plants.* To keep monthly records on Forms 1468-A, B, C, D, E, and F, showing all alcohol and denaturant transactions during the month.

Retention period: 3 years. 26 CFR (1954) 182.787 (retention 182.324)

5.145 *Dealers and manufacturers receiving, storing, selling, or using as much as 11 drums or barrels of completely denatured alcohol in a calendar month.* To keep records of receipt, storage, and disposition of completely denatured alcohol.

Retention period: 3 years. 26 CFR (1954) 182.796

5.146 *Manufacturers of and dealers in proprietary anti-freeze solutions.* To keep records of production, receipt, and disposition of proprietary anti-freeze solutions.

Retention period: 3 years, or, if required by assistant regional commissioner, up to 6 years. 26 CFR (1954) 182.805 (retention: 182.324)

5.147 *Bonded dealers and users of specially denatured alcohol.* To keep a file copy of each Form 1473 covering shipment of specially denatured alcohol received.

Retention period: 3 years. 26 CFR (1954) 182.811a, 182.821, 182.835a (retention: 182.324)

5.148 *Bonded dealers holding permits to deal in specially denatured alcohol.* To keep a record of all specially denatured alcohol transactions on Form 1478.

Retention period: 3 years. 26 CFR (1954) 182.822 (retention: 182.324)

5.149 *Producers of proprietary solvents and lacquer thinners, and users thereof who receive such products in tank car, tank wagon, or tank truck shipments.* To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR (1954) 182.848 (retention: 182.324)

5.150 *Persons holding permit to procure bulk toiletries (made with specially denatured alcohol) for reprocessing, bottling or rebottling, and resale.* To keep record of reprocessing operations on Record 133, and record of receipt and disposition on Record 134.

Retention period: 3 to 6 years. 26 CFR (1954) 182.860 (retention: 182.324)

5.151 *Manufacturers holding permits to use specially denatured alcohol or to recover denatured alcohol or articles for reuse.* To keep copy of each monthly report of transactions, Form 1482.

Retention period: 3 years. 26 CFR (1954) 182.874 (retention: 182.324)

5.152 *Persons holding permits to use specially denatured alcohol in excess of 25 wine gallons per calendar month in the manufacture of certain articles.* To keep copies of all invoices covering purchase of materials and disposition of manufactured articles; manufacturing record to be kept on Record 133, and accounting of the manufactured articles, on Record 134 (substitute records, if approved, may be maintained).

Retention period: 3 to 6 years. 26 CFR (1954) 182.875 (retention: 182.324)

5.153 *Dealers in and users of denatured rum.* To keep, insofar as applicable, the same records prescribed for dealers in and users of specially denatured alcohol.

Retention period: 3 to 6 years. 26 CFR (1954) 182.880-182.882 (retention: 182.324)

5.154 *Persons holding permits to use specially denatured alcohol in the manufacture of stated articles, and persons holding permits to use not more than 25 wine gallons per month of specially denatured alcohol in the manufacture of certain toilet articles.* To keep copies of all invoices covering purchase of materials and disposition of manufactured articles, and to keep daily records of the receipt, use, and inventory of each formula of specially denatured alcohol, and the manufacture of articles.

Retention period: 3 to 6 years. 26 CFR (1954) 182.875 (retention: 182.324)

5.155 *Carriers holding a basic permit to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks.* To keep record (in book form) showing name and address of consignor and consignee of alcohol received for transportation; kind and quantity of alcohol contained in each package or other container, and date of shipment. Where delivery is made to any branch or agency of the United States Government, the carrier is required to obtain, for his own files, a receipt showing the name of the individual receiving the shipment.

Retention period: 3 to 6 years. 26 CFR (1954) 182.909, 182.912 (retention: 182.324)

5.156 *Wholesale liquor dealers.* To keep daily commercial records of the physical receipt and disposition of distilled spirits, and a daily recapitulation record showing in wine gallons total quantities distilled spirits received and disposed of during the day.

Retention period: 2 years. 26 CFR (1954) 194.210, 194.216, 194.217, 194.221 (retention: 194.234)

5.157 *Wholesale dealers in wines and wholesale beer dealers.* To keep complete record of quantities of wine and beer received, showing date and from whom received.

Retention period: At least 2 years. 26 CFR (1954) 194.211 (retention: 194.234)

5.158 *Proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, internal revenue bonded warehouses, taxpaid bottling houses, or rectifying plants.* To keep records of their wholesale activities in accordance with the regulations governing the operations of each such premise.

Retention period: At least 2 years. 26 CFR (1954) 194.215 (retention: 194.234)

5.159 *Retail liquor dealers and retail beer dealers.* To keep a record in book form, or keep all invoices or bills for distilled spirits, wines or beer received.

Retention period: At least 2 years. 26 CFR (1954) 194.229 (retention: 194.234)

5.160 *Wholesale liquor dealers.* To keep records showing the bulk of alcohol received, dumped, packaged, and disposed of, and the name and address of each consignor and consignee; documents or copies of documents supporting such records; and copies of monthly report of red strip stamp transactions (Form 2260) and of alcohol transactions (Form 52 D).

Retention period: 2 years. 26 CFR (1954) 194.260 (retention: 194.234)

5.161 *Wholesale liquor dealers.* To keep records and copies of monthly report (Form 338) of all transactions relating to wines or distilled spirits stored for export with benefit of drawback.

Retention period: 2 years. 26 CFR (1954) 194.275 (retention: 194.234)

5.162 *Proprietors of vinegar factories.* To keep (a) records of operations reflecting receipt and disposition of each lot of fermenting and distilling material; kind and quantity of fermenting material used; quantity of mash set, distilling material produced and used, low wines produced, and vinegar produced and removed; date of transaction or operation; and identity of each consignor or consignee and (b) duplicate copy of report of monthly summary account of fermenting and distilling materials, low wines, and vinegar.

Retention period: At least 2 years. 26 CFR (1954) 195.175, 195.176 (retention: 195.177)

5.163 *Manufacturer or vendor of distilling apparatus.* To keep record covering manufacture, receipt and removal of still when sold to a person intending to use still for purposes other than for distilling (as defined in 26 CFR 196.10) to show purchaser's name, address, purpose of which still bought, etc.

Retention period: 2 years. 26 CFR (1954) 196.80

5.164 *Vendors removing distilling apparatus for exportation without payment of tax.* To keep copy of bill of lading.

Retention period: At least 2 years. 26 CFR (1954) 196.82

5.165 *Manufacturers of nonbeverage products.* To keep copies of approved quantitative formulas (Form 1678).

Retention period: Not specified. 26 CFR (1954) 197.95

5.166 *Manufacturers of nonbeverage products.* To keep records showing use of distilled spirits in approved nonbeverage products.

Retention period: Not less than 2 years. 26 CFR (1954) 197.130, 197.131 (retention: 197.132)

5.167 *Proprietors of concentrate plants.* To keep records showing receipt of materials and manufacture and disposition of volatile fruit flavor concentrates.

Retention period: Not less than 2 years. 26 CFR (1954) 198.185, 198.186 (retention: 198.187)

5.168 *Proprietors of concentrate plants.* To keep file copies of Forms 1695, monthly summary report of fruit flavor concentrate plant.

Retention period: Not less than 2 years. 26 CFR (1954) 198.190

5.169 *Proprietors of distillery denaturing bonded warehouses.* To keep daily records of all samples of denatured rum furnished by the proprietor.

Retention period: At least 2 years. 26 CFR (1954) 216.214 (retention: 216.317)

5.170 *Proprietors of distillery denaturing bonded warehouses exporting denatured rum.* To keep a copy of the bill of lading covering shipment and to maintain records of the removal of the denatured rum from the warehouse.

Retention period: At least 2 years. 26 CFR (1954) 216.243 (retention: 216.317)

5.171 *Proprietors of distillery denaturing bonded warehouses.* To keep detailed daily records of denaturing operations and copies of monthly report pertaining thereto (Form 575), which shall contain all data necessary to identify and to trace the movement of each lot of rum from receipt to disposition.

Retention period: At least 2 years. 26 CFR (1954) 216.315, 216.316 (retention: 216.317)

5.172 *Proprietors of distillery denaturing bonded warehouses.* To maintain records of denatured rum returned to the warehouse by a bonded dealer or manufacturer or by the carrier.

Retention period: At least 2 years. 26 CFR (1954) 216.325 (retention: 216.317)

5.173 *Proprietors of registered distilleries.* To keep records of all materials received on the distillery premises for use in the production of distilled spirits.

Retention period: Not less than 2 years. 26 CFR (1954) 220.367 (retention: 220.760)

5.174 *Proprietors of registered distilleries.* To keep records of all removals of distilled water showing date of removal, name and address of consignee, and quantity removed.

Retention period: At least 2 years. 26 CFR (1954) 220.424 (retention: 220.760)

5.175 *Proprietors of registered distilleries.* To keep records of removals of fusel oil showing date of removal, name and address of consignee, and quantity removed.

Retention period: At least 2 years. 26 CFR (1954) 220.433 (retention: 220.760)

5.176 *Proprietors of registered distilleries.* To keep records of disposition of washwater showing date of destruction and quantity (proof gallons) destroyed.

Retention period: At least 2 years. 26 CFR (1954) 220.434 (retention: 220.760)

5.177 *Proprietors of registered distilleries.* To keep copies of monthly report (Form 2260) of distilled spirits excise tax stamps.

Retention period: At least 2 years. 26 CFR (1954) 220.586

5.178 *Proprietors of registered distilleries.* To maintain records of loss of distilled spirits showing nature and extent of loss, date loss was discovered, and proof gallons lost.

Retention period: At least 2 years. 26 CFR (1954) 220.649 (retention: 220.760)

5.179 *Proprietors of registered distilleries.* To keep daily records of production and copies of monthly report pertaining thereto (Form 1598), including data necessary to identify and trace the movement of all materials and spirits through the various processes from the use of the materials to the deposit of the finished spirits in receiving cisterns.

Retention period: At least 2 years. 26 CFR (1954) 220.755 (retention: 220.760)

5.180 *Proprietors of registered distilleries.* If distillates from two or more types of mash are in process at the same time, to keep separate records for each type of distillate showing the deposits to the various stills for redistillation, redeposits in unfinished spirits tanks, and other movement of the distillates.

Retention period: At least 2 years. 26 CFR (1954) 220.755 (retention: 220.760)

5.181 *Proprietors of registered distilleries.* To keep daily records of each lot of distilled spirits destroyed or removed from premises.

Retention period: At least 2 years. 26 CFR (1954) 220.756 (retention: 220.760)

5.182 *Proprietors of registered distilleries.* To keep records and copies of monthly reports (Form 338) of spirits bottled and bulk, received and disposed of at taxpaid premises.

Retention period: At least 2 years. 26 CFR (1954) 220.758, 220.759 (retention: 220.760)

5.183 *Proprietors of fruit distilleries.* To keep records of materials (fermented or unfermented) received for use in the production of brandy.

Retention period: At least 2 years. 26 CFR (1954) 221.355 (retention: 221.775)

5.184 *Proprietors of fruit distilleries.* To maintain records of undistilled residue of distilling materials showing date of removal, kind of material, quantity, and name and address of each consignee if the material has been disposed of to other persons.

Retention period: At least 2 years. 26 CFR (1954) 221.386 (retention: 221.775)

5.185 *Proprietors of fruit distilleries.* To maintain records of removals of distilled water showing date of removal, name and address of consignee, and quantity removed.

Retention period: At least 2 years. 26 CFR (1954) 221.425 (retention: 221.775)

5.186 *Proprietors of fruit distilleries.* To maintain records of removals of fusel oil showing date of removal, name and address of consignee, and quantity removed.

Retention period: At least 2 years. 26 CFR (1954) 221.437 (retention: 221.775)

5.187 *Proprietors of fruit distilleries.* To maintain records of disposition of water used for washing or purifying fusel oil showing date of destruction and quantity (proof gallons) destroyed.

Retention period: At least 2 years. 26 CFR (1954) 221.438 (retention: 221.775)

5.188 *Proprietors of fruit distilleries.* To keep copies of monthly report (Form 2260) of distilled spirits excise tax stamps.

Retention period: At least 2 years. 26 CFR (1954) 221.586

5.189 *Proprietors of fruit distilleries.* To keep daily records of production and copies of monthly report pertaining thereto (Form 15), including data necessary to identify and trace movement of all materials and brandy through the various processes from the use of the materials to the deposit of the finished brandy in receiving tanks.

Retention period: At least 2 years. 26 CFR (1954) 221.770, 221.772 (retention: 221.775)

5.190 *Proprietors of fruit distilleries.* If distillates from two or more types of materials are produced, to keep separate records for each type of distillate showing by kind, proof, and proof gallons, deposits and redeposits in unfinished brandy tanks, charges to various stills for redistillation, and other movement of distillate.

Retention period: At least 2 years. 26 CFR (1954) 221.770 (retention: 221.775)

5.191 *Proprietors of fruit distilleries.* To keep daily records of each lot of brandy destroyed or removed from premises.

Retention period: At least 2 years. 26 CFR (1954) 221.771 (retention: 221.775)

5.192 *Proprietors of fruit distilleries.* To keep daily records of transactions at taxpaid premises and copies of monthly report pertaining thereto (Form 338).

Retention period: At least 2 years. 26 CFR (1954) 221.773, 221.774 (retention: 221.775)

5.193 *Proprietors of internal revenue bonded warehouses.* To prepare and retain a monthly summary account of all distilled spirits excise tax stamps (Form 2260).

Retention period: At least 2 years. 26 CFR (1954) 225.719

5.194 *Proprietors of internal revenue bonded warehouses.* To keep daily records of distilled spirits removed from the warehouse and copies of monthly report (Form 52 C) showing quantities of bulk and bottled-in-bond distilled spirits removed from the warehouse.

Retention period: At least 2 years. 26 CFR (1954) 225.1120, 225.1121 (retention: 225.1127)

5.195 *Proprietors of internal revenue bonded warehouses.* To keep daily records of spirits received and disposed of at taxpaid premises and copies of monthly report pertaining thereto (Form 338).

Retention period: At least 2 years. 26 CFR (1954) 225.1122, 225.1123 (retention: 225.1127)

5.196 *Proprietors of internal revenue bonded warehouses.* To keep records and reports of distilled spirits which have been bottled or packaged especially for export with benefit of drawback and which are held at the proprietor's contiguous off-premise export storage.

Retention period: At least 2 years. 26 CFR (1954) 225.1124 (retention: 225.1127)

5.197 *Proprietors of internal revenue bonded warehouses.* To keep file copies of daily memorandum report and monthly report (Form 2260) of bottled-in-bond strip stamps usage.

Retention period: At least 2 years. 26 CFR (1954) 225.1125, 225.1126 (retention: 225.1127)

5.198 *Proprietors of taxpaid bottling houses (including export storage and contiguous wholesale liquor dealer room).* To keep records of all operations at the taxpaid bottling house including data necessary to identify and trace movement of distilled spirits and wines from receipt to disposition, and to keep copies of monthly summary report pertaining thereto (Form 52 D).

Retention period: At least 2 years. 26 CFR (1954) 230.280, 230.281, 230.284 (retention: 230.285)

5.199 *Proprietors of taxpaid bottling houses.* To keep copies of daily memorandum report of distilled spirits bottled.

Retention period: At least 2 years. 26 CFR (1954) 230.282 (retention: 230.285)

5.200 *Proprietors of taxpaid bottling houses.* To keep copies of daily report and monthly summary report (Form 2260) of all red strip stamps received, used, mutilated, destroyed, on hand, and unaccounted for.

Retention period: At least 2 years. 26 CFR (1954) 230.282, 230.283 (retention: 230.285)

5.201 *Proprietors of taxpaid wine bottling houses.* To keep daily records of all wine received at and removed from the premises.

Retention period: 3 years. 26 CFR (1954) 231.110 (retention: 231.114)

5.202 *Proprietors of taxpaid wine bottling houses.* To keep record of wine bottling operations (Form 2060 or approved substitute record).

Retention period: 3 years. 26 CFR (1954) 231.111 (retention: 231.114)

5.203 *Proprietors of taxpaid wine bottling houses.* To keep record of wine packaging operations.

Retention period: 3 years. 26 CFR (1954) 231.112 (retention: 231.114)

5.204 *Proprietors of taxpaid wine bottling houses.* To keep records (including working papers) of all semiannual and special inventories.

Retention period: 3 years. 26 CFR (1954) 231.113 (retention: 231.114)

5.205 *Proprietors of taxpaid wine bottling houses bottling or packaging wine especially for export with benefit of drawback.* To keep record of operations on the records prescribed in 26 CFR (1954) Part 231, Subpart H; and to keep file copies of Forms 230 (with Form 1694, if any, attached).

Retention period: 3 years. 26 CFR (1954) 231.114

5.206 *Rectifiers.* To keep copies of Form 2057 showing sparkling wine manufactured by secondary fermentation within the bottle.

Retention period: At least 2 years. 26 CFR (1954) 235.498 (retention: 235.821)

5.207 *Rectifiers.* To keep daily records and copies of monthly report (Form 45) of all operations at the rectifying plant and of all transactions at contiguous wholesale liquor premises.

Retention period: At least 2 years. 26 CFR (1954) 235.815, 235.816, 235.820 (retention: 235.821)

5.208 *Rectifiers.* To keep copies of daily memorandum report of distilled spirits bottled.

Retention period: At least 2 years. 26 CFR (1954) 235.817 (retention: 235.821)

5.209 *Rectifiers.* To keep copies of daily report and monthly summary report (Form 2260) of all red strip stamps received, used, mutilated, destroyed, on hand, and unaccounted for.

Retention period: At least 2 years. 26 CFR (1954) 235.817, 235.818 (retention: 235.821)

5.210 *Proprietors of bonded wine cellars.* To keep copies of Forms 275 and 1520 showing wine spirits used in the production of wine.

Retention period: 3 to 6 years. 26 CFR (1954) 240.379, 240.904 (retention: 240.924)

5.211 *Proprietors of bonded wine cellars.* To keep copy of Form 702, monthly report covering all operations of the bonded wine cellar.

Retention period: 3 to 6 years. 26 CFR (1954) 240.900 (retention: 240.924)

5.212 *Proprietors of bonded wine cellars.* To keep copies of daily tax returns on Form 2050.

Retention period: 3 to 6 years. 26 CFR (1954) 240.901 (retention: 240.924)

5.213 *Proprietors of bonded wine cellars.* To keep copy of Form 2052 covering specific quantity of wine to be removed when desiring to prepay tax as provided in 26 CFR (1954) 240.593.

Retention period: 3 to 6 years. 26 CFR (1954) 240.902 (retention: 240.924)

5.214 *Proprietors of bonded wine cellars.* To keep copy of Form 702-C (including working papers) of each semiannual or other inventory taken by him.

Retention period: 3 to 6 years. 26 CFR (1954) 240.903 (retention: 240.924)

5.215 *Proprietors of bonded wine cellars.* To keep copies of all substitute records approved for use in lieu of Forms 2054 to 2060 inclusive.

Retention period: 3 to 6 years. 26 CFR (1954) 240.905 (retention: 240.924)

5.216 *Proprietors of bonded wine cellars.* To keep copy of Form 2054 (wine fermentation record, showing details of fermentation and amelioration) when engaged in the production of still wine, using a separate Form 2054 for each kind of fruit or primary material used.

Retention period: 3 to 6 years. 26 CFR (1954) 240.906 (retention: 240.924)

5.217 *Proprietors of bonded wine cellars.* To keep copy of Form 2055, wine reserve inventory record.

Retention period: 3 to 6 years. 26 CFR (1954) 240.907 (retention: 240.924)

5.218 *Proprietors of bonded wine cellars.* To keep copy of Form 2056, record of still wine produced or received.

Retention period: 3 to 6 years. 26 CFR (1954) 240.908 (retention: 240.924)

5.219 *Proprietors of bonded wine cellars.* To keep copy of Form 2057, record of effervescent wine.

Retention period: 3 to 6 years. 26 CFR (1954) 240.909 (retention: 240.924)

5.220 *Proprietors of bonded wine cellars.* To keep copy of Form 2058, special natural wine production record.

Retention period: 3 to 6 years. 26 CFR (1954) 240.910 (retention: 240.924)

5.221 *Proprietors of bonded wine cellars.* To keep copy of Form 2059, record of distilling material or vinegar stock.

Retention period: 3 to 6 years. 26 CFR (1954) 240.911 (retention: 240.924)

5.222 *Proprietors of bonded wine cellars.* To keep copy of Form 2060, record of wine cases filled where cases are serially numbered at the time of filling.

Retention period: 3 to 6 years. 26 CFR (1954) 240.912 (retention: 240.924)

5.223 *Proprietors of bonded wine cellars,* To keep record of sugar received, used, and stored, showing kind, quantity, date of receipt, and from whom received.

Retention period: 3 to 6 years. 26 CFR (1954) 240.914 (retention: 240.924)

5.224 *Proprietors of bonded wine cellars.* To keep separate record of materials received and used.

Retention period: 3 to 6 years. 26 CFR (1954) 240.915 (retention: 240.924)

5.225 *Proprietors of bonded wine cellars.* To keep complete tank records, or similar records, so that origin may be verified when desiring to account for or dispose of wine under varietal or vintage designations.

Retention period: 3 to 6 years. 26 CFR (1954) 240.916 (retention: 240.924)

5.226 *Proprietors of bonded wine cellars.* To keep record of use of acids.

Retention period: 3 to 6 years. 26 CFR (1954) 240.917 (retention: 240.924)

5.227 *Proprietors of bonded wine cellars.* To keep records of chemicals, preservatives, or materials other than acids used in the cellar treatment of wines.

Retention period: 3 to 6 years. 26 CFR (1954) 240.918 (retention: 240.924)

5.228 *Proprietors of bonded wine cellars.* To keep records of wine baked.

Retention period: 3 to 6 years. 26 CFR (1954) 240.919 (retention: 240.924)

5.229 *Proprietors of bonded wine cellars.* To keep record of taxpaid removals of wine from bond.

Retention period: 3 to 6 years. 26 CFR (1954) 240.920 (retention: 240.924)

5.230 *Proprietors of bonded wine cellars.* To maintain a separate record at taxpaid room whether room is maintained on or off bonded premises, showing the quantities, serial numbers, kind and alcohol content of wine received and shipped, including dates of receipt and shipment, and names and addresses of persons to whom shipped.

Retention period: 3 to 6 years. 26 CFR (1954) 240.921 (retention: 240.924)

5.231 *Brewers.* To keep daily records (Form 2051, or detailed records in lieu of form) reflecting amounts of beer, cereal beverage, and brewing materials in process and quantities of materials used in production; amounts of beer and cereal beverage produced, transferred to bottling house and racking room, bottled and racked, removed from the brewery, lost due to breakage or other cause, and amount of finished beer and cereal beverage on hand; and amount of beer consumed at the brewery, returned to the brewery, recased and relabeled, reconditioned, and received from other breweries.

Retention period: At least 2 years. 26 CFR (1954) 245.225 (retention: 245.232)

5.232 *Brewers.* To maintain a monthly inventory record of shortages and overages of beer and cereal beverages, and a record of the ballings of the wort produced and of the ballings and alcohol content of the beer and cereal beverage transferred to the bottling house, the racking room, and between breweries in bulk conveyances.

Retention period: At least 2 years. 26 CFR (1954) 245.225 (retention: 245.232)

5.233 *Brewers.* To keep copies of monthly reports (Form 103) relating to summary of brewery operations.

Retention period: At least 2 years. 26 CFR (1954) 245.226 (retention: 245.232)

5.234 *Brewers.* To keep copies of tax returns (Form 2034) reporting daily beer sold or removed for taxable purpose.

Retention period: At least 2 years. 26 CFR (1954) 245.229 (retention: 245.232)

5.235 *Brewers.* To keep record of disposition of unsalable bottled beer in bottling house.

Retention period: 2 years. 26 CFR (1954) 245.230 (retention: 245.232)

5.236 *Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (excepting proprietors of taxpaid premises).* To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR (1954) Part 194, "Liquor Dealers."

Retention period: As prescribed in 26 CFR (1954) Part 194. 26 CFR (1954) 250.163, 250.274

5.237 *Proprietors of taxpaid premises (including industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and taxpaid bottling houses and rectifying plants) bringing liquors into the United States from Puerto Rico or the Virgin Islands.* To keep records and copies of reports of transactions pertaining to such liquors in accordance with regulations governing the operations of each such taxpaid premise.

Retention period: As prescribed for applicable premise. 26 CFR (1954) 250.164, 250.275

5.238 *Importers of distilled spirits.* To keep daily records and copies of monthly reports of red strip stamp transactions (Form 96).

Retention period: At least 2 years. 26 CFR (1954) 251.130, 251.131, 251.132 (retention: 251.137)

5.239 *Importers of distilled spirits, wines, or beer (except proprietors of taxpaid premises).* To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR (1954) Part 194, "Liquor Dealers."

Retention period: As prescribed in 26 CFR (1954) Part 194. 26 CFR (1954) 251.133 (retention: 251.137)

5.240 *Proprietors of taxpaid premises (including industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and taxpaid bottling houses and rectifying plants) importing liquors.* To keep records and copies of reports of transactions pertaining to the importation of such liquors in accordance with regulations governing the operations of each such taxpaid premise.

Retention period: At least 2 years. 26 CFR (1954) 251.134 (retention: 251.137)

5.241 *Airlines withdrawing distilled spirits or wine from its stock held in customs custody.* To keep copy of requisition.

Retention period: Not specified. 26 CFR (1954) 252.107

5.242 *Exporters of distilled spirits in distiller's original casks or packages.* To retain copies of Form 696.

Retention period: Not specified. 26 CFR (1954) 252.140

5.243 *Proprietors of industrial alcohol plants or warehouses withdrawing alcohol for deposit in a foreign-trade zone.* To file copies of Forms 1440 and 1701.

Retention period: Not specified. 26 CFR (1954) 253.49

5.244 *Denaturers or dealers withdrawing denatured alcohol for deposit in a foreign-trade zone.* To keep file copies of Forms 1701.

Retention period: Not specified. 26 CFR (1954) 253.67

5.245 *Proprietors of distillery denaturing bonded warehouses withdrawing denatured rum for deposit in a foreign-trade zone.* To keep file copies of Forms 1701.

Retention period: Not specified. 26 CFR (1954) 253.82

5.246 *Proprietors of registered distilleries, fruit distilleries, or internal revenue bonded warehouses withdrawing distilled spirits for deposit in a foreign-trade zone.* To keep file copies of Forms 1520 and 1701.

Retention period: Not specified. 26 CFR (1954) 253.112

5.247 *Proprietors of bonded wineries or bonded wine cellars withdrawing wines for deposit in a foreign-trade zone.* To keep file copies of Forms 1701.

Retention period: Not specified. 26 CFR (1954) 253.155

5.248 *Brewers removing beer, without payment of tax, for deposit in a foreign-trade zone.* To keep file copies of Forms 1689.

Retention period: Not specified. 26 CFR (1954) 253.176

5.249 *Manufacturers of tobacco products and proprietors of bonded internal revenue tobacco export warehouses.* To keep a copy of the appropriate notice of removal in connection with each removal of tobacco products or cigarette papers or tubes, without payment of tax, for delivery to a foreign-trade zone or for return to a factory or warehouse from a foreign-trade zone.

Retention period: Not specified. 26 CFR (1954) 253.382, 253.384

5.250 *Manufacturers of cigars and cigarettes.* To keep daily records and copies of monthly report (Form 2136) of operations and transactions in connection with the manufacture of cigars and cigarettes including detailed information of tobacco materials received, shipped, and lost or destroyed; cigars and cigarettes manufactured, received, removed, and disposed of; and stamps received, used, and lost or destroyed.

Retention period: 2 years after the close of the year covered in the records or report. 26 CFR (1954) 270.142, 270.143

5.251 *Manufacturers and importers of tobacco or cigars and cigarettes.* To keep copy of order form for tax stamps marked "paid" by district director.

Retention period: 2 years following the close of the year in which purchased. 26 CFR (1954) 270.148, 270.192, 275.137, 275.181

5.252 *Manufacturers of tobacco products and dealers in tobacco materials.* To keep copy of notice (customs dated) of release of imported tobacco materials, cigars, and cigarettes released from customs custody.

Retention period: 2 years after the close of the year in which released. 26 CFR (1954) 270.166, 275.155, 280.121

5.253 *Manufacturers and importers of cigars and cigarettes.* To keep a copy of each claim for allowance in letter form, and a copy of the schedule prepared in connection with each claim for refund, certified by revenue officer.

Retention period: Not specified. 26 CFR (1954) 270.162a, 270.164, 270.197

5.254 *Manufacturers and importers of cigars.* To keep a copy of each tax return, receipted by district director, covering cigars removed from factory or released from customs custody.

Retention period: 2 years following close of year in which such return was filed. 26 CFR (1954) 270.220, 270.230

5.255 *Manufacturers of cigars paying tax on cigars by return.* To keep a supporting record of cigars removed from factory subject to tax, showing date of removal, name and address of person to whom shipped or delivered, and the class and quantity of cigars.

Retention period: 2 years following the close of year in which removed. 26 CFR (1954) 270.224

5.256 *Manufacturers of tobacco.* To keep daily records and copies of monthly report (Form 2134) of operations and transactions in connection with the manufacture of tobacco including detailed information of tobacco materials received, shipped, and lost or destroyed; manufactured tobacco produced, received, removed, and disposed of; and stamps received, used, and lost or destroyed.

Retention period: 2 years after the close of the year covered in the records or report. 26 CFR (1954) 275.132, 275.133

5.257 *Agents of farmers or growers of leaf tobacco, and cooperative associations.* To keep records of all receipts and sales of tobacco.

Retention period: Not specified. 26 CFR (1954) 280.52, 280.53

5.258 *Dealers in tobacco materials.* To keep a record of tobacco materials received, lost or destroyed, and shipped or delivered.

Retention period: 2 years after the close of the year covered in the record. 26 CFR (1954) 280.60 (retention: 280.127)

5.259 *Manufacturers of tobacco, cigars, cigarettes and cigarette papers or tubes.* To keep one copy each of the requisition, Form 7996, and the notice of shipment, Form 7997, at the factory from which the tax-free shipment is made to the Federal requisitioner.

Retention period: 1 year after the close of the year in which the removal is made. 26 CFR (1954) 295.51, 295.52

5.260 *Manufacturers of tobacco products.* To keep records and reports of removals as prescribed by 26 CFR (1954) Parts 270 and 275.

Retention period: As cited in parts noted above. 26 CFR (1954) 295.56

5.261 *Manufacturers of tobacco products, or cigarette papers and tubes.* To keep one copy of the certificate, Form 7998, at the factory from which the shipment was removed showing the certification by the officer responsible for receiving the shipment of tax-free tobacco products, or cigarette papers and tubes.

Retention period: Not specified. 26 CFR (1954) 295.58

6. Bureau of the Mint

6.1 *Persons authorized by license or or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.* To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 *Licensed importers of gold-bearing materials for reexport of gold refined therefrom.* To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the mint at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 *Persons delivering silver under 31 CFR Part 80 and persons owning or operating a smelter or refinery at which silver to be delivered is mixed with secondary or foreign silver, or both.* To keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequently to July 1, 1939, and July 1, 1946, including, among other things, records of the dates of mining, acquisition, and disposition.

Retention period: At least 1 year after last delivery. 31 CFR 80.10, 80.12

7. Bureau of Narcotics

7.1 *Importers of crude opium or coca leaves.* To keep quintuplicate copy of permit to import.

Retention period: 2 years. 21 CFR 302.10 (retention: 26 U. S. C. (I. R. C. 1954) 4705)

7.2 *Exporters of narcotic drugs.* To keep triplicate copy of export permit.

Retention period: 2 years. 21 CFR 302.21 (retention: 26 U. S. C. (I. R. C. 1954) 4705)

7.3 *Exporters of narcotic drugs.* To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such manner as will identify the foreign consignee.

Retention period: Not specified. 21 CFR 302.27

7.4 *Importers of special coca leaves.* To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: Not specified. 21 CFR 302.46

7.5 *Producers of opium poppies.* To keep duplicate copy of annual return accounting for all transfers and dispositions of opium poppies and fully accounting for all opium poppies produced or otherwise obtained.

Retention period: Not specified. 21 CFR 303.14

7.6 *Manufacturers of opium or opium products from opium poppies.* To keep duplicate copy of quarterly return accounting for all such manufacturing operations.

Retention period: Not specified. 21 CFR 303.15

7.7 *Registrants surrendering heroin to Commissioner of Narcotics.* To keep duplicate copy of inventory of heroin shipped.

Retention period: 2 years. 21 CFR 306.2

8. Bureau of the Public Debt

8.1 *Banks receiving bearer securities for restrictive endorsement.* To retain the original and triplicate copies of lists of securities presented to the Federal Reserve Bank or Treasurer of the United States and photographic reproductions of the endorsed securities, when made by the banks for their own protection, the original copy of the list and prints of any photographic reproductions made to be used to support an application for relief on account of loss, theft, or destruction of endorsed securities, as provided in § 328.7.

Retention period: Until the transaction is completed by receipt of payment or receipt of the securities issued in exchange. 31 CFR 328.5

9. United States Coast Guard

9.1 *Masters of tank vessels or vessels towing tank barges transporting inflammable or combustible cargo.* To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01-10

9.2 *Owners, agents, masters, or other persons in charge of vessel involved in marine casualties.* To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15-1, 78.07-15, 97.07-15, 136.05-15, 167.65-65

9.3 *Master or senior deck officer in charge of transfer of inflammable and combustible cargo.* To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35-30

9.4 *Welders.* To maintain qualification test records with identification data.

Retention period: Not specified. 46 CFR 56.01-10

9.5 *Masters of passenger vessels other than those making foreign or intercoastal voyages.* To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 78.37-3

9.6 *Masters of cargo and miscellaneous vessels other than those making foreign or intercoastal voyages.* To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 97.35-3.

9.7 *Owners, agents, masters and other persons in charge of nautical school ships involved in marine casualties.* To keep voyage records of nautical school ships that are maintained, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of drafts, aid to mariners, radiograms sent and received, radio logs, and lists of persons aboard.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 136.05-15, 167.65-65

9.8 *Masters of vessels storing explosives for a period exceeding 24 hours (other than barges and magazine vessels).* To keep records of temperature readings.

Retention period: During period of transportation or storage. 46 CFR 146.02-12

9.9 *Owners of vessels.* To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: At least 1 year. 46 CFR 146.02-22

9.10 *Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.* To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: At least 1 year. 46 CFR 146.02-22

9.11 *Vessel operators.* To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: Until transaction is completed. 46 CFR 146.05-12, 146.05-13

9.12 *Owners, charterers, agents, or masters of vessels.* To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: Until transaction is completed. 46 CFR 146.05-12

9.13 *Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.* To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06-12

9.14 *Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.* To keep ashore copies of dangerous cargo manifests or lists.

Retention period: At least 1 year. 46 CFR 146.06-18 (retention: 146.02-22)

9.15 *Vessel owners, charterers, or agents.* To keep ashore copies of cargo stowage plans or lists.

Retention period: At least 1 year. 46 CFR 146.06-19 (retention: 146.02-22)

9.16 *Vessel operators.* To keep shipping papers of railroad vehicles loaded with dangerous substances and transported on board vessels.

Retention period: At least 1 year. 46 CFR 146.07-8 (retention: 146.02-22)

9.17 *Vehicle operators carrying explosives.* Shipping papers required covering transportation of dangerous goods in highway vehicles on board common carriers.

Retention period: Until transaction is completed. 46 CFR 146.08-4

9.18 *Undocumented vessels.* To have available the certificates of award of number.

Retention period: For period of operation of vessel by the owner. 46 CFR 172.10-15

XI. ATOMIC ENERGY COMMISSION

1.1 *Cost-type contractors.* To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 10 CFR 5.509.

1.2 *Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.* To maintain records showing (a) the radiation exposure of all individuals subject to personnel monitoring control; (b) the name of each individual exposed to radiation and the weekly dose of each such individual for the 13 weeks of highest cumulative weekly dose; and (c) the radiation hazards incident to the production, use, release, disposal, or presence of radioactive material or other sources of radiation.

Retention period: Not specified. 10 CFR 20.401

1.3 *Persons receiving byproduct material pursuant to issuance of a license.* To keep records showing receipt, transfer, export, and disposal of such byproduct material.

Retention period: Not specified. 10 CFR 30.41

1.4 *Licensees and holders of construction permits.* To maintain such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission.

Retention period: Not specified. 10 CFR 50.71

1.5 *Lessees of uranium deposits on land controlled by the Atomic Energy Commission.* To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; and (5) development work and drilling performed.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.6 *Licensees receiving special nuclear material.* To keep records showing the receipt, inventory, and transfer of special nuclear material.

Retention period: Not specified. 10 CFR 70.51

1.7 *Contractors having negotiated contracts with Atomic Energy Commission and their subcontractors.* To keep directly pertinent books, documents, papers, and records.

Retention period: Not specified. The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records. 42 U. S. C. 2206

XII. CIVIL AERONAUTICS BOARD

1.1 *Aircraft and related products manufacturers.* To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 1.15–4

1.2 *Aircraft and related products manufacturers.* To maintain records of all materials and parts received and their disposition including such information as source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with pertinent specifications.

Retention period: At least 2 years. 14 CFR 1.32–1

1.3 *Aircraft and related products manufacturers.* To maintain adequate records of inspections and tests performed identifiable with the completed product.

Retention period: At least 2 years. 14 CFR 1.34–2

1.4 *Distributors of aircraft received prior to initial assembly and flight test.* To maintain records of flight test check-off forms.

Retention period: At least 2 years. 14 CFR 1.34–2

1.5 *Aircraft and related products manufacturers.* To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 1.55–3

1.6 *Airplane manufacturers.* To keep record of flight flutter tests.

Retention period: Permanent. 14 CFR 3.311–2

1.7 *Airplane flight test applicants under the Civil Air Regulations, transport category.* To keep a log of all flight tests and accurate and complete records of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during the tests, and of the recommendations made and action taken.

Retention period: Not specified. 14 CFR 4b.16–3

1.8 *Airframe, powerplant, propeller, or appliance owners or registered owners.* To keep maintenance, repair, rebuilding, or alteration records giving description of work performed, completion date of work done, name of individual, etc., doing work, and signature of person authorized to approve work done; and a record of periodic and progressive inspections.

Retention period: Permanent, except records of inspection to be disposed in a manner prescribed by the Administrator. 14 CFR 18.20–18.24

1.9 *Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.* To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (ACA–337) and when an official maintenance release is furnished owner for retention as a part of the permanent record required.

Retention period: At least 2 years. 14 CFR 18.22–2

1.10 *Applicants for pilot certificate.* To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate, rating, or operating privilege, including such general data as points of departure and arrival, duration, type of aircraft, and identification mark; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 20.16

1.11 *Flight instructors and limited flight instructors.* To keep a record of the name of each student pilot whose certificate he has endorsed and to whom he has given flight instruction, the type of endorsement, and the date of each endorsement or flight instruction period.

Retention period: So long as the privileges of flight instructor's certificate are exercised or 3 years, which ever period is shorter. 14 CFR 20.136

1.12 *Certified airline transport pilots.* To keep an accurate record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 21.44

1.13 *Certified lighter-than-air pilots and persons receiving flight instructions.* To maintain certified record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 22.32

1.14 *Certified parachute riggers.* To keep bound record of all packing, inspection, maintenance, repair, and alteration operations performed or supervised on parachutes other than those in military service.

Retention period: At least 2 years after the date of the last entry therein. 14 CFR 25.84

1.15 *Aircraft dispatcher course operators.* To maintain an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 27.7–1

1.16 *Flight radio operator course operators.* To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 33.31–2

1.17 *Flight navigator course operators.* To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 34.31–5

1.18 *Flight engineer course operators.* To keep an accurate record of each student, including a chronological log of all instructions, attendance, subjects covered, credits granted, examinations and examination grades.

Retention period: Not specified. 14 CFR 35.6–1

1.19 *Air carriers.* To keep as a part of the individual's record the instructor, supervisor, or check airmen's certificate of proficiency for particular training or flight check of each crew member and dispatcher, furnished under air carrier training and pilot check programs.

Retention period: At least 3 months after termination of employment. 14 CFR 40.280, 40.289, 40.300 (retention: 40.501)

1.20 *Air carriers (scheduled interstate).* To maintain current records of every crew member and aircraft dispatcher, showing compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and disposition of disqualified flight crew members or aircraft dispatchers.

Retention period: At least 3 months after termination of employment. 14 CFR 40.501

1.21 *Air carriers (scheduled interstate).* To maintain a list of airplanes in current operation and airplanes operated under interchange agreements, a load manifest and flight plan, and maintenance records, including the airplane's maintenance log and a maintenance release.

Retention period: In accordance with provisions of 14 CFR 249.11 unless otherwise specified. 14 CFR 40.502, 40.505–40.507, 40.511

1.22 *Air carriers (operating scheduled air transportation outside continental United States).* To keep records of total time in service, time since last overhaul, and time since last inspection on all aircraft components, engines, propellers, and, where practicable, on instruments, equipment, and accessories.

Retention period: In accordance with provisions specified in 14 CFR 249.11. 14 CFR 41.43

1.23 *Air carriers (operating scheduled air transportation outside continental United States).* To retain copies of maintenance release, clearance, and load manifest forms.

Retention period: 90 days. 14 CFR 41.99

1.24 *Air carriers (operating scheduled air transportation outside continental United States).* To maintain records pertaining to any flight which was interrupted because of weather conditions and failed to land at point to which flight was originally cleared.

Retention period: Not less than 1 year from the date of flight. 14 CFR 41.133

1.25 *Air carriers (irregular and off-route).* To keep full information on maintenance and inspection work performed on the aircraft.

Retention period: Not specified. 14 CFR 42.31–4

1.26 *Air carriers (irregular and off-route).* To record all mechanical irregularities in operation of aircraft including the aircraft identification, irregularity experienced, the corrective action taken as a result, and identification of the person making such corrections.

Retention period: Not specified. 14 CFR 42.32–4

1.27 *Air carrier operators (irregular and off-route air carriers).* To keep a continuous record for each aircraft, listing all changes affecting the weight, c. g. location, and equipment included in order that a computed weight and c. g. location may be established at any time.

Retention period: Not specified, except weight manifests to be kept at least 30 days. 14 CFR 42.32–5

1.28 *Air carriers (irregular and off-route).* To keep at principal operations base maintenance records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transporation.

Retention period: 2 years. 14 CFR 42.91, 42.91–3

1.29 *Air carriers (irregular and off-route).* To maintain at its principal operations base or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew.

Retention period: 1 year after flight crew member is released from employment or becomes physically or professionally disqualified. 14 CFR 42.92, 42.92–1 (retention: 42.92–3)

1.30 *Air carriers (irregular and off-route).* To retain copy of report to Administrator regarding emergency flights necessitating the transportation of persons or medical supplies for the protection of life or property.

Retention period: 1 year. 14 CFR 42.93, 42.93–1

1.31 *Air carriers (irregular and off-route).* To retain copy of pilot's emergency deviation report to the local Aviation Safety Agent.

Retention period: At least 1 year. 14 CFR 42.94, 42.94–1

1.32 *Air carriers (irregular and off-route).* To retain a copy of the flight manifest for large aircraft and passenger-carrying aircraft operating under instrument flight rules conditions.

Retention period: At least 1 year after completion of the flight. 14 CFR 42.95

1.33 *Registered owners or operators of civil aircraft.* To keep maintenance records, including a current record of total time spent in service on the aircraft and on each engine; a record of inspections; and a record of maintenance, repair, and alterations of aircraft for which airworthiness certificates have been issued.

Retention period: Not specified except for the maintenance, repair, and alteration record, which is to be permanent. 14 CFR 43.23—43.23–2

1.34 *Air carriers.* To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 49.3

1.35 *Airman agency flight or ground schools.* To keep accurate individual record of each student, which shall include a chronological log of all instructions, attendance, subjects covered, examinations, and examination grades.

Retention period: Not specified. 14 CFR 50.28—50.28–1

1.36 *Repair stations for airframes, powerplants, propellers, and appliances.* To maintain current records of personnel who are directly in charge of maintenance, repair, inspection, or alteration, including information concerning the experience qualifications of each such individual.

Retention period: Not specified. 14 CFR 52.24—52.24–1

1.37 *Certificated repair stations for airframes, powerplants, propellers, and appliances.* To maintain records of all work performed.

Retention period: At least 2 years. 14 CFR 52.46

1.38 *Foreign repair stations for airframes, powerplants, propellers, and appliances.* To keep maintenance record of all work performed on U. S. registered aircraft, including major repairs and alterations.

Retention period: Not specified. 14 CFR 52.61—52.61–1

1.39 *Certificated aircraft mechanic schools.* To maintain a current record of each student enrolled, including attendance, courses, examinations, and grades, and a progress chart or individual progress record for each student, showing the practical projects or laboratory work completed or to be completed, and properly authenticated transcripts of grades acquired at other accredited schools.

Retention period: At least 2 years from date of termination of enrollment. 14 CFR 53.56—53.56–1

1.40 *Holders of parachute loft certificates.* To maintain records regarding work performed.

Retention period: At least 2 years. 14 CFR 54.15

1.41 *Pilots, owners, or operators of small fixed-wing aircraft involved in accidents.* To keep aircraft wreckage and records thereof.

Retention period: Until released by authorized representative of the Civil Aeronautics Administration. 14 CFR 62.15, 62.18

1.42 *Operators of aircraft (other than small fixed-wing) involved in accidents.* To keep aircraft wreckage and records thereof.

Retention period: Until released by authorized representative of the Civil Aeronautics Board. 14 CFR 62.40, 62.41

1.43 *Holders of permits to operate foreign aircraft in the United States.* To keep true copies of all manifests, air waybills, invoices, and other traffic documents covering flights and records documenting each flight.

Retention period: Not specified. 14 CFR 190.50

1.44 *Air carriers and foreign air carriers.* To keep permanently at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep file of current tariffs at all places tickets are sold or property received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.11

1.45 *Air carriers.* To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memos.

Retention period: Not specified. 14 CFR 223.5

1.46 *Air carriers (local service).* To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.47 *Air carriers.* To keep general books of account and supporting books, records, and memoranda, including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, memoranda, etc.

Retention period: Various. 14 CFR 241.1–5 (retention: 249.11)

1.48 *Large irregular air carriers and supplemental air carriers.* To keep accounts, records, and memoranda necessary for statistical and flight reports.

Retention period: Data for statistical reports—3 years; data for flight reports—1 year. 14 CFR 242.2

1.49 ***Air carriers (supplemental and irregular).*** **To keep accounts, records, and memoranda of the movement of traffic and of receipts and expenditures of money.**

Retention period: Data for statistical reports—3 years; data for flight reports—1 year. 14 CFR 249.8

1.50 ***Alaskan air carriers.*** **To keep accounts, records, and memoranda of the movement of traffic and of receipts and expenditures of money.**

Retention period: 3 years and, for certain records, as specified in 14 CFR 249.11. 14 CFR 249.9

1.51 ***Air freight forwarders.*** **To keep (a) records of shipping documents; information to agents, representatives, and the public; agreements; and correspondence; and (b) corporate and general records.**

Retention period: (a) 1 year, or longer if requested by the Board; (b) as specified in 14 CFR 249.11. 14 CFR 249.10

XIII. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

1.1 ***Agencies for the blind (employing blind to extent of 75 percent of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.*** **To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.**

Retention period: Not specified. 41 CFR 301.6

1.2 ***Agencies for the blind (employing blind to extent of 75 percent of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.*** **To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 301.1).**

Retention period: Not specified. 41 CFR 301.6

XIV. FEDERAL COMMUNICATIONS COMMISSION

1.1 ***Licensees of standard and FM broadcast (radio) stations.*** **To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed by the engineers making measurements.**

Retention period: 2 years. 47 CFR 3.47, 3.254

1.2 ***Licensees of standard, FM, and international radio and television broadcast stations.*** **To keep records of time and results of auxiliary transmitter tests.**

Retention period: 2 years. 47 CFR 3.63, 3.255, 3.555, 3.638, 3.757

1.3 ***Licensees or permittees of standard, FM, and international radio and television broadcast stations.*** **To keep** program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 3.111, 3.112, 3.116, 3.281, 3.282, 3.286, 3.581, 3.582, 3.586, 3.663, 3.664, 3.781, 3.782, 3.786, 3.964

1.4 *Licensees of standard and FM radio, and television broadcast stations.* To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and change, if any, if requests granted.

Retention period: 2 years. 47 CFR 3.120, 3.290, 3.590, 3.657

1.5 *Licensees of experimental and developmental, auxiliary, and special broadcast services, including experimental television broadcast, experimental facsimile broadcast, developmental, remote pickup, broadcast STL and FM intercity relay, television pickup, television STL, television intercity relay, and television broadcast translator stations.* To keep adequate records of operation including logs.

Retention period: 2 years. 47 CFR 4.57, 4.181, 4.281, 4.381, 4.481, 4.581, 4.681, 4.781

1.6 *Licensees of experimental stations.* To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165, 5.307

1.7 *Licensees of radio stations in the international fixed public radio communication services.* To keep station logs.

Retention period: 1 year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 6.47

1.8 *Licensees of radio stations on land in the maritime services including public and limited coast stations, marine utility stations, marine fixed stations, marine receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony (including stations in Alaska).* To keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 7.115, 7.214, 7.314, 7.370, 7.458, 7.477, 7.536, 14.109

1.9 *Licensees of limited coast stations or marine-utility stations used on shore.* To keep copy of agreement with vessel owners, verifying that licensee has sole right of control of involved ship radio station.

Retention period: Not specified. 47 CFR 7.352

1.10 *Licensees of limited coast stations, marine-utility stations, and marine fixed stations.* To keep records which reflect the cost of the service and its nonprofit, cost-sharing cooperative arrangement.

Retention period: Not specified. 47 CFR 7.352, 7.451

1.11 *Licensees of radio stations on shipboard in the maritime services including Public and Limited ship stations and marine utility ship stations including such stations in Alaska—radiotelegraph stations operating on any frequency and radiotelephone stations operating on a frequency of 30 Mc or below.* To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for the filing of suits upon such claims. 47 CFR 8.115, 8.184, 8.330, 8.368, 8.405, 14.110

1.12 *Stations licensed in the aviation services.* To keep authorization for each mobile station.

Retention period: Permanent. 47 CFR 9.118

1.13 *Stations licensed in the aviation services.* All stations except aeronautical utility mobile stations and aircraft stations other than those which may be required by law to maintain logs—to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: The logs in the aviation services may be destroyed after a period of 30 days except: (a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) That logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 9.151, 9.152, 9.153, 9.513

1.14 *Air carrier aircrafts.* To keep adequate records to permit ready identification of individual aircraft in lieu of radio station call letter, the official aircraft registration number, or company flight identification.

Retention period: Not specified. 47 CFR 9.191

1.15 *Licensees of public safety, industrial and land transportation radio services stations.* To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of person or persons responsible for the foregoing; base and fixed stations (except such stations in the public safety services authorized to be operated at temporary locations or for unattended operation)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the industrial and land transportation radio services—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication; for stations in the special emergency service—record of the nature and time of each communication; and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 10.161, 10.163, 11.160, 16.160

1.16 *Licensees of public safety radio services.* To keep records of all Conelrad tests and operations as part of the log of radio stations.

Retention period: 1 year. 47 CFR 10.166 (retention: 10.163)

1.17 *Licensees of industrial radio stations and land transportation (base) radio stations sharing costs and facilities with other licensees in the same service.* To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: Not specified. 47 CFR 11.6, 16.3

1.18 *Nonprofit corporations or associations organized to operate industrial radio stations in the power, petroleum, forest product, motion picture, and relay press radio services.* To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: Not specified. 47 CFR 11.251, 11.301, 11.351, 11.401, 11.451

1.19 *Radio stations in the industrial and land transportation radio services.* To keep records of all Conelrad tests, drills, and operations.

Retention period: 1 year. 47 CFR 11.707 (retention: 11.160); 16.607 (retention: 16.160)

1.20 *Licensees of amateur radio stations.* To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided,* That those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 12.136, 12.196 (retention: 12.137); 12.244

1.21 *Radio officers of amateur civil emergency services.* To keep records of abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 12.245

1.22 *Manufacturers, owners, or distributors of radio receivers.* To keep certificate of compliance with radiation interference limits.

Retention period: 5 years. 47 CFR 15.64

1.23 *Employees of railroads who operate radio stations in the railroad radio service.* To keep suitable records of each employee who has been examined with respect to the applicable Railroad Radio General and Operating Rules.

Retention period: 1 year. 47 CFR 16.354, 16.607 (retention: 16.160)

1.24 *Licensees of citizens radio service stations.* To keep a record of illumination for those stations whose antenna or antenna supporting structure is required to be illuminated.

Retention period: Not specified. 47 CFR 19.65

1.25 *Disaster communications service radio stations.* To keep a list of all general or collective call signs, unit designators, or authorized substitutes used.

Retention period: Not specified. 47 CFR 20.25

1.26 *Disaster communications service radio stations.* To keep an accurate log of all operations in the 1750–1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 20.26

1.27 *Licensees of radio stations in the domestic public radio services.* To maintain a technical log of station operations as follows: For each station—results and dates of transmitter measurements, details of servicing and maintenance of transmitters which may affect proper station operation, and time and nature of failure or erratic operation of transmitter or automatic alarm facilities; for stations having obstruction lighted antenna structure—time of daily lighting and check of proper operation, details of obstruction light failure (if any) and repair details, and results of three-month periodic inspection (including date, condition of lighting devices and alarms, and details of adjustments, replacements, and repairs), and date and time of notice to the Civil Aeronautics Administration regarding failure of obstruction lighting and any resumption thereof; for stations required to be operated by licensed radio operators or holders of restricted radiotelephone operator permit—time and signature of person operating transmitting equipment each day, including class and serial number, time and duration of each transmission, and station identity.

Retention period: 1 year: *Provided:* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to, or involved in, any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 21.208

1.28 *Telephone carriers.* To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the list of records codified. 47 CFR 45.8

1.29 *Wire-telegraph, ocean-cable and radiotelegraph carriers.* To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the list of records codified in 47 CFR 46.9

XV. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 *Incorporators of proposed State banks applying for Federal deposit insurance.* To keep Form 82—Application for Federal deposit insurance, or Form 82-M in case of proposed mutual savings banks.

Retention period: Not specified. 12 CFR 304.3

1.2 *State banks applying for Federal deposit insurance.* To keep Form 84—Application for Federal deposit insurance, or Form 84-M in case of mutual savings banks.

Retention period: Permanent. 12 CFR 304.3

1.3 *State nonmember insured banks (except District banks) applying to establish branch or move main office or branch.* To keep Forms 85, 85a and 85b—Applications to establish branch or move main office or branch, or Forms 85-M and 85a-M in case of mutual savings banks.

Retention period: Permanent. 12 CFR 304.3

1.4 *Insured banks applying for consent for which no specific form prescribed.* To keep Form 102—Application for consent for which no specific form prescribed.

Retention period: Not specified. 12 CFR 304.3

1.5 *Insured banks.* To keep records necessary to support the assessment base of each certified statement and to permit verification of all figures therein including any deduction or exclusion in determining the assessment base.

Retention period: To keep such records for the year 1945 and subsequent years until a field audit of the assessment records of the insured bank has been made by the Corporation and any required adjustment of the assessment under such audit has been made. See FDIC instructions concerning the preparation of certified statements and the maintenance of assessment records effective March 30, 1954. 12 U. S. C. 1817 (a); 12 CFR 327.1

1.6 *Insured banks.* To keep Form 545—Certified statement.

Retention period: Same as for item 1.5. 12 CFR 304.3

1.7 *Insured banks.* To keep Form 555—Tabulation of assessment base and supporting papers.

Retention period: Same as for item 1.5. 12 CFR 304.3

1.8 *Insured banks.* To keep Form 645—First certified statement.

Retention period: Same as for item 1.5. 12 CFR 304.3

1.9 *Insured banks.* To keep Form 845—Final certified statement—for use by an insured bank whose deposits are assumed by another insured bank, or Form 845A when the assuming bank executes the certified statement for the bank whose deposits were assumed.

Retention period: Same as for item 1.5. 12 CFR 304.3

XVI. FEDERAL HOME LOAN BANK BOARD

1.1 *Federal savings and loan associations.* To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 24 CFR 145.13, 145.14, 145.15, 145.19, 145.20

1.2 *Savings-building and loan associations insured by the Federal Savings and Loan Insurance Corporation.* Signed appraisals of real estate loans located more than fifty miles from institution's principal office to be kept by insured institution.

Retention period: Not specified. 24 CFR 163.10

XVII. FEDERAL POWER COMMISSION

1.1 *Public utilities and licensees.* Preservation of records.

Retention period: Specified at 18 CFR 125.1–125.2

See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees, with amendments as of January 1, 1956. Federal Power Commission, Washington 25, D. C.

1.2 *Natural gas companies.* To keep all books and records supporting entries to its accounts.

Retention period: Until destruction is permitted by rules and regulations of the Commission. Until rules and regulations have been issued, each company may continue its existing practice with respect to retention or destruction of records. 18 CFR 201.02–2

XVIII. FEDERAL TRADE COMMISSION

1.1 *Wool products manufacturers.* To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 *Fur products manufacturers and dealers in furs and fur products.* To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased, and the date of purchase.

Retention period: 3 years. 16 CFR 301.41

1.3 *Dealers advertising prices of furs and fur products.* To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 *Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.* To keep the guaranty received and identification of the fabrics or fabrics guarantied.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.5 *Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.* To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guarantied.

Retention period: 3 years after test. 16 CFR 302.8

1.6 *Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.* To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

XIX. GENERAL ACCOUNTING OFFICE

1.1 *Contractor using bill of lading as shipper.* To keep bill cf lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specified period. When the shipment is made under a Government contract not having a record retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.9

1.2 *Contractors having Government contracts negotiated without advertising.* To keep records pertaining to the contracted project. (This requirement does not apply to contracts involving the development of military installations and facilities in foreign countries excepted from the requirement pursuant to section 504 of the act of August 30, 1957, 71 Stat. 531, 557.)

Retention period: 3 years after final payment under contract. 41 U. S. C. 254; 10 U. S. C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B-101404, September 8, 1952.

1.3 *Contractors.* Contracts and amendments to contracts made under authority of regulations under the First War Powers Act of 1941, as amended, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts.

Retention period: Not specified. 50 U. S. C. App. 611.

1.4 *Atomic Energy Commission contractors with negotiated contracts and subcontractors thereof (except foreign governments, agencies thereof, and contractors supplying source material with foreign producers).* Contract to include clause requiring retention of any directly pertinent books, documents, papers and records related to the contract or subcontract, for inspection by the Comptroller General or his representatives.

Retention period: 3 years after final payment. 42 U. S. C. 2206

1.5 *Public Housing Administration contracts for loans or annual contributions under the United States Housing Act of 1937, as amended.* Contract to include clause permitting Comptroller General or his representatives access to and right to audit and examine any books, documents, papers, and records pertinent to operations with respect to financial assistance under the act.

Retention period: Not specified. 42 U. S. C. 1435

XX. GENERAL SERVICES ADMINISTRATION

1.1 *War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.* To keep records essential to determining performance under the contract and to justifying the settlement thereof (excluded from this provision are contractor records title to which is transferred to a Federal agency; war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act of 1943 and war contractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) Five years after such disposition of termination inventory by such war contractor or Government agency, or (b) five years after the final payment or settlement of such war contract, or (c) December 31, 1951, whichever applicable period is longer: *Provided, however,* That where the termination inventory has been disposed of, or final payment or settlement of the war contract has been made on or after December 31, 1950, the above five-year period is reduced to three years. 18 U. S. C. 443; and 32 CFR 2011.2–2011.4a

1.2 *Sellers to the Government of tungsten, manganese, mica, beryl, asbestos, columbium-tantalum, and mercury.* To keep books, documents, papers, and records involving transactions related to the program.

Retention period: For duration of the program and 3 years thereafter. 32A CFR Ch. XIV, Reg. 2, sec. 8; Reg. 3, sec. 8; Reg. 4, sec. 12; Reg. 5, sec. 8; Reg. 6, sec. 12; Reg. 7, sec. 6; Reg. 8, sec. 7; Reg. 9, sec. 7; Reg. 10, sec. 12; Reg. 11, sec. 7

1.3 *Sellers to the Government of domestic chrome, tungsten, asbestos, and columbium-tantalum.* To keep books, documents, papers, and records involving transactions related to the program.

Retention period: For duration of the program and 3 years thereafter. 44 CFR 99.109, 99.207, 99.307, 99.507

1.4 *Contractors.* Contract clause required by the act of October 31, 1951 (65 Stat. 700, 41 U. S. C. 254 (c)), to be included in each contract negotiated without advertising pursuant to authority contained in title III of the Federal Property and Administrative Services Act of 1949, as amended, to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of 3 years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: 3 years after final payment under the contract. (See GSA Administrative Order 115, of December 21, 1951; GSA Manual GS 5-1, sec. 403.02; and GSA Reg. 1-II-209.03a.)

1.5 *Contractors.* Contracts and amendments to contracts made under authority of regulations under Title II of the First War Powers Act, 1941, as amended, shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: 3 years after final payment under the contract. 50 U. S. C. App. 611; GSA Manual GS 1, Vol. GS 1-1, sec. 1004.09

XXI. HOUSING AND HOME FINANCE AGENCY

1. Office of the Administrator

1.1 *Local Public Agencies making relocation payments under slum clearance and urban renewal projects.* To maintain records pertaining to eligibility of relocation payments, including all supporting documentation; and to keep records and papers of individual claims for payments, including receipted bills or other evidence establishing validity of the claim.

Retention period: Not specified for eligibility records; permanent for records of claims. 24 CFR 3.104, 3.105

1.2 *Applicants for exceptions from residential credit restrictions.* To keep the eligibility statements (HHFA-FHA Form No. 3352) submitted by eligible defense workers renting dwelling units in accordance with CR-3—Relaxation of Residential Credit Controls; Regulations Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas.

Retention period: Not specified. 32A CFR Ch. XVII, CR 3, sec. 11

1.3 *Applicants for exceptions from residential credit restrictions.* To keep the eligibility statements (HHFA-FHA Form No. 3352) submitted by eligible defense workers who bought dwellings erected for sale in accordance with CR-3—Relaxation of Residential Credit Controls; Regulations Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas.

Retention period: 6 months after date of sale. 32A CFR Ch. XVII, CR 3, sec. 16

1.4 *Applicants for assistance under the programs administered by the Community Facilities Service (preparation by public agencies of plans for public works).* To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

2. Federal Housing Administration

2.1 *Lending agencies.* To keep complete credit and collection file pertaining to each eligible property improvement loan transaction, which will accompany any claim for loss made by the insured, and to include the borrower's application for a Title I loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with Title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.1, 200.3, 201.2, 201.4, 201.8, 201.11, 202.8, 233.8, 242.5, 282.8, 286.5, 286.6, 289.9, 293.1, 297.1

2.2 *Lending agencies.* To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.25, 201.8

2.3 *Lending agencies with respect to multifamily housing insured under sections 207, 213, 220, 221, 803, and 908 of the National Housing Act.* To keep records filed by the mortgagor with respect to occupancy reports when prescribed by the Commissioner, annual CPA reports, and copies of minutes of stockholder's and director's meetings certified to by the Secretary of the Corporation (mortgagor).

Retention period: Not specified. 24 CFR 232.19, 241.30, 263.1, 268.1, 292.1, 296.1

2.4 *Mortgagors of multifamily housing under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 232.19, 241.30, 263.1, 268.1, 292.1, 294.31, 296.1

2.5 *Mortgagors of multifamily rental housing under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* Where neither mortgagor nor its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have an interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 232.26, 241.35, 241.37, 263.1, 268.1, 292.1, 294.37, 296.1

2.6 *Lending agencies with respect to multifamily rental housing insured under sections 207, 213, 220, 221, 608, 609, 611, 803, and 908 of the National Housing Act.* When eligible to receive the benefits of the mortgage insurance, and where it is elected to assign the mortgage to the FHA Commissioner, along with other requirements, there will be assigned and delivered to the Commissioner, all records, documents, books, papers, and accounts relating to the mortgage (or loan, sec. 609) transaction.

Retention period: Not specified. 24 CFR 233.8, 242.5, 264.1, 269.1, 282.8, 286.5, 286.6, 289.8, 293.1, 297.1

2.7 *Mortgagors of multifamily rental housing under sections 608, 610 and 803, except Federal, State, and municipal mortgagors when requirements are waived under section 803 of the National Housing Act.* Shall keep full and complete records of all corporate meetings of directors, stockholders, and finance committee, if any, and of the elections and resignations of its officers; and, whether an individual or corporate mortgagor, shall keep orderly and accurate books of account and shall also keep copies of written contracts or other instruments which affect it or any of its property which shall be subject to inspection and examination by the Commissioner or his duly authorized agents at all reasonable times.

Retention period: Not specified. 24 CFR 280.30, 283.29, 292.1

2.8 *Manufacturers in connection with house manufacturing loans under section 609 of the National Housing Act.* The books, records, contracts, documents, papers, etc., used in connection with and pertaining to the manufacture of the houses shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times; and shall furnish, at the request of the Commissioner, his employees or attorneys, specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operations, including all papers and documents relating to the cost of manufacturing of such houses.

Retention period: Not specified. 24 CFR 285.5

2.9 *Investors insured under yield insurance provisions under title VII of the National Housing Act.* Shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 291.6

2.10 *Lending cgencies for multifamily rental housing under sections 207, 213, 220, 221, 608, 609, 611, 803, and 908 of the National Housing Act.* Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. Secs. 207, 213, 220, 221, 608, 609, 611, 803, and 908, National Housing Act of 1934

2.11 *Mortgagors of new or rehabilitated multifamily housing insured under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. Sec. 814, Housing Act of 1954

XXII. INTERSTATE COMMERCE COMMISSION

1.1 *Car lines and protective service.* To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 24.01–2, 110.7, 110.100

1.2 *Railroad companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.7

1.3 *Electric railway companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.31.

1.4 *Sleeping car companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.50.

1.5 *Express companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.70

1.6 *Pipeline companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.90

1.7 *Motor carriers other than Class I.* To keep records as lirted in the sections cited, except that Class II motor carriers of property comply with 49 CFR 203.301–203.307.

Retention periods: Various. 49 CFR 203.1, 203.4

1.8 *Brokers for motor carriers.* To keep same records for same periods as motor carriers other than Class I, insofar as applicable.

Retention periods: Various. 49 CFR 203.100

1.9 *Motor carriers, Class I.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 3.307

1.10 *Water carriers.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 25.7

1.11 *Freight forwarders.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 450.11

XXIII. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 *Masters of vessels transferring hazardous liquid cargoes in Canal Zone ports.* To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 4.121

1.2 *Masters of vessels at foreign ports destined for Canal Zone ports.* To keep sanitary logs, or other official records of health measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.43, 24.51

1.3 *Masters of vessels at sea, destined for Canal Zone ports.* To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.52, 24.54

1.4 *Vessels undergoing sanitary inspection at Canal Zone ports.* To keep certificates covering deratization or exemption from deratization.

Retention period: 6 months, plus an additional month if vessel proceeds to its home port. 35 CFR 24.89

1.5 *Vessels transiting or partially transiting Panama Canal.* To keep tonnage certificate a full set of plans, and a copy of the measurements which were made at the time of issue of its national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 27.3

XXIV. RAILROAD RETIREMENT BOARD

1.1 *Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.* To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 4 years. 20 CFR 345.24

1.2 *States (employment agencies).* To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U. S. C. 503 (c) (1)

XXV. SECURITIES AND EXCHANGE COMMISSION

1.1 *Exchange members, brokers, and dealers.* To keep books and records relating to their business including blotters, ledgers, and other records of orders, purchases, sales, and accounts as specified in the sections cited.

Retention periods: 6 years and 3 years as specified in the sections cited. 17 CFR 240.17a-3, 240.17a-4

1.2 *Exchange members, brokers, and dealers.* To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. 17 CFR 240.17a-4

1.3 *National securities exchanges.* To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after five years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule X-17A-6. 17 CFR 240.17a-6, 240.24b-3

1.4 *Mutual service companies and subsidiary service companies associated with registered public utility holding companies.* To keep uniform books of account and other records to show fully the facts pertaining to all entries and supported in sufficient detail to permit ready identification and analysis. These records include not only accounting records in a limited technical sense, but all other records such as minute books, stock books, reports, memoranda, contracts, invoices, maps, correspondence, other papers and documents which support entries to accounts and are necessary or useful in analyzing accounts or developing facts concerning any transaction.

Retention period: Permanent, except as otherwise authorized by the Securities and Exchange Commission pursuant to the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies. 17 CFR 256.01-8

1.5 *Registered public utility holding companies which are not also operating companies.* To keep uniform books of account to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: Destroy only upon consent and approval of the Commission pursuant to the Uniform System of Accounts for Public Utility Holding Companies. 17 CFR 257.0-3

1.6 *Registered investment companies and underwriters, brokers, dealers, or investment advisers which are majority-owned subsidiaries of such companies.* To keep such records, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Investment Company Act of 1940, and of the auditor's certificate relating thereto. These records include general and auxiliary ledgers (or other records reflecting asset, liability, reserve, capital, income and expense accounts), all general and special journals (or other records forming the basis for entries in such ledgers) and all minute books, vouchers, memoranda, correspondence, and other documents.

Retention period: For vouchers, memoranda, correspondence, etc.—6 years. For other records—permanent, except as otherwise approved by the Securities and Exchange Commission pursuant to Rule N-31A-1. 17 CFR 270.31a-1

1.7 *Persons having transactions with registered investment companies (every investment adviser not a majority-owned subsidiary of, and every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end company).* To keep books and documents necessary or appropriate to record transactions with company.

Retention period: 6 years, except as otherwise approved by the Securities and Exchange Commission pursuant to Rule N-31A-2. 17 CFR 270.31a-2

XXVI. VETERANS ADMINISTRATION

1.1 *Institutions furnishing educational or training courses to veterans under Public Law 16 and title II, Public Law 346 (78th Cong.)*—(a) *Supply records.* To keep certification by the instructor, dean or president of the institution of the itemized list of supplies required by each student: a standard list by subjects of the supplies required for each quarter, semester or year; a file for each student showing the items authorized for issuance to him, evidence of such issuance consisting of his signature as indicating receipt, and the prices charged; and receipts taken by the institution for books, supplies, and equipment furnished the veteran covering the purchase, issuance or reissuance of books, supplies, and equipment.

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration); may keep the records in microfilm form. 38 CFR 21.539

(b) *General records.* To keep records of progress and attendance of veterans; adequate financial records to support the claims for payment for veteran training, including financial records required to substantiate tuition rates based upon cost data (including payroll ledgers, canceled checks, disbursement vouchers, invoices, general ledgers, journals, ledgers for cash receipts and cash disbursements, inventory records, records of accounts payable, and accounts receivable).

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration). 38 CFR 21.672

1.2 *Institutions furnishing correspondence courses to veterans under Public Law 16 and title II, Public Law 346 (78th Cong.).* To keep records of progress of veterans and all records and books of account pertaining to the contract.

Retention period: Minimum of 3 years following date upon which final payment under contract becomes due. Even after 3 years, records may be destroyed only upon written authorization from the Veterans Administration. 38 CFR 21.626

1.3 *Educational institutions under Veterans' Readjustment Assistance Act of 1952, title II, Public Law 550 (82d Cong.).* To keep appropriate records and accounts, including but not limited to (a) records and accounts which are evidence of tuition and fees charged to all students; (b) records of previous education or training of veterans at time of admission, and records of advance credit at time of admission; and (c) records of grades and progress of veterans.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.4 *Educational institutions furnishing nonaccredited courses under section 254 of title II of Public Law 550, supra.* To keep, in addition to the records and accounts described in item 1.3, above, (a) records of leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws, or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.5 *Educational institutions furnishing institutional on-farm training courses under section 252, title II, Public Law 550, supra.* To keep in addition to the records and accounts described in item 1.3, above, records of the individual and organized group instruction furnished.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.6 *Training establishments furnishing apprentice or other training-on-the-job courses under title II, Public Law 550, supra.* To keep appropriate records pertaining to such training including, but not limited to, (a) payroll records; (b) records of attendance; and (c) records of progress toward job objective, including accomplishments and failures.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2201, 21.2306

1.7 *Educational institutions furnishing education or special restorative training under War Orphans' Educational Assistance Act of 1956, Public Law 634 (84th Cong.).* To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the eligible person's grades and progress.

Retention period: Not specified. 38 CFR 21.3306

1.8 *Educational institutions having eligible persons under Public Law 634, supra, enrolled in courses which do not lead to standard college degree.* To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: Not specified. 38 CFR 21.3306

1.9 *Educational institutions having eligible persons under Public Law 634, supra, enrolled in nonaccredited courses approved under section 254, Public Law 550 (82d Cong.).* To keep, in addition to records and accounts described in 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: Not specified. 38 CFR 21.3306

1.10 *Holders of loans guaranteed or insured by the Veterans Administration under title III of Public Law 346 (78th Cong.) and title III of Public Law 550 (82d Cong.).* To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Not specified. 38 CFR 36.4330

1.11 *Holders of loans insured by the Veterans Administration under title III of Public Law 346 (78th Cong.) and title III of Public Law 550 (82d Cong.).* To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

SUPPLEMENTS

Supplement I—Requirements Under the Emergency Price Control Act of 1942 and the Second War Powers Act of 1942

Requirements contained in World War II price control regulations have expired, except insofar as the records may be pertinent to unsettled claims or litigation. (See 11 F. R. 12568 and 22 F. R. 10218.)

The Second War Powers Act of March 27, 1942 (56 Stat. 185) provided that contractors with defense contracts placed after September 8, 1939 could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

Supplement II—Former Requirements of the Petroleum Administration for Defense

No.	Title	Retention period
NPA Ord. M-46B	Defense Production Act of 1950, as amended (see sec. 705).	2 years after effect of act.

Supplement III—Civil Aeronautics Requirements on Availability of Credentials for Inspection in 14 CFR

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Explanation. The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "contractors", name of product, or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

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VOLUME 23 NUMBER 95

Washington, Wednesday, May 14, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.363]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DIFFERENTIAL POSTS

Effective as of the beginning of the first pay period following May 3, 1958 paragraph (d) of § 325.11 *Designation of differential posts*, is amended by the addition of the following:

Nicaro, Cuba.
Santiago de Cuba, Cuba.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

MAY 2, 1958.

[F. R. Doc. 58-3622; Filed, May 13, 1958; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP BARLEY EXTENDED RESEAL LOAN PROGRAM

An extended reseal loan program has been announced for 1956-crop barley. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1956, supplemented by Supplements 1, 2 and 3, barley (21 F. R. 4004, 4785, 5982, 6745, 7931 and 22 F. R. 2793, 3198 and 3222), containing the specific requirements for the 1956-crop barley price support program, is hereby further supplemented as follows:

Sec.	
421.1698	Applicable sections of 1956 CCC Grain Price Support Bulletin 1, and Supplements 1, 2 and 3 Barley.
421.1699	Availability.
421.1700	Eligible barley.
421.1701	Approved storage.
421.1702	Quantity eligible for extended reseal.
421.1703	Service charges.
421.1704	Transfer of producer's equity.
421.1705	Personal liability of the producer.
421.1706	Storage and track-loading payments.
421.1707	Maturity and satisfaction.
421.1708	Support rates.

AUTHORITY: §§ 421.1698 to 421.1708 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206; 15 U. S. C. 714; 7 U. S. C. 1421, 1442.

§ 421.1698 *Applicable sections of 1956 CCC Grain Price Support Bulletin 1, and Supplements 1, 2, 3, Barley.* The following sections of the 1956 CCC Grain Price Support Bulletin 1, as amended, and Supplements 1, 2 and 3, Barley, as amended, published in 21 F. R. 3997, 4004, 4785, 5982, 6745, 7931 and 22 F. R. 2793, 3198 and 3222 shall be applicable to the 1956-crop Barley Extended Reseal Loan Program: § 421.1601 *Administration;* § 421.1608 *Liens;* § 421.1610 *Set-offs;* § 421.1611 *Interest rate;* § 421.1613 *Safeguarding the commodity;* § 421.1614 *Insurance on farm-storage loans;* § 421.1615 *Loss or damage to the commodity;* § 421.1617 *Release of the commodity under loan;* § 421.1620 *Foreclosure;* § 421.1680 *Determination of quantity;* § 421.1688 *Eligible producer;* § 421.1691 *Approved forms.* Other sections of the 1956 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, and 3, Barley, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.1699 *Availability*—(a) *Area and scope.* The extended reseal program will be available in areas in the following States where ASC State committees determine that there may be a shortage of storage space, that the barley can be safely stored on farms for the period of the extended reseal loan and that it will

(Continued on p. 3225)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 14: Parts 40–399 ($0.40)
Part 400 to end ($1.50)

Title 24 ($1.00)

Title 33 ($1.50)

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Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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be advantageous to producers and CCC to permit producers to obtain extended reseal loans: Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin. This program provides, under certain circumstances, for the extension of 1956-crop barley farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the office of the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is re-extended. Where new forms are not completed, re-extension of the farm-storage loan shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1700 *Eligible barley*—(a) *Requirements of eligibility.* The barley (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.1678 (a), (b) and (c) (1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Barley).

(b) *Inspection.* If a producer makes application to extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the barley and the farm-storage structure in which the barley is stored. If recommended by either the commodity loan inspector or the producer, a sample of the barley shall be taken and submitted for grade analysis.

(c) *Determination of quality.* Quality determination shall be made as set forth in § 421.1681.

§ 421.1701 *Approved storage.* Barley covered by any extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1606 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending June 30, 1959, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1959.

§ 421.1702 *Quantity eligible for extended reseal.* The quantity of barley eligible for an extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.1703 *Service charges.* When a reseal loan is extended, the producer will not be required to pay an additional service charge.

§ 421.1704 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.1617 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1705 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest as provided in § 421.1611) and for any resulting expense incurred by any holder of the note. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

§ 421.1706 *Storage and track-loading payments*—(a) *Storage payment for 1957–58 storage period.* (1) A producer who extends his farm-storage reseal loan will at the time of extension of the reseal loan receive a payment for earned storage during the reseal loan period. This payment will be computed at the rate of 16 cents per bushel on the quantity of barley held in farm storage for the full reseal period, ending April 30, 1958. The reseal storage payment will be disbursed to the producer by the office of the county committee.

(2) Upon delivery of the 1956-crop barley to CCC, the actual quantity of barley held in farm storage under the extended reseal loan program will be determined by weighing. The storage payment previously made to the producer at the time the reseal loan was extended, covering the 1957-58 storage period, will then be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time the reseal loan was extended shall be collected from the producer.

(3) No storage payment will be made for the 1957–58 reseal loan period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to the 1957–58 reseal loan period (i) the barley has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the barley was damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Storage payment for 1958–59 storage period.* A storage payment for the 1958–59 extended reseal storage period will be made as follows:

(1) *Storage payment for full extended resale period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems barley from the loan on or after April 30, 1959, (ii) delivers barley to CCC on or after April 30, 1959, or (iii) delivers barley to CCC prior to April 30, 1959, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of 0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of barley was in store after June 30, 1958, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of barley redeemed from the loan prior to April 30, 1959, and (iii) in the case of barley delivered to CCC prior to April 30, 1959, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made for the 1958–59 extended reseal storage period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to such period (i) the barley has

been abandoned, (ii) there has been conversion on the part of the producer or (iii) the barley was damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on barley delivered to CCC, in accordance with instructions of the county office, on track at a country point.

§ 421.1707 *Maturity and satisfaction.* Extended reseal loans will mature on demand but not later than April 30, 1959. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged barley in accordance with the instructions of the county office. If the producer desires to deliver the barley he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may however, pay off his loan and redeem his barley at any time prior to delivery of the barley to CCC or removal of the barley by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of barley will be accepted only from bin(s) in which the barley under extended reseal loan is stored. The provisions of §§ 421.1618 (a), (c), (d), (2) and (3) and (f) and 421.1685 (a) (1) and (d) shall be applicable thereto.

§ 421.1708 *Support rates.* (a) The support rate for an extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.1683 (d) (3), shall be applicable in determining the settlement value.

Issued this 8th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3605; Filed, May 13, 1958; 8:48 a. m.]

Subchapter C—Export Programs

PART 484—FEED GRAINS

SUBPART—FEED GRAIN EXPORT PROGRAM PAYMENT IN KIND (GR-368)

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AUTHORITY: §§ 484.101 to 484.154 issued under sec. 5, 62 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended; sec. 201, 70 Stat. 188; 7 U. S. C. 1427, 1851.

GENERAL

§ 484.101 *General statement.* Commodity Credit Corporation (referred to in this subpart as "CCC") will conduct an export program pursuant to the following terms and conditions (referred to in this subpart as the "program") under which an exporter may agree to export feed grain, as defined in § 484.153, and may apply for an export payment in the form of a certificate which is redeemable in feed grains owned by CCC. The program is designed to encourage the exportation through normal trade channels of surplus feed grains held in private inventories and in CCC stocks in order (a) to aid the price support program by strengthening the domestic market price to producers, (b) to reduce the quantity of feed grains which would otherwise be taken into CCC's stocks under its price support program, (c) to promote the orderly liquidation of CCC stocks, and (d) to maintain and expand the market in friendly countries for United States produced feed grains. The program will be administered by Commodity Stabilization Service, United States Department of Agriculture (referred to in this subpart as CSS). Information pertaining to the program may be obtained from any CSS Commodity Office listed in § 484.140.

REQUIREMENTS FOR PARTICIPATION

§ 484.105 *General provisions.* (a) Persons desiring to participate in this program shall submit offers as provided in § 484.106 for the exportation of feed grains during a specified period at a stated export payment rate. CCC will consider and accept offers on a competitive basis. Export payments under this program will be made on the basis of the net quantity, excluding dockage, of the feed grains exported.

(b) Feed grains exported under this program must have been produced in the United States.

(c) Feed grains shall be exported under this program only to an eligible country and the feed grains so exported shall not be transshipped or caused to be transshipped by the exporter to any country other than an eligible country.

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export, as required in § 484.116, which has not been used, or will not subsequently be used as evidence of export in connection with any other contract entered into pursuant to § 484.107 of this program or in connection with any other export program under which CCC has paid or has agreed to pay an export allowance, or in connection with any other export program which involves the sale of feed grains for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding exportations of feed grain under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480, 83d Congress. Documentary evidence of export submitted under § 484.127 in connection with purchases of feed grains from CCC may also be submitted to CCC as evidence of export in connection with Applications for Feed Grain Export Payments.

(e) Exportations of feed grain under this program shall be started and completed in one of three periods as specified in the offer submitted by the exporter. The three periods of export shall be (1) The period beginning with the date of the opening of the offer and ending the last day of the next succeeding calendar month, (2) the two calendar months next succeeding the last day of the period described in subparagraph (1) of this paragraph, and (3) the two calendar months next succeeding the last day of the period described in subparagraph (2) of this paragraph.

§ 484.106 *Submission of offers*—(a) Place and time: Exporters desiring to participate in this program shall submit offers in writing, by letter, telegram, TWX, or the tele-typewriter to:

Director, Grain Division, CSS, 3090 South Building, U. S. Department of Agriculture, Washington 25, D. C. TWX-WA 595

Such offers must be received in the Department of Agriculture by 3:30 p. m. (e. s. t. or e. d. t. whichever is in effect) of the day on which the exporter desires the offer to be opened, i. e. considered by CCC for acceptance. Offers to export corn will be considered for acceptance beginning Monday, May 12, 1958. Offers to export barley, grain sorghums, oats, and rye will be considered for acceptance beginning Tuesday, July 1, 1958. Offers will be considered daily subsequent to the foregoing respective dates, except that offers will not be considered for any Saturday, National Holiday or day upon which the major grain exchanges are closed, unless public announcement by CCC provides otherwise.

(b) Form: All offers must be signed by the exporter or his authorized agent and shall specifically state the following:

(1) The offer is subject to all of the terms and conditions of this subpart, and any amendments effective at the time the offer is submitted. The use of the term "GR-368" in the offer shall signify that it is submitted subject to all such terms and conditions.

(2) The date for which the offer is submitted for opening.

NOTE: This date must show on the offer and may also appear in the lower left hand corner of the envelope in which written offers are submitted.

An offer will be considered for acceptance only on the days specified and will not be considered on any other day unless the offer is resubmitted.

(3) The specific feed grain to which the offer applies, i. e. "Corn," "Barley," "Grain Sorghums," "Oats," or "Rye."

(4) The net quantity of feed grain to be exported. Grain sorghums shall be expressed in hundredweights and other feed grains in bushels.

(5) The export payment expressed in whole cents per bushel (or cwt.) for which the feed grain will be exported.

(6) The area (Atlantic/Gulf, Pacific, or a named Border point) from which export will be made.

(7) The period during which export will be started and completed, which shall be one of the three periods described in § 484.105 (d).

(8) The name and address of the offerer.

Example: The following represents an offer to export 100,000 bushels of corn from the Atlantic/Gulf area during July and August for an export payment of 10 cents per bushel submitted by John Doe Export Company.

GR-368 Corn—Open May 8.
100,000 bushels Atlantic/Gulf.
July-August, 10 cents bushel.

Signed: John Doe Export Company.
By: Richard Roe, President,
400 Blank Street,
New York, New York.

(c) An offer shall not specify more than one kind of feed grain, one quantity of feed grain, one export rate, and one export period. An exporter may separately submit more than one offer for opening on any stated date. CCC reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. Offers will be considered in their entirety only, and offers containing conditions other than those authorized in this subpart will not be considered.

§ 484.107 *Acceptance by CCC.* In the event CCC accepts an exporter's offer CCC will attempt to notify the exporter by telephone by 4:30 p. m. (e. s. t. or e. d. t. whichever is in effect) of the day on which the exporter desires the offer to be opened, and by the close of business of such day will forward to the exporter CCC Form 399 "Acceptance of Offer to Export," which shall constitute CCC's written acceptance of exporter's offer. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's written acceptance, the terms and conditions of this subpart and any amendments in effect on the date of submission of the offer.

§ 484.108 *Exportation requirements.* (a) The exporter shall export or cause exportation of the feed grain to an eligible country in accordance with his contract with CCC and within the period of time specified therein. Exportation in a different period or from a different area than the area specified in the contract will be acceptable only if approved in writing by the Vice President, CCC, before or after such exportation subject to such reduction in the export payment (expressed in a rate per bushel or hundredweight) as may be specified by such Vice President.

(b) The exporter shall promptly furnish to CCC evidence of exportation as specified in § 484.116. Failure to furnish evidence of exportation within 214 calendar days from the date of CCC's acceptance of the exporter's offer or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export.

(c) Failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to an eligible country, and from the area and within the period of time specified in the exporter's contract with CCC or approved by the Vice President, CCC, are of the essence of the contract and are conditions precedent to any right to payment under this program. Exportation to an ineligible country, or during a period of time or from an area other than that specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart. Moreover, if the exporter does not export the quantity of feed grain specified in the exporter's contract with CCC, such breach shall give rise to liquidated damages. Inasmuch as failure of the exporter to export will cause serious and substantial losses to CCC, such as damages to CCC's export and price support programs, and the incurrence of storage, administrative and other costs, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages promptly upon demand for each bushel or hundredweight of such gain not exported at the following applicable rates:

Barley	20 cents per bushel.
Corn	25 cents per bushel.
Grain sorghums	40 cents per hundredweight.
Oats	20 cents per bushel.
Rye	20 cents per bushel.

The foregoing rates are agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. For the purposes of assessing liquidated damages, an exportation which has not been made within 184 calendar days after the date of CCC's acceptance of the exporter's offer or which has not been made by the last date of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC.

(d) If any quantity of feed grains exported pursuant to the exporter's contract with CCC is reentered into the United States, including Alaska, Hawaii, or Puerto Rico, whether on not such reentry is caused by the exporter, or if any feed grain exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 484.150, the exporter shall be in default, shall refund any payment made by CCC, and with respect to any feed grain reentered into the United States, shall pay to CCC the liquidated damages specified in paragraph (c) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the reentry resulted from causes beyond his control and without his fault or negligence and promptly after he received notice of reentry he exported the feed grains required to be exported under his contract with CCC to an eligible country, or (2) the feed grains reentered were lost, damaged or destroyed and the physical condition is such that their reentry into the United States will not impair CCC's price support program.

FEED GRAIN EXPORT PAYMENT CERTIFICATE

§ 484.115 *Application for Feed Grain Export Payment.* An original and two (2) copies of Application for Feed Grain Export Payment, CCC Form 397, must be prepared and submitted together with the evidence of export, as provided in § 484.116, to the CSS Commodity Office shown on the acceptance of the exporter's offer. Supplies of CCC Form 397 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices in Dallas, Evanston (Illinois), Kansas City (Missouri), Minneapolis, and Portland (Oregon).

§ 484.116 *Documents required as evidence of export.* (a) Each application for Feed Grain Export Payment (CCC Form 397) must be supported by the following documents as applicable.

(1) If export is by water, a nonnegotiable copy of the applicable onboard ship ocean bill of lading signed by an agent of the ocean carrier, which shows the weight of the feed grain, the name of the vessel, and that the feed grain is destined to an eligible country. In the case of bagged feed grain an ocean bill of lading showing the gross weight of the feed grain and the number of bags may be furnished, provided the ocean bill of lading also shows the weight of the bags or the exporter furnishes an acceptable certification as to the weight of the bags. Where loss, destruction or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of on-board ship bill of lading, one copy of a loading tally sheet or acceptable similar docu-

ment may be substituted for the ocean bill of lading.

(2) If export is by rail or truck, and not under Public Law 480, 83d Congress, one copy of Shipper's Export Declaration, authenticated by the appropriate United States Customs official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the feed grain, or if bagged, the weight of the feed grain less the weight of the bags. If export is under Public Law 480, 83d Congress, one unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter that "the authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing of this shipment under P. A. No. ______."

(3) One copy of an Export Grain Inspection Certificate issued by an inspector licensed under the United States Grain Standards Act.

(4) On bulk feed grain, a copy of the official loading weight certificate.

(5) Such additional proof of export as may be required by CCC.

(b) If the shipper or consignor named in the on-board bills(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the offer to export, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(c) Where exportation of the feed grain has been made by anyone or transshipment made or caused by the exporter to one or more of the countries or areas identified in § 484.150 (b) (1), (2), and (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, for such movement. With respect to any such movement to Hong Hong not requiring a specified license, the required documentary evidence shall contain a statement by the exporter that a specific license was not required.

§ 484.117 *Description of certificate.* Upon receipt of an Application for Feed Grain Export Payment (CCC Form 397) and satisfactory evidence of export the CSS Commodity Office will determine the amount of payment due and issue to the exporter a Feed Grain Export Payment Certificate (CCC Form 398) hereinafter referred to as "certificate" for the amount due. Such certificate will be subject to the provisions contained therein and the applicable provisions of this subpart.

(a) *Payee.* Except as provided in § 484.137, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(b) *Face value.* The amount shown in the space provided for the face value of the certificate will be the amount obtained by multiplying the number of net bushels (or hundredweight) of feed grain exported in accordance with the exporter's contract with CCC by the agreed export payment rate. Certificates will be accepted by CCC at face value if applied to the purchase of feed grain under contracts with CCC entered into pursuant to this subpart which specify a date of sale by CCC not more than 60 days after the date of export shown on the certificate. If a certificate is applied to the purchase of feed grain under a contract with CCC, as provided in this subpart, which specifies a date of sale by CCC more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by $\frac{1}{50}$ of one percent for each day beginning on the 61st day after such date of export and ending on the date of sale specified in the CCC contract to which it is applied.

(c) *Date of export.* The date of export shown on the certificate will be the date of export as defined in § 484.151.

(d) *General provisions.* The certificate will be redeemable in feed grain which CCC makes available from its stocks for sale under this subpart. The certificate may be presented to the Evanston, Dallas, Kansas City, Minneapolis and Portland offices of CSS, as provided in § 484.140 for feed grain handled by the office to which submitted. The certificate may be transferred by endorsement subject to all terms and conditions contained in this section and in the sections beginning with § 484.120 through the end of this subpart, applicable to the person or firm to whom it was originally issued.

REDEMPTION OF FEED GRAIN EXPORT PAYMENT CERTIFICATE

§ 484.120 *Offer to purchase feed grain with certificates.* (a) Offers to purchase CCC feed grain with certificates may be submitted by letter, telegram, or orally to any CSS Commodity Office from which the exporter desires delivery. The exporter must specify the kind of feed grain, class, grade, quality and quantity desired, and the desired port or border point of delivery. CCC reserves the right to determine the kind of feed grain, classes, grades, qualities and quantities and port or border point of delivery for which offers will be considered, and to reject any offer in whole or in part.

(b) If the feed grain purchased hereunder is to be exported under Title I, Public Law 480, 83d Congress, the exporter shall advise CCC of that fact and of the number of the Public Law 480 Purchase Authorization in the offer if it is known at that time. If the number is not known at the time of the offer, it shall be furnished as soon as it becomes known to the purchaser. If there is any change in the information that has been submitted in reference to a Public Law 480 Purchase Authorization pursuant to this section, the purchaser shall immediately notify CCC.

§ 484.121 *Creation of contracts.* Preliminary negotiations for purchase of feed grain under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the CSS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase feed grain is accepted by CCC. Such exporter is hereinafter called "the purchaser". Confirmation of Sale, together with the terms and conditions of this subpart, and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used herein, shall mean the date that the parties concluded their preliminary, negotiations, and such date will be specified in the Confirmation of Sale.

§ 484.122 *Price.* The price shall be basis f. o. b. vessel, instore, or track at port or other point of export (without export allowance) as determined by CCC and shall be specified in the Confirmation of Sale.

§ 484.123 *Payment terms and financial arrangements.* (a) The amount due CCC for food grain purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC, the purchase price of the feed grain and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 484.117.

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any feed grain purchased from CCC hereunder shall be made prior to delivery of the feed grain by CCC in one of the following ways:

(1) Surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the feed grain.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates he shall make payment in cash, certified check, or cashier's check for the feed grain to be delivered. To the extent that certificates are received by CCC within 90 days after delivery of the feed grain to the purchaser, CCC shall promptly make refund to the purchaser of cash received. Any such refund shall be in an amount equivalent to the value of certificates determined acceptable by CCC.

(c) The amount of the upward adjustment in price which is provided in § 484.128 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the Confirmation of Sale. Financial arrangements for such price adjustment shall be made in one of the following ways:

(1) Payment in cash, certified check, or cashier's check, or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery specified in the Confirmation of Sale and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement signed by the Chief or Acting Chief of the Fiscal Division of the CSS Commodity Office, specifying the amount due CCC.

Promptly after CCC receives acceptable certificates in payment of the feed grain purchased as provided in paragraph (b) (2) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of cash received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraphs (b) and (c) of this section shall be made:

(1) Prior to delivery of the feed grain by CCC on purchases which provide for delivery within 5 days following the date of the sale, and,

(2) On all other purchases, not less than 5 days prior to delivery of the feed grain by CCC, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make a financial arrangement acceptable to CCC in accordance with paragraph (d) of this section CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 484.124 *Delivery.* (a) The method, time, and place of delivery will be as specified in the Confirmation of Sale.

(b) If the feed grain is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman. All warehouse charges accruing after delivery and loading out charges shall be for the account of the purchaser.

(c) If the feed grain is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing shall be for the account of the purchaser: *Provided,* That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement with CCC for warehouse charges on the feed grain not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further,* That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of the feed grain within the delivery period specified in the Confirmation of Sale, or any written extension thereof CCC may at its option deliver the feed grain instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 484.125 *Specifications.* (a) If the feed grain is to be delivered instore, CCC shall deliver warehouse receipts or other evidence of title, representing the kind of feed grain and the quantity, class, grade and/or quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the feed grain is to be delivered other than instore, the kind of feed grain and the quantity, class, grade, and/or quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade, and/or quality of the feed grain delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the feed grain delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the feed grain delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the feed grain may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any over deliveries in quantity. Over deliveries in quantity accepted by the purchaser shall be settled for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of under deliveries a balance certificate shall be issued by CCC or if other financial arrangements were furnished the value of certificates the purchaser is required to surrender will be reduced. In the case of over deliveries the purchaser shall tender cash or certificates to CCC. If the value of feed grain delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of feed grain delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 484.126 *Export requirements.* (a) The purchaser shall, within 60 days after delivery by CCC of the feed grain to him or within such extension of that period as may for good cause be approved by the Vice President in writing, before or after expiration of such 60 day period, export or cause exportation to an eligible country of the same kind of feed grain, of an equal quantity, as the feed grain delivered by CCC, and from the same coast in the United States as the coast where CCC delivered the feed grain, except that when feed grain is delivered to a Gulf of Mexico port exportation must be from the same port. The feed grain exported shall not be re-entered by anyone into the United States, including Alaska, Hawaii, or Puerto Rico, nor shall the purchaser cause the feed grain exported to be transshipped to any country excluded by § 484.150.

(b) The purchaser shall, within 30 days after export, furnish to the CSS Commodity Office evidence of such export, as required in § 484.127. Failure of the purchaser to furnish CCC evidence of export within 90 days after delivery of the feed grain to him, or, in the case of extension of the time for export, within 30 days from the last date specified for export under such extension, shall constitute prima facie evidence of failure to export.

§ 484.127 *Evidence of export.* (a) Evidence of export shall be furnished within the period specified above and shall consist of:

(1) If the export is by water, a nonnegotiable copy, certified by the purchaser as true and correct, of the applicable on-board ship ocean bill of lading, signed by an agent of the ocean carrier, which shows the weight of the feed grain, the name of the vessel, that the feed grain is destined to an eligible country, the CCC sales contract number, and the Public Law 480, 83d Congress, Purchase Authorization number, if applicable. In the case of bagged feed grain, an ocean bill of lading showing the gross weight of the feed grain and number of bags may be furnished, provided the ocean bill of lading also shows the weight of the bags or the purchaser furnishes an acceptable certification as to the weight of the bags. Where loss, destruction, or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of on-board ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(2) If export is by rail or truck, one unauthenticated copy of Shipper's Ex-

port Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the feed grain, or, if bagged, the gross weight of the bagged feed grain less the weight of the bags, the CCC sales contract number, and the Public Law 480 Purchase Authorization number, if applicable. The unauthenticated copy, or photostat copy, shall bear one of the following statements certified by the purchaser: "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing under P. A. No. ______," or "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the CSS Commodity Office) with my application for Feed Grain Export Payment under Acceptance of Offer No. ______."

(3) A copy of an official Export Grain Inspection Certificate issued by an inspector licensed under the U. S. Grain Standards Act.

(4) On bulk feed grain a copy of the official loading weight certificate.

(5) Such additional proof of export as may be required by CCC.

(b) Where exportation of the feed grain has been made by anyone or transshipment made or caused by the purchaser to one or more of the countries or areas identified in § 484.150 (b) (1), (2) or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

§ 484.128 *Adjusted sales price.* Sales of feed grain under this Announcement are made at prices below the statutory minimum required under Section 407 of The Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 484.123, and upon the further condition that all provisions of §§ 484.126 and 484.127 are complied with. In the event of failure to comply with such conditions, the sales price with respect to the quantity of feed grain for which certificates have not been received, or the quantity which is not exported, or which is reentered, or transshipped shall be the highest of the following prices in effect on the date of purchase or the date of default as determined by CCC:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the feed grain as determined by CCC, or (2) the sales price, announced by CCC for sale for unrestricted use of the same kind, class, grade and quality of the feed grain, or (3) if no such sales price has been announced, the highest domestic market price at the point where CCC delivered the feed grain as determined by CCC. The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand. Any such upward adjustment in sales price will be waived to the extent that the Vice President, CCC, or his designated representative, determines that the feed grain has not been exported or has been re-entered or transshipped for causes beyond the control, and without the fault or negligence, of the purchaser and that the quantity of feed grain involved in default (other than feed grain transshipped to a country excluded by § 484.150 is, pursuant to written approval of CCC, subsequently exported to an eligible country within the period specified by CCC, or with respect to any feed grain re-entered if as the result of its loss, damage, destruction or deterioration, the physical condition thereof is such that its entry into domestic market channels will not impair CCC's price support operations.

§ 484.129 *Inability to perform.* CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the feed grain due to any cause beyond the control of and without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

MISCELLANEOUS PROVISIONS

§ 484.134 *Covenant against contingent fees.* The exporter warrants that no person or selling agency has been employed or retained to solicit or secure acceptance of any offer under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 484.135 *Performance guarantee.* In addition to the performance guarantee required under § 484.123 (c), CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or performance type letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

§ 484.136 *Good faith.* If the Vice President, CCC, after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participation in this program or the right to receive payment under this subpart in connection with any transaction previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government.

§ 484.137 *Assignments.* No exporter shall, without the written consent of CCC, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 484.116.

§ 484.138 *Records and accounts.* Each exporter shall maintain accurate records showing feed grains exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 484.139 *Reports.* The exporter shall file reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

§ 484.140 *CSS Commodity Offices.* Information concerning this program may be obtained from CSS Commodity Offices listed below:

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

Director, Commodity Stablization Service Office, U. S. Department of Agriculture, 2201 Howard Street, Evanston, Illinois.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 560 Westport Road, Kansas City 11, Missouri.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minnesota.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

§ 484.141 *Officials not to benefit.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 484.142 *Amendment and termination.* This offer may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to contracts made prior to the time such amendment or termination becomes effective.

§ 484.143 *Right to waive any requirement.* The Vice President, CCC, if he deems such action desirable in order to prevent undue hardship, may with respect to any transaction or transactions hereunder waive any requirement of this subpart, if such action is in the best interest of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

DEFINITIONS

§ 484.150 *Eligible country.* "Eligible country" means any destination outside the continental limits of the United States, excluding Alaska, Hawaii or Puerto Rico, and also excluding (a) any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of

Commerce unless a license for shipment or transshipment thereto has been obtained from such Bureau; (b) Macao unless specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; or (c) Hong Kong in the case of any commodity for which a specific license is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.

§ 484.151 *Export.* "Export" means a shipment from the continental United States destined to an eligible country. Feed grain shall be deemed to have been exported on the date which appears on the applicable on-board ocean carrier bill of lading, or, if shipment to the eligible country is by truck or rail, the date the shipment clears United States Customs, or the latest date appearing on the Loading Tally sheet or similar documents where loss, destruction or damage occurs subsequent to loading aboard ocean carrier but prior to issuance of on-board bill of lading.

§ 484.152 *Exporter.* "Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of buying and selling feed grain for export and for this purpose maintains a bona fide business office in the continental United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

§ 484.153 *Feed grains.* "Feed grains" mean barley, corn, grain sorghums, oats and rye as defined in the Official Grain Standards of the United States and produced in the United States, and when specifically approved by the Director, Grain Division, CSS, will also include crushed, cracked, ground or otherwise similarly processed forms of such grains, provided all of the ingredients of the whole grain are included. Feed grains shall not include mixtures of barley, corn, grain sorghums, oats and rye. The net quantity of feed grains exported means the quantity determined by deducting from the total weight of the feed grain exported, the weight of any dockage indicated on the inspection certificate issued at the time of loading for export. The following quantities shall be deemed to constitute one bushel: 56 pounds of corn, 32 pounds of oats, 48 pounds of barley and 56 pounds of rye.

§ 484.154 *United States.* "United States" unless otherwise qualified means the Continental United States.

§ 484.155 *Vice President.* "Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

Effective date: This program is effective on May 12, 1958, with respect to corn, and on July 1, 1958, with respect to other grains covered thereby.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3624; Filed, May 13, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO MARKETING QUOTAS FOR UPLAND COTTON OF THE 1958 AND SUCCEEDING CROPS

Basis and purpose. The provisions of §§ 722.1 to 722.51 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.). These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of cotton.

Notice of proposed formulation of marketing quota regulations for upland cotton of the 1958 and succeeding crops when marketing quotas are in effect for upland cotton was published in the FEDERAL REGISTER on April 12, 1958 (23 F. R. 2406) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data and recommendations received in response to such notice have been duly considered.

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IDENTIFICATION AND MEASUREMENT OF FARMS

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FARM MARKETING QUOTA AND FARM MARKETING EXCESS

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MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

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IDENTIFICATION OF COTTON

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722.22 Identification by marketing card.
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AUTHORITY: §§ 722.1 to 722.51 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 362, 363, 365–368, 372–374, 388, 52 Stat. 38, as amended, 62, as amended, 63–65, as amended, 68, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U. S. C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1388, 1344–1347.

GENERAL

§ 722.1 *Applicability.* The provisions of §§ 722.1 to 722.51 apply to cotton produced in 1958 and succeeding years when marketing quotas are in effect and to carry-over cotton which is marketed by producers in the 1958–59 and succeeding marketing years.

§ 722.2 *Definitions.* As used in §§ 722.1 to 722.51 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *Terms relating to administrative organization.* (1) "Secretary" means the Secretary of Agriculture of the United States or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(2) "Deputy Administrator" means the Deputy Administrator or Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(3) "Director" means the Director or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(5) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

(6) "Review committee" means the the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(7) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees (Part 7 of this title; 21 F. R. 8385), as amended.

(8) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees (Part 7 of this title; 21 F. R. 8385), as amended.

(9) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the office of the county committee (hereinafter referred to as the "county office"), or the person acting in such capacity.

(10) "Treasurer" means the county office manager or the person designated by him to act as county committee treasurer.

(b) *Terms relating to farm.* (1) "Farm" as defined in Part 718 of this chapter (22 F. R. 3747, 5675, 7418) as heretofore or hereafter amended, shall apply to the regulations in §§ 722.1 to 722.51.

(2) "Farm allotment" means a cotton acreage allotment established for a farm under the applicable acreage allotment regulations.

(3) "Acreage planted to cotton on the farm" for a crop year, for purposes of §§ 722.1 to 722.51 shall be the acreage seeded to cotton on the farm in such year, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to expiration of the period established under applicable acreage allotment regulations for disposing of excess cotton acreage or (ii) is disposed of in accordance with applicable acreage allotment regulations.

(4) "Farm base period" means the three years immediately preceding the year for which the farm allotment is established.

(5) "New cotton farm" means a farm on which no acreage was planted to cotton during the farm base period applicable to a year in which cotton is tc be planted.

(6) "Normal yield" for any year means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(7) "Normal production" of any number of acres for a crop year means the normal yield of lint cotton per acre for the farm for such year multiplied by such number of acres.

(8) "Actual production" of cotton on the farm for a crop year means the total number of pounds of lint cotton determined to have been produced on the farm in such year. Cotton will be considered to have been produced in the crop year in which the acreage from which it was harvested was planted.

(9) "Actual yield" per acre for a crop year means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm in such year by the acreage planted to cotton on the farm in such year.

(10) "Farm marketing quota" for a crop year means a cotton marketing quota established for the farm for such year under § 722.9.

(11) "Farm marketing excess" for a crop year means the amount of cotton determined for the farm for such year under § 722.10 or § 722.12, whichever is applicable.

(12) "Farm with no farm marketing excess" for a crop year means a farm on which the acreage planted to cotton in such year is not in excess of the farm allotment for such year.

(13) "Farm with a farm marketing excess" for a crop year means a farm on which the acreage planted to cotton in such year is in excess of the farm allotment for such year.

(14) "Farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(15) "Producer" means a person on a farm who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the cotton produced thereon during the year in which the cotton is planted (or cotton on hand from a prior crop) or the proceeds thereof.

(16) "Owner or landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(17) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(18) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(19) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(20) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(21) "Seed cotton" means the harvested fruit of the cotton plant before ginning.

(22) "Lint cotton" means the fiber taken from seed cotton by ginning.

(c) *Terms relating to harvesting and marketing.* (1) "Harvest" means the act of extracting seed cotton from the cotton plant by manual or mechanical means or grazing by livestock.

(2) "Harvested" and "harvesting" shall have corresponding meanings to the term "harvest" in the connection in which they are used. Salvage operations shall be considered as harvesting.

(3) "Available for harvest" means the stage of maturity when bolls are sufficiently open to permit harvest.

(4) "Market" means to dispose of cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in exchange for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(5) "Marketing year" means the period beginning August 1 of a crop year and ending July 31 of the following year, both dates inclusive.

(6) "Buyer" means a person who acquires cotton from a producer by purchase. An agricultural cooperative association which makes purchase and sale agreements with producers, or marketing agreements under which the title to cotton passes upon delivery of cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.8.

(7) "Transferee" means a person who receives cotton from a producer by barter or exchange, or by gift inter vivos.

(8) "Ginner" means a person engaged in the business of ginning cotton.

(9) "Ginning" means the process by which lint cotton is removed from the cotton seed.

(10) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(11) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of cotton.

(d) *Miscellaneous terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore, or hereafter made.

(2) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or comon interest.

(3) "Upland cotton" (referred to in §§ 722.1 to 722.51 as "cotton") means any cotton other than extra long staple cotton.

(4) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominate as provided under section 347 (a) of the act.

(5) "Carry-over cotton" for any year means the unmarketed cotton from any previous crop which the producer thereof has on hand as of August 1 of such year.

(6) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(7) "County" means county or parish of a State.

(8) "Normal yield for any county" for a crop year means the average yield per harvested acre of lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director, with the approval of the Administrator of Commodity Stabilization Service. If for any year of such five-year period actual yield data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(9) "Penalty" for any year means the amount payable with respect to the farm marketing excess for such year as determined under section 346 of the act and § 722.26.

(10) "Crop year" means the calendar year in which the cotton is planted.

§ 722.3 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out §§ 722.1 to 722.51. The forms shall be issued by the Director with the approval of the Deputy Administrator and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the State or county office or to the Director.

§ 722.4 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.1 to 722.51, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreage of each field of cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.5 *Identification of farms.* Each farm as operated for a crop year shall be identified by a farm serial number and all records pertaining to marketing quotas for such crop year and farm shall be identified by the farm serial number.

§ 722.6 *Measurement of farms.* The county committee shall provide for measurement each crop year of the acreage planted to cotton on farms in accordance with acreage allotment regulations applicable to the crop year.

§ 722.7 *Reports and records of farm measurements.* The county committee shall keep a record for each crop year of the measurements made on all farms. It shall file with the State office a written report for each crop year on Form MQ-94—Cotton (Upland) setting forth for each farm with a farm marketing excess the following: (a) Farm serial number, (b) name of operator, (c) farm allotment, (d) acreage planted to cotton, and (e) total acreage in cultivation.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.8 *Cotton subject to marketing quota provisions.* Marketing quotas for each crop of cotton shall be applicable to any cotton of that crop notwithstanding that the cotton may be available for marketing prior to or subsequent to the marketing year which begins in the year when the cotton is planted. Carryover cotton marketed during any marketing year shall be subject to §§ 722.1 to 722.51 to the extent applicable.

§ 722.9 *Farm marketing quotas.* The farm marketing quota for each crop year for any farm shall be that number of pounds of lint cotton produced on the farm less the amount of the farm marketing excess for such crop year. In addition, lint cotton which producers have on hand from any previous crop (except cotton on which a penalty was incurred and has not been paid) may also, when properly identified, be marketed penalty free.

§ 722.10 *Amount of farm marketing excess.* The farm marketing excess for each crop year shall be the normal production of the acreage planted to cotton on the farm in excess of the farm allotment for such crop year. For a farm having a zero allotment or no allotment, the entire acreage planted to cotton shall be used in determining the farm marketing excess for such crop year. Where it is established to the satisfaction of the county committee, by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.12 that the actual production of cotton on the farm in a crop year is less than the normal production of the acreage planted to cotton on the farm in such crop year, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm allotment.

§ 722.11 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm for any crop year shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the cotton produced or to be produced on the farm in such crop year. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.12 *Farm marketing excess adjustment*—(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the cotton produced in any crop year on a farm with a farm marketing excess may apply in writing to the county committee as provided herein for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 of the year following the year in which the cotton was planted. If the harvesting of cotton on the farm has not been completed by March 15 of the year following the year in which the cotton was planted but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm for such crop year may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.10 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the cotton acreage on the farm for the crop year in question must have been made before the county committee approves a determination of the actual production of cotton on the farm. The actual production of cotton in such crop year on any farm shall be determined in view of the relevant facts, including the measured acreage planted to cotton in such crop year on the farm, the past production on the farm, the actual yields per acre in such crop year for other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, ginning, and sales of the cotton produced on the farm in such crop year; and weather conditions and other factors in such crop year affecting the production of cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established for the crop year under paragraph (a) of this section, any producer having an interest in the cotton produced on the farm in such crop year may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.10 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

§ 722.13 *Publication of the farm allotment, normal yield, marketing quota, and marketing excess.* A record of the farm allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be made available for public inspection in the county office for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the county office and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.14 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. Under sections 346 and 347 of the act, farm marketing quotas are established for each crop year for both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.8 to 722.16 for a crop of upland cotton may not be used in whole or in part in connection with the marketing of extra long staple cotton.

§ 722.15 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which cotton was planted in a crop year but for which a farm cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton.

§ 722.16 *Review of quotas*—(a) *Review committee.* Any producer who is dissatisfied with the farm marketing quota and farm marketing excess determined for his farm may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.11 or § 722.12, have such farm marketing quota and farm marketing excess reviewed by a review committee pursuant to section 363 of the act. Unless such application is made within such 15 days, the determination of the county committee shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations issued by the Secretary, a copy of which may be obtained from the county committee. If a determination of the county committee for the crop year, as for example, the farm allotment, has previously been reviewed by a review committee, and such determination as approved by the review committee has become final under the Marketing Quota Review Regulations, it may not be reconsidered in a subsequent review proceeding concerning the farm marketing quota and farm marketing excess. In all cases, the review committee shall consider only such matters as, under the applicable provisions of the act and the applicable regulations in this part, are required or permitted to be considered by the county committee in determining the farm marketing quota or farm marketing excess.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.17 *Eligibility for and issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any other producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card (Form MQ-76—Upland Cotton) for each crop of cotton if for such crop (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the county committee treasurer for the county in which the farm is located, except that a marketing card shall not be issued under subparagraph (1) or (2) of this paragraph if any producer on the farm has on hand any cotton produced in previous crop years on which the penalty was incurred and has not been paid.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a cotton producer on more than one farm in a county in a crop year shall not be eligible to receive a marketing card for any such farm in the county for such crop year until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of cotton in more than one county in the same year (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed in such year with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that such procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm for any year if he is eligible to receive it under the foregoing provisions of this section and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards for such year shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The State and county code and farm serial number, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the farm allotment and the acreage planted to cotton, (5) such additional information and data as may be prescribed by the deputy administrator, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office, and the signature of the producer. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, such employee shall place his initials immediately below the name of the issuing officer on the marketing card. Where the producer designates an agent to use his marketing card, the card shall also show: (*a*) The name and address of the agent authorized to use the marketing card and (*b*) the signatures of the producer and the agent.

(e) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having cotton exempt from the penalty as provided in the applicable acreage allotment regulations, issue a marketing card for such experiment station.

§ 722.18 *Marketing certificates and loan documents*—(a) *Use of marketing certificates.* There shall be issued to a producer upon his request a marketing certificate (Form MQ-91—Cotton (Upland)) to permit the marketing of cotton (1) by any such producer (i) who has an unexpired marketing card for use in identifying the cotton to be marketed or is eligible to receive such a marketing card and who desires to market such cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who desires to market cotton which he has on hand from any prior crop, except cotton from a previous crop on which the penalty was incurred and has not been paid; (iii) who desires to market cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.17 (b) because he or another producer on such farm is also a cotton producer on a farm with a farm marketing excess and the penalty has not been paid; or (iv) who desires to market his share of the cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.24. In instances where the acreage planted to cotton on the farm has not been determined through no fault of the operator, and he, in applying for marketing certificates, certifies that he has cotton produced in that crop year available for marketing and that to the best of his knowledge and belief the acreage planted to cotton on the farm does not exceed the farm allotment, the county committee, with the approval of the State committee, may issue marketing certificates for his farm in a total amount not exceeding the product of the farm allotment for that crop year multiplied by the smaller of the county normal yield per acre for that crop year or the estimated actual yield per acre for such crop year on the farm. Also, certificates shall be issued in any case where a person has loose cotton such as sample trimmings, floor sweepings, and cotton picked up from the roadside provided that such person establishes to the satisfaction of the county committee that such cotton was acquired through normal off-farm handling or trade customs, was waste cotton picked up on the roadside or similar location, or was acquired in some other similar manner.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State and the serial number of the farm, (3) the serial number of the marketing card issued for the farm, where applicable, and the crop year in which the cotton was produced, (4) the description and amount of the cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, such employee shall place his initials immediately below the name of the issuing officer on the marketing certificate. The county committee shall, for each crop year, estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued in an amount in excess of such production as estimated or otherwise determined by the county committee. The "buyer's copy," "producer's copy," and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the cotton described in the marketing certificate shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carry-over CCC loan cotton.* Any producer who desires to sell his equity in carry-over cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carry-over cotton on which such a loan has been repaid may, as provided in § 722.24, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.19 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings by county office manager and county committee.* If the county office manager finds that an unexpired marketing card or certificate issued to a producer has been lost, destroyed, or stolen, he shall investigate to determine whether there has been any collusion or connivance on the part of the producer to or for whom the marketing card or certificate was issued to fraudulently obtain a second marketing card or certificate. If investigation discloses no evidence of collusion or connivance, a replacement marketing card or certificate may be issued to the producer by the county office manager and a notice in writing cancelling the lost, destroyed or stolen marketing card or certificate shall be signed by the county office manager and mailed to the last known address of such producer. Where circumstances appear to warrant investigation by the county committee before a replacement marketing card or certificate is issued, the case should be referred to the county committee for a determination as to the action to be taken. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case the lost, destroyed, or stolen marketing card or certificate is not recovered promptly, the county office manager shall notify the ginners and buyers in the county or in the immediate vicinity that the marketing card or certificate has been cancelled and that a duplicate has been issued. A report of the findings and action of the county office manager and of any action by the county committee shall be kept among the county office records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.20 *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return, the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. The county office manager shall notify the ginners and buyers in the county, or in the immediate vicinity that the marketing card or certificate has been canceled.

IDENTIFICATION OF COTTON

§ 722.21 *Time and manner of identification.* Each producer of cotton may, at the time he markets any cotton, identify the cotton to the buyer or transferee, in the manner hereinafter provided, as not subject to the penalty provided in § 722.26 and the lien for the penalty as provided in § 722.27 and any such cotton not so identified shall be taken as being subject to the penalty and the lien for penalty as provided in § 722.25.

§ 722.22 *Identification by marketing card.* A marketing card (Form MQ-76—Upland Cotton) shall, when presented to the buyer or transferee by the producer to whom issued, be evidence to the buyer or transferee that the cotton produced on the farm in the crop year for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.23 *Identification by marketing certificate.* A marketing certificate (Form MQ-91—Cotton (Upland)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.24 *Identification by loan document.* A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carryover cotton described in such loan document my be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G-2).

§ 722.25 *Cotton not identified by a marketing card, marketing certificate or loan document.* All cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.22, § 722.23, or § 722.24 shall be presumed to be subject to penalty and lien for the penalty and shall be taken by the buyer or transferee thereof as subject to penalty at the rate prescribed in § 722.26 and to the lien for the penalty. All cotton purchased or acquired by a person which is not identified by a marketing card, marketing certificate, or loan document shall be presumed to have been marketed by a producer unless it is established that such cotton was purchased or acquired from a person other than the producer thereof. The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ-82—Cotton (Upland) and shall remit to the county committee treasurer the penalty collected, or deducted from the purchase price of the cotton.

§ 722.26 *Rate of penalty.* The rate of penalty for lint cotton is 50 percent of the parity price for cotton as of June 15 of the year in which the cotton is planted, as provided in section 346 (a) of the act. Section 722.51 will be amended annually to set forth the exact rate of the penalty for each crop year.

§ 722.27 *Lien for the penalty.* Until the penalty on the farm marketing excess for any crop year is paid, all cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.26 and a lien on such entire crop of cotton produced on the farm shall be in effect in favor of the United States.

§ 722.28 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.29 (b), (d), or § 722.30 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.29 *Payment of penalty by producers*—(a) *Producer liable for payment of penalty.* Each producer having an interest in the crop of cotton on any farm produced in a crop year for which a farm marketing excess has been determined shall be liable for the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any cotton produced on the farm is harvested or is available for harvest. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15 of the year following the year in which the cotton was planted, even though the cotton is not harvested: *Provided, however,* That the penalty on any bale or lot of cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.22, § 722.23 or § 722.24, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the cotton produced on the farm in the crop year bears to the total amount of cotton produced on the farm in such crop year. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 722.18 for his share of the cotton crop produced on the farm in such crop year.

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

§ 722.30 *Payment of penalty by buyers and transferees*—(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States who buys or acquires from the producer any cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Cotton shall be presumed to be subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ-76—Upland Cotton), a marketing certificate (Form MQ-91—Cotton (Upland)), or a loan document, as provided in §§ 722.22, 722.23, and 722.24.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States who buys or acquires cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed. Cotton shall be deemed to be sold when either title to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of the cotton by actual or constructive delivery or the transferee has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the cotton to the transferee during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the cotton was purchased a receipt for the amount so deducted which shall be on Form MQ-82—Cotton (Upland).

§ 722.31 *Remittance of penalty to the county committee treasurer.* The county committee treasurer for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of Commodity Stabilization Service, U. S. D. A. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county committee treasurer subject to collection and payment at par.

§ 722.32 *Deposit of funds.* All funds received by the county committee treasurer in connection with penalties for cotton shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county committee treasurer shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to Commodity Stabilization Service, U. S. D. A. and transmit such check to the State committee. The county committee treasurer shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the cotton in connection with which the funds were remitted.

§ 722.33 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the county committee treasurer, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the cotton or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the county committee treasurer shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.34 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever a claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to cotton is duly filed in accordance with section 372 of the act and the regulations pertaining to Refunds of Penalties Erroneously, Illegally or Wrongfully Collected with Respect to Marketing in Excess of Marketing Quotas (§§ 714.21 to 714.28 of this chapter; 13 F. R. 6210, Oct. 22, 1948; 19 F. R. 395, Jan. 22, 1954), as amended, and a determination is duly made that a part or all of the penalty was erroneously, illegally, or wrongfully collected, a refund of such penalty or part thereof shall be made as provided in the regulations pertaining to refunds of penalties (§§ 714.21 to 714.28 of this chapter).

§ 722.35 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.1 to 722.51 to the county committee treasurer when collected. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.36 *Records to be kept and reports to be made by ginners*—(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Ginner's record of cotton ginned.* Each ginner shall keep, for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the cotton was produced; (3) the name of the producer of the cotton; (4) the name and address of the person who delivered the cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the cotton as furnished; (5) the county and State in which the farm on which the cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; (8) the gross weight of each bale of cotton and the net weight of each lot of lint cotton less than a bale ginned by the ginner; and (9) the kind of bagging used on each bale if other than jute.

(c) *Requests for reports.* Each ginner, upon written request of the State committee or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee or county committee in the written request for such report.

(d) *Manner of submitting reports.* The county committee treasurer designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

§ 722.37 *Records to be kept and reports to be made by buyers*—(a) *Necessity for records and reports.* Each person who buys or acquires seed cotton or lint cotton from the producer thereof, in conformity with section 373 (a) of the act, shall keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature of records.* Each buyer shall keep for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and in the case of seed cotton purchased, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and each lot of lint cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.1 to 722.51 and the amount of penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the cotton was not identified in the manner provided in §§ 722.1 to 722.51 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records as required by this paragraph. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ-100—Cotton (Upland) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with marketing of cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of cotton which is not identified by a marketing card, marketing certificate or loan document, as provided in §§ 722.22, 722.23 and

722.34 when marketed by a producer shall, with respect to each such purchase, make a written report on Form MQ-82—Cotton (Upland) of the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's Copy" shall be delivered to the producer, the "Buyer's Copy" shall be retained by the buyer and the buyer shall mail or deliver the "County Office Copy" to the county committee treasurer for the county in which such cotton was produced.

(d) *Exports in connection with cotton identified by marketing certificates.* The buyer of cotton which is identified, when marketed, by a marketing certificate, Form MQ-91—Cotton (Upland), as provided in § 722.23, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County Office Copy" to the county committee treasurer for the county in which such certificate was issued. The "Buyer's Copy" shall be retained by the buyer and the "Producer's Copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.42 (b).

(e) *Receipts to producers for penalties.* Where the cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the "Producer's Copy" of the executed Form MQ-82—Cotton (Upland) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County Office Copy" of Form MQ-82—Cotton (Upland) to the county committee treasurer for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.1 to 722.51, the buyer shall, within fifteen days after a written request therefor by either such committee is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ-100—Cotton (Upland) to the designated county committee treasurer with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of cotton, and each lot of cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale, purchased from the producers; (5) the amount of penalty required to be collected under §§ 722.1 to 722.51 and the amount of any penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if the cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The county committee treasurer for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ-82—Cotton (Upland) in connection with the purchase of cotton marketed without the use of the means of identification provided by §§ 722.1 to 722.51 may be mailed or delivered directly to the county committee treasurer from whom the blank copy of the form was obtained.

§ 722.38 *Records to be kept and reports to be made by transferees.* Each transferee who acquires seed cotton or lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.37. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.39 *Records to be kept by warehousemen, processors, and others.* Each warehouseman, processor (including compressmen), common carrier, or other person, as defined in section 373 (a) of the act, who stores, processes (including compressing), transports as a common carrier or otherwise deals with cotton from, for, or on behalf of the producer thereof shall for each crop year keep the records relating to such cotton which are normally kept by persons engaged in the same or similar business. The Secretary hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

§ 722.40 *Availability of records kept by ginners, buyers, transferees, warehousemen, and others.* Each ginner, buyer, transferee, warehouseman, processor (including compressmen), common carrier, or other person as defined in section 373 (a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1 to 722.51 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1 to 722.51 but not so furnished. The records to be kept pursuant to the provisions of §§ 722.36, 722.37, 722.38 and 722.39 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the cotton is planted, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1 to 722.51 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1 to 722.51 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the director.

§ 722.41 *Penalty for failure or refusal to keep records or make reports.* Any ginner, buyer, transferee, warehouseman, processor (including compressmen), common carrier, or other person, as defined in section 373 (a) of the act who gins, buys, acquires, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for or on behalf of the producer thereof who fails to keep the records, make the reports as required by § 722.36, § 722.37, § 722.38, or § 722.39 or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 722.42 *Records to be kept and reports to be made by producers*—(a) *Necessity for records and reports.* Each person who produces or who has produced in any crop year, cotton which is subject to the provisions of §§ 722.1 to 722.51 shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which the cotton is planted, or for such longer period of time as may be requested in writing by the director.

(b) *Cotton marketed to persons not within the United States.* In each case where cotton for which a marketing certificate has been issued pursuant to § 722.18 is marketed to any person not within the United States the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States. The producer shall retain the "Producer's Copy" of the certificate. Not later than 15 calendar days next succeeding the day on which the cotton was marketed the "County Office Copy" and the "Buyer's Copy" shall be mailed or delivered by such producer to the county committee treasurer for the county in which the certificate was issued.

(c) *Farm operator's report.* The operator of the farm shall file with the county committee treasurer for the county in which the farm is located a farm operator's report on Form MQ-98—Cotton (Upland) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.12 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.1 to 722.51 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ-98—Cotton (Upland), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ-98—Cotton (Upland) shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) The date harvesting of the crop of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm, and the acreage planted to cotton on the farm; (ii) the total number of pounds of lint cotton ginned from the crop of cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of seed cotton of the crop marketed; (v) the total amount of the crop lint cotton marketed; (vi) the amount of unmarketed cotton of the crop on hand; (vii) the total number of pounds of lint cotton produced from such crop; (viii) the name and address of each buyer or transferee of such crop lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The county committee treasurer for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.43 *Data to be kept confidential.* Except as provided in § 722.48 all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.36 to 722.40 inclusive and § 722.42 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.44 *Enforcement.* It shall be the duty of the county office manager to report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.1 to 722.51 and so to report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.45 *Cotton produced by publicly owned agricultural experiment stations.* Cotton produced by publicly owned agricultural experiment stations shall be handled pursuant to applicable acreage allotment regulations.

§ 722.46 *Erroneous notices*—(a) *Erroneous notice of cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.47.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the cotton acreage for upland cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State administrative officer concurs upon review of the county committee determination, the acreage planted to cotton on the farm will be considered as an acreage equal to the farm allotment.

§ 722.47 *No credit for overplanting the farm allotment.* Any acreage planted to cotton in any crop year in excess of the farm allotment for such crop of cotton shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of cotton.

§ 722.48 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments all records pertaining to cotton allotments and marketing quotas.

§ 722.49 *Designation of representatives of the Secretary to examine records*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.36 to 722.40, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions. In addition, investigators and accountants (special agents), Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.1 to 722.51.

§ 722.50 *County normal yields for each crop year.* This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.2 (d) (8).

§ 722.51 *Penalty rate for each crop year.* This section will be amended annually to establish the penalty rate for each crop year pursuant to § 722.26.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 8th day of May 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3586; Filed, May 13, 1958; 8:45 a. m.]

PART 722—COTTON

SUBPART — REGULATIONS PERTAINING TO MARKETING QUOTAS FOR EXTRA LONG STAPLE COTTON OF THE 1958 AND SUCCEEDING CROPS

Basis and purpose. The provisions of §§ 722.101 to 722.152 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.). These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of extra long staple cotton (hereinafter referred to as "ELS cotton") which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by ELS cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of ELS cotton.

Notice of proposed formulation of marketing quota regulations for ELS cotton of the 1958 and succeeding crops when marketing quotas are in effect for such cotton was published in the FEDERAL REGISTER on April 12, 1958 (23 F. R. 2407) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data and recommendations received in response to such notice have been duly considered.

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AUTHORITY: §§ 722.101 to 722.152 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 362, 363, 365–368, 372–374, 388, 52 Stat. 38, as amended, 62, as amended, 63–65, as amended, 68, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U. S. C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1388, 1344–1347.

GENERAL

§ 722.101 *Applicability.* The provisions of §§ 722.101 to 722.152 apply to ELS cotton produced in 1958 and succeeding years when marketing quotas are in effect and to carry-over ELS cotton which is marketed by producers in the 1958–59 and succeeding marketing years.

§ 722.102 *Definitions.* As used in §§ 722.101 to 722.152 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *Terms relating to administrative organization.* (1) "Secretary" means the Secretary of Agriculture of the United States or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(2) "Deputy Administrator" means the Deputy Administrator or Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(3) "Director" means the Director or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended. In Puerto Rico the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the State committee.

(5) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

(6) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(7) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees (Part 7 of this title; 21 F. R. 8385), as amended. In Puerto Rico the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the county committee.

(8) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees (Part 7 of this title; 21 F. R. 8385), as amended.

(9) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the office of the county committee (hereinafter referred to as the "county office"), or the person acting in such capacity.

(10) "Treasurer" means the county office manager or the person designated by him to act as county committee treasurer. In Puerto Rico the Director, ASC Caribbean Area Office, shall designate one or more of the ASC employees to perform the duties and functions of the county committee treasurer.

(b) *Terms relating to farm.* (1) "Farm" as defined in Part 718 of this chapter (22 F. R. 3747, 5675, 7418) as heretofore or hereafter amended, shall apply to the regulations in §§ 722.101 to 722.152.

(2) "Farm allotment" means an ELS cotton acreage allotment established for a farm under the applicable acreage allotment regulations.

(3) "Acreage planted to ELS cotton on the farm" for a crop year, for purposes of §§ 722.101 to 722.152 shall be the acreage seeded to ELS cotton on the farm in such year, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to expiration of the period established under applicable acreage allotment regulations for disposing of excess ELS cotton acreage or (ii) is disposed of in accordance with applicable acreage allotment regulations.

(4) "Farm base period" means the three years immediately preceding the year for which the farm allotment is established.

(5) "New ELS cotton farm" means a farm on which no acreage was planted to ELS cotton during the farm base period applicable to a year in which such cotton is to be planted.

(6) "Normal yield" for any year means the average yield per harvested acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton.

(7) "Normal production" of any number of acres for a crop year means the normal yield of ELS lint cotton per acre for the farm for such year multiplied by such number of acres.

(8) "Actual production" of ELS cotton on the farm for a crop year means the total number of pounds of ELS lint cotton determined to have been produced on the farm in such year. ELS cotton will be considered to have been produced in the crop year in which the acreage from which it was harvested was planted.

(9) "Actual yield" per acre for a crop year means the number of pounds of ELS lint cotton determined by dividing the actual production of ELS cotton on the farm in such year by the acreage planted to ELS cotton on the farm in such year.

(10) "Farm marketing quota" for a crop year means an ELS cotton marketing quota established for the farm for such year under § 722.109.

(11) "Farm marketing excess" for a crop year means the amount of ELS cotton determined for the farm for such year under § 722.110 or § 722.112, whichever is applicable.

(12) "Farm with no farm marketing excess" for a crop year means a farm on which the acreage planted to ELS cotton in such year is not in excess of the farm allotment for such year.

(13) "Farm with a farm marketing excess" for a crop year means a farm on which the acreage planted to ELS cotton in such year is in excess of the farm allotment for such year.

(14) "Farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(15) "Producer" means a person on a farm who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the ELS cotton produced thereon during the year in which the ELS cotton is planted (or ELS cotton on hand from a prior crop) or the proceeds thereof.

(16) "Owner or landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(17) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(18) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(19) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(20) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(21) "Seed cotton" means the harvested fruit of the ELS cotton plant before ginning.

(22) "ELS lint cotton" means the fiber taken from seed cotton by ginning.

(c) *Terms relating to harvesting and marketing.* (1) "Harvest" means the act of extracting ELS seed cotton from the ELS cotton plant by manual or mechanical means or grazing by livestock.

(2) "Harvested" and "harvesting" shall have corresponding meanings to the term "harvest" in the connection in which they are used. Salvage operations shall be considered as harvesting.

(3) "Available for harvest" means the stage of maturity when bolls are sufficiently open to permit harvest.

(4) "Market" means to dispose of ELS cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to ELS cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to ELS cotton by a producer to another in exchange for ELS cotton or any other commodity, service, or property in cases where the value of the ELS cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to ELS cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to ELS cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(5) "Marketing year" means the period beginning August 1 of a crop year and ending July 31 of the following year, both dates inclusive.

(6) "Buyer" means a person who acquires ELS cotton from a producer by purchase. An agricultural cooperative association which makes purchase and sale agreements with producers, or marketing agreements under which the title to ELS cotton passes upon delivery of such cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any ELS cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.108.

(7) "Transferee" means a person who receives ELS cotton from a producer by barter or exchange, or by gift inter vivos.

(8) "Ginner" means a person engaged in the business of ginning ELS cotton.

(9) "Ginning" means the process by which ELS lint cotton is removed from the cotton seed.

(10) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of ELS cotton.

(11) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of ELS cotton.

(d) *Miscellaneous terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore, or hereafter made.

(2) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(3) "Upland cotton" means any cotton other than extra long staple cotton.

(4) "Extra long staple cotton" (referred to in §§ 722.101 to 722.152 as "ELS cotton") means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominate as provided under section 347 (a) of the act.

(5) "Carry-over ELS cotton" for any year means the unmarketed ELS cotton from any previous crop which the producer thereof has on hand as of August 1 of such year.

(6) "State and county code" means the applicable number assigned by the Commodity Stablization Service to each State and county for the purpose of identification.

(7) "County" means county (parish in Louisiana) of a State or in the case of Puerto Rico, the Northern Area and the Southern Area each shall be considered as a county.

(8) "Normal yield for any county" for a crop year means the average yield per harvested acre of ELS lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the director, with the approval of the Administrator of Commodity Stabilization Service. If for any year of such five-year period actual yield data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(9) "Penalty" for any year means the amount payable with respect to the farm marketing excess for such year as determined under sections 346 and 347 of the act and § 722.126.

(10) "Crop year" means the calendar year in which the ELS cotton is planted.

§ 722.103 *Issuance of forms and instructions.* The director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out §§ 722.101 to 722.152. The forms shall be issued by the director with the approval of the deputy administrator and the instructions shall be issued by the deputy administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the State or county office or to the director.

§ 722.104 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.101 to 722.152, the amount of ELS lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreage of each field of ELS cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of ELS cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.105 *Identification of farms.* Each farm as operated for a crop year shall be identified by a farm serial number and all records pertaining to marketing quotas for such crop year and farm shall be identified by the farm serial number.

§ 722.106 *Measurement of farms.* The county committee shall provide for measurement each crop year of the acreage planted to ELS cotton on farms in accordance with acreage allotment regulations applicable to the crop year.

§ 722.107 *Reports and records of farm measurements.* The county committee shall keep a record for each crop year of the measurements made on all farms. It shall file with the State office a written report for each crop year on Form MQ-94—Cotton (ELS) setting forth for each farm with a farm marketing excess the following: (a) Farm serial number, (b) name of operator, (c) farm allotment, (d) acreage planted to ELS cotton, and (e) total acreage in cultivation.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.108 *ELS cotton subject to marketing quota provisions.* Marketing quotas for each crop of ELS cotton shall be applicable to any ELS cotton of that crop nowithstanding that such cotton may be available for marketing prior to or subsequent to the marketing year which begins in the year when the ELS cotton is planted. Carry-over ELS cotton marketed during any marketing year shall be subject to §§ 722.101 to 722.152 to the extent applicable.

§ 722.109 *Farm marketing quotas.* The farm marketing quota for each crop year for any farm shall be that number of pounds of ELS lint cotton produced on the farm less the amount of the farm marketing excess for such crop year. In addition, ELS lint cotton which producers have on hand from any previous crop (except ELS cotton on which a penalty was incurred and has not been paid) may also, when properly identified, be marketed penalty free.

§ 722.110 *Amount of farm marketing excess.* The farm marketing excess for each crop year shall be the normal production of the acreage planted to ELS cotton on the farm in excess of the farm allotment for such crop year. For a farm having a zero allotment or no allotment, the entire acreage planted to ELS cotton shall be used in determining the farm marketing excess for such crop year. Where it is established to the satisfaction of the county committee, by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.112 that the actual production of ELS cotton on the farm in a crop year is less than the normal production of the acreage planted to ELS cotton on the farm in such crop year, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm allotment.

§ 722.111 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm for any crop year shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the ELS cotton produced or to be produced on the farm in such crop year. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.112 *Farm marketing excess adjustment*—(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the ELS cotton produced in any crop year on a farm with a farm marketing excess may apply in writing to the county committee as provided herein for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such ELS cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 (June 15 in the case of the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted. If the harvesting of ELS cotton on the farm has not been completed by March 15 (June 15 in the case of the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested ELS cotton on the farm in order that a final determination of the actual production on the farm for such crop year may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.110 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no ELS cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the ELS cotton acreage on the farm for the crop year in question must have been made before the county committee approves a determination of the actual production of ELS cotton on the farm. The actual production of ELS cotton in such crop year on any farm shall be determined in view of the relevant facts, including the measured acreage planted to ELS cotton in such crop year on the farm, the past production on the farm, the actual yields per acre in such crop year for other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, ginning, and sales of the ELS cotton produced on the farm in such crop year; and weather conditions and other factors in such crop year affecting the production of ELS cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of ELS cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator after thirty days prior to expiration of the filing period established for the crop year under paragraph (a) of this section, any producer having an interest in the ELS cotton produced on the farm in such crop year may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.110 shall be final as to the producers on the farm. The procedure provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

§ 722.113 *Publication of the farm allotment, normal yield, marketing quota, and marketing excess.* A record of the farm allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be made available for public inspection in the county office for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the county office and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.114 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. Under sections 345 and 347 of the act, farm marketing quotas are established for each crop year for both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.108 to 722.116 for a crop of ELS cotton may not be used in whole or in part in connection with the marketing of upland cotton.

§ 722.115 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which ELS cotton was planted in a crop year but for which a farm ELS cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of ELS cotton and to the restrictions on the marketing of such cotton.

§ 722.116 *Review of quotas*—(a) *Review committee.* Any producer who is dissatisfied with the farm marketing quota and farm marketing excess determined for his farm may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.111 or § 722.112 have such farm marketing quota and farm marketing excess reviewed by a review committee pursuant to section 363 of the act. Unless such application is made within such 15 days, the determination of the county committee shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations issued by the Secretary, a copy of which may be obtained from the county committee. If a determination of the county committee for the crop year, as for example, the farm allotment, has previously been reviewed by a review committee, and such determination as approved by the review committee has become final under the Marketing Quota Review Regulations, it may not be reconsidered in a subsequent review proceeding concerning the farm marketing quota and farm marketing excess. In all cases, the review committee shall consider only such matters as, under the applicable provisions of the act and the applicable regulations in this part, are required or permitted to be considered by the county committee in determining the farm marketing quota or farm marketing excess.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.117 *Eligibility for and issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any other producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card (Form MQ–76—ELS Cotton) for each crop of ELS cotton if for such crop (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the county committee treasurer for the county in which the farm is located, except that a marketing card shall not be issued under subparagraph (1) or (2) of this paragraph if any producer on the farm has on hand any ELS cotton produced in previous crop years on which the penalty was incurred and has not been paid.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is an ELS cotton producer on more than one farm in a county in a crop year shall not be eligible to receive a marketing card for any such farm in the county for such crop year until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of ELS cotton in more than one county in the same year (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed in such year with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that such procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of ELS cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm for any year if he is eligible to receive it under the foregoing provisions of this section and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards for such year shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The State and county code and farm serial number, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the farm allotment and the acreage planted to ELS cotton, (5) such additional information and data as may be prescribed by the deputy administrator, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office, and the signature of the producer. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, such employee shall place his initials immediately below the name of the issuing officer on the marketing card. Where the producer designates an agent to use his marketing card, the card shall also show: (*a*) The name and address of the agent authorized to use the marketing card and (*b*) the signatures of the producer and the agent.

(e) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having ELS cotton exempt from the penalty as provided in the applicable acreage allotment regulations, issue a marketing card for such experiment station.

§ 722.118 *Marketing certificates and loan documents*—(a) *Use of marketing certificates.* There shall be issued to a producer upon his request a marketing certificate (Form MQ–91—Cotton (ELS)) to permit the marketing of ELS cotton (1) by any such producer (i) who has an unexpired marketing card for use in identifying the ELS cotton to be marketed or is eligible to receive such a marketing card and who desires to market such cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who desires to market ELS cotton which he has on hand from any prior crop, except ELS cotton from a previous crop on which the penalty was incurred and has not been paid; (iii) who desires to market ELS cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.117 (b) because he or another producer on such farm is also an ELS cotton producer on a farm with a farm marketing excess and the penalty has not been paid, or (iv) who desires to market his share of the ELS cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has ELS cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.124. In instances where the acreage planted to ELS cotton on the farm has not been determined through no fault of the operator, and he, in applying for marketing certificates, certifies that he has ELS cotton produced in that crop year available for marketing and that to the best of his knowledge and belief the acreage planted to ELS cotton on the farm does not exceed the farm allotment, the county committee, with the approval of the State committee, may issue marketing certificates for his farm in a total amount not exceeding the product of the farm allotment for that crop year multiplied by the smaller of the county normal yield per acre for that crop year or the estimated actual yield per acre for such crop year on the farm. Also, certificates shall be issued in any case where a person has loose ELS cotton such as sample trimmings, floor sweepings, and ELS cotton picked up from the roadside provided that such person establishes to the satisfaction of the county committee that such cotton was acquired through normal off-farm handling or trade customs, was waste cotton picked up on the roadside or similar location, or was acquired in some other similar manner.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State and the serial number of the farm, (3) the serial number of the marketing card issued for the farm, where applicable, and the crop year in which the ELS cotton was produced, (4) the description and amount of the ELS cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, such employee shall place his initials immediately below the name of the issuing officer on the marketing certificate. The county committee shall, for each crop year, estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued in an amount in excess of such production as estimated or otherwise determined by the county committee. The "buyer's copy", "producer's copy", and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the ELS cotton described in the marketing certificate shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carry-over CCC loan ELS cotton.* Any producer who desires to sell his equity in carry-over ELS cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carry-over ELS cotton on which such a loan has been repaid may, as provided in § 722.124, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the ELS cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.119 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings by county office manager and county committee.* If the county office manager finds that an unexpired marketing card or certificate issued to a producer has been lost, destroyed, or stolen, he shall investigate to determine whether there has been any collusion or connivance on the part of the producer to or for whom the marketing card or certificate was issued to fraudulently obtain a second marketing card or certificate. If investigation discloses no evidence of collusion or connivance, a replacement marketing card or certificate may be issued to the producer by the county office manager and a notice in writing cancelling the lost, destroyed, or stolen marketing card or certificate shall be signed by the county office manager and mailed to the last known address of such producer. Where circumstances appear to warrant investigation by the county committee before a replacement marketing card or certificate is issued, the case should be referred to the county committee for a determination as to the action to be taken. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case the lost, destroyed, or stolen marketing card or certificate is not recovered promptly, the county office manager shall notify the ginners and buyers in the county or in the immediate vicinity that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager and of any action by the county committee shall be kept among the county office records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.120 *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. The county office manager shall notify the ginners and buyers in the county, or in the immediate vicinity that the marketing card or certificate has been canceled.

IDENTIFICATION OF ELS COTTON

§ 722.121 *Time and manner of identification.* Each producer of ELS cotton may, at the time he markets any such cotton, identify the ELS cotton to the buyer or transferee, in the manner hereinafter provided, as not subject to the penalty provided in § 722.126 and the lien for the penalty as provided in § 722.127 and any such cotton not so identified shall be taken as being subject to the penalty and the lien for penalty as provided in § 722.125.

§ 722.122 *Identification by marketing card.* A marketing card (Form MQ-76—ELS Cotton) shall, when presented to the buyer or transferee by the producer to whom issued, be evidence to the buyer or transferee that the ELS cotton produced on the farm in the crop year for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.123 *Identification by marketing certificate.* A marketing certificate (Form MQ-91—Cotton (ELS)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.124 *Identification by loan document.* A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carry-over ELS cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G-2).

§ 722.125 *ELS cotton not identified by a marketing card, marketing certificate or loan document.* All ELS cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.122, § 722.123, or § 722.124 shall be presumed to be subject to penalty and lien for the penalty and shall be taken by the buyer or transferee thereof as subject to penalty at the rate prescribed in § 722.126 and to the lien for the penalty. All ELS cotton purchased or acquired by a person which is not identified by a marketing card, marketing certificate, or loan document shall be presumed to have been marketed by a producer unless it is established that such cotton was purchased or acquired from a person other than the producer thereof. The buyer or transferee shall report the purchase of all such unidentified ELS cotton on Form MQ-82—Cotton (ELS) and shall remit to the county committee treasurer the penalty collected, or deducted from the purchase price of the ELS cotton.

§ 722.126 *Rate of penalty.* The rate of penalty for ELS lint cotton is the higher of 50 percent of the parity price for ELS cotton as of June 15 of the year in which the ELS cotton is planted, or 50 percent of the support price for such crop of ELS cotton as provided in sections 346 (a) and 347 (c) of the act. Section 722.152 will be amended annually to set forth the exact rate of the penalty for each crop year.

§ 722.127 *Lien for the penalty.* Until the penalty on the farm marketing excess for any crop year is paid, all ELS cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.126 and a lien on such entire crop of ELS cotton produced on the farm shall be in effect in favor of the United States.

§ 722.128 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.129 (b), (d), or § 722.130 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.129 *Payment of penalty by producers*—(a) *Producer liable for payment of penalty.* Each producer having an interest in the crop of ELS cotton on any farm produced in a crop year for which a farm marketing excess has been determined shall be liable for the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of ELS cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any ELS cotton produced on the farm is harvested or is available for harvest. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15 (June 15 in the case of the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted, even though the ELS cotton is not harvested: *Provided, however,* That the penalty on any bale or lot of ELS cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.122, § 722.123 or § 722.124, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the ELS cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the ELS cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the ELS cotton produced on the farm in the crop year bears to the total amount of ELS cotton produced on the farm in such crop year. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 722.118 for his share of the ELS cotton crop produced on the farm in such crop year.

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator after thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

§ 722.130 *Payment of penalty by buyers and transferees*—(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States (including Puerto Rico) who buys or acquires from the producer any ELS cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. ELS cotton shall be presumed to be subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ-76—ELS Cotton), a marketing certificate (Form MQ-91—Cotton (ELS)), or a loan document, as provided in §§ 722.122, 722.123, and 722.124.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States (including Puerto Rico) who buys or acquires ELS cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the ELS cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton was marketed. ELS cotton shall be deemed to be sold when either title to or actual or constructive possession of such cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. ELS cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of the ELS cotton by actual or constructive delivery or the transferee has received any part of the property, goods, or services for which the ELS cotton is being bartered or exchanged. ELS cotton shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the ELS cotton to the transferee during the lifetime of the producer. ELS cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts ELS cotton into an article of trade and thereby causes such cotton to lose its identity as ELS lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from ELS cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any ELS cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the ELS cotton was purchased a receipt for the amount so deducted which shall be on Form MQ-82—Cotton (ELS).

§ 722.131 *Remittance of penalty to the county committee treasurer.* The county committee treasurer for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of Commodity Stabilization Service, U. S. D. A. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county committee treasurer subject to collection and payment at par.

§ 722.132 *Deposit of funds.* All funds received by the county committee treasurer in connection with penalties for ELS cotton shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county committee treasurer shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to Commodity Stabilization Service, U. S. D. A., and transmit such check to the State committee. The county committee treasurer shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the ELS cotton in connection with which the funds were remitted.

§ 722.133 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the county committee treasurer, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every ELS cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the ELS cotton or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the county committee treasurer shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.134 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever a claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to ELS cotton is duly filed in accordance with section 372 of the act and the regulations pertaining to Refunds of Penalties Erroneously, Illegally or Wrongfully Collected with Respect to Marketing in Excess of Marketing Quotas (§§ 714.21 to 714.28 of this chapter; 13 F. R. 6210, Oct. 22, 1948; 19 F. R. 395, Jan. 22, 1954), as amended, and a determination is duly made that a part or all of the penalty was erroneously, illegally, or wrongfully collected, a refund of such penalty or part thereof shall be made as provided in the regulations pertaining to refunds of penalties (§§ 714.21 to 714.28 of this chapter).

§ 722.135 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.101 to 722.152 to the county committee treasurer when collected. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.136 *Records to be kept and reports to be made by ginners*—(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

(b) *Ginner's record of ELS cotton ginned.* Each ginner shall keep, for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of ELS cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the ELS cotton was produced; (3) the name of the producer of the ELS cotton; (4) the name and address of the person who delivered the ELS cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the ELS cotton as furnished; (5) the county and State in which the farm on which the ELS cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; (8) the gross weight of each bale of ELS cotton and the net weight of each lot of ELS lint cotton less than a bale ginned by the ginner; and (9) the kind of bagging used on each bale if other than jute.

(c) *Requests for reports.* Each ginner, upon written request of the State committee or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to ELS cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee or county committee in the written request for such report.

(d) *Manner of submitting reports.* The county committee treasurer designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

§ 722.137 *Records to be kept and reports to be made by buyers*—(a) *Necessity for records and reports.* Each person who buys or acquires ELS seed cotton or ELS lint cotton from the producer thereof, in conformity with section 373 (a) of the act, shall keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

(b) *Nature of records.* Each buyer shall keep for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of ELS cotton, and each lot of ELS cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and in the case of ELS seed cotton purchased, the number of pounds of such seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of ELS lint cotton in each bale, and each lot of ELS lint cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.101 to 722.152 and the amount of penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the ELS cotton was not identified in the manner provided in §§ 722.101 to 722.152 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records as required by this paragraph.

The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ-100—Cotton (ELS) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with marketing of ELS cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of ELS cotton which is not identified by a marketing card, marketing certificate or loan document, as provided in §§ 722.122, 722.123 and 722.124 when marketed by a producer shall, with respect to each such purchase, make a written report on Form MQ-82—Cotton (ELS) of the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the ELS cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's Copy" shall be delivered to the producer, the "Buyer's Copy" shall be retained by the buyer and the buyer shall mail or deliver the "County Office Copy" to the county committee treasurer for the county in which such cotton was produced.

(d) *Reports in connection with ELS cotton identified by marketing certificates.* The buyer of ELS cotton which is identified, when marketed, by a marketing certificate, Form MQ-91—Cotton (ELS), as provided in § 722.123, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County Office Copy" to the county committee treasurer for the county in which such certificate was issued. The "Buyer's Copy" shall be retained by the buyer and the "Producer's Copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States (including Puerto Rico), is provided for in § 722.142 (b).

(e) *Receipts to producers for penalties.* Where the ELS cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the "Producer's Copy" of the executed Form MQ-82—Cotton (ELS) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County Office Copy" of Form MQ-82—Cotton (ELS) to the county committee treasurer for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any ELS cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.101 to 722.152, the buyer shall, within fifteen days after a written request therefor by either such committee is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ-100—Cotton (ELS) to the designated county committee treasurer with respect to ELS cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of ELS cotton, and each lot of ELS cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and, in the case of ELS cotton purchased in the seed, the number of pounds of ELS seed cotton and the known or estimated amount of lint in such ELS seed cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale, purchased from the producers; (5) the amount of penalty required to be collected under §§ 722.101 to 722.152 and the amount of any penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if the ELS cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The county committee treasurer for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ-82—Cotton (ELS) in connection with the purchase of ELS cotton marketed without the use of the means of identification provided by §§ 722.101 to 722.152 may be mailed or delivered directly to the county committee treasurer from whom the blank copy of the form was obtained.

§ 722.138 *Records to be kept and reports to be made by transferees.* Each transferee who acquires ELS seed cotton or ELS lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.137. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.139 *Records to be kept by warehousemen, processors, and others.* Each warehouseman, processor (including compressmen), common carrier, or other person, as defined in section 373 (a) of the act, who stores, processes (including compressing), transports as a common carrier or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof shall for each crop year keep the records relating to such cotton which are normally kept by persons engaged in the same or similar business. The Secretary hereby finds such records to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

§ 722.140 *Availability of records kept by ginners, buyers, transferees, warehousemen, and others.* Each ginner, buyer, transferee, warehouseman, processor (including compressmen), common carrier, or other person as defined in section 373 (a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§722.101 to 722.152 but not so furnished. The records to be kept pursuant to the provisions of §§722.136, 722.137, 722.138, and 722.139 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the ELS cotton is planted, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§ 722.101 to 722.152 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the director.

§ 722.141 *Penalty for failure or refusal to keep records or make reports.* Any ginner, buyer, transferee, warehouseman, processor (including compressmen), common carrier, or other person, as defined in section 373 (a) of the act who gins, buys, acquires, stores, processes (including compressing), transports as a common carrier, or otherwise deals with ELS cotton from, for or on behalf of the producer thereof who fails to keep the records, make the reports as required by § 722.136, § 722.137, § 722.138, or § 722.139 or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 722.142 *Records to be kept and reports to be made by producers*—(a) *Necessity for records and reports.* Each person who produces or who has produced in any crop year, ELS cotton which is subject to the provisions of §§ 722.101 to 722.152 shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which the ELS cotton is planted, or for such longer period of time as may be requested in writing by the director.

(b) *ELS cotton marketed to persons not within the United States.* In each case where ELS cotton for which a marketing certificate has been issued pursuant to § 722.118 is marketed to any person not within the United States (including Puerto Rico) the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States (including Puerto Rico). The producer shall retain the "Producer's Copy" of the certificate. Not later than 15 calendar days next succeeding the day on which the ELS cotton was marketed the "County Office Copy" and the "Buyer's Copy" shall be mailed or delivered by such producer to the county committee treasurer for the county in which the certificate was issued.

(c) *Farm operator's report.* The operator of the farm shall file with the county committee treasurer for the county in which the farm is located a farm operator's report on Form MQ-98—Cotton (ELS) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.112 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of ELS cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.101 to 722.152 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ-98—Cotton (ELS), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ-98—Cotton (ELS) shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) The date harvesting of the crop of ELS cotton was completed on the farm, the date of the last ginning of ELS cotton produced on the farm, and the acreage planted to ELS cotton on the farm; (ii) the total number of pounds of ELS lint cotton ginned from the crop of ELS cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of ELS seed cotton of the crop marketed; (v) the total amount of the crop ELS lint cotton marketed; (vi) the amount of unmarketed ELS cotton of the crop on hand; (vii) the total number of pounds of ELS lint cotton produced from such crop; (viii) the name and address of each buyer or transferee of such crop ELS lint or ELS seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The county committee treasurer for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.143 *Data to be kept confidential.* Except as provided in § 722.148 all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.136 to 722.140 inclusive and § 722.142 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any ELS cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.144 *Enforcement.* It shall be the duty of the county office manager to report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.101 to 722.152 and so to report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.145 *ELS cotton produced by publicly owned agricultural experiment stations.* ELS cotton produced by publicly owned agricultural experiment stations shall be handled pursuant to applicable acreage allotment regulations.

§ 722.146 *Erroneous notices*—(a) *Erroneous notice of ELS cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to ELS cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of ELS cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee. The acreage planted to ELS cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.147.

(b) *Erroneous notice of planted acreage.* In any case where it is discovered after all the ELS cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to ELS cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the ELS cotton acreage for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State administrative officer concurs upon review of the county committee determination, the acreage planted to ELS cotton on the farm will be considered as an acreage equal to the farm allotment.

§ 722.147 *No credit for overplanting the farm allotment.* Any acreage planted to ELS cotton in any crop year in excess of the farm allotment for such crop of ELS cotton shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of ELS cotton.

§ 722.148 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving ELS cotton allotments all records pertaining to ELS cotton allotments and marketing quotas.

§ 722.149 *Designation of representatives of the Secretary to examine records*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.136 to 722.140, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing, with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions. In addition, investigators and accountants (special agents), Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.101 to 722.152.

§ 722.150 *Delivery of notices in Puerto Rico.* Notwithstanding the provisions of §§ 722.101 to 722.152 where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for therein, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.151 *County normal yields for each crop year.* This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.102 (d) (8).

§ 722.152 *Penalty rate for each crop year.* This section will be amended annually to establish the penalty rate for each crop year pursuant to § 722.126.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 8th day of May 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3585; Filed, May 13, 1958; 8:45 a. m.]

PART 730—RICE

SUBPART—1958–59 MARKETING YEAR

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1958 CROP

The regulations contained in § 730.908 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, including the amendments to section 301 of that Act which are contained in section 502 of the Agricultural Act of 1956. These amendments provide definitions for county normal yields as follows:

> (D) "Normal yield" for any county, in the case of rice, shall be the average yield per acre of rice for the county during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yields, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.
>
> (F) In applying subparagraph (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1958 and the determination of county normal yields thereunder, public notice (22 F. R. 7865) was given in accordance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or recommendations pertaining thereto were submitted pursuant to such notice.

Section 730.908 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1958 crop of rice determined thereunder.

§ 730.908 *County normal yields for 1958 crop rice*—(a) *Regulations.* County normal yields for 1958 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1953 through 1957, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be made as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the 5-year 1953–57 average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the 5-year 1953–57 average yield, 125 per centum of such average yield shall be substituted therefor. The adjustment for trends in yields shall be made by computing the simple average of (1) the average yield per harvested acre of rice for the county during the 5 calendar years 1953–57, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the average yield per harvested acre of rice for the county during the 2 calendar years 1956 and 1957, similarly adjusted.

(b) *Proclamation of county normal yields.* County normal yields for 1958 crop rice, determined in accordance with paragraph (a) of this section, are as follows:

ARKANSAS

County	*Normal yield (pounds)*	*County*	*Normal yield (pounds)*
Arkansas	3,224	Lafayette	2,666
Ashley	3,069	Lawrence	2,990
Chicot	3,170	Lee	2,982
Clark	2,792	Lincoln	3,103
Clay	2,944	Little River	2,556
Conway	2,897	Lonoke	3,054
Craighead	3,092	Miller	2,692
Crittenden	3,104	Mississippi	3,233
Cross	2,976	Monroe	2,842
Dallas	2,722	Perry	2,716
Desha	3,180	Phillips	2,894
Drew	3,136	Poinsett	3,038
Faulkner	2,960	Prairie	3,102
Grant	2,581	Pulaski	2,906
Greene	2,986	Randolph	2,900
Hot Spring	2,850	St. Francis	3,077
Independence	2,972	White	3,022
Jackson	3,110	Woodruff	2,999
Jefferson	3,111	State	3,073

CALIFORNIA

Butte	3,785	Riverside	2,000
Colusa	3,845	Sacramento	3,654
Fresno	3,884	San Joaquin	3,175
Glenn	3,904	Stanislaus	3,709
Imperial	1,745	Sutter	3,948
Kern	3,220	Tulare	2,462
Kings	2,792	Yolo	3,811
Madera	3,748	Yuba	3,182
Merced	3,385	State	3,764
Placer	3,486		

FLORIDA

Palm Beach	1,633

ILLINOIS

Adams	2,728

LOUISIANA

County	Normal yield (pounds)	County	Normal yield (pounds)
Acadia	2, 694	Madison	3, 324
Allen	2, 662	Morehouse	3, 532
Ascension	2, 440	Plaquemines	2, 536
Assumption	2, 252	Rapides	2, 590
Avoyelles	2, 684	Richland	3, 318
Beauregard	2, 032	St. Charles	2, 700
Bossier	2, 755	St. James	2, 388
Calcasieu	2, 084	St. John the Baptist	2, 414
Cameron	2, 184	St. Landry	2, 609
Concordia	2, 847	St. Martin	2, 698
East Carroll	3, 638	St. Mary	2, 633
Evangeline	2, 608	St. Tammany	1, 978
Franklin	2, 986	Tensas	3, 280
Grant	2, 904	Terrebonne	2, 252
Iberia	2, 204	Vermilion	2, 586
Iberville	2, 396	West Carroll	3, 461
Jefferson Davis	2, 706	State	2, 557
Lafayette	2, 514		
Lafourche	2, 220		

MISSISSIPPI

County	Normal yield (pounds)	County	Normal yield (pounds)
Bolivar	2, 892	Quitman	3, 036
Coahoma	2, 998	Sharkey	2, 892
De Soto	3, 260	Sunflower	2, 828
Hancock	2, 702	Tallahatchie	2, 632
Humphreys	2, 991	Tate	2, 584
Issaquena	2, 456	Tunica	3, 041
Leflore	2, 974	Washington	2, 843
Panola	3, 231	State	2, 909

MISSOURI

County	Normal yield (pounds)	County	Normal yield (pounds)
Butler	3, 377	New Madrid	2, 548
Dunklin	3, 331	Pemiscot	3, 328
Lafayette	2, 912	Ripley	2, 784
Lewis	2, 699	St. Charles	2, 617
Lincoln	2, 705	Scott	3, 131
Marion	2, 880	Stoddard	2, 856
Mississippi	2, 671	State	3, 053

NORTH CAROLINA

County	Normal yield (pounds)	County	Normal yield (pounds)
Brunswick	2, 040	State	1, 725
Hyde	1, 660		

OKLAHOMA

County	Normal yield (pounds)
McCurtain	2, 663

SOUTH CAROLINA

County	Normal yield (pounds)	County	Normal yield (pounds)
Berkeley	1, 922	Horry	1, 782
Charleston	1, 264	Jasper	1, 630
Colleton	1, 144	State	1, 466
Georgetown	1, 005		

TENNESSEE

County	Normal yield (pounds)	County	Normal yield (pounds)
Dyer	1, 970	Lauderdale	3, 334
Fayette	1, 975	State	3, 110

TEXAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Austin	3, 125	Liberty	2, 674
Bowie	2, 832	Matagorda	3, 238
Brazoria	2, 972	Newton	2, 778
Calhoun	2, 810	Orange	2, 652
Chambers	2, 666	Polk	2, 808
Colorado	3, 285	San Jacinto	2, 545
Fort Bend	3, 014	Victoria	3, 068
Galveston	3, 008	Walker-Houston	2, 565
Hardin	2, 742	Waller	3, 080
Harris	3, 055	Washington	3, 113
Jackson	3, 236	Wharton	3, 160
Jasper	2, 636	State	2, 972
Jefferson	2, 659		
Lavaca	3, 042		

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 8th day of May 1958.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3627; Filed, May 13, 1958; 8:53 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

1958 DETERMINATION AND PRORATION OF QUOTA DEFICITS

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act" for the purpose of determining and prorating additional deficits in the quotas for Hawaii and Puerto Rico for sugar to be marketed in the continental United States in 1958.

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas than in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237) § 811.4 of Sugar Regulation 811 (23 F. R. 2785) is hereby amended to read as follows:

§ 811.4 *Determination and proration of area deficits and adjusted quotas*—(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1958, Hawaii and Puerto Rico will be unable by 200,000 and 250,000 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 47,643 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	36, 432	[illegible]
Mainland cane sugar	11, 211	598, [illegible]
Hawaii	0	1, 065, 513
Puerto Rico	0	1, 114, [illegible]
Virgin Island	0	15, [illegible]

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 402,357 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in paragraph (b) of this section
Domestic beet sugar	142, 686	2, 0[illegible]
Mainland cane sugar	43, 906	642, [illegible]
Hawaii	0	1, 065, [illegible]
Puerto Rico	0	1, 114, [illegible]
Virgin Islands	0	15, [illegible]
Cuba	215, 765	3, 1[illegible]

Quotas for foreign countries other than Cuba remain as established in § 811.3.

STATEMENT OF BASES AND CONSIDERATIONS

On April 23, 1958, deficits of 200,000 tons in the quota for Puerto Rico and 100,000 tons in the quota for Hawaii were prorated to the Domestic Beet and Mainland Cane Sugar Areas and Cuba.

Production of sugar in Puerto Rico through April is significantly below production for the same period last year when total production for the year was 990,000 short tons, raw value. Thus, it appears that the supply of sugar will be insufficient to fill the 1958 mainland and local quotas for Puerto Rico by at least 250,000 tons.

The strike of sugar workers in Hawaii continues to decrease the potential production of sugar and it appears that the supply will be insufficient to fill the 1958 mainland and local quotas by 200,000 tons.

The Virgin Islands will be unable to fill any part of the deficits herein determined.

Accordingly, deficits of 200,000 and 250,000 short tons, raw value, in the mainland quotas for Hawaii and Puerto Rico, respectively, are hereby determined, and pursuant to section 204 (a) of the act, 47,643 tons are prorated to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in S. R. 811 (22 F. R. 10732), and 402,357 tons are prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 47,643 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 926; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 8th day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3626; Filed, May 13, 1958; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-233]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

CONFIDENTIAL TREATMENT OF PRELIMINARY YEAR-END SCHEDULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of May 1958.

Section 241.22 (b) of Part 241 presently provides for automatic confidential treatment of preliminary year-end Form 41 reports unless directed otherwise by the Board.

Notwithstanding the fact that confidential treatment has been accorded these preliminary reports, portions of such reports in some instances have been used publicly by the carrier. In these instances, as well as in cases where a carrier would not necessarily have requested confidential treatment of its reports, the Board's staff nevertheless is precluded from making public disclosure of these reports. In attempting to deal with this and related problems, the Board found that the present procedure of granting automatic confidential treatment of preliminary year-end reports is administratively impractical.

Accordingly, the Board issued Draft Release No. 88 (22 F. R. 10759), dated December 5, 1957, to advise the carriers that it proposed to correct this situation by deleting the provision in § 241.22 (b) providing for automatic confidential treatment of preliminary year-end reports and by amending § 399.25 of Part 399 Statements of General Policy by providing that when a request for such treatment is granted, it will be the general policy of the Board to restrict the preliminary report until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

The comments received in response to Draft Release No. 88 generally recognized that the present requirements with respect to confidential treatment of preliminary reports are unfair to the Board. However, all such comments recommended that this be remedied by amending the provisions of § 241.22 (b) so as to provide that at the request of the air carrier, the preliminary year-end schedules would be withheld from public disclosure until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

The Board has considered all the relevant comments received and is of the opinion that because the amendment suggested by the industry would provide for the automatic granting of requests for confidential treatment of preliminary year-end reports, such an amendment would perpetuate the disadvantages which the proposed rule was designed to remove and is therefore unacceptable to the Board. It is the Board's belief that it should maintain the right to determine in each case whether a carrier's request for confidential treatment presents a basis for finding that disclosure by the Board would adversely affect the carrier's interests and would not be in the public interest. However, the Board does see merit in the suggestion that the Board's policy in granting confidential treatment continue to appear in Part 241.

In accordance with the foregoing, § 241.22 (b) is amended to provide that each air carrier may request confidential treatment of its preliminary year-end reports but must justify such a request. In addition, § 241.22 (b) is further amended by the adoption of a third limitation to a grant, i. e. that confidential treatment would terminate if the information covered by the preliminary report is publicly released by the carrier concerned.

Inasmuch as the Board's policy with respect to the confidential treatment of preliminary year-end reports is set forth in the proposed amendment to § 241.22 (b), an amendment to Part 399 eliminating the provisions of § 399.25 is being made contemporaneously herewith.[1]

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective June 12, 1958, as follows:

1. By amending the second sentence under § 241.22 (b) to read as follows: "At the request of an air carrier, and upon a showing by such air carrier that public disclosure of its preliminary year-end report would adversely affect its interests and would not be in the public interest, the Board will withhold such preliminary year-end report from public disclosure until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 407, 1104, 52 Stat. 1000, 1026, 49 U. S. C. 487, 674)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-3618; Filed, May 13, 1958; 8:51 a. m.]

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[1] See F. R. Doc. 58-3619, Part 399 of this chapter, *infra*.

Subchapter D—Policy Statements

[Reg. Policy Statement 4]

PART 399—STATEMENTS OF GENERAL POLICY

CONFIDENTIAL TREATMENT OF PRELIMINARY YEAR-END REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of May 1958.

Section 399.25 of Part 399 adopted May 25, 1955, states that it is the Board's policy to accord confidential treatment to preliminary year-end carrier reports upon request until final reports are filed or until the date such reports are due, whichever first occurs.

Contemporaneously herewith, the Board is adopting an amendment to Part 241 of the Economic Regulations[1] setting forth its future policy with respect to the confidential treatment of preliminary year-end reports. Under this amendment the Board will decide on the merits of each case, as presented by the carrier, whether or not confidential treatment of individual preliminary reports is in the public interest.

The policy set forth in § 399.25 having thus been superseded by the amendment to Part 241, this amendment to Part 399 is being adopted to repeal the provisions of § 399.25.

Since this rule relates only to statements of policy, notice and public procedure hereon are unnecessary, and the regulation may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Subpart B of Part 399 effective May 8, 1958, as follows:

By repealing § 399.25.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-3619; Filed, May 13, 1958; 8:51 a. m.]

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[1] See F. R. Document 58-3618, Part 241 of this chapter, *supra*.

TITLE 29—LABOR

Chapter I—National Labor Relations Board

REVISION OF CHAPTER

Chapter I of Title 29, Code of Federal Regulations, is revised to read as set forth below.

FRANK M. KLEILER,
Executive Secretary.

Part
101 Statements of procedure, Series 7.
102 Rules and regulations, Series 7.

PART 101—STATEMENTS OF PROCEDURE, SERIES 7

Subpart A—General Statement

Sec.
101.1 General statement.

Subpart B—Unfair Labor Practice Cases Under Section 10 (a) to (i) of the Act and Telegraph Merger Act Cases

101.2 Initiation of unfair labor practice cases.
101.3 Compliance with section 9 (f), (g), and (h) of the act.
101.4 Investigation of charges.
101.5 Withdrawal of charges.
101.6 Dismissal of charges and appeals to general counsel.
101.7 Settlements.
101.8 Complaints.
101.9 Settlement after issuance of complaint.
101.10 Hearings.
101.11 Intermediate report (recommended decision).
101.12 Board decision and order.
101.13 Compliance with Board decision and order.
101.14 Judicial review of Board decision and order.
101.15 Compliance with court decree.
101.16 Back-pay proceedings.

Subpart C—Representation Cases Under Section 9 (c) of the Act

101.17 Initiation of representation case.
101.18 Investigation of petition.
101.19 Consent adjustments before formal hearing.
101.20 Formal hearing.
101.21 Hearing; procedure after hearing.

Subpart D—Referendum Cases Under Section 9 (e) (1) and (2) of the Act

101.22 Initiation of rescission of authority cases.
101.23 Investigation of petition; withdrawals and dismissals.
101.24 Consent agreements providing for election.
101.25 Procedure respecting election conducted without hearing.
101.26 Formal hearing and procedure respecting election conducted after hearing.

Subpart E—Jurisdictional Dispute Cases Under Section 10 (k) of the Act

101.27 Initiation of proceedings to hear and determine jurisdictional disputes under section 10 (k).
101.28 Investigation of charges; withdrawal of charges; dismissal of charges and appeals to Board.
101.29 Initiation of formal action; settlement.
101.30 Hearing.
101.31 Procedure before the Board.
101.32 Compliance with certification; further proceedings.

Subpart F—Procedure Under Section 10 (j) and (l) of the Act

101.33 Application for temporary relief or restraining orders.
101.34 Change of circumstances.

AUTHORITY: §§ 101.1 to 101.34 issued under sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156.

SUBPART A—GENERAL STATEMENT

§ 101.1 *General statement.* By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues and causes to be published in the FEDERAL REGISTER Series 7 of its Statements of Procedure, which are promulgated to carry out the provisions of the act. Said series shall become effective upon the signing of the original by the members of the Board and the publication thereof in the FEDERAL REGISTER. The Statements of Procedure, Series 7, shall be in force and effect until amended or rescinded by the Board.

SUBPART B—UNFAIR LABOR PRACTICE CASES UNDER SECTION 10 (a) TO (i) OF THE ACT AND TELEGRAPH MERGER ACT CASES

§ 101.2 *Initiation of unfair labor practice cases.* The investigation of an alleged violation of the National Labor Relations Act is initiated by the filing of a charge, which must be in writing and signed, and must either be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. The charge is filed with the regional director for the region in which the alleged violations have occurred or are occurring. A blank form for filing such charge is supplied by the regional office upon request. The charge contains the name and address of the person against whom the charge is made and a statement of the facts constituting the alleged unfair labor practices. Any person may file a charge, but no complaint will be issued upon a charge filed by a labor organization unless that labor organization is in compliance with section 9 (f), (g), and (h) of the act. (See § 101.3.)

§ 101.3 *Compliance with section 9 (f), (g), and (h) of the act.* (a) If a charge (or petition) is filed by a labor organization, that labor organization and every national or international labor organization of which it is an affiliate or constituent unit must have complied with section 9 (f) (B) (2) of the act. At the time of filing the charge (or petition) or prior thereto, or within a reasonable period of time thereafter not to exceed 10 days, the labor organization must present the duplicate copy of a letter from the United States Department of Labor showing that it has filed the material required under section 9 (f) and (g) of the act and a declaration executed by an authorized agent stating the labor organization has complied with section 9 (f) (B) (2) and setting forth the method by which compliance was made.

(b) In addition, the labor organization and every national or international labor organization of which it is an affiliate or constituent unit must have complied with section 9 (h) of the act as follows: At the time of filing the charge (or petition) or prior thereto, or within a reasonable period not to exceed 10 days thereafter, the national or international labor organization shall have on file with the general counsel in Washington, D. C., and the local labor organization shall have on file with the regional director in the region in which the proceeding is pending, or in which it customarily files cases, a declaration by an authorized agent executed contemporaneously or within the preceding 12-month period listing the titles of all offices of the filing organization and stating the names of the incumbents, if any, in each such office and the date of expiration of each incumbent's term, and an affidavit from each such officer, executed contemporaneously or within the preceding 12-month period, stating that he is not a member of the Communist Party or affiliated with such party and that he does not believe in, and is not a member of, nor supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

(c) In determining who is occupying an office and must, therefore, file an affidavit as an "officer," the Board will normally rely upon the designation of offices appearing in the constitution of the labor organization. Where, however, the Board has reasonable cause to believe that a labor organization has omitted from its constitution the designation of any position as an office for the purpose of evading or circumventing the filing requirements of section 9 (h) of the act, the Board may require affidavits from additional persons.

(d) Whenever all the requirements have been met, the Board in Washington, D. C., or the regional director, whichever is appropriate, issues to the labor organization appropriate notice of such compliance.

§ 101.4 *Investigation of charges.* When the charge is received in the regional office it is filed, docketed, and assigned a case number. The regional director will, on request of the charging party, and may in any case cause a copy of the charge to be served upon the person against whom the charge is made, but timely service of a copy of the charge within the meaning of the proviso to section 10 (b) of the act is the exclusive responsibility of the charging party and not of the general counsel or his agents. The regional director requests the person filing the charge to submit evidence in its support. The person against whom the charge is filed, hereinafter called the respondent, is asked to submit a written statement of his position in respect to the allegations. The case is then assigned to a member of the field staff for investigation, who interviews representatives of all parties and those persons who have knowledge as to the charges. In the investigation and in all other stages of the proceedings, charges alleging violation of section 8 (b) (4) (A), (B), and (C) are given priority over all other cases in the office in which they are pending except cases of like character, and charges alleging violation of section 8 (b) (4) (D) are given priority over all cases except section 8 (b) (4) (A), (B), and (C) cases and other cases alleging violation of section 8 (b) (4)

(D). After full investigation, the case may be disposed of through informal methods such as withdrawal, dismissal, and settlement; or, the case may necessitate formal methods of disposition. Some of the informal methods of handling unfair labor practice cases will be stated first.

§ 101.5 *Withdrawal of charges.* If investigation reveals that there has been no violation of the National Labor Relations Act or the evidence is insufficient to substantiate the charge, the regional director recommends withdrawal of the charge by the person who filed. The complainant may also, on its own initiative, request withdrawal. If the complainant accepts the recommendation of the director or requests withdrawal on its own initiative, the respondent is immediately notified of the withdrawal of the charge.

§ 101.6 *Dismissal of charges and appeals to general counsel.* If the complainant refuses to withdraw the charge as recommended, the regional director dismisses the charge. The regional director thereupon informs the parties of his action, together with a simple statement of the grounds therefor, and the complainant of his right of appeal to the general counsel in Washington, D. C., within 10 days. If the complainant appeals to the general counsel, the entire file in the case is sent to Washington, D. C., where the case is fully reviewed by the general counsel with the assistance of his staff. Following such review, the general counsel may sustain the regional director's dismissal, stating the grounds of his affirmance, or may direct the regional director to take further action.

§ 101.7 *Settlements.* Before any complaint is issued or other formal action taken, the regional director affords an opportunity to all parties for the submission and consideration of facts, argument, offers of settlement, or proposals of adjustment, except where time, the nature of the proceeding, and the public interest do not permit. Normally prehearing conferences are held, the principal purpose of which is to discuss and explore such submissions and proposals of adjustment. The regional office provides Board-prepared forms for such settlement agreements, as well as printed notices for posting by the respondent. These agreements, which are subject to the approval of the regional director, provide for an appeal to the general counsel, as described in § 101.6, by a complainant who will not join in a settlement or adjustment deemed adequate by the regional director. Proof of compliance is obtained by the regional director before the case is closed. If the respondent fails to perform his obligations under the informal agreement, the regional director may determine to institute formal proceedings.

§ 101.8 *Complaints.* If the charge appears to have merit and efforts to dispose of it by informal adjustment are unsuccessful, the regional director institutes formal action by issuance of a complaint and notice of hearing. In certain types of cases, involving novel and complex issues, the regional director, at the discretion of the general counsel, must submit the case for advice from the general counsel before issuing complaint. The complaint, which is served on all parties, sets forth the facts upon which the Board bases its jurisdiction and the facts relating to the alleged violations of law by the respondent. The respondent must file an answer to the complaint within 10 days of its receipt, setting forth a statement of its defense.

§ 101.9 *Settlement after issuance of complaint.* (a) Even though formal proceedings have begun, the parties again have full opportunity at every stage to dispose of the case by amicable adjustment and in compliance with the law. Thus, after the complaint has been issued and a hearing scheduled or even begun, the attorney in charge of the case and the regional director afford all parties every opportunity for the submission and consideration of facts, argument, offers of settlement, or proposals of adjustment, except where time, the nature of the proceeding, and the public interest do not permit.

(b) All settlement stipulations which provide for the entry of an order by the Board are subject to the approval of the Board in Washington, D. C. If the settlement provides for the entry of an order by the Board, the parties agree to waive their right to hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the adjustment. Usually the settlement stipulation also contains the respondent's consent to the Board's application for the entry of a decree by the appropriate circuit court of appeals enforcing the Board's order.

(c) In the event the respondent fails to comply with the terms of a settlement stipulation, upon which a Board order and court decree are based, the Board may petition that court to adjudge the respondent in contempt. If the respondent refuses to comply with the terms of a stipulation settlement providing solely for the entry of a Board order, the Board may petition the court for enforcement of its order, pursuant to section 10 of the National Labor Relations Act.

§ 101.10 *Hearings.* (a) Except in extraordinary situations the hearing is open to the public and usually conducted in the region where the charge originated. A duly designated trial examiner presides over the hearing. The Government's case is conducted by an attorney attached to the Board's regional office, who has the responsibility of presenting the evidence in support of the complaint. The rules of evidence applicable in the district courts of the United States under the Rules of Civil Procedure adopted by the Supreme Court are, so far as practicable, controlling. Counsel for the general counsel, all parties to the proceeding, and the trial examiner have the power to call, examine, and cross-examine witnesses and to introduce evidence into the record. They may also submit briefs, engage in oral argument, and submit proposed findings and conclusions to the trial examiner. The attendance and testimony of witnesses and the production of evidence material to any matter under investigation may be compelled by subpena.

(b) The functions of all trial examiners and other Board agents or employees participating in decisions in conformity with section 8 of the Administrative Procedure Act are conducted in an impartial manner and any such trial examiner, agent, or employee may at any time withdraw if he deems himself disqualified because of bias or prejudice. The Board's attorney has the burden of proof of violations of section 8 of the National Labor Relations Act and section 222 (f) of the Telegraph Merger Act. In connection with hearings subject to the provisions of section 7 of the Administrative Procedure Act:

(1) No sanction is imposed or rule or order issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the preponderance of the reliable, probative, and substantial evidence;

(2) Every party has the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts; and

(3) Where any decision rests on official notice of a material fact not appearing in the evidence in the record, any party is on timely request afforded a reasonable opportunity to show the contrary.

§ 101.11 *Intermediate report (recommended decision).* (a) At the conclusion of the hearing the trial examiner prepares an intermediate report (recommended decision) stating findings of fact and conclusions, as well as the reasons for his determinations on all material issues, and making recommendations as to action which should be taken in the case. The trial examiner may recommend dismissal or sustain the complaint, in whole or in part, and recommend that the respondent cease and desist from the unlawful acts found and take action to remedy their effects.

(b) The intermediate report is filed with the Board in Washington, D. C., and copies are simultaneously served on each of the parties. At the same time the Board, through its executive secretary, issues and serves on each of the parties an order transferring the case to the Board. The parties may accept and comply with the recommendations of the trial examiner, and thus normally conclude the entire proceedings at this point. Or, the parties or counsel for the Board may file exceptions to the intermediate report with the Board and may also request permission to appear and argue orally before the Board in Washington, D. C. They may also submit proposed findings and conclusions to the Board. Oral argument is very frequently granted.

§ 101.12 *Board decision and order.* (a) If any party files exceptions to the intermediate report, the Board, with the assistance of the legal assistants to each

Board member who function in much of the same manner as law clerks do for judges, reviews the entire record, including the trial examiner's report and recommendations, the exceptions thereto, the complete transcript of evidence, and the exhibits, briefs, and arguments. The Board does not consult with members of the trial examining staff or with any agent of the general counsel in its deliberations. It then issues its decision and order in which it may adopt, modify, or reject the findings and recommendations of the trial examiner. The decision and order contains detailed findings of fact, conclusions of law, and basic reasons for decision on all material issues raised, and an order either dismissing the complaint in whole or in part or requiring the respondent to cease and desist from its unlawful practices and to take appropriate affirmative action.

(b) If no exceptions are filed to the intermediate report, and the respondent does not comply with its recommendations, the Board adopts the report and recommendations of the trial examiner. All objections and exceptions, whether or not previously made during or after the hearing, are deemed waived for all purposes.

(c) If no exceptions are filed to the intermediate report and its recommendations and the respondent complies therewith, the case is normally closed but the Board may, if it deems necessary in order to effectuate the policies of the act, adopt the report and recommendations of the trial examiner.

§ 101.13 *Compliance with Board decision and order.* (a) Shortly after the Board's decision and order is issued the director of the regional office in which the charge was filed communicates with the respondent for the purpose of obtaining compliance. Conferences may be held to arrange the details necessary for compliance with the terms of the order.

(b) If the respondent effects full compliance with the terms of the order, the regional director submits a report to that effect to Washington, D. C., after which the case may be closed. Despite compliance, however, the Board's order is a continuing one; therefore, the closing of a case on compliance is necessarily conditioned upon the continued observance of that order; and in some cases it is deemed desirable, notwithstanding compliance, to implement the order with an enforcing decree. Subsequent violations of the order may become the basis of further proceedings.

§ 101.14 *Judicial review of Board decision and order.* If the respondent does not comply with the Board's order, or the Board deems it desirable to implement the order with a court decree, the Board may petition the appropriate Federal court for enforcement. Or, the respondent may petition the circuit court of appeals to review and set aside the Board's order. Upon such review or enforcement proceedings, the court reviews the record and the Board's findings and order and sustains them if they are in accordance with the requirements of law. The court may enforce, modify, or set aside in whole or in part the Board's findings and order, or it may remand the case to the Board for further proceedings as directed by the court. Following the court's decree, either the Government or the private party may petition the Supreme Court for review upon writ of certiorari. Such applications for review to the Supreme Court are handled by the Board through the Solicitor General of the United States.

§ 101.15 *Compliance with court decree.* After a Board order has been enforced by a court decree, the Board has the responsibility of obtaining compliance with that decree. Investigation is made by the regional office of the respondent's efforts to comply. If it finds that the respondent has failed to live up to the terms of the court's decree, the general counsel may, on behalf of the Board, petition the court to hold him in contempt of court. The court may order immediate remedial action and impose sanctions and penalties.

§ 101.16 *Back-pay proceedings.* After a Board order directing the payment of back pay has been enforced by a court order, the regional office computes the amount of back pay due each employee. If informal efforts to dispose of the matter prove unsuccessful, the regional director is then authorized to issue a "back-pay specification" in the name of the Board and a notice of hearing before a trial examiner, both of which are served on the parties involved. The specification sets forth the computations showing how the regional director arrived at the net back pay due each employee. The respondent must file an answer within 15 days of the receipt of the specification, setting forth a particularized statement of its defense. The procedure before the trial examiner or the Board is substantially the same as that described in §§ 101.10 to 101.14, inclusive.

SUBPART C—REPRESENTATION CASES UNDER SECTION 9 (c) OF THE ACT

§ 101.17 *Initiation of representation case.* The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organization acting on behalf of a substantial number of employees or by an employer when one or more individuals or labor organizations present to him a claim to be recognized as the exclusive bargaining representative. If there is a certified or currently recognized representative, any employee, or group of employees, or any individual or labor organization acting in their behalf may also file decertification proceedings to test the question of whether the certified or recognized agent is still the representative of the employees. The petition must be in writing and signed, and either must be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the proposed or actual bargaining unit exists. Petition forms, which are supplied by the regional office upon request, provide, among other things, for a description of the contemplated or existing appropriate bargaining unit, the approximate number of employees involved, and the names of all labor organizations which claim to represent the employees. If the petition is filed by a labor organization, no investigation will be made of any question of representation raised by such labor organization unless such labor organization is in compliance with section 9 (f), (g), and (h) of the act. (See § 101.3.) If a petition is filed by a labor organization or in the case of a petition to decertify a certified or recognized bargaining agent, the petitioner must supply, within 48 hours after filing but in no event later than the last day on which the petition might timely be filed, evidence of representation. Such evidence is usually in the form of cards authorizing the labor organization to represent the employees or authorizing the petitioner to file a decertification proceeding.

§ 101.18 *Investigation of petition.* (a) Upon receipt of the petition in the regional office, it is docketed and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) the appropriateness of the unit of employees for the purposes of collective bargaining and the existence of a bona fide question concerning representation within the meaning of the act, (3) whether the election would effectuate the policies of the act and reflect the free choice of employees in the appropriate unit, and (4) whether, if the petitioner is a labor organization seeking recognition, there is a sufficient probability, based on the evidence of representation of the petitioner, that the employees have selected it to represent them. The evidence of representation submitted by the petitioning labor organization or by the person seeking decertification is ordinarily checked to determine the number or proportion of employees who have designated the petitioner, it being the Board's administrative experience that in the absence of special factors the conduct of an election serves no purpose under the statute unless the petitioner has been designated by at least 30 percent of the employees. However, in the case of a petition by an employer, no proof of representation on the part of the labor organization claiming a majority is required and the regional director proceeds with the case if other factors require it unless the labor organization withdraws its claim to majority representation. The field examiner, or other member of the staff, attempts to ascertain from all interested parties whether or not the grouping or unit of employees described in the petition constitutes an appropriate bargaining unit.

(b) The petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that no question of representation exists within the meaning of the statute, because, among other possible reasons, the unit is not appropriate, or a written contract precludes further investigation at that time, or where the petitioner is a labor organization or a person seeking decertification and the showing of representation among the employees is insufficient to warrant an election under the 30-percent principle stated in paragraph (a) of this section.

(c) For the same or similar reasons the regional director may request the petitioner to withdraw its petition. If, despite the regional director's recommendations, the petitioner refuses to withdraw the petition, the regional director then dismisses the petition stating the grounds for his dismissal and informing the petitioner of his right of appeal to the Board in Washington, D. C. The petitioner may within 10 days appeal from the regional director's dismissal by filing such request with the Board in Washington, D. C. After a full review of the file with the assistance of its staff, the Board may sustain the dismissal, stating the grounds of its affirmance, or may direct the regional director to take further action.

§ 101.19 *Consent adjustments before formal hearing.* The Board has devised and makes available to the parties two types of informal consent procedures through which representation issues can be resolved without recourse to formal procedures. These informal arrangements are commonly referred to as (a) consent-election agreement, followed by regional director's determination, and (b) consent-election agreement, followed by Board certification. Forms for use in these informal procedures are available in the regional offices.

(a) (1) The consent-election agreement followed by the regional director's determination of representatives is the most frequently used method of informal adjustment of representation cases. The terms of the agreement providing for this form of adjustment are set forth in printed forms, which are available upon request at the Board's regional offices. Under these terms the parties agree with respect to the appropriate unit, the payroll to be used as the basis of eligibility to vote in an election, and the place, date, and hours of balloting. A Board agent arranges the details incident to the mechanics and conduct of the election. For example, he usually arranges preelection conferences in which the parties check the list of voters and attempt to resolve any questions of eligibility. Also, prior to the date of election, official notices of election are, whenever possible, posted conspicuously in the plant. These notices reproduce a sample ballot and outline such election details as location of polls, time of voting, and eligibility rules.

(2) The actual polling is always conducted and supervised by Board agents. Appropriate representatives of each party may assist them and observe the election. As to the mechanics of the election, a ballot is given to each eligible voter by the Board's agents. The ballots are marked in the secrecy of a voting booth. The Board agents and authorized observers have the privilege of challenging for reasonable cause employees who apply for ballots.

(3) Customarily the Board agents, in the presence and with the assistance of the authorized observers, count and tabulate the ballots immediately after the closing of the polls. A complete tally of the ballots is served upon the parties upon the conclusion of the count.

(4) If challenged ballots are sufficient in number to affect the results of the count, the regional director conducts an investigation and rules on the challenges. Similarly, if objections to the conduct of the election are filed within 5 days of the issuance of the tally of ballots, the regional director likewise conducts an investigation and rules upon the objections. If, after investigation, the objections are found to have merit, the regional director may void the election results and conduct a new election.

(5) This form of agreement provides that the rulings of the regional director on all questions relating to the election (for example, eligibility to vote and the validity of challenges and objections) are final and binding. Also, the agreement provides for the conduct of a runoff election, in accordance with the provisions of Part 102 of this chapter (the Board's rules and regulations), if two or more labor organizations appear on the ballot and no one choice receives the majority of the valid votes cast.

(6) The regional director issues to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board.

(b) The consent-election agreement followed by a Board determination provides that disputed matters following the agreed-upon election, if determinative of the results, shall be the basis of a formal decision by the Board instead of an informal determination by the regional director. Thus, it is provided that the Board, rather than the regional director, makes the final determination of questions raised concerning eligibility, challenged votes, and objections to the conduct of the election. Thus, if challenged ballots are sufficient in number to affect the results of the count, the regional director conducts an investigation and issues a report on the challenges instead of ruling thereon. Similarly, if objections to the conduct of the election are filed within 5 days after issuance of the tally of ballots, the regional director likewise conducts an investigation and issues a report instead of ruling upon the validity of the objections. In either event, the regional director's report is served upon the parties, who may file exceptions thereto within 10 days with the Board in Washington, D. C. The Board then reviews the entire record made and may, if a substantial issue is raised, direct a hearing on the challenged ballots or the objections to the conduct of the election. Or, the Board may, if no substantial issues are raised, affirm the regional director's report and take appropriate action in termination of the proceedings. If a hearing is held upon the challenged ballots or objections, all parties are heard and, if directed by the Board, a report containing findings of fact and recommendations as to the disposition of the challenges or objections, or both, and resolving issues of credibility is issued by the hearing officer and served upon the parties, who may file exceptions thereto within 10 days with the Board in Washington, D. C. The record made on the hearing is reviewed by the Board with the assistance of its legal assistants and a final determination made thereon. If the objections are found to have merit, the election results may be voided and a new election conducted under the supervision of the regional director. If the union has been selected as the representative, the Board or the regional director, as the case may be, issues its certification, and the proceeding is terminated. If upon a decertification or employer petition the union loses the election, the Board or the regional director, as the case may be, certifies that the union is not the chosen representative.

§ 101.20 *Formal hearing.* If no informal adjustment of the question concerning representation has been effected and it appears to the regional director that formal action is necessary, the regional director will institute formal proceedings by issuance of a notice of hearing on the issues, which is followed by Board decision and direction of election or dismissal of the case. In certain types of cases, involving novel or complex issues, the regional director may submit the case for advice to the general counsel before issuing notice of hearing.

§ 101.21 *Hearing; procedure after hearing.* (a) The notice of hearing, together with a copy of the petition, is served upon the unions and employer filing or named in the petition and upon other known persons or labor organizations claiming to have been designated by employees involved in the proceeding.

(b) The hearing, usually open to the public, is held before a hearing officer who normally is an attorney or field examiner attached to the regional office but may be another qualified official. The hearing, which is nonadversary in character, is part of the investigation in which the primary interest of the Board's agents is to insure that the record contains as full a statement of the pertinent facts as may be necessary for determination of the case by the Board. The parties are afforded full opportunity to present their respective positions and to produce the significant facts in support of their contentions. In most cases a substantial number of the relevant facts are undisputed and stipulated. The parties are permitted to argue orally on the record before the hearing officer.

(c) Upon the close of the hearing, the entire record in the case is forwarded to the Board in Washington, D. C. The hearing officer also transmits an analysis of the issues and the evidence, but makes no recommendations in regard to resolution of the dispute. All parties may file briefs with the Board within 7 days after the close of the hearing and may also request to be heard orally by the Board. Because of the nature of the proceedings, however, permission to argue orally is rarely granted. After review of the entire case, the Board issues its decision either dismissing the petition or directing that an election be held. In the latter event, the election is conducted under the supervision of the regional director in the manner already described in § 101.19.

(d) The parties have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots, as has already been described in connection with the postelection procedures in cases involving consent elections to be followed by Board certifications.

(e) If the election involves two or more labor organizations and if the election results are inconclusive because no choice on the ballot received the majority of valid votes cast, a runoff election is held as provided in Part 102 of this chapter (the Board's rules and regulations).

SUBPART D—REFERENDUM CASES UNDER SECTION 9 (e) (1) AND (2) OF THE ACT

§ 101.22 *Initiation of recission of authority cases.* The investigation of the question as to whether the authority of a labor organization to make an agreement requiring membership in a labor organization as a condition of employment is to be rescinded is initiated by the filing of a petition by an employee or group of employees on behalf of 30 percent or more of the employees in a bargaining unit covered by an agreement between their employer and a labor organization requiring membership in such labor organization. The petition must be in writing and signed, and either must be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the alleged appropriate bargaining unit exists or, if the bargaining unit exists in two or more regions, with the regional director for any such regions. The blank form, which is supplied by the regional office upon request, provides, among other things, for a description of the bargaining unit covered by the agreement, the approximate number of employees involved, and the names of any other labor organizations which claim to represent the employees. Petitioner must supply with the petition, or within 48 hours after filing, its evidence of authorization from the employees.

§ 101.23 *Investigation of petition; withdrawals and dismissals.* (a) Upon receipt of the petition in the regional office, it is filed, docketed, and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) whether there is in effect an agreement requiring as a condition of employment membership in a labor organization, (3) whether petitioner has been authorized by at least 30 percent of the employees to file such a petition, and (4) whether an election would effectuate the policies of the act by providing for a free expression of choice by the employees. The evidence of designation submitted by petitioner, usually in the form of cards signed by individual employees authorizing the filing of such a petition, is checked to determine the proportion of employees who desire rescission.

(b) Petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that an election is inappropriate, because, among other possible reasons, petitioner's card-showing is insufficient to meet the 30-percent statutory requirement referred to in paragraph (a) of this section.

(c) For the same or similar reasons the regional director may request the petitioner to withdraw its petition. If petitioner, despite the regional director's recommendation, refuses to withdraw the petition, the regional director then dismisses the petition, stating the grounds for his dismissal and informing petitioner of his right of appeal to the Board in Washington, D. C. The petitioner may within 10 days appeal from the regional director's dismissal by filing such request with the Board in Washington, D. C. The request shall contain a complete statement setting forth the facts and reasons upon which the request is made. After a full review of the file, the Board, with the assistance of its staff, may sustain the dismissal, stating the grounds for its affirmance, or may direct the regional director to take further action.

§ 101.24 *Consent agreements providing for election.* The Board makes available to the parties two types of informal consent procedures through which authorization issues can be resolved without resort to formal procedures. These informal agreements are commonly referred to as (a) consent-election agreement, followed by regional director's determination, and (b) consent-election agreement, followed by Board certification. Forms for use in these informal procedures are available in regional offices. The procedures to be used in connection with a consent-election agreement providing for regional director's determination and a consent-election agreement providing for Board certification are the same as those already described in Subpart C of this part in connection with representation cases under section 9 (c) of the act, except that no provision is made for runoff elections.

§ 101.25 *Procedure respecting election conducted without hearing.* If the regional director determines that the case is an appropriate one for election without formal hearing, an election is conducted as quickly as possible among the employees and upon the conclusion of the election the regional director furnishes to the parties a tally of the ballots. The parties, however, have an opportunity to make appropriate challenges and objections to the conduct of the election and they have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots, as has already been described in Subpart C of this part in connection with the postelection procedures in representation cases under section 9 (c) of the act, except that no provision is made for a runoff election. If no such objections are filed within 5 days and if the challenged ballots are insufficient in number to affect the results of the election, the regional director issues to the parties a certification of the results of the election, with the same force and effect as if issued by the Board.

§ 101.26 *Formal hearing and procedure respecting election conducted after hearing.* (a) If the preliminary investigation indicates that there are substantial issues which require Board determination before an appropriate election may be held, the regional director will institute formal proceedings by issuance of a notice of hearing on the issues which, after hearing, is followed by Board decision and direction of election or dismissal. The notice of hearing together with a copy of the petition is served upon petitioner, the employer, and upon any other known persons or labor organizations claiming to have been designated by employees involved in the proceeding.

(b) The hearing, usually open to the public, is held before a hearing officer who normally is an attorney or field examiner attached to the regional office but may be another qualified official. The hearing, which is nonadversary in character, is part of the investigation in which the primary interest of the Board's agents is to insure that the record contains as full a statement of the pertinent facts as may be necessary for determination of the case by the Board. The parties are afforded full opportunity to present their respective positions and to produce the significant facts in support of their contentions. In most cases a substantial number of the relevant facts are undisputed and stipulated. The parties are permitted to argue orally on the record before the hearing officer.

(c) Upon the close of the hearing, the entire record in the case is then forwarded to the Board in Washington, D. C., together with an informal analysis by the hearing officer of the issues and the evidence but without recommendations. All parties may file briefs with the Board within 7 days after the close of the hearing and may also request to be heard orally by the Board. Because of the nature of the proceedings, however, permission to argue orally is rarely granted. After review of the entire case, the Board issues its decision either dismissing the petition or directing that an election be held. In the latter event, the election is conducted under the supervision of the regional director in the manner already described in § 101.19.

(d) The parties have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots as has already been described in connection with the postelection procedures in cases involving consent elections to be followed by Board certifications.

SUBPART E—JURISDICTIONAL DISPUTE CASES UNDER SECTION 10 (k) OF THE ACT

§ 101.27 *Initiation of proceedings to hear and determine jurisdictional dis-*

putes under section 10 (k). The investigation of a jurisdictional dispute under section 10 (k) is initiated by the filing of a charge, as described in § 101.2, by any person alleging a violation of paragraph (4) (D) of section 8 (b).

§ 101.28 *Investigation of charges; withdrawal of charges; dismissal of charges and appeals to Board.* These matters are handled as described in §§ 101.3 to 101.7, inclusive. Cases involving violation of paragraph (4) (D) of section 8 (b) are given priority over all other cases in the office except cases under paragraphs (4) (A), (4) (B), and (4) (C) of section 8 (b).

§ 101.29 *Initiation of formal action; settlement.* If, after investigation, it appears to the regional director that the Board should determine the dispute under section 10 (k) of the act, he issues a notice of filing of the charge together with a notice of hearing which includes a simple statement of issues involved in the jurisdictional dispute and which is served on all parties to the dispute out of which the unfair labor practice is alleged to have arisen. The hearing is scheduled for not less than 10 days after service of the notice of hearing. If the parties present to the regional director satisfactory evidence that they have adjusted the dispute, the regional director withdraws the notice of hearing and either permits the withdrawal of the charge or dismisses the charge. If the parties submit to the regional director satisfactory evidence that they have agreed upon methods for the voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if issued. The parties may agree on an arbitrator, a proceeding under section 9 (c) of the act, or any other satisfactory method to resolve the dispute.

§ 101.30 *Hearing.* If the parties have not adjusted the dispute or agreed upon methods of voluntary adjustment, a hearing, usually open to the public, is held before a hearing officer. The hearing is nonadversary in character, and the primary interest of the hearing officer is to insure that the record contains as full a statement of the pertinent facts as may be necessary for a determination of the issues by the Board. All parties are afforded full opportunity to present their respective positions and to produce evidence in support of their contentions. The parties are permitted to argue orally on the record before the hearing officer. At the close of the hearing, the case is transmitted to the Board for decision. The hearing officer prepares an analysis of the issues and the evidence, but makes no recommendations in regard to resolution of the dispute.

§ 101.31 *Procedure before the Board.* The parties have 7 days after the close of the hearing, subject to any extension that may have been granted, to file briefs with the Board and to request oral argument which the Board may or may not grant. The Board then considers the evidence taken at the hearing and the hearing officer's analysis together with any briefs that may be filed and the oral argument, if any, and issues its determination of the labor organization or the particular trade, craft, or class of employees which shall perform the particular work tasks in issue or make other disposition of the matter.

§ 101.32 *Compliance with determination; further proceedings.* After the issuance of determination by the Board, the regional director in the region in which the proceeding arose communicates with the parties for the purpose of ascertaining their intentions in regard to compliance. Conferences may be held for the purpose of working out details. If the regional director is satisfied that the parties are complying with the determination, he dismisses the charge. If the regional director is not satisfied that the parties are complying, he issues a complaint and notice of hearing, charging violation of section 8 (b) (4) (D) of the act, and the proceeding follows the procedure outlined in §§ 101.8 to 101.15, inclusive.

SUBPART F—PROCEDURE UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 101.33 *Application for temporary relief or restraining orders.* Whenever the regional director deems it advisable to seek temporary injunctive relief under section 10 (j), or whenever he determines that complaint should issue alleging violation of section 8 (b) (4) (A), (B), or (C), or whenever he deems it appropriate to seek temporary injunctive relief for a violation of section 8 (b) (4) (D), the officer or regional attorney to whom the matter has been referred will make application for appropriate temporary relief or restraining order in the district court of the United States within which the unfair labor practice is alleged to have occurred or within which the party sought to be enjoined resides or transacts business.

§ 101.34 *Change of circumstances.* Whenever a temporary injunction has been obtained pursuant to section 10 (j) and thereafter the trial examiner hearing the complaint, upon which the determination to seek such injunction was predicated, recommends dismissal of such complaint, in whole or in part, the officer or regional attorney handling the case for the Board suggests to the district court which issued the temporary injunction the possible change in circumstances arising out of the findings and recommendations of the trial examiner.

PART 102—RULES AND REGULATIONS, SERIES 7

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Authority: §§ 102.1 to 102.102 issued under sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156.

SUBPART A—DEFINITIONS

§ 102.1 *Terms defined in section 2 of the act.* The terms "person," "employer," "employee," "representative," "labor organization," "commerce," "affecting commerce," and "unfair labor practice," as used in this part, shall have the meanings set forth in section 2 of the National Labor Relations Act, as amended by title I of the Labor Management Relations Act, 1947.

§ 102.2 *Act; Board; Board agent.* The term "act" as used in this part shall mean the National Labor Relations Act, as amended. The term "Board" shall mean the National Labor Relations Board and shall include any group of three or more members designated pursuant to section 3 (b) of the act. The term "Board agent" shall mean any member, agent, or agency of the Board, including its general counsel.

§ 102.3 *General counsel.* The term "general counsel" as used in this part shall mean the general counsel under section 3 (d) of the act.

§ 102.4 *Region.* The term "region" as used in this part shall mean that part of the United States or any Territory thereof fixed by the Board as a particular region.

§ 102.5 *Regional director; regional attorney.* The term "regional director" as used in this part shall mean the agent designated by the Board as regional director for a particular region. The term "regional attorney" as used in this part shall mean the attorney designated by the Board as regional attorney for a particular region.

§ 102.6 *Trial examiner; hearing officer.* The term "trial examiner" as used in this part shall mean the agent of the Board conducting the hearing in an unfair labor practice or Telegraph Merger Act proceeding. The term "hearing officer" as used in this part shall mean the agent of the Board conducting the hearing in a proceeding under section 9 or in a dispute proceeding under section 10 (k) of the act.

§ 102.7 *State.* The term "State" as used in this part shall include the District of Columbia and all States, Territories, and possessions of the United States.

§ 102.8 *Party.* The term "party" as used in this part shall mean the regional director in whose region the proceeding is pending and any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any Board proceeding, including, without limitation, any person filing a charge or petition under the act, any person named as respondent, as employer, or as party to a contract in any proceeding under the act, and any labor organization alleged to be dominated, assisted, or supported in violation of section 8 (a) (1) or 8 (a) (2) of the act; but nothing in this part shall be construed to prevent the Board or its designated agent from limiting any party to participate in the proceedings to the extent of his interest only.

SUBPART B—PROCEDURE UNDER SECTION 10 (a) TO (i) OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES[1]

Charge

§ 102.9 *Who may file; withdrawal and dismissal.* A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person: *Provided*, That if such charge is filed by a labor organization, no complaint will be issued pursuant thereto, unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. Any such charge may be withdrawn, prior to the hearing, only with the consent of the regional director with whom such charge was filed; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the regional director issuing the complaint, the trial examiner designated to conduct the hearing, or the Board.

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[1] Procedure under sec. 10 (j) to (l) of the act is governed by Subparts E and F of this part.

§ 102.10 *Where to file.* Except as provided in § 102.33 such charge shall be filed with the regional director for the region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more regions may be filed with the regional director for any of such regions.

§ 102.11 *Forms; jurat; or declaration.* Such charge shall be in writing and signed, and either shall be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Three additional copies of such charge shall be filed together with one additional copy for each named party respondent.[2]

§ 102.12 *Contents.* Such charge shall contain the following:

(a) The full name and address of the person making the charge.

(b) If the charge is filed by a labor organization, the full name and address of any national or international labor organization of which it is an affiliate or constituent unit.

(c) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(d) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

§ 102.13 *Compliance with section 9 (f), (g), and (h) of the act.* (a) For the purpose of the rules and regulations in this part, compliance with section 9 (f) and (g) of the act means (1) that the Secretary of Labor has issued to the labor organization, pursuant to the rules of the Department of Labor, a letter showing that the labor organization has filed the material required under section 9 (f) and (g) of the act; (2) that the labor organization has filed with the general counsel in Washington, D. C., or with the regional director, either as part of the charge (or petition) or otherwise, the duplicate copy of such compliance letter; and (3) that the labor organization has filed with the general counsel or with the regional director for the region in which the proceeding is pending or in which it customarily files cases, either as part of the charge (or petition) or otherwise, a declaration executed by an authorized agent stating that the labor organization has complied with section 9 (f) (B) (2) of the act requiring that it furnish to all of its members copies of the financial report filed with the Department of Labor, and setting forth the method by which such compliance was made.

(b) For the purpose of the rules and regulations in this part, compliance with section 9 (h) of the act means that, in the case of a national or international labor organization, it has filed with the general counsel in Washington, D. C., and, in the case of a local labor organization, that any national or international labor organization of which it is an affiliate or constituent body has filed with the general counsel in Washington, D. C., and that the labor organization has filed with the regional director in the region in which the proceeding is pending:

(1) A declaration by an authorized representative of the labor organization, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, listing the titles of all offices of the filing organization and stating the name of the incumbent, if any, in each such office and the date of expiration of each incumbent's term.

(2) An affidavit by each officer referred to in subparagraph (1) of this paragraph, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, stating that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

(3) The term "officer" as used in subparagraph (2) of this paragraph shall mean any person occupying a position identified as an office in the constitution of the labor organization; except, however, that where the Board has reasonable cause to believe that a labor organization has omitted from its constitution the designation of any position as an office for the purpose of evading or circumventing the filing requirements of section 9 (h) of the act, the Board may, upon appropriate notice, conduct an investigation to determine the facts in that regard, and where the facts appear to warrant such action the Board may require affidavits from persons other than incumbents of positions identified by the constitution as offices before the labor organization will be recognized as having complied with section 9 (h) of the act.

§ 102.14 *Service of charge.* Upon the filing of a charge, the charging party shall be responsible for the timely and proper service of a copy thereof upon the person against whom such charge is made. The regional director will, as a matter of course, cause a copy of such charge to be served upon the person against whom the charge is made, but he shall not be deemed to assume responsibility for such service.

COMPLAINT

§ 102.15 *When and by whom issued; contents; service.* After a charge has been filed, if it appears to the regional director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon all the other parties a formal complaint in the name of the Board stating the unfair labor practices and containing a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 10 days after the service of the complaint.

§ 102.16 *Hearing; extension.* Upon his own motion or upon proper cause shown by any other party, the regional director issuing the complaint may extend the date of such hearing.

§ 102.17 *Amendment.* Any such complaint may be amended upon such terms as may be deemed just, prior to the hearing, by the regional director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, by the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 102.45, at any time prior to the issuance of an order based thereon, upon motion, by the Board.

§ 102.18 *Withdrawal.* Any such complaint may be withdrawn before the hearing by the regional director on his own motion.

§ 102.19 *Review by the general counsel of refusal to issue.* If, after the charge has been filed, the regional director declines to issue a complaint, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds. The person making the charge may obtain a review of such action by filing a request therefor with the general counsel in Washington, D. C., and filing a copy of the request with the regional director, within 10 days from the service of the notice of such refusal by the regional director. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

ANSWER

§ 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The respondent shall, within 10 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

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[2] A blank form for making a charge will be supplied by the regional director upon request.

§ 102.21 *Where to file; service upon the parties; form.* An original and four copies of the answer shall be filed with the regional director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on each of the other parties. An answer of a party represented by counsel shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his answer and state his address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the answer; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

§ 102.22 *Extension of time for filing.* Upon his own motion or upon proper cause shown by any other party the regional director issuing the complaint may by written order extend the time within which the answer shall be filed.

§ 102.23 *Amendment.* The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the trial examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the trial examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the trial examiner or the Board.

MOTIONS

§ 102.24 *Motions; where to file prior to hearing and during hearing; contents; service on other parties.* All motions made prior to the hearing shall be filed in writing with the regional director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and four copies of all such motions and immediately serve a copy thereof upon each of the other parties. All motions made at the hearing shall be made in writing to the trial examiner or stated orally on the record.

§ 102.25 *Ruling on motions; where to file motions after hearing and before transfer of case to Board.* The trial examiner designated to conduct the hearing shall rule upon all motions (except as provided in §§ 102.16, 102.22, 102.29, and 102.47). The trial examiner may, before the hearing, rule on motions filed prior to the hearing, and shall cause copies of his ruling to be served upon all the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 102.45, shall be filed with the trial examiner, care of the chief trial examiner in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be, and a copy thereof shall be served on each of the parties. Rulings by the trial examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing. The trial examiner shall cause a copy of the same to be served upon each of the other parties, or shall make his ruling in the intermediate report. Whenever the trial examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to § 102.50, the Board shall rule on such motion.

§ 102.26 *Motions; rulings and orders part of the record; rulings not to be appealed directly to Board without special permission; requests for special permission to appeal.* All motions, rulings, and orders shall become part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved thereby, as provided in § 102.31. Unless expressly authorized by the rules and regulations in this part, rulings by the regional director and by the trial examiner on motions, by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception to the ruling or order is included in the statement of exceptions filed with the Board, pursuant to § 102.46. Requests to the Board for special permission to appeal from such rulings of the regional director or the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party.

§ 102.27 *Review of granting of motion to dismiss entire complaint; reopening of record.* If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the trial examiner before filing his intermediate report, any party may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review and immediately on such filing shall serve a copy thereof on the regional director and the other parties. Unless such request for review is filed within 10 days from the date of the order of dismissal, the case shall be closed.

§ 102.28 *Filing of answer or other participation in proceedings not a waiver of rights.* The right to make motions or to make objections to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the trial examiner or the Board.

INTERVENTION

§ 102.29 *Intervention; requisites; rulings on motions to intervene.* Any person desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such a motion shall be filed with the regional director issuing the complaint; during the hearing such motion shall be made to the trial examiner. An original and four copies of written motions shall be filed. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The regional director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said rulings to be served upon each of the other parties, or may refer the motion to the trial examiner for ruling. The trial examiner shall rule upon all such motions made at the hearing or referred to him by the regional director, in the manner set forth in § 102.25. The regional director or the trial examiner, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.

WITNESSES, DEPOSITIONS, AND SUBPENAS

§ 102.30 *Examination of witnesses; depositions.* Witnesses shall be examined orally under oath, except that for good cause shown after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the regional director prior to the hearing, and to the trial examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to § 102.45 or § 102.50. Such application shall be served upon the regional director or the trial examiner, as the case may be, and upon all other parties, not less than 7 days (when the deposition is to be taken within the continental United States) and 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The regional director or trial examiner, as the case may be, shall upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken and the time, the place, and the designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all the other parties by the regional director or upon all parties by the trial examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the regional director or the trial examiner, care of the chief trial examiner in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be.

(d) The trial examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 102.31 *Issuance of subpenas; petitions to revoke subpenas; right to inspect or copy data.* (a) Any member of the Board shall, on the written application of any party, forthwith issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents in their possession or under their control. Applications for subpenas, if filed prior to the hearing, shall be filed with the regional director. Applications for subpenas filed during the hearing shall be filed with the trial examiner. Either the regional director or the trial examiner, as the case may be, shall grant the application, on behalf of any member of the Board. Applications for subpenas may be made *ex parte*. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

(b) Any person served with a subpena, whether *ad testificandum* or *duces tecum*, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena upon him, petition in writing to revoke the subpena. All petitions to revoke subpenas shall be served upon the party at whose request the subpena was issued. Such petition to revoke, if made prior to the hearing, shall be filed with the regional director and the regional director shall refer the petition to the trial examiner or the Board for ruling. Petitions to revoke subpenas filed during the hearing shall be filed with the trial examiner. Notice of the filing of petitions to revoke shall be promptly given by the regional director or the trial examiner, as the case may be, to the party at whose request the subpena was issued. The trial examiner or the Board, as the case may be, shall revoke the subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpena is otherwise invalid. The trial examiner or the Board, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the petition to revoke. The petition to revoke, any answer filed thereto, and any ruling thereon shall not become part of the official record except upon the request of the party aggrieved by the ruling.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure copies or transcripts of the data or evidence submitted by them. Persons compelled to submit data or evidence in the nonpublic investigative stages of proceedings may, for good cause, be limited by the regional director to inspection of the official transcript of their testimony, but shall be entitled to make copies of documentary evidence or exhibits which they have produced.

(d) Upon the failure of any person to comply with a subpena issued upon the request of a private party, the general counsel shall, in the name of the Board but on relation of such private party, institute proceedings in the appropriate district court for the enforcement thereof, unless in the judgment of the Board the enforcement of such subpena would be inconsistent with law and with the policies of the act. Neither the general counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

§ 102.32 *Payment of witness fees and mileage; fees of persons taking depositions.* Witnesses summoned before the trial examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

TRANSFER, CONSOLIDATION, AND SEVERANCE

§ 102.33 *Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severance.* Whenever the general counsel deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, he may permit a charge to be filed with him in Washington, D. C., or may, at any time after a charge has been filed with a regional director pursuant to § 102.10, order that such charge and any proceeding which may have been initiated with respect thereto:

(a) Be transferred to and continued before him for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region.

The provisions of §§ 102.9 to 102.32, inclusive, shall, insofar as applicable, govern proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such charge and such proceeding as if the charge had originally been filed in the region to which the transfer is made. Motions to sever proceedings may be filed before hearing, with the regional director, and during the hearing, with the trial examiner. The regional director shall refer all such motions filed with him to the trial examiner for ruling. Rulings by the trial examiner on motions to sever may be appealed to the Board in accordance with § 102.26.

HEARINGS

§ 102.34 *Who shall conduct; to be public unless otherwise ordered.* The hearing for the purpose of taking evidence upon a complaint shall be conducted by a trial examiner designated by the chief trial examiner in Washington, D. C., or the associate chief trial examiner, San Francisco, California, as the case may be, unless the Board or any member thereof presides. At any time a trial examiner may be designated to take the place of the trial examiner previously designated to conduct the hearing. Such hearings shall be public unless otherwise ordered by the Board or the trial examiner.

§ 102.35 *Duties and powers of trial examiners.* It shall be the duty of the trial examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The trial examiner shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Board, subject to the rules and regulations of the Board and within its powers:

(a) To administer oaths and affirmations;

(b) To grant applications for subpenas;

(c) To rule upon petitions to revoke subpenas;

(d) To rule upon offers of proof and receive relevant evidence;

(e) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(f) To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;

(g) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;

(h) To dispose of procedural requests or similar matters, including motions referred to the trial examiner by the regional director and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened prior to issuance of intermediate reports (recommended decisions);

(i) To make and file intermediate reports in conformity with section 8 of the Administrative Procedure Act;

(j) To call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence;

(k) To take any other action necessary under the foregoing and authorized by the published rules and regulations of the Board.

§ 102.36 *Unavailability of trial examiners.* In the event the trial examiner designated to conduct the hearing becomes unavailable to the Board after the hearing has been concluded and before the filing of his intermediate report, the Board may transfer the case to itself for purposes of further hearing or issuance of an intermediate report or both on the record as made, or may request the chief trial examiner in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be, to designate another trial examiner for such purposes.

§ 102.37 *Disqualification of trial examiners.* A trial examiner may withdraw from a proceeding whenever he deems himself disqualified. Any party may request the trial examiner, at any time following his designation by the chief trial examiner or associate chief trial examiner and before filing of his intermediate report, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the trial examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If the trial examiner does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and proceed with the hearing, or if the hearing has closed, he shall proceed with issuance of his intermediate report, and the provisions of § 102.26, with respect to review of rulings of trial examiners, shall thereupon apply.

§ 102.38 *Rights of parties.* Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence, except that the participation of any party shall be limited to the extent permitted by the trial examiner: *And provided further,* That documentary evidence shall be submitted in duplicate.

§ 102.39 *Rules of evidence controlling so far as practicable.* Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., title 28, secs. 723-B, 723-C).

§ 102.40 *Stipulations of fact admissible.* In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

§ 102.41 *Objection to conduct of hearing; how made; objections not waived by further participation.* Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

§ 102.42 *Filing of briefs and proposed findings with the trial examiner and oral argument at the hearing.* Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the trial examiner who may fix a reasonable time for such filing, but not in excess of 35 days from the close of the hearing. Requests for further extensions of time shall be made to the chief trial examiner in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be. No request will be considered unless received at least 3 days prior to the expiration of the time fixed for the filing of briefs or proposed findings and conclusions. Notice of the request for any extension shall be immediately served upon all other parties, and proof of service shall be furnished. Three copies of the brief or proposed findings and conclusions shall be filed with the trial examiner, and copies shall be served upon each of the other parties, and proof of such service shall be furnished.

§ 102.43 *Continuance and adjournment.* In the discretion of the trial examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the trial examiner, or by other appropriate notice.

§ 102.44 *Misconduct at hearing before trial examiner or the Board; refusal of witness to answer questions.* (a) Misconduct at any hearing before a trial examiner or before the Board shall be ground for summary exclusion from the hearing.

(b) Such misconduct of an aggravated character, when engaged in by an attorney or other representative of a party, shall be ground for suspension or disbarment by the Board from further practice before it after due notice and hearing.

(c) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the trial examiner, be ground for striking all testimony previously given by such witness on related matters.

INTERMEDIATE REPORT AND TRANSFER OF CASE TO THE BOARD

§ 102.45 *Intermediate report and recommended order; contents; service; transfer of the case to the Board; contents of record in case.* (a) After hearing for the purpose of taking evidence upon a complaint, the trial examiner shall prepare an intermediate report and recommended order, but the initial decision shall be made by the Board. Such report shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record, and the recommended order shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the provisions of the act. The trial examiner shall file the original of the intermediate report and recommended order with the Board and cause a copy thereof to be served upon each of the parties. Upon the filing of the report and recommended order, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon all the parties. Service of the intermediate report and of the order transferring the case to the Board shall be complete upon mailing.

(b) The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the intermediate report and recommended order and exceptions, shall constitute the record in the case.

EXCEPTIONS TO THE RECORD AND PROCEEDINGS

§ 102.46 *Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.* (a) Within 20 days, or within such further period as the Board may allow, from the date of the service of the order transferring the case to the Board, pursuant to § 102.45, any party may (in accordance with section 10 (c) of the act and §§ 102.90 and 102.91) file with the Board in Washington, D. C., 7 copies of a statement in writing setting forth exceptions to the intermediate report and recommended order or to any other part of the record or proceedings (including rulings upon all motions or objections), together with 7 copies of a brief in support of said exceptions and immediately upon such filing copies shall be served on each of the other parties; and any party may, within the same period, file 7 copies of a brief in support of the intermediate report and recommended order. Copies of such exceptions and briefs shall immediately be served on each of the other parties. Statements of exceptions and briefs shall designate by precise citation of page and line the portions of the record relied upon. Upon special leave of the Board, any party may file a reply brief upon such terms as the Board may impose. Requests for such leave or for extension of the time in which to file exceptions or briefs under authority of this section shall be in writing and copies thereof shall be immediately served on each of the other parties. Requests for an extension must be received by the Board 3 days prior to the due date.

(b) No matter not included in a statement of exceptions may thereafter be urged before the Board, or in any further proceeding.

(c) Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board simultaneously with the statement of any exceptions filed pursuant to the provisions of paragraph (a) of this section with proof of service on all other parties furnished with such request. The Board shall notify the parties of the time and place of oral argument, if such permission is granted.

(d) Oral arguments are limited to 30 minutes for each party entitled to participate. No request for additional time will be granted unless timely application is made in advance of oral argument.

(e) Exceptions to intermediate reports and recommended orders, or to the record, briefs in support of exceptions, and briefs in support of intermediate reports and recommended orders shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

§ 102.47 *Filing of motion after transfer of case to Board.* All motions filed after the case has been transferred to the Board pursuant to § 102.45 shall be filed with the Board in Washington, D. C., by transmitting seven copies thereof, together with an affidavit of service, upon each of the parties. Such motions shall be legibly printed or otherwise duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted.

PROCEDURE BEFORE THE BOARD

§ 102.48 *Action of Board upon expiration of time to file exceptions to intermediate report.* (a) In the event no statement of exceptions is filed as provided in this part, the findings, conclusions, and recommendations of the trial examiner as contained in his intermediate report and recommended order shall be adopted by the Board and become its findings, conclusions, and order, and all objections and exceptions thereto shall be deemed waived for all purposes. However, the Board may, in its discretion, order such case closed upon compliance.

(b) Upon the filing of a statement of exceptions and briefs, as provided in § 102.46, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other Board agent or agency, or may close the case upon compliance with recommendations of the intermediate report, or may make other disposition of the case.

§ 102.49 *Modification or setting aside of order of Board before record filed in court; action thereafter.* Within the limitations of the provisions of section 10 (c) of the act, and § 102.48, until a transcript of the record in a case shall have been filed in a court, within the meaning of section 10 of the act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter, the Board may proceed pursuant to § 102.50, insofar as applicable.

§ 102.50 *Hearings before Board or member thereof.* Whenever the Board deems it necessary in order to effectuate the purpose of the act or to avoid unnecessary costs or delay, it may, at any time after a complaint has issued pursuant to § 102.15 or § 102.33, order that such complaint and any proceeding which may have been instituted with respect thereto be transferred to and continued before it or any member of the Board. The provisions of this subpart shall, insofar as applicable, govern proceedings before the Board or any member pursuant to this section, and the powers granted to trial examiners in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board or the member thereof who shall preside.

§ 102.51 *Settlement or adjustment of issues.* At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have opportunity to submit to the regional director, with whom the charge was filed, for consideration facts, arguments, offers of settlement, or proposals of adjustment.

BACK-PAY PROCEEDINGS

§ 102.52 *Initiation of proceedings.* After the entry of a court decree enforcing an order of the Board directing the payment of back pay, if it appears to the regional director that there has arisen a controversy between the Board and a respondent concerning the amount of back pay due which cannot be resolved without a formal proceeding, the regional director shall issue and cause to be served upon the respondent a back-pay specification in the name of the Board. The specification shall contain or be accompanied by a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 15 days after the service of the specification.

§ 102.53 *Contents of back-pay specification.* The specification shall specifically and in detail show, for each employee, the back-pay periods broken down by calendar quarters, the specific figures and basis of computation as to gross back pay and interim earnings, the expenses for each quarter, the net back pay due, and any other pertinent information.

§ 102.54 *Answer to back-pay specification*—(a) *Filing and service of answer.* The respondent shall, within 15 days from the service of the specification, file an answer thereto; an original and 4 copies shall be filed with the regional director issuing the specification, and a copy thereof shall immediately be served on any other respondent jointly liable.

(b) *Contents of the answer.* The answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post office address of the respondent. The respondent shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Denials shall fairly meet the substance of the allegations denied. When a respondent intends to deny only a part of an allegation, the respondent shall specify so much of it as is true and shall deny only the remainder. As to all matters within the knowledge of the respondent, including but not limited to the various factors entering into the computation of gross back pay, a general denial shall not suffice. As to such matters, if the respondent disputes either the accuracy of the figures in the specification or the premises on which they are based, he shall specifically state the basis for his disagreement, setting forth in detail his position as to the applicable premises and furnishing the appropriate supporting figures.

(c) *Effect of failure to answer or to plead specifically and in detail.* If the respondent fails to file any answer within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without notice to the respondent, find the specification to be true and enter such order as may be appropriate. If the respondent files an answer but fails to deny any allegation of the specification in the manner required by paragraph (b) of this section, and the failure so to deny is not adequately explained, such allegation shall be deemed to be admitted to be true, and may be so found by the Board without the taking of evidence supporting such allegation, and the respondent shall be precluded from introducing any evidence controverting said allegation.

§ 102.55 *Extension of time for filing.* Upon his own motion or upon proper cause shown by any respondent, the regional director issuing the specification may by written order extend the time within which the answer shall be filed.

§ 102.56 *Extension of date of hearing.* Upon his own motion or upon proper cause shown, the regional director issuing the specification may extend the date of hearing.

§ 102.57 *Amendment.* After the issuance of the notice of hearing, the specification and the answer may be amended upon leave of the trial examiner or the Board, as the case may be, good cause therefor appearing.

§ 102.58 *Withdrawal.* Any such specification may be withdrawn before the hearing by the regional director on his own motion.

§ 102.59 *Hearing; posthearing procedure.* After the issuance of a notice of hearing, the procedures provided in §§ 102.24 to 102.51, inclusive, shall be followed insofar as applicable.

SUBPART C—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

§ 102.60 *Petition for certification or decertification; who may file; where to file; withdrawal.* A petition for investigation of a question concerning representation of employees under paragraphs (1) (A) (i) and (1) (B) of section 9 (c) of the act (hereinafter called a petition for certification) may be filed by an employee or group of employees or any individual or labor organization acting in their behalf or by an employer. A petition under paragraph (1) (A) (ii) of section 9 (c) of the act, alleging that the individual or labor organization which has been certified or is being currently recognized as the bargaining representative is no longer such representative (hereinafter called a petition for decertification), may be filed by any employee or group of employees or any individual or labor organization acting in their behalf. When any such petition is filed by a labor organization, no investigation shall be made of any question of representation raised by such labor organization unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. Petitions under this section shall be in writing and signed,[1] and either shall be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Four copies of the petition shall be filed. Except as provided in § 102.72, such petitions shall be filed with the regional director for the region wherein the bargaining unit exists, or, if the bargaining unit exists in two or more regions, with the regional director for any of such regions. Prior to the close of the hearing, pursuant to § 102.63, the petition may be withdrawn only with the consent of the regional director with whom such petition was filed. After the close of the hearing, the petition may be withdrawn only with the consent of the Board. Whenever the regional director or the Board, as the case may be, approves the withdrawal of any petition, the case shall be closed.

§ 102.61 *Contents of petition for certification; contents of petition for decertification.* (a) A petition for certification, when filed by an employee or group of employees or an individual or labor organization acting in their behalf, shall contain the following:

(1) The name of the employer.

(2) The address of the establishments involved.

(3) The general nature of the employer's business.

(4) A description of the bargaining unit which the petitioner claims to be appropriate.

(5) The names and addresses of any other persons or labor organizations who claim to represent any employees in the alleged appropriate unit, and brief descriptions of the contracts, if any, covering the employees in such unit.

(6) The number of employees in the alleged appropriate unit.

(7) A statement that the employer declines to recognize the petitioner as the representative within the meaning of section 9 (a) of the act or that the labor organization is currently recognized but desires certification under the act.

(8) The name, affiliation, if any, and address of the petitioner.

(9) Any other relevant facts.

(b) A petition for certification, when filed by an employer, shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of the petitioner's business.

(3) A brief statement setting forth that one or more individuals or labor organizations have presented to the petitioner a claim to be recognized as the exclusive representative of all employees in the unit claimed to be appropriate; a description of such unit; and the number of employees in the unit.

(4) The name or names, affiliation, if any, and addresses of the individuals or labor organizations making such claim for recognition.

(5) A statement whether the petitioner has contracts with any labor organization or other representatives of employees and, if so, their expiration date.

(6) Any other relevant facts.

(c) Petitions for decertification shall contain the following:

(1) The name of the employer.

(2) The address of the establishments and a description of the bargaining unit involved.

(3) The general nature of the employer's business.

(4) Name and address of the petitioner and affiliation, if any.

(5) Name or names of the individuals or labor organizations, who have been certified or are being currently recognized by the employer and who claim to represent any employees in the unit involved, and the expiration date of any contracts covering such employees.

(6) An allegation that the individuals or labor organizations who have been certified or are currently recognized by the employer are no longer the representative in the appropriate unit as defined in section 9 (a) of the act.

(7) The number of employees in the unit.

(8) Any other relevant facts.

§ 102.62 *Consent-election agreements.* (a) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of employees involved may, with the approval of the regional director, enter into a consent-election agreement leading to a determination by the regional director of the facts ascertained after such consent election. Such agreement shall include a description of the appropriate unit, the time and place of holding the election, and the payroll to be used in determining what employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the regional director. The method of conducting such consent election shall be consistent with the method followed by the regional director in conducting elections pursuant to §§ 102.69 and 102.70 except that the rulings and determinations by the regional director of the results thereof shall be final, and the regional director shall issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board, provided further that rulings or determinations by the regional director in respect to any amendment of such certification shall also be final.

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[1] Blank forms for filing such petitions will be supplied by the regional office upon request.

(b) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of the employees involved may, with the approval of the regional director, enter into an agreement providing for a waiver of hearing and a consent election leading to a determination by the Board of the facts ascertained after such consent election, if such a determination is necessary. Such agreement shall also include a description of the appropriate bargaining unit, the time and place of holding the election, and the payroll to be used in determining which employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the regional director. The method of conducting such election and the post-election procedure shall be consistent with that followed by the regional director in conducting elections pursuant to §§ 102.69 and 102.70.

§ 102.63 *Investigation of petition by regional director; notice of hearing; service of notice; withdrawal of notice.* After a petition has been filed, if no agreement such as that provided in § 102.62 is entered into and if it appears to the regional director that there is reasonable cause to believe that a question of representation affecting commerce exists, that the policies of the act will be effectuated, and that an election will reflect the free choice of employees in the appropriate unit, he shall prepare and cause to be served upon the parties and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing before a hearing officer at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing by the regional director on his own motion.

§ 102.64 *Conduct of hearing.* (a) Hearings shall be conducted by a hearing officer and shall be open to the public unless otherwise ordered by the hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Board may discharge its duties under section 9 (c) of the act.

(b) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice.

§ 102.65 *Motions; interventions.* (a) All motions, including motions for intervention pursuant to paragraph (b) of this section, shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order or relief sought and the grounds for such motion. An original and four copies of written motions shall be filed and a copy thereof immediately shall be served upon each of the other parties to the proceeding. Motions made prior to the hearing shall be filed with the regional director, and motions made during the hearing shall be filed with the hearing officer. After the close of the hearing all motions shall be filed with the Board. Such motions to the Board shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Seven copies of such motions shall be filed with the Board. The regional director may rule upon all motions filed with him, causing a copy of said ruling to be served upon each of the parties, or he may refer the motion to the hearing officer: *Provided,* That if the regional director grants a motion to dismiss the petition the petitioner may obtain a review of such ruling in the manner prescribed in § 102.71. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that he shall refer to the Board for appropriate action all motions to dismiss petitions, at such time as the Board considers the entire record.

(b) Any person desiring to intervene in any proceeding shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the proceeding. The regional director or the hearing officer, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper, and such intervenor shall thereupon become a party to the proceeding.

(c) All motions, rulings, and orders shall become a part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved, as provided in § 102.66 (c). Unless expressly authorized by the rules and regulations in this part, rulings by the regional director and by the hearing officer shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board when it reviews the entire record. Requests to the Board for special permission to appeal from such rulings of the regional director or the hearing officer shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceeding.

§ 102.66 *Introduction of evidence; rights of parties at hearing; subpenas.* (a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party and the hearing officer shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

(c) Any party may file applications for subpenas in writing with the regional director if made prior to hearing, or with the hearing officer if made at the hearing. Applications for subpenas may be made *ex parte.* The regional director or the hearing officer, as the case may be, shall forthwith grant the subpenas requested. Any person served with a subpena, whether *ad testificandum* or *duces tecum,* if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena, petition in writing to revoke the subpena. Such petition shall be filed with the regional director who may either rule upon it or refer it for ruling to the hearing officer: *Provided, however,* That if the evidence called for is to be produced at a hearing and the hearing has opened, the petition to revoke shall be filed with the hearing officer. Notice of the filing of petitions to revoke shall be promptly given by the regional director or hearing officer, as the case may be, to the party at whose request the subpena was issued. The regional director or the hearing officer, as the case may be, shall revoke the subpena if, in his opinion, the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpena is otherwise invalid. The regional director or the hearing officer, as the case may be, shall make a simple statement of procedural or other grounds for his ruling. The petition to revoke, any answer filed thereto, and any ruling thereon shall not become part of the record except upon the request of the party aggrieved by the ruling. Persons compelled to submit data or evidence are entitled to retain or, on payment of lawfully prescribed costs, to procure copies or transcripts of the data or evidence submitted by them.

(d) (1) Misconduct at any hearing before a hearing officer or before the Board shall be ground for summary exclusion from the hearing.

(2) Such misconduct of an aggravated character, when engaged in by an attorney or other representative of a party,

shall be ground for suspension or disbarment by the Board from further practice before it after due notice and hearing.

(3) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters.

(e) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

(f) The hearing officer may submit an analysis of the record to the Board but he shall make no recommendations.

(g) Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 102.67 *Record; what constitutes; transmission to Board.* Upon the close of the hearing the regional director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

§ 102.68 *Proceedings before the Board; further hearing; briefs; Board direction of election; certification of results.* The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or further hearing, as it may determine, to direct a secret ballot of the employees or to make other disposition of the matter. Should any party desire to file a brief with the Board, 7 copies thereof shall be filed with the Board in Washington, D. C., within 7 days after the close of the hearing: *Provided, however,* That prior to the close of the hearing and for good cause, the hearing officer may grant an extension of that time not to exceed an additional 14 days. Such brief shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Copies shall be served on all other parties to the proceeding, and proof of such service shall be filed with the Board at the time the briefs are filed. Requests for extension of time in which to file a brief under authority of this section not addressed to the hearing officer during the hearing shall be in writing and copies thereof shall immediately be served on each of the other parties. Requests for extension of time shall be made not later than 3 days before the date such briefs are due in Washington, D. C. No reply brief may be filed except upon special leave of the Board.

§ 102.69 *Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.* (a) Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the regional director in whose region the proceeding is pending. All elections shall be by secret ballot. Whenever two or more labor organizations are included as choices in an election, either participant may, upon its prompt request to and approval thereof by the regional director, whose decision shall be final, have its name removed from the ballot: *Provided, however,* That in a proceeding involving an employer filed petition or a petition for decertification the labor organization certified, currently recognized, or found to be seeking recognition may not have its name removed from the ballot without giving timely notice in writing to all parties, including the regional director, disclaiming any representation interest among the employees in the unit. Any party may be represented by observers of his own selection, subject to such limitations as the regional director may prescribe. Any party and Board agents may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded. Upon the conclusion of the election, the regional director shall cause to be furnished to the parties a tally of the ballots. Within 5 days after the tally of ballots has been furnished, any party may file with the regional director 4 copies of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall immediately be served upon each of the other parties by the party filing them, and proof of service shall be made.

(b) If no objections are filed within the time set forth above, if the challenged ballots are insufficient in number to affect the result of the election, and if no runoff election is to be held pursuant to § 102.70, the regional director shall forthwith issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board, and the proceeding will thereupon be closed.

(c) If objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the regional director shall investigate such objections or challenges, or both, and shall prepare and cause to be served upon the parties a report on challenged ballots or objections, or both, including his recommendations, which report, together with the tally of ballots, he shall forward to the Board in Washington, D. C. Within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow upon written request to the Board for an extension made not later than 3 days before such exceptions are due in Washington, D. C., with copies of such request served on each of the other parties, any party may file with the Board in Washington, D. C., 7 copies of exceptions to such report which shall be legibly printed or otherwise legibly duplicated. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the regional director. Proof of service shall be made to the Board. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The report on challenged ballots may be consolidated with the report on objections in appropriate cases.

(d) If exceptions are filed, either to the report on challenged ballots or objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material factual issues, the Board may direct the regional director or other agent of the Board to issue and cause to be served upon the parties a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 102.64, 102.65, and 102.66, insofar as applicable. Upon the close of the hearing the agent conducting the hearing, if directed by the Board, shall prepare and cause to be served upon the parties a report resolving questions of credibility and containing findings of fact and recommendations to the Board as to the disposition of the challenges or objections, or both if it be a consolidated report. The agent conducting the hearing shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the objection to the conduct of the election or conduct affecting the results of the election, the report on such objections, the report on challenged ballots, and exceptions to the report on objections or to the report on challenged ballots, and the record previously made, together with his report, if any, shall constitute the record in the case. In any case in which the Board has directed that a report be prepared and served, any party may within 10 days from the date of issuance of the report on challenged ballots or objections, or both, file with the Board in Washington, D. C., 7 copies of exceptions to such report: *Provided, however,* That in any proceeding wherein a representation case has been consolidated with an unfair labor practice case for purposes of hearing the provisions of § 102.46 shall govern with respect to the filing of exceptions to the intermediate report and recommended order. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the regional director. Proof of service shall be made to the Board. If no exceptions are filed to such report, the

Board, upon the expiration of the period of filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The Board shall thereupon proceed pursuant to § 102.68.

(e) In any such case in which the Board, upon a ruling on challenged ballots, has directed the regional director to open and count such ballots and to issue a revised tally of ballots, and no objection to such revised tally is filed by any party within 3 days after the revised tally of ballots has been furnished, the regional director shall forthwith issue to the parties certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board. The proceeding shall thereupon be closed.

§ 102.70 *Runoff election.* (a) The regional director shall conduct a runoff election, without further order of the Board, when an election in which the ballot provided for not less than 3 choices (i. e., at least 2 representatives and "neither") results in no choice receiving a majority of the valid ballots cast and no objections are filed as provided in § 102.69. Only one runoff shall be held pursuant to this section.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

(d) In the event the number of votes cast in an inconclusive election in which the ballot provided for a choice among two or more representatives and "neither" or "none" is equally divided among the several choices; or in the event the number of ballots cast for one choice in such election is equal to the number cast for another of the choices but less than the number cast for the third choice, the regional director shall declare the first election a nullity and shall conduct another election, providing for a selection from among the three choices afforded in the original ballot; and he shall thereafter proceed in accordance with paragraphs (a), (b), and (c) of this section. In the event two or more choices receive the same number of ballots and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and the petition shall be dismissed. Only one such further election pursuant to this paragraph may be held.

(e) Upon the conclusion of the runoff election, the provisions of § 102.69 shall govern, insofar as applicable.

§ 102.71 *Refusal to issue notice of hearing; appeals to Board from action of the regional director.* If, after a petition has been filed, it shall appear to the regional director that no notice of hearing should issue as provided in § 102.63, the regional director may dismiss the petition and shall so advise the petitioner in writing, accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director and each of the other parties within 10 days of service of such notice of dismissal. The request shall be submitted in seven copies and shall contain a complete statement setting forth the facts and reasons upon which the request is based. Requests for an extension of time within which to file the request for review shall be filed with the Board in Washington, D. C., and proof of service shall accompany such request.

§ 102.72 *Filing petition with general counsel; investigation upon motion of general counsel; transfer of petition and proceeding from region to general counsel or to another region; consolidation of proceedings in same region; severance; procedure before general counsel in cases over which he has assumed jurisdiction.* Whenever the general counsel deems it necessary in order to effectuate the purposes of the act, or to avoid unnecessary costs or delay, he may permit a petition to be filed with him in Washington, D. C., or may, at any time after a petition has been filed with a regional director pursuant to § 102.60, order that such petition and any proceeding that may have been instituted with respect thereto:

(a) Be transferred to and continued before him, for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region, for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such region; or

(d) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

The provisions of §§ 102.60 to 102.71, inclusive, shall, insofar as applicable, apply to proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such petition and such proceeding as if the petition had originally been filed in the region to which the transfer is made.

SUBPART D—PROCEDURE FOR REFERENDUM UNDER SECTION 9 (e) OF THE ACT

§ 102.73 *Petition for referendum under section 9 (e) (1) of the act; who may file; where to file; withdrawal.* A petition to rescind the authority of a labor organization to make an agreement requiring as a condition of employment membership in such labor organization may be filed by an employee or group of employees on behalf of 30 percent or more of the employees in a bargaining unit covered by such an agreement. The petition shall be in writing and signed, and either shall be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief.[4] Four copies of the petition shall be filed with the regional director wherein the bargaining unit exits or, if the unit exists in two or more regions, with the regional director for any of such regions. The petition may be withdrawn only with the approval of the regional director with whom such petition was filed, except that if the proceeding has been transferred to the Board, pursuant to § 102.67, the petition may be withdrawn only with the consent of the Board. Upon approval of the withdrawal of any petition the case shall be closed.

§ 102.74 *Contents of petition to rescind authority.* (a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit involved.

(e) The name and address of the labor organization whose authority it is desired to rescind.

(f) The number of employees in the unit.

(g) The date of execution and of expiration of any contract in effect covering the unit involved.

(h) The name and address of the person designated to accept service of documents for petitioners.

(i) Any other relevant facts.

§ 102.75 *Investigation of petition by regional director; consent referendum; directed referendum.* Where a petition has been filed pursuant to § 102.73 and it appears to the regional director that the petitioner has made an appropriate showing, in such form as the regional director may determine, that 30 percent or more of the employees within a unit covered by an agreement between their employer and a labor organization requiring membership in such labor organization desire to rescind the authority of such labor organization to make such an agreement, he shall proceed to conduct a secret ballot of the employees involved on the question whether they desire to rescind the authority of the labor organization to make such an agreement with their employer: *Provided, however,* That in any case in which it appears to the regional director that the proceeding raises questions which should be decided by the Board before election, he may issue and cause to be served on the parties a notice of hearing before a hearing officer at a time and place fixed therein. The regional director shall fix the time and place of the election, eligibility requirements for voting, and other arrangements of the balloting, but the parties may enter into an agreement, subject to the approval of the regional director, fixing such arrangements. In any such consent agreements, provision may be made for final determination of all questions arising with respect to the balloting by the regional director or by the Board.

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[4] Forms for filing such petitions will be supplied by the regional office upon request.

§ 102.76 *Hearing; posthearing procedure.* The method of conducting the hearing and the procedure following the hearing, including transfer of the case to the Board, shall be governed, insofar as applicable, by §§ 102.63 to 102.68, inclusive.

§ 102.77 *Method of conducting balloting; postballoting procedure.* The method of conducting the balloting and the postballoting procedure shall be governed by the provisions of § 102.69, insofar as applicable.

§ 102.78 *Refusal to conduct referendum; appeal to Board.* If, after a petition has been filed, it shall appear to the regional director that no referendum should be conducted, he shall dismiss the petition. Such dismissal shall be in writing and accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director and each of the other parties within 10 days from the service of notice of such dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

SUBPART E—PROCEDURE TO HEAR AND DETERMINE DISPUTES UNDER SECTION 10 (k) OF THE ACT

§ 102.79 *Initiation of proceedings.* Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the regional director shall investigate such charge, giving it priority over all other cases in the office except cases under paragraph (4) (A), (4) (B), and (4) (C) of section 8 (b) and other cases under paragraph (4) (D) of section 8 (b).

§ 102.80 *Notice of hearing; hearing; proceedings before the Board; briefs; determination of dispute.* If it appears to the regional director that the charge has merit and the parties to the dispute have not submitted satisfactory evidence to the regional director that they have adjusted, or have agreed upon methods for the voluntary adjustment of, the dispute out of which such unfair labor practice shall have arisen, he shall cause to be served on all parties to such dispute a notice of the filing of said charge together with a notice of hearing under section 10 (k) of the act before a hearing officer at a time and place fixed therein which shall be not less than 10 days after service of the notice of hearing. The notice of hearing shall contain a simple statement of the issues involved in such dispute. Hearings shall be conducted by a hearing officer, and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 102.64 to 102.67, inclusive. Upon the close of the hearing, the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, to determine the dispute or make other disposition of the matter. Should any party desire to file a brief with the Board, 7 copies thereof shall be filed with the Board at Washington, D. C., within 7 days after the close of the hearing. Immediately upon such filing, a copy shall be served on the other parties. Such brief shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Requests for extension of time in which to file a brief under authority of this section shall be in writing and received by the Board in Washington, D. C., 3 days prior to the due date with copies thereof served on each of the other parties. No reply brief may be filed except upon special leave of the Board.

§ 102.81 *Compliance with determination; further proceedings.* If, after issuance of the determination by the Board, the parties submit to the regional director satisfactory evidence that they have complied with the determination, the regional director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the regional director shall proceed with the charge under paragraph (4) (D) of section 8 (b) and section 10 of the act and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern.

§ 102.82 *Review of determination.* The record of the proceeding under section 10 (k) and the determination of the Board thereon shall become a part of the record in such unfair labor practice proceeding and shall be subject to judicial review, insofar as it is in issue, in proceedings to enforce or review the final order of the Board under section 10 (e) and (f) of the act.

§ 102.83 *Alternative procedure.* If, either before or after service of the notice of hearing, the parties submit to the regional director satisfactory evidence that they have adjusted the dispute, the regional director shall dismiss the charge and shall withdraw the notice of hearing if notice has issued. If, either before or after issuance of notice of hearing, the parties submit to the regional director satisfactory evidence that they have agreed upon methods for the voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if notice has issued. If it appears to the regional director that the dispute has not been adjusted in accordance with such agreed-upon methods and that an unfair labor practice within the meaning of section 8 (b) (4) (D) of the act is occurring or has occurred, he may issue a complaint under § 102.15, and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern; and §§ 102.80 to [illegible] inclusive, are inapplicable.

SUBPART F—PROCEDURE IN CASES UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 102.84 *Expeditious processing of section 10 (j) cases.* (a) Whenever temporary relief or a restraining order pursuant to section 10 (j) of the act has been procured by the Board, the complaint which has been the basis for such temporary relief or restraining order shall be heard expeditiously and the case shall be given priority by the Board in its successive steps following the issuance of the complaint (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all other cases except cases of like character and cases under section 10 (l) of the act.

(b) In the event the trial examiner hearing a complaint, concerning which the Board has procured temporary relief or a restraining order pursuant to section 10 (j), recommends a dismissal in whole or in part of such complaint, the chief law officer shall forthwith suggest to the district court which issued such temporary relief or restraining order the possible change in circumstances arising out of the findings and recommendations of the trial examiner.

§ 102.85 *Priority of cases pursuant to section 10 (l) of the act.* Whenever a charge is filed alleging the commission of an unfair labor practice within the meaning of paragraph 4 (A), (B), or (C) of section 8 (b) of the act, the regional office in which such charge is filed or to which it is referred shall give it priority over all other cases in the office except cases of like character.

§ 102.86 *Issuance of complaint promptly.* Whenever the regional attorney or other Board officer to whom the matter may be referred seeks injunctive relief of a district court pursuant to section 10 (l) of the act, a complaint against the labor organization sought to be enjoined, covering the same subject matter as such application for injunctive relief, shall be issued promptly, normally within 5 days of the date upon which such injunctive relief is first sought.

§ 102.87 *Expeditious processing of section 10 (l) cases in successive stages.* Any complaint issued pursuant to § 102.85 shall be heard expeditiously and the case shall be given priority in its successive steps following its issuance (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all cases except cases of like character.

SUBPART G—SERVICE AND FILING OF PAPERS

§ 102.88 *Service of process and papers; proof of service.* (a) Charges, complaints and accompanying notices of hearing, final orders, intermediate reports, and subpenas of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

(b) Process and papers of the Board, other than those specifically named in paragraph (a) of this section, may be forwarded by certified mail. The return post office receipt therefor shall be proof of service of the same.

§ 102.89 *Same; by parties; proof of service.* Service of papers by a party on other parties shall be made by registered mail, or by certified mail, or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, or by certified mail, the return post office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

§ 102.90 *Date of service; filing of proof of service.* (a) The date of service shall be the day when the matter served is deposited in the United States mail or is delivered in person, as the case may be. In computing the time from such date, the provisions of § 102.91 apply.

(b) The person or party serving the papers or process on other parties in conformance with §§ 102.88 and 102.89 shall submit a written statement of service thereof to the Board stating the names of the parties served and the date and manner of service. Proof of service as defined in § 102.89 shall be required by the Board only if subsequent to the receipt of the statement of service a question is raised with respect to proper service. Failure to make proof of service does not affect the validity of the service.

§ 102.91 *Time; additional time after service by mail.* (a) In computing any period of time prescribed or allowed by the rules in this part, the day of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day, which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Sundays and holidays shall be excluded in the computation. For the purpose of this section a Saturday on which the Board's offices are not open for business shall be considered as a holiday, but a half holiday shall be considered as other days and not as a holiday. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period: *Provided, however,* That 3 days shall not be added if any extension of such time may have been granted.

(b) When the act or any of the rules in this part require the filing of a motion, brief, exception, or other paper in any proceeding, such document must be received by the Board or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

SUBPART H—CERTIFICATION AND SIGNATURE OF DOCUMENTS

§ 102.92 *Certification of papers and documents.* The executive secretary of the Board or, in the event of his absence or disability, whosoever may be designated by the Board in his place and stead shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

§ 102.93 *Signature of orders.* The executive secretary or the associate executive secretary or, in the event of their absence or disability, whosoever may be designated by the Board in their place and stead is hereby authorized to sign all orders of the Board.

SUBPART I—RECORDS AND INFORMATION

§ 102.94 *Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection.* (a) The formal documents described as the record in the case or proceeding and defined in §§ 102.45, 102.67, and 102.69 are matters of official record and are available for inspection and examination by persons properly and directly concerned, during usual business hours, at the appropriate regional office of the Board or in Washington, D. C., as the case may be. True and correct copies thereof will be certified upon submission of such copies a reasonable time in advance of need and payment of lawfully prescribed costs: *Provided, however,* That if the Board, the general counsel, or the regional director with whom the documents are filed shall find in a particular instance good cause why a matter of official record should be kept confidential, such matter shall not be available for public inspection or examination. Application for such inspection, if desired to be made at the Board's office in Washington, D. C., shall be made to the executive secretary or the general counsel, as the case may be, and, if desired to be made at any regional office, shall be made to the regional director. The executive secretary, the general counsel, or the regional director may, in his discretion, require that the application be made in writing and under oath and set forth the facts upon which the applicant relies to show that he is properly and directly concerned with such inspection and examination. Should the executive secretary, the general counsel, or the regional director, as the case may be, deny any such application, he shall give prompt notice thereof, accompanied by a simple statement of procedural or other grounds.

(b) All final opinions or orders of the Board in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and its rules and regulations are available to public inspection during regular business hours at the Board's offices in Washington, D. C. Copies may be obtained upon request made to any regional office of the Board at its address as published in the FEDERAL REGISTER, or to the director of information in Washington, D. C. Subject to the provisions of §§ 102.31 and 102.66, all files, documents, reports, memoranda, and records pertaining to the internal management of the Board or to the investigation or disposition of charges or petitions during the nonpublic investigative stages of proceedings and before the institution of formal proceedings, and all matters of evidence obtained by the Board or any of its agents in the course of investigation, which have not been offered in evidence at a hearing before a trial examiner or hearing officer or have not been made part of an official record by stipulation, whether in the regional offices of the Board or in its principal office in the District of Columbia, are for good cause found by the Board held confidential and are not matters of official record or available to public inspection, unless permitted by the Board, its chairman, the general counsel, or any regional director.

§ 102.95 *Same; Board employees prohibited from producing files, records, etc., pursuant to subpena ad testificandum or subpena duces tecum, prohibited from testifying in regard thereto.* No regional director, field examiner, trial examiner, attorney, specially designated agent, general counsel, member of the Board, or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or testify in behalf of any party to any cause pending in any court or before the Board, or any other board, commission, or other administrative agency of the United States, or of any State, Territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena, *subpena duces tecum,* or otherwise, without the written consent of the Board or the chairman of the Board if the official or document is subject to the supervision or control of the Board; or the general counsel if the official or document is subject to the supervision or control of the general counsel. Whenever any *subpena ad testificandum* or *subpena duces tecum,* the purpose of which is to adduce testimony or require the production of records as described hereinabove, shall have been served upon any such persons or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the chairman of the Board or the general counsel, as the case may be, move pursuant to the applicable procedure, whether by petition to revoke, motion to quash, or otherwise, to have such subpena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

SUBPART J—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

§ 102.96 *Prohibition of practice before Board of its former regional employees in cases pending in region during employ-*

ment. No person who has been an employee of the Board and attached to any of its regional offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any regional office to which he was attached during the time of his employment with the Board.

§ 102.97 *Same; application to former employees of Washington staff.* No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any regional offices during the time of his employment with the Board.

SUBPART K—CONSTRUCTION OF RULES

§ 102.98 *Rules to be liberally construed.* The rules and regulations in this part shall be liberally construed to effectuate the purposes and provisions of the act.

SUBPART L—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (f), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

§ 102.99 *Enforcement.* All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of Subparts A, B, G, H, I, and K of this part, insofar as applicable, except that reference in Subpart B to "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this article mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended.

SUBPART M—AMENDMENTS

§ 102.100 *Amendment or rescission of rules.* Any rule or regulation may be amended or rescinded by the Board at any time.

§ 102.101 *Petitions for issuance, amendment, or repeal of rules.* Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and five copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

§ 102.102 *Action on petition.* Upon the filing of such petition, the Board shall consider the same and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

[F. R. Doc. 58-3649; Filed, May 13, 1958; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF S-(p-CHLOROPHENYLTHIO) METHYL O,O-DIETHYL PHOSPHORODITHIOATE

A petition was filed with the Food and Drug Administration by Stauffer Chemical Company, Richmond, California, requesting the establishment of tolerances for residues of *S*-(*p*-chlorophenylthio) methyl *O*-*O*-diethyl phosphorodithioate in or on various raw agricultural commodities. Subsequently, the petitioner withdrew his request with respect to certain commodities.

The Secretary of Agriculture has certified that his pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the modified petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.156 (22 F. R. 7502)) are amended by changing § 120.156 to read as follows:

§ 120.156 *Tolerances for residues of S-(p-chlorophenylthio) methyl O,O-diethyl phosphorodithioate.* Tolerances for residues of *S*-(*p*-chlorophenylthio) methyl *O*,*O*-diethyl phosphorodithioate in or on raw agricultural products are established as follows:

(a) 5 parts per million in or on sugar beets (roots), sugar beets (tops).

(b) 2 parts per million in or on almond hulls, grapefruit, lemons, limes, oranges, tangelos, tangerines.

(c) 0.8 part per million in or on apples, apricots, beans, snap (succulent form); beans, lima (succulent form); beets, garden (roots); beets, garden (tops); cantaloups, cherries, crabapples, eggplants, grapes, nectarines, olives, peaches, pears, peas (succulent form), peppers, pimentos, plums (fresh prunes), quinces, soybeans (succulent form), spinach, strawberries, tomatoes, watermelons.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2))

Dated: May 8, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3656; Filed, May 13, 1958; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (Formerly NPA Reg. 2); Direction 7, Amendment 1, of May 9, 1958]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

REG. 2, DIR. 7, AMDT. 1—LIMITATION ON USE OF RATINGS TO OBTAIN NICKEL—ELIMINATION OF NOTIFICATION REQUIREMENT AND CERTAIN USE LIMITATIONS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects direction 7 to BDSA Reg. 2 by amending paragraph (b) of section 3 of said direction. The notification requirement and use limitations contained in said paragraph are eliminated.

Paragraph (b) of section 3 of direction 7 to BDSA Reg. 2 is amended to read as follows:

(b) If at any time any person who has generated scrap in the course of producing alloys containing nickel to fill mandatory acceptance orders has on hand such scrap containing a quantity of usable nickel which exceeds the quantity of such nickel needed by him to fill mandatory acceptance orders received by him, he may use it himself or dispose of it unless otherwise ordered or directed by BDSA.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

This amendment shall take effect May 9, 1958.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 58-3614; Filed, May 13, 1958; 8:50 a. m.]

[BDSA Reg. 2 (Formerly NPA Reg. 2): Amendment 5, of May 9, 1958]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

REG. 2, AMDT. 5—LIMITATION ON USE AND DISPOSITION OF MATERIALS ACQUIRED WITH PRIORITIES ASSISTANCE

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable because this amendment applies to all trades and industries.

This amendment affects BDSA Reg. 2 (formerly NPA Reg. 2) as amended by amendment 2 dated June 1, 1954, and amendment 4 dated January 11, 1957, by amending paragraph 17 of said regulation in the following respects. List B of said regulation is deleted. Persons who acquire materials with a rating or a specific authorization or a directive of BDSA are required to use, so far as possible, such materials, or the products into which such materials are incorporated, to fulfill other priority orders to the extent that such materials or products cannot be used for the purpose for which priority assistance was given. In certain cases, cancellations of priority ratings on unfilled rated purchase orders are required. Special rules relating to use and disposition of primary nickel are eliminated, and this material is made subject to the general rules relating to use and disposition of materials.

Section 17 of BDSA Reg. 2 (formerly NPA Reg. 2) dated March 23, 1953, as amended by amendment 2 dated June 1, 1954, is hereby amended to read as follows:

SEC. 17. *Use or disposition of material acquired under this regulation.* (a) Any person who gets material with a rating or through a specific authorization or a directive of BDSA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. However, material obtained with any DO rating may be used to fill any DX rated order. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) When a material acquired with a rating or through a specific authorization or directive of BDSA, or when a product into which such material has been incorporated, can no longer be used for the purpose for which the priority assistance was given, the following rules apply:

(1) To the extent that such material or product can be used to fill other orders then on hand which are accompanied by a rating or a specific authorization or directive of BDSA, and with respect to which such holder has not already received other material of the same kind by the use of priority assistance for the purpose of filling such other orders, it must be so used.

(2) To the extent that such material or product can be used for the purpose specified in subparagraph (1) of this paragraph but where material of the same kind to fill such other orders has been ordered by the use of priority assistance and has not been received, it must be so used, and the provisions of section 12 (b) apply.

(3) To the extent that such material or product cannot be used for the purpose and in the manner specified in subparagraphs (1) and (2) of this paragraph, the holder of such material or product may use it himself or dispose of it, unless otherwise ordered or directed by BDSA.

List B of BDSA Reg. 2 and the footnote to list B are deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

This amendment shall take effect May 9, 1958.

BUSINESS AND DEFENSE
SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 58-3615; Filed, May 13, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1633]

[1119031]

CALIFORNIA AND NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 4203 OF APRIL 14, 1925, WHICH WITHDREW LANDS IN AID OF CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4203 of April 14, 1925, which withdrew for classification the public lands within such of the following-described areas described in the act of Congress approved February 20, 1925 (43 Stat. 952) as were not then parts of any national forest

MOUNT DIABLO MERIDIAN

T. 37 N., R. 1 E.,
Sec. 1.
Ts. 38, 39, 40, 41, 42, 43 and 44 N., R. 1 E.
T. 45 N., R. 1 E.,
Secs. 19, 20, 29, and 30.
Ts. 37, 38, 39, 40, 41 and 42 N., R. 2 E.
T. 37 N., R. 3 E.
Sec. 1, N½;
Secs. 3, 4, 5, 6, 9, 10, 15, and 16.
Ts. 38, 39 and 40 N., R. 3 E.
T. 22 N., R. 4 E.,
Secs. 1, 12, and 13.
T. 23 N., R. 4 E.
T. 37 N., R. 4 E.,
Sec. 6, N½.
T. 38 N., R. 4 E.,
Secs. 6, 7, and 8.
T. 39 N., R. 4 E.,
Secs. 30 and 31.
Ts. 40 and 41 N., R. 4 E.
T. 20 N., R. 6 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36.
Ts. 26 and 27 N., R. 6 E.
Ts. 20, 21, 26 and 27 N., R. 7 E.
Ts. 21 and 27 N., R. 8 E.
T. 17 N., R. 9 E.,
Secs. 13, 24, 25, and 36.
T. 18 N., R. 9 E.,
Secs. 28 and 29.
T. 24 N., R. 9 E.,
Secs. 10, 11, 16, 22, 23, and 24.
T. 27 N., R. 9 E.,
Secs. 34, 35, and 36.
T. 14 N., R. 10 E.,
Secs. 1, 12, 13, 24, and 25.
T. 15 N., R. 10 E.,
Secs. 13, 24, 25, and 36.
T. 16 N., R. 10 E.,
Secs. 1, 2, 11, 13, 23, 24, 25, 26, 27, and 29.
Ts. 17 and 18 N., R. 10 E.
T. 23 N., R. 10 E.,
Sec. 1, N½.
T. 24 N., R. 10 E.,
Secs. 19, 28, 29, and 36.
T. 26 N., R. 10 E.,
Secs. 31, 32, and 33.
Ts. 14, 16, 17, 22, 23 and 24 N., R. 11 E.
T. 29 N., R. 11 E.,
Secs. 25 to 36, inclusive.
T. 10 N., R. 12 E.,
Secs. 1, 2, 3, 10 to 15, inclusive, 22 to 29, inclusive, 32 to 36, inclusive.
T. 11 N., R. 12 E.,
Secs. 25 to 29, inclusive, 32 to 36, inclusive.
Ts. 22 and 28 N., R. 12 E.
T. 29 N., R. 12 E.,
Secs. 26 to 35, inclusive.
T. 8 N., R. 13 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36.
Ts. 9, 10, 11, 21, 22 and 23 N., R. 13 E.
T. 4 N., R. 14 E.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, and 26.
T. 5 N., R. 14 E.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.
T. 6 N., R. 14 E.,
Secs. 1, 2, 3, 4, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive.
Ts. 7 and 8 N., R. 14 E.
T. 20 N., R. 14 E.,
Secs. 9, 16, 21 to 24, inclusive.
T. 21 N., R. 14 E.,
Secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.
T. 22 N., R. 14 E.,
Secs. 29, 30, 31, and 32.
T. 23 N., R. 14 E.,
Secs. 7, 16 to 21, inclusive, 28, 29, 30, and 33.
T. 2 N., R. 15 E.,
Secs. 1 to 12, inclusive.
Ts. 18, 19 and 20 N., R. 15 E.
T. 2 N., R. 16 E.,
Secs. 2 to 10, inclusive, 15, 16, and 21.
Ts. 18, 19 and 20 N., R. 16 E.
T. 25 N., R. 16 E.,
Sec. 15, N½;
Sec. 16.
Ts. 18, 19 and 20 N., R. 17 E.
T. 12 N., R. 18 E.,
Secs. 3 to 11, inclusive, 14 to 23, inclusive, 26 to 34, inclusive.
T. 13 N., R. 18 E.,
Fractional secs. 31 and 32 in California;
Secs. 1, 2, 3, 9 to 16, inclusive, 21 to 27, inclusive, 34, 35, and 36 in Nevada.
Ts. 14 and 15 N., R. 18 E., in Nevada.
T. 17 N., R. 18 E., Nevada,
Secs. 4, 5, and 6.
T. 18 N., R. 18 E., California and Nevada.
T. 13 N., R. 19 E., Nevada,
Secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.
T. 14 N., R. 19 E., Nevada,
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33.
T. 15 N., R. 19 E., Nevada,
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33.

T. 1 S., R. 16 E.,
  Secs. 1 to 5, inclusive, 8 to 15, inclusive, 22 to 27, inclusive, 34, 35, and 36.
Ts. 39, 40, 41, 42, 43 and 44 N., R. 1 W.
T. 45 N., R. 1 W.
  Secs. 19 to 36, inclusive.
Ts. 39, 40, 41, 43 and 44 N., R. 2 W.
Ts. 39 and 40 N., R. 3 W.
T. 43 N., R. 3 W.,
  Secs. 1, 2, 13, 14, 15, 16, 20, 21, 22, 23, and 24.
T. 37 N., R. 4 W.
T. 38 N., R. 4 W.,
  Secs. 1, 2, 3, 10 to 17, inclusive, 20, 22, 27, 28, 29, 31, 32, and 33.
T. 39 N., R. 4 W.
T. 40 N., R. 4 W.
  Secs. 2 to 6, inclusive, 10 to 15, inclusive, 19 and 22 to 36, inclusive.
Ts. 41 and 42 N., R. 4 W.
T. 36 N., R. 5 W.,
  Secs. 1 to 11, inclusive, 15, 16, and 17.
Ts. 37, 38, 39 and 40 N., R. 5 W.
T. 41 N., R. 5 W.,
  Secs. 1, 9 to 16, inclusive, 21 to 28, inclusive, 33, 34, 35, and 36.
T. 42 N., R. 5 W.,
  Sec. 36.
T. 41 N., R. 7 W.,
  Secs. 28 and 29.
T. 40 N., R. 9 W.,
  Secs. 4 and 5.

is hereby revoked so far as it affects any lands other than the following-described lands:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 1 E.,
  Sec. 24, SW¼SW¼.
T. 37 N., R. 3 E.,
  Sec. 10, NE¼NW¼, N½SE¼, and SE¼SE¼;
  Sec. 15, S½NW¼ and SW¼.
T. 16 N., R. 10 E.,
  Sec. 13, lots 3 to 10, inclusive, S½SE¼, and NE¼SE¼;
  Sec. 23, lots 9 to 15, inclusive.
T. 17 N., R. 10 E.,
  Sec. 21, W½SE¼NE¼;
  Sec. 34, part of N½NW¼ within old Mineral Lot 41.
T. 18 N., R. 10 E.,
  Sec. 29, lots 5 and 8;
  Sec. 31, lots 4 to 7, inclusive, lots 9 and 10;
  Sec. 32, lot 1.
    Also those parts of lot 42 in sections 29, 31, and 32 not embraced in M. S. 76 and 77.
T. 14 N., R. 11 E.,
  Sec. 15, lots 1 to 3, inclusive, S½ of lot 5, and S½ of lot 6;
  Sec. 19, fractional part of SE¼ except M. S. 58, 59, and 63;
  Sec. 20, fractional E½NE¼NE¼;
  Sec. 21, lots 2, 3, 5, 7, to 15, inclusive.
T. 17 N., R. 11 E.,
  Sec. 32, W½SW¼;
  Sec. 34, N½ and S½SW¼.
T. 20 N., R. 15 E.,
  Sec. 6, E½SE¼.
T. 20 N., R. 17 E.,
  Sec. 24, NW¼SE¼.
T. 13 N., R. 18 E., Nevada,
  Sec. 35, lots 4 and 5, E½E½, NW¼SE¼;
  Sec. 26, SE¼SE¼.

The areas described aggregate approximately 2,477.46 acres.

2. All the lands in Nevada released from withdrawal by this order and most of those in California have been included in national forests. The following lands in California are hereby opened to filing of applications, selections and locations, subject to existing valid rights and the requirements of applicable law:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 39 N., R. 2 E.,
  Sec. 16, SE¼NE¼ and E½SE¼.
T. 37 N., R. 3 E.,
  Sec. 16, N½NE¼, SW¼NE¼, and SE¼NW¼.
T. 23 N., R. 4 E.,
  Sec. 8, SE¼SE¼SE¼;
  Sec. 9, SE¼SE¼;
  Sec. 17, W½SW¼SW¼;
  Sec. 19, NE¼, E½NW¼, NE¼SE¼, N½SE¼SE¼, and NE¼SW¼SE¼;
  Sec. 29, E½NE¼SE¼, exclusive of patented M. S. 4413;
  Sec. 30, W½NW¼NE¼.
T. 29 N., R. 11 E.,
  Sec. 25, N½NW¼, less patented M. S. 6148, 6086, 5302, and 6462;
  Sec. 30, lots 1 and 2, S½ of lot 6, and N½ of lot 7;
  Sec. 33, SE¼SE¼;
  Sec. 34, S½SE¼;
  Sec. 35, NW¼SE¼.
T. 29 N., R. 12 E.,
  Sec. 31, lot 4.
T. 20 N., R. 15 E.,
  Sec. 5, lot 2 of NW¼;
  Sec. 6, lots 1 and 2 of NE¼.
T. 25 N., R. 16 E.,
  Sec. 15, NE¼NE¼, S½NE¼, and E½NW¼.
T. 18 N., R. 18 E.,
  Sec. 7, lot 13.
T. 37 N., R. 4 W.,
  Sec. 4, SW¼SW¼.

The areas described aggregate approximately 1,405.95 acres.

3. The lands are widely scattered throughout northern California and generally occupy foothill and mountainous regions. The character of the lands varies from gentle, moderately rolling slopes of the lava beds of eastern Shasta County, California, to steeper slopes lying above the west branch of Feather River, to the more or less open sagebrush plains east of the Sierra escarpment. The soil is for the most part various clays and sands derived from volcanic parent material and other igneous rocks. The vegetation varies from the pine covered slopes of the lower foothills of the Sierra Nevada to the sagebrush plains. Adverse topography renders the lands generally unsuitable for agricultural purposes other than grazing by livestock.

4. No application for the restored lands may be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, presented prior to 10:00 a. m. on June 13, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on September 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on September 12, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 8, 1958.

[F. R. Doc. 58-3580; Filed, May 13, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 6]

MIGRATORY BIRDS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (60 Stat. 237), notice is hereby given that the Director, Bureau of Sport Fisheries and Wildlife, proposes to recommend the adoption by the Secretary of the Interior, under authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), of amendments to Part 6, Title 50, Code of Federal Regulations, which will specify open seasons, certain closed seasons, hunting methods, shooting hours, and bag limits for migratory game birds.

The proposed amendments specifying open seasons and bag limits for migratory game birds, except waterfowl, coots and Wilson's snipe (but including scoter, eider and old-squaw ducks in open coastal waters beyond outer harbor lines in certain North Atlantic Coastal States and waterfowl, coots and Wilson's snipe in Alaska), and those relating to other matters will be proposed for final adoption not later than August 1, 1958, to become effective September 1, 1958. Proposed amendments specifying open seasons, bag limits, and shooting hours for other waterfowl, coots and Wilson's snipe will be proposed for adoption not later than September 1, 1958, to become effective not later than October 1, 1958.

On the basis of final decisions to be reached at the conclusion of studies now in progress, the said Director may recommend the adoption by the Secretary of other amendments to Part 6 to accomplish the following purposes:

1. Section 6.3 (b) (9) would be amended to make more clear what constitutes the illegal taking of migratory game birds by bait. No substantive change is contemplated in the section.

2. Section 6.6 (c) would be amended to make its provisions applicable to shipments within a State as well as into or out of the State.

3. Section 6.6 (d) would be amended to substitute the word "species" for the word "kinds". It is proposed to make a similar amendment wherever the word "kinds" when used in reference to migratory game birds, appears in the Regulations.

4. Section 6.7 (b) would be amended to make it clear that migratory game birds imported from Canada may be entered with or without the heads and feet attached.

5. Section 6.9 would be amended to include commercial picking establishments within the meaning of its provisions.

6. Section 6.11 would be amended to prohibit persons other than those with a permit from possessing or transporting live migratory waterfowl acquired in any lawful manner after September 1, 1958.

7. Sections 6.12 and 6.13 would be amended by combining the said sections and by making the provisions presently contained in § 6.13 with reference to the commercial use of feathers, applicable to all migratory game birds rather than to wild ducks and wild geese as is presently the case.

Interested persons are hereby afforded an opportunity to participate in preparation of the amended regulations to be adopted as set forth above, by submitting their views, data or arguments in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., on or before June 20, 1958.

Dated: May 9, 1958.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 58-3588; Filed, May 13, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957-58 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, originally effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $170,000.00 will be necessarily incurred during the fiscal year November 1, 1957, through October 31, 1958, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, as amended, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, as amended, the rate of assessment of $0.0075 per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 9, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3623; Filed, May 13, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42, 43, 45]

[Draft Release 58-11]

EMERGENCY EXITS FOR AIRPLANES CARRYING PASSENGERS FOR HIRE

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aenonautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Special Civil Air Regulation No. SR-389A as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by July 15, 1958. Copies of such communications will be available after July 17, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation No. SR-389 (17 F. R. 9895) was adopted by the Civil Aeronautics Board on October 27, 1952, and became effective on the same date. This special regulation was promulgated by the Board because a study of existing type airplanes had indicated that in some instances the exit facilities had become marginal for the number of occupants carried and that further increases in occupancy should be more strictly related to the number of exits available. The study further revealed that even in some of the airplane types which were not considered marginal in this respect further increases in occupancy should not be permitted without the installation of additional exits.

On September 13, 1957, the Board adopted and made effective SR-389A (22

F. R. 7462) which superseded SR–389. All of the provisions of SR–389 were retained in SR–389A. The latter special regulation, however, contained an addition to the table which authorized the Viscount 700 series airplane to be operated with 49 occupants with 7 exits. SR–389A was amended further on October 17, 1957 (22 F. R. 8258) by changing the maximum number of occupants permitted on the Viscount 700 series airplane to 53 occupants with 7 exits.

SR–389A requires that all large airplanes (more than 12,500 pounds maximum certificated take-off weight), while carrying passengers for hire, comply with § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations, as amended by Amendment 4b–4, effective December 20, 1951, with the exception of those airplanes listed in the table set forth in the regulation. The latter airplanes may comply with the values of maximum number of occupants listed in the table in SR–389A. In excepting these airplanes from strict compliance with the effective provisions of Amendment 4b–4, the Board took into account that such compliance would have required substantial modifications which would not have been commensurate with the resulting increase in safety, and would, therefore, have imposed an unreasonable burden on the operator.

Upon further review of this special regulation, it appears that additional changes are required as indicated.

SR–389A includes a provision that additional occupants above the numbers listed in the table may be carried if additional exits are provided, except that in no case shall more than 8 additional occupants be carried for any one additional exit and that the type, size, and location of such additional exit shall be approved by the Administrator. In this provision, it was intended that no more than 8 additional occupants could be authorized if the most effective exit for emergency evacuation were provided. Since the effectiveness of the exit varies with the type, size, and location, it was intended that less than 8 additional occupants would be authorized if the exit provided was not the most effective exit for evacuation. Since this objective was not fully spelled out, there is contained herein a proposed amendment to this provision to make this intent clearer.

SR–389A does not contain provisions regarding the maximum number of occupants permitted when the number of existing exits is reduced. As a consequence, considerable administrative difficulty has resulted when operators desired to reduce the number of exits and occupants of the airplane from those listed in the table in SR–389A. In order to remedy such difficulty, this notice proposes a method for decreasing the number of authorized passengers when the number of exits installed is less than that listed in the table while still maintaining a safe occupant/exit relationship.

In addition, the table in SR–389A has caused some confusion with respect to the CV–440 and L–1049 airplanes, since the CV–440 was manufactured under the same type certificate as the CV–340 and there have been many different models of the L–1049. It is, therefore, proposed to amend the table by listing the "L–1049 series" in lieu of the "L–1049," and by listing the "CV–340 and CV–440" in lieu of the "CV–340."

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Special Civil Air Regulation No. SR–389A be amended:

1. By amending the second sentence of the paragraph preceding the table to read as follows: "Additional occupants above the values listed in the table shall be authorized if additional approved emergency exits are provided, on the basis that not more than 8 additional occupants shall be authorized when an additional floor level exit not less than 24 inches wide by 48 inches high is provided, and a lesser number of occupants shall be authorized as determined by the Administrator when an emergency exit is added which is less effective for emergency evacuation."

2. By adding the following to the paragraph preceding the table: "The maximum number of occupants listed in the table shall be reduced if the number of approved exits available is less than that shown in the table. The reduction in the maximum number of occupants for each exit eliminated shall be determined by the Administrator taking due account of the effectiveness of the remaining exits for emergency evacuation, except that the maximum number of occupants shall be reduced by at least 8 for each eliminated exit. In no case shall the resulting ratio of occupants to exits be greater than 14:1, and there shall be at least one exit on each side of the fuselage irrespective of the number of occupants. When the first exit is eliminated on those airplanes which have a ratio of occupants to exits greater than 14:1, as computed from the table in this special regulation, the maximum number of occupants shall be reduced so that the ratio of occupants to exits is no greater than 14:1."

3. By amending the column titled "Airplane type" by deleting "CV–340" and inserting in lieu thereof "CV–340 and CV–440" and by deleting "L–1049" and inserting in lieu thereof "L–1049 series".

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007, 1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., May 7, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58–3617; Filed, May 13, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 6, 1958.

The Bureau of Reclamation of the United States Department of the Interior has filed two applications, Serial Nos. New Mexico 037689 and New Mexico 038148, for the withdrawal of lands described below, under the First Form of Withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), from all forms of appropriation, except grazing, mineral leasing and mining location, so long as these uses do not interfere with the primary purpose of the withdrawal.

The applicant desires the lands for the establishment of permanent gravel production areas and rights-of-way in connection with channelization program along the Rio Grande.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 1 E.,
  Sec. 31, Lots 4, 12, 13, 17, 18, and 19.
T. 4 S., R. 1 E.,
  Sec. 5, Lots 19 and 20;
  Sec. 6, Lot 1;
  Sec. 8, Lot 43;
  Sec. 17, Lot 19;
  Sec. 21, Lots 12, 13, 14, 17, and 18;
  Sec. 28, Lots 18 and 21;
  Sec. 33, Lots 13 and 14.

The areas described aggregate 249.65 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 58–3590; Filed, May 13, 1958; 8:45 a. m.]

[California .544]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER

MAY 6, 1958.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office,

dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands in Shasta County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 5 W.,
  Section 16, E½NE¼, NE¼NW¼NE¼, S½NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SE¼.

Containing 315 acres, subdivided into approximately 40 small tracts of which 6 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284) as amended.

4. All valid applications filed prior to May 6, 1958, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer in Charge,
Northern Field Group,
Sacramento, California.

[F. R. Doc. 58-3591; Filed, May 13, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 46]

SAN FRANCISCO PORT AUTHORITY

APPLICATION TO CHANGE LOCATION OF FOREIGN-TRADE ZONE NO. 3

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the San Francisco Port Authority, as Grantee of Foreign-Trade Zone No. 3 filed an application dated March 19, 1958, requesting permission to change the location of Foreign-Trade Zone No. 3 from its present location at Pier No. 45, to Pier No. 46C, otherwise known as 33 Berry Street, and the adjacent warehouse located at 128–136 King Street for a period of not to exceed three (3) years.

Whereas, the San Francisco Port Authority states that Order No. 43 approved December 20, 1956, changing the location from Pier No. 45 to Piers Nos. 46B and 46C, and Order No. 44, making the move mandatory by April 11, 1958, could not be made effective.

Whereas, the Port Authority, by action of the State Legislature in 1958 will seek funds for a port improvement program; and, until such time the foreign-trade zone must operate in temporary quarters.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders: That the boundaries of Foreign-Trade Zone No. 3 be, and they are hereby reestablished on a temporary basis not to exceed three (3) years from the date of publication of this order in the FEDERAL REGISTER, from its present location on Pier No. 45 to Pier No. 46C, otherwise known as 33 Berry Street, and adjacent warehouse at 128–136 King Street to conform with Exhibits 1, 3, 6, 8, 10, and 13 filed with the application.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. This order supersedes orders Nos. 43 and 44, and the effective date is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 5th day of May 1958.

[SEAL] FOREIGN-TRADE ZONES BOARD,
SINCLAIR WEEKS,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

JOSEPH M. MARRONE,
Executive Secretary,
Foreign-Trade Zones Board.

[F. R. Doc. 58-3587; Filed, May 13, 1958; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958. Supp. 182]

WABASH FIRE AND CASUALTY INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. 6–13, as an acceptable surety on Federal Bonds. An underwriting limitation of $314,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated. Wabash Fire and Casualty Insurance Company, Indianapolis, Ind.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3612; Filed, May 13, 1958; 8:49 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958. Supp. 183]

FLORIDA HOME INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. 6–13, as an acceptable surety on Federal Bonds. An underwriting limitation of $96,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated. Florida Home Insurance Company, Miami, Florida.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3613; Filed, May 13, 1958; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ENGINEER AND FIELD ENGINEERS, REGION I (NEW YORK)

REDELEGATION OF AUTHORITY TO APPROVE CERTAIN CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal, the Regional Engineer, and each Field Engineer, Region I (New York), is hereby authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C. 1450–1460) and under section 312 of the Housing Act of 1954 (68 Stat. 629);

Approve contracts between local public agencies and third parties as follows:

1. Approve proposed contracts for professional services of engineers or architects for other than non-cash local grants-in-aid.

2. Approve the following documents relating to site demolition, clearance and site preparation work, other than non-cash local grants-in-aid:

a. Proposed contract documents, before advertising for bids or award of contracts.

b. Proposed addenda to bidding documents and proposed change orders.

c. Proposed contracts for structural surveys.

d. Proposed contracts for subdivision plats and property-line surveys.

e. Concurring in drawings, specifications, cost estimates, and proposed methods for performing force account work.

f. Concurring in bidding proceedings, bid openings, and contract awards.

g. Concurring in contractors' estimates for partial and final payment.

h. Concurring in the acceptance of work completed under contract.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective Dec. 23, 1954 (20 F. R. 428-9), January 19, 1955, as amended)

Effective as of the 15th day of April 1958.

WALTER S. FRIED,
Regional Administrator, Region I.

[F. R. Doc. 58-3603; Filed, May 13, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

MAY 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Available interest rates on sales made in May under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 2¼ percent per annum.

For periods over 6 months up to and including 18 months, 2¾ percent per annum.

For periods over 18 months up to and including 36 months, 3¼ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter and entered into.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Commodity Office and therefore generally they do not appear in the Monthly Sales List.

MAY 1958 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-26. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic price: For unrestricted use price is "in store" [1] at storage locations of products. Prices for unrestricted use, which reflect 90 percent of the April 1958 parity prices, will continue in effect for the remainder of 1958. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter (as available)	Domestic, unrestricted use: 68 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 67¼ cents per pound, Washington, Oregon, and California. All other States 67 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of chocolate or in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller), as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Chedder cheese, Cheddar, flats, twins, and rindless blocks (standard moisture basis).	Domestic: 39.5 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 38.5 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, Revision I, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-4 and NO-C-9, as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Domestic (unrestricted use): Milled (1956 crop in cold storage); market price but not less than the 1956 applicable loan rate for type and grade basis in store point of origin, plus 5 percent, adjusted for milling, storage, and other charges. Example of minimum price at point of storage: Virginias, U. S. Grade, Extra Large Kernels, 26.5 cents per pound; Virginias, U. S. Grade, Medium, 25.0 cents per pound; S. E. Runner, U. S. Grade, No. 1, 24.0 cents per pound. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the 1957 applicable loan rate, plus (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. Examples of the foregoing minimum per bushel (ex-rail or barge): Chicago, No. 1 RW, $2.59; Minneapolis, No. 1 DNS, $2.63; Kansas City, No. 1 HW, $2.59; Portland, No. 1 SW, $2.49. Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1957 county loan rate plus (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended for application to certain barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under payment-in-kind program under Announcement GR-345.[3] Available Dallas, Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Evanston, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[1] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 20 cents per bushel for corn in storage at point of production, (2) a markup of 22 cents per bushel and the rail freight (including transportation tax) from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material, including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, $1.80¾; Minneapolis, $1.70¾. Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 110 percent of the applicable 1957 loan rate plus markup as above. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Effective May 12, nonstorable corn, unrestricted use (as available): At other than bin sites, through the above offices. At bin sites, through ASC county offices.

See footnotes at end of table.

MAY 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Corn, bulk—Continued	Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit sales. Prior to May 12, competitive bid basis as announced by Dallas, Evanston, Kansas City, Minneapolis, and Portland CSS Commodity Offices.[3] Effective May 12, except for barter and credit sales, disposal under Feed Grain payment-in-kind program under Announcement GR-368.
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) a markup of 21 cents per bushel for oats in storage at point of production, (2) a markup of 23 cents per bushel and the rail freight (including transportation tax) from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, No. 3 oats or better, $0.91¾; Minneapolis, No. 3 oats or better, $0.86. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Minneapolis, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price in store,[2] but not less than the 1957 applicable loan rate plus (1) 25 cents per bushel if received by truck, or (2) 22 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 barley, $1.40. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Dallas, Minneapolis, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 28 cents per bushel if received by truck or (2) 23 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 or better, $1.63. Available Evanston, Kansas City, Minneapolis, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Evanston, Dallas, and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) 51 cents per hundredweight if received by truck or (2) 42 cents per hundredweight if received by rail or barge. If delivery is outside the area of production applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex-rail or barge): Kansas City, No. 2 or better, $2.73. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[3]
Soybeans, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 5 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk (as available)	Domestic (for crushing or export: Market price basis in store but not less than 1957 crop support rate for the point of production for Grade No. 1 plus 3 cents per bushel, except for odd lots or lots in danger of deterioration. Market discounts for lower grades to apply. Available Minneapolis CSS Commodity Offices.
Rice, milled 1956 crop (as available).	Domestic: unrestricted use (1956 crop); market price but not less than equivalent 1957 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling plus 76 cents per hundredweight basis in store. Prices and quantities available by varieties and grade may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per hundredweight at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$11.19	$10.33	$9.41
Century Patna	10.36	9.50	8.68

Commodity	Sales price or method of sale
Rice, milled 1956 crop (as available).—Continued	Export: Competitive bid under DL-MR-400/57 (Revised) for export only under Title I, Public Law 480 purchase authorizations as announced by Dallas CSS Commodity Office. Special export: Competitive bid on "as is" basis, under DL-MR/53 as announced by Dallas CSS Commodity Office.
Rice, rough	Domestic: Unrestricted; market price but not less than the 1957 applicable loan rate plus 5 percent, plus 56 cents per hundredweight basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Gum rosin	Domestic or Export: Offer and acceptance basis "as is" in galvanized metal drums (averaging 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers' Assn. Coop., Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.

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[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] Sales of grains other than corn (effective May 5) and wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: May 8, 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3625; Filed, May 13, 1958; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5645 et al.]

PACIFIC SOUTHWEST LOCAL SERVICE CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for June 2, 1958 is postponed to June 5, 1958, 10:00 a. m., e. d. s. t., Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., May 9, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3620; Filed, May 13, 1958; 8:51 a. m.]

[Docket No. 7596 et al.]

DALLAS TO THE WEST SERVICE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given that the oral argument in the above-entitled proceeding, now assigned to be held on May 27, 1958, is postponed to June 5, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 9, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3621; Filed, May 13, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14312]

ILLINOIS POWER CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 8, 1958.

Take notice that Illinois Power Company (Applicant), an Illinois corporation having its principal office at 500 South 27th Street, Decatur, Illinois, filed on January 23, 1958, an application, and on February 24, 1958, a supplement thereto, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Texas Illinois Natural Gas Pipeline Company (Texas Illinois) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver natural gas to Applicant at said connection, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant alleges that the natural gas proposed to be purchased at the proposed new delivery point is gas available under Applicant's present service agreement with Texas Illinois which provides for a contract demand of 4,489 Mcf per day. Texas Illinois sells and delivers gas to Applicant for part of its territory in the southern portion of the State of Illinois, Supply Area D, and for the city of Monticello in the central part of Illinois. Applicant alleges that it purchased 817,485 Mcf of natural gas from Texas Illinois in 1957. Applicant estimates its average day's requirements in the territory served by Texas Illinois will be about 1,500 Mcf during the period from April through October 1959.

Applicant alleges that it has need for additional quantities of gas during the off-peak months of April through October to supply the needs of its customers in its Supply Area B, which is presently being supplied with gas purchased from Panhandle Eastern Pipe Line Company, and it proposes to fulfill such requirements by the construction of the line hereinafter described and transporting natural gas from the new delivery point to Area B. Applicant alleges that in the area (Supply Area B) for which this line would provide a source of gas, its requirements for additional gas during the months of April through October, for a three year period are estimated to be as follows:

FIRM AND INTERRUPTIBLE PEAK DAY REQUIREMENTS NOT SATISFIED BY PRESENT PIPELINE SUPPLY

	Mcf. per day		
	1st year	2d year	3d year
April	34,700	35,800	36,700
May	34,400	35,200	35,900
June	17,800	18,200	18,500
July	12,200	12,400	12,500
August	12,500	12,600	12,800
September	28,200	28,900	29,300
October	29,700	30,800	31,700

The annual estimated requirements of such off-peak gas is 1,366,000 Mcf. for the 1st Year, 1,403,000 Mcf. for the 2d Year and 1,434,000 Mcf. for the 3d Year.

Applicant proposes to construct approximately 13 miles of 10-inch line from a delivery point on Texas Illinois main transmission line near the Village of Hammond, Illinois, in a westerly direction to Applicant's feeder line near the City of Decatur, Illinois. Applicant estimates the cost of the proposed line would be $718,000 which Applicant proposes to finance out of funds on hand. Gas would be transported through said line at an average pressure of 300 lbs. psig.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 29, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3596; Filed, May 13, 1958; 8:46 a. m.]

[Docket Nos. G-9277, G-9280]

CHAMPLIN OIL & REFINING CO.

ORDER RECONVENING HEARING

MAY 8, 1958.

Following presentation by Commission staff witnesses of their testimony and evidence with respect to cost of service and form and level of rates, and completion of cross-examination thereon, the presiding examiner, on December 9, 1957, in open hearing, recessed the proceedings in these dockets subject to our further order, pursuant to the order herein issued February 28, 1957 (17 FPC 329). We stated in that order that:

> Further hearings to afford the staff an opportunity to present field-price evidence and to afford respondents and other parties hereto an opportunity to present evidence shall be deferred pending further order of the Commission.

By order issued December 6, 1957 (18 FPC 782), we consolidated these proceedings with others of a similar nature for the limited purposes set forth therein, including presentation by the staff of basic evidence as to rates, charges, terms and conditions under which sales of natural gas are made in the several producing areas of the United States. Pursuant to the order in the consolidated proceedings, hearings therein were held commencing January 7, 1958, during which the staff presented, in co-sponsorship with the respondents in those proceedings (including Champlin), the aforementioned basic evidence relating to field prices. We further provided in that order that such field price evidence, i. e., "basic rate schedule data as to rates, charges, terms, and conditions of sales by independent producers," is to be made a part of the record in each of the dockets in the consolidated proceedings.

It appears from the foregoing that the posture of these proceedings is such that opportunity should now be afforded to respondents and other parties to present their evidence in these matters. The order of procedure for such presentation shall be as set forth in our order issued January 27, 1958, subject to the modification hereinafter provided.

The Commission orders:

(A) The public hearing on these dockets hereby is reconvened commencing June 23, 1958, at 10 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for presentation of further evidence concerning the matters involved and the issues presented in these proceedings, in accordance with the procedure set forth in paragraph (A) of the order issued January 27, 1958.

(B) Complainants and interveners herein (other than interveners on behalf of Champlin) shall serve such testimony and exhibits as they propose to present in these proceedings (other than testimony and exhibits they may seek to incorporate from the aforementioned consolidated proceedings) on all parties of record, and five (5) copies thereof on Commission staff counsel, on or before June 5, 1958.

(C) If such complainants and interveners determine not to present any testimony (other than testimony and exhibits they may seek to incorporate from the aforementioned consolidated proceedings) they shall individually or severally give notice of that determination to the presiding examiner, respondent, and Commission staff counsel on or before May 23, 1958.

(D) In the event notice is given as referred to in (C) above, then on the date of reconvening hereinbefore provided the order of procedure shall be as set forth in paragraph (A) of the order issued January 27, 1958, beginning with presentation by respondent of its evidence, including direct testimony and exhibits.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3595; Filed, May 13, 1958; 8:46 a. m.]

[Docket No. G-14766]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 8, 1958.

Take notice that on March 27, 1958, The Ohio Fuel Gas Company (Applicant) filed in Docket No. G-14766 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor loops and replacements on its existing facilities in the State of Ohio to enable Applicant to improve and maintain adequate service to its existing markets in the future, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant also seeks authorization pursuant to section 7 (b) of the Natural Gas Act to abandon approximately 39.4 miles of 4 to 10-inch pipeline which will be replaced by the proposed new facilities.

The facilities for which authorization is sought herein are, briefly, as follows:

Project No. 1: Approximately 3.8 miles of 8⅝" O. D. natural gas transmission pipe line in Logan County, Ohio, extending Line Z–207, looping part of Line Z–165 northward from the West Liberty tap.

Project No. 2: Approximately 2.7 miles of 20" O. D. natural gas transmission pipe line in Marion County, Ohio, extending Line D–867, looping part of Line D–322 to the Marion feeder Line D–325.

Project No. 3: Approximately 3.5 miles of 20" O. D. natural gas transmission pipe line in Lorain County, Ohio, extending Line L–2542, looping part of Line L–2042 to the Oberlin tap.

Project No. 4: Approximately 1.9 miles of 16" O. D. natural gas transmission pipe line in Lorain and Cuyahoga Counties, Ohio, extending Line L–2525 from Berea to Parma, completing the looping of Line L–2305.

Project No. 5: Approximately 15.0 miles of 12¾" O. D. natural gas transmission pipe line in Wayne, Stark, and Carroll Counties, Ohio, replacing parts of Lines L–400, 6004, and 6015 supplying markets in eastern Ohio.

Project No. 6: Approximately 9.7 miles of 8⅝" O. D. natural gas transmission pipe line in Belmont County, Ohio, extending Line O–1468, replacing Line O–145 between Bethesda and St. Clairsville.

Project No. 7: Approximately 14.7 miles of 12¾" O. D. natural gas transmission pipe line in Fairfield and Muskingum Counties, Ohio, replacing part of Line "H" between Crawford Compressor Station and Zanesville.

The estimated total capital cost of construction of the proposed facilities is $2,163,000 which will be financed as part of Applicant's overall 1958 construction program through the issuance and sale of notes and common stock to Applicant's parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 29, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–3597; Filed, May 13, 1958; 8:47 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF MODIFICATION OF LAND WITHDRAWAL; OREGON; LEMOLO NO. 1 DEVELOPMENT

MAY 8, 1958.

Conformable to the provision of section 24 of the act of June 10, 1920, as amended, this Commission gave notice on January 26, 1955, of the reservation of approximately 4,160 acres of land of the United States pursuant to the filing on September 15, 1952, of an application for amendment of license by The California Oregon Power Company for project No. 1927 to include the Lemolo No. 1 development.

The licensee on May 21, 1956, filed an application for further amendment of license, supported by revised map exhibits, filed the same date, superseding the exhibits which were the basis of the aforesaid withdrawal notice. These define the project boundaries of the various structures as finally located, including a transmission line right-of-way location, thereby requiring a modification of the previous withdrawal notice.

Therefore, in accordance with section 24 of the act of June 10, 1920, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in project No. 1927 and are, from the date of filing of application for amendment (May 21, 1956) reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

All portions of the following described subdivisions lying within the project boundaries as delimited upon maps designated "Exhibit K–25 (sheets 4 to 8 inclusive) (F. P. C. Nos. 1927–186 to 191 inclusive), entitled, Project No. 1927, Lemolo No. 1 Development, Conduit Location, Reservoir Area, Camp Area, and Access Roads, and filed in the office of the Commission on May 21, 1956, which in all probability will be, when surveyed, portions of the following subdivisions.

T. 25 S., R. 5 E. (unsurveyed),
  Sec. 27: SW¼SW¼;
  Sec. 28: S½;
  Sec. 29: S½SE¼, SE¼ SW¼;
  Sec. 32: N½NE¼, NE¼NW¼;
  Sec. 33: N½N½;
  Sec. 34: W½W½, SE¼ SW¼.
T. 26 S., R. 5 E. (unsurveyed),
  Sec. 3: N½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
  Sec. 10: E½NE¼, SE¼SE¼;
  Sec. 11: SW¼NE¼, NW¼NW¼, S½NW¼, S½;
  Sec. 13: N½, W½SW¼;
  Sec. 14: N½, N½SE¼, SE¼SE¼;
  Sec. 15: NE¼NE¼;
  Sec. 23: NE¼NE¼.
T. 26 S., R. 6 E. (unsurveyed),
  Sec. 18: S½NW¼, NW¼SW¼;
    = approximately 756.79 acres.

All portions of the following described subdivisions lying within 100 feet of the center line survey of the transmission line right-of-way as delimited upon maps, designated "Exhibit K–25 Sheets 1, 2 and 3 (F. P. C. Nos. 1927–183, 184 and 185) entitled Project No. 1927, Lemolo No. 1 Development, Transmission Line, From Lemolo No. 1 Powerhouse to Clearwater Switch Station," and filed in the office of the Commission on May 21, 1956.

T. 26 S., R. 3 E.,
  Sec. 25: SW¼NE¼, E½NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
  Sec. 36: E½NW¼.
T. 26 S., R. 4 E. (unsurveyed),
  Sec. 10: S½S½;
  Sec. 11: SW¼, N½SE¼;
  Sec. 12: SE¼NE¼, N½S½;
  Sec. 15: N½NW¼;
  Sec. 16: N½NE¼, NE¼NW¼, S½NW¼, NW¼SW¼;
  Sec. 17: SE¼, SE¼SW¼;
  Sec. 19: NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NW¼SE¼;
  Sec. 20: NW¼NW¼, NE¼NW¼;
  Sec. 30: NW¼NW¼.
T. 25 S., R. 5 E. (unsurveyed),
  Sec. 32: W½NE¼, E½NW¼, NW¼SE¼, S½SE¼.
T. 26 S., R. 5 E. (unsurveyed),
  Sec. 5: N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
  Sec. 6: SE¼, SE¼SW¼;
  Sec. 7: N½NW¼, SW¼NW¼;
    = approximately 268.68 acres.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) with respect to lands reserved for transmission line purposes only, is applicable to that of the above-described lands reserved for that purpose.

This notice modifies and supersedes, in its entirety, the notice of January 26, 1955, for this development. The area now reserved for project purposes is reduced to approximately 1,025.47 acres, all of which are within the Umpqua National Forest and all except approximately 1.28 acres in the Reservoir Camp area and approximately 250.89 acres within the transmission line right-of-way have been reserved in earlier power withdrawals made in connection with this project or Power Site Classification No. 162.

Copies of the project maps F. P. C. Nos. 1927 sheets 183 to 191 inclusive, superseding maps F. P. C. Nos. 1927 sheets 113, 114, 115 and 177 to 181 inclusive, have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–3598; Filed, May 13, 1958; 8:47 a. m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to

section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), by Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company, for a determination by said Board that each of the companies listed below and the activities thereof are of the kind described in those provisions of the act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the act:

1. Northwestern Mortgage Company, Minneapolis, Minnesota

2. South Side Insurance Agency, Inc., Minneapolis, Minnesota

3. Union Investment Company, Minneapolis, Minnesota.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

***It is hereby ordered,* That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on July 14, 1958, at 10 o'clock a. m., at the office of the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, in the City of Minneapolis, State of Minnesota, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's Rules of Practice for Formal Hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."**

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before June 5, 1958, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

Dated: May 8, 1958.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 58-3599; Filed, May 13, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 9, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34669: *Petroleum and products between San Francisco, Calif., group.* Filed by The Pacific Southcoast Freight Bureau, Agent (No. 238), for interested rail carriers. Rates on petroleum and petroleum products, carloads between San Francisco, Calif., and other points in the San Francisco Bay area, on the one hand, and Central Point, Gold Hill, Grants Pass, and Medford, Oreg., and other points described in the application, on the other.

Grounds for relief: Barge-truck competition.

Tariff: Thirtieth revised page 392 and twenty-first revised page 292A of Pacific Southcoast Freight Bureau, Agent, tariff I. C. C. 1352.

FSA No. 34670: *Fertilizers from southwestern to western trunk line and Illinois territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7281), for interested rail carriers. Rates on ammonium sulphate fertilizer and ammonium nitrate fertilizer, carloads from points in southwestern territory to points in western trunk line and Illinois Freight Association territories.

Grounds for relief: Market competition.

Tariff: Supplement 265 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4112.

FSA No. 34671: *Wheat from Texas points to Port Arthur, Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 320), for interested rail carriers. Rates on wheat, carloads, for export from stations in Texas on the Missouri-Kansas-Texas Railroad Company of Texas to Port Arthur, Texas.

Grounds for relief: Motor truck competition.

Tariff: Supplement 32 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C. 878.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 58-3606; Filed, May 13, 1958; 8:48 a. m.]

[Notice 35]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 9, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2002 (Deviation No. 1), PHILIPP TRANSIT LINES, INC., 106 East Street, P. O. Box 441, Washington, Mo., filed February 10, 1958. Attorney for said carrier, J. R. Rose, Jefferson Building, Jefferson City, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Kansas City, Mo., and Union, Mo., as follows: from Kansas City over U. S. Highway 50 to Union and return over the same route, for operating convenience only, serving no intermediate points. The carrier is presently authorized to transport the same commodities between Kansas City, Mo., and Union, Mo., over the following pertinent route: from Kansas City over U. S. Highway 40 to junction Missouri Highway 47 at Warrenton, Mo., thence over Missouri Highway 47 to Union.

No. MC-32562 (Deviation No. 1), POINT EXPRESS, INC., Box 10007, Station C, Charleston, W. Va., filed January 30, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Charleston, W. Va., and Princeton, W. Va., via Beckley, W. Va., as follows: from Charleston over the West Virginia Turnpike and access routes to Princeton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Charleston, W. Va., and Bluefield, W. Va., over U. S. Highway 21.

No. MC-107558 (Deviation No. 2), ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence 3, R. I., filed May 2, 1958. Attorneys for said carrier, Hugh M. Joseloff, and Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike at or near Weston, Mass. (Interchange No. 14) and Interchange No. 4 of the said Turnpike in the Town of Chicopee, Mass., as follows: from the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to Interchange No. 4 of the said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New York, N. Y., and Boston, Mass., over the following pertinent route: from New York over U. S. Highway 1 via New Haven, Conn., to Boston (also from New Haven over U. S. Highway 5 to junction Alternate U. S. Highway 5, thence over Alternate U. S. Highway 5 to junction U. S. Highway 5, thence over U. S. Highway 5 to junction Alternate U. S. Highway 5, thence over Alternate U. S. Highway 5 to junction U. S. Highway 5, thence over U. S. Highway 5 to Springfield, Mass., and thence over U. S. Highway 20 to Boston).

MOTOR CARRIERS OF PASSENGERS

No. MC–1501 (Deviation No. 9), THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., filed May 7, 1958. Attorney for said carrier, Raymond H. Warns, 5600 Jarvis Avenue, Chicago 31, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between junction U. S. Highway 30 and Illinois Highway 2 and Chicago, Ill., as follows: from junction U. S. Highway 30 and Illinois Highway 2 over U. S. Highway 30 to junction Illinois Highway 65, thence over Illinois Highway 65 to junction U. S. Highway 34, thence over U. S. Highway 34 to Chicago and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: (a) between Chicago, Ill., and Davenport, Iowa, as follows: from Chicago over Alternate U. S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to Davenport; and (b) between Chicago, Ill., and Clinton, Iowa, as follows: from Chicago over Alternate U. S. Highway 30 to junction U. S. Highway 30, thence over U. S. Highway 30 to Clinton.

No. MC–1501 (Deviation No. 10), THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., filed May 7, 1958. Attorney for said carrier, Raymond H. Warns, 5600 Jarvis Avenue, Chicago 31, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between junction U. S. Highway 40 and unnumbered access highway approximately two miles east of Topeka and the junction of the Kansas Turnpike and U. S. Highways 24 and 40 within the city limits of Kansas City, Kans., as follows: from junction U. S. Highway 40 and unnumbered access highway over the Kansas Turnpike to junction U. S. Highways 24 and 40 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Topeka, Kans., and Kansas City, Kans., over U. S. Highways 24 and 40.

No. MC–1504 (Deviation No. 2), ATLANTIC GREYHOUND CORPORATION, P. O. Box 2553, Charleston 29, W. Va., filed May 2, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between Richmond, Va., and Petersburg, Va., as follows: from Richmond over the Richmond-Petersburg Turnpike to Petersburg and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Richmond, Va., and Petersburg, Va., over U. S. Highway 1.

No. MC–1504 (Deviation No. 3), ATLANTIC GREYHOUND CORPORATION, P. O. Box 2553, Charleston 29, W. Va., filed May 6, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between the junction U. S. Highway 421 and unnumbered highway approximately one mile east of Kernersville, N. C., and the junction of U. S. Highway 421 and unnumbered highway approximately one mile west of Greensboro, N. C., as follows: from junction U. S. Highway 421 and unnumbered highway over unnumbered highway to junction U. S. Highway 421 approximately one mile west of Greensboro and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between junction U. S. Highway 421 and unnumbered highway approximately one mile east of Kernersville, N. C., and the junction of U. S. Highway 421 and unnumbered highway approximately one mile west of Greensboro, N. C., over U. S. Highway 421.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3607; Filed, May 13, 1958; 8:48 a. m.]

[Notice 216]

MOTOR CARRIER APPLICATIONS

MAY 9, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 426 (Sub No. 7), filed April 30, 1958. Applicant G. M. BRADSHER, doing business as BRADSHER TRUCK SERVICE, Rector, Ark. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant near Valley Park, Mo., as on off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arkansas, Illinois, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 2401 (Sub No. 18), filed April 28, 1958. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Indiana, Illinois, and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 11220 (Sub No. 64), filed April 30, 1958. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Amoco Chemical Corporation plant (Olin-Mathieson Chemical Company) located approximately 10 miles southwest of Joliet, Ill. on U. S. Highway 6, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Tennessee, Missouri, Mississippi, Louisiana, Alabama, Kentucky, and Arkansas.

HEARING: June 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 29654 (Sub No. 32), filed March 27, 1958. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, R. D. No. 1, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer and pine blocks* (rough), from points in Michigan, Ohio, Indiana, Kentucky, Illinois, West Virginia, Virginia, Maryland, New Jersey, and Massachusetts, to points in Chautauqua County, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 1, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner John P. McCarthy.

No. MC 29654 (Sub No. 33), filed March 28, 1958. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, R. D. No. 1, Jamestown, N. Y., MAILING ADDRESS: P. O. Box 585, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Hagerstown, Md., and Martinsburg, W. Va., to points in Pennsylvania, New York, and New Jersey.

HEARING: July 1, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner John P. McCarthy.

No. MC 30962 (Sub No. 5), filed March 31, 1958. Applicant: HUYCK TRUCKING COMPANY, INC., 123 East Clark Street, Ilion, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood shelving*, uncrated, and *parts thereof* crated and uncrated when moving in mixed shipments with wood shelving, between Utica, N. Y., on the one hand, and, on the other, Erie Pa., Baltimore, Md., Cleveland, Ohio, Washington, D. C., New York, N. Y., points in Connecticut, Massachusetts, and New Hampshire, points in that part of Vermont on and south of U. S. Highway 4, those in that part of New Jersey on and north of a line beginning at Camden and extending along New Jersey Highway 70 to junction New Jersey Highway 547 at or near Lakehurst, N. J., thence along New Jersey Highway 547 via Whitesville, to junction New Jersey Highway 88 near Lakewood, N. J., and thence along New Jersey Highway 88 to the Atlantic Ocean, and those in that part of Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along U. S. Highway 11 to Harrisburg, thence along U. S. Highway 322 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction U. S. Highway 220, thence along U. S. Highway 220 to Williamsport and thence along U. S. Highway 15 to the New York-Pennsylvania State line. Applicant is authorized to conduct operations in New York, New Jersey, Massachusetts, Pennsylvania, Maryland, Ohio, the District of Columbia, New Hampshire, Connecticut, and Vermont.

NOTE: Applicant is authorized to transport office furniture and equipment between Ilion, N. Y. (which included Herkimer, N. Y.), and points in the above-described destination territory; applicant's shipper is eliminating the manufacture of wood shelving at Ilion and will manufacture it at a new plant in Utica.

HEARING: June 27, 1958, at the Federal Building, Albany, N. Y., before Examiner John P. McCarthy.

No. MC 36739 (Sub No. 2), filed April 1, 1958. Applicant: A. O. FEIDELSON, INC., 239 11th Avenue, New York, N. Y. Applicant's attorney: Michael F. Teitler, 29 Broadway, New York 6, N. Y. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Refrigerators, freezers, electric ranges, air conditioners, radios, television sets, laundry equipment*, and *household appliances*, from the site of the warehouse of Philco Corporation at Elizabeth, N. J., to the site of the warehouse of A. O. Feidelson at New York, N. Y. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

HEARING: June 18, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 37716 (Sub No. 18), filed May 5, 1958. Applicant: THE C & D MOTOR DELIVERY COMPANY, 1214 Central Parkway, Cincinnati 10, Ohio. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Ohio, Indiana, Kentucky, West Virginia, Tennessee, Missouri, and Illinois.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 40007 (Sub No. 57), filed April 25, 1958. Applicant: RELIABLE TRANSPORTATION COMPANY, a Corporation, 4817 Sheila Street, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Tallow* and *tallow greases*, in bulk, in tank vehicles, from Sacramento, Calif., and points within 15 miles thereof, to Alameda, Oakland, Redwood City, Richmond, San Francisco, and Stockton, Calif., for export in foreign commerce; and *empty containers or other such incidental facilities* used in transporting tallow and tallow greases, on return. Applicant is authorized to conduct operations in California, Arizona, New Mexico, Texas, and Nevada.

HEARING: June 18, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 48213 (Sub No. 13), filed April 3, 1958. Applicant: C. E. LIZZA, INC., Ligonier and Depot Streets, P. O. Box 447, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Safety fuses* and *cordeau detonant*, from Simsbury, Conn., to sites of the plants and magazines of American Cyanamid Company near Latrobe, Pottsville, and New Castle, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: June 20, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 49304 (Sub No. 4), filed April 30, 1958. Applicant: JAMES LEONARD BOWMAN, doing business as JAMES L. BOWMAN, P. O. Box 6, Stephens City, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, ground or crushed, in bags or in bulk, from Middletown, Va., and points within six miles thereof, to points in Allegheny, Washington, Greene, Fayette, Somerset, Bedford, Fulton, Franklin, Adams, York, Lancaster, Chester, Delaware, Philadelphia, and Dauphin Counties, Pa., Jefferson, Berkeley, Morgan, Hampshire, Hardy, Grant, Mineral, Pendleton, Randolph, Tucker, Upshur, Barbour, Preston, Monongalia, Marion, Taylor, Harrison, and Lewis Counties, W. Va., and all points in Maryland and the District of Columbia. Applicant is authorized to conduct operations in Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: June 19, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 50069 (Sub No. 196), filed April 21, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from East Liverpool, Ohio, to points in the lower peninsula of Michigan, Maryland, Pennsylvania, Virginia, West Virginia, and to points in New York on and west of a line beginning at Oswego, N. Y., and extending in a southerly direction along New York Highway 57 to Syracuse, N. Y., thence in a southerly direction along U. S. Highway 11 to the New York-Pennsylvania State line, and points in the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, and Wisconsin.

HEARING: June 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 50307 (Sub No. 23), filed March 31, 1958. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture thereof, between New York, N. Y., and points in New York and New Jersey within 20 miles of New York, N. Y., on the one hand, and, on the other, Martinsburg, W. Va., and points in Virginia on and west of U. S. Highway 15 at the Virginia-North Carolina State line thence northerly along U. S. Highway 15 to junction with Virginia Highway 17 at Warrenton, Va., thence northerly along Virginia Highway 17 to junction with U. S. Highway 50 at Paris, Va., and thence northwesterly along U. S. Highway 50 to the Virginia-West Virginia State line, including all points on the above-designated highways. Applicant is authorized to conduct similar operations from and to specified points in New York, Pennsylvania, New Jersey, Maryland, and Tennessee.

HEARING: June 17, 1958, at the Hotel Patrick Henry, Roanoke, Va., before Examiner Mack Myers.

No. MC 52709 (Sub No. 83), filed April 16, 1958. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, wine*, and *ingredients* used in making alcoholic liquors and wine, in bulk, in special containers, between points in California, on the one hand, and, on the other, Denver, Colo., Kansas City and St. Louis, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, Utah, and Wyoming.

HEARING: June 17 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 56082 (Sub No. 24), filed April 3, 1958. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, P. O. Box 390, Fredonia, N. Y. Applicant's attorney: Kenneth T. Johnscn, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from New York, N. Y., and Newark, N. J., to points in Pennsylvania and Delaware; (2) from New York, N. Y., to points in New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages on return. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Ohio, and Kentucky.

HEARING: June 17, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 59292 (Sub No. 12), filed May 1, 1958. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a Corporation, 1111 Frankfurst Avenue, Baltimore 25, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, firebrick, high temperature bonding mortar, refractory products, petroleum oil, zinc oxide, pigs, slabs*, and *pneumatic tires and tubes*, between Baltimore, Md., and Allentown, Bethlehem, Birdsboro, Boyerstown, Coatesville, Conshocken, Harrisburg, Ivy Rock, Lebanon, Lemoyne, Marietta, Morgantown, Phoenixville, Palmerton, Pottstown, Pottsville, Quakertown, Reading, Sinking Springs, Slatington, Steelton, and Womelsdorf, Pa. Applicant is authorized to conduct operations in Maryland, the District of Columbia, Virginia, West Virginia, Pennsylvania, New Jersey, Connecticut, Delaware, Massachusetts, New Hampshire, New York, Rhode Island, North Carolina, and Ohio.

NOTE: Applicant states it presently holds authority to serve the above points and no new authority is sought. This application is filed for the purpose of moving the present gateway of Frederick, Md., to Baltimore, Md., for service to the named points on the above-named specified commodities.

HEARING: June 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 59728 (Sub No. 5), filed April 28, 1958. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 E. Jenkins, Akron, Ohio. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct regular and irregular route operations in Kansas, Missouri, Ohio, Pennsylvania, and Illinois.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 64932 (Sub No. 240), filed April 18, 1958. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Schneider, Ind., and points within 5 miles thereof to points in Illinois, Michigan, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: June 20, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 64932 (Sub No. 241), filed April 18, 1958. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Decatur, Ill., to points in Illinois. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: June 17, 1958, in Room U. S. Custom House, 610 South Canal Street., Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 77424 (Sub No. 10), filed April 2, 1958. Applicant: WENHAM TRANSPORTATION, INC., 2723 Orange Avenue, Cleveland 15, Ohio. Applicant's representative: J. J. Kuhner, 736 Society for Savings Building Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Valley Park, Mo., and St. Louis, Mo. Applicant is authorized to conduct operations in Ohio, Missouri, Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and New York.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 78712 (Sub No. 6), filed March 27, 1958 (CORRECTION), published issue April 23, 1958. Applicant: MILLER

TRANSPORTATION, INC., 1200 South Home Avenue, Kokomo, Ind. Applicant's Attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between the site of the Chrysler Corporation plant at or near Valley Park, Mo., and St. Louis, Mo., *damaged or rejected shipments* on return.

NOTE: Applicant's attorney advises by letter dated May 6, 1958, that the plant site of the Chrysler Corporation may not be located at Valley Park, Mo. The purpose of this republication is to designate the point proposed to be served as the Chrysler plant *at or near* Valley Park, Mo.

HEARING: Remains as assigned May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 99577 (Sub No. 1), (Amendment) filed October 30, 1957, published in the FEDERAL REGISTER April 2, 1958, at page 2159. Applicant: HENRY G. FREAR, doing business as SUPERIOR TRANSFER, Superior, Nebr. Applicant's attorney: J. Max Harding, IBM Bldg., 605 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Nebraska as follows: (1) Between Superior and Hastings, Nebr., from Superior over Nebraska Highway 14 to intersection U. S. Highway 6, thence over U. S. Highway 6 to Hastings and return over the same route, serving the intermediate points of Nelson and Clay Center, and the junction of Nebraska Highway 14 and U. S. Highway 6 for purposes of joinder only, and the off-route point of Deweese; (2) between Superior and Franklin, from Superior over Nebraska Highway 14 to southern junction Nebraska Highway 3, and thence over Nebraska Highway 3 to Franklin, and return over the same route, serving all intermediate points and the off-route point of Guide Rock; (3) between Fairbury and northern junction of Nebraska Highway 14 with Nebraska Highway 3, over Nebraska Highway 3, serving the intermediate points of Nora, Ruskin, Deshler, Hebron, and Gilead; (4) between junction of Nebraska Highway 14 and U. S. Highway 6 and Omaha, from said junction via U. S. Highway 6 to Omaha, serving the intermediate point of Lincoln.

NOTE: This application is filed to obtain a certificate of public convenience and necessity in lieu of filing of intrastate certificate with this Commission under section 206 (a) (1) Interstate Commerce Act.

HEARING: Remains as assigned, May 29, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93.

No. MC 101458 (Sub No. 22), filed April 22, 1958. Applicant: NATIONAL CARTAGE CO., a Corporation 1017 West 48th Street Chicago 9, Ill. Applicant's attorneys: Harold E. Marks, 208 South La Salle Street, Chicago, Ill., and Louis E. Smith, 1800 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Chicago and Stickney, Ill., to Niles, Mich., and Indianapolis, Ind.; and *empty containers or other such incidental facilities* used in transporting muriatic acid, on return, and *spent muriatic acid*, from Indianapolis, Ind., to Chicago and Stickney, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

HEARING: June 18, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73, or if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 104654 (Sub No. 112), filed April 16, 1958. Applicant: COMMERCIAL TRANSPORT, INC., P. O. Box 297, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Ficklin and Kankakee, Ill., and points within five (5) miles of each, to points in Indiana, Kentucky, Ohio, and Missouri. Applicant is authorized to transport similar commodities in Arkansas, Illinois, Indiana, Iowa, Missouri, and Tennessee.

HEARING: June 19, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 105902 (Sub No. 9), (CORRECTION), filed March 20, 1958, published page 2311, issue of April 9, 1958. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, New York. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in less-than-truckload lots, maximum weight 9,999 lbs., between Penn Yan, N. Y., on the one hand, and, on the other, points in Orleans, Wyoming, Genesee, Erie, Monroe, and Niagara Counties, N. Y. Applicant is authorized to conduct operations over regular routes in New Jersey and New York, and over irregular routes in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Applicant states it presently holds authority within the same area for shipments in truckload lots, minimum weight 10,000 pounds, and also holds unrestricted authority for various specific commodities within the area applied for. Previous publication inadvertently omitted Monroe County, N. Y., one of the points proposed to be served, and which was contained in the application as originally filed. The purpose of this republication is to include Monroe County, N. Y., as a service point.

HEARING: Originally scheduled May 15, 1958, has been reassigned at [illegible] Broadway, New York, N. Y., before Examiner Charles H. Riegner, on May 21, 1958.

No. MC 106647 (Sub No. 33), filed May 5, 1958. Applicant: CLARK TRANSPORT COMPANY, P. O. Box 295, Chicago Heights, Ill. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, in truckaway and driveaway service, from the site of the Chrysler Corporation Assembly Plant located in St. Louis County, Mo., to points in Maryland, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Minnesota, North Dakota, District of Columbia, Omaha, Nebr., Billings, Lewistown, and Anaconda, Mont., and points in Warren, Clarke, Frederick, Rappahannock, Orange, Madison, Culpeper, Fauquier, Loudoun, Spotsylvania, Caroline, Essex, Stafford, King George, Fairfax, Prince William, Arlington, Richmond, and Westmoreland Counties, Va., and *damaged* and *rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 106943 (Sub No. 64), filed May 1, 1958. Applicant: EASTERN EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the Amoco Chemicals Corporation plant located 4 miles southeast of the junction of U. S. Highways 6 and 66, west of Joliet, Ill., as an off-route point in connection with applicant's authorized regular route operations from and to Joliet, Ill. Applicant is authorized to conduct operations in Illinois, Ohio, Pennsylvania, New York, Missouri, New Jersey, Indiana, Maryland, West Virginia, Kentucky, Michigan, and Iowa.

HEARING: June 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 107336 (Sub No. 10), filed May 5, 1958. Applicant: CAR CARRIER COMPANY, 200 Joyce Building, Clinton, Iowa. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, from points in St. Louis County, Mo., to points in Iowa, South Dakota, Montana, Idaho, Washington, and Oregon, and *damaged* and *rejected shipments* of automobiles on return. Applicant is authorized to conduct operations in Michigan, Iowa, South Dakota, Minnesota, Idaho, Oregon, and Washington.

HEARING: May 14, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo A. Riegel.

No. MC 107460 (Sub No. 13), filed April 28, 1958. Applicant: WILLIAM Z. GETZ, R. D. No. 3, Lancaster, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and siding*, and *fabricated metal products*, from the site of the Quaker State Metals Company plant in Manheim Township, Lancaster County, Pa., to points in Illinois (except Chicago), Wisconsin, Missouri, Iowa, South Carolina, Georgia (except Atlanta), Florida, Alabama, Minnesota, Tennessee, (except Memphis), Mississippi, Arkansas, and Louisiana; *Skids*, used in transporting the commodities described above, from the above-specified destination points to the point of origin described above; and *Aluminum*, in coils and sheets, plain or painted, from Camden, N. J., McCook, Ill., Listerwood, Ala., Davenport, Iowa, Baltimore, Md., Ravenswood, W. Va., and Jackson, Tenn., to the site of the Quaker State Metals Company plant in Manheim Township, Lancaster, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: June 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 107496 (Sub No. 106), filed April 14, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, *propane* and *butane*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and from Lemont and Lockport, Ill., to points in Wisconsin. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE: Applicant requests that all duplicating authority be eliminated.

HEARING: June 19, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 109060 (Sub No. 57), filed April 25, 1958. Applicant: JULIA L. HAGAN, doing business as HAGAN TRUCK LINE, 3405 Bainbridge Boulevard, South Norfolk, Va. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Creosoted or otherwise chemically preserved poles, piling, lumber*, and *cross and switch ties*, from Norfolk, Va., and points within 25 miles thereof, to points in Connecticut, New York, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return; (2) *Dredging pipe, shore pipe, pontoons*, and *other related dredging equipment and supplies*, between points in Delaware, Florida, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, and Virginia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: June 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 109266 (Sub No. 10), filed April 24, 1958. Applicant: CONTRACT SERVICE, INC., County Line and Cherry Lane, Souderton, Pa. Applicant's attorney: Warren W. Holmes, 1500 Commercial Trust Building, South Penn Square, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products* and *accessories*, such as *plaster retarder, plaster accelerator, plasterboard joint system, tape, wallboard, joining or reinforcing*, from Caledonia, N. Y., to points in New Jersey and those in Pennsylvania on and east of U. S. Highway 15, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Pennsylvania, Virginia, District of Columbia, Delaware, Maryland, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Kentucky, Tennessee, New Hampshire, Maine, West Virginia, and North Carolina.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 109266 (Sub No. 9).

HEARING: June 19, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 109677 (Sub No. 16), filed April 4, 1958. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, (1) from Corinth, N. Y., to points in New Jersey, Maryland, and Pennsylvania; (2) from Corinth, N. Y., to points in New York located on the Hudson River, Mohawk River, Erie Canal, Champlain Canal, and the St. Lawrence Seaway, for subsequent movement by water (in interstate or foreign commerce). Applicant is authorized to transport similar commodities in New York, Massachusetts, Pennsylvania, and Ohio.

NOTE: Applicant states that it is presently authorized in Certificate No. MC 109677 Sub 13 to transport lignin liquor from Corinth, N. Y., to certain specified points among others in New Jersey, Pennsylvania, and Maryland. It would be willing to cancel all duplicating authority should this application be granted.

HEARING: June 20, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 110083 (Sub No. 2), filed April 30, 1958. Applicant: BUSH TRUCKING CO., a Corporation, 3534 Gratiot Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation Plant near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 110686 (Sub No. 8), filed April 29, 1958. Applicant: McCORMICK DRAYLINE, INC., Avis, Pa. Applicant's attorney: Robert H. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, fire brick tile, clay* and *clay products*, from Orviston, Pa., to New York, N. Y., and points in New Jersey and New York within 15 miles thereof, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania, Connecticut, Delaware, Maryland, New Jersey, New York, the District of Columbia, Virginia, West Virginia, Ohio, Massachusetts, and Rhode Island.

HEARING: June 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 110686 (Sub No. 9), filed April 29, 1958. Applicant: McCORMICK DRAYLINE, INC., Avis, Pa. Applicant's attorney: Robert H. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks* and *trailers*, equipped with mechanical loading or unloading devices for handling bulk materials, in towaway and driveaway service, and *truck and trailer bodies* similarly equipped, from Muncy, Pa., to points in the United States, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania, Connecticut, Delaware, Maryland, New Jersey, New York, the District of Columbia, Virginia, West Virginia, Ohio, Massachusetts, and Rhode Island.

HEARING: June 19, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 110686 (Sub No. 10), filed April 30, 1958. Applicant: McCORMICK DRAYLINE, INC., Avis, Pa. Applicant's attorney: Robert H. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, and *machinery parts*, from Muncy, Pa., to points in Kentucky, Virginia and West Virginia, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania, Connecticut, Delaware, Maryland, New Jersey, New York, the District of Columbia, Virginia, West Virginia, Ohio, Massachusetts, and Rhode Island.

HEARING: June 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 112541 (Sub No. 4), filed April 2, 1958. Applicant: LEROY B. KRAUSE Box 45-A, R. D. No. 2, New Tripoli, Pa. Applicant's attorney: William J. Wilcox, Commonwealth Building, 512 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Schuylkill County, Pa., and points in Carbon and Luzerne Counties, Pa., within ten (10) miles of the boundary of Schuylkill county, to points in Warren, Hunterdon, Middlesex, Morris, Somerset, Mercer, Monmouth, and Bergen Counties, N. J. Applicant is authorized to transport coal in New Jersey and Pennsylvania.

NOTE: Applicant requests that duplication with present authority be eliminated.

HEARING: June 23, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 112713 (Sub No. 75), filed April 9, 1958. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City 8, Mo. Applicant's attorney: John M. Records, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Amoco Chemical Co. plant, located approximately four (4) miles southeast of junction U. S. Highways 6 and 66, Will County, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Joliet, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma, and Texas.

HEARING: June 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 112729 (Sub No. 4), filed March 20, 1958. Applicant: WALTER MALCZYNSKI AND JAMES MALCZYNSKI, doing business as ANKER TRANSPORTATION CO., 200 Third Street, Brooklyn, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite* and *limestone*, loose, from points in the New York, N. Y., Commercial Zone, as defined by the Commission, to points in Delaware, Maryland, New York, Connecticut, Pennsylvania, New Jersey, and the District of Columbia, and *dunnage* and *returned, refused, and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: June 17, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 113979 (Sub No. 3), filed March 12, 1958. Applicant: MINER TRUCKING, INC., North Creek, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, between points in Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Warren, and Washington Counties, N. Y., on the one hand and on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and Washington, D. C. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. Applicant is authorized to conduct contract carrier operations in Permit No. MC 113979. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

NOTE: Applicant states no duplicating authority is sought.

HEARING: June 26, 1958, at the Federal Building, Albany, N. Y., before Examiner John McCarthy.

No. MC 114822 (Sub No. 3), filed March 28, 1958. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH AND THOMAS PAFFRATH, doing business as PAFFRATH BROS., 1415 Clinton Street, Linden, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from New York, N. Y., to Phillipsburg, N. J. Applicant is authorized to conduct operations in New York and New Jersey.

HEARING: June 20, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 115268 (Sub No. 2), filed May 1, 1958. Applicant: DAYTON TRANSPORT CORPORATION, Dayton, Va. Applicant's attorney: R. Roy Rush, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: The following iron and steel articles: *angles, bars, bases, beams, bridge steel, channels, forms (structural), joists, piling, pipe (cast iron, plate or sheet), pipe fittings, plates (structural), rivets, rods, sheets, slabs, wire rope, textile spindles, mine bolts*, and *accessories for beams and joists*, from Roanoke, Va., to points in North Carolina South Carolina, West Virginia, Maryland, Tennessee, and points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line and extending along U. S. Highway 25 through Corbin, Ky., and thence along U. S. Highway 25-W to the Tennessee-Kentucky State line. Applicant is authorized to transport similar commodities in Virginia, North Carolina, Tennessee, and West Virginia.

NOTE: Duplicating authority should be eliminated.

HEARING: June 20, 1958, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner C. Evans Brooks.

No. MC 115651 (Sub No. 3), filed April 18, 1958. Applicant: KANEY TRANSPORTATION, INC., 1023 East Albion Street, Freeport, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core compound*, in bulk, in tank vehicles, from Rockford, Ill., to points in Indiana south of U. S. Highway 40, points in Michigan north of Michigan Highway 21, points in Ohio, and St. Louis, Mo., and Louisville, Ky., and *returned or rejected shipments* of the above-specified commodity on return. Applicant is authorized to transport core compound in Illinois, Indiana, Iowa, Michigan, and Wisconsin.

HEARING: June 20, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 116038 (Sub No. 2), filed April 4, 1958. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silos*, and *materials* and *supplies* used in the erecthereof when moving in connection with the shipments of silos, and *prefabricated barns*, knocked down, in sections, from South Glens Falls, N. Y. to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Maine, and Pennsylvania. Applicant is authorized to transport prefabricated houses knocked down in sections from Hudson Falls, N. Y. to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont, and Pennsylvania. Applicant is authorized to transport prefabricated houses knocked down in sections from Hudson Falls, N. Y. to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont, and Pennsylvania.

HEARING: June 27, 1958, at the Federal Building, Albany, N. Y., before Examiner John P. McCarthy.

No. MC 117315, filed March 31, 1958. Applicant: LOUIS FARGELLI, doing business as NORTH SHORE DELIVERY SERVICE, 15-67 150th Street, Flushing, N. Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wallpaper, wall coverings, coated papers*, and *materials* for coating of wallpaper and wall coverings, between New York, N. Y., on the one hand, and, on the other, points in Westchester, Rockland, Putnam, Orange, and Dutchess Counties, N. Y., Fairfield, New Haven and Litchfield Counties, Conn., and Hudson, Bergen, Essex, Passaic, Somerset, Morris, Warren, Middlesex, Mercer, Sussex, and Monmouth Counties, N. J., and between New York, N. Y., and points in Westchester, Rockland, Putnam, Orange, and Dutchess Counties, N. Y., Fairfield, New Haven, and Litchfield Counties, Conn., and Hudson, Bergen, Essex, Passaic, Somerset, Morris, Warren, Middlesex, Mercer, Sussex, and Monmouth Counties, N. J., on the one hand, and, on the other, points in New York and New Jersey.

HEARING: June 18, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 117321, filed April 4, 1958. Applicant: MALCOLM W. BALDWIN, Racebrook Road, Woodbridge, Conn. Applicant's attorney: William J. Cousins, 152 Temple Street, New Haven 10, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw chocolate, coconut and other materials used in the manufacture of candy*, and the *finished candy products*, (1) from Mt. Joy, Hershey, Lititz, and Elizabethtown, Pa., to Philadelphia, Pa.; and (2) between Naugatuck, Conn., on the one hand, and, on the other, Philadelphia, Hershey, Mt. Joy, Lititz, and Elizabethtown, Pa., and Mansfield, Mass.

HEARING: June 16, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 117334, filed April 25, 1958. Applicant: FRANK MORGAN, Ronceverte, Greenbrier County, W. Va. Applicant's attorney: Joseph M. Holt, Lewisburg, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizer*, from Baltimore, Md., and Alexandria, Va., to points in Greenbrier, Monroe, Nicholas Fayette, and Summers Counties, W. Va., and *livestock* on return.

HEARING: June 13, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 117344 (Sub No. 1), filed April 16, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Redlion (Warren County), Ohio and points within three (3) miles of Redlion, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 50404 (Sub No. 55) to determine whether applicant's status is that of a common or contract carrier.

HEARING: June 13, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 117352, filed April 11, 1958. Applicant: HOWARD SCHAFER, doing business as HOLMES TRANSPORTATION, 432 Greene Street, Buffalo 12, N. Y. Applicant's attorney: C. E. Rhoney, 631 Niagara Street, Buffalo 1, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, dairy products, packing-house products*, and *canned goods*, as provided in 61 M. C. C. 602, from Buffalo, N. Y., to points in Pennsylvania, Maryland, and West Virginia, and *undelivered, refused or returned shipments* of the above-specified commodities on return. Applicant states he proposes serving the points of destination now authorized in contract carrier Permit No. MC 61602. In letter transmitting the application it is stated this is a request to change from a contract carrier permit to a certificate.

NOTE: Applicant holds Permit No. MC 61602. Section 210, dual operations, may be involved.

HEARING: July 2, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner John P. McCarthy.

No. MC 117364, filed April 25, 1958. Applicant: ARTHUR W. SCHROEDER, doing business as SCHROEDER CARTAGE COMPANY, 112 North Fifth Street, Dundee, Ill. Applicant's attorney: John L. McNerney, 808 Professional Building, Elgin, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, from Buffington, Ind., to points in St. Charles Township, Ill., and *empty containers or other such incidental facilities* used in transporting bulk cement, on return.

NOTE: Applicant states the proposed routes would lie in Lake County, Ind., and Cook and Kane Counties, Ill.

HEARING: June 18, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 236), filed April 23, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling (Law Dept.), 180 Boyden Avenue, Maplewood, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations during the racing seasons, beginning and ending at Philadelphia, Pa., and Camden, N. J., and extending to Delaware Park Race Track, Stanton, Del., Pimlico Race Track, Baltimore, Md., Brandywine Race Track, Brandywine, Del., Laurel Race Track, Laurel, Md., and Bowie Race Track, Bowie, Md. Applicant is authorized to conduct operations in Delaware, Connecticut, Maryland, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant is authorized in Certificates MC 3647 Sub Nos. 202 and 223 to conduct the above-described operations between Camden, N. J., and the specified race tracks; applicant proposes by this application to extend this special race track service so as to start in Philadelphia and thence proceed to Camden and operate to the race tracks and return to Camden and Philadelphia.

HEARING: June 10, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John McCarthy.

No. MC 3647 (Sub No. 237), filed April 22, 1958 (CORRECTION), published issue May 7, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, Law Department, Public Service Coordinated Transport, 180 Boyden Avenue, Maplewood, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between New Brunswick, N. J., and Manville, N. J., from New Brunswick over Somerset County Road No. 527 in Franklin Township to South Bound Brook, thence over city streets to unnumbered highways in Franklin Township, and thence over unnumbered highways and city streets to Manville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, the District of Columbia, and Virginia.

Note: The notice published May 7, 1958, contained the wrong hearing information. Correctly stated the hearing information should have read as stated below.

HEARING: June 16, 1958, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 112108 (Sub No. 2), filed April 2, 1958. Applicant: ROY V. KNAPP, INC., 359 Mill Street, Poughkeepsie, N. Y. Applicant's attorney: Samuel R. Rosen, Poughkeepsie, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, beginning and ending at points in Dutchess County, N. Y., and extending to points in Massachusetts, Connecticut, New Jersey, Pennsylvania, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New York, and the District of Columbia.

Note: Duplication with present authority to be eliminated.

HEARING: June 19, 1958, at 346 Broadway, New York, N. Y., before Examiner John P. McCarthy.

No. MC 117276, filed March 20, 1958. Applicant: STANLEY A. LYSZEWSKI AND ANNE V. LYSZEWSKI, doing business as Long's Taxi Service, 15 East Talcott Street, Dunkirk, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at Dunkirk, N. Y., and extending to points in New York, Pennsylvania, and Ohio.

HEARING: July 2, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Joint Board No. 330, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2998 (Sub No. 20), filed May 5, 1958. Applicant: WOLVERINE EXPRESS, INCORPORATED, 701 Erie Avenue, Muskegon, Mich. Applicant's representative: James F. Nolan, 1901 Train Avenue, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock and commodities requiring special equipment, serving the site of the Ford Motor Company plant located at the intersection of Baumhardt Road and U. S. Highway 6 and Ohio Highway 2, Brownhelm, Lorain County, Ohio, as an off-route point in connection with applicant's regular route authority to serve the Cleveland, Ohio, Commercial Zone. Applicant is authorized to transport similar commodities in Michigan, Illinois, Ohio, and Indiana.

No. MC 66562 (Sub No. 1417), filed May 2, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas 1220 The Citizens and Southern, National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service between Johnson City, Tenn., and Erwin, Tenn., from Johnson City, over U. S. Highway 19–W–23 to Erwin, and return over the same route, serving no intermediate points. RESTRICTION: The service proposed to be performed by applicant will be limited to service which is auxiliary to or supplemental of express service. Shipments proposed to be transported by applicant will be limited to those moving on a through bill of lading or express receipt covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1418), filed May 2, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Suite 1220, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Asheville, N. C., and Spruce Pine, N. C., from Asheville over combined U. S. Highways 19–23 to junction U. S. Highways 19–23, thence over U. S. Highway 19 and 19E to Spruce Pine, N. C., and return over the same route, serving the intermediate point of Burnsville, N. C. RESTRICTION: The service proposed to be performed by applicant will be limited to service which is auxiliary to or supplemental of express service. Shipments will be limited to those moving on a through bill of lading or express receipts covering, in addition to the motor carrier movement by applicant, an immediately prior to immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 107403 (Sub No. 259), filed April 25, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Wilford Building, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cutting liquid*, in bulk, in tank vehicle, from Cincinnati, Ohio, to Flint, Mich. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 107576 (Sub No. 15), filed April 28, 1958. Applicant: SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. Applicant's attorney: William Adams, Pacific Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within 15 miles of Toledo, Oreg., as intermediate or off-route points in connection with applicant's authorized regular route operations to and from Toledo, Oreg. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 109637 (Sub No. 79), filed April 28, 1958. Applicant: GASOLINE TRANSPORT CO., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Indianapolis, Ind., and points within 5 miles thereof to points in Boyd and Jefferson Counties, Ky. Applicant is authorized to conduct operations in Illinois, Tennessee, Kentucky, Indiana, Ohio, Georgia, Missouri, Minnesota, Florida, Louisiana, Michigan, Mississippi, North Carolina, Texas, West Virginia, and Wisconsin.

No. MC 114194 (Sub No. 9), filed May 1, 1958. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid additive used in bottle washing compounds* (Aquaid), in bulk, in tank vehicles, from Granite City, Ill., to points in Missouri, Illinois, Indiana, Ohio, Pennsylvania, Michigan, Wisconsin, Minnesota, Kentucky, Tennessee, Arkansas, Louisiana, Oklahoma, Texas, Colorado, Kansas, Nebraska, and Iowa, and *refused or rejected shipments* of aquaid, on return.

No. MC 115179 (Sub No. 4), filed May 1, 1958. Applicant: GLACKEN TRANSPORTATION, INC., 625 East Pershing Road, Decatur, Ill. Applicant's representative: W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin plasticizer*, in bulk, in tank vehicles, from Decatur, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, and Pennsylvania. Applicant is authorized to conduct operations in Iowa, Indiana, Illinois, Ohio, Missouri, Kentucky, Pennsylvania, Wisconsin, and Michigan.

Note: Joseph E. Glacken and Charles E. Glacken who own controlling interest in applicant above are authorized to conduct operations as a partnership, doing business as Glacken Bros. as a contract carrier in Permit No. MC 114803 Sub 1 to transport non-poisonous compressed gases from National Petro Chemical Company plant at or near Ficklin, Ill., to points in Indiana, and empty shipper-owned tube trailers on return. Dual operations or common control under section 210 may be involved.

No. MC 115380 (Sub No. 1) (CORRECTION), filed April 11, 1958, published page 2888, issue of April 30, 1958, under applications requested to be handled without oral hearing. Applicant: JOHN W. BOLTON, 35 Arnold Street, Westfield, Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in containers, and *equipment* and *supplies* required for the installation of appliances using liquefied petroleum gases, from Westfield, Mass., to Bristol, Thomaston, and Wallingford, Conn., Bellows Falls and Norwich, Vt., and *empty steel containers* used in transporting liquefied petroleum gases on return. Applicant is authorized to conduct operations in Massachusetts and New York.

NOTE: Previous publication failed to note that carrier *is* also authorized to conduct operations in Rhode Island and Vermont in addition to Massachusetts and New York.

No. MC 115570 (Sub No. 1), filed April 21, 1958. Applicant: WALTER A. JUNGE, INC., P. O. Box H, Antioch, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies* and *equipment* used in the manufacturing processes of the plants of the Fibreboard Paper Products Corporation located in Oregon and Washington and the *products* of such plants, (1) between the plants of the Fibreboard Paper Products Corporation located in Oregon, on the one hand, and, on the other, points in Washington; (2) between the plants of the Fibreboard Paper Products Corporation located in Washington, on the one hand, and, on the other, points in Oregon. Applicant is authorized to conduct operations in California, Oregon, and Washington.

NOTE: Applicant states that it does not seek duplicating authority and will transport for the account of Fibreboard Paper Products Corporation. Applicant's attorney states that the material, supplies and equipment proposed to be transported will be those utilized in the manufacture of all products, and the products proposed to be transported are products, including, but not restricted to those used by food processors, manufacturers, brokers, contractors, maintenance and repairmen.

MOTOR CARRIERS OF PASSENGERS

No. MC 84690 (Sub No. 20), filed April 24, 1958. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's representative: Leland M. Cowan, 425 Burlington Avenue, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter service, beginning and ending at West Glacier and East Glacier, Mont., entrances of Glacier National Park, Mont., and extending to West Yellowstone, Gardiner, and Silver Gate, Mont., entrances of Yellowstone National Park, Wyo. Applicant indicates the proposed service will be seasonal between April 1st and September 30th of each year, inclusive, and restricted to tour parties of passengers entering Glacier National Park, Mont., via the Great Northern Railway.

CONVERSION PROCEEDINGS UNDER SECTION 212 (c)

MOTOR CARRIERS OF PROPERTY

No. MC 31953 (Sub No. 2) (correction), filed November 6, 1957, published in the FEDERAL REGISTER of December 27, 1957. Applicant: VINCENT S. LOWMAN, 438 Belmont Street, Johnstown, Pa. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. By application (BOR 96) filed November 6, 1957, applicant sought authority to operate as a *common carrier* of the same commodities between the same points or within the same territory as authorized in permit, No. MC 31953, dated November 27, 1950, authorizing the transportation of *Food products*, over irregular routes, from Baltimore, Md., to Johnstown, Altoona, Bedford, and Phillipsburg, Pa. The publication of December 27, 1957, incorrectly designated the destination point of Phillipsburg, Pa., as Philadelphia, Pa. At a hearing held May 5, 1958, at Pittsburgh, Pa., before Examiner David Waters, applicant was allowed to submit evidence in respect of this operation to PHILLIPSBURG, Pa. The examiner's report and recommended order will not be served until a lapse of 30 days after this republication within which time any person who may have been prejudiced by the error in the initial publication and the action of the examiner in receiving evidence as to applicant's proposed service to Phillipsburg may file an appropriate petition for further hearing.

No. MC 111008 (Sub No. 9). Applicant: JESSE KIRK, JR., doing business as JESSE KIRK, JR., TRUCK LINE, 1399 North Travis Street, Cameron, Texas. Applicant's attorney: Emory B. Camp, Cameron, Texas. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 14, 1958, the carrier requested dismissal of the application, and an order was entered on April 29, 1958, effective June 16, 1958, dismissing the application and discontinuing the proceeding.

No. MC 115782 (Sub No. 2). Applicant: CLYDE H. VAN METER AND NAOMI VAN METER, doing business as VAN METER TRUCKING CO., 927 East Minnesota Street, Indianapolis, Ind. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 15, 1958, the carrier requested dismissal of the application, and an order was entered on April 29, 1958, effective June 16, 1958, dismissing the application and discontinuing the proceeding.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 28961 (Sub No. 16), filed May 2, 1958. Applicant: McDUFFEE MOTOR FREIGHT, INC., High School Avenue, Lebanon, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfurt, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Springfield, Ky., and Louisville, Ky.: from Springfield over U. S. Highway 150 to Bardstown, and thence over U. S. Highway 31E to Louisville and return over the same route, serving intermediate points and points within five (5) miles of that segment of the route between Springfield and Bardstown. Applicant is authorized to conduct operations and Kentucky.

NOTE: A section 5 proceeding in No. MC–F 6894, in which applicant seeks to acquire rights of C & C Transfer Co., is directly related to this application which seeks a certificate to replace an operation previously conducted under the second Proviso of section 206 (a) (1) in No. MC–99171. Applicant seeks general commodities with no exceptions to conform to Kentucky Department of Motor Transportation Certificate 21 issued to vendor in the section 5 proceeding. Handling of the application without oral hearing is requested, and affidavits in support thereof have been submitted.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6713, (GORDONS TRANSPORTS, INC.—CONTROL AND MERGER—DECATUR TRANSIT TRUCK LINE, INC.), published in the October 16, 1957, issue of the FEDERAL REGISTER on page 8208. Application filed April 30, 1958, for temporary authority under section 210a (b).

No. MC–F 6893. Authority sought for purchase by DAKOTA EXPRESS, INC., P. O. Box 533, Wilson Terminal Building, Sioux Falls, S. Dak., of the operating rights and property of DAKOTA FILM SERVICE, INC., P. O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak., and for acquisition by HENRY J. SCHUETTE, Lake Benton, Minn., of control of such rights and property through the purchase. Applicants' representative: H. Lauren Lewis, President, Dakota Film Service, Inc., P. O. Box 747, Sioux Falls, S. Dak. Operating rights sought to be transferred: *Films, and articles associated with the exhibition of motion pictures*, as defined by the Commission, as a *common carrier* over regular routes, between specified points in South Dakota, between Sioux Falls, S. Dak., and Odessa, Minn., between Milbank, S. Dak., and Minneapolis, Minn., between Lone Tree, S. Dak., and Slayton, Minn., between specified points in Minnesota, between Elkton, S. Dak., and St. Peter, Minn., between Tunerville, S. Dak., and Montevideo, Minn., and between Windom, Minn., and Sioux Falls, S. Dak., serving all intermediate and certain off-route points; *films and articles associated with the exhibition of motion pictures* as classified in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 (251), as modified by the report on reconsideration therein, 61 M. C. C. 766 (769), over regular routes including routes between Ortonville, Minn., and Minneapolis, Minn., between Benson, Minn., and Morris, Minn., between Ortonville, Minn., and Wahpeton, N. Dak., between Summit, S. Dak., and Fargo, N. Dak., between Fargo, N. Dak., and Aberdeen, S. Dak., and between Roscoe, S. Dak., and Dawson, N. Dak., serving all intermediate and certain off-route points; *baker's yeast, malt syrup*, and *yeast food*, over irregular routes, from Sioux Falls, S. Dak., to Tyler, Lake Benton, Hendricks, Slayton, Fulda, Tracy, and Marshall, Minn. Vendee is authorized to operate as a *common carrier* in South Dakota, Minnesota, North Dakota, Nebraska, and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6894. Authority sought for purchase by McDUFFEE MOTOR FREIGHT, INC., High School Avenue, Lebanon, Ky., of the operating rights and certain property of CLEO COYLE, ELMER COYLE, GARNET COYLE, AND L. F. DRURY, doing business as C. & C. TRANSFER COMPANY, Springfield, Ky., and for acquisition by W. C. McDUFFEE, also of Lebanon, of control of such rights and property through the purchase. Applicants' attorney: Robert M. Pearce, Box 127, Frankfort, Ky. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act covering the transportion of *property*, as a *common carrier* over a regular route, from Springfield, Ky., to Louisville, Ky., with the privilege of handling freight at Springfield and all points between Springfield and Bardstown into Louisville and to service all of these points out of Louisville, Ky. Vendee is authorized to operate as a *common carrier* in Kentucky and Ohio. Application has been filed for temporary authority under section 210a (b).

NOTE: MC 28961 Sub 16 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC-F 6892. Authority sought for control by AMERICAN TRANSPORTATION ENTERPRISES, INC., 14 East 75th Street, New York 21, N. Y., of DELAWARE BUS COMPANY, 948 Delaware Trust Building, Wilmington, Del., and for acquisition by MARC HAAS, C. ROBERT ALLEN, TERRY ALLEN PHILIPS, BRUCE J. ALLEN (CHARLES ALLEN, GUARDIAN), HERBERT ANTHONY ALLEN, JR. (HERBERT ALLEN, GUARDIAN) and SUSAN ALLEN (HERBERT ALLEN, GUARDIAN), all of New York, of control of DELAWARE BUS COMPANY through the acquisition by AMERICAN TRANSPORTATION ENTERPRISES, INC. Applicant's representative: James W. Deer, Secretary, American Transportation Enterprises, Inc., 30 Broad Street, New York, N. Y. Operating rights sought to be controlled: *Passengers and their baggage*, in the same vehicle with passengers, as a *common carrier* over regular routes, between Wilmington, Del., and the Delaware-Pennsylvania State line, serving all intermediate points; *passengers*, between Darby, Pa., and the Pennsylvania-Delaware State line, and between Chester, Pa., and Aniline Village, Del., serving all intermediate points; *passengers and their baggage*, in special operations during the season extending from August 1 to October 31, inclusive of each year, between Chester, Pa., and the Brandywine Raceway, New Castle County, Del., near Brandywine, Del., serving certain intermediate points; *passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Delaware within 15 miles of Wilmington, Del., to Baltimore, Md., Washington, D. C., Fort Humphreys, Va., points in the New York, N. Y., Commercial Zone, as defined by the Commission, and those in Pennsylvania within 65 miles of Wilmington, Del., and return, and from points in Delaware County, Pa., to points in New York, New Jersey, Delaware, Maryland and the District of Columbia and return; *passengers and their baggage*, in special operations, during the authorized racing season of each year, beginning and ending at Chester, Pa., and extending to Atlantic City Race Track, at or near McKee City, N. J., Garden State Park Race Track, in Delaware Township, Camden County, N. J., and Monmouth Park Race Track, at or near Oceanport, N. J. AMERICAN TRANSPORTATION ENTERPRISES, INC., holds no authority from this Commission, but is affiliated with THE CINCINNATI, NEWPORT AND COVINGTON TRANSPORTATION COMPANY, which is authorized to operate as a *common carrier* in Kentucky and Ohio. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6895. Authority sought for purchase by QUEEN CITY COACH COMPANY, 417 West Fifth Street, Charlotte, N. C., of a portion of the operating rights of CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S. C., and for acquisition by JOEL W. WRIGHT and GUY D. CARPENTER, both of Asheville, N. C., ELSIE E. LOVE, JAMES F. MARTIN and BETTY BROWN MARTIN, all of Charlotte, N. C., E. E. Bost, Newton, N. C., W. E. SMITH, Albemarle, N. C., JAMES A. HARDISON, MATTIE D. MARTIN and LILLIAN H. HARDISON, all of Wadesboro, N. C., of control of such rights through the purchase. Applicants' attorney: Samuel Behrends, Jr., 417 West Fifth Street, Charlotte, N. C. Operating rights sought to be transferred: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, as a *common carrier* over regular routes from Kings Mountain, N. C., to Blacksburg, S. C., serving all intermediate points; *passengers and their baggage*, and *express*, *mail*, and *newspapers* in the same vehicle with passengers, between Orangeburg, S. C., and Springfield, S. C., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, Georgia, South Carolina and Virginia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3608; Filed, May 13, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HEINRICH WERNER BOSSHARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Heinrich Werner Bosshard, 11 Muehlestiegrain, Riehen, Canton of Basle-City, Switzerland; Claim No. 61600; Vesting Order No. 9904; $215.29 in the Treasury of the United States.

Executed at Washington, D. C., on May 7, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3609; Filed, May 13, 1958; 8:49 a. m.]

COMPAGNIE FRANÇAISE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnie Française, Thomson-Houston, Paris, France; Claim No. 11583; all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston (also known as Compagnie Française Thomson-Houston) by virtue of an agreement executed on October 1, 1919 by Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston and on December 26, 1919 by International General Electric Company, Incorporated (including all modifications of and supplements to said agreement, including, but without limitation, four letter-agreements dated October 1, 1929 from International General Electric Company, Incorporated, to Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston, and accepted by Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston, and a letter-agreement dated June 7, 1939, from International General Electric Company, Incorporated to Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston, and accepted by Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston) by and between Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston and International General Electric Company, Incorporated, relating, among other things, to certain United States Letters Patent, including Patent No. 2,281,385, to the extent owned by Compagnie Française Pour L'Exploitation des Procedes Thomson-Houston immediately prior to the vesting thereof by Vesting Order No. 3212 (9 F. R. 3102, March 22, 1944).

Executed at Washington, D. C., on May 7, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3610; Filed, May 13, 1958; 8:49 a. m.]

SERGE SANDBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Serge Sandberg, 122, Avenue des Champs Elysees, Paris, France; Claim No. 57748; $606.03 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including but not limited to all monies and amounts by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the film entitled Pearls of the Crown (Les Perles de la Couronne), by Sacha Guitry, as listed in Exhibit A of Vesting Order No. 3552 (9 F. R. 13772, November 17, 1944), to the extent owned by the claimant, Serge Sandberg, immediately prior to the vesting thereof by Vesting Order No. 3552.

Executed at Washington, D. C., on May 7, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3611; Filed, May 13, 1958; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal products manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Cowden Manufacturing Co., 109 Mackville Hill, Springfield, Ky.; effective 5-1-58 to 4-30-59 (men's and boys' denim dungarees, work pants).

La Follette Shirt Co., Inc., 125 First Street, La Follette, Tenn.; effective 5-7-58 to 5-6-59 (dress and sport shirts).

Lawrenceville Shirt Corp., Lawrenceville, Va.; effective 5-5-58 to 1-31-59 (replacement certificate) (men's and boys' sport shirts).

Metter Manufacturing Co., Metter, Ga.; effective 5-1-58 to 4-30-59 (ladies' blouses).

Tower City Dress Co., Inc., 800 State Street, Utica, N. Y.; effective 5-5-58 to 5-4-59 (women's and misses' cotton dresses).

Wildman Manufacturing Co., 920 Washington Avenue, St. Louis, Mo.; effective 5-2-58 to 5-1-59 (cotton dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barad Lingerie Co. of Salem, Salem, Mo.; effective 4-29-58 to 4-28-59; 10 learners (ladies' sleepwear).

Colonial Manufacturing Co., 2496 University Avenue, St. Paul, Minn.; effective 5-1-58 to 4-30-59; 10 learners (aprons).

Glen Lyon Brassiere & Corset Co., 44 Carey Street, Wilkes-Barre, Pa.; effective 5-1-58 to 4-30-59; 5 learners (corsets and allied garments).

Grandeur Fashions, Inc., 204 Oliver Street, Swoyerville, Pa.; effective 5-2-58 to 5-1-59; five learners (women's dresses).

Irene Garment Co., Inc., Nicholson, Pa. (Wyoming County); effective 5-18-58 to 5-17-59; 10 learners (ladies' blouses).

Mode O'Day Corp., Plant No. 9, 419 East South Street, Hastings, Nebr.; effective 5-6-58 to 5-5-59; 10 learners; learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses).

Sampson Sewing Co., Inc., Clinton, N. C.; effective 4-30-58 to 4-29-59; 10 learners (women's and children's sportswear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43).

Peerless Hosiery Co., West Jefferson, N. C.; effective 4-30-58 to 10-29-58; 15 learners for plant expansion purposes (ladies' and misses' anklets—hand transfer).

Prim Hosiery Mills, Chester, Ill.; effective 5-2-58 to 11-1-58; 15 learners for plant expansion purposes (full-fashioned—seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Adelphi Undergarment Co., Blain, Pa.; effective 5-1-58 to 4-30-59; five learners for normal labor turnover purposes (ladies' and children's woven and knitted pajamas).

Bashore Knitting Mills Co., Schuylkill Haven, Pa.; effective 4-29-58 to 4-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton-knit underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 7th day of May 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-3592; Filed, May 13, 1958; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3674]

UTAH POWER & LIGHT CO.

ORDER AUTHORIZING ACQUISITION OF VOTING STOCKS OF NON-AFFILIATED PUBLIC UTILITY COMPANY BY PURCHASE AND EXCHANGE

MAY 6, 1958.

Utah Power & Light Company ("Utah Power"), a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 7, 10, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rule 62 thereunder seeking approval of its acquisition of the voting stocks (second preferred and common) of Telluride Power Company ("Telluride"), a non-affiliated public utility company, pursuant to contracts heretofore made with the holders of over 80 percent of said voting stocks, and pursuant to an offer to be made to the other holders of such stocks, all such acquisitions to be made upon identical terms as follows:

(a) Utah Power will pay the redemption price ($1 per share plus accrued dividends) for Telluride's second preferred stock, of which 750,525 shares are now outstanding;

(b) Utah Power will issue its own common stock in exchange for the common stock of Telluride, of which 582,337 shares are now outstanding, on the basis of one share of Utah Power common stock for eleven shares of Telluride common stock; and

A public hearing having been duly held on said application-declaration as amended, and the Commission having considered the record and having this day issued its findings and opinion herein; on the basis of such findings and opinion:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule 24 promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3600; Filed, May 13, 1958; 8:47 a. m.]

[File No. 1-1097]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 8, 1958.

In the matter of Oklahoma Gas and Electric Company, Common Stock; File No. 1-1097.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock is listed and actively traded on the New York Stock Exchange. It is inactive on the Midwest Stock Exchange and the Company desires to save the expense of this duplicate listing. The Midwest Stock Exchange has waived the provisions of its rule requiring stockholder approval of withdrawal from listing.

Upon receipt of a request, on or before May 23, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3601; Filed, May 13, 1958; 8:47 a. m.]

UNIVERSITY
OF MICHIGAN

MAY 1 [illegible]

MAIN
READING ROOM

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 23 NUMBER 96

Washington, Thursday, May 15, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3240

FOURTH INTERNATIONAL AUTOMATION CONGRESS AND EXPOSITION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Fourth International Automation Congress and Exposition is to be held at New York, New York, from June 9 to June 13, 1958, for the purpose of exhibiting products used in increasing production, decreasing cost, and improving the standard of living all over the world; and

WHEREAS the Congress, by a joint resolution approved April 11, 1958, has authorized the President of the United States of America to invite the several States and foreign countries to take part in the Fourth International Automation Congress and Exposition; and

WHEREAS the Automation Congress and Exposition will provide an opportunity for the exchange of information on new developments in automation, thereby promoting foreign and domestic commerce and fostering friendly relations among participating nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the several States and foreign countries to participate in the Fourth International Automation Congress and Exposition to be held in the Coliseum at New York, New York, from June 9 to June 13, 1958.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-3695; Filed, May 13, 1958; 5:06 p. m.]

PROCLAMATION 3241

FLAG DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The annual celebration of the birthday of our flag, adopted by the Continental Congress on June 14, 1777, has become a cherished national custom.

It is fitting that we should observe this anniversary by solemn contemplation of the meaning of the flag we honor. We should remember that it is emblematic of our Nation itself; that our aspirations, our principles, our whole character as a people are symbolized in the Stars and Stripes.

We should recall that under its protecting folds generations of Americans have lived and worked to establish the foundations of our Nation's greatness, and people of varied heritage, creed, and race have found surcease from oppression.

In recognition of the importance of a yearly commemoration of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Saturday, June 14, 1958, and I call upon the people to observe that day with suitable ceremonies, including the display of the flag at their homes and other appropriate places.

I also urge all our citizens to give special thought on Flag Day to their duties and obligations as well as to their rights and privileges as Americans under our national ensign, to the end that they may rededicate themselves to the principles of freedom and justice for which our flag and our country stand.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 16 ($1.75)

Title 19 ($0.70)

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Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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DONE at the City of Washington this 12th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-3703; Filed, May 14, 1958; 11:29 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 15, 1955 (7 CFR 354.1), administrative instructions (7 CFR, 1956 Supp., 354.2) effective June 6, 1956, as amended effective March 8, 1957, September 21, 1957, and February 6, 1958 (22 F. R. 1481, 7535, 23 F. R. 789), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding "Wilmington, N. C." to the "One Hour" list therein; by adding "Morehead City and other North Carolina ports served from Wilmington, N. C." to the "Three Hour" list therein; and by deleting "Wilmington and other North Carolina ports served from Charleston, S. C." from the "Three Hour" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

This amendment shall be effective June 15, 1958.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 12th day of May 1958.

[SEAL]

E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R. Doc. 58-3668; Filed, May 14, 1958; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6954]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ALBERT D. DILL ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.175 *Quality of product or service.* Subpart—*Misbranding or mislabeling:* § 13.1295 *Quality or grade.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Albert D. Dill et al. trading as Rad-Tel Tube Co., Newark, N. J., Docket 6954, Apr. 15, 1958]

In the Matter of Albert D. Dill and Edward J. McGrath, Individually and as Copartners Trading as Rad-Tel Tube Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging mail order sellers in Newark, N. J., of radio parts and equipment to radio repair men and dealers, with representing "rejects" falsely in advertising as first quality radio tubes; failing to disclose in such advertising and on cartons, invoices, etc., the fact that they were seconds; and failing to disclose it adequately on the tubes themselves.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Albert D. Dill and Edward J. McGrath, as individuals and as copartners trading as Rad-Tel Tube Co., or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or the distribution of radio tubes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that said radio tubes are first quality tubes, when such is not the fact.
2. Failing to reveal in advertising, invoices and shipping memoranda and on tubes and on the cartons in which the tubes are packed, by the use of the word "seconds" or "rejects" or other words or terms of the same import, that said tubes have been rejected by the manufacturers thereof, when such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3643; Filed, May 14, 1958; 8:48 a. m.]

[Docket 6959]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HARTLEY FURS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and*

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conspicuously disclosed that steel wool, *It is ordered,* That Aaron Newman *statutory requirements:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Hartley Furs, Inc., et al., Minneapolis, Minn., Docket 6959, Apr. 15, 1958]

In the Matter of Hartley Furs, Inc., a Corporation, and Bernard Oksengorin, Raja Oksengorin, and Mike Engel, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Minneapolis, Minn., with violating the Fur Products Labeling Act by failing to label and invoice fur products as required; and by advertising in newspapers which failed to disclose the country of origin of imported furs, used comparative prices and percentage savings claims and represented that the sales prices were reduced from regular prices without maintaining adequate records upon which the pricing claims were based.

Having failed to file their answers or to appear at the scheduled hearing, respondents were declared in default. Thereupon the hearing examiner made his initial decision, including findings, conclusion, and order to cease and desist, which became on April 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Hartley Furs, Inc., a corporation, and its officers, and Bernard Oksengorin, Raja Oksengorin and Mike Engel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur products, which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item number or mark assigned to a fur product.

2. Setting forth on labels attached to fur products:

(a) Non-required information mingled with information that is required under section 4 (2) of the act and the rules and regulations thereunder;

(b) Information required under section 4 (2) of the act and the rules and regulations thereunder in abbreviated form or in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing the item number or mark assigned to a fur product.

2. Setting forth information required under section 5 (b) (1) of the act and the rules and regulations thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist directly or indirectly, in the sale or offering for sale of fur products, and which fails to disclose the name of the country of origin of any imported furs contained in the fur product.

D. Making use of price reductions, comparative prices and percentage savings claims in advertising unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-3644; Filed, May 14, 1958; 8:48 a. m.]

[Docket 6702]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROYAL OIL CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1265 *Old, secondhand, reclaimed or reconstructed product as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Royal Oil Corporation et al., Baltimore, Md., Docket 6702, Apr. 7, 1958]

In the Matter of Royal Oil Corporation, a Corporation, and Alden C. Joselin, Joseph A. Inciardi and Irving H. Weil, Individually and as Officers of Royal Oil Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern in Baltimore, Md., with selling reclaimed lubricating oil obtained from the drainings of motor crankcases, either alone or blended with new oil, in containers similar to those used for new oil on which the single word "Re-Processed" did not constitute adequate disclosure of its prior use.

After hearings in due course, the hearing examiner made his initial decision and order to cease and desist from which respondents appealed. Having heard the matter, the Commission denied the appeal, modified the order, and on April 7 adopted the order as modified as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondent Royal Oil Corporation, a corporation, and its officers, and respondent Irving H. Weil as an officer of said corporate respondent, and respondents Alden C. Jocelyn (erroneously referred to in the complaint as Alden C. Jocelin) and Joseph A. Inciardi, individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil, do forthwith cease and desist from:

(1) Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in advertising and in sales promotion material, and by a clear and conspicuous statement to that effect on the container;

(2) Representing in any manner that lubricating oil composed in whole or in part of oil that has been manufactured, reprocessed or re-refined from oil that has been previously used for lubricating purposes, has been manufactured from oil that has not been previously used.

It is further ordered, That this proceeding be, and the same hereby is, dismissed as to respondent Irving H. Weil in his individual capacity.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the said initial decision, as modified.

It is further ordered, That the initial decision of the hearing examiner, as modified hereby, be, and the same hereby is, adopted as the decision of the Commission.

Issued: April 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3645; Filed, May 14, 1958; 8:49 a. m.]

[Docket 6853]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BOSTWICK LABORATORIES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bostwick Laboratories, Inc., et al., Bridgeport, Conn., Docket 6853, Apr. 15, 1958]

In the Matter of Bostwick Laboratories, Inc., a Corporation, and A. O. Samuels, and Jack Schenberg, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern in Bridgeport, Conn., with representing falsely in advertising that use of its product "Hep Oven Cleaner" would enable a housewife to clean her oven with just a wipe of a damp cloth.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Bostwick Laboratories, Inc., a corporation, and its officers, and A. O. Samuels and Jack Schenberg, individually and as officers, of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the product "Hep Oven Cleaner" or any other products containing substantially the same ingredients or possessing substantially the same properties, whether sold under the same or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that after spraying respondents' product on the surfaces of household ovens said ovens can be effectively cleaned without hard scrubbing, or by wiping off with a damp cloth, sponge or any like material, unless it is clearly and conspicuously disclosed that steel wool, scouring pads or like abrasive products must be used in cases of heavy, stubborn or baked-on soil.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3646; Filed, May 14, 1958; 8:49 a. m.]

[Docket 6933]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AARON NEWMAN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc.; § 13.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Aaron Newman et al. doing business as Colony Furniture Company, Linden, N. J., Docket 6933, Apr. 15, 1958]

In the Matter of Aaron Newman and Dan N. Newman, Individually and as Copartners Doing Business as Colony Furniture Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Linden, N. J., with representing falsely in advertising in trade journals and advertising mats and other material furnished to their dealer customers, that their furniture was advertised in Life and House Beautiful, and that certain of it was made entirely of mahogany, oak, maple, walnut, or fruitwood; furnishing customers with reproduction sheets, catalogs, etc., listing purported regular retail prices which were in fact fictitious and excessive; and furnishing them with "Gift Certificates" supposedly offering the consumer opportunity to buy furniture at less than the usual price when the prices to which the certificates applied were fictitious and inflated.

Following acceptance of an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Aaron Newman and Dan N. Newman, individually and as copartners doing business as Colony Furniture Company, or under any other name, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any manner, or by any means, directly or indirectly, the kind or nature of the wood or other materials used in the manufacture of their furniture or of any other product, or any part thereof.

2. Representing, directly or indirectly:

(a) That respondents' products, or any of them, have been advertised in any advertising media unless such advertising was recently and regularly run or unless the date thereof is set forth.

(b) That any amounts are the usual or regular retail prices of products which are in excess of the prices at which the products are usually and regularly sold at retail.

3. Furnishing any means or instrumentality to others by and through which the public may be misled as to the usual and regular prices of respondents' products, or the kind or nature of the wood or other materials used in the manufacture of respondents' furniture.

It is further ordered, That the complaint be, and the same hereby is dismissed insofar as it relates to the use of the terms "In Windsor Grey Mahogony Finish" and "fruitwood finish" set out in Paragraph Four thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3647; Filed, May 14, 1958; 8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN ISSUERS FROM SECTION 15 (d) OF THE ACT

The Securities and Exchange Commission has adopted a new rule, designated § 240.15d-20, under the Securities Exchange Act of 1934 which provides for the granting of an exemption from the reporting requirements of section 15 (d) of the act to certain issuers. Notice of the proposed action was published March 5, 1958, in Release No. 5651.

Section 15 (d) of the act requires each issuer of securities registered under the Securities Act of 1933 to include in its registration statement an undertaking to file annual and other periodic reports corresponding to those required to be filed pursuant to section 13 by issuers having securities listed and registered on a national securities exchange, if the aggregate offering price of the issue covered by the registration statement plus all of the outstanding securities of the same class, computed on the basis of the offering price, amounts to $2,000,000 or more. The obligation to file reports is suspended under certain conditions not pertinent here.

The new rule provides that the Commission may, upon application and subject to appropriate terms and conditions, exempt an issuer from the duty to file such reports if the Commission finds that all of the outstanding securities of the issuer are held of record, that the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The exemption expires if any of the issuer's securities cease to be held of record, if the number of record holders increases to more than 50 persons, or if the issuer fails to comply with any of the terms or conditions upon which the exemption is granted. Provision is also made for termination of the exemption by the Commission, after an opportunity for a hearing, if the Commission finds the termination to be necessary or appropriate in the public interest or for the protection of investors.

For the purposes of the rule, securities held of record by a corporation, partnership, trust or other organization, are treated as held of record by one person, except that securities held under a voting trust or similar arrangement are deemed to be held of record by the record holders of certificates of interest in such securities; securities held of record by any investment company subject to the Investment Company Act of 1940 are deemed to be held of record by the security holders of such investment company; and securities held of record by a bank, broker or dealer for the account of other persons are deemed to be held of record by the persons for whose accounts they are held.

Statutory basis. The new rule is adopted pursuant to the Securities Exchange Act of 1934, particularly sections 15 (d) and 23 (a) thereof.

§ 240.15d–20 *Exemption of closely-held issuers from reporting requirements.* (a) The Commission may, upon application and subject to appropriate terms and conditions, exempt an issuer from the operation of section 15 (d) of the act with respect to the duty to file any reports required by that section and the rules and regulations thereunder if the Commission finds that:

(1) All of the outstanding securities of such issuer are held of record and the number of such record holders does not exceed 50 persons; and

(2) The filing of such reports by such issuer is not necessary in the public interest or for the protection of investors.

(b) Notice of the filing of an application pursuant to this section will be published in the FEDERAL REGISTER. Such notice will indicate the earliest date upon which an order disposing of the matter may be issued and will also provide that any interested person may, within a period of time specified in the notice, request a hearing on the matter or submit to the Commission in writing any facts bearing upon the desirability of such a hearing.

(c) The Commission will order a hearing on the matter upon its own notice, or upon the request of any interested person, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors. Any request by an interested person for a hearing shall state the reasons therefor and the nature of the person's interest in the matter. An order disposing of the matter will be issued as a matter of course unless prior to the date specified in the notice the Commission orders a hearing on the matter. If the Commission orders a hearing on the matter, all further procedure with respect thereto will be conducted in accordance with the Commission's rules of practice.

(d) Any exemption granted pursuant to this section shall continue only so long as (1) all of the outstanding securities of the issuer are held of record and the number of such record holders does not exceed 50 persons and (2) the issuer shall comply with all of the terms and conditions upon which the exemption was granted. In addition, the Commission may at any time, after notice and opportunity for hearing, issue an order terminating the exemption if the Commission finds such termination necessary or appropriate in the public interest or for the protection of investors.

(e) For the purposes of this section, securities held of record by a corporation, partnership, trust or other organization shall be deemed to be so held by one person: *Provided*, That (1) securities held subject to a voting trust or similar arrangement shall be deemed to be held of record by the record holders of the voting trust certificates or similar certificates of interest in such securities; (2) securities held of record by any investment company subject to the Investment Company Act of 1940 shall be deemed to be held of record by the security holders of such investment company; and (3) securities held of record by a bank, broker or dealer or by any person acting on behalf of such bank, broker or dealer, as nominee for other persons shall be deemed to be held of record by such other persons. Notes, drafts, bills of exchange and bankers' acceptances, issued in the ordinary course of business, all of which are held by banks or other institutional investors (other than investment companies subject to the Investment Company Act of 1940) for their own account may be disregarded for the purposes of this section.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

Effective date. The foregoing rule, being one providing for an exemption, shall become effective upon publication May 6, 1958.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 6, 1958.

[F. R. Doc. 58–3650; Filed, May 14, 1958; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26) are amended by changing § 146.26 (b) (32) to read as follows:

§ 146.26 *Animal feed containing penicillin.* * * *

(b) * * *

(32) It is intended for use as an aid in the control of infestation of large roundworms (Ascaris suis), nodular worm (Oesophagostemum dentatum), and whipworm (Trichuris suis) in swine; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated swine are slaughtered for human consumption. If it is a complete feed it contains 6,000 units (6 milligrams) of hygromycin B (produced by the growth of Streptomyces hygroscopicus) per pound, or if it is a hygromycin B feed supplement or premix it contains not more than 42,000 units (42 milligrams) of hygromycin B per pound. It contains less than 50 grams of antibiotics per ton of finished feed. If it is a hygromycin B feed supplement or premix and it contains more than 42,000 units of hygromycin B per pound, it shall be exempt from certification only if there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. Such exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging, unless the

person who obtained the exemption has submitted to the Commissioner (in triplicate) amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated swine are slaughtered for human consumption.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1051, 59 Stat. 463 as amended; 21 U. S. C. 352, 357)

Dated: May 9, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3657; Filed, May 14, 1958; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 778—OVERTIME COMPENSATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 66-A (22 F. R. 7614) of the Secretary of Labor and in accordance with section 3 (a) of the Administrative Procedure Act (5 U. S. C. 1002), Part 778 of Title 29 of the Code of Federal Regulations is hereby amended as follows:

1. Immediately following § 778.6 (g) (3) (iii) (*c*) add the following:

(*d*) The requirements for a formula for determining the amount to be contributed by the employer in (*b*) and (*c*) of this subdivision may be met by a formula which requires a specific and substantial minimum contribution and which provides that the employer may add somewhat to that amount within specified limits; provided, however, that there is a reasonable relationship between the specified minimum and maximum contributions. Thus, formulas providing for a minimum contribution of 10 percent of profits and giving the employer discretion to add to that amount up to 20 percent of profits, or for a minimum contribution of 5 percent of compensation and discretion to increase up to a maximum of 15 percent of compensation, would meet the requirement. However, a plan which provides for insignificant minimum contributions and permits a variation so great that, for all practical purposes, the formula becomes meaningless as a measure of contributions, would not meet the requirement.

2. Delete from § 778.6 (g) (4) the reference to subdivision (iii).

3. Delete the citation appearing in footnote 49, § 778.18 (a) which reads "325 U. S. 427" and substitute the following: "331 U. S. 17".

(52 Stat. 1060, as amended; 29 U. S. C. 201-219)

Signed at Washington, D. C., this 9th day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3667; Filed, May 14, 1958; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 8-6; FCC 58-442]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

EXTENSION OF EFFECTIVE DATE OF TYPE ACCEPTANCE REQUIREMENTS AND SPURIOUS EMISSION LIMITATIONS FOR CERTAIN TRANSMITTERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 8th day of May 1958;

It appearing that the New Jersey Maritime Electronics Association, Curtis and Union Avenues, Manasquan, New Jersey, and the E. Smola Company, Inc., 134 25th Street, Newport News, Virginia, have requested the Commission to extend the effective date of the type acceptance requirements (for transmitters operating on frequency assignments below 30 Mc) to January 1, 1959; and

It further appearing that petitioners state, in substance, that such postponement is necessary so that marine radio equipment dealers and boat owners will not be subjected to financial loss and hardship, that only a few manufacturers were fully aware of the implications of the type acceptance regulations, and that the average dealer and boat owner is not prepared for the enforcement of type acceptance regulations after June 1, 1958; and

It further appearing that despite the fact that standard rule making procedures were followed providing petitioners with adequate opportunity to apprise themselves of the rules and comment thereon, petitioners apparently were not aware of the type acceptance requirements and will suffer a financial loss on equipment which will be obsolete after June 1, 1958; and

It further appearing that granting the petitioners' requests would serve the public interest by lessening the impact of type acceptance requirements upon marine radio equipment dealers and boat owners without disturbing the consummation of the type acceptance program; and

It further appearing that the effective date for type acceptance requirements for radiotelephone transmitters and the spurious emission limitations for both radiotelephone and radiotelegraph transmitters are so related as to make a uniform date of application desirable, and, hence, the effective date of the spurious emission limitations is also amended to coincide with the effective date of the type acceptance requirements; and

It further appearing that in view of the imminence of the type acceptance requirements and spurious emission limitations (after June 1, 1958), compliance with the public notice and rule making procedure prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is impracticable; and

It further appearing that since the amendments herein ordered relieve an existing restriction, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 303 (e) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective May 21, 1958, Part 8 of the Commission's rules is amended as set forth below.

Released: May 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

1. Section 8.136 (c) is amended by deleting in subparagraph 3 thereof the words "After June 1, 1958" and substituting therefor the words "Effective January 1, 1959". As amended paragraph (c) reads as follows:

(c) Except as outlined in paragraph (d) of this section, the requirements of paragraph (b) of this section shall be applicable as follows:

(1) To any radio transmitter for which type acceptance is requested.

(2) To radio transmitters when operating on any frequency assignment between 30 Mc and 500 Mc.

(3) Effective January 1, 1959, to any radio transmitter when operating on any frequency below 30 Mc.

2. Section 8.136 (d) is amended by deleting in subparagraphs (3) and (4)

thereof the words "June 1, 1958" and substituting the words "January 1, 1959". As amended, paragraph (d) reads as follows:

(d) The requirements of paragraph (b) of this section shall not apply to:

(1) Lifeboat transmitters;

(2) Transmitters authorized in developmental station licenses;

(3) Radiotelegraph transmitters licensed for operation on any frequency assignment below 30 Mc prior to January 1, 1959, which are authorized in a station license issued to the same licensee or for a station on board the same vessel;

(4) Other radio transmitters licensed for operation on any frequency assignment below 30 Mc prior to January 1, 1959, which are authorized in a station license issued to the same licensee or for a station on board the same vessel until they are authorized in a new or renewed station license issued in response to an application filed after June 1, 1963.

3. Section 8.139 (a) (2) is amended by deleting in the first sentence thereof the words "After June 1, 1958" and substituting therefor the words "Effective January 1, 1959". Section 8.139 (a) (2) is further amended by deleting in the second sentence thereof the words "June 1, 1958" and substituting therefor the words "January 1, 1959". As amended, § 8.139 (a) (2) reads as follows:

(2) Effective January 1, 1959, to transmitters when operating on any frequency assignment, including any assignment below 30 Mc. However, until requested to be authorized in a new or renewal license issued in response to an application filed after June 1, 1963, transmitters licensed under this part prior to January 1, 1959, may (insofar as this requirement is concerned) continue to be authorized for operation on any frequency assignment below 30 Mc if authorized in a station license issued to the same licensee or for a station on board the same vessel.

[F. R. Doc. 58-3662; Filed, May 14, 1958; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[General Order 20, 2d Revision]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Correction

In F. R. Doc. 58-3243, appearing at page 2920 of the issue for Thursday, May 1, 1958, the following changes should be made:

1. In the first sentence of § 272.3 (b) (1), the word "or" should read "of".
2. The word "Repair" should be inserted after the word "Ship" the second time it appears in § 272.6 (b).
3. The last paragraph of § 272.9 should be designated as "(1)" instead of "(1)".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

[Docket No. AO-222-A9]

HANDLING OF MILK IN OZARKS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Colonial Hotel, 330 St. Louis Street, Springfield, Missouri, beginning at 10:00 a. m., local time on May 27, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Ozarks marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Proposal number 6 refers to such changes in other provisions of the order as may be required to effectuate the operation of individual-handler pools. Other sections of the order which might be involved include, but are not limited to, the following:

(1) Need for the producer-settlement fund provided in § 921.82 and for the payments to and from such fund pursuant to §§ 921.84 and 921.85;

(2) Whether all provisions of § 921.11 are appropriate;

(3) Whether § 921.61 is appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Creamery Company:

1. Amend § 921.7 to read as follows:

§ 921.7 *Producer.* Producer means any person other than a producer-handler who produces milk;

(a) Under a dairy farm permit issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area; or

(b) Acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area, which milk is:

(1) Delivered from the farm to a pool plant, or

(2) Diverted during any of the months of April through June or to the extent of not more than 10 days production during any of the months of February, March, July or August by a handler from a pool plant to a nonpool plant for the account of a handler: *Provided, however,* That if milk is diverted to a nonpool plant which is regulated under the provisions of another milk marketing order such milk will not be considered as producer milk under the provisions of this order.

2. Amend paragraph (b) of § 921.8 *Handler* to read as follows:

(b) A cooperative association with respect to the milk of its member producer which is delivered to the pool plant of another handler or a producer handler in a tank truck owned or operated by or under contract to such cooperative association (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

3. Amend § 921.11 to read as follows:

§ 921.11 *Pool plant.* Pool plant means:

(a) An approved plant which processes and packages as milk, skim milk or cream not less than 50 percent of its receipts of approved milk and from which not less than 15 percent of its receipts of approved milk during the month is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through plant stores or vendors);

(b) A supply plant from which a quantity of milk equal to at least 40 percent of its supply of milk from producers or other pool plants is shipped to an approved plant which processes and packages as milk, skim milk or cream not less than 50 percent of its receipts of approved milk during any of the months of February, March, April, May, June or July: *Provided,* That if such plant shall ship during August 25 percent, September 35 percent, October 40 percent, November 45 percent, December 40 percent and January 35 percent, or more of such supply to an approved plant which processes and packages as milk, skim milk or cream not less than 50 percent of its receipts of approved milk, such plant shall be designated as a pool plant during each of the subsequent months through the following July unless such plant requests nonpool designation by means of a written application to the market administrator.

4. Add a definition concerning approved milk to read as follows:

§ 921.16 *Approved milk.* Approved milk means any skim milk or butterfat contained in producer milk or in milk, skim milk or cream which is received from a pool plant, except a plant of a producer-handler and which milk is approved by the appropriate health authority for distribution as Class I milk in the marketing area.

5. Amend § 921.46 (a) (6) and (7) by renumbering subparagraph (6) as subparagraph (7) and renumbering subparagraph (7) as subparagraph (6).

Proposed by Greene County Milk Producers Association:

6. Amend §§ 921.71, 921.80, 921.83, 921.84, 921.85 and 921.86 of the proposed marketing agreement and order as amended regulating the handling of milk in the Ozarks marketing area so as to compute payments to producers on the basis of an individual handler rather than the present marketwide pool.

7. Make such conforming changes in other sections of the proposed marketing agreement and Federal order as amended as may be necessary to effectuate the intent of the above proposed amendments.

Proposed by a group of five producers:

8. Delete Boone County in Arkansas from the Ozarks marketing area.

Proposed by Dixie Dairy, Inc.:

9. The 15-cent price differential for Class I milk delivered to plants in Benton and Washington Counties in Arkansas be eliminated.

Proposed by Lone Oak Dairy:

10. Delete Boone County in Arkansas from the Ozarks marketing area.

11. The restrictions on diverting milk from one handler to another be lifted.

Proposed by the Dairy Division, Agricultural Marketing Service:

12. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 602 Chouteau Building, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 12th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-3652; Filed, May 14, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 681]

HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLE WORK INDUSTRIES

NOTICE OF PROPOSED ISSUANCE OF PIECE RATES FOR HAND-LACING OF PLASTIC AND LEATHER WALLETS, LEATHER WALLET COVERS, AND LEATHER MOCCASIN PLUGS

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, notice is hereby given that the Acting Administrator proposes to amend Part 681 of Title 29, Code of Federal Regulations.

The proposed amendment is based upon authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938. Its purpose is to provide minimum piece rates for homeworkers performing the operations described herein commensurate with the minimum hourly rates established under section 8 of the Fair Labor Standards Act of 1938 for the shoe and related products industry in Puerto Rico (23 F. R. 1568) and for the leather, leather goods, and related products industry in Puerto Rico (23 F. R. 1568). In addition, the proposed amendment will make provision for the time when the rates prescribed in this part are no longer commensurate with minimum hourly rates so established.

The proposed amendment is set forth below.

1. Section 681.9 is renumbered as § 681.10 and the section heading and paragraph (b) of the section are amended to read as follows:

§ 681.10 *Piece rates established in accordance with § 681.9* * * *

(b) *Piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs.* The minimum piece rates established for homeworkers in accordance with § 681.9 are as follows: A minimum piece rate of $^{61}/_{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of $^{82}/_{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather moccasin plugs; a minimum piece rate of 1 and $^{50}/_{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 1 and $^{87}/_{100}$ cents per dozen sitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

2. A new § 681.9 is inserted to read as follows:

§ 681.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the Fair Labor Standards Act of 1938, each homeworker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates indicated in § 681.10 for the operations described therein. On or after the effective date of any change in the minimum hourly rates established by wage order and until the effective date of compensating revisions of the rates contained in § 681.10, the minimum piece rates which shall be paid are those set forth in § 681.10 adjusted in ratio to the relation between the change in the old and new minimum hourly rates.

Prior to the taking of any final action on this proposal, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Acting Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., within fifteen days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of May, 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3669; Filed, May 14, 1958; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SCHRADAN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Pennsalt Chemicals Corporation, 2901 Taylor Way, Tacoma 2, Washington, proposing the establishment of a tolerance of 0.75 part per million for residues of schradan (octamethylpyrophosphoramide) in or on the raw agricultural commodity walnuts.

The analytical method proposed in the petition for determining residues of schradan is a modification of the method of Hall et al., published in Analytical Chemistry, Volume 23, p. 1866 (December 1951). The modification consists of a water extraction technique in place of a chloroform extraction.

Dated: May 9, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-3658; Filed, May 14, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12385]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; PITTSBURGH, PA.-CLARKSBURG, W. VA.; YOUNGSTOWN, OHIO

ORDER EXTENDING TIME FOR FILING COMMENTS

1. The Commission has before it for consideration a petition filed May 8, 1958

by WKST, Inc., permittee of Station WKST-TV at New Castle, Pa., requesting the Commission to extend the time for filing comments in the above-entitled proceeding from May 12, 1958 to May 19, 1958, and for reply comments from May 22, 1958 to June 2, 1958.

2. In support of its request, petitioner states that its counsel, who was recently retained by petitioner to represent it in this proceeding, because of the press of other business and absences from Washington occasioned by the National Association of Broadcasters' convention in Los Angeles last week has been unable to explore fully the engineering questions raised by the proposals under consideration with petitioner's consulting engineer or to otherwise complete an investigation of the matters involved preliminary to the preparation of comments and that the additional time requested will, without prejudicing the interests of any party concerned, enable petitioner to submit comments based on a thorough analysis of the important questions raised by the proceeding and thus provide the Commission with a more complete record for use in reaching its decision. Petitioner also states that counsel for both parties who requested the institution of this proceeding—Metropolitan Pittsburgh Educational Television Station, licensee of educational Station WQED at Pittsburgh, Pennsylvania, and Sanford A. Schafitz and Guy W. Gully, d/b as Community Telecasting Company, permittee of Station WXTV on Channel 73 at Youngstown, Ohio—have advised that they have no objections to the short extension of time requested.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered*, That the petition of WKST, Inc., for additional time to file comments is granted, that the time for filing comments in this proceeding is extended from May 12, 1958 to May 19, 1958, and that the time for filing reply comments is extended from May 22, 1958 to June 2, 1958.

Adopted: May 8, 1958.

Released: May 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3663; Filed, May 14, 1958; 8:53 a. m.]

[47 CFR Part 12]

[Docket No. 12307]

ADDITIONAL AMATEUR FREQUENCY BANDS FOR AMATEUR RADIO SERVICE

ORDER EXTENDING TIME FOR FILING COMMENTS

The Commission has before it for consideration a petition filed by the American Radio Relay League seeking extension of the April 30, 1958 date for filing of comments in the above-entitled proceeding.

The above-referred-to petition seeks an extension sufficient to permit filing of comments reflecting the "League's" petition as "established by the Board of Directors" at its regular meeting scheduled for May 9, 1958. The petitioner does not state the particular extension deemed necessary to accomplish this objective.

The Maritime Mobile Amateur Radio Club, in its reply to the petition of the American Radio Relay League, interposed no objection to a "reasonable extension to satisfy ARRL's request." However, this party requests that such an extension be for not more than fifteen days.

On the basis of representations set forth in the American Radio Relay League's petition and the reply thereto the Commission concludes that the public interest would be served by an extension of the comment date to May 20, 1958 and by an extension of the reply date to May 30, 1958.

Pursuant to section 0.291 (b) (4) of the Commission's rules: *It is ordered*, That the time for filing original comments in the above-entitled proceeding is extended to May 20, 1958, and the time for reply comments to May 30, 1958.

Adopted: May 7, 1958.

Released: May 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3664; Filed, May 14, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958; Supp. 184]

OHIO FARMERS INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal Bonds. An underwriting limitation of $792,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office, and State in which incorporated. Ohio—Ohio Farmers Insurance Company, LeRoy.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3659; Filed, May 14, 1958; 8:52 a. m.]

TWO AND ONE-QUARTER PERCENT TREASURY BONDS OF 1956-59

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding $2\frac{1}{4}$ percent Treasury Bonds of 1956-59, dated February 1, 1944, due September 15, 1959, are hereby called for redemption on September 15, 1958, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 300, Revised, dated April 30, 1955.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

MAY 14, 1958.

[F. R. Doc. 58-3660; Filed, May 14, 1958; 8:52 a. m.]

TWO AND THREE-EIGHTHS PERCENT TREASURY BONDS OF 1957-59

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding $2\frac{3}{8}$ percent Treasury Bonds of 1957-59, dated March 1, 1952, due March 15, 1959, are hereby called for redemption on September 15, 1958, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United

States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 300, Revised, dated April 30, 1955.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

MAY 14, 1958.

[F. R. Doc. 58-3661; Filed, May 14, 1958; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 67]

NEVADA

SMALL TRACT CLASSIFICATION; PARTIAL REVOCATION AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Effective May 8, 1958, Federal Register Document 51-2784 appearing in the issue of March 1, 1951, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 63 E.,
Sec. 26, NW¼NE¼NW¼, S½SW¼NE¼NW¼, N½S½NW¼NW¼ and E½SE¼NW¼.

2. The subject lands have been segregated from entry pending purchase by the State of Nevada pursuant to Public Law 85-339, enacted March 6, 1958 (72 Stat. 31).

3. Inquiries concerning these lands shall be addressed to the Nevada State Supervisor, Bureau of Land Management, Box 1551, Reno, Nevada.

E. R. GREENSLET,
State Supervisor.

MAY 8, 1958.

[F. R. Doc. 58-3634; Filed, May 14, 1958; 8:46 a. m.]

[Classification 109]

NEVADA

SMALL TRACT CLASSIFICATION; PARTIAL REVOCATION AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Effective May 8, 1958, Federal Register Document 56-1699, appearing on pages 1453-55 of the issue of March 6, 1956, revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 63 E.,
Secs. 13, 24, all.
T. 17 N., R. 64 E.,
Sec. 18, NW¼NW¼, E½NW¼, SW¼;
Sec. 19, W½NW¼.

2. This land is located in Steptoe Valley in White Pine County, Nevada, between the towns of Ely and McGill. The topography is relatively flat with very little change of elevation. The land slopes to the north at less than 1 percent gradient. The soil varies from a loam to a sandy loam, underlain with sand and gravel. The elevation is about 6,200 feet. Vegetation consists of white sage, shadscale and rabbitbrush. The grazing capacity is about 10 acres per A. U. M.

3. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead (Alaska Home Site), Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on June 5, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September 4, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on September 4, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on September 4, 1958.

5. Inquiries concerning these lands shall be addressed to the Nevada State Supervisor, Bureau of Land Management, Box 1551, Reno, Nevada.

E. R. GREENSLET,
State Supervisor.

MAY 8, 1958.

[F. R. Doc. 58-3635; Filed, May 14, 1958; 8:46 a. m.]

[Serial Nos. Idaho 08323, 08858, 08560]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 8, 1958.

Pursuant to the following determinations of the Federal Power Commission and in accordance with order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473-2476, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

BOISE MERIDIAN, IDAHO

Determination Nos.	Land description	Location
DA-494-Idaho	T. 4 S., R. 2 E., Sec. 9, Lots 5, 6, 7, 8.	Owyhee County, 12 miles northwest of Grandview, Idaho.
DA-501-Idaho	T. 11 N., R. 18 E., Sec. 22, Lot 11; Sec. 27, Lot 2.	Custer County, 3½ miles east of Clayton, Idaho.
DA-498-Idaho	T. 48 N., R. 2 W., Sec. 10, Lots 2, 3.	Kootenai County, 10 miles upstream from Springston, Idaho.

Within the above-described areas are 281.20 acres.

The land in DA-494-Idaho is included in a proposed withdrawal by the Bureau of Reclamation. Any applications for the land will be suspended pending the outcome of the proposed withdrawal. The land in DA-501-Idaho is located on the north bank of the Salmon River at an elevation of approximately 5,380 feet. It is bottom land of alluvial formation. Topography varies from bottom land to steep, mountainous, rocky land, which supports very little vegatative cover and consist of sandy soil, gravel and cobbles. The land in DA-498-Idaho lies on the west shore of Lake Kilarney and rises abruptly from the water's edge to the ridge above and is covered by a few scattered trees. All of the lands included in this order are principally of the dry grazing variety.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on June 13, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on September 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-3636; Filed, May 14, 1958; 8:46 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 9, 1958.

The Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, U. S. Department of the Interior, has filed an application, Serial No. M-023482 (SD), for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws. The applicant desires the land be reserved in public ownership under the provisions of the Act of March 10, 1934 (48 Stat. 401), as amended by the Act of August 14, 1946 (60 Stat. 1080). The land will be administered under cooperative agreement by the South Dakota Department of Game, Fish and Parks, and the tracts will be used for the protection, development, and management of wildlife resources.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

5TH PRINCIPAL MERIDIAN, SOUTH DAKOTA

County	Township	Range	Section	Subdivision	Acres
Brookings	111 N.	51 W.	5	Lot 4	[illegible]
	111 N.	51 W.	6	Lot 1	[illegible]
Brule	101 N.	70 W.	19	NW¼NE¼	40.00
	101 N.	70 W.	30	SE¼, E½SW¼, SE¼NW¼	[illegible]
	101 N.	70 W.	31	N½NE¼, E½NW¼, Lot 1	[illegible]
	105 N.	71 W.	3	SE¼NW¼, Lots 3 and 4	131.44
Campbell	125 N.	75 W.	22	SE¼NW¼	40.00
	125 N.	79 W.	14	SW¼NE¼	40.00
	125 N.	79 W.	14	NE¼SE¼	40.00
	128 N.	79 W.	24	W½NW¼	80.00
Charles Mix	96 N.	61 W.	31	Lots 7 and 8	[illegible]
	97 N.	67 W.	33	SE¼SE¼	40.00
	100 N.	71 W.	24	SW¼SW¼	40.00
	100 N.	71 W.	24	SE¼SE¼	40.00
	100 N.	71 W.	25	NW¼NW¼	40.00
	100 N.	71 W.	25	NE¼NE¼	40.00
	100 N.	71 W.	26	NW¼NW¼	40.00
Edmunds	121 N.	66 W.	35	SW¼, S½NW¼	240.00
Hamlin	114 N.	54 W.	25	NW¼SE¼, NE¼SW¼, S½SW¼	160.00
Hughes	109 N.	75 W.	8	SE¼SE¼	40.00
	110 N.	77 W.	22	Lot 7	[illegible]
	111 N.	79 W.	30	Lot 2	[illegible]
Kingsbury	109 N.	53 W.	24	Lot 4	1.34
	112 N.	57 W.	24	Lot 6	1.17
Marshall	125 N.	56 W.	30	Lot 2	[illegible]
	125 N.	56 W.	31	Lot 3	[illegible]
Potter	120 N.	77 W.	7	NE¼NW¼	40.00
Spink	115 N.	65 W.	4	SW¼	160.00
	115 N.	65 W.	7	SE¼NE¼, NE¼SE¼	80.00
	115 N.	65 W.	8	W½, SW¼NE¼	360.00
Total acres					[illegible]

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-3637; Filed, May 14, 1958; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 9, 1958.

The Department of Commerce, Civil Aeronautics Administration has filed an application, Serial No. LA-0148429 for the withdrawal of the lands described below, from all forms of appropriation subject to valid existing rights.

The applicant desires the land for a permanent VOR Air Navigational and Facility. The full 160 acres withdrawal is necessary to insure against erection of other types of structures by others which could adversely affect proper operation and stability of the proposed facility.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Classification Officer will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 22 E.,
Sec. 8, SE¼NE¼, NE¼SE¼;
Sec. 9, SW¼NW¼, NW¼SW¼.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-3638; Filed, May 14, 1958; 8:47 a. m.]

[LA-0156082]

CALIFORNIA

PARTIAL RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 7, 1958.

Pursuant to the following vacation order of the Federal Power Commission and in accordance with the authority delegated to me by the California State Supervisor, Bureau of Land Management, Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), the lands within the area described are hereby restored to disposition under the applicable land law from the withdrawal for Federal Power Project named subject to valid and existing rights and the provisions of existing withdrawals:

Order of the Federal Power Commission dated December 17, 1957, vacating the withdrawal of March 31, 1942, for Federal Power Project No. 1764.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 18 S., R. 41 E.,
Sec. 36, N½NE¼, all portions lying within 10 feet of the center line of the pipe line as shown on Exhibit F. (FPC No. 1764-1)

The above described land, situated in Inyo County, is within a State School Section, title to which is vested in the State of California in accordance with a plat of survey, accepted December 28, 1943, of T. 18 S., R. 41 E., MDM, California.

This restoration is not subject to the provisions contained in the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and the Korean conflict, and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-3639; Filed, May 14, 1958; 8:47 a. m.]

[LA-0156016]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 8, 1958.

Pursuant to the following vacation order of the Federal Power Commission and in accordance with the authority delegated to me by the California State Supervisor, Bureau of Land Management, Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), the public lands within the areas described are hereby restored to disposition under applicable public land laws from the withdrawal for Federal Power Project named, subject to valid existing rights and the provisions of existing withdrawals:

Order of Federal Power Commission dated March 3, 1958, vacating the withdrawal of June 4, 1929 for the Federal Power Project No. 993.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 10 N., R. 1 E.,
Sec. 22, Lots 1, 4, 7, 8, 14;
Sec. 23, Lot 14;
Sec. 26, NW¼NW¼, S½NW¼, NE¼SW¼, W½SE¼;
Sec. 35, N½NE¼, SE¼NE¼, NE¼SE¼.

All portions of the above described tracts lying within 50 feet of the center line of the transmission line location shown on a map designated "Exhibit J" and entitled "Map of Transmission Line, Zenda Gold Mining Co., Barstow, California," and filed in the office of the Federal Power Commission on June 4, 1929. Within the above described areas are approximately 30 acres of public lands.

1. The above described lands are situated about twelve miles east of Barstow, California, and extend from the community of Calico southeasterly a distance of about 3 miles toward Yermo, California. Topography varies from extremely rough and mountainous in Section 22 to relatively flat in Section 35.

2. No application for unreserved lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land laws, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with the provisions of the Act of May 28, 1948, (62 Stat. 275).

4. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowances and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m., local time, on June 12, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on September 11, 1958 will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., local time, on September 11, 1958 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands have been opened to location and entry under the United States Mining Laws pursuant to the Act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws.

5. Persons claiming veteran's preference rights under paragraph a-(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-3640; Filed, May 14, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

VARIOUS OFFICIALS

DELEGATIONS OF AUTHORITY

The following delegations of authority have been authorized:

A. Authority has been delegated to the officials listed below to exercise, in the absence of the Administrator, and in the following order of precedence, any powers of the Administrator:

1. Deputy Administrator.

2. Assistant Administrator designated to direct the electric program.

3. Assistant Administrator for Administration.

4. Assistant Administrator designated to direct the telephone program.

5. Such other official as shall be designated by the Administrator.

B. Authority has been delegated to the Deputy Administrator to approve or execute:

1. REA Bulletins expressing policy.

2. Agreements or contracts covering management or operations services between telephone and electric borrowers.

3. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs C through R hereof.

C. Authority has been delegated to the Assistant Administrators (Program) to approve or execute:

1. REA Bulletins except those expressing policy.

2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.

3. Electric wholesale, wheeling, and interchange power contracts.

4. Contracts for the cash sale or removal (except removal involved in new construction) of property in place and for the sale of real estate by electric and telephone borrowers, involving transactions of $50,000 and over, or more than 10 percent of a borrower's total assets.

5. Interim financing proposals, subject to subsequent approval of a loan or advance of funds.

6. The use or reimbursement of general funds exceeding $50,000 or 10 percent of a borrower's total assets whichever is the lesser, when required.

7. Contracts for acquisition by electric and telephone borrowers of existing facilities in place.

8. Authorization for advance of loan funds under "conditional agreements" or where waiver of loan contract provisions is involved and the placement and release of "stop orders" on loan funds.

9. Agreements between REA electric and telephone borrowers for the general joint use of facilities.

10. Loan budget adjustments for generation and transmission purposes (excluding transmission for distribution borrowers) and for adjustments in excess of 10 percent of budgeted amounts for electric headquarters facilities.

11. Comprehensive revisions of electric borrowers' retail rate schedules.

12. Basis date agreements on approved forms providing for modification of existing mortgage notes.

13. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs D through P hereof.

D. Authority has been delegated to the Area Directors (Electric) to approve or execute:

1. Construction contracts and contracts for the purchase and installation of generating equipment.

2. Agreements for the joint use of electric borrower's facilities, except for general joint use agreements between electric and telephone borrowers.

3. "Short form" revisions of retail rate schedules.

4. Loan budget adjustments involving changes in primary loan purposes excluding generation facilities, transmission facilities for power type borrowers, and adjustments in excess of 10 percent of the budgeted amount for headquarters facilities.

5. Agreements between electric borrowers for operation of a borrower's facilities.

6. Waiver of defects in title or rights-of-way obtained by borrowers.

7. Cash sales or removals of borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.

8. The use or reimbursement of general funds not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when required.

9. Action concerning payment of dividends or other cash distributions by borrowers.

10. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs F, G and H hereof.

E. Authority has been delegated to the Assistant Area Directors to approve or execute all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs F, G and H hereof.

F. Authority has been delegated to the Engineering Section Heads, Electric Area Offices, to approve or execute:

1. Right-of-way clearing contracts.

2. The selection by borrower of an engineer or architect and contracts for engineering or architectural services.

3. Final inventory documents and payments to contractors and engineers.

4. Financial Requirement and Expenditure Statements and work order inventories.

5. Plans and specifications and work orders for construction of generation facilities and for headquarters, garage and warehouse facilities.

6. All technical engineering studies of distribution and transmission facilities requiring REA approval.

7. Borrowers' selections of force account method of construction.

8. Borrowers' proposals for off peak load control equipment.

9. All matters and documents as to which authority to approve or execute is conferred upon others in paragraph G hereof.

G. Authority has been delegated to Field Engineers, Electric Area Offices, to approve:

1. Plans and specifications for construction of distribution and transmission facilities and for preliminary design data and plans and profile sheets for transmission facilities.

2. Estimate work orders for construction of distribution and transmission facilities.

3. Large power applications from an engineering standpoint.

4. Final statements of engineering fees.

5. Borrowers' annual work plans.

6. Certificates of completion for distribution and transmission contract construction.

7. Voltage drop, sectionalizing and power factor studies.

H. Authority has been delegated to Operations Section Heads, Electric Area Offices, to approve or execute:

1. Retail rate contracts between borrowers and others relating to large power installations.

2. Borrowers' cash sales of material and equipment excluding property in place.

3. Borrowers' insurance and fidelity coverage.

4. Special legal fees to be paid by borrowers from loan funds.

5. The selection by a borrower of a Certified Public Accountant to perform audits.

6. Minor adjustments to the retail rate structure.

7. Borrowers' requests for approval to loan in excess of $2,500 of section 5 loan funds to a consumer.

8. Purchase of real estate by borrowers.

9. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

10. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust including mortgages to be recorded as financial statements, pursuant to the Uniform Commercial Code of Pennsylvania, and as chattel mortgages in the personal property records of the various counties and in the Office of the Secretary of Commonwealth, all in the State of Pennsylvania.

11. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

12. Release of lien upon motor vehicles purchased by borrowers and all other documents and final payments or instruments relating to such liens or releases thereof.

I. Authority has been delegated to the Chief, Telephone Operations and Loans Division to approve or execute:

1. Changes in a borrower's corporate status.

2. First advance of loan funds where waiver of loan contract conditions is not involved.

3. Borrowers' lease agreements and contracts covering management or operations services except those involving electric borrowers.

4. Cash sales and removals of borrowers' property in place or sales of real estate involving transactions not exceed-

ing $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.

5. The use of general funds for reimbursable items not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.

6. Designation of borrowers required to obtain CPA audits.

7. The use of equity funds by borrowers prior to the first release of loan funds.

8. Forms of borrowers' stock and equity certificates.

9. Borrower's exchange rates and tariffs.

10. All matters and documents as to which authority to approve or execute is conferred on others in paragraphs K and L hereof.

J. Authority has been delegated to the Line Assistant Chiefs, Telephone Operations and Loans Division, to approve or execute all matters and documents as to which authority to approve or execute is conferred on others in paragraphs K and L hereof.

K. Authority has been delegated to the Line Section Heads, Telephone Operations and Loans Division, to approve or execute:

1. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust including mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code of Pennsylvania, and as chattel mortgages in the personal property records of the various counties and in the Office of the Secretary of Commonwealth, all in the State of Pennsylvania.

2. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

3. Special legal fees to be paid by borrowers from loan funds.

4. Certificates regarding a borrower's incorporation and articles of incorporation and bylaws and changes in a borrower's corporate name.

5. State regulatory body orders and approvals from the standpoint of acceptability for REA loans.

6. Borrower's sales and transfers of material and equipment not in place on the telephone system.

7. Partial release of lien on borrower's property other than real estate or facilities in place when required.

8. Borrower's use of non-standard operating reports.

9. Borrowers insurance and fidelity coverage.

L. Authority has been delegated to the Head, Loan Funds Control Section, Telephone Operations and Loans Division, to approve:

1. Financial Requirement Statements.

2. Loan budget transfers concurred in by the Section Engineer and/or the Line Section Head, Telephone Operations and Loans Division.

3. Selection of Certified Public Accountants to perform audits.

4. Final inventory documents and payments to contractors and engineers.

M. Authority has been delegated to the Chief, Telephone Engineering Division, to approve or execute:

1. Waiver of defects in title and rights of way.

2. Award of construction and central office equipment contracts.

3. Engineering fee schedules and fees in excess of such schedules.

4. All matters and documents to which authority to approve or execute is conferred upon others in paragraphs N, O and P hereof.

N. Authority has been delegated to the Assistant Chiefs, Telephone Engineering Division to approve or execute:

1. Borrower's selection of engineer or architect for post-loan work for both contract and force account.

2. Area Coverage Design.

3. Requests to amend construction contracts or central office equipment contracts where the amount of the amendment exceeds 10 percent of the original contract price.

4. Selection by telephone borrowers of the force account method of construction.

5. Borrowers' proposals in amounts of $15,000 or more, for the purchase of (1) special equipment such as carrier, radio, repeaters, etc., and (2) additions and modifications of central office equipment, requiring REA approval by others than the field engineer.

6. Approval of plans and specifications for central office equipment and for commercial office, garage and warehouse buildings.

7. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs O and P hereof.

O. Authority has been delegated to the Line Section Engineers, Telephone Engineering Division to approve:

1. Joint use agreements between telephone borrowers and parties other than REA borrowers.

2. Construction contracts and central office equipment contracts.

3. Post-Loan Engineering Service and Architectural Service Contracts, and amendments thereto.

4. Statement of final engineering fees.

5. Approval of plans and specifications for non-standard central office equipment buildings.

6. Amendments to construction contracts or central office equipment contracts where the amount of the amendment does not exceed 10 percent of the original contract price, or where the borrower's request for an amendment has been approved by the Assistant Chief, Telephone Engineering Division.

7. Borrowers' proposals and cost estimates for force account construction and engineering.

8. Borrowers' proposals in amounts less than $15,000 for the purchase of (1) special equipment such as carrier, radio, repeaters, etc., and (2) additions and modifications of central office equipment.

9. Contracts and amendments thereto, for the purchase of special equipment such as carrier, radio, repeaters, etc.

10. Final Inventory Documents for outside plant, buildings, and central office equipment from an engineering standpoint.

11. Line extension contracts.

12. All matters and documents as to which authority to approve is conferred upon others in paragraph P hereof.

P. Authority has been delegated to the Field Engineers, Telephone Engineering Division, to approve:

1. Plans and specifications for outside plant and standard central office buildings.

2. Borrowers' proposals for and completed construction of, system improvements and extensions, when required.

Q. Authority has been delegated to the Chief, Administrative and Loan Accounting Division to:

1. Execute endorsements or assignments of promissory notes or other collateral pledged by borrowers as security for Rural Electrification Administration loans, as may be necessary in connection with the return of such documents to borrowers because of the payment of the obligations in full or in order that the borrowers may institute legal action thereon or in connection therewith.

2. Cancel or endorse the fact of payment on borrowers' notes which have been paid in full or which are to be returned to borrowers by reason of the cancellation of such notes resulting from the receipt by REA of refunding, renewal, or substituted notes.

R. Authority has been delegated to the Chief, Administrative Division, the Head, Administrative Services Section, Administrative Division, and to the Head, Supply and Space Management Unit, Administrative Division, to approve the procurement of equipment, materials, and services for REA.

In the event that any of the incumbents of positions to whom delegations are made herein are absent or are unable to act, the person designated to act for such incumbent shall have authority to exercise the authority conferred by such delegations. Incumbents of positions delegated authority herein are authorized to designate persons to act for them in their absence. Such designation shall be in accordance with any instructions issued by the incumbent's supervisors. There is reserved in the Administrator authority for all matters not delegated hereby, or by other existing written delegation, including without limitation:

A. The making or rescission of loans.

B. Extensions of loan periods pursuant to Section 12 of the Rural Electrification Act, as amended.

C. Execution of instruments relating to inter-borrower transfers involving the assumption of indebtedness.

D. The execution of documents which are to be recorded in real or personal property records, except for affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust in accordance with paragraphs H, 10 and K, 1.

These delegations supersede all prior delegations with reference to these matters.

Issued this 7th day of May 1958.

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 58-3653; Filed, May 14, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Projects Nos. 67, 120, 382]

Southern California Edison Co.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSES

May 9, 1958.

Public notice is hereby given that Southern California Edison Company, of Los Angeles, California, has filed applications under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the licenses for water-power Projects Nos. 67, located on the San Joaquin River and tributaries in Fresno County, California; 120, located on the San Joaquin River in Fresno, Kern, Madera, Los Angeles, and Tulare Counties, California; and 382, located on the Kern River in Kern and Los Angeles Counties, California. The applications seek amendment of the licenses to change the language of the amortization reserve provision inserted in the licenses pursuant to section 10 (d) of the Act to conform with that presently included by the Commission in licenses for such projects.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is June 16, 1958. The applications are on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3641; Filed, May 14, 1958; 8:47 a. m.]

[Docket No. G-15070]

Samedan Oil Corp.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

May 9, 1958.

Samedan Oil Corporation (Samedan), on April 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 4, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Samedan's FPC Gas Rate Schedule No. 3.

Effective date: May 10, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Samedan cites the favored-nation provision in the contract and El Paso's letter agreeing to pay the increased price. In addition, Samedan states that the pricing provision is an inseparable part of the original contract and to deny the increased price would be unfair and inequitable and would deny seller due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Samedan's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Samedan's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission. (Commissioner Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3642; Filed, May 14, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12013; FCC 58-436]

Moe Berger

ORDER DESIGNATING MATTER FOR ORAL ARGUMENT

In the matter of Moe Berger, 136 St. George Street, St. Augustine, Florida, Docket No. 12013; Suspension of radiotelephone second-class operator license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of May 1958;

The Commission having under consideration the petition to dismiss, or, in the alternative, to postpone the above-entitled proceeding pending a decision in cause number 10,509 Cr-J in the United States District Court for the Southern District of Florida, filed on May 6, 1958 by respondent;

It appearing that hearing has been held in the above-entitled proceeding, an Initial Decision issued therein, and exceptions thereto filed on which oral argument is presently scheduled for May 16, 1958; and

It further appearing that argument on the said petition would be of assistance to the Commission in resolving the matters presented therein;

It is ordered, That said petition is designated for oral argument to be presented simultaneously with argument on the exceptions to the Initial Decision.

Released: May 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3665; Filed, May 14, 1958; 8:53 a. m.]

[Docket No. 12285]

Study of Radio and Television Network Broadcasting

NOTICE SCHEDULING HEARING

The further hearings scheduled in this proceeding for May 12 and 13, 1958, are postponed to the week of May 19. Hearing sessions will be held during this week on May 19, 20, 22 and 23. The hearing sessions will commence at 10 a. m., each day and will be held in the Commission's Meeting Room (Room No. 7134), New Post Office Building, Washington, D. C.

The parties still to be heard in this proceeding and their order of appearance are as follows:

Stations Represented by CBS Spot Sales.
Station Represented by NBC Spot Sales (WAVE, Inc., Louisville, Ky.).
Station Representatives Association.
Edward Petry & Co., Inc.
Committee for Competitive TV.
KFDM-TV, Beaumont, Tex.
KVAR, Mesa, Ariz.
WCSH-TV, Portland, Maine.
WDSU-TV, New Orleans, La.
WFLA-TV, Tampa, Fla.
WLAC-TV, Nashville, Tenn.

Dated: May 8, 1958.

Released: May 8, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3666; Filed, May 14, 1958; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

George W. Flanagan

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 15, 1956, 21 F. R. 8892; May 14, 1957, 22 F. R. 3396; December 3, 1957, 22 F. R. 9679.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 6, 1958.

GEORGE W. FLANAGAN.

MAY 6, 1958.

[F. R. Doc. 58-3629; Filed, May 14, 1958; 8:45 a. m.]

SAM NORRIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 5, 1957, 22 F. R. 8885.

A. Deletions: None.
B. Additions: Tidewater Oil, Rexall Drugs, Armco Steel.

This statement is made as of April 28, 1958.

SAM NORRIS.

APRIL 28, 1958.

[F. R. Doc. 58-3630; Filed, May 14, 1958; 8:45 a. m.]

JOHN R. SMITH

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 15, 1957, 22 F. R. 9124.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 1, 1958.

JOHN R. SMITH.

MAY 1, 1958.

[F. R. Doc. 58-3631; Filed, May 14, 1958; 8:45 a. m.]

GEORGE E. LAWRENCE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 22, 1956, 21 F. R. 3393; November 6, 1956, 21 F. R. 8514; May 3, 1957, 22 F. R. 3165; November 7, 1957, 22 F. R. 8964.

A. Deletions: Bausch & Lomb Optical Company.
B. Additions: Scientific Apparatus Makers Association.

This statement is made as of April 30, 1958.

GEORGE E. LAWRENCE.

MAY 6, 1958.

[F. R. Doc. 58-3632; Filed, May 14, 1958; 8:45 a. m.]

CHARLES F. MCCAHILL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 20, 1956, 21 F. R. 8994; May 10, 1957, 22 F. R. 3302; November 5, 1957, 22 F. R. 8885.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 26, 1958.

CHARLES F. MCCAHILL.

APRIL 26, 1958.

[F. R. Doc. 58-3633; Filed, May 14, 1958; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 337]

SECRETARY OF STATE

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR SERVICES IN CONNECTION WITH DEVELOPMENT AND PREPARATION OF GRADING OF EXAMINATIONS FOR CANDIDATES FOR FOREIGN SERVICE OF THE UNITED STATES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated to the Secretary of State to negotiate contracts for services, without advertising, under section 302 (c) (5) of the act.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above, the authority herein delegated may be redelegated to any official or employee of the Department of State.

4. This delegation shall be effective as of the date hereof and shall not extend beyond September 30, 1959.

Dated: May 9, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-3654; Filed, May 14, 1958; 8:51 a. m.]

[Delegation of Authority 338]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF CERTAIN ADDITIONS TO FACILITIES OF MIDVALE-HEPPENSTALL CO., NICETOWN, PA.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) (herein referred to as the "act"), authority is hereby delegated to the Secretary of Defense to dispose of the real and related personal property comprising the scrambled facilities of the Midvale-Heppenstall Company plant, constructed under Contract NOd-1815, between the United States of America, represented by the Secretary of the Navy, and the Midvale Company, later assigned to the Midvale-Heppenstall Company, having an acquisition cost of $10,867,661, by negotiated sale or otherwise; on such terms as may be advantageous to the United States: *Provided*, That in the case of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the act and regulations of General Services Administration issued pursuant thereto; however, since no screening of the property to determine possible need therefor by Federal agencies need be conducted, it having been determined that such screening would serve no useful purpose in view of the dependence of this facility upon other privately-owned property, the property is hereby determined surplus.

3. In the case of a negotiated disposal, the Secretary of Defense shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended. A copy of each such statement shall be furnished to the Administrator.

4. Pursuant to section 207 of the act, the Secretary of Defense shall notify the Attorney General of the proposed disposal and obtain his advice as to whether this disposal would tend to create or maintain a situation inconsistent with the antitrust laws.

5. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

6. This delegation shall be effective as of the date hereof.

Dated: May 9, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-3655; Filed, May 14, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

MAY 9, 1958.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation; File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the America Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On April 29, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending May 9, 1958.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, May 10, 1958, to May 19, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3651; Filed, May 14, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 12, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34672: *Liquefied chlorine gas—Plaquemine, La., to St. Louis, Mo.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7283), for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads from Plaquemine, La., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition with Baton Rouge, La.

Tariff: Supplement 308 to Southwestern Freight Bureau Tariff I. C. C. 4087.

FSA No. 34673: *Cement from Hydrac, Kans., to southwestern and southern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7284), for interested rail carriers. Rates on cement, hydraulic, natural or portland, masonry, or mortar, concrete mixture, and dry building mortar, straight or mixed carloads from Hydrac, Kans., to specified points in southwestern and southern territories.

Grounds for relief: Short-line distance formulas and market competition with other producing points.

Tariffs: Supplement 103 to Southwestern Freight Bureau tariff I. C. C. 3934. Supplement 29 to Southwestern Freight Bureau tariff I. C. C. 4185.

FSA No. 34674: *Paper boxes—Rockmart, Ga., to points in official territory.* Filed by O. W. South, Jr., Agent (SFA No. A3661), for interested rail carriers. Rates on paper boxes, carloads from Rockmart, Ga., to specified points in Connecticut, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and Wisconsin.

Grounds for relief: Short-line distance formula, and market competition with other producing points in the South.

Tariff: Supplement 131 to Southern Freight Tariff Bureau, Agent, I. C. C. No. 1349.

FSA No. 34675: *Petroleum coke—Lake Charles, La., to Natco, Tenn.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7286), for interested rail carriers. Rates on petroleum coke, carloads from Lake Charles, La., to Natco, Tenn.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 20 to Southwestern Freight Bureau tariff I. C. C. 4110.

FSA No. 34676: *Vegetable oils—Memphis, Tenn., to Ohio and Kentucky Points.* Filed by Southern Freight Association, Agent (SFA No. A3662), for interested rail carriers. Rates on vegetable oils, solidified, carloads from Memphis, Tenn., to Louisville, Ky., and Cincinnati, Ohio.

Grounds for relief: Competition of private motor trucks.

Tariff: Supplement 64 to Southern Freight Tariff Bureau tariff I. C. C. 1551.

FSA No. 34677: *Pig iron—Cleveland, Ohio to Detroit and Saginaw, Mich.* Filed by Traffic Executive—Association, Eastern Railroads, Agent (CTR No. 2377), for interested rail carriers. Rates on pig iron, carloads from Cleveland, Ohio to Detroit and Saginaw, Mich.

Grounds for relief: Market competition with Buffalo, N. Y.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3648; Filed, May 14, 1958; 8:50 a. m.]

OF MICHIGAN
MAY 19 1958
MAIN
READING ROOM

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 484—FEED GRAINS

SUBPART—FEED GRAIN EXPORT PROGRAM PAYMENT IN KIND (GR-368)

TERMS AND CONDITIONS

The following "Appendix—Notice to Exporters (Revision of September 30, 1957)" was inadvertently omitted from and should have been filed as part of Federal Register Docket 58-3624, which was published in the FEDERAL REGISTER issue of May 14, 1958, at page 3226.

Issued this 14th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

APPENDIX—NOTICE TO EXPORTERS

(Revision of September 30, 1957)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities to Macao, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under validated license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong unless the commodity is included on the general license GHK list.

These regulations further require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8 (15 CFR 371.4 and 371.8)) against sales or resale for re-export of said commodities, or any part thereof, without prior Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, § 379.10 (c) (15 CFR 379.10 (c))) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the Field Offices of the Department of Commerce.

[F. R. Doc. 58-3735; Filed, May 15, 1958; 10:05 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq.), the Agricultural Act of 1949, as amended (7 U. S. C. 1441 et seq.), and the Soil Bank Act (7 U. S. C. 1801 et seq.). These amendments include provisions relative to: (1) The conditions governing constitutions under the definition of "farm" where a conservation reserve contract is in effect; (2) the definition of "normal row width"; (3) the definition of "producer"; (4) the use of official acreages; (5) the methods of measurement to be used in determining intertilled and fallow-stripped acreages; (6) the premeasurement of the cotton acreage on a farm where the service is requested and the cost is paid by the operator, and authorization for a premeasurement service for other crops or land uses at the option of the State committee; (7) the deductions

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FEDERAL REGISTER

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allowable in determining acreages; (8) minimums which may be disposed of in adjusting to the allotment for crops other than tobacco; (9) written notices to farm operators relative to acreage determinations; (10) the conditions governing the redetermination of acreages; (11) the determination and adjustment of excess acreages, the determination of acreages prior to and subsequent to adjustment, and time extensions for disposition of excess acreages; and (12) the publication of State ASC committee determinations made in accordance with § 718.15 (a), as amended, which deviate from standards otherwise prescribed in this part.

Since farmers are now planning their farming operations for 1958, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the Federal Register.

1. Section 718.2 (i) is amended by the addition of a new subidivision (v) at the end of subparagraph (3) to read as follows:

(v) Where a conservation reserve contract has been entered into under the conservation reserve program regulations (6 CFR Part 485) pursuant to which the entire eligible land on the farm is designated as conservation reserve, the farm as constituted at the time all the eligible land becomes so designated shall not be combined with other land during the period for which the contract remains in effect unless the conservation reserve contract is modified to include in the conservation reserve all eligible land of such other land.

2. Section 718.2 (l) is amended to read as follows:

(l) "Normal row width" means the distance between rows of crops in the field provided such distance is 36 inches or more.

3. Section 718.2 (o) is amended to read as follows:

(o) "Producer" means a person who as owner, landlord, tenant, sharecropper, or in the case of rice, a person who furnishes water for a share of the crop, is entitled to share in the crops available for marketing from the farm or in the proceeds thereof.

4. Section 718.5 (c) is amended to read as follows:

(c) *Official acreages.* Acreages determined by the Commodity Stabilization Service of the Department, or its predecessor agencies, from photography currently in use may be recognized as official, until such time as new photography is put into use, provided the field was plotted on permanent field boundaries and the reporter has determined by field inspection that such boundaries have not changed since the acreage was determined. Allowable deductions within the field must be determined each year and appropriate calculations made to determine the acreage of the crop or land use in the field for program purposes. Acreages determined and recorded in prior years which are later found to be incorrect shall be corrected, and the county office manager shall notify the farm operator in writing of the corrected acreage. If the farm operator has not been notified of the corrected acreage and he has relied on an incorrect acreage for planting or other program purposes, the county office manager shall notify him that the acreage on which he relied shall stand for that year only and that the corrected acreage will apply in the future. The acreage of any area(s) designated under the Conservation Reserve Program shall be considered as official acreage(s) for the period of the contract irrespective of the use of new photography for determining the acreage of other crops and land uses on the farm unless the boundaries of such area(s) are changed or the original acreage determinations are later found to be in error.

5. Section 718.5 (d) is amended to read as follows:

(d) *Intertilled and fallow-stripped acreage*—(1) *Soil bank base crops.* In determining the acreage of non-allotment soil bank base crops planted in alternate rows, alternate strips, or fallow strips with idle or fallow land or non-soil bank base crops, the entire area shall be considered as planted to the soil bank base crop(s) unless the area composed of idle or fallow land or non-soil bank base crops is as wide as four normal rows of the soil bank base crop(s). If the area composed of idle or fallow land or non-soil bank base crop(s) is as wide as four normal rows of the soil bank base crop(s), only the land actually occupied by the soil bank base crop(s) shall be considered as planted to soil bank base crop(s). Where allotment crops are intertilled or fallow-stripped with non-allotment soil bank base crops and the entire area is considered as planted to allotment crops under subparagraph (2) of this paragraph, the acreage shall be counted only once in determining the acreage of soil bank base crops.

(2) *Allotment crops.* When two row crops subject to allotment or one allotment row crop and another competitive row crop are planted in alternate rows or in strips of two or more rows, the acreage shall be considered as intertilled. When an allotment row crop is planted in alternate rows or strips with non-competitive crops or in alternate rows or strips with idle or fallow land, the acreage shall be considered as fallow-stripped.

(i) *Intertilled alternate rows.* Acreages of crops intertilled in alternate rows shall be determined as follows:

(a) *Normal rows.* If the distance between each row of the crops planted is not less than the normal row width for the allotment crop (the wider normal row if two allotment crops are involved) only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop.

(b) *Less than normal rows.* If the distance between the rows of the crops planted is less than the normal row width for the allotment crop, the entire intertilled area shall be considered as planted to the allotment crop.

(ii) *Intertilled alternate strips.* Acreages of crops intertilled in alternate strips shall be determined as follows:

(a) *Less than one normal row.* If the distance between the strips of the allotment crop is less than one normal row width, the entire area shall be considered as planted to the allotment crop.

(b) *Less than four normal rows.* If the distance between the strips of the allotment crop is as wide as one but less than four normal rows of the allotment crop, the acreage of the allotment crop shall be the total acreage in the area less the acreage actually occupied by any competitive crop.

(c) *More than four normal rows.* If the distance between the strips of the allotment crop is as wide as or wider than four normal rows of the allotment crop, only the area occupied by the allotment crop shall be considered as planted to the allotment crop.

(iii) *Fallow-stripped allotment crops.* Acreages of fallow-stripped crops shall be determined as follows:

(a) *Less than four rows.* If the strips of idle land, fallow land, non-competitive crop(s), or a combination thereof are not as wide as four normal rows of the allotment crop, the entire area shall be considered as planted to the allotment crop.

(b) *More than four rows.* If the strips of idle land, fallow land, non-competitive crop(s), or a combination thereof are at least as wide as four normal rows of the allotment crop, only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop, except that individual strips which are not as wide as four normal rows shall be considered as planted to the allotment crop.

6. Section 718.5 (e) is amended to read as follows:

(e) *Premeasured acreages.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm cotton allotment if the farm operator requests such measurement and pays the cost thereof as determined by the county committee. The acreages of fields or subdivisions which were officially premeasured will not be redetermined unless a performance check reveals that all of the premeasured area was not utilized for the purpose for which it was premeasured or that the crop was planted outside the premeasured area. A premeasurement service may be provided by the State committee with respect to other crops and land uses.

7. Section 718.5 (f) (1) and (2) is amended to read as follows:

(f) *Deductions*—(1) *General.* In determining the acreage of any field or subdivision, a deduction shall be made for any continuous area not planted to the crop being measured or devoted to the land use designated, provided it contains three-hundredths (0.03) acre or more and is not less than one normal row in width, except that no deduction shall be made under this provision for any intertilled or fallow-stripped arrangement described under paragraph (d) of this section. Where the system of farming requires or the producer elects not to plant rows or strips of the crop for convenience in cultivation, dusting, irrigating, harvesting, or similar cultural operations, such areas shall not be eligible for deduction unless they meet the minimum four-row width requirement prescribed under paragraph (d) of this section.

(2) *Terraces and sod waterways.* Terraces or sod waterways not planted to the crop being measured or devoted to land use designated shall be deducted, provided the area involved is not less than one normal row in width. Eligible areas may be combined for deduction regardless of size.

8. Section 718.5 (h) is amended to read as follows:

(h) *Adjustment credit for other crops.* For crops other than tobacco, the minimum area which may be disposed of to adjust to the allotment shall be three-hundredths (0.03) acre, unless the total excess for the farm is less than the minimum, in which case the minimum shall be the amount of the excess.

9. Section 718.10 is amended to read as follows:

§ 718.10 *Notices to farm operators.* A written notice, on a form prescribed by the Deputy Administrator, of the acreages determined for the farm shall be mailed by the county office manager, or on behalf of the county office manager by an employee of the county office, to each farm operator in accordance with the regulations applicable to the particular commodity or program. A notice mailed to the farm operator shall constitute notice to each producer having an interest in the crop on the farm. If it is determined under applicable regulations that the farm is out of compliance for marketing quota, price support, or soil bank purposes, the farm nevertheless shall be deemed in compliance with the acreage allotment and marketing quota and not in violation of the acreage reserve agreement or conservation reserve contract with respect to the farm (unless excess acreage is located on the designated reserve area) if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that (a) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued hereunder; (b) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (c) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording an acreage for the farm; (d) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (e) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

10. Section 718.12 is amended to read as follows:

§ 718.12 *Redetermination of acreages.* The State or county committee or the Deputy Administrator may require redetermination of the acreage and performance at any time with respect to any program for any farm. A redetermination of acreage shall be based on measurements made by a person authorized to make such measurements. If the farm operator or other interested producer requests a remeasurement of an acreage which he believes to be in error, such acreage shall be remeasured provided the producer files a written request for remeasurement within the time prescribed by the Deputy Administrator for the respective commodity or program as shown on the notice to the farm operator issued in accordance with § 718.10 and deposits the cost of the remeasurement with the county office. The cost of the remeasurement shall be determined by the county committee and approved by the State committee. Remeasurement shall be accomplished by the same method used in the original acreage determination unless it is established that such method was not used properly. After the remeasurement of any acreage, the county office manager shall notify the farm operator of the acreage as determined by remeasurement. If the farm operator or any producer interested in the acreage planted to a crop on the farm applies for a remeasurement within a reasonable length of time after the end of the prescribed period, deposits the cost of the remeasurement with the county office, and establishes to the satisfaction of the county committee or the county office manager that failure to request remeasurement within the prescribed period was due to conditions beyond the control of the producers on the farm, the county committee or the county office manager shall grant the request for remeasurement and shall so notify the farm operator in writing. The deposit made by the producer will be refunded under the following conditions:

(a) *Cotton acreage.* In the case of cotton acreage remeasurements, the deposit will be refunded only when:

(1) The remeasurement reduces the acreage sufficiently to bring the acreage within the farm cotton allotment; or

(2) The producer claimed that the original measurement was too small, the remeasurement reveals that an error of at least three percent or five-tenths (0.5 acre, whichever is larger, was made in the original determination, and the acreage as redetermined is within the cotton allotment for the farm.

(b) *Crops other than cotton.* In the case of crops or programs other than cotton, the deposit will be refunded only when:

(1) The producer claimed that the original acreage determination was too large and the remeasurement brings the acreage within the allotment, or within the maximum acreage for harvest or the permitted acreage for the farm in case of soil bank programs, or reduces the acreage as much as three percent or five-tenths (0.5) acre, whichever is larger; or

(2) The producer claimed that the original acreage determination was too small and the remeasurement increases the acreage as much as three percent or five-tenths (0.5) acre, whichever is larger.

A second or succeeding measurement at the request of the farmer shall be made only upon approval of the State committee.

11. Section 718.13 is amended to read as follows:

§ 718.13 *Determination and adjustment of excess acreage*—(a) *General.* If the acreage of the respective crop(s) exceeds the farm acreage allotment, the maximum acreage for harvest, or the permitted acreage for the farm and the farm operator or other producer elects to dispose of the excess in accordance with applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions outlined in this section. Where the producer must pay the cost of determining the adjusted acreage, the amount required shall be determined by the county committee and approved by the State committee.

(1) *Peanuts.* If the total acreage of peanuts determined for the farm exceeds the peanut allotment or one acre, whichever is larger, the farm shall be revisited for the purpose of determining the final peanut acreage at the expense of the ASC county office.

(2) *Wheat.* If the total acreage of wheat determined for the farm exceeds (i) the allotment or 15 acres, whichever is larger, or (ii) the maximum acreage for harvest under an acreage reserve agreement, the farm shall be revisited for the purpose of determining the final acreage at the expense of the ASC county office. If the wheat acreage exceeds the allotment for the farm but is not in excess of 15 acres, the farm will be revisited only upon written request and payment of the cost of measuring the adjusted acreage.

(3) *Allotment crops other than peanuts and wheat.* If the measured acreage of any allotment crop other than peanuts or wheat is in excess of the farm acreage allotment, or in excess of the maximum acreage for harvest in the case of an acreage reserve agreement, and the producer elects to adjust the acreage by disposition of such excess, the farm shall be revisited for the purpose of determining the adjusted acreage upon timely receipt of a written request and payment of the cost.

(4) *Designated acreage and other soil bank base acreages.* If the producer elects to adjust the designated acreage or the measured acreage of other soil bank base crops, the farm will be revisited to determine the adjusted acreage upon written request and payment of the cost of measuring the adjusted acreage. In cases where a cover crop has been approved for a designated reserve area, the disposition of the cover crop shall be determined at the expense of the ASC county office.

(b) *Measurement of acreage prior to adjustment.* The county committee may provide for the measurement and staking of the adjusted designated reserve area or the excess acreage prior to disposition and for determination of the adjusted acreage if the farm operator requests this service in writing and pays the cost. Reporters are permitted to compute such areas in the field.

(c) *Extension of time for disposition of excess acreage*—(1) *By county.* If the producers on the farm are unable to dispose of the excess acreage within the time limit prescribed on the notice of excess acreage because of conditions beyond their control, a request in writing for additional time may be filed at the county office not later than the disposition date shown in the notice by any producer on the farm who has an interest in the crop involved in the excess. The reasons the producers on the farm are unable to dispose of the excess acreage within the prescribed time limit shall be set forth in the request for additional time. If the county committee, or the county office manager on behalf of the county committee, determines from the reasons stated that the producers were unable to dispose of the excess within the prescribed time limit because of conditions beyond their control, the date for disposition of such excess may be extended to not more than 30 days from the date of the initial notice of excess acreage in those instances where the date of mailing the notice establishes the disposition date or to not more than 15 days beyond the published disposition date, whichever is applicable. A revised notice shall be mailed to the farm operator showing the extended final disposition date. If an extension is denied, the operator shall be notified by letter.

(2) *By State.* If the producers on the farm were unable to dispose of the excess acreage within the time limit otherwise prescribed due to conditions beyond their control, any producer who has an interest in the crop involved in the excess may file a written request with the county office, prior to or after the time established has expired, requesting that the State committee, or the State administrative officer on behalf of the State committee, authorize the county office to grant an extension or a further extension of time. This request must show the reason why the producer was unable to comply with the disposition date of which he was notified. Upon receipt of such authorization, the county committee, or the county office manager on behalf of the county committee, shall extend the date for disposition to provide the producers a reasonable opportunity to dispose of the excess acreage. A revised notice shall be mailed to the farm operator showing the extended final disposition date. If an extension is denied, the operator shall be notified by letter.

(d) *Excess cotton acreage after remeasurement or initial disposition.* If the acreage remains in excess of the farm cotton allotment upon remeasurement or measurement of the adjusted cotton acreage after the initial disposition of excess, a revised notice shall be mailed to the farm operator providing for disposition of the remaining excess within days from the date of such notice.

(e) *No adjustment after harvest.* No adjustment shall be made in the planted acreage of any crop by disposition of excess acreage after any of the crop has been harvested on the farm except as otherwise provided in the applicable program regulations.

(f) *Notice to county office of intent or completion of disposition.* The producer shall notify the county office that he has disposed of any excess acreage or that he intends to dispose of such excess by the date(s) entered on the notice of excess acreage. The county committee, or the county office manager on behalf of the county committee, may waive notification upon finding that the excess acreage was in fact disposed of prior to the disposition date or upon submission of proof satisfactory to them that the producer was prevented from complying with the requirement because of conditions beyond his control.

12. Section 718.15 is amended to read as follows:

§ 718.15 *State committee option.* (a) The State committee, upon approval of the Deputy Administrator, may establish a minimum row width for specific crops of less than the 36 inches provided for in § 718.2 (l) if general cultural practices in the area warrant such action, may increase the minimum area which may be deducted under § 718.5 (f) (1), (g) and (h), may increase the minimum width allowable for deductible areas under § 718.5 (f) (1) and (2), may establish a minimum width allowable for deductible areas under § 718.5 (g) and (h), may establish a minimum area which may be deducted under § 718.5 (f) (2), and may decrease the five-tenths (0.5) acre minimum error as provided in § 718.12.

(b) The following State committee determinations, provided for in this section, which deviate from the standards otherwise prescribed in this part are effective for 1958 and will remain effective for subsequent years unless and until amended:

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15

State	718.2 (l)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Alabama	32 inches for corn, cotton, and peanuts.				Minimum width, 4 normal rows.			
Arizona		0.1 A.			All destroyed acreage must be in 1 plot or be made up of entire field(s) plus 1 plot. The plot to be destroyed must be an area of regular shape with no more than 4 sides and with at least 1 side bordering on the edge of the field.			
Arkansas		0.05 A. Contour levees in rice fields not eligible for deduction.			0.05 A. for all crops except rice. For rice, the minimum area shall be 0.1 A. with a minimum width of 0.2 chain.			
California	30 inches for sugar beets.	0.1 A. Minimum width 9 feet from cropline to cropline. Contour checks in rice fields not eligible for deduction.	0.1 A		0.1 A. Minimum width 9 feet. Contour checks in rice fields not eligible for deduction. Acreages of crops to be destroyed to come within the allotment or proportionate share shall be limited to 2 places per field and shall be adjacent to or readily accessible to the side of a field. Each area shall be in the shape of a triangle or shall be a continuous area bordered by not more than 4 straight sides 2 of which should be parallel, except that sides of the area destroyed which are a part of the original field boundary need not be straight. A continuous area around three or 4 sides of a field will be acceptable.			
Connecticut							0.25 A.	0.25 A.
Florida	18 inches for peanuts; 24 inches for soybeans.							
Georgia	30 inches for cotton peanuts other than spanish, field and commercial peas and beans for hay or seed, soybeans, lima and snap beans, cabbage, potatoes, and pimentos; 26 inches for spanish peanuts; 16 inches for onions.					0.1 A.	0.1 A. for all crops except tobacco; 0.01 A. for tobacco and tobacco acreage reserve.	0.1 A. for all crops except tobacco; 0.01 A. for tobacco and tobacco acreage reserve.

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15—continued

State	718.2 (l)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Idaho		0.1 A.	Minimum width, 4 normal rows.		0.10 A.			
Illinois		0.1 A.	0.1 A. Minimum width, 2 normal rows.	Minimum width, 1 normal row.	0.1 A. Minimum width 1 normal row.			
Indiana		0.5 A. Minimum width 3 normal rows for row crops and 15 links for close-sown crops, except that a deduction may be made for any continuous area between the outside boundary of a field and the crop being measured provided such area is 5 links or more in width and contains 0.1 A.	0.5 A. Minimum width, for row crops. 3 normal rows; for close-sown crops 15 links. Natural waterways containing non-continuous, scattered sod patches too narrow to carry flash run-off, or which show inadequate tillage to maintain a protected channel, or which show evidence of full or partial planting to the crop being measured, or which show no evidence of mowing, shall not be eligible for deduction.	0.1 A. Minimum width, 2 normal rows except that after 1 or more adjusted areas have been determined, the minimum for the final area shall be the balance of the excess.	1.0 A. Minimum width, row crops 2 normal rows; close-sown crops, 6 feet, except that after 1 or more adjusted areas have been determined, the minimum of the final area shall be the balance of the excess.			
Iowa			For terraces minimum width, 2 normal rows; for sod waterways, minimum width 1 rod (25 links).		0.1 A. Crops to be disposed of must be in a continuous area along 1 side or 1 end of 1 field. If the excess to be destroyed is greater than the field selected for disposal, the additional amount required may be disposed of along 1 side or 1 end of another field. Excess acreage destroyed by causes beyond the control of the operator is not limited to these restrictions provided it meets the 0.1 A. minimum.			
Kansas	20 inches for sugar beets.	0.1 A.			0.5 A.			
Kentucky			0.01 A. Minimum for each eligible area.	Minimum width 1 normal row.	0.1 A. for corn; minimum width 1 normal row.			
Louisiana		Unplanted rice levees or knolls within rice fields not eligible for deduction.			For cotton and peanuts 0.1 A. with minimum width of 0.3 chain; for rice and sugarcane 1.0 A. with minimum width of 0.5 chain.			
Michigan		0.1 A. except that 2 or more areas may be combined to meet this minimum provided no such area contains less than 0.03 A.			0.1 A. for corn and wheat.			
Minnesota	20 inches for sugar beets.	0.1 A. for sugar beets; 0.25 A. for all other crops except tobacco. Minimum width 6 feet.	0.03 A. for tobacco; 0.1 A. for sugar beets; 0.25 A. for other crops.		0.1 A. for sugar beets; 0.25 A. for other crops. Minimum width 6 feet.			

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15—continued

State	718.2 (l)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Mississippi		0.1 A. Minimum width 0.2 chain.	0.1 A. Dikes in rice fields not planted to rice and irrigation dikes in cotton fields shall be eligible in the same manner as terraces, provided they are 0.2 chain in width and the total area in any one field is not less than 0.1 A.		Minimum area in single plot 0.5 A. except (1) when total to be destroyed is 0.5 A. or less, the entire acreage must be in one plot; (2) when acreage to be destroyed is more then 0.5 A. only one plot destroyed may be less than 0.5 A; (3) all of any field or subdivision planted to cotton may be disposed of to come within the allotment regardless of size or number. Minimum width for (1) and (2) 0.2 chain.			
Missouri		0.1 A. except for tobacco and tobacco acreage reserve.	0.03 A. for tobacco and tobacco acreage reserve; 0.1 A. for all other crops. Each area must meet the minimum requirement.	Minimum width 1 normal row.	0.1 A. Minimum width 1 normal row.		0.1 A. for tobacco and tobacco acreage reserve.	0.1 A. for tobacco and tobacco acreage reserve.
Nebraska		0.1 A.	Total 0.1 A. Minimum for individual areas 0.03 A.		0.1 A.			
New Hampshire		0.06 A.						
New Mexico		Minimum width, 8 feet.	0.03 A. Minimum width 8 feet.					
New York							0.2 A.	0.2 A.
North Carolina	18 inches for peanuts; 30 inches for corn.		0.03 A.	Minimum with 1 normal row. Disposition must be made in a square or rectangular pattern with 1 side or end parallel with the rows.	0.1 A. Minimum width 1 normal row. Disposition must be made in a square or rectangular pattern with 1 side or end parallel with the rows.			
North Dakota	18 inches for sugar beets.		0.03 A.		0.1 A. for sugar beets; 1.0 A. for other crops.			
Ohio	20 inches for soybeans; 28 inches for sugar beets and horticultural crops	0.3 A. for all crops except tobacco.	Minimum width 10 feet (15 links).	Minimum width, 2 normal rows.	0.3 A. Minimum width, inside field 4 normal rows; along field boundaries 36 inches.		0.1 A. for tobacco and tobacco acreage reserve.	0.1 A. for tobacco and tobacco acreage reserve.
Oklahoma		0.1 A.	0.1 A.		0.1 A. Minimum width, inside fields 4 normal rows; along field boundaries 1 normal row.	0.1 A.	0.1 A.	0.1 A.
Oregon	20 inches for sugar beets.	0.1 A.			0.1 A.			
Pennsylvania			0.03 A.		0.5 A.			
South Dakota	22 inches for sugar beets.	0.5 A.						
Tennessee					0.1 A. Minimum width, 0.3 chain.		0.03 A. for tobacco and tobacco acreage reserve.	0.03 A. for tobacco and tobacco acreage reserve.
Texas	30 inches for sugar beets; 18 inches for all vegetables.	For all crops, except tobacco and tobacco acreage reserve, along field boundary. 0.5 A. with 0.1 chain minimum width. Inside the field, 0.1 A. minimum width, 4 normal rows for row crops; 0.2 chain for close-sown crops.	Along field boundary, 0.05 A. minimum width 0.1 chain. Inside field, 0.1 A. minimum width 4 normal rows for row crops; 0.2 chain for close-sown crops.		0.1 A. Minimum width: Along field boundary 0.1 chain; inside field, 4 normal rows for row crops, 0.2 chain for close-sown crops.			
Utah	22 inches for sugar beets and all soil bank base crops.	0.1 A. for sugar beets and wheat; 0.3 A. for all other soil bank base crops.			0.1 A. for wheat and sugar beets. 0.3 A. for all other soil bank base crops.			

TABLE OF SECTIONS AFFECTED BY DETERMINATIONS OF STATE COMMITTEES PURSUANT TO § 718.15—continued

State	718.2 (l)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
		(1)	(2)			(a-2)	(b-1)	(b-2)
Virginia	32 inches for peanuts.			Minimum width, 1 normal row.	Minimum width, 1 normal row.	In cases involving 5.0 A. or less, a refund may be made if the acreage is increased as much as 10 percent.	In cases involving 5.0 A. or less, a refund may be made if the percentage of error is found as great as 10 percent.	In cases involving 5.0 A. or less, a refund may be made if the percentage of error is found to be as great as 10 percent.
Washington	22 inches for sugar beets, peanuts, and beans.	0. 1 A			0. 1 A			
Wisconsin							0.1 A. for tobacco or tobacco acreage reserve.	0.1 A. for tobacco or tobacco acreage reserve.
Wyoming	20 inches							

(Secs. 374, 375, 52 Stat. 65, as amended, 66, as amended, sec. 403, 61 Stat. 932, sec. 401, 63 Stat. 1054, as amended, sec. 124, 70 Stat. 198; 7 U. S. C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D. C., this 8th day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3628; Filed, May 15, 1958; 8:45 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¾	Apr. 22, 1958
New York	1¾	Apr. 18, 1958
Philadelphia	1¾	Do.
Cleveland	1¾	Apr. 25, 1958
Richmond	1¾	Do.
Atlanta	1¾	Apr. 22, 1958
Chicago	1¾	Apr. 18, 1958
St. Louis	1¾	Do.
Minneapolis	1¾	Do.
Kansas City	1¾	Apr. 25, 1958
Dallas	1¾	May 9, 1958
San Francisco	1¾	May 1, 1958

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2¼	Apr. 22, 1958
New York	2¼	Apr. 18, 1958
Philadelphia	2¼	Do.
Cleveland	2¼	Apr. 25, 1958
Richmond	2¼	Do.
Atlanta	2¼	Apr. 22, 1958
Chicago	2¼	Apr. 18, 1958
St. Louis	2¼	Do.
Minneapolis	2¼	Do.
Kansas City	2¼	Apr. 25, 1958
Dallas	2¼	May 9, 1958
San Francisco	2¼	May 1, 1958

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3¼	Mar. 11, 1958
New York	3¼	Mar. 7, 1958
Philadelphia	3½	Apr. 18, 1958
Cleveland	3½	Apr. 25, 1958
Richmond	2¾	Do.
Atlanta	3	Apr. 22, 1958
Chicago	4	Jan. 24, 1958
St. Louis	2¾	Apr. 18, 1958
Minneapolis	3½	Mar. 21, 1958
Kansas City	3½	Mar. 14, 1958
Dallas	4	Do.
San Francisco	3½	May 1, 1958

4. Section 224.5 relating to rates on advances to industrial and commercial business (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate on loans for the Federal Reserve Bank of Atlanta from 3-5½ to 2½-5, and on commitments from 1-1⅜ to 1-1¼, effective April 22, 1958.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-3673; Filed, May 15, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 551—N SERIES TECHNICAL STANDARD ORDERS

A new Part 551 is hereby adopted which contains official policies of the Civil Aeronautics Administration issued in the form of N series Technical Standard Orders (TSO's). The N series Technical Standard Orders contain CAA standards for the design, installation, development, procurement, establishment, and operation of air navigation facilities. Personnel of the CAA are governed by such TSO's in their recommendations to the public, and their approval of the use of federal funds, including funds authorized by the Federal Airport Act (49 U. S. C. 1101 et seq.) for the procurement, installation and use of such facilities. Technical Standard Order N7a entitled "Aeronautical Beacons" is adopted by the Administrator to become effective with this new part. Other Technical Standard Orders of the N series will be incorporated in this part as adopted or reissued by the Administrator.

Subpart A—Introduction

Sec.
551.0 Purpose.

Subpart B—Technical Standard Orders

551.7 Aeronautical beacons—TSO-N7a.

AUTHORITY: §§ 551.0 and 551.7 issued under sec. 17, 60 Stat. 179, as amended; 49 U. S. C. 1116.

SUBPART A—INTRODUCTION

§ 551.0 *Purpose.* The N series Technical Standard Orders (TSO's), contained in this part, set forth for the guidance of the public the official CAA policies concerning the design, installation, development, procurement, establishment, and operation of air navigation facilities which govern personnel of the CAA in their recommendations to the public, and their approval of the use of Federal funds, including funds authorized by the Federal Airport Act (49 U. S. C. 1101 et seq.) for such purposes.

NOTE: Copies of Technical Standard Orders may be obtained from the Special Services Division, Civil Aeronautics Administration, Washington 25, D. C.

SUBPART B—TECHNICAL STANDARD ORDERS

§ 551.7 *Aeronautical beacons–TSO–N7a—*(a) *Applicability*—(1) *Standards.* Standards are hereby established for the design, installation, and operation of aeronautical beacons. Aeronautical beacons installed, replaced, or modified on or after January 1, 1959, should meet the standards of National Standard for Beacons, AGA–NS6, of the Air Coordinating Committee, dated July 14, 1954 (TSO-N7a).

(2) *Deviations.* Deviations from the requirements prescribed by this Technical Standard Order are permitted only upon coordinated approval of the Director, Office of Air Traffic Control, Civil Aeronautics Administration, Washington 25, D. C. However, no deviations will be permitted from the provisions in Paragraphs 3.2, 4.2, 6.1, and 6.3 of the "National Standard for Aeronuatical Beacons."

This policy shall become effective July 1, 1958.

[SEAL] S. A. KEMP,
Acting Administrator
of Civil Aeronautics.

MAY 9, 1958.

[F. R. Doc. 58-3671; Filed, May 15, 1958; 8:45 a. m.]

[Amdt. 222]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. The restricted area alteration appearing in item 4 in Amendment 220 and published in the FEDERAL REGISTER on April 9, 1958, in 23 F. R. 2295 is hereby corrected to read: "Section 608.51, the Matagordo Island, Texas, area (R–226) * * * 'thence parallel to and 3 nautical miles from the shoreline to the point of beginning' instead of '2 nautical miles from the shoreline to the point of beginning' ".

2. In § 608.18, the Sterling, Florida, area No. 2 (R–170 formerly Miami area) amended on June 29, 1955, in 20 F. R. 4586, is further amended by changing the "Designated Altitudes" column to read: "20,000 feet".

3. In § 608.51, the Palacios, Texas (Matagorda Club) area (R–494) amended August 2, 1955, in 20 F. R. 5481 is rescinded.

4. In § 608.62, the Makua, the Island of Oahu, Territory of Hawaii, area (R–315) amended October 31, 1951, in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "to 29,000 feet MSL" and the "Controlling Agency" column to read: "U. S. Army, Hawaii (USARHAW), Schofield Barracks, Territory of Hawaii".

5. In § 608.62, the Kahuku Point, Oahu, Territory of Hawaii, area (R–324) amended September 9, 1955, in 20 F. R. 6605 is further amended by changing the "Controlling Agency" column to read: "USARHAW (U. S. Army, Hawaii)".

6. In § 608.62, the Humuula, Territory of Hawaii, area (R–328) amended June 29, 1955, in 20 F. R. 4586 is further amended by changing the "Designated Altitudes" column to read: "to 36,000 feet MSL" and the "Controlling Agency" column to read: "U. S. Army, Hawaii (USARHAW) Schofield Barracks, Territory of Hawaii".

7. In § 608.62, the Dillingham, Territory of Hawaii, area (R–333) amended September 13, 1957, in 22 F. R. 7303 is further amended by changing the "Controlling Agency" column to read: "USARHAW (U. S. Army, Hawaii)".

8. In § 608.62, the Schofield, Oahu, Territory of Hawaii, area (R–335) amended July 2, 1955, in 20 F. R. 4714 is further amended by changing the "Designated Altitudes" column to read: "29,000 feet MSL" and the "Controlling Agency" column to read: "U. S. Army, Hawaii (USARHAW) Schofield Barracks, Territory of Hawaii".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. June 5, 1958.

[SEAL] S. A. KEMP,
Acting Administrator
of Civil Aeronautics.

MAY 9, 1958.

[F. R. Doc. 58-3672; Filed, May 15, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

POSTAGE STAMPS (ADHESIVE)

In § 31.1 *Postage stamps (adhesive)* amend paragraph (a) to read as follows:

(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½, 1, 1½ cents; 2 through 10, 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Book	12 3-cent: 37¢; 24 3-cent: 73¢.
	Coil of 100	3 cents. (Dispenser to hold coils of 100 3-cent stamps may be purchased for 5¢.)
	Coils of 500 and 3,000	1, 1½, 2, 3, and 6 cents.
Airmail postage (for use on airmail only. See par. (b).)	Single or sheet	4, 6, 10, 15, and 25 cents.
	Book	12 6-cent: 73¢.
	Coils of 500 and 3,000	6 cents.
Precanceled postage	Coils and sheets	Available on special order to permit holders only. (See Part 32.)
Postage-due (for post office use only).	Single or sheet	½, 1, 2, 3, 5, 10, 30, and 50 cents; $1 and $5. (Available to public for stamp collections only through the Philatelic Sales Agency, Post Office Department, Washington 25, D. C.)
Special delivery. (See Part 56)	do	30 cents. Good only for special-delivery fee.

NOTE: The corresponding Postal Manual section is 141.11.

(R. S. 161, 396, as amended, secs. 3914, 3915, as amended, 3916, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 351, 354, 356)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3674; Filed, May 15, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12160; FCC 58-445]

[Rules Amdt. 12-4]

PART 12—AMATEUR RADIO SERVICE

STATION OPERATION AWAY FROM AUTHORIZED LOCATION

In the Matter of amendment of Part 12 of the Commission's rules governing the Amateur Radio Service, §§ 12.90, 12.91, and 12.93, in regard to operation away from authorized locations.

1. The Commission adopted a notice of proposed rule making in the above entitled proceeding on September 5, 1957. This notice of proposed rule making was published in the FEDERAL REGISTER of September 13, 1957, (22 F. R. 7341) and ample opportunity was afforded interested persons to submit comments in support of, or in opposition to, the rule amendments proposed. The time for filing of both original and reply comments in regard to the proposed rule changes has now expired.

2. The notice of proposed rule making proposed amendment of Part 12 of the Commission's rules by adding a new § 12.90 and amending §§ 12.91 and 12.93. The principal effects of the proposed amendments are:

(a) To consolidate within one section all notice requirements, other than designation of the Commission office or offices to be notified in specific instances, when an amateur station is to be oper-

ated away from the authorized transmitter location;

(b) to provide that only one notice of operation away from the authorized transmitter location be required for periods not exceeding one year upon the condition that additional notices will be required whenever there is a change in the information contained in the previous notice; and

(c) To provide that the notice required when an amateur station is to be operated away from the authorized location contain the following specific information in addition to that presently required: The address at which, or through which, the licensee may be readily reached while operating away from the authorized transmitter location; and when operating as a mobile station, the official name, registry number or license number of the aircraft, vessel or land vehicle from which the station will be operated.

3. The above described amendments were proposed pursuant to a petition filed by Malcolm A. Hormats, which petition was supported by the Maritime Mobile Amateur Radio Club.

4. A total of four comments were filed in the proceeding, and each such comment supported the proposed amendments. Typical of these comments is that filed by the American Radio Relay League, Inc., which states in part:

> **2. The proposed rules governing temporary portable and mobile operation of amateur radio stations at locations other than specified in the license will relieve both the Commission and individual licensees from the handling of multiple notices which merely repeat information already accessible to the Commission. At the same time, the proposals will act to provide the Commission with all the information it would need in such instances to carry out properly its responsibilities.**
>
> **3. In summary, the League believes that this rule making is consonant with established custom and policy and will be beneficial to the amateur service.**

5. In view of the foregoing, the Commission finds that adoption of the amendments, as proposed, is in the public interest.

6. The amendments ordered herein are promulgated pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That effective June 24, 1958, Part 12 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: May 8, 1958.

Released: May 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 12 of the Commission's rules, Amateur Radio Service, is amended in the following particulars:

1. By deleting the text of the subtitle which presently appears immediately following § 12.82 and substituting the following language: "Station Operation Away From Authorized Location".

2. By adding a new § 12.90 to read as follows:

§ 12.90 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Notice of such operation in accordance with the provisions of § 12.91 shall be given to the Engineer in Charge of the radio district in which operation is intended.

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

(1) Operation may not be conducted within the jurisdiction of a foreign government except pursuant to, and in accordance with, expressed authority granted to the licensee by such foreign government. When a foreign government permits Commission licensees to operate within its territory, the amateur frequency bands which may be used shall be as prescribed or limited by that government. (See Appendix 4 of this part for the text of treaties or agreements between the United States and foreign governments relative to reciprocal amateur radio operation.)

(2) When outside the jurisdiction of a foreign government, operation may be conducted only in the amateur frequency bands 21.00 to 21.45 and 28.0 to 29.7 Mc.

(3) Notice of such operation, in accordance with the provisions of § 12.91, shall be given to the Engineer in Charge of the district having jurisdiction of the authorized fixed transmitter location.

3. By deleting the text of § 12.91 and inserting the following language:

§ 12.91 *Notice of operation.* Whenever an amateur station is, or is likely to be, operated for a period in excess of 48 hours away from the fixed transmitter location specified on the station license without return thereto, the licensee shall give advance written notice of such operation to the Commission office or offices specified in § 12.90 or § 12.93. A new notice is required whenever there is any change in the particulars of a previous notice or whenever operation away from the authorized station continues for a period in excess of one year. The notice required by this section shall contain the following specific information:

(a) Name of licensee.

(b) Station call sign.

(c) Authorized fixed transmitter location.

(d) Portable location(s), or mobile itinerary as specifically as possible, or temporary fixed transmitter location, or new permanent fixed transmitter location.

(e) The dates of the beginning and end of each period of operation away from the location specified in the station license.

(f) The address at which, or through which, the licensee can be readily reached.

(g) In the case of mobile operation, the official name, registry number or license number (including the name of the issuing state or territory, if any) of the aircraft, vessel, or land vehicle in which the mobile station is installed and operated.

4. By deleting the text of § 12.93 and inserting the following language:

§ 12.93 *Special requirements for nonportable stations.* (a) An amateur station that has been moved from the authorized permanent location to another permanent location may be operated for a period not exceeding four consecutive months at the latter location, but in no event beyond the expiration of the license unless timely application for renewal thereof has been filed in accordance with the provisions of § 12.67 under the following conditions:

(1) Advance notice, in accordance with the provisions of § 12.91, shall be given to the Engineer in Charge of the radio district in which operation is intended; and

(2) Formal application for modification to change the permanent location shall be filed with the Commission within the above specified four-month period.

(b) The licensee of an amateur station who changes residence temporarily, but retains a permanent residence associated with the fixed transmitter location designated in the station license, and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location, may operate the station at such temporary location under the condition that: Notice, in accordance with the provisions of § 12.91, shall be given to the Secretary of the Commission, Washington 25, D. C., and to the Engineer in Charge of the radio district in which temporary operation is intended.

(c) When the station is operated under the provisions of this section, the portable identification procedures specified in § 12.82 shall be used.

[F. R. Doc. 58-3683; Filed, May 15, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 192, 193]

[Ex Parte MC-40]

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of May A. D. 1958.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that continuing study and investigation has established facts warranting the addition of § 192.15 and amendment of §§ 192.22 and 192.23 of said regulations relating to required and prohibited use of directional signals, and the use of emergency signals;

It further appearing that such study and investigation has established facts warranting amendment of Subpart B of Part 193 of said regulations relating to lighting devices, reflectors, and electrical equipment; and good cause appearing therefor:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the Commission's proposal: to add § 192.15 *Required and prohibited use of directional signals;* to vacate and set aside § 193.21 *Side-marker lamps combined with clearance lamps;* and to amend §§ 192.22 *Emergency signals; disabled vehicles,* 192.23 *Emergency signals; stopped or parked vehicles,* § 193.11 *Lamps and reflectors, small buses and trucks,* § 193.12 *Lamps and reflectors, large buses and trucks,* § 193.13 *Lamps and reflectors truck tractors,* § 193.14 *Lamps and reflectors, large semitrailers and full trailers,* § 193.15 *Lamps and reflectors, small semitrailers and full trailers,* § 193.16 *Lamps and reflectors, pole trailers,* § 193.17 *Lamps and reflectors, combinations in driveaway-towaway operations,* § 193.18 *Lamps on motor vehicles with projecting loads,* § 193.19 *Tail lamps and stop lamps on new vehicles,* § 193.22 *Combining tail and stop lamps,* § 193.24 *Requirements for head lamps and auxiliary road lighting lamps,* § 193.25 *Requirements for clearance, side-marker, and other lamps,* § 193.26 *Requirements for reflectors,* § 193.27 *Wiring specifications,* and § 193.30 *Battery installation* of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Parts 192 and 193), (49 Stat. 546, as amended, 49 U. S. C. 304) by vacating and setting aside § 193.21, by substituting the following rules in lieu of the rules now in effect, and by adding § 192.15.

§ 192.15 *Required and prohibited use of directional signals.* (a) Every motor vehicle turn shall be signaled for a distance of not less than 100 feet in advance of and during the turning movement by flashing the directional signals at the front and the rear of the vehicle on the side toward which the turning movement is made;

(b) Directional signals shall be flashed so as to indicate the direction of movement for a distance of not less than 100 feet in advance of and during the turning movement of the vehicle from one traffic lane to another, and during entry into the traffic stream from a parked position;

(c) Directional signals shall not be flashed on one side only on a parked or a disabled vehicle;

(d) Directional signals shall not be used as a courtesy or "do pass" signal to operators of vehicles approaching from the rear.

§ 192.22 *Emergency signals, disabled vehicle.* (a) Whenever any motor vehicle is disabled upon the traveled portion of any highway or the shoulder thereof, during the period lighted lamps are required, the driver of such vehicle shall immediately upon learning of the disability, flash the four directional signals simultaneously as a vehicular traffic hazard warning and continue such flashing until he shall have placed the portable emergency signals required by paragraphs (b) to (e) of this section in use on the highway, and during the time such portable emergency signals are being picked up for storage prior to movement of the vehicle. These warning signals may be given at other times during vehicle disablement in addition to but not in lieu of the portable emergency signals required in paragraphs (b) to (e) of this section.

(b) The driver of such vehicle shall immediately place on the traveled portion of the highway at the traffic side of the disabled vehicle, a lighted fusee, a lighted red electric lantern, or a red emergency reflector.

(c) Except as provided in paragraphs (d), (e), and (f) of this section, as soon thereafter as possible, but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares (pot torches), or three red electric lanterns, or three red emergency reflectors on the traveled portion of the highway in the following order:

(1) One at a distance of approximately 100 feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

(2) One at a distance of approximately 100 feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at the traffic side of the disabled vehicle, not less than 10 feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with paragraph (a) of this section, it may be used for this purpose.

(d) If disablement of any motor vehicle shall occur within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.

(e) If disablement of any motor vehicle shall occur upon any roadway of a divided or one-way highway, the driver shall place one warning signal at a distance of 200 feet and one such signal at a distance of 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle; one such signal at the traffic side of the vehicle not less than 10 feet to the rear of the vehicle.

(f) If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container or a motor vehicle disabled or otherwise stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion.

§ 192.23 *Emergency signals; stopped or parked vehicles.* (a) Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any highway, or shoulder thereof, during the period lighted lamps are required, the driver of such vehicle shall immediately flash the four directional signals simultaneously as a vehicular traffic hazard warning signal. These warning signals shall be given continually if the stop is not to exceed 10 minutes.

(b) If the stop is to exceed 10 minutes, the driver shall place emergency signals as required and in the manner prescribed by § 192.22 (b), (c), (d), and (e).

§ 193.11 *Lamps and reflectors, small buses and trucks.* Every bus or truck less than 80 inches in over-all width shall be equipped as follows:

(a) On the front, at least two headlamps, an equal number at each side; two white or amber directional signals, one at each side;

(b) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red reflectors, one at each side.

§ 193.12 *Lamps and reflectors, large buses and trucks.* Every bus or truck 80 inches or more in overall width shall be equipped as follows:

(a) On the front, at least two headlamps, an equal number at each side; two white or amber directional signals, one at each side; two amber clearance lamps, one at each side; three amber identification lamps (three lamp cluster), mounted on the vertical centerline of the cab as high as possible;

(Diagram to illustrate § 193.11.)

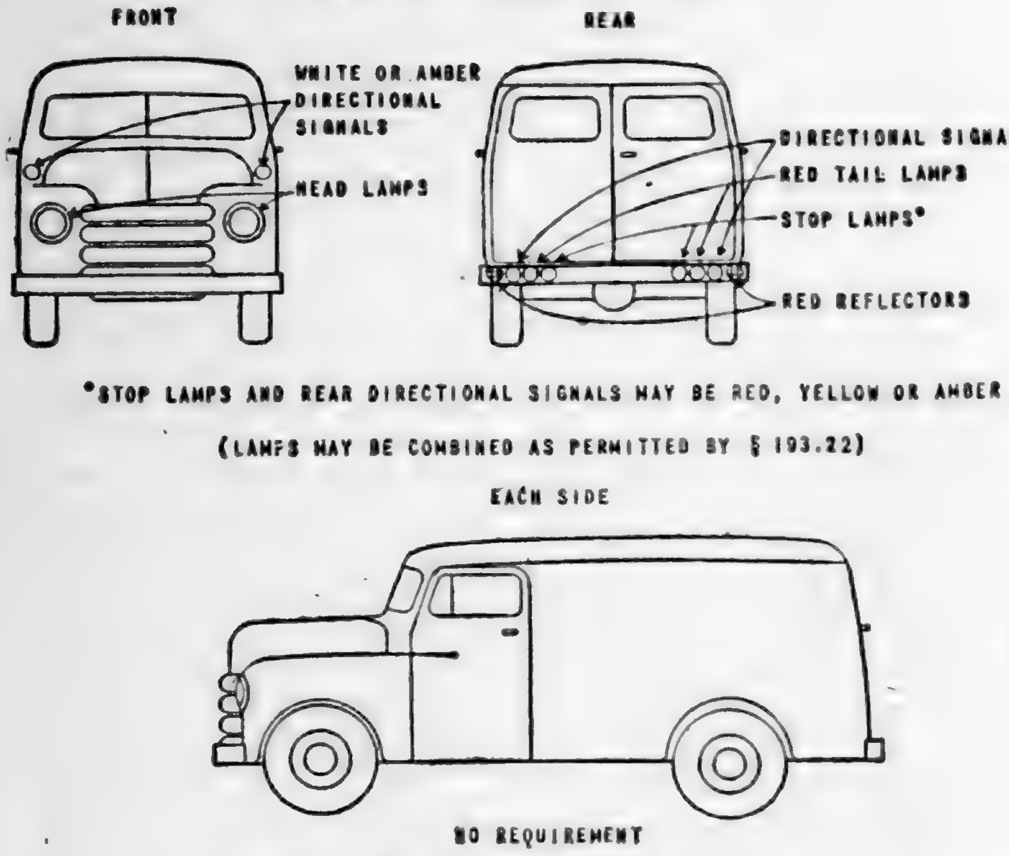
FRONT
REAR
WHITE OR AMBER DIRECTIONAL SIGNALS
HEAD LAMPS
DIRECTIONAL SIGNALS*
RED TAIL LAMPS
STOP LAMPS*
RED REFLECTORS
EACH SIDE
NO REQUIREMENT

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

(Bus diagram to illustrate § 193.12.)

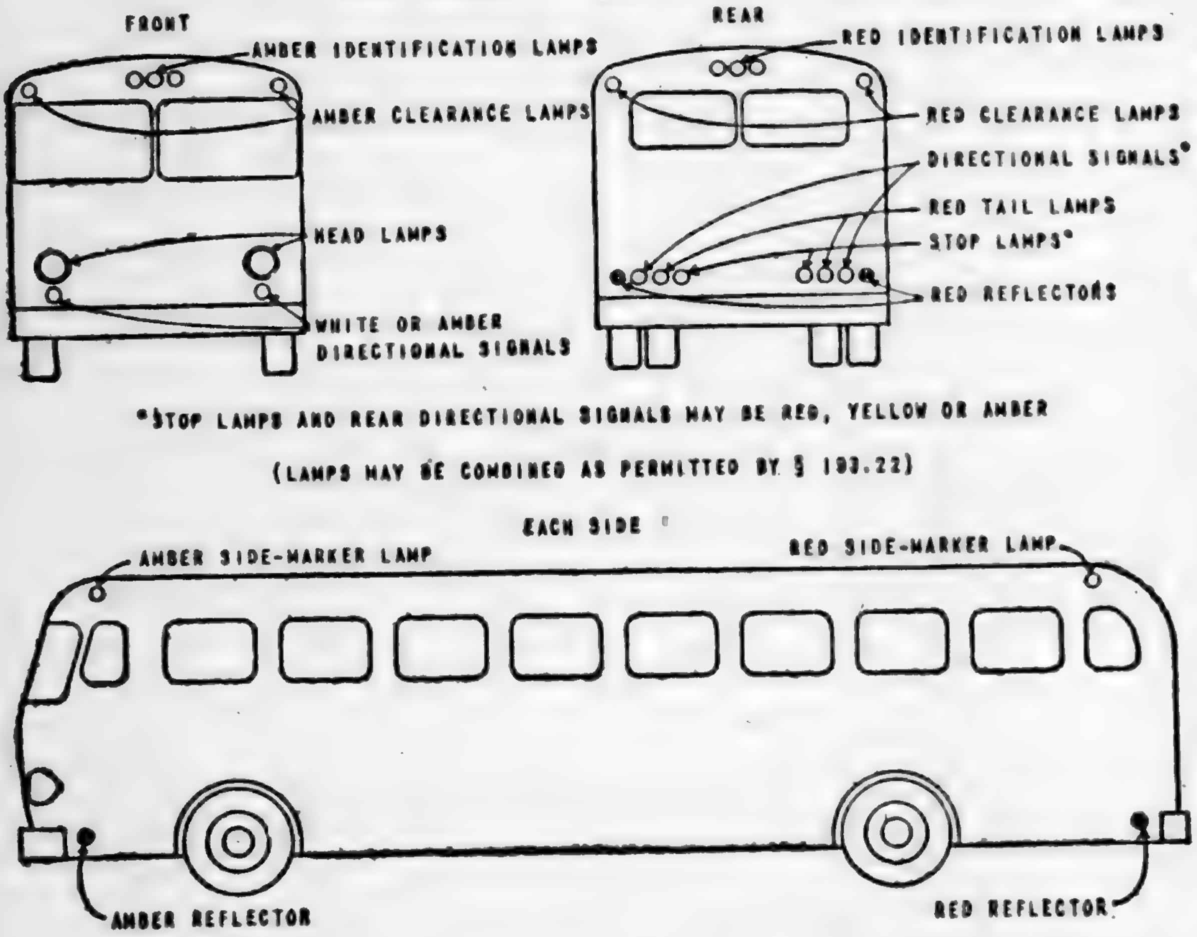
FRONT
AMBER IDENTIFICATION LAMPS
AMBER CLEARANCE LAMPS
HEAD LAMPS
WHITE OR AMBER DIRECTIONAL SIGNALS
REAR
RED IDENTIFICATION LAMPS
RED CLEARANCE LAMPS
DIRECTIONAL SIGNALS*
RED TAIL LAMPS
STOP LAMPS*
RED REFLECTORS
EACH SIDE
AMBER SIDE-MARKER LAMP
RED SIDE-MARKER LAMP
AMBER REFLECTOR
RED REFLECTOR

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

(b) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red clearance lamps, one at each side; two red reflectors, one at each side; three red identification lamps (three lamp cluster), located on the vertical centerline of the vehicle mounted as high as possible;

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

§ 193.13 *Lamps and reflectors, truck-tractors.* Every truck-tractor shall be equipped as follows:

(a) On the front, at least two head lamps, an equal number at each side; two amber clearance lamps, one at each side; two directional signals, one at each side, at or near the front, showing white or amber to the front and red, yellow, or amber to the rear of the truck-tractor; three amber identification lamps (three lamp cluster), on the vertical centerline of the vehicle mounted as high as possible;

(b) On the rear, one red tail lamp; one red, yellow, or amber stop lamp; two red reflectors, one at each side.

§ 193.14 *Lamps and reflectors, large semitrailers and full trailers.* Every semitrailer or full trailer 80 inches or more in overall width shall be equipped as follows:

(a) On the front, two amber clearance lamps; one at each side;

(b) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red clearance lamps, one at each side; two red reflectors, one at each side; three red identification lamps (three lamp cluster), located on the vertical centerline of the vehicle mounted as high as possible;

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear and, in case of semitrailers and full trailers, 30 feet or more in length, one amber side-marker lamp and one amber reflector located at or near the center.

§ 193.15 *Lamps and reflectors, small semitrailers and full trailers.* Every semitrailer or full trailer less than 80 inches in overall width shall be equipped as follows:

(a) On the rear, two red tail lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red reflectors, one at each side; two red, yellow, or amber stop lamps, one at each side.

§ 193.16 *Lamps and reflectors, pole trailers.* Every pole trailer shall be equipped as follows:

(a) On the rear, two red tail lamps, one at each side; two red, yellow, or amber stop lamps, one at each side; two red, yellow, or amber directional signals, one at each side; two red reflectors, one at each side, placed to indicate the extreme width of the pole trailer; three red identification lamps (three lamp cluster), located on the vertical centerline of the pole trailer mounted as high as possible, or in lieu thereof on the vertical centerline of the rear of the cab of the truck-tractor drawing the pole trailer as high as possible and higher than the load being transported;

(b) On the rear of projecting loads. (See § 193.18.)

(c) On each side, one amber side-marker lamp, located at or near the front of the load; one amber reflector, located at or near the front of the load; on the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate the maximum width of the pole trailer; on the rearmost support for the load, one red reflector.

§ 193.17 *Lamps and reflectors, combinations in driveaway-towaway operations.* Combinations of motor vehicles

(Diagram to illustrate § 193.13.)

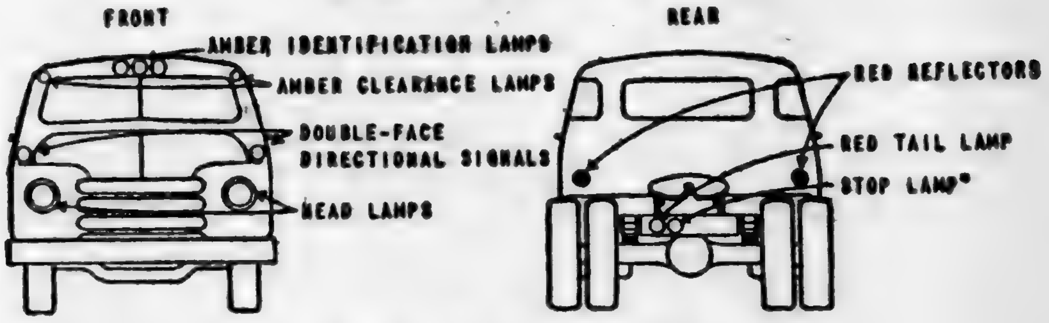
FRONT
AMBER IDENTIFICATION LAMPS
AMBER CLEARANCE LAMPS
DOUBLE-FACE DIRECTIONAL SIGNALS
HEAD LAMPS
REAR
RED REFLECTORS
RED TAIL LAMP
STOP LAMP*

*STOP LAMP MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

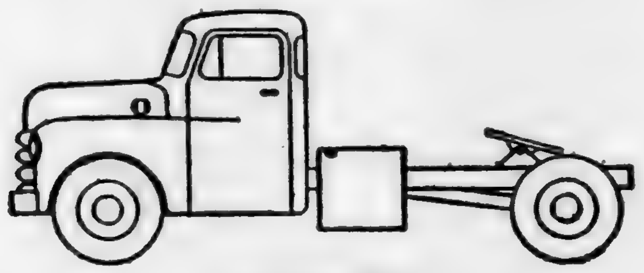

NO REQUIREMENT

(Diagram to illustrate § 193.14.)

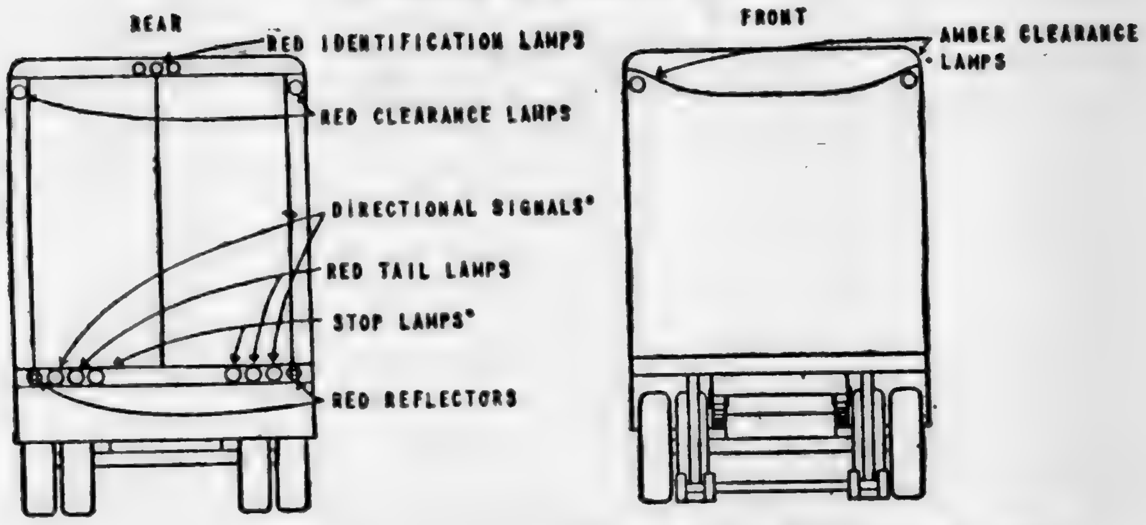
REAR
RED IDENTIFICATION LAMPS
RED CLEARANCE LAMPS
DIRECTIONAL SIGNALS*
RED TAIL LAMPS
STOP LAMPS*
RED REFLECTORS
FRONT
AMBER CLEARANCE LAMPS

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

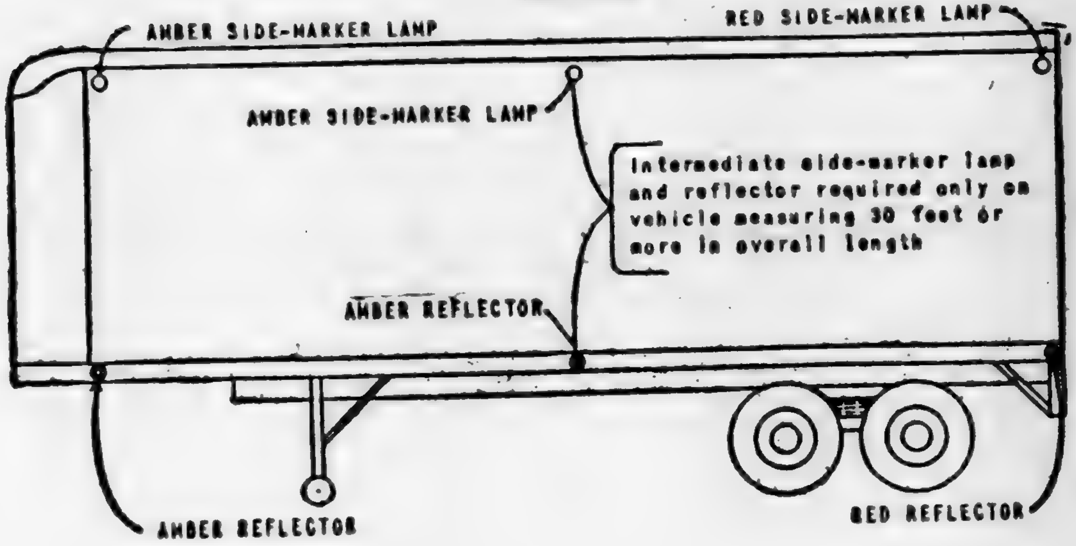
AMBER SIDE-MARKER LAMP
RED SIDE-MARKER LAMP
AMBER SIDE-MARKER LAMP
Intermediate side-marker lamp and reflector required only on vehicle measuring 30 feet or more in overall length
AMBER REFLECTOR
AMBER REFLECTOR
RED REFLECTOR

(Diagram to illustrate § 193.15.)

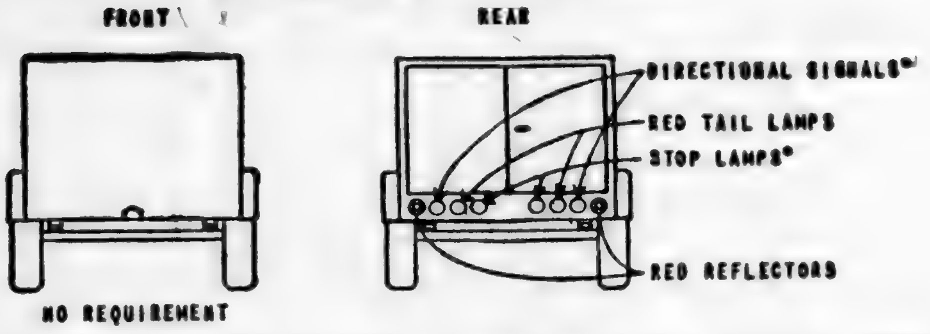
FRONT
REAR
DIRECTIONAL SIGNALS*
RED TAIL LAMPS
STOP LAMPS*
RED REFLECTORS
NO REQUIREMENT

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

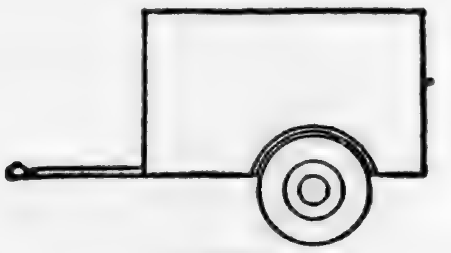

NO REQUIREMENT

(Diagram to illustrate § 193.16.)

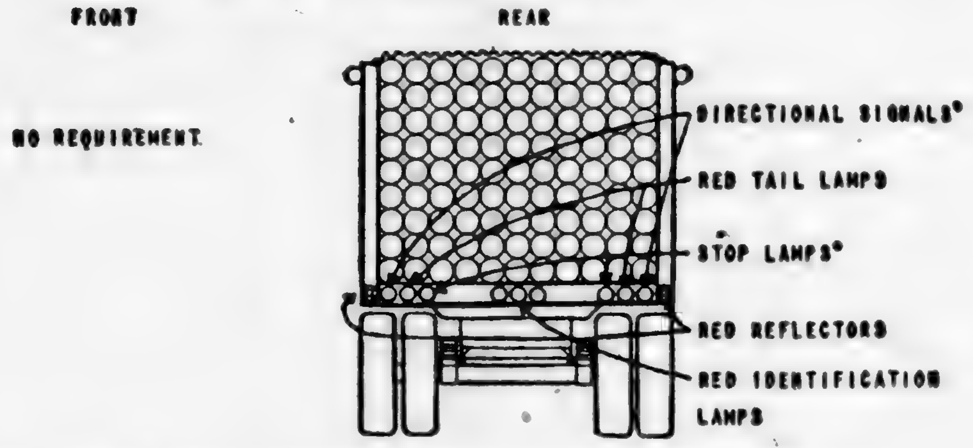
FRONT
REAR
NO REQUIREMENT
DIRECTIONAL SIGNALS*
RED TAIL LAMPS
STOP LAMPS*
RED REFLECTORS
RED IDENTIFICATION LAMPS

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

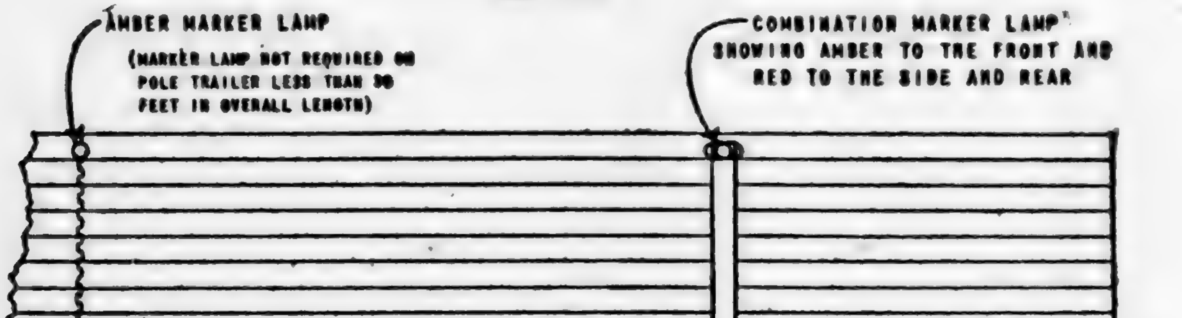
AMBER MARKER LAMP
(MARKER LAMP NOT REQUIRED ON POLE TRAILER LESS THAN 30 FEET IN OVERALL LENGTH)
COMBINATION MARKER LAMP SHOWING AMBER TO THE FRONT AND RED TO THE SIDE AND REAR
RED REFLECTOR
AMBER REFLECTOR

(Tow-bar diagram to illustrate § 193.17.)

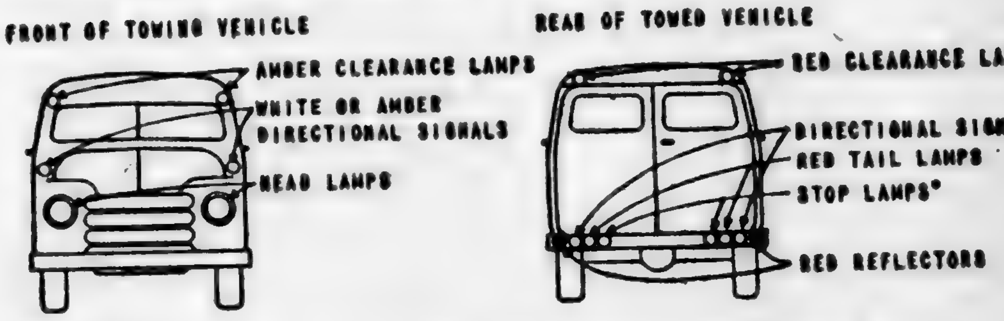
FRONT OF TOWING VEHICLE
AMBER CLEARANCE LAMPS
WHITE OR AMBER DIRECTIONAL SIGNALS
HEAD LAMPS
REAR OF TOWED VEHICLE
RED CLEARANCE LAMPS
DIRECTIONAL SIGNALS*
RED TAIL LAMPS
STOP LAMPS*
RED REFLECTORS

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

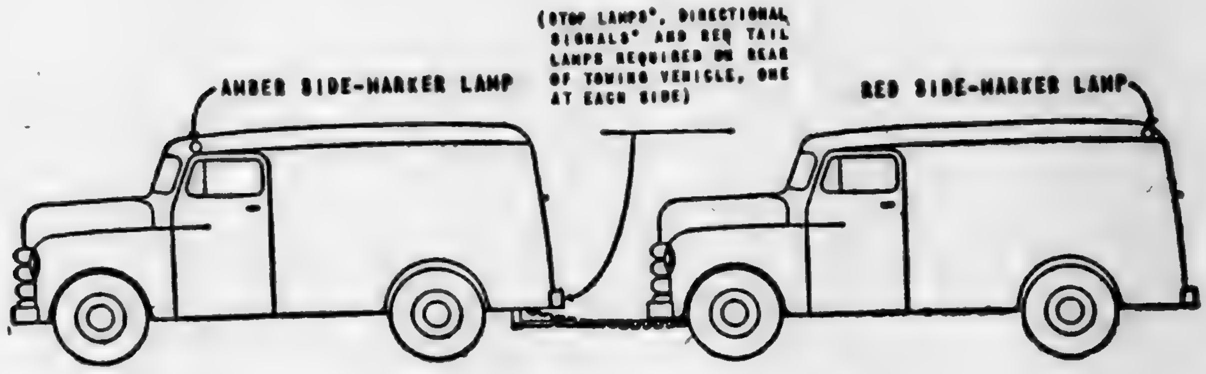
(STOP LAMPS*, DIRECTIONAL SIGNALS* AND RED TAIL LAMPS REQUIRED ON REAR OF TOWING VEHICLE, ONE AT EACH SIDE)
AMBER SIDE-MARKER LAMP
RED SIDE-MARKER LAMP

(Double-saddle-mount diagram to illustrate § 193.17.)

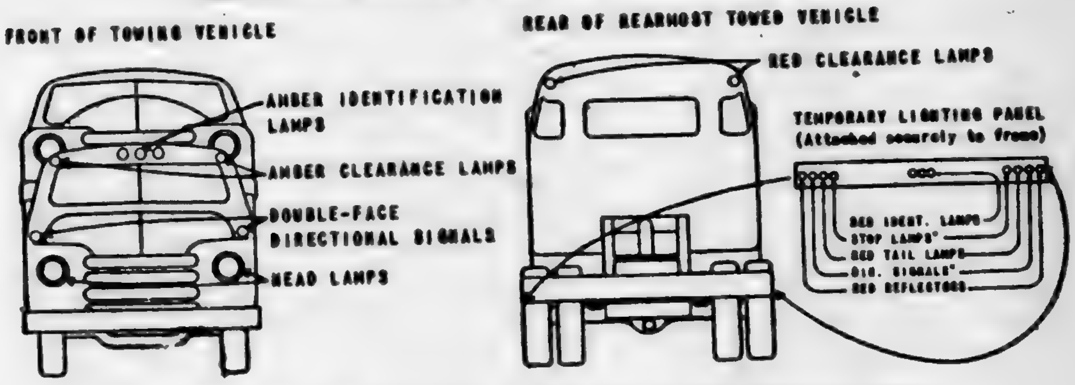
FRONT OF TOWING VEHICLE
AMBER IDENTIFICATION LAMPS
AMBER CLEARANCE LAMPS
DOUBLE-FACE DIRECTIONAL SIGNALS
HEAD LAMPS
REAR OF REARMOST TOWED VEHICLE
RED CLEARANCE LAMPS
TEMPORARY LIGHTING PANEL (Attached securely to frame)
RED IDENT. LAMPS
STOP LAMPS*
RED TAIL LAMPS
DIR. SIGNALS*
RED REFLECTORS

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

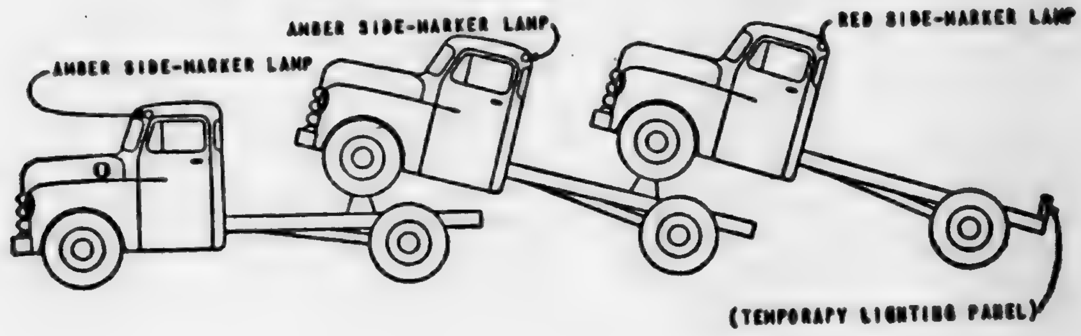
AMBER SIDE-MARKER LAMP
AMBER SIDE-MARKER LAMP
RED SIDE-MARKER LAMP
(TEMPORARY LIGHTING PANEL)

engaged in driveaway-towaway operations shall be equipped as follows:

(a) On the towing vehicle:

(1) At least two head lamps, an equal number at each side; two white or amber directional signals and two amber clearance lamps, one at each side; and if any vehicle in the combination is 80 inches or more in overall width, three amber identification lamps (three lamp cluster), located on the vertical centerline of the cab as high as possible;

(2) On each side and near the front, one amber sidemarker lamp;

(3) On the rear, two red tail lamps, two red, yellow, or amber stop lamps and two red, yellow, or amber directional signals, one at each side;

(b) On the towed vehicle of a tow-bar combination, the towed vehicle of a single saddle-mount combination and on the rearmost towed vehicle of a double saddle-mount combination:

(1) On each side, and near the rear, one red sidemarker lamp;

(2) On the rear, two red tail lamps, two red, yellow, or amber stop lamps, two red, yellow, or amber directional signals, two red clearance lamps, and two red reflectors, one of each at each side; and if any vehicle in the combination is 80 inches or more in overall width, three red identification lamps (three lamp cluster), located as high as possible;

(c) On the first saddle-mounted vehicle of a double saddle-mount combination:

(1) On each side, and near the rear, one amber sidemarker lamp.

§ 193.18 *Lamps on motor vehicles with projecting loads.* Any motor vehicle transporting a load which extends beyond the width or having projections beyond the rear of such vehicle shall be equipped with the following lamps in addition to any other required lamps. (See § 193.87 for flags on such vehicles.)

(a) Loads projecting beyond sides of motor vehicles:

(1) The foremost edge of the projecting load at its outermost extremity shall be marked with an amber lamp visible from the front and side;

(2) The rearmost edge of the projecting load at its outermost extremity shall be marked with a red lamp visible from the rear and side;

(3) If any portion of the projecting load extends beyond either the foremost or rearmost edge, it shall be marked with an amber lamp visible from the front, side, and rear;

(4) If the projecting load is of a type which is not over three feet measured from front to rear, it shall be marked with an amber lamp visible from the front, side, and rear except that if the projection is located at or near the rear, it shall be marked by a red lamp visible from the front, side, and rear.

(5) The provisions of this rule shall apply to projecting loads on both sides of the motor vehicle.

(b) Projections beyond rear of motor vehicles. Motor vehicles transporting loads which extend over four feet beyond

(Single-saddle-mount diagram to illustrate § 193.17.)

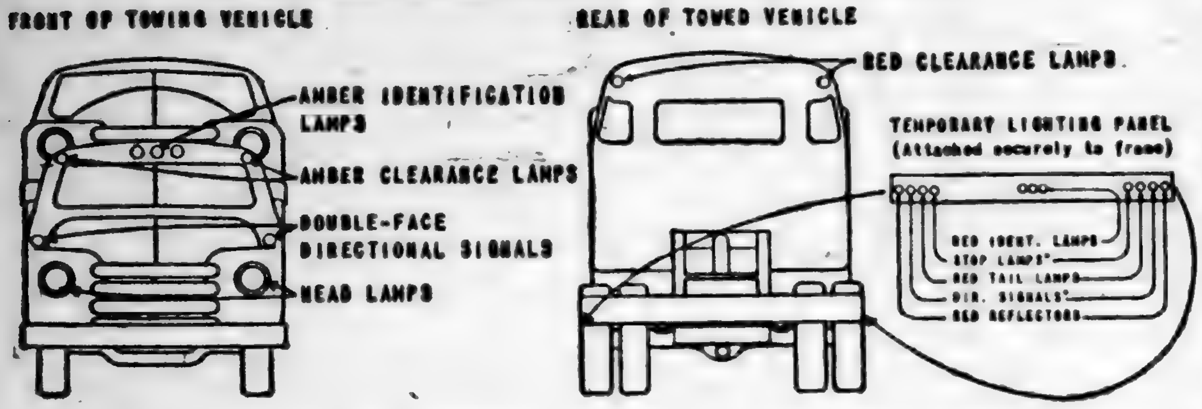
FRONT OF TOWING VEHICLE
REAR OF TOWED VEHICLE
AMBER IDENTIFICATION LAMPS
AMBER CLEARANCE LAMPS
DOUBLE-FACE DIRECTIONAL SIGNALS
HEAD LAMPS
RED CLEARANCE LAMPS
TEMPORARY LIGHTING PANEL (Attached securely to frame)
RED IDENT. LAMPS
STOP LAMPS*
RED TAIL LAMPS
DIR. SIGNALS*
RED REFLECTORS

*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER

(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)

EACH SIDE

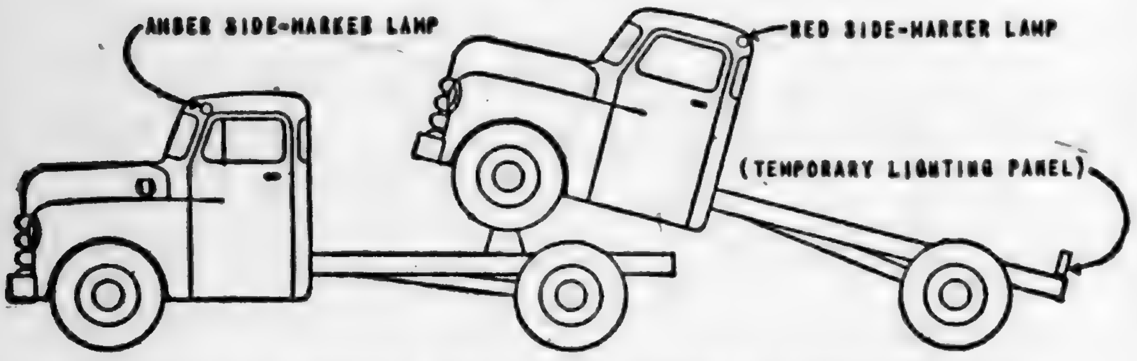
AMBER SIDE-MARKER LAMP
RED SIDE-MARKER LAMP
(TEMPORARY LIGHTING PANEL)

(Diagrams to illustrate § 193.18 for two types of projecting loads.)

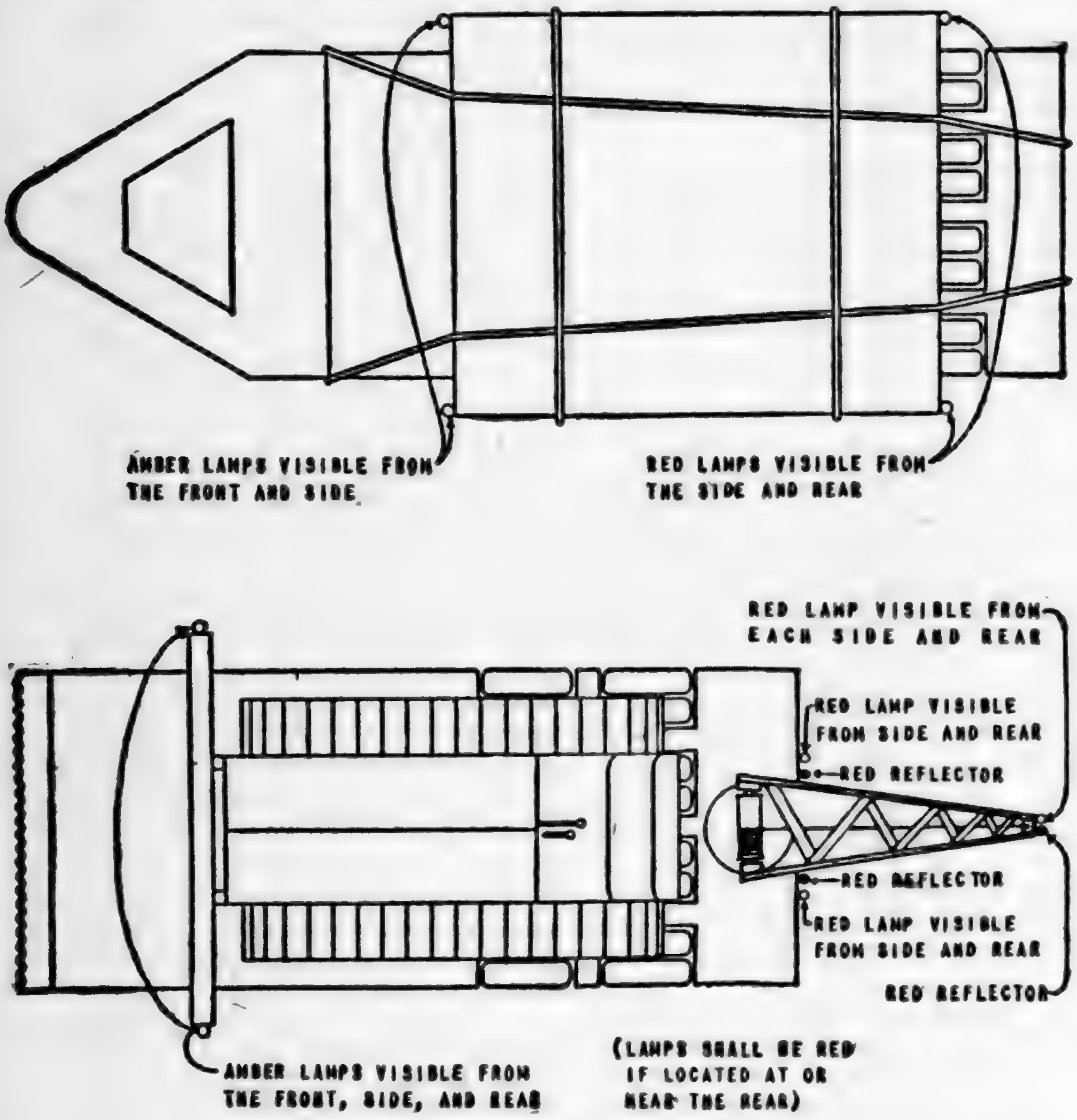
AMBER LAMPS VISIBLE FROM THE FRONT AND SIDE
RED LAMPS VISIBLE FROM THE SIDE AND REAR
RED LAMP VISIBLE FROM EACH SIDE AND REAR
RED LAMP VISIBLE FROM SIDE AND REAR
RED REFLECTOR
RED REFLECTOR
RED LAMP VISIBLE FROM SIDE AND REAR
RED REFLECTOR
AMBER LAMPS VISIBLE FROM THE FRONT, SIDE, AND REAR
(LAMPS SHALL BE RED IF LOCATED AT OR NEAR THE REAR)

the rear of the motor vehicle or which have tailboards or tailgates extending over four feet beyond the body shall have these projections marked with two or more red lamps visible from the side and rear and two or more red reflectors visible from the rear so located as to indicate maximum width and maximum overhang of the load.

§ 193.19 *Directional signaling systems to be equipped to give vehicular traffic hazard warning signals.* The directional signaling system shall be equipped with a switch that will cause the two front directional signals and the two rear directional signals to flash simultaneously as a vehicular traffic hazard warning required by §§ 192.22 (a) and 192.23.

§ 193.22 *Combinations of lighting devices.* Any two or more lighting devices, whether required by these regulations or not, may be combined into one shell or housing, with exceptions enumerated below, and provided that the requirements for each required lighting device are met and that neither the mounting nor the use of any non-required lighting device is inconsistent with the regulations in this part in any respect:

(a) No directional signal may be combined with any head lamp or other lighting device or combination of lighting devices capable of producing a greater intensity of light than the directional signal.

(b) No directional signal may be combined with a stop lamp unless the arrangement of switches or other parts is such that the stop lamp as such is always extinguished when the directional signal is in use.

(c) No clearance lamp may be combined with any tail lamp or identification lamp.

§ 193.24 *Requirements for head lamps and auxiliary road lighting lamps*—(a) *Head lamps and auxiliary road lighting lamps; mounting.* Head lamps or auxiliary road lighting lamps shall be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting shall be such that the aim is not readily disturbed by ordinary conditions of service.

(b) *Head lamps required.* Every bus, truck, and truck-tractor shall be equipped with at least two head lamps, with an equal number on each side of the vehicle. These lamps shall provide an upper and lower distribution of light, selectable at the driver's will.

(c) *Head lamps; aiming and intensity of.* Head lamps shall be constructed and installed so as to provide adequate and reliable illumination and shall conform to the appropriate specification set forth in the SAE Recommended Practices [1] or SAE Standards [1] for "Electric Headlamps for Motor Vehicles" or "Sealed-Beam Headlamp Units for Motor Vehicles".

(Diagram to illustrate § 193.20 for mounting of lamps on vehicles without permanent top or sides.)

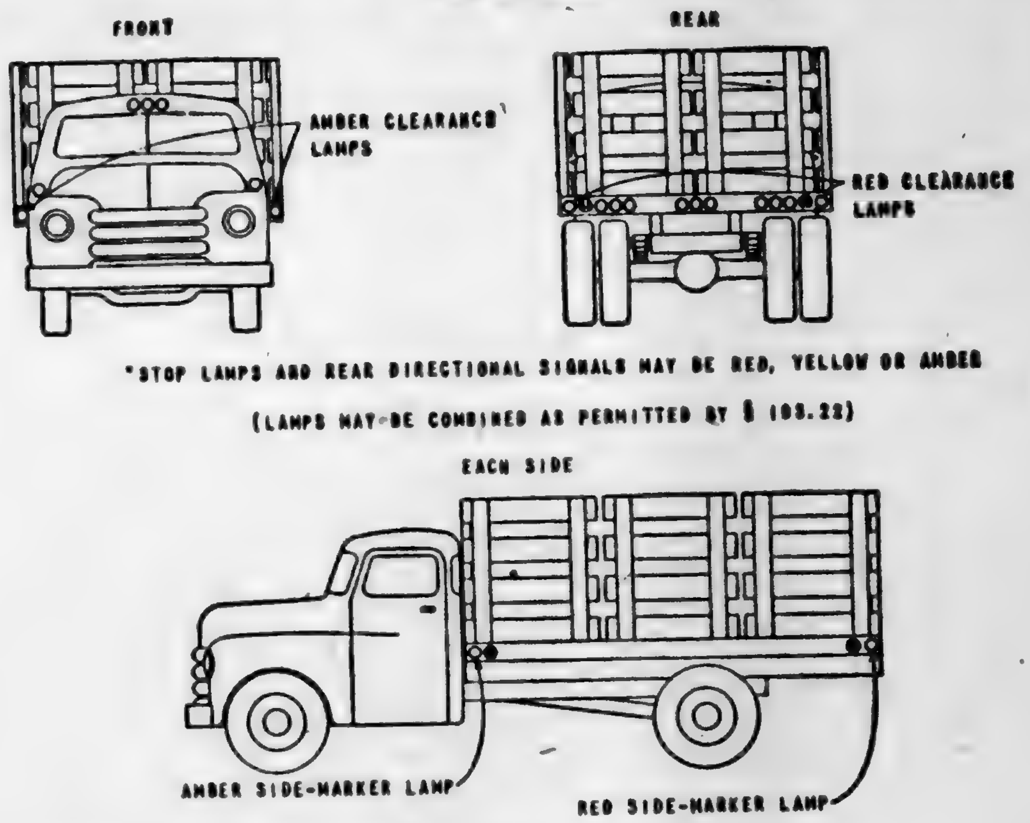
FRONT
AMBER CLEARANCE* LAMPS
REAR
RED CLEARANCE LAMPS
*STOP LAMPS AND REAR DIRECTIONAL SIGNALS MAY BE RED, YELLOW OR AMBER
(LAMPS MAY BE COMBINED AS PERMITTED BY § 193.22)
EACH SIDE
AMBER SIDE-MARKER LAMP
RED SIDE-MARKER LAMP

(Diagram to illustrate § 193.20 for mounting of front clearance lamps on truck-tractors with sleeper cabs.)

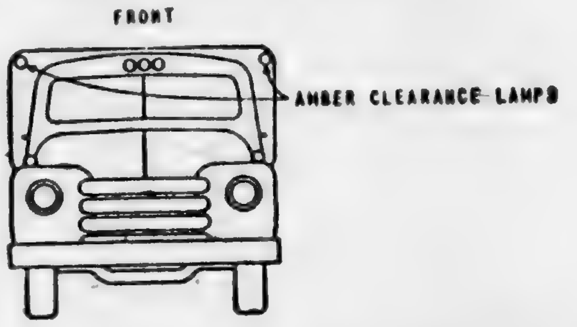

§ 193.25 *Requirements for lamps other than head lamps*—(a) *Mounting.* All lamps shall be permanently and securely mounted in workmanlike manner on a permanent part of the motor vehicle, except that temporary, sidemarker, clearance, and identification lamps on motor vehicles being transported in driveaway-towaway operations and temporary electric lamps on projecting loads need not be permanently mounted nor mounted on a permanent part of the vehicle. All clearance lamps and side-marker lamps must be firmly attached.

(b) *Visibility.* Clearance, side-marker, tail, and projecting load-marker lamps shall be so mounted as to be capable of being seen at all distances between 500 feet and 50 feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps shall be visible to the front, that from side-marker lamps to the side, that from rear clearance and tail lamps to the rear, and that from projecting load-marker lamps from those directions required by § 193.18. This section shall not be construed to apply to lamps which are obscured by another unit of a combination of vehicles.

(c) *Specifications and certification.* All required lamps shall be constructed and installed so as to provide an adequate and reliable warning signal. These lamps shall conform to the appropriate requirements set forth in the SAE Standards: [1] *Provided, however,* That directional signals shall conform to the SAE Standard for Class A, Type I, and be certified so to comply with manufacturer's marking visible when the lamp is in place on the vehicle. Projecting electric load marker lamps shall conform to the same specifications as clearance and side-marker lamps. In addition, all interior parts of such lamps shall be painted with white, aluminum, or similar reflecting color, with the following exceptions:

(1) Such interior parts as are made of or coated with bright non-tarnishing material;

(2) Parts intended to be transparent; and

(3) Electric conductors and insulation.

(d) *Color.* The color of exterior lighting devices shall be as follows:

(1) All front clearance lamps, and all side-marker lamps except the one on each side at or near the rear shall when lighted display an amber color;

(2) No lighted red lamp of any character shall be displayed at any place other than on the rear or on the sides near the rear, except that this prohibition shall not apply to any school bus

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[1] Wherever reference is made in these regulations to SAE Recommended Practices or to SAE Standards, they shall be as found in the 1957 edition of the "SAE Handbook", as supplemented by Pamphlet No. TR-34, published July, 1957, by the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N. Y.

when operating as such nor to the rear lens of a double-face directional signal;

(3) All rear clearance lamps, the side-marker lamp on each side at or near the rear, and any other lamps mounted on the rear or on the sides near the rear shall display a red color except as permitted by § 193.16, and subparagraphs (4), (5), and (6) of this paragraph;

(4) The stop lamp or lamps on the rear of any motor vehicle shall be red, yellow, or amber;

(5) Back-up lamp or lamps showing white to amber to the rear may be mounted on the rear of any vehicle if such lamp or lamps can be lighted only when the vehicle is in reverse gear or when a pilot lamp readily visible to the driver is burning to indicate that such back-up lamp or lamps are lighted;

(6) No provision of this section shall be so construed as to prohibit the use of any white lamp or lamps for the purpose of illuminating license plates or destination signs on buses;

(7) No provision of this section shall be so construed as to prohibit the use of motor vehicles in combination if such motor vehicles are severally lighted, as required by §§ 193.11 to 193.17, inclusive;

(8) Wherever reference is made in the regulations in this part to the colors "red", "amber", or "white", said colors shall be as prescribed in the SAE Standard[1] "Color Specification for Electric Lamps".

(e) *Lighting devices to be steady-burning.* All exterior lighting devices shall be of the steady-burning type except directional signals on any vehicle, and stop lamps when used as directional signals, warning lamps on school buses when operating as such, and warning lamps on emergency and service vehicles authorized by State or local authorities. Nothing in this paragraph shall be construed to prohibit the use of directional signals to give vehicular traffic hazard warning signals as required by §§ 192.22 and 192.23.

(f) *Stop lamp operation.* All stop lamps on each motor vehicle or combination of motor vehicles shall be actuated upon application of any of the service brakes and upon activation of the emergency feature of trailer brakes by means of either manual or automatic control on the towing vehicle, except when the towing vehicle engine ignition is turned off, and except that stop lamps on a towing vehicle need not be actuated when service brakes are applied to the towed vehicle or vehicles only. Stop lamps shall be constructed and installed so as to provide a clear, adequate, and reliable warning signal and shall conform to the requirements set forth in the SAE Standard[1] for "Stop Lamps."

§ 193.26 *Requirements for reflectors*—(a) *Mounting.* Reflectors required by Parts 190–197 of this subchapter shall be mounted upon the motor vehicle at a height of not less than 24 inches nor more than 60 inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the 24-inch requirement impractical. They shall be so installed as to perform their function adequately and reliably and except for temporary reflectors required for vehicles in driveaway-towaway operations, or as projecting loads, all reflectors shall be permanently and securely mounted in workmanlike manner so as to provide the maximum of stability, and the minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed on flexible strapping or belting provided that under conditions of normal operation they reflect light in the required directions. Required temporary reflectors mounted on motor vehicles during the time they are in transit in any driveaway-towaway operation must be firmly attached.

(b) *Specifications and certification.* All required reflectors shall conform to the requirements for Class A reflectors contained in the SAE Recommended Practice[1] "Reflex Reflectors", and be certified to comply with manufacturer's marking visible when the reflector is in place on the vehicle.

(c) *Color.* All reflectors on the rear and those nearest to the rear on the sides, except those referred to in paragraph (d) of this section, shall reflect a red color; all other reflectors, except those referred to in paragraph (d) of this section, shall reflect an amber color, provided that this requirement shall not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are severally equipped with reflectors as required by §§ 193.11 to 193.17, inclusive. Wherever reference is made to the colors "red" or "amber" for reflectors, such colors shall correspond to the requirements in SAE Standard[1] "Color Specification for Electric Lamps".

(d) *Retroreflective surfaces.* Retroreflective surfaces other than required reflectors, may be used provided:

(1) Designs do not resemble traffic control signs, lights, or devices, except that straight edge striping resembling a barricade pattern may be used.

(2) Designs do not tend to distort the length and/or width of the motor vehicle.

(3) Such surfaces shall be at least three inches from any required lamp or reflector unless of the same color as such lamp or reflector.

(4) No red color shall be used on the front of any motor vehicle.

(5) No provision of this paragraph shall be so construed as to prohibit the use of retroreflective license plates required by State or local authorities.

§ 193.27 *Wiring specifications.* Wiring for both low tension and high tension circuits shall be constructed and installed so as to function reliably and adequately and shall conform to the appropriate requirements in the SAE Standard[1] for "Insulated Cable", or by wiring which is mechanically and electrically at least equal to such cable. Required lamps shall be connected to the source of power with stranded wire. The source of power and the electrical wiring shall be of such size and characteristics that required lamps shall, when lighted, with the towing vehicle generator operating, operate at an electrical voltage not less than that for which they were designed, and be capable of being seen at least 500 feet under clear atmospheric conditions during the time lamps are required to be lighted. This shall not be so construed as to prohibit the use of the frame or other metal parts of a motor vehicle as a return ground system provided that for truck-tractor-semitrailer combinations, the truck-tractor is electrically bonded to the semitrailer.

§ 193.30 *Battery installation.* Every storage battery on every vehicle, unless located in the engine compartment, shall be covered by a fixed part of the motor vehicle or protected by a removable cover or enclosure. Removable covers or enclosures shall be substantial and shall be securely latched or fastened. The storage battery compartment and adjacent metal parts which might corrode by reason of battery leakage shall be painted or coated with an acid-resisting paint or coating and shall have openings to provide ample battery ventilation and drainage. Wherever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulated bushing. Wherever a battery and a fuel tank are both placed under the driver's seat, they shall be partitioned from each other, and each compartment shall be provided with an independent cover, ventilation, and drainage.

It is further ordered, That the proposed requirements insofar as they relate to: the equipping of vehicles with directional signals and identification lamps; the use of directional signals; and the manufacturer's marking of lamps and reflectors shall apply to vehicles manufactured on and after

____
(60 days following effective date of order)

and shall apply to all vehicles on and after

____
(180 days following effective date of order)

It is further ordered, That interested persons may on or before July 1, 1958, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed amendments, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

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[1] Wherever reference is made in these regulations to SAE Recommended Practices or to SAE Standards, they shall be as found in the 1957 edition of the "SAE Handbook", as supplemented by Pamphlet No. TR-34, published July, 1957, by the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N. Y.

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3573; Filed, May 15, 1958; 8:45 a. m.]

[49 CFR Part 193]

[Ex Parte No. MC-40]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of May A. D. 1958.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that continuing study and investigation has established facts which warrant some amendment of §§ 193.50, 193.65 (e) (1), 193.66, 193.70 (c) and (f), 193.75 (a), 193.76 (a) and (h) (2), 193.77 (c) (3), 193.78 (a), 193.82, 193.85, 193.90, 193.95, and 193.96 (c) (7), relating to brakes, fuel systems, coupling devices, and towing methods, miscellaneous parts and accessories, and emergency equipment; and good cause appearing therefor:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the Commission's proposal to amend §§ 193.50 *Reservoirs required*, 193.65 (e) (1) *Liquid fuel tank requirements*, 193.66 *Liquefied petroleum gas fuel systems*, 193.70 (c) *Fifth wheel, locking*, 193.70 (f) *Safety chains*, 193.75 (a) *Tires*, 193.76 (a) *Ready exit*, 193.76 (h) (2) *Berths, dimensions*, 193.77 (c) (3) *Securing heaters*, 193.78 (a) *Windshield wipers*, 193.82 *Speedometer*, 193.85 *Protection against shifting cargo*, 193.90 *Buses, standee line or bar*, 193.95 *Emergency equipment on all power units*, and 193.96 (c) (7) *Contents of kits* of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Part 193), (49 Stat. 546, as amended, 49 U. S. C. 304) by substituting the following rules in lieu of the rules now in effect:

§ 193.50 *Reservoirs required.* Every bus, truck, and truck-tractor, the date of manufacture of which is subsequent to June 30, 1953, and which is equipped with an air or vacuum brake system, shall be equipped with reserve capacity or a reservoir sufficient to insure a full service brake application without depleting the reservoir pressure or vacuum beyond 70 percent of its maximum with the engine stopped. In addition, on and after January 1, 1957, every truck-tractor and every truck used for towing other vehicles, and on and after January 1, 1959, every bus and every truck shall when equipped with air or vacuum reservoirs as required by this section, and regardless of date of manufacture, have such air or vacuum reservoirs so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum the air or vacuum supply in the reservoir shall not be depleted by the leak or failure. Means shall be provided for proving the check valve to be in working order, and for draining all air reservoirs of accumulated water.

§ 193.65 *Fuel systems.* * * *

(e) (1) *Liquid fuel tank requirements.* Every liquid fuel tank or container used for fuel for use on any motor vehicle shall be of substantial construction, free of leaks, securely attached to the motor vehicle, and shall have its filling opening provided with a plug or cap with means for locking it in place and without leaks except as elsewhere provided in the regulations in this part with regard to tank vents.

* * * * *

§ 193.66 *Liquefied petroleum gas fuel systems.* Every motor vehicle utilizing liquefied petroleum gas shall be equipped with a fuel system which complies with Division IV, May 1957, edition of the "Standards for the Storage and Handling of Liquefied Petroleum Gas" of the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Massachusetts.

§ 193.70 *Coupling devices and towing methods, except for driveaway-towaway operations.* * * *

(c) *Fifth wheel, locking.* Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without the release of a positive locking device, not dependent upon springs for keeping the device locked. On fifth wheels designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

* * * * *

(f) *Safety chains.* Every full trailer shall be coupled with a safety chain or chains (stay chains or cables) directly to the frame of the motor vehicle by which it is to be towed. Attachment to the pintle hook will not meet this requirement. No more slack shall be left in safety chains or cables than shall be necessary to permit proper turning. Chains or cables shlal be so connected to the towed and towing vehicle and to the tow-bar as to prevent the tow-bar from dropping to the ground in the event the tow-bar fails. The means of attachment to both the towing and towed vehicles shall be capable of developing the full capacity of the safety chains or cables. Each chain or cable shall have an ultimate strength at least equal to the gross weight of the full trailer being towed. On and after January 1, 1959, every full trailer and every dolly used to convert a semitrailer to a full trailer shall be equipped with two safety chains or cables, the points of attachment of which to the frame or axle of the full trailer or dolly shall be not less than 48 inches apart.

* * * * *

§ 193.75 *Tires.* (a) Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. The tires supporting every axle of a motor vehicle operated in excess of 25 miles per hour shall be of such size that the sum of their capacity as shown by the following table shall at least equal the total weight on such axle:

TIRE SIZES AND LOADS

CONVENTIONAL TIRES

Size	Ply rating	Capacity in pounds
6.00-17	6	1,610
6.00-20	6	1,790
6.00-20	8	2,060
6.50-20	8	2,400
7.00-20	8	2,500
7.00-20	10	2,890
7.00-24	10	3,310
7.50-18	10	3,050
7.50-20	8	2,970
7.50-20	10	3,375
7.50-20	12	3,630
7.50-24	10	3,750
8.25-18	12	3,880
8.25-20	10	3,625
8.25-20	12	3,938
8.25-22	10	3,920
9.00-20	10	4,315
9.00-20	12	4,813
9.00-22	10	4,650
9.00-24	10	4,950
9.00-24	12	5,340
10.00-20	12	5,000
10.00-20	14	5,420
10.00-22	12	5,345
10.00-22	14	5,780
10.00-24	12	5,600
10.00-24	14	6,130
11.00-20	12	5,625
11.00-20	14	6,090
11.00-22	12	5,940
11.00-22	14	6,490
11.00-24	12	6,250
11.00-24	14	6,890
12.00-20	14	6,595
12.00-20	16	7,100
12.00-22	14	7,000
12.00-24	14	7,405
12.00-24	16	8,010
13.00-20	16	7,860
13.00-24	16	8,800
14.00-20	18	9,600
14.00-24	18	10,710

TUBELESS TIRES ON DROP CENTER RIMS

Size	Ply rating	Capacity in pounds
7-17.5	6	1,670
8-17.5	6	1,910
8-17.5	8	2,270
7-22.5	6	2,060
7-22.5	8	2,400
8-19.5	6	2,300
8-19.5	8	2,690
8-22.5	8	3,010
8-22.5	10	3,280
9-22.5	10	3,660
9-22.5	12	3,960
10-22.5	10	4,360
10-22.5	12	4,710
11-22.5	12	5,040
11-24.5	12	5,370
12-22.5	12	5,660
12-24.5	12	6,030

TUBELESS TIRES ON TAPERED BEAD SEAT RIMS

Size	Ply rating	Capacity in pounds
12.00-21	14	6,620
12.00-23	14	7,040
12.00-25	14	[illegible]

TIRE SIZES AND LOADS—Continued

"HIGH LOAD" TIRES

Size	Load	
	Single	Duals
8.5-20	3,750	3,300
9.4-20	4,400	3,850
10.3-20	5,350	4,750
11.1-20	6,150	5,400
11.9-20	6,900	6,100

* * * * *

§ 193.76 *Sleeper berths.* * * *

(a) *Ready exit.* The sleeper berth shall be so designed, constructed, and maintained as to provide the occupant, without the assistance of other persons, with at least two exits at opposite sides of the vehicle, each being at least 18 inches high and 21 inches wide, provided that if the berth space is part of the original cab or made part of the cab by remodeling of the cab, and has a doorway or opening at least 18 inches high and 36 inches wide between the berth and the driving seat, the requirement for two exits need not apply.

* * * * *

(h) *New vehicles, additional specifications.* * * *

(2) *Berths, dimensions.* The sleeper berth shall be so constructed and maintained as to provide, at least, the following inside dimensions: 75 inches long measured on the centerline of the longitudinal axis, 21 inches wide and 21 inches deep measured from the top of the mattress, of generally rectangular shape, except that the horizontal corners and the roof corners may be rounded to radii not exceeding 10½ inches.

§ 193.77 *Heaters.* * * *

(c) *Heater specifications.* * * *

(3) *Heaters, secured.* Every heater and every heater enclosure shall be securely fastened to the vehicle in a substantial manner so as to provide against relative motion within the vehicle during normal usage or in the event the vehicle overturns. Every heater shall be so designed, constructed, and mounted as to minimize the likelihood of disassembly of any of its parts, including exhaust stacks, pipes, or conduits, upon overturn of the vehicle in or on which it is mounted. Wood charcoal heaters shall be secured against relative motion within the enclosure required by subparagraph (1) of this paragraph and the enclosure shall be securely fastened to the motor vehicle.

* * * * *

§ 193.78 *Windshield and window wipers.* (a) Every bus, truck, and truck-tractor, having a windshield, shall be equipped with at least two automatically-operating windshield wiper blades, one on each side of the center line of the windshield, for cleaning rain, snow, or other moisture from the windshield and which shall be in such condition as to provide clear vision for the driver unless one such blade be so arranged as to clean an area of the windshield extending to within one inch of the limit of vision through the windshield at each side: *Provided, however,* That in driveaway-towaway operations this section shall apply only to the driven vehicle: *And provided further,* That one windshield wiper blade will suffice under this section when such driven vehicle in driveaway-towaway operation constitutes part or all of the property being transported and has no provision for two such blades. In addition, every bus, truck, and truck-tractor having a cab the width of which does not exceed 36 inches at the height of the shoulders of a man in driving position therein and having also transparent material in windows at the sides of the driver, except vehicles being delivered in driveaway or towaway operations, shall be equipped with an automatically operating wiper blade for cleaning rain, snow, and other moisture from the transparent material at the right of the driver.

* * * * *

§ 193.82 *Speedometer.* Every bus, truck, and truck-tractor shall be equipped with a speedometer indicating vehicles speed in miles per hour which shall be operative with reasonable accuracy; however, that this requirement shall not apply to any vehicle in driveaway-towaway operations which is part of the shipment being delivered if the driven vehicle is equipped with an effective means of limiting its maximum speed to 45 miles per hour.

§ 193.85 *Protection against shifting cargo.* (a) Every truck, semitrailer, full trailer, and pole trailer carrying lading such as metal plate or sheet, metal coils, rods, bars, pipe, or beams, earthenware or concrete pipe, wooden or concrete beams, stone or concrete blocks, rough or finished metal castings, or lumber, shall be equipped with tie-down devices and with either bulkheads or chain nets or both, as provided in the following paragraphs:

(b) Tie-down devices:

(1) There shall be at least one tie-down device for each ten feet of load length, and additional tie-down devices as required to secure each piece of lading being transported on the vehicle.

(2) Each tie-down device and its means of adjustment, tightening, and securement to the vehicle shall have an ultimate strength at least equal to that of a common coil steel chain of ⅜-inch nominal size.

(c) Bulkhead and chain nets:

(1) *Size.* The bulkhead and chain net shall be of sufficient height and lateral extent to block the forward motion of any piece of lading on the vehicle.

(2) *Openings.* Both bulkheads and chain nets shall be without openings large enough to pass the smallest piece of lading hauled on the vehicle.

(3) *Strength.* Each bulkhead and chain net and its attachment to the vehicle shall be of sufficient strength to sustain a horizontal forward load equal to the weight of the lading restrained by it.

(d) Cargo body sides and ends: Every motor vehicle used for the transportation of such lading as bricks, cinder or concrete blocks, tiles, or other lading of such character as to injure other highway users or bystanders in the event of falling off the vehicle shall be provided with a body the sides and ends of which shall be of no lesser height than the load, without any opening large enough to pass the smallest such article on the vehicle, as loaded. The strength of the front end of the vehicle body shall in any such case be at least sufficient to sustain a horizontal load equal to one-half the weight of the load, unless a header board is used for this purpose.

(e) Front end body construction: On and after ________________________, 1958,
(90 days after effective date)
every new motor vehicle, and on and after ________________________, every
(540 days after effective date)
motor vehicle into or on which miscellaneous freight is loaded for transportation, not equipped with bulkheads or chain nets specified in paragraph (c) of this section, shall have the front end body construction strong enough to sustain a horizontal load equal to half the maximum weight of the payload to be hauled therein, applied forwardly midway of its height.

(f) Certification: Bulkheads, chain nets, tie-down devices, and vehicle body front end construction required in the foregoing subparagraphs of this section shall be marked by their manufacturers with the loads they are designed to sustain, which marking shall constitute certification that the information therein is correct. The marking shall be of such character as to be not obscured by painting.

§ 193.90 *Buses, standee line or bar.* Every bus, which is designed and constructed so as to allow standees, shall be plainly marked with a line of contrasting color at least two inches wide or equipped with some other means so as to indicate to any person that they are prohibited from occupying a space forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every bus shall have clearly posted at or near the front, a sign with letters one-half inch high stating that it is a violation of the Interstate Commerce Commission's regulations for a bus to be operated with persons occupying the prohibited area. The requirements of this section shall not apply to any level of the bus other than the level in which the driver is located nor shall they be construed to prohibit seated any person from occupying permanent seats located in the prohibited area provided such seats are so located that persons sitting therein will not interfere with the driver's safe operation of the bus.

§ 193.95 *Emergency equipment on all power units.* On every truck and truck-tractor and every driven vehicle in driveaway-towaway operation there shall be in a place or places accessible to the person seated in the driving seat and forward the foremost seated passenger on every bus visible or at locations plainly marked the following articles, except liquid burning pots required by paragraph (f) (1) of this section:

(a) *Fire extinguisher.* At least one fire extinguisher with physical characteristics and fire extinguishing ability equivalent to or better than fire extinguishers which qualify under Classification B of the standards of Underwriters'

Laboratories, Inc., 207 East Ohio Street, Chicago 11, Ill., in effect on June 30, 1951. The extinguisher shall utilize an extinguishing agent which does not need protection from freezing and shall be properly filled and securely mounted, in a bracket. The minimum size shall be one quart carbon tetrachloride type, two-pound carbon dioxide type, two-pound dry chemical type, or extinguishers of other types having extinguishing capacity equivalent to any of these types until December 31, 1952, and thereafter one and one-half quart carbon tetrachloride type, four-pound carbon dioxide type, four-pound dry chemical type, or extinguishers of other types having extinguishing capacity equivalent to any of these types. Two extinguishers may be carried to obtain the capacity required subsequent to December 31, 1952. This requirement shall not apply to any bus having a seating capacity of eight or less persons or any driveaway-towaway operation.

(b) *Tire chains.* One set of tire chains for at least one driving wheel on each side, during the time when likely to encounter conditions requiring them, except that this requirement shall not apply to motor vehicles engaged in driveaway-towaway operations if such motor vehicles are not operated when such conditions exist.

(c) *Warning devices for stopped vehicles.* One of the following combinations of warning devices:

(1) Three flares (liquid-burning pot torches) and three fuses and two red cloth flags; or

(2) Three red electric lanterns and two red cloth flags; or

(3) Three red emergency reflectors and two red cloth flags.

(4) Flares (pot torches), fusees, oil lanterns, or any signal produced by a flame, shall not be carried on motor vehicles used in the transportation of explosives, flammable liquids, or flammable compressed gases in cargo tanks, or in any motor vehicle using flammable compressed gases as a motor fuel; but in lieu of such flares and fusees, three electric lanterns or three red emergency reflectors shall be carried.

(5) The protective devices used shall comply with the requirements given in paragraphs (g), (h), (i), (j), and (k) of this section.

(d) *Requirements for flares.* Flares (pot torches) shall be adequate and reliable and shall comply with the requirements contained in the SAE Recommended Practice[1] "Liquid-Burning Emergency Flares."

(e) *Hand tools.* Hand tools adequate for removal of any tire on a vehicle or combination of vehicles used for the transportation of any explosive, or any article or material classified as a dangerous article which is flammable.

(f) *Requirements for red electric lanterns.* Red electric lanterns shall be adequate, reliable, equipped with a battery or batteries within each unit, and shall comply with the requirements contained in the SAE Recommended Practice[1] "Electric Emergency Lanterns."

(g) *Requirements for red emergency reflectors.* Each red emergency reflector shall conform in all respects to the following requirements:

(1) *Reflecting elements required.* Each reflector shall be composed of at least two reflecting elements or surfaces on each side, front and back. The reflecting elements, front and back, shall be approximately parallel.

(2) *Reflecting elements to be Class A.* Each reflecting element or surface shall meet the requirement for a red Class A reflector contained in the SAE Recommended Practice[1] "Reflex Reflectors." The aggregate candlepower output of all the reflecting elements or surfaces in one direction shall not be less than 12 when tested in a perpendicular position with observation at one-third degree as specified in the Photometric Test contained in the above-mentioned Recommended Practice.

(3) *Reflecting surfaces, protection.* If the reflector or the reflecting elements are so designed or constructed that the reflecting surfaces would be adversely affected by dust, soot, or other foreign matter or contacts with other parts of the reflector or its container, then such reflecting surfaces shall be adequately sealed within the body of the reflector.

(4) *Reflecting surfaces to be perpendicular.* Every reflector shall be so constructed that, when the reflector is properly placed, every reflecting element or surface is in a plane perpendicular to the plane of the roadway surface. Reflectors which are collapsible shall be provided with means for locking the reflector elements or surfaces in the required position; such locking means shall be readily capable of adjustment without the use of tools or special equipment.

(5) *Reflectors, mechanical adequacy.* Every reflector shall be of such weight and dimensions as to remain stationary when subjected to a 40 mile per hour wind when properly placed on any clean, dry, paved road surface. The reflector shall be so constructed as to withstand reasonabe shocks without breakage.

(6) *Reflectors, incorporation in holding device.* Each set of reflectors and the reflecting elements or surfaces incorporated therein shall be adequately protected by enclosure in a box, rack, or other adequate container specially designed and constructed so that the reflectors may be readily extracted for use.

(7) *Certification.* Every red emergency reflector designed and constructed to comply with these requirements shall be plainly marked with the certification of the manufacturer that it complies therewith.

(h) *Requirements for fusees.* Each fusee shall be adequate, reliable, capable of burning at least 15 minutes, and shall comply with the specifications of the Bureau of Explosives, 30 Vesey Street, New York 7, N. Y., dated December 15, 1944, and be so marked.

(i) *Requirements for red flags.* Red cloth flags shall be not less than 12 inches square, with standards adequate to maintain the flags in an upright position.

§ 193.96 *Buses, additional emergency equipment.* * * *

(c) * * *

(7) *Contents of kit.* The kit shall contain at least the contents specified, in not less than the quantities shown, in either of the two following types of kits:

A—UNIT TYPE KIT

4-inch bandage compress	1 package.
2-inch bandage compress	1 package.
1-inch adhesive compress	2 packages.
40-inch triangular bandage with two safety pins.	1 package.
Burn ointment	1 package.
Iodine applicator or applicator of other antiseptic solutions of, at least, equivalent bacteriological properties.	1 package.
Wire or wood splint	1 package.
Tourniquet	1 package.

B—COMMERCIAL TYPE KIT

3-inch by 3-inch sterile gauze pads.	Package of 12.
Gauze bandages as follows (each package opened to be replaced by an unopened package):	
1-inch by 10 yards	3 packages.
2-inch by 10 yards	2 packages.
3-inch by 10 yards	1 package.
¾-inch adhesive compress	Package of 24.
1-inch by 2½ yards adhesive tape.	1 roll.
40-inch triangular bandage with two safety pins.	1 package.
Burn ointment	1-ounce tube.
Iodine applicator or applicator of other antiseptic solution of, at least, equivalent bacteriological properties.	1 package.
Wire or wood splint	1 package.
Tourniquet	1 package.
Scissors	1.

Each kit shall be provided with instructions for the use of the contents. The contents of the kits, whether required by Parts 190–197 of this subchapter or in addition thereto, either in number or kind, shall conform either to the requirements contained in Federal Specification GG-K-391 (a) (October 19, 1954), or the standards as found in the Thirteenth revision of the Pharmacopoeia of the United States except that the 40-inch triangular bandage in the commercial type kit may be non-sterile and not compressed in the required manner if the package containing it clearly indicates that the contents are not sterile and except that no specification type scissor is required. Federal Specification GG-K-391 (a) and amendments may be obtained from the Superintendent of Documents, Washington 25, D. C., at a cost of 15 cents per copy.

It is further ordered, That interested persons may on or before July 1, 1958, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed amendments, or some revision thereof, in the light of the statements which may be submitted.

It is further ordered, That one signed copy and 14 additional copies of such statements be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D. C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

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[1] See footnote 1 to § 193.24 (c).

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3677; Filed, May 15, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN OKRA[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Frozen Okra, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than December 1, 1958.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1511 Product description.
52.1512 Styles of frozen okra.
52.1513 Color of frozen okra.
52.1514 Size of frozen okra.
52.1515 Grades of frozen okra.

FACTORS OF QUALITY

52.1516 Ascertaining the grade.
52.1517 Ascertaining the rating of the factors which are scored.
52.1518 Color.
52.1519 Defects.
52.1520 Character.

LOT INSPECTION AND CERTIFICATION

Sec.
52.1521 Ascertaining the grade of a lot.

SCORE SHEET

52.1522 Score sheet for frozen okra.

AUTHORITY: §§ 52.1511 to 52.1522 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C 1624

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1511 *Product description*. Frozen okra is the product prepared from the clean, sound, and succulent fresh pods of the okra plant (Hibiscus esculentus) of either the green or white varieties, by proper washing, sorting, trimming, and blanching, which is then frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1512 *Styles of frozen okra*. (a) "Whole Okra" means frozen okra consisting of whole pods, with or without the caps removed.

(b) "Cut Okra" means frozen okra consisting of pods, with or without the caps removed, which have been cut transversely into pieces.

(c) "Unit" means an individual pod or portion of a pod in frozen okra.

§ 52.1513 *Color of frozen okra*. (a) Green.

(b) White.

§ 52.1514 *Size of frozen okra*. (a) The size of the unit is not a factor of quality for the purpose of these grades.

(b) The size of a whole pod is determined by measuring the unit from the stem end to the tip end of the pod.

(c) The size of cut okra is determined by measuring the longitudinal axis of the unit.

§ 52.1515 *Grades of frozen okra*. (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of frozen okra that possesses similar varietal characteristics; that possesses a good flavor; that possesses a good color; that is practically free from defects; that possesses a good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the frozen okra may possess a reasonably good color if the total score is not less than 85 points.

(b) "U. S. Grade B" (or "U. S. Extra Standard") is the quality of frozen okra that possesses similar varietal characteristics; that possesses a reasonably good flavor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen okra that fails to meet the requirements of U. S. Grade B.

FACTORS OF QUALITY

§ 52.1516 *Ascertaining the grade*—(a) *General*. In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points*.

(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points*. The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
Color	20
Defects	40
Character	40
Total Score	100

(b) *Evaluation of quality*. The rating for the factors of color, defects, and character (with respect to development of pods and seeds) and the evaluation of similar varietal characteristics are determined immediately after thawing to the extent that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is cooked to ascertain the tenderness of the units and freedom from fiber before final evaluation of the score for character. The flavor is also ascertained on the cooked product.

(c) *Definitions of requirements not rated by score points*. (1) "Good flavor" means that the product, after cooking, has a good, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1517 *Ascertaining the rating of the factors which are scored*. The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1518 *Color*—(a) *(A) classification*. Frozen okra that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the frozen okra is bright, practically uniform, and typical of young tender okra.

(b) *(B) classification*. Frozen okra that possesses a reasonably good color may be given a score of 14 to 16 points. "Reasonably good color" means that the frozen okra possesses a color that is typical of reasonably young and reasonably tender okra which may be dull in appearance but is not off color.

(c) *(SStd.) classification*. Frozen okra that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1519 *Defects*—(a) *General*. The factor of defects refers to the degree of freedom from sand, grit, or silt, extraneous vegetable material, poorly trimmed units, small pieces, units damaged by mechanical injury, misshapen units, and units blemished or seriously blemished by scars, pathological injury, insect injury, or blemished by other means.

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[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any harmless extraneous vegetable material such as leaves, stems, and other similar vegetable material.

(3) "Poorly trimmed" means attached caps and capstems in excess of ⅛ inch in length measured from the capscar, very ragged edges, or units that have lost their normal shape due to excessive trimming.

(4) "Small pieces" means pieces of pod in cut okra ¼ inch in length or less.

(5) "Damaged by mechanical injury" means broken or mashed to such an extent that the appearance or edibility of the unit is seriously affected.

(6) "Misshapen" means any whole pod that is badly crooked, or is seriously affected by malformations.

(7) "Blemished unit" means any unit blemished to the extent that the aggregate blemished area materially affects the appearance of the product. Slight, insignificant discoloration which may occur on the ribs and blossom end of the unit shall not be considered as blemished.

(8) "Seriously blemished" means blemished to such an extent that the appearance or edibility of the unit is seriously affected.

(b) *(A) classification.* Frozen okra that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen okra:

(1) *"Whole."* (i) "Practically free from defects" means that the product contains no sand, grit, or silt that affects the appearance or edibility of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 10 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 1 piece of extraneous vegetable material;

(*b*) Not more than 2 small pieces of pod;

(*c*) Not more than 4 poorly trimmed units or 4 units damaged by mechanical injury or any combination of not more than 4 poorly trimmed units and units damaged by mechanical injury;

(*d*) Not more than 10 percent, by count, of misshapen units; and

(*e*) Not more than 6 percent, by count, of blemished units, and of such 6 percent, not more than one-third thereof, or 2 percent, by count, of all the units may be seriously blemished.

(2) *"Cut" or "cuts."* (i) "Practically free from defects" means that the product contains no sand, grit, or silt that affects the appearance or edibility of the frozen okra and that the combined weight of all other defects and defective units does not exceed 8 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 1 piece of extraneous vegetable material;

(*b*) Not more than 20 small pieces of pod;

(*c*) Not more than 8 poorly trimmed units or 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury; and

(*d*) Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof or 2 percent, by count, of all the units may be seriously blemished.

(c) *(B) classification.* Frozen okra that is reasonably free from defects may be given a score of 28 to 33 points. Frozen okra that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen okra:

(1) *"Whole."* (i) "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the appearance or edibility of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 15 percent, by weight, of all the units and that for each 10 ounces of units there may be present:

(*a*) Not more than 2 pieces of extraneous vegetable material;

(*b*) Not more than 4 small pieces of pod;

(*c*) Not more than 8 poorly trimmed units or 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury;

(*d*) Not more than 15 percent, by count, of misshapen units; and

(*e*) Not more than 12 percent, by count, of blemished units, and of such 12 percent, not more than one-third thereof, or 4 percent, by count, of all the units may be seriously blemished.

(2) *"Cut" or "cuts."* (i) "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the appearance or edibility of the frozen okra, and that the combined weight of all other defects or defective units does not exceed 12 percent, by weight, of all the units, and that for each 10 ounces of units there may be present:

(*a*) Not more than 2 pieces of extraneous vegetable material;

(*b*) Not more than 30 small pieces of pod;

(*c*) Not more than 12 poorly trimmed units or 12 units damaged by mechanical injury or any combination of not more than 12 poorly trimmed units and units damaged by mechanical injury; and

(*d*) Not more than 8 percent, by count, of blemished units, and of such 8 percent, not more than one-half thereof, or 4 percent, by count, of all the units may be seriously blemished.

(d) *(SStd.) classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1520 *Character*—(a) *General.* The factor of character refers to the development of the pods and seeds and to the degree of freedom from fiber.

(b) *(A) classification.* Frozen okra that possesses a good character may be given a score of 34 to 40 points. "Good character" means that the units are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 3 percent, by count, of the units possess tough fibers.

(c) *(B) classification.* If the frozen okra possesses a reasonably good character, a score of 28 to 33 points may be given. Frozen okra that falls into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost to a considerable extent their fleshy texture, that the units are reasonably tender, that the seeds may have passed the early stages of maturity, and that not more than 6 percent, by count, of the units possess tough fibers.

(d) *(SStd.) classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.1521 *Ascertaining the grade of a lot.* The grade of a lot of frozen okra covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.1522 *Score sheet for frozen okra.*

Size and kind of container			----
Container marks or identification			----
Label			----
Net weight (ounces)			----
Style (Whole; Cut)			----
Variety (Green; White)			----
Factors	**Score points**		
Color	20	(A) 17-20 (B) 14-16 (SStd.) [1] 0-13	
Defects	40	(A) 34-40 (B) [1] 28-33 (SStd.) [1] 0-27	
Character	40	(A) 34-40 (B) [1] 28-33 (SStd.) [1] 0-27	
Total score	100		
Flavor			----
Grade			----

[1] Indicates limiting rule.

Dated: May 13, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3693; Filed, May 15, 1958; 8:48 a. m.]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

USE OF COMPOUNDS

Notice is hereby given that the United States Department of Agriculture is con-

sidering the issuance of an Amendment to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.). The amendment would establish the procedure for obtaining approval of compounds for use in official establishments.

All persons who desire to submit written data, views or arguments in connection with this proposed amendment should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095 South Building, Washington 25, D. C., not later than 10 days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

Change § 81.52 *Use of compounds*, **to read as follows:**

§ 81.52 *Use of compounds.* **Only germicides, insecticides, rodenticides, detergents, wetting agents, or other similar materials, which will not contaminate or deleteriously affect the poultry and poultry products and which have been approved by the Administrator may be used in an official establishment. Such compounds shall be approved for the purpose of the Poultry Products Inspection Act only, and in accordance with the following procedure:**

(a) The manufacturer of the compound shall submit to the Administrator the following data from a commercial testing laboratory which is not affiliated in any manner with the manufacturer:

(1) A quantitative analysis of the compound; and

(2) A certification that the compound, as it is proposed to be used in the official establishment, will not deleteriously affect the poultry and poultry products. Such certification shall include the conditions under which the particular compound is satisfactory for use and the precautions necessary in the use of such compound in poultry processing establishments.

(b) The manufacturer of the compound must agree in writing to furnish periodic analyses, not to exceed three per year, of samples of the particular compound which are drawn by the inspector in charge of the official establishment where the compound is used. At the time the manufacturer signs the written agreement to provide laboratory certification, he should indicate two laboratories of his own choosing which have the necessary facilities and technical personnel to do quantitative analyses of compounds and toxicological testing. Failure to furnish the Administrator with a laboratory report within 30 days following submission of a sample to the laboratory of the manufacturer's choice will constitute grounds for removing the compound from the approved list.

(c) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration. Lists of compounds that have been approved pursuant to this section will be issued and revised from time to time as deemed necessary by the Administrator.

(d) The Inspection Service is authorized to draw samples of compounds used in official plants and make analyses of such compounds to determine if the compound conforms to the compound originally approved and if it is satisfactory for use in official establishments.

(e) In the event the periodic analyses provided for in paragraphs (b) and (d) of this section fail to substantiate the data on which the approval was originally based and the Administrator determines that the compound might have a deleterious or contaminating effect on the poultry or poultry products, the compound shall be removed from the approved list and shall not be used in official establishments.

(f) Compounds which have been approved prior to the effective date of this amendment will not require approval on the basis of the procedure set forth herein, but as a prerequisite to their remaining on the approved list, such compounds shall be analyzed periodically as provided in this section.

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

Issued at Washington, D. C., this 13th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3694; Filed, May 15, 1958; 8:49 a. m.]

NOTICES

CIVIL SERVICE COMMISSION

CERTAIN COLLEGE INSTRUCTION AND ADMINISTRATION POSITIONS IN DAYTON, OHIO, AREA

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for certain college instruction and administration positions in Series GS-1710-0 in the grades and specializations listed below:

College Professor positions at grades GS-11, -12, -13 and -14 in the subject-matter areas indicated by the following titles—
- College Professor (Aerodynamics).
- College Professor (Chemistry).
- College Professor (Design).
- College Professor (Electrical Engineering).
- College Professor (Engineering, General).
- College Professor (Mathematics).
- College Professor (Mechanics).
- College Professor (Metallurgy).
- College Professor (Physics).

College Department Head (Scientific and/or Engineering), GS-1710-13 and -14.

College Dean (Scientific and/or Engineering), GS-1710-14.

Institute Director, GS-1710-15.

The new minimum rates of compensation are as follows:

GS-11 $7,465 (top step).
GS-12 $8,645 (top step).
GS-13 $10,065 (top step).
GS-14 $11,395 (top step).
GS-15 $12,690 (top step).

The increases will be effective as of the first day of the second pay period which begins after May 19, 1958, and apply to these positions in the Dayton, Ohio area.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3680; Filed, May 15, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GENERAL COUNSEL ET AL.

SUPPLEMENTAL DELEGATION OF AUTHORITY IN CONNECTION WITH AUTHENTICATING DOCUMENTS

Supplementing the delegations of authority of May 3, 1955, 20 F. R. 3142, and October 2, 1957, 22 F. R. 7866, to the General Counsel, the Deputy General Counsel, and Assistant General Counsels, I hereby authorize that the name of the Secretary of Agriculture be subscribed by such officers to certificates authenticating documents pursuant to the provisions of 28 U. S. C. 1733 as true copies of those on file in the Department and thereby in the custody of the Secretary of Agriculture.

Done at Washington, D. C., this 12th day of May 1958.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 58-3676; Filed, May 15, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8227 etc.; FCC 58-423]

UNION BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 8227, File No. BP-5893; W. Frank Short & Austin E. Harkins, d/b as The Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Lion Broadcasting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP-11215; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations to operate on 1510 kilocycles, by Union Broadcasting Company at Elizabeth, New Jersey (1 kilowatt, daytime only), File No. BP-5893; by W. Frank Short and Austin E. Harkins, d/b as The Alkima Broadcasting Company, at West Chester, Pennsylvania (1 kilowatt, daytime only), File No. BP-10640; and by Lion Broadcasting Co., Inc., at Dover, New Jersey (1 kilowatt, directional antenna, unlimited time), File No. BP-11215; and

It appearing that, except as indicated from the issues specified below, The Alkima Broadcasting Company and Lion Broadcasting Co., Inc., are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations; but that it cannot be determined whether the Union Broadcasting Company is legally, technically, financially, and otherwise qualified because the information in its application was submitted over ten years ago and, for the most part, is obsolete, is not in the form required under present Commission Rules, and is inadequate upon which to make appropriate findings and conclusions with respect to said applicant and its proposal; that the proposals of Union Broadcasting Company and Lion Broadcasting Co., Inc., involve mutually destructive interference; that the proposal of The Alkima Broadcasting Company involves interference with the proposals of the other two applicants herein; and that the proposal of Lion Broadcasting Co., Inc. may cause interference to Station WLAC, Nashville, Tennessee; and

It further appearing that, as required by section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were notified of the aforementioned deficiencies by letter dated January 15, 1958, and Union Broadcasting Company was requested to submit material to bring its application up to date; and

It further appearing that, in an Order adopted on March 19, 1958, the Commission, at the request of Union Broadcasting Company and The Alkima Broadcasting Company, extended to April 1, 1958, the time in which to reply to said letter; and

It further appearing that timely replies were received from Lion Broadcasting Co., Inc. and The Alkima Broadcasting Company; and that Jack L. Steinhardt, director and 14.5 percent stockholder of Union Broadcasting Company, in a letter dated April 11, 1958, states that it is "necessary to ask for an extension that will give us more time to reorganize, resurvey, and re-evaluate our situation" and to "present an up-to-date application"; and

It further appearing that, with respect to the request of Union Broadcasting Company for additional time to respond to the Commission's letter of January 15, 1958, this applicant, in response to a Commission letter dated October 4, 1957, stated that it still wanted to prosecute its application; that in its Order of December 18, 1957, the Commission pointed out the fact that the information in the application was more than ten years old; that in its letter of January 15, 1958, the Commission requested this applicant to bring its application up to date; and that, therefore, we are of the opinion that said applicant has had reasonable time in which to amend its application; that the orderly dispatch of the Commission's business requires that the instant applications be designated for hearing without further delay; that any applicant may amend after designation for hearing on a showing of good cause pursuant to § 1.311 of the Commission's rules; and that, therefore, said request for further extension of time should be denied; and

It further appearing that, in a petition filed on May 5, 1958, Mrs. Betty Presser, Cecil Friedman, Roger Tuttle, and Harold Borden, a "group, which includes certain of the principals of Union Broadcasting Company", request that the Commission not designate for hearing the instant applications until petitioners can form a new corporation and file an application for a new unlimited time station at Elizabeth, New Jersey, on the grounds that since the time the application of Union was filed the president (and 22.1 percent stockholder) of the corporation has died, other stockholders have dropped out or lost interest, "the corporate charter had been forfeited", and the land originally proposed for the antenna site has been developed and become unavailable; that Mrs. Presser, widow of said Union president, and Cecil Friedman (a 7.6 percent stockholder in Union), have tried diligently but without success to work within the framework of Union to get the stockholders to bring the application up to date and specify unlimited time operation; that, if said petition is granted, Mrs. Presser and Cecil Friedman will withdraw from Union and join with two others, Judge Harold Borden and Roger Tuttle, in forming a new corporation; that such corporation would have sufficient funds and could complete negotiations for a site and submit within four to six weeks a complete application for an unlimited time station at Elizabeth, New Jersey; and that Elizabeth, a city with a population of 112,817, does not have its own local radio station; but that the Commission is of the opinion that, as pointed out in the preceding paragraph, Union has been on notice since December 18, 1957, that its application must be amended to bring it up to date and that it would be designated for hearing in a consolidated proceeding; that since Mrs. Presser and Cecil Friedman are principals in Union, they also had said notice; that the intervening five months have provided reasonable time in which to effect such amendment or, for Mrs. Presser and Cecil Friedman to have taken such other action as they deemed advisable; that the intra-corporate problems of Union do not represent good cause for delaying further the designation for hearing of the subject three applications; and that while the objective of providing Elizabeth with its first local service is commendable, considerations of fair and efficient administrative practices and the rights of other applicants require that the petition of Mrs. Presser and her associates be denied; and

It further appearing that, in letters dated July 24 and November 26, 1957, and February 28, 1957, Station WLAC, Nashville, Tennessee, requested that the application of Lion Broadcasting Co., Inc., be designated for hearing because of possible interference that may be caused within the 0.5-50 percent nighttime service area of WLAC; that WLAC contends that, although theoretical protection is indicated to the secondary service area of WLAC, nominal variations in the operating parameters of the proposed array would result in values of radiation greater than the MEOV's specified with the result that interference to WLAC would obtain; and that WLAC further contends that the terrain surrounding the antenna site proposed by Lion Broadcasting Co., Inc., would make it impossible to adjust the array and prove compliance with the radiation proposed; and that we are of the opinion that a question obtains as to whether such interference would result to Station WLAC; and

It further appearing that the applications of Union Broadcasting Company and The Alkima Broadcasting Company propose daytime only operations on a U. S. Class I frequency, 1510 kilocycles, and, accordingly, if either of these two proposals is favored in the hearing provided for below, it will be held without final action, pursuant to § 1.351 of the Commission rules, pending conclusion of the proceedings in Docket No. 8333 relative to the "daytime skywave" matter; and

It further appearing that, in view of the foregoing, a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether Union Broadcasting Company is legally, technically, financially, and otherwise qualified to construct and operate the station it proposes, and whether its instant proposal is in compliance with the Commission rules.

3. To determine whether the proposal of Lion Broadcasting Co., Inc., would involve interference with Station WLAC, Nashville, Tennessee, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the avail-

ability of other primary service to such areas and populations.

4. To determine whether the directional antenna system proposed by Lion Broadcasting Co., Inc., can be adjusted and maintained as proposed, and, if not, whether objectionable nighttime interference would be caused to Station WLAC, Nashville, Tennessee, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That the above-reference request of Union Broadcasting Company for a further extension of time in which to reply to the Commission's letter of January 15, 1958, is denied; and

It is further ordered, That the above-reference petition of Mrs. Presser, Cecil Friedman, Roger Tuttle and Harold Borden requesting the Commission to "Defer Designating Applications for Hearing" is denied; and

It is further ordered, That WLAC, Inc., licensee of Station WLAC, Nashville, Tennessee, is made a party to the hearing; and

It is further ordered, That, if the application of Union Broadcasting Company or The Alkima Broadcasting Company is favored in the hearing provided for above, said application shall be returned to the pending file and held without further action until conclusion of proceedings in Docket No. 8333 relative to the "daytime skywave" matter; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3684; Filed, May 15, 1958; 8:47 a. m.]

[Docket No. 11788 etc.; FCC 58-420]

JAMES W. MILLER ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York, Docket No. 12411, File No. BP-11365; Vincent De Laurentis, Hamden, Connecticut, Docket No. 12412, File No. BP-11607; Albert L. Capstaff, tr/as Eastern States Broadcasting Co., Hamden, Connecticut, Docket No. 12413, File No. BP-11760; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications of Orange County Broadcasting Corporation for a construction permit to increase the power of Station WGNY, Newburgh, New York (1220 kc, 1 kw, Day), to 5 kilowatts and install a directional antenna; and applications for construction permits for new standard broadcast stations to operate on 1220 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, by James W. Miller at Milford, Connecticut and by Vincent De Laurentis and Eastern States Broadcasting Co. at Hamden, Connecticut; and

It appearing, that, except as indicated by the issues specified below, all of the applicants herein are legally, technically, financially, and otherwise qualified to construct and operate their respective proposals, but that the proposals of James W. Miller, Vincent De Laurentis, and Eastern States Broadcasting Co., involve mutually destructive interference; that the proposal of Vincent De Laurentis would involve interference with the existing and proposed operations of Station WGNY; and that the proposed operation of Station WGNY would involve interference with the proposals of James W. Miller and Eastern States Broadcasting Co.; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated January 31, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any one of the applications would serve the public interest; and

It further appearing that each of the applicants filed a timely reply, indicating an intention to appear at a hearing on these applications; and

It further appearing that the proposal of Orange County Broadcasting Corporation is in contravention of § 3.25 (d) of the Commission's rules and accordingly, in the event that it is favored in the hearing provided for below, it must be held without final action, pursuant to the Commission's Public Notice of June 14, 1957, pending ratification of the Agreement between the United States and Mexico with respect to operation on Mexican Clear Channels with five kilowatts power during daytime hours; and

It further appearing that, because of the proximity of the antennas of the proposal by Vincent De Laurentis and Station WELI, New Haven, Connecticut, a grant of the application of Vincent De Laurentis should contain the condition that he install and adjust suitable filter circuits or other equipment necessary to prevent excessive cross-modulation or re-radiation with Station WELI; and

It further appearing that, after consideration of the foregoing, the Commission is of the opinion that a hearing on these applications is neecssary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from the proposals of James W. Miller, Vincent De Laurentis, and Eastern States Broadcasting Co., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would gain or lose primary service from the operation of Station WGNY as proposed herein, and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of Vincent De Laurentis would involve objectionable interference with the existing operation of Station WGNY, Newburgh, New York, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

6. To determine on a comparative basis, in the event that pursuant to the foregoing issue the proposal of Vincent De Laurentis or Eastern States Broadcasting Co. it is found to best provide a fair, efficient, and equitable distribution

of radio service, which proposal would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between said two applicants as to:

a. The background and experience of each, having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each with respect to the management and operation of the proposed station.

c. The programming service proposed in each of said applications.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to the provisions of § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be sufficient.

It is further ordered, That the proposal of Orange County Broadcasting Corporation, if favored in the hearing proceeding herein shall be held without final action, pursuant to the Commission's Public Notice of June 18, 1957, pending ratification of the agreement between the United States and Mexico with respect to operation on Mexican Clear Channels with 5 kilowatts power during daytime hours;

It is further ordered, That a grant of the application of Vincent De Laurentis shall contain the condition that the permittee install and adjust suitable filter circuits or other equipment necessary to prevent excessive cross-modulation or re-radiation with Station WELI, New Haven, Connecticut.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3685; Filed, May 15, 1958; 8:47 a. m.]

[Docket No. 11973 etc., FCC 58M-482]

PALM SPRINGS TRANSLATOR STATION, INC.

ORDER CONTINUING HEARING

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11973, File No. BPTT-12; Docket No. 11974, File No. BPTT-13; for construction permits for new television broadcast translator stations; Docket No. 12149, File No. BMPTT-5; Docket No. 12150, File No. BMPTT-6; for modification of construction permits to increase effective radiated power and to make changes in antenna system; Docket No. 12151, File No. BLTT-11; Docket No. 12152, File No. BLTT-12; for television broadcast translator station licenses to cover Translator Stations K-70-AL and K-73-AD, Palm Springs, California.

The Hearing Examiner having under consideration a petition for continuance filed by Palm Springs Community Television Corporation on May 8, 1958;

It appearing that all parties have agreed to the requested continuance;

It is ordered, This 12th day of May 1958, that the above petition is granted; and the dates designated for various procedural steps herein are postponed as follows:

	From—	To—
Date for exchange of written objections and requests for witnesses to be produced for cross-examination in Washington	May 19, 1958	June 10, 1958
Hearing date	May 26, 1958	June 17, 1958

Released: May 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3686; Filed, May 15, 1958; 8:47 a. m.]

[Docket Nos. 12207, 12420; FCC 58-428]

GRADY M. SINYARD AND STATES BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Grady M. Sinyard, New Boston, Ohio, Docket No. 12207, File No. BP-11076; States Broadcasting System, Inc., St. Marys, Ohio, Docket No. 12420, File No. BP-11598; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications of Grady M. Sinyard and States Broadcasting System, Inc. for construction permits for new standard broadcast stations to operate on 1010 kilocycles, with a power of 500 watts, directional antenna, daytime only, at New Boston and St. Marys, Ohio, respectively; and

It appearing that, except as indicated by the issues specified below, the applicants are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations, but that their proposals involve mutual interference; and that interference from the proposal of Grady M. Sinyard and from Stations CFRB, Toronto, Canada, and WCSI, Columbia, Indiana, would affect more than ten percent of the population in the normally protected primary service area in the proposal of States Broadcasting System, Inc. in contravention of § 3.28 (c) of the Commission rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were notified by letter dated March 7, 1958 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that each applicant filed a timely reply; and

It further appearing that States Broadcasting System, Inc., requests a waiver of § 3.28 (c) of the Commission's rules on the ground that its proposal for a new daytime only operation would provide a first station to the City of St. Marys, Ohio, but that we are unable to determine on the basis of the information before us that circumstances exist which warrant a waiver of § 3.28 (c) of the rules; and

It further appearing that, after consideration of the foregoing, we are of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of States Broadcasting System, Inc. is in compliance with § 3.28 (c) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3687; Filed, May 15, 1958; 8:48 a. m.]

[Docket No. 12410; FCC 58-418]

BRIDGEPORT BROADCASTING CO. (WICC)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Bridgeport Broadcasting Company (WICC), Bridgeport, Connecticut, Docket No. 12410, File No. BP-10707; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May, 1958;

The Commission having under consideration the above-captioned application of The Bridgeport Broadcasting Company for a construction permit to increase the power of Station WICC, Bridgeport, Connecticut (600 kc, 500 w, 1 kw-LS, DA-2, Unl.), to 1 kilowatt nights and 5 kilowatts days and change the directional antenna array;

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate Station WICC as proposed, but that operation of Station WICC as proposed would cause to Station WEEI, Boston, Massachusetts, interference which is considered objectionable under the Commission's rules; would involve overlap of the 2 and 25 mv/m contours with Station WVNJ, Newark, New Jersey, which overlap is prohibited by § 3.37 of the Commission's rules; and that the applicant, because of the presence of a roller coaster and other construction in the immediate area of the proposed antenna, may not be able to adjust and maintain the proposed directional antenna pattern and, in view of the water areas involved, especially along bearings through the null areas of the radiation pattern, may not be able to submit a satisfactory proof-of-performance, or establish satisfactory monitoring points; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated August 23, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would serve the public interest; and

It further appearing that, at the request of the applicant, further action on this proposal was withheld pending the filing of an engineering amendment; and

It further appearing that, in an amendment filed on February 25, 1958, the applicant states that the 2 mv/m contour of Station WVNJ overlaps both the existing and proposed 25 mv/m contours of WICC; that § 3.37, "which precludes the licensing of stations 20 kc removed in frequency if there is overlap of the 2 and 25 mv/m contours, is not a rule which defines interference but rather is a separation rule designed to avoid certain serious cross-modulation and related problems which may, but do not necessarily, arise between adjacent-channel stations providing high intensity signals to the same area"; that the WICC and WVNJ transmitters are separated by approximately 65 miles; that the 2 and 25 mv/m overlap exists solely because a large portion of the path from the WVNJ transmitter toward the southern portion of the WICC 25 mv/m contour is over salt water; that the path from the WVNJ transmitter to the City of Bridgeport, however, is nearly all over land; that the area of overlap falls in Long Island Sound "with the result that there is not in the existing overlap area or in the enlarged area resulting from the proposed operation of WICC any nonlinear re-radiating elements which would tend to produce cross-modulation effects"; that the instant proposal reduces radiation toward WVNJ and "the effective separation of the station is also increased, with the result that the objective of § 3.37 is more nearly achieved under the proposed operation than under the existing operation of WICC; that "the existing overlap has not resulted in complaints of interference to either WVNJ or WICC"; and that "this increased area of overlap should not be a bar to a grant of [the instant] application"; and

It further appearing that § 3.37 is not a rule which, as stated by the applicant, defines interference; that the extent or degree of overlap is unimportant, In re Application of Home News Publishing Company, 6 Pike and Fischer RR 1036f; that the objective sought by § 3.37 is to require a sufficient physical separation of stations so that the 2 and 25 mv/m contours do not overlap, and thereby prevent an allocation which is conducive to cross-modulation; that the area with which the Commission must concern itself is not limited to the point of overlap of said contours but includes the entire area within the common service areas of the two stations where the magnitude and ratio of the respective signals of the two stations may result in cross modulation; and that, accordingly, the fact that the overlap of the 2 and 25 mv/m contours of the WICC proposal and WVNJ occurs over water where the applicant claims says there are no "nonlinear re-radiating elements which would tend to produce cross-modulation effects" is not conclusive as to the potentiality of cross-modulation in the overall common service areas of the WICC proposal and WVNJ; and that, moreover, the applicant's claim with respect to no complaints having been received by WICC or WVNJ as a result of the present overlap does not establish the fact that no cross-modulation with WVNJ will result from the instant WICC proposal, inasmuch as the power of WICC would be increased, the directional antenna pattern would be changed, and the radiation, while not increased along a direct path toward WVNJ, would be increased in other directions within the service areas of both stations; and

It further appearing that, in a letter dated September 17, 1957, the licensee of Station WEEI, Boston, Massachusetts, requested that this application be designated for hearing because of possible interference to Station WEEI; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would gain or lose primary service from the operation of Station WICC as proposed herein, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station WICC as proposed herein, would involve objectionable interference with Station WEEI, Boston, Massachusetts, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of Station WICC as proposed herein would involve overlap of the 2 and 25 mv/m contours with Station WVNJ, Newark, New Jersey, in violation of § 3.37 of the Commission rules.

4. To determine whether the antenna system in the instant proposal of Station WICC can be adjusted and maintained as proposed; whether a satisfactory proof-of-performance can be made in view of water areas involved, especially along bearings through the null areas of the radiation pattern; and whether satisfactory monitoring points are available, especially along radials in the null areas of the radiation pattern and toward Station WCAO, Baltimore, Maryland.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience, and necessity.

It is further ordered, That Columbia Broadcasting System, Inc., licensee of Station WEEI, Boston, Massachusetts, IS MADE a party to the hearing proceeding herein; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION.
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3688; Filed, May 15, 1958; 8:48 a. m.]

[Docket No. 12421; FCC 58-426]

MECKLENBURG BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of John L. Cole, Jr., tr/as Mecklenburg Broadcasting Company, Chase City, Virginia, Docket No. 12421, File No. BP-11275; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned application of John L. Cole, Jr., tr/as Mecklenburg Broadcasting Company, for a construction permit for a new standard broadcast station at Chase City, Virginia, to operate on 980 kilocycles with a power of 500 watts, daytime only; and

It appearing that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate his proposed station, but that operation of the station as proposed would involve objectionable interference with Station WAAA, Winston-Salem, North Carolina; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated April 2, 1958, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant and the licensee of Station WAAA filed timely replies in which they stated that they would appear at a hearing on this application; and

It further appearing that, in view of the foregoing, we are of the opinion that a hearing on this application is necessary; and

It further appearing that, in the event of a grant of this application, the construction permit should contain a condition that, before program tests are authorized, the permittee should submit a nondirectional proof-of-performance to establish that the inverse distance field at one mile has been reduced to essentially 175 mv/m/kw, as specified in the instant application;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would involve objectionable interference with Station WAAA, Winston-Salem, North Carolina, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant proposal would serve the public interest, convenience and necessity.

It is further ordered, That Laury Associates, Inc., licensee of Station WAAA, Winston-Salem, North Carolina, is made a party to the hearing proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order;

It is further ordered, That, in the event of a grant of this application, the construction permit shall contain a condition that, before program tests are authorized, the permittee shall submit a nondirectional proof-of-performance to establish that the inverse distance field at one mile has been reduced to essentially 175 mv/m/kw as specified in the application for construction permit.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3689; Filed, May 15, 1958; 8:48 a. m.]

[Docket Nos. 12422—12425; FCC 58-427]

POMPANO BEACH BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pompano Beach Broadcasting Corporation, Pompano Beach, Florida, Docket No. 12422, File No. BP-11297; Voice of South Miami Broadcasters, Inc., South Miami, Florida, Docket No. 12423, File No. BP-11410; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP-11489; South Miami Broadcasting, Incorporated, South Miami, Florida, Docket No. 12425, File No. BP-11751; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations by Pompano Beach Broadcasting Corporation to operate on 980 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, at Pompano Beach, Florida; Voice of South Miami Broadcasters, Inc., to operate on 970 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, at South Miami, Florida; Louis G. Jacobs to operate on 990 kilocycles with a power of 5 kilowatts, directional antenna, unlimited time, at Miami-South Miami, Florida; and South Miami Broadcasting, Incorporated, to operate on 990 kilocycles with a power of 5 kilowatts, directional antenna, unlimited time, at South Miami, Florida; and

It appearing that Pompano Beach Broadcasting Corporation, Voice of South Miami Broadcasters, Inc., and Louis G. Jacobs are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations; that South Miami Broadcasting, Incorporated is legally and technically so-qualified; that the proposals of Pompano Beach Broadcasting Corporation and Voice of South Miami Broadcasters, Inc. involve mutually destructive interference; that the proposals of Voice of South Miami Broadcasters, Inc., South Miami Broadcasting, Incorporated, and Louis G. Jacobs involve mutually destructive interference; that the proposals of Pompano Beach Broadcasting Corporation and Louis G. Jacobs involve slight mutual interference; that insufficient information has been submitted by South Miami Broadcasting, Incorporated, to determine that it is financially qualified to construct and operate its proposed station; and that questions obtain with respect to matters of possible misrepresentation and abuses of Commission processes and whether, therefore, South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated February 26, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that because of the proximity of the proposed antenna system of Pompano Beach Broadcasting Corporation to Station WPOM, Pompano Beach, Florida; of the Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, and South Miami Broadcasting, Incorporated, to the antenna of Station WMIE, Miami, Florida, and to the antenna in the proposal, File No. BP-11316, to change frequency, site, and power of Station WMBM, Miami Beach, Florida, the grant of any one of the instant applications should contain the condition that the permittee shall install and adjust suitable filters and other equipment necessary to prevent excessive reradiation or intermodulation with said station or stations; and

It further appearing that, a grant of the application of Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, or

South Miami Broadcasting, Incorporated, should contain the condition that the permittee shall submit, before and after construction, sufficient field intensity measurement data on Station WMIE and the said proposal of Station WMBM to prove that the radiation patterns of WMIE and said WMBM proposal have not been adversely affected by the tower construction; and

It further appearing that a grant of the application of Louis G. Jacobs should contain a condition that the uppermost point of the antenna system, including the required obstruction lighting or any other attachments, shall not exceed 249 feet, average mean sea level; and

It further appearing that as set forth in the Commission's above-referenced letter of February 26, 1958, questions obtain as to whether South Miami Broadcasting, Incorporated, filed its amendment of December 16, 1957, to force the issuance of a further section 309 (b) letter, delay a hearing on the instant applications, and gain time in which to "shore-up" its application by amending to a fulltime operation on 990 kilocycles, which amendment was filed on January 7, 1958; whether said applicant decided at a meeting of stockholders on December 10, 1957 to proceed with an amendment to specify fulltime operation, but in an affidavit dated December 11, 1957 and filed with the Commission on December 16, 1957 failed to disclose its proposed amendment and led the Commission to believe that the applicant was going to hearing on its then-specified 970 kilocycle daytime proposal; whether the foregoing matters constitute misrepresentation to the Commission and abuse of Commission processes; and whether, therefore, South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application; that, in its above-referenced reply to the Commission's letter of February 26, 1958, South Miami Broadcasting, Incorporated, denied that it had made misrepresentations to the Commission or abused its processes; that, commenting on said reply, Louis G. Jacobs, in a letter dated April 3, 1958, takes issue with facts therein; and that, on the basis of the information before us, we are unable to find at this time that South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals herein, and the availability of other primary service to such areas and populations.

2. To determine whether South Miami Broadcasting, Incorporated, is financially qualified to construct and operate its proposed station.

3. To determine whether South Miami Broadcasting, Incorporated, possesses the requisite character qualifications to receive a grant of its instant application.

4. To determine the nature and extent of the interference, if any, that each of the proposals herein would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would best provide a fair, efficient, and equitable distribution of radio service.

6. To determine on a comparative basis, in the event that pursuant to the foregoing issue Miami and South Miami, Florida, are, or Miami or South Miami, Florida, is, considered to have the greater need for a new radio station, which of the operations proposed by Voice of South Miami Broadcasters, Inc., Louis G. Jacobs or South Miami Broadcasting, Incorporated, would best serve the public interest, convenience, and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said two applicants as to:

(a) The backrgound and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of said applications.

7. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications herein should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission rules, in person or by an attorney or appropriate corporate officer, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the grant of any one of the applications herein shall contain the condition that the permittee shall install and adjust suitable filters or other equipment necessary to prevent excessive reradiation or intermodulation between the proposal of Pompano Beach Broadcasting Corporation and Station WPOM, Pompano Beach, Florida; between the proposal of Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, or South Miami Broadcasting, Incorporated, and Station WMIE, Miami, Florida, as well as the proposal, File No. BP-11316, to change site, frequency and power of Station WMBM, Miami Beach, Florida; and that the grant of the application of Voice of South Miami Broadcasters, Inc., Louis G. Jacobs, or South Miami Broadcasting, Incorporated, shall contain the condition that the permittee submit, before and after construction, sufficient field intensity measurement data on Station WMIE, and the proposal, File No. BP-11316, to change frequency, site, and increase power of Station WMBM, Miami Beach, Florida, to prove that the radiation patterns of WMIE and said WMBM proposal have not been adversely affected by the tower construction;

It is further ordered, That a grant of the application of Louis G. Jacobs shall contain the condition that the uppermost point of the antenna system in the Jacobs proposal, including the required obstruction lighting or any other attachments, shall not exceed 249 feet, average mean sea level.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3690; Filed, May 15, 1958; 8:48 a. m.]

[Docket No. 12426; FCC 58-429]

AUSTIN RADIO CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Austin Radio Company, Austin, Texas, Docket No. 12426, File No. BP-11247; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned application of Austin Radio Company for a construction permit for a new standard broadcast station at Austin, Texas, to operate on 970 kilocycles with a power of 1 kilowatt, directional antenna, daytime only; and

It appearing that, except as indicated by the issues specified below, the applicant is technically and financially qualified to construct and operate its proposed station, but that, on the basis of the information before us, we are unable to conclude (1) that the applicant is legally qualified, because a substantial question obtains as to whether Jacob A. Newborn, Jr., who is president and a director of the applicant corporation but not a stockholder therein, has contributed to the applicant corporation assets over and above its $100 capitalization and whether he is the real party in interest instead of his two minor daughters whose stock he votes as trustee, and (2) that Jacob A. Newborn, Jr., possesses the requisite character qualifications to be a party to the permittee of a standard broadcast station, because it appears from a deposition by Jacob A. Newborn, Jr., taken on July 12, 1955, in a proceeding in District Court of Hays County, Texas, No. 7289, that Jacob A. Newborn, Jr., stated under oath in a petition to the Texas Secretary of State for incorporation of the Jacob A. Newborn Company that $120,000 had been paid in to the corporation, as required by Texas law, and submitted with said petition a deposit slip showing that the $120,000 had been deposited to the company's account in a bank at Tyler, Texas, whereas, although a charter was issued by the Secretary of State for said corporation, the $120,000 had not been and was never paid in and the corporation never had $120,000 to its credit in the bank; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated March 28, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a reply filed on April 3, 1958, the applicant stated that Jacob A. Newborn, Jr., signed the above-referenced corporate papers to reflect the "intent" of paying the money in, that without his authorization someone transmitted the papers to the Secretary of State of Texas, and that after Mr. Newborn, Jr., learned of "the premature issuance of a charter" he had the corporation dissolved; but that, we believe, inasmuch as Jacob A. Newborn, Jr., appears to have stated under oath in his petition to the Texas Secretary of State that the $120,000 had been paid in to the corporation, substantial questions obtain as to whether the foregoing reflects adversely on the requisite character qualifications of Jacob A. Newborn, Jr., to be a party to the instant application; and

It further appearing that, after consideration of the foregoing, we are of the opinion that a hearing on this application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether stockholders Nancy and Nena Newborn, minor daughters of Jacob A. Newborn, Jr., who is trustee of their said stock and president and director of the applicant corporation, are real parties in interest in the instant application.

2. To determine whether Jacob A. Newborn, Jr., possesses the requisite character qualifications to be a party to, and officer and director of, the permittee of a standard broadcast station.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 (c) of the Commission rules, by a qualified officer of the corporation or by an attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3691; Filed, May 15, 1958; 8:48 a. m.]

[Docket Nos. 12427, 12428; FCC 58-433]

ELECTRONIC MUSIC CO. AND WSBC BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John Englebrecht and Stephen A. Cisler d/b as Electronic Music Company, Chicago, Illinois, Docket No. 12427, File No. BPH-2342; WSBC Broadcasting Company, Chicago, Illinois, Docket No. 12428, File No. BPH-2359; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications of John Englebrecht and Stephen A. Cisler d/b as Electronic Music Company and the WSBC Broadcasting Company for construction permits for new Class B FM broadcast stations to operate on 93.1 megacycles, Channel No. 226, in Chicago, Illinois;

It appearing, that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applications were advised by letter dated March 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Electronic Music Company in a letter dated April 11, 1958, requested an extension of thirty days in which to complete engineering changes and an amendment to its application; but that we are of the opinion that the orderly dispatch of the Commission's business requires that these applications be designated for hearing without further delay inasmuch as any applicant may amend after designation for hearing on a showing of good cause, pursuant to § 1.311 of the Commission's rules; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant applications is necessary; and

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate its proposed station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That the request of the Electronic Music Company for an extension of time in which to complete engineering changes and an amendment to its application is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3692; Filed, May 15, 1958; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 184, Amdt. 1]

CALIFORNIA

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 184, dated April 9, 1958, for the State of California, is hereby amended as follows:

UNIVERSITY OF MICHIGAN

1. By including in paragraph 1. thereof the Counties of Alameda, Stanislaus and Monterey; and

2. By changing the period in paragraph 3. thereof to a comma and adding "except that applications from Alameda, Stanislaus and Monterey Counties may be accepted until November 30, 1958."

Dated: May 2, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-3675; Filed, May 15, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8543]

HUMBLE OIL & REFINING CO.

NOTICE OF HEARING

MAY 12, 1958.

Humble Oil & Refining Company (Applicant), a Texas corporation with principal place of business at Houston, Texas, has heretofore filed an application for a certificate of public convenience and necessity in the above-caption docket, pursuant to secton 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Notice of the filing of said application and its consolidation for purposes of hearing was issued on August 29, 1956, and published in the FEDERAL REGISTER on September 6, 1956 (21 F. R. 6725-28). Said notice also fixed September 17, 1956, as the last day for filing protests or petitions to intervene. By further notice issued on September 24, 1956, said application was severed at the request of Applicant from the applications with which it had been previously consolidated and the hearing thereon postponed to a date to be fixed by further notice.

Applicant proposes to sell natural gas in interstate commerce from production of the W. M. Bevly Lease, Plymouth Field, San Patricio County, Texas, to Plymouth Oil Company for resale.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 28, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3678; Filed, May 15, 1958; 8:46 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 98

Washington, Saturday, May 17, 1958

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, as amended, Supp. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OREGON PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1958 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1958 Crop (22 F. R. 8107, 8175, 9877), the Agricultural Stabilization and Conservation Oregon State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 19,343 acres established for Oregon by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Ross Building, 209 Southeast Fifth Avenue, Portland, Oregon, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Oregon. These bases and procedures incorporate the following:

§ 850.77 *Oregon*—(a) *Proportionate share areas.* Oregon shall be divided into two proportionate share areas comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated as follows: Nampa-Nyssa (Amalgamated) and Toppenish (Utah-Idaho). Acreage allotments for these areas shall be computed by applying to the accredited acreage (as defined in § 850.76) for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest accredited acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a floor of 99.06 percent of the 1953–54 average acreage and pro rata adjustments to a total of 19,343 acres. Acreage allotments computed as aforestated are established as follows: Nampa-Nyssa Area—16,911 acres and Toppenish Area—2,432 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Toppenish Area—68 acres for new producers; 25 acres for appeals; and 0 acres for adjustments in initial shares; Nampa-Nyssa Area—858 acres for new producers; 370 acres for appeals; and 0 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share, under the conditions, and on or before the closing date for such filing, provided in § 850.76. If a preliminary request for a tentative farm proportionate share is filed, a fully completed form SU–100 shall be filed by February 11, 1958, in the Toppenish Area, or March 18, 1958, in the Nampa-Nyssa Area, before a proportionate share may be established for the farm. However, requests for proportionate shares may be accepted after such dates and shares may be established if the county committee determines that in any such case the farm operator was prevented from filing a completed form SU–100 by such dates because of absence, illness or other reasons beyond his control.

(d) *Establishment of individual proportionate shares for old producer farms*—(1) *Farm bases*—(i) *Nampa-Nyssa Area.* For each farm whose operator is a tenant with a personal accredited acreage record during at least one of the crop years 1955–57, the 1958 base shall be determined by applying to his personal accredited acreage record, or to 100 percent of the accredited acreage record of the land he will operate in 1958, whichever is more favorable, a weighting of 80 percent to the average accredited acreage for the crop years 1950–54, as a measure of past production, and a weighting of 20 percent to the largest accredited acreage of any of the crop years 1950–54 as a measure of ability to produce: *Provided,* That the base for a farm operated by a tenant having a personal accredited acreage record for any of the 1955, 1956 or 1957 crop years under a new-producer share shall equal the most recent accredited acreage for the

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 16 ($1.75)

Title 19 ($0.70)

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Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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farm, most recently operated by him during such years but not in excess of the most-recently established share for such farm. If the operator is the owner of the farm, or is a tenant without a personal accredited acreage record in at least one of the years 1955–57, and the farm has an accredited acreage record during at least one of such years, the 1958 base for such farm shall be determined by applying the above-specified weightings to the accredited acreage record of the farm for the crop years 1950–54 as prescribed above.

(ii) *Toppenish Area.* For each farm whose operator is a tenant having a personal accredited acreage record during at least one of the crop years 1955–57, the 1958 base shall be determined by dividing by 3 his total personal accredited acreage record for the crop years 1955–57 or by dividing by 3 the total accredited acreage record for the crop years 1955–57 of the farm he will operate in 1958, whichever is more favorable: *Provided*, That the base for a farm operated by a tenant having a personal accredited acreage record for any of the 1955, 1956 or 1957 crop years under a new-producer share shall equal the most recent accredited acreage for the farm most recently operated by him during such years but not in excess of the most recently established share for such farm. If the operator is the owner of the farm, or is a tenant without a personal accredited acreage in at least one of the crop years 1955–57, and the farm has an accredited acreage in at least one of such crop years, the base shall be determined by dividing by 3 the total accredited acreage of the farm for the crop years 1955–57: *Provided, however*, That if the accredited acreage for the farm for any of such years is used as the personal production record of a former tenant in determining the base for another farm for 1958, the acreage to be used for each such year in determining the base for the farm shall be the larger of one-half of the accredited acreage on the farm for each such year, or the landowner's share of the crop for each such year.

(2) *Initial proportionate shares*. For each proportionate share area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; for each farm with a base of 8.0 acres or less, the initial share shall equal the smaller of 8.0 acres or the requested acreage; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(3) *Adjustments in initial shares*. Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms*. Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1958-crop year by new producers (as defined in § 850.76) at not less than eight acres, the minimum level determined by the State Committee under usual circumstances to be economically feasible to plant to sugar beets, by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Within such acreage set-aside, proportionate shares of less than eight acres if requested may be established for new-producer farms if the State Committee determines that the planting of less than eight acres of sugar beets is economically feasible on such farms.

(f) *Adjustments under appeals*. Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.76, applicable to appeals.

(g) *Adjustments because of unused acreage*. To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1958-crop season. However, any acreage released by producers prior to March 1 in the Toppenish Area and March 10 in the Nampa-Nyssa Area shall be used to increase small proportionate shares (smaller-than-average for the area) so as to promote the more efficient operation of farms. In increasing such small producer shares, the State Committee shall take into consideration the size of beet operations for small farms in the area, the type of operations in the area, and other pertinent factors relating to efficient sugar beet production.

(h) *Notification of farm operators*. The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1958 Sugar Beet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted proportionate share on a form SU-103-A or other similar written notice. For each tentative proportionate share which is established, the person filing the request for such share shall be notified on a form SU-103-B specifying that such tentative share does not constitute a farm proportionate share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of share*. If the Agricultural Stabilization and Conservation County Committee determines that the proportionate share for any farm was established with consideration for the personal history of a person who had no interest or did not acquire any interest in such farm as a tenant, or who was not the operator of the farm at the time of planting sugar beets on the farm, the State Committee shall be notified of the circumstances and the actual operator of the farm shall be given an opportunity to file a request for a share for such farm. Pursuant to such a request, the proportionate share for the farm shall be redetermined on the basis of the personal history of such actual operator, the farm history, or new-producer procedure, whichever is applicable, even though a downward adjustment to zero acres may be required. The actual farm operator shall be furnished a Form SU-103-A setting forth the redetermined share for the farm and he shall also be furnished a statement explaining the reasons for the adjustment. A copy of such statement shall be furnished the person to whom the original Form SU-103 was issued.

(j) *Determination provisions prevail*. The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.76.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Oregon State Committee for determining farm proportionate shares in Oregon in accordance with the determination of proportionate shares for the 1958 crop of sugar beets, as issued by the Secretary of Agriculture.

Oregon is again divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by applying formulas to the accredited acreages for the crop years 1950–54 in the Nampa-Nyssa Area and 1955–57 in the Toppenish Area.

The procedure for establishing farm shares for new producers meets the related requirements of § 850.76. The acreage set aside for such producers is sufficient to establish shares for farms at the prescribed minimum levels for those having the required qualifications. Eight-acre shares are determined to be minimum economic units for new farms except those for which requests for smaller acreages are made because of unavailability of land, the use of personal or family labor on a part-time basis, or other basis which makes the planting of less than eight acres economically feasible.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 931; 7 U. S. C. Sup. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. Sup. 1131, 1132)

Dated: May 1, 1958.

[SEAL] ROBERT T. LISTER,
Chairman, Agricultural Stabilization and Conservation Oregon State Committee.

Approved: May 9, 1958.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-3733; Filed, May 16, 1958; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 136]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.436 *Valencia Orange Regulation 136*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 15, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 18, 1958, and ending at 12:01 a. m., P. s. t., May 25, 1958, are hereby fixed as follows:

(i) District 1: 485,100 cartons;
(ii) District 2: 485,100 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3775; Filed, May 16, 1958; 11:11 a. m.]

[Grapefruit Reg. 288]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.910 *Grapefruit Regulation 288*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 13, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., May 19, 1958, and ending at 12:01 a. m., e. s. t., June 2, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 14, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3730; Filed, May 16, 1958; 8:51 a. m.]

[Orange Reg. 341]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.911 *Orange Regulation 341*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 13, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., May 19, 1958, and ending at 12:01 a. m., e. s. t., June 2, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in the production area, which grade U. S. No. 2 Russet and are of a size larger than a size that will pack 216 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

Shipments of Temple oranges, grown in the production area, are subject to the provisions of Orange Regulation 335 (§ 933.899; 23 F. R. 1000).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 14, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3729; Filed, May 16, 1958; 8:51 a. m.]

[Lemon Reg. 739]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.846 *Lemon Regulation 739*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 14, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 18, 1958, and ending at 12:01 a. m., P. s. t., May 25, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 15, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3766; Filed, May 16, 1958; 9:21 a. m.]

PART 962—FRESH PEACHES GROWN IN GEORGIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958–59 FISCAL PERIOD

Notice was published in the April 25, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 2771) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1958–59 fiscal period under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 962.211 *Expenses and rate of assessment for the 1958–59 fiscal period*—(a) *Expenses.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1958, will amount to $17,957.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at eight tenths cent ($0.008) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk.

(c) As used in this section, the terms "handler," "handles," "shipped," "peaches," "production area," and "fiscal period," shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(d) The provisions of this section shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 14, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3731; Filed, May 16, 1958; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1634]

[1841741]

ALASKA

RESERVING PUBLIC LANDS AS THE KODIAK NATIONAL WILDLIFE REFUGE; REVOKING EXECUTIVE ORDER NO. 8857 OF AUGUST 19, 1941

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights and the provisions of paragraphs 3 and 4 of this order, the following-described areas in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws nor disposals under the act of July 31, 1947 (61 Stat. 681), as amended by the act of July 23, 1955 (69 Stat. 367; 30 U. S. C. 601–604), and reserved under jurisdiction of the United States Fish and Wildlife Service, Department of the Interior, as a refuge and breeding ground for brown bears and other wildlife, as the Kodiak National Wildlife Refuge:

All of Uganik Island located near the north end of Kodiak Island in approximate latitude 57°53′ N., longitude 153°21′ W.;

All that part of Kodiak Island lying west and southwest of Kiekoda Bay and Kiliuda Bay and the following-described boundary:

Beginning at a point at the head and on the north shore of Viekoda Bay, latitude 57°49′32″ N., longitude 153°02′31″ W., approximately 0.5 mile north from the most southerly point of said bay, thence

East, 1 mile approximately, to the divide between Viekoda Bay and a stream flowing northwesterly into said bay;

Southeasterly, 1 mile approximately, to the divide between Viekoda Bay and Kishuyak Bay;

Southerly, along the mountainous divide which traverses the center of the island to a point 7 miles north of the head of Kiliuda Bay, thence leaving the main divide;

Southerly, along the spur between two minor drainages to the shore of Kiliuda Bay at VADM 45; latitude 57°18′45″ N., longitude 153°10′ W., excepting therefrom the Karluk Indian Reservation.

The area described contains approximately 1,820,000 acres.

2. Executive Order No. 8857 of August 19, 1941, which originally established the Kodiak National Wildlife Refuge, is hereby revoked.

3. The withdrawal made by paragraph 1 of this order shall not be construed to affect valid existing rights lawfully initiated and duly maintained in accordance with applicable statutory requirements and regulations or in accordance with the provisions of Executive Order No. 8857, provided, that upon the cancellation, termination, or release of prior entries, selections, rights, appropriations or claims, or upon the revocation of prior withdrawals (unless expressly otherwise provided in the order of withdrawal) the lands affected thereby shall immediately become subject to the withdrawal made by this order without further order.

4. There is excepted from the withdrawal made by Paragraph 1 of this order an area one mile square surrounding each of the native villages of Old Habor, Akhiok, Larsen Bay, Uganik, Uyak, Alitak, Ayakulik, and Kaguyak.

5. The lands excluded from the refuge by the revocation of Executive Order No. 8857, and not withdrawn by paragraph 1 of this order, are included in the withdrawal for classification and in aid of legislation made by Executive Order No. 8344 of February 10, 1940.

FRED A. SEATON,
Secretary of the Interior.

MAY 9, 1958.

[F. R. Doc. 58-3696; Filed, May 16, 1958; 8 45 a. m.]

[Public Land Order 1635]

[71818]

LOUISIANA

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising the Veterans Administration Center Reservation, Shreveport, Louisiana, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Veterans Administration to the Department of the Interior; and

Whereas such transfer has the concurrence of the Administrator of Veterans Affairs:

Now therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Veterans Administration to the Department of the Interior:

A certain tract of land situate in Caddo Parish, Louisiana, comprising a portion of lots 1, 2, 3, 4, 5, 6, 8, and 9; and all of lots 7 and 10, according to the Plan of Subdivision of the East Half of the Southwest Quarter of Section 32, T. 18 N., R. 13 W., recorded in Book P at page 865 of January 13, 1868, and a portion of lot 1 of Section 33, T. 18 N., R. 13 W., according to the Government survey thereof in 1854, commonly known as Fort Humbug and more particularly described as follows:

Beginning at a point 200 feet east of the northwest corner of the southeast quarter of the southwest quarter of Section 32, T. 18 N., R. 13 W., thence on a course north [illegible]° East to the point of intersection with the southwesterly right of way line of the Texas and Pacific Railway Company; thence on a course in a southeasterly direction along said southwesterly right of way line of the Texas and Pacific Railway Company to the point of intersection with the north boundary of Stoner Avenue as fixed by Ordinance No. 186 adopted November 24, 1925, and Plat recorded in Book 150, at page 328, of the records of Caddo Parish, Louisiana; thence west along the north boundary of said Stoner Avenue to the point of intersection with the easterly right of way line of the driveway or roadway at the main entrance of Fort Humbug Memorial Park at the southwesterly corner of said park; thence on a course generally northerly along the easterly right of way line of said driveway or roadway to a point which is approximately 100 feet south and 390 feet east of the northwest corner of the southeast quarter of the southwest quarter of Section 32, T. 18 N., R. 13 W., thence north to the north line of the southeast quarter of the southwest quarter of said Section 32; thence west along the north line of said southeast quarter of the southwest quarter of Section 32 to the point of beginning.

The tract described contains 48.5 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Veterans Administration over the lands for hospital purposes.

4. No oil and gas lessee shall use or invade for any purpose the surface of the lands.

5. Prior to any advertisement for bids the Veterans Administration shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

6. Prior to execution of any lease or development authorized by the Department of the Interior the approval of the Veterans Administration is to be obtained to assure that there is no interference with the primary use of the Veterans Administration Center Reservation.

7. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 12, 1958.

[F. R. Doc. 58-3697; Filed, May 16, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11959; FCC 58-489]

[Rules Amdt. 2-19]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

REALLOCATION OF CERTAIN FIXED, LAND MOBILE, AND MARITIME MOBILE BANDS

In the matter of amendment of Part 2 of the Commission's rules and regulations; reallocation of certain fixed, land mobile, and maritime mobile bands between 25 and 470 Mc.

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above entitled matter which was released on April 9, 1957, and published in the FEDERAL REGISTER of April 16, 1957 (22 F. R. 2583). A correction to the notice adding footnote designators to certain specified frequency bands was released on April 11, 1957, and published in the FEDERAL REGISTER of April 26, 1957 (22 F. R. 2956). The first memorandum report and order in this docket, which applied only to the Land Transportation and Maritime Mobile Services in the 152-162 Mc band, was adopted by the Commission on April 9, 1958, and published in the FEDERAL REGISTER on April 15, 1958 (23 F. R. 2424). A corrected copy of the order was published in the FEDERAL REGISTER on April 19, 1958 (23 F. R. 2601).

2. This order is intended to provide, so far as Part 2 is concerned, for the assignment of "split-channel" frequencies to those services not covered in the first memorandum report and order in the 152-162 Mc band and to the Public Safety Radio Service only, at this time, in the 450-460 Mc band. This order does not involve any reallocation of frequencies and the changes in the Part 2 table of frequency allocations set forth below are editorial in nature. It should be noted that, amendments now being effected in Part 2 of the Commission's rules set forth below, listing of the frequency band 161.625-161.825 Mc is merely to reflect the present frequency allocation for the Land Transportation Radio Service and is not to be construed as finalization of the Commission's outstanding proposal in Docket No. 11959 to reallocate the frequency band 161.645-161.825 Mc to the Remote Pickup Service. The remainder of the proposed rule making will be disposed of at a later date.

3. Proceedings in this and other outstanding "split-channel" dockets will provide for the assignment of both regularly and randomly spaced frequencies together with narrow band authorizations looking towards increased flexibility and efficiency of use of the bands. The variation in spacing of these frequencies from normal uniform channel spacing renders impractical the indication of assignable frequencies in column 10 of the Part 2 table of frequency allocations. Therefore, in lieu thereof, band edge frequencies will be indicated in column 7 for each kind of service or station shown in column 11 for the land mobile service above 50 Mc. Such a system is presently used in the table for most services below 25 Mc.

4. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served, by the amendments herein ordered and, pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

5. *It is ordered,* That effective June 30, 1958, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is hereby amended as set forth below.

Adopted: May 8, 1958.

Released: May 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In the table of frequency allocations, § 2.104 (a) (5), change the entries between 150.8-162 Mc, 453-454 Mc, and 458-459 Mc in columns 7 through 11 to read as follows:

Band Mc 7	Service 8	Class of station 9	Frequency 10	Nature {OF SERVICE {Of stations 11
150.8-150.98 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
150.98-151.49 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
151.49-152.0 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
152.0-152.24 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
152.24-152.48 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
152.48-152.84 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
152.84-153.7325 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL (NG6).
153.7325-154.46 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY (NG35).

Band Mc 7	Service 8	Class of station 9	Frequency 10	Nature {OF SERVICE Of stations} 11
154.46–154.6275 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
154.6275–156.25 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY.
157.45–157.74 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
157.74–158.1 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC
158.1–158.46 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL
158.46–158.7 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC
158.7–159.48 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY
159.48–161.575 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION (NG11) (NG35) (NG40)
161.625–161.825 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION (NG11) (NG35)
453–454 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY
458–459 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		PUBLIC SAFETY

2. Add new § 2.103 (f) to read as follows:

(f) The stations of a service shall use frequencies so separated from the limits of a band allocated to that service as not to cause harmful interference to the services to which the frequency bands immediately adjoining are allocated.

3. Amend the footnotes to the table in § 2.104 (a) (5) as follows:

a. Amend footnote NG22 to read as follows:

NG22 Fixed stations in the services shown in column 11 may use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

b. Delete footnotes NG43, NG48, NG54, and NG55.

c. Amend footnote NG7 to read as follows:

NG7 Stations in the Public Safety Radio Services authorized as of June 30, 1958, to use the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.29, 157.35, 157.41, 157.47, 161.85, 161.91 and 161.97 Mc may continue such use, including expansion of existing systems, on the condition that harmful interference will not be caused to the Maritime Mobile Service except that on the frequencies 157.05 and 157.11 Mc this authority may be extended only to those stations authorized prior to April 28, 1952. No new Public Safety Radio Service system will be authorized to operate on these frequencies.

d. Amend footnote NG11 to read as follows:

NG11 Stations in the Public Safety Radio Services authorized as of June 30, 1958, to use frequencies in the block 159.51–161.79 Mc in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the Land Transportation Radio Services. In Puerto Rico and the Virgin Islands this authority is limited to frequencies in the block 160.05–161.37 Mc. No new Public Safety Radio Service system will be authorized to operate on these frequencies.

e. Amend footnote NG6 to read as follows:

NG6 The use of the frequencies in the block 152.84–153.7325 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radio services.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 58-3681; Filed, May 16, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

KODIAK NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order reserving certain lands for the Kodiak National Wildlife Refuge (§ 17.3) see Public Land Order 1634 in the Appendix to Title 43, Chapter I, *supra*.

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

PART 109—COOK INLET AREA

CLOSED SEASON, KING CRABS

Basis and purpose. On April 10, regulations were amended to provide a temporary closure of the season on king crabs in the Kodiak area because of excessively soft-shelled crabs. This closure was to extend through May 26, 1958.

A similar temporary closure was made on April 11 for the Cook Inlet area to be effective from April 15 to June 30, 1958. Since the regulations, as recodified and revised will supersede these two temporary closures, effective April 17, they must be re-issued. Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. A new section designated § 108.74 is added to read as follows:

§ 108.74 *Closed season, king crabs.* Fishing for or taking king crabs, except by pots, is prohibited throughout the Kodiak area through May 26, 1958.

2. A new section designated § 109.74 is added to read as follows:

§ 109.74 *Closed season, king crabs.* The taking of king crabs is prohibited through June 30, 1958.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

MAY 16, 1958.

[F. R. Doc. 58-3776; Filed, May 16, 1958; 11:22 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 293]

[Economic Regulations Draft Release 94]

CLASSIFICATION AND EXEMPTION OF ALASKAN AIR TAXI OPERATORS

NOTICE OF PROPOSED RULE MAKING

MAY 13, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 293 of the Economic Regulations designed to implement its policy determination in the Intra-Alaska Case, Docket No. 6093, et al., and to revise the regulations insofar as they relate to Alaskan pilot owners.[1]

The principal features of the proposed regulation are explained in the attached Explanatory Statement, and reasons therefor are described more fully in the Board's opinion in the Intra-Alaskan Case. The proposed new Part 293 is set forth below.

This regulation is proposed under the authority of sections 205 (a), 401 and 416 (b) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 987, 1004; 49 U. S. C. 425, 481, 496).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before June 17, 1958, will be considered by the Board before taking further action upon the proposed rule. Copies of such communications will be available on or after June 20, 1958, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. Under Part 292 of the Board's Economic Regulations, a pilot owner may now engage in air transportation solely within the Territory of Alaska using his own airplane with a capacity of not more than four passengers. The regulation does not presently permit a pilot owner to operate between points on any route over which certificated carriers provide three or more scheduled flights per week.

The proposed regulation would create a new Part 293 and would change the present scope of the classification of "Alaskan pilot owners" in certain important respects. Under the proposed regulation, the present Alaskan pilot owners would be reclassified as "Alaskan Air Taxi Operators" and would be redefined to include individuals, partnerships, or Alaskan corporations who are not otherwise authorized to engage in air transportation. In addition, the proposed regulation would enlarge the operating authority of persons formerly referred to as Alaskan pilot owners. Thus, it expressly authorizes Alaskan air taxi operators to engage in air transportation without limitation as to frequency between points served by a certificated air carrier with less than two round trips per week. Alaskan air taxi operators would be authorized to operate on a charter trip basis only, between points between which a certificated air carrier is providing two or more round trips per week.

The proposed regulation also authorizes Alaskan air taxi operators to transport mail over postal routes Nos. 78150 and 78151 or such other designation as may be assigned thereto ("two-bit" mail) and over gratuitous routes in order to expedite the movement of mail to points which are served only on a demand basis.

The existing regulation is further liberalized by the proposed regulation wherein Alaskan air taxi operators are permitted to hire up to five pilots and to operate aircraft with an absolute maximum take-off weight of 7,900 pounds.[2] There has been no indication that the exemption authority to hire pilots previously granted by the Board in certain instances has been detrimental to the certificated carriers. Conversely, the authority to hire pilots would enable the pilot owner to increase his operations and more adequately meet the demands for his service. The authorization to operate larger aircraft will likewise enable these operators to more adequately meet the demands for service and conduct more economically sound operations without any adverse effect on certificated carriers.

In addition to the foregoing, Alaskan air taxi operators would be exempted from subdivision (b) and (c) of section 407 of the act and thus would not be required to file reports relating to stock ownership or interlocking relationships. Also, any relationship between Alaskan air taxi operators would be exempted from approval under sections 408, 409 (a) and 412 of the act.

Other modifications of the present regulation would require Alaskan air taxi operators to file schedules, if any scheduled service is provided under the revised regulation, and to file a special semi-annual report showing the air taxi operators' operating bases, numbers of employees, airman certificates and ratings held by each employee and detailed description of each aircraft operated, and the number of hours each aircraft is operated.

These filing requirements, together with the aircraft weight limitations, the prohibition against unlimited conduct of scheduled operations, and the use of an authorized business name, have been made express limitations upon the scope and effectiveness of the exemption to be accorded all Alaskan air taxi operators. Consequently, the Board would be able to proceed by way of enforcement action against any Alaskan air taxi operator failing to comply with these provisions of the regulation. In the event that an Alaskan air taxi operator fails to timely file the required semi-annual report, provision is made for automatic suspension of such carrier's letter of registration.

The operating authority provided by the proposed part has been limited to a maximum duration of 2 years, and will be terminable sooner with respect to Alaskan air taxi operators upon a finding by the Board that the exemption of this class of air carriers would no longer be in the public interest.

Contemporaneously with the adoption of a final regulation, the Board will promulgate necessary amendments to Part 292 to eliminate those Alaskan pilot owner requirements covered by the new Part 293. However, it is expected that authority will continue to be vested in the Board's Alaska Liaison Office with respect to all Alaskan air carriers. Thus, certain procedural requirements of present Part 292 would continue to apply to Alaskan air taxi operators under the proposed regulation.

PART 293—CLASSIFICATION AN EXEMPTION OF ALASKAN AIR TAXI OPERATORS

Sec.

293.0 Applicability of part.
293.1 Definitions.
293.2 Classification.
293.3 Scope of service authorized.
293.4 Necessity for letters of registration.
293.5 Application for letters of registration.
293.6 Issuance of letters of registration.
293.7 Nontransferability of letters of registration.
293.8 Suspension of letters of registration.
293.9 Revocation of letters of registration.
293.10 Termination of letters of registration.
293.11 Extent of exemption.
293.12 Effect of exemption on anti-trust laws.
293.13 Duration of exemption.
293.14 Authority to hire pilots.
293.15 Reports.
293.16 Regulations.
293.17 Business name of the carrier.

§ 293.0 *Applicability of part.* This part establishes a classification of air carriers operating in Alaska known as "Alaskan Air Taxi Operators;" provides certain exemptions from Title IV of the Civil Aeronautics Act of 1938, as amended, for such carriers; and establishes rules and regulations applicable to their operations.

§ 293.1 *Definitions.* (a) "Act" means the Civil Aeronautics Act of 1938, as amended.

(b) "Alaskan Air Taxi Operator" means an air carrier coming within the classification of "Alaskan Air Taxi Operators" established by § 293.2.

(c) "Certificated Air Carrier" means an air carrier operating pursuant to a certificate of public convenience and necessity issued by the Civil Aeronautics Board.

(d) "Charter trip" means air transportation performed where the entire capacity of one or more aircraft has been engaged for movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis:

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[1] The regulations contained in present Part 293 will be incorporated in Part 206 at the time this new Part 293 is adopted.

[2] Waivers of this 7,900 pound limitation are not contemplated.

(1) By a person for his own use;

(2) By a person (no part of whose business is the formation of groups for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group;

(3) By two or more persons acting jointly for the transportation of such group of persons, or their property.

(e) "Maximum certificated take-off weight" means the maximum take-off weight as authorized by the terms of the aircraft airworthiness certificate.

(f) "Point" means any airport or place where an aircraft may be landed or taken off, including the area within a 10-mile radius of such airport or place.

(g) "Scheduled air service" means the provision of air transportation with a frequency of two or more round trips per week between points.

§ 293.2 *Classification.* There is hereby established a classification of air carriers designated "Alaskan Air Taxi Operators." As used in this part an Alaskan air taxi operator is an individual who is a resident of Alaska and who is a certificated pilot with a commercial or airline transport rating, a partnership in which each partner is a resident of Alaska and a certificated pilot with a commercial or airline transport rating, or a corporation (incorporated under the Laws of the Territory of Alaska) which employs as pilots only individuals who hold currently effective pilot certificates with commercial or airline transport ratings who:

(a) Directly engage in air transportation solely within the Territory of Alaska;

(b) Utilize in such air transportation aircraft, having a maximum certificated take-off weight of 7,900 pounds or less, which are beneficially owned by such individual, partnership or corporation;

(c) Is not otherwise authorized by the Board to engage in air transportation.

§ 293.3 *Scope of service authorized.* An Alaskan air taxi operator is authorized by this part to engage in air transportation of persons or property, or both, (a) between points between which a certificated air carrier is not providing scheduled air service, pursuant to schedules filed with the Board under Part 231 of this subchapter, (b) on a charter trip basis between points on any route between which a certificated air carrier is providing scheduled air service pursuant to schedules filed with the Board under Part 231 of this subchapter, and; to transport over postal routes Nos. 78150 and 78151 or such other designation as may be assigned thereto, and over postal routes designated by the Postmaster General as "gratuitous" routes, such mail as may be tendered by the postmasters of Alaska for transportation over such routes.

§ 293.4 *Necessity for letters of registration.* No individual, partnership or corporation shall engage in air transportation as an Alaskan air taxi operator unless such individual, partnership or corporation holds a currently effective letter of registration (Alaska) authorizing such service.

§ 293.5 *Application for letters of registration.* Any individual, partnership or corporation, other than those specified in § 293.6 (a) desiring to operate as an Alaskan air taxi operator may apply to the Board for a letter of registration. Such an application shall be submitted in duplicate in letter form, certified to be correct by the applicant and shall set forth the following information:

(a) Date.

(b) Name, citizenship, address (in case of individuals) or place where formed (in case of partnership or corporations), operating bases or location, number of employees, if any, and airman certificates and ratings currently held by each employee.

(c) Number of aircraft units beneficially owned and utilized in air transportation by applicant, registration number, make, model of each aircraft, and type of landing gear employed, the name in which each aircraft is registered.

§ 293.6 *Issuance of letters of registration*—(a) *To pilot-owners.* Any individual who holds a currently effective letter of registration (Alaska) as an Alaskan pilot owner shall upon surrendering such letter of registration be issued a new letter of registration authorizing such individual to operate as an Alaskan air taxi operator bearing the effective date of this part.

(b) *To all other applicants.* (1) If, after the filing of an application for a letter of registration (Alaska), it appears that the applicant is capable of performing the air transportation authorized by this part as an Alaskan air taxi operator and of conforming to the provisions of the act and all rules and requirements thereunder, and that the conduct of such operations by the applicant will not be inconsistent with the public interest, the applicant will be notified by letter. Such notification will advise the applicant that upon the filing of a valid tariff, a letter of registration will be issued to the applicant unless it has engaged in unauthorized air transportation or other activities prohibited by the act or the rules and regulations of the Board between the date of such notification and such filing. In the latter event, a letter of registration will not be issued unless and until a due showing is made by the applicant that it has terminated such unauthorized or prohibited activities, and that the issuance of such an authorization would be consistent with the public interest.

(2) If, after the filing of an application for a letter of registration, it appears that the applicant has not made a due showing of capability or that the conduct of operations by the applicant might otherwise be inconsistent with the public interest, the Board shall by letter notify the applicant of its findings to that effect. The Board may dismiss any such application unless within 30 days of the date of the mailing of such letter, the applicant has in writing requested reconsideration and submitted such additional information as it believes will make the necessary showing, or requested that the application be assigned for hearing, in which case the applicant shall outline the evidence to be presented at such hearing and shall show the need for hearing in order to properly present its case.

(3) In the event that reconsideration or hearing is requested the Board may, without notice or hearing, enter an order of approval or of disapproval in accordance with its determination of the public interest upon the showing made, or on its own initiative may assign the application for hearing.

§ 293.7 *Nontransferability of letters of registration.* (a) A letter of registration shall be nontransferable and shall be effective only with respect to the person named therein or his successor by operation of law, subject to the provisions of this section. The following persons may temporarily continue operations under a letter of registration issued in the name of another person, for a maximum period of six months from the effective date of the succession, by giving written notice of such succession to the Board within 60 days after the succession:

(1) Administrators or executors of deceased persons;

(2) Guardians of incapacitated persons;

(3) Surviving partner or partners collectively of dissolved partnerships; and

(4) Trustees, receivers, conservators, assignees or other such persons who are authorized by law to collect and preserve the property of financially disabled persons.

(b) All operations by successors, as above authorized, shall be performed in the name or names of the prior holder of the letter of registration and the name of the successor, whose capacity shall also be designated. Any successor desiring to continue operations after the expiration of the six-month period above authorized must file an application for a new letter of registration within 120 days after such succession. If a timely application is filed, such successor may continue operations until final disposition of the application by the Board.

§ 293.8 *Suspension of letters of registration.* (a) Letters of registration (Alaska) shall be subject to immediate suspension when, in the opinion of the Board such action is required in the public interest.

(b) letters of registration (Alaska) shall be automatically suspended upon failure of the Alaskan air taxi operator to timely file the reports required in § 293.15.

§ 293.9 *Revocation of letters of registration.* Letters of registration (Alaska) shall be subject to revocation after notice and hearing, for knowing and willful violation of any provisions of the act, or of any order, rule, or regulation issued under any such provisions or of any terms, conditions or limitations of any authority issued under said act or regulations.

§ 293.10 *Termination of letters of registration.* In any case in which the

Board has reason to believe that a person holding a letter of registration (Alaska) issued under this part has ceased to operate pursuant to the temporary exemptions conferred by § 293.11 the Board may, by registered letters mailed to the carrier at its last known address and to the designated agent of such carrier, if any, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its letter of registration cancelled. Failure to reply within a period of 60 days after receipt thereof, or return of such letters unclaimed, shall automatically terminate all rights under such letter of registration.

§ 293.11 *Extent of exemption.* Except as otherwise provided in this part, each Alaskan air taxi operator shall, to the extent necessary to permit operations authorized by § 293.3, be temporarily exempt from the following provisions of Title IV of the Act:

(a) Section 401 (a);

(b) Section 404 (a): *Provided,* That Alaskan air taxi operators shall abide by those provisions of this section which require air carriers to provide safe service, equipment and facilities in connection with air transportation;

(c) Section 407 (b) and (c); and

(d) Sections 408, 409 (a) and 412 insofar as these provisions would otherwise require Board approval of any relationships between Alaskan air taxi operators.

§ 293.12 *Effect of exemption on anti-trust laws.* The temporary exemption granted in § 293.11 from sections 408, 409 (a) and 412 shall not constitute an order made under such sections, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "anti-trust laws," or any other statute (except the Civil Aeronautics Act of 1938, as amended) with respect to any transaction, interlocking relationship, or agreement, otherwise within the purview of such section.

§ 293.13 *Duration of exemption.* The temporary exemption from any provision of Title IV of the act provided by § 293.11 shall continue in effect only until such time as the Board shall find that enforcement thereof would be in the public interest or would no longer be an undue burden on Alaskan air taxi operators: *Provided,* That upon such a finding as to any Alaskan air taxi operator or class of Alaskan air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further,* That unless otherwise ordered by the Board the temporary exemption granted by § 293.11 shall terminate two years after the effective date of this part.

§ 293.14 *Authority to hire pilots.* An Alaskan air taxi operator is hereby authorized to employ a maximum of five pilots who hold currently effective pilot certificates with commercial or airline transport ratings. In the event that an Alaskan air taxi operator desires to employ more than five such pilots, the Alaskan air taxi operator shall request specific authorization from the Board and advise all certificated air carriers operating within the Territory of Alaska of its request for authorization to hire such additional pilot personnel. If, within 45 days from the date of mailing of such a request, an Alaskan air taxi operator has not been advised by the Board that the authority is denied, permission to employ such additional pilot personnel may be deemed to be granted by the Board to the Alaskan air taxi operator.

§ 293.15 *Reports.* An Alaskan air taxi operator shall file on April 1, and October 1, of each year a verified statement setting forth (a) a current (as of March 1 and September 1) report of the information required of an applicant under § 293.5, and (b) the number of hours each aircraft beneficially owned and utilized by such Alaskan air taxi operator was operated in air transportation during the preceding six months period. This verified statement shall be made available for public inspection.

§ 293.16 *Regulations.* (a) The following regulations are made applicable to Alaskan air taxi operators:

Part 200—Definitions and Instructions.

Part 221—Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers.

Part 223—Tariffs of Air Carriers; Free and Reduced-Rate Transportation.

Part 224—Access to Aircraft for Safety Purposes; Free Transportation for certain CAA Employees.

Part 227—Tariffs of Air Carriers; Reduced Rates to Furloughed Military Personnel in Overseas or Foreign Air Transportation.

Part 231—Transportation of Mail; Mail Schedules.

Part 232—Transportation of Mail; Review of Orders of Postmaster General.

Part 233—Transportation of Mail; Free Travel for Postal Employees.

Part 240—Inspection of Accounts and Property.

Part 262—Agreements between Air Carriers and Foreign Countries.

Part 292—Classification and Exemption of Alaskan Air Carriers, with respect to the provisions of §§ 292.5, 292.6, and 292.7.

Rules of Practice.

(b) The authorized representative of the Board in the Alaska Liaison Office may take preliminary action for the Board to relieve any Alaskan air taxi operator or group of Alaskan air taxi operators from complying with a specific provision or provisions of Parts 221 and 231 of this subchapter when the application of any provision or provisions of these parts is found by him to be an undue burden on such Alaskan air taxi operator or air taxi operators by reason of the limited extent of, or unusual circumstances affecting, the operations of such Alaskan air taxi operator or air taxi operators. Upon finding that such relief is no longer necessary, the authorized representative of the Board in the Alaska Office may take preliminary action for the Board to cancel the relief previously granted in accordance with the provisions of this section. The action of the authorized representative shall be subject to ratification by the Board and any person affected by his action may file exceptions thereto with the Board within 15 days after the date the authorized representative makes his action effective. The action of the authorized representative under this section may be taken either on written application or may be initiated by him in the first instance.

§ 293.17 *Business name of the carrier.* It shall be an express condition upon the operating authority of all Alaskan air taxi operators governed by this part that the Alaskan air taxi operator concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an Alaskan air taxi operator may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letter, or other minor variations of such name which are readily identifiable therewith.

(b) An Alaskan air taxi operator may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of its official name in air transportation service by the Alaskan air taxi operator concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission thereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

[F. R. Doc. 58-3734; Filed, May 16, 1958; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 695]

HOMEWORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

NOTICE OF PROPOSED RULE MAKING

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, notice is hereby given that the Acting Administrator proposes to amend Part 695 of Title 29, Code of Federal Regulations.

The proposed amendment is based upon authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938. Its purpose is to provide mini-

mum piece rates for homeworkers commensurate with the minimum hourly rates established under section 8 of the Fair Labor Standards Act of 1938 for industries in the Virgin Islands (23 F. R. 2375). In addition, the proposed amendment makes provision for the time when the rates prescribed in § 695.12 herein are no longer commensurate with minimum hourly rates so established. The proposed amendment is hereinafter set forth.

1. Section 695.8 will be amended to read as follows:

§ 695.8 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates prescribed in § 695.12 for the operations described therein. On or after the effective date of any change in the minimum hourly rates established by wage order and until the effective date of compensating revisions of the rates contained in § 695.12, the minimum piece rates which shall be paid are those listed in § 695.12 adjusted in ratio to the relation between the change in the old and new minimum hourly rates.

2. Section 695.12 will be amended to read as follows:

§ 695.12 *Piece rates established in accordance with § 695.8.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE HAND-MADE ART LINEN INDUSTRY IN THE VIRGIN ISLANDS (HAND-EMBROIDERY OPERATIONS)

Design No.	Description of design	Piece rate based on hourly rate of 25 cents
1	Native Woman No. 1—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 1, filed with the Wage and Hour Division. Size: 1″ high, ⅞″ at base	$0.131
2	Native Woman No. 2—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 2, filed with the Wage and Hour Division. Size: 1 5/16″ high, 1 7/16″ at base	.159
3	Native Woman No. 3—Woman carrying tray of fruit on head, palm tree with 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 3, filed with the Wage and Hour Division. Size: 2″ high, 2 5/16″ at base	.21
4	Native Woman No. 4—Woman carrying tray of fruit on head, 2 palm trees, each with 3 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 4, filed with the Wage and Hour Division. Sizes: 3¾″ high, 6¼″ at base	.911
5	Palm Tree No. 1—Palm tree, 6 leaves, 2 small fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 5 filed with the Wage and Hour Division. Size: 1⅝″ high, 1¼″ at base	.148
6	Palm Tree No. 2—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 6, filed with the Wage and Hour Division. Size: 2½″ high, 1⅝″ at base	.174

SCHEDULE A—PIECE RATE SCHEDULE FOR THE HAND-MADE ART LINEN INDUSTRY IN THE VIRGIN ISLANDS (HAND-EMBROIDERY OPERATIONS)—Continued

Design No.	Description of design	Piece rate based on hourly rate of 25 cents
7	Palm Tree No. 3—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 7, filed with the Wage and Hour Division. Size: 3¾″ high, 2½″ at base	$0.268
8	Donkey and Rider No. 1—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 8, filed with the Wage and Hour Division. Size: 1½″ high, 1¾″ at base	.155
9	Donkey and Rider No. 2—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 9 filed with the Wage and Hour Division. Size: 1½″ high, 1¾″ at base	.218
10	Donkey and Rider No. 3—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 10, filed with the Wage and Hour Division. Size: 2⅛″ high, 2½″ at base	.268
11	Donkey and Boy No. 1—Boy leading donkey, man carrying bundle of bananas, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 11, filed with the Wage and Hour Division. Size: 2″ high, 1⅝″ at base	.226
12	Donkey and Boy No. 2—Boy leading donkey, man carrying bundle of bananas, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 12, filed with the Wage and Hour Division. Size: 2⅜″ high, 2¾″ at base	.304
13	Bluebeard Castle No. 1—Castle in shape of tower, 4 windows, door, flag, and 2 palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 13, filed with the Wage and Hour Division. Size: 1⅞″ high, 1⅞″ wide	.205
14	Bluebeard Castle No. 2—Castle in shape of tower, 4 windows, door, flag, 1 large and 2 small palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 14, filed with the Wage and Hour Division. Size: 2¼″ high, 2¾″ wide	.266
15	Bluebeard Castle No. 3—Castle in shape of tower, 4 windows, door, flag, 2 large and 3 small palm trees, 2 banana plants; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 15, filed with the Wage and Hour Division. Size: 4½″ high, 6¼″ wide	.663
16	Single hemstitching of linen towels, four threads in a bundle, thread drawing included (per dozen inches)	.163

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HAND MADE STRAW GOODS INDUSTRY IN THE VIRGIN ISLANDS [1]

Design No.	Description of design	Piece rate based on hourly rate of 20 cents	Unit
	Hand-weaving straw braid from "bull palm":		
17	Natural color, 1″ wide (splitting and weaving).	$0.041	Per yard of braid.
18	Natural and three colors (splitting, dyeing, and weaving).	.06	Do.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HAND MADE STRAW GOODS INDUSTRY IN THE VIRGIN ISLANDS [1]—Continued

Design No.	Description of design	Piece rate based on hourly rate of 20 cents	Unit
19	Hand-weaving straw braid from "silk palm".	$0.051	Per yard of braid.
	Beach hat (sewing):		
20	Stock No. 75	.253	Per hat.
21	Stock No. 76	.20	Do.
22	"Angela" hat, stock No. 80 (sewing).	.12	Do.
23	Cowgirl hat, stock No. 83 (sewing).	.20	Do.
24	Frilled hat, stock No. 84 (sewing).	.20	Do.
25	Scarlett hat, stock No. 85 (sewing).	.427	Do.
26	Garden hat, stock No. 86 (splitting, weaving and sewing).	1.11	Do.
27	Farmer hat, stock No. 87 (sewing).	.40	Do.
28	Child's bonnet, stock No. 90 (sewing).	.24	Do.
29	Jockey cap, stock No. 113 (sewing).	.20	Do.
30	Frenchman hat, 4½″ crown, 3½″ brim, "Silk palm" braid ½″ wide (sewing).	1.00	Do.
	Hula skirt (splitting, dyeing, weaving, and sewing):		
31	Stock No. 108	.60	Per skirt.
32	Stock No. 109	.80	Do.
33	Stock No. 110	1.00	Do.
34	Handbag, stock No. 43 (splitting, weaving, and sewing).	.906	Per bag.
35	"Valentine" purse, stock No. 51 (weaving and sewing).	1.71	Per purse.
	WAC style bag (weaving and sewing):		
36	Plain stock No. 52	1.40	Per bag.
37	Embroidered, stock No. 52E.	1.60	Do.
	Shopping bag (sewing):		
38	Stock No. 92	.20	Do.
39	Stock No. 93	.267	Do.
40	Stock No. 94	.307	Do.
41	Stock No. 96	.307	Do.
42	Stock No. 104	.60	Do.
43	"Eugenie" bag, stock No. 99 (sewing).	.253	Do.
	Shoulder bag (sewing):		
44	Stock No. 100	.20	Do.
45	Stock No. 101	.40	Do.
46	Thermos bag, stock No. 102 (sewing).	.20	Do.
47	Lunch bag, stock No. 103 (sewing).	.147	Do.
48	Knitting bag, cylindrical shape, 7″ x 14″, shoulder strap and cover (sewing).	.40	Do.
49	"Dorothy" handbag, stock No. 117 (splitting and weaving).	1.80	Do.
50	Children's "Mafolie" bag, stock No. 119 (splitting and weaving).	.147	Do.
51	Picnic basket, stock No. 3 (splitting, weaving and sewing).	.40	Per basket.
52	Hat box, stock No. 5 (splitting, weaving, and sewing).	1.40	Per box.
53	Sewing basket, stock No. 9 (splitting and weaving).	.20	Per basket.
	Wood basket (splitting, weaving, and sewing):		
54	Stock No. 31	.307	Do.
55	Stock No. 33	.40	Do.
	Floor mat (splitting, dyeing, weaving, and sewing):		
56	Stock No. 20	.28	Per mat.
57	Stock No. 23	.44	Do.
58	Stock No. 27	.746	Do.
	Hearth broom (tying leaves):		
59	Stock No. 120	.107	Per broom.
60	Stock No. 121	.147	Do.
61	Stock No. 121A	.253	Do.
62	Stock No. 121B	.307	Do.

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[1] Piece rates based upon time tests conducted on products handled by the Virgin Islands Cooperative, Inc., of St. Thomas. The stock numbers are those used by the company.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HAND MADE STRAW GOODS INDUSTRY IN THE VIRGIN ISLANDS [1]—Continued

Design No.	Description of design	Piece rate based on hourly rate of 20 cents	Unit
	Round table mat, stock No. WR 1/5 (peeling and weaving):		
63	8 inches	$0.507	Per mat.
64	10 inches	.60	Do.
65	12 inches	.80	Do.
	Glass holder (peeling and weaving):		
66	Stock No. WR11	.307	Per holder.
67	Stock No. WR12	.453	Do.
68	Napkin ring, stock No. WR15 (peeling and weaving).	.253	Per ring.
69	Sewing basket, stock No. WR17 (peeling and weaving).	1.20	Per basket.
	Picnic basket (peeling and weaving):		
	Stock No. H-2:		
70	Open	2.80	Do.
71	Covered	3.40	Do.
	Stock No. H-3:		
72	Open	2.93	Do.
73	Covered	3.60	Do.
	Stock No. H-10:		
74	Open	3.07	Do.
75	Covered	3.80	Do.
	Stock No. H-11:		
76	Open	3.20	Do.
77	Covered	4.00	Do.
78	Hand weaving of straw table mats, 11" x 17", from ¼" strips, including the operations of stripping, weaving the body of the mat, weaving braid ½" to ¾" wide, and sewing the braid to the mat (stock No. 58).	.40	Per mat.

[1] Piece rates based upon time tests conducted on products handled by the Virgin Islands Cooperative, Inc., of St. Thomas. The stock numbers are those used by the company.

Prior to the taking of any final action on this proposal, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Acting Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., within fifteen days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3670; Filed, May 16, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

DOMESTIC BEET SUGAR AREA

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO ALLOTMENT OF 1958 SUGAR QUOTA FOR CONSUMPTION WITHIN CONTINENTAL UNITED STATES

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter referred to as the "act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq.) notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1958 sugar quota for the Domestic Beet Sugar Area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on January 25, 1958 (23 F. R. 514) of a public hearing to be held at Scottsdale, Arizona, in the Hotel Valley Ho, on February 5, 1958, at 9:00 a. m., m. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary findings of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1958 quota for the Domestic Beet Sugar Area for the calendar year 1958, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee, and (c) substituting final data for estimates of such data and, (4) to provide for (a) transfer of allotments and (b) applicability of certain marketings to allotments.

The hearing was held at the time and place specified in the notice and testimony was given with respect to all issues referred to in the hearing notice. All proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions recommended herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts recommended to be found and the conclusions recommended to be reached as set forth herein.

The following portions of the Administrator's recommended decision consisting of the basis for his proposed findings and conclusions, proposed findings and conclusions, and proposed determination are set forth in form and language appropriate for issuance if adopted by the Secretary as his findings and conclusions and final determination.

Basis for findings and conclusions. Section 205 (a) of the Act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in 1958 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 7).

All three factors specified in the provision of the law quoted above have been considered by the formula on which this allotment of the 1958 Domestic Beet Sugar Area quota is based (R. 17). The formula follows the proposal made in the record and as recommended to the Government by an industry task force (R. Ex. 7) except for minor differences set forth below.

The allotment method as recommended by the Task Force determined allotments in hundredweight of refined sugar without making provision for determining allotments in short tons, raw value, and would determine allotments of any quota by the full application of the formula (R. Ex. 7). The Government witness proposed that a percentage distribution of the allotments should be determined in conjunction with the allotment method and that such percentage distribution, to be changed only when final data are substituted for estimated data, be applied to the quota to be allotted to determine allotments in short tons, raw value (R. 10). The testimony in this regard leaves some uncertainty regarding the quota level to be used in determining the percentage distribution. Such uncertainty is significant to the extent that the percentage distribution of allotments would differ slightly if based on different quotas, and because the quota for the area is subject to change prior to issuance of an order based on this proceeding. The method herein adopted provides for the determination of allotments in short tons, raw value, as required by the Act, and provides for full application of the formula in determining allotments of any quota. This method avoids the necessity of first computing allotments in hundredweight or deriving a percentage distribution of allotments and results in final 1958 allotments unaffected by the quota level of a previous action.

Production of sugar from 1957-crop sugar beets, exclusive of known quantities to which proportionate shares did not pertain, is the most up-to-date measure of the "processings" factor available to represent the operations for a full year for each processor. A weighting of 75 percent to the processing factor in determining base allotments appears consistent with the importance of this factor under 1958 circumstances when sugar beet acreages are, and have been for several years, subject to limitations (R. 17). Measuring and weighting the factor in this way appears appropriate when considered in conjunction with the allotment method herein adopted and the provisions applicable to 1958.

The factor "past marketings" when measured by the 1953–57 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted, which are applicable to 1958, contributes to an orderly rate of change in marketing patterns (R. 18). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past.

The allotment method adopted herein for giving consideration to the "Ability to market" factor recognizes that ability is partially reflected in the other two factors, and additional consideration is appropriately given by adjusting base allotments to reflect January 1, 1958, inventory imbalances as set forth in detail in the findings (R. 19).

The allotment method as set forth in the findings recognizes the "hardship" provision of section 205 (a) of the act by providing for an alternative measure of processings to be used for any processor whose most recent crop was smaller than 85 percent of the preceding crop, adjusted for industry-wide change. Furthermore, the method provides that any processor subject to such "hardship" shall be exempted from adjustments applicable to base allotments that would otherwise result from inventory imbalances. A further provision would limit any processor's adjustment for inventory imbalance to 10 percent of his base allotment (R. 15, 17). These provisions are not expected to be applicable under 1958 circumstances (R. 17; Ex. 8) and no direct objection or exception was taken to them.

One processor urged that additional consideration be given the hardship provision of the act. He proposed that if any processor's marketings for one of the five years used in determining average marketings was less than 50 percent of such average, only the four years of largest marketings should be used in determining his average marketings (R. 41; Brief of National Sugar Manufacturing Co.). Another processor objected to the formula contending that a 75 percent weighting of processings would encourage over-production, that past marketings should never be weighted as low as 25 percent and favored giving a weighting of 25 percent to processings and 75 percent to past marketings. That processor also suggested that the Secretary set aside 100,000 bags to be used in the case of hardships (Brief of Franklin County Sugar Co.). In no case were the above modifications of the allotment method, as proposed in the hearing, supported by other testimony and in no case was it convincingly demonstrated that such proposed modification would provide more fair, efficient and equitable allotments in 1958.

All findings and conclusions dealing with issues not discussed above are based on single proposals in the record from which there were no dissents.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1958 Domestic Beet Sugar processors will have available for marketing from 1957-crop sugar beets about 1,660,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1958-crop beets, will result in a supply of sugar available for marketing in 1958 sufficiently in excess of the anticipated 1958 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1958 Domestic Beet Sugar Area quota for consumption within the continental United States is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) Processings of sugar from 1957-crop sugar beets, by each processor, exclusive of known quantities of sugar produced from sugar beets to which proportionate shares did not pertain is a fair, efficient and equitable measure of processings of sugar from the 1957-crop of sugar beets to which proportionate shares pertained.

(4) To assure a fair, efficient and equitable distribution of the 1958 Domestic Beet Sugar Area quota for consumption within the continental United States, the three factors specified in section 205 (a) of the act shall be given consideration and allotments determined as follows, based on data in the hearing record and final data of which official notice will be taken:

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(i) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1957-crop sugar beets, exclusive of known quantities of sugar produced from non-proportionate share beets, or the alternative measure provided for herein, expressed as a percentage of the total of such processings for all processors, and weighted by 75 percent: *Provided*, That in recognition of the "hardship" provision in section 205 (a) of the act, an alternative measure derived as follows shall be used for any processor when the quantity so derived exceeds such processor's actual 1957-crop processings: (Processor's 1956-crop processings) × (Industry total 1957-crop processings ÷ Industry total 1956-crop processings) × 85 percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1957-crop processings.

(ii) The factor past marketings shall be measured by each processor's average annual marketings within his allotment for the years 1953 through 1957, expressed as a percentage of the total of the measure for all processors, and weighted by 25 percent.

(iii) The total of the percentages resulting from (i) and (ii), above, for each processor shall be multiplied by the Domestic Beet Sugar Area quota, in short tons, raw value, to determine his base allotment, in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a) (iii), above, for January 1, 1958, inventory imbalances to the extent and as determined below: *Provided, however*, That any processor subject to the "hardship" provision of (4) (a) (i), above, shall be exempted from any such adjustment, that data pertinent to any such processor shall be excluded from the computations for determining adjustments, and that the adjustment applicable to any other processor shall not exceed 10 percent of his base allotment.

(i) Compute, in terms of hundredweight of refined sugar, the "plus" or "minus" January 1, 1958 inventory imbalance for each processor, by algebraically subtracting from his January 1, 1958 effective inventory his January 1, 1953–57 average effective inventory adjusted proportionately so that the total of such adjusted inventories of all processors subject to adjustments are equal to the total January 1, 1958 effective inventories of all such processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (i), shall be the quantity that such imbalance exceeds 10 percent of his adjusted January 1, 1953–57 average effective inventory and such excess multiplied by 25 percent.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (ii), among such processors on the basis of their "minus" inventory imbalances.

(iv) The adjustments determined pursuant to (ii) and (iii), representing hundredweight of refined sugar, shall be multiplied by the factor 0.0535 to express such adjustments in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a) (iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b) (iv). Such quantities when divided by 0.0535 express allotments in the equivalent hundredweight of refined sugar.

(5) The quantities of sugar and the percentages referred to in paragraph (4), above, based on data involving estimates for 1957 processings, 1957 marketings, and January 1, 1958, inventories, which shall be used to establish allotments pending availability and substitution of final data for such estimates, are set forth in the following table:

Processors	Processings of sugar from 1957 crop beets		Average marketings within allotments 1953-57		Base allotments		January 1 effective inventories hundredweight refined			Adjustments to base allotments		Processor allotments short tons raw value (col. 6+ or − col. 11) (12)
	Hundredweight refined (1)	Percent of total (2)	Hundredweight refined (3)	Percent of total (4)	Percent of total (col. 2× 0.75 + col. 4×0.25) (5)	Short tons raw value (col. 5× quota) (6)	1958 (7)	1953-57 average adjusted to col. 7 total (8)	1958 inventory imbalances (col. 7−col. 8) (9)	Hundredweight refined [1] (10)	Short tons raw value (col. 10 ×0.0535) (11)	
Amalgamated Sugar Co., The	5,400,000	13.1036	4,595,333	13.1191	13.1075	266,752	3,947,349	3,822,638	+124,711	0	0	266,752
American Crystal Sugar Co	5,349,414	12.9809	4,912,058	14.0232	13.2414	269,477	4,261,411	4,777,166	−515,755	−35,230	−1,885	267,592
Buckeye Sugars, Inc	191,185	.4639	158,397	.4522	.4610	9,382	147,197	141,078	+6,119	0	0	9,382
Franklin County Sugar Co	205,200	.4979	180,819	.5162	.5025	10,226	120,984	106,488	+14,496	+962	+51	10,277
Great Western Sugar Co., The	10,138,369	24.6017	8,363,645	23.8771	24.4205	496,985	7,953,936	7,847,401	+106,535	0	0	496,985
Holly Sugar Corp	6,600,000	16.0155	5,637,224	16.0936	16.0350	326,330	5,194,461	5,269,772	−75,311	−5,144	−275	326,055
Layton Sugar Co	231,235	.5611	144,699	.4131	.5241	10,666	207,522	137,308	+70,214	+14,121	+755	11,421
Menominee Sugar Co	245,462	.5956	221,336	.6319	.6047	12,306	114,656	72,966	+41,690	+8,598	+460	12,766
Michigan Sugar Co	1,360,311	3.3009	1,186,636	3.3877	3.3226	67,619	982,196	980,584	+1,612	0	0	67,619
Monitor Sugar Div. of Robert Gage Coal Co	618,649	1.5012	552,893	1.5784	1.5205	30,944	425,583	453,220	−27,637	−1,888	−101	30,843
National Sugar Mfg. Co., The	126,375	.3067	90,796	.2592	.2948	6,000	94,660	68,844	+25,816	+4,733	+253	6,253
Northern Ohio Sugar Co	567,296	1.3766	408,463	1.1661	1.3240	26,945	339,454	225,908	+113,546	+22,739	+1,217	28,162
Spreckels Sugar Co	4,648,319	11.2796	3,727,486	10.6415	11.1201	226,306	3,175,863	2,872,414	+303,449	+4,052	+217	226,523
Union Sugar Div., Consolidated Foods Corp	1,521,638	3.6924	1,406,263	4.0147	3.7730	76,785	1,147,688	1,303,747	−156,059	−10,660	−570	76,215
Utah-Idaho Sugar Co	4,006,621	9.7224	3,441,822	9.8260	9.7483	198,389	3,042,854	3,076,280	−33,426	−2,283	−122	198,267
Total	41,210,074	100.0000	35,027,870	100.0000	100.0000	2,035,112	31,155,814	31,155,814	±808,188	±55,205	±2,953	2,035,112

[1] Determined as follows: Plus (+) adjustments = (Extent (+) quantity in col. 9 exceeds 10 percent of col. 8) × (25 percent); minus (−) adjustments = the total of (+) adjustments in col. 10, amounting to 55,205 hundredweight prorated to processors on the basis of (−) quantities in col. 9.

(6) The order shall be revised without further notice or hearing for the purpose of (a) substituting final data for estimated data on 1957-crop production, 1957 marketings and January 1, 1958, inventories used in measuring the factors when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Director of the Sugar Division of such release becomes a part of the official records of the Department, (c) allotting any area deficits which increase the 1958 Domestic Beet Sugar Area quota for consumption within the continental United States and (d) revising allotments to give effect to any change in the quota for the area due to action pursuant to sections 201 and 202 (a) of the act. In making revisions to give effect to quota changes indicated under (c) and (d), above, allotments shall be computed in the same manner as is provided for in this order.

(7) Official notice will be taken of (a) final data for 1957-crop processings, 1957 marketings and January 1, 1958, inventories that become a part of the official records of the Department, (b) any written notice to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the 1958 Domestic Beet Sugar Area quota.

(8) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(9) Under the circumstances prevailing in 1958, allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of any 1958 Domestic Beet Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that § 814.34 be amended to read as follows:

§ 814.34 *Allotment of the 1958 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments*. The 1958 Domestic Beet Sugar Area quota for consumption within the continental United States of 2,035,112 short tons, raw value, is hereby allotted to the extent shown in this section, to the following processors in the amounts which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	266,752	4,986,019
American Crystal Sugar Co	267,592	5,001,720
Buckeye Sugars, Inc	9,382	175,364
Franklin County Sugar Co	10,277	192,093
Great Western Sugar Co., The	496,985	9,289,439
Holly Sugar Corp	326,055	6,094,486
Layton Sugar Co	11,421	213,477
Menominee Sugar Co	12,766	238,617
Michigan Sugar Co	67,619	1,263,907
Monitor Sugar Div., Robt. Gage Coal Co	30,843	576,505
National Sugar Manufacturing Co., The	6,253	116,878
Northern Ohio Sugar Co	28,162	526,393
Spreckels Sugar Co	226,523	4,234,075
Union Sugar Div. of Consolidated Foods Corp	76,215	1,424,579
Utah-Idaho Sugar Co	198,267	3,705,925
Any other person	0	0
Total	2,035,112	38,039,477

(b) *Marketing of sugar beets and molasses*. If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such marketing at the time it occurs shall be effective for filling the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations*. Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F. R. 1943).

(d) *Delegation*. The Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions heretofore made, to give effect to (1) the substitution of final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Domestic Beet Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 13th day of May 1958.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-3702; Filed, May 16, 1958; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DIRECTOR, BUREAU OF MINES

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACT FOR REDESIGNING AND REBUILDING OF HEROLD PNEUMATIC PLANER

1. The Director, Bureau of Mines, is authorized to exercise, subject to the provisions of 2 below, the authority delegated for the period ending December 31, 1958, by the Administrator of General Services (23 F. R. 2304) to the Sec-

retary of the Interior, to negotiate, without advertising, under section 302 (c) (10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), a contract required by the Bureau of Mines in the administration of its program for research work in connection with devising new mining methods for the mining of anthracite coal.

2. The authority granted in 1 above does not include authority to make the determination required by section 302 (c) (10) of the act if the amount involved is in excess of $25,000. The authority granted shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 305 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration, and applicable regulations of the Department. In addition to the information specified in section 302 (c) (10) of the act, a copy of the contract and any amendments thereto shall be supplied the General Services Administration.

3. The authority granted in 1 above cannot be redelegated.

Fred A. Seaton,
Secretary of the Interior.

May 12, 1958.

[F. R. Doc. 58-3698; Filed, May 16, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

Latina Shipping Co., Ltd. and Judson-Sheldon International

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

1. Agreement No. 8293 between Latina Shipping Company, Ltd., New York, New York, and Judson-Sheldon International, Los Angeles, California;

2. Agreement No. 8294 between Latina Shipping Company, Ltd. and Judson-Sheldon International, Houston, Texas;

3. Agreement No. 8296 between Latina Shipping Company, Ltd. and Judson-Sheldon International, San Francisco.

Judson-Sheldon will perform specified freight forwarding services for Latina at the port covered by the respective agreement. Latina will receive the entire ocean freight brokerage, but will compensate Judson-Sheldon according to a scale of service fees.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 14, 1958.

By order of the Federal Maritime Board.

[SEAL] Geo. A. Viehmann,
Assistant Secretary.

[F. R. Doc. 58-3717; Filed, May 16, 1958; 8:49 a. m.]

Forwarding Services, Inc. and Caribbean Forwarding Corp.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8297 between Forwarding Services, Inc. and Caribbean Forwarding Corporation, both of New York, New York, is a cooperative working arrangement under which Forwarding Services, Inc. will perform freight forwarding services for Caribbean Forwarding at the Port of New York, in payment for which it will receive 68 percent of the income derived from the performance of such services, including ocean freight brokerage.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 14, 1958.

By order of the Federal Maritime Board.

[SEAL] Geo. A. Viehmann,
Assistant Secretary.

[F. R. Doc. 58-3718; Filed, May 16, 1958; 8:49 a. m.]

Advance Shipping Co. and Overseas Forwarders

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8298 between Advance Shipping Company, New York, New York, and Overseas Forwarders, Oakland, California, is a cooperative working arrangement under which Advance Shipping will perform specified forwarding services in connection with Overseas Forwarders' shipments moving through the Port of New York. Overseas Forwarders will compensate Advance Shipping Co. in accordance with a scale of service fees embodied in the agreement. Ocean freight brokerage is to be divided equally between the parties.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 14, 1958.

By order of the Federal Maritime Board.

[SEAL] Geo. A. Viehmann,
Assistant Secretary.

[F. R. Doc. 58-3719; Filed, May 16, 1958; 8:50 a. m.]

Peninsular & Oriental Steam Navigation Co. and Orient Steam Navigation Co., Ltd.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8302, between Peninsular & Oriental Steam Navigation Co., and The Orient Steam Navigation Company, Ltd., provides for the coordination of sailings in the trade between Pacific Coast ports of the United States and the Hawaiian Islands, and ports in the Far East, including but not limited to Japan, Hong Kong, the Philippines, Malaya, Indonesia, Fiji, New Zealand and Australia, and via such ports east and westbound around the world via the Panama and Suez Canals with calls at intermediate ports, under the trade name Orient & Pacific Lines.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 14, 1958.

By order of the Federal Maritime Board.

[SEAL] Geo. A. Viehmann,
Assistant Secretary.

[F. R. Doc. 58-3720; Filed, May 16, 1958; 8:50 a. m.]

Office of the Secretary

George A. Sands

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of December 6, 1956, 21 F. R. 9685; May 22, 1957, 22 F. R. 3602; November 30, 1957, 22 F. R. 9628:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 8, 1958.

Dated: May 8, 1958.

George A. Sands.

[F. R. Doc. 58-3708; Filed, May 16, 1958; 8:47 a. m.]

George A. Chandler

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by Section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. George A. Chandler.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 6, 1958.
4. Title of position: Consultant (Adviser to Director), Copper Division.
5. Name of private employer: Western Brass Mills Division, Olin Mathieson Chemical Corp., New Haven, Conn.

February 28, 1958.

Carlton Hayward,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Western Brass Mills Division, Olin Mathieson Chemical Corp.
Bank deposits.

Dated: May 6, 1958.

George A. Chandler.

[F. R. Doc. 58-3709; Filed, May 16, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8227 etc.; FCC 58M-488]

Union Broadcasting Co. et al.

ORDER SCHEDULING HEARING

In re applications of Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 827, File No. BP-5893; W. Frank Short & Austin E. Harkins, d/b as The Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Lion Broadcasting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP-11215; for construction permits.

It is ordered, This 12th day of May 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 14, 1958, in Washington, D. C.

Released: May 14, 1958.

Federal Communications Commission,
[seal] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-3721; Filed, May 16, 1958; 8:50 a. m.]

[Docket Nos. 12207, 12420; FCC 58M-494]

Grady M. Sinyard and States Broadcasting System, Inc.

ORDER SCHEDULING HEARING

In re applications of Grady M. Sinyard, New Boston, Ohio, Docket No. 12207, File No. BP-11076; States Broadcasting System, Inc., St. Marys, Ohio, Docket No. 12420, File No. BP-11598; for construction permits.

It is ordered, This 12th day of May 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 16, 1958, in Washington, D. C.

Released: May 14, 1958.

Federal Communications Commission,
[seal] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-3722; Filed, May 16, 1958; 8:50 a. m.]

[Docket No. 12326; FCC 58M-499]

Hardin County Broadcasting Co.

ORDER CONTINUING HEARING CONFERENCE

In re application of Harvard C. Bailes and Val D. Hickman d/b as The Hardin County Broadcasting Company, Silsbee, Texas, Docket No. 12326, File No. BP-11166; for construction permit.

It is ordered, This 14th day of May 1958, with the consent of all parties to the proceeding, that the prehearing conference scheduled for May 14, 1958 is continued indefinitely.

Released: May 14, 1958.

Federal Communications Commission,
[seal] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-3723; Filed, May 16, 1958; 8:50 a. m.]

[Docket Nos. 12388, 12389; FCC 58M-486]

Mid-America Broadcasters, Inc., and Mutual Broadcasting System, Inc.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Mid-America Broadcasters, Inc., San Francisco, California, Docket No. 12388, File No. BPH-2325; Mutual Broadcasting System, Inc., San Francisco, California, Docket No. 12389, File No. BPH-2329; for construction permits.

It is ordered, This 13th day of May 1958, that a prehearing conference in the above-entitled proceeding will be held on May 28, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: May 13, 1958.

Federal Communications Commission,
[seal] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-3724; Filed, May 16, 1958; 8:50 a. m.]

[Docket Nos. 12416-12419; FCC 58-424]

Nick J. Chaconas et al.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING OF STATED ISSUES

In re applications of Nick J. Chaconas, Gaithersburg, Maryland, Docket No. 12416, File No. BP-10996; I. T. Cohen and Anne H. Cohen, d/b as Tri-County Broadcasting Company, Laurel, Maryland, Docket No. 12417, File No. BP-11309; The Eleven Fifty Corp., Capitol Heights, Maryland, Docket No. 12418, File No. BP-11379; TCA Broadcasting Corporation, College Park, Maryland, Docket No. 12419, File No. BP-11741; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations to operate on 1150 kilocycles, by The Eleven Fifty Corp., at Capitol Heights, Maryland, using a power of 1 kilowatt, directional antenna, daytime only; by Nick J. Chaconas and Tri-County Broadcasting Company, at Gaithersburg and Laurel, Maryland, respectively, using a power of 500 watts nights and 1 kilowatt days, directional antenna, unlimited time; and by TCA Broadcasting Corporation, at College Park, Maryland, using a power of 500 watts nights and 5 kilowatts days, directional antenna, unlimited time; and

It appearing that except as indicated by the issues specified below, all of the applicants are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations, but that each of the proposals herein involves mutually destructive interference with the others; and

It further appearing that pursuant to section 309 (b) of the Communications

Act of 1934, as amended, the instant applicants were advised by letter dated February 25, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any one of the applications would serve the public interest; and

It further appearing that a timely reply was received from each of the applicants indicating its intention to appear at a hearing on the applications; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.
2. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.
3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to the provisions of § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3725; Filed, May 16, 1958; 8:51 a. m.]

[Docket No. 12421; FCC 58M-489]

MECKLENBURG BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of John L. Cole, Jr., tr/as Mecklenburg Broadcasting Company, Chase City, Virginia, Docket No. 12421, File No. BP-11275; for construction permit.

It is ordered, This 12th day of May 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 10, 1958, in Washington, D. C.

Released: May 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3726; Filed, May 16, 1958; 8:51 a. m.]

[Docket Nos. 12422-12425; FCC 58M-493]

POMPANO BEACH BROADCASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of Pompano Beach Broadcasting Corporation, Pompano Beach, Florida, Docket No. 12422, File No. BP-11297; Voice of South Miami Broadcasters, Inc., South Miami, Florida, Docket No. 12423, File No. BP-11410; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP-11489; South Miami Broadcasting, Incorporated, South Miami, Florida, Docket No. 12425, File No. BP-11751; for construction permits.

It is ordered, This 12th day of May 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 10, 1958, in Washington, D. C.

Released: May 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3727; Filed, May 16, 1958; 8:51 a. m.]

[Docket Nos. 12427, 12428; FCC 58M-490]

ELECTRONIC MUSIC CO. AND WSBC BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of John Englebrecht and Stephen A. Cisler d/b as Electronic Music Company, Chicago, Illinois, Docket No. 12427, File No. BPH-2342; WSBC Broadcasting Company, Chicago, Illinois, Docket No. 12428, File No. BPH-2359; for construction permits.

It is ordered, This 12th day of May 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 18, 1958, in Washington, D. C.

Released: May 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3728; Filed, May 16, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14442]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 13, 1958.

Take notice that on February 7, 1958, United Gas Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the continued operation of a 2'' tap and metering facilities on Applicant's 4-inch Diboll tap line at its juncture with Applicant's 22-inch line which extends from the Waskom Field on the Louisiana-Texas State line to Applicant's Goodrich Compressor Station located in Polk County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The 2'' tap above-described is, and has been since September 1956, used to serve direct interruptible gas for fuel to the Diboll Oil Pipe Line Pumping Station of the Texas Pipe Line Company. Applicant estimates that the pumping station will require 63,000 Mcf of gas annually and 500 Mcf on a peak day.

The cost of the above-described tap and metering facilities installed to serve the oil pump station was $1,390, which was paid from current working funds.

This matter is one that should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 11, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 4, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3699; Filed, May 16, 1958; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-1854]

McCullough Motor Corp.

ORDER WITHDRAWING REQUEST FOR HEARING AND CANCELLING HEARING

May 12, 1958.

The Commission by order dated October 7, 1957 having ordered a hearing in the above-entitled matter, pursuant to section 3 (b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, and

The Company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto,

It is ordered, That the request for hearing be and it hereby is deemed withdrawn, with prejudice to any renewal thereof.

It is further ordered, That the order of October 7, 1957, scheduling a hearing be and it hereby is rescinded.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-3700; Filed, May 16, 1958; 8:46 a. m.]

[File No. 1-732]

Delta Oil Company of Utah

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

May 12, 1958.

In the matter of Delta Oil Company of Utah, common assessable stock, File No. 1-732.

Salt Lake Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stock of Delta Oil Company of Utah has never been admitted to trading on the Exchange since the change of name from Indian Queen Consolidated Mining Company and the 1 for 100 share reverse split voted by the stockholders on June 5, 1957. The Exchange now desires to delist said stock, and the issuer concurs.

Upon receipt of a request, on or before May 28, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-3701; Filed, May 16, 1958; 8:46 a. m.]

[File Nos. 70-2564, 70-3700]

Pennsylvania Power Co.

NOTICE OF FILING OF APPLICATION

May 12, 1958.

Notice is hereby given that Pennsylvania Power Company ("Pennsylvania"), a public-utility subsidiary of Ohio Edison Company ("Ohio"), a registered holding company, has filed an application (File No. 70-3700) pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) of the act and Rule 50 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Pennsylvania proposes to issue 60,000 shares of its $100 par value preferred stock ("New Preferred") ranking equally with the shares of its outstanding 4.25 percent preferred stock and 4.24 percent preferred stock, and to sell the same at competitive bidding pursuant to Rule 50 promulgated under the act. It is proposed that bids will be obtained as soon as it appears to Pennsylvania that market conditions are appropriate but in no event not later than November 1, 1958. Such proposals will specify the dividend rate (which shall be a multiple of 0.04 percent) and the purchase price which shall not be less than $100 nor more than $102¾ per share, plus accrued dividends.

The net proceeds from the sale of the New Preferred, together with cash on hand and estimated to be received from operations, will be applied towards the company's cash requirements during 1958 for the construction or acquisition of new facilities and the betterment of existing facilities. Pennsylvania's 1958 construction program is estimated at approximately $11,979,000.

Pennsylvania consents and agrees to the imposition of certain specified protective provisions to be effective so long as any shares of its 4.24 percent preferred stock, 4.25 percent preferred stock or New Preferred stock are outstanding, which provisions are not contained in its Articles of Incorporation, as amended, as conditions to the order of the Commission entered herein.

It appearing that, in connection with the issue and sale by Pennsylvania of 40,000 shares of its $100 par value preferred stock as to which the Commission issued an order dated March 7, 1951 (File No. 70-2564) (Holding Company Act Release No. 10426), certain terms and conditions relating to the protective provisions of Pennsylvania's 4.24 percent and 4.25 percent preferred stock were imposed by the Commission, and that the present proposed terms and conditions are different from those imposed in said order:

Notice is further given that Pennsylvania has filed a post-effective amendment in File No. 70-2564 requesting that the terms and conditions imposed in the order of the Commission dated March 7, 1951 in File No. 70-2564 be rescinded and that the terms and conditions consented to be imposed as to the New Preferred stock be made applicable to the outstanding 4.24 percent and 4.25 percent preferred stock of Pennsylvania.

The imposition of the terms and conditions as to the New Preferred stock and the consent and agreement to the substitution of new conditions to the outstanding 4.24 percent and 4.25 percent preferred stock is subject to the reservation by Pennsylvania of the right to make application to the Commission, at any time or from time to time, for a modification or termination of any or all of such substituted conditions in the event that the same shall become unduly burdensome.

The application states that an application, in the form of a securities certificate, is being filed by Pennsylvania with the Pennsylvania Public Utility Commission and that a certified copy of the order of that Commission with respect to such securities certificate will be filed in this proceeding when issued.

Notice is further given that any interested person may not later than May 26, 1958, request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filings which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the applications as filed or amended, or as they may hereafter be amended or further amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 of the act or take such other action as it may deem appropriate.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-3705; Filed, May 16, 1958; 8:46 a. m.]

[File No. 70-3701]

New England Power Co. and New England Electric System

NOTICE OF FILING

May 12, 1958.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, New England Power Company ("NEPCO"), have made a joint filing with this Commission designating sections 6 (b), 9 (a), and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules 42 (b) (2) and 50 promulgated thereunder as applicable to the transactions described therein, which are summarized as follows:

NEPCO proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $10,000,000 principal amount of First Mortgage Bonds, Series H, __ percent, due June 1, 1988. The interest rate (which shall be a multiple of ⅛ of 1 percent and not in excess of 4¾ percent) and the price, exclusive of accrued interest, to be paid the company (which shall not be less than the principal amount nor more than 102¾ percent thereof) will be determined by competitive bidding. The new bonds will be issued under an Indenture of Trust and First Mortgage dated as of November 15, 1936, as amended and supplemented, and as to be further amended by a Seventh Supplemental Indenture, dated as of June 1, 1958.

At the present time NEPCO has outstanding 2,621,325 shares of common stock, par value $20 per share, having an aggregate par value of $52,426,500. These shares are all owned by NEES. NEPCO proposes to issue and NEES proposes to acquire 142,857 additional shares of common stock of NEPCO for a total cash consideration of $4,999,995 ($35 a share), this amount being $2,142,855 in excess of the aggregate par value of such shares. The proceeds from the sale of this additional common stock and from the sale of the Series H Bonds, exclusive of accrued interest, are to be applied to the payment of short-term note indebtedness incurred by NEPCO for capitalizable expenditures and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse NEPCO's treasury therefor. Such short-term note indebtedness which amounted to $11,500,000 at March 31, 1958, may be increased by the time the new securities are sold but not by more than $3,500,000.

The filing states that no underwriters fees or commissions are to be paid with respect to the proposed issue of common stock. Certain services are to be performed by New England Power Service Company ("NEPSCO"), an affiliated service company, at cost and are estimated not to exceed $500 for NEES and $2,000 for NEPCO. Other expenses to be borne by NEPCO in connection with the issuance of the common stock are original issue stamp taxes of $3,143, a State filing fee of $1,429, and services of legal counsel in Vermont estimated at $100. The total expenses of NEPCO in connection with the issuance and sale of the Series H Bonds are estimated at an aggregate of $63,000, including $11,000 Federal original issue stamp tax, $9,000 printing cost, $18,000 for the service of NEPSCO, $2,000 for the services of Lybrand, Ross Bros. & Montgomery, independent public accountants, $3,500 for the services of Jackson & Moreland, independent engineers, $6,500 for the service of the indenture trustee, and $8,760 for recording fees, advertising, blue-sky fees and other out-of-pocket expenses in connection with such services.

The filing states that the proposed issue and sale of securities by NEPCO are subject to the jurisdiction of this Commission and the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Commission, and that no State commission or Federal commission, other than this Commission, has jurisdiction in respect of the acquisition of the common stock of NEPCO by NEES.

Notice is further given that any interested person may, not later than May 29, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by such joint filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the joint application as filed, or as amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 promulgated under the act or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3706; Filed, May 16, 1958; 8:47 a. m.]

[File No. 70-3698]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF FILING

MAY 12, 1958.

In the matter of The Columbia Gas System, Inc., United Fuel Gas Company, Amere Gas Utilities Company, Atlantic Seaboard Corporation, Columbia Gas of Kentucky, Inc., Kentucky Gas Transmission Corporation, Virginia Gas Distribution Corporation, The Ohio Fuel Gas Company, The Preston Oil Company, The Manufacturers Light and Heat Company, Cumberland and Alleghany Gas Company, Home Gas Company, Columbia Gas of New York, Inc.; File No. 70-3698.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiaries United Fuel Gas Company ("United Fuel"), Amere Gas Utilities Company ("Amere"), Atlantic Seaboard Corporation ("Seaboard"), Columbia Gas of Kentucky, Inc. ("Columbia of Kentucky"), Kentucky Gas Transmission Corporation ("Kentucky Gas"), Virginia Gas Distribution Corporation ("Distribution"), The Ohio Fuel Gas Company ("Ohio"), The Preston Oil Company ("Preston"), The Manufacturers Light and Heat Company ("Manufacturers"), Cumberland and Alleghany Gas Company ("Cumberland"), Home Gas Company ("Home"), and Columbia Gas of New York, Inc. ("Columbia of New York"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, 12 (b), and 12 (f) thereof and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Financing construction requirements. The subsidiary companies are engaged in construction programs which will require expenditures and the raising of new money in 1958 as follows:

Company	Estimated construction expenditures	New money requirements [1]
United Fuel	$23,449,000	$11,800,000
Amere	311,400	100,000
Seaboard	3,715,700	1,600,000
Columbia of Kentucky	1,812,000	1,500,000
Kentucky Gas	1,897,800	500,000
Distribution	602,600	500,000
Ohio	28,942,101	23,500,000
Preston	1,376,500	600,000
Manufacturers	26,853,300	21,900,000
Cumberland	1,922,400	1,275,000
Home	1,023,600	1,450,000
Columbia of New York	1,026,800	700,000
	92,933,201	65,425,000

[1] The additional capital necessary to complete the construction programs will be obtained from internal sources of the respective companies.

It is proposed that the new money required by the respective subsidiary companies as aforesaid will be obtained by their issuance and sale to Columbia of shares of their Common Stock and Installment Promissory Notes, or both, in amounts as follows:

Company	Common stock			Installment notes, aggregate amount not to exceed
	Number of shares	Par value	Aggregate amount	
United Fuel	52,000	$25	$1,300,000	$10,500,000
Amere				100,000
Seaboard	36,000	25	900,000	700,000
Columbia of Kentucky	20,000	25	500,000	1,000,000
Kentucky Gas				500,000
Distribution	4,000	25	100,000	400,000
Ohio	160,000	45	7,200,000	16,300,000
Preston				600,000
Manufacturers	180,000	50	9,000,000	12,900,000
Cumberland	20,000	25	500,000	775,000
Home	20,000	25	500,000	950,000
Columbia of New York	6,000	25	150,000	550,000
Total amounts			20,150,000	45,275,000

The Installment Notes will be unsecured. They will be dated when issued, and the principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1960 to 1984 inclusive. Interest will be payable semiannually at the rate of 4.4 percent per annum, which represents the approximate cost of money to Columbia on its last (March 6, 1958) sale of Senior Debentures.

The securities will be issued and sold periodically when and to the extent that funds are required for the purposes stated. With respect to each of the companies issuing Common Stock, Columbia will first acquire Common Stock up to the amounts above set out, and thereafter will acquire Installment Notes; but none of such securities will be issued or acquired after March 31, 1959.

Financing gas inventory requirements. Six of said subsidiary companies operate facilities for the underground storage of natural gas, which is purchased during the off-peak seasonal periods. Columbia proposes to advance to these subsidiaries on open account such amounts as they may require during 1958 for the purchase of current inventory gas, not to exceed the following aggregate amounts:

United Fuel	$16,000,000
Ohio	23,000,000
Manufacturers	8,400,000
Home	1,600,000
Seaboard	500,000
Kentucky Gas	500,000
Total	50,000,000

The open-account advances will be repayable in three equal installments on February 25, March 25, and April 25, 1959, with interest at such rate as Columbia shall be required to pay to commercial banks for the necessary funds. Columbia anticipates that it will be able to borrow the money at the prime commercial rate. The borrowing by Columbia will be the subject of a later declaration.

Approval of the issuance and sale of the securities must be obtained by nine of said subsidiary companies from the regulatory commissions of the States in which they are organized and doing business, as follows:

Company and State Commission

Manufacturers—Pennsylvania Public Utility Commission.

United Fuel [1]—Public Service Commission of West Virginia.

Amere—Public Service Commission of West Virginia.

Cumberland—Public Service Commission of West Virginia.

Ohio—Public Utilities Commission of Ohio.

Distribution—State Corporation Commission of Virginia.

Columbia of Kentucky—Public Service Commission of Kentucky.

Home—Public Service Commission of New York.

Columbia of New York—Public Service Commission of New York.

It is stated that copies of the applicable State Commission orders will be filed by amendment.

The aggregate fees and expenses to be paid by the several companies in connection with the proposed transactions are estimated at $16,665, including Federal original issue taxes $13,165, charges of system service company $1,300 ($100 for each company), and miscellaneous expenses $2,200 (including legal fees of $200 and $400 to be paid by Manufacturers and Distribution, respectively).

Notice is further given that any interested person may, not later than May 28, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective, in whole or in part, as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3707; Filed, May 16, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 14, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34678: *Mine run salt—Weeks, La., to points in Alabama.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7287), for interested rail carriers. Rates on mine run salt, carloads from Weeks, La., to Emco, Evans City, Listerhill, Sheffield, and Tuscumbia, Ala.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 104 to Southwestern Freight Bureau, Agent, tariff I. C. C. 3903.

FSA No. 34679: *TOFC service—Rates between Missouri and Illinois points and points in the southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7285), for interested rail carriers. Rates on freight moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars between Kansas City and St. Louis, Mo., and East St. Louis, Ill., on the one hand, and specified points in Arkansas and Oklahoma, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 30 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4274.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3704; Filed, May 16, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-235]

GOVERNMENT OF HUNGARY

In re: Government of Hungary; F-34-548.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account in the name of the Royal Hungarian State Iron Steel & Machine Works, Budapest, Hungary, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by Hungary, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title,

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[1] United Fuel is also required to obtain approval of the State Commission of Columbia's advances to it on open account.

shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3710; Filed, May 16, 1958; 8:47 a. m.]

[Vesting Order SA-236]

UNKNOWN HUNGARIAN NATIONALS

In re: Stock owned by and debt owing to unknown Hungarian nationals; F-63-139 (Zurich-SA), F-34-1693.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. Eighty (80) shares of $25.00 par value ordinary capital stock of Canadian Pacific Railway Company, a company incorporated in Canada, evidenced by certificate number 201101, presently in the custody of The First National City Bank of New York, 55 Wall Street, New York 15, New York, in an account entitle, "Safekeeping Account B 8812, Union Bank of Switzerland, Zurich, Switzerland, Blocked Account," together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Blocked Account, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by nationals of Hungary, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3711; Filed, May 16, 1958; 8:48 a. m.]

[Vesting Order SA-237]

CITY SAVINGS BANK CO., LTD.

In re: Debt owing to The City Savings Bank Company Limited, also known as Innerstadtische Sparcassa Actiengesellschaft; F-34-1683, F-63-2748 (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the sum of $141.10, constituting a portion of an account entitled, "Zurich Office, Ordinary Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by The City Savings Bank Company Limited, also known as Innerstadtische Sparcassa Actiengesellschaft, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3712; Filed, May 16, 1958; 8:48 a. m.]

[Vesting Order SA-238]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debts owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank; F-34-256.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of the Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of an account entitled, "Hungarian Commercial Bank of Pest, Hungary (Blocked Account)," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same, That certain debt or other obligation of the Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of an account entitled, "Hungarian Commercial Bank of Pest, Free Account, Budapest, Hungary (Blocked Account)," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3713; Filed, May 16, 1958; 8:48 a. m.]

[Vesting Order SA-239]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debt owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank; F-34-256, F-19-344.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Uncertified Account of Den Danske Landmansbank, Copenhagen, Denmark," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3714; Filed, May 16, 1958; 8:48 a. m.]

[Vesting Order SA-240]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debt owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank; F-34-256, F-19-344.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the J. Henry Schroder Banking Corporation, 57 Broadway, New York 15, New York, arising out of an account entitled, "Kjobenhavns Handelsbank A. S., 2 Holmens Kanal, Copenhagen K, Denmark, Separate Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known at Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3715; Filed, May 16, 1958; 8:49 a. m.]

[Vesting Order SA-241]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debt owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank; F-34-256, F-63-2748 (Zurich) SA.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the sum of $39,191.60, constituting a portion of an account entitled, "Zurich Office, Ordinary Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3716; Filed, May 16, 1958; 8:49 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10768

TERMINATION OF THE AIRSPACE RESERVATION ESTABLISHED BY EXECUTIVE ORDER No. 7138 OVER A PORTION OF THE ALEUTIAN ISLANDS, ALASKA

By virtue of the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570; 49 U. S. C. 174), it is ordered as follows:

1. The airspace reservation established by Executive Order No. 7138 of August 12, 1935, over that portion of the Aleutian Islands, Alaska, with their territorial waters, lying west of the 167th meridian, west longitude, is hereby terminated.

2. Executive Order No. 7138, which established other airspace reservations in addition to the one described in paragraph 1 hereof, and which was revoked as to such other airspace reservations by Executive Order No. 8961 of December 6, 1941, is hereby revoked in its entirety.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 16, 1958.

[F. R. Doc. 58-3823; Filed, May 19, 1958; 10:11 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.5, Administration Letter 564 (465)]

PART 361—ROUTINE

Subchapter F—Security Servicing and Liquidations

[Administration Letter 564 (465)]

PART 372—FARM OWNERSHIP LOANS

PLACING MORTGAGES IN TRUST WITH UNITED STATES BY DECLARATION OF TRUST IN CONNECTION WITH SALE OF CERTAIN INSURED FARM OWNERSHIP NOTES

1. Part 372 in Title 6, Code of Federal Regulations, is amended to add a new Subpart I as follows:

Subpart I—Placing Insured Mortgages in Trust by Declaration of Trust

Sec.
372.161 General.
372.162 Execution of declarations of trust.
372.163 Distribution of documents.
372.164 Servicing.

AUTHORITY: §§ 372.161 to 372.164 issued under sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015. Interpret or apply sec. 12, 60 Stat. 1076, as amended; 7 U. S. C. 1005b.

SUBPART I—PLACING INSURED MORTGAGES IN TRUST BY DECLARATION OF TRUST

§ 372.161 *General.* This subpart provides for placing in trust with the United States as trustee those insured Farm Ownership mortgages running to the lender which were assigned outright to the United States for the account of the insurance fund and are not subject to a trust assignment pursuant to Subpart H of this part in order that the security may be serviced by the Goverment as trustee and the holder of the note may sell it without executing an assignment of the mortgage. Nevertheless, the holder must notify the Government of such sale. Such mortgages may be placed in trust preparatory to selling the notes secured thereby out of the insurance fund. This Subpart does not apply when the mortgaged property is located in Colorado, Louisiana, Missouri, or Puerto Rico.

§ 372.162 *Execution of declarations of trust.* The mortgages will be placed in trust by having the Government execute a "Declaration of Trust In Mortgage With United States As Trustee" (Form FHA-175 __ series). The Director, Finance Office, is authorized on behalf of the United States of America to execute declaration of trust instruments and to perform any other necessary act or function in connection with placing such mortgages in trust with the United States; and to execute required documents and perform other necessary acts or functions on behalf of the United States as trustee under such declaration.

§ 372.163 *Distribution of documents.* After a declaration of trust is executed it will be forwarded to the County Supervisor for recording, and the original recorded declaration of trust instrument

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and the mortgage and related documents will be distributed in a manner similar to that provided in § 372.143 (d).

§ 372.164 *Servicing.* After a declaration of trust has been effected, the procedure prescribed in Subpart H of this part with respect to security servicing and sale of notes between private holders generally will apply, and references in Subpart B in Part 361 of this chapter to insured Farm Ownership loans for which the mortgage has been assigned to the Government in trust will apply to loans for which the mortgage is subject to a declaration of trust. State Directors and County Supervisors are authorized to take servicing actions for Farm Ownership mortgages placed in trust under declarations of trust in the same manner and to the same extent as prescribed in Subpart H of this part and Subpart B in Part 361 of this chapter for Farm Ownership mortgages under trust assignments, and to execute required documents on behalf of the United States in connection with such servicing actions.

2. Section 361.21 (a) (2) in Title 6, Code of Federal Regulations (21 F. R. 5555), is revised to include within the scope of §§ 361.21 to 361.25 those mortgages held by the Government under a declaration of trust, and to make the references in §§ 361.21 to 361.25 to insured loans for which the mortgage has been assigned to the Government in trust applicable to loans for which the mortgage is subject to a declaration of trust, and to read as follows:

§ 361.21 *Scope.* * * *

(a) *Payment in full and refinancing.* * * *

(2) *Insured mortgage held by Government in trust.* Payment in full and refinancing when the lender holds the note and the mortgage is held by the Government under a trust assignment or a declaration of trust. References in §§ 361.21 to 361.25 to insured Farm Ownership loans for which the mortgage has been assigned to the Government in trust also will apply to insured Farm Ownership loans for which the mortgage is held by the Government under a declaration of trust.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: May 13, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58-3750; Filed, May 19, 1958; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—JAPANESE BEETLE

EXTENSION OF REGULATED AREAS

On April 4, 1958, there was published in the FEDERAL REGISTER (23 F. R. 2226) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning a proposed amendment of § 301.48-2 of the regulations supplemental to notice of quarantine No. 48 (7 CFR 301.48-2). After due consideration of all relevant matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Pub. Law 85-36, 71 Stat. 32, 33), § 301.48-2 is hereby amended to read as follows:

§ 301.48-2 *Regulated areas.* The following States, District, counties, townships, cities, towns, villages, and magisterial districts, or parts thereof, are hereby designated as regulated areas:

Connecticut.. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, and Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Monroe, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; towns of Amherst, Cheektowaga, and Tonowanda, and cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown in Jefferson County; town of Mount Morris, and village of Mount Morris, in Livingston County; town of Manchester, in Ontario County; towns of Granby, Hannibal, Mexico, Minetto, New Haven, Oswego, Palermo, Schroeppel, Scriba, and Volney, and cities of Fulton and Oswego, in Oswego County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County.

North Carolina. Counties of Alamance, Beaufort, Bertie, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Chowan, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Henderson, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, McDowell, Mecklenburg, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Polk, Randolph, Rockingham, Rowan, Sampson, Transylvania, Tyrrell, Vance, Wake, Warren, Washington, Watauga, Wayne, and Wilson; township of Beaver Dam and city of Canton, in Haywood County.

Ohio. Counties of Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lake, Mahoning, Medina, Monroe, Morgan, Muskingum, Nobel, Portage, Stark, Summit, Trumbull, Tuscarawas, Washington, and Wayne; townships of Ames, Athens, Bern, Canaan, Carthage, Dover, Lodi, Rome, and Troy, in Athens County; townships of Adams, Bethlehem, Franklin, Jackson, Keene, Lafayette, Linton, Oxford, Tuscarawas, Virginia, and White Eyes, and city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, Upper Arlington, and Whitehall, in Franklin County; townships of Addison, Cheshire, Clay, Gallipolis, Green, Harrison, and Ohio and city of Gallipolis, in Gallia County; township of Prairie, in Holmes County; townships of Bowling Green, Franklin, Granville, Hanover, Hopewell, Licking, Madison, Mary Ann, Newark, Newton, and Perry and cities of Granville and Newark, in Licking County; townships of Amherst, Avon, Avon Lake, Black River, Elyria, Sheffield, and Ridgeville and city of Elyria, in Lorain County; townships of Adams, Sylvania, and Washington and cities of Sylvania and Toledo, in Lucas County; townships of Bedford, Chester, Lebanon, Letart, Olive, Orange, Salisbury, and Sutton and cities of Middleport and Pomeroy, in Meigs County; township of Madison and city of Mansfield, in Richland County.

Pennsylvania. The entire State.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Arlington, Bedford, Botetourt, Brunswick, Campbell, Caroline, Charles City, Chesterfield, Clarke, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greene, Greensville, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Middlesex, Montgomery, Nansemond, Nelson, New Kent, Norfolk, Northhampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, Wythe, and York; magisterial districts of Glade Springs and Holston, in Washington County; and cities of Alexandria, Charlottesville, Clifton Forge, Colonial Heights, Danville, Falls Church, Fredericksburg, Hampton, Hopewell, Lynchburg, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, Virginia Beach, Williamsburg, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Braxton, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Kanawha, Lewis, Marion, Marshall, McDowell, Mineral, Monongalia, Morgan, Ohio, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, and Wood; city of Huntington, in Cabell County; city of Montgomery, in Fayette County; magisterial districts of Blue Sulphur (including the town of Alderson), Fort Spring, Irish Corner, Lewisburg, and White Sulphur, and cities of Caldwell, Lewisburg, Ronceverte, and White Sulphur, in Greenbrier County; city of Logan in Logan County; magisterial districts of Clendenin and Lewis, and city of Point Pleasant, in Mason County; magisterial districts of Beaver Pond, East River, and Rock, and cities of Bluefield and Princeton, in Mercer County; city of Williamson, in Mingo County; magisterial district of Wolfe Creek and town of Alderson, in Monroe County; city of Beckley, in Raleigh County; magisterial districts of Greenbrier (including the city of Hinton), Jumping Branch, and Talcott, in Summers County; town of Ceredo and city of Kenova, in Wayne County; and city of Pineville, in Wyoming County.

The amended regulation shall be effective on and after May 20, 1958, when it shall supersede 7 CFR 301.48–2, effective July 24, 1954.

This amendment adds to the Japanese beetle regulated area 12 counties in North Carolina; 1 county and parts of 12 other counties in Ohio; 2 counties, 3 cities, and portions of 4 other counties in Virginia; as well as 6 counties and parts of 17 others in West Virginia.

The amendment should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the Japanese beetle. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85–36, 71 Stat. 32, 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 14th day of May 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58–3749; Filed, May 19, 1958; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[Avocado Order 15]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

PACK REGULATION

§ 969.315 *Avocado Order 15*—(a) *Findings.* On April 30, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2863) regarding proposed further limitations on the handling of avocados pursuant to the Marketing Agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which was submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found that the regulation hereinafter set forth is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

(b) *Order.* (1) The grades set forth in the United States Standards for Florida avocados (§§ 51.3050–51.3069 of this title; 22 F. R. 6205) are hereby established as pack specifications for the grading and packing of avocados.

(2) On and after the effective time of this regulation, no handler shall handle any container of avocados grown in the production area, unless the avocados in such container meet the requirements of Standard pack and one of the pack specifications established in subparagraph (1) of this paragraph, and each container in each lot is marked or stamped to show the United States grade applicable to such lot: *Provided,* That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Avocado Administrative Committee in accordance with the following, which appropriately identifies the grade of such avocados:

(i) Registration of each label, brand, or trademark with the Avocado Administrative Committee shall be on forms prescribed by it and shall be filed with such committee not less than 30 days prior to use in lieu of the foregoing marking requirement.

(ii) A label, brand, or trademark registered with the committee, during a fiscal year, to identify a specific grade may not be re-registered during the same fiscal year to identify any other grade.

(iii) Each label, brand, or trademark registered with the committee shall include the name and address of the handler and shall be sufficiently distinctive otherwise that it can be readily identified and distinguished from other registered labels, brands, or trademarks.

(iv) If a label, brand, or trademark is registered by a handler to identify a specific grade, in order for a label, brand, or trademark of practically the same design and lettering with a different color, or additional terms or name, to be registered to represent a different grade, the name of the color and the additional terms or name shall appear on the label, brand, or trademark in block letters of at least one-half (½) inch in height, of contrasting color.

(v) A label, brand, or trademark registered with the committee to identify a specific grade shall not be used on any container packed with avocados of a lower grade than that for which the label, brand, or trademark is registered.

(c) Terms used in the amended marketing agreement and order (§§ 969.1 to 969.71) shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and Standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida avocados (§§ 51.3050–51.3069 of this title; 22 F. R. 6205).

Effective time: The provisions of this regulation shall become effective 30 days after the publication hereof in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 15, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3764; Filed, May 19, 1958; 8:52 a. m.]

[970.304 Amdt. 1]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), hereinafter referred to as the "order", regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby found and determined that the amendment to the limitation of shipments, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing as will be in the public interest, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder. It is hereby further found and determined that the estimated season average price to growers for potatoes for the marketing season which began in September 1957 will be in excess of the parity level specified in section 2 (1) of the said act.

(b) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (1) the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, shall be made effective when the season average price to growers for potatoes exceeds the parity level specified in section 2 (1) of the act; (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (3) this amendment relieves restrictions on the handling of potatoes.

Order, as amended. The provisions of § 970.304 (b) (1) (22 F. R. 7358) are hereby amended to read as follows:

(b) *Order.* (1) During the period May 16, 1958 to July 12, 1958, both dates inclusive, no handler shall ship:

(i) Potatoes of the round white varieties or of the red skin varieties unless the potatoes meet the requirements of the U. S. No. 1, or better, grade, size A, and are of a size not smaller than 2 inches minimum diameter; or

(ii) Potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless the potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a size not smaller than 1⅞ inches minimum diameter or 3 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 14, 1958, to become effective May 16, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3769; Filed, May 19, 1958; 8:53 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ESTABLISHMENT OF PACK SPECIFICATIONS AS TO SIZE AND LABELING REQUIREMENTS

Notice was published in the January 8, 1958 issue of the FEDERAL REGISTER (23 F. R. 144), that there was under consideration a proposal to establish pack specifications as to size for the packing of dried prunes in consumer packages according to commercially recognized size categories and labeling requirements, in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 22 F. R. 8254), regulating the handling of dried prunes produced in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The proposal was based upon the recommendations of the Prune Administrative Committee (hereinafter referred to as the "committee") and other available information; and opportunity was afforded all interested parties to file written data, views, or arguments with respect to such proposal.

The committee, the only party to file any such matter, requested:

(1) That the term "Petite" be included as an additional nomenclature designation under § 993.515 (b) (4) for prunes falling within the size category whose range of size counts is from 67 to 85, inclusive, prunes per pound. The term "Petite" is currently used by the industry as a size description on consumer packages containing prunes of certain size counts falling within such range to advertise and promote sales of prunes of these general sizes. Since prunes of these sizes are within the range specified in § 993.515 (b) (4) and (c) (4) for the "Small" or "Breakfast" nomenclature designation, the term "Petite" should be added as another nomenclature description of this size category.

(2) That proposed § 993.506 (a) be revised so as to conform with current quality inspection procedures. With respect to an in-line inspection of prunes for quality, if a unit (i. e., a segment or block) of the prunes fails to meet the applicable requirements for a segment or block, whichever is applicable, such unit is segregated from the lot, and may be reinspected at a later time. If upon such reinspection the unit is found to conform to the requirements for a block and its reincorporation into the lot will not cause the lot as a whole to fail to meet the requirements for a lot, the unit is so incorporated. As § 993.506 (a) was drafted, a segment or block once rejected on in-line inspection would be precluded from being reincorporated into the lot even if the failing unit was found to be passable on reinspection. Moreover, since it is intended that inspections to determine compliance with the pack specifications as to size and inspections to determine compliance with the minimum standards of quality will be conducted concurrently, and since the practice relating to quality inspection permits reintroduction into a lot of a segment or block that is found passable upon reinspection, the same practice should be permitted for size inspection. A variation in these inspection procedures could prove burdensome to inspectors and handlers and result in confusion and inefficiency. Therefore, this request is granted and § 993.506 (a) is revised accordingly.

(3) That § 993.506 (b) be revised so as to reflect certain industry practices regarding the packaging of prunes. At the present time, an increasing quantity of California prunes is being packaged in cellophane or other visible packages. It is the practice to fill such packages with cold prunes instead of warm prunes, as happens with carton packs. Cooling is achieved by setting the warm prunes aside in packing containers for some period of time prior to packaging. Any segments or blocks of prunes for visible packaging that fail in-line inspection and are held in the requisite packing containers should be eligible for floor inspection as new lots when so offered.

The committee contended that proposed § 993.506 (b) (2) would have restricted such inspection only to those prunes that were packaged in consumer packages; and it requested that § 993.506 (b) (2) be revised so that any such inspection of rejected segments or blocks could be made prior to packaging. The definition of "lot" in § 993.506 (b) has been revised with respect to "floor inspection" so as to relate to prunes in consumer packages and prunes held in packing containers for later packaging, and to afford a handler an opportunity to offer for inspection as a new lot any such rejected prunes.

Appropriate changes in the definitions of "in-line inspection" and "floor inspection" have also been made to accord with the foregoing practice.

(4) That with respect to the permissive additional marking or labeling information, the phrase appearing in the last sentence of the first paragraph of § 993.517 and relating to the possible deceptive nature of such information be deleted. On the basis hereinafter indicated, such request is denied.

As proposed in the notice, the average size count of the prunes of a particular size category in any lot, as well as any permissive additional information that may be marked on a consumer package of such prunes describing such average size count or the range of size counts of the prunes in such lot, must each fall within the range of the size counts specified in § 993.515 for such size category. It appears that the committee believed a slight deviation in the permissive additional information on the consumer package from the actual average size count of the prunes in such lot would be construed as being "deceptive". According to industry and trade practice, however, it would not be deceptive as to the actual average size count of the prunes in the lot if such average size count is less (i. e., the prunes would be larger in size and hence of more value) than that indicated by the permissive additional information on the label. Likewise, it would not be "deceptive" if the average size count of the prunes in the lot does not deviate from the marked highest size count, or average size count, by more than plus 0.5 prune per pound, since such minor deviations could occur in the normal course of blending prunes to obtain the size desired for packaging in premarked consumer packages. The foregoing is consistent with the Department's interpretation of the term "deceptive" as used in the pack specifications and labeling requirements hereinafter set forth. However, retention of the term "deceptive" is necessary to prevent the use of additional information which, even though within the size category, deviates from the average size count or the actual range of the size counts in a manner other than that herein recognized as not being deceptive.

It appears that application of the tolerances prescribed in § 993.516 (b) (1), (b) (2), and (c), as published in the notice, would conflict with the normal processing procedures currently practiced by the industry. Handlers processing, on in-line, more than one size category of prunes in a single day, customarily process prunes of the largest size first, followed by prunes of the next largest size, and so on. Whenever there is a change of size categories, the leading segments being processed will generally contain larger prunes than will be found in the subsequent segments of the lot. In other words, prunes in leading segments would fall outside the low count of the range of the size category of the lot then being processed. The tolerances prescribed for segments and blocks, as published in the notice, would have excluded the prunes in these segments (and blocks) from the lot because the prunes would not fall within the limits fixed for the size category of the prunes being processed. However, the inclusion of such larger prunes in the lot, and their subsequent packaging into consumer packages, would not, as heretofore indicated, be inconsistent with the foregoing interpretation of the term "deceptive". Accordingly, § 993.516 has been revised so as to recognize and reflect the processing procedures.

After consideration of all relevant matters presented, including available information, it is concluded that the pack specifications prescribed herein are according to commercially recognized size categories which, as well as the tolerances prescribed for use in connection therewith, are deemed to be reasonable and appropriate; and the labeling requirements prescribed herein implement said pack specifications: *It is, therefore, ordered*, That, the following pack specifications as to size and labeling requirements are hereby established:

Subpart—Pack Specifications as to Size

DEFINITIONS

Sec.
993.501 Consumer package of prunes.
993.502 Size count.
993.503 Size category.
993.504 In-line inspection.
993.505 Floor inspection.
993.506 Lot.
993.507 Segment.
993.508 Block.

SPECIFICATIONS AS TO SIZE

993.515 Size categories.
993.516 Tolerances and limitations.

LABELING

993.517 Identification.

COMPLIANCE

993.518 Compliance.

AUTHORITY: §§ 993.501 to 993.518 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

SUBPART—PACK SPECIFICATIONS AS TO SIZE

DEFINITIONS

§ 993.501 *Consumer package of prunes.* "Consumer package of prunes" means "consumer package" as defined in § 993.20.

§ 993.502 *Size count.* "Size count" means the count or number of prunes per pound.

§ 993.503 *Size category.* "Size category" means each of the size categories listed in § 993.515 and fixes the range or the limits of the various size counts.

§ 993.504 *In-line inspection.* "In-line inspection" means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

§ 993.505 *Floor inspection.* "Floor inspection" means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers for later packaging.

§ 993.506 *Lot.* "Lot" means:

(a) With respect to in-line inspection either (1) the aggregate quantity of prunes of the same size category, other than those rejected in the course of inspection, processed in any continuous production of one calendar day and packaged during such day in one size and style of consumer package or (2) the aggregate quantity of prunes of the same size category, other than those rejected in the course of inspection, so processed and held in packing containers for later packaging in consumer packages: *Provided*, That there may be included in the applicable aggregate quantity any segment(s) or block(s) of prunes which were rejected in the course of the in-line inspection if upon floor inspection such segment(s) or block(s) individually meet the block tolerance specified in § 993.516 (d) and such inclusion does not cause the lot to fail to meet the limitations in § 993.516 (a).

(b) With respect to floor inspections and (1) covering prunes not previously inspected in-line, the aggregate quantity of prunes of the same size category, in like containers, bearing the same identification (e. g., brand) if in consumer packages, and offered for inspection as a lot; and (2) covering prunes previously inspected in-line but which were rejected as failing to meet requirements, any segment(s) or block(s) of such rejected prunes of the same size category, in like containers, processed in any continuous production of one calendar day, and offered for inspection as a new lot.

§ 993.507 *Segment.* "Segment" means that portion not exceeding two tons, of any lot, required to be sampled under normal in-line, or floor inspection, procedure.

§ 993.508 *Block.* "Block" means any group of four segments in a lot.

SPECIFICATIONS AS TO SIZE

§ 993.515 *Size categories.* For the purpose of this part, the pack specifications prescribed for the packing of prunes in consumer packages shall, subject to the applicable tolerances and limitations prescribed in § 993.516, be according to those commercially recognized size categories as are listed in paragraph (a) of this section by numerical designation or in paragraph (b) of this section by nomenclature designation.

(a) *Numerical designations.* Each of the following is a numerical size category described by the range of the size counts of prunes per pound included in the respective size categories expressed as follows or in an applicable equivalent range expressed in the metric system per 500 grams: 15/20, 15/22, 18/24, 20/30, 25/35, 30/40, 35/45, 40/50, 50/60, 60/70, 70/80, 75/85, 80/90, and 90/100.

(b) *Nomenclature designations.* Each of the following is a nomenclature size category:

(1) Extra large;
(2) Large;
(3) Medium; and
(4) Small, Breakfast, or Petite.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

(1) "Extra large" means any size count which falls within the range of 36 to 43 prunes, inclusive, per pound;

(2) "Large" means any size count which falls within the range of 43 to 53 prunes, inclusive, per pound;

(3) "Medium" means any size count which falls within the range of 53 to 67 prunes, inclusive, per pound; and

(4) "Small," "Breakfast," or "Petite" means any size count which falls within the range of 67 to 85 prunes, inclusive, per pound.

§ 993.516 *Tolerances and limitations.* (a) With respect to in-line inspections and floor inspections, prunes in a particular lot shall, subject to the other applicable requirements of this section, be considered as being according to a particular size category prescribed in § 993.515 if the average size count of the prunes in such lot falls within the range of the size counts specified for such size category, and the count per pound of 10 ounces of the smallest prunes in a sample of 100 ounces varies from the count per pound of 10 ounces of the largest prunes in such sample by no more than 45 points.

(b) With respect to in-line inspections, no size count of the prunes in any segment shall exceed the highest size count specified for such size category by more than three prunes per pound.

(c) With respect to floor inspections of consumer packages, no size count of the prunes in any individual consumer package in a segment shall exceed the highest size count specified for such size category by more than three prunes per pound. With respect to floor inspections of unpackaged prunes held in packing containers for later packaging in consumer packages, no size count of the prunes in any segment shall exceed the highest size count specified for such size category by more than three prunes per pound.

(d) The average size count of the prunes in any block, or in any segment or block that was rejected in the course of in-line inspection and is reinspected on a block basis, shall not exceed the highest size count specified for such size category by more than one prune per pound.

LABELING

§ 993.517 *Identification.* The size category of the prunes in any lot shall be clearly marked by the handler on each consumer package of such prunes, on the parts or panels of the package or label which are normally presented in retail display, in terms of the applicable numerical or nomenclature designation prescribed in § 993.515, which designation shall not be lacking in prominence and conspicuousness. Any handler may, at his option, clearly mark on such consumer package additional information describing in numerical terms the average size count, or particular range of size counts, of the prunes in such lot so long as such numerical terms fall within the range of the size counts of the applicable numerical or nomenclature designation and do not tend to be deceptive as to the actual average size count, or range of the size counts, of the prunes in such lot. Descriptive terms other than synonyms of the prescribed nomenclature designation or words of like connotation, describing the style of pack, variety of prune, or other item of commercial significance may also be marked on the consumer package. Prunes in any lot of which the maximum size count is less than 36 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in § 993.515 (a); and the handler may use nomenclature terms descriptive of size other than the nomenclature designations prescribed in § 993.515 (b).

COMPLIANCE

§ 993.518 *Compliance.* As provided in § 993.49 (b) (3), no handler shall ship or otherwise make final disposition of consumer packages of prunes unless such prunes are packed and labeled in accordance with the specifications prescribed in this subpart.

Dated: May 15, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-3767; Filed, May 19, 1958; 8:52 a. m.]

[Lime Order 2, Amdt. 4]

PART 1001—LIMES GROWN IN FLORIDA

CONTAINER REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultrual Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the relaxation of the limitation on the handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act. Such relaxation relates to the postponement of the effective time of Amendment 3 of Lime Order 2 (23 F. R. 1805), under the terms of which, effective June 1, 1958, containers with inside dimensions of 11½ x 7½ x 5 inches would be prohibited for use in the handling of limes. It has developed that due to reduced volume of lime shipments resulting from weather damage to the crop, handlers have inventories of such containers, and it is desirable to delay the effective time of such prohibition until August 1, 1958, to facilitate disposition of said inventories.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of lines grown in Florida.

It is, therefore, ordered, That the paragraph headed *Effective time* of Amendment 3 (23 F. R. 1805) of Lime Order 2 (§ 1001.302, as amended, 20 F. R. 5627, 8986; 22 F. R. 3753) is hereby amended by deleting therefrom the date "June 1, 1958" and inserting in lieu thereof the date "August 1, 1958."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 15, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F. R. Doc. 58-3765; Filed, May 19, 1958; 8:52 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Amdt. 1]

PART 1066—IRISH POTATOES

POTATO REGULATION NO. 4

Pursuant to the authority vested in me under section 8e of the Agricultural Adjustment Act of 1933, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) of § 1066.10 *Potato Regulation No. 4* (22 F. R. 8257) is hereby amended to read as follows:

(b) *Import restrictions.* (1) During the period from May 19, 1958, through July 12, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import Irish potatoes of the round white or red skin varieties, other than certified seed potatoes, unless such potatoes meet the requirements of the U. S. No. 1, or better, grade, Size A, two inches minimum diameter.

(2) During the period from October 21, 1957, through July 12, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and

the requirements of this section, no person shall import any Irish potatoes of the long white varieties (including, but not limited to, Russet Burbank variety), other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and such potatoes meet the requirements of the U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

Findings. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (a) the requirements established by this import regulation are issued pursuant to section 8e of the act which makes such regulation mandatory; (b) an amendment to grade, size, and quality regulations in effect on domestic shipments of potatoes pursuant to Order No. 70 (7 CFR 970.304; 22 F. R. 7358) will become effective on May 16, 1958; (c) such regulations and those applicable pursuant to Order No. 57 (7 CFR 957.316; 22 F. R. 4785, 5862, 5993, 7420, 7583) will terminate on July 12, 1958; (d) this amendment relieves restrictions on imports of potatoes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 15, 1958, to become effective May 19, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-3763; Filed, May 19, 1958; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 29—INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCTS THEREOF

ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION INTO THE UNITED STATES

On April 2, 1958, there was published in the FEDERAL REGISTER (23 F. R. 2139) a notice of proposed amendment of the Meat Inspection Regulations (9 CFR Part 29). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)), the Horse Meat Act (21 U. S. C. 96), and the Meat Inspection Act (21 U. S. C. 71 et seq.), § 29.10 (b) of the Meat Inspection Regulations (22 F. R. 3848) is hereby amended to read as follows:

(b) It has been determined that horse meat and horse meat food products from the following foreign countries covered by foreign horse meat inspection certificates of the country of origin as required by § 29.11 are eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 through 29 of this subchapter and upon compliance with any requirements of the Animal Inspection and Quarantine Division of the Agricultural Research Service:

Argentina.
Mexico.

The foregoing amendment will relieve restrictions by permitting the importation, heretofore barred, of horse meat and horse meat food products from Argentina which has now been found to have an adequate horse meat inspection system. In order to be of maximum benefit to affected persons, the amendment should be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(34 Stat. 1264; 41 Stat. 241, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89, 96)

The amendment shall become effective on May 20, 1958.

Done at Washington, D. C., this 15th day of May 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3770; Filed, May 19, 1958; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

JOHNSTON ISLAND; TEMPORARY CONTROL AREA AND CONTROL ZONE

The temporary control area and control zone appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1414 is added to read:

§ 601.1414 *Control area extension (Johnston Island).* All of the airspace from 700 feet upwards lying within a radius of 100 nautical miles of the Johnston Island nondirectional radio beacon at latitude 16°45′00″ North, longitude 169°30′00″ West.

2. Section 601.2274 is added to read:

§ 601.2274 *Johnston Island control zone.* Within a radius of 5 statute miles of Johnston Island Air Force Base centered at latitude 16°44′00″ North, longitude 169°31′00″ West, and within 2 statute miles either side of a 241° True bearing extending from the Johnston Island nondirectional radio beacon to a point 10 miles southwest of the nondirectional radio beacon.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from 1400 h. s. t. May 20, 1958, to 1400 h. s. t. September 15, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

MAY 16, 1958.

[F. R. Doc. 58-3807; Filed, May 19, 1958; 8:58 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-17]

PRIVATE AIDS TO NAVIGATION ON THE OUTER CONTINENTAL SHELF AND WATERS UNDER JURISDICTION OF THE UNITED STATES

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the second of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council, and contains the final actions taken with respect to Item I of the Agenda. The first document, identified as CGFR 58-[illegible], contained miscellaneous amendments to inspection requirements to implement the act of May 10, 1956, as amended (46 U. S. C. 390-390g), which were based on Item III of the Agenda.

The Coast Guard acknowledges the assistance given to the Merchant Marine Council by those interested parties who submitted comments, views, and data in connection with the items considered at this public hearing. On the basis of comments received, some changes were made in the proposals in Item I—Private Aids to Navigation on the Outer Continental Shelf and Waters Under the Jurisdiction of the United States. The regulations and amendments in this Item, as revised, are adopted and set forth in this document.

The requirements for obstruction lights were modified. In 33 CFR 67.05-10 the specific flash length requirements were deleted, and instead these characteristics will be established by the District Commander and included in the permits issued. In 33 CFR 67.20-5, 67.25-5 (a), and 67.30-5 (a) the standards for visibility were changed to require that the lights must be visible for the prescribed distances of 5 miles, 3 miles, or 1 mile, depending on type of structure, at least 90 percent of the nights of a year.

The type and characteristic requirements for fog signals in 33 CFR 67.10–1 (a) (3) were revised to clarify how determinations regarding loudness level will be calculated.

The marking requirements for seismographic and surveying operations described in 33 CFR 67.15–5 and 67.50–25 (c) were revised so that it will not be necessary to mark bamboo poles and wooden stakes of less than two inches in diameter.

The descriptions of Coast Guard districts were revised and brought up to date, and the jurisdictional areas in 33 CFR 67.50–5 (a), 67.50–10 (a), 67.50–20 (a), 67.50–25 (a), (b), 67.50–30 (a), and 67.50–35 (a) were changed accordingly.

Other editorial changes and revisions necessary to have uniformity in language or to correct mistakes were made and they did not materially alter the requirements.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167–3, dated May 22, 1953 (18 F. R. 2962), 167–15, dated January 3, 1955 (20 F. R. 820), and 167–17, dated June 29, 1955 (20 F. R. 4976), to promulgate regulations in accordance with 14 U. S. C. 83, 86, 92, and 633, 33 U. S. C. 408, 411, 412, and 43 U. S. C. 1333, the following regulations and amendments are prescribed which shall become effective on and after August 1, 1958:

PART 66—PRIVATE AIDS TO NAVIGATION

1. The authority for this part is amended to read as follows:

AUTHORITY: §§ 66.01–1 to 66.01–50 issued under sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply secs. 83, 633, 63 Stat. 500, 545, sec. 4, 67 Stat. 462; 14 U. S. C. 83, 633, 43 U. S. C. 1333. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 66.01—GENERAL

2. Section 66.01–35 is amended to read as follows:

§ 66.01–35 *Marking of structures.* (a) All structures, including mooring buoys, in the navigable waters of the United States, or in the waters of the outer Continental Shelf, which constitute a menace to navigation must display lights and/or other signals. When not otherwise provided for by law, such lights and/or signals as may be prescribed by the Coast Guard shall be installed and maintained by and at the expense of the owner. The applicant shall apply to the District Commander having jurisdiction over the waters in which the work is or will be executed for determination of the lights and/or other signals to be displayed. No regulations describing the lights or other signals required to mark any such work or obstruction in the waters under the jurisdiction of the United States are published except in the case of bridges, floating plant moorings, fishing structures, and the miscellaneous structures or artificial islands in the waters of the outer Continental Shelf.

(b) Each case is considered individually by the District Commander who will prescribe such lights and/or signals as he may consider necessary for the safety of navigation. The characteristics of such lights and/or signals shall comply as nearly as possible to the United States lateral system described in Part 62 of this subchapter. Upon being advised of the lights and/or other signals required the applicant shall prepare and submit an application in accordance with § 66.01–5.

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

Chapter I is amended by adding a new Part 67 to Subchapter C, reading as follows:

SUBPART 67.01—GENERAL REQUIREMENTS

Sec.
67.01–1 Scope.
67.01–5 Definitions.
67.01–10 Delegation of authority.
67.01–15 Classification of structures.
67.01–20 Prescribing lines of demarcation.
67.01–25 Existing aids.
67.01–30 Equivalents.

SUBPART 67.05—GENERAL REQUIREMENTS FOR LIGHTS

67.05–1 Arrangement of obstruction lights.
67.05–5 Multiple obstruction lights.
67.05–10 Characteristics of obstruction lights.
67.05–15 Operating periods of obstruction lights.
67.05–20 Minimum lighting requirements.
67.05–25 Special lighting requirements.

SUBPART 67.10—GENERAL REQUIREMENTS FOR FOG SIGNALS

67.10–1 Type and characteristics.
67.10–5 Operating periods.
67.10–10 Minimum fog signal requirements.

SUBPART 67.15—MISCELLANEOUS MARKING REQUIREMENTS

67.15–1 Lights and signals on attendant vessels.
67.15–5 Seismographic and surveying operations.
67.15–10 Spoil banks, artificial islands, and dredged channels.

SUBPART 67.20—CLASS "A" REQUIREMENTS

67.20–1 Class "A" structures.
67.20–5 Obstruction lights.
67.20–10 Fog signal.

SUBPART 67.25—CLASS "B" REQUIREMENTS

67.25–1 Class "B" structures.
67.25–5 Obstruction lights.
67.25–10 Fog signal.

SUBPART 67.30—CLASS "C" REQUIREMENTS

67.30–1 Class "C" structures.
67.30–5 Obstruction lights.
67.30–10 Fog signal.

SUBPART 67.35—APPLICATIONS

67.35–1 Procedure.
67.35–5 Contents of application.
67.35–10 Private aids to navigation.
67.35–15 To whom addressed.

SUBPART 67.40—NOTIFICATION

67.40–1 Notification to District Commander.
67.40–5 Waivers.
67.40–10 Communication with owners.
67.40–15 Marking at owner's expense.
67.40–20 Charges invoiced to owner.
67.40–25 Penalty.

SUBPART 67.50—DISTRICT REGULATIONS

67.50–1 Scope.
67.50–5 First Coast Guard District.

Sec.
67.50–10 Third Coast Guard District.
67.50–15 Fifth Coast Guard District.
67.50–20 Seventh Coast Guard District.
67.50–25 Eighth Coast Guard District.
67.50–30 Ninth Coast Guard District.
67.50–35 Eleventh Coast Guard District.
67.50–40 Twelfth Coast Guard District.
67.50–45 Thirteenth Coast Guard District.

AUTHORITY: §§ 67.01–1 to 67.50–45 issued under sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply secs. 83, 633, 63 Stat. 500, 545, sec. 4, 67 Stat. 462; 14 U. S. C. 83, 633, 43 U. S. C. 1333.

SUBPART 67.01—GENERAL REQUIREMENTS

§ 67.01–1 *Scope.* (a) The regulations in this part prescribe the obstruction lights and fog signals to be operated as privately maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the outer Continental Shelf and in the waters under the jurisdiction of the United States, for the purpose of exploring for, developing, removing and transporting resources therefrom.

(b) Supart 66.01 in Part 66 of this subchapter shall be applicable to all private aids to navigation erected on or over the outer Continental Shelf in the same manner and to the same extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

§ 67.01–5 *Definitions*—(a) *Structures.* The term "structures" as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers' permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(b) *Class "A", "B", or "C" structures.* The term "Class A, B, or C structures" refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(c) *Line of demarcation.* The term "line of demarcation" means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class "A" and Class "B" or "C" requirements.

(d) *Outer Continental Shelf.* The term "outer Continental Shelf" means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Reliable operation.* The term "reliable" as used in this part shall mean that high degree of dependability which will permit the uninterrupted operation of lights and fog signals as private aids to navigation for the safety of marine commerce.

(f) *Fog signal.* The term "fog signal" as used in this part shall mean the audible sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

§ 67.01-10 *Delegation of authority*—(a) *Transfer of functions.* The Secretary of the Treasury, by Treasury Department Order 167-15, dated January 3, 1955 (20 F. R. 820), and Treasury Department Order 167-17, dated June 29, 1955 (20 F. R. 4976), transferred to the Commandant, U. S. Coast Guard, the authority to prescribe regulations and to administer the functions described in section 4 (e) of the Outer Continental Shelf Lands Act (43 U. S. C. 1333), and to make provisions for the performance by subordinates in the Coast Guard of any of these functions.

(b) *Delegation of functions.* The Coast Guard District Commander is hereby delegated responsibility for performing, or having performed the inspections, enforcement, and administration of such regulations, which are or may be required. He may redelegate this authority as necessary to any person from the civilian or military branch of the Coast Guard.

§ 67.01-15 *Classification of structures.* (a) The varied depths of water and marine commerce traffic routes which exist in the waters over the outer Continental Shelf, and in other waters, permits the classification of structures according to their location in such waters. Those structures in the area seaward of the line of demarcation, prescribed by the regulations in this part, are designated as Class "A" structures. All structures shoreward of the line of demarcation, prescribed by the regulations in this part, are designated as either Class "B" or Class "C" structures.

(b) In the event a line of demarcation is not prescribed, the District Commander shall designate a structure "A", "B", or "C" as he deems appropriate.

§ 67.01-20 *Prescribing lines of demarcation.* In those areas where lines of demarcation are not prescribed, or where they have been prescribed and require modification, the District Commander shall submit his recommendations thereon to the Commandant for establishment or changes as required. When approved by the Commandant, and upon publication in the FEDERAL REGISTER, such additions or changes in lines of demarcation shall be effective for the purposes of this part.

§ 67.01-25 *Existing aids.* Existing structures which are marked with privately maintained aids to navigation in accordance with plans previously approved by a proper officer of the Coast Guard will be considered satisfactory so long as they are maintained in good operating condition, unless a change in circumstances makes an earlier change necessary in the interest of marine safety.

§ 67.01-30 *Equivalents.* The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

SUBPART 67.05—GENERAL REQUIREMENTS FOR LIGHTS

§ 67.05-1 *Arrangement of obstruction lights.* (a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall be required to have one obstruction light visible for 360°.

(b) Structures having a maximum horizontal dimension of over 30 feet, but not in excess of 50 feet, on any one side, or in diameter, shall be required to have two obstruction lights installed on diagonally opposite corners, 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(c) Structures having a horizontal dimension of over 50 feet on any one side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in § 67.20-5, § 67.25-5, or § 67.30-5, as applicable.

(e) Lesser structures and piles, pile clusters or flare templates, etc., will not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class "A", "B" or "C" structure marked by established obstruction lights, but they shall be marked with red or white retro-reflective material, installed as prescribed by the District Commander.

(f) All obstruction lights shall be installed in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of the angle of approach, until he is within 50 feet of the structure, visibility permitting.

§ 67.05-5 *Multiple obstruction lights.* When more than one obstruction light is required by this part to mark a structure, all such lights shall be operated to flash in unison.

§ 67.05-10 *Characteristics of obstruction lights.* All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic of approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class "A" and "B" structures, and either white or red, as prescribed by the District Commander, when marking Class "C" structures. In determining whether white or red lights shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.05-15 *Operating periods of obstruction lights.* The display of obstruction lights shall be required commencing at the time the construction of a structure is begun, except that they shall not be required during daylight hours commencing at sunrise until sunset, local time. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessels shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the actual operation of obstruction lights also will not be required.

§ 67.05-20 *Minimum lighting requirements.* The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: *Provided*, That the prescribed characteristics of color and flash duration are adhered to.

§ 67.05-25 *Special lighting requirements.* Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

SUBPART 67.10—GENERAL REQUIREMENTS FOR FOG SIGNALS

§ 67.10-1 *Type and characteristics.* (a) The fog signal prescribed in this part shall be the audible sound signal which, in the judgment of the District Commander, is satisfactory in tone, characteristic, and geographic range.

(1) The sound signal produced shall have its maximum intensity at a frequency range above 100 cycles, and shall have a loudness level of 55 phons, at the geographic ranges specified in § 67.20-10, § 67.25-10, or § 67.30-10, as applicable.

(2) The fog signal apparatus when established shall be powered from a reliable power source, and if necessary, an auxiliary power source, to assure that the signal is reliable.

(3) In determining that the fog signal apparatus will provide the loudness level

stated in this section, the District Commander may authorize the establishment and operation of the required signal, if it will produce the minimum acceptable sound pressure level in decibels for its fundamental frequency around a 360° horizontal plane passing through the signal, at a distance of 25 feet, measured in an anechoic chamber: *Provided*, That the minimum value is not less than that shown on the appropriate curve in Table "A" of this part. (For fog signal apparatus which produces an audible signal having appreciable harmonic content, in lieu of considering only the fundamental frequency, all harmonic components 1000 cycles per signal and below may be considered as adding to the loudness level. In evaluating the effect of harmonic components the District Commander will use procedures used within the Coast Guard for such determination.)

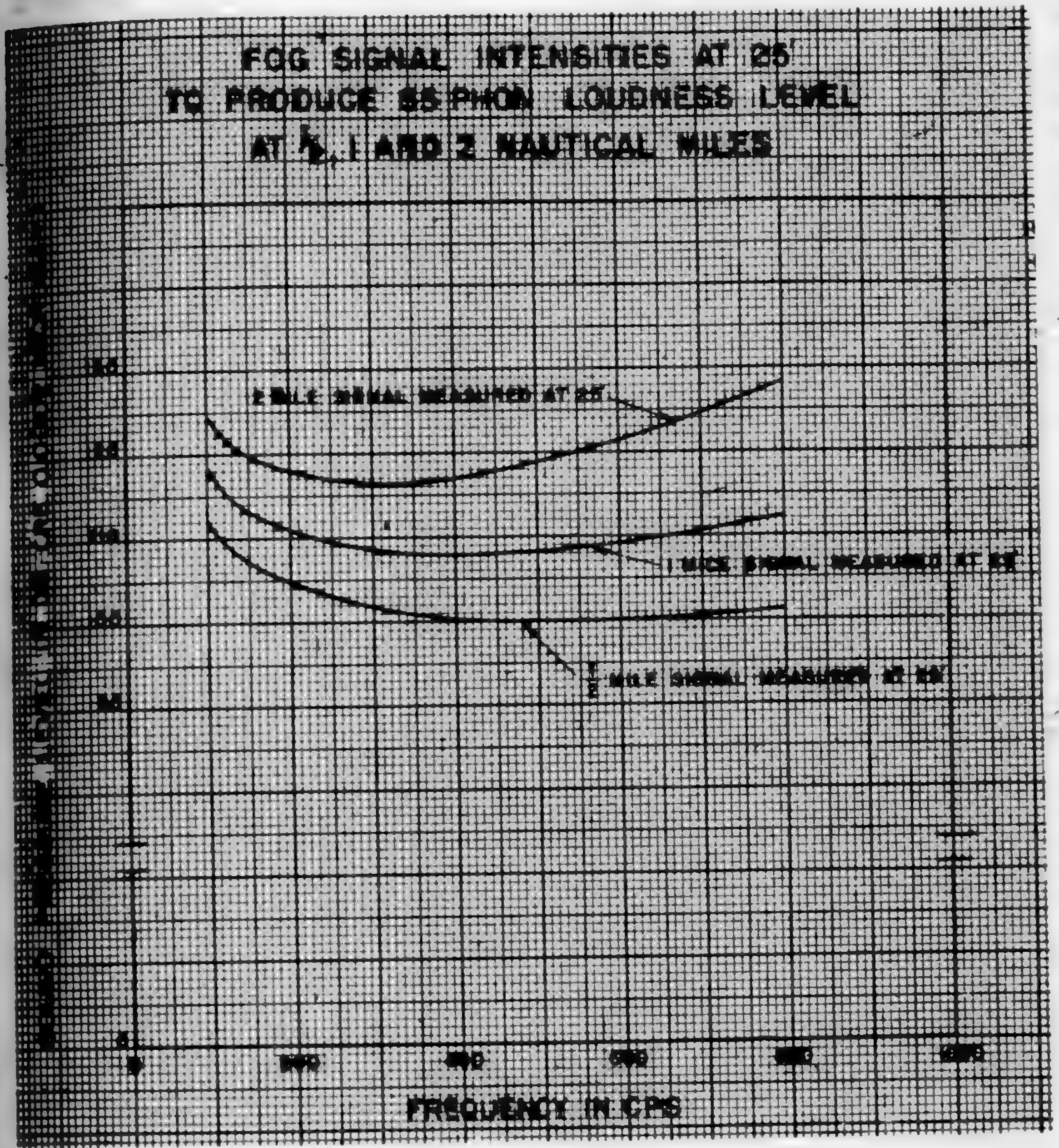

TABLE A.

(4) In lieu of witnessing the actual test of the fog signal apparatus prior to the issuance of a permit for its establishment and operation, the District Commander may accept as proof, a certificate prepared by a testing laboratory containing the results of tests made in the presence of a Coast Guard officer, which shows that an identical production model of the particular type of fog signal apparatus proposed for use, meets or exceeds the requirements in this part.

(b) A fog signal shall be sounded every twenty seconds (sound 2 seconds, silent 18 seconds), unless prescribed otherwise in the permit issued by the District Commander: *Provided*, That the fog signal characteristic which may be authorized by the District Commander shall be one which is different from the sound signals prescribed in accordance with the "Regulations for Preventing Collisions at Sea, 1948," or the local rules established in accordance with Rule 30 thereof, as appropriate.

(c) The fog signal apparatus shall be located on the structure and so arranged that the sound signal produced will be audible over 360° with no wind, to the applicable geographic ranges prescribed in Subpart 67.20, 67.25, or 67.30 of this part: *Provided*, That the fog signal is located not less than 10 feet, nor more than 100 feet above the water.

(d) When, in order to meet the requirements in this part, more than one fog signal is established to mark the same structure, all such fog signals shall be operated to sound in unison.

§ 67.10-5 *Operating periods.* A fog signal shall be required to mark a structure according to the class thereof, from the time the obstruction is established, with the actual period of operation required when reduced visibility prevails as prescribed in Subpart 67.20, 67.25, or 67.30 of this part: *Provided*, That in the absence of attendants for on-site or remote controlled operation, or of a satisfactory fog detection device capable of controlling the signal, the fog signal shall be operated continuously. During construction and until such time as a platform sufficient to contain fog signal apparatus can be completed, the whistle of an attending vessel may be used as the fog signal for the structure: *Provided*, That the vessel's whistle is equal to or better than that to be required for the structure, in tone and range. Nothing contained in this section shall be construed as relieving an attending vessel from compliance with fog signals required by the "Regulations for Preventing Collisions at Sea, 1948," or the local rules established in accordance with Rule 30 thereof, as appropriate.

§ 67.10-10 *Minimum fog signal requirements.* (a) The fog signal requirements prescribed in this part are the minimum requirements only, and shall not preclude the maintainer from making application for authorization to establish and operate a fog signal having a greater audible range: *Provided*, That the prescribed tone and characteristic is adhered to.

(b) Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander may require the structure to be marked by the fog signal which in his judgment is necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the fog signals in any of these cases, shall not exceed those established for structures in the Class "A" area.

SUBPART 67.15—MISCELLANEOUS MARKING REQUIREMENTS

§ 67.15-1 *Lights and signals on attendant vessels.* The requirements prescribed by this part apply to structures. The barges, vessels, and other miscellaneous floating plants in attendance shall display lights and signals in accordance with the "Regulations for Preventing Collisions at Sea, 1948," or the local rules established in accordance with Rule 30 thereof, as appropriate. However, when vessels are fixed to or submerged onto the seabed, they become structures as described in § 67.01-5.

§ 67.15-5 *Seismographic and surveying operations.* All stakes, casings, pipes, and buoys, except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water to facilitate seismographic or surveying operations shall be marked, in the manner prescribed by the District Commander, for the safety of navigation.

§ 67.15-10 *Spoil banks, artificial islands, and dredged channels.* (a) All submerged spoil banks, or artificial islands resulting from the dredging of private channels, laying of pipelines, or any other private operation, and all privately dredged channels which, in the judgment of the District Commander are required to be marked by aids to navigation, shall be marked by private aids to navigation conforming to the standard United States system of aids to navigation characteristics described in Subpart 62.25 of Part 62 of this subchapter.

(b) Applications for permits to establish and maintain private aids to navigation for the purpose indicated in this section shall be reviewed by the District Commander and forwarded to the Commandant, for final review and issuance of permits.

SUBPART 67.20—CLASS "A" REQUIREMENTS

§ 67.20-1 *Class "A" structures.* Class "A" structures shall be the structures erected in an area where Class "A" requirements must be met.

§ 67.20-5 *Obstruction lights.* The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be visible 90 percent of the nights of a year at a distance of at least 5 miles. The lights shall be displayed not less than 20 feet above mean high water, nor at a greater height which would be in conflict with the limitation imposed by § 67.05-1 (f).

§ 67.20-10 *Fog signal.* (a) The fog signal shall be in accordance with the requirements prescribed in Subpart 67.10 of this part, and shall have an audible range of not less than two miles, with no wind, in all directions from the structure it marks, and shall be placed in operation whenever the visibility is less than 5 miles in any direction.

(b) When structures are erected in close proximity to each other, installation of fog signals on all structures will not be required, when in the judgment of the District Commander the group of structures which are equipped with fog signals are so arranged that the particular structure is protected to the degree required by this part, and is not a hazard to navigation.

SUBPART 67.25—CLASS "B" REQUIREMENTS

§ 67.25-1 *Class "B" structures.* Class "B" structures shall be the structures erected in an area where Class "B" requirements must be met.

§ 67.25-5 *Obstruction lights.* (a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part, and shall be visible 90 percent of the nights of a year at a distance of at least 3 miles. The lights shall be displayed not less than 20, nor more than 60 feet, above mean high water, except that on Class "B" structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights specified above.

(b) The District Commander may waive the requirement for obstruction lights on Class "B" structures if there is no hazard to navigation by so doing.

§ 67.25-10 *Fog signal.* (a) The fog signal shall be in accordance with the requirements prescribed in Subpart 67.10 of this part, and shall have an audible range of not less than one half mile with no wind, in all directions from the structure it marks, and shall be placed in operation whenever the visibility is less than 3 miles in any direction.

(b) When structures are erected in close proximity to each other, installation of fog signals on all structures will not be required, when in the judgment of the District Commander, the group of structures which are equipped with fog signals are so arranged that the particular structure is protected to the degree required by this part, and is not a hazard to navigation.

(c) The District Commander may waive the requirement for a fog signal on Class "B" structures if there is no hazard to navigation by so doing. He may also waive, upon specific request, the requirement for a fog signal on any Class "B" structure which is located in a shoal area where the structure does not, in his judgment, constitute a menace to navigation.

SUBPART 67.30—CLASS "C" REQUIREMENTS

§ 67.30-1 *Class "C" structures.* Class "C" structures shall be the structures erected in an area where Class "C" requirements must be met.

§ 67.30-5 *Obstruction lights.* (a) The obstruction lights shall be white or red lights, as prescribed in Subpart 67.05 of this part, and shall be visible 90 percent of the nights of a year at a distance of at least one mile. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class "C" structure, the color thereof shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

(b) When Class "C" structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction lights are so arranged that the particular structures are protected to the degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class "C" structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at the discretion of the District Commander: *Provided,* That the lights meet the requirements set forth in this part.

§ 67.30-10 *Fog signal.* (a) In general, fog signals will be required only on those Class "C" structures which are erected in locations covered by the provisions of § 67.10-10 (b).

(b) In cases, where although not required, an applicant desires to establish and operate a fog signal, a permit therefor shall be granted, at the discretion of the District Commander: *Provided,* That the tone and characteristic prescribed in § 67.10-1 are adhered to.

SUBPART 67.35—APPLICATIONS

§ 67.35-1 *Procedure.* (a) An application, on Coast Guard forms which will be provided by the District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change or discontinue, except as modified in this subpart.

(b) An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or fog signals if the structure is to remain in place six months or more. An application may be made by letter for each structure to be so equipped if the structure is to remain in place less than six months.

(c) One application form only shall be submitted to the District Commander to cover a group of unlighted buoys or daybeacons.

§ 67.35-5 *Contents of application.* (a) All applicable items of the prescribed forms shall be completed. A brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart section. When Lambert coordinates are used to plot the position of the aid, the plat or chart shall be annotated to show latitude and longitude of the proposed aid to navigation, except when the position has been described by reference to one or more horizontal angles, or by the bearing and distance from a charted landmark.

(b) Each application shall have appended to it a list showing the type, model; name and address of the manufacturer of the lighting apparatus and fog signal equipment to be used.

(c) Each application shall always specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

§ 67.35-10 *Private aids to navigation.* See § 67.15-10 (b) for review of applications respecting private aids to navigation for spoil banks, artificial islands and dredged channels.

§ 67.35-15 *To whom addressed.* The applications and correspondence dealing with private aids to navigation and obstruction lighting should be addressed to the District Commander having jurisdiction over the area.

SUBPART 67.40—NOTIFICATION

§ 67.40-1 *Notification to District Commander.*—(a) *Class "A" structures.* Notification shall be given to the District Commander of the approximate date construction will commence in the case of structures to be located in areas where Class "A" requirements must be met, as soon as known after a permit is received from the Corps of Engineers, U. S.

Army, or 30 days in advance, if possible. The District Commander shall be notified by telegram the day the construction of the structure is commenced, informing him of the lights and fog signals to be used during construction. tion of the structure is commenced, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or fog signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class "B" structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class "B" requirements must be met, in the same manner as prescribed in the case of Class "A" structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class "C" structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class "C" requirements must be met, upon completion of the structure.

§ 67.40–5 *Waivers.* (a) The District Commander is authorized to modify or waive any requirement prescribed in this part whenever, in his judgment, the safety of marine commerce will not be impaired by so doing.

(b) When the District Commander shall determine that changed circumstances in the case of a structure, whose obstruction lights and/or fog signal have been modified or waived, constitutes a hazard to marine navigation, he is authorized to revoke or revise his previous action and to require the structure to be appropriately marked by suitable obstruction lights and/or fog signals in accordance with this part.

§ 67.40–10 *Communication with owners.* Communication with the owners of private aids to navigation by the District Commander shall be addressed to their usual or last known place of business, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

§ 67.40–15 *Marking at owner's expense.* The District Commander may mark, for the protection of marine commerce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part, and the owner shall reimburse the Coast Guard for all costs incurred.

§ 67.40–20 *Charges invoiced to owner.* Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accordance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the District Commander that the structure has been removed, or until the owner has applied for and been issued a permit by the District Commander to establish and operate the required obstruction lights and/or fog signals or other markings required by this part.

§ 67.40–25 *Penalty.* The penalty for violation is in section 1, 63 Stat. 501 (14 U. S. C. 85), or section 4 (e) (2) of the Outer Continental Shelf Lands Act (43 U. S. C. 1333). Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued in this part or pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

SUBPART 67.50—DISTRICT REGULATIONS

§ 67.50–1 *Scope.* The regulations in this subpart shall apply to the structures which are located within the boundaries of the Coast Guard districts hereinafter defined.

§ 67.50–5 *First Coast Guard District*—(a) *Description.* The First Coast Guard District, with office at Boston, Massachusetts, is comprised of Maine; New Hampshire; Vermont, except the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison; Massachusetts; Rhode Island; with the exception of Watch Hill Light station; all United States naval reservations on short in Newfoundland; the ocean area north of a line from Watch Hill Light south to Montauk Point Light, thence 112° T.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50–10 *Third Coast Guard District*—(a) *Description.* The Third Coast Guard District, with office at New York, New York, is comprised of the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison in Vermont; Connecticut; Watch Hill Light Station in Rhode Island; New York, except that part north of latitude 42° North and west of longitude 74°39′ West; New Jersey; Pennsylvania east of longitude 79° West; Delaware, including Fenwick Island; the ocean area between a line from Watch Hill Light due south to Montauk Point Light, thence 112° T. and a line from the coastal end of the 3d–5th Coast Guard District boundary, to Winter Quarter Shoal Lightship, thence 122° T.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50–15 *Fifth Coast Guard District*—(a) *Description.* The Fifth Coast Guard District, with office at Norfolk, Virginia, is comprised of Maryland, Virginia, District of Columbia, and North Carolina; the ocean between a line from the coastal end of the Third-Fifth Coast Guard District boundary to Winter Quarter Shoal Lightship, thence 122° T. and a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50–20 *Seventh Coast Guard District*—(a) *Description.* The Seventh Coast Guard District, with office at Miami, Florida, is comprised of South Carolina; Florida and Georgia, except that part of Florida west of the east bank of the Apalachicola River and that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River upstream to Montezuma, Georgia and south and west of a line between Montezuma and West Point, Georgia; Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and the Virgin Islands; all of the United States naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean area between a line from the coastal end of the Fifth-Seventh Coast Guard District boundary, thence 122° T., and a line from the coastal end of the Seventh-Eighth Coast Guard District boundary, thence 193° T.; and the ocean area bounded by a line from the border between Guatemala and Mexico on the Pacific Coast (14°38′ N., 92°19′ W.) southwesterly to latitude 5° South, longitude 110° West, thence due east to the Coast of South America.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a

permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and the amount of vessel traffic; and the effect of background lighting.

§ 67.50–25 *Eighth Coast Guard District*—(a) *Description*. The Eighth Coast Guard District, with office at New Orleans, Louisiana, is comprised of New Mexico, Texas, and Louisiana; those parts of Alabama, Mississippi, and Arkansas south of latitude 34° North; and that part of Florida west of the east bank of the Apalachicola River and that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River upstream to Montezuma, Georgia and south and west of a line between Montezuma and West Point, Georgia; the water of the Gulf of Mexico westward of a line from the coastal end of the Seventh-Eighth Coast Guard District boundary, thence 193° T.

(b) *Lines of demarcation*. The two lines of demarcation described in this section are for administrative purposes to distinguish between the areas in which structures shall be subject to Class "A", "B" or "C" requirements. The primary line of demarcation delimits the areas to the seaward of which Class "A" requirements are imposed. The secondary line of demarcation delimits the areas to the shoreward of which Class "C" requirements are imposed. In those areas where no secondary line of demarcation is prescribed, the structures shoreward of the primary line of demarkation are considered to be Class "C" structures. Class "B" requirements are imposed on the structures in the areas between the two lines of demarcation.

(1) The coordinates of the primary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point at Lat. 30°11'.3 N., Long. 88°03'.0 W., thence to;

(ii) A point at Lat. 30°11'.5 N., Long. 88°31'.7 W., thence to;

(iii) A point at Lat. 30°12'.7 N., Long. 88°58'.0 W., thence to;

(iv) A point due west of (3) at Long. 89°00' W., thence to;

(v) A point at Lat. 30°08'.0 N., Long. 89°00' W., thence to;

(vi) A point at Lat. 30°04'.7 N., Long. 88°53'.7 W., thence via a line two miles to seaward around Chandeleur Island to:

(vii) A point at Lat. 29°34'.0 N., Long. 89°00' W., thence to;

(viii) A point at Lat. 29°15'.0 N., Long. 89°00' W., thence to;

(ix) A point at Lat. 29°14'.0 N., Long. 88°57'.7 W., thence to;

(x) A point at Lat. 29°10'.0 N., Long. 88°57'.0 W., thence to;

(xi) A point at Lat. 29°03'.6 N., Long. 89°02'.3 W., thence via the five fathom curve to:

(xii) A point at Lat. 28°53'.8 N., Long. 89°25'.7 W., thence to;

(xiii) A point at Lat. 28°52'.6 N., Long. 89°25'.9 W., thence via the ten fathom curve to:

(xiv) A point at Lat. 29°00' N., Long. 89°34'.0 W., thence to;

(xv) A point at Lat. 29°00' N., Long. 90°05'.0 W., thence to;

(xvi) A point at Lat. 28°50'.5 N., Long. 91°07'.5 W., thence to;

(xvii) A point at Lat. 29°11'.5 N., Long. 92°21'.0 W., thence to;

(xviii) A point at Lat. 29°29'.0 N., Long. 92°32'.3 W., thence via the five fathom curve to:

(xix) A point at Lat. 29°41'.2 N., Long. 93°19'.9 W., thence to;

(xx) A point at Lat. 29°38'.7 N., Long. 93°49'.4 W., thence to;

(xxi) A point on the five fathom curve at Lat. 29°35'.8 N., Long. 94°00' W., thence via the five fathom curve to:

(xxii) A point at Lat. 29°26'.7 N., Long. 94°30'.0 W., thence to;

(xxiii) A point at Lat. 28°55'.3 N., Long. 95°16'.3 W., thence to;

(xxiv) A point at Lat. 28°54'.9 N., Long. 95°15'.6 W., thence to;

(xxv) A point at Lat. 28°19'.3 N., Long. 96°23'.3 W., thence to;

(xxvi) A point at Lat. 27°49'.5 N., Long. 97°01'.2 W., thence to;

(xxvii) A point on the ten fathom curve at Lat. 27°30'.0 N., Long. 97°10'.0 W., thence via the ten fathom curve to:

(xxviii) A point at Lat. 27°00' N., Long. 97°17'.5 W., thence to;

(xxix) A point at Lat. 26°04'.1 N., Long. 97°08'.6 W.

(2) The coordinates of the secondary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point in Breton Sound at Lat. 29°34'.0 N., Long. 89°00'.0 W., thence to;

(ii) A point at Lat. 29°30'.0 N., Long. 89°10'.0 W., thence to;

(iii) A point at Lat. 29°20'.9 N., Long. 89°10'.0 W., thence to;

(iv) A point at Lat. 29°15'.3 N., Long. 89°04'.0 W., thence to;

(v) A point at Lat. 29°14'.1 N., Long. 88°59'.0 W., thence to;

(vi) A point at Lat. 29°08'.6 N., Long. 88°58'.3 W., thence to;

(vii) A point at Lat. 29°02'.1 N., Long. 89°06'.6 W., thence to;

(viii) A point at Lat. 28°58'.1 N., Long. 89°08'.4 W., thence to;

(ix) A point at Lat. 29°01'.1 N., Long. 89°16'.1 W., thence to;

(x) A point at Lat. 28°53'.7 N., Long. 89°26'.0 W., thence to;

(xi) A point at Lat. 28°54'.3 N., Long. 89°27'.5 W., thence to;

(xii) A point at Lat. 29°02'.2 N., Long. 89°24'.2 W., thence to;

(xiii) A point at Lat. 29°11'.8 N., Long. 89°30'.0 W., thence to;

(xiv) A point at Lat. 29°17'.9 N., Long. 89°46'.6 W., thence to;

(xv) A point at Lat. 29°17'.1 N., Long. 89°50'.8 W., thence to;

(xvi) A point at Lat. 29°14'.5 N., Long. 89°55'.1 W., thence to;

(xvii) A point at Lat. 29°10'.9 N., Long. 90°02'.9 W., thence to;

(xviii) A point at Lat. 29°05'.5 N., Long. 90°10'.0 W., thence to;

(xix) A point at Lat. 29°04'.5 N., Long. 90°12'.0 W., thence to;

(xx) A point at Lat. 29°02'.0 N., Long., 90°20'.8 W., thence to;

(xxi) A point at Lat. 29°01'.9 N., Long. 90°24'.9 W., thence to;

(xxii) A point at Lat. 29°03'.6 N., Long. 90°32'.8 W., thence to;

(xxiii) A point at Lat. 29°01'.9 N., Long. 90°41'.7 W., thence to;

(xxiv) A point at Lat. 29°00'.8 N., Long. 90°50'.0 W., thence to;

(xxv) A point at Lat. 29°02'.4 N., Long. 91°01'.5 W., thence to;

(xxvi) A point at Lat. 29°28'.5 N., Long. 92°10'.1 W., thence to;

(xxvii) A point at Lat. 29°31'.1 N., Long. 92°21'.8 W., thence to;

(xxviii) A point at Lat. 29°34'.1 N., Long. 92°39'.3 W., thence to;

(xxix) A point at Lat. 29°41'.1 N., Long. 92°57'.2 W., thence to;

(xxx) A point at Lat. 29°44'.6 N., Long. 93°07'.9 W., thence to;

(xxxi) A point at Lat. 29°45'.6 N., Long. 93°13'.7 W., thence to;

(xxxii) A point at Lat. 29°45'.6 N., Long. 93°17'.3 W., thence to;

(xxxiii) A point at Lat. 29°44'.3 N., Long. 93°21'.0 W., thence to;

(xxxiv) A point at Lat. 29°45'.3 N., Long. 93°30'.0 W., thence to;

(xxxv) A point at Lat. 29°43'.3 N., Long. 93°43'.7 W., thence to;

(xxxvi) A point at Lat. 29°41'.0 N., Long. 93°48'.8 W., thence to;

(xxxvii) A point at Lat. 29°38'.8 N., Long. 93°50'.8 W., thence to;

(xxxviii) A point at Lat. 29°40'.0 N., Long. 93°57'.3 W., thence to;

(xxxix) A point at Lat. 29°39'.3 N., Long. 94°05'.0 W., thence to;

(xl) A point at Lat. 29°27'.0 N., Long. 94°37'.0 W., thence to;

(xli) A point at Lat. 29°23'.1 N., Long. 94°42'.6 W., thence to;

(xlii) A point at Lat. 29°20'.4 N., Long. 94°41'.5 W., thence to;

(xliii) A point at Lat. 29°06'.6 N., Long. 95°04'.4 W., thence to;

(xliv) A point at Lat. 29°04'.6 N., Long. 95°05'.7 W., thence to;

(xlv) A point at Lat. 29°02'.0 N., Long. 95°10'.0 W., thence to;

(xlvi) A point at Lat. 28°57'.3 N., Long. 95°16'.2 W., thence to;

(xlvii) A point at Lat. 28°55'.3 N., Long. 95°17'.9 W., thence to;

(xlviii) A point at Lat. 28°39'.5 N., Long. 95°48'.4 W., thence to;

(xlix) A point at Lat. 28°32'.1 N., Long. 96°06'.9 W., thence to;

(l) A point at Lat. 28°26'.4 N., Long. 96°17'.8 W., thence to;

(li) A point at Lat. 28°23'.6 N., Long. 96°21'.5 W., thence to;

(lii) A point at Lat. 28°19'.7 N., Long. 96°23'.3 W., thence to;

(liii) A point at Lat. 28°19'.3 N., Long. 96°25'.2 W., thence to;

(liv) A point at Lat. 28°14'.8 N., Long. 96°35'.0 W., thence to;

(lv) A point at Lat. 28°09'.1 N., Long. 96°43'.8 W., thence to;

(lvi) A point at Lat. 28°02'.4 N., Long. 96°52'.2 W., thence to;

(lvii) A point at Lat. 27°56'.2 N., Long. 96°58'.3 W., thence to;

(lviii) A point at Lat. 27°52'.8 N., Long. 97°01'.1 W., thence to;

(lix) A point at Lat. 27°49'.3 N., Long. 97°03'.0 W., thence to;

(lx) A point at Lat. 27°46'.4 N., Long. 97°05'.6 W., thence to;

(lxi) A point at Lat. 27°38'.9 N., Long. 97°10'.6 W., thence to;

(lxii) A point at Lat. 27°28'.3 N., Long. 97°16'.2 W., thence to;

(lxiii) A point at Lat. 27°21'.9 N., Long. 97°18'.9 W., thence to;

(lxiv) A point at Lat. 27°13'.7 N., Long. 97°21'.2 W., thence to;

(lxv) A point at Lat. 27°05'.4 N., Long. 97°22'.3 W., thence to;

(lxvi) A point at Lat. 26°57'.1 N., Long. 97°22'.2 W., thence to;

(lxvii) A point at Lat. 26°48'.9 N., Long. 97°20'.9 W., thence to;

(lxviii) A point at Lat. 26°39'.1 N., Long. 97°18'.1 W., thence to;

(lxix) A point at Lat. 26°28'.8 N., Long. 97°14'.3 W., thence to;

(lxx) A point at Lat. 26°18'.3 N., Long. 97°11'.3 W., thence to;

(lxxi) A point at Lat. 26°11'.7 N., Long. 97°10'.3 W., thence to:

(lxxii) A point at Lat. 26°04'.8 N., Long. 97°09'.3 W., thence to;

(lxxiii) A point at Lat. 26°04'.2 N., Long. 97°08'.3 W., thence to;

(lxxiv) A point at Lat. 25°58'.3 N., Long. 97°08'.3 W.

(c) *Seismographic and surveying operations.* (1) All stakes and casings (pipes), except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water during seismographic or surveying operations shall be marked with flags during the daylight hours. Those casings remaining in place during the hours of darkness shall be marked by a red light as prescribed in Subpart 67.30 of this part.

(2) All buoys used during seismographic operations shall be painted with international orange and white horizontal bands. The buoys shall be of light construction in order that they will not present a hazard to marine commerce.

(d) *Spoil marking.* (1) All submerged spoil resulting from the dredging of channels, laying of pipelines, or any other operation, which constitutes an obstruction to navigation, shall be properly marked. The spoil banks should be examined at frequent intervals in order that the changing conditions may be kept under control. As markers are no longer required due to settling of banks, the Coast Guard will authorize their removal upon application.

(2) All openings in such submerged spoil shall be marked by daybeacons on each side of the openings. When spoil is located on each side of a channel or pipe line, each bank will be considered separately. The daybeacons shall be equipped with arrows designating the safe water through the opening. These daybeacons may also be used as channel markers for the dredged channels providing they are also equipped with arrows designating the spoil bank openings.

(3) When spoil banks constituting an obstruction to navigation abut an established traveled waterway, the outboard spoil bank markers shall be equipped with quick flashing lights described in Subpart 67.30 of this part, except that the color shall be in accordance with the provisions of Subpart 62.25 of Part 62 of this subchapter.

(e) *Applications.* All private aids to navigation applications and all correspondence dealing with private aids to navigation and obstruction lighting shall be addressed to Commander, Eighth Coast Guard District, 328 Custom House Building, New Orleans 16, Louisiana, marked for the attention of the Chief, Aids to Navigation Section.

(f) *Enclosures.* Applicants shall append on a separate sheet with each application, the description, including manufacturer, of obstruction lights and fog signals.

(g) *Corps of Engineers correspondence.* A copy of all correspondence directed to the District Engineers, Corps of Engineers, U. S. Army, in accordance with condition (i) of the Department of the Army permit, shall be forwarded to the District Commander for those operations conducted under permits authorizing the erection of structures in areas in which Class "A", Class "B", or Class "C" requirements must be met.

§ 67.50–30 *Ninth Coast Guard District*—(a) *Description.* The Ninth Coast Guard District, with office at Cleveland, Ohio, is comprised of Michigan; New York north of latitude 42° North and west of longitude 74°39' West; Pennsylvania north of latitude 41° North and west of longitude 79° West; those parts of Ohio and Indiana north of latitude 41° North; Illinois north of latitude 41° North and east of longitude 90° West; Wisconsin, except that part south of latitude 46°20' North and west of longitude 90° West; and Minnesota north of latitude 46°20' North.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50–35 *Eleventh Coast Guard District*—(a) *Description.* The Eleventh Coast Guard District, with office at Long Beach, California, is comprised of Arizona; Clark County in Nevada; the southern part of California comprising the counties of Santa Barbara, Kern, and San Bernardino, and all counties south thereof; and the ocean area bounded by a line from California coast at latitude 34°58' North (mouth of Santa Maria River) southwesterly to latitude 24°15' North, longtitude 134°40' West; thence southeasterly to latitude 5° South, longitude 110° West; thence northeasterly to the border between Guatemala and Mexico on the Pacific Coast (14°38' N, 92°19' W).

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50–40 *Twelfth Coast Guard District*—(a) *Description.* The Twelfth Coast Guard District, with office at San Francisco, California, is comprised of Utah, Navada, except Clark County; and the northern part of California comprising the counties of San Luis Obispo, Kings, Tulare and Inyo, and all counties north thereof, the ocean area bounded by a line from the California coast at latitude 34°58' North (mouth of the Santa Maria River) southwesterly to latitude 24°15' North, longitude 134°40' West; thence northwesterly to latitude 40° North, longitude 150° West; thence easterly to the California-Oregon state line.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.50–45 *Thirteenth Coast Guard District*—(a) *Description.* The Thirteenth Coast Guard District, with office at Seattle, Washington, is comprised of Washington, Oregon, Idaho, and Montana; the ocean area bounded by a line from the California-Oregon state line westerly to latitude 40° North, longitude 150° West; thence northeasterly to latitude 54°40' North, longitude 140° West; thence due east to the Canadian coast.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

SUBPART 70.01—INTERFERENCE WITH AIDS TO NAVIGATION

1. Section 70.01–1 is amended to read as follows:

§ 70.01–1 *General provisions.* No person, excluding the armed forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with Part 64, 66, 67, or 68 of this subchapter.

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

2. Section 70.05–20 is amended to read as follows:

§ 70.05–20 *Report required.* Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Part 64, 66, 67, or 68 of this subchapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 136.05.

(Sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies secs. 14, 16, 30 Stat. 1152, as amended, 1153, as amended, sec. 84, 63 Stat. 500, sec. 4, 67 Stat. 462; 33 U. S. C. 406, 411, 14 U. S. C. 84, 43 U. S. C. 1333)

PART 74—COSTS AND CHARGES

1. The citation of authority for the regulations in this part is revised to read as follows:

AUTHORITY: §§ 74.01-1 to 74.01-10 issued under sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92. Interpret or apply secs. 86, 633, 642, 63 Stat. 501, 545, 547, sec. 4, 67 Stat. 462; 14 U. S. C. 86, 633, 642, 43 U. S. C. 1333.

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Section 74.01-1 is amended by revising the headnote and the introductory sentence (but not "Table B—Standard Charges") to read as follows:

§ 74.01-1 *Charges, general.* Charges for authorized work performed under the provisions of §§ 62.01-10 (b), 62.10-5 (c), 64.15-1, 64.15-5, 67.40-15, and 67.40-20, and Subpart 70.05 of Part 70 of this subchapter, shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the cost incurred by the Coast Guard when having such work performed on contract:

* * * * *

Dated: May 12, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 58-3679; Filed, May 19, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 58-1484, appearing in the issue for Thursday, February 27, 1958, at page 1214 make the following change:

In amendatory paragraph A, the reference to "§ 31.3" should read "§ 31.1".

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2001]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The schedule of service fees and charges related to lands and resources under the jurisdiction of the Bureau of Land Management, dated September 7, 1955 (20 F. R. 6746) effective September 28, 1955, is hereby cancelled and the following changes in the following parts of Title 43 are hereby made:

Subchapter A—Alaska

PART 62—FUR FARMING

Section 62.6 is amended by adding a new paragraph as follows:

§ 62.6 *Application for lease.*[1] * * *

(m) All applications must be accompanied by an application service fee of $10 which will not be returnable.

PART 64—HOMESITES OR HEADQUARTERS

1. Section 64.5 is amended by adding a new paragraph (k) as follows:

§ 64.5 *Form and contents of application.*[1] * * *

(k) All applications must be accompanied by an application service fee of $10 which will not be returnable.

2. Section 64.12 is amended by adding a new paragraph (j) as follows:

§ 64.12 *Form and contents of application.* * * *

(j) All applications must be accompanied by an application service fee of $10 which will not be returnable.

PART 74—RIGHTS-OF-WAY

1. The headnote of § 74.18 is amended, the present text of the section is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 74.18 *Showing required in application; service fee.* (a) * * *

(b) All applications must be accompanied by an application service fee of $10 which will not be returnable.

2. The following cross reference is inserted immediately after § 74.26:

CROSS REFERENCE: For service fees on applications, see § 244.3 (b) of this chapter.

PART 75—SALES AND LEASES

1. The present text of § 75.8 is designated as paragraph (a) and a new paragraph (b) added as follows:

§ 75.8 *Action by Alaska Rural Rehabilitation Corp.* (a) * * *

(b) All applications must be accompanied by an application service fee of $10 which will not be returnable.

2. Section 75.23 is amended as follows:

§ 75.23 *Application*[1]*; service fee; limitation on holdings.* (a) An application may be filed with the appropriate land office by any qualified individual, association of individuals, or corporation, including municipal and public corporations, to purchase land for industrial, commercial, or housing purposes.

(b) The application should be executed and filed in duplicate if the land is surveyed, or in triplicate if the land is unsurveyed. Each application should be for only one tract, reasonably compact in form, containing so much land, not exceeding 160 acres, as is actually required for the contemplated enterprise or project.

(c) Each application must be accompanied by an application service fee of $10 which will not be returnable, except that the application service fee shall be returned to the applicant where the application is allowed and the sale is held but the applicant is not the successful bidder. In such case, the successful bidder will be required to pay the $10 application service fee.

(d) An applicant may file any number of applications, but no award may be made nor may patent issue to any purchaser for land which, with other lands under this act then held by such purchaser, shall exceed 160 acres in the aggregate.

(e) The application should contain in substance the following information:

(1) Name and address of applicant; age; general nature of his business and principal place of business.

(2) An association is required to file a certified copy of its articles of association and the same showing, including holdings of its members, as required of an individual as specified herein. A corporation is required to file a certified copy of its articles of incorporation and a showing that it is qualified to hold real estate in Alaska.

(3) Description of the land desired, by legal subdivision, section, township and range, if surveyed, and by metes and bounds with the approximate area, if unsurveyed. The metes and bounds description should be connected by course and distance with some corner of the public land surveys, if practicable, or with reference to rivers, creeks, mountains, towns, islands, or other prominent topographical points or natural objects or monuments. No patent may issue, however, until an official survey is made.

(4) A brief but complete statement as to the use to which the land will be put, supplemented by the showings required in § 75.24.

(5) A statement of the applicant's interests, direct or indirect, whether as a member of an association or stockholder in a corporation or otherwise, in lands covered by purchase certificates or patents issued under the act, with the acreage thereof, identifying the same by land office and serial or by patent number, and a statement that the total amount of such lands then held by the applicant, together with the lands applied for, do not exceed 160 acres in the aggregate.

(f) The application must be signed by the applicant or an attorney in fact; if executed by an attorney in fact it must be accompanied by the power of attorney. Application on behalf of corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto. When a municipal or public corporation is the applicant, the authority of the signing official or officials to act for the corporation must be furnished, evidenced by a certified copy of the resolution of its governing board or body.

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[1] Title 18, U. S. C., sec. 1001, makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

PART 80—TOWNSITES

The present text of § 80.6 is designated as paragraph (a) and a new paragraph (b) is added as follows:

§ 80.6 *Filing of application; publication and posting; submission of proof.* (a) * * *

(b) The trustee's application shall be accompanied by a $10 application service fee which shall not be returnable.

PART 81—TRADE AND MANUFACTURING SITES

The present text of § 81.2 is designated as paragraph (a) and a new paragraph (b) is added as follows:

§ 81.2 *Execution of application.*[1] (a) * * *

(b) All applications must be accompanied by an application service fee of $10 which will not be returnable.

Subchapter B—Applications and Entries

PART 104—AMENDMENTS

The present text of § 104.2 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 104.2 *Application to amend: form: where filed.*[1] (a) * * *

(b) All applications must be accompanied by an application service fee of $10 which will not be returnable.

PART 105—RELINQUISHMENTS, CANCELLATIONS AND REINSTATEMENTS

A new paragraph (e) is added to § 106.2, as follows:

§ 105.2 *Application for reinstatement.*[1] * * *

(e) All applications must be accompanied by an application service fee of $10 which will not be returnable.

Subchapter C—Areas Subject to Special Laws

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECOGNIZED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

The present texts of §§ 115.132 and 115.150 are designated as paragraphs (a), respectively, and a new paragraph (b) added to each, as follows:

§ 115.132 *Application and lease.* (a) * * *

(b) All applications, including applications arising out of the assignment of leased lands, where the application in whole or in part embraces lands that were not under lease to the applicant therefor on the date of filing such application, must be accompanied by an application service fee of $10 which will not be returnable.

§ 115.150 *Applications: issuance of permits.* (a) * * *

(b) All applications must be accompanied by an application service fee of $10 which will not be returnable.

Subchapter D—Certificates and Scrip

PART 130—GENERAL REGULATIONS INVOLVING CERTIFICATES AND SCRIP

The present text of § 130.1 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 130.1 *Statement required with location or selection.*[2] (a) * * *

(b) All applications to locate scrip, warrants, certificates, or to make lieu selections must be accompanied by an application service fee of $10 which will not be returnable.

PART 133—SCRIP

1. Paragraph (f) of § 133.1 is revoked.
2. Subparagraph (15) of paragraph (c) of § 133.2 is revoked.

Subchapter F—Color of Title and Riparian Claims

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

1. The present text of § 141.10 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 141.10 *Applications.* (a) * * *

(b) All applications to purchase under the act must be accompanied by an application service fee of $10 which will not be returnable.

2. The present text of § 141.16 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 141.16 *Applications.* (a) * * *

(b) All applications to purchase under the act must be accompanied by an application service fee of $10 which will not be returnable.

Subchapter I—Homesteads

PART 166—ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

1. Section 166.26 is amended by adding a new paragraph (c), as follows:

§ 166.26 *Application for extension of time.* * * *

(c) All applications must be accompanied by an application service fee of $5 which will not be returnable.

2. Section 166.28 is amended by adding a new paragraph (c) as follows:

§ 166.28 *Reduction of residence requirements to six months in each year.* * * *

(c) All applications must be accompanied by an application service fee of $5 which will not be returnable.

3. The present text of § 166.29 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 166.29 *Reduction of residence requirements to five months in each year.* (a) * * *

(b) All applications must be accompanied by an application service fee of $5 which will not be returnable.

4. The present text of § 166.39 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 166.39 *Application for leave of absence.* (a) * * *

(b) All applications for leave of absence for one year or less because of failure of crops, sickness, or other unavoidable casualty must be accompanied by an application service fee of $5 which will not be returnable.

5. Section 166.40 is amended by adding a new paragraph (e), as follows:

§ 166.40 *Conditions under which requirements as to cultivation may be reduced.* * * *

(e) All applications for reduction in area of cultivation must be accompanied by an application service fee of $5 which will not be returnable.

Subchapter L—Mineral Lands

PART 192—OIL AND GAS LEASES

1. Section 192.51 is amended as follows:

§ 192.51 *Notice of lease offer.* Notice of the offer of lands for lease will be by publication once a week for five consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, or in such other publications as the authorized officer of the Bureau of Land Management may authorize. The notice published in a newspaper of general circulation in the county will contain a statement that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of that notice which shall be that portion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared. The notice will also state the time and place of sale, the manner in which bids may be submitted, the description of the lands, and the terms and conditions of the sale.

2. Paragraph (b) of § 192.120 is amended as follows:

§ 192.120 *Single extension of a noncompetitive lease; segregation of leased lands; notation of records.* * * *

(b) The application for extension must be filed, within ninety days before the expiration date of the lease, on Form 4-1238, "Application for Extension of Oil and Gas Lease",[5] or unofficial copies of that form in current use and must be accompanied by a filing fee of $10 which will be retained as a service charge even though the application is later withdrawn or rejected and, unless previously paid, the sixth year's rental: *Provided*, That the unofficial copies are exact reproductions on one sheet of both sides of the official approved one-page form, and are without additions, omissions, or other changes or advertising. Form 4-1238 or a valid reproduction of the official form, will also constitute approval of the extension when signed by an authorized officer.

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[1] Title 18, U. S. C., sec. 1001, makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

[5] Filed with the Federal Register Division as part of the original document.

PART 193—COAL LEASES, PERMITS AND LICENSES

Section 193.13 is amended, as follows:

§ 193.13 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will show the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which the bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If the sale is by public auction, the statement of terms and conditions of the sale will also specify that sealed bids may be submitted. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U. S. C. 1860.

PART 194—POTASSIUM PERMITS AND LEASES

Section 194.18 is amended as follows:

§ 194.18 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U. S. C. 1860.

PART 195—SODIUM PERMITS AND LEASES: USE PERMITS

Section 195.18 is amended as follows:

§ 195.18 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale; whether the sale will be at public auction or by sealed bids; the description of the lands; and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and a statement (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. See 18 U. S. C. 1860.

PART 196—PHOSPHATE LEASES AND USE PERMITS

Section 196.11 is amended as follows:

§ 196.11 *Notice of lease offer.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale; whether the sale will be at public auction or by sealed bids; the description of the lands; and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared; (b) that the terms of minimum production will not be reduced or waived at the lessee's request except as provided in §§ 196.5, 196.6, 191.25, or 191.26 of this chapter, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss; (c) that the lease will be canceled if production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease; and (d) that the Government reserves the right to reject any and all bids. If any bids be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding is unlawful. See 18 U. S. C. 1860.

PART 199—MINERALS SUBJECT TO LEASE UNDER SPECIAL LAWS

1. Section 199.10 is amended to read as follows:

§ 199.10 *Term of lease.* Leases will be issued for a period of 5 years subject to renewal at the expiration thereof for additional periods of 5 years each, on such reasonable terms as may be prescribed at the time of such renewal. An application for renewal of a lease must be filed in duplicate in the appropriate land office within 90 days prior to the expiration of the lease term and be accompanied by a filing fee of $10, which will be retained as a service charge even though the application should be rejected or withdrawn in whole or in part. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of a lease, the lessee will be required to submit a new bond as prescribed in § 199.11.

2. Section 199.21 is amended to read as follows:

§ 199.21 *Term of lease.* Leases will be issued for a period of 5 years subject to such special terms as may be deemed necessary in the particular case to protect the rights of the surface claimant and, in the discretion of the authorized officer, may be renewed at the expiration thereof for additional periods of 5 years each, on such reasonable terms as he may prescribe at the time of such renewal. An application for renewal of a lease must be filed in duplicate in the appropriate land office within 90 days prior to the expiration of the lease term and be accompanied by a filing fee of $10, which will be retained as a service charge even though the application should be rejected or withdrawn in whole or in part. Thereafter the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of a lease, the lessee will be required to submit a new bond as prescribed in section 199.22.

3. A new § 199.24 is added to this part, to read as follows:

§ 199.24 *Transfers of leases.* (a) Leases issued under the authority specified in §§ 199.1 and 199.13 may be transferred in whole or in part. To the extent applicable, the regulations in § 188.20 of this title shall govern all transfers of such leases.

Subchapter O—Payments and Repayments

PART 216—PAYMENTS

Sections 216.12, 216.16, and 216.17 are revoked.

Subchapter Q—Reclamation and Irrigation

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

1. The present text of § 230.26 is designated paragraph (a) and a new paragraph (b) added, as follows:

§ 230.26 *Showing required.* (a) * * *

(b) All applications for leave of absence within Federal irrigation projects under the act of June 25, 1910, must be accompanied by an application service fee of $5 which will not be returnable.

2. A new paragraph (e) is added to § 230.32, as follows:

§ 230.32 *Showing required.* * * *

(e) A service fee of $5 which will not be returnable.

3. The present text of § 230.38 is designated paragraph (a) and a new paragraph (b) added as follows:

§ 230.38 *Notice of interest by mortgagers.* (a) * * *

(b) All notices of mortgage interest on homestead or desert land entries filed in accordance with this section must be accompanied by a service charge of $5 which will not be returnable.

PART 231—STATE IRRIGATION DISTRICTS

A new paragraph (g) is added to § 231.2, as follows:

§ 231.2 *Application by a district for approval.* * * *

(g) All applications by State irrigation districts for approval under the act of August 11, 1916, must be accompanied by an application service fee of $10 which will not be returnable.

PART 232—DESERT LAND ENTRIES

1. Section 232.9 is amended by adding a new paragraph (c), as follows:

§ 232.9 *Applications for desert land entry.*[2] * * *

(c) All applications for desert land entries must be accompanied by an application service fee of $15 which is not returnable. This fee is in addition to the payment of 25 cents per acre, which is made at the time of filing applications as required by law.

2. Section 232.17 is amended by adding a new paragraph (d), as follows:

§ 232.17 *Showing required of assignees; recognition of assignments.* * * *

(d) All applications for recognition of assignment of desert land entries must be accompanied by an application service fee of $10 which will not be returnable.

2. Section 232.18 is amended by adding a new paragraph (e), as follows:

§ 232.18 *When lands may be sold, taxed or mortgaged.* * * *

(e) The filing of all notices of recordation of claim by transferred, mortgages, or other encumbrancer under this section must be accompanied by a service charge of $10 which will not be returnable.

3. Section 232.37 is amended by adding a new paragraph (e), as follows:

§ 232.37 *When extensions of time may be granted.* * * *

(e) All applications for extension of time made under the acts of March 28, 1908, April 30, 1912, or February 25, 1925, must be accompanied by an application service fee of $10 which will not be returnable.

4. Section 232.40 is amended by adding a new paragraph (c), as follows:

§ 232.40 *Applications for relief.* * * *

(c) All such applications for relief must be accompanied by an application service fee of $10 which will not be returnable.

PART 234—RECLAMATION OF ARID LANDS IN NEVADA

Section 234.12 is amended by designating the present text of paragraph (c) as paragraph (d), substituting paragraph (c), to read as follows:

§ 234.12 *Extension of time.* * * *

(c) All applications for extension of time for the beginning, recommencement, or completion of the work of water development and submission of final proof must be accompanied by an application service fee of $10 which will not be returnable.

Subchapter S—Rights-of-Way

PART 243—RIGHTS-OF-WAY FOR RAILROADS AND STATION GROUNDS

Section 243.4 is amended by adding a new paragraph (c), as follows:

§ 243.4 *Proposed national forest; construction through forests.* * * *

(c) All rights-of-way applications for railroads and station grounds within national forests must be accompanied by a service fee of $10 which will not be returnable.

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

1. The present text of § 244.3 is designated as paragraph (a) and a new paragraph (b) is added, as follows:

§ 244.3 *Application.*[3] * * *

(b) All applications filed pursuant to this part in the name of individuals, corporations or associations must be accompanied by an application service fee of $10 except where the right of way will authorize use and occupancy of the lands exclusively for the purposes stated in § 244.21 (c). The service fee will not be returnable. No application service fee will be required of States or agencies or instrumentalities thereof or of Government agencies.

2. The present text of § 244.18 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 244.18 *Transfer of right-of-way.* (a) * * *

(b) All filings of transfers, by assignment, lease, operating agreement, or otherwise, made pursuant to this section, except by States or agencies or instrumentalities thereof, must be accompanied by an application service fee of $10 which will not be returnable.

Subchapter T—Sale, Lease, or Use, and Acquisitions

PART 251—AIRPORTS AND AVIATION FIELDS

Section 251.4 is amended as follows:

§ 251.4 *Applications for lease.*[1] (a) Applications should be filed in the proper land office. For lands in a State for which there is no land office, applications should be filed with the Bureau of Land Management, Washington 25, D. C. Applications for lands in North Dakota or South Dakota should be filed in the land office at Billings, Montana; for lands in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

(b) Applications will be limited to citizens of the United States or associations of such citizens; to corporations organized under the laws of the United States or of any State or Territory thereof; and municipalities.

(c) No specific form of application is required, and no blanks will be furnished; but the application, which must be signed by the applicant, but need not be under oath, should include in substance the following points:

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[1] [2] [3] Title 18, U. S. C., sec. 1001, makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(1) Applicant's name and post office address.

(2) If a corporation, a certified copy of the articles of incorporation.

(3) If a city or town, evidence of authority of the mayor or other officer who may be authorized to execute such lease.

(4) Description of the land for which the lease is desired, by legal subdivisions if surveyed, or by metes and bounds if unsurveyed.

(d) All applications filed by individuals, associations and corporations must be accompanied by an application service fee of $10 which will not be returnable. No application service fee will be required of a municipality or a corporation which is an instrumentality of the United States, or a State or Territory thereof.

PART 255—TOWN SITES

1. The present text of § 255.11 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 255.11 *Filing in land office, in duplicate, of transcript of plat, field notes and statement.* * * *

(b) All filings made in accordance with this section must be accompanied by a service charge of $5 which will not be returnable.

2. The present text of paragraph (b) of § 255.16 is redesignated as paragraph (c) and a new paragraph (b) substituted, as follows:

§ 255.16 *Preemption claims, publishing and posting of proof notices.* * * *

(b) All notices of intention to make proof of preemption claims pursuant to this section must be accompanied by a service charge of $5 which will not be returnable.

PART 258—SPECIAL LAND-USE PERMITS FOR PUBLIC LANDS WITHIN OR OUTSIDE OF GRAZING DISTRICTS

1. Section 258.5 is revised so as to read as follows:

§ 258.5 *Fees.* All applications for special land use permits or renewal thereof, where the applicant is an individual, corporation or association, must be accompanied by an application service fee of $10 which will not be returnable. No charge will be made for applications by agencies of the Federal Government, or agencies of the States and political subdivisions thereof.

2. The present text of § 258.13 is designated as paragraph (a) and a new paragraph (b) added as follows:

§ 258.13 *Assignment of permit.* (a) * * *

(b) All applications for assignment of special land use permits must be accompanied by an application service fee of $10 which will not be returnable.

3. Paragraph (a) of § 258.20 is revised to read as follows:

§ 258.20 *Fees and charges.* (a) All applications for a permit to erect one or more advertising displays on public lands must be accompanied by an application service fee of $10 which will not be returnable.

4. The present text of § 258.22 is designated as paragraph (a) and a new paragraph (b) added, as follows:

§ 258.22 *Renewal of permit.* * * *

(b) All applications for permit renewal made in accordance with this section must be accompanied by an application service fee of $10 which will not be returnable.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

FRED A. SEATON,
Secretary of the Interior.

MAY 13, 1958.

[F. R. Doc. 58-3751; Filed, May 19, 1958; 8:49 a. m.]

Appendix—Public Land Orders

[Public Land Order 1636]

[BLM 044621, 1975986, 68673]

MISSISSIPPI

RESERVING PUBLIC LANDS AS THE HORN ISLAND NATIONAL WILDLIFE REFUGE; REVOKING THE EXECUTIVE ORDER OF APRIL 12, 1906 AND EXECUTIVE ORDER NO. 5562 OF FEBRUARY 20, 1931, ENTIRELY, AND THE EXECUTIVE ORDERS OF AUGUST 30, 1847 AND SEPTEMBER 3, 1900, IN PART

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) and reserved under jurisdiction of the Department of the Interior as the Horn Island National Wildlife Refuge:

ST. STEPHENS MERIDIAN

T. 9 S., R. 6 W.,
  Sec. 25, lots 1, 2, and 3;
  Sec. 27, lots 5 to 8, inclusive;
  Sec. 28, lots 5 to 10, inclusive;
  Sec. 29, lots 5 to 12, inclusive;
  Sec. 30, lots 11 to 14, inclusive;
  Sec. 33, lots 2, 3, and 4;
  Sec. 34, lots 8 to 11, inclusive.
T. 9 S., R. 7 W.,
  Sec. 18, lot 5;
  Sec. 19, lots 8 and 9;
  Sec. 22, lots 11 to 16, inclusive;
  Sec. 23, lots 5 to 8, inclusive;
  Sec. 25, lots 11 to 16, inclusive;
  Sec. 26, lots 8 to 14, inclusive;
  Sec. 27, lots 2, 3, and 4.
T. 9 S., R. 8 W.,
  Sec. 13, lot 1;
  Sec. 23, lots 1 to 4, inclusive;
  Sec. 24, lots 1 to 8, inclusive.

The areas described aggregate approximately 2,484.23 acres.

2. The Executive order of August 30, 1847, so far as it reserved fractional sections 17, 18, 19, 20, and 21, T. 9 S., R. 7 W., "being the west end of Horn Island," fractional section 31, T. 9 S., R. 5 W., and fractional sections 26, 35, and 36, T. 9 S., R. 6 W., "being the east end of Horn Island," is hereby revoked. The lands were transferred to the control of the Secretary of the Interior for disposition under the act of July 5, 1884, by Executive orders of October 25, 1895 and August 25, 1900.

3. The Executive order of April 12, 1906, reserving sections 23 and 26, T. 9 S., R. 7 W. (307.54 acres), as a target range for the Revenue-Cutter Service is hereby revoked.

4. The Executive order of September 3, 1900, so far as it reserved fractional section 31, T. 9 S., R. 5 W., and fractional section 36, T. 9 S., R. 6 W., east of Pearl River, for lighthouse purposes, is hereby revoked.

5. Executive order No. 5562 of February 20, 1931, reserving lots 1, 2, and 3, sec. 25, T. 9 S., R. 6 W., for lighthouse purposes as an addition to those withdrawn by the Executive order of September 3, 1900, is hereby revoked.

6. The lands described in paragraph 4, and part of sec. 26, T. 9 S., R. 6 W., have been completely eroded by action of the tides. The remaining lands described in paragraphs 2, 3, and 5 of this order, to the extent that they are still public lands, are included in the reservation made by paragraph 1.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MAY 14, 1958.

[F. R. Doc. 58-3738; Filed, May 19, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11990; FCC 58-441]

[Rules Amdt. 10-4]

PART 10—PUBLIC SAFETY RADIO SERVICES

MODIFICATION OF EXISTING SERVICES, CREATION OF NEW SERVICES AND EFFECTING OF CHANGES IN AVAILABILITY OF FREQUENCIES

1. *Introduction.* The Commission adopted, April 3, 1957, a Notice of Proposed Rule Making in the above-entitled proceeding. This Notice of Proposed Rule Making was published in the FEDERAL REGISTER of April 16, 1957 (22 F. R. 2367) and ample opportunity was afforded interested persons to submit comments in support of or in opposition to the rule amendments proposed. The time for filing of both original and reply comments in regard to the proposed rule changes has now expired.

A multitude of comments were filed in this proceeding by organizations representing large numbers of users, by individual users, and by other interested parties. Due to this large number of comments, a substantial number of which are voluminous, it is not feasible to discuss the positions of all interested parties in this Report and Order. Nevertheless, every properly filed comment has been considered and the merits thereof given appropriate weight by the Commission in reaching the determinations set forth herein. Many of the comments contain suggestions and proposals which go beyond the scope of this proceeding. Such suggestions and proposals have been considered only to the extent that consideration thereof may aid in evaluating the desirability of effectuating the proposals set forth in the Notice of Proposed Rule Making and those parties who wish further consideration of any such suggestion or proposal should file formal petitions for rule making in accordance with provisions of § 1.262 of the Commission's rules.

The primary purpose of the proposed amendments was to determine the "Service-Allocation" of newly assignable frequencies available as a result of the Commission's decision in Docket Number 11253 to reduce the separation between assignable frequencies in the 152-162 Mc band from 60 kc to 30 kc. The proposals would also effectuate the following additional major purposes:

(1) Reduction of the separation between assignable frequencies in the 453.050–453.950 Mc and 458.050–458.950 Mc bands from 100 kc to 50 kc, removal of the developmental limitations presently applicable to assignable frequencies in these bands, and the making of newly assignable frequencies available on a shared basis to users in all of the Public Safety Radio Services except the State Guard Radio Service;

(2) Elimination of the sharing of frequencies in the 152–162 Mc band by Public Safety Radio Services with non-Public Safety Radio Services;

(3) Restriction of "permissible communications" of Police, Fire, Forestry-Conservation, and Highway Maintenance Radio Service stations to communications essential to official police, fire, forestry-conservation, and physical maintenance of highway activities of licensees, respectively; and

(4) Establishment of Local Government and Interstate Highway Radio Services.

In order to effectuate these purposes and other relatively minor purposes, the Notice of Proposed Rule Making sets forth 28 separately numbered proposed amendments to Part 10 of the Commission's rules. Of these numbered proposals, 25 would amend existing sections of Part 10 and 3 would add new sections to this part. The decision as to whether the proposed new sections should be effectuated is vital to a proper disposition of the proposed changes to existing sections. Accordingly, the proposed new sections will be discussed first, and the proposed amendments to existing sections will be discussed subsequently.

2. *Civil defense.* The proposal would establish a new § 10.9, which would provide that stations licensed in the Public Safety Radio Services "may transmit communications necessary for the implementation of civil defense activities assigned such stations by the local civil defense authorities during an actual or simulated emergency, including drills and tests: *Provided*, That such communications relate to the activity or activities which form the basis of the licensee's eligibility in the radio service in which authorized."

The Commission's intent in proposing the adoption of this proposed section was merely to codify its present policy in regard to the use of stations licensed in the Public Safety Radio Services for civil defense purposes. Under this present policy, the only stations licensed in the existing Public Safety Radio Services which may be used for the function of providing a civil defense communications circuit are those licensed in the Special Emergency Radio Service pursuant to the provisions of § 10.452.[1] Other stations licensed in the Public Safety Radio Services assigned civil defense activities[2] may be utilized for the transmission of civil defense communications only to the extent that such communications fall within the "permissible communications" applicable to stations involved. For example: Stations licensed in the Police Radio Service may transmit civil defense communications which are directly related to official police activities but may not be utilized as a civil defense communications circuit.

No properly filed comment offered either support for or opposition to the proposed § 10.9, and this section is being adopted as proposed.

3. *Local government radio service.* The Notice of Proposed Rule Making would add a Subpart L, entitled "Local Government Radio Service," to Part 10 of the Commission's rules.

The Commission's purpose in proposing establishment of the Local Government Radio Service was to provide a service wherein governmental entities could perform all communications essential to the accomplishment of any official function of such governmental entity by use of one communication system. Establishment of this service would not prohibit governmental entities from establishing a radio system licensed in the Local Government Radio Service and other systems licensed in other Public Safety Radio Services.

A large percentage of the many comments filed in this proceeding commented upon some aspect of the Local Government Radio Service, but the only comments directly objecting to establishment of the proposed service were filed by certain common carriers.[3] In contrast a substantial number of comments are in accord with the position of the Associated Public Communications Officers, Inc., which stated: "This Association heartily concurs in the establishment of a Local Government Radio Service provided such radio service is coordinated with the present licensees of adjacent frequencies in accordance with § 10.8 of this part." The Commission concludes that establishment of the proposed Local Government Radio Service is in the public interest.

The particular rules which the Commission proposed to govern the Local Government Radio Service are encompassed in proposed §§ 10.551 through 10.555, inclusive, and these proposed sections will now be individually discussed.

Section 10.551. This section proposed that authorizations for stations in the Local Government Radio Service would be issued "only to territories, possessions, states, other governmental subdivisions, including counties, cities, towns and similar governmental entities."

No party entered an objection to this proposal and the section is adopted as proposed.

Section 10.552. This section would provide that Local Government Radio Service stations could transmit only "two-way voice communications essential to official activities of the licensee."

The American Municipal Association requested that this proposed section not be adopted in the form proposed, but rather adopted in the following form:

> Stations in the Local Government Radio Service are authorized to transmit communications essential to official activities of the licensee.

The comment of the Electronic Industries Association lends support to this requested change in proposed § 10.552. This comment stated in part:

> There should not be imposed a restriction as to the type of intelligence that is carried on a communications system. It would be preferable to recognize that the state of the art is such that types of intelligence other than two-way voice may well be indicated * * * as there is further progress in the state of the art it may well appear that voice communication is not the most effective or efficient utilization of spectrum space in the mobile service and may well be supplemented by more effective techniques such as high-speed teletype, facsimile, tone signals and etc.

The Commission, as noted in the Notice of Proposed Rule Making, envisioned the Local Government Radio Service as a service that would permit governmental entities to use stations licensed therein to perform any communication which stations licensed in other Public Safety Services could perform and, in addition, could be used to transmit certain other communications not allowed to be transmitted by stations licensed in such services as police, fire, forestry-conservation, and highway maintenance. Accordingly, it would seem that the communications which Local Government Radio stations may transmit should be broad enough to encompass all those communications which other public safety stations may transmit. Since stations licensed in other public safety services are not limited to "two-way voice communications," accomplishment of this objective requires modification of proposed § 10.552 in the manner suggested by the American Municipal Association. The Commission finds that adoption of this proposed section, modified in accordance with the American Municipal Association's suggestion, is in the public interest.

Section 10.553. This section would authorize Local Government mobile and base stations to intercommunicate only with other Local Government mobile and base stations.

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[1] Stations licensed in the Local Government Radio Service, hereinafter established, may also perform such function if the provision of a civil defense communications system is an official duty of the local government licensee.

[2] Such activities shall not include responsibility for providing a civil defense communications circuit.

[3] Even these comments were primarily concerned with the possible effect that establishment of the service might have on the issues in Docket Number 11866 and are disposed of infra.

The American Municipal Association requests that this section be modified so as to permit Local Government base and mobile stations to also intercommunicate with base and mobile stations in other Public Safety Services and to allow such Local Government stations to transmit to receivers at fixed locations: *Provided*, That no harmful interference is caused to the base-mobile operations of any authorized station.

Base and mobile stations licensed in most presently existing Public Safety Services are allowed to intercommunicate with base and mobile units licensed in other Public Safety Services and to transmit to receivers at fixed locations. Since, as indicated in the Notice of Proposed Rule Making, the Commission envisioned the Local Government Radio Service as being a service where stations licensed therein could be used in substitution for or in conjunction with stations licensed in other Public Safety Services; it appears that effective use of this service requires modification of proposed § 10.553 so as to permit intercommunication between stations in this service and stations in other Public Safety Services and to permit stations licensed in this service to transmit to receivers at fixed locations. Accordingly, proposed § 10.553 is adopted as modified in accordance with the request of the American Municipal Association.

Section 10.554. This section would provide, inter alia, that mobile relay stations will be authorized in the Local Government Radio Service only where a specified showing of need can be made.

No comment in regard to this section was received. However, subsequent to the issuance of the Notice of Proposed Rule Making in this proceeding, the Commission in its First Report and Order in Docket 12169 reserved a number of frequencies in the 40 Mc band for assignment to Local Government users if the service was ultimately established in this proceeding. In view of this fact, the Commission believes that it will be in the public interest to state in this rule that under no circumstances will mobile relay stations be authorized in this service on any base or mobile frequency below 152.00 Mc. With this slight change designed, as are the modifications previously discussed in regard to §§ 10.552 and 10.553, to bring the rules in regard to the Local Government Radio Service into conformity with the rules governing other Public Safety Services, § 10.554 is adopted as proposed.

Section 10.555. Paragraphs (a) through (e) of proposed § 10.555 would, inter alia, provide that: (1) Normally only two frequencies will be assigned to any one licensee unless requests for additional assignments are adequately supported by a satisfactory showing of need; (2) control and repeater stations will be authorized in the Local Government Radio Service only on frequencies allocated for use by operational fixed stations; and (3) that frequencies shown in proposed § 10.555 (g) as being available for assignment to "mobile stations" only may be authorized for use at base stations after coordination with affected licensees in the area and subject to the further conditions that no harmful interference will be caused to the service of any mobile station using the particular "mobile frequency."

No comment objected to the proposal to limit the number of frequencies which would normally be assigned to Local Government licensees. However, the Associated Public Communications Officers, Inc., recommend that only one frequency be assigned to Local Government Radio licensees in the absence of a satisfactory showing of need for assignments of additional frequencies. Compliance with this recommendation would normally prevent the use of "two frequency duplex operation" by licensees authorized in the Local Government Radio Service, although the same licensee if authorized in the Police, Fire, Forestry-Conservation, or Highway Maintenance Radio Services could normally utilize this type of operation. Furthermore, examination of the Commission's records shows that "two frequency duplex operation" is utilized by a majority of licensees in the aforementioned services. The Commission does not feel that the requested modification is warranted.

The International Municipal Signal Association requested that the proposal be amended so as to provide that "not more than two local government channels should be allowed to any one licensee unless such licensee has already established a police system on a police frequency and a fire system on a fire frequency." The Commission does not believe it advisable to categorically state that establishment of a police or fire system is a condition precedent to the authorization of more than two channels to a given licensee in the Local Government Radio Service. However, the Commission in evaluating the "adequate showing of need", which would be required by the proposal to justify additional frequency assignments, will take such facts into consideration.

No party commented either in support of or in opposition to the proposal to authorize control and repeater stations in the Local Government Radio Service only on frequencies allocated for use by Operational Fixed stations.

No party commented directly upon the merits of the proposal to allow the use of "mobile" frequencies for base station operation under the stated conditions. However, several parties advocated that frequencies proposed to be designated as "mobile" frequencies should not be so designated but rather should be designated as "base and mobile" frequencies. These parties advocated such a redesignation not only in regard to the proposed Local Government Service but also in regard to all Public Safety Services. Such suggestions as related to existing services are not requests for modification of proposals contained in the Notice of Proposed Rule Making but are completely new proposals. Accordingly, these suggestions are beyond the scope of this proceeding and the merits thereof will not be considered herein. The proposed designation is being retained, at this time, in the interest of uniformity.

In view of the above discussion, the Commission finds that the adoption of § 10.555, paragraphs (a) through (e), inclusive, as proposed, is in the public interest.

Section 10.555 (f) would make 81 frequencies between 153.755 Mc and 155.5 Mc available for assignment only to users licensed in the Local Government Radio Service. In addition, this proposed subsection would make 38 frequencies in the 450–460 Mc band available for assignment to users in this service on a shared basis with users in other Public Safety Radio Services. The proposal would also provide for the assignment on a developmental basis to users in this service of frequencies offset by less than 15 kc from the above-mentioned 81 frequencies upon an adequate showing of need for such irregular assignment and other specified conditions. The base, mobile and operational fixed bands above 890 Mc presently available to existing Public Safety Radio Services would also be made available to users in the Local Government Radio Service.

The 81 frequencies which would be made available for assignment exclusively to stations in the Local Government Radio Service are composed entirely of those which became available as the result of the Commission's decision, rendered in Docket Number 11253, to reduce the separation between assignable frequencies in the 152–162 Mc band. Of these frequencies, 26 are offset by 30 kc and 55 are offset by 15 kc from frequencies presently assignable to stations in either the Police or Fire Radio Service. The proposal would limit 59 of these 81 frequencies so that operation with power in excess of 180 watts input to the final radio frequency stage or with an antenna height in excess of 50 feet above ground level at the antenna location would not be permitted.

The 38 channels in the 450–460 Mc band which would be made available on a shared basis to users in this service are those channels presently available to users in all existing Public Safety Radio Services, except the State Guard Radio Service, together with those "split channels" between these presently assignable channels. These "split channels" would become available if the separation between assignable frequencies in this band is reduced from 100 kc to 50 kc as proposed. The presently assignable channels in this band are available to all licensees of all existing Public Safety Services, except the State Guard Radio Service, on developmental basis. The proposal would make these channels as well as those resulting from the proposed reduction in separation between assignable frequencies available on a regular basis.

Several parties commented favorably upon the proposal to reduce the separation from 100 kc to 50 kc in the 450–460 Mc band and to make all assignable channels, in this band, available on a regular basis and no party commented in opposition to such proposal.[4] Accordingly, this proposal is adopted.[5]

The primary objections to the frequency proposals in regard to the Local Government Radio Service relate to the 81 channels in the 152–162 Mc band which would be made exclusively available to users in this new service. These objections alleged that allocation of "split channels" to the Local Government Radio Service between channels presently available to users in the Police and Fire Radio Services is not in the public interest. This contention rests upon the following arguments: (1) Users in presently existing Public Safety Radio Services, especially those in the Police and Fire Radio Services, are in need of additional frequencies, and the logical way to meet these needs is to allocate the "split channels" between presently available "police channels" to the Police Radio Service, and those between the presently available "fire channels" to the Fire Radio Service; (2) that interspersal of channels available to Local Government Radio users between those frequencies presently available to police and fire users will increase "intermodulation" problems; and (3) the proposed interspersal would make coordination by users of adjacent channels difficult if not impossible.

The argument that allocation of "split channels" between presently assignable fire and police channels to Local Government Radio Service users would increase "intermodulation" problems is without merit. No more or different "intermodulation" problems would be created by interspersal of Local Government channels between Fire and/or Police channels than would be created by assignment of these "split channels" to Fire and/or Police Radio Service users. Unfortunately, however, the proposed "interspersal" is capable of creating additional frequency coordination problems. The need for establishment of the Local Government Radio Service within the Public Safety Radio Services and the necessity for allocating frequencies in the 152–162 Mc band to this service, even though no additional spectrum space is available for allocation to the Public Safety Radio Services, create a situation where the lesser of two evils must be chosen. In order to provide assignable frequencies for use of the Local Government Radio Service, either a portion of those "split channels" between frequencies presently assignable to existing Public Safety Services must be allocated to this service, or the frequencies presently assignable to existing services must be substantially altered. If the latter alternative is utilized, frequency coordination problems would be minimized, but a large number of present licensees in the Public Safety Radio Services would be forced to utilize different frequencies. The Commission concludes that "interspersal" of Local Government channels between those presently available to Police and Fire Radio Services will allow earlier use of "split channels" and is preferable to a rule which would require wholesale frequency shifts by existing licensees, thus disrupting a large number of existing systems.

In support of the argument that the allocation of "split channels" between those channels presently available to Police and Fire Radio Services to the new Local Government Radio Service is not in the public interest, the International Municipal Signal Association stated:

> In many, many areas the existing 150 megacycles channels are overly crowded and interference between neighboring fire agencies on the same frequency has increased to the point where it is harmful and does distinctly interfere with the ability of said agencies to properly and efficiently dispatch and instruct fire fighting units and, therefore, reduces the fire fighting efficiency of the affected licensees.

This organization further states that "the channels which are now available to the Fire services as 'railroad shared' will be lost to the fire services in accordance with other portions of Docket 11990." The California Public Safety-Radio Association, Inc. states that it:

> Concurs with the Commission's action in the creation of the Local Government Service under the proposed amendment, but suggests that the number of frequencies allocated for that service is excessive compared with the needs of existing services of police, fire and highway maintenance. While the creation of the Local Government Radio Service will materially assist in relieving congestion on some of the aforementioned police, fire, or highway maintenance radio systems, it is felt that in severely congested areas, such as Southern California, the amount of relief will not be adequate to keep pace with expansion requirements, and that provisions should be made within the specific categories of the existing services.

A similar comment was made on behalf of the Associated Public Communications Officers, Inc., which stated:

> The very service [Police Radio Service], which pioneered the development of all mobile radio because of the great need which existed, is now threatened with lack of suitable frequencies to keep pace with the increased needs for police and other public safety services. In the case of police radio the rapid growth of the population and improved methods of transportation utilized by the criminal have resulted in a new concept of policing. To keep abreast of the modern criminal practices more radio communications are needed. It is apparent that this docket proposed no additional police or fire channels. It is true that certain channels may be shared by police and fire agencies, however, their needs are for many more channels for their own particular use. The same channels which in 1947 were becoming crowded in certain areas with only a few thousand licensed in the country are now forced to accommodate tens of thousands of separate agencies. We are sure the Commission realizes the vital need for police and fire radio for the protection of the citizens and the very protection of our country. This Association recommends that there be provided, in this Docket, a total of 86 frequencies for Police, 39 for Fire, 35 for Local Government, 21 for Highway Maintenance, and 9 for Special Emergency Radio Services in the 152–174 Mc band.

In like vein, the Forestry Conservation Communication Association requests that the Commission provide 15 additional channels for use by Forestry-Conservation licensees in the 150–160 Mc region because: "severe 'skip' interference from foreign and domestic services has seriously disrupted high power forest fire communication channels in the 30 Mc region for weeks at a time within the past few years;" the limited number of channels available at 46 Mc, together with the threat of tropospheric propagation systems, prevents this region from offering much relief; and "the nature of forest fire communications (normally long range over rough terrain) and the detrimental effects of foliage and smoke rule out optimistic consideration of the 450 Mc and higher bands." This party further stated:

> We have been recently notified by the United States forest service that continued expansion of state services on the 170.425 through 172.375 Mc frequencies which we share with them would be ill-advised since they are accelerating their FM systems on these channels, and we occupy on the basis of no interference. This means that these channels are effectively unavailable to us since we cannot spend public funds on temporary or evanescent assignments.

The foregoing excerpts are typical of those comments which seek reduction or elimination of the frequencies proposed to be allocated to the Local Government Radio Service in the 152–162 Mc band.

Subsequent to the issuance of the Notice of Proposed Rule Making in this proceeding, the Commission, in its reallocation Order of September 20, 1957, and its First Report and Order in Docket Number 12169 took the following action affecting frequencies available to the Public Safety Radio Services: the Police Radio Service was allocated 23 additional frequencies in the 40 Mc band limited so as to be primarily available to licensees operating state police systems; the Forestry-Conservation Radio Service was allocated eleven 40 Mc frequencies and twelve 150 Mc frequencies in substitution for eight 40 Mc frequencies which were reallocated to other uses; the Highway Maintenance Radio Service was allocated five 150 Mc frequencies and ten 40 Mc frequencies in substitution for four 40 Mc frequencies which were reallocated to governmental use; the Fire Radio Service was allocated eleven 40 Mc frequencies in addition to those previously available to it in that band; four additional channels in the 40 Mc band were made available to Special Emergency Radio Service users; fifteen channels in the 40 Mc band were reserved for assignment to Local Governmnet Radio Service users should such service be established by the Report and Order in this proceeding; and six channels in the 40 Mc band were reserved for assignment to Interstate Highway Radio Service users should that service be established by the Report and Order herein.

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[4] The Electronic Industries Association suggested that the requirement for audio low pass filters now applicable to equipment operating in the 25–50 Mc and the 152–162 Mc bands be extended so as to be required in equipment authorized for use of frequencies between 450–470 Mc. Part 16 of the Commission's rules was amended in Docket Number 11993 to require use of such a filter in equipment licensed in the Land Transportation Services for operation on frequencies in this range allocated to such services. In the interest of uniformity and since use of such a filter will aid in reducing adjacent channel interference, this requirement is also being imposed in respect to equipment licensed in the Public Safety Radio Services for operation on frequencies in the bands 453.050–453.950 Mc and 458.050–458.950 Mc.

[5] The proposal to reduce the separation between assignable frequencies in the 450–460 Mc band and to remove the developmental limitations from assignable frequencies is common to all Public Safety Radio Services other than State Guard Radio Service. Accordingly, the adoption of such proposal in connection with the Local Government Radio Service logically requires that it be adopted in regard to the other Public Safety Services.

In view of the comments filed in this proceeding and the fact that the Commission, in Docket Number 12169, reserved fifteen frequencies in the 40 Mc band for assignment to Local Government Radio Service users, the Commission is persuaded that its original proposal to make 81 channels in the 152–162 Mc band exclusively assignable to Local Government Radio Service users is not entirely justified. Accordingly, only 47 "split channels" are so allocated[6] herein. This leaves unallocated 34 channels, the "service allocation" of which will be determined in a subsequent rule-making proceeding.

One other feature of the proposal to allocate frequencies in the 152–162 Mc band to the Local Government Radio Service remains to be discussed; namely, the proposal to impose power and antenna height limitations upon some of these frequencies. Several comments objected to this proposal on the ground that it would curtail effective and efficient operations in some instances and in other instances, where the topography of the land is suitable, such limitations would have little effect. Despite these objections, the Commission believes that imposition of limitations in regard to power and antenna height upon some of the frequencies allocated to the Local Government Radio Service is necessary in order to effectuate one of the primary purposes for which this service is being established; namely, to provide a radio service wherein small governmental entities may conduct all of their radio communications needs on one system. In its original proposal, the Commission proposed that such power and antenna height limitations be imposed upon 59 of the 81 frequencies which would be allocated to the Local Government Radio Service in this band. In view of the fact that the Commission has concluded that only 47 of the frequencies proposed should be so allocated, it also finds that this power and antenna height limitation should be imposed upon only 35 of these frequencies.

In addition to the limitation in regard to power and antenna heights, the Notice of Proposed Rule Making proposed certain limitations relative to the assignability before November 1, 1963, of "split channels" in the 152–162 Mc band. Identical limitations were proposed in regard to "split channels" in this band which would, by the proposal, be allocated to other Public Safety Services and are primarily concerned with the coordination which would be required between users as a condition precedent to assignment before November 1, 1963. In view of the above facts these proposed limitations will be considered hereinafter as a group in the section entitled "Availability of Split Channels."

Several parties in their comments pointed out that the proposal as written was subject to an interpretation which would effectively prejudge some of the issues in Docket Number 11866, In the Matter of Allocation of Frequencies in the Bands Above 890 Mc. This was not the intention of the Commission and, therefore, the allocation to the Local Government Radio Service of frequencies above 890 Mc is specifically declared to be subject to the outcome of the proceeding docketed as number 11866. Furthermore, prior to determination of relevant issues in Docket 11866, applications in the Local Government Radio Service for use of a frequency above 890 Mc will be considered on a case by case basis and disposed of in accordance with applicable Commission policy.

4. *Interstate Highway Radio Service:* The Notice of Proposed Rule Making would add a Subpart M to Part 10 of the Commission's Rules which would be entitled "Interstate Highway Radio Service." This proposal would restrict the issuance of authorizations in this service to those "territories, possessions, states, and other governmental subdivisions including counties, cities, towns, and similar governmental entities charged with the responsibility for maintenance, supervision, or operation of highways which meet the standards prescribed, pursuant to the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Congress, 2d Session), by the Secretary of Commerce of the United States for highways forming a part of the National System of Interstate and Defense Highways." Stations licensed in this service would be permitted to transmit only those "communications essential to maintenance, supervision or operation of highways" which meet the standards referred to in the preceding sentence.

The proposed establishment of this service represents an effort to provide a satisfactory means of meeting the radio communication needs encountered in the operation of highways, including toll roads, which meet the construction standards of the specialized highways that will form the National System of Interstate and Defense Highways. However, under the proposal users charged with the operation of such highways would not be required to utilize such service but could, if they so desired, conduct communications essential to the maintenance of these highways as well as all other public highways by use of stations licensed in the presently existing Highway Maintenance Radio Service.

A large number of state highway departments filed comments in these proceedings and a substantial number of such highway departments commented upon the advisability of establishing an Interstate Highway Radio Service. The reasons and argumentation in opposition to establishment of this proposed service set forth in the comments of these parties substantially coincide with those advanced by the American Association of State Highway Officials. The comment of this organization stated in part:

> While it is true that the Interstate Highways will be similar in many respects to modern toll roads, as the Federal Communications Commission points out, it does not follow that the radio communications requirements will be the same. Toll road authorities have jurisdiction only within their respective rights of way and, therefore, to supervise, maintain and operate these roads they require radio communications only along these narrow ribbons which do not exceed 4,000 miles. Construction, maintenance, supervision and operation of the 41,000 miles of interstate highways are the responsibilities of the state highways departments * * *
>
> At the present time the supervision, maintenance, and operation of state highways including the interstate system is on an area basis. Most states are divided into highway districts or divisions, and all state roads in the district or division, including any portion of the interstate system, are taken care of by the personnel and equipment assigned to that area. The radio communication requirements to control these operations, therefore, are for area-wide-coverage—not a separate system, usable only to cover activities on a narrow ribbon along the interstate sections. This proposal apparently is based upon a belief that there would be a separate and special assignment of road equipment to the ribbon type of road maintenance on the interstate system.
>
> It is quite possible that under certain conditions it may be desirable to assign crews and equipment to some sections of the interstate system. With the expansion of the present state highway department facilities which would be possible if additional badly needed frequencies are allocated to the highway department radio service, the needs of these special crews could be met. It must be remembered, too, that equipment, maintenance, supply and administrative control for these special crews will remain centralized in the state highway district or division.
>
> It is very significant that no request for a separate interstate highway radio service has ever been received from a state highway department, the organization responsible for the maintenance of the interstate system.
>
> By establishing this separate service with the limitations proposed, highway departments are denied the use of the frequencies allocated to the Interstate Highway Radio Service, except in those instances where a second radio system could be justified. The need for these frequencies is great and will continue to grow, in a large part due to the requirements for essential radio communication in connection with the interstate system. It would be in most cases impractical for highway departments to make dual installations in all offices and equipment which have operations both on and off the interstate system which would be necessary under this proposed FCC Rule.

The comment of this party then proceeds to recommend that the Commission not establish the Interstate Highway Radio Service and that it allocate all frequencies, proposed for allocation to the Interstate Highway Service, to the Highway Maintenance Radio Service.

In direct contrast to the above-stated position of the American Association of State Highway Officials and the various state highway departments is the position taken by the American Bridge, Tun-

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[6] These 47 channels will be composed of 15 channels offset by 30 kc from frequencies presently available to stations in either the Police or Fire Radio Services and 32 channels offset by 15 kc from such frequencies.

and Turnpike Association. The comment of this party states, in part, that:

> The American Bridge, Tunnel and Turnpike Association, formed in 1932, is the representative body for 70 agencies which operate tunnels, bridges and turnpikes on which toll is collected for their use. In this capacity these agencies constitute the bulk of all similar commissions and authorities in this country. The agencies forming the association membership are unquestionably the foremost authorities on the subject of express highway operation. * * *
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> * * * * *
>
> In addition the Association, because it feels that it has no peer in the field of express highway operational experience, must point out that it believes the 41,000 miles of proposed interstate and defense highways must, through operating experience, develop a need for similar radio systems. It is felt that the operation of these proposed highways, although toll free, will be so similar to the present turnpike operation that problems now being incurred in turnpike communications will unquestionably be faced on the new highways. * * *
>
> The tremendous scope of this proposed highway network and its inherent "ribbon type" physical description can only compound the gravity of interference to future radio systems on these highway. It is therefore the recommendation of the American Bridge, Tunnel and Turnpike Association[7] that the proposed rules, as set forth in Docket Number 11990, Subpart M, Interstate Highway Service be adopted. * * *

The comment of the Massachusetts Turnpike Authority in support of the proposal to establish an Interstate Highway Radio Service states in part:

> The Authority supports the proposals because express highways, whether freeways or toll roads, and whether or not limited access, differ from traditional roads leading from one community to another and, accordingly, on experience, must be operated on a ribbon basis, with all the various highway services coordinated by radio communication in the interest of public safety and convenience * * *
>
> The users of express highways do not have available to them in times of need or emergency the service stations, restaurants, private homes, or farms which dot the ordinary highway. Accordingly, there is an extra duty imposed upon the operators of express highways to fill this vacuum, which can be accomplished only through the means of a reliable radio communication system coordinating police, maintenance, and all of the other various and important highway services * * *
>
> Expressways with extended mileage, as the science of radio communication advances and grows in general use, will find that their communication systems have become unreliable, if not ineffective, due to interference from local communications systems, unless the proposals of the Commission are adopted. As the national system of expressways is bound to grow in the future, sparked by the federal road program, one can readily forecast a multitude of confusion, if not chaos, unless provision is made now for the assignment of a separate waveband for use in the operation of express highways. The public safety and convenience now and for the future require it.

Although various other parties also commented in regard to the proposed establishment of the Interstate Highway Radio Service such comments were restricted to statements of position either in support of or in opposition to the proposal and no substantive reasons for such positions were given.

As illustrated by the foregoing quotations, the Commission is faced with two directly contrary views as to the desirability of the proposed Interstate Highway Radio Service. The view of the state highway departments, the unit of state governments which would actually operate and maintain the Interstate and Defense Highway System, as expressed in their comments, is that the proposed service is impractical, unnecessary and will not be extensively utilized. The persons having extensive experience in the operation of long distance, high speed, limited access highways; namely, those operating presently existing turnpikes, maintain to the contrary that not only is establishment of such service desirable but is essential to efficient operation of the vast Interstate and Defense Highway System now being constructed.

Consideration of the comments filed by the American Association of State Highway Officials, which is supported by practically every state highway department in the United States, to the effect that the proposed system would not be utilized except in unusual circumstances leads the Commission to conclude that establishment of the Interstate Highway Radio Service at this time would be futile. Accordingly, the Commission is not adopting the proposal to establish such service.

The service-allocation of the number of frequencies proposed for allocation to the Interstate Highway Radio Service by the Notice of Proposed Rule Making issued in this proceeding and those frequencies in the 40 Mc band which were "reserved" for assignment to this service by the Commission's First Report and Order in Docket Number 12169 will be determined in a subsequent rule-making proceeding.

5. *Police radio service.* The proposals contained in the Notice of Proposed Rule Making which have particular application to Police Radio Service users would amend §§ 10.252, 10.253, and 10.255.

Section 10.252. The proposed change in § 10.252 would restrict the communications which stations licensed in the Police Radio Service may transmit to those "essential to official police activities of the licensee." The present § 10.252 allows a considerably broader scope of communications to be transmitted by stations licensed in this service. Under the present provisions governmental entities are permitted, if they so desire, to conduct those transmissions essential to such public safety activities as fire and highway maintenance, in addition to those essential to police activities.

Several parties, including the Association of Public Communications Officers, Inc., and the Associated Police Communications Officers, Inc., requested that the proposal be modified to allow those licensees presently conducting public safety activities, in addition to police activities, through use of stations licensed in the Police Radio Service, to continue such operation, but that new licensees be restricted to the proposed "permissible communications."

The proposal as set forth in the Notice of Proposed Rule Making would require that those licensees who wish to continue utilizing police radio stations for other than official police activities to "move their operations to the Local Government Radio Service." The Associated Police Communications Officers, Inc., contends that in this situation such licensees will, in all probability, "choose to leave their police system on the police frequency and establish a new system in the fire, highway maintenance, or Local Government services * * *. Where one frequency is now in use as many as three separate channels could be required as the result of the amendment." This party further contends that adoption of the suggested modification will "allow those existing licensees who have developed and placed in operation highly integrated coordinated systems to continue with their basic planning without disrupting existing services, creating a mad scramble for additional frequencies and ultimately resulting in approximately twice the number of frequencies now in use by these systems * * *"

The Commission has reason to believe that usage of stations licensed in the Police Radio Service for conduct of communications essential to fire activities is quite extensive but that usage of such stations for other non-police activities is relatively minor. Traditionally, police and fire activities have been more closely aligned than are police and other public safety activities. In consideration of these facts and the aforementioned request for modification of the proposed amendment to § 10.252, the Commission concludes that stations licensed in the Police Radio Service may be utilized for the conduct of official fire activities in addition to the conduct of official police activities until October 31, 1963. During this time appropriate arrangements may be made for the conduct of fire radio activities in accordance with applicable requirements.

Section 10.253. The proposed amendment of § 10.253 is of a clarifying nature only and the comments disclosed no substantial opposition thereto. Therefore, this section is adopted as proposed without discussion.

Section 10.255. The substantive changes in § 10.255 which would be made by the proposal are: providing for the assignability of "split channels" in the 450 Mc band and the making of all assignable frequencies in this band available on a regular rather than developmental basis;[8] and the elimination from the frequencies available to Police Radio Service users of those frequencies which are shared on a "non-interference" basis with non-public safety radio services. The comments in regard to the proposed amendment of § 10.255[9] request that licensees presently authorized to utilize such shared frequencies be allowed to continue their present usage until harmful interference is caused. The proposal as set forth in the Notice of Proposed Rule Making would require such operation to cease by November 1, 1963.

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[7] Governmental entities having responsibility for operation of turnpikes, the construction of which meets the standards prescribed by the Secretary of Commerce as applicable to the highways forming a part of the National System of Interstate and Defense Highways would be eligible under the proposal for licensing in the Interstate Highway Radio Service.

[8] This proposal was adopted in connection with the discussion of the Local Government Radio Service supra.

The Commission believes that the suggestion is reasonable and that no party "primarily" authorized to utilize such frequencies will be prejudiced by the granting thereof. Therefore, the proposed rules[10] will be modified to the extent necessary to allow continued use of these shared frequencies by presently licensed stations in the Public Safety Radio Services until such time as harmful interference is caused to the operation of any station "primarily" authorized to use the particular frequency.

The majority of comments received from users in the Police Radio Service contend that additional frequencies should be made available for use of police radio service users. As pointed out in the discussion relating to the Local Government and the Interstate Highway Radio Services, the service-allocation of those frequencies proposed for allocation to such services but which are not so allocated herein will be determined in subsequent rule-making proceedings. Police Radio Service users, as well as all others who seek additional available frequencies, will be free, at that time, to renew their request for additional frequency allocations.

6. *Fire Radio Service.* The sections particularly applicable to the Fire Radio Service which the Notice of Proposed Rule Making would amend are §§ 10.302, 10.303, and 10.305.

Section 10.302. The proposed amendment of § 10.302 would restrict the communications which stations licensed in the Fire Radio Service may transmit to those "essential to official fire activities of the licensee." The principal opposition to this proposal came from the International Association of Fire Chiefs which requests that the proposal be modified to permit stations licensed in the Fire Radio Service "to transmit communications essential to official fire service and emergency activities of the licensee."

Since the licensees of stations in the Fire Radio Service are ordinarily governmental entities, adoption of the requested modification would, in fact, permit radio communication needs essential to any emergency service of a governmental entity to be met by use of stations licensed in this service. In view of the fact that the Local Government Radio Service, established herein, would allow governmental entities to meet all such needs by use of one radio system, if they so desire, adoption of the requested modification is not warranted.

Section 10.303. The proposed amendment of section 10.303 is of a clarifying nature only. In view of this fact and the fact that the comments filed in this proceeding disclose no substantial opposition to such proposed amendment, section 10.303 will be adopted, as proposed, without discussion.

Section 10.305. The principal effects of the proposed amendment of § 10.305 is to split available channels in the 450.050 to 453.950 and 458.050 to 458.950 Mc bands; removal of developmental limitations presently applicable to assignable frequencies in these bands; and to eliminate from the frequencies available for assignment to the Fire Radio Service users those frequencies presently shared with non-Public Safety Radio Services.

These proposals were discussed in connection with the discussion of the Local Government Radio Service or the discussion of the Police Radio Service. The conclusions reached there are applicable to the proposed amendment of this section.

7. *Forestry-Conservation Radio Service.* Of those sections of Part 10 of the Commission's rules particularly applicable to the Forestry-Conservation Radio Service, §§ 10.352, 10.353, and 10.355 would be amended by the Notice of Proposed Rule Making issued in this proceeding.

Section 10.352. This section would be amended so as to provide that stations in the Forestry-Conservation Radio Service are authorized only to transmit communications "essential to official forestry-conservation activities of the licensee." This proposed amendment was not objected to by any party commenting in this proceeding and was supported by the Forestry Conservation Communications Association. Accordingly, it is adopted as proposed.

Section 10.353. The proposed amendment of § 10.353 is of a clarifying nature only and no party commented in opposition thereto. Accordingly, section 10.353 is being adopted as proposed.

Section 10.355. The proposed amendment of § 10.355 would make 13 additional frequencies in the 152–162 Mc band available for use by licensees in this service; would make available the "split channels" in the 453.050–453.950 and 458.050–458.950 Mc bands resulting from the reduction of separation between assignable frequencies from 100 kc to 50 kc available to users in this service on a shared basis with licensees in other Public Safety Radio Services and remove the developmental limitation on frequencies in this band; and would eliminate from the frequencies available for assignment to Forestry-Conservation Radio Service users those frequencies in the 152–162 Mc band which are shared with non-Public Safety Radio Services.[11]

The proposed amendment of § 10.355 so as to make 13 additional frequencies available to Forestry-Conservation Radio Service licensees was not objected to by parties commenting in this proceeding although the Forestry-Conservation Communications Association requested that frequencies in addition to those proposed be allocated to this service. A substantial number of additional frequencies in the 40 and 150.8–152 Mc bands were allocated for use by licensees in the Forestry-Conservation Radio Service by the Commission's First Report and Order in Docket Number 12169. Furthermore, additional frequencies are herein allocated for use by users in that service. In view of these facts, the Commission does not feel that the allocation of frequencies in addition to those proposed is warranted.

8. *Highway Maintenance Radio Service.* The Notice of Proposed Rule Making in this proceeding proposed to amend §§ 10.402, 10.403, 10.404, and 10.405 which sections are particularly applicable to the Highway Maintenance Radio Service.

Section 10.402. This section would be amended so as to provide that stations licensed in the Highway Maintenance Radio Service are authorized only "to transmit communications essential to official activities of the licensee directly related to the physical maintenance of public highways."

This proposed amendment elicited more comment than any other one proposal contained in this proceeding. However, the majority of these proposals fall into one of two categories; those filed on behalf of state highway departments, and those filed on behalf of counties.

The comments filed by state highway departments are all similar and substantially coincide with those filed by the American Association of State Highway Officials which stated:

> To limit the permissible communications as contemplated in this amendment will be a serious handicap * * *. Radio is required for use by highway departments for facilitating official activities such as the following:
>
> (1) Collection of data on traffic characteristics.
>
> (2) Highway location and construction surveys.
>
> (3) Site distance surveys.
>
> (4) Transmit field data to computer centers for processing and return results to field offices.
>
> (5) Intercommunication between field and office personnel for such purposes as:
>
> a. Collecting road and weather information to alert work crews and warn motorists of approaching storms, hazardous road conditions and the like.
>
> b. Issue work and change orders.
>
> c. Secure mechanics and repair parts expeditiously when equipment breaks down in the field.

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[9] Identical proposals applicable to other existing Public Safety Radio Services were advanced in the Notice of Proposed Rule Making. Comments received relative to these "identical" proposals request the same modification as sought by Police Radio Service users. Accordingly, the conclusions reached here also dispose of these "identical" proposals.

[10] The actual modification will be of proposed § 10.101, which is applicable to all Public Safety Radio Services, rather than of proposed § 10.255.

[11] These proposals, except that relating to allocation of additional frequencies for use of Forestry-Conservation Radio Service users, were discussed previously either in connection with the Local Government Radio Service or the Police Radio Service. The conclusions reached there are equally valid with respect to these proposed amendments of § 10.355 and render further discussion unnecessary.

d. Control the flow of materials and supplies to operating projects.

e. Secure assistance when accidents occur.

f. Dispatching and rerouting of highway department equipment and personnel as needed in the field.

g. Expediting the removal of snow and treatment of icy pavements.

h. Transmitting the results of laboratory tests back to construction projects.

i. Securing engineering and administrating decisions and advise expeditiously.

(6) Coordinate highway activities with civil defense agencies in emergencies.

(7) Aid highway departments in expediting the restoration of highways and appurtenant facilities damaged by storms, floods, and other natural disasters so that fire, rescue, and police equipment will have access to affected areas.

* * * * *

In the Highway Maintenance Radio Service highway departments are the licensees. In the Police Radio Service and the Fire Radio Service, police departments and fire departments, respectively, are the licensees. In sharp contrast, however, in the proposed amendments, the police and fire departments are permitted to transmit communications essential to any police and fire activities, respectively, while highway departments may transmit communications essential to only one phase of their activities—the physical maintenance of highways.

The American Association of State Highway Officials then recommends that the proposal be amended to provide communications "essential to official activities of the licensee" be permitted.

The comments of county highway departments also seek modification of the proposed amendment of this section so as to allow a broader scope of communications but in most cases recommend that communications "essential to official highway activities of the licensee" be permitted.

The suggested modification advanced by the American Association of State Highway Officials does not appear to be reasonable in view of the fact that, contrary to the belief of this party, governmental entities are the licensees in the Highway Maintenance Radio Service. As such, adoption of the modification requested by this party would cause the Highway Maintenance Radio Service to be coextensive with the Local Government Radio Service. However, the Commission is persuaded that users in this service should be allowed to transmit communications essential to any official highway activity of the licensee. Accordingly, the proposed amendment of § 10.402 will be so modified.

Section 10.403. The proposed amendment of § 10.403, as in the case of the proposed amendment of §§ 10.253, 10.303, and 10.353, is of a clarifying nature only. In view of this fact, this proposal is adopted without discussion.

Section 10.404. The proposed amendment of § 10.404 would provide that "subject to the provisions of § 10.154, communication units of a licensed highway maintenance mobile station may be installed in vehicles of contractors or other persons having a direct responsibility for maintenance of public highways." In view of the fact that the proposed amendment of § 10.402 has been modified to allow communications "essential to official highway activities of the licensee" rather than only those "directly relating to the physical maintenance of public highways," § 10.404 will be modified so as to bring it into conformity with § 10.402 as adopted.

Section 10.405. The principal effect of the proposed amendment of § 10.405 would be to make 23 frequencies in the 152–162 Mc band available for use by Highway Maintenance Radio Service users.[13] This proposal was not objected to by any party. However, several comments requested that the proposal be modified so as to provide that all or at least a portion of the 23 frequencies be made available only for use by governmental entities other than states. Typical of the comments in support of such requested modification is that of the Associated Police Communications Officers, Inc., which states in part:

> Frequencies in the 450 Mc range are not suitable for the coverage of large areas such as counties without elaborate repeater systems which are economically unsound * * * the state highway maintenance frequencies, in many cases, are serving some areas smaller than many counties in the western states and have virtually gone to waste while county and other users had urgent need for such frequencies * * *
>
> * * * * *
>
> Therefore, this Association recommends that those frequencies assignable to the Highway Maintenance Service in the 150 Mc band derived from the splitting of the present public safety channels be made available to highway maintenance jurisdictions other than state licensees.

No party filed comments in rebuttal of this requested modification and, as previously pointed out, 6 additional channels in the 40 Mc band, restricted so as to be assignable, primarily to state licensees, were allocated to the Highway Maintenance Radio Service by the First Report and Order in Docket Number 12169. In view of these facts, the Commission is persuaded that 15 of the 23 channels in the 152–162 Mc band proposed for allocation to the Highway Maintenance Radio Service should be restricted so as to not be available for assignment to state licensees. Five of the frequencies so limited will be offset 30 kc from channels assignable to Police Radio Service users and the remainder will be offset by 15 kc from frequencies assignable to Police Radio Service users.

9. *Special Emergency Radio Service.* The Notice of Proposed Rule Making would amend only § 10.462 of those sections having particular application to the Special Emergency Radio Service.

The proposed amendment would allocate 12 additional frequencies in the 152–162 Mc band for use by licensees in the Special Emergency Radio Service. The proposal would also, inter alia, provide that mobile relay stations will be licensed in this service only on frequencies above 453.00 Mc.

In view of the fact that many present licensees in the Special Emergency Radio Service will become eligible for licensing in the new radio service established in this proceeding or those which may be established in Docket Number 11991, In the Matter of Amendment of Part 11, Rules Governing the Industrial Radio Services, to Delete, Modify, and Create Services, and to Effect Changes in the Availability of Frequencies, the Commission is withholding action in regard to this proposed amendment of § 10.462 and contemplates the initiation of a new rule-making proceeding which will encompass a complete review of the Special Emergency Radio Service.

In this connection it should be noted that the Commission has received requests to provide new "eligibilities" in the Special Emergency Radio Service so as to provide for the licensing of hospitals in that service. These requests will be considered in the contemplated review of the Special Emergency Radio Service referred to above.

No comments were received which objected to any proposed amendments affecting the Special Emergency Service other than the proposal to allocate additional frequencies to this service. Therefore, proposed amendments of § 10.462, other than the proposal to allocate 12 additional frequencies to the Special Emergency Radio Service, are adopted.

In addition, the present provision contained in § 10.461 (a) prohibiting entirely the licensing of mobile relay stations in this service is being deleted. This action is taken because this provision is inconsistent with the amendment adopted herein which provides that mobile relay stations will be licensed for use of frequencies above 453.00 Mc.

10. *Availability of "split channels".* The Notice of Proposed Rule Making proposed that those "split channels" separated by 30 kc from presently assignable frequencies in the 152–162 Mc band which would be made available to users licensed in one of the Public Safety Radio Services would ordinarily become assignable on November 1, 1963. Assignments prior to that date could, under the proposal, be obtained upon compliance with stated conditions.[14]

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[13] The proposal would also eliminate frequencies shared on a "non-interference" basis with non-Public Safety Services. This identical proposal has been considered in regard to proposed amendments of § 10.255, supra, and the same conclusions are equally valid in regard to this proposed amendment. In addition, the proposed amendment of § 10.405 would reduce separation between assignable frequencies in the 453.050–453.950 and 458.050–458.950 Mc bands and make all assignable frequencies in these bands available for assignment on a regular basis. This identical proposal was considered in connection with the discussion, supra, of proposed § 10.555 and conclusions reached therein are applicable to this proposed amendment.

[14] These proposed conditions were identical for all public safety services to which "split channels" in the 152–162 Mc band would be allocated by the proposal. In addition, it was proposed that "split channels" in this band which are separated by 15 kc from presently assignable frequencies would be available for assignment only after those separated by 30 kc from presently assignable frequencies have been assigned for use in the area.

The reason for proposing that these "split channels" would be ordinarily available on and after November 1, 1963, was that use of "narrow band" equipment by all Public Safety Radio systems would not, under outstanding Commission Orders, become mandatory until October 31, 1963.

Subsequent to issuance of the Notice of Proposed Rule Making in this proceeding, the Commission issued a Notice of Proposed Rule Making in Docket Number 12295 which stated in part:

> The Commission proposes to amend Parts 10, * * * of its Rules to provide in the Public Safety * * * services the narrow-band technical standards previously adopted shall be immediately mandatory with respect to all new radio communication systems authorized to be operated in the bands 25–50 or 152–162 Mc, and that all frequencies derived from "channel splitting" in those bands shall be immediately available for assignment to applicants in the respective services under the condition that a satisfactory showing is made that the selection of each requested frequency has been coordinated in accordance with the relevant provision regarding frequency coordination contained in the Commission's rules governing the particular service involved, and that such coordination has been effective with respect to all frequencies assigned to stations in the same or other services within 30 kc from the frequency or frequencies requested in the application.

In view of the high degree of "interspersal" resulting from Commission findings hereinbefore set forth, the amendments proposed in Docket 12295, regarding usage of narrow band equipment and coordination between users are especially vital to Public Safety Radio Service users.

Thus, Commission is not, in this Report and Order, making any "split channels" in the 152–162 Mc band available prior to November 1, 1963. However, it is expected that the proposals contained in Docket No. 12295 will be disposed of in the near future and the Commission will, at that time, take further action in this proceeding consistent with such disposition.

A number of comments request that the "split channels" in the 152–162 Mc band being made available to particular Public Safety Radio Services be arranged so as to provide assignable channel groupings with sufficient separation between groups to permit mobile relay operation with little or no geographical separation between transmit and receive antennas.

Although mobile relay operations using two frequencies with little frequency separation but considerable geographical separation between transmit and receive antennas can be effected, such a procedure is more expensive than that which may be utilized when the frequencies used are substantially separated. In view of this fact, the Commission is persuaded that the requested modification should be granted to the extent permitted by the hereinbefore stated decision to make only 47 "split channels" in the 152–162 Mc band available to the Local Government Radio Service; the decision not to establish the proposed Interstate Highway Radio Service; and the decision to withhold action in regard to making 12 "split channels" in this band available to the Special Emergency Radio Service. The modification being made is reflected in §§ 10.405 and 10.555 as set forth below and consists solely of a rearrangement of "split channels" in the 152–162 Mc band being made available to the Local Government and Highway Maintenance Radio Services.

The Notice of Proposed Rule Making herein would provide for assignment of "split channels" in the 453.050–453.950 and 458.050–458.950 Mc bands upon the effective date of these proposed rules. No comment was received which opposed this proposal and the Commission is aware of no reason why it should not be adopted.

11. *Offset frequencies.* The Notice of Proposed Rule Making would provide for assignment, on a developmental basis, of frequencies offset by less than 15 kc from the listed "split channels" in the 152–162 Mc band to users eligible for assignment of such listed "split channels". Assignments of such "offset" frequencies would be made only "upon an adequate showing of need for irregular assignments together with a comprehensive engineering report indicating that harmful interference to the operation of other stations will not be caused thereby."

In view of the fact that the question regarding availability of "split channels" in the 152–162 Mc band is being held in abeyance pending disposition of Docket 12295, the instant proposal will likewise not be disposed of by this Report and Order.

12. *General.* In addition to the proposed amendments of rules relating to particular services hereinbefore discussed, the Notice of Proposed Rule Making would amend §§ 10.1, 10.2, 10.3, 10.8, and 10.101.

Sections 10.1, 10.2, and 10.3. Several parties requested modification of these proposed sections so as to indicate that communications relating to the "routine discharge of governmental functions" are not equivalent to communications relating to the public safety. The Commission is not convinced that the requested modification would serve any useful purpose in view of the other provisions contained in the Commission's rules reflecting this principle.

The proposed amendments of these sections will, however, be modified to reflect the Commission's decision not to establish an Interstate Highway Radio Service at this time.

Section 10.8. The proposed amendment of § 10.8 would require coordination by applicants with all licensees situated within 75 miles of the proposed station location who are authorized in the Public Safety Radio Services to utilize frequencies within 30 kc of the particular frequencies sought by the applicant.

The necessity for amendment of § 10.8 is primarily due to the fact that the Notice of Proposed Rule Making issued in this proceeding would result in "interspersal" of Local Government and other Public Safety Services between the frequencies in the 152–162 Mc band presently available to the Police and Fire Radio Services. In view of the fact, as hereinbefore stated, that the Commission is not, in this Report and Order, permitting immediate assignment of the "split channels," the primary necessity for immediate amendment of § 10.8 is obviated. Furthermore, the proposed rule changes contained in the Notice of Proposed Rule Making issued in Docket Number 12295 substantially encompass the proposed amendment of § 10.8. Therefore, the Commission is not amending § 10.8 in this Report and Order but will take whatever further action is necessary as a result of the decision which will be rendered in Docket Number 12295.

The principal effects of the proposed amendment of section 10.101 would be to provide: That licensees holding a valid authorization for the utilization of frequencies not shown in applicable Subparts of Part 10 of the Commission's rules on the effective date of these rules may continue such use until October 31, 1963; add to the frequencies assignable to stations in all the services within the Public Safety Radio Services, the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc on a shared basis with other services, and provide that 3 narrow band-edge channels in the 152–162 Mc band will be available for developmental operation to any eligible applicant in the Public Safety Radio Services.

The proposal to allow existing licensees to utilize frequencies other than those listed in applicable subparts of Part 10 until October 31, 1963 applies to those frequencies presently shared by Public Safety Radio Services with non-Public Safety Radio Services users. The desirability of this proposal was considered in connection with the discussion of the Police Radio Service wherein it was concluded that this shared use by existing licensees should be allowed to continue without cutoff date until such time as harmful interference results to any station "primarily" authorized to use the particular frequency.

The other proposed amendments to section 10.101 were not objected to by any party[14] and are adopted as proposed except for minor word changes.

13. *Disposition of petitions.* The General Electric Company filed a petition seeking rule amendments so as to permit the licensing of operational fixed stations in the Public Safety Radio Services utilizing frequencies in the 152–162 Mc and 450–460 Mc bands for use in controlling devices, including traffic lights. A variety of Public Safety Radio Services users filed comments in this proceeding which advocated similar action.

The Commission does not feel that it presently has sufficient information in regard to the operational requirements and other facets of the problem to permit a disposition of the merits of this petition. In view of this situation, the Commission contemplates issuing, in the near future, a Notice of Inquiry designed to elicit needed information relative to this problem. Accordingly, the petition of the General Electric Company will not be disposed of until this action has been taken and the results thereof evaluated.

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[14] The Radio Corporation of America does not object to the proposals but suggests that the narrow band-edge channels in the 152–162 Mc band be allocated for "control, signaling and telemetering uses on an operational fixed basis."

The Forestry Conservation Communication Association filed a petition seeking amendment of § 10.354 to allow authorization of mobile relay stations on frequencies above 150.8 Mc which are available to Forestry Conservation users. This petition was rendered moot by the Commission's Supplemental Orders Number 3 and Number 4, issued in Docket Number 12169 and it is, therefore, dismissed.

Petitions filed by the American Municipal Association and the American Bridge, Tunnel and Turnpike Association were taken into consideration by the Commission in its disposition of proposals relative to the Local Government and Interstate Highway Radio Services, respectively. Accordingly, these petitions are granted to the extent that they are consistent with the actions taken herein and are in all other respects denied.

14. The amendments to Part 10 of the Commission's rules ordered herein are promulgated pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

15. Accordingly: *It is ordered*, That effective June 30, 1958, Part 10 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: May 8, 1958.

Released: May 12, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 10.1 (b) is amended to read as follows:

(b) This part is designed to provide a service of radio communication essential either to the discharge of non-Federal governmental functions or to the alleviation of an emergency endangering life or property.

2. Section 10.2 is amended to read as follows:

§ 10.2 *Definitions.* For the purpose of this part the following definitions shall be applicable. (For other definitions, refer to Part 2 of this chapter):

(a) Definitions of services:

Fire Radio Service. A public safety service of radio communication essential to official fire activities.

Fixed service. A service of radio communication between specified fixed points.

Forestry-Conservation Radio Service. A public safety service of radio communication essential to forestry-conservation activities.

Highway Maintenance Radio Service. A public safety service of radio communication essential to highway maintenance activities.

Local Government Radio Service. A service of radio communication essential to official activities of states, possessions, and territories, including counties, towns, cities, and similar governmental subdivisions.

Mobile service. A service of radio communication between mobile and land stations, or between mobile stations.

Police Radio Service. A public safety service of radio communication essential to official police activities.

Public Safety Radio Services. Any service of radio communication essential either to the discharge of non-Federal governmental functions or to the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Radio service. An administrative subdivision of the field of radio communication. In an engineering sense the subdivisions may be made according to the method of operation; as for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees; as for example, the groups and subgroups of persons licensed under this part.

Special Emergency Radio Service. A public safety service of radio communication essential to the alleviation of an emergency endangering life or property.

State Guard Radio Service. A public safety service of radio communication essential to official activities of state guards or comparable organizations of states, territories, possessions, or the District of Columbia.

(b) Definitions of stations:

Base station. See "Land station."

Control station. An operational fixed station, the transmissions of which are used to control, automatically, the emissions or operation of another radio station at a specified location.

Fixed station. A station in the fixed service.

Fixed relay station. An operational fixed station established for the automatic retransmission of radio communications received from either one or more fixed stations or from a combination of fixed and mobile stations and directed to a specified location.

Interzone station. A fixed station in the Police Radio Service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

Land station. A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part and will be used interchangeably with land station.)

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points.

Mobile relay station. A base station established for the automatic retransmission of mobile service communications which originate on the transmitting frequency of the mobile stations and which are retransmitted on the receiving frequency of the mobile stations.

Operational fixed station. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radio communication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Services.

Repeater station. An operational fixed station established for the automatic retransmission of radio communications received from one or more mobile stations and directed to a specified location.

Zone station. A fixed station in the Police Radio Service using radiotelegraphy (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

(c) Miscellaneous definitions:

Antenna structures. The term "antenna structure" includes the radiating system, its supporting structures, and any surmounting appurtenances.

Assigned frequency. The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The maximum width of the band of frequencies, as specified in the authorizations, to be occupied by an emission.

Bandwidth occupied by an emission. The width of the frequency band (normally specified in kilocycles) containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

Carrier frequency. The frequency of the carrier.

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties and regulations. (For purposes of this definition only, a safety service is any radio service, operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

Landing area. A landing area means any locality, either land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft whether or not facilities are provided for shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission.

3. Section 10.3 is amended to read as follows:

§ 10.3 *Organization and applicability of rules.* The rules in this part are divided into 12 subparts of which Subparts A to E, inclusive, contain rules of a general nature which apply to every station authorized under this part. Subparts F to L, inclusive, are specific and apply only to the stations authorized under the particular subpart.

4. Add a new § 10.9 to read as follows:

§ 10.9 *Civil Defense.* A station licensed under this part may transmit communications necessary for the implementation of civil defense activities assigned such station by the local civil defense authorities during an actual or simulated emergency, including drills and tests: *Provided*, That such communications relate to the activity or activities which form the basis of the licensee's eligibility in the radio service in which authorized.

5. Section 10.101 (a) is amended to read as follows:

§ 10.101 *Frequencies.* (a) Frequencies other than those shown in the applicable subpart of this part are not available for assignment except as provided in paragraphs (b), (d), and (f) of this section, and except that licensees holding a valid authorization on June 30, 1958, may, upon proper application, continue to be authorized for such operation, including expansion of existing systems, until such time as harmful interference is caused to the operation of any authorized station other than those licensed in the Public Safety Radio Services. All applicants for, and licensees of, stations in the services in this part shall cooperate in the selection and use of the designated frequencies to minimize interference and to make effective use of the frequencies assigned. Frequencies listed in this part will not be assigned exclusively to any one applicant. The use of any frequency at a given geographical location may be denied when in the judgment of the Commission its use in that location is not in the public interest; the use of any frequency may be restricted to one or more geographical areas.

6. Section 10.101 (d) is amended to read as follows:

(d) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc may be authorized to any eligible applicant in the Public Safety Radio Services subject to the following conditions and limitations:

(1) Notwithstanding the rule provisions relating to permissible communications, points of communication and emissions in the applicable subpart of this part, the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc may be used to accomplish any radio communication requirement which is necessary to the licensee's activity: *Provided*, That all operations are otherwise in accordance with the rules in this chapter; that the bandwidth of emission does not exceed 8 kc; and that power is limited to no more than 30 watts input to the final radio frequency stage.

(2) The frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 Mc are available for assignment in the Public Safety Radio Services for use on a shared basis with stations in other services. All fixed and mobile operations on these frequencies are subject to interference from the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

7. Section 10.101 (f) is amended to read as follows:

(f) The frequency bands 153.7325 to 153.7475, 154.4525 to 154.460, and 159.4725 to 159.480 Mc may be authorized for developmental operation to any eligible applicant in the Public Safety Radio Services for narrow band systems only: *Provided*, That:

(1) The band of frequencies occupied by the emission is at all times confined within the band listed;

(2) The proposed station location is removed by at least 40 miles from the station location of each other station authorized to other than the applicant on the same or adjacent channels, at the time application is made; and

(3) The application is accompanied by a statement, under oath, that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on the same or adjacent channels have concurred with such assignment, or is accompanied by a report based on a field study which indicates the probable interference to the operation of existing stations, together with a statement, under oath, that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on the same or adjacent channels have been notified of applicant's intention to request the assignment.

8. Section 10.105 (f) is amended to read as follows:

(f) For the frequency ranges 150 to 162 Mc and 450–460 Mc: Each transmitter first authorized or installed on or after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

9. Section 10.252 is amended to read as follows:

§ 10.252 *Permissible communications.* (a) Stations in the Police Radio Service are authorized to transmit communications essential to official police activities of the licensee: *Provided*, That stations licensed in the Police Radio Service may be used for the conduct of communications essential to official fire activities of the licensee in addition to those essential to official police activities of the licensee until October 31, 1963.

10. Section 10.253 (a) is amended to read as follows:

§ 10.253 *Points of communications.* (a) Police base stations are authorized to intercommunicate with police mobile stations. Police mobile stations are authorized to intercommunicate with police base stations and other police mobile stations.

11. Section 10.253 (b) is amended to read as follows:

(b) Police base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the base-mobile operations of any authorized station.

12. Section 10.255 (g) is amended so that the tabulation of frequencies from 156.21 through 458.95 Mc reads as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
156.210	Base and mobile	
158.730	do	
158.790	do	
158.850	do	
158.910	Mobile	
158.970	do	
159.030	do	
159.090	Base and mobile	
159.150	do	
159.210	do	
453.050	do	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
453.350	do	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	

13. Section 10.255 (h) is amended by deleting the text of subparagraphs (4) and (5) and inserting the word "[Reserved]".

14. Section 10.302 is amended to read as follows:

§ 10.302 *Permissible communications.* Stations in the Fire Radio Service are authorized to transmit communications essential to official fire activities of the licensee.

15. Section 10.303 (a) is amended to read as follows:

§ 10.303 *Points of communication.* (a) Fire base stations are authorized to intercommunicate with fire mobile stations. Fire mobile stations are authorized to intercommunicate with fire base stations and other fire mobile stations.

16. Section 10.303 (b) is amended to read as follows:

(b) Fire base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the base-mobile operations of any authorized station.

17. Section 10.305 (f) is amended so that the tabulation of frequencies from 153.89 Mc through 458.95 Mc reads as follows:

Frequency or band	Class of station(s)	Limitations
Mc		
153.890	Mobile	
153.950	do	
154.010	do	8
154.070	Base and mobile	8
154.130	do	8
154.190	do	8
154.250	do	8
154.310	do	8
154.370	do	8
154.430	do	5
166.250	do	5
170.150	do	
453.050	do	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
453.350	do	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	

18. Section 10.305 (g) is amended by deleting the text of subparagraph (4) and inserting the word "[Reserved]."

19. Section 10.352 is amended to read as follows:

§ 10.352 *Permissible communications.* Stations in the Forestry-Conservation Radio Service are authorized to transmit communications essential to official forestry-conservation activities of the licensee.

20. Section 10.353 (a) is amended to read as follows:

(a) Forestry-conservation base stations are authorized to intercommunicate with forestry-conservation mobile stations. Forestry-conservation mobile stations are authorized to intercommunicate with forestry-conservation base stations and other forestry-conservation mobile stations.

21. Section 10.353 (b) is amended to read as follows:

(b) Forestry-conservation base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the base-mobile operations of any authorized station.

22. Section 10.355 (d) is amended to read as follows:

(d) The following tabulation indicates the frequency or bands of frequencies, the class of stations to which they are normally available, and the specific assignment limitations, which are developed in paragraph (e) of this section:

Frequency or band	Class of station(s)	Limitations
Kc		
2212	Base and mobile	6, 12
2226	do	6, 12
2236	do	6, 12
2244	do	6, 12
Mc		
30.86	do	11
30.90	do	11
30.94	do	11
30.98	do	11
31.02	do	11
31.06	do	7, 9, 10, 11
31.10	do	7, 9, 10, 11
31.14	do	7, 9, 10, 11
31.18	do	7, 9, 10
31.22	do	7, 9, 10
31.26	do	7, 9, 10
31.30	do	7, 9, 10
31.34	do	7, 9, 10
31.38	do	7, 9, 10
31.42	do	7, 9, 10
31.46	do	7, 9, 10
31.50	do	7, 9, 10
31.54	do	7, 9, 10
31.58	do	7, 9, 10
31.62	do	7, 9, 10
31.66	do	7, 9, 10
31.70	do	7, 9, 10
31.74	do	7, 9, 10
31.78	do	7, 9, 10
31.82	do	7, 9, 10
31.86	do	7, 9, 10
31.90	do	7, 9, 10
31.94	do	7, 9, 10
31.98	do	7, 9, 10
44.64	do	
44.68	do	
44.72	do	
44.76	do	
44.80	do	
44.84	do	
44.88	do	
44.92	do	
44.96	do	
45.00	do	
45.04	do	
46.54	do	18
46.58	do	18
46.62	do	19
46.66	do	19
46.70	do	19
46.74	do	19
46.78	do	19
46.82	do	19
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
151.145	Base and mobile	20
151.175	do	20
151.205	do	20
151.235	do	20
151.265	do	20
151.295	do	20
151.325	do	20
151.355	do	20
151.385	do	20
151.415	do	20
151.445	do	20
151.475	do	20
159.225	do	22
159.240	do	21
159.255	do	22
159.270	do	
159.285	do	22
159.300	do	21
159.315	do	22
159.330	do	
159.345	do	22
159.360	do	21
169.375	do	22
159.390	do	
159.405	do	22
159.420	do	21
159.435	do	22
159.450	do	
159.465	do	22
170.425	do	8, 10, 14
170.475	do	8, 10, 13
170.575	do	8, 10, 14
171.425	do	8, 10, 13
171.475	do	10, 14, 15
171.575	do	8, 10, 13
172.225	do	8, 10, 14
172.275	do	10, 13, 15
172.375	do	8, 10, 14
453.050	do	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
Mc		
453.350	Base and mobile	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 17
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 16
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

23. Section 10.355 (e) is amended by deleting the text of subparagraphs (4) and (5) and inserting the word "[Reserved]"; and adding subparagraphs (20), (21), and (22) to read as follows:

(20) Available for assignment: *Provided,* That the equipment used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963.

(21) Available for assignment on and after November 1, 1963.

(22) Available for assignment on and after November 1, 1963 for developmental operation: *Provided,* That

(i) The equipment proposed to be used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963; and

(ii) Listed frequencies 15 kc removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(iii) The proposed station location is removed by at least 40 miles from the station location of each other station, except those of the applicant, authorized to operate on frequencies 30 kc or less removed; and

(iv) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

24. Section 10.355 is amended by adding a new paragraph (f) to read as follows:

(f) The frequencies shown in paragraph (d) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

25. Section 10.402 is amended to read as follows:

§ 10.402 *Permissible communications.* Stations in the Highway Maintenance Radio Service are authorized to transmit communications essential to official highway activities of the licensee.

26. Section 10.403 (a) is amended to read as follows:

§ 10.403 *Points of communication.* (a) Highway maintenance base stations are authorized to intercommunicate with highway maintenance mobile stations. Highway maintenance mobile stations are authorized to intercommunicate with highway maintenance base stations and other highway maintenance mobile stations.

27. Section 10.403 (b) is amended to read as follows:

(b) Highway maintenance base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the base-mobile operations of any authorized station.

28. Section 10.404 (b) is amended to read as follows:

(b) Subject to the provisions of § 10.154, communication units of a licensed highway maintenance mobile station may be installed in vehicles of contractors or other persons having a direct responsibility for official highway activities.

29. Section 10.405 (e) is amended to read as follows:

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
Mc		
33.02	Base and mobile	6
33.06	do	6
33.10	do	6
37.90	do	6
37.94	do	6
37.98	do	6
46.86	do	7, 8, 12
46.90	do	7, 8, 12
46.94	do	7, 8, 12
46.98	do	7, 8, 12
47.02	do	7, 8
47.04	do	7, 8
47.06	do	7, 8
47.08	do	7, 8
47.10	do	7, 8
47.12	do	7, 8
47.14	do	7, 8
47.16	do	7, 8
47.18	do	7, 8
47.20	do	7, 8
47.22	do	7, 8
47.24	do	7, 8
47.26	do	7, 8
47.28	do	7, 8
47.30	do	7, 8
47.32	do	7, 8
47.34	do	7, 8
47.36	do	7, 8
47.38	do	7, 8
47.40	do	7, 8
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
150.995	Base and mobile	13
151.025	do	13
151.055	do	13
151.085	do	13
151.115	do	13
156.045	Mobile	15
156.060	do	14
156.075	do	15
156.105	Base and mobile	15
156.120	do	14
156.135	do	15
156.165	do	15, 16
156.180	do	14, 16
156.195	do	15, 16
156.225	do	15, 16
156.240	do	14, 16
157.050	do	9
157.110	do	9
158.985	Mobile	15, 16
159.000	do	14, 16
159.015	do	15, 16
159.045	do	15, 16
159.060	do	14, 16
159.075	do	15, 16
159.105	Base and mobile	15, 16
159.120	do	14, 16
159.135	do	15, 16
159.165	do	15, 16
159.180	do	14
159.195	do	15
453.050	do	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
453.350	do	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 11
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 10
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

30. Section 10.405 (f) is amended by deleting the text of subparagraphs (4) and (5) and inserting the word "[Reserved]"; and by adding subparagraphs (13), (14), (15), and (16) as follows:

(13) Available for assignment: *Provided,* That the equipment used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963.

(14) Available for assignment on and after November 1, 1963.

(15) Available for assignment on and after November 1, 1963, for developmental operation: *Provided,* That

(i) The equipment proposed to be used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963; and

(ii) Listed frequencies 15 kc or less removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(iii) The proposed station location is removed by at least 40 miles from the station location of each other station, except those of the applicant, to operate on frequencies 30 kc or less removed; and

(iv) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on frequencies 30 kc or less removed, have been notified of applicant's intention to request the assignment.

(16) This frequency is reserved for assignment for use in highway maintenance systems operated by licensees other than states.

31. Section 10.405 is amended by adding a new paragraph (g) to read as follows:

(g) The frequencies shown in paragraph (e) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

32. Section 10.461 (a) is amended by deleting the text thereof and inserting the word "[Reserved]".

33. Section 10.462 (c) is amended to read as follows:

(c) The operation of mobile systems in the Special Emergency Radio Service will be restricted to the use of only one frequency: *Provided*, That an additional frequency may be authorized when mobile relay stations are authorized pursuant to paragraph (h) of this section.

34. Section 10.462 (e) is amended to read as follows:

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
Kc		
2000 to 3000	Fixed	9
2726	Base and mobile	10
3201	do	
Mc		
33.02	do	6
33.06	do	6
33.10	do	6
37.90	do	6
37.94	do	6
37.98	do	6
45.92	do	
45.96	do	
46.00	do	
46.04	do	
47.42	do	7
47.46	do	
47.50	do	
47.54	do	
47.58	do	
47.62	do	
47.66	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
453.050	Base and mobile	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
453.350	do	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 14
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 13
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

35. Section 10.462 (f) is amended by:

Deleting the text of subparagraphs (4), (5), and (8) and inserting the word "[Reserved]".

36. Section 10.462 is amended by adding new paragraphs (g) and (h) to read as follows:

(g) The frequencies shown in paragraph (e) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(h) Mobile relay stations in the Special Emergency Radio Service will be authorized only on frequencies above 453.00 Mc and only where:

(1) a special emergency radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication; or

(2) an integrated system of radio communication is desirable between two or more licensees in the Special Emergency Radio Service and where, by use of a mobile relay station, the integrated system results in an actual reduction in the number of frequencies required in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

37. Part 10 is amended by adding a new Subpart L to read as follows:

Subpart L—Local Government Radio Service

Sec.
10.551 Eligibility.
10.552 Permissible communications.
10.553 Points of communication.
10.554 Station limitations.
10.555 Frequencies available to the Local Government Radio Service.

AUTHORITY: §§ 10.551 to 10.555 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART L—LOCAL GOVERNMENT RADIO SERVICE

§ 10.551 *Eligibility.* Authorizations for stations in the Local Government Radio Service will be issued only to territories, possessions, states, other governmental subdivisions including counties, cities, towns and similar governmental entities.

§ 10.552 *Permissible communications.* Stations in the Local Government Radio Service are authorized to transmit communications essential to official activities of the licensee.

§ 10.553 *Points of communication.* (a) Local government base stations are authorized to intercommunicate with local government mobile stations. Local government mobile stations are authorized to intercommunicate with local government base stations and other local government mobile stations.

(b) Local government base and mobile stations are also authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided*, That no harmful interference will be caused to the base-mobile operations of any authorized station.

(c) Local government fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.554 *Station limitations.* Mobile relay stations in the Local Government Radio Service will be authorized only on frequencies above 152 Mc and where a showing of need can be made in accordance with either of the following conditions:

(a) Where a local government radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be effected by direct car-to-car communication.

(b) Where an integrated system of radio communication is desirable between two or more Local Government Radio Service licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies which would be needed in the area if the same number of licensees operate separate systems.

§ 10.555 *Frequencies available to the Local Government Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Local Government Radio Service subject to the conditions and limitations of this section.

(b) The frequencies shown in paragraph (f) of this section as being available for assignment to mobile stations only may be authorized for use by base stations only after coordination with affected licensees in the area and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) The amount of separation between assignable frequencies listed in paragraph (f) of this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(d) Normally no more than two frequencies will be assigned unless a request therefor is adequately supported by a satisfactory showing of need.

(e) Control and repeater stations in the Local Government Radio Service will be authorized only on frequencies allocated to operational fixed stations.

(f) The following tabulation indicates the frequencies or bands of frequencies, class of stations to which they are normally available, and the specific assignment limitations, which are developed in paragraph (g) of this section:

Frequency or band	Class of station(s)	Limitations
Mc		
45.08	Base and mobile	
45.12	do	
45.16	do	
45.20	do	
45.24	do	
45.28	do	
45.32	do	
45.36	do	
45.40	do	
45.44	do	
45.48	do	
45.52	do	
45.56	do	
45.60	do	
45.64	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
153.755	Mobile	5, 6
153.785	do	5, 6
153.800	do	4, 6
153.815	do	5, 6
153.845	do	5, 6
153.860	do	4, 6
153.875	do	5, 6
153.905	do	5, 6
153.920	do	4, 6
153.935	do	5, 6
153.965	do	5, 6
153.980	do	4, 6
153.995	do	5, 6
154.025	Base and mobile	5, 6
154.040	do	4, 6
154.055	do	5, 6
154.085	do	5, 6
154.100	do	4, 6
154.115	do	5, 6
155.715	do	5
155.745	do	5
155.760	do	4
155.775	do	5
155.805	do	5
155.820	do	4
155.835	do	5, 6
155.865	do	5, 6
155.880	do	4, 6
155.895	do	5, 6
155.925	do	5, 6
155.940	do	4, 6
155.955	do	5, 6
155.985	Mobile	5, 6
156.000	do	4, 6
156.015	do	5, 6
158.745	Base and mobile	5
158.760	do	4
158.775	do	5
158.805	do	5
158.820	do	4
158.835	do	5
158.865	Mobile	5, 6
158.880	do	4, 6
158.895	do	5, 6
158.925	do	5, 6
158.940	do	4, 6
158.955	do	5, 6
453.050	Base and mobile	
453.100	do	
453.150	do	
453.200	do	
453.250	do	
453.300	do	
453.350	do	
453.400	do	
453.450	do	
453.500	do	
453.550	do	
453.600	do	
453.650	do	
453.700	do	
453.750	do	
453.800	do	
453.850	do	
453.900	do	
453.950	do	
458.050	Mobile	
458.100	do	
458.150	do	
458.200	do	
458.250	do	
458.300	do	
458.350	do	
458.400	do	
458.450	do	
458.500	do	
458.550	do	
458.600	do	
458.650	do	
458.700	do	
458.750	do	
458.800	do	
458.850	do	
458.900	do	
458.950	do	
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2, 8
2500 to 2700	Operational fixed	1
6425 to 6575	Base and mobile	1
6575 to 6875	Operational fixed	1
10500 to 10550	Radiolocation	1, 7
11700 to 12200	Base and mobile	1
12200 to 12700	Operational fixed	1
16000 to 18000	do	1, 2
26000 to 30000	do	1

NOTE: Frequencies between 952 and 30,000 Mc will be assigned on a case by case basis and assignments will be subject to the outcome of Docket Number 11866.

(g) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (f) of this section:

(1) Limited to the developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis with other services only in accordance with the provisions of § 10.101 (c).

(4) Available for assignment on and after November 1, 1963.

(5) Available for assignment on and after November 1, 1963 for developmental operation: *Provided*, That:

(i) The equipment proposed to be used meets the technical standards, set forth in Subpart C of this part, applicable to equipment in use on and after November 1, 1963; and

(ii) Listed frequencies 15 kc or less removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(iii) The proposed station location is removed by at least 40 miles from the station location of each other station, other than those of the applicant, authorized on frequencies 30 kc or less removed at the time application is made; and

(iv) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed station and authorized to operate on frequencies 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference will not be caused to the operation of existing stations together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

(6) The power which may be used for operation on these frequencies may not exceed 180 watts plate input power to the final radio frequency stage and the antenna height may not exceed 50 feet above ground level at the antenna location.

(7) Continuous wave (cw) emission only may be employed.

(8) Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

[F. R. Doc. 58-3682; Filed, May 19, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of May A. D. 1958.

Upon consideration of the record in the above-entitled proceeding, of the rules and regulations heretofore prescribed herein, and of the representations filed pursuant to the notice of rule making dated March 4, 1958 (23 F. R. 1796); and

It appearing, that no oral hearing concerning the matter under consideration is deemed necessary, and good cause appearing therefor;

It is ordered, That § 176.3 *Determination of weights*, be and it is hereby revised as hereafter indicated:

1a. In paragraph (a) *Loaded weight, tare weight, and constructive weight*, amend the last sentence of subparagraph (1) and the second subparagraph to read as follows: "Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads."

b. Amend paragraph (a) (2) in its entirety to read as follows:

(2) If no adequate scale is available at origin, at any point en route, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, en route, or at destination without first unloading it or other part loads being carried in the same vehicle.

2. In paragraph (c) *Weight ticket*, amend the form of household goods uniform weight ticket prescribed therein to read as follows:

HOUSEHOLD GOODS UNIFORM WEIGHT TICKET

Date ----------
Name of carrier ----------
Vehicle identification ----------
Name of shipper ----------
Origin of shipment ----------

Destination of shipment ------------------
Gross weight of loaded vehicle without the crew thereon ------ pounds.
Tare weight of vehicle without the crew thereon, including full gasoline tank and all necessary pads, chains, dollies, hand trucks, and other equipment -------- pounds.
Net weight of the shipment ------ pounds.

The above gross and tare weights were obtained at scales—

Gross:

(Name of scales)

(Location)

Tare:

(Name of scales)

(Location)

as shown by attached weight ticket(s) prepared by weighmaster(s).

List of shipments, if any, on vehicle at time above weights were obtained:

Shipper	*Net weight*
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------------------	------------------
------------------	------------------
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I certify the above entries are true and correct.

(Driver's signature)

It is further ordered, That this order shall be effective June 16, 1958, and shall continue in effect until the further order of the Commission; however, supplies of the form of weight ticket heretofore prescribed presently in the hands of carriers may be used;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 558, as amended; 560, as amended, 49 U. S. C. 316, 317)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3748; Filed, May 19, 1958; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

HORN ISLAND NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order reserving certain lands as the Horn Island National Wildlife Refuge (§ 17.3) see Public Land Order 1636 in the Appendix to Title 43, Chapter I, *supra*.

EXPIRATION OF CODIFIED MATERIAL

Notice is hereby given that the following regulations have expired by their own limitations:

PART 31—PACIFIC REGION

SUBPART—DESERT GAME RANGE, NEVADA

HUNTING

Section 31.116 *Hunting of bighorn sheep permitted* (22 F. R. 8455).

SUBPART—FORT PECK GAME RANGE, MONTANA

HUNTING

Section 31.128 *Hunting of elk permitted* (22 F. R. 8876).

SUBPART—MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

HUNTING

Section 31.207 *Hunting of deer permitted* (22 F. R. 7366).
Section 31.208 *Hunting of migratory game birds permitted* (22 F. R. 7691).

PART 32—SOUTHWESTERN REGION

SUBPART—MONTE VISTA NATIONAL WILDLIFE REFUGE, COLORADO

HUNTING

Section 32.110 *Hunting of pheasants and rabbits permitted* (22 F. R. 8005).

PART 35—NORTHEASTERN REGION

SUBPART—MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

HUNTING

Section 35.21 *Hunting of deer permitted* (22 F. R. 7660).

SUBPART—PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

HUNTING

Section 35.81 *Hunting of deer permitted* (22 F. R. 8066).

A. V. TUNISON,
Acting Director,
Bureau of Sport Fisheries and Wildlife.

MAY 14, 1958.

[F. R. Doc. 58-3737; Filed, May 19, 1958; 8:45 a. m.]

PART 36—ALASKA REGION

SUBPART—ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE, ALASKA

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by Commissioner's Order 4 (22 F. R. 8126) and the provisions of § 18.11 of Title 50, Code of Federal Regulations, I have determined that hunting can be permitted on certain islands of the refuge without interfering with the objectives or primary purpose of the Aleutian Islands National Wildlife Refuge. Accordingly, § 36.11 is amended to read as follows:

§ 36.11 *Hunting of designated species permitted.* Subject to compliance with the provisions of Parts 6 and 46 of this chapter, the hunting of designated species of wild animals is permitted on the islands of the Aleutian Islands National Wildlife Refuge, Alaska, as follows:

(a) On Attu, Shemya, Great Sitkin, Unimak, and Adak Islands hunting of ptarmigan and waterfowl is permitted.

(b) On Atka Island the hunting of caribou is permitted.

(c) On Unimak Island brown bear may be hunted by permit only. Upon receipt of written applications addressed to the Refuge Manager, Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska, the Manager may issue, in the order of the receipt of the applications, not to exceed 25 permits in any one fiscal year authorizing the taking of one bear per hunter.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Since the foregoing amendment involves public property, it is exempt from the procedural requirements of section 4 of the Administrative Procedure Act, and it shall become effective immediately (5 U. S. C. 1003).

Issued at Washington, D. C., and dated May 14, 1958.

A. V. TUNISON,
Acting Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 58-3736; Filed, May 19, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

MEASUREMENT OF SUPPORT OF A DEPENDENT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the

Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL O. HARRINGTON,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR (1954) Part 1) are amended by deleting the last two sentences of paragraph (a) (2) (i) of § 1.152-1 and by inserting in lieu thereof the following: "Generally, the amount of an item of support will be the amount of expense incurred by the one furnishing such item. If the item of support furnished an individual is in the form of property or lodging, it will be necessary to measure the amount of such item of support in terms of its fair market value."

[F. R. Doc. 58-3759; Filed, May 19, 1958; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

[Docket No. AO-85-A2]

GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Coachella, California, on October 31, 1957, after notice thereof published in the FEDERAL REGISTER (22 F. R. 8262) on proposed amendment of the marketing agreement, as amended, and to Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Administrator, Agricultural Marketing Service, on March 20, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 58-2189; 23 F. R. 1954). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 58-2189; 23 F. R. 1954) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that Part of Riverside County, California, Situated South and East of White Water, California" and "Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, Situated South and East of the San Gorgonio Pass" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: May 14th, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in Arizona, in Imperial County, California, and in That Part of Riverside County, California, Situated South and East of the San Gorgonio Pass

§ 955.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Coachella, California, on October 31, 1957, upon a proposed amendment of the marketing agreement, as amended, and to Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapefruit covered thereunder.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Delete the provisions of §§ 955.1 through 955.4 and substitute in lieu thereof the following:

§ 955.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 955.2 *Act.* "Act" means Public Law No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 955.3 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 955.4 *Grapefruit.* "Grapefruit" means grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met. When this order becomes effective, the part heading thereof that will appear in Title 7 of the Code of Federal Regulations will be "Part 955—Grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California."

2. Amend the provisions of paragraph (b) of § 955.5 by deleting therefrom the words "the San Gorgonio Pass" and inserting in lieu thereof the words "White Water, California."

3. Delete the provisions of §§ 955.6 through 955.9 and substitute in lieu thereof the following:

§ 955.6 *Producer.* "Producer" means any person engaged in a proprietary capacity in the commercial production of grapefruit.

§ 955.7 *Handler.* "Handler" means any person (except a common or contract carrier of grapefruit owned by another person) who handles grapefruit in fresh form.

§ 955.8 *Handle.* "Handle" means to transport, ship, sell, or in any other way to place grapefruit in the current of commerce between the State of California and any point outside thereof, or between the State of Arizona and any point outside thereof.

§ 955.9 *Carton.* "Carton" means either standard container No. 58 or standard container No. 59 as described in section 828.23 of the Agricultural Code of California, as amended, having a capacity of approximately 32 pounds of grapefruit, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

4. Delete the provisions of § 955.11 and substitute in lieu thereof the following:

§ 955.11 *Variety.* "Variety" or "varieties" means either or both of the following classifications or groupings of grapefruit: (a) White seeded grapefruit, and white seedless grapefruit, and (b) pink or red seeded grapefruit, and pink or red seedless grapefruit.

5. Delete the provisions of §§ 955.20 through 955.22 and substitute in lieu thereof the following:

§ 955.20 *Establishment and membership.* (a) An Administrative Committee, consisting of the number of members prescribed in paragraph (c) of this section, is hereby established for the 1958–59 fiscal period and for each fiscal period thereafter. There shall be an alternate member for each member of the committee, who shall have the same qualifications as the member. Each such member and alternate member shall be a producer.

(b) The members and alternate members shall hold office for a period of one year commencing on the first day of August and continuing for one year, or until their successors are selected and have qualified. The members, alternate members, and their respective successors shall be nominated by producers and shall be selected by the Secretary, as provided in §§ 955.21 and 955.22.

(c) Each district shall be represented on the committee by one member for each million cartons, or fraction thereof, of production of grapefruit in such district during the fiscal period preceding the date on which the nomination meetings for members and alternate members are held: *Provided,* That no district shall be represented by more than three members, regardless of the production of grapefruit in such district. If production in any district during such fiscal period is less than for the preceding fiscal period by 25 percent or more, the average production during the three fiscal periods preceding such nomination meetings shall be used to determine the representation from such district.

§ 955.21 *Nomination.* (a) The Secretary shall cause to be held each year a meeting or meetings of the producers in each of the several districts for the purpose of making nominations for members and alternate members of the Administrative Committee.

(b) In those districts entitled to two members on the Administrative Committee, one nominee for member and one nominee for alternate member shall be affiliated with a cooperative marketing organization, and one nominee for member and one nominee for alternate member shall not be affiliated with a cooperative marketing organization.

(c) In those districts entitled to one member on the Administrative Committee, the nominees for member and alternate member shall, in odd numbered years, be affiliated with a cooperative marketing organization, and the nominees for member and alternate member shall, in even numbered years, not be affiliated with a cooperative marketing organization.

(d) In those districts entitled to three members on the Administrative Committee, two nominees for members and two nominees for alternate members shall, in even numbered years, be affiliated with a cooperative marketing organization, and two nominees for members and two nominees for alternate members shall, in odd numbered years, not be affiliated with a cooperative marketing organization.

(e) Not more than one nominee for member and not more than one nominee for alternate member of the Administrative Committee from each district may be affiliated with the same packing house.

(f) Only producers affiliated with cooperative marketing organizations may elect the nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect the nominees not so affiliated. At least one nominee shall be elected for each member and alternate member position to be filled. If nominations are not made by a particular group of producers in a district, as provided in this section, the producers of the other group may make nominations for all the positions to be filled in such district and, in such event, any limitations as to the affiliation of the nominees shall not apply.

(g) The committee may, with the approval of the Secretary, change the representation on the committee with respect to the number of nominees affiliated with cooperative marketing organizations and those not affiliated with cooperative marketing organizations in the event there is a substantial change in the number of producers affiliated with cooperative marketing organizations in any district.

(h) In voting for nominees each producer shall be entitled to vote in only one district, regardless of the number of districts in which he is producing grapefruit. Each vote shall be cast on behalf of himself, his agents, partners, subsidiaries, affiliates, and representatives. Producers who are affiliated with cooperative marketing organizations may cast one vote for each of the nominees, from the district in which the producers are producing grapefruit, who are affiliated with cooperative marketing organizations. Producers who are not affiliated with cooperative marketing organizations may cast one vote for each of the nominees, from the district in which the producers are producing grapefruit who are not affiliated with cooperative marketing organizations.

(i) Nominations shall be submitted to the Secretary on or before July 1 each year.

§ 955.22 *Selection.* From the nominations made pursuant to § 955.21, or from other qualified producers, the Secretary shall select the members and alternate members from each district. If a district is represented by two members, the Secretary shall select one member and one alternate member who are affiliated with cooperative marketing organizations and one member and one alternate member who are not affiliated with cooperative marketing organizations. If a district is represented by one member, the Secretary shall, in odd numbered years, select a member and an alternate member who are affiliated with cooperative marketing organizations, and, in even numbered years, select a member and an alternate member who are not affiliated with cooperative marketing organizations. If a district is represented by three members, the Secretary shall, in even numbered years, select two members and two alternate members who are affiliated with cooperative marketing organizations, and, in odd numbered years, select two members and two alternate members who are not affiliated with cooperative marketing organizations. In the event nominations are not made in accordance with the provisions of paragraphs (b), (c), and (d) of § 955.21, the Secretary may select the members and alternate members without regard to their affiliation.

6. Delete from § 955.23 the reference to "§ 955.21 (e)" and substitute in lieu thereof "§ 955.21 (i)."

7. Delete the provisions of paragraphs (h) and (i) of § 955.28 and substitute in lieu thereof the following:

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part; and

(i) To investigate the growing, handling and marketing conditions with respect to grapefruit and to assemble data in connection therewith.

8. Delete the provisions of paragraphs (a), (b), and (d) of § 955.31 and substitute in lieu thereof the following:

§ 955.31 *Procedure.* (a) Three-fourths of the members of the Administrative Committee shall be necessary to constitute a quorum of the committee.

(b) For any decision of the Administrative Committee to be valid, three-fourths of the members of the Administrative Committee must cast a concurring vote. At all assembled meetings each vote must be cast in person.

* * * * *

(d) Except at an assembled meeting, the Administrative Committee may vote by telephone, telegraph, or other means, and any such vote so cast shall be confirmed promptly in writing.

9. Delete the provisions of § 955.41 and substitute in lieu thereof the following:

§ 955.41 *Assessments.* (a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the said committee for its maintenance and functioning during each fiscal period. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of grapefruit handled by him as the first handler thereof, during the applicable fiscal period, and the total quantity of grapefruit so handled by all handlers during the same fiscal period.

(b) The Secretary shall fix the rate of assessment to be paid by handlers. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Administrative Committee. Any such increase shall be applied to all grapefruit handled during the given fiscal period. In order to provide funds to carry out the functions of the Administrative Committee, handlers may make advance payment of assessments.

(c) The payment of assessments for the maintenance and functioning of the Administrative Committee may be required under this part throughout the period it is in effect, irrespective of whether regulations are established by the Secretary, or whether particular provisions thereof are suspended or become inoperative.

10. Re-letter paragraph (b) of § 955.42 as paragraph (c) and insert a new paragraph (b) as follows:

(b) Notwithstanding the provisions of paragraph (a) of this section, the Administrative Committee may, with the approval of the Secretary, establish an operating reserve from funds remaining at the end of a fiscal period, which are in excess of expenses incurred during such period. Such operating reserve shall be accumulated over such period of time as the committee determines is fair and equitable to all handlers and shall not exceed an amount in excess of the preceding year's budget. The reserve shall be managed as a revolving fund and the credits and refunds provided in paragraph (a) of this section deferred until such time as the reserve reaches the amount prescribed by the committee.

11. Delete the provisions of paragraph (a) of § 955.51 and substitute in lieu thereof the following:

(a) It shall be the duty of the Administrative Committee to investigate the supply and demand conditions for grades and sizes of the varieties of grapefruit. Whenever the committee finds that such conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes thereof deemed advisable by it to be handled during such period, and any such recommendation may include a proposal that the handling of such variety in export, including Canada, shall be limited to sizes different from the proposed size limitation applicable to the handling of the same variety in interstate commerce. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

12. Delete the words "shipment" and "fruit" wherever they appear in §§ 955.50 and 955.52 and in paragraph (b) of §§ 955.51 and 955.53 and substitute in lieu thereof the words "handling" and "grapefruit," respectively.

13. Delete the provisions of paragraph (a) of § 955.53 and substitute in lieu thereof the following:

§ 955.53 *Issuance of regulations.* (a) Whenever the Secretary shall find, from the recommendation and information submitted by the Administrative Committee or from other available information, that to limit the handling of any variety or varieties of grapefruit to particular grades and sizes thereof would tend to effectuate the declared policy of the act, he shall so limit the handling of such variety or varieties during a specified period; and any such regulation may provide that shipments of any such variety or varieties in export, including Canada, shall be limited to sizes different from the limitation applicable to the handling of the same variety or varieties in interstate commerce. The Administrative Committee shall be informed immediately of any such regulation issued by the Secretary, and the said committee shall promptly give adequate notice thereof to handlers.

14. Delete the provisions of § 955.55 and substitute in lieu thereof the following:

§ 955.55 *Inspection and certification.* (a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to § 955.53, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Federal or Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to a handler who handles any lot which has been so inspected and a copy of such inspection certificate has been submitted to the Administrative Committee.

(b) The Administrative Committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

15. Delete from § 955.60 the words "standard box" and substitute in lieu thereof the word "carton".

16. Delete the words "fruit" and "shipped" wherever they appear in §§ 955.61 and 955.74 and substitute in lieu thereof the words "grapefruit" and "handled," respectively.

17. Delete the provisions of § 955.70 and substitute in lieu thereof the following:

§ 955.70 *Grapefruit not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle grapefruit (a) by express, parcel post, or common or contract carrier in units of five cartons or less; (b) for consumption by charitable institutions or distribution by relief agencies; (c) for conversion into by-products; or (d) directly to a destination in Mexico. No assessment shall be levied on grapefruit handled under the exemptions provided in this section. The committee may prescribe adequate safeguards to prevent grapefruit handled for the purposes designated in this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-products" as used in this section includes all processed and manufactured products of grapefruit, including canned or bottled grapefruit or grapefruit juices.

18. Delete the provisions of § 955.71 and substitute in lieu thereof the following:

§ 955.71 *Compliance.* Except as provided in this subpart, no handler shall handle any variety of grapefruit, the handling of which has been prohibited by the Secretary in accordance with the provisions of this subpart; and no handler shall handle any variety of grapefruit except in conformity with the provisions of this subpart.

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1956, through July 31, 1957 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, in the production of grapefruit for market, to ascertain whether such producers favor the issuance of an order amending Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the aforesaid production area, which amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Warren C. Noland, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 1005, 1031 South Broadway, Los Angeles, California, is hereby designated agent of the Secretary to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 55, of the aforesaid referendum procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said office, or from any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: May 14, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3774; Filed, May 19, 1958; 8:54 a. m.]

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

FINALITY OF SALES

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that it is proposed to amend § 201.55 (9 CFR 201.55) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), by designating the text of present § 201.55 of the regulations as paragraph "(a)" and by adding thereto a new paragraph "(b)" reading as follows:

(b) *Finality of sales.* In any sale transaction subject to the provisions of the act, in the absence of fraud, deceit or misrepresentation, and, unless it is expressly agreed between the parties that purchase of livestock is subject to post mortem inspection or other express terms and conditions, the sale shall be final after the price is agreed upon and the weight determined. Settlement therefor shall be upon the basis of the purchase price agreed upon, and the sale and purchase shall be binding on the parties, without regard to the results of post mortem inspection.

The purpose of the proposed amendment is to establish a uniform rule concerning the finality of sales at all stockyards posted under the Packers and Stockyards Act.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3768; Filed, May 19, 1958; 8:53 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

EVAPORATED MILK INDUSTRY

MINIMUM WAGE DETERMINATIONS; PUBLIC HEARING

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036, as amended; 41 U. S. C. 35-45), known as the Walsh-Healey Public Contracts Act.

For purposes of this hearing the Evaporated Milk Industry is defined as that industry which manufactures or furnishes evaporated milk.

Now, therefore, notice is hereby given that a public hearing will be held on June 12, 1958, at 10 a. m. in Room No. 2203, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing interested persons may appear and submit evidence, views and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limitation for such areas) should be determined for this industry, and (4) whether there should be included in any determination for this industry provision for the employment of probationary workers at wages lower than the prevailing minimum wages, and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data as of September 1957 for this industry have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested persons upon request. Data collected in the Department of Labor for use in preparing its monthly series on "Earnings and Hours" showing the movement of average hourly earnings in this industry subsequent to September, 1957, will be prepared for consideration at the hearing on the question of what changes have occurred in the prevailing minimum wages in this industry since September 1957 to the date of hearing.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it shall be received in evidence.

To the extent possible, evidence with respect to the subjects and issues involved constituting the testimony of each witness or the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant by plant basis and state (1) (a) the number and location of establishments in the industry, to which the testimony of such witness or such written statement is applicable, (b) the number of workers employed in each such establishment, (c) the minimum rates paid to covered workers and the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to probationary workers in each such establishment, the scale of wages paid during the probationary periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the geographic area or areas of competition within this industry; and (3) the changes in the minimum wages since September, 1957, for persons employed in this industry.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C (41 CFR Part 203).

Signed at Washington, D. C., this 14th day of May 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3760; Filed, May 19, 1958; 8:51 a. m.]

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

WOMEN'S APPAREL DIVISION OF APPAREL INDUSTRY

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations for the employment of learners in the apparel industry at wages lower than the wage applicable under section 6 of the Act (52 Stat. 1062, as amended; 29 U. S. C. 206) which are published in Title 29, Code of Federal Regulations, Part 522, § 522.24.

These regulations, as they apply to the women's apparel division, have been reexamined in the light of recent changes in wage levels and experience gained in their administration. All relevant information presently available indicates that it is necessary to increase the special minimum rates presently authorized for learner occupations in the women's apparel division of the apparel industry from 80 cents and 85 cents an hour to 85 cents and 90 cents an hour, respectively.

Accordingly, notice is hereby given in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, that I propose to amend Title 29, Code of Federal Regulations, Part 522, § 522.24, as indicated below:

1. Amend subparagraph (1) of paragraph (a) to read as follows:

(1) Not less than 85 cents per hour for the first 320 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry as defined in § 522.21 (a).

2. Amend subparagraph (3) of paragraph (a) to read as follows:

(3) An experienced worker in any of the occupations shown in § 522.23 (a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph, having such a 480-hour maximum period, shall be paid at wage rates not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry, as defined in § 522.21 (a); and at wage rates not less than 75 cents per hour for the first 160 hours and not less than 80 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

3. Amend subparagraph (1) of paragraph (b) to read as follows:

(1) Not less than 90 cents per hour, if employed in the Women's Apparel Division of the Apparel Industry as defined in § 522.21 (a).

4. Amend paragraph (c) to read as follows:

(c) A learner employed in any occupation for which a 160-hour learning period is authorized in § 522.23 (a) shall be paid not less than 85 cents per hour if employed in the Women's Apparel Diviison, as defined in § 522.21 (a), and not less than 75 cents per hour if employed in any of the divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Acting Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within fifteen days of the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3761; Filed, May 19, 1958; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCES FOR RESIDUES OF TOTAL COMBINED BROMINE IN OR ON CHERRIES AND PLUMS AFTER FUMIGATION WITH ETHYLENE DIBROMIDE

The Oregon State Department of Agriculture and Oregon State College have requested that action be taken to permit the use of ethylene dibromide as a fumigant on cherries.

Oregon State College has furnished data indicating that residues from the use of ethylene dibromide as a fumigant to control the cherry fruit fly include both inorganic and organic bromide compounds and do not exceed 25 parts per million of total combined bromine. Such residues on cherries will not constitute a hazard to man.

Data now available indicate the probability that small amounts of ethylene dibromide will be present on fumigated plums at the time of shipment. Accordingly, a tolerance should also be established of 25 parts per million for residues of total combined bromine on plums instead of the present tolerance of 20 parts per million for residues of inorganic bromides. Such residues on plums will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U. S. C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120, 146 (23 F. R. 1736)) be amended as indicated below:

§ 120.146 *Tolerances for residues of inorganic bromides or total combined bromine resulting from fumigation with ethylene dibromide*—(a) *Tolerances for inorganic bromide residues.* (1) Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(2) Tolerances of 10 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U. S. Department of Agriculture: Beans (string), bitter melons (Mormodica charantia), cantaloups, Cavendish bananas, citrus fruits, cucumbers, guavas, litchi fruit, litchi nuts, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

(b) *Tolerances for total combined bromine residues.* Tolerances of 25 parts per million are established for residues of total combined bromine (which include bromine from both inorganic and organic compounds, resulting from fumigation with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program, the Quarantine Program of the U. S. Department of Agriculture, or to meet State quarantine requirements) in or on cherries, plums (fresh prunes).

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing ethylene dibromide may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: May 12, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3757; Filed, May 19, 1958; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 50]

[File No. 21-163]

TRADE PRACTICE RULES FOR CUT AND WIRE TACK INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

In the matter of proposed trade practice rules for the Cut and Wire Tack Industry to supersede trade practice rules for the Cut Tack, Cut Nail, and Staple Industry (16 CFR Part 50).

The Federal Trade Commission has released for public hearing proposed trade practice rules for the "Cut and Wire Tack Industry." These rules are being proposed as an amendment and revision of trade practice rules which were promulgated by the Commission on August 31, 1931, under the title of "Cut and Wire Tack, Small Cut Nail and Staple Industry" and which appear in the Code of Federal Regulations (16 CFR Part 50) under the title "Cut Tack, Cut Nail, and Staple Industry." All interested or affected parties are hereby notified that a hearing on such proposed rules will be held in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., commencing at 10 a. m., e. d. t., June 2, 1958. Opportunity will be afforded at such hearing for all industry members and other interested parties, including consumers, to express their objections, if any, to the proposed limitation of coverage of the rules to cut and wire tacks, and their views, suggestions, or objections to the proposed rules or any of the provisions thereof. Industry members may also present their views concerning the desirability of an industry trade practice committee provision in the form appended to the proposed rules for the industry. Such views, suggestions, or objections may also be submitted by letter, memorandum, brief, or other communication, filed with the Commission not later than June 2, 1958. Copies of the proposed rules may be obtained upon request to the Commission. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action.

The industry for which these rules are proposed is composed of persons, firms, corporations, and organizations engaged in the manufacture, importation, sale, offering for sale, or distribution of cut tacks and wire tacks. Thumb tacks are not included.

Proceedings to revise the existing trade practice rules for this industry were instituted by the Commission upon application from manufacturers of cut and wire tacks. The announced hearing constitutes the first step in the proceedings.

Issued: May 15, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3746; Filed, May 19, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SF-93680]

CALIFORNIA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

MAY 12, 1958.

1. Pursuant to the following vacation order of the Federal Power Commission and in accordance with the authority delegated to me by the California State Supervisor, Bureau of Land Management, Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), the public lands within the areas described are hereby restored to disposition under the applicable public land laws from the withdrawal for Federal Power Project named, subject to valid existing rights and the provisions of existing withdrawals:

Order of the Federal Power Commission dated April 8, 1947, vacating the withdrawal of May 5, 1922, for the Federal Power Project No. 30:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 N., R. 23 E.,
Sec. 10, SW¼SW¼;
Sec. 15, W½W½;
Sec. 22, E½NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 26, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 36, Lot 3, S½NE¼, NW¼, SE¼.
T. 6 N., R 24 E.,
Sec. 2, Lots 1, 2, 3, and 4;
Sec. 3, Lots 1, 2, 5, SW¼NE¼, SE¼;
Sec. 11, Lots 1, 2, 3, 4, W½W½;
Sec. 14, Lots 1, 2, 3, 4, W½NW¼, SE¼NW¼, SE¼SW¼, SE¼;
Sec. 23, Lots 1, 2, 3, NE¼, E½W½;
Sec. 24, Lots 1, 2, 3, 4, and 5;
Sec. 26, Lots 1, 2, SW¼NE¼, E½NW¼, SE¼;
Sec. 36, Lots 1, 2, 3, SW¼NE¼, NW¼, S½.
T. 7 N., R. 24 E.,
Sec. 6, Lots 1 to 8 inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, Lots 1, 2, W½NE¼, N½SE¼;
Sec. 15, Lot 1;
Sec. 16, 1, 2, 3, 4, W½NE¼, NW¼;
Sec. 22, Lots 1, 2, 3, 4, W¼SW¼;
Sec. 27, Lots 1, 2, 3, 4, 5, 6, NW¼, N½SW¼, SW¼SW¼;
Sec. 28, E½NE¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 34, Lots 1, 2, 3, 4, 5, SW¼SW¼.
T. 8 N., R. 24 E.,
Sec. 31, All unsurveyed.
T. 4 N., R. 25 E.,
Sec. 5, Lots 1, 3, 4, 5, 6, 7, SW¼NW¼, W½SW¼;
Sec. 6, Lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, All;
Sec. 8, Lots 1, 2, 3, 4, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 14, Lots 1, 2, 3, 4, 5, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 15, Lots 1, 2, 3, 4, S½NE¼, S½NW¼, S½;
Sec. 16, Lots 1, 2, 3, 4, SE¼NE¼, S½;
Sec. 17, Lots 1, NW¼NE¼, S½NE¼, NW¼, SE¼;
Sec. 22, NE¼;
Sec. 23, Lots 1, and 2, S½NE¼, NW¼, S½;
Sec. 24, Lots 1, 2, 3, 4, 5, SE¼NW¼, S½.
T. 5 N., R. 25 E.,
Sec. 6, Lots 1, 2, 3, 4, 5, S½NW¼, SW¼;
Sec. 7, Lots 1, 2, 3, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 8, Lot 1;
Sec. 17, Lots 1, 2, 3, 4, W½SW¼;
Sec. 18, All;
Sec. 19, All;
Sec. 20, Lots 1, 2, 3, 4, W½NW¼, SW¼;
Sec. 29, Lots 1, 2, 3, 4, NW¼, E½SW¼;
Sec. 30, All;
Sec. 31, N½, SW¼, W½SE¼;
Sec. 32, Lots 1, 2, 3, 4, E½NW¼.
T. 6 N., R. 25E.,
Sec. 31, Lots 1, 2, 3, W½SW¼, SE¼SW¼.
T. 3 N., R. 26 E.,
Sec. 3, Lots 6, 7, 8, 9, SW¼SW¼;
Sec. 4, Lots 6, 7, 8, 9, 10, SW¼NE¼, S½NW¼, NE¼;
Sec. 10, Lots 3 and 4, SW¼NE¼, NW¼, (SE¼);
Sec. 11, Lots 6, 7, 8 and 9, S½SW¼, S½SE¼;
Sec. 12, Lots 5, 6, 7, 8 and 9, S½SW¼;
Sec. 13, All;
Sec. 14, N½.
T. 4 N., R. 26 E.,
Sec. 19, Lots 1, 2, 3;
Sec. 30, Lots 1, 2, 3, 4, 5, W½;
Sec. 31, Lots 1, 2, 3, 4, 5, SE¼NE¼, W½NE¼, E½W½, SE¼;
Sec. 32, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 33, Lots 1, 2, 3, 4, 5, 6, W½SW¼, SE¼SW¼.
T. 2 N., R. 27 E.,
Sec. 3, Lots 1, 2, 3, 4;
Sec. 4, All;
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 9, All.
T. 2 N., R. 27 E.,
Sec. 10, Lots 1, 2, 3, 4;
Sec. 15, Lots 1, 2, 3, NW¼NW¼;
Sec. 16, Lots 1, 2, 3, 4, NE¼NE¼, W½NE¼, NW¼;
Sec. 17, Lots 1, 2, 3, 4, N½NE¼, NW¼, W½SW¼, SE¼SW¼;
Sec. 18, All;
Sec. 19, Lots 1, 2, 3, NE¼NE¼, W½NE¼, NW¼, SW¼, NW¼SE¼;
Sec. 20, Lots 1, 2;
Sec. 30, Lots 1, 2.
T. 3 N., R. 27 E.,
Sec. 7, Lot 1;
Sec. 17, Lots 1, 2;
Sec. 18, Lots 1, 2, 3, 4, 5, 6, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 19, All;
Sec. 20, Lots 1, 2, 3, 4, 5, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 28, Lots 1, 2;
Sec. 29, Lots 1, 2, 3, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, Lots 1, 2, 3, 4, SW¼NE¼, SE¼NW¼, W½NW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 34, Lots 1, 2.

The areas described totals approximately 31,452 acres of public and private lands in San Bernardino County.

2. The following described parcel is classified as suitable for exchange to the State of California in aid of a Federal Land Program and this opening is limited to the disposition contemplated by this classification:

T. 7 N., R. 24 E.,
Sec. 8, Lot 1, 2, W½NE¼, N½SE¼.

3. The above described lands extend along the west side of the Colorado River from the vicinity of Needles southeasterly to the vicinity of Parker Dam, a distance of about 50 miles. Most of the lands are included in the Havasu National Wildlife Refuge, the Chemehuevi Valley Indian Reservation and First Form Reclamation Withdrawals which are not restored by the provision of this order. The land is characterized by steep topography, poor soils and low rainfall. Scattered annual forbs provide a very limited amount of grazing in the spring of favorable years. Summertime temperatures average from 90° to 130° and winter low temperatures vary from 50° to 15°. Drying winds of gale force are prevalent.

4. No application for unreserved lands which are listed below, will be allowed under the homestead, desert land, small tract, or any other non-mineral public

land laws, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

T. 8 N., R. 23 E.,
  Sec. 15, W½SW¼;
  Sec. 22, SE¼NW¼, E½SW¼, W½SE¼;
  Sec. 26, SW¼NW¼, SW¼SE¼.
T. 6 N., R. 24 E.,
  Sec. 3, Lot 1, 2;
  Sec. 14, SW¼SE¼;
  Sec. 23, NW¼NE¼.

5. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with the provisions of the Act of May 28, 1948 (62 Stat. 275).

6. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under non-mineral public land laws and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowances and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m., local time, on June 15, 1958, and, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on September 14, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., local time, on September 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws.

7. Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

RAY BROWN,
Acting Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-3739; Filed, May 19, 1958; 8:46 a. m.]

[Montana 022071]

MONTANA

RESTORATION AND OPENING ORDER UNDER FEDERAL POWER ACT

MAY 12, 1958.

In DA-145, 146, of the Federal Power Commission, issued December 2, 1955, the Commission determined that the value of the following-described lands classified for power purposes in Power Site Classification No. 276, would not be injured or destroyed for the purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act.

MONTANA PRINCIPAL MERIDIAN

T. 28 N., R. 9 W.,
  Sec. 3: Lots 6, 7 and 9;
  Sec. 8: Lot 9;
  Sec. 9: Lots 4, 5, 6 and 7; SE¼NE¼;
  Sec. 18: Lots 8, 9, 10, 12 and 13.
T. 29 N., R. 9 W.,
  Sec. 34: Lots 4 and 5;
  Sec. 35: Lots 11, 12, 13, 14; SW¼SW¼, NW¼SE¼;
  Sec. 36: Lots 1, 2 and 4.
T. 28 N., R. 10 W.,
  Sec. 23: Lots 6, 7, 8, 9, 10 and 11; SE¼SW¼;
  Sec. 24: Lots 3, 9 and 12.

The areas described aggregate 1127.55 acres.

The lands produce grass and forage that is used for support of livestock and wildlife. They support scattered, open stands of Douglas Fir with an under story of bunch grasses and browse. The topography varies from rolling lands to rough and steep mountains. The lands are suited for multiple use purposes such as grazing and watershed protection.

In accordance with the authority delegated by Order No. 541, section 2.5, of the Director, Bureau of Land Management, of April 21, 1954, it is ordered as follows:

1. With respect to lots 8, 9, 10, 12 and 13, Sec. 18, T. 28 N., R. 9 W., this opening is made in furtherance of an exchange under sec. 8 of the act of June 28, 1934, as amended by sec. 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. As to such lands, therefore, this opening is not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

2. The remaining lands shall be subject to application by the State of Montana for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER, for rights-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act (supra).

3. No application for the remaining lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights, the requirements of applicable law, and the provisions of section 24 of the Federal Power Act of June 10, 1920 (supra), the remaining lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on June 17, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September 16, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on September 16, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands have been open to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682) and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the State Supervisor, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-3740; Filed, May 19, 1958; 8:46 a. m.]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

ADDRESSES OF INSTALLATIONS AND JURISDICTIONAL AREAS OF DISTRICT OFFICES

The Veterans Administration statement of organization (21 F. R. 3812 and 22 F. R. 3996) is amended as follows:

Section 4 is revised to read as follows (in paragraph (a) changes have been made only in the following: California, District of Columbia, Florida, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Virginia, Washington, and Wisconsin):

SEC. 4. *Addresses of Veterans Administration installations and jurisdictional areas of district offices*—(a) *Addresses of Veterans Administration installations.* This is a guide to the location of Veterans Administration field stations in each State (also Alaska, Canal Zone, Hawaii, Philippines, and Puerto Rico) where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices, and centers having regional office activities, are listed with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having medical activities are preceded by an asterisk.

Type of activity and location	*Address*
ALABAMA	
Regional Office, Montgomery 4	400 Lee Street.
VA Office, Birmingham 3	1724 Third Avenue North.
VA Office, Decatur	201 Gordon Drive.
VA Office, Gadsden	King Building, 524 Chestnut Street.
VA Office, Mobile 10	U. S. Court House and Customs House.
Hospital, Birmingham 3	Veterans Administration Hospital.
Hospital, Montgomery 10	Perry Hill Road.
Hospital, Tuscaloosa	Veterans Administration Hospital.
Hospital, Tuskegee	Veterans Administration Hospital.
ALASKA	
Regional Office, Juneau	Goldstein Building.
VA Office, Anchorage	P. O. Box 1399, Federal Building.
VA Office, Fairbanks	P. O. Box 869, Federal Building.
VA Office, Ketchikan	P. O. Box 2621, Federal Building.
ARIZONA	
Regional Office, Phoenix	Ellis Building, 137 North Second Avenue.
VA Office, Tucson	Greenway Station.
VA Office, Yuma	Post Office Building.
Hospital, Phoenix	Seventh Street and Indian School Road.
Hospital, Tucson	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Whipple.	Veterans Administration Center.
ARKANSAS	
Regional Office, Little Rock	555 Building, 211 Broadway.
VA Office, Batesville	Post Office Building.
VA Office, El Dorado	Federal Building.
VA Office, Forrest City	Post Office Building.
VA Office, Fort Smith	Post Office Building.
VA Office, Harrison	Seville Hotel.
VA Office, Jonesboro	Jonesboro Clinic Building.
VA Office, Pine Bluff	203½ West Fifth Street.
VA Office, Texarkana	Post Office Building, Fifth and State Line.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Little Rock	300 East Roosevelt Road.
Hospital, North Little Rock	Veterans Administration Hospital.
CALIFORNIA	
Regional Office, Los Angeles 25	Manager's Office: 1031 South Broadway. Mail: 1380 South Sepulveda Boulevard.
VA Office, Bakersfield	1100 Golden State Highway.
VA Office, Las Vegas, Nev	120 South Third Street (P. O. Box 1751).
VA Office, Long Beach	Post Office Building, Third and American Avenues.
VA Office, Pasadena	137 North Marengo Avenue.
VA Office, San Bernardino	1120 North "E" Street.
VA Office, *San Diego 1	2131 Third Avenue.
VA Office, San Luis Obispo	864 Santa Rosa Street (P. O. Box 207).
Regional Office, San Francisco 3	49 Fourth Street.
VA Office, Fresno 21	Room 8, Post Office Building.
VA Office, *Oakland 12	1305 Franklin Street.
VA Office, Sacramento 14	921 Tenth Street.
VA Office, San Jose 10	192 St. Augustine Street.
VA Office, Stockton 2	142 North California Street.
Hospital, Fresno	2615 Clinton Avenue.
Hospital, Livermore	Veterans Administration Hospital.
Hospital, Long Beach	5901 Seventh Street.
Center (Hospital and Domiciliary), Los Angeles 25.	Sawtelle and Wilshire Boulevards.
Hospital, Oakland 12	13th and Harrison Streets.
Hospital, Palo Alto	Veterans Administration Hospital.
Hospital, San Fernando	Veterans Administration Hospital.
Hospital, San Francisco 21	Forty-second Avenue and Clement Street.
Hospital, Sepulveda	Veterans Administration Hospital.
CANAL ZONE	
Veterans Administration Office, Balboa.	Balboa Clubhouse. Mail: P. O. Box 3672.
COLORADO	
Center (Regional Office and District Office), Denver 2.	Denver Federal Center.
VA Office, Boulder	1245 Pearl Street.
VA Office, Colorado Springs	121 East Pikes Peak Avenue.
VA Office, Pueblo	Federal Building.
Hospital, Denver 20	1055 Clermont Street.
Hospital, Fort Lyon	Veterans Administration Hospital.
Hospital, Grand Junction	Veterans Administration Hospital.
CONNECTICUT	
Regional Office, Hartford 4	95 Pearl Street.
VA Office, *Bridgeport 3	355 Fairfield Avenue.
VA Office, New Haven 11	294 Cedar Street.
VA Office, Waterbury	111 Grand Street.

CONNECTICUT—continued

Type of activity and location	*Address*
Hospital, Newington 11	Veterans Administration Hospital.
Hospital, West Haven 16	West Spring Street.
DELAWARE	
Regional Office, Wilmington (No VA Office).	Dravo Building.
Hospital, Wilmington	Veterans Administration Hospital.
DISTRICT OF COLUMBIA	
Hospital, Washington 7	2650 Wisconsin Avenue NW.
Veterans Benefits Office, Washington 25.	Munitions Building.
FLORIDA	
Regional Office, St. Petersburg	P. O. Box 1437.
VA Office, Fort Lauderdale	Radio Center Building, 100 East Las Olas Boulevard.
VA Office, Fort Pierce	118 Arcade Building.
VA Office, Gainesville	212 Southeast First Street.
VA Office, *Jacksonville 1	Haverty Building, 317 Main Street.
VA Office, Key West	P. O. Box 609, Room 104, Post Office Building.
VA Office, Lakeland	Broderick Building.
VA Office, Marianna	Corner Estes and Lafayette Streets.
VA Office, *Miami 10	3300 Northeast Second Avenue.
VA Office, Orlando	Federal Office Building.
VA Office, Pensacola	25 East Wright Street.
VA Office, Tallahassee	115 South Adams Street.
VA Office, Tampa 2	106 East Cass Street.
VA Office, West Palm Beach	712 Comeau Building.
Center (Hospital and Domiciliary), Bay Pines.	Veterans Administration Center.
Hospital, Coral Gables	Veterans Administration Hospital.
Hospital, Lake City	Veterans Administration Hospital.
GEORGIA	
Regional Office, Atlanta 8	441–449 West Peachtree Street NE.
VA Office, Albany	509 Citizens and Southern Bank Building, 100 North Washington Street.
VA Office, Athens	Room 306, New Post Office Building.
VA Office, Augusta	217 Masonic Building, 801 Broad Street.
VA Office, Brunswick	302½ Gloucester Street.
VA Office, Columbus	413 Flowers Building, 1204 First Avenue.
VA Office, Macon	220 Southern United Building, 407 Cherry Street.
VA Office, Rome	Room 205, West Building.
VA Office, *Savannah	35 Bull Street.
VA Office, Valdosta	601 North Toombs Street.
Hospital, Atlanta 19	4158 Peachtree Road NE.
Hospital, Augusta	Veterans Administration Hospital.
Hospital, Dublin	Veterans Administration Hospital.
Domiciliary, Thomasville	Veterans Administration Domiciliary.
HAWAII	
Regional Office, Honolulu 1	P. O. Box 3198.
VA Office, Hilo, Hawaii	P. O. Box 1779 (Post Office Building).
IDAHO	
Center (Hospital and Regional Office), Boise.	Fifth and Fort Streets.
VA Office, Coeur d'Alene	214 North Third Street.
VA Office, Idaho Falls	Post Office Building.
VA Office, Moscow	125 West Third Street.
VA Office, Pocatello	424 West Center Street.
VA Office, Twin Falls	249 Main Avenue East.

ILLINOIS

Type of activity and location	*Address*
Regional Office, Chicago 12	2030 West Taylor Street.
VA Office, Champaign	607 South Neil Street.
VA Office, East St. Louis	435 Missouri Avenue.
VA Office, Gary, Ind	Gerometta Building, 301 East Fifth Avenue.
VA Office, Moline	1630 Fifth Avenue.
VA Office, Peoria	Central National Bank Building, Main and Adams.
VA Office, Rockford	312 South Main Street.
VA Office, Springfield	U. S. Post Office Building.
Hospital, Chicago 11	333 East Huron Street (Veterans Administration Research Hospital).
Hospital, Chicago 12	820 South Damon Avenue (Veterans Administration (West Side) Hospital).
Hospital, Danville	Veterans Administration Hospital.
Hospital, Downey	Veterans Administration Hospital.
Hospital, Dwight	Veterans Administration Hospital.
Hospital, Hines	Veterans Administration Hospital (Edward Hines, Jr., Hospital).
Hospital, Marion	Veterans Administration Hospital.
INDIANA	
Regional Office, Indianapolis 9	36 South Pennsylvania Street.
VA Office, Evansville	206 Main Street.
VA Office, Fort Wayne 2	Post Office Building.
VA Office, Gary	(See Regional Office, Chicago.)
VA Office, Muncie	105 West Main Street.
VA Office, New Albany	304½ Pearl Street.
VA Office, South Bend 2	224 West Jefferson Boulevard.
VA Office, Terre Haute	Post Office Building.
Hospital, Fort Wayne 3	1600 Randalia Drive.
Hospital, Indianapolis 7	1481 West 10th Street.
Tenth Street Hospital Division	Mail: 1481 West 10th Street, Indianapolis 7.
Cold Spring Road Hospital Division.	Mail: 1481 West 10th Street, Indianapolis 7
Hospital, Marion	Veterans Administration Hospital.
IOWA	
Center (Regional Office and Hospital), Des Moines 8.	Veterans Administration Center.
VA Office, Cedar Rapids	Room 309, Federal Building.
VA Office, Mason City	Room 313, Post Office Building.
VA Office, Sioux City	Room 228, Federal Building.
VA Office, Waterloo	Room 322, Post Office Building.
Hospital, Iowa City	Veterans Administration Hospital.
Hospital, Knoxville	Veterans Administration Hospital.
Domiciliary, Clinton	Veterans Administration Domiciliary.
KANSAS	
Center (Regional Office and Hospital), Wichita 8.	5500 East Kellogg.
VA Office, Hutchinson	Post Office Building.
VA Office, Pittsburg	City Auditorium, Fifth and Pine Streets.
VA Office, *Topeka	3701–9 West 21st Street.
Center (Hospital and Domiciliary), Wadsworth (within the Kansas City, Mo., Regional Office territory).	Veterans Administration Center.
Hospital, Topeka	Veterans Administration Hospital.
KENTUCKY	
Regional Office, Louisville 3	1405 West Broadway.
VA Office, Ashland	1617 Greenup Avenue.

KENTUCKY—continued

Type of activity and location	Address
Region Office, Louisville 3—Con.	
VA Office, Bowling Green	Room 8, Post Office Building.
VA Office, Covington	Old Post Office Building, Third Street and Court Avenue.
VA Office, Harlan	Post Office Building.
VA Office, Hazard	Chamber of Commerce Building.
VA Office, Lexington	Room 7, Federal Building, Barr and Limestone Streets.
Hospital, Fort Thomas	(See Hospital, Cincinnati 20, Ohio.)
Hospital, Lexington	Veterans Administration Hospital.
Hospital, Louisville 2	Mellwood and Zorn Avenue.
Hospital, Outwood	Mail: Outwood Station, Dawson Springs, Kentucky.
LOUISIANA	
Regional Office, New Orleans 13	2026 St. Charles Avenue.
VA Office, Baton Rouge 2	Reymond Building, 263 North Third Street.
VA Office, Hammond	City Hall.
VA Office, Houma	Terrebonne Parish Courthouse.
VA Office, Lafayette	515 South Buchanan Street.
VA Office, Lake Charles	921½ Ryan Street.
Center (Regional Office and Hospital), Shreveport 12.	510 East Stoner Avenue.
Hospital, Alexandria	Veterans Administration Hospital.
Hospital, New Orleans 12	1601 Perdido Street.
MAINE	
Center (Regional Office and Hospital), Togus.	Veterans Administration Center.
VA Office, Bangor	96 Harlow Street.
VA Office, *Portland	171 Middle Street.
MARYLAND	
Regional Office, Baltimore 2	St. Paul and Fayette Streets.
VA Office, Cumberland	Post Office Building, Pershing Street.
Hospital, Baltimore 18	3900 Loch Raven Boulevard.
Hospital, Fort Howard	Veterans Administration Hospital.
Hospital, Perry Point	Veterans Administration Hospital.
MASSACHUSETTS	
Regional Office, Boston 8	1 Beacon Street.
VA Office, Brockton	Post Office Building.
VA Office, Fall River	(See Providence, R. I., Regional Office.)
VA Office, Fitchburg	280 Main Street.
VA Office, Greenfield	Post Office Building.
VA Office, Lawrence	477 Essex Street.
VA Office, *Lowell	Old Post Office Building.
VA Office, *New Bedford	(See Providence, R. I., Regional Office.)
VA Office, Pittsfield	246 North Street.
VA Office, Salem	126 Washington Street.
VA Office, *Springfield	1200 Main Street.
VA Office, *Worcester 8	7 Chatham Street.
Hospital, Bedford	Veterans Administration Hospital.
Hospital, Boston 30	150 South Huntington Avenue.
Hospital, Brockton	Veterans Administration Hospital.
Hospital, Northampton	Veterans Administration Hospital.
Hospital, Rutland Heights	Veterans Administration Hospital.
Hospital, West Roxbury 32	Veterans of Foreign Wars Parkway.
Outpatient Clinic, Boston 8	17 Court Street.
MICHIGAN	
Regional Office, Detroit 31	310 East Jefferson Avenue.
VA Office, Flint 3	482 North Saginaw Street, Metropolitan Building.
VA Office, Grand Rapids	Helmer Building, 21 Ottawa Avenue NW.
VA Office, Lansing	300 East Michigan Avenue.

MICHIGAN—continued

Type of activity and location	Address
Hospital, Ann Arbor	2215 Fuller Road.
Hospital, Battle Creek	Veterans Administration Hospital.
Hospital, Dearborn	Veterans Administration Hospital.
Hospital, Iron Mountain	Veterans Administration Hospital.
Hospital, Saginaw	1500 Weiss Street.
MINNESOTA	
Center (Regional Office and District Office), St. Paul 11.	Fort Snelling.
VA Office, Duluth 2	Post Office Building.
Hospital, Minneapolis 17	54th Street and 48th Avenue South.
Hospital, St. Cloud	Veterans Administration Hospital.
MISSISSIPPI	
Center (Regional Office and Hospital), Jackson.	Veterans Administration Center.
VA Office, *Meridian	Room 306, Post Office Building.
Center (Hospital and Domiciliary), Biloxi.	Veterans Administration Center.
Biloxi Hospital and Domiciliary Division.	Mail: Biloxi.
Gulfport Hospital Division	Mail: Biloxi.
MISSOURI	
Regional Office, Kansas City 8	1828 Walnut Street.
VA Office, Joplin	McKinley Building, 505 Joplin Avenue.
VA Office, St. Joseph	Post Office Building, Eighth and Edmond Streets.
VA Office, Sedalia	208 South Lamine Street.
VA Office, Springfield	Wilhoit Building, Pershing and Jefferson Streets.
Regional Office, St. Louis 2 (No VA office).	415 Pine Street.
Hospital, Excelsior Springs	Veterans Administration Hospital.
Hospital, Jefferson Barracks 23	Veterans Administration Hospital.
Hospital, Kansas City 28	4801 Linwood Boulevard.
Hospital, Poplar Bluff	Veterans Administration Hospital.
Hospital, St. Louis 6	915 North Grand Boulevard (John J. Cochran Veterans Hospital).
MONTANA	
Center (Regional Office and Hospital), Fort Harrison.	Veterans Administration Center.
VA Office, Billings	Room 219, U. S. Post Office and Court House, 26th Street and First Avenue. Mail: P. O. Box 1718.
VA Office, Butte	Room 308, Medical Arts Building, Park and Main Streets.
VA Office, Great Falls	Room 304, Federal Building, First Avenue North and Third Street North. Mail: P. O. Box 1788.
VA Office, Missoula	Room 513, Savings Center Building, Broadway and Higgins.
Hospital, Miles City	Veterans Administration Hospital.
NEBRASKA	
Regional Office, Lincoln 1	Veterans Building, 12th and O Streets.
VA Office, Omaha 2	1612 Harney Street.
Hospital, Grand Island	Veterans Administration Hospital.
Hospital, Lincoln 1	Veterans Administration Hospital.
Hospital, Omaha 5	4101 Woolworth Avenue.
NEVADA	
Center (Regional Office and Hospital), Reno.	Veterans Administration Center.
VA Office, Las Vegas	(See Los Angeles, Calif., Regional Office.)

Type of activity and location	*Address*
NEW HAMPSHIRE	
Regional Office, Manchester	497 Silver Street.
VA Office, Dover	90 Washington Street.
VA Office, Laconia	Room 208, Forrestry Building, 719 Main Street.
Hospital, Manchester	Smyth Road.
NEW JERSEY	
Regional Office, Newark 2	20 Washington Place.
VA Office, Atlantic City	Old Post Office Building, Pacific and Pennsylvania Avenues.
VA Office, *Camden	Broadway Stevens Building, 300 Broadway.
VA Office, Jersey City	880 Bergen Avenue.
VA Office, Paterson	Room 201, Post Office Building.
VA Office, Trenton	200 East State Street.
Hospital, East Orange	Veterans Administration Hospital.
Hospital, Lyons	Veterans Administration Hospital.
NEW MEXICO	
Regional Office, Albuquerque	11th Street and Tijeras Avenue.
VA Office, Carlsbad	County Courthouse.
VA Office, Clovis	Curry County Courthouse.
VA Office, Gallup	Post Office Building, P. O. Box 791.
VA Office, Las Cruces	Dona Ana County Courthouse.
VA Office, Las Vegas	Post Office Building, P. O. Box 638.
VA Office, Santa Fe	Suite 3, Healy Building, 120 East Marcy Street.
Hospital, Albuquerque	Veterans Administration Hospital.
Hospital, Fort Bayard	Veterans Administration Hospital.
NEW YORK	
Regional Office, Albany 1	Watervliet Arsenal.
VA Office, Kingston	Rooms 201–203, Main Post Office.
VA Office, Plattsburg	City Hall Building.
VA Office, Poughkeepsie	15 Washington Street.
VA Office, Schenectady	Lorraine Building, 501–505 State Street.
Regional Office, Brooklyn 1 (No VA Office).	250 Livingston Street.
Regional Office, Buffalo 3	1021 Main Street.
VA Office, Niagrara Falls	1506 United Office Building, 220 First Street.
VA Office, *Rochester	39 State Street.
Regional Office, New York City 1	252 Seventh Avenue.
VA Office, Jamaica, Long Island.	89–09 Sutphin Boulevard.
VA Office, Middletown	16 King Street.
VA Office, Mineola, Long Island.	320 Old County Road.
VA Office, Newburgh	Post Office Building.
VA Office, White Plains	County Office Building.
Regional Office, Syracuse 2	Chimes Building, 500 South Salina Street.
VA Office, Binghamton	Press Building, 19 Chenango Street.
VA Office, Utica 2	110 Genesee Street.
Outpatient Clinic, Brooklyn 1	35 Ryerson Street. Mail: 250 Livingston Street.
Hospital, Albany	Veterans Administration Hospital.
Hospital, Batavia	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bath.	Veterans Administration Center.
Hospital, Bronx 68	130 West Kingsbridge Road.
Hospital, Brooklyn 9	800 Poly Place.
Hospital, Buffalo 15	3495 Bailey Avenue.
Hospital, Canandaigua	Veterans Administration Hospital.
Hospital, Castle Point	Veterans Administration Hospital.
Hospital, Montrose	Veterans Administration Hospital (Franklin Delano Roosevelt Hospital).
Hospital, New York 10	First Avenue at East 24th Street.
NEW YORK—continued	
Hospital, Northport, Long Island	Veterans Administration Hospital.
Hospital, Sunmount	Veterans Administration Hospital.
Hospital, Syracuse 10	Irving Avenue and University Place.
NORTH CAROLINA	
Regional Office, Winston-Salem	310 West Fourth Street.
VA Office, Asheville	Room 421, City Building.
VA Office, Charlotte	127 West Seventh Street.
VA Office, Durham	302 Morris Street.
VA Office, Goldsboro	Rooms 806–807, Wachovia Bank Building.
VA Office, New Bern	Post Office Building, P. O. Box 352.
VA Office, Raleigh	1212–13 Capital Club Building.
VA Office, Wilmington	Room 200, Custom House.
Hospital, Durham	Fulton Street and Erwin Road.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Oteen (includes Division at Swannanoa).	Veterans Administration Hospital.
Hospital, Salisbury	Veterans Administration Hospital.
NORTH DAKOTA	
Center (Regional Office and Hospital), Fargo.	Veterans Administration Center.
VA Office, Bismarck	Federal Building.
VA Office, Grand Forks	102 North Fourth Street.
Hospital, Minot	Veterans Administration Hospital (John Moses Veterans Memorial Hospital).
OHIO	
Regional Office, Cincinnati 2	209 East Sixth Street.
VA Office, Cambridge	118½ North Ninth Street.
VA Office, *Columbus 22	48 Starling Street.
VA Office, Dayton 2	15 East Fourth Street.
VA Office, Hamilton	152 High Street.
VA Office, Ironton	411 Center Street.
VA Office, Marietta	Room 523, First National Bank Building, 200 Putnam Street.
VA Office, Portsmouth	Post Office Building, 610 Gay Street.
VA Office, Springfield	McAdams Building, 31 East High Street.
VA Office, Zanesville	406 Market Street.
Regional Office, Cleveland 14	Cuyahoga Building.
VA Office, *Akron	72–76 South High Street.
VA Office, Canton 2	117 Walnut Avenue NE.
VA Office, Lorain	Broadway Building, 305 Broadway Avenue.
VA Office, Steubenville	227 North Fifth Street.
VA Office, *Toledo 4	604 Jackson Street.
VA Office, Warren	Post Office Building.
VA Office, Youngstown 3	Union National Bank Building, 6 West Federal Street.
Hospital, Brecksville	Veterans Administration Hospital.
Hospital, Chillicothe	Veterans Administration Hospital.
Hospital, Cincinnati 20	3200 Vine Street.
Cincinnati Hospital Division	Mail: 3200 Vine Street, Cincinnati 20.
Fort Thomas (Ky.) Hospital Division.	Mail: 3200 Vine Street, Cincinnati 20.
Hospital, Cleveland 30	7300 York Road.
Center (Hospital and Domiciliary), Dayton.	Veterans Administration Center.
OKLAHOMA	
Regional Office, Muskogee	Second and Court Streets.
VA Office, Ardmore	Federal Building.
VA Office, Bartlesville	Rooms 220–222, Post Office Building.
VA Office, Enid	Federal Building, 105 West Broadway.

OKLAHOMA—continued

Type of activity and location	*Address*
Regional Office, Muskogee—Con.	
VA Office, Hugo	Room 6, Post Office Building.
VA Office, Lawton	Federal Building, P. O. Box 1185.
VA Office, McAlester	Rooms 205–207, Post Office Building.
VA Office, *Oklahoma City 3	210 Northwest Fifth Street.
VA Office, Ponca City	213 Federal Building.
VA Office, Shawnee	107 North Broadway.
VA Office, Tulsa	Room 602, Petroleum Building, 420 South Boulder Street.
Hospital, Muskogee	Memorial Station, Honor Heights Drive.
Hospital, Oklahoma City 4	921 Northeast 13th Street.

OREGON

Regional Office, Portland 4	208 Southwest Fifth Avenue.
VA Office, Eugene	610 Willamette Street.
VA Office, Medford	33 North Riverside Avenue.
Domiciliary, Camp White	Veterans Administration Domiciliary.
Hospital, Portland 7	Sam Jackson Park.
Hospital, Roseburg	Veterans Administration Hospital.

PENNSYLVANIA

Regional Office, Philadelphia 2	128 North Broad Street.
VA Office, Allentown	1122 Hamilton Street.
VA Office, Reading	U. S. Post Office Building.
Regional Office, Pittsburgh 22	107 Sixth Street.
VA Office, Altoona	Crist Building, 1114 12th Street
VA Office, Erie	U. S. Court Building, State Street and South Park Row.
VA Office, Johnstown	Old Post Office Building, Market and Locust Streets.
VA Office, Uniontown	Union Trust Building, 37 Main Street.
VA Office, *Wheeling, W. Va	11th and Chapline Streets.
Regional Office, Wilkes-Barre	19–27 North Main Street.
VA Office, *Harrisburg	100 North Cameron Street.
VA Office, Lancaster	250 West Orange Street.
VA Office, Pottsville	Thompson Building, 23–27 North Centre Street.
VA Office, Scranton 3	Select Building, 116–18 North Washington Avenue.
VA Office, Shamokin	24 South Market Street.
VA Office, Williamsport	153 West Fourth Street.
VA Office, York	60 South Beaver Street.
District Office, Philadelphia 1	5000 Wissahickon Avenue. Mail: P. O. Box 8079. Remittance: P. O. Box 7787.
Hospital, Altoona	Veterans Administration Hospital.
Hospital, Butler	Veterans Administration Hospital.
Hospital, Coatesville	Veterans Administration Hospital.
Hospital, Erie 5	135 East 38th Street Boulevard.
Hospital, Lebanon	Veterans Administration Hospital.
Hospital, Philadelphia 4	University and Woodland Avenues.
Hospital, Pittsburgh 6	Leech Farm Road.
Hospital, Pittsburgh 40	University Drive.
Aspinwall Hospital Division	Mail: University Drive, Pittsburgh 40.
Pittsburgh Hospital Division	Mail: University Drive, Pittsburgh 40.
Hospital, Wilkes-Barre	East End Boulevard.

PHILIPPINES

Regional Office, Manila	APO 928, San Francisco, Calif.
VA Office, Cebu City, Philippines.	City Hall.

PUERTO RICO

(Including the Virgin Islands)

Type of activity and location	*Address*
Center (Regional Office and Hospital), San Juan.	520 Ponce de Leon Avenue.
VA Office, Arecibo	28 De Diego Street.
VA Office, Caguas	45 Celis Aguilera Street.
VA Office, Cayey	11 Barbosa and Baldorioty Streets.
VA Office, Humacao	Munoz Marin Avenue and Ulises Martinez Street.
VA Office, Ponce	Post Office Building, Atocha Street.
VA Office, Mayaguez	Post Office Building.

RHODE ISLAND

Regional Office, Providence 3	100 Fountain Street.
VA Office, Fall River, Mass	144 North Main Street.
VA Office, *New Bedford, Mass.	757 Pleasant Street.
Hospital, Providence 8	Davis Park.

SOUTH CAROLINA

Regional Office, Columbia	1801 Assembly Street.
VA Office, Charleston 10	The Old Citadel Building.
VA Office, Greenville	Federal Courthouse and Post Office Building.
VA Office, Orangeburg	370 St. Paul Street NE.
VA Office, Spartanburg	Montgomery Building.
Hospital, Columbia	Veterans Administration Hospital.

SOUTH DAKOTA

Center (Regional Office and Hospital), Sioux Falls.	Veterans Administration Center (Royal C. Johnson Veterans Memorial Hospital).
VA Office, Rapid City	414 Seventh Street.
Hospital, Fort Meade	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs.	Veterans Administration Center.

TENNESSEE

Regional Office, Nashville 3	U. S. Court House, 801 Broadway.
VA Office, *Chattanooga 2	738 Georgia Avenue, Dome Building.
VA Office, *Knoxville	618 West Church Avenue.
VA Office, Memphis 3	526 Dermon Office Building, 46 North Third Street.
Hospital, Memphis 15	Park Avenue and Getwell Street.
Hospital Murfreesboro	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Mountain Home.	Veterans Administration Center.
Hospital, Nashville 5	90 White Bridge Road.

TEXAS

Regional Office, Dallas	912 South Ervay Street.
VA Office, Fort Worth	300 West Vickery Street.
VA Office, Wichita Falls	Federal Building, Lamar at 10th Streets.
Regional Office, Houston 4	2320 LaBranch Street.
VA Office, Beaumont	Post Office Building, P. O. Box 751.
VA Office, Brenham	County Court House, 105 East Main Street.
VA Office, Galveston	Post Office Building.
Regional Office, Lubbock	1612–20 19th Street.
VA Office, Abilene	Room 306, New Post Office Building.
VA Office, Amarillo	Room 306, New Post Office Building.
VA Office, El Paso	102 South El Paso Street.
VA Office, Odessa	County Courthouse.
VA Office, San Angelo	Rooms 400–401, McBurnett Building.

TEXAS—continued

Type of activity and location	*Address*
Regional Office, San Antonio 5	307 Dwyer Avenue.
VA Office, Corpus Christi	Rooms 114–115, Federal Building.
VA Office, Del Rio	Post Office Building.
VA Office, Harlingen	Post Office Building.
VA Office, Laredo	Post Office Building.
VA Office, Victoria	Federal Building.
Center (Regional Office and Hospital), Waco.	Veterans Administration Center.
VA Office, Austin	314 West 11th Street. Mail: P. O. Box 42.
VA Office, Brownwood	207 Brown Street.
VA Office, Corsicana	State National Bank Building, 101 North Beaton Street.
Hospital, Amarillo	Veterans Administration Hospital.
Hospital, Big Spring	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bonham.	Veterans Administration Center.
Hospital, Dallas 2	Veterans Administration Hospital.
Hospital, Houston 31	2002 Holcombe Boulevard.
Hospital, Kerrville	Veterans Administration Hospital.
Hospital, Marlin	Veterans Administration Hospital.
Hospital, McKinney	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Temple.	Veterans Administration Center.

UTAH

Type of activity and location	*Address*
Regional Office, Salt Lake City 4	1750 South Redwood Road.
VA Office, Ogden	Post Office Building, 24th Street and Grant Avenue.
Hospital, Salt Lake City 1	Fort Douglas Station.
Fort Douglas Hospital Division	Mail: Fort Douglas Station, Salt Lake City 1.
Twelfth Avenue Hospital Division.	Mail: Fort Douglas Station, Salt Lake City 1.

VERMONT

Type of activity and location	*Address*
Center (Regional Office and Hospital), White River Junction.	Veterans Administration Center.
VA Office, Burlington	86 St. Paul Street.

VIRGINIA

Type of activity and location	*Address*
Regional Office, Roanoke 11	211 West Campbell Avenue.
VA Office, Danville	Room 306, Post Office Building.
VA Office, Lynchburg	Room 317, Post Office Building.
VA Office, Norfolk	Room 217, Post Office Building.
VA Office, Richmond 20	900 North Lombardy Street.
Center (Hospital and Domiciliary), Kecoughtan.	Veterans Administration Center.
Hospital, Richmond, 19	Broad Rock Road and Belt Boulevard.
Hospital, Roanoke 17	Veterans Administration Hospital.

WASHINGTON

Type of activity and location	*Address*
Regional Office, Seattle 1	Tower Building, Seventh Avenue and Olive Way.
VA Office, Bellingham	229 Kulshan Building, Magnolia and Cornwall.
VA Office, Everett	Room 407, Colby Building, Hewitt and Colby Avenues.
VA Office, Richland	1329 George Washington Way.
VA Office, Spokane 8	206 Hutton Building, Sprague and Washington Streets.
VA Office, Tacoma	Room 232, Security Building, 915½ Pacific Avenue.
VA Office, Wenatchee	Chelan County Courthouse.
VA Office, Yakima	Room 424, Liberty Building.
Hospital, American Lake	Veterans Administration Hospital.
Hospital, Seattle 8	4435 Beacon Avenue.
Hospital, Spokane 15	North 4815 Assembly Street.

WASHINGTON—continued

Type of activity and location	*Address*
Hospital, Vancouver	Veterans Administration Hospital.
Hospital, Walla Walla	Veterans Administration Hospital.

WEST VIRGINIA

Type of activity and location	*Address*
Regional Office, Huntington 1	824 Fifth Avenue.
VA Office, Beckley	104 McCreery Street.
VA Office, Bluefield	318 Federal Street.
VA Office, Charleston 1	U. S. Courthouse.
VA Office, Clarksburg	227 West Pike Street.
VA Office, Martinsburg	Boyd Building, 202 South Queen Street.
VA Office, Morgantown	223 Fayette Street.
VA Office, Parkersburg	221 Fourth Street.
VA Office, *Wheeling	(See Regional Office, Pittsburgh 22, Pa.).
Hospital, Beckley	Veterans Administration Hospital.
Hospital, Clarksburg	Veterans Administration Hospital.
Hospital, Huntington 1	1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg.	Veterans Administration Center.

WISCONSIN

Type of activity and location	*Address*
Regional Office, Milwaukee 2	342 North Water Street.
VA Office, Ashland	209 Vaughn Avenue.
VA Office, Eau Claire	319 South Farwell Street.
VA Office, Green Bay	311 South Adams Street.
VA Office, La Crosse	Sixth and Vine Streets.
VA Office, Madison	237 West Gilman Street.
VA Office, Racine	Arcade Building, 423 North Main Street.
VA Office, Superior	Post Office Building.
VA Office, Wausau	Courthouse Annex, Fourth and Scott Streets.
Hospital, Madison	Veterans Administration Hospital.
Hospital, Tomah	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Wood.	Veterans Administration Center.
Waukesha Hospital Division	Mail: Wood, Wisconsin.
Wood Hospital and Domiciliary Division.	Mail: Wood, Wisconsin.

WYOMING

Type of activity and location	*Address*
Center (Regional Office and Hospital), Cheyenne.	Veterans Administration Center.
VA Office, Casper	140–150 East Midwest Avenue.
Hospital, Sheridan	Veterans Administration Hospital.

(b) Jurisdictional areas of district offices (see sec. 3 (a) for district office functions):

LOCATION AND AREA

Denver, Colo. (district office): Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Territory of Hawaii, Texas, Utah, and Wyoming.

Philadelphia, Pa. (district office): Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico (including Virgin Islands), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Records of National Service Life Insurance paid by allotment, and records of persons residing in foreign countries including the Republic of the Philippines, and all records of United States Government Life Insurance are located in the Philadelphia District Office.

St. Paul, Minn. (district office): Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58–3758; Filed, May 19, 1958; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

SOGEMAR, S. A. (SOCIETE GENERALE D'ENTREPRISES MARITIMES)

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Sogemar, S. A. (Societe Generale d'Entreprises Maritimes), 14, Rue du Margrave, Antwerp, Belgium, respondent; File 23–506.

There is pending an investigation concerning nondelivery and consequent unauthorized diversion of two lots of diesel engine spare parts exported from the United States under validated licenses authorizing such exportations to Saudi Arabia, and the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Sogemar, S. A. (Societe Generale d'Entreprises Maritimes) of Antwerp, Belgium, the forwarding agent which handled the shipping documents at Antwerp, Belgium, all export privileges for an indefinite period by reason of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, in which evidence it appears (1) that the respondent, during the course of its handling of the goods involved herein, became informed from destination control notices on the documents of title thereof that the delivery of such goods was restricted to Saudi Arabia and (2) that the goods, in fact, were not delivered to Saudi Arabia, and finding that relevant and material interrogatories were duly served on the respondent which, although informed as aforesaid, claimed that it was absolved from answering said interrogatories by reason of its position as a forwarding agent responsible only to its principal and, having concluded that the relationship of a forwarding agent to its principal does not excuse the forwarding agent from answering interrogatories directed to such forwarding agent's acts and conduct with respect to the movement of goods exported from the United States and subject to its controls, it is hereby held that such failure and refusal of the respondent to answer and furnish written information and documents in response to the interrogatories are without reasonable cause and without adequate explanation and, having concluded further (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving and transshipping commodities exported from the United States so long as it is effective;

It is hereby ordered:

I. All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

II. The respondent, its successors or assigns, partners, directors, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

III. This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations;

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States) shall, on behalf of or in any association with the respondent or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, or do any of the foregoing acts with respect to any exportation in which respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C., at the earliest convenient date.

Dated: May 15, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58–3752; Filed, May 19, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–331]

ACCIDENT OCCURRING AT FREELAND, MICH.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 7437, which occurred at Freeland, Michigan, April 6, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, June 3, 1958, at 9:30 a. m. (local time) in the Bancroft Hotel Jenesee and Washington Avenue, Saginaw, Michigan, and will reconvene at 9:30 a. m., on Tuesday, July 8, 1958, in Room, "B," Departmental Auditorium, Department of Labor Building, Washington, D. C.

Dated at Washington, D. C., May 12, 1958.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 58–3762; Filed, May 19, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–622]

DURANT FUND

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 15, 1958.

Notice is hereby given that The Durant Fund ("Durant"), a trust which was organized under the laws of the State of Michigan on March 3, 1953, and which is registered under the Investment Company Act of 1940 ("act") as an open-end, diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that it has ceased to be an investment company.

Durant registered under the act on March 10, 1953. On January 23, 1957, the trustees of Durant, having decided to terminate the fund, adopted a plan of liquidation pursuant to which an agreement was entered into with Manufacturers National Bank of Detroit appointing the latter custodian of the assets of Durant and disbursing agent to carry out the liquidation.

As permitted by the plan, securities of Durant were liquidated and shares held by the public redeemed on the basis of original cost less capital gains distributed in respect of such shares. The last redemption of shares held by a public shareholder took place on June 11, 1957. The balance remaining after such liquidation and redemption was turned over to the regular custodian for Durant for the benefit of Richard Durant and members of his family, who are now the sole stockholders in the fund.

Applicant represents that there are presently no public shareholders of Durant and that the trustees do not intend to make any public offering of shares of Durant in the future.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 29, 1958 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3791; Filed, May 19, 1958; 8:55 a. m.]

[File No. 811-414]

FIDEL ASSOCIATION OF NEW YORK, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 15, 1958.

Notice is hereby given that Fidel Association of New York, Incorporated ("Applicant"), a New York corporation and a face-amount certificate investment company registered as such under the Investment Company Act of 1940 ("act"), has filed an application and amendments thereto pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the act, by virtue of the provisions of section 3 (c) (1) of the act.

Applicant was organized November 6, 1931, under the laws of the State of New York for the purpose of issuing and selling securities of its own issue commonly known as "face amount certificates". Such business was carried on by the corporation in the State of New York prior to the effective date of the Investment Company Act of 1940. No new face-amount certificates have been issued subsequent to December 31, 1940, except certificates issued in lieu of certificates theretofore outstanding. During the intervening years the only business activity carried on by the corporation was the investing of its funds and the servicing of its outstanding face-amount certificates in accordance with the provisions of such certificates and the Collateral Trust Indentures under which they were issued.

The maximum aggregate liability of the corporation with respect to principal and interest on all outstanding face-amount certificates (held by 58 persons), calculated to maturity, is approximately $10,000. Cash and securities in excess of that amount are in the hands of the Trustee in the Collateral Trust Funds for payment of such liability. Applicant states that in any event, cash in an amount sufficient to pay the maximum amount due on the certificates and coupons, calculated to maturity, will remain in the hands of the Trustee under the Collateral Trust Indentures in lieu of securities which may fluctuate in value. As the statute of limitations runs the Trustee will pay over the various amounts unclaimed under the Abandoned Property Law of the State of New York as may be required.

Applicant's stockholders at a meeting held April 29, 1958, voted unanimously to dissolve and liquidate the corporation. After payment of all liabilities or provision therefor having been made the remaining assets, having an approximate book value at December 31, 1957, of $600,000, will be distributed pro rata per share among the stockholders, seven (7) in number.

Section 3 (c) (1) of the act excepts from the definition of an "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Section 8 (f) of the act provides, in part, that whenever the Commission, upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect. Section 8 (f) further provides that an order thereunder may be made upon conditions necessary for the protection of investors.

Notice is further given that any interested person may, not later than May 29, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3792; Filed, May 19, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9572, G-9573]

UNITED CARBON CO. AND COLUMBIAN FUEL CORP.

NOTICE OF RECONVENING OF HEARING

MAY 14, 1958.

Notice is hereby given that the Presiding Examiner will reconvene the hearing in the above-designated matters on June 19, 1958, at 10:00 a. m., e. d. t., in a Federal Power Commission Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3741; Filed, May 19, 1958; 8:46 a. m.]

[Docket Nos. G-3664, G-9045, G-9046]

HOUSTON NATURAL GAS PRODUCTION CO.

NOTICE OF POSTPONEMENT OF HEARING

MAY 14, 1958.

Upon consideration of the request filed May 13, 1958 by Counsel for Houston Natural Gas Production Company for postponement of the hearing now scheduled for May 19, 1958 in the above-designated matter;

The hearing now scheduled for May 19, 1958 is hereby postponed to June 18, 1958, at 10:00 a. m., e. d. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3742; Filed, May 19, 1958; 8:47 a. m.]

[Docket No. G-14465]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 14, 1958.

Take notice that Michigan Gas Storage Company (Applicant), a Michigan corporation, with its principal place of business in Jackson, Michigan, filed an application on February 11, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following described natural gas facilities, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission, and open for public inspection. The facilities are:

(1) Approximately 40 miles of 26-inch transmission pipeline extending from Ithaca Junction in Gratiot County, Michigan, to Stevenson Lake Junction in Isabella County, Michigan, looping Applicant's existing 16- and 22-inch pipelines.

(2) 25 new wells in the Winterfield and Cranberry Lake Storage Fields, together with the appurtenant facilities to connect the new wells to the existing gathering systems in the fields.

The application recites that the proposed facilities are required to enable it to meet the increasing requirements of its sole customer, Consumers Power Company (Consumers), during the winter of 1958–1959. Applicant's estimated natural gas requirements for sale to Consumers are as follows:

Year of service	Requirements in Mcf (actual)	
	Annual	Peak day
1957 (actual)	81, 762, 123	498, 073
1958	82, 019, 000	523, 510
1959	86, 261, 000	537, 985

The application recites the requirements for the 1958–1959 peak day over that of 1957–1958 is due to an anticipated increase of approximately 19,000 non-space heating customers on Consumers' system, and to declining production from local fields. The proposed 26-inch pipeline is necessary to enable Applicant to deliver 438,500 Mcf on peak day from storage, and the 25 new wells in Winterfield and Cranberry Lake Storage Fields would increase the deliverability of the fields approximately 8 percent at the 463 psig field pressure expected on March 1, 1959, when peak demand might occur. Applicant states that to meet the estimated peak day requirements of 523,500 during the 1958–1959 season, Applicant would have to withdraw 438,500 Mcf from its storage fields to augment the 85,000 Mcf to be received from Panhandle Eastern Pipe Line Company on a peak day; whereas the present capacity of Applicant's transmission system from the storage fields to Consumers' system is only 407,500 Mcf per day.

The estimated total capital cost of constructing the proposed facilities is $3,890,000, which will be financed by short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 2, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3743; Filed, May 19, 1958; 8:47 a. m.]

[Docket No. G-15083]

RESLER & SHELDON ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 14, 1958.

Resler & Sheldon (Operator) et al. (Resler & Sheldon), on April 14, 1958, tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Resler & Sheldon's FPC Gas Rate Schedule No. 1.

Effective date: May 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Resler & Sheldon merely cite the contract provisions therefor and submit a copy of a letter from El Paso Natural Gas Company agreeing to pay the increased price subject to the Commission's approval.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Resler & Sheldon's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Resler & Sheldon's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3744; Filed, May 19, 1958; 8:47 a. m.]

[Docket No. G-15087]

O. NEATHERY, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 14, 1958.

O. Neathery, Jr. (Operator) et al. (Neathery), on April 14, 1958,[1] tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 10, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 1 to Neathery's FPC Gas Rate Schedule No. 3.

Effective date: May 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Neathery cites the favored-nation clause of the contract and states that his costs of drilling and producing gas have increased. However, no cost data are submitted. Neathery also states that the well covered by the rate schedule is located in river bottom land and has been covered by water seven times in the last year causing shutting in the well and expensive maintenance problems. In addition, Neathery submits a copy of a letter from Trunkline Gas Company in which the new rate of 15.0 cents per Mcf[2] is stated. The letter also states that the increased price is subject to the Commission's approval.

---

[1] Filing completed on April 24, 1958.

[2] Includes 0.25 cent per Mcf for dehydration of gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Neathery's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Neathery's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3745; Filed, May 19, 1958; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EDUARD MEYRAT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eduard Meyrat, Basel, Switzerland; Claim No. 61498; $179.00 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3753; Filed, May 19, 1958; 8:49 a. m.]

JOHAN VAN LEEUWEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johan van Leeuwen, Krammerstraat 14 hs., Amsterdam, The Netherlands; Claim No. 60431; $567.14 in the Treasury of the United States. Vesting Order No. 17901.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3754; Filed, May 19, 1958; 8:50 a. m.]

HANS WEINBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hans Weinberg, Hilversum, The Netherlands; Claim No. 66774; $1,400.00 in the Treasury of the United States. Vesting Order No. 17742.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3755; Filed, May 19, 1958; 8:50 a. m.]

ELISABETHFONDS

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property to Elisabeth Wilhemina le Comte which was published on October 3, 1957 (22 F. R. 7877), is hereby amended to delete the identity of the claimant and description of the property and to substitute the following:

Elisabethfonds, Heemraadssingel 233, Rotterdam, Holland; Claim No. 60708; [illegible] in the Treasury of the United States. Vesting Order No. 17836.

Executed at Washington, D. C., on May 12, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3756; Filed, May 19, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32385]

[No. 32385 (Sub-No. 1)]

CENTRAL STATES TERRITORY, 1958

INCREASED RATES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of May A. D. 1958.

Increased rates, Central States Territory, 1958; No. 32385; emergency increased rates, Central States Territory, 1958; No. 32385 (Sub-No. 1).

Upon consideration of petition dated February 24, 1958, of Central States Motor Freight Bureau, Inc., for general investigation into the reasonableness and lawfulness of the class and commodity rates of all motor common carriers of property in central territory, and supporting petition of the Motor Carriers Tariff Bureau, Inc., dated March 25, 1958; petition dated April 4, 1958, of the Central States Motor Freight Bureau, Inc., for (1) an immediate investigation and for emergency relief, and (2) for withholding action on the petition dated February 24, 1958, referred to above; replies of The National Industrial Traffic League; Ramus Trucking Line, Inc.; Oscar Mayer & Company, et al.; National Small Shipments Traffic Conference, Inc.; Central Territory Traffic Conference; Louisville Chamber of Commerce; Ezra Taft Benson, Secretary of Agriculture; and it appearing that this proceeding should embrace the class rates, commodity rates, and classification of property, and the rules and regulations, and practices relating thereto, of motor common carriers of property operating between points in central territory as defined in the next succeeding paragraph; and it further appearing that this is a proceeding in which petitioner should assume the burden of establishing the need for the relief sought; and good cause appearing therefore:

It is ordered, That the proceeding be, and the same is hereby, instituted into and concerning the reasonableness and lawfulness otherwise of the class rates, commodity rates, and classification of property, and the rules and regulations, and practices relating thereto, except on iron and steel articles, household goods, as defined by the Commission, livestock, lumber, commodities in bulk transported in dump trucks, coal, liquid bulk products in tank trucks, and glassware; viz., bottles (not siphon bottles), jars and packing glasses, common, not exceeding 5 gallons in capacity with or without their equipment of caps, covers, tops or stoppers, maintained by motor common carriers for the transportation of property in interstate and foreign commerce between points in central territory as defined in Surcharge on Small Shipments within Central States, 63 M. C. C. 157, with a view to making such findings and entering such order and orders and taking such other action as the facts and circumstances shall appear to warrant:

It is further ordered, That the burden of establishing the necessity for the relief sought in these proceedings shall be upon petitioner:

It is further ordered, That the petition in No. 32385 (Sub-No. 1), for emergency relief, be, and the same is held in abeyance pending the submission of all evidence and the conclusion of the hearings in these proceedings.

It is further ordered, That all common carriers by motor vehicle engaged in the transportation described in the first ordering paragraph of this order, be, and they are hereby, made respondents; that a copy of this order be forthwith served upon the said respondents and that a notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of Federal Register.

And it is further ordered, That these proceedings be assigned for hearing at such times and places as may hereafter be fixed.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3747; Filed, May 19, 1958; 8:48 a. m.]

UNIVERSITY
OF MICHIGAN

UNIVERSITY
OF MICHIGAN

MAY 2 ; 1958

MAIN
READING ROOM

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 100

Washington, Wednesday, May 21, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3242

PRAYER FOR PEACE, MEMORIAL DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

It has long been our custom, on Memorial Day of each year, to visit the graves of those who have served our Nation in battle, and to pay homage to their memory.

Remembering their sacrifices, and knowing the ever-present threat of war which casts its shadow across the future, our hearts are filled with a yearning for peace.

Acknowledging in truth that only through divine guidance can we secure the requisite groundwork of justice and understanding for the attainment of a peaceful world, we turn to Almighty God in suppliance for His aid.

In manifestation of this need, the Congress provided, in a joint resolution approved May 11, 1950, that Memorial Day should be set aside as a day for Nation-wide prayer for permanent peace, and requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day in that manner.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Memorial Day, Friday, the thirtieth day of May, 1958, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at eleven o'clock in the morning as the period in which all of us may unite in prayer for strength to work unceasingly toward the goal of permanent peace on earth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of May in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-3871; Filed, May 19, 1958; 1:30 p. m.]

PROCLAMATION 3243

DISPLAY OF THE FLAG OF THE UNITED STATES AT HALF-STAFF UPON THE OCCASION OF THE RETURN AND FINAL INTERMENT OF TWO UNKNOWN AMERICANS KILLED IN THE SECOND WORLD WAR AND IN THE KOREAN CONFLICT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on this Memorial Day, in the National Cemetery at Arlington, the remains of two unknown Americans who gave their lives in service overseas during the Second World War and during the Korean conflict, will be interred; and

WHEREAS these two Unknown Americans represent almost eighty thousand Americans killed in the Second World War and more than eight thousand Americans killed in the Korean conflict whose bodies lie unidentified in resting places abroad; and

WHEREAS their two caskets will arrive in the City of Washington on May 28, 1958, to lie in state in the rotunda of the United States Capitol until final interment:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 16 ($1.75)

Title 19 ($0.70)

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Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 17 ($0.65); Title 18 ($0.50); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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States of America, do hereby direct that the flag of the United States be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions, and at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations, when customarily flown, on May 28, May 29, and May 30, 1958.

As a sign of our national gratitude and concern, I also urge my fellow citizens to display our country's flag at half-staff at their homes and other appropriate places during this period.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of May in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-3870; Filed, May 19, 1958; 1:30 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) of § 6.110 is amended as set out below.

§ 6.110 *Department of the Interior—(a) General.* * * *

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year, except that temporary and seasonal forest and range fire employees in the Bureau of Land Management in Alaska may be employed for fire prevention or suppression for not to exceed 180 working days a year.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3788; Filed, May 20, 1958; 8:47 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

STUDENT MEDICAL LIBRARIANS

1. Effective May 15, 1958, the following item is added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* * * *

Student medical librarians, first and second years approved postgraduate training during program for the Master of Science degree.

2. Effective May 15, 1958, the following item is added to § 27.2:

§ 27.2 *Maximum stipends prescribed.*
* * *

Student medical librarians: First and second years approved postgraduate training during program for the Master of Science degree, total for the program, half-time—$2,300.

(61 Stat 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc 58-3806; Filed, May 20, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1958-crop oats. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 is supplemented as follows:

Sec.	
421.3276	Purpose.
421.3277	Availability of price support.
421.3278	Eligible oats.
421.3279	Warehouse receipts.
421.3280	Determination of quantity.
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421.3284	Warehouse charges.
421.3285	Inspection of oats under purchase agreement.
421.3286	Settlement.

AUTHORITY: §§ 421.3276 to 421.3286 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 302, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421, 1442.

§ 421.3276 *Purpose.* Sections 421.3276 to 421.3286 state additional specific requirements which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020), apply to loans and purchase agreements under the 1958-Crop Oats Price Support Program.

§ 421.3277 *Availability of price support—(a) Method of support.* Price [illegible]pport will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever oats are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that oats cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing oats in 1958 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible oats harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.3278 *Eligible oats.* Oats, to be eligible for price support, must meet all of the applicable requirements set forth in this section:

(a) The oats must have been produced in the continental United States in 1958 by an eligible producer.

(b) At the time the oats are placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the oats must be in the eligible producer tendering the oats for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the oats were harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the oats were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Oats, at the time they are placed under loan, and oats under purchase agreements which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The oats must grade No. 3 or better (or No. 3 Garlicky or better). Feed oats and mixed feed oats will not be eligible.

(2) Oats grading Tough, Weevily, Smutty, Ergoty, Bleached, or Thin, or containing mercurial compounds or other substances poisonous to man or animals, or oats otherwise of low quality will not be eligible, except that oats represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On oats grading Tough, delivery will be made of the same country run quality, quantity and grade, not Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

(3) If offered as security for a farm-storage loan, the oats must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.3285 (a), oats under purchase agreement stored in other than approved warhouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.3285 (a) and the oats on the basis of the inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.3279 *Warehouse receipts.* Warehouse receipts representing oats in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, must indicate that the oats are insured, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipts must show: (1) Gross weight or bushel, (2) class, (3) grade, (4) test weight, and (5) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) A separate warehouse-receipt must be submitted for each grade of oats.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3284.

(e) If the warehouseman has furnished a statement as provided in § 421.3278 (c) (2), the supplemental certificate must show the numerical grade and the grading factors of the oats to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(f) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

§ 421.3280 *Determination of quantity.* (a) The quantity of oats placed under farm-storage loan may be determined either by weight or by measurement. The quantity of oats placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) (1) To determine the quantity of oats in a bin by measurement, divide the cubic feet of oats by 1.25. The quantity so determined shall be adjusted for test weight by applying the applicable percentage as shown in the following table.

For oats testing:	*Percent*
40 pounds or over	125
39 pounds or over, but less than 40 pounds	121
38 pounds or over, but less than 39 pounds	118
37 pounds or over, but less than 38 pounds	115
36 pounds or over, but less than 37 pounds	112
35 pounds or over, but less than 36 pounds	109
34 pounds or over, but less than 35 pounds	106
33 pounds or over, but less than 34 pounds	103
32 pounds or over, but less than 33 pounds	100
31 pounds or over, but less than 32 pounds	96
30 pounds or over, but less than 31 pounds	93
29 pounds or over, but less than 30 pounds	90
28 pounds or over, but less than 29 pounds	87
27 pounds or over, but less than 28 pounds	84

(2) If the State committee determines that a pack factor should be used to arrive at the quantity of oats eligible for loan, the following shall be applicable:

(i) Multiply the quantity of oats as provided above by a pack factor of 1.15 if the quantity adjusted for test weight is 4,000 bushels or less, and by a pack factor of 1.25 if the quantity adjusted for test weight exceeds 4,000 bushels.

(ii) Multiply the quantity of oats by the pack factor of 1.15 regardless of the number of bushels in the bin if the minimum height of the oats in the bin is five feet or less.

(d) Since the percentage of dockage is not a grade factor in the case of oats, the quantity of oats will be determined without referenec to dockage.

§ 421.3281 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Oats, whether or not such determinations are made on the basis of an official inspection.

§ 421.3282 *Maturity of loans.* Loans mature on demand but not later than February 28, 1959, on oats stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North

Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1959, on oats stored in all other States.

§ 421.3283 *Basic county support rates.* (a) Loans will be made, and oats delivered under purchase agreements will be purchased at the basic support rates set forth in this section. Both farm-storage and warehouse-storage loans will be based on the support rate established for the county in which the oats are produced. Support rates per bushel for oats grading No. 3 are set forth below:

ALABAMA

County	*Rate per bushel*
All counties	$0.71

ARIZONA

County	*Rate per bushel*
All counties	$0.78

ARKANSAS

County	*Rate per bushel*
All counties	$0.68

CALIFORNIA

County	*Rate per bushel*	*County*	*Rate per bushel*
Alameda	$0.78	Placer	$0.73
Alpine	.74	Plumas	.71
Amador	.75	Riverside	.76
Butte	.74	Sacramento	.75
Calaveras	.75	San Benito	.76
Colusa	.75	San Bernardino	.76
Contra Costa	.78	San Diego	.76
Del Norte	.73	San Francisco	.78
El Dorado	.74	San Joaquin	.77
Fresno	.76	San Luis Obispo	.76
Glenn	.74	San Mateo	.78
Humboldt	.75	Santa Barbara	.76
Imperial	.76	Santa Clara	.78
Inyo	.76	Santa Cruz	.77
Kern	.76	Shasta	.71
Kings	.76	Sierra	.71
Lake	.75	Siskiyou	.68
Lassen	.71	Solano	.78
Los Angeles	.78	Sonoma	.77
Madera	.76	Stanislaus	.77
Marin	.78	Sutter	.75
Mariposa	.76	Tehama	.73
Mendocino	.75	Trinity	.75
Merced	.76	Tulare	.76
Modoc	.68	Tuolumne	.75
Mono	.75	Ventura	.77
Monterey	.76	Yolo	.76
Napa	.77	Yuba	.74
Nevada	.71		
Orange	.77		

COLORADO

County	*Rate per bushel*
All counties	$0.63

CONNECTICUT

County	*Rate per bushel*
All counties	$0.71

DELAWARE

County	*Rate per bushel*
All counties	$0.70

FLORIDA

County	*Rate per bushel*
All counties	$0.75

GEORGIA

County	*Rate per bushel*
All counties	$0.71

IDAHO

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$0.63	Cassia	$0.62
Adams	.61	Clark	.59
Bannock	.61	Clearwater	.61
Bear Lake	.61	Custer	.59
Benewah	.61	Elmore	.63
Bingham	.59	Franklin	.61
Blaine	.61	Fremont	.59
Boise	.63	Gem	.63
Bonner	.59	Gooding	.62
Bonneville	.59	Idaho	.60
Boundary	.59	Jefferson	.59
Butte	.59	Jerome	.62
Camas	.62	Kootenai	.61
Canyon	.63	Latah	.62
Caribou	.60	Lemhi	.59

IDAHO—continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Lewis	$0.61	Payette	$0.63
Lincoln	.62	Power	.61
Madison	.59	Shoshone	.59
Minidoka	.62	Teton	.59
Nez Perce	.62	Twin Falls	.62
Oneida	.61	Valley	.61
Owyhee	.63	Washington	.62

ILLINOIS

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.61	Lee	$0.61
Alexander	.64	Livingston	.61
Bond	.62	Logan	.61
Boone	.61	McDonough	.61
Brown	.61	McHenry	.61
Bureau	.61	McLean	.61
Calhoun	.62	Macon	.61
Carroll	.61	Macoupin	.62
Cass	.61	Madison	.63
Champaign	.61	Marion	.63
Christian	.61	Marshall	.61
Clark	.62	Mason	.61
Clay	.63	Massac	.64
Clinton	.63	Menard	.61
Coles	.61	Mercer	.61
Cook	.63	Monroe	.64
Crawford	.63	Montgomery	.62
Cumberland	.62	Morgan	.61
De Kalb	.61	Moultrie	.61
De Witt	.61	Ogle	.61
Douglas	.61	Peoria	.61
Du Page	.61	Perry	.64
Edgar	.61	Piatt	.61
Edwards	.64	Pike	.61
Effingham	.62	Pope	.65
Fayette	.62	Pulaski	.64
Ford	.61	Putnam	.61
Franklin	.64	Randolph	.64
Fulton	.61	Richland	.63
Gallatin	.65	Rock Island	.61
Greene	.62	Saint Clair	.64
Grundy	.61	Saline	.65
Hamilton	.64	Sangamon	.61
Hancock	.61	Schuyler	.61
Hardin	.65	Scott	.61
Henderson	.61	Shelby	.61
Henry	.61	Stark	.61
Iroquois	.61	Stephenson	.61
Jackson	.64	Tazewell	.61
Jasper	.63	Union	.64
Jefferson	.64	Vermilion	.61
Jersey	.62	Wabash	.64
Jo Daviess	.61	Warren	.61
Johnson	.64	Washington	.64
Kane	.61	Wayne	.64
Kankakee	.61	White	.64
Kendall	.61	Whiteside	.61
Knox	.61	Will	.62
Lake	.62	Williamson	.64
La Salle	.61	Winnebago	.61
Lawrence	.63	Woodford	.61

INDIANA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.62	Gibson	$0.64
Allen	.62	Grant	.62
Bartholomew	.63	Greene	.64
Benton	.61	Hamilton	.62
Blackford	.62	Hancock	.62
Boone	.62	Harrison	.64
Brown	.64	Hendricks	.62
Carroll	.62	Henry	.62
Cass	.62	Howard	.62
Clark	.64	Huntington	.62
Clay	.62	Jackson	.64
Clinton	.62	Jasper	.61
Crawford	.64	Jay	.62
Daviess	.64	Jefferson	.65
Dearborn	.65	Jennings	.65
Decatur	.63	Johnson	.62
De Kalb	.62	Knox	.64
Delaware	.62	Kosciusko	.62
Dubois	.64	Lagrange	.63
Elkhart	.63	Lake	.62
Fayette	.62	La Porte	.63
Floyd	.64	Lawrence	.64
Fountain	.61	Madison	.62
Franklin	.64	Marion	.62
Fulton	.62	Marshall	.62

INDIANA—continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Martin	$0.64	Scott	$0.65
Miami	.62	Shelby	.62
Monroe	.64	Spencer	.64
Montgomery	.62	Starke	.62
Morgan	.62	Steuben	.63
Newton	.61	Sullivan	.63
Noble	.62	Switzerland	.65
Ohio	.65	Tippecanoe	.62
Orange	.64	Tipton	.62
Owen	.62	Union	.62
Parke	.61	Vanderburgh	.64
Perry	.64	Vermillion	.61
Pike	.64	Vigo	.62
Porter	.62	Wabash	.62
Posey	.64	Warren	.61
Pulaski	.62	Warrick	.64
Putnam	.62	Washington	.64
Randolph	.62	Wayne	.62
Ripley	.65	Wells	.62
Rush	.62	White	.62
St. Joseph	.63	Whitley	.62

IOWA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$0.60	Jefferson	$0.61
Adams	.60	Johnson	.61
Allamakee	.61	Jones	.61
Appanoose	.60	Keokuk	.60
Audubon	.59	Kossuth	.59
Benton	.60	Lee	.61
Black Hawk	.60	Linn	.61
Boone	.59	Louisa	.61
Bremer	.60	Lucas	.60
Buchanan	.60	Lyon	.57
Buena Vista	.59	Madison	.60
Butler	.59	Mahaska	.60
Calhoun	.59	Marion	.60
Carroll	.59	Marshall	.59
Cass	.60	Mills	.60
Cedar	.61	Mitchell	.59
Cerro Gordo	.59	Monona	.58
Cherokee	.58	Monroe	.60
Chickasaw	.60	Montgomery	.60
Clarke	.60	Muscatine	.61
Clay	.59	O'Brien	.58
Clayton	.61	Osceola	.57
Clinton	.61	Page	.60
Crawford	.58	Palo Alto	.59
Dallas	.59	Plymouth	.58
Davis	.61	Pocahontas	.59
Decatur	.60	Polk	.59
Delaware	.61	Pottawattamie	.60
Des Moines	.61	Poweshiek	.59
Dickinson	.58	Ringgold	.60
Dubuque	.61	Sac	.59
Emmet	.58	Scott	.61
Fayette	.61	Shelby	.59
Floyd	.59	Sioux	.57
Franklin	.59	Story	.59
Fremont	.60	Tama	.59
Greene	.59	Taylor	.60
Grundy	.59	Union	.60
Guthrie	.59	Van Buren	.61
Hamilton	.59	Wapello	.60
Hancock	.59	Warren	.60
Hardin	.59	Washington	.61
Harrison	.59	Wayne	.60
Henry	.61	Webster	.59
Howard	.60	Winnebago	.59
Humboldt	.59	Winneshiek	.61
Ida	.58	Woodbury	.58
Iowa	.60	Worth	.59
Jackson	.61	Wright	.59
Jasper	.59		

KANSAS

County	*Rate per bushel*	*County*	*Rate per bushel*
Allen	$0.63	Clark	$0.66
Anderson	.63	Clay	.62
Atchison	.63	Cloud	.62
Barber	.66	Coffey	.63
Barton	.64	Comanche	.66
Bourbon	.64	Cowley	.65
Brown	.62	Crawford	.64
Butler	.65	Decatur	.62
Chase	.64	Dickinson	.63
Chautauqua	.65	Doniphan	.63
Cherokee	.65	Douglas	.63
Cheyenne	.63	Edwards	.64

KANSAS—continued

County	Rate per bushel	County	Rate per bushel
Elk	$0.64	Nemaha	$0.62
Ellis	.63	Neosho	.64
Ellsworth	.63	Ness	.64
Finney	.65	Norton	.62
Ford	.65	Osage	.63
Franklin	.63	Osborne	.62
Geary	.63	Ottawa	.62
Gove	.64	Pawnee	.64
Graham	.63	Phillips	.61
Grant	.65	Pottawatomie	.62
Gray	.65	Pratt	.65
Greeley	.64	Rawlins	.63
Greenwood	.64	Reno	.64
Hamilton	.65	Republic	.61
Harper	.66	Rice	.64
Harvey	.64	Riley	.62
Haskell	.65	Rooks	.62
Hodgeman	.64	Rush	.64
Jackson	.63	Russell	.63
Jefferson	.63	Saline	.63
Jewell	.61	Scott	.64
Johnson	.64	Sedgwick	.65
Kearny	.65	Seward	.66
Kingman	.65	Shawnee	.63
Kiowa	.65	Sheridan	.63
Labette	.65	Sherman	.63
Lane	.64	Smith	.61
Leavenworth	.64	Stafford	.64
Lincoln	.62	Stanton	.65
Linn	.63	Stevens	.66
Logan	.64	Sumner	.66
Lyon	.63	Thomas	.63
McPherson	.64	Trego	.63
Marion	.64	Wabaunsee	.63
Marshall	.62	Wallace	.64
Meade	.66	Washington	.61
Miami	.63	Wichita	.64
Mitchell	.62	Wilson	.64
Montgomery	.65	Woodson	.63
Morris	.63	Wyandotte	.64
Morton	.66		

KENTUCKY

All counties $0.71

LOUISIANA

All counties $0.70

MAINE

All counties $0.71

MARYLAND

All counties $0.70

MASSACHUSETTS

All counties $0.71

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.62	Hillsdale	$0.63
Alger	.64	Houghton	.63
Allegan	.64	Huron	.62
Alpena	.62	Ingham	.63
Antrim	.63	Ionia	.63
Arenac	.62	Iosco	.62
Baraga	.63	Iron	.63
Barry	.64	Isabella	.63
Bay	.62	Jackson	.63
Benzie	.63	Kalamazoo	.64
Berrien	.63	Kalkaska	.63
Branch	.63	Kent	.64
Calhoun	.63	Keweenaw	.63
Cass	.63	Lake	.64
Charlevoix	.63	Lapeer	.62
Cheboygan	.63	Leelanau	.63
Chippewa	.64	Lenawee	.63
Clare	.63	Livingston	.63
Clinton	.63	Luce	.64
Crawford	.62	Mackinac	.64
Delta	.63	Macomb	.63
Dickinson	.63	Manistee	.64
Eaton	.63	Marquette	.63
Emmet	.63	Mason	.64
Genesee	.62	Mecosta	.63
Gladwin	.62	Menominee	.63
Gogebic	.63	Midland	.62
Grand Traverse	.63	Missaukee	.63
Gratiot	.63	Monroe	.63
		Montcalm	.63

MICHIGAN—continued

County	Rate per bushel	County	Rate per bushel
Montmorency	$0.62	Roscommon	$0.62
Muskegon	.64	Saginaw	.62
Newaygo	.64	St. Clair	.63
Oakland	.63	St. Joseph	.63
Oceana	.64	Sanilac	.62
Ogemaw	.62	Schoolcraft	.64
Ontonagon	.63	Shiawassee	.62
Osceola	.63	Tuscola	.62
Oscoda	.62	Van Buren	.64
Otsego	.63	Washtenaw	.63
Ottawa	.64	Wayne	.63
Presque Isle	.62	Wexford	.64

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.56	Marshall	$0.50
Anoka	.58	Martin	.56
Becker	.52	Meeker	.56
Beltrami	.51	Mille Lacs	.56
Benton	.56	Morrison	.55
Big Stone	.53	Mower	.57
Blue Earth	.57	Murray	.54
Brown	.56	Nicollet	.57
Carlton	.57	Nobles	.55
Carver	.58	Norman	.51
Cass	.54	Olmsted	.57
Chippewa	.54	Otter Tail	.53
Chisago	.58	Pennington	.51
Clay	.52	Pine	.57
Clearwater	.52	Pipestone	.54
Cook	.58	Polk	.51
Cottonwood	.55	Pope	.54
Crow Wing	.55	Ramsey	.58
Dakota	.58	Red Lake	.51
Dodge	.57	Redwood	.55
Douglas	.54	Renville	.56
Faribault	.57	Rice	.57
Fillmore	.58	Rock	.55
Freeborn	.57	Roseau	.50
Goodhue	.57	Saint Louis	.57
Grant	.53	Scott	.58
Hennepin	.58	Sherburne	.57
Houston	.58	Sibley	.57
Hubbard	.53	Stearns	.56
Isanti	.57	Steele	.57
Itasca	.54	Stevens	.53
Jackson	.56	Swift	.54
Kanabec	.57	Todd	.55
Kandiyohi	.56	Traverse	.52
Kittson	.50	Wabasha	.57
Koochiching	.53	Wadena	.54
Lac qui Parle	.54	Waseca	.57
Lake	.58	Washington	.58
Lake of the Woods	.51	Watonwan	.56
Le Sueur	.57	Wilkin	.52
Lincoln	.54	Winona	.58
Lyon	.54	Wright	.57
McLeod	.57	Yellow Medicine	.54
Mahnomen	.51		

MISSISSIPPI

All counties $0.70

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.63	Christian	$0.65
Andrew	.62	Clark	.61
Atchison	.61	Clay	.64
Audrain	.62	Clinton	.64
Barry	.65	Cole	.64
Barton	.64	Cooper	.64
Bates	.63	Crawford	.65
Benton	.63	Dade	.63
Bollinger	.65	Dallas	.64
Boone	.64	Daviess	.63
Buchanan	.64	De Kalb	.63
Butler	.65	Dent	.65
Caldwell	.64	Douglas	.65
Callaway	.64	Dunklin	.65
Camden	.64	Franklin	.65
Cape Girardeau	.64	Gasconade	.65
Carroll	.63	Gentry	.62
Carter	.65	Greene	.64
Cass	.63	Grundy	.62
Cedar	.63	Harrison	.62
Chariton	.63	Henry	.63
		Hickory	.63

MISSOURI—continued

County	Rate per bushel	County	Rate per bushel
Holt	$0.62	Pettis	[illegible]
Howard	.64	Phelps	[illegible]
Howell	.66	Pike	[illegible]
Iron	.65	Platte	[illegible]
Jackson	.63	Polk	[illegible]
Jasper	.64	Pulaski	[illegible]
Jefferson	.64	Putnam	[illegible]
Johnson	.63	Ralls	[illegible]
Knox	.62	Randolph	[illegible]
Laclede	.64	Ray	[illegible]
Lafayette	.63	Reynolds	[illegible]
Lawrence	.64	Ripley	[illegible]
Lewis	.61	St. Charles	[illegible]
Lincoln	.63	St. Clair	[illegible]
Linn	.63	Ste. Genevieve	[illegible]
Livingston	.63	St. Francis	[illegible]
McDonald	.65	St. Louis	[illegible]
Macon	.63	Saline	[illegible]
Madison	.65	Schuyler	[illegible]
Maries	.65	Scotland	[illegible]
Marion	.61	Scott	[illegible]
Mercer	.62	Shannon	[illegible]
Miller	.64	Shelby	[illegible]
Mississippi	.64	Stoddard	[illegible]
Moniteau	.64	Stone	[illegible]
Monroe	.62	Sullivan	[illegible]
Montgomery	.64	Taney	[illegible]
Morgan	.64	Texas	[illegible]
New Madrid	.65	Vernon	[illegible]
Newton	.64	Warren	[illegible]
Nodaway	.61	Washington	[illegible]
Oregon	.66	Wayne	[illegible]
Osage	.65	Webster	[illegible]
Ozark	.66	Worth	.61
Pemiscot	.65	Wright	[illegible]
Perry	.64		

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.58	Madison	[illegible]
Big Horn	.54	Meagher	.54
Blaine	.50	Mineral	[illegible]
Broadwater	.54	Missoula	.57
Carbon	.54	Musselshell	[illegible]
Carter	.53	Park	.54
Cascade	.54	Petroleum	[illegible]
Chouteau	.51	Phillips	[illegible]
Custer	.52	Pondera	[illegible]
Daniels	.50	Powder River	[illegible]
Dawson	.50	Powell	[illegible]
Deer Lodge	.56	Prairie	[illegible]
Fallon	.52	Ravalli	.57
Fergus	.52	Richland	[illegible]
Flathead	.56	Roosevelt	[illegible]
Gallatin	.54	Rosebud	[illegible]
Garfield	.50	Sanders	[illegible]
Glacier	.53	Sheridan	[illegible]
Golden Valley	.53	Silver Bow	[illegible]
Granite	.57	Stillwater	[illegible]
Hill	.51	Sweet Grass	[illegible]
Jefferson	.55	Teton	[illegible]
Judith Basin	.53	Toole	[illegible]
Lake	.57	Treasure	[illegible]
Lewis and Clark	.55	Valley	[illegible]
Liberty	.52	Wheatland	[illegible]
Lincoln	.58	Wibaux	[illegible]
McCone	.50	Yellowstone	[illegible]

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.59	Colfax	[illegible]
Antelope	.56	Cuming	[illegible]
Arthur	.57	Custer	.57
Banner	.57	Dakota	[illegible]
Blaine	.56	Dawes	.57
Boone	.57	Dawson	[illegible]
Box Butte	.57	Deuel	[illegible]
Boyd	.55	Dixon	[illegible]
Brown	.56	Dodge	[illegible]
Buffalo	.58	Douglas	[illegible]
Burt	.58	Dundy	.61
Butler	.58	Fillmore	[illegible]
Cass	.59	Franklin	[illegible]
Cedar	.57	Frontier	[illegible]
Chase	.60	Furnas	[illegible]
Cherry	.56	Gage	[illegible]
Cheyenne	.58	Garden	.57
Clay	.59	Garfield	[illegible]

NEBRASKA—continued

County	Rate per bushel	County	Rate per bushel
Gosper	$0.59	Otoe	$0.59
Grant	.56	Pawnee	.60
Greeley	.57	Perkins	.59
Hall	.58	Phelps	.59
Hamilton	.58	Pierce	.57
Harlan	.59	Platte	.57
Hayes	.60	Polk	.57
Hitchcock	.61	Red Willow	.60
Holt	.56	Richardson	.60
Hooker	.56	Rock	.56
Howard	.57	Saline	.59
Jefferson	.59	Sarpy	.59
Johnson	.60	Saunders	.59
Kearney	.59	Scotts Bluff	.57
Keith	.58	Seward	.58
Keya Paha	.55	Sheridan	.57
Kimball	.58	Sherman	.57
Knox	.56	Sioux	.57
Lancaster	.59	Stanton	.57
Lincoln	.58	Thayer	.59
Logan	.57	Thomas	.56
Loup	.56	Thurston	.58
McPherson	.57	Valley	.57
Madison	.57	Washington	.59
Merrick	.57	Wayne	.57
Morrill	.57	Webster	.59
Nance	.57	Wheeler	.56
Nemaha	.59	York	.58
Nuckolls	.59		

NEVADA

All counties $0.75

NEW JERSEY

All counties $0.71

NEW MEXICO

All counties $0.70

NEW YORK

All counties $0.70

NORTH CAROLINA

All counties $0.71

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.51	McLean	$0.49
Barnes	.52	Mercer	.49
Benson	.50	Morton	.50
Billings	.50	Montrail	.48
Bottineau	.49	Nelson	.51
Bowman	.51	Oliver	.50
Burke	.48	Pembina	.50
Burleigh	.51	Pierce	.49
Cass	.52	Ramsey	.50
Cavalier	.50	Ransom	.52
Dickey	.52	Renville	.49
Divide	.48	Richland	.52
Dunn	.49	Rolette	.49
Eddy	.51	Sargent	.52
Emmons	.51	Sheridan	.50
Foster	.51	Sioux	.51
Golden Valley	.50	Slope	.50
Grand Forks	.51	Stark	.50
Grant	.50	Steele	.51
Griggs	.51	Stutsman	.52
Hettinger	.50	Towner	.50
Kidder	.51	Traill	.51
La Moure	.52	Walsh	.50
Logan	.51	Ward	.49
McHenry	.49	Wells	.50
McIntosh	.51	Williams	.48
McKenzie	.49		

OHIO

Adams	$0.68	Clinton	$0.66
Allen	.64	Columbiana	.69
Ashland	.65	Coshocton	.67
Ashtabula	.69	Crawford	.65
Athens	.69	Cuyahoga	.67
Auglaize	.64	Darke	.63
Belmont	.70	Defiance	.63
Brown	.67	Delaware	.65
Butler	.64	Erie	.65
Carroll	.69	Fairfield	.65
Champaign	.65	Fayette	.65
Clark	.65	Franklin	.65
Clermont	.66	Fulton	.64

OHIO—continued

County	Rate per bushel	County	Rate per bushel
Gallia	$0.69	Morgan	$0.69
Geauga	.68	Morrow	.65
Greene	.65	Muckingum	.68
Guernsey	.69	Noble	.69
Hamilton	.65	Ottawa	.65
Hancock	.64	Paulding	.63
Hardin	.64	Perry	.67
Harrison	.69	Pickaway	.65
Henry	.64	Pike	.68
Highland	.67	Portage	.68
Hocking	.67	Preble	.63
Holmes	.67	Putnam	.64
Huron	.65	Richland	.65
Jackson	.68	Ross	.66
Jefferson	.70	Sandusky	.65
Knox	.65	Scioto	.68
Lake	.68	Seneca	.65
Lawrence	.68	Shelby	.64
Licking	.65	Stark	.68
Logan	.65	Summit	.67
Lorain	.66	Trumbull	.69
Lucas	.64	Tuscarawas	.68
Madison	.65	Union	.65
Mahoning	.69	Van Wert	.63
Marion	.65	Vinton	.68
Medina	.67	Warren	.65
Meigs	.69	Washington	.70
Mercer	.63	Wayne	.67
Miami	.64	Williams	.64
Monroe	.70	Wood	.64
Montgomery	.64	Wyandot	.65

OKLAHOMA

All counties $0.67

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.64	Lake	$0.68
Benton	.70	Lane	.69
Clackamas	.70	Lincoln	.70
Clatsop	.69	Linn	.69
Columbia	.70	Malheur	.64
Coos	.70	Marion	.70
Crook	.68	Morrow	.67
Curry	.70	Multnomah	.70
Deschutes	.68	Polk	.70
Douglas	.69	Sherman	.68
Gilliam	.68	Tillamook	.70
Grant	.67	Umatilla	.66
Harney	.67	Union	.65
Hood River	.70	Wallowa	.64
Jackson	.69	Wasco	.68
Jefferson	.68	Washington	.70
Josephine	.69	Wheeler	.68
Klamath	.68	Yamhill	.70

PENNSYLVANIA

All counties $0.70

RHODE ISLAND

All counties $0.71

SOUTH CAROLINA

All counties $0.71

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$0.52	Dewey	$0.51
Aurora	.53	Douglas	.53
Beadle	.53	Edmunds	.51
Bennett	.53	Fall River	.54
Bon Homme	.54	Faulk	.51
Brookings	.54	Grant	.53
Brown	.52	Gregory	.53
Brule	.53	Haakon	.52
Buffalo	.53	Hamlin	.53
Butte	.51	Hand	.52
Campbell	.51	Hanson	.53
Charles Mix	.53	Harding	.51
Clark	.52	Hughes	.52
Clay	.56	Hutchinson	.54
Codington	.52	Hyde	.52
Corson	.51	Jackson	.52
Custer	.54	Jerauld	.53
Davison	.53	Jones	.52
Day	.52	Kingsbury	.53
Deuel	.54	Lake	.53

SOUTH DAKOTA—continued

County	Rate per bushel	County	Rate per bushel
Lawrence	$0.51	Sanborn	$0.53
Lincoln	.55	Shannon	.54
Lyman	.52	Spink	.52
McCook	.53	Stanley	.52
McPherson	.51	Sully	.52
Marshall	.52	Todd	.53
Meade	.51	Tripp	.53
Mellette	.53	Turner	.55
Miner	.53	Union	.56
Minnehaha	.54	Walworth	.51
Moody	.54	Washabaugh	.53
Pennington	.52	Washington	.52
Perkins	.51	Yankton	.55
Potter	.51	Ziebach	.51
Roberts	.52		

TENNESSEE

All counties $0.71

TEXAS

All counties $0.69

UTAH

All counties $0.70

VIRGINIA

All counties $0.70

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.63	Lewis	$0.68
Asotin	.63	Lincoln	.63
Benton	.65	Mason	.68
Chelan	.66	Okanogan	.66
Clallam	.68	Pacific	.68
Clark	.70	Pend Oreille	.61
Columbia	.63	Pierce	.69
Cowlitz	.69	San Juan	.68
Douglas	.65	Skagit	.68
Ferry	.64	Skamania	.69
Franklin	.63	Snohomish	.68
Garfield	.63	Spokane	.62
Grant	.64	Stevens	.62
Grays Harbor	.68	Thurston	.68
Island	.68	Wahkiakum	.68
Jefferson	.68	Walla Walla	.63
King	.69	Whatcom	.68
Kitsap	.68	Whitman	.62
Kittitas	.66	Yakima	.66
Klickitat	.66		

WEST VIRGINIA

All counties $0.71

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.61	Lafayette	$0.63
Ashland	.61	Langlade	.61
Barron	.59	Lincoln	.61
Bayfield	.60	Manitowoc	.60
Brown	.60	Marathon	.61
Buffalo	.59	Marinette	.62
Burnett	.59	Marquette	.61
Calumet	.60	Milwaukee	.63
Chippewa	.60	Monroe	.61
Clark	.60	Oconto	.61
Columbia	.61	Oneida	.62
Crawford	.62	Outagamie	.60
Dane	.62	Ozaukee	.62
Dodge	.61	Pepin	.59
Door	.60	Pierce	.59
Douglas	.59	Polk	.59
Dunn	.60	Portage	.61
Eau Claire	.60	Price	.61
Florence	.62	Racine	.63
Fond du Lac	.60	Richland	.62
Forest	.62	Rock	.62
Grant	.62	Rusk	.60
Green	.62	St. Croix	.59
Green Lake	.61	Sauk	.62
Iowa	.63	Sawyer	.60
Iron	.62	Shawano	.61
Jackson	.61	Sheboygan	.61
Jefferson	.62	Taylor	.61
Juneau	.61	Trempealeau	.60
Kenosha	.63	Vernon	.61
Kewaunee	.60	Vilas	.62
La Crosse	.60	Walworth	.62

WISCONSIN—continued

County	Rate per bushel	County	Rate per bushel
Washburn	$0.59	Waushara	$0.61
Washington	.62	Winnebago	.60
Waukesha	.63	Wood	.61
Waupaca	.61		

WYOMING

All counties	$0.60

(b) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the oat crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the oats were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the oats comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the oats are stored determines that State, district or county weed control laws, as administered, affect oats stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the oats were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the oats comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATE

This is to certify that the grain evidenced by warehouse receipt No. ______ issued to __________ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

____
(Signature)

____
(Address)

____
(Date)

(c) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible oats placed under farm-storage loan the discount in this paragraph shall be applied to the basic rate at the time the loan is completed. Applicable premiums for grade and test weight shall not be applied until time of settlement. In the case of eligible oats delivered from farm storage under purchase agreement, the applicable premiums and discount shall be applied to the basic rate at the time of settlement.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable premiums and discount for eligible oats shall be applied to the basic rate at the time the loan is completed. In the case of eligible oats represented by warehouse receipts tendered to CCC under purchase agreements, the applicable premiums and discount shall be applied to the basic rate at the time of settlement.

(3) *Schedule of premiums and discount.*

	Cents per bushel
Premiums:	
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discount:	
Garlicky	3

§ 421.3284 *Warehouse charges.* (a) Warehouse receipts and oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage: *Provided,* That, the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing oats stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, 1959, or April 30, 1959, the applicable date to be determined in accordance with § 421.3282, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 28, 1959, or April 30, 1959, the applicable date to be determined in accordance with § 421.3282.

Amount of deduction (cents per bushel)	For States having a maturity date not later than Apr. 30, 1959, date of deposit (all dates inclusive)	For States having a maturity date not later than Feb. 28, 1959, date of deposit (all dates inclusive)
12	Prior to May 10, 1958	
11	May 10-June 9, 1958	Prior to Apr. 10, 1958.
10	June 10-July 10, 1958	Apr. 10-May 10, 1958.
9	July 11-Aug. 10, 1958	May 11-June 10, 1958.
8	Aug. 11-Sept. 10, 1958	June 11-July 11, 1958.
7	Sept. 11-Oct. 11, 1958	July 12-Aug. 11, 1958.
6	Oct. 12-Nov. 11, 1958	Aug. 12-Sept. 11, 1958.
5	Nov. 12-Dec. 12, 1958	Sept. 12-Oct. 12, 1958.
4	Dec. 13, 1958-Jan. 12, 1959	Oct. 13-Nov. 12, 1958.
3	Jan. 13-Feb. 12, 1959	Nov. 13-Dec. 13, 1958.
2	Feb. 13-Mar. 15, 1959	Dec. 14, 1958-Jan. 13, 1959.
1	Mar. 16-Apr. 30, 1959	Jan. 14-Feb. 28, 1959.

(b) Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That, the warehouseman shall not be entitled to satisfy the lien by sale of the commodity if CCC is holder of the warehouse receipt. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 28 or April 30, 1959, whichever date is applicable as determined in accordance with § 421.3282, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.3285 *Inspection of oats under purchase agreement*—(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his oats stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the oats and obtain a sample of the oats and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the oats. If the oats on the basis of the predelivery inspection are of a quality which meet the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issued delivery instructions unless the county office determines that more time is needed for delivery. The producer whose oats are stored in other than an approved warehouse and whose oats are not of a quality eligible for a loan at the time of the predelivery inspection, shall be notified in writing by the county office that his oats are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the oats or otherwise take action to make the oats eligible and insists upon delivery of the oats, the county office shall issue delivery instructions. The producer shall be further informed that if such oats, upon delivery and before purchase, do not meet the eligibility requirements of § 421.3278 (c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the oats shall not be accepted for purchase by CCC. A predelivery inspection shall not be made on oats stored commingled in warehouses not approved for storage or on oats in an unapproved warehouse which are stored so that the identity of the producer's oats are maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such oats at the time of delivery must meet the eligibility requirements of § 421.3278 (c) (1) and (2).

(b) *Inspection of oats stored by producer, after maturity date.* The producer may be required to retain the oats stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the oats covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for oats which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the oats are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the oats are going out of condition or are in danger of going out of condition and that the oats cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3286 *Settlement* — (a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible oats delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate for the county in which the oats were produced. The support rate shall be for the grade and quality of the total quantity of oats eligible for delivery. If, upon delivery, the oats under farm storage are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the basic support rate, adjusted for premiums or discounts, if any, applicable to the grade and quality of the oats placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the oats delivered, as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine their market price, the settlement value shall not be less than such sales price: *Provided, further,* That if upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, the oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price: *Provided, further,* That if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible oats under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the oats were produced.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for oats delivered to CCC from farm storage meeting the eligibility requirements of § 421.3278 (c) (1) and (2) as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the location where produced and for the grade and quality of the quantity eligible for delivery on the basis of such inspection. If oats which were determined to be eligible at the time of the predelivery inspection are, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible oats as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the oats determined by the predelivery inspection and the market price of the oats delivered, as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price: *And provided, further,* That if, upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, such oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible oats stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of oats he elects to sell to CCC. Settlement for eligible oats delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the oats were produced.

(iii) *Delivery from unapproved warehouse storage.* Settlement for oats which are stored commingled, or which are stored so that the identity of the producer's oats are maintained but a predelivery inspection is not possible, which are delivered to CCC from a warehouse not approved for storage and which meet the eligibility requirements of § 421.3278 (c) (1) and (2), shall be made at the applicable support rate for the grade and quantity eligible for delivery for the county in which the oats were produced. If a predelivery inspection of the producer's oats can be made, the settlement will be the same as for oats delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Oats ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of oats ineligible for delivery which are inadvertently accepted by CCC and which CCC determines that it is not in a position to reject: (*a*) Oats which were of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) oats of an ineligible grade or quality which are delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) oats in other than approved warehouse storage on which a predelivery inspection was not performed and which, at the time of delivery, do not meet the eligibility requirements of § 421.3278 (c) (1) and (2). The settlement value shall be the market price for the grade, quality and quantity of such ineligible oats delivered as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, the oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery. If oats delivered are of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such oats are inadvertently accepted by CCC, the settlement value shall be the sales price if the oats are immediately sold. If the oats are not immediately sold, the settlement value shall be the applicable support rate or the market price as determined by CCC, whichever is lower.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored oats under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3284.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the oats to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of oats stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain oats stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such oats within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the oats to CCC: *Provided, however,* That a storage payment shall be paid a producer whose oats are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the oats to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00032 per bushel per day for the oats accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on oats delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his oats to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the oats any distance greater than the distance from the point where the oats are stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of oats under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 14th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3732; Filed, May 20, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

SUBPART—REGULATIONS GOVERNING THE HOLDING OF REFERENDA ON MARKETING QUOTAS

Basis and purpose. The regulations contained in §§ 717.1 to 717.14, each inclusive, are issued pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and the provisions of the Agricultural Act of 1956 and govern the holding of referenda on marketing quotas.

The purpose of these revised regulations is (a) to incorporate amendments approved and published since the last general revision was approved on June 5, 1956, and published in the FEDERAL REGISTER of June 9, 1956 (21 F. R. 3960), (b) to provide that a list of persons voting be prepared at the polling place and (c) to provide for the combination of adjacent or nearby communities or neighborhoods in the holding of a referendum.

Prior to preparing these regulations public notice (23 F. R. 2280) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations submitted by persons interested in the regulations pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

In order that these revised regulations may be in effect for the referendum on wheat to be held on June 20, 1958, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act. Accordingly these revised regulations shall become effective upon publication in the FEDERAL REGISTER.

Sections 717.1 to 717.14 each inclusive are revised as follows:

Sec.
717.1 Definitions.
717.2 Agencies through which a referendum shall be conducted.
717.3 Voting eligibility.
717.4 Place for balloting.
717.5 Time of voting.
717.6 Notice of referendum.
717.7 Manner of voting.
717.8 Local arrangements for holding the referendum.
717.9 Issuing ballots to voters.
717.10 Community referendum committee's canvas of ballots and record of results of the referendum.
717.11 County committee's canvass of ballots and record of results of the referendum.
717.12 State committee's record of the result of the referendum.
717.13 Results of referendum.
717.14 Applicability of regulations to Puerto Rico.

AUTHORITY: §§ 717.1 to 717.14 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 312, 336, 343, 354, 358, 377, 52 Stat. 46, 55, 56, 61, as amended; 55 Stat. 88; 70 Stat. 206, as amended; secs. 106, 112, 70 Stat. 191, 195; 7 U. S. C. 1312, 1336, 1343, 1354, 1358, 1377, 1824, 1836.

§ 717.1 *Definitions.* As used in the regulations in this part and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) *Act.* The Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) *Deputy Administrator.* The Deputy or Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(c) *Secretary.* The Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereinafter be delegated, to act in his stead.

(d) *State committee.* The persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(e) *County committee.* The persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) *Person.* An individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(g) *County Office Manager.* The person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation county office, or the person acting in such capacity.

(h) *Engaged in the production.* The term "engaged in the production" shall include planting a crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. A person shall be deemed to be engaged in the production of a commodity in any year to the extent of the acreage of the commodity in which he would have shared as landlord, tenant, or sharecropper, if the commodity had been produced on acreage deemed to have been devoted in such year to the production of the commodity under section 377 of the Agricultural Adjustment Act of 1938 or section 106 (a) or 112 (2) of the Soil Bank Act, and applicable regulations issued thereunder.

(i) *State Administrative Officer.* The person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation State office, or the person acting in such capacity.

(j) *Upland cotton.* Any cotton other than extra long staple cotton.

(k) *Extra long staple cotton.* American-Egyptian, Sea Island and Sealand cotton and all other varieties of the Barbadense species and any hybrid thereof, and any other cotton in which one or more of these varieties predominates, as provided under section 347 (a) of the act.

(l) *Tobacco.* Each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;

Fire-cured tobacco, comprising types 21, 22, 23, and 24;

Dark air-cured tobacco, comprising types 35 and 36;

Virginia sun-cured tobacco, comprising type 37;

Burley tobacco, comprising type 31;

Maryland tobacco, comprising type 32;

Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 53, 54, and 55;

Cigar-Binder tobacco, comprising types 51 and 52;

Porto Rican Cigar-Filler tobacco, comprising type 46;

Cigar-filler tobacco, comprising type 41.

§ 717.2 *Agencies through which a referendum shall be conducted*—(a) *Utilization of existing agencies.* The Deputy Administrator shall be in charge of and responsible for conducting each referendum on marketing quotas for any commodity required by the act. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of the Deputy Administrator and of each committee to conduct each referendum by secret ballot in a fair, unbiased, and impartial manner in accordance with the regulations in this part subject however, to the provisions hereof with respect to challenged ballots and ballots cast by mail.

(b) *Community referendum committees where one referendum is to be conducted.* In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum or for any combination of adjacent or nearby communities or neighborhoods if any one of them has less than 25 farms on which producers are eligible to vote in the referendum. Each referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in the referendum. The county committee shall name one member of the community referendum committee as chairman and another member thereof as vice chairman. The vice chairman shall act as the chairman in the event of the absence or incapacity of the chairman and the alternate shall serve on the committee in the place of any regular member who cannot serve. The community referendum committee shall be responsible for the proper holding of the referendum in its community or neighborhood in a fair, unbiased, and impartial manner in accordance with the regulations in this part. In counties with less than 100 farms on which there are producers who are eligible to vote in the referendum, the county shall be considered as one community for the purpose of the referendum and the county committee shall perform, in addition to its other duties, the duties of the community referendum committee, unless, for any such county, the county committee and the State committee determine that one or more community referendum committees are necessary to the county for the proper holding of the referendum.

(c) *Community referendum committees where two or more referendums are to be conducted.* Where two or more referendums are to be held in the county on the same day, the provisions of paragraph (b) of this section shall be applicable except that (1) the total number of farms on which there are producers eligible to vote in any one or more of such referendums shall be used to determine whether there are 100 or more farms on which there are producers who are eligible to vote in the referendums, and (2) each community referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in any of such referendums.

§ 717.3 *Voting eligibility*—(a) *Special eligibility requirements with respect to particular commodities*—(1) *Upland cotton.* Farmers eligible to vote in a referendum with respect to upland cotton shall be those farmers who were engaged in the production of upland cotton in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of extra long staple cotton, shall not be eligible to vote in the upland cotton referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

(2) *Extra long staple cotton.* Farmers eligible to vote in a referendum with respect to extra long staple cotton shall be those farmers who were engaged in the production of extra long staple cotton in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of upland cotton shall not be eligible to vote in an extra long staple cotton referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

(3) *Tobacco.* Farmers eligible to vote in a referendum with respect to a particular kind of tobacco will be those farmers who were engaged in the production of the crop of the kind of tobacco with respect to which the referendum is held which is harvested immediately prior to the referendum, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(4) *Wheat.* A person shall be eligible to vote in a referendum with respect to wheat marketing quotas for any marketing year if during the calendar year in which such marketing year begins such person will be engaged as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper in the production of more than 15 acres of wheat for harvest as grain in such calendar year on a farm located in an area not designated at the time of the referendum as being outside the commercial wheat-producing area for such marketing year. Wheat acreage for harvest as grain shall include acreage which will be deemed to have been devoted to the production of wheat under section 377 of the Agricultural Adjustment Act of 1938 or section 106 (a) or 112 (2) of the Soil Bank Act. If a wheat acreage allotment in excess of fifteen acres is established for a farm it shall be presumed that more than fifteen acres of wheat will be produced for harvest as grain in the year for which the allotment is established. No person who signs a form MQ-32 Wheat, Application for Exemption from Provisions of Wheat Marketing Quota Obligations under the Provisions of Public Law 85-203, for any farm with respect to any crop of wheat which is filed with and approved by the county committee shall be eligible to vote in the referendum on the next succeeding crop of wheat, unless prior to the date of the referendum such application is cancelled or the exemption becomes null and void because of a violation of any condition thereof. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible to vote in a referendum.

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice, or engaged in the production of more than three acres of non-irrigated rice on a farm, as owner-operator, cash tenant, standing rent or fixed rent tenant, land-

lord of a share tenant, share tenant (including an irrigation company furnishing water for a share of the crop), or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. A person who obtained a rice allotment with respect to the crop of rice harvested immediately prior to the referendum as a new producer under applicable regulations and did not plant any of such rice allotment shall not be eligible to vote in the referendum.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who were engaged in the production of more than one acre of peanuts for nuts on a farm in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible to vote in a referendum.

(b) *General eligibility requirements which apply to referenda on any commodity.* (1) A person as defined in § 717.1 (f) may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested: *Provided, however,* That the individual members of a qualified partnership shall each have one vote but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. In addition if a person engages in the production of a commodity as guardian, administrator, executor, or trustee in such a manner as to qualify as a voter, as for example, as a landlord of a share tenant, he will be eligible to vote in the capacity of guardian, administrator, executor, or trustee. In such cases the persons for whom he is acting in a fiduciary capacity will not be eligible to vote. An individual may if otherwise eligible cast a ballot in his individual capacity although he may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which he is otherwise eligible, as for example, if John Doe is administrator of estate X he may cast a ballot as administrator of estate X, and if he is also administrator of estate Y he may cast another ballot as administrator of estate Y.

(2) Where a group of several persons, such as husband, wife, and children, have participated or will participate in the production of a commodity under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons have produced or will produce a commodity as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified. Whether a husband or wife is entitled to vote does not depend upon whether the other spouse is entitled to vote. Each individual's right to vote whether single or married depends upon his or her own qualifications. A minor is not disqualified from voting solely because of his minority if otherwise eligible.

(3) Subject to the provisions of § 717.7 (c) a farmer shall be eligible to vote only at a polling place designated for the community in which he resides or for a combination of communities or neighborhoods which includes the community in which he resides, except that any farmer who will not vote at such a polling place may vote at the polling place designated for the community or combination of communities or neighborhoods in which he was engaged, or will be engaged, in the production of the commodity which will qualify him as a voter.

(c) *Register of voters.* The community referendum committee shall cause to be prepared a register of voters on form MQ-4 at each polling place designated for a community or neighborhood or combination of communities or neighborhoods where the referendum is held by entering on such register the names and addresses of persons voting in the referendum.

§ 717.4 *Place for balloting.* The county committee shall designate at least one place for balloting in each community or neighborhood or combination of communities or neighborhoods for which a community referendum committee is designated. The polling place shall be one well known to and readily accessible to the persons in the community or neighborhood or combination of communities or neighborhoods and shall be equipped and arranged so that each voter can mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatsoever.

§ 717.5 *Time of voting.* There shall be no voting except on the day fixed for the holding of the referendum (except as provided in § 717.7 (c) in the case of voting by mail) and the day fixed for the holding of the referendum shall be the same in all neighborhoods, communities, counties, and States. The date for holding the referendum shall be that determined by the Secretary in accordance with the provisions of law applicable thereto and stated in the notice of the referendum prescribed by him. The polls shall be opened at 8 o'clock a. m., local time, on the date fixed for holding the referendum. The polls shall be closed at 7 o'clock p. m., local time, or such later hour as is fixed by the State committee in order to afford a full and fair opportunity to producers to vote, on the date for holding the referendum.

§ 717.6 *Notice of referendum*—(a) *Posting a notice.* The county committee shall give public notice in each community or neighborhood of the time and place for balloting in the referendum by having posted a notice, on the form prescribed by the Secretary for use in the referendum, at one or more places open to the public within each community or neighborhood at least 5 days in advance of the date of the referendum. The notice shall contain information concerning the commodity and marketing year or years or crops for which the referendum is to be held, a summary of the rules governing the eligibility to vote, the location of the polling places in the community or neighborhood, the date of the referendum, and the hours when the polls will be opened and closed.

(b) *Use of agencies of public information.* The county committee and community referendum committees will utilize to the extent practicable (without advertising expense) all available agencies of public information, including newspapers, radio, and other means, to give persons in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the arrangements for holding the referendum in the county have been made.

§ 717.7 *Manner of voting*—(a) *Secret ballot.* The voting in the referendum shall be by secret ballot. Each voter shall, at the time he is handed the form on which to cast his ballot, be instructed to mark his ballot form so as to indicate clearly how he votes and in such manner that no one else shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone else to see how he voted. A suitable place where each voter may mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatever shall be provided in each polling place. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. The fact that a voter fails to fold a ballot placed in the ballot box shall not invalidate it. It shall be the duty of each community referendum committee to see that no device of any sort whatever is used whereby any voter's ballot may be identified except as provided in the regulations in this part in the case of a challenged ballot or a ballot cast by mail.

(b) *Voting by proxy prohibited.* There shall be no voting by proxy or agent, or in any manner except by the eligible voter (or the challenged voter under paragraph (d) of this section) personally depositing in the ballot box his ballot as marked by him (except as provided herein in the case of a ballot cast by mail), but a duly authorized officer of a corporation, association, or other legal entity, may cast its vote.

(c) *Voting by mail.* Any person who will not be present on the day of the referendum in the county in which he is eligible to vote may obtain in person as early as 5 days prior to the date of the referendum, or earlier if ballots are available, one ballot from an ASC State or county office conveniently situated for him or from the appropriate CSS Commodity Division, Department of Agriculture, Washington, D. C., and cast his ballot by mail. The office so issuing the ballot form shall endorse on the reverse side thereof a statement in substantially the following form identifying the place in which it was issued and the county to which it will be mailed, initialed and dated by the person issuing such form:

Issued in ---------- County, ---------- State, or by ---------- ASC State office or by ---------- Division, CSS, Washington, D. C., for use in ---------- County, ---------- State.

The issuing office shall keep a register in duplicate showing for each ballot form so issued by it to be voted by mail the name and address to whom issued, the date of issuance, and the county and State to which the ballot is to be mailed, and the name and title of the person who issued the ballot. The person to whom the ballot is issued shall mark the ballot so as to indicate clearly how he votes and place the ballot in a plain envelope which shall be marked clearly with the words "Absentee Ballot," sealed and inserted in another envelope which shall be marked clearly with the voter's name and return address, sealed, and mailed, postage paid, to the county committee for the county in which he is eligible to vote. All ballots voted by mail must, in order to be accepted, reach the county office for the county in which the voter is eligible to vote by not later than the hour for closing the polls in the county on the day of the referendum. No such ballot voted by mail shall be counted unless the voter's name and address appear on the envelope in which the ballot was mailed and it is determined that he is eligible to vote. Any person whose religious belief forbids him from voting on the day of the referendum may secure one ballot form and cast his vote at the office of the county committee for the county in which he is eligible to vote at any time within 5 days prior to the date of the referendum. Each ballot so cast shall be placed in a sealed envelope and designated and handled as an absentee ballot. For the purpose of these regulations such manner of voting shall be considered to be voting by mail.

(d) *Challenged ballots.* The community referendum committee or any member thereof shall challenge the eligibility of any person to vote in the referendum where (1) the community referendum committee or any member thereof is unable to determine that the person is eligible to vote in the referendum in the community or neighborhood, or (2) the community referendum committee, or any member thereof has reason to believe that such person has previously voted in the referendum in another community or neighborhood in the same or another county, in person or by mail. In every case where the eligibility of the voter is challenged, his ballot form, after being marked by the challenged person so as to show how he votes but in such manner that no one else sees how he votes, shall be folded and placed by him (or by a member of the committee, if he refuses) in an envelope, which shall then be sealed and identified with his name and address, the word "Challenged," and a statement of the reason for the challenge, and shall then be placed in the ballot box. The county committee shall make an investigation in each case of controversy or dispute regarding the eligibility of a voter to vote in the referendum. In each case of a challenged ballot the eligibility of the person to vote in the referendum shall be determined by the county committee as soon as may be possible after the polls are closed and before the time for forwarding to the State committee the county summary of ballots on form MQ-7. If it is determined that the person whose vote was challenged is eligible to vote, the sealed envelope containing the ballot shall be placed with the challenged ballot of every other person found to be eligible to vote until all challenged ballots have been passed upon by the county committee. If it is not determined that the person whose vote was challenged is eligible, the sealed envelope shall be marked "Not eligible" and signed by a member of the county committee and shall not be opened. When all of the challenged ballots have been passed upon by the county committee, the challenged ballots which were cast by eligible voters shall be opened and tabulated on the county summary of ballots, but no disclosure shall be made as to how any particular person voted.

(e) *Ballot box.* Each polling place shall be furnished with a suitable ballot box. Any container of sufficient size so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. When strip adhesive paper or corresponding seals are used on the ballot box, such seals shall be signed or initialed by the chairman or a member of the community referendum committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.

§ 717.8 *Local arrangements for holding the referendum.* The county committee shall see to it that all arrangements for the proper holding of the referendum in accordance with the regulations in this part have been completed prior to the date of the referendum. The county committee shall instruct each community referendum committee concerning its duties and see to it that each member of the committee understands his duties and the duties of the committee in all respects, with particular emphasis as to (a) issuing ballot forms, (b) challenged ballots, (c) recording votes, (d) tabulating ballots, and (e) certifying results of the referendum in the community or neighborhood. The county office manager shall allot to each community referendum committee an adequate supply of ballot forms, and prior to the time the polls in the county are opened for the acceptance of ballots deliver the ballot forms and forms MQ-6, the community summary of ballots, to each chairman of the several community referendum committees.

§ 717.9 *Issuing ballots to voters.* The community referendum committee, or at least one member thereof in case there are two or more polling places in the community, shall open the polling place for the issuance of ballot forms and the casting of ballots at the time designated and shall thereafter, until the time when the polls are required to be closed and the casting of ballots discontinued, issue a ballot to each person who is eligible to vote and applies for a ballot and to each person who claims to be eligible to vote and insists upon voting even though his eligibility to vote is challenged by a member of the committee. The community referendum committeeman who issued the ballot form shall at the same time enter in the column headed "Ballot Cast" of the register of voters opposite the name and address of the person voting a record of the issuance of the ballot. When the eligibility of the voter is not challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "X" and the initials of the community referendum committeeman. When the eligibility of the voter is challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "C" and the initials of the community referendum committeeman. Ballot forms shall be issued and ballots placed in the ballot box while at least one member serving on the community referendum committee is physically present in the polling place and in position to see each ballot form as it is issued and each ballot as it is placed in the ballot box.

§ 717.10 *Community referendum committee's canvass of ballots and records of results of the referendum*—(a) *Canvass of ballots.* Immediately after the polls are closed, the community referendum committee shall open the ballot box and canvass the ballots cast. The canvass of the ballots shall be kept open to the public. A ballot shall be considered as a spoiled ballot if it is mutilated or marked in such a way that it is not possible to determine with certainty how the ballot was intended to be counted on a particular question. The envelopes containing the challenged ballots shall not be opened. The total number of ballots issued as shown on the register of voters shall be determined and the total number of ballots cast, including the spoiled and challenged ballots, shall be determined. The number of ballots cast in favor of and the number of ballots cast in opposition to the marketing quotas for which the referendum was held shall be determined. The spoiled ballots and challenged ballots shall not be considered in favor of or against the marketing quotas. If any member of the community referendum committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged, spoiled, or otherwise, he shall not disclose such knowledge to a fellow committeeman or any other person except in an investigation conducted under the regulations in this part.

(b) *Record of results of the referendum.* The community referendum committee shall notify the county committee by telephone, telegraph, messenger, or in person of the preliminary count of the votes on each question and of the number of spoiled and challenged ballots, as soon as may be possible. All the spoiled ballots shall be placed in an envelope and sealed and marked with the initials of the chairman (or vice chairman) of the community referendum committee and the designation "Spoiled Ballots" followed by the number of spoiled ballots and the names of the community or neighborhood, the county, and the State. The community referendum committee shall execute the certification as to the accuracy of the register of ballots cast on form MQ-4. The community referendum committee shall then prepare and execute the community summary of ballots on form MQ-6 and post one copy thereof, as soon as it is executed, at a conspicuous place at the polling place, so that it will remain posted and accessible to the public for at least three calendar days after the holding of the referendum. The community referendum committee shall seal the voted ballots, including those challenged and spoiled, the register of eligible voters and ballots cast, and the community summary of ballots, in one or more envelopes appropriately identified by the names of the community or neighborhood, the county, and the State, and the nature of the referendum and the date on which it was held, and deliver them to the county committee not later than 9 o'clock a. m., local time, on the second calendar day next succeeding the date of the referendum, together with the unused ballot and other forms. The chairman (or vice chairman) of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

§ 717.11 *County committee's canvass of ballots and record of results of the referendum*—(a) *Receiving and tabulating the results of the referendum.* The county committee shall open and canvass the ballots received by mail after the closing of the polls and determine the eligibility of each voter. If any person voting by mail is found to be ineligible to vote or the ballots is so mutilated or marked that it is not possible to determine with certainty how the person intended to vote, such ballot shall not be counted as for or against any particular question in the referendum and shall be tabulated on the county summary of ballots as a spoiled ballot. The county committee shall meet and pass upon the challenged ballots as soon as may be reasonably possible after the challenged ballots are received from the community referendum committees but not later than four days after the day of the referendum. The results of the referendum in each community and neighborhood shall be reviewed and summarized as soon as may be reasonably possible after the records, ballots, and forms are received from the several community referendum committees. Every meeting of the county committee for the purpose of canvassing the ballots cast and reviewing and tabulating the results of the referendum shall be open to the public. No member of the county committee who learns how any person besides himself voted, whether the ballot was received by mail, challenged, spoiled, or otherwise, shall disclose such knowledge to any fellow committeeman or other person except in an investigation conducted under the regulations in this part.

(b) *Record of the results of the referendum.* The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee) as to the preliminary count of the votes on each question and of the number of challenged ballots by the several community referendum committees as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than four calendar days after the date of the referendum, have prepared and certified by the county office manager the county summary of ballots on form MQ-7. Form MQ-7 shall be prepared and certified in quadruplicate, two copies of which shall be sent forthwith to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee, and one copy filed in the office of the county committee and kept available for public inspection. One copy of each community summary on form MQ-6 shall likewise be posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee.

(c) *Disposition of ballots and records.* The county committee shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and community summaries for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the county office manager for a period of 60 calendar days after the date of the referendum. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed but the registers and community and county summary sheets on forms MQ-4, 6, and 7 shall be filed for a period of five years in the office of the county committee.

(d) *Investigations as to the correctness of the summary of the referendum.* The county committee shall make an investigation in each case of a dispute or challenge regarding the correctness of the summary of the referendum in a community or neighborhood. No dispute or challenge shall be investigated by the county committee unless it is brought to its attention within three calendar days after the date on which the referendum was held. The county committee shall promptly decide the dispute or the challenge and report its findings to the State committee within five calendar days after the holding of the referendum and send by registered mail or deliver in person to the office of the State committee all voted ballots, register forms, and community summary sheets involved in the dispute or challenge.

§ 717.12 *State committee's record of the result of the referendum.* The State committee for each State shall notify the Deputy Administrator by telegraph or telephone as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots on forms MQ-7 shall be summarized on the State tabulation of ballots on form MQ-8 as soon as possible but in no event later than seven calendar days next succeeding the date of the referendum, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof, decide the dispute or challenge, and prepare the State tabulation accordingly within fourteen calendar days next succeeding the date of the referendum. The State summary shall be prepared in triplicate and certified to by the State administrative officer. The original and one copy of the State summary shall be forwarded via airmail special delivery to the Deputy Administrator. One copy of the State summary shall be filed for a period of five years in the office of the State committee available for public inspection.

§ 717.13 *Results of referendum*—(a) *Proclamation of results.* The final and official tabulation of the votes cast in the referendum will be made by the Deputy Administrator and reported to the Secretary and the result of the referendum will be publicly proclaimed by him. The State summaries on forms MQ-8 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

(b) *Unofficial announcements of results.* Each county committee is authorized to give out unofficial reports of the total "Yes" and "No" votes in its county to the public, press and other inquiries. Each State committee is authorized to release to the press and other inquirers the unofficial results of the referendum in its State by counties as rapidly as the votes in the various counties are reported to it.

(c) *Investigations.* If the Deputy Administrator or the Secretary deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agents as may be designated.

§ 717.14 *Applicability of regulations to Puerto Rico.* The Agricultural Stabilization and Conservation Caribbean Area Committee shall be in charge of and responsible for conducting in the Commonwealth of Puerto Rico each referendum on marketing quotas for any commodity required by the Act. Insofar as applicable the ASC Caribbean Area Committee shall perform all the duties and assume all the responsibilities otherwise required of State and county committees as provided in the regulations in this part, except that (a) The Director, Agricultural Stabilization and Conservation Caribbean Area Office shall nominate for appointment the members and alternates to serve on community referendum committees and shall establish the boundaries of referendum communities or neighborhoods in such a manner that polling places therein will be conveniently located for the farmers eligible to vote in the referendum, and (b) following the canvass of the ballots as provided in § 717.10 the community referendum committee shall report the results of the referendum to the ASC Caribbean Area Committee.

Issued at Washington, D. C., this 16th day of May 1958.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 58-3821; Filed, May 20, 1958; 8:53 a. m.]

[Amdt. 4]

PART 728—WHEAT

SUBPART—1958-59 MARKETING YEAR

INCREASED DURUM WHEAT (CLASS II) ALLOTMENTS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, including the amendments in Public Law 85-390, and govern the establishment of special 1958 farm wheat acreage allotments and marketing quotas for the production of Durum Wheat (Class II) in the counties of Modoc and Siskiyou, California.

The definition of "Durum Wheat (Class II)" is taken from the Official Grain Standards of the United States for wheat. The additional provisions of the regulations are necessary to put into effect the provisions of Public Law 85-390.

In order that producers may proceed with plans for seeding and producing Durum Wheat (Class II) and other wheat as expeditiously as possible, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

1. Section 728.811 is amended by adding two new paragraphs (r) and (s) to read as follows:

(r) "Durum Wheat (Class II)" means the three sub-classes of Durum Wheat (Class II) specified in the Official Grain Standards of the United States for wheat (Part 26 of this title) which are: Sub-class (A) Hard Amber Durum; Sub-class (B) Amber Durum; and Sub-class (C) Durum.

(s) "Other wheat" means wheat other than Durum Wheat (Class II).

2. A new § 728.828 is added to read as follows:

§ 728.828 *Increase in acreage allotments for production of Durum Wheat (Class II).* (a) The special acreage allotments established under the provisions of this section shall be established by the county committees and shall be reviewed and approved by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman, and the State committee may revise or require revision of any determination made under regulations in this section, for farms in the irrigable portion of the area known as the Tulelake division of the Klamath project of California, located in Modoc and Siskiyou Counties, California, as defined by the United States Department of the Interior, Bureau of Reclamation, on the basis of tillable acreage, crop-rotation practices, type of soil, and topography, as provided in paragraphs (b) to (e) of this section.

(b) In order for a farm to be eligible for a special allotment under this section, no acreage reserve agreement under the Soil Bank Act may be in effect for the farm, or if in effect, it must be cancelled or terminated, and the owner or operator of the farm must make a written application to the county committee for such allotment on a form prescribed by the Director not later than May 23, 1958. If the producer is unable to file the written application by May 23, 1958, he may file a late application, which shall be eligible for a special allotment only if the county committee finds that the producer could not file the application by May 23, 1958, for reasons beyond his control. Any such late application shall be eligible for a special allotment only to the extent that there is reserve acreage available therefor. The application shall show the acres of cropland on the farm, the cropland suitable for the production of Durum Wheat (Class II) on the basis of the type of soil and topography of the farm, the acreages of Durum Wheat (Class II), other wheat, and each other crop on the farm for the years 1954 through 1957, the acreage of each such crop planted or intended to be planted on the farm for 1958, and the special acreage allotment requested for 1958 under this section.

(c) The acreage available for allotment under this section shall be 8,000 acres, less the total acreage allotted to farms in the Tulelake area as defined in paragraph (a) of this section, under other sections of the regulations in this subpart.

(d) In establishing special allotments under this section, there shall be determined for each eligible farm an allotment indication which shall be (1) the number of acres of cropland on the farm suitable for the production of Durum Wheat (Class II) on the basis of type of soil and topography less the allotment established for the farm under other provisions of this subpart (hereinafter referred to as the "original allotment") multiplied by (2) the ratio of the acreage available for allotment as determined under paragraph (c) of this section to the total acreage on eligible farms in the Tulelake area of cropland suitable for the production of Durum Wheat (Class II) less the total of the original allotments for eligible farms in the area. The allotment indication shall be adjusted to reflect crop-rotation practices by increasing such indication, where applicable, by the average 1956-57 acreage of Durum Wheat (Class II) produced on the farm, but the adjusted allotment indication may not exceed the increase in allotment requested for the farm. The special allotment shall be determined by apportioning pro rata the acreage available for apportionment among eligible farms on the basis of the adjusted allotment indications, but the special allotment shall not exceed the increase in allotment requested for the farm. Any acreage not apportioned because of being in excess of the acreage requested shall be placed in a reserve and used for the correction of errors, late applications as provided in paragraph (b) of this section, and for upward adjustments in the special allotments hereunder for farms on which the planted acreage of Durum Wheat (Class II) of the 1958 crop is because of crop-rotation practices in excess of the allotments computed under the formula in this paragraph.

(e) The special allotment for any farm under this section is conditioned upon the use of the allotment for the production of Durum Wheat (Class II), and no wheat produced on such farm shall be eligible for price support. Such special allotment shall be reduced to the extent that it is not so used, and the amount of such reduction shall be placed in the reserve provided for under paragraph (d) of this section.

(f) For the purposes of wheat marketing quotas, the wheat acreage allotment for the farm shall be the sum of the original allotment and the special allotment under this section. The special allotments under this section shall be in addition to National, State, and county wheat acreage allotments for the 1958 crop year, but the acreage of Durum Wheat (Class II) on such special allotments shall be considered in establishing future State, county, and farm acreage allotments.

(g) The acreage available for allotment under this section shall be divided by the State committee between Modoc and Siskiyou Counties on the basis of the acreages allotted to farms under this section in the respective counties.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 334, 52 Stat. 53, as amended, 72 Stat. 101; 7 U. S. C. 1334)

Issued at Washington, D. C., this 19th day of May, 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-3868; Filed, May 20, 1958; 8:55 a. m.]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTA REGULATIONS FOR 1958 AND SUBSEQUENT CROP YEARS

Correction

In F. R. Doc. 58-2859, appearing in the issue of Friday, April 18, 1958, at page 2549, the following changes should be made:

1. In the second sentence of § 728.862 (b) (3), the word "farm" should read "form".
2. The form number in § 728.862 (b) (4) should be "Form MQ-93".
3. The first time the word "produced" appears in § 728.868 (a), it should read "producer".
4. In the fourth sentence of § 728.893 (c), "of 15 acres" should read "or 15 acres".

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812, Rev.]

PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

MISCELLANEOUS AMENDMENTS

Basis and purpose. The revised determination of sugar requirements and the revised sugar quota for Puerto Rico set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended; hereinafter called the "act"). The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that the requirements for Puerto Rico for the calendar year 1958 will exceed the amount provided for in the determination which became effective January 1, 1958. The purpose of this revision is to make the determination and the quota related thereto conform to the requirements presently indicated on the basis of the applicable factors specified in section 203 of the act. Furthermore § 812.22, titled "Deficit in quota," and § 812.23, titled "Proration of deficit," which were added by S. R. 812, Amendment 1 (23 F. R. 2909) are herein appropriately renumbered.

Puerto Rican processors normally complete their refining operations for the calendar year prior to July 1. Therefore, to provide processors ample opportunity to produce sufficient refined sugar to meet their needs, including the quota as increased herein, it is necessary that the revision in the determination and quota be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237, U. S. C. 1001), Sugar Regulation 812 (22 F. R. 11026, 23 F. R. 2909) determining sugar consumption requirements and quotas for the Territory of Hawaii and Puerto Rico for the calendar year 1958, and the determination and proration of a deficit in the quota for Hawaii, is hereby amended. For the sake of clarity and convenient reference all sections of the regulation are republished as herein amended and renumbered as follows:

§ 812.20 *Sugar requirements, Hawaii and Puerto Rico, 1958.* It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1958 is 45,000 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1958 is 120,000 short tons, raw value.

§ 812.21 *Local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1958 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Hawaii	45,000
Puerto Rico	120,000

§ 812.22 *Restrictions on marketing* For the calendar year 1958 all persons are hereby forbidden, pursuant to section 209 of the act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1958 has been filled.

§ 812.23 *Deficit in quota.* A deficit in the quota for Hawaii established in § 812.21 amounting to 15,000 short tons, raw value, is hereby established.

§ 812.24 *Proration of deficit.* (a) The deficit in the quota for sugar to be marketed for consumption in Hawaii determined in § 812.23 is hereby prorated as follows:

Area:	*Short tons, raw value*
Domestic beet sugar area	5,000
Mainland cane sugar area	5,000
Cuba	5,000

(b) The provisions of §§ 814.25, 814.34 and 816.5 (c) of this chapter shall not apply to quotas for domestic areas established in this section.

Statement of bases and considerations. In the original determination, the quantity of sugar needed for local consumption in Puerto Rico was established at 110,000 short tons, raw value. During the five months period ending March 31, 1958, the distribution of sugar for local consumption in Puerto Rico was approximately 1,500 tons greater than during the corresponding period a year earlier. Furthermore, the supply of sugar in Puerto Rico is insufficient to fill both the mainland and local quotas for Puerto Rico. Under these circumstances local requirements for Puerto Rico are herein established at 120,000 tons to assure processors ample opportunity to supply sugar that may be needed for local distribution during 1958 and for year-end inventories.

The consumption requirements for Hawaii remain unchanged as established in Sugar Regulation 812, effective January 1, 1958. However, the §§ 812.22 and 812.23 of Sugar Regulation 812, Amendment 1, made effective May 1, 1958, are herein appropriately renumbered and the entire regulation is republished for the sake of clarity.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 201, 203, 209, 210; 61 Stat. 923, as amended, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 19th day of May 1958.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 58-3822; Filed, May 20, 1958; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 931), regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 931.52 do not tend to effectuate the declared policy of the act: "*Provided*, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class III milk and Class II milk in the transferee plant after making the calculations prescribed in § 931.46 (a) (5) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential."

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary and contrary to the public interest in that:

(1) The information on which this action is based is the record of a public hearing held at Cedar Rapids, Iowa, April 29–30, 1958, at which evidence was received on proposed amendments to the provisions herein suspended;

(2) Time does not permit the detailed analysis of this record and public procedure incident to an appropriate amendment of the order;

(3) Request for emergency action was made on the record of hearing by the proponent handler and concurred in by producer organizations representing a substantial majority of the producers whose milk is regulated and from whom testimony was received at the hearing;

(4) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote and maintain orderly marketing conditions in the marketing area; and

(5) The effect of this action does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this suspension order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the following provisions of § 931.52 be and hereby are suspended: "*Provided*, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class III milk and Class II milk in the transferee plant after making the calculations prescribed in § 931.46 (a) (5) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of May 1958, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3781; Filed, May 20, 1958; 8:45 a. m.]

[Docket No. AO-173-A9]

PART 968—MILK IN WICHITA, KANS., MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

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968.0 Findings and determinations.

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968.11 Producer-handler.
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968.100 Effective time.
968.101 Suspension or termination.
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AGENTS

968.110 Agents.

AUTHORITY: §§ 968.1 to 968.110 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1958. Any delay beyond that date in the effective date of this order amending the order will impair the proper operation of the order and will threaten the orderly marketing of milk in the Wichita, Kansas, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on March 19, 1958 (23 F. R. 1932), and the final decision having been issued by the Assistant Secretary of Agriculture on April 25, 1958. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the milk covered by this order amending the order which is marketed within the Wichita, Kansas, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order, amending the order, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Issued at Washington, D. C., this 15th day of May 1958, to be effective June 1, 1958.

[SEAL] **DON PAARLBERG,**
Assistant Secretary.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the City of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum, Park, Payne and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita or of Sedgwick County for the production of milk to be disposed of as Grade "A" milk, or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type II, No. 1, or Type III, No. 1 which is received at a plant supplying Class I milk to such an institution or base in the marketing area.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 968.61.

§ 968.7 *Approved plant.* "Approved plant" means any plant (a) approved by the health authorities of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area at which milk is received from approved dairy farmers, or (b) supplying to any agency of the United States Government located within the marketing area Class I milk products accepted as meeting the requirements of Type II, No. 1 or Type III, No. 1.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler.

(a) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 15 percent or more of such plant's total receipts from approved dairy farmers; and

(c) For the purpose of this definition the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted;

(2) Milk for which a cooperative association which does not operate a plant is defined as the handler pursuant to § 968.9 (b) shall be deemed to have been received by such cooperative association at a pool plant; and

(3) Milk transferred as Class I milk from an approved plant to another approved plant shall be credited as a Class I disposition as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, milk so transferred will be credited as a Class I disposition of the transferring plant only to the extent that classification as Class I milk is required pursuant to § 968.44 (a) (2);

(ii) In any case in which the entire quantity of Class I milk disposed of in packages of a particular size and form is received in such packages from another approved plant all such Class I disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate Class I disposition of the receiving plant.

§ 968.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; and

(b) Any cooperative association with respect to:

(1) The milk of any producer which such cooperative association causes to be diverted to an unapproved plant for the account of such cooperative association;

(2) The milk of any producer delivered to the approved plant of another handler during the same month in which such cooperative association is the handler pursuant to subpagaraph (1) of this paragraph with respect to any milk of such producer; and

(3) The milk of any member producer delivered for the account of such cooperative association to the approved plant of another cooperative association.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

§ 968.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 968.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 968.15 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 968.41 (a), other than a delivery to any milk processing plant.

§ 968.16 *Base milk.* "Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied by the number of days during the month for which milk was received from such producer: *Provided,* That during the months of June and July of 1958 and 1959 all producer milk received by handlers from a producer shall be considered as base milk: *And provided further,* That with respect to any producer "on every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 968.90.

§ 968.17 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 968.30 to 968.32, or

(2) Made payments pursuant to §§ 968.80 to 968.86.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51 (a) and the Class I butterfat differential pursuant to § 968.52 both for the current month; and the minimum prices for Class II and Class III milk computed pursuant to § 968.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 968.52 (b) and (c), all for the previous month;

(2) On or before the 10th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS, AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class III products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 *Payroll reports.* On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 to § 968.46.

§ 968.41 *Classes of utilization.* Subject to conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, butterfat, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II or Class III milk.

(b) Class II milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat: (1) Used to produce butter, cheese, plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, aerated cream, eggnog, casein or margarine; (2) in cream frozen and stored; (3) used for starter churning, wholesale baking and candy making; (4) disposed of as livestock feed; (5) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (6) in shrinkage up to 2 percent of producer receipts to be prorated pursuant to § 968.42; (7) in shrinkage of other source milk; and (8) in inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 968.42 *Shrinkage.* If producer milk and other source milk are both received at a pool plant, the shrinkage of skim milk and butterfat at such plant shall be prorated between the producer milk and other source milk. For the purpose of prorating shrinkage, skim milk and butterfat in milk delivered directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was delivered, and excluded from receipts of the originating handler.

§ 968.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 968.44 *Transfers.* Skim milk and butterfat transferred or diverted from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the highest-priced possible utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class III milk if its utilization as Class III milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class III milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant distributing fluid milk, cream or cottage cheese and located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(e) As Class III milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant, located not more than 250 miles from the approved plant, and which does not distribute fluid milk, fluid cream, or cottage cheese, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat is disposed of from such unapproved plant to any other milk plant in the form of milk, skim milk or cream, skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

(f) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 968.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obivous errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 968.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 968.41 (c) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk or cream according to its classification pursuant to § 968.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with the lowest priced utilization the pounds of skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with the lowest priced utilization, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in § 968.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44 (a);

(6) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest priced utilization. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 968.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Company, Mount Pleasant, Michigan.
Carnation Company, Sparta, Michigan.
Pet Milk Company, Wayland, Michigan.
Pet Milk Company, Coopersville, Michigan.
Borden Company, Orfordville, Wisconsin.
Borden Company, New London, Wisconsin.
Carnation Company, Richland Center, Wisconsin.
Carnation Company, Oconomowoc, Wisconsin.
Pet Milk Company, New Glarus, Wisconsin.
Pet Milk Company, Belleville, Wisconsin.
White House Milk Company, Manitowoc, Wisconsin.
White House Milk Company, West Bend, Wisconsin.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 *Class prices.* Subject to the provisions of § 968.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.65.

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 80 cents.

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the United States Department of Agriculture.

Present Operator and Location

Arkansas City Cooperative Milk Association, Arkansas City, Kansas.
Bennett Creamery Co., Ottawa, Kansas.
Page Milk Company, Coffeyville, Kansas.
Pet Milk Company, Iola, Kansas.

(2) The average price reported by the United States Department of Agriculture for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 968.52 *Handler butterfat differential.* If the average butterfat test of Class I, Class II or Class III milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.120;

(c) *Class III milk.* Multiply such price for the current month by 0.115.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 to 968.46, 968.50 to 968.52, 968.61, 968.62, 968.70, 968.71 and 968.80 to 968.88 shall not apply to a producer-handler.

§ 968.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I or Class II milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat so disposed of (except to other handlers) within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 968.62 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 to § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either paragraph (a) or (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was (1) disposed of during the month in the marketing area on routes as Class I milk by the difference between the Class I and the Class III prices or (2) used to produce cottage cheese so disposed of by the difference between the Class II and Class III prices.

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 *Net pool obligations of handlers operating pool plants.* The net pool obligation for milk received during each month by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices (adjusted pursuant to § 968.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46 (a) (7) by the applicable respective class prices;

(c) Add a reclassification charge equal to the difference between the Class I and Class III prices or the Class II and Class III prices, respectively, for the current month for skim milk and butterfat in inventory which is subtracted from Class I or Class II pursuant to § 968.46 (a) (4) and the corresponding step of § 968.46 (b) which is not in excess of the skim milk and butterfat remaining in Class III milk in the previous month pursuant to § 968.46 (a) (5) and the corresponding step of § 968.46 (b);

(d) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a) (3) and the corresponding step of § 968.46 (b) add an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and at the Class III price and for any skim milk or butterfat so subtracted from Class II, add an amount equal to the difference in values of such skim milk and butterfat at the Class II price and the Class III price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the applicable class price.

§ 968.71 *Computation of uniform prices for base milk and excess milk.* For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to §§ 968.80 and 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by assigning such milk in series beginning with the lowest-priced utilization, multiplying the quantity so assigned to each use classification by the applicable class price, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 968.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the second working day following the 10th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71 (h) and (e) for such producers' deliveries of base milk and excess milk, respectively, adjusted by the butterfat differential computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer (1) to whom payment is not made pursuant to paragraph (c) of this section, and (2) who is still delivering Grade A milk to such handler, an advance payment with respect to milk received from him during the first 15 days of such month computed at not less than 110 percent of the Class III price for 3.8 percent milk for the preceding month, without deduction for hauling.

(c) On or before the 11th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 11th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

(d) On or before the 10th day after the end of each month, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 968.9 (b) (2) or (3), not less than the value of such milk as classified pursuant to § 968.44 (a) at the applicable respective class price(s).

§ 968.81 *Producer butterfat differential.* In making payments pursuant to § 968.80 (a) the uniform prices per hundredweight shall be adjusted for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 968.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 968.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.85, 968.61 and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 *Payments to the producer-settlement fund.* On or before the 11th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 968.85 *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80 (a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 968.87 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler with respect to all milk received from approved dairy farmers during the month, shall pay to the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary. In the case of any handler operating a nonpool plant which is also subject to the assessment of administrative expense under another order, the payments due under this section shall be reduced by the amount of administrative expense payments under the other order.

§ 968.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 968.90 *Determination of daily base.* (a) The daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater: *Provided,* That in the case of producers delivering milk to a pool plant which was not a pool plant during all of the preceding months of August through November a daily average base for each such producer shall be computed pursuant to this paragraph on the basis of his verifiable deliveries of milk to such plant during the period August through November preceding the month in which the plant became a pool plant.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) For the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90 (b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided,* That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section and § 968.90 only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the City of Wichita or Sedgwick County has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita or Sedgwick County, Kansas.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct,

and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 58-3780; Filed, May 20, 1958; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6293]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

MISCELLANEOUS AMENDMENTS

In order to clarify the application of certain provisions of example (2) of § 1.164-6 (d) (4) of the Income Tax Regulations, relating to taxes, issued as Treasury Decision 6256 (22 F. R. 7989), approved October 3, 1957, and to clarify certain provisions of § 1.6655-2 (c) (3) of the Income Tax Regulations, relating to the failure by a corporation to pay estimated tax, issued as Treasury Decision 6267 (22 F. R. 9059), approved November 7, 1957, such regulations are hereby amended as follows:

PARAGRAPH 1. Example (2) of paragraph (d) (4) of § 1.164-6 is amended to read as follows:

Example (2). In County Y, the real property tax year is the calendar year. The real property tax becomes a lien on January 1, 1955, and is payable on April 30, 1955. There is no personal liability for the real property tax imposed by County Y. On April 30, 1955, C, the owner of real property in County Y on January 1, 1955, pays the real property tax for the 1955 real property tax year. On May 1, 1955, C sells the real property to D. On September 1, 1955, D sells the real property to E. C, D, and E use the cash receipts and disbursements method of accounting. Under the provisions of section 164 (d) (1), 120/365 (January 1-April 30, 1955) of the real property tax is treated as imposed upon C and may be deducted by him for his taxable year in which the tax is actually paid. Under section 164 (d) (1), 123/365 (May 1-August 31, 1955) of the real property tax is treated as imposed upon D and, under the provisions of section 164 (d) (2) (A), is treated as having been paid by him on May 1, 1955, and may be deducted by D for his taxable year in which the sale from C to him occurs (whether or not such portion is actually paid by him in that year), or for his taxable year in which an amount representing such tax is paid. Since, according to paragraph (d) (3) of this section, the prior sale by C to D is disregarded, under the provisions of section 164 (d) (1), 122/365 (September 1-December 31, 1955) of the real property tax is treated as imposed on E and, under the provisions of section 164 (d) (2) (A), is treated as having been paid by him on September 1, 1955, and may be deducted by E for his taxable year in which the sale from D to him occurs (whether or not such portion is actually paid by him in that year), or for his taxable year in which an amount representing such tax is paid.

PAR. 2. Paragraph (3) of the example in § 1.6655-2 (c) is amended to read as follows:

(3) X determined that its taxable income for the first 6 months and the first 8 months of the taxable year ended March 31, 1956, was $180,000 and $200,000, respectively, and that its taxable income for the first 9 months and the first 11 months was $264,000 and $319,000, respectively. The income for each period is annualized as follows:

$180,000 × 12 ÷ 6 = $360,000
$200,000 × 12 ÷ 8 = $300,000
$264,000 × 12 ÷ 9 = $352,000
$319,000 × 12 ÷ 11 = $348,000

To determine whether the installment payment made on December 15, 1955, equals or exceeds the amount which would have been required to be paid if the estimated tax were equal to 70 percent of the tax computed on the annualized income for either the 6- or 8-month period, the following computation is necessary:

	6 months	8 months
(1) Annualized income	$360,000.00	$300,000.00
(2) Tax on item (1) reduced by $100,000	81,700.00	50,500.00
(3) 70 percent of item (2)	57,190.00	35,350.00
(4) 5 percent of item (3)	2,859.50	1,767.50

Since the amount actually paid on December 15, 1955, $1,775, exceeds the amount which would have been required to be paid on such date ($1,767.50) if the estimated tax were 70 percent of the tax determined by placing on an annualized basis the taxable income for the first 8 months of the taxable year, the exception described in paragraph (a) (3) of this section applies and no addition to tax will be imposed for the underpayment of the installment paid on December 15, 1955. A similar computation must be made with respect to the annualized income for the 9- and 11-month periods to determine whether or not the addition to the tax will be imposed with respect to the underpayment of the March 15, 1956, installment. The computation follows:

	9 months	11 months
(1) Annualized income	$352,000.00	$348,000.00
(2) Tax on item (1) reduced by $100,000	77,540.00	75,460.00
(3) 70 percent of item (2)	54,278.00	52,822.00
(4) 10 percent of item (3)	5,427.80	5,282.20

Since the total amount of all payments of estimated tax actually paid on or before March 15, 1956, $3,550 ($1,775 × 2), does not equal or exceed the total amount which would have been required to be paid on or before such date if the estimated tax was 70 percent of the tax determined by placing on an annual basis the taxable income for either the 9- or 11-month period, the addition to the tax with respect to the underpayment of the March 15, 1956, installment must be imposed.

Because this Treasury decision merely makes clerical and clarifying changes in the regulations issued under sections 164 and 6655 of the Internal Revenue Code of 1954, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: May 15, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3805; Filed, May 20, 1958; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 58-13]

PART 116—PROCEDURES FOR PURCHASING

MISCELLANEOUS AMENDMENTS

Section 116.01-12 is revised for clarification.

A new section designated § 116.01-19 prescribes supporting documents for determinations made in connection with the Buy-American Act.

An amendment to § 116.02-2 (c) (4) inserts the requirement that debarments in connection with the Buy-American Act must be published in the FEDERAL REGISTER.

An amendment to § 116.02-60 increases the forms used to make awards.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167-17, dated June 29, 1955 (20 F. R. 4976) and Treasury Department Order No. 167-26, dated November 8, 1956 (21 F. R. 8956), the following amendments are prescribed:

1. Section 116.01-12 is revised to read as follows:

§ 116.01-12 *Applicability of Buy-American Act*—(a) *Kinds of supplies.* The Buy-American Act applies to raw materials and manufactured products. However, in the case of manufactured products, the Buy-American Act applies to the end product itself and to the components directly furnished for that end product, but does not apply to supplies that are used in the manufacture of any such component.

(b) *Origin of supplies used in manufactured supplies.* The prohibitions of the Buy-American Act do not apply to supplies manufactured in the United States when such supplies are manufactured "substantially all" from supplies mined, produced, or manufactured in the United States. Supplies shall be considered to be manufactured "substantially all" from United States supplies whenever the cost of foreign supplies used in such manufacture constitutes 50 percent or less of the cost of all supplies used in such manufacture. In this connection, suppliers shall accompany their bids or quotations contemplating the furnishing or use of foreign supplies (not excepted pursuant to §§ 116.01–16, 116.01–17, and 116.01–18) with a certificate substantially as follows:

Not to exceed ------ percent in cost of the materials, used directly in the manufacture of the supplies offered, is of foreign origin.

Any supplies of an unknown origin used in such manufacture shall be considered to be foreign supplies. When applicable, contracting officers shall make determinations as to domestic or foreign origin and insert such determinations in the contract file.

(c) *Secondary materials.* The prohibitions of the Buy-American Act do not apply to supplies manufactured in the United States substantially all from scrap generated, collected, and prepared for processing in the United States.

(d) *Geographical application.* The Buy-American Act applies only to (1) supplies for public use within the United States and (2) construction work on public buildings or public works within the United States. As used in the Buy-American Act, the term "United States" includes the United States, its Territories and possessions.

2. Part 116 is amended by adding a new § 116.01–19 reading as follows:

§ 116.01–19 *Supporting documents.* Contracting officers will make written determinations for the contract file to cover procurements made in accordance with §§ 116.01–16, 116.01–17 and 116.01–18. A copy of each procurement document issued under the authority of these determinations shall be forwarded to Commandant (FS) for use in making the annual report required by § 116.01–13.

3. Section 116.02–2 (c) (4) *Section 3 (b), Buy-American Act,* is amended by adding the following sentence thereto: "The findings which support such a determination under section 3 (b) of that act shall be published in the FEDERAL REGISTER."

4. Section 116.02–60 is revised to read as follows:

§ 116.02–60 *Forms of award.* When an award is made to a bidder, it will be embodied on Construction Contract (SF–23); Invitation, Bid and Award (SF–33); Lease (SF–2); Architect-Engineer Professional Services Contract; or any other contract form authorized herein.

(Sec. 1, 63 Stat. 545; 14 U. S. C. 633. Interpret or apply secs. 2301–2310, 2312–2314, 70A Stat. 127–133; 10 U. S. C. 2301–2310, 2312–2314)

Dated: May 14, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58–3804; Filed, May 20, 1958; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 58–18]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 70—GENERAL PROVISIONS

PART 183—ELECTRICAL INSTALLATION

MISCELLANEOUS AMENDMENTS

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270). Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the third of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains the final actions taken with respect to Item IV of the Agenda. The first document, identified as CGFR 58–8 (23 F. R. 2604), contained miscellaneous amendments to inspection requirements to implement the act of May 10, 1956, as amended (46 U. S. C. 390–390g), which were based on Item III of the Agenda. The second document, identified as CGFR 58–17, contains the requirements governing private aids to navigation on the outer Continental Shelf and waters under the jurisdiction of the United States, which were based on Item I of the Agenda.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing are very much appreciated. The effective date of the new requirements respecting "radar observers" will be January 1, 1959, and after that date every applicant for an original deck officer's license, raise of grade, or increase in scope of license for service on ocean, coastwise, or Great Lakes vessels of 300 gross tons or over shall be required to demonstrate, by professional examination, his qualifications as a "radar observer." No changes were made in the proposals in Item IV—Renewal of Merchant Mariner's Licenses and Requirements for Radar Observers (46 CFR 10.02–9, 10.05–46). The regulations and amendments in this Item are adopted without change and are set forth in this document.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER except the new requirements designated 46 CFR 10.05–46 which shall become effective on and after January 1, 1959:

1. Section 10.02–9 (b) is amended to read as follows:

§ 10.02–9 *Requirements for renewal of license.* * * *

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such case the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating to the best of his knowledge no physical incapacity exists, together with a properly executed application on Coast Guard Form CG–3479;

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths;

(3) The license to be renewed;

(4) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal in the cases of master's, mate's, or pilot's renewal; and,

(5) An applicant for renewal of a master's, mate's, or pilot's license shall present documentary evidence of service on the waters for which licensed obtained within the three years next preceding the date of application, or shall present evidence of employment in a position closely related to the operation of vessels within the same three-year period.

2. Subpart 10.05 is amended by inserting a new § 10.05–46 immediately after § 10.05–45, which reads as follows:

§ 10.05–46 *Radar observer.* (a) Every applicant for an original license, raise of grade, or increase in scope of license for service on ocean, coastwise, or Great Lakes vessels of 300 gross tons and over shall be required to demonstrate, by professional examination, his qualifications as a "radar observer."

(b) Applicants for licenses specified in paragraph (a) of this section shall be examined on the following aspects of the proper operation and utilization of marine radar equipment:

(1) Fundamentals of radar:

(i) How radar works.

(ii) Factors affecting the performance and accuracy of marine radar.

(iii) Description of the purpose and functions of the main components that comprise a typical marine radar installation.

(2) Operation and use of radar:

(i) The purpose and adjustment of controls.

(ii) The detection of malfunctioning, false and indirect echoes and other radar phenomena.

(iii) The effect of sea return and weather.

(iv) The limitations of radar resulting from design factors.

(v) Precautions to be observed in performing simple maintenance of radar equipment.

(vi) Range and bearing measurement.

(vii) Effect of size, shape, and composition of ship targets on echo.

(3) Interpretation and analysis of radar information:

(i) Determining the course and speed of another vessel.

(ii) Determining the time and distance of closest point of approach of a crossing, meeting, overtaking or overtaken vessel.

(iii) Detecting changes of course and/or speed of another vessel after its initial course and speed have been established.

(iv) Factors to consider when determining change in course and/or speed of own vessel to prevent collision on the basis of radar observation of another vessel or vessels.

(4) Plotting (any method that is graphically correct may be used):

(i) The principles and methods of plotting relative and true motion.

(ii) Practical plotting problems.

(c) An applicant for license who fails in "radar," but passes in every other subject will be considered as having failed the examination and shall be so reported; but he may at any time within 6 months following the first attempt be re-examined in "radar" only, and if he then passes, he will be granted a license.

(d) A certificate of successful completion of a course of instruction of a Maritime Administration or other Government operated school, approved by the Commandant, is acceptable evidence of the holder's qualification as "radar observer" without the examination specified in paragraph (b) of this section.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438–4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, [illegible] Stat. 347, as amended, sec. 2, 68 Stat. [illegible], sec. 3, 68 Stat. 675; sec. 3, 70 Stat. 152, sec. [illegible] U. S. C. 391a, 404, 405, 224, 224a, 226, [illegible] 229, 214, 231, 233, 225, 237, 367, 247, [illegible] 526p, 1333, 239b, 46 U. S. C., 50 U. S. C. [illegible] 390b)

3. The Coast Guard Document CGFR 58–8 published in the FEDERAL REGISTER dated April 19, 1958 (23 F. R. 2604–2619; F. R. Doc. 58–2929), is corrected by changing the number of the new section added from "§ 70.10–41" to "§ 70.10–43" in paragraph 7 under Part 70 (23 F. R. 2606).

4. The Coast Guard Document CGFR 58–14 published in the FEDERAL REGISTER dated April 26, 1958 (23 F. R. 2799–2802; F. R. Doc. 58–3105) is corrected by changing a reference from "requirements of this subpart" to "requirements of this part" in the second sentence of § 183.01–5 (a) under Part 183 (23 F. R. 2801).

Dated: May 14, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-3803; Filed, May 20, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

[Docket No. AO-249-A3]

MILK IN SOUTHWEST KANSAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practices and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dodge City, Kansas, on November 15, 1957, pursuant to notice thereof issued on November 5, 1957 (22 F. R. 8986).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 1, 1958 (23 F. R. 2221) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Dodge City, Kansas on November 15, 1957, pursuant to notice thereof which was issued November 5, 1957 (22 F. R. 8986).

The material issues on the record of the hearing relate to:

1. The definition of approved plant.
2. The cooperative association as the handler on bulk tank milk of its members.
3. The Class I price.
4. The application of location differentials to handlers and producers.
5. The use of equivalent prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The definition of approved plant.* The approved plant definition should provide for two different types of plants which could serve the marketing area. One is a distributing plant which could qualify as an approved plant if it sold 5 percent or more of its total receipts of milk from producers as Class I on routes in the marketing area or if it sold on a daily average 300 pounds or more of Class I milk on routes in the marketing area, whichever is less. The other type of an approved plant is a supply plant operated by a cooperative association which could qualify as an approved plant if 50 percent or more of the total milk from producer members of such association is either delivered directly from the farms to the plants of other handlers or is transferred by the association from its receiving station to the approved plant of other handlers.

Under the present order, any plant from which Class I milk is disposed of on routes in the marketing area, regardless of the amount, is subject to full regulation. It is very likely under the present approved plant definition that a plant could easily become fully regulated during any month of the year by making token sales in the market area. The incentive to participate on this basis is greatest during the pay-back period of the fall incentive plan. During this period, the Class I differential to the handler is the same as in all other months, but payments to producers are enhanced by the pay-back fund accrued during the preceding flush months. The recommended changes in the approved plant definition would reduce the possibility of pool participation by such plants but would not eliminate it entirely. A plant should show a substantial degree of identification with the market before it should become an approved plant and not be fully regulated through an accidental or an opportunity sale of Class I milk in the marketing area.

It is concluded that the quantity limitation should be the determining factor as to whether a plant is sufficiently identified with a market to be fully subject to the pricing, payment and pooling provisions of the order. The limit of 5 percent or 300 pounds whichever is less is designed to represent a wholesale route which has more than one or two accounts in the marketing area. Such a comparatively small volume of milk would not constitute a significant factor in the market and it is therefore not necessary that such a handler be subject to all the provisions of the order. In order that the status of such plant may be determined, the operator should be required to furnish such reports as the market administrator may deem necessary and should be required to submit his records for verification of such reports. It is further concluded that plants selling less than 5 percent of their total receipts or 300 pounds per day should not be subject to an administrative assessment on their sales of Class I milk in the marketing area because of the small volume of milk.

The Southwest Milk Producers Association, a cooperative bargaining association, operates a Grade A receiving station at Dodge City, Kansas. Under the present order, this plant is defined as an unapproved plant. A substantial portion of the milk of its members is delivered to approved plants of other handlers. It would be uneconomic for the association to receive all the milk of its members at its receiving station and then transfer milk to approved plants of other handlers. In order to facilitate the allocation of milk among handlers the association has its members deliver milk directly to approved plants of other handlers and may at times perform the service of receiving and cooling milk of some of its members and transferring it to other approved plants.

At the time of the hearing, the association was negotiating with one of the handlers to receive all the milk delivered by producer members and then transfer it in bulk tank lots to the handlers' plant. The association, at times, also receives Grade A milk of its members at this plant and disposes of it to other markets or to manufacturing plants when local requirements are satisfied. It is desirable, therefore, that the Grade A receiving station operated by the cooperative association be considered as an approved plant under the order. In this manner the milk of producers regularly associated with the market will be pooled even though such milk is not received directly from producers' farms at a distributing plant. The designation of a plant such as is operated by the cooperative association will facilitate the transfer of milk from such a plant to other handlers as an interhandler transfer. It is concluded that the requirement of not less than 50 percent of the milk of the cooperative association's producer members be received during the month directly at the approved plants of other handlers or transferred by the cooperative association is a reasonable standard to assure identification as an integral part of the market supply.

The order should be amended to recognize that milk incurs relatively little shrinkage in its receipt and much more in its processing, bottling, and distribution. The receiving station operated by the association has experienced approximately one-half percent shrinkage on that milk received and transferred to another plant for processing and bottling. It is concluded that the order should be amended to recognize that the greatest amount of shrinkage occurs in the processing and bottling phases of the milk distribution. Up to one-half of one percent shrinkage should be allowed on that milk which is physically received at an approved receiving plant and transferred to another approved plant for bottling and distribution. The approved bottling plant should be allowed up to one and one-half percent shrinkage on that milk received in bulk from an approved receiving station or other handler.

However, during the months of April, May, and June the present order provides for a 5 percent shrinkage allowance on skim milk in recognition of the problem of disposing of skim milk during the flush season. An approved plant should be allowed shrinkage up to 4.5 percent on skim milk received from another approved plant. The approved plant which separates the producer milk and dumps the skim milk associated with the producer milk will be allowed the full 5 percent shrinkage allowance on the skim milk. If the skim milk is transferred to another approved plant the transferring handler will be allowed the 0.5 percent on the skim milk. The 4.5 percent should be given to the receiving handler so that he may use it in case he can not dispose of the skim milk through the regular marketing channels.

2. *Bulk tank milk.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

A bargaining cooperative association operates insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Since late 1956 there has been a steady expansion in the number of bulk cooling tanks being installed on the farms. At the present time 18 percent of the total producers are bulk tank shippers and these producers deliver over 25 percent of total producer receipts. It is extremely likely that the trend in this direction will continue.

The transportation of milk from farm to market in insulated tank trucks owned, operated or controlled by a cooperative association has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned, operated, or controlled by the cooperative association, the weight of each producer's milk is checked by, and a sample of the milk for butterfat testing is taken by, a person who is an employee of or directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

Under these circumstances, it is preferable to make the cooperative association responsible for the payment to a producer for a given quantity of milk at a particular test since the handler has no direct means of verifying such weights and test. Rather, any cooperative association which qualifies as such under the order should be made the handler for such milk and should be required to account to the pool for it. The cooperative association should also be required to charge at least the class prices to the plant operator for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

With respect to milk received from producers' farms in cans or in tank trucks owned or operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

3. *Class I price.* The price for Class I milk should be subject to an automatic adjustment based on the relationship of the supply of producer milk to the volume of Class I disposition.

The cooperative association proposed that the Class I price differential should be $1.90 per hundredweight during all months of the year. This represents an increase of 25 cents per hundredweight above the present Class I differential of $1.65 per hundredweight during all months of the year. The Class I differential of $1.65 has been in effect since the inception of the order in July 1954 except for two emergency price increases, one of which covered the months of May, June and July of 1956 in the amount of 46 cents, 46 cents and 26 cents respectively, and a second increase of 25 cents during the months of September, October, November and December of 1956.

The proposal to increase the Class I differential was based mainly on price relationships with the Wichita and Texas Panhandle orders. The Class I price differential in the Wichita order is $1.65 during all months of the year, while the Class I differential in the Texas Panhandle order averages $2.05 and ranges from $1.85 during the flush months of March, April, May and June to $2.15 in the other eight months. The proposed premium over the Wichita price was based on the fact that any Wichita handlers distributing milk in the Southwest Kansas market will have incurred significant transportation costs and that, therefore, the Southwest Kansas handlers would not be placed at a competitive disadvantage by a moderate increase in the Southwest Kansas price. The price increase would also reflect the higher cost of milk production prevailing in the Southwest Kansas milkshed and the fact that supplementary milk from the North Central states incurs a greater transportation cost to Southwest Kansas than to Wichita.

The two most serious problems in connection with the proposed price increase are that Wichita handlers already have a significant volume of sales in the Southwest Kansas market and that prices in some other Federal order markets are lower than Wichita prices when transportation costs are added. At the time of the hearing there were three Wichita handlers distributing milk on routes in the Southwest Kansas area despite the additional transportation costs involved. Any increase in the Southwest Kansas Class I differential would inevitably reduce the ability of the local handler to compete with the Wichita handlers. A partially offsetting factor is that one of the Southwest Kansas handlers has developed sales in the Texas Panhandle area. There has not been any route distribution or regular supplies of bulk milk from order areas other than Wichita. However, both the Kansas City and Ozarks markets are potential sources of such supply under modern transportation conditions. The Kansas City Class I differential averages $1.35 and regulated plants at Emporia, Kansas, and Council Grove are only 230 miles from Dodge City. The Ozarks Class I differential averages 89 cents per hundredweight and the largest population center, Springfield, Missouri, is 413 miles from Dodge City.

A supply-demand adjustment would provide an automatic adjustment of the Class I price to various conditions which might develop. If the Southwest Kansas market maintains its present relationship between producer supplies and Class I sales, the adjustment will provide a moderate increase in the Class I price. If Class I sales are reduced by the competition from Wichita or other Federal order markets or there is an increase in the receipts of producer milk, the supply-demand adjustment will reduce the Class I price. On the other hand, if the Class I sales in the Texas Panhandle or other areas are increased, or the supply of producer milk is reduced, the Class I price will be automatically raised. Such adjustment should be limited in its increase or decrease by the Class I prices in the Wichita and Texas Panhandle markets. The limitations placed on the adjustment would keep the prices in the three markets in proper alignment, thus, not giving any handler a competitive advantage in any of the markets.

The supply of producer milk was ample in relation to local Class I needs at the time of the hearing. Official notice is hereby taken that in October 1957, receipts of producer milk at approved plants were 116 percent of Class I disposition by such plants and in November 1957 were 117 percent of Class I disposition. However, during the first five months of 1957 producer receipts ranged from 145 percent of the Class I sales in January to 167 percent in June. In 1956 the utilization percentages ranged from a high of 150 percent in May to a low of 127 in September. In 1955 the utilization percentage ranged from 151 percent in May to 105 percent in September. The only time other source milk was imported in any appreciable amount for Class I purposes was during the fall of 1955.

The Class I differential in the order has been sufficient to encourage the production of milk in a quantity which is adequate to meet Class I requirements of the market on a year round basis. However, it is difficult to predict accurately the level of prices necessary to assure the market will continue to be supplied adequately. To this end provision should be made for automatic adjustments of the Class I price in response to changes in the relationship between market supply and demand.

The record contains complete statistics for the three and one-half years the order has been in operation. An analysis of these data reveals the pattern of production and Class I sales, which, it is believed, reflects the characteristics of the dairy industry in the Southwest Kansas marketing area. A system of Class I pricing based on the relationship of deliveries to Class I sales can be developed which will reflect conditions in the market and maintain supplies in a proper balance with Class I requirements.

Under the authority by the Agricultural Marketing Agreement Act, prices established by milk marketing orders are required to reflect supply and demand conditions in the market. As these supply and demand conditions change from time to time, they should be appropriately reflected in order prices. One method commonly used to reflect such conditions which generally affect the dairy industry is to determine the Class I price by adding a differential to a representative value for milk used in manufacturing dairy products. This type of pricing system is used in the Southwest Kansas order. The basic formula price reflects the national market for dairy products, and thus reflects changes in production costs and market demands that follow national trends. The differential added to the basic formula represents the higher cost of obtaining a supply of Grade A milk, and the amount of such differential should be related to conditions peculiar to the market.

Inasmuch as conditions in the market change from time to time, the level of price should be adjusted to reflect such changes. Changes in relationship of producer milk received at approved plants and Class I disposition by such plants reflect changes in supply and demand conditions. A persistent upward trend in the relation of production to sales would indicate that the price level is at least sufficient to attract an adequate supply, and if the continuation of the upward trend in production would result in burdensome surplus, the price is higher than needed to attract adequate supply. On the other hand, a declining trend in production in relation to sales which threatens to bring market supplies below an adequate level would be a strong indication that the Class I price is too low. In such situations, the Class I price would either be decreased or increased by such amount that the supply deviated from what was determined as an adequate supply.

A ratio of total producer receipts to gross Class I sales in the most recent two-month period for which figures are available should be used as the measure by which to estimate the relationship in the month to be priced. Use of the experience of the most recent two-month period requires that a representative ratio of supply to sales for successive two-month periods be developed to serve as the norm from which the deviation of the actual experience may determine what change, if any, should be made in the Class I price.

The schedule of standard utilization percentages which is provided herein is based on a minimum percentage of 12 during the shortest month of production in relation to sales. It is felt that such percentage recognizes the need for some reserve supplies to cover short-time variations in production and sales. The standard percentages used in other months vary seasonally in recognition of the natural tendency for milk production to increase in spring months and decrease thereafter to a lower level in the summer and fall.

The price adjustment for each month would be based upon the utilization figures for the second and third preceding months. These months will provide a more reliable indication of current market conditions than any longer series of months. Also, they will be the latest available figures for use in computing the utilization percentage in advance of the pricing month. In the following table there are shown the standard utilization percentages for each two-month period and the corresponding month in which the price would be affected thereby:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	October-November	125	[illegible]
February	November-December	127	[illegible]
March	December-January	128	[illegible]
April	January-February	130	[illegible]
May	February-March	135	[illegible]
June	March-April	140	[illegible]
July	April-May	144	[illegible]
August	May-June	144	[illegible]
September	June-July	140	[illegible]
October	July-August	134	[illegible]
November	August-September	136	[illegible]
December	September-October	130	[illegible]

As a safeguard against erratic movements in the supply-demand adjustment, provision should be made for the rate of adjustment per point of variation from the standard utilization percentages adopted to be nominal when such variations first appear, but to be increased progressively as a variation of like deviation and amount persists through two or three consecutive two-month periods. Such a provision will serve as a brake on the rapidity of price changes and will avoid substantial price increases or decreases based on short-term nonrecurring deviations from the established percentages.

Substantial price adjustments will occur, however, when undersupply or oversupply representing a significant variation from the established percentage persists for any period of time.

This is accomplished by providing that for each percentage point of deviation from the standard utilization percentage the price shall be adjusted one cent, plus one cent for each percentage point for which there was a deviation of like extent and character in the percentage computed for the second preceding month plus an additional one cent for each percentage point for which there was a deviation of like extent and character in the percentage computed for the third preceding month.

The recommended decision provided that the supply-demand adjustment should have a monetary adjustment of one cent per each two percentage points of deviation from the standard utilization percentage. However, the one cent per two points will not give the producer the incentive to produce an adequate supply of milk for the market, as was pointed out in the exceptions. Therefore, in order to insure the Southwest Kansas market of an adequate supply of milk the rate should be adjusted to one cent for each percentage point of deviation from the standard utilization percentage.

However, the Southwest Kansas Class I price should be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following: (1) the price of Class I milk at 3.8 percent butterfat for the same month in the Wichita, Kansas, milk marketing order; or (2) the price of Class I milk at 3.8 percent butterfat for the same month in the Texas Panhandle milk marketing order during the months of March, April, May, and June and less 25 cents in all other months.

The recommended supply-demand adjustment would have increased the average Class I price at 3.8 percent in 1955 from $4.94 to $5.00. The range of the supply-demand adjustment during the same year was from a zero adjustment to a plus 33 cents in December with the average adjustment being 6 cents per month. In 1956 the average Class I price would have increased from $5.21 to $5.28 and the range of adjustment would have been from a plus 43 cents in January to a minus 4 cents in December with the average adjustment being a plus 7 cents. In 1957 the Southwest Kansas Class I price would have been identical with the Wichita Class I price during every month of the year. In January and February of 1958 the Class I prices would have been increased by 9 and 11 cents, respectively.

4. *Location differentials.* Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation charge if moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the marketing area is therefore worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional cost of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the market area in lieu of incurring the additional cost of hauling his milk into the central market. Under these conditions the value of producer milk delivered to plants located some distance from the central market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the central market.

It is conceivable that a distant plant not subject to another order, such as the one located at Sabetha, Kansas, could become regulated by this order. The Sabetha plant is located approximately 270 miles from the closest point in the marketing area. Thus, the operator of this plant would incur a substantial transportation cost on the bulk or packaged milk before reaching any portion of the marketing area and should be allowed an offsetting credit in order to be fully competitive with the approved plants located within the marketing area. Under the present order the Sabetha plant could sell a small volume of Class I milk in the marketing area and become fully regulated. It would absorb the cost of transporting such milk sold in the marketing area and would be able to pay its producers the full f. o. b. market price on all its receipts of producer milk. This would be contrary to the basic principle of location differentials which places a lower value on milk received from producers at points distant from the marketing area. In order to allow for the cost of moving Class I milk from distant plants that might become route distributors in the Southwest Kansas marketing area, it is necessary to establish the Class I price for such milk delivered to plants at a point in the market and then provide a schedule of deductions from the Class I price as location differentials. This will place all handlers on an equal competitive basis on the Class I milk distributed in the marketing area.

Dodge City is the geographical center of the marketing area and represents a central point from which location differentials should be based. The distance used in determining location differentials should be measured from the Courthouse at Dodge City, Kansas, by the shortest highway distance, as determined by the market administrator.

The location differential rates in nearby order areas where hauling cost might be expected to be similar vary considerably. The Texas Panhandle rates are 35 cents in 100–110 mile zone plus 1.6 cents for each additional 10-mile zone. The Greater Kansas City rates are 16 cents in the 50–70 mile zone plus one-half cent for each additional 10 miles thereafter. The Oklahoma Metropolitan rates are 10 cents in the 50–150 mile zone, 2 cents per each 15 miles in the 150–240 mile zone and plus one cent for each additional 15 miles in excess of 240 miles. The Neosho Valley rates are 10 cents in the 50–60 mile zone plus 2 cents for each additional 15 miles. The Ozarks rate is 1.5 cents per 10 miles distance from the nearest point in the marketing area.

The initial mileage zone should not be quite as large as the initial mileage zone in the Oklahoma Metropolitan market but large enough to encompass all the approved plants presently serving the marketing area. Since all the approved plants serving the marketing area are located within 100 miles of Dodge City, there should not be any location differential applicable at plants located in the 0–100 mile zone. The 100–110 mile zone rate should not be as high as the Kansas City or Oklahoma Metropolitan markets since the Southwest Kansas is characterized by numerous small cities rather than large centers of population. Accordingly, a rate of 7.5 cents should be established for the 100–110 mile zone plus 1.5 for each additional 10-mile zone. The location differential applicable to Wichita plants would be 15 cents.

A method should be provided for determining, if necessary, the priority of milk from various plants in allocating to Class I for the purpose of computing the aggregate of location differentials to be allowed. Such differentials would be made for each handler in sequence beginning with milk received directly from producers and then milk received from those plants which have the lowest location differential.

The producer should receive less for milk delivered to points which are distant from the marketing area in lieu of incurring the additional cost of hauling his milk to the marketing area. Under these conditions the value of producer milk delivered to plants should be reduced in proportion to the distance that such plant is from Dodge City by the same rate that applies to Class I milk.

5. *Equivalent prices.* The order should include a provision that whenever a price quotation is not available, a price which is determined by the Secretary to be equivalent should be used. Price series may be unavailable through such causes as failure to report, termination of market quotations resulting from changes in dairy marketing, and combining or termination of other Federal orders.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and

conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

***Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.**

***Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Southwest Kansas marketing area", and "Order amending the order regulating the handling of milk in the Southwest Kansas marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.**

***It is hereby ordered,* That all of this decision, except the attached marketing agreement, to be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.**

***Determination of representative period.* The month of March 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Southwest Kansas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.**

Issued at Washington, D. C., this 15th day of May 1958.

[SEAL] **DON PAARLBERG,**
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Southwest Kansas Marketing Area

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919.0 Findings and determinations.

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§ 919.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southwest Kansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southwest Kansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 919.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 919.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 919.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 919.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 919.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 919.6 *Southwest Kansas marketing area.* "Southwest Kansas marketing area", called "the marketing area" in this subpart, means all territory within the cities of:

Ashland.
Cimarron.
Coldwater.
Dodge City.
Ellinwood.
Garden City.
Great Bend.
Greensburg.
Hoisington.
Hugoton.
Johnson.
Jetmore.
Kinsley.
La Crosse.
Lakin.
Larned.
Liberal.
Meade.
Medicine Lodge.
Ness City.
Pratt.
St. John.
Scott City.
Stafford.
Syracuse.
Ulysses.

And within the townships of Great Bend, South Bend, North Homestead, South Homestead, and Lakin in Barton County, Kinsley in Edwards County, Garden City in Finney County, Dodge and Richland in Ford County, Larned and Pleasant Grove in Pawnee County, Canter and Saratoga in Pratt County, and Liberal in Seward County, all in the State of Kansas.

§ 919.7 *Approved plant.* "Approved plant" means any milk plant approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which during any month a volume of Class I milk equal to 5 percent or more of the total receipts of milk from producers or an average of 300 pounds or more per day, whichever is less, is disposed of under a Grade A label on routes in the marketing area, or

(b) Which is operated by a cooperative association and 50 percent or more of the milk delivered during the month by producers who are members of such association is delivered directly or is transferred by the association from its approved plant to approved plants of other handlers.

§ 919.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

§ 919.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of on route(s) in the marketing area;

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such association. (Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.); or

(d) Any cooperative association which reports as a handler with respect to the milk of any producers which is delivered to an approved plant of another handler in a tank truck owned, operated, or controlled by such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.)

§ 919.10 *Producer.* (a) "Producer" means any person, other than a producer-handler, who produces milk which (1) is received at an approved plant directly from the farm at which produced, and (2) is produced under a dairy farm permit or rating for the production of milk to be disposed of as Grade A milk issued by the appropriate health authority of a municipality of the marketing area or by the State of Kansas.

(b) "Producer" shall include any such person whose milk is regularly received at an approved plant but which is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 919.61.

§ 919.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 919.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 919.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 919.14 *Route.* "Route" means any delivery (including a delivery by a vendor or at a plant store) of milk, skim milk, buttermilk, or flavored milk drink other than in bulk to a milk processing plant.

MARKET ADMINISTRATOR

§ 919.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 919.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 919.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 919.88;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 919.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and, upon request by the Secretary, surrender, the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, the name of any person who, 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 919.30 and 919.31, or (2) payments pursuant to §§ 919.80 to 919.88, inclusive;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum prices for Class I milk pursuant to § 919.51 (a) and the Class I butterfat differential pursuant to § 919.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 919.51 (b) and the Class II butterfat differential pursuant to § 919.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month the uniform price, computed pur-

suant to § 919.71 and the butterfat differential computed pursuant to § 919.81, both for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 919.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler or a handler as defined pursuant to § 919.9 (b), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantity of skim milk and butterfat contained in all milk, skim milk, cream and products specified as Class I milk pursuant to § 919.41 (a) on hand at the beginning and end of each month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 919.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 919.32 *Other reports.* (a) Each producer-handler and each handler defined pursuant to § 919.9 (b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 919.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 919.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 919.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 919.30 shall be classified by the market administrator pursuant to the provisions of §§ 919.41 to 919.46, inclusive.

§ 919.41 *Class of utilization.* Subject to the conditions set forth in §§ 919.42 through 919.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream, and bulk ice cream mix) of cream and milk or skim milk, and (2) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In cream frozen and stored;

(4) In shrinkage of producer milk that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June) of receipts directly from producers, plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of receipts of skim milk and butterfat, respectively, transferred in bulk from approved plants of other handlers, less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, disposed of in bulk to approved plants of other handlers;

(5) In shrinkage of other source milk; and

(6) In inventory at the end of the month as milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 919.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amount between the receipts of skim milk and butterfat in producer milk and of other source milk. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such skim milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 919.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 919.41 (b) (6) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 919.46 (a) (4).

§ 919.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from an approved plant or pursuant to § 919.9 (d) shall be classified:

(a) At the class mutually indicated in writing to the market administrator on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has use in such class of an equivalent amount of

skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest total Class I utilization in the two plants.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles from the courthouse at Dodge City, Kansas, by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred to an unapproved plant in the form of cream under Grade A certification, or unless the handler claims Class II classification and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only and that the shipment was so invoiced.

(e) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance, as determined by the market administrator, and from which fluid milk is disposed of on wholesale or retail routes, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply of such plant for fluid usage.

(f) As Class II milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance as determined by the market administrator, and from which fluid milk is not disposed of on wholesale or retail routes.

§ 919.45 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk of such handler.

§ 919.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 919.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 919.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 919.41;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen cream), or any other product specified in § 919.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 919.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the remaining pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat content in such milk in each class.

MINIMUM PRICES

§ 919.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 919.51 *Class prices.* Subject to the provisions of §§ 919.52 and 919.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price plus $1.65 during all months of the year plus or minus a supply-demand adjustment, computed as follows:

(1) Divide the total receipts of milk from producers in the second and third months preceding by the total volume of Class I milk at approved plants (excluding interhandler transfers and milk fully subject to pricing under another Federal order issued pursuant to the Act) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	October-November	125	129
February	November-December	127	131
March	December-January	128	132
April	January-February	130	134
May	February-March	135	139
June	March-April	140	144
July	April-May	144	148
August	May-June	144	148
September	June-July	140	144
October	July-August	134	138
November	August-September	126	130
December	September-October	120	124

(3) For a minus net deviation percentage the Class I price shall be increased and for a plus deviation percentage the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction and amount was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction and amount were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second month immediately preceding.

The price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the price for Class I milk of 3.8 percent butterfat content established for the same month or delivery period pursuant to Part 968 of this chapter regulating the handling of milk in the Wichita, Kansas, marketing area or the price of Class I milk of 3.8 percent butterfat content established for the same month or delivery period pursuant to Part 911 of this chapter regulating the handling of milk in the Texas Panhandle marketing area during the months of March, April, May, and June and 25 cents less than such price computed for the Texas Panhandle marketing area in all other months.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 919.52 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 919.46 is more or less than 3.8 percent, there shall be added to the respective class price, computed pursuant to § 919.51 (a) and (b) for each one-tenth of one percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price for the preceding month by 1.25; and

(b) Class II milk: Multiply such price for the current month by 1.15.

§ 919.53 *Location differentials to handlers.* For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Dodge City, Kansas, and which is classified as Class I milk the prices computed pursuant to § 919.51 (a) shall be reduced by 7.5 cents if such plant is located more than 100 miles but not more than 110 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided,* That for the purposes of calculating such differential transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence at which the lowest location differential credit would apply.

§ 919.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 919.60 *Exempt handlers.* Sections 919.40 through 919.46, 919.50 through 919.54, 919.70 through 919.71 and 919.80 through 919.89 shall not apply to a producer-handler or a handler defined pursuant to § 919.9 (b).

§ 919.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisons of this subpart shall not apply except that the handler shall with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market adminitsrator may require and shall allow verification of such reports by the market administrator pursuant to § 919.33.

DETERMINATION OF UNIFORM PRICE

§ 919.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 919.46 (a) (7) by the applicable class price(s);

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 919.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 919.43 (b) a charge shall be computed at the difference between its value at the Class I price and its value at the Class II price both, for the month in which previously classified as Class II milk.

§ 919.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for all milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 919.70 for all handlers who made the reports prescribed in § 919.30 and who made the payments pursuant to §§ 919.80 and 919.83 for the preceding month;

(b) For each of the months of April through June subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk included in these computations to be retained in the producer-settlement fund for the purpose specified in § 919.85;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 919.81 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Add the aggregate of the value of all allowable location differentials to producers pursuant to § 919.81 (b).

(f) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 919.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 919.71 adjusted by the butterfat and location differentials computed pursuant to § 919.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 919.84, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month, at not less than the Class II price of the preceding month.

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 919.31.

(d) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 919.9 (d), not less than the value of such milk as classified pursuant to § 919.44 (a) at the applicable class prices.

§ 919.81 *Producer differentials*—(a) *Butterfat differential.* In making payments pursuant to § 919.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

(b) *Location differential.* For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Dodge City, Kansas, there shall be deducted 7.5 cents per hundredweight of milk if such plant is located more than 100 miles but not more than 110 miles from such courthouse, and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

§ 919.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 919.83 and 919.86, and out of which he shall make all payments pursuant to §§ 919.84, 919.85, and 919.86.

§ 919.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any by which the value of the milk received by such handler from producers as determined pursuant to § 919.70 is greater than the amount required to be paid producers by such handler pursuant to § 919.80.

§ 919.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 919.70 is less than the amount required to be paid producers by such handler pursuant to § 919.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 919.85 *Fall incentive payment.* On or before the 15th day after the end of each of the months of August, September and October, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by handlers during the month, an amount computed as follows:

(a) Divide one-third of the total amount held pursuant to § 919.71 (b) by the total hundredweight of producer milk received by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the hundredweight of milk received from each such producer during the month: *Provided,* That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 919.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or,

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 919.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 919.80, shall deduct 6 cents per hundredweight or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 919.31 in lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 919.31.

§ 919.88 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I, and (b) milk from producers including such handler's own production.

§ 919.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 919.90 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 919.91.

§ 919.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it ceases to be in effect.

§ 919.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 919.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 919.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 919.101 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart, to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 58-3782; Filed, May 20, 1958; 8:46 a. m.]

Agricultural Research Service

[7 CFR Parts 301, 319, 353]

DOMESTIC AND FOREIGN QUARANTINE NOTICES AND SANITARY EXPORT CERTIFICATION

GUAM

On April 15, 1958, there was published in the FEDERAL REGISTER (23 F. R. 2428), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the proposed amendment of the subparts Hawaiian Fruits and Vegetables; Sugarcane; Sweetpotatoes; Gypsy Moth and Brown-Tail Moth; Territorial Cotton, Cottonseed, and Cottonseed Products; Japanese Beetle; Pink Bollworm; Fruits and Vegetables from Puerto Rico or Virgin Islands; Sand, Soil, or Earth, with Plants from Territories and Insular Possessions; Mexican Fruit Fly; White Fringed Beetle; Khapra Beetle; European Chafer; Mediterranean Fruit fly; Soybean Cyst Nematode; and Witchweed, in Part 301, Title 7, Code of Federal Regulations (7 CFR 301.13 et seq., 301.16, 301.30 et seq., 301.45 et seq., 301.47 et seq., 301.48 et seq., 301.52 et seq., 301.58 et seq., 301.60, 301.64 et seq., 301.72 et seq., 301.76 et seq., 301.77 et seq., 301.78 et seq., 301.79 et seq., and 301.80 et seq.); the subparts Foreign Cotton and Covers; Citrus Canker and Other Citrus Diseases; Corn Diseases; Citrus Fruits; Nursery Stock, Plants, and Seeds; Indian Corn or Maize, Broomcorn, and Related Plants; Rice; Fruits and Vegetables; Flag Smut; Packing Materials; Dutch Elm Disease; and Cut Flowers, in Part 319, Title 7, Code of Federal Regulations (7 CFR 319.8 et seq., 319.19, 319.24 et seq., 319.28, 319.37 et seq., 319.41 et seq., 319.55 et seq., 319.56 et seq., 319.59 et seq., 319.69 et seq., 319.70 et seq., and 319.74 et seq.), and Part 353, Sanitary Export Certification, in Title 7, Code of Federal Regulations, pursuant to sections 1, 5, 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 160, 161, 162), sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Pub. Law 85-36; 71 Stat. 32, 33), and section 102 of the Department of Agriculture Organic Act of 1944 (7 U. S. C. 147a). The proposed amendments relate to the correlation of the quarantines, regulations, and orders set forth in the above-mentioned parts and subparts with a proposed current extension of plant quarantine operations to Guam.

This notice provided that all persons who desired to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication in the FEDERAL REGISTER. In response to the invitation for comments, the Department has been requested to defer final action on the proposal for 60 days to allow sufficient time for all in interest to prepare and submit their comments.

Notice is hereby given that all data, views, and arguments concerning the proposed amendments which have been received or which are received within 60 days after the date of the publication of this notice in the FEDERAL REGISTER will be considered in connection with the final determination with respect to this matter.

Done at Washington, D. C., this 16th day of May 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3820; Filed, May 20, 1958; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12065]

TELEVISION BROADCAST STATIONS, LAFAYETTE-TERRE HAUTE, IND.; TABLE OF ASSIGNMENTS

ORDER EXTENDING TIME FOR FILING RESPONSES TO PETITION FOR RECONSIDERATION

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, (Lafayette-Terre Haute, Indiana); Docket No. 12065.

1. The Commission has before it for consideration a motion filed on May 12, 1958, by Plains Television Corporation, licensee of Station WICS on Channel 20 at Springfield, Illinois, requesting the Commission to extend the time for filing

responses to a Petition for Rehearing and Reconsideration filed in the above-mentioned proceeding on May 7, 1958, by Lafayette Broadcasting, Inc., licensee of Station WFAM-TV on Channel 59 at Lafayette, Indiana, from May 20, 1958, to June 9, 1958.

2. In support of its request, Plains Television states that the additional time requested is needed because of the illness of counsel who has been primarily responsible for handling the presentation of its position in this proceeding. The movant also states that counsel for Lafayette Broadcasting, Inc., has advised that he does not object to the extension of time requested.

3. The Commission believes that good cause for an extension of time for filing a response to the above-mentioned petition has been established and that such extension will serve the public interest, convenience and necessity.

4. In view of the foregoing: *It is ordered*, That the Motion for Extension of Time of Plains Television Corporation is granted, and that the time for filing responses to the above-mentioned Petition for Rehearing and Reconsideration of Lafayette Broadcasting, Inc., is extended from May 20, 1958, to June 9, 1958.

Adopted: May 14, 1958.

Released: May 15, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3808; Filed, May 20, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. Idaho 07697, 07869, 08053]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 13, 1958.

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422, 43 U. S. C. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 3 E.,
  Sec. 29, Lot 4, N½S½;
  Sec. 30, Lots 6, 7, N½SE¼.
T. 5 S., R. 4 E.,
  Sec. 18, SE¼SW¼;
  Sec. 19, NW¼NE¼, NE¼NW¼;
  Sec. 20, E½SW¼;
  Sec. 29, NE¼NW¼, W½NW¼.
T. 9 S., R. 18 E.,
  Sec. 32, Lots 7 and 8.
T. 10 S., R. 18 E.,
  Sec. 10, Lots 4 and 5;
  Sec. 11, Lots 3, 4, 7, 8, NW¼SW¼;
  Sec. 12, Lots 2, 6 and 7.
T. 10 S., R. 19 E.,
  Sec. 15, Lot 3;
  Sec. 24, Lot 3;
  Sec. 25, Lot 2;
  Sec. 26, SE¼SE¼.

Within the above-described areas are 1,081.21 acres of public lands.

The land involved is typical of dry-grazing land in the Snake River plain of Idaho. The land has mainly shallow soil with rock outcroppings. The vegetative cover is typical of the area and is principally greasewood, shadscale, bud-sage, and russian thistle.

No application for these lands will be allowed under the homestead, desert-land small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on June 18, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 17, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on September 17, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on September 17, 1958.

Persons claiming veteran's preference rights under Paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-3784; Filed, May 20, 1958; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 13, 1958.

The Bureau of Reclamation has filed an application, Serial No. Idaho 08956, for the withdrawal of the lands described below, from all forms of appropriation, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for a pumping plant and appurtenant works.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Land Office, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 3 W.,
Sec. 10; E½SE¼SW¼, W½SW¼SE¼.

Above areas aggregate 40 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-3785; Filed, May 20, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on October 15, 1957 (16 A. D. 965), which, as modified by an order issued on February 7, 1958 (17 A. D. 85), authorizes the respondents, Market Agencies at Omaha Union Stock Yards, Omaha, Nebraska, to assess the current schedule of rates and charges to and including August 31, 1959, unless modified or extended before that date.

On April 29, 1958, a petition was filed on behalf of the respondents requesting authority to modify the current schedule of rates and charges by increasing the "Ante Mortem Inspection Charges" for "Hogs" from 1 cent per head to 1½ cents per head.

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 15th day of May 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-3818; Filed, May 20, 1958; 8:53 a. m.]

[P. & S. Docket Nos. 553, 554, 555]

NEW JERSEY COOP COMPANY, INC., ET AL.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on December 26, 1956 (15 A. D. 1321), authorizing the respondents to assess to and including December 31, 1958, a charge of 94 cents per coop for the rental of coops to the live poultry industry, unless changed by further order before the latter date.

On April 25, 1958, the respondents filed a petition requesting that the current rate order be modified to permit them to increase the rental charge for coops from 94 cents to 97 cents per coop. The respondents further requested that such proposed rate increase be made effective as soon as possible, and that it remain in effect until such time as it is deemed necessary to change the same.

The effect of such increase in the rate for coop rental, if authorized, would be to increase the revenue of the respondents. It appears, therefore, that public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of May 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-3819; Filed, May 20, 1958; 8:53 a. m.]

Agricultural Research Service

DIRECTOR, ADMINISTRATIVE SERVICES DIVISION

DELEGATION OF AUTHORITY TO MAKE AND EXECUTE RESEARCH CONTRACTS AND GRANTS

Pursuant to the authority vested in the Administrator, Agricultural Research Service, by the Secretary of Agriculture, under Secretary's Order of December 24, 1953 (19 F. R. 74), authority to make grants under section 104 of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456; 7 U. S. C. 1704) and to execute all research contracts (including RMA contracts) is delegated to the Director or Acting Director, Administrative Services Division, Agricultural Research Service.

The authority herein delegated may not be redelegated.

This delegation of authority amends "Notice of Organization, Functions, and Authorities of the Agricultural Research Service", effective February 21, 1957 (22 F. R. 2679), and is to be exercised in connection with general responsibility for the administrative aspects of the research programs assigned to the Agricultural Research Service as outlined therein.

Done at Washington, D. C., this 15th day of May 1958.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 58-3783; Filed, May 20, 1958; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-4]

NAVAL RESEARCH LABORATORY

NOTICE OF AMENDMENT TO FACILITY LICENSE NO. R-5

Please take notice that the Atomic Energy Commission has issued an amendment to Facility License No. R-5. The amendment increases both the allocation of special nuclear material to Naval Research Laboratory for use in connection with its reactor and the licensee's authorization to receive and possess special nuclear material for such use from 5.006 kilograms of contained uranium 235 to 14.2 kilograms of contained uranium 235, and authorizes a schedule of transfers of special nuclear material from the Commission to Naval Research Laboratory and from Naval Research Laboratory to the Commission.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the filing of this notice with the Federal Register Division. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 12th day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3777; Filed, May 20, 1958; 8:45 a. m.]

[Docket No. 50-106]

OREGON STATE COLLEGE

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that Oregon State College, Corvallis, Oregon, under section 104c of the Atomic Energy Act of 1954, as amended, filed an application dated April 29, 1958, for a license to acquire, possess and operate on the College's campus a 100-milliwatt research reactor. The reactor is designated by the manufacturer, Aerojet-General Corporation, as Model AGN-201, Serial No. 114. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 12th day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3778; Filed, May 20, 1958; 8:45 a. m.]

[Docket No. 50-71]

ACF INDUSTRIES, INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of proposed action with the Federal Register Division, the Atomic Energy Commission this date issued License No. XR-19 to ACF Industries, Incorporated, authorizing the export of a 30,000 kilowatt tank-type materials testing and research reactor to Aktiebolaget Atomenergi, Studsvik Administration, Tystberga, Sweden. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on April 26, 1958, 23 F. R. 2819.

Dated at Germantown, Md., this 14th day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3779; Filed, May 20, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE L. WILSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 5, 1956, 21 F. R. 3030; November 1, 1956, 21 F. R. 8372; May 14, 1957, 22 F. R. 3396; November 20, 1957, 22 F. R. 9263.

A. Deletions: None.
B. Additions: Foote Mineral.

This statement is made as of April 20, 1958.

Dated: May 15, 1958.

GEORGE L. WILSON.

[F. R. Doc. 58-3869; Filed, May 19, 1958; 3:47 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11569; FCC 58M-506]

WILLIAMSPORT RADIO BROADCASTING ASSOCIATES, INC. (WARC)

ORDER SETTING PREHEARING CONFERENCE

In re applications of Williamsport Radio Broadcasting Associates, Inc. (WARC), Milton, Pennsylvania; Docket No. 11569, File No. BP-9856; for construction permit; for modification of construction permit; Docket No. 12405, File No. BMP-7903.

It is ordered, This 15th day of May 1958, that, pursuant to the provisions of § 1.111 of the rules of the Commission, all parties to the above-entitled proceeding, or their counsel, are directed to appear for a prehearing conference at the offices of the Commission in Washington, D. C. on May 23, 1958, at 10:00 o'clock a. m., for the purpose of considering, among other things, the matters specified in said section of the rules.

Released: May 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3809; Filed, May 20, 1958; 8:51 a. m.]

[Docket No. 11788 etc.; FCC 58M-495]

JAMES W. MILLER ET AL.

ORDER SCHEDULING HEARING

In re applications of James W. Miller, Milford, Connecticut; Docket No. 11788, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York; Docket No. 12411, File No. BP-11365; Vincent de Laurentis, Hamden Connecticut; Docket No. 12412, File No. BP-11607; Albert L. Capstaff, tr/as Eastern States Broadcasting Co., Hamden, Connecticut; Docket No. 12413, File No. BP-11760; for construction permits.

It is ordered, This 12th day of May 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 16, 1958, in Washington, D. C.

Released: May 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3810; Filed, May 20, 1958; 8:51 a. m.]

[Docket No. 12031; FCC 58M-505]

BIRCH BAY BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of George A. Wilson & L. N. Ostrander d/b as Birch Bay Broadcasting Company, Blaine, Washington; Docket No. 12031, File No. BP-10848; for construction permit.

It is ordered, This 15th day of May 1958, that a prehearing conference in the above-entitled proceeding will be held on June 5, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: May 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3811; Filed, May 20, 1958; 8:52 a. m.]

[Docket Nos. 12315-12316; FCC 58M-508]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama; Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama; Docket No. 12316, File No. BP-11559; for construction permits.

The Hearing Examiner having under consideration "Motion For Continuance" filed herein on behalf of J. B. Falt, Jr., on May 7, 1958;

It appearing that said motion requests that the time for exchange of exhibits constituting the direct case herein be extended from May 22, 1958, to June 23, 1958, and that the date of the further pre-hearing conference now scheduled for June 3, 1958, be continued to July 8, 1958;

It further appearing that David S. Stevens, counsel for Falt and primarily responsible for the preparation and trial in this proceeding, is presently recuperating from surgery and good cause exists why said motion should be granted;

It is therefore ordered, This 15th day of May 1958, that the "Motion For Continuance" filed herein on behalf of J. B. Falt, Jr., be, and the same is hereby, granted and that the exchange of exhibits is set for June 23, 1958, and the prehearing conference herein is continued to July 8, 1958.

Released: May 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3812; Filed, May 20, 1958; 8:52 a. m.]

[Docket No. 12410; FCC 58M-491]

BRIDGEPORT BROADCASTING CO. (WICC)

ORDER SCHEDULING HEARING

In re application of The Bridgeport Broadcasting Company (WICC), Bridgeport, Connecticut; Docket No. 12410, File No. BP-10707; for construction permit.

It is ordered, This 12th day of May 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 18, 1958, in Washington, D. C.

Released: May 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3814; Filed, May 20, 1958; 8:52 a. m.]

[Docket No. 12416 etc.; FCC 58M-492]

NICK J. CHACONAS ET AL.

ORDER SCHEDULING HEARING

In re applications of Nick J. Chaconas, Gaithersburg, Maryland; Docket No. 12416, File No. BP-10996; I. T. Cohen and Anne H. Cohen, d/b as Tri-County Broadcasting Company, Laurel, Maryland; Docket No. 12417, File No. BP-11309; The Eleven Fifty Corp., Capitol Heights, Maryland; Docket No. 12418, File No. BP-11379; TCA Broadcasting Corporation, College Park, Maryland; Docket No. 12419, File No. BP-11741; for construction permits.

It is ordered, This 12th day of May 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 14, 1958, in Washington, D. C.

Released: May 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3815; Filed, May 20, 1958; 8:52 a. m.]

[Docket No. 12421; FCC 58M-507]

MECKLENBURG BROADCASTING CO.

NOTICE SCHEDULING PREHEARING CONFERENCE

In re application of John L. Cole, Jr., tr/as Mecklenburg Broadcasting Company, Chase City, Virginia; Docket No. 12421, File No. BP-11275; for construction permit.

A prehearing conference will be held Wednesday, June 4, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: May 15, 1958.

Released: May 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3816; Filed, May 20, 1958; 8:52 a. m.]

[Docket No. 12426; FCC 58M-496]

AUSTIN RADIO CO.

ORDER SCHEDULING HEARING

In re application of Austin Radio Company, Austin, Texas; for construction permit; Docket No. 12426, File No. BP-11247.

It is ordered, This 12th day of May 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 17, 1958, in Washington, D. C.

Released: May 14, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3817; Filed, May 20, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9278]

ALFRED C. GLASSELL, JR., ET AL.

CHANGE IN TITLE DESIGNATION

MAY 15, 1958.

In the Notice Fixing Date for Hearing, issued April 28, 1958, and published in the FEDERAL REGISTER on May 2, 1958 (23 F. R. 2976), the title of this proceeding designated in the notice issued herein on April 28, 1958, is corrected to read: Alfred C. Glassell, Jr., et al.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3797; Filed, May 20, 1958; 8:49 a. m.]

[Docket No. G-11860 etc.]

MAGNOLIA PETROLEUM CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 15, 1958.

In the matters of Magnolia Petroleum Company, Operator; Docket Nos. G-11860,[1] G-11861,[2] G-11912,[4] G-11913,[5] G-11953;[7] Magnolia Petroleum Company, Docket Nos. G-11862,[3] G-11870, G-11915,[6] G-11934, G-11955, G-11956,[8] G-11985, G-11986,[9] G-11987, G-11998,[10] G-11999,[11] G-12081, G-12085,[12] G-12088,[13] G-12091,[14] G-12093,[15] G-12096,[16] G-12097,[17] G-12100,[18] G-12101,[19] G-12102,[20] G-12584—G-12586, incl., G-12587,[21] G-12588—G-12594, incl., G-12654—G-12656, incl.; Monsanto Chemical Company, Docket No. G-12639; Sinclair Oil & Gas Company, Docket No. G-12642; Cabot Carbon Company, Docket No. G-12643; Gulf Oil Corporation, Docket No. G-12649; Murchison Trusts, Operator, et al., Docket No. G-12651;[22] Edwin L. Cox, Docket No. G-12688;[23] Warren Petroleum Company (now Gulf Oil Corporation), Docket No. G-12696; Sinclair Oil & Gas Company, Operator, Docket No. G-12698;[24] Plymouth Oil Company, Docket No. G-12699; William K. Davis and Henry S. Puder, Docket No. G-12705.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

11860; North Rhodes Field, Barber County, Kans.; Cities Service Gas Company.

11861; Hardtner Field, Barber County, Kans.; Cities Service Gas Company.

11862; Medicine Lodge Field, Barber County, Kans.; Cities Service Gas Company.

11870; Prairie Field, Hansford County, Tex.; Panhandle Eastern Pipe Line Company.

11912; Cameron Field, Cameron Parish, La.; American Louisiana Pipe Line Company.

11913; Piedre Lumbre Field, Duval County, Tex.; Tennessee Gas Transmission Company.

11915; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Company.

11934; Frnka Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

11953; Clear Creek Field, Beauregard Parish, La.; Trunkline Gas Company.

11955; San Carlos Field, Hidalgo County, Tex.; Trunkline Gas Company.

11956; Chalkley Field, Cameron Parish, La.; United Fuel Gas Company.

11985; Gum Cove Field, Cameron Parish, La.; United Fuel Gas Company.

11986; Rodessa Field, Marion County, Tex.; Arkansas Louisiana Gas Company.

11987; Bearhead Creek Field, Beauregard Parish, La.; Trunkline Gas Company.

11998; Willow Springs Field, Gregg County, Tex.; Texas Eastern Transmission Corporation.

11999, 12093; Camrick Field, Texas County, Okla.; Natural Gas Pipeline Company of America.

12081; Sun Field, Starr County, Tex.; Tennessee Gas Transmission Company.

12085; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.

12088; Fox-Graham Field, Stephens County, Okla.; Lone Star Gas Company.

12091; Monument Field, Lea County, N. Mex.; Permian Basin Pipeline Company.

12096; Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

12097; Karon Field, Live Oak County, Tex.; Texas Eastern Transmission Corporation.

12100; Hugoton Field, Seward County Kans.; Northern Natural Gas Company.

12101; Hugoton Field, Haskell County, Kans.; Cities Service Gas Company.

12102; South Glenwood Field, Beaver County, Okla.; Cities Service Gas Company.

12584, 12585, 12586; Bethany Field, Panola County, Tex.; United Gas Pipe Line Company.

12587; Carthage Field, Panola County, Tex.; United Gas Pipe Line Company.

12588; Lisbon Field, Claiborne Parish, La.; United Gas Pipe Line Company.

12589; Sligo Field, Bossier Parish, La.; United Gas Pipe Line Company.

12590, 12591, 12592, 12593; Monroe Field, Ouachita Parish, La.; United Gas Pipe Line Company.

12594; Monroe Field, Ouachita and Morehouse Parishes, La.; United Gas Pipe Line Company.

12639; Fincham Field, Meade County, Kansas and Beaver County, Okla.; Northern Natural Gas Company.

12642; Stevens Field, Meade County, Kans.; Panhandle Eastern Pipeline Company.

12643; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Company.

12649; Crosby-Devonian Pool, Lea County, N. Mex.; El Paso Natural Gas Company.

12651; Blanco and Ignacio Fields, La Plata County, Colo.; El Paso Natural Gas Company.

12654; Maxie-Pistol Ridge Field, Forrest and Pearl River Counties, Miss.; United Gas Pipe Line Company.

12655; Bethany Field, Panola County, Tex.; United Gas Pipe Line Company.

12656; Northwest Sharon Field, Barber County, Kans.; Cities Service Gas Company.

12688; Greenwood Field, Morton County, Kans.; Panhandle Eastern Pipe Line Company.

12696; East Victor Field, Lincoln County, Okla.; Jernigan & Morgan Transmission Company.

12698; Eureka Field, Grant and Alfalfa Counties, Okla.; Cities Service Gas Company.

12699; Union District, Ritchie County, W. Va.; Hope Natural Gas Company.

See footnotes at end of document.

12708; West Panhandle Field, Hutchinson County, Tex.; Frank C. Henderson Trust #2 and Elizabeth P. Henderson Trust #2.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 16, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 10, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

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[2] Magnolia is filing for its working interests in an aggregate of 880 acres and, as Operator of the 160-acre Ryser-McGuire Unit, lists itself and Stanolind Oil and Gas Company as each owning a 50 percent interest therein. Magnolia is the only signatory seller party to the gas sales contract dated October 25, 1956, and amendatory agreement adding additional acreage thereto dated December 10, 1956. Application states that service commenced under the basic contract on December 5, 1956.

[3] Magnolia, Operator, is filing for itself and lists the following owners of working interests in two gas units: Johnson Olson Unit-Magnolia, Operator, and Sinclair Oil and Gas Company; V. L. Cook Unit-Magnolia, Operator, Aylward Drilling Company, Robert L. Clarke, W. P. Callahan, Jr., and William P. Wilke, III; W. A. Fraser, Jr., J. R. James, Jr., W. P. James and C. J. Miller. In addition, Magnolia is filing for authorization to sell natural gas from certain ununitized acreage. Magnolia is the only signatory seller party to the basic gas sales contract dated November 25, 1955, and amendatory agreements adding additional acreages thereto dated March 7, July 3, and October 8, 1956. Application states that service commenced under subject sales contract on January 12, 1956. Amendment filed August 5, 1957, requests authorization to sell natural gas under the subject amendatory agreements.

[4] Magnolia is filing for its 100 percent interest in the F. M. Roth Lease and its 50 percent interest in the C. E. Inslee Lease and is the only signatory seller party to the gas sales contract dated November 23, 1955, and amendatory agreement adding additional acreage thereto dated April 24, 1956. Application states that service commenced under subject sales contract on January 24, 1956.

[4] Magnolia, Operator, is filing for its interests in two gas units and lists the following owners of working interests:

Interest owners	Cristellaria No. 1	
	Sand Unit No. 2	Sand Unit No. 3
	Percent	*Percent*
Magnolia Petroleum Co., Operator	58.92772	79.83800
British American Oil Prod. Co	7.40098	1.57210
Kerr-McGee Oil Indusdustries, Inc	3.98762	----------
Stanolind Oil & Gas Co.	29.68368	18.05130
C. W. Lawrence, Jr	----------	.53860

In addition, Magnolia is filing for its nonoperating interest in two units as follows: 21.741883 percent in the Planulina Sand Unit No. 1; 59.155412 percent in the Planulina Sand Unit No. 2. Magnolia is the only signatory seller party to the gas sales contract dated July 10, 1956.

[5] Magnolia, Operator, is filing for its working interests in ten Duval Ranch Units and as operator of four of the above-mentioned units lists the following owners of working interests: Humble Oil & Refining Company, 25 percent and 50 percent interests, respectively, in the Section 95 and 96 Units (Magnolia, Operator, owns the remaining 75 percent and 50 percent interests); The Texas Company, 48.68401 percent interest in the Section 203 Unit (Magnolia, Operator, owns the remaining 51.31599 percent interest); and Texas Gulf Production Company 50 percent interest in the Section 96–B Unit (Magnolia, Operator, owns the remaining 50 percent interest). Magnolia is the only signatory seller party to the basic gas sales contract dated November 10, 1955. Two amendatory agreements dated August 25, 1956, and October 15, 1957, add additional acreages to aforesaid basic contract. Subject contract limits production to the Wilcox Zone. The application states that service commenced under said sales contract on June 18, 1956. Amendment filed December 2, 1957, is a request for authorization to sell gas under the above-mentioned amendatory agreement dated October 15, 1957.

[6] Magnolia is filing for its 50 percent working interest in the Colorado-Wilmarth Unit, production from which is being sold pursuant to a ratification agreement dated August 6, 1956, of a basic contract dated May 6, 1954, as amended, between The Superior Oil Co., seller, and Colorado Interstate, buyer. Both Magnolia and Colorado Interstate are signatory parties to the ratification agreement.

[7] Magnolia is filing for itself and, as operator of two gas units, lists the following owners of working interests:

Interest owners	McPherson Central "B"	McPherson Central
	Percent	*Percent*
Magnolia, Operator	50.353	50.353
Bel Oil Corp	6.206	6.213
H. L. Hunt	43.441	43.434

[8] Gulf Interstate transports the subject gas for the account of United Fuel commingled with its other gas supplies for redelivery into United Fuel's facilities at points in Kentucky. Gulf Interstate received authorization in Docket No. G–2058 to construct and operate facilities to enable it to take gas from the subject area. Production is limited by the sales contract to the Camerina and Cibicides Formations.

[9] Subject sales contract supersedes contract dated February 5, 1953, between Magnolia and Arkansas Louisiana, and limits production to depths below base of the Pettit Lime Formation beneath 40 acres out of the William Edmonson Survey, which acreage is part of the 200 acre A. T. Duncan Estate.

[10] Magnolia, nonoperator, is filing for its working interest in the Stanolind-F. K. Lathrop Unit, production from which is being sold pursuant to a ratification agreement dated June 15, 1956, of a basic contract dated December 9, 1955, as amended, between Arkansas Fuel Oil Corporation, seller, and Texas Eastern, buyer. Both Magnolia and Texas Eastern are signatory parties to the ratification agreement. Arkansas Fuel received authorization in Docket No. G–9789 covering the sale of gas under the basic contract.

[11] Magnolia, nonoperator, is filing for its working interest in the Carter-Bowles-Morris Unit, production from which is being sold pursuant to a ratification agreement dated March 15, 1956, of a basic contract dated November 7, 1955, between The Carter Oil Co., seller, and Natural Gas Pipeline Company of America, buyer. Both Magnolia and buyer are signatory parties to said ratification agreement and Carter (Operator and owner of 62.5 percent interest in subject unit) received authorization in Docket No. G–9765 covering the sale of gas under the basic contract.

[12] Magnolia, nonoperator, is filing for its working interest in the Placid Oil Co., et al., Tom Moore Unit and is the only signatory seller party to the gas sales contract dated April 4, 1955, as amended.

[13] Magnolia is filing for its working interest in the A. N. Harley Unit and is the only signatory seller party to the gas sales contract dated April 26, 1956, as amended. Production is limited to depths below 2,500 feet.

[14] Magnolia is filing for its 50 percent working interest in the State "G" #1 well, production from which is being sold pursuant to a ratification agreement dated November 30, 1955, of a basic contract dated December 30, 1955, between General Crude Oil Co., seller, and Permian, buyer. Both Magnolia and Permian are signatory parties to said ratification agreement. General Crude Oil Co. (owner of remaining 50 percent interest in the subject well) received authorization in Docket No. G–9895 to sell gas under the basic contract.

[15] Magnolia, nonoperator, is filing for its working interest in the Carter-State-Sutton Unit, production from which is being sold pursuant to a ratification agreement dated January 6, 1956, of a basic contract dated November 7, 1955, between The Carter Oil Co., seller, and Natural Gas Pipeline Company of America, buyer. Both Magnolia and buyer are signatory parties to said ratification agreement and Carter (operator and owner of remaining interest in subject unit) received authorization in Docket No. G–9765 covering the sale of gas under the basic contract. Production is limited to the Morrow Formation. Amendment filed August 8, 1957, is a request to include in application amendatory agreement dated March 21, 1957, which extends contract term from one year, provided for in subject ratification agreement, to 20 years.

[16] Magnolia, nonoperator, is filing for its interest in the Champlin-Withroder Unit, production from which is being sold pursuant to a ratification agreement dated April 16, 1956, of a basic contract dated May 6, 1954, as amended, between The Superior Oil Co., seller, and Colorado Interstate, buyer. Both Magnolia and Colorado Interstate are signatory parties to the said ratification agreement. Superior received authorization in Docket No. G–6178 covering the sale under the basic contract.

[17] Magnolia, nonoperator, is filing for its working interest in the Tidewater-Slick Sand Unit and is the only signatory seller party to the gas sales contract dated August 14, 1956. Gas will be delivered into the facilities of Wilcox for redelivery to Texas Eastern at

Provident City, Texas. Wilcox has received authorization in Docket No. G–1959 to construct and operate facilities to enable it to take gas from the subject area. Texas Eastern transports such gas in interstate commerce for resale.

[18] Magnolia, nonoperator, is filing for its 25 percent working interest in the Michaelis-Rosson Unit, production from which is being sold pursuant to a ratification agreement dated March 29, 1956, of a basic contract dated April 30, 1955, between Michaelis Drilling Co., seller, and Northern, buyer. Both Magnolia and Northern are signatory parties to the subject ratification agreement. Michaelis Drilling Co. (operator and owner of remaining 75 percent interest in subject unit) received authorization in Docket No. G–8984 covering sale under the basic contract, which contract is subject to a prior contract dated December 21, 1945, between Republic Natural Gas Company and buyer. Basic contract limits production to depths above 3,000 feet below surface.

[19] Magnolia, nonoperator, is filing for its working interest in the Stanolind-Elliott Unit, and is the only signatory seller party to the gas sales contract dated June 6, 1955, which contract limits production to depths above sea level.

[20] Magnolia is filing for its working interest in the Dillon-Lonker Unit, production from which is being sold pursuant to a ratification agreement dated August 22, 1956, of a basic contract dated July 24, 1956, between Sunray Mid-Continent Oil Co., seller, and Cities Service, buyer. Both Magnolia and Cities Service are signatory parties to said ratification agreement.

[21] Applicant, nonoperator, is filing for authorization to sell natural gas from its interests in the following gas units: 3.132 percent interest in the Thompson; 1.9069 percent interest in the Morgan; 20 percent interest in the Hull "A"; .2390 percent interest in the Hull "B" and 17.6467 percent interest in the Union-Hull "A-4".

[22] Murchison Trusts, Operator, acting through its Trustee, Holman Jenkins, is filing for itself and on behalf of nonoperator, H. K. Riddle, for their interests in 362 acres. Applicant is also filing, as nonoperator, for its interest in an additional 38.754 acres Frank A. Schultz will acquire an undivided one-fourth interest in and to the interest of Murchison Trusts when Applicant has recovered from the sale of gas produced its entire cost of acquisition, development and operation. Both Holman Jenkins (Trustee for Murchison Trusts) and Frank A. Schultz are signatory parties to the gas sales contract dated November 11, 1956.

[23] Edwin L. Cox, nonoperator, is filing for his interest in the Balman Unit, production from which is proposed to be sold under an agreement dated January 15, 1956, ratifying a basic contract dated November 19, 1953, as amended. Both Applicant and Panhandle Eastern Pipe Line Company are signatory parties to the subject ratification agreement.

[24] Sinclair Oil & Gas Company, Operator, is filing for its 100 percent interest in the Claude Carris and G. B. Mathews Leases and, as nonoperator, for its 50 percent interest in the P. J. Pinkerton Unit. Applicant is the only signatory seller party to the gas sales contract dated April 22, 1957.

[F. R. Doc. 58–3798; Filed, May 20, 1958; 8:49 a. m.]

[Docket Nos. G–14803, G–14804]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 15, 1958.

Take notice that on April 1, 1958, Tennessee Gas Transmission Company (Applicant) filed in Docket Nos. G–14803 and G–14804 applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing two proposed field sales of natural gas from the San Juan 28–7 Unit, San Juan Basin Area, Rio Arriba County, New Mexico, to El Paso Natural Gas Company (El Paso) to be made pursuant to two separate contracts, each dated March 12, 1958, executed by and between El Paso and Applicant, to which Applicant is the sole signatory seller party.

Each of the subject applications covers the proposed sale of gas produced from the same 320-acre unit in which one dual zone gas well is presently located. Docket No. G–14803 covers gas produced only from the Mesa Verde formation, while Docket No. G–14804 covers gas produced from formations down to and including the Pictured Cliffs formation.

Applicant states that it and El Paso have each a 50 percent interest in the subject unit, which is to be operated by El Paso.

Applicant further states that its facilities consist of customary lease equipment. Proposed deliveries will be made on the subject unit and the daily contract delivery rate is based on the allowable.

Applicant alleges that El Paso will transport the gas received from Applicant commingled with its other gas supplies for sale in other states and El Paso's facilities required to enable it to take from the subject area were authorized in Docket No. G–1177.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 17, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedures herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 11, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–3799; Filed, May 20, 1958; 8:50 a. m.]

[Docket Nos. G–14705 and G–14764]

DEEP SOUTH OIL COMPANY OF TEXAS

ORDER CONSOLIDATING CASES AND POSTPONING HEARING

MAY 15, 1958.

On March 21, 1958, the Commission issued in Docket No. G–14705, an order requiring Deep South Oil Company of Texas to show cause, if any there be, why it should not be required to comply with all of the provisions of the Natural Gas Act, including particularly sections 4 and 7 thereof, and with the Commission's rules and regulations thereunder, particularly §§ 154 91 through 154.102 and 157.23 through 157.29; and why it should not be directed to continue the sale and delivery of natural gas to Texas Gas Corporation.

On March 26, 1958, Deep South filed in Docket No. G–14764, an application for a certificate of public convenience and necessity covering its sales of natural gas to Texas Gas Corporation which are being made pursuant to a contract dated February 15, 1952 between Deep South and McCarthy Chemical Co., the name of which was subsequently changed to Texas Gas Corporation.

By separate orders issued April 18, 1958, in Docket No. G–14705, May 20, 1958 was fixed as the date of the hearing in those proceedings and Texas Gas Corporation and Texas Eastern Transmission Corporation were permitted to intervene.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proceedings in Docket Nos. G–14705 and G–14764 be consolidated for hearing and disposition and that the hearing be postponed as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket No. G–14705 and Docket No. G–14764 are hereby consolidated for the purposes of hearing and disposal.

(B) The hearing in the consolidated proceedings will be held, commencing June 3, 1958, at 10:00 a. m., e. d. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues presented in Docket Nos. G–14705 and G–14764. The hearing heretofore ordered in Docket No. G–14705 is hereby postponed to said date.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–3800; Filed, May 20, 1958; 8:50 a. m.]

[Docket No. G–15107]

GULF OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 15, 1958.

Gulf Oil Corporation, (Operator), et al. (Gulf Oil), on April 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 9 to Gulf Oil's FPC Gas Rate Schedule No. 74.
Effective date: May 16, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Gulf Oil states that it is purchasing gas for its Port Arthur refinery from United Gas Pipe Line Company (United) and that the price paid for such gas has increased from 14.57 cents per Mcf in June, 1954, to 19.62 cents in October, 1957, but that United is still paying Gulf Oil the 9.867 cents Mcf (June 7, 1954 rate) for the subject gas.[1] Thus, Gulf Oil claims, what was originally intended to be a form of gas exchange arrangement between Gulf Oil and United has been frustrated because of the necessity of applying for corresponding increases in rate as the price paid United increased. In further support, Gulf Oil states that the trend of average base prices under long-term contracts from January 1, 1953, to June 30, 1957, in the Gulf Coast Area ranged from 12.43 cents to 17.25 cents per Mcf at 14.65 psia and Gulf Oil's proposed rate of 13.1933 cents would barely exceed the starting price of the upward trend. Gulf Oil also cites a long list of higher initial rates for sales in Mississippi that the Commission has accepted for filing and also cites eleven higher increased rates the Commission has accepted for filing for sales in northern Louisiana. Gulf Oil also mentions increased operating expenses and alleges discrimination if the increase is not allowed.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Gulf Oil's FPC Gas Rate Schedule No. 74 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Gulf Oil's FPC Gas Rate Schedule No. 74.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 16, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3801; Filed, May 20, 1958; 8:50 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

NOTICE OF POSTPONEMENT OF HEARING

MAY 15, 1958.

Upon consideration of the request filed May 13, 1958 by Counsel for South Carolina Public Service Authority for postponement of the hearing now scheduled for June 3, 1958 in the above-designated matter;

The hearing now scheduled for June 3, 1958 is hereby postponed to June 26, 1958, at 10:00 a. m., e. s. t., in Recorder's Court Room, Old City Hall, 21 North Main Street, Sumter, South Carolina.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3802; Filed, May 20, 1958; 8:50 a. m.]

[Project No. 2112]

PACIFIC POWER AND LIGHT CO.

NOTICE OF MODIFICATION OF LAND WITHDRAWAL, WASHINGTON

MAY 15, 1958.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, this Commission on November 26, 1952, gave notice to the Bureau of Land Management of the reservation of approximately 2,970.80 acres of lands of the United States pursuant to the filing on July 14, 1952, of an application for preliminary permit by the Pacific Power and Light Company for Project No. 2112 (Muddy Hydroelectric Project).

On November 26, 1956, the Pacific Power and Light Company filed an application for license for said project, supported by revised map exhibits filed the same date, adjusting the project boundaries to exclude certain lands and redefining the affected unsurveyed lands in the terms of the latest protraction of public land surveys.

Therefore in accordance with section 24 of the Federal Power Act notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 2112, and are from the date of filing of application for license, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress:

WILLAMETTE MERIDIAN

T. 7 N., R. 6 E.,
  Sec. 1: lot 4, S½NW¼, S½SE¼, SW¼;
  Sec. 2: lots 1, 2, SE¼NE¼, E½SE¼;
  Sec. 11: NE¼NE¼, E½SE¼;
  Sec. 12: W½NE¼, SE¼NE¼, SE¼, W½;
  Sec. 13: All;
  Sec. 14: S½;
  Sec. 23: S½NE¼, NE¼SE¼;
  Sec. 24: lot 6;
  Sec. 25: lots 1, 2, 3.
T. 8 N., R. 6 E.,
  Sec. 35: W½SE¼.
Tps. 7 and 8 N., R. 7 E., Unsurveyed.

Every legal subdivision which, when surveyed, shall be found to embrace lands lying below the 1300 foot elevation along the Lewis River and tributaries. Protraction of public land surveys indicates that the above lands, when surveyed, will be within sections 6, 9, 16, 18, 19, 20, 21, 29, 30, 31, T. 7 N., R. 7 E., and section 31, T. 8 N., R. 7 E.

The area reserved by the filing of this application, as depicted on the map exhibit filed in support thereof, is 6,801.21 acres of which 5,180.81 acres have been heretofore reserved in either Power Site Reserves Nos. 74, 405, 492, Power Site Classification No. 64, earlier Projects Nos. 264 and 935, or by the filing of application on July 14, 1952, for this project.

This notice modifies and supersedes, in its entirety, the notice of November 26, 1952.

A copy of the project map F. P. C. No. 2212-12, superseding the project map F. P. C. No. 2112-3, is being transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Secretary,

[F. R. Doc. 58-3786; Filed, May 20, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1607]

HART OIL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 14, 1958.

I. Hart Oil Corporation (issuer), a Washington corporation with its principal office at 803 Central Building, Seattle, Washington, filed with the Commission on April 11, 1958 a notification on Form 1-A and an offering circular relating to an offering of 1,000,000 shares of its 10-cent par value common stock at $0.25 a share for an aggregate offering of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3 (b) and Regulation A thereunder.

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[1] United's sale to Gulf Oil and the rate therefor are not subject to the Commission's jurisdiction.

II. The offering circular and other material filed therewith contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose in the offering circular the cost to the promoters of the oil and gas leases transferred to the issuer;

2. The failure to disclose in the offering circular the consideration received from the promoters for the stock issued to them;

3. The failure to disclose in the offering circular the material terms and conditions of various oil leases held by the issuer, and the identity and interests of all owners of said leases;

4. The failure to disclose in the offering circular the status of oil and gas wells drilled on or near the issuer's property, including the number of any dry holes, and the amount of production from the wells which have produced;

5. The failure to disclose in the offering circular the net production of oil accruing to the issuer's interest from each of the wells drilled on its leases for each of the past twelve months;

6. The failure to disclose in the offering circular an estimation of the crude oil reserves which can be expected to be profitably recovered from the issuer's properties;

7. The failure to disclose in the offering circular the method which was used in completing each of the four wells on the issuer's leases, as well as the type of tools used to drill such wells;

8. The failure to include in the offering circular adequate financial statements properly reflecting the issuer's financial condition;

9. The failure to disclose in the offering circular that the offering price of the securities in materially in excess of the reasonable market value of the properties owned by the issuer;

10. The failure to disclose in the offering circular that as to the Oilfield Research Laboratory report, laboratory flooding tests are not necessarily indicative of the amount of oil which may be recovered by field operations, since laboratory tests are carried out under conditions which may be entirely different from those which may exist in the field;

11. The estimated reserves in the Oilfield Research Laboratory report, in that they are excessive without adequate basis, and are based on assumptions contrary to fact;

12. The statements in the offering circular concerning "new" techniques for the recovery of oil, in that certain of the techniques listed are neither new nor certain of success in profitably recovering oil from the issuer's properties;

13. The statement in the offering circular that drilling out wells on old abandoned leases of the issuer would "eliminate much of the gamble of obtaining a dry hole.";

14. The statement in the offering circular that the price of crude oil at the lease site is $3.00 per barrel, whereas the filed sales reports indicate that the price received fluctuated between $2.28 and $2.60 per barrel; and

15. The statement in the offering circular that a production of five barrels per day would be profitable in view of the failure to disclose that production to the issuer's interests is not in excess of one barrel per day, according to the filed sales reports.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Hart Oil Corporation pursuant to said notification be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry, and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3787; Filed, May 20, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 217]

MOTOR CARRIER APPLICATIONS

MAY 16, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 10173 (Sub No. 3), filed March 24, 1958. Applicant: ANNE D. HAYES, ADMX. of J. MARVIN HAYES, doing business as MARVIN HAYES LINES, East College Street, Clarksville, Tenn. Applicant's attorney: A. O. Buck, Suite 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Clarksville, Tenn., and Memphis, Tenn., over U. S. Highway 79, serving all intermediate points and the off-route points of Dresden, and Trenton. Applicant is authorized to conduct operations in Kentucky and Tennessee.

HEARING: July 7, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 38, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 10928 (Sub No. 35), filed April 9, 1958. Applicant: SOUTHERN-PLAZA EXPRESS, INC., 1209 Washington Avenue, St. Louis, Mo. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 45 and 54 at or near Onarga, Ill., and Sikeston, Mo., from junction U. S. Highways 45 and 54 at or near Onarga over U. S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U. S. Highway 51, thence over U. S. Highway 51 to Cairo, Ill., thence over U. S. Highway 60 to Sikeston, Mo., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Memphis, Tenn. Applicant is authorized to conduct operations in Arkansas, Illinois, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: June 25, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 11306 (Sub No. 2), filed May 8, 1958. Applicant: BASIN TRUCK LINE, INC., 2100 East 25th Street, Vernon, Calif. Applicant's attorney: J. O. Goldsmith, 656 South Los Angeles Street, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *dairy products* (except milk and cream), as defined by the Commission in Appendix I to Report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, 272, and 61 MCC 766, in vehicles equipped with mechanical refrigeration, from points in the Los Angeles, Calif., Commercial Zone as defined by the Commission, to points in San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, and Imperial Counties, Calif., and points in that portion of San Bernardino County, Calif., located within 30 miles of and including San Bernardino. Applicant is authorized to transport specified commodities from Los Angeles and Vernon, Calif., to San Diego, Calif.

HEARING: June 17, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Commissioner John H. Winchell.

No. MC 28439 (Sub No. 85), filed May 6, 1958. Applicant: DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Bldg., 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, agricultural machinery, tractors, tractor attachments,* and *parts* and *accessories* for agricultural implements, agricultural machinery, tractors and tractor attachments, from South Bend, Ind., Springfield, Ohio, and Shelbyville, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Maryland, Delaware, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 45134 (Sub No. 3), filed April 21, 1958. Applicant: COLLINS TRUCK LINE, INC., 327 40th Avenue NE., Columbia Heights (P. O. Minneapolis 21), Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except automobiles, and household goods as defined by the Commission, from Grand Forks, N. Dak., to St. Paul, Minn., serving the intermediate points of Wahpeton and Fargo, N. Dak., and Minneapolis, Minn., as follows: (1) From Grand Forks over U. S. Highway 2 to junction of Minnesota Highway 9 (formerly U. S. Highway 75), thence over Minnesota Highway 9 to junction of Minnesota Highway 31 (formerly U. S. Highway 75), thence over Minnesota Highway 31 to junction of U. S. Highway 75, thence over U. S. Highway 75 to Moorhead, Minn., thence across the Red River to Fargo, N. Dak., thence return across the Red River to Moorhead, Minn., thence over U. S. Highway 75 to Breckenridge, Minn., thence across the Bois de Sioux River to Wahpeton, N. Dak., thence return across the Bois de Sioux River to Breckenridge, Minn., thence over U. S. Highway 75 to junction of Minnesota Highway 210 (formerly Minnesota Highway 3), thence over Minnesota Highway 210 to Fergus Falls, Minn., thence over U. S. Highway 52 via East St. Cloud and Anoka to St. Paul; (2) from Grand Forks over U. S. Highway 2 to the junction of U. S. Highway 59, thence over U. S. Highway 59 to Detroit Lakes, thence over U. S. Highway 10 to East St. Cloud, thence over U. S. Highway 52 to St. Paul; (3) from Grand Forks over U. S. Highway 2 to the junction of Minnesota Highway 9, thence over Minnesota Highway 9 to the junction of Minnesota Highway 31, thence over Minnesota Highway 31 to the junction of U. S. Highway 75, thence over U. S. Highway 75 to Moorhead, thence over U. S. Highway 10 to Detroit Lakes, thence over U. S. Highway 10 to East St. Cloud, thence over U. S. Highway 52 to St. Paul; (4) from Grand Forks over U. S. Highway 2 to junction of Minnesota Highway 9, thence over Minnesota Highway 9 to junction of Minnesota Highway 31, thence over Minnesota Highway 31 to junction of U. S. Highway 75, thence over U. S. Highway 75 to Moorhead, thence over U. S. Highway 52 via East St. Cloud and Anoka to St. Paul; (5) from Grand Forks over the above-specified routes to Anoka, Minn., thence over U. S. Highway 10 to St. Paul; and also; (6) between Grand Forks, N. Dak., and Fargo, N. Dak., over U. S. Highway 81; (7) between the junction of U. S. Highway 75 and Minnesota Highway 31 and the junction of U. S. Highway 75 and 2, over U. S. Highway 75; and (8) remove restrictions on intermediate points of Wahpeton and Fargo, N. Dak., pertaining to delivery only, and Minneapolis, Minn., pertaining to pick up only, as presently authorized in Certificate No. MC 45134.

NOTE: Applicant is presently authorized to operate over routes 1 through 5 as outlined above, but from St. Paul, Minn., to Grand Forks, N. Dak. Applicant states that it seeks in this application (1) an additional route between Fargo and Grand Forks over U. S. Highway 81, (2) an additional route over U. S. Highway 75 between junction of U. S. Highway 75 and Minnesota Highway 31 and junction of U. S. Highway 75 and 2, (3) deletion of the no transportation for compensation restriction from the return routes now authorized (as outlined above in routes 1 through 5), and (4) removal of restrictions pertaining to the intermediate points of Wahpeton and Fargo, N. Dak., and Minneapolis, Minn. Applicant is authorized to conduct operations in North Dakota and Minnesota.

HEARING: July 10, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 24, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 50132 (Sub No. 42), filed April 14, 1958. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat-packing houses,* as described by the Commission, from Charleston, S. C., to points in Florida, Georgia, Illinois, Indiana, Idaho, Iowa, Kansas, Kentucky, Minnesota, Missouri, Mississippi, Michigan, Ohio, Pennsylvania, Tennessee, Texas, Wisconsin, and Nebraska. Applicant is authorized to conduct operations in Illinois, Louisiana, Missouri, Tennessee, Arkansas, Kentucky, North Carolina, South Carolina, Nebraska, Kansas, Mississippi, Alabama, Georgia, Indiana, Virginia, and Ohio.

NOTE: A proceeding has been instituted under section 212 (c) No. MC 50132 Sub 38, to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 23, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lucian A. Jackson.

No. MC 50132 (Sub No. 43), filed April 28, 1958. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Ground mica,* in bags, from the plant site of the Consolidated Feldspar Department of the International Minerals and Chemical Corporation located approximately eight (8) miles south of Greeneville, Tenn., on Tennessee Valley Authoritys' Lake Davey Crockett and from Greeneville and Erwin, Tenn., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Maine, Michigan, Minnesota, Maryland, Missouri, Mississippi, Nebraska, North Carolina, New Hampshire, North Dakota, New Mexico, New Jersey, New York, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, Wisconsin, Wyoming, and points on the International Boundary Line between the United States and Canada in Maine, Michigan, Minnesota, New York, Ohio, Pennsylvania, Vermont, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. Duplication with present authority to be eliminated.

NOTE: Applicant states it has authority under Permit No. MC 50132 (Sub No. 25) to serve parts of the destination areas and does not seek duplicate authority with this application. Applicant is authorized to conduct contract carrier operations in Permit No. MC 50132 and sub numbers thereunder. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 50132 (Sub No. 38).

HEARING: June 20, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 52869 (Sub No. 54), filed April 28, 1958. Applicant: NORTHERN TANK LINE, P. O. Box 990, Miles City, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from Billings, Mont., to points in South Dakota on and west of U. S. Highway 83; (2) *Liquefied petroleum gas,* in bulk, in pressurized tank vehicles, from Mandan and Tioga, N. Dak., to points in Minnesota on and north of U. S. Highway 12 and on and west of U. S. Highway 169 commencing at the junction of U. S. Highway 12 and running in a northerly direction to Grand Rapids, Minn., thence on and west of U. S. Highway 2 running in a northwesterly direction to the junction of Minnesota Highway 6, thence on and west of Minnesota Highway 6 running in a northerly direction to Big Falls, Minn., thence on and west of U. S. Highway 71 running in a northeasterly direction to the international boundary line between the United States and Canada at International Falls, Minn. Applicant is authorized to transport similar commodities in North Dakota, Minnesota, South Dakota, Montana, and Wyoming.

HEARING: July 7, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 61396 (Sub No. 63), filed March 28, 1958. Applicant: HERMAN BROS., INC., 711 W. O. W. Building, P. O. Box 1237, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, from Nebraska City, Nebr., and points within 10 miles thereof, to points in Iowa, Kansas, South Dakota, and Missouri and *rejected or contaminated molasses* on return. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: July 7, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Lucian A. Jackson.

No. MC 61403 (Sub No. 29), filed April 23, 1958. Applicant: ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, thinners, varnishes* and *surface coating compounds*, from Louisville, Ky., to points in Greene and Jefferson Counties, Tenn. Applicant is authorized to conduct operations in Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Georgia, Kentucky, Indiana, Ohio, Alabama, Louisiana, Mississippi, District of Columbia, Florida, Michigan, Missouri, New Jersey, Maryland, New York, Delaware, Illinois, Pennsylvania, Texas, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and Iowa.

HEARING: July 11, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 68618 (Sub No. 26), filed April 7, 1958. Applicant: LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Tillamook County, Oreg., to points in California; and *empty containers or other such incidental facilities* used in transporting dairy products, on return. Applicant is authorized to conduct operations in California, Oregon, and Washington.

HEARING: July 11, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 69365 (Sub No. 5), filed March 3, 1958. Applicant: CONTRACT CARRIER SERVICE, INC., P. O. Box 3083, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed structural tile*, from Niles, Calif., to points in Oregon and Washington. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, California, Arizona, Colorado, Nevada, New Mexico, Texas, Utah, and Wyoming.

HEARING: July 14, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 69365 (Sub No. 6), filed April 25, 1958. Applicant: CONTRACT CARRIER SERVICE, INC., P. O. Box 3083, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irrgular routes, transporting: (1) *Laminated wood products* and *prefabricated wooden timbers and trusses*, including those which, because of size or shape, require the use of special equipment, and *other wood products, including lumber and plywood*, which are incidental to and shipped for the construction of prefabricated roof structures, from points in Oregon to points in Texas, Arkansas, Oklahoma, Kansas, Missouri, Tennessee, Ohio, Indiana, Illinois, Michigan, and Wisconsin; and *Glazed structural tile*, from points in St. Louis County, Mo., to points in Oregon and Washington.

HEARING: July 7, 1958, at 528 Pittock Block, Portland, Oreg., before Examiner James H. Gaffney.

No. MC 73688 (Sub No. 4), filed April 11, 1958. Applicant: SOUTHERN TRUCKING CORPORATION, 546 Weakley, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway, National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel sheets* and *pipe*, restricted to movement on flat-bed or pole trailers, between Memphis, Tenn., on the one hand, and, on the other points in Texas on and east of U. S. Highway 81 from the Mexican border to Bowie, thence over U. S. Highway 287 to Wichita Falls, and thence over U. S. Highway 281 to the Texas-Oklahoma state line; points in Oklahoma on and east of U. S. Highway 281; points in Missouri south of U. S. Highway 40; points in Kentucky on and west of U. S. Highway 31E; points in Alabama on and north of U. S. Highway 278 from the Alabama-Mississippi State line to Guin, thence over U. S. Highway 78 to Jasper, thence over Alabama Highway 69 to Cullman, and thence over U. S. Highway 278 to the Alabama-Georgia State line, and Alton, Granite City and East St. Louis, Ill. Applicant is authorized to transport similar commodities between Memphis, Tenn., and points in Arkansas, Mississippi, Tennessee, and Louisiana.

HEARING: June 25, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Mack Myers.

No. MC 78277 (Sub No. 7), filed May 6, 1958. Applicant: RICHARD F. McCABE, doing business as McCABE MOVING & STORAGE CO., Portland, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture* and *store fixtures*, from Portland, Oreg., to points in California, Idaho, and Montana; and (2) *new furniture*, between points in Oregon, on the one hand, and, on the other, points in Washington. Applicant is authorized to conduct operations in Oregon, Washington, California, Idaho, and Montana.

NOTE: Applicant has been granted the above authority in Certificate MC 78277 Sub 5 and Sub 6, respectively, restricted to commodities which are "uncrated"; the purpose of this application is to secure removal of the said restriction.

HEARING: July 16, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner James H. Gaffney.

No. MC 87487 (Sub No. 5), filed May 6, 1958. Applicant: ROSS ESBENSHADE, R. D. No. 2, New Holland, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from Ephrata, Pa., to points in New Jersey, Delaware, Maryland, and that part of New York within 50 miles of the New York entrance of the new Holland Tunnel, and *empty containers or other such incidental facilities*, (not specified) used in transporting brick on return. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Delaware, the District of Columbia, Virginia, New Jersey, and New York.

HEARING: June 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 92983 (Sub No. 280), filed February 27, 1958. Applicant ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from points in Arkansas, Kansas, Oklahoma, and Texas, to Memphis, Tenn. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kansas, Indiana, Minnesota, Ohio, Arkansas, Kentucky, Louisiana, North Carolina, South Carolina, Florida, Tennessee, Michigan, New York, Texas, North Dakota, South Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

HEARING: June 24, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Mack Myers.

No. MC 92983 (Sub No. 281), filed March 26, 1958. Applicant ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Pennsylvania to Memphis, Tenn. Applicant is authorized to transport similar commodities in Illinois, Nebraska, Iowa, Wisconsin, Missouri

Minnesota, Arkansas, Kansas, and Michigan.

HEARING: June 24, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Mack Myers.

No. MC 101075 (Sub No. 52), filed April 14, 1958. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, (1) from Sioux Falls, S. Dak., and points within ten (10) miles thereof, to Rapid City, S. Dak., and points within twenty-five (25) miles thereof, and to points in Minnesota and Iowa; (2) from Watertown, S. Dak., and points within ten (10) miles thereof, to points in North Dakota; and (3) from Rock Rapids, Iowa, and points within ten (10) miles thereof, to points in South Dakota. Applicant is authorized to conduct operations in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: July 2, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 102567 (Sub No. 66), filed March 24, 1958. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Henderson, Tex., and points in Texas, Louisiana, and Arkansas within 150 miles of Henderson, to points in South Carolina. Applicant is authorized to conduct operations in Texas, Arkansas, Louisiana, Mississippi, Missouri, Tennessee, Alabama, Georgia, and Oklahoma.

HEARING: June 24, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Reece Harrison.

No. MC 102616 (Sub No. 650), filed April 29, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Riverside (Northumberland County), Pa., to Fort Edward, N. Y., and Phillipsburg, N. J. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: June 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 102616 (Sub No. 652), filed May 2, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Illinois, Indiana, Kentucky, and that portion of Virginia south of U. S. Highway 60 and west of U. S. Highway 220. Applicant is authorized to conduct operations in New Jersey, New York, North Carolina, Ohio, Rhode Island, Pennsylvania, South Carolina, Virginia, Tennessee, West Virginia, Wisconsin, the District of Columbia, Michigan, Maryland, Massachusetts, Kentucky, Indiana, Delaware, Illinois, and Connecticut.

HEARING: June 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 103248 (Sub No. 23), filed April 21, 1958. Applicant: PETROLEUM TRANSPORT, INC., P. O. Box 289, Madison, Wis. Applicant's attorney: John Falk Murphy, P. O. Box 289, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII of Ex Parte No. MC 45, in bulk, in tank vehicles, from the Township of Elk Grove, Cook County, Ill., and points within one mile thereof, to points in Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

HEARING: June 25, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 103654 (Sub No. 44), filed April 4, 1958. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid or dry packing house products, materials* and *supplies, rendering plan products, materials,* and *supplies* that can be poured, scooped or shoveled, in bulk, between points in Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, Illinois, Nebraska, Missouri, the Upper Peninsula of Michigan, and Kansas. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Minnesota, and Wisconsin.

HEARING: June 25, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 103967 (Sub No. 27), filed April 18, 1958. Applicant: JOHN WALLS, doing business as NEW WAY TRANSFER, 2021 Forest Avenue, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, bronze, stainless steel, wood, and plastic articles*, such as *monumental curtain wall systems, including windows, panels, mullions, interior trim and entrances*, uncrated, between points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 26, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Lucian A. Jackson.

No. MC 104128 (Sub No. 75), filed February 12, 1958. Applicant: FRANK ELSWORTH CAMPBELL, doing business as CAMPBELL'S SERVICE, 9022 East Garvey Avenue, South San Gabriel, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements, in truckaway service, from Bend and Pendleton, Oreg., Boise, Idaho, and points in Canyon County, Idaho, to points in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. Applicant is authorized to transport trailers in Arizona, Arkansas, California, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: July 1, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Examiner James H. Gaffney.

No. MC 104654 (Sub No. 113), filed April 16, 1958. Applicant: COMMERCIAL TRANSPORT, INC., P. O. Box 297, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, except petroleum and petroleum products, from Caruthersville, Mo., and points within 10 miles thereof to points in Arkansas, Illinois, Kentucky, Missouri, and Tennessee, and *damaged, rejected* or *refused shipments* of the above commodities on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, and Missouri.

HEARING: June 24, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lucian A. Jackson.

No. MC 104654 (Sub No. 114), filed April 16, 1958. Applicant: COMMERCIAL TRANSPORT, INC., P. O. Box 297, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, including liquefied petroleum gases, in bulk, in tank, vehicles, from New Madrid, Mo., and points within five miles thereof, to points in Arkansas, Illinois, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, and Tennessee.

HEARING: June 24, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Lucian A. Jackson.

No. MC 105807 (Sub No. 23), filed April 14, 1958. Applicant: RED BALL TRANSFER CO., a Corporation, 1009 Capitol Avenue, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, inflammables, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Nebraska Highway 51 and U. S. Highway 77 and Lincoln, Nebr., from junction Nebraska Highway 51 and U. S. Highway 77, located approximately five miles east of Bancroft, Nebr., over U. S. Highway 77 to Lincoln, and return over the same route, serving no intermediate points, but serving junction Nebraska Highway 51 and U. S. Highway 77 for purpose of joinder with applicant's authorized route between Sioux City, Iowa, and Bancroft, Nebr., as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant indicates the proposed transportation will be subject to the restriction that only traffic originating at or moving through Sioux City, Iowa, destined to or moving through Lincoln, Nebr., or originating at or moving through Lincoln, Nebr., destined to or moving through Sioux City, Iowa, may be transported over said route. Applicant is authorized to conduct similar operations in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, and Nebraska.

HEARING: July 1, 1958, at 11 o'clock a. m., at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 106307 (Sub No. 9), filed April 28, 1958. Applicant: FRANK A. WILLERS, doing business as WILLERS HEAVY HAULING, 1109 East Third Street, Sioux Falls, S. Dak. Applicant's attorney: Theodore Mead Bailey, Jr., 613 Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, mounted or unmounted, and with *parts, equipment* or *accessories* incidental to the tractors or the attachments, (1) between points in Illinois on the one hand, and, on the other, points in South Dakota, those in Rock, Nobles, Pipestone, Murray, Lincoln, and Lyon Counties, Minn., and those in Lyon, Osceola, Sioux, O'Brien and Clay Counties, Iowa; (2) between points in Rock, Nobles, Pipestone, Murray, Lincoln, and Lyon Counties, Minn., those in Lyon, Osceola, Sioux, O'Brien, and Clay Counties, Iowa and points in South Dakota. Applicant is authorized to conduct operations in South Dakota, Iowa, Minnesota, Colorado, Wisconsin, Illinois, Michigan, Indiana, Kansas, Missouri, Montana, Wyoming, Ohio, Pennsylvania, and Utah.

HEARING: July 2, 1958, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner Alton R. Smith.

No. MC 107107 (Sub No. 95), filed February 19, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, as defined by the Commission, from Glenwood, Iowa, to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 8, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Lucian A. Jackson.

No. MC 107403 (Sub No. 260), filed April 29, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Wilford Building, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Butler and Warren Counties, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: June 20, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 108053 (Sub No. 21), filed April 17, 1958. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P. O. Box 310, Fremont, Nebr. Applicant's attorney: Loyal G. Kaplan, Suite 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, vegetable oils and blends and products thereof; edible fish oils and blends and products thereof; wine; whiskey; alcohol; fruit juices and blends and products thereof; fruit concentrates and blends and products thereof; vegetable juices and blends and products thereof; vegetable concentrates and blends and products thereof; cherries in brine; olives in brine; fruits and vegetables with and without preservatives added; vinegar; cider; soups; sugar; syrups; fruit and vegetable extracts and blends and products thereof;* and *all edible commodities*, and *soap, soap stock and products* used in the manufacture thereof, all in bulk, in tank vehicles, and *rejected* and *contaminated shipments* of the commodities specified, (1) between points in Indiana, Kentucky, Illinois, Michigan, Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Kansas, Arkansas, North Dakota, and South Dakota; (2) between points in Oregon, Washington, California, Arizona, Utah, Montana, Idaho, and Nevada on the one hand, and, on the other, points in Indiana, Kentucky, Illinois, Michigan, Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Kansas, Arkansas, North Dakota, and South Dakota. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

HEARING: July 14, 1958, in Room [illegible], Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 108448 (Sub No. 3), filed March 10, 1958. Applicant: JAMES LA CASSE, doing business as NITEHAWK EXPRESS, 343 Eighth Avenue NW., New Brighton, Minn. Applicant's attorney: R. W. Peterson, Tenney Building, 110 East Main Street, Madison, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in *Descriptions of Motor Carrier Certificates*, 61 M. C. C. 209 and [illegible], and *materials, equipment and supplies incidental to, and necessary to the proper conduct of the* business of the dairy industry, and *other products normally distributed at retail by the dairy industry*, as more fully described in the application, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Cedar Rapids and Clinton, Iowa, St. Paul and Minneapolis, Minn., and Chicago, Rock Falls, Moline, and Streator, Ill. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, and Wisconsin.

HEARING: June 24, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 108449 (Sub No. 61), filed March 17, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags, and in bulk, in tank-hopper type and van type vehicles, from St. Paul and Minneapolis, Minn., and points within ten miles of each, to points in Iowa, North Dakota, South Dakota, Wisconsin, that portion of Minnesota on and east of U. S. Highway 53 between Duluth and the International Boundary line between the United States and Canada near International Falls, Minn., and to ports of entry on the International Boundary Line between the United States and Canada in North Dakota and Minnesota, and *empty containers or other such incidental facilities* (not specified) *including shipper-owned trailers and semi-trailers*, on return. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Minnesota and Wisconsin, and irregular route operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: June 24, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 108449 (Sub No. 62), filed April 21, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard* and *lard compounds*, in bulk, in tank vehicles, (1) from Fargo, N. Dak., to points in South Dakota, Iowa, Minnesota, Wisconsin, the upper peninsula of Michigan, Illinois, and points in the Chicago, Ill., Commercial Zone as defined by the Commission, in Indiana, (2) from points in the St. Paul-Minneapolis, Minn., Commercial Zone, as defined by the Commission, to points in North Dakota, South Dakota, Iowa, Illinois, Wisconsin, the upper peninsula of Michigan, that portion of Minnesota on and east of U. S. Highway 53 between Duluth and the International boundary line between the United States and Canada near International Falls, Minn., including Duluth and International Falls, and points in the Chicago, Ill., Commercial Zone as defined by the Commission in Indiana, and *empty containers or other such incidental facilities* (not specified), *including shipper-owned trailers and semi-trailers*, used in transporting the commodities specified in this application on return. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Minnesota, and Wisconsin, and irregular route operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: June 30, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 108449 (Sub No. 63), filed April 23, 1958. Applicant: INDIANHEAD TRUCK LINES, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid or dry packing house products, materials* and *supplies, rendering plant products, materials* and *supplies*, that can be poured, scooped or shoveled, in bulk, between points in Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, Illinois, Nebraska, Missouri, the upper peninsula of Michigan, Kansas, and points in the Chicago, Ill., Commercial Zone, as defined by the Commission located in Indiana, except that no authority is sought herein to transport lard and lard compounds, in bulk, in tank vehicles (1) from Fargo, N. Dak., to points in South Dakota, Iowa, Minnesota, Wisconsin, the upper peninsula of Michigan, and Illinois, and (2) from points in the St. Paul-Minneapolis, Minn., Commercial Zone, as defined by the Commission, to points in North Dakota, South Dakota, Iowa, Illinois, Wisconsin, the upper peninsula of Michigan, and that portion of Minnesota on and east of U. S. Highway 53 between Duluth, Minn., and the International Boundary line between the United States and Canada near International Falls, Minn., including Duluth and International Falls, Minn. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Minnesota, and Wisconsin, and irregular route operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: June 25, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 108449 (Sub No. 65), filed May 2, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, liquid, in bulk, in tank vehicles, from Dakota City, Iowa, to points in Minnesota. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Minnesota and Wisconsin, and irregular route operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: July 1, 1958, at the Federal Court Building, Marquette Avenue South and Third Streets, Minneapolis, Minn., before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 108449 (Sub No. 66), filed May 2, 1958. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, in bags, and in bulk, in hopper-type vehicles, from Grafton, N. Dak., to points in Minnesota, Wisconsin, and the upper peninsula of Michigan. Applicant is authorized to conduct regular route operations in Illinois, Iowa, Minnesota, and Wisconsin, and irregular route operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: June 30, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 109637 (Sub No. 78), filed April 24, 1958. Applicant: GASOLINE TRANSPORT CO., a Corporation, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to points in Illinois, Indiana, Tennessee, Louisiana, and Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: July 9, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Mack Myers.

No. MC 110988 (Sub No. 51), filed April 2, 1958. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Saturant* (synthetic resin with pigment), in bulk, in tank vehicles, from Munising, Mich., to Niagara, Wis., and *Lignin liquor*, in bulk, in tank vehicles, from Appleton, Wis., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Applicant is authorized to conduct operations in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

HEARING: June 24, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Alton R. Smith.

No. MC 111472 (Sub No. 55), filed March 17, 1958. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Street, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, other than hand, and *parts thereof*, from Memphis, Tenn., to points in Wisconsin, Minnesota, and the upper peninsula of Michigan. Applicant is authorized to conduct operations throughout the United States, except Nevada and the District of Columbia.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 111472 and subs thereunder. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: June 23, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Alton R. Smith.

No. MC 111586 (Sub No. 5), filed April 8, 1958. Applicant: ARNE C. FRIESTAD, doing business as FRIESTAD COMPANY, Hailey, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore* and *ore concentrates*, from that part of Custer County, Idaho, lying west of a line commencing at the intersection of the southerly boundary of Custer County with the Range line common to Range 15 East and Range 16 East of the Boise Meridian, thence northerly along said Range line to the intersection of the Township line common to Township 10 North and Township 11 North, thence westerly along said Township line to the Range line common to Range 14 East and Range 15 East, and thence along said Range line northerly to the north-

erly boundary of Custer County to Ketchum and Hailey, Idaho, and the loading docks of the Union Pacific Railroad Company between Hailey and Ketchum, Idaho. Applicant is authorized to conduct operations in Idaho and Utah.

NOTE: Duplication with present authority to be eliminated.

***HEARING:* June 30, 1958, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.**

No. MC 111617 (Sub No. 3), filed May 6, 1958. Applicant: O'NEILL TRANSFER COMPANY, INC., 1991 Northwest Upshur Street, Portland 9, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) between points in Washington on the one hand, and, on the other, points in Oregon; (2) between points in Washington and Oregon, on the one hand, and, on the other, points in Idaho. Applicant is authorized to conduct operations in Washington, Oregon, and Idaho.

NOTE: Applicant states that the purpose of this application is to secure removal of the restriction in applicant's present certificate which limits new furniture to that which is "uncrated".

***HEARING:* July 16, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.**

No. MC 111812 (Sub No. 42), filed January 8, 1958. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P. O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Loyal Kaplan, 924 City National Bank Building, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods* and *frozen fruit juice concentrates*, requiring refrigeration, and *canned goods*, between points in Washington, Oregon, California, and Idaho, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington.

***HEARING:* July 9, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Lucian A. Jackson.**

No. MC 111812 (Sub No. 43), filed January 16, 1958. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Meats, packing-house products*, and *commodities used by packing houses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 766, from Sioux Falls, S. Dak., to Bismarck, N. Dak.; and (2) *Hooks* and *racks*, used in transporting the above-described commodities, (the property of the shipper), from Bismarck, N. Dak., to Sioux Falls, S. Dak. Applicant is authorized to conduct operations in California, Iowa, Minnesota, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington.

HEARING: July 8, 1958, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 158, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 111812 (Sub No. 47), filed February 27, 1958. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P. O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Loyal Kaplan, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, packing-house products*, and *commodities used by packing houses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 766, from Watertown, S. Dak., to points in Montana, Idaho, Oregon, and Washington; (2) *Cheese*, from Sioux Falls, S. Dak., to Billings, Mont.; and (3) *Hooks* and *racks*, (the property of the shipper), used in transporting the above-specified commodities, from the above-described destination points to the above-described origin points. Applicant is authorized to conduct operations in California, Iowa, Minnesota, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington.

HEARING: June 30, 1958, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner Alton R. Smith.

No. MC 112617 (Sub No. 40), filed April 7, 1958. Applicant: LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Joseph J. Leary, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticide* (chlorinated hydrocarbons), in bulk, in tank vehicles, from Wyoming, Ill., and points within five miles thereof, to points in Indiana, Iowa, Kentucky, Minnesota, Missouri, Tennessee, and Wisconsin, and *rejected shipments* of the above-described commodity, on return. Applicant is authorized to conduct operations in Ohio, Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Michigan, Illinois, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas, and Florida.

HEARING: July 10, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Mack Myers.

No. MC 113382 (Sub No. 7), filed March 19, 1958. Applicant: HOWARD J. NELSEN AND JAMES MELVIN NELSEN, a Partnership, doing business as NELSEN BROS., 1215 Sixth Corso, Nebraska City, Nebr. Applicant's attorney: J. Max Harding, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, from Nebraska City, Nebr., to points in Nebraska. Applicant is authorized to conduct operations from and to specified points in Iowa, Nebraska, Kansas, Missouri, Colorado, Oklahoma, Minnesota, South Dakota, Montana, Wyoming, Illinois, and Arkansas.

NOTE: Applicant has filed appropriate application with the Commission for a determination of its status as a common or contract carrier in MC 113382 Sub No. 6.

HEARING: July 2, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 113861 (Sub No. 17), filed March 31, 1958. Applicant: W. H. WOOTEN AND J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Avenue, Memphis 6, Tenn. Applicant's attorney: Louis E. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, Pgs. 294–296, including *liquefied petroleum gases*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between points in Clay County, Miss., and points in Mississippi, south of U. S. Highway 80, except those in Jones County, Miss., on the one hand, and, on the other, points in Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, and Tennessee.

HEARING: June 30, 1958, at the Peabody Hotel, Memphis, Tenn., before Joint Board No. 4, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 113908 (Sub No. 35), filed April 17, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, P. O. Box 706, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins* and *varnish*, in bulk, in insulated stainless steel tank vehicles, without mechanical refrigeration, from Kansas City, Mo., and Kansas City, Kans., to points in Minnesota, Illinois, and Nebraska. Applicant is authorized to conduct operations in Indiana, Missouri, Florida, Ohio, Michigan, and Illinois.

HEARING: June 27, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Lucian A. Jackson.

No. MC 113908 (Sub No. 36), filed April 21, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins* and *varnish*, in bulk, in insulated steel tank veties, from Kansas City, Mo., to points in Minnesota, Illinois, Tennessee, and Ohio. Applicant is authorized to transport other specified commodities in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Texas.

HEARING: June 27, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Lucian A. Jackson.

No. MC 114250 (Sub No. 1), filed March 28, 1958. Applicant: EUGENE LUISI, doing business as LUISI TRUCK LINES, 2151 South First Street, Yakima, Wash. Applicant's attorney: John M. Hickson, Spalding Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cannery supplies and materials*, from points in Benton, Cowlitz, Yakima and Walla Walla Counties, Wash., to points in Umatilla and Malheur Counties, Oreg., and from points in Multnomah County, Oreg., to points in Nez Perce, Payette, Gem, and Canyon Counties, Idaho. *Fruits and vegetables and produce*, unmanufactured, from points in Umatilla County, Oreg., to points in Yakima, King, Pierce, and Spokane Counties, Wash. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: July 15, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 114282 (Sub No. 1), filed March 24, 1958. Applicant: KARL W. OTTE, Route 2, Northfield, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from New Richmond, Wis., to points in Rice County, Minn. Applicant is authorized to transport similar commodities in Minnesota and Wisconsin over a regular route.

NOTE: If and when the authority applied for is granted, applicant requests his present regular route authority from New Richmond, Wis., to Dundas and Northfield, Minn., under Certificate No. MC 114282 be revoked as both of these towns are within the boundary of Rice County, Minn.

HEARING: July 8, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 115130 (Sub No. 1), filed April 21, 1958. Applicant: PAULSON TRUCK LINE, INC., 2008 Northeast Airport Road, Roseburg, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Douglas County, Oreg., to points in Arizona, California, Idaho, Utah, and Nevada, and *exempt commodities* on return. Applicant is authorized to conduct operations in California and Oregon.

HEARING: July 3, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner James H. Gaffney.

No. MC 115135 (Sub No. 3), filed May 9, 1958. Applicant: CHEMICAL EXPRESS, a Corporation, 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between Fort Worth, Dallas, Houston, Orange, and Echo, Tex., on the one hand, and, on the other, points in Arkansas, Oklahoma, Louisiana, and New Mexico. Applicant is authorized to transport bulk cement from Maryneal, Tex., to points in New Mexico.

NOTE: Applicant is affiliated to some extent with Cement Transports, Inc., and Smith Transit, Inc.; Smith Transit, Inc., holds common carrier authority in MC 113514. Dual operations under section 210 may be involved.

HEARING: June 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 115162 (Sub No. 37), filed March 24, 1958. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, P. O. Box 869, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Mobile, Ala., to points in Mississippi. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 23, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 115331 (Sub No. 6), filed April 7, 1958. Applicant: TRUCK TRANSPORT, INC., 536 Edgewood Lane, Festus, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in special hopper type vehicles, from East St. Louis, Ill., to points in Iowa and Missouri. Applicant is authorized to transport similar commodities in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Oklahoma, and Tennessee.

HEARING: June 25, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 46, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 115589 (Sub No. 1), filed April 7, 1958. Applicant: L. C. FOESCH, doing business as L. C. FOESCH TRANSFER LINE, 713 East Green Bay Street, Shawano, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Box shooks, crates, glued dimensions* and *wooden shipping containers*, from Shawano, Wis., to Princeton, Ill., from Shawano over Wisconsin Highway 47 to junction U. S. Highway 41; thence over U. S. Highway 41 to junction Wisconsin Highway 26, thence over Wisconsin Highway 26 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction U. S. Highway 34, thence over U. S. Highway 34 to Princeton, serving no intermediate points.

HEARING: June 25, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 115651 (Sub No. 3), Amendment), filed April 18, 1958, published issue of May 14, 1958, at page 3288. Applicant: KANEY TRANSPORTATION, INC., 1023 East Album Street, Freeport, Ill. Applicant's representative; George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core compound*, in bulk, in tank vehicles, from Rockford, Ill., to points in Indiana south of U. S. Highway 40, points in Michigan north of Michigan Highway 21, points in Ohio and Missouri, and Louisville, Ky., and *returned or rejected shipments* of the above-specified commodity on return. Applicant is authorized to transport core compound in Illinois, Indiana, Iowa, Michigan, and Wisconsin.

HEARING: Remains as assigned, June 20, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 115841 (Sub No. 24), filed April 14, 1958. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766, from Hernando, Miss., to New Orleans, La., Kansas City, Mo., Wilmington, Del., and Washington, D. C., and to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

HEARING: June 27, 1958, at the Peabody Hotel, Memphis, Tenn., before Examiner Mack Myers.

No. MC 116291 (Sub No. 1), filed April 15, 1958. Applicant: JAMES ROBERT HILTON, P. O. Box 749, Brawley, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton-*

seed, and *animal and poultry feeds*, in bulk, in drag bottom type equipment, from ports of entry on the International Boundary line between the United States and Mexico at or near Calexico and Tecate, Calif., to points in Imperial, Riverside, San Bernardino, and San Diego Counties, Calif.

HEARING: June 16, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 304, or, if the Joint Board waives its right to participate, before Commissioner John H. Winchell.

No. MC 116387 (Sub No. 14), filed April 14, 1958. Applicant: ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: J. A. Gammon, Vice President, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, in bulk, in tank vehicles, from Moundville, Ala., and points within 25 miles thereof, to points in Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: June 20, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 116391 (Sub No. 2), filed May 9, 1958. Applicant: CEMENT TRANSPORTS, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged cement* and *mortar*, and *empty containers therefor*, between Fort Worth, Dallas, Houston, Orange, and Echo, Tex., on the one hand, and, on the other, points in Arkansas, Oklahoma, Louisiana, and New Mexico.

NOTE: Applicant is affiliated to some extent with Chemical Express and Smith Transit, Inc.; Smith Transit, Inc., holds common carrier authority in MC 113514. Dual operations under section 210 may be involved.

HEARING: June 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 116459 (Sub No. 2), filed March 21, 1958. Applicant: ASPHALT HAULERS, INC., Airport Road, P. O. Box 8292, Chattanooga 11, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, *coal tar* and *coal tar products*, and *wood tar* and *wood tar products*, in bulk, in tank vehicles, or in containers, from points in Hamilton and Hickman Counties, Tenn., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, South Carolina, Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, South Dakota, West Virginia, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Texas, Wisconsin, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Tennessee, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and *empty containers of other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it seeks no duplicating authority.

HEARING: July 3, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Mack Myers.

No. MC 116791 (Sub No. 1), filed April 4, 1958 Applicant: LEONARD R. GREEN, doing business as FARMERS ELEVATOR, Kensington, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers, Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from New Richmond, Wis., to points in Becker, Swift and Wilkin Counties, Minn., and *manufactured feed ingredients*, in bags, from points in Anoka, Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to New Richmond, Wis. Applicant is authorized to transport animal and poultry feeds from New Richmond, Wis., to points in specified counties in Minnesota and manufactured feed ingredients in bulk from and to the points requested herein.

HEARING: July 8, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 116830 (Sub No. 1), filed May 6, 1958. Applicant: RAYMOND J. DAVIS, JR., Germantown, Montgomery County, Md. Applicant's attorney: Henry F. Lerch, 815 15th Street NW., Washington 5, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanut meal*, in bags from Newport News, Va., and points in Nansemond County, Va., to points in Montgomery, Frederick, Harford, and Carroll Counties, Md., and those in Lancaster and York Counties, Pa.; (2) *Cottonseed meal*, in bags, from points in Edgecombe, Nash, and Wayne Counties, N. C., and those in Marlboro and Darlington Counties, S. C., to points in Fauquier, Culpeper, and Loudoun Counties, Va., those in Montgomery, Frederick, Harford, and Carroll Counties, Md., and those in York and Lancaster Counties, Pa.; (3) *Flour*, in bags, from points in Montgomery and Frederick Counties, Md., to Newport News, Suffolk, and Norfolk, Va., and points in Henrico including Richmond, Nansemond, Norfolk, James City, Isle of Wight, Sussex, and Princess Anne Counties, Va., and *empty containers* used in transporting the above commodities on return.

HEARING: June 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 116962 (Sub No. 1), filed May 6, 1958. Applicant: J. K. WYATT, Gatesville, N. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Roxobel and Cove City, N. C., to points in Connecticut, New York, New Jersey, Delaware, Pennsylvania, Virginia, Maryland, West Virginia, Georgia, Florida, South Carolina, and the District of Columbia. Applicant is authorized to transport cucumbers, pickled and pickle condiments from Ahoskie, N. C., to specified points in New York and Bridgeport, Conn., and empty containers therefor on return.

NOTE: Applicant states the proposed operations will be under a continuing contract with W. G. Warmack Lumber Company of Roxobel, N. C.

HEARING: June 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Isadore Freidson.

No. MC 117033, filed November [illegible], 1957, ROBERT J. DURST, doing business as ROBERT DURST TRUCKING CO., 2026 Sioux Avenue, Rapid City, S. Dak. Applicant's attorney: Julius P. Sieler, Elks Building, Rapid City, S. Dak. For authority to operate as a *contract carrier*, over a regular route, transporting: *Beer* and *beverages*, in containers, and *empty beer and beverage containers*, between Rapid City, S. Dak., and St. Paul, Minn., from Rapid City over combined U. S. Highways 14 and 16 to junction U. S. Highway 14, thence over U. S. Highway 14 to Miller, S. Dak. (a distance of aproximately 260 miles), thence over South Dakota Highway 45 to junction U. S. Highway 212 (a distance of approximately 25 miles), thence over U. S. Highway 212 to Montevideo, Minn. (a distance of approximately 200 miles), thence over Minnesota Highway 7 to St. Paul (a distance of approximately 140 miles), and return over the same route, serving all intermediate points.

NOTE: Applicant states it intends only to serve wholesaler of the above products from manufacturer at St. Paul, Minn., at its office as a wholesale distributor of beer and beverages at Rapid City, S. Dak., and return empty containers to wholesaler at St. Paul, Minn., and no service of said services at any intermediate points on proposed route.

HEARING: July 7, 1958, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117136 (Sub No. 6), filed April 30, 1958. Applicant: CAVEMAN TRANSPORT, INC., 2000 Southwest G Street, Grants Pass, Oreg. Applicant's representative: I. R. Perry, P. O. Box 584, Grants Pass, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Jackson and Josephine Counties, Oreg., to points in Alameda, Contra Costa, Marin, Sacramento, San Francisco, San Mateo, and Solano Counties, Calif. Applicant is authorized to transport lumber in Arizona, California, Nevada, and Oregon.

HEARING: July 9, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117167, filed February 7, 1958. Applicant: EDWIN J. BARRETT, doing business as BARRETT'S AUTO SERVICE, 6902 Railroad Avenue, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, in truckaway service, requiring the use of wrecker equipment, between points in Nebraska, and points in Missouri, Colorado, Wyoming, Kansas, South Dakota, and Minnesota.

HEARING: July 7, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Lucian A. Jackson.

No. MC 117170, filed February 7, 1958. Applicant: WAYNE CHADWICK, doing business as CHADWICK TRUCKER, Route No. 1, Box 730, Florence, Oreg. Applicant's attorney: W. P. Riddlesbarger, Cascade Building, 1170 Pearl Street, Eugene, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Logs*, rough and planed, *lumber and lumber products*, from Swisshome, Oreg., to Port of Florence, Florence, Oreg., Port of Coos Bay, Coos Bay, Oreg., and Davidson Dock, Mapleton, Oreg.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, from the above-indicated destinations to Swisshome, Oreg.

HEARING: July 8, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117179 (Sub No. 1), filed April 7, 1958. Applicant: C. A. STORY, 1306 Page Street, Dexter, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in bottles or cans, in packages, from Milwaukee, Wis., to Poplar Bluff, Mo., and *empty beer bottles*, in cartons, on return.

HEARING: June 25, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 194, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 117196, filed February 19, 1958. Applicant: MELVIN J. SILVA, doing business as MEL'S TRUCKING SERVICE, 9104 Greenview Drive, Hayward, Calif. Applicant's attorney: Marvin J. Colangelo, Crocker Building, San Francisco 4, Calif.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, and *articles* manufactured therefrom, from Gold Beach and Brookings, Oreg., to points in California.

HEARING: July 8, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117198, filed February 20, 1958. Applicant: HILBERT VAN WESTEN, Parker, S. Dak. Applicant's attorney: John H. Zimmer, Parker, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill feed* and *livestock*, between Sioux City, Iowa, on the one hand, and, on the other, Parker, S. Dak., and points within ten miles of Parker, including Hurley, S. Dak.

HEARING: July 9, 1958, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 148, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117218, filed March 3, 1958. Applicant: BAYARD H. LINDSLEY, Slayton, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rowboats, outboard motor boats* of steel, wood, aluminum or fiber construction nested on a motor truck, and *boat accessories*, between points in Murray and Pipestone Counties, Minn., and points in Iowa and South Dakota.

HEARING: July 8, 1958, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 147, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117234, filed March 10, 1958. Applicant: EMIL A. NORTON, Shell Lake, Wis. Applicant's attorney: W. W. Bitney, Spooner, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, between Winona, Minn., on the one hand, and, on the other, points in Washburn, Barron, and Burnett Counties, Wis.

NOTE: Applicant states that deliveries are to be made either to Sarona Farmers Union Cooperative, Shell Lake, Wis., or direct to customers of Sarona Farmers Union Cooperative, at the option of the latter party. Applicant has common carrier irregular route authority in Certificate No. MC 74158, dated May 4, 1955—Section 210 (dual authority) may be involved.

HEARING: June 24, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117236 (Sub No. 3), filed April 14, 1958. Applicant: WALTER L. EDWARDS, 119 C Street, Brawley, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed*, and *animal and poultry feeds*, in bulk, in drag bottom type equipment, from Port of Entry at the boundary between the United States and Mexico at or near Calexico, Calif., to points in Los Angeles, Orange, Riverside, San Bernardino, and Imperial Counties, Calif.

HEARING: June 16, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 304, or, if the Joint Board waives its right to participate, before Commissioner John H. Winchell.

No. MC 117237 (Sub No. 3), filed April 29, 1958. Applicant: C. P. JETER, 517 Erwin, Calimesa, Calif. Applicant's attorney: Robert M. Bradley, Suite D, Bradley Building, 201 South Mission Drive, San Gabriel, Calif. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed cake, flake or meal*, in bulk, in grain boxes, from the port of entry on the international boundary line between the United States and Mexico at or near Calexico, Calif., to points in Los Angeles, Imperial, Orange, Riverside, and San Bernardino Counties, Calif.

HEARING: June 16, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 304, or, if the Joint Board waives its right to participate, before Commissioner John H. Winchell.

No. MC 117263, filed March 18, 1958. Applicant: GEORGE W. DENNIS AND ROBERT L. BEMENT, a Partnership, doing business as ST. CROIX TERMINAL WAREHOUSE CO., Hudson, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Hudson, Wis., and points in Douglas, Sawyer, Rusk, Taylor, Clark, Jackson, Trempeauleau, Buffalo, Eau Claire, Chippewa, Barron, Washburn, Burnett, Polk, Dunn, St. Croix, Pierce, and Pepin Counties, Wis., and Pine, Kanabec, Mille Lacs, Morrison, Stearns, Meeker, McLeod, Wright, Sherbourne, Carver, Sibley, Nicollet, Blue Earth, Waseca, Steel, Olmsted, Winona, Wabasha, Rice, Goodhue, Dakota, Scott, LeSueur, Ramsey, Hennepin, Washington, Anoka, Chisago, and Isanti Counties, Minn.

HEARING: July 9, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 117266 (Sub No. 2), filed March 19, 1958. Applicant: GRAY & SON TRUCK LINES, INC., 1918 North Eighth Street, P. O. Box 786, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, and *rejected or damaged shipments* of sugar on return shipments, between Paducah, Ky., and points in Kentucky on and west of U. S. Highway 231, points in Illinois on and south of U. S. Highway 50, points in Missouri on and south of U. S. Highway 66, and points in Tennessee on and west of Tennessee Highway 13, on the one hand, and, on the other, New Orleans, La., and points within thirty (30) miles thereof.

HEARING: July 9, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Mack Myers.

No. MC 117273, filed March 20, 1958. Applicant: C. & R. TRANSPORT CORP., 3106 Southeast 22d Avenue, Portland, Oreg. Applicant's attorney: Seymour L. Coblens, Corbett Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: NORTHBOUND: *Beer*, in cases and kegs, from points in Los Angeles and San Francisco Counties, Calif., to points in Oregon and points in Clark and Spokane Counties, Wash.; and *Wines*, from points in Stanislaus, Sonoma, Santa Clara, San Joaquin, Napa, Los Angeles, and San Francisco Counties, Calif., to points in Oregon and points in Clark and Spokane Counties, Wash.; and SOUTHBOUND: *Empty beer cases and kegs*, from points in Oregon and points in Clark and Spokane Counties, Wash., to points in Los Angeles and San Francisco Counties, Calif.; and *Shingles* and *shakes*, from points in Clatsop and Columbia Counties, Oreg., and points in Cowlitz and Wahkiakum Counties, Wash., to points in California, Arizona, Utah, and Idaho; and *Milled specialty lumber*, from points in Clark County, Wash., to points in California, Arizona, Utah, and Idaho.

HEARING: July 2, 1958, at 538 Pittock Block, Portland, Oreg., before Examiner James H. Gaffney.

No. MC 117277, filed March 26, 1958. Applicant: R. B. BROWNS, 3025 Delta Waters Road, Medford, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products, including plywood and veneer*, between points in Siskiyou County, Calif., and points in Jackson and Josephine Counties, Oreg.

HEARING: July 14, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117311, filed March 31, 1958. Applicant: SMITH TRANSFER COMPANY, INC., Montgomery, Ala. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street, NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between Moundville, Ala., and points within 25 miles thereof, on the one hand, and, on the other, points in Mississippi and Alabama.

HEARING: June 20, 1958, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 117322, filed April 7, 1958. Applicant: LESTER NOVOTNY, doing business as Chatfield Trucking, Box 416, Chatfield, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, from points in Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, and Winona Counties, Minn., and Vernon Township, Dodge County, Minn., to Rochester, Minn., (2) *Raw liquid blood*, from Austin, Minn., to Osage, Iowa.

HEARING: July 1, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 117339, filed April 14, 1958. Applicant: WILLARD SHEWMAKER, 5412 Nylon Court, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *Brick, tile*, and *cinder blocks*, from Fairdale (Jefferson County), Ky., and points within five (5) miles of Fairdale, to points in Indiana and Ohio.

HEARING: July 10, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208, or, if the Joint Board waives its right to participate before Examiner Mack Myers.

No. MC 117345, filed April 16, 1958. Applicant: MORTON A. TURNER, Star Route 29761, Auburn, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, brick, concrete blocks*, and *feed*, in seasonal operations from February 1 to December 1 of each year, from Knoxville, Mt. Pleasant, and Nashville, Tenn., to points in Logan and Warren Counties, Ky.

HEARING: July 8, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 117351, filed April 18, 1958. Applicant: EUGENE THOMPSON AND DARREL THOMPSON, doing business as THOMPSON BROS., Brandt, S. Dak. Applicant's attorney: Gordon Gunderson, Clear Lake, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, knocked down, and *farm implements*, from East Moline, Ill., Horicon, Wis., Des Moines, Ottumwa, and Waterloo, Iowa, to Elkton, Clear Lake, and Lake Nordon, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: July 3, 1958, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner Alton R. Smith.

No. MC 117353, filed April 21, 1958. Applicant: ROGER D. CLEMENT, P. O. Box 331, Eagle Point, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products*, including *plywood* and *veneer*, between points in Siskiyou County, Calif., and points in Jackson and Josephine Counties, Oreg.

HEARING: July 10, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its rights to participate, before Examiner James H. Gaffney.

No. MC 117354, filed April 21, 1958 Applicant: HENRY E. BERGANTZEL AND LESLIE J. BERGANTZEL, doing business as JAY B AND SON GARAGE, 1314 Fifth Avenue, Council Bluffs, Iowa. Applicant's attorney: R. A. Porter, [illegible] City National Bank Building, Council Bluffs, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, by use of wrecker equipment, in truckaway service, and *repossessed motor vehicles*, in towaway service, between points in Iowa, on the one hand, and, on the other points in Illinois, Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wyoming, and Colorado.

HEARING: July 3, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Lucian A. Jackson.

No. MC 117356, filed April 21, 1958. Applicant: ORRIN S. TOWNSEND AND ORRIN D. TOWNSEND, doing business as MITCHELL FUEL AND FEED STORE, 801 North Rowley, Mitchell, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feeds* (Wayne feeds), from Sioux City, Iowa to points in Davison, Sanborn, Jerauld, and Beadle Counties, S. Dak., and *corn, grain and livestock* on return.

HEARING: July 9, 1958, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 185, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117361, filed April 24, 1958. Applicant: WILLIS J. JONES, doing business as JONES TRUCKING COMPANY, 5701 West Rawson Avenue, Hales Corners, Wis. Applicant's attorney: A. L. Tilton, Lawyers Building, 845 North 11th Street, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, from New Munster (Kenosha County), Wis., to job site, or sites, in Lake County, Ill., and from Wadsworth (Lake County), Ill., to job site, or sites, in Kenosha County, Wis.

HEARING: June 25, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117362, filed April 25, 1958. Applicant: ROBERT J. HARTMON, Burkhardt, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bulk, from New Richmond, Wis., to points in Freeborn, Dodge, Steele, Waseca, Rice, Le Sueur, Nocollet, Sibley, Carver, McLeod, Meeker, Renville, and Chippewa Counties, Minn., and to points in Kossuth, Winnebago, Worth, Mitchell, Howard, Winneshiek, Fayette, Chickasaw, Bremer, Butler, Floyd, Franklin, Cerro Gordo, Buchanan, and Black Hawk Counties, Iowa. *Manufactured feed ingredients*, in bulk, from points in Dakota, Scott, Carver, Hennepin, and Ramsey Counties, Minn., to New Richmond, Wis.

HEARING: July 8, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 181, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 117365, filed April 25, 1958. Applicant: GLEN C. THOMPSON, 220 North Lewis, Sioux Falls, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, and *equipment* and *supplies* used in connection with a dairy business, from Sioux Falls, S. Dak., to Canton, Madison and Webster, S. Dak., Inwood, Rock Rapids, Sheldon, and Hawarden, Iowa, and Luverne, Adrain, Worthington, and Minneapolis, Minn.

HEARING: July 9, 1958, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117368 EX, filed April 30, 1958. Applicant: EDMOUR L. PELLETIER, P. O. Box 126, Hemet, Calif. For a Certificate of Exemption (BMC 72) under section 204 (a) (4a), Part II of the Interstate Commerce Act, authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including those of unusual value, and household goods as defined by the Commission*, but excluding commodities in bulk, Class A and B explosives, and those requiring special equipment, between Hemet and Pine Cove, Calif., from Hemet over California Highway 74 to junction unnumbered highway at Mountain Center, Calif., thence over unnumbered highway to Pine Cove, and return over the same route.

HEARING: June 20, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 117369, filed April 28, 1958. Applicant: SAM T. RAY, doing business as ROGUE TRAILER CONVOYING, 360 Short Street, Grants Pass, Oregon. Applicant's attorney: Wally P. Martin, Manchel Building, Grants Pass, Oregon. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Housetrailers and their contents*, by towing service, between points in Oregon and points in Del Norte, Siskiyou, and Modoo Counties, Calif.

HEARING: July 10, 1958, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117375, filed May 1, 1958. Applicant: LEIGH SHOWALTER AND RAY SHOWALTER, doing business as SHOWALTER BROTHERS, 403 South Elm, South Hutchinson, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Emigrant movables*, and *livestock, other than ordinary*, between points in the United States, including the District of Columbia.

PRE-HEARING CONFERENCE: June 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner James C. Cheseldine presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) the possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 117376, filed May 5, 1958. Applicant: DAVID JORDAN, Clarksville, Tenn. Applicant's attorney: Joseph J. Grace, 401-403 Guthrie Building, Paducah, Ky. Authority, sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Nashville, Tenn., and St. Louis, Mo., from Nashville over U. S. Highway 41 to Hopkinsville, Ky., thence over U. S. Highway 68 to Paducah, Ky., thence over U. S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to Ware, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over U. S. Highway 460 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, and return over the same route, serving the intermediate and off-route points of Paducah, Ky., including the U. S. Atomic Energy Commission Plant near Paducah, Ky., Belleville, Alton, and East Alton, Ill.

NOTE: Applicant states that it will serve the commercial zones of Nashville, Tenn., and St. Louis, Mo., as defined by the Commission.

HEARING: July 1, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Mack Myers.

No. MC 117382, filed May 6, 1958. Applicant: GILBERT C. MILLS, doing business as G. C. MILLS, 229 Short Street, Front Royal, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Hydrated lime*, from Strasburg, Va., to Hagerstown, Md. over U. S. Highway 11, and from Strasburg, Va., to Annapolis, Md., as follows: from Strasburg over Virginia Highway 55 to junction U. S. Highway 211 near Gainesville, Va., thence over U. S. Highway 211 to junction U. S. Highway 50 near Fairfax, Va., and thence over U. S. Highway 50 to Annapolis.

HEARING: June 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 117384, filed May 7, 1958. Applicant: PAUL E. DAVIDSON, MAHLON E. DAVIDSON AND HAROLD DAVIDSON, JR., doing business as DAVIDSON BROTHERS, R. D. No. 3, Bellefonte, Pa. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lime, limestone* and *Lime and limestone products*, from Bellefonte, Pa., and points within 10 miles thereof to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: June 26, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

MOTOR CARRIERS OF PASSENGERS

No. MC 52475 (Sub No. 8), filed May 7, 1958. Applicant: POTOMAC MOTOR LINES, INCORPORATED, 119 West Franklin Street, Hagerstown, Md. Applicant's attorney: Berl I. Bernhard, Turney & Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special race track operations, during the racing season, between Baltimore, Md., and Frederick, Md., over U. S. Highway 40, serving no intermediate points. Applicant is authorized to conduct operations in Maryland, Pennsylvania, and West Virginia.

NOTE: Applicant states that the above authority will be conducted in conjunction with presently authorized route between Frederick, Md., and Charles Town, W. Va.

HEARING: June 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 61616 (Sub No. 60), filed March 31, 1958. Applicant: MIDWEST BUS-LINES, INC., 319 Dowling Street, Houston, Tex. Applicant's attorney: W. C. Scurry, Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, and *express, mail newspapers* and/or *baggage* of passengers in the same vehicle with passengers, from Overland Park, Kans., commencing at junction Kansas Highway 58 (Santa Fe Trail) and 80th Street, thence west on 80th Street to junction 80th Street and Antioch Road, thence north on Antioch Road to junction Antioch Road and 75th Street, thence east on 75th Street to Nall Avenue, thence north on Nall Avenue to 69th Street, thence east on 69th Street to Oxford Street, thence on Oxford Street to Tomahawk Road, thence

on Tomahawk Road to Mission Road, thence north on Mission Road to Mission Highland Addition at junction 61st Street and Mission Road, thence over 61st Street to junction Granada Street, thence over Granada to junction 60th Street, thence over 60th Street to junction Mission Road, thence over Mission Road to junction U. S. Highway 50, serving all intermediate points; and, between points on the above-described extension, on the one hand, and, on the other, points served under applicant's Certificate No. MC 61616 dated October 31, 1957. Applicant is authorized to conduct operations in Missouri, Colorado, Texas, Arkansas, Tennessee, Mississippi, Louisiana, Kansas, and Nebraska.

HEARING: **June 30, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.**

No. MC 70947 (Sub No. 15), filed April 25, 1958. Applicant: MT. HOOD STAGES, INC., doing business as PACIFIC TRAILWAYS, 1068 Bond Street, Bend, Oreg. Applicant's attorney: James A. Nelson, 1026 Public Service Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, (1) EXTEND OPERATIONS, between Bliss, Idaho, and Wendell, Idaho, over Idaho Highway 25, serving no intermediate points; (2) DISCONTINUE OPERATIONS, between Bliss, Idaho, and Twin Falls, Idaho, over U. S. Highway 30, serving all intermediate points. Applicant is authorized to conduct operations in Idaho and Oregon.

HEARING: June 30, 1958, at the Idaho Public Utilities Commission State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117280, filed March 24, 1958. Applicant: THEODORE E. KEPHART, doing business as TED KEPHART CHARTER SERVICE, 1150 Calvary Road, Duluth 3, Minn. Applicant's attorney: Chester B. Burton, 410–412 Alworth Building, Duluth 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and equipment*, in the same vehicle with passengers, (1) between points in Minnesota, North Dakota, South Dakota, and Wisconsin, including ports of entry on the International Boundary line between the United States and Canada; (2) from Hollywood, Fla., to Eau Claire, Wis.

NOTE: Applicant states that the above service will be conducted in round trip charter operations for various civic groups, lodges, and/or schools, and other sporting clubs, and the Duluth-Superior White Sox Baseball Club.

HEARING: June 23, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12679, filed April 14, 1958. Applicant: E. F. BUSHMAN, doing business as SAWYER DRAY LINE, 341 North Third Avenue, Sturgeon Bay, Wis. For a license (BMC 4) for authority to operate as a broker at Sturgeon Bay, Wis., in arranging for the transportation, in interstate or foreign commerce, of *general commodities, including those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between points in the United States.

HEARING: June 24, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 12680, filed April 25, 1958. Applicant: EDWARD F. KANE, doing business as KANE TRANSPORTATION BROKERAGE, 1534 Delmont Road, Memphis, Tenn. For a license (BMC 4) to engage in operations as a broker at Memphis, Tenn., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *General commodities, including Class A and B explosives*, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: July 8, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3062 (Sub No. 14), filed May 8, 1958. Applicant: L. A. TUCKER TRUCK LINES, INC., 1451 Independence Street, Cape Girardeau, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives; household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) between the Missouri-Arkansas State line (north of Leachville, Ark.), and the junction of Arkansas Highway 135 (formerly Arkansas Highway 143) and U. S. Highway 61–63, from the Missouri-Arkansas State line over Arkansas Highway 77 to the junction of Arkansas Highway 18, thence over Arkansas Highway 18 to the junction of Arkansas Highway 135 (formerly Arkansas Highway 143), thence over Arkansas Highway 135 to junction of U. S. Highway 61–63, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, with service at the junction of U. S. Highway 61–63 and Arkansas Highway 135 for joinder purposes only; (2) serving Hayti, Mo., for joinder purposes only, in connection with applicant's authorized regular route between Memphis, Tenn., and Kennett, Mo. Applicant is authorized to conduct operations in Illinois, Missouri, Arkansas, Iowa, and Tennessee.

NOTE: Applicant states that it is not its intention by this application to in any way enlarge its authority or to have removed from its present authority the restriction in its Certificate No. MC 3062 Sub 12.

No. MC 66562 (Sub No. 1420), filed May 8, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Columbia, S. C., and Augusta, Ga.: from Columbia over South Carolina Highway 215 to junction State Road S–2–237, thence over State Road S–2–237 to junction South Carolina Highway 39, thence over South Carolina Highway 39 to junction South Carolina Highway 4, thence over South Carolina Highway 4 to junction South Carolina Highway 215, thence over South Carolina Highway 215 to junction U. S. Highway 1, and thence over U. S. Highway 1 to Augusta, serving the intermediate points of Perry, Salley, and Springfield, S. C. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts, covering, in addition to the motor carrier movement by carrier, immediately prior or immediately subsequent movements by air or rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant seeks the authority proposed herein as an extension of its authorized regular route operations between Augusta, Ga., and Columbia, S. C., over U. S. Highway 1, serving the intermediate points of Clearwater, Graniteville, Aiken, and Monetta, S. C., as set forth in Certificate MC 66562 Sub No. 1.

No. MC 87857 (Sub No. 34), filed May 5, 1958. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency* and *coin*, between Cleveland, Ohio, and Erie and Girard, Pa. Applicant is authorized to conduct operations in Delaware, Illinois, Michigan, Iowa, Massachusetts, Kentucky, Indiana, New Hampshire, Connecticut, Missouri, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Rhode Island, Wisconsin, District of Columbia, Maryland, Florida, Georgia, Washington, Oregon, California, Montana, Utah, Colorado, Texas, Minnesota, Arkansas, Louisiana, Tennessee, Alabama, Virginia, and Nevada.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 87857 Sub No. 32.

No. MC 96733 (Sub No. 1), filed May 5, 1958. Applicant: VENCO TRUCKING, INC., 651 North Seneca Street, Oil City, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in packages, and *empty returned containers*, between Rouseville, Pa., on the one hand, and, on the other, points in Venango County, Pa. Applicant is authorized to conduct operations in Pennsylvania.

NOTE: Applicant indicates that the shipments are usually interchanged with other motor carriers at Rouseville, Pa.

No. MC 101082 (Sub No. 6), filed May 7, 1958. Applicant EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, temperature controlled, from East St. Louis, Ill., to points in Kansas and Nebraska. Applicant is authorized to conduct operations in Illinois, Missouri, Indiana, Iowa, and Tennessee.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 101082 (Sub No. 4).

No. MC 101126 (Sub No. 106), filed May 5, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in insulated, stainless steel tank vehicles, from Decatur, Ind., to Pittsburgh, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

No. MC 107496 (Sub No. 109), filed April 28, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, fish oils, non-edible oils, fatty acids, blended* or *prepared paint oils, blended or prepared varnish oils, liquid synthetic resin, surface coating resin compound*, and *ester gum*, in bulk, in tank vehicles, from Minneapolis, Minn., to points in Pennsylvania. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

No. MC 109994 (Sub No. 15), filed April 24, 1958. Applicant: OREN M. SIZER, doing business as SIZER GRAIN SERVICE, 407 Fourth Avenue SE., P. O. Box 92, Rochester, Minn. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen horsemeat*, from Jamestown, N. Dak., and Aberdeen, S. Dak., to points in Minnesota, Wisconsin, South Dakota, and the Upper Peninsula of Michigan except those which are incorporated cities or towns; and *frozen packing house by-products* and *frozen poultry by-products*, not for human consumption, from Moultrie and Atlanta, Ga., Richmond, Va., Chicago, Ill., Sioux Falls and Mitchell, S. Dak., Fremont, Nebr., Iowa City, Dubuque, and Spencer, Iowa, and Fargo, N. Dak., to points in Minnesota, Wisconsin, South Dakota, and the Upper Peninsula of Michigan except those which are incorporated cities or towns. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 111560 (Sub No. 5), filed May 5, 1958. Applicant: ALBERT DEBRACCIO, 263 South Munroe, Tallmadge, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum storm windows* and *doors*, and in connection therewith, *moldings* and *parts, glass, screen wire, plastic and rubber items* used or useful in the assembly of aluminum doors and windows, *aluminum siding, accessories* and *related articles*, such as, backer boards, backer plates, corners, foil, molding trim, and all other articles used, useful, or necessary, in the application of aluminum siding, from Gnadenhutten, Ohio, to points in Alabama, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, and *scrap aluminum* and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-specified destination points to Gnadenhutten, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: The proposed operations duplicate in part the entire authority held by applicant in Permit No. MC 111560 Sub 1 and this duplication should be eliminated. Applicant states this application should not be construed as seeking any duplicating authority now held by applicant. It seeks to add the States of Alabama, Colorado, Florida, Georgia, Kansas, New Jersey, Tennessee, and Wisconsin to the authority presently held by applicant in No. MC 111560 Sub 1 and also seeks to add aluminum siding and related articles to the present description now obtaining from Gnadenhutten, Ohio, to the 23 States hereinabove named.

No. MC 113388 (Sub No. 22), filed May 8, 1958. Applicant: LESTER C. NEWTON TRUCKING CO., Box 265, Bridgeville, Del. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, siding, roofing and siding material*, and *insulating materials*, from Phillipsdale, R. I., to points in Maryland on and south of U. S. Highway 40, except those in that portion east of the Chesapeake Bay, and *empty pallets* on return. Applicant is authorized to conduct operations in Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, District of Columbia, North Carolina, Connecticut, Rhode Island, Virginia, Georgia, Florida, and South Carolina.

No. MC 117370, filed April 28, 1958. Applicant: JACK STAFFORD, doing business as STAFFORD TRUCKING, 1137 North 45th Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand*, in bulk, between points in Wisconsin; points in that part of the upper peninsula of Michigan on and west of U. S. Highway 41 from Menominee, Mich., to Marquette, Mich.; points in that part of the lower peninsula of Michigan on and within a line drawn due east from Lake Michigan to junction U. S. Highway 31 and Michigan Highway 50, thence along Michigan Highway 50 to Grand Rapids, Mich., thence along U. S. Highway 131 to the Michigan-Indiana State line; points in that part of Indiana on and within a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 15 to junction Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State line; points in that part of Illinois on and within a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 17 to the Illinois-Indiana State line; and those in that part of Iowa on and within a line beginning at the Iowa-Illinois State line and extending along Iowa Highway 22 to junction U. S. Highway 218, thence along U. S. Highway 218 to Cedar Rapids, Iowa, and thence along U. S. Highway 151 to and including Dubuque, Iowa, at the tri-State junctions of Iowa, Wisconsin, and Illinois.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Sub No. 53), filed May 5, 1958. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's attorney: C. Zimmerman, 300 South Broadway, Wichita 1, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Junction City, Kans., and Randolph, Kans.: from Junction City over U. S. Highway 77 to Randolph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations and specifically, between the above-named points via Manhattan, Kans., over Kansas Highways 18 and 13. Applicant is authorized to conduct operations in Illinois, Missouri, Nebraska, Kansas, Colorado, Arizona, New Mexico, California, Texas, Oklahoma, Arkansas, and Louisiana.

PETITION

No. MC 106022, PETITION FOR MODIFICATION OF CERTIFICATE, dated March 24, 1958. Petitioner: V. B. MORGAN CO., a Corporation, Box 547, Barstow, Calif. V. B. Morgan Co., Petitioner, holds a certificate of public convenience and necessity No. MC 106022 dated December 14, 1953, to transport, among others, mineral products and ore concentrates in bulk between specified points in Nevada and California. Petitioner requests that the said commodity description be changed to read "ore and ore concentrates", and in support of such request states (1) that it has transported no shipments other than ore and ore concentrates within the authorized territory; (2) that it knows of no commodities thus available for transportation other than ore and ore concentrates; (3) that the proposed modification will result in a restriction; and (4) said modification will enable petitioner to avoid incurring the expense of complying with the Commission's cargo insurance rules applicable to motor common carriers.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 81718 (Sub No. 5), filed May 8, 1958. Applicant: INLAND TRANSPORTATION CORPORATION, 695 North Batavia Street, Orange, Calif. Applicant's attorney: Donald A. Schafer, 1026 Public Service Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except used household goods as personal effects, automobiles, trucks, buses, etc., livestock, liquid commodities, in bulk, in tank vehicles, commodities in bulk in dump trucks or hopper-type trucks, and commodities in motor vehicles equipped for mechanical mixing, (1) between Los Angeles, Calif., and Orange, Calif., over U. S. Highway 101 (also via Whittier Blvd., Fullerton Road and West Chapman Avenue to Orange), (2) between Orange, Calif., and San Bernardino, Calif., from Orange over California Highway 55 to junction of U. S. Highway 91, thence over U. S. Highway 91 to San Bernardino, and return over the same route, (3) between Fullerton, Calif., and Pomona, Calif., over Brea Canyon Road from its junction with Fullerton Road to Pomona, serving all intermediate points on the above described routes and all points within a 5 mile radius of the highways named, (4) between Orange, Calif., and San Diego, Calif., over U. S. Highway 101, serving the intermediate point of Tustin and intermediate or off-route points within 8 miles of San Diego, (5) between Orange, Santa Ana, and Long Beach, over California Highway 22, serving no intermediate points. Applicant is authorized to conduct operations in California.

NOTE: This application is directly related to MC-F 6880. Reference to direct relationship to MC-F 6880 of application in No. MC 42487 (Sub No. 362), published April 16, 1958 at page 2475, is in error and should be disregarded.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6897. Authority sought for control and merger by THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore 25, Md., of the operating rights and property of RAY NORTH TRANSFER, INC., 174 Sandy Creek Road, Verona, Pa., and for acquisition by FREDERIC WEISS and FREDERICK A. WEISS, both of Baltimore, and RALPH W. WEISS, Pikesville, Md., of control of such rights and property through the transaction. Applicant's attorney: Spencer T. Money, Mills Building, Washington 6, D. C. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and those injurious or contaminating to other lading, as a *common carrier* over irregular routes between Pittsburgh, Pa., on the one hand, and, on the other, certain points in Pennsylvania. THE MARYLAND TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Maryland, Pennsylvania, West Virginia, Virginia, New York, New Jersey, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, North Carolina, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6898. Authority sought for purchase by E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia, Pa., of a portion of the operating rights of AERO MOTOR LINE, INCORPORATED, East Aurora Street, Waterbury, Conn., and for acquisition by DUVERNEY B. MATLACK, ROBERT W. MATLACK, E. BROOKE MATLACK, JR., and EDWIN L. MATLACK, all of Philadelphia, of control of such rights through the purchase. Applicants' attorney: Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *Acids, chemicals and chemical supplies*, in tank vehicles, as a *common carrier* over irregular routes, between New York, N. Y., Waterbury and Stamford, Conn., Maynard, Mass., and Babbitt, Bound Brook, Edgewater, Jersey City, Paterson, Warners, and Woodbridge, N. J., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, certain points in New York and certain points in New Jersey; *chemicals*, in tank vehicles, between Waterbury, Conn., on the one hand, and, on the other, Ballston Spa, N. Y., Portsmouth, N. H., and points in Massachusetts and Rhode Island; *sulphuric acid*, in tank vehicles, from Waterbury, Conn., to North Pownal, Vt. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Kansas, Indiana, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Missouri, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NOTE: An investigation under section 212 (c) has been instituted in No. MC-[illegible] (Sub No. 6) to determine whether the operations of AERO MOTOR LINE, INCORPORATED, are those of a contract carrier as defined in section 203 (a) (15).

No. MC-F 6899. Authority sought for control and merger by MILLER TRANSPORTERS, LTD., Highway 80 West, P. O. Box 1123, Jackson, Miss., of the operating rights and property of L. P. GAS MOTOR CARRIER, INC., 2859 Old Shell Road, P. O. Box 1147, Mobile, Ala., and for acquisition by H. D. Miller, also of Jackson, of control of such rights and property through the transaction. Applicant's attorney: Phineas Stevens, P. O. Box 141, Jackson, Miss. Operating rights sought to be controlled and merged: *Liquefied petroleum gases*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Benton, Delhi, Dubach, and Cotton Valley, La., to points in Humphreys, Leflore, and Sunflower Counties, Miss., and from Dragon, Miss., and points in Louisiana to points in Alabama and Florida within 200 miles of Dragon. MILLER TRANSPORTERS, LTD., is authorized to operate as a common carrier in Mississippi, Louisiana, Alabama, Georgia, Tennessee, Arkansas, Florida, Kentucky, Missouri, Texas, and Oklahoma. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6900. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., of a portion of the operating rights of VALENTINE TRANSFER AND STORAGE COMPANY, INC., 110 Cross Street, Aurora, Ill. Applicants' attorney: Russell B. James, 547 West Jackson Boulevard, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Aurora, Ill., and Chicago, Ill., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Colorado, Nebraska, Missouri, Illinois, Iowa, Wyoming, Montana, and Kansas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6901. Authority sought for control and merger by ADVANCE TRANSPORTATION COMPANY, 2115 South First Street, Milwaukee, Wis., of the operating rights and property of SERVICE TRANSPORT COMPANY, 1001 Twenty-first Street, Racine, Wis., and for acquisition by J. C. LINDNER, G. J. LINDNER, and A. J. LINDNER, all of Milwaukee, of control of such rights and property through the transaction. Applicants' attorney: Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities,* with certain exceptions excluding both household goods and commodities in bulk, as a *common carrier* over regular routes between Racine, Wis., and Chicago, Ill., serving certain intermediate and off-route points; alternate route for operating convenience only between Chicago, Ill., and the junction of Eden's Expressway and U. S. Highway 41 somewhat north of Lake Avenue; *general commodities,* with certain exceptions including household goods and commodities in bulk, between Racine, Wis., and junction Wisconsin Highway 11 and U. S. Highway 41, serving the intermediate point of Sturtevant, Wis. ADVANCE TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Wisconsin, Illinois, and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6902. Authority sought for purchase by BIRD TRUCKING COMPANY, INC., P. O. Box 227, Waupun, Wis., of a portion of the operating rights of H. A. DAHLMAN, doing business as DAHLMAN TRUCK LINES, 1616 Clark Street, Stevens Point, Wis., and for acquisition by WILBERT JEFFORDS, also of Waupun, of control of such rights through the purchase. Authority is also sought for purchase by H. A. DAHLMAN, doing business as DAHLMAN TRUCK LINES, of a portion of the operating rights of BIRD TRUCKING COMPANY, INC. Applicants' attorney: Claude J. Jasper, 1 West Main Street, Madison 3, Wis. Operating rights sought to be transferred to BIRD TRUCKING COMPANY, INC.: *Canned goods,* as a *common carrier,* over irregular routes, from points in that part of Wisconsin bounded by a line beginning at the Minnesota-Wisconsin State line northeast of St. Paul, Minn., and extending east along Wisconsin Highway 64 to Merrill, thence south along U. S. Highway 51 through Wausau and Stevens Point to Madison, thence northwestwardly along U. S. Highway 12 to the Minnesota-Wisconsin State line, and thence along the Minnesota-Wisconsin State line to the point of beginning, including points on the indicated portions of the highways specified, except Madison, to Chicago, Ill.; *washing and cleaning supplies,* and paper products, such as are dealt in by retail or wholesale grocery stores, *dog food,* and *groceries,* from Chicago, Ill., to points in the above-specified Wisconsin territory. Operating rights sought to be transferred to H. A. DAHLMAN, doing business as DAHLMAN TRUCK LINES: *Canned goods,* as a *common carrier,* over irregular routes, from points in that part of Wisconsin bounded by a line beginning at Merrill and extending east along Wisconsin Highway 64 to Marinette, thence along the bay and lake shores of Wisconsin to Fox Point, thence west along Wisconsin Highway 74 to junction U. S. Highway 45, thence south along U. S. Highway 45 to the Illinois-Wisconsin State line, thence west along the Illinois-Wisconsin State line to junction U. S. Highway 14, thence northwest along U. S. Highway 14 to Madison, and thence north along U. S. Highway 51 through Stevens Point and Wausau to Merrill, including points on the indicated portions of the highways specified (not including Merrill or Madison, or points on U. S. Highway 51 between Merrill and Madison, or points on U. S. Highway 45 between the Illinois-Wisconsin State line and junction Wisconsin Highway 74), to Chicago, Ill.; *washing and cleaning supplies,* and *paper products,* such as are dealt in by retail or wholesale grocery stores, *dog food,* and *groceries,* from Chicago, Ill., to points in the Wisconsin territory specified immediately above. BIRD TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Illinois, Wisconsin, Indiana, Ohio, Missouri, Michigan, and Iowa. H. A. DAHLMAN, doing business as DAHLMAN TRUCK LINES, is authorized to operate as a *common carrier* in Wisconsin, Minnesota, and Illinois, and as a *contract carrier* in Wisconsin and Illinois. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6903. Authority sought for purchase by W. W. YOUNG & SON, INC., 11437 Cottage Grove Avenue, Chicago 28, Ill., of the operating rights and certain property of A. CASTELLANI TRUCKING CO., INC., 5001 West Monroe Street, Chicago 44, Ill., and for acquisition by LESLIE W. YOUNG, 701 Engle Street, Dolton, Ill., and ROLLIN R. YOUNG, 10835 Parnell Avenue, Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be transferred: *Brick* and *tile,* as a *common carrier* over irregular routes, from points in Fountain, Clay, and Warren Counties, Ind., to points in Cook, Lake, Du Page, and Will Counties, Ill.; *brick, stone, terra-cotta, marble and slate haydite, cement and haydite blocks, glazed tile,* and *forms* used or useful in the manufacture of these products, between points in Cook, Lake, Du Page, and Will Counties, Ill., on the one hand, and, on the other, points in Wisconsin within 100 miles of State and Madison Streets, Chicago, Ill.; *brick, stone, terra-cotta, tile, cement, marble, cinders, haydite, plywood, debris, excavating, cement and haydite machinery,* and materials used in the erection thereof, between points in Illinois within 150 miles of Chicago, Ill., including Chicago, and between points in Lake and Porter Counties, Ind. Vendee is authorized to operate as a *common carrier* in Illinois and Indiana. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 6904. Authority sought for control and merger by ROCHESTER-PENFIELD BUS COMPANY, INC., 60 River Boulevard, Rochester, N. Y., of the operating rights and property of WESTERN NEW YORK MOTOR LINES, INC., Terminal Building, Court and Ellicott Streets, Batavia, N. Y., and for acquisition by MAX F. COWAN, also of Rochester, of control of such rights and property through the transaction. Applicants' attorneys: James E. Wilson, 716 Perpetual Building, Washington, D. C., Austin W. Erwin, Geneseo, N. Y., and L. H. Schultz, Jr., Blue Bus Terminal, Batavia, N. Y. Operating rights sought to be controlled and merged: *Passengers and their baggage,* and *mail,* in the same vehicle with passengers, as a *common carrier* over regular routes between Buffalo, N. Y., and Rochester, N. Y., between Grant Club, N. Y., and Murray's Corners, N. Y., between Batavia, N. Y., and Oakfield, N. Y., and between Batavia, N. Y., and Attica, N. Y., serving all intermediate points; *passengers and their baggage,* restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Erie, Genesee, Livingston, and Monroe Counties, N. Y., to New York, N. Y., and points in the District of Columbia, and return. WESTERN NEW YORK MOTOR LINES, INC., also holds authority to engage in operations as a broker at Buffalo, Rochester, Batavia, and Le Roy, N. Y., in connection with the transportation of *passengers and their baggage,* and of *express* in the same vehicle with passengers, between points in the United States. ROCHESTER-PENFIELD BUS COMPANY, INC., is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3790; Filed, May 20, 1958; 8:48 a. m.]

[Notice 36]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 16, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-108185 (Deviation No. 2), **DIXIE HIGHWAY EXPRESS, INC.**, P. O. Box 631, Meridian, Miss., filed May 12, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tuscaloosa, Ala., and Columbia, Tenn, as follows: from Tuscaloosa over U. S. Highway 43 to Columbia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tuscaloosa, Ala., and Columbia, Tenn., over the following pertinent route: from Tuscaloosa over U. S. Highway 11 to Birmingham, Ala., and thence over U. S. Highway 31 to Columbia.

No. MC-112713 (Deviation No. 2), **YELLOW TRANSIT FREIGHT LINES, INC.**, 1626 Walnut Street, Kansas City 8, Mo., filed May 13, 1958. Attorney for said carrier, John M. Records, 1626 Walnut Street, Kansas City 8, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Battle Creek, Mich., and Grand Rapids, Mich., as follows: from Battle Creek over Michigan Highway 37 to junction unnumbered highway (about one mile north of junction Michigan Highway 37 and U. S. Highway 16), thence over unnumbered highway to city limits of Grand Rapids, thence over Burton Street to Madison Avenue, thence over Madison Avenue to 28th Street, thence over 28th Street to junction U. S. Highway 131, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Battle Creek, Mich., and Grand Rapids, Mich., over the following pertinent route: from Battle Creek over Michigan Highway 78 to junction U. S. Highway 12, thence over U. S. Highway 12 to Kalamazoo, Mich., thence over U. S. Highway 131 to junction U. S. Highway 16 at city limits of Grand Rapids, Mich.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3789; Filed, May 20, 1958; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 16, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34680: *Superphosphate—South to Michigan points.* Filed by O. W. South, Jr., Agent (SFA No. A3667), for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated, carloads from specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee to specified points in Michigan.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 48 to Southern Freight Association, Agent, tariff I. C. C. 1522.

FSA No. 34681: *Furfural residue—Memphis, Tenn., to northern points.* Filed by O. W. South, Jr., Agent (SFA No. A3666), for interested rail carriers. Rates on furfural residue, dry, carloads from Memphis, Tenn., to Rochester, N. Y., Orrville, Ohio, and Remington, Ind.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 32 to Southern Freight Association, Agent, tariff I. C. C. 1568.

FSA No. 34682: *Iron pressure pipe from Swan and Tyler, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 321), for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads from Swan and Tyler, Tex., to points in Arkansas, Louisiana, and Texas.

Grounds for relief: Short-line distance formula and market competition with other Texas producing points.

Tariff: Supplement 76 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C. 851.

FSA No. 34683: *Lumber and related articles between and from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7288), for interested rail carriers. Rates on lumber and related articles, carloads between points in southwestern territory, also between points in southwestern territory, on one hand, and points in Illinois, Kansas and Missouri, on the other.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariffs: Supplements 28 and 34 to Southwestern Freight Bureau, Agent, tariffs I. C. C. Nos. 4257 and 4259, respectively.

FSA No 34684: *Vermiculite and perlite from, to, and between southern points.* Filed by O. W. South, Jr., Agent (SFA No. A3664), for interested rail carriers. Rates on vermiculite, other than crude, and perlite, other than crude, carloads; also vermiculite, asbestos and clay combined, carloads between points in southern territory including Helena, Ark., Ohio and Mississippi River crossings; also between points in southern territory, on the one hand, and points in Illinois territory and adjacent central territory, on the other.

Grounds for relief: Short-line distance formulas, grouping, and maintenance of short-line arbitraries.

Tariffs: Supplement 40 to Southern Freight Association, Agent, tariff I. C. C. 1613. Supplement 8 to Illinois Freight Association, Agent, tariff I. C. C. [illegible]. Supplement 29 to Traffic Executive Association-Eastern Railroads, Agent, tariff I. C. C. 4796.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3793; Filed, May 20, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HERTA HEYMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herta Heyman, Johannesburg, South Africa; Claim No. 62982; $560.95 in the Treasury of the United States. Vesting Order No. 8535.

$1,800.00 (less 1% or $18.00 principal distribution paid January 21, 1958) Liquidation of United Steel Works Corporation, Germany, Participation Certificates dated Jan. 1, 1953: Certificate Nos. M15569, $1,000.00, [illegible], $500.00, C4565/67, $100.00 each. $32.30 Liquidation of United Steel Works Corporation, Germany, Participation Certificate dated Jan. 1, 1953, Certificate No. 002341. $100.00 Federal Republic of Germany Conversion & Funding issue 1953 ten year 3% dollar bond of 1936 due Jan. 1, 1963 with 7-1-58 & [illegible] Certificate No. C006739.

All of the above securities are located at the Federal Reserve Bank of New York, New York, New York.

Executed at Washington, D. C., on May 14, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3794; Filed, May 20, 1958; 8:48 a. m.]

Aline Elizabeth de Muralt

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Aline Elizabeth de Muralt, Zurich, Switzerland; Claim No. 56854; $4,012.61 in the Treasury of the United States. Vesting Order Nos. 8834 and 12687.

Executed at Washington, D. C., on May 14, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-3795; Filed, May 20, 1958; 8:49 a. m.]

Helen Naegeli

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Helen Naegeli, Ermatingen, Switzerland; Claim No. 61516; $365.18 in the Treasury of the United States. Vesting Order Nos. 17829 and 17903.

Executed at Washington, D. C., on May 14, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-3796; Filed, May 20, 1958; 8:49 a. m.]

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VOLUME 23 NUMBER 101

Washington, Thursday, May 22, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter F—Banks for Cooperatives

[Farm Credit Administration Order 673]

PART 71—LOAN POLICIES

LENDING LIMITS OF DISTRICT BANKS FOR COOPERATIVES

Section 71.1 of Title 6 of the Code of Federal Regulations, as amended (22 F. R. 4463), is hereby further amended, effective June 1, 1958, to substitute "35" for "25" in paragraph (c) thereof.

(Secs. 38, 41, 48 Stat. 264, as amended; 12 U. S. C. 1134j, 1134c)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 58-3872; Filed, May 21, 1958; 8:54 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958 crop of wheat. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 is supplemented as follows:

Sec.	
421.3036	Purpose.
421.3037	Availability of price support.
421.3038	Eligible wheat.
421.3039	Warehouse receipts.
421.3040	Determination of quantity.
421.3041	Determination of quality.
421.3042	Maturity of loans.
421.3043	Determination of support rates.
421.3044	Warehouse charges.
421.3045	Inspection of wheat under purchase agreement.
421.3046	Settlement.

AUTHORITY: §§ 421.3036 to 421.3046 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.3036 *Purpose.* Sections 421.3036 to 421.3046 state additional specific requirements which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020) apply to loans and purchase agreements under the 1958-crop wheat price support program.

§ 421.3037 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever wheat is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that wheat cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be a producer who is in compliance with the requirements for eligibility for price support prescribed in the

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1958 C. C. C. Wheat Bulletin A, and any amendments thereto. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible wheat harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.3038 *Eligible wheat.* Wheat to be eligible for price support, must meet all the applicable requirements set forth in this section.

(a) The wheat must have been produced in the continental United States in 1958 by an eligible producer.

(b) At the time the wheat is placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the wheat must be in the eligible producer tendering the wheat for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the wheat was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the wheat was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Wheat, at the time it is placed under loan, and wheat under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; or (iii) wheat of the class Mixed wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i) or (ii) of this subparagraph provided such mixtures are the natural products of the field.

(2) Wheat grading Tough, Weevily, Ergoty, or Treated shall not be eligible, except that wheat represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On wheat grading 'Tough' delivery will be made of the same country-run quality, quantity, grade and protein (if any), not tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) Except as provided in subparagraph (2) of this paragraph with respect to wheat grading "Tough", wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

(4) If offered as security for a farm-storage loan, the wheat must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Sanitation requirements: The sanitation requirements prescribed herein apply to wheat when placed under loan, wheat in approved warehouse storage prior to notification by the producer of his intention to sell to CCC under a purchase agreement, and wheat when delivered under loan or purchase agreement. Such wheat (1) must not contain one or more rodent pellets, or comparable amounts of other filth, per pint of wheat (liquid measure), nor 1 percent or more by weight of kernels visibly damaged by weevils or other insects, and (2) must not contain mercurial compounds or other substances poisonous to man or animals.

(e) Except as otherwise provided in § 421.3045 (a), wheat under purchase agreement stored in other than approved warehouse storage, shall not be eligible for sale to CCC if it does not meet the requirements of paragraphs (c) (1), (2), (3) and (d) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.3045 (a) and the wheat on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraphs (c) (1), (2), (3) and (d) of this section.

§ 421.3039 *Warehouse receipts.* Warehouse receipts, representing wheat in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, must indicate that the wheat is insured, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class and subclass, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) protein content (where determined by protein analysis or station average—actual analysis and not station average shall be used if protein analysis has been made), (vii) any other grading factor(s) when such factor(s) and not test weight, determine the grade, and (viii) whether the wheat arrived by rail, truck or barge. In the case of wheat delivered by rail or barge, the grading factors, classes and subclasses, and protein content (where determined by protein analysis) on the warehouse receipt must agree with the inbound inspection and protein certificates for the car or barge if such certificates are issued.

(2) If the warehouseman has furnished a statement as provided in § 421.3038 (c) (2), the supplemental certificate must show the numerical grade and the grading factors of the wheat to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) In the case of wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the classes hard red spring and hard red winter and the varieties Baart and Bluestem of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(d) A separate warehouse receipt must be submitted for each grade and subclass of wheat.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3044.

(f) Warehouse receipts representing wheat which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

(g) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

§ 421.3040 *Determination of quantity.* (a) The quantity of wheat placed under farm-storage loan may be determined either by weight or by measurement. The quantity of wheat placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase. A quantity deduction for smut shall also be made in the manner provided in § 421.3041 (b).

§ 421.3041 *Determination of quality.* (a) The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection: *Provided*, That determinations with respect to sanitation requirements specified in § 421.3038 (d) shall be made in accordance with instructions issued by CCC.

(b) In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, Washington, and the counties in Montana where it is a normal practice to determine smut on a percentage basis, the quantity of smut shall be stated in terms of half percent when smut dockage is present in a quantity equal to less than one percent, and in terms of whole percent when present in a quantity equal to one percent or more. A fraction of a half percent shall be disregarded when smut dockage is present in a quantity equal to less than one percent, and a fraction of a percent shall be disregarded when smut dockage is present in a quantity equal to one percent or more. The quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis. Where applicable, the words, "Light Smutty" or "Smutty" shall be added to, and made a part of, the grade determination.

(c) The garlicky condition of the wheat shall be made a part of the grade designation by addition of the words "Light Garlicky" or the word "Garlicky."

§ 421.3042 *Maturity of loans.* Loans mature on demand but not later than February 28, 1959, in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and not later than March 31, 1959, in all other States. The maturity date for a loan shall be the maturity date for the State where the wheat is stored.

§ 421.3043 *Determination of support rates.* Basic support rates for wheat will be set forth in 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat. Support rates will be established for wheat stored in approved warehouse storage at designated terminal markets, and for wheat stored in approved country warehouses and in approved farm storage. The support rate for the quality of wheat placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat.

(a) *Support rates at designated terminal markets.* (1) (i) In order to be eligible for loan or purchase at the support rate established for designated terminal markets the wheat must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any wheat shipped at other than the domestic interstate freight rate, shall be reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax).

(ii) The support rates established for designated terminal markets apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) (i) The support rate for wheat which is shipped by rail or water and stored at any designated terminal market and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall be equal to the terminal rate minus 12 cents per bushel.

(ii) The support rate for wheat received by truck and stored at any designated terminal market shall be determined by making a deduction from the terminal rate as follows:

Terminal located in:	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	16½
Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wis.)	16½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior)	17
Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia	18
Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee	18

(3) (i) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall be equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, and Corpus Christi, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal:	*Amount of deduction (cents per bushel)*
Los Angeles, San Francisco, Stockton, and Oakland, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis.	4½
New Orleans, La.; Baltimore, Md.; Philadelphia, Pa.; Galveston, Houston and Corpus Christi, Tex.; Norfolk, Va.; Albany and New York, N. Y.	6

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* (1) Except for the States designated in subparagraph (2) of this paragraph, the support rate for wheat which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such wheat to such terminal market: *Provided*, That on any wheat shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such wheat to the point of storage: *And provided further*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(2) In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, and West Virginia, the CSS commodity office shall, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1958 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or a certificate signed by the warehouseman as set forth in § 421.3039 (f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement, as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(c) *Discounts and premiums.* (1) The basic support rates shall be adjusted by all applicable premiums and discounts listed in 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat. Included in the discount schedule will be the following undesirable varieties, listed by classes, which will be subject to a special discount of 20 cents per bushel:

Class	*Variety*
Hard Red Winter	Stafford, Pawnee Sel 33, Red Chief, Chiefkan, Early Blackhull, Red Jacket, Kanking, New Chief, Blue Jacket, Purkof, Cimarron, Red Hull.
Soft Red Winter	KanQueen, Kawvale, Nured, Seabreeze.
Hard Red Spring	Cassor, Henry (except in Wisconsin and Washington), Spinkcota, Kinney, Premier, Sturgeon, Progress.
Durum	Pentad, Golden Ball, Peliss.
White	Fifty Fold, Florence, Greeson, Rex, Sonora.

(2) The basic support rates in 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat, will also be subject to the following provisions applicable to wheat affected by State, district, or county weed control laws: Where the State committee determines that State, district, or county weed control laws are being administered in such a way as to affect the wheat crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the wheat complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the wheat is stored determines that State, district or county weed control laws as administered affect wheat stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the wheat complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ______ issued to __________ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agremeent program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

____
(Signature)

____
(Address)

____
(Date)

§ 421.3044 *Warehouse charges.* (a) Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the wheat is deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing wheat stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28 or March 31, 1959, the applicable date to be determined in accordance with § 421.3042, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 28 or March 31, 1959, the applicable date to be determined in accordance with § 421.3042:

Amount of deduction (cents per bushel)	Area I [1] Date of deposit (all dates inclusive)	Area II [2] and Area III [3] Date of deposit (all dates inclusive)	Area IV [4] For States having maturity dates not later than March 31, 1959; date of deposit (all dates inclusive)	Area IV [4] For States having maturity dates not later than February 28, 1959; date of deposit (all dates inclusive)	Area V [5] Date of deposit (all dates inclusive)
15	Prior to May 2, 1958	Prior to May 17, 1958	Prior to May 31, 1958	Prior to Apr. 30, 1958	Prior to May 14, 1958.
14	May 2–May 24, 1958	May 17–June 7, 1958	May 31–June 20, 1958	Apr. 30–May 20, 1958	May 14–June 2, 1958.
13	May 25–June 16, 1958	June 8–June 29, 1958	June 21–July 11, 1958	May 21–June 10, 1958	June 3–June 22, 1958.
12	June 17–July 9, 1958	June 30–July 21, 1958	July 12–Aug. 1, 1958	June 11–July 1, 1958	June 23–July 12, 1958.
11	July 10–Aug. 1, 1958	July 22–Aug. 12, 1958	Aug. 2–Aug. 22, 1958	July 2–July 22, 1958	July 13–Aug. 1, 1958.
10	Aug. 2–Aug. 24, 1958	Aug. 13–Sept. 3, 1958	Aug. 23–Sept. 12, 1958	July 23–Aug. 12, 1958	Aug. 2–Aug. 21, 1958.
9	Aug. 25–Sept. 16, 1958	Sept. 4–Sept. 25, 1958	Sept. 13–Oct. 3, 1958	Aug. 13–Sept. 2, 1958	Aug. 22–Sept. 10, 1958.
8	Sept. 17–Oct. 9, 1958	Sept. 26–Oct. 17, 1958	Oct. 4–Oct. 24, 1958	Sept. 3–Sept. 23, 1958	Sept. 11–Sept. 30, 1958.
7	Oct. 10–Nov. 1, 1958	Oct. 18–Nov. 8, 1958	Oct. 25–Nov. 14, 1958	Sept. 24–Oct. 14, 1958	Oct. 1–Oct. 20, 1958.
6	Nov. 2–Nov. 24, 1958	Nov. 9–Nov. 30, 1958	Nov. 15–Dec. 5, 1958	Oct. 15–Nov. 4, 1958	Oct. 21–Nov. 9, 1958.
5	Nov. 25–Dec. 17, 1958	Dec. 1–Dec. 22, 1958	Dec. 6–Dec. 26, 1958	Nov. 5–Nov. 25, 1958	Nov. 10–Nov. 29, 1958.
4	Dec. 18, 1958–Jan. 9, 1959	Dec. 23, 1958–Jan. 13, 1959	Dec. 27, 1958–Jan. 16, 1959	Nov. 26–Dec. 16, 1958	Nov. 30–Dec. 19, 1958.
3	Jan. 10–Feb. 1, 1959	Jan. 14–Feb. 4, 1959	Jan. 17–Feb. 6, 1959	Dec. 17, 1958–Jan. 6, 1959	Dec. 20, 1958–Jan. 8, 1959.
2	Feb. 2–Feb. 24, 1959	Feb. 5–Feb. 26, 1959	Feb. 7–Feb. 27, 1959	Jan. 7–Jan. 27, 1959	Jan. 9–Jan. 28, 1959.
1	Feb. 25–Mar. 31, 1959	Feb. 27–Mar. 31, 1959	Feb. 28–Mar. 31, 1959	Jan. 28–Feb. 28, 1959	Jan. 29–Feb. 28, 1959.

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wis.).

[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).

[4] Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.

[5] Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit through February 28, or March 31, 1959, whichever date is applicable to the point of storage as determined in accordance with § 421.3042, unless written evidence has been submitted with the warehouse receipt that the storage charge has been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.3045 *Inspection of wheat under purchase agreement*—(a) *Pre-delivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his wheat stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the wheat and obtain a sample of the wheat and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the wheat. If the wheat on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for delivery. The producer whose wheat is stored in other than an approved warehouse and whose wheat is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his wheat is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the wheat, or otherwise take action to make the wheat eligible and insists upon delivery of the wheat, the county office shall issue delivery instructions. The producer shall be further informed that if such wheat, upon delivery and before purchase, does not meet the eligibility requirements of § 421.3038 (c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the wheat shall not be accepted for purchase by CCC. A predelivery inspection shall not be made on wheat stored commingled in warehouses not approved for storage or on wheat in an unapproved warehouse which is stored so that the identity of the producer's wheat is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such wheat at the time of delivery must meet the eligibility requirements of § 421.3038 (c) (1), (2), (3) and (d).

(b) *Inspection of wheat stored by producer.* The producer may be required to retain the wheat stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the wheat covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for wheat which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the wheat is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the wheat is going out of condition or is in danger of going out of condition and that the wheat cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3046 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible wheat delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of wheat eligible for delivery. If, upon delivery, the wheat under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the wheat placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the wheat delivered, as determined by CCC: *Provided, however*, That if such wheat is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further*, That if upon delivery the wheat is of a quality which does not meet sanitation requirements of § 421.3038 (d) (1), the wheat shall be sold for feed, or for industrial uses other than food and beverages, and in the event it does not meet the requirements of § 421.3038 (d) (2), the wheat shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further*, That if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible wheat under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm-storage.* Settlement for wheat delivered to CCC from farm storage meeting the eligibility requirements of § 421.3038 (c) (1), (2), (3) and (d), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If wheat, which was determined to be eligible at the time of the predelivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible wheat as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the wheat, determined by the predelivery inspection and the market price of the wheat delivered, as determined by CCC: *Provided, however,* That if such wheat is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the wheat is of a quality which does not meet sanitation requirements of § 421.3038 (d) (1), the wheat shall be sold for feed or for industrial uses other than food and beverages, and in the event it does not meet the requirements of § 421.3038 (d) (2) shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such wheat for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible wheat stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of wheat he elects to sell to CCC. Settlement for eligible wheat delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse storage.* Settlement for wheat which is stored commingled, or which is stored so that the identity of the producer's wheat is maintained but a predelivery inspection is not possible, which is delivered to CCC from a warehouse not approved for storage and which meets the eligibility requirements of § 421.3038 (c) (1), (2), (3) and (d) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's wheat can be made, settlement will be the same as for wheat delivered under a purchase agreement from farm-storage as provided in subdivision (i) of this subparagraph.

(iv) *Wheat ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of wheat ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Wheat which was of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) wheat of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) wheat in a warehouse not approved for storage which is stored commingled or stored so that the identity of the producer's wheat is maintained but a predelivery inspection is not possible, and which at the time of delivery does not meet the eligibility requirements of § 421.3038 (c) (1), (2), (3) and (d). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible wheat delivered as determined by CCC: *Provided, however,* That if such wheat is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the wheat is of a quality which does not meet sanitation requirements of § 421.3038 (d) (1) the wheat shall be sold for feed, or for industrial uses other than food and beverages, and in the event it does not meet the requirements of § 421.3038 (d) (2) shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such wheat for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery. If wheat delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such wheat is inadvertently accepted by CCC, the settlement value shall be the sales price if the wheat is immediately sold. If the wheat is not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Applicable support rate for settlement of loans and purchase agreements.* (1) In the case of wheat stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraphs (3), (4) and (5) of this paragraph.

(2) In the case of wheat delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3), (4) and (5) of this paragraph.

(3) If the producer is directed to deliver his wheat to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two are more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(5) In the case of wheat stored in an approved warehouse or delivered to CCC under loan or purchase agreement from other than approved warehouse storage, if the wheat is produced in the commercial wheat-producing area and stored or delivered outside the commercial wheat-producing area, or if the wheat is produced in the non-commercial wheat-producing area and stored or delivered in the commercial wheat-producing area, settlement shall be made at the support rate for the county or terminal where the wheat is stored or delivered adjusted to the percentage level for the area where the wheat was produced.

(c) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored wheat under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3044.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on wheat under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the wheat to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Storage payment where CCC is unable to take delivery of wheat stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain wheat stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such wheat within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the wheat to CCC: *Provided, however,* That a storage payment shall be paid a producer whose wheat is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the wheat to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the following rates per bushel per day for the wheat accepted for delivery or sale to CCC:

Area I, $0.00043; Area II, $0.00045; Area III, $0.00046; Area IV, $0.00047; Area V, $0.00049.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on wheat delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his wheat to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the wheat any distance greater than the distance from the point where the wheat is stored by the producer to the customary shipping point: *Provided,* That if the producer is directed to deliver his wheat to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of wheat under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 15th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3773; Filed, May 21, 1958; 8:46 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958-crop of barley. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 is supplemented as follows:

Sec.
421.3076 Purpose.
421.3077 Availability of price support.
421.3078 Eligible barley.
421.3079 Warehouse receipts.
421.3080 Determination of quantity.
421.3081 Determination of quality.
421.3082 Maturity of loans.
421.3083 Support rates.
421.3084 Warehouse charges.
421.3085 Inspection of barley under purchase agreement.
421.3086 Settlement.

AUTHORITY: §§ 421.3076 to 421.3086 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054, sec. 308, 70 Stat. 206, 15 U. S. C. 714, 7 U. S. C. 1421, 1442.

§ 421.3076 *Purpose.* Sections 421.3076 to 421.3086 state additional specific regulations which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421. 3020), apply to loans and purchase agreements under the 1958-Crop Barley Price Support Program.

§ 421.3077 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the State Committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof, producing barley in 1958 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible barley harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.3078 *Eligible barley.* Barley, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The barley must have been produced in the continental United States in 1958 by an eligible producer.

(b) At the time the barley is placed under loan or delivered under a purchase agreement the beneficial interest in the barley must be in the eligible producer tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support. To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the barley was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Barley, at the time it is placed under loan, and barley under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The barley must be of any class grading No. 4 or better (or No. 4 Garlicky or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushell.

(2) Barley grading Tough, Weevily, Stained if Western Barley, Blighted, Bleached, Ergoty or Smutty, or containing mercurial compounds or other substances poisonous to men or animals, shall not be eligible, except that barley represented by warehouse receipts grading Tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On barley grading 'Tough' delivery will be made of the same country-run quality, quantity and grade, not Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

(3) If offered as security for a farm-storage loan, the barley must have been stored in the grainary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.3085 (a), barley under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC, if it does not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.3085 (a) and the barley on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraphs (c) (1) and (2) of this section.

§ 421.3079 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse storage to be placed under a loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, must indicate that the barley is insured, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) any other factor(s) when such factor(s) and not test weight determine the grade, and (vii) whether the barley arrived by rail, truck or barge. In the case of barley delivered by rail or barge, the grading factors on the warehouse receipts must agree with the inbound inspection certificate for the car or barge if such certificate is issued.

(2) If the warehouseman has furnished a statement as provided in § 421.3078 (c) (2), the supplemental certificate must show the numerical grade and the grading factors of the barley to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3084.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

(f) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

§ 421.3080 *Determination of quantity.* (a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentage of the quantity determined for 48-pound barley:

For barley testing:	*Percent*
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 421.3081 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 421.3082 *Maturity of loans.* Loans mature on demand but not later than February 28, 1959, in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, not later than March 10, 1959, in Arizona and California, and not later than April 30, 1959, in all other States. The maturity date for a loan shall be the maturity date for the State where the barley is stored.

§ 421.3083 *Support rates.* Basic support rates for barley placed under loan and for barley delivered under purchase agreement are set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for barley of the Classes Barley, and Western Barley, grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	*Rate per bushel*
Atchison, Kans	$1.17
Kansas City, Mo	1.17
Saint Joseph, Mo	1.17
Omaha, Nebr	1.17
Sioux City, Iowa	1.17
Minneapolis, Minn	1.18
Duluth, Minn	1.18
Superior, Wis	1.18
Saint Paul, Minn	1.18
Galveston, Tex	1.24
Houston, Tex	1.24
New Orleans, La	1.24
Chicago, Ill	1.19
Milwaukee, Wis	1.19
Saint Louis, Mo	1.19
Memphis, Tenn	1.18
Longview, Wash	1.20
Tacoma, Wash	1.20
Vancouver, Wash	1.20
Seattle, Wash	1.20
Portland, Oreg	1.20
Astoria, Oreg	1.20
San Francisco, Calif	1.20
Stockton, Calif	1.20
Oakland, Calif	1.20

Terminal market—Continued	Rate per bushel
Los Angeles, Calif.	$1.20
Albany, N. Y.	1.28
Philadelphia, Pa.	1.28
Baltimore, Md.	1.28
New York, N. Y.	1.28
Norfolk, Va.	1.28

(2) In order to be eligible for loan or purchase at the support rates shown in the above schedule, the barley must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any barley shipped at other than the domestic interstate freight rate shall be reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) The support rate for barley which is shipped by rail or water and stored at any designated terminal market, and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 10 cents per bushel.

(5) The support rate for barley received by truck and stored at any designated terminal market, shall be the terminal rate minus 13½ cents per bushel.

(6) (i) Notwithstanding the foregoing provisions of this paragraph barley shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston and Houston, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma and Vancouver, Wash.
Superior, Wis.

(ii) Notwithstanding the foregoing provisions of this paragraph for barley received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction of 3½ cents per bushel from the terminal rate.

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for barley which is shipped by rail or water, and stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided*, That on any barley shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such barley to the point of storage: *And provided further*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehousemen and other required documents as set forth in § 421.3079.

(c) *Basic county support rates.* The following basic county support rates per bushel are established for barley of the Classes Barley, and Western Barley, grading No. 2 or better. Farm-storage loans and county warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the barley is stored: If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.01

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.49	Mohave	$0.49
Cochise	.89	Navajo	.49
Coconino	.49	Pima	.97
Gila	.68	Pinal	1.00
Graham	.82	Santa Cruz	.88
Greenlee	.75	Yavapai	.69
Maricopa	1.00	Yuma	1.02

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$0.94	Crittenden	$1.03
Clay	.97	Cross	1.00
Cleburne	.96	Fulton	.94
Craighead	.98	Greene	.97

ARKANSAS—continued

County	Rate per bushel	County	Rate per bushel
Independence	$0.95	Prairie	[illegible]
Jackson	.97	Randolph	.97
Lawrence	.97	St. Francis	[illegible]
Lee	1.00	Sharp	.94
Lonoke	.96	White	.97
Mississippi	.99	Woodruff	.97
Monroe	.96	All other counties	[illegible]
Phillips	.96		
Poinsett	.98		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.09	Placer	$1.07
Alpine	.92	Plumas	.92
Amador	1.09	Riverside	1.04
Butte	1.04	Sacramento	1.09
Calaveras	1.09	San Benito	1.06
Colusa	1.05	San Bernardino	1.07
Contra Costa	1.09	San Diego	1.08
El Dorado	1.06	San Joaquin	1.10
Fresno	1.05	San Luis Obispo	1.01
Glenn	1.03	San Mateo	[illegible]
Humboldt	.95	Santa Barbara	1.02
Imperial	1.00	Santa Clara	1.08
Inyo	.92	Santa Cruz	1.06
Kern	1.02	Shasta	[illegible]
Kings	1.05	Sierra	[illegible]
Lake	1.04	Siskiyou	[illegible]
Lassen	.90	Solano	[illegible]
Los Angeles	1.08	Sonoma	1.08
Madera	1.06	Stanislaus	[illegible]
Marin	1.09	Sutter	[illegible]
Mariposa	1.07	Tehama	1.01
Mendocino	1.02	Tulare	1.04
Merced	1.07	Tuolumne	1.09
Modoc	.84	Ventura	1.07
Mono	.90	Yolo	1.07
Monterey	1.04	Yuba	[illegible]
Napa	1.08		
Orange	1.07		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$0.85	Kit Carson	$0.87
Alamosa	.76	La Plata	[illegible]
Arapahoe	.85	Larimer	[illegible]
Archuleta	.69	Las Animas	.85
Baca	.86	Lincoln	[illegible]
Bent	.86	Logan	[illegible]
Boulder	.85	Mesa	[illegible]
Chaffee	.73	Moffat	[illegible]
Cheyenne	.87	Montezuma	.64
Conejos	.76	Montrose	[illegible]
Costilla	.76	Morgan	[illegible]
Crowley	.85	Otero	[illegible]
Custer	.80	Ouray	[illegible]
Delta	.69	Phillips	.87
Denver	.85	Pitkin	[illegible]
Dolores	.58	Prowers	.87
Douglas	.85	Pueblo	[illegible]
Eagle	.70	Rio Blanco	[illegible]
Elbert	.85	Rio Grande	.76
El Paso	.85	Routt	[illegible]
Fremont	.81	Saguache	.76
Garfield	.69	San Miguel	.61
Grand	.73	Sedgwick	.88
Huerfano	.83	Summit	.73
Jackson	.75	Washington	.85
Jefferson	.85	Weld	.85
Kiowa	.86	Yuma	.87

CONNECTICUT

County	Rate per bushel
All counties	[illegible]

DELAWARE

County	Rate per bushel
All counties	[illegible]

FLORIDA

County	Rate per bushel
All counties	1.04

GEORGIA

County	Rate per bushel
All counties	1.04

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.81	Bingham	[illegible]
Adams	.79	Blaine	[illegible]
Bannock	.71	Boise	.81
Bear Lake	.72	Bonner	[illegible]
Benewah	.90	Bonneville	[illegible]

IDAHO—continued

County	Rate per bushel	County	Rate per bushel
Boundary	$0.85	Kootenai	$0.89
Butte	.70	Latah	.90
Camas	.74	Lemhi	.70
Canyon	.82	Lewis	.88
Caribou	.72	Lincoln	.75
Cassia	.74	Madison	.70
Clark	.68	Minidoka	.75
Clearwater	.90	Nez Perce	.90
Custer	.70	Oneida	.70
Elmore	.79	Owyhee	.81
Franklin	.70	Payette	.83
Fremont	.70	Power	.73
Gem	.82	Shoshone	.87
Gooding	.77	Teton	.70
Idaho	.83	Twin Falls	.73
Jefferson	.70	Valley	.80
Jerome	.76	Washington	.83

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.98	Lee	$1.01
Alexander	1.01	Livingston	1.01
Bond	1.03	Logan	1.01
Boone	1.02	McDonough	.99
Brown	.99	McHenry	1.03
Bureau	1.01	McLean	1.01
Calhoun	1.02	Macon	1.01
Carroll	1.00	Macoupin	1.03
Cass	1.01	Madison	1.03
Champaign	1.01	Marion	1.01
Christian	1.01	Marshall	1.01
Clark	1.00	Mason	1.01
Clay	1.01	Massac	1.00
Clinton	1.03	Menard	1.01
Coles	1.01	Mercer	.99
Cook	1.04	Monroe	1.02
Crawford	.99	Montgomery	1.02
Cumberland	1.01	Morgan	1.01
De Kalb	1.03	Moultrie	1.01
De Witt	1.01	Ogle	1.02
Douglas	1.01	Peoria	1.01
Du Page	1.04	Perry	1.01
Edgar	1.01	Piatt	1.01
Edwards	.99	Pike	1.00
Effingham	1.01	Pope	.97
Fayette	1.01	Pulaski	1.01
Ford	1.01	Putnam	1.01
Franklin	1.01	Randolph	1.01
Fulton	1.00	Richland	1.00
Gallatin	.97	Rock Island	.99
Greene	1.03	St. Clair	1.03
Grundy	1.02	Saline	.97
Hamilton	1.00	Sangamon	1.01
Hancock	.98	Schuyler	1.00
Hardin	.94	Scott	1.01
Henderson	.98	Shelby	1.01
Henry	1.00	Stark	1.01
Iroquois	1.01	Stephenson	1.00
Jackson	1.01	Tazewell	1.01
Jasper	1.00	Union	1.01
Jefferson	1.01	Vermilion	1.01
Jersey	1.03	Wabash	.98
Jo Daviess	.99	Warren	.99
Johnson	.95	Washington	1.01
Kane	1.04	Wayne	.99
Kankakee	1.04	White	.97
Kendall	1.04	Whiteside	1.00
Knox	1.00	Will	1.04
Lake	1.04	Williamson	1.01
La Salle	1.02	Winnebago	1.01
Lawrence	1.00	Woodford	1.01

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.97	De Kalb	$0.97
Allen	.97	Delaware	.97
Bartholomew	.94	Dubois	.92
Benton	1.00	Elkhart	.99
Blackford	.98	Fayette	.95
Boone	.97	Floyd	.92
Brown	.94	Fountain	.98
Carroll	1.00	Franklin	.92
Cass	1.00	Fulton	1.00
Clark	.92	Gibson	.95
Clay	.96	Grant	.98
Clinton	.99	Greene	.95
Crawford	.92	Hamilton	.97
Daviess	.95	Hancock	.97
Dearborn	.92	Harrison	.92
Decatur	.94	Hendricks	.97
Henry	$0.97	Pike	$0.94
Howard	.99	Porter	1.03
Huntington	.97	Posey	.95
Jackson	.94	Pulaski	1.01
Jasper	1.03	Putnam	.97
Jay	.97	Randolph	.98
Jefferson	.92	Ripley	.92
Jennings	.93	Rush	.95
Johnson	.95	St. Joseph	.99
Knox	.95	Scott	.92
Kosciusko	.99	Shelby	.95
Lagrange	.98	Spencer	.89
Lake	1.04	Starke	1.01
La Porte	1.01	Steuben	.97
Lawrence	.95	Sullivan	.95
Madison	.98	Switzerland	.90
Marion	.96	Tippecanoe	.99
Marshall	.99	Tipton	.98
Martin	.94	Union	.95
Miami	.99	Vanderburg	.95
Monroe	.95	Vermillion	.98
Montgomery	.93	Vigo	.98
Morgan	.95	Wabash	.99
Newton	1.01	Warren	.99
Noble	.98	Warrick	.92
Ohio	.92	Washington	.92
Orange	.92	Wayne	.97
Owen	.95	Wells	.97
Parke	.98	White	1.02
Perry	.89	Whitley	.99

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.99	Jefferson	$0.95
Adams	1.00	Johnson	.97
Allamakee	.97	Jones	.97
Appanoose	.96	Keokuk	.95
Audubon	1.00	Kossuth	.97
Benton	.96	Lee	.98
Black Hawk	.96	Linn	.96
Boone	.98	Louisa	.97
Bremer	.96	Lucas	.97
Buchanan	.95	Lyon	.97
Buena Vista	.97	Madison	.97
Butler	.96	Mahaska	.94
Calhoun	.98	Marion	.96
Carroll	1.00	Marshall	.96
Cass	1.00	Mills	1.01
Cedar	.98	Mitchell	.98
Cerro Gordo	.98	Monona	1.01
Cherokee	.98	Monroe	.95
Chickasaw	.97	Montgomery	1.01
Clarke	.98	Muscatine	.97
Clay	.97	O'Brien	.97
Clayton	.96	Osceola	.97
Clinton	.98	Page	1.01
Crawford	1.01	Palo Alto	.97
Dallas	.98	Plymouth	.99
Davis	.96	Pocahontas	.97
Decatur	.96	Polk	.97
Delaware	.96	Pottawattamie	1.01
Des Moines	.97	Poweshiek	.94
Dickinson	.97	Ringgold	.96
Dubuque	.97	Sac	.98
Emmet	.98	Scott	.98
Fayette	.96	Shelby	1.01
Floyd	.98	Sioux	.98
Franklin	.96	Story	.97
Fremont	1.01	Tama	.95
Greene	.93	Taylor	.99
Grundy	.96	Union	.99
Guthrie	.99	Van Buren	.96
Hamilton	.96	Wapello	.95
Hancock	.97	Warren	.97
Hardin	.96	Washington	.96
Harrison	1.01	Wayne	.96
Henry	.96	Webster	.97
Howard	.98	Winnebago	.98
Humboldt	.96	Winneshiek	.97
Ida	.99	Woodbury	.99
Iowa	.95	Worth	.98
Jackson	.98	Wright	.96
Jasper	.96		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.99	Barton	$0.93
Anderson	1.00	Bourbon	1.00
Atchison	1.01	Brown	1.00
Barber	.93	Butler	.95
Chase	$0.97	Marion	$0.95
Chautauqua	.97	Marshall	.98
Cherokee	.98	Meade	.90
Cheyenne	.89	Miami	1.01
Clark	.90	Mitchell	.95
Clay	.96	Montgomery	.98
Cloud	.95	Morris	.96
Coffey	.93	Morton	.87
Comanche	.91	Nemaha	.99
Cowley	.95	Neosho	.99
Crawford	.99	Ness	.92
Decatur	.91	Norton	.93
Dickinson	.95	Osage	.99
Doniphan	.99	Osborne	.94
Douglas	1.01	Ottawa	.95
Edwards	.93	Pawnee	.93
Elk	.97	Phillips	.93
Ellis	.93	Pottawatomie	.90
Ellsworth	.94	Pratt	.93
Finney	.90	Rawlins	.90
Ford	.92	Reno	.94
Franklin	1.01	Republic	.95
Geary	.97	Rice	.94
Gove	.91	Riley	.98
Graham	.93	Rooks	.90
Grant	.89	Rush	.93
Gray	.90	Russell	.93
Greeley	.89	Saline	.95
Greenwood	.97	Scott	.90
Hamilton	.89	Sedgwick	.95
Harper	.94	Seward	.89
Harvey	.95	Shawnee	1.00
Haskell	.90	Sheridan	.91
Hodgeman	.92	Sherman	.89
Jackson	1.00	Smith	.94
Jefferson	1.01	Stafford	.93
Jewell	.95	Stanton	.88
Johnson	1.01	Stevens	.88
Kearny	.89	Sumner	.95
Kingman	.94	Thomas	.90
Kiowa	.93	Trego	.93
Labette	.98	Wabaunsee	.96
Lane	.91	Wallace	.89
Leavenworth	1.01	Washington	.96
Lincoln	.94	Wichita	.89
Linn	1.00	Wilson	.98
Logan	.90	Woodson	.99
Lyon	.93	Wyandotte	1.01
McPherson	.94		

KENTUCKY

All counties $0.99

LOUISIANA

All counties $0.92

MAINE

All counties $1.05

MARYLAND

All counties $1.05

MASSACHUSETTS

All counties $1.06

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.85	Eaton	$0.96
Alger	.89	Emmet	.84
Allegan	.96	Genesee	.95
Alpena	.84	Gladwin	.92
Antrim	.85	Gogebic	.96
Arenac	.90	Grand Traverse	.89
Baraga	.94	Gratiot	.95
Barry	.96	Hillsdale	.96
Bay	.94	Houghton	.90
Benzie	.94	Huron	.91
Berrien	.99	Ingham	.96
Branch	.97	Ionia	.95
Calhoun	.97	Iosco	.86
Cass	.99	Iron	.90
Charlevoix	.85	Isabella	.93
Cheboygan	.84	Jackson	.96
Chippewa	.86	Kalamazoo	.99
Clare	.94	Kalkaska	.85
Clinton	.95	Kent	.95
Crawford	.86	Keweenaw	.90
Delta	.91	Lake	.91
Dickinson	.92		

MICHIGAN—continued

County	Rate per bushel	County	Rate per bushel
Lapeer	$0.95	Oceana	$0.91
Leelanau	.86	Ogemaw	.92
Lenawee	.96	Ontonagon	.89
Livingston	.96	Osceola	.91
Luce	.83	Oscoda	.92
Mackinac	.86	Otsego	.85
Macomb	.96	Ottawa	.96
Manistee	.91	Presque Isle	.84
Marquette	.91	Roscommon	.86
Mason	.90	Saginaw	.95
Mecosta	.91	St. Clair	.95
Menominee	.93	St. Joseph	.99
Midland	.94	Sanilac	.93
Missaukee	.90	Schoolcraft	.89
Monroe	.96	Shiawassee	.96
Montcalm	.93	Tuscola	.93
Montmorency	.84	Van Buren	.98
Muskegon	.93	Washtenaw	.96
Newaygo	.93	Wayne	.96
Oakland	.95	Wexford	.91

MINNESOTA

Aitkin	$1.02	Martin	$0.98
Anoka	1.02	Meeker	1.02
Becker	.96	Mille Lacs	1.02
Beltrami	.96	Morrison	1.00
Benton	1.01	Mower	.99
Big Stone	.97	Murray	.97
Blue Earth	1.00	Nicollet	1.02
Brown	1.00	Nobles	.96
Carlton	1.03	Norman	.95
Carver	1.02	Olmsted	1.00
Cass	.99	Otter Tail	.98
Chippewa	.99	Pennington	.94
Chisago	1.02	Pine	1.01
Clay	.96	Pipestone	.97
Clearwater	.96	Polk	.94
Cottonwood	.98	Pope	.99
Crow Wing	1.00	Ramsey	1.02
Dakota	1.02	Red Lake	.95
Dodge	1.00	Redwood	1.00
Douglas	.99	Renville	1.00
Faribault	.98	Rice	1.02
Fillmore	.98	Rock	.96
Freeborn	1.00	Roseau	.93
Goodhue	1.01	St. Louis	1.01
Grant	.98	Scott	1.02
Hennepin	1.02	Sherburne	1.02
Houston	.98	Sibley	1.02
Hubbard	.97	Stearns	1.01
Isanti	1.02	Steele	1.00
Itasca	1.00	Stevens	.98
Jackson	.97	Swift	.99
Kanabec	1.01	Todd	.99
Kandiyohi	1.01	Traverse	.97
Kittson	.92	Wabasha	1.01
Koochiching	.93	Wadena	.99
Lac qui Parle	.97	Waseca	1.00
Lake of the Woods	.94	Washington	1.02
Le Sueur	1.02	Watonwan	.99
Lincoln	.97	Wilkin	.97
Lyon	.98	Winona	1.00
McLeod	1.02	Wright	1.02
Mahnomen	.95	Yellow Medicine	.99
Marshall	.94		

MISSISSIPPI

All counties $1.01

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.97	Cape Girardeau	$0.99
Andrew	1.00	Carroll	1.00
Atchison	1.00	Carter	.90
Audrain	1.00	Cass	1.01
Barry	.97	Cedar	1.00
Barton	.99	Chariton	.99
Bates	1.01	Christian	.97
Benton	.99	Clark	.99
Bollinger	.99	Clay	1.01
Boone	.99	Clinton	1.01
Buchanan	1.01	Cole	.98
Butler	.97	Cooper	.98
Caldwell	1.01	Crawford	1.01
Callaway	1.00	Dade	.98
Camden	.97		

MISSOURI—continued

County	Rate per bushel	County	Rate per bushel
Dallas	$0.96	Nodaway	$0.99
Daviess	1.00	Oregon	.93
De Kalb	1.01	Osage	.99
Dent	.99	Ozark	.92
Douglas	.94	Pemiscot	.97
Dunklin	.97	Perry	1.01
Franklin	1.03	Pettis	.99
Gasconade	1.01	Phelps	1.00
Gentry	.99	Pike	1.00
Greene	.97	Platte	1.01
Grundy	.99	Polk	.98
Harrison	.98	Pulaski	.98
Henry	1.01	Putnam	.97
Hickory	.99	Ralls	1.00
Holt	.99	Randolph	.99
Howard	.99	Ray	1.01
Howell	.91	Reynolds	.97
Iron	1.01	Ripley	.97
Jackson	1.01	Saint Charles	1.04
Jasper	.98	Saint Clair	1.00
Jefferson	1.04	Saint Francois	1.01
Johnson	1.01	Sainte Genevieve	1.02
Knox	.98	Saint Louis	1.04
Laclede	.97	Saline	1.00
Lafayette	1.01	Schuyler	.96
Lawrence	.97	Scotland	.98
Lewis	.99	Scott	.98
Lincoln	1.03	Shannon	.90
Linn	.98	Shelby	.99
Livingston	1.00	Stoddard	.98
McDonald	.97	Stone	.96
Macon	.97	Sullivan	.98
Madison	1.00	Taney	.95
Maries	1.00	Texas	.94
Marion	1.00	Vernon	1.00
Mercer	.98	Warren	1.04
Miller	.97	Washington	1.02
Mississippi	.97	Wayne	.98
Moniteau	.97	Webster	.95
Monroe	.99	Worth	.98
Montgomery	1.01	Wright	.94
Morgan	.98		
New Madrid	.97		
Newton	.97		

MONTANA

Beaverhead	$0.66	Madison	$0.75
Big Horn	.72	Meagher	.75
Blaine	.72	Mineral	.79
Broadwater	.75	Missoula	.79
Carbon	.72	Musselshell	.74
Carter	.80	Park	.75
Cascade	.75	Petroleum	.75
Chouteau	.75	Phillips	.77
Custer	.79	Pondera	.75
Daniels	.77	Powder River	.77
Dawson	.80	Powell	.75
Deer Lodge	.75	Prairie	.79
Fallon	.80	Ravalli	.76
Fergus	.75	Richland	.80
Flathead	.79	Roosevelt	.80
Gallatin	.75	Rosebud	.75
Garfield	.78	Sanders	.80
Glacier	.76	Sheridan	.79
Golden Valley	.74	Silver Bow	.75
Granite	.76	Stillwater	.74
Hill	.75	Sweet Grass	.75
Jefferson	.75	Teton	.75
Judith Basin	.75	Toole	.75
Lake	.79	Treasure	.74
Lewis and Clark	.75	Valley	.76
Liberty	.75	Wheatland	.75
Lincoln	.81	Wibaux	.81
McCone	.78	Yellowstone	.74

NEBRASKA

Adams	$0.96	Butler	$1.01
Antelope	.97	Cass	1.01
Arthur	.89	Cedar	.97
Banner	.85	Chase	.89
Blaine	.93	Cherry	.91
Boone	.99	Cheyenne	.86
Box Butte	.89	Clay	.97
Boyd	.95	Colfax	1.01
Brown	.93	Cuming	1.01
Buffalo	.97	Custer	.95
Burt	1.01	Dakota	.99

NEBRASKA—continued

County	Rate per bushel	County	Rate per bushel
Dawes	$0.86	McPherson	[illegible]
Dawson	.95	Madison	[illegible]
Deuel	.88	Merrick	[illegible]
Dixon	.99	Morrill	[illegible]
Dodge	1.01	Nance	[illegible]
Douglas	1.01	Nemaha	[illegible]
Dundy	.89	Nuckolls	.97
Fillmore	.99	Otoe	1.01
Franklin	.95	Pawnee	[illegible]
Frontier	.93	Perkins	[illegible]
Furnas	.93	Phelps	[illegible]
Gage	1.00	Pierce	[illegible]
Garden	.89	Platte	[illegible]
Garfield	.96	Polk	[illegible]
Gosper	.94	Redwillow	[illegible]
Grant	.89	Richardson	[illegible]
Greeley	.98	Rock	[illegible]
Hall	.97	Saline	[illegible]
Hamilton	.99	Sarpy	1.01
Harlan	.94	Saunders	1.01
Hayes	.90	Scotts Bluff	[illegible]
Hitchcock	.91	Seward	[illegible]
Holt	.96	Sheridan	[illegible]
Hooker	.91	Sherman	[illegible]
Howard	.97	Sioux	[illegible]
Jefferson	.99	Stanton	[illegible]
Johnson	1.00	Thayer	[illegible]
Kearney	.95	Thomas	[illegible]
Keith	.89	Thurston	[illegible]
Keya Paha	.93	Valley	[illegible]
Kimball	.85	Washington	[illegible]
Knox	.96	Wayne	.97
Lancaster	1.01	Webster	[illegible]
Lincoln	.92	Wheeler	[illegible]
Logan	.93	York	[illegible]
Loup	.95		

NEVADA

All counties [illegible]

NEW HAMPSHIRE

All counties [illegible]

NEW JERSEY

All counties [illegible]

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$0.74	Mora	[illegible]
Catron	.67	Otero	[illegible]
Chaves	.92	Quay	[illegible]
Colfax	.79	Rio Arriba	[illegible]
Curry	.95	Roosevelt	[illegible]
De Baca	.91	Sandoval	[illegible]
Dona Ana	.74	San Juan	[illegible]
Eddy	.91	San Miguel	[illegible]
Grant	.74	Santa Fe	[illegible]
Guadalupe	.87	Sierra	[illegible]
Harding	.80	Socorro	[illegible]
Hidalgo	.85	Taos	[illegible]
Lea	.95	Torrance	[illegible]
Lincoln	.85	Union	[illegible]
Luna	.85	Valencia	[illegible]
McKinley	.62		

NEW YORK

All counties [illegible]

NORTH CAROLINA

All counties [illegible]

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.85	Foster	[illegible]
Barnes	.93	Golden Valley	[illegible]
Benson	.90	Grand Forks	[illegible]
Billings	.85	Grant	[illegible]
Bottineau	.86	Griggs	[illegible]
Bowman	.84	Hettinger	[illegible]
Burke	.85	Kidder	[illegible]
Burleigh	.89	La Moure	[illegible]
Cass	.94	Logan	[illegible]
Cavalier	.90	McHenry	[illegible]
Dickey	.93	McIntosh	[illegible]
Divide	.84	McKenzie	[illegible]
Dunn	.85	McLean	[illegible]
Eddy	.91	Mercer	[illegible]
Emmons	.89	Morton	[illegible]

NORTH DAKOTA—continued

County	Rate per bushel	County	Rate per bushel
Mountrail	$0.86	Sioux	$0.87
Nelson	.91	Slope	.82
Oliver	.87	Stark	.85
Pembina	.91	Steele	.94
Pierce	.89	Stutsman	.92
Ramsey	.91	Towner	.89
Ransom	.94	Traill	.94
Renville	.86	Walsh	.91
Richland	.96	Ward	.86
Rolette	.88	Wells	.90
Sargent	.94	Williams	.84
Sheridan	.89		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.95	Licking	$0.97
Allen	.97	Logan	.96
Ashland	.98	Lorain	.98
Ashtabula	1.00	Lucas	.97
Athens	.97	Madison	.96
Auglaize	.97	Mahoning	1.00
Belmont	.98	Marion	.97
Brown	.95	Medina	.98
Butler	.95	Meigs	.95
Carroll	.98	Mercer	.97
Champaign	.95	Miami	.97
Clark	.95	Monroe	.98
Clermont	.95	Montgomery	.95
Clinton	.95	Morgan	.98
Columbiana	.99	Morrow	.97
Coshocton	.98	Muskingum	.98
Crawford	.97	Noble	.98
Cuyahoga	.98	Ottawa	.97
Darke	.99	Paulding	.97
Defiance	.97	Perry	.97
Delaware	.97	Pickaway	.96
Erie	.97	Pike	.95
Fairfield	.97	Portage	.98
Fayette	.95	Preble	.95
Franklin	.97	Putnam	.97
Fulton	.96	Richland	.98
Gallia	.95	Ross	.96
Geauga	1.01	Sandusky	.97
Greene	.95	Scioto	.95
Guernsey	.98	Seneca	.97
Hamilton	.95	Shelby	.97
Hancock	.97	Stark	.98
Hardin	.97	Summit	.98
Harrison	.98	Trumbull	1.00
Henry	.97	Tuscarawas	.98
Highland	.95	Union	.97
Hocking	.97	Van Wert	.97
Holmes	.98	Vinton	.97
Huron	.97	Warren	.95
Jackson	.95	Washington	.98
Jefferson	.99	Wayne	.98
Knox	.97	Williams	.97
Lake	.99	Wood	.97
Lawrence	.95	Wyandot	.97

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$0.93	Harmon	$0.93
Alfalfa	.92	Harper	.89
Atoka	.93	Haskell	.93
Beaver	.90	Hughes	.93
Beckham	.93	Jackson	.93
Blaine	.93	Jefferson	.93
Bryan	.93	Johnston	.93
Caddo	.93	Kay	.93
Canadian	.93	Kingfisher	.93
Carter	.93	Kiowa	.93
Cherokee	.94	Latimer	.93
Choctaw	.93	Le Flore	.93
Cimarron	.87	Lincoln	.93
Cleveland	.93	Logan	.93
Coal	.93	Love	.93
Comanche	.93	McClain	.93
Cotton	.93	McCurtain	.93
Craig	.97	McIntosh	.93
Creek	.93	Major	.92
Custer	.93	Marshall	.93
Delaware	.97	Mayes	.96
Dewey	.92	Murray	.93
Ellis	.91	Muskogee	.93
Garfield	.92	Noble	.93
Garvin	.93	Nowata	.98
Grady	.93	Okfuskee	.93
Grant	.93	Oklahoma	.93
Greer	.93	Okmulgee	.93

OKLAHOMA—continued

County	Rate per bushel	County	Rate per bushel
Osage	$0.94	Sequoyah	$0.93
Ottawa	.97	Stephens	.93
Pawnee	.93	Texas	.88
Payne	.93	Tillman	.93
Pittsburg	.93	Tulsa	.95
Pontotoc	.93	Wagoner	.95
Pottawatomie	.93	Washington	.97
Pushmataha	.93	Washita	.93
Roger Mills	.92	Woods	.92
Rogers	.96	Woodward	.92
Seminole	.93		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.88	Lake	$0.81
Benton	1.03	Lane	1.01
Clackamas	1.06	Lincoln	.98
Clatsop	1.03	Linn	1.03
Columbia	1.05	Malheur	.82
Coos	.95	Marion	1.06
Crook	1.02	Morrow	1.02
Curry	.93	Multnomah	1.07
Deschutes	1.02	Polk	1.05
Douglas	.96	Sherman	1.04
Gilliam	1.03	Tillamook	1.08
Grant	1.02	Umatilla	.96
Harney	.77	Union	.86
Hood River	1.07	Wallowa	.87
Jackson	.91	Wasco	1.07
Jefferson	1.03	Washington	1.08
Josephine	.91	Wheeler	1.02
Klamath	.90	Yamhill	1.06

PENNSYLVANIA

All counties $1.05

RHODE ISLAND

All counties $1.05

SOUTH CAROLINA

All counties $1.05

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.93	Jackson	$0.85
Beadle	.94	Jerauld	.93
Bennett	.89	Jones	.87
Bon Homme	.96	Kingsbury	.95
Brookings	.96	Lake	.95
Brown	.94	Lawrence	.82
Brule	.93	Lincoln	.97
Buffalo	.93	Lyman	.90
Butte	.82	McCook	.95
Campbell	.90	McPherson	.92
Charles Mix	.94	Marshall	.94
Clark	.95	Meade	.83
Clay	.98	Mellette	.90
Codington	.96	Miner	.95
Corson	.87	Minnehaha	.96
Custer	.84	Moody	.96
Davison	.95	Pennington	.83
Day	.95	Perkins	.85
Deuel	.96	Potter	.90
Dewey	.86	Roberts	.95
Douglas	.95	Sanborn	.93
Edmunds	.92	Shannon	.88
Fall River	.84	Spink	.94
Faulk	.92	Stanley	.89
Grant	.96	Sully	.89
Gregory	.94	Todd	.91
Haakon	.85	Tripp	.92
Hamlin	.96	Turner	.96
Hand	.93	Union	.99
Hanson	.95	Walworth	.90
Harding	.84	Washabaugh	.85
Hughes	.91	Yankton	.97
Hutchinson	.95	Ziebach	.84
Hyde	.91		

TENNESSEE

Shelby $1.02
All other counties 1.01

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$1.08	Bandera	$1.04
Archer	.97	Baylor	.97
Armstrong	.97	Bee	1.08
Atascosa	1.05	Bell	1.06
Austin	1.13	Bexar	1.07
Bailey	.97	Blanco	1.07

TEXAS—continued

County	Rate per bushel	County	Rate per bushel
Borden	$0.97	Hudspeth	$0.87
Bosque	1.05	Hunt	1.04
Bowie	1.01	Hutchinson	.95
Brazoria	1.14	Irion	.91
Brazos	1.11	Jack	1.00
Brewster	.88	Jackson	1.10
Brisco	.97	Jasper	1.10
Brown	1.02	Jeff Davis	.87
Burleson	1.11	Jefferson	1.12
Burnet	1.08	Jim Wells	1.06
Callahan	.99	Johnson	1.06
Cameron	1.00	Jones	.97
Camp	1.03	Karnes	1.08
Carson	.97	Kaufman	1.05
Cass	1.02	Kendall	1.04
Castro	.97	Kenedy	1.03
Chambers	1.11	Kent	.97
Cherokee	1.09	Kerr	1.03
Childress	.97	Kimble	1.01
Clay	.99	King	.97
Cochran	.97	Kinney	1.00
Coke	.97	Knox	.97
Coleman	1.00	Lamar	1.00
Collin	1.04	Lamb	.97
Collingsworth	.97	Lampasas	1.06
Comal	1.09	Leon	1.09
Comanche	1.02	Liberty	1.13
Concho	1.00	Limestone	1.09
Cooke	1.00	Lipscomb	.93
Coryell	1.06	Live Oak	1.08
Cottle	.97	Llano	1.05
Crane	.92	Loving	.88
Crockett	.91	Lubbock	.97
Crosby	.97	Lynn	.97
Dallam	.94	McCulloch	1.02
Dallas	1.04	McLennan	1.06
Dawson	.97	Madison	1.11
Deaf Smith	.97	Marion	1.03
Delta	1.01	Martin	.96
Denton	1.04	Mason	1.02
De Witt	1.09	Medina	1.04
Dickens	.97	Menard	1.00
Donley	.97	Midland	.96
Eastland	1.01	Milam	1.10
Ector	.95	Mills	1.06
Edwards	.96	Mitchell	.97
Ellis	1.06	Montague	.99
El Paso	.87	Montgomery	1.13
Erath	1.02	Moore	.94
Falls	1.09	Morris	1.03
Fannin	1.01	Motley	.97
Fayette	1.11	Nacogdoches	1.08
Fisher	.97	Navarro	1.07
Floyd	.97	Newton	1.10
Foard	.97	Nolan	.97
Ford Bend	1.14	Ochiltree	.93
Franklin	1.03	Oldham	.97
Freestone	1.08	Orange	1.11
Gaines	.97	Palo Pinto	1.01
Garza	.97	Panola	1.05
Gillespie	1.03	Parker	1.03
Goliad	1.09	Parmer	.96
Gonzales	1.09	Pecos	.88
Gray	.97	Polk	1.12
Grayson	1.01	Potter	.97
Gregg	1.04	Presidio	.87
Grimes	1.12	Rains	1.01
Guadalupe	1.09	Randall	.97
Hale	.97	Reagan	.91
Hall	.97	Red River	.99
Hamilton	1.03	Reeves	.88
Hansford	.94	Roberts	.95
Hardeman	.97	Robertson	1.09
Hardin	1.11	Rockwall	1.04
Harris	1.14	Runnels	.99
Harrison	1.04	Rusk	1.05
Hartley	.94	Sabine	1.08
Haskell	.97	San Augustine	1.08
Hays	1.09	San Jacinto	1.13
Hemphill	.95	San Saba	1.02
Henderson	1.06	Schleicher	.92
Hidalgo	1.00	Scurry	.97
Hill	1.07	Shackelford	.98
Hockley	.97	Shelby	1.08
Hood	1.03	Sherman	.94
Hopkins	1.01	Smith	1.05
Houston	1.11	Somervell	1.03
Howard	.97	Starr	.99

TEXAS—continued

County	Rate per bushel	County	Rate per bushel
Stephens	$0.99	Van Zandt	$1.01
Sterling	.92	Victoria	1.10
Stonewall	.97	Walker	1.12
Sutton	.91	Waller	1.14
Swisher	.97	Ward	.92
Tarrant	1.05	Washington	1.12
Taylor	.98	Wharton	1.13
Terrell	.91	Wheeler	.97
Terry	.97	Wichita	.98
Throckmorton	.98	Wilbarger	.97
Titus	1.03	Willacy	1.00
Tom Green	.97	Williamson	1.09
Travis	1.09	Wilson	1.08
Trinity	1.12	Winkler	.95
Tyler	1.10	Wise	1.01
Upshur	1.04	Wood	1.02
Upton	.89	Yoakum	.97
Uvalde	1.03	Young	1.00
Val Verde	.97		

UTAH

All counties $0.77

VERMONT

All counties $1.05

VIRGINIA

All counties $1.05

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.92	Lewis	$1.03
Asotin	.90	Lincoln	.91
Benton	.97	Mason	.98
Chelan	.95	Okanogan	.90
Clallam	.88	Pacific	.98
Clark	1.08	Pend Oreille	.88
Columbia	.95	Pierce	1.07
Cowlitz	1.06	San Juan	1.04
Douglas	.90	Skagit	1.04
Ferry	.83	Skamania	1.07
Franklin	.94	Snohomish	1.05
Garfield	.95	Spokane	.91
Grant	.92	Stevens	.87
Grays Harbor	1.00	Thurston	1.03
Island	1.05	Wahkiakum	1.06
Jefferson	.97	Walla Walla	.96
King	1.07	Whatcom	1.02
Kitsap	.97	Whitman	.91
Kittitas	.98	Yakima	.97
Klickitat	1.04		

WEST VIRGINIA

All counties $1.02

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Kewaunee	$0.95
Ashland	.99	LaCrosse	.97
Barron	.99	Lafayette	.97
Bayfield	.99	Langlade	.94
Brown	.97	Lincoln	.93
Buffalo	1.00	Manitowoc	.98
Burnett	1.02	Marathon	.96
Calumet	.98	Marinette	.94
Chippewa	.99	Marquette	.97
Clark	.96	Milwaukee	1.04
Columbia	.98	Monroe	.96
Crawford	.96	Oconto	.95
Dane	.99	Oneida	.92
Dodge	.99	Outagamie	.97
Door	.94	Ozaukee	1.00
Douglas	1.02	Pepin	1.01
Dunn	1.00	Pierce	1.02
Eau Claire	1.00	Polk	1.02
Florence	.92	Portage	.96
Fond Du Lac	.99	Price	.97
Forest	.94	Racine	1.04
Grant	.96	Richland	.97
Green	.99	Rock	1.00
Green Lake	.97	Rusk	.99
Iowa	.97	St. Croix	1.02
Iron	.97	Sauk	.97
Jackson	.98	Sawyer	1.00
Jefferson	1.00	Shawano	.96
Juneau	.97	Sheboygan	.99
Kenosha	1.04	Taylor	.97

WISCONSIN—continued

County	Rate per bushel	County	Rate per bushel
Trempealeau	$0.98	Waukesha	$1.00
Vernon	.96	Waupaca	.96
Vilas	.92	Waushara	.97
Walworth	1.01	Winnebago	.98
Washburn	1.00	Wood	.96
Washington	1.00		

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$0.80	Natrona	$0.74
Big Horn	.72	Niobrara	.82
Campbell	.78	Park	.71
Carbon	.75	Platte	.82
Converse	.77	Sheridan	.76
Crook	.79	Sublette	.69
Fremont	.72	Sweetwater	.69
Goshen	.85	Teton	.70
Hot Springs	.72	Uinta	.69
Johnson	.76	Washakie	.72
Laramie	.85	Weston	.81
Lincoln	.69		

(d) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, and for No. 4, 6 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the Classes Barley, and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky."

(e) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the barley crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the barley complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the barley is stored determines that State, district of county weed control laws, as administered, affect barley stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the barley complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ______ issued to __________ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

____
(Signature)

____
(Address)

____
(Date)

§ 421.3084 *Warehouse charges.* (a) Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges is not to exceed the Uniform Grain Storage Agreement rates from the date the barley is deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, 1959, March 10, 1959, or April 30, 1959, the applicable date to be determined in accordance with § 421.3082, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading-out charges have been prepaid through February 28, 1959, March 10, 1959, or April 30, 1959, the applicable date to be determined in accordance with § 421.3082.

Amount of deduction (cents per bushel)	For States having a maturity date not later than Apr. 30, 1959; date of deposit (all dates inclusive)	For States having a maturity date not later than Feb. 28, 1959; date of deposit (all dates inclusive)	For States having a maturity date not later than Mar. 10, 1959; date of deposit (all dates inclusive)
16	Prior to May 25, 1958		
15	May 25–June 15, 1958		
14	June 16–July 7, 1958	Prior to May 8, 1958	Prior to May 18, 1958.
13	July 8–July 29, 1958	May 8–May 29, 1958	May 18–June 8, 1958.
12	July 30–Aug. 20, 1958	May 30–June 20, 1958	June 9–June 30, 1958.
11	Aug. 21–Sept. 11, 1958	June 21–July 12, 1958	July 1–July 22, 1958.
10	Sept. 12–Oct. 3, 1958	July 13–Aug. 3, 1958	July 23–Aug. 13, 1958.
9	Oct. 4–Oct. 25, 1958	Aug. 4–Aug. 25, 1958	Aug. 14–Sept. 4, 1958.
8	Oct. 26–Nov. 16, 1958	Aug. 26–Sept. 16, 1958	Sept. 5–Sept. 26, 1958.
7	Nov. 17–Dec. 8, 1958	Sept. 17–Oct. 8, 1958	Sept. 27–Oct. 18, 1958.
6	Dec. 9–Dec. 30, 1958	Oct. 9–Oct. 30, 1958	Oct. 19–Nov. 9, 1958.
5	Dec. 31, 1958–Jan. 21, 1959	Oct. 31–Nov. 21, 1958	Nov. 10–Dec. 1, 1958.
4	Jan. 22–Feb. 12, 1959	Nov. 22–Dec. 13, 1958	Dec. 2–Dec. 23, 1958.
3	Feb. 13–Mar. 6, 1959	Dec. 14, 1958–Jan. 4, 1959	Dec. 24, 1958–Jan. 14, 1959.
2	Mar. 7–Mar. 28, 1959	Jan. 5–Jan. 26, 1959	Jan. 15–Feb. 5, 1959.
1	Mar. 29–Apr. 30, 1959	Jan. 27–Feb. 28, 1959	Feb. 6–Mar. 10, 1959.

(b) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 28, 1960, or April 30, 1959, whichever date is applicable to the point of storage as determined in accordance with § 421.3082, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.3085 *Inspection of barley under purchase agreement*—(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his barley stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the barley and obtain a sample of the barley and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the barley. If the barley, on the basis of the predelivery inspection, is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for the delivery. The producer whose barley is stored in other than an approved warehouse and whose barley is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his barley is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the barley or otherwise take action to make the barley eligible and insists upon delivery of the barley, the county office shall issue delivery instructions. The producer shall be further informed that if such barley, upon delivery and before purchase, does not meet the eligibility requirements of § 421.3078 (c) (1) and (2) as determined on the basis of sample taken at the time of delivery, the barley shall not be accepted for purchase by CCC. A predelivery inspection shall not be made on barley stored commingled in warehouses not approved for storage or on barley in an unapproved warehouse which is stored so that the identity of the producer's barley is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such barley at the time of delivery must meet the eligibility requirements of § 421.3078 (c) (1) and (2).

(b) *Inspection of barley stored by producer, after maturity date.* The producer may be required to retain the barley stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the barley covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for barley which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the barley is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the barley is going out of condition or is in danger of going out of condition and that the barley cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3086 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible barley delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of barley eligible for delivery. If upon delivery, the barley under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the barley delivered, as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That, if, upon delivery, such barley contains mercurial compounds or other substances poisonous to man or animals, the barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial use where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell the barley for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible barley under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for barley delivered to CCC from farm-storage meeting the eligibility requirements of § 421.3078 (c) (1) and (2) as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If barley which was determined to be eligible at the time of the predelivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible barley as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the barley determined by the predelivery inspection and the market price of the barley delivered, as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, the barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such barley for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible barley stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of barley he elects to sell to CCC. Settlement for eligible barley delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse storage.* The county office will issue instructions on or after the loan maturity date for delivery of barley in a

warehouse not approved for storage which is stored commingled, or which is stored so that the identity of the producer's barley is maintained but a predelivery inspection is not possible where the producer has properly given the county office written notice of his intent to sell such barley to CCC. Settlement for such barley delivered to CCC which meets the eligibility requirements of § 421.3078 (c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's barley can be made, the provisions of § 421.3085 shall apply and settlement will be the same as for barley delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Barley ineligible for delivery, inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of barley ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Barley which was of an ineligible grade or quality both at the time of the predelivery inspection and at the time of the delivery as redetermined by a reinspection; (*b*) Barley of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) Barley in a warehouse not approved for storage which is stored commingled or stored so that the identity of the producer's barley is maintained but a predelivery inspection is not possible, and which at the time of the delivery does not meet the eligibility requirements of § 421.3078 (c) (1) and (2). The settlement value shall be the market price for the grade, quality and quantity of such ineligible barley delivered as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, such barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such barley for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery. If barley delivered is of an eligible grade and quality but in excess of the maximum stated in the purchase agreement and such barley is inadvertently accepted by CCC the settlement value shall be the sales price if the barley is immediately sold. If the barley is not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Applicable support rate for settlement of loans and purchase agreements.*

(1) In the case of barley stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(2) In the case of barley delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If the producer is directed to deliver his barley to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(c) *Storage deduction for early delivery.* No deductions for storage shall be made for farm-stored barley under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3084.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading-out charges on barley under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement: *Provided,* The producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Storage payment where CCC is unable to take delivery of barley stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain barley stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such barley within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the barley to CCC: *Provided, however,* That a storage payment shall be paid a producer whose barley is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intentions to sell the barley to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00045 per bushel a day for the barley accepted for sale or delivery to CCC.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on barley delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his barley to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the barley any distance greater than the distance from the point where the barley is stored by the producer to the customary shipping point: *Provided,* That if the producer is directed to deliver his barley to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of barley under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 15th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3771; Filed, May 21, 1958;
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[1958 C. C. C. Grain Price Support Bulletin
1, Supp. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958-crop of rye. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and related commodities produced in 1958 is supplemented as follows:

Sec.
421.3376 Purpose.
421.3377 Availability of price support.

Sec.
421.3378 Eligible rye.
421.3379 Warehouse receipts.
421.3380 Determination of quantity.
421.3381 Determination of quality.
421.3382 Maturity of loans.
421.3383 Support rates.
421.3384 Warehouse charges.
421.3385 Inspection of rye under purchase agreement.
421.3386 Settlement.

AUTHORITY: §§ 421.3376 to 421.3386 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.3376 *Purpose.* Sections 421.3376 to 421.3386 state additional specific requirements which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020) apply to loans and purchase agreements under the 1958-crop rye price support program.

§ 421.3377 *Availability of price support.* (a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof, producing rye in 1958 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible rye harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.3378 *Eligible rye.* Rye to be eligible for price support must meet all of the applicable requirements set forth in this section.

(a) The rye must have been produced in the continental United States in 1958 by an eligible producer.

(b) At the time the rye is placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the rye must be in the eligible producer tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rye was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Rye, at the time it is placed under loan, and rye under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better.

(2) Rye grading Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, or Weevily, or containing in excess of 1 percent ergot, or containing mercurial compounds or other substances poisonous to man or animals, shall not be eligible, except that rye represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On rye grading 'Tough' delivery will be made of the same country-run quality, quantity, and grade, not tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.3385 (a), rye under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.3385 (a) and the rye on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraphs (c) (1) and (2) of this section.

§ 421.3379 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must indicate that the rye is insured, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight or bushels, (ii) grade (including special grades), (iii) percentage of ergot for rye containing in excess of $^3/_{10}$ of 1 percent of ergot, (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade and (vii) whether the rye arrived by rail, truck or barge. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has furnished a statement as provided in § 421.3378 (c) (2), the supplemental certificate must show the numerical grade and the grading factors of the rye to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3384.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

(f) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local official when required by State law.

§ 421.3380 *Determination of quantity.* (a) The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 421.3381 *Determination of quality.* (a) The grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 421.3382 *Maturity of loans.* Loans mature on demand but not later than February 28, 1959, in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1959, in all other States. The maturity date for a loan shall be the maturity date for the State where the rye is stored.

§ 421.3383 *Support rates.* Basic support rates for rye placed under loan and for rye delivered under purchase agreement are set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	*Rate per bushel*
Omaha, Nebr	$1.34
Sioux City, Iowa	1.34
Duluth, Minn	1.34
Minneapolis, Minn	1.34
Saint Paul, Minn	1.34
Superior, Wis	1.34
Atchison, Kans	1.37
Kansas City, Mo	1.37
St. Joseph, Mo	1.37
Chicago, Ill	1.41
Milwaukee, Wis	1.41
Memphis, Tenn	1.42
St. Louis, Mo	1.42
Galveston, Tex	1.42
Houston, Tex	1.42
Los Angeles, Calif	1.46
San Francisco, Calif	1.46
Stockton, Calif	1.46
Astoria, Oreg	1.47
Longview, Wash	1.47
Portland, Oreg	1.47
Seattle, Wash	1.47
Tacoma, Wash	1.47
Vancouver, Wash	1.47
Albany, N. Y	1.56
Baltimore, Md	1.56
New York, N. Y	1.56
Norfolk, Va	1.56
Philadelphia, Pa	1.56

(2) In order for rye to be eligible for loan or purchase at the support rates shown in the above schedule, the rye must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any rye shipped at other than the domestic interstate freight rate shall be reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) The support rate for rye which is shipped by rail or water and stored at any designated terminal market, and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall be equal to the applicable terminal rate minus 12 cents per bushel.

(5) The support rate for rye received by truck and stored at any designated terminal market shall be determined by making a deduction from the applicable terminal rate as follows:

Terminal located in:	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	16½
Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wis)	16½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior)	17
Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia	19
Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee	18

(6) (i) Notwithstanding the foregoing provisions of this paragraph the support rate for rye shipped by rail or water and stored at any of the following terminal markets for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall be equal to the applicable terminal rate:

Los Angeles, Stockton, and San Francisco, Calif.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston and Houston, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

(ii) Notwithstanding the foregoing provisions of this paragraph the support rate for rye received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal:	*Amount of deduction (cents per bushel)*
Los Angeles, Stockton, and San Francisco, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis	4½
Baltimore, Md.; Philadelphia, Pa.; Galveston and Houston, Tex.; Norfolk, Va.; Albany and New York, N. Y	6

(b) *Support rates for rye in approved warehouse storage at other than designated terminal markets.* (1) The support rate for rye, which is shipped by rail or water, and which is stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such rye to such terminal market: *Provided,* That on any rye shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such rye to the point of storage: *And provided further*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement, to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehousemen and other required documents as set forth in § 421.3379.

(c) *Basic county support rates.* (1) The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be made at the support rate established for the county in which the rye is stored.

(2) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.24

ARIZONA

All counties	$1.14

ARKANSAS

All counties	$1.12

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Colusa	$1.28	Plumas	$1.13
Contra Costa	1.33	Riverside	1.27
Glenn	1.26	San Joaquin	1.35
Kern	1.25	Shasta	1.20
Lassen	1.11	Sierra	1.14
Marin	1.33	Siskiyou	1.09
Merced	1.31	Sonoma	1.31
Modoc	1.03	Stanislaus	1.33
Mono	1.11	Yuba	1.30

COLORADO

Baca	$1.01	Plumas	$1.13
Bent	1.00	Prowers	1.01
Cheyenne	1.01	Yuma	1.01
Kiowa	1.01	All other counties	.99
Kit Carson	1.01		

CONNECTICUT

All counties	$1.23

DELAWARE

All counties	$1.23

FLORIDA

All counties	$1.29

GEORGIA

All counties	$1.29

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.02	Gem	$1.02
Adams	.99	Gooding	.97
Bannock	.90	Idaho	1.09
Bear Lake	.91	Jefferson	.89
Benewah	1.12	Jerome	.95
Bingham	.89	Kootenai	1.11
Blaine	.93	Latah	1.12
Boise	1.01	Lemhi	.89
Bonner	1.09	Lewis	1.09
Bonneville	.89	Lincoln	.94
Boundary	1.07	Madison	.89
Butte	.89	Minidoka	.94
Camas	.93	Nez Perce	1.12
Canyon	1.02	Oneida	.89
Caribou	.91	Owyhee	1.02
Cassia	.93	Payette	1.04
Clark	.86	Power	.92
Clearwater	1.11	Shoshone	1.08
Custer	.89	Teton	.89
Elmore	.99	Twin Falls	.92
Franklin	.89	Valley	1.00
Fremont	.89	Washington	1.04

ILLINOIS

Adams	$1.17	Lee	$1.20
Alexander	1.20	Livingston	1.20
Bond	1.22	Logan	1.20
Boone	1.21	McDonough	1.17
Brown	1.18	McHenry	1.22
Bureau	1.19	McLean	1.20
Calhoun	1.21	Macon	1.20
Carroll	1.18	Macoupin	1.23
Cass	1.20	Madison	1.23
Champaign	1.20	Marion	1.20
Christian	1.20	Marshall	1.19
Clark	1.19	Mason	1.20
Clay	1.20	Massac	1.19
Clinton	1.23	Menard	1.20
Coles	1.20	Mercer	1.17
Cook	1.23	Monroe	1.22
Crawford	1.17	Montgomery	1.21
Cumberland	1.20	Morgan	1.20
De Kalb	1.22	Moultrie	1.20
De Witt	1.20	Ogle	1.20
Douglas	1.20	Peoria	1.19
Du Page	1.23	Perry	1.20
Edgar	1.20	Piatt	1.20
Edwards	1.18	Pike	1.19
Effingham	1.20	Pope	1.15
Fayette	1.20	Pulaski	1.20
Ford	1.20	Putnam	1.19
Franklin	1.20	Randolph	1.20
Fulton	1.20	Richland	1.19
Gallatin	1.16	Rock Island	1.18
Greene	1.22	St. Clair	1.23
Grundy	1.21	Saline	1.16
Hamilton	1.19	Sangamon	1.20
Hancock	1.17	Schuyler	1.19
Hardin	1.12	Scott	1.20
Henderson	1.16	Shelby	1.20
Henry	1.18	Stark	1.19
Iroquois	1.20	Stephenson	1.18
Jackson	1.20	Tazewell	1.20
Jasper	1.19	Union	1.20
Jefferson	1.20	Vermilion	1.19
Jersey	1.23	Wabash	1.17
Jo Daviess	1.18	Warren	1.17
Johnson	1.14	Washington	1.20
Kane	1.23	Wayne	1.18
Kankakee	1.23	White	1.16
Kendall	1.22	Whiteside	1.18
Knox	1.18	Will	1.23
Lake	1.23	Williamson	1.20
La Salle	1.21	Winnebago	1.19
Lawrence	1.19	Woodford	1.20

INDIANA

Adams	$1.14	Clay	$1.13
Allen	1.14	Clinton	1.16
Bartholomew	1.10	Crawford	1.08
Benton	1.17	Daviess	1.11
Blackford	1.15	Dearborn	1.12
Boone	1.14	Decatur	1.12
Brown	1.10	De Kalb	1.14
Carroll	1.17	Delaware	1.14
Cass	1.17	Dubois	1.08
Clark	1.08	Elkhart	1.16

INDIANA—continued

County	Rate per bushel	County	Rate per bushel
Fayette	$1.14	Noble	$1.15
Floyd	1.08	Ohio	1.08
Fountain	1.14	Orange	1.08
Franklin	1.15	Owens	1.12
Fulton	1.17	Parke	1.15
Gibson	1.11	Perry	1.04
Grant	1.15	Pike	1.10
Greene	1.12	Porter	1.20
Hamilton	1.14	Posey	1.11
Hancock	1.14	Pulaski	1.19
Harrison	1.08	Putnam	1.13
Hendricks	1.14	Randolph	1.15
Henry	1.14	Ripley	1.11
Howard	1.16	Rush	1.14
Huntington	1.14	Saint Joseph	1.16
Jackson	1.10	Scott	1.08
Jasper	1.20	Shelby	1.12
Jay	1.14	Spencer	1.04
Jefferson	1.08	Starke	1.18
Jennings	1.10	Steuben	1.14
Johnson	1.12	Sullivan	1.12
Knox	1.11	Switzerland	1.06
Kosciusko	1.16	Tippecanoe	1.16
Lagrange	1.15	Tipton	1.15
Lake	1.22	Union	1.14
La Porte	1.18	Vanderburgh	1.11
Lawrence	1.12	Vermillion	1.15
Madison	1.15	Vigo	1.15
Marion	1.13	Wabash	1.16
Marshall	1.16	Warren	1.16
Martin	1.10	Warrick	1.07
Miami	1.16	Washington	1.08
Monroe	1.12	Wayne	1.14
Montgomery	1.15	Wells	1.14
Morgan	1.12	White	1.19
Newton	1.19	Whitley	1.16

IOWA

Adair	$1.12	Jefferson	$1.14
Adams	1.13	Johnson	1.15
Allamakee	1.12	Jones	1.15
Appanoose	1.14	Keokuk	1.12
Audubon	1.14	Kossuth	1.09
Benton	1.13	Lee	1.16
Black Hawk	1.12	Linn	1.14
Boone	1.11	Louisa	1.15
Bremer	1.11	Lucas	1.11
Buchanan	1.13	Lyon	1.10
Buena Vista	1.10	Madison	1.10
Butler	1.10	Mahaska	1.12
Calhoun	1.11	Marion	1.12
Carroll	1.14	Marshall	1.11
Cass	1.13	Mills	1.15
Cedar	1.15	Mitchell	1.10
Cerro Gordo	1.10	Monona	1.15
Cherokee	1.11	Monroe	1.13
Chickasaw	1.10	Montgomery	1.15
Clarke	1.11	Muscatine	1.15
Clay	1.10	O'Brien	1.10
Clayton	1.13	Osceola	1.10
Clinton	1.16	Page	1.15
Crawford	1.14	Palo Alto	1.09
Dallas	1.11	Plymouth	1.12
Davis	1.15	Pocahontas	1.10
Decatur	1.11	Polk	1.10
Delaware	1.13	Pottawattamie	1.15
Des Moines	1.16	Poweshiek	1.12
Dickinson	1.09	Ringgold	1.10
Dubuque	1.15	Sac	1.12
Emmet	1.10	Scott	1.16
Fayette	1.12	Shelby	1.15
Floyd	1.10	Sioux	1.12
Franklin	1.09	Story	1.10
Fremont	1.15	Tama	1.12
Greene	1.12	Taylor	1.12
Grundy	1.11	Union	1.12
Guthrie	1.12	Van Buren	1.15
Hamilton	1.09	Wapello	1.13
Hancock	1.09	Warren	1.11
Hardin	1.10	Washington	1.14
Harrison	1.15	Wayne	1.12
Henry	1.15	Webster	1.10
Howard	1.10	Winnebago	1.10
Humboldt	1.09	Winneshiek	1.12
Ida	1.12	Woodbury	1.13
Iowa	1.13	Worth	1.10
Jackson	1.16	Wright	1.08
Jasper	1.11		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.15	Linn	$1.16
Anderson	1.16	Logan	1.05
Atchison	1.18	Lyon	1.15
Barber	1.08	McPherson	1.10
Barton	1.06	Marion	1.11
Bourbon	1.16	Marshall	1.15
Brown	1.16	Meade	1.05
Butler	1.11	Miami	1.18
Chase	1.13	Mitchell	1.11
Chautauqua	1.13	Montgomery	1.15
Cherokee	1.15	Morris	1.12
Cheyenne	1.04	Morton	1.01
Clark	1.05	Nemaha	1.15
Clay	1.12	Neosho	1.15
Cloud	1.11	Ness	1.08
Coffey	1.15	Norton	1.08
Comanche	1.06	Osage	1.16
Cowley	1.11	Osborne	1.10
Crawford	1.15	Ottawa	1.11
Decatur	1.06	Pawnee	1.08
Dickinson	1.11	Phillips	1.08
Doniphan	1.16	Pottawatomie	1.15
Douglas	1.18	Pratt	1.08
Edwards	1.08	Rawlins	1.05
Elk	1.13	Reno	1.10
Ellis	1.08	Republic	1.11
Ellsworth	1.10	Rice	1.10
Finney	1.05	Riley	1.15
Ford	1.07	Rooks	1.09
Franklin	1.18	Rush	1.08
Geary	1.13	Russell	1.09
Gove	1.06	Saline	1.10
Graham	1.08	Scott	1.05
Grant	1.04	Sedgwick	1.11
Gray	1.05	Seward	1.03
Greeley	1.04	Shawnee	1.16
Greenwood	1.13	Sheridan	1.06
Hamilton	1.04	Sherman	1.04
Harper	1.10	Smith	1.10
Harvey	1.11	Stafford	1.08
Haskell	1.05	Stanton	1.03
Hodgeman	1.08	Stevens	1.03
Jackson	1.16	Sumner	1.11
Jefferson	1.18	Thomas	1.05
Jewell	1.10	Trego	1.08
Johnson	1.18	Wabaunsee	1.15
Kearny	1.04	Wallace	1.04
Kingman	1.10	Washington	1.12
Kiowa	1.08	Wichita	1.04
Labette	1.15	Wilson	1.15
Lane	1.06	Woodson	1.15
Leavenworth	1.18	Wyandotte	1.18
Lincoln	1.10		

KENTUCKY

All counties $1.23

LOUISIANA

All counties $1.14

MARYLAND

All counties $1.23

MAINE

All counties $1.23

MASSACHUSETTS

All counties $1.23

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.04	Clinton	$1.12
Alger	1.05	Crawford	1.05
Allegan	1.13	Delta	1.07
Alpena	1.04	Dickinson	1.07
Antrim	1.02	Eaton	1.13
Arenac	1.05	Emmet	1.02
Baraga	1.05	Genesee	1.14
Barry	1.13	Gladwin	1.08
Bay	1.10	Gogebic	1.07
Benzie	1.10	Grand Traverse	1.04
Berrien	1.16	Gratiot	1.12
Branch	1.14	Hillsdale	1.14
Calhoun	1.14	Houghton	1.02
Cass	1.17	Huron	1.11
Charlevoix	1.02	Ingham	1.13
Cheboygan	1.03	Ionia	1.12
Chippewa	1.01	Iosco	1.05
Clare	1.10		

MICHIGAN—continued

County	Rate per bushel	County	Rate per bushel
Iron	$1.05	Montmorency	$1.03
Isabella	1.09	Muskegon	1.10
Jackson	1.13	Newaygo	1.09
Kalamazoo	1.16	Oakland	1.15
Kalkaska	1.03	Oceana	1.08
Kent	1.12	Ogemaw	1.08
Keweenaw	1.02	Ontonagon	1.04
Lake	1.08	Osceola	1.07
Lapeer	1.14	Oscoda	1.08
Leelanau	1.03	Otsego	1.03
Lenawee	1.16	Ottawa	1.13
Livingston	1.14	Presque Isle	1.03
Luce	1.01	Roscommon	1.05
Mackinac	1.01	Saginaw	1.12
Macomb	1.17	St. Clair	1.16
Manistee	1.07	St. Joseph	1.16
Marquette	1.05	Sanilac	1.14
Mason	1.08	Schoolcraft	1.01
Mecosta	1.08	Shiawassee	1.12
Menominee	1.09	Tuscola	1.13
Midland	1.10	Van Buren	1.15
Missaukee	1.06	Washtenaw	1.16
Monroe	1.17	Wayne	1.16
Montcalm	1.09	Wexford	1.07

MINNESOTA

Aitkin	$1.15	Martin	$1.11
Anoka	1.15	Meeker	1.15
Becker	1.09	Mille Lacs	1.15
Beltrami	1.09	Morrison	1.13
Benton	1.14	Mower	1.12
Big Stone	1.09	Murray	1.10
Blue Earth	1.13	Nicollet	1.15
Brown	1.13	Nobles	1.09
Carlton	1.16	Norman	1.07
Carver	1.15	Olmsted	1.13
Cass	1.12	Otter Tail	1.11
Chippewa	1.12	Pennington	1.06
Chisago	1.15	Pine	1.14
Clay	1.08	Pipestone	1.09
Clearwater	1.08	Polk	1.06
Cottonwood	1.11	Pope	1.12
Crow Wing	1.13	Ramsey	1.15
Dakota	1.15	Red Lake	1.07
Dodge	1.13	Redwood	1.12
Douglas	1.12	Renville	1.13
Faribault	1.11	Rice	1.15
Fillmore	1.10	Rock	1.08
Freeborn	1.13	Roseau	1.05
Goodhue	1.14	St. Louis	1.14
Grant	1.10	Scott	1.15
Hennepin	1.15	Sherburne	1.15
Houston	1.10	Sibley	1.15
Hubbard	1.10	Stearns	1.14
Isanti	1.15	Steele	1.13
Itasca	1.13	Stevens	1.11
Jackson	1.10	Swift	1.12
Kanabec	1.14	Todd	1.12
Kandiyohi	1.14	Traverse	1.09
Kittson	1.03	Wabasha	1.14
Koochiching	1.05	Wadena	1.12
Lac Qui Parle	1.10	Waseca	1.13
Lake of the Woods	1.06	Washington	1.15
Le Sueur	1.15	Watonwan	1.12
Lincoln	1.10	Wilkin	1.09
Lyon	1.11	Winona	1.13
McLeod	1.15	Wright	1.15
Mahnomen	1.07	Yellow Medicine	1.11
Marshall	1.05		

MISSISSIPPI

All counties $1.23

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.16	Caldwell	$1.17
Andrew	1.17	Callaway	1.19
Atchison	1.14	Camden	1.16
Audrain	1.19	Cape Girardeau	1.18
Barry	1.13	Carroll	1.17
Barton	1.15	Carter	1.08
Bates	1.18	Cass	1.18
Benton	1.15	Cedar	1.16
Bollinger	1.19	Chariton	1.16
Boone	1.18	Christian	1.13
Buchanan	1.18	Clark	1.18
Butler	1.16		

MISSOURI—continued

County	Rate per bushel	County	Rate per bushel
Clay	$1.18	Montgomery	[illegible]
Clinton	1.18	Morgan	1.15
Cole	1.17	New Madrid	1.16
Cooper	1.16	Newton	1.18
Crawford	1.20	Nodaway	1.18
Dade	1.15	Oregon	[illegible]
Dallas	1.13	Osage	[illegible]
Daviess	1.17	Ozark	[illegible]
De Kalb	1.17	Pemiscot	1.16
Dent	1.18	Perry	[illegible]
Douglas	1.10	Pettis	1.15
Dunklin	1.14	Phelps	[illegible]
Franklin	1.23	Pike	[illegible]
Gasconade	1.20	Platte	[illegible]
Gentry	1.15	Polk	1.15
Greene	1.13	Pulaski	1.17
Grundy	1.15	Putnam	[illegible]
Harrison	1.15	Ralls	[illegible]
Henry	1.18	Randolph	[illegible]
Hickory	1.15	Ray	1.18
Holt	1.15	Reynolds	[illegible]
Howard	1.18	Ripley	1.16
Howell	1.08	St. Charles	[illegible]
Iron	1.20	St. Clair	1.17
Jackson	1.18	St. Francois	[illegible]
Jasper	1.15	Ste. Genevieve	[illegible]
Jefferson	1.24	St. Louis	[illegible]
Johnson	1.17	Saline	1.17
Knox	1.17	Schuyler	1.15
Laclede	1.15	Scotland	1.17
Lafayette	1.18	Scott	1.13
Lawrence	1.13	Shannon	[illegible]
Lewis	1.18	Shelby	[illegible]
Lincoln	1.23	Stoddard	1.17
Linn	1.15	Stone	1.13
Livingston	1.17	Sullivan	1.14
McDonald	1.13	Taney	1.11
Macon	1.16	Texas	[illegible]
Madison	1.20	Vernon	1.16
Maries	1.20	Warren	[illegible]
Marion	1.19	Washington	1.21
Mercer	1.14	Wayne	1.19
Miller	1.16	Webster	1.13
Mississippi	1.15	Worth	1.15
Moniteau	1.16	Wright	[illegible]
Monroe	1.18		

MONTANA

Beaverhead	$0.84	Madison	$0.94
Big Horn	.81	Meagher	.94
Blaine	.88	Mineral	1.00
Broadwater	.94	Missoula	1.00
Carbon	.91	Musselshell	[illegible]
Carter	.90	Park	.94
Cascade	.94	Petroleum	.94
Chouteau	.94	Phillips	[illegible]
Custer	.88	Pondera	.94
Daniels	.86	Powder River	[illegible]
Dawson	.89	Powell	.94
Deer Lodge	.94	Prairie	[illegible]
Fallon	.90	Ravalli	[illegible]
Fergus	.94	Richland	[illegible]
Flathead	.99	Roosevelt	[illegible]
Gallatin	.94	Rosebud	[illegible]
Garfield	.87	Sanders	[illegible]
Glacier	.95	Sheridan	[illegible]
Golden Valley	.93	Silver Bow	[illegible]
Granite	.95	Stillwater	[illegible]
Hill	.94	Sweet Grass	.94
Jefferson	.94	Teton	.94
Judith Basin	.94	Toole	.94
Lake	.99	Treasure	.87
Lewis and Clark	.94	Valley	[illegible]
Liberty	.94	Wheatland	.94
Lincoln	1.01	Wibaux	.91
McCone	.87	Yellowstone	[illegible]

NEBRASKA

Adams	$1.10	Buffalo	$1.10
Antelope	1.10	Burt	1.15
Arthur	1.03	Butler	1.15
Banner	.97	Cass	1.15
Blaine	1.05	Cedar	1.10
Boone	1.12	Chase	[illegible]
Box Butte	1.00	Cherry	[illegible]
Boyd	1.08	Cheyenne	[illegible]
Brown	1.05	Clay	1.11

NEBRASKA—continued

County	Rate per bushel	County	Rate per bushel
Colfax	$1.15	Logan	$1.05
Cuming	1.15	Loup	1.08
Custer	1.07	McPherson	1.05
Dakota	1.13	Madison	1.12
Dawes	.98	Merrick	1.12
Dawson	1.08	Morrill	.99
Deuel	1.01	Nance	1.12
Dixon	1.12	Nemaha	1.14
Dodge	1.15	Nuckolls	1.11
Douglas	1.15	Otoe	1.15
Dundy	1.02	Pawnee	1.15
Fillmore	1.12	Perkins	1.02
Franklin	1.09	Phelps	1.09
Frontier	1.06	Pierce	1.11
Furnas	1.08	Platte	1.13
Gage	1.14	Polk	1.13
Garden	1.00	Red Willow	1.06
Garfield	1.09	Richardson	1.15
Gosper	1.08	Rock	1.06
Grant	1.01	Saline	1.14
Greely	1.11	Sarpy	1.15
Hall	1.11	Saunders	1.15
Hamilton	1.12	Scotts Bluff	.97
Harlan	1.09	Seward	1.15
Hayes	1.03	Sheridan	1.00
Hitchcock	1.04	Sherman	1.09
Holt	1.09	Sioux	.96
Hooker	1.03	Stanton	1.13
Howard	1.11	Thayer	1.12
Jefferson	1.13	Thomas	1.05
Johnson	1.14	Thurston	1.14
Kearney	1.09	Valley	1.09
Keith	1.03	Washington	1.15
Keya Paha	1.05	Wayne	1.10
Kimball	.99	Webster	1.10
Knox	1.09	Wheeler	1.12
Lancaster	1.15	York	1.13
Lincoln	1.04		

NEVADA

All counties $1.04

NEW HAMPSHIRE

All counties $1.23

NEW JERSEY

All counties $1.23

NEW MEXICO

All counties $0.99

NEW YORK

All counties $1.24

NORTH CAROLINA

All counties $1.27

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.95	McLean	$0.99
Barnes	1.05	Mercer	.96
Benson	1.01	Morton	.98
Billings	.95	Mountrail	.96
Bottineau	.97	Nelson	1.03
Bowman	.94	Oliver	.98
Burke	.96	Pembina	1.02
Burleigh	1.00	Pierce	1.00
Cass	1.06	Ramsey	1.02
Cavalier	1.01	Ransom	1.06
Dickey	1.05	Renville	.96
Divide	.94	Richland	1.08
Dunn	.95	Rolette	.99
Eddy	1.02	Sargent	1.06
Emmons	1.00	Sheridan	1.00
Foster	1.03	Sioux	.97
Golden Valley	.92	Slope	.92
Grand Forks	1.05	Stark	.96
Grant	.96	Steele	1.05
Griggs	1.05	Stutsman	1.04
Hettinger	.96	Towner	1.00
Kidder	1.02	Traill	1.05
La Moure	1.03	Walsh	1.03
Logan	1.02	Ward	.97
McHenry	.99	Wells	1.02
McIntosh	1.01	Williams	.95
McKenzie	.92		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.16	Ashland	$1.19
Allen	1.17	Ashtabula	1.22

OHIO—continued

County	Rate per bushel	County	Rate per bushel
Athens	$1.18	Lorain	$1.19
Auglaize	1.16	Lucas	1.17
Belmont	1.19	Madison	1.17
Brown	1.16	Mahoning	1.22
Butler	1.16	Marion	1.18
Carroll	1.19	Medina	1.19
Champaign	1.16	Meigs	1.16
Clark	1.16	Mercer	1.16
Clermont	1.16	Miami	1.16
Clinton	1.16	Monroe	1.19
Columbiana	1.20	Montgomery	1.16
Coshocton	1.19	Morgan	1.19
Crawford	1.18	Morrow	1.18
Cuyahoga	1.19	Muskingum	1.19
Darke	1.16	Noble	1.19
Defiance	1.16	Ottawa	1.18
Delaware	1.18	Paulding	1.16
Erie	1.18	Perry	1.18
Fairfield	1.18	Pickaway	1.17
Fayette	1.16	Pike	1.16
Franklin	1.18	Portage	1.19
Fulton	1.16	Preble	1.16
Gallia	1.16	Putnam	1.17
Geauga	1.22	Richland	1.19
Greene	1.16	Ross	1.17
Guernsey	1.19	Sandusky	1.18
Hamilton	1.16	Scioto	1.16
Hancock	1.18	Seneca	1.18
Hardin	1.18	Shelby	1.16
Harrison	1.19	Stark	1.19
Henry	1.16	Summit	1.19
Highland	1.16	Trumbull	1.22
Hocking	1.18	Tuscarawas	1.19
Holmes	1.19	Union	1.18
Huron	1.18	Van Wert	1.16
Jackson	1.16	Vinton	1.18
Jefferson	1.21	Warren	1.16
Knox	1.18	Washington	1.19
Lake	1.21	Wayne	1.19
Lawrence	1.16	Williams	1.16
Licking	1.18	Wood	1.18
Logan	1.17	Wyandot	1.18

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$1.07	Le Flore	$1.02
Alfalfa	1.06	Lincoln	1.03
Atoka	1.00	Logan	1.04
Beaver	1.00	Love	.96
Beckhan	.97	McClain	.98
Blaine	1.01	McCurtain	.95
Bryan	.95	McIntosh	1.07
Caddo	.99	Major	1.02
Canadian	1.00	Marshall	.97
Carter	.97	Mayes	1.11
Cherokee	1.09	Murray	.97
Choctaw	.96	Muskogee	1.07
Cimarron	.98	Noble	1.07
Cleveland	.99	Nowata	1.13
Coal	1.00	Okfuskee	1.04
Comanche	.97	Oklahoma	1.00
Cotton	.96	Okmulgee	1.07
Craig	1.13	Osage	1.09
Creek	1.07	Ottawa	1.12
Custer	.98	Pawnee	1.07
Delaware	1.12	Payne	1.04
Dewey	.99	Pittsburg	1.03
Ellis	.99	Pontotoc	1.00
Garfield	1.06	Pottawatomie	1.00
Garvin	.98	Pushmataha	.99
Grady	.99	Roger Mills	.97
Grant	1.07	Rogers	1.11
Greer	.96	Seminole	1.02
Harmon	.95	Sequoyah	1.07
Harper	1.03	Stephens	.97
Haskell	1.05	Texas	1.00
Hughes	1.03	Tillman	.95
Jackson	.96	Tulsa	1.10
Jefferson	.96	Wagoner	1.10
Johnston	.98	Washington	1.12
Kay	1.08	Washita	.98
Kingfisher	1.02	Woods	1.06
Kiowa	.97	Woodward	1.02
Latimer	1.03		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$1.09	Clatsop	$1.27
Benton	1.27	Columbia	1.29
Clackamas	1.31	Coos	1.17

OREGON—continued

County	Rate per bushel	County	Rate per bushel
Crook	$1.26	Linn	$1.27
Curry	1.16	Malheur	1.03
Deschutes	1.26	Marion	1.30
Douglas	1.19	Morrow	1.26
Gilliam	1.27	Multnomah	1.32
Grant	1.26	Polk	1.29
Harney	.97	Sherman	1.28
Hood River	1.32	Tillamook	1.32
Jackson	1.13	Umatilla	1.19
Jefferson	1.27	Union	1.10
Josephine	1.13	Wallowa	1.09
Klamath	1.12	Wasco	1.32
Lake	1.02	Washington	1.33
Lane	1.24	Wheeler	1.26
Lincoln	1.21	Yamhill	1.31

PENNSYLVANIA

All counties $1.23

RHODE ISLAND

All counties $1.23

SOUTH CAROLINA

All counties $1.29

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.06	Jackson	$0.97
Beadle	1.06	Jerauld	1.06
Bennett	1.01	Jones	.99
Bon Homme	1.09	Kingsbury	1.07
Brookings	1.08	Lake	1.08
Brown	1.06	Lawrence	.94
Brule	1.05	Lincoln	1.10
Buffalo	1.06	Lyman	1.02
Butte	.93	McCook	1.09
Campbell	1.01	McPherson	1.03
Charles Mix	1.07	Marshall	1.06
Clark	1.07	Meade	.93
Clay	1.12	Mellette	1.03
Codington	1.08	Miner	1.08
Corson	.98	Minnehaha	1.09
Custer	.96	Moody	1.08
Davison	1.08	Pennington	.93
Day	1.07	Perkins	.96
Deuel	1.08	Potter	1.01
Dewey	.97	Roberts	1.08
Douglas	1.08	Sanborn	1.06
Edmunds	1.04	Shannon	1.00
Fall River	.96	Spink	1.06
Faulk	1.04	Stanley	1.00
Grant	1.09	Sully	1.00
Gregory	1.08	Todd	1.04
Haakon	.96	Tripp	1.05
Hamlin	1.08	Turner	1.10
Hand	1.05	Union	1.12
Hanson	1.08	Walworth	1.01
Harding	.95	Washabaugh	.97
Hughes	1.02	Yankton	1.11
Hutchinson	1.09	Ziebach	.95
Hyde	1.03		

TENNESSEE

All counties $1.24

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.09	Dallam	$1.05
Armstrong	1.09	Dawson	1.09
Bailey	1.09	Deaf Smith	1.09
Baylor	1.09	Denton	1.17
Bosque	1.18	Dickens	1.09
Bowie	1.14	Donely	1.09
Briscoe	1.09	Eastland	1.13
Brown	1.15	Fannin	1.14
Callahan	1.12	Floyd	1.09
Carson	1.09	Foard	1.09
Cass	1.15	Gaines	1.09
Castro	1.09	Gillespie	1.16
Childress	1.09	Gray	1.09
Clay	1.12	Grayson	1.14
Cochran	1.09	Hale	1.09
Collin	1.17	Hall	1.09
Collingsworth	1.09	Hamilton	1.16
Comanche	1.15	Hansford	1.06
Concho	1.13	Hardeman	1.09
Coreyell	1.20	Hartley	1.06
Cottle	1.09	Haskell	1.09

TEXAS—continued

County	Rate per bushel	County	Rate per bushel
Hemphill	$1.06	Oldham	$1.08
Hockley	1.09	Palo Pinto	1.13
Hood	1.16	Parker	1.16
Hunt	1.17	Parmer	1.08
Jack	1.13	Potter	1.09
Johnson	1.20	Randall	1.09
Jones	1.09	Reeves	.99
Karnes	1.21	Roberts	1.07
Knox	1.09	Runnels	1.12
Lamb	1.09	San Saba	1.15
Lampasas	1.20	Sherman	1.05
Limestone	1.23	Smith	1.18
Lipscomb	1.05	Stonewall	1.09
Lubbock	1.09	Swisher	1.09
Lynn	1.09	Tarrant	1.18
McCulloch	1.14	Taylor	1.10
McLennan	1.21	Terry	1.09
Mason	1.15	Wheeler	1.08
Montague	1.11	Wichita	1.10
Moore	1.06	Wilbarger	1.09
Motley	1.09	Wise	1.14
Nolan	1.09	Yoakum	1.09
Ochiltree	1.05	Young	1.13

UTAH

All counties $0.99

VERMONT

All counties $1.23

VIRGINIA

All counties $1.23

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.14	Lewis	$1.27
Asotin	1.12	Lincoln	1.13
Benton	1.20	Mason	1.21
Chelan	1.18	Okanogan	1.12
Clallam	1.10	Pacific	1.21
Clark	1.33	Pend Oreille	1.09
Columbia	1.18	Pierce	1.32
Cowlitz	1.31	San Juan	1.29
Douglas	1.12	Skagit	1.29
Ferry	1.04	Skamania	1.32
Franklin	1.16	Snohomish	1.29
Garfield	1.18	Spokane	1.13
Grant	1.14	Stevens	1.08
Grays Harbor	1.23	Thurston	1.27
Island	1.29	Wahkiakum	1.31
Jefferson	1.20	Walla Walla	1.19
King	1.32	Whatcom	1.26
Kitsap	1.20	Whitman	1.13
Kittitas	1.21	Yakima	1.20
Klickitat	1.28		

WEST VIRGINIA

All counties $1.23

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.14	Bayfield	$1.12
Ashland	1.11	Brown	1.15
Barron	1.12	Buffalo	1.12

WISCONSIN—continued

County	Rate per bushel	County	Rate per bushel
Burnett	1.15	Kenosha	$1.24
Calumet	1.16	Kewaunee	1.13
Chippewa	1.11	La Crosse	1.13
Clark	1.10	Lafayette	1.15
Columbia	1.16	Langlade	1.12
Crawford	1.13	Lincoln	1.11
Dane	1.18	Manitowoc	1.16
Dodge	1.17	Marathon	1.12
Door	1.12	Marinette	1.11
Douglas	1.16	Marquette	1.15
Dunn	1.13	Milwaukee	1.24
Eau Claire	1.12	Monroe	1.14
Florence	1.10	Oconto	1.13
Fond Du Lac	1.17	Oneida	1.10
Forest	1.10	Outagamie	1.15
Grant	1.14	Ozaukee	1.18
Green	1.18	Pepin	1.14
Green Lake	1.16	Pierce	1.15
Iowa	1.15	Polk	1.15
Iron	1.09	Portage	1.14
Rock	1.19	Price	1.09
Rusk	1.11	Racine	1.24
Saint Croix	1.15	Richland	1.15
Sauk	1.15	Vilas	1.07
Sawyer	1.12	Walworth	1.20
Shawano	1.14	Washburn	1.13
Sheboygan	1.18	Washington	1.18
Taylor	1.09	Waukesha	1.19
Trempealeau	1.11	Waupaca	1.14
Vernon	1.13	Waushara	1.15
Jackson	1.13	Winnebago	1.16
Jefferson	1.19	Wood	1.13
Juneau	1.15		

WYOMING

All counties $0.99

(d) *Discount for ergot.* Rye containing more than $\frac{3}{10}$ of 1 percent, but not more than 1 percent ergot, shall be discounted 1 cent per bushel for each $\frac{1}{10}$ of 1 percent in excess of $\frac{3}{10}$ of 1 percent ergot.

(e) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the rye crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the rye complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the rye is stored determines that State, district or county weed control laws, as administered, affect rye stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the rye complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ----------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

§ 421.3384 *Warehouse charges.* (a) Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, or April 30, 1959, the applicable date to be determined in accordance with § 421.3382, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 28 or April 30, 1959, the applicable maturity date to be determined in accordance with § 421.3382.

Amount of deduction (cents per bushel)	Area I[1]	Area II[2] and Area III[3]	Area IV[4]		Area V[5]
	Date of deposit (all dates inclusive)	Date of deposit (all dates inclusive)	For States having maturity dates not later than Apr. 30, 1959; date of deposit (all dates inclusive)	For States having maturity dates not later than Feb. 28, 1959; date of deposit (all dates inclusive)	Date of deposit (all dates inclusive)
16	Prior to May 9, 1958	Prior to May 25, 1958	Prior to June 9, 1958		
15	May 9–May 31, 1958	May 25–June 15, 1958	June 9–June 29, 1958	Prior to Apr. 30, 1958	Prior to May 14, 1958.
14	June 1–June 23, 1958	June 16–July 7, 1958	June 30–July 20, 1958	Apr. 30–May 20, 1958	May 14–June 2, 1958.
13	June 24–July 16, 1958	July 8–July 29, 1958	July 21–Aug. 10, 1958	May 21–June 10, 1958	June 3–June 22, 1958.
12	July 17–Aug. 8, 1958	July 30–Aug. 20, 1958	Aug. 11–Aug. 31, 1958	June 11–July 1, 1958	June 23–July 12, 1958.
11	Aug. 9–Aug. 31, 1958	Aug. 21–Sept. 11, 1958	Sept. 1–Sept. 21, 1958	July 2–July 22, 1958	July 13–Aug. 1, 1958.
10	Sept. 1–Sept. 23, 1958	Sept. 12–Oct. 3, 1958	Sept. 22–Oct. 12, 1958	July 23–Aug. 12, 1958	Aug. 2–Aug. 21, 1958.
9	Sept. 24–Oct. 16, 1958	Oct. 4–Oct. 25, 1958	Oct. 13–Nov. 2, 1958	Aug. 13–Sept. 2, 1958	Aug. 22–Sept. 10, 1958.
8	Oct. 17–Nov. 8, 1958	Oct. 26–Nov. 16, 1958	Nov. 3–Nov. 23, 1958	Sept. 3–Sept. 23, 1958	Sept. 11–Sept. 30, 1958.
7	Nov. 9–Dec. 1, 1958	Nov. 17–Dec. 8, 1958	Nov. 24–Dec. 14, 1958	Sept. 24–Oct. 14, 1958	Oct. 1–Oct. 20, 1958.
6	Dec. 2–Dec. 24, 1958	Dec. 9–Dec. 30, 1958	Dec. 15, 1958–Jan. 4, 1959	Oct. 15–Nov. 4, 1958	Oct. 21–Nov. 9, 1958.
5	Dec. 25, 1958–Jan. 16, 1959	Dec. 31, 1958–Jan. 21, 1959	Jan. 5–Jan. 25, 1959	Nov. 5–Nov. 25, 1958	Nov. 10–Nov. 29, 1958.
4	Jan. 17–Feb. 8, 1959	Jan. 22–Feb. 12, 1959	Jan. 26–Feb. 15, 1959	Nov. 26–Dec. 16, 1958	Nov. 30–Dec. 19, 1958.
3	Feb. 9–Mar. 3, 1959	Feb. 13–Mar. 6, 1959	Feb. 16–Mar. 8, 1959	Dec. 17, 1958–Jan. 6, 1959	Dec. 20, 1958–Jan. 8, 1959.
2	Mar. 4–Mar. 26, 1959	Mar. 7–Mar. 28, 1959	Mar. 9–Mar. 29, 1959	Jan. 7–Jan. 27, 1959	Jan. 9–Jan. 28, 1959.
1	Mar. 27–Apr. 30, 1959	Mar. 29–Apr. 30, 1959	Mar. 30–Apr. 30, 1959	Jan. 28–Feb. 28, 1959	Jan. 29–Feb. 28, 1959.

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wis.).

[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).

[4] Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.

[5] Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 28 or April 10, 1959, whichever date is applicable as determined in accordance with § 421.3382, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.3385 *Inspection of rye under purchase agreement*—(a) *Predelivery inspection*. Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his rye stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the rye and obtain a sample of the rye and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the rye. If the rye on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or before the final date of the 30-day period or the date of inspection whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for delivery. The producer whose rye is stored in other than an approved warehouse and whose rye is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his rye is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the rye, or otherwise take action to make the rye eligible and insists upon delivery of the rye, the county office shall issue delivery instructions. The producer shall be further informed that if such rye, upon delivery and before purchase, does not meet the eligibility requirements of § 421.3378 (c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the rye shall not be accepted for purchase by CCC. A predelivery inspection shall not be made on rye stored commingled in warehouses not approved for storage or on rye in an unapproved warehouse which is stored so that the identity of the producer's rye is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such rye at the time of delivery must meet the eligibility requirements of § 421.3378 (c) (1) and (2).

(b) *Inspection of rye stored by producer after maturity date.* The producer may be required to retain the rye stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the rye covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for rye which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the rye is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the rye is going out of condition or is in danger of going out of condition and that the rye cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3386 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible rye delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of rye eligible for delivery. If, upon delivery, the rye under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the rye delivered as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible rye under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for rye delivered to CCC from farm storage meeting the eligibility requirements of § 421.3378 (c) (1) and (2), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If rye, which was determined to be eligible at the time of the predelivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible rye as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the rye, determined by the predelivery inspection, and the market price of the rye delivered, as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price: *And provided further,* That, if upon delivery, the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible rye stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of rye he elects to sell to CCC. Settlement for eligible rye delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse storage.* The county office will issue instructions on or after the loan maturity date for delivery of rye in a warehouse not approved for storage which is stored commingled, or which is stored so that the identity of the producer's rye is maintained but a predelivery inspection is not possible, where the producer has properly given the county office written notice of his intent to sell such rye to CCC. Settlement for such rye delivered to CCC which meets the eligibility requirements of § 421.3378 (c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's rye can be made, the provisions of § 421.3385 shall apply and settlement will be the same as for rye delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Rye ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of rye ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Rye which was of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) rye of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) rye in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery does not meet the eligibility requirements of § 421.3378 (c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible rye delivered as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery. If rye delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such rye is inadvertently accepted by CCC, the settlement value shall be the sales price if the rye is immediately sold. If the rye is not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Applicable support rate for settlement of loans and purchase agreements.* (1) In the case of rye stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraph (3) and (4) of this paragraph.

(2) In the case of rye delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If the producer is directed to deliver his rye to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(c) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored rye under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3384.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Storage payment where CCC is unable to take delivery of rye stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rye stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rye within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rye to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rye is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rye to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the following rates per bushel per day for the rye accepted for delivery or sale to CCC:

Area I, $0.00043; Area II, $0.000[illegible]; Area III, $0.00046; Area IV, $0.00047; Area V, $0.00049.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on rye delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his rye to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the rye any distance greater than the distance from the point where the rye is stored by the producer to the customary shipping point: *Provided,* That if the producer is directed to deliver his rye to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of rye under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 15th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3772; Filed, May 21, 1958; 8:45 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 4, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP BARLEY EXTENDED RESEAL LOAN PROGRAM

Correction

In F. R. Doc. 58-3605, appearing at page 3223 of the issue for Wednesday, May 14, 1958, the headnote for § 421.17[illegible] (b) (1) should read: (1) *Storage payment for full extended reseal period.*

Subchapter B—Regulations Under Soil Bank Act

[Amdt. 18]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

The regulations containing the general provisions governing the conservation reserve part of the Soil Bank Program, 21 F. R. 6289, as amended, are hereby further amended as follows:

1. The third sentence of § 485.156 (d) (2) is amended to read as follows: "Contracts under which 1958 or an earlier year is the first year of the contract period previously entered into with producers may be terminated by the producer in any case in which the county is included in the commercial corn-producing area after the contract is executed, provided an 'old farm' corn allotment is established for the farm covered by the contract."

2. Section 485.156 (d) is amended by adding at the end thereof the following:

(3) A contract which has been terminated under subparagraph (2) of this paragraph by reason of the fact that the county was included in the commercial corn-producing area for the first time in 1958 may be reinstated by the contract signers by filing a written request for such reinstatement with the county committee not later than 15 days after the notice to that effect by the county committee. The annual payment for the year in which the contract was terminated and cost-share payments forfeited or refunded by the producer will be paid to him upon reinstatement, providing he complies with all the requirements for such payments. The reinstatement shall be subject to the following conditions:

(i) The producers shall not be eligible to reinstate a contract if action was taken on the farm, subsequent to termination of the contract, which would have constituted a violation of the contract if it had not been terminated.

(ii) All the provisions of the regulations shall be applicable to the reinstated contract.

3. Section 485.160 is amended by inserting "(a)" immediately following the heading; changing items "(a)", "(b)", and "(c)" to read "(1)", "(2)", and "(3)" respectively; and adding at the end thereof the following paragraph (b):

(b) Notwithstanding any other provision of this section, effective beginning with contracts under which 1957 is the first year of the contract period, no person shall be ineligible to receive payments or compensation under a conservation reserve contract by reason of the fact that the corn acreage on the farm exceeds the farm acreage allotment for corn if such contract was approved prior to January 1 of the first year for which the county is included in the commercial corn-producing area: *Provided*, That the foregoing provisions of this paragraph shall apply only to a farm for which an "old farm" corn allotment is established for such first year. For purposes of this provision, a contract which is reinstated by the producer under § 485.156 (d) (3) shall be deemed to have been entered into as of the original date of execution of such contract.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 19th day of May 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-3864; Filed, May 21, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR FRESH PLUMS AND PRUNES [1]

On April 24, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2740) regarding a proposed revision of United States Standards for Fresh Plums and Prunes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Fresh Plums and Prunes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.1520 U. S. Fancy.
51.1521 U. S. No. 1.
51.1522 U. S. Combination.
51.1523 U. S. No. 2.

UNCLASSIFIED

51.1524 Unclassified.

TOLERANCES

51.1525 Tolerances.

APPLICATION OF TOLERANCES

51.1526 Application of tolerances.

STANDARD PACK

51.1527 Standard pack.

DEFINITIONS

51.1528 Well formed.
51.1529 Clean.
51.1530 Mature.
51.1531 Sunscald.
51.1532 Damage.
51.1533 Well colored.
51.1534 Fairly well colored.
51.1535 Badly misshapen.
51.1536 Serious damage.
51.1537 Diameter.

AUTHORITY: §§ 51.1520 to 51.1537 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1520 *U. S. Fancy.* "U. S. Fancy" consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled; which are free from decay, sunscald, heat injury, sunburn, split pits and hail marks, and free from damage caused by broken skins, growth cracks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

§ 51.1521 *U. S. No. 1.* "U. S. No. 1" consists of plums or prunes of one variety which are well formed, clean, mature but not overripe or soft or shriveled; which are free from decay and sunscald, and free from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means.

(a) Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

§ 51.1522 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 plums or prunes: *Provided*, That at least 75 percent, by count, meet the requirements of U. S. No. 1 grade. (See § 51.1525.)

§ 51.1523 *U. S. No. 2.* "U. S. No. 2" consists of plums or prunes of one variety which are not badly misshapen, which are clean, mature but not overripe or soft or shriveled; which are free from decay and sunscald, and free from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, other disease, insects or mechanical or other means. (See § 51.1525.)

UNCLASSIFIED

§ 51.1524 *Unclassified.* "Unclassified" consists of plums or prunes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1525 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, shall be permitted as specified:

(a) *U. S. Fancy and U. S. No. 1.* (1) For plums or prunes, other than Italian type prunes, not more than a total of 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for decay; and,

(2) For Italian type prunes not more than a total of 15 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement; and,

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for decay. (See § 51.1526.)

(b) *U. S. Combination and U. S. No. 2.* Not more than a total of 10 percent of the fruit in any lot may fail to meet the requirements of the specified grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for sunscald, decay or serious damage by insects or heat injury, including therein not more than 1 percent for decay.

(1) When applying the tolerance for the U. S. Combination grade individual packages may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the required percentage. (See § 51.1526.)

APPLICATION OF TOLERANCES

§ 51.1526 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided*, That not more than one specimen which is soft or affected by decay shall be permitted in any package.

STANDARD PACK

§ 51.1527 *Standard pack*—(a) *Packing.* (1) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(2) The plums or prunes in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(3) Four-basket crates: Four-basket crates shall not be packed more than three layers deep. The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer.

(i) In the 3½–4 x 5 and 3½–4 x 4 packs the face of each half of the crate shall be packed as a unit, with no shim between the two baskets.

(4) Face and fill packs in cartons and lug boxes: Such packages shall have a double or two-layer face, or shall have a single face supported by a shim or form.

(b) *Marking.* (1) The size of plums or prunes shall be marked on each package, and shall be indicated in terms of minimum diameter, or number of fruit per package, or in accordance with the arrangement of the top layer of fruit in the package or sub-container.

(i) *Four-basket crates.* The size of plums packed in four-basket crates shall be indicated in accordance with the arrangement in the top layer of the baskets, as follows: 6 x 6, 5 x 5, or 4 x 4 (square packs); 5 x 6, 4 x 5, or 3 x 4 (offset packs); 3½–4 x 5, 3–4 x 5, 3½–4 x 4, or 3–4 x 4 (diagonal packs).

(ii) *California peach boxes, lug boxes and small consumer packages.* In layer-packed California peach boxes, or lug boxes, and in small consumer packages, the count of the entire contents shall be marked on the package. The number of plums or prunes in California peach boxes or lug boxes shall not vary more than 4 from the number indicated on the package.

(iii) *Face and fill packs in cartons and lug boxes.* In face and fill packs in cartons and lug boxes the number of rows in the face shall be marked on the package, as "6 row", "8 row", etc.

(c) *Sizing.* (1) Not more than 5 percent, by count, of the plums or prunes in any package may vary more than one-fourth inch in diameter.

(2) When size is indicated in terms of minimum diameter not more than 5 percent, by count, of the fruit in any package may be smaller than the size marked.

(d) *Tolerance for Standard Pack.* In order to allow for variations incident to proper sizing and packing not more than 10 percent, by count, of the packages in any lot may fail to meet the requirements for Standard Pack.

DEFINITIONS

§ 51.1528 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well formed.

§ 51.1529 *Clean.* "Clean" means that the fruit is practically free from dirt or other foreign material.

§ 51.1530 *Mature.* "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

§ 51.1531 *Sunscald.* "Sunscald" means injury caused by the sun in which softening or collapse of the flesh is apparent.

§ 51.1532 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the individual plum or prune. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken skins which are unhealed, except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be considered scars);

(b) Heat injury which is extensive or not light in color;

(c) External growth cracks when there are more than one on a fruit, or when any growth crack is deep, not well healed, or more than one-fourth inch in length;

(d) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack;

(e) Split pit when any resulting crack is deep, or not well healed, or is more than one-fourth inch in length, or when affecting the shape to the extent that the fruit is not well formed;

(f) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which have an aggregate area exceeding that of a circle three-eighths inch in diameter, or when the skin has been broken;

(g) Drought spots or external gum spots which are more than one-fourth inch in diameter; and,

(h) Scars which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark, rough or depressed scars or excessively rough russeting when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(2) Fairly light colored, fairly smooth scars with slight depth when, in the case of Italian type prunes, the aggregate area exceeds that of a circle one-half inch in diameter; or when, in the case of other types of plums, the aggregate area exceeds that of a circle one-half inch in diameter on a plum smaller than 4 x 4 size or less than 2 inches in diameter, or of a circle five-eighths inch in diameter on a plum 4 x 4 size or larger or 2 inches or more in diameter;

(3) Light colored, smooth scars with no depth and russeting which is not excessively rough when, in the case of Italian type prunes, the aggregate area exceeds one-twelfth of the fruit surface; or when, in the case of other types of plums, the aggregate area exceeds that of a circle five-eighths inch in diameter on a plum smaller than 4 x 4 size or less than 2 inches in diameter, or of a circle three-fourths inch in diameter on a plum 4 x 4 size or larger or 2 inches or more in diameter; and,

(4) Twig or limb scratches which are not well healed or which have an aggregate length of more than one-half inch.

§ 51.1533 *Well colored.* "Well colored", as applied to Italian type prunes, means that 95 percent of the surface of the prune is purple color.

§ 51.1534 *Fairly well colored.* "Fairly well colored", as applied to Italian type prunes, means that at least three-fourths of the surface of the prune is purple color.

§ 51.1535 *Badly misshapen.* "Badly misshapen" means that the fruit is so malformed or rough that its appearance is seriously affected. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal halves shall not be considered badly misshapen.

§ 51.1536 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance or the edible or shipping quality of the individual plum or prune. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Broken skins which are unhealed and more than one-eighth inch in diameter or depth, except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be considered scars);

(b) Heat injury which causes any softening or dark discoloration of the flesh;

(c) External growth cracks which are not well healed, or which are more than three-sixteenths inch in depth, or more than one-half inch in length;

(d) Sunburn which causes decided flattening of the fruit, or causes blistering, cracking, or noticeable brownish discoloration of the skin;

(e) Split pit when any resulting crack is not well healed, or is more than one-half inch in length, or when affecting shape to the extent that the fruit is badly misshapen;

(f) Hail marks which are more than three-sixteenths inch in depth, or which have an aggregate area exceeding that of a circle one-half inch in diameter;

(g) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(h) Scars which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are more than three-sixteenths inch in depth;

(2) Very dark or excessively rough scars or excessively rough russeting when the aggregate area exceeds that of a circle one-half inch in diameter;

(3) Dark or rough scars when the aggregate area exceeds that of a circle three-fourths inch in diameter; and,

(4) Scars which are fairly light colored and not more than slightly rough or of slight depth, or russeting which is not excessively rough, when the aggregate area exceeds one-fourth of the fruit surface.

§ 51.1537 *Diameter.* "Diameter" means the greatest dimension measured at right angles from the stem to blossom end of the fruit, except that in the case of Italian type prunes diameter means the shortest dimension measured through the center of the fruit at right angles to a line from stem to blossom end.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond the date of publication hereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) the 1958 packing season for plums will start late in May and it is in the interest of the public and the industry that the standards be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with the standards on the part of members of the fresh plum and prune industry or of others.

Accordingly, the United States Standards for Fresh Plums and Prunes contained in this subpart shall become effective on publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Plums and Prunes (Fresh) which have been in effect since June 5, 1948 (§§ 51.1520 to 51.1530).

Dated: May 19, 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-3881; Filed, May 21, 1958; 8:56 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTA REGULATIONS FOR 1958 AND SUBSEQUENT CROP YEARS

RATE OF PENALTY

Basis and purpose. The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1958 wheat marketing quota program at 45 percent of the May 1, 1958, parity price of wheat as required by Public Law 117, 83d Congress.

Since the only purpose of this amendment is to announce the penalty in dollars and cents calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.872 of the wheat marketing quota regulations for 1958 and subsequent crop years is hereby amended by adding at the end thereof the following: "The rate of penalty applicable to 1958 crop wheat shall be $1.09 per bushel, which is 45 per centum of the parity price per bushel of wheat as of May 1, 1958, which is determined to be $2.42."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 55 Stat. 203, as amended; 7 U. S. C. 1340)

Issued this 19th day of May 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-3867; Filed, May 21, 1958; 8:54 a. m.]

[Amdt. 1]

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1959 CROP OF WHEAT

USE OF 1957 OR 1958 BASE ACREAGE FOR 1959

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of authorizing the use of the 1958 base acreage, or the 1957 base acreage if more appropriate for 1959 because of crop-rotation practices, in determining the 1959 base acreage for any farm for which a 1959 base acreage is determined if the county committee, with the approval by or on behalf of the State committee, determines that such 1958 or 1957 base acreage for such farm reflects the statutory factors for determining farm acreage allotments.

In order that 1959 farm wheat acreage allotments may be established and producers notified thereof prior to the national wheat referendum on marketing quotas to be held on June 20, 1958, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.917 is amended by changing the designation of paragraph "(d)" to "(e)", by changing the language "(a) through (c)" in the first sentence of such paragraph to "(a) through (d)", and by adding paragraph (d) as follows:

(d) *Use of 1957 or 1958 base acreage.* With prior approval of the State committee, or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman, the 1958 base acreage, or the 1957 base acreage if appropriate for 1959 due to the crop-rotation system established for the farm, determined for the farm under the regulations issued by the Secretary for establishing farm acreage allotments for the respective years (21 F. R. 1895; 22 F. R. 2337) may be used as the 1959 base acreage for the farm if the county committee, after consideration of the acreage(s) determined for the farm under paragraphs (b) and (c) of this section, determines that such use will result in a base acreage which meets the requirements of paragraph (a) of this section.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 334, 52 Stat. 53, as amended, 7 U. S. C. 1334)

Issued at Washington, D. C., this 19th day of May, 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-3866; Filed, May 21, 1958; 8:54 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

1958 REQUIREMENTS, QUOTAS AND QUOTA DEFICITS; MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1958 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1958. This regulation also establishes pursuant to section 207 of the act the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1958 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended, and to give effect to the revised determination.

The purpose of this action, also, is to further amend § 811.4 (23 F. R. 2785, 3252) to determine and prorate deficits in the quotas for Hawaii and Puerto Rico for sugar to be marketed in the continental United States in 1958 as established in § 811.2, as amended herein.

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Administrative Procedure Act (60 Stat. 237), §§ 811.1, 811.2, 811.3 and 811.4 of Sugar Regulation 811 (22 F. R. 10732; 23 F. R. 2785, 3252) are amended to read as hereinafter set forth.

1. Section 811.1 is amended to read:

§ 811.1 *Sugar requirements, 1958.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1958 is hereby determined to be 8,900,000 short tons, raw value.

2. Section 811.2 is amended to read:

§ 811.2 *Quotas for domestic areas.* (a) For the calendar year 1958 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	1,931,570	[1]
Mainland cane sugar	594,363	[1]
Hawaii	1,078,005	30,348
Puerto Rico	1,127,191	131,540
Virgin Islands	15,371	0

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

3. Section 811.3 is amended to read:

§ 811.3 *Quotas for foreign countries.* For the calendar year 1958, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quota (1)	[illegible]
Republic of the Philippines	980,000	[illegible]
Cuba	2,971,705	[illegible]
Peru	73,877	[illegible]
Dominican Republic	56,707	[illegible]
Mexico	[illegible]	[illegible]
Nicaragua	11,157	[illegible]
Haiti	5,969	[illegible]
Netherlands	3,383	[illegible]
China	3,327	[illegible]
Panama	3,327	[illegible]
Costa Rica	3,323	[illegible]
Canada	631	[illegible]
United Kingdom	516	[illegible]
Belgium	182	[illegible]
British Guiana	84	[illegible]
Hong Kong	3	[illegible]
All other countries	9	[illegible]

4. Section 811.4 is amended to read:

§ 811.4 *Determination and proration of area deficits and adjusted quotas.* (a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1958, Hawaii and Puerto Rico will be unable by 213,005 and 262,191 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 73,196 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including proration herein
Domestic beet sugar	55,973	[illegible]
Mainland cane sugar	17,223	[illegible]
Hawaii	0	[illegible]
Puerto Rico	0	[illegible]
Virgin Islands	0	[illegible]

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to [illegible] short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to

§ 811.3 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in paragraph (b) of this section
Domestic beet sugar	143,424	2,130,967
Mainland cane sugar	44,133	655,719
Hawaii	0	1,078,005
Puerto Rico	0	1,127,191
Virgin Islands	0	15,371
Cuba	214,443	3,186,148

Quotas for foreign countries other than Cuba remain as established in § 811.3 subject to the import limitations established in § 811.9 (22 F. R. 10732).

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. The harvesting of sugarcane in the Caribbean will soon be completed and the period of heavy sugar consumption is approaching. The duty paid price for raw sugar at New York has increased since mid-March from 6.00 to 6.30 cents per pound on May 13.

Total distribution of quota sugar in 1957 was approximately 8,735,000 short tons, raw value. Distribution of quota sugar through May 10 of this year exceeded distribution during the comparable period of 1957 by approximately 160,000 tons.

In view of these facts the total of sugar quotas is increased 100,000 tons to 8,800,000 short tons, raw value.

Quotas. The quotas established in §§ 811.2 and 811.3 were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedures for determining the others.

Deficits in the quotas for Puerto Rico and Hawaii are determined in § 811.4 (a) on the basis of the quotas for these areas as herein established in § 811.2, and the expectation that the total supply of sugar available for marketing in the continental United States from each of these areas will not exceed 865,000 short tons, raw value.

The Virgin Islands will not have a sufficient supply of sugar to participate in filling any part of the deficits herein determined. Accordingly, deficits of 213,005 and 262,191 short tons, raw value, in the mainland quotas for Hawaii and Puerto Rico, respectively, are hereby determined, and pursuant to section 204 (a) of the act, 73,196 tons are prorated to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in § 811.2 and 402,000 tons are prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 73,196 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 19th day of May 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-3865; Filed, May 21, 1958; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.582 *Plum Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 23, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Beauty plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1$\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1$\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent, and *Provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph: *Provided,* That, the individual packages or containers of such smaller plums in each lot of such plums handled shall not exceed two-thirds (⅔) of the total packages or containers of plums in

such lot, and *Provided further*, That, all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent, and *Provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack an 8-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used herein, "U. S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8-row standard pack" shall mean that the top layer of the pack contains 68 plums which are fairly uniform in size, the plums in the top layer are not superior in size to those in the remainder of the pack, and the weight of the individual plums in such pack shall average not less than one-twelfth ($\frac{1}{12}$) pound; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all others terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 20, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3900; Filed, May 21, 1958; 9:16 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1637]

[Colorado 020027]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF THE FOREST SERVICE AS CAMPGROUNDS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as campgrounds:

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

Tenderfoot Campground

T. 5 S., R. 77 W.
  Sec. 13, S½S½SW¼, W½SW¼SW¼SE¼, except that portion within HE No. 110;
  Sec. 24, N½N½NW¼, SE¼NE¼NW¼, N½NE¼SE¼NW¼, W½W½NW¼NE¼, except that portion within HE No. 110, NW¼NW¼SW¼NE¼, except that portion within HE No. 110.

The areas described aggregate approximately 109 acres.

Blue River Campground

T. 4 S., R. 78 W.,
  Sec. 4, lots 3, 6, and 11;
  Sec. 9, lots 4, 15, and 16.
  The areas described aggregate 149.28 acres.

Tabernash Campground

T. 1 N., R. 76 W.,
  Sec. 32, NE¼.
  The area described contains 160 acres.

The total of the areas described is 418.28 acres.

The order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 16, 1958.

[F. R. Doc. 58-3838; Filed, May 21, 1958; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 7-3]

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of May, 1958.

Civil Air Regulations Amendment 7-3 contained inadvertent editorial errors in §§ 7.103 (a) and 7.118 (b).

Since this regulation corrects errors, is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) effective May 17, 1958, as follows:

1. By amending § 7.103 (a) by deleting the phrase in the second sentence "however, such means * * * are provided" and adding the following phrase in lieu thereof: "however, such means need not be provided if the Administrator finds that inherent characteristics of the rotorcraft render it unnecessary or that adequate means of warning the pilot of unsafe rotor speeds are provided."

2. By amending § 7.118 (b) be deleting the last sentence and adding a new sentence to read as follows: "The maximum permissible descent speed in autorotation shall be determined."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-3813; Filed, May 21, 1958; 8:45 a. m.]

[Supp. 27]

PART 60—AIR TRAFFIC RULES

EXPECTED APPROACH TIME

This supplement is issued to clarify the meaning of the phrase "expected clearance time" as used in § 60.49–1 (b) (2) (ii). To eliminate any possible confusion, the phrase "expected clearance time" as used in that section is revised to read "expected approach time."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 15, 1958.

[F. R. Doc. 58–3828; Filed, May 21, 1958; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 9]

PART 600—DESIGNATION OF CIVIL AIRWAYS

LOS ANGELES, CALIF. TO SEATTLE, WASH.

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

Section 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)* is amended by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp Cooke restricted area (R–531) is excluded during the restricted area's designated time of use."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies Sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 P. s. t. July 1, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 15, 1958.

[F. R. Doc. 58–3829; Filed, May 21, 1958; 8:46 a. m.]

[Amdt. 9]

PART 601—DESIGNATION OF CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTROL AREA EXTENSION (SANTA MARIA, CALIF.)

The control area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

Section 601.1332 is amended to read:

§ 601.1332 *Control area extension (Santa Maria, Calif.).* From the intersection of the Paso Robles, Calif., omnirange 169° True radial and the Santa Barbara, Calif., omnirange 304° True radial extending 5 miles either side of the Santa Barabara omnirange 304° True radial to a point 20 miles northwest and extending 5 miles either side of the Paso Robles omnirange 169° True radial to the northern boundary of control area extension No. 1176. The portion of this control area extension which lies within the geographic limits of, and between the designated altitudes of, the Camp Cooke restricted area (R–531) is excluded during the restricted area's designated time of use.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 P. s. t. July 1, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 15, 1958.

[F. R. Doc. 58–3830; Filed, May 21, 1958; 8:46 a. m.]

[Amdt. 223]

PART 608—RESTRICTED AREAS

CAMP COOKE, CALIF.

The restricted area appearing hereinafter is established to become effective when indicated in order to promote safety of the flying public. This restricted area appeared as a notice of proposed rule making in 23 F. R. 2458, April 16, 1958. All interested persons have been afforded an opportunity to submit written views, data, or comments. All comments were considered.

Part 608 is amended as follows:

In § 608.14, the Camp Cooke, California, area (R–531) is added to read as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Camp Cooke, Calif. restricted area (R–531) (San Francisco).	Beginning at latitude 34°56′30″, longitude 120°43′30″; thence to latitude 34°55′40″, longitude 120°39′40″; thence to latitude 34°49′00″, longitude 120°27′15″; thence to latitude 34°46′15″, longitude 120°26′40″; thence to latitude 34°39′50″, longitude 120°31′15″; thence to latitude 34°35′00″, longitude 120°31′40″; thence to latitude 34°34′52″, longitude 120°42′37″; thence northward three nautical miles offshore to latitude 34°56′30″, longitude 120°43′30″.	Surface to unlimited.	Continuous...	CDR USNAMTC, Pt. Mugu, Calif.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 1, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 58–3831; Filed, May 21, 1958; 8:46 a. m.]

[Amdt. 224]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Carrizo Valley, California, area (R–301) amended on October 31, 1951 in 16 F. R. 11066, is further amended by changing the "Designated Altitudes" column to read: "Surface to 20,000 feet".

2. In § 608.14, the El Centro, California, area (R–302) amended on August 12, 1955 in 20 F. R. 5850, is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet".

3. In § 608.14, the Chocolate Mountains, California, area (R–304) amended on August 12, 1955 in 20 F. R. 5850 is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet".

4. In § 608.14, the Holtville, California, area (R–305) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet".

5. In § 608.14, the Sand Hills, California, area (R–314) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 20,000 feet" and the "Time of Designation" column to read: "Days".

6. In § 608.14, the Offshore, California, area (R–363) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Time of Designation" column to read: "Days".

7. In § 608.14, the Mojave, California, area (R–306) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 35,000 feet".

8. § 608.14, the San Miguel Island, California, area (R–288) amended on October 24, 1956 in 21 F. R. 8144 is further amended by changing the "Designated Altitudes" column to read: "Surface to 15,000 feet".

9. In § 608.36, the Fallon, Nevada, East Gate area (R–270) amended on December 30, 1955 in 20 F. R. 10111 is further amended by changing the "Designated Altitudes" column to read: "Surface to 30,000 feet" and the "Time of Designation" column to read: "Continuous except Sunday".

10. In § 608.14, the Vernalis, California, area (R–280) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 60,000 feet" and the "Time of Designation" column to read: "0600 to 0100 Monday through Friday".

11. In § 608.36, the Black Rock Desert, Nevada, area (R–266) amended on October 31, 1951 in 16 F. R. 11066 is further amended by changing the "Designated Altitudes" column to read: "Surface to 60,000 feet"; "Time of Designation" column to read: "One hour prior to sunrise to one hour after sunset daily except Sunday" and the "Designated Altitudes" column to read: "Surface to 15,000 feet"; "Time of Designation" column to read: "One hour after sunset to 0100 daily except Sunday".

12. In § 608.52, the Wendover, Utah, area (R–258) amended on July 30, 1957 in 22 F. R. 5979 is further amended by changing the "Designated Altitudes" column to read: "Surface to 60,000 feet MSL" and the "Time of Designation" column to read: "Sunrise to Sunset".

13. In § 608.52, the Wendover, Utah, area No. 3 (R–508) amended on July 3, 1956 in 21 F. R. 4921 is further amended by changing the "Designated Altitudes" column to read: "Surface to 35,000 feet MSL" and the "Time of Designation" column to read: "Sunrise to Sunset Monday through Saturday".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 14, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 15, 1958.

[F. R. Doc. 58–3832; Filed, May 21, 1958; 8:47 a. m.]

[Amdt. 225]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Camp Beal, California, area (R–265) amended November [illegible] 1955 in 20 F. R. 8471, is further amended by changing the "Controlling Agency" column to read: "Commander, Beale AFB, California".

This amendment shall become effective on June 15, 1958.

2. In § 608.51, the Camp Bowie, Texas, area (R–480) amended February 5, 1958 in 23 F. R. 747, is further amended by changing the "Designated Altitudes" column to read: "Surface to 15,000 feet".

This amendment shall become effective on June 15, 1958.

3. In § 608.52, the Wendover, Utah, southern area (R–259) amended October 31, 1951 in 16 F. R. 11066, is further amended by changing the "Controlling Agency" column to read: "Commander, Hill AFB, Utah".

This amendment shall become effective on June 15, 1958.

4. In § 608.55, the Olympia Peninsula, Washington, area (R–241) amended December 20, 1957 in 22 F. R. 10304, is further amended by changing the "Controlling Agency" column to read: "Commander, 25th Air Division, McChord AFB, Washington".

This amendment shall become effective on June 15, 1958.

5. In § 608.58, Camp Guernsey, Wyoming, temporary area (R–413) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Camp Guernsey, Wyo., temporary restricted area (R–413) (Casper).	Beginning at latitude 42°30′00″, longitude 104°54′30″; thence to latitude 42°30′00″, longitude 104°40′00″; thence to latitude 42°18′00″, longitude 104°40′00″; thence to latitude 42°18′00″, longitude 104°50′00″; thence to latitude 42°22′00″, longitude 104°53′30″; thence to point of beginning.	Surface to 16,000 feet MSL.	Daily from 0700 thru 2200 hours, Mountain Standard Time.	Adjutant General, Wyoming National Guard, Cheyenne, Wyo.

This amendment shall be effective June 8 through June 22, 1958; July 6 through July 20, 1958; and August 10 through August 24, 1958.

6. In § 608.61, the Adak, Alaska, area (R–356) amended January 3, 1958 in 23 F. R. 53 is rescinded.

This amendment shall become effective on June 15, 1958.

7. In § 608.61, the Kodiak Island, Alaska, area (R–350) amended January 3, 1958 in 23 F. R. 53 is rescinded.

This amendment shall become effective on June 15, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator, of Civil Aeronautics.

MAY 15, 1958.

[F. R. Doc. 58–3833; Filed, May 21, 1958; 8:47 a. m.]

[Amdt. 70]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Daytona Beach VOR	DAB-LFR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 281° Outbnd, 101° Inbnd, 1300' within 10 mi. (Beyond 10 mi NA.)
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 101—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi, climb to 1400' on E crs within 13 mi.
MAJOR CHANGES: Straight-in minimums deleted.

City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach; Elev., 34'; Fac. Class, SBMLZ-DTV; Ident., DAB; Procedure No. 1, Amdt. 8; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 7; Dated, 5 Nov. 55

PROCEDURE CANCELED, DUE DECOMMISSIONING OF LFR ON OR ABOUT 1 JUNE 1958.

City, Galveston; State, Tex.; Airport Name, Municipal; Elev., 7'; Fac. Class, SBMRLZ; Ident., GLS; Procedure No. 1, Amdt. 8; Eff. Date, 15 May 54; Sup. Amdt. No. 7; Dated, 25 Mar. 53

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine more than 65 knots
Jackson VOR	JAN-LFR	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 356° Outbnd, 176° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 182—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, turn left, climb to 1800' on E crs within 20 mi or, when directed by ATC, climb to 2000' on S crs within 20 mi.
NOTE: Tower 1051' MSL located 3.4 mi SW of airport.

City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 343'; Fac. Class, SBRAZ; Ident., JAN; Procedure No. 1, Amdt. 10; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 9; Dated, 13 Jun. 54

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine more than 65 knots
ODI-BVOR	LSE-LFR	Direct	2600	T-d	*400-1	*400-1	†400-1
Int ODI BVOR R-010 and NW crs LSE-LFR	LSE-LFR (Final)	Direct	1800	T-n	*400-1½	*400-1½	†400-1½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-13	400-1½	400-1½	400-1½
				S-n-13	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

*300-1 takeoff authorized on Runways 31, 36, and 18.
†200-½ takeoff authorized on Runways 31, 36, and 18.
Procedure turn W side NW crs, 301° Outbnd, 121° Inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 142—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, make immediate right climbing turn, climb to 2600' and return to LSE-LFR and hold on NW crs within 10 mi.
CAUTION: 950' MSL tower 1½ mi SE of airport. 1277' MSL tower and 1444' tower 3½ and 4 mi SE, respectively, of airport. 1400' MSL tower atop bluffs 3½ mi W of airport.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653'; Fac. Class, SBRAZ; Ident., LSE; Procedure No. 1, Amdt. 6; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 5; Dated, 7 Jul. 56

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine more than 65 knots
Montgomery VOR	MXF-LFR	Direct	1700	T-dn	300-1	300-1	200-½
Radar Terminal Area transition altitude		Within 30 mi	2500	C-dn	400-1	500-1	500-1½
				S-d-15	400-1	400-1	400-1
				S-n*	NA	NA	NA
				A-dn	800-2	800-2	800-2

*Night operation Runway 15-33 NA due lack of obstruction and runway lights.
Procedure turn W side N crs, 360° Outbnd, 180° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 168—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi, climb to 1500' on SW crs within 20 mi.

City, Montgomery; State, Ala; Airport Name, Dannelly Field; Elev., 219'; Fac. Class, SBRAZ; Ident., MXF; Procedure No. 1, Amdt. 10; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 9; Dated, 25 Jan. 58

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
STL VOR	STL-LFR	Direct	1800	T-dn	300-1	300-1	200-½
Lake "H" fac	STL-LFR	Direct	2000	C-dn	500-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 069° Outbnd, 249° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 255—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1.7 mi., make right turn, climb to 2000′ on W crs STL LFR to St. Peters Int.

City; St. Louis; State, Mo., Airport Name, Lambert Field; Elev., 568′; Fac. Class, SBRAZ; Ident., STL; Procedure No. 1, Amdt. 12; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 11; Dated, 14 Sept. 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbus LFR	BXL RBn	Direct	2500	T-dn	300-1	300-1	200-½
Appleton VOR	BXL RBn	Direct	2500	C-dn	400-1	500-1	500-1½
Columbus LOM	BXL BRn	Direct	2500	S-dn-9	400-1	400-1	400-1
Hilliard FM	BXL RBn (Final)	Direct	2000	A-dn	800-2	800-2	800-2
Radar terminal area transition altitudes to radar site within		25 mi	2500				
		35 mi	3000				
		40 mi	4000				

Procedure turn South side of crs, 276° Outbnd, 096° Inbnd, 2500′ within 10 mi of Bexley RBn.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 096°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 mi after passing Bexley RBn, climb to 2000′ on crs 096° from Bexley RBn within 15 mi.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class, RBn; Ident., BXL; Procedure No. 2, Orig.; Eff. Date, 14 Jun. 58

GLS-VOR	GLS HHW	Direct	1100	T-dn	300-1	300-1	200-½
				C-dn	*400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 1600′ within 10 mi. Beyond 10 mi, NA.
Minimum altitude over facility on final approach crs, 800′
Crs and distance, facility to airport, 123—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1300′ on crs of 123° within 15 mi.
CAUTION: 231′ MSL radio tower 7000′ NE of airport.

City, Galveston; State, Tex.; Airport Name, Municipal; Elev., 7′; Fac. Class, HHW; Ident., GLS; Procedure No. 1, Orig.; Eff. Date, 1 Jun. 58 or date of com. of HHW

STL-VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
STL-LFR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Jerseyville Int	LOM	Direct	2000	S-dn-24	400-1	400-1	400-1
Cora Int	LOM	Direct	1800	A-dn	800-2	800-2	800-2
Lake "H"	LOM	Direct	1800				
Academy Int	LOM	Direct	1800				
Godfrey Int	LOM	Direct	1900				
Horseshoe Int	LOM	Direct	1900				
Prairie Int	LOM	Direct	2000				
			2000				

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.
Procedure turn North side of crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 mi of LOM.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 238—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing LOM, climb to 2000′ on crs of 238° to Lake "H" or, as directed by ATC: (1) Make right (North) turn, climb to 2000′ direct to STL-VOR; (2) Make left turn (South), climb to 2600′ direct to Barracks Int.

City, St. Louis; State, Mo.; Airport Name, Lambert Fld.; Elev., 568′; Fac. Class, LOM; Ident., ST; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Jun. 58

STL-LFR	Lake "H"	Direct	2000	T-dn	300-1	300-1	200-½
STL-VOR	Lake "H"	Direct	2000	C-dn	500-1	500-1	500-1½
STL-LOM	Lake "H"	Direct	2000	S-dn-6	500-1	500-1	500-1
St. Peters FM	Lake "H"	Direct	2000	A-dn	800-2	800-2	800-2
Barracks Int	Lake "H"	Direct	2000				

Radar transitions to final approach course authorized. Radar terminal area transitions altitudes on radar procedure.
Procedure turn South side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles of Lake "H".
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 058—3.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Lake "H", climb to 1800′ on crs of 058° to LOM or, when directed by ATC, (1) Make right (South) turn, climb to 2600′ on South crs STL-LFR to Barracks Int.; (2) Make left (North) turn, climb to 2000′ direct to STL-VOR.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 568′; Fac. Class, MHW; Ident., LAQ; Procedure No. 2, Orig.; Eff. Date 14 Jun. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Elkins VOR	CKB-VOR	Direct	4000	T-dn*	500-1	NA	NA
				C-dn	700-1	NA	NA
				A-dn	1000-1	NA	NA

*Night takeoffs not authorized on NW-SE runways.
Procedure turn West side of crs, 220° Outbnd, 040° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach, 2500′.
Crs and distance, facility to airport, 040—2.9.
CAUTION: Tower 2045′ MSL 3.5 mi NW of VOR station.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, climb to 3000′ on R-040 within 10 mi of Clarksburg VOR.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209′; Fac. Class, VOR; Ident., CKB; Procedure No. 1, Orig.; Eff. Date, 14 Jun. 58

				T-dn	300-1	300-1	
				C-dn	500-1	500-1	
				S-dn-24	500-1	500-1	
				A-dn	800-2	800-2	

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 3800′ within 10 mi.
Minimum altitude over HKY VOR on final approach crs, 2500′. Minimum altitude over Taylorsville FM on final approach crs, 1900.*
Crs and distance, VOR to airport, 225—10.7. Crs and distance Taylorsville FM to airport, 225—5.7.*
*If Taylorsville FM not received, descent below 1900′ not authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 mi after passing VOR, turn right, climb to 3500′, returning to HKY VOR on R-225.

City, Hickory; State, N. C.; Airport Name, Municipal; Elev., 1,167′; Fac. Class, BVOR: Ident., KHY; Procedure No. 1, Amdt. 2; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 1; Dated, 29 May 57

PROCEDURE CANCELED, EFFECTIVE 21 APR 58.

City, Jackson; State, Miss.; Airport Name, Hawkins Airport; Elev., 343′; Fac. Class, BVOR; Ident., JAN; Procedure No. 1, Amdt. 6; Eff. Date, 14 Jun. 54; Sup. Amdt. No. 5; Dated, 30 Jan. 53

Maxwell LFR	MGM-VOR	Direct	1700	T-dn	300-1	300-1	200-½
Radar Terminal Area transition altitude		Within 30 mi	2500	C-dn	400-1	500-1	500-1½
				S-d-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 138° Outbnd, 318° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 318—5.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles, climb to 1700′ on R-316 within 20 miles of VOR.
NOTE: Night operation Runway 15-33 NA due lack of obstruction and Runway lights.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 219′; Fac. Class, BVOR; Ident., MGM; Procedure No. 1, Amdt. 6; Eff. Date. 14 Jun. 58; Sup. Amdt. No. 5; Dated, 13 Jan. 54

St. Louis LFR	STL-VOR	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 137—8.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.0 mi., make left turn, climb to 2000′ direct to STL VOR.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 568′; Fac. Class, BVOR; Ident., STL; Procedure No. 1, Amdt. 5; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 4; Dated, 14 Jan. 56

Wichita Falls LFR	Wichita Falls VOR	Direct	2300	T-dn	300-1	300-1	200-½
Jolly FM	Wichita Falls VOR	Direct	2600	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 264° Outbnd, 084° Inbnd, 2200′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach, 1700′.
Crs and distance, facility to airport, 090—5.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi, turn left, climb to 2500′ on R-040 within 20 mi.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1029′; Fac. Class, BVOR; Ident., SPS; Procedure No. 1, Amdt. 1; Eff. Date, 14 Jun. 58; Sup. Amdt. No. Orig.; Dated, 4 May 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Zanesville RBn	ZZV-VOR	Direct	2400	T-dn	300-1	300-1	200-½
				C-dn#	400-1	500-1	500-1½
				S-dn-3#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#If Zanesville RBn is not received, maintain 1600′ over ZZV-VOR (minimums of 700-1½ will apply).
Procedure turn East side of crs, 224° Outbnd, 044° Inbnd, 2400′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′ until abeam ZZV RBn#.
Crs and distance, breakoff point to airport, 036—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi after passing ZZV VOR make right climbing turn to 2400′ and return to ZZV-VOR and hold on R-224 within 10 mi.
CAUTION: Tower 1420′ approximately 3.0 mi W of Zanesville RBn.

City, Zanesville; State, Ohio; Airport Name, Municipal; Elev., 899′; Fac. Class, VOR; Ident., ZZV; Procedure No. 1 Amdt. 1; Eff. Date, 30 Apr. 58; Sup. Amdt. No. Orig.; Dated, 29 Apr. 58

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10 mi fix R-281	0 mi fix R-281	Direct	2600	T-dn	300-1	300-1	200-½
0 mi fix R-101	8.8 mi fix R-101	Direct	2500	C-dn	400-1	500-1	500-1½
8.8 mi fix R-101	9.5 mi fix R-101 (Final—airport)	Direct	2200	C-d#	800-1	800-1	800-1½
				C-n#	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

#Minimums without DME and procedure turn required.
Procedure turn S side R-281, 3500′ within 10 mi (not required with DME).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 miles, climb to 3100′ on R-101 within 20 mi.
NOTE: When authorized by ATC, DME may be used within 10 mi at 3800′ orbiting altitude to position aircraft for a final approach.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class, VOR-DME; Iden., ABI; Procedure No. VOR-DME-Arpt., Amdt. 1; Eff. Date, 14 Jun. 58; Sup. Amdt. No. Orig.; Dated, 26 May 56

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta VOR	LOM	Direct	1800	T-dn	300-1	300-1	#200-½
Augusta LFR	LOM	Direct	1700	C-dn	600-2	600-2	600-2
City Int	LOM	Direct	1600	S-dn-35:			
Alexander Int	LOM	Direct	1500	ILS	*300-¾	*300-¾	*200-½
				ADF	400-1	400-1	400-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

300-1 required on Runway 26.
*400-¾ required with glide slope inoperative.
Procedure turn W side S crs 168° Outbnd, 348° Inbnd, 1500′ within 10 mi. (Non-standard due to prohibited area.)
Minimum altitude at G. S. int inbnd, 1500′ ILS, minimum altitude over LOM inbnd final 1000′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 1470—4.3; at MM 332—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing LOM (ADF) climb to 2000′ on N crs ILS (348) within 20 mi, or when directed by ATC, turn left and climb to 1800′ on W crs AGS LFR within 20 mi.
NOTE: No approach lights.

City, Augusta; State, Ga.; Airport Name, Bush; Elev., 142′; Fac. Class, ILS-IAGS; Ident., LOM-AG; Procedure No. ILS-35, Comb. ILS and ADF, Amdt. 5; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 4; Dated, 31 Aug. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Augusta VOR	City Int	Direct	2000	T-dn	300-1	300-1	*200-½
Mallard Int	City Int	Direct	2000	C-dn	800-1	800-1	800-1½
Mallard Int	City Int (Final)	Direct	1500	S-dn-17	800-1	800-1	800-1
Colliers Int	Mallard Int	Direct	2300	A-dn	1000-2	1000-2	1000-2

*300-1 required on Runway 26.
Procedure turn W side N crs, 348° Outbnd, 168° Inbnd, 2000′ within 10 miles of City Int.
No glide slope, altitude and distance to app end of rny over City Int on final 1500′—6.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 mi after passing City Int., climb to 1500′ on S crs of ILS within 20 mi.
CAUTION: Prohibited area located 4 mi E of Bush Field.

City, Augusta; State, Ga.; Airport Name, Bush; Elev., 142′; Fac. Class, ILS; Ident., IAGS; Procedure No. ILS-17, Amdt. 1; Eff. Date, 14 Jun. 58; Sup. Amdt. No. Orig.; Dated, 9 Feb. 57

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Columbus LOM	Bexley RBn	Direct	2500	T-dn	300-1	300-1	200-½
Columbus LFR	Bexley RBn	Direct	2500	C-dn	400-1	500-1	500-1½
Appleton VOR	Bexley RBn	Direct	2500	S-dn-9	400-1	400-1	400-1
Hilliard FM	Bexley RBn (final)	Direct	2000	A-dn	600-2	600-2	600-2
Radar Terminal area transition altitudes: Radar site		Within:					
		25 mi	2500				
		35 mi	3000				
		40 mi	4000				

Procedure turn S side W crs, 276° Outbnd, 096° Inbnd, 2500′ within 10 mi of Bexley MHW.
No glide slope—2000′ over Bexley RBn; 3.3 mi from Bexley RBn to rwy 9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 mi after passing Bexley RBn, climb to 2400′ on E crs ILS or crs 096 from Bexley RBn within 15 mi.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class, ILS; Ident., CMH; Procedure No. ILS-9, Amdt. 3; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 2; Dated, 30 Jul. 55

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
LAX RBn	LOM	Direct	2000	T-dn#	300-1	300-1	200-½
Downy FM-RBN	LOM (final)	Direct	*1700	C-dn	500-1	600-1	600-1½
LGB LFR	Downy FM-RBn	Direct	3000	S-dn-25L-ILS#	200-½	200-½	200-½
LGB VOR	Downy FM-RBN	Direct	3000	S-dn-25L, R-ADF.	400-1	400-1	400-1
LGB LFR	LOM	Direct	1700	A-dn:			
LGB VOR	LOM	Direct	1700	ILS	600-2	600-2	600-2
Hollywood Hills FM	LOM	Direct	3000	ADF	800-2	800-2	800-2
LAX VOR	LOM	Direct	2000				
Radar vectoring to final approach crs authorized.							

#Runway visual range 2600′ also authorized for takeoff and landing on Rnwy 25-L: *Provided*, That all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 326′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
*Aircraft must descend from 3000′ immediately after passing Downy, inbnd.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000′ within 7.8 mi of OM. (E of Downy Rbn NA).
Minimum altitude at glide slope int inbnd—1700′ ILS; Min. alt. over LOM inbnd final 1700′ ADF.
Altitude of glide slope and distance to approach end of runway at OM 1700′—5.2; at MM—310—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 mi, after passing LOM, climb to 2000′ on W crs LAX ILS within 20 mi.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class, ILS-LAX; Ident., LOM-LA; Procedure No. ILS-25L, Comb. ILS-ADF, Amdt. 17; Eff. Date, 1 Jun. 58; Sup. Amdt. No. 16; Dated, 25 Jan. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
RDU LOM	Leesville LF Int*	Direct	2000	T-dn	300-1	300-1	200-½
RDU LFR	Leesville LF Int*	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Int N crs RDU-ILS and 360° brg RDU-LFR.
Procedure turn N side of crs 049° Outbnd, 229° Inbnd, 1500′ within 10 mi of Leesville LF Int.
No glide slope—altitude over Leesville Int on final approach crs, 1000′.
Brng and distance, Leesville Int to approach end Runwy 23, 229—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi of Leesville Int, climb to 2000′ on SW crs ILS (229) within 20 mi. When directed by ATC, turn right, climb to 2000′ on NW crs RDU LFR (308), or on R-303 RDU, within 20 mi.
This procedure authorized only for aircraft equipped to receive ILS and LFR simultaneously.

City, Raleigh; State, N. C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class, ILS-IRDU; Ident., LFR-RDU; Procedure No. ILS-23, Amdt. 2; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 1; Dated, 1 May 57

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
St Louis VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
St Louis LFR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Jerseyville Int	LOM	Direct	2000	S-dn 24	200-½	200-½	200-½
Wood River Int	NE crs ILS (final)	255—8.0	1800	A-dn	600-2	600-2	600-2
Lake "H"	LOM	Direct	1800				
Cora Int	LOM (final)	Direct	1800				
Academy Int	NE crs ILS (final)	210—9.5	1900				
Godfrey Int	NE crs ILS (final)	193—14.0	1900				
Horseshoe Int	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.
Procedure turn N side NE crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1782—4.1; at MM, 748—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing LOM, climb to 2000′ on SW crs of ILS to Lake "H" or, as directed by ATC, (1) Make right (North) turn, climb to 2000′ direct to STL-VOR; (2) Make left turn (South), climb to 2600′ direct to Barracks Int.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 568′; Fac. Class, ILS; Ident., STL; Procedure No. ILS-24, Amdt. 15; Eff. Date, 14 Jun. 58; Sup. Amdt No. 14; Dated, 14 Apr. 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
St. Louis LFR	Lake "H"	Direct	2000	T-dn	300-1	300-1	200-½
St. Louis VOR	Lake "H"	Direct	2000	C-dn	500-1	500-1	500-1½
St. Louis LOM	Lake "H"	Direct	2000	S-dn 6	500-1	500-1	500-1
St. Peters FM	Lake "H"	Direct	2000	A-dn	800-2	800-2	800-2
Barracks Int	Lake "H"	Direct	2000				
Int R-180 STL-VOR and SW crs ILS	Lake "H"	Direct	2000				
Int R-180 STL-VOR and SW crs ILS	Lake "H" (Final)	Direct	1500				
Howell Int	SW crs ILS (Final)	R-260 Toy	2000				
Int R-229 STL-VOR and SW crs ILS	Lake "H" via ILS SW crs	3000*					

*2000′ after passing R-200 STL-VOR.

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on radar procedure.

Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 mi of Lake "H".

No glide slope or markers. Alt. over Lake "H," 1500′. Distance from Lake "H" to Rnwy 6, 3.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing Lake "H," climb to 1800′ on NE crs ILS to LOM, or, when directed by ATC: (1) Make right (South) turn, climb to 2600′ on South crs STL-LFR to Barracks Int; (2) Make left (North) turn, climb to 2000′ direct to STL-VOR.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 568′; Fac. Class, ILS-STL; Ident. MHW-LAQ; Procedure No. ILS-6, Amdt. 5; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 4; Dated, 4 May 57

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Savannah LFR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
NE crs SAV-LFR and E crs ILS	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Savannah VOR	LOM	Direct	1300	S-dn-9*:			
				ILS	300-¾	300-¾	200-½
				ADF	400-1	400-1	400-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized.

Procedure turn N side crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi. Beyond 10 mi NA. (Non-standard due to danger area.)

Minimum Altitude at G. S. int inbnd 1500′ ILS, minimum altitude over LOM inbnd final, 900 ADF.

Altitude of G. S. and distance to appr end of rny at OM 1450—4.8, at MM 237—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi after passing LOM (ADF) make immediate left turn climb to 1400′ on NW crs LFR (321) or on R-300.

SAV within 20 mi.

AIR CARRIER NOTE: 200-½ authorized provided the available runway length exceeds by 3000′ the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class, ILS-ISAV; Ident., LOM-SA; Procedure No. ILS-9, Comb. ~~ILS~~ and ADF, Amdt. 3; Eff. Date, 14 May 58; Sup. Amdt. No. 2; Dated, 29 Jan. 55

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
YKM-LFR	LOM	Direct	3500	T-dn#	400-1	400-1	400-1
YKM-VOR	LOM	Direct	3500	C-d	800-2	800-2	[illegible]
Selah Int	LOM	Direct	3500	C-n	800-2	1000-2	1000-2
Int SE crs of YKM-LFR and Brng 325 to YKM-LOM.	LOM	Direct	4500	S-dn-27	400-1	400-1	400-1
				A-d	800-2	800-2	800-2
White Swan Int	LOM	Direct	4000	A-n	800-2	1000-2	[illegible]
Toppenish Int	LOM	Direct	4000				
Sawmill Int	LOM	Direct	4000				

#Take-off minimums runways 22-4 and 34-16: 500-1 Day, 800-2 Night.

Procedure turn S side of crs, 089° Outbnd, 269° Inbnd, 3500′ within 5 mi. NA beyond 5 mi. (Non-standard due to terrain.)

Minimum altitude at G. S. int inbnd, 3500′.

Altitude of G. S. and distance to appr end of rny at OM 3377—6.9, at MM-1318—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb on localizer crs 269° Outbnd, 089° Inbnd to 3500′ within 5 mi of Middle Marker. All turns N side of crs.

Alternate missed approach, when directed by ATC, climb on NW crs YKM LFR to 2 mi NW Selah Int, then turn right shuttle climb on W side S crs, ELN LFR to 4500′ within 10 mi N of Selah Int.

NOTE: All components of ILS must be functioning while executing this approach.

City, Yakima; State, Wash.; Airport Name, Yakima; Elev., 1077′; Fac. Class, ILS; Ident., YKM; Procedure No. ILS-27, Amdt. 4; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 3; Dated, 4 May 57

2. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
[illegible]		25 mi	*2200	T-dn	300-1	300-1	200-½
[illegible]		25 mi	2000	C-dn	500-1	500-1	500-1¼
				S-dn	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: All bearings and distances are from the radar site with sector azimuths progressing clockwise.

*2200' within 3 mi of 1649' TV tower 10.7 mi S of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on W crs STL-LFR to St. Peters Int. or, when directed ATC, (1) Climb to 2600' on S crs STL-LFR to the Barracks Int.; (2) Climb to 2000', proceed direct to STL-VOR.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 558'; Fac. Class, St. Louis; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 14 Jun. 58; Sup. Amdt. No. 1; Dated, 29 Jan. 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[SEAL]

MAY 15, 1958.

[F. R. Doc. 58-3834; Filed, May 21, 1958; 8:47 a. m.]

[Amdt. 1]

PART 617—AIR TRAFFIC CONTROL RULES

MISCELLANEOUS AMENDMENTS

This amendment revises certain rules under which air traffic control tower operators issue clearances to aircraft. The purpose of this amendment is to, (1) incorporate changes in terminology; (2) reflect the judgment exercised by controllers; (3) reflect the responsibilities of pilots in avoiding collisions; and (4) clarify the intent. This material has been included in the ANC "Procedures for the Control of Air Traffic" manual and has been coordinated with the Army, Air Force, Navy, Coast Guard, and with the civil operators through the Aircraft Owners and Pilots Association, National Business Aircraft Association, Air Line Pilots Association, and Air Transport Association of America, and is adopted to become effective May 15, 1958, in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest and, therefore, is not required.

Part 617 is amended as follows:

1. Section 617.21 is amended to read as follows:

§ 617.21 *General responsibility*—(a) *Responsibility of airport traffic control towers.* (1) An airport traffic control tower is responsible for the issuance of clearances and information to pilots of aircraft for the purpose of protecting air traffic by aiding pilots in the prevention of collision between:

(i) Aircraft operating on the ground in the movement area.

(ii) Aircraft, vehicles and personnel operating on the movement area.

(iii) Aircraft landing and taking off and in the traffic pattern.

(iv) Aircraft operating under instrument flight rules after control of such aircraft has been delegated to the tower by the appropriate air route traffic control center.

(*a*) The above should not be construed to waive the requirements for providing separation between:

(*1*) Aircraft operating under instrument flight rules in instrument flight rule weather conditions; or

(*2*) Aircraft operating under instrument flight rules in visual flight rule conditions, unless such aircraft have accepted a visual flight rules restriction; or

(*3*) Aircraft operating under instrument flight rules and such other aircraft operating under visual flight rules in less than visual flight rule conditions when such visual flight rules traffic has requested and has been issued a traffic clearance.

(2) An airport traffic control tower is also responsible for the issuance and relay of information and clearances which will avoid or prevent unnecessary delays to aircraft using a movement area, and which will facilitate the proper use of the landing area by aircraft.

(b) *Responsibility of pilots.* (1) When flying in visual flight rule weather conditions, it is considered the direct responsibility of the pilot to avoid collision with other aircraft. Under such conditions, the information and clearances issued by the control tower are intended to aid pilots in avoiding collision.

(2) When flying in instrument flight rules weather, flight visibility is so restricted that the pilot cannot visually maintain separation from other aircraft. In such circumstances, reliance must be placed upon information and clearances, issued by the air traffic control agency. This, however, does not relieve a pilot of the responsibilities imposed upon him by the Civil Air Regulations or any other regulations.

2. Section 617.22 is amended to read as follows:

§ 617.22 *General.* Airport traffic controllers shall maintain a watch on visible flight operations in the control zone, including aircraft, vehicles, and personnel on the movement area, and shall control such traffic in accordance with the procedures set forth herein and all applicable air traffic rules. If there are other landing areas in the zone, traffic at all landing areas within the zone shall be coordinated in a manner which will eliminate confliction.

3. Introductory text of § 617.23 is amended to read as follows:

§ 617.23 *Normal positions of aircraft in the traffic and taxi patterns.* The following positions of aircraft in the traffic and taxi patterns (illustrated in Figure 1) are positions where aircraft are normally issued airport traffic control instructions. Where practicable, such clearances should be issued without waiting for the pilot to initiate the call:

* * * * *

4. The title of Figure 1 is amended to read as follows: "Figure 1. Normal positions of aircraft from an airport traffic control viewpoint."

5. Section 617.24 is amended to read as follows:

§ 617.24 *Determination of proper runways to use for landings and take-offs.* (a) When surface wind velocity is six miles per hour or more, aircraft shall ordinarily be authorized to use the runway most nearly aligned into the wind and the tetrahedron shall, if controllable, be set so as to indicate such runway. (See fig. 2 (b).)

(b) The tetrahedron, if controllable, will release automatically and swing into the wind when the velocity reaches a predetermined value. Ordinarily this will be between 10 and 15 miles per hour.

(c) When the surface wind velocity is less than 6 miles per hour, aircraft shall ordinarily be authorized to use the runway which has been designated as the "calm wind" runway. The actual wind direction and velocity shall be stated since, under certain conditions, some types of aircraft are not approved for take-off or landing with a tail wind component. The "calm wind" runway shall normally be the runway having the most advantages such as greater length, shorter taxiing distance, better approach, etc. The tetrahedron shall be set so as to indicate such runway under these conditions. (See fig. 2 (a).)

(d) If the runway in use is not considered suitable for the operation involved, the controller may offer a choice of runway or the pilot may request clearance to use another runway.

6. Section 617.25 is amended to read as follows:

§ 617.25 *Control of taxiing aircraft.* (a) The pilot is responsible for maintaining vigilance from the cockpit to avoid collision while taxiing. However, there may be restrictions upon the field of vision from the cockpit and controllers should be alert to issue information which, in their judgment, will assist the pilot in determining the proper taxi route and preventing collision with other aircraft or objects.

(b) It is particularly difficult for the pilot to determine the best taxi route on a strange airport. Clearances and information to pilots concerning taxi routes should be simple and direct such as "Turn left at first intersection, taxi straight ahead to the end of the runway. Then turn right." etc.

(c) Aircraft should not be cleared to taxi on the runway-in-use if it is feasible to provide other taxiing routes. The guiding principle in handling taxiing traffic is "keep the runway-in-use ready for use as much as possible."

(d) Aircraft shall not be cleared to hold on the end of the runway-in-use whenever another aircraft is effecting a landing. At those airports where there are no intersecting taxiways at the approach end of the runway, aircraft shall be held clear of the runway, until landing traffic has passed. (See fig. 3.)

(e) The direction of taxiing aircraft and avoidance of collision within loading and parking areas is considered the primary responsibility of the aircraft operator and/or airport management, as well as the pilot.

(f) It shall not be the responsibility of towers to control areas not visible from the tower. Due to local obstructions, there are many airports where portions of usable runways, taxi strips and loading areas are not visible from the tower. At such locations it is expected that control tower personnel will take appropriate action to advise all concerned of those areas which are not visible from the tower. The airport management should be encouraged to place appropriate signs at such locations and publicize their existence by displaying suitable charts or diagrams in shops, hangars and operations offices.

(g) The use of radio communications channels for communications between the tower and aircraft shall be as follows:

(1) Arriving aircraft: After landing, the pilot shall be advised when to change to the appropriate ground control channel for receipt of taxi instructions from the tower. Normally, this change-over shall be accomplished after the aircraft has cleared the active runway or area.

(2) Departing aircraft: Prior to taxiing, aircraft shall communicate with the tower on the appropriate ground control frequency for taxi and clearance information and remain tuned to this frequency until ready for take-off. Take-off clearance, and further communication with the tower, if necessary, shall be handled on the appropriate airborne frequency.

(3) When aircraft and tower are not both equipped with the VHF ground control frequency, the appropriate tower low frequency shall be used for communications between the tower and aircraft on the ground.

7. Section 617.26 is amended to read as follows:

§ 617.26 *Control of traffic in the traffic pattern.* (a) Aircraft in the traffic pattern shall be controlled to provide the separation minimums outlined below except that:

(1) Formation commanders are responsible for separation between aircraft in the formation while operating within the traffic pattern and on the landing area.

(2) Aircraft operating in different areas or lanes on airports equipped with runway or mat facilities suitable for simultaneous landings or take-offs are exempted from the separation minimums.

(3) Separation minimums shall not apply to aircraft operating under military necessity as determined by competent authority.

(b) Sufficient separation shall be effected between arriving aircraft so that the succeeding landing aircraft on the same runway will not cross the airport boundary in its final glide until the preceding aircraft has cleared the runway-in-use. (See fig. 4.)

(c) Controllers shall not clear a departing aircraft for take-off until the preceding departing aircraft on the same runway has crossed the end of that runway, or has started a turn away from runway.

(d) Sufficient separation shall be effected between arriving and departing aircraft so that:

(1) A landing aircraft will not cross the airport boundary in its final glide until the preceding departing aircraft on the same runway has crossed the far end of the runway.

(2) A departing aircraft will not be cleared for take-off until the preceding landing aircraft on the same runway has cleared the runway.

(e) During periods of congestion whenever traffic can be safely and efficiently controlled thereby, control may be exercised to effect the following minimum separation between arriving and/or departing light-weight single-engine aircraft of similar operating characteristics.

(1) Landing: Sufficient separation shall be effected between arriving aircraft to insure that succeeding landing aircraft on the same runway will not cross the airport boundary until the preceding landing aircraft has landed and is clear of the runway, or if the preceding landing aircraft is making a touch and go landing, is airborne on taking off (as defined in subparagraph (3) (i) of this paragraph).

(2) Take-off: Sufficient separation shall be effected between departing aircraft to insure that an aircraft will not commence take-off until the preceding departing aircraft is airborne (as defined in subparagraph (3) (i) of this paragraph).

(3) Landings and take-offs:

(i) That a landing aircraft will not cross the airport boundary until the preceding aircraft taking off is definitely airborne, i. e., has traversed at least the first 3,000 feet of the runway. The determining factor in each case should be whether the following aircraft has sufficient area available to land or take off safely in the event the preceding aircraft, through unforeseen circumstances, blocks a portion of the usable runway.

(ii) An aircraft taking off will not commence take-off until the preceding landing aircraft has cleared the runway-in-use.

(f) Sufficient separation should be effected between aircraft in flight in the traffic pattern to allow the spacing of arriving and departing aircraft as outlined in the foregoing.

NOTE: At many airports the location of the control tower will not permit accurate determination of separation between the paths of successive aircraft in the pattern, landing or taxiing on the same runway or taxiway, particularly when the movement of these aircraft is at an angle to the controller's line of vision. Caution, therefore, should be exercised in the issuance of specific control clearances for the purpose of aiding pilots to avert an apparent collision hazard. For example, when a succeeding aircraft is overtaking the aircraft ahead a specific control clearance might turn the preceding aircraft into the path of the other.

(g) Nothing contained herein is to be construed as relieving a pilot of the responsibilities imposed upon him by Chapter I, Subchapter A of this title or any other regulations, nor is it to be con-

[illegible] that the airport traffic controller on duty is obligated to effect control in accordance with paragraph (e) of this section when, in his opinion, these procedures might constitute a hazard.

(b) Normally, traffic shall be controlled in accordance with established airport traffic patterns and taxi routes. When clearances involve deviations from the normal patterns, due consideration shall be given to local regulations, prohibited areas and local noise abatement programs when authorizing such deviations.

8. Section 617.27 is amended to read as follows:

§ 617.27 *Control of other than aircraft traffic on the landing area.* (a) The movement of personnel or vehicles on the movement area proper shall not be authorized unless specific clearance has been granted for such movement by the airport traffic controller on duty in the control tower. Such authorized personnel, including drivers of all vehicles, should be instructed to stop and wait for radio clearance or light signal from the control tower before crossing any runway or taxi strip unless on a portion of the movement area marked off by lights, flags, or other conventional warning signals. In radio conversation to pilots, the airport traffic controller shall identify personnel or vehicles on the movement area as distinctly as possible.

(b) The maintenance of any landing area requires considerable use of vehicular traffic, such as snow plows, tractors, mowers, maintenance trucks, official cars for inspection, and miscellaneous other equipment in addition to the working parties and other personnel required for maintenance. Considerable care and judgment must be exercised in permitting personnel or vehicles on any portion of the landing area. At certain points during the take-off and landing of aircraft, a change of direction to avoid an obstacle will almost certainly result in ground-looping or overturning the aircraft with probable serious results.

(c) In many cases commanding officers or airport managers require all vehicular traffic to be equipped with radio receivers so that they may receive control tower signals, but in the majority of instances all pedestrian and vehicular traffic are controlled by light signals.

(d) Where continuous vehicular movement is involved over limited portions of the landing area, such as mowing the grass, the mowing is usually accomplished in a portion of the field not being used for landing operations with the particular wind condition at that time. The mowing equipment is marked with appropriate flags or lights, and the mower may not cross the taxi strips or runways without receiving the proper light signal.

(e) When construction work is in progress, the normal procedure is to close the entire construction area to aircraft operations and permit pedestrian and vehicular traffic to move at will within the marked-off area. Construction areas are usually marked off with appropriate flags in the daytime and appropriate lights at night.

9. Section 617.28 is amended to read as follows:

§ 617.28 *Authorizing use of landing area by pilots of arriving aircraft.* (a) If a pilot enters a control zone without proper authorization, he shall be permitted to land if his actions indicate he so desires. If circumstances warrant, an airport traffic controller may ask pilots of aircraft with whom he is in contact to give way so as to remove as soon as possible the hazard introduced by such unauthorized operation. In no case shall permission to land be withheld indefinitely.

(b) In cases of emergency, such as loss of radio communication a pilot may be required, in the interests of safety, to enter a control zone and effect a landing without proper authorization. Airport traffic controllers should recognize the possibilities of emergency action and render all assistance possible. While it is true that in some isolated instances a pilot might deliberately disregard regulations and enter a control zone in an unauthorized manner while not under stress of an emergency, the airport traffic controller should assist the pilot and take steps toward possible corrective action after the pilot has landed. Under no circumstances should discussions which have no relation to traffic control be carried on over the radio.

10. Section 617.32 (b) (1) (i) (*a*) is amended to read as follows:

§ 617.32 *Operation of portable traffic light.* * * *

(b) Signals from a portable traffic light shall mean the following:

* * * * *

(1) *General warning signal.* * * *

(i) * * *

(*a*) When aircraft are converging and, in the judgment of the controller, there is a possibility of a collision.

11. In § 617.41, paragraphs (c) (5), (d), (e), (f) and (g) are amended to read as follows:

§ 617.41 *Calls and replies.* * * *

(c) Aircraft call signs—Aircraft shall be identified during radiotelephone communication as follows:

* * * * *

(5) Scheduled air carrier—by the abbreviated name of the operating company followed by the trip number spoken as a group.

(d) The call-up procedure to be utilized in airport traffic control radiotelephone communications shall consist of the following:

Item	*Example*
(1) Designation of the station called.	Waco one eight one four.
(2) This is ----------------	This is.
(3) Designation of the calling station.	Cleveland Tower.
(4) Invitation to reply---	Over.

(e) The reply to an initial call-up shall consist of:

Item	*Example*
(1) Designation of the station called.	Cleveland Tower.
(2) This is ----------------	This is.
(3) Designation of the answering station.	Waco one eight one four.
(4) Invitation to reply----	Over.

(f) Personnel shall be on the alert for potential confliction or partial duplication of call signs. For example, assume TWA 55 and UAL 55 are both in contact with the same facility, the air carrier name should be emphasized.

(g) The name of the pilot should not ordinarily be utilized in routine two-way radio communication.

12. Section 617.45 is amended to read as follows:

§ 617.45 *Traffic clearances.* (a) General: An airport traffic controller shall issue such traffic clearances and other information as are, in his judgment, necessary for the purpose of protecting air traffic by aiding pilots in the prevention of collisions between aircraft under the controller's jurisdiction.

(b) A clearance issued by an airport traffic control tower is authority for a pilot to proceed only insofar as known air traffic conditions and field conditions are concerned and does not constitute authority for a pilot to violate any Military or Civil Air Regulations. The relay of information or advice to pilots from the airport management or a commanding officer is permitted. When such relay of advice is undertaken by controllers, the pilot shall be informed of the source of the message. However, denial of clearance for take-off shall be based only on considerations of traffic. No violations of § 60.19 of this title shall be reported unless a take-off is made contrary to a controller's clearance based solely on traffic conditions.

(1) Clearances issued by airport traffic controllers are predicated upon known or observed traffic and field conditions which, in the judgment of the controller, affect safety in aircraft operations. Such known traffic conditions will include not only known aircraft in the air within the control zone and on the movement area over which control is being exercised, but also any known or observed vehicular traffic or other obstructions not permanently installed on the movement area in use.

(2) Should a clearance issued by the airport traffic controller not be acceptable to the pilot, he may request and, if practicable, receive an alternate clearance.

13. In § 617.46, the introductory paragraph of (a) and paragraphs (b) (2), (c) (1), and (d) (1) are amended to read as follows:

§ 617.46 *Standard phraseologies for traffic clearances.* (a) In order to reduce the transmission time for each tower message, and to decrease misunderstandings, phraseologies have been standardized for use in airport traffic control. However, situations will occur in which the controller will have to exercise his best judgment in the use of additional phraseologies. In such cases he should normally use supplementary rather than substitute phrases.

* * * * *

(b) Clearance to enter traffic pattern:

* * * * *

(2) The clearance to enter traffic pattern is issued to a pilot whenever it is desired that the aircraft approach the

landing area in accordance with current traffic patterns. If clearance to enter traffic pattern is not appropriate for the existing traffic conditions, it shall be omitted and an alternate clearance such as "cleared to land," or "continue approach," or "report over (specified point or distance from the airport)," or "(right) or (left) turn to runway (number)" may be used at the discretion of the controller.

* * * * *

(c) Clearance to land:

(1) A clearance to land shall be in the following form:

(i) "(Flight identification.)"
(ii) "This is (name of tower) tower."
(iii) "(Position.)"
(iv) "At (altitude)."
(v) "Cleared to land."
(vi) "Runway (number of runway in use)."
(vii) "Wind (direction and velocity)."
(viii) (Any special information.)

NOTE: Item (ii) may usually be omitted whenever the aircraft is under direct observation of the airport traffic controller. Items (iii) and (iv) may be omitted if the aircraft is in a well-defined traffic pattern. Items (vi) and (vii) may be omitted if previously given and no revision is necessary.

Example: "Navy seven eight four three cleared to land."

* * * * *

(d) Clearance to taxi:

(1) A taxi clearance limit is a runway, a runway intersection, a taxi strip, a ramp, or other point to which a taxiing aircraft may be cleared. Normally, the taxi clearance limit specified will permit an aircraft to proceed to a specific point without delay or without causing conflict to other traffic under tower jurisdiction. If, in the judgment of the controller, a potential conflict exists, aircraft shall be held at, or cleared to, a taxi clearance limit short of the area in which the potential conflict exists to await further taxi clearance.

14. In § 617.46 (d) (2), subdivisions (i) (*d*), (ii) (*f*), and (iii) (*d*) are amended to read as follows:

Ground traffic as specified in § 617.55 (c).

15. Section 617.47 (a) is amended to read as follows:

§ 617.47 *Description of local traffic.* Local traffic shall be described so as to facilitate recognition by pilots, as follows:

(a) *Military Traffic.* Military traffic shall be described by the service classification, such as: "Bomber," "Navy Transport," "Basic Trainer," "Fighter," "Attack," "Patrol Landplane," "Patrol Seaplane," etc. Jet propelled aircraft shall be so described.

* * * * *

16. Section 617.55 is amended to read as follows:

§ 617.55 *General.* (a) When operating in visual flight rule conditions, it is the responsibility of the pilot to avoid collision with other aircraft. However, to aid pilots to avoid collisions, information shall be issued concerning pertinent known or observed traffic in the air or on the ground.

(b) Information concerning traffic within the control zone should relate to traffic which is known to or observed by the controller and which, in his judgment, constitutes a potential hazard to the operation of the aircraft concerned.

(c) Information concerning ground traffic should relate to such observed aircraft, vehicles or personnel on the movement area as constitutes in the judgment of the controller, a hazard to the operation of the aircraft concerned.

17. Section 617.56 is amended to read as follows:

§ 617.56 *Issuance.* Local traffic information shall be issued when, in the judgment of the controller, such information is necessary in the interests of safety, or when requested by a pilot.

18. Section 617.57 is amended to read as follows:

§ 617.57 *Information on field conditions*—(a) *General.* (1) Information on field conditions is information which, in the judgment of the controller, is necessary to safety in the operation of aircraft which pertains to the landing area or any facilities usually associated therewith. For example, construction work on a taxi strip not connected to the runway-in-use would not be pertinent information to any pilot except one who might wish to taxi in the vicinity of the construction work. As another example, if all traffic must be confined to runways, that fact should be considered pertinent field information to any pilot not familiar with the airport. (See fig. 9.)

(2) The following field conditions should be included as field information to pilots:

(i) Construction work along or near the runway-in-use.

(ii) Rough portions of the runway or taxiway to be used whether marked or not.

(iii) Any maintenance apparatus or workmen on or near any portion of the landing area a pilot is cleared to use.

(iv) Slippery condition of runways or taxiways to be used.

(v) Snow piled or drifted on the runway or taxiway to be used and width and length of cleared runway, if known.

(vi) Failure or irregular functioning of any pertinent portion of the field lighting system.

(vii) Aircraft parked close to runways or taxiways to be used.

(viii) Any other information pertinent to the safety of the flight which the controller has been requested to issue by an aircraft operator or airport management.

(b) *Responsibility for notification of field conditions.* (1) The agency which operates the airport shall be responsible for notifying the chief airport traffic controller of current field conditions.

(c) *Description.* (1) Information on field conditions shall be stated concisely and clearly. Examples:

(i) "Mower on west side of field."
(ii) "Construction work on north end of field."
(iii) "Repair trucks near center of field."

(d) *Issuance.* (1) Information on field conditions should be given to the pilot concerned in sufficient time for the pilot to make proper use of such information.

19. Section 617.59 (d) (1) is amended to read as follows:

§ 617.59 *Preventive control.* * * *

(d) *Control of ground traffic.* (1) The airport traffic controller is concerned with the movements of taxiing aircraft, personnel, and vehicular traffic in exercising ground control. Where a preventive control system is inaugurated, the control of ground traffic shall be continued by controllers in the same manner as previously outlined in §§ 617.22 to 617.28.

20. Section 617.66 (a) (1) is amended to read as follows:

§ 617.66 *Positions of operation*—(a) *General.* Each person on duty in an airport traffic control tower shall, while controlling or aiding in the control of air traffic, occupy one or more positions of operation. These positions of operation shall be established for the purpose of defining specific duties and fixing responsibility for the performance of prescribed functions, and shall be defined as follows:

(1) *Local control position.* The following are specific duties of this position of operation in addition to such supplementary duties as may be assigned by the chief controller:

(i) To issue airport traffic control clearances and information, in accordance with applicable Civil Air Regulations, governing air traffic and vehicular traffic on the movement area, air traffic departing from the movement area, and air traffic operating in accordance with VFR in the control zone.

(ii) To guard radio frequencies assigned to the facility, or specifically, the local control position and such special frequencies as may be required from time to time.

(iii) To issue local traffic information, as required, to pilots of aircraft taxiing on or in the vicinity of the movement area.

(iv) To furnish to pilots of aircraft taxiing on, and in the vicinity of the movement area, information concerning field conditions, altimeter settings, wind information and time checks as required.

(v) To forward to the local Weather Bureau Office and the appropriate center pilot weather reports as received and reports based upon personal observation of weather conditions from the control tower.

(vi) To notify operations offices, fire departments, police and ambulance services, as necessary, in the event of an accident or fire on or in the vicinity of the airport.

(vii) To study and initial all weather reports, notices to airmen and reports pertaining to the condition of the movement area or tower equipment.

(viii) To operate, as required, the appropriate airport lighting facilities.

21. Section 617.67 (b) (1) is amended to read as follows:

§ 617.87 *Radio procedures.* * * *

(h) *Transmission of radiotelephone messages.* * * *

(1) The following types of radiotelephone messages shall ordinarily be transmitted by the local control position:

(i) Airport traffic control clearances and instructions.

(ii) Traffic information.

(iii) Field conditions, altimeter settings, wind information, and time checks.

(iv) Any message pertaining to safety of aircraft.

(v) Instructions to radio equipped vehicular traffic on the landing area.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective May 23, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 14, 1958.

[F. R. Doc. 58-3827; Filed, May 21, 1958; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7017]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAINLINE SALES CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.195 *Safety:* Investment; § 13.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* [*Misrepresenting oneself and goods*]—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situation;* § 13.1670 *Jobs and employment;* § 13.1725 *Refunds;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mainline Sales Corporation et al., Euclid, Ohio, Docket 7017, April 16, 1958]

In the Matter of Mainline Sales Corporation, a Corporation, and Lois Glezerman, Individually and as an Officer of Said Corporation, and Allan M. Glezerman, Individually and as Director of Sales of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers of vending machines in Euclid, Ohio, with representing falsely in newspaper advertising and sales material and through their salesmen that they were offering employment to selected individuals, that excessive profits might be expected from their machines, that established routes were available, and that they would assist purchasers in locating machines, give them exclusive territory, and make refunds to dissatisfied purchasers as well as other advantages to be received; and that they were manufacturers of their machines.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Mainline Sales Corporation, a corporation, and its officers, and Lois Glezerman, individually and as an officer of said corporation, and Allan M. Glezerman, individually and as Director of Sales of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vending machines, vending machine supplies or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Employment is offered by respondents when, in fact, the real purpose of the offer is to obtain purchasers of respondents' products.
2. Respondents' offer is made only to selected persons who must have special qualifications, references, and a car.
3. Respondents have established routes of their vending machines at the time the offer of sale is made.
4. Respondents, their agents or employees will obtain, or assist in obtaining, satisfactory or profitable locations for the machines purchased from them.
5. The earnings or profits derived from the operation of respondents' machines are any amount in excess of those which have been, in fact, customarily earned by operators of their machines.
6. Respondents allot exclusive territory in which the machines purchased from them may be located.
7. The amount invested in respondents' products is secured either by inventory or otherwise.
8. Respondents, or their representatives, repurchase the machines sold by them in the event the purchaser is dissatisfied.
9. The corporate respondent is the manufacturer of the machines they sell.
10. The products sold by respondents will be delivered within a specified period of time, unless delivery is made within the time specified.
11. Insurance policies are issued on respondents' products without cost to the purchasers.
12. Freight charges are less than they are in fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3858; Filed, May 21, 1958; 8:51 a. m.]

[Docket 6936]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JORDAN'S, INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Jordan's, Inc. (Erie, Pa.), et al., Docket 6936, April 16, 1958]

In the Matter of Jordan's Inc., a Corporation, and Hyman Carr, and Dorothy S. Carr, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Erie, Pa., with violating the Fur Products Labeling Act by failing to label and invoice fur products as required.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision, including order to cease and desist which became on April 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Jordan's, Inc., a corporation, and its officers, and Hyman Carr and Dorothy S. Carr, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels affixed to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder which is intermingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3859; Filed, May 21, 1958; 8:52 a. m.]

[Dockets 6904 etc.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN PACKING CO. ET AL.

American Packing Company et al., Docket 6904; Queen Fisheries, Inc., et al., Docket 6906; Alaska Transportation Company et al., Docket 6907; and Farwest Fishermen, Inc., et al., Docket 6905.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.800 *Buyers' agents;*[1] § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*[2]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist orders, American Packing Co. et al., Seattle, Wash., Docket 6904, Apr. 17, 1958; Queen Fisheries, Inc., et al., Seattle, Wash., Docket 6906, Apr. 17, 1958; Alaska Transportation Co. et al., Seattle, Wash., Docket 6907, Apr. 17, 1958; and Farwest Fishermen, Inc. (Anacortes, Wash.), et al., Docket 6905, Apr. 19, 1958]

These cases were heard by a hearing examiner on the complaints of the Commission charging four packers of canned salmon and crab meat in the Seattle, Wash., area—making sales generally through both primary and field brokers, each of whom received brokerage at the rate of 2½ percent of the selling price—with making illegal brokerage payments to their customers in violation of section 2 (c) of the Clayton Act by one or more of the following practices: (1) Reducing prices on sales direct to large chains, or through the chains' subsidiaries or buying agents, by the amount of the usual brokerage fee or 5 percent; (2) granting a reduction of 2½ percent where either a primary or field broker was not used; (3) allowing a 2½ percent discount on sales made through buyers or purchasing agents; (4) selling through primary brokers at a net price below that shown by the broker, with the difference being absorbed by the broker out of commissions; and (5) granting price reductions by cutting brokerage earnings of the primary or field brokers.

Following acceptance of agreements containing consent orders, the hearing examiner made his initial decisions and orders to cease and desist, and they became the decisions of the Commission on April 17, except for the order in Farwest Fishermen, Inc., et al., which became effective on April 19.

The combined order to cease and desist, including the four cases, is as follows:

It is ordered, That American Packing Company, a corporation, and its officers; and John J. Theodore and Karl V. Sjoblom, individually and as officers of respondent corporation, and Respondents' directors, agents or employees; Queen Fisheries, Inc., a corporation, and its officers, and Erling H. Bendiksen, individually, and as an officer of respondent corporation, and Respondents' officers, directors, agents, representatives or employees; Alaska Transportation Company, a corporation; Pelican Cold Storage Company, a corporation; Coastal Glacier Sea Foods, Inc., a corporation, and as copartners doing business as Pelican Packing Company and Pelican Sales Company; Norton Clapp and Allan H. Link, as officers of the above named corporations; Prosper S. Ganty, individually and as executive vice president of Respondent Pelican Cold Storage Company; and all of Respondents' other officers, directors, agents, representatives or employees; and Farwest Fishermen, Inc., a corporation, or its successor, and its officers; and Sam Rubenstein, individually and as president of said corporation, and Respondents' directors, agents, representatives or employees, directly or indirectly, or through any corporate, partnership,[3] or other device, in connection with the sale of their seafood products, including canned salmon[3] and crabmeat,[4] in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of their seafood products to such buyer for his own account.

In Alaska Transportation Company et al., Docket 6907, the following dismissal was included:

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Respondents Norton Clapp and Allan H. Link, individually.

By "Decision of the Commission", etc., in each of these cases, reports of compliance were required as follows:

It is ordered, That respondents American Packing Company, a corporation, and John J. Theodore and Karl V. Sjoblom, individually and as President and Vice President, respectively, of American Packing Company; Queen Fisheries, Inc., a corporation, and Erling H. Bendiksen (erroneously spelled in the complaint as Erling H. Bendicksen), individually and as president of Queen Fisheries, Inc.; Alaska Transportation Company, a corporation, and as copartner doing business as Pelican Packing Company, and Pelican Sales Company; Pelican Cold Storage Company, a corporation and as copartner, doing business as Pelican Packing Company; Coastal Glacier Sea Foods Inc., a corporation, and as copartner doing business as Pelican Sales Company; Norton Clapp and Allan H. Link, as officers of the above named corporations; and Prosper S. Ganty, individually and as an officer of the above named corporations; and Farwest Fishermen, Inc., a corporation, and Sam Rubenstein, individually and as President of said corporation; shall, within sixty (60) days after service upon them of this order, file with the Commis-

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[1] Applies to all but Farwest, Docket 6905.

[2] Applies only to Farwest, Docket 6905.

[3] Applies to all cases except Queen Fisheries, Inc., et al., Docket 6906.

[4] Applies only to Alaska Transportation Co. et al., Docket 6907.

[illegible] a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

All issued April 18, 1958, except Farwest Fishermen, Inc., et al., Docket 6905, issued April 23, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3860; Filed, May 21, 1958; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-21 (Revised)]

DMO I-21—PROVIDING FOR A NATIONAL DEFENSE EXECUTIVE RESERVE

1. *Objective.* To establish an effective nucleus reserve of executive talent for the civilian operations of the Government by identifying, recruiting, and training an adequate number of executives for use in the event of an emergency.

2. *Authority.* By virtue of the authority vested in me by section 710 (e) of the Defense Production Act of 1950, as amended, and by Executive Order 10660, of February 15, 1956, establishing a National Defense Executive Reserve, and in order to facilitate the development of the National Defense Executive Reserve program as part of the program for readiness for any future mobilization, it is hereby ordered:

3. *General administration.* Departments and agencies of the Executive Branch having major mobilization responsibilities are authorized after consultation with the Assistant Director for Manpower, Office of Defense Mobilization, to establish national and regional units of the Executive Reserve, select and designate members of such units, and institute programs for their training. Each unit of the Executive Reserve shall be civilian and shall be under the supervision of the head of the department or agency, or an official designated by him and responsible to him for the conduct of the program.

4. *Advisory committees.* (a) An Interagency Executive Reserve Committee is hereby established to advise the Director of the Office of Defense Mobilization on the coordination of programs of the several Executive Reserve units, so that a reasonable uniformity in administration, training methods, and adequacy of coverage of mobilization functions can be assured. The Chairman and members of this Committee shall be designated by the Director of the Office of Defense Mobilization.

(b) There is also established a Citizens' Advisory Committee on the National Defense Executive Reserve which shall advise the Director of the Office of Defense Mobilization in the furtherance of the program. The chairman and members shall be appointed by the Director and shall be drawn from persons in public and private life.

5. *Composition of the Reserve.* Members of the Reserve units shall be drawn as appropriate from all geographical areas and from all segments of the economy, for example, from industry, agriculture, labor, the professions, professional societies, and from private and public institutions. They may include persons serving in Government on a full- or part-time basis. Reservists shall be persons with broad experience in such important functional areas as production, manpower, transportation, economic stabilization, etc., and qualified to participate in an executive capacity in such areas in the event of an emergency. The numbers of Reservists shall be limited to those for which there is a demonstrable need in essential mobilization functions.

6. *Administrative control.* Each department and agency shall be responsible for avoiding the issuance of invitations to persons already in the Reserve and avoiding excessive governmental demands on a single employer. To assist the departments and agencies in this responsibility, a central register of Reserve members will be maintained by the Civil Service Commission for reference. Each department shall notify the Commission of persons designated as members of the Reserve.

7. *Policies and procedures relating to the designation of members of regional Reserve units.* Policies and procedures relating to the designation of members of national Reserve units shall be applicable to the designation of members of regional Reserve units.

8. *Statement of understanding.* Each member of the Reserve will be asked to submit a statement of understanding containing:

(a) A statement of the Reservist's willingness to attend a course of training at least once a year at Washington or regional points;

(b) A statement of the Reservist's immediate availability for assignment in the event of a national emergency barring unforeseen and overriding reasons to the contrary;

(c) The concurrence in (a) and (b) above of the Reservist's private employer, or in the case of a Government employee, of a responsible official of his agency;

(d) A statement that the Reservist will notify the designating department or agency when his employment or personal status changes in such a manner as to make it unlikely that he would be available for full-time service in the event of national emergency.

9. *Security clearance.* The degree of security clearance necessary for each Reservist will be determined by the department or agency involved in accordance with existing security standards. The official designation of Executive Reservists will be withheld until such security clearance is obtained.

10. *Training.* Each department and agency establishing a unit of the Reserve shall establish a training program which shall include, but not be limited to, orientation sessions; continuous and up-to-date information on the Government organization and program planned in the event of mobilization; information to keep the Reservist fully abreast of developments in his field which affect the capacity of the United States to mobilize its resources in an emergency. The training program will be carried out at Washington and regional levels and will include the actual participation in the testing of mobilization plans at relocation sites. Appropriate manuals or handbooks shall be maintained. The Civil Service Commission shall assist in preparation of these materials as required.

11. *Transportation.* Each member of the National Defense Executive Reserve shall be issued a Federal Civil Defense identification card which carries with it authorization in time of civil defense emergency for priority treatment in obtaining transportation to specified destinations or within defined geographical areas. In addition, each Executive Reservist shall be issued a Federal Civil Defense auto visor card to be displayed on his automobile if the Reservist's personal car is used in transporting him to a relocation center.

Both the FCDA identification card and the auto visor card are to be isued to the Reservist by the individual department and/or agency to which he is attached.

12. *Conflict of interest.* With respect to training activities under the Reserve program, Reservists who are not full-time Government employees are exempt in accordance with the provisions of Executive Order 10660 from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99). Reservist training within the meaning of this section shall not include advising, consulting or acting on any matter pending before any department or agency. In the event that proper training of the Reservist who is not a Government employee entails one or more of such activities, he shall be appointed by such department or agency under appropriate authority, including sections 710 (b) and 710 (c) of the Defense Production Act of 1950, as amended. With respect to such activities, exemption from the operation of the conflict of interest statutes will depend upon the provisions of the statute and regulations under which the appointment is made.

13. *Reporting.* Each department and agency having a unit of the Executive Reserve shall report annually to the Director of the Office of Defense Mobilization regarding the organization, training, and state of readiness of its Executive Reserve unit, indicating its size, composition, and representation, together with recommendations thereon.

14. *Effective date.* This order shall take effect immediately.

Dated: May 19, 1958.

OFFICE OF DEFENSE
MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58-3875; Filed, May 21, 1958; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 982, 986]

[Docket Nos. AO-298; AO-238-A8]

HANDLING OF MILK IN RED RIVER VALLEY AND CENTRAL WEST TEXAS MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders, notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Red River Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order for the Red River Valley area, were formulated, was conducted at Wichita Falls, Texas, on August 6-9, 1957, pursuant to notice thereof which was issued on July 10, 1957 (22 F. R. 5705).

The material issues of record related to:

(1) Whether the handling of milk produced for sale in the Red River Valley marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products;

(2) Whether marketing conditions justify regulation of the handling of such milk and, if so, whether by the issuance of a separate order to regulate the handling of milk in the Red River Valley marketing area, or by the expansion of the Central West Texas marketing area to include portions of such area;

(3) If a separate order is issued, what its provisions should be with respect to:

(a) The scope of regulation,

(b) The classification and allocation of milk,

(c) The determination of and the level of class prices,

(d) The distribution of proceeds to producers, and

(e) The necessary administrative provisions; and

(4) Whether Palo Pinto County, Texas, should be added to the Central West Texas marketing area, and whether certain other proposed amendments to the Central West Texas marketing area should be adopted.

Findings and conclusions. Issue No. 4, relating to the Central West Texas marketing order, required separate consideration from the remaining issues before the hearing, and a decision with respect to the proposals contained in Issue No. 4 was issued by the Deputy Administrator, Agricultural Marketing Service, on November 21, 1957 (22 F. R. 9433).

With respect to the remaining issues, it is hereby found and concluded upon the evidence adduced at the hearing and the record thereof that:

(1) *Character of commerce.* All milk produced for sale in the Red River Valley marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Handlers located in the Texas portion of the proposed area regularly dispose of milk to wholesale and retail accounts in the Oklahoma portion of the area. Likewise, milk from Oklahoma plants is distributed to wholesale and retail customers in Texas. In the distribution of this milk, handlers in the Red River Valley marketing area are in direct competition with handlers who are regulated under the Oklahoma Metropolitan, Texas Panhandle, North Texas, and Central West Texas marketing orders. It has been determined by the Secretary that the handling of milk in the marketing areas regulated by the aforesaid orders is in the current of interstate commerce.

Milk from producers whose farms are in Oklahoma is regularly received in plants in the Texas portion of the proposed area for processing where it is intermingled with milk of Texas producers and is distributed in both Oklahoma and Texas. In addition to the milk which moves across state lines from farm to plant, there is a considerable degree of competition with interstate markets in the procurement of supplies. The production area of the Red River Valley marketing area is overlapped to a considerable extent in both Oklahoma and Texas by the milksheds of the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas and to a lesser extent by that of the Central West Texas marketing area.

The Red River Valley marketing area has been relatively short of milk and it has been necessary for handlers to secure supplemental supplies to meet their Class I requirements. In addition to milk which is brought in from other markets in Oklahoma and Texas, milk has been imported in substantial quantities within the past year from several points in Iowa, as well as from Kansas, Missouri, Minnesota, and Wisconsin.

(2) *Need for regulation.* The marketing and pricing conditions in the Red River Valley marketing area are such that regulation is necessary to establish and maintain orderly marketing and to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. This can best be accomplished by the issuance of a separate marketing agreement and order program for the area. There is no basis for annexing any of the proposed area to the Central West Texas marketing area.

The problems encountered by producers in the Red River Valley marketing area are typical of those occurring in unregulated fluid milk markets where producers' cooperative associations have been unsuccessful in establishing effective bargaining relationships with handlers.

The Federal milk marketing program proposed for the Red River Valley will implement the declared congressional policy of establishing and maintaining orderly marketing conditions by:

(a) Providing a regular and dependable method for determining minimum prices to producers at level comparable to those contemplated under the Act;

(b) Establishing uniform prices to handlers for milk received from producers according to a classification plan based on the use made of such milk by the handler;

(c) Providing an impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) Providing all producers with a means whereby the weighing and testing of their milk can be checked to insure accuracy;

(e) Establishing uniform returns to producers, supplying milk to the area, and insuring that the lower returns from the sale of reserve supplies will be equitably shared by all producers;

(f) Establishing uniform rules for the operation of a market-wide base and excess plan that will (i) acquaint producers with the rules for establishing bases and determining base and excess prices, and (ii) encourage producers to deliver their milk on a more even pattern; and

(g) Providing market-wide information on receipts, sales, and other factors relating to milk marketing supplies in the area.

The lack of uniformity in prices paid producers for their milk, the wide variety of classification and pricing plans used by the several handlers in the area, and the ineffectiveness of producers in protecting themselves against sharp declines in prices brought on by price cutting among handlers, have created unstable marketing conditions.

At the present time, no two handlers pay producers on exactly the same basis. Prices paid producers vary greatly among handlers. These factors of lack of uniformity, and the uncertainty of prices paid to producers, foster market instability and permit inequities to occur among handlers in the prices paid for producers' milk. The classification and pricing plan of the attached order is a means of establishing uniform prices for milk received from producers according to its use by each handler. The use-classification plan is equitable and will apply similarly to all handlers. To insure its effectiveness it must be supplemented by an impartial audit of handlers' records of receipts and utilization. The pooling provisions of the proposed order will provide a means of insuring uniform returns to all producers supplying each handler and an equal sharing of the lower returns associated with seasonal and other excesses of producer milk.

Many producers supplying handlers in the Red River Valley marketing area have had no effective means of insuring the accuracy of the weights and tests of their regular deliveries of milk. They have not been permitted to audit the records of the handlers to establish the accuracy of the percentage of milk paid for as base and as excess under the several base and excess plans operated by the handlers.

These plans are operated by the individual handlers and there has been no uniformity in the methods of determining the proportion of excess milk. There are some indications that the plans have operated to the benefit of a few producers and to the disadvantage of others. There is need for a Federal order to correct these inequities.

Producers have had no method for participating in the price determining decisions that govern the sales of their milk. Handlers and their representatives have discouraged producers from joining the proponent producers' cooperative associations. In at least some instances, they have refused to make deductions for association dues, even though the producer members have authorized such deductions. These actions have kept producers from exercising an effective part in determining the prices they receive for their milk or the percentage of their deliveries which will be paid for as base milk and excess milk. An order will give producers a voice in the deliberations as to what prices they should receive for their milk and will provide a means whereby the producers' associations can carry out an effective marketing service program applicable to all handlers who receive milk from their members. The classified price plan of the attached order, together with the pricing formulas contained therein, will insure sufficient quantities of pure and wholesome milk for the marketing area and will protect the interests of producers, handlers, consumers, and the general public.

(3) *Order provisions*—(a) *The scope of regulation.* A Federal milk order achieves marketing and pricing stability by requiring that regulated handlers pay at least specified minimum prices to producers in accordance with a classified-use plan established in the order, and that these payments be distributed to each producer on a uniform basis through either an individual-handler pool or a market-wide pool. It is necessary therefore, to establish clearly which plants and which milk will be subject to all or a part of the pricing provisions of an order, and which producers will participate in the distribution of returns through the type of pool specified. To identify such persons in referring to them throughout this decision and in the proposed order, such terms as "marketing area", "producer", "approved plant", "handler", "producer milk", and "other source milk" are defined and used herein.

Marketing area. The Red River Valley marketing area should be defined to include all the territory within Caddo, Carter, Comanche, Grady, Jackson, Kiowa, Stephens, and Tillman counties in Oklahoma, and Hardeman, Wichita, and Wilbarger counties in Texas, including all Federal, state, and municipal institutions or bases located therein.

Fluid milk products sold for consumption in the principal communities in the area must be approved by health authorities who administer health ordinances, practices, and procedures generally patterned after the U. S. Public Health Service Milk Ordinance and Code. Within this area, the health standards are substantially identical and are under the jurisdiction of operating health authorities.

Marketing areas as defined in the Federal milk orders are designed to cover, as nearly as is practicable, areas in which milk is sold to consumers rather than the area in which the milk is produced. The proposed order would regulate distributing plants that are in substantial competition with one another, within the defined marketing area.

The proposed marketing area as defined herein includes much less territory than was proposed by the handlers who would be subject to regulation, or than was proposed by one of the producer cooperative associations which requested the hearing. Some of the territory originally proposed in the notice of hearing was abandoned by the proponents at the hearing, and no evidence was presented in support of its inclusion in the proposed marketing area. In addition, a considerable area concerning which evidence was submitted has been eliminated in the proposed order. In defining the marketing area there has been eliminated that portion of the proposed area in which insignificant volumes of milk are disposed of by regulated handlers. At the present time, it is not feasible in defining the marketing area to include all the area in which any handler, who would be regulated by the proposed order, disposes of any milk. To do so would expand the limits of the marketing area almost indefinitely.

The recommended area encompasses all the territory within which any regulated handler sells a significant volume of milk. Further expansion of the marketing area would not enhance the effectiveness of the regulation; it might have a contrary effect by bringing under regulation plants which have only minor connection with the area proposed to be regulated.

The handlers who would be regulated sell by far the greater volume of their milk in the area which has been defined and only a very small proportion of their milk outside these counties. Individual handlers will not be disadvantaged significantly in making sales outside the proposed marketing area because:

(1) The principal competitors for out of area markets will be either handlers also regulated under the Red River Valley marketing order, or handlers regulated under the other Federal order markets;

(2) The economies inherent in the large-scale processing and distribution of milk will tend to offset any advantage that might accrue to the occasional unregulated handler with whom they might be in competition; and

(3) Since farmers selling milk to unregulated plants, with whom regulated handlers might be in competition, are in a position to shift their deliveries either to the Red River Valley marketing area or to some other nearby Federally regulated market, such unregulated plants would not be in a position to obtain a significant competitive advantage in the procurement of their milk.

Accordingly, the marketing area which is defined herein includes the territory necessary to minimize problems of competition with unregulated distributors and, at the same time, restore marketing stability to the Red River Valley marketing area.

Plants and milk to be regulated. Most of the plants which will be regulated under the proposed order are primarily fluid milk plants; they are engaged in manufacturing operations only to a limited degree. These plants are required to dispose of milk products in conformity with similar Grade A ordinances, either municipal or state. Any plant which is under the supervision of a municipal or state health authority and which disposes of any appreciable volume of milk as fluid milk products to wholesale or retail accounts in the marketing area, should be defined as a pool plant, and should be subject to full regulation under the proposed order.

At the hearing, it was proposed to exempt from full regulation plants disposing of only a small quantity of milk in the marketing area. The proposed exemptions ranged from an average of 100 to 300 pounds of milk per day. It has been concluded that in a marketing area such as is proposed herein, a plant distributing not in excess of 100 quarts per day on the average would not be a sufficient factor in the market to disrupt orderly marketing procedures. Any plant, therefore, which distributes on routes in the marketing area a volume of milk equal to less than an average of 100 quarts or 215 pounds per day should be exempt from full regulation under the order.

The order should also provide standards for plants from which pool plants making sales to wholesale and retail outlets in the marketing area may draw their supplies. Plants shipping supplemental milk to a market generally fall into two categories. One category includes plants which regularly supply milk to distributing plants, and must be considered to be closely associated with the market. At the present time, there are no plants in this category which regularly serve the plants distributing fluid milk products in the marketing area. Some provision, however, should be made to regulate plants of this type, in the event that one or more might become associated with the market. Plants of this type are a normal part of the milk procurement facilities in any market, and there is nothing in this order which would preclude any plant, wherever located, from serving the market in the future, should a need for its milk arise. This objective can best be accomplished by including in the definition of pool plant any plant that ships to pool plants making route sales in the marketing area as Class I milk, any milk during the flush production months of April through June and a volume in excess of 140,000 pounds during any other month. During the months of flush production adequate supplies of milk are available from local producers. At such season of the year unregulated plants outside the market have excess supplies of milk which they are in a position to dispose of at prices only slightly in excess of the value of such milk for manufacturing. If such milk were permitted to be purchased by handlers and sold as Class I milk in competition with milk for which handlers are required to pay the Class I price provided in the order, it would have a disruptive effect on the market and would lead to chaotic marketing conditions. It is therefore necessary to regulate any plant which furnishes Class I milk to the market during the season of flush supply.

On the other hand, at certain seasons of the year, this market is in short supply. At such time handlers should be permitted to purchase the supplemental milk they need without bringing under regulation the plant which furnishes such milk. If a plant whose major outlet is some unregulated market, were to be brought under regulation when it sold milk to a handler in the marketing area, it might make it difficult for handlers to secure needed supplies, since such plants might be unwilling to furnish milk under these conditions. To do so might put such unregulated plants in a difficult competitive situation in the market which is their major outlet. It is necessary, therefore, to establish some standards whereby a plant can furnish milk which is needed without becoming subject to regulation. Shipments to this market of one tankload of milk a week or 140,000 pounds per month during the months of short supply should be permitted without subjecting such plant to full regulation.

A handler should be defined as any person who operates a pool plant or any other plant from which milk is disposed of as Class I milk on wholesale or retail routes in the area. The term, "handler", should also include a cooperative association with respect to the milk of member producers, which may be diverted for the account of such cooperative association from a pool plant to a nonpool plant. This provision is necessary to assure that producers whose milk is needed on the market may have all of their deliveries included in the computation of bases even though their milk may be temporarily diverted to a manufacturing plant during the base-forming period.

The term, "handler", is not intended to include the operation of a nonpool plant by persons who may operate both pool plants and nonpool plants. The definition should also include producer-handlers, in order that they may be required to report to the market administrator whenever the market administrator deems it necessary to determine their continued status as producer-handler.

The term, "producer", should be defined to include any person who produces milk that meets the requirements of the Grade A ordinances of any state or municipal health authority, and which is received at a pool plant or which is caused to be diverted to a nonpool plant by a cooperative association in its capacity as a handler. The definition should be broad enough to include any person producing milk which meets the standards fixed by the several agencies of the Federal Government for milk for fluid consumption on its bases and installations, when the milk produced by such a person is received at a plant supplying milk to such Federal establishment, even though his milk may not be under inspection of a state or municipal authority.

There are within the proposed marketing area several Federal establishments. At the present time, all are purchasing milk which is approved by local health authorities. It is possible, however, that in the future milk may be disposed of to one of these establishments from a source which has been approved by the health officer of the Federal base, but which is not under inspection of any local municipal, or state, health authority. Should this happen, the persons who produce such milk should be considered producers the same as other producers who furnish milk to the marketing area.

Only a few pool plants have manufacturing facilities, and in order to facilitate the movement of milk of producers among the various pool plants, provision should be made so that milk of a producer may be diverted by a handler, other than a cooperative association, from his pool plant to the pool plant of another handler. Such diversion should be permitted for any period during the months of February through July, in the season of flush production, and for not more than 10 days' production of a producer during any month, August through January. Such diverted milk should be considered received by the diverting handler at the pool plant from which such milk was diverted; but for purposes of determining shrinkage, such diverted milk should be considered as producer milk at the pool plant to which it was diverted. Milk so diverted for more than 10 days during any month August through January should be deemed received at the plant to which it was diverted for the entire period of diversion.

Provision should also be made so that milk of producers which is regularly received at a pool plant may be diverted for the account of a handler to nonpool plants without such producers losing their status under the order. This will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of flush production or over week-ends and holidays, when supply and demand relationships may require that some reserve milk be manufactured in plants not regulated by the order. However, to insure that a producer's milk is needed by the market and is associated with it, some limitation on diversion should be provided in the order. Such limitation should be made in the fall months when production is seasonally low and the market needs the milk most. Thus, provision is made to limit diversion to a nonpool plant to ten days' production of milk of a producer during any month during the period, September through December. If such diversion exceeds ten days' production of any producer, the diverted milk should not be considered producer milk for the entire period of such diversion. Subject to the foregoing qualifications, producers whose milk is diverted should continue to receive the pool handler's uniform price under the order and their milk should continue to be available for fluid use when needed on the market. Diverted milk should be considered to have been received at the plant from which it was diverted. In the case of milk diverted by a proprietary handler, the handler would continue to be responsible for such milk, just as though the milk had been received in his pool plant. In the case of milk diverted by a cooperative association which does not operate a pool plant, the milk should be considered to have been received by the cooperative association at a pool plant at the same location as the pool plant from which it was diverted. The cooperative association would be the handler for such milk and would be required to account for it according to its classification and to make payment to the producer for such milk.

The term, "producer-handler", should include a person who operates a distributing plant in which he handles only milk of his own production, and such milk from other handlers as is priced under the order at such other handler's plant. A producer-handler should be subject to the order only to the extent that he must submit reports to the market administrator as required, and maintain and make available to the market administrator the accounts, records, and facilities that are necessary for the market administrator to verify such person's status as a producer-handler. It is unnecessary to require under the order that a producer-handler pay any particular price to himself for milk produced on his own farm.

The classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler should be Class I milk. Supplemental purchases which may be obtained by a producer-handler from other handlers may be presumed to be needed by the producer-handler for fluid use, and should be classified in the plant of the supplying handler as Class I milk. Purchases of milk from other handlers should not jeopardize a producer-handler's status as such. Producer-handlers, however, should not be permitted to maintain their status as producer-handlers if they dispose of other source milk as Class I. To permit a producer-handler to dispose of other source milk for Class I use, could result in serious disruption of orderly marketing, since it would enable such a person to purchase distress milk from nonpool plants during the period of flush production, thereby gaining a competitive advantage over regulated handlers. Any milk which a handler receives from a producer-handler should be considered as other source milk, and it should be allocated to the lowest class utilization at the pool plant of the handler. This method of allocating receipts from a producer-handler recognizes that sales by a producer-handler to another handler is the means by which the producer-handler disposes of his surplus milk. It would be inappropriate under these circumstances to provide for the equal sharing by the producer-handler in the Class I market of another handler with respect to the producer-handler's surplus milk.

"Other source milk" should be defined to include all skim milk and butterfat utilized by a handler in his operations, except fluid milk products received by such handler from producers. This would include any nonfluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed during the current month at the plant. The other source milk would represent all butterfat and skim milk from any source not subject to the pricing provisions of the attached order. Defining other source milk in this manner will insure uniformity among all handlers under the allocation and pricing provisions of the order.

(b) *Classification of milk.* Milk received by regulated handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, it is used as either Class I milk or Class II milk.

A classified-use plan of this type will insure that minimum prices for milk will be uniform among handlers according to use, that a price may be fixed for the milk disposed of as Class I milk at a level that will bring forth an adequate supply of pure and wholesome milk, and that a necessary reserve supply of quality milk may be maintained without disrupting marketing and pricing conditions within and around the established marketing area.

The products which should be included in Class I milk are those which are required by the health authorities, exercising jurisdiction in the marketing area, to be produced from Grade A milk. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required, makes it necessary to provide for Class I milk a price somewhat higher than that received for non-Grade A milk produced for use in manufactured dairy products. This higher price should be at such a level that it will yield a return to producers that will encourage the production of enough milk to meet the requirements of the market.

The reserve milk which is not needed seasonally, or at other times during the year for Class I use, must be disposed of for use in manufactured dairy products. These products are not required to be made from Grade A milk, and must be sold in competition with similar products produced through the entire United States. Milk so used should be classified as Class II milk and should be priced in accordance with its value in manufactured dairy products.

In accordance with these standards, Class I milk should include all those products which are disposed of in the form of milk, skim milk (including reconstituted and concentrated nonfat milk solids), buttermilk, flavored milk, flavored milk drinks, cream and any mixtures in fluid form of milk, skim milk and cream, which are disposed of for fluid use, such as half and half, and all milk which cannot be accounted for as having been used to produce a Class I product.

Fluid milk products which contain concentrated skim milk solids such as skim milk drinks, fortified skim milk, and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included within the definition of Class I milk, and all the nonfat solids contained therein should be priced equally. For brevity and convenience in referring to Class I milk items, they are included in a definition of "fluid milk product". Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed containers will not be considered Class I milk, since they need not be handled as fluid milk products, and are not required to be made from Grade A milk.

Skim milk and butterfat are not used in many products in the same proportions as in the milk received from producers and, therefore, should be classified separately according to their respective uses. The skim milk serum and butterfat content of milk products received and disposed of by a handler may be determined through certain recognized testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing and accounting, in that some of the water contained in the milk originally has been removed. It is necessary in the case of such products to provide a special means of ascertaining the amount of skim milk and butterfat contained in or used to produce these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products manufactured by the handler, or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of items purchased by a handler, or where adequate plant records are not available.

The accounting procedures to be used in the case of any condensed milk product disposed of as Class I milk should be based on the pounds of milk or skim milk required in its production. Concentrated skim milk solids which are reconstituted for distribution as Class I products, or are used to fortify other Class I products are included in this category. The value of each pound of nonfat solids utilized in Class I products has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained change their value to the handler for this purpose. Solids contained in producer skim milk are in fluid form and are paid for on the basis of all the water that was originally associated with such solids. In order to account for skim milk solids in powder or condensed form on a basis comparable to that used in accounting for regular skim milk, it is necessary to account for such solids on the basis of the quantity of skim milk necessarily used in the production of such solids. Therefore, the accounting procedures to be used in the case of this and any other condensed product should be based on the pounds of milk or skim milk required in its production.

Each handler must be held responsible for a full accounting of all his receipts of skim milk and butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is followed consistently in both regulated and nonregulated markets. It is necessary, for effective administration of the provisions of the order, that equality of minimum prices among handlers be maintained. The operator of the plant at which the milk is first received from producers is the person with whom contractual relationships have been made by producers or their representatives. Except for the limited quantities of skim milk which may be classified as Class II under circumstances set forth elsewhere, all skim milk and butterfat which is received, and for which the handler cannot establish utilization, should be classified as Class I milk. This is necessary to remove any advantage to handlers who fail to keep complete and accurate records of their operations, and to assure that producers will receive full value for their milk on the basis of its use by the handler.

All skim milk and butterfat used to produce products, other than those which are classified as Class I milk, should be Class II milk. Included as Class II milk are such products as ice cream, ice cream mixes, frozen desserts and mixes, eggnog, yogurt, aerated cream, butter, cheese (including cottage cheese), evaporated and condensed milk (both plain and sweetened), nonfat dry milk solids, dry whole milk, sour cream, and any other product not specified as Class I. Class II milk should also include skim milk and butterfat disposed of to commercial food manufacturing plants, such as wholesale bakeries, soup companies, candy manufacturers, etc., which do not dispose of fluid milk products for fluid consumption. The health ordinances do not require that the milk utilized in these products be of Grade A quality.

Cream placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Should any frozen cream or other Class II product later be utilized in the manufacture of another product, it would be considered a receipt of other source milk in the plant of the handler and would be assigned to the lowest class price utilization in the plant.

Producers proposed that sour cream be included in Class I. The record, however, fails to establish that any of the health departments having jurisdiction in the marketing area require that it be made from Grade A milk. The facts established are that most of the sour cream disposed of by handlers in the marketing area is purchased from outside sources already processed and is not generally produced from producer milk.

Classification as Class II milk should be provided for skim milk which is disposed of for livestock feed and for skim milk which is dumped by the handler after prior notification to the market administrator of his intention to do so. In some sections of the proposed marketing area, manufacturing facilities are rather limited. Many of the handlers who would be subject to the order also have rather small operations. As a consequence, there will be times when a plant will have small quantities of milk, which are in excess of its bottling requirements, and which it would be uneconomical to transport to a manufacturing plant. In such instances, the handler should be permitted to dump the skim milk contained in such milk without having it classified as Class I milk. To prevent abuse of this privilege, however, the handler should be required to notify the market administrator of his intention to dump such skim milk so that the market administrator may have the opportunity to physically verify the quantity of skim milk to be dumped, if he desires to do so. Failure to notify the market administrator in advance would result in such milk's being considered unaccounted for, and subject to classification in Class I milk as excess shrinkage.

While it is reasonable to permit skim milk for which a handler has no use to be disposed of to farmers for livestock feed or to be dumped, there is no justification for permitting fat to be so utilized. While excess skim milk may be of no value to a handler, except in condensed form, the fat can be disposed of in ice cream and possibly in butter at any point in the marketing area. The only appreciable quantities of fat which cannot be salvaged are those contained in returns of creamed cottage cheese and flavored milk. Any loss involved in such returns is a part of the normal risk associated with doing business, and should be compensated for by the 2 percent shrinkage permitted to be classified as Class II milk.

Shrinkage up to 2 percent of the handler's receipts from producers should be permitted to be classified as Class II milk, as should all shrinkage incurred in the handling of other source milk. Shrinkage should be determined by subtracting, from the total pounds of skim milk and butterfat received by the handler, his total utilization of skim milk and butterfat respectively, in the various products handled. The resulting figure should be prorated between the handler's receipts of milk from producers and from other sources. The shrinkage associated with the other source milk and that which is allocated to producer milk, in an amount not in excess of 2 percent of the handler's receipts of skim milk and butterfat from producers, should be classified as Class II. Any shrinkage allocated to producer milk in excess of 2 percent of the handler's receipts from producers, should be classified as Class I milk.

Handlers have inventories of fluid milk products at the beginning and end of each month, which enter into the problem of accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, cream, and bottled milk, and other fluid milk products designated as Class I milk. Manufactured products on hand are not included in the inventory to be accounted for, because the milk used to produce such products will already have been accounted for as Class II milk. As noted above, handlers will be required to keep records of such products, but they will not be included in the inventory for the purpose of accounting for current receipts. Inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method for dealing with the producer milk in inventory which is used in the current month for Class I purposes, but which the handler accounted for to producers as Class II at the end of the preceding month. Handlers at times will also have other source milk in inventory. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt by the handler in the following month, and substracting such receipt in series, starting with the Class II milk remaining after the subtraction of other source receipts during the month. To the extent that opening inventory is allocated to Class I Milk and there was an equivalent amount of producer milk classified in Class II in the preceding month, a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will ensure equality in the application of the minimum prices among handlers, and in returns to producers, whether such producer milk is from current receipts or from the preceding month's inventory.

Transfers. The classification of butterfat and skim milk used in the production of Class II items is established when the product is made. The classification of Class I milk should be established when butterfat or skim milk is disposed of by the handler. However, since some Class I items may be disposed of to other pool plants for processing, specified classification procedures must be prescribed for milk transferred to other pool plants.

Milk, skim milk, and cream, or other products designated as Class I milk, transferred by a handler to the plant of another handler, except a producer-handler, should be classified as Class I milk, unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. The plant to which the milk is transferred, however, must have sufficient Class II utilization available for such assignment after the prior allocation of shrinkage and other source milk. Furthermore, the assignment of classification must be such that it will result in the maximum amount of producer milk at both plants being assigned to Class I milk. This is in accordance with the principle that the higher valued usage should be assigned to those producers who regularly supply the market.

In order to reduce the administrative expenses of verifying the use of milk or skim milk transferred great distances, milk or skim milk which is moved to plants located more than 350 miles from Wichita Falls, Texas, should be Class I in all cases. There are ample manufacturing facilities within 350 miles of Wichita Falls to handle all of the excess supplies that may be produced seasonally for the market. It is a very costly procedure to verify the utilization of small lots of milk or skim milk moved great distances. In the interest of maintaining administrative costs as low as possible, any milk or skim milk moved more than 350 miles from Wichita Falls should be classified as Class I.

It is as uneconomical for the market administrator to travel several hundred miles to verify the utilization of a few cans of cream, as it is to travel the same distance to verify the utilization of a tank of milk. In the case of shipments of cream, however, the shipment is frequently labeled as being for use as manufacturing grade cream only. When this occurs and the market administrator has knowledge of the fact, cream moved more than 350 miles from Wichita Falls may be classified as Class II milk if all the following conditions are met:

(1) The transferring handler requests such a classification;

(2) It is clearly labeled as manufacturing grade cream, and is so invoiced; and

(3) The market administrator is notified, prior to the shipment, so that he may have an opportunity to verify the labeling.

The most common form of transfer to a nonpool plant is the movement of excess milk to nearby plants which have manufacturing facilities. It is provided that if milk, skim milk, or cream is transferred from a pool plant to a nonpool plant located less than 350 miles from Wichita Falls, Texas, it shall be Class I unless Class II use is established. If the transferee plant distributes milk on routes the market administrator shall first allocate to the Class I utilization in such plant, the receipts from dairy farmers who constitute its regular source of Grade A supply. If the Class I disposition of such plant exceeds its receipts from such dairy farmers the milk, skim milk, or cream transferred to such plant shall be assigned to Class I up to the amount that Class I disposition exceeds receipts from dairy farmers.

Any additional amount shall be classified as Class II.

If the transferee plant does not distribute milk on routes, the milk, skim milk, or cream shall be classified as Class II milk except that: (1) if the nonpool plant transfers milk, skim milk, or cream to a pool plant, an amount equal to skim milk and butterfat transferred to the nonpool plant from other pool plants shall be classified as though it had been transferred directly between the pool plants; and (2) if skim milk and butterfat is transferred from the nonpool plant to another nonpool plant which does distribute fluid milk on routes, the skim milk and butterfat transferred from the pool plant to the first nonpool plant shall be Class I in an amount equal to that transferred to the second nonpool plant unless it is established that such skim milk or butterfat was transferred to the second nonpool plant without Grade A certification with each container labeled to show that the contents were for manufacturing use only and that the shipment was so invoiced.

Allocation. Because the order prices apply only to producer milk, it is necessary, if a pool plant has butterfat or skim milk other than that received from producers, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned to Class I before any other milk is so assigned. This is necessary to insure the effectiveness of the classified pricing program of the order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order.

In general, this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler, starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Opening inventory;

(4) Receipts from other handlers according to its classification; and

(5) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place a burden upon handlers and would increase substantially the cost of administering the order.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Red River Valley marketing area, Class I and Class II prices for producer milk must be established at levels that will reflect economic conditions affecting the market supply and demand for milk or its products, and assure the maintenance of a supply of quality milk adequate for the needs of the market. The act requires that minimum prices established by Federal milk orders meet this standard. An important point is that prices be at a level that, over a reasonable period of time, will result in a supply of milk meeting the quality standards of the market about equal to the needs of the market, considering the necessity for a reserve supply of milk and a seasonal fluctuation in production. This means that the minimum prices provided in the order can be related to general economic conditions, but they cannot be maintained out of line with such conditions or with prices in surrounding markets. If producers' prices are too low, not enough milk of acceptable quality will be produced and delivered to plants to supply the Class I needs of the market, and there will be a tendency for producers to shift to other markets where the prices are more nearly adequate. Likewise, if prices are too high, milk production will be overstimulated, consumption will tend to fall off, and there will be a tendency for producers to shift from other markets to the Red River Valley marketing area. These actions would result in a supply of milk greater than needed to supply the demands of the market, and would eventually result in the shifting of agricultural resources toward the production of unnecessary and uneconomical surplus which would reduce the uniform prices received by producers.

The Red River Valley marketing area is situated near to several other Federally regulated milk markets. As noted above, the production area for the Red River Valley overlaps the milksheds of the North Texas, Central West Texas, and Texas Panhandle marketing areas and to an even greater degree that of the Oklahoma Metropolitan milk marketing area. For this reason, it is particularly important that prices in the Red River Valley be established at a level which will not disrupt the supply and demand relations of the several surrounding marketing areas.

The prices in the Oklahoma Metropolitan marketing area are the lowest of any of the above-mentioned marketing areas. As one progresses south or west from the Oklahoma Metropolitan marketing area, prices are increased to compensate for the additional costs of transporting supplemental milk from the area of surplus production, and to compensate for the additional costs of getting milk produced in Western Oklahoma and Texas. Accordingly, the price for Class I milk in the Red River Valley marketing area must be higher than that established in the Oklahoma Metropolitan milk marketing order, and lower than those provided in the Texas marketing orders.

The price for milk received at pool plants located in Texas should be 15 cents higher than the Class I price established under the Oklahoma Metropolitan milk marketing order. At all other pool plants located within 100 miles of the City Hall in Wichita Falls, Texas, it should be 10 cents higher than the price established under the Oklahoma Metropolitan marketing order. At all other plants a location differential should apply based on the distance such plants are from the City Hall in Wichita Falls, Texas. This level of prices will maintain a proper alignment between the Red River Valley marketing area and the Federal marketing areas mentioned above. A greater difference in prices between the Oklahoma Metropolitan marketing area and the Red River Valley marketing area would place handlers in the Red River Valley at a competitive disadvantage with plants regulated under the Oklahoma Metropolitan marketing order, which dispose of milk in the Red River Valley marketing area and in the area lying between the Oklahoma Metropolitan and the Red River Valley marketing areas. At the same time, a price less than that provided would afford handlers regulated under the Red River Valley marketing area, especially those located south of the Red River, a competitive advantage over handlers whose milk is priced under the North Texas or Central West Texas marketing orders.

If the Class I pricing as proposed herein had been operative, the Class I price at Wichita Falls, Texas, in 1956 would have ranged from about $5.15 to $5.75, and averaged $5.48 per hundredweight. For the first six months of 1957, an average Class I price of $5.19 per hundredweight would have resulted.

Comparable Class I prices actually paid by handlers in the Red River Valley marketing area are not available, but prices reported to have been paid producers for base milk in 1956 ranged from about $4.75 to $5.65 per hundredweight; and for the first six months of 1957, they ranged from about $4.50 to $5.45 per hundredweight.

Class II milk. Every fluid milk market needs a reserve supply of Grade A milk to meet day-to-day fluctuations in receipts from producers and in Class I sales. While sales of milk vary considerably on a day-to-day basis, they are rather uniform from season to season. Milk supplies, however, because of the seasonal variations in production, are greater during the late winter and spring months than they are in late summer and fall. As a result, handlers must process on a year-round basis the daily and seasonal surplus into various manufactured products. Since milk going into these products must be paid for at the Class II price, this price must be fixed at a level which will encourage handlers to accept whatever quantities of such milk may be offered from time to time by the producers who supply the market. It is of equal importance that the price be at a level which will return to producers the full value for their milk.

All products which are included in Class II may be made from milk which does not meet the requirements of the Grade A ordinances. Grade A milk which may be used in these products by regulated handlers, must be priced at a level which is competitive with the cost of alternative supplies of milk that would otherwise be used in the manufacture of such products. Ice cream, cottage cheese, and condensed milk are the most important outlets for reserve and surplus supplies on the market.

In the past, the Red River Valley has been relatively short of milk during the late summer and fall months, and it has been necessary for handlers to rely on receipts of ungraded milk to process the Class II products which they manufacture during the season of short supply. When milk is not available locally, these products have been purchased, for the most part, in the form of powder, condensed skim, and cream. It seems appropriate, therefore, that the formula for pricing Class II milk, at least during the season of short supply, should be one which would reflect the cost of obtaining supplies from alternative sources. Such a formula would be one which is based on the market value of butter and nonfat dry milk solids. One of the alternative formulas used for determining the Class I price under the Oklahoma Metropolitan milk marketing order is a formula based on the Chicago market prices of butter and nonfat dry milk solids. Since, as has been noted above, the prices in the Red River Valley marketing order must be aligned to those in the Oklahoma Metropolitan Order, the price for Class II milk under the Red River Valley marketing order during the season of short supply should be identical to the butter-powder formula in the Oklahoma Metropolitan milk marketing order. This formula arrives at a price for the butterfat by subtracting 3 cents from the price of 92-score butter at Chicago, adding 20 percent thereto, and multiplying by 4. The value of the skim milk is determined by subtracting from the average prices of nonfat dry milk solids both spray and roller process, f. o. b. manufacturing plants in the Chicago area, 5.5 cents, multiplying by 8.5, and then multiplying by 0.96. This is the price which should be effective for the months of August through January, inclusive.

During the months of heavier production, it will be necessary for many of the handlers in the Red River Valley marketing area to move excess supplies to nearby manufacturing plants for processing into Class II products, since the facilities of handlers for processing whole milk into manufactured dairy products are limited, particularly in the Texas portion of the proposed marketing area. During this period of the year, the Class II price should be one which will enable handlers to dispose of excess supplies to manufacturing plants without incurring a substantial loss on the transaction. The best reflector of the value of milk for Class II products during the months of flush production is the price paid by manufacturing plants for ungraded milk for use in these products. The Class II price during the months of February through July, therefore, should be the average of the prices paid for ungraded milk by the following plants: American Foods Company, Miami, Oklahoma; Gilt Edge Dairy, Norman, Oklahoma; the Muskogee Dairy Products Company, Muskogee, Oklahoma; the Page Milk Company, Coffeyville, Kansas; the Pet Milk Company, Siloam Springs, Arkansas; and the Real Test Foods Company, Tulsa, Oklahoma. These are the same plants whose pay prices are used in determining the Class II prices under the Oklahoma Metropolitan marketing order.

Prices determined in this manner will insure that handlers will make every effort during the months of short production to see that available supplies of producer milk are used in Class I to the greatest extent possible. It will also insure that handlers will be able to move surplus milk into manufacturing channels when it cannot be utilized in Class I on the market.

Producers proposed that for certain products, such as cottage cheese, ice cream, and similar products a Class II price be established somewhat higher than the price fixed for milk going into butter, cheese, nonfat dry milk solids, and other commodities which are less perishable and less bulky. At this time, it is not feasible to establish a separate classification for such products. Such products may be disposed of freely in the marketing area, regardless of whether they have been made from Grade A milk. Large quantities of cottage cheese and ice cream are distributed over the entire marketing area by plants which are subject to regulation under other Federal marketing orders, as well as by manufacturing plants which are completely free of regulation. Pricing milk going into these products at a somewhat higher level than the Class II price in surrounding markets, or than the price paid by unregulated manufacturing plants, would place regulated handlers at a competitive disadvantage and might result in their refusing to accept from producers more milk than was needed for their Class I use. Refusal by handlers to accept milk for use in ice cream, cottage cheese, and similar products would create disorderly marketing and would pose a severe problem for the cooperative association in disposing of the seasonal surplus in the market.

Location differentials. Class I milk products, because of their bulky, perishable nature, incur relatively high transportation costs, if such products or the milk used to produce them are moved a considerable distance. Milk delivered by farmers directly to plants in or near the centers of population is therefore, worth more to a handler than milk which is received from farmers at a plant located many miles from the point at which the milk is distributed. On such milk the handler must incur the additional cost of moving the milk to a central market. The producer, in turn, receives less for milk delivered to points distant from the central market in lieu of incurring the additional cost of hauling his milk directly to the central market. Under these conditions, the value of milk delivered by producers to plants located some distance from the central market is reduced by approximately the cost of transporting such milk from the point of receipt to the central market.

At the present time, there are no supply plants regularly furnishing milk to the Red River Valley marketing area. With the rapidly changing pattern that is developing in the milk industry, it is possible, however, that in the near future supply plants may begin to furnish milk to the market on a regular basis. In order to allow for the cost of moving Class I milk from distant plants that might become regular sources of supply for the market, it is necessary to establish the Class I price for milk delivered to plants at a point in the marketing area and then provide a schedule of deductions from the Class I price as location differentials or adjustments. The city of Wichita Falls, Texas, is the largest population center in the proposed marketing area. It is also the most distant from alternative sources of supply and, therefore, the cost of milk from surplus producing areas delivered to Wichita Falls would be greater than at other population centers in the marketing area. Accordingly, the Class I price should be established at Wichita Falls. Because of the extensive nature of the marketing area and its peculiar location in relation to sources of supply and to other marketing areas, the prices at all points in Texas should be the same as that at Wichita Falls. At plants located in Oklahoma and within 100 miles of Wichita Falls, the price should be 5 cents less than the price at Wichita Falls. At all other plants, the price should be reduced 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles distant from the City Hall at Wichita Falls, Texas. Although, normally, location differentials are uniform at the same distance from the central market regardless of the direction in which the plant is located, in the present instance, it is desirable to permit the deduction of a location differential only at those plants which are located north and east of Wichita Falls. Because the areas to the south and west are generally a deficit production area and the costs of alternative supplies in that area are higher than they are further north, prices at plants in other West Texas marketing areas are higher than those proposed for the Red River Valley marketing area by approximately the amount of the additional cost of transporting supplemental supplies from the surplus production areas in the north central states. If the prices at plants south of the Red River Valley were reduced because of their distance from the marketing area, it is possible that plants presently regulated under the Central West Texas marketing order might attempt to become regulated under the Red River Valley marketing order. If this were to happen, the prices such plants were required to pay would be substantially less than the prices paid by other plants regulated under the Central West Texas marketing order. The resulting competitive advantage enjoyed by such a handler would disrupt the orderly marketing in the Central West Texas marketing area.

The proposed rate of 1.5 cents for each 10 miles or fraction thereof that a plant is more than 100 miles from the City Hall in Wichita Falls, Texas, reflects the actual cost of transporting milk in tank trucks. This rate is comparable to that which is generally contained in other Federal milk marketing orders.

A method is provided for determining, if necessary, the priority of milk from various plants and allocating milk to Class I use by computing the aggregate value of the location adjustments to be [illegible], such adjustments to be made in [illegible]ce in the order that such plants distant from the City Hall in Wichita Falls, Texas.

The value of milk used in manufactured dairy products is affected very little, if at all, by the location of the plant receiving and processing such milk. This occurs because of the differences in the cost of moving the two types of product.

Fluid milk products are bulky, easily contaminated, and highly perishable, whereas, such products as butter, cheese, and nonfat dry milk solids are easily transported and may be stored for long periods of time, and have a high value relative to the cost of transporting them. The cost of such products is virtually the same at the plant of origin as it would be delivered to Wichita Falls. For this reason, the price for Class II products varies little, regardless of the location of the plant. Accordingly, no adjustment should be made in the Class II price by reason of the location of the plant at which the milk is received from producers.

In line with the economic considerations which affect the value of milk for fluid uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the prices paid producers for milk delivered to plants at which a location differential applies should also be reduced at the same rate to reflect the lower value of such milk, f. o. b. the point of actual delivery, in contrast to its value when delivered to Wichita Falls.

Butterfat differentials. As noted above, it has been concluded that butterfat and skim milk should be accounted for and classified separately. It will be necessary, therefore, to adjust the Class I and Class II prices in accordance with the average butterfat content of the milk in each class by a butterfat differential that will reflect differences of value due to variations in the butterfat content of such products. In order to maintain prices on the same basis as those in surrounding markets, prices for the Red River Valley marketing area should be computed and announced in terms of milk of 4.0 percent butterfat content.

The butterfat differentials for Class I milk and Class II milk should be appropriate to the level of class prices provided for herein for Class I milk and Class II milk. To achieve this end, the Class I price should be increased or decreased, for each one-tenth of 1 percent of butterfat content above or below 4.0 percent, by the value obtained by multiplying the Chicago butter price for the preceding month by 0.125. The Class II differential would be determined by multiplying the Chicago butter price for the current month by 0.115.

The use of butterfat differentials in this manner is practiced in most fluid milk markets for adjusting for butterfat variations. At these levels they reflect the situation in the market and will maintain the prices in this market in proper alignment with prices in surrounding markets, regardless of the butterfat content of the milk. Identical butterfat differentials are provided in the Oklahoma Metropolitan marketing order.

In order that the Class I butterfat differential may be announced early each month, at the same time that the Class I is announced, the Class I butterfat differential should be based on the average price of butter during the preceding month. Since Class II prices will not be announced until after the end of the month, and will be based on market prices of commodities during the month in which the milk is manufactured, the Class II butterfat differential should be based on the value of butter during the month in which the milk is utilized. Accordingly, the Class II butterfat differential should be based on the price of butter during the current month, and should be announced at the end of the month at the same time as the Class II price is announced. Although handlers will not know the cost of such milk until after it is utilized, they will know that in any sales competition with other processors of manufactured dairy products, whether regulated or not, they will be paying for milk on the basis of current market prices the same as their competitors.

The butterfat differentials used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of the butterfat in producer milk which is classified in each class. Thus, producer returns for butterfat will reflect the actual sales value of the butterfat in their milk at the class prices provided in the order. The producer butterfat differentials in no way affect the amount of a handler's obligations which are computed at the class prices. It is merely a means of prorating returns among producers in accordance with the variations in the butterfat test of the milk which they deliver.

Equivalent prices. A provision should also be written in the order directing the market administrator to use a price determined by the Secretary to be comparable, in the event that any of the prices used in making the various computations provided in the order is not published and available to the market administrator. This would prevent the lack of a price quotation from affecting the operation of the order. Such a provision is incorporated in most milk marketing orders.

Payments to producers—(a) *Type of pool.* The order should provide that the proceeds from the sale of milk by handlers be distributed to producers through an individual-handler type of pool.

The market-wide pool was proposed by producers. Under the market-wide pool, all producers delivering milk to all pool plants would receive uniform prices for all milk so delivered regardless of the use made of such milk by the handler to whom it is delivered. Under the individual-handler pool the producers supplying each of the regulated handlers would be paid a blend price based upon the proportion of the receipts of producer milk classified as Class I milk and Class II milk at the plant(s) of the particular handler receiving the milk. Under either type of pool, the uniform or blend prices are subject to adjustment for location and the butterfat content of the milk. Producers may also be charged different rates for hauling their milk from the farm to the plant. These rates, however, are not established by the order.

Under the conditions prevailing in this market an individual-handler pool represents the most satisfactory method of distributing returns to producers. There are two cooperative associations representing a substantial majority of the producers supplying the market. The membership of one association is confined to those producers shipping to plants in the Texas portion of the proposed marketing area; the members of the other association all ship to plants in Oklahoma. Although the marketing area is an integrated entity, the supply area, because of the different marketing programs of these two associations, is not so integrated. Under these circumstances it seems most appropriate to return directly to the separate associations or their members the returns from the sale of milk to the several handlers. This could not be accomplished under market-wide pooling but may be under individual-handler pooling. It is concluded, therefore, that this order should provide for individual-handler pooling of the returns from the sale of milk to handlers.

The market is in relatively short supply and no handler carries an undue proportion of excess milk in order to furnish other handlers with supplemental milk. All plants are engaged primarily in fluid disposition. For this reason the blend or uniform prices received by producers from the different handlers will be substantially the same. However, in the event receipts of milk by some handlers become maladjusted in relation to their fluid sales, a price incentive will exist for producers to shift their deliveries to those handlers who are in need of additional milk.

The cooperative associations which represent the producers in the market are in a position to pool the proceeds from the sales of milk of their members if they so desire. The individual-handler pool will not interfere with the pooling or payment activities of the cooperative associations. Provision is made whereby handlers will pay a cooperative association, which so requests, the proceeds from the sale of milk delivered by its members. This provision should assist the cooperative associations in carrying out a more effective pooling and payment plan than could be accomplished in the absence of regulation.

It was also proposed to safeguard the market-wide pooling arrangement which had been proposed and the classified price plan by a compensatory payment on all unpriced or other source milk which was disposed of as Class I milk in the marketing area. This was to insure that the users of other source milk would not have a competitive advantage over handlers using producer milk exclusively for Class I milk. The problem of unpriced fluid milk, however, can best be dealt with under the circumstances of this market by extending regulation to all plants which distribute Class I milk on routes in the marketing area or which constitute a source of supply for such plants. The standards for determining which plants will be regulated have been discussed above.

Base and excess plan. A base and excess plan of distributing returns for milk among producers should be employed in connection with the individual-handler pool established herein. Receipts of milk from producers vary between spring and fall months in a much greater degree than do Class I sales. In addition, some handlers have difficulty in using, during the periods of seasonally high production, all of the milk delivered to them by producers. Consequently, there is a need for an incentive to maintain production in the late summer and fall months, relative to that of the winter and spring months.

Handlers and producers on the market are now relying on various forms of base-excess plans to provide the incentive needed to induce local dairymen to strive for a more nearly level milk production throughout the year. The presently operated plans have served a function in the market, even though their operation has been deficient from the standpoint of equality between handlers and fairness to producers. These conditions can arise because the distributors themselves establish the rules of the base-excess plan and control the adjustment and transfers of bases. Producers have no say whatever in the operations of the several base plans now in use.

Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries, because they relate producers' returns directly to the deliveries of milk in the late summer and fall months when production conditions are more difficult and milk is less plentiful. Such a plan will help to achieve a production which is more nearly fitted to the sales pattern of fluid milk products in this area. Were some version of this plan not included in the attached order, the most likely results would be increased seasonality in production with the attendant problems of surplus disposal in the months of flush production and the need for additional imports of supplemental milk in the short production months. The base and excess plan uniformly applied to all producers, by being incorporated in the attached order, will play an essential part in stabilizing market conditions by encouraging the trend to a more nearly even production seasonally.

The base and excess plan proposed herein would establish for each producer a base equal to his average daily deliveries during the four months of September through December. If a producer did not deliver milk to the market during the entire period, the days of actual delivery from the first day of delivery, but not less than 90, would be used.

During the months of March through June, separate uniform prices will be computed for base milk and excess milk for the purpose of allocating Class I sales to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month during which he delivers milk to any pool plant. The excess price would be the Class II price, except in those months when total Class I sales exceed the total quantity of base milk. During such months, the excess price would be a blend of the actual Class I and Class II utilization of excess milk.

The provisions of the base and excess plan should not be applicable to deliveries of milk during the months of March through June 1958. Since the order was not in effect during the base-forming months of 1957, handlers were not required to keep records of the deliveries of milk by producers, and it would be extremely difficult if not impossible for a market administrator to compute bases for producers for that period.

Provision is made for producers who may enter the market after the start of the base-forming period to establish a full base by delivering a minimum of 90 days during the specified period. Producers delivering milk for less than 90 days will have their bases calculated by dividing their total deliveries during the base-forming period by 90.

Provision also is made for a person who becomes a producer after the base-forming period, and who has established a base under another Federal order, to be assigned a base equal to that which he would have received if he had been a producer during the base-forming period. This provision should facilitate the movement of milk of producers between the Red River Valley marketing area and adjacent Federal order marketing areas, where their milksheds overlap.

Provisions should also be made for the assignment of bases to persons who become producers after the base-forming period because the plant to which they furnish milk has become a pool plant. Since an individual-handler pool is proposed, this action would have no effect on returns to other producers, but would provide that all producers whose milk is subject to regulation would be paid base and excess prices for their milk. Otherwise, all producers supplying such a plant would receive the same uniform price for all deliveries, equal to the weighted average value of the utilization of milk by the handler.

A producer should be permitted to transfer his base only to another member of his family and then only in the case of retirement of the producer or his entrance into the military service. In the event of death of a producer, the base should be transferable to a surviving member of the family who carries on the producing functions. In the case of a partnership composed of members of the same family, the base may be transferred in whole or in part to either member of the partnership upon its dissolution. For a base to be so divided, both parties must file application with the market administrator requesting division of the base, and the application must set forth the portion of the base which is to be transferred to each of the parties.

(b) *Payments to individual producers and to members of cooperative associations.* Handlers should make payment to each producer for milk delivered by such producer at the appropriate uniform prices. Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payment, if the producer has given the cooperative association written authorization in the form of a contract or in any other form to collect such payments. The association's request should also agree to indemnify the handler for any loss incurred because of improper claim. In making such payments for producers' milk to a cooperative association, the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and butterfat content of the milk delivered by each such producer, and the amount of, and the reason for, any deduction which the handler withheld in the amount payable to each producer. This statement is necessary for the cooperative association in making proper distribution of the money it collects to the producer members for whom collection is made.

Qualified cooperative associations of dairymen should be permitted to receive a payment from handlers for their producer members as a group. In order to enable the association to carry out its essential functions as authorized in the Agricultural Marketing Agreement Act, a cooperative association, if it is to carry out these functions, must have full authority in the collective bargaining and sale of members' milk.

The proponent cooperative associations, in other markets, have assumed the responsibility for moving producers' milk during months of flush production. They are expected to assume the same responsibility with respect to the Red River Valley marketing area. Sales of surplus milk outside the marketing area may result in financial losses or gains to the cooperative associations. They must be in a position to spread such losses or gains over the entire membership, if they are to handle such milk effectively and efficiently. The Agricultural Marketing Agreement Act authorizes a qualified cooperative association to collect payment on behalf of all its members for milk caused to be moved by it to all types of outlets, and to reblend the proceeds from all sales over its entire membership. The order should provide that payment to such a cooperative association is proper satisfaction of the payments required by the order to be made to individual producer-members.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purpose of the proposed regulation.

Terms and definitions. In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning.

Definitions for "base" and "excess" milk are included. The other terms defined in the proposed order are common to most other Federal milk marketing orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the terms and provisions of the order, and the powers and duties essential to the proper functioning of his office should be specified.

Records and reports Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producers' milk and the payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to a cooperative association, which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For purposes of this report the utilization of members' milk in each handler's plant will be prorated to each class in the same proportion that total receipts of producer milk were used by such handler.

In addition to the regular reports of handlers, provision is made for the handler, prior to the diversion of milk, to notify the market administrator and the cooperative association, if the producer is a member, of his intention to divert such milk, setting forth the dates of the proposed diversion and the plant to which it is to be diverted. This report is necessary if the weight of the milk delivered to a nonpool plant is to be verified and a sample taken for determining its butterfat content.

Handlers should maintain and make available to the market administrator all records and accounts of their operation and such facilities as are necessary to determine the accuracy of the information reported to the market administrator and any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of the weights and tests of milk and milk products received and handled, and to verify all payments required to be made under the order.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payment was made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be retained for a reasonable period of time.

The order should provide for specific limitations on the time that handlers are required to retain books and records and on the period of time within which obligations under the order should terminate. The provision made in this regard is identical in principle with the general amendment made to all milk orders in operation, July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as part of this decision. Without a provision for termination of obligation after a reasonable period of time has elapsed, handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which could endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an overpayment is claimed, or within two years after payment was made if a refund is claimed, unless within the time specified the handler filed a petition, pursuant to section 8c (15) (A) of the act claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments.

Since handlers cannot be forewarned always as to their contingent liabilities, it is extremely difficult and burdensome to make adequate provision by setting up reserves, or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary circumstances such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that a period of two years is a reasonable time within which the market administrator should complete his auditing and inspection work and render his billing for money due under the order. Provisions are necessary as contained in the order included herewith to meet such contingencies, as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name should be publicly announced at the discretion of the market administrator. Such announcement is provided for by the act and it is concluded that its adoption will facilitate the enforcement of the details of the order.

Expense of administration. Each handler who operates a pool plant should be required to pay to the market administrator as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight or such lesser amount as the Secretary may from time to time see fit with respect to:

(a) Producer milk (including a handler's own production); and

(b) Other source milk which is allocated to Class I milk.

Each handler who operates a nonpool plant, not subject to the classification and pricing provisions of another Federal order, should be required, as his pro rata share of the cost of administering the order, to make such payment with respect to the volume of milk which is disposed of within the marketing area as Class I milk from such plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that the cost of administration shall be financed through an assessment on handlers.

One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including a handler's own production) and all other source milk allocated to Class I. Since the market administrator must also verify reports submitted by handlers who operate nonpool plants, it is necessary that a charge for administrative assessment be levied against the milk disposed of by such handlers in the marketing area.

In view of the anticipated volume of milk, and the cost of administering orders in markets of comparable size and circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time that experience in the market reveals that a lesser rate will provide sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers, such as the verification of the tests and weights of producer milk and the furnishing of market information to producers. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for member-producers, the market administrator may accept this in lieu of his own service. There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that the payments received for their milk will be in accordance with the classified pricing and pooling provisions of the order and reflect accurately the weights and tests of such milk. To accomplish this fully it is necessary that the butterfat tests and weights of individual producer's deliveries of milk, as reported by the handler, be verified for accuracy. In the case of producers who are members of a cooperative association, which the Secretary has determined is under the complete control of such producers and is actually marketing the milk of its member-producers such services may be rendered by the cooperative association rather than by the market administrator. The two cooperative associations in the area have been performing check-weighing and check-testing services for their members who are producers under other milk marketing orders. At the time of the hearing they had not been successful in securing permission from handlers to perform such services for their member-producers in the Red River Valley marketing area. It is assumed, however, that such services will be performed for their members if an order is issued and made effective. In order that such services be performed on a market-wide basis, the market administrator should provide them for producers not otherwise receiving such services through a cooperative association.

An important phase of the marketing service program order is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish these services, provisions should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate provision is made for the Secretary to adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such services for its members, handlers would be required to pay to the cooperative association such dues as are authorized by its members.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the record evidence were considered in making the findings and reaching the conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons set forth above.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order. The following order regulating the handling of milk in the Red River Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

§ 986.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 986.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 986.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ 986.4 *Red River Valley marketing area.* "Red River Valley marketing area", hereinafter called "marketing area" means all territory within the following counties, including all municipal corporations; Federal reservations, facilities, and installations; and state institutions located therein: Caddo, Carter, Comanche, Grady, Jackson, Kiowa, Stephens, and Tillman in Oklahoma, and Hardeman, Wichita, and Wilbarger in Texas.

§ 986.5 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 986.6 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with the requirements specified in paragraph (a) or (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 986.63:

(a) Produces milk on a dairy farm subject to regular inspection by a duly constituted state or municipal health authority, under a dairy farm rating or permit issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal government for fluid consumption in its reservation, facility, or installation.

The term producer shall not include any person with respect to milk received by a handler who is partially exempt from the provisions of this part pursuant to § 986.61.

§ 986.7 *Distributing plant.* "Distributing plant" means all the buildings, premises, and facilities of a plant in which milk or skim milk is processed or packaged and from which Class I milk is disposed of during the month except (including routes operated by vendors or through plant stores) to wholesale or retail outlets located in the marketing area (except deliveries in bulk to other pool plants) in an amount greater than an average of 215 pounds per day.

§ 986.8 *Supply plant.* "Supply plant" means all the buildings, premises, and facilities of a plant from which fluid milk products are shipped to a distributing plant and are classified as Class I milk (a) in any volume during the months of April, May, and June, and (b) in a volume in excess of 140,000 pounds during any other month.

§ 986.9 *Pool plant.* "Pool plant" means a distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 986.61) or a supply plant.

§ 986.10 *Nonpool plant.* "Nonpool plant" means any milk processing or manufacturing plant other than a pool plant.

§ 986.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants; or

(b) A cooperative association with respect to the milk of producers diverted for the account of such association from a pool plant to a nonpool plant within the limits prescribed in § 986.63.

§ 986.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has and is exercising full authority in the sale of milk of its members.

§ 986.13 *Producer-handler.* "Producer-handler" means any person who produces milk and who operates a distributing plant at which no milk is received from producers and from which no other source milk is disposed of as a fluid milk product.

§ 986.14 *Producer milk.* "Producer milk" means all skim milk or butterfat contained in milk which is received at a pool plant directly from producers or which is diverted to a nonpool plant within the limits prescribed in § 986.63.

§ 986.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture in fluid form of cream and milk or skim milk (except cultured sour cream, storage cream, aerated cream products, ice cream and frozen dessert mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers).

§ 986.16 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk, including products designated as Class II milk pursuant to § 986.41 (b) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 986.17 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of March through June which is not in excess of such producer's daily average base computed pursuant to § 986.65 multiplied by the number of days in such month.

§ 986.18 *Excess milk.* "Excess milk" means milk received at a pool plant from a producer during any of the months of March through June which is in excess of the base milk of such producer for such months, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 986.65.

MARKET ADMINISTRATOR

§ 986.25 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 986.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 986.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 986.83: (1) The cost of his bond and the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 986.82) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 986.30 and 986.31 or payments pursuant to §§ 986.80 to 986.83;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 12th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

(2) On or before the 5th day of each month, the Class II price, and the Class II butterfat differential, both for the preceding month; and

(3) On or before the 12th day of each month, the uniform price(s) for each handler computed pursuant to § 986.71 or § 986.72, whichever is applicable, and the butterfat differential computed pursuant to § 986.73, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 986.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of March through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the same form in which received without further processing or packaging by the handler) and any disappearance of other source milk held in inventory;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 986.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month showing:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days' production represented by the milk received from such producer(s), including for the months of March through June each producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 986.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to another pool plant or to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which it is to be diverted.

§ 986.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 986.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 986.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler during the month, which is required to be reported pursuant to § 986.30, shall be classified by the market administrator pursuant to the provisions of §§ 986.41 to 986.46, inclusive.

§ 986.41 *Classes of utilization.* Subject to the conditions set forth in §§ 986.43 and 986.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk and concentrated nonfat milk solids) and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Skim milk disposed of for livestock feed, or dumped after prior notification to and opportunity for verification by the market administrator;

(4) In shrinkage not to exceed 2 percent of the skim milk and butterfat contained in producer milk, except that diverted pursuant to § 986.63; and

(5) In shrinkage of other source milk.

§ 986.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of skim milk and butterfat in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and other source milk.

§ 986.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk, if later disposed of by such handler or another handler (whether in original or other form) as any fluid milk product, shall be reclassified as Class I milk. Any skim milk or butterfat classified as Class II milk in the previous month pursuant to § 986.41 (b) (2) shall be reclassified as Class I milk if it is substracted from Class I during the current month pursuant to § 986.46 (a) (4).

§ 986.44 *Transfers.* Skim milk and butterfat if disposed of by a handler by transfer or diversion shall be classified as follows:

(a) If transferred or diverted to a pool plant of another handler (except a producer-handler) in the form of fluid milk products it shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 986.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after subtraction of other source milk pursuant to § 986.46;

(b) As Class I milk, if transferred to the plant of a producer-handler in the form of fluid milk products;

(c) As Class I milk, if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator;

(d) As Class I milk, if transferred in the form of cream to a nonpool plant, located more than 350 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was tagged or labeled to show that the contents were only for manufacturing use, the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(e) (1) As Class I milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located not more than 350 miles by the shortest hard-surfaced highway distance from the City Hall in Wichita Falls, Texas, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless the handler claims classification of Class II milk pursuant to § 986.30 and all of the following conditions are met:

(i) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to audit such books and records for purposes of verification; and

(ii) Such nonpool plant received from dairy farmers which constitute a regular source of supply for Class I use as determined by the market administrator;

(2) If the above conditions are fulfilled, the market administrator shall classify such milk, subject to verification, in the following manner: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred to the highest use classification remaining after allowing first priority to that received at the nonpool plant directly from dairy farmers whom the market administrator determines constitute its regular source of Grade A milk for Class I use;

(f) As Class II milk, if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located not over 350 miles from the City Hall, Wichita Falls, Texas, from which no fluid milk is disposed of on wholesale or retail routes, except:

(1) If milk, skim milk, or cream is transferred from such nonpool plant to a pool plant, an amount equal to the skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified in accordance with paragraph (a) of this section; and

(2) If milk, skim milk, or cream is transferred from such nonpool plant to a second nonpool plant from which fluid milk is distributed on wholesale or retail routes, the skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk in an amount equal to that transferred to such second nonpool plant, unless it is established that such milk or skim milk was transferred to the second nonpool plant without Grade A certification with each container labeled to show that the contents were for manufacturing use only, and that the shipment was invoiced accordingly.

§ 986.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical or other obvious errors the monthly report submitted by each handler pursuant to § 986.30, and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk. Skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 986.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 986.45, the market administrator shall determine the classification of milk received from producers for each handler in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of shrinkage of skim milk in producer milk determined pursuant to § 986.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than fluid milk products according to its classification in § 986.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of

skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II milk, the pounds of skim milk in inventory at the beginning of the month in the form of fluid milk products;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products pursuant to § 986.44;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in the classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Butterfat shall be allocated in the same manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in producer milk allocated to each class.

MINIMUM PRICES

§ 986.50 *Class prices.* Subject to the provisions of §§ 986.51 and 986.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the price for Class I milk established under Federal Order No. 6 regulating the handling of milk in the Oklahoma Metropolitan marketing area at Oklahoma City, plus 15 cents.

(b) *Class II milk.* (1) For the months of February through July the Class II price per hundredweight shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

American Foods Company, Miami, Okla.
Gilt Edge Dairy, Norman, Okla.
Muskogee Dairy Products Company, Muskogee, Okla.
Page Milk Company, Coffeyville, Kans.
Pet Milk Company, Siloam Springs, Ark.
Real Test Foods Company, Tulsa, Okla.

(2) For the months of August through January, the Class II price per hundredweight shall be computed by adding the plus values pursuant to subdivisions (i) and (ii) of this subparagraph as follows:

(i) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0; and

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 986.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 986.46 is more or less than 4.0 percent there shall be added to the respective class price, computed pursuant to § 986.50 for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 986.52 *Location adjustment credit to handlers.* For that milk which (a) is received directly from producers at a pool plant located outside the State of Texas and which is classified as Class I, the prices specified in § 986.50 shall be reduced 5 cents per hundredweight, plus an additional 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles distant from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator: *Provided,* That in calculating such adjustment transfers to a pool plant at which a location adjustment credit is not applicable or at which it is less than at the transferor plant shall be assigned to Class I milk only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant. Such assignment to transferor plants should be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

§ 986.53 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 986.60 *Producer-handlers.* Sections 986.40 to 986.46, 986.50 to 986.52, 986.65, 986.66, 986.70 to 986.73, and 986.80 to 986.84, shall not apply to a producer-handler.

§ 986.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the Act and whose milk is classified and priced under such other order, the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and utilization or disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 986.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, shall report as required pursuant to §§ 986.30 and 986.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports.

§ 986.63 *Diverted milk.* (a) Milk of a producer diverted by a handler, other than a cooperative association, from a pool plant to the pool plant of another handler for any day during the months of February through July and for not more than 10 days' production of a producer during any month for the period of August through January, shall be deemed to have been received by the diverting handler at the pool plant from which such milk was diverted, except that for the purpose of determining shrinkage pursuant to § 986.41 (b) (4), such milk shall be considered as producer milk at the pool plant to which it was diverted. Milk so diverted for more than 10 days during any of the months of August through January, shall be considered as received at the plant to which it was diverted for the entire period of diversion.

(b) Milk diverted by a cooperative association, which does not operate a pool plant, for the account of such association from the pool plant of another handler to a nonpool plant, shall be deemed to have been received by such association at a pool plant at the same location as that from which the milk was diverted.

(c) Milk diverted from a pool plant by the handler operating such pool plant to a nonpool plant shall be considered to have been received at the plant from which diverted.

(d) Milk diverted by a handler, including a cooperative association, to a nonpool plant for more than 10 days' production of a producer during any month during the base-forming period,

September through December, shall not be considered producer milk for the entire period of such diversion during the month.

DETERMINATION OF BASE

§ 986.65 *Computation of daily average base for each producer.* Subject to the rules set forth in § 986.66, the daily average base of each producer for the months of March through June of each year shall be computed by the market administrator by dividing the total pounds of milk received by a handler(s) at a pool plant(s) from such producer during the months of September through December immediately preceding by the number of days' production delivered by such producer during the period, or by 90, whichever is more: *Provided,* (a) That any person who becomes a producer after the base-forming period and who has established a base under another order issued pursuant to the act shall be assigned a base equal to that which he would have received if he had been a producer during the base-forming period, and (b) That for any person who becomes a producer with less than 90 days of the base-forming period remaining by virtue of the plant to which such person delivers his milk having become a pool plant, the market administrator shall compute a base equal to that which such producer would have established had the plant to which he ships his milk been a pool plant during the entire base-forming period.

§ 986.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Base may be transferred during the month of March through June only in the following manner:

(1) In the event of death, retirement or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy enterprise, such transfer to be effective the first of the month following notification of the market administrator in writing of the person to whom such base is to be transferred;

(2) If a base is held jointly and such joint holding is terminated, it may be divided, only if the joint holders are members of the same family, and only upon application to the market administrator prior to the month in which the division is to become effective: *Provided,* That such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or his heirs and is signed by each joint holder or his heirs.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days during the six months prior to March 1, shall forfeit his base for the following base-utilization period.

§ 986.67 *Announcement of established bases.* On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer, the daily average base established by the producer.

DETERMINATION OF UNIFORM PRICES

§ 986.70 *Computation of value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 986.46 by the applicable class price (adjusted pursuant to §§ 986.51 and 986.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 986.46 (a) (7) and the corresponding step of (b) by the applicable class price(s); and

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 986.43 (b), which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 986.43 (b), a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the preceding month.

(d) Add the total value of the location adjustments to producers applicable pursuant to § 986.74;

(e) Add or subtract for each one-tenth percent that the average butterfat content of the milk received by such handler from producers is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers as determined pursuant to § 986.73 and multiplying the result by the total hundredweight of producer milk; and

(f) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month.

§ 986.71 *Computation of the uniform price.* For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content received by each handler by dividing the value computed pursuant to § 986.70 by the total hundredweight of producer milk received by such handler. The result less any fraction of a cent shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content.

§ 986.72 *Computation of uniform prices for base and excess milk.* For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base and for excess milk, each of 4.0 percent butterfat content for each handler as follows:

(a) Compute the value on a 4.0 percent basis of the excess milk used by such handler in Class II milk by multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content. If the Class I utilization of such handler exceeds the receipts of base milk from producers, multiply the hundredweight of excess milk used as Class I milk by the Class I price applicable to such handler's plant location; add such amount to the total value of milk used as Class II milk; and divide the total value by the hundredweight of receipts from producers of excess milk. The result, less any fraction of a cent per hundredweight, shall be known as the price for excess milk of 4.0 percent butterfat content for such handler; and

(b) Compute the value of base milk received by such handler from producers by subtracting the total value computed for excess milk pursuant to paragraph (a) of this section from the value obtained pursuant to § 986.70, and dividing the remainder by the hundredweight of base milk. The result, less any fraction of a cent per hundredweight, shall be the price for base milk of 4.0 percent butterfat content for such handler.

§ 986.73 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 986.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 986.51, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 986.74 *Location adjustment to producers.* In making payments to producers pursuant to § 986.80, for the months of July through February, each handler may deduct, for each hundredweight of milk, and for the months of March through June for each hundredweight of base milk received from producers at a pool plant which is located outside the State of Texas, 5 cents per hundredweight plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 100 miles from the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator.

§ 986.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month, to each producer who did not discontinue shipping milk to such handler during the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month;

(2) On or before the 15th day of the following month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by

the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 986.82, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer.

(b) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall:

(i) Pay to the cooperative association on or before the 13th and 27th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer;

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days of production included in such receipts, (*d*) for the months of March through June, the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold; and

(iii) Submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month.

The foregoing payment and submission of information shall be made with respect to the milk, of each producer who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) On or before the 10th day after the end of each month, each handler shall pay each cooperative association which is a handler pursuant to § 986.63 (b) for milk which is caused to be delivered to such handler during the preceding month at not less than the value of such milk at the applicable class prices.

§ 986.81 *Adjustment of accounts.* Whenever audit by the market administrator or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such errors occurred.

§ 986.82 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 986.80 shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 986.83 *Expense of administration.* On or before the 15th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator, as his pro rata share of the expense of the administration of this part, 5 cents or such lesser amount as the Secretary may prescribe for each hundredweight of butterfat and skim milk contained in (a) producer milk, including such handlers own production, and (b) other source milk classified as Class I milk; and each handler who operates a nonpool plant, not subject to the classification and pricing provisions of another Federal order, shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 986.84 *Termination of obligation.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the amount for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund of such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 986.90 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 986.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 986.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 986.93 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 986.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 986.101 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington,, D. C., this 19th day of May 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-3882; Filed, May 21, 1958; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

FUEL AND ENGINE OIL SYSTEM HOSE ASSEMBLIES

The proposed § 514.52 establishes minimum performance standards for fuel and engine oil system hose assemblies to be used in civil aircraft of the United States.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rule should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.52 is added under Subpart B of this part to read as follows:

§ 514.52 *Fuel and engine oil system hose assemblies (rubber and wire braid construction)—TSO-C53*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fuel and engine oil system hose assemblies[1] of the following types which are to be used in civil aircraft of the United States:

(i) *Type A.* Non-fire-resistant "normal" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(ii) *Type B.* Non-fire-resistant "high" temperature hose assemblies which are intended to be used in locations outside fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(iii) *Type C.* Fire-resistant "normal" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 250° F.

(iv) *Type D.* Fire-resistant "high" temperature hose assemblies which are intended to be used in locations within fire zones where the fluid and ambient air temperatures do not exceed 450° F.

(*a*) New models of fuel and engine oil system hose assemblies manufactured on or after the effective date of this section, shall comply with the minimum requirements stated below:

(*1*) Type A hose assemblies shall comply with the "3.3 Performance" section requirements of Military Specification MIL-H-8795 (ASG) dated January 6, 1956.[2] The hose incorporated therein shall conform to "3.6 Performance" section of MIL-H-8794 (ASG) dated January 6, 1956,[2] except as noted in subparagraph (2) of this paragraph.

(*2*) Type B hose assemblies shall comply with the "3.6 Performance" section of Military Specification MIL-H-25579 (USAF) dated April 25, 1957,[2] except as noted in subparagraph (2) of this paragraph.

(*3*) Type C hose assemblies shall comply with the above requirements for Type A hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(*4*) Type D hose assemblies shall comply with the above requirements for Type B hose assemblies and in addition shall pass the fire test described in subparagraph (3) of this paragraph.

(2) *Exceptions.* (i) Type A hose assemblies are not required to comply with sections 3.6.2.7, 3.7, 3.7.1 and 3.8 of Military Specification MIL-H-8794 (ASG) dated January 6, 1956.

(ii) Type B hose assemblies are not required to comply with sections 3.6.9 and 3.6.10 of Military Specification MIL-H-25579 (USAF) dated April 25, 1957.

(3) *Fire test procedure and requirements*—(i) *Test setup and flame requirements.* (*a*) For the purpose of this test, a length of hose at least five times the outside diameter shall be subjected to a flame of the size and temperature specified in (*d*) and (*e*) of this subdivision while the hose is in a horizontal position. The entire end fitting shall also be subjected to this flame.

(*b*) The hose assembly shall be installed horizontally in the test setup in such a manner that it includes at least one full 90° bend.

(*c*) During the test the end fitting which is subjected to flame shall be vibrated at the rate of 2,000 cycles per minute through a total amplitude of not less than ⅛ inch, i. e., a displacement of 1/16 inch on each side of the neutral position.

(*d*) The flame temperature shall be 2,000° F., plus or minus 50° F. as measured within ¼ inch of the surface of the hose and end fitting at the point nearest the flame. Suitable shielded thermocouples or equivalent temperature measuring devices shall be used for measuring the flame temperature. Thermocouple(s) should be chromelalumel, and of No. 18 gage wire or preferably platinum-platinum plus 13 percent iridium combination with 0.037 diameter wire. A sufficient number of these shall be used to assure that the specified temperature exists at least along the entire end fitting and along the hose for a distance of not less than three times its outside diameter.

(*e*) The flame diameter shall not be less than three times the maximum diameter of the hose or three times the maximum diameter of the end fitting, whichever is greater. The length of the flame shall be such that it extends beyond the end fitting and hose when they are in place during the test, for a distance of not less than three times the maximum diameter of the end fitting, whichever is greater. (For larger diameter hose assemblies more than one source of heat may be required.)

(*f*) During the test SAE 20 oil or equivalent shall be circulated through the hose assembly and the oil shall enter the hose assembly at a temperature of not less than 200° F.

(ii) *Fire test procedure.*

Pressure: 30 psi.

Oil flow rate: 5 × (Hose assembly actual ID in inches)^2. (Example: Flow rate for −16 size = 5 × (⅞)^2 = 3.8 GPM).

Duration: 5 minutes.

(iii) *Criteria for acceptability.* The hose assembly shall be considered acceptable if it complies with these test conditions without evidence of leakage.

NOTE: The use of full length protective sleeves over the hose and end fittings is permitted to facilitate compliance with the fire ment. Sleeves should be secured ends with steel clamps or safety

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[1] Hose assemblies for use in propeller feathering lines are covered in TSO-C42.

[2] Copies of these specifications may be obtained by addressing a request to: Commander, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio.

(b) *Marking*. The markings required are specified in § 514.3 with the following exceptions:

(1) Trademark may be used in lieu of name, and manufacturer's address is not required.

(2) In lieu of the weight specified in paragraph (c) of § 514.3, the size of the hose assembly shall be shown.

(3) The applicable TSO number shall be followed immediately by the appropriate type designation, as TSO-C53-Type B. Where a protective sleeve is employed, the information should be legibly stamped on a steel (or other fireproof) band securely affixed to the hose assembly.

(c) *Data requirements*. The following information and data should be submitted with the letter of conformance:

(1) One copy of drawing showing the hose assembly construction, materials, part numbers and the recommended maximum and minimum fluid and ambient temperatures for continuous operation. The following data should be shown for each size: Burst pressure (minimum), Operating pressure (maximum), Bending radius (minimum).

(2) One copy of any installation instructions and/or other pertinent information (may be shown on drawing).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] **WILLIAM B. DAVIS,**
Acting Administrator of Civil Aeronautics.

MAY 15, 1958.

[F. R. Doc. 58-3836; Filed, May 21, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 141]

CALIFORNIA

SMALL TRACT CLASSIFICATION; PARTIAL REVOCATION

MAY 14, 1958.

Effective May 14, 1958, Federal Register Document 49-3900, appearing on pages 2591 and 2592 of the issue for May 17, 1949, is revoked as to the following described public lands:

T. 4 N., R. 1 W., S. B. M.,
Sec. 31, E½NW¼NW¼NE¼.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 58-3839; Filed, May 21, 1958; 8:48 a. m.]

[Classification 103]

[California 41]

CALIFORNIA

SMALL TRACT CLASSIFICATION; PARTIAL REVOCATION

MAY 14, 1958.

Effective May 14, 1958, Federal Register Document 46-21954, appearing on pages 14714 and 14715 of the issue for December 9, 1946, is revoked as to the following described public lands:

Lot 65, Section 32, T. 1 N., R. 7 E., S. B. M.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 58-3840; Filed, May 21, 1958; 8:48 a. m.]

[Classification 48]

NEW MEXICO

SMALL TRACT CLASSIFICATION

MAY 14, 1958.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 200 acres in San Juan County, New Mexico as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 12 W.,
Sec. 19, SE¼, SE¼SW¼.

2. Classification of the above described lands by this order segregates them from all forms of appropriation, including location under the mining laws, except application under the mineral leasing laws.

3. The lands are located four miles northeast of Farmington and immediately north of the already classified Country Club Small Tract Area. The area is accessible by a primitive road extending from U. S. Highway No. 550 which is one mile to the south. The topography varies from relatively smooth lands, lying adjacent to the draws, to undulating and hilly. Drainage is adequate since there are two large arroyos to carry off excessive water. The soils are sandy loams and sandy clay loams derived from sandstone and are fairly shallow. Vegetation is predominantly pinon-juniper and scrub cedar with some galleta, grama and other grasses. The climate is mild and dry; the annual precipitation is 9 inches and the average yearly temperature is 52°. The elevation ranges from 5575′ to 5620′. Utilities may be provided from the City of Farmington, or if not, the purchasers will have to provide utilities for themselves. Business, educational, religious and recreational facilities are available in the City of Farmington, New Mexico.

4. Each of the tracts, numbered from 1 through 55 for reference purposes only, contain from 2.5 acres to 5 acres. The fair market value of the tracts, the reference number, and legal description are shown below. The tracts will be subject to all existing rights-of-way and rights-of-way 33 feet in width along the west and south side of each tract for roads, utility lines, etc. All minerals will be reserved by the United States.

T. 30 N., R. 12 W., Sec. 19

Tract No.	Legal description	Total acres	Purchase price
1	N½NE¼NE¼SE¼	5	$500
2	N½NW¼NE¼SE¼	5	500
3	N½NE¼NW¼SE¼	5	500
4	N½NW¼NW¼SE¼	5	500
5	S½NW¼NW¼SE¼	5	500
6	S½NE¼NW¼SE¼	5	500
[1] 7	S½NW¼NE¼SE¼	5	500
8	S½NE¼NE¼SE¼	5	500
9	N½SE¼NE¼SE¼	5	500
10	N½SW¼NE¼SE¼	5	500
11	N½SE¼NW¼SE¼	5	500
12	N½SW¼NW¼SE¼	5	500
13	S½SW¼NW¼SE¼	5	500
[1] 14	S½SE¼NW¼SE¼	5	500
[1] 15	S½SW¼NE¼SE¼	5	500
16	S½SE¼NE¼SE¼	5	500
17	N½NE¼SE¼SE¼	5	500
18	N½NW¼SE¼SE¼	5	500
19	S½NW¼SE¼SE¼	5	500
20	S½NE¼SE¼SE¼	5	500
21	N½SE¼SE¼SE¼	5	500
22	N½SW¼SE¼SE¼	5	500
23	S½SW¼SE¼SE¼	5	500
24	S½SE¼SE¼SE¼	5	500
25	NE¼NE¼SW¼SE¼	2½	375
26	NW¼NE¼SW¼SE¼	2½	375
27	NE¼NW¼SW¼SE¼	2½	375
28	NW¼NW¼SW¼SE¼	2½	375
29	NE¼NE¼SE¼SW¼	2½	375
[1] 30	NW¼NE¼SE¼SW¼	2½	375
31	NE¼NW¼SE¼SW¼	2½	375
[1] 32	NW¼NW¼SE¼SW¼	2½	375
[1] 33	SW¼NW¼SE¼SW¼	2½	375
34	SE¼NW¼SE¼SW¼	2½	375
[1] 35	SW¼NE¼SE¼SW¼	2½	375
36	SE¼NE¼SE¼SW¼	2½	375
37	SW¼NW¼SW¼SE¼	2½	375
38	SE¼NW¼SW¼SE¼	2½	375
39	SW¼NE¼SW¼SE¼	2½	375
40	SE¼NE¼SW¼SE¼	2½	375
41	NE¼SE¼SW¼SE¼	2½	375
42	NW¼SE¼SW¼SE¼	2½	375
43	NE¼SW¼SW¼SE¼	2½	375
44	NW¼SW¼SW¼SE¼	2½	375
[1] 45	NE¼SE¼SE¼SW¼	2½	375
[1] 46	NW¼SE¼SE¼SW¼	2½	375
47	NE¼SW¼SE¼SW¼	2½	375
48	NW¼SW¼SE¼SW¼	2½	375
[1] 49	S½SW¼SE¼SW¼	5	500
[1] 50	SW¼SE¼SE¼SW¼	2½	375
[1] 51	SE¼SE¼SE¼SW¼	2½	375
52	SW¼SW¼SW¼SE¼	2½	375
53	SE¼SW¼SW¼SE¼	2½	375
54	SW¼SE¼SW¼SE¼	2½	375
55	SE¼SE¼SW¼SE¼	2½	375

[1] Under application from individuals having statutory preference under 43 CFR 257.5 (a).

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above described tracts, except as to those for which statutory prefer-

ence claimants exercise their rights, will be sold at public auction at a public sale to be held at Farmington, New Mexico, at 10:30 a. m., September 10, 1958. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe Land Office prior to 10:00 a. m., September 8, 1958. No bid will be accepted if it is less than the appraised value of the tract. See Paragraph 4 for appraised values.

7. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Classification No. 48, (c) the land description of the tract for which the bid is made, described in accordance with Paragraph 4 of this order, (d) whether the bidder is entitled to veteran's preference in accordance with Paragraph 8 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Classification No. 48, (b) Veteran's Preference, if the bidder is entitled to veteran's preference in accordance with Paragraph 8, and (c) the description of the tract for which the bid is made, described in accordance with Paragraph 4 of this order.

8. All valid applications filed prior to February 7, 1956, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract will be awarded to the highest bidder, either written or oral, among persons entitled to veteran's preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract. Persons entitled to veteran's preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor children of veterans killed in the line of duty. Successful bidders among preference claimants will be called upon for proof of the military service upon which their claim is based.

9. All inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 58-3841; Filed, May 21, 1958; 8:48 a. m.]

[Order 541, Amdt. 15]

REDELEGATION OF AUTHORITY CONCERNED WITH LANDS AND RESOURCES

TOWNSITES

MAY 16, 1958.

1. Section 1.9 (s) is amended to read as follows:

(s) *Townsites.* Take all actions on all townsite matters except withdrawals, including the designation of townsite trustees as provided in 43 CFR 60.2 under authority of section 11 of the act of March 3, 1891 (26 Stat. 1099, 48 U. S. C. 355) and as provided in 43 CFR 80.19 under authority of the Act of May 25, 1926 (44 Stat. 629, 48 U. S. C. 355a–355d): *Provided,* That reclamation townsite matters shall be handled jointly with the Commissioner of Reclamation, pursuant to 43 CFR 255.42 to 255.45 inclusive, and 255.47.

2. A new section 2.9 (s) is added as follows:

(s) *Townsites.* Designation of townsite trustees.

3. Section 3.9 (s) is amended to read as follows:

(s) *Townsites.* Except designation of townsite trustees.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 58-3842; Filed, May 21, 1958; 8:48 a. m.]

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

APRIL 14, 1958.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke the Departmental order of May 2, 1919, insofar as said order affects the following-described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 93 W.,
Sec. 31, S½;
Sec. 32, lots 3, 4, S½NW¼ and SW¼.

The areas described, including both public and nonpublic lands, aggregate 627.01 acres.

FLOYD E. DOMINY,
Acting Commissioner.

[Wyoming 057153]

[Wyoming 053869]

MAY 15, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The SW¼ of Section 32 has been patented with a reservation of minerals to the United States, and the SW¼NW¼ and W½SW¼SE¼NW¼, Sec. 32, are proposed for conveyance to the County of Big Horn, Wyoming, for airport purposes (Wyoming 053869), pursuant to section 16 of the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1115).

2. The lands are located in Big Horn County, approximately 4 miles north of Greybull, Wyoming. The vegetative cover consists of various types of salt sage, big sage, and mixed grasses. Soils are moderately shallow, sandy loam.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on June 20, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September [illegible], 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on September [illegible], 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honor-

discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m., on September 19, 1958, except the lands proposed for conveyance to the County of Big Horn.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

E. J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 58-3843; Filed, May 21, 1958; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 239]

INTERNATIONALE TRANSPORTE

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Mario Felix, doing business under the firm name and style of Internationale Transporte, Paradiesstrasse 9, Zurich, Switzerland, Respondent, Case No. 239.

Mario Felix, doing business under the firm name and style of Internationale Transporte, the respondent, was charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, in knowing violation of the terms of an export license authorizing their exportation from the United States to West Germany, he transshipped and diverted $2,990 worth of electronic tubes to a destination other than West Germany. He was duly served with a copy of the charging letter and answered the same, denying the ultimate charges and pleading ethical and legal restrictions prohibiting him from revealing the facts of the transaction.

In accordance with the practice, this case was referred to the Compliance Commissioner, who has reviewed the evidence and submitted to the undersigned his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record, including the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Mario Felix was and now is a freight forwarding agent engaged in international trade in Zurich, Switzerland, under the firm name and style of Internationale Transporte.

2. In about February 1955, acting as such forwarding agent, Felix arranged with a New York forwarding agent for the shipment to him of 30 electronic tubes valued at $2,990, which tubes, according to his communications with the New York forwarding agent, had been purchased by his principal, a firm in Munich, Germany, from a named firm in New York.

3. The New York supplier of said tubes had obtained from the Department of Commerce an export license authorizing the exportation of said tubes to a particular consignee and purchaser in Munich, West Germany, by shipment there through Felix as intermediate consignee.

4. In correspondence leading to the exportation of the tubes from the United States, the New York forwarding agent informed Felix of the export control regulations and restrictions affecting the exportation of these tubes, restricting their ultimate delivery to the actual purchaser and consignee in Germany, as named in the license, and prohibiting their transshipment or diversion to any other destination. Felix acknowledged receipt of this information and assured the American forwarder of his intention to comply with these regulations and restrictions.

5. The New York forwarding agent thereafter arranged for payment for the tubes and for delivery thereof by the New York supplier. Then, on or about May 4, 1955, it shipped the tubes via SWISSAIR to Felix under a waybill consigning the tubes to him, with the West German licensed purchaser as "notify" party. On this waybill it caused to be endorsed the ultimate destination clause, "These commodities licensed by US for ultimate destination W. Germ. Diversion contrary to U. S. law is prohibited."

6. Felix duly received said tubes in Zurich and failed and omitted to forward them to Munich, West Germany, as required by the license, the instructions previously given to him by the New York forwarder, and the waybill under which they were exported from the United States. Instead, he diverted and transshipped said tubes to an unknown destination or, by releasing the tubes in Zurich to a person or persons unknown, who thereafter diverted and transshipped the tubes to an unknown destination, he thereby caused such diversion and transshipment.

7. The Department of Commerce at no time authorized the delivery of said tubes to any destination other than Munich, West Germany.

And, from the foregoing, I conclude that the respondent Felix violated §§ 370.2, 381.2, 381.4, and 381.6 of the Export Regulations, in that he knowingly, with knowledge of the regulations prohibiting such conduct, received the tubes for the purpose of diverting and transshipping them and thereafter did divert and transship them to an unknown destination instead of to Munich, West Germany, in disregard of the terms of the export regulations under which the tubes had been exported from the United States.

The Compliance Commissioner, in his report, said:

> In this case, strategic commodities were diverted to an unauthorized destination by Felix, who is an international freight forwarder. Any international freight forwarder, by reason of his functions, is in a position to sabotage not only the United States export controls but also the international security trade controls. Felix is known to be an active, persistent, and notorious violator of such regulations. He has been instrumental in effecting numerous shipments of strategic materials to unlicensed destinations. He should be denied all export privileges so long as export controls are in effect. That is my recommendation.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. Henceforth, and for the duration of export controls, the respondent, Mario Felix, doing business under the firm name and style of Internationale Transporte, be and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as party or as representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he may be related, now or hereafter, by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

III. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with the respondent or any related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any such person, firm, corporation, or other business organization do

any of the foregoing acts with respect to any exportation in which the respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: May 19, 1958.

John C. Borton,
Director,
Office of Export Supply.

[F. R. Doc. 58-3873; Filed, May 21, 1958; 8:54 a. m.]

Federal Maritime Board

BOOTH STEAMSHIP CO., LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8303, between Booth Steamship Co., Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Brazil and Peru to Puerto Rico, with transhipment at New York or Baltimore. Agreement No. 8303, upon approval, will supersede and cancel approved Agreement No. 8098, between these same parties in the same trade.

(2) Agreement No. 8304, between Lamport & Holt Line, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Argentina, Brazil and Uruguay to Puerto Rico, with transhipment at New York or Baltimore. Agreement No. 8304, upon approval, will supersede and cancel approved Agreement No. 8099, between the same parties in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 19, 1958.

By order of the Federal Maritime Board.

Geo. A. Viehmann,
Assistant Secretary.

[F. R. Doc. 58-3874; Filed, May 21, 1958; 8:54 a. m.]

Office of the Secretary

JOHN N. LUDWIG, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 12, 1957, 22 F. R. 9979.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 12, 1958.

Dated: May 12, 1958.

JOHN N. LUDWIG, Jr.

[F. R. Doc. 58-3824; Filed, May 21, 1958; 8:45 a. m.]

ARTHUR W. MCKINNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 7, 1956, 21 F. R. 9727; May 29, 1957, 22 F. R. 3767; December 4, 1957, 22 F. R. 9700.

A. Deletions: American Cyanamid Co., Socony Mobil Oil Co.
B. Additions: No change.

This statement is made as of May 8, 1958.

Dated: May 8, 1958.

ARTHUR W. MCKINNEY.

[F. R. Doc. 58-3825; Filed, May 21, 1958; 8:45 a. m.]

CHARLES S. ROSENBLUM

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Charles S. Rosenblum.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 28, 1958.
4. Title of position: Consultant (Adviser to Director).
5. Name of private employer: Aluminum & Magnesium Division, U. S. Reduction Company, East Chicago, Indiana.

CARLTON HAYWARD,
Director of Personnel.

MAY 5, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

U. S. Reduction Company.
Bank Deposits.

Dated: May 13, 1958.

CHARLES ROSENBLUM.

[F. R. Doc. 58-3826; Filed, May 21, 1958; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

IMPLEMENTATION OF EXECUTIVE ORDER 10730, SEPTEMBER 24, 1957

The Secretary of Defense signed the following order on May 13, 1958:

ORDER

I, Neil H. McElroy, Secretary of Defense of the United States, by direction of the President of the United States and pursuant to the authority granted under Executive Order No. 10730 dated 24 September 1957, entitled "Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas", hereby relieve from the active military service of the United States the units and parts of units, and the members thereof, of the Army National Guard of the State of Arkansas listed on Exhibit I attached hereto, which were called into the active military service of the United States pursuant to Section 1 of that Executive Order.

The relief from active military service provided by this Order shall take effect, for particular units or parts of units, and the members thereof, on 29 May 1958.

All other steps appropriate in connection with relief from active military service under this Order shall be taken by the Secretary of the Army.

NEIL H. MCELROY,
Secretary of Defense.

MAY 13, 1958.

EXHIBIT I

ARKANSAS ARMY NATIONAL GUARD

Units to be relieved from active Federal service

Unit:
Co D, 153d Inf.
39th Repl Co.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 58-3837; Filed, May 21, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12176 etc.; FCC 58-459]

KTAG ASSOCIATES (KTAG-TV) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, La., Docket No. 12176, File No. BMPCT-4682; for modification of construction permit; Evangeline Broadcasting Company, Inc., Lafayette, La., Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, La., Docket No. 12178, File No. BPCT-2351;

for construction permits for new television broadcast stations; Camellia Broadcasting Company, Inc., Lafayette, La., Docket No. 12436, File No. BMPCT-4711; for modification of construction permit.

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Lafayette-Lake Charles-Abbeville-Kaplan, La.).

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of May 1958;

The Commission having under consideration: the application of Charles W. Lamar et al. d/b as KTAG Associates (hereinafter KTAG) requesting a modification of construction permit of Station KTAG-TV to specify operation on Channel 3 in lieu of Channel 25 in Lake Charles, Louisiana, which Channel is allocated to Lafayette-Lake Charles, Louisiana; the applications of Evangeline Broadcasting Company, Inc. (Evangeline) and Acadian Television Corporation (Acadian) which request construction permits for new television broadcast stations to operate on Channel 3 in Lafayette, Louisiana; the application of Camellia Broadcasting Company, Inc. (Camellia) requesting a modification of construction permit of Station KLFY-TV to change its transmitter site and increase tower height; the petitions of Evangeline and Acadian to defer action on Camellia's modification application or to designate it for consolidated hearing; Camellia's opposition to the petitions, and the Reply of Acadian and the Response of Evangeline thereto; the Supplements to the Evangeline and Acadian Petitions and the Opposition of Camellia thereto; and the March 3, 1958 Petition of Camellia for institution of rule making, the oppositions of Evangeline and Acadian thereto, and the Reply to and Comment upon Acadian's opposition to rule making, filed on April 21, 1958 by KTAG Associates; and

It appearing that the first three of the above-captioned applications were designated for hearing in a consolidated proceeding upon specified issues by an Order (FCC 57-1041) released on September 30, 1957, and that the commencement of said hearing has been continued by an Order (FCC 57M-1074) released November 1, 1957, to a date to be established by subsequent order; and

It further appearing that the Washington Airspace Panel of the Air Coordinating Committee has notified the Commission that it has no objection from an aeronautical standpoint to the site and tower proposed in the Camellia application, and has advised the Commission in effect of its inability to recommend approval of the towers and sites proposed by Evangeline and Acadian so long as Camellia's proposal remains in effect; and

It further appearing that Evangeline and Acadian have filed petitions alleging; that they must locate their towers in the general vicinity proposed in their applications and must also utilize towers of approximately 1,000 feet in height in order to comply with the minimum mileage separation and principal city signal requirements of Commission's Rules; and that the grant of the Camellia application would prevent utilization of Channel 3 by a Lafayette station and thus limit that city to a single local television outlet; and

It further appearing that pursuant to section 309 (b) of the Communications Act, as amended, Camellia was advised by letter of all objections to its application as well as the source and nature of such objections, and of the inability of the Commission to find that a grant of the application without a hearing would be in the public interest, and was given an opportunity to reply; and

It further appearing that Camellia on March 3, 1958, filed a reply to the Commission's above-mentioned section 309 (b) letter requesting the issuance of a clarifying supplementary letter, and asserting that its modification application and the Lafayette Channel 3 applications of Evangeline and Acadian are totally unrelated, and for this reason the former should be granted and not designated for hearing; and

It further appearing that Acadian, in its reply of April 4, 1958, to Camellia's response to the Commission's section 309 (b) letter, has requested the inclusion of specified issues to permit the introduction of evidence for the purpose of showing the availability of land to Camellia for an antenna site in the same area where Evangeline and Acadian propose to locate their television towers; and

It further appearing that KTAG in its above-described pleading of April 21, 1958, has requested that the section 307 (b) issue in the pending comparative hearing on Channel 3 be decided separately and prior to further hearing on the other issues therein; and

It further appearing that the request of Camellia for a supplementary section 309 (b) letter is without merit and should be denied since the Commission's letter of January 30, 1958 fully satisfied the requirements of the act concerning the prehearing notice provided for therein; and

It further appearing that upon due consideration of the above-described petitions and supplements thereto filed by Evangeline and Acadian, Camellia's oppositions to these petitions and supplements, and Camellia's reply to the Commission's section 309 (b) letter, the Commission finds: that Camellia is legally, financially and technically qualified to operate its proposed television station; that a hearing is necessary on Camellia's application and that the petitions of Evangeline and Acadian requesting inter alia a consolidated hearing thereon should be granted to the extent hereinafter ordered and denied in all other respects; and

It further appearing that the Airspace Panel of the Air Coordinating Committee has notified the Commission that it has no objection to the present tower and site proposals of Evangeline and Acadian in the event the application of Camellia is not granted, and that the issue numbered 1 in the Commission's designation Order of September 30, 1957, should be revised accordingly, so as to raise the air hazard issue with respect only to the antenna system and site proposal by KTAG Associates; and

It further appearing that additional issues for the consolidated hearing should be specified to determine whether in fact there is an airspace conflict between Camellia's application and those of Acadian and Evangeline, and, if so, to resolve such conflict from the standpoint of which proposal (i. e., Camellia's modification or one of the two Lafayette Channel 3 applications) would better serve the public interest, convenience and necessity; and

It further appearing that the request of Acadian for the inclusion of issues to permit the introduction of evidence relative to the availability to Camellia of a site near those proposed by Acadian and Evangeline, should be denied since the matters contemplated by such issues would not be pertinent to Camellia's proposal but would be based on alternatives not sought by Camellia; and

It further appearing, that the request of KTAG for a decision on the section 307 (b) issue in the pending comparative hearing prior to further hearing on the other issues therein, should be denied since it is not clear at this time that the determination on such issue will be dispositive of the proceeding; and

It further appearing that Camellia's petition for the institution of rule making should be denied since Camellia has asserted no new grounds to warrant a reversal of the Commission's position in the rule making proceeding in Docket No. 11752 that the issue as to the proper assignment of Channel 3, as between Lake Charles and Lafayette, can best be decided in an adjudicatory hearing, since Camellia's alternative request that Channel 3 be reassigned to Lake Charles-Abbeville-Kaplan is without merit in view of the fact that Lafayette (population 33,541) is a much larger city than Abbeville (population 9,338) and Kaplan (population 4,562) combined, and since Camellia makes no claim of compelling need for a first local service in the Abbeville-Kaplan area;

It is ordered, That the aforementioned petitions of Evangeline and Acadian are granted to the extent hereinafter ordered and denied in all other respects;

It is further ordered, That the petition of Camellia for institution of rule making is denied;

It is further ordered, That pursuant to section 309 (b) of the Communications Act, as amended, the application (BMPCT-4711) of Camellia Broadcasting Company, Inc., is consolidated in the proceeding on the other applications herein, Docket Nos. 12176, 12177 and 12178;

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's above-referenced Order released on September 30, 1957, designating for hearing the applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG Associates, Evangeline Broadcasting, Inc. and Acadian Television Corporation and that the issues in said proceeding shall be as follows:

1. To determine whether the antenna system and site proposed by KTAG Associates would constitute a hazard to air navigation.

2. To determine whether the antenna systems and sites proposed by Evangeline Broadcasting Company, Inc. and Acadian Television Corporation would constitute hazards to air navigation, in the event the Commission should grant the above-captioned modification application (BMPCT-4711) of Camellia Broadcasting Company.

3. If issue 2 above be determined in the affirmative, then to determine on a comparative basis, and on the basis of the coverage proposed in the respective applications, whether the public interest, convenience and necessity would be better served by a grant of either the Evangeline or Acadian applications than by a grant of Camellia's modification application.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the three proposals of KTAG Associates, Evangeline Broadcasting Company, Inc. and Acadian Broadcasting Corporation would best provide a fair, efficient and equitable distribution of television service.

5. If it be determined pursuant to section 307 (b) that Lafayette, Louisiana is to be preferred over Lake Charles, Louisiana, then to determine on a comparative basis which of the operations proposed by Evangeline Broadcasting Company, Inc., and Acadian Television Corporation would better serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast stations.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the applications.

6. To determine in light of the evidence adduced pursuant to the foregoing issues which of the applications, if any, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail itself of the opportunity to be heard, Camellia Broadcasting Company, Inc., pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3876; Filed, May 21, 1958; 8:55 a. m.]

[Docket No. 12243; FCC 58M-512]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER CONTINUING HEARING

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The Hearing Examiner having under consideration informal agreement of all parties regarding date for hearing;

It is ordered, This 16th day of May 1958, that, pursuant to informal agreement of all parties, the hearing now scheduled for May 20, 1958, is continued until June 6, 1958, at 10:00 a. m.

Released: May 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3877; Filed, May 21, 1958; 8:55 a. m.]

[Docket No. 12429; FCC 58-453]

WILLIAM WALKER ET AL.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William Walker et al. (Transferors), and Evening Telegram Company, Norman M. Postles and Walter C. Bridges (Transferees), Docket No. 12429, File No. BTC-2699; for Commission consent to the voluntary transfer of control of M & M Broadcasting Company, licensee of Stations WMAM and WMBV-TV, Marinette, Wisconsin.

1. The Commission has before it for consideration (a) the "Protest and Petition for Reconsideration" filed on April 18, 1958, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Valley Telecasting Company and (b) the "Protest of Grant of Application, Without Hearing, Request For Stay Order and Hearing" filed on April 18, 1958, by Norbertine Fathers, both pleadings being directed against the Commission's action of March 19, 1958, granting without hearing the above-entitled application; (c) the "Petition For Stay of Grant" filed on April 18, 1958, by Valley Telecasting; (d) the "Opposition to 'Protest and Petition for Reconsideration' and 'Opposition To Petition For Stay of Grant'" filed on April 25, 1958, by the above transferors; (e) the "Opposition To Petition For Stay Pending Action on Protest" filed on April 25, 1958, by M & M Broadcasting Company; (f) the "Motion To Strike" filed on April 28, 1958, by M & M Broadcasting; (g) the "Opposition of M & M Broadcasting Company and Transferees Thereof to 'Protest and Petition for Reconsideration' of Valley Telecasting Company" filed on April 28, 1958; (h) the "Opposition of M & M Broadcasting Company and the Transferees Thereof to the Protest of the Norbertine Fathers" filed on April 28, 1958; (i) the "Reply Comments to 'Motion to Strike' Protest of Norbertine Fathers" filed on May 1, 1958; (j) the "Reply to Opposition to 'Protest and Petition For Reconsideration' and Opposition to 'Petition For Stay of Grant'" filed on May 2, 1958, by Valley; (k) a Reply to Oppositions filed on May 5, 1958, by Valley; and (l) a "Response To Reply Comments To Motion To Strike" filed on May 6, 1958, by M & M.[1]

2. The protestant, Valley Telecasting Company, is the licensee of Station WFRV-TV, Green Bay, Wisconsin. Green Bay (population 52,735) is located approximately 50 miles from Marinette (population 14,178) and Station WMBV-TV Marinette, serves the Green Bay City limits with a principal city signal. Protestant, Norbertine Fathers, is the licensee of Station WBAY-TV, Green Bay, Wisconsin. The above-entitled application requests Commission consent to the proposed sale of 600 shares (75 percent) of the 800 shares outstanding of the M & M Broadcasting Company to Evening Telegram Company (55 percent), Norman M. Postles (10 percent) and Walter C. Bridges (10 percent). Commission records indicate that Evening Telegram Company, whose President and 77.78 percent stock owner is Morgan Murphy, publishes a daily newspaper in Superior, Wisconsin. It is also a 32.25 percent stockholder of Head of the Lakes Broadcasting Co., licensee of Stations WEBC, Duluth, Minnesota, WMFG, Hibbing, Minnesota, and WHLB, Virginia, Minnesota, in which Morgan Murphy owns 20.125 percent. It also owns 34.8 percent of Radio Wisconsin, Inc., licensee of Stations WISC (AM, FM and TV), Madison, Wisconsin, of which Morgan Murphy owns 15.2 percent. Commission records also reveal that Norman M. Postles is a director of Radio Wisconsin, Inc., and Secretary-Treasurer of Rib Mountain Television, Inc., permittee of UHF television Station KGTV, Des Moines, Iowa; that Walter C. Bridges is a 10 percent stockholder of Stations WEBC, WMFG and WHLB; an 18 percent stockholder of Central Broadcasting Company, licensee of Stations WEAU (AM, FM and TV), Eau Claire, Wisconsin, of which Morgan Murphy owns 14 percent and his wife Elizabeth B. Murphy owns 40 percent; and that Bridges also owns 78.4 percent of WJMC, Inc., licensee of Stations WJMC (AM and FM), Rice Lake, Wisconsin, and WHSM, Hayward, Wisconsin. He is also President but owns no stock in Rib Mountain

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[1] A question is raised as to whether this pleading is acceptable under § 1.13 of the rules. However, it has been considered.

Television, Inc., permittee of Station WGTV, Des Moines, Iowa (currently off the air). In addition, Commission records disclose that Morgan Murphy votes the 50 percent stock interests of Lafayette Advertiser Gazette in Evangeline Broadcasting Co., Inc., licensee of Station KVOL, Lafayette, Louisiana. On April 17, 1958, the parties to the transfer application notified the Commission that the transfer granted on March 19, 1958, had been consummated on April 16, 1958.

3. In their protests, protestants allege, in substance, that WMBV-TV has auxiliary studios in Green Bay and sells time in Green Bay in direct competition with WBAY-TV and WFRV-TV; that in its operational policies, advertising, sales efforts at the national, regional and local levels, WMBV-TV emphasizes its identification with the Green Bay market rather than the Marinette market; that WMBV-TV has recognized clearly and unequivocably that it is in direct competition with WBAY-TV and WFRV-TV, the most recent instance being in the Petition For Rule Making in Docket No. 12254, filed September 13, 1957; that the transfer of control of M & M Broadcasting Company would have a direct, clear-cut and adverse effect upon protestants attributable to said transfer of control; that WMBV-TV is not connected with other television stations and the principals of M & M do not have the capacity for "package" purchases of programming, i. e. the purchase of programming or sale of time on particularly favorable terms because of the multiple ownership of stations; that these advantages are available to the transferees; and that film program purchases are in fact made on a "package" basis for Stations WISC-TV, Madison, Wisconsin and WEAU-TV, Eau Claire, Wisconsin and that this practice would be extended to include WMBV-TV, Marinette, Wisconsin, if the transfer herein is effected.

4. The protestants further allege that the greater capital that will become available in the event the transfer is effected and the advantages that the transferee would enjoy as a multiple owner in the purchase of program product and sale of advertising would inevitably change the competitive picture in the Green Bay and Marinette areas and will have an adverse effect upon the petitioners; that the petitioners would suffer losses of both needed programs and advertising revenues at the local, regional and national levels because of the position of the transferees and their principals, as multiple owners; that the capacity of the transferees to influence national and regional business away from WFRV-TV to WMBV-TV will be much greater than that of the present owners because of the control of such transferees over other stations desired by advertisers, particularly WISC-TV in Madison; that under these circumstances, the petitioners are parties in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended, and are parties aggrieved or whose interests would be adversely affected within the meaning of section 405 of the act.

5. The protests also set forth the broadcast interests of the transferees as described in paragraph 2, supra. The protests then claim that in addition, the following newspapers are a part of the Morgan Murphy interests: Chippewa Falls Herald Telegram, Chippewa Falls, Wisconsin; Manitowoc Herald Times, Manitowoc, Wisconsin; Two Rivers Reporter, Two Rivers, Wisconsin; and Lafayette Progress, Lafayette, Louisiana; that approval of the instant application would further the extraordinary concentration of control over television stations in the State of Wisconsin and over the media of mass communications in Wisconsin and surrounding areas; that of the 10 operating VHF commercial stations in Wisconsin, the Morgan Murphy interests already control two stations; that the acquisition of WMBV-TV, by Morgan Murphy would bring approximately one-third of the commercial VHF stations in Wisconsin under common control; that major control of TV facilities within the State of Wisconsin by the Morgan Murphy interests raises a question regarding undue restraint upon competition; that they enjoy a favorable and effective bargaining position in competing for advertising and in obtaining program materials; that they are in a position to bargain for and secure program materials on the basis of "package" deals by reason of their multiple holdings; and that the fact that this question is one of fundamental importance is evidenced by the recent Report on Network Broadcasting in its chapter on "Concentration of Control and Restraint On Competition Flowing From Multiple Ownership."

6. It is further alleged that Morgan Murphy interests control six AM stations; that Walter C. Bridges holds a majority interest in WJMC, Rice Lake, Wisconsin and WHSM, Hayward, Wisconsin, which must be added to the six stations controlled by Murphy; that the application demonstrates that Bridges is part and parcel of the Morgan Murphy business interests and must be regarded as subordinate to and subject to the control of the Murphy interests insofar as Stations WJMC and WHSM are concerned; that the Rice Lake station is a part of the Arrowhead Network consisting of WJMC and five other stations, all of which are Morgan Murphy stations; that in the purchase of advertising, frequency discounts can be combined on all stations to earn maximum frequency discounts; that this is set forth in Standard Rate and Data Service, Spot Radio Rates and Data, March 1, 1958, page 53; that there have been joint meetings of the Arrowhead Network stations, including WJMC, to determine basic policies such as those relating to programming, advertising and related matters, and that in the construction and operation of Station WJMC, personnel from WEBC, one of the Murphy stations, has been used on a number of occasions; and that the combined transferees presently control eight AM stations, and the instant transfer would involve the acquisition of a ninth station, which would further aggravate the existing violation of § 3.35 of the Commission's rules.

7. It is further alleged that the above-entitled application also presents a serious question whether there has been an undue relinquishment of control by the present principals of M & M; that the present principals entered into an agreement dated July 19, 1957, with Messrs. Stang and Goldberg pursuant to which, the latter parties secured an option for a period of four years, providing for the purchase of stock of M & M; that on the same date, the same parties, Messrs. Stang and Goldberg also agreed to loan the M & M Broadcasting Company $200,000; that in the instant application, it is shown that 15 percent of the stock of M & M will be issued to Stang and Goldberg and their wives as a "gift"; that with this long term option agreement, the optionees were clearly in a position to assert their interests at any time; that the licensee could not sell to other parties, change the corporate structure or make other significant commitments wtihout accommodating the views of the optionees; that sale of the stock to the transferees was possible only with the consent of the optionees; and that it cannot be determined without a full factual development the full extent to which the loan agreement and the option given by M & M did amount in practical effect to a relinquishment of control by the licensee. In their prayers for relief, the protestants request that the action of the Commission of March 19, 1958, granting the above-entitled application be set aside or that its effectiveness be stayed; and that the said application be designated for hearing upon issues designated by them.

8. In their oppositions, the proposed transferors, M & M Broadcasting Company and the proposed transferees, allege, in substance, that the protestants have filed a vicious, meritless and baseless protest attacking a bona fide transfer application; that this is the tenth attempt of Valley in four years to destroy, harass or injure Station WMBV-TV for the competitive benefit of Valley's own station; that this disgraceful history of baseless attacks is patently an abuse of Commission processes; that the continuation of harassment designed to enhance Valley's competitive position in the market is a clear indication of the protestants' own lack of licensee responsibility; that they do not show facts indicating the illegality of the grant; that a hearing would be purely exploratory, a fishing expedition, not contemplated by section 309 (c); that that section clearly states that there shall be no evidentiary hearing where "even if the facts alleged were to be proven, no grounds for setting aside the grant are presented;" that accepting as true all the factual allegations well pleaded, there is no substantial basis for finding that the grant should not stand or that a hearing will reveal merit in the protestants' position; that the protests should be denied or at best set for oral argument on the issues pertaining to violations of §§ 3.636 and 3.35; that the issue relating to the option agreement extended by M & M Broadcasting Company to Messrs. Stang and Goldberg, coupled with a loan agreement from them, is frivolous and completely

insubstantial; that the Commission had the facts regarding the option and loan agreements before it when it considered the instant application; that nothing new has been alleged regarding these agreements; that since it is not improper to borrow money to operate a station and since it is not improper to extend an option, then there is no basis for holding any type of hearing, either evidentiary or oral argument, on this question; and that as to the option agreement, there has been a complete failure to specify with particularity the facts which show that the grant would not be in the public interest as required by section 309 (c).

9. The Oppositions further allege that the protestants have failed to meet the other statutory, jurisdictional requirement that a protestant set out basic, concrete and meaningful particularized facts demonstrating that the challenged authorization is contrary to the public interest; that the protestants have failed to show that the challenged transfer has resulted in or is likely to result in injury of a significant and substantial nature to them; that, assuming that the protests meet jurisdictional requirements, the Commission should at most hear oral argument on the legal sufficiency of the protests; that with respect to the alleged concentration of mass media, the protestants surround a few, bare facts with a multitude of conclusionary and speculative allegations; that no concrete facts whatever are shown supporting the allegations of undue concentration requiring a full-scale hearing; that there is no showing or allegations whatever of overlap between any of the three Murphy television stations, nor of any concentration of media interests in the Marinette area; that Valley's remaining allegations on the concentration issue are speculative generalizations and conjectures as to future conduct, consequences or competitive effects of the kind already rejected as unsatisfactory by the Commission in dismissing Valley's prior protest; that with respect to the allegation that these (Murphy) television stations "serve a large proportion of the major population centers and areas of the state" the City of Milwaukee, not served by any of these stations, has 637,000 people whereas the city populations of the three stations (WISC-TV, Madison, WEAU-TV, Eau Claire, and WMBV-TV, Marinette) totals only 146,000 or less than one-fourth of Milwaukee's population; that Valley relates the alleged "package" film deals only to its speculative forecast of future injury to its own private competitive position; that Valley's allegations as to such film purchases are even hollower in light of its own recent announcement of its combination with two other Wisconsin ABC-TV affiliates in a so-called "Badger Network"; that the protestants' allegations regarding the proposed transferees' violation of the multiple ownership rule rests upon an over-extended and distorted application of § 3.35; that its position is based entirely on limited facts showing nothing more than Murphy's business associations elsewhere (but not at Station WJMC, Inc.) with Mr. Walter Bridges, majority owner of WJMC and the affiliation of some of these stations with the so-called Arrowhead Network; that mere business association has never alone been construed as being "control" under § 3.35; that no such control is manifested by the mere association of Bridges' station WJMC in the so-called Arrowhead Network, nor can unlawful control or domination be inferred from the alleged fact that frequency discounts may be obtained from separate purchases of time on the respectively affiliated stations; and that the grant should remain in effect because the public interest would be harmed by a stay. Appendix A attached to Valley's pleading sets forth at length the history of the alleged harassment of the licensee by the protestant Valley dating from November 19, 1953, when the original construction permit of WMBV-TV was granted.

10. In its reply to the oppositions, Valley submits its own chronology of the past differences between the parties and alleges, in substance, that the charge that M & M has been or is being harassed is without merit and is advanced only in an effort to prejudice an objective consideration of the matters presented. It further sets forth allegations and arguments that the facts alleged by Valley in its protest show it to be a party in interest and a party aggrieved or whose interests would be adversely affected; that Valley has made the showing required under sections 309 (c) and 405 of the Communications Act for an evidentiary hearing; that substantial and particularized factual matters have been alleged to raise, at the very least critical and important questions, which involve disputed factual matters and their significance, and from which it is clear that an evidentiary hearing would develop additional relevant evidence; and that the effectiveness of the grant herein should be stayed pending hearing upon the disposition of the issues specified in the protest and petition.

11. As is listed above, the licensee's motion to strike the protest of the Norbertine Fathers is based on the sole allegation that the pleading is shown to have been prepared by counsel in Washington, D. C., on April 16, 1958, and that it was verified on the same day in Brown County, Wisconsin. From these alleged facts, the licensee concludes that the pleading is void because it appears that the verification thereof is "inadequate or ineffective." In reply to the motion, the Norbertine Fathers allege that

> Counsel for the protestant drafted the protest on behalf of Norbertine Fathers and the same was reviewed and approved by the protestant on April 16, 1958. The required verification by the Secretary of the Norbertine Fathers was executed on April 16, 1958, and accordingly the protest was dated on the same date. Thereafter, the documents were directed to the protestant's Washington counsel from Wisconsin and the same were received and filed with the Commission on April 18, 1958.

On the basis of the pleadings before us, and in the absence of further facts, we are unable to find that the above verification is defective. Accordingly, the protest of the Norbertine Fathers remains with us for consideration.

12. In view of the fact that the protestants have alleged facts designed to show that they will suffer economic injury as a result of the Commission's action, we find that the protestants are "parties in interest" and "persons aggrieved or whose interests are adversely affected" by the Commission's grant of the above-entitled application, within the meaning of sections 309 (c) and 405 of the Communications Act, respectively. FCC v. Sanders Brothers, 309 U. S. 470; Camden Radio, Inc. v. FCC, 94 U. S. App. D. C. 312, 220 F. 2d 191; In re J. R. Meachem, 12 Pike & Fischer RR 1427; In re General Times Television Corporation, 13 Pike & Fischer RR 1049. We find further that the protestants have specified with particularity, within the meaning of section 309 (c), the facts upon which they rely and which they contend show that the grant by the Commission was improperly made or otherwise would not be in the public interest. Accordingly, the above-entitled application will be designated for an evidentiary hearing. The issues presented by the petitioners have been consolidated and reframed without change in scope. However, we are not adopting any of said issues, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestants.

13. We turn now to the question of whether we should stay the effective date of the grant in question. Section 309 (c) of the Communications Act provides, in pertinent part, that

> * * * the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

As is indicated above, the pleadings set forth the history of the attempts of the principals of the licensee to sell the station because of increasing financial difficulties. It is further stated that:

> M & M unquestionably is in a serious financial position, as Valley itself admits in its Protest (p. 3). Thus, any stay of the transfer during any protest hearing would necessarily run the substantial risk that WMBV-TV (and perhaps even WMAM with it) would be forced to drastically curtail its needed operations, if not be completely driven off the air. M & M has been and is now desperately short of working capital. It carries, for example, a heavy volume of overdue notes (amounting to $130,000) payable to R. C. A. Its losses from WMBV-TV operations total $10,081.79 for the seven-months' period ending March 1, 1958; such losses are current and increasing in size (totalling $3,210.53 in February 1958, and $6,287.28 in March 1958, compared with $1,409.56 in March of 1957). Over the period of its operations to date, WMBV-TV has sustained an aggregate deficit of more than $140,000.00. Further, were Valley successful in its efforts

> to obtain WMBV-TV's NBC-TV network affiliation (which has been and remains the first goal of Valley's continued harassing activities), it is probable that the bottom would drop out of WMBV-TV's serious financial situation. The mere fact that (arguendo) there is here no demonstrated certainty that operations will be suspended (which would support a finding that the authorization is necessary to the maintenance of an existing service) does not mean that WMBV-TV's financial difficulties are not relevant or material to the matter of a stay. They are, since this situation clearly presents a public interest consideration warranting the exercise of the Commission's discretionary authority to deny a stay. The public interest should not passively be forced to bear the substantial hazard that a vital existing service may well be so seriously impaired, if not terminated.

We are of the view that the facts before the Commission, and the Commission's records, indicate that the station is in a precarious financial condition and that they support the likelihood of the station terminating its operations and thus depriving the community of its only local television station, a result which would be contrary to the public interest.

14. As we stated above, we propose to order an evidentiary hearing and experience has shown that these hearings are time consuming. Stations are usually confronted with administrative difficulties and financial problems during the period between the date of contract and the date of the consummation of the sale. Quite frequently, such conditions are compounded where the above period is extended because of a pending hearing. We are convinced that in the situation before us, the delays attending the proposed hearing might well ensure the termination of television service by WMBV-TV.

15. The facts set forth in the protests are substantially the same as those advanced by Valley prior to the Commission's grant of the above applications. In making said grant, we reviewed the objections advanced and found that they were not sufficient to warrant designating the application for hearing. While we cannot predetermine what our conclusions will be in the light of the hearing record, we do not believe that, on the basis of their pleadings, the protestants have presented a prima facie showing that the grant may not be in the public interest. We cannot conclude, therefore, that the protestants have demonstrated a reasonable probability of success on the merits of their protests and we are not convinced that there is any substantial likelihood that the grant here in question would ultimately have to be set aside. We affirmatively find, therefore, without predetermining the Commission's decision after hearing, that the public interest requires that the grant remain in effect. Accordingly, the effective date of the protested grant will not be postponed.

16. In light of the above: *It is ordered*, That, the protests and petitions of Valley Broadcasting Company and Norbertine Fathers are granted to the extent provided for below and are denied in all other respects; and that the above-entitled application is designated for evidentiary hearing at the office of the Commission in Washington, D. C., on the following issues:

(1) To determine whether there are or will be "package" rates, bonuses, or other similar special inducements or arrangements offered to advertisers who use all or several of the Morgan Murphy television stations and the extent to which will be coordinated or "group" operation of, and purchase of programming for these several stations.

(2) To determine the television holdings of the Morgan Murphy interests, including the areas, populations and other services within the areas served by these holdings.

(3) To determine, in light of the evidence adduced with respect to the above holdings, whether a grant of the above-entitled application would be contrary to the provisions of § 3.636 of the Commission's rules or its policies promulgated thereunder.

(4) To determine, in light of the evidence adduced with respect to issue (1) above, whether a grant of the above-entitled application would result in an undue restraint of competition.

(5) To determine the standard broadcast holdings of the Morgan Murphy interests and whether a grant of the above-entitled application would be contrary to the provisions of § 3.35 of the Commission's rules or its policies promulgated thereunder.

(6) To determine whether a grant of the above-entitled application would result in a concentration of control of the media of mass communication contrary to the public interest.

(7) To determine, in light of the option agreement between the principals of the licensee and Messrs. Stang and Goldberg, the loan agreement between these parties, the agreement upon which the pending application is based, and the relationship between them, whether there exists, or has existed an undue relinquishment of control of the licensee by its principals.

(8) To determine, in light of the evidence adduced with respect to the above issues, whether a grant of the above-entitled application would serve the public interest, convenience or necessity. The burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the protestants.

17. *It is further ordered*, That, the protestants and the Chief, Broadcast Bureau are hereby made parties to the above-entitled proceedings and that:

(a) The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than June 2, 1958.

Adopted: May 14, 1958.

Released: May 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3878; Filed, May 21, 1958; 8:55 a. m.]

[Docket Nos. 12430, 12431; FCC 58-457]

NORTH STAR BROADCASTING CO. AND RADIO, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Paul C. Lund, Eugene H. Frisk and Robert D. Thompson d/b as North Star Broadcasting Company, Windom, Minnesota, Docket No. 12430, File No. BP-11142; Radio Incorporated, Charles City, Iowa, Docket No. 12431, File No. BP-11816; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of May 1958;

The Commission having under consideration the above-captioned applications of Paul C. Lund, Eugene H. Frisk and Robert D. Thompson d/b as North Star Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1580 kilocycles with a power of 250 watts, directional antenna, daytime only, at Windom, Minnesota; and of Radio Incorporated for a construction permit to increase the power of Station KCHA, Charles City, Iowa, from 250 watts to 500 watts and to continue operation on the presently assigned frequency of 1580 kilocycles, daytime only;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the stations as proposed but that the proposed operation of Station KCHA would cause interference to the proposed operation of the North Star Broadcasting Company and that the proposed operation of the North Star Broadcasting Company would cause interference to Station KLGA, Algona, Iowa (1600 kc, 5 kw, DA, Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that by letter dated December 18, 1957, the licensee of Station KLGA opposed a grant of the application of the North Star Broadcasting Company; and

It further appearing that by letter of April 21, 1958, the North Star Broadcasting Company contended that the interference which would be caused to Station KLGA would be "minimal" and that a grant of its application would serve the public interest; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of the North Star Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KCHA as proposed and the availability of other primary service from such areas and populations.

3. To determine whether the proposed operation of the North Star Broadcasting Company would cause interference to Station KLGA, Algona, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Kossuth County Broadcasting Company, Inc., licensee of Station KLGA, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating and intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegation of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3879; Filed, May 21, 1958; 8:55 a. m.]

[Docket Nos. 12432-12435; FCC 58-458]

WILSON BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wilson Broadcasting Corporation, New Bedford, Massachusetts, Docket No. 12432, File No. BPCT-2232; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of May 1958;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 6 in New Bedford, Massachusetts; and

It appearing that these applications are mutually exclusive in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that objections have been received from the United States Coast Guard in which it is alleged that the proximity of the transmitters proposed in the above-captioned applications to its LORAN-C (radionavigation) station located on Martha's Vineyard, will adversely affect the operations of that station; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that Wilson Broadcasting Corporation, E. Anthony and Sons, Inc. and Eastern States Broadcasting Corporation are legally and financially qualified to construct, own and operate the proposed television broadcast stations, and are technically so qualified except as to issue "1" below; that New England Television Company, Inc. is legally and financially qualified to construct, own and operate the proposed television broadcast station, is technically so qualified except as to issue "1" below, and is otherwise qualified except as to issue "2" below.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Wilson Broadcasting Corporation, E. Anthony and Sons, Inc., Eastern States Broadcasting Corporation and New England Television Company, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the operations proposed in the above-captioned applications would adversely affect the operations of the U. S. Coast Guard LORAN-C (radionavigation) station located on Martha's Vineyard.

2. To determine whether a grant of the application of New England Television Company, Inc., would be consistent with the provisions of § 3.636 (a) (1) of the rules, in view of the overlap which would result between the proposed station and Stations WNET-TV and WTAO-TV, Providence, Rhode Island and Cambridge, Massachusetts, respectively.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the record made with respect to the significant differences among the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast stations.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the above-captioned applications, if any, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issues: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the United States Coast Guard, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, Wilson Broadcasting Corporation, E. Anthony and Sons, Inc., Eastern States

Broadcasting Corporation, New England Television Company, Inc., and the United States Coast Guard, pursuant to § 1.140 (a) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the day fixed for the hearing and present evidence on the issues specified in this order.

Released: May 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3880; Filed, May 21, 1958; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6489]

WEST TEXAS UTILITIES CO. AND CIA. DE LUZ Y FUERZA DE OJINAGA, S. A.

NOTICE OF APPLICATION TO INCREASE TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

MAY 16, 1958.

Take notice that on May 1, 1958, West Texas Utilities Company (West Texas), incorporated under the laws of the State of Texas, with its principal place of business at Abilene, Texas, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, to increase the amount and rate of electric energy which West Texas and Cia. de Luz y Fuerza de Ojinaga, S. A. (Luz y Fuerza), incorporated under the laws of the Republic of Mexico, with its principal place of business at Ojinaga, Chihuahua, Mexico, may transmit from the United States to Mexico.

By Commission order issued July 27, 1953, in the above docket, West Texas and Luz y Fuerza were authorized to transmit from the United States to Mexico not to exceed 1,500,000 kilowatt-hours of electric energy annually at a rate not to exceed 250 kilowatts for the use, distribution and resale by Luz y Fuerza in Ojinaga, Mexico, and vicinity. Authorization is now sought to increase to 4,000,000 kwh the maximum amount and to 500 kw the maximum rate of electric energy to be exported annually from a point in Texas adjacent to the Rio Grande opposite Ojinaga, Mexico.

The application states that the present authorization to export electric energy is not adequate to take care of the present and anticipated requirements of Luz y Fuerza.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 6, 1958, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3844; Filed, May 21, 1958; 8:49 a. m.]

[Project No. 2240]

L. CEDRIC MACABEE AND JOHNSON RANCHO COUNTY WATER DISTRICT

NOTICE OF CHANGE OF APPLICANT FOR PRELIMINARY PERMIT

MAY 16, 1958.

Public notice is hereby given that L. Cedric Macabee, of Palo Alto, California, and Johnson Rancho County Water District, of Wheatland, California, have filed a joint request that the application filed by L. Cedric Macabee for a preliminary permit for proposed water-power Project No. 2240—to be known as the Yuba River Project and located on the Yuba River and its tributaries, the North Fork Yuba River and Middle Fork Yuba River, in Sierra, Nevada, and Yuba Counties, California, in the region of Downieville, Marysville, Nevada City, and Sacramento—be considered as an application filed by Johnson Rancho County Water District.

Notice of the filing of the application by L. Cedric Macabee for a preliminary permit for proposed Project No. 2240, including a description thereof, was published in the FEDERAL REGISTER on January 25, 1958 (23 F. R. 519-520), and on February 6, 13, 20, and 27, 1958, in the following newspapers in the State of California: Mountain Messenger (Downieville); Nugget (Nevada City); and Appeal-Democrat (Marysville).

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is June 25, 1958. The request is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3845; Filed, May 21, 1958; 8:49 a. m.]

[Docket No. G-15069]

R. H. GOODRICH

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 16, 1958.

R. H. Goodrich (Goodrich), on April 16, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 14, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 8 to Goodrich's FPC Gas Rate Schedule No. 2.

Effective date: May 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Goodrich states that no affiliation, corporate or otherwise, exists between buyer and seller, that the price redetermination provision is an integral part of the contract and was included to assure seller a fair, just and reasonable price during the long term of the contract. Goodrich also cites higher prices being paid by Texas Eastern and other purchasers in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Goodrich's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Goodrich's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 17, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3846; Filed, May 21, 1958; 8:49 a. m.]

[Docket No. G-15071]

TEXAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 16, 1958.

The Texas Company (Operator) et al. (Texas), on April 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Natural Gas Pipe Line Company of America.

Rate schedule designation: Supplement No. 17 to Texas' FPC Gas Rate Schedule No. 133.

Effective date: June 5, 1958 (effective date is the date proposed by Texas).

In support of the proposed rate increase, Texas states that the contract was negotiated at arm's length and that the series of periodic price adjustments was designed to partially compensate seller for increased costs of operation, exploration and development. Texas also refers to testimony and exhibits presented in evidence in the suspension proceeding in Docket No. G-8969.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 17 to Texas' FPC Gas Rate Schedule No. 133 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 17 to Texas' FPC Gas Rate Schedule No. 133.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3847; Filed, May 21, 1958; 8:49 a. m.]

[Docket No. G-15084]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 16, 1958.

Pan American Petroleum Corporation (Pan American) on April 21, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 18, 1958.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 3.

Effective date: June 1, 1958 (effective date is the effective date proposed by Pan American).

In support of the proposed favored-nation rate increase, Pan American cites the contract provisions therefor and states that the contract was entered into as a result of bona-fide arm's-length negotiation in a competitive market. Pan American further states that if the Commission fails to approve the proposed increase it would be inequitable, unfair and confiscatory and would deprive it of its property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3848; Filed, May 21, 1958; 8:49 a. m.]

[Docket No. G-15085]

R. H. GOODRICH

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 16, 1958.

R. H. Goodrich (Goodrich) on April 21, 1958, tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated April 15, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Goodrich's FPC Gas Rate Schedule No. 3. Supplement No. 9 to Goodrich's FPC Gas Rate Schedule No. 4.

Effective date: May 22, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Goodrich cites the contract provisions therefor and states that the contracts were entered into in good faith as a result of arm's-length bargaining. Goodrich further states that the rate sought is fair, reasonable, and a just price for gas delivered under the contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 9 to Goodrich's FPC Gas Rate Schedules Nos. 3 and 4, respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12619.

CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 9 to Goodrich's FPC Gas Rate Schedules Nos. 3 and 4, respectively.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3849; Filed, May 21, 1958; 8:50 a. m.]

[Docket No. G-15086]

H. R. GOODRICH

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 16, 1958.

H. R. Goodrich (Goodrich) on April 23, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 18, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Goodrich's FPC Gas Rate Schedule No. 1.

Effective date: May 24, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Goodrich cites the contract provision therefor and states that the contract was entered into in good faith as a result of arm's-length bargaining. Goodrich also states that the rate sought is fair, reasonable, and a just price for gas delivered under the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Goodrich's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Goodrich's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3850; Filed, May 21, 1958; 8:50 a. m.]

[Docket No. G-15088]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 16, 1958.

Phillips Petroleum Company (Phillips) on April 23, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated March 1, 1958. (2) Notice of Change, undated.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: (1) Supplement No. 7 to Phillips' FPC Gas Rate Schedule No. 176. (2) Supplement No. 8 to Phillips' FPC Gas Rate Schedule No. 176.

Effective date: May 24, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Phillips merely cites that the proposed rate is just and reasonable as indicated by the Commission's approval of the 12.0 cents per Mcf rate to other producers in the same area,[2] and submits the agreement dated March 1, 1958, establishing the 12.0 cents per Mcf rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 7 and 8 to Phillips' FPC Gas Rate Schedule No. 176 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 7 and 8 to Phillips' FPC Gas Rate Schedule No. 176.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 24, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3851; Filed, May 21, 1958; 8:50 a. m.]

[Docket No. G-13246 etc.]

MICHIGAN-WISCONSIN PIPE LINE CO. ET AL.

ORDER SEVERING PROCEEDINGS AND CONTINUING DATE OF HEARING

MAY 16, 1958.

In the matters of Michigan-Wisconsin Pipe Line Company, Docket No. G-13246; Northern Indiana Public Service Company, Docket Nos. G-12871, G-12872; Northern Illinois Gas Company, Docket No. G-13408; Michigan Gas Utilities Company, Docket No. G-13858.

By notice of the Secretary dated March 17, 1958, the application of Michigan Wisconsin Pipe Line Company (Michigan-Wisconsin) in Docket No. G-13246 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act was consolidated for hearing with the respective applications of Northern Indiana Public Service Company, Docket Nos. G-12871 and G-12872; Northern Illinois Gas Company, Docket No. G-13408; and Michigan Gas Utilities Company, Docket No. G-13858, each requesting the Commission to issue an order, pursuant to section 7 (a) directing Michigan-Wisconsin to establish physical connection of its transportation facilities with existing or proposed facilities of the respective applicants, and to sell and deliver to them certain quantities of natural gas.

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[1] Increases base rate to 12.0 cents per Mcf by redetermination by arbitration.

[2] Initial rates for new services.

Pursuant to the notice of the Secretary dated March 17, 1958, a hearing was convened by the Presiding Examiner on April 21, 1958. Hearings were held from April 21 to 24, April 28 to 30 and May 6 to 8, 1958. On May 8, 1958, Michigan-Wisconsin made a motion on the record requesting an order of the Commission severing the 7 (a) applications from the proceeding upon the application for a certificate of public convenience and necessity (Docket No. G-13246) and prescribing a procedure under which the Commission may determine prior to June 26, 1958, the question of whether a certificate should issue "authorizing Michigan-Wisconsin to construct and operate the Group 'A' facilities * * * and the Group 'B' facilities * * *" and requesting that the motion be certified to the Commission. The ground of the motion is that unless such authorization be received by June 26, 1958, Michigan-Wisconsin's rights under its Laverne Field gas purchase contracts may be in jeopardy.

Counsel for Michigan-Wisconsin requested that "if the Commission should issue an order granting the motion by May 16, the order provide that main briefs of the participants be filed on or before May 23, 1958, and that reply briefs of the participants be filed on or before May 29, 1958; and further, that the order fix a period of one week as the time for filing exceptions to the Examiner's Decision. If the motion should be granted by May 16, 1958, and if the order contain the provisions thus requested, it would appear feasible to have an intermediate decision."

Michigan-Wisconsin further requests, in the alternative, that if the time for filing briefs and exceptions to the Examiner's Decision should not be fixed as above stated, that the Commissioner order (1) the omission of the intermediate decision procedure respecting the "first phase" of the application; (2) the certification of the record to date to the Commission, (3) the fixing of May 29, 1958, and June 6, 1958, respectively, for the filing of main and reply briefs; and (4) the scheduling of oral argument before the Commission on a date during the week ending June 13, 1958.

The Commission finds:

(1) It is appropriate in the public interest to grant Michigan-Wisconsin's motion to sever the section 7 (a) applications filed by Northern Indiana Public Service Company, Northern Illinois Gas Company and Michigan Gas Utilities Company in this proceeding for hearing at a subsequent date to be set by further notice.

(2) It is not appropriate in the public interest to grant Michigan-Wisconsin's motion, insofar as it requests omission of the intermediate decision procedure.

(3) It is necessary in order to enable the Commission to reach a decision by June 26, 1958, as to whether a certificate should be issued to Michigan-Wisconsin in this proceeding that the schedule for filing briefs as requested by Michigan-Wisconsin, be followed.

The Commission orders:

(A) The applications filed by Northern Indiana Public Service Company, Northern Illinois Gas Company, and Michigan Gas Utilities Company, which have heretofore been consolidated with the application of Michigan-Wisconsin in Docket No. G-13246, are hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

(B) Michigan-Wisconsin's motion for omission of the intermediate decision procedure be and the same hereby is denied.

(C) The motion to schedule filing of briefs as requested by Michigan-Wisconsin be and the same hereby is granted, and the dates for filing briefs are fixed as follows:

(a) Main briefs of the participants to be filed on or before May 23, 1958;

(b) Reply brief of participants to be filed on or before May 29, 1958.

(D) Any exceptions to the decision of the presiding examiner shall be filed within seven days from the date of issuance of the initial decision by the presiding examiner.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3852; Filed, May 21, 1958; 8:50 a. m.]

[Docket No. G-15074]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 16, 1958.

Midstates Oil Corporation (Midstates), on April 17, 1958, tendered for filing a proposed change in its presently effective rate[1] schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated April 14, 1958.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 7 to Midstates FPC Gas Rate Schedule No. 11.

Effective date: May 22, 1958 (effective date is the date proposed by Midstates).

In support of the proposed rate increase, Midstates states that its gas was committed for an extended term in view of the sliding scale of prices which was designed to offset increases in seller's costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Midstates FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Midstates FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3853; Filed, May 21, 1958; 8:50 a. m.]

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[1] Present rate previously suspended in Docket No. G-9174.

[Docket No. G-15073]

RIMROCK TIDELANDS, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 16, 1958.

Rimrock Tidelands, Inc., et al. (Rimrock), on April 17, 1958, tendered for filing a proposed change in its presently effective rate[1] schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

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[1] Present rate previously suspended in Docket No. G-11491.

Description: Notice of Change, dated April 14, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 8 to Rimrock's FPC Gas Rate Schedule No. 1.

Effective date: May 18, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate increase, Rimrock states that the increased price will not result in an excessive rate of return but will assist applicant in obtaining a just and reasonable rate and a return commensurate with inherent risks.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Rimrock's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Rimrock's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 18, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3854; Filed, May 21, 1958; 8:50 a. m.]

[Docket No. G-15072]

BURCH SPEARS, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 16, 1958.

Burch Spears, Inc. (Spears), on April 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 14, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 5 to Spear's FPC Gas Rate Schedule No. 1.

Effective date: May 18, 1958 (effective date is the date proposed by Spears).

In support of the proposed rate increase, Spears cites the favored-nation provision in the contract, the triggering initial rate and Trunkline's letter agreeing to pay the increased price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Spear's FPC Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Spear's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 18, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3855; Filed, May 21, 1958; 8:51 a. m.]

[Docket No. IT-5971]

SOUTHWESTERN POWER ADMINISTRATION, DEPARTMENT OF THE INTERIOR

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES

MAY 16, 1958.

Notice is hereby given that the Secretary of the Department of the Interior on behalf of the Southwestern Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to the Flood Control Act of 1944 (58 Stat. 887), a schedule of rates and charges for the sale of interruptible capacity and accompanying energy by the Southwestern Power Administration. The proposed schedule will supersede the presently effective Rate Schedule "IC", for the sale of interruptible capacity, which was approved by the Commission on August 7, 1957, for a five-year period. Approval of the proposed schedule is requested for the remainder of such period.

The proposed rate schedule, which the Secretary of the Interior states should afford a greater uniformity and flexibility in the disposition of interruptible capacity and accompanying energy, is as follows:

Schedule of rates for wholesale power service; (interruptible capacity):

Available. In the service area of the Southwestern Power Administration (Government), at such times and in such amounts as the Government, in its sole judgment, determines is available.

Applicable. To wholesale power customers who, by contract, purchase and receive interruptible capacity at points of delivery on transmission facilities owned by the Government, or at points of delivery on transmission facilities the capacity of which is available to the Government if the customer reimburses the Government for expenses incurred by reason of the use of such facilities for the delivery of such capacity.

Character of service. Interruptible capacity will be delivered as three-phase alternating current, at a frequency of approximately 60 cycles per second, and at such points of delivery and voltages as are specified by contract.

Demand charge. $0.045 per kilowatt per day of billing demand.

Billing demand. The billing demand for any day shall be an amount equal to either:

(i) The scheduled demand or the greatest 30-minute integrated demand recorded during such day, whichever is greater, if the customer scheduled and received only interruptible capacity from the Government during such day, or

(ii) The greatest scheduled demand for interruptible capacity during such day, if the customer scheduled and received firm or peaking power capacity from the Government during such day.

Energy charge or exchange. Energy received in connection with or incident to the purchase of interruptible capacity, at the option of the Government, shall be either:

(i) Purchased by the customer at the rate of two mills ($0.002) per kilowatt-hour, or

(ii) Returned by the customer to the Government kilowatt-hour for kilowatt-hour, as scheduled by the Government, within twelve months after the receipt of such energy, but at a rate of delivery which is within the capacity available from the customer's generating facilities in excess of that required for service to its customers.

If the Government elects to require the return of energy received by the customer in connection with or incident to the purchase and receipt of interruptible capacity, as provided in Part (ii), above, and if the customer fails or refuses to return all or any part of such energy as scheduled by the Government within the said twelve-month period, then and in that event, the customer shall compensate the Government at the rate of five mills ($0.005) per kilowatt-hour for each kilowatt-hour of such energy scheduled but not delivered within such period.

Anyone desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same in writing on or before June 2, 1958, to the Federal Power Commission, Washington 25, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3856; Filed, May 21, 1958; 8:51 a. m.]

[Docket No. G-15108]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 16, 1958.

Cities Service Oil Company (Cities Service) on April 18, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated March 21, 1958. (2) Notice of Change, dated April 15, 1958.

Purchaser: Kansas-Nebraska Natural Gas Company, Inc.

Rate schedule designation: (1) Supplement No. 5 to Cities Service's FPC Gas Rate Schedule No. 90. (2) Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 90.

Effective date: May 19, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Cities Service states that the parties were unable to agree to the price to become effective February 1, 1958, and the time for completion of negotiations or arbitration was extended until April 1, 1958. Cities Service states additionally that in order to eliminate future negotiations or arbitration of prices at five-year intervals the parties established fixed prices for fixed periods of time during the remaining life of the contract. Under such arrangement one schedule of prices was fixed for gas produced from depths above the base of the Chase Group of the Permian System (Hugoton gas) consisting of a 0.2 cent periodic increase every year to the maximum rate of 12.0 cents per Mcf in October, 1965. Another schedule of prices starting at 16.2 cents per Mcf and increasing 0.2 cent each year to a maximum of 20 cents per Mcf was fixed for gas produced from depths below the base of the Chase Group (deep gas). Cities Service states that the parties mutually agreed to the 10.4 cents per Mcf price for Hugoton gas and 16.2 cents per Mcf price for deep gas only after the schedule of fixed escalations was established in lieu of the original contract provision for negotiating the price at five-year intervals. Cities Service also states that the established prices are the same as provided in other contracts under which Kansas-Nebraska Natural Gas Company, Inc., is buying similar gas in the area and are just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Cities Service's FPC Rate Schedule No. 90, and Supplement No. 5, but only insofar as it pertains to gas produced from depths above the base of the Chase Group, to Cities Service's FPC Gas Rate Schedule No. 90, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 90, and Supplement No. 5, but only insofar as such supplement pertains to gas produced from depths above the base of the Chase Group, to Cities Service's FPC Gas Rate Schedule No. 90.

(B) Pending such hearing and decision thereon, proposed Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 90, and Supplement No. 5, but only insofar as it pertains to gas produced from depths above the base of the Chase Group, to Cities Service's FPC Gas Rate Schedule No. 90, be and they are each hereby suspended and the use thereof deferred until October 19, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3857; Filed, May 21, 1958; 8:51 a. m.]

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[1] Renegotiation of base rates for gas produced from depths above base of the "Chase Group" with minimum of 950 B. t. u., and also establishes a new rate for gas produced from depths below the "Chase Group" with minimum of 1,000 B. t. u.

INTERNATIONAL JOINT COMMISSION

[IJC Docket 71]

ST. CROIX RIVER

NOTICE OF PUBLIC HEARING

The International Joint Commission proposes to hold a public hearing on development of the St. Croix River and on the report of the International St. Croix River Engineering Board, at Calais, Maine, on June 27, 1958. The hearing will begin at 10:00 a. m., in the Calais Memorial High School Auditorium.

The purpose of the hearing will be to obtain the views of all affected interests and individuals with respect to the problems of the St. Croix River and on the proposals contained in the report of the Engineering Board. This expression of public opinion is desired to assist the Commission in making its recommendations to the two Governments.

Under the terms of the Reference of June 10, 1955, from the Governments of the United States and Canada to the International Joint Commission, the Commission is required to indicate to the two Governments after making preliminary investigations and having regard to the legal, engineering, and economic aspects of the matter, whether further development of the water resources of the St. Croix Basin would be practicable and in the public interest from the point of view of the two Governments and what projects would seem to warrant further study. The Commission is also required to indicate how interests on either side of the boundary would be benefited or adversely affected by any proposals; the order of magnitude of costs and indemnifications that would be involved; and how these costs should be apportioned.

The International Joint Commission established the International St. Croix River Engineering Board and charged the Board with responsibility for conduct of the investigations. The report of the Engineering Board has been completed and submitted to the Commission.

Copies of the Engineering Board's report are available for inspection by the public in the office of the City Manager, Calais, Maine; public libraries in Calais and Eastport, Maine; the offices of the Maine Department of Inland Fisheries and Game, Augusta, Maine; Office of the Regional Engineer, U. S. Public Health Service, Room 1010, 42 Broadway, New York 4, N. Y.; New England Division, Corps of Engineers, United States Army, 130 Causeway Street, Boston, Massachusetts; and the International Joint Commission, Room 792, Federal Trade Building, Washington, D. C.

Oral statements are invited and will be received at the June 27 hearing. It is requested, however, that written briefs be furnished whenever possible, in order to save time and permit a more nearly complete record. Twenty-five copies of the briefs should be furnished to both the Canadian and United States Sections of the Commission at the commencement of the hearing.

HARRY J. DONOHUE,
Secretary,
United States Section.

MAY 16, 1958.

[F. R. Doc. 58-3861; Filed, May 21, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B-989]

MICROVEER, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 16, 1958.

I. Microveer, Incorporated, Calle Luisa 57, Santurce, Puerto Rico, filed with the Commission on August 6, 1957, a notification of Form 1-A and an offering circular relating to a proposed public offering of 47,500 shares of its $4.00 par value common stock at $4.00 a share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material fact and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement on page 6 that the problem of source of supply of extra-thin wood veneers of $1/125''$ thick had been solved;

2. The statement on page 6 concerning laminating wood to metal and the omission to disclose the degree of technical control necessary for such process;

3. The statements on pages 7-12 that some 50 indications of interest by potential purchasers of the company's product "Microveer" exist;

4. The statements on page 16 indicating that $100,000 to be invested in machinery was adequate for the company's needs; and

5. The failure to furnish financial statements of the issuer as well as financial statements of its predecessor.

B. The use of the offering circular would operate as a fraud or deceit upon prospective purchasers.

III. *It is ordered*, Pursuant to Rule 261 (a) of Regulation A that the exemption under said regulation be, and it hereby is, temporarily suspended.

Notice is hereby given to Microveer, Incorporated and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3862; Filed, May 21, 1958; 8:53 a. m.]

[File No. 70-3704]

DELAWARE POWER & LIGHT CO.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF FIRST MORTGAGE AND COLLATERAL TRUST BONDS

MAY 16, 1958.

Notice is hereby given that Delaware Power & Light Company ("the Company"), a registered holding company and also a public-utility company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9, 10, and 12 of the act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the act, $25,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, -- percent Series due 1988 ("1988 Series Bonds"). Said bonds will be issued under and secured by the Mortgage and Deed of Trust of the Company to The New York Trust Company, Trustee, dated as of October 1, 1943, and indentures supplemental thereto, including a proposed Twenty-third Supplemental Indenture dated as of June 1, 1958, which is to be filed by amendment. The rights and preferences of the 1988 Series Bonds will be substantially identical with those of the Company's outstanding First Mortgage and Collateral Trust Bonds, except with respect to interest rate, redemption prices and maturity date. The invitation for bids will specify that the amount to be received by the Company shall not be less than 99 percent nor more than 102 percent of the principal amount, and that the interest rate shall be a multiple of ⅛ of 1 percent.

The net proceeds from the sale of the 1988 Series Bonds will be used to redeem $15,000,000 principal amount of the First Mortgage and Collateral Trust Bonds, 5 Percent Series due 1987. The latter bonds will be redeemed on or about July 18, 1958, at a redemption price of 106.16 percent of the principal amount (aggregating $15,924,000) plus accrued interest to the date of redemption. The balance of the net proceeds together with internal cash will be applied toward the cost of the 1958 construction program of the Company and its subsidiaries (including the retirement of $2,500,000 of bank loans incurred for construction purposes prior to such sale). The Company and its subsidiaries plan to make construction expenditures of approximately $22,500,000 during the year 1958.

The issuance and sale of the 1988 Series Bonds are subject to the approval of The Public Service Commission of Delaware. A copy of the order issued by that State commission will be filed by amendment.

The Company will also file by amendment a statement of the fees and expenses to be incurred in connection with the proposed transactions.

Notice is further given that any interested person may, not later than June 5, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3863; Filed, May 21, 1958; 8:53 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 102

Washington, Friday, May 23, 1958

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 39—UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK SOLIDS

PART 58—GRADING AND INSPECTION MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

U. S. STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS, ROLLER PROCESS)

A notice of proposed rule making covering issuance of United States Standards for Grades of Nonfat Dry Milk was published in the FEDERAL REGISTER of April 10, 1958 (23 F. R. 2349) and afforded interested persons the opportunity to submit written data, views or arguments in connection therewith. The time for submitting data, views or arguments was extended to May 15 (23 F. R. 3133). After consideration of all relevant matters presented, including proposals set forth in the aforesaid notice of rule making, the following United States Standards for Grades of Nonfat Dry Milk are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) to become effective July 1, 1958.

These standards are the same as published under proposed rule making and will supersede the current "Official United States Standards for Grades of Nonfat Dry Milk Solids", (7 CFR Part 39).

The amendment is as follows:

Delete Part 39, United States Standards for Grades of Nonfat Dry Milk Solids and substitute therefor new Subparts L and M of Part 58 to read as follows:

SUBPART L—UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS)[1]

Sec.
58.525 Nonfat dry milk.

U. S. GRADES

Sec.
58.526 Nomenclature of U. S. grades.
58.527 Basis for determination of U. S. grades.
58.528 Requirements for U. S. grades of nonfat dry milk.
58.529 U. S. grade not assignable.
58.532 Test methods.
58.537 Explanation of terms.

SUPPLEMENT TO U. S. STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS); U. S. HEAT TREATMENT CLASSIFICATION

58.538 Basis for obtaining heat treatment classification.
58.539 Nomenclature for U. S. Heat Treatment Classification.
58.540 Basis for determination of U. S. Heat Treatment Classification.
58.541 Test method; whey protein nitrogen.

AUTHORITY: §§ 58.525 to 58.541 issued under sec. 205, 60 Stat. 1090, 67 Stat. 217; 7 U. S. C. 1624, 414.

§ 58.525 *Nonfat dry milk.* "Nonfat dry milk" is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent by weight of moisture. The fat content shall not exceed 1½ percent by weight.

(a) The term "milk" when used in this subpart means fresh, sweet milk produced by healthy cows, that has been pasteurized before or during the manufacture of the nonfat dry milk.[2]

U. S. GRADES

§ 58.526 *Nomenclature of U. S. grades.* The nomenclature of U. S. grades is as follows:

U. S. Extra.
U. S. Standard.

§ 58.527 *Basis for determination of U. S. grades.* (a) The U. S. grades of nonfat dry milk—spray process—are determined on the basis of flavor and odor, physical appearance, bacterial estimate on the basis of standard plate count, butterfat content, moisture content,

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[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Nonfat dry milk covered by these standards shall not contain buttermilk or any added preservative, neutralizing agent or other chemical.

FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 26 (1954), Parts 20–221, Rev. Jan. 1, 1958 ($4.25)

Title 32, Parts 800–1099 ($0.65)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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scorched particle content, solubility index and titratable acidity.

(b) The final U. S. grade shall be established on the basis of the lowest rating of any one of the quality characteristics.

§ 58.528 *Requirements for U. S. grades of nonfat dry milk*—(a) *U. S. Extra.* U. S. Extra grade shall conform to the following requirements:

(1) Flavor and odor (applies to reliquefied form): Shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree: chalky, cooked, feed and flat. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearance: Shall possess a uniform white to light cream natural color; free from lumps except those that readily break up with very slight pressure, and practically free from visible dark particles. The reliquefied product shall be free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 50,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.25 percent.

(iii) Moisture content: Not more than 4.0 percent.

(iv) Scorched particle content: Not more than 15.00 mg.

(v) Solubility index: Not more than 1.2 ml.

(vi) Titratable acidity: Not more than 0.15 percent.

For detailed classification of laboratory analyses see Table III.

(b) *U. S. Standard.* U. S. Standard grade shall conform to the following requirements:

(1) Flavor and odor (applies to reliquefied form): Should possess a fairly pleasing flavor but may possess the following flavors to a slight degree: Bitter, oxidized, stale, storage, utensil, and scorched; the following to a definite degree: Chalky, cooked, feed, and flat. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearance: May possess a slight unnatural color; free from lumps except those that break up readily under slight pressure and reasonably free from visible dark particles. The reliquefied product shall be reasonably free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 100,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.50 percent.

(iii) Moisture content: Not more than 5.0 percent.

(iv) Scorched particle content: Not more than 22.5 mg.

(v) Solubility index: Not more than 2.0 ml.

(vi) Titratable acidity: Not more than 0.17 percent.

For detailed classification of laboratory analyses see Table III.

§ 58.529 *U. S. Grade not assignable.* Nonfat dry milk which fails to meet the requirements for U. S. Standard Grade and/or shows a direct microscopic clump count exceeding 300 million per gram shall not be assigned a U. S. grade.

§ 58.532 *Test methods.* (a) Testing methods contained in Methods of Laboratory Analyses for Dry Whole Milk and Nonfat Dry Milk Solids, Dry Butter-

Milk and Dry Whey, Agricultural Marketing Service, United States Department of Agriculture, July 1954 (Mimeo.), or latest revision thereof, are used to determine bacterial estimate standard plate count, butterfat content, moisture content, scorched particle content, solubility index, titratable acidity, and flavor examination.

(1) *Direct microscopic clump count.* The method used to determine the direct microscopic clump count shall be as outlined in Standard Methods for the Examination of Dairy Products, Tenth Edition, 1953, published by American Public Health Association, Inc., 1790 Broadway, New York 19, New York, Chapter 6, paragraph 6.39 or latest revision thereof.

TABLE I—CLASSIFICATION OF FLAVOR AND ODOR CHARACTERISTICS FOR NONFAT DRY MILK—SPRAY PROCESS

Flavor	Flavor Classification	
	Extra	Standard
Bitter		Slight.
Chalky	Slight.	Definite.
Cooked	Slight.	Definite.
Feed	Slight.	Definite.
Flat		Slight.
Oxidized		Slight.
Scorched		Slight.
Stale		Slight.
Storage		Slight.
Utensil		Slight.

TABLE II—CLASSIFICATION OF PHYSICAL APPEARANCE CHARACTERISTICS FOR NONFAT DRY MILK—SPRAY PROCESS

Physical appearance	Classification	
	Extra	Standard
Dry product:		
Lumpy	Very slight	Slight.
Unnatural color		Slight.
Visible dark particles	Very slight	Slight.
Reliquefied, grainy		Slight.

TABLE III—CLASSIFICATION ACCORDING TO LABORATORY ANALYSES FOR NONFAT DRY MILK—SPRAY PROCESS

Laboratory tests	Classification	
	Extra	Standard
(1) Bacterial estimate, standard plate count per gram	50,000	100,000
(2) Butterfat content; percent	1.25	1.50
(3) Moisture content; percent	4.0	5.0
(4) Scorched particle content; mg.	15.0	22.5
(5) Solubility index; ml	1.2	2.0
(6) Titratable acidity; percent	0.15	0.17

§ 58.537 *Explanation of terms*—(a) *With respect to flavor*—(1) *Slight.* Detected only upon critical examination.

(2) *Definite.* Easily detectable but not intense.

(3) *Bitter.* Similar to taste of quinine.

(4) *Chalky.* A tactual type of flavor, lacking in characteristic milk flavor.

(5) *Cooked.* Similar to a custard flavor and imparts a smooth aftertaste.

(6) *Feed.* Characteristic of the feed flavors in milk carried through into the nonfat dry milk.

(7) *Flat.* Lacking characteristic sweetness or full flavor.

(8) *Oxidized.* A flavor resembling cardboard and sometimes referred to as "cappy" or "tallowy".

(9) *Scorched.* A more intensified flavor than "cooked" and imparts a burnt aftertaste.

(10) *Stale, storage.* Lacking in freshness and imparting a "rough" aftertaste.

(11) *Utensil.* A flavor suggestive of improper or inadequate washing and sterilization of milking machines, utensils or factory equipment.

(b) *With respect to physical appearance*—(1) *Practically free.* Present only upon very critical examination.

(2) *Reasonably free.* Present only upon critical examination.

(3) *Moderately free.* Discernible upon careful examination.

(4) *Very slight pressure.* Lumps fall apart with only light touch.

(5) *Slight pressure.* Only sufficient pressure to disintegrate the lumps readily.

(6) *Natural color.* A color that is white or light cream.

(7) *Grainy.* Minute particles of undissolved powder appearing on the surface of a glass or tumbler in a thin film.

(8) *Unnatural color.* A color that is more intense than light cream and is brownish, dull or grey-like.

(9) *Lumpy.* Loss of powdery consistency but not caked into hard chunks.

(10) *Visible dark particles.* The presence of scorched or discolored specks.

SUPPLEMENT TO U. S. STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS); U. S. HEAT TREATMENT CLASSIFICATION

§ 58.538 *Basis for obtaining heat treatment classification.* Heat treatment classification is not a U. S. Grade requirement. Product submitted for USDA grading may be analyzed for heat treatment classification upon request of the applicant and the results shown on the grading certificate. Heat treatment classification will be made available only upon a U. S. graded product.

§ 58.539 *Nomenclature of U. S. Heat Treatment Classification.* The nomenclature of U. S. Heat Treatment Classification is as follows:

U. S. High Heat.
U. S. Medium Heat.
U. S. Low Heat.

§ 58.540 *Basis for determination of U. S. Heat Treatment Classification.* The whey protein nitrogen test shall be used in determining the heat treatment classification as follows:

(a) *U. S. High-heat.* The finished product shall not exceed 1.5 mg. undenatured whey protein nitrogen per gram of nonfat dry milk.

(b) *U. S. Low-heat.* The finished product shall show not less than 6.0 mg. undenatured whey protein nitrogen per gram of nonfat dry milk.

(c) *U. S. Medium-heat.* The finished product shall show undenatured whey protein nitrogen between the levels of "high-heat" and "low-heat", (1.51 to 5.99 mg.).

§ 58.541 *Test method; whey protein nitrogen.* The method used shall be the Modified Harland-Ashworth Method as outlined in, "The Turbidimetric Estimation of Undenatured Serum Proteins in Nonfat Dry Milk Solids (NFDMS)" distributed by the American Dry Milk Institute, Inc., 221 North La Salle Street, Chicago 1, Illinois, March 20, 1956.

SUBPART M—UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK—ROLLER PROCESS[1]

Sec.
58.545 Nonfat dry milk.

U. S. GRADES

58.546 Nomenclature of U. S. grades.
58.547 Basis for determination of U. S. grades.
58.548 Requirements for U. S. grades of nonfat dry milk.
58.549 U. S. grade not assignable.
58.553 Test methods.
58.557 Explanation of terms.

AUTHORITY: §§ 58.545 to 58.557 issued under sec. 205, 60 Stat. 1090, 67 Stat. 217; 7 U. S. C. 1624, 414.

§ 58.545 *Nonfat dry milk.* "Nonfat dry milk" is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent by weight of moisture. The fat content shall not exceed 1½ percent by weight.

(a) The term "milk" when used in this subpart means fresh, sweet milk produced by healthy cows, that has been pasteurized before or during the manufacture of the nonfat dry milk.[2]

U. S. GRADES

§ 58.546 *Nomenclature of U. S. grades.* The nomenclature of U. S. grades is as follows:

U. S. Extra.
U. S. Standard.

§ 58.547 *Basis for determination of U. S. grades.* (a) The U. S. grades of nonfat dry milk—roller process—are determined on the basis of flavor and odor, physical appearance, bacterial estimate on the basis of standard plate count, butterfat content, moisture content, scorched particle content, solubility index, and titratable acidity.

(b) The final U. S. grade shall be established on the basis of the lowest rating of any one of the quality characteristics.

§ 58.548 *Requirements for U. S. grades of nonfat dry milk*—(a) *U. S. Extra.* U. S. Extra grade shall conform to the following requirements:

(1) Flavor and odor (applies to reliquefied form): Shall be sweet and desirable, but may possess the following flavors to a slight degree: Chalky, feed, flat, and scorched. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearance: Shall possess a uniform white to light cream natural color; free from lumps except those that break up readily with very slight pressure and reasonably free from visible dark particles. The reliquefied

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[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Nonfat dry milk covered by these standards shall not contain buttermilk or any added preservative, neutralizing agent or other chemical.

product shall be reasonably free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 50,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.25 percent.

(iii) Moisture content: Not more than 4.0 percent.

(iv) Scorched particle content: Not more than 22.5 mg.

(v) Solubility index: Not more than 15.0 ml.

(vi) Titratable acidity: Not more than 0.15 percent.

For detailed classification of laboratory analyses see Table III.

(b) *U. S. Standard.* U. S. Standard grade shall conform to the following requirements:

(1) Flavor and odor (applies to reliquefied form): Should possess a fairly desirable flavor but may possess the following to a slight degree: Bitter, oxidized, stale, storage and utensil; the following to a definite degree: Chalky, feed, flat, and scorched. For detailed classification of flavor and odor characteristics see Table I.

(2) Physical appearance: May possess a slight unnatural color; free from lumps except those that break up readily under slight pressure and moderately free from visible dark particles. The reliquefied product shall be reasonably free from graininess. For detailed classification of physical appearance characteristics see Table II.

(3) Laboratory tests: Shall be used to determine classification of the following quality characteristics:

(i) Bacterial estimate: Not more than 100,000 per gram standard plate count.

(ii) Butterfat content: Not more than 1.50 percent.

(iii) Moisture content: Not more than 5.0 percent.

(iv) Scorched particle content: Not more than 32.5 mg.

(v) Solubility index: Not more than 15.0 ml.

(vi) Titratable acidity: Not more than 0.17 percent.

For detailed classification of laboratory analyses see Table III.

§ 58.549 *U. S. grade not assignable.* Nonfat dry milk which fails to meet the requirements for U. S. Standard Grade and/or shows a direct microscopic clump count exceeding 300 million per gram shall not be assigned a U. S. grade.

§ 58.553 *Test methods.* (a) Testing methods contained in Methods of Laboratory Analyses for Dry Whole Milk and Nonfat Dry Milk Solids, Dry Buttermilk and Dry Whey, Agricultural Marketing Service, United States Department of Agriculture, July 1954 (Mimeo.), or latest revision thereof, are used to determine bacterial estimate standard plate count, butterfat content, moisture content, scorched particle content, solubility index, titratable acidity, and flavor examination.

(1) *Direct microscopic clump count.* The method used to determine the direct microscopic clump count shall be as outlined in Standard Methods for the Examination of Dairy Products, Tenth Edition, 1953, published by American Public Health Association, Inc., 1790 Broadway, New York 19, New York, Chapter 6, paragraph 6.39 or latest revision thereof.

TABLE I—CLASSIFICATION OF FLAVOR AND ODOR CHARACTERISTICS FOR NONFAT DRY MILK—ROLLER PROCESS

Identified flavors	Classification	
	Extra	Standard
Bitter		Slight.
Chalky	Slight	Definite.
Feed	Slight	Definite.
Flat	Slight	Definite.
Oxidized		Slight.
Scorched	Slight	Definite.
Stale		Slight.
Storage		Slight.
Utensil		Slight.

TABLE II—CLASSIFICATION OF PHYSICAL APPEARANCE CHARACTERISTICS FOR NONFAT DRY MILK—ROLLER PROCESS

Physical appearance	Classification	
	Extra	Standard
Dry product:		
Lumpy	Very slight	Slight
Unnatural color		Slight
Visible dark particles	Slight	Definite.
Reliquefied, grainy	Slight	Slight.

TABLE III—CLASSIFICATION ACCORDING TO LABORATORY ANALYSES FOR NONFAT DRY MILK—ROLLER PROCESS

Laboratory tests	Classification	
	Extra	Standard
(1) Bacterial estimate, standard plate count per gram	50,000	100,000
(2) Butterfat content; percent	1.25	1.50
(3) Moisture content; percent	4.0	5.0
(4) Scorched particle content; mg.	22.5	32.5
(5) Solubility index; ml.	15.0	15.0
(6) Titratable acidity; percent	0.15	0.17

§ 58.557 *Explanation of terms*—(a) *With respect to flavor*—(1) *Slight.* Detected only upon critical examination.

(2) *Definite.* Easily detectable but not intense.

(3) *Bitter.* Similar to taste of quinine.

(4) *Chalky.* A tactual type of flavor, lacking in characteristic milk flavor.

(5) *Feed.* Characteristic of the feed flavors in milk carried through into the nonfat dry milk.

(6) *Flat.* Lacking characteristic sweetness or full flavor.

(7) *Oxidized.* A flavor resembling cardboard and sometimes referred to as "cappy" or "tallowy".

(8) *Scorched.* A more intensified flavor than "cooked" and imparts a burnt aftertaste.

(9) *Stale, storage.* Lacking in freshness and imparting a "rough" aftertaste.

(10) *Utensil.* A flavor suggestive of improper or inadequate washing and sterilization of milking machines, utensils, or factory equipment.

(b) *With respect to physical appearance*—(1) *Practically free.* Present only upon very critical examination.

(2) *Reasonably free.* Present only upon critical examination.

(3) *Moderately free.* Discernible upon careful examination.

(4) *Very slight pressure.* Lumps fall apart with only light touch.

(5) *Slight pressure.* Only sufficient pressure to disintegrate lumps readily.

(6) *Natural color.* A color that is white or light cream.

(7) *Grainy.* Minute particles of undissolved powder appearing on the surface of a glass or tumbler in a thin film.

(8) *Unnatural color.* A color that is more intense than light cream and is brownish, dull or grey-like.

(9) *Lumpy.* Loss of powdery consistency but not caked into hard chunks.

(10) *Visible dark particles.* The presence of scorched or discolored specks.

Done at Washington, D. C., this 20th day of May 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3901; Filed, May 22, 1958; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

ORDER AMENDING ORDER

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as

hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as; and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective June 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 28, 1958 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued May 1, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

1. Revise § 924.8 to read as follows:

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from producers.

2. Amend § 924.16 (a) to read as follows:

(a) Any plant, hereinafter referred to as a "distributing plant"

(1) In which milk is pasteurized or packaged for distribution in the marketing area;

(2) From which Class I milk is disposed of on a route(s) in the marketing area; and

(3) From which the total quantity of Class I milk distributed on all routes operated inside or outside the marketing area equals the percentage specified below of receipts from producers and from supply plants of milk approved by the appropriate health authority for fluid use:

(i) 55 percent during any of the months of October through March; or

(ii) 45 percent during any of the months of April through September, except that no such percentage requirement shall apply during such months with respect to any such plant which qualified as a distributing plant during each of the immediately preceding months of October through March.

3. Add the following as § 924.43 (d):

(d) Skim milk and butterfat transferred from a pool plant to the plant of a producer-handler in the form of milk or skim milk shall be Class I utilization.

4. In § 924.50 (c) revise the list of named plants to read as follows:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Kraft Foods, Clare, Mich.
Kraft Foods, Pinconning, Mich.
Nestle Co., Ubly, Mich.

5. Add the following as § 924.54:

§ 924.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

6. Add the following as § 924.70 (e):

(e) When a plant first becomes a pool plant pursuant to § 924.16 (a) bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August-December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

7. Amend § 924.71 (c) to read as follows:

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base, except the following producers may retain their bases without loss for twelve months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of seventy percent or more of the milk herd from brucellosis or bovine tuberculosis is shown by evidence issued under State or Federal authority.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 20th day of May 1958, to be effective on and after the 1st day of June 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3902; Filed, May 22, 1958; 8:48 a. m.]

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Correction

In Federal Register Document 58-3781, published at page 3438 in the issue for Wednesday, May 21, 1958, the final paragraph should read as follows:

Done at Washington, D. C., this 15th day of May 1958, to be effective upon publication in the FEDERAL REGISTER.

PART 976—MILK IN FORT SMITH, ARK., MARKETING AREA

ORDER AMENDING ORDER

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976.3 Department.
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976.10 Producer.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

976.100 Effective time.
976.101 Suspension or termination.
976.102 Continuing power and duty of the market administrator.
976.103 Liquidation.

MISCELLANEOUS PROVISIONS

976.110 Agents.
976.111 Separability of provisions.

AUTHORITY: §§ 976.0 to 976.111 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 976.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than June 1, 1958. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Fort Smith, Arkansas, marketing area.

(2) The provisions of the said order are known to handlers. The decision containing all amendment provisions of this order was issued by the Assistant Secretary on April 8, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Fort Smith, Arkansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who, during the determined representative period (February 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 976.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 976.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 976.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 976.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 976.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 976.6 *Fort Smith, Arkansas, marketing area.* "Fort Smith, Arkansas, Marketing Area", hereinafter called the marketing area, means all territory within the corporate limits of Fort Smith, Arkansas, and Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation.

§ 976.7 *Approved plant.* "Approved plant" means any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 976.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant other than an approved plant.

§ 976.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 976.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided,* That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as fluid milk. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 976.61.

§ 976.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 976.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 976.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 976.14 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 976.90 multiplied by the number of days in such month for which the handler receives milk from the producer.

§ 976.15 *Excess milk.* "Excess milk" means milk received from a producer by a handler during any of the months of February through July which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from any producer for whom no dairy average base has been established pursuant to § 976.90.

MARKET ADMINISTRATOR

§ 976.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 976.21 *Powers.* The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 976.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 976.84 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 976.83) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 976.30 through 976.32;

(2) Maintained adequate records and facilities pursuant to § 976.33; or

(3) Made payments pursuant to §§ 976.80 through 976.84;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 976.51 (a) and the Class I butterfat differential pursuant to § 976.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 976.51 (b) and the Class II butterfat differential pursuant to § 975.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, each handler's uniform price(s) computed pursuant to § 976.71 or § 976.72, as applicable, and the butterfat differential computed pursuant to § 976.81, both applicable to milk delivered during the preceding month, and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 976.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 976.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 976.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 976.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 976.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That is, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 976.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 976.30 shall be classified by the market administrator pursuant to the provisions of §§ 976.41 through 976.46.

§ 976.41 *Classes of utilization.* Subject to the conditions set forth in §§ 976.43 and 976.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream or any Class I product.

§ 976.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 976.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class (except that transferred to a producer-handler) shall be reclassified if used or reused by such handler or by another handler in another class.

§ 976.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 976.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification;

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant, and

(f) As Class II milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located not more than 185 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 976.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 976.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 976.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 976.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 976.41;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 976.44 (a).

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 976.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 976.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.

Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 976.51 *Class prices.* Subject to the provisions of § 976.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided*, That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Pet Milk Co., Siloam Springs, Arkansas
Sugar Creek Creamery, Russellville, Arkansas
Ozark Creamery, Ozark, Arkansas

§ 976.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 976.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 976.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25:

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 976.53 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 976.60 *Producer-handlers.* Sections 976.40 through 976.46, 976.50 through 976.53, 976.70 through 976.72, 976.80 through 976.85, 976.90 and 976.91, shall not apply to a producer-handler.

§ 976.61 *Milk priced under other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except that:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 976.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 976.71 *Computation of uniform prices for handlers.* For each of the months of August through January the market administrator shall compute for each handler a uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Adjust the amount computed pursuant to § 976.70 for each one-tenth percent that the average butterfat test of milk received from producers by such handler is less or more than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential computed pursuant to § 976.81 and multiplying the result by the total hundredweight of milk received from producers.

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month; and

(c) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content.

§ 976.72 *Computation of the uniform prices for base and excess milk for each handler.* For each of the months of February through July, the market administrator shall compute for each handler with respect to milk received from producers, a uniform price for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Follow the computations and adjustments provided for in § 976.71 (a) and (b);

(b) Compute the value of excess milk, received by such handler from producers, by multiplying the quantity of such milk, not in excess of the total Class II milk included in this computation, by the Class II price; multiply the remaining excess milk by the Class I price and add together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for such handler for excess milk of 4.0 percent butterfat received from producers;

(d) Subtract, for each handler, the value of such handler's excess milk obtained in paragraph (c) of this section from the value of all milk obtained for such handler pursuant to paragraphs (a), (b), and (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of such handler's base milk included in this computation. The result shall be such handler's uniform price for base milk of 4.0 percent content.

PAYMENTS

§ 976.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, (1) at not less than the uniform price computed pursuant to § 976.71 for all milk received from such producer if such preceding month was any of the months of August through January, or (2) at not less than the uniform price for base milk computed pursuant to § 976.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 976.72, with respect to excess milk received from such producer, if such preceding month was any of the months of February through July in each case adjusted by the butterfat differential computed pursuant to § 976.81 and less the amount of the payment made pursuant to paragraph (b) of this section.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer, except as provided in paragraph (c) of this section, at not less than the Class II price for the preceding month.

(c) On or before the 13th and the third from the last day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively of this section, each handler shall make payment to a cooperative association which so request, with respect to producers for which such cooperative association is authorized to collect payment, in an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 976.81 *Producer butterfat differential.* In making payments pursuant to § 976.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 976.82 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 976.83 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 976.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 976.31.

§ 976.84 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 976.85 *Termination of obligation.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 976.90 *Computation of daily average base for each producer.* For the months of February through July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 976.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days not to be less than ninety, of such producer's delivery in such period.

§ 976.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 976.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 976.101.

§ 976.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 976.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which required further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 976.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 976.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 976.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 20th day of May 1958, to be effective on and after the first day of June 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3903; Filed, May 22, 1958; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 8-7]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

COAST STATIONS AUTHORIZED FOR PUBLIC SHIP-SHORE TELEPHONY

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein, for the purpose of including in Part 8 of the Commission's rules a current listing of the public coast stations authorized to communicate on 2638 kc, are editorial in nature thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 19th day of May 1958, that effective May 28, 1958, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.804 is amended by adding a new paragraph (b) thereto. As amended, § 8.804 reads as follows:

§ 8.804 *Appendix IV—Notices listing coast stations authorized for public ship-shore telephony on 2638 kc.* (a) Notice issued October 11, 1957, listing Allatoona Yacht Club (WHL) Cartersville, Georgia.

(b) Notice issued May 13, 1958, listing Cumberland River Sand and Gravel Company (WGO) Nashville, Tennessee.

[F. R. Doc. 58-3892; Filed, May 22, 1958; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—PROTECTION OF GAME AND FUR ANIMALS, BIRDS, AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Basis and purpose. Section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U. S. C. 198), authorizes and directs the Secretary of the Interior, from time to time, upon consultation with or recommendations from the Alaska Game Commission, to determine when, to what extent, and by what means, game animals, fur animals, game birds, nongame birds, and nests or eggs of birds, and game fishes may be taken, possessed, transported, bought or sold in the Territory of Alaska, and to adopt suitable regulations permitting and governing such activities in accordance with such determinations.

By Notice of Proposed Rule Making published on January 10, 1958 (23 F. R. 189), the public was notified of a public hearing to be held by the Alaska Game Commission in Juneau, Alaska, on February 19, 1958, and was afforded an opportunity to present views, data or arguments with respect to proposed amendments to Part 46, Title 50, Code of Federal Regulations, to be recommended to the Secretary of the Interior by the Commission for the purpose of specifying open seasons, means of taking, bag and possession limits, and other conditions to govern the taking of game and fur animals, birds, and game fishes in Alaska during the year beginning July 1, 1958, and ending June 30, 1959. The public was also invited to submit written views with respect to these matters to the Executive Officer, Alaska Game Commission, Juneau, Alaska, on or before February 17, 1958.

Investigations by the Fish and Wildlife Service and the Alaska Game Commission, and personal observations of citizens and agencies within the Territory of Alaska, indicate that changing conditions within the Territory, including changes in both human and wildlife populations, require further protection to wildlife in some instances and permit some relaxation of regulatory protection in other instances. Following the public hearings held at Juneau and elsewhere in the Territory on proposed amendments to existing regulations and after giving due consideration to all relevant matters presented orally and in writing in response to the Notice of Proposed Rule Making, the Commission has recommended a number of substantive changes in the regulations to conserve the wildlife resources of the Territory and at the same time permit such utilization of those resources as is consistent with the preservation of breeding stocks of game and fur animals, birds, and game fishes.

The recommendations of the Commission have been considered and it has been determined that they will effectuate the purposes of the Alaska Game Law. Accordingly, the regulations under the Alaska Game Law are amended as follows:

1. The term *Highway* as defined in § 46.1 is amended to read as follows:

§ 46.1 *Meaning of terms.* * * *

Highway. Any public road, thoroughfare or road open to the public.

2. Section 46.1 is further amended by deleting the term and definition "Administrator" and by adding in its proper alphabetical position the term and definition "*Regional Director.* Regional Director, Bureau of Sport Fisheries and Wildlife, Juneau, Alaska."

3. Section 46.16 is amended to read as follows:

§ 46.16 *Use of game as bait or as food for dogs or fur animals prohibited.* No person lawfully in possession of any game animal, game bird or nongame bird, or game fish, shall use any part thereof, other than the waste parts consisting of the hide, skin, viscera or bones, for bait or as food for dogs or fur animals held in captivity.

4. Paragraph (b) of § 46.41 is amended by deleting the period at the end there-

of and adding "or furnishes other information sufficient to establish the manner in which lawful possession was obtained."

5. Paragraph (c) of § 46.71 is amended to read as follows:

§ 46.71 *General provisions.* * * *

(c) Any bear, fox or wolverine, may be killed at any time or place when necessary to prevent injury to persons or damage to livestock, poultry or other property, but any person so killing a bear or wolverine shall within 60 days of such killing, submit a written report to the nearest office of the Bureau of Sport Fisheries and Wildlife setting forth the reason for and time and place of such killing.

6. The introductory paragraph of § 46.132 is amended to read as follows:

§ 46.132 *Reserves continuously closed on all animals and birds; exceptions.* A continuously closed season, except for scientific purposes when authorized by a permit issued in accordance with § 46.161, is prescribed on all species of game and nongame birds and on game and fur animals, except wolves and coyotes, in the following reserves:

7. Section 46.132 is further amended by deleting the headnote *Tongass National Forest Reserve* and the text applicable to such headnote and by adding in its proper alphabetical position a newly established reserve described as follows:

Kantishna Reserve. The area within 3 miles of the centerline of the highway from the Mt. McKinley National Park boundary north to the Kantishna (Quigley) airstrip.

7a. Section 46.141 is amended by adding in its proper alphabetical position a newly established reserve described as follows:

Paxson Reserve. The eastern drainage of Gulkana River lying west of the Richardson Highway between the north end of the Paxson Lake and the Denali Highway. (Closed on moose.)

8. Sections 46.161, 46.163 and 46.164 are amended by deleting the terms "Administrator" and "Alaska Wildlife Resources" wherever such terms appear in the said sections, and by substituting therefor the terms "Regional Director" and "Bureau of Sport Fisheries and Wildlife," respectively.

9. Section 46.201 is amended to read as follows:

§ 46.201 *Seasons and limits on game animals.* Subject to the applicable provisions of the preceding sections of this part, the game animals which may be taken, the wildlife management units open to hunting (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game animals), the open seasons, and the bag limits on game animals during the year beginning July 1, 1958, and ending June 30, 1959, are prescribed as follows:

Species and units	Open seasons (dates inclusive)	Bag limits
Deer (except fawns)		
Unit 1 and 5	Aug. 20–Nov. 30	3 bucks a year.
Units 2, 3, and 4	Aug. 20–Nov. 30	4 deer a year: *Provided*, That does may be taken only during the period Oct. 15–Nov. 30.
Unit 6	Aug. 20–Nov. 30	2 deer a year: *Provided*, That does may be taken only during the period Oct. 1–Nov. 30.
Unit 8	Aug. 20–Nov. 30	1 buck a year.
Moose (bulls with forked antlers or larger)		
Units 1	Sept. 15–Oct. 15	1 bull a year.
Units 8, 9, and 17	Aug. 20–Sept. 30 and Dec. 10–Dec. 31	
Unit 7 and that portion of Unit 6 west of 148° W. longitude.	Aug. 20–Sept. 20	
Unit 6 (that portion of Unit 6 east of 148° W. longitude).	Closed season	Closed season.
Unit 14 (that portion of Unit 14 north of the Little Susitna River).	Aug. 20–Sept. 20 and Nov. 1–Dec. 10	1 bull a year
Unit 14 (that portion of Unit 14 draining into Cook Inlet between Girdwood and Portage).	Aug. 20–Sept. 20	
Units 14 (remainder of Unit 14) (except Rainbow Reserve), 11 and 16.	Aug. 20–Sept. 20 and Nov. 1–Nov. 30	1 bull a year.
Units 5, 12, 13 (except the Denali and Paxson Reserves), 15 and 20.	Aug. 20–Sept. 30 and Nov. 20–Nov. 30	
Units 18, 19, 21 (except Kantishna Reserve), 22, 24, 25, and 26.		
Caribou (either sex)		
Units 8 (except Kodiak Island) and 9	Aug. 20–Dec. 31	1 a year.
Units 10 (except Unimak Island), 26 and those portions of Units 23, 24, and 25 north of the Arctic Circle.	No closed season	No limit.
Units 11, 12, 13 (except Denali Reserve), 14, 16, 17, 19, 20 (except Steese Highway Reserve), 21 (except Kantishna Reserve), 22 and those portions of Units 23, 24, and 25 south of the Arctic Circle.	Aug. 20–Dec. 31	3 a year.
Elk (bulls only)		
Unit 8	Sept. 5–Sept. 15 and Oct. 20–Nov. 5	1 bull a year.
Mountain goat (except kids)		
Units 1, 3, 4 (except on Chichagof Island), 5, and 6.	Aug. 20–Nov. 30	2 a year.
Units 7 (except Cooper Landing Reserve), 11, 13 (except Sheep Mountain Reserve), 14 (except Eagle River Reserve), and 15.	Aug. 20–Oct. 31	1 a year.
Mountain Sheep (rams with three-quarter (¾) curl horn or larger		
Units 7 (except Cooper Landing Reserve and that portion of the Unit lying east of the Alaska Railroad), and 15.	Aug. 20–Aug. 24	1 ram, with three-quarter (¾) curl horn or larger, a year.
Units 11, 12 (except Tok Reserve), 13 (except Sheep Mountain, Denali and Watana-Butte Reserves), 14 (except Eagle River Reserve), 16, 17, 19, 20, and that portion of Unit 25 south of the Yukon River.	Aug. 20–Sept. 10	
Units 23, 24, 26, and that portion of Unit 25 north of the Yukon River.	Aug. 15–Sept. 10	
Bison	Closed season	Closed season.
Muskox		
Brown and Grizzly Bear		
Units 1, 4 (except Thayer Mountain and Pack Creek Reserves), 5, and 6.	Sept. 1–June 30	1 of either species a year.
Unit 8 (except the mainland coast)	Sept. 16–May 31	1 of either species a year, except females and cubs when found together.
Unit 9 (that portion of the Unit lying west of the trail from Herendeen Bay to Albatross Anchorage), and the mainland coast of Unit 8.	Nov. 1–May 31	1 of either species a year.
Unit 9 (that portion of the Unit lying east of the trail from Herendeen Bay to Albatross Anchorage).	Nov. 1–Dec. 31	
Units 7, 11, 12, 13 (except Denali Reserve), 14, 15, 16 (except McNeil River Reserve), 17 through 20, 21 (except Kantishna Reserve), 22 and 23 through 26.	Sept. 1–Dec. 31	
Black Bear (including its brown, blue or glacier bear color variations)		
Units 1, 2, 3, 4 and 5	Sept. 1–June 30	2 a year.
Units 6, 7, 8, 9, 11, 12, 13 (except Denali Reserve), 14, 15, 16, 20, and Unit 25 south of the Yukon River.	Aug. 20–June 30	3 a year.
Units 17, 18, 19, 21 (except Kantishna Reserve), 22, 23, 24, and Unit 25 north of the Yukon River, and 26.	No closed season	
Hare and rabbit		
Units 1, 2, 3, 4, and 5	Sept. 1–April 30	5 a day.
Units 6, 7, 8, 9 (except Popoff Island), and 10 through 26.	No closed season	No limit.

10. Section 46.251 is amended to read as follows:

§ 46.251 *Seasons and limits on fur animals.* Subject to the applicable provisions of the preceding sections of this part, the fur animals which may be taken, the wildlife management units open to the taking of such animals (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of fur animals), the open seasons, and the bag limits on fur animals during the year beginning July 1, 1958, and ending June 30, 1959, are prescribed as follows:

Species and units	Open seasons (dates inclusive)	Bag limits
Mink, marten, fox (except white fox), lynx, weasel (ermine), and wolverine		
Units 1, 2, 3, and 4	Closed season	Closed season.
Unit 6 (that portion of Unit 6 west of the Copper River, except Montague Island).	Nov. 20–Dec. 20	No limit.
Units 5, 6 (that portion of Unit 6 east of the Copper River), 7, 8 (except for mink on Kodiak Island and marten on Afognak Island), and 9 through 26 (except for fox in Unit 14 upon which there is no closed season).	Nov. 16–Jan. 31	
Land otter [1]		
Units 1, 2, 3, and 4	Closed season	Closed season.
Unit 6 (that portion of Unit 6 west of the Copper River).	Nov. 20–Dec. 20	No limit.
Units 5, 6 (that portion of Unit 6 east of the Copper River), and 7 through 26.	Nov. 16–Mar. 31	
White fox		
Units 9, 17, 18, 22, 23, and 26	Dec. 1–Mar. 15	
Muskrat		
Units 6 through 26	Jan. 1–June 10	
Beaver		
Units 1 (except Juneau Reserve), 2, 3, and 4	Apr. 1–May 15	15 a year.
Units 5, 6, 7, 11, 13, 19, 20 (except drainage of Chena River and tributary sloughs between the Little Chena River and Tanana River), and 21.	Feb. 1–Mar. 31	20 a year.
Unit 24		25 a year.
Units 14, 15, and 16		40 a year.
Units 17, 18, and 22		10 a year.
Units 9 (except all drainages to the Pacific Ocean and Bristol Bay west of and including the Meshik River), 12, 23, and 25.		15 a year.
Unit 8	Mar. 1–Apr. 30	20 a year.
Marmot and squirrel		
Units 1 through 26	No closed season	No limit.
Wolf and coyote		
Units 1 to 12 and 14 through 26		
Unit 13	Closed season	Closed season.
Polar bear (except females accompanied by cubs)		
Units 18, 22, 23, and 26	No closed season	1 a year.
Sea Otter, fisher, pika and raccoon		
Units 1 through 26	Closed season	Closed season.

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[1] Land otter may not be taken with steel traps smaller than size 48 Newhouse or its equivalent during any closed season on mink or marten within the same wildlife management unit.

11. Section 46.301 is amended to read as follows:

§ 46.301 *Seasons and limits on game birds.* Subject to the applicable provisions of the preceding sections of this part, the game birds which may be taken, the wildlife management units open to hunting (but not including any area within the Reserves described in § 46.131 through § 46.141 where the season is continuously closed to the taking of designated species of game birds), the open seasons, and the bag limits on game birds during the year beginning July 1, 1958, and ending June 30, 1959, are prescribed as follows:

Species and units	Open seasons (dates inclusive)	Bag limits
Grouse		
Units 1 through 8 (except the Kodiak-Afognak Island group), and 9 through 17.	Aug. 20–Dec. 31	10 a day.
Units 18 through 26	Aug. 20–Apr. 15	
Ptarmigan		
Units 1 through 26	Aug. 20–Apr. 15	20 a day.
Migratory Game Birds [1]		
In the Territory	Seasons and limits in accordance with the current Migratory Bird Treaty Act regulations.	

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[1] The Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (16 U. S. C. 718), provides that no person who has attained the age of 16 years shall take any migratory waterfowl (brant, wild ducks, geese, and swans) unless at the time of such taking he carries on his person an unexpired Federal migratory bird hunting stamp (Duck Stamp) validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds.

12. Section 46.351 is amended to read as follows:

§ 46.351 *Seasons and limits on game fishes.* Subject to the applicable provisions of the preceding sections of this part, the open seasons, daily bag and possession limits, and the wildlife management units in which rainbow, steelhead, cutthroat, eastern brook, Dolly Varden and Mackinaw or lake trout, grayling and northern pike may be taken during the year beginning July 1, 1958, and ending June 30, 1959, are prescribed as follows:

Units	Open seasons (dates inclusive)	Bag limits
Units 1, 2, 3, 4, 5, 6, 8, 17, 18, 19, 21, 22, 23, 24, 25, and 26 (see exceptions below).	No closed season	15 fish daily: *Provided*, That such limit may not contain more than 3 fish over 20″ in length. **Possession limit:** 2 daily bag limits.
Units 9, 10, 12, and 20 (see exceptions below)		
Units 7, 14, 15, and 16 (see exceptions below)	July 1–Mar. 31 and May 28–June 30	10 fish daily or in possession: *Provided*, That except for northern pike such limit may not contain more than 2 fish over 20″ in length, and that no fish under 12″ in length may be taken in the Chatanika River.
Units 11 and 13 (see exceptions below)	July 1–Apr. 30 and June 8–June 30	
Exceptions		
(a) Naknek River and waters of Naknek Lake within ½ mile of its outlet (in Unit 9).	July 1–Mar. 31 and May 28–June 30	
(b) Tustemena Lake (in Unit 15)	No closed season	

(c) Dolly Varden and Mackinaw or lake trout may be taken at any time without regard to bag limits and by use of gill net, trap or seine in all drainages into the Arctic Ocean within 30 miles of the coastline from Cape Krusenstern to Demarcation Point, and in salt water where the taking of salmon for commercial purposes by netting is permitted.

(d) Dolly Varden and Mackinaw or lake trout may be taken for personal use without regard to bag limits during the period Dec. 1 through Apr. 30 by use of a gill net, trap or seine in the waters of Illiamna, Ugeshik, Becharof Lakes and their outlet rivers, and in the Nushagak River drainage.

(e) Northern pike may be taken at any time without regard to bag limits and by use of a gill net, trap, seine or spear in all the waters of Alaska except in Unit 20 where such taking shall be by hook, line or spear and in numbers according to the applicable bag limit.

(f) Subject to the applicable bag limits for Unit 15, Mackinaw or lake trout in Tustemena Lake may be taken by use of a single set line, but no such line shall have attached to it more than three hooks.

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

In accordance with the provisions of section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c), the foregoing amendments shall become effective on July 1, 1958.

Issued at Washington, D. C., and dated May 19, 1958.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 58-3884; Filed, May 22, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter A—Policy, Practice and Procedure

PART 201—RULES OF PRACTICE AND PROCEDURE BEFORE THE FEDERAL MARITIME BOARD AND THE MARITIME ADMINISTRATION

APPENDIX—PAYMENT OF TIME-BARRED CLAIMS

The Maritime Administrator has established the policy herein set forth, with respect to the payment of time-barred claims that are not stale under general principles of equity.

1. *Definitions.* (a) The term "time-barred claim", as used herein, shall be deemed to be a claim against the Government, with respect to which the statutory period for filing suit has expired.

(b) The term "contract", as used herein, shall be deemed to include, without limitation, a charter agreement or charter.

2. *Future claims.* Claims presented to the Maritime Administration after July 1, 1958, shall be rejected if the statutory period for filing suit on the claim has expired, except as follows:

(a) In cases where the Government has an affirmative claim against a party who has a claim against the Government arising out of the same contract or transaction, and his claim is of such a nature that it could be successfully asserted in court as a counterclaim or set-off, despite the fact that the statutory period for filing suit has expired, the cross claim may be honored in connection with an over-all settlement where such action will result in a net payment to the Government.

(b) Claims in favor of friendly foreign governments shall not be disallowed solely because they are time-barred. If any such government should adopt the practice of asserting the statute of limitations as a defense against claims of the United States, the claims of that government against the United States will not be honored if they are time-barred.

3. *Pending claims.* (a) No claims (whether time-barred or not) shall be paid where there is a suit pending which arose out of the same contract or transaction.

(b) No time-barred claim shall be paid which arose out of a contract for the sale of vessels pursuant to the Merchant Ship Sales Act of 1946, as amended, including exchanges of vessels under section 8 of that act, and contracts covering the adjustment of prior sales under section 9 thereof.

(c) Even though the statutory period has expired, claims heretofore filed with the Maritime Administration or which are filed before July 1, 1958, may be considered on their merits, if they are not stale under general principles of equity, where the claimant establishes that his failure to file a timely action in court resulted from his belief that the Maritime Administration, under its former policy, would not assert the defense of time-bar.

4. *General.* (a) A time-barred claim will not be paid, which has been submitted and finally rejected before the expiration of the statutory period.

(b) A time-barred claim will not be paid unless the claimant furnishes to the Maritime Administration a release from any and all claims arising out of the same contract or transaction, including, in the case of fleet charters, a release from all claims as to all ships thereunder. Thus, such claims shall not be settled or paid on an individual basis.

(c) In cases where there is any question as to whether the claim is time-barred, the claim will be referred to the Office of the General Counsel of the Maritime Administration for a written opinion thereon before the claim is processed.

(d) There may be special cases warranting consideration which are not covered by the above provisions. Such cases will be referred to the General Counsel of the Maritime Administration who, with the coordination of the Comptroller of the Maritime Administration, will prepare a recommendation to the Maritime Administrator as to the disposition of the claim.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

MAY 14, 1958.

[F. R. Doc. 58-3926; Filed, May 22, 1958; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (19) is added to § 6.310 as set out below.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* * * *

(19) Director, Office of Minerals Mobilization.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3906; Filed, May 22, 1958; 8:49 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

SOIL CONSERVATIONIST

Section 24.113 is revoked and a new § 24.139 is added as set out below.

§ 24.139 *Soil conservationist, GS-457-5-15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course of study in an accredited college or university leading to a bachelor's degree or higher degree with major study in soil conservation or one of the related agricultural sciences (including forestry and agricultural engineering), or in civil engineering; or

(2) Courses in soil conservation or one of the related agricultural sciences acceptable toward a degree in an accredited college or university totaling at least 40 semester hours, plus additional appropriate experience or education which, when combined with the 40 semester hours will total 4 years of education or experience and give the applicant a technical knowledge comparable to that which would have been acquired by the successful completion of a full 4-year course of study described in subparagraph (1) of this paragraph. The 40 semester hours must include at least 1 course in soils or soil conservation and at least 1 course in each of 3 of the following 5 groups: (i) Woodland management, plant ecology, or economic biology; (ii) farm crops or pasture management; (iii) feeds and feeding or animal nutrition; (iv) farm or range management or agricultural economics; (v) farm drainage or hydraulics, hydrology, or plane surveying.

(b) *Duties.* Soil Conservationists advise on, administer, coordinate, perform, or supervise the performance of professional and scientific work in a coordinated program of agricultural sciences including soil science, agronomy, biology, engineering, forestry, range management, farm management, and related subjects, in order to bring about sound land use, including water control and the prevention of soil erosion. This includes working with farmers and ranchers through soil conservation districts in developing complete soil and water conservation farm or ranch plans; the investigation and determination of needs and development of plans for soil and water conservation on small watersheds with local sponsoring organizations; the planning and execution of plans for soil and water conservation on authorized flood prevention projects and pilot watersheds; assistance and responsibility for technical practices in related programs; the conducting of field trials in determining types of plant materials which will best meet the needs of soil conservation practices; and developing water supply forecasts from snow survey data on established snow courses.

(c) *Knowledge and training requisite for performance of duties.* Because of his responsibility for rendering competent professional advice and assistance in a program requiring the coordinated application of a wide variety of soil, agricultural and engineering sciences, the Soil Conservationist cannot perform his function without a sound basic knowledge and understanding of the fundamental principles, practices and professional concepts in the fields of soils and soil conservation, the agricultural sciences, or agricultural or civil engineering. Such knowledge can only be acquired by systematic study in a college or university.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3905; Filed, May 22, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

COTTON LINTERS CLASSERS

PROPOSED REVISED FEES FOR LICENSING

Notice is hereby given that the Agricultural Marketing Service is considering amendment of § 28.150 of the regulations under the United States Cotton Standards Act (7 CFR 28.150) pursuant to authority contained in the United States Cotton Standards Act (42 Stat. 1517; 7 U. S. C. 51 et seq.).

The proposed amendment of said § 28.150 is as follows:

§ 28.150 *Fee for linters classer's license; renewals.* For the practical classing examination of an applicant for a license to classify linters in accordance with this subpart, the fee shall be $50.00, but no additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. For each renewal of a classer's license, the fee shall be $25.00. The fee for the practical classing examination for persons not desiring a license shall be $40.00. Any such person who passes the examination may be issued a certificate indicating this accomplishment.

The Agricultural Marketing Service proposes to make the amendment effective for the issuance of all licenses and renewals of licenses for the 1958-59 season.

Under the proposed amendment the fee for initial issuance of a license to classify linters would be increased from $10 to $50. This fee includes the charge for the practical classing test which an applicant must pass before he is granted a license. The annual fee for renewal of a license would be increased from $5 to $25. This proposed increase in fees has become necessary to more nearly cover the costs of administering and supervising the program.

Also, under the proposed amendment a new fee of $40 would be established for a person who does not desire a license but who wishes to take the practical classing examination to test or demonstrate his proficiency in classing linters.

The proposed new fees conform to revised fees for issuance and renewals of licenses to class cotton that became effective July 1, 1957.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than June 1, 1958.

Done at Washington, D. C., this 20th day of May 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-3904; Filed, May 22, 1958; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6822]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

MAY 19, 1958.

Take notice that on May 12, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of $20,000,000 in principal amount of its First Mortgage Bonds (the "New Bonds"). Applicant will issue the New Bonds as a new series of First Mortgage Bonds under and pursuant to a presently existing Mortgage and Deed of Trust, dated as of July 1, 1947, to Guaranty Trust Company of New York and Oliver R. Brooks (Wesley L. Baker, successor), as Trustee, as heretofore supplemented by nine indentures supplemental thereto, and as it is to be further supplemented by a Tenth Supplemental Indenture thereto, to be dated as of July 1, 1958. The New Bonds are to be dated July 1, 1958, and mature on July 1, 1988. The price and the annual interest rate will be fixed by competitive bidding. The proceeds from the sale of the New Bonds are to be used in carrying forward Applicant's 1958 construction program and in repaying its notes outstanding at the time of the sale of the New Bonds under a Credit Agreement, dated as of April 18, 1956, between Applicant and certain banks.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 6th day of June, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3885; Filed, May 22, 1958; 8:45 a. m.]

[Docket No. G-12295]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 19, 1958.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 1700 MacCorkle Avenue SE., Charleston, West Virginia, filed on March 27, 1957, an application, and on April 22, 1957, a supplement thereto, for a certificate of public convenience and necessity, under section 7 of the Natural Gas Act, authorizing the construction and operation of additional natural gas facilities in connection with the activation and operation of an additional underground storage pool (pool X-52-C), containing an approximate area of 4,500 acres, under lease to Applicant, situate in Big Sandy District, Kanawha County, West Virginia, including the acquisition of storage leaseholds and underlying gas reserves; the construction and operation of 3.3 miles of 16-inch gas transmission pipeline (Line X-52C-M4) extending in a westerly direction from Applicant's Coco compressor station, Kanawha County, West Virginia, to a point of interconnection with the field facilities of Storage Pool X-52-C; and the installation and operation of measuring facilities and approximately 7.3 miles of project piping.

Applicant also proposes to abandon approximately 5 miles of production lines within the proposed storage area, consisting of well and field lines ranging in size from 2-inch to 6⅝ inches in diameter.

The request of Applicant is more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant alleges that no new markets are contemplated under this application.

Applicant estimates the cost of constructing Line X–62C–M4 will be approximately $346,700 and that the cost of acquisition and activation of Storage Pool X–52–C will be $1,225,000. The estimated annual operation expenses of the proposed project is $34,840.

The proposed project will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 16, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–3886; Filed, May 22, 1958; 8:45 a. m.]

[Docket No. G–12746]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 19, 1958.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at 25 Faneuil Hall Square, Boston, Massachusetts, filed on June 17, 1957 an application and on July 9, 1957 a supplement thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to increase the maximum daily quantity of natural gas which it is authorized to sell to The Connecticut Gas Company (Connecticut Gas) from 17,290 Mcf to 18,790 Mcf, all as more fully represented in the application which is on file with the Commission and open for public inspection.

In order to effect this delivery of an additional 1500 Mcf of natural gas per day to Connecticut Gas, Applicant proposes to construct and operate a 6-inch transmission line, approximately 9.5 miles in length, from its 24-inch main transmission line to a point near Vernon Circle in the Town of Vernon, Connecticut.

Applicant alleges that the Town of Vernon in Connecticut Gas' service area is presently receiving mixed gas; that a brick manufacturing company located in this area has signed a contract with Connecticut Gas for the purchase of natural gas on a firm basis. This sale, Applicant alleges, cannot be made by Connecticut Gas, except with straight natural gas because of the limitation of Connecticut Gas' facilities and because the brick company's manufacturing process requires sulfur free gas. Applicant further alleges that it is informed that, the Town of Vernon is experiencing a housing boom.

Applicant estimates the cost of its proposed facilities will be $414,824, which will be financed from funds on hand.

Connecticut Gas' 1957–1958 peak day demand is estimated at 29,571 Mcf compared to 25,406 Mcf for 1956–1957.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 16, 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 6, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–3887; Filed, May 22, 1958; 8:45 a. m.]

[Docket Nos. G–12776, G–12777]

TEXAS EASTERN TRANSMISSION CORP. AND OHIO FUEL GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 19, 1958.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, having its principal place of business at Texas Eastern Building, Shreveport, Louisiana, filed on June 20, 1957 an application in Docket No. G–12776, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Texas Eastern to sell and deliver to The Manufacturers Light and Heat Company and The Ohio Fuel Gas Company (Columbia System companies) in addition to its presently authorized volumes, up to 900 Mcf (at 15.025 psia) per day under its DCQ–C rate schedule at the delivery point hereinafter described.

Texas Eastern proposes to construct and operate a 4-inch tap on its 24-inch main transmission line and the necessary metering and regulating facilities required at a point in Wayne Township, Warren County, Ohio, in order to deliver additional natural gas to The Dayton Power and Light Company (Dayton) for distribution in the villages of Waynesville and Corwin. It is proposed that the gas be delivered physically by Texas Eastern at said point to Dayton for the account of the Columbia companies.

The Ohio Fuel Gas Company, an Ohio corporation, having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on June 20, 1957, a companion application in Docket No. G–12777 for a certificate of public convenience and necessity, authorizing the establishment of a new delivery point in Wayne Township, Warren County, Ohio, as described above, and to sell and deliver natural gas under Ohio Fuel's CDS–1 rate schedule to Dayton for resale in the villages of Waynesville and Corwin, Ohio. Ohio Fuel alleges that Dayton proposes to construct one mile of 2-inch lateral from the tap to Dayton's proposed distribution systems.

Ohio Fuel proposes to obtain additional volumes of natural gas from Texas Eastern under an arrangement whereby Texas Eastern proposes to increase the firm volumes which it sells to Columbia System companies by 900 Mcf per day.

The estimated cost of Texas Eastern's proposed facilities is $21,241, which will be paid for out of funds on hand.

Dayton estimates the cost of its proposed facilities will be $112,700 in the first year, increasing to $129,900 at the end of the third year, which will be financed from funds on hand.

The estimated peak-day and annual requirements, for Waynesville and Corwin are alleged to be as follows:

Year of operation	1	2	3
Peak day (Mcf)	290	511	[illegible]
Annual (Mcf)	46,950	72,900	[illegible]

The applications in the above numbered dockets are on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 23, 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in, and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3888; Filed, May 22, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12429; FCC 58M-514]

WILLIAM WALKER ET AL.

ORDER SCHEDULING HEARING

In re application of William Walker, et al (Transferors) and Evening Telegram Company, Norman M. Postles and Walter C. Bridges (Transferees), Docket No. 12429, File No. BTC-2699; for Commission consent to the voluntary transfer of control of M & M Broadcasting Company, licensee of Stations WMAM and WMBV-TV, Marinette, Wis.

It is ordered, This 15th day of May 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 15, 1958, in Washington, D. C.

Released: May 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3893; Filed, May 22, 1958; 8:47 a. m.]

[Docket Nos. 12430, 12431; FCC 58M-515]

NORTH STAR BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Paul C. Lund, Eugene H. Frisk and Robert D. Thompson, d/b as North Star Broadcasting Company, Windom, Minn., Docket No. 12430, File No. BP-11142; Radio Incorporated, Charles City, Iowa, Docket No. 12431, File No. BP-11816; for construction permits.

It is ordered, This 15th day of May 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 22, 1958, in Washington, D. C.

Released: May 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3894; Filed, May 22, 1958; 8:47 a. m.]

[Docket Nos. 12432-12435; FCC 58M-516]

WILSON BROADCASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of Wilson Broadcasting Corporation, New Bedford, Mass., Docket No. 12432, File No. BPCT-2232; E. Anthony & Sons, Inc., New Bedford, Mass., Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corporation, New Bedford, Mass., Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Mass., Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations (Channel 6).

It is ordered, This 15th day of May 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 22, 1958, in Washington, D. C.

Released: May 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3895; Filed, May 22, 1958; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-94]

NORTH AMERICAN AVIATION, INC.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on May 1, 1958, the Atomic Energy Commission has issued facility license No. R-40 authorizing North American Aviation, Inc., to possess and operate a ten watt research reactor at Canoga Park, California.

The notice of proposed action was published in the FEDERAL REGISTER on May 3, 1958, 23 F. R. 2991.

Dated at Germantown, Md., this 17th day of May 1958.

For the Atomic Energy Commission.

[SEAL] H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3896; Filed, May 22, 1958; 8:47 a. m.]

[Docket 50-94]

NORTH AMERICAN AVIATION, INC.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on May 1, 1958, the Atomic Energy Commission has issued Construction Permit No. CPRR-26 authorizing North American Aviation, Inc., to construct a ten watt research reactor at Canoga Park, California.

The notice of proposed action was published in the FEDERAL REGISTER on May 3, 1958, 23 F. R. 2991.

Dated at Germantown, Md., this 17th day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3897; Filed, May 22, 1958; 8:47 a. m.]

[Docket No. 50-53]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R-39 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a 100-milliwatt nuclear reactor which has been designated by the company as Model AGN-201, Serial No. 110.

Dated at Germantown, Md., this 16th day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3898; Filed, May 22, 1958; 8:47 a. m.]

[Docket No. 50-96]

ACF INDUSTRIES, INC.

NOTICE OF WITHDRAWAL OF APPLICATION FOR FACILITY EXPORT LICENSE

Please take notice that ACF Industries, Incorporated, 30 Church Street, New York, New York, by letter dated April 23, 1958, has withdrawn its application submitted under section 104d of the Atomic Energy Act of 1954 for a license to export a one watt nuclear reactor to Tecnicas Hispano Americanas, S. A., Madrid, Spain. A copy of the application and letter of withdrawal are available for public inspection in the AEC

Public Document Room, located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 16th day of May 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-3899; Filed, May 22, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

Bellanca Corp.

ORDER SUMMARILY SUSPENDING TRADING

May 19, 1958.

In the matter of trading on the American Stock Exchange in the $1.00 par value capital stock of Bellanca Corporation; File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On May 9, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending May 19, 1958.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, May 20, 1958, to May 29, 1958, inclusive.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-3889; Filed, May 22, 1958, 8:46 a. m.]

[File No. 1-3324]

Providence Tuolumne Gold Mines, Inc.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

May 19, 1958.

In the matter of Providence Tuolumne Gold Mines, Inc., common stock; File No. 1-3324.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the San Francisco Mining Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The debt position of the Company does not permit it to spend the amount required to obtain a certified public accountant's report for the year 1957. The stock has been suspended from trading on the Exchange since 1947.

Upon receipt of a request, on or before June 4, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 58-3890; Filed, May 22, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

Fourth Section Applications for Relief

May 20, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 34685: *TOFC service—Rates between trunk-line territory and Louisiana points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7291), for interested rail carriers. Rates on various commodities moving on class rates between points in trunk-line territory, on the one hand, and points in Louisiana, west of the Mississippi River, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 30 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4256.

FSA No. 34686: *Starh or dextrine—Indianapolis, Ind., to southern ports.* Filed by O. E. Schultz, Agent (ER No. 2438), for interested rail carriers. Rates on starch or dextrine, carloads, from Indianapolis, Ind., to specified south Atlantic, Florida and Gulf ports in Florida, Georgia, and South Carolina.

Grounds for relief: Market competition and maintenance of destination port relationships.

Tariffs: Supplements 18 and 87 to Trunk-Line-Central Territory Railroads Tariff Bureau tariffs I. C. C. Nos. 4790 and 4664, respectively.

FSA No. 34687: *TOFC service—From central to eastern points.* Filed by Wabash Railroad Company (No. 24), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in trailers and transported on railroad flat cars from specified points in Illinois, Indiana, Michigan, and Missouri to specified points in New York and Pennsylvania.

Grounds for relief: Motor truck competition.

Tariff: Wabash Railroad Company's tariff I. C. C. 7863.

FSA No. 34688: *Sand—Terre Haute, Ind., to Hervey City, Ill.* Filed by H. R. Johnson, Agent (IFA No. 4), for interested rail carriers. Rates on sand (other than bank, blast, etc.), carloads from Terre Haute, Ind., to Hervey City, Ill.

Grounds for relief: Competition of trucks from wayside pit to jobsite.

Tariff: Supplement 31 to The Pennsylvania Railroad Company's Tariff I. C. C. 3414.

FSA No. 34689: *Ethylene glycol—Lake Charles, La., group to Chicago, Ill., and group.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7293), for interested rail carriers. Rates on ethylene glycol, tank-car loads from Lake Charles and West Lake Charles, La., to

Chicago, Ill., and points grouped therewith as taking same rates.

Grounds for relief: Market competition with other producing points in Texas.

Tariff: Supplement 136 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4064.

FSA No. 34691: *Perlite—Between points in Illinois and zone C territory in Wisconsin.* Filed by Western Trunk-Line Committee, Agent (WTL No. A-1962), for interested rail carriers. Rates on perlite, other than crude, carloads (a) between points in Illinois territory, on the one hand, and points in extended zone "C" in Wisconsin, and Menominee, Mich., on the other; (b) between points in extended zone "C" in Wisconsin, and (c) between points in extended zone "C" in Wisconsin, on the one hand, and Menominee, Mich., on the other.

Grounds for relief: Short-line distance formula, grouping, and market competition with vermiculite between same points.

Tariff: Supplement 23 to Western Trunk-Line Committee, Agent, tariff I. C. C. A-4206.

FSA No. 34692: *Fresh meats and products—Ohio and Mississippi River crossings to southern points.* Filed by O. W. South, Jr., Agent (SFA No. A3668), for interested rail carriers. Rates on fresh meats and packing house products, carloads from Cincinnati, Ohio, Evansville, Ind., Louisville, Ky., and Memphis, Tenn., to specified points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief: Short-line distance formula and competition with other producing points.

Tariff: Supplement 96 to Southern Freight Association, Agent, tariff I. C. C. 1415.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34690: ***Ethylene glycol—Lake Charles, La., group to Chicago, Ill., group.*** Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7294), for interested rail carriers. Rates on ethylene glycol, tank-car loads from Lake Charles, La., and West Lake Charles, La., to Chicago, Ill., and points grouped therewith as taking same rates.

Grounds for relief: Maintenance of depressed rates without observing same as factors in constructing combination rates from or to points beyond the named points.

Tariff: Supplement 136 to Southwestern Freight Bureau, Agent tariff I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3891; Filed, May 22, 1958; 8:46 a. m.]

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TITLE 14—C

Chapter II—Civil
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PART 507—AIRW

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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 103

Washington, Saturday, May 24, 1958

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 507—AIRWORTHINESS DIRECTIVES

MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains the Airworthiness Directives amended or issued during April 1958. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Civil Aeronautics Administration mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedures Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10 (a) is amended as follows:

1. 53-19-1 Douglas DC-4 and C-54 series aircraft as it appeared in 21 F. R. 9626 is amended by revising the second sentence to read: "In view of the fire hazard existing in the use of the magnesium cooling fan in the Eclipse Type 901 generator in the DC-4 and C-54 series aircraft installations, the magnesium fan as a unit must be removed and Eclipse-Pioneer spacer P/N 866570 installed in its place."

2. 48-17-3 Sikorsky S-51 helicopters as it appeared in 21 F. R. 9484 is amended by changing the required inspection and replacement periods from 400 hours to 800 hours. (Sikorsky Aircraft Service Information Circular No. 8, Revision "C" dated February 27, 1950, covers the same subject.)

3. 58-6-2 Hartzell HC-82XF 8833-0 (88-inch diameter) propellers as it appeared in 23 F. R. 2569 is amended by changing compliance to "Prior to next flight."

4. 56-23-1 and 56-25-3 Hamilton Standard blades 6969 and 6967 as they appeared in 22 F. R. 2420 and 2421 are canceled.

5. 57-2-2 Lycoming engine Models GO- and GSO-480 as it appeared in 22 F.R. 6047 is canceled.

6. The following new airworthiness directives are added:

58-7-1 HARTZELL. Applies to All Hartzell HC-12X20, HC-13X20, HC-82X Series and HC-83X Series Propellers.

Compliance required at the next propeller overhaul.

To minimize the possibility of fatigue failure of the split rings used to retain the blades in the hub, replace all unmarked split rings with new split rings marked with the letter "N". The new production rings have a higher safety factor. Recent failures involving the old type split rings have been covered in airworthiness directives concerned with the particular propeller model or hub-blade combination involved. (Hartzell Service Bulletin No. 58 covers this same subject.)

58-7-2 LOCKHEED. Applies to All Lockheed Model 18 Aircraft.

Compliance required not later than July 1, 1958, and at each 1,000 hours of operation thereafter.

A number of reports has been received relative to cracks in the welds of the drag brace yoke (P/N XY450-2L-1) on the main landing gear. These cracks, as they progress, result in a continuing reduction in the strength of the landing gear and hence render the landing gear unairworthy.

It is therefore necessary to inspect the main landing gear by means of dye penetrant, magnetic particle or equivalent inspections for cracks in the area indicated above.

In the event cracks are found the oleo strut must be replaced. If the olea strut is replaced by a new part, the above inspections need not be resumed until after 3,000 hours of service.

58-7-3 VICKERS. Applies to All Viscount 700 Series Aircraft.

Compliance required before accumulation of 6,000 flight hours.

Investigations have proved it is necessary to replace the ½ inch diameter bolts securing the top inboard attachment fittings of the inner nacelles to the leading edge member at Station 96 at 6,000 hours.

The Part Number of the bolts, which are to be replaced at 6,000 hours are as follows: 70103-4405 (Mod. D. 1031 embodied), 80203-2405 (Mod. D. 1237 or D. 2025 embodied).

Vickers Modification D. 2581 introduces redesigned nuts and bolts as direct replacement for the above bolts. This design ensures that any bending moments present will be taken by the full shank diameter of the bolts. The modified bolt assemblies are split pinned.

Vickers-Armstrongs have issued Modification Bulletin No. D. 2581, which the British Air Registration Board considers mandatory. The CAA concurs and considers compliance therewith mandatory.

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FEDERAL REGISTER

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58–7–4 VICKERS. Applies to All Viscount 700 Series Aircraft Without Modification D.1521 (Structural Provision for All Weather Radar) Embodied.

Compliance required as indicated.

Cracks have been found in the floor panel between Stations 10 and 25 around the twin inwards relief valve and also along the line of rivets securing the under floor channel stiffener Part No. 60928–1369. Vickers-Armstrongs have issued the following corrective measures which the British Air Registration Board considers mandatory. The CAA concurs and considers compliance therewith mandatory.

(1) Aircraft that have completed 1,000 flights or more are to be carefully inspected for cracks in this area.

(2) Where any cracked floor panels are found, they must be repaired within [illegible] flights in accordance with Figure 1 of Vickers PTL No. 169. Additional floor stiffeners, in accordance with Figure 2 of Vickers PTL No. 169, must also be installed.

(3) If no cracks are found, this inspection must be repeated every subsequent [illegible] flights until the additional floor stiffeners, in accordance with Figure 2 of Vickers PTL No. 169, have been installed.

Inspections are no longer required after the additional floor stiffeners have been installed.

(Vickers-Armstrongs PTL No. 169 and Modification Bulletin No. D.2540 cover the same subject.)

58–7–5. VICKERS. Applies to All Viscount 700 Series Aircraft Equipped With 14 Inch Stroke Landing Gear Oleos.

Compliance required as indicated.

On aircraft equipped with 14 inch stroke oleos, cases of circumferential cracks have occurred in the main oleo cylinder, Part No. 74450–3. The cracks were at the radius where the cylinder intersects with the [illegible] degree taper and 2¾ inches above the torsion link lugs, either side of the fore and aft center line. Vickers-Armstrongs have issued the following corrective measures which the British Air Registration Board considers mandatory. The CAA concurs and considers compliance therewith mandatory.

(1) Oleos over 1,500 landings without cracks must be inspected visually within every 200 landings.

(2) Where cracks are suspected the oleo cylinders must be examined with dye penetrant or an approved equivalent.

(3) Where cracks are confirmed the part may be considered serviceable, subject to a daily visual inspection, provided the combined total length of cracks does not exceed 3 inches in length, and any one crack is not more than 1½ inches in length.

(4) Where combined total length of cracks is more than 3 inches, but less than 5 inches, cracks must be blended out before next flight and reprotected with seaplane varnish or an approved equivalent. The maximum depth of blending is not to exceed 0.05 inches. The part is then considered serviceable, subject to a dye penetrant check, or an approved equivalent within every 40 landings.

(5) Where combined total length of cracks exceeds 5 inches, the part is considered unserviceable and must be replaced.

58-7-6 VICKERS, Applies to All Viscount 700 Series Aircraft Fitted With Heavy Duty Wing Root Terminals and Aluminum Cables, Incorporating Modification D.1255.

Compliance Required as Indicated.

Cases have occurred of heavy-duty wing root terminals with their associated aluminum cables overheating as a result of poor electrical contact between the aluminum cable lug and the wing root terminal assembly. The poor electrical contact is attributed to the relaxation of the connection and the spreading and identation of the aluminum cable lug by repetitive torque loading.

To prevent the possibility of damage to the cable lug, a special washer, 80236 Part 3043, has been introduced by Modification D.2628 to replace the existing washer 72436 Part 2069. The new washer is of increased thickness with an electro-tinned and has an outside diameter equal to the width of the cable lug.

Vickers-Armstrongs have issued the following corrective measures which the British Air Registration Board considers mandatory. The CAA concurs and considers compliance therewith mandatory.

Inspect all wing root connections for signs of looseness and overheated condition within the next 135 flying hours and take the following action:

(1) Where signs of overheat are apparent the wing root terminal and cable lug assembly should be dismantled, and the overheated cable and components renewed.

(2) Where loose connections are found these should be retightened after first inspecting the cable lug to ensure that the faces of the lug are clean, flat and free from signs of burning.

(3) If signs of burning or damage are found on either face of the lug when complying with the recommendations in paragraphs 1 and 2, the lug and its associated cable should be replaced.

(4) Where no signs of overheated or loose connections are found, existing terminal connections may be considered serviceable. All wing root connections should, however, be further inspected within every subsequent 135 flying hours until the new washer 80236 Part 3043 is fitted in place of washer 72436 Part 2069.

(5) All wing root connections must have washer 80236 Part 3043 installed within 800 flying hours.

(Vickers-Armstrongs PTL No. 186, Issue 1, dated February 11, 1958, and Modification Bulletin No. D.2628 cover the same subject.)

58-8-1 BENDIX. Applies to Bendix (Eclipse-Pioneer) 756-62C or D, and 756-64C or D Starters installed on Lycoming Engines.

Compliance required not later than August 1, 1958.

Bendix 756-62C or D and 756-64C or D electric engine starters must incorporate a holdback spring assembly as outlined in Bendix Aviation Corporation, Utica Division, Service Bulletin 41a. This modification will assure positive jaw disengagement from the engine and thereby prevent jaw fracturing with associated possibility of an engine failure as previously experienced with this engine-starter combination.

This supersedes AD 58-3-1.

58-8-2 CESSNA. Applies to All 1958 Model 172 Aircraft, Serial Nos. 36216 and up.

Compliance required before next flight, unless already accomplished, and at least every 25 hours thereafter except that the airplane may be flown to place of inspection with cabin air control in off position.

A recent accident occurred because the pilot and passengers became unconscious due to carbon monoxide which was released into the cabin heat system through a hole in the exhaust cabin air heater muffler, Cessna Part 0550157-32.

To prevent recurrence of similar incidents and to detect cracked or failed heater mufflers, the following inspection is required:

The exhaust cabin air heater assembly should be removed and disassembled by removing the shroud, Cessna Part 0550157-52. Make a visual inspection of the heater muffler for cracks, or submerge muffler in water and pressure test at 50 psi. Particular attention should be given the cylindrical surface containing the heat transfer pins. If cracks are found in this area, the muffler is to be replaced.

(Cessna Service Letter 170/172-11 dated February 3, 1958, covers this same subject.)

58-8-3 DOUGLAS. LOCKHEED. Applies to All Douglas DC-3, Lockheed 18, and PV-1 Aircraft Having Bromochloromethane (CB) Fire Extinguisher Systems.

NOTE: Not applicable to systems which provide leakproof enclosures for the fire extiguishing agent containers.

Compliance required by October 1, 1958.

Due to the toxicity hazard for crew and passengers existing in these airplanes having Bromochloromethane (CB) fire extinguishing system installed, particularly when the fire extinguishing agent containers are installed in the fuselage, one of the following must be accomplished.

(1) The Bromochloromethane (CB) fire extinguisher agent must be replaced with an equal quantity of Freon 13B, (Bromotri or CF BR), and a suitable breathing oxygen supply must be provided for the crew as specified in CAR 4b.651.

(2) The Bromochloromethane (CB) fire extinguisher agent must be replaced with a quantity of carbon dioxide (CO_2) equal to 1.25 times the installed quantity of Bromochloromethane (CB) and a suitable breathing oxygen supply must be provided for the crew as specified in CAR 4b.651.

(3) The installed Bromochloromethane (CB) system must be shown to comply with the requirements of CAR 4b.371 (b) and 4b.484 (b) (2).

NOTE: This may be accomplished by enclosing the containers with a similar or equivalent system to that shown on AiResearch Drawings C-4900-77B sheets 1 to 3 inclusive.

58-8-4 HAMILTON STANDARD. Applies to All Hamilton Standard Models 23260, 24260, 34D50, 34D51, 34E60, 43E60, and 43H60 Propellers Incorporating Pitch Locks.

Compliance required at first propeller overhaul after May 15, 1958, if not already accomplished.

Two cases have been reported wherein the dome cap of propellers incorporating a pitch lock became partially disengaged in flight, resulting in complete loss of propeller control.

To preclude additional failures of this nature, reduce to .013 or less the clearance between the dome cap and stop lever sleeve bushing by conducting the necessary inspection, rework, and/or replacement.

(Hamilton Standard Service Bulletin No. 496D covers this same subject.)

This supersedes AD 58-2-2.

58-8-5 HAMILTON STANDARD. Applies to All Hamilton Standard 34E, 43E, and 43H Propellers Installed on TC18DA and TC18EA Series Engines.

Compliance required at first propeller overhaul after October 1, 1958, but not later than May 1, 1959.

Cases of propeller-engine overspeeds have resulted in instances of failure to feather, reversing when feathering was initiated, and in aircraft fires. In order to provide a means for limiting propeller overspeeding so that the possibility of catastrophic conditions developing will be greatly minimized, install the "RPM-Sensitive Hydraulic Pitch Lock."

(Hamilton Standard Service Bulletins Nos. 387, 472, and 472A cover this same subject.)

58-8-6 VICKERS. Applies to All Viscount 700 Series Aircraft.

Compliance required as indicated.

As a result of further cracks found in main chassis ram foot fittings, Vickers-Armstrongs (Aircraft) Limited have recommended revised inspections which the British Air Registration Board considers mandatory.

When each main chassis ram foot fitting has completed 1,500 landings, it should be inspected as follows:

(1) A visual inspection is to be made within every 135 flying hours for the possible presence of cracks in the external surface of each ram foot fitting, particularly in the area of the base and sides of the ram socket for a distance of approximately 2 inches vertically from the base.

(2) Inspect within the next 600 flying hours and thereafter within each subsequent 3,000 flying hours as follows: Remove the ram foot from each main undercarriage assembly and inspect for the possible presence of cracks, both inside and outside of the ram socket bore. The examination should be carried out using an approved method of crack detection and particular attention should be given to the radius at the bottom of the ram socket bore joining the bottom flange and the wall of the bore.

(3) Any fittings found cracked should be replaced by new parts.

(4) After compliance with Vickers-Armstrongs Modification D.2695, the inspection outlined above may be discontinued.

Compliance required by January 31, 1959.

The CAA concurs with this action and considers compliance therewith mandatory. Vickers-Armstrongs PTL No. 175, Issue 2, and Modification D.2695, cover this subject.

This supersedes AD 57-26-1.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 19, 1958.

[F. R. Doc. 58-3907; Filed, May 23, 1958; 8:45 a. m.]

[Amdt. 71]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn C-dn A-dn	300-1 700-1 800-2	300-1 700-1½ 800-2	300-1 700-1½ 800-2

NOTE: Instrument approach to be conducted in accordance with U. S. Navy procedure as published on chart A-L 472 rng.

MAJOR CHANGE: Corrects airport elevation.

City, El Centro; State, Calif.; Airport Name, NAAS; Elev., −43′; Fac. Class, SBMRLZ; Ident., ELC; Procedure No. 1, Amdt. 6; Eff. Date, 7 May 58; Sup. Amdt. No. Dated, 1 Mar. 58

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Alberton FM	MSO-LFR (Final)	Direct	6200	T-dn C-dn A-dn	2500-2 3000-2 3000-2	2500-2 3000-2 3000-2	2500-2 3000-2 3000-2

Procedure turn N side on NW crs, 276° Outbnd, 096° Inbnd, 8000′ within 10 miles. (Nonstandard due to terrain.)

Minimum altitude over facility on final approach crs, 6200′.

Crs and distance, facility to airport, 121—1.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, turn right and climb to 9000′ on NW crs 276° Outbnd within 10 miles of MSO LFR.

City, Missoula; State, Mont.; Airport Name, Missoula County; Elev., 3203′; Fac. Class, SBMRAZ; Ident., MSO; Procedure No. 1, Amdt. 5; Eff. Date, 6 May 58; Sup. Amdt. No. 4; Dated, 16 Aug. 54

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lafayette VOR	LFT-MH	Direct	1200	T-dn* C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

*500-1 required for take-offs on Runway 28.

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 1200′ within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 700′.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi climb to 1300′ on crs of 360° within 20 mi.

CAUTION: 494′ TV Tower 3.0 mi WNW airport.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 41′; Fac. Class, MH; Ident., LFT; Procedure No. 1, Orig.; Eff. Date, 14 Jun. 58

ADF Standard Instrument Approach Procedure—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Minneapolis LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Minneapolis VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Jordan FM	LOM	Direct	2200	S-dn-29L	400-1	400-1	400-1
Healton Int	LOM	Direct	2300	A-dn	800-2	800-2	800-2
Lakeville Int	LOM	Direct	2200				
Prior Int	LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Elmo Int	LOM	Direct	2300				
Cannon Falls Int	LOM	Direct	2400				
Radar Transitions as directed by ATC	Radar site	Within 20 mi	2500				

Procedure turn East side of crs, 115° Outbnd, 295° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 295°—4.0 mi
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 2500' on crs of 295° to Int. R-221 MSP-VOR and NW ILS crs or, when directed by ATC.
1. **Make** left climbing turn, climb to 2500' on crs of 241° within 22 miles.
2. **Make** left climbing turn, climb to 2200' and return to LOM.

Caution: Tower 1223' MSL 3 miles West of Hastings FM.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul Int'l (Wold-Chamberlain); Elev., 840'; Fac. Class, LOM; Ident., MS; Procedure No. 1, Orig.; Eff. Date, 21 Jun. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
MXF LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
MGM VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Craig Int	LOM	Direct	1700	S-dn-9	400-1	400-1	400-1
Greenville Int	LOM	Direct	1500	A-dn	800-2	800-2	800-2
Jones Int	LOM	Direct	1600				
Highland Home Int	LOM	Direct	2500				
Radar Terminal Area transition altitude		Within 30 mi	2500				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 093°—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 5.1 mi after passing LOM, climb to 2000' on crs of 093° from LOM or 1800' on R-120 MGM-VOR within 20 mi.

Caution: Tower 987' MSL, 8 mi. East.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221'; Fac. Class, LOM; Ident., MG; Procedure No. 1, Orig.; Eff. Date, 21 Jun. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Chatham RBn	EB LMM	Direct	2000	T-dn	300-1	300-1	300-1
Newark LOM	EB LMM	Direct	1800	C-dn	1000-1	1000-1	1000-1½
Paterson RBn	EB LMM	Direct	2000	A-dn	1000-2	1000-2	1000-2
Int R-128 CDW and Brng 059 to EB LMM	EB LMM (Final)	Direct	#1400				

Radar sectors may be utilized to effect the above transitions.
Procedure turn W side of crs, 239° Outbnd, 059° Inbnd, 1800' within 10 mi of OM.
Minimum altitude over EB LMM on final approach, 1400'#.
#Descent to airport minimums authorized after passing OM; if OM not received, maintain 1400'.
Crs and distance, OM to airport, 059—4.1.
Crs and distance, EB-LMM to airport, 059—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mi after passing EB-LMM, make a climbing left turn to 2000' on ADF crs to Paterson RBn.

Caution: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.

City, Teterboro; State, N. J.; Airport Name, Teterboro; Elev., 7'; Fac. Class, LMM; Ident., EB; Procedure No. 1, Amdt. 1; Eff. Date, 7 May 58; Sup. Amdt. No. Orig.; Dated, 24 Jan. 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Jackson LFR	JAN-VOR	Direct	1700	T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn West side crs, 009° Outbnd, 189° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 189°—10.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not not accomplished within 6 mi of VOR, climb to 2100' on R-189 within 20 miles or, when directed by ATC, turn left, climb to 2000' on R-090 within 20 miles.

City, Jackson; State, Miss.; Airport Name, Hawkins Airport; Elev., 343'; Fac. Class, BVOR; Ident., JAN; Procedure No. 1, Orig.; Eff. Date, 5 Jun. 58 or com. date of facility

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Eagle FM via crs 140 (ILS only)	NW crs ILS	Direct	4000	T-dn	300-1	300-1	200-½
Eagle FM via crs 140 (ILS only)	NW crs ILS (Final)	Direct	3900	C-d	500-1	500-1½	600-1½
Boise LFR	LOM	Direct	4000	C-n	500-1	500-1½	700-1½
Eagle FM (ADF only)	LOM	Direct	4000	S-dn:			
Eagle FM (ADF only)	LOM (Final)	Direct	3900	10L ILS	200-½	200-½	200-½
				10L-R ADF	400-1	400-1	400-1
				A-d: ILS	600-2	600-2	600-2
				A-n: ILS	600-2	700-2	700-2
				A-dn: ADF	800-2	800-2	800-2

Procedure turn W side NW crs, 277° Outbnd, 097° Inbnd, 4000′ within 10 miles.
Minimum altitude at G. S. int inbnd, 3900′ ILS, minimum altitude over LOM inbnd final 3900′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 3900—3.8, at MM 3055—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi, after passing LOM (ADF) turn right climb to 4000′ on NW crs BOI-LFR, 302° Outbnd, 122° Inbnd within 10 miles.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class, ILS-IBOI; Ident., LOM-BOI; Procedure No. ILS-10L-R, Comb. ILS-ADF, Amdt. 10; Eff. Date, 7 May 58; Sup. Amdt. No. 9; Dated, 1 May 58

MSP-LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
MSP-VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Hastings FM	Glide slope int (Final)	Direct	1700	S-dn 29L	200-½	200-½	200-½
Stanton RBn via crs 360°	SE crs ILS	360° crs	2200	A-dn	600-2	600-2	600-2
Jordan FM	LOM	Direct	2200				
Houlton Int	LOM	Direct	2300				
Diamond Bluff Int ILS	Glide slope int (Final)	Direct	2200				
Lakeville Int	LOM	Direct	2200				
Prior Int	LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Elmo Int	LOM	Direct	2300				
Cannon Falls Int	LOM	Direct	2400				
Int brg 180° to Stanton RBn and ILS crs	Glide slope int (Final)	Direct	1700				
Radar transitions as directed by ATC	Radar site	Within 20 mi	2500				

Procedure turn E side SE crs, 115° Outbnd, 295° Inbnd, 2200′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM—2084—4.0; at MM—1038—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.0 miles of LOM, climb to 2500′ on NW crs ILS to Int. R-221 MSP-VOR and NW ILS crs or, when directed by ATC:
(1) Make left climbing turn, climb to 2500′ on crs of 241° within 22 miles.
(2) Make left climbing turn, climb to 2200′ and return to OM.
CAUTION: Tower 1223′ MSL 3 mi W of Hastings FM.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold Chamberlain Field); Elev., 840′; Fac. Class, ILS.; Ident., MSP; Procedure No. ILS-29L, Amdt. 10; Eff. Date, 21 Jun. 58; Sup. Amdt. No. 9; Dated, 28 Sept. 57

Radar terminal area transition altitude	Back Crs ILS	All directions within 20 mi.	2500	T-dn	300-1	300-1	200-½
Radar Fix 6.0	Radar Fix 5.0 (Final)	115°	2500	C-dn	500-1	500-1	500-1½
Radar Fix 5.0	Radar Fix 2.5 (Final)	115°	1700	S-dn-11R	400-1	400-1	400-1
Radar Fix 2.5	Appr. End Rnwy 11R	115°	1200	A-dn	800-2	800-2	800-2

Procedure turn not authorized. All maneuvering to back course approach must be under constant control of ASR Radar Controller.
No glide slope, outer or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, on final approach within 3 miles after passing 3 mile radar fix, make right climbing turn, climb to 2500′ on SW crs MSP-LFR within 22 miles.
NOTE: This procedure authorized only when airport surveillance radar is operating and utilized.
CAUTION: Do not descend below 1700′ MSL until radar controller has advised passing 1085′ tower 2.5 mi from app. end Runway 11R.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class, ILS-MSP; Ident., Radar MSP; Procedure No. ILS-II, Amdt. 5; Eff. Date, 21 Jun. 58; Sup. Amdt. No. 4; Dated, 18 Jan. 58

Maxwell LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Montgomery VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Craig Int	LOM (Final ILS)	Direct	1700	S-dn-9*	300-¾	300-¾	300-¾
Greenville Int	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Jones Int	LOM	Direct	1600				
Highland Home Int	LOM	Direct	2500				
Radar Terminal Area transition altitude		Within 30 mi	2500				

***No approach lights.**
Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to appr end of Rny at OM, 1700′—5.1; at MM, 435′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi after passing LOM, climb to 2000′ on E crs ILS or 1800′ on R-120 MGM-VOR within 20 mi.
CAUTION: Tower 987′ MSL, 8 mi East.

City, Montgomery; State, Ala.; Airport Name, Dannelly Fld.; Elev., 221′; Fac. Class, ILS; Ident., IMGM; Procedure No. ILS-9, Amdt. 4; Eff. Date, 21 Jun. 58; Sup. Amdt. No. 3; Dated, 18 Apr. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Chatham RBn	NE crs ILS	095—14.5	1900	T-dn	300-1	300-1	200-½
Caldwell VOR	NE crs ILS at OM	117—13.1	1800	C-dn	600-1	600-1	600-1¼
Paterson RBn	NE crs ILS (Final)	161—7.5	1800	S-dn-22*	300-¾	300-¾	300-¾
Teterboro LMM	OM (Final)	Direct	1800	A-dn	600-2	600-2	600-2
Newark LFR	NE crs ILS	058—2 1	1800				
Int NW crs LGA LFR and NE crs ILS	OM (Final)	Direct	1800				

Radar vectors may be used to effect above transitions.
Radar transitions:
058 090 within 20 mi 2500′.
090 058 within 20 mi 2000′.
S quad EWR-LFR within 15 mi 1500′.
*[illegible]-1 required when glide path inoperative.
Procedure turn W side NE crs, 037° outbnd, 217° inbnd, 1800′ within 10 miles.
Minimum altitude at G. S. int inbnd, 1800′.
Altitude of G. S. and distance to appr end of Rny at OM 1763—6.1; at MM 210—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing OM, climb to 1500′ on SW crs of the ILS to the outer compass locator serving Rnwy 4 or, as directed by ATC, make climbing right turn to 2000′ direct to Chatham RBn.
CAUTION: 50′ hangar row 200′ east of approach light lane between MM and end of Rnwy 22.
CAUTION: Procedure turn accomplished over Teterboro LMM. Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.

City, Newark; State, N. J.; Airport Name, Newark; Elev. 18′; Fac. Class, ILS; Ident., ARK; Procedure No. ILS-22, Amdt. 1; Eff. Date, 7 May 58; Sup. Amdt. No. Orig.; Dated, 1 Mar. 58

Chatham RBn via crs 095	ILS SW crs	Direct	2000	T-dn	300-1	300-1	300-1
Newark LOM via crs 348	ILS SW crs	Direct	1800	C-dn	1000-1	1000-1	1000-1½
Paterson RBn	EB-LMM	Direct	2000	S-dn-6*	500-1	500-1	500-1
Int R-128 CDW and SW crs ILS	ILS OM (Final)	Direct	1400	A-dn	1000-2	1000-2	1000-2

*700-1½ required with any component of the ILS inoperative.
Radar vectors may be utilized to effect above transitions.
Procedure turn W side SW crs, 239° Outbnd, 059° Inbnd, 1800′ within 10 miles of OM.
Minimum Altitude at G. S. int. inbnd 1400′.
Altitude of G. S. and distance to appr end of rny at OM 1360—4.0; at MM 230—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on a heading of 059° turn left climb to 2000′ on ADF crs to Paterson RBn.
CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.

City, Teterboro; State, N. J., Airport Name, Teterboro; Elev., 7′; Fac. Class, ILS; Ident., TEB; Procedure No. 6, Amdt. 9; Eff. Date, 7 May 58; Sup. Amdt. No. 8; Dated, 24 Mar. 57

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
All sectors	Radar Site	Within 20 mi	2500		Precision Approach		
				T-dn	300-1	300-1	200-½
				S-dn-29L	200-½	200-½	200-½
				C-dn-29L	500-1	500-1	500-1¼
				A-dn-29L	600-2	600-2	600-2
					Surveillance Approach		
				T-dn	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1¼
				C-dn-22	600-1	600-1	600-1¼
				S-dn#	400-1	400-1	400-1
				S-dn-22	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

#Runways 4, 11R, 29L.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on NW crs ILS to Int. R-221 MSP-VOR and ILS crs or, as directed by ATC:
1. Make left climbing turn, climb to 2500′ on crs of 241° within 22 miles.
2. Make left climbing turn, climb to 2200′ and return to LOM.
CAUTION: On approach to Runway 11R do not descend below 1700′ MSL until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul Int'l (Wold-Chamberlain); Elev., 840′; Fac. Class, Minneapolis; Ident., Radar; Procedure No. 1, Amdt. 6; Eff. Date, 21 Jun. 58; Sup. Amdt. No. 5; Dated, 1 Oct 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[SEAL]

MAY 15, 1958.

[F. R. Doc. 58-3835; Filed, May 23, 1958; 9:34 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED TOMATO JUICE[1]

On January 16, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 298) regarding a proposed revision of the United States Standards for Grades of canned tomato juice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Tomato Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION AND GRADES

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52.3621 Product description.
52.3622 Grades of canned tomato juice.

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52.3629 Ascertaining the grade of a lot.

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52.3630 Score sheet for canned tomato juice.

AUTHORITY: §§ 52.3621 to 52.3630 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.3621 *Product description.* "Canned tomato juice" means tomato juice prepared from clean, sound tomatoes of the red or reddish varieties, as such product is defined in the Standard of Identity for Tomato Juice (21 CFR 53.1) issued pursuant to the Federal Food, Drug, and Cosmetic Act. It is packed in hermetically sealed containers and is sufficiently processed by heat, before or after sealing, to assure preservation of the product.

§ 52.3622 *Grades of canned tomato juice.* (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of canned tomato juice that possesses a good color; that possesses a good consistency; that is practically free from defects; that possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided,* That the canned tomato juice may possess only a fairly good color, scoring not less than 25 points and a fairly good consistency, if the total score is not less than 85 points.

(b) "U. S. Grade C" (or "U. S. Standard") is the quality of canned tomato juice that possesses a fairly good color; that possesses a fairly good consistency; that is fairly free from defects; that possesses a fairly good flavor, and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned tomato juice that fails to meet the requirements of U. S. Grade C.

FILL OF CONTAINER

§ 52.3623 *Recommended fill of container.* Fill of container is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of tomato juice be filled as full as practicable without impairment of quality, and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.3624 *Ascertaining the grade of a sample unit.* In addition to considering other requirements outlined in the standards, the quality factors of color, consistency, defects, and flavor are evaluated in ascertaining the grade of the product. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	*Points*
Color	30
Consistency	15
Defects	15
Flavor	40
Total score	100

§ 52.3625 *Color*—(a) *General.* (1) The amount of red in the canned tomato juice is determined by comparing the color of the product with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (glossy finish).
Disc 2—Yellow (2.5 YR 5/12) (glossy finish).
Disc 3—Black (N1) (glossy finish).
Disc 4—Grey (N4) (mat finish).

(2) Such comparison is to be made under a diffused light source of approximately 250 foot-candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky, and a color temperature of 7500 degrees Kelvin ± 200 degrees. With the light source directly over the disc and product, observation is made at an angle of 45 degrees from a distance of about 24 inches from the product.

(b) (*A*) *classification.* Canned tomato juice that possesses a good color may be given a score of 26 to 30 points. "Good color" means a color that is typical of canned tomato juice, made from well ripened red tomatoes, which has been properly prepared and properly processed. Such color contains as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: [illegible] percent of the area of Disc 1; 21 percent of the area of Disc 2; 14 percent of the area of Disc 3 or of Disc 4, or 7 percent of the area of Disc 3 and 7 percent of the area of Disc 4, whichever most nearly matches the reflectance of the product.

(c) (*C*) *classification.* If the canned tomato juice possesses a fairly good color a score of 23 to 25 points may be given. Canned tomato juice that scores 23 or 24 points for color shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means a color that is typical of canned tomato juice. To score 25 points for color the juice shall contain as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: [illegible] percent of the area of Disc 1; 24½ percent of the area of Disc 2; 16½ percent of the area of either Disc 3 or Disc 4, or 8¼ percent of the area of Disc 3 and 8¼ percent of the area of Disc 4, whichever most nearly matches the reflectance of the product. To score 23 or 24 points for color the canned tomato juice shall contain as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: 53 percent of the area of Disc 1; 28 percent of the area of Disc 2; 19 percent of the area of either Disc 3 or Disc 4, or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the reflectance of the product.

(d) (*SStd.*) *classification.* Canned tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 22 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3626 *Consistency*—(a) *General.* This factor has reference to the viscosity of the product. The tendency of the insoluble solids to separate, leaving practically clear liquid at the top is also to be noted in this connection.

(b) (*A*) *classification.* Canned tomato juice that possesses a good consistency may be given a score of 13 to 15 points. "Good consistency" means that the canned tomato juice flows readily; has a normal amount of insoluble tomato solids in suspension; and that there is little tendency for such solids to settle out.

(c) (*C*) *classification.* If the canned tomato juice possesses a fairly good consistency a score of 10 to 12 points may be given. "Fairly good consistency" means that the product flows readily; has a normal amount of insoluble tomato solids in suspension; and that there is not a marked tendency for such solids to settle out.

(d) (*SStd.*) *classification.* Canned tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

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[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.3627 *Defects*—(a) *General*. The factor of defects refers to the degree of freedom from defects, such as dark specks or scale-like particles, seeds, particles of seed, tomato peel, core material, or other similar substances.

(b) *(A) classification*. Canned tomato juice that is practically free from defects may be given a score of 13 to 15 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or drinking quality of the product.

(c) *(C) classification*. If the canned tomato juice is fairly free from defects a score of 10 to 12 points may be given. Canned tomato juice that falls into this classification shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable, but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or drinking quality of the product.

(d) *(SStd.) classification*. Canned tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3628 *Flavor*—(a) *(A) classification*. Canned tomato juice that possesses a good flavor may be given a score of 33 to 40 points. "Good flavor" means a distinct canned tomato juice flavor and odor characteristic of good quality tomatoes. To score in this classification the flavor of the product shall not be adversely affected by stems, leaves, crushed seeds, cores, immature tomatoes, or the effects of improper trimming or processing.

(b) *(C) classification*. If the tomato juice possesses only a fairly good flavor a score of 27 to 32 points may be given. Canned tomato juice that falls into this classification shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a characteristic canned tomato juice flavor. To score in this classification the flavor may be affected adversely, but not seriously so, by stems, leaves, crushed seeds, cores, immature tomatoes, or the effects of improper trimming or processing.

(c) *(SStd.) classification*. Canned tomato juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 26 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3629 *Ascertaining the grade of a lot*. The grade of a lot of canned tomato juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3630 *Score sheet for canned tomato juice*.

Type of container........................
Container size........................
Label........................
Code........................
Volume (fl. ozs.)........................
Vacuum (inches)........................

Factors	Score points	
Color	30	(A) 26–30 (C) [1] 23–25 (SStd.) [2] 0–22
Consistency	15	(A) 13–15 (C) 10–12 (SStd.) [2] 0–9
Defects	15	(A) 13–15 (C) [2] 10–12 (SStd.) [2] 0–9
Flavor	40	(A) 33–40 (C) [1] 27–32 (SStd.) [2] 0–26
Total score	100	

Grade ....

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

Effective time and supersedure. The United States Standards for Grades of Canned Tomato Juice (which is the second issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Canned Tomato Juice which have been in effect since August 29, 1938.

Dated: May 21, 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Service.

[F. R. Doc. 58-3929; Filed, May 23, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 740]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.847 *Lemon Regulation 740*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 21, 1958.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 25, 1958, and ending at 12:01 a. m., P. s. t., June 1, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 22, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3955; Filed, May 23, 1958; 9:03 a. m.]

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

LIMITATION OF SHIPMENTS

§ 962.313 *Peach Order 1*—(a) *Findings*. (1) On May 6, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2022) regarding proposed limitations on shipments of fresh peaches grown in the State of Georgia, pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). No written data, views, or arguments in connection therewith were received within the prescribed time.

(2) After consideration of all relevant matters presented, including proposals set forth in the aforesaid notice which were submitted by the Industry Committee, established under the aforesaid amended marketing agreement and order, it is hereby found that the regulation hereinafter set forth is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

(3) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 25, 1958. Shipments of the early varieties of the current crop of peaches are expected to begin on or about May 25, 1958, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 25, 1958, and ending at 12:01 a. m., e. s. t., September 1, 1958, no handler shall ship peaches (except peaches in bulk to destinations in the adjacent markets) of any variety which are of a size smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter.

(c) When used in this section, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order (§§ 962.1 to 962.92), and the term "diameter" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 21, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3927; Filed, May 23, 1958; 8:49 a. m.]

[Peach Order 2]

PART 962—FRESH PEACHES GROWN IN GEORGIA

SUSPENSION OF INSPECTION REQUIREMENT

§ 962.314 *Peach Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this section will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient and this section relieves restrictions on the handling of fresh peaches grown in the State of Georgia.

(b) *Order.* During the period beginning at 12:01 a. m., e. s. t., May 25, 1958, and ending at 12:01 a. m., e. s. t., March 1, 1959:

(1) The inspection requirement contained in § 962.64 is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets.

(2) When used in this section, the terms "adjacent markets," "shipped," and "peaches in bulk" shall have the same meaning as when used in the aforesaid amended marketing agreement and order (§§ 962.1 to 962.92)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 21, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3928; Filed, May 23, 1958; 8:49 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1957; INCREASE IN AGGREGATE EXPENSES

In the December 3, 1957, daily issue of the FEDERAL REGISTER, there was published an order (§ 984.309; 22 F. R. 9650) establishing the aggregate expenses of the Walnut Control Board, in the amount of $103,200, and fixing rates of assessment applicable to walnuts handled during the marketing year beginning August 1, 1957.

On May 2, 1958, the Walnut Control Board unanimously recommended to the Secretary that the maximum expenses of $103,200 be increased to $106,500 to accommodate a recently proposed increase in the scope of an objective crop estimating research project currently being conducted and to provide additional needed benefits for employees of the Board.

In accordance with applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984; 22 F. R. 7885, [illegible]) regulating the handling of walnuts grown in California, Oregon, and Washington, it is hereby found that expenses not in excess of $106,500 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning on August 1, 1957, for the maintenance and functioning of the Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

It is, therefore, ordered, That paragraph (a) of § 984.309 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1957*, be, and the same hereby is, amended by deleting therefrom the sum "$103,200" and inserting in lieu thereof the sum "$106,500."

It is hereby further found that good cause exists for not giving prior notice, engaging in public rulemaking procedure, or postponing the effective date of this action later than the date of its publication in the FEDERAL REGISTER in that (1) continuation of the objective crop estimating project on an expanded scale requires preliminary commitments that should be made as soon as possible to insure such continuation, (2) the action does not involve an increase in the assessment rates heretofore fixed (22 F. R. 9650), and (3) no preparation is required of handlers which must be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c).

Dated: May 21, 1958, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 58-3930; Filed, May 23, 1958; 8:49 a. m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF O,O-DIETHYL S-2-DIETHYLAMINOETHYL PHOSPHOROTHIOATE HYDROGEN OXALATE

A petition was filed with the Food and Drug Administration by Chipman Chemical Company, Inc., Bound Brook, New Jersey, requesting the establishment of a tolerance for residues of *O,O*-diethyl *S*-2-diethylaminoethyl phosphorothioate hydrogen oxalate in or on undelinted cottonseed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 22 F. R. 10491) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (5) is amended by inserting in the list of organic phosphates, preceding the item "O,O-Diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate", the name "O,O-Diethyl *S*-2-diethylaminoethyl phosphorothioate hydrogen oxalate".

2. Part 120 is further amended by adding the following new section:

§ 120.164 *Tolerances for residues of O,O-diethyl S-2-diethylaminoethyl phosphorothioate hydrogen oxalate.* A tolerance of 0.1 part per million is established for residues of *O,O*-diethyl *S*-2-diethylaminoethyl phosphorothioate hydrogen oxalate in or on undelinted cottonseed.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: May 19, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-3974; Filed, May 23, 1958; 11:23 a. m.]

Subchapter C—Drugs

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

BACITRACIN-NEOMYCIN IN OIL VETERINARY

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for certification of bacitracin and bacitracin-containing drugs (21 CFR Parts 141e, 146e) are amended as indicated below:

1. Part 141e is amended by adding thereto the following new section:

§ 141e.429 *Bacitracin-neomycin in oil veterinary*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.402 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Neomycin content.* Prepare the sample as directed in § 141a.8 (a) of this chapter, except in lieu of 1 percent potassium phosphate buffer use 0.10 *M* potassium phosphate buffer (pH 7.8–8.0) and proceed as directed in § 141e.410 (b) (1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

2. Part 146e is amended by adding thereto the following new section:

§ 146e.429 *Bacitracin-neomycin in oil veterinary*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin in oil veterinary is a suspension of bacitracin and neomycin in refined peanut oil or sesame oil, with or without one or more suitable and harmless chemical antimicrobial agents, anesthetics, and suspending agents. Each milliliter contains 200 units of bacitracin and 25 milligrams of neomycin, or each dose as recommended in its labeling shall contain 2,000 units of bacitracin and 250 milligrams of neomycin. Its moisture content is not more than 1.0 percent. The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (2), (3), and (4). The neomycin used conforms to the requirements for potency, moisture, and pH prescribed for neomycin by § 146e.410 (a) (2). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* It shall be packaged in collapsible tubes that are well closed containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin and the number of milligrams of neomycin per milliliter or per immediate container.

(iii) If the batch contains, in addition to bacitracin and neomycin, one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient per milliliter or per immediate container.

(iv) The name of the oil and the suspending agent, if any, used in making the batch.

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time: *Provided however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the label and labeling, if it contains, in addition to bacitracin and neomycin, one or more other active ingredients specified in paragraph (a) of this section, after the name "bacitracin-neomycin in oil veterinary," wherever such name appears, the words "with ----------," in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

(3) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a

statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless previously submitted) the dates on which the latest assays of the bacitracin and neomycin used in making such batch were completed, the number of units of bacitracin and the number of milligrams of neomycin in each milliliter, the quantity of each ingredient used in making the batch, the date on which the latest assay of the batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: The number of units of bacitracin and the number of milligrams of neomycin per milliliter or per immediate container, and moisture.

(ii) The bacitracin used in making the batch: Potency, moisture, and pH.

(iii) The neomycin used in making the batch: Potency, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One package for each 5,000 packages in the batch, but in no case less than six packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch: Six packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146e.401 (b).

(iii) The neomycin used in making the batch: Five packages, each containing approximately equal portions of not less than 0.5 gram.

(iv) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 200 grams.

(4) The results referred to in subparagraph (2) (ii) and (iii) of this paragraph and the samples referred to in subparagraph (3) (ii) and (iii) of this paragraph are not required if such results or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this chapter shall be:

(1) $5.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the new antibiotic drugs covered by this order.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: May 15, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3925; Filed, May 23, 1958; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

CURTAILMENT OF FISHERY

Basis and purpose. On the basis of a more intense high seas fishery on stocks of Alaska salmon than originally anticipated, it has been determined that further curtailment of the Bristol Bay fishery is necessary to assure a minimum adequate seeding of the spawning grounds to perpetuate the runs.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, the gear timetable in paragraph (a) of § 104.9 is amended to read as follows:

Units of gear by district				Days of fishing per week
Naknek-Kvichak	Nushagak	Egegik	Ugashik	
454	454	193	96	1
325-453	325-453	138-192	71-95	1.5
227-324	227-324	97-137	51-70	2
195-226	195-226	83-96	45-50	2.5
162-194	162-194	69-82	38-44	3
130-161	130-161	55-68	31-37	3.5
113-129	113-129	49-54	29-30	4
112	112	48	28	5

Since the Bristol Bay fishing season opens on June 23 and preparations for fishing operations must be completed at once, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

MAY 23, 1958.

[F. R. Doc. 58-3980; Filed, May 23, 1958; 11:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1000]

[Docket No. AO-266-A1]

MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order were formulated, was conducted at Chattanooga, Tennessee, on December 3 and 4, 1957, pursuant to notice thereof which was issued October 26, 1957 (22 F. R. 8539). A recommended decision on certain issues on the record was issued by the Deputy Administrator, Agricultural Marketing Service, on January 31, 1958 (23 F. R. 755), and a final decision by the Assistant Secretary on February 20, 1958 (23 F. R. 1173). Among the issues listed in the recommended decision and final decision were two issues which were deferred for a later decision on the record. These issues, numbered 7 and 8 in the Assistant Secretary's decision, are as follows:

7. Classification of sour cream.
8. Classification of transfers of packaged fluid milk products from a plant subject to another order and transfers between pool plants.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

7. *Classification of sour cream.* Disposition of sour cream should be classified as a Class I milk disposition.

Since the effective date of the order, disposition of sour cream has been accounted for as Class II milk. Sweet cream and mixtures of sweet cream with milk or skim milk have been accounted for as Class I milk.

The health ordinance in Chattanooga requires that sour cream be produced from Grade A milk. One Chattanooga handler manufactures sour cream from producer milk. Some handlers who claimed in their testimony that sour cream made from non-Grade A milk is entering the marketing area could not supply any specific instance where this was happening.

It is concluded that the proper classification for disposition of sour cream in this market is Class I milk. In order to obviate any uncertainty as to the application of the order to this matter the product sour cream should be specified in the "fluid milk product" definition.

8. *Classification of packaged fluid milk products from other order plants and transfers between pool plants.* The milk accounting procedure under the order should be modified to accommodate procurement of certain packaged fluid milk products by a handler from a plant regulated under the Knoxville order. The sales of such items by the Chattanooga plant should not be counted in the supply-demand computation.

A handler proposed that packaged fluid milk products obtained by a Chattanooga order plant from a plant regulated under another order should be allocated to Class I disposition of the same items by the Chattanooga plant before assignment of producer milk to Class I disposition. This would relieve the handler from paying Chattanooga producers for these particular Class I sales. It was proposed that this type of accounting for receipts of packaged milk would apply only when such milk was classified as Class I milk under the other order, was disposed of as Class I milk from the Chattanooga plant in the same form as received, and the same type of product was not processed and packaged in the Chattanooga plant. It was suggested that the purpose of the handler could also be accomplished by excluding such packaged receipts from the definition of "other source milk".

The proponent handler now has general Class I disposition in the Chattanooga market, all of which is processed and packaged in his pool plant under the Knoxville order. The handler does not have a Chattanooga pool plant, but contemplates establishing a pool plant under the order which would receive milk from producers to cover needs for sales of whole milk. In the case of cream, skim milk, flavored milk, flavored milk drinks, and buttermilk, such products would continue to be processed and packaged in his Knoxville plant and transferred to the Chattanooga plant for distribution therefrom. The described operation thus contemplates a partial continuance of the present dependence of the handler on Knoxville producers for a supply of milk, including reserve, specifically to cover the sales of the named fluid milk products in Chattanooga.

The present system of accounting for milk under the order gives producer milk prior claim to Class I sales. This is accomplished by assigning milk from nonproducer sources (other source milk) to the Class II utilization in the handler's plant to the extent possible. Any other source milk in excess of Class II utilization is assigned to Class I disposition. Other source milk which originates from a plant under another order and which is classified there as Class I milk is assigned separately to utilization in the Chattanooga pool plant after the assignment of any other source milk from plants not under any Federal order regulation or other source milk from a Federal order plant where it has not been classified as Class I. This accounting procedure accommodates a handler who wishes to obtain supplemental milk from another Federal order market when his own producer supply is not sufficient to cover Class I needs. The proposal of the handler contemplates a different situation, in that the source of certain products would depend on the type of plant operation rather than availability of producer milk.

Under the terms of the Knoxville order, all disposition by a Knoxville plant of packaged fluid milk products is Class I milk for which the plant is obligated to pay Knoxville producers. If the disposition is, in fact, a transfer to a Chattanooga plant which makes final disposition thereof to consumers, then the same items become Class I disposition under the Chattanooga order also.

The allocation provisions of the Chattanooga order should be modified so that Class I disposition by a Chattanooga handler of packaged items, in the categories named by the proponent handler, which were received from a Knoxville pool plant, will be set aside prior to the other steps in the allocation procedure. Because of the need to safeguard Chattanooga producers against assignment of their milk to any Class II use of route returns, breakage, etc., which might result from the handling of these items, the credit to the handler should be based on the lesser of the quantity of receipts or sales in the case of each packaged item.

This particular provision for allocation of receipts of packaged items would apply to cream, skim milk, flavored milk, flavored milk drinks, and buttermilk, received from a Knoxville pool plant and disposed of from the Chattanooga plant in the same packages; and would apply only for each of such items in months when the handler does not process and package the same product in his Chattanooga pool plant. If a product is processed and packaged in the Chattanooga pool plant, receipts of the same product in whatever form from nonpool plants should be subject to the usual allocation procedure which would assure the prior claim of Chattanooga producers to Class I disposition in that form of product. This is reasonable inasmuch as in these circumstances Chattanooga producers would normally be the source of supply for a substantial part of such disposition and also for reserve requirements associated therewith.

The packaged milk products which might be transferred from the Knoxville plant are part of the supply-demand computation under the Knoxville order. Such sales are not now part of the Chattanooga order supply-demand computation and should continue to be excluded.

Because of the changes in the allocation language, conforming changes should be made in the language with respect to administrative expense so that it will continue to apply to that other source milk from unregulated sources which is allocated to Class I disposition of pool plants.

No proposals were made at the hearing to change the classification of milk transferred between pool plants.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Chattanooga, Tennessee, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be

the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 1000.12, *"Fluid milk product"*, and insert instead the following:

§ 1000.12 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, yogurt, cream (sweet or sour) or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream and ice milk mix and aerated cream).

2. Delete § 1000.45 and substitute therefor a new § 1000.45 as follows:

§ 1000.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

(1) Subtract from the pounds of skim milk in Class I milk disposed of as cream, skim milk, flavored milk, flavored milk and skim milk drinks, and buttermilk, all in consumer-packaged form on routes, the pounds of such skim milk received during the month in the same product and same packages from a plant fully regulated pursuant to Order No. 88 (Part 988 of this chapter) regulating the handling of milk in the Knoxville marketing area: *Provided*, That this subparagraph shall not appdy to any item received if the same product is processed and packaged in the pool plant,

(2) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1000.41 (b),

(3) Subtract from the pounds of skim milk remaining in Class II milk the skim milk received as other source milk not in the form of fluid milk products: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk received in the form of fluid milk products and not subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(5) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk which was not subtracted pursuant to subparagraph (1) of this paragraph and which is subject to the Class I pricing provisions of another order issued pursuant to the act; *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(6) Subtract from the pounds of skim milk remaining in Class II milk the skim milk contained in inventories of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(7) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1000.43 (a),

(8) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph,

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

3. Delete § 1000.51 (a) (3) and substitute therefor the following:

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding that Class I milk subtracted pursuant to § 1000.45 (a) (1) and (b)), disposed of from all pool plants for the first and second preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

4. Delete § 1000.70 and substitute therefor a new § 1000.70 as follows:

§ 1000.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1000.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments on location differential allowance required pursuant to the proviso of § 1000.53;

(b) Add the amounts computed in subparagraphs (1), (2) and (3) of this paragraph;

(1) Multiply the rate of compensatory payment determined pursuant to § 1000.54 by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (1) and (b),

(2) Multiply the rate of compensatory payment determined pursuant to § 1000.54 at the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (4) and (b),

(3) Multiply the rate of compensatory payment determined pursuant to § 1000.54 at the nearest plant(s) from which an equivalent amount of other source milk was received by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (6) and (b), which is in excess of the sum of: (i) The quantity for which a payment must be computed pursuant to paragraph (d) of this section, and (ii) the quantity subtracted from Class II milk pursuant to § 1000.45 (a) (5) and (b) in the preceding month;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1000.45 (a) (9) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1000.45 (a) (7) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (6) and (b) for the current month, whichever is less, respectively.

5. In the proviso of § 1000.53, delete the phrase "§ 1000.45 (a) (1) through (4)" and substitute therefor "§ 1000.45 (a) (1) through (6)".

6. Delete § 1000.86 and substitute the following:

§ 1000.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his pool plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1000.45 (a) (3) and (4) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

Issued at Washington, D. C., this 21st day of May 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-3931; Filed, May 23, 1958; 8:49 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

MAINLAND CANE SUGAR AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO ALLOTMENT OF 1958 SUGAR QUOTA FOR CONSUMPTION WITHIN CONTINENTAL UNITED STATES

Pursuant to the provisions of the Sugar Act of 1958, as amended (61 Stat. 922, as amended, hereinafter referred to as the "act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq) notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1958 sugar quota for the Mainland Cane Sugar Area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exception.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary, and a notice was published on January 25, 1958 (23 F. R. 514), of a public hearing to be held at New Orleans, Louisiana, in the Monteleone Hotel, on February 25, 1958, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments; (2) to establish a fair, efficient and equitable allotment of the 1958 quota for the Mainland Cane Sugar Area for the calendar year 1958, (3) to revise or amend the allotment of the quota for the purpose of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee and (c) substituting final data for estimates of such data, and (4) make provisions for the transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. All proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions recommended herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts recommended to be found and the conclusions recommended to be reached as set forth herein.

The following portions of the Administrator's recommended decision consisting of the basis for his proposed findings and conclusions, proposed findings and conclusions, and proposed determination are set forth in form and language appropriate for issuance, if approved by the Secretary as his findings and conclusions and final determination.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of mainland cane sugar available for marketing in 1958 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 8).

The Government witness introduced for the record annual data on processings, past marketings and inventories for the period 1953 through 1957 (R. 8, 9; Ex. 5).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of the 1958 Mainland Cane Sugar Area quota is based. That formula follows the proposal made in the record in regard to the measures and weightings of factors to be used for determining allotments (R. 20–22; Ex. 7) and all processors of the area joined in recommending its adoption (R. 19, 32) and no separate Government proposal was made.

The procedure for determining 1958 allotments is the same as that used in allotting the 1957 quota with one exception. Provision is made to make an allotment to any processor, in addition to the allotment otherwise determined for such processor, to permit the marketing in 1958 of sugar which the processor could not market in 1957 because he was unable to accurately estimate his production and, as a result, declared too large a deficit in his 1957 allotment. No such additional allotment would be made to either a processor who had sufficient sugar available but declared a deficit because he did not desire to market as much sugar as his 1957 allotment would permit, or a processor who declared a deficit and did not have sufficient sugar available to market more than permitted within his 1957 allotment, adjusted for the deficit (R. 25–28).

In Louisiana, processors produce sugar during the four months, October through January. Under these circumstances processors cannot determine the exact quantity of sugar which they will produce for marketing within the calendar year (R. 18, 27). Thus, the provision was proposed for making an additional allotment to any processor who declared a greater deficit than his final production warranted to facilitate obtaining the release of probable, but not absolutely certain, deficits in allotments sufficiently in advance of the end of the year to enable full use of the quota for the area and thus contribute to a fair, efficient and equitable distribution of such quota.

This provision in 1958 would affect only one allottee. Iberia Sugar Coop., Inc., would receive an allotment of 308 tons, in addition to the allotment which this allottee would otherwise receive. The hearing record reveals that this allottee's share of the 1957 market included 308 tons which was relinquished to other processors through error in estimating its 1957 crop; that the allottee had the ability to market the sugar and would have done so in 1957 had the error not occurred; and that other processors as a group benefited to the extent of 308 tons by increases in their 1957 allotments (R. 17 and Brief). All processors concerned signed a stipulation favoring such an additional 1958 allotment to Iberia Sugar Coop., Inc., together with a waiver of any legal right to object to such a provision and this stipulation and waiver is a part of the record of the hearing.

The record of the hearing contains only a single proposal or recommendation on each of the matters with respect to which a finding or conclusion is made in this order, and each such proposal or recommendation either was concurred in by all interested persons or no alternative or dissenting view was expressed.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) January 1, 1958, effective inventories of mainland cane sugar approximate 237,000 short tons, raw value. With favorable crop conditions in 1958 the total supply of sugar available for marketing in 1958 is expected to exceed the quota established for the area.

(2) The supply situation makes necessary the allotment of the 1958 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interestate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) Processings of all sugar from 1957-crop sugarcane by each processor, exclusive of known quantities of sugar produced from sugarcane to which pro-

portionate shares did not pertain, is a fair, efficient and equitable measure of processings of sugar from the 1957-crop of sugarcane to which proportionate shares pertained.

(4) An allotment of 100 short tons, raw value, shall be established for the Louisiana State University.

(5) An allotment of 308 short tons, raw value, shall be established for Iberia Sugar Coop., Inc., to be added to the allotment determined for said allottee in accordance with the method set forth in (6) and (7), below.

(6) The remainder of the 1958 Mainland Cane Sugar Area quota for consumption within the continental United States, after allotting 408 tons as provided in (4) and (5), above, shall be allotted to all processors other than Louisiana State University by measuring and weighting each of the three factors specified in section 205 (a) of the act and determining allotments as follows, based on data in the hearing record and final data of which official notice will be taken.

(a) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1957-crop sugarcane, in short tons, raw value, exclusive of known quantities of sugar produced from sugarcane to which proportionate shares did not pertain, expressed as a percentage of the total of the measure for all processors, and weighted by 60 percent.

(b) The factor past marketings shall be measured by each processor's average annual marketings within his allotment for the years 1953 through 1957, in short tons, raw value, expressed as a percentage of the total for all processors of the measure, and weighted by 20 percent.

(c) The factor ability to market shall be measured by the sum of (1) each processor's January 1, 1958, effective inventory and (2) his share of the difference between 587,068 short tons, raw value, and total January 1, 1958, effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1953–57 new-crop marketings within the processor's allotments were of the area average. The sum of (1) and (2), above, in short tons, raw value, expressed as a percentage of the total of the measure of all processors should be weighted by 20 percent.

(d) The total of the percentages resulting from (a), (b) and (c), above, for each processor shall be multiplied by the quantity in short tons, raw value, by which the quota exceeds 408 tons allotted in (4) and (5), above, to determine his allotments in short tons, raw value.

(7) The quantity of sugar and the percentages referred to in paragraph (6), above, based on data involving estimates for 1957 processings, 1957 marketings and January 1, 1958, inventories, which shall be used in determining allotments pending the availability and substitution of final data and reflecting the finding made in (8), below, are set forth in the following table:

[Short tons, raw value]

Processor	Processings of sugar from 1957-crop cane		Past marketings average within allotments, 1953–57		Ability to market				
					Effective inventory 1-1-58	New-crop marketings		Measures used	
	Short tons, raw value (1)	Percent of total (2)	Short tons, raw value (3)	Percent of total (4)	(5)	Average within allotments 1953–57 (6)	"Shares" of difference[1] (7)	Col. (5) plus Col. (7) (8)	Percent of total (9)
Albania Sugar Coop., Inc.	5,588	1.062	5,884	1.070	1,245	3,993	5,662	6,907	1.177
Alma Plantation, Ltd.	7,480	1.422	6,815	1.240	2,578	4,022	6,554	9,132	1.556
J. Aron & Co., Inc.	14,044	2.669	11,945	2.173	5,560	7,497	10,631	16,191	2.758
Billeaud Sugar Factory	6,302	1.198	8,013	1.457	00	6,290	8,905	8,905	1.517
Breaux Bridge Sugar Coop., Inc.	5,039	.958	6,364	1.158	00	4,774	6,770	6,770	1.153
J. M. Burguieres Co., Ltd., The	6,510	1.237	5,990	1.090	2,377	3,787	5,370	7,747	1.320
Wm. T. Burton Industries, Inc.	6,407	1.218	6,871	1.250	4,718	1,165	1,652	6,370	1.085
Caire & Graugnard	2,810	.534	3,208	.584	121	2,512	3,562	3,683	.627
Caldwell Sugar Coop., Inc.	9,893	1.880	10,230	1.861	3,164	5,475	7,764	10,928	1.861
Catherine Sugar Co., Inc.	6,951	1.321	8,268	1.504	795	5,568	7,896	8,691	1.480
Columbia Sugar Co.	5,033	.957	5,083	.924	2,628	1,702	2,414	5,042	.859
Cora-Texas Mfg. Co., Inc.	2,331	.443	2,409	.438	1,053	1,077	1,527	2,580	.440
Dugas & LeBlanc, Ltd.	10,760	2.045	10,748	1.955	2,843	6,975	9,891	12,734	2.169
Duhe & Bourgeois Sugar Co., Inc.	7,987	1.518	8,151	1.483	2,569	4,929	6,990	9,559	1.628
Erath Sugar Co., Ltd.	4,921	.935	6,796	1.236	00	5,817	8,249	8,249	1.405
Evan Hall Sugar Coop., Inc.	17,160	3.262	18,926	3.443	3,317	12,399	17,582	20,899	3.560
Evangeline Pepper & Food Prod., Inc.	4,478	.851	4,631	.842	62	3,833	5,435	5,497	.936
Fellsmere Sugar Prod. Assoc.	6,493	1.234	8,557	1.556	5,177	390	553	5,730	.976
Frisco Cane Co., Inc.	808	.154	772	.140	385	421	597	982	.167
Glenwood Coop., Inc.	13,038	2.478	13,742	2.500	4,449	7,175	10,175	14,624	2.491
Gulf States Land & Industries, Inc.	15,583	2.962	19,299	3.510	4,944	8,777	12,446	17,390	2.962
Helvitia Sugar Coop., Inc.	6,852	1.302	6,588	1.198	2,524	4,161	5,901	8,425	1.435
Iberia Sugar Coop., Inc.	11,001	2.091	12,981	2.361	456	9,779	13,867	14,323	2.440
La Fourche Sugar Company	14,062	2.673	13,193	2.400	4,711	8,010	11,359	16,070	2.737
Harry L. Laws & Co., Inc.	7,595	1.444	8,888	1.617	1,605	5,566	7,893	9,498	1.618
Levert-St. John, Inc.	7,521	1.430	8,702	1.583	00	7,373	10,455	10,455	1.781
Loisel Sugar Co., Inc.	3,066	.583	5,061	.921	435	3,733	5,294	5,729	.976
Louisiana State Penitentiary	3,269	.622	2,780	.506	974	1,798	2,550	3,524	.600
Lula Factory, Inc.	10,497	1.995	10,596	1.927	2,232	7,461	10,580	12,812	2.182
Meeker Sugar Coop., Inc.	4,447	.845	3,515	.639	1,857	2,552	3,619	5,476	.933
Milliken & Farwell, Inc.	11,502	2.186	11,522	2.096	4,757	5,560	7,884	12,641	2.153
National Sugar Refining Co., The	7,833	1.489	12,759	2.321	884	5,822	8,256	9,140	1.557
Okeelanta Sugar Refinery, Inc.	18,000	3.421	13,129	2.388	16,992	202	286	17,278	2.943
M. A. Patout & Son, Ltd.	7,771	1.477	8,305	1.511	1,166	6,008	8,520	9,686	1.650
Poplar Grove Pltg. & Ref. Co., Inc.	6,514	1.238	6,206	1.129	1,871	4,304	6,103	7,974	1.358
St. James Sugar Coop., Inc.	11,194	2.128	10,975	1.996	3,676	6,731	9,545	13,221	2.252
St. Mary Sugar Coop., Inc.	11,124	2.114	11,167	2.031	264	9,229	13,087	13,351	2.274
South Coast Corp.	36,587	6.954	38,327	6.972	14,281	16,978	24,076	38,357	6.534
Southdown Sugars, Inc.	37,666	7.159	38,502	7.003	20,934	11,107	15,750	36,684	6.249
Sterling Sugars, Inc.	16,468	3.130	16,600	3.020	5,399	10,200	14,464	19,863	3.383
J. Supple's Sons Pltg. Co., Inc.	3,627	.690	4,122	.750	1,302	2,058	2,918	4,220	.719
United States Sugar Corp.	105,000	19.958	105,791	19.243	92,155	3,195	4,531	96,686	16.469
Valentine Sugars, Inc.	9,456	1.797	9,370	1.704	7,885	3,011	4,270	12,155	2.071
Vida Sugars, Inc.	3,416	.649	4,082	.742	00	3,455	4,899	4,899	.835
A. Wilbert's Sons Lbr. & Sh. Co.	8,309	1.579	8,009	1.457	2,780	4,867	6,902	9,682	1.649
Young's Industries, Inc.	3,718	.707	5,888	1.071	00	4,449	6,309	6,309	1.075
Total	526,111	100.000	549,760	100.000	237,125	246,777	349,943	587,068	100.000

[1] The difference between 587,068 tons (quota established by S. R. 811 amounting to 587,476 tons less 408 tons allotted to Louisiana State University and Iberia Sugar Coop., Inc.) and 237,125 tons (1-1-58 effective inventory) amounting to 349,943 tons prorated on the basis of each processor's 1953–57 average new-crop marketings within allotments (col. 6).

[2] Determined by weighting "processings" (col. 2) by 60 percent; "marketings" (col. 4) by 20 percent; and "ability" (col. 9) by 20 percent.

(8) Wm. T. Burton Industries, Inc., shall succeed to all interest in the historical data, pertinent to determining allotments, of the former allottee, Burton-Sutton Oil Co., Inc.

(9) The order shall be revised without further notice or hearing, for the purpose of (a) substituting final data for estimated data on 1957-crop processings, 1957 marketings and January 1, 1958, inventories used in measuring the factors, when such data become part of the official records of the Department; (b) allotting any area deficit which increases the 1958 Mainland Cane Sugar Area quota for consumption within the continental United States; (c) making allotments to give effect to any change in quota due to action pursuant to sections 201 and 202 (a) of the act and (d) allotting any quantity of an allotment to other allottees, when written notification of release of such allotment becomes part of the official records of the Department. In making revisions to give effect to quota changes indicated under (b) and (c), above, allotments shall be computed in the same manner as is provided for in

this order. Revisions of allotments referred to in (d), above, shall be made by increasing proportionately, the allotments otherwise established by this proceeding except that the quantity prorated to any allottee shall be limited in accordance with statements in writing from allottees releasing allotments in excess of specific quantities.

(10) Official notice will be taken of written notification to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, any regulation issued by the Secretary which changes the 1958 Mainland Cane Sugar Area quota and final data for 1957-crop processings, 1957 marketings and January 1, 1958, inventories that become a part of the official records of the Department.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1958 Mainland Cane Sugar Area quota.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of any 1958 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered*, That § 814.25 be amended to read as follows:

§ 814.25 *Allotment of the 1958 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments*. The 1958 Mainland Cane Sugar Area quota for consumption within the continental United States of 626,225 short tons, raw value, is hereby allotted to the following processors in amounts which appear opposite their respective names:

Processors	*Allotments (short tons, raw value)*
Albania Sugar Coop., Inc	6, 803
Alma Plantation, Ltd	8, 836
J. Aron & Co., Inc	16, 196
Billeaud Sugar Factory	8, 223
Breaux Bridge Sugar Coop	6, 490
J. M. Burguieres Co., Ltd., The	7, 660
Wm. T. Burton Industries, Inc	7, 497
Caire & Graugnard	3, 523
Caldwell Sugar Coop., Inc	11, 715
Catherine Sugar Co., Inc	8, 693
Columbia Sugar Company	5, 826
Cora-Texas Mfg. Co., Inc	2, 760
Dugas & LeBlanc, Ltd	12, 842
Dube & Bourgeois Sugar Co., Inc	9, 594
Erath Sugar Co., Ltd	6, 821
Evan Hall Sugar Coop., Inc	21, 015
Evangeline Pepper & Food Products, Inc	5, 420
Fellsmere Sugar Producers Assoc	7, 804
Frisco Cane Co., Inc	964
Glenwood Coop., Inc	15, 552
Gulf States Land & Industries, Inc	19, 225
Helvetia Sugar Coop., Inc	8, 186
Iberia Sugar Coop., Inc	14, 170
LaFourche Sugar Company	16, 465
Harry L. Laws & Co., Inc	9, 469
Levert-St. John, Inc	9, 581
Loisel Sugar Co., Inc	4, 562
Louisiana State Penitentiary	3, 717
Lula Factory, Inc	12, 635
Meeker Sugar Coop., Inc	5, 138
Milliken & Farwell, Inc	13, 524
National Sugar Refining Co	10, 445
Okeelanta Sugar Refinery, Inc	19, 519
M. A. Patout & Son, Ltd	9, 500
Poplar Grove Pltg. & Ref. Co., Inc	7, 760
St. James Sugar Coop., Inc	13, 305
St. Mary Sugar Coop., Inc	13, 324
South Coast Corp	43, 019
Southdown Sugars, Inc	43, 469
Sterling Sugars, Inc	19, 770
J. Supple's Sons Pltg. Co., Inc	4, 431
United States Sugar Corp	119, 637
Valentine Sugars, Inc	11, 471
Vida Sugars, Inc	4, 412
A. Wilbert's Sons Lbr. & Sh. Co	9, 819
Young's Industries, Inc	5, 338
Louisiana State University	100
All other persons	00
Total	626, 225

(b) *Marketing limitations*. Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F. R. 1943).

(c) *Exchanges of sugar between allottees*. When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(d) *Delegation*. The Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Mainland Cane Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 19th day of May 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-3883; Filed, May 23, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 163]

ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to amend Part 163, Roadless and Wild Areas on Indian Reservations, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of this amendment is to facilitate the economic development of the area. The Confederated Tribes of the Warm Springs Reservation have requested the elimination of the roadless area designation.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed amendment, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

HATFIELD CHILSON,
Undersecretary of the Interior.

MAY 19, 1958.

Section 163.1 of Part 163 is amended to read as follows:

§ 163.1 *Roadless areas*. A roadless area for the purpose of this part is one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country or at least 500,000 acres in nonforested country. The following are established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Rainbow Bridge	Navajo	1, 500, 000
Black Mesa	Navajo	520, 000
Grand Canyon	Hualapai	530, 000
Painted Desert	Navajo	525, 000
Black River	San Carlos-Ft. Apache.	225, 000
Wind River Mountains	Shoshone	220, 000
Columbia-San Poil Divide.	Colville	155, 000
Mt. Thomas	Ft. Apache	130, 000
Mission Range	Flathead	125, 000
Mesa Verde	Consolidated Ute	115, 000
Goat Rocks	Yakima	105, 000

The boundaries of these areas are described in the appendix to this part.[1]

[F. R. Doc. 58-3910; Filed, May 23, 1958; 8:45 a. m.]

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[1] The appendix to this part appears at 3 F. R. 709-711, Mar. 22, 1938.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND, AMENDED

Notice of the proposed withdrawal and reservation of land for the Department of the Air Force was published in the FEDERAL REGISTER, September 18, 1957, Volume 22, Number 181, Page 7435. The area embraced by this application which is identified by the serial number, Anchorage 036591, has been amended to read as follows:

RABBIT CREEK AREA

T. 12 N., R. 3 W., Seward Meridian, Section 36: SW¼NW¼SE¼NW¼.

Containing 2.50 acres, more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-3920; Filed, May 23, 1958; 8:47 a. m.]

WYOMING

REDELEGATION OF AUTHORITY BY LAND OFFICE MANAGER TO CHIEFS, MINERAL AND LAND ADJUDICATION UNITS

MAY 19, 1958.

Pursuant to authority contained in Bureau Order 541, as amended, authority is hereby redelegated to the Chief, Mineral Adjudication Unit to take action for the Manager in all matters listed in section 3.6 of Part III-A, and to the Chief, Lands Adjudication Unit in all matters listed in section 3.9 of Part III-A, to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

CRAIG A. DECKER,
Land Office Manager,
Cheyenne Land Office.

Approved: May 19, 1958.

ED PIERSON,
Wyoming State Supervisor,
Bureau of Land Management.

[F. R. Doc. 58-3909; Filed, May 23, 1958; 8:45 a. m.]

Geological Survey

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS IN CERTAIN AREAS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

Name of field	Effective date	Acreage
(0) ALASKA		
Gubik	Dec. 2, 1957	39,680
(1) CALIFORNIA		
Alferitz (revision)	Apr. 15, 1958	1,360
Bates (revision)	Mar. 5, 1958	480
(2) COLORADO		
Rangely (revision)	Feb. 21, 1958	32,736
(4) MONTANA		
Cedar Creek (revision)	Apr. 18, 1958	145,181
Pine (revision)	do	13,666
(5) NEW MEXICO		
Bisti (revision)	Apr. 10, 1958	61,106
Caprock (Queen) (revision and consolidation).	Feb. 28, 1958	33,198
Dollarhide (revision)	Apr. 15, 1958	4,595
Gallegos	Mar. 26, 1958	17,643
Horseshoe Canyon	Apr. 15, 1958	2,097
Monument-Jal (revision)	Apr. 3, 1958	298,505
North Benson	Apr. 21, 1958	400
San Juan	May 8, 1958	1,652,366
Turkey Track (revision)	Apr. 21, 1958	1,468
(8) UTAH		
Clear Creek (revision)	Apr. 18, 1958	21,920
(9) WYOMING		
Alkali Anticline	Mar. 5, 1958	1,080
Murphy Dome (revision)	Apr. 15, 1958	1,957
Mush Creek-Skull Creek (revision).	Feb. 21, 1958	18,948

THOMAS B. NOLAN,
Director.

MAY 20, 1958.

[F. R. Doc. 58-3908; Filed, May 23, 1958; 8:45 a. m.]

Office of the Secretary

DIRECTOR, GEOLOGICAL SURVEY

DELEGATION OF AUTHORITY REGARDING NEGOTIATION OF CONTRACT FOR ENGINEERING MODEL OF AN ULTRASONIC VELOCITY METER

1. The Director, Geological Survey is authorized, subject to the provisions of 2 below, to exercise the authority delegated for the period ending December 31, 1958, by the Administrator of General Services to the Secretary of the Interior (23 F. R. 2464) to negotiate without advertising, under sections 302 (c) (9) and 302 (c) (10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), a contract for an engineering model required by the Geological Survey in the administration of its program for research and development work in connection with the application of ultrasonic principles to the measurement of stream velocities.

2. The authority granted in 1 above does not include authority to make the determination required by section 302 (c) (10) of the act if the amount involved is in excess of $25,000. The authority granted shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures, and controls prescribed by the General Services Administration, and applicable regulations of the Department.

3. The authority granted in 1 above may not be redelegated.

FRED A. SEATON,
Secretary of the Interior.

MAY 17, 1958.

[F. R. Doc. 58-3911; Filed, May 23, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8563, etc.]

GULF OIL CORP. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 20, 1958.

In the matters of Gulf Oil Corporation,[1] Docket No. G-8563; The British American Oil Producing Company,[2] Docket No. G-8764; W. L. Todd, Jr., et al.,[3] Docket No. G-9029; G. E. Hall, Operator, et al.,[4] Docket No. G-12[illegible]; United Producing Company, Inc.,[5] Docket No. G-13929.

Take notice that each of the above designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the respective applications which are on file with the Commission and open to public inspection.

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[1] Applicant, a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, is filing for authorization to sell its share of gas produced from the Atlantic State No. 4 Well E½, Section 2, T. 30 N., R. 10 W., San Juan County, New Mexico.

[2] Applicant, a Delaware corporation having its principal place of business at Dallas, Texas, is filing for authorization to sell gas produced from its leases covering the S/2, SE/4, and the NW/4, SE/4 of Section 30, T. 6 N., R. 22 E., Beaver County, Oklahoma.

[3] W. L. Todd, Jr., is filing for himself and in behalf of Edward Wright, Jr., Harry L. Todd, and Thomas E. Todd for authorization to sell gas produced from their acreage in the American National Life Ins. Co., Keohane Unit.

[4] G. E. Hall is filing for himself as owner and operator and on behalf of W. L. Hanley and Hanley Company for authorization to sell gas produced from the Josie Fay Peck Lease.

[5] Applicant, a Maryland corporation having its principal place of business at Charleston, West Virginia, is filing for authorization to sell gas produced from certain leases (as set out in the contract, dated August 30, 1957, on file with the Commission as Applicant's Gas Rate Schedule No. 30) located in the Highland Area, Beaver County, Oklahoma.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field; and Purchaser

G-8563; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

G-8764; Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

G-9029; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G-12957; Sweetie Peck Field, Midland and Upton Counties, Tex.; El Paso Natural Gas Company.

G-13929; Highland Area, Beaver County, Okla.; Colorado Interstate Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 17, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-3915; Filed, May 23, 1958; 8:47 a. m.]

[Docket No. G-10367]

HUMBLE OIL & REFINING CO.

NOTICE OF DATE OF HEARING

MAY 20, 1958.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application of Humble Oil & Refining Company in the above-entitled proceeding: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Notice of the application filed herein was published in the FEDERAL REGISTER on June 21, 1957 (22 F. R. 4397-4400). The final date for filing protests and petitions to intervene was July 5, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-3916; Filed, May 23, 1958; 8:47 a. m.]

[Docket No. G-14173]

A. B. ALKEK

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 20, 1958.

Take notice that on January 3, 1958, A. B. Alkek (Applicant), an independent producer with a principal place of business in Victoria, Texas, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon service to Trunkline Gas Company (Trunkline) from Applicant's Sol Parks lease in Goliad County, Texas, all as more fully set forth in the application on file with the Commission and open for public inspection.

The application recites that due to depletion of natural gas in the reservoir it is no longer economically feasible to produce gas therefrom. Applicant was authorized on September 28, 1956, in Docket No. G-6427 to render service to Trunkline from the afore-mentioned Sol Parks Lease.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 25, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 13, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-3917; Filed, May 23, 1958; 8:47 a. m.]

[Docket Nos. G-12393, G-12394]

ELGE RASBERRY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 20, 1958.

In the matters of Elge Rasberry et al., and Crescent Oil and Gas Corporation, Operator, Docket Nos. G-12393, G-12394.

Take notice that Elge Rasberry et al.[1] (Rasberry) and Crescent Oil and Gas Corporation, Operator (Crescent), independent producers of natural gas, filed joint applications on March 21, 1957, for permission and approval to abandon and for authority to continue service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective joint applications which are on file with the Commission and open to public inspection.

The joint applications seek permission or authority for:

(1) Rasberry, to abandon service to Texas Gas Transmission Corporation (Texas Gas) in Docket No. G-12393 and to Transcontinental Gas Pipe Line Corporation (Transco) in Docket No. G-12394 from certain of Rasberry's leases in Iota Field, Acadia Parish, Louisiana, dedicated under contracts with said buyers dated November 28, 1952 and June 20, 1955, respectively.

(2) Crescent to continue the services proposed to be abandoned by Rasberry.

Applicants state that on July 18, 1956, Rasberry assigned his interest in the leases involved to Wren Oil Company, which reassigned said interest to Pennant on the same date. Applicants recite, further, that on July 13, 1956, Tamborellos and Thorstenburg assigned their interests in the same leases to A. G. Milner, who, on July 18, 1956, transferred such interests to Pennant. On December 31, 1956, according to Applicants, Pennant reassigned all of its acquired interests in the subject leases to Crescent, which is now the owner and operator thereof.

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[1] "Et al." parties are Anthony J., John A., Frank and Carl J. Tamborello (Tamborellos), Russell Thorstenburg and Pennant Oil and Gas Corporation (Pennant).

Rasberry et al. with the exception of Pennant, were authorized on January 30, 1956, in Docket No. G-3597 and on February 21, 1957, in Docket No. G-3654 to render the service proposed to be abandoned in Docket Nos. G-12394 and G-12393, respectively.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3921; Filed, May 23, 1958; 8:48 a. m.]

[Docket No. G-13785]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 20, 1958.

Take notice that on November 21, 1957, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation having its principal place of business in Chicago, Illinois, filed in Docket No. G-13785 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the operation of a tap and meter station presently installed at a point on its existing 20-inch Hagist lateral pipeline in Nueces County, Texas, in order to purchase and receive for transportation and sale in interstate commerce natural gas produced in the Knolle Farms area in Nueces County by Delhi-Taylor Oil Corporation (Delhi-Taylor) (authorized in Docket No. G-12906), subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission, and open for public inspection.

The actual cost of the facilities was $6,891.56.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 9, 1958 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3922; Filed, May 23, 1958; 8:48 a. m.]

POST OFFICE DEPARTMENT

RESTRICTIONS ON MEAT IMPORTATIONS INTO AUSTRALIA AND NEW GUINEA; IMPORT RESTRICTIONS IMPOSED BY COLOMBIA

1. The Postal Administration of Australia has given notice that all kinds of meat, including preserved meat, whether hermetically sealed or not, is prohibited from importation to that country unless permission is obtained from an Australian quarantine officer. The prohibition also applies to the Territory of New Guinea.

2. The Colombian Postal Administration has called attention to the fact that parcel-post packages received in that country are frequently delayed in delivery due to lack of the necessary import documents. These are a commercial invoice for every parcel regardless of value, and a consular invoice supported by a Colombian import license for every parcel whose value exceeds 100 pesos. See "Observations" under "Colombia—Parcel Post" in the Directory of International Mail.

It is understood that the value of the Colombian peso is subject to variation in accordance with the exchange regulations, and the equivalent of $40 for 100 pesos shown in the Directory of International Mail can no longer be taken as correct. Unless a sender is satisfied that the contents of his parcel will not be valued at more than 100 pesos by the Colombian customs authorities, he should make inquiry of the nearest Colombian consul, giving the nature and value of the articles he desires to send, to ascertain what import documents will be required.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-3914; Filed, May 23, 1958; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3692]

MILWAUKEE GAS LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE OF NOTES TO BANKS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY, AND ORDER FOR HEARING THEREON

MAY 20, 1958.

Notice is hereby given that Milwaukee Gas Light Company ("Milwaukee"), a public-utility subsidiary of American Natural Gas Company ("American"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Milwaukee has designated section 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration, as amended, on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Milwaukee proposes to issue and sell promissory notes in an aggregate principal amount not exceeding $15,000,000 on or from time to time after June 1, 1958, to the following banks and in the following maximum amounts:

Name of bank	*Amount of commitment*
The First National City Bank of New York	$3,000,000
The Hanover Bank, New York	3,000,000
Mellon National Bank and Trust Company, Pittsburgh, Pa	3,000,000
First Wisconsin National Bank of Milwaukee	3,000,000
Marine National Bank of Milwaukee	750,000
Marshall & Ilsley Bank, Milwaukee	450,000
Total	15,000,000

The notes will be unsecured, will be dated as of the dates of issuance, will mature June 1, 1959, and will bear interest at the prime rate prevailing at The First National City Bank of New York for commercial loans on the date of each issuance. Subject to the authorization of this Commission Milwaukee will have the right to renew notes for a period of 12 months beyond their expressed maturity upon 10 days' written to the holders of the notes, at the prime rate prevailing at The First National City Bank of New York for commercial loans on the date of renewal.

The credit agreement under which the notes will be issued will provide that, at the option of the company, the notes may be prepaid, in whole or in part, and if in part, pro rata as to each of the banks and in an aggregate principal amount of $1,000,000 or multiples thereof without penalty, except in the case of payment from the proceeds of borrowings from other banks, in which event there will be payable a penalty of one-fourth of one percent per annum for the unexpired term of the amount prepaid. The agreement will also provide that the company shall pay a standby charge equal to one-fourth of one percent per annum on the average daily unused balance of the commitment, computed from June 1, 1958 until the amount of the notes purchased by the banks shall equal the aggregate amount of the banks' commitments or the credit agreement terminates, whichever is earlier.

Declarant states that in addition to the substantial cash requirements for normal additions and replacements of property the company requires a large sum for its major expansion program now in progress to deliver increased volumes of gas to existing customers and to serve new customers. Declarant proposes to consummate a permanent financing program in 1959 in an amount sufficient to retire the promissory notes then outstanding and to provide funds for further construction.

Declarant further states that no State commission or any Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the declaration as amended and that it should not be permitted to become effective except pursuant to further order of the Commission:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that a hearing with respect to the declaration as amended shall be held on June 4, 1958 at 10 a. m., at the offices of the Commission, 425 Second Street NW., Washington, D. C.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before June 1, 1958, a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the declaration which he desires to controvert.

It is further ordered, That William W. Swift, or any other officer of the Commission designated by it for that purpose, shall preside at such hearing, and that the officer so designated is hereby authorized to exercise all of the powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the declaration as amended and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the designation of additional matters and questions upon further examination:

1. Whether the proposed notes are to be issued for the purpose of financing the business of the declarant as a public-utility company.

2. Whether the proposed notes to be issued and sold by Milwaukee are reasonably adapted to its security structure and other companies in the American holding-company system.

3. Whether the proposed notes are reasonably adapted to the earning power of the company.

4. Generally, whether the proposed issuance and sale of the notes proposed to be issued meet the applicable standards of section 7 of the act.

5. What terms and conditions, if any, should be imposed in the public interest or in the interest of investors or consumers with respect to the issue and sale of the notes proposed to be issued.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3918; Filed, May 23, 1958; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

Office of the Administrator

[Power of Attorney 2]

ACTING BRANCH MANAGER, SAN JUAN, PUERTO RICO

POWER OF ATTORNEY RELATING TO LOANS IN THE COMMONWEALTH OF PUERTO RICO

Pursuant to the authority vested in the Administrator, by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631, as amended, there is hereby issued the following Power of Attorney:

Know all men by these presents:

That I, Wendell B. Barnes, of age, married and a resident of Sumner, Maryland, in my capacity as Administrator of the Small Business Administration, an Agency of the United States of America, created by the Small Business Act of 1953, as amended, and in the exercise of the powers conferred upon me as Administrator under said act, do hereby nominate, constitute and appoint Mr. Aristides J. Armstrong, of age, married and a resident of San Juan, Puerto Rico (hereinafter referred to as the attorney in fact), my true and lawful attorney, for and within The Commonwealth of Puerto Rico, whenever and during such time as he shall be designated by the Branch Manager, San Juan Office of the Small Business Administration, to be Acting Branch Manager of said San Juan Office, to exercise, do and perform subject to the limitations and restrictions expressed hereinafter any and all of the following things and acts:

1. To accept on behalf of the Small Business Administration ownership of, or other interest in, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in Sections Two Hundred Seven (a) or Two Hundred Seven (b) of the Small Business Act of 1953, as amended.

2. To convey and execute in the name of the Small Business Administration, deeds of conveyance, full or partial deeds of release, assignments and satisfactions of mortgages and any other written instrument relating to real, personal, tangible or intangible property, or any interest therein, necessary in the granting, administration, collection and liquidation of loans made by the Small Business Administration, pursuant to the provisions of the Small Business Act of 1953, as amended.

3. To demand and accept securities, real or personal, which guarantee debts heretofore or hereafter acknowledged in favor of the Small Business Administration, or which guarantee the fulfillment of any other existing or future obligations contracted in favor of the Small Business Administration.

4. To appear on behalf of the Small Business Administration in all deeds or mortgages executed in The Commonwealth of Puerto Rico in favor of the Small Business Administration in connection with the making of loans; assessing the property mortgaged for the purpose of the first sale to be held in case of foreclosure and in case that more than one property is mortgaged, for the purpose of distributing among the properties mortgaged, the amount of the mortgage responsibility on each property mortgaged; and for other purposes as may be necessary to produce an instrument recordable in the Registry of Property of The Commonwealth of Puerto Rico.

5. To register and record, or to present for registration and recording, any and all deeds, documents, and other papers, which it may be necessary or proper to register or record in The Commonwealth of Puerto Rico.

Giving and granting upon the said Aristides J. Armstrong, full power and authority to do and perform each and every act and thing whatsoever requisite or necessary to be done in and about the premises as fully and effectually to all intents and purposes as the Administrator himself might or could do if personally present and acting; hereby ratifying and confirming all that the said Aristides J. Armstrong or his duly appointed substitute shall lawfully do or cause to be done by virtue hereof; and in the exercise of the faculties conferred in the present Power of Attorney, said Aristides J. Armstrong is empowered to appear in, and execute, any and all public instruments or authentic documents as may be necessary to authenticate acts or contracts subject to recordation; and whenever he may appear or execute such public instruments or authentic documents, he is authorized to comply with, and fulfill all and any conditions, clauses, and formalities as may be required under the Civil Code, the Mortgage Law and Regulations, and other statutes of The Commonwealth of Puerto Rico, as may be necessary to produce instruments and deeds acceptable for recordation in the Property Registries of The Commonwealth of Puerto Rico.

Unless sooner revoked or terminated by me in writing, this Power of Attorney shall remain in full force and effect until the Attorney in Fact resigns or is removed from the employ of the Small Business Administration, whichever happens first.

Washington, D. C., this 19th day of May 1958.

[SEAL] WENDELL B. BARNES,
Administrator.

ACKNOWLEDGMENT

This is to certify that on this 19th day of May, 1958, before me, the undersigned, duly commissioned and sworn as such, personally came Wendell B. Barnes, in his capacity as Administrator of the Small Business Administration, an Agency of the United States Government, existing under and by virtue of Public Law No. 163 of the 83d Congress, First Session, as amended, to me known to be Administrator of the said Agency, and acknowledged that the seal affixed to the within instrument is the seal of the Small Business Administration; and that the said instrument was signed and sealed in behalf of the Small Business Administration by authority given to the Administrator under said Public Law and that the said Wendell B. Barnes as Administrator, acknowledged said instrument under the powers granted him by Law for the uses and purposes therein mentioned.

Washington, D. C., this 19th day of May, 1958.

LOUISE C. REGGAN [SEAL],
Notary Public.

[F. R. Doc. 58-3919; Filed, May 23, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

May 21, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34693: *TOFC service—Class rates between Indiana points and points in the southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7290), for interested rail carriers. Rates on various commodities moving on class rates loaded in trailers and transported on railroad flat cars between LaFayette and South Bend, Ind., on the one hand, and specified points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4280.

FSA No. 34694: *Grains from and to western points.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1976), for interested rail carriers. Rates on coarse and sorghum grains, carloads from specified points in Iowa, Minnesota, Missouri and South Dakota to specified points in Colorado, Kansas, Missouri, Nebraska, and Wyoming.

Grounds for relief: Competition not disclosed.

Tariff: Supplement 40 to Western Trunk Line Committee, Agent, tariff I. C. C. A-4021.

FSA No. 34695: *Grain and products—western points to Avery, Nebr.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1979), for interested rail carriers. Rates on grain, grain products, seeds and related articles, carloads from specified points in Iowa, Minnesota, Missouri, and South Dakota to Avery, Nebr.

Grounds for relief: Commercial competition with Gilmore, and other nearby and more distant points in Nebraska.

Tariff: Supplement 40 to Western Trunk Line Committee, Agent, tariff I. C. C. A-4024.

FSA No. 34696: *Grain and products—western points to Colorado.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1984), for interested rail carriers. Rates on grain, grain products, seeds, and related articles, carloads from specified points in Iowa, Minnesota, Missouri, and South Dakota to specified points in Colorado west of Pueblo, Colo.

Grounds for relief: Commercial competition with Pueblo, Colo., and points in Colorado east thereof.

Tariff: Supplement 40 to Western Trunk Line Committee, Agent, tariff I. C. C. A-4021.

FSA No. 34697: *Iron or steel scrap—Muskegon, Mich., to Chicago, Ill., and Cleveland, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2378), for interested rail carriers. Rates on scrap iron or steel (not copper clad), as described in the application, carloads from Muskegon, Mich., to Chicago, Ill., and Cleveland, Ohio.

Grounds for relief: Barge competition.

FSA No. 34698: *Sand—Terre Haute, Ind., to Hindsboro, Ill.* Filed by H. R. Johnson, Agent (IFA No. 71), for The Pennsylvania Railroad Company. Rates on sand, carloads, as described in the application from Terre Haute, Ind., to Hindsboro, Ill.

Grounds for relief: Motor truck competition from wayside pit to jobsite.

Tariff: Supplement 31 to The Pennsylvania Railroad Company's tariff I. C. C. 3414.

FSA No. 34699: *Phosphate Rock—Florida mines to Massachusetts points.* Filed by O. W. South, Jr., Agent (SFA No. A3669), for interested rail carriers. Rates on crude phosphate rock, not ground, carloads from Florida mines to South Wilmington and Lowell, Mass.

Grounds for relief: Rail-water-rail competition.

Tariff: Supplement 93 to Southern Freight Association, Agent, tariff I. C. C. 1514.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3913; Filed, May 23, 1958; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.23, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Farah Manufacturing Co., Inc., Marfa, Tex.; effective 5-12-58 to 12-23-58 (boys' dungarees) (replacement certificate).

Freeland Sportswear Co., Inc., 246-250 Centre Street, Freeland, Pa.; effective 5-6-58 to 5-5-59 (men's outerwear).

Charles W. Henson Garment Manufacturing Co., Monroe, Ga.; effective 5-27-58 to 5-26-59 (men's and boys' work pants and dress pants).

Lyons Manufacturing Co., Inc., Lyons, Ga.; effective 5-15-58 to 5-14-59 (men's and boys' shirts).

Regina Manufacturing Co., Inc., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5-9-58 to 5-8-59 (brassieres).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hunter Bros. Co., Inc., Statesville, N. C.; effective 5-9-58 to 5-8-59; five learners engaged in the production of sport shirts only (sport shirts).

Le Nore Garments, Inc., 230 West Fifth Street, Tempe, Ariz.; effective 5-8-58 to 5-7-59; 10 learners (ladies' and children's aprons; children's sportswear).

Royal Fashions, Inc., 284 Main Street, Dupont, Pa.; effective 5-9-58 to 5-8-59; six learners (women's dresses).

Ruth Originals Corporation, 2029 Asheville Highway, Hendersonville, N. C.; effective 5-9-58 to 5-8-59; 10 learners (children's dresses).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark.; effective 5-7-58 to 5-6-59; 10 learners (men's and boys' trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barad Lingerie Co. of Salem, Salem, Mo.; effective 5-12-58 to 11-11-58; 15 learners (ladies' sleepwear).

Blue Bell, Inc., Ripley (Tippah Co.), Miss.; effective 5-19-58 to 11-18-58; 100 learners (men's work shirts; men's and boys' sport shirts).

E & W Manufacturing Co. of Canton, Canton, Miss.; effective 5-7-58 to 11-6-58; 50 learners (men's sport and dress shirts).

Farah Manufacturing Co., Inc., Marfa, Texas; effective 5-12-58 to 7-2-58; 75 learners (boys' dungarees) (replacement certificate).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Glenwood, Ark.; effective 5-11-58 to 5-10-59; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Eupora, Miss.; effective 5-12-58 to 5-11-59; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Renfro Hosiery Mills Co., 304 Willow Street, Mount Airy, N. C.; effective 5-12-58 to 5-11-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Emkay Manufacturing Co., 205 West Sixth Street, W. Wyoming, Pa.; effective 5-9-58 to 5-8-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (girdles, swim suits).

Hunter Bros. Co., Inc., Statesville, N. C.; effective 5-9-58 to 5-8-59; five learners for normal labor turnover purposes in the production of shorts only (men's woven shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Sarmont, Inc., 111 East Third Street, Caruthersville, Mo.; effective 5-12-58 to 11-11-58; 15 learners for plant expansion purposes in the occupation of sewing machine operator, for a learning period of 320 hours at not less than 85 cents per hour (bags, tents, tarpaulins, and various textile items).

Tunica Manufacturing Co., Inc., Tunica, Miss.; effective 5-12-58 to 11-11-58; 15 learners for plant expansion purposes in the occupation of sewing machine operator (including quilting operator and binding operator), for a learning period of 320 hours at not less than 85 cents per hour (quilted patch quilts and mattress pads).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 5-12-58 to 11-11-58; four learners for normal labor turnover purposes in the occupations of embroidery machine operator, and power sewing machine operator; each for a learning period of 320 hours at rates of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 160 hours (lettering and alterations; industrial uniforms).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Almarco, Inc., Fajardo, P. R.; effective 4-24-58 to 4-23-59; authorizing the employment of five learners for normal labor turnover purposes in the occupations: (1) baseball sewers for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the second 160 hours; (2) baseball winders, and die cutters each for a learning period of 160 hours at rate of 43 cents an hour (baseballs and softballs).

Catherine Needle Craft, Inc., Mayaguez, P. R.; effective 4-29-58 to 10-28-58; authorizing the employment of 25 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 4-25-58 to 10-24-58; 40 learners for plant expansion purposes in the occupations of (1) knitting, topping, and looping each for a learning period of 480 hours, at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the second 240 hours; (2) machine stitching, pressing, hand sewing, finishers doing work involving hand sewing each for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the second 160 hours; (3) winders, for a learning period of 240 hours at the rate of 68 cents an hour (full-fashioned sweaters).

Island Industries, Inc., Catano, P. R.; effective 4-18-58 to 4-17-59; authorizing the employment of 20 learners for normal labor turnover purposes in the occupations of looping and sewing, each for a learning period of 480 hours at rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (seamless, full-fashioned girdles).

Makress, Inc., 908 Miraflores Street, San Juan, P. R.; effective 4-18-58 to 10-17-58, authorizing the employment of 24 learners for plant expansion purposes in the occupations of sewing machine operator, single needle, double needle, zig-zag, fagotting and feather stitching each for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (girdles, corsets and allied products).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 15th day of May 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-3912; Filed, May 23, 1958; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEF BLATTLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josef Blattler; Sentihof, Littau/Lucerne, Switzerland; Claim No. 60504; $268.50 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D. C., on May 16, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 58-3923; Filed, May 23, 1958; 8:48 a. m.]

ANNEMARIE KALAU V. HOFE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Annemarie Kalau v. Hofe; Johannesburg, South Africa; Claim No. 60376; $470.00 in the Treasury of the United States. Vesting Order No. 14629.

Executed at Washington, D. C., on May 16, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 58-3924; Filed, May 23, 1958; 8:48 a. m.]

MAY 28 1958
MAIN
READING ROOM

FEDERAL REGISTER
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Washington, Tuesday, May 27, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (1) of § 6.122 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-3950; Filed, May 26, 1958; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Cotton Bulletin 1]

PART 427—COTTON

SUBPART—1958 COTTON LOAN PROGRAM

This bulletin contains the regulations, instructions, and requirements with respect to the 1958 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Commodity Stabilization Service (hereinafter referred to as CSS). Loans will be made available on upland and extra long staple cotton produced in 1958, in accordance with this bulletin.

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427.902	Availability of loans.
427.903	Approved lending agency.
427.904	Producer.
427.905	Eligible producer.
427.906	Eligible cotton.
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427.925	Loans on upland cotton prior to August 1, 1958.
427.926	Tender of notes by lending agencies.
427.927	Loss or damage to pledged cotton.
427.928	Transfer of producer's interest.
427.929	Repayments by the producer.
427.930	Cotton cooperative marketing association loans.
427.931	Custodial offices.
427.932	Schedule of premiums and discounts for upland cotton (basis 1-inch Middling).

AUTHORITY: §§ 427.901 to 427.932 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, as amended; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 427.901 *Administration.* Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate Divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as State committees and county committees, respectively). Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as county offices) and at approved lending agencies, approved warehouses, and others designated to participate in the loan program. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.902 *Availability of loans*—(a) *Loans.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse, farm-stored, and bill of lading loans.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 26 (1954), Parts 20–221, Rev. Jan. 1, 1958 ($4.25)

Title 32, Parts 800–1099 ($0.65)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(b) *Area.* Loans on cotton covered by bills of lading will be available in areas specified by the New Orleans office. Warehouse and farm-stored loans will be available on:

(1) Upland cotton wherever produced in the continental United States.

(2) Extra long staple cotton produced in areas designated in this subparagraph.

(i) American-Egyptian cotton produced in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, at the rates which will be issued at a later date.

(ii) Sea Island and Sealand cotton produced in Berrien, Cook, and Lanier Counties, Georgia; and Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from seed planted in 1958 in Puerto Rico at the rates which will be issued at a later date.

(c) *Time.* Loans shall be available from the date rates are announced through April 30, 1959. Notes and chattel mortgages covering farm-stored cotton must be signed by the producer and delivered to the county office on or before April 30, 1959. Note and Loan Agreements covering warehouse-stored cotton must be signed by the producer and delivered to the lending agency on or before such date or postmarked not later than April 30, 1959, if tendered for direct loans to the New Orleans office by mail.

(d) *Source.* Loans will be available from approved lending agencies or from the New Orleans office. Disbursements on loans will be made to producers by approved lending agencies under agreements with CCC, or by the New Orleans office. Disbursement of loans by approved lending agencies will be made not later than April 30, 1959, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 427.903 *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) with CCC. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans office, which will enter into such agreements on behalf of CCC.

§ 427.904 *Producer.* A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant or sharecropper.

§ 427.905 *Eligible producer.* A producer will be entitled to a loan on eligible upland or extra long staple cotton produced by or for him in 1958 on a farm (as defined for purposes of cotton marketing quotas) for which a 1958 acreage allotment for such kind of cotton has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

(a) The 1958 planted acreage (as determined for purposes of cotton marketing quotas) of such kind of cotton on the farm does not exceed the 1958 cotton acreage allotment for the farm for such kind of cotton. For the purpose of determining eligibility for a loan, the upland or extra long staple cotton acreage on the farm will not be deemed to be in excess of the acreage allotment for such cotton unless such acreage allotment for such kind of cotton is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

§ 427.906 *Eligible cotton.* Eligible cotton shall be upland cotton produced in the United States in 1958 or extra long staple cotton planted in 1958 and produced in areas designated under § 427.902, which meets the following requirements:

(a) Such cotton must be of a grade and staple length specified in § 427.932.

(b) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been reduced in grade or staple for any reason, except that any such cotton which is reduced not more than two grades because of preparation will be eligible; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been reduced in grade or staple for any reason.

(c) Such cotton must not be compressed to high density.

(d) Such cotton must have been produced by the person tendering it for a loan and such person must have the legal right to pledge or mortgage it as a security for a loan.

(e) Such cotton must not have been produced on any newly irrigated or drained land (unless such land was used for the production of cotton prior to May 28, 1956) within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) or on land reclaimed by a flood-control project unless such irrigation, drainage, or flood-control project was authorized prior to May 28, 1956. If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease.

(f) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(g) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(h) Each bale of cotton must weigh not less than 350 nor more than 625 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. The bagging must be sufficiently strong to adequately protect the cotton. Cotton compressed to standard density, whether compressed by a warehouseman or at a gin, must have not less than eight bands. Heads of bales must be completely covered. Bales packaged with new bagging and ties used in the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tennessee (hereinafter referred to as "Experimental Bale Packaging Program") will be acceptable provided there is attached to each such bale a tag which identifies such bale with the program and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

§ 427.907 *Forms.* The following documents must be delivered by producers in connection with every loan except loans made pursuant to §§ 427.924 and 427.930.

(a) *Warehouse-stored loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A, referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 427.919.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, referred to in this subpart as "Form B") if the loan is obtained direct from the New Orleans office.

(b) *Farm-stored loans.* (1) Cotton Producer's Note (CCC Cotton Form E, referred to in this subpart as "Form E").

(2) Cotton Chattel Mortgage (CCC Cotton Form F, referred to in this subpart as "Form F") and Cotton Mortgage Supplement (CCC Cotton Form FF, referred to in this subpart as "Form FF") covering the cotton tendered as security for a loan.

(3) Form B if the loan is obtained direct from the New Orleans office.

(c) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the Receiving Agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.922 and a Receiving Agent's Certificate.

(4) Form B if the loan is obtained direct from the New Orleans office.

(d) *Loan documents executed by an administrator, executor or trustee.* Loan documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the New Orleans office. State documentary revenue stamps shall be affixed to loan documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (CCC Cotton Form 18) which must be filed with the New Orleans office.

§ 427.908 *Approved storage*—(a) *Warehouses.* Cotton will be accepted as security for loans only if stored by warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

(b) *Farm storage.* Cotton in farm storage will be accepted as security for loans only if stored in a structure approved by the county committee for the county in which the cotton is stored. Such structures may be on or off the farm and must afford safe storage and protection against weather damage, poultry and livestock, and reasonable protection against fire and theft. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1959, the owner of such premises must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

§ 427.909 *Weight and rate.* (a) Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight, in making loans on upland cotton wrapped with material under the Experimental Bale Packaging Program there will be added to the gross weight of the bale an allowance equal to the number of pounds shown by the program bale tag to be necessary "to adjust to normal gross weight" under such programs. No allowances other than those provided for in this subsection will be made.

(b) The base loan rate for upland cotton applicable at each approved warehouse will be shown in the Schedule of Base Loan Rates for Warehouse-Stored Upland Cotton.[1] The base loan rate under the farm-stored program for upland cotton for each county will be shown in the Schedule of Base Loan Rates by Counties for Farm-Stored Upland Cotton.[1] These schedules will be available at county offices. The premium or discount applicable to each eligible grade and staple length of upland cotton is shown in § 427.932. Loan rates for extra long staple cotton will be issued at a later date. After a loan is made, CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.910 *Preparation of documents.* All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alternations, or erasures may be rejected by CCC. (Forms A having a date prior to June 3, 1955, shall not be used.) Both copies should be clearly legible. The spaces provided on Forms A and E for the producer to request and direct payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a note, including clerk's fee when deducted, must be shown and the total must agree with the amount of the note. In the case of warehouse-stored cotton, care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Before the clerk prepares loan documents for a producer, he must determine that the producer is eligible for a loan. The county committee, in preparation of the producer's marketing card, will indicate the producer's eligibility. If the box following the word "Eligible" contains an "X" the clerk will use this as evidence that the producer is eligible for a loan and shall assist the producer in the preparation of his loan documents. If the box following the words "Ineligible Unless Loan Agreement Approved by County Committee" contains an "X" the clerk shall inform the producer that in order for him to obtain a loan he must have his loan documents prepared in the county office. If the box following the word "Ineligible" contains an "X", the producer cannot obtain a loan on such kind of cotton produced on that farm under any condition and should be so informed by the clerk. In the event that the marketing card indicates that the producer is eligible but shows evidence of any alteration or erasure, the clerk should not prepare the loan documents and should inform the producer that the documents will have to be prepared in the county office. Lending agencies which are also eligible producers must obtain direct loans on cotton produced by them from the New Orleans office or obtain loans from another approved lending agency.

(a) *Warehouse-stored cotton.* A producer desiring to obtain a loan on warehouse-stored cotton may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). The Clerk's Certificate on each Form A tendered for a loan must be executed by an approved clerk, who will assist the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer and the copy marked producer's copy is to be retained by the producer. Loan forms must not be signed in blank. All applicable entries must be completed prior to the time the form is signed by the producer or the loan clerk. All of the cotton pledged as security for any loan must be of the same grade and staple length and must be stored in the same warehouse. Not more than 999 bales shall be pledged as security for any one note. Before preparing his loan documents, the producer should give careful consideration to the manner in which he may wish to withdraw the cotton from the loan. Cotton of the same grade and staple length will ordinarily be placed on the same note. However, it may be placed on separate notes if the producer believes it will facilitate the redemption of the cotton from the loan or the sale of his equity in such cotton.

(b) *Farm-stored cotton.* A producer desiring to obtain a loan on farm-stored cotton should communicate with the county office in the county in which the cotton is to be stored. It will be the responsibility of the county committee to arrange for the inspection of the storage structure and to approve it if it determines that it is of such construction as to afford adequate storage for the cotton. The county office will furnish and prepare the necessary documents for a farm-stored loan.

§ 427.911 *Service charges and deposits.* No service charges will be collected in connection with warehouse loans. A service charge of $1.00 per bale with a minimum of $3.00 per loan will be collected by the county office from the producer to cover services rendered in connection with farm-stored loans. State committees are authorized to require prepayment of $3.00 of the service charge. No refund of service charges will be made. A deposit of $1.00 per bale will also be collected from the producer to guarantee delivery of farm-stored cotton if the loan is not repaid by the producer. Such deposit will be returned if the loan is repaid or the cotton is delivered in accordance with delivery instruction issued by the county office. If the producer does not deliver the cotton upon demand by CCC, the county office will arrange delivery and retain the deposit. If delivery costs exceed the deposit, the producer will be liable for the difference.

§ 427.912 *Fees.* The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedules:

Number of bales on note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7–18	$1 plus 10 cents for each bale over 6.
19 and over	$2.20 plus 5 cents for each bale over 18.

§ 427.913 *Liens.* Eligible cotton must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.921 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form A and Form FF. If the producer tendering the cotton for loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholder's Waiver whether or not they claim liens, unless they sign the note jointly with the producer. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (CCC Cotton Form 18) must be filed with the New Orleans office), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

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[1] Schedule to be issued about August 15, 1958.

§ 427.914 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges, clerks' fees, and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt record, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. In any such case, the producer must go to the county office in the county in which he is listed on the debt record and have his loan documents completed by a clerk in the county office. A clerk in the county office will assist the producer in the preparation of such loan documents and will show in the space provided in the notes the agency to which the checks should be issued and the amount to be collected from the note. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 427.915 *Classification of cotton.* (a) All cotton tendered for loan must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted, provided the sample is a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1958 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton), receiving agency (for cotton covered by bills of lading), or county office (for farm-stored cotton), shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L"), must be prepared by the warehouseman, receiving agency, or county office, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and the original and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse, receiving agency or county office. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification. If through error or otherwise in any case where review classification is not involved two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value. If a Form 1 or Form A3 review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman, receiving agency, or county office for all cotton for which samples are submitted to a Board for a Form A3 classification or a Form 1 or A3 review classification. The Boards will submit billings for classing charges to the warehousemen, receiving agencies, and county offices at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.916 *Interest rate.* Loans and charges on the cotton covered by the loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that in the case of farm-stored cotton, loans in default or obtained through fraud will bear interest at the rate of 6 percent per annum from the date of default or the date of disbursement, respectively.

§ 427.917 *Maturity.* (a) Loans mature July 31, 1959, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity, CCC has the right to sell, purchase, or pool the cotton securing the loan in accordance with the provisions of the loan agreement. If the cotton is pooled, the producer will no longer have a right to redeem the cotton but will share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat any pooled cotton as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of cotton, even though part or all of such pooled cotton is disposed of under such policies at less than the current domestic price for such cotton.

(b) Any sum due the producer as a result of the sale or purchase of the cotton or collection of insurance proceeds therefrom, or his ratable share from a pool, shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(c) If the producer does not repay his loan on farm-stored cotton on or before maturity, he is required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may dispose of the cotton in accordance with the provisions of this section.

§ 427.918 *Safeguarding farm-stored cotton.* The producer obtaining a loan on farm-stored cotton is obligated to maintain the farm-storage structure in good repair and to keep the cotton in good condition. The producer will be responsible for any loss or damage occurring through the fault or negligence of the producer or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado, except that he will not be responsible for loss in weight of not to exceed an average of 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales, unless the State committee determines that a larger maximum is required to make the program more effective in the State. The conversion or unlawful disposition by the producer of any bale of the cotton will render him personally liable for the payment of the mortgage indebtedness.

§ 427.919 *Warehouse receipts and insurance.* Only negotiable warehouse receipts issued by an approved warehouse, properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must show that the cotton is covered by fire insurance and must be dated on or prior to the date of the producer's notes. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1958, which by their terms will expire prior to August 1, 1959, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1958. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 427.923.

§ 427.920 *Insurance on farm-stored cotton.* CCC will not require the producer to insure cotton under farm-stored loan; however, if the producer does insure the cotton, and if an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cotton involved in the loss.

§ 427.921 *Warehouse charges.* (a) The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 15 days preceding the date of the Producer's Note on the Form A and must not be executed subsequent to the date of the note. In the case of loans made to a cotton cooperative marketing association as provided in § 427.930, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G-1, referred to in this subpart as "Form G-1") must be executed by the warehouseman storing the cotton covered by such form. By executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G-1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form A or on the Form G-1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

(1) The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1959, all charges on the cotton for storage and insurance (as required in § 427.919) shall be at the rate of 46 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 51 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less. If the warehouse operates compress facilities, the tariff rate to which reference is made herein shall be the rate applicable to compressed cotton regardless of the compression status of the cotton. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided,* That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 25 cents per bale if such charges are included in the warehouseman's tariff: *Provided,* That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under contract with the warehouseman will be at the rate which the warehouseman pays the ginner or the other warehouseman. In no event shall compression charges on gin compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton. Charges for the compression of cotton will be paid by CCC only if the charges have not been paid by the producer, and if the cotton is shipped from the warehouse by CCC. Compression charges on cotton not shipped by CCC will follow the cotton. All other charges on cotton including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided,* That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 25 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Pledged Cotton on the Form A or Form G-1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G-1, if such charges are included in the warehouseman's tariff: *And provided further,* That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for standard density compression or for delivery or outhandling, except as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

> I hereby certify that since the cotton covered by this voucher was received at the warehouse, there has been removed from such cotton only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing of said cotton except for reconditioning of damaged cotton, and that since issuance of warehouse receipts thereon such cotton has not been reconditioned, picked, or cleaned by blowing or brushing except as noted on report attached hereto or to a previous voucher covering such cotton; and that neither the warehouseman nor any officer or employee of the warehouseman has purchased or otherwise obtained any Producers' Equity Transfers on cotton stored in the warehouse which have not been presented to Commodity Credit Corporation within 15 days from the dates such transfers were executed by the producers.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. In the event that the cotton is purchased or pooled by CCC or the loan on such cotton is extended or carried in past-due status by CCC after July 31, 1959, the rates quoted herein will remain in effect until terminated by CCC or the warehouseman at the end of any month by giving the other at least 30 days' notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the charges provided in this section shall be applicable for services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such services an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton covered by the Form A.

(b) By executing the Agreement of Warehouseman on Forms A dated 6-3-55, the warehouseman certifies, in addition to the certifications contained in the Agreement of Warehouseman, that the heads of each bale of the cotton are completely covered with bagging.

§ 427.922 *Loans on order bills of lading.* (a) Loans on cotton represented by order bills of lading will be available only in areas specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agent's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.921 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only be considered as a warehouseman and will be permitted to collect from CCC charges for gin compression as provided in § 427.921 and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 427.923 *Loans on cotton to be reconcentrated.* Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehousemen will enter into Reconcentration Agreements (CCC Cotton Form 29, referred to in this subpart as "Reconcentration Agreements") with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of his cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 427.924 *Advance loans.* (a) If a producer desires to obtain a loan under this part on cotton stored or to be stored in a warehouse, prior to the receipt of the classification of such cotton by a Board of Cotton Examiners or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (called "the advance loan" in this subpart) on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, referred to in this subpart as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Forms A covering all such cotton which is eligible for a loan under this part. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have been drawn from the cotton and submitted to a Board of Cotton Examiners for classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1958, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in Form J), unless the cotton is redeemed by the producer, prepare or cause to be prepared and execute on behalf of the producer Forms A covering all such cotton which is eligible for a loan and make a CCC loan or loans to the producer under this part. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges under this part paid by the lending agency on behalf of the producer. The producer's copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of Form J shall be transmitted with the notes when they are tendered to CCC.

(b) It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency, within 15 days from the date of the classification certificate so that the Form A loans can be made within the specified time.

(c) It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Agreement of Warehouseman and the Clerk's Certificate on the Form A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee or approved clerks in the county office, will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 427.925 *Loans on upland cotton prior to August 1, 1958.* Loans on upland cotton will be made available to producers in the area where such cotton is harvested prior to August 1, 1958. Base loan rates for warehouse locations in the early harvesting area will be announced by the New Orleans office prior to harvest. The premium or discount applicable to each eligible grade and staple length is shown in § 427.932. Other provisions for loans prior to August 1, 1958, will be the same as provided for loans after that date, except that in the event that the base loan rate based on the August 1, 1958, parity price for upland cotton is in excess of the base loan rate announced prior to such date, the difference will be paid to the producer upon his application to the New Orleans office. If application is not made for the difference and if the loan is not repaid, the difference will be paid upon maturity of the loans.

§ 427.926 *Tender of notes by lending agencies.* Notes (Forms A and Forms E) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Lending Agency's Letter of Transmittal (CCC Cotton Form C, referred to in this subpart as "Form C"), all notes on Form A and Form E, with warehouse receipts, bills of lading (and weight and condition certificates, if required), or cotton chattel mortgages attached, representing loans made by the lending agency within 15 days after the date of disbursement of the loans. All notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Separate Forms C shall be used for upland and extra long staple cotton. Notes secured by warehouse receipts, by bills of lading, or by chattel mortgages, and notes executed by attorneys-in-fact, must be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans office, they will be examined and, if found correct, will be approved and transmited to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by drawing sight drafts with enclosed letters of transmittal on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. Notes covered by such drafts must be immediately submitted to the New Orleans office. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 427.927 *Loss or damage to pledged cotton.* In any case where there is loss or damage to cotton which occurs while such cotton is pledged to CCC or a lending agency, CCC shall have the right to determine and file claims against any liable third parties for the resulting loss. Upon determination of the quantity of the lost or damaged cotton, CCC will give credit for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or, if the loan has been repaid, to the party repaying the loan.

§ 427.928 *Transfer of producer's interest.* If the producer desires to sell his equity in the cotton covered by a note, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement—A, which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must sign the Producer's Equity Transfer Agreement in the presence of a witness approved for such purpose by a county committee and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by the witness. An approved witness shall not witness an equity transfer if he, or the firm by which he is employed, is the purchaser. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in the cotton shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it within 15 days to CCC, in care of the custodial office serving the district in which the cotton was stored at the time the loan was obtained. Upon receipt of the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to a bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts to the holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 5 business days. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. No partial release of the cotton securing one note will be permitted except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. In the event the Producer's Loan Statement—A is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

§ 427.929 *Repayments by producer*—(a) *Warehouse-stored cotton.* If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement—A which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must send or deliver the Producer's Loan Statement—A to CCC, in care of the custodial office serving the district in which the cotton was stored when the loan was obtained, as shown in § 427.931. Upon receipt of the Producer's Redemption Request, the custodial office will forward the note and warehouse receipts to a bank designated by the producer with directions to the bank to release such note and warehouse receipts only to the producer or his authorized agent upon payment of the amount due on the loan. The bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days. All charges assessed by the bank must be paid by the producer. A producer who desires to appoint an attorney-in-fact to act in his place and stead in repaying loans shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. No partial release of the cotton represented by warehouse receipts and securing a note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs.

(b) *Farm-stored cotton.* If the producer desires to repay his loan and obtain the release of the cotton securing the note, he may obtain complete instructions from the county office of the county in which the cotton is stored. Partial releases will be allowed.

§ 427.930 *Cotton cooperative marketing association loans.* A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligibility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 427.931 *Custodial offices.* The custodial offices referred to in this subpart and the district served by each are shown below:

(a) *Warehouse-stored cotton.* Custodial Office and District Served:

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolina, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona, Nevada.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans CSS Commodity Office. Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma, Kansas.

(b) *Farm-stored cotton.* Custodial Office and District Served:

New Orleans CSS Commodity Office: All States.

§ 427.932 *Schedule of premiums and discounts for eligible qualities of 1958-crop American upland cotton (basis 1-inch Middling).*

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 & Longer
WHITE	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*	*Points*
Good Middling and Better	−425	−315	−210	−65	5	100	195	300	355	415	495	590	725	875
Strict Middling	−440	−325	−225	−80	−15	85	175	280	340	395	475	570	710	855
Middling	−495	−385	−280	−145	−80	Base	85	175	235	295	380	480	620	765
Strict Low Middling	−840	−740	−655	−530	−460	−380	−305	−255	−220	−185	−140	−75	−20	45
Low Middling	−1, 135	−1, 045	−970	−875	−815	−760	−710	−680	−665	−650	−640	−625	−615	−600
Strict Good Ordinary	−1, 380	−1, 315	−1, 255	−1, 175	−1, 115	−1, 070	−1, 040	−1, 025	−1, 025	−1, 025	−1, 025	−1, 025	−1, 025	−1, 025
Good Ordinary	−1, 605	−1, 540	−1, 480	−1, 410	−1, 360	−1, 325	−1, 305	−1, 295	−1, 295	−1, 295	−1, 295	−1, 295	−1, 295	−1, 295
SPOTTED														
Good Middling	−870	−770	−670	−565	−505	−430	−375	−335	−290	−250	−200	−155	−115	−80
Strict Middling	−890	−790	−690	−585	−525	−455	−395	−355	−315	−275	−225	−185	−145	−110
Middling	−1, 155	−1, 050	−970	−875	−805	−725	−670	−640	−600	−565	−515	−480	−445	−420
Strict Low Middling	−1, 385	−1, 315	−1, 245	−1, 165	−1, 110	−1, 045	−1, 020	−1, 005	−1, 000	−1, 000	−1, 000	−1, 000	−1, 000	−1, 000
Low Middling	−1, 645	−1, 575	−1, 510	−1, 435	−1, 395	−1, 350	−1, 325	−1, 315	−1, 310	−1, 310	−1, 310	−1, 310	−1, 310	−1, 310
TINGED														
Good Middling	−1, 260	−1, 175	−1, 110	−1, 030	−995	−955	−940	−930	−915	−900	−890	−880	−870	−855
Strict Middling	−1, 295	−1, 205	−1, 140	−1, 065	−1, 030	−985	−970	−960	−950	−935	−920	−910	−900	−890
Middling	−1, 500	−1, 415	−1, 355	−1, 290	−1, 255	−1, 220	−1, 205	−1, 200	−1, 200	−1, 200	−1, 200	−1, 200	−1, 200	−1, 200
Strict Low Middling	−1, 705	−1, 630	−1, 570	−1, 505	−1, 470	−1, 435	−1, 425	−1, 420	−1, 420	−1, 420	−1, 420	−1, 420	−1, 420	−1, 420
Low Middling	−1, 920	−1, 845	−1, 775	−1, 705	−1, 670	−1, 640	−1, 630	−1, 625	−1, 625	−1, 625	−1, 625	−1, 625	−1, 625	−1, 625
YELLOW STAINED														
Good Middling	−1, 550	−1, 470	−1, 390	−1, 330	−1, 295	−1, 265	−1, 245	−1, 240	−1, 240	−1, 240	−1, 240	−1, 240	−1, 240	−1, 240
Strict Middling	−1, 575	−1, 495	−1, 415	−1, 360	−1, 325	−1, 295	−1, 280	−1, 275	−1, 275	−1, 275	−1, 275	−1, 275	−1, 275	−1, 275
Middling	−1, 765	−1, 685	−1, 610	−1, 540	−1, 510	−1, 470	−1, 460	−1, 455	−1, 455	−1, 455	−1, 455	−1, 455	−1, 455	−1, 455
GRAY														
Good Middling	−840	−735	−655	−535	−480	−400	−335	−295	−265	−235	−195	−140	−85	−15
Strict Middling	−920	−815	−730	−615	−565	−495	−440	−400	−370	−350	−310	−265	−215	−170
Middling	−1, 150	−1, 050	−975	−885	−830	−760	−710	−680	−660	−640	−615	−585	−560	−530
Strict Low Middling	−1, 365	−1, 270	−1, 205	−1, 120	−1, 070	−1, 005	−970	−945	−945	−945	−945	−945	−945	−945

Issued this 22d day of May 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3956; Filed, May 26, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 137]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.437 *Valencia Orange Regulation 137*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 22, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 25, 1958, and ending at 12:01 a. m., P. s. t., June 1, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 554,400 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3985; Filed, May 23, 1958; 1:06 p. m.]

[Cherry Order 2]

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 1022.302 *Cherry Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 122 (7 CFR Part 1022; 22 F. R. 3835), regulating the handling of sweet cherries grown in designated counties in Washington, effective June 1, 1957, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other

available information, it is hereby found that the limitation of shipments of cherries, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1958. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until May 14, 1958; recommendation as to the need for, and the extent of regulation of, shipments of such cherries was made at the meeting of said committee on May 14, 1958, after consideration of all available information relative to the supply and demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until May 20, 1958; shipments of the current crop of such cherries will begin on or about June 1, 1958, and this regulation should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) **During the period beginning at 12:01 a. m., P. s. t., June 1, 1958, and ending at 12:01 a. m., P. s. t., September 1, 1958, no handler shall handle:**

(i) Any cherries unless such cherries grade at least U. S. No. 1 with an additional tolerance of 15 percent for defects, of which not more than one-third (5 percent) shall be allowed for defects, other than decay, causing serious damage;

(ii) Except as otherwise provided in this section, any cherries, unless such cherries measure at least $\frac{48}{64}$ inch in diameter;

(iii) Any cherries in faced packs unless such cherries measure at least $\frac{54}{64}$ inch in diameter; or

(iv) Any cherries in any pack other than faced packs in any container having a capacity equal to or greater than that of a container with inside dimensions of $15\frac{1}{8}$ by $10\frac{1}{2}$ by $3\frac{15}{16}$ inches, unless the net weight of the cherries in such container is not less than 20 pounds, and such cherries measure at least $\frac{54}{64}$ inch in diameter.

(2) Notwithstanding the provisions of subparagraph (1) (ii) through (iv) of this paragraph up to 10 percent, by count, of the cherries in any lot may fail to meet the applicable specified minimum diameter requirement.

(3) Notwithstanding any other provisions of this regulation, any individual shipment of cherries which, in the aggregate, does not exceed 100 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph or in § 1022.41 or § 1022.55.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U. S. No. 1," "defects," "serious damage," and "diameter" shall have the same meaning as when used in the United States Standards for Sweet Cherries (§§ 51.2646–51.2657 of this title); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 22, 1958.

[SEAL] S. R. Smith,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. D. Doc. 58-3954; Filed, May 26, 1958; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54597]

Part 1—Customs Districts, Ports, and Stations

EXTENSION OF LIMITS OF CUSTOMS PORT OF GREEN BAY, WIS.

May 20, 1958.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Green Bay, Wisconsin, in Customs Collection District No. 37 (Wisconsin), comprising the territory within the corporate limits of that city, are hereby extended to include the territory within the townships of Ashwaubenon, Allouez, Preble and Howard, and the city of De Pere, all in the State of Wisconsin, effective on the date of publication of this Treasury decision in the Federal Register.

Section 1.1 (c), Customs Regulations, is amended by deleting the period after "Green Bay" in the column headed "Ports of entry" in District No. 37 (Wisconsin), and by adding "(including the townships of Ashwaubenon, Allouez, Preble, and Howard, and the city of De Pere) (T. D. 54597)."

(R. S. 161, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U. S. C. 22, 19 U. S. C. 1, 2)

[SEAL] A. Gilmore Flues,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3951; Filed, May 26, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1638]

[Nevada 013137, 014602]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Department of the Army in connection with the Lake Mead Base:

Mt. Diablo Meridian

T. 19 S., R. 62 E.,
  Sec. 25, S½;
  Sec. 36, W½.
T. 20 S., R. 62 E.,
  Sec. 1, lots 3 and 4.
T. 19 S., R. 63 E.,
  Sec. 27, SW¼;
  Sec. 30, SW¼.

The areas described aggregate 997.[illegible] acres.

No disposal of the surface and subsurface resources, including mineral resources, of the lands, shall be made except under the applicable public land laws, and then only after such modification of the provisions of this order, with concurrence of the Department of the Army, as may be necessary to permit such disposal.

Roger Ernst,
Assistant Secretary of the Interior.

May 21, 1958.

[F. R. Doc. 58-3932; Filed, May 26, 1958; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 28]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART B—DEFINITION OF TERMS

Section 1.201-9 has been revised to reflect the DoD policy that findings of the Secretary of Labor with respect to a firm found ineligible as a "manufacturer" or "regular dealer," be extended to transactions of $10,000 or less.

§ 1.201 *Definitions.* * * *

§ 1.201-9 *Sources of supplies.* (a) "*Sources of supplies*" shall include only (i) manufacturers, (ii) construction contractors, and (iii) regular dealers in the supplies to be procured. A "regular dealer" shall be deemed to be any one of the following:

(1) A person or firm who owns, operates, or maintains a store, warehouse or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business;

(2) In the case of supplies of particular kinds (lumber and timber products, coal, machine tools, raw cotton, petroleum, green coffee, or hay, grain, feed, and straw), a person or firm satisfying the requirements of Article 101 (b) of the Regulations of the Secretary of Labor (41 CFR 201.101) under the Walsh-Healey Public Contracts Act (41 U. S. C. 35), as amended from time to time.

While the statute cited covers only transactions exceeding $10,000 the Department of Defense is to apply the same standards in transactions of $10,000 or less. The above definitions shall not apply to contracts for supplies no part of which will be manufactured or furnished within the United States, its Territories, Puerto Rico, or the Virgin Islands.

(b) A manufacturer, construction contractor, or regular dealer may bid, negotiate, and contract through an authorized agent: *Provided*, That the agency is disclosed, and the agent acts and contracts in the name of his principal. In this connection, see the clause entitled, "Covenant Against Contingent Fees" set forth in § 7.103-20 and the procedures prescribed for obtaining information concerning contingent or other fees, as set forth in Subpart E of this part.

SUBPART C—GENERAL POLICIES

1. In § 1.304, a new procedure is set forth in § 1.304 providing for the disclosure of Government estimates in construction contracting. Section 1.304, as revised, reads as follows:

§ 1.304 *Construction contracts; disclosure of Government estimate.* (a) Except as provided in paragraph (c) of this section, in contracting for construction, access to or disclosure of information concerning the Government estimate shall be limited to Government personnel whose official duties require knowledge of the estimate.

(b) The Government estimate shall be initially designated "For Official Use Only," unless the nature of the information contained therein requires security classification, in which event it shall be handled in accordance with applicable security regulations. Such "Official Use" designation shall be removed only when the estimate is made public in accordance with paragraph (c) of this section.

(c) If the procurement is to be made by means of formal advertising, a copy of the Government estimate shall be sealed and kept locked with the bids until bid opening. Immediately after the bids have been opened, read, and recorded, the estimate shall be opened, the "For Official Use Only" designation removed and the estimate read and recorded in the same detail as the bids. In the case of a negotiated procurement, the "For Official Use Only" designation shall be removed immediately after award, and the estimate may then be released to an individual or firm upon request.

2. Section 1.309 (d) (2) (i) has been revised to clarify applicability of the clause and to eliminate the necessity of contractors making reports in connection with shipments of de minimis amounts. The revised clause is adaptable for both contracts and delivery orders placed under indefinite quantity and requirements contracts. § 1.309 (d) (2) (i), as revised reads as follows:

§ 1.309 *Preference for United States; flag privately owned ocean carriers.** * *

(d) *Procedures.* * * *

(2) (i) Except as provided in subdivision (ii) of this subparagraph, procuring activities shall include the following clause in any contract which may involve the ocean transportation of supplies of the type described in paragraph (b) (1) (ii) and (iii) of this section:

EMPLOYMENT OF OCEAN-GOING VESSELS

If ocean transportation is required after the date of award of this contract in delivering any of the supplies to be furnished hereunder, the Contractor promptly after each shipment, shall furnish to the Contracting Officer one copy of the applicable ocean shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessel: *Provided*, That the Contractor need not furnish such a document for any shipment of less than 120 measurement tons of dry cargo or less than 35 long tons of bulk liquid cargo: *Provided further*, If this contract is an indefinite quantity contract or a requirements contract, the Contractor need furnish such documents only in connection with shipments made after the date of any delivery order requiring ocean transportation in delivering supplies thereunder.

Additional provisions concerning the vessels to be used may be inserted in accordance with Departmental procedures.

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

Sections 1.603-3, and 1.608 have been revised to reflect the DoD policy that findings of the Secretary of Labor with respect to a firm found ineligible as a "manufacturer" or "regular dealer", be extended to transactions of $10,000 or less.

1. Section 1.603-3, as revised, now reads as follows:

§ 1.603 *Treatment to be accorded firms or individuals in debarred or ineligible status.* * * *

§ 1.603-3 *Ineligibility restrictions of the Walsh-Healey Act.* Under section 1 (a) of the Walsh-Healey Public Contracts Act (41 U. S. Code 35 (a)) contracts in excess of $10,000 shall not be awarded to any firm or individual for those materials, articles, or equipment with respect to which the firm or individual has been found by the Secretary of Labor to be ineligible to be awarded a contract (see § 1.602 (e)). The Department of Defense, as a matter of policy, has determined that no contract in any amount for such materials, articles, or equipment shall be awarded to any such ineligible firm or individual. However, contracts may be awarded and bids or proposals may be solicited for commodities in which not declared ineligible regardless of amount.

2. In § 1.608, the second parenthetical statement is revised to read as follows:

§ 1.608 *Sample of list.* * * *

(Type B listings shall not be awarded contracts in any amount and shall not be solicited by bid or proposal for materials, supplies, articles, or equipment in which declared ineligible. However, contracts may be awarded and bids or proposals may be solicited for commodities in which not declared ineligible regardless of amount. Type B listings include those firms found ineligible to receive awards of contracts exceeding $10,000 by reason of findings of the Secretary of Labor that a given firm is not a "manufacturer" or "regular dealer" in stipulated commodities (see § 1.602 (e)). These findings are extended by Department of Defense policy to cover transactions of lesser amounts.)

SUBPART G—SMALL BUSINESS CONCERNS

Cross references have been added to other sections of this subchapter in subparagraphs §§ 1.706-6 (e) and 1.707. Sections 1.706-6 (e) and 1.707, as revised, read as follows:

(e) If the entire set-aside portion is not procured by the method set forth in paragraph (d) above, the determination referred to in § 1.706-1 is automatically dissolved as to the unawarded portion of the set-aside and such unawarded portion may be procured by advertising or negotiation as appropriate in accordance with existing regulations (see § 3.201-2 (b) (2) as to negotiation).

§ 1.706-7 *Contract authority.* Contracts for total or partial set-asides, whether entered into by conventional negotiation (see §§ 1.706-5 (b) and

1.706-6 (d) or by "Small Business Restricted Advertising" (see § 1.706-5 (b)), shall cite as authority 10 U. S. C. 2304 (a) (17) and Section 214, Small Business Act of 1953, as amended, in the case of a joint determination, or 10 U. S. C. 2304 (a) (1) through (17), as appropriate, in the case of a unilateral determination (see § 3.201-2 (b) (2)).

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

1. Section 2.405-2 (a) (2) has been revised to reflect the Comptroller General's modification to his previous delegation to the Department of Defense as contained in Comp. Gen. B-120281, 29 June 1954. Section 2.405-2 (a) (2), as revised, read as follows:

§ 2.405 *Mistakes in bids.* * * *

§ 2.405-2 *Mistakes disclosed after opening and prior to award other than obvious or apparent mistakes of a clerical nature.* (a) * * *

(2) Where the bidder requests permission to correct a mistake in its bid and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended, a determination permitting the bidder to correct the mistake: *Provided,* That, in the event such correction would result in displacing one or more lower bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and the bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid.

2. Section 2.405-2 (b), (3) has been revised as follows:

(3) Department of the Air Force: To the Staff Judge Advocate, Headquarters, Air Materiel Command.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATIONS

1. Section 3.201-2 (b) (2) has been revised to provide that only set-asides made by unilateral determinations shall be made pursuant to the authority of 10 U. S. C. 2304 (a) (1).

§ 3.201 *National emergency.* * * *

§ 3.201-2 *Application.* * * *

(b) For the duration of the national emergency declared pursuant to Presidential Proclamation 2914, dated December 16, 1950, the Assistant Secretary of Defense (Supply and Logistics) has determined that only the following procurements may be made pursuant to the authority of 10 U. S. C. 2304 (a) (1):

(1) Procurements made pursuant to labor surplus and disaster area programs (set-asides shall be negotiated in accordance with procedures set forth in § 3.219);

(2) Procurements made in keeping with the small business programs (A) after unilateral determinations for set-asides, or (B) to place any part of the total requirements set-aside which are not filled by awards to small business concerns, where no other negotiating authority is appropriate (see § 1.706-6 (e));

(3) Nonperishable subsistence (pending resolution of the recommendation on this subject contained in the report of the Commission on Organization of the Executive Branch of the Government, subject: "Food and Clothing");

(4) Procurements which are authorized to be negotiated under the provisions of § 3.211-1 for not more than $100,000 from contractors other than educational institutions; (such negotiated procurements from educational institutions shall be negotiated under the authority of 10 U. S. C. 2304 (a) (5), (see § 3.205) irrespective of amount); and

(5) Procurements for more than $1,000, but not more than $2,500.

2. Section 3.213-4 has been amended as follows:

§ 3.213 *Technical equipment requiring standardization and interchangeability of parts.*

§ 3.213-4 *Records and reports.* Each Military Department shall maintain on a current basis a master list of items for which determinations and findings have been made under this authority. A copy of each such determination and finding shall be furnished to the Assistant Secretary of Defense (Supply and Logistics) within five days after the date thereof.

(R. S. 161, sec. 2202), 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

A new § 5.100 has been added, as follows:

§ 5.100 *Applicability.* This subpart applies only to procurements of supplies to be delivered, or services to be performed, in the United States, its Territories, possessions, or Puerto Rico, as indicated in the Federal Supply Schedule check list current at the time of the procurement.

SUBPART B—PROCUREMENT FROM GENERAL SERVICES ADMINISTRATION STORES DEPOTS

A new § 5.200 has been added, as follows:

§ 5.200 *Applicability.* This subpart applies only to procurements of supplies to be delivered, or services to be performed, in the United States, its Territories, possessions, or Puerto Rico, as indicated in the Federal Supply Schedule check list current at the time of the procurement.

SUBPART C—PROCUREMENT THROUGH FEDERAL SUPPLY SERVICE CONSOLIDATED PURCHASING PROGRAMS

A new § 5.300 has been added as follows:

§ 5.300 *Applicability.* This subpart is not applicable to the procurement of supplies and services outside the United States.

SUBPART D—PROCUREMENT OF PRISON-MADE SUPPLIES

A new § 5.400 has been added as follows:

§ 5.400 *Applicability.* This subpart is not applicable to supplies both procured and used outside the United States and Alaska.

SUBPART E—PROCUREMENT OF BLIND-MADE SUPPLIES

A new § 5.500 has been added as follows:

§ 5.500 *Applicability.* This subpart is not applicable to supplies both procured and used outside the United States.

SUBPART H—PROCUREMENT OF CERTAIN UTILITY SERVICES BY USE OF GENERAL SERVICES ADMINISTRATION AREA CONTRACTS

A new § 5.800 has been added as follows:

§ 5.800 *Applicability.* This subpart is not applicable to the procurement of utility services outside the United States.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Section 7.102 has been revised by adding cross references to other sections of this subpart. Section 7.102, as revised, now reads as follows:

§ 7.102 *Applicability.* As used throughout this subpart the term "fixed-price supply contract" shall mean any contract (a) entered into either by formal advertising or by negotiation, other than (1) purchase orders for $5,000 or less (but see §§ 7.104-15 and 7.104-16), (2) letter contracts, (3) preliminary notices of award, and (4) amendments or supplemental agreements to contracts or purchase orders, which do not effect new procurement; (b) at a fixed price (with or without provision for price redetermination, escalation or other form of price revision as covered in § 3.403); and (c) for supplies other than (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, (2) experimental, developmental, or research work, or (3) facilities to be provided by the Government under a "Facilities Contract" as defined in Part 13 of this subchapter.

2. Miscellaneous changes have been made to § 7.103 *Required clauses,* as follows:

a. Section 7.103-1 (a) has been revised to change the word "executive" agency to "Federal" agency. Section 7.103-1 (a), as revised, reads as follows:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department, and the head or any assistant head of the Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

b. In § 7.103–2 (a) the clause has been revised to make it clear that an equitable adjustment may be made for changes affecting the cost or time of performance irrespective of whether the difference in cost or time of performance relates to the changed portion or the unchanged portion of the contract. Section 7.103–2 (a), as revised, reads as follows:

§ 7.103–2 *Changes and disposition of inventory resulting from changes*—(a) *changes.*

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "30 days" within which any claim for adjustment must be asserted may be varied in accordance with Department procedures.

c. In § 7.103–5: Paragraph (b) has been revised to clarify the statement in the penultimate sentence concerning the contractor's obligation to correct or replace defective supplies. Former language was capable of being misinterpreted so as to indicate that the contractor, rather than the Government, would make the decision as to whether rejected supplies should be replaced or whether they should be corrected. Paragraph (c) has been revised to provide that the Government reserves the right to charge to the contractor any additional cost of inspection and test when reinspection or retest is necessitated by prior rejection. The word "final" has been deleted wherever it appears in conjunction with the word "acceptance." This change is editorial since, in the context used, "acceptance" means "final acceptance." Section 7.103–5, as revised, reads as follows:

§ 7.103–5 *Inspection.*

INSPECTION

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to final acceptance.

(b) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirments of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed, or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby, or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor without additional charge shall provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If Government inspection or test is made at a point other than the premises of the Contractor or a subcontractor, it shall be at the expense of the Government except as otherwise provided in this contract: *Provided,* That in case of rejection the Government shall not be liable for any reduction in value of samples used in connection with such inspection or test. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when supplies are not ready at the time such inspection and test is requested by the Contractor or when reinspection or retest is necessitated by prior rejection. Acceptance or rejection of the supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure to inspect and accept or reject supplies shall neither relieve the Contractor from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any supplies or lots thereof does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

d. In § 7.103–6 the clause has been revised to eliminate any ambiguity or question as to who is responsible for the supplies after delivery to the Government but prior to acceptance or rejection.

§ 7.103–6 *Responsibility for supplies.*

RESPONSIBILITY FOR SUPPLIES

Except as otherwise provided in this contract, (i) the Contractor shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; (ii) after delivery to the Government at the designated point and prior to acceptance by the Government or rejection and giving notice thereof by the Government, the Government shall be responsible for the loss or destruction of or damage to the supplies only if such loss, destruction, or damage results from the negligence of officers, agents, or employees of the Government acting within the scope of their employment; and (iii) the Contractor shall bear all risks as to rejected supplies after notice of rejection, except that the Government shall be responsible for the loss, or destruction of, or damage to the supplies only if such loss, destruction or damage results from the gross negligence of officers, agents, or employees of the Government acting within the scope of their employment.

e. Section 7.103–7 has been revised to provide that contractors need no longer certify vouchers or invoices as to correctness, justness and nonpayment, but that carriers, other corporations or agencies, or persons furnishing transportation and accesorial services to the Government must continue to execute the certificates contained on the standard forms prescribed by Comptroller General, in Title 4, Code of Federal Regulations, 7.6 and 9.1. Section 7.103–7, as revised, reads as follows:

§ 7.103–7 *Payments.*

PAYMENTS

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

f. In § 7.103–8 the portion of the clause limiting the Government's right of setoff for indebtedness of the contractor is further limited in the revised clause, as provided for in the 1951 amendment (Public Law 30, 82d Congress) to the Assignment of Claims Act of 1940. Section 7.103–8, as revised, reads as follows:

§ 7.103–8 *Assignment of claims.*

ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940 as amended

(31 U. S. Code 203, 41 U. S. Code 15). If this contract provides for payments aggregating $1,000 or more, claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any provisions of this contract, payments to an assignee of any monies due or to become due under this contract shall not, to the extent provided in said act, as amended, be subject to reduction or set-off.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same: *Provided*, That a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

The last sentence of paragraph (a) of the foregoing clause shall be included in contracts only in time of war, or national emergency proclaimed by the President (including the National Emergency Proclamation of December 16, 1950) or by Act or Joint Resolution of the Congress and shall not be included in contracts entered into after such war or national emergency has been terminated: *Provided*, That in cases where special circumstances make it advisable in the best interests of the Government, and in accordance with Departmental procedures, such sentence may be omitted. In any event the sentence will be deleted from negotiated contracts entered into with foreign contractors.

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended by Public Law 30, 82d Congress, the effect of the last sentence of paragraph (a) of the foregoing clause is that payments to be made to an assignee after 15 May 1951 of any monies due or to become due under the contract shall not be subject to reduction or set-off for any liability of any nature of the contractor to the Government which arises independently of the contract, or for any liability of the contractor on account of (i) renegotiation under any renegotiation statute or under any statutory renegotiation clause in the contract, (ii) fines, (iii) penalties (which term does not include amounts which may be collected or withheld from the contractor in accordance with or for failure to comply with the terms of the contract), or (iv) taxes, Social Security contributions, or the withholding or nonwithholding of taxes or Social Security contributions, whether arising from or independently of the contract.

The assignee is required by said act, as amended, to "File written notice of the assignment together with a true copy of the instrument of assignment with (a) the contracting officer or the head of his department or agency; (b) the surety or sureties upon the bond or bonds, if any, in connection with such contract; and (c) the disbursing officer, if any, designated in such contract to make payment."

g. In § 7.103–11, the paragraph now designated (c) has been revised to make it clear (i) that the specific causes of delay listed are subject to the general requirement of being beyond the contractor's control and without his fault or negligence and (ii) that both contractor and subcontractor must be free from fault or negligence before contractor can be excused. Section 7.103–11, as revised, now reads as follows:

§ 7.103–11 *Default.*

DEFAULT

(a) The Government may, subject to the provisions of paragraph (c) below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to make delivery of the supplies or to perform the services within the time specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies or services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs for such similar supplies or services: *Provided*, That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, (i) any completed supplies, and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in an amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(e) If, after notice of termination of this contract under the provisions of paragraph (a) of this clause, it is determined that the failure to perform this contract is due to causes beyond the control and without the fault or negligence of the Contractor or subcontractor pursuant to the provisions of paragraph (c) of this clause, such notice of default shall be deemed to have been issued pursuant to the clause of this contract entitled "Termination for Convenience of the Government," and the rights and obligations of the parties hereto shall in such event be governed by such clause. Except as otherwise provided in this contract, this paragraph (e) applies only if this contract is with a military department.

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

h. In § 7.103–12, the clause has been revised to limit the finality of administrative decisions in accordance with Public Law 356, 83d Congress. Paragraph (b) has been added to make clear that reference in paragraph (a) to fact questions is not intended to preclude consideration of related law questions, subject to the statutory limitation of the finality of law determinations by administrative officials. The reference in the clause to "court of competent jurisdiction" is not intended to affect the jurisdiction of the General Accounting Office. Section 7.103–12, as revised, reads as follows:

§ 7.103–12 *Disputes.*

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity board and to offer evidence in support of the appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

In accordance with Departmental procedures, the foregoing clause may be modified to provide for intermediate appeal to the Head of the Procuring Activity concerned. The decision of the contracting officer referred to in the above clause shall, if mailed, be sent by certified mail, return receipt requested.

I. In § 7.103–14 the clause has been revised to reflect certain provisions of Executive Order No. 10582 of December 17, 1954, modifying the application of the domestic preference. Section 7.103–14, as revised, reads as follows:

§ 7.103–14 *Buy American Act.*

BUY AMERICAN ACT

(a) In acquiring end products, the Buy American Act (41 U. S. Code 10 a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a) (iii) (B), components of foreign origin of the same type or kind as the products referred to in (b) (ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

J. Sections 7.103–16 and 7.103–20 have been revised to conform to the revised Standard Form 32 or to the changes noted above. Sections 7.103–16 and 7.103–20, as revised, read as follows:

§ 7.103–16 *Eight-hour law of 1912—overtime compensation.* Insert the contract clause set forth in § 12.303–1 of this subchapter. Note the introductory provision required by § 12.303–2 of this subchapter in the case of contracts with a State or political subdivision thereof.

§ 7.103–20 *Covenant against contingent fees.*

COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

3. In § 7.104–14 the clause has been added to the Standard Form 32, and is consistent with and designed to promote the objectives of the Federal Property and Administrative Services Act, the Armed Services Procurement Act, and the Small Business Act of 1953.

§ 7.104–14 *Utilization of small business concerns.* Insert the clause set forth below in all fixed-price supply contracts, in amounts exceeding $5,000, except those contracts entered into with foreign contractors which are to be performed outside of the United States, its Territories, its possessions, and Puerto Rico.

UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

4. Section 7.104–19 is revised.

§ 7.104–19 *Cargo preference act.* In accordance with the requirements of § 1.309 (d) (2) of this subchapter, insert one of the contract clauses set forth therein as appropriate.

5. Coverage in this subchapter has been expanded to provide in § 7.107 an additional price escalation clause for use in situations where labor or material cost factors are subject to change. The new § 7.107 reads as follows:

§ 7.107 *Price escalation clause (labor and material).* (a) The following price escalation clause is authorized for use in negotiated fixed-price supply contracts where (1) the price exceeds $50,000, (2) the period of performance exceeds six months, (3) there is no major element of design engineering or developmental work involved in producing the items being procured, and (4) one or more identifiable labor or material cost factors are subject to change.

(b) The Schedule shall describe in detail the types of labor and materials subject to escalation, the labor rates (including fringe benefits, if any), and unit prices of materials, which may be increased or decreased, and the quantities of labor and specified materials allocable to each unit of supplies to be delivered under the contract. The following sample format illustrates a type of schedule description that may be used:

The following types of labor and material are subject to price escalation pursuant to clause ---- of this contract.

CONTRACT ITEM NO. 1

Types of labor and materials	*Rates of pay and material prices*	*Quantities and direct costs per unit of procurement*
Drill Press Operator.	$3.00/hour, no fringe benefits included.	20 min—$1.00.
Welder..........	$2.75/hour .05/hour—vacation pay .20/hour—pension plan ——— $3.00	10 min.—$0.50.
Copper Sheet.....	$0.40/lb.	2 lb.—$0.80.
Purchased parts:		
(1) ABC tube X5721.	$1.00 each	3 ea.—$3.00.
(2) XYZ part No. 9348.	$0.50 each	10 ea.—$5.00.

The percentage figure to be used in subparagraph (d) (vi) of the clause shall not exceed 10 percent.

(c) In negotiating adjustments under the clause, the contracting officer shall consider work in process and materials on hand at the time of changes in labor rates or materials prices since these elements may have a significant impact on equitable price adjustments.

PRICE ESCALATION

(a) The Contractor warrants that the prices set forth in this contract do not include any allowance for any contingency to cover increased costs of performance resulting from increases (i) the Contrac'or's rates of pay for labor or (ii) the unit prices for materials, set forth in the Schedule.

(b) If at any time during the performance of this contract there is an increase or decrease in the rates of pay for labor or unit prices for materials set forth in the Schedule, the Contractor shall notify the Contracting Officer thereof within 60 days of such increase or decrease or within such further period as may be approved in writing by the Contracting Officer, but in any event not later than final payment under the contract. Such notice shall include the Contractor's proposal for an equitable adjustment in the contract unit prices to be negotiated in accordance with paragraph (c) below and shall be accompanied by data, in such form as the Contracting Officer may require, explaining (i) the causes, (ii) the effective date, and (iii) the amount, both of the increase or decrease and of the Contractor's proposal for an equitable adjustment.

(c) Promptly upon receipt of any notice and data described in (b) above, the Contractor and the Contracting Officer shall negotiate an equitable adjustment, and the effective date thereof, in the contract unit prices to reflect any change in the cost of performance of this contract due to the increase or decrease in rates of pay for labor or unit prices for materials set forth in the Schedule: *Provided, however,* That such negotiations may be postponed by the Contracting Officer until an accumulation of such increases and decreases results in an adjustment allowable under (d) (v). The equitable adjustment and the effective date thereof, shall be set forth in an amendment or supplemental agreement to this contract. Such amendment or supplemental agreement shall also revise the rates of pay for labor or unit prices for materials set forth in the Schedule to reflect the increase or decrease

therein. Failure of the parties to agree to an adjustment under this clause shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." Pending agreement on, or determination of, any such adjustment and its effective date, the Contractor shall continue performance.

(d) Notwithstanding any other provision of this clause, any price adjustment under this clause shall be subject to the following limitations:

(i) There shall be no adjustment for supplies whose production cost is not affected by a change in the rates of pay for labor or unit prices for materials set forth in the Schedule;

(ii) There shall be no adjustment other than for increases or decreases in the rates of pay for labor or unit prices for materials set forth in the Schedule;

(iii) There shall be no adjustment for any increase or decrease in the quantities of labor or materials set forth in the Schedule for each item to be delivered hereunder;

(iv) No upward adjustment shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the adjustment, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule;

(v) Except as provided in (e) below, there shall be no adjustment for any change in rates of pay for labor or unit prices for materials which would not result in a net change of at least three percent of the then current total contract price; and

(vi) There shall be no adjustment upward which would cause any adjusted contract unit price to exceed ______ percent of the corresponding original contract unit price.

(e) If, after delivery of the last unit called for by this contract, either party requests negotiation pursuant to (c) above, the limitations of (d) (v) shall not apply.

(f) The final invoice submitted under this contract shall include a certification that the Contractor has not experienced a decrease in rates of pay for labor or unit prices for materials set forth in the Schedule or that it has given notice of all such decreases in compliance with (b) above.

(g) The Contracting Officer may examine the Contractor's books, records, and other supporting data relevant to the costs of labor and materials during all reasonable times until three years after final payment under this contract.

6. Sections 7.203–2 and 7.203–5 (a) and (b) have been revised to conform to the revised Standard Form 32.

§ 7.203–2 *Changes.*

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; (iii) place of delivery; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fixed fee to be paid to the Contractor, and (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the day of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed. •

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures.

In the interest of economy, the Government has a basic responsibility fully to utilize its property. Consistent therewith the Government has reserved the right in the above clause to make changes in the amount of Government-furnished property, including the right to increase the amount of Government-furnished property. Prior to exercising the right to increase the amount of Government-furnished property, contracting officers will consider fully any inequities which may result to the contractor as against the net benefits which may accrue to the Government.

§ 7.203–5 *Inspection of supplies and correction of defects.* (a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies, fabricating methods, and special tooling hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of its subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, acceptance of any supplies or lots of supplies shall be made as promptly as practicable after delivery thereof and shall be deemed to have been made no later than sixty (60) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after acceptance of the supplies or lots of supplies last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any supplies or lots of supplies which at the time of delivery thereof are defective in material or workmanship or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) of this section, the cost of any such replacement or correction shall be included in Allowable Cost determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment," but no additional fee shall be payable with respect thereto. Such supplies or lots of supplies shall not be tendered thereafter for acceptance unless the former requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such supplies or lots of supplies, the Government (1) may by contract or otherwise replace or correct such supplies and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (2) in the case of supplies not delivered, may require the delivery of such supplies, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (3) may terminate this contract for default as provided in the clause of this contract entitled "Termination." Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

7. Section 7.204–17 has been added as follows:

§ 7.204–17 *Cargo preference act.* In accordance with the requirements of § 1.309 (d) (a) of this subchapter, insert one of the contract clauses set forth therein as appropriate.

SUBPART D—CLAUSES FOR COST REIMBURSEMENT TYPE RESEARCH AND DEVELOPMENT CONTRACTS

A modification of the Records clause is § 7.203–7 for use in cost-reimbursement type contracts with educational institutions for experimental, developmental or research work without fee or profit, has been set forth as a new clause in § 7.403–8. This clause was developed with the Comptroller General's concurrence.

§ 7.403–8 *Records.* The following clause shall be inserted in all cost-reimbursement type contracts entered into with educational institutions for experimental, developmental or research work without fee or profit:

RECORDS, UNIVERSITIES

(a) (1) The Contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract. The Contractor's accounting procedures and practices shall be subject to the approval of __________*: *Provided, however*, That no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the costs properly applicable to this contract are readily ascertainable therefrom.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any of the records for inspection, audit, or reproduction by any authorized representative of the Department or of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within two years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through __________* such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available its records for a period of six years (unless a longer period of time is provided by applicable statute or by any other clause in this contract) from the date of the voucher or invoice submitted by the Contractor after the completion of work performed during any separate period of performance established by this contract or by any amendment or supplemental agreement, without regard to former or subsequent periods of performance: *Provided, however*, That records which relate to (A) appeals under the clause of this contract entitled "Disputes," (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs or expenses of the contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of, but in no event for less than the six-year period mentioned above: *And provided further*, That if the Contractor plans to destroy any records sooner than six years after the date of the voucher or invoice to be submitted after the completion of the work performed during the total of the periods of performance established by this contract and all amendments and supplemental agreements thereto, which voucher or invoice shall be designated "completion voucher" or "completion invoice," it shall give written notice to the Contracting Officer and to the Comptroller General of the United States, specifying any records which it plans to destroy after the expiration of 90 days from the receipt of such notice, and shall retain any records which either the Contracting Officer or the Comptroller General, by written notice within 90 days after receipt of the Contractor's notice, requires to be retained for a further specified period of time.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in the proviso of subparagraph (4) above, the Contractor may in fulfillment of its obligation to retain its records as required by this clause substitute photographs, microphotographs or other authentic reproductions of such records, after the expiration of two years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a) (6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or the Department, or any of their duly authorized representatives, shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract," as used in this paragraph (b) only, excludes (i) purchase orders not exceeding $1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

In the foregoing clause, insert, in contracts of the Department of the Army and the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the words "the Contract Audit Division of the Comptroller of the Navy," in the space designated by an asterisk (__________*).

SUBPART E—CLAUSES FOR PERSONAL SERVICES CONTRACTS

Section 7.503–2 has been revised to provide that contractors need no longer certify vouchers or invoices as to correctness, justness and nonpayment, but that carriers, other corporations or agencies, or persons furnishing transportation and accessorial services to the Government must continue to execute the certificates contained on the standard forms prescribed by Comptroller General, in Title 4, Code of Federal Regulations, §§ 7.6 and 9.1. Section 7.503–2, as revised, reads as follows:

§ 7.503 *Required clauses.* * * *

§ 7.503–2 *Payments.*

PAYMENTS

Payment for the services performed by the Contractor, as set forth in the Schedule of this contract, shall be made at the rates prescribed, upon the submission by the Contractor of proper invoices or time statements to the office or officer designated herein and at the time provided for herein. In addition to the foregoing the Contractor shall be paid (i) a per diem rate in lieu of subsistence for each day the Contractor is in a travel status away from his home or regular place of employment in accordance with Standardized Government Travel Regulations as authorized in appropriate Travel Orders; and (ii) such other transportation expenses as may be provided for in the Schedule.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 9—PATENTS, DATA, AND COPYRIGHTS

SUBPART A—PATENTS

Section 9.101 has been deleted and is now reserved. Sections 9.102 and 9.102–1 have been modified to make use of the clause optional in contracts regardless of amount rather than mandatory in contracts over $5,000, and prohibited from use in contracts under $5,000, as heretofore. Section 9.107–3 has been revised to include specific projects within a contractor's independent research program as well as specific product improvement programs. Section 9.107–4 has been revised to clarify the deviation status of patent rights not authorized by §§ 9.107–1 through 9.107–3. Section 9.107–5 has been added to clarify the rights of the Government in connection with releasing manufacturing instructions to commercial firms for the purpose of producing and marketing, in competition with the inventor of the item or the inventor's commercial licensee's items required by the general public for civilian defense purposes. Other changes in this subpart involve amendments to specifically designate certain paragraphs which are applicable only to contracts to be performed within the United States and certain other paragraphs which are applicable only to contracts to be performed outside the United States. Wherever the phrase, "the United States, its Territories, or possessions," is used, the words "Puerto Rico" have been added in view of the changes in definitions provided by Public Law 1028, 84th Congress. Subpart A, as revised, reads as follows:

Sec.	
9.100	Scope of subpart.
9.101	[Reserved.]
9.102	Authorization and consent.
9.102–1	Authorization and consent in contracts for supplies.
9.102–2	Authorization and consent in contracts for research or development.
9.103	Patent indemnification of Government by contractor.
9.103–1	Patent indemnification in formally advertised contracts; commercial status predetermined.
9.103–2	Patent indemnification in formally advertised contracts; commercial status not predetermined.
9.103–3	Patent indemnification in negotiated contracts.
9.103–4	Waiver of indemnity by the Government.
9.104	Notice and assistance.
9.105	Processing of infringement claims.
9.106	Classified contracts.
9.106–1	Classified contracts to be performed outside the United States.
9.107	Patent rights under contracts involving research or development.
9.107–1	License rights.
9.107–2	Contracts relating to atomic energy.
9.107–3	Patent license rights under product improvement programs or independent research programs.
9.107–4	Patent rights not to be obtained.
9.107–5	Contracts relating to civil defense.
9.108	Patent rights under contracts for personal services.
9.109	Followup of patent rights.
9.110	Reporting of royalties.
9.110–1	Approved form of royalty report.

Sec.
9.110–2 Reporting of royalties in contracts to be performed outside the United States.
9.111 Adjustment of royalties.
9.112 [Reserved.]

AUTHORITY: §§ 9.100 to 9.112 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202.

§ 9.100 *Scope of subpart.* This subpart prescribes contract clauses and instructions which define and implement the policy of the Department of Defense with respect to—

(a) Inventions relating to experimental, developmental, or research work performed under Government contracts.

(b) Patent infringement liability resulting from work performed under Government contracts.

(c) Patent royalties payable in connection with the performance of Government contracts.

(d) Security requirements covering patent applications containing classified subject matter filed by contractors.

§ 9.101 [Reserved.]

§ 9.102 *Authorization and consent.* (a) Under 28 U. S. Code 1498, any suit for infringement of a patent based on the manufacture or use of a patented invention for the Government by a contractor or by a subcontractor (including lower-tier subcontractors) can be maintained only against the Government in the Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, in order that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given as herein provided. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by the contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by the contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) An authorization and consent clause shall not be used in contracts where both performance and delivery are to be outside the United States, its Territories, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its Territories, its possessions, or Puerto Rico, in which case the instructions of §§ 9.102–1 and 9.102–2 are applicable.

§ 9.102–1 *Authorization and consent in contracts for supplies.* The contract clause set forth below may be included in all contracts for supplies (including construction work), except that it shall not be used:

(a) When prohibited by § 9.102 (b); or

(b) In contracts exclusively for experimental, developmental, or research work which are subject to the provisions of § 9.102–2.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to its rights of indemnification, if such rights are provided for in this contract) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any patented invention (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The Contractor's entire liability to the Government for patent infringement shall be determined solely by the provisions of the indemnity clause, if any, included in the contract and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 9.102–2 *Authorization and consent in contracts for research or development.* Greater latitude in the use of patented inventions is to be allowed in a contract for experimental, developmental, or research work than in a contract for supplies. Unless prohibited by § 9.102 (b), the clause set forth below shall be included in all contracts calling exclusively for experimental, developmental, or research work, and may be included in contracts calling for both supplies and experimental, developmental, or research work. If the clause set forth below is included in a contract, the clause in § 9.102–1 shall not be included.

AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any patented invention in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

§ 9.103 *Patent indemnification of Government by contractor.* In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies which normally are or have been sold or offered for sale to the public in the commercial open market, or which are the same as such supplies with a relatively minor modification thereof, clauses providing for indemnification of the Government are to be included in such contracts in accordance with the instructions preceding the clauses set forth below. A patent indemnity clause shall not be used in contracts under the following circumstances:

(a) Where the contract is for supplies which clearly are not or have not been sold or offered for sale to the public in the commercial open market. However, even in the foregoing instance, a patent indemnity clause may be included where (1) in the case of contracts to be awarded by formal advertising it is desired to obtain an indemnity as to components and spare parts so sold or offered for sale, in which case the clause in § 9.103–2 may be used; or (2) in the case of contracts to be awarded either by formal advertising or negotiation, a patent owner contends that the prospective procurement would infringe his patent and the low bidder or offeror is willing to indemnify the Government as to such patent without increase in price on the basis that the patent is invalid or not infringed, or for other good reasons; or

(b) Where both performance and delivery are to be outside the United States, its Territories, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its Territories, its possessions, or Puerto Rico, in which case the instructions of §§ 9.103–1, 9.103–2, or 9.103–3 are applicable; or

(c) Where the contract is for an amount of $5,000 or less, except that, as a matter of administrative convenience, the clause need not be deleted where it is a part of a standard form being used for contracts of $5,000 or less, since it is self-deleting as to such contracts.

§ 9.103–1 *Patent indemnification in formally advertised contracts; commercial status predetermined.* (a) Except as prohibited by § 9.103, the clause set forth below is appropriate in formally advertised construction contracts and shall be included in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market.

PATENT INDEMNITY (PREDETERMINED)

If the amount of this contract is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (i) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (ii) the infringement results from the addition to, or change in, the supplies furnished or construction work performed, which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) the claimed infringement is settled without the consent of the

Contractor, unless required by final decree of a court of competent jurisdiction.

(b) Certain supply contracts call only in part for items which normally are or have been sold or offered for sale by any supplier to the public in the commercial open market, or such items with relatively minor modifications. For the purpose of excluding from patent indemnification such specific items as normally are not or have not been sold or offered for sale by any supplier to the public in the commercial open market, the following sentence may be added to the end of the clause set forth in paragraph (a) of this section:

The foregoing shall not apply to the following contract items:
(List the items to be excluded)

§ 9.103-2 *Patent indemnification in formally advertised contracts—commercial status not predetermined.* Except as prohibited by § 9.103, the clause set forth below is appropriate in (a) formally advertised construction contracts and (b) formally advertised contracts for supplies or component parts thereof when it is not determined in advance of issuing the invitation for bids that such supplies or component parts (or such supplies or component parts apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market:

PATENT INDEMNITY (NOT PREDETERMINED)

If the amount of this contract is in excess of $5,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patents issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or component parts thereof, or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government, of such supplies, construction work, or component parts thereof, which supplies or component parts either normally are or have been sold or offered for sale to, and which construction work normally is of a type performed for, the public in the commercial open market by any supplier on or before the date set for opening of bids, or are such supplies, construction work, or component parts thereof, with relatively minor modifications made thereto. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (i) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (ii) the infringement results from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 9.103-3 *Patent indemnification in negotiated contracts.* A patent indemnity clause is not required to be included in negotiated contracts, but may be included in negotiated construction contracts and, except as otherwise authorized in § 9.103 (a) (2), may be included in negotiated contracts for supplies only where such supplies normally are or have been sold or offered for sale by the contractor to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto. Ordinarily, it should be quite feasible for the contracting officer to determine, in consultation with the contractor, whether the supplies being purchased normally are on sale or have been sold or offered for sale by the contractor to the public in the commercial open market.

(a) Subject to the foregoing and to the prohibitions in § 9.103, the clause set forth in § 9.103-1 (a) is approved for use in negotiated contracts for construction work or supplies.

(b) Certain supply contracts call only in part for items which normally are or have been sold or offered for sale by the contractor to the public in the commercial open market, or such items with relatively minor modifications. For the purpose of excluding from patent indemnification such specific items as normally are not or have not been sold or offered for sale by the contractor to the public in the commerical open market, the following sentence may be added to the end of the clause approved for use in paragraph (a) of this section.

The foregoing shall not apply to the following contract items:
(List the items to be excluded)

§ 9.103-4 *Waiver of indemnity by the Government.* In the event that it is desired to exempt one or more specified United States patents from the indemnification provisions of the preceeding clauses, authority shall first be obtained from the Secretary of the Military Department concerned or his authorized representative, and the following clause shall be included in the contract, in addition to the patent indemnity clause:

WAIVER OF INDEMNITY

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the United States patents identified and listed below, and waives indemnification by the Contractor with respect to such patents:
(Identify the patents by number or by other means if more appropriate)

§ 9.104 *Notice and assistance.* The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government, to the extent of information and evidence in the possession of the contractor, in connection with patent litigation arising out of or resulting from the performance of the contract. Accordingly, the clause set forth below shall be included in all contracts in excess of $5,000 for supplies, construction, or experimental, developmental, or research work; except that it shall not be included in contracts—

(a) Where both performance and delivery are to be outside the United States, its Territories, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its Territories, its possessions, or Puerto Rico; or,

(b) Of lesser amounts, except that as a matter of administrative convenience, the clause need not be deleted when it is a part of a standard form being used for contracts of $5,000 or less, since it is self-deleting as to such contracts:

NOTICE AND ASSISTANCE REGARDING PATENT INFRINGEMENT

The provisions of this clause shall be applicable only if the amount of this contract is in excess of $5,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of litigation against the Government on account of any claim of patent infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, upon request, all evidence and information in possession of the Contractor pertaining to such litigation. Such evidence and information shall be furnished at the expense of the Government except in those cases in which the Contractor has agreed to indemnify the Government against the claim being asserted.

§ 9.105 *Processing of infringement claims.* The Military Departments shall process claims for alleged unauthorized use of inventions in accordance with instructions of each respective Military Department.

§ 9.106 *Classified contracts.* Unauthorized disclosure of classified subject matter, whether in patent applications or resulting from the issuance of a patent, may be a violation of 18 U. S. Code 791 et seq. (Espionage and Censorship) and related statutes and may be contrary to the interests of national security. Accordingly, except as otherwise provided in § 9.106-1, the following clause shall be included in every classified contract and in every unclassified contract which covers or is likely to cover classified subject matter:

FILING OF PATENT APPLICATIONS

(a) Before filing or causing to be filed a patent application disclosing any subject matter of this contract, which subject matter is classified "Secret" or higher, the Contractor shall, citing the thirty (30) day provision below, transmit the proposed application to the Contracting Officer for determination whether, for reasons of national security, such application should be placed under an order of secrecy or sealed in accordance with the provisions of 35 U. S. Code 181-188 or the issuance of a patent should be otherwise delayed under pertinent statutes or regulations; and the Contractor shall observe any instructions of the Contracting Officer with respect to the manner of delivery of the patent application to the U. S. Patent Office for filing, but the Contractor shall not be denied the right to file such patent application. If the Contracting Officer shall not have given any such instructions within thirty (30) days from the date of mailing or other transmittal of the proposed application, the Contractor may file the application.

(b) The Contractor shall furnish to the Contracting Officer, at the time of or prior to the time when the Contractor files or causes to be filed a patent application disclosing any subject matter of this contract, which subject matter is classified "Confidential," a copy of such application for determination whether, for reasons of national security, such application should be placed under an order of secrecy or the issuance of a patent should be otherwise delayed under pertinent statutes or regulations.

(c) In filing any patent application coming within the scope of this clause, the Contractor shall observe all applicable security regulations covering the transmission of classified subject matter.

§ 9.106-1 *Classified contracts to be performed outside the United States.* The following clause shall be included in classified contracts where the work is to be performed outside the United States, its Territories, its possessions, or Puerto Rico, regardless of the place of delivery:

FILING OF PATENT APPLICATIONS (FOREIGN)

While and so long as any subject matter of this contract is classified for reasons of security, the Contractor shall not file, or cause to be filed, in any country, an application or registration for a patent containing any of said subject matter without first obtaining written approval of the Contracting Officer.

§ 9.107 *Patent rights under contracts involving research or development.*

§ 9.107-1 *License rights*—(a) *General rule.* Under any contract or modification thereof having experimental, developmental, or research work as one of its purposes, the Government should receive a royalty-free, nonexclusive license to practice or have practiced any inventions conceived or first actually reduced to practice in the course of performing such work or in the course of performing any prior experimental, developmental, or research work done upon the understanding in writing that a contract would be awarded. The contract cost or price should in no event be increased merely by reason of the inclusion of the Patent Rights clause set forth in paragraph (c) of this section.

(b) *Exclusion of inventions from the license grant.* Upon request of the contractor, the contracting officer shall carefully consider and may exclude from the grant in the Patent Rights clause any invention covered by a United States patent issued or application for patent filed by or on behalf of the contractor prior to the award of a contract when he finds one or more of the following circumstances to be established:

(1) The contractor has expended sums in developing the invention (as represented by research and development costs and expenses for preparing and prosecuting the patent application) which are relatively large in comparison to the amount of the proposed contract or such portion of the proposed contract amount as can be allocated in advance for the development of such an invention (in determining the sums expended by the contractor there shall be included only amounts which can be allocated to the invention which is to be excluded; such sums shall not include the entire cost of a research department or program which cannot be allocated as above provided);

(2) The practicability of such an invention has been established as by engineering design;

(3) The invention covers a basic material and it is not the purpose of the contract to develop such material;

(4) The invention is useful only for military purposes and the contractor does not have facilities for furnishing the item to the Government in production quantities.

Any inventions to be excluded from the license grant by reason of the foregoing circumstances shall be specifically identified and listed in the contract Schedule.

(c) *Contract clause.* The clause set forth below shall be included in every contract having as one of its purposes, experimental, developmental, or research work which is to be performed within the United States, its Territories, its possessions, or Puerto Rico. Any such contract which is to be performed outside the United States, its Territories, its possessions, or Puerto Rico, shall include a patent rights clause which may be based on the Patent Rights clause set forth below. See § 16.809 of this subchapter for an approved form for optional use by contractors in reporting information required by paragraphs (c) (ii), (c) (iii), and (h) of the clause. In the administration of paragraph (e) of the clause, a request for conveyance of foreign rights to the Government is not required when the contractor does not file an application for patent in a foreign country under the conditions provided in that paragraph, unless the Government intends to apply for such patent.

PATENT RIGHTS

(a) As used in this clause, the following terms shall have the meanings set forth below:

(i) The term "Subject Invention" means by invention, improvement, or discovery (whether or not patentable) conceived or first actually reduced to practice either—

(A) In the performance of the experimental, developmental, or research work called for or required under this contract; or

(B) In the performance of any experimental, developmental, or research work relating to the subject matter of this contract which was done upon an understanding in writing that a contract would be awarded;

Provided, That the term "Subject Invention" shall not include any invention which is specifically identified and listed in the Schedule for the purpose of excluding it from the license granted by this clause.

(ii) The term "Technical Personnel" means any person employed by or working under contract with the Contractor (other than a subcontractor whose responsibilities with respect to rights accruing to the Government in inventions arising under subcontracts set forth in (g), (h), and (i) below) who, by reason of the nature of his duties in connection with the performance of this contract, would reasonably be expected to make inventions.

(iii) The terms "subcontract" and "subcontractor" means any subcontract or subcontractor of the Contractor, and any lower-tier subcontract or subcontractor under this contract.

(b) (1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, nontransferable, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, each Subject Invention in the manufacture, use and disposition according to law, of any article or material, and in use of any method. No license granted herein shall convey any right to the Government to manufacture, have manufactured, or use any Subject Invention for the purpose of providing services or supplies to the general public in competition with the Contractor or the Contractor's commercial licensees in the licensed fields.

(2) With respect to:

(i) Any Subject Invention made by other than Technical Personnel;

(ii) Any Subject Invention conceived prior to, but first actually reduced to practice in the course of, any of the experimental, developmental, or research work specified in (a) (i) above; and

(iii) The practice of any Subject Invention in foreign countries; the obligation of the Contractor to grant a license as provided in (b) (1) above, to convey title as provided in (d) (ii) (B) or (d) (iv) below, and to convey foreign rights as provided in (e) below, shall be limited to the extent of the Contractor's right to grant the same without incurring any obligation to pay royalties or other compensation to others solely on account of said grant. Nothing contained in this Patent Rights clause shall be deemed to grant any license under any invention other than a Subject Invention.

(c) The Contractor shall furnish to the Contracting Officer the following information and reports concerning Subject Inventions which reasonably appear to be patentable:

(i) A written disclosure promptly after conception or first actual reduction to practice of each such Invention together with a written statement specifying whether or not a United States patent application claiming the Invention has been or will be filed by or on behalf of the Contractor;

(ii) Interim reports at least every twelve months, commencing with the date of this contract, each listing all such Inventions conceived or first actually reduced to practice more than three months prior to the date of the report, and not listed on a prior interim report, or certifying that there are no such unreported Inventions; and

(iii) Prior to final settlement of this contract, a final report listing all such Inventions including all those previously listed in interim reports.

(d) In connection with each Subject Invention referred to in (c) (i) above, the Contractor shall do the following:

(i) If the Contractor specifies that a United States patent application claiming such Invention will be filed, the Contractor shall file or cause to be filed such application in due form and time; however, if the Contractor after having specified that such an application would be filed, decides not to file or cause to be filed said application, the Contractor shall so notify the Contracting Officer at the earliest practicable date and in any event not later than eight months after first publication, public use or sale.

(ii) If the Contractor specifies that a United States patent application claiming such Invention has not been filed and will not be filed (or having specified that such an application will be filed thereafter notifies the Contracting Officer to the contrary), the Contractor shall:

(A) Inform the Contracting Officer in writing at the earliest practicable date of any publication of such Invention made by or known to the Contractor or, where applicable, of any contemplated publication by the Contractor, stating the date and identity of such publication or contemplated publication; and

(ii) Convey to the Government the Contractor's entire right, title, and interest in such Invention by delivering to Contracting Officer upon written request such duly executed instruments (prepared by the Government) of assignment and application, and such other papers as are deemed necessary to vest in the Government the Contractor's right, title, and interest aforesaid, and the right to apply for and prosecute patent applications covering such Invention throughout the world, subject, however, to the right of the Contractor specified in (e) below to file foreign applications, and subject further to the reservation of a non-exclusive and royalty-free license to the Contractor (and to its existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part) which license shall be assignable to the successor of that part of the Contractor's business to which such Invention pertains;

(iii) The Contractor shall furnish promptly to the Contracting Officer on request an irrevocable power of attorney to inspect and make copies of each United States patent application filed by or on behalf of the Contractor covering any such Invention;

(iv) In the event the Contractor, or those other than the Government deriving rights from the Contractor, elects not to continue prosecution of any such United States patent application filed by or on behalf of the Contractor, the Contractor shall so notify the Contracting Officer not less than sixty days before the expiration of the response period and, upon written request, deliver to the Contracting Officer such duly executed instruments (prepared by the Government) as are deemed necessary to vest in the Government the Contractor's entire right, title, and interest in such Invention and the application, subject to the reservation as specified in (d) (ii) above; and

(v) The Contractor shall deliver to the Contracting Officer duly executed instruments fully confirmatory of any license rights herein agreed to be granted to the Government.

(e) The Contractor, or those other than the Government deriving rights from the Contractor, shall have the exclusive rights to file applications on Subject Inventions in each foreign country within:

(i) Nine months from the date a corresponding United States application is filed;

(ii) Six months from the date permission is granted to file foreign applications where such filing had been prohibited for security reasons; or

(iii) Such longer period as may be approved by the Contracting Officer.

The Contractor shall, upon written request of the Contracting Officer, convey to the Government the Contractor's entire right, title, and interest in each Subject Invention in each foreign country in which an application has not been filed within the time above specified, subject to the reservation of a nonexclusive and royalty-free license to the Contractor together with the right of the Contractor to grant sublicenses, which license and right shall be assignable to the successor of that part of the Contractor's business to which the Subject Invention pertains.

(f) If the Contractor fails to deliver to the Contracting Officer the interim reports required by (c) (ii) above, or fails to furnish the written disclosures for all Subject Inventions required by (c) (i) above shown to be due in accordance with any interim report delivered under (c) (ii) or otherwise known to be unreported, there shall be withheld from payment until the Contractor shall have corrected such failures either ten percent (10%) of the amount of this contract, as from time to time amended, or five thousand dollars ($5,000), whichever is less. After payment of eighty percent (80%) of the amount of this contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of such amount, or five thousand dollars ($5,000), whichever is less, shall have been set aside, such reserve or balance thereof to be retained until the Contractor shall have furnished to the Contracting Officer:

(i) The final report required by (c) (iii) above;

(ii) Written disclosures for all Subject Inventions required by (c) (i) above which are shown to be due in accordance with interim reports delivered under (c) (ii) above or in accordance with such final reports or are otherwise known to be unreported; and

(iii) The information as to any subcontractor required by (h) below.

The maximum amount which may be withheld under this paragraph (f) shall not exceed ten percent (10%) of the amount of this contract or five thousand dollars ($5,000), whichever is less, and no amount shall be withheld under this paragraph (f) when the amount specified by this paragraph (f) is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This paragraph (f) shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) The Contractor shall exert all reasonable effort in negotiating for the inclusion of this Patent Rights clause in any subcontract hereunder of three thousand dollars ($3,000) or more having experimental, developmental, or research work as one of its purposes. In the event of refusal by a subcontractor to accept the Patent Rights clause, the Contractor shall not proceed with the subcontract without written authorization of the Contracting Officer, and upon obtaining such authorization, shall cooperate with the Government in the negotiation with such subcontractor of an acceptable patent rights clause: *Provided, however,* That the Contractor shall in any event require the subcontractor to grant to the Government patent rights under Subject Inventions of no less scope and on no less favorable terms than those which the Contractor has under such subcontracts, except that in no event shall the subcontractor be required to grant to the Government patent rights in excess of those herein agreed to be granted to the Government by the Contractor.

(h) The Contractor shall, at the earliest practicable date, notify the Contracting Officer in writing of any subcontract containing a patent rights clause, furnish the Contracting Officer a copy of such clause, and notify the Contracting Officer when such subcontract is completed. It is understood that with respect to such subcontract clause, the Government is a third party beneficiary; and the Contractor hereby assigns to the Government all the rights that the Contractor would have to enforce the subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to Subject Inventions.

(i) When the Contractor shows that it has been delayed in the performance of this contract by reason of its inability to obtain in accordance with (g) above a suitable patent rights clause from a qualified subcontractor for any item or service required under this contract for which the Contractor itself does not have available facilities or qualified personnel, the Contractor's delivery dates shall be extended for a period of time equal to the duration of such delay; and, upon request of the Contractor, the Contracting Officer shall determine to what extent, if any, an additional extension of the delivery dates and increase in contract prices based upon additional costs incurred by such delay are proper under the circumstances; and the contract shall be modified accordingly. If the Contractor, after exerting all reasonable effort, is unable to obtain a qualified subcontractor as set forth above, the Contractor may submit to the Contracting Officer a written request for waiver or modification of the requirement that a suitable patent rights clause be included in the subcontract.

Such request shall specifically state that the Contractor has used all reasonable effort to obtain such qualified subcontractor, and shall cite the waiver or termination provision hereinafter set forth. If, within thirty-five (35) days after the date of receipt of such request for a waiver or modification of said requirement, the Contracting Officer shall fail to deny in writing such request, the requirement shall be deemed to have been waived by the Government. If within such period the Contractor shall receive a written denial of such request by the Contracting Officer, this contract shall thereupon automatically terminate and the rights and obligations of the parties shall be governed by the provisions of the clause of this contract providing for termination for the convenience of the Government.

§ 9.107-2 *Contracts relating to atomic energy.* (a) Except as provided in paragraph (b) of this section the following paragraph shall be inserted as part of the Patent Rights clause set forth in § 9.107-1 in all research or development contracts relating to atomic energy.

(j) With respect to any Subject Invention made by employees of the Contractor (except clerical and manual labor personnel who do not have access to technical data), and relating to the production or utilization of special nuclear material or atomic energy within the purview of the Atomic Energy Acts of 1946 (42 U. S. Code 1801-1819) and of 1954 (42 U. S. Code 2011-2296), the Contractor agrees:

(i) To furnish to the United States Atomic Energy Commission (hereinafter in this paragraph (j) referred to as "the Commission") through the Contracting Officer complete information regarding such Subject Invention, the Commission to have the sole and conclusive power to determine whether and where a patent application shall be filed, and to determine the disposition of the title to and rights under any such application or any patent that may issue thereon;

(ii) To obtain the execution of and deliver to the Commission, all documents relating to each such Subject Invention and to do all things necessary or proper to carry out any determination of the Commission, made under (j) (i) above;

(iii) Unless otherwise authorized in writing by the Commission to obtain patent agreements from all such employees to effectuate the purposes of this paragraph (j); and

(iv) Unless otherwise authorized in writing by the Commission, to insert this paragraph (j) in all subcontracts.

No claim for pecuniary award or compensation under the provisions of the Atomic Energy Acts of 1946 and 1954 shall be asserted by the Contractor or its employees with respect to any Subject Invention covered by this paragraph.

(b) Where the work to be performed or the material or equipment to be furnished by the contractor is of such character that any such Subject Inventions that may be made will probably (1) relate only incidentally (and not directly), to some phase of the basic research or development work which the Atomic Energy Commission conducts or sponsors, (2) relate to a field or work in which the contractor has an established industrial and patent position, or (3) result from routine development or production work by the contractor, a provision authorizing the contractor to retain license rights may be incorporated in the paragraph set forth in paragraph (a) of this section. Any such provision or any deviation from the paragraph set forth in paragraph (a) of this section, which the military department concerned proposes to authorize, shall be forwarded in accordance with Departmental procedures to the Atomic Energy Commission for recommendation and shall not be authorized except with the concurrence of the Atomic Energy Commission.

§ 9.107-3 *Patent license rights under product improvement programs or independent research programs.* Where a Military Department, under its established procedures, provides substantial financial support to a contractor's (a) specific product improvement program; or (b) specific projects within its independent research program;

the Military Department may obtain for the Government patent license rights to inventions, improvements, or discoveries conceived or first actually reduced to practice during or as a result of such support: *Provided*, The obtaining of such rights and the contractual arrangements for such rights are approved in the Army and the Navy by the head of the procuring activity concerned, and in the Air Force by the Deputy Director/Procurement, Headquarters, Air Materiel Command or by the Director of Procurement, Headquarters, Air Research and Development Command.

§ 9.107-4 *Patent rights not to be obtained.* (a) Except as authorized in §§ 9.107-1, 9.107-2, 9.107-3, and (b) below, patent license rights shall not be requested in the negotiation of contracts for supplies or services (other than contracts where the primary item of procurement is a license under or an assignment of a patent). It is the policy of the Military Departments, except as otherwise provided in § 9.107-1, to pay a reasonable compensation for the use of an invention covered by a valid patent enforceable against the Government, but the questions of infringement, validity, and enforceability of the patent shall be determined by personnel having cognizance of patent matters for the Military Department concerned.

(b) The provisions of paragraph (a) of this section are not applicable to contracts to be performed outside the United States, its Territories, its possessions, or Puerto Rico.

§ 9.107-5 *Contracts relating to civil defense.* The paragraph set forth below may be inserted in lieu of paragraph (b) (1) as part of the Patent Rights clause prescribed in § 9.107-1 (c) in all contracts for experimental, developmental, or research work relating primarily to supplies or services intended for the general public for civil defense purposes.

(b) (1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, nontransferable, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, each Subject Invention in the manufacture, use and disposition of any article or material, and in the use of any method; with the right in the Government to sublicense others to practice each Subject Invention in the manufacture, use and sale of any article or in the use of any method for the purpose of providing supplies or services to the general public in the furtherance of the nation's civil defense.

§ 9.108 *Patent rights under contracts for personal services.* The following clause shall, except as otherwise provided in § 7.503-9 of this subchapter, be inserted in all personal services contracts for services to be performed by an individual as set forth in § 7.502 of this subchapter.

PATENTS

(a) For the purpose of determining the rights of the Government and the Contractor in and to inventions, the Contractor agrees to be bound by all provisions of Executive Order 10096, dated 23 January 1950, and any orders, rules, regulations, or the like issued thereunder.

(b) The Contractor shall: (i) make written disclosure promptly to the Contracting Officer of all inventions of the Contractor which are conceived or first reduced to practice during the term of this contract, and sign and execute all papers necessary for conveying to the Government the rights to which the Government is entitled in accordance with the determination made under the provisions of Executive Order 10096, or (ii) certify to the Contracting Officer that, to the best of the Contractor's knowledge and belief, no inventions have been conceived or first reduced to practice during the term of this contract.

§ 9.109 *Followup of patent rights.* Appropriate systems of followup in connection with contracts for experimental, developmental, or research work shall be maintained by the Military Departments in order that inventions in which the Government may have an interest may be properly identified and formal agreements evidencing the Government's rights therein shall be obtained.

§ 9.110 *Reporting of royalties.* The Government has acquired license and other rights under a large number of inventions as the result of Government-sponsored research and development and in other ways. In order that the Government may determine whether the charging of royalties to the Government is inconsistent with the rights which the Government has acquired or is otherwise improper and in order that negotiation for the voluntary reduction of excessive royalties may be undertaken, the Military Departments should be informed of royalties charged or to be charged in connection with the performance of Government contracts. The contract clause set forth below shall be included in all contracts in excess of $50,000, except as follows:

(a) The clause shall not be included in contracts coming within the provisions of § 9.110-2.

(b) The clause shall not be included in contracts of $50,000 or less, except that, as a matter of administrative convenience, the clause need not be deleted when it is a part of a standardized form being used for contracts of $50,000 or less, since it is self-deleting as to such contracts.

(c) The clause need not be included in contracts for experimental, developmental, or research work, regardless of the amount of the contract, where under such contracts only a report or reports are to be delivered to or for the Government.

REPORTING OF ROYALTIES

The provisions of this clause shall be applicable only if the amount of the contract is in excess of $50,000.

(a) The Contractor shall report in writing (in quadruplicate) to the Contracting Officer as soon as practicable after execution of this contract whether or not any royalties in excess of $250 have been paid or are to be paid by the Contractor directly to any person or firm in connection with the performance of this contract. If royalties in excess of $250 have been paid or are to be paid to any person or firm, the report shall include the following items of information with respect to such royalties (including the initial $250):

(1) The name and address of each licensor to whom royalties in excess of $250 have been paid or are to be paid.

(2) The patent numbers, patent application serial numbers (with filing dates), or other identification of the basis for such royalties.

(3) The manner of computing the royalties consisting of (i) a brief identification of each royalty-bearing unit or process, (ii) the total amount of royalties, and (iii) the percentage rate or dollars and cents amount of royalties on each such unit or process: *Provided*, That if the royalties cannot be computed in terms of units or dollars and cents value, then other data showing the manner in which the Contractor computes the royalties.

(b) In lieu of furnishing a report under paragraph (a), the Contractor may furnish a single, consolidated report for each accounting period of the Contractor during which the Contractor has contracts with the Government, provided the Contractor has requested and obtained the prior written approval of the ----------*. Such consolidated report shall be furnished, when the furnishing thereof has been approved, in the number of copies as approved, as soon as practicable after the close of the accounting period covered by the report. Such consolidated report shall be made in accordance with Contractor's established accounting practice and shall include, for the accounting period, the total amount of royalties accruing to each licensor at a rate in excess of $1,000 per annum on the Contractor's over-all business, together with (i) the name and address of each such licensor, (ii) the patent numbers, patent application serial numbers (with filing dates), or other identification of the basis for such royalties, (iii) a brief description of the subject matter of the license under which royalties are charged, (iv) the percentage rate or unit amount, or if the royalties do not accrue by rate or unit amount, such other data showing the manner by which the royalties accrue to licensor, and (v) an estimate or approximation (without detailed accounting) of the portion of such royalties that may be attributable to Government contracts. The Contractor shall, if requested by the Government, furnish at Government expense a more detailed allocation of such royalty payments attributable to Government contracts.

(c) In the event that the Contractor requests written approval to furnish consolidated reports under paragraph (b) above, the ----------* shall promptly consider the request and furnish to the Contractor a letter stating whether or not the request is approved and, notwithstanding any such approval, the Contracting Officer shall have the right to question any such subsequently furnished report as to accuracy or completeness of data and to ask for additional information. The Contractor shall furnish a copy of such letter of approval to the Contracting Officer administering this contract.

(d) After payment of eighty percent (80%) of the amount of this contract, as from time to time amended, further payment shall be withheld until a reserve of either (i) ten percent (10%) of such amount or (ii) $5,000, whichever is less, shall have been set aside, such reserve or the balance thereof to be retained until the Contractor shall have furnished to the Contracting Officer the report called for by paragraph (a) hereof or the copy of the letter approving the Contractor's request to furnish the report under paragraph (b): *Provided*, That no amount shall continue to be withheld from payment for the causes specified in this paragraph (d) if the Contracting Officer shall find that the Contractor has not been furnished a letter as required by paragraph (c) within a reasonable time after making written request to submit a single, consolidated report under the provisions of paragraph (b) of this clause: *And provided further*, That the Contracting Officer may, in his discretion, order payment to be withheld in the amount and manner above provided if the report called for by paragraph (a) is unsatisfactory or if the ----------* notifies the Contracting Officer that the report called for by paragraph (b) is due but has not been received, or if received, is found to be unsatisfactory. No amount shall be withheld under this paragraph when the minimum amount specified by this paragraph is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any right accruing to the Government under this contract.

In the foregoing clause, insert, in the space designated by an asterisk (----*) in contracts of the Department of the Army and the Department of the Air Force, the words "Chief, Patents Division, Office of The Judge Advocate General;" and in contracts of the Department of the Navy, the words "Assistant Chief of Naval Research for Patents."

§ 9.110-1 *Approved form of royalty report.* See § 16.806 of this subchapter for an approved form for optional use by contractors in making reports as required by paragraph (a) of the Reporting of Royalties clause of § 9.110.

§ 9.110-2 *Reporting of royalties in contracts to be performed outside the United States.* In contracts where the work is to be performed outside the United States, its Territories, its possessions, or Puerto Rico, regardless of the place of delivery, the following clause shall be included in the contract:

REPORTING OF ROYALTIES (FOREIGN)

If this contract is in an amount which exceeds $50,000, the Contractor shall report in writing to the Contracting Officer during the performance of this contract the amount of royalties paid or to be paid by the Contractor directly to others in the performance of this contract. The Contractor shall also (i) furnish in writing any additional information relating to such royalties as may be requested by the Contracting Officer and (ii) insert a provision similar to this clause in any subcontract hereunder which involves an amount in excess of the equivalent of fifty thousand United States dollars.

§ 9.111 *Adjustment of royalties.* If the contracting officer believes that any royalties paid, or to be paid, under a contract or prospective contract are unreasonable or otherwise improper, he should promptly report the matter to personnel having cognizance of patent matters for the procuring activity concerned. Such personnel shall review the royalties thus reported and such royalties as are reported under § 9.110. In coordination with the contracting officer, such personnel shall:

(a) Take prompt action to protect the Government against payment of royalties on supplies or services (1) with respect to which the Government has a royalty-free license, or (2) at a rate in excess of the rate at which the Government is licensed, or (3) where the royalties in whole or in part constitute an improper charge;

(b) In appropriate cases enter into negotiation for a voluntary reduction of royalties.

§ 9.112 [Reserved.]

SUBPART B—DATA AND COPYRIGHTS

1. Sections 9.203 and 9.204-2 (f) have been revised as follows:

§ 9.203 *Contract clauses; general.* In any contract to be performed in the United States, its Territories, or possessions, or Puerto Rico in which data is specified to be delivered, insert, in accordance with § 9.202-2, one of the clauses of §§ 9.203-1 or 9.203-2, as appropriate, except that such clauses shall not be used in contracts coming within the provisions of §§ 9.204-2, 9.204-3 and 9.205, nor in contracts to be performed outside the United States, its Territories, or possessions, or Puerto Rico.

§ 9.204 *Contract clauses; special.*

§ 9.204-2 *Production of motion pictures.* * * *

(f) Paragraphs (c) and (d) of this section are not applicable to material furnished to the Contractor by the Government and incorporated in the work furnished under the contract: *Provided*, Such incorporated material is identified by the Contractor at the time of delivery of such work.

2. Section 9.206 has been added providing a Technical Information Clause for use in contracts to be performed outside the United States. Section 9.206, as added, reads as follows:

§ 9.206 *Contracts to be performed outside the United States.* (a) Except as otherwise provided in §§ 9.204-2, 9.204-3, or 9.205, the clause set forth below shall be included in all contracts under which (1) technical information including reports, drawings, blueprints or other data is specified to be delivered to the Government, and (2) the work is to be performed outside the United States, its Territories, its possessions, or Puerto Rico, regardless of the place of delivery.

TECHNICAL INFORMATION

The Government may duplicate, use, and disclose in any manner for its governmental purposes, including delivery to other governments for the furtherance of mutual defense of the United States Government and such other governments, all or any part of the technical information including reports, drawings, blueprints, and other data specified to be delivered by the Contractor to the Government under this contract.

(b) The above clause may be modified by substituting "the United States Government" for "Government"; however, when the contractor is a foreign government, the above clause shall be modified by substituting "the United States Government" for "Government" and by substituting the name of the foreign government for "Contractor."

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 11—FEDERAL, STATE AND LOCAL TAXES

SUBPART D—CONTRACT CLAUSES

Section 11.401 has been revised to include in § 11.401-1 the Federal, State, and Local Taxes clause conforming to that appearing in GSA Regulation 1-II-209.03, dated October 8, 1957, and in 11.401-2 on alternate clause for use in certain negotiated fixed-price contracts where the standard clause is inappropriate. § 11.401, as revised, reads as follows:

§ 11.401 *Fixed-price type contracts.*

§ 11.401-1 *Clause for advertised and certain negotiated contracts.* The following clause shall be inserted in (a) all formally advertised contracts and (b) negotiated fixed-price type contracts where the contracting officer is satisfied that the contract price, by virtue of competition or otherwise, excludes contingencies for State and local taxes.

FEDERAL, STATE, AND LOCAL TAXES

(a) As used throughout this clause, the term "tax inclusive date" means the date of negotiated contracts and the date set for the opening of bids for contracts entered into through formal advertising. As to additional supplies or services procured by modification to this contract, the term "tax inclusive date" means the date of such modification.

(b) Except as may be otherwise provided in this contract, the contract price includes all Federal, State, and local taxes and duties in effect and applicable to this contract on the tax inclusive date, except taxes (other than Federal transportation taxes) from which the Government, the Contractor, or the transactions or property covered by this contract are then exempt. Unless specifically excluded, duties are included in the contract price, and, if freight is included in the contract price, Federal transportation taxes are likewise included.

(c) (1) If the Contractor is required to pay or bear the burden—

(i) Of any tax or duty, which either was not to be included in the contract price pursuant to the requirements of paragraph (b), or was specifically excluded from the contract price by a provision of this contract, or

(ii) Of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price;

or of any interest or penalty thereon, the contract price shall be correspondingly increased: *Provided*, That the Contractor warrants in writing that no amount of such tax, duty, or rate increase was included in the contract price as a contingency reserve or otherwise: *And provided further*, That liability for such tax, duty, rate increase, interest, or penalty was not incurred through the fault or negligence of the Contractor or its failure to follow instructions of the Contracting Officer.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, interest, or penalty which (i) was to be included in the contract price pursuant to the requirements of paragraph (b), (ii) was included in the contract price, or (iii) was the basis of an increase in the contract price, the contract price shall be correspondingly decreased or the amount of such relief, refund, or drawback shall be paid to the Government, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the Contractor, through its fault or negligence or its failure to follow instructions of the Contracting Officer, is required to pay or bear the burden, or does not obtain a refund or drawback of any such tax, duty, interest, or penalty. Interest paid or credited to the Contractor incident to a refund of taxes shall inure to the benefit of the Government to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government for such taxes.

(3) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (c) shall set forth the amount thereof as a separate item and shall identify the particular tax involved.

(4) Nothing in this paragraph (c) shall be applicable to social security taxes; net income taxes; excess profit taxes; capital stock taxes; Federal transportation taxes, except changes in the rate thereof, including repeal, pertaining to shipments from the Contractor to the Government; unemployment compensation taxes; or any State and local taxes, except those levied on or measured by the contract or sales price of the services or completed supplies furnished under this contract, including gross income taxes, gross receipts taxes, sales and use taxes, excise taxes, or franchise or occupation taxes measured by sales or receipts from sales.

(5) No adjustment of less than $100 shall be made in the contract price pursuant to this paragraph.

(d) Unless there does not exist any reasonable basis to sustain an exemption, the Government agrees upon request of the Contractor, without further liability except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from (i) any Federal tax, which the Contractor warrants in writing was excluded from the contract price, or (ii) any State or local tax: *Provided*, That evidence appropriate to establish exemption from duties will be furnished, and Government bills of lading will be issued, only at the discretion of the Contracting Officer. In addition, the Contracting Officer may furnish evidence appropriate to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price.

(e) (1) The Contractor shall promptly notify the Contracting Officer of all matters pertaining to Federal, State, and local taxes and duties that reasonably may result in either an increase or decrease in the contract price.

(2) Whenever an increase or decrease in the contract price may be required under this clause, the Contractor shall take action as directed by the Contracting Officer, and the contract price shall be equitably adjusted to cover the costs of such action, including any interest, penalty, and reasonable attorney's fees.

§ 11.401-2 *Alternate clause for certain negotiated contracts.* The following clause shall be inserted in all negotiated fixed-price contracts where the clause set forth in § 11.401-1 is not used.

FEDERAL, STATE, AND LOCAL TAXES

(a) As used throughout this clause, the term "tax inclusive date" means the date of this contract. As to additional supplies or services procured by modification to this contract, the term "tax inclusive date" means the date of such modification.

(b) Except as may be otherwise provided in this contract, the contract price includes all Federal, State, and local taxes, and duties, in effect and applicable to this contract on the tax inclusive date, except taxes (other than Federal transportation taxes), from which the Government, the Contractor, or the transactions or property covered by this contract are then exempt. Unless specifically excluded, duties are included in the contract price, and, if freight is included in the contract price, Federal transportation taxes are likewise included.

(c) (1) If the Contractor is required to pay or bear the burden—

(i) Of any tax or duty which either was not to be included in the contract price pursuant to the requirements of paragraph (b), or was specifically excluded from the contract price by a provision of this contract; or

(ii) Of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price; or

(iii) Of any interest or penalty on any tax or duty referred to in (i) or (ii) above; the contract price shall be correspondingly increased: *Provided*, That the Contractor warrants in writing that no amount of such tax, duty, or rate increase was included in the contract price as a contingency reserve or otherwise: *And provided further*, That liability for such tax, duty, rate increase, interest, or penalty was not incurred through the fault or negligence of the Contractor or its failure to follow instructions of the Contracting Officer.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, interest, or penalty which (i) was to be included in the contract price pursuant to the requirements of paragraph (b), (ii) was included in the contract price, or (iii) was the basis of an increase in the contract price, the contract price shall be correspondingly decreased or the amount of such relief, refund, or drawback shall be paid to the Government, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the Contractor, through its fault or negligence or its failure to follow instructions of the Contracting Officer, is required to pay or bear the burden, or does not obtain a refund or drawback of any such tax, duty, interest, or penalty. Interest paid or credited to the Contractor incident to a refund of taxes shall inure to the benefit of the Government to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government for such taxes.

(3) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (c) shall set forth the amount thereof as a separate item and shall identify the particular tax or duty involved.

(4) Nothing in this paragraph (c) shall be applicable to social security taxes; income and franchise taxes, except such taxes as are levied on or are measured by sales or receipts from sales, or the Contractor's possession or use of Government-owned property; excess profits taxes; capital stock taxes; Federal transportation taxes, except changes in the rate thereof, including repeal, pertaining to shipments from the Contractor to the Government; unemployment compensation taxes; or property taxes, except such property taxes as are assessed either on special tooling, raw materials, components, work-in-process, or completed supplies, covered by this contract, or on the Contractor's interest in or use of Government-owned property supplied or acquired under this contract.

(5) No adjustment of less than $100 shall be made in the contract price pursuant to this paragraph (c).

(d) Unless there does not exist any reasonable basis to sustain an exemption, the Government agrees upon request of the Contractor, without further liability, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price: *Provided*, That evidence appropriate to establish exemption from duties will be furnished, and Government bills of lading will be issued, only at the discretion of the Contracting Officer. In addition, the Contracting Officer may furnish evidence appropriate to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price.

(e) (1) The Contractor shall promptly notify the Contracting Officer of all matters pertaining to Federal, State, and local taxes, and duties, that reasonably may result in either an increase or decrease in the contract price.

(2) Whenever an increase or decrease in the contract price may be required under this clause, the Contractor shall take action as directed by the Contracting Officer, and the contract price shall be equitably adjusted to cover the costs of such action, including any interest, penalty, and reasonable attorney's fees.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 12—LABOR

SUBPART C—EIGHT-HOUR LAW OF 1912 (OTHER THAN CONSTRUCTION CONTRACTS)

In § 12.303-1 minor language changes for clarification purposes have been made and the title revised to include the words "overtime compensation". Section 12.303-1, as revised, reads as follows:

§ 12.303 *Contract clauses.*

§ 12.303-1 *Clause for general use.* Except for those kinds of contracts referred to in § 12.303-2, the contract clause required by this subpart shall be as follows:

EIGHT-HOUR LAW OF 1912—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Eight-Hour Law of 1912 as amended (40 U. S. Code 324-326) and is not covered by the Walsh-Healey Public Contracts Act (41 U. S. Code 35-45), is subject to the following provisions and exceptions of said Eight-Hour Law of 1912, as amended, and to all other provisions and exceptions of said Law:

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the Contractor or any subcontractor contracting for any part of the said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this clause. The wages of every laborer and mechanic employed by the Contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day; and work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this clause a penalty of five dollars shall be imposed for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this clause, and all penalties thus imposed shall be withheld for the use and benefit of the Government.

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

Sections 12.601, and 12.602 have been revised to reflect the DoD policy that findings of the Secretary of Labor with respect to a firm found ineligible as a "manufacturer" or "regular dealer," be extended to transactions of $10,000 or less. § 12.604 has been revised to conform to the revised Standard Form 32. Sections 12.601, 12.602 and 12.604, as revised, read as follows:

§ 12.601 *Statutory requirement.* In accordance with the requirement of the Walsh-Healey Public Contracts Act (Act of June 30, 1936, as amended; 41 U. S. Code 35–45), all contracts entered into by any Department for the manufacture or furnishing of supplies in any amount exceeding $10,000 (a) will be with manufacturers or regular dealers, and (b) shall incorporate by reference the representations and stipulations required by said Act pertaining to such matters as minimum wages, maximum hours, child labor, convict labor, and safe and sanitary working conditions.

§ 12.602 *Applicability.*

§ 12.602–1 *General.* The requirement set forth in § 12.601 applies to contracts for the manufacture or furnishing of "materials, supplies, articles, and equipment" which are to be performed within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, Virgin Islands, or the District of Columbia, and which exceed or may exceed $10,000 in amount.

§ 12.602–2 *Department of Labor regulations and interpretations.* Pursuant to the Walsh-Healey Act, the Secretary of Labor has issued detailed regulations and interpretations as to the coverage of said Act, and exemptions and procedures thereunder. These regulations and interpretations are compiled in a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations." In addition to the interpretations stated in that document, attention is directed to an opinion of the Department of Labor that contracts which are originally $10,000 or less, but are subsequently modified to increase the price to an amount in excess of $10,000, are subject to the Walsh-Healey Act; and that contracts in an amount exceeding $10,000 which are subsequently modified to a figure of $10,000 or less, are not subject to said Act with respect to work performed after such modification if modification is effected by mutual agreement.

§ 12.604 *Contract clause.* The contract clause required by this Subpart F shall be as follows:

WALSH-HEALEY PUBLIC CONTRACTS ACT

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U. S. Code 35–45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Section 12.802 has been revised to read as follows:

§ 12.802 *Basic requirement.* Contracts entered into by the Departments, except as set forth in § 12.804, shall contain the following clause:

NONDISCRIMINATION IN EMPLOYMENT

(a) In connection with the performance of work under this contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion/or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of the nondiscrimination clause.

(b) The Contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 13—GOVERNMENT PROPERTY

SUBPART D—INDUSTRIAL FACILITIES

A new paragraph (d) has been added to § 13.402, as follows:

§ 13.402 *Separate facilities contract.* Industrial facilities shall be provided only under a facilities contract separate from any related contract for supplies or services, except that industrial facilities may be provided under suitable clauses in a supply or service contract which incorporates the applicable provisions of this Subpart D.

(a) When the cumulative total acquisition cost (actual or estimated) of the industrial facilities provided to a contractor at one plant or general location does not exceed $50,000;

(b) When the contract is for the performance of construction work;

(c) When the contract is for the performance of work within establishments or installations operated by the Government; or

(d) When the contract is for the performance of services, involving the operation of a Government-owned plant or installation, for a specified period of time, and the facilities provided are to be used only in connection with such contract.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 16—PROCUREMENT FORMS

SUBPART B—FORMS FOR NEGOTIATED PROCUREMENT

Section 16.202 has been revised as follows:

§ 16.202 *Negotiated contracts (DD Forms 351, 351–1, and 351–2).*

(a) DD Forms 351 (Negotiated Contracts) (Cover Sheet), 351–1 (Schedule) and 351–2 (Certificate) (Signature Page) are authorized for use in entering into negotiated cost reimbursement type and fixed-price type contracts except: (1) those contracts for which DD Forms 746, 746–1, and 746–2 are prescribed by § 16.203; (2) those procurements for which purchase order forms are prescribed by Subpart C of this part; (3) contracts for the construction, alteration or repair of buildings, bridges, roads or other kinds of real property; and (4) those procurements for which special forms are prescribed by Subpart E of this part. Standard Form 36 (Continuation Sheet) may be used in lieu of DD Form 351–1 (Schedule). These forms may be used regardless of dollar amount, but will not be used generally in procurements amounting to less than $5,000.

(b) These forms will be used with appropriate General Provisions as prescribed by this Subchapter or Departmental procedures (see §§ 16.204 and 16.205).

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

SUBPART C—PURCHASE AND DELIVERY ORDER FORMS

Section 16.303–2 (e) has been revised as follows:

§ 16.303 *Order for supplies or services (DD Forms 1155, 1155r, 1155c, and 1155s).*

§ 16.303–2 *Conditions for use.* * * *

(e) DD Form 1155c (Continuation Sheet) or Standard Form 36 (Continuation Sheet) shall be used if additional space is required, as provided by Departmental procedures.

(R. S. 161, secs. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

In § 30.3 *Appendix C—Manual for control of Government property in possession of non-profit research and development contractors,* paragraph 207.5 has been revised to provide for the maintenance of summary stock records in lieu of individual property records for those items of plant equipment having a value of less than $500 each. Paragraph 207.5, as revised, reads as follows:

207.5 *Records of plant equipment.* (a) Individual records of each item of plant equipment shall be maintained unless summary stock records are maintained as provided in (b) below. The following information shall be available from such records.

(i) Name and address of contractor.

(ii) Name and address of manufacturer of the plant equipment item.

(iii) Model number of the plant equipment item.

(iv) Year built or acquired.

(v) Serial number.

(vi) U. S. Government identification number.

(vii) Description and classification of the item.

(viii) Acquisition reference and date.

(ix) Disposition reference and date.

(x) Contract number under which acquired.

(xi) Cost (F. O. B. Manufacturer).

(b) Summary stock records may be maintained in lieu of individual property records for those items of plant equipment having a value of less than $500 each when designated by the contract administrator in accordance with departmental procedures. Full consideration should be made of the contractor's existing property control system. The following information shall be available from such records:

(i) Name and address of contractor.

(ii) Description and classification of the item.

(iii) Acquisition reference and date.

(iv) Disposition reference and date.

(v) Contract number under which acquired.

(vi) Cost (F. O. B. Manufacturer).

(vii) Quantity received.

(viii) Quantity transferred or disposed of as authorized in par. 203 (f) above.

(ix) Balance on hand.

In addition, where appropriate as determined by the contract administrator, the serial number or the U. S. Government identification number for each item shall be recorded in a permanent manner on the summary stock record and upon disposition a line drawn through the appropriate number.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

G. C. BANNERMAN,
Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

MAY 21, 1958.

[F. R. Doc. 58-3941; Filed, May 26, 1958; 8:47 a. m.]

[Amdt. 29]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

With one exception the major changes represent action taken in accordance with the recommendations in the Thirteenth Report (H. Rept. No. 1168, dated August 14, 1957) of the Military Operations Subcommittee of the House Committee on Government Operations. Section 2.201 (c) (16) has been promulgated in response to a recommendation in Subcommittee Proceedings No. 3, issued June 15, 1957, by the Subcommittee for Special Investigations of the House Committee on Armed Services (see Revision No. 27, dated 2 January 1958, for other action on this Report).

PART 1—GENERAL PROVISIONS

SUBPART C—GENERAL POLICIES

1. Section 1.307 has been revised to provide for (i) written affirmative determinations of prospective contractor responsibility to be retained in contract files, (ii) assurance of availability of necessary facilities, (iii) limitations to discourage the practice of multiple bidding, (iv) affidavits where necessary to prevent practices prejudicial to fair and open competition, and (v) consideration of existing delinquencies in evaluating ability to comply with required delivery schedules. Section 1.307-1 has been revised to stress the necessity for prompt execution of surveys and to provide for verification of information where appropriate. Section 1.307-2 has been revised to insure adequate documentation of contractor performance history. Section 1.307, as revised, reads as follows:

§ 1.307 *Responsible prospective contractor.* Prior to the award of any contract for supplies or services, the contracting officer shall make an affirmative determination that the prospective contractor is responsible. Affiliated concerns (see § 2.201 (c) (17)) shall be considered as separate entities in determining whether any one of them is a responsible prospective contractor (but see Subpart G of this part with respect to status as a small business concern). This determination shall be in writing for all contracts (except those of $2,500 or less, utilities contracts, and orders under existing contracts), and may be included in a duplicate signed copy of the Statement and Certificate of Award (Standard Form 1036) or in any other document required for the contract file, or may be separately prepared. In any case, such written determination signed by the contracting officer shall be retained in the contract file. A responsible contractor is one which meets all of the requirements set forth below:

(a) Is a manufacturer, construction contractor, or regular dealer, if the contract or order calls for supplies (see § 1.201-9);

(b) Has adequate financial resources, or ability to secure such resources;

(c) Has the necessary experience, organization, and technical qualifications, and has or can acquire the necessary facilities (including probable subcontractor arrangements) to perform the proposed contract (where a bidder is proposing to use the facilities of an affiliate or of a concern other than the bidder, all existing business arrangements, whether firm or contingent, for the use of such facilities shall be considered in determining the ability of such bidder to comply with the required delivery or performance schedule);

(d) Is able to comply with the required delivery or performance schedule, taking into consideration all existing business commitments (contractors who are seriously delinquent in current contract performance, when the number of contracts and the extent of delinquencies of each are considered, shall, in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill this requirement (d));

(e) Has a satisfactory record of performance, integrity, judgment, and skills; and

(f) Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Where it is considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition or for other reasons, prospective contractors may be required to submit affidavits concerning any of the requirements enumerated in paragraphs (a) through (f) of this section, and company ownership and control (but see § 2.201 (c) (17)).

§ 1.307-1 *Pre-award survey.* (a) A pre-award survey is a qualification check to determine that the prospective contractor is responsible. Such a survey need not cover all of the requirements of § 1.307 but may be limited to those requirements concerning which information available to the contracting officer is insufficient to support a determination or requires verification or further analysis. Preferably the survey should be made by technical and financial specialists in the appropriate fields, and may include an "on the spot" check of the facilities of the prospective contractor. Surveys shall be made promptly so as to avoid delays in making awards.

(b) Except as provided in paragraph (c) of this section, the contracting officer shall request a pre-award survey in each procurement unless he has sufficient information to enable him to determine that the prospective contractor meets all the applicable requirements of § 1.307.

(c) Generally, a pre-award survey will not be required when:

(1) The purchase is to be made under a Federal Supply Schedule;

(2) The purchase is to be made under an existing indefinite delivery type contract;

(3) The supplies are off-the-shelf items to be obtained from a regular dealer or manufacturer; or

(4) The dollar amount of the procurement is not sufficient to justify the cost of a pre-award survey, unless the contracting officer has reason to believe that the prospective contractor may not be responsible.

§ 1.307-2 *Experience data.* (a) The Military Departments are authorized to maintain such records and experience data as may be deemed desirable for the guidance of contracting officers in the placing of new procurements. In making use of such materials, contracting officers shall assure themselves that the information contained therein is current. The Departments are encouraged to exchange and confer concerning such records and experience data to the extent that the information contained therein will be mutually useful.

(b) Each purchasing office shall maintain appropriate records to insure the availability of contractor performance history on contracts which it has placed previously. Special attention shall be paid to, and records in more complete detail shall be maintained on (1) contractors who have indicated by their past actions that the character of performance on contracts is questionable, (2) new contractors whose reliability has not been established, and (3) contractors whose reputation indicates the necessity for vigilance on the part of the contracting officer.

2. Section 1.311 has been included to provide for more complete documenta-

tion of contract files. Section 1.311 reads as follows:

§ 1.311 *Records of contract actions.* Each contract file shall contain documentation of actions taken with respect to each contract, including final disposition. To the extent that retained copies of documents do not represent all actions taken, suitable memoranda or a summary statement of such undocumented actions shall be prepared promptly and be retained in the contract file in chronological order.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

A requirement has been added to § 2.201 (a) which provides that the Invitation for Bids shall contain a reminder of the need for full, accurate, and complete information and of the penalty for making false statements. Section 2.201 (c) has been amplified in subparagraph (xvi) to stipulate a minimum bid acceptance period to discourage manipulation of bid option periods, in subparagraph (xvii) to define the term "affiliate" in the bid form, and in subparagraph (xviii) to require designation of producing locations, including exact street address and ownership of producing facilities. Section 2.201, as revised, reads as follows:

§ 2.201 *Preparation of forms.* The form or forms to be used in the solicitation of bids (see Part 16, Subpart A, of this subchapter) should contain substantially the following information and any other information required by procedures prescribed by each respective Department.

(a) *Invitation for bids.* (1) Invitation number.

(2) Name and address of issuing activity.

(3) Date of issuance.

(4) Date, hour, and place of opening.

(5) Bids must set forth full, accurate, and complete information as required by this invitation for bids (including attachments). The penalty for making false statements in bids is prescribed in 18 U. S. C. 1001. Pending revision of the bid forms, the foregoing statement shall be included either on the face of the Invitation for Bids in bold type or attached thereto in such a manner as to insure its receiving bidders' attention. In determining the completeness and accuracy of the information furnished by bidders on their bid forms, the provisions of § 2.404 relative to minor informalities or irregularities in bids shall be considered.

(b) *Bid.* Bid blanks are to be filled in by the bidder, and each bid is to be executed in accordance with instructions to bidders.

(c) *Schedule.* (1) Number of pages.

(2) Requisition (or other purchase authority), appropriation, and accounting data.

(3) Discount provisions (including the removal of or changes in standard discount provisions whenever it is expected that prompt-payment discounts cannot be taken according to a time schedule set forth in the printed form).

(4) Quantity of supplies or services to be furnished under each item, and any provision for quantity variation.

(5) Description of supplies or services to be furnished under each item, such description to be in accordance with the provisions of § 1.305 relating to specifications, and § 2.201 (d) relating to availability and identification of specifications, and with procedures prescribed by each respective Department.

(6) Whenever specifications require prior testing and qualification of products, the right to reject bids offering products which do not meet this requirement of prior testing and qualification must be expressly reserved either in the specification itself or in the Schedule (see § 2.505-2).

(7) Time, place, and method of delivery (see § 1.306 of this subchapter).

(8) Permission, if any, to submit telegraphic bids.

(9) Permission, if any, to submit alternative bids, including alternative materials or designs.

(10) Requirement, in the case of advertising for the construction of Naval vessels, that the bidder file with his bid the estimates on which the bid is based.

(11) Preservation, packaging, packing, and marking requirements, if any.

(12) Place, method, and conditions of inspection.

(13) Bond and surety requirements, if any.

(14) Any authorized special provisions relating to such matters as progress payments, patent licenses, liquidated damages, profit limitations, etc.

(15) Any authorized special provisions relating to Government-furnished property proposed to be furnished for the performance of the contract; and, in addition, a provision that if the bidder plans to use, in performing the work bid upon, any items of Government property in the bidder's possession under a facilities contract or other agreement independent of the Invitation for Bids, the bidder shall so state in the bid, and upon request of the contracting officer, submit evidence that a facilities contract of other separate agreement authorizes the bidder to use each item of such Government property for performing the work bid upon.

(16) When considered necessary by the contracting officer, a requirement that all the bids must allow a period for acceptance by the Government of not less than a minimum period stipulated in the Invitation for Bids, and that bids offering less than the minimum stipulated acceptance period will be rejected. The minimum period so stipulated should be no more than that reasonably required for evaluation of bids and other pre-award processing. To accomplish the foregoing, a paragraph substantially as follows may be included in the Schedule or other appropriate place in the Invitation for Bids:

Bid acceptance period. Bids offering less than ______ days for acceptance by the Government from the date of opening will be considered nonresponsive and will be rejected.

(17) When considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition (see §§ 1.307 of this subchapter and 2.403), a requirement that each bidder submit with its bid an affidavit concerning its affiliation with other concerns. To accomplish the foregoing, a paragraph substantially as follows may be included in the Schedule or other appropriate place in the Invitation for Bids:

Affiliated bidders. (a) Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both.

(b) Each bidder shall submit with its bid an affidavit containing information as follows:

(i) Whether the bidder has any affiliates;

(ii) The names and addresses of all affiliates of the bidder; and

(iii) The names and addresses of all persons and concerns exercising control or ownership of the bidder and any or all of its affiliates, and whether as common officers, directors, stockholders holding controlling interest, or otherwise.

The bid of a bidder who fails to submit such an affidavit will be considered nonresponsive and will be rejected.

(18) When it is reasonably anticipated that producing facilities will be required in the performance of the contract, a requirement that all bids contain the following information concerning the principal producing facilities which will be used in the performance of any resulting contract:

(i) Exact location, including state, city, street, number, etc. (if such designation of principal producing facilities is not feasible, explain fully); and

(ii) Names and addresses of owner and operator, if other than bidder.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

Section 2.403 has been revised to reject conditional or qualified bids, especially those resulting from multiple bidding practices. Section 2.403, as revised, reads as follows:

§ 2.403 *Rejection of bids.* Where it is determined after opening but prior to award that the requirements of § 2.201 (d) have not been met, the invitation for bids shall be cancelled. Any bid which does not, when considered with the Invitation for Bids, sufficiently describe the item being offered, or which does not otherwise conform to the essential requirements of the Invitation for Bids, shall be rejected (but see § 2.404). Where a bidder conditions or qualifies its bid by stipulations which modify the requirements of the invitation, such bid shall be rejected as being nonresponsive. An example of such a nonresponsive bid is one in which the bidder stipulates that its bid is to be considered only if prior to the date of award the bidder receives (or does not receive) award under a separate procurement being conducted. All bids may be rejected by the contracting officer (a) when rejection is in the interest of the Government, or (b) when he finds in writing that the bids are not reasonable, or were not independently arrived at in open competition, or are collusive, or were submitted in bad faith: *Provided*, That, if negotiation is to be used after any such rejection of all bids, the requirements of § 3.215 must be satisfied. The originals of all rejected bids, and any written findings with respect to rejection, shall be preserved with the papers relating to the proposed purchase. Reports of possible violations of the antitrust laws or of any other Federal criminal statutes relating to procurement shall be made by each respective Department in accordance with procedures prescribed by that Department: *Provided*, That any evidence of bids not independently arrived at shall be forwarded to the Department of Justice.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

Paragraphs (d) (5) of the clause in § 7.106-1, (h) of the clause in § 7.106-2, and (d) (5) of the clause in § 7.106-3 have been amended by changing the cross-reference from paragraph "(b)" to paragraph "(c)" therein. Paragraphs (d) (5) of the clause in § 7.106-1, (h) of the clause in § 7.106-2, and (d) (5) of the clause in § 7.106-3, as amended, read as follows:

§ 7.106 *Price escalation clauses (established prices).*

§ 7.106-1 *Escalation clause for basic steel, aluminum, brass, bronze or copper mill products.* * * *

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the date set for opening of bids (or the contract date, if this is a negotiated contract rather than one entered into by means of formal advertising).

(2) No unit price shall be increased by an amount greater than the amount of the increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ______ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, but if the Contractor's request for adjustment is received by the Contracting Officer more than ten days after the effective date of the increase in the Contractor's applicable rate, no adjusted unit price shall be effective earlier than the date of receipt by the Contracting Officer of such request.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

§ 7.106-2 *Escalation clause for non-standard steel items.* * * *

(h) As used in this clause the phrase "the month in which delivery of supplies is required to be made in accordance with the terms of this contract" shall mean any month in which under the terms of this contract a specific quantity of units of the supplies called for by this contract is required to be delivered: *Provided, however*, That in case the failure of the Contractor to make delievry of such quantity shall have arisen out of causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," the quantity not delivered shall be required to be delivered as promptly as possible after the cessation of the cause of such failure, and the delivery schedule set forth in this contract shall be amended accordingly.

§ 7.106-3 *Escalation clause for standard supplies.* * * *

(d) An upward adjustment in a contract unit price may be made under this clause only in accordance with the following conditions:

(1) Such an upward adjustment shall be made only if the Contractor's applicable established price has increased subsequent to the contract date.

(2) No unit price shall be increased by a percentage greater than the percentage increase in the Contractor's applicable established price.

(3) The aggregate of the increases in any unit price made under this clause shall not exceed ______ percent of the original applicable contract unit price.

(4) No adjusted unit price shall be effective earlier than the effective date of the increase in the applicable established price, or the date of receipt by the Contracting Officer of the Contractor's request for adjustment, whichever is the later.

(5) No upward adjustment in unit prices hereunder shall apply to supplies which were required by the contract delivery schedule to be delivered prior to the effective date of the related increase in the applicable established price, unless the Contractor's failure to deliver supplies in accordance with the delivery schedule results from causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," in which case the contract shall be amended to make an equitable extension of the delivery schedule.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 10—BONDS AND INSURANCE

Section 10.103-1 has been revised to require submission of a performance bond within the time specified in the contract, or, after the expiration of a 10-day grace period, the initiation of termination for default procedures. Section 10.103-1, as revised, reads as follows:

§ 10.103 *Performance bonds.*

§ 10.103-1 *Performance bonds in connection with contracts other than construction contracts.* The extent to which performance bonds will be required in connection with contracts other than construction contracts shall be in accordance with procedures prescribed by each respective Department, except that the requirement of such a bond shall not be waived when an Invitation for Bids requires a performance bond. Conversely, a performance bond shall not be required unless the Invitation for Bids requires such a bond, or the requirement of such a bond is in the interest of the Government and not prejudicial to the other bidders. Whenever a performance bond is required:

(a) The penal sum thereof shall be in an amount deemed adequate by the contracting officer for the protection of the Government; and

(b) It shall be furnished by the contractor within the time specified in the contract; and if it is not so furnished, the contracting officer shall notify the contractor that if the bond is not furnished within 10 days after receipt of such notice, the contract shall be terminated pursuant to paragraph (a) (ii) of the "Default" clause of § 7.103-11.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

G. C. BANNERMAN,
Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

MAY 21, 1958.

[F. R. Doc. 58-3942; Filed, May 26, 1958; 8:47 a. m.]

Chapter XVII—Federal Civil Defense Administration

PART 1710—FEDERAL DISASTER ASSISTANCE

Sec.
1710.1 Purpose.
1710.2 Definitions.
1710.3 Policy.
1710.4 Requests for Federal assistance.
1710.5 Processing the request of a Governor for a declaration of a "major disaster".
1710.6 Initiation of Federal assistance.
1710.7 Allocations to the Administrator.
1710.8 Federal-State Disaster Assistance Agreements.
1710.9 Project applications.
1710.10 Criteria of eligibility for financial assistance.
1710.11 State action in connection with Federal assistance.
1710.12 Assistance rendered by Federal agencies.
1710.13 Federal assistance by loan or donation of Federal surplus property to the States.
1710.14 The American National Red Cross.
1710.15 Changes effective July 1, 1959.
1710.16 Time limits.
1710.17 Utilization of State and local agencies.

AUTHORITY: §§ 1710.1 to 1710.17 issued under sec. 5, 64 Stat. 1110, as amended; 42 U. S. C. 1855d. E. O. 10427, 18 F. R. 407, 3 CFR, 1953 Supp., E. O. 10737, 22 F. R. [illegible], 3 CFR, 1957 Supp.

§ 1710.1 *Purpose.* The purpose of this part is to prescribe the standards and procedures to be followed in the providing of Federal assistance to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship or suffering caused by major disasters, under Public Law 875, 81st Congress, as amended (42 U. S. C. 1855-1855g), Executive Order

10427, dated January 16, 1953, and Executive Order 10737, dated October 29, 1957.

§ 1710.2 *Definitions.* Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Act.* The act of September 30, 1950, entitled "An Act To Authorize Federal Assistance to State and Local Governments in Major Disasters and for Other Purposes" (64 Stat. 1109, 42 U. S. C. 1855–1855g), as amended, popularly known as the "Federal Disaster Act."

(b) *Major disaster.* Means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the Governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under the act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

(c) *Damage.* Includes suffering and hardship;

(d) *United States.* Includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(e) *State.* Any State in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(f) *Local Government.* Any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia;

(g) *Federal Agency.* Any department, independent establishment, government corporation, or other agency of the Executive Branch of the Federal Government excepting, however, the American National Red Cross;

(h) *Governor.* The Chief Executive of any State;

(i) *Administrator.* The Federal Civil Defense Administrator;

(j) *Regional Administrator.* A Regional Administrator of the Federal Civil Defense Administration;

(k) *Federal assistance.* Assistance which is supplementary to relief afforded by State, local, or private agencies, and not in substitution therefor.

(l) *Termination.* Termination, as used in this part, means completion of all physical work to be accomplished and therefore the end of the need for Federal assistance.

§ 1710.3 *Policy.* (a) It is the policy of the Federal Civil Defense Administration to provide an orderly and continuing means of supplemental assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters.

(b) It is also the policy to foster the development of State and local organizations and plans for coping with major disasters, and to provide advice and guidance to States and local governments on organization and planning to meet the effects of major disasters and to assure the maximum application of this experience in preparing Federal, State and local governments to meet the effects of enemy attack.

§ 1710.4 *Requests for Federal assistance.* (a) Upon the occurrence or threat of a catastrophe within a State which, in the opinion of its Governor (or the Board of Commissioners of the District of Columbia) constitutes, or will constitute, a major disaster requiring supplementary Federal assistance, the Governor shall present to the Administrator, through the appropriate Regional Administrator, a request for Federal assistance. The request shall include assurance of expenditure of a reasonable amount of the funds of State, local governments, or other agencies therein, for alleviating damage resulting from such disaster. In addition, the request shall contain the following information and data:

(1) An estimate of the severity and extent of damage resulting from the disaster and the total funds, personnel, equipment, and material or other resources required to alleviate such damage.

(2) A statement of action taken or recommended to be taken by the State legislature or local legislative and governing authorities with regard to the disaster.

(3) An estimate of State and local funds, personnel, equipment and material or other resources, available and to be made available, to alleviate such damage.

(4) A statement of the extent and nature of Federal assistance needed, including an estimate of the minimum Federal funds, personnel, equipment, material or other resources necessary to supplement the efforts and available resources of the State in alleviating the damage.

(b) When the request of a Governor for Federal assistance is solely for agricultural relief purposes and such assistance is to be furnished by virtue of authority other than the act, and the exercise of such other authority is dependent upon the existence of a major disaster declared pursuant to the act, the following shall apply:

(1) The Governor shall forward a copy of his request for Federal assistance to the Secretary of Agriculture at the same time he forwards his request to the Regional Administrator as provided in this section.

(2) The Secretary of Agriculture will conduct an investigation relative to the propriety of declaring a major disaster in accordance with the delegation of authority from the Administrator for such purposes, and submit to the President, through the Federal Civil Defense Administrator, his recommendation thereon.

§ 1710.5 *Processing the request of a Governor for a declaration of a "major disaster".* (a) The Regional Administrator shall forward the Governor's request, together with his report and recommendations, to the Administrator.

(b) The Administrator shall forward the Governor's request to the President, together with his recommendation as to action by the President thereon. In formulating his recommendation, the Administrator shall consider:

(1) Concerning a declaration:

(i) The severity and extent of the disaster;

(ii) The reasonableness of State and local efforts in relation to the severity of the disaster, the resources and funds available to State and local governments for the alleviation of damage resulting from the disaster, and the operational disaster plans of the State and local governments;

(iii) The extent and nature of Federal assistance requested;

(iv) The report and recommendation of the Regional Administrator;

(v) Any other available information.

§ 1710.6 *Initiation of Federal assistance.* Upon a declaration by the President that a major disaster exists, the Administrator will immediately initiate action to provide Federal assistance in accordance with such declaration, allocation of funds by the President, applicable law and this part. The determination of the President, with respect to the declaration of a major disaster, will be promptly transmitted to the Governor of the State concerned.

§ 1710.7 *Allocations to the Administrator.* Upon allocation of funds by the President to the Administrator to provide assistance to State and local governments in a major disaster, funds so allocated may be reallocated by the Administrator: (a) (1) Upon a showing of need, to the State and local governments for utilization for the purposes of the act; (2) for providing direct assistance to the States for the purposes set forth in section 3 of the act; and (b) for reimbursement of any Federal agency for any of its authorized expenditures directed by the Administrator pursuant to sections 3 and 7 in connection with a major disaster: *Provided, however,* That such reimbursement of Federal agencies shall be made in accordance with the regulations of the Administrator and subject to the concurrence of the Director of the Bureau of the Budget.

§ 1710.8 *Federal-State Disaster Assistance Agreements.* (a) Upon the declaration of a major disaster, a Federal-State Disaster Assistance Agreement will be executed by the Governor (or his authorized representative) acting for the State and the appropriate Regional Administrator, acting for the Federal Government. Such Agreement shall provide for the manner in which Federal assistance is to be made available and contain the assurance of the State that a reasonable amount of the funds of the State, local governments or other agencies therein will be expended in alleviating damage caused by the disaster. The Agreement will also contain such other terms and conditions consistent with the provisions of the act, Executive Orders

10427 and 10737, and this part, as the Administrator may require, including but not limited to a clause which contains the requirements set forth in § 1710.16.

(b) The Agreement may provide for assistance to be furnished by other Federal agencies, financial assistance to be furnished for protective and other work for the protection of life and property, debris and wreckage clearance, and emergency repairs and temporary replacement of essential public facilities of local governments, or other assistance to be provided pursuant to the act and in accordance with this part.

(c) In the event the President has allocated funds to the Administrator for use in connection with a major disaster, every Federal-State Disaster Assistance Agreement shall contain the following provision:

> Federal assistance under this Agreement and applicable law and regulations shall not exceed the sum of $______. This sum includes the amount of $______ to be reserved by the Administrator for such reallocations as he deems proper, including such amount as he may determine necessary for the reimbursement of other Federal agencies for their expenditures in connection with furnishing assistance in this disaster. Not more than $______ shall be available for transfer to the State under this Agreement, and project applications submitted under this Agreement and FCDA regulations will not be approved in excess of this amount.

(d) In the event funds are to be transferred to a State for disaster relief purposes under an allocation made by the Administrator, every Federal-State Disaster Assistance Agreement shall contain, and the State and its political subdivisions will agree to, the following provision:

> In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or FCDA regulations, the Administrator will notify the State of said violation and the necessary corrective measures, and will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided*, That, if the Administrator, after such notice to the State, is not satisfied with the corrective measures taken to comply with his notification, the Administrator will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, FCDA regulations and the act.

§ 1710.9 *Project applications.* (a) Federal financial assistance shall be provided on the basis of project applications submitted by the State and local governments and approved by the Regional Administrator pursuant to the Federal-State Disaster Assistance Agreement approved and in accordance with this part. The project application will provide the basis of a request for an advance or a reimbursement for such expenditure: *Provided*, That the total of all advances and requests for reimbursement shall not exceed the amount of financial assistance stipulated in the aforementioned agreement.

(b) Payments will be made directly to the State for its own use or for the use of the particular local government.

(c) If a project application is approved without change by the Federal Civil Defense Administration, signed copies thereof evidencing such approval shall be returned to the State.

(d) If FCDA's approval of the project application is made subject to revisions or additional conditions, the project application may be given provisional approval and returned to the State (and through the State to the political subdivision, if applicable) for consent to such revisions or additional conditions. If the State (and the political subdivision, if applicable) accepts such revisions or additional conditions, it shall so signify by signing and returning the project application.

(e) If disapproved, the project application shall be returned to the State with a statement of the reasons for such disapproval.

(f) Project applications shall be submitted not later than ninety days following the date of the President's declaration of a major disaster. If the circumstances of the disaster are such as to make an immediate detailed assessment of damage impossible, the Regional Administrator may extend this period provided that the extension does not conflict with the time limits established under § 1710.16: *Provided, however*, That if the project application is disapproved by the Regional Administrator, because of inadequacy of information, it may be resubmitted by the State within thirty days of the date of the return to the State: *And provided further*, That if again disapproved by the Regional Administrator, it may be resubmitted, in writing, within thirty days of such disapproval through the Regional Administrator with any further justification for consideration by the Administrator.

(g) Every project application shall contain a certification by the Governor, or his authorized representative, that Federal financial assistance involved will be, or has been, expended in accordance with applicable law and regulations thereunder.

§ 1710.10 *Criteria of eligibility for financial assistance.* Federal financial assistance under Public Law 875 shall be limited to protective work and other work for the protection of life and property, debris and wreckage clearance, and emergency repairs and temporary replacement of essential public facilities of local governments, including provisions for temporary housing or emergency shelter.

(a) *Protective work.* In providing financial assistance for the performance on public or private lands of protective or other work essential to the preservation of life and property, the following criteria shall apply:

(1) When necessary to preserve life, protective and other work shall be limited to the minimum amount necessary to remove the immediate threats to health and safety.

(2) When necessary to preserve property, protective and other work shall be limited to the minimum amount necessary to prevent immediate damage to such property.

(b) *Debris and wreckage clearance.* In providing financial assistance for clearing of debris and wreckage, the following criteria shall apply:

(1) Clearing of debris and wreckage may be accomplished on public property which is essential to the immediate resumption of essential public services.

(2) Clearance of debris and wreckage may also be accomplished under this paragraph upon public or private property, when the public health or safety is endangered or threatened.

(c) *Emergency repairs and temporary replacements.* In providing financial assistance for making emergency repairs to and temporary replacements of public facilities of local governments which have been damaged or destroyed, the following criteria shall apply:

(1) Emergency repairs and temporary replacements shall be made only to those facilities the operation of which is essential to health, safety or welfare.

(2) Assistance in making emergency repairs or temporary replacements shall be limited to providing for the resumption of essential public services until such time as permanent repairs or replacements may be made, except when specifically authorized by the Administrator pursuant to subparagraph (3) of this paragraph.

(3) A Federal financial contribution toward the permanent replacement of a public facility, in lieu of and in an amount no greater than that estimated to be required for the temporary replacement or emergency repair, may be authorized where such permanent replacement will expeditiously permit the resumption of the essential public service provided by the facility.

(d) *Temporary housing or emergency shelter.* In providing assistance under this section for temporary housing or other emergency shelter for persons requiring such housing or shelter as a result of the disaster, the following criteria shall apply:

(1) Prior to provision of temporary housing or other emergency shelter, a determination of the need for same will be made by the Regional Administrator, after consultation and survey of available facilities by the Housing and Home Finance Agency, the American National Red Cross, and such officials of State and local governments as he deems appropriate.

(2) Assistance for temporary housing or emergency shelter shall be limited to the minimum required to provide shelter during such period of time as would be reasonably necessary to permit the construction or repair of permanent housing in the area, or relocation of displaced persons in permanent housing in unaffected areas.

§ 1710.11 *State action in connection with Federal assistance.* (a) The Governor of the State shall designate an appropriate State official, Board or Committee which shall review all project applications. In addition, the Governor (or its designee) shall certify that the project application meets all the requirements and conditions of the Agreement, the act, the regulations thereunder, and such other terms established by the Administrator.

(b) Federal funds shall be controlled in accordance with accepted or prescribed methods of accounting, identification and administrative responsibilities. Representatives of the Federal Civil Defense Administration and the General Accounting Office shall have access during normal business hours to the books and records of the State, local governments, and other agencies relating to Federal financial assistance under the act.

(c) Procurement of work and services under project applications hereunder must comply with all statutes, regulations and ordinances covering procurement of such supplies and services by such State or the political subdivision thereof.

§ 1710.12 *Assistance rendered by Federal agencies.* (a) Upon the declaration of a major disaster, the Administrator may direct any Federal agency, and such Federal agency shall provide assistance to State and local governments by:

(1) Utilizing or lending its equipment, supplies, facilities, personnel and other resources, other than the extension of credit;

(2) Distributing through the American National Red Cross, or otherwise, medicine, food, or other consumable supplies;

(3) Donating or lending equipment and supplies surplus to the needs of the Federal Government in accordance with the provisions of § 1710.13;

(4) Performing on public or private lands protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to, and temporary replacement of, public facilities of local governments damaged or destroyed in a major disaster.

(b) The Administrator will coordinate the activities of Federal agencies in providing disaster assistance and may direct any Federal agency to furnish such assistance as he determines appropriate.

(c) Assistance to be furnished by any Federal agency under paragraph (a) (4) of this section shall be subject to the same criteria of eligibility provided for under § 1710.10.

(d) Assistance under paragraph (a) of this section, when directed by the Administrator, shall not affect the authority of any Federal agency to provide disaster relief assistance independent of the act: *Provided*, Such disaster relief assistance by other Federal agencies shall be subject to the coordination of the Administrator.

§ 1710.13 *Federal assistance by loan or donation of Federal surplus property to the States.* (a) The States shall, when available, make maximum utilization of Federal surplus property.

(b) The Federal Government will donate or lend equipment and supplies determined to be surplus to the needs and responsibilities of the Federal Government, to States for use or distribution by them for the purposes of the act, including the restoration of public facilities damaged or destroyed in such disaster and the essential rehabilitation of individuals in need as a result of such major disaster. The loan or donation of such surplus property shall be made to the States upon the basis of a certification by the State that such property is usable and necessary for disaster relief purposes, and will be made in accordance with the procedures prescribed by the General Services Administration.

(c) The States may obtain information on the availability of surplus property from the State surplus property agency, or the State agency designated for such purposes under State law. Assistance and information with regard to property which may be usable or necessary for disaster relief purposes may also be available from the Regional Coordinator of Surplus Property of the Department of Health, Education and Welfare, or the appropriate FCDA Region.

(d) Property acquired by State and local governments under the Contributions Program of the FCDA, or which has been donated to the States for Civil Defense purposes pursuant to the FCDA Surplus Property Program, may be utilized by the States and local governments therein in combating the effects of major disasters. When property so utilized is consumed, damaged or destroyed, the State or local government may be eligible for Federal financial assistance to repair or replace such property: *Provided, however,* When such property is damaged, consumed, or destroyed in combating the effects of a major disaster, replacement by the State or local government may be waived by the FCDA.

(e) Surplus property which may be utilized in combating the effects of a major disaster may not be donated to the States for this purpose prior to the declaration of a major disaster: *Provided, however,* That for replacement purposes of property damaged, consumed, or destroyed in combating the effects of a major disaster, the State or local government may be eligible to receive donated surplus property for such purposes; or, in the discretion of the Administrator, Federal financial assistance for such replacement under this part or under the FCDA Contributions Program may be extended to such State or local government.

§ 1710.14 *The American National Red Cross.* The disaster relief capabilities of the American National Red Cross shall be utilized to the maximum extent. Where practical, the distribution of medicine, food, and other consumable supplies shall be made by the American National Red Cross in accordance with the Memorandum of Understanding between the Federal Civil Defense Administration and the American National Red Cross. Nothing contained herein shall be construed to limit or in any way affect the responsibilities of the American National Red Cross.

§ 1710.15 *Changes effective July 1, 1959.* (a) Effective July 1, 1959, Federal assistance under Public Law 875 in any State will be available only after the Governor of that State certifies that the total of State and local expenditures and obligations (or resources utilized) by the government of each State, local government thereof, or other agencies (over and above their normal expenditures) for disaster relief purposes exceeds an amount published annually by the Administrator as the minimum for that State in that disaster and for all disasters during the twelve-month period immediately preceding the request for assistance under Public Law 875.

(b) The Administrator, in unusual circumstances, or in disasters in which exceptional destruction and/or suffering and hardship have occurred, may waive in whole or in part this requirement.

§ 1710.16 *Time limits.* Federal assistance extended under the act shall terminate upon notice by the Administrator to the Governor of the State or upon the expiration of one year from the date of notification to the Governor of the President's determination that a major disaster exists, whichever is first, except that upon a showing of unusual circumstances, the Administrator, with the consent of the President, may extend this period: *Provided,* That, upon a showing of the need and with the recommendation of the Secretary of Agriculture, the Administrator may extend such termination dates, for such purposes and such periods of time as he may determine to be necessary, with respect to disaster relief assistance solely for agricultural purposes.

§ 1710.17 *Utilization of State and local agencies.* In carrying out disaster relief assistance under the Act and this part, any Federal agency is authorized to accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of such State or local agency in connection with the disaster: *Provided, however,* Such utilization shall not be considered to make such services, personnel, materials, or facilities, Federal in nature, or to make the State, local governments or agencies thereof an arm or agent of the Federal Government.

Effective date. This part shall take effect upon the date of publication in the FEDERAL REGISTER.

Approved: May 13, 1958.

[SEAL] LEO A. HOEGH,
Administrator.

[F. R. Doc. 58-3935; Filed, May 26, 1958; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

DEFENSE MANPOWER POLICY

NOTICE OF REVOCATION

By virtue of the authority vested in me by Executive Order 10480 dated August 14, 1953, the following Defense Manpower Policies are hereby revoked:

Defense Manpower Policy No. 1, August 2, 1951, 16 F. R. 7576.

Defense Manpower Policy No. 2, August 2, 1951, 16 F. R. 7577.

Defense Manpower Policy No. 3, August 17, 1951, 16 F. R. 8213.

Defense Manpower Policy No. 5, April 2, 1952, 17 F. R. 2837.

Defense Manpower Policy No. 6, June 27, 1952, 17 F. R. 5764.

Defense Manpower Policy No. 7, August 14, 1952, 17 F. R. 7390.

Defense Manpower Policy No. 9, October 14, 1952, 17 F. R. 9095.

Defense Manpower Policy No. 10, November 29, 1952, 17 F. R. 10810.

Defense Manpower Policy No. 11, March 5, 1953, 18 F. R. 1240.

This revocation order is effective immediately.

Dated: May 22, 1958.

OFFICE OF DEFENSE
MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58-3946; Filed, May 26, 1958; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NEW JERSEY INTRACOASTAL WATERWAY AND TRIBUTARIES; ST. FRANCIS RIVER, ARKANSAS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.220 governing the operation of bridges over the New Jersey Intracoastal Waterway and tributaries is hereby amended prescribing paragraph (n) and changing paragraphs (c), (d), and (m) to govern the operation of the State Highway bridge on Route 72 over Manahawkin Bay between Ship Bottom and Manahawkin in order to relieve congestion of highway traffic during the summer months, to become effective on June 1, 1958, as follows:

§ 203.220 *New Jersey Intracoastal Waterway and tributaries, bridges.* * * *

(c) * * * Appurtenances unessential for navigation shall include but not be limited to fishing, outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(d) * * *, except as provided in paragraphs (m) and (n) of this section * * *.

* * * * *

(m) The provisions of paragraph (d) of this section shall be applicable to the bridge of the Pennsylvania-Reading Seashore Lines, over Beach Thorofare at Atlantic City, N. J., only between the hours of 11:00 p. m. and 6:00 a. m. daily. Between the hours of 6:00 a. m. and 11:00 p. m. this bridge shall be opened upon signal from any vessel or craft desiring to pass at any time during the periods from 20 to 30 minutes past each hour, but may remain closed during such periods if no vessel or craft give such signal, provided that when once opened for the passage of any vessel or craft the said bridge shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting itself for passage. Between such hours (6:00 a. m. and 11:00 p. m.) this bridge shall not be opened except as provided for in this paragraph.

(n) On Saturdays, Sundays, and holidays from June 15 to September 14, 1958, between the hours of 10:00 a. m. and 6:00 p. m., except in emergencies, the lift span of the State Highway bridge on Route 72 over Manahawkin Bay between Ship Bottom and Manahawkin shall not be required to open, except at hourly intervals, for those craft waiting to pass through the draw, the time of this required bridge opening for the passage of the craft to be confined as much as possible to the interval between 5 minutes before the hour and 5 minutes past the hour.

[Regs., May 12, 1958, 823.01 (Manahawkin Bay, N. J.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560, governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required, is hereby amended prescribing regulations for the Chicago, Rock Island and Pacific Railroad Company bridge and the Arkansas State Highway bridges at and near Madison, Ark., changing paragraph (f) (28) and (30) and revoking paragraph (f) (29), as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Lower Mississippi River.* * * *

(28) St. Francis River, Ark.; Arkansas State Highway bridge at Cody. At least 72 hours' advance notice required to be given to the Division Maintenance Superintendent, Division No. 1, Arkansas State Highway Department, Wynne, Arkansas. Whenever any vessel passing through this bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(29) St. Francis River, Ark. [Revoked.]

(30) St. Francis River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Madison, Arkansas State Highway bridge at Madison, Arkansas State Highway bridge near Madison, Cross County Road Improvement District No. 1 bridge at Parkin, Arkansas State Highway bridge at Marked Tree, St. Louis-San Francisco Railway Company bridge near Marked Tree, St. Louis-Southwestern Railway Lines bridge at Lunsford, Arkansas State Highway bridge at Lake City, St. Louis-Southwestern Railway Lines bridge at Bertig, St. Louis-San Francisco Railway Company bridge at West Kennett, St. Louis-Southwestern Railway Lines bridge at St. Francis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

[Regs., May 12, 1958, 823.01 (St. Francis River, Ark.)—ENGWO] (Sec. 5, 28 Stat. 362; U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-3953; Filed, May 26, 1958; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

SUBPENAS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of May A. D., 1958.

There being under consideration § 1.56 of the Commission's general rules of practice, and good cause appearing therefor: *It is ordered,* That § 1.56 be amended to read as follows:

§ 1.56 *Subpenas*—(a) *Requests; particularity.* Unless directed by the Commission upon its own motion, a subpena to compel a witness to produce documentary evidence will be issued only upon petition showing general relevance and reasonable scope of the evidence sought, which petition must also specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby: *Provided, however,* That for good cause shown, in lieu of a petition, the request for such a subpena may be made orally upon the record to the officer presiding at the hearing. A request for issuance of a subpena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record to the officer presiding at the hearing. A showing of general relevance and reasonable scope of the evidence sought may be required and the subpena will be issued or denied accordingly.

(b) *Issuance.* A subpena may be issued by the Commission or by the officer presiding at the hearing, but only under the signature of the Secretary or of a member of the Commission.

It is further ordered, That this order shall become effective on June 30, 1958.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat.

and 406, 56 Stat. 285; 49 U. S. C. 12, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3944; Filed, May 26, 1958; 8:47 a. m.]

[Revised S. O. 562; Amdt. 10]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1958.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F. R. 2697), as amended (15 F. R. 3165; 3651; 16 F. R. 4551; 17 F. R. 4675; 18 F. R. 3048; 19 F. R. 2966; 20 F. R. 3985; 21 F. R. 3650; 22 F. R. 3653), and good cause appearing therefor:

It is ordered, That:

Section 97.562 *Rerouting of traffic; appointment of agent*, of Revised Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraphs (a) and (d) hereof for paragraphs (a) and (d) thereof:

(a) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington 25, D. C., is hereby designated and appointed an Agent of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever in his opinion an emergency exists whereby any railroad is unable to move traffic currently over its lines.

* * * * *

(d) Expiration date: This order shall expire at 11:59 p. m., May 25, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., May 25, 1958; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3943; Filed, May 26, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

FORMS FOR CURRENT REPORTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form 8-K (§ 249.308), which is the form prescribed for current reports filed pursuant to sections 13 and 15 (d) of the Securities Exchange Act of 1934.

The proposed amendments relate to Item 11 of the form which requires information in regard to matters submitted to a vote of security holders either at a meeting of such security holders or otherwise. One of the amendments pertains to paragraph (b) which calls for information in regard to the election of directors. The purpose of the amendment is to clarify this paragraph to indicate more clearly the information required thereby. Another amendment relates to Instruction 2 to the item, which has been construed by certain issuers not to require the furnishing of information in certain cases where it is the intention of the item and the instructions that such information be furnished.

The amendments are proposed pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof. The text of the proposed item reads as follows:

Item 11. *Submission of Matters to a Vote of Security Holders.* If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. This item need not be answered as to procedural matters relating to the conduct of the meeting, or as to the selection or approval of auditors. This item need not be answered as to the election of directors or officers if (i) proxies for the meeting were solicited pursuant to Regulation 14, (ii) there was no solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected.

3. If the issuer has published a report containing all of the information called for by this time, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington 25, D. C., on or before June 20, 1958. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 20, 1958.

[F. R. Doc. 58-3937; Filed, May 26, 1958; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 34]

[File No. 21-464]

NURSERY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

In the matter of proposed amended trade practice rules for the Nursery Industry as promulgated June 27, 1956 (16 CFR Part 34).

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed amended trade practice rules for the Nursery Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose, they may obtain copies of the proposed amended rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication to be filed with the Commission not later than June 16, 1958. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. d. t., Monday, June 16, 1958, in Room 532, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed amended rules.

The industry for which these rules are proposed is composed of persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of all types of trees, small fruit plants, shrubs, vines, ornamentals, herbaceous annuals, biennials, and perennials, bulbs, corms, rhizomes, and tubers which are offered for sale or sold to the general public. Included are products propagated sexually or asexually and whether grown in a commercial nursery or collected from the wild state. Such products are customarily used for outdoor planting. Not included are florists' or greenhouse plants solely for inside culture or use and annual vegetable plants. Likewise, gladiolus bulbs and corms are excluded inasmuch as they are covered by trade practice rules promulgated January 17, 1952.

The proceedings to amend and extend the existing trade practice rules for this industry were instituted pursuant to industry application and are directed to the maintenance of fair competitive conditions in the industry and the full protection of the purchasing public.

Issued: March 21, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3945; Filed, May 26, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958; Supp. 185]

RIVERSIDE INSURANCE COMPANY OF AMERICA

TERMINATION OF AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

MAY 21, 1958.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Riverside Insurance Company of America, Little Rock, Arkansas, under the provisions of the Act of Congress approved July 30, 1947 (6 U. S. C. 6-13) to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States expired on April 30, 1958, and, upon the request of the Riverside Insurance Company of America, will not be renewed. The company received its initial certificate of authority from the Secretary of the Treasury on August 4, 1955.

Riverside Insurance Company of America has informed the Treasury that it has no bonds in force in favor of the United States. However, in order to provide for the possibility that a bond or bonds issued in favor of the United States may remain in force which do not appear on the records of the company, bond-approving officers are requested, upon the receipt of this notice, to examine carefully the records of their offices and report promptly to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, any outstanding bonds accepted by them and executed by Riverside Insurance Company of America as surety or co-surety on which the liability of the company has not terminated.

It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against Riverside Insurance Company of America.

In furnishing the above information bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed by Riverside Insurance Company of America.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3952; Filed, May 26, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 179]

[Classification 52]

ARIZONA

SMALL TRACT CLASSIFICATION; PARTIAL REVOCATION

1. Effective May 16, 1958, Federal Register Document 56-6731, appearing on page 6286 of the issue for August 21, 1956, is revoked as to the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 3E.,
Sec. 21: E½ exclusive of patented mining claim.

EUGENE H. NEWELL,
Acting State Supervisor,
Arizona.

MAY 16, 1958.

[F. R. Doc. 58-3934; Filed, May 26, 1958; 8:45 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

CALIFORNIA

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, and Executive Order 10737, dated October 29, 1957 (18 F. R. 407; 22 F. R. 8799), by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855-1855g), as amended, and in furtherance of a declaration by the President in his letter to me, dated April 4, 1958, reading in part as follows:

> I hereby determine the damage in the various areas of California adversely affected by heavy rainstorms and floods beginning on or about February 24, 1958, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following counties in the State of California that have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 4, 1958:

Alameda.
Alpine.
Amador.
Butte.
Calaveras.
Colusa.
Contra Costa.
Del Norte.
El Dorado.
Fresno.
Glenn.
Humboldt.
Inyo.
Kern.
Kings.
Lake.
Lassen.
Los Angeles.
Madera.
Marin.
Mariposa.
Mendocino.
Merced.
Modoc.
Monterey.
Napa.
Nevada.
Orange.
Placer.
Plumas.
Riverside.
Sacramento.
San Benito.
San Bernardino.
San Diego.
San Francisco.
San Joaquin.
San Luis Obispo.
San Mateo.
Santa Barbara.
Santa Clara.
Santa Cruz.
Shasta.
Sierra.
Siskiyou.
Solano.
Sonoma.
Stanislaus.
Sutter.
Tehama.
Trinity.
Tulare.
Tuolumne.
Ventura.
Yolo.
Yuba.

Dated: May 20, 1958.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58-3936; Filed, May 26, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-13760, G-6833]

VIRGIL OIL CO. AND SUN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 21, 1958.

In the matters of W. C. Schmitz and Lyle Cummins d/b/a Virgil Oil Company, Docket No. G-13760; Sun Oil Company, Docket No. G-6833.

Take notice that on November 20, 1957, W. C. Schmitz and Lyle Cummins, d/b/a Virgil Oil Company (Applicant), filed in Docket No. G-13760 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco), from certain acreage located in the North Starks Field, Calcasieu and Beauregard Parishes, Louisiana, which acreage was acquired by assignment from Sun Oil Company who held authorization to sell gas therefrom issued by the Commission on February 2, 1956, in Docket No. G-6833 (In the Matters of Douglas Whitaker, et al., Docket Nos. G-6749, et al.), 58, reading

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San Joaquin.
San Luis Obispo.
San Mateo.
Santa Barbara.
Santa Clara.
Santa Cruz.
Shasta.
Sierra.
Siskiyou.
Solano.
Sonoma.
Stanislaus.
Sutter.
Tehama.
Trinity.
Tulare.
Tuolumne.
Ventura.
Yolo.
Yuba.

58.

EO A. HOEGH,
Administrator,
e Administration.

Filed, May 26,
m.]

R COMMISSION

13760, G-6833]

ND SUN OIL CO.

TION AND DATE OF
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MAY 21, 1958.

W. C. Schmitz and
Virgil Oil Company,
Sun Oil Company,

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Nos. G-6749, et al.)

On March 10, 1958, Applicant amended the original application in Docket No. G-13760 requesting permission and approval to abandon the sale of gas proposed in the subject docket stating that the producing wells in the subject leases have become depleted to the extent that Transco refused to accept deliveries therefrom on and after February 13, 1958, and that the wells have been shut in since that date. Transco has stated that it has no objection to the proposed termination of service.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 16, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3947; Filed, May 26, 1958; 8:48 a. m.]

[Docket No. G-14876]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 21, 1958.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Boston, Massachusetts, filed an application on April 14, 1958, as supplemented on May 9, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a new 4,000 hp compressor station on its existing 24-inch main line at Cromwell, Connecticut. The application states that Applicant owns and operates a natural gas transmission pipeline system extending from a connection with its sole supplier, Texas Eastern Transmission Corporation (Texas Eastern), near Lambertville, New Jersey, to a point near Boston, Massachusetts. Through these facilities Applicant provides natural gas service to distribution companies for resale to approximately 870,000 customers in the New England area. Applicant states that at the present time there is a margin of only 7,150 Mcf per day between its main line capacity and its customers' peak day requirements for the 1958-59 winter season.

Applicant further states that the proposed facilities will improve its service to existing customers by increasing the margin between its system requirements and system capacity from the 7,150 Mcf per day to a total of 34,563 Mcf per day during the 1958-59 winter season. This, Applicant states, would enable it to insure adequate service to its customers in the event of emergency, in addition to enabling it to deliver some increased quantities of gas in the future and provide operating flexibility. No new sales are proposed.

Applicant estimates the total cost of the proposed compressor station at $1,775,000, which will be financed through a loan from The Chase Manhattan Bank.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3948; Filed, May 26, 1958; 8:48 a. m.]

[Docket No. G-12452]

ENTRADA OIL & GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 22, 1958.

In the matters of Entrada Oil & Gas Company, Docket No. G-12452; Harry N. Royster, Docket No. G-12627; The American Metal Company, Ltd., Operator, et al., Docket No. G-13765; Pacific Northwest Pipeline Corporation, Docket No. G-13863; C. S. V. Oil Exploration Company, Docket No. G-14608.

Take notice that on December 6, 1957, Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation having its principal place of business in Salt Lake City, Utah, filed an application in Docket No. G-13863, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, consisting of a 440 H. P. Compressor Station, with appurtenant facilities located at the intersection of its existing 6-inch Bar X lateral supply pipeline, and 26-inch main transmission pipeline in Mesa County, Colorado, to enable it to purchase and receive into its system for transportation and sale in interstate commerce natural gas produced in the Bar X Field, Grand County, Utah, and Mesa County, Colorado, as more fully described in the application on file with the Commission, and open for public inspection. Take further notice that the applications have been filed by independent producers proposing to sell natural gas to Pacific.

Docket No.; Applicant; and Date Filed

G-12452; Entrada Oil & Gas Company; April 23, 1957.
G-12627; Harry N. Royster; May 23, 1957.
G-13765; The American Metal Company, Ltd., Operator, et al.; November 19, 1957.
G-14608; C. S. V. Oil Exploration Company; March 4, 1958.

The foregoing applications have been filed pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce to Pacific for resale, subject to the jurisdiction of the Commission, as more fully set forth in the applications on file with the Commission, and open for public inspection.

Entrada Oil & Gas Company (Entrada), Harry N. Royster (Royster), The American Metal Company, Ltd., Operator, et al. (Climax),[1] C. S. V. Oil Exploration Company (C. S. V.), propose to sell to Pacific natural gas produced from the previously undedicated acreages and formations in the Bar X Field, in Grand County, Utah, and Mesa County, Colorado.

Pacific estimates its proposed initial investment in facilities will be $150,995, and the cost thereof will be defrayed from current funds.

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[1] American filed on its own behalf, and as Operator, on behalf of The Frontier Refining Company, and Climax Molybdenum Company (non-operating co-owners and signatory seller parties). Climax Molybdenum Company and The American Metal Company, Limited, merged December 30, 1957 and became American Metal Climax, Inc.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 23, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3949; Filed, May 26, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3705]

FALL RIVER ELECTRIC LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO ISSUE AND SELL BONDS

MAY 20, 1958.

Notice is hereby given that Fall River Electric Light Company ("Fall River"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding a proposal to issue first mortgage bonds; and has designated sections 6 (a), 7 and 12 (c), and Rules 42 (b) (2) and 50 promulgated under the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Fall River proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the act, $3,000,000 principal amount of First Mortgage and Collateral Trust Bonds, __ percent Series, due 1988. The interest rate on the bonds (which will be a multiple of $\frac{1}{8}$ of 1 percent) and the price, exclusive of accrued interest, to be paid to the company for the bonds (which shall be not less than 100 percent nor more than 102$\frac{3}{4}$ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds are to be issued under and secured by the existing Indenture of First Mortgage and Deed of Trust between Fall River and State Street Trust Company, Trustee, as heretofore supplemented, and as to be further supplemented by a Third Supplemental Indenture dated April 1, 1958.

Of the net proceeds to be received from the proposed sale of bonds $940,000 will be applied to the prepayment of outstanding short-term notes; and the application of the remainder of such proceeds, estimated at $2,060,000 to the acquisition of securities of its subsidiary Montaup Electric Company. The latter transaction will be the subject of a further application-declaration.

The fees and expenses to be incurred by Fall River in connection with the proposed transactions are estimated at an aggregate of $32,000, including counsel fees and expenses of $4,900, trustee's fees and expenses (including counsel fees) $3,450, independent appraiser's fees and expenses of $1,750, and accountants' fees of $1,400.

The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder for the bonds, are estimated at $3,300.

The declaration states that the proposed issue and sale of bonds by Fall River is subject to the jurisdiction of Department of Public Utilities of the Commonwealth of Massachusetts, and that a petition has been filed with such department for authorization thereof; and that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 4, 1958 at 5:30 p. m., request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may permit the declaration, as filed or as it may be amended, to become effective, as provided in Rule 23 promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3938; Filed, May 26, 1958; 8:46 a. m.]

[File No. 70-3703]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING PROPOSAL BY PARENT COMPANY TO ISSUE SHORT-TERM NOTES AND BY SUBSIDIARIES TO ISSUE ADDITIONAL SHARES OF COMMON STOCK

MAY 20, 1958.

In the matter of Eastern Utilities Associates, Brockton Edison Company, Fall River Electric Light Company, File No. 70-3703.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiaries, Brockton Edison Company ("Brockton") and Fall River Electric Light Company ("Fall River"), have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal by EUA to issue short-term notes, and by Brockton and Fall River to issue additional shares of their authorized but unissued common stock. The joint application-declaration designates sections 6 (a), 7, 9 (a), 10, 12 (e) and 12 (f) of the act, and Rules 42 (b) (2), 43 and 50 (a) (1), (a) (2), and (a) (3) promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

EUA proposes to issue promissory notes from time to time during the period ending not later than July 1, 1959, to The First National Bank of Boston, not to exceed an aggregate principal amount of $10,600,000 and not to exceed [illegible] principal amount at any one time outstanding. The notes are to be unsecured, will mature less than one year from the date of issuance, and bear interest at not in excess of the prime rate in effect at the date of issuance. The notes are to be prepayable in whole or in part without penalty. The proceeds from the proposed notes are to be used to purchase additional shares of common stock of Brockton and Fall River as shown below, prepayment of an outstanding bank loan in the amount of $300,000, and for general corporate purposes.

Brockton proposes to issue and sell to its stockholders, pursuant to a rights offering, 21,664 additional shares of its authorized but unissued $25 par value common stock, at a price of $65 per share, on the basis of one new share for each 12 shares held of record at the time of the offering. EUA, the owner of [illegible] shares of Brockton's outstanding [illegible] shares of common stock, proposes to purchase its pro rata part of such additional shares of Brockton common stock, and all such additional shares thereof as are not purchased by the other holders. Brockton will apply the proceeds from such additional common stock to the prepayment of outstanding short-term bank loans, and to the purchase of additional securities of its subsidiary Montaup Electric Company ("Montaup").

Fall River proposes to issue and sell to its stockholders, pursuant to a rights offering, 18,771 additional shares of its authorized but unissued $25 par value common stock, at $48 per share, on the basis of one new share for each 12 shares held of record at the time of the offering. EUA, the owner of 220,324 shares of Fall River's outstanding 225,250 shares of common stock, proposes to purchase its pro rata part of such additional shares of Fall River's common stock, and all such additional shares thereof as are not purchased by the other holders. Fall River will apply the proceeds of such additional common stock to the prepayment of its outstanding short-term bank loans.

The joint application-declaration states that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions of EUA; that the proposed issuances and sales of common stock by Brockton and Fall River are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts, and that petitions to such Department of Public Utilities for authorization of such transactions have been filed.

The fees and expenses including counsel fees to be incurred in connection with the proposed transactions are estimated at $635 for EUA; $4,400 for Brockton and $3,800 for Fall River.

Notice is further given that any interested person may, not later than June 4, 1958, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after such date the Commission may grant the applications and permit the declaration to become effective, as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3939; Filed, May 26, 1958; 8:46 a. m.]

[File No. 24S-1609]

INSPIRATION LEAD CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 21, 1958.

I. Inspiration Lead Company, Inc., an Idaho corporation, filed on May 2, 1958, a notification on Form 1-A and an offering circular relating to an offering of 2,000,000 shares of its common Class B non-assessable shares with debenture warrants at 15 cents per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3 (b) and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

A. The statement on page 1 of the offering circular to the effect that Inspiration Lead Company, Inc., through its wholly owned subsidiary Dayton-Inspiration Gold Corporation, had acquired from Dayton Consolidated Mines Company a 35 year lease and working agreement on certain valuable gold properties including seven separate mines and a cyanidation flotation mill and that the terms of the lease and working agreement were such as to entitle Dayton-Inspiration Gold Corporation to 70 percent of future profits in that there is a failure to disclose:

1. That the properties are subject to immediate foreclosure because the $150,000 outstanding first mortgage bonds issued by Dayton Consolidated Mines Company in 1948 due June 1, 1953, are now in default both as to principal and interest;

2. Other hazards to the title of the properties.

B. The statement on page 4 of the offering circular to the effect that Dayton Consolidated Mines Company, which was one of Nevada's leading gold producers from 1934-1942 until operations were suspended by the War Production Board, earned operating profits before depreciation, depletion, and taxes of more than a million dollars in that there is a failure to disclose:

1. The marginal net profits;

2. The effects of inflation subsequent to 1942 on the outlook for gold mining;

3. Dayton Consolidated Mines had secured public financing three times since 1942, including a $150,000 bond issue in 1948, with substantially no resulting ore production from its mines;

4. The nature and extent of the expenditures already made by the issuer on the Dayton properties, the purpose thereof and the principal results;

5. The present inoperative condition of the Dayton mill and any authoritative statement by a qualified expert as to the amount of money necessary to recondition the Dayton mill;

6. The ore reserve status of the Dayton properties.

C. The offering circular states that Inspiration Lead Company will be "its own underwriter" and provides for commissions of 25 percent, an aggregate of $75,000, and fails to disclose to whom these commissions will be paid.

D. Failure to adequately disclose that Inspiration Lead Company upon completion of the offering will have outstanding $750,000 of debenture warrants, that $450,000 of debenture warrants have been previously issued by Inspiration Lead Company, that the entire amount of outstanding debenture warrants is payable out of 50 percent of its net income, that said net income is dependent upon the net profits of its subsidiary, Dayton-Inspiration Gold Corporation, that the profits of said subsidiary are derived only after repayments of all sums expended for exploration and development, and consist of 70 percent of the remaining profit after all other expenses.

E. Failure to disclose that Inspiration Lead Company, under its present management, has not operated at a profit or been successful in any of its mining ventures, although in excess of $450,000 has been obtained from the public through the sale of its Class B stock with debenture warrants and by the levy of assessments on its Class A stock.

F. Failure to disclose that there is no market for Inspiration Lead Company's stock, either the Class A assessable or the Class B non-assessable with debenture warrants.

The Commission has reasonable cause to believe that the Regulation A exemption is unavailable by reason of Rule 261 (a) (6) in that a director and officer of Inspiration Lead Company, Inc. is subject to pending injunctive proceedings from further violations of section 10 (b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder.

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Inspiration Lead Company, Inc. pursuant to said notification be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3940; Filed, May 26, 1958; 8:46 a. m.]

MAY 29 1958
MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 105

Washington, Wednesday, May 28, 1958

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 5521, 8871 and 23 F. R. 207, 209, 1775, and 2579, containing the specific requirements of the 1957-crop corn price support program are amended in § 421.2346 (a) (1) to except the factor of moisture in determining the market price for grade No. 3 corn to arrive at the settlement value for corn delivered which is of an ineligible grade. The amended subparagraph reads as follows:

§ 421.2346 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of corn delivered to CCC under farm-storage loans grading No. 3 or better, or No. 4 on the factor of test weight only, but otherwise grading No. 3 or better, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate shall be for the grade and quality of the total quantity of corn eligible for delivery subject to premiums and discounts shown in § 421.2347 (b) (3). The settlement value of corn which upon delivery grades below No. 3 (except for corn which grades No. 4 on test weight only, but otherwise No. 3 or better) shall be the applicable basic county support rate without reference to any premiums or discounts less the difference, if any, at the time of delivery, between the market price of corn grading No. 3 (without any premiums or discounts for the factor of moisture) and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 23d day of May 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3998; Filed, May 27, 1958; 8:54 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958 crop of flaxseed. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 is supplemented as follows:

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421.3476 Purpose.
421.3477 Availability of price support.
421.3478 Eligible flaxseed.
421.3479 Warehouse receipts.
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Sec.
421.3482 Maturity of loans.
421.3483 Support rates.
421.3484 Warehouse charges.
421.3485 Inspection of flaxseed under purchase agreements.
421.3486 Settlement.

AUTHORITY: §§ 421.3476 to 421.3486 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.3476 *Purpose.* Sections 421.3476 to 421.3486 state additional specific regulations which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020), apply to loans and purchase agreements under the 1958-Crop Flaxseed Price Support Program.

§ 421.3477 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever flaxseed is grown in the continental United States, except in Texas counties designated under the 1958-Texas Flaxseed Purchase Program (§§ 421.3526 to 421.3541). Farm-storage loans will not be available in areas where the State committee determines that flaxseed cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through October 31, 1958, in Arizona and California, and from the time of harvest through January 31, 1959, in all other States. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such final dates. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing flaxseed in 1958 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible flaxseed harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.3478 *Eligible flaxseed.* Flaxseed, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The flaxseed must have been produced in the continental United States (excluding the Texas counties designated under the 1958 Texas Flaxseed Purchase Program) in 1958 by an eligible producer.

(b) At the time the flaxseed is placed under loan or delivered under a purchase agreement the beneficial interest in the flaxseed must be in the eligible producer tendering the flaxseed for loan or for delivery under a purchase agreement and must always have been in him or must have been in him and a former producer whom he succeeded before the flaxseed was harvested. Any producer who is in doubt as to whether his interest in the flaxseed complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support. To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Flaxseed, at the time it is placed under loan, and flaxseed under purchase agreement which is in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The flaxseed must grade No. 1 or No. 2.

(2) The flaxseed must not contain mercurial compounds or other substances poisonous to man or animals.

(3) If offered as security for a farm-storage loan, the flaxseed must have been stored in the granary at least 30 days prior to its inspection, measurement, sampling and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.3485 (a), flaxseed under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.3485 (a) and the flaxseed on the basis of an inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.3479 *Warehouse receipts.* Warehouse receipts, representing flaxseed in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, must indicate that the flaxseed is insured, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement, or must be issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of damage when such factor, and not test weight, determines the grade, and (7) whether the flaxseed arrived by rail, truck or barge. In the case of flaxseed delivered by rail or barge, the grading factors on the warehouse receipt or warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade of flaxseed.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3484.

(e) Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

(f) If the receipt is issued for flaxseed of which the warehouseman is the producer and owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

§ 421.3480 *Determination of quantity.* (a) The quantity of flaxseed placed under farm-storage loan may be determined either by weight or by measurement. The quantity of flaxseed placed under warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage. In determining the quantity of sacked flaxseed by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of flaxseed is determined by measurement, a bushel shall be 1.25 cubic feet of flaxseed testing 56 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 56-pound flaxseed.

For flaxseed testing:	*Percentage*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 421.3481 *Determination of quality.* The grade and grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Flaxseed, whether or not such determinations are made on the basis of an official inspection.

§ 421.3482 *Maturity of loans.* Loans mature on demand but not later than January 31, 1959, on flaxseed stored in Arizona and California, and not later than March 31, 1959, on flaxseed stored in all other States.

§ 421.3483 *Support rates.* Basic support rates for flaxseed placed under loan or delivered under a purchase agreement are set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for Grade No. 1 flaxseed containing 10.6 to 11.0 percent moisture stored in approved warehouses at terminal markets listed below are as follows:

Terminal market:	*Rate per bushel for No. 1*
Los Angeles, California	$3.35
San Francisco, California	3.29
Duluth, Minneapolis, and St. Paul, Minnesota	3.09
Superior, Wisconsin	3.09
Corpus Christi and Houston, Texas	2.84

(2) In order to be eligible for loan or purchase at the support rates shown in the above schedule, the flaxseed must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any flaxseed shipped at other than the domestic interstate freight rate, shall be reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for the designated terminal markets apply to flaxseed which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) The support rate for flaxseed which is shipped by rail or water and stored at any designated terminal market, and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall be equal to the terminal rate minus 12 cents per bushel.

(5) The support rate for flaxseed received by truck and stored at any designated terminal market, shall be the terminal rate minus 16½ cents per bushel.

(6) (i) Notwithstanding the foregoing provisions of this paragraph, the support rate for flaxseed which is shipped by rail or water and stored at any of the following terminal markets, and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall be equal to the applicable terminal rate:

Los Angeles and San Francisco, Calif.
Duluth, Minn.
Corpus Christi and Houston, Tex.
Superior, Wis.

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for flaxseed which is received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be the terminal rate minus 4½ cents per bushel.

(b) *Support rates for flaxseed in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for flaxseed which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such flaxseed to such terminal market: *Provided,* That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such flaxseed to the point of storage: *And provided further,* That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to out-of-line costs or other costs incurred in storing flaxseed in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.3479.

(c) *Basic county support rates.* (1) The following basic county support rates per bushel are established for grade No. 1 flaxseed containing 10.6 to 11.0 percent moisture. Farm-storage loans and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the flaxseed is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ARIZONA

County	*Rate per bushel*	*County*	*Rate per bushel*
Cochise	$2.93	Pinal	[illegible]
Graham	2.86	Yavapai	[illegible]
Maricopa	3.09	Yuma	3.12
Pima	3.05		

CALIFORNIA

Alameda	$3.14	Napa	$3.14
Colusa	3.07	Riverside	3.14
Fresno	3.11	Sacramento	[illegible]
Imperial	3.10	San Benito	3.10
Kern	3.12	San Joaquin	3.11
Kings	3.12	San Mateo	3.14
Los Angeles	3.20	Santa Clara	3.13
Madera	3.09	Santa Cruz	3.17
Merced	3.10	Sutter	[illegible]
Modoc	2.81	Yolo	3.10

GEORGIA

All counties $2.22

IDAHO

All counties [illegible]

IOWA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$2.72	Jasper	$2.78
Adams	2.72	Johnson	2.77
Allamakee	2.81	Jones	2.78
Appanoose	2.72	Keokuk	2.75
Audubon	2.74	Kossuth	[illegible]
Benton	2.79	Linn	2.79
Black Hawk	2.80	Lucas	2.72
Boone	2.78	Lyon	2.79
Bremer	2.80	Madison	2.74
Buchanan	2.79	Mahaska	2.75
Buena Vista	2.80	Marion	2.75
Butler	2.81	Marshall	2.79
Calhoun	2.79	Mills	2.74
Carroll	2.77	Mitchell	2.83
Cass	2.72	Monona	2.77
Cedar	2.77	Monroe	2.73
Cerro Gordo	2.82	Montgomery	2.71
Cherokee	2.78	O'Brien	2.80
Chickasaw	2.81	Osceola	2.80
Clarke	2.73	Page	2.73
Clay	2.81	Palo Alto	2.81
Clayton	2.80	Plymouth	2.78
Crawford	2.77	Pocahontas	2.80
Dallas	2.78	Polk	2.78
Davis	2.72	Pottawattamie	2.74
Decatur	2.71	Poweshiek	2.77
Delaware	2.79	Ringgold	2.71
Dickinson	2.81	Sac	2.78
Dubuque	2.78	Shelby	2.76
Emmet	2.83	Sioux	2.78
Fayette	2.80	Story	2.78
Floyd	2.82	Tama	2.78
Franklin	2.81	Taylor	2.71
Fremont	2.74	Union	2.72
Greene	2.78	Wapello	2.74
Grundy	2.80	Warren	2.74
Guthrie	2.77	Wayne	2.73
Hamilton	2.80	Webster	2.80
Hancock	2.82	Winnebago	[illegible]
Hardin	2.80	Winneshiek	2.81
Harrison	2.76	Woodbury	2.75
Howard	2.83	Worth	2.82
Humboldt	2.80	Wright	2.81
Ida	2.77	All other counties	2.72
Iowa	2.77		

KANSAS

All counties $2.44

MICHIGAN

Chippewa $2.67

MINNESOTA

County	*Rate per bushel*	*County*	*Rate per bushel*
Aitkin	$2.88	Brown	[illegible]
Anoka	2.87	Carlton	[illegible]
Becker	2.81	Carver	2.87
Beltrami	2.81	Cass	2.85
Benton	2.87	Chippewa	2.84
Big Stone	2.81	Chisago	2.87
Blue Earth	2.86	Clay	2.80

MINNESOTA—continued

County	Rate per bushel	County	Rate per bushel
Clearwater	$2.80	Nobles	$2.80
Cottonwood	2.83	Norman	2.79
Crow Wing	2.85	Olmsted	2.85
Dakota	2.87	Otter Tail	2.83
Dodge	2.85	Pennington	2.77
Douglas	2.84	Pine	2.87
Faribault	2.83	Pipestone	2.81
Fillmore	2.82	Polk	2.78
Freeborn	2.85	Pope	2.84
Goodhue	2.87	Ramsey	2.87
Grant	2.82	Red Lake	2.79
Hennepin	2.87	Redwood	2.85
Houston	2.82	Renville	2.85
Hubbard	2.82	Rice	2.87
Isanti	2.87	Rock	2.80
Itasca	2.86	Roseau	2.76
Jackson	2.82	St. Louis	2.86
Kanabec	2.86	Scott	2.87
Kandiyohi	2.87	Sherburne	2.87
Kittson	2.75	Sibley	2.87
Koochiching	2.76	Stearns	2.87
Lac Qui Parle	2.82	Steele	2.86
		Stevens	2.83
Lake of the Woods	2.78	Swift	2.84
Le Sueur	2.87	Todd	2.85
Lincoln	2.82	Traverse	2.81
Lyon	2.83	Wabasha	2.87
McLeod	2.87	Wadena	2.84
Mahnomen	2.79	Waseca	2.86
Marshall	2.77	Washington	2.87
Martin	2.83	Watonwan	2.84
Meeker	2.87	Wilkin	2.81
Mille Lacs	2.87	Winona	2.85
Morrison	2.85	Wright	2.89
Mower	2.84	Yellow Medicine	2.84
Murray	2.82		
Nicollet	2.87		

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$2.28	Liberty	$2.46
Big Horn	2.38	McCone	2.57
Blaine	2.49	Musselshell	2.49
Broadwater	2.46	Park	2.46
Carbon	2.46	Petroleum	2.46
Carter	2.60	Phillips	2.52
Cascade	2.46	Pondera	2.46
Chouteau	2.46	Powder River	2.56
Custer	2.58	Prairie	2.58
Daniels	2.55	Richland	2.59
Dawson	2.59	Roosevelt	2.60
Deer Lodge	2.41	Rosebud	2.53
Fallon	2.60	Sheridan	2.58
Fergus	2.46	Stillwater	2.46
Gallatin	2.46	Sweet Grass	2.46
Garfield	2.56	Teton	2.46
Glacier	2.46	Toole	2.46
Golden Valley	2.46	Treasure	2.52
Hill	2.46	Valley	2.54
Judith Basin	2.46	Wheatland	2.46
		Wibaux	2.60
Lewis and Clark	2.46	Yellowstone	2.46

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$2.66	McHenry	$2.70
Barnes	2.77	McIntosh	2.72
Benson	2.72	McKenzie	2.62
Billings	2.66	McLean	2.69
Bottineau	2.68	Mercer	2.66
Bowman	2.65	Morton	2.68
Burke	2.66	Mountrail	2.66
Burleigh	2.71	Nelson	2.74
Cass	2.78	Oliver	2.69
Cavalier	2.72	Pembina	2.74
Dickey	2.76	Pierce	2.71
Divide	2.64	Ramsey	2.73
Dunn	2.66	Ransom	2.77
Eddy	2.74	Renville	2.66
Emmons	2.70	Richland	2.80
Foster	2.75	Rolette	2.70
Golden Valley	2.62	Sargent	2.78
Grand Forks	2.76	Sheridan	2.71
Grant	2.66	Sioux	2.68
Griggs	2.76	Slope	2.62
Hettinger	2.66	Stark	2.66
Kidder	2.73	Steele	2.77
La Moure	2.75	Stutsman	2.75
Logan	2.73	Towner	2.71

NORTH DAKOTA—continued

County	Rate per bushel	County	Rate per bushel
Traill	$2.77	Wells	$2.73
Walsh	2.74	Williams	2.65
Ward	2.67		

OKLAHOMA

All counties $2.30

OREGON

All counties $2.25

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.72	Jackson	$2.65
Beadle	2.77	Jerauld	2.77
Bennett	2.60	Jones	2.66
Bon Homme	2.74	Kingsbury	2.79
Brookings	2.80	Lake	2.79
Brown	2.77	Lawrence	2.60
Brule	2.70	Lincoln	2.78
Buffalo	2.74	Lyman	2.68
Butte	2.60	McCook	2.78
Campbell	2.72	McPherson	2.74
Charles Mix	2.71	Marshall	2.77
Clark	2.79	Meade	2.63
Clay	2.78	Mellette	2.62
Codington	2.80	Miner	2.78
Corson	2.69	Minnehaha	2.79
Custer	2.60	Moody	2.80
Davison	2.76	Pennington	2.63
Day	2.78	Perkins	2.66
Deuel	2.80	Potter	2.72
Dewey	2.68	Roberts	2.79
Douglas	2.72	Sanborn	2.77
Edmunds	2.75	Shannon	2.59
Fall River	2.53	Spink	2.77
Faulk	2.75	Stanley	2.71
Grant	2.80	Sully	2.71
Gregory	2.68	Todd	2.63
Haakon	2.66	Tripp	2.65
Hamlin	2.80	Turner	2.78
Hand	2.76	Union	2.78
Hanson	2.77	Walworth	2.72
Harding	2.65	Washabaugh	2.65
Hughes	2.73	Yankton	2.77
Hutchinson	2.74	Ziebach	2.65
Hyde	2.74		

TEXAS

County	Rate per bushel	County	Rate per bushel
Carson	$2.37	Glasscock	$2.37
Culberson	2.28	Hockley	2.37
Deaf Smith	2.37	Moore	2.34
Floyd	2.37	Pecos	2.30

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$2.78	Lafayette	$2.70
Ashland	2.84	Langlade	2.75
Barron	2.85	Lincoln	2.74
Bayfield	2.84	Manitowoc	2.70
Brown	2.72	Marathon	2.80
Buffalo	2.85	Marinette	2.71
Burnett	2.88	Marquette	2.77
Calumet	2.70	Milwaukee	2.70
Chippewa	2.84	Monroe	2.80
Clark	2.81	Oconto	2.71
Columbia	2.76	Oneida	2.75
Crawford	2.80	Outagamie	2.74
Dane	2.73	Ozaukee	2.70
Dodge	2.73	Pepin	2.86
Door	2.70	Pierce	2.87
Douglas	2.89	Polk	2.87
Dunn	2.86	Portage	2.78
Eau Claire	2.85	Price	2.81
Florence	2.74	Racine	2.70
Fond du Lac	2.72	Richland	2.75
Forest	2.78	Rock	2.71
Grant	2.74	Rusk	2.84
Green	2.70	St. Croix	2.87
Green Lake	2.74	Sauk	2.76
Iowa	2.72	Sawyer	2.85
Iron	2.81	Shawano	2.75
Jackson	2.83	Sheboygan	2.70
Jefferson	2.72	Taylor	2.81
Juneau	2.79	Trempealeau	2.83
Kenosha	2.70	Vernon	2.81
Kewaunee	2.70	Vilas	2.75
La Crosse	2.81	Walworth	2.70

WISCONSIN—continued

County	Rate per bushel	County	Rate per bushel
Washburn	$2.86	Waushara	$2.75
Washington	2.71	Winnebago	2.73
Waukesha	2.71	Wood	2.80
Waupaca	2.76		

WYOMING

All counties $2.42

(d) *Grade discount.* The support rate for grade No. 2 flaxseed shall be 6 cents per bushel less than the support rate for grade No. 1 flaxseed. This discount shall, in the case of loans, be applied to the basic rate at the time the loan is completed and, in the case of deliveries under purchase agreements shall be applied to the basic rate at the time of settlement.

(e) *Premiums for low moisture content.* The following premiums are applicable to eligible flaxseed. In the case of farm-storage loans and deliveries under purchase agreements, premiums shall be applied to the basic rates at the time of settlement. In the case of warehouse-storage loans, premiums shall be applied to the basic rates at the time the loans are completed.

Moisture content (percent):	Premium (cents per bushel)
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	1
9.6 to 10.0 inclusive	2
9.1 to 9.5 inclusive	3
9.0 or less	4

(f) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the flaxseed crop, the support rate in the case of farm storage shall be 15 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the flaxseed complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the flaxseed is stored determines that State, district or county weed control laws, as administered, affect flaxseed stored in approved warehouses, the rate shall be 15 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the flaxseed complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

____
(Signature)

____
(Address)

____
(Date)

§ 421.3484 *Warehouse charges.* (a) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the flaxseed is deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt.

(1) In Arizona and California, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before January 31, 1959, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel (gross weight basis) as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, January 31, 1959.

Date of deposit (all dates inclusive):	Amount of deduction (*cents per bushel (gross weight basis)*)
Prior to Apr. 17, 1958	15
Apr. 17, 1958–May 6, 1958	14
May 7, 1958–May 26, 1958	13
May 27, 1958–June 15, 1958	12
June 16, 1958–July 5, 1958	11
July 6, 1958–July 25, 1958	10
July 26, 1958–Aug. 14, 1958	9
Aug. 15, 1958–Sept. 3, 1958	8
Sept. 4, 1958–Sept. 23, 1958	7
Sept. 24, 1958–Oct. 13, 1958	6
Oct. 14, 1958–Nov. 2, 1958	5
Nov. 3, 1958–Nov. 22, 1958	4
Nov. 23, 1958–Dec. 12, 1958	3
Dec. 13, 1958–Jan. 1, 1959	2
Jan. 2, 1959–Jan. 31, 1959	1

(2) In all other States, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before March 31, 1959, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel (gross weight basis) as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, March 31, 1959.

Date of deposit (all dates inclusive):	Amount of deduction (*cents per bushel (gross weight basis)*)
Prior to May 6, 1958	17
May 6, 1958–May 25, 1958	16
May 26, 1958–June 14, 1958	15
June 15, 1958–July 4, 1958	14
July 5, 1958–July 24, 1958	13
July 25, 1958–Aug. 13, 1958	12
Aug. 14, 1958–Sept. 2, 1958	11
Sept. 3, 1958–Sept. 22, 1958	10
Sept. 23, 1958–Oct. 12, 1958	9
Oct. 13, 1958–Nov. 1, 1958	8
Nov. 2, 1958–Nov. 21, 1958	7
Nov. 22, 1958–Dec. 11, 1958	6
Dec. 12, 1958–Dec. 31, 1958	5
Jan. 1, 1959–Jan. 20, 1959	4
Jan. 21, 1959–Feb. 9, 1959	3
Feb. 10, 1959–Mar. 1, 1959	2
Mar. 2, 1959–Mar. 31, 1959	1

(b) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate per bushel (gross weight basis) for storage, (not including elevation), which will accumulate from the date of deposit through the program maturity date, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.3485 *Inspection of flaxseed under purchase agreement*—(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the applicable loan maturity date of his intent to sell his flaxseed stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the flaxseed and obtain a sample of the flaxseed and submit it for grade analysis within the 30-day period, or as soon as possible thereafter but prior to the delivery of the flaxseed. If the flaxseed, on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. The producer, whose flaxseed is stored in other than an approved warehouse and whose flaxseed is not of a quality eligible for a loan at the time of the predelivery inspection, shall be notified in writing by the county office that his flaxseed is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the flaxseed, or otherwise take action to make the flaxseed eligible and insists upon delivery of the flaxseed, the county office shall issue delivery instructions. The producer shall be further informed that if such flaxseed, upon delivery and before purchase, does not meet the eligibility requirements of § 421.3478 (c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the flaxseed shall not be accepted for purchase by CCC. A predelivery inspection shall not be made on flaxseed stored commingled in warehouses not approved for storage or on flaxseed in an unapproved warehouse which is stored so that the identity of the producer's flaxseed is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such flaxseed at the time of delivery must meet the eligibility requirements of § 421.3478 (c) (1) and (2).

(b) *Inspection of flaxseed stored by producer after maturity date.* The producer may be required to retain the flaxseed stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the flaxseed covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for flaxseed which was of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county office at any time after such 60-day period that the flaxseed is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the flaxseed is going out of condition or is in danger of going out of condition and that the flaxseed cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3486 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible flaxseed delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of flaxseed eligible for delivery. If, upon delivery, the flaxseed under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the basic support rate, adjusted for premiums and discounts, if applicable to the grade and quality of the flaxseed placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the flaxseed delivered, as determined by CCC: *Provided, however*, That if such flaxseed is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further*, That if upon delivery the flaxseed contains mercurial compounds or other substances poisonous to man or animals, such flaxseed shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such flaxseed for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible flaxseed under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm-storage.* Settlement for flaxseed delivered to CCC from farm storage meeting the eligibility requirements of § 421.3478 (c) (1) and (2), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If flaxseed, which was determined to be eligible at the time of the predelivery inspection is, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible flaxseed as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery, between the market price for the grade and quality of the flaxseed determined by the predelivery inspection and the market price of the flaxseed delivered, as determined by CCC: *Provided, however*, That if such flaxseed is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided, further*, That if upon delivery the flaxseed contains mercurial compounds or other substances poisonous to man or animals such flaxseed shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such flaxseed for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse-storage.* In the case of eligible flaxseed stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee, warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of flaxseed he elects to sell to CCC. Settlement for eligible flaxseed delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse-storage.* The county office will issue instructions on or after the loan maturity date for delivery of flaxseed in a warehouse not approved for storage which is stored commingled, or which is stored so that the identity of the producer's flaxseed is maintained but a predelivery inspection is not possible where the producer has properly given the county office written notice of his intent to sell such flaxseed to CCC. Settlement for such flaxseed delivered to CCC which meets the eligibility requirements of § 421.3478 (c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's flaxseed can be made, the provisions of § 421.3485 shall apply and settlement will be the same as for flaxseed delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Flaxseed ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of flaxseed ineligible for delivery which is inadvertently accepted by CCC and which CCC determines that it is not in a position to reject: (*a*) Flaxseed which was of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) flaxseed of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) flaxseed in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery does not meet the eligibility requirements of § 421.3478 (c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible flaxseed delivered as determined by CCC: *Provided, however*, That if such flaxseed is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further*, That if upon delivery the flaxseed contains mercurial compounds or other substances poisonous to man or animals, such flaxseed shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such flaxseed for the use specified above, the settlement value shall be the market price, as determined by CCC, as of the date of delivery. If flaxseed delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such flaxseed is inadvertently accepted by CCC, the settlement value shall be the sales price if the flaxseed is immediately sold. If the flaxseed is not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Applicable support rate for settlement of loans and purchase agreements.* (1) In the case of flaxseed stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(2) In the case of flaxseed delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If the producer is directed to deliver his flaxseed to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(c) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored flaxseed under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3484.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on flaxseed under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the flaxseed to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid.

(e) *Storage payment where CCC is unable to take delivery of flaxseed stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain flaxseed stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such flaxseed within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the flaxseed to CCC; *Provided, however,* That a storage payment shall be paid a producer whose flaxseed is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the flaxseed to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00049 per bushel per day for the flaxseed accepted for delivery or sale to CCC.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on flaxseed delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his flaxseed to a point other than his customary shipping point, he shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the flaxseed any distance greater than the distance from the point where the flaxseed is stored by the producer to the customary shipping point: *Provided,* That if the producer is directed to deliver his flaxseed to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of flaxseed under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 22d day of May 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-3957; Filed, May 27, 1958; 8:45 a. m.]

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 8]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program, 22 F. R. 6397, as amended and supplemented, are hereby further amended as follows:

1. Section 485.309 (g) is amended by adding at the end of subparagraph (4) the following: "Any operator who terminated a winter wheat agreement pursuant to the foregoing provisions of this subparagraph may reinstate the agreement by filing a written request for such reinstatement with the county committee not later than 15 days after the date of the notice to that effect by the county committee, and by filing a new agreement signed by all the producers who signed the original agreement. If the producers are unable to designate the same area as the acreage reserve, a part of the area originally designated or an entirely different area may be designated. The producers will not be required to pay the cost of determining the designated area. The reinstatement shall be subject to the following conditions:

(i) The producers shall not be eligible to designate the same area or part of the same area as acreage reserve under the reinstated agreement if action was taken on the farm, subsequent to termination of the original agreement, which would have constituted a violation of the original agreement if it had not been terminated.

(ii) The producers shall not be eligible to designate a different area as the acreage reserve or as part of the acreage reserve under the reinstated agreement if action has been taken on the farm which would have constituted a violation of the reinstated agreement had it been in force from the date of the execution of the original agreement.

(iii) In no event shall the compensation under the reinstated agreement exceed the maximum compensation provided for under the original agreement.

(iv) All the provisions of the regulations shall be applicable to a reinstated agreement except to the extent that they are contrary to the provisions of this subparagraph (4).

2. Section 485.309 (g) is amended by adding at the end thereof the following subparagraphs (5) and (6):

(5) In a county included in the commercial corn-producing area for the first time in 1958, a producer who has (i) a 1958 acreage reserve agreement for a commodity other than corn or a conservation reserve contract approved prior to January 1, 1958, and (ii) a 1958 corn acreage reserve agreement in effect for the same farm may terminate such corn acreage reserve agreement by filing a written notice of such termination with the county committee not later than 15 days after the date of the notice to that effect by the county committee.

(6) In a county included in the commercial corn-producing area for the first time in 1957, a producer who has (i) a conservation reserve contract approved prior to January 1, 1957, and (ii) a 1958 corn acreage reserve agreement in effect for the same farm may terminate such corn acreage reserve agreement by filing a written notice of such termination with the county committee not later than 15 days after the date of the notice to that effect by the county committee.

3. Section 485.314 is amended by adding at the end thereof the following paragraph (c):

(c) Notwithstanding any other provision of this section, no person shall be ineligible to receive compensation under a 1958 acreage reserve agreement by reason of the fact that the corn acreage on the farm exceeds the farm acreage allotment for corn if the county in which such farm is located is included in the commercial corn-producing area for the first time in 1958.

4. Section 485.378a is amended by adding at the end thereof the following paragraph (e):

(e) The county committee may permit an agreement filed under this section to be withdrawn upon written request by the producer at any time not later than 15 days after the date on which he is mailed a copy of the approved agreement or notice that the agreement has been approved.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 23d day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3999; Filed, May 27, 1958; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS, 1958

DETERMINATION AND PRORATION OF AREA DEFICITS AND ADJUSTED QUOTAS

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act" for the purpose of determining and prorating an additional deficit in the quota for Hawaii for sugar to be marketed in the continental United States in 1958.

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237) § 811.4 of Sugar Regulation 811, as amended (23 F. R. 3512) is hereby further amended to read as follows:

§ 811.4 *Determination and proration of area deficits and adjusted quotas*—(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1958, Hawaii and Puerto Rico will be unable by 313,005 and 312,191 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 73,196 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	55,973	1,987,543
Mainland cane sugar	17,223	611,586
Hawaii	0	1,078,005
Puerto Rico	0	1,127,191
Virgin Islands	0	15,371

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 552,000 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in paragraph (b) of this section
Domestic beet sugar	196,941	2,184,484
Mainland cane sugar	60,600	672,186
Hawaii	0	1,078,005
Puerto Rico	0	1,127,191
Virgin Islands	0	15,371
Cuba	294,459	3,266,164

Quotas for foreign countries other than Cuba remain as established in § 811.3 subject to the import limitations established in § 811.9 (22 F. R. 10732).

STATEMENT OF BASES AND CONSIDERATIONS

On May 19, 1958, deficits were declared of 213,005 tons in the quota for Hawaii and 262,191 tons in the quota for Puerto Rico and such deficits were prorated to the Domestic Beet and Mainland Cane Sugar Areas and to Cuba.

The strike of sugar workers in Hawaii continues to decrease the potential production of Hawaiian sugar. It now appears that the quantity of sugar that will be available from Hawaii to fill its 1958 mainland quota will not exceed 765,000 tons. Thus, an additional 100,000 tons deficit in the Hawaiian mainland quota is herein determined.

Production of sugar in Puerto Rico through May 17, totalled 784,000 tons and the rate of recovery of sugar from cane has declined. Accordingly, it now appears that the quantity of sugar that will be available from Puerto Rico to fill its 1958 mainland quota will not exceed 815,000 tons. Thus, an additional 50,000 tons deficit in the Puerto Rican mainland quota is herein determined.

The Virgin Islands will be unable to fill any part of the deficits herein determined.

Accordingly, deficits of 313,005 and 312,191 short tons, raw value, in the mainland quotas for Hawaii and Puerto Rico, respectively, are hereby determined, and pursuant to section 204 (a) of the act, 73,196 tons are prorated to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in S. R. 811, Amendment 3 (23 F. R. 3512) and 552,000 tons are prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 73,196 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 23d day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4000; Filed, May 27, 1958; 8:55 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 876.10]

PART 876—SUGARCANE; HAWAII

FAIR AND REASONABLE PRICES FOR 1958 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii on November 15, 1957, the following determination is hereby issued:

§ 876.10 *Fair and reasonable prices for the 1958 crop of Hawaiian sugarcane.* A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor" shall have paid, or contracted to pay, for sugarcane of the 1958 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a tolling agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the 1957 crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed in the table below shall be not more than that specified for each such processor.

Processor	Rate for processing—expressed as a percentage of the gross proceeds from raw sugar and molasses stated in dollars per hundredweight of sugar, raw value basis	Delivery point
Olaa Sugar Co., Ltd	33	Mill.
Kohala Sugar Co	30	Do.
Laupahoehoe Sugar Co	42	Loaded in trucks.
Hilo Sugar Co., Ltd	42	Do.[1]
Onomea Sugar Co	42	Do.[1]
Pepeekeo Sugar Co	42	Do.[1]
Hakalau Sugar Co., Ltd	42	Do.[1]
Paauhau Sugar Co., Ltd	42	Do.
Hawaiian Agricultural Co	42	Do.
Hutchinson Sugar Co., Ltd.	42	Do.

[1] Where flumes are used to transport sugarcane from the field to the mill, the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (herein referred to as C & H): *Provided, however,* That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing the sugarcane of the producer specified in this subparagraph shall cover (*a*) all transporting, handling, and processing costs applicable to such sugarcane, from the delivery point specified in the table above, until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (*c*) the costs of weighing, sampling, and taring such sugarcane; (*d*) the cost of general weed and rodent control with respect to such sugarcane; (*e*) the cost of research and experimental work which may be applicable to the production and processing of such sugarcane; and (*f*) in the case of Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, and Hakalau Sugar Company, Ltd., if sugarcane of the producer is cut by hand because equipment was not available to mechanically harvest his sugarcane, and the Supplement to the Processing and Agency Contract between the processor and such producer is applicable to such sugarcane, the rate for processing shall also cover the additional costs of handling and transporting the sugarcane as provided by such Supplement.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent of the producer shall handle and deliver to C & H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, in handling and delivering to C & H the raw sugar and molasses of the producer pursuant to the toll agreement.

(b) *Purchase agreements.* (1) The price for sugarcane of the 1958 crop under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the 1957 crop.

(2) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the 1957 crop: *Provided, however,* That under agreements between independent growers and Laupahoehoe Sugar Company, the price for 1958 crop sugarcane shall be not less than that calculated at the rate of $1.20 per ton of cane (of a quality ratio of 8.25) for each one cent of the average net proceeds from sales of sugar and molasses, expressed in cents per pound of sugar, raw value: *Provided, further,* That the items of expense incurred for the 1958 crop which may be deducted in computing net returns shall be limited to those applicable to the 1957 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the Director, Hawaiian Area Agricultural Stabilization and Conservation Office, Honolulu, Hawaii (herein referred to as "Director of the Area Office"), determines justify the incurrence of such expenses under the circumstances, such expenses also may be deducted.

(c) *Sugarcane trash and quality determination.* The processor shall determine the net weight and quality of the sugarcane received from the producer and allocate sugar and molasses recoveries to the producer in accordance with methods customarily used by the processor, or as may be agreed upon between the processor and the producer, which will reflect the true weight, quality, and quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished producers.* In instances where the processor, at the producer's request, furnishes to the producer labor, materials, or services used in the production of the producer's sugarcane, or where the processor, at the producer's request, transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, applicable overhead expenses. Charges for such overhead expenses shall be based either (1) on the actual ratio of overhead to direct costs applicable during the preceding calendar year, or (2) as estimated in current budgets, but such charges shall be adjusted at the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the Director of the Area Office.

(e) *Reporting requirements.* The processor shall submit to the Director of the Area Office a certified statement of the gross proceeds and handling and delivery expenses incurred under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payments under the act, by a producer who processes sugarcane of the 1958 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing—Olaa Sugar Company.* The representative of this company stated that in the interest of solving the problem of the high costs of sugar production, the company has in recent years expended more than $5 million installing a new road system, levelling and clearing land, converting from hand to mechanical harvesting, providing the equipment to harvest and transport to the mill both processor and grower cane, and maintaining continuous and expensive experiments in developing, selecting, and planting of new cane varieties. He stated that in contrast, the grower's contributions have been limited primarily to levelling and clearing their land. He maintained that many of the contributions by the company also benefited the growers, but had not been given full recognition by the Department in setting the processing rate of 33 percent for the last two crops.

The witness stated that the company lost [illegible] per ton of sugar in processing sugarcane of producers in 1957, while the average net profit to producers was over [illegible] per ton of sugar. He stated that processing costs continue to be unusually high, mainly because the amount of extraneous material delivered with sugarcane is so great that the cleaning processes in use throughout the territory have been ineffective at Olaa. Based upon estimated costs for the 1958 crop, the witness recommended a processing rate of 38.4 percent, and that the profit charge of 5 percent on services be increased to 10 percent.

The representative of producers at Olaa, recommended that the delivery point for producer sugarcane be changed from "the mill" to "in trucks" and that the processor not be permitted to charge a profit on services furnished by the company to producers. Although the representative did not recommend a specific tolling rate he testified that producers on the average suffered substantial losses on the 1957 crop.

Kohala Sugar Company. The representative of this processor recommended that the 1958 determination be the same as that for 1957, except that the profit charge of 5 percent on services furnished to producers be increased to 10 percent. The witness stated that even though the 1957 determination adopted the processor's recommendation for an increase in the processing rate from 26 to 30 percent, the company would charge a rate of 26 percent for the 1958 crop as provided in its contracts with producers.

Laupahoehoe Sugar Company. The representative of this processor stated that of the 3 types of agreements the company now has with growers the major problem continues to be the status of those landowners holding 30-year contracts. The witness then described the specific system initiated in 1957 of charging overhead on labor, materials, and equipment. He stated that in view of the recent change in the company's accounting system it had no alternative but to rely on the cost data submitted at the hearing held in March 1957 and recommended that the 1958 determination continue the same provisions as those applicable to the 1957 crop.

The representative of producers at the Laupahoehoe Sugar Company recommended an "in-the-field" delivery point instead of "loaded on trucks" and that the processor not be permitted to charge a profit on services and materials furnished to producers.

C. Brewer and Company (representing Hilo Sugar Company, Onomea Sugar Company, Pepeekeo Sugar Company, Hakalau Sugar Company, Paauhau Sugar Company, Hawaiian Agricultural Company, and Hutchinson Sugar Company). The representative for these companies recommended that the processing rate be increased from 42 percent to 45 percent. He stated that each year as more producers convert from hand to mechanical harvesting methods, the costs to producers declines while the processor is required to bear increased costs of milling as a result of larger quantities of extraneous material in mechanically harvested cane as compared to hand cut cane. He also recommended continuation of the 5 percent profit on services and materials furnished to producers by the processor and that the delivery point for sugarcane remain as specified in the 1957 determination.

The representative of producers who produce sugarcane for the four Hilo Coast plantations operated by C. Brewer, recommended that no profit be permitted on materials and services furnished to producers by the processor and that the delivery point for sugarcane of producers be changed from "loaded-in-trucks" for mechanically cut cane to "at slings and at windrows." He also recommended that the rate for processing hand harvested cane from the Piihonua area cover the cost of placing sugarcane in flumes, fluming, in-field transportation and loading into trucks even when mechanical harvesting equipment is available. He stated that in this area roads are inadequate and mechanical harvesting can be carried on only in a few spotted areas along the side of the main roads.

(d) *1958 price determination.* This determination continues without change the provisions of the 1957 determination, except that it (1) does not apply to the toll agreement at Lihue Plantation Company, Ltd., nor to adherent planter agreements at Hakalau Sugar Company, Ltd., since these agreements are no longer in effect, and (2) specifies alternative bases for determining overhead charges on services provided to producers by the processor.

Consideration has been given to the recommendations and information submitted at the public hearing; to supplemental briefs and other information submitted since the hearing; to the results of studies and investigations of the economic position of producers and processors; and to other pertinent factors.

The recommendations of Olaa Sugar Company that its processing rate be increased from 33 percent to 38.4 percent, and of C. Brewer and Company that the processing rate for the companies which it represents be increased from 42 to 45 percent have not been adopted. Analysis of available data does not indicate changes in either producing or processing costs which would warrant an adjustment in the processing rates which were applicable to the 1957 crop.

The recommendations by the representatives of producers for changes in delivery points for sugarcane have not been adopted. Under the present methods of operation the delivery points which have been applicable for the past several years are believed to be the most equitable and provide for a measure of uniformity in establishing processing rates.

The recommendation by the representative of producers in one area that the rate for processing sugarcane cut by hand cover the costs of applicable infield transportation and the loading of it on trucks at the point of delivery, even though equipment is available to mechanically harvest the producers' sugarcane, has not been adopted. It is not believed desirable to include a provision that would tend to discourage mechanical harvesting since it is generally recognized that mechanical harvesting is more economical than hand harvesting.

In prior years processors have used several methods of allocating overhead charges to labor, materials, or services furnished by the processor to the producer. To provide a degree of uniformity and at the same time permit the processor an option in the method used in determining overhead charges, this determination provides that such overhead expenses shall be related to direct costs either on the actual experience rates applicable during the preceding year, or on current budgeted rates adjusted at the end of the year when actual costs are ascertained. If the experience rates based on the prior calendar year are used, such rates are to be considered final and are not to be adjusted at the end of the year.

On the basis of analysis and consideration of all the pertinent factors involved, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 301, 61 Stat. 929 as amended; 7 U. S. C. 1131)

Issued this 22d day of May 1958.

[SEAL] True D. Morse,
Acting Secretary.

[F. R. Doc. 58-3987; Filed, May 27, 1958; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 2]

Part 936—Fresh Bartlett Pears, Plums, and Elberta Peaches Grown in California

REGULATION BY GRADES AND SIZES

§ 936.583 *Plum Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal

Register (5 U. S. C. 1001 et seq.) in that as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1958.

(b) *Order*. (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Santa Rosa plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty (20) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.1[illegible] of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains [illegible] plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains [illegible] plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order (§§ 936.1 to 936.90).

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1958.

[SEAL] S. R. Smith,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3993; Filed, May 27, 1958; 8:53 a. m.]

[Plum Order 3]

Part 936—Fresh Bartlett Pears, Plums, and Elberta Peaches Grown in California

REGULATION BY GRADES AND SIZES

§ 936.584 *Plum Order 3*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1958.

(b) *Order*. (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Formosa plums unless such plums grade at least U. S. No. 1; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order (§§ 936.1 to 936.90).

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3994; Filed, May 27, 1958; 8:53 a. m.]

[Plum Order 4]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.585 *Plum Order 4*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of

such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Climax plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order (§§ 936.1 to 936.90).

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3995; Filed, May 27, 1958; 8:53 a. m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.586 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Burmosa plums unless such plums grade at least U. S. No. 1; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteenth-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard they shall be deemed to meet the minimum size requirements of this subparagraph; and

(ii) The diameters of the smallest and largest plums in the package or container shall not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order (§§ 936.1 to 936.90).

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-3996; Filed, May 27, 1958; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6985]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MEYRICH TEXTILE CO.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Eli Meyrich trading as Meyrich Textile Co., New York, N. Y., Docket 6985, April 26, 1958]

In the Matter of Eli Meyrich an Individual Trading as Meyrich Textile Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of wool products in New York City with violating the Wool Products Labeling Act by labeling as "100% Wool Except of Ornamentation" interlining materials which consisted of reprocessed wool or reprocessed wool and non-woolen fibers; by failing to label certain wool products as required; and by misrepresenting wool products in sales invoices, shipping memoranda, and letters to garment manufacturers as "100% Stitched Wool" and 100% Wool".

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Eli Meyrich, trading as Meyrich Textile Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of interlinings or other "wool products" as "wool products" are defined in and subject to the Wool Products Labeling Act do forthwith cease and desist from:

A. Misbranding such product by:

1. Falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where the percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment of such wool product in commerce as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Eli Meyrich, trading as Meyrich Textile Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers of which his products are composed, or the percentages or amounts thereof, in sales invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 25, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3975; Filed, May 27, 1958; 8:49 a. m.]

[Docket No. 6964]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INTERSTATE EXCHANGE CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Service; § 13.143 *Opportunities;* § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1697 *Opportunities in product or service;* § 13.1740 *Scientific or other relevant facts;* [*Misrepresenting* *oneself and goods*]—Services: § 13.1838 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bert Goodman et al. trading as Interstate Exchange Company, Chicago, Ill., Docket 6964, April 29, 1958]

In the Matter of Bert Goodman, and Melvin C. Crown, Individually and as Copartners Trading as Interstate Exchange Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a real estate firm in Chicago with telling would-be sellers that their property was undervalued and that the asking price should be increased, in order to increase listing fees collectible in advance; refusing to make promised refunds when the property was not sold; and representing falsely that it had prospective buyers interested in the purchase of sellers' specific properties, that its salesmen were bonded and insured, that it maintained a finance department and would finance the purchase of listed properties, and that it would furnish expert appraisers to evaluate listed properties.

Following approval of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 29 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Bert Goodman and Melvin C. Crown, individually or as copartners trading as Interstate Exchange Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale, of advertising in newspapers and in other advertising media, or of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly, or by implication:

(a) That respondents have available prospective buyers who are interested in the purchase of specific property;

(b) That property will be sold as a result of respondents' efforts;

(c) That the property sought to be listed is underpriced or that the asking price should be increased, or that respondents can or will sell the property at the increased price;

(d) That respondents' sales representatives are bonded or insured;

(e) That respondents maintain a financial department, or that they finance the purchase of listed property;

(f) That the listing fee is an advance on the selling commission or will be refunded to the property owner;

(g) That respondents furnish qualified, experienced or expert appraisers to evaluate property listed with them.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Bert Goodman and Melvin C. Crown, individually or as copartners trading as Interstate Exchange Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 29, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3976; Filed, May 27, 1958; 8:49 a. m.]

[Docket 6958]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KATTEN & MARENGO, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Concealing, obliterating, or removing law-required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Katten & Marengo, Inc., et al., Stockton, Calif., Docket 6958, April 17, 1958]

In the Matter of Katten & Marengo, Inc., a Corporation, Freeman Fine Furs, Inc., a Corporation, and Samuel Freeman, Individually and as an Officer of Freeman Fine Furs, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a department store in Stockton, Calif., and the furrier leasing the fur department in the store, with violating the Fur Products Labeling Act by removing or mutilating labels required to be affixed to fur products; by labeling which set forth the name of an animal other than that producing a particular fur; by labeling and invoicing which failed to set forth information as required; and by advertising which failed to disclose that certain fur products were artificially colored.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Katten & Marengo, Inc., a corporation, and its officers; Freeman Fine Furs, Inc., a corporation, and its officers; and Samuel Freeman, individually and as an officer of corporate Respondent Freeman Fine Furs, Inc.; and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce; or the transportation or distribution in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Removing or participating in the removal of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product is sold and delivered to the ultimate consumer;

B. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name provided for in Paragraph B 1 (a) above;

3. Setting forth, on labels attached to fur products, the information required by section 4 (2) of the Fur Products Labeling Act:

(a) In abbreviated form;

(b) Mingled with non-required information;

(c) In handwriting;

setting forth such required information on labels which do not meet the minimum size required by Rule 27 of the rules and regulations (§ 301.27);

Failing to set forth all of such required information on one side of labels attached to fur products as required by Rule 29 (a) of the rules and regulations (§ 301.29 (a));

Failing to separately set forth all of the required information on labels attached to fur products composed of two or more sections containing different animal furs, as required by Rule 36 of the rules and regulations (§ 301.36);

C. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported fur contained in a fur product;

2. Failing to set forth on invoices an item number or mark assigned to fur products as required by Rule 40 of the rules and regulations (§ 301.40);

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which fails to disclose that such fur products contained or were composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Katten & Marengo, Inc., a corporation, Freeman Fine Furs, Inc., a corporation, and Samuel Freeman, individually and as an officer of Freeman Fine Furs, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3977; Filed, May 27, 1958; 8:49 a. m.]

[Docket 6929]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL STITCH-O-MATIC CORP. AND SEYMOUR RATNER

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Exaggerated as regular and customary; § 13.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, International Stitch-O-Matic Corporation et al., Chicago, Ill., Docket 6929, April 15, 1958]

In the Matter of International Stitch-O-Matic Corporation, a Corporation, and Seymour Ratner, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor of sewing machines in Chicago with representing falsely, mainly by means of advertising mats placed in the hands of resellers of its products or by itself placed directly with newspapers, that highly exaggerated amounts were the usual retail price for their machines, that their sale price afforded large, or any, savings to purchasers, that the machines were nationally advertised in McCall's Magazine, and that they were backed by a "money back" guarantee purportedly lasting for 25 years but actually for only the few hours of the sale, and by a 25-year guarantee on the machine when in fact no parts were guaranteed at all except the motor and motor accessories, and they were guaranteed for one year.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents International Stitch-O-Matic Corporation, a corporation, and its officers, and Seymour Ratner, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of their sewing machines, or other merchandise, when such amounts are in excess of the price at which the respondents themselves, or their distributors, dealers, or others regularly and usually sell said sewing machines or other merchandise at retail;

2. Representing in any manner that a purchaser will effectuate a savings by buying respondents' sewing machines, or other merchandise, from respondents, themselves, or from particular dealers, or distributors, or others who sell respondents' products at retail, unless such is the fact;

3. Representing in any manner that their sewing machines, or other merchandise, has been or is being advertised in certain magazines, or in, or through other specific advertising media, when such is not the fact;

4. Representing, directly or by implication, that their machines are guaranteed for a specific period, or are entirely or fully guaranteed, without affirmatively and clearly disclosing any significant limitations upon such guarantees;

5. Placing in the hands of their distributors, dealers, or others who retail their sewing machines or other merchandise, the means of carrying out any misrepresentations as outlined in the foregoing four paragraphs, or putting into operation any plan whereby dealers, distributors, and others who sell respondents' sewing machines, or other merchandise at retail, may make misrepresentations as outlined in the foregoing four paragraphs.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents International Stitch-O-Matic Corporation, a corporation, and Seymour Ratner, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3978; Filed, May 27, 1958; 8:49 a. m.]

[Docket 6781]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

I. RUBIN, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.130 *Manufacture or preparation:* Fur Products Labeling Act; § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.* Subpart—*Using misleading name—Goods:* § 13.2280 *Composition:* Fur Products Labeling Act; § 13.2310 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, I. Rubin, Inc., et al., Beverly Hills, Calif., Docket 6781, April 1, 1958]

In the Matter of I. Rubin, Inc., a Corporation, Sheldon R. Rubin and Irving Rubin, Individually and as Officers of I. Rubin, Inc.

This case was heard by a hearing examiner on the complaint of the Commission charging a furrier in Beverly Hills, Calif., with violating the Fur Products Labeling Act by false labeling, invoicing, and advertising.

At the close of proceedings in due course, the hearing examiner made his initial decision, for review of the scope of which the Commission placed the case on its own docket. Concluding that it should be modified, the Commission on April 1 adopted the initial decision as thus modified as its own.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondent I. Rubin, Inc., a corporation, and its officers, and respondents Sheldon R. Rubin and Irving Rubin, as individuals and as officers of said corporation; and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation, or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such products were manufactured.

B. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is a fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

(6) The name of the country of origin of any imported furs used in the fur product.

C. Falsely or deceptively labeling or otherwise identifying any such products as to the regular prices or values thereof by any representation that the regular or usual price of such product is any amount in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

D. Setting forth on labels attached to fur products:

(1) Required information in handwriting;

(2) Non-required information mingled with required information.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is a fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artifically colored fur, when such is a fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported fur contained in a fur product.

B. Setting forth required information in abbreviated form.

C. Using the term "blended" to refer to or to describe bleached, dyed, or otherwise artificially colored fur products.

D. Failing to set forth the item number or mark assigned to such products.

3. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

B. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

C. Makes pricing or savings claims or representations of the type referred to in paragraph 3 (B) above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

It is further ordered, That the allegations of the complaint that respondents caused or participated in the removal of required labels from fur products and advertised their fur products with comparative prices and percentage savings claims which were not based upon current market values or which failed to give a designated time of a bona fide compared price be and hereby are dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent I. Rubin, Inc., a corporation, and respondents Sheldon R. Rubin and Irving Rubin shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified.

Issued: April 1, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-3979; Filed, May 27, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1639]

[Fairbanks 014349]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY, FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Department of the Army, for military purposes:

FAIRBANKS MERIDIAN

T. 4 S., R. 4 E.,
Sec. 28, SW¼SW¼, S½NW¼SE¼SW¼, S½SE¼SW¼;
Sec. 29, S½NW¼SW¼, S½N½NW¼SW¼;
West 400 feet of S½NW¼NE¼SW¼;
East 400 feet of SW¼NE¼SW¼.

The areas described aggregate approximately 104.09 acres.

2. No disposal of the surface and subsurface resources, including the mineral resources, of the lands shall be made except under the applicable public-land laws, and then only after such modification of the provisions of this order, with the concurrence of the Department of the Army, as may be necessary to permit such disposal.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 22, 1958.

[F. R. Doc. 58-3962; Filed, May 27, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 39, 149, 301]

MONTHLY RETURNS AND PAYMENT OF EMPLOYMENT TAXES AND EXCISE TAXES, AND PROCEDURE AND ADMINISTRATION RELATING TO SEPARATE ACCOUNTING FOR CERTAIN COLLECTED TAXES

NOTICE OF HEARING ON PROPOSED REGULATIONS

Proposed regulations under the act of February 11, 1958 (Public Law 85-321), relating to separate accounting for certain collected taxes, were published in the issue of the FEDERAL REGISTER for Tuesday, May 6, 1958 (23 F. R. 3004), with a notice of proposed rule making.

Notice is hereby given that a public hearing on these proposed regulations will be held on Thursday, June 12, 1958, at 10:00 a. m., e. d. s. t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D. C. All interested persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., at least three days prior to the date fixed for the hearing.

[SEAL] JOHN W. S. LITTLETON,
Director,
Technical Planning Division,
Internal Revenue Service.

[F. R. Doc. 58-3967; Filed, May 27, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 160]

GRAZING LEASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that it is proposed to amend §§ 160.12, 160.14, and 160.19 of 43 CFR 160. The proposed amendments are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections in respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 22, 1958.

1. The title to § 160.12 and paragraph (a) of that section are revised to read:

§ 160.12 *Lease lands subject to disposition; compensation to lessee for loss of improvements.* (a) Lands embraced in a grazing lease are subject to disposition under the provisions of the Act of June 28, 1934 (48 Stat. 1272, 1274), as amended, or other public land laws. Before any application for such disposition is allowed, evidence must be furnished that the applicant has agreed to compensate the lessee and the United States for any grazing improvements placed on the lands under the authority of the lease, permit, or cooperative agreement in an amount and manner to be mutually agreed upon. If the parties are unable to agree as to the amount, manner and time for compensation for such improvements, the amount, manner and time shall be fixed by the authorized officer. The failure of the applicant to comply with the agreement or the conditions fixed by the authorized officer shall be just cause for cancellation of any right or interest in the lands acquired by the applicant by reason of the allowance of his application.

2. Section 160.14 is revised to read:

§ 160.14 *Rentals; schedule of grazing fees; billing notices; effect of failure to pay.* (a) The annual rental charge for the use of the leased land will be based on the number of acres under lease, the estimated grazing capacity in AUMs (animal unit months), and the rate per AUM indicated in the then-current schedule of grazing fees established by the Director, Bureau of Land Management. The schedule of grazing fees will be established and may be modified, revised, or amended as the Director may determine from time to time and notice thereof shall be published in the FEDERAL REGISTER. The schedule rate will be effective (1) immediately as to new leases issued after date of publication; (2) 30 days after publication as to existing leases, the rental period of which begins after the 30-day period. The minimum rental on a lease shall not be less than $1 per annum.

(b) *Rental groups.* (1) Where the rental charge for a new lease is $50 or less for the full term of the lease, the entire amount shall be paid in advance and the rental charges will not be revised during the term of the lease. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 160.11 and 160.12;

(2) Where the rental for the entire lease term exceeds $50 and the rental for the first three-year period is $100 or less, the total amount for such three-year period shall be paid in advance. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 160.11 and 160.12. Rental charges may be revised at the end of each three-year period based on the grazing fee schedule then in effect. Billing notices will be issued prior to the termination of each three-year period and the rental is due and payable upon receipt of the billing notice;

(3) Where the amount of the rental charge for the first three-year period would exceed $100, the rental shall be charged and paid annually based on the then effective grazing fee schedule. A billing notice for the amount of such annual rental will be sent each lessee in advance and is due and payable upon receipt. No part of the rental paid will be refunded because of cancellation, relinquishment or assignment, except as provided in §§ 160.11 and 160.12.

(c) *Effect of failure to pay.* The first rental payment required under a proposed lease in accordance with this section shall be made within 10 days from receipt of the lease form; if not paid within such time the lease shall be null and void and of no effect and all rights of the proposed lessee thereunder or under the application upon which it is based shall be considered as terminated. Subsequent rental payments for succeeding lease periods as required by paragraph (b) (2) or (3) of this section are payable in advance. In any event, if such payment is not received in the proper office by the last day of the current lease period, or within 10 days of lessee's receipt of the billing notice, whichever is the later, then the lease shall be considered as cancelled and all rights thereunder terminated as of the end of such current lease period.

(d) No refund of rentals properly paid in accordance with the regulations in this part and the terms of the lease will be made because of a failure to use the grazing privileges granted by the lease, except that during periods of range depletion due to severe drouth or other natural causes or in case of a general epidemic of disease during the life of the lease the Director will in his discretion remit, refund, reduce in whole or in part, or postpone the payment of rentals for such period of depletion or general epidemic.

3. Section 160.19 is revised to read:

§ 160.19 *Cancellation.* Except as otherwise provided in § 160.14, if the lessee shall fail to comply with any of the provisions of the regulations in this part or of the lease or of any cooperative agreement (Form 4-1119) entered into with the Bureau of Land Management for the benefit of the lease, and such default shall continue for 30 days after service of written notice thereof, or if the lease was issued improperly through

error with respect to a material fact or facts, the lease may be terminated and cancelled by the authorized officer.

[F. R. Doc. 58-3966; Filed, May 27, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[Docket No. AO-303]

NECTARINES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, California, on March 19-21, 1958, after notice thereof published in the FEDERAL REGISTER (23 F. R. 1272), on a proposed marketing agreement and order regulating the handling of nectarines grown in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Acting Deputy Administrator, Marketing Services, Agricultural Marketing Service, on April 30, 1958, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 58-3369; 23 F. R. 3007).

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 58-3369; 23 F. R. 3007) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein except as may otherwise be stated in this decision.

Rulings on exceptions. Exceptions to the recommended decision were filed within the prescribed time by LeRoy G. Giannini, Chairman, Nectarine Order Promulgation Committee, Homer A. Harris, Secretary-Manager, Associated Produce Dealers and Brokers of Los Angeles, and R. E. Moyse, Secretary-Manager, Wholesale Fruit & Produce Dealers Association of San Francisco. Such exceptions were carefully and fully considered, in conjunction with the evidence in the record, in arriving at the findings and conclusions set forth herein. To the extent that the findings and conclusions set forth in this decision are at variance with any exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions to which the exceptions refer.

Exception was taken to the provision set forth in § 937.22 of the recommended marketing agreement and order which limits a grower to one vote for one nominee for member and one vote for one nominee for alternate member in the district in which he produces nectarines regardless of the number of positions to be filled from such district. Such provision was included as a means of implementing equitable distribution of representation in multiple member districts. The basis of the exception was that such limitation of itself would not necessarily assure equitable distribution of representation of members within such districts, and pointed out that in the event a large majority of growers voted for the same two candidates for member and alternate, the nominees for the remaining positions could be elected by a relatively small minority. This point is recognized and the provisions of said § 937.22 appropriately amended to provide for subdivision of multiple member districts into election districts in a manner designed to effect the desired equitable distribution of representation in such multiple member districts.

Exception was taken also to the findings and conclusions of the recommended decision and to the effectuating provisions set forth in the proposed marketing agreement and order, with respect to the authority to exempt from assessment, regulation, and inspection shipments to designated market areas in the State of California. The exception stated that if any intrastate shipments are permitted to move exempt from assessment, regulation, and inspection, such shipments would rapidly grow in volume and ultimately destroy the price structure for nectarines. The recommended decision clearly states that the exemption of nectarines shipped to designated market areas within the State of California is permissive. Moreover, it points out that if exemption is provided for nectarines shipped to any such areas and it is later deemed advisable to regulate movement to such areas, the exemption can be revoked, and the necessary regulations established to cover movement to any and all areas of the State. Therefore, the request for deletion of such exemption authority is denied.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Nectarines Grown in California," and "Order Regulating the Handling of Nectarines Grown in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: May 23, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Regulating the Handling of Nectarines Grown in California

Sec.
937.0 Findings and determinations.

DEFINITIONS

937.1 Secretary.
937.2 Act.
937.3 Person.
937.4 Production area.
937.5 Nectarines.
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AUTHORITY: §§ 937.0 to 937.71 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of this chapter governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 937.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure, as amended, effective thereunder (Part 900 of this chapter), a public hearing was held at Fresno, California, March 19–21, 1958, upon a proposed marketing agreement and a proposed marketing order regulating the handling of nectarines grown in California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of nectarines grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of nectarines grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of nectarines grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of nectarines grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 937.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 937.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 937.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 937.4 *Production area.* "Production area" means the State of California.

§ 937.5 *Nectarines.* "Nectarines" means all varieties of Prunus Amygdalus Nectarina, commonly called nectarines, grown in the production area.

§ 937.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of nectarines.

§ 937.7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on March 1 of one year and ending on the last day of February of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ 937.8 *Committee.* "Committee" means the Nectarine Administrative Committee established pursuant to § 937.20.

§ 937.9 *Grower.* "Grower" is synonymous with producer and means any person who produces nectarines for the fresh market and who has a proprietary interest therein.

§ 937.10 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting nectarines owned by another person) who handles nectarines.

§ 937.11 *Handle.* "Handle" and ship are synonymous and mean to sell, consign, deliver, or transport nectarines, or to cause nectarines to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided,* That the term handle shall not include the sale of nectarines on the tree, the transportation within the production area of nectarines from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such nectarines to such packing facility for such preparation.

§ 937.12 *District.* "District" means the applicable one of the following described subdivisions of the production area or such other subdivision as may be prescribed pursuant to § 937.31:

(a) "District 1" shall include the counties of Fresno and Madera.

(b) "District 2" shall include the counties of Tulare and Kings.

(c) "District 3" shall include the counties of Merced and Stanislaus.

(d) "District 4" shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.

(e) "District 5" shall include the balance of the production area.

§ 937.13 *Pack.* "Pack" means the specific arrangement, size, weight, count, or grade of a quantity of nectarines in a particular type and size of container, or any combination thereof.

§ 937.14 *Container.* "Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of nectarines.

§ 937.15 *Marketing season.* "Marketing season" means the period beginning on May 1 and ending on November 30 of any year.

ADMINISTRATIVE BODY

§ 937.20 *Establishment and membership.* There is hereby established a Nectarine Administrative Committee consisting of eight members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. The members and their alternates shall be growers or employees of growers. Three of the members and their respective alternates shall be producers of nectarines in District 1. Two of the members and their respective alternates shall be producers of nectarines in District 2. One of the members and his alternate shall be producers of nectarines in District 3; one member and his alternate shall be producers of nectarines in District 4; and one member and his alternate shall be producers of nectarines in District 5.

§ 937.21 *Term of office.* The term of office of each member and alternate member of the committee shall be for one year beginning March 1 and ending on the last day of February. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 937.22 *Nomination*—(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § 937.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of the growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned. Such procedure shall include the subdivision of multiple member districts into election districts designed to provide equitable distribution of representation.

(2) Only growers who are present at such nomination meetings, or represented at such meetings by duly authorized employees, may participate in the nomination and election of nominees for members and their alternates. Each such grower, including employees of such grower, shall be entitled to cast but one vote for one nominee for member and one vote for one nominee for alternate

member in the district or election district in which he produces nectarines.

(3) A particular grower, including employees of such grower, shall be eligible for membership as principal or alternate to fill only one position on the committee.

§ 937.23 *Selection.* From the nominations made pursuant to § 937.22, or from other qualified persons, the Secretary shall select the eight members of the committee and an alternate for each such member.

§ 937.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 937.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 937.20.

§ 937.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 937.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 937.22 and 937.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 937.20.

§ 937.27 *Alternate members.* An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district to serve in such member's place and stead.

§ 937.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 937.31 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to nectarines;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request;

(k) To investigate compliance with the provisions of this part;

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in nectarine production within the districts and the production area.

§ 937.32 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of the majority of those present: *Provided,* That any action of the committee to recommend regulations pursuant to §§ 937.50 to 937.55 shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 937.33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $5.00 per day or portion thereof spent in performing such duties: *Provided,* That the committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 937.34 *Annual report.* The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

§ 937.37 *Shippers' Advisory Committee.* (a) A Shippers' Advisory Committee, consisting of five members, who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members and alternate members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve in such capacities during the marketing season subsequent to such election. Such meeting shall be supervised by the Nectarine Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers.

(c) The Shippers' Advisory Committee may attend each meeting of the Nectarine Administrative Committee held to consider recommendations with respect to regulations of shipments pursuant to the provisions of this subpart. The Shippers' Advisory Committee may advise the committee on matters relating to such recommendations, but shall have no vote with such committee in any matter. Members of the Shippers' Advisory Committee shall serve without compensation but may be reimbursed for expenses necessarily incurred in attendance of meetings of the Nectarine Administrative Committee.

EXPENSES AND ASSESSMENTS

§ 937.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in § 937.41.

§ 937.41 *Assessments.* (a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during fiscal period, each person who first handles nectarines during such period shall pay to the committee, upon demand, assessments on all nectarines so handled. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all nectarines handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 937.42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 937.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of nectarines. The expense of such projects shall be paid from funds collected pursuant to § 937.41.

REGULATIONS

§ 937.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 937.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of nectarines within the production area;

(2) The expected general quality and size of nectarines in the production area and in other areas;

(3) The expected demand conditions for nectarines in different market outlets;

(4) The expected shipments of nectarines produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of nectarines; and

(8) The type of regulations expected to be recommended during the marketing season.

§ 937.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of nectarines in the manner provided in § 937.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for nectarines during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 937.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of nectarines whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of nectarines grown in the production area;

(2) Limit the shipment of nectarines by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of nectarines.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 937.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 937.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of nectarines in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 937.54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 937.41, 937.52, 937.53, and 937.55, and the regulations issued thereunder, handle nectarines (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 937.41, 937.52, 937.53, or 937.55, the handling of nectarines (1) to designated market areas within the State of California; or (2) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 937.45), or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretry, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent nectarines handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle nectarines pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the nectarines will not be used for any purpose not authorized by this section.

§ 937.55 *Inspection and certification.* (a) Whenever the handling of any variety of nectarines is regulated pursuant to § 937.52 or § 937.53, each handler who handles nectarines shall, prior thereto, cause such nectarines to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirments of such regulation: *Provided,* That inspection and certification shall not be required for nectarines which previously have been so inspected and certified if such prior inspection was performed within such period as may be established pursuant to paragraph (b) of this section. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such nectarines. The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided,* That all shipments made under such waiver shall comply with all regulations in effect.

(b) The committee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(c) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 937.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of nectarines as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the nectarines received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 937.61 *Compliance.* Except as provided in this part, no person shall handle nectarines, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle nectarines except in conformity with the provisions of this part and the regulations issued under this part.

§ 937.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 937.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 937.64.

§ 937.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner he which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided,* That such majority has, during the current marketing season, produced more than 50 percent of the volume of the nectarines which were produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of March subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum within the period beginning December 1, 1960, and ending February 1, 1961, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum within the same 2-month period of every second fiscal period thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 937.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 937.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued un-this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 937.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 937.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 937.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 937.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 937.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Order Directing That Referendum Be Conducted; Designation of Agents To Conduct Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1957, through February 28, 1958 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of nectarines for market to ascertain whether such producers favor the issuance of an order regulating the handling of nectarines grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Oscar H. Chapin, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

Dated: May 23, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3997; Filed, May 27, 1958; 8:54 a. m.]

Agricultural Marketing Service
Commodity Stabilization Service
[6 CFR Part 464]
[7 CFR Part 29]

TOBACCO PRICE SUPPORT; TOBACCO INSPECTION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture has under consideration the issuance of concurrent and identical statements of agency policy and rules and regulations under 6 CFR Part 464 and 7 CFR Part 29, to govern the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets, pursuant to the provisions of the Tobacco Inspection Act (49 Stat. 731, 7 U. S. C. 511 et seq.), the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U. S. C. 714 et seq.), and the Agricultural Act of 1949, as amended (63 Stat. 1051; 7 U. S. C. 1421 et seq.). All persons who desire to submit written data, views and arguments relating thereto should transmit the same, in duplicate, to the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than June 10, 1958.

The policy statements and rules and regulations proposed to be issued under Part 464 of Title 6 and under Part 29 of Title 7 are identical except for section numbering. The proposed amendment to Part 29 of Title 7 would be as follows:

Delete Subpart A, of Part 29, Title 7, consisting of §§ 29.1 and 29.2, and substitute therefor the following new subpart:

SUBPART A—POLICY STATEMENT AND REGULATIONS GOVERNING THE EXTENSION OF TOBACCO INSPECTION AND PRICE SUPPORT SERVICES TO NEW MARKETS AND TO ADDITIONAL SALES ON DESIGNATED MARKETS

§ 29.1 *Definitions.* As used in this subpart, the following terms shall have the following meanings:

(a) "Bona fide auction sale" and "auction sale" are synonymous and shall mean the buying and selling of tobacco offered by farmers by the auction process which customarily and usually consists of an adequate set of buyers representing different companies which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who can be expected by reason of their normal purchases and use of tobacco to afford continuing competition for the duration of such sale for tobacco offered by producers thereon; an auctioneer who takes each buyer's bid; a sales starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(b) "Adequate set of buyers" shall mean 5 or more buyers representing 5 or more companies or buying organizations who could reasonably be expected to purchase at least two-thirds of the total U. S. production of the kind of tobacco for which the additional services are requested.

(c) "New market" shall mean an auction market or sale, other than on a designated market, at which inspection service under the Tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(d) "Additional sale" means a proposed additional auction sale as herein defined proposed to be conducted on a designated market.

(e) "Designated market" means a market designated for mandatory inspection service pursuant to the Tobacco Inspection Act and § 29.73.

(f) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States Department of Agriculture to whom he has delegated or may delegate the authority to act in the premises.

(g) "Hearing Clerk" means the Hearing Clerk of the United States Department of Agriculture, Washington 25, D. C.

(h) "Kind of tobacco" means any one of the following: Flue-cured, Burley, Fire-cured, Dark Air-cured, Maryland, or Virginia Sun-cured.

§ 29.2 *Policy statement.* Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, extending inspection and price support services to additional sales, without limitation, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall only be made available on additional auction sales as hereinafter provided:

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to additional markets and sales will be conditioned upon the reasonableness of such services existing in the applicant market area. Transactions in tobacco as conducted at auction markets involve the sale of tobacco at a bona fide auction sale participated in by an adequate set of buyers. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the applicant market or sale will function as a bona fide auction sale and has firm commitments from an adequate set of buyers that they will participate in the sale if inspection and price support services are provided, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the applicant market or sale; the roads and road distances involved in moving tobacco to the proposed market or sale in relation to other tobacco marketing centers; the relative availability of facilities for redrying and packing tobacco handled or to be handled in the proposed market or sale; the location of other markets on which tobacco produced in the marketing area of the proposed market or sale may be marketed; the number of tobacco growers to be affected by the proposed market or sale; volume of tobacco likely to be sold in the market or sale; relationship of sales in the applicant market or sale to sales in other markets in the type-producing area; and other economic factors affecting the marketing of tobacco, by growers, in the area of the applicant market or sale and in the type-producing area.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on markets designated for free and mandatory inspection shall be given priority over applicants for additional inspection service on a fee basis on other markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those sales or markets where the greatest number of growers needing such service may be served with the qualified inspectors shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any market will be offered through tobacco auction warehouses operating in such market, and notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the provisions of the applicable tobacco price support program, published at 6 CFR Part 464.

§ 29.3 *Procedures for filing, hearing and determination of applications*.—(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than April 30 in the case of flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 31 in the case of Burley and all other kinds of tobacco: *Provided, however,* That applications relating to flue-cured tobacco for the 1958 crop may be filed not later than June 15, 1958.

(b) *Form and content of application.* The application shall be in writing and signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed sale.

(c) *Hearings on applications.* Following the closing date for applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and loan services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin not more than 30 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, published in the FEDERAL REGISTER and a copy mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Presiding officer.* The presiding officer at each such hearing shall be a Hearing Examiner of the Office of Hearing Examiners of the United States Department of Agriculture or such other employee of the Department of Agriculture as the Secretary may designate to act as presiding officer at such hearing. The presiding officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and following the opening of the hearing, to recess the hearing to such other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of proving, by documentary evidence or by the testimony of buying organizations, which buying organizations are firmly committed to participate in the sale if inspection and price support services are provided. The question of whether the buying organizations so committed constitute an adequate set of buyers shall not be established at the hearing but shall be resolved on the basis of data and information relating to such buyers otherwise available to the Department, some of which data is or may be by law, confidential. Each applicant also shall have the burden of presenting evidence relative to the additional factors specified in § 29.2 (a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The presiding officer shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the presiding officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed ten days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the presiding officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Agricultural Marketing Service; the Administrator, Commodity Stabilization Service; and a representative of the Office of the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee specified in paragraph (h) of this section shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to such applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final for the forthcoming marketing season: *Provided,* That any determination that additional services will be provided may be reviewed and may be vacated if it is subsequently found that any material fact upon which a determination to render such service was based was materially erroneous or false. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

Done at Washington, D. C., this 23d day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-3988; Filed, May 27, 1958; 8:51 a. m.]

ALASKA GAME COMMISSION

[50 CFR Part 163]

TRAPPING AND HUNTING LICENSES

ALASKA WILDLIFE PROTECTION; SPECIAL BROWN AND GRIZZLY BEAR LICENSE

Section 10 of the Alaska Game Law of June 13, 1925 as amended (43 Stat. 744), provides that in addition to the hunting, trapping, and fishing licenses or permits required by any other provisions of the Alaska Game Law, or by regulations authorized to be issued thereunder, the Alaska Game Commission may from time to time prescribe regulations requiring residents, nonresidents and aliens to obtain special licenses upon the payment of fees fixed by such regulations, prior to the taking of specified game or fur animals in specified areas.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), notice is hereby given that under the authority conferred by the Alaska Game Law, the Alaska Game Commission proposes to adopt amendments to Part 163 which would require the procurement of a special license, in addition to the regular hunting license, by persons desiring to hunt brown and grizzly bears in certain designated areas in Alaska. Accordingly, Part 163 would be amended by adding the following additional section:

§ 163.2 *Special brown and grizzly bear license.* Any person, required by regulations made pursuant to the Alaska Game Law to possess a hunting license, shall be additionally required to possess a valid special brown and grizzly bear license prior to taking any brown or grizzly bear in Wildlife Management Units 1, 4 through 17 inclusive, and 19 through 26 inclusive. Such special license shall bear his signature written in ink on the face thereof, and he shall have his license on his person when taking brown or grizzly bear and shall produce it for inspection by any game management agent or other authorized person requesting to see it. The fee for the special brown and grizzly bear license shall be $10.00. Each application for a license shall be made on a form prescribed by the Commission and if the application is made by mail it shall be accompanied by a bank draft or an express or postal money order payable to the U. S. Fish and Wildlife Service for the amount of the license fee.

Interested persons are hereby afforded an opportunity to participate in the preparation of the amended regulations to be adopted as set forth above by submitting their views, data, or arguments in writing to the Executive Officer, Alaska Game Commission, P. O. Box 2021, Juneau, Alaska, on or before June 30, 1958.

Dated: May 15, 1958.

CLARENCE J. RHODE,
Executive Officer,
Alaska Game Commission,
Juneau, Alaska.

[F. R. Doc. 58-3989; Filed, May 27, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 18, 42, 43]

[Draft Release No. 58-5A]

APPLICATION OF MINIMUM PERFORMANCE STANDARDS FOR ELECTRONIC EQUIPMENT TO ALL AIRCRAFT OPERATING UNDER IFR WEATHER CONDITIONS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

The Bureau of Safety circulated as Civil Air Regulations Draft Release No. 58-5 dated March 17, 1958 (23 F. R. 1962) proposed amendments to Parts 18, 42, and 43 of the Civil Air Regulations on the subject: "Application of Minimum Performance Standards for Electronic Equipment to All Aircraft Operating Under IFR Weather Conditions." Reference is made to the draft release for a full explanation of the purpose and background of the proposed rules.

The draft release stated that all persons desiring to participate in the making of the proposed rules should submit comment to the Civil Aeronautics Board prior to May 26, 1958.

The Bureau has been requested by interested persons to extend the date for return of comment for a period of at least 60 days so that they may have "the fullest" time to secure certain data necessary to support their comment on the proposed amendments.

The data to be developed concern:

1. TSO status of the radio and electronic navigational equipment on present aircraft.

2. The availability of suitable (under the proposed amendments) replacement radio and electronic navigational equipment and the appraisal of such equipment for cost, weight, space, and electrical capacity requirements.

3. The availability of certificated radio repair stations to meet particular geographic location and operational requirements.

4. The cost and the availability of the additional technically qualified manpower needed, under the terms of the proposal, by aircraft owners now operating their own aircraft maintenance organizations to continue their present maintenance capabilities.

In view of the fact that such information is essential to a proper consideration of the issues raised by the proposal, it is considered that a 90-day extension of the date for return of comment will serve a useful purpose.

Accordingly, the Bureau is extending the time for submission of comment with respect to Civil Air Regulations Draft Release No. 58-5, and the Bureau will consider written comment submitted not later than August 26, 1958. Comments should be submitted in duplicate and addressed to the Civil Aeronautics Board, Bureau of Safety, Washington 25, D. C. Copies of such comment will be available after August 28, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007, 1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., May 23, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58-3991; Filed, May 27, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 178]

[Order 61]

ARIZONA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541 dated April 21, 1954 (19 F. R. 2473), the following described public lands totalling 240 acres, in Maricopa County, Arizona, that were classified by Small Tract Classification Order No. 54, dated September 19, 1956, are hereby opened for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 2 E.
Sec. 35: NW¼, W½SW¼

2. Classification of the above described lands by this Order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The above listed lands are located approximately 18 miles north of Phoenix and ¼ mile west of the Black Canyon Highway (State Highway No. 69). The land is identified by finding section corners at the northwest and southwest corners of section 35, and the quarter corner common to sections 34 and 35. Unimproved desert roads lead into the area from the Black Canyon Highway (State Highway No. 69). The NW¼NW¼ and the SW¼SW¼ are situated on the slopes of small rocky mountains of volcanic origin. The NW¼SW¼ is of rolling topography cut by small washes and subject to periodic flooding. The E½NW¼ and SW¼NW¼ are flat to rolling and of a sandy loam soil with scattered rocky outcroppings. Vegeta-

tion is southern desert shrub type consisting primarily of creosote, paloverde, cacti, burroweed, and numerous species of winter annuals. Heavy stands of mesquite are found along the larger drainages. It appears that domestic water can be obtained from wells at not to exceed 100 feet in depth. Complete community services are available in Glendale, Sunnyslope, and Phoenix, each a short driving distance from the subject lands.

4. The individual tracts are five acres in size with the longer dimensions lying east and west. A filing fee in the amount of $10.00 will be required from each successful lessee. The appraised price, advance three year rental, and right-of-way for each tract is as shown below:

Tract No.	Legal description	Appraised price	3-year advance rental	Right-of-way allowance
1	N½NE¼NE¼NW¼	$1,250.00	$187.50	50 feet N. and E. boundary.
2	N½NW¼NE¼NW¼	1,250.00	187.50	50 feet N. and W. boundary.
3	N½NE¼NW¼NW¼	750.00	112.50	50 feet N. and E. boundary.
4	N½NW¼NW¼NW¼	750.00	112.50	50 feet N. and W. boundary.
5	S½NW¼NW¼NW¼	750.00	112.50	50 feet W. boundary.
6	S½NE¼NW¼NW¼	750.00	112.50	50 feet E. boundary.
7	S½NW¼NE¼NW¼	1,250.00	187.50	50 feet W. boundary.
8	S½NE¼NE¼NW¼	1,250.00	187.50	50 feet E. boundary.
9	N½SE¼NE¼NW¼	1,250.00	187.50	50 feet E. boundary.
10	N½SW¼NE¼NW¼	1,250.00	187.50	50 feet W. boundary.
11	N½SE¼NW¼NW¼	750.00	112.50	50 feet E. boundary.
12	N½SW¼NW¼NW¼	750.00	112.50	50 feet W. boundary.
13	S½SW¼NW¼NW¼	750.00	112.50	50 feet S. and W. boundary.
14	S½SE¼NW¼NW¼	750.00	112.50	50 feet S. and E. boundary.
15	S½SW¼NE¼NW¼	1,250.00	187.50	50 feet S. and W. boundary.
16	S½SE¼NE¼NW¼	1,250.00	187.50	50 feet S. and E. boundary.
17	N½NE¼SE¼NW¼	1,250.00	187.50	50 feet N. and E. boundary.
18	N½NW¼SE¼NW¼	1,250.00	187.50	50 feet N. and W. boundary.
19	N½NE¼SW¼NW¼	1,250.00	187.50	50 feet N. and E. boundary.
20	N½NW¼SW¼NW¼	1,250.00	187.50	50 feet N. and W. boundary.
21	S½NW¼SW¼NW¼	1,250.00	187.50	50 feet W. boundary.
22	S½NE¼SW¼NW¼	1,250.00	187.50	50 feet E. boundary.
23	S½NW¼SE¼NW¼	1,250.00	187.50	50 feet W. boundary.
24	S½NE¼SE¼NW¼	1,250.00	187.50	50 feet E. boundary.
25	N½SE¼SE¼NW¼	1,250.00	187.50	50 feet E. boundary.
26	N½SW¼SE¼NW¼	1,250.00	187.50	50 feet W. boundary.
27	N½SE¼SW¼NW¼	1,250.00	187.50	50 feet E. boundary.
28	N½SW¼SW¼NW¼	1,250.00	187.50	50 feet W. boundary.
29	S½SW¼SW¼NW¼	1,250.00	187.50	50 feet S. and W. boundary.
30	S½SE¼SW¼NW¼	1,250.00	187.50	50 feet S. and E. boundary.
31	S½SW¼SE¼NW¼	1,250.00	187.50	50 feet S. and W. boundary.
32	S½SE¼SE¼NW¼	1,250.00	187.50	50 feet S. and E. boundary.
33	N½NE¼NW¼SW¼	1,000.00	150.00	50 feet N. and E. boundary.
34	N½NW¼NW¼SW¼	1,000.00	150.00	50 feet N. and W. boundary.
35	S½NW¼NW¼SW¼	1,000.00	150.00	50 feet W. boundary
36	S½NE¼NW¼SW¼	1,000.00	150.00	50 feet E. boundary.
37	N½SE¼NW¼SW¼	1,000.00	150.00	50 feet E. boundary.
38	N½SW¼NW¼SW¼	1,000.00	150.00	50 feet W. boundary.
39	S½SW¼NW¼SW¼	1,000.00	150.00	50 feet S. and W. boundary.
40	S½SE¼NW¼SW¼	1,000.00	150.00	50 feet S. and E. boundary.
41	N½NE¼SW¼SW¼	750.00	112.50	50 feet N. and E. boundary.
42	N½NW¼SW¼SW¼	750.00	112.50	50 feet N. and W. boundary.
43	S½NW¼SW¼SW¼	750.00	112.50	50 feet W. boundary.
44	S½NE¼SW¼SW¼	750.00	112.50	50 feet E. boundary.
45	N½SE¼SW¼SW¼	750.00	112.50	50 feet E. boundary.
46	N½SW¼SW¼SW¼	750.00	112.50	50 feet W. boundary.
47	S½SW¼SW¼SW¼	750.00	112.50	50 feet S. and W. boundary.
48	S½SE¼SW¼SW¼	750.00	112.50	50 feet S. and E. boundary.

All minerals in the lands will be reserved to the United States.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price in accordance with paragraph 4 above, provided that during the period of their leases they either (a) construct the improvements specified in paragraph 7, or, (b) file a copy of an agreement in accordance with 43 CFR Part 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The house must be suitable for year-round occupancy with at least 500 square feet of floor space fully enclosed and must be permanently attached to a full, concrete foundation. The houses must be built in a workmanlike manner out of attractive, properly finished materials.

All construction must comply with Maricopa County Zoning Ordinances and sanitation facilities must consist of adequate cesspool or septic tank. Plumbing facilities must be completed inside the house and electrical wiring and fixtures must be installed.

8. The lands are now open to filing of Drawing Entry Cards (Form 4-775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the Armed Forces of the United States for a period of at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans, and (c), with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing Entry Cards (Form 4-775) are available upon request from the Manager, Land Office, P. O. Box 148, Phoenix, Arizona.

Drawing Entry Cards will be accepted if filled out in compliance with the instructions of the form and filed with the above named official prior to 3:00 p. m., June 18, 1958. A drawing will be held on June 23, 1958. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants who have submitted properly completed drawing cards will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776) with instructions as to their execution and return, and as to payment of fees and rentals.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, P. O. Box 148, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

MAY 19, 1958.

[F. R. Doc. 58-3933; Filed, May 27, 1958; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 19, 1958.

The Civil Aeronautics Administration of the Department of Commerce has filed an application, Colorado 018672, for the withdrawal of the lands described below from all forms of appropriation, including the mining and mineral leasing laws, subject to valid existing claims.

The applicant desires the land for establishment of a VORTAC Air Navigation Facility.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 330 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 94 W.,
Sec. 10, E½SW¼ and W½SE¼.

The above area aggregates 160 Acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-3963; Filed, May 27, 1958; 8:46 a. m.]

[California 546]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER

MAY 19, 1958.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management under Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described lands, in Shasta county, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. [illegible] N., R. 5 W.,
  Sec. [illegible], NE¼.

Containing 160 acres subdivided into approximately 64 small tracts of which [illegible] are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 19, 1958, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer in Charge,
Northern Field Group,
Sacramento, California.

[F. R. Doc. 58-3964; Filed, May 27, 1958; 8:46 a. m.]

[Serial No. Idaho 08886]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 20, 1958.

Pursuant to the authority delegated to me by Bureau of Land Management Order No. 541 dated April 21, 1954 (19 F. R. 2473), the following described public lands were classified by Small Tract Classification Order No. 8 as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended. No applications have been received over a period of seven years, and the classification has been and is hereby revoked.

BOISE MERIDIAN, IDAHO

T. 5 S., R. 11 E.,
  Sec. 25, N½SE¼NE¼.
T. 5 S., R. 12 E.,
  Sec. 30, N½ of Lot 2.

Within the above areas are 38.14 acres of public lands.

The land under consideration is rough, rocky range land. The topography is mainly undulating. The soil is shallow with numerous small lava outcrops showing. The vegetation consists mainly of cheatgrass, mustard and Russian-thistle. The land is located approximately in the center of the West Bliss Grazing Unit. The Federal range in this area is used almost exclusively for grazing and has very little value for any other use. The land is located 84 miles east of Boise, Idaho, on U. S. Highway 30.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on June 25, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September 24, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on September 24, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-3965; Filed, May 27, 1958; 8:46 a. m.]

[Classification No. 31]

COLORADO

SMALL TRACT CLASSIFICATION, AMENDMENT; SMALL TRACT OPENING (PUBLIC SALE)

1. Effective immediately the number "15" in the Order headings for Federal Register Documents 55-1632 and 55-2186 appearing in the issues for February 25 and March 17, 1955, respectively, is amended to "31." The word "application" in paragraph 6 of Federal Register Document 55-1632, appearing on page 1181 of the issue for February 25, 1955, is hereby amended to read "bid at public auction."

2. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), I hereby offer the following described land which was classified by Classification Order No. 15, dated February 18, 1955 (20 F. R. 1181) for public sale under the Small Tract Act of June 1, 1938, as amended:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 43 N., R. 4 W.,
  Sec. 15, lot. 25.

Containing 2.44 acres, comprising one tract.

3. This lot lies along the west shore of Lake San Cristobal, about four miles south of Lake City, in Hinsdale County, Colorado. A county-maintained road paralleling the west shore of Lake San Cristobal crosses the tract. The lot is composed of coarse rocky alluvial outwash from a small, steeply sided drainage immediately to the west. The tract slopes east to the lake shore and has several small nearly level benches. Vegetation consists of a very few conifer trees and a sparse cover of native grasses and weeds. The area is subject to long severe winters, with deep snow and low temperatures.

4. The appraised value of the lot is $550. All minerals in the land are reserved by the United States. A right-of-way 40 feet in width west of and adjoining and parallel to the established meander line of Lake San Cristobal as shown on plat of survey and supplemental plat thereto, accepted September 2, 1932, and more fully described in the

Field Notes of Public Land Survey, Volume 454, page 644, of the Colorado Survey Office of the BLM, is reserved for roads and for public utilities in accordance with Title 43 CFR 257.17 (b) and for access to Lake San Cristobal. This right-of-way reservation comprises the approximate area lying between the west boundary of the existing county road and the shore line of Lake San Cristobal. Final Certificate and patent will be issued subject to section 24 of the Federal Power Act.

5. Persons who have acquired a tract under the Small Tract Act are not qualified to purchase this tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tract will be sold at public auction at a public sale to be held in Room 367, New Custom House, Denver, Colorado, at 10:00 a. m. and 2:00 p. m. on September 11, 1958. The sale at 10:00 a. m. will be open only to those persons who qualified for veterans preference under the provisions outlined in paragraph 9 below. The 2:00 p. m. sale will be open to the public generally, but will be held only if the tract described in paragraph 2 above remains unsold after the 10:00 a. m. sale. Bids may be made personally by an individual or his agent at either sale, or by mail. Bids sent by mail will be considered only if received at the Colorado Land Office prior to 10:00 a. m., September 11, 1958. No bid will be accepted if it is less than the appraised price of the tract. See paragraph 4 above for appraised value.

7. To facilitate the completion of the sale, all oral bidders at the 10:00 a. m. sale should bring with them a photostatic copy of their discharge papers or other acceptable certification of proof of right to veteran's preference, as outlined in paragraph 9, below.

8. Each bid sent by mail must clearly show: (a) The full name and mailing address of the bidder; (b) Classification Order No. 31; (c) The legal description of the tract for which the bid is made, described in accordance with paragraph 2 of this Order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or bank draft, made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veteran's preference, as outlined in paragraph 8 below, must accompany the bid. Such papers will be returned promptly after the sale. Each envelope containing a bid must be addressed to the Manager, Land Office, Bureau of Land Management, Room 371, New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Classification Order No. 31"; (c) "Veteran's Preference"; if the bidder is entitled to such preference; and (d) the description of the tract for which the bid is made, described in accordance with paragraph 2 above. Sender's name and return address should be shown on reverse side of envelope.

9. In accordance with 43 CFR 257.14 (e), the tract, when offered at the 10:00 a. m. sale, will be awarded to the highest bidder among persons entitled to veteran's preference. Persons entitled to veteran's preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 16, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. Veterans who were discharged on account of wounds or disability incurred in the line of duty, or the surviving spouse or minor children of veterans killed in line of duty are eligible for veteran's preference regardless of whether such servicemen served less than 90 days after September 16, 1940. The tract will be offered at the 2:00 p. m. sale if it is not sold at the 10:00 a. m. sale, and will be awarded to the highest bidder among the general public irrespective of qualifications upon which veteran's preference is based.

10. Mrs. Montana Yaw, 3269 Julian Street, Denver, Colorado, claims an equity in a house and other improvements on this lot. In the event Mrs. Yaw is not the successful bidder for this tract, she will be allowed a reasonable period of time from September 11, 1958, the date of sale, within which to remove any improvements that can be removed without substantial damage to the land or the improvements. Any other person acquiring this lot as a result of this sale will be required, as a condition precedent to issuance of final certificate and patent, to reimburse Mrs. Yaw for the reasonable value of all the permanent improvements which are left on the land and which are of value to the persons taking over the land. Proof of such reimbursement must be filed with the Land Office Manager, Bureau of Land Management, Room 371, New Custom House, P. O. Box 1018, Denver 1, Colorado. In the absence of agreement between the owner of the improvements and the purchaser at public auction, the Bureau of Land Management will determine the fair and reasonable value for the improvements upon the land for which compensation must be paid.

11. Sealed bids will be opened in the presence of the public in Room 367, New Custom House, Denver 1, Colorado, beginning at 10:00 a. m. on September 11, 1958. The highest sealed bid received for the tract will be posted for public inspection at the sale.

12. All inquiries concerning this tract should be addressed to the Land Office Manager, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOT HALL,
Lands and Minerals Officer.

MAY 21, 1958.

[F. R. Doc. 58-3990; Filed, May 27, 1958; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-4]

ASSISTANT COMMISSIONER OF INTERNAL REVENUE (PLANNING AND RESEARCH)

ESTABLISHMENT OF NEW OFFICE

There shall be in the National Office of the Internal Revenue Service the office of Assistant Commissioner of Internal Revenue (Planning and Research).

The provisions of Treasury Department Order No. 150-24 are revised accordingly by this order.

Dated: May 19, 1958.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-3968; Filed, May 27, 1958; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND AND WESTBOUND CONFERENCES

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 7820-4, between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Eastbound Conference, modifies the basic agreement of that conference (No. 7820, as amended), to provide for a membership admission fee of $1,250.

(2) Agreement No. 7830-5, between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Westbound Conference, modifies the basic agreement of that conference (No. 7830, as amended), to provide for a membership admission fee of $1,250.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 22, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3960; Filed, May 27, 1958; 8:45 a. m.]

RAY C. FISCHER CO., INC., AND AMERICAN OCEANIC FORWARDING CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8308 between Ray C. Fischer Co., Inc., Minneapolis, Minnesota, and American Oceanic Forwarding Co., Division of Hawaiian Freight Forwarders Ltd., San Francisco, California, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 22, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3961; Filed, May 27, 1958; 8:45 a. m.]

Office of the Secretary

DOUGLAS T. MCGINTY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Douglas T. McGinty.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 12, 1958.
4. Title of position: Chief, Forgings Branch.
5. Name of private employer: Steel Improvement & Forge Company, 970 E. 64th Street, Cleveland, Ohio.

APRIL 10, 1958.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Steel Improvement and Forge Company.
Rental Property.
Bank Deposits.

Dated: May 15, 1958.

DOUGLAS T. MCGINTY.

[F. R. Doc. 58-3958; Filed, May 27, 1958; 8:45 a. m.]

JULIEN R. STEELMAN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 14, 1956, 21 F. R. 9985; May 29, 1957, 22 F. R. 3768; November 30, 1957, 22 F. R. 9628:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 14, 1958.

Dated: May 14, 1958.

JULIEN R. STEELMAN.

[F. R. Doc. 58-3959; Filed; May 27, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-332]

ACCIDENT OCCURRING NEAR LAS VEGAS, NEV.

NOTICE OF HEARING

In the matter of investigation of collision accident involving aircraft of United States registry N 6328C and Military F-100F, which occurred near Las Vegas, Nevada, April 21, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, June 16, 1958, at 9:00 a. m. (local time) in the Fremont Hotel, Las Vegas, Nevada.

Dated at Washington, D. C., May 21, 1958.

[SEAL] THOMAS K. MCDILL,
Presiding Officer.

[F. R. Doc. 58-3992; Filed, May 27, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6510]

WESLEY WEST

NOTICE OF RECONVENING HEARING

MAY 22, 1958.

Take notice that Wesley West (Applicant) an individual whose address is P. O. Box 1656, Houston 1, Texas, filed an application on September 29, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the application on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Vienna Field, Lavaca County, Texas, to Texas Eastern Transmission Corporation, which transports and sells the gas in interstate commerce.

A notice of intervention in the above proceeding was filed by New York Public Service Commission on May 25, 1955. A petition for leave to intervene, filed by Public Service Electric and Gas Company on May 31, 1955, was granted by Commission order issued May 8, 1958.

A public hearing in the above proceeding was convened on July 11, 1955 and recessed subject to action by the Commission on the petition to intervene filed by Public Service Electric and Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, the aforementioned hearing will be reconvened on June 20, 1958, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3981; Filed, May 27, 1958; 8:50 a. m.]

[Docket No. G-15125]

UNIT GAS COMPANY, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 22, 1958.

Unit Gas Company, Inc. (Unit), on April 22, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 22, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Unit's FPC Gas Rate Schedule No. 1.

Effective date: May 23, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Unit states, among other things, that the contract was arrived at by arm's-length bargaining and the pricing provision is an integral part of the consideration which was established for the entire volume of gas to be sold during the full contract term. It also asserts that the proposed prices are below the current market value of the commodity sold.

In further support of the proposed increased rate and charge, Unit submitted a cost of service study based upon its gathering and selling operations. This study, however, contains several questionable items which will necessitate setting the matter for hearing. Among such items is a 12 percent discrepancy between the estimated volume of gas purchased and the volume sold; its inclusion of purchased gas costs in working capital requirements and failure to credit Federal income tax accruals thereto; inclusion of plant investment on a year-end basis; and utilizing a 9 percent rate of return without any showing of adequate support therefor.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Unit's FPC Gas Rate Schedule No. 1 be suspended.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Unit's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 23, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Digby dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3982; Filed, May 27, 1958; 8:50 a. m.]

[Docket No. G-15126]

PONTIAC REFINING CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 22, 1958.

Pontiac Refining Corporation (Operator) et al., (Pontiac) on May 8, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Unit Gas Company, Inc.

Rate schedule designation: Supplement No. 1 to Pontiac's FPC Gas Rate Schedule No. 1.

Effective date: June 8, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Pontiac states among other things, that the contract was arrived at by arm's length bargaining and the pricing provision is an integral part of the consideration which was established for the entire volume of gas to be sold during the full contract. It asserts that the proposed prices are below the current market value of the commodity sold.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. However, since the increased rate proposed by Unit Gas Company, Inc., the purchaser under the aforesaid rate schedule, has been suspended until October 23, 1958, it appears proper to suspend Pontiac's proposed increased rate to the same date.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Pontiac's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Pontiac's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 23, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Digby dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3983; Filed, May 27, 1958; 8:51 a. m.]

[Docket No. G-15127]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 22, 1958.

Gulf Oil Corporation (Gulf Oil) on April 25, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 24, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 3 to Gulf Oil's FPC Gas Rate Schedule No. 46.

Effective date: May 26, 1958 (effective date is the effective date proposed by Gulf Oil.)

In support of the proposed periodic rate increase, Gulf Oil mentions arm's-length bargaining and states that the proposed price represents the fair and reasonable market value of the gas. Gulf Oil also cites the de minimis nature of the increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Gulf Oil's FPC Gas Rate Schedule No. 46 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12955.

15 thereof, the Commision's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing will be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Gulf Oil's FPC Gas Rate Schedule No. 46.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 26, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Digby dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3984; Filed, May 27, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 218]

MOTOR CARRIER APPLICATIONS

MAY 23, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4409 (Sub No. 12), filed May 8, 1958. Applicant: R. & H. CORPORATION, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811-19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated homes*, and *components, furnishings and fixtures* of prefabricated homes, from points in Clarion County, Pa., to points in New York, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, and Washington, D. C., and *refused, rejected and damaged shipments* of prefabricated homes, and *raw materials* used or useful in the construction and manufacture of prefabricated homes, on return. Applicant is authorized to conduct operations as a contract carrier in Pennsylvania, New Jersey, New York, Maryland, West Virginia, Ohio, Delaware, Virginia, the District of Columbia, Rhode Island, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, Indiana, Michigan, and Tennessee.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 4409 Sub 11, to determine whether applicant's status is that of a contract or common carrier. Applicant is affiliated with Diamond Transfer & Storage Company, a common carrier operating under Certificate MC 52290. Dual operations under section 210 may be involved.

HEARING: June 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 8957 (Sub No. 3), filed May 9, 1958. Applicant: GLENN H. BROWER, R. D. No. 1, Lewistown, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste or scrap materials, metals* and *metal articles*, loose and not in containers, between Lewistown, Pa., and points in Granville, Derry, and Decatur Townships, Mifflin County, Pa., except the Borough of Burnham, on the one hand, and, on the other, points in New York, New Jersey, Ohio, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Rhode Island, Connecticut, Massachusetts, Delaware, Indiana, Michigan, and the District of Columbia, and St. Albans, Vt., and Claremont, N. H. Applicant is authorized to conduct operations in Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia.

NOTE: The proposed operations also embrace in part, authority applicant holds in Permit No. MC 8957 (Sub No. 2). If and when the requested authority is granted, applicant agrees to elimination of any duplicate authority therein or revocation of Permit No. MC 8957 (Sub No. 2) which contains substantial authority which would be duplicated.

HEARING: July 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 30605 (Sub No. 99), Correction) filed February 10, 1958, published issue of April 2, 1958, on Page 2154. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Dept., The Atchison, Topeka, and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities* except livestock, sand, coal, rock, hay, Class A and B explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles; (2) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; (3) *Class A and B explosives*, except liquid nitroglycerine, between Wichita, Kans., and Harper, Kans., from Wichita over Kansas Highway 42 to junction Kansas Highway 2, thence over Kansas Highway 2 to Harper, and return over the same route, serving no intermediate points, and serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Manhattan, Kans., and Oklahoma City, Okla., and between Wellington, Kans., and Dairview, Okla. Applicant indicates the proposed service is subject to the same conditions applicable to authority contained in applicant's Certificate No. MC 30605 as reflected in Items 1 and 47, and also subject to the conditions in applicant's Certificate No. MC 30605 (Sub No. 65) applicable to the transportation of Class A and B explosives, except liquid nitroglycerine, in service auxiliary to or supplemental of, rail service of the railway.

NOTE: The commodity descriptions in (1) and (2) above could be combined into a single general commodity description, but are set up separately to identify the authorized regular routes involved.

HEARING: June 30, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 36473 (Sub No. 65) (CORRECTION), filed April 3, 1958, published page 3043, issue of May 7, 1958. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. Applicant's representative: Ben H. Fowler, % Central Truck Lines, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. In the previous publication route (1) of the proposed operations were set forth reading: between Lake City, Fla., and Pearson, Fla., in error. Correctly set forth, the authority sought in route (1) of the instant application reads: Between Lake City, Fla., and Pearson, *Georgia*.

HEARING: Remains as assigned June 4, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 52579 (Sub No. 32), filed April 11, 1958. Applicant: GILBERT CARRIER CORP., 645 West 40th Street, New York, N. Y. Applicant's attorney: Irving Klein, 280 Broadway, New York 7, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers and in packages in a combined service, and *hangers*, between New York, N. Y., on the one hand, and, on the other, points in Ohio, Michigan, Illinois, Missouri, and California. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 30, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

No. MC 76478 (Sub No. 2), filed May 14, 1958. Applicant: CHESTER CARRIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, soil or earth*, from points in East Caln Township, Chester County, Pa., to points in Cecil, Kent, Queen Annes, Talbot, and Caroline Counties, Md., and *sand*, from points in Cecil County, Md., to points in Chester County, Pa. Applicant is authorized to transport stone, soil or earth, sand gravel, bricks, cinders, cinder blocks and bituminous concrete between points in specified counties in Pennsylvania and points in New Jersey and Delaware.

HEARING: July 2, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 199.

No. MC 76987 (Sub No. 4), filed May 12, 1958. Applicant: ORVILLE C. BADGER TRUCKING CO., INC., P. O. Box 389, Portsmouth, N. H. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured by or dealt in by the National Gypsum Company, *materials and supplies* used by such Company in its business, and *returned containers or pallets*, between Portsmouth, N. H., on the one hand, and, on the other, points in New Hampshire, points in Oxford, Franklin, Somerset, Aroostock, Piscataquis, Penobscot, Washington, Hancock, Waldo, Knox, and Lincoln Counties, Maine, points in Bennington, Rutland, Addison, Washington, Chittenden, Lamoille, Franklin, Orleans, Essex, and Grand Isle Counties, Vt., and points in Franklin, Clinton, Essex, Hamilton, Warren, Washington, Saratoga, Fulton, Montgomery, Schenectady, Rensselaer, Albany, Schoharie, Greene, and Columbia Counties, N. Y. Applicant is authorized to conduct operations in New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, Vermont, and Maine.

NOTE: Applicant states that the above service will be limited under contract with the National Gypsum Company.

HEARING: July 2, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 96607 (Sub No. 4), filed April 14, 1958. Applicant: MURRELL RUCKER AND BURRELL RUCKER, a Partnership, doing business as RUCKER BROTHERS TRUCKING COMPANY, 733 East 11th Street, Tacoma 2, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses*, from Chehalis, Wash., to points in Idaho. Applicant is authorized to transport lumber between specified points in Washington and prefabricated houses from Chehalis, Wash. to points in Oregon and Longview, Tacoma, and Seattle, Wash.

HEARING: July 18, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 102616 (Sub No. 654), filed May 12, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles (a) from Riverside (Northumberland County), Pa., and points within five (5) miles thereof, to points in Connecticut, Delaware (except points in New Castle County), Maine, Maryland (except Baltimore), Massachusetts, New Hampshire, Rhode Island, Vermont, and Virginia; (b) between Riverside (Northumberland County), Pa., and points within five (5) miles thereof, on the one hand, and, on the other, points in Ohio, New Jersey (except points in Essex, Hudson, Somerset, and Union Counties), New York, West Virginia (except Institute and South Charleston), and Chicago, Ill.; (c) between Stonewall (Rockingham County), Va., on the one hand, and, on the other, points in New Jersey and Pennsylvania; (d) between Rahway, N. J., on the one hand, and, on the other, points in New York and that portion of Pennsylvania west of U. S. Highway 220; and *molasses*, in bulk, in tank vehicles, from Camden, Carteret, Paulsboro, Perth Amboy, and Woodridge, N. J., to Riverside (Northumberland County), Pa., and points within five (5) miles of Riverside. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 2, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Gerald F. Colfer.

No. MC 107162 (Sub No. 10), (Republication), filed January 6, 1958. Applicant: BERNHART G. JOHNSON, 517 Avery Avenue, Iron Mountain, Mich. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. This is a second publication which covers a Report and Order of the Commission, Division 1, dated April 10, 1958, in the above-numbered proceeding.

By application filed January 6, 1958, applicant sought authority as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting fertilizer and fertilizer ingredients, from Hillsboro, Vernon County, Wis., and Hull, Portage County, Wis., to points in the Upper Peninsula of Michigan, over irregular routes. In the Report of the Commission of April 10, 1958, Division 1 found, in part, there is a discrepancy in one of the origin points sought by applicant and as published in the FEDERAL REGISTER, as compared to points from which shippers show a need for the proposed service. Shippers, express a need for the proposed service from Hillsboro and *Stevens Point*, Wis., and nowhere is there any showing that the proposed service is needed from Hull. We do not feel constrained to deny Stevens Point as an origin point because of the apparent inadvertent error on applicant's part and in order to avoid further proceedings on the matter if possible, we will authorize service herein from Stevens Point. However, other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually sought herein. In the circumstances, we shall publish a corrected notice of the authority actually sought and shall withhold issuance of a certificate herein for a period of 30 days from the date of this republication, during which period any interested proper party may file an appropriate protest or other pleading. The following correctly sets forth the authority actually sought by applicant. *Common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Hillsboro and Stevens Point, Wis., to points in the Upper Peninsula of Michigan.

No. MC 107295 (Sub No. 59), filed May 1, 1958. Applicant: PRE-FAB TRANSIT CO., a Corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, [illegible] East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spiral lock seam conduit and matched fittings*, from Columbus, Ohio to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lee W. Cunningham.

No. MC 111320 (Sub No. 34), filed May 9, 1958. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Road building and/or earth moving equipment*, and *parts thereof*, except commercial trucks in driveaway service, between New Philadelphia, Ohio, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Herbert L. Hanback.

No. MC 111785 (Sub No. 7), filed May 14, 1958. Applicant: FRED C. BURNS, doing business as BURNS MOTOR FREIGHT, 1005 Third Avenue, Marlinton, W. Va. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D. C. Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, in bags, from Richmond, Va., to points in Braxton, Fayette, Greenbrier, Monroe, Nicholas, Pocohontas, Raleigh, and Summers Counties, W. Va. Applicant is authorized to conduct operations in Maryland, West Virginia, Virginia, Pennsylvania, North Carolina, New York, Georgia, Kentucky, Ohio, Wisconsin, and Massachusetts.

HEARING: July 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 345.

No. MC 112263 (Sub No. 3), filed March 12, 1958. Applicant: MARTIN VAN LINES, INC., 1461 Elliott Avenue West, Seattle, Wash. Applicant's attorney: George Kinnear, 3314 White Building, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) between points in Washington, Oregon, California, Idaho, Wyoming, Montana, Utah, Nevada, and Colorado; and (B) between points in Washington, Oregon, California, Idaho, Wyoming, Montana, Utah, Nevada, and Colorado, on the one hand, and, on the other, points in North Dakota, South Dakota and Minnesota. Applicant is authorized to conduct operations in California, Colorado, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE: Duplication with present authority to be eliminated.

HEARING: July 21, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner James H. Gaffney.

No. MC 112750 (Sub No. 29) (Clarification), filed March 21, 1958, published page 2885, issue of April 30, 1958. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, L. I., N. Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place, Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except currency, coin and bullion), as are used in the businesses of banks and banking institutions. In the previous publication item (1) of the territory proposed to be served was described as: (1) between Dallas and Fort Worth, Tex., on the one hand, and, on the other, *points in Oklahoma*, Johnson, Coal, Toka, Bryan, Pushmataha, Choctaw, and McCurtain Counties, Okla. Reference to points in Oklahoma, shown above in script refers to points in the County of Oklahoma, Okla. Also, item (2) was incorrectly designated as item (3).

HEARING: Remains as assigned June 16, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Reece Harrison.

No. MC 117133 (Sub No. 1), filed March 7, 1958. Applicant: PUBLIC FREIGHTWAYS LTD., a Corporation, 1445 Charles Street, Vancouver 6, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Neptune Beach, Anacortes, Richmond Beach, and Seattle, Wash., to Ports of Entry at or near the boundary between the United States and Canada of Blaine, Lynden, Sumas, Laurier, and Oroville, Wash.

HEARING: July 17, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117291, filed March 24, 1958. Applicant: JACK TURNER AND GEORGE TURNER, doing business as TURNER TOWING, 2620 Pacific Avenue, Tacoma, Wash. Applicant's attorney: Douglas F. Albert, 3701 Sixth Avenue, Washington Square, Tacoma 6, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles*, in truckaway service, from points in Pierce County, Wash., to the port of entry on the International Boundry line between the United States and Canada at or near Blaine, Wash.

HEARING: July 17, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 117330, filed April 11, 1958. Applicant: FLEMINGTON TRANSPORTATION INCORPORATED, Flemington, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, stone, clay products*, and *fiber pipe*, between New York, N. Y., points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Schenectady, Albany, Greene, Ulster, Sullivan, Delaware, Broome, Orange, and Rockland Counties, N. Y., points in New Jersey, and those in Fairfield, New Haven, and Hartford Counties, Conn., on the one hand, and, on the other, points in Tuscarawas, Stark, Columbiana, Jefferson, and Mahoning Counties, Ohio, and those in Beaver, Jefferson, and Armstrong Counties, Pa.

HEARING: July 3, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

No. MC 117340, filed April 14, 1958. Applicant: TRIO BUTCHERS TRUCKING CORP., 636 West 131st Street, New York 27, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats* and *packing-house products*, as defined by the Commission in 61 M. C. C. 209, Appendix I, Paragraphs A and B, (1) from Newark, N. J., to the warehouse site of the Daitch Crystal Dairies, Inc., located at 87 Woodworth Avenue, Yonkers, N. Y.; (2) from the warehouse site of the Daitch Crystal Dairies, Inc., located at 87 Woodworth Avenue, Yonkers, N. Y., to Stamford and Greenwich, Conn.; and (3) *rejected, returned, and damaged shipments* of the above-described commodities and *meat hooks* belonging to the shipper, from the above-specified destination points to the above-specified origin points.

HEARING: July 2, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

No. MC 117371, filed April 28, 1958. Applicant: TRANSIT CARRIER, a Corporation, 15 Wagaraw Road, Hawthorne, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in hopper-type vehicles, from Morrisville, Pa., to Jersey City and Paterson, N. J.

HEARING: July 2, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub No. 39), filed May 10, 1958. Applicant: MANHATTAN TRANSIT COMPANY, U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip operations during the racing season at Saratoga Race Track, beginning and ending at Jersey City and Newark, N. J. and extending to Saratoga Race Track, Saratoga Springs, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Pennsylvania, District of Columbia, Delaware, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, Rhode Island, Tennessee, Vermont, and Virginia.

HEARING: June 30, 1958, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 3.

No. MC 113369 (Sub No. 1), filed May 12, 1958. Applicant: FEDERAL BUS SYSTEM, INC., 10 Light Street, Baltimore, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and/or their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Benedict, Md., and Prince Frederick, Md.: from Benedict over Maryland Highway 231 to Prince Frederick, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations between Washington, D. C., and Benedict, Md.

HEARING: July 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 115116 (Sub No. 2), filed May 9, 1958. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting:

Passengers and their baggage, **and *express* and *newspapers* in the same vehicle with passengers, between New Brunswick, N. J., and Manville, N. J., from New Brunswick over Somerset County Highway 527 in Franklin Township to South Bound Brook, N. J., thence over city streets to unnumbered highways in Franklin Township, thence over unnumbered highways and city streets to Manville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.**

HEARING: **June 27, 1958, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Blvd., Newark, N. J., before Joint Board No. 119.**

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 163), filed May 12, 1958. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over an alternate route, transporting: *General commodities,* except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chatsworth, Ga., and Calhoun, Ga., from Chatsworth over U. S. Highway 76 to Spring Place, Ga., thence over Georgia Highway 225 to Calhoun, and return over the same route, serving no intermediate points, and serving Chatsworth for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Nashville, Tenn., and Macon, Ga., (b) Calhoun and Cedartown, Ga., and alternate route operations between Knoxville, Tenn., and Cartersville, Ga. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states the purpose of this application is to establish a new route between Maryville, Tenn., and Anniston, Ala., by a connection between two presently authorized routes.

No. MC 19201 (Sub No. 103), filed May 12, 1958. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa., Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* including commodities in bulk and those requiring special equipment, but excluding Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company, (1) between Xenia, Ohio, and Springfield, Ohio, from Xenia over U. S. Highway 68 to Springfield, and return over the same route, serving intermediate points which are stations on the rail line of the Pennsylvania Railroad Company; (2) between London, Ohio, and junction Ohio Highway 56 and U. S. Highway 40, northwest of London, over Ohio Highway 56, serving no intermediate points, and serving said junction for purposes of joinder only.

NOTE: Applicant states in the verified statements supporting the application that it will consent to the imposition of the following restriction upon any authority granted herein. Restriction: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, hereinafter called the railroad. Said carrier shall not serve any point not a station on the rail line of the railroad. No shipment shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Cincinnati, Columbus, and Piqua, Ohio, and Richmond, Ind. All contractual arrangements between said carrier and the railroad shall be reported to us and shall be subject to revision, if and as we find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as we in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of, rail service. Dual operations or common control may be involved. Applicant is authorized to conduct operations in Pennsylvania, Ohio and West Virginia.

No. MC 28264 (Sub No. 4), filed May 2, 1958. Applicant: 3-Y MOTOR FREIGHT, INCORPORATED, East 2110 Broadway Avenue, Spokane, Wash. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Newport, Wash., and the port of entry on the International Boundary line between the United States and Canada at or near Washington Highway 6, over Washington Highway 6 serving the intermediate points of Dalkena, Usk, Cusick, Locke, Jared, Ruby, Tiger, Ione, Metaline, and Metaline Falls, Wash., and points in Washington within fifteen (15) miles of Metaline Falls, Wash., as intermediate and off-route points; and (2) Between Spokane, Wash., and junction Washington Highway 6, near Usk, Wash., from Spokane over U. S. Highway 195 to junction Washington Highway 6B, thence over Washington Highway 6B to junction Washington Highway 6, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (a) between Spokane, Wash., and Newport, Wash., and (b) applicant's proposed regular route operations described in (1) above. Applicant is authorized to transport similar commodities in Washington.

NOTE: Duplication with present to be eliminated.

No. MC 35320 (Sub No. 60), filed 9, 1958. Applicant: T. I. M. E. PORATED, 2604 Texas Avenue, Tex. Applicant's attorney: W. D. son, Jr., P. O. Box 1120, Lubbock, Authority sought to operate as a *carrier,* by motor vehicle, *General commodities,* except those usual value, Class A and B household goods as defined by the mission, commodities in bulk, and requiring special equipment, serving lerton, Calif., as an off-route connection with applicant's regular route operations to and Los Angeles, Calif. Applicant is ized to conduct operations in Oklahoma, New Mexico, Arizona, fornia, Arkansas, Kentucky, Ohio, Georgia, Missouri, Illinois, Indiana.

No. MC 35320 (Sub No. 61), filed 10, 1958. Applicant: T. I. M. E. PORATED, 2604 Texas Avenue, Box 1120, Lubbock, Tex. Applicant's torney: W. D. Benson, Jr.; Same as applicant. Authority sought to ate as a *common carrier,* by motor hicle, over a regular route, *General commodities,* except those usual value, Class A and B household goods as defined by the mission, commodities in bulk, and requiring special equipment, Plains, Tex., and Lovington, N. from Plains over Texas Highway the New Mexico-Texas State line, over New Mexico Highway 337 to junction of New Mexico Highway thence over New Mexico Highway Lovington, and return over the route, serving all intermediate points Texas. Applicant is authorized to duct operations in Texas, Oklahoma, Mexico, California, Arizona, Tennessee, Kentucky, Ohio, Missouri, Illinois, and Indiana.

NOTE: Applicant states that it does not duplicating authority.

No. MC 50291 (Sub No. 3), filed May 9, 1958. Applicant: HUNT TRANS CO., INC., 1111 East Madison, Seattle, Wash. Applicant's attorney: William Adams, Pacific Building, Portland, Oreg. Authority sought to operate as a *common carrier,* by motor vehicle, irregular routes, transporting: *hold goods,* as defined by the Commission between points in Washington. cant is authorized to transport commodities in Washington, Oregon, and Idaho.

No. MC 103378 (Sub No. 102), May 10, 1958. Applicant: PETROLEUM CARRIER CORPORATION, 369 garet Street, Jacksonville, Fla. cant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, irregular routes, transporting: *rosin,* in bulk, in tank vehicles, from Hoboken, Ga., to Jacksonville, Fla. Applicant is authorized to conduct operations in Florida, Georgia, Alabama, and South Carolina.

No. MC 105042 (Sub No. 4), filed May 13, 1958. Applicant: DOW TRUCK

Inc., 209 Benson Building, Sioux City, Iowa. Applicant's attorney: Philip [illegible], 1221 Badgerow Building, Sioux City 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, between Sergeant Bluff and Sioux City, Iowa and points in Nebraska and South Dakota on and west of U. S. Highway 83 and those in Minnesota on and south of U. S. Highway 10 from Moorehead, Minn., to Staples, Minn., thence U. S. Highway 210 from Staples to Duluth, Minn., the above authority not to include points in the named States within 125 miles of Sioux City, Iowa. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, and South Dakota.

No. MC 110525 (Sub No. 357), filed May 14, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, Pa. Applicant's attorney: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Wurtland, Ky., to Ravenswood, W. Va. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 113408 (Sub No. 1), filed May [illegible], 1958. Applicant: EDMUND R. OWENS, R. D. No. 2, Uniondale (Susquehanna Co.), Pa. Applicant's attorney: P. J. Sheridan, Forest City, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Livestock and poultry feed*, in bulk and in containers, from junction Pennsylvania Highways [illegible] and 370 near Burnwood, Pa., over Pennsylvania Highway 370 to Lakewood, Pa., and *empty containers* used in transporting feed, on return over the above-specified regular route. Applicant is authorized to transport the same commodity from Binghamton, N. Y. to Pleasant Mount, Pa. over U. S. Highway 11 to Great Bend, Pa., Pennsylvania Highway 70 to Herrick Center, Pa., and Pennsylvania Highway 371 to Pleasant Mount, and empty containers on return.

No. MC 114719 (Sub No. 2), filed March [illegible], 1958. Applicant: FRANK R. DEAN, JR., Beltline Highway, Lexington, Ky. Applicant's attorney: Robert J. Turley, First Federal Building, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, in truckaway service, between points in Kentucky, Indiana, Ohio, West Virginia, Tennessee, and Illinois. Applicant is authorized to transport malt beverages from Peoria, Ill., to Lexington, Ky., and empty containers on return.

No. MC 115217 (Sub No. 4), filed April 28, 1958. Applicant: ANTHONY DeGROSA; doing business as DeGROSA TRUCKING CO., 206 Park Street, Moonachie, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber articles*, from Unionville, N. Y., to Trenton and Flemington, N. J., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N. J., Bristol, Philadelphia and Allentown, Pa., and New York, N. Y., and *Commodities used in the manufacture of rubber articles*, from the above-specified destination points to Unionville, N. Y. Applicant indicates the proposed authority is to be restricted to service under a continuing contract with Minisink Rubber Company, Inc. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 115875 (Sub No. 1), filed May 14, 1958. Applicant: HAROLD MILLER, doing business as H. R. MILLER TRUCKING, 502 Dana Avenue, Columbus 23, Ohio. Applicant's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rejected, damaged, or defective metal burial caskets*, from points in Pennsylvania, New York, Massachusetts, West Virginia, Virginia, Illinois, Indiana, Michigan, Kentucky, Wisconsin, North Carolina, South Carolina, Tennessee, Georgia, Florida, Maryland, and New Jersey to Columbus, Ohio. Applicant is authorized to transport metal burial caskets from Columbus, Ohio, to points in Pennsylvania, New York, Massachusetts, West Virginia, Virginia, Illinois, Indiana, Michigan, Kentucky, Wisconsin, North Carolina, South Carolina, Tennessee, Georgia, Florida, Maryland, and New Jersey.

No. MC 117229, filed March 6, 1958. Applicant: JOSEPHINE ALI, JAMES DOMINICK ALI, LOUIS JOSEPH ALI, AND JOSEPH FRANK ALI, doing business as D. ALI TRUCKING, 1017 McLaughlin Run Road, Bridgeville, Pa. Applicant's attorney: Frank J. Zappala, Jr., Zappala Law Building, 505 Second Avenue at Grant Street, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal, coke*, and *coal fuel products*, in bulk, from the mine sites of the Campbell Coal Company and its operative agencies in Allegheny and Washington Counties, Pa., to points in Hancock, Brooke, Ohio, Marshall, Wetzell, and Monongalia Counties, W. Va., and to points in Trumbull, Mahoning, Columbiana, Jefferson, and Cuyahoga Counties, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 111037 (Sub No. 2) filed May 13, 1958. Applicant: WARREN CITY LINES, INC., 34 Pennsylvania Avenue, East, Warren, Pa. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Warren, Corry, Youngsville, Sheffield, and Clarendon, Pa., and points within fifteen (15) miles of each, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, and the District of Columbia.

REQUEST FOR MODIFICATION OF INTERIM PERMIT

No. MC 101126 (Sub No. 71), (REQUEST FOR MODIFICATION OF INTERIM PERMIT) filed May 12, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Applicant's representative: Joseph A. Steinhauser, Traffic Manager, Same address as applicant. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils* and *fats* and *blends*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Augusta, Ga., limited to a transportation service to be performed, under a continuing contract, or contracts, with the E. Kahn's Sons Company, of Cincinnati, Ohio.

NOTE: The above-named carrier has been issued an Interim Permit dated April 1, 1958, authorizing transportation of the above-named commodities from and to the same points limited to service for the Procter and Gamble Company, of Cincinnati, Ohio. By appropriate request applicant now seeks authority to add an additional shipper, E. Kahn's Sons Company. If no protests to the modification of the authority in Interim Permit No. MC 101126 (Sub No. 71) are received within 30 days after this publication the instant authority will be amended to reflect the additional shipper. A proceeding under section 212 (c) has been instituted to determine whether the applicant's status is that of a contract or common carrier.

PETITION

No. MC 95627, PETITION FOR REFORMATION OF CERTIFICATE, received May 15, 1958. Petitioner: EUGENE NELMS, RFD No. 4, P. O. Box 191, Suffolk, Va. Petitioner's attorney: Harry F. Gillis, Mills Building, Washington, D. C. Eugene Nelms, petitioner, directs this petition specifically to the commodity description "lard cans, meat boxes and barrels" contained in its Certificate MC 95627 dated April 4, 1951, in connection with the following portion of authority therein: "Meats, salt, *lard cans, meat boxes, barrels*, and coal"; "Meats, salt, *lard cans, meat boxes, barrels*, coal, roofing, nails, feed, seed and wire fencing"; and "Pepper, saltpeter and *lard cans*", from and to specified points in Virginia. Petitioner seeks modification of the above underscored restrictions in the form of a correction or change, to read "and containers used in the transportation thereof", in support of which petitioner states that it is recognized today that many certificates issued in the early days of regulation were unduly restrictive in their commodity descriptions; and such narrow description does not meet petitioner's or its shippers present-day transportation requirements.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 107906 (Sub No. 13), filed May 16, 1958. Applicant: TRANSPORT MOTOR EXPRESS, INC., Meyer Road, P. O. Box 958, Fort Wayne, Ind. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods* as defined by the Commission, and *empty containers*, but excluding commodities of unusual value, Class A and B explosives, commodities in bulk and those requiring special equipment, between points in Illinois within a 50-mile radius of Elmhurst, Ill. Applicant is authorized to conduct operations in Pennsylvania, Illinois, Ohio, West Virginia, Indiana, Delaware, New York, New Jersey, Maryland, the District of Columbia, Virginia, Massachusetts, Connecticut, Rhode Island, Wisconsin, and Missouri.

NOTE: The instant application is directly related to proceeding in No. MC-F 6909, Transport Motor Express, Inc.—Purchase—Joseph Marfise.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6893 (correction) published in the May 14, 1958, issue of the FEDERAL REGISTER on page 3291. Application should have been shown as one for merger into DAKOTA EXPRESS, INC., of DAKOTA FILM SERVICE, INC.

No. MC-F 6899 (MILLER TRANSPORTERS, LTD.—CONTROL AND MERGER—L. P. GAS MOTOR CARRIER, INC.), published in the May 21, 1958, issue of the FEDERAL REGISTER on page 3480. Application filed May 16, 1958, for temporary authority under section 210a (b).

No. MC-F 6905. Authority sought for purchase by NEW YORK CENTRAL TRANSPORT COMPANY, 230 Park Avenue, New York 17, N. Y., of a portion of the motor carrier operating rights of TRUCK TRANSPORT COMPANY, 3601 Wyoming Avenue, Dearborn, Mich., and for acquisition by ALLEGHANY CORPORATION and THE NEW YORK CENTRAL RAILROAD COMPANY, both of New York, of concurrent control of NEW YORK CENTRAL TRANSPORT COMPANY, of such rights through the transaction. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York 38, N. Y., and Beverley S. Simms, c/o Wrape & Hernly, 1624 Eye Street NW., Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Pontiac, Mich., and Cincinnati, Ohio, between Piqua, Ohio, and Muncie, Ind., between Wapakoneta, Ohio, and Indianapolis, Ind., between specified points in Ohio, between specified points in Indiana, between specified points in Michigan, between Detroit, Mich., and Waukegan, Ill., between Detroit, Mich., and Niagara Falls, N. Y., between Flint, Mich., and Toledo, Ohio, and between Nappanee, Ind., and Sandusky, Ohio, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *empty equipment*, between Middlefork, Ind., and Lafayette, Ind., between Liberty, Ind., and Cincinnati, Ohio, between Cincinnati, Ohio, and Rushville, Ind., between Rushville, Ind., and Indianapolis, Ind., between Columbus, Ohio, and Cincinnati, Ohio, between Columbus, Ohio, and Springfield, Ohio, between Sidney, Ohio, and Marion, Ohio, and between Kokomo, Ind., and Middlefork, Ind., serving no intermediate points. NEW YORK CENTRAL TRANSPORT COMPANY does not now hold any motor carrier operating rights by this Commission. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6906. Authority sought for control and merger by KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind., of the operating rights and property of BECRAFT MOTOR EXPRESS, INC., 905 North Union Street, Kokomo, Ind., and for acquisition by DAVID M. COOK, 3829 Washington Boulevard, Indianapolis, Ind., of control of such rights and property through the transaction. Applicants' attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Peru, Ind., and Indianapolis, Ind., serving all intermediate points and the off-route points of Kempton and Tipton, Ind. KAIN'S MOTOR SERVICE CORP. is authorized to operate as a *common carrier* in Indiana and Illinois. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6907. Authority sought for purchase by GREAT FALLS TRANSFER & STORAGE COMPANY, doing business as SUHR TRANSPORT, 117 Park Drive South, Great Falls, Mont., of the operating rights of H. E. CALEF (ERMA L. CALEF, EXECUTRIX), AND M. L. DOBSON (ALICE C. DOBSON, ADMINISTRATRIX), Cut Bank, Mont. Applicants' representative: Carl H. Suhr, President, Great Falls Transfer & Storage Company, 117 Park Drive South, Great Falls, Mont. Operating rights sought to be transferred: *Mining machinery, road machinery*, and *heavy electrical machinery*, as a *common carrier*, over irregular routes, between points in Montana and Wyoming except where through rail service is provided from origin to destination. Vendee is authorized to operate as a *common carrier* in Montana, California, Colorado, Idaho, Oregon, Utah, Washington, Wyoming, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6908. Authority sought for control by LEE TRANSPORTATION COMPANY, 111 North Fourth Street, St. Louis 2, Mo., of AMERICAN CAR-LOADING CORPORATION, 261 Hastings Street, Detroit 26, Mich., and for acquisition by C. A. MacFALL, JR., also of St. Louis, of control of AMERICAN CARLOADING CORPORATION through the acquisition by LEE TRANSPORTATION COMPANY. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Detroit, Mich., and Chicago, Ill., between Mottville, Mich., and Chicago, Ill., between specified points in Michigan, between South Bend, Ind., and junction U. S. Highway 12 and Michigan Highway 40, between Joliet, Ill., and Elkhart, Ind., between specified points in Illinois, between Monroe, Mich., and Toledo, Ohio, and between Janesville, Wis., and Beloit, Wis., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and loose bulk commodities, between St. Louis, Mo., and Chicago, Ill., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Chicago, Ill., and Freeport, Ill., between Chicago, Ill., and South Beloit, Ill., and between Chicago, Ill., and Woodstock, Ill., serving all intermediate points; *insulating material*, from Waukegan, Ill., to Detroit, Mich., serving no intermediate points; *castings*, from Woodstock, Ill., to Detroit, Mich., serving no intermediate points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, over irregular routes, between points in Cook, Du Page, and Kane Counties, Ill. LEE TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Missouri, Tennessee, Illinois, Arkansas, and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6909. Authority sought for purchase by TRANSPORT MOTOR EXPRESS, INC., Meyer Road, P. O. Box 958, Fort Wayne, Ind., of the operating rights and property of JOSEPH MARFISE, doing business as BERGLUND TRUCKING, 2350 South Wood Street, Chicago, Ill., and for acquisition by ROY HUSER and JOHN P. FAHEY, both of Fort Wayne, of control of such rights and property through the purchase. Applicants' attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the

Interstate Commerce Act in the transportation of *clay products, wood, lumber, canned foods, steel, soap, fence wire, amusement facilities, meats, construction building material, glass, non-alcoholic beverages, household facilities, paint products, farm products, naval material, motors, dairy feeds and supplies, screw products, dry goods* and *drugs*, as a *common carrier* over irregular routes within a fifty-mile radius of 129 West First Street, Elmhurst, Ill. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Illinois, Ohio, West Virginia, Indiana, Delaware, Wisconsin, Missouri, New Jersey, New York, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 107906 Sub 13 is a matter directly related.

No. MC-F 6910. Authority sought for purchase by WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, Hazelton Street, P. O. Box 946, Eustis, Fla., of a portion of the operating rights and certain property of MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 713 North Junction Street, Detroit 9, Mich. Applicants' attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: *The commodities* classified as meats, meat products, and meat byproducts and dairy products in sections A and B of the appendix to the report in *Modification of Permits—Packing House Products*, 46 M. C. C. 23, and *fresh and frozen fish*, in mechanically refrigerated equipment, as a *common carrier* over irregular routes, between Detroit, Mich., and points within 25 miles of Detroit, on the one hand, and, on the other, Chicago, Ill., Toledo, Ohio, and points in Michigan within 65 miles of Detroit; *frozen foods*, in mechanically refrigerated equipment, between Detroit, Mich., and Chicago, Ill., and from Detroit, Suttons Bay, Ionia, Hart, and Ludington, Mich., to points in Ohio, Indiana, and Illinois, except from Detroit to Chicago; *chocolate syrup*, in containers, from Chicago, Ill., to Detroit, Mich., and points within 25 miles of Detroit, Mich. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6911. Authority sought for consolidation into BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind., of the operating rights and property of GERARD MOTOR EXPRESS, INC., 10 Cherry Street, Terre Haute, Ind., GREEN LINE MOTOR EXPRESS, INC., 330 North Third Street, Terre Haute, Ind., and B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind., and for acquisition by THEODORE BAUER, JR., 330 North Third Street, Terre Haute, Ind., J. BURTON GIBBONS, 10 Cherry Street, Terre Haute, Ind., and JACOB C. BIRCHLER, 501 North Rogers Street, Bloomington, Ind., of control of such rights and property through the transaction. Applicants' attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: (GERARD) *General commodities*, except malt beverages (beer, ale and porter) and empty containers therefor, as a *common carrier* over regular routes between Chicago, Ill., and Terre Haute, Ind., serving certain intermediate points, *general commodities*, with certain exceptions including household goods and commodities in bulk between Evansville, Ind., and Terre Haute, Ind., serving certain intermediate and off-route points; *general commodities*, except Class A and B explosives, and except malt beverages (beer, ale and porter) and empty containers therefor, between Hammond, Ind., and the junction of U. S. Highways 41 and 6 and Indiana Highway 152, serving no intermediate points; *class A, B, and C explosives*, serving the site of the terminal of Roy Cartage Company located on Caton Road approximately one-half mile west of U. S. Highway 66-A, north of the city limits of Joliet, Ill., as an off-route point in connection with carrier's regular route operations between Chicago, Ill., and Terre Haute, Ind., restricted to the transportation of traffic received from or delivered to connecting motor common carriers; (GREEN) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Terre Haute, Ind., and Chicago, Ill., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission; (B B & I) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Indianapolis, Ind., and Louisville, Ky., between specified points in Indiana, between Palmyra, Ind., and Louisville, Ky., between Chicago, Ill., and Evansville, Ind., between Louisville, Ky., and Evansville, Ind., and between junction Indiana Highways 45 and 62 near Bradley, Ind., and Owensboro, Ky., serving certain intermediate and off-route points; several alternate routes for operating convenience only. BEST WAY OF INDIANA, INC., holds no authority from this Commission, however, its controlling stockholders are the majority stockholders of the following carriers: (THEODORE BAUER, JR.) GREEN LINE MOTOR EXPRESS, INC., (J. BURTON GIBBONS) GERARD MOTOR EXPRESS, INC., and (JACOB C. BIRCHLER) B B & I MOTOR FREIGHT, INC. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6915. Authority sought for control by McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N. C., of HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill., and for acquisition by PAUL P. DAVIS and M. C. BENTON, JR., both of Winston-Salem, of control of HAYES FREIGHT LINES, INC., through the acquisition by McLEAN TRUCKING COMPANY. Applicant's attorneys: David G. Macdonald, 504 Commonwealth Building, Washington 6, D. C., and Jack Goodman, 39 South LaSalle Street, Chicago, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between St. Louis, Mo., and Davenport, Iowa, Chicago, Ill., Evansville and Richmond, Ind., Columbus, Ohio, and Louisville, Ky., between Keokuk, Iowa, and Cleveland, Ohio, between Peoria, Ill., and Indianapolis, Ind., between Peoria, Ill., and Cincinnati, Ohio, between Davenport, Iowa, and Sterling, Ill., between Cleveland, Ohio, and Danville, Ill., Indianapolis, Ind., and Louisville, Ky., between Toledo, Ohio, and Detroit, Mich., between Chicago and Joliet, Ill., and Youngstown, Columbus and Cincinnati, Ohio, Muncie, Anderson and Evansville, Ind., and Memphis, Tenn., between South Bend, Ind., and Nashville, Tenn., between Litchfield, Ill., and Louisville, Ky., between specified points in Kentucky, between specified points in Illinois, between specified points in Indiana, between specified points in Illinois and specified points in Kentucky, between Cincinnati, Ohio, and Fulton, Ky., between Pittsburgh, Pa., and Columbus, Ohio, and between Wheeling, W. Va., and Columbus, Ohio, serving certain intermediate and off-route points; numerous alternate routes for operating convenience only; *Class A and B explosives*, and *general commodities*, with certain exceptions excluding household goods and including loose bulk commodities, between Cincinnati, Ohio, and Nashville, Tenn., between specified points in Kentucky, between Greenville, Ky., and Clarksville, Tenn., between Russellville, Ky., and Milan, Tenn., between Fulton, Ky., and junction U. S. Highways 45E and 45W, between specified points in Tennessee, between Paris, Tenn., and Murray, Ky., between Paris, Tenn., and junction Kentucky Highways 97 and 94, and between Owensboro, Ky., and Cincinnati, Ohio, serving certain intermediate and off-route points; alternate route for operating convenience only between Memphis, Tenn., and Cairo, Ill.; *general commodities*, with certain exceptions including neither household goods nor commodities in bulk, between Owensboro, Ky., and Springfield, Tenn., and between Evansville, Ind., and Owensboro, Ky., serving certain intermediate points; *class A and B explosives*, between Peoria, Ill., and Rock Island, Ill., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over regular and irregular routes, between Loogootee, Ind., and Naval Ammunition Depot, near Burns City, Ind., and between Louisville, Ky., and points in Fayette County, Ky., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Cincinnati, Ohio, and points in Ohio and Kentucky within 25 miles of Cincinnati, on the one hand, and, on the other, certain points in Kentucky; *general commodities*, with certain exceptions including household goods and loose bulk commodities, between Cincinnati, Ohio, and certain points in Ohio; *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, from Mattoon, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Massachusetts, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin; *iron and steel articles*, as described in Groups II and III of Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, from Aurora, Ind., to points in Indiana; *meats, meat products, and meat byproducts* (except commodities in hermetically sealed containers), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766, from Springfield, Ill., to points in Massachusetts, New York, New Jersey, Maryland, and certain points in Pennsylvania; *agricultural commodities*, from points in Alabama and Louisiana within 150 miles of Hattiesburg, Miss., to Hattiesburg. McLEAN TRUCKING COMPANY is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Virginia, New York, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, Massachusetts, Indiana, Ohio, Kentucky, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 6912. Authority sought for control by DAVID RUKIN, 503 Winthrop Road, West Englewood, N. J., of WEST FORDHAM TRANSPORTATION CORP., 439 West 203d Street, New York, N. Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. Operating rights sought to be controlled: Authority applied for by WEST FORDHAM TRANSPORTATION CORP. covering the transportation of *passengers and their baggage* and *newspapers*, in the same vehicle with passengers, as a *common carrier* over a regular route between New Rochelle, N. Y., and Stamford, Conn., serving all intermediate points. DAVID RUKIN holds no authority from this Commission. However, he is affiliated with HUDSON TRANSIT LINES, INC., Hackensack, N. J., authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Rhode Island, and LIMOUSINE RENTAL SERVICE, INC., Mahwah, N. J., authorized to operate as a *common carrier* in Pennsylvania, New York, and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6914. Authority sought for purchase by LIMOUSINE RENTAL SERVICE, INC., Franklin Turnpike, Mahwah, N. J., of the operating rights and certain property of RESERVOIR BUS LINES, INC. (ALFRED ROSENBERG, TRUSTEE), 16 Court Street, Brooklyn, N. Y., and for acquisition by DAVID RUKIN and ELEANORE RUKIN, both of 503 Winthrop Road, West Englewood, N. J., and IRWIN FLATEMAN, 414 Edgewood Avenue, West Englewood, N. J., of control of such rights and property through the purchase. Applicants' attorney: James F. X. O'Brien, 17 Academy Street, Newark, N. J. Operating rights sought to be transferred: *Passengers and their baggage*, restricted to traffic originating at the point indicated, in round-trip charter operations, as a *common carrier* over irregular routes from New York, N. Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Maine, Maryland, and the District of Columbia, traversing Vermont and New Hampshire for operating convenience only, and return. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, and New Jersey. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3971; Filed, May 27, 1958; 8:48 a. m.]

[Notice 37]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 23, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-58923 (Deviation No. 1), GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta 15, Ga., filed May 21, 1958. Attorney for said carrier, Robert C. Dryden, 2090 Jonesboro Road SE., Atlanta 15, Ga. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Valdosta, Ga., and Perry, Ga., as follows: from Valdosta over U. S. Highway 129 to Hawkinsville, Ga., thence over U. S. Highway 341 to Perry and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Valdosta, Ga., and Perry, Ga., over U. S. Highway 41.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 11), The GREYHOUND CORPORATION, [illegible] Jarvis Avenue, Chicago 31, Ill., filed May 16, 1958. Attorney for said carrier, Raymond H. Warns, 5600 Jarvis Avenue, Chicago 31, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle, of *passengers*, over a deviation route, between the junction of U. S. Highways 87 and 85 approximately [illegible] miles south of Cheyenne, Wyo. and the junction of U. S. Highways 87 and 85 in Denver, Colo., as follows: from junction U. S. Highways 87 and 85 near Cheyenne over U. S. Highway 87 to junction U. S. Highway 85 in Denver and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Cheyenne, Wyo., and Denver, Colo., over U. S. Highway 85.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3970; Filed, May 27, 1958; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 23, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34700: *Watermelons between points in southern territory and related border points*. Filed by O. W. South, Jr., Agent (SFA No. A3670), for interested rail carriers. Rates on watermelons, carloads between points in southern territory, Ohio and Mississippi River crossings, border territory, and related points.

Grounds for relief: Short-line distance formula, grouping, relief line arbitraries, and operation through higher-rated intermediate territories.

Tariffs: Supplement 43 to Southern Freight Association tariff I. C. C. 1613 and two other schedules.

FSA No. 34701: *Zinc alloys—to Michigan, Pennsylvania, and Virginia points*. Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7295), for interested rail carriers. Rates on zinc, pig, slab or spelter, zinc anodes and zinc alloy, straight or mixed carloads from specified points in Arkansas, Oklahoma, and Texas to Belding, Mich., Fairless, Pa., and Salem, Va.

Grounds for relief: Maintenance of constructed on basis of lowest combinations over specified Illinois points [illegible] in accordance with the single-factor rule of the general increase cases.

Tariff: Supplement 187 to Southwestern Freight Bureau tariff I. C. C. 4045.

FSA No. 34702: *Pulpboard or fibreboard—Illinois points to Sand Springs, Okla.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7292), for interested rail carriers. Rates on pulpboard or fibreboard, noibn, straight or mixed carloads from Alton, Federal, and Joliet, Ill., to Sand Springs, Okla.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 82 to Southwestern Freight Bureau tariff I. C. C. 4198.

FSA No. 34703: *Aluminum billets between points in Illinois territory.* Filed by Illinois Freight Association, Agent (IFA No. 5), for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs, slabs, and granulated shots, carloads, between points in Illinois territory.

Grounds for relief: Short-line distance formula and truck competition.

Tariff: Supplement 7 to Illinois Freight Association, Agent, tariff I. C. C. 900.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3969; Filed, May 27, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2399]

TEJANOS MINING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 22, 1958.

I. Tejanos Mining Corporation, a Delaware corporation, filed with the Commission on April 10, 1957, a notification and offering circular relative to a proposed offering of 150,000 shares of $1.00 par value common stock at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The requirements of Form 1-A under Rule 255 of Regulation A have not been complied with in that:

1. The notification fails to disclose the issuance of shares within one year prior to the filing of such notification, as required by Item 9.

2. The notification fails to disclose the identity of the underwriter, as required by Item 4.

3. Copies of the provisions of the governing instruments defining rights of holders of the securities were not filed with the notification, as required by Item 11 (a).

4. The written consent of the underwriter of the securities was not filed with the notification, as required by Item 11 (c).

B. The Regulation A exemption is not available pursuant to Rule 261 (a) (6) in that the president of the issuer has been indicted for selling unlicensed securities and selling securities without registering as a dealer in Texas.

C. The offering circular contains untrue statements of material facts, fails to reflect material changes which have occurred in the affairs of the corporation, and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to:

1. The identity of the underwriter and his direct or indirect interest in the issuer.

2. The direct and indirect interests of the officers, directors and promoters in the issuer.

3. The purposes for which the net cash proceeds to the issuer from the sale of its securities are to be used, the amount to be used for such purpose, and the order of priority in which the proceeds will be used for the respective purposes.

4. The arrangement for the return of funds to subscribers if all the securities to be offered are not sold.

5. The failure to include a statement of cash receipts and disbursements.

6. The failure to include a statement of capital shares.

7. The failure to include a statement of assets and liabilities.

8. The failure to disclose the offer and sale of securities prior to full compliance with the terms and conditions of Regulation A.

D. The offering would be made in violation of section 17 of the act.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Tejanos Mining Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3972; Filed, May 27, 1958; 8:48 a. m.]

[File No. 24D-1809]

DIGIT-OMETER CO.

ORDER VACATING ORDER OF SUSPENSION

MAY 22, 1958.

The Digit-ometer Company, a Colorado corporation, 1249 Bannock Street, Denver 4, Colorado, filed with the Commission on June 27, 1955, a notification on Form 1-A and offering circular, and filed various amendments thereto, relating to an offering of 86,548 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate of $86,548, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

The Commission on March 24, 1958, ordered, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the ground that the terms and conditions of Regulation A had not been complied with in that Form 2-A reports of sales, as required by Rule 224, had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report was filed reflecting that 56,282 shares had been sold as of May 1, 1957, and the unsold portion was withdrawn from the offering.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3973; Filed, May 27, 1958; 8:48 a. m.]

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LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 106

Washington, Thursday, May 29, 1958

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, § 3.57, paragraphs (b) (1), (3), and (4), (d), and (e) are amended and paragraphs (f), (g), and (h) are added to read as follows:

§ 3.57 *Conditions which determine dependency.* * * *

(b) *Sources of income.* (1) In determining the amount of income, consideration will be given to (i) net income from property owned, or business operated, by the mother or father; (ii) earnings of the mother or father and other members of their family under legal age; (iii) actual contributions of any character to the family expenses by the adult members; (iv) old age and survivors' insurance and disability insurance benefits under Title II of the Social Security Act; (v) family allowances authorized by service personnel.

* * * * *

(3) In determining dependency, amounts received from the following named sources, by the father or mother or other member of the family, will be disregarded, viz., (i) any payments because of disability, age, or death under laws administered by the Veterans Administration; (ii) as designated beneficiary or otherwise of any insurance under laws administered by the Veterans Administration; (iii) payments of adjusted compensation; (iv) payments of the six months' death gratuity; (v) payments of mustering-out pay; (vi) donations or assistance from charitable sources (including old age assistance); (vii) annuities based on retired or retainer pay under chapter 73 of Title 10 of the United States Code (formerly the Uniformed Services Contingency Option Act); (viii) payments of bonus or similar cash gratuity by any state, territory, possession, or commonwealth of the United States, or the District of Columbia, based on service in the Armed Forces of the United States.

(4) In addition to considering income of a father or mother, consideration will be given to the corpus of such claimant's estate if under all the circumstances it is reasonable that the same or some part thereof be sold and the proceeds consumed for the claimant's maintenance. This rule will not apply for any period after December 31, 1957, in a case to which paragraph (f) of this section is applicable.

* * * * *

(d) *Remarriage of parent.* Dependency of a parent shall not be denied solely because of remarriage. (See § 4.62 of this chapter.)

(e) *Prima facie dependency prior to January 1, 1958.* (1) In the absence of evidence indicating the contrary, dependency will be held to exist for periods prior to January 1, 1958, when the monthly income from sources proper to consider does not exceed:

(i) $105 for a mother or father (not living together).

(ii) $175 for a mother and father (living together).

(iii) The amounts stated in subdivision (i) or (ii) of this subparagraph plus $45 for each additional member of the family whose support is to be considered under the criteria indicated in paragraphs (a) and (b) of this section.

It must be definitely understood that the amounts stated are not controlling in any case but are to be used only as prima facie evidence. Each claim is subject to adjudication upon the facts thereof in the light of the governing legal principles summarized in this section.

(f) *Conclusive dependency after December 31, 1957.* Dependency of a parent will not be denied for any period after December 31, 1957, where the monthly income for a mother or father, not living together does not exceed $105, or where the monthly income for a mother and father living together does not exceed $175, plus, in either case, $45 for each additional member of the family whom the father or mother is under a moral or legal obligation to support. This paragraph does not apply in the case of a parent who does not reside in the United States, its territories, commonwealths, or possessions.

(g) *Income in excess of specified amounts after December 31, 1957.* Where the monthly income of a mother or father, or both, exceeds the applicable amounts specified in paragraph (f) of this section, the amounts stated are not controlling. Each claim in such cases

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FEDERAL REGISTER

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will be adjudicated under the rules provided in this section without regard to paragraph (f) of this section.

(h) *Foreign residents.* Claims of parents residing in foreign countries will be adjudicated under the rules provided in this section without regard to paragraph (e) or (f) of this section.

2. In § 3.1040, paragraph (a) is revised to read as follows:

§ 3.1040 *Types of discharges for service pension (Spanish-American War, Boxer Rebellion, Philippine Insurrection, Civil War, and Indian Wars)*—(a) *Honorable discharge.* An honorable discharge is a prerequisite for service pension, including pension on the basis of Indian war service, such pension being based upon the fulfillment of a contract for service as contemplated by the soldier's enlistment, and a person discharged under other than honorable conditions for concealing his minority at time of enlistment is not entitled to such pension, except as provided in § 3.61 (b). Pension is not payable unless the veteran was honorably discharged from all periods of service in the particular war concerned, except as provided in § 3.1041. However, effective from October 1, 1951, where entitlement is based upon service in the Spanish-American War, Philippine Insurrection, or Boxer Rebellion, and effective January 1, 1958, where entitlement is based on Indian or Civil War service, a discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to service pension (sec. 1 (c), Public Law 108, 82d Cong.; sec. 101 (2), Public Law 85–56).

* * * * *

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

3. In Part 4, § 4.24 *Death of Indian war veteran; act of March 3, 1927* is revoked.

4. Sections 4.26 and 4.28 are revised to read as follows:

§ 4.26 *Death of Indian war veteran; act of March 3, 1944.* For the purposes of this act, the widow, remarried widow, child, or children of a person who served 30 days or more, or for the duration of one of the campaigns cited in section 1 of the act of March 4, 1917, even though such campaign was of less than 30 days duration, in any military organization, whether such person was regularly mustered into the service of the United States or not, but whose service was under the authority of or by the approval of the United States or any State or territory in any Indian War or campaign, or in connection with, or in the zone of, any active Indian hostilities in any of the States or territories of the United States from January 1, 1817, to December 31, 1898, inclusive, and whose service was honorably terminated, the cause of death being immaterial, shall be entitled to receive pension at the monthly rates specified in § 4.130. Effective January 1, 1958, a discharge or release from service under conditions other than dishonorable is required in lieu of an honorable discharge (sec. 101 (2), Public Law 85–56).

§ 4.28 *Death of Civil War veteran; acts of May 1, 1920, July 3, 1926, June 9, 1930, and December 8, 1944.* For the purposes of the acts of May 1, 1920 (41 Stat. 585), July 3, 1926 (44 Stat. 806), and June 9, 1930 (46 Stat. 529), the widow, remarried widow, child, or children of a veteran who served at least 90 days during the Civil War, as provided for in § 3.1022 of this chapter, and was honorably discharged from all contracts of service during the period of said war, or, if the service was less than 90 days and the veteran was discharged for or died in the service of a disability incurred in the service in line of duty, shall be entitled to receive pension at the monthly rates specified in § 4.132. As to the requirement for an honorable discharge from all contracts of service, see § 3.1040 (a) of this chapter (Joint Resolution of July 1, 1902, as amended by the act of June 28, 1906). Effective January 1, 1958, a discharge or release from service under conditions other than dishonorable is required in lieu of an honorable discharge (sec. 101 (2), Public Law 85–56).

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective May 29, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58–4072; Filed, May 28, 1958; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1959–60 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1959 CROP OF WHEAT

§ 728.906 *Basis and purpose.* The county acreage allotments for 1959 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1959 as established by the proclamation dated March 21, 1958 (23 F. R. 1984). Prior to determinations of county acreage allotments for 1959 crop wheat, public notice (22 F. R. 9840) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or recommendations pertaining to the determination of county acreage allotments for 1959 crop wheat were submitted pursuant to such notice. For farm wheat acreage allotments, which are based upon the county allotments herein, to be determined and farmers notified thereof prior to the wheat marketing quota referendum to be held on June 20, 1958, as required by law, it will be impracticable to publish these county allotments 30 days in advance of their effective date. Accordingly, the county allotments herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

§ 728.907 *Wheat acreage apportioned to counties for 1959.*

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959

ALABAMA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Autauga	663	10.0	341
Baldwin	4,118	67.0	2,610
Barbour	47		2
Bibb	29	1.0	15
Blount	74		17
Bullock	22		6
Calhoun	132	2.0	6
Chambers	372	20.0	18
Cherokee	762	10.0	234
Chilton	18	1.0	5
Clarke	63		40
Clay	65	3.0	3
Cleburne	136	5.0	28
Coffee	114	5.0	61
Colbert	4,522	100.0	2,203
Conecuh	78	2.0	48
Coosa	16	2.0	2
Covington	106	10.0	65
Crenshaw	16		10
Cullman	47	2.0	7
Dale	196	14.0	118
Dallas	324	15.0	203
De Kalb	97	6.8	40
Elmore	246	5.0	146
Escambia	697	5.0	395
Etowah	40	3.0	6
Fayette	45		20
Franklin	324	15.0	153
Geneva	483	3.0	242
Greene	2		1
Hale	140		90
Henry	174	10.0	109
Houston	582	20.0	352
Jackson	282	7.6	100
Jefferson	67	5.0	36
Lamar	42		25
Lauderdale	5,684	25.0	2,042
Lawrence	1,847	29.0	1,055
Lee	186	13.0	57
Limestone	1,572	66.0	626
Lowndes	232	7.5	145
Macon	141	5.0	77
Madison	2,276	75.0	636
Marengo	20	0.5	
Marion	131	2.0	31
Marshall	62		32
Mobile	167	5.0	102
Monroe	31	0.4	13
Montgomery	352	2.0	224
Morgan	583	10.0	284
Perry	93		58
Pickens	144		91
Pike	118	1.5	73
Randolph	197	10.0	25
Russell	28		8
St. Clair	26		16
Shelby	90	2.0	9
Sumter	43	5.0	28
Talladega	173	5.0	88
Tallapoosa	80	10.0	2
Tuscaloosa	38	4.0	20
Walker	70		41
Washington	139	2.0	89
Wilcox	20	0.1	12
Reserve new farms	100		
Reserve appeals and corrections	354		
Total	30,138	629.4	13,641

ARKANSAS

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Arkansas	631		
Ashley	45		
Baxter	117		
Benton	2,148	20	
Boone	198	5	
Carroll	180	2	
Chicot	572	2	228
Clark	1		
Clay	4,287	20	
Cleburne	25	1	
Conway	1,292	3	285
Craighead	690	5	
Crawford	1,568	5	495
Crittenden	4,396	15	1,636
Cross	1,882	2	644
Desha	247		
Drew	28		
Faulkner	212	2	
Franklin	291	5	
Fulton	137		
Garland	27	2	
Greene	962	4	
Hempstead	8		
Hot Spring	19		
Independence	3,557	5	1,232
Izard	16		
Jackson	1,347	6	
Jefferson	111	1	
Johnson	807	10	
Lafayette	8		
Lawrence	990	2	403
Lee	1,297	10	412
Lincoln	80		
Little River	17		
Logan	1,235	3	
Lonoke	464	2	
Madison	300	4	
Marion	49		
Miller	8		
Mississippi	8,387	25	2,110
Monroe	205	2	
Montgomery	27	2	
Newton	3		
Ouachita	1	1	
Perry	258		103
Phillips	1,650	2	678
Poinsett	1,169	2	
Polk	11	1	
Pope	987	10	397
Prairie	323	2	126
Pulaski	1,980		1,000
Randolph	1,129	5	
St. Francis	2,765	10	719
Saline	5		
Searcy	193	2	
Sebastian	314	1	163
Sevier	2		
Sharp	99		
Stone	222	3	
Van Buren	26		
Washington	715	5	
White	508	8	
Woodruff	1,258	3	355
Yell	563	2	244
Reserve new farms	152		
Reserve appeals and corrections	71		
Total	53,232	222	11,230

CALIFORNIA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Alameda	1,755	20.6	
Alpine	15	2.0	
Amador	275	9.0	
Butte	8,625	50.0	
Colusa	6,664	25.7	
Contra Costa	1,702	10.0	
El Dorado	1	1.0	
Fresno	16,911	25.0	
Glenn	3,684	61.1	
Imperial	2,287	10.4	
Inyo	17	3.0	
Kern	39,965	200.0	
Kings	1,138	25.4	
Lake	350	4.0	
Lassen	8,510	100.0	
Los Angeles	28,086	50.0	
Madera	10,496	50.0	
Marin	393	3.0	
Mariposa	120		
Mendocino	949	5.0	
Merced	3,370	30.0	
Modoc	15,750	343.7	25
Mono	11	3.0	
Monterey	16,586	151.0	
Napa	1,671	33.4	
Orange	624	2.0	
Placer	11,042	67.9	
Plumas	842	17.0	
Riverside	18,866	50.0	
Sacramento	17,240	200.0	
San Benito	1,888	25.0	
San Bernardino	195	5.8	
San Diego	959	10.0	
San Joaquin	9,569	163.0	
San Luis Obispo	94,253	70.0	
San Mateo	49	3.0	
Santa Barbara	7,411	37.0	
Santa Clara	126	5.0	
Shasta	1,739	50.0	
Sierra	350	10.0	
Siskiyou	20,529	205.0	
Solano	13,217	56.2	
Sonoma	662	5.2	
Stanislaus	610	10.0	
Sutter	17,621	287.0	
Tehama	2,223	20.0	
Trinity	3		
Tulare	29,569	100.0	
Tuolumne	36	4.0	
Ventura	763	14.0	
Yola	10,538	100.0	
Yuba	1,514	50.0	
Reserve new farms	2,172		
Reserve appeals and corrections	500		
Total	434,441	2,873.4	25

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

COLORADO

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adams	130,819	150	
Alamos	942	10	
Arapahoe	62,653	100	
Archuleta	1,761	10	
Baca	263,639	500	
Bent	28,022	100	
Boulder	11,063	25	
Chaffee	220	5	
Cheyenne	142,774	100	
Conejos	1,768	10	
Costilla	1,192	5	
Crowley	9,794	100	
Custer	307	5	
Delta	1,331	15	
Dolores	31,231	50	
Douglas	11,607	50	
Eagle	407	5	
Elbert	66,448	100	
El Paso	16,099	100	
Fremont	563	5	
Garfield	5,128	5	
Grand	1,163	5	
Huerfano	5,287	10	
Jackson	440	5	
Jefferson	8,697	50	
Kiowa	223,327	200	
Kit Carson	242,132	200	
La Plata	19,420	50	
Larimer	21,961	75	
Las Animas	21,276	50	
Lincoln	138,694	100	
Logan	141,577	100	
Mesa	1,602	5	
Moffat	33,035	50	
Montezuma	20,264	50	
Montrose	5,173	35	
Morgan	60,202	75	
Otero	1,990	275	
Ouray	799	5	
Phillips	110,950	50	
Pitkin	210	5	
Prowers	162,736	500	
Pueblo	16,055	100	
Rio Blanco	6,099	25	
Rio Grande	3,019	10	
Routt	24,217	50	
Saguache	738	5	
San Miguel	915	5	
Sedgwick	64,253	60	
Teller	21		
Washington	237,794	100	
Weld	187,883	100	
Yuma	143,001	75	
Reserve new farms	2,000		
Reserve appeals and corrections	1,000		
Total	2,695,718	3,875	

DELAWARE

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Kent	15,884	184	
New Castle	12,429	75	
Sussex	7,301	50	
Reserve new farms	125		
Reserve appeals and corrections	75		
Total	35,814	309	

GEORGIA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Appling	40	1.5	
Atkinson	1		
Bacon	4	1.0	
Baker	113	2.0	
Baldwin	56	2.0	
Banks	1,085	10.0	
Barrow	1,033	5.0	
Bartow	2,121	8.0	
Ben Hill	29	.5	
Berrien	3	.2	
Bibb	669	2.0	
Bleckley	394	3.0	
Brooks	33	1.0	
Bryan	12	.3	
Bullock	247	3.0	
Burke	1,338	8.0	
Butts	1,125	3.0	
Calhoun	114	2.0	
Candler	50	1.0	
Carroll	904	6.0	
Catoosa	264	1.0	
Chatham	4	.3	
Chattooga	191	2.0	
Cherokee	156	1.0	
Clarke	1,735	5.0	
Clay	123	1.0	

ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

GEORGIA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Clayton	296	1.0	----------
Cobb	135	2.0	----------
Coffee	86	1.0	----------
Colquitt	6	0.6	----------
Columbia	236	3.0	----------
Coweta	285	5.0	----------
Crawford	1,077	10.0	----------
Crisp	577	3.0	----------
Dade	110	1.0	----------
Dawson	220	4.0	----------
Decatur	18	----------	5
De Kalb	198	0.5	----------
Dodge	161	2.0	----------
Dooly	2,231	5.0	----------
Dougherty	586	3.0	----------
Douglas	183	2.0	----------
Early	796	4.0	----------
Effingham	41	1.0	----------
Elbert	2,651	15.0	----------
Emanuel	638	2.5	----------
Evans	47	1.0	----------
Fannin	20	0.3	----------
Fayette	488	1.5	----------
Floyd	656	4.0	----------
Forsyth	524	15.0	----------
Franklin	3,873	10.0	----------
Fulton	380	3.0	----------
Gilmer	25	1.5	----------
Glascock	502	4.0	----------
Gordon	587	3.0	----------
Grady	143	2.0	36
Greene	428	4.0	----------
Gwinnett	1,395	10.0	----------
Habersham	167	2.0	----------
Hall	716	5.0	----------
Hancock	310	3.0	----------
Haralson	253	4.0	----------
Harris	118	2.0	----------
Hart	5,285	20.0	----------
Heard	468	3.0	----------
Henry	1,770	10.0	----------
Houston	4,497	10.0	----------
Irwin	7	0.2	----------
Jackson	2,992	14.0	----------
Jasper	489	5.0	----------
Jeff Davis	1	----------	----------
Jefferson	9,931	10.0	----------
Jenkins	300	1.0	----------
Johnson	660	2.0	----------
Jones	87	2.0	----------
Lamar	529	5.0	----------
Laurens	1,627	5.0	----------
Lee	470	2.0	----------
Lincoln	305	7.0	----------
Lowndes	33	1.0	----------
Lumpkin	57	5.0	----------
McDuffie	331	3.0	----------
Macon	2,123	5.0	----------
Madison	8,020	20.0	----------
Marion	184	1.0	----------
Meriwether	698	5.0	----------
Miller	220	5.0	46
Mitchell	22	----------	----------
Monroe	281	5.0	----------
Montgomery	27	0.1	----------
Morgan	951	10.0	----------
Murray	1,039	3.0	----------
Muscogee	1	----------	----------
Newton	556	5.0	----------
Oconee	2,555	10.0	----------
Oglethorpe	5,282	10.0	----------
Paulding	251	1.0	----------
Peach	2,218	3.0	----------
Pickens	121	5.0	----------
Pike	1,072	10.0	----------
Polk	942	2.0	----------
Pulaski	635	2.0	----------
Putnam	158	2.0	----------
Quitman	14	0.5	2
Rabun	18	1.0	----------
Randolph	310	2.0	----------
Richmond	723	3.0	----------
Rockdale	277	5.0	----------
Schley	245	1.0	----------
Screven	316	4.0	----------
Seminole	189	1.0	49
Spalding	1,194	10.0	----------
Stephens	436	6.0	----------
Stewart	69	1.0	----------
Sumter	2,487	5.0	----------
Talbot	141	3.0	----------
Taliaferro	194	----------	----------
Tattnall	33	1.0	----------
Taylor	236	2.0	----------
Telfair	29	1.0	----------
Terrell	363	1.0	----------
Thomas	77	1.0	----------
Tift	27	0.5	----------
Toombs	76	2.0	----------
Towns	88	5.0	----------
Treutlen	57	1.0	----------
Troup	66	2.0	----------
Turner	186	1.0	----------
Twiggs	80	0.3	----------
Union	220	2.0	----------
Upson	389	5.0	----------
Walker	349	2.0	----------
Walton	2,000	10.0	----------
Warren	1,428	10.0	----------
Washington	3,714	8.0	----------
Webster	123	1.0	----------
Wheeler	785	3.0	----------
White	73	4.0	----------
Whitfield	1,104	2.0	----------
Wilcox	254	1.0	----------
Wilkes	823	3.0	----------
Wilkinson	150	1.0	----------
Worth	110	1.0	----------
Reserve new farms	332	----------	----------
Reserve appeals and corrections	226	----------	----------
Total	110,513	533.3	138

IDAHO

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Ada	5,905	78	----------
Adams	1,079	24	----------
Bannock	49,272	177	1,297
Bear Lake	22,281	147	----------
Benewah	19,438	51	167
Bingham	51,265	227	1,964
Blaine	7,384	103	----------
Boise	496	----------	----------
Bonner	1,697	56	96
Bonneville	91,102	503	----------
Boundary	9,507	25	----------
Butte	9,544	100	----------
Camas	33,551	519	----------
Canyon	16,701	109	1
Caribou	49,418	126	----------
Cassia	60,138	138	2,644
Clark	5,356	30	90
Clearwater	7,469	34	----------
Custer	1,963	21	----------
Elmore	7,486	54	----------
Franklin	34,375	175	----------
Fremont	47,511	262	----------
Gem	2,214	46	----------
Gooding	7,297	107	----------
Idaho	57,622	231	----------
Jefferson	27,713	115	----------
Jerome	12,530	131	674
Kootenai	23,550	212	----------
Latah	64,396	334	6
Lemhi	1,340	41	----------
Lewis	39,715	50	----------
Lincoln	9,439	105	----------
Madison	49,139	251	----------
Minidoka	20,174	114	3,326
Nez Perce	61,526	283	192
Oneida	68,192	92	----------
Owyhee	5,086	68	----------
Payette	5,051	53	----------
Power	92,612	324	----------
Teton	28,853	153	----------
Twin Falls	32,649	517	250
Valley	578	21	----------
Washington	17,834	120	----------
Reserve new farms	1,000	----------	----------
Reserve appeals and corrections	238	----------	----------
Total	1,161,686	6,327	10,707

ILLINOIS

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adams	33,450	250	----------
Alexander	4,338	30	----------
Bond	17,073	200	----------
Boone	371	6	----------
Brown	6,771	125	----------
Bureau	1,885	50	----------
Calhoun	4,523	100	----------
Carroll	293	10	----------
Cass	18,174	200	----------
Champaign	27,967	500	----------
Christian	45,262	250	----------
Clark	22,600	125	----------
Clay	12,288	200	----------
Clinton	31,434	200	----------
Coles	21,814	150	----------
Cook	1,947	60	----------
Crawford	15,829	150	----------
Cumberland	13,392	130	----------
De Kalb	621	10	----------
De Witt	5,400	110	----------
Douglas	16,431	100	----------
Du Page	3,089	50	----------
Edgar	25,232	300	----------
Edwards	11,032	150	----------
Effingham	18,291	150	----------
Fayette	23,312	175	----------
Ford	647	50	----------
Franklin	17,745	250	----------
Fulton	16,164	200	----------
Gallatin	7,551	125	----------
Greene	22,265	200	----------
Grundy	731	25	----------
Hamilton	11,686	130	----------
Hancock	23,575	180	----------
Hardin	169	15	----------
Henderson	4,157	200	----------
Henry	846	25	----------
Iroquois	11,473	100	----------
Jackson	16,958	400	----------
Jasper	19,926	200	----------
Jefferson	18,267	250	----------
Jersey	17,710	150	----------
Jo Daviess	29	10	----------
Johnson	2,011	40	----------
Kane	1,981	17	----------
Kankakee	7,072	125	----------
Kendall	937	25	----------
Knox	2,914	25	----------
Lake	3,333	35	----------
La Salle	2,129	35	----------
Lawrence	18,807	300	----------
Lee	2,928	30	----------
Livingston	848	40	----------
Logan	19,497	200	----------
McDonough	11,302	200	----------
McHenry	1,464	28	----------
McLean	3,906	45	----------
Macon	19,257	200	----------
Macoupin	40,973	200	----------
Madison	51,263	300	----------
Marion	19,476	150	----------
Marshall	2,911	60	----------
Mason	30,481	300	----------
Massac	3,163	50	----------
Menard	14,598	110	----------
Mercer	1,440	50	----------
Monroe	33,413	200	----------
Montgomery	37,828	250	----------
Morgan	28,072	200	----------
Moultrie	15,000	100	----------
Ogle	1,003	5	----------
Peoria	8,863	100	----------
Perry	17,681	100	----------
Piatt	14,597	100	----------
Pike	22,330	125	----------
Pope	1,863	100	----------
Pulaski	3,575	35	----------
Putnam	1,585	40	----------
Randolph	32,840	300	----------
Richland	11,693	200	----------
Rock Island	847	20	----------
St. Clair	55,931	300	----------
Saline	11,824	400	----------
Sangamon	37,640	275	----------
Schuyler	14,440	200	----------
Scott	13,838	150	----------
Shelby	32,268	250	----------
Stark	568	20	----------
Stephenson	182	15	----------
Tazewell	18,235	200	----------
Union	6,308	125	----------
Vermilion	37,569	500	----------
Wabash	13,389	100	----------
Warren	1,255	25	----------
Washington	49,369	90	----------
Wayne	15,239	230	----------
White	22,561	250	----------
Whiteside	3,856	30	----------
Will	7,011	150	----------
Williamson	5,525	100	----------
Winnebago	1,103	10	----------
Woodford	2,868	50	----------
Reserve new farms	4,000	----------	----------
Reserve appeals and corrections	1,080	----------	----------
Total	1,422,658	14,201	----------

INDIANA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adams	13,725	268	----------
Allen	28,325	377	----------
Bartholomew	21,106	209	----------
Benton	11,463	108	----------
Blackford	3,401	150	----------
Boone	8,987	130	----------
Brown	361	15	----------
Carroll	12,891	126	----------
Cass	11,995	170	----------
Clark	6,856	66	----------
Clay	15,177	150	----------
Clinton	17,137	200	----------
Crawford	2,561	100	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

INDIANA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Daviess	18, 477	226	
Dearborn	6, 197	100	
Decatur	24, 914	255	
De Kalb	18, 068	181	
Delaware	11, 922	200	
Dubois	13, 350	136	
Elkhart	19, 179	225	
Fayette	10, 031	100	
Floyd	1, 763	25	
Fountain	16, 559	162	
Franklin	14, 452	155	
Fulton	11, 424	112	
Gibson	21, 765	300	
Grant	12, 013	117	
Greene	10, 991	317	
Hamilton	11, 402	111	
Hancock	10, 965	160	
Harrison	7, 581	125	
Hendricks	10, 689	110	
Henry	11, 731	230	
Howard	11, 344	165	
Huntington	12, 095	250	
Jackson	16, 072	160	
Jasper	14, 477	175	
Jay	11, 414	175	
Jefferson	6, 629	75	
Jennings	9, 079	100	
Johnson	13, 332	150	
Knox	31, 107	306	
Kosciusko	18, 771	250	
Lagrange	16, 122	350	
Lake	11, 199	225	
La Porte	29, 657	450	
Lawrence	3, 030	50	
Madison	14, 792	225	
Marion	7, 317	150	
Marshall	15, 630	225	
Martin	2, 201	22	
Miami	11, 308	130	
Monroe	1, 355	25	
Montgomery	16, 293	238	
Morgan	8, 045	117	
Newton	8, 759	100	
Noble	15, 001	160	
Ohio	1, 229	25	
Orange	3, 816	75	
Owen	3, 905	90	
Parke	13, 093	150	
Perry	4, 831	75	
Pike	7, 529	110	
Porter	17, 947	325	
Posey	23, 575	232	
Pulaski	14, 478	140	
Putnam	9, 292	100	
Randolph	14, 803	150	
Ripley	16, 702	250	
Rush	23, 408	230	
St. Joseph	20, 040	250	
Scott	4, 209	80	
Shelby	21, 284	425	
Spencer	13, 746	200	
Starke	9, 559	200	
Steuben	10, 883	200	
Sullivan	18, 900	300	
Switzerland	2, 952	75	
Tippecanoe	20, 572	350	
Tipton	9, 754	94	
Union	10, 347	104	
Vanderburgh	10, 998	163	
Vermillion	9, 794	150	
Vigo	13, 159	150	
Wabash	15, 189	150	
Warren	12, 901	126	
Warrick	9, 092	125	
Washington	10, 045	125	
Wayne	15, 440	311	
Wells	11, 923	116	
White	13, 118	183	
Whitley	12, 189	200	
Reserve new farms	2, 313		
Reserve appeals and corrections	1, 161		
Total	1, 156, 565	15, 718	

IOWA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adair	284	22	
Adams	1, 920	50	
Allamakee	11		
Appanoose	1, 034	15	
Audubon	44	21	
Benton	349	18	
Black Hawk	45	15	
Boone	61	33	
Bremer	10		
Buchanan	101	10	
Calhoun	49	10	
Carroll	29		
Cass	1, 579	20	
Cedar	107	1	
Cerro Gordo	78	1	
Chickasaw	20		
Clarke	356	30	
Clayton	3	2	
Clinton	92	6	
Crawford	403	20	
Dallas	425	30	
Davis	1, 736	50	
Decatur	952	28	
Delaware	8	1	
Des Moines	4, 268	50	
Dubuque	79	4	
Floyd	15		
Fremont	12, 906	134	
Greene	33	15	
Guthrie	511	10	
Hamilton	29	19	
Hancock	26	2	
Harrison	18, 279	250	
Henry	1, 366	67	
Humboldt	4		
Ida	48		
Iowa	143	38	
Jackson	33	14	
Jasper	835	50	
Jefferson	1, 540	30	
Johnson	110	56	
Jones	61	7	
Keokuk	348	25	
Kossuth	2		
Lee	8, 300	100	
Linn	82	7	
Louisa	1, 509	74	
Lucas	757	56	
Lyon	25		
Madison	2, 085	19	
Mahaska	595	30	
Marion	1, 303	34	
Marshall	103	20	
Mills	11, 267	95	
Monona	19, 426	350	
Monroe	905	14	
Montgomery	5, 433	77	
Muscatine	1, 233	10	
Page	9, 749	175	
Palo Alto	7	4	
Plymouth	993	25	
Pocahontas	28	13	
Polk	2, 158	89	
Pottawattamie	8, 951	121	
Poweshiek	40	15	
Ringgold	2, 516	20	
Sac	20	8	
Scott	366	80	
Shelby	198	15	
Sioux	34	17	
Story	100	2	
Tama	73	15	
Taylor	4, 488	131	
Union	441	26	
Van Buren	3, 426	50	
Wapello	2, 032	30	
Warren	3, 963	24	
Washington	377	19	
Wayne	239	10	
Winnebago	27		
Woodbury	7, 393	293	
Worth	13		
Wright	15		
Reserve new farms	2, 900		
Total	153, 900	3, 222	

KANSAS

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Allen	23, 644	220	
Anderson	26, 093	510	
Atchinson	27, 206	408	
Barber	120, 538	303	
Barton	232, 818	1, 168	
Bourbon	18, 209	100	
Brown	36, 279	400	
Butler	61, 411	1, 000	
Chase	18, 141	200	
Chautauqua	12, 277	60	
Cherokee	58, 350	175	
Cheyenne	118, 761	400	
Clark	100, 747	254	
Clay	93, 545	450	
Cloud	118, 763	1, 200	
Coffey	25, 554	175	
Comanche	99, 572	250	
Cowley	97, 259	486	
Crawford	32, 085	90	
Decatur	100, 448	255	
Dickinson	140, 807	700	
Doniphan	13, 564	75	
Douglas	28, 843	160	
Edwards	147, 113	400	
Elk	11, 693	60	
Ellis	150, 802	750	
Ellsworth	113, 700	500	
Finney	188, 385	600	
Ford	266, 095	674	
Franklin	23, 780	300	
Geary	27, 661	350	
Gove	117, 308	700	
Graham	118, 700	800	
Grant	88, 997	300	
Gray	205, 515	500	
Greeley	141, 639	353	
Greenwood	18, 195	90	
Hamilton	142, 656	375	
Harper	191, 216	767	
Harvey	100, 285	800	
Haskell	145, 825	270	
Hodgeman	152, 873	356	
Jackson	33, 106	550	
Jefferson	30, 825	307	
Jewell	114, 808	700	
Johnson	22, 927	250	
Kearny	103, 502	252	
Kingman	167, 767	1, 000	
Kiowa	118, 032	595	
Labette	55, 214	296	
Lane	117, 494	400	
Leavenworth	21, 964	225	
Lincoln	115, 552	500	
Linn	22, 278	250	
Logan	111, 577	300	
Lyon	33, 386	334	
McPherson	197, 847	1, 000	
Marion	118, 430	300	
Marshall	75, 561	900	
Meade	160, 410	1, 000	
Miami	25, 112	200	
Mitchell	169, 808	1, 000	
Montgomery	41, 301	107	
Morris	41, 633	500	
Morton	85, 833	425	
Nemaha	30, 852	400	
Neosho	40, 034	200	
Ness	195, 811	650	
Norton	84, 287	300	
Osage	24, 639	200	
Osborne	139, 200	650	
Ottawa	116, 094	551	
Pawnee	202, 068	807	
Phillips	93, 304	550	
Pottawatomie	36, 738	470	
Pratt	171, 059	800	
Rawlins	126, 998	330	
Reno	275, 947	1, 000	
Republic	89, 108	700	
Rice	160, 887	600	
Riley	32, 012	600	
Rooks	138, 708	500	
Rush	180, 398	800	
Russell	147, 919	740	
Saline	126, 178	500	
Scott	118, 937	300	
Sedgwick	186, 689	900	
Seward	102, 382	270	
Shawnee	34, 409	429	
Sheridan	121, 198	307	
Sherman	155, 177	393	
Smith	105, 999	600	
Stafford	165, 944	500	
Stanton	127, 923	350	
Stevens	101, 412	255	
Sumner	289, 407	1, 000	
Thomas	194, 198	500	
Trego	127, 735	450	
Wabaunsee	26, 481	275	
Wallace	83, 540	225	
Washington	84, 162	500	
Wichita	114, 283	285	
Wilson	41, 898	157	
Woodson	13, 920	50	
Wyandotte	2, 716	26	
Reserve new farms	10, 573		
Reserve appeals and corrections	10, 577		
Total	10, 573, 510	47, 618	

KENTUCKY

Adair	1, 402	30	
Allen	2, 036	40	
Anderson	393	8	
Ballard	1, 243	15	
Barren	1, 818	20	
Bath	1, 317	20	
Boone	1, 034	30	
Bourbon	4, 929	75	
Boyd	35	20	
Boyle	2, 270	5	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

KENTUCKY—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Bracken	1,203	5	----------
Breckinridge	4,859	50	----------
Bullitt	1,446	25	----------
Butler	743	6	----------
Caldwell	1,749	25	----------
Calloway	4,459	20	----------
Campbell	680	10	----------
Carlisle	636	10	----------
Carroll	338	15	----------
Carter	150	5	----------
Casey	677	10	----------
Christian	16,947	25	----------
Clark	812	78	----------
Clinton	925	40	----------
Crittenden	1,257	5	----------
Cumberland	128	5	----------
Daviess	5,348	50	----------
Edmonson	520	5	----------
Estill	10	----------	----------
Fayette	1,972	40	----------
Fleming	1,440	25	----------
Franklin	541	10	----------
Fulton	2,652	10	----------
Gallatin	275	25	----------
Garrard	1,183	10	----------
Grant	500	25	----------
Graves	4,288	5	----------
Grayson	3,070	25	----------
Green	1,300	35	----------
Greenup	134	14	----------
Hancock	1,230	10	----------
Hardin	3,687	25	----------
Harrison	2,531	10	----------
Hart	335	15	----------
Henderson	3,925	20	----------
Henry	1,292	10	----------
Hickman	3,729	25	----------
Hopkins	3,988	15	----------
Jackson	95	4	----------
Jefferson	2,260	25	----------
Jessamine	1,125	30	----------
Kenton	211	3	----------
Knox	35	----------	----------
Larue	1,571	10	----------
Laurel	70	5	----------
Lee	6	----------	----------
Lewis	564	10	----------
Lincoln	1,979	30	----------
Livingston	725	10	----------
Logan	14,598	150	----------
Lyon	986	10	----------
McCracken	770	12	----------
McLean	2,322	25	----------
Madison	621	20	----------
Magoffin	1	----------	----------
Marion	1,531	30	----------
Marshall	1,363	10	----------
Mason	4,059	50	----------
Meade	3,593	20	----------
Mercer	2,171	12	----------
Metcalfe	615	8	----------
Monroe	1,430	25	----------
Montgomery	917	10	----------
Morgan	41	----------	----------
Muhlenberg	2,966	25	----------
Nelson	3,864	60	----------
Nicholas	1,260	20	----------
Ohio	1,272	10	----------
Oldham	1,843	20	----------
Owen	361	10	----------
Pendleton	1,050	24	----------
Powell	47	----------	----------
Pulaski	1,662	26	----------
Robertson	445	7	----------
Rockcastle	173	5	----------
Rowan	134	5	----------
Russell	527	15	----------
Scott	2,317	20	----------
Shelby	3,600	24	----------
Simpson	10,506	30	----------
Spencer	988	20	----------
Taylor	3,427	25	----------
Todd	9,620	100	----------
Trigg	5,518	30	----------
Trimble	1,322	20	----------
Union	7,268	50	----------
Warren	3,418	60	----------
Washington	1,747	30	----------
Wayne	1,145	26	----------
Webster	4,656	50	----------
Whitley	1	----------	----------
Wolfe	8	----------	----------
Woodford	2,529	----------	----------
Reserve new farms	1,000	----------	----------
Reserve appeals and corrections	1,155	----------	----------
Total	216,924	2,227	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

MARYLAND

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Allegany	1,166	30	----------
Anne Arundel	1,776	50	----------
Baltimore	6,830	50	----------
Calvert	1,054	90	----------
Caroline	12,374	200	----------
Carroll	18,975	122	----------
Cecil	8,869	150	----------
Charles	4,163	50	----------
Dorchester	11,155	160	----------
Frederick	22,315	250	----------
Garrett	1,812	25	----------
Harford	4,327	75	----------
Howard	5,598	50	----------
Kent	12,881	150	----------
Montgomery	9,267	175	----------
Prince Georges	3,019	75	----------
Queen Annes	18,306	200	----------
St. Marys	5,511	100	----------
Somerset	584	25	----------
Talbot	16,351	70	----------
Washington	16,552	120	----------
Wicomico	530	25	----------
Worcester	1,444	35	----------
Reserve new farms	250	----------	----------
Reserve appeals and corrections	250	----------	----------
Total	185,359	2,277	----------

MICHIGAN

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Alcona	2,042	50	----------
Alger	8	----------	----------
Allegan	22,344	250	----------
Alpena	4,930	75	----------
Antrim	767	40	----------
Arenac	4,404	100	----------
Baraga	7	2	----------
Barry	20,278	350	----------
Bay	19,475	100	----------
Benzie	214	10	----------
Berrien	12,889	200	----------
Branch	22,578	250	----------
Calhoun	29,066	300	----------
Cass	15,813	200	----------
Charlevoix	1,225	50	----------
Cheboygan	945	20	----------
Chippewa	414	25	----------
Clare	2,496	20	----------
Clinton	32,835	150	----------
Crawford	4	3	----------
Delta	116	5	----------
Dickinson	1	----------	----------
Eaton	31,485	250	----------
Emmet	765	30	----------
Genesee	24,752	250	----------
Gladwin	3,411	30	----------
Grand Traverse	1,800	20	----------
Gratiot	29,066	300	----------
Hillsdale	23,880	225	----------
Houghton	36	4	----------
Huron	49,619	250	----------
Ingham	24,161	300	----------
Ionia	30,081	250	----------
Iosco	1,497	40	----------
Isabella	17,569	300	----------
Jackson	19,669	250	----------
Kalamazoo	23,559	125	----------
Kalkaska	298	15	----------
Kent	18,167	300	----------
Lake	589	10	----------
Lapeer	21,968	150	----------
Leelanau	875	20	----------
Lenawee	41,161	250	----------
Livingston	19,881	250	----------
Luce	44	----------	----------
Mackinac	78	5	----------
Macomb	14,019	100	----------
Manistee	775	25	----------
Mason	4,933	50	----------
Mecosta	5,724	100	----------
Menominee	257	72	----------
Midland	8,110	140	----------
Missaukee	1,836	15	----------
Monroe	32,445	400	----------
Montcalm	18,554	150	----------
Montmorency	1,167	30	----------
Muskegon	4,301	50	----------
Newaygo	5,131	50	----------
Oakland	11,547	200	----------
Oceana	3,301	50	----------
Ogemaw	1,871	70	----------
Ontonagon	62	5	----------
Osceola	3,473	30	----------
Oscoda	119	1	----------
Otsego	294	10	----------
Ottawa	16,075	100	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

MICHIGAN—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Presque Isle	3,282	75	----------
Roscommon	65	2	----------
Saginaw	42,040	400	----------
St. Clair	28,179	300	----------
St. Joseph	22,315	350	----------
Sanilac	60,018	250	----------
Schoolcraft	40	2	----------
Shiawassee	32,695	150	----------
Tuscola	43,448	200	----------
Van Buren	11,739	300	----------
Washtenaw	26,688	250	----------
Wayne	7,814	200	----------
Wexford	763	10	----------
Reserve new farms	1,000	----------	----------
Reserve appeals and corrections	382	----------	----------
Total	981,724	9,961	----------

MINNESOTA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Aitkin	236	13	----------
Anoka	144	5	----------
Becker	15,461	75	----------
Beltrami	1,225	20	----------
Benton	239	15	----------
Big Stone	10,961	100	----------
Blue Earth	4,058	30	----------
Brown	989	20	----------
Carlton	3	1	----------
Carver	766	25	----------
Cass	45	5	----------
Chippewa	1,304	40	----------
Chisago	125	5	----------
Clay	71,862	300	----------
Clearwater	3,424	25	----------
Cottonwood	753	15	----------
Crow Wing	51	2	----------
Dakota	4,946	75	----------
Dodge	276	20	----------
Douglas	5,626	50	----------
Faribault	1,010	10	----------
Fillmore	235	5	----------
Freeborn	558	15	----------
Goodhue	3,998	50	----------
Grant	7,306	40	----------
Hennepin	268	20	----------
Houston	212	10	----------
Hubbard	458	30	----------
Isanti	987	20	----------
Itasca	142	8	----------
Jackson	219	10	----------
Kanabec	66	5	----------
Kandiyohi	1,185	30	----------
Kittson	86,636	250	----------
Koochiching	1,141	15	----------
Lac qui Parle	5,319	100	----------
Lake of the Woods	3,998	35	----------
Le Sueur	4,283	30	----------
Lincoln	1,424	50	----------
Lyon	1,512	30	----------
McLeod	2,810	25	----------
Mahnomen	10,570	50	----------
Marshall	97,462	250	----------
Martin	115	15	----------
Meeker	2,172	25	----------
Mille Lacs	270	5	----------
Morrison	869	25	----------
Mower	474	15	----------
Murray	192	5	----------
Nicollet	2,000	30	----------
Nobles	73	5	----------
Norman	45,583	150	----------
Olmsted	865	30	----------
Otter Tail	26,809	300	----------
Pennington	9,145	60	----------
Pine	90	5	----------
Pipestone	57	5	----------
Polk	128,719	550	----------
Pope	2,955	50	----------
Ramsey	17	2	----------
Red Lake	8,459	40	----------
Redwood	2,084	40	----------
Renville	4,542	30	----------
Rice	1,965	25	----------
Rock	43	2	----------
Roseau	24,328	100	----------
St. Louis	225	10	----------
Scott	1,532	25	----------
Sherburne	715	5	----------
Sibley	4,059	50	----------
Stearns	2,415	50	----------
Steele	371	10	----------
Stevens	7,539	40	----------
Swift	3,286	60	----------
Todd	829	50	----------
Traverse	19,381	100	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

MINNESOTA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Wabasha	1,005	50	
Wadena	246	15	
Waseca	1,795	10	
Washington	733	20	
Watonwan	265	5	
Wilkin	49,523	125	
Winona	583	15	
Wright	1,961	40	
Yellow Medicine	3,751	30	
Reserve new farms	800		
Reserve appeals and corrections	600		
Total	718,733	4,149	
MISSISSIPPI			
Adams	10		6
Alcorn	39		22
Attala	15		8
Benton	30		16
Bolivar	6,030	50	662
Calhoun	8		1
Carroll	247		135
Chickasaw	56		
Claiborne	22		13
Clarke	1	1	
Clay	127		67
Coahoma	3,156	25	829
Copiah	20		12
Covington	6		5
De Soto	1,248	60	695
Forrest	14		7
Franklin	3	3	
George	13		7
Greene	2		2
Grenada	15		5
Hinds	52		27
Holmes	98		
Humphreys	856	35	443
Issaquena	581	50	97
Itawamba	30		18
Jackson	7		4
Jefferson	33		19
Jefferson Davis	5		3
Jones	2		2
Kemper	21		
Lafayette	13		7
Lawrence	1		1
Lee	48		23
Leflore	705		278
Lowndes	454		238
Madison	54		28
Marshall	94		21
Monroe	39		11
Montgomery	21		8
Neshoba	4		2
Noxubee	90		52
Oktibbeha	21		14
Panola	321		185
Perry	3		2
Pontotoc	369	25	46
Prentiss	5		2
Quitman	1,468	10	765
Sharkey	756	75	275
Simpson	5		3
Sunflower	1,944	40	58
Tallahatchie	1,522	20	746
Tate	152		79
Tippah	9		5
Tishomingo	96		20
Tunica	3,957	25	1,738
Union	61		37
Warren	36		2
Washington	2,168		485
Webster	41		13
Wilkinson	12		8
Yalobusha	21		8
Yazoo	1,772	15	1,030
Reserve new farms	422		
Total	29,440	434	9,295
MISSOURI			
Adair	5,985	100	
Andrew	9,147	50	
Atchison	11,779	100	
Audrain	18,143	100	
Barry	6,947	50	
Barton	36,911	111	
Bates	28,570	145	
Benton	9,244	75	
Bollinger	6,622	59	
Boone	13,294	150	
Buchanan	19,581	100	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

MISSOURI—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Butler	8,468	25	880
Caldwell	11,660	150	
Callaway	14,123	150	
Camden	1,227	27	
Cape Girardeau	14,293	100	
Carroll	36,643	200	
Carter	415	15	
Cass	16,985	150	
Cedar	11,915	50	
Chariton	24,579	200	
Christian	4,987	50	164
Clark	10,267	125	
Clay	10,157	100	
Clinton	9,147	75	
Cole	9,954	60	
Cooper	18,035	75	
Crawford	2,443	40	
Dade	20,189	30	
Dallas	4,245	25	49
Daviess	17,438	200	
De Kalb	10,753	75	
Dent	2,258	35	
Douglas	2,261	50	
Dunklin	7,982	75	723
Franklin	19,498	200	
Gasconade	11,868	110	
Gentry	10,718	100	
Greene	10,816	100	
Grundy	5,568	68	
Harrison	11,256	150	
Henry	19,627	300	
Hickory	4,387	60	
Holt	16,975	125	
Howard	13,970	100	
Howell	2,767	40	
Iron	644	10	
Jackson	13,616	150	
Jasper	37,870	160	
Jefferson	5,904	90	
Johnson	16,305	120	
Knox	9,237	50	
Laclede	5,206	20	
Lafayette	25,192	150	
Lawrence	19,225	75	
Lewis	17,245	100	
Lincoln	19,944	75	
Linn	8,218	100	
Livingston	13,523	75	
McDonald	3,284	50	
Macon	9,947	50	
Madison	1,805	34	
Maries	5,922	45	
Marion	16,610	100	
Mercer	4,219	60	
Miller	6,930	30	
Mississippi	13,121	10	
Moniteau	10,899	60	
Monroe	17,249	125	
Montgomery	16,039	80	
Morgan	7,760	50	
New Madrid	17,303	50	
Newton	17,300	20	
Nodaway	11,426	50	
Oregon	1,703	20	
Osage	10,655	60	
Ozark	1,260	30	
Pemiscot	2,998	25	256
Perry	15,748	75	
Pettis	19,944	100	
Phelps	3,839	20	
Pike	16,333	150	
Platte	26,090	150	
Polk	12,119	15	
Pulaski	1,411	30	
Putnam	1,305	25	
Ralls	12,769	125	
Randolph	10,405	100	
Ray	21,852	200	
Reynolds	772	50	
Ripley	2,356	15	
St. Charles	34,108	100	
St. Clair	16,059	60	
St. Francois	2,727	35	
St. Louis	17,655	130	
Ste. Genevieve	5,200	75	
Saline	30,781	150	
Schuyler	1,646	25	
Scotland	5,397	50	
Scott	19,401	20	
Shannon	899	30	
Shelby	15,638	100	
Stoddard	26,304	50	
Stone	1,295	25	103
Sullivan	3,564	100	
Taney	153	25	
Texas	7,098	30	
Vernon	31,062	100	
Warren	14,376	100	
Washington	1,604	25	
Wayne	1,672	[illegible]	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

MISSOURI—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Webster	5,647	25	[illegible]
Worth	4,495	20	[illegible]
Wright	3,200	10	
Reserve new farms	1,500		[illegible]
Reserve appeals and corrections	1,003		
Total	1,330,083	8,998	[illegible]
MONTANA			
Beaverhead	9,095	125	
Big Horn	67,033	200	
Blaine	81,304	200	
Broadwater	25,465	45	
Carbon	30,077	50	
Carter	26,365	105	
Cascade	128,047	601	
Chouteau	340,823	700	
Custer	20,901	75	
Daniels	192,913	500	
Dawson	129,521	300	
Deer Lodge	1,043	5	
Fallon	84,425	100	
Fergus	155,600	100	
Flathead	26,226	60	
Gallatin	64,693	250	
Garfield	41,588	100	
Glacier	50,395	200	
Golden Valley	18,408	50	
Granite	1,295	5	
Hill	306,272	800	
Jefferson	9,990	25	
Judith Basin	80,295	175	
Lake	20,001	200	
Lewis and Clark	15,017	50	
Liberty	162,311	300	
Lincoln	877	25	
McCone	163,944	300	
Madison	11,425	25	
Meagher	3,876	25	
Mineral	927	5	
Missoula	8,545	25	
Musselshell	16,892	125	
Park	23,035	20	
Petroleum	6,766	50	
Phillips	88,664	100	
Pondera	148,216	250	
Powder River	28,854	125	
Powell	5,147	25	
Prairie	35,884	200	
Ravalli	7,309	65	
Richland	138,143	250	
Roosevelt	252,761	150	
Rosebud	24,423	205	
Sanders	6,959	50	
Sheridan	212,215	250	
Silver Bow	68		
Stillwater	59,717	150	
Sweet Grass	11,461	50	
Teton	159,896	300	
Toole	146,857	200	
Treasure	5,910	25	
Valley	225,298	100	
Wheatland	9,679	30	
Wibaux	53,335	150	
Yellowstone	81,995	150	
Reserve new farms	2,500		
Reserve appeals and corrections	3,294		
Total	4,033,335	8,430	
NEBRASKA			
Adams	88,989	300	
Antelope	5,855	65	
Arthur	12		
Banner	55,184	50	
Blaine	1		
Boone	10,635	100	
Box Butte	97,094	150	
Boyd	1,346	10	
Brown	2,237	15	
Buffalo	43,393	220	
Burt	8,736	85	
Butler	47,149	200	
Cass	27,480	150	
Cedar	319	5	
Chase	74,924	125	
Cherry	1,269	12	
Cheyenne	163,212	400	
Clay	84,813	200	
Colfax	19,027	100	
Cuming	1,634	25	
Custer	50,030	252	

ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

NEBRASKA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Dakota	232	12	----------
Dawes	43, 550	218	----------
Dawson	20, 083	150	----------
Deuel	66, 671	75	----------
Dixon	120	20	----------
Dodge	25, 759	150	----------
Douglas	2, 890	25	----------
Dundy	32, 470	330	----------
Fillmore	84, 719	300	----------
Franklin	44, 134	220	----------
Frontier	55, 207	280	----------
Furnas	61, 569	200	----------
Gage	80, 999	300	----------
Garden	42, 078	50	----------
Garfield	165	5	----------
Gosper	31, 147	130	----------
Greeley	9, 886	100	----------
Hall	33, 400	170	----------
Hamilton	60, 169	175	----------
Harlan	53, 495	150	----------
Hayes	43, 254	125	----------
Hitchcock	70, 642	400	----------
Holt	6, 699	55	----------
Hooker	3	----------	----------
Howard	25, 552	220	----------
Jefferson	59, 882	200	----------
Johnson	24, 607	185	----------
Kearney	69, 340	150	----------
Keith	70, 361	100	----------
Keya Paha	1, 136	8	----------
Kimball	134, 720	344	----------
Knox	3, 174	17	----------
Lancaster	70, 659	300	----------
Lincoln	56, 206	500	----------
Logan	6, 875	10	----------
Loup	123	5	----------
McPherson	78	----------	----------
Madison	5, 366	50	----------
Merrick	24, 130	150	----------
Morrill	35, 981	90	----------
Nance	21, 488	213	----------
Nemaha	24, 596	125	----------
Nuckolls	49, 294	200	----------
Otoe	38, 566	150	----------
Pawnee	16, 274	95	----------
Perkins	137, 122	200	----------
Phelps	55, 811	150	----------
Pierce	1, 612	90	----------
Platte	21, 231	200	----------
Polk	35, 606	179	----------
Redwillow	65, 444	330	----------
Richardson	27, 133	135	----------
Rock	33	1	----------
Saline	76, 275	250	----------
Sarpy	4, 400	40	----------
Saunders	33, 804	200	----------
Scotts Bluff	16, 718	45	----------
Seward	57, 341	200	----------
Sheridan	55, 214	250	----------
Sherman	15, 683	80	----------
Sioux	8, 412	20	----------
Stanton	1, 493	30	----------
Thayer	73, 656	250	----------
Thurston	442	10	----------
Valley	16, 234	90	----------
Washington	8, 860	85	----------
Wayne	242	10	----------
Webster	44, 171	330	----------
Wheeler	74	5	----------
York	53, 362	270	----------
Reserve new farms	2, 200	----------	----------
Reserve appeals and corrections	1, 003	----------	----------
Total	3, 204, 664	12, 666	----------

NEW JERSEY

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Atlantic	7	----------	----------
Bergen	5	----------	----------
Burlington	3, 457	50	----------
Camden	481	10	----------
Cape May	108	20	----------
Cumberland	994	25	----------
Essex	10	----------	----------
Gloucester	673	30	----------
Hunterdon	9, 268	100	----------
Mercer	9, 393	50	----------
Middlesex	6, 585	100	----------
Monmouth	10, 311	100	----------
Morris	736	15	----------
Ocean	230	5	----------
Passaic	3	----------	----------
Salem	2, 979	75	----------
Somerset	4, 766	100	----------
Sussex	278	10	----------
Union	30	----------	----------
Warren	2, 970	20	----------
Reserve new farms	150	----------	----------
Reserve appeals and corrections	200	----------	----------
Total	53, 534	710	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

NEW JERSEY—continued

NEW MEXICO

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Bernalillo	1, 456	10	----------
Catron	342	1	----------
Chaves	403	2	----------
Colfax	8, 583	75	----------
Curry	196, 983	300	----------
De Baca	301	30	----------
Eddy	17	1	----------
Grant	129	1	----------
Guadalupe	99	1	----------
Harding	26, 662	200	----------
Hidalgo	14	1	----------
Lea	813	3	----------
Lincoln	286	1	----------
McKinley	351	2	----------
Mora	1, 865	50	----------
Otero	84	2	----------
Quay	122, 282	200	----------
Rio Arriba	8, 158	20	----------
Roosevelt	57, 087	90	----------
Sandoval	1, 218	10	----------
San Juan	909	20	----------
San Miguel	1, 537	5	----------
Santa Fe	4, 870	20	----------
Sierra	49	2	----------
Socorro	3, 929	20	----------
Taos	2, 070	25	----------
Torrance	21, 431	75	----------
Union	9, 386	20	----------
Valencia	4, 408	40	----------
Reserve new farms	900	----------	----------
Reserve appeals and corrections	200	----------	----------
Total	476, 822	1, 227	----------

NEW YORK

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Albany	1, 889	60	----------
Allegany	3, 937	110	----------
Broome	241	10	----------
Cattaraugus	1, 536	75	----------
Cayuga	21, 246	400	----------
Chautauqua	3, 205	45	----------
Chemung	2, 439	75	----------
Chenango	838	50	----------
Clinton	20	3	----------
Columbia	2, 045	40	----------
Cortland	752	30	----------
Delaware	115	3	----------
Dutchess	800	20	----------
Erie	12, 062	200	----------
Essex	415	15	----------
Franklin	4	0	----------
Fulton	185	15	----------
Genesee	22, 561	250	----------
Greene	1, 391	31	----------
Herkimer	1, 013	40	----------
Jefferson	2, 667	45	----------
Lewis	73	2	----------
Livingston	28, 327	450	----------
Madison	2, 856	40	----------
Monroe	28, 583	200	----------
Montgomery	2, 062	50	----------
Nassau	284	0	----------
Niagara	20, 749	250	----------
Oneida	2, 269	40	----------
Onondaga	10, 370	200	----------
Ontario	28, 413	400	----------
Orange	306	5	----------
Orleans	17, 168	325	----------
Oswego	2, 518	30	----------
Otsego	716	20	----------
Rensselaer	1, 611	50	----------
Rockland	19	0	----------
St. Lawrence	199	15	----------
Saratoga	1, 082	40	----------
Schenectady	377	15	----------
Schoharie	1, 925	40	----------
Schuyler	5, 739	100	----------
Seneca	17, 318	300	----------
Steuben	13, 649	250	----------
Suffolk	1, 748	50	----------
Sullivan	40	2	----------
Tioga	1, 945	54	----------
Tompkins	7, 390	150	----------
Ulster	1, 333	5	----------
Warren	5	5	----------
Washington	696	20	----------
Wayne	17, 114	300	----------
Westchester	50	1	----------
Wyoming	12, 069	250	----------
Yates	13, 410	300	----------
Reserve new farms	150	----------	----------
Reserve appeals and corrections	221	----------	----------
Total	322, 145	5, 476	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

NEW YORK—continued

NORTH CAROLINA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Alamance	7, 103	40	----------
Alexander	3, 634	40	----------
Alleghany	189	10	----------
Anson	6, 319	50	----------
Ashe	30	4	----------
Avery	20	0	----------
Beaufort	538	5	----------
Bertie	37	3	----------
Bladen	1, 312	6	----------
Brunswick	256	2	----------
Buncombe	399	10	----------
Burke	2, 466	20	----------
Cabarrus	8, 047	25	----------
Caldwell	1, 600	12	----------
Camden	144	10	----------5
Carteret	143	0	----------
Caswell	5, 497	15	----------
Catawba	12, 803	30	----------
Chatham	4, 918	40	----------
Cherokee	58	3	----------
Chowan	66	5	----------
Clay	41	0	----------
Cleveland	11, 853	100	----------
Columbus	928	10	----------
Craven	570	5	----------
Cumberland	5, 721	75	----------
Currituck	152	3	----------
Davidson	9, 017	160	----------
Davie	3, 987	75	----------
Duplin	1, 386	40	----------
Durham	1, 319	50	----------
Edgecombe	1, 028	5	----------
Forsyth	4, 646	75	----------
Franklin	3, 475	40	----------
Gaston	6, 613	60	----------
Gates	228	5	----------
Granville	2, 365	25	----------
Greene	447	5	----------
Guilford	8, 904	100	----------
Halifax	1, 805	15	----------
Harnett	4, 941	25	----------
Haywood	54	4	----------
Henderson	188	0	----------
Hertford	125	5	----------
Hoke	2, 617	15	----------
Hyde	109	1	----------
Iredell	15, 334	60	----------
Jackson	19	2	----------
Johnston	4, 324	50	----------
Jones	205	3	----------
Lee	2, 020	30	----------
Lenoir	1, 226	5	----------
Lincoln	10, 316	50	----------
McDowell	747	10	----------
Macon	76	2	----------
Madison	224	8	----------
Martin	115	6	----------
Mecklenburg	6, 198	55	----------
Mitchell	1	0	----------
Montgomery	2, 602	25	----------
Moore	4, 056	25	----------
Nash	3, 022	15	----------
New Hanover	60	0	----------
Northampton	871	15	----------
Onslow	171	3	----------
Orange	3, 314	25	----------
Pamlico	344	5	----------
Pasquotank	442	15	----------
Pender	615	20	----------
Perquimans	260	10	----------
Person	4, 341	50	----------
Pitt	684	10	----------
Polk	785	20	----------
Randolph	9, 785	35	----------
Richmond	3, 709	30	----------
Robeson	5, 124	25	----------
Rockingham	6, 289	35	----------
Rowan	15, 130	50	----------
Rutherford	4, 933	25	----------
Sampson	3, 484	15	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

NORTH CAROLINA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Scotland	1, 417	25	----------
Stanly	14, 950	75	----------
Stokes	2, 117	25	----------
Surry	2, 021	50	----------
Swain	1	0	----------
Transylvania	29	0	----------
Tyrrell	239	4	----------
Union	12, 756	25	----------
Vance	1, 703	30	----------
Wake	5, 311	75	----------
Warren	3, 425	75	----------
Washington	248	12	----------
Watauga	78	8	----------
Wayne	2, 598	20	----------
Wilkes	2, 568	60	----------
Wilson	2, 014	5	----------
Yadkin	5, 273	150	----------
Yancey	5	0	----------
Reserve new farms	296	----------	----------
Reserve appeals and corrections	374	----------	----------
Total	295, 686	2, 541	----------

NORTH DAKOTA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adams	144, 933	725	----------
Barnes	177, 063	1, 200	----------
Benson	186, 091	1, 861	----------
Billings	36, 009	200	----------
Bottineau	243, 472	1, 217	----------
Bowman	120, 260	601	----------
Burke	134, 414	672	----------
Burleigh	97, 565	600	----------
Cass	190, 333	1, 200	----------
Cavalier	205, 126	2, 000	----------
Dickey	68, 878	500	----------
Divide	174, 688	1, 000	----------
Dunn	125, 554	630	----------
Eddy	56, 835	425	----------
Emmons	136, 220	681	----------
Foster	67, 158	671	----------
Golden Valley	74, 253	380	----------
Grand Forks	169, 023	1, 000	----------
Grant	133, 736	700	----------
Griggs	65, 956	500	----------
Hettinger	191, 402	957	----------
Kidder	78, 372	500	----------
La Moure	129, 592	700	----------
Logan	99, 196	700	----------
McHenry	187, 362	937	----------
McIntosh	113, 379	800	----------
McKenzie	153, 578	800	----------
McLean	265, 401	1, 401	----------
Mercer	95, 736	500	----------
Morton	150, 105	750	----------
Mountrail	210, 274	1, 100	----------
Nelson	113, 784	700	----------
Oliver	56, 120	561	----------
Pembina	164, 995	825	----------
Pierce	145, 035	1, 200	----------
Ramsey	188, 810	1, 888	----------
Ransom	64, 557	323	----------
Renville	123, 193	616	----------
Richland	82, 681	600	----------
Rolette	100, 017	700	----------
Sargent	69, 946	400	----------
Sheridan	107, 833	800	----------
Sioux	42, 499	249	----------
Slope	97, 754	500	----------
Stark	156, 461	1, 000	----------
Steele	76, 579	700	----------
Stutsman	241, 123	1, 210	----------
Towner	175, 398	1, 000	----------
Traill	97, 808	500	----------
Walsh	180, 216	901	----------
Ward	252, 310	1, 265	----------
Wells	168, 896	1, 200	----------
Williams	261, 738	1, 350	----------
Reserve new farms	5, 000	----------	----------
Reserve appeals and corrections	5, 005	----------	----------
Total	7, 259, 722	44, 306	----------

OHIO

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adams	12, 296	50	----------
Allen	22, 154	200	----------
Ashland	19, 697	150	----------
Ashtabula	12, 769	100	----------
Athens	1, 462	100	----------
Auglaize	21, 752	200	----------
Belmont	4, 103	70	----------
Brown	15, 761	75	----------
Butler	18, 492	250	----------
Carroll	7, 540	70	----------
Champaign	22, 903	300	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

OHIO—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Clark	21, 836	250	----------
Clermont	8, 915	100	----------
Clinton	30, 027	100	----------
Columbiana	13, 341	200	----------
Coshocton	12, 348	250	----------
Crawford	24, 062	200	----------
Cuyahoga	918	65	----------
Darke	32, 369	400	----------
Defiance	26, 183	300	----------
Delaware	18, 180	200	----------
Erie	14, 343	75	----------
Fairfield	31, 531	350	----------
Fayette	32, 672	200	----------
Franklin	24, 206	300	----------
Fulton	25, 165	200	----------
Gallia	2, 095	150	----------
Geauga	5, 069	75	----------
Greene	27, 002	300	----------
Guernsey	4, 734	150	----------
Hamilton	3, 374	100	----------
Hancock	37, 442	250	----------
Hardin	23, 979	175	----------
Harrison	3, 081	50	----------
Henry	32, 010	200	----------
Highland	30, 417	150	----------
Hocking	4, 079	150	----------
Holmes	17, 110	125	----------
Huron	27, 791	200	----------
Jackson	2, 571	30	----------
Jefferson	3, 679	35	----------
Knox	23, 790	400	----------
Lake	1, 861	200	----------
Lawrence	578	12	----------
Licking	26, 180	400	----------
Logan	18, 431	200	----------
Lorain	15, 036	135	----------
Lucas	13, 519	150	----------
Madison	30, 752	200	----------
Mahoning	9, 974	200	----------
Marion	19, 932	235	----------
Medina	15, 191	300	----------
Meigs	2, 377	200	----------
Mercer	24, 861	175	----------
Miami	27, 173	250	----------
Monroe	2, 204	60	----------
Montgomery	21, 348	250	----------
Morgan	3, 207	350	----------
Morrow	16, 466	250	----------
Muskingum	10, 271	150	----------
Noble	1, 382	75	----------
Ottawa	16, 805	400	----------
Paulding	26, 553	200	----------
Perry	9, 908	225	----------
Pickaway	42, 576	200	----------
Pike	4, 548	50	----------
Portage	11, 924	100	----------
Preble	24, 946	300	----------
Putnam	37, 470	200	----------
Richland	21, 694	200	----------
Ross	30, 698	100	----------
Sandusky	27, 959	362	----------
Scioto	4, 062	120	----------
Seneca	40, 218	200	----------
Shelby	21, 938	400	----------
Stark	20, 466	50	----------
Summit	5, 053	160	----------
Trumbull	9, 104	135	----------
Tuscarawas	12, 760	100	----------
Union	20, 175	275	----------
Van Wert	26, 132	287	----------
Vinton	1, 382	150	----------
Warren	18, 230	250	----------
Washington	4, 277	125	----------
Wayne	32, 799	250	----------
Williams	24, 917	300	----------
Wood	49, 644	600	----------
Wyandot	27, 667	200	----------
Reserve new farms	500	----------	----------
Reserve appeals and corrections	1, 000	----------	----------
Total	1, 559, 396	17, 026	----------

OKLAHOMA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adair	761	5	----------
Alfalfa	220, 046	300	----------
Atoka	139	1	----------
Beaver	264, 908	350	----------
Beckham	46, 203	15	----------
Blaine	157, 539	115	----------
Bryan	3, 867	10	----------
Caddo	90, 342	50	----------
Canadian	137, 585	150	----------
Carter	626	5	----------
Cherokee	1, 220	5	----------
Choctaw	294	5	----------
Cimarron	189, 129	300	----------
Cleveland	8, 919	25	----------
Coal	373	2	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

OKLAHOMA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Comanche	55, 658	25	----------
Cotton	104, 581	50	----------
Craig	16, 430	10	----------
Creek	1, 595	10	----------
Custer	162, 186	100	----------
Delaware	6, 831	10	----------
Dewey	111, 351	100	----------
Ellis	117, 770	200	----------
Garfield	273, 443	500	----------
Garvin	6, 971	16	----------
Grady	47, 450	40	----------
Grant	275, 058	300	----------
Greer	65, 108	50	----------
Harmon	50, 327	20	----------
Harper	131, 715	125	----------
Haskell	1, 683	2	----------
Hughes	510	2	----------
Jackson	131, 768	300	----------
Jefferson	7, 231	10	----------
Johnston	548	5	----------
Kay	186, 834	150	----------
Kingfisher	209, 621	100	----------
Kiowa	185, 523	350	----------
Latimer	7	0	1
Le Flore	3, 676	5	[illegible]
Lincoln	9, 303	25	----------
Logan	70, 821	50	----------
Love	622	5	----------
McClain	9, 926	10	----------
McCurtain	23	0	[illegible]
McIntosh	1, 937	10	----------
Major	137, 647	150	----------
Marshall	758	5	----------
Mayes	8, 173	20	----------
Murray	2, 098	5	----------
Muskogee	8, 943	15	----------
Noble	109, 160	200	----------
Nowata	9, 886	5	----------
Okfuskee	1, 531	5	----------
Oklahoma	22, 916	25	----------
Okmulgee	999	5	----------
Osage	23, 518	25	----------
Ottawa	21, 605	10	----------
Pawnee	16, 099	10	----------
Payne	18, 954	20	----------
Pittsburg	1, 250	5	----------
Pontotoc	720	5	----------
Pottawatomie	9, 997	5	----------
Pushmataha	1	0	----------
Roger Mills	51, 757	20	----------
Rogers	9, 852	10	----------
Seminole	1, 243	5	----------
Sequoyah	4, 873	5	----------
Stephens	14, 069	15	----------
Texas	395, 355	300	----------
Tillman	163, 577	100	----------
Tulsa	5, 995	5	----------
Wagoner	11, 001	10	----------
Washington	5, 403	5	----------
Washita	160, 010	100	----------
Woods	173, 873	200	----------
Woodward	103, 584	150	----------
Reserve new farms	1, 500	----------	----------
Reserve appeals and corrections	507	----------	----------
Total	4, 874, 312	5, 377	[illegible]

OREGON

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Baker	15, 361	200	----------
Benton	5, 253	35	----------
Clackamas	7, 232	70	----------
Columbia	232	5	----------
Crook	3, 725	50	----------
Deschutes	1, 422	50	----------
Douglas	1, 055	30	----------
Gilliam	89, 582	400	----------
Grant	1, 898	35	----------
Harney	2, 716	50	----------
Hood River	1	----------	----------
Jackson	1, 504	30	----------
Jefferson	27, 404	600	----------
Josephine	129	10	----------
Klamath	11, 546	200	----------
Lake	17, 088	341	----------
Lane	5, 009	100	----------
Linn	7, 877	200	----------
Malheur	15, 206	150	----------
Marion	17, 552	500	----------
Morrow	115, 585	200	----------
Multnomah	410	10	----------
Polk	12, 357	257	----------
Sherman	93, 423	200	----------
Umatilla	199, 213	1, 380	----------
Union	41, 952	425	----------
Wallowa	24, 466	200	----------
Wasco	64, 221	250	----------
Washington	14, 621	150	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

OREGON—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Wheeler	5,968	100	----------
Yamhill	15,697	300	----------
Reserve new farms	1,000	----------	----------
Reserve appeals and corrections	1,066	----------	----------
Total	821,771	6,528	----------

PENNSYLVANIA

Adams	17,943	100	----------
Allegheny	2,998	25	----------
Armstrong	8,944	100	----------
Beaver	4,393	50	----------
Bedford	10,401	50	----------
Berks	27,789	300	----------
Blair	5,852	40	----------
Bradford	3,545	100	----------
Bucks	16,417	200	----------
Butler	11,281	50	----------
Cambria	5,216	50	----------
Cameron	22	1	----------
Carbon	2,788	35	----------
Centre	15,000	125	----------
Chester	13,357	100	----------
Clarion	8,371	100	----------
Clearfield	3,136	75	----------
Clinton	4,406	65	----------
Columbia	15,023	100	----------
Crawford	8,790	140	----------
Cumberland	21,756	100	----------
Dauphin	11,491	75	----------
Delaware	521	75	----------
Elk	350	10	----------
Erie	8,428	100	----------
Fayette	4,219	40	----------
Forest	282	5	----------
Franklin	29,818	150	----------
Fulton	7,382	50	----------
Greene	1,501	50	----------
Huntingdon	8,533	100	----------
Indiana	10,309	150	----------
Jefferson	5,486	75	----------
Juniata	8,515	75	----------
Lackawanna	150	8	----------
Lancaster	48,035	100	----------
Lawrence	8,306	50	----------
Lebanon	12,408	100	----------
Lehigh	13,949	160	----------
Luzerne	4,008	35	----------
Lycoming	12,025	100	----------
McKean	146	12	----------
Mercer	10,618	100	----------
Mifflin	7,401	25	----------
Monroe	2,387	50	----------
Montgomery	10,989	100	----------
Montour	6,356	150	----------
Northampton	9,271	200	----------
Northumberland	14,739	50	----------
Perry	11,681	50	----------
Philadelphia	346	15	----------
Pike	66	2	----------
Potter	757	25	----------
Schuylkill	9,583	75	----------
Snyder	10,193	115	----------
Somerset	6,407	30	----------
Sullivan	319	25	----------
Susquehanna	323	10	----------
Tioga	1,998	15	----------
Union	8,513	50	----------
Venango	3,149	10	----------
Warren	1,111	50	----------
Washington	6,811	50	----------
Wayne	68	3	----------
Westmoreland	11,361	100	----------
Wyoming	974	15	----------
York	42,833	200	----------
Reserve new farms	250	----------	----------
Reserve appeals and corrections	410	----------	----------
Total	582,204	4,941	----------

SOUTH CAROLINA

Abbeville	4,549	45	----------
Aiken	3,882	10	----------
Allendale	2,231	10	----------
Anderson	18,690	100	----------
Bamberg	1,635	10	----------
Barnwell	1,566	10	----------
Berkeley	135	----------	----------
Calhoun	5,355	10	----------
Charleston	127	1	----------
Cherokee	4,620	15	----------
Chester	1,549	5	----------
Chesterfield	2,569	10	----------
Clarendon	1,520	5	----------
Colleton	318	2	----------
Darlington	5,593	25	----------
Dillon	1,284	10	----------
Dorchester	143	2	----------
Edgefield	2,214	6	----------
Fairfield	644	10	----------
Florence	3,522	17	----------
Georgetown	150	3	----------
Greenville	7,396	73	----------
Greenwood	2,180	11	----------
Hampton	1,425	15	----------
Horry	681	5	----------
Jasper	26	2	----------
Kershaw	2,088	12	----------
Lancaster	1,396	12	----------
Laurens	7,124	10	----------
Lee	3,515	10	----------
Lexington	2,622	10	----------
McCormick	479	5	----------
Marion	419	6	----------
Marlboro	1,694	20	----------
Newberry	3,751	15	----------
Oconee	4,057	10	----------
Orangeburg	5,113	20	----------
Pickens	3,396	34	----------
Richland	3,338	5	----------
Saluda	2,871	15	----------
Spartanburg	13,180	75	----------
Sumter	4,227	5	----------
Union	1,488	10	----------
Williamsburg	813	10	----------
York	3,340	10	----------
Reserve new farms	200	----------	----------
Reserve appeals and corrections	151	----------	----------
Total	139,266	706	----------

SOUTH DAKOTA

Aurora	11,568	150	----------
Beadle	80,266	400	----------
Bennett	47,669	200	----------
Bon Homme	2,088	130	----------
Brookings	1,494	100	----------
Brown	182,912	500	----------
Brule	12,696	100	----------
Buffalo	5,075	50	----------
Butte	16,127	75	----------
Campbell	86,842	300	----------
Charles Mix	30,028	150	----------
Clark	64,675	200	----------
Clay	4,744	100	----------
Codington	30,648	150	----------
Corson	115,357	500	----------
Custer	4,432	100	----------
Davison	1,517	40	----------
Day	76,945	400	----------
Deuel	1,812	125	----------
Dewey	59,594	400	----------
Douglas	3,827	80	----------
Edmunds	126,245	250	----------
Fall River	16,589	165	----------
Faulk	82,038	300	----------
Grant	13,516	400	----------
Gregory	16,630	150	----------
Haakon	35,553	200	----------
Hamlin	6,685	100	----------
Hand	69,781	450	----------
Hanson	1,018	50	----------
Harding	40,041	150	----------
Hughes	44,929	100	----------
Hutchinson	4,957	300	----------
Hyde	20,733	75	----------
Jackson	14,478	100	----------
Jerauld	21,728	75	----------
Jones	47,404	50	----------
Kingsbury	26,549	150	----------
Lake	627	67	----------
Lawrence	5,693	50	----------
Lincoln	301	147	----------
Lyman	88,194	300	----------
McCook	996	59	----------
McPherson	93,941	200	----------
Marshall	54,139	150	----------
Meade	56,918	130	----------
Mellette	26,884	150	----------
Miner	4,952	100	----------
Minnehaha	141	16	----------
Moody	229	15	----------
Pennington	46,094	300	----------
Perkins	138,963	250	----------
Potter	93,470	250	----------
Roberts	48,976	350	----------
Sanborn	4,274	225	----------
Shannon	19,801	60	----------
Spink	233,300	400	----------
Stanley	26,878	100	----------
Sully	104,517	200	----------
Todd	10,427	100	----------
Tripp	75,741	350	----------
Turner	670	25	----------
Union	9,780	280	----------
Walworth	85,279	90	----------
Washabaugh	15,009	100	----------
Yankton	1,700	21	----------
Ziebach	35,750	160	----------
Reserve new farms	2,000	----------	----------
Reserve appeals and corrections	3,394	----------	----------
Total	2,718,228	11,960	----------

TENNESSEE

Anderson	139	10	----------
Bedford	5,854	25	----------
Benton	689	15	----------
Bledsoe	855	12	----------
Blount	3,668	50	----------
Bradley	1,123	20	----------
Campbell	270	10	----------
Cannon	608	12	----------
Carroll	1,011	25	----------
Carter	401	35	----------
Cheatham	2,033	20	----------
Chester	114	5	----------
Claiborne	3,337	35	----------
Clay	761	5	----------
Cocke	2,328	40	----------
Coffee	3,243	30	----------
Crockett	224	10	----------
Cumberland	257	10	----------
Davidson	1,399	40	----------
Decatur	75	2	----------
De Kalb	1,222	9	----------
Dickson	1,457	14	----------
Dyer	1,995	40	----------
Fayette	30	3	----------
Fentress	623	14	----------
Franklin	6,545	40	----------
Gibson	1,518	25	----------
Giles	3,916	25	----------
Grainger	2,094	10	----------
Greene	8,225	150	----------
Grundy	629	10	----------
Hamblen	3,966	25	----------
Hamilton	547	15	----------
Hancock	1,096	15	----------
Hardeman	183	2	----------
Hardin	812	20	----------
Hawkins	5,471	50	----------
Haywood	315	10	----------
Henderson	64	2	----------
Henry	2,393	150	----------
Hickman	665	5	----------
Houston	513	15	----------
Humphreys	1,219	20	----------
Jackson	318	20	----------
Jefferson	5,651	75	----------
Johnson	735	5	----------
Knox	1,469	50	----------
Lake	340	15	----------
Lauderdale	217	5	----------
Lawrence	5,252	50	----------
Lewis	152	3	----------
Lincoln	4,691	20	----------
Loudon	3,163	25	----------
McMinn	1,554	15	----------
McNairy	29	2	----------
Macon	1,173	40	----------
Madison	293	10	----------
Marion	485	15	----------
Marshall	3,944	25	----------
Maury	9,786	50	----------
Meigs	1,067	20	----------
Monroe	3,697	15	----------
Montgomery	6,439	40	----------
Moore	419	5	----------
Morgan	136	111	----------
Obion	5,714	130	----------
Overton	1,725	10	----------
Perry	286	6	----------
Pickett	697	17	----------
Polk	577	15	----------
Putnam	1,355	20	----------
Rhea	925	10	----------
Roane	839	5	----------
Robertson	19,791	150	----------
Rutherford	4,484	20	----------
Sequatchie	242	4	----------
Sevier	3,398	60	----------
Shelby	373	10	----------
Smith	699	25	----------
Stewart	510	5	----------
Sullivan	2,525	60	----------
Sumner	5,102	100	----------
Tipton	845	10	----------
Trousdale	364	6	----------
Unicoi	102	7	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Continued

TENNESSEE—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Union	382	28	
Van Buren	174	5	
Warren	2, 624	50	
Washington	4, 301	50	
Wayne	655	10	
Weakley	3, 274	50	
White	1, 907	20	
Williamson	6, 641	75	
Wilson	2, 080	50	
Reserve new farms	500		
Reserve appeals and corrections	193		
Total	198, 181	2, 702	

TEXAS

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Anderson	4		
Archer	30, 722	30	
Armstrong	86, 089	53	
Atascosa	270		
Austin	4		
Bailey	16, 168	50	
Bandera	38		
Bastrop	20		
Baylor	66, 313	35	
Bee	9		
Bell	5, 679	20	
Bexar	1, 490	4	
Blanco	538	5	
Borden	1, 828	15	
Bosque	3, 925	30	
Bowie	116		
Brazos	8		
Briscoe	51, 479	50	
Brown	16, 434	36	
Burnet	1, 230	10	
Caldwell	11		
Callahan	19, 638	30	
Carson	152, 343	50	
Castro	105, 184	150	
Cherokee	4		
Childress	45, 360	30	
Clay	30, 675	85	
Cochran	2, 476	25	
Coke	2, 132	10	
Coleman	25, 075	50	
Collin	42, 149	25	
Collingsworth	25, 813	15	
Comal	306	3	
Comanche	1, 927	10	
Concho	23, 351	25	
Cooke	24, 085	20	
Coryell	9, 325	30	
Cottle	26, 648	10	
Crosby	37, 484	50	
Culberson	5		
Dallam	69, 734	175	
Dallas	23, 151	70	
Dawson	1, 269	25	
Deaf Smith	202, 309	100	
Delta	972	6	
Denton	33, 904	15	
De Witt	3		
Dickens	23, 304	283	
Donley	18, 347	50	
Eastland	5, 592	35	
Edwards	22		
Ellis	10, 569	19	
Erath	1, 413	12	
Falls	294		
Fannin	11, 414	30	
Fisher	29, 728	10	
Floyd	133, 411	50	
Foard	68, 316	54	
Frio	1		25
Gaines	1, 623	15	
Garza	1, 972	59	
Gillespie	6, 204	25	
Glasscock	281		
Gonzales	15		
Gray	88, 201	50	
Grayson	44, 264	50	
Guadelupe	332	6	
Hale	64, 826	67	
Hall	13, 876	20	
Hamilton	4, 610	15	
Hansford	224, 490	175	
Hardeman	87, 661	50	
Harris	5		
Hartley	85, 920	25	
Haskell	52, 198	20	
Hays	79		
Hemphill	85, 968	15	
Henderson	34		
Hill	2, 193	12	
Hockley	567	17	
Hood	187	2	
Hopkins	18		
Houston	6		
Howard	2, 358	25	
Hudspeth	12		
Hunt	3, 991	10	
Hutchinson	65, 131	50	
Irion	49		
Jack	4, 062	20	
Jackson	111		
Johnson	2, 301	15	
Jones	58, 853	50	
Karnes	320		
Kaufman	1, 618	10	
Kendall	1, 962	5	
Kent	5, 780	12	
Kerr	1, 626	5	
Kimble	287	6	
King	5, 297	3	
Knox	51, 042	10	
Lamar	2, 613	7	
Lamb	5, 910	116	
Lampasas	1, 794	8	
Leon	5		
Limestone	44		
Lipscomb	110, 280	75	
Live Oak	109		
Llano	90	1	
Lubbock	4, 020	25	
Lynn	2, 168	65	
McCulloch	14, 400	30	
McLennan	6, 679	13	
Martin	143	10	
Mason	44	2	
Maverick	102	1	
Medina	304	3	
Menard	1, 094		
Midland	1		
Milam	145	1	
Mills	2, 545	4	
Mitchell	7, 726	25	
Montague	2, 790	15	
Moore	140, 177	100	
Morris	0	0	125
Motley	11, 352	20	
Navarro	442	5	
Nolan	15, 521	30	
Ochiltree	243, 800	150	
Oldham	59, 992	75	
Palo Pinto	2, 943	20	
Parker	523	5	
Parmer	105, 418	110	
Potter	32, 965	15	
Presidio	12		
Rains	12		
Randall	135, 556	50	
Red River	350	5	122
Reeves	15		
Roberts	29, 814	30	
Rockwall	3, 285	10	
Runnels	36, 254	30	
San Saba	2, 207	20	
Schleicher	545	3	
Scurry	11, 884	25	
Shackelford	16, 775	20	
Sherman	179, 859	35	
Somervell	68	1	
Stephens	12, 596	40	
Sterling	269		
Stonewall	22, 163	25	
Swisher	120, 797	75	
Tarrant	2, 739	20	
Taylor	63, 103	35	
Terry	11, 623	50	
Throckmorton	32, 363	20	
Titus	10		
Tom Green	2, 031	11	
Travis	107		
Uvalde	228		
Van Zandt	193	1	
Victoria	8		
Walker	1		
Waller	31		
Wharton	58		
Wheeler	23, 371	30	
Wichita	57, 994	50	
Wilbarger	85, 979	35	
Williamson	1, 222	10	
Wilson	227	3	
Wise	5, 033	25	
Wood	5		
Yoakum	2, 334	30	
Young	49, 280	50	
Zavala	112		
Reserve new farms	1, 750		
Reserve appeals and corrections	251		
Total	4, 009, 094	4, 404	272

WHEAT ACREAGE APPORTIONED TO COUNTIES
1959—Counties

UTAH

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Beaver	1, 951	50	
Box Elder	97, 606	400	
Cache	33, 219	300	
Carbon	1, 432	15	
Daggett	33	3	
Davis	3, 730	50	
Duchesne	2, 959	40	
Emery	2, 981	40	
Garfield	1, 384	30	
Grand	370	20	
Iron	6, 234	45	
Juab	20, 997	150	
Kane	1, 032	25	
Millard	28, 673	200	
Morgan	2, 180	10	
Piute	175	6	
Rich	3, 580	35	
Salt Lake	19, 395	225	
San Juan	30, 552	200	
Sanpete	12, 397	100	
Sevier	2, 861	25	
Summit	1, 250	10	
Tooele	7, 072	75	
Uintah	3, 654	50	
Utah	17, 389	125	
Wasatch	278	20	
Washington	6, 753	50	
Wayne	310	10	
Weber	2, 936	25	
Reserve new farms	50		
Reserve appeals and corrections	111		
Total	313, 544	2, 324	

VIRGINIA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Accomac	497	10	
Albermarle	1, 652	23	
Alleghany	132	5	
Amelia	5, 116	16	
Amherst	1, 733	30	
Appomattox	5, 214	40	
Augusta	10, 803	100	
Bath	345	10	
Bedford	6, 010	170	
Bland	1, 097	10	
Botetourt	1, 583	10	
Brunswick	3, 360	15	
Buchanan	12	1	
Buckingham	4, 443	70	
Campbell	7, 001	75	
Caroline	5, 169	32	
Carroll	760	5	
Charles City	2, 532	32	
Charlotte	4, 491	91	
Chesterfield	1, 267	15	
Clarke	3, 437	103	
Craig	547	5	
Culpeper	2, 223	40	
Cumberland	3, 265	30	
Dickenson	1		
Dinwiddie	2, 334	15	
Hampton	88	6	
Essex	5, 725	25	
Fairfax	1, 559	15	
Fauquier	5, 670	50	
Floyd	1, 534	10	
Fluvanna	1, 651	20	
Franklin	4, 915	75	
Frederick	4, 325	43	
Giles	499	5	
Gloucester	677	17	
Goochland	1, 825	15	
Grayson	574	2	
Greene	1, 325	15	
Greensville	203	5	
Halifax	8, 048	50	
Hanover	6, 378	28	
Henrico	1, 600	20	
Henry	1, 010	55	
Highland	285	9	
Isle of Wight	78	5	
James City	779	9	
King and Queen	2, 665	35	
King George	2, 361	30	
King William	2, 400	25	
Lancaster	1, 013	20	
Lee	1, 785	50	
Loudoun	9, 058	50	
Louisa	3, 725	35	
Lunenburg	2, 591	75	
Madison	2, 277	27	
Mathews	266	10	
Mecklenburg	6, 248	150	
Middlesex	1, 464	10	
Montgomery	1, 320	10	
Nansemond	367	10	

ACREAGE APPORTIONED TO COUNTIES FOR 1959—Counties

VIRGINIA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Nelson	1,478	35	----------
New Kent	1,302	21	----------
Norfolk	1,587	17	----------
Northampton	115	6	----------
Northumberland	3,289	32	----------
Nottoway	2,692	10	----------
Orange	2,532	40	----------
Page	3,642	36	----------
Patrick	441	10	----------
Pittsylvania	14,168	168	----------
Powhatan	1,230	25	----------
Prince Edward	5,112	20	----------
Prince George	1,462	10	----------
Prince William	2,190	25	----------
Princess Anne	1,371	40	----------
Pulaski	1,207	20	----------
Rappahannock	885	30	----------
Richmond	3,713	30	----------
Roanoke	1,156	20	----------
Rockbridge	3,495	20	----------
Rockingham	10,952	109	----------
Russell	2,112	25	----------
Scott	1,989	35	----------
Shenandoah	5,512	55	----------
Smyth	1,807	10	----------
Southampton	461	10	----------
Spotsylvania	2,003	30	----------
Stafford	1,211	20	----------
Surry	405	14	----------
Sussex	627	16	----------
Tazewell	1,700	4	----------
Warren	1,671	15	----------
Warwick	4	5	----------
Washington	4,670	25	
Westmoreland	5,920	40	----------
Wise	15	----------	----------
Wythe	3,703	15	----------
York	215	8	----------
Reserve new farms	400	----------	----------
Reserve appeals and corrections	862	----------	----------
Total	259,999	3,020	----------

WASHINGTON

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adams	271,210	1,500	----------
Asotin	27,271	136	----------
Benton	103,590	518	----------
Chelan	4,560	45	----------
Clallam	73	----------	----------
Clark	462	----------	----------
Columbia	68,157	340	----------
Cowlitz	29	----------	----------
Douglas	169,008	400	----------
Ferry	4,166	75	----------
Franklin	101,696	1,000	----------
Garfield	66,329	66	----------
Grant	132,434	2,000	----------
Grays Harbor	105	----------	----------
Island	1,094	10	----------
Jefferson	48	----------	----------
Kittitas	8,918	100	----------
Klickitat	56,461	400	----------
Lewis	3,112	50	----------
Lincoln	276,904	500	----------
Mason	8	----------	----------
Okanogan	27,453	250	----------
Pend Oreille	990	----------	----------
Pierce	16	----------	----------
San Juan	124	----------	----------
Skagit	1,033	10	----------
Snohomish	160	----------	----------
Spokane	111,421	800	----------
Stevens	18,853	150	----------
Thurston	529	----------	----------
Walla Walla	175,618	700	----------
Whatcom	346	----------	----------
Whitman	343,209	858	----------
Yakima	22,133	200	----------
Reserve new farms	2,000	----------	----------
Reserve appeals and corrections	3,130	----------	----------
Total	2,002,740	10,108	----------

WEST VIRGINIA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Barbour	216	15	----------
Berkeley	3,816	25	----------
Braxton	3	2	----------
Brooke	353	10	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Counties

WEST VIRGINIA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Cabell	122	45	----------
Doddridge	1	----------	----------
Fayette	101	5	----------
Grant	1,385	15	----------
Greenbrier	2,272	100	----------
Hampshire	2,165	30	----------
Hancock	384	15	----------
Hardy	2,024	20	----------
Harrison	18	7	----------
Jackson	282	45	----------
Jefferson	8,189	150	----------
Lewis	21	3	----------
Lincoln	11	10	----------
Marion	13	5	----------
Marshall	613	10	----------
Mason	1,866	180	----------
Mercer	426	10	----------
Mineral	792	15	----------
Monongalia	122	10	----------
Monroe	3,089	25	----------
Morgan	1,538	20	----------
Nicholas	374	30	----------
Ohio	332	15	----------
Pendleton	2,137	50	----------
Pleasants	20	3	----------
Pocahontas	536	75	----------
Preston	1,205	30	----------
Putnam	449	25	----------
Raleigh	77	5	----------
Randolph	226	10	----------
Ritchie	15	4	----------
Roane	16	3	----------
Summers	392	15	----------
Taylor	59	5	----------
Tucker	41	5	----------
Tyler	51	20	----------
Upshur	118	20	----------
Wayne	34	15	----------
Webster	5	1	----------
Wetzel	35	10	----------
Wirt	71	30	----------
Wood	608	60	----------
Reserve new farms	301	----------	----------
Reserve appeals and corrections	3,000	----------	----------
Total	39,874	1,208	----------

WISCONSIN

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Adams	329	5	----------
Ashland	33	0	----------
Barron	41	0	----------
Bayfield	267	0	----------
Brown	374	12	----------
Buffalo	707	15	----------
Burnett	72	0	----------
Calumet	765	20	----------
Chippewa	124	5	----------
Clark	341	4	----------
Columbia	2,376	40	----------
Crawford	128	6	----------
Dane	1,934	20	----------
Dodge	1,937	40	----------
Door	1,658	40	----------
Douglas	171	8	----------
Dunn	219	10	----------
Eau Claire	310	12	----------
Florence	12	2	----------
Fond du Lac	627	35	----------
Forest	48	5	----------
Grant	502	20	----------
Green	215	8	----------
Green Lake	751	20	----------
Iowa	406	15	----------
Iron	8	0	----------
Jackson	374	20	----------
Jefferson	1,094	40	----------
Juneau	221	25	----------
Kenosha	2,002	30	----------
Kewaunee	1,177	20	----------
La Crosse	266	15	----------
Lafayette	171	10	----------
Langlade	352	7	----------
Lincoln	110	4	----------
Manitowoc	1,039	20	----------
Marathon	782	12	----------
Marinette	335	4	----------
Marquette	690	10	----------
Milwaukee	1,337	40	----------
Monroe	224	10	----------
Oconto	475	6	----------
Oneida	111	7	----------
Outagamie	419	8	----------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1959—Counties

WISCONSIN—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Ozaukee	1,223	20	----------
Pepin	981	10	----------
Pierce	2,627	20	----------
Polk	311	10	----------
Portage	486	10	----------
Price	18	2	----------
Racine	5,656	50	----------
Richland	174	10	----------
Rock	2,144	50	----------
Rusk	3	0	----------
St. Croix	812	25	----------
Sauk	1,643	20	----------
Sawyer	5	0	----------
Shawano	430	6	----------
Sheboygan	893	20	----------
Taylor	66	6	----------
Trempealeau	655	50	----------
Vernon	74	10	----------
Vilas	3	0	----------
Walworth	1,542	8	----------
Washburn	87	0	----------
Washington	1,790	40	----------
Waukesha	2,150	0	----------
Waupaca	274	8	----------
Waushara	529	15	----------
Winnebago	844	25	----------
Wood	95	10	----------
Reserve new farms	100	----------	----------
Reserve appeals and corrections	205	----------	----------
Total	51,603	1,055	----------

WYOMING

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the National reserve
Albany	112	7	----------
Big Horn	1,503	25	----------
Campbell	29,794	194	----------
Carbon	11,232	76	----------
Converse	5,714	22	----------
Crook	36,651	252	----------
Fremont	2,808	60	----------
Goshen	57,892	155	----------
Hot Springs	181	0	----------
Johnson	5,991	92	----------
Laramie	68,893	293	----------
Lincoln	3,934	21	----------
Natrona	272	6	----------
Niobrara	8,909	45	----------
Park	2,701	35	119
Platte	30,525	192	----------
Sheridan	13,083	95	----------
Sublette	7	2	----------
Sweetwater	9	0	----------
Teton	677	1	----------
Uinta	120	10	----------
Washakie	166	12	----------
Weston	8,826	65	----------
Reserve new farms	300	----------	----------
Reserve appeals and corrections	227	----------	----------
Total	289,527	1,660	119
Total, commercial States	54,886,755	----------	48,119
Total, noncommercial States (not apportioned)	58,245	----------	----------
National reserve (not apportioned)	----------	----------	6,881
Total, United States	54,945,000	----------	55,000

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 334, 52 Stat. 54, 67 Stat. 151; 7 U. S. C. 1334)

Done at Washington, D. C., this 27th day of May 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4076; Filed, May 28, 1958; 8:55 a. m.]

[Amdt. 3]

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1958 CROP OF RICE

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to extend for the State of Arkansas the final date for the release of 1958 farm rice acreage allotments by producers, and the final date for the reapportionment of such acreages to other farms by the county committee.

The extension of these dates has been recommended by the Arkansas ASC State Committee as a result of excessive rains in the rice-producing area of the State, which has considerably delayed the planting of rice in this area.

Since under normal weather conditions rice would have already been planted in this area, and since rice will be planted in the affected area as soon as weather conditions permit, it is imperative that interested producers be informed of these extended dates as soon as possible. It is therefore found that compliance with public notice, procedure and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and this amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 730.932 (a), table of closing dates for release and reapportionment of rice acreage allotments is amended by changing the release and reapportionment dates for the State of Arkansas from May 1, 1958, and May 9, 1958, to June 2, 1958, and June 9, 1958, respectively.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued this 27th day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4077; Filed, May 28, 1958; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-249-A3]

PART 919—MILK IN SOUTHWEST KANSAS MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

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AUTHORITY: §§ 919.0 to 919.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 919.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southwest Kansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1958. Any delay beyond that date in the effective date of this order amending the order will impair the proper operation of the order and will threaten the orderly marketing of milk in the Southwest Kansas marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on April 1, 1958 (23 F. R. 2221), and the final decision having been issued by the Assistant Secretary of Agriculture on May 15, 1958. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the milk covered by this order amending the order which is marketed within the Southwest Kansas marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order, amending the order, is approved or favored by at least two-thirds of the producers who, during the determined representative period (March 1958), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southwest Kansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 919.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 919.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 919.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 919.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 919.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 919.6 *Southwest Kansas marketing area.* "Southwest Kansas marketing area", called "the marketing area" in this subpart, means all territory within the cities of:

Ashland.
Cimarron.
Coldwater.
Dodge City.
Ellinwood.
Garden City.
Great Bend.
Greensburg.
Hoisington.
Hugoton.
Johnson.
Jetmore.
Kinsley.
La Crosse.
Lakin.
Larned.
Liberal.
Meade.
Medicine Lodge.
Ness City.
Pratt.
St. John.
Scott City.
Stafford.
Syracuse.
Ulysses.

And within the townships of Great Bend, South Bend, North Homestead, South Homestead, and Lakin in Barton County, Kinsley in Edwards County, Garden City in Finney County, Dodge and Richland in Ford County, Larned and Pleasant Grove in Pawnee County, Canter and Saratoga in Pratt County, and Liberal in Seward County, all in the State of Kansas.

§ 919.7 *Approved plant.* "Approved plant" means any milk plant approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which during any month a volume of Class I milk equal to 5 percent or more of the total receipts of milk from producers or an average of 300 pounds or more per day, whichever is less, is disposed of under a Grade A label on routes in the marketing area, or

(b) Which is operated by a cooperative association and 50 percent or more of the milk delivered during the month by producers who are members of such association is delivered directly or is transferred by the association from its approved plant to approved plants of other handlers.

§ 919.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

§ 919.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of on route(s) in the marketing area;

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such association. (Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.); or

(d) Any cooperative association which reports as a handler with respect to the milk of any producers which is delivered to an approved plant of another handler in a tank truck owned, operated, or controlled by such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.)

§ 919.10 *Producer.* (a) "Producer" means any person, other than a producer-handler, who produces milk which (1) is received at an approved plant directly from the farm at which produced, and (2) is produced under a dairy farm permit or rating for the production of milk to be disposed of as Grade A milk issued by the appropriate health authority of a municipality of the marketing area or by the State of Kansas.

(b) "Producer" shall include any such person whose milk is regularly received at an approved plant but which is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 919.61.

§ 919.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 919.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 919.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 919.14 *Route.* "Route" means any delivery (including a delivery by a vender or at a plant store) of milk, skim milk, buttermilk, or flavored milk drink other than in bulk to a milk processing plant.

MARKET ADMINISTRATOR

§ 919.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 919.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 919.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 919.83:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 919.87, necessarily incurred by him in the maintenance and

functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and, upon request by the Secretary, surrender, the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, the name of any person who, 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 919.30 and 919.31, or (2) payments pursuant to §§ 919.80 to 919.88, inclusive;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum prices for Class I milk pursuant to § 919.51 (a) and the Class I butterfat differential pursuant to § 919.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 919.51 (b) and the Class II butterfat differential pursuant to § 919.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month the uniform price, computed pursuant to § 919.71 and the butterfat differential computed pursuant to § 919.81, both for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 919.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler or a handler as defined pursuant to § 919.9 (b), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantity of skim milk and butterfat contained in all milk, skim milk, cream and products specified as Class I milk pursuant to § 919.41 (a) on hand at the beginning and end of each month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 919.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 919.32 *Other reports.* (a) Each producer-handler and each handler defined pursuant to § 919.9 (b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 919.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 919.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 919.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 919.30 shall be classified by the market administrator pursuant to the provisions of §§ 919.41 to 919.46, inclusive.

§ 919.41 *Class of utilization.* Subject to the conditions set forth in §§ 919.42 through 919.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream, and bulk ice cream mix) of cream and milk or skim milk, and (2) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In cream frozen and stored;

(4) In shrinkage of producer milk that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June) of receipts directly from producers, plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of receipts of skim milk and butterfat, respectively, transferred in bulk from approved plants of other handlers, less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, disposed of in bulk to approved plants of other handlers;

(5) In shrinkage of other source milk; and

(6) In inventory at the end of the month as milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 919.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amount between the receipts of skim milk and butterfat in producer milk and of other source milk. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such skim milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 919.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 919.41 (b) (6) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 919.46 (a) (4).

§ 919.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from an approved plant or pursuant to § 919.9 (d) shall be classified:

(a) At the class mutually indicated in writing to the market administrator on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has use in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest total Class I utilization in the two plants.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles from the courthouse at Dodge City, Kansas, by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred to an unapproved plant in the form of cream under Grade A certification, or unless the handler claims Class II classification and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only and that the shipment was so invoiced.

(e) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance, as determined by the market administrator, and from which fluid milk is disposed of on wholesale or retail routes, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply of such plant for fluid usage.

(f) As Class II milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance as determined by the market administrator, and from which fluid milk is not disposed of on wholesale or retail routes.

§ 919.45 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk of such handler.

§ 919.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 919.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 919.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 919.41;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen cream), or any other product specified in § 919.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 919.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the remaining pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat content in such milk in each class.

MINIMUM PRICES

§ 919.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 919.51 *Class prices.* Subject to the provisions of §§ 919.52 and 919.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price plus $1.65 during all months of the year plus or minus a supply-demand adjustment, computed as follows:

(1) Divide the total receipts of milk from producers in the second and third

months preceding by the total volume of Class I milk at approved plants (excluding interhandler transfers and milk fully subject to pricing under another Federal order issued pursuant to the Act) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero.

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	October-November	125	129
February	November-December	127	131
March	December-January	128	132
April	January-February	130	134
May	February-March	135	139
June	March-April	140	144
July	April-May	144	148
August	May-June	144	148
September	June-July	140	144
October	July-August	134	138
November	August-September	126	130
December	September-October	120	124

(3) For a minus net deviation percentage the Class I price shall be increased and for a plus deviation percentage the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction and amount was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction and amount were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second month immediately preceding.

The price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the price for Class I milk of 3.8 percent butterfat content established for the same month or delivery period pursuant to Part 968 of this chapter regulating the handling of milk in the Wichita, Kansas, marketing area or the price of Class I milk of 3.8 percent butterfat content established for the same month or delivery period pursuant to Part 911 of this chapter regulating the handling of milk in the Texas Panhandle marketing area during the months of March, April, May, and June and 25 cents less than such price computed for the Texas Panhandle marketing area in all other months.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 919.52 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 919.46 is more or less than 3.8 percent, there shall be added to the respective class price, computed pursuant to § 919.51 (a) and (b) for each one-tenth of one percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price for the preceding month by 1.25; and

(b) Class II milk: Multiply such price for the current month by 1.15.

§ 919.53 *Location differentials to handlers.* For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Dodge City, Kansas, and which is classified as Class I milk the prices computed pursuant to § 919.51 (a) shall be reduced by 7.5 cents if such plant is located more than 100 miles but not more than 110 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided,* That for the purposes of calculating such differential transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence at which the lowest location differential credit would apply.

§ 919.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 919.60 *Exempt handlers.* Sections 919.40 through 919.46, 919.50 through 919.54, 919.70 through 919.71 and 919.80 through 919.89 shall not apply to a producer-handler or a handler defined pursuant to § 919.9 (b).

§ 919.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act, the provisons of this subpart shall not apply except that the handler shall with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 919.33.

DETERMINATION OF UNIFORM PRICE

§ 919.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 919.46 (a) (7) by the applicable class price(s);

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 919.46 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 919.46 (b) a charge shall be computed at the difference between its value at the Class I price and its value at the Class II price both, for the month in which previously classified as Class II milk.

§ 919.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for all milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 919.70 for all handlers who made the reports prescribed in § 919.30 and who made the payments pursuant to §§ 919.80 and 919.83 for the preceding month;

(b) For each of the months of April through June subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk included in these computations to be retained in the producer-settlement fund for the purpose specified in § 919.85;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 919.81 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Add the aggregate of the value of all allowable location differentials to producers pursuant to § 919.81 (b).

(f) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 919.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 919.71 adjusted by the butterfat and location differentials computed pursuant to § 919.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 919.84, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month, at not less than the Class II price of the preceding month.

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 919.31.

(d) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 919.9 (d), not less than the value of such milk as classified pursuant to § 919.44 (a) at the applicable class prices.

§ 919.81 *Producer differentials*—(a) *Butterfat differential.* In making payments pursuant to § 919.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

(b) *Location differential.* For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Dodge City, Kansas, there shall be deducted 7.5 cents per hundredweight of milk if such plant is located more than 100 miles but not more than 110 miles from such courthouse, and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

§ 919.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 919.83 and 919.86, and out of which he shall make all payments pursuant to §§ 919.84, 919.85, and 919.86.

§ 919.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any by which the value of the milk received by such handler from producers as determined pursuant to § 919.70 is greater than the amount required to be paid producers by such handler pursuant to § 919.80.

§ 919.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 919.70 is less than the amount required to be paid producers by such handler pursuant to § 919.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 919.85 *Fall incentive payment.* On or before the 15th day after the end of each of the months of August, September and October, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by handlers during the month, an amount computed as follows:

(a) Divide one-third of the total amount held pursuant to § 919.71 (b) by the total hundredweight of producer milk received by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the hundredweight of milk received from each such producer during the month: *Provided,* That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 919.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or,

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 919.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 919.80, shall deduct 6 cents per hundredweight or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 919.31 in lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 919.31.

§ 919.88 ***Expenses of administration.*** As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I, and (b) milk from producers including such handler's own production.

§ 919.89 ***Termination of obligation.*** The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 919.90 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 919.91.

§ 919.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 919.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 919.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 919.100 ***Agents.*** The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 919.101 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart, to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this [illegible] day of May 1958, to be effective on and after June 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4053; Filed, May 28, 1958; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

SUBPART D—DESIGNATION OF MODIFIED CERTIFIED BRUCELLOSIS-FREE AREAS, PUBLIC STOCKYARDS, AND SLAUGHTERING ESTABLISHMENTS

MISCELLANEOUS AMENDMENTS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under the acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U. S. C. 111-113, 114a-1, 115, 117, 120, 125), said Part 78 is hereby amended in the following respects:

1. Section 78.13 is amended to read:

§ 78.13 *Modified certified brucellosis-free areas.* The following States, counties, municipalities, and other areas, are hereby designated as modified certified brucellosis-free areas:

(a) The entire State of Connecticut;

(b) The entire State of Delaware;

(c) The entire State of Maine;

(d) The entire State of Minnesota;

(e) The entire State of New Hampshire;

(f) The entire State of North Carolina;

(g) The entire State of Pennsylvania;

(h) The entire Commonwealth of Puerto Rico;

(i) The entire State of Rhode Island;

(j) The entire State of Vermont;

(k) The entire State of Washington;

(l) The entire State of Wisconsin;

(m) Alabama: Cherokee County;

(n) Arizona: Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Santa Cruz, Yavapai and Yuma Counties; Apache Indian Reservation, Hopi Indian Reservation, and Navajo Indian Reservation;

(o) Arkansas: Baxter, Benton, Carroll, Clark, Columbia, Fulton, Hempstead, Izard, Marion, Nevada, Newton and Sharp Counties;

(p) California: Alpine and Dal Monte Counties;

(q) Colorado: Alamosa, Archuleta, Conejos, Costilla, Saguache, San Juan, San Miguel Counties; and Southern Indian Ute Reservation;

(r) Florida: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes; Jackson, Jefferson, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties;

(s) Georgia: Barrow, Brantley, Bryan, Burke, Butts, Candler, Chattahoochee, Chattoga, Clay, Coffee, Crawford, Dawson, Dodge, Douglas, Elbert, Evans, Fannin, Franklin, Glascock, Gordon, Gwinnett, Habersham, Hart, Hall, Lamar, Liberty, Long, Lumpkin, Madison, Oconee, Pierce, Quitman, Rabun, Rockdale, Toombs, Towns, Treutlen, Turner, Union, Wayne, Wheeler and Wilkinson Counties;

(t) Idaho: Benewah, Blaine, Bonner, Boundary, Butte, Camas, Clark, Clearwater, Custer, Elmore, Gooding, Jerome, Kootenai, Latah, Lemhi, Lewis, Minidoka, Nez Perce, Owyhee, Power, Shoshone and Valley Counties;

(u) Illinois: Ford, Kankakee, Perry, Stephenson and Vermilion Counties;

(v) Indiana: Adams, Allen, Blackford, Brown, Clark, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Fulton, Floyd, Grant, Harrison, Huntington, Jay, Lake, LePorte, Madison, Marshall, Martin, Nobel, Orange, Parke, Perry, Porter, Posey, Pulaski, St. Joseph, Spencer, Starke, Sullivan, Vanderburgh, Vermillion, Wabash, Warrick, Wells, and Whitley Counties;

(w) Kentucky: Calloway, Elliott, Rowan, Trigg, and Wolfe Counties;

(x) Maryland: Allegany, Calvert, Caroline, Cecil, Dorchester, Frederick, Garrett, Harford, Kent, Montgomery, Queen Annes, Somerset, Talbot, Washington, Wicomico, and Worcester Counties;

(y) Massachusetts: Barnstable, Berkshire, Dukes, Franklin, Nantucket and Suffolk Counties;

(z) Michigan: Alcona, Alger, Alpena, Arenac, Antrim, Baraga, Barry, Bay, Benzie, Berrien, Cass, Charlevoix, Cheboygan, Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet, Genesee, Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ionia, Iosco, Iron, Isabella, Kalamazoo, Kalkaska, Kent, Keweenaw, Lake, Leelanau, Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Midland, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, Schoolcraft, St. Clair, St. Joseph, Tuscola, Van Buren, Wayne, and Wexford Counties;

(aa) Misisisippi: Choctaw, Itawamba, Jackson, Perry, Tishomingo, Union, Walthall, and Winston Counties;

(bb) Missouri: Christian, Jasper, Jefferson, Perry, Ripley and St. Francois Counties;

(cc) Montana: Beaverhead, Blaine, Broadwater, Carbon, Carter, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Richland, Roosevelt, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland and Wibaux Counties;

(dd) Nebraska: Adams, Burt, Cass, Cedar, Chase, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Gage, Hamilton, Harlan, Jefferson, Johnson, Lancaster, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Polk, Richardson, Sarpy, Saunders, Seward, Thayer, Stanton, Thurston, Washington, Wayne, and Webster Counties;

(ee) Nevada: Churchill, Clark, Douglas, Esmeralda, Lincoln, Lyon, Mineral, Ormsby, Pershing, and Storey Counties; and Pyramid Indian Reservation.

(ff) New Jersey: Atlantic, Bergen, Camden, Cape May, Cumberland, Essex, Gloucester, Mercer, Middlesex, Ocean, Passaic, Salem, Sussex, Union, and Warren Counties;

(gg) New Mexico: Bernalillo, Catron, Colfax, Curry, De Baca, Dona Ana, Eddy, Grant, Gualalupe, Harding, Hidalgo, Las Alamos, Lea, Lincoln, Luna, McKinley, Mora, Otero, Quay, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance and Valencia Counties; and Isleta, Jicarilla, Mescalero, Navajo, Taos, and Zuni Indian Reservations;

(hh) New York: Essex, Hamilton, Rockland, Schoharie and Warren Counties;

(ii) North Dakota: Adams, Barnes, Benson, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Emmons, Grand Forks, Grant, Griggs, Hettinger, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Williams, and Wells Counties;

(jj) Ohio: Carroll, Columbiana, Monroe, Ottawa, Paulding and Scioto Counties;

(kk) Oregon: Clatsop, Columbia, Coos, Curry, Douglas, Hood River, Josephine, Marion, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Washington, and Yamhill Counties;

(ll) South Carolina: Bamberg, Cherokee, Chester, Chesterfield, Dillon, Horry, Lee, Lexington, Marlboro, McCormick, Pickens, Saluda, Sumter, Union, and York Counties;

(mm) South Dakota: Harding County.

(nn) Tennessee: Anderson, Bedford, Chester, Claiborne, Clay, De Kalb, Fentress, Gibson, Hancock, Hardeman, Jackson, Johnson, Lawrence, Lincoln, Macon, Madison, McNairy, Montgomery, Morgan, Moore, Overton, Pickett, Polk, Scott, Smith, Trousdale, Unicoi, Union, Weakley, Williamson, and Wilson Counties;

(oo) Utah: Beaver, Boxelder, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Juab, Kane, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Summit, Tooele, Uintah, Wasatch, Washington, Wayne, and Weber Counties; and Navajo Indian Reservation;

(pp) Virgin Islands: St. Thomas County;

(qq) Virginia: Bland, Buchanan, Buckingham, Craig, Cumberland, Hampton City, King William, Lee, Mathews, Middlesex, Northampton, Northumberland, Princess Anne, Richmond, York, Warwick, Westmoreland, Wise and York Counties;

(rr) West Virginia: Berkeley, Boone, Brooke, Cabell, Calhoun, Clay, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Harrison, Lincoln, Logan, McDowell, Marshall, Mingo, Ohio, Pleasants, Pocahontas, Putnam, Summers, Taylor, Upshur, Wayne, and Wyoming Counties;

(ss) Wyoming: Big Horne, Lincoln and Park Counties.

2. The following stockyards are added to the list of stockyards designated under paragraph (b) of § 78.14 as stockyards specifically approved for the purposes of the regulations in 9 CFR Part 78. The stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of Stockyard and Location

ALABAMA

*Frisco City Coop—Frisco City.

*Hartford Livestock Company Stockyards—Hartford.

*Henry County Livestock Association, Inc.—Abbeville.

*Roanoke Stockyard—Roanoke.

ARKANSAS

*Brewer Auction Company—Mountain View.

*Carroll County Livestock Auction—Berryville.

*Clark County Auction—Arkadelphia.

*Columbia County Livestock Auction—Magnolia.

*Farmers Livestock Auction Market—Harrison.

*Gentry Sale Barn—Gentry.

*Harrison Sales Company—Harrison.

*Huntsville Livestock Auction—Huntsville.

*Kindervater & Sons Meat Market, R.—Little Rock.

*Nevada County Livestock Auction Barn—Prescott.

*Northwest Arkansas Livestock Auction Co., Inc.—Fayetteville.

*Scott County Livestock Auction—Waldron.

*Washington County Sales Barn—Fayetteville.

CALIFORNIA

*Mariposa Commission Company Salesyard—Stockton.

*Zinn Bros. Livestock Comm. Co. Sales Yard—El Centro.

COLORADO

*Ft. Collins Sales Yard—Ft. Collins.

*Rifle Sales Yard—Rifle.

*Sterling Livestock Commission Company—Sterling.

*Yuma Livestock Auction—Yuma.

GEORGIA

*Elberton Livestock Auction Barn—Elberton.

*Georgia Livestock Terminal Market, Inc.—Macon.

*Peoples Livestock Market, Inc.—Cuthbert.

*Waycross Livestock Market—Waycross.

IDAHO

*Meridian Salesyard—Meridian.

*Salmon Salesyard—Salmon.

*Shoshone Livestock Auction Company—Shoshone.

ILLINOIS

Carthage Community Sale Company—Carthage.

Danville Livestock Commission Company—Danville.

LaSalle County Livestock Marketing Center—Ottawa.
Milford Sales & Commission Company—Milford.
Rock Island Auction Sales—Rock Island.

IOWA

Pocahontas Livestock Sales, Inc.—Pocahontas.

INDIANA

*Ft. Wayne Livestock Auction—Fort Wayne.
*Marshall County Community Sale—Plymouth.
*Producers Marketing Association—Terre Haute.
*Reynolds Sale Barn—Reynolds.
*Shipshewana Livestock Auction—Shipshewana.
*Producers Marketing Association—Centerville.

KANSAS

*Chetopa Sale Company—Chetopa.
*Franklin County Sale Company—Ottawa.
*St. Francis Livestock Comm. Company—St. Francis.
*Washington Sale Company—Washington.

KENTUCKY

*Berry & Son Stockyards, R. B.—Clinton.
*Blue Grass Stockyards Company—Lexington.
*Burkesville Stockyards—Burkesville.
*Boyle County Stockyards Company—Danville.
*Cynthiana Stockyards—Cynthiana.
*Farmers Livestock Market—London.
*Farmers Stockyards Company, Inc.—Mt. Sterling.
*Lebanon Stockyards, Inc.—Lebanon.
*Maysville Stockyards—Maysville.
*Middlesboro Auction Company—Middlesboro.
Murray Livestock Company—Murray.
*Paris Stockyards—Paris.
*Sparta Stockyards Company—Sparta.
*O. K. Stockyard—Maysville.

LOUISIANA

*Barnes Commission Company—Lake Charles.
*Delhi Livestock Auction—Delhi.
*Leesville Commission Company—Leesville.
*Lum Brothers Stockyards, Inc.—Ferriday.
*Raceland Stockyards—Raceland.

MARYLAND

*Farmers Live Stock Exchange, Inc.—Boonsboro.

MICHIGAN

*Adrian Livestock Auction—Adrian.
*Cass Livestock Sale—Cassopolis.
*Dixon Brothers Livestock Auction—Jackson.
*Linsmeier Livestock Auction—Menominee.
*Marlette Livestock Approved—Marlette.
Sturgis Livestock Auction Sale—Sturgis.

MISSISSIPPI

*Hinds County Livestock Sale—Edwards.

MISSOURI

Excelsior Springs Sale Barn—Excelsior Springs.

NEBRASKA

*Albion Sales Pavilion—Albion.
*Burwell Livestock Market—Burwell.
*Central Nebraska Comm. Company—Broken Bow.
*Ericson Livestock Market—Ericson.
*Laurel Sales Company—Laurel.
*Lockwood Livestock Auction Company—South Sioux City.
*Minden Livestock Sales Company—Minden.
*Neligh Livestock Commission Company—Neligh.
*Tilden Livestock Market—Tilden.

NEVADA

Elko Livestock Sales—Elko.

NEW MEXICO

*Clovis Branding Company Stockyards—Clovis.
*Portales Livestock Commission Company—Portales.
*Roswell Livestock Commission Company—Roswell.
*Williams Cattle Company, Bookey—Clovis.

NEW YORK

Apulia Station Livestock Sale—Apulia Station.
Hudson Valley Live Stock Market—Waterford.
Milford Commission Sales Stables, Inc.—Milford.
Wallkill Livestock Market—Walden.

NORTH DAKOTA

*Mandan-Bismarck Livestock Commission Company—Mandan.

OHIO

*Bowling Green Livestock Sales—Bowling Green.
*Elkton Auction—Elkton.
*Farmers' Livestock Auction, Inc.—Marietta.
*Gibsonburg Livestock Auction—Gibsonburg.
*Muskingum Livestock Sales Company—Zanesville.
*Oak Harbor Livestock Sales—Oak Harbor.
*Orrville Livestock Auction—Orrville.
*Putnam County Livestock Association—Columbus Grove.
*Producers Livestock Association—Hicksville.
*Producers Livestock Association—Findlay.
*Rothschild Livestock Company—Stony Ridge.
*Sugarcreek Livestock Auction—Sugarcreek.
*Tiffin Livestock Sales Company—Tiffin.
*Warren County Sales Barn—Lebanon.
*Wheelersburg Livestock Sales Company—Wheelersburg.
*Zanesville Community Sales Company—Zanesville.

OKLAHOMA

*Bluestem Sales, Inc.—Dewey.
*Community Auction Sale—Vinita.
*Grove Sales Company—Grove.
*Holton Bros. Stockyards—Hugo.
*Hugo Sales Commission Company—Hugo.
*Jay Sale—Jay.
*Locust Grove Sale—Locust Grove.
*Muskogee Stockyard and Livestock Sale—Muskogee.
*Stigler Livestock Auction—Stigler.
*Tahlequah Sale Barn—Tahlequah.
*Vinita Stockyards Auction Company—Vinita.

OREGON

*Douglas Livestock Market—Wilbur.
*Enterprise Livestock Auction Company—Enterprise.
*Schricker & Inda Livestock Auction—Sutherlin.

PENNSYLVANIA

Auction Barn—Monroeville.

SOUTH CAROLINA

*Hallman-Jackson Stockyard—Neeses.
*Hutto Stock Yard, Inc.—Holly Hill.
*People's Livestock Market—Orangeburg.
*Smith Stock Yard—Columbia.
*Williams Livestock Yard—Tabor City.

SOUTH DAKOTA

*Anderson Livestock Sales Yard—Yankton.
*Chamberlain Livestock Sales, Inc.—Chamberlain.
*Philip Livestock Auction—Philip.
*Selby Livestock Sales Company, Inc.—Selby.

*Webster Livestock Exchange, Inc.—Webster.

TENNESSEE

*Collierville Auction Company—Collierville.
*Davis & Son Stockyard, W. B.—South Fulton.
*Farmers Livestock Exchange—Tiptonville.
*Farmers Livestock Exchange—Union City.
*Franklin Auction Barn, Inc.—Franklin.
*Giles County Stockyard—Pulaski.
*Hardin County Stockyards—Savannah.
*Halls Stockyards, Inc.—Crossville.
*Jamestown Stockyards—Jamestown.
*Kennett-Murray-Latta—Fulton.
*Lawrence County Stockyards—Lawrenceburg.
*Lewis County Stockyards—Hohenwald.
*Logan & Hicks—South Fulton.
*Patterson & McCaleb—Bradford.
*Pulaski Stockyards—Pulaski.
*Sparta Livestock Market—Sparta.
*Troy Stockyards—Troy.
*West Tennessee Auction Company—Martin.
*White Company Livestock Market—Sparta.

WASHINGTON

*Prosser Sales Yard, Inc.—Prosser.
*Wink-Goldendale Sale Yard, Inc.—Goldendale.

WYOMING

*Riverton Livestock Auction—Riverton.

3. The following slaughtering establishments are added to the list of establishments designated under paragraph (b) of § 78.15 as slaughtering establishments specifically approved for the purposes of the regulations in 9 CFR Part 78. The establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of Slaughtering Establishment and Location

ALABAMA

*East Alabama Frozen Foods and Provisions Company—Opelika.
*Leeds Packing Company, Inc.—Leeds.
*Morgan Packing Company—Tuscaloosa.
Williams Packing Company—Gadsden.

ARIZONA

O. K. Meat Company—Scottsdale.

ARKANSAS

Arkansas Nielsen Meat Company—Fayetteville.
Brawner Packing Company—Wynne.
Carroll Packing Company—Paragould.
Finks Meat Company—Springdale.
Finn Slaughter House—Rogers.
Fletcher Beef Co., Jim—Fayetteville.
Frey & Son, Philip—Ivan.
Hot Springs Packing Company—Hot Springs.
*Hughes Sausage Company—North Little Rock.
Kierre & Sons—North Little Rock.
Kruse Packing Company—Alexander.
Lawhon Meat Company, C. I.—North Little Rock.
Lowell Packing Company—Lowell.
*Meacham Meat Market—Batesville.
*Melbourne Locker Plant—Melbourne.
Mhoon Beef Company—Fayetteville.
Mo-Ark Packing Company—Harrison.
*North Side Packing Company—North Little Rock.

[illegible] Wholesale Butcher & Slaughtering, [illegible]—Pearcy.
Pritchford Market—Hartford.
Prairie Grove Locker Plant—Prairie Grove.
Reeder Meat Company—Arkadelphia.
Saint Scholastica—Fort Smith.
Saline Packing Company—Benton.
Sutherlan Slaughter House—Springdale.
Ward Packing Company—Stamps.

FLORIDA

*Carpenter Slaughter House—Bristol.
*Copeland Sausage Company, Inc.—Alachua.
Register Meat Company, Establishment No. 8—Cottondale.

GEORGIA

Avera Provisions Company—Augusta.
Bullards Sausage Plant—Summerville.
Evans Locker Plant—Evans.

IDAHO

*City Packing Company—Salmon.
*Dahmen Food Lockers—Lewiston.
*Johnson Packing Company—Blackfoot.
*Owyhee Meat Packers—Homedale.
*People's Wholesale Market—Idaho Falls.
Williams Custom Service—Council.

ILLINOIS

Brighton Locker Plant—Brighton.
Behrman Market—Okawville.
Covemaker Packing Company—Moline.
Corby's Butcher Shop—Beaverville.
Eckert Orchard Association—Belleville.
Elmwood Locker Service—Elmwood.
Evergerd, Henry J.—Germantown.
Goble, Howard—Danville.
Hauffe's Meat Market—Lincoln.
Hill Packing Company—Danville.
Ingalls Frozen Food Center—Milford.
Jones, Marshall E.—Springfield.
Johannes Market—Quincy.
Kabrick Locker Plant—Plainville.
Landolt, Harold—Alhambra.
Lewistown Locker—Lewistown.
Magelli Bros., Inc.—Marseilles.
Margolin Packing Company—Danville.
Metamora Abattoir—Metamora.
Petroff Packing Company—Benton.
Prairie Packing Co. of Marion—Marion.
Quincy Beef & Veal Company—Quincy.
Richard Locker & Processing Plant—Homer.
Rock River Provision Company—Rock Falls.
Rocke's Cold Storage—Morton.
Ruff Locker Service—Quincy.
Shanks Packing—Mattoon.
Streck Packing Company—Belleville.
Ursa Cooperative Locker Service—Ursa.
Wessel Bros., Inc.—Belleville.
Weyhaupt Bros. Pkg. Company—Belleville.
Y & T Packing Company—Springfield.

INDIANA

Albany Frozen Food Locker—Albany.
Allen's Monticello Packing Company—Monticello.
Boyer Lockers—New Washington.
Forest Helm Market—Winchester.
Godfrey's Plant, R. R. No. 3—Brazil.
*Hoosier Abattoir—Indianapolis.
Lennon's Custom Butchering—Hartford City.
Ludwigs Food Town—Dunkirk.
Rowe & Sons, A.—Terre Haute.
*Wabnitz & Deters—Indianapolis.
Westfield Frozen Foods—Westfield.

KANSAS

*Abilene Packing Company—Abilene.
*Adams Bros. Packing Plant—Colby.
*Dunn Packing Company—Wichita.
Harrell Packing Company—Hugoton.
Hentzler Packing Company—Topeka.
Jones Packing Company—Dodge City.
Washburn Packing Company—Hutchinson.

KENTUCKY

Alford & Son, J. W.—Alexandria.
Metzger Brothers—Paducah.
Shroat Meat Market—Murray.

LOUISIANA

Allen Super Market—Kentwood.
*Berry Slaughter House, H. O.—Bastrop.
Brown & Son Packing House, C.—Ragley.
*C and L Packing Company—Tallulah.
Carroll Slaughter House—Wisner.
Goodman Slaughter House—Winnsboro.
LeDoux Slaughter House, Boo—Eunice.
Liste's Meat Market—Patterson.
Luke Packing Company, Centerville.
*Monroe Packing Company—Monroe.
Pickett's Slaughter House—Delhi.
*Tallulah Slaughter House—Tallulah.
Thigpen Packing Company, R. E.—Mansfield.
Theriot and Daigle—Houma.

MAINE

Hanson & Smith, Inc.—St. Albans.

MARYLAND

Bauerlien, Edward C—Hampstead.
Bollingers Meat Market—Emmitsburg.
Kilsheimer Bros., Inc.—Washington, D. C.
Main & Sons, C. F.—Middletown.
Shuff, Harry William—Thurmont.
Welty's Market—Emmitsburg.

MASSACHUSETTS

Bonanno & Sons, Rocco—Methuen.
McAdoo, Harold A.—Bolton.

MICHIGAN

Newsom Slaughter House—Niles.
Park-Way Meat Company—Flatrock.

MISSISSIPPI

Bryant's Super Market—Winona.
Columbus Provision Company—Columbus.
Quin Slaughtering House—Osyka.
*West Packing Company—Indianola.

MISSOURI

Cummins Custom Butchery—Webb City.
Dexter Packing Company—Dexter.
Ogden Slaughtering Establishment, Cottle P.—Vandalia.
Twin City Packing Company—Festus.

MONTANA

Sidney Locker and Creamery Company—Sidney.

NEBRASKA

Community Locker Center—Fullerton
Deerson Meat Packing Plant—Elkhorn.
*Flicker Packing Company—Scottsbluff.
*Hersch Packing Company—Scottsbluff.
Hollstein's Packing Company—Rushville.
*Hormel & Company, George A.—Fremont.
Ideal Market—Gordon.
Osborn's I. G. A. Store—Hay Springs.
Saum Locker—Davenport.
Standard Market—Hebron.
Swayze Packing Company, S. E.—Edison.

NEW MEXICO

Belen Locker & Slaughter Pen—Belen.
Williams Slaughter House—Socorro.

NEW YORK

Baldwin Slaughterhouse, Orval W.—Ripley.
Cheektowaga Packing Company—Depew.
Dover Plains Packing—Dover Plains.
Kingston Beef Corp.—Kingston.
Liepshutz Market—Hudson.
Smith, Harold J.—Pine Plains.

NORTH CAROLINA

Circle "F" Abattoir—Lexington.
City Abattoir—Shelby.
Whicker Packing Company, William A.—Mocksville.

NORTH DAKOTA

Bean, Lloyd—Williston.

OHIO

Jacoby, Hal C.—West Unity.
Martin Farm Slaughter House—Fremont.
Myers & Son—Archbold.
Ohio Packing Company—Columbus.
Ross Abattoir Company—Springfield.

OKLAHOMA

Coly's H. H.—Boise City.
Cleveland Lockers—Cleveland.
Dudley Tucker Slaughter—Durant.
Fairview Packing Plant—Fairview.
Hominy Food Lockers—Hominy.
McCreary Packing Company—Enid.
Redwine's Slaughter House—Hugo.

OREGON

*Cannon Meat Company, R. C.—Salem.
*Midway Meat Company—Medford.

PENNSYLVANIA

Anspach, Charles C.—Womelsdorf.
Ahrens & Sons, Inc., E. F.—York.
Alba, Saverio & William—Norristown.
Attig Brothers—Schrewsbury.
Baringer, Wilmer—Richlandtown.
Bethlehem Packing Company—Bethlehem.
Bingman Packing Company—Berlin.
Bloomfield Packing Company—Pittsburgh.
Blouse Meat Market—Glen Rock.
Bowders & Son, H. C.—Waynesboro.
Boyer, Kenneth L.—Klingerstown.
Bubbenmoyer, C. W.—Bernville.
Bush, G. D.—Jamestown.
Carpenter, Simon T.—Sheridan.
Campo, James—Philadelphia.
Castle Provision—Darraugh.
Clark Packing Company, Inc., Galen H.—Paxinos.
Davidek, M. J.—Breckenridge.
Derry Township Packing House—Latrobe.
Donnie's Food Market—East Berlin.
Ebling's Meat Market—Myerstown.
Elizabethville Abattoir—Elizabethville.
Eremic's Provisions—Monroeville.
Fetterolf, Joseph I.—Hegins.
Freed's Store—Gilbertsville.
Gensemer's—Bloomsburg.
Gertner, Joseph & Stephen—Easton.
Grecek, Frank—Portage.
Green & Son, A.—Berwick.
Gum, Russell M.—Pen Argyl.
Hartman, Paul E.—New Tripoli.
Hanas, George—Daisytown.
Hess, Bob G.—Winfield.
Hippey, Samuel W.—Willow Street.
Hollinger, J. Lloyd—Lancaster.
Homestead Provision and Packing Company—Pittsburgh.
Hunsberger, Joseph J.—Royersford.
Innerst Bros.—Dallastown.
Ishman, Robert J.—Worthington.
Juniata Packing Company—Tyrone.
Kipp, Harvey A.—Bethlehem.
Kirkpatrick's Meat Market—Scotland.
Kressler, Herbert H.—Quakertown.
Landis, Abram A.—Harleysville.
Locustdale Packing Company—Locustdale.
Lofstead, Frank E.—Beallsville.
Lonczynski, Thaddeus—Hazleton.
Luckenbill, Curtis T.—Kutztown.
Lux, Joseph H.—Jeannette.
Markel, Clair R.—Hanover.
Martocci, Anthony—Roseto.
Moatz, C. A. J.—Topton.
Munger's Locker Plant—North East.
Nell, C. R. & W. M.—East Berlin.
Palgon Brothers—Tarentum.
Pettello, Charles A.—Keiser.
Peters Bros. Meat Market—Lenhartsville.
Pudliner, Jr., Charles John—Johnstown.
Reichelderfer & Sons, E. H.—East Greenville.
Ritter, Charles D.—Boyertown.
Rouman, Abram—Lansdale.

Shober, Roy L.—Denver.
Smelko Brothers—Mt. Pleasant.
Snowberger Brothers—East Freedom.
Spidle's Meat Market—Lancaster.
Sprecher, Chester A.—Fleetwood.
Strunk Brothers—Hereford.
Troutman Brothers—Klingerstown.
Tavernini, Alex.—Portage.
Traczynski, John—McKeesport.
Venetia, Joseph—Norristown.
Venuto, Joseph—Philadelphia.
War, Prosper—Conshohocken.
Yoder Sons, C. M.—Telford.
Youndt, Robert L.—Denver.
Zitzman, C. B.—Mercersburg.

SOUTH CAROLINA

*Brown Packing Company—Greer.
Cheraw Packing Plant—Cheraw.
Harmon Provision Company—Saluda.
*Kimmerlins Wholesale Meat Packing Plant—Orangeburg.
Kingan Division, Hygrade Food Products Corp.—Orangeburg.
*Old Fort Packing Company—Walterboro.
*Turner's Abattoir, T. M.—Woodruff.

TENNESSEE

*Bridwell Packing Company—Kingsport.
*Chattanooga Sausage Company—Chattanooga.
*Jacobs Packing Company—Nashville.
*Morton Brothers—Johnson City.
*Sell Meat Company—Johnson City.
*Southern Provision Company—Chattanooga.
*Wade Bullo—Johnson City.
Wilkerson Slaughter House—Selmer.

TEXAS

Burlison Packing Company—Wichita Falls.
Burton Brothers Public Abattoir—Houston.
Columbia Packing Company—Dallas.
*Dixon Packing Company, Inc.—Houston.
*Freeman Packing Company—Houston.
*Goode Slaughtering—Denison.
*High Grade Packing Company—Galveston.
Plains Beef Company—Borger.

UTAH

*Harper Packing Company—Brigham City.

VIRGINIA

Rosenbaum Slaughterhouse, Clyde—Glade Springs.

WISCONSIN

Weinstein Slaughter Establishment—Superior.

WYOMING

Ranchester Slaughtering Service—Ranchester.
Torrington Packing Company, Inc.—Torrington.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment of § 78.13 deletes Cascade county in Montana, Fillmore and York counties in Nebraska, and Bottineau and Steele counties in North Dakota from the list of areas designated as modified certified brucellosis-free areas, because it has been determined that such areas no longer come within the definition in § 78.1 (l), and adds certain additional areas which have been determined to come within such definition. Paragraph (b) of § 78.14 and paragraph (b) of § 78.15 are amended to specifically approve certain additional stockyards and slaughtering establishments for the purposes of the regulations in Part 78 of Title 9, Code of Federal Regulations. It has been determined that the inspection and handling of livestock at such stockyards and of livestock, carcasses, and products at such slaughtering establishments are adequate to effectuate the purposes of the regulations.

The specifically approved stockyards and slaughtering establishments listed in this amendment are those whose names have appeared in Supplemental Lists of Specifically Approved Stockyards and Slaughtering Establishments numbered 41 through 62, inclusive.

The amendments impose certain further restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U. S. C. 111–113, 114a–1, 120, 125)

Done at Washington, D. C., this 22d day of May 1958.

[SEAL] R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F. R. Doc. 58–3986; Filed, May 28, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6913]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BLACK & COMPANY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Stock, product or service; § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Black & Company, Inc. (Rockville Centre, L. I., N. Y.), et al., Docket 6913 Apr. 29, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated corporate enterprises in Rockville Centre, Long Island, selling general merchandise through mail order catalogs, circulars, letters, etc., with representing falsely in such advertising mediums that they had in stock the merchandise advertised or that it was readily available and that they would deliver it within a reasonable time; that when it was out of stock and unobtainable, the customer's check would be returned promptly or the payment promptly refunded, with complete satisfaction to the customer in all cases.

Respondents filed answer to the complaint, each admitting all the allegations. Thereupon the hearing examiner made his initial decision including findings of fact, conclusions, and order to cease and desist which was adopted on April 29 as the decision of the Commission.

In the Matter of Black & Company, Inc., a Corporation, Home Merchandise Co., Inc., a Corporation, and Leslie F. Black, Hans Jensen, and John M. Zwicki, Individually, and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated corporate enterprises in Rockville Centre, Long Island, selling general merchandise through mail order catalogs, circulars, letters, etc., with representing falsely in such advertising mediums that they had in stock the merchandise advertised or that it was readily available and that they would deliver it within a reasonable time; that when it was out of stock and unobtainable, the customer's check would be returned promptly or the payment promptly refunded, with complete satisfaction to the customer in all cases.

Respondents filed answer to the complaint, each admitting all the allegations. Thereupon the hearing examiner made his initial decision including findings of fact, conclusions, and order to cease and desist which was adopted on April 29 as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Black & Company, Inc., a corporation, Home Merchandise Co., Inc., a corporation, and their officers and Leslie F. Black, Hans Jensen and John M. Zwicki, individually and as officers of said corporations and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act of any goods or merchandise do forthwith cease and desist from directly or indirectly:

1. Advertising goods or merchandise for sale that are not carried in stock or readily available for delivery to purchasers.

2. Accepting payment for ordered goods or merchandise which are not in stock or readily available for delivery to purchasers.

3. Failing to make prompt shipment of advertised goods or merchandise upon receipt of orders and payment therefor.

4. Failing to make prompt refund of the purchase money paid where the goods or merchandise ordered are not shipped.

5. Making refunds to customers in merchandise certificates without having obtained the prior consent of such customers.

Failing to promptly redeem merchandise certificates in cash, when requested, after having represented that they would do so.

7. Failing to make refunds for unsatisfactory goods or merchandise after having represented that they would do so.

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 29, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-4026; Filed, May 28, 1958; 8:50 a. m.]

[Docket 6995]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TARGET SPORTSWEAR, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Target Sportswear, Inc., et al., New York, N. Y., Docket 6995, Apr. 30, 1958]

In the Matter of Target Sportswear, Inc., a Corporation, and Jack Levinson, Individually and as an Officer of Said Corporation, and Jesse Bayer, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with violating the Wool Products Labeling Act by falsely labeling men's jackets as "all wool"; failing to tag certain wool products, and to tag others in the manner prescribed; abbreviating information required on tags on some; and failing to set forth separately on labels on certain jackets the constituent fibers contained in interlinings.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 30 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Target Sportswear, Inc., a corporation, and its officers, and Jack Levinson and Jesse Bayer, individually and as officers of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of men's jackets or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

1. Misbranding such products by falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Misbranding such products by failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool product, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Misbranding such products by using words or terms to set forth the required information descriptive of fiber content which is abbreviated in any way.

4. Misbranding such products by failing to label or mark sample wool products used to promote or affect sales in commerce with the respective fiber contents and other information required by law.

5. Misbranding such products by failing to separately set forth on the required stamp, tag or label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 30, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-4027; Filed, May 28, 1958; 8:50 a. m.]

[File No. 21-517]

PART 14—ADMINISTRATIVE INTERPRETATIONS

TIRE ADVERTISING GUIDES

Due proceedings having been held for the establishment of tire advertising guides in pursuance of an act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and an act of Congress approved June 11, 1946 (Administrative Procedure Act):

It is now ordered, That the tire advertising guides as hereinafter set forth, which have been adopted by the Commission in this proceeding, be published in the FEDERAL REGISTER on May 29, 1958.

Statement by the Commission: Guides for tire advertising are adopted by the Federal Trade Commission as hereinafter set forth.

The guides are applicable to the advertising and labeling, subject to the jurisdiction of the Commission, of tires and related products and the materials used therein.

They are administrative interpretations by the Commission of the requirements of the laws it enforces applicable to the subject matter of the guides. They have been adopted for the purpose of assisting all affected parties to be in prompt, simultaneous and voluntary compliance with those requirements. Additionally, they are designed to afford continuing guidance to all affected parties.

Proceedings leading to the adoption of the guides were initiated by a Commission directive upon its own motion. Pursuant to that directive, the Bureau of Consultation mailed a draft of proposed guides to all known interested and affected parties by letter dated November 22, 1957. In a transmittal letter comments and suggestions regarding the proposed guides and their specific provisions were requested.

After full consideration of the applicable legal precedents and all suggestions and comments received, the Commission adopted the guides in their present final form and directed that they be published in the FEDERAL REGISTER.

The guides become operative ninety (90) days after the date of their publication in the FEDERAL REGISTER.

§ 14.3 *Tire advertising guides*—(a) *Definitions.* As used in this section, the terms "industry product" or "product" shall mean tires, tubes or the materials used therein, whether new or used, for use on automobiles, trucks and similar vehicles. As used in this section, the term "industry member" shall mean all persons or firms who are engaged in the manufacture, sale or distribution of industry products as above defined whether under the manufacturer's or a private brand.

(b) *Applicability.* The following general principles enumerated in paragraphs (c) to (n) of this section, will be used in determining whether terminology and other direct or indirect representations subject to the Commission's jurisdiction regarding industry products conform to laws administered by the

Commission: *Provided, however,* Nothing contained in these guides relieves any party subject to a Commission cease and desist order or stipulation from complying with the specific provisions of such order or stipulation. The Guides do not constitute a finding in and will not affect the disposition of any formal or informal matter now pending with the Commission.

(c) *Deception as to construction*—(1) *Standards of construction.* No grade designation or other statement should be used in the advertising or labeling of products which directly or by implication represents that:

(i) Any product conforms to the requirements of an established and recognized industry grade or quality standard of construction unless such grade or standard has actually been established, is maintained and is recognized by the industry, and the particular product meets all of the requirements of the applicable grade or standard; or

(ii) Any product conforms to a private grade or quality standard of construction unless:

(*a*) The advertising or labeling wherein the representation is made clearly and adequately discloses, in immediate conjunction with the representation, the nature of the standard (i. e., private) and the identity of the concern which established and maintains the grade or quality standard;

(*b*) The private concern has, in fact, established and does maintain definite grade or quality standards of construction for such product; and,

(*c*) The product does, in fact, conform in all respects to the requirements of the applicable private standard thus established and maintained.

(2) *"First line," "100 level," etc.* (i) Such terms as "first line" should not be used without the clear and adequate disclosure required in subparagraph (1) (ii) of this paragraph (e. g. "XYZ's first line") and then only when the other conditions of said subparagraph (1) (ii) of this paragraph are met. Additionally, products should not be represented as being "first line" unless the products so described are the best products, exclusive of premium quality products embodying special features, of the manufacturer or brand name distributor applying such designation.

(ii) The term "level" as in "100 level," "120 level," "80 level," etc., should not be used in any way without conspicuous, clear and truthful disclosure of the meaning thereof. Its continued use without such disclosure by manufacturers or other distributors in price lists and other dealer literature may constitute placing in hands of others an instrumentality of deception.

(d) *Deceptive designations.* In the advertising or labeling of products industry members should not use designations for grades of products they offer to the public:

(1) Which have the capacity to deceive purchasers into believing that such products are equal or superior to a better grade or grades of that member's products when such conclusion would be contrary to fact (For example, if the "first line" tire of a manufacturer is designated as "Standard," "High Standard," or "Deluxe High Standard," the tires of that manufacturer which are of lesser quality should not be designated or described as "Super Standard," "Supreme High Standard," "Super Deluxe High Standard," or "Premium."), or

(2) Which are otherwise false or misleading.

NOTE: When a manufacturer applies a designation to a product which falsely represents or implies the product is equal or superior in quality to its better grade or grades of products, it is responsible for any resulting deception whether it is a direct result of the designation or a result of the placing in the hands of others a means and instrumentality for the creation by them of a false and deceptive impression with respect to the comparative quality of products made by that manufacturer.

(e) *"Original equipment."* "Original equipment" tires are understood to mean the same brand and quality tires used generally as original equipment on new current models of vehicles of domestic manufacture. A tire which was formerly but is not currently used as "original equipment," should not be described as "original equipment" without clear and conspicuous disclosure in close conjunction with the term, of the latest actual year such tire was used as "original equipment."

(f) *"Plies."* (1) A ply is a layer of rubberized fabric contained in the body of a tire and extending from one bead of the tire to the other bead of the tire. Statements or depictions which denote or imply that tires possess a specified number of plies, or more than a certain number of plies, when such is not the case, should not be used.

(2) The term "ply rating" as used in the trade is an index of tire strength and does not necessarily represent the number of cord plies in the tire. To avoid deception, such terms as "6 ply rating" or "8 ply rating" as descriptive of passenger vehicle tires containing fewer than 6 or 8 plies, respectively, must in fact be of the represented rating and be accompanied by a conspicuous disclosure of the actual number of plies in the tires so described. Phrases such as "Super 6" or "Deluxe 8" as descriptive of tires of less than 6 or 8 plies, respectively, should not be used without:

(i) Clearly disclosing in connection therewith the actual number of plies used in the construction of the tires so designated, and

(ii) Limiting the use of the superlatives "Super" or "Deluxe" to products of the advertiser in such a way as not to contravene paragraph (d) of this section.

(3) Advertising of tires should contain an adequate disclosure of the identity of the ply fabric or other material used in the construction of the body (e. g. cotton, rayon, nylon, etc.) and that such tires require tubes when such is the fact, when the failure to so disclose has a deceptive capacity or tendency.

(g) *Used products.* Advertisements of used products shall clearly and adequately disclose that same are not new products. Unexplained terms, such as "new tread," "nu-tread," and "snow tread," as descriptive of such used tires, do not constitute adequate disclosure that tires so described are not new.

(h) *"Change-overs," "new car take-offs," etc.* Products should not be represented as "new car take offs" or "change-overs" unless the products so described have been subjected to but insignificant use necessary in moving such vehicles prior to delivery of such vehicles to the purchaser. Such products should not be described as new products. Advertisements of such products should include a clear and conspicuous disclosure that "change-overs" or "new car take-offs" have been subjected to previous use.

(i) *Disclosure that products are obsolete or discontinued models.* Advertisements should clearly and conspicuously disclose that the products offered are discontinued models or designs or are obsolete when such is the fact.

NOTE: The words "model" and "design" used in connection with tires include width, depth, and pattern of the tread, as well as all other aspects of their construction.

(j) *Prices.* Advertised prices of products should be the bona fide actual selling price which purchasers pay for the advertised products. When taxes, exclusive of local sales taxes, are not included in the advertised price, that fact should be clearly and conspicuously disclosed. Any unqualified reference to a "list price" should be with respect to the advertiser's bona fide regular established current selling price of the advertised products. A retailer or distributor referring to a "list price" not his own should conspicuously disclose whose "list price" is referred to (e. g. "manufacturer's suggested list price"). Manufacturers and distributors should not put into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of products. Accordingly, manufacturers and other distributors should not publish or distribute as "manufacturer's list prices" or "suggested list prices," etc., any price lists showing prices higher than those at which the products are regularly and customarily sold in the trading areas in which such price lists are published or distributed.

NOTE: Additional price representations or advertisements considered to have a deceptive capacity or tendency are that:

(1) A specific product is offered for sale at a stated price when in fact such product is not so offered but instead another product of different kind, grade, brand, line or quality; or

(2) Savings or reductions from regular prices are afforded a purchaser of products when such purported savings or reductions do not take into account a required trade-in if such is the case; or

(3) A product is offered as "½ price" "50% off," etc., in a manner having the capacity or tendency or effect of misleading purchasers as to the actual purchase price of the advertised products; or

(4) The selling price of products has been reduced from what is in fact a fictitious price, or that such price is a "reduced" or "special" price when it is in fact the regular selling price, or when over a substantial period of time the alleged "reduced" or "special" price has been the price at which such products customarily have been sold immediately prior in point of time to such representation; or those which:

Contain price comparisons with fictitious (or unestablished) prices of the advertised products. Claims such as "formerly $________, now $________" should not be used unless the former price referred to is the one at which the product had been regularly sold for a substantial period of time immediately prior in point of time to such representation in the trading area wherein such representation is made.

(k) *Guarantees.* (1) Advertising of products should not contain representations that a product is "guaranteed" without clear and conspicuous disclosure of: (i) The nature and extent of the guarantee, and (ii) any material conditions or limitations in the guarantee which are imposed by the guarantor, and (iii) the manner in which the guarantor will perform thereunder. Accordingly, required disclosure, to be adequate, in addition to other requirements, should clearly reveal that the guarantor will deduct for the time or mileage the guaranteed product has been used and will make an allowance for the unused time or mileage toward the purchase of a new product when such is the fact. Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the above requirements, should contain a conspicuous disclosure of the meaning of "life" or "lifetime."

(2) Guarantees which provide for an adjustment based on a fictitious list price should not be used (see paragraph (j) of this section). Guarantees which under their terms will be adjusted on the basis of a price other than that which purchasers pay should clearly and adequately disclose the price upon which adjustments will be made.

(3) Guarantees should not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or number of miles as to have the capacity or tendency of misleading purchasers or prospective purchasers into the belief that the products so guaranteed have a greater degree of serviceability or durability in actual use than is true in fact.

(l) *Blemished, imperfect, defective, etc., products.* Advertisements of products which are blemished, imperfect, or which for any reason are defective, should contain conspicuous disclosure of that fact. In addition, such products should have permanently stamped or molded thereon or affixed thereto and to the wrappings in which they are encased, a plain and conspicuous legend or statement to the effect that such products are blemished, imperfect, obsolete, or stating the reason why they are defective. Such marking by a legend as "XX" or by a color marking or by any other code designation which is not generally understood by the public is not considered to be an adequate disclosure.

(m) *Safety or performance features.* Absolute terms such as "skidproof," "blowout proof," "blow proof," "puncture proof" should not be unqualifiedly used unless the product so described affords complete and absolute protection from skidding, blowouts, or punctures, as the case may be, under any and all driving conditions.

(n) *Other claims and representations.* (1) No claim or representation should be made concerning an industry product which directly, by implication, or by failure to adequately disclose additional relevant information, has the capacity or tendency or effect of deceiving purchasers or prospective purchasers in any material respect. This prohibition includes, but is not limited to, representations or claims relating to the construction, durability, safety, strength, condition or life expectancy of such products.

(2) Also included among the prohibitions of this paragraph (n) are claims or representations by members of this industry or by distributors of any component parts of materials used in the manufacture of industry products, concerning the merits or comparative merits (as to strength, safety, cooler running, wear, or resistance to shock, heat, moisture, etc.) of such products, components or materials, which are not true in fact or which are otherwise false or misleading.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

Issued: May 26, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4028; Filed, May 28, 1958; 8:50 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R169]

PART 131—FORMS

PART 250—FORMS

REVISION OF FORM FOR CERTIFICATES OF SERVICE

MAY 23, 1958.

The Commission has under consideration in this proceeding the revision of the form of certificate of service required by § 1.17 of the rules of practice and procedure and prescribed in § 131.1 and 250.1 of the regulations under the Federal Power Act and Natural Gas Act, respectively (18 CFR 131.1 and 250.1). The purpose of the revision is to simplify the checking of certificates of service, often involving many parties and attorneys, to assure that no oversights in the service required by § 1.17 occur, by requiring that not only the names of the persons or attorneys served be shown but also the parties whom each represents.

It appears that adoption of these amendments is a matter of procedure which does not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The amendments hereinafter adopted are necessary and appropriate to carry out the provisions of the Federal Power Act and the Natural Gas Act and to aid in the discharge of the Commission's duties.

The Commission, acting pursuant to the authority vested in it by law, including sections 308 and 309 of the Federal Power Act (49 Stat. 858, 16 U. S. C. 825g, 825h) and sections 15 and 16 of the Natural Gas Act (52 Stat. 829, 830, 15 U. S. C. 717n, 717o), orders:

(A) Section 131.1 of the regulations under the Federal Power Act (18 CFR 131.1) is amended to read as follows:

§ 131.1 *Certificate of service.*[1] (See § 1.17 of this chapter.)

(One original, no copies required)

I hereby certify that I have this day served the foregoing document upon the following named parties of record in this proceeding, by delivering a copy thereof in person, or by mailing a copy thereof properly addressed, to each of the parties named or, where indicated, to the attorney of record of a party named:

Parties [2]	*Attorney(s) Served* [3]
____________________	____________________
____________________	____________________
____________________	____________________

dated at ________ this _____ day of ___, 19__.

____
(Signature)

Of counsel for
____

[2] List each party of record, whether service was upon the party directly or upon his attorney.

[3] Where an attorney is served on behalf of a party of record, show the attorney's name as well as the name of the party.

(B) Section 250.1 of the regulations under the Natural Gas Act (18 CFR 250.1) is amended to read as set forth in § 131.1 as amended in paragraph (A) hereof.

(C) The amendments herein adopted shall become effective on June 15, 1958.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4016; Filed, May 28, 1958; 8:48 a. m.]

[Docket No. R-170; Order No. 202]

PART 154—RATE SCHEDULES AND TARIFFS

RATE FILINGS BY NATURAL GAS COMPANIES

MAY 23, 1958.

The Commission has under consideration the amendment of Part 154, Rate Schedules and Tariffs, of the regulations under the Natural Gas Act (18 CFR Part 154) for the purpose of making minor corrections in the existing rules. No change in meaning or substance is intended by these amendments. The change in § 154.63 (b) (4) made herein is to correct an error made when the Commission's rules were codified pursuant to Order No. 132, dated August 23, 1946. The changes in §§ 154.94 and 154.95 are to conform the language of those sections to the amendment to § 154.99 made by

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[1] To be shown on the original when tendered for filing with the Commission of every paper as specified in § 1.17 (b) of this chapter.

Order No. 195, dated February 27, 1957.

It appears that the amendments to Part 154, hereinafter adopted, involve matters of procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The amendments as hereinafter adopted are necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to authority granted by sections 4 and 16 of the Natural Gas Act (52 Stat. 822, 830, 15 U. S. C. 717c, 717o) orders:

(A) Subparagraph (4) of § 154.63 (b) *Submission of material by reference*, is amended by deleting the words "paragraph (a) through (d) of".

(B) Paragraph (b) of § 154.94 *Changes in rate schedules*, is amended by changing the words "shall be filed with the Commission in duplicate" to read "shall be filed with the Commission in triplicate".

(C) Section 154.95 *Oral agreements*, is amended by changing the words "in duplicate" (appearing in two places) to read "in triplicate".

(D) The amendments herein prescribed shall become effective upon issuance of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4017; Filed, May 28, 1958; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

DELAWARE AND SCHUYLKILL RIVERS, N. J. & PA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.227 (g) is hereby amended, paragraph (h) governing the operation of the City of Philadelphia bridge across Schuylkill River at South Street is hereby redesignated as (i) and a new paragraph (h) is hereby prescribed to govern the operation of the Pennsylvania Railroad Company bridge across Schuylkill River near Christian Street, Philadelphia, Pennsylvania, as follows:

§ 203.227 *Delaware and Schuylkill Rivers, N. J. and Pa., in vicinity of Philadelphia and Bristol; bridges.* * * *

(g) The general regulations contained in paragraphs (a) to (f), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (h) and (i) of this section.

(h) *Pennsylvania Railroad Company bridge across Schuylkill River near Christian Street.* (1) The owner of or agency controlling this drawbridge will not be required to keep drawtenders in constant attendance between 4:00 p. m. and 8:00 a. m. each day Monday through Friday and during the entire period from 4:00 p. m. Friday to 8:00 a. m. Monday. Whenever during these periods, including holidays, a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(2) Upon receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at the time specified in the notice for the passage of the vessel.

(3) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in subparagraph (1) of this paragraph may be reached by telephone or otherwise.

(i) *City of Philadelphia bridge across Schuylkill River at South Street.* * * *

[Regs., May 14, 1958, 832.01 (Schuylkill River, Pa.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-4004; Filed, May 28, 1958; 8:45 a. m.]

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF CAPE CANAVERAL, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.82a is hereby amended redesignating the boundaries of an Air Force danger zone in the Atlantic Ocean off Cape Canaveral, Florida, changing paragraphs (a) and (b) (2), (3) and (4), as follows:

§ 204.82a *Atlantic Ocean off Cape Canaveral, Fla.; Air Force Missile Testing Area, Patrick Air Force Base, Fla.*—(a) *The danger zone.* An area in the Atlantic Ocean immediately offshore from Cape Canaveral defined by a line 3 nautical miles from shore, said area terminating in the north at a line on a bearing of 70° from a point on shore at approximate latitude 28°35′ north and in the south at a line on a bearing of 115° from a point on the shore at approximate latitude 28°25′ north.

(b) *The regulations.* * * *

(2) When it is deemed necessary, warning signals will be used to clear that portion of the said area which is to be cleared for countdown activities. These signals will be in the form of a large red ball which will be displayed by day and a cluster of flashing red lights by night on a tower at a point approximately one-half mile south of the point on the high-water shoreline where the northerly limit of the said area meets the shoreline, and on a tower at the high-water shoreline at the southerly part of said area where the southerly limit meets the shoreline, as described in paragraph (a) of this section. In addition, boats will be used to patrol the zone during prohibited hours and will give oral warning by loud speaker.

(3) When the above described signals are displayed, all vessels in the area shall leave the zone immediately by the shortest route, and shall remain outside the zone until allowed to return by the patrol boats and/or until the signals have been discontinued.

(4) The regulations in this paragraph shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Fla., and such agencies as he may designate.

[Regs., May 7, 1958, 800.2121 (Atlantic Ocean, Fla.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-4003; Filed, May 28, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1640]

[2009943]

CALIFORNIA

REVOKING PUBLIC LAND ORDER NO. 279 OF MAY 22, 1945

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 279 of May 22, 1945, withdrawing the following-described public lands for use of the Department of the Navy in connection with the Naval Auxiliary Air Station, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 16 E.,
Sec. 24.

The area described contains 640 acres.

The lands are withdrawn in the first form for reclamation purposes. They will be open to application and offers under the mineral leasing laws beginning at 10:00 a. m., on June 27, 1958.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 22, 1958.

[F. R. Doc. 58-4006; Filed, May 28, 1958; 8:46 a. m.]

[Public Land Order 1641]

[Fairbanks 013669]

ALASKA

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY, FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Department of the Army for military purposes:

FAIRBANKS MERIDIAN

T. 1 N., R. 2 W., (Unsurveyed),
  Sec. 22, E½E½SE¼;
  Sec. 23, S½NE¼NW¼, S½N½NE¼, S½N½ and S½;
  Sec. 24, S½NW¼NW¼, SW¼NW¼, W½SE¼NW¼, W½SW¼, W½NE¼SW¼ and NW¼SE¼SW¼;
  Sec. 25, NW¼NW¼NW¼;
  Sec. 26, N½NW¼, SW¼NW¼, NW¼SE¼NW¼NW¼NE¼ and N½NE¼NE¼;
  Sec. 27, SE¼NE¼, NE¼NE¼NE¼, S½NE¼NE¼ and N½NE¼SE¼.

The areas described aggregate 1,060 acres.

2. No disposal of the surface and sub-surface resources including mineral resources of the lands shall be made except under the applicable public-land laws, and then only after such modification of the provisions of this order, with concurrence of the Department of the Army, as may be necessary to permit such disposal.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 22, 1958.

[F. R. Doc. 58-4007; Filed, May 28, 1958; 8:46 a. m.]

[Public Land Order 1642]

[Wyoming 060194]

WYOMING

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Wyoming are hereby withdrawn from all forms of appropriation under the public land laws including the mining and mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Bureau of Land Management as an administrative site.

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 81 W.,
  Sec. 8, SW¼NE¼ and NW¼SE¼.

The areas described aggregate 80 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 22, 1958.

[F. R. Doc. 58-4008; Filed, May 28, 1958; 8:46 a. m.]

[Public Land Order 1643]

[Fairbanks 010165]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 1142 OF MAY 4, 1955, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1142 of May 4, 1955, which withdrew public lands for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following-described lands:

STONY RIVER-LIME HILLS AREA

PARCEL 1

Beginning at a point from which U. S. C. and G. S. Station "Sparr" (1953) bears South 580 feet, thence
  East, 2,000 feet;
  South, 4,000 feet;
  East, 6,000 feet;
  North, 4,000 feet;
  East, 2,560 feet;
  North, 4,000 feet;
  West, 12,560 feet;
  South, 4,000 feet;
  East, 2,000 feet to the point of beginning.

The tract described contains approximately 1,711 acres.

PARCEL 2

Beginning at a point from which U. S. C. and G. S. Station "Sparr" (1953) bears North 4,420 feet, thence
  East, 2,000 feet;
  South, 6,000 feet;
  East, 4,000 feet;
  South, 3,000 feet;
  West, 6,000 feet;
  North, 9,000 feet to the point of beginning.

The tract described contains approximately 695 acres.

2. The lands are about 160 miles west-southwest of Anchorage. They are located in a mountainous and remote area on the western slopes of the Alaska Range. Scrub spruce covers parts of the mountain slopes, and along the stream channels, alder and birch are found.

3. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning at 10:00 a. m., on June 28, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended). Beginning at 10:00 a. m., on September 27, 1958, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on June 28, 1958, will be considered as simultaneously filed at that hour. Rights under such preference-right applications after that hour and before 10:00 a. m., on September 27, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m., on September 27, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m., on September 27, 1958.

4. Persons claiming veterans' preference rights under paragraph 3a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The Territory of Alaska has waived the preference right of selection granted it by section 202 (b) of the Alaska Mental Health Enabling Act of July 28, 1956 (70 Stat. 711; 48 U. S. C. 46.3 (b)).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 23, 1958.

[F. R. Doc. 58-4009; Filed, May 28, 1958; 8:46 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 411—SALE AND EXCHANGE OF LAND IN FARM UNITS OWNED BY THE UNITED STATES, COLUMBIA BASIN PROJECT, WASHINGTON

Chapter II, Subtitle B of Title 43 is amended by the addition of a new part reading as follows.

Sec.
411.1 Purpose.
411.2 Definitions.
411.3 Applications to purchase complete farm units.
411.4 Sales and exchanges of portions of farm units.
411.5 Approval of sale, assignment, lease, or other disposal of farm units acquired from the United States.
411.6 Acquisition by the United States of farm units for "exchange" purposes.

AUTHORITY: §§ 411.1 to 411.6 issued under sec. 8, 57 Stat. 20; 16 U. S. C. 835c–4.

§ 411.1 *Purpose.* The purpose of the regulations in this part is to establish certain policies governing the sale and exchange of farm units and portions of farm units owned by the United States on the Columbia Basin Project, Washington, pursuant to the Act of September 2, 1957 (71 Stat., 590), amending the Columbia Basin Project Act (16 U. S. C. 835, et seq.).

§ 411.2 *Definitions.* As used in this part:

(a) "Project Act" shall mean the Columbia Basin Project Act (16 U. S. C. 835, et seq.), as amended.

(b) "Project Manager" shall mean the Project Manager, Columbia Basin Project, Bureau of Reclamation.

(c) "Owner" shall have the meaning ascribed to it in the Project Act and in Part 404 of this chapter.

(d) "Family" shall have the meaning ascribed to it in the Project Act.

(e) "Farm unit" shall mean a farm unit on the Columbia Basin Project as referred to in the Project Act.

§ 411.3 *Applications to purchase complete farm units.* (a) Applications to purchase farm units being offered under public announcements issued by the Sceretary of the Interior may be received from any person, provided:

(1) He or any member of his family does not have outstanding an application for the purchase of a farm unit under another public announcement for which he has been certified by the Board of Examiners for the selection of settlers as being qualified to purchase a farm unit under that announcement;

(2) He or any member of his family has not previously purchased or contracted to purchase a farm unit from the United States under the Project Act;

(3) He or any member of his family does not own another farm unit; and

(4) He is eligible to apply for the purchase of a farm unit under a public announcement.

(b) An applicant may withdraw his application by written notice to the Project Manager.

§ 411.4 *Sales and exchanges of portions of farm units.* Whenever it will contribute to the solution of conformance problems and it is in the interest of sound project development a portion of a farm unit, or units, owned by the United States may be sold to or exchanged with the owner, or contract purchaser, of the remaining portion, provided the sale will place the entire unit in a single ownership to which water may be delivered under the regulations in Part 404 of this chapter. This policy may prevail irrespective of whether the owner or contract purchaser holds other units eligible to receive water. In any case the total irrigable acreage transferred to a common ownership by the sale or exchange of portions of a farm unit or units owned by the United States shall not exceed one half of the irrigable acreage of the largest farm unit to be conformed.

§ 411.5 *Approval of sale, assignment, lease, or other disposal of farm units acquired from the United States.* (a) Purchasers of farm units from the United States under the project act, subsequent to September 2, 1957, whether by cash sale deeds, sales contracts, or exchange contracts, shall agree not to sell, assign, lease or otherwise dispose of or contract to sell, assign, lease or otherwise dispose of the farm unit so acquired, for a period ending five years from the date of the cash sale deed or the contract without the prior written approval of the Project Manager. Sales and exchange contracts of the United States involving farm units shall include such provisions and shall be subject to forfeiture upon non-compliance therewith during the five-year period. All deeds of the United States issued pursuant to purchases of farm units subsequent to September 2, 1957, shall provide that failure to secure prior written approval of the Project Manager to any such dispositions made within the five-year period described above, shall be cause for cancellation of the right of such farm unit to receive water from the project works except as provided in paragraph (c) of this section. The provisions of this section shall not apply to deeds, sales or exchange contracts for a portion of a farm unit purchased from the United States.

(b) The Project Manager may approve dispositions of farm units as required under paragraph (a) of this section, upon a satisfactory showing that the purchaser of the farm unit, his heirs or devisees, successors, or assigns cannot continue to hold said farm unit because of undue hardship or other extenuating circumstances if:

(1) A complete farm unit acquired by deed from the United States is to be transferred to any person who or whose family does not own another farm unit, has not theretofore purchased or contracted to purchase another farm unit from the United States, except when it is determined by the Project Manager to be in the interest of sound project development;

(2) A contract for the purchase of a complete farm unit from the United States is to be assigned to a person possessed of the minimum qualifications required of the original purchaser, provided such assignee or any member of his family does not own another project farm unit, and has not theretofore purchased or contracted to purchase a project farm unit from the United States, except that if the original purchaser was a veteran, the Project Manager, when an assignee who is a veteran is not available, may approve an assignment of a unit to a person possessing the other qualifications who is not a veteran;

(3) A complete farm unit being acquired from the United States under a sales or exchange contract is to be leased, in whole or in part, provided the terms of the lease do not interfere with the orderly fulfillment of the residence and development requirements, if any, of the sales or exchange contract, and the lease does not grant an option to purchase the farm unit.

(4) A complete farm unit acquired by deed from the United States is to be leased in whole or in part, and the lease does not grant an option to purchase the lands covered thereby.

(5) Leases under subparagraphs (3) and (4) of this paragraph will not be approved if the total irrigable area of project land to be controlled by the lessee as owner or lessee, or both will be in excess of the limitations set forth in § 404.5 (c) and (d) of this chapter.

(c) While all deeds issued pursuant to purchase of farm units subsequent to Setpember 2, 1957, shall include the restrictions set forth in paragraph (a) of this section, specific exceptions shall be made in such deeds recognizing liens created through loans secured by mortgages for the purchase, development and improvement of farm units acquired from the United States by bona fide lending agencies or institutions and granting prior consent and approval of the United States to the disposition of the land in satisfaction of such liens.

§ 411.6 *Acquisition by the United States of farm units for "exchange" purposes.* Farm units or interests therein, which are reacquired by the United States for the purpose of enlarging another farm unit or units which have been determined by the Project Manager to be inadequate shall be considered as being acquired for exchange purposes under the Project Act. Persons from whom such farm units or interests therein are reacquired, if otherwise qualified, shall not be precluded from purchasing or contracting to purchase another farm unit under the Project Act.

These regulations shall become effective immediately upon their publication in the FEDERAL REGISTER.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MAY 23, 1958.

[F. R. Doc. 58–4014; Filed, May 28, 1958; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 58-488]

[Rules Amdt. 1-3]

PART 1—PRACTICE AND PROCEDURE

FILING OF CONTRACTS, BROADCAST LICENSEES, AND PERMITTEES

At a session of the Federal Communications Commission held at its Offices in Washington, D. C., on the 23d day of May 1958;

The Commission having under consideration § 1.342 (b) of its rules and regulations, which provides for the filing with the Commission of contracts relating to ownership or control by broadcast permittees and licensees, but requires clarification with respect to the filing of contracts for the assignment of a license or permit, such filing having long been considered a requirement of the rules; and

It appearing that the amendment herein ordered would provide the necessary clarification of the said rule; and

It further appearing that the amendment herein ordered relates to agency procedure and practice, and therefore, the rule-making requirements of sections 4 (a), (b), and (c) of the Administrative Procedure Act are not applicable herein; and

It further appearing that the authority for the amendment adopted herein is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective June 18, 1958, § 1.342 (b) of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 26, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 1.342 as follows:

1. Change the text of paragraph (b) preceding subparagraph (1) to read as follows:

(b) Contracts relating to ownership or control: Contracts, instruments, or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights, or interests therein, or relating to changes in such ownership or control. This paragraph shall include but is not limited to the following:

2. Change the text of paragraph (b), subparagraph (3), to read as follows:

(3) Any agreement, document, or instrument (i) providing for the assignment of a license or permit or (ii) affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting), such as: (*a*) Agreements for transfer of stock; (*b*) Instruments for the issuance of new stock; or (*c*) Agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed.

[F. R. Doc. 58-4034; Filed, May 28, 1958; 8:52 a. m.]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

CHANGE IN SECTION NUMBER

The Commission's order (FCC 58-396) of April 23, 1958 (23 F. R. 2925), in the above entitled matter is corrected as follows:

Change the reference to § 21.26 of the rules in the caption and body of the said order to § 21.27.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4035; Filed, May 28, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

ASSESSABLE AREAS OF MODOC POINT, SPRING CREEK, AGENCY, AND SAND CREEK UNITS

Notice is hereby given of intention to amend § 221.48a to read as set forth below. The purpose of this amendment is to establish the assessable areas of the Modoc Point, Spring Creek, Agency, and Sand Creek Units of the Klamath Indian Irrigation Project, Oregon.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed revisions to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 22, 1958.

Section 221.48a is amended to read as follows:

§ 221.48a *Areas assessable.* (a) The assessable area for the Modoc Point Unit is hereby designated as 5582.63 acres, as shown in the Modoc Point Designation Report of July 1957, Volume 2, on file with the Bureau of Indian Affairs, Washington 25, D. C.

(b) The assessable areas for the Spring Creek, Agency, and Sand Creek Units are hereby designated as follows:

Spring Creek Unit, 1020.0 acres.
Agency Unit, 4233.8 acres.
Sand Creek Unit, 1150.0 acres.

The designation for the above units is shown in the Area Director's Report, Portland Area Office, of February 1958 on file with the Bureau of Indian Affairs.

[F. R. Doc. 58-4005; Filed, May 28, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293]

MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Washington, D. C., marketing area. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the recommended marketing agreement and order were formulated was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of a petition filed by the Maryland and Virginia Milk Producers Association. The hearing was held in Washington, D. C., on April 8-19, 1957, pursuant to a notice duly published in the FEDERAL REGISTER on February 27, 1957 (22 F. R. 1116). The period until June 14, 1957, was allowed interested parties for the filing of briefs on the record.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) Scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds among producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

Character of commerce. The handling of milk in the Washington, D. C., marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects the handling of milk and its products.

The Washington fluid milk market is an interstate market encompassing not only the District of Columbia but the immediately adjacent counties of both Maryland and Virginia. Within this market there is a substantial and continuing interstate commerce, both in the procurement of milk and in the sale of fluid milk and its products.

The District of Columbia which is but a part of the area comprising the whole market, is entirely urbanized and must rely completely on movements of milk in interstate commerce for its supply. Milk for the market is regularly supplied by dairy farmers in the four-State area of Maryland, Pennsylvania, Virginia, and West Virginia. Statistics presented by the Maryland and Virginia Milk Producers Association, whose members produce approximately 90 percent of the total market supply, indicate that for the month of March 1956, 49 percent of their milk originated from farms located in the State of Virginia, 46 percent from farms in the State of Maryland, 2 percent from farms in the State of Pennsylvania and 2 percent from farms in the State of West Virginia. In addition, at least two substantial handlers in the market procure their milk supply from other sources. One of these dealers procures his supply through the Capitol Milk Producers Association from farms located in the States of Virginia and Maryland. The other dealer, whose bottling and distributing plant is located outside the District of Columbia in the State of Maryland, procures his supply primarily from two cooperative associations, one of whose plants is located in the State of Pennsylvania and the other in the State of Virginia. Milk from the Virginia plant is supplied by dairy farmers located in Virginia and in West Virginia. The milk from the Pennsylvania plant is supplied by dairy farmers in Pennsylvania, Maryland and in West Virginia.

Distributors whose plants are located in the District of Columbia have regular and substantial route sales, both wholesale and retail, extending into the adjacent counties of both Virginia and Maryland. One such distributor also makes regular sales into the State of Delaware as well as on the Eastern Shore of Maryland and Virginia. Distributors whose plants are located in nearby Maryland and distributors whose plants are located in nearby Virginia regularly compete with distributors whose plants are located in the District of Columbia for contract sales to Federal and/or State installations in the District of Columbia and in Maryland and Virginia. One substantial handler processes and packages frozen concentrated milk at his Washington, D. C., plant which milk is later transported to naval installations in the State of Florida. In addition, the Maryland and Virginia Milk Producers Association makes substantial spot sales of bulk milk to outlets in the States of New Jersey, North Carolina and Florida.

Milk produced for the local fluid market, but which may be in excess of current fluid needs, is processed into manufactured milk products in nearby manufacturing plants which products are sold on the national market in competition with similar products from all parts of the country. In addition manufactured dairy products such as cottage cheese, sour cream and ice cream are distributed in the local market from sources outside of the District of Columbia or the States of Maryland and Virginia.

From the foregoing it is evident that the vast majority of the milk in the Washington market does move in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce of milk and its products.

Need for an order. Marketing conditions in the Washington, D. C., marketing area justify the issuance of a marketing agreement and order.

For a period of about 14 years from February 1940 to August 1954, marketing conditions in the Washington market were, in general, orderly and stabilized. During the period from February 1940 until April 1947 the market was regulated under Federal Order 45. That order was terminated effective April 1, 1947, at the request of the Maryland and Virginia Milk Producers Association, a cooperative association representing the majority of the producers supplying the market. Throughout the period in which the order was in effect the market was generally in short supply and supplemental outside milk was regularly imported to meet the fluid needs of the market. After the termination of the order the market continued to be in short supply until early in 1951. Throughout the period in which the market was in short supply the blended prices returned to all producers on the market were very near the Class I price.

Subsequent to the termination of the Federal order the Maryland and Virginia Milk Producers Association continued to market the milk of its producer-members on a classified use basis and to return a blended price to its members. The Capitol Milk Producers Association, which markets the milk of its producer-members through one substantial handler in the market, on the other hand, has sold the milk of its members on a flat price basis which price has approximated the blended price which the Maryland and Virginia Milk Producers Association has returned to its members. The handler who purchases this milk has maintained a very high Class I utilization, currently about 95 percent. The utilization of the Maryland and Virginia Milk Producers Association, while varying, has in some months of 1956 been as low as 65 percent in Class I.

A substantial handler who prior to October 1, 1954 purchased his milk from the Maryland and Virginia Association on a classified use basis now purchases his milk from two cooperatives, one in Virginia and one in Pennsylvania, on a negotiated flat price basis. The handler's current utilization approximates 95 percent in Class I. The loss of this Class I outlet has increased the volume of milk from members of the Maryland and Virginia Milk Producers Association utilized in manufacturing uses, thus lowering the blended prices returned to the members of this association, and indirectly, the returns to members of the Capitol Milk Producers Association whose milk is purchased on a price related to the Maryland and Virginia blended price. At the same time the advantage which the handler buying milk through the Capitol Milk Producers Association has maintained over other handlers in the market in the cost of Class I milk has been further enhanced. The record evidence does not reveal the prices paid by the one handler to the two cooperatives who supply his needs. However, it does show that the prices paid to the two cooperatives are not necessarily the same and do vary from month to month.

The trend of increasing milk supplies in the Washington market is typical of the dairy industry generally throughout the country. With the increase in milk supplies locally and in adjacent markets, Washington handlers who purchase their milk on a classified use basis have encountered increasing competition in their regular route distribution as well as on contract sales to Federal Government installations. Government contract purchases in the Washington area represent a substantial part of the total Class I sales in the market. In recent years Washington area handlers have encountered increased competition from outside dealers using milk surplus to their normal market with the result that bid prices to supply Class I milk to Government installations currently reflect values only slightly in excess of milk disposed of in manufacturing use.

In an effort to preserve their established Class I outlets the Maryland and Virginia Milk Producers Association has priced milk to its buyers at prices calculated to meet the competition from the flat price buyers in their regular trade and the outside dealers on contract business for Government installations. One substantial handler testified that his company paid as many as six different Class I prices for the same quality milk. This must be presumed to be typical of all other handlers in the market since the association witnesses pointed out that all of the regular buyers purchasing milk for any particular outlet were charged the same prices. Notwithstanding the efforts of the local producers to hold their Class I outlets, local handlers have not been entirely successful in holding the contract business.

The Maryland and Virginia Milk Producers Association currently supplies nearly 90 percent of all the Class I milk for the market and an even greater proportion of the reserve supply. In earlier years arrangements with one of the larger handlers in the market who maintains a receiving and manufacturing plant at Frederick, Maryland, provided a basis whereby the cooperative association could direct milk to the several handlers in the quantities and at the time needed. Milk not needed for fluid uses was held at the Frederick plant for manufacturing uses. In order to better serve the market and to return the highest possible prices to its producer-members the association in 1955 acquired its own manufacturing plant. This acquisition has provided substantially greater flexibility in marketing on the part of the association. Notwithstanding, the loss of Class I outlets, and the extensive price cutting which has prevailed over an extended period, have resulted in increasing market instability, which if continued, may lead to a complete breakdown of the marketing system. This situation constitutes a continuing and serious threat to a dependable supply of pure and wholesome milk for the Washington area.

It is concluded that the issuance of a marketing agreement and order for the Washington market will contribute substantially to the stabilization of the fluid milk market and will tend to effectuate the declared policy of the Act. The adoption of a classified price plan based on audited utilization of handlers will provide a uniform system of pricing of milk to all handlers and will assure a fair division of returns to all producers. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers and to the public to present information on marketing conditions and participate in the determination of prices for milk in the area.

The marketing area. The Washington, D. C., marketing area should include all of the territory in the District of Columbia; the city of Alexandria and the Counties of Arlington, Fairfax, Prince William, all in the State of Virginia, and the Counties of Prince Georges (exclusive of the corporate limits of the town of Laurel), Montgomery, Charles, St. Marys, and Calvert and the southern portion of Frederick (including the City of Frederick), all in the State of Maryland, together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (municipal, State, or Federal) installations, institutions or other establishments.

The maximum area of regulation as set forth in the several proposals contained in the hearing notice included, in addition to the area herein proposed, the counties of Accomack and Northampton in Virginia and the counties of Talbot, Dorchester, Wicomico, Worcester, Somerset, together with portions of the counties of Washington, Howard and Anne Arundel, and the town of Laurel in Prince Georges County, all in the State of Maryland.

The population of the area as herein proposed, according to the 1950 census, is in excess of 1,500,000 persons of which approximately 800,000 are in the District of Columbia. Unofficial population estimates introduced in the record of the hearing indicate an over-all population growth in this area from 1950 through 1956 of more than 33 percent, the greater part of which has taken place in the nearby Maryland and Virginia counties. The principal populated areas outside of the District of Columbia include: Alexandria, Arlington, Falls Church, Fairfax and Manassas, Virginia; Bethesda, Chevy Chase, Rockville, Silver Spring, Hyattsville, Riverdale, Mt. Rainier, College Park, LaPlata, Leonardtown, Prince Frederick, and Frederick, Maryland. The major Federal installations in the area include Andrews Air Base, Bolling Field, Bethesda Naval Hospital, Cameron Station, Fort Belvoir, Fort Myer, Fort McNair, Mt. Alto Veteran's Hospital, National Institute of Health, Naval Air Station, Naval Gun Factory, Naval Receiving Station, Patuxent Air Station, Quantico Marine Base, St. Elizabeths and Walter Reed Hospital.

Milk for the marketing area as herein proposed is produced under the applicable health regulations of the District of Columbia, or the States of Maryland and Virginia and in some instances local jurisdictions. Milk produced under District of Columbia inspection is sold throughout the area since it is acceptable under all of the applicable ordinances. Milk produced under State or local health inspections, while generally of similar quality, cannot be distributed in the District of Columbia and it is not clear from the record to what extent the respective State or local health authorities accept reciprocal inspection. Distributors from the District of Columbia compete with one another throughout most of the area herein proposed. The greater part of their business is done in the highly urbanized area comprised of the District of Columbia, Montgomery and Prince Georges Counties in Maryland and the City of Alexandria and the Counties of Arlington and Fairfax in Virginia. Throughout this area District of Columbia handlers are the primary handlers. However, they meet substantial local competition in both Virginia and Maryland.

District of Columbia handlers also do the preponderance of the over-all fluid milk business in Charles, St. Marys, and Calvert Counties, Maryland and are substantial handlers in the Frederick County, Maryland area and in Prince William County, Virginia. These areas, though substantially more rural in character than the other parts of the proposed area, represent substantial sales areas in which District of Columbia handlers operate.

The Frederick County area herein proposed for inclusion was specifically requested by local handlers who are the primary distributors there but who would be brought under full regulation by virtue of the sales which they make into Montgomery County.

Prince William County has experienced a very considerable suburban development in recent years, particularly in the Manassas area. With the exception of the southernmost tip, the county is served exclusively by District of Columbia handlers and by local Virginia handlers who would be regulated by virtue of their business in other parts of the proposed area. A dealer who operates a plant both at Fredericksburg and at Manassas, Virginia, which latter plant would be regulated by virtue of its business in Fairfax and Arlington Counties, even if the Prince William County area were not included, proposed that the Fredericksburg area of the Virginia State Milk Control Commission be excluded, except for the Quantico Marine Base. This particular dealer was the principal proponent of the inclusion of the Quantico Marine Base in the marketing area. The record indicates that the distribution from the Fredericksburg plant into Prince William County is but a small part of such plant's over-all business and it appears that the distribution as between the Fredericksburg and Manassas plant can be readily adjusted to assure nonregulated status for the Fredericksburg plant. It would be impractical to exclude this area if the Quantico Marine Base is included.

Proponents for inclusion of the Quantico Marine Base contend that under present circumstances the contract milk distributed through the base commissary is a serious disruptive factor over a wide area of Prince William County. The Quantico Marine Base has been a substantial outlet for handlers who will be brought under regulation by the order. While such handlers have not exclusively held this contract they have been the primary suppliers. In order to remove this source of disruption to orderly marketing within the regulated area Quantico Marine Base must be included.

The record indicates that the boundaries of the Quantico Marine Base extend beyond Prince William County into Stafford County. However, that portion of the base in Stafford County is exclusively used as a maneuver and firing range. The inclusion in the marketing area of that portion of the base within Prince William County will encompass all of the administrative barracks, quarters and sales area of the base and will tend to implement the intent of regulation.

It is intended that the sales of fluid milk from piers, docks, and wharves and to crafts moored thereat be included in the marketing area. It is also intended that the area include all the territory occupied by Government reservations, institutions or other such establishments whether municipal, State or Federal if they fall within the limits of the area as defined. The record indicates that in general the quality requirements for milk for such installations are patterned after the U. S. Public Health Standards and are similar to those for milk sold in other parts of the marketing area. These, by location and past performance represent logical areas of distribution for Washington, Virginia and Maryland dealers who are in substantial competition with one another in the marketing area. Unless they are included, regulated handlers will be placed at a serious competitive disadvantage in competing with unregulated dealers for such sales. The inclusion of these areas will tend to assure uniform and equal costs as between handlers.

The marketing area as herein defined comprises a contiguous, generally heavily populated territory served by the same handlers. Such area is in reality a single milk market, all parts of which are regulated by health ordinances generally similar in scope and enforcement, which constitutes a practical unit for the proposed regulation.

The town of Laurel, in Prince Georges County, Maryland, historically has been served almost exclusively by Baltimore distributors. While Washington area handlers who would be brought under regulation by this order, have some sales there, such sales are a minor portion of their total sales and the inclusion of the town might bring under regulation Baltimore distributors who do the major portion of their business beyond the limits of distribution of Washington handlers.

Although the extreme southern portion of Anne Arundel County and a portion of Howard County were proposed for inclusion in the marketing area, the record provides no basis for determining the extent of business done in this area by Washington dealers and it is not possible to ascertain whether in fact Washington, Baltimore, or local dealers are the primary distributors. It is apparent that distribution here by Washington handlers is not extensive and inclusion of these areas under regulation is unnecessary at this time.

While one substantial Washington handler distributes milk through an independent vendor in the Eastern Shore Counties of Dorchester, Somerset, Talbot, Wicomico, Worcester, Accomack, and Northampton, this area is basically rural in character and its inclusion in the area would bring under regulation a number of distributors doing a large portion of their business in other parts of Maryland and the State of Delaware where Washington area handlers have little or no distribution. This distribution by the Washington handler constitutes a minor portion of his overall fluid business. It is neither administratively feasible nor necessary to include within the marketing area all of the territories in which Washington handlers do any business. Ideally, the established marketing area boundaries should encompass that area in which handlers who would be regulated do the preponderance of their business and should leave a minimum of competition with unregulated handlers outside the area. The inclusion of any part of the Eastern Shore area would not tend to implement this position, but would place local handlers serving the area in a disadvantageous position relative to their competition in their normal area of distribution outside of the marketing area.

Although a portion of Washington County, Maryland, was proposed for inclusion in the marketing area the record fails to substantiate the fact that any handler who would be regulated is presently serving this area and its inclusion at this time is unnecessary.

Milk to be priced. The plants which distribute milk in the Washington, D. C., marketing area disposed of the major portion of their milk receipts for fluid consumption. Milk intended for fluid consumption in the Washington area is required to be produced in compliance with inspection requirements of the duly constituted health authorities having jurisdiction in the area. The minimum class prices of the order should apply to such milk which is regularly received from dairy farmers at plants primarily engaged in the fluid milk business and which pasteurize and bottle milk for fluid distribution on retail or wholesale routes (including routes of vendors) or through plant stores in the marketing area or which is received at plants which are regular and substantial suppliers of milk to such pasteurizing, bottling or distributing plants. This milk may be identified by providing appropriate definitions of the terms: "Approved plant", "Pool plant", "Handler", "Dairy farmer", "Dairy farmer for other markets", "Producer", "Producer-handler", "Producer milk", and "Other source milk".

These definitions are designed to identify the supplies of milk on which the market regularly and normally depends. However, under the terms of the order herein proposed milk may be disposed of for fluid consumption in the marketing area by and from plants not meeting such criteria. It is necessary, therefore, to establish definitive standards of performance which may be used in determining which plants and what milk constitute the regular sources of supply and therefore become fully subject to regulation. Such standards are set forth in the order and apply uniformly to all plants wherever located. Any plant, regardless of location, may bring itself under regulation by performing in the manner required. Any plant may relieve itself from regulation by no longer operating in a way that brings it within the scope of the order. Under the circumstances, the decision as to whether a plant will be regulated or unregulated is determined by the decision of the plant operator.

The Class I price under a Federal order is fixed at a level which exceeds the value of milk for manufacturing uses. This value or differential over milk used for manufactured dairy products is essential as an incentive to producers to supply the market with an adequate supply of pure and wholesome milk for fluid consumption. The extra cost incurred by producers who supply milk which meets the requirements for Class I milk must be borne by that portion of the milk which is marketed as Class I milk. Milk in excess of Class I uses, although an essential part of the fluid milk business, cannot be expected to return producers more than a manufacturing value. The only outlet for reserve milk not needed for fluid uses is in the form of manufactured milk products and such products must be marketed on a national market in competition with similar products which can be, and are, made throughout the country from ungraded milk.

In establishing an appropriate Class I price it is intended that the level shall be such as will attract only that volume of milk which is needed to meet the fluid needs of the local market plus the necessary reserve to assure an adequate supply throughout the year.

Because of the distances that eastern fluid markets are from areas of alternative supply in the Midwest, the price for milk for fluid uses in eastern markets is higher in relation to manufacturing milk values than is the case in the Midwest. Under such circumstances there might be an incentive for dealers in unregulated adjacent markets to seek a Class I outlet in the Washington market for temporary or seasonal surpluses in excess of their local market needs. Because of the substantial number of Government installations in the area which procure their milk supplies on a competitive bid basis for relatively short periods there is a considerable opportunity, unless appropriate safeguards are provided, for such unregulated dealers to market milk excess to their local needs at prices below the value of milk for fluid uses. They may do this by bidding off available contracts at such Government installations. This situation would be a serious disruptive factor to orderly marketing in the Washington marketing area. It is essential, therefore, that the order be constructed in a manner which will safeguard the market from serving as a surplus disposal area for surrounding markets.

As indicated elsewhere in this decision, marketwide pooling or producer returns is considered essential to the stable and orderly functioning of the market. One of the primary problems in setting up a marketwide pool is to establish appropriate standards which accommodate the sharing of Class I sales among those dairy farms who constitute the regular source of supply for the marketing area. Performance standards, therefore, should be such that any milk plant which has as its major function the supplying of milk for fluid use in the marketing area would participate in the marketwide equalization pool. On the other hand, such standards should be sufficiently flexible to permit intermittent shipment of milk from supply plants not regularly identified with the local market and direct distribution from plants which have only a minor part of their overall fluid business in the area without subjecting such plants to full regulation.

Full regulation of such plants is unnecessary to accomplish the purposes of the order and might result in placing such plants at a competitive disadvantage in supplying the unregulated but primary markets with which they are normally associated.

Any plant distributing fluid milk in the marketing area and which disposes of less than 50 percent of its total receipts from dairy farms as Class I milk cannot be considered as primarily in the fluid milk business and any distributing which does less than 10 percent of total fluid business in the marketing area cannot be considered as substantially associated with the local market. In like manner any supply plant which during the shortest production months does not ship at least 50 percent of its total receipts for dairy farmers to fully regulated distributing plants cannot be considered as primarily associated with the market.

Any plant which disposes of milk in the marketing area as Class I milk or which supplies milk to a plant which disposes of Class I milk in the area is intended to be an "approved plant". An approved plant other than that of a producer-handler from which Class I milk equal to not less than 50 percent of its receipts of milk from dairy farmers is disposed of in the form of Class I milk during the month on routes (including routes operated by vendors) or through plant stores to wholesale or retail outlets and which dispose of not less than 10 percent of such receipts on such routes in the marketing area should be a fully regulated pool plant. An approved plant which has no direct distribution in the marketing area but which disposes of 50 percent of its receipts from dairy farmers during any month of October through March or 40 percent of such receipts during any month of April through September to another plant(s) which disposes of Class I milk equal to not less than 50 percent of its receipts from dairy farmers and receipts from other approved plants and from which Class I milk equal to not less than 10 percent of such receipts is disposed of on routes in the marketing area should also be a fully regulated pool plant during such month(s). Any such plant which is a pool plant in each of the months of October through March should be a qualified pool plant in each of the months of April through September regardless of the quantity then shipped unless the operator thereof elects to withdraw the plant from the pool. This provision will accommodate the pooling of all milk primarily associated with the market under changing supply-demand relations which occur from season to season.

A plant which was a nonpool plant during any of the months of October through March should not be permitted pool plant status in any of the immediately following months of April through September in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler. It would be inappropriate to permit a handler pooling status during the flush months of production if his milk were used to supply outside Class I markets during the short production months when such milk would be most needed by the local market. This provision, however, will permit a handler, who during certain short production months ships the required percentages, to pool his plant(s) in those months in which the standards are met. If the milk is utilized for other markets during part of the short season, it will not permit the pooling of such supplies during the months of flush production.

It is recognized that the demand for milk from supply plants may vary seasonally and will be greatest during the season of low production. During the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets, in which case it would be more economical to leave the most distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants during the flush months merely for the purpose of maintaining eligibility for pooling.

To avoid uneconomic movements of milk provision should be made whereby a plant may maintain pool status throughout the year if it supplies a substantial portion of its producer milk to the market during the normal low production months. The order, however, should not force such a supply plant to pool during the flush if it does not meet the current supply requirements and the operator thereof elects to withdraw his plant from the pool. The order provisions are drafted to require qualification of a supply plant on the basis of the current month's performance except that a plant which has previously qualified in each of the months of October through March may retain pool status during the April through September period unless application is made to the market administrator to be a nonpool plant during those months.

Provision should be made whereby pool plant status is accorded any manufacturing plant operated by a cooperative association if the production of at least 70 percent of its members is regularly received at other pool plants. The Maryland and Virginia Milk Producers Association, whose members supply nearly 90 percent of the milk for the market, operates a manufacturing plant to provide for orderly disposition of the excess or reserve milk in the market. This association, acting as the marketing agent for all of its producer members, daily moves milk (by assigning producers) directly from the farm or through receiving stations to its buyers in the amounts required for Class I and related uses. Milk not so needed in the market and for which no Class I outlet is available is moved to the association plant for processing. The volume of receipts at this plant varies from day to day and month to month depending on the needs of the several handlers and the variation in production. Although the operation of this plant is very beneficial to the orderly marketing of milk for this market, the nature of the operation carried on would not result in pool status under the standards for distributing or supply plants.

The qualification for pool plant status is a means of establishing identity of plants with the fluid market. In this regard, however, it must be recognized that the arrangement of the Maryland and Virginia Milk Producers Association is unique and does not lend itself to performance requirements of the usual nature. The milk of its producer members which is received at its manufacturing plant is a part of the regular supply for the local fluid market and is available to the several handlers in the market whenever needed. While the manufacturing plant does not carry District of Columbia health approval, this in no way affects its status as a surplus disposal plant or its functions of carrying the reserve supply of milk for the market.

The performance standards herein provided for a manufacturing plant operated by a cooperative association describe a particular basis of operation in this market and will accommodate the pooling of milk regularly associated with this market.

One substantial handler in the market who operates both a receiving station and a manufacturing plant at Frederick, Maryland, in addition to a bottling and distributing plant in Washington, D. C., proposed that provision be made whereby a system of plants could qualify for pool status as a unit.

The regulation as herein proposed sets forth minimum pooling standards for distributing plants and supply plants. These standards adequately define plants which will be sufficiently associated with the market to be included in the pooling arrangement. If these plants actually perform in accordance with the standards they, of course, will be pooled. Hence, there is no need to provide specifically for a system of plants.

Some milk distributed in the marketing area may be from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. To extend the application of this order to cover such plants which dispose of the major portion of their receipts in another area would result in unnecessary application of regulation. Accordingly, the order proposed herein provides that a distributing plant which would otherwise be subject to the classification and pricing provisions of another order and which disposes of a greater volume of Class I milk in such other area than in the Washington area shall not be regulated by this order. Also, any supply plant which disposes of a greater volume of milk under another order and which would be subject to the classification and pricing provisions of the other order would be exempted from regulation under this order. This condition would not be applicable during the months of April through September, however, if such plant had been a supply plant under this order in each of the preceding months of October through March. While some milk may be distributed in the marketing area from plants regulated under another order and will not be subject to regulation under this order, such plants should be required to report their receipts and utilization to the market administrator so their exact status under the order can be determined.

A "handler" should be defined as (1) any person in his capacity as the operator of one or more approved plants or any other plant which is a pool plant, (2) any cooperative association with respect to the milk of its member producers which is delivered to the pool plant of a handler in a tank truck owned or operated or under the control of such cooperative association, and (3) any cooperative association with respect to the milk of any producer which it causes to be diverted to a nonpool plant for the account of such association.

When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. In this case the operator of the plant must be held responsible for paying the individual producers for the pounds of milk received at the determined butterfat test.

When milk moves to the market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is commingled in the tank truck. When the tank trucks are owned or operated by, or under control of the cooperative association, the weight of each producer's milk is checked by, and a sample of the milk for butterfat testing is taken by, a person who is an employee of and who is directly responsible to the cooperative association. The handler at whose plant the milk is disposed of has no way of knowing the weight or the butterfat test of milk of the individual producers whose deliveries make up the load, except as such information may be reported to him by the cooperative association. In many cases the handler may not even know the identity of the producers whose milk he so receives.

Under these circumstances it is more feasible to require the cooperative in whose trucks the milk moved or who controlled its movement to be the responsible handler and such cooperative should be required to account to the pool for it and such milk should be considered as a receipt by the cooperative at the plant to which it was delivered. The cooperative should be required to make monthly reports with respect to such milk and to settle with the producer-settlement fund for it. The order should also require under such circumstances that a handler pay the minimum class prices for all milk received from a cooperative association in its capacity as a handler. The Act clearly establishes the intent that no cooperative association may sell milk to any handler at less than the prescribed order class prices. The order provides that milk for which the cooperative association is the handler shall be considered as a receipt by the cooperative at the handler's plant to which it is delivered and accordingly, the handler purchasing such milk must pay to the cooperative association not less than the order prices applicable at his plant location.

In the case of milk which is received from producers' farms in cans or in tank trucks owned or operated by the supply plant or distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

The handler definition should be sufficiently broad so as to include a cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such association. This arrangement will permit the cooperative association to divert milk for Class I use which might otherwise be used or disposed of by the proprietary handler in Class II and thus will promote efficient utilization of producer milk in the highest available use class. The handler definition should also include a cooperative association with respect to its operations of a manufacturing plant which meets the requirements of a pool plant hereinbefore described.

Inclusion in the handler definition of the operator of any approved plant which does not qualify as a pool plant, including a producer-handler, is necessary in order that the market administrator may require reports as he deems necessary to determine the continuing status of such individual. In the case of an approved plant which is a distributing plant but does not acquire pool status because of insufficient direct sales in the marketing area, such reports are necessary to determine the amount payable by the operator of such plant on the milk distributed in the marketing area.

The term "dairy farmer" means any person who produces milk which is delivered in bulk to a plant. The term "dairy farmer for other markets" as herein proposed is intended to designate those dairy farmers whose milk production is primarily associated with other markets and which should not be accorded pooling status along with regular producers for the market.

Under usual circumstances the Washington market is adequately supplied with milk. Any needed supplemental supplies would most likely be required during the short production months. This is also the period when milk would be in greatest demand in other surrounding fluid markets which represent alternative outlets for milk produced by local dairy farmers. Under the marketwide type of pooling herein provided any dairy farmer or group of farmers with an alternative outlet during the short season might find it advantageous to leave the Washington market during those months when milk is in greatest demand and seek to return during the flush production months when the outside market was no longer available. While it is not intended that Federal regulation should preserve a market for any particular qualified producers to the exclusion of other qualified dairy farmers, the regulation should not provide a means whereby through manipulation certain dairy farmers may preserve their Class I outlets for themselves and dispose of their surplus in the pool. Under the terms of the order as hereafter set forth a dairy farmer delivering milk to a pool plant during the flush production months of April through September, who during the preceding short production months of October through March delivered his milk to a nonpool plant operated by the same handler, or an affiliate thereof, would be considered a dairy farmer for other markets during the flush months of April through September.

The "dairy farmer for other markets" definition should also include those dairy farmers whose milk is received at the manufacturing plant of a cooperative association, which plant is a pool plant, for the account of another cooperative association which has no membership among producers delivering to other pool plants. The manufacturing plant of the Maryland and Virginia Milk Producers Association, herein proposed to be a pool plant, from time to time processes milk purchased from a cooperative association in the neighboring Baltimore market which milk is in excess of the fluid needs of the Baltimore market. Such milk is not available for fluid distribution in the local market. It is handled in the manufacturing plant of the local cooperative as a service to the Baltimore cooperative and hence cannot be construed to be a part of the normal milk supply for the Washington market. A continuation of this relationship will in no way adversely affect the application of regulation and will facilitate orderly marketing of milk both in the Washington and Baltimore area.

The term "producer" should be defined to mean any person other than a producer-handler or a dairy farmer for other markets, who produces milk which is approved by the appropriate health authority having jurisdiction in the marketing area for consumption as fluid milk in the area and which milk is received at a pool plant. The definition should be sufficiently broad to include a dairy farmer whose milk is ordinarily so received but is diverted on not more than 8 days during the month (four days in the case of every other day delivery) to a nonpool plant by a handler for his account. Such a provision will serve to maintain producer status for a dairy farmer whose milk temporarily is not needed by the handler and would facilitate interplant movements of milk for the purpose of adjusting short-term variations in supply and requirements. In order that milk which is so diverted would continue to be included in the regular pool computations, it would be treated as if it were received at the pool plant from which it was diverted.

Under the existing market structure in which the cooperative moves producers from plant to plant as needed and where adequate manufacturing facilities are included in the pool to handle any prospective surplus, diversion privileges are necessary only to facilitate the handling of weekend excesses. A more general application of diversion privileges would make more difficult a determination of whether the milk in question is associated with the market.

Milk disposed of to government installations under contract sales is required to meet specified standards patterned after the U. S. Public Health standards which are similar to those in effect in other parts of the area. It is intended that dairy farmers whose milk is received at a plant used to fill contracts government installations in the marketing area shall be considered as qualified producers in such month(s) when their milk is so disposed of if the plant at which their milk is first received is a fully regulated pool plant during such month(s).

In the case of milk regularly received at a manufacturing plant operated by a cooperative association which is pooled on the basis of its function as a reserve plant, further identification standards are needed to properly define those dairy farmers whose milk is approved for fluid consumption in the marketing area. Without such identification milk may be received and included in the pool which does not meet the sanitation requirements for fluid consumption in the marketing area.

Under usual circumstances dairy farmers producing milk for fluid distribution in the marketing area hold individual farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area. However, under certain circumstances, milk may be received at distributing or supply plants serving the area from dairy farmers which do not hold such permits. It must be presumed in such cases that the milk is acceptable to the appropriate health authority having jurisdiction and therefore any dairy farmer whose milk is so received should be considered to be a producer.

The manufacturing plant of the local cooperative association as hereinbefore explained, does not have health approval to move milk to other pool plants for fluid consumption. Hence, it is possible that some of the milk received at this plant is not qualified for fluid distribution in the market. It would be impractical to require the market administrator to make individual determination as to whether each dairy farmer's milk so received is of acceptable quality for fluid use. It is therefore appropriate in the case of dairy farmers who deliver their milk to a manufacturing plant owned by a cooperative association, which is pooled on the basis of its function as a reserve plant for the market, to require that such farmers in order to acquire producers status hold valid farm permits issued by the appropriate health authority having jurisdiction in the marketing area.

The definition of producer as herein provided will identify those persons who deliver milk to pool plants which is acceptable to the appropriate health authorities for fluid consumption in the marketing area. It also identifies those persons to whom the minimum prices are to be paid and who share in the marketwide pool under the terms of the proposed order.

The term "producer milk" is intended to include all skim milk and butterfat contained in milk produced by producers and received at pool plants directly from such producers. As previously stated limited diversions are permitted and such diverted milk is considered as a receipt at the plant from which it is diverted.

A "producer-handler" is defined as any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area and who received no other source milk or milk from other dairy farmers. Since a producer-handler receives only milk of his own production or pool milk from other handlers it is unnecessary to subject such an operation to the pooling and payment provisions of the order. However, as previously indicated it is necessary that the plant operator in his status as a handler be required to make reports to the market administrator in order that his continuing status as a producer-handler can be ascertained and to facilitate accounting with respect to transfers from other handlers.

The classification provisions of the proposed order should provide that any milk in the form of Class I products transferred by a pool handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's pool plant as Class I milk. A producer-handler may receive pool milk from other handlers and still maintain his status as a producer-handler.

Any milk which a handler receives from a producer-handler should be "other source milk" and would, therefore, be allocated to the lowest class utilization at the pool plant after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler and since other producers do not share in the Class I utilization of the producer-handler it would be unfair to ask such producers to share their Class I utilization with the excess milk of a producer-handler. This method of allocating producer-handler milk will preserve producers' priority on the Class I sales in the market.

The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operation except milk and milk products in the form of Class I milk received from pool plants, inventory in the form of Class I milk and current receipts of producer milk. The term should include all skim milk and butterfat in products other than Class I products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed or converted to other products during the month. Other source milk is intended to represent all skim milk and butterfat from sources not subject to the classification and pricing provisions of the attached order. If other source milk is disposed of in Class I products, partial pricing and regulation is provided under compensatory payment provisions. Defining other source milk in this manner will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

Classification of milk. All milk and milk products received by pool handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Under an order, only producer milk is priced. Milk is received, however, at pool plants directly from producers, from other handlers and from other sources. Milk from all of these sources is intermingled in the handler's plant(s). It is necessary, therefore, to classify all receipts of milk to properly establish classification of producer milk.

The conditions in this market make it appropriate to provide for a two class classification scheme. Class I milk should include those products which are required by the local health authorities in the various segments of the marketing area to be made from milk from approved sources. Class II milk should include those products which compete on a national market with similar products. Such products are not required by the local health authorities to come from approved sources under their jurisdiction. Products which are permitted by the local health authorities to be sold in the area from milk from unapproved sources include ice cream, cottage cheese, sour cream, eggnog, evaporated milk, aerated whips, and milk in hermetically sealed containers. Although local health authorities require local handlers to use approved milk in their fluid milk plants in the manufacture of such manufactured products they permit similar and competing products to be sold in the marketing area from unapproved sources. Under such circumstances it would not be feasible economically to classify and price such products in Class I. To do so would place local handlers at a competitive disadvantage in the disposition of such products and would virtually deny a market for the reserve milk supplies of the market. Moreover, the classification and pricing of such products in Class I would extend regulation beyond the limits necessary for orderly and stable marketing.

The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above manufacturing milk prices. This higher price should be at such level that it will yield a blend price to producers that will encourage production of sufficient quantities of milk to meet the market needs for these Class I products and the necessary market reserve.

Milk not needed seasonally or at other times for Class I use must be disposed of for use in manufactured products. These products must be sold in competition with products made from unapproved milk. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Under the proposed classification scheme, Class I milk would comprise all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat: (1) Disposed of, other than in hermetically sealed containers, in fluid form or as frozen concentrated milk for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, cream (except sour cream) including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream; and (2) not specifically accounted for as Class II milk.

Class I products such as skim milk drinks and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included under the Class I definition. The quality requirements for the milk used to produce such milk solids or concentrated milk are the same as for the milk used to produce the skim milk to which such solids are added and other products included in Class I. The classification scheme herein established provides for a full accounting of all skim milk and butterfat and in the event products classified as Class II are later disposed of in a different form any reclassification should apply to the respective volumes of skim milk and butterfat originally used to produce such products.

All skim milk and butterfat used to produce products other than those classified in Class I should be Class II milk. This classification would include all of those products which are generally considered as manufactured milk products not required by the health authorities to be made from approved milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for the receipts and utilization. The accounting procedure will be facilitated by providing that end of the month inventories of all Class I products be classified as Class II milk, regardless of whether such products are held in bulk or in packaged form. Inventories of such products on hand will then be subtracted under the proposed allocation procedure from any available Class II disposition in the following month. The higher use values of any Class I product in inventory assigned to current producer receipts during the month and which may be allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of Class I products on hand at a pool plant at the beginning of any month during which such plant first becomes a pool plant should likewise be allocated to any other available Class II utilization at the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Under usual circumstances in the operation of a fluid milk plant, small unavoidable losses of both skim milk and butterfat are experienced. Such losses are normally referred to in the trade as "shrinkage". Since it is intended that a handler be required to make a full accounting for all plant receipts on a classified use basis, it is necessary that provision be made for the classification of such plant shrinkage.

The operations carried on by local handlers are such that plant shrinkage experience in this market is somewhat lower than the average market. The record clearly establishes that an allowable shrinkage on producer milk of not more than one and one-half percent will cover normal plant operations. Accordingly, it is concluded that shrinkage of producer milk not in excess of one and one-half percent of total producer receipts should be classified as Class II and any shrinkage in excess of that quantity should be classified as Class I.

In the determination of shrinkage of producer milk, total shrinkage should first be prorated between receipts of producer milk and receipts of other source milk. None of the shrinkage should be assigned to milk received from other pool plants since shrinkage on such milk is allowed to the transferring handler. All shrinkage of other source milk should be classified as Class II. The classification procedure herein recommended gives adequate protection in the classification of shrinkage on producer milk and it is unnecessary to limit the classification of shrinkage on other source milk in Class II.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain recognized testing procedures. Some of these products such as ice cream and condensed products, present a more difficult problem of accounting in that some of the water contained in the milk has been removed. It is proposed, in the case of such products, that the respective volumes of skim milk and butterfat be ascertained by the use of adequate plant records made available to the market administrator or by use of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated products such as condensed milk and nonfat solids should be based on the pounds of milk or skim milk required to produce such products.

Each handler must be held responsible for a full accounting of all of his receipts of skim milk or butterfat in any form. The handler who first receives milk from producers should be responsible for establishing the classification thereof, and for making payment to producers. This principle is followed consistently in federally regulated markets and is necessary to assure effective administration of the order.

Except for that shrinkage which may be classified in Class II under conditions previously described in this decision, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value of their milk on the basis of its use.

Because of spoilage or as a result of the handler's inability to salvage route returns butterfat and skim milk in the form of Class I products may be disposed of from time to time, for livestock feeding. It is provided that such a disposition shall be classified as Class II if verifiable evidence of such disposition is available to the market administrator. Skim milk which a handler from time to time may find necessary to dump should also be classified as Class II. Such disposition, however, can be verified only by actually witnessing the action. It is provided, therefore, that such classification in Class II shall be allowed only when the handler has given prior notice to the market administrator of his intention to dump, so that the market administrator, if he so desires, may have the dumping witnessed.

Producer proponents at the hearing proposed a three-class classification scheme similar to the plan which they now employ in marketing their milk with handlers in the market. As previously indicated, under the order as herein proposed skim milk and butterfat are classified separately in accordance with their actual dispositions and are priced in the class in which they are utilized. Under such circumstances it is unnecessary to provide for more than two classes of utilization. All of those products which are designated as Class I are required by the local health authorities to be made from approved milk. Those products designated as Class II are not subject to this requirement and local producer milk so disposed of must compete on a national market with similar products made from unregulated milk. To establish a separate classification and a higher pricing for milk disposed of in any of these products could seriously restrict such outlets as a disposition for the necessary reserve of the local market.

One handler proposed that milk which was disposed of as frozen concentrated milk to military installations for use outside the continental United States be classified in a Class I-A and be priced below the price of milk disposed of in other Class I products. Official notice is taken that the quality specifications established by the Defense Department for such milk are the same as those for fresh fluid milk. Under such circumstances it would be improper to classify and price milk so utilized as other than Class I.

As previously indicated classification of skim milk and butterfat used for the production of Class II products should be considered to have been established when the product is made. Classification of skim milk and butterfat used to produce Class I products should be established when such products are actually disposed of. Classification of such Class I products disposed of by transfer to another plant, under certain circumstances, should be determined on the basis of their utilization in the transferee plant.

Skim milk and butterfat in the form of any Class I product transferred to the pool plant of another handler, should be classified as Class I unless both handlers indicate in their reports to the market administrator that such classification should be Class II. However, sufficient Class II utilization must be available in the transferee plant to cover any claimed Class II classification after the prior allocation of shrinkage, other source milk, and inventory of Class I products. Skim milk and butterfat disposed of in bulk in the form of any Class I product to an approved plant other than a pool plant or the plant of a producer-handler should be classified as Class I milk up to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area. Any remaining amount of such transfer or diversion should be assigned to the highest remaining utilization in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of approved supply for the outside area. This procedure will complement the application of the compensatory payment provision and will provide the nonpool handler with Class I sales in the marketing area with the opportunity to choose whether he shall offset such Class I sales with pool purchases or make compensatory payments to the pool. In either event the pool handlers have assurance that nonpool handlers will not have a price advantage on milk disposed of in the marketing area. It is not intended that pool milk should displace a nonpool handler's regular receipts from dairy farmers which meet the quality requirements of the health authority having jurisdiction in the area in which his outside sales are made. However, because of the known high quality of pool milk, transfers of pool milk to a nonpool distributing plant should take priority assignment in the highest available use class ahead of other receipts of milk at such plant except regular receipts from dairy farmers meeting local health approval.

Skim milk and butterfat disposed of in bulk in the form of milk, skim milk or cream to a nonpool plant other than an approved plant either by transfer or diversion should be Class I unless specified conditions are met. If the transferee plant is located not more than 300 miles distance from the zero milestone in Washington, D. C., by shortest highway distance the transferring handler should be permitted to claim classification as other than Class I. In such instance the transferee handler must maintain adequate books and records of utilization of all skim milk and butterfat in his plant which are made available to the market administrator, if requested, for verification purposes and must have utilized at least an equivalent amount of skim milk and butterfat, respectively, in the reported use. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. The record shows that there are ample manufacturing facilities within a 300-mile distance of Washington to handle any prospective surplus of the market. Unless some limitation is provided on the distance beyond which shipments of milk, skim milk and cream are permitted in Class II classification, it would be necessary for the market administrator to follow any such shipments of milk, skim milk and cream to their destination to determine utilization and classification. Such procedure would of necessity increase the costs of administering the order. Under usual circumstance in this market, milk, skim milk and cream which is moved in excess of 300 miles distance from the zero milestone in Washington, D. C., is for fluid uses. It is appropriate therefore both for administrative convenience and for the conservation of market administrative funds to provide automatic classification in Class I for milk, skim milk and cream which is moved more than 300 miles distance from the zero milestone in Washington, D. C.

The class prices established by the order apply only to producer milk. Accordingly, since a plant may receive skim milk or butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities of milk in each plant should be assigned to producer milk. The milk from producers who are regular suppliers of milk for the Washington market should be given priority of the assignment of Class I utilization at pool plants. When milk is received from other sources it should be assigned to Class II milk first. Unless this procedure is followed there can be no assurance that such other source milk would not be used to displace producer milk in Class I when it is advantageous to the purchasing handler. If the order permitted handlers to obtain other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II the order would not be effective in carrying out the purposes of the act and the market would be deprived of a dependable supply of milk.

In the assignment of other source milk, any such milk received from sources not regulated by an order issued pursuant to the act should be first assigned to Class II milk. The plant(s) supplying such milk may not have purchased it from dairy farmers on a classified use basis and it is not feasible to determine this or other conditions of sale. Following the assignment of such unregulated other source milk, other source receipts in the form of Class I products received from plants regulated by other orders issued under the act should be assigned to the lowest remaining available use classification. Under this procedure a handler has assurance that if his producer receipts are inadequate to meet his Class I needs and he purchases regulated milk from another Federal order market such milk will be assigned to Class I. Since it is not intended that there be any compensatory payment on other source milk which is fully regulated under another order and which is disposed of for Class I use in this market, this sequence of assignment will tend to minimize the application of the compensatory payment provision.

One proprietary handler proposed that following the assignment of unregulated other source milk an amount equal to 10 percent of the receipts from regular producers be allocated to Class II prior to the allocation of other source milk from a regulated plant under another Federal order. Proponent contended that such procedure would protect the handler in months when his over-all receipts from producers equalled or exceeded his fluid needs but were inadequate during certain days of the month.

The record evidence shows no need for such allocation during recent years. In fact, since 1951 there has been no milk purchased by Washington handlers from outside sources to supplement local producer deliveries for utilization in fluid products. Production by local producers has been running in excess of Class I requirements during all months of the year. Further, the Maryland and Virginia Milk Producers Association has readily moved milk from surplus plants to its buying handlers for fluid uses. During recent years the Maryland and Virginia Association had supplied an adequate amount of local producer milk to meet all their fluid needs during every month of the year. With adequate supplies of milk available from local producers and with marketwide movements of such milk to the local handlers when needed, it would be inappropriate to permit such other source milk to displace producer milk in Class I in this market.

If after making the various assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose pool plants the computation is being made, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices. In the allocation procedure recognition is taken of all receipts of other source milk reported by the handler. When utilization records indicate a disposition greater than receipts it must be presumed that the handler underreported his receipts of producer milk. This "overage" is thus charged to him at the applicable class price in the lowest available class usage.

The accounting procedure as herein proposed would establish a calendar month as the accounting period. One handler proposed at the hearing that some flexibility be provided in the accounting period so that a handler might in as many as three months during any one year choose to break a calendar month into two accounting periods. It was contended that such a provision would provide reasonable assurance to a handler that in any month in which the relationship between his supply of producer milk and his Class I utilization fluctuated to the point that during a part of such month he had a more than adequate supply, and during the remainder of such month an inadequate supply, his producer milk would not displace his necessary purchases of other source milk in Class I. The Washington market is presently adequately supplied with milk from local producers and carries a sufficient reserve supply to meet all handlers' needs in all months of the year. This reserve supply, which when not needed for fluid uses, is processed at the manufacturing plant of the principal cooperative association in the market is available to all handlers in the market and may be readily shifted from plant to plant as needed. Under such circumstances no need was shown for this proposed provision in this market.

The level and method of determining class prices. In order to restore and maintain orderly marketing conditions in the Washington, D. C., marketing area it is essential that minimum prices for Class I and Class II milk be established at such levels as will maintain an adequate supply of quality milk for the fluid market.

Class I price. The record of this hearing fails to provide an adequate basis for ascertaining an appropriate basis or level for pricing Class I milk. Proponents at the hearing indicated that a committee of nationally recognized economists and specialists were then engaged in a detailed study of the local market with the purpose of developing a specific proposal for a pricing mechanism adapted to the peculiarities of the local market and recommendations regarding the appropriate level of Class I price. In the interim the use of the U. S. wholesale commodity price index as published by the Bureau of Labor Statistics, United States Department of Labor was proposed as a temporary mechanism for adjusting a specified price to meet current economic conditions. Proponents would use as a specified price a figure of $5.86 which they contend was the average price which they were receiving for milk disposed of for Class I uses.

The record fails to provide the necessary data to support proponent's claim of an average Class I price of $5.86 and the use of the U. S. wholesale price index does not provide an adequate basis for maintaining the local price in alignment with milk values in the national market or for adjusting such price to properly reflect the supply-demand situation in the local market. Because of the extended time which has elapsed since the close of the hearing it is concluded that further information is needed relative to current prices in the local and adjacent markets and to provide interested parties opportunity to present a more satisfactory mechanism for pricing Class I milk. Accordingly, the hearing should be reopened to receive further evidence on the issue of Class I price. Such reopening of the hearing, however, should be delayed until such time as the committee has completed its investigation and a specific proposal has been received setting forth its recommendations for a Class I pricing formula.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. This excess milk must be disposed of in manufactured products which under the proposed classification system would be Class II. The Class II price should be maintained at the highest level consistent with facilitating the movement of Class II milk to manufacturing outlets when it is not needed in the market for Class I purposes. Such price should not be established at a level so low as to encourage handlers to procure milk supplies solely for the purpose of converting them into Class II products.

The available manufacturing facilities associated with the market are sufficient to handle any prospective market surplus. The Maryland and Virginia Milk Producers Association, which handles the bulk of the market surplus, proposed that milk disposed of for other than Class I purposes be priced on the basis of butterfat values as reflected in the Philadelphia market cream price quotations and skim values as reflected in the Chicago market dry milk price quotations. Substantially the same formula which proponents proposed, and which was generally supported by handlers in the market, has been used in the market as a basis for pricing milk surplus to fluid needs over an extended period of years dating back to and including the time during which Order No. 45 was in effect.

The formula as herein proposed would base the butterfat value on the Philadelphia market weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey for each week ending within the month as reported by the United States Department of Agriculture, and would provide a make allowance of $2.00 per can of cream. In order that butterfat values may not be unduly depressed by local market conditions in the Philadelphia area as reflected in such cream price it is provided that the butterfat value shall not be less than the average Grade A (92-score) butter price at New York as reported by the United States Department of Agriculture for the month less 17 cents. This arrangement will provide assurance to local producers that the Class II price will continuously reflect competitive eastern butterfat values.

The skim milk value under the formula as herein proposed would be based on the average of the Chicago daily market quotations for roller and spray nonfat dry milk as reported by the Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month for which the Class II price is being determined and reflects a make allowance of approximately five and one-half cents per pound of powder.

It is concluded that values determined from the proposed formula will provide a proper basis of pricing Class II milk in the Washington market. The formula as herein proposed would have yielded an average Class II price of $3.23 for the year 1957. While such price is 17 cents higher than the New York Class III price, it is only two cents over the Philadelphia Class II price and appropriately reflects the value of milk going into manufactured products in this market. This level of Class II pricing should provide for the orderly disposition of milk in excess of fluid needs and at the same time will return to producers a competitive use value for such milk. A higher price for Class II milk than that herein proposed might result in a loss of outlets for local producer milk for manufacturing uses and hence, would not be in the interest of orderly marketing.

The classification system hereinbefore set forth provides for a full accounting of all skim milk and butterfat. While milk is priced to handlers at a basic test it is intended that the butterfat values be as precisely related to open market cream or butter values as is practical. Hence, the price to handlers for differential butterfat is rounded to the nearest one-tenth cent. For reasons later explained the butterfat differential to producers is rounded to the nearest full cent. Since a different butterfat differential is charged to handlers than is paid to producers it is necessary that the payments for differential butterfat be cleared through the producer-settlement fund.

The basic butterfat test at which milk should be priced to handlers and at which uniform prices to producers should be computed is 3.5 percent. The Class I and Class II butterfat differentials used in the computation of each handler's cost for milk utilized at tests above or below basic test and the producer butterfat differential used in computing the payments for producer milk received which is above or below basic test should be directly related to the butterfat component of the Class II price.

The health regulations applicable in the marketing area permit the standardization of milk for consumer use. Open market cream can be sold in a substantial part of the marketing area. Excess cream must be disposed of in the open market or utilized in manufactured products. Producer milk delivered to Washington handlers is intended primarily for fluid milk requirements of the market and the butterfat differential should be designed to encourage the production of milk with a butterfat content about the same, or at least as high, as the butterfat content of fluid milk products sold by handlers. To set the butterfat differential above competitive values would encourage handlers to utilize alternative sources of butterfat. Setting the producer butterfat differential at a higher level than competitive prices would encourage producers to produce milk with a higher butterfat content than needed for fluid uses.

The basic test at which milk has been sold to handlers and uniform prices paid to producers historically has been 3.5 percent in this market. Both producers and handlers proposed that the 3.5 percent basic test be maintained. Producers and handlers generally supported a proposal that the butterfat differential be determined on the basis of open market cream values and that a single butterfat differential be used.

It is concluded that a single butterfat differential for both Class I and Class II milk be provided. Such differential should reflect the open market value of sweet cream for fluid use as determined from current price quotations on the Philadelphia cream market price quotations as used in the determination of the butterfat component of the Class II price. Provision should be made, however, for the use of the New York butter quotation in the event such value should exceed current sweet cream values. The use of central cream and/or butter prices to reflect values of butterfat for adjusting butterfat variations is a standard practice in most fluid markets. The butterfat differential herein provided reflects a fair competitive price for butterfat and the procedure for determining such differential assures its continued relationship to such prices.

Location differentials. Location differentials should be established for milk received at plants located a substantial distance from the marketing area. Such differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the difference in cost of transporting it to the marketing area. No advantage can be accorded any particular group of producers if the location differentials established realistically reflect only differences in transportation cost.

Since virtually all of the milk produced for the Washington market moves from the farm in tank trucks, it would be inappropriate to establish differentials within the radius from which milk would normally move directly from farms to bottling and distributing plants in the area. Accordingly, it is concluded that no differential should be established on Class I milk received at plants located within a 75-mile radius of the zero milestone in Washington, D. C. In the case of plants located more than 75 miles from the zero milestone in Washington, D. C., it is concluded that a differential on Class I milk of 12 cents per hundredweight plus 1.5 cents for each additional 10 miles distance, or fraction thereof which such plants are located from Washington by the shortest hard-surfaced highway distance as determined by the market administrator should be appropriate. Such location differentials provide adequate allowances for transporting milk in bulk tankers between plants in the Washington area.

Milk may be received at a fluid milk bottling plant directly from producers as well as from one or more receiving plants. Under such circumstances it is necessary to designate an assignment sequence which will protect producers from unnecessary transportation costs involving transfers for other than Class I uses. It is provided, therefore, that for purposes of computing allowable Class I location differentials for each handler, the Class I disposition from a fluid milk pasteurizing or bottling plant shall first be assigned to direct producer receipts at such plant and any remaining Class I use shall be assigned to receipts from other pool plants in order of their nearness to Washington.

The value of milk used in manufactured dairy products is affected, little, if any, by the location of the plant receiving and processing such milk in contrast to the situation with respect to Class I milk. The milk received at country plants need not be transported to the city for utilization in Class II. Accordingly, a location differential should apply only to milk received at country plants and utilized in Class I or disposed of to plants which dispose of milk on routes in the marketing area.

The pricing provisions herein proposed utilize a number of reported prices and indexes from various specified sources. From time to time it is possible that such individual price(s) or index may not be reported or published. Under such circumstances it is necessary to provide that the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the unreported or unpublished factor or price.

Payments on other source milk. As pointed out previously, the minimum class prices established under the order apply only on producer milk received at plants subject to full regulation under the order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation of the order. Such unregulated plants may sell milk in bulk form to pool plants that in turn use it in supplying their Class I outlets, or they may sell Class I milk directly on routes as defined herein, including sale to government installations.

The role of the compulsory classification system and the minimum prices as set forth in a Federal milk order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the classified program of the order is applicable only to fully regulated plants, it is necessary, in order to provide continued stability of the market, to remove any advantage unregulated plants may attain with respect to sales in the regulated market. Such plants have a real financial incentive to find a means to sell excess milk at prices somewhat less than current Class I levels so long as the price is higher than its value when used in manufactured dairy products. If unregulated plant operators were allowed to dispose of their surplus milk for Class I purposes in the regulated marketing area without some compensating or neutralizing provision of the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated marketing area, would be defeated.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays the Class I price is insecure, if not untenable, whenever cheaper milk is available to the market. A classified pricing program under regulation cannot hope to be successful in the long run in insuring returns to producers at rates contemplated by the act if it is possible for some handlers to purchase outside milk for Class I use at less than the Class I price. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same methods, if possible. A price advantage in using unregulated milk is a compelling force in promoting its greater use and as a result it is probable that regular sources of regulated milk will eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

It is concluded, therefore, that the inclusion of compensation payment provisions in the order is necessary to insure against the displacement of producer milk for the purpose of cost advantage. This is essential to preserve the integrity of the classified pricing program of the order. Since minimum class prices may not be set under the order for handlers who do not participate in the marketwide equalization, the only alternative is to levy a charge against unpriced milk for the removal of any advantage that there may be in using unregulated milk in Class I instead of regular producer milk.

While there are few handlers who now have regular direct distribution in the marketing area and who would maintain unregulated status under the terms of the order as herein proposed; nevertheless, there are a very large number of substantial handlers in the immediately adjacent markets, many of whom could readily extend their distribution routes into the marketing area and by preserving their unregulated status could operate with a substantial price advantage over regulated handlers unless provision is made to assure that all competing handlers pay the minimum class prices. The interrelationship of the supply areas of these adjacent markets with the Washington market emphasizes the need for application of the compensatory payment provision on such distribution. As was earlier pointed out the utilization in the Washington market was as low as 65 percent Class I in some months. Hence, unless provision is made to protect the integrity of regulation there exists a substantial opportunity for unregulated handlers to exploit the local fluid market to the detriment of both regular producers and regulated handlers.

The compensatory payments applicable to other source milk disposed of in the marketing area from approved plants which are not pool plants should be the same as those applicable to other source milk distributed from pool plants. It would not be possible to stabilise this market under the classified pricing program in the market if nonpool plants were allowed to distribute unpriced milk in the marketing area without compensatory payments. Handlers distributing such unpriced milk in the marketing area have the same opportunity to buy milk at the opportunity cost level as do the operators of the pool plants who purchase other source milk. In addition, however, the operator of a nonpool plant in all probability has surplus milk in his own plant which he would willingly dispose of on any basis that would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments or other types of institutions. With surplus outlets as the alternative, and no compensatory payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk, therefore, is an essential and necessary provision of this order.

It is concluded that the compensatory payment on other source milk utilized in Class I should be the difference between the Class II price and the Class I price under the Washington order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in the Washington area and hence, represents the actual value of other source milk.

By choosing a rate of compensatory payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to others, in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage which would otherwise exist. Although the unfair advantage of obtaining other source milk is removed by the particular rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk.

All funds collected from compensatory payments should be added to the producer-settlement fund. The handler regulated by the order should be obligated to make compensatory payments to the producer-settlement fund. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk was obtained. Because the regulated handler makes the actual distribution of the milk in the marketing area and because he reports its utilization to the market administrator he is, from the administrative viewpoint, the logical one to make the payment.

For the reasons set forth in this decision, Class I milk under the order is priced at the plant where the milk is first received from producers, hence, the compensatory payment on other source milk should be computed at the same stage of the marketing process to be directly comparable. No allowances are made in the order for cost and profits of handlers in moving producer milk to subsequent stages of marketing; neither should they be made for other source milk.

(d) *Distribution of proceeds to producers.* The order should provide for the distribution of returns to producers through a marketwide type of equalization pool. Under this type of pooling all producers receive a uniform price which varies only to reflect differences in butterfat content and location of plant of receipt.

As has been previously indicated the principal cooperative association in the market carries the bulk of the necessary surplus of the market which is processed through its manufacturing plant. It is imperative, therefore, that a procedure for pooling be established which will provide for an equitable sharing by all producers of the lower returns realized from the handling of this necessary reserve supply of milk.

A marketwide pool will facilitate the activities of the cooperative in moving milk supplies among handlers to meet their individual needs and will encourage processing of the necessary surplus of the market at the plants which can make the most efficient use of such milk.

This method of paying producers will require a producer-settlement fund for making adjustments in payments, as among handlers, to the end that the total sums paid by each handler shall equal the value of milk received by him at the prices fixed in the proposed marketing agreement and order.

Under this pooling arrangement handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations will pay the difference to the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utlizations will receive the difference from the producer-settlement fund. The market administrator in making payment to any handler from the producer-settlement fund should offset such payments by the amount of payments due from such handler. This is sound business practice. Without this provision the market administrator might be required to make payments to a handler who may have obtained money from the producer-settlement fund by filing incorrect reports or who owes money to the producer-settlement fund but who is financially unable to make full payment of all of his debts.

If at any time, the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payment to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the likelihood of this occurring, milk received by any handler who has not made the required payments into the producer-settlement fund for the preceding month should not be considered in the computation of the uniform price in current month.

The order should provide that in the case of a cooperative association which is authorized to collect payments otherwise due its producer-members, and which requests such payments in writing, the handler shall make payment to the cooperative of the amount otherwise due its producer members. Under the provisions of the order as hereinafter proposed a cooperative association by definition has "full authority in the sale of milk of its members" and is engaged in "making collective sales of or marketing milk or its products for its members". As the duly authorized agent of its producer-members there can be no question of its authority to receive the payments otherwise due such producers. This privilege is specifically provided for in the act and the practice is being followed by all of the cooperatives operating in the market.

In order that the cooperative may have the proper records on which to pay the individual producer members, the handler should, on or before the 8th day after the close of the month, be required to furnish the cooperative association with a statement showing the name, address and code number, if any, of each producer for whom payment is to be made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reason for any deduction which the handler is withholding from the amount payable to each producer. This information is necessary in order that the cooperative association can make proper distribution of monies to its producer members for whom it makes collections.

In making payments to producers for milk received at plants located at least 75 miles distance from Washington the price should be reduced 12 cents plus 1.5 cents for each additional 10 miles distance or fraction thereof which such plant is located from Washington. Such a location differential will reflect cost of hauling milk to market by an efficient means and should tend to distribute returns to producers fairly.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer.

Proponents of the order proposed that the order provide for a "take-out and pay-back" plan to encourage a level production program. They pointed out that their association had operated such a plan for several years with satisfactory results to their membership.

Another cooperative in the market has successfully operated a base rating plan which has provided a seasonality of production which meet the fluid needs of its buyers.

The two plans, each intended to promote an even production over the year, have operated independently of each other without apparent adverse affects on the market as a whole. Under the circumstances it seems unnecessary to provide for seasonal pricing under the order, since the preponderance of producers are members of cooperative associations and have been accustomed to payment under the plan operated by their respective association, there is good reason to allow the seasonal returns plans of the associations to be continued outside the structure of the order. It is therefore concluded that no seasonal plan should be incorporated in the order at this time.

The order should provide that each handler pay each producer, for milk received from such producer, and for which payment is not made to a cooperative association, on or before the 15th day after the end of each month. This is the date on which producers have been accustomed to receiving payment and provides a reasonable time for reporting, computation and announcement of the blended price and the drawing of individual checks. All reporting, announcement, and payment dates herein provided are synchronized to permit payment on this date.

When payment is to be made to a cooperative association, such payment should be made on or before the 13th day after the end of each month. This will permit the cooperative association to prepare and mail individual checks to its producer-members by the 15th, the same date on which nonmember producers receive payment.

In the event a handler has received milk from any producer which has an average butterfat content of more or less than 3.5 percent it is provided that there be added or subtracted, as the case may be, for each one-tenth of one percent that such average butterfat content is above or below such test, a differential computed in the same manner as the handler butterfat differential but rounded to the nearest full cent rather than the nearest one-tenth cent. Such differential reflects the competitive value of butterfat and gives producers assurance that they are being paid for their milk on the basis of its use value. The adjustment to the nearest full cent will tend to minimize audit adjustments and recognizes the fact that producers have long been on a fixed differential and are not accustom to constantly changing values.

Administrative provisions. The marketing agreement and order should provide for other general administrative provisions which are common to all orders and which are necessary for proper and efficient administration of the order.

In addition to the definitions discussed earlier in this decision which define the scope of regulation, definition of certain other terms is necessary for brevity and to assure that each usage of such terms denotes the same meaning. These include the terms "Act", "Secretary", "Department of Agriculture", "Person" and "Cooperative Association".

Provision should be made for the appointment by the Secretary of a market administrator, and the order should define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order, and provide for the liquidation of the order in the event of its suspension or termination.

The powers of the market administrator as set forth in the order are specifically provided in section 8c (7) (C) of the Agricultural Marketing Agreement Act of 1937, as amended, and the proposed language is essentially that of the statute.

The duties of the market administrator as set forth are essentially those which are found in all Federal milk marketing orders and are necessary to define specifically the responsibilities of the market administrator.

Handlers should be required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. It should be provided that the market administrator report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler.

Handlers should maintain and make available to the market administrator all records and accounts of their operations and such facilities as are necessary to determine the accuracy of the information reported to the market administrator as he may deem necessary or any other information upon which the classification of producer milk or payments to producers depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled to verify all payments required under the order.

It is necessary that handlers maintain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the orders should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as a part of this decision.

Each handler should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than 4 cents per hundredweight, or such lesser amounts as the Secretary may, from time to time prescribe on (a) producer milk (including such handler's own production), (b) other source milk in pool plants which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producers' milk (including handler's own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense on such milk sold in the marketing area will help defray the cost of such checking.

In view of the anticipated volumes of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producers receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the pricing provisions of the order and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat test and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is necessary for the Secretary to adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Washington, D. C., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 902.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 902.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 902.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions specified in this part.

§ 902.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 902.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 902.6 *Washington, D. C., marketing area.* "Washington, D. C., marketing area" hereinafter called "the marketing area" means all of the territory situated within the District of Columbia; the counties of Arlington, Fairfax and Prince William and the City of Alexandria all in the State of Virginia; the counties of Prince Georges (excluding the corporate limits of the town of Laurel), Montgomery, Charles, St. Marys and Calvert and that part of Frederick lying south of a line beginning at the interesection of the Washington-Frederick County line with Alternate U. S. Route 40, following Alternate U. S. Route 40 easterly to the western boundary of the corporate limits of the City of Frederick, thence along the western, northern and eastern boundary of the city to its eastern junction with Alternate U. S. Route 40 and then southeasterly along Alternate U. S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland, together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (municipal, State, or Federal) installations, institutions or other establishments.

§ 902.7 *Plant.* "Plant" means the land, buildings, surroundings facilities and equipment whether owned and operated by one or more persons constituting a single operating unit or establishment for the receiving and processing, or packaging of milk or milk products.

§ 902.8 *Approved plant.* "Approved plant" means:

(a) Any plant which is approved by the applicable health authority having jurisdiction in the marketing area for the handling of milk for disposition as Class I milk and from which Class I milk is disposed of on routes to retail or wholesale outlets in the marketing area, and

(b) Any plant which is approved by the applicable health authority having jurisdiction in the marketing area to supply milk to a plant specified in paragraph (a) of this section and from which milk is moved during the month to such plant.

§ 902.9 *Pool plant.* "Pool plant" means:

(a) An approved plant other than the plant of a producer-handler: (1) During any month within which a volume of milk equal to not less than 10 percent of its receipts of milk from dairy farmers, approved by the applicable health authority for fluid disposition in the marketing area, is disposed of as Class I milk on routes in the marketing area: *Provided,* That the total quantity of Class I milk disposed of from such plant, both inside and outside the marketing area is equal to not less than 50 percent of such plant's total receipts from such dairy farmers; or (2) during any month of October through March in which at least 50 percent, and during any month of April through September in which at least 40 percent, of its receipts of milk from dairy farmers, approved by the applicable health authority for fluid disposition in the marketing area, is shipped in the form of milk, skim milk or cream to a plant which disposes of not less than 10 percent of its receipts of approved milk from dairy farmers and from other approved plants as Class I milk on routes in the marketing area and not less than 50 percent of such receipts are disposed of as Class I milk both inside and outside the marketing area: *Provided,* That any such plant which was a pool plant in each of the preceding months of October through March shall be a pool plant for the months of April through September, unless the handler gives written notice to the market administrator on or before the first day of such month that the plant is a nonpool plant: *And provided further,* That any such plant which was a nonpool plant during any of the months of October through March shall not be a pool plant in any of the immediately following months of April through September in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler.

(b) Any manufacturing plant which is operated by a cooperative association 70 percent or more of whose membership are qualified producers whose milk is regularly received during the month at other pool plants.

§ 902.10 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant (whether or not such approved plant is a pool plant) or any plant qualified as a pool plant pursuant to § 902.9 (b).

(b) Any cooperative with respect to:

(1) The milk of any producer which such cooperative association causes to be diverted in accordance with the proviso of § 902.15 from a pool plant to a nonpool plant for the account of such cooperative association;

(2) The milk of its member producers which is delivered to a pool plant of a handler in a tank truck owned or operated or under contract to such cooperative association: *Provided,* That such milk so delivered shall be deemed to have been received by such cooperative association at the plant to which it was delivered.

§ 902.11 *Pool handler.* "Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 902.10 (b).

§ 902.12 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of on a route(s) in the marketing area and which during the month received no milk from any source other than his own farm production and from pool plants.

§ 902.13 *Dairy farmer.* "Dairy farmer" means any person who produces milk which is delivered in bulk to a plant.

§ 902.14 *Dairy farmer for other markets.* "Dairy farmer for other markets" means:

(a) Any dairy farmer whose milk is received by a handler at a pool plant during the months of April through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during any of the preceding months of October through February; and

(b) Any dairy farmer whose milk is received at a pool plant qualified pursuant to § 902.9 (b) for the account of a cooperative membership which has no membership among producers delivering milk to other pool plants.

§ 902.15 *Producer.* "Producer" means any dairy farmer, except a producer-handler or dairy farmer for other markets, who produces milk which is approved by the applicable health authority having jurisdiction in the marketing for fluid disposition within the marketing area and which is received at a pool plant or is diverted to a nonpool plant on not more than 8 days (4 days in the case of every other day delivery) during the month: *Provided*, That the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location from which it was diverted: *And provided further*, That the criterion for determination of qualification under this definition for a dairy farmer delivering milk to a pool plant qualified under § 902.9 (b) shall be the holding of a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area. This definition shall not include any dairy farmer whose milk is diverted during the month on more than the number of days specified in this section.

§ 902.16 *Producer milk*. "Producer milk" means any skim milk or butterfat contained in milk received directly at a pool plant from producers, or diverted in accordance with the proviso of § 902.15.

§ 902.17 *Other source milk*. "Other source milk" means all receipts of skim milk and butterfat other than that contained in (a) producer milk, (b) receipts from pool plants, or (c) Class II products disposed of in the form in which received without further processing by the handler.

§ 902.18 *Route*. "Route" means any delivery (including any delivery by a vendor or disposition at a plant store or from vending machines) of any Class I product to a wholesale or retail stop, including a Federal, State or municipal institution or installation, but excluding any delivery in bulk form to a pool plant qualified pursuant to § 902.9 (a) (1).

MARKET ADMINISTRATOR

§ 902.20 *Designation*. The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 902.21 *Powers*. The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 902.22 *Duties*. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 902.88;

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 902.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 902.30 to 902.32, or payments pursuant to §§ 902.80 to 902.89;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this plant as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month, the Class I price computed pursuant to § 902.50 (a) for the current month, and the Class II price computed pursuant to § 902.50 (b) and the handler butterfat differential computed pursuant to § 902.51, both for the preceding month; and

(2) The 10th day of each month, the uniform price computed pursuant to § 902.71 and the producer butterfat differential computed pursuant to § 902.84 both for the preceding month; and

(k) On or before the 10th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month.

REPORTS, RECORDS AND FACILITIES

§ 902.30 *Reports of receipts and utilization*. On or before the 8th day after the end of each month each pool handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in, (1) receipts of producer milk (including such handler's own production), (2) receipts from other pool plants in the form of products designated as Class I milk pursuant to § 902.41 (a), (3) receipts of other source milk.

(b) Inventories of products designated as Class I milk pursuant to § 902.41 (a) on hand at the beginning and end of the month; and

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section.

§ 902.31 *Other reports*. (a) Each nonpool handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each pool handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month, which shall show for each producer; (i) his name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s) his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(c) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, the date on which the change took place, and the farm and plant location involved.

(d) Each pool handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 902.80 (b) shall on or before the 10th day after the end of each month report to such cooperative association concerning each producer-member of such cooperative association from whom he received milk during the month as follows:

(1) The name, address and code number, if any;

(2) The total deliveries and the number of days on which delivery was made;

(3) The average butterfat test of the milk delivered; and

(4) The nature and amount of any deductions to be made in payments due such producer.

§ 902.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 902.30 (b); and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 902.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 902.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 902.30 shall be classified by the market administrator.

§ 902.41 *Classes of utilization.* Subject to the conditions set forth in §§ 902.42 to 902.45 the classes of utilization shall be as follows:

(a) *Class I Milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat: (1) Disposed of other than in hermetically sealed containers in fluid form or as frozen concentrated milk for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, cream (except sour cream) including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream; and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) (1) of this section; (2) disposed of for livestock feed; (3) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; (4) contained in inventory of products designated in paragraph (a) (1) of this section on hand at the end of the month; (5) in actual plant shrinkage not to exceed one and one half percent of skim milk and butterfat, respectively, in producer milk; and (6) in shrinkage of other source milk.

§ 902.42 *Shrinkage.* The market administrator shall allocate shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat;

(b) Allocate the resulting amounts pro rata to the handler receipts of skim milk and butterfat, respectively, in producer milk and other source milk;

§ 902.43 *Responsibility of handlers and the reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 902.44 *Transfers.* Skim milk or butterfat disposed of during the month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 902.41 (a) (1) to a pool plant of another handler unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 902.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the assignment of other source milk pursuant to § 902.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers.

(b) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 902.41 (a) (1) to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of any product designated as Class I milk pursuant to § 902.41 (a) (1) to an approved plant other than a pool plant or the plant of a producer-handler, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area: *Provided,* That any remaining amount of such transfer or diversion shall be assigned to the highest remaining utilization in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of supply.

(d) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream, to nonpool plants other than an approved plant located less than 300 miles from the zero milestone in Washington, D. C., unless (1) the handler claims Class II utilization in his report submitted pursuant to § 902.30, (2) the operator of the transfer plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such report: *Provided,* That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.

(e) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream, to a nonpool plant other than an approved plant located 300 miles or more from the zero milestone in Washington, D. C.

§ 902.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 902.30 for the pool plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers.

§ 902.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 902.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 902.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk except such receipts in the form of products specified in § 902.41 (a) (1) received from plants which are fully subject to

the pricing provisions of another order issued pursuant to the act;

(3) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk the pounds of skim milk in other source milk received in the form of products specified in § 902.41 (a) (1) from a plant(s) which is fully subject to the pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk contained in inventory of products specified in § 902.41 (a) (1) on hand at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the pool plants of other handlers in the form of products specified in § 902.41 (a) (1) according to the classification thereof as determined pursuant to § 902.44 (a).

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to the producer milk in each class computed pursuant to paragraph (a) (1) and (2) of this section, and determine the weighted average butterfat of each class.

MINIMUM PRICES

§ 902.50 *Class prices.* Subject to the provisions of §§ 902.51 and 902.52 each handler shall pay, at the time and in the manner set forth in § 902.80 for each hundredweight of milk containing 3.5 percent butterfat received at his pool plant(s) during the month from producers or a cooperative association not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 902.46.

(a) *Class I milk.* [Reserved.]

(b) *Class II price.* The price for Class II milk shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all weekly quotations per 40 quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 33.48, multiply by 3.5: *Provided,* That such butterfat value shall not be less than 3.5 times 120 percent of the average Grade A (92-score) butter price at New York as reported by the United States Department of Agriculture for the month for which payment is to be made less 17 cents.

(2) *Skim milk.* The average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture shall determine the skim values as follows:

Average price per pound of nonfat solid-spray and roller process (cents):	*Skim value (cents)*
$0.065 or below	$0.075
$0.066 to $0.075	.15
$0.76 to $0.085	.225
$0.096 to $0.0105	.30
$0.106 to $0.115	.375
$0.116 to $0.125	.45
$0.126 to $0.135	.525
$0.136 to $0.145	.60
$0.146 to $0.155	.675
$0.156 to $0.165	.75
$0.166 to $0.175	.825
$0.176 to $0.185	.90
$0.186 to $0.195	.975

§ 902.51 *Butterfat differential to handlers.* There shall be added to or subtracted from, as the case may be, the price of milk for each class as computed pursuant to § 902.50 (a) and (b) for each one-tenth of one percent variation in the average butterfat test of the milk in such class above or below 3.5 percent, respectively, an amount equal to the value of butterfat computed pursuant to § 902.50 (b) (1) divided by 35 and rounded to the nearest one-tenth cent.

§ 902.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 75 miles or more from the milestone in Washington, D. C., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the Class I price as specified in § 902.50 (a) shall be reduced at the rate set forth in the following schedule:

Distance (miles)	*Rate per hundredweight (cents)*
75	12.0
For each additional 10 miles or fraction thereof	1.5

Provided, That for the purpose of calculating such location differential, products designated as Class I milk which are transferred between pool plants shall first be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 902.46 (a) (1) through (4), and the comparable steps in § 902.46 (b) for such plant, such assignment to the transferring plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 902.53 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price computed pursuant to § 902.50 (b) from the Class I price computed pursuant to § 902.50 (a) adjusted by the Class I location differential of the plant at which the milk was received from farmers.

§ 902.54 *Use of equivalent prices or indexes.* If for any reason a price quotation or index required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or index determined by the Secretary to be equivalent to the price or index which is required.

APPLICATION OF PROVISIONS

§ 902.60 *Producer-handler.* Sections 902.40 to 902.46, 902.50 to 902.52, 902.70 to 902.71 and 902.80 to 902.89 shall not apply to a producer-handler.

§ 902.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrater at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 902.30) and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 902.9 (a) (1) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Washington marketing area than in a marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 902.9 (a) (2) or (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a pool plant pursuant to the first proviso of § 902.9 (a) (2) for each month during the preceding October through March.

§ 902.62 *Operators of approved plants other than pool plants.* A handler operating an approved plant other than a pool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day of each month, pay to the market administrater for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of skim milk and butterfat disposed of in the form of products designated as Class I milk pursuant to § 902.41 (a) from such approved plant on routes in the marketing area during the month which are in excess of his receipts of skim milk and butterfat, respectively, from pool plants by the rate of the compensatory payment calculated pursuant to § 902.53.

DETERMINED OF UNIFORM PRICE

§ 902.70 *Computation of the value of producer milk for each handler.* For each delivery period, the market administrator shall compute the value of producer milk for each pool handler as follows:

(a) Multiply the pounds of producer milk in each class computed pursuant to § 902.46 by the applicable class price and total the resulting amounts.

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 902.46 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 902.53 for the nearest plant(s) from which an equivalent amount of other source milk was received.

(c) Add the amounts computed by multiplying the pounds of "overage" deducted from each class pursuant to § 902.46 (a) (7) and (b) by the applicable class price.

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month or the hundredweight of milk subtracted from Class I pursuant to § 902.46 (a) (4) and (b) for the current month, whichever is less.

(e) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 902.71 *Computation of the uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f. o. b. market as follows:

(a) Combine into one total the net obligations computed pursuant to § 902.70 for all handlers who made reports prescribed in § 902.30 for the month and who were not in default of payments pursuant to §§ 902.80, 902.82 and 902.84 for the preceding month.

(b) Subtract, if the average butterfat content of producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 902.81 and multiply the resulting figure by the total hundredweight of such milk.

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 902.82.

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund.

(e) Add the total amount of payment due pursuant to § 902.62.

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section.

(g) Subtract not less than 4 nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section.

PAYMENTS

§ 902.80 *Time and method of payment.* (a) Except as provided in paragraph (b) of this section, each pool handler on or before the 15th day after the end of each month shall make payment to each producer from whom milk is received during the month for the quantity of milk so received at not less than the uniform price per hundredweight computed pursuant to § 902.71 adjusted by the butterfat differential computed pursuant to § 902.81 and by the location differential computed pursuant to § 902.82 less proper deductions authorized in writing by the producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 902.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section.

(c) In the case of milk received by a handler from a cooperative association in its capacity as a handler such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

§ 902.81 *Producer butterfat differential.* In making payments pursuant to § 902.80 (a) or (b) the uniform price shall be increased or decreased for each one-tenth of one percent of variation in the average butterfat content of the milk received from each producer above or below 3.5 percent, respectively, an amount equal to the butterfat value computed pursuant to § 902.50 (b) (1) divided by 3.5 and rounded to the nearest full cent.

§ 902.82 *Location differential to producers.* In making payments to producers or to a cooperative association pursuant to § 902.80 (a) or (b) a handler shall deduct with respect to all milk received at his pool plant(s) located 75 miles by shortest highway distance from the zero milestone in the District of Columbia, as determined by the market administrator, 12 cents per hundredweight plus 1.5 cents for each 10-mile additional distance, or fraction thereof, which such plant is located from such milestone.

§ 902.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 902.62, 902.84 and 902.86 and out of which he shall make all payments pursuant to §§ 902.85 and 902.86: *Provided,* That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 902.84 *Payments to the producer-settlement fund.* On or before the 11th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 902.80 (a) and (b).

§ 902.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 902.82 (a) and (b) is greater than the net pool obligations of such handler: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 902.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 902.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 902.80 (a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association.

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 902.80 (a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions by the cooperative rendering such services.

§ 902.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler, shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk (including such handler's own farm production), (b) other source milk allocated to Class I milk pursuant to § 902.46 (a) (2) and (b), or (c) Class I milk in excess of receipts from pool plants disposed of in the marketing area (except to a pool plant) from an approved plant other than a pool plant as determined pursuant to § 902.62.

§ 902.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 902.90 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 902.92.

§ 902.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provisions of this part, obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 902.92 *Continuing obligations.* If under the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 902.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If the liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 902.100 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 902.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4052; Filed, May 28, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12386]

TELEVISION BROADCAST STATIONS (WICHITA-HUTCHINSON, KANSAS)

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Wichita-Hutchinson, Kansas); Docket No. 12386.

1. The Commission has before it for consideration a motion filed May 21, 1958, by Wichita-Hutchinson Company, Inc., licensee of Station KTVH at Hutchinson, Kansas, requesting that the time for filing reply comments in the above-entitled proceeding be extended for a period of ten days from May 22, 1958. On May 21, 1958, a Joint Opposition to the subject motion was filed by Wichita Television Corporation, Inc., licensee of Station KARD at Wichita, Kansas, and KAKE Television, Inc., licensee of Station KAKE at Wichita.

2. In support of its request, Wichita-Hutchinson Company states that it had anticipated its reply comments could be filed within the time provided but that within the preceding 48 hours it had been informed by telephone that the comments filed on May 12, 1958, by eighteen persons claiming to be residents of Hutchinson in opposition to the proposal under consideration in the proceeding to shift Channel 12 from Hutchinson to Wichita, Kansas, was signed by five non-resident transients and by thirteen employees of one Earl L. Kirk of Hutchinson, a college classmate of the president of Wichita Television Corporation, Inc., which has filed comments opposing the proposed rule change; that Wichita-Hutchinson has been advised that the petition was prepared and the signatures obtained by Mr. Kirk upon being solicited or employed to do so by the president of Wichita Television Corporation, Inc., and that the representations made to Mr. Kirk are not entirely consistent with the facts. The movant further states that it has been informed that the Chamber of Commerce of Hutchinson is being besieged to oppose the proposed rule change by KAKE Television, Inc., who also has filed comments opposing the proposed rule change, and that the representations being made to the Chamber of Commerce of Hutchinson are not entirely consistent with the facts. Wichita-Hutchinson states that the addi-

tional time requested is needed to make an investigation of these matters; that they have a bearing on the credibility and validity of comments filed in the proceeding, and that with the additional time it will be able to include in its reply comments relevant considerations which should properly affect the Commission's decision in the matter.

3. In opposition, Wichita Television Corporation and KAKE Television state that Wichita Television Corporation has advanced no reason in its motion which constitutes a basis for a grant of its request; that the matters which Wichita-Television seek to introduce in its reply comments relate to new material rather than the matters covered in the comments of Wichita Television and KAKE, and that if Wichita-Television desires to bring new matters into the proceeding it should do so by filing proper pleadings showing good cause why such new matters should be considered.

4. In light of the short extension of time requested by Wichita-Hutchinson Company and the fact that its representations bear directly on the credibility and validity of comments timely filed by Hutchinson parties, the Commission believes that the public interest, convenience, and necessity would be served by affording the additional time requested for filing replies.

5. *Accordingly, it is ordered,* This 22d day of May 1958, that the request of Wichita-Hutchinson Company, Inc., for additional time to file reply comments is granted and that the time for filing reply comments in the above-entitled proceeding is extended from May 22, 1958, to June 2, 1958.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4036; Filed, May 28, 1958; 8:52 a. m.]

[47 CFR Part 12]

[Docket No. 12444; FCC 58-485]

AMATEUR RADIO SERVICE

RE-EXAMINATION OF LICENSEES HOLDING TECHNICIAN OR NOVICE CLASS OPERATOR LICENSE

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has on this date denied a petition submitted by the American Radio Relay League requesting amendment of § 12.44 of Part 12 of the Commission's rules so as to require that all applicants for amateur operator licenses of any class, including Novice and Technician Classes, whose actual residences and proposed amateur station locations are within 125 miles, airline distance, of the nearest location at which examinations are conducted on a regularly scheduled basis by an authorized Commission employee or representative, take their examinations under Commission supervision.[1]

3. However, since it is the Commission's belief that all applicants who obtain their licenses by mail order examinations should be treated equally with respect to re-examination under Commission supervision, it is proposed to amend § 12.45 (a) of Part 12 of the Commission's rules as set forth below.

4. The proposed amendment would permit the Commission to require that anyone holding an operator's license of the Novice, Technician, or Conditional Class appear for an examination under the supervision of Commission personnel or representatives. The present provisions of § 12.45 (a) state only that Conditional Class licensees are subject to re-examination. By adoption of the proposed amendment, it would appear that the major objective of the petitioner, referred to in paragraph 2 hereof, to provide for closer supervision over mail-order licensees would be partially accomplished and, also, it would provide for equality of treatment, with respect to re-examination, of all classes of amateur operator licensees who obtain licenses by mail.

5. The authority for the amendment proposed herein is contained in sections 4 (i) and 303 (l) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before July 31, 1958, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 3 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 21, 1958.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 12 of the Commission's rules as follows.

Amend § 12.45 to read as follows:

§ 12.45 *Additional Examination for holders of Novice, Technician or Conditional Class operator licenses.* (a) The Commission may require a licensee holding a Novice, Technician, or Conditional Class of operator license to appear for a Commission-supervised license examination at a location designated by the Commission. If the licensee fails to appear for this examination when directed to do so, or fails to pass such examination, the Novice, Technician, or Conditional Class operator license previously issued shall be subject to cancellation, and, upon cancellation, a new license will not be issued for the same class operator license as that cancelled.

(b) Whenever the holder of a Novice, Technician, or Conditional Class amateur operator license is required by the Commission to restrict the operation of his amateur station, in accordance with the provisions of § 12.152, § 12.153 or § 12.154, the necessity for such restriction shall be considered sufficient grounds to require the holder of the Novice, Technician, or Conditional Class license to appear for a Commission-supervised examination.

[F. R. Doc. 58-4037; Filed, May 28, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 131]

[No. 32258]

SAFETY REGULATIONS

U. S. SAFETY APPLIANCE STANDARDS

It appearing, that by an order dated January 29, 1958, the Commission denied a petition filed August 19, 1957, by the Union Tank Car Company for modification of the orders of March 13, 1911, December 11, 1943, and May 16, 1946, relating to United States Safety Appliance Standards, to authorize and approve the addition to the safety appliance standards prescribed thereby, of a tank-car description which in effect would not require side running boards or appliances related thereto, such as side-handholds and continuous safety railing, on cars of the type designated by said petitioner as tank cars without underframes;

It further appearing, that upon consideration of a petition for reconsideration filed March 10, 1958, by the said Union Tank Car Company and a reply thereto of the Railway Labor Executives Association, the Commission, by an order dated May 5, 1958, granted such petition insofar as it requested oral hearing and assigned the matter for hearing at a time and place to be hereinafter designated;

Upon consideration of the above matters:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of such proposal to amend the United States Safety-Appliance Standards (Railroad) as amended (49 CFR Part 131), by the addition thereto, of a new regulation prescribing safety appliance standards for tank cars without underframes which would not require side running boards or appliances related thereto, such as side handholds continuous safety railing on tank cars of this type;

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[1] Examination of applicants for General and Extra Class operator licenses must be conducted under Commission supervision regardless of the geographical location of the applicants' residences or proposed station locations.

It is further ordered, That this matter be assigned for hearing on July 23, 1958, at 9:30 a. m., United States Standard Time, at the Congress Hotel in Chicago, Ill., before Examiner Henry J. Vinskey;

And it is further ordered, That notice of this proposal shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 19th day of May A. D. 1958.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4032; Filed, May 28, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming-062750]

WYOMING

STOCK DRIVEWAY WITHDRAWAL REDUCED

MAY 22, 1958.

In accordance with authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II Order of Delegation filed November 21, 1956 (21 F. R. 9147), it is ordered as follows:

Subject to valid rights and provisions of existing withdrawals, the order dated July 7, 1932, enlarging Stock Driveway No. 128, Wyoming No. 13, pursuant to the provisions of section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), is hereby revoked as far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 92 W.,
  Sec. 18, Lots 18, 19, 20, 21;
  Sec. 19, Lots 8, 9, 10, 19, 20;
  Sec. 30, Lots 10, 18, 19, 20, 21.
T. 46 N., R. 93 W.,
  Sec. 24, Lots 2, 3, 4, E½NE¼, SW¼NE¼, N½SE¼, SE¼SE¼;
  Sec. 25, Lots 1, 2.

The areas described total 909.54 acres of public land.

The above described lands were withdrawn under First Form Reclamation Withdrawal, by order dated April 13, 1955, in accordance with the provisions of section 3 of the act of June 17, 1902 (32 Stat. 388), as amended, and are not subject to entry except under provisions of said act.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-4010; Filed, May 28, 1958; 8:47 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 21, 1958.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Montana 024510-SD, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for administrative site purposes in the Black Hills National Forest.

For a period of 30 days from the date of the publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If the circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Flag Mountain Lookout

T. 1 N., R. 2 E.,
  Sec. 1: E½SE¼SW¼.
  Total—20 Acres.

Seth Bullock Lookout

T. 1 N., R. 5 E.,
  Sec. 16: S½SE¼NE¼SW¼, N½NE¼SE¼SW¼.
  Total—10 acres.

Castle Peak Lookout

T. 2 N., R. 3 E.,
  Sec. 35: NW¼SE¼.
  Total—40 acres.

Norris Peak Lookout

T. 2 N., R. 6 E.,
  Sec. 29: SW¼SE¼SW¼.
  Total—10 acres.

Veterans Peak Lookout

T. 4 N., R. 5 E.,
  Sec. 5: SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.
  Total—40 acres.

Boulder Hill Lookout

T. 1 S., R. 6 E.,
  Sec. 15: S½SW¼SW¼NW¼, NW¼NW¼SW¼, N½SW¼NW¼SW¼;
  Sec. 16: S½SE¼SE¼NE¼, NE¼NE¼SE¼, N½SE¼NE¼SE¼.
  Total—40 acres.

Summit Ridge Lookout

T. 2 S., R. 1 E.,
  Sec. 19: S½SW¼SW¼;
  Sec. 30: N½NW¼NW¼.
  Total—40 acres.

Bear Mountain Lookout

T. 2 S., R. 3 E.,
  Sec. 15: SW¼SE¼.
  Total—40 acres.

Elk Mountain Lookout

T. 4 S., R. 1 E.,
  Sec. 6: E½SW¼SW¼SE¼, SE¼SW¼SE¼, W½SW¼SE¼SE¼.
  Sec. 7: E½NW¼NW¼NE¼, NE¼NW¼NE¼, W½NW¼NE¼NE¼.
  Total—40 acres.

Tepee Ranger Station

T. 4 S., R. 1 E.,
  Sec. 12: E½NE¼, E½W½NE¼.
T. 4 S., R. 2 E.,
  Sec. 7: Lots 1 and 2.
  Total—190.69 acres.

Cicero Peak Lookout

T. 4 S., R. 5 E.,
  Sec. 30: NE¼NE¼.
  Total—40 acres.

Parker Peak Lookout

T. 7 S., R. 4 E.,
  Sec. 31: S½SE¼NW¼, N½NE¼SW¼.
  Total—40 acres.

The above described areas total 550.69 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-4011; Filed, May 28, 1958; 8:47 a. m.]

[Classification No. 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

MAY 22, 1958.

Effective May 22, 1958, the tract described as W½SW¼SE¼NW¼ and tabulated on line No. 7 under Sec. 11, T. 4 N., R. 2 E., S. B. M., in Federal Register Document 58-3415 appearing on page 3071 of the issue for May 8, 1958, is hereby amended to read as follows:

W½SW¼SE¼NE¼.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 58-4012; Filed, May 28, 1958; 8:47 a. m.]

[Serial Nos. Idaho 08913, 08963, 09173, 09268, 09410]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 22, 1958.

In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 15 E.,
  Sec. 15, S½SE¼;
  Sec. 20, W½SW¼;
  Sec. 22, N½NE¼.

Location: Gooding County, 3 miles from Wendell, Idaho.

T. 12 S., R. 17 E.,
  Sec. 7, Lots 3, 4, E½SW¼, SW¼SE¼.

Location: Twin Falls County, about 12 miles south of Twin Falls, Idaho.

T. 6 S., R. 19 E.,
  Sec. 33, W½SE¼.

Location: Lincoln County, 2 miles south of Dietrich, Idaho.

T. 6 S., R. 21 E.,
  Sec. 31, Lots 1, 2, 3, 5, 6, 7, 11, 12.

Location: Lincoln County, 4 miles south of Owinza, Idaho.

T. 7 S., R. 22 E.,
  Sec. 35, SW¼SW¼.

Location: Lincoln County, 7 miles southwest of Kimama, Idaho.

T. 16 S., R. 25 E.,
  Sec. 7, SE¼NE¼, NE¼SE¼.

Location: Cassia County, 5 miles southeast of Almo, Idaho.

T. 12 S., R. 28 E.,
  Sec. 8, SW¼;
  Sec. 17, All;
  Sec. 18, E½;
  Sec. 20, NE¼, W½;
  Sec. 29, NE¼.

Location: Cassia County, 11 miles southeast of Malta, Idaho.

T. 1 S., R. 29 E.,
  Sec. 30, SW¼.

Location: Butte County, 25 miles southeast of Arco, Idaho.

T. 14 S., R. 29 E.,
  Sec. 23, NE¼;
  Sec. 24, W½NW¼.

Location: Cassia County, 10 miles southeast of Sublette, Idaho.

T. 4 S., R. 30 E.,
  Sec. 24, SW¼NW¼, W½SW¼;
  Sec. 25, NW¼NW¼.

Location: Bingham County, 10 miles north of Aberdeen, Idaho.

T. 4 S., R. 31 E.,
  Sec. 30, E½SW¼.

Location: Bingham County, 10 miles north of Aberdeen, Idaho.

T. 13 S., R. 32 E.,
  Sec. 24, SW¼SW¼.

Location: Oneida County, 9 miles north of Holbrook, Idaho.

T. 12 N., R. 33 E.,
  Sec. 3, Lots 3, 4, SW¼NW¼, E½SE¼;
  Sec. 10, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

Location: Clark County, 14 to 15 miles northwest of Small, Idaho.

T. 4 N., R. 34 E.,
  Sec. 27, SW¼SE¼;
  Sec. 34, W½NE¼, SE¼NE¼, NW¼, SW¼, SE¼.

Location: Jefferson County, 5 to 16 miles southwest of Roberts, Idaho.

T. 12 N., R. 34 E.,
  Sec. 28, SW¼SW¼;
  Sec. 33, NW¼NW¼.

Location: Clark County, 14 to 15 miles northwest of Small, Idaho.

T. 4 N., R. 35 E.,
  Sec. 18, Lots 3, 4, NE¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, S½SE¼.

Location: Jefferson County, 5 to 16 miles southwest of Roberts, Idaho.

Within the above-described areas are 4,782.13 acres of public lands.

The lands involved are scattered throughout southern Idaho. Elevation varies from 4,500 feet to 6,200 feet. The topography varies from gently undulating to rough with deep draws through some of the land. The soil is generally a light colored, silty loam interprised with cobbles and rock outcrops with some alluvial clay and sand. The vegetation is typical of the dry grazing land in southern Idaho, and the land is considered to be valuable for grazing of livestock.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

All of the above land in T. 12 S., R. 17 E.; T. 16 S., R. 25 E.; T. 12 S., R. 28 E.; T. 14 S., R. 29 E.; T. 4 S., R. 30 E.; T. 4 S., R. 31 E.; T. 13 S., R. 32 E.; T. 4 N., R. 34 E.; and T. 4 N., R. 35 E. was reconveyed to the United States with a reservation of the oil and gas deposits to the grantor and will not be open to offers to lease oil and gas.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on June 27, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 26, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on September 26, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on September 26, 1958.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 58–4013; Filed, May 28, 1958; 8:47 a. m.]

POST OFFICE DEPARTMENT

MAIL ADDRESSED TO CONCERNS AND ENTERPRISES AGAINST WHICH UNLAWFUL OR FRAUD ORDERS HAVE BEEN ISSUED

The following notice to all Postmasters was published in the Postal Bulletin of May 29, 1958:

Since March 26, 1958, the Department has issued "unlawful" and "fraud" orders which provide that all mail identifiable on its face as not connected with the unlawful or fraudulent enterprise may be delivered to the addressee. The new form of order also provides that all other mail will be held for twenty-four hours during which time the addressee may, if he desires, open it in the presence of the postmaster or his designee, and claim any mail not connected with the unlawful or fraudulent enterprise. This section is as follows:

You are hereby instructed to hold all letters, whether registered or not, and all other mail matter which shall arrive at your office directed to the said ---------- except those which can be identified on the face of the envelope or wrapper as not relating to the enterprise such as letters from public utilities, Federal, State or Municipal agencies, doctors, lawyers, churches, magazines or newspapers. All mail not so identified shall be held for 24 hours after its receipt during which time the concern and parties shall have the right to examine the mail at a reasonable time in your presence or the presence of a postal employee designated by you, and receive such mail as is not connected with the (unlawful) (fraudulent) enterprise.

Please notify all enterprises having orders issued against mail received at your post office that they shall have, on request to you, the above provisions incorporated into the order issued against their mail. Authority for making this modification on orders issued to March 26, 1958, is hereby delegated to you (each postmaster).

CHARLES D. ABLARD,
Judicial Officer.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 1332-15, 369)

[SEAL] HERBERT B. WARBURTON,
Acting General Counsel.

[F. R. Doc. 58-4079; Filed, May 28, 1958; 9:03 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11588, 11999; FCC 58-473]

JOSEPH M. RIPLEY, INC., AND DAN RICHARDSON

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP-9788; Dan Richardson, Orange Park, Florida, Docket No. 11999, File No. BP-10697; for construction permits.

1. The Commission has before it for consideration (a) a petition filed November 26, 1957, by Joseph M. Ripley, Inc., to strike exhibits and for grant and a petition filed November 27, 1957, by Joseph M. Ripley, Inc., to enlarge issues relating to Dan Richardson's financial qualifications, an opposition thereto filed December 5, 1957, by Dan Richardson and a reply to the petitions filed December 6, 1957, by Chief, Broadcast Bureau; and (b) a petition to enlarge issues filed February 12, 1958, by Joseph M. Ripley, Inc., a reply to the petition filed February 20, 1958, by Chief, Broadcast Bureau, and an opposition to the petition filed February 25, 1958, by Dan Richardson.

2. By an order released April 24, 1957, the Commission designated for hearing the applications for construction permits for new standard broadcast stations to operate on 550 kilocycles with a power of 1 kilowatt, daytime only, at Jacksonville, Florida, by Joseph M. Ripley, Inc. (Ripley) and by Robert Heckshur,[1] and at Orange Park, Florida, by Dan Richardson (Richardson). Richardson's original application was filed for Jacksonville, Florida, however, due to inability to get site clearance from the Air Space Committee, he amended his application on January 4, 1957, to change his site from Jacksonville to Orange Park, Florida. No other changes were made in his original application.

3. In its order of April 24, 1957, the Commission found Richardson to be legally, financially, technically and otherwise qualified. Ripley and Heckshur had previously been found so qualified in a previous order released July 16, 1956. In designating these applications for hearing, the Commission specified certain issues, the substance of which are as follows: to determine whether Richardson's amendment, changing his proposed location from Jacksonville to Orange Park, is a major amendment requiring that it be considered a new application not entitled to consolidation in the instant proceeding; to determine the areas and populations which would receive primary service from each of the proposals; to determine whether the installation and operation of the proposals of Ripley and Heckshur would comply with the Commission's Technical Standards; to determine whether the 307 (b) issue is applicable to this proceeding; and the comparative issues.

4. Ripley alleges that the "direct case" exhibits which Richardson offered in support of his application failed to meet the issues designated by the Commission; that they contain false, misleading and selfserving statements; and, therefore, Richardson's exhibits should be stricken, his application dismissed, and the application of the petitioner, Ripley, should be granted forthwith.

5. Having reviewed Ripley's allegations in support of its petition to strike Richardson's exhibits and dismiss his application, we find them to be without merit. The petitioner seeks to have the Commission make a determination as to the validity of the evidence presented in Richardson's exhibits in support of his case in chief and, upon exercising our judgment in this respect, to strike said exhibits. Such a function is presently a responsibility of the Hearing Examiner at this juncture of the proceeding. We find such a request to be contrary to our established hearing procedures and, therefore, Ripley's petition to the Commission to strike Richardson's exhibits is in that respect premature. Since petitioner's request to dismiss Richardson's application is predicated upon the striking of his exhibits, we find that this request is before us without foundation. With respect to Ripley's request that its own application be granted forthwith, we point out here that even in the absence of a competing application, there is a specific issue in this proceeding directed to petitioner's application which must be resolved by competent evidence of record. If we should grant applicant's petition herein, we would deny Richardson the right to a full and fair hearing.

6. In its petition filed November 27, 1957, Ripley requests the Commission to enlarge the issues to include the financial qualifications of Richardson or to allow the Examiner to enlarge the issues with respect to the sufficiency of available funds to effectuate his proposals. Ripley relies for support of this petition solely on his own information and belief relative to the ownership of the new site proposed by Richardson and the unavailability of the $15,000 bank loan on which Richardson relies to finance his proposal.

7. Ripley contends that Richardson's original application states that he owns the land upon which the Jacksonville station was to be built; that in amending his application to show a new site at Orange Park, and nothing more, the unchanged statement that he owns the land is still part of his application and false insofar as it is intended to apply to the Orange Park site. Ripley alleges that according to the address given of the new site, it is owned by one W. C. Martin; and that he is not a party to the Richardson application, but has his residence at this address. Petitioner alleges that it has learned that the $15,000 bank loan upon which Richardson relies will not be available to him because of the bank's announced policy that it confines its mortgages to Duval County loans.

8. In opposition, Richardson says he has never claimed to own Martin's land; the address given by him was the only established street number in that area and because the proposed site is undeveloped acreage, such designation seemed proper; that the actual transmitter site is under his legal control and is immediately adjacent to the address or Mr. W. C. Martin. In addition, Richardson's opposition includes a notarized statement signed by the Executive Vice-President of the Florida Dealers and Growers Bank of Jacksonville in which he states, in part, "* * * we have in the past made loans to individuals doing business in Orange Park, Florida, and have no objection to making loans in this community * * *."

9. Upon a careful consideration of all of the material allegations, it appears that petitioner would have us draw two inferences which we deem unsupported by the petition. Primarily, petitioner would have us infer that Richardson had been less than forthright and honest in his amended application before us and, secondly, that because of the proposed change in station location Richardson is not financially qualified. As we said in B. J. Parrish et al., 14 RR 480, 483, "There is nothing the the Commission's application form, its decisions or its rules which requires an applicant to demonstrate 'legal control' over its proposed site". With regard to the bank loan upon which Richardson relies to finance his proposed station, as opposed to what "Petitioner has learned" relative to the "Bank's announced policy that confines mortgages to Duval County loans", the Commission has before it a notarized statement dated November 29, 1957, and signed by the Executive Vice-President stating that the bank's policy is contrary to what the petitioner alleges to have learned. Therefore, we find petitioner's requested relief for enlargement of the issues with respect to the availability of funds to be without merit.

10. With respect to petitioner's alternative request that the Examiner be authorized to include an issue regarding the sufficiency of available funds to Richardson to effectuate his proposals, the Commission has generally conferred such authority to the Examiner in such cases where there is a standard comparative issue. We think such a request here is appropriate.

11. Ripley's petition, filed February 12, 1958, seeks enlargement of the issues to inquire into the legal, financial and other qualifications of Richardson. Petitioner's allegations of misstatements or non-disclosures by Richardson concerning his change in transmitter site and the effect upon his financial qualifications are predicated here on unsupported suspicions of the petitioner and nothing more. We find these allegations to be merely a re-argument of the matters raised previously by Ripley and on which we ruled in paragraphs 9 and 10, supra.

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[1] The application of Robert Heckshur was dismissed by Order of the Chief Hearing Examiner released November 19, 1957 (FCC 57M-1145).

12. Ripley suggests that Richardson's former consulting engineer, one Emerson Browne, might hold an undisclosed interest in Richardson's application, and on the strength of this vague suspicion asks us to enlarge the issues to determine if Richardson is guilty of failure to disclose this fact as suspected by petitioner. In the absence of any factual basis to support this inference, we must deny petitioner's request.

In view of the foregoing: *It is ordered*, This 21st day of May 1958, that the petition to strike exhibits and for grant filed November 26, 1957, by Joseph M. Ripley, Inc., is denied; that the portion of the petition to enlarge issues filed November 27, 1957, by Joseph M. Ripley, Inc., which requests a record determination of Richardson's financial qualifications, is denied; and the petition to enlarge issues filed February 12, 1958, by Joseph M. Ripley, Inc., is denied.

It is further ordered, That the alternative request to allow the Examiner to enlarge the issues with respect to the sufficiency of available funds is granted;

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on proper motion by a party to the proceeding and upon sufficient allegations of fact in support thereof by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4038; Filed, May 28, 1958; 8:52 a. m.]

[Docket Nos. 11588, 11999; FCC 58-474]

JOSEPH M. RIPLEY, INC. AND DAN RICHARDSON

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP-9788; Dan Richardson, Orange Park, Florida, Docket No. 11999, File No. BP-10697; for construction permits.

1. The Commission has before it for consideration (a) a petition to enlarge issues filed by Dan Richardson on February 5, 1958; (b) a reply to the petition filed February 11, 1958, by Chief, Broadcast Bureau; and (c) an opposition to the petition filed February 21, 1958, by Joseph M. Ripley, Inc.

2. By an order released April 24, 1957, the Commission designated for hearing the applications for construction permits for new standard broadcast stations to operate on 550 kilocycles with a power of 1 kilowatt, daytime only, at Jacksonville, Florida, by Joseph M. Ripley, Inc. (Ripley) and by Robert Heckshur,[1] and at Orange Park, Florida, by Dan Richardson (Richardson).

3. Issue No. 3 in this proceeding reads as follows:

> To determine whether the installation and operation of the proposals by Joseph M. Ripley, Inc., and Robert Heckshur would be in compliance with the Commission's Technical Standards with particular reference to the efficiency of the antenna system.

4. By the instant petition to enlarge issues, filed February 5, 1958, Richardson seeks to enlarge the scope of inquiry designated by Commission's issue No. 3 above to include the availability and adapability of Ripley's proposed site in compliance with the Commission's rules and standards. The additional issues requested are as follows:

> To determine whether the site proposed by Joseph M. Ripley, Inc., is available for the construction of the facilities proposed.
>
> To determine whether the lease between the Atlantic Coast Line Railroad and Joseph M. Ripley, Inc., contains restrictions on the use of the site proposed which would prevent the installation of the antenna and ground system in accordance with the Commission's rules and standards of good engineering practice.

5. Petitioner cites various excerpts from an alleged photostatic copy of the lease between Ripley and the Railroad contending that said excerpts demonstrate that the lease is so restrictive of the use of the property that Ripley cannot use the land for his proposed transmitter site and antenna and ground system.

6. We note that the Examiner reserved ruling on an objection to admitting the copy of said lease offered by Richardson into evidence in the absence of an issue establishing its relevance and materiality.

7. In addition to petitioner's allegation that the lease restricts the lessee's use of the property "for the purpose of operating a concrete products manufacturing plant and constructing and maintaining the necessary structures therefor", Richardson further charges that the City of Jacksonville, Florida, is using a strip of the land, covered by the lease, 50 feet wide and 360 feet long for storm and sanitary pipes and that the Railroad (lessor) "reserves an easement over and across the land leased hereunder for right of way for maintenance, use and operation of those two certain railroad tracks as presently located on the premises * * *." The petitioner alleges that the restrictions and reservations on the use of the site make it impossible for Ripley to construct in a manner which will meet the requirements of the Commission's rules and standards.

8. In replying to the instant petition, the Chief, Broadcast Bureau, believes that the questions which have been raised in this petition concerning Ripley's site proposal are sufficiently serious to justify the enlargement of the issues to the end that the applicant would be obliged to make a full showing on the availability of its site for its proposed radio station.

9. Ripley opposes the petition to enlarge the issues alleging that there has been no showing made that Ripley does not, in fact, control the leased site proposed, or that it is unable to secure the necessary modifications of the lease, which would permit installation of the antenna and ground system proposed. However, on April 2, 1958, Joseph M. Ripley, Inc., filed a petition for leave to amend its application in order to specify a different studio and transmitter site because the lessor (Atlantic Coast Line Railroad) expressed its intention to disapprove the use of its property by Ripley for a radio station. It thus appears that Ripley's opposition to the instant petition has been dispelled by virtue of its latter pleading.

10. Inasmuch as we were unable to determine at the time this proceeding was designated for hearing that the proposals by Ripley would comply with the Commission's Technical Standards with particular reference to the efficiency of the proposed antenna system and having considered the allegations contained in the instant petition challenging both the availability and adaptability of the site proposed by Ripley, we feel that the issues should be enlarged to inquire into the matters raised in the petition as hereinafter set forth.

Accordingly, it is ordered, This 21st day of May 1958 that the petition of Dan Richardson for enlargement of the issues is granted.

It is further ordered, That as a consequence of our action herein issue No. 5 in our April 24, 1957, order of designation (FCC 57-373) is renumbered issue No. 6 and the additional issue No. 5 is ordered to read as follows: To determine whether the site proposed by Joseph M. Ripley, Inc., is available to it for the construction of the facilities proposed by the said applicant, with particular reference to whether the restrictions or covenants in the lease between Joseph M. Ripley, Inc., and Atlantic Coast Line Railroad would prevent the installation of the antenna and ground system proposed by the applicant.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4039; Filed, May 28, 1958; 8:52 a. m.]

[Change List 121]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 25, 1958.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, Proposed changes, and Corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

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[1] The application of Robert Heckshur was dismissed by order of the Chief Hearing Examiner released November 19, 1957 (FCC 57M-1145).

[illegible]	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		800 kilocycles				
CJAD	Montreal, Quebec	10 kw	DA-1	U	II	Slight change in pattern only—EIO 12-15-58.
		950 kilocycles				
CKBB	Barrie, Ontario	5 kwD/2.5kwN	DA-1	U	III	Change in nighttime power from that notified on List No. 114, EIO 12-15-58.
		1130 kilocycles				
CKWX	Vancouver, B. C	50 kw	DA-1	U	I-B	Now in operation.
		1150 kilocycles				
CKTR	Three Rivers, Quebec	5 kwD/1 kwN	DA-2	U	III	EIO 4-15-59 (PO: 1350 kc, 1 kw DA-1).
		1230 kilocycles				
CKDM	Dauphin, Manitoba	0.25 kw	ND	U	IV	Delete assignment, vide 730 kc.
		1470 kilocycles				
CHOW	Welland-Port Colborne, Ontario.	0.5 kw	DA	D	III	Assignment of call letters.

Federal Communications Commission,
Mary Jane Morris,
Secretary.

[SEAL]

[F. R. Doc. 58-4047; Filed, May 28, 1958; 8:53 a. m.]

[Cuban Change List 2]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS, AND CHANGES, MODIFICATIONS, AND DELETIONS OF EXISTING STATIONS

April 23, 1958.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		680 kilocycles				
New	Camaguey, Camaguey	250	ND	U	IV	June 23, 1958
		710 kilocycles				
CMDU	Guantanamo, Oriente	250	ND	U	II	Do.
		1030 kilocycles				
CMGO	Colon, Matanzas	0.25	ND	U	II	Do.
		1180 kilocycles				
CMHV	Santa Clara, Las Villas	0.25	ND	U	IV	Do.
		1230 kilocycles				
CMDM	Santiago de Cuba, Oriente	0.25	ND	U	IV	Do.
		1320 kilocycles				
New	Moron, Camaguey	250	ND	U	IV	Do.

Federal Communications Commission,
Mary Jane Morris,
Secretary.

[SEAL]

[F. R. Doc. 58-4048; Filed, May 28, 1958; 8:53 a. m.]

[Docket Nos. 12422-12425; FCC 58M-520]

POMPANO BEACH BROADCASTING CORP. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Pompano Beach Broadcasting Corporation, Pompano Beach, Florida, Docket No. 12422, File No. BP-11297; Voice of South Miami Broadcasters, Inc., South Miami, Florida, Docket No. 12423, File No. BP-11410; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP-11489; South Miami Broadcasting, Incorporated, South Miami, Florida, Docket No. 12425, File No. BP-11751; for construction permits.

It is ordered, This 20th day of May 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a. m., June 5, 1958, in the offices of the Commission in Washington, D. C.

Released: May 21, 1958.

Federal Communications Commission,
Mary Jane Morris,
Secretary.

[SEAL]

[F. R. Doc. 58-4042; Filed, May 28, 1958; 8:53 a. m.]

[Docket Nos. 12229, 12230; FCC 58M-529]

WALTER G. ALLEN AND MARSHALL COUNTY BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of Walter G. Allen, Huntsville, Alabama, Docket No. 12229, File No. BP-10871; Marshall County Broadcasting Company, Inc., Arab, Alabama, Docket No. 12230, File No. BP-11088; for construction permits.

It is ordered, This 23d day of May 1958, on the Hearing Examiner's own motion, that hearing in the above-entitled proceeding will be held on June 26, 1958, 10 o'clock a. m. in the Commission's offices, Washington, D. C.

Released: May 23, 1958.

Federal Communications Commission,
Mary Jane Morris,
Secretary.

[SEAL]

[F. R. Doc. 58-4040; Filed, May 28, 1958; 8:52 a. m.]

[Docket No. 12326; FCC 58M-530]

HARDIN COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Harvard C. Bailes and Val D. Hickman d/b as The Hardin County Broadcasting Company, Silsbee, Texas, Docket No. 12326, File No. BP-11166; for construction permit.

It is ordered, This 23d day of May 1958, on the Hearing Examiner's own motion, that hearing in the above-entitled proceeding will be held on June 16, 1958, 10 o'clock a. m., in the Commission's offices, Washington, D. C.

Released: May 23, 1958.

Federal Communications Commission,
Mary Jane Morris,
Secretary.

[SEAL]

[F. R. Doc. 58-4041; Filed, May 28, 1958; 8:53 a. m.]

[Docket Nos. 12437-12439; FCC 58-478]

METROPOLITAN BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Metropolitan Broadcasting Corporation, Royal Oak-Clawson, Michigan, Docket No. 12437, File No. BP-10367; Van Wert Broadcasting Company, Van Wert, Ohio, Docket No. 12438, File No. BP-11638;

Lake Huron Broadcasting Corporation (WKNX), Saginaw, Michigan, Docket No. 12439, File No. BP-11735; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits by Metropolitan Broadcasting Corporation for a new standard broadcast station at Royal Oak-Clawson, Michigan to operate on 1220 kilocycles with a power of 1 kilowatt, directional antenna, daytime only; by Van Wert Broadcasting Company fot a new standard broadcast station at Van Wert, Ohio, to operate on 1220 kilocycles with a power of 250 watts, daytime only; and by Lake Huron Broadcasting Corporation to increase the power of Station WKNX, Saginaw, Michigan (1210 kc, 1 kw, Day), to 10 kilowatts;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its proposal, but that interference from the proposal of Metropolitan Broadcasting Corporation would affect more than ten percent of the population in the normally protected primary service area of the proposal by the Van Wert Broadcasting Company in contravention of § 3.28 (c) of the Commission rules; that the proposal of Metropolitan Broadcasting Corporation would cause interference to the proposal of Lake Huron Broadcasting Corporation (WKNX); that the proposal of Metropolitan Broadcasting Corporation would cause objectionable interference to Station WMPC, Lapeer, Michigan; that the transmitter site proposed by Metropolitan Broadcasting Corporation is not satisfactory since the 25 mv/m contour of this proposal would not encompass the business district of the city sought to be served as required by § 3.188 (b) (1); that the Metropolitan Broadcasting Corporation has failed to submit the information requested in letters dated June 14, 1957, December 17, 1957, and April 9, 1958, with respect to its directional antenna system and, therefore, it has not been determined whether the proposed directional antenna system can be adjusted and maintained as proposed, with particular regard to stability and efficiency; that interference from Station WGAR, Cleveland, Ohio, would affect more than ten percent of the population in the normally protected primary service area of the proposal of the Metropolitan Broadcasting Corporation in contravention of § 3.28 (c) of the Commission rules; that the proposal of Metropolitan Broadcasting Corporation would cause to the existing operation of Station WAHL, Hastings, Michigan, interference which is greater than that which obtained at the time the WAHL construction permit was granted subject to the condition that it accept the interference from the instant proposal of the Metropolitan Broadcasting Corporation, which proposal has been amended since that time to change its proposed operation; and that the proposal of Lake Huron Broadcasting Corporation may involve overlap of the 2 and 25 mv/m contours with Station WMPC, which overlap is prohibited by § 3.37 of the Commission rules, and would cause objectionable interference to the existing operation of Station WAHL; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated April 9, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude at that time that a grant of any one of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the instant applicants; and

It further appearing that in its reply filed on May 9, 1958, Lake Huron Broadcasting Corporation requested an extension of thirty days in which to reply to the Commission's letter of April 9, 1958 on the grounds that it is in the process of "designing a directional antenna which will remove the problems with Stations WCAU, WMPC, and WAHL, and will restrict radiation toward the proposed Royal Oak station so that no additional interference will be caused"; that "the Royal Oak applicant advised you that * * * [it, too] * * * is in the process of preparing certain amendments"; and that "subsequent to your letter of April 9, 1958, Station WAHL, Hastings, Michigan, has submitted an application to change from directional to nondirectional operation"; but that Van Wert Broadcasting Company contends in its reply dated May 2, 1958, that the instant applications should be designated for hearing "at the earliest possible date, without additional delay" on the grounds that Van Wert, Ohio, has "no local broadcast outlet of any kind" and that "four section 309 (b) letters have already been issued in this proceeding"; that we believe orderly dispatch of the Commission's business requires that the instant applications be designated for hearing without further delay, that, after designation for hearing, an applicant may petition for leave to amend upon a showing of good cause, pursuant to § 1.311 (b) of the Commission rules, and that, therefore, said request by Lake Huron Broadcasting Corporation for an extension of time in which to reply to the Commission's letter of April 9, 1958, should be denied; and

It further appearing, that the proposal of Lake Huron Broadcasting Corporation would increase the radiation of Station WKNX toward Station WCAU, Philadelphia, Pennsylvania, a Class 1-A station, and that, therefore, in the event of favorable action on this proposal in the hearing provided for below, the application should be returned to the pending file until conclusion of the proceedings in Docket No. 8333 on the "daytime skywave" matter, pursuant to § 1.351 of the Commision rules, and

It further appearing, that at the present time there is before the Commission an application by Donald G. Garey to change the facilities of Station WAHL, Hastings, Michigan (1220 kc, 250 w, DA-D), to nondirectonal operation, File No. BP-11971; that said proposal involves a question of borderline interference with the instant proposal of Lake Huron Broadcasting Corporation to change the facilities of WKNX, and, therefore, the pendency of either proposal should not preclude a grant of the other, but a grant of each should contain the condition that the permittee accept the interference from the other; that, while the WAHL proposal will receive from the proposal of Metropolitan Broadcasting Corporation interference which is in excess of that which obtained at the time the WAHL grant was conditioned on acceptance of interference from the proposal of Metropolitan Broadcasting Corporation, the interference now obtaining to the WAHL proposal is not of such magnitude as to preclude a subsequent grant thereof, and, that, therefore, it is unnecessary to include the said WAHL proposal in the consolidated hearing proceeding ordered hereinafter; and

It further appearing that in view of the foregoing, the Commission is of the opinion that a hearing on the above-captioned applications is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposals of Metropolitan Broadcasting Corporation and Van Wert Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would gain or lose primary service from the operation of Station WKNX as proposed herein, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Metropolitan Broadcasting Corporation would involve objectionable interference with Station WMPC, Lapeer, Michigan, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposals of Metropolitan Broadcasting Corporation and Lake Huron Broadcasting Corporation would involve objectionable interference to the existing operation of Station WAHL, Hastings, Michigan, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Lake Huron Broadcasting Corporation would involve overlap of the 2 and 25 mv/m contours with Station WMPC, Lapeer, Michigan, as prohibited by § 3.37 of the Commission rules.

6. To determine whether interference received from Station WGAR, Cleveland, Ohio, would affect more than ten percent of the population in the normally pro-

primary service area of the instant proposal of Metropolitan Broadcasting Corporation in contravention of § 3.28 (c) of the Commission rules; and, if the proposal is not in compliance with said section, whether circumstances exist which would warrant a waiver of § 3.28 (c).

7. To determine whether the transmitter site proposed by Metropolitan Broadcasting Corporation is satisfactory from the standpoint of the proposal's providing a 25 mv/m contour over the business district of the city sought to be served as required by § 3.188 (b) (1) of the Commission rules.

8. To determine whether the directional antenna system proposed by Metropolitan Broadcasting Corporation can be adjusted and maintained as proposed, with particular regard to stability and efficiency.

9. To determine the nature and extent of the interference, if any, that each of the operations would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

10. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

11. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That Donald G. Garey and The Liberty Street Gospel Church of Lapeer, licensees of Stations WAHL, Hastings, Michigan, and WMPC, Lapeer, Michigan, respectively, are made parties to the hearing; and

It is further ordered, That the above-referenced request of Lake Huron Broadcasting Corporation for an extension of time to June 9, 1958, to reply to the Commission's letter of April 9, 1958, is denied; and

It is further ordered, That, in the event of a grant of the instant proposal of Lake Huron Broadcasting Corporation, the construction permit shall contain a condition that the permittee accept the interference which its proposal would receive from the operation of Station WAHL, Hastings, Michigan, as proposed this date in application File No. BP-11971; and

It is further ordered, That, if the application of Lake Huron Broadcasting Corporation is favored in the hearing provided for above, said application, pursuant to § 1.351 of the Commission rules, shall be put in the pending file and held without final action until conclusion of proceedings in Docket No. 8333 relative to the "daytime skywave" matter; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give assurance that the proposals set forth in the application will be effectuated.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4043; Filed, May 28, 1958; 8:53 a. m.]

[Docket No. 12440; FCC 58-479]

MACOMB BROADCASTING CO. (WKAI)

ORDER DESIGNATING APPLICATION FOR HEARING OF STATED ISSUES

In re application of the Macomb Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 12440, File No. BP-11239; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of May 1958;

The Commission having under consideration the above-captioned application of the Macomb Broadcasting Company for a construction permit to change the facilities of Station WKAI, Macomb, Illinois (1510 kc, 250 w, Day), to operation on 1250 kilocycles with a power of 1 kilowatt, directional antenna, daytime only;

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, and otherwise qualified to construct and operate its instant proposal, but that operation of Station WKAI as proposed would involve with Station WIZZ, Streator, Illinois, interference which is considered objectionable under the Commission rules; that interference from Stations WIZZ and KCFI (Cedar Falls, Iowa) may affect more than ten percent of the population in the normally protected primary service area of the instant proposal, in contravention of § 3.28 (c) of the Commission rules; and that on the basis of the financial information submitted with this application, the Commission is unable to find that the applicant is financially qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated March 7, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a timely reply, the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that in view of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would gain or lose primary service from operation of Station WKAI as proposed herein, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station WKAI as proposed herein would involve objectionable interference with Station WIZZ, Streator, Illinois, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations WIZZ, Streator, Illinois, and KCFI, Cedar Falls, Iowa, would affect more than ten percent of the population in the normally protected primary service area of the operation of Station WKAI as herein proposed, in contravention of § 3.28 (c), of the Commission rules; and whether, if said proposal does not comply with § 3.28 (c), circumstances exist which would warrant a waiver of the section.

4. To determine whether The Macomb Broadcasting Company is financially qualified to construct and operate its instant proposal.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of this application would serve the public interest, convenience, and necessity.

It is further ordered, That Streator Broadcasting Company, licensee of Station WIZZ, Streator, Illinois, is made a party to the hearing;

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondent herein, pursuant to the provisions of § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4044; Filed, May 28, 1958; 8:53 a. m.]

[Docket Nos. 12441, 12442; FCC 58-480]

PAN AMERICAN RADIO CORP. AND VERNON G. LUDWIG

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pan American Radio Corporation, Tucson, Arizona, Docket No. 12441, File No. BP-11280; Vernon C. Ludwig, Benson, Arizona, Docket No. 12442, File No. BP-11784; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of May 1958;

The Commission having under consideration the above-captioned applications of Pan American Radio Corporation and Vernon C. Ludwig for construction permits for new standard broadcast stations to operate on 1600 kilocycles with a power of 1 kilowatt, daytime only, at Tucson and Benson, Arizona, respectively; and

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially, and otherwise qualified to construct and operate their proposed stations, but that operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated April 14, 1958, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that in timely replies, both applicants stated that they would appear at a hearing on their applications; and

It further appearing that after consideration of the foregoing, the Commission is of the opinion that a hearing on these applications is required;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine in light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to the provisions of § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be sufficient.

Released: May 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4045; Filed, May 28, 1958; 8:53 a. m.]

[Docket No. 12443; FCC 58-483]

COMMUNITY ANTENNA SYSTEMS, TV TRANSLATORS, TV "SATELLITE" STATIONS, AND TV "REPEATERS"

IMPACT ON ORDERLY DEVELOPMENT OF TELEVISION BROADCASTING; NOTICE OF INQUIRY

1. From the inception of television broadcasting, it has been apparent that, owing to the high costs of providing television service, considerable difficulty would be encountered in bringing to the smaller communities and more sparsely settled areas of the country as much program service and choice as could be more readily made available to that portion of the public living in larger cities and densely populated areas. The basic economic factors underlying this circumstance are too familiar to warrant repetition or elaboration here. The essential fact is that there are numerous smaller communities and sparsely settled areas where there is insufficient economic support for the operation of regular television stations. This is illustrated by the fact that there are only 325 communities which have one or more local television stations as compared with 1,700 communities which have locally assigned radio stations.

2. The demand for television service in the economic fringe areas has spurred the public and industry to find solutions. The Commission has participated in the effort by adapting its rules to facilitate the provision of television program service in the numerous communities unable to support a regular television station.

3. The responses to the problem have taken various forms. Taking their cue from the successful use of master antennas and a system of cable distribution and amplification of television signals to numerous receivers in large apartment buildings, entrepreneurs early conceived and adapted this idea for use in small outlying communities which, because of the distance from the nearest television station or uneven terrain, or both, were unable to obtain satisfactory reception on home receiving antennas. In the typical case the facility, which has come to be known as a community antenna television system, establishes a receiving antenna at some favorable reception point—usually a hilltop or mountaintop—amplifies the signal and retransmits it over a closed circuit cable system connecting the master receiving antenna with the homes of individual subscribers.

4. Some CATV systems have contracted for the microwave transmission of programs by common carriers from a distant off-the-air pickup point at which the signals can be satisfactorily received, to a point where the signals are fed into the local cable distribution system. It is reported that there are now in existence approximately 550 CATV systems in as many communities, serving an aggregate half-million subscribers.

5. Elsewhere, small isolated communities manage to obtain television service by the use of TV repeaters whose function essentially is the off-the-air pickup of incoming television signals at a favorable reception point and the amplification and retransmission of these signals by radio to the community. At first retransmission was typically performed on the same frequency as the incoming signal. Today, owing to difficulties encountered with ghosting interference, the signals are more usually converted to and retransmitted on a different frequency. Although accurate information is not available, it is reported that there are approximately 1,000 such facilities in operation. The operation of such devices has not been authorized by the Commission and is therefore conducted in violation of the requirement of the Communications Act that all users of radio frequencies be licensed by the Commission.

6. The Commission has for many years realized the plight of the more remote areas and undertook several steps to meet the problem of inadequate TV service. In August 1954 a policy statement was issued in which it was stated that consideration would be given to applications for new TV broadcast stations even though no provision for local programs was proposed. Such stations would be permitted to operate for the purpose of rebroadcasting the programs carried by other TV stations. It was the purpose of this policy to stimulate the installation of TV stations in the smaller markets by eliminating the cost of expensive studio equipment and the expense of local programming. Although the term is not used in the Commission's rules, such stations became known as "satellite" stations. Insofar as the rules are concerned, "satellite" stations are licensed as regular TV broadcasting stations and may at any time originate local programs. As a matter of fact, such stations are encouraged to do so whenever the economics permit.

7. The policy statement regarding so-called "satellite" stations did result in the construction of several such stations in medium sized markets but fell short of solving the problem of TV reception in the small, remote communities. The Commission, with the cooperation of the TV industry, made a comprehensive study of various methods of bringing TV reception to small communities at low cost and after careful consideration of all available data, promulgated rules to provide for the licensing of TV broadcast translator stations. Such stations are permitted to receive the signals of television broadcast stations operating on any VHF or UHF channel, convert or "translate" the signals to a channel in the upper UHF television broadcast band,

and retransmit them with a maximum transmitter power output of 10 watts. Approximately 125 television translators are in operation and applications continue to come in. It is estimated that between a quarter and a half million people are within receiving range of existing TV translators.

8. Use of these various facilities for bringing television program service to communities lacking regular local stations and situated beyond the range of satisfactory service from nearby stations has made possible a notable advance in the provision of television services and program choices to numerous communities and an uncounted but very considerable number of persons.

9. The use of these facilities has, however, created a number of problems which require study in an effort to determine whether any revision of Commission policies and regulations or any amendments to the existing law would be appropriate. Some of these problems are peculiar to the individual services. Others touch on them all.

10. Before defining specific issues on which parties will be invited to submit data and comments, we will briefly summarize the problems which are involved—first with respect to the individual services and second as to all of them in common.

11. None of the 1,000 repeaters reported to be in operation has been authorized by the Commission. They have not been authorized because of the objectionable interference they cause and because of the advantages of employing translators authorized under the Commission's rules, which avoid or minimize those interference problems. There is pending before the Commission a rule making proceeding (Docket No. 12116) in which consideration is being given to the authorization of repeater-type operations within appropriate limits.

12. Because of the pendency of that proceeding, no useful purpose would be served here by discussing or designating issues concerning the technical advantages and disadvantages of repeater operation. We thus merely note that these questions are before us in a separate proceeding and propose issues in this proceeding relating to repeaters only in respect to the question of the economic impact of their operation on existing or potential future regular television stations.

13. Similarly, it would be inappropriate in this proceeding to designate issues relating to the technical aspects of translator operation. It may be noted that reports of translator operations indicate the successful transmission of clear pictures and the relative absence of interference of the types to which repeaters are subject. As in the case of repeaters, the aspect of translator operation which bears directly on the problems with which this proceeding is primarily concerned is the economic impact of translator operation on the successful operation of regular local television stations.

14. Similarly, the aspect of satellite operations which is relevant here is the effect of such operation on the possibilities for establishing regular television stations which provide locally originated programs.

15. While, as in the case of repeaters and translators, and to a lesser degree in the case of satellite stations, CATV systems pose problems relating to their competitive impact on regular television stations, CATV systems involve, additionally, certain jurisdictional and policy questions arising out of the character of the CATV facility and the service it renders.

16. In a Memorandum Opinion and Order adopted by the Commission on April 2, 1958 (In the Matter of Frontier Broadcasting Company, et al, Complainant, v. J. E. Collier and Carol O. Krummel, db/as Laramie Community TV Company, et al, defendant), the Commission announced its conclusion that it does not possess licensing or regulatory jurisdiction over community antenna television systems. We may here note briefly the basis on which the conclusion of non-jurisdiction over CATV systems was reached. First, it was concluded that they are not carriers. Second, even assuming they were carriers, their operations are typically intra-state, whereas the Act gives the Commission regulatory jurisdiction over only those common carriers operating facilities which provide interstate or foreign communications service. Finally, it seemed clear that, since their operation is confined to the transmission of television programs to subscribers over closed circuit cable systems, there is no basis on which to assume licensing or regulatory powers over CATV systems as users of the radio spectrum under Title III of the Communications Act.

17. On May 5, 1958, Frontier Broadcasting Company filed a petition for reconsideration of the Memorandum Opinion and Order adopted on April 2, 1958. Although the question of the Commission's direct jurisdiction over CATV systems is separate from the other issues in this proceeding, it is sufficiently related to them that it will be appropriate to include that issue herein in response to the foregoing petition for reconsideration.

18. A separate problem concerning CATV systems relates to the use by some of them of common carrier facilities for the point-to-point microwave relay transmission of television programs from off-the-air pickup points to points at which the signals are fed into the cable distribution system at the local community to be served. It has been urged that the Commission refuse to license the installation and use of such microwave relay systems where they are installed by common carriers to bring programs to CATV systems in communities and areas served by local television stations. Such action by the Commission would be subject to several objections. First, it would constitute indirect regulation and control of CATV systems over which the law has provided no clear direct jurisdiction. Second, it would represent a novel and questionable departure from normal common carrier regulation to preclude service to particular classes of users rather than, as is the normal case, to authorize and require common carriers to provide service without discrimination to all users. Despite the serious doubts arising from these considerations, we herein afford interested parties an opportunity to comment by including these questions among the issues designated hereinbelow.

19. This brings us to the central problem underlying the entire proceeding: evaluation of the economic impact exerted by small town television facilities of the various kinds described above on the construction and the successful operation of regular television stations. The complexity of this problem can be readily appreciated by considering a representative case. In a small city which receives service from a television station assigned to the local city or to a nearby city a CATV system provides national network and other national program services brought in from distant stations located in larger markets where the major networks have basic affiliates. The television station in the local community is unable to obtain or provide more than a minimal amount of network programming and, at best, can furnish only a single source of programs, Being located in an economic fringe area, the station has difficulty achieving successful financial operation.

20. According to allegations submitted to the Commission, one of the principal factors affecting the ability of the station to operate successfully is the substantial diversion of audience to the network and other nationally distributed programs carried over the CATV system which may have two, three, four or even five operating channels. The CATV system obtains the programs provided to subscribers by off-the-air pickup and pays nothing for the use of those programs. It is also alleged that advertising sponsors of network and other nationally distributed programs thus secure local audiences without additional expense, and accordingly have no incentive to buy time on a local station for carrying the programs brought in from the outside. This is said to have a bearing on the ability of the local television station to secure network programs and also to secure sufficient audience to induce the support of local broadcasters.

21. Similar considerations may be applicable where outside programs are brought in by repeaters or translators. The essential problem is that the provision of programs from the outside by other means is said to affect the ability of a station to operate successfully and to provide a local service. The representative situation outlined above has numerous variations, but the essential problem is said to be present in them all.

22. On the other hand, there are those who feel that the installation of these devices stimulates the purchase of TV receivers and thereby improves the opportunity for a local TV broadcast station to operate successfully. This, it is said, would encourage the inauguration of local television service in many communities by providing an existing audience. This may be particularly significant in the case of the TV translators which develop an audience equipped

with UHF receivers because in many small communities which might have a local station, only UHF channels could be made available.

23. Putting aside for the moment purely jurisdictional considerations—which differ as among CATV systems, translators, repeaters and satellites—the alternatives which may be open to the Commission are extremely difficult to assess from the standpoint of what would most serve the public interest. We make no findings herein, but for the moment assuming that some validity attaches to the argument that existing stations may be forced by these other types of facilities to close down or curtail service, or that stations which might otherwise be built will be foreclosed, the alternatives run somewhat as follows. If the CATV system or other small town program distribution facility is obliged to discontinue, the local residents would be deprived of two, three, four or five services which these facilities can provide them. They would thus be reduced to a single source of programs—the local station—which in many cases cannot provide even the amount of network programs which the CATV or other local system brings in over a single channel. As against this the continued operation of CATV systems, repeaters and translators is charged by some as threatening and in some cases causing the demise of local stations. This not only removes a local outlet for the broadcast of local events, but also deprives service to persons who may be within the reach of the regular television station but are not served by the CATV system or other types of local service facilities, as the case may be.

24. This discussion does not exhaust but merely points out a number of problems involved. They require close scrutiny and study.

25. Before we endeavor to reach conclusions as to the action it may be appropriate for the Commission to take on the foregoing problems, either by way of amendment of Commission policies and rules or legislative recommendations to Congress, we believe it would be appropriate and useful to afford all interested parties an opportunity to submit such data and views as they feel should be taken into account.

26. Written comments may be filed on or before June 27, 1958, in an original and 14 copies. Authorization for the institution of this proceeding is found in section 403 of the Communications Act of 1934, as amended. Data and views are desired, in particular, on the following issues:

1. In which communities, and to how many persons are 1, 2, 3 or more television program services provided by:

(a) CATV systems
(b) Repeaters
(c) Translators
(d) Satellite TV stations

2. In which of the communities under (1), above, are there:

(a) Television stations authorized but not yet operating.
(b) Television stations in operation.
(c) Television stations built but now off the air.
(d) Foreseeable opportunities for the operation of one or more television stations.

3. How many persons receive their only satisfactory television service from regular television stations located in or near communities in which CATV systems, repeaters or translators are operating?

4. How many of the communities under (1) above had no local television station but receive satisfactory direct reception from a television station in a nearby city or town? Specify.

5. In what ways and to what extent do the operations of CATV systems, repeaters, translators and satellites affect the ability of existing and potential television stations to obtain revenues and programs? What significant light has been cast on this question by experience to date in the operation of regular television stations in communities where CATV systems, repeaters and translators have been in operation?

6. What areas and populations receive no television service of any kind and what steps would it be desirable for the Commission to take to encourage and foster the provision of service to such areas and populations?

7. In what circumstances, if any, would public interest considerations justify prohibiting or limiting the operation of CATV systems, repeaters, translators or satellites?

8. Could the Commission justifiably distinguish between communities which have or do not have regular local television stations, in determining whether the public interest would be served by the provision of one or more program services by local CATV systems, repeaters or translators?

9. If the choice had to be made, would it be more in the public interest to maintain the only service provided to people living in rural areas by a television station, or to permit the provision of multiple program services to a smaller number of persons residing in a town served by a CATV system, repeaters or translators at the cost of or at serious risk to the continuation of service to other persons wholly dependent on the local television station?

10. What specific kinds of limitations and restrictions might it be in the public interest to impose on CATV systems, repeaters or translators, and what standards or criteria should govern the imposition of such limitations or restrictions?

11. What basis, if any, is there for the assumption by the FCC, under present law, of licensing and regulatory powers over CATV systems?

12. Would it constitute a legally valid exercise of FCC's regulatory jurisdiction over common carriers to deny authorization for common carrier microwave, wire or cable transmission of TV programs to CATV systems on the ground of adverse competitive impact on the construction or successful operation of local or nearby television stations?

13. Can economic injury to a television station be a valid public interest justification for denial of authorization to local program distribution services which compete with a local regular television station?

14. What legislative recommendations might it be appropriate to submit to Congress in respect to FCC jurisdiction over CATV systems?

Adopted: May 21, 1958.

Released: May 22, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4046; Filed, May 28, 1958;
8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DEPUTY DIRECTORS

DELEGATION OF AUTHORITY

Pursuant to the authority (22 F. R. 1452) delegated to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, the following delegation of authority is made:

1. Under the direction and supervision of the Director, the Deputy Directors of the Fruit and Vegetable Division are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Director.

2. No delegation or authorization prescribed herein shall preclude the Director from exercising any of the functions or powers or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

Issued at Washington, D. C., this 23d day of May 1958, to become effective May 23, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-4054; Filed, May 28, 1958;
8:55 a. m.]

CHIEF OF THE REGULATORY BRANCH

DELEGATION OF AUTHORITY

Pursuant to the authority (22 F. R. 1452) delegated to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, the delegation of authority to the Chief of the Regulatory Branch of the Fruit and Vegetable Division, appearing at 19 F. R. 146 is hereby revoked and the following is substituted therefor:

1. Under the direction and supervision of the Director or Deputy Director, Fruit and Vegetable Division, the Chief of the Regulatory Branch is hereby delegated the authority to perform all the duties and to exercise all the functions and powers (including the power of redelegation) which the Director is, or may hereafter be, authorized to perform or exercise in the administration of the Perishable Agricultural Commodities

1930 (7 U. S. C. 499a et seq.), Standard Containers Acts of 1916 (15 U. S. C. 251-256) and 1928 (15 U. S. C. 257-257i) and Produce Agency Act (7 U. S. C. 491-497): *Provided, however*, No authority is delegated hereunder to sign a moving paper (7 C. F. R. 47.2 (r)), approved the issuance of consent orders (7 C. F. R. 47.32 (b)) or to issue notices of suspension for failure to produce records (7 U. S. C. 499m (a)).

2. No delegation or authorization prescribed herein shall preclude the Director or Deputy Director from exercising any of the functions or powers or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

Issued at Washington, D. C., this 23d day of May 1958, to become effective May 23, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-4055; Filed, May 28, 1958; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STATES MARINE CORP. AND ISTHMIAN LINES, INC.

NOTICE OF ANNUAL REVIEW OF BAREBOAT CHARTERS

Notice is hereby given of annual review of the charters covering the following government-owned, war-built, dry-cargo vessels to be made during the month of June, 1958:

Vessel and charterer	*Annual review date*
"Rock Springs Victory," States Marine Corp.	6/11/58
"Plymouth Victory," Isthmian Lines, Inc.	6/22/58

Any interested party may state his position in writing (in triplicate) regarding the continuance or discontinuance of the charters on said vessels, with the grounds and data relied upon in support of his position, and a written request (in triplicate) for a hearing in the premises may be filed with the Secretary, Federal Maritime Board, by the close of business on June 9, 1958.

By order of the Federal Maritime Board.

Dated: May 27, 1958.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4080; Filed, May 28, 1958; 8:55 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-78]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no requests for formal hearing having been filed following filing of the notice of proposed action with the Federal Register Division the Atomic Energy Commission has this date issued Facility License No. R-41 authorizing American Radiator & Standard Sanitary Corporation to possess and operate a one watt (thermal) research and training reactor at Mountain View, California.

Notice of proposed issuance of this license was published in the FEDERAL REGISTER on October 16, 1957, 22 F. R. 8189.

Dated at Germantown, Md., this 21st day of May 1958.

For the Atomic Energy Commission,

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-4002; Filed, May 28, 1958; 8:45 a. m.]

[Docket No. 50-38]

MARTIN CO.

NOTICE OF PROPOSED ISSUANCE OF AMENDED UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue an amended License CX-7 substantially as set forth in Annex "A" below, authorizing The Martin Company to conduct the Engineering, Research and Development Laboratory (ERDL) experiments, previously known as the U. S. Army Package Power Reactor critical experiments, at the Company's critical experiments facility in Middle River, Maryland, unless on or before 15 days after the filing of this notice with the Federal Register Division, a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by The Martin Company, and amendments thereto, and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for amendment, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22d day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

ANNEX "A"

PROPOSED AMENDED UTILIZATION FACILITY LICENSE

[License No. CX-7 As Amended]

By application dated October 26, 1956, and subsequent amendments thereto, all filed under Docket No. 50-38, The Martin Company requested authorization to construct a facility for the conduct of two critical experiments designated as The Martin Power Reactor (MPR) experiments and the Engineering, Research and Development Laboratory (ERDL) experiments, previously known as the U. S. Army Package Power Reactor experiments. Construction Permit No. CPCX-6 was issued to The Martin Company on May 31, 1957. License No. CX-7 authorizing The Martin Company to conduct The Martin Power Reactor experiments only, was issued on December 6, 1957. The application was further amended by Report MND-E-1157 dated December 1957, and supplements thereto dated March 26, 1958, April 2, 1958, and April 15, 1958, containing a final hazards summary of the ERDL experiments.

1. The Atomic Energy Commission (hereinafter "the Commission") finds that:

a. The nuclear reactors authorized for construction by Construction Permit No. CPCX-6 issued to The Martin Company have been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter "the Act") and the rules and regulations of the Commission;

b. There is reasonable assurance that the nuclear reactors can be operated without endangering the health and safety of the public;

c. The Martin Company is technically and financially qualified to operate the nuclear reactors;

d. Issuance of a license to possess and operate the nuclear reactors will not be inimical to the common defense and security or to the health and safety of the public;

e. The Martin Company has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The Martin Company:

a. Pursuant to section 104 (c) of the act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as utilization facilities the nuclear reactors designated below and to conduct therein The Martin Power Reactor experiments described in MND 1112, dated August 15, 1957, and The Martin ERDL critical experiments described in MND-E-1157, dated December 1957, and supplements thereto dated March 26, 1958, April 2, 1958, and April 15, 1958, in accordance with the procedures described in the application.

b. Pursuant to the act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate such byproduct material as may be produced in the operation of the nuclear reactors.

3. This license applies to the nuclear reactors which are owned by The Martin Company and located near Middle River in Baltimore County, Maryland, and described in The Martin Company's application dated October 26, 1956, and subsequent amendments thereto all filed in Docket 50-38 (herein referred to as "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

a. The nuclear reactor constructed for The Martin Power Reactor critical experiments and the nuclear reactor constructed for The Martin ERDL critical experiments may not be operated for any purpose other than the conduct of the said experiments unless specifically authorized in advance by the Commission.

b. The Martin Company shall not operate either of the nuclear reactors at a power level in excess of 10 watts (thermal).

c. In addition to those otherwise required under this license and applicable regulations,

The Martin Company shall keep the following records:

(1) Reactor operating records as described in the application.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of The Martin Company as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

d. The Martin Company shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the nuclear reactors.

5. This license is effective as of the date of issuance and shall expire at midnight May 13, 1959, unless sooner terminated.

Date of Issuance:

For the Atomic Energy Commission,

Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-4001; Filed, May 27, 1958; 4:13 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9036]

CERTIFICATED AIR CARRIER MILITARY TENDER INVESTIGATION

NOTICE OF ORAL ARGUMENT

In the matter of a proceeding known as the Certificated Air Carrier Military Tender Investigation.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 18, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 26, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4049; Filed, May 28, 1958; 8:54 a. m.]

[Docket No. 9333]

STEWART AIR SERVICE

NOTICE OF HEARING

In the matter of Stewart Air Service Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 10, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington D. C., May 26, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4050; Filed, May 28, 1958; 8:54 a. m.]

[Docket No. 9223]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the unrealistic schedules filed and published by National Airlines, Inc.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on May 26, 1958, is postponed to June 10, 1958, at 10:00 a. m., e. d. s. t., in Room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., May 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. D. Doc. 58-4051; Filed, May 28, 1958; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3132]

HUMBLE OIL & REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1958.

Take notice that Humble Oil & Refining Company (Applicant), a Texas corporation with principal place of business in the Humble Building, Houston 1, Texas, filed on September 27, 1954, in the above-captioned docket, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from leases in the Sandy Hook, Angie and East Angie Fields, Marion and Pearl River Counties, Mississippi, and Washington Parish, Louisiana, and sells such natural gas to Southern Natural Gas Company for resale in interstate commerce under a contract with Southern Natural Gas Company, dated October 26, 1951, designated in the Commission's files as Applicant's FPC Gas Rate Schedule No. 39.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 11, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4018; Filed, May 28, 1958; 8:48 a. m.]

[Docket No. G-5146]

HUMBLE OIL & REFINING CO.

NOTICE OF HEARING

MAY 23, 1958.

Humble Oil & Refining Company (Applicant), a Texas corporation with principal place of business at Houston 1, Texas, filed on November 19, 1954, an application for a certificate of public convenience and necessity in the above-captioned docket, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Notice of the filing of said application and its consolidation for purposes of hearing with the proceedings In the Matters of Arkansas Lousiana Gas Company, et al., Docket Nos. G-4438, et al., was issued on September 5, 1956, and published in the FEDERAL REGISTER on September 11, 1956 (21 F. R. 6873-74). By further notice issued on September 24, 1956, and published in the FEDERAL REGISTER on September 28, 1956 (21 F. R. 7465), said application was severed at the request of Applicant from the aforementioned consolidated proceedings and the hearing thereon was postponed to a date to be fixed by further notice.

Applicant produces rautral gas from leases in the Yarbrough-Allen Field, Ector County, Texas, and sells such natural gas to El Paso Natural Gas Company for resale in interstate commerce under a contract with El Paso Natural Gas Company, dated July 6, 1953, designated in the Commission's files as Applicant's FPC Gas Rate Schedule No. 1.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington,

D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 11, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4019; Filed, May 28, 1958; 8:48 a. m.]

[Docket No. G-13647]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1958.

Take notice that on November 6, 1957, Gulf Interstate Gas Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application[1] in Docket No. G-13647 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of ten 30-inch diameter pipeline loops, looping a total of 351.7 miles of the 841.5-mile-long 30-inch main line between points in Louisiana and Kentucky and two 24-inch diameter lateral pipeline loops in Louisiana, totaling 54.0 miles,[2] all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

It appears that Applicant is engaged in the operation of a pipeline for the transportation for and delivery to United Fuel Gas Company (United Fuel) of natural gas purchased by United Fuel from various fields in Louisiana. United Fuel is one of the subsidiary companies of the Columbia Gas System, Inc., and the gas transported by Applicant for United Fuel's account goes into the pooled supply of the Columbia Gas System and is used to satisfy a portion of the needs of that system.

The application indicates that United Fuel has informed Applicant that present forecasts of future Columbia System requirements indicate that by November 1958 approximately 612,000 Mcf per day will be needed, and that during the 1958-1959 winter it will require up to 662,000 Mcf per day. Applicant's presently certificated design capacity of 575,000 Mcf daily will not suffice, but the instant proposal will enable Applicant to transport the volume required by the Columbia System. The proposed facilities will give Applicant a maximum design capacity of 66,000 Mcf per day, or about 91,000 Mcf more than that certificated in Docket No. G-11880.

The new facilities will enable United Fuel to take advantage of opportunities to contract for immediate takes of gas from sellers forced to sell by drainage, possible loss of lease or other exigencies, and will enable United Fuel to make up shortages in takes under "take-or-pay" and ratable take contracts. United Fuel has paid for 11 billion cubic feet of unreceived gas and is short 1.3 billion cubic feet in ratable takes from certain fields.

In support of the additional system capacity United Fuel has acquired additional reserves in the amount of 356,891 MMcf at 14.73 psia.

Applicant estimates that the cost of the total project will be about $53,000,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1958, at 9:30 a. m., e. d. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4020; Filed, May 28, 1958; 8:49 a. m.]

[Docket No. G-14466]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1958.

Take notice that on February 11, 1958, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation with its principal place of business in Chicago, Illinois, filed in Docket No. G-14466 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the future construction and operation of field facilities to enable it to take into its certificated main pipeline system natural gas which will be purchased from producers in the area of its pipeline system during 1958, subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission, and open for public inspection.

The application recites that the filing in Docket No. G-14466 will eliminate numerous future certificate filings by Texas Illinois in 1958 for the sole purpose of installing facilities to attach new supplies of gas to its system where expansions of its overall transmission system are not involved.

The application further recites that the total cost of field facilities to enable it to take gas from producers will not exceed $500,000 in 1958 nor $125,000 for any single project.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 16, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4021; Filed, May 28, 1958; 8:49 a. m.]

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[1] Supplemental information was filed on December 12 and 16, 1957, as well as on April 21 and May 12, 1958.

[2] The two lateral loops are designed to increase the flow of gas into the southernmost mainline compressor station No. 10, at Rayne, Louisiana. Each of the ten mainline loops would be at the discharge side of a mainline compressor station and would partially loop the line to the next station.

[Project No. 2244]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MAY 23, 1958.

Public notice is hereby given that Washington Public Power Supply System, of Kennewick, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a preliminary permit for proposed water-power Project No. 2244, to be known as the Packwood Lake Hydroelectric Project and located on Lake Creek, Hall Creek, and Packwood Lake, near Packwood in Lewis County, Washington, affecting lands of the United States within Gifford Pinchot National Forest. The proposed project would consist of a low rock dam on Lake Creek at the outlet of Packwood Lake with crest at about elevation 2,867 feet above mean sea level and drawdown limited to two feet below crest elevation, intake structure, pipeline about 24,500 feet long, penstocks about 7,400 feet long, a powerhouse near Packwood containing three 10,000-horsepower turbines each connected to a 7,500-kilovolt-ampere generator at 0.8 power factor, and appurtenant facilities.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives the permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 3, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4024; Filed, May 28, 1958; 8:49 a. m.]

[Docket No. G-14504]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1958.

Take notice that on February 14, 1958, United Fuel Gas Company (Applicant), a West Virginia corporation having its principal place of business in Charleston, West Virginia, filed in Docket No. G-14504 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the sale in interstate commerce of natural gas for resale to The Ohio Valley Fuel Gas Company (Ohio Valley) at an additional delivery point near the village of Whites Creek, in Wayne County, West Virginia, and (2) the continued operation of existing measuring equipment for such purpose, subject to the jurisdiction of the Commission, all as more fully set forth in the application on file with the Commission and open for public inspection.

Applicant estimates that Ohio Valley's future gas requirements through the proposed delivery point will be 1,546 Mcf annually for 1958 and 1959, and 1,685 Mcf for 1960 and 1961. Peak day requirements are estimated at 15 Mcf in 1958 and 1959, and 17 Mcf in 1960 and 1961.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 1, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4022; Filed, May 28, 1958; 8:49 a. m.]

[Docket No. G-14790]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1958.

Take notice that on March 31, 1958, Transcontinental Gas Pipe Line Corporation (Applicant) filed in Docket No. G-14790 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to serve up to 750 Mcf of natural gas per day and approximately 125,000 Mcf per year on an interruptible basis to the Hartwell Dam Contractors (Hartwell) for use in a refrigeration plant to cool concrete in a dam under construction on the Savannah River in Hart County, Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of a tie-in to Applicant's existing 12-inch blow-off line at existing main line valve 13-22 located on Applicant's 36-inch main line on the west bank of the Savannah River, and a short lateral line and meter station to make deliveries to Hartwell.

The estimated cost of the proposed facilities is $10,000, to be financed by Applicant from funds on hand, said cost to be reimbursed to Applicant by Hartwell. Service under this application is to be rendered only until the aforesaid dam is completed or until October 1, 1961, whichever occurs first.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4023; Filed, May 28, 1958; 8:49 a. m.]

FEDERAL RESERVE SYSTEM

FINANCIAL INSTITUTIONS, INC.

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5

(a)), by Financial Institutions, Inc., Warsaw, New York, a bank holding company, for a determination by said Board that Geneva Shareholders, Inc., Geneva, New York, and the activities thereof are of the kind described in these provisions of the act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the act.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing: *It is hereby ordered,* That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on June 12, 1958, at 10 o'clock a. m., at the office of the Buffalo Branch of the Federal Reserve Bank of New York, 160 Delaware Avenue, in the City of Buffalo, State of New York, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's rules of practice for formal hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of New York, on or before June 5, 1958, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

This 23d day of May 1958.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F. R. Doc. 58-4025; Filed, May 28, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4202]

SEABOARD DRUG CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 23, 1958.

I. Seaboard Drug Company, Inc. (Issuer), a Delaware corporation, 21 West 45th Street, New York, N. Y., filed with the Commission on January 19, 1956, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 283,750 shares of Class A stock, 10 cents par value, at $1.00 per share on behalf of the Issuer and a maximum of 16,250 shares of such Class A stock at the market with proceeds not to exceed $16,250 on behalf of certain stockholders, or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The letter of notification failed to state therein each of the jurisdictions in which the securities were to be offered as required by Item 1; and

2. The aggregate offering price of the shares of the stockholders sold at the market and the shares sold on behalf of the issuer exceeded the $300,000 ceiling imposed by Rule 217; and

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading concerning, among other things:

1. The issuer's assumption of expenses of certain affiliates and/or predecessors; and

2. Utilization of proceeds of the offering for a personal loan of $6,800 by an officer, director and principal security holder of Issuer.

C. The use of the offering circular operated as a fraud and deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-4033; Filed, May 28, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562; Taylor's I. C. C. Order 91]

ARKANSAS & LOUISIANA MISSOURI RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Arkansas & Louisiana Missouri Railway Company, because of flood conditions, is unable to transport traffic routed over its line.

It is ordered, that: (a) Rerouting traffic: The Arkansas & Louisiana Missouri Railway Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p. m., May 3, 1958.

(g) Expiration date: This order shall expire at 11:59 p. m., May 17, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 3, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-4029; Filed, May 28, 1958; 8:51 a. m.]

[Rev. S. O. 562; Taylor's ICC Order 91-A]

ARKANSAS & LOUISIANA MISSOURI RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 91 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 91, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 4:00 p. m., May 6, 1958.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued as Washington, D. C., May 6, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-4030; Filed, May 28, 1958; 8:51 a. m.]

[No. 32437]

ROOFING

MIDDLE ATLANTIC TERRITORY

At a session of the Interstate Commerce Commission, Division 2, Acting as an Appellate Division, held at its office in Washington, D. C., on the 19th day of May A. D. 1958.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, as set forth in the following schedules:

Middle Atlantic Conference, Agent, MF-I. C. C. No. A-926: Section 2, in full:

or as same may be amended or reissued;

It appearing, that upon consideration of the tariff schedules there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in said schedules, with a view to making such findings and orders in the premise as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the carriers parties to said schedules be, and they are hereby made respondents to this proceeding; that a copy of this order be served upon the said respondents; and that notice of this proceeding be given the public by posting a copy of this order in the Office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Division 2, Acting as an Appellate Division.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4031; Filed, May 28, 1958; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Helmer Manufacturing Division, Street, Bowmanstown, Pa.; effective 5- to 5-13-59 (dresses).

Kentucky Pants Co., Inc., 117 North Street, Glasgow, Ky.; effective 5-16- 5-15-59 (work pants).

Lee Mar Shirt Co., Pulaski, Tenn.; effective 5-13-58 to 5-12-59 (boys' sport shirts).

Mary Ann Manufacturing Division, West Broadway, Jim Thorpe, Pa.; effective 5-14-58 to 5-13-59 (dresses).

Norann Manufacturing Co., Inc., 140 Center Street, Nesquehoning, Pa.; effective 5-14-58 to 5-13-59 (dresses).

Oberman Manufacturing Co., Valdosta, Ga.; effective 5-27-58 to 5-26-59 (dungarees).

Paulsboro Dress Co., Inc., Delaware and Lodge Avenues, Paulsboro, N. J.; effective 5-28-58 to 5-27-59 (women's dresses).

The Puritan Sportswear Corp., 813 Street, Altoona, Pa.; effective 5-26-58 to 5-25-59; workers engaged in the manufacture of men's sportswear (men's sportswear).

Roberts Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla.; effective 5-15-58 to 5-14-59 (denim and twill jeans and cotton sportswear).

Scranton Pants Manufacturing Co., Wyoming Avenue, Scranton, Pa.; effective 5-23-58 to 5-22-59 (men's pants).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 5-20-58 to 5-19-59 (men's and boys' pants).

Wilmer Fashion Co., Inc., Seventh and Bridge Streets, Lehighton, Pa.; effective 5-14-58 to 5-13-59 (dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carol Ann Apparel Corp., Municipal Building, Cherry Tree, Pa.; effective 5-16-58 to 5-15-59; 10 learners (women's dresses).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa.; effective 5-15-58 to 5-14-59; 10 learners (children's dresses).

The Roswell Co., Alpharetta Division, Alpharetta, Ga.; effective 5-19-58 to 5-18-59; 10 learners (men's work trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Foster and Gressler, Inc., Collinsville, Ala.; effective 5-19-58 to 11-18-58; 25 learners (children's corduroy sport jackets).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 5-19-58 to 11-18-58; learners (sport shirts).

Kayler Manufacturing, Inc., 822 Anderson Street, New Kensington, Pa.; effective 5-12-58 to 11-11-58; 20 learners (blouses).

Roberts Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla.; effective 5-15-58 to 11-14-58; 20 learners (denim and twill jeans and cotton sportswear).

Wilson County Garment Co., Watertown, Tenn.; effective 5-15-58 to 11-14-58; learners (men's and boys' sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Ninth and Columbia Avenue, Philadelphia, Pa.; effective 5-19-58 to 5-18-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Fairfield Glove Co., Bonaparte, Iowa; effective 5-16-58 to 5-15-59; 10 learners for normal labor turnover purposes (gloves and mittens, jersey, leather palm and terry).

Fairfield Glove Co., 603 West Stone, Fairfield, Iowa; effective 5-16-58 to 5-15-59; 10 learners for normal labor turnover purposes (work gloves).

Tex-Sun Glove Co., Fairfield, Texas; effective 5-15-58 to 5-14-59; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 5-12-58 to 11-11-58; 20 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alamance Hosiery Mills, Inc., P. O. Box 830, Burlington, N. C.; effective 5-19-58 to 11-18-58; 45 learners for plant expansion purposes (seamless).

Harriss & Covington Hosiery Mills, Inc., 300 Oak Street, High Point, N. C.; effective 5-15-58 to 5-14-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless)..

Wisteria Hosiery Mills Co., Highway 321, Gastonia, N. C.; effective 5-14-58 to 5-13-59; 5 percent of the total number of factory production workers for normal labor turnover purposes full-fashioned—seamless).

Wisteria Hosiery Mills Co., Highway 321, Gastonia, N. C.; effective 5-14-58 to 11-13-58; 15 learners for plant expansion purposes (full-fashioned—seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kingsboro Mills, Inc., Daisy, Tenn.; effective 5-16-58 to 5-15-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knitted lingerie).

Puritan Sportswear Corp., 813 25th Street, Altoona, Pa.; effective 5-26-58 to 5-25-59; 5 percent of the total number of factory production workers engaged in the manufacture of knitted outerwear for normal labor turnover purposes (knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Doro Apparel Corp., Pottsville St., Wiconisco, Pa.; effective 5-19-58 to 11-18-58; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at rates of at least 85 cents an hour for the first 160 hours, and not less than 90 cents an hour for the remaining 160 hours (belts, shoulder pads).

Port Clyde Packing Co., Port Clyde, Maine; effective 5-12-58 to 11-11-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packers, for a learning period of 160 hours at rates of at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (sardine packing).

S & M Manufacturing Co., Greenville Highway, Easley, S. C.; effective 5-15-58 to 11-14-58; 15 learners for plant expansion purposes in the occupation of sewing machine operator, for a learning period of 320 hours at not less than 85 cents an hour (fitted crib and youth bed sheets).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Becton, Dickinson, Inc., P. O. Box 1225, Juncos, P. R.; effective 5-2-58 to 10-6-58; authorizing the employment of 45 learners for plant expansion purposes in the occupations of, shakedown and rack for point, run through for point, point and unrack, chart and second machine test, wax, scale, numbers, names and serials, blot and dip bulbs, etch and clean, paint and polish, inspect engraving, rack for certify, run through for certify, and certify, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (clinical thermometers).

Creative Textiles, Inc., P. O. Box 457, Vega Baja, P. R.; effective 5-2-58 to 11-1-58; authorizing the employment of 6 learners for normal labor turnover purposes in the occupation of, tufting machine operators, for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (tufted rugs and carpets).

New Hanover Mills, Inc. of Puerto Rico, P. O. Box 375, Arroyo, P. R.; effective 5-1-58 to 10-31-58; authorizing the employment of 40 learners for plant expansion purposes in the occupations of, transfer top knitting, and looping, for a learning period of 960 hours each, at the rates of 50 cents an hour for the first 480 hours and 57 cents an hour for the remaining 480 hours (men's seamless hosiery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 22d day of May 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-4015; Filed, May 28, 1958; 8:48 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 23 NUMBER 107

Washington, Friday, May 30, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.364]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

PAYMENT OF DIFFERENTIAL

Section 325.5 (e) is amended to read as follows, effective as of June 2, 1958:

§ 325.5 *Payment of differential.* * * *

(e) In emergency evacuation when employees are removed from a post of assignment pursuant to phenomena of nature or acts of God, or because of other dangerous conditions prevailing at the post or in the area, the Secretary of State will, whenever he determines it necessary, authorize differential payments, consistent with governing law, in addition to or in lieu of those authorized in these regulations.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: May 22, 1958.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 58-4105; Filed, May 29, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 13—SETOFFS

Sec.
13.1 Purpose.
13.2 Definitions.
13.3 Cases in which setoffs shall be made.
13.4 Conditions of setoffs.
13.5 Order of priority of setoffs.
13.6 Rights of debtors.
13.7 Rights of assignees.
13.8 Forms and procedures.

AUTHORITY: §§ 13.1 to 13.8 issued under R. S. 161, 5 U. S. C. 22.

§ 13.1 *Purpose.* The purpose of this part is to state the conditions under which any amounts approved by Agricultural Stabilization and Conservation county committees for disbursement to persons under programs administered by the Department of Agriculture, or any agency thereof, will be setoff against debts of such persons owing to any department or agency of the United States.

§ 13.2 *Definitions.* (a) The term "department" means one of the executive departments enumerated in section 1 of title 5, United States Code.

(b) The term "agency" includes any department, establishment, commission, administration, authority, board, bureau, or service of the United States, or any corporation all of the capital stock of which is owned by the United States.

§ 13.3 *Cases in which setoffs shall be made.* Setoffs shall be made and appropriate notification thereof forwarded to the debtor in all cases (but in none other) where:

(a) A person has been administratively determined to be indebted to any agency of the Department of Agriculture, except that indebtedness in any matter falling within the Civil Frauds Statute, section 231 of title 31, United States Code, shall be governed by paragraph (b) of this section. In case of indebtedness subject to setoff under this paragraph, the head of any creditor agency of the Department of Agriculture, or his authorized representative, may, if such action is not prohibited by law, defer or subordinate in whole or in part, the right of the creditor agency to recover through setoff all or part of any indebtedness to such agency, or may withdraw a request for setoff, if he determines that such action is in the best interest of the program administered by such creditor agency and that the financial rights of the Government are protected.

(b) The Department of Justice has approved setoff of an indebtedness in a matter falling within the Civil Frauds Statute, section 231 of title 31, United States Code, arising in connection with a program administered by any agency of the Department of Agriculture.

(c) A person is indebted under a judgment in favor of the United States or any agency thereof.

(d) A person is indebted to the Internal Revenue Service and such Service has served a Notice of Levy in accordance with the Internal Revenue Code against money payable to such person.

(Continued on p. 3759)

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FEDERAL REGISTER

1934

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 26 (1954), Parts 20–221, Rev. Jan. 1, 1958 ($4.25)

Title 32, Parts 800–1099 ($0.65)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(e) A person is otherwise indebted to any agency of the United States and the Secretary of Agriculture, or his designee, has specifically authorized setoff.

§ 13.4 *Conditions of setoffs.* The following conditions shall apply in making setoffs:

(a) Indebtedness to Commodity Credit Corporation, Commodity Stabilization Service, and Agricultural Conservation Program Service, shall be setoff in accordance with instructions issued by Commodity Stabilization Service, without a request for setoff having been made to the appropriate Agricultural Stabilization and Conservation state office.

(b) Setoffs to recover indebtedness to agencies other than those described in paragraph (a) of this section shall be made only upon filing of a request or Notice of Levy in accordance with this section. No such request or Notice of Levy shall be filed until the creditor agency has made reasonable efforts through other administrative means available to it to collect the indebtedness.

(c) Requests for setoff made by other agencies within the Department of Agriculture and Notices of Levy by the Internal Revenue Service shall be mailed or delivered to the appropriate Agricultural Stabilization and Conservation state office.

(d) Requests for setoff made by all other agencies of the United States shall be mailed or delivered to the Administrator of the Commodity Stabilization Service, or his designee.

(e) Any creditor agency may inquire from the Agricultural Stabilization and Conservation county office as to whether the debtor has evidenced an intention to participate in one or more programs for a particular crop year under which funds might become available for setoff under this part, but any request for setoff must be made in accordance with this section.

(f) All requests for setoff and Notices of Levy shall be submitted in writing, signed by an authorized representative of the creditor agency, and shall comply with the following:

(1) Each request or Notice of Levy shall state the amount of the indebtedness separately as to principal and interest, and interest (if any) shall be computed to a date shown in the request. If the creditor agency desires that additional interest be computed on the principal, a daily or monthly interest factor per dollar of principal shall be shown in the request. The amount to be setoff shall not exceed the principal sum owed by the debtor plus interest computed in accordance with the request.

(2) Each request or Notice of Levy shall also state the name and address of the debtor and a brief description of the indebtedness, including identification of the court judgment, if any.

(3) If the request is submitted by a corporate agency in connection with a debt which has not been reduced to judgment, the request shall include an agreement to save Commodity Credit Corporation harmless from liability in the event that the setoff is made against an amount payable by Commodity Credit Corporation.

(g) In the event that the amount available for setoff represents loan or purchase proceeds with respect to a commodity which is subject to the rights of the holder of a valid enforceable prior lien, only that portion of such amount as exceeds the amount of such prior lien shall be setoff.

(h) Debts of $3.00 or less and debts discharged in bankruptcy shall not be collected by setoff.

§ 13.5 *Order of priority of setoffs.* (a) Debts shall be collected by setoff in the following order of priority:

(1) Debts to Commodity Credit Corporation, Commodity Stabilization Service and Agricultural Conservation Program Service.

(2) Debts to other agencies of the Department of Agriculture.

(3) Debts to agencies outside the Department of Agriculture.

(b) Within each priority grouping in paragraph (a) of this section, the order of setoff shall be the chronological order of the dates of entry of the debts on the debt record in the Agricultural Stabilization and Conservation county office.

§ 13.6 *Rights of debtors.* Setoffs made pursuant to this part shall not deprive a debtor of any right he might otherwise have to contest the justness of the debt involved in the setoff action either by administrative appeal or by legal action.

§ 13.7 *Rights of assignees.* No amount payable to a debtor shall be paid to his assignee until there have been collected any amounts owed by the debtor to agencies of the United States, which were entered on the debt record of the Agricultural Stabilization and Conservation county office prior to the date the notice of assignment to such assignee was accepted by such county office; except that, in the case of an assignment accepted by the Agricultural Stabilization and Conservation county office prior to the effective date of this part, any applicable regulations of the Department of Agriculture, or an agency thereof, existing on the date of acceptance of such assignment, shall continue to apply to payments made under such assignment to the extent that such regulations are inconsistent with this section.

§ 13.8 *Forms and procedures.* The Administrator of Commodity Stabilization Service, or his designee, is hereby authorized to issue such forms and procedures as may be required from time to time for the proper administration of this part.

Effect of this part. This part shall be effective from the date of issuance and supersedes the regulations with respect of setoffs issued by the Acting Secretary of Agriculture on October 19, 1948, as amended, Part 1109 of this title.

Issued this 27th day of May 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4078; Filed, May 29, 1958; 8:49 a. m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR PEACHES [1]

On April 26, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2802) regarding a proposed revision of the United States Standards for Peaches.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

for Peaches are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.1210 U. S. Fancy.
51.1211 U. S. Extra No. 1.
51.1212 U. S. No. 1.
51.1213 U. S. No. 2.

UNCLASSIFIED

51.1214 Unclassified.

APPLICATION OF TOLERANCES

51.1215 Application of tolerances.

MARKING

51.1216 Marking.

SIZE

51.1217 Size.

STANDARD PACK

51.1218 Standard pack.

DEFINITIONS

51.1219 Well matured.
51.1220 Mature.
51.1221 Well formed.
51.1222 Limb rub injury.
51.1223 Damage.
51.1224 Serious damage.
51.1225 Diameter.
51.1226 Badly misshapen.

AUTHORITY: §§ 51.1210 to 51.1226 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1210 *U. S. Fancy.* "U. S. Fancy" consists of peaches of similar varietal characteristics which are not soft or overripe, which are well formed and free from decay, growth cracks, bacterial spot, cuts which are not healed, scab, scale, split pits, worms, worm holes, limb rub injury and free from damage caused by hail marks, bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(a) Each peach shall have not less than one-third of its surface showing blushed, pink or red color.

(b) Peaches shall be mature and at least 75 percent of the peaches in the lot shall be well matured.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (see § 51.1215):

(1) *Color.* 10 percent for peaches in any lot which fail to meet the color requirements;

(2) *Maturity.* Individual packages may have not less than 60 percent of peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(3) *Defects.* 10 percent in any lot for peaches which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for immature peaches or other serious damage, including therein not more than 1 percent for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

§ 51.1211 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of peaches of similar varietal characteristics which are not soft or overripe, which are well formed and free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by limb rubs, hail marks, bruises, dirt or other foreign material, bacterial spot, scab, scale, split pits, other disease, insects or mechanical or other means.

(a) At least 50 percent of the peaches in the lot shall have not less than one-fourth of their surface covered with blushed, pink or red color, except that peaches may be designated as "U. S. Extra No. 1 High Color": *Provided,* That all requirements of the U. S. Extra No. 1 grade are met and at least 60 percent of the peaches in the lot have not less than one-third of their surface covered with blushed, pink or red color.

(b) Peaches shall be mature except that peaches in any lot may be designated as "U. S. Extra No. 1 Well Matured": *Provided,* That all requirements of the U. S. Extra No. 1 grade are met and at least 75 percent of the peaches in the lot are well matured.

(c) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (see § 51.1215):

(1) *Color.* Individual packages may have not less than 40 percent of peaches having one-fourth of their surface covered with blushed, pink or red color: *Provided,* That the entire lot averages not less than 50 percent having this amount of color: *And provided further,* That when peaches are designated as "U. S. Extra No. 1 High Color", individual packages may have not less than 50 percent of peaches having one-third of their surface covered with blushed, pink or red color: *Provided,* That the lot averages not less than 60 percent having this amount of color;

(2) *Maturity.* When peaches are designated as "U. S. Extra No. 1 Well Matured", individual packages may have not less than 60 percent of peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(3) *Defects.* 10 percent in any lot for peaches which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for immature peaches or other serious damage, including therein not more than 1 percent for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

§ 51.1212 *U. S. No. 1.* "U. S. No. 1" consists of peaches of similar verietal characteristics which are not soft or overripe, which are well formed and free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by limb rubs, hail marks, bruises, dirt or other foreign material, bacterial spot, scab, scale, split pits, other disease, insects or mechanical or other means.

(a) Peaches shall be mature except that peaches in any lot may be designated as "U. S. No. 1 Well Matured": *Provided,* That all requirements of the U. S. No. 1 grade are met and at least 75 percent of the peaches in the lot are well matured.

(b) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (see § 51.1215):

(1) *Maturity.* When peaches are designated as "U. S. No. 1 Well Matured", individual packages may have not less than 60 percent of peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(2) *Defects.* 10 percent in any lot for peaches which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for immature peaches or other serious damage, including therein not more than 1 percent for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

§ 51.1213 *U. S. No. 2.* "U. S. No. 2" consists of peaches of similar varietal characteristics which are not soft or overripe, which are not badly misshapen, which are free from decay, cuts which are not healed, worms, worm holes, and free from serious damage caused by limb rubs, hail marks, growth cracks, bruises, dirt or other foreign material, bacterial spot, scab, scale, split pits, other disease, insects or mechanical or other means.

(a) Peaches shall be mature except that peaches in any lot may be designated as "U. S. No. 2 Well Matured": *Provided,* That all requirements of the U. S. No. 2 grade are met and at least 75 percent of the peaches in the lot are well matured.

(b) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, shall be permitted (see § 51.1215):

(1) *Maturity.* When peaches are designated as "U. S. No. 2 Well Matured", individual packages may have not less than 60 percent of peaches which are well matured: *Provided,* That the entire lot averages not less than 75 percent well matured; and,

(2) *Defects.* 10 percent in any lot for peaches which are immature or which fail to meet the remaining requirements of the grade, but not more than one-tenth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That en route or at destination an additional tolerance of 2 percent shall be permitted for peaches which are soft, overripe, seriously damaged by bruising or affected by decay.

UNCLASSIFIED

§ 51.1214 *Unclassified.* "Unclassified" consists of peaches which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1215 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds, and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided*, That not more than one peach which is seriously damaged by insects or bruises, or which is soft, overripe or affected by decay may be permitted in any package.

MARKING

§ 51.1216 *Marking.* (a) The minimum diameter or numerical count of the peaches packed in a closed container should be plainly stamped, stenciled or otherwise marked on the container.

(b) When the minimum diameter is shown it should be in terms of whole inches, whole and quarter inches, or whole and eighth inches; for example, as 2 inches minimum, 2¼ inches minimum or 1⅞ inches minimum. The minimum and maximum diameters both may be stated as 1⅞ to 2 inches, or 2 to 2¼ inches.

SIZE

§ 51.1217 *Size.* (a) When the size of peaches is designated by count, the number of peaches in the package shall not vary more than 4 from the count indicated on the package.

(1) Not more than 10 percent of the packages in any lot may fail to meet this requirement.

(b) When the size of peaches is designated in terms of minimum diameter or minimum and maximum diameter the following tolerances shall be permitted:

(1) 10 percent in any lot for peaches which are smaller than the minimum diameter specified and 15 percent for peaches which are larger than any specified maximum diameter.

STANDARD PACK

§ 51.1218 *Standard pack.* (a) Each container shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) Baskets: Peaches packed in U. S. Standard bushel baskets, three-fourths bushel baskets, or half-bushel baskets shall be ring-faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the containers when lidded.

(c) Boxes: (1) Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the containers according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All containers shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the count indicated on the box.

(2) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all containers shall be well filled.

(3) Peaches packed in containers equipped with cell compartments or molded trays or paper cups shall be of the proper size for the cells, molds or cups in which they are packed.

(d) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

DEFINITIONS

§ 51.1219 *Well matured.* "Well matured" means peaches which (a) are not hard; (b) have shoulders and sutures well filled out; (c) have skin yellowish-green to yellow; (d) when cut, have flesh which is yellowish-green to yellow except that it is red next to the pit and, in case of freestone varieties, have flesh which separates readily and cleanly from the pit. (Not hard means that the peach yields to moderate pressure at least slightly at the suture and tip, and at least very slightly elsewhere.)

§ 51.1220 *Mature.* "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.1221 *Well formed.* "Well formed" means that the shape of the peach may be slightly irregular but not to the extent that its appearance is materially affected.

§ 51.1222 *Limb rub injury.* "Limb rub injury" means that the scarring is not smooth, not light colored, or the aggregate area exceeds that of a circle one-fourth inch in diameter on a peach 2¼ inches in diameter, or correspondingly smaller or greater areas of scars on smaller or larger peaches.

§ 51.1223 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

NOTE: Limitations for blemishes are based on a peach 2¼ inches in diameter. Correspondingly smaller or greater areas shall be permitted on smaller or larger peaches.

(a) Bacterial spot and scab when cracked, or when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(b) Scale when concentrated, or when scattered and the aggregate area exceeds that of a circle one-fourth inch in diameter;

(c) Hail marks which are unhealed, deep, or when the aggregate area exceeds that of a circle one-fourth inch in diameter;

(d) Limb rubs when not smooth, when not light colored, or when the aggregate area exceeds that of a circle one-half inch in diameter; and,

(e) Split pit when causing any unhealed crack, when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not well formed.

§ 51.1224 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

NOTE: Limitations for blemishes are based on a peach 2¼ inches in diameter. Correspondingly smaller or greater areas shall be permitted on smaller or larger peaches.

(a) Bacterial spot when any crack is not well healed, or when the aggregate area exceeds that of a circle three-fourths inch in diameter;

(b) Scab when cracked, or when healed and the aggregate area exceeds that of a circle 1 inch in diameter;

(c) Scale when the aggregate area exceeds that of a circle one-half inch in diameter;

(d) Growth cracks when unhealed, or when more than one-half inch in length;

(e) Hail marks when unhealed, or shallow hail marks when the aggregate area exceeds that of a circle three-fourths inch in diameter, or deep hail marks when seriously deforming the fruit or when the aggregate area exceeds that of a circle one-half inch in diameter;

(f) Limb rubs when smooth and light colored and the aggregate area exceeds that of a circle 1½ inches in diameter, or dark or slightly rough and barklike scars when the aggregate area exceeds that of a circle three-fourths inch in diameter;

(g) Split pit when causing any unhealed crack, or when healed and aggregating more than one-half inch in length, including any part of the crack which may be covered by the stem;

(h) Immature, soft or overripe peaches; and,

(i) Wormy fruit or worm holes.

§ 51.1225 *Diameter.* "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

§ 51.1226 *Badly misshapen.* "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond the date of publication hereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that:

(1) The 1958 packing season for peaches has begun and it is in the interest of the public and the industry that the standards be placed in effect at the earliest possible date; and (2) no special preparation for compliance with the standards on the part of members of the fresh peach industry or of others is required.

Accordingly, the United States Standards for Peaches contained in this subpart shall become effective upon publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Peaches which have been in effect since July 15, 1952 (§§ 51.1210 to 51.1223).

Dated: May 27, 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4103; Filed, May 29, 1958; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 138]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.438 *Valencia Orange Regulation 138*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 28, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 1, 1958, and ending at 12:01 a. m., P. s. t., June 8, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 600,600 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 29, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4150; Filed, May 29, 1958; 11:15 a. m.]

[Grapefruit Reg. 289]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.912 *Grapefruit Regulation 289*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 27, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., June 2, 1958, and ending at 12:01 a. m., e. s. t., July 28, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) During the period beginning at 12:01 a. m., e. s. t., July 28, 1958, and ending at 12:01 a. m., e. s. t., September 15, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3\frac{12}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4134; Filed, May 29, 1958; 8:58 a. m.]

[Orange Reg. 342]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.913 *Orange Regulation 342*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 27, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., June 2, 1958, and ending at 12:01 a. m., e. s. t., September 15, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

Shipments of Temple oranges, grown in the production area, are, until 12:01 a. m., e. s. t., July 31, 1958, subject to the provisions of Orange Regulation 335 (§ 933.899; 23 F. R. 1000).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4135; Filed, May 29, 1958; 8:58 a. m.]

[Lemon Reg. 741]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.848 *Lemon Regulation 741*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and

views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 27, 1958.

(b) *Order*. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 1, 1958, and ending at 12:01 a. m., P. s. t., June 8, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 28, 1958.

[SEAL] **S. R. SMITH,**
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4136; Filed, May 29, 1958; 8:58 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1109—SETOFFS

SUPERSEDURE OF PART

CROSS REFERENCE: For supersedure of this part, see Part 13 of this title, *supra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 58-3772, published at page 3500 in the issue for Thursday, May 22, 1958, the following changes should be made:

1. In the table of basic county support rates, appearing under subparagraph (2) of § 421.3383 (c), the sixth county entry under "Colorado", now reading "Plumas..............$1.13", should read "Phillips..................$1.02".

2. In the second sentence of paragraph (b) of § 421.3384, the date "April 10, 1959" should read "April 30, 1959".

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

SPECIAL AIRCRAFT TURNBUCKLE ASSEMBLIES AND/OR TURNBUCKLE SAFETYING DEVICES

Regulations of the Administrator § 514.31 (TSO-C21) pertaining to special aircraft turnbuckle assemblies and/or turnbuckle safetying devices is amended to reissue minimum performance standards in the new format published in 21 F. R. 6508. Inasmuch as these changes are editorial in nature and, as such, do not impose any additional burden upon interested persons, no useful purpose should be served by compliance with the notice, procedures, and effective date provision of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

Section 514.31 (21 F. R. 6508) under Subpart B of this part is amended to read as follows:

§ 514.31 *Special aircraft turnbuckle assemblies and/or turnbuckle safetying devices—TSO-C21a*—(a) *Applicability*. (1) Minimum performance standards: Minimum performance standards are hereby established for special turnbuckle assemblies and/or safetying devices which are to be used on civil aircraft of the United States.

(2) New models of special turnbuckle assemblies and/or safetying devices manufactured on or after July 1, 1958, shall meet the performance requirements as set forth in sections 3 and 4 of Military Specification MIL-T-5685A dated April 6, 1950,[1] with the additional tests, when applicable, listed below. Special turnbuckle assemblies and/or safetying devices already approved by the Administrator may continue to be used for the purposes for which approved.

(3) Tests: The following tests, when applicable, are required in addition to those set forth in MIL-T-5685A, and shall be conducted to substantiate the strength and reliability of special turnbuckle assemblies and/or safetying devices. A minimum of six samples each shall be used in conducting the tests for torsion, tension, fatigue (tensile), and fatigue (torsion).

(i) *Torsion*. At least one sample of each size turnbuckle assembly and safetying device shall be tested in torsion to determine that the torque necessary to overcome the turnbuckle thread friction and break the safetying device is equal to or greater than that required when the conventional safety wire is used in accordance with the safetying procedure recommended in Civil Aeronautics Manual 4b.329-2.

(ii) *Tension*. At least one sample of each size turnbuckle and safetying device assembly shall be tested to determine that the turnbuckle assembly (including safetying device) will not fail at any tensile load under the maximum (ultimate) tensile strength for which the comparable standard MIL or NAS turnbuckle is rated. For this test, the sample shall consist of the turnbuckle assembly (including safetying device) with a two (2) foot length of cable appropriately attached to each terminal (end) of the turnbuckle. In making the determination, the sample shall be tested for tensile strength in accordance with Federal Test Method Std. No. 151.[2] If the sample does not fail under the specified maximum load, it need not be tested further to destruction.

(iii) *Vibration*. At least one sample of each of 3 representative sizes of turnbuckle assemblies, i. e., the smallest, the largest, and an intermediate size, shall be vibrated to determine that the lock wire, or other safetying device which relies upon spring action or clamping to safety the turnbuckle, can be depended upon not to jump out of place or otherwise lose its safetying properties, under vibratory conditions apt to be encountered in aircraft service. It is suggested that a cable tension load equal to 25 percent of rated ultimate cable strength and a frequency of 3600 cpm with an overall amplitude of ⅛ inch (parallel to the axis of the hole through the barrel) for 25 hours, be used for this determination.

(iv) *Fatigue (tensile)*. At least one sample of each size turnbuckle assembly shall be given a repeated load test, in which a load equal to two-thirds the ultimate tensile strength requirement is applied repeatedly in tension for 300 applications of the load without failure of any component part. For this test, the sample shall consist of the turnbuckle assembly (including safetying device) with a two (2) foot length of cable appropriately attached to each terminal (end) of the turnbuckle.

(v) *Fatigue (bending)*. The safety wire used in the conventional lock wire safetying procedure recommended in CAM 4b.329-2 is not considered to be re-usable. If the safety device used with the special aircraft turnbuckle assembly is to be considered re-usable, at least three (3) samples of the shortest formed non-standard safety wire (or other finished safetying device) shall be tested by alternate fastening and unfastening of the wire (or other safetying device), to determine that the device will not break after repeated applications of the bending loads involved. 200 on and off cycles, simulating rough treatment apt to be experienced during maintenance should substantiate a reasonable service life. It is felt that the shortest safety wire (or other safetying device) will be subjected to the greatest bending stresses. However, if the stresses may be greater in a longer wire (or other safetying device) intended for a larger size turnbuckle, the larger size turnbuckle and the longer wire (or other safetying device) shall be used for this test.

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[1] Copies may be obtained from the Commander, Air Materiel Command, Attn: MCSIFF-2, Wright-Patterson Air Force Base, Ohio, or from the Commanding Officer, Naval Aviation Supply Depot, 700 Robbins Ave., Philadelphia 11, Pa., Code AD.

[2] Copies may be obtained from the General Services Administration, Business Service Center, Region 3, Seventh and D Streets, SW., Washington 25, D. C., for 70¢ each.

(vi) *Fatigue (torsion)*. At least one sample of each size turnbuckle assembly and/or safetying device shall be given a repeated load test in which a load equal to two-thirds the torque (determined in test No. 1 above) required to overcome the turnbuckle thread friction and break the conventional safety wire (CAM 4b.329-2) is applied in torsion first in one direction and then reversed for 3000 complete cycles of reversal without failure of any component part.

Effective date. July 1, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 26, 1958.

[F. R. Doc. 58-4056; Filed, May 29, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

SUBPART B—STANDARD SAMPLES AND REFERENCE STANDARDS WITH SCHEDULE OF WEIGHTS AND FEES

DESCRIPTIVE LIST; STANDARD RUBBERS AND RUBBER COMPOUNDING MATERIAL

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This schedule is effective from May 15, 1958.

In § 230.11 *Descriptive list*, paragraph (p) *Standard rubbers and rubber compounding materials*, is amended by the revision of sample number 386 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
386a....	Styrene-butadiene, type 1500.	34,000	$38.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

[SEAL] A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: May 23, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-4087; Filed, May 29, 1958; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6294]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INCOME ATTRIBUTABLE TO SEVERAL TAXABLE YEARS

On December 31, 1957, notice of proposed rule making regarding the regulations under sections 1301 through 1304 and 1306 of the Internal Revenue Code of 1954, as amended by the Act of August 11, 1955 (Public Law 366, 84th Cong., 69 Stat. 688) and the Act of August 26, 1957 (Public Law 85-165, 71 Stat. 413), was published in the FEDERAL REGISTER (22 F. R. 11078). No objection to the rules proposed was received within the 30-day period prescribed in the notice nor were there any requests for a public hearing. Accordingly, the regulations as so proposed are hereby adopted subject to the following changes. Such regulations shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided.

PARAGRAPH 1. Paragraph (c) of § 1.1302-1 is changed—

(A) By revising subparagraph (1) thereof to read as follows:

(1) *Rule.* When amounts includible in gross income qualify under paragraph (a) of this section, the tax attributable thereto in the taxable year shall not be greater than the aggregate of the taxes attributable thereto had such amounts been received ratably over the period for allocating the income in accordance with subparagraph (2) of this paragraph.

(B) By striking the first two sentences of subparagraph (2) and inserting in lieu thereof the following: "The period for allocating the income shall end with the close of the taxable year in which the amounts qualifying under paragraph (a) of this section are received or accrued, and the length of such period shall equal the lesser of—

(i) The part of the period of work which precedes the close of such taxable year, or

(ii) A period of 60 calendar months in the case of an invention or 36 calendar months in the case of an artistic work. The gross income from the invention or artistic work is to be treated as if it had been received in equal portions in each of the calendar months which fall within the allocation period. The portion of the gross income from the invention or artistic work allocable to each taxable year involved in the allocation period is an amount equal to the entire amount of gross income from the invention or artistic work received or accrued in the current taxable year, divided by the entire number of calendar months included within the allocation period and multiplied by the number of such calendar months falling within the particular taxable year."

(C) By inserting the following example after example (3) of subparagraph (2):

Example (4). B, an individual who makes his return on a calendar year basis and uses the cash receipts and disbursements method of accounting, received $36,000 (taxable as ordinary income) on October 1, 1956, in full payment for a musical composition. B commenced work on this composition on March 1, 1950, and completed it on March 1, 1953. The amount received may be allocated over a 36-month period ending with the close of the taxable year in which received. Such amount cannot be allocated over the 36-month period during which B actually worked on the composition. Therefore, $1,000 ($36,000 divided by 36) must be allocated to each of the 36 calendar months preceding January 1, 1957. Accordingly, $12,000 is allocated to 1954, $12,000 to 1955, and $12,000 to 1956.

PAR. 2. Example (2) of paragraph (g) of § 1.1304-1 is changed by striking the first sentence thereof and substituting the following sentences: "Assume the same facts as in example (1) except that on January 2, 1956, A sold his patent to the X Company within the meaning of section 1235. The sale agreement provided that, in the case of any patent infringement, A would bring any necessary actions and would share in any damages collected by such actions."

As changed, the regulations under sections 1301-4 and 1306 of the Internal Revenue Code of 1954 are hereby adopted as set forth below.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: May 26, 1958.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

INCOME ATTRIBUTABLE TO SEVERAL TAXABLE YEARS

Sec.
1.1301 Statutory provisions; compensation from an employment.
1.1301-1 Introduction.
1.1301-2 Compensation from an employment.
1.1302 Statutory provisions; income from an invention or artistic work.
1.1302-1 Income from an invention or artistic work.
1.1303 Statutory provisions; income from back pay.
1.1303-1 Income from back pay.
1.1304 Statutory provisions; compensatory damages for patent infringement.

Sec.
1.1304–1 Compensatory damages for patent infringement.
1.1305 Statutory provisions; breach of contract damages.
1.1305–1 [Reserved for regulations under section 1305.]
1.1306 Statutory provisions; rules applicable to sections 1301, 1302, 1303, 1304, and 1305.
1.1306–1 Rules applicable to sections 1301, 1302, 1303, 1304, and 1305.

AUTHORITY: §§ 1.1301 to 1.1306–1, issued under sec. 7805, 68a Stat. 917; 26 U. S. C. 7805.

§ 1.1301 *Statutory provisions; compensation from an employment.*

SEC. 1301. *Compensation from an employment*—(a) *Limitation on tax.* If an individual or partnership—

(1) Engages in an employment as defined in subsection (b); and

(2) The employment covers a period of 36 months or more (from the beginning to the completion of such employment); and

(3) The gross compensation from the employment received or accrued in the taxable year of the individual or partnership is not less than 80 percent of the total compensation from such employment,

then the tax attributable to any part of the compensation which is included in the gross income of any individual shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of such individual ratably over that part of the period which precedes the date of such receipt or accrual.

(b) *Definition of an employment.* For purposes of this section, the term "an employment" means an arrangement or series of arrangements for the performance of personal services by an individual or partnership to effect a particular result, regardless of the number of sources from which compensation therefor is obtained.

(c) *Rule with respect to partners.* An individual who is a member of a partnership receiving or accruing compensation from an employment of the type described in subsection (a) shall be entitled to the benefits of that subsection only if the individual has been a member of the partnership continuously for a period of 36 months or the period of the employment immediately preceding the receipt or accrual. In such a case the tax attributable to the part of the compensation which is includible in the gross income of the individual shall not be greater than the aggregate of the taxes which would have been attributable to that part had it been included in the gross income of the individual ratably over the period in which it was earned or the period during which the individual continuously was a member of the partnership, whichever period is the shorter. For purposes of this subsection, a member of a partnership shall be deemed to have been a member of the partnership for any period, ending immediately prior to becoming such a member, in which he was an employee of such partnership, if during the taxable year he received or accrued compensation attributable to employment by the partnership during such period.

§ 1.1301–1 *Introduction.* Sections 1301 through 1306 provide special rules to relieve a taxpayer from the amount of tax which otherwise results when an amount of income which has been earned over a period of years is received or accrued in one taxable year. Because of the graduated income tax rates this so-called bunching of income in one year usually subjects it to a higher rate of tax than would be payable if it had been received or accrued over the several years during which it was earned. Sections 1301 (relating to compensation from an employment), 1302 (relating to income from an invention or artistic work), 1303 (relating to back pay), 1304 (relating to compensatory damages for patent infringement), and 1305 (relating to damages for breach of contract) mitigate the tax consequences of such bunching of income by placing a limit upon the amount of tax to be paid for the taxable year in which such income is received or accrued. In effect, these sections generally treat the income as having been included in gross income ratably over the years (preceding receipt or accrual) in which it was earned. However, these sections have no effect on the income tax liability for prior taxable years; they simply provide a special method of computing the amount of tax for the year of receipt or accrual.

§ 1.1301–2 *Compensation from an employment*—(a) *Qualifications for limitation on tax.* If an individual or partnership—

(1) Engages in an employment (as defined in section 1301 (b) and paragraph (b) of this section); and

(2) The employment covers a period of 36 months or more (from the beginning to the completion of such employment); and

(3) The gross compensation from the employment received or accrued in the taxable year of the individual or partnership is not less than 80 percent of the total compensation from such employment,

then the tax attributable to any part of the compensation which is included in the gross income of any individual shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of such individual ratably over that part of the period of the employment which precedes the date of such receipt or accrual. The application of this paragraph may be illustrated by the following examples:

Example (1). A, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, began an employment, as defined in section 1301 (b) and paragraph (b) of this section, on February 17, 1951, and completed it on July 1, 1954. A's total compensation from such employment was $9,000, of which he received $1,000 on July 1, 1953, and $8,000 on the completion date. Since the employment covered more than 36 months and the $8,000 received in 1954 was not less than 80 percent of A's total compensation from such employment, he is entitled to the benefits of section 1301 in computing the tax payable with respect to the $8,000 reflected in his 1954 return. Section 1301 does not apply to the $1,000 received in 1953. Under section 1301 (a) the tax attributable to the $8,000 included in A's gross income for 1954 is not greater than the aggregate of the taxes attributable to such amount had it been received ratably over the calendar months included in the period from February 17, 1951, to July 1, 1954. However, if A had received an additional $5,000 in 1955 from such employment, he would not be entitled to the benefits of section 1301 with respect to either the $8,000 or the $5,000, since he would not have received in one taxable year at least 80 percent of the total compensation from such employment.

Example (2). If, in example (1) of this paragraph, A had commenced the employment on March 3, 1954, and completed it on August 22, 1957, and had been paid a total compensation of $10,000 for that employment on July 5, 1956, he would be entitled to the benefits of section 1301. However, the tax attributable to the $10,000 included in A's gross income for 1956 cannot be greater than the aggregate of the taxes attributable to such amount had it been received ratably over the calendar months included in the period from March 3, 1954, to July 5, 1956, the date on which the $10,000 was received.

(b) *Definition of an employment.* (1) (i) The term "an employment" means an arrangement or series of arrangements for the performance of personal services by an individual or partnership to effect a particular result, regardless of the number of sources from which compensation for such services is obtained. Thus, there must be an arrangement, and the arrangement must be for the performance of a particular project. In other words, there must be an understanding for the performance of services to accomplish a particular result. Accordingly, an arrangement to perform general services is not an employment within the meaning of section 1301 either as to any particular project on which services are performed or as to the general services since there is no understanding that the services are to accomplish a particular result.

(ii) Whether an employment exists is a question which must be determined by a consideration of all the facts in each case. The primary factor in making such a determination is what the particular profession, business, or industry would normally consider as a distinct project or result. The statements of the parties and the contracts they make, if any, shall be considered in those cases where the project or result cannot be determined under the preceding sentence.

(iii) To qualify as an employment the services must relate to a particular project, such as a particular law case, and must not consist of a set of unrelated services performed for the same person. Furthermore, the individual steps performed by a taxpayer in connection with his project do not each constitute an employment; the services rendered by the taxpayer with respect to the entire project represent the employment.

(iv) The time when an employment begins and ends, and whether the period over which an employment extends includes conference and study time, depend upon the facts of each case. However, in determining the period over which an employment extends, there shall be included the time during which the efforts of the individual or partnership were unsuccessful in effecting the particular result.

(2) The application of the rules described in subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A was retained by X Corporation to perform general legal services. During the period 1955 through 1960, A performed miscellaneous legal services on numerous unrelated matters, each of which effected a particular result, and some of which extended over a period of more than 36 months. A was compensated by a single payment in 1960. A's services do not constitute an employment either as to the unrelated matters on which he worked or the general services performed over the period 1956 through 1960, since the arrangement was for the performance of services generally and not for the performance of any particular results.

Example (2). B was retained as an attorney by the Y Corporation to perform general legal services. An anti-trust action was brought against Y and, since the defense of such an action was beyond the scope of the agreement to perform general legal services, a separate arrangement was entered into between Y and B, whereby B was to be paid a specified additional amount for defending Y in the anti-trust suit. B's services in connection with such suit represent an employment separate and distinct from his general legal services for Y, and such services were performed pursuant to a separate arrangement.

Example (3). As part of a traffic flow improvement program the City of Z enters into a contract with C, a civil engineer, under which C agrees to perform services in connection with the construction of a highway bypassing the city, a vehicular tunnel under a river, and an elevated roadway in a congested industrial area of the city. C's compensation for his services with respect to each of these construction projects is fixed in the contract. Since the services performed in connection with each such construction project would normally be viewed by the engineering profession as a distinct project, C's services in connection with each of these construction projects constitute a separate employment. No contractual arrangement between the parties can operate to change the determination of the projects involved. Regardless of its terms, the contract will be viewed as an arrangement for the performance of services to effect three specifically identifiable results. Thus, the arrangement would constitute three distinct employments, even though the contract might provide for a single lump sum payment to be made only upon completion of all three projects.

Example (4). D entered into an agreement with Z Corporation to direct 5 motion picture productions for it in 5 years. Each of the 5 pictures was to be wholly unrelated to the others as entertainment products for public consumption. D's compensation for his services with respect to each picture was to be a certain percentage of the gross proceeds received from its showing. Each picture would normally be viewed by the motion picture industry as a distinct undertaking or project, and D's services in connection with each picture constitute a separate employment. As in the case of example (3), no contractual arrangement between the parties can operate to change the determination of the projects involved.

Example (5). E, a producer of television programs, entered into a contract with Y Television Network to produce a series of documentary films. While each film produced by E was a complete presentation of the specific subject matter, the entire series of films dealt with such subjects and was presented in such a manner as to identify the series as a unit in the public mind. Production of the films required coordinated planning of the whole series. The entire series of films would normally be viewed by the television industry was a distinct undertaking or project, and, therefore, E's services in connection with production of the series of films constitute a single employment. As in the case of examples (3) and (4), no contractual arrangement between the parties can operate to change the determination of the projects involved.

Example (6). F was appointed trustee of a trust which consisted of income producing and non-income producing property. Under a decree of the state court having jurisdiction over the trust, F was awarded certain commissions with respect to principal and certain commissions with respect to income. The fact that such separate compensation was awarded by the court did not establish that two employments were involved. F's services with respect to the principal and those with respect to the income of the trust were merely integral parts of one employment, i. e., the administration of the trust in its entirety.

Example (7). G was retained and served as legal counsel to the trustees of a trust. He also served as one of the trustees of the trust. G's services in each capacity constituted a separate employment, regardless of whether under the laws of the state having jurisdiction of the trust the services rendered by a trustee as legal counsel are eligible for compensation distinct from those rendered by him as trustee.

Example (8). H, an architect, was employed by the City of Z to draft the plans for, and supervise the construction of, a school building. The building was of a type that is normally both planned by and constructed under the supervision of an architect. His employment consisted of his entire services from the beginning of the preparation of the plans to his completion of supervision of the building's construction. The drafting of the plans and the supervision of the construction were merely interrelated steps in the performance of the entire employment.

Example (9). K, an attorney, received a fee from certain stockholders of corporation X, who employed him to represent them in a stockholders' suit. K also received as compensation for his services in connection with such suit an amount allowed by the court out of the shares of the proceeds of the suit payable to the stockholders of corporation X who were unrepresented by counsel. The fact that K receives compensation from two sources will not cause two employments to exist. For purposes of section 1301 the number of sources from which the compensation is obtained is immaterial in determining the number of employments.

(c) *Allocation of income.* The compensation from an employment is to be treated as if it had been received in equal portions in each of the calendar months (including those of the current taxable year) which fall within the period of employment preceding the receipt or accrual of the compensation. Thus, the portion of the compensation allocable to each taxable year involved in such period of employment is an amount equal to the entire compensation from the employment received or accrued in the current taxable year, divided by the entire number of calendar months included within the part of the period of employment which precedes the date of receipt or accrual of such compensation, and multiplied by the number of such calendar months falling within the particular taxable year. The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, receives $40,000 on September 30, 1954. This amount is the entire compensation from an employment (as defined in section 1301 (b)) covering a 40–month period beginning on June 1, 1951, and ending on September 30, 1954. $1,000 must be allocated to each of the calendar months included within the period of the employment. Thus, $7,000 is allocated to 1951, $12,000 to 1952, $12,000 to 1953, and $9,000 to 1954.

Example (2). Assume the same facts as in example (1), except that A makes his income tax returns on the basis of a taxable year ended June 30. The $40,000 is allocated as follows: $1,000 to the taxable year ended June 30, 1951, $12,000 each to the taxable years ended June 30, 1952, June 30, 1953, and June 30, 1954, and $3,000 to the taxable year ended June 30, 1955 (the current taxable year).

Example (3). Assume the same facts as in example (1), except that A receives the $40,000 on February 1, 1954 (before completion of the employment), instead of September 30, 1954. In this case, there are 32 calendar months included within the part of the period of the employment which precedes the date the compensation is received. Accordingly, $1,250 ($40,000 divided by 32) must be allocated to each of the calendar months included within the period from June 1, 1951, through January 31, 1954. Thus, $8,750 is allocated to 1951, $15,000 to 1952, $15,000 to 1953, and $1,250 to 1954.

Example (4). B, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, is engaged in an employment which covers a 40–month period beginning on May 1, 1951, and ending on August 31, 1954. The total compensation from the employment is $74,000, of which $34,000 is paid to B on March 1, 1954, and $40,000 on August 31, 1954. The $34,000 payment must be allocated to the 34 calendar months included within the part of the period of the employment which precedes the date such payment is received (March 1, 1954). Accordingly, with respect to the $34,000 payment, $8,000 is allocated to 1951, $12,000 to 1952, $12,000 to 1953, and $2,000 to 1954. Since the $40,000 payment was received on the date the employment ended it must be allocated to the 40 calendar months included within the entire period of the employment. Accordingly, with respect to such payment, $8,000 is allocated to 1951, $12,000 to 1952, $12,000 to 1953, and $8,000 to 1954. The entire compensation of $74,000 will therefore be allocated as follows: $16,000 to 1951, $24,000 to 1952, $24,000 to 1953, and $10,00 to 1954.

Example (5). C, an individual who makes his income tax returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, is engaged in an employment which covers a 36-month period beginning on February 1, 1954, and ending on January 31, 1957. The total compensation from the employment of $36,000 is paid to C on June 1, 1957. In this case, there are 36 months in the period of the employment which precede the date of receipt of the $36,000 by C. The months of February through May 1957, are not part of the period of employment and therefore no income is to be allocated to those months. Accordingly, the $36,000 is allocated as follows: $11,000 to 1954, $12,000 to 1955, $12,000 to 1956, and $1,000 to 1957.

(d) *Computation of tax*—(1) *Steps of computation.* The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1301 (a) and paragraph (a) of this section applies to compensation from an employment received or accrued in a taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the compensation from an employment received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the compensation from an employment allocated to each of the taxable years in accordance with paragraph (c) of this section. The amount of the tax attributable to the compensation from the employment so allocated is the difference between the tax for each such year computed with the inclusion in gross income of each year of the allocable portion of such compensation and the tax for each year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated compensation as computed under subdivision (iii) of this subparagraph.

(2) *Effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover.* (i) In computing the tax for any taxable year under this paragraph, any item which depends upon the amount of gross income, adjusted gross income, or taxable income shall be recomputed to take into consideration the amount of compensation allocated to such year (or from such year in the case of the current taxable year). For example, if by allocating $1,000 of compensation to 1955, adjusted gross income for 1955 is increased from $5,000 to $6,000, then the general limitation on allowable charitable deductions under section 170 (b) (1) (B) is increased from $1,000 to $1,200 and the amount of the nondeductible medical expenses under section 213 is increased from $150 to $180.

(ii) In computing the tax attributable to the compensation from an employment under this paragraph for any taxable year to or from which compensation is allocated, the effect of amounts of compensation allocated to any taxable year (or from the current taxable year) with respect to a net operating loss carryback or carryover or a capital loss carryover, shall be taken into account. Moreover, in determining the amount of tax attributable to such compensation, a computation shall also be made for any taxable year to which no amount of compensation is allocated but which is affected by a net operating loss carryback or carryover or by a capital loss carryover determined by reference to a taxable year to which amounts are so allocated and which net operating loss carryback or carryover or capital loss carryover is reduced or increased by such amounts so allocated. See subparagraph (3) (iv) (*d*) and (*e*) of this paragraph.

(3) *Example.* The computations described in subparagraph (1) of this paragraph may be illustrated by the following example: On January 1, 1952, A, unmarried, was retained as an attorney in an anti-trust suit. This employment continued until June 30, 1955, when the action was terminated and A received a fee of $84,000 as total compensation for his services. Since all the requirements of section 1301 are met with respect to the $84,000, the following tax results will occur, assuming that A's net income (or loss) for the years 1951, 1952, 1953 and his taxable income from 1954 and 1955 were as follows: 1951, $20,600 (which reflects a net operating loss carryback from 1952); 1952, net operating loss $2,000; 1953, $50,600; 1954, $32,000; $1955, $100,000 ($16,000 plus the $84,000 fee).

(i) Allocation of fee to period of employment:

1955 (6 months)	$12,000
1954 (12 months)	24,000
1953 (12 months)	24,000
1952 (12 months)	24,000

(ii) Tax for 1955 computed by including the $84,000 fee in gross income; $67,320.

(iii) Tax for 1955 computed without including the $84,000 fee in gross income; $5,200.

(iv) Taxes attributable to the $84,000 fee allocated to the various taxable years:

	Prior to allocation under sec. 1301		*Under sec. 1301*
(*a*) Tax attributable to 1955:			
Taxable income			$28,000 ($16,000+$12,000)
Tax		$11,980	11,980
Less		5,200	
Amount of tax attributable to 1955 under sec. 1301			6,780
(*b*) Tax attributable to 1954:			
Taxable income	$32,000		56,000
Tax	14,460		31,320
		31,320	
Less		14,460	
Section 1301 increase attributable to 1954			16,860
(*c*) Tax attributable to 1953:			
Net income	50,600		74,600
Less: Personal exemption	600		600
	50,000		74,000
Tax	28,916		47,936
		47,936	
Less		28,916	
Section 1301 increase attributable to 1953			19,020
(*d*) Tax attributable to 1952:			
Net income	($2,000 net operating loss).		22,000
Less: Personal exemption			600
			21,400
Tax and section 1301 increase attributable to 1952			8,984
(*e*) Tax attributable to 1951:			
Net income	$20,600		22,600
Less: Personal exemption	600		600
	20,000		22,000
Tax	7,396		8,536
		$8,536	
Less		7,396	
Section 1301 increase attributable to 1951			1,140
(*f*) Aggregate of taxes resulting from allocation of compensation under section 1301:			
1955			6,780
1954			16,860
1953			19,020
1952			8,984
1951			1,140
			52,784

(v) Tax for 1955 under section 1301: $57,984.

Since the tax for 1955 computed without including the $84,000 fee in gross income ($5,200), plus the aggregate of taxes attributable to the allocation of such fee over the period of employment ($52,784) equals $57,984, which is a lesser sum than $67,320 (the amount of tax for 1955 computed by including the entire fee in income for 1955), $57,984 is the amount of tax for 1955 under the provisions of section 1301.

(4) *Compensation received from several employments allocated to same period.* If an individual computes his income tax under section 1301 for a particular taxable year and in a subsequent taxable year receives or accrues compensation from another employment, the period of which coincides to any extent with the period covered by the employment involved in the previous taxable year, such individual must, in availing himself of section 1301 for such subsequent taxable year, take into consideration the fact that he has previously allocated compensation to all or a part of the period covered by the employment later compensated. The same principle is applicable where income entitled to the benefits of section 1302, 1303, 1304, or 1305 is allocated to a year to which other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305 had previously been allocated. For example, an individual commenced an employment on January 1, 1950, and completed it on December 31, 1954, at which time he received $60,000 as total compensation therefrom. In connection with his return for 1954, he allocated $1,000 to each of 60 calendar months included within the period of the employment and determined his income tax under the provisions of section 1301. He also commenced a second employment on January 1, 1952, and completed it on Decem-

31, 1955, at which time he received total compensation of $48,000. In determining whether the limitation on tax prescribed in section 1301 (a) is applicable for the calendar year 1955, he must, in connection with allocating $1,000 to each of the 48 calendar months included within the period of such employment and computing the tax attributable thereto, also include in his income for the years 1952, 1953, and 1954, the amount of $12,000 previously allocated to each of such years in connection with his return for the calendar year 1954.

(e) *Rules with respect to partners*—(1) *Qualifications for limitations on tax.* An individual who is a member of a partnership receiving or accruing compensation from an employment of the type described in section 1301 (a) shall be entitled to the benefits of section 1301 only if: (i) He has been a member of the partnership continuously for a period of 36 months immediately preceding the receipt or accrual of such compensation by the partnership, or (ii) he has been a member of the partnership continuously for the period of the employment immediately preceding such receipt or accrual. It is immaterial whether the individual actually rendered services with respect to the employment to which the compensation is attributable.

(2) *Limitation on tax.* (i) If a partner qualifies under section 1301 (c) and subparagraph (1) of this paragraph for the benefits of section 1301 with respect to a share of partnership income includible in his gross income, the tax attributable to such share shall not be greater than the aggregate of the taxes which would have been attributable to such share had it been included in the gross income of the partner ratably over (*a*) the period in which it was earned immediately preceding the receipt or accrual of the compensation by the partnership, or (*b*) the period during which the individual continuously was a member of the partnership immediately preceding such receipt or accrual, whichever is the shorter period.

(ii) If (*a*) a partnership receives or accrues compensation from an employment of the type described in section 1301 (a) and the period of such employment immediately preceding the date of receipt or accrual is less than 36 months, and (*b*) if any individual has been a member of such partnership continuously for such period, then such individual shall be entitled to allocate his share of the compensation over such period.

(iii) If an individual has been a member of a partnership continuously for a period of at least 36 months immediately preceding the receipt or accrual of compensation from an employment of the type described in section 1301 (a), but such individual has not been a member of the partnership for the total period during which such compensation was earned by the partnership, the allocation of such individual's share of the compensation is limited to the period during which he was continuously a member of the partnership.

(iv) For purposes of section 1301 a partner who has retired under local law will nevertheless be treated as a partner until his interest in the compensation of the partnership from an employment has terminated, but only if such partner would have satisfied the employment requirement of section 1301 (c) if the partnership had received or accrued compensation from such employment on the date of his retirement. In such a case the retired partner shall be entitled to allocate his share of the compensation only over the period of employment preceding his retirement and during which he was a member of the partnership.

(v) The provisions of this paragraph may be illustrated by the following examples:

Example (1). A became a member of the ABC partnership on June 1, 1950. The partnership, which is on the calendar year basis, began an employment on June 1, 1952, and completed it on July 1, 1955. On June 1, 1954, the partnership had received $24,000 as total compensation from such employment. A's $8,000 share of such compensation was included in his gross income for 1954. Since the $24,000 payment was from an employment of the type described in section 1301 (a) and since A had been a member of the partnership continuously for more than 36 months at the date of the receipt of the payment, A is entitled to allocate his $8,000 share over the period in which the income was earned prior to the date of its receipt by the partnership. Thus, for purposes of making the tentative tax computation, A must allocate the $8,000 ratably over the period from June 1, 1952, through May 31, 1954.

Example (2). Assume the same facts as in example (1) of this subdivision except that A retires from the partnership on July 1, 1954. Such retirement is immaterial for purposes of section 1301; the tax consequences would be the same as in example (1) of this subdivision for the reasons therein set forth.

Example (3). A became a member of the ABC partnership on February 1, 1953. The partnership began an employment on July 1, 1953, and completed it on July 1, 1956. The partnership received $24,000 as compensation from such employment on January 1, 1955. The $24,000 payment was at least 80 percent of the partnership's total compensation from the employment. A included his $8,000 share in his gross income for 1955. Since the employment was of the type described in section 1301 (a) and since A was a member of the partnership continuously for the period of the employment immediately preceding the receipt of the payment, A is entitled to the benefits of section 1301 (a) with respect to his share, even though he had not been a partner for 36 months at the time of the receipt of the compensation. The period over which his share must be allocated for purposes of computing the tentative tax is July 1, 1953, through December 31, 1954.

Example (4). Assume the same facts as in example (3), except that the employment is completed on February 1, 1956. In such case A would not be entitled to the benefits of section 1301 (a), since the employment by the partnership did not cover a period of 36 months or more from its beginning to its completion.

Example (5). The ABC partnership began an employment on June 1, 1952. D became a member of the partnership on June 1, 1955. On June 1, 1957, the partnership received $30,000 as compensation from the employment. D's share of this payment included in his gross income for 1957 was $5,000. The employment terminated on June 1, 1959. The $30,000 payment was at least 80 percent of the total compensation from the employment. D is not entitled to the benefits of section 1301 since he was neither a member of the partnership continuously for a period of 36 months immediately preceding the receipt of the payment by the partnership, nor was he a member of the partnership continuously for the period of employment immediately preceding such receipt.

Example (6). The AB partnership began an employment on February 1, 1955. On February 1, 1957, after the employment had been in progress for two years, C joined the partnership. The employment was completed on July 31, 1960, and covered a period of 66 calendar months. The total compensation from the employment was $198,000 and was received on August 1, 1960, each partner's share amounting to $66,000. A and B are entitled to allocate their shares of the compensation over the full period of the employment, that is, over the 66 calendar months from February 1, 1955, through July 31, 1960. However, C can allocate his share only over a 42-month period extending from February 1, 1957, through July 31, 1960, the period during which he was continuously a member of the partnership. The shares of the total compensation received by A and B are allocable in the amount of $1,000 per month over 66 months, while C must allocate his share at the rate of $1,571.43 per month over 42 months.

Example (7). The ABC partnership began an employment on February 1, 1955. On July 31, 1957, after the employment had been in progress for 30 months, B retired from the partnership. The employment was completed on July 31, 1960, and covered a period of 66 calendar months. The total compensation from the employment was $180,000 and was received on August 1, 1960. Pursuant to the terms of the partnership agreement, A and C each received $75,000, while B received $30,000 as his share. A and C are entitled to allocate their shares of the compensation over the full period of the employment, that is, over the 66 calendar months from February 1, 1955, through July 31, 1960. Since under the terms of the partnership agreement B retained an interest in the compensation from the employment when he retired from the partnership, B will be treated as a partner and be entitled to allocate his $30,000 share over the 30 months of the period of employment preceding his retirement.

(3) *Individual engaged in an employment who becomes a member of a partnership which continues with such employment.* If an individual begins an employment in an individual capacity and later becomes a member of a partnership which continues with such employment, the employment shall be considered, with respect to such individual, as one employment covering both the period during which a portion of the employment was performed by such individual in his capacity as such and the period during which a portion of the employment was performed by the partnership. However, with respect to the other members of the partnership, the period of the employment is limited to the period of the employment performed by the partnership. For example, A, an individual, begins an employment for the X Company on June 1, 1952. On January 1, 1953, A forms a partnership with B and C. The partnership continues with the employment for the X Company and completes it on June 1, 1955, at which time the partnership receives $25,000 as total compensation for the services rendered on the employment. A is entitled to the benefits of section 1301 with respect to his share of the

$25,000 and can allocate it over the period June 1, 1952, through May 31, 1955, but B and C are not entitled to such benefits. If, however, the partnership had completed the employment on January 1, 1956, and had received the $25,000 on that date, all three partners would be entitled to section 1301 benefits. A would allocate his share over the period June 1, 1952, through December 31, 1955, whereas B and C would allocate their shares over the period January 1, 1953, through December 31, 1955. Furthermore, if the employment had been completed on January 1, 1956, but the $25,000 had been received by the partnership on January 1, 1955, all partners would be entitled to section 1301 benefits; A allocating his share over the period June 1, 1952, through December 31, 1954, and B and C allocating their shares over the period January 1, 1953, through December 31, 1954.

(4) *Period of allocation where income received by a partner who was formerly an employee.* Where a member of a partnership who was formerly an employee of such partnership includes in his gross income a part of the compensation received or accrued by the partnership from an employment of the type described in section 1301 (a), he shall be deemed to have been a member of such partnership for the period during which he was an employee ending immediately prior to his becoming such a member. It is immaterial for purposes of this paragraph whether such an individual, as an employee, actually rendered services with respect to the employment to which such compensation is attributable. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A, an individual, became an employee of the XYZ law partnership on June 1, 1952, and a member of the partnership on June 1, 1956. The partnership commenced an employment on June 1, 1954, and completed it on June 1, 1958, at which time it received a payment of $50,000, which satisfied all of the requirements of section 1301 (a). A's share of the $50,000 payment includible in his gross income for 1958 was $5,000. For purposes of section 1301 (c), A is deemed to have been a partner for the period June 1, 1954, through May 31, 1958, and the amount of $5,000 must be allocated ratably over the period June 1, 1954, through May 31, 1958.

Example (2). Assume the same facts as in example (1), except that on June 1, 1955, A left the employ of the partnership and returned on January 1, 1956. In such a case, A is a partner for the purposes of section 1301 for the period January 1, 1956, to June 1, 1958. Under such circumstances, A would not qualify for the benefits of section 1301 (a), since he was not a member of the partnership continuously for the period of 36 months immediately preceding receipt by the partnership of the compensation from the employment, nor was he a member of the partnership continuously for the period of employment immediately preceding the receipt of the compensation by the partnership.

(5) *Effect of withdrawal of a partner or termination of a partnership.* The withdrawal of a partner from a partnership or the termination of a partnership will not bring an employment to an end with respect to any partner who continues to participate in such employment either in his individual capacity or as a partner in a partnership which continues with such employment. For example, partnership AB began an employment on January 1, 1955. On January 1, 1957, B sold his interest to C under such circumstances as to cause the partnership to terminate under section 708 (b) (1). However, partnership AC continued with the employment and completed it on January 1, 1959, at which time the partnership received $100,000 as total compensation for the employment. Since A had an interest in the employment as a partner continuously for a period of 48 months he is entitled to the benefits of section 1301 with respect to his share of the compensation from the employment. C does not qualify, however, since he participated in the employment as a member of a partnership for a period of less than 36 months.

(6) *Effective date.* Section 1301 (c) and this paragraph shall apply only to amounts received or accrued after March 1, 1954. Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this paragraph shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and to taxable years beginning after December 31, 1953, and ending before August 17, 1954, although such years are generally subject to the Internal Revenue Code of 1939. Notwithstanding any other provision of the Internal Revenue Code of 1954, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued as a partner on or before March 1, 1954, and to the computation of tax on amounts received or accrued on or before March 1, 1954.

§ 1.1302 *Statutory provisions; income from an invention or artistic work.*

SEC. 1302. *Income from an invention or artistic work*—(a) *Limitation on tax.* If—

(1) An individual includes in gross income amounts in respect of a particular invention or artistic work created by the individual; and

(2) The work on the invention or the artistic work covered a period of 24 months or more (from the beginning to the completion thereof); and

(3) The amounts in respect of the invention or the artistic work includible in gross income for the taxable year are not less than 80 percent of the gross income in respect of such invention or artistic work in the taxable year plus the gross income therefrom in previous taxable years and the 12 months immediately succeeding the close of the taxable year,

then the tax attributable to the part of such gross income of the taxable year which is not taxable as a gain from the sale or exchange of a capital asset held for more than 6 months shall not be greater than the aggregate of the taxes attributable to such part had it been received ratably over, in the case of an invention, that part of the period preceding the close of the taxable year or 60 months, whichever is shorter, or, in the case of an artistic work, that part of the period preceding the close of the taxable year but not more than 36 months.

(b) *Definitions.* For purposes of this section—

(1) *Invention.* The term "invention" means a patent covering an invention of the individual.

(2) *Artistic work.* The term "artistic work" means a literary, musical, or artistic composition or a copyright covering a literary, musical, or artistic composition.

§ 1.1302-1 *Income from an invention or artistic work*—(a) *Qualifications for limitation on tax.* (1) The tax attributable to amounts included in gross income by an individual in respect of a particular invention or artistic work which he created shall be limited in accordance with the provisions of paragraph (c) of this section, provided:

(i) The work upon the invention or artistic work covered a period of 24 months or more (from the beginning to the completion thereof), and

(ii) The amounts includible in gross income of the individual for the taxable year from such invention or artistic work are not less than 80 percent of the gross income therefrom in the taxable year, the preceding taxable years, and the 12 months immediately succeeding the close of the taxable year.

(2) That part of the gross income from such artistic work or invention which is taxable as a gain from the sale or exchange of a capital asset held for more than 6 months is excluded from the benefits of section 1302.

(3) For the purpose of determining the tax which would be attributable to gain on the sale or exchange of an artistic work had such gain been received ratably in any prior taxable year, such gain shall be treated as gain from the sale or exchange of property which is not a capital asset.

(b) *Definitions*—(1) *Invention.* For purposes of section 1302 and this section the term "invention" means a patent covering an invention of the individual.

(2) *Artistic work.* For purposes of section 1302 and this section the term "artistic work" means a literary, musical, or artistic composition or a copyright covering a literary, musical, or artistic composition.

(c) *Limitation on tax*—(1) *Rule.* When amounts includible in gross income qualify under paragraph (a) of this section, the tax attributable thereto in the taxable year shall not be greater than the aggregate of the taxes attributable thereto had such amounts been received ratably over the period for allocating the income in accordance with subparagraph (2) of this paragraph.

(2) *Allocation of income.* The period for allocating the income shall end with the close of the taxable year in which the amounts qualifying under paragraph (a) of this section are received or accrued, and the length of such period shall equal the lesser of—

(i) The part of the period of work which precedes the close of such taxable year, or

(ii) A period of 60 calendar months in the case of an invention or 36 calendar months in the case of an artistic work.

The gross income from the invention or artistic work is to be treated as if it had been received in equal portions in each of the calendar months which fall within the allocation period. The portion of the gross income from the invention or artistic work allocable to each taxable year involved in the allocation period is an amount equal to the entire amount of gross income from the invention or artistic work received or accrued in the current taxable year, divided by the entire number of calendar months included within the allocation period and multiplied by the number of such calendar months falling within the particular taxable year. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A, an individual who makes his returns on a calendar year basis and uses the cash receipts and disbursements method of accounting, received $36,000 (taxable as ordinary income) on October 1, 1954, in full payment for a musical composition. A commenced work on this composition on July 18, 1950, and completed it on January 29, 1955. Although the period of work covers 55 calendar months, allocations may be made to only the last 36 calendar months included within the part of the period of work which precedes the close of 1954 (the current taxable year). Therefore, $1,000 ($36,000 divided by 36) must be allocated to each of the 36 calendar months preceding January 1, 1955. Accordingly, $12,000 is allocated to 1952, $12,000 to 1953, and $12,000 to 1954 (the current taxable year).

Example (2). Assume the same facts as in example (1) except that A received $54,000 (taxable as ordinary income) for a patent covering an invention of his. In this case, allocations must be made to each of the 54 calendar months included within the part of work which precedes the close of 1954 (the current taxable year). Therefore, $1,000 ($54,000 divided by 54) must be allocated to each of the 54 calendar months preceding January 1, 1955. Accordingly, $6,000 is allocated to 1950 and $12,000 is allocated to each of the years 1951, 1952, 1953, and 1954.

Example (3). Assume the same facts as in example (1) except that the period of work was commenced by A on July 1, 1953, and completed on September 1, 1956. Although the period of work covers 38 calendar months, allocations may be made to only the 18 calendar months which are included within the part of the period of work which precedes the close of 1954 (the current taxable year). Therefore, $2,000 ($36,000 divided by 18) must be allocated to each of the 18 calendar months preceding January 1, 1955. Accordingly, $12,000 is allocated to 1953 and $24,000 to 1954.

Example (4). B, an individual who makes his return on a calendar year basis and uses the cash receipts and disbursements method of accounting, received $36,000 (taxable as ordinary income) on October 1, 1956, in full payment for a musical composition. B commenced work on this composition on March 1, 1950, and completed it on March 1, 1953. The amount received may be allocated over a 36-month period ending with the close of the taxable year in which received. Such amount cannot be allocated over the 36-month period during which B actually worked on the composition. Therefore, $1,000 ($36,000 divided by 36) must be allocated to each of the 36 calendar months preceding January 1, 1957. Accordingly, $12,000 is allocated to 1954, $12,000 to 1955, and $12,000 to 1956.

(d) *Computation of tax*—(1) *Steps of computation*. The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1302 (a) and paragraph (c) of this section applies to income from an invention or artistic work:

(i) Compute the tax for the current taxable year by including in the gross income of such year the amount of gross income from the invention or artistic work received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the gross income from the invention or artistic work allocated to each of the taxable years in accordance with paragraph (c) (2) of this section. The amount of the tax attributable to the gross income from the invention or artistic work so allocated is the difference between the tax for each such year computed with the inclusion in gross income of each year of the allocable portion of the gross income from the invention or artistic work and the tax for each such year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated gross income from an invention or artistic work as computed under subdivision (iii) of this subparagraph.

(2) For effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(3) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of gross income from an invention or artistic work is allocated to a period to which there has also been allocated other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305.

§ 1.1303 *Statutory provisions; income from back pay.*

SEC. 1303. *Income from back pay*—(a) *Limitation on tax*. If the amount of the back pay received or accrued by an individual during the taxable year exceeds 15 percent of the gross income of the individual for such year, the part of the tax attributable to the inclusion of such back pay in gross income for the taxable year shall not be greater than the aggregate of the increases in the taxes which would have resulted from the inclusion of the respective portions of such back pay in gross income for the taxable years to which such portions are respectively attributable, as determined under regulations prescribed by the Secretary or his delegate.

(b) *Definition of back pay*. For purposes of this section, the term "back pay" means amounts includible in gross income under this subtitle which are one of the following—

(1) Remuneration, including wages, salaries, retirement pay, and other similar compensation, which is received or accrued during the taxable year by an employee for services performed before the taxable year for his employer and which would have been paid before the taxable year except for the intervention of one of the following events:

(A) Bankruptcy or receivership of the employer;

(B) Dispute as to the liability of the employer to pay such remuneration, which is determined after the commencement of court proceedings;

(C) If the employer is the United States, a State, a Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any of the foregoing, lack of funds appropriated to pay such remuneration; or

(D) Any other event determined to be similar in nature under regulations prescribed by the Secretary or his delegate.

(2) Wages or salaries which are received or accrued during the taxable year by an employee for services performed before the taxable year for his employer and which constitute retroactive wage or salary increases ordered, recommended, or approved by any Federal or State agency, and made retroactive to any period before the taxable year.

(3) Payments which are received or accrued during the taxable year as the result of an alleged violation by an employer of any State or Federal law relating to labor standards or practices, and which are determined under regulations prescribed by the Secretary or his delegate to be attributable to a prior taxable year.

§ 1.1303–1 *Income from back pay—(a) Qualifications for limitation on tax.*

If the amount of "back pay", as defined in section 1303 (b) and paragraph (b) of this section, received or accrued by an individual during the taxable year exceeds 15 percent of the individual's gross income for such year, the part of the tax attributable to the inclusion of such back pay in gross income for the taxable year shall not be greater than the aggregate of the increases in the taxes which would have resulted from the inclusion of the respective portions of such back pay in gross income for the taxable years to which such portions are respectively attributable. The computation of this limitation on tax shall be made in accordance with the provisions of paragraph (d) of this section.

(b) *Definition of back pay*—(1) *Remuneration delayed because of certain events*. "Back pay" means remuneration including wages, salaries, pensions, retirement pay, and other similar compensation, received or accrued during the taxable year and includible in gross income by an employee for services performed prior to the taxable year for his employer and which would have been paid prior to the taxable year but for the intervention of any one of the following events:

(i) Bankruptcy or receivership of the employer;

(ii) Dispute as to the liability of the employer to pay such remuneration, which is determined after the commencement of court proceedings;

(iii) If the employer is the United States, a State, a Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any of the foregoing, lack of funds appropriated to pay such remuneration; or

(iv) Any other event determined to be similar in nature under this subparagraph. An event will be considered similar in nature to those events specified in subdivisions (i), (ii), and (iii) of this subparagraph only if the circumstances are unusual, if they are of the type specified therein, if they operate to defer payment of the remuneration for the services performed, and if payment, except for such circumstances, would have been made prior to the taxable year in which received or accrued.

For the purposes of section 1303 and this section, the term "back pay" does not include remuneration which is deemed to be constructively received in the taxable year or years in which the services were performed, remuneration paid in the current year in accordance with the usual practice or custom of the employer

even though received in respect of services performed in a prior year or years, additional compensation for past services where there was no prior agreement or legal obligation to pay such additional compensation, or any amount which is not includible in gross income under subtitle A of the Internal Revenue Code of 1954.

(2) *Retroactive wage and salary increases.* **"Back pay" also includes retroactive wage or salary increases received or accrued during a taxable year by an employee for services performed in a prior taxable year which have been ordered, recommended, or approved by any Federal or State agency such as, but not limited to, boards authorized by the Railway Labor Act, as amended (45 U. S. C. 151–188),** comparable State organizations, and United States and State courts.

(3) *Payments resulting from alleged employer violation of certain laws.* **"Back pay" also includes payments which are received or accrued during the taxable year as a result of an alleged violation by an employer of sections 6 and 7 of the Fair Labor Standards Act of 1938, as amended (29 U. S. C. 206, 207), and which are made retroactive to any period prior to the taxable year and payments which are received or accrued during the taxable year arising out of an alleged violation by an employer of any State or Federal law relating to labor standards or practices, such as payments received to effectuate the policies of the National Labor Relations Act, as amended (29 U. S. C. 151 et seq.).**

(c) *Allocation of back pay to prior years.* **For the purpose of determining under section 1303 (a) the particular taxable year or years to which the back pay is attributable and, if such back pay is attributable to more than one taxable year, the amount thereof which is attributable to each of such taxable years, the following rules will be applicable:**

(1) Back pay, as defined in section 1303 (b) (1), shall be deemed to be attributable to a particular taxable year to the extent that it would have been paid in such year except for the intervention of one of the events described in section 1303 (b) (1).

(2) Back pay, as defined in section 1303 (b) (2), shall be deemed to be attributable to a particular taxable year to the extent that it would have been paid in such year had the wage or salary increase described in section 1303 (b) (2) been actually put into effect on the date to which it was first made retroactive.

(3) Back pay, as defined in section 1303 (b) (3), shall be deemed to be attributable to a particular taxable year to the extent that it represents payments in respect of the alleged violation described in section 1303 (b) (3) which occurred in such year or which continued during any part of such year.

(4) In those cases where a computation has been made by, or under the direction of, a Federal or State agency (including any Federal or State court) by whom the back pay was awarded, which computation indicates that particular portions of such back pay are attributable to certain definite periods of time, such computation shall be accepted as the appropriate allocation for the purposes of this paragraph.

(5) Where no computation has been made as provided in subparagraph (4) of this paragraph, and where the allocation cannot be accurately made in accordance with subparagraph (1), (2), or (3) of this paragraph, then the back pay shall be allocated to each of the taxable years within which falls one or more calendar months included within the entire period for which such back pay has been paid, as if such back pay had been received or accrued in equal portions in each of such calendar months.

(6) An individual must compute his taxable income for any taxable year to which back pay is attributable even though he was not required to make a return for such year. Thus, all amounts properly includible in gross income for any taxable year to which back pay is attributable must be included in the computation.

(d) *Computation of tax.* (1) The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1303 (a) and paragraph (a) of this section applies to back pay received or accrued in the taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the back pay received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the back pay allocated to each of the prior taxable years in accordance with paragraph (c) of this section. The amount of tax attributable to back pay in each of such prior taxable years is the difference between the tax for each year computed with the inclusion in gross income of each year of the portion of such back pay so allocated to each year and the tax for each year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated back pay as computed under subdivision (iii) of this subparagraph.

(2) For effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(3) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of back pay is allocated to a period to which there has also been allocated other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305.

(4) The provisions of this paragraph may be illustrated by the following example:

Example. A, an unmarried individual with no dependents, makes his returns on the cash receipts and disbursements method of accounting and on the basis of a calendar year. It is assumed that he is entitled to use and uses for the taxable years 1950, 1951, and 1954, the optional tax table provided in section 3 of the 1954 Internal Revenue Code, and Supplement T of the 1939 Internal Revenue Code. In 1954, A received adjusted gross income in the amount of $4,200, of which $1,000 constituted back pay. His tax for the calendar year 1954 on $4,200 would be $665. On $3,200 ($4,200 minus $1,000), the tax would be $467. That part of the tax for 1954 attributable to back pay is, therefore, $198 ($665 minus $467). Of the back pay, $600 was attributable to the year 1951. For such year his adjusted gross income (without such back pay) was $1,700 and his tax thereon was $192. The amount of tax which he would have paid for 1951 had he included in gross income the $600 of back pay attributable to 1951 is $302. The increase in the tax for such year would have been $110 ($302 minus $192). The remainder of the back pay, $400, was attributable to the year 1950, when his adjusted gross income (without such back pay) was $1,200, and his tax was $85. The amount of tax which he would have paid for 1950 had he included in gross income the $400 of back pay attributable to 1950 is $148. The increase in the tax for 1950 would be $63 ($148 minus $85). The aggregate of the increases of taxes for 1951 and 1950 would be $173. A's tax for the calendar year 1954 is $640 ($467 plus $173).

§ 1.1304 *Statutory provisions; compensatory damages for patent infringement.*

SEC. 1304. *Compensatory damages for patent infringement.* If an amount representing compensatory damages is received accrued by a taxpayer during a taxable y as the result of an award in a civil action infringement of a patent issued by the Unit States, then the tax attributable to the clusion of such amount in gross income the taxable year shall not be greater than aggregate of the increases in taxes w would have resulted if such amount been included in gross income in equa stallments for each month during w such infringement occurred.
(Section 1304 as added by sec. 1, act of 11, 1955 (Pub. Law 366, 84th Cong., 69 688))

§ 1.1304–1 *Compensatory damag patent infringement*—(a) *Qualifications for limitation on tax.* If an amount representing compensatory damages is received or accrued by a taxpayer during a taxable year as a result of an award in a civil action for infringement of a patent issued by the United States, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month over the period during which such infringement occurred.

(b) *Definition of terms*—(1) *"Compensatory damages."* (i) For purposes of section 1304 and this section the term "compensatory damages" means an amount awarded pursuant to a judgment or decree by a court as the result of a civil action for infringement of a patent (or contributory infringement) which action is authorized by title 35 U. S. C. (1952 ed.) sec. 281. The term is limited to that portion of the award which represents damages to compensate the taxpayer for the actual infringement sustained. It does not include that portion of the award which represents increased damages awarded by the court over and above the amount found adequate to compensate for the infringement, attorney's fees, interest or costs. See title 35 U. S. C. (1952 ed.) secs. 284 and 285.

(ii) An amount awarded pursuant to a consent decree or judgment may be considered compensatory damages for purposes of this section.

(iii) An amount received or accrued pursuant to a settlement of the action, after a decree or judgment awarding damages to the taxpayer has been entered, may be considered as compensatory damages even though such amount is not made a part of a consent decree. In such case the taxpayer must show which portion of the amount received or accrued represents compensatory damages.

(iv) An amount received or accrued pursuant to a settlement of the action where no judgment or decree, or consent judgment or decree, is entered will not constitute compensatory damages.

(2) *"Patent issued by the United States."* The term "patent issued by the United States" means any patent issued or granted by the United States under the authority of the Commissioner of Patents pursuant to U. S. C. title 35 (1952 ed.), sec. 153. The term "patent issued by the United States" does not include a patent issued or granted by a foreign government.

(c) *Allocation of compensatory damages.* The amount representing compensatory damages is to be treated as if it had been received in equal portions in each of the calendar months (including those of the current taxable year) which fall within the period during which the court has determined the infringement to have occurred. Thus, the portion of the compensatory damages allocable to each taxable year involved in such period is an amount equal to the entire amount of compensatory damages, divided by the entire number of calendar months included within such period of infringement, and multiplied by the number of such calendar months falling within the particular taxable year.

(d) *Computation of tax.* (1) The following computation shall be made in order to determine whether the limitation on tax prescribed in section 1304 and paragraph (a) of this section applies to compensatory damages for a patent infringement received or accrued in the taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the amount of compensatory damages received or accrued in such year.

(ii) Compute the tax for the current taxable year without such inclusion.

(iii) Compute the tax attributable to the portion of the compensatory damages allocated to each of the taxable years in accordance with paragraph (c) of this section. The amount of tax attributable to compensatory damages in each of such years is the difference between the tax for each year computed with the inclusion in gross income of each year of the portion of such compensatory damages so allocated to each year and the tax for each year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this paragraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated compensatory damages as computed under subdivision (iii) of this subparagraph.

(2) For effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(3) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of compensatory damages is allocated to a period to which there has also been allocated other income entitled to the benefits of section 1301, 1302, 1303, 1304, or 1305.

(e) *Capital gains treatment of compensatory damages.* Section 1304 and this section are applicable to amounts considered as received from the sale or exchange of a capital asset. See section 1235 and the regulations thereunder. Whether the portion of the award allocable to each year pursuant to paragraph (c) of this section shall be considered as proceeds from the sale or exchange of a capital asset or as ordinary income shall be determined under the provisions of the internal revenue laws applicable for each such year and the regulations thereunder.

(f) *Effective date of this section.* The provisions of section 1304 and this section shall be applicable with respect to taxable years ending after August 11, 1955, but only with respect to amounts of compensatory damages received or accrued after such date as the result of awards made after such date.

(g) *Illustrations.* The provisions of section 1304 may be illustrated by the following examples:

Example (1). A, the claimant in a patent infringement action, made his return on a calendar year basis and used the cash receipts and disbursements method of accounting. On October 1, 1960, the court awarded him $72,000. Of this amount $10,000 represented legal fees, $6,000 interest, and $4,000 court costs. The balance of $52,000 represented compensatory damages. Moreover, the court found that the infringement began on June 3, 1956, and continued to the date of the award, thus covering a period of 52 calendar months. For the purpose of determining the limitation on tax under section 1304, A must allocate the amount of $52,000 of compensatory damages at the rate of $1,000 per month over the 52 calendar months as follows: $7,000 to 1956, $12,000 to 1957, $12,000 to 1958, $12,000 to 1959, and $9,000 to 1960.

Example (2). Assume the same facts as in example (1) except that on January 2, 1956, A sold his patent to the X Company within the meaning of section 1235. The sale agreement provided that, in the case of any patent infringement, A would bring any necessary actions and would share in any damages collected by such actions. For the purpose of determining the limitation on tax under section 1304, A must treat the amounts allocated to the several years as long-term capital gains.

§ 1.1305 *Statutory provisions; breach of contract damages.*

SEC. 1305. *Breach of contract damages*—(a) *General rule.* If an amount representing damages is received or accrued by a taxpayer during a taxable year as a result of an award in a civil action for breach of contract or breach of a fiduciary duty or relationship, then the tax attributable to the inclusion in gross income for the taxable year of that part of such amount which would have been received or accrued by the taxpayer in a prior taxable year or years but for the breach of contract, or breach of a fiduciary duty or relationship, shall not be greater than the aggregate of the increases in taxes which would have resulted had such part been included in gross income for such prior taxable year or years.

(b) *Credits and deductions allowed in computation of tax.* The taxpayer in computing said tax shall be entitled to deduct all credits and deductions for depletion, depreciation, and other items to which he would have been entitled, had such income been received or accrued by the taxpayer in the year during which he would have received or accrued it, except for such breach of contract or for such breach of a fiduciary duty or relationship. The credits, deductions, or other items referred to in the prior sentence, attributable to property, shall be allowed only with respect to that part of the award which represents the taxpayer's share of income from the actual operation of such property.

(c) *Limitation.* Subsection (a) shall not apply unless the amount representing damages is $3,000 or more.

(Section 1305 as added by sec. 1, act of Aug. 26, 1957 (Pub. Law 85–165, 71 Stat. 413))

§ 1.1305–1 [Reserved for regulations under section 1305]

§ 1.1306 *Statutory provisions; rules applicable to sections 1301, 1302, 1303, 1304, and 1305.*

SEC. 1306. *Rules applicable to this part*—(a) *Fractional parts of a month.* For purposes of this part, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it should be considered as a month.

(b) *Tax on self-employment income.* This part shall be applied without regard to, and shall not affect, the tax imposed by chapter 2 relating to self-employment income.

(c) *Computation of tax attributable to income allocated to prior period.* For the purpose of computing the tax attributable to the amount of an item of gross income allocable under this part to a particular taxable year, such amount shall be considered income only of the person who would be required to include the item of gross income in a separate return filed for the taxable year in which such item was received or accrued.

(d) *Effective date of certain subsections.* Subsection (c) of section 1301 and subsection (c) of this section shall apply only to amounts received or accrued after March 1, 1954. Notwithstanding any other provision of this title, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued as a partner on or before March 1, 1954, under this section and to the computation of tax on amounts received or accrued on or before March 1, 1954.

(Section 1306 as renumbered by sec. 1, act of Aug. 11, 1955 (Pub. Law 366, 84th Cong., 69 Stat. 688); sec. 1, act of Aug. 26, 1957 (Pub. Law 85–165, 71 Stat. 418))

§ 1.1306–1 *Rules applicable to sections 1301, 1302, 1303, 1304, and 1305*—(a) *Fractional parts of a month.* For purposes of sections 1301, 1302, 1303, 1304, and 1305, and the regulations there-

under, a fractional part of a month shall be disregarded unless it amounts to more than one half of a month, in which case it shall be considered as a month.

(b) *Tax on self-employment income.* The provisions of sections 1301, 1302, 1303, 1304, and 1305, and the regulations thereunder, shall be applied without regard to, and shall not affect, the tax imposed by chapter 2 of subtitle A of the Internal Revenue Code of 1954 and section 480 of the Internal Revenue Code of 1939, relating to the tax on self-employment income.

(c) *Computation of tax attributable to income allocated to prior period.* In the case of either a husband or wife receiving income to which the provisions of section 1301, 1302, 1303, 1304, or 1305 apply, the tax attributable to the portion of the income allocated to a prior period shall be computed by considering such income as includible by the spouse who would have been required to include it in a separate return for the taxable year in which such income was received or accrued, assuming a separate return had been filed for such year. For example, A, an attorney on a calendar year basis, resides in a State in which the common law with respect to the ownership of property is applicable. In 1955, A receives compensation upon the completion of an employment which began in 1945. All the requirements for the application of section 1301 (a) are satisfied. A and his wife file a joint income tax return for the taxable year 1955. They filed separate returns for the years 1945, 1946, and 1947 and joint returns in 1948 and subsequent years. The entire portion of such compensation allocable to the years for which separate returns were filed shall be includible in A's return and no part thereof shall be includible in the separate return filed by A's wife for such years.

(d) *Effective date.* Section 1304 (c) and this paragraph shall apply only to amounts received or accrued after March 1, 1954. Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this paragraph shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and to taxable years beginning after December 31, 1953, and ending before August 17, 1954, although such years are generally subject to the Internal Revenue Code of 1939. Notwithstanding any other provision of the Internal Revenue Code of 1954, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued on or before March 1, 1954, and to the computation of tax on amounts received or accrued on or before March 1, 1954.

[F. R. Doc. 58-4061; Filed, May 29, 1958; 8:46 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

CHOCKS AND BITTS

Pursuant to the authority vested in the Governor by § 4.11 of Part 4 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280), § 4.42 of Part 4 of Title 35 is hereby amended to read as follows:

§ 4.42 *Chocks and bitts.* (a) For each towing wire used, the ship shall be fitted with a heavy closed chock and a heavy pair of bitts capable of withstanding a strain of 50,000 pounds on the towing wire from any angle. Chocks for towing wire shall have a bearing surface with an inside radius of not less than 7 inches and this contour shall extend so as to accommodate as a tangent a straight line lead from the chock to the bitt and from the chock to the towing locomotive when the cable may be at any angle up to 90 degrees to a straight line through the chock (see figure 1). The most suitable installations for the bow and stern towing chocks are large chocks set thwartships right in the stem and in the stern, respectively. Chocks and bitts set in the stem and in the stern shall be double the size and strength given above, to accommodate both bow wires and both stern wires through such chocks. In addition to the above bow and stern chocks, the following shall also be required:

(1) On ships using 6 locomotives, there shall be an additional chock on each side located from 100 to 125 feet abaft the bow.

(2) On ships using 8 locomotives, there shall be, in addition to the chocks required for a 6-locomotive ship, a chock on each side located about 50 feet forward of the stern.

(3) On ships using 10 locomotives, there shall be additional chocks on each side located as follows: About 50 feet abaft the bow; about 125 feet abaft the bow; about 50 feet forward of the stern: *Provided, however,* That if chocks at these locations allow the towing wires to foul the wall coping and miter gates, the chocks should be located at shorter distances from the bow and stern.

(4) On ships using 12 locomotives (these will usually be of 90 feet and more in beam and laden), there shall be, in addition to the chocks required for a 10-locomotive vessel, a chock on each side located about 110 feet forward of the stern: *Provided, however,* That if chocks at these locations allow the towing wires to foul the wall coping and miter gates, the chocks shall be located at shorter distances from the bow and stern.

(b) On ships having a beam of more than 80 feet, requiring 10 or more locomotives, in order to prevent the fouling of towing wires on the wall coping and miter gates, locomotive wires must not be attached through chocks along the straight side of the ship or at any location where the beam is more than 80 feet.

(c) If a ship fails to meet the requirements of this section it may be denied transit. If a representative of the Marine Director decides that the ship can be handled without undue danger to equipment or personnel notwithstanding its failure to comply with this section, the ship may be allowed to transit after the Master thereof, in the presence of the Pilot, signs an undertaking releasing the Panama Canal Company from, and indemnifying it against, any loss, damage, or liability which may result from injury to the vessel or its cargo, to other vessels or their cargo, or to Canal structures or equipment, or from injury to, or death of, any person, where any such injury or death is caused in whole or in part by such failure of the vessel to meet the requirements of this section.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 8, 48 U. S. C. 1318. E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, May 20, 1958.

[SEAL] W. E. POTTER,
Governor.

[F. R. Doc. 58-4065; Filed, May 29, 1958; 8:47 a. m.]

PART 25—SEAMEN

VISAING OF ALIEN CREW LISTS BY CUSTOMS OFFICERS

Pursuant to the authority vested in the Governor of the Canal Zone by section 101 (a) (9) of the Immigration and Nationality Act (8 U. S. C. 1101 (a) (9)), § 25.2 of Title 35 is hereby revoked.

NOTE: The designation of consular officers for the purpose of issuing immigrant and nonimmigrant visas, in the cases of aliens in the Canal Zone is accomplished by regulation published locally in the Canal Zone.

Issued at Balboa Heights, Canal Zone, May 22, 1958.

[SEAL] W. E. POTTER,
Governor.

[F. R. Doc. 58-4066; Filed, May 29, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

USE OF CHEMICAL SANITIZING AGENTS IN FOOD-MANUFACTURING ESTABLISHMENTS

Section 3.203 *Quaternary ammonium compounds in foods,* which was published in the FEDERAL REGISTER on November 30, 1957 (22 F. R. 9544) has led to confusion about the Food and Drug Administration's views on the use of quaternary ammonium sanitizing agents. This confusion requires the substitution of the following statement of policy for the earlier one.

Now, therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055 as amended; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), § 3.203 is changed to read as follows:

§ 3.203 *Use of chemical sanitizing agents in food-manufacturing establish-*

ments. (a) The Administration recognizes the need for sanitizing procedures in food-manufacturing plants; it recognizes that chemical sanitizing agents aid in the maintenance of plant cleanliness; and it recognizes that a number of sanitizing agents that are poisonous or deleterious may properly be employed so that they are effective and do not leave residues in food.

(b) The Food and Drug Administration does not object to the use of effective chemical sanitizing agents on food handling equipment in establishments subject to its jurisdiction provided precautions are taken to prevent adulteration of food that comes in contact with the treated equipment.

(Sec. 402, 52 Stat. 1046; 21 U. S. C. 342)
(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: May 23, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4089; Filed, May 29, 1958; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

MISCELLANEOUS AMENDMENTS

In Part 201, Procedures of the Post Office Department (23 F. R. 2794) make the following changes:

1. The caption "Subpart-Rules of Practice in Proceedings Pursuant to the Administrative Procedure Act Under 39 U. S. C. 259, 259a and 732" to §§ 201.1 to 201.34, is hereby amended to read as follows:

SUBPART A—RULES OF PRACTICE IN PROCEEDINGS PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT UNDER 39 U. S. C. 259, 259a AND 732

2. Insert a subpart caption to apply to § 201.40 *Procedures governing administrative hearing relative to the denial, suspension or annulment of second-class mail privileges,* to read as follows:

SUBPART B—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION OR ANNULMENT OF SECOND-CLASS MAIL PRIVILEGES

3. Insert a subpart caption to apply to § 201.50 *Rules of Practice governing proceedings before the Post Office Department to revoke orders changing the mode of transportation of periodical mail of the second-class* to read as follows:

SUBPART C—RULES OF PRACTICE IN PROCEEDINGS TO REVOKE ORDERS CHANGING THE MODE OF TRANSPORTATION OF PERIODICAL MAIL OF THE SECOND-CLASS

4. Insert a subpart caption to apply to § 201.60 *Fines and deductions* to read as follows:

SUBPART D—RULES IN PROCEEDINGS RELATING TO FINES AND DEDUCTIONS

5. Insert a subpart caption to apply to § 201.65 *Air-letter sheets; permit to manufacture for sale* to read as follows:

SUBPART E—RULES OF PROCEDURE TO OBTAIN PERMITS TO MANUFACTURE AIR-LETTER SHEETS

6. Insert a subpart caption to apply to § 201.70 *How a bank may become a depository for postal-savings funds* to read as follows:

SUBPART F—RULES OF PROCEDURE FOR A BANK TO BECOME DEPOSITORY FOR POSTAL SAVINGS FUNDS

7. Insert a subpart caption to apply to § 201.75 *Mailing chutes* to read as follows:

SUBPART G—RULES OF PROCEDURE GOVERNING APPROVAL OF MAILING CHUTES

8. Insert a subpart caption to apply to § 201.80 *Disposition of money or other property recovered by Post Office Inspectors* to read as follows:

SUBPART H—RULES OF PROCEDURE RELATING TO THE DISPOSITION OF MONEY OR OTHER PROPERTY RECOVERED BY POSTAL INSPECTORS

9. Insert a subpart caption to apply to § 201.82 *Payment of rewards* to read as follows:

SUBPART I—RULES OF PROCEDURE RELATING TO THE PAYMENT OF REWARDS

10. Insert a subpart caption to apply to § 201.85 *Compromise of obligations* to read as follows:

SUBPART J—RULES OF PROCEDURE GOVERNING THE COMPROMISE OF OBLIGATIONS

11. Insert a subpart caption to apply to § 201.90 *Employment policy, Post Office Department* to read as follows:

SUBPART K—PROCEDURES UNDER THE EMPLOYMENT POLICY OF THE POST OFFICE DEPARTMENT

12. Insert a subpart caption to apply to § 201.100 *Rule making* to read as follows:

SUBPART L—RULE MAKING PROCEDURES OF THE POST OFFICE DEPARTMENT

13. In § 201.5 *Notice of hearing and answer date* amend the first sentence by changing "Chief Hearing Examiner" to "Docket Clerk".

14. In § 201.6 *Service of complaint and notice of hearing* amend paragraph (a) by changing "Chief Hearing Examiner" in the first sentence thereof to read "Docket Clerk".

15. Section 201.18 *Hearing examiners* is amended to read as follows:

§ 201.18 *Hearing examiners.* Hearing examiners shall be appointed and qualified pursuant to section 11 of the Administrative Procedure Act, 5 U. S. C. 1010. Proceedings shall be assigned to a hearing examiner by the Docket Clerk on rotation and notice of the assignment given to the parties.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

The amendments to §§ 201.5, 201.6, and 201.18 by the above changes 13, 14, and 15, are hereby approved.

CHARLES D. ABLARD,
Judicial Officer for the Post Office Department.

[F. R. Doc. 58-4104; Filed, May 29, 1958; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter L—Mineral Lands

[Circular 2003]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM, AND SULPHUR IN CERTAIN ACQUIRED LANDS

On pages 2104 to 2108 inclusive of the FEDERAL REGISTER of March 29, 1958, there was published a proposed revision of §§ 200.31 to 200.50 as a proposed rule making. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revision.

No comments or suggestions were submitted within the 30-day period. Therefore, the proposed revision of the regulations is hereby adopted without change and is set forth below.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MAY 23, 1958.

Sections 200.31 to 200.50 are revised and renumbered, and a new § 200.46 is added to this part, to read as follows:

Sec.
200.31 Authority.
200.32 Scope.
200.33 Outstanding prospecting permits and leases.
200.34 Filing and contents of application; filing fee; acreage limitation; qualifications; priority rights.
200.35 Terms and conditions of prospecting permits; rental; bonds.
200.36 Extension of permit.
200.37 Reward for discovery; preference right lease; bond.
200.38 Suspension of operations and production.
200.39 Mineral deposits subject to lease through competitive bidding; leasing units.
200.40 Application for lease by competitive bidding.
200.41 Notice of lease offer.
200.42 Bidding requirements; deposits.
200.43 Action by successful bidder.
200.44 Payments and reports.
200.45 Bonds.
200.46 Approval of operating or development contract without regard to acreage limitations.
200.47 Relinquishment of prospecting permit or lease.
200.48 Cancellation or termination of prospecting permit or lease.
200.49 Transfers, including subleases.
200.50 Overriding royalties.
200.51 Fractional or future interest leases and permits.

AUTHORITY: §§ 200.31 to 200.51 issued under R. S. 161, sec. 3, 63 Stat. 683; 5 U. S. C. 22, 30 U. S. C. 192c.

§ 200.31 *Authority.* (a) Section 402, Reorganization Plan No. 3 of 1946 (60 Stat. 1099) transferred the functions of the Secretary of Agriculture and the Department of Agriculture relative to the leasing or other disposal of minerals in certain acquired lands to the Secretary of the Interior.

(b) Section 3 of the act of September 1, 1949 (63 Stat. 683) authorized the issuance of mineral leases or permits for the exploration, development and utilization of minerals, other than those covered by the Mineral Leasing Act for Acquired Lands, in certain lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83)

(c) Section 3 of the act of June 23, 1952 (66 Stat. 285), authorized the Secretary of the Interior to administer, in the manner prescribed by section 402 of Reorganization Plan No. 3 of 1946, mineral deposits other than those subject to the provisions of the Mineral Leasing Act for Acquired Lands, in that part of the Juan Jose Lobato Grant Numbered 164, which lies northerly of the Chama River (North Lobato tract) and in part of the Anton Chica Grant Numbered 29 (El Pueblo tract) as more particularly described in section 1 of the act of June 28, 1952.

§ 200.32 *Scope.* (a) Sections 200.31 through 200.51 apply to the leasing or other disposal of minerals other than oil, gas, oil shale, coal, phosphate, potassium, sodium and sulphur.

(1) In acquired lands under the act of March 4, 1917 (39 Stat. 1134, 1150; 16 U. S. C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205; 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115, 118), section 55 of Title I of the act of August 24, 1935 (49 Stat. 750, 781), the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725; 7 U. S. C. 1011 (c) and 1018).

(2) In acquired lands, except Indian lands and lands in national parks and monuments, under the jurisdiction of the bureaus of the Department of the Interior where authorized by law.

(3) In those lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83), which were acquired with funds of the United States, or lands received in exchange therefor.

(4) In those portions of the Juan Jose Lobato Grant (North Lobato tract) and of the Anton Chica Grant (El Pueblo tract) in New Mexico, mentioned in paragraph (c) of this section.

(b) Lands under jurisdiction of the Department of Agriculture. The Reorganization Plan and the Acts provide that mineral development may be permitted only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe to protect the purposes for which the lands were acquired or are being administered. An application will be rejected if the Secretary of Agriculture does not give his consent. Any lease permit, or other instrument granting the right to mine or remove the minerals will contain such stipulations as may be specified by that official in order to protect such purposes. All matters relating to the surface of the land and its protection, including responsibility for securing compliance with all applicable regulations and procedures of the Department of Agriculture, the terms of the lease relating to the surface and surface resources, and the stipulations specified for the protection of the land, are functions of the Department of Agriculture. Lessees and permittees will comply with the applicable regulations of the Secretary of Agriculture and will consult with the authorized representative of the Secretary of Agriculture as to matters relating to the surface.

§ 200.33 *Outstanding prospecting permits and leases.* Prospecting permits and leases heretofore issued by the Department of Agriculture will continue to be administered by the Department of the Interior in accordance with the regulations under which they were issued.

§ 200.34 *Filing and contests of applications; filing fees; acreage limitation; qualifications; priority rights.* (a) While there is no required form for an application for a prospecting permit or lease, Form 4–1307 may be used for that purpose. If not, the application should:

(1) Specify the dominant mineral or minerals for which the lease or permit is sought;

(2) Name, if practicable, the branch of the Government agency having jurisdiction over the land and the administrative unit or project of which the land is a part;

(3) Contain a statement of applicant's citizenship; if a corporation, the State of incorporation and that it is authorized to hold a prospecting permit or lease, and a statement that applicant's interests, direct or indirect, in leases, prospecting permits or applications for minerals other than coal, phosphate, sodium, potassium, oil, oil shale, or gas in acquired lands in the same State, do not exceed the allowable acreage prescribed in paragraph (c) of this section.

(4) Contain a complete and accurate survey description of the lands for which a prospecting permit or lease is desired; in the States under the public land rectangular system, if surveyed, by legal subdivision, section, township and range; if unsurveyed, by a similar description based upon the premise of its location when surveyed and by courses and distances connected to a corner of the public land rectangular system. In those States not covered by the public land rectangular system, by the description in the deed of conveyance, of the tract, to the United States or if a portion of such a tract, by courses and distances connected with an identifiable and established corner of an existing survey recognized by the laws of the State;

(5) Include an accurate map or plat of the lands prepared from the survey thereof or other reliable map source, unless the lands are surveyed under the public land system of surveys.

(b) An application for a prospecting permit or lease may be filed by any citizen or association of citizens of the United States, or corporations organized and existing under the laws of the United States or any State or Territory thereof.

(1) The application shall be filed in triplicate in the proper land office, or for lands or deposits in States in which there are no land offices, with the Director, Bureau of Land Management, Washington 25, D. C., except that applications for lands or deposits in the following States should be filed at the land offices named: North or South Dakota, land office at Billings, Montana; Nebraska or Kansas, at Cheyenne, Wyoming; Oklahoma or Texas, at Santa Fe, New Mexico. The application must be accompanied by a filing fee of $10 which is not returnable.

(2) An application for a prospecting permit must be accompanied by full payment of the first year's rental of 25 cents per acre or fraction thereof, but no less than $20.

(c) No applicant may hold more than 20,480 acres under prospecting permit and lease of which not more than 10,240 acres may be held under lease, provided, however, that the Secretary may authorize a lessee to hold under lease an additional 10,240 acres of land if he finds, upon a satisfactory showing submitted by the lessee that such additional acreage is necessary to promote the orderly development of mineral resources and does not result in undue control of the mineral to be mined, removed and marketed, but in no event shall a lessee hold in excess of 10,240 acres of leased land for the mining of any dominant single mineral, nor shall any person at any one time hold more than 20,480 acres under permit and lease in any one State.

(d) A prospecting permit may not include more than 2,560 acres, and will be issued to the first qualified applicant.[1] The acreage covered by such a permit must lie entirely within the area of a 6-mile square. An application for a prospecting permit which covers lands that are not located entirely within a 6-mile square will be rejected in its entirety.

§ 200.35 *Terms and conditions of prospecting permits; rental; bonds.* (a) Prospecting permits are issued on Form 4–1099 for a period of 2 years and grant the permittee the exclusive right to prospect on and explore the described lands to determine the existence of, or workability of, the mineral deposits therein. Only such material may be removed from the land as is necessary to demonstrate the existence of commercial quantities thereof.

(b) A prospecting permit will require payment in advance by permittee of an annual rental of not less than 25 cents per acre or fraction of an acre, but no less than $20 per year. The permittee may also be required, as a condition precedent to the issuance of a permit, to furnish a permit bond.

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[1] A larger area may be granted under the "rule of approximation" in those States covered by the public land rectangular survey system. That rule applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from inclusion of such subdivision.

(c) Prospecting may be carried on with the consent of the appropriate official of the Department, bureau or agency having jurisdiction over the land where no structures are to be erected, and no substantial excavations or disturbances of the surface will be made. Such prospecting shall not be deemed to vest in the prospector an exclusive right of exploration or a preference right to a lease under this part.

§ 200.36 *Extension of permit.* (a) A prospecting permit may be extended for one additional term of 2 years, in the discretion of the signing officer, upon written application made by the permittee and filed in triplicate in the proper land office within 90 days prior to the expiration date of the permit. Such application must be accompanied by a filing fee of $10, which is not returnable. In support of an application for extension of a prospecting permit, the permittee must show that he has diligently performed prospecting activities on the land during the period for which the permit was issued. This requirement may be dispensed with, in the discretion of the authorized officer, upon a satisfactory showing that the permittee's failure to perform diligent prospecting activities was due to conditions beyond permittee's control.

(b) Upon failure of the permittee to file an application for extension within the specified period, the permit will expire 30 days after the end of its primary term without notice to the permittee and the lands will thereupon become subject to new application for prospecting permits.

§ 200.37 *Reward for discovery; preference right lease; bond.* (a) Upon discovery of any valuable deposit of minerals the permittee shall be entitled to a preference right lease for the minerals in any or all of the lands in the permit except as provided for in § 200.32 (a).

(b) Should the issuance of the preference right lease, for the acreage applied for, increase the permittee's leased acreage beyond 10,240 acres, such preference right lease will not issue unless the permittee, within the time allowed by the signing officer, relinquishes sufficient of his leased lands to reduce the area of his leaseholds, including the area to be included in the preference right lease, to 10,240 acres except as provided for in § 200.34 (c).

(c) An application for a preference right lease must be filed in the proper land office not more than 30 days after the termination date of the primary or extended term of the permit, and must describe the lands for which the lease is desired; must contain a statement of permittee's interests, direct or indirect, in acquired lands mineral leases except leases covering the leasable minerals mentioned in § 200.32 (a); must disclose any change in the information contained in the application for the permit, specify fully the extent the mode of occurrence of the mineral deposit disclosed by the prospecting, and show that a valuable deposit of minerals was discovered before the expiration of the permit.

(d) The application must be accompanied by a payment of $1 for each acre or fraction thereof included in the application, but not less than $20. In no event shall the first year's rental on any lease be less than $20. The lease will be issued on Form 4-1100 and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, except that upon the applicant's request, the lease will be dated the first day of the month following the date the application is filed. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate (12½ percent) and such mining will not constitute a trespass.

(e) The permittee shall be liable for and pay to the United States a royalty of 12½ percent of the gross value of the minerals mined at the point of shipment to market during the period prior to the effective date of the preference right lease, but no mining operations shall be carried on prior to the effective date of such lease except with the written consent of the agency having jurisdiction over the surface of the land and subject to such conditions as the authorized representatives of the agency shall prescribe.

(f) The terms and conditions of the lease, including the royalty rates, will be established on an individual case basis. If minerals other than that specified in the issued lease should be discovered and mined by the lessee an applicable royalty rate will be established by the lessor for such mineral. The lessee will be required to post a lease bond on Form 4-1301 or Form 4-1302 before the lease will be executed by the Government. The lease will be issued for a period of five or ten years, upon the advice of the agency having jurisdiction over the surface and the United States Geological Survey, with a right in the lessee to renew the same for successive periods of like duration under such reasonable terms and conditions as the Secretary of the Interior may prescribe, including the revision of or imposition of stipulations for the protection of the surface of the land as may be required by the agency having jurisdiction thereover. An application for renewal of the lease must be filed in manner similar to that prescribed for extension of a permit in § 200.36 (a) and the provisions of § 200.36 (b) are applicable to leases.

§ 200.38 *Suspension of operations and production.* (a) Applications by lessees for relief from the producing requirements or from all operating and producing requirements of mineral leases shall be filed in triplicate, in the office of the Regional Mining Supervisor of the Geological Survey and a copy thereof filed in the proper land office. Complete information must be furnished showing the necessity for such relief.

(b) The lease will be extended for the period of suspension of operations and production.

(c) A suspension shall take effect as of the time specified in the direction or assent of the Secretary or his authorized representative. Rental and minimum royalty payments will be suspended during any period of suspension of operations and production, beginning with the first day of the lease month on which the suspension of operations and production become effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension or rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

§ 200.39 *Mineral deposits subject to lease through competitive bidding; leasing units.* (a) Except for preference right leases, as set out in the preceding section, leases for lands containing valuable mineral deposits will be issued only to the qualified person who offers the highest bonus by competitive bidding, either by oral auction or sealed bids or both, as provided in the published notice inviting bids for the issuance of a lease covering such deposits.

(b) Any qualified person may file an application for the competitive offering of such deposits. Leasing units may not exceed, in reasonably compact form, 2,560 acres of land described in the manner required by § 200.34 (4). The authorized officer may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for a logical mining unit.

§ 200.40 *Application for lease by competitive bidding.* (a) An application for a mineral lease through competitive bidding must be filed in triplicate in the appropriate land office. Form 4-1307 should be used for such an application, though its use is not mandatory. If this form is not used, the application should contain the information specified in § 200.34 and should be accompanied by evidence that the land applied for is valuable for the mineral deposits named therein, together with a statement as to the character, extent and mode of occurence thereof.

§ 200.41 *Notice of lease offer.* Notice of the offer of the mineral deposits for lease will be published once a week for 4 consecutive weeks, or for such other periods as the Bureau of Land Management may deem appropriate, in a newspaper of general circulation in the county in which the mineral deposits are situated. A copy of the notice will be posted in the proper Land Office during the period of publication. The notice will set the day and hour of sale, state whether the lease will be offered by oral auction bidding or by sealed bids, or both, and state that the successful bidder will be required to pay the cost of publishing the notice if only one parcel of land is involved. Where more than one parcel is offered, the successful bidder will be required to pay his proportionate share of such cost, which will be that proportion of the cost that the number of parcels awarded to the successful bidder bears to the number of parcels for which high bidders are declared. The notice will specify the place where the oral auction sale is to be held and where sealed bids are to be submitted, and other information pertinent to the offering. The notice will contain a warning to all bidders against violation of 18 U. S. C. 1860, which prohibits unlawful combination or intimidation of bidders. The notice shall also state that the Government reserves the right to reject any and all bids.

§ 200.42 *Bidding requirements; deposits.* (a) At a sale by oral auction the high bidder must deposit with the officer conducting the sale, on the day of the sale, one-fifth of the amount of his bid and at a sale by sealed bids each bidder must include with his bid one-fifth of the amount of the bid.

(b) If the sale is by oral auction and sealed bids, the oral auction sale will proceed first at the time and place specified therefor in the notice of offering, and the officer conducting the sale will, upon the termination of such oral auction bids, declare the high bidder. Thereupon, the officer conducting the sale will publicly, open and audibly, read all of the sealed bids which were received timely, and the lease will be awarded to the highest bidder, whether an oral auction bidder or a sealed bidder. The lease will be awarded to the high bidder, subject to the submission of proof of his qualifications.

(c) All deposits with bids including rental payments must be made by certified check, cashier's check, bank draft, money order, or cash. Deposits made on rejected or unsuccessful bids will be returned to the bidders.

§ 200.43 *Action by successful bidder.* Three copies of the lease to be awarded will be sent to the successful bidder who will be allowed 30 days from receipt in which to execute such lease, pay the balance of the bonus bid and the first year's rental in full, and file a surety bond in such amount as may be required, but not less than $500 on either of the bond forms specified in § 200.45, and furnish proof of citizenship and holdings as set forth in § 200.34 (a) (3). If the successful bidder, after being awarded the lease, fails or refuses to execute the same or to otherwise comply with the applicable regulations, his deposit will be forfeited.

§ 200.44 *Payments and reports.* Rentals under all leases and permits shall be paid to the Manager of the proper land office, as set forth in § 200.34 (b) (1), except that rentals and royalties on productive mining leases shall be paid to the Regional Mining Supervisor of the Geological Survey, with whom all reports concerning operations under the lease shall be filed. All remittances to the Bureau of Land Management shall be made payable to the Bureau of Land Management, those to the Geological Survey shall be made payable to the United States Geological Survey.

§ 200.45 *Bonds.* Corporate surety prospecting permit or lease bonds may be furnished on Form 4-1302. In lieu of a corporate surety bond, a personal prospecting permit or lease bond secured by negotiable United States bonds of a par value equal to the amount of the required surety bond, together with a power of attorney may be executed on Form 4-1301.

§ 200.46 *Approval of operating or development contracts without regard to acreage limitations.* (a) The Secretary of the Interior or his authorized representative may, by and with the concurrence of the Geological Survey, and on such conditions as may be prescribed, approve operating or development contracts, or processing or milling arrangements, made by one or more lessees with one or more persons, associations, or corporations, to justify operations on a large scale for the discovery, development, production or transportation of ores, whenever, in his discretion, and regardless of acreage limitations provided for in this part, the conservation of natural products or the public convenience or necessity may require it, or the interests of the United States may be best subserved thereby.

(b) Three executed copies of an operating or development contract submitted for approval under this provision must be filed in the proper land office, and a duplicate original with the Regional Mining Supervisor of the Geological Survey. The contract must be accompanied by a statement showing all of the interests held by the contractor designated in the contract in the area, and also the agreed or the proposed plan of operation or development of the leased lands. All of the contracts held by the same contractor, in the area, should be submitted at the same time and full disclosure of the project made.

§ 200.47 *Relinquishment of prospecting permit or lease.* The permittee or lessee may surrender the entire prospecting permit or lease or any legal subdivision thereof. If the lands are not described by legal subdivision, a partial relinquishment must describe definitely the lands surrendered and give the exact area thereof. A relinquishment must be filed in triplicate in the proper land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee or lessee and his surety, to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the lands in accordance with the regulations and terms of the lease, and for the faithful compliance of all of the terms of the prospecting permit or lease.

§ 200.48 *Cancellation or termination of prospecting permit or lease.* (a) Except as provided for in paragraph (b) of this section, if a permittee or lessee fails to comply with the general regulations in force at the date of the prospecting permit or lease, or, as to a lease at the effective date of any readjustment of the terms and conditions thereof, or defaults with respect to any of the terms, covenants, or stipulations of the permit or lease, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit or lease may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit or lease for any other cause, or for the same cause occurring at any other time. Until such cancellation is noted on the appropriate records of the Land Office, the lands will not be open to further application for permit or lease.

(b) Any prospecting permit or lease shall terminate automatically if the permittee or lessee fails to pay the rental on or before the anniversary date of the permit or lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely.

(c) The termination of the permit or lease for failure to pay the rental must be noted on the official records of the proper land office. Until such notation is made, the lands included in such prospecting permit or lease are not subject to the issuance of any other prospecting permit or lease. Applications for such permits filed prior to such notation will be rejected.

§ 200.49 *Transfers, including subleases.* Prospecting permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a prospecting permit or lease will create a new prospecting permit or lease for the transferred portion. A discovery either on the retained or the assigned portion of a prospecting permit will not inure to the benefit of the other. Approval of a transfer will not extend the life of the prospecting permit or the readjustment periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed in triplicate in the proper land office within 90 days after execution, and must be accompanied by a filing fee of $10, which is not returnable. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 200.34 (a) (3) and (b) must be submitted together with an application for approval of the transfer. Before a transfer of a prospecting permit or lease will be approved, the transferee must submit a surety bond if the original permit or lease required the maintenance of a bond. A transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

§ 200.50 *Overriding royalties.* (a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interest at any time exceeds one percent of the gross value of the output at the point of shipment to market, it shall be subject to reduction or suspension by the Secretary of the Interior to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low-grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof, or in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest, will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary of the Interior.

§ 200.51 *Fractional or future interest leases and permits.* (a) A prospecting permit for a fractional interest in mineral deposits or a lease for a fractional or future interest in mineral deposits acquired by the Government may be issued in the discretion of the authorized officer, by and with the consent of the appropriate Government bureau or agency having jurisdiction over the land in which such deposits are located. The terms and conditions of such permits and leases will be established on an individual case basis. No specific form of application for such permits or leases is required, but the application should contain the information required by § 200.34, as well as the information required by paragraphs (b) and (c) of this section where applicable. The application must be filed in triplicate in the proper land office accompanied by a filing fee of $10 which is not returnable.

(b) *Present fractional interest leases or permits.* An application for a present fractional interest prospecting permit or lease must show whether the applicant owns all of the fractional mineral interest not owned by the United States or all of operating rights thereto. An applicant for such a permit or lease must have a present interest in the minerals. If applicant does not own all of such mineral interests or all of the operating rights thereto, the extent of the applicant's rights thereto must be shown as well as the names of the other owners of such rights. Since the issuance of a permit or lease to one who, upon such issuance, would have less than a majority interest in the minerals or the operating rights thereto is not regarded as being in the Government's interest, an application for a permit or lease, the granting of which would lead to such result, may be rejected.

(c) *Future or fractional future interest leases.* An applicant for a prospecting permit for a fractional mineral interest or for a future or fractional interest lease must submit, with his application, title evidence of his present interest in the mineral deposits. This may be accomplished by a certified abstract of title or a certificate of title. If applicant is the owner of the operating rights to the minerals and acquired such rights under a lease from or contract with the owner of such minerals, the application should also be accompanied by three copies of such lease or contract. A whole or fractional future interest lease or a prospecting permit for a fractional interest will be issued only to an applicant who owns all or substantially all of the present operating rights to the minerals as fee owner, lessee, or operator holding such rights. Future interest leases will become effective on the date of vesting of title to the minerals in the United States as stated in the lease.

(d) *Rejection and termination of applications.* An application for a future interest lease filed less than one year prior to the date of the vesting in the United States of the present interest in the minerals will be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at the time will automatically lapse and thereafter only offers for a present interest lease will be considered.

[F. R. Doc. 58-4058; Filed, May 29, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter II—Alaska Game Commission

REDESIGNATION OF PARTS

Editorial Note: Parts 162, 163, and 164 of Title 50, Chapter II, are redesignated as Parts 201, 202, and 203, respectively.

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

[Docket No. FDC-63]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

FINDINGS OF FACT AND PROPOSED ORDER IN RE ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR CANNED PRUNE JUICE, A WATER EXTRACT OF DRIED PRUNES

In the matter of establishing a definition and standard of identity for canned prune juice, a water extract of dried prunes:

In the FEDERAL REGISTER of October 28, 1955 (20 F. R. 8125), there was published a notice of the filing of a proposal for establishing a definition and standard of identity for canned prune juice, a water extract of dried prunes. An order was published in the FEDERAL REGISTER of February 17, 1956 (21 F. R. 1094), adopting the proposal, with modifications. Subsequently, objections were filed, requesting a hearing upon the refusal to allow 2 percent of added honey as an optional ingredient of the food. By an order published in the FEDERAL REGISTER of July 14, 1956 (21 F. R. 5288), a correction was made in the wording of the definition and standard of identity for canned prune juice, and the effective date, August 17, 1956, was confirmed, except that the regulation was stayed to the extent that it ruled against the use of 2 percent added honey pending the outcome of a hearing on this issue.

Pursuant to a notice of hearing published in the FEDERAL REGISTER of January 18, 1957 (22 F. R. 385), a public hearing was held, commencing on March 12, 1957, to determine whether added honey should be allowed as an optional ingredient. On the basis of the evidence submitted at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

Findings of fact.[1] 1. On May 25, 1955, the National Canners Association submitted a proposal requesting that there be established a definition and standard of identity for canned prune juice, a water extract of dried prunes. As relevant to this proceeding, the request of the National Canners Association proposed that honey, along with other designated sweetening ingredients, should be provided for in the standard as optional ingredients. Subsequently, the National Canners Association modified their proposal by deleting the provisions that had listed sweetening ingredients, including honey, as optional ingredients of the food to be standardized. The proposal, modified as requested, was published in the FEDERAL REGISTER of October 28, 1955 (20 F. R. 8125). (R. 4-5, 145-6, 294-5; Ex. 1, 2, 3)

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[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

2. W. F. Straub and Company, Chicago, Illinois, a canner of prune juice who had for many years added a small amount of honey to the article, protested the failure of the proposed standard to list honey as a permitted optional ingredient. The order ruling on the proposal was published in the FEDERAL REGISTER of February 17, 1956 (21 F. R. 1094), and it did not list honey as a permitted optional ingredient in the definition and standard of identity for the food. To this order W. F. Straub and Company filed a formal objection and requested a public hearing on the issue of providing for the optional use of honey in prune juice. (R. 6–8, 84–6, 89, 268, 304; Ex. 2, 4, 5, 12)

3. At the hearing held upon the Straub Company's objections, the evidence established that a significant number of consumers and persons participating in the taste tests were able to detect the difference between prune juice with 2 percent to 3 percent honey added and prune juice without honey. Many of those participating in the taste tests expressed a preference for prune juice with honey. It appears that honey adds flavoring other than sweetness and makes prune juice more palatable to some consumers. Because of the variation in the dried prunes used, particularly variations in tartness, it is advisable to allow a variation in the amount of honey added. The minimum amount of honey that should be used is 2 percent by weight and the maximum is 3 percent by weight. (R. 57, 84, 88–9, 90–122, 150–1, 204–7, 211, 225, 292, 320–36; Ex. 7, 9, 14, 16, 17, 21, 25, 26, 27–30)

4. The witnesses testifying at the hearing in support of the use of honey as an optional ingredient advocated that the article with honey should have not less than 18.5 percent prune solids, which is the same minimum value for prune solids in the article without honey. With this provision in the standard, it would not be cheaper to add honey to the prune juice. (R. 58, 84, 115–6, 122–9, 208–10; Ex. 4, 14, 18)

5. While many of those participating in the taste tests expressed a preference for prune juice with honey, others expressed a preference for unsweetened prune juice and for prune juice without honey. The evidence of record supports the use of honey in the range of 2 percent to 3 percent. This is a relatively small proportion of the food. It will promote fair dealing for the standard to require that the prune juice with added honey be labeled to show the percent of honey that it contains. A reasonable label statement is "with ---------- honey" or "---------- honey added," the blank being filled in with the percent by weight of honey in the finished food, or with the statement "between 2 percent and 3 percent." (R. 57, 84, 90–111, 144, 150–2, 204–7, 221, 225, 259–60, 278–84, 288, 295, 307–8; Ex. 16, 17, 21, 26–30)

Conclusion. Upon consideration of the entire record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to modify the definition and standard of identity for canned prune juice, a water extract of dried prunes, by listing honey, in a quantity not less than 2 percent and not more than 3 percent by weight, as a permitted optional ingredient and by designating such optional ingredient for label declaration by a statement informative as to the relatively small proportion of honey in the finished food.

Wherefore: *It is ordered,* That § 27.60 (21 CFR, 1956 Supp., 27.60) be amended to read as follows:

§ 27.60 *Canned prune juice; identity; label statement of optional ingredients.* (a) Canned prune juice is the food prepared from a water extract of dried prunes and contains not less than 18.5 percent by weight of water-soluble solids extracted from dried prunes. The quantity of prune solids may be adjusted by the concentration, dilution, or both, of the water extract or extracts made. Such food may contain one or more of the optional acidifying ingredients specified in paragraph (b) (1) of this section, in a quantity sufficient to render the food slightly tart; and it may contain honey added within the quantitative limits prescribed by paragraph (b) (2) of this section. Such food is sealed in a container and so processed by heat, before or after sealing, as to prevent spoilage.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) One or any combination of two or more of the following acidifying ingredients:

(i) Lemon juice.
(ii) Lime juice.
(iii) Citric acid.

(2) Honey, in a quantity not less than 2 percent and not more than 3 percent by weight of the finished food.

(c) (1) The name of the food is "Prune juice—A water extract of dried prunes." For the purposes of the Federal Food, Drug, and Cosmetic Act concerning the label declaration of the name of the food, the explanatory statement "A water extract of dried prunes" may appear immediately below the words "prune juice," but there shall be no intervening written, printed, or graphic matter, and the type used for the words "A water extract of dried prunes" shall be of the same style and not less than half the point size of the type used for the words "prune juice."

(2) (i) When one or more of the acidifying ingredients specified in paragraph (b) (1) of this section are used, the label shall bear the statement "---------- added" or "with added ----------," the blank being filled in with the name or names of the optional ingredients used.

(ii) When honey, as specified in paragraph (b) (2) of this section, is used the label shall bear the statement "with ---------- honey" or "---------- honey added," the blank to be filled in with the percent by weight of the honey in the finished food or with the statement "between 2 and 3%."

(iii) When one or more of the ingredients designated in paragraph (b) (1) of this section and the ingredient designated in paragraph (b) (2) of this section are used, the statements specified in subdivisions (i) and (ii) of this subparagraph may be combined, as for example, "with lemon juice and between 2 and 3% honey added."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this paragraph, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: May 23, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58–4088; Filed, May 29, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 170]

INSPECTION AND CERTIFICATION

NOTICE OF PROPOSED RULE MAKING

All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621–1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F. R. 2304) pursuant to section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. sec. 742e).

In furtherance of the transferred functions it is now incumbent on the Department of the Interior to prescribe regulations to govern the inspection and certification of Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products.

Notice is hereby given that pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), the Commissioner of Fish and Wildlife proposes to recommend to the Secretary of the Interior the adoption of regulations in the form tentatively set forth below entitled Part 170—Inspection and Certification. The proposed regulations, to become effective on or about July 1, 1958, are to be issued under the authority of the Agricultural Marketing Act of August 14, 1946, as amended (7 U. S. C. 1621–1627) and represent an adaptation of regulations appearing as 7 CFR Part 52 to fit the needs of a fishery products standards program. No substantive changes in the requirements imposed by the regulations are being made. Only the changes are proposed which are necessary to codify the regulations under Title 50 with a substitution of the Department of the Interior for the Department of Agriculture as the administering agency.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views or arguments relating thereto which are submitted in writing to the Commissioner, U. S. Fish and Wildlife Service, Washington 25, D. C., in time to reach the office not later than June 16, 1958.

Dated: May 28, 1958.

D. H. JANZEN,
Acting Commissioner of Fish and Wildlife.

PART 170—INSPECTION AND CERTIFICATION

Sec.
170.1 Administration of regulations.

DEFINITIONS

170.6 Terms defined.
170.7 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

INSPECTION SERVICE

170.12 Where inspection service is offered.
170.13 Who may obtain inspection service.
170.14 How to make application.
170.15 Information required in connection with application.
170.16 Filing of application.
170.17 Record of filing time.
170.18 When application may be rejected.
170.19 When application may be withdrawn.
170.20 Disposition of inspected sample.
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170.22 Order of inspection service.
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170.24 Financial interest of inspector.
170.25 Forms of certificates.
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170.27 Issuance of corrected certificates.
170.28 Issuance of an inspection report in lieu of an inspection certificate.
170.29 Disposition of inspection certificates.

Sec.
170.30 Report of inspection results prior to issuance of formal report.

APPEAL INSPECTION

170.36 When appeal inspection may be requested.
170.37 Where to file for an appeal inspection and information required.
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SAMPLING

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170.69 Payment of fees and charges.
170.70 Schedule of fees.
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MISCELLANEOUS

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170.102 Operations and operating procedures.
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§ 170.1 *Administration of regulations.* The Secretary of the Interior is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Bureau of Commercial Fisheries of the Department in his discretion.[1]

DEFINITIONS

§ 170.6 *Terms defined.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

Acceptance number. "Acceptance number" means the number in a sampling plan that indicates the maximum number of deviants permitted in a sample of a lot that meets a specific requirement.

Act. "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

Applicant. "Applicant" means any interested party who requests inspection service under the regulations in this part.

Case. "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

Certificate of loading. "Certificate of loading" means a statement, either written or printed, issued pursuant to the regulations in this part, relative to check-loading of a processed product subsequent to inspection thereof.

Certificate of sampling. "Certificate of sampling" means a statement, either written or printed issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

Class. "Class" means a grade or rank of quality.

Condition. "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage or improper handling.

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[1] All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621–1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F. R. 2304) pursuant to section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. sec. 742e).

Department. "Department" means the United States Department of the Interior.

Deviant. "Deviant" means a sample unit affected by one or more deviations or a sample unit that varies in a specifically defined manner from the requirements of a standard, specification, or other inspection document.

Deviation. "Deviation" means any specifically defined variation from a particular requirement.

Director. "Director" means the Director of the Bureau of Commercial Fisheries.

Inspection certificate. "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

Inspection service. "Inspection service" means:

(a) The sampling pursuant to the regulations in this part;

(b) The determination pursuant to the regulations in this part of:

(1) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(2) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(c) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(d) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

Inspector. "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

Interested party. "Interested party" means any person who has a financial interest in the commodity involved.

Licensed sampler. "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for identification and condition of containers in a lot, and may, when authorized by the Secretary, perform related services under the act and the regulations in this part.

Lot. "Lot" has the following meanings:

(a) For the purpose of charging fees and issuing certificates, "Lot" means any number of containers of the same size and type which contain a processed product of the same type and style located in the same or adjacent warehouses and which are available for inspection at any one time: *Provided*, That:

(1) Processed products in separate piles which differ from each other as to grade or other factors may be deemed to be separate lots;

(2) Containers in a pile bearing an identification mark different from other containers of such processed product in that pile, if determined to be of lower grade or deficient in other factors, may be deemed to be a separate lot; and

(3) If the applicant requests more than one inspection certificate covering different portions of such processed product, the quantity of the product covered by each certificate shall be deemed to be a separate lot.

(b) For the purpose of sampling and determining the grade or compliance with a specification, "Lot" means each pile of containers of the same size and type containing a processed product of the same type and style which is separated from other piles in the same warehouse, but containers in the same pile bearing an identification mark different from other containers in that pile may be deemed to be a separate lot.

Officially drawn sample. "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Secretary pursuant to the regulations in this part.

Person. "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

Plant. "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

Processed product. "Processed product" means any fishery product or other food product covered under the regulations in this part which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

Quality. "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

Rejection number. "Rejection number" means the number in a sampling plan that indicates the minimum number of deviants in a sample that will cause a lot to fail a specific requirement.

Sample. "Sample" means any number of sample units to be used for inspection.

Sample unit. "Sample unit" means a container and/or its entire contents, a portion of the contents of a container or other unit of commodity, or a composite mixture of a product to be used for inspection.

Sampling. "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

Secretary. "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

Shipping container. "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged processed products for shipping.

Unofficially drawn sample. "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Director pursuant to the regulations in this part.

§ 170.7 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946 provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

Official certificate. "Official certificate" means any form of certification, either written or printed, including those defined in § 170.6, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

Official device. "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Director for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

Official identification. "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Director and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

Official mark. "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 170.86 approved by the Secretary and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

Official memorandum. "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

INSPECTION SERVICE

§ 170.12 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 170.13 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 170.14 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired. An up-to-date list of the Inspection Field Offices of the Department may be obtained upon request to the Director. Satisfactory proof that the applicant is an interested party shall be furnished.

§ 170.15 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 170.16 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 170.17 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 170.18 *When application may be rejected.* An application for inspection service may be rejected by the Secretary (a) for non-compliance by the applicant with the regulations in this part, (b) for non-payment for previous inspection services rendered, (c) when the product is not properly identifiable by code or other marks, or (d) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 170.19 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That, the applicant shall pay at the hourly rate prescribed in § 170.76 for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 170.20 *Disposition of inspected sample.* Any sample of a processed product that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 170.21 *Basis of inspection and grade or compliance determination.* (a) Inspection service shall be performed on the basis of the appropriate United States standards for grades of processed products, Federal, Military, Veterans Administration or other government agency specifications, written contract specification, or any written specification or instruction which is approved by the Secretary.

(b) Unless otherwise approved by the Director compliance with such grade standards, specifications, or instructions shall be determined by evaluating the product, or sample, in accordance with the requirements of such standards, specifications, or instructions: *Provided,* That when inspection for quality is based on any United States grade standard which contains a scoring system the grade to be assigned to a lot is the grade indicated by the average of the total scores of the sample units: *Provided further,* That:

(1) Such sample complies with the applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act;

(2) Such sample complies with the product description;

(3) Such sample meets the indicated grade with respect to factors of quality which are not rated by score points; and

(4) With respect to those factors of quality which are rated by score points, each of the following requirements is met:

(i) None of the sample units falls more than one grade below the indicated grade because of any quality factor to which a limiting rule applies;

(ii) None of the sample units falls more than 4 score points below the minimum total score for the indicated grade; and

(iii) The number of sample units classed as deviants does not exceed the applicable acceptance number indicated in the sampling plans contained in § 170.61. A "deviant," as used in this paragraph, means a sample unit that falls into the next grade below the indicated grade but does not score more than 4 points below the minimum total score for the indicated grade.

(5) If any of the provisions contained in subparagraphs (3) and (4) of this paragraph are not met the grade is determined by considering such provisions in connection with succeedingly lower grades until the grade of the lot, if assignable, is established.

§ 170.22 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 170.23 *Postponing inspection service.* If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 170.24 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 170.25 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Secretary.

§ 170.26 *Issuance of certificates.* (a) An inspection certificate may be issued only, by an inspector: *Provided,* That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Secretary, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Secretary to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 170.27 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supercede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 170.28 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Secretary.

§ 170.29 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Secretary may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 170.78.

§ 170.30 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 170.36 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Secretary the time within which an application for appeal inspection may be made may be extended.

§ 170.37 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 170.38 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 170.76, for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 170.39 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 170.40 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Secretary and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 170.41 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 170.47 *Who may become licensed sampler.* Any person deemed to have the necessary qualifications may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary, and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to identification and condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 170.48 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Secretary on forms furnished for that purpose. Each such application shall be signed by the applicant in his own handwriting, and the information contained therein shall be certified by him to be true, complete, and correct to the best of his knowledge and belief, and the application shall contain or be accompanied by:

(a) A statement showing his present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the ten years previous to the date of his application;

(b) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(c) A statement that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(d) Such other information as may be requested.

§ 170.49 *Inspectors.* Inspections will ordinarily be performed by employees under the Secretary who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Secretary is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 170.50 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 170.51 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 170.57 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Secretary, select sample units of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure a representative sample of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 170.58 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 170.59 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 170.60 *How samples are to be shipped.* Unless otherwise directed by the Secretary, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 170.61 *Sampling plans and procedures for determining lot compliance.* (a) Except as otherwise provided for in this section in connection with in-plant inspection and unless otherwise approved by the Secretary, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable single sampling plan or, at the discretion of the inspection service, any comparable multiple sampling plan: *Provided,* That at the discretion of the inspection service the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans.

(b) Under the single sampling plans with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample does not exceed the acceptance number prescribed for the sample size the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample exceeds the acceptance number prescribed for the sample size the lot fails the requirement.

(c) Under the multiple sampling plans inspection commences with the smallest sample size indicated under the appropriate plan and with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered does not exceed the acceptance number prescribed for that sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered equals or exceeds the rejection number prescribed for that sample size, the lot fails the requirement; or

(3) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered falls between the acceptance and rejection numbers of the plan, additional sample units are added to the sample so that the sample thus cumulated equals the next larger cumulative sample size in the plan. It may then be determined that the lot meets or fails the specific requirement by considering the cumulative sample and applying the procedures outlined in subparagraphs (1) and (2) of this paragraph or by considering successively larger samples cumulated in the same manner until the lot meets or fails the specific requirement.

(d) If in the conduct of any type of in-plant inspection the sample is examined before the lot size is known and the number of sample units exceeds the prescribed sample size for such lot but does not equal any of the prescribed larger sample sizes the lot may be deemed to meet or fail a specific requirement in accordance with the following procedure:

(1) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample does not exceed the acceptance number of the next smaller sample size the lot meets the requirements;

(2) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample equals the acceptance number prescribed for the next larger sample size additional sample units shall be selected to increase the sample to the next larger prescribed sample size;

(3) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample exceeds the acceptance number prescribed for the next larger sample size the lot fails the requirement.

(e) In the event that the lot compliance determination provisions of a standard or specification are based on the number of specified deviations instead of deviants the procedures set forth in this section may be applied by substituting the word "deviation" for the word "deviant" wherever it appears.

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, V, and VI which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container size and amount of product to be sampled.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS

TABLE I—CANNED OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of less volume than that of a No. 300 size can (300 x 407).	3,600 or less..	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 2									
Any type of container of a volume equal to or exceeding that of a No. 300 size can, but not exceeding that of a No. 3 cylinder size can (404 x 700).	2,400 or less..	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 3									
Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can (603 x 812).	1,200 or less..	1,201-7,200	7,201-15,000	15,001-24,000	24,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container of a volume exceeding that of a No. 12 size can, but not exceeding that of a 5-gallon container.	200 or less...	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.
GROUP 5									
Any type of container of a volume exceeding that of a 5-gallon container.	25 or less....	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [1]								
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number............	0	1	2	3	4	5	6	7	8

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[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI af this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted

TABLE II—FROZEN OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	2,400 or less..	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 2									
Any type of container over 1 pound but not over 4 pounds net weight.	1,800 or less..	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 3									
Any type of container over 4 pounds but not over 10 pounds net weight.	900 or less...	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container over 10 pounds but not over 100 pounds net weight.	200 or less...	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.
GROUP 5									
Any type of container over 100 pounds net weight.	25 or less....	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [1]								
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number............	0	1	2	3	4	5	6	7	

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[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 3 pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS—Continued

TABLE III—CANNED, FROZEN, OR OTHERWISE PROCESSED FISHERY AND RELATED PRODUCTS, AND PRODUCTS THEREOF OF A COMMINUTED, FLUID, OR HOMOGENEOUS STATE

Container size group[1]	Lot size (number of containers)								
GROUP 1 Any type of container of 12 ounces or less.	5,400 or less	5,401-21,600	21,601-62,400	62,401-112,000	112,001-174,000	174,001-240,000	240,001-360,000	360,001-480,000	Over 480,000.
GROUP 2 Any type of container over 12 ounces but not over 60 ounces.	3,600 or less	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 3 Any type of container over 60 ounces but not over 160 ounces.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 4 Any type of container over 160 ounces but not over 10 gallons or 100 pounds whichever is applicable.	200 or less	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 5 Any type of container over 10 gallons or 100 pounds whichever is applicable.	25 or less	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans[2]								
Sample size (number of sample units).[3]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

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[1] Ounces pertain to either fluid ounces of volume or avoirdupois ounces of net weight whichever is applicable for the product involved.

[2] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[3] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. A smaller sample unit may be substituted in group 3 at the inspector's discretion. Groups 4, 5, and 6—approximately 16 ounces of product. When determined by the inspector that a 16-ounce sample unit is inadequate, a larger sample unit may be substituted.

TABLE IV—DEHYDRATED FISHERY AND RELATED PRODUCTS

Container size group	Lot size (number of containers)								
GROUP 1 Any type of container of 1 pound or less net weight.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 2 Any type of container over 1 pound but not over 6 pounds net weight.	900 or less	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 3 Any type of container over 6 pounds but not over 20 pounds net weight.	200 or less	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 4 Any type of container over 20 pounds but not over 100 pounds net weight.	48 or less	49-400	401-1,200	1,201-2,000	2,001-2,800	2,801-6,000	6,001-9,600	9,601-15,000	Over 15,000.
GROUP 5 Any type of container over 100 pounds net weight.	16 or less	17-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans[1]								
Sample size (number of sample units)[2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

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[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Groups 2, 3, 4, and 5—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V—SINGLE SAMPLING PLANS FOR USE IN INCREASING SAMPLE SIZE BEYOND 72 SAMPLE UNITS

Sample size, n	84	96	108	120	132	144	156	168	180	192	204	216	230	244	258	272	286	300	314	328	342	356	370	384	400
Acceptance numbers, c	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

MULTIPLE SAMPLING PLANS[1]

TABLE VI—MULTIPLE SAMPLING PLANS COMPARABLE TO THE INDICATED SINGLE SAMPLING PLANS

Indicated single sampling plan:																								
Single sample size, n	6			13			21			29			38			48			60			73		
Acceptance numbers, c	1			2			3			4			5			6			7			8		
Cumulative sample sizes, n_e, and acceptance numbers, c, and rejection numbers, r, for multiple sampling.	n_e	c	r	n_e	c	r	n_e	c	r	n_e	c	r	n_e	c	r	n_e	c	r	n_e	c	r	n_e	c	r
	4	0	2	8	0	3	10	0	3	12	0	4	14	0	4	16	0	4	18	0	5	22	0	6
	6	0	2	10	0	3	14	1	4	16	0	4	20	0	5	24	1	5	28	1	6	32	1	7
	8	1	2	12	1	3	18	1	4	20	1	5	26	1	6	32	2	6	38	2	7	42	2	8
				14	2	3	22	2	5	24	2	5	32	2	6	40	3	8	48	3	8	52	3	9
							26	4	5	28	3	6	38	3	7	48	4	8	58	4	8	62	5	10
										32	3	6	44	6	7	56	7	8	68	8	9	72	6	10
										36	5	6										82	9	10

[1] These multiple sampling plans may be used in lieu of the single sampling plans listed at the heading of each column.

§ 170.62 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Secretary.

§ 170.63 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Secretary, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 170.69 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

§ 170.70 *Schedule of fees.* (a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $4.50 per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section.[2]

(1) *Canned or similarly processed fishery products, and products thereof.*

OFFICIALLY DRAWN SAMPLES

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 600 cases or less	[1] $9.00
For each additional 100 cases, or fraction thereof, in excess of 600 cases but not in excess of 10,000 cases	[1] 1.00
For each additional 100 cases, or fraction thereof, in excess of 10,000 cases	[1] .80

[1] However, the fee for any additional lots of 200 cases or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $6.75.

[2] The fees specified in this section are exclusive of charges for such micro, chemical and certain other special analyses, other than salt and acidity by direct titration, soluble solids (by refractometer) or total solids (by refractometer), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

UNOFFICIALLY DRAWN SAMPLES

For containers of a volume not exceeding that of a No. 3 size can (404 x 414):

Minimum fee for 4 containers or less	$4.50
For each additional container in excess of 4 containers	1.00

For containers of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 2 containers or less	$4.50
For each additional container in excess of 2 containers	2.00

(2) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraph (1) of this paragraph shall be at the rate of $4.50 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided,* That, fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 170.71 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Secretary in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided,* That if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 170.72 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $4.50 per hour prescribed in this part.

§ 170.73 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Secretary: *Provided,* That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $4.50 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Secretary.

§ 170.74 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided,* That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 170.75 *Charges for micro, chemical, and certain other special analyses.* (a) The following charges shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product:[3]

Type of analysis	For first analysis	For each additional analysis
Mold count	$1.50	$1.50
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	1.50
Alcohol insoluble solids	5.00	3.00
Alcohol (distillation and specific gravity)	9.00	5.00
Ascorbic acid (vitamin C)	9.00	2.00
Total ash (carbonated or sulfated)	5.00	3.00
Ash, acid insoluble	6.00	3.00
Ash, water soluble or water insoluble	6.00	3.00
Ash, NaCl free (approximate method—total ash less NaCl)	9.00	3.00
Ash, NaCl free (P_2O_5 x 2)	15.00	6.00
Catalase test	3.00	1.50
Crude fiber	12.00	6.00
Ether extract (crude fat)	9.00	5.00
Fat (acid hydrolysis)	9.00	6.00
Fiber (green and wax bean)	6.00	3.00
Iodine number	9.00	4.50
Moisture (air oven method)	3.00	3.00
Moisture (vacuum oven method)	3.00	3.00
Nitrogen or crude protein	9.00	3.00
Non-volatile ether extract	9.00	4.50
Phosphorous pentoxide (P_2O_5)	15.00	6.00
Potash (K_2O)	15.00	6.00
Phosphorous pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	18.00	12.00
Recoverable oil	3.00	2.00
Peroxidase test (frozen vegetables)	4.50	3.00
Reducing sugars	12.00	6.00
Reducing sugars plus sucrose	18.00	12.00
Sucrose (direct polarization)	6.00	3.00
Sucrose (chemical methods)	18.00	12.00
Starch or carbohydrates (direct hydrolysis)	18.00	9.00
Sulphur dioxide (direct titration)	6.00	3.00
Sulphur dioxide (distillation method)	9.00	5.00
Sodium	13.50	4.50
Total solids (drying method)	3.00	3.00
Vanillin	12.00	9.00
Volatile and non-volatile ether extract	10.00	6.00
Water extract	5.00	5.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product:[4]

Type of analysis	For first analysis	For each additional analysis
Brix readings (refractometric or spindle)	$3.00	$1.00
Brix readings (double dilution)	3.00	2.00
Total acidity (direct titration)	3.00	1.00
Free fatty acids	4.50	1.50
Salt (NaCl)—direct titration	4.50	1.50
Soluble solids (refractometric method)	3.00	1.00
Total solids (refractometric method)	3.00	1.00

§ 170.76 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $4.50 per hour.

§ 170.77 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of $2.25 for each twelve sample units, or fraction thereof, inspected and listed on such score sheets.

§ 170.78 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 170.29, may be supplied to any interested party upon payment of a fee of $2.25 for each set of five (5) or fewer copies.

§ 170.79 *Travel and other expenses.* Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service, including appeal inspections: *Provided,* That, if charges for sampling or inspection are based on an hourly rate, an additional hourly charge may be made for travel time including time spent waiting for transportation as well as time spent traveling, but not to exceed eight hours of travel time for any one person for any one day: *And provided further,* That, if travel is by common carrier, no hourly charge may be made for travel time outside the employee's official work hours.

§ 170.80 *Charges for inspection service on a contract basis.* (a) Irrespective of fees and charges prescribed in foregoing sections, the Secretary may enter into contracts with applicants to perform continuous inspection services or other inspection services pursuant to the regulations in this part and other requirements as prescribed by the Secretary in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Bureau of Commercial Fisheries of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary.

(b) Irrespective of fees and charges prescribed in the foregoing sections, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing agreement or a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as revised (16 U. S. C. 661 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the Bureau of Commercial Fisheries of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary. Likewise, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with the administration of a similar program operated pursuant to the laws of any State.

(c) No Member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in this section or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a Member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a fisherman.

MISCELLANEOUS

§ 170.86 *Approved identification*—(a) *Grade marks.* The approved grade mark or identification may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such grade, quality or classification. The grade marks approved for use shall be similar in form and design to the examples in Figures 1 through 4 of this section.

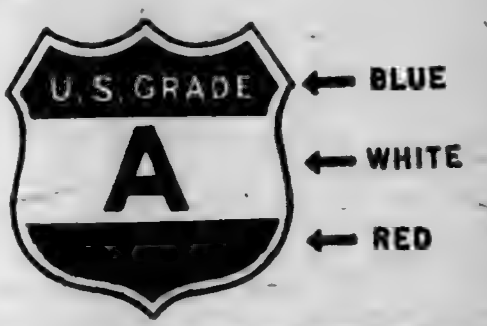

Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 1.

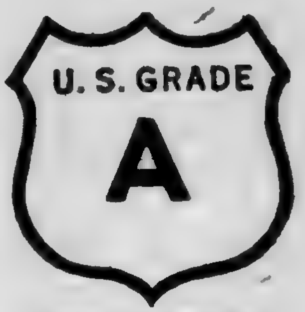

Shield with plain background.

FIGURE 2.

U. S. GRADE A

FIGURE 3.

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[3] When any of these analyses are made at the request of an applicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 30 percent.

[4] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

U. S.
GRADE
B

FIGURE 4.

(b) *Inspection marks.* The approved inspection marks may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such quality or grade classification as may be approved by the Secretary. The inspection marks approved for use shall be similar in form and design to the examples in Figures 5, 6, and 7 of this section.

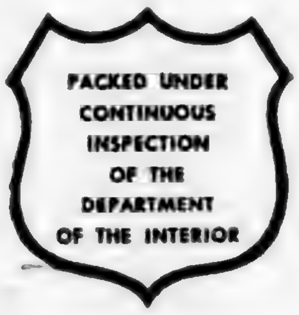

Statement enclosed within a shield.

FIGURE 5.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
THE INTERIOR

PACKED BY

UNDER CONTINUOUS
INSPECTION OF THE
U. S. DEPT. OF THE INTERIOR

Statements without the use of the shield.

FIGURE 6. FIGURE 7.

(c) *Combined grade and inspection marks.* The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on processed products that have been packed under continuous inspection as provided in this part.

(d) *Products not eligible for approved identification.* Processed products which have not been packed under continuous inspection as provided in this part shall not be identified by approved grade or inspection marks, but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sample mark similar in form and design to the example in Figure 8 of this section.

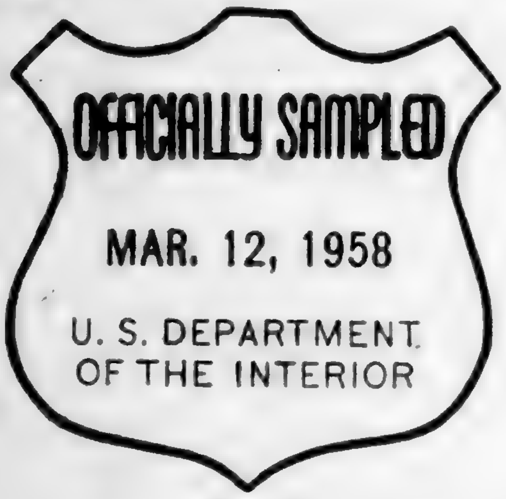

FIGURE 8.

§ 170.87 *Fraud or misrepresentation.* Any or all benefits of the act may be denied any person committing wilful misrepresentation or any deceptive or fraudulent practice in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of the Interior," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Secretary.

§ 170.88 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 170.89 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 170.90 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 170.91 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS [8]

§ 170.97 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Secretary will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with:

(1) The regulations in this part, including, but not limited to, the requirements contained in §§ 170.97 through 170.103; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 170.98 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 170.99 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

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[8] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Secretary may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 170.100 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 170.101 *Equipment.* All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 170.102 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 170.97 through 170.103 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Secretary, such changes shall be effectuated as soon as practicable.

§ 170.103 *Personnel; health.* In addition to such other requirements as may be prescribed by the Secretary with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

[F. R. Doc. 58-4110; Filed, May 29, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[79313]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 26, 1958.

Plat of Survey of the lands described below, accepted December 30, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on July 7, 1958.

MICHIGAN MERIDIAN, MICHIGAN

T. 15 N., R. 8 W.,
Sec. 10, Lot 4 (Island).
Containing 1.31 acres.

This plat represents the survey of an island in Jensen Lake which was not included in the original survey as shown by plat approved March 4, 1839.

This island is sandy loam formation and is mostly rolling upland reaching approximately 20 feet above water level. The timber species consists of birch, cedar, maple, cherry, hemlock, Norway pine, white pine, elm and oak, ranging in size from 4 to 20 inches diameter. There are no improvements on the island and no surface indications of mineral deposits. It is approximately 70 percent upland and 30 percent swamp land, as surveyed.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274-284 as amended), presented prior to 10:00 a. m., on July 7, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on October 6, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on October 6, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager,
Eastern States Land Office.

[F. R. Doc. 58-4059; Filed, May 29, 1958; 8:45 a. m.]

Bureau of Reclamation

GUNNISON-ARKANSAS PROJECT

ORDER OF REVOCATION

JULY 9, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order dated May 23, 1946, in so far as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 4 W.,
Sec. 24, SE¼SW¼;
Sec. 25, NW¼NW¼, SW¼NE¼;
Sec. 26, NE¼NE¼.

The above area aggregates 160 acres.

E. G. NIELSEN,
Acting Commissioner.

[2094408]

MAY 26, 1958.

I concur.

1. The SW¼NE¼ of sec. 25, T. 46 N., R. 4 W., N. M. P. M., released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 90-day preference right period for filing such applications by veterans of World War II, the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

2. The remaining lands are at an elevation of about 8,500 feet, within about one quarter mile of the Lake Fork of the Gunnison River, approximately 13 miles downstream from Lake City, Colorado. The tracts are cut from west to east by short intermittent drainages tributary to the Lake Fork. There is no water on the subdivisions. Steep, rocky hillsides rise from the drainages. The shallow soil supports only native range vegetation of sagebrush, with some small pine trees, and grass and weeds in small amounts.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on July 1, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September 30, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on September 30, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after

that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m., on September 30, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-4060; Filed, May 29, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ARMSTRONG SALES CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Armstrong Sales Co., Armstrong, Iowa.
Nebraska Livestock Sales, Inc., Lincoln, Nebr.
Wisner Livestock Sales Co., Wisner, Nebr.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of May 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-4075; Filed, May 29, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, substantially in the form set forth in Annex "A" below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's Rules of Practice (10 CFR Part 2). For further details see (1) the application submitted by Westinghouse Electric Corporation, and amendments thereto, and (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the facility by Westinghouse Electric Corporation if it is found that the critical experiment facility has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the Act.

Dated at Germantown, Md., this 27th day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

ANNEX "A"

PROPOSED CONSTRUCTION PERMIT

No. CPCX.

Westinghouse Electric Corporation (hereinafter "Westinghouse") submitted an application and an amendment dated October 21, 1957, and February 18, 1958, respectively for a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a critical experiment facility.

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. Westinghouse proposes to utilize the facility in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. Westinghouse is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Westinghouse is technically qualified to design and to construct the critical experiment facility.

E. Westinghouse has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Westinghouse will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Westinghouse to construct the critical experiment facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

1. The earliest date for the completion of the facility is June 16, 1958. The latest date for completion of the facility is July 31, 1958. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

2. The site proposed for the location of the facility is the location near Waltz Mill in Westmoreland County, Pennsylvania, specified in the application.

3. The facility authorized for construction is a critical assembly moderated and reflected by water and designed to operate at power levels up to 100 watts as described in the application.

4. At such time as this construction permit is converted to a license to operate the facility such license will incorporate as one of its conditions a requirement that no critical experiment other than the experiments described in the application may be conducted in the facility until a description of the experiment and a hazards summary report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

Upon completion (as defined in Paragraph "1" above) of the construction of the facility in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Westinghouse pursuant to section 104c of the act, which license shall expire two (2) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

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Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-4090, Filed, May 29, 1958; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9183; Order E-12563]

CAPITAL AIRLINES, INC. TARIFF RULE

ORDER OF INVESTIGATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 27th day of May 1958.

Ella Fischer and R. A. Fischer, by complaint, petitioned the Board to declare the tariff rule of Capital Airlines, Inc., General Rule 17 (A) contained on 8th revised page 34 of Local and Joint Passenger Rules Tariff No. PR-3, CAB No. 27, issued by M. F. Redfern, in effect on December 29, 1951, void ab initio, superfluous, unlawful past and future, contrary to the provisions of the Civil Aeronautics Act of 1938 as amended, and the rules of the Civil Aeronautics Board, and against the public policy of the United States and the states involved. The aforementioned tariff rule requires that notice of claim of injury or death be given the carrier within 90 days after the alleged occurrence of the event giving rise to the claim and that suit be commenced within one year after such event. Complainants have alleged that the above rule has been advanced[1] as a defense to petitioners' claim for damages arising out of personal injuries to Ella Fischer and that they have instituted this proceeding before the Civil Aeronautics Board for a determination of the validity and reasonableness of the said tariff rule pursuant to an order of court dated November 8, 1957.

The Board, after consideration of the aforementioned complaint, finds that the tariff rule may be unlawful for the reasons, among others, that the rule may be unjust and unreasonable and unjustly discriminatory.

The Board finds that an investigation of the past lawfulness of the rule is appropriate and necessary under sections 205 (a) and 1002 in order to carry out the provisions and obligations of the Civil Aeronautics Act of 1938 as amended, particularly sections 2, 403 and 404 thereof.

It is ordered, That:

1. An investigation be, and it hereby is, instituted to determine whether General Rule 17 (A) of the tariff rules of Capital Airlines, Inc., contained in Local and Joint Passenger Rules Tariff No. PR-3, CAB No. 27, issued by M. F. Redfern, Agent, in effect on December 29, 1951, was unlawful.

2. The proceeding ordered herein be assigned to hearing before an Examiner of the Board in a place hereafter to be designated.

3. A copy of this order be served on Ella Fischer, R. A. Fischer and Capital Airlines, Inc., who are hereby made parties to this proceeding.

This order shall be published as a notice in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-4102; Filed, May 29, 1958; 8:53 a. m.]

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[1] Complainants have alleged that in an action for damages arising out of personal injuries to Ella Fischer they have been required by a court order dated November 8, 1957, to show cause why Capital Airlines should not be permitted to amend its Answer so as to plead the above-mentioned tariff rule as a defense to plaintiffs' claim for damages. Complainants show that the defendant's request for an order directing plaintiffs' attorney to accept an amended answer pleading such tariff rule as a defense was denied upon condition that plaintiffs institute a proceeding before the Civil Aeronautics Board for the determination of the validity and reasonableness of said tariff rule.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11569, 12405; FCC 58M-537]

WILLIAMSPORT RADIO BROADCASTING ASSOCIATES, INC. (WARC)

ORDER SCHEDULING HEARING

In re application of Williamsport Radio Broadcasting Associates, Inc. (WARC), Milton, Pennsylvania, for construction permit, Docket No. 11569, File No. BP-9856; for modification of construction permit, Docket No. 12405, File No. BMP-7903.

It is ordered, This 23d day of May 1958 that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding will commence on June 26, 1958, at 10 o'clock a. m., in Washington, D. C.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4091; Filed, May 29, 1958; 8:51 a. m.]

[Docket Nos. 11882, 12321; FCC 58M-531]

OREGON RADIO, INC. (KSLM) AND LINCOLN ELECTRONICS, INC. (KBCH)

ORDER CONTINUING HEARING

In re applications of Oregon Radio, Incorporated (KSLM), Salem, Oregon, Docket No. 11882, File No. BP-10272; Lincoln Electronics, Inc. (KBCH), Oceanlake, Oregon, Docket No. 12321, File No. BP=11556; for construction permits.

The Hearing Examiner having under consideration a motion filed May 23, 1958, by Lincoln Electronics, Inc., requesting that the evidentiary hearing now scheduled to begin on May 26, 1958, be continued to June 6, 1958; and

It appearing that the reason for the requested continuance is due to the fact that the Broadcast Bureau, Federal Communications Commission, after examining the engineering exhibits which have been exchanged, requested additional data to be furnished by each of the applicants and that the applicants' engineer with offices in Portland, Oregon, cannot supply the information in time to be used on May 26, 1958; and

It further appearing that all parties to the proceeding have agreed to the requested continuance and to the immediate consideration of the motion for continuance, and good cause for the requested continuance having been shown;

It is ordered, This the 23d day of May 1958, that the motion for continuance in the above-entitled proceeding is granted and the date of the evidentiary hearing now scheduled for Monday, May 26, 1958 is contimued to Friday, June 6, 1958.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4092; Filed, May 29, 1958; 8:51 a. m.]

[Docket No. 11788, etc.; FCC 58M-542]

JAMES W. MILLER ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York, Docket No. 12411, File No. BP-11365; Vincent de Laurentis, Hamden, Connecticut, Docket No. 12412, File No. BP-11607; Albert L. Capstaf, tr/as Eastern States Broadcasting Co., Hamden, Connecticut, Docket No. 12413, File No. BP-11760; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 26th day of May 1958, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., June 10, 1958.

Released: May 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4093; Filed, May 29, 1958; 8:52 a. m.]

[Docket No. 12068; FCC 58M-539]

FLORENCE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

The Hearing Examiner having under consideration a petition for continuance filed by the applicant herein on May 2, 1958;

It appearing that the Hearing Examiner has been advised that counsel for the Chief of the Commission's Broadcast Bureau and for Mid-South Broadcasting Corporation have consented to the grant of this petition and to its immediate consideration;

It is ordered, This 26th day of May 1958, that the above petition is granted to the extent indicated herein; and the designated for various procedural herein are postponed as follows:

Date for exchange of exhibits: May 20–June 26, 1958.
Date for further prehearing conference: June 4–July 2, 1958.
Hearing date: June 16, 1958.[1]

Released: May 26, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4094; Filed, May 29, 1958; 8:52 a. m.]

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[1] Closing date to be determined at prehearing conference.

[Docket No. 12291; FCC 58M-538]

GRANITE STATE BROADCASTING CO. INC. (WKBR)

ORDER CONTINUING HEARING

In re application Granite State Broadcasting Company, Inc. (WKBR), Manchester, New Hampshire, Docket No. 12291, File No. BP-10857; for construction permit.

The Hearing Examiner having under consideration a petition filed May 23, 1958, by Granite State Broadcasting Company, Inc., requesting that the hearing in the above-entitled proceeding presently scheduled to commence on May 26, 1958, be continued to June 3, 1958; and

It appearing that counsel for the Broadcast Bureau (the only other party to this proceeding) has informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition, and good cause has been shown for the proposed continuance;

It is ordered, This 23d day of May 1958, that the petition be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to June 3, 1958, at 10 a. m., in Washington, D. C.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4095; Filed, May 29, 1958; 8:52 a. m.]

[Docket No. 12309; FCC 58M-540]

VIDEO INDEPENDENT THEATRES, INC. (KVIT)

MEMORANDUM OF RULING CONTINUING HEARING

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

As will appear from the transcript of the further conference of May 23, 1958, the hearing scheduled for May 26, was continued to Monday, June 9, 1958.

Dated: May 26, 1958.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4096; Filed, May 29, 1958; 8:52 a. m.]

[Docket No. 12426; FCC 58M-536]

AUSTIN RADIO CO.

ORDER ADVANCING HEARING DATE

In re application of Austin Radio Company, Austin, Texas, Docket No. 12426, File No. BP-11247; for construction permit.

The Hearing Examiner having under consideration a letter dated May 21, 1958, from the applicant making an informal request to advance the date of hearing;

It appearing that the hearing is currently scheduled to commence on July 17, 1958, but that administrative convenience, as well as the convenience of the applicant, would be served by commencing at an earlier date;

It is ordered, This 23d day of May 1958, that the hearing now scheduled for July 17 is advanced to June 13, 1958, at 10:00 a. m., in Washington, D. C.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4097; Filed, May 29, 1958; 8:52 a. m.]

[Docket No. 12437 etc.; FCC 58M-534]

METROPOLITAN BROADCASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of Metropolitan Broadcasting Corporation, Royal Oak-Clawson, Michigan, Docket No. 12437, File No. BP-10367; Van Wert Broadcasting Company, Van Wert, Ohio, Docket No. 12438, File No. BP-11638; Lake Huron Broadcasting Corporation (WKNX), Saginaw, Michigan, Docket No. 12439, File No. BP-11735; for construction permits.

It is ordered, This 23d day of May 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 24, 1958, in Washington, D. C.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4098; Filed, May 29, 1958; 8:52 a. m.]

[Docket No. 12440; FCC 58M-533]

MACOMB BROADCASTING CO. (WKAI)

ORDER SCHEDULING HEARING

In re application of The Macomb Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 12440, File No. BP-11239; for construction permit.

It is ordered, This 23d day of May 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 28, 1958, in Washington, D. C.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4099; Filed, May 29, 1958; 8:52 a. m.]

[Docket Nos. 12441, 12442; FCC 58M-532]

PAN AMERICAN RADIO CORP. AND VERNON G. LUDWIG

ORDER SCHEDULING HEARING

In re applications of Pan American Radio Corporation, Tucson, Arizona; Docket No. 12441, File No. BP-11280; Vernon G. Ludwig, Benson, Arizona; Docket No. 12442, File No. BP-11784; for construction permits.

It is ordered, This 23d day of May 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 24, 1958, in Washington, D. C.

Released: May 26, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4100; Filed, May 29, 1958; 8:52 a. m.]

[Docket No. 12445 etc.; FCC 58-487]

FLORIDA GULFCOAST BROADCASTERS, INC. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Florida Gulfcoast Broadcasters, Incorporated, Largo, Florida; Docket No. 12445, File No. BPCT-2371; City of St. Petersburg, Florida (WSUN-TV), St. Petersburg, Florida; Docket No. 12446, File No. BPCT-2373; Suncoast Cities Broadcasting Corporation, St. Petersburg, Florida; Docket No. 12447, File No. BPCT-2389; Tampa Telecasters, Inc., Tampa, Florida; Docket No. 12448, File No. BPCT-2432; WTSP-TV, Inc., St. Petersburg, Florida; Docket No. 12449, File No. BPCT-2437; Bay Area Telecasting Corporation, St. Petersburg, Florida; Docket No. 12450, File No. BPCT-2445; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C. on the 23d day of May 1958;

The Commission having under consideration the above-captioned applications, one requesting a construction permit to specify operation on Channel 10 in Largo, Florida; one requesting a construction permit to specify operation on Channel 10 in lieu of Channel 38 in St. Petersburg, Florida; one requesting a construction permit for a new television broadcast station to operate on Channel 10 in Tampa, Florida; and the remaining three requesting construction permits for new television broadcast stations to operate on Channel 10 in St. Petersburg, Florida; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that Florida Gulfcoast Broadcasters, Inc. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that City of St. Petersburg, Florida, Suncoast Cities Broadcasting Corporation, Tampa Telecasters, Inc., WTSP-TV, Inc., and Bay Area Telecasting Corporation are legally and financially qualified to construct, own and operate the proposed television broadcast stations and are technically so qualified except as to issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Florida Gulfcoast Broadcasters, Inc., City of St. Petersburg, Florida, Suncoast Cities Bradcasting Corporation, Tampa Telecasters, Inc., WTSP-TV, Inc., and Bay Area Telecasting Corporation, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna systems and sites proposed by the City of St. Petersburg, Florida, Suncoast Cities Broadcasting Corporation, Tampa Telecasters, Incorporated, WTSP-TV, Incorporated and Bay Area Telecasting Corporation would constitute a hazard to air navigation:

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast stations.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programing service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issues: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Florida Gulf Coast Broadcasters, Incorporated, City of St. Petersburg, Florida, Suncoast Cities Broadcasting Corporation, Tampa Telecasters, Inc., WTSP-TV, Inc., and Bay Area Telecasting Corporation, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4101; Filed, May 29, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3945]

W. C. MCBRIDE, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 26, 1958.

Take notice that W. C. McBride, Inc. (Applicant), a Delaware corporation with principal place of business at 2101 Missouri Pacific Building, St. Louis, Missouri, filed an application for itself and as agent for H. R. Smith on October 1, 1954, as amended December 15, 1954, February 20, 1956, November 29, 1956, April 15, 1957, and November 29, 1957, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes in Docket No. G-3945 to continue the sales of natural gas in interstate commerce to various purchasers for resale as hereinafter tabulated.

Source of Gas and Purchaser

Maetze Field, Goliad County, Tex.; Trunkline Gas Company.

Minnie Bock Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

West Weesatche, Boyce and East [illegible] Fields, Goliad County, Tex.; United Gas Pipe Line Company.

Carthage Field, Panola County, Tex.; Texas Eastern Transmission Corporation.

Hope Field, Lavaca County, Tex.; Shell Oil Company.

Panhandle Field, Moore County, Tex.; Phillips Petroleum Company.

Joaquin-Logansport Field, De Soto Parish, La.; Tennessee Gas Transmission Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4082; Filed, May 29, 1958; 8:49 a. m.]

[Docket No. G-9282]

ALTEX CORP.

NOTICE OF POSTPONEMENT OF HEARING

MAY 23, 1958.

Notice is hereby given that the hearing now scheduled for June 23, 1958 in the above-designated matter is postponed to commence at 10:00 a. m., e. d. t., July 16, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4083; Filed, May 29, 1958; 8:49 a. m.]

[Docket No. G-9286]

GILLRING OIL CO.

NOTICE OF POSTPONEMENT OF HEARING

MAY 23, 1958.

Notice is hereby given that the hearing now scheduled for June 16, 1958 in the above-designated matter is postponed to commence at 10:00 a. m., e. d. t., July 9, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4084; Filed, May 29, 1958; 8:50 a. m.]

[Docket No. G-9548 etc.]

MURPHY CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

MAY 26, 1958.

In the matters of Murphy Corporation et al., Docket Nos. G-9548, G-9550, G-11366, G-11367, G-13428; Murphy Corporation, Docket Nos. G-11160, G-13429, G-13432.

Upon consideration of the motion filed May 16, 1958, by Counsel for Murphy Corporation et al. and Murphy Corporation for postponement of the hearing now scheduled for June 2, 1958, in the above-designated matters;

The hearing now scheduled for June 2, 1958, is hereby postponed to July 14, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4085; Filed, May 29, 1958; 8:50 a. m.]

[Docket No. G-9681 etc.]

MONSANTO CHEMICAL CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

MAY 26, 1958.

In the matters of Monsanto Chemical Company, Docket Nos. G-9681, G-9682, G-11368, G-11369, G-13612, G-14039, G-14551; Monsanto Chemical Company (operator) et al., Docket No. G-14728.

Upon consideration of the motion filed May 20, 1958, by Counsel for Monsanto Chemical Company for postponement of the hearing now scheduled for June 2, 1958, in the above-designated matters;

The hearing now scheduled for June 2, 1958, is hereby postponed to September 8, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4086; Filed, May 29, 1958; 8:50 a. m.]

[Docket No. G-3784]

BLANCO OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 26, 1958.

Take notice that Blanco Oil Co. (Applicant), a Texas corporation with principal place of business in San Antonio, Texas, filed on September 30, 1954, in Docket No. G-3784, as amended on November 3, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application and amendment thereto which are on file with the Commission and open for public inspection.

Applicant sells natural gas in interstate commerce from production from certain leases, units or acreage located in the areas hereinafter designated to the respective purchasers as indicated for resale.

Source of Gas, Purchaser, Date of Contract and FPC Gas Rate Schedule Number

Greta Field, Refugio County, Tex.; Transcontinental Gas Pipe Line Corporation; 11/1/49, No. 2.

Seven Sisters (Carrizo-Wilcox and Queen City) Field, Duval County, Tex.; Tennessee Gas Transmission Company; 10/1/53, No. 1.

Heyser Field, Calhoun County, Tex.; Tennessee Gas Transmission Company; 3/7/49, No. 3.

North Pettus-Burnell Field, Karnes, Bee and Goliad Counties, Tex.; United Gas Pipe Line Company; 5/28/47, No. 4.

Alice Field, Jim Wells County, Tex.; The Altex Corporation; 4/21/54, No. 5.

On November 3, 1955, Applicant filed an amendment in Docket No. G-3784 requesting that its certificate application be amended so as to include a change of working interest in gas produced from leases in the Seven Sisters Field. The amendment states that pursuant to an agreement effective January 1, 1955 (executed August 5, 1955), entered into by Shell Oil Company, Applicant, Lexia Buchanan, Hortense B. Skiles, R. D. Skiles and Morris Buchanan, Applicant has become the operator of unitized acreage in the Seven Sisters Field known as the Welder Heirs Gas Unit.

On September 14, 1955, Shell Oil Company (Shell), filed a petition requesting that Shell be permitted to join in Applicant's application for a certificate of public convenience and necessity in Docket No. G-3784 in view of the fact that Shell had ratified Applicant's sales contract with Tennessee Gas Transmission Company and had entered into the above-mentioned unitization agreement with Applicant, et al.

Shell filed on February 27, 1957, in Docket No. G-12190, pursuant to § 154.91 (b) of the Commission's regulations under the Natural Gas Act, as amended by Order No. 190, a request that its petition to join in Applicant's certificate application in Docket No. G-3784 be treated as an entirely separate application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act. Thereupon, Shell's petition in Docket No. G-3784 was redesignated in Docket No. G-12190 as an application for a certificate of public convenience and necessity, and the requested certificate was granted to Shell by the Commission's order issued December 17, 1957, in the consolidated proceeding in the matters of Skelly Oil Company, et al., Docket Nos. G-11428, et al.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4081; Filed, May 29, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3662]

TREESWEET PRODUCTS CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 26, 1958.

In the matter of Treesweet Products Company, Common Stock; File No. 1-3662.

Pacific Coast Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Over 98 percent of the shares have been deposited as of May 1, 1958, pursuant to an exchange offer by Di Giorgio Fruit Corporation. Only 4,060 shares remained undeposited. The Exchange has suspended trading therein as of May 8, 1958.

Upon receipt of a request, on or before June 11, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-4067; Filed, May 29, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

KEITH H. LYRLA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475; 21 F. R. 9198; 22 F. R. 3777; 22 F. R. 9450) during the six months' period ended May 14, 1958:

No change.

Dated: May 14, 1958.

[SEAL] KEITH H. LYRLA.

[F. R. Doc. 58-4062; Filed, May 29, 1958; 8:46 a. m.]

J. ALEX CROTHERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475; 21 F. R. 9198; 22 F. R. 3777; 22 F. R. 9450) during the six months' period ended May 9, 1958:

There have been no changes in my financial interests or business connections during the six months' period ending May 9, 1958.

Dated: May 9, 1958.

[SEAL] J. ALEX CROTHERS.

[F. R. Doc. 58-4063; Filed, May 29, 1958; 8:46 a. m.]

EUGENE S. ROOT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F. R. 10086; 21 F. R. 3475; 21 F. R. 9198; 22 F. R. 3778; 22 F. R. 9450) during the six months' period ended May 10, 1958:

Nothing to report.

Dated: May 10, 1958.

[SEAL] EUGENE S. ROOT.

[F. R. Doc. 58-4064; Filed, May 29, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIII-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE

Delegation of Authority No. 30-XIII-1 (22 F. R. 7006), is hereby amended by: Deleting section II in its entirety and substituting the following in lieu thereof:

II. The specific authority delegated in IB 5, 6, 9, 11, 13e through h, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and IC may not be redelegated.

Dated: April 23, 1958.

ROBERT F. BUCK,
Regional Director,
Seattle Regional Office.

[F. R. Doc. 58-4068; Filed, May 29, 1958; 8:47 a. m.]

[Delegation of Authority 30-XIII-10]

CHIEF, LOAN ADMINISTRATION SECTION

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority vested in the Chief, Financial Assistance Division, by Delegation No. 30-XIII-1, (22 F. R. 7006), as amended April 23, 1958, there is hereby delegated to the Chief, Loan Administration Section, the following:

A. *Specific.* To take the following actions in the administration of Small Business Administration and Reconstruction Finance Corporation Business Loans and Disaster Loans in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual.

1. To approve extension of disbursement periods on partially disbursed loans.

2. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000.00 per annum;

3. To approve compensation increases for borrower's officers provided the adjusted compensation of any individual shall not exceed $10,000.00 per annum.

4. To approve or reject substitutions of accounts receivable and inventories or cash collateral.

5. Effect release of dividends on assigned life insurance policies.

6. Effect release of collateral.

B. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence, relating to the functions of the Loan Administration Section.

II. The authority delegated in section IA may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: May 14, 1958.

E. D. PETERSON,
Chief,
Financial Assistance Division,
Seattle Regional Office.

[F. R. Doc. 58-4069; Filed, May 29, 1958; 8:47 a. m.]

[Delegation of Authority 30-XIII-11]

CHIEF, LOAN PROCESSING SECTION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Chief, Financial Assistance Division by Delegation No. 30-XIII-1 (22 F. R. 7001), as amended April 23, 1958, there is hereby delegated to the Chief, Loan Processing Section, the following:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans.

B. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated in Section IA herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Processing Section, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: May 14, 1958.

E. D. PETERSON,
Chief,
Financial Assistance Division,
Region XIII.

[F. R. Doc. 58-4070; Filed, May 29, 1958; 8:48 a. m.]

[Delegation of Authority 90-IV-6 (Revision 2)]

BRANCH MANAGER, CHARLESTON, W. VA.

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4) as amended (22 F. R. 6811, 8197, 23 F. R. 557, 1768), there is hereby delegated to the Branch Manager, Charleston Branch Office, Small Business Administration, the authority:

A. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Limited Loan Participation Loans.

b. Disaster Loans not in excess of $20,000.00

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

2. To develop with Government procurement agencies required local procedures for implementing established interagency policy agreements, including but not limited to steps such as determining set-asides and representation at procurement centers.

ADMINISTRATIVE

3. To administer oaths of office.

4. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority in A1, 3, 4 and IB may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Charleston, W. Va., is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: April 24, 1958.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 58-4071; Filed, May 29, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR THE BENEFIT OF M. ELZEVIER DOM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Miss M. Elzevier Dom, L. S. Claim No. 977; $290.00 in the Treasury of the United States, and Norfolk & Western Railway Company 4/96, Bond No. 4298, in the principal amount of $500, presently in the custody of the Safekeeping Department, Federal Reserve Bank, at New York City.

L., M. P., and J. van der Borch van Verwolde, L. S. Claim No. 1020; Norfolk & Western Railway Company 4/96, Bond No. 9374, in the principal amount of $500, presently in the custody of the Safekeeping Department, Federal Reserve Bank, at New York City.

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 Fed. Reg. 10101, October 3, 1951) in and to the securities described below:

Maatschappij tot Verzekering van Uitgesloten Risico, L. S. Claim No. 921; $1,160.00. The Atchison, Topeka and Santa Fe Railway Company 4/95, Bond No. 18507, in the principal amount of $1,000.

A. H. Baroness Creutz-van Nagell, and J. E. H. Baroness van Nagell, L. S. Claim No. 987; $1,020.00.

Mrs. A. M. van Vulpen-van Silfhout, L. S. Claim No. 993; $1,390.00.

Mr. A., C., and Miss J. Goekop, L. S. Claim No. 1011; The Atchison, Topeka and Santa Fe Railway Company 4/95, Bond No. 11725, in the principal amount of $1,000.

P. A. M. Postman, L. S. Claim No. 1016; Cities Service Company 5/66, Debenture No. 12384, in the principal amount of $1,000.

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below:

Mrs. L. Elemans-Brouwers, L. S. Claim No. 970; $1,740.00. Southern Railway Company 4/56, Bond No. 55944, in the principal amount of $1,000.

Mrs. A. Lambrechtsen van Ritthem, and H. P., and A. A. van der Mieden van Opmeer, L. S. Claim No. 985; $2,390.00. Cities Service Company 5/69, Debenture No. 22688, in the principal amount of $1,000.

Th., and W. Op der Heide, L. S. Claim No. 989; $100.00. Cities Service Company 5/58, Debenture No. 24930, in the principal amount of $1,000.

Mr. A., C., and Miss J. Goekoop, L. S. Claim No. 1011; $20.00. The Atchison, Topeka and Santa Fe Railway Company 4/95, Bonds Nos. 3252, 32679, 80055, 81022 and 81545, in the principal amount of $1,000 each.

L., M. P., and J. van der Borch van Verwolde, L. S. Claim No. 1020; $290.00. Norfolk & Western Railway Company 4/96, Bond No. 7049, in the principal amount of $500.

Mrs. E. A. Wins, L. S. Claim No. 1021; $1,215.00. Cities Service Company 5/69, Debentures Nos. 40391 and 47214, in the principal amount of $1,000 each.

Vesting Orders Nos. 18520 and 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 21, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4073; Filed, May 29, 1958; 8:48 a. m.]

[Vesting Order SA-242]

NATIONAL OF RUMANIA

In re: property owned indirectly by a national of Rumania; F-57-1270, F-19-314.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, more fully described in a letter dated July 8, 1957, from the said bank to the Office of Alien Property, Department of Justice, in the sum of $7,296.00, constituting a portion of an account entitled, "Uncertified Account of Den Danske Landmansbank, Copenhagen, Denmark," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court respect of any such payment, transfer, assignment, or delivery good faith in pursuance of and in the provisions of this title, or of regulation, instruction, or direction thereunder.

Executed at Washington, D. May 26, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney Gener
Director, Office of Alien Prop

[F. R. Doc. 58-4074; Filed, May
8:48 a. m.]

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  Lands reserved for wildlife refuges. *See* Land Management Bureau.
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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 23 NUMBER 108

Washington, Tuesday, June 3, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10769

DESIGNATING THE INTERNATIONAL HYDROGRAPHIC BUREAU AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the International Hydrographic Bureau under the authority of an act of Congress approved March 2, 1921 (41 Stat. 1215), I hereby designate the International Hydrographic Bureau as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

The designation of the International Hydrographic Bureau as a public international organization within the meaning of the International Organizations Immunities Act shall not be deemed to abridge in any respect privileges, exemptions, and immunities which such organization may have acquired or may acquire by treaty or congressional action.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 29, 1958.

[F. R. Doc. 58-4196; Filed, May 29, 1958; 5:07 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (4) of § 6.111 is amended as set out below.

§ 6.111 *Department of Agriculture.* * * *

(h) *Agricultural Marketing Service.* * * *

(4) Until June 30, 1959, Fresh Fruit and Vegetable Inspectors GS-9 and below; one Administrative Assistant GS-7; one Clerk-Stenographer GS-5; and not to exceed six Clerk-Typists GS-4 and below, for employment in the State of Texas to carry out a shipping point inspection program of fresh fruits and vegetables.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4131; Filed, June 2, 1958; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) is added to § 6.122 as set out below.

§ 6.122 *Veterans Administration.* (a) *General.* * * *

(3) One Assistant to the Administrator (Racial Relations).

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4133; Filed, June 2, 1958; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (3) of § 6.342 is amended and paragraph (b) (14) is added as set out below.

§ 6.342 *Housing and Home Finance Agency.* * * *

(b) *Federal Housing Administration.* * * *

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(3) One Assistant Commissioner for Field Operations.

* * * * *

(14) One Assistant Commissioner for Mortgages and Properties.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4132; Filed, June 2, 1958; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR POTATOES

MISCELLANEOUS AMENDMENTS

In F. R. Doc. 58-3583, beginning on page 3141 of the issue for Tuesday, May 13, 1958 the following corrections have been made:

1. In § 51.1543 (b) (2), the final proviso should read as follows:

And provided further, That included in the above tolerances for external and internal defects not more than 3 percent shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ring rot, late blight, soft rot, or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

2. In § 51.1544, in the second sentence, delete the words "this subpart" and substitute in lieu thereof the words "these standards".

3. In § 51.1547 (a) (1), insert the word "not" after the word "contain" so as to read "may contain not more than four times * * *"

Dated: May 28, 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4137; Filed, June 2, 1958; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[No. MC-C-1]

PART 170—COMMERCIAL ZONES

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C. on the 21st day of May A. D. 1958.

It appearing that on February 19, 1953, the Commission, Division 5, made and filed in this proceeding a report on further consideration 61 M. C. C. 489, and an order defining the limits of the zone adjacent to and commercially a part of St. Louis, Mo.-East St. Louis, Ill.;

And it further appearing upon consideration of section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, which is performed wholly within the contiguous municipalities of St. Louis, Mo., and East St. Louis, Ill., or within the zone adjacent to and commercially a part thereof, that good cause therefore exists;

It is ordered, That said proceeding be, and it is hereby reopened for further consideration.

It is further ordered, That paragraph (a) of § 170.3 *St. Louis, Mo.-East St. Louis, Ill.*, as prescribed in the order entered in this proceeding on February 19, 1953 (49 CFR 170.3 (a)) be, and it is hereby, vacated and set aside and the following is hereby substituted in lieu thereof;

§ 170.3 *St. Louis, Mo.-East St. Louis, Ill.* (a) The zone adjacent to and commercially a part of St. Louis, Mo.-East St. Louis, Ill., within which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)), includes and is comprised of the areas as follows:

(1) All points within the corporate limits of St. Louis, Mo., and (2) all points in St. Louis County, Mo., within a line drawn 0.5 mile south, west, and north of the following line, but not including any point north of the Meramec River and west of Kirkwood or points beyond the established corporate boundaries of Kirkwood, Huntleigh, and St. Ferdinand, Mo.: Beginning at the Jefferson Barracks Bridge across the Mississippi River and extending westerly along Missouri Highway 77 to junction U. S. Highway 61 Bypass and thence along U. S. Highway 61 Bypass to junction U. S. Highway 66, thence westerly along U. S. Highway 66 to junction Bowles Avenue, thence northerly along Bowles Avenue actual or projected to the Meramec River, thence easterly along the south bank of the Meramec River to a point directly south of the western boundary of Kirkwood, thence across the Meramec River to and along the western and northern boundaries of Kirkwood to the western boundary of Huntleigh, Mo., thence along the western and northern boundaries of Huntleigh to junction U. S. Highway 66, thence in a northerly direction along U. S. Highway 66 (Lindbergh Boulevard) to junction Natural Bridge Road, thence in an easterly direction along U. S. Highway 66 to the western boundary of St. Ferdinand (Florissant), Mo., thence along the western, northern, and eastern boundaries of St. Ferdinand to junction U. S. Highway 66 and thence along U. S. Highway 66 (Taylor Road) to the corporate limits of St. Louis (near Chain of Rocks Bridge); and (3) all points within the corporate limits of East St. Louis, Belleville, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or applies 49 Stat. 543, as amended, 544, as amended; 49 U. S. C. 302, 303)

And it is ordered, That this order shall become effective July 7, 1958, and shall continue in effect until the further order of the Commission.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY
Secretary.

[F. R. Doc. 58-4116; Filed, June 2, 1958; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 109—COOK INLET AREA

KING CRAB FISHING DATE

Basis and purpose. Continuing field observations in the Cook Inlet area indicate that the king crab female moult has been mostly completed and that the males are in satisfactory market condition.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 109.74 is amended by deleting "June 30" and substituting in lieu thereof "June 1."

Immediate action is necessary if the resource is to be fully utilized. Therefore, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-4175; Filed, May 29, 1958; 4:12 p. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 4]

PART 101—LOAN POLICY STATEMENT

DISASTER LOANS

The Loan Policy Statement issued by the Loan Policy Board of the Small Business Administration (21 F. R. 5044), as amended (23 F. R. 213, 23 F. R. 2213 and 23 F. R. 2789), is hereby further amended by deleting § 101.5 (a) in its entirety and substituting in lieu thereof the following:

(a) Disaster loans will be considered on an individual basis in the light of circumstances of the applicant and of the particular flood, drought, excessive rainfall or other catastrophe. Such loans will be made to relieve the distress and hardships attendant upon the disasters. Disaster Loans will be made:

(1) To rehabilitate or replace property damaged or lost as a result of disasters declared by the Small Business Administration, and declarations of which are published in the FEDERAL REGISTER.

(2) To any small-business concern located in an area affected by a drought or excessive rainfall, if the Small Business Administration determines that the small-business concern has suffered a substantial economic injury as a result of such drought or excessive rainfall, and the President has determined under Public Law 875, 81st Congress, as amended, that such drought or excessive rainfall is a major disaster, or the Secretary of Agriculture has found under Public Law 38, 81st Congress, as amended, that such drought or excessive rainfall constitutes a production or economic disaster in such area. Upon such determination by the President or the Secretary of Agriculture the Small Business Administration will accept applications from such small-business concerns at any of its field offices convenient to the area. Additional information will be disseminated in the areas affected by Agency field offices.

(Sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634)

Dated: May 15, 1958.

SMALL BUSINESS ADMINISTRATION
LOAN POLICY BOARD,
WENDELL B. BARNES,
Chairman.

[F. D. Doc. 58-4118; Filed, June 2, 1958; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 72]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Elyria Int	CLE-LFR (Final)	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 276 Outbnd, 096 Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 070—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mi, climb to 3000′ on N side of E crs of Cleveland LFR to Parkman Int.
CAUTION: 1971′ television towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class, SBRAZ; Ident., CLE; Procedure No. 1, Amdt. 9; Eff. Date, 2 Jun. 58; Sup. Amdt. No. 8; Dated, 8 Feb. 58

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Standard procedure turn not authorized. All maneuvering and descent shall be accomplished in a one-minute right turn holding pattern on NW crs 303° outbnd, 123° inbnd. Minimum altitude, 2000′. Descent to 1400′ authorized on final approach course inbnd 123°.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 158—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, make a climbing left turn to Merced LFR. Hold at 2000′ on NW crs in a one-minute pattern—all turns to the right (303° outbnd, 123° inbnd.)

City, Merced; State, Calif.; Airport Name, Merced; Elev., 155′; Fac. Class, MRAWZ; Ident., MER; Procedure No. 1, Amdt. 5; Eff. Date, 3 Jul. 58; Sup. Amdt. No. 4; Dated, 25 May 57

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-15*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Deviation from criteria. Rate of descent exceeds standard.
Procedure turn W side NW crs, 329 Outbnd, 149 Inbnd, 1600′ within 10 mi.
Minimum Altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 149—1.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 1500′ on SE crs within 10 miles.
NOTE: ADF procedure not authorized.

City, Portland; State, Maine; Airport Name, Portland; Elev., 60′; Fac. Class, BMRLZ; Ident., PWM; Procedure No. 1, Amdt. 4; Eff. Date, 28 Jun. 58; Sup. Amdt. No. 3; Dated, 11 Jun. 54

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cleveland LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Elyria Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Walter Int	LOM	Direct	2200	S-dn-5L	400-1	400-1	400-1
Clark Int	LOM (Final)	Direct	1700	A-dn	800-2	800-2	800-2
Cleveland VOR via R-102	Int Brg 054 to LOM (Final)	Direct	1700				

Procedure turn South side of crs, 234° Outbnd, 054° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 054°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make a right climbing turn, climb to 3000′ on North side East crs of Cleveland LFR to Parkman Int.
CAUTION: 1970′ TV towers approximately 6 miles ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class, LOM; Ident., CL; Procedure No. 1, Orig.; Eff. Date, 2 Jun. 58

Cleveland VOR	Stadium RBn	Direct	2500	T-dn	300-1	300-1	200-½
Cleveland LFR	Stadium RBn	Direct	2500	C-d	700-1½	700-1½	700-1½
Chagrin Falls Int	Stadium RBn	Direct	2500	C-n	700-2	700-2	700-2
Radar terminal area transitions:		Within:		A-dn	800-2	800-2	800-2
S, NW, and N quad. CLE-LFR		10 mi	2300				
S, NW, and N quad. CLE-LFR		30 mi	3000				
SE quad. CLE-LFR		30 mi	3000				

Procedure turn North side of crs, 054° Outbnd, 234° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 234°—6.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles, climb to 2200′ on 234° from Stadium RBn to LOM.
CAUTION: 1970′ TV towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev. 789′; Fac. Class. RBn; Ident., SUM; Procedure No. 2, Amdt. 1; Eff. Date, 2 Jun. 58; Sup. Amdt. No. Orig. (formerly Proc. No. 1); Dated, 5 Apr. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-rny 30	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn West side crs, 110 Outbnd, 290 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distances, facility to airport, 290—6.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles, turn left and climb to 2000′ on R-110 within 20 miles.

City, Merced; State Calif.; Airport Name, Municipal; Elev., 155′; Fac. Class, VORW; Ident., MER; Procedure No. 1, Amdt. 2; Eff. Date, 3 Jul. 58; Sup. Amdt. No. 1; Dated, 7 Sept. 57

				T-dn	300-1	300-1	200-½
				C-dn	1000-1	1000-1	1000-1½
				A-dn	NA	NA	NA

Procedure turn S side of crs, 059° Outbnd, 239° Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 239°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1900′ on R-240 within 20 mi.
NOTE: All pilots using this procedure are requested to close their IFR flight plans immediately upon completion of approach with Tulsa Radio. If unable to do so then, flight plan must be closed by commercial facilities as soon as practicable after landing.

City, Okmulgee; State, Okla.; Airport Name, Municipal; Elev., 715′; Fac. Class, VOR; Ident., OKM; Procedure No. 1, Orig.; Eff. Date, 21 Jun. 58

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nauti miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedu unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shal made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More th 2-engin more th · 65 knot
					65 knots or less	More than 65 knots	
Cleveland LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-
Elyria Int	LOM	Direct	2200	C-dn	400-1	500-1	500-
Walter Int	LOM	Direct	2200	S-dn-5L*	200-½	200-½	200-
Clark Int	LOM (Final)	Direct	2200	A-dn	600-2	600-2	600-
Cleveland VOR via R-102	SW crs ILS (Final)	Direct	2200				

*400-¾ required with glide slope inoperative.

Procedure turn S side SW crs, 234 Outbnd, 054 Inbnd, 2200′ withi 10 miles.

Minimum altitude at G. S. int inbnd, 2200′.

Altitude of G. S. and distance to approach end of rny at OM 2070—3.9, at MM 1020—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, make a right climb turn, climb to 3000′ on N# side E crs Cleveland LFR to Parkman Int or, when requested by ATC:

1. Make right# climbing turn, proceed to LOM at 2600 or.
2. Climb to 2600′ on NE crs ILS within 15 mi.

#Caution: 1970′ TV towers approximately 6 mi ESE of airport.

Note: The following radar transition altitudes are applicable to all procedures, S, NW and N, quadrants of Cleveland LFR within 10 mi—2300′, within 30 mi—3000′; SE quadrant within 30 mi—3000′; in all quadrants in accordance with established radar patterns.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class, ILS-CLE; Ident., CLE; Procedure No. ILS-5L, Amdt. 15; Eff. Date, 2 Jun. Sup. Amdt. No. 14; Dated, 8 Feb. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More th 2-engin
Cleveland VOR	Stadium RBn	Direct	2500	T-dn	300-1	300-1	200-
Cleveland LFR	Stadium RBn	Direct	2500	C-dn* #	400-1	500-1	500-
Chagrin Falls Int	Stadium RBn	Direct	2500	S-dn-23R* #	400-1	400-1	400-
Stadium RBn	4 mile Radar fix (Final)	Direct	1500	A-dn	800-2	800-2	800-
Radar Terminal Area Transitions:		Within:					
S, NW, and N quad. CLE-LFR		10 mi	2300				
S, NW, and N quad. CLE-LFR		30 mi	3000				
SE quad. CLE-LFR		30 mi	3000				

*Descend to landing minimum after passing 4 mile radar fix.

#When radar fix not available, 700—1½ minimums will apply.

Procedure turn N side NE crs, 054° outbnd, 234° inbnd, 2500′ within 10 miles of Stadium RBn.

No glide slope or markers. Minimum altitude over Stadium RBn Inbnd final—2000′. Minimum altitude over 4 mile radar fix Inbnd final—1500′.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing radar fix or 6.9 mi after RBn, clim to 2200′ on SW crs ILS to LOM.

Note: Four mile radar fix not normally provided by ATC unless weather is below 700—1½.

Caution: 1970′ TV towers approximately 6 mi ESE of airport.

City Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class, ILS; Ident., CLE; Procedure No. ILS-23R, Amdt. 8; Eff. Date, 2 Jun. 58; Sup. Amd No. 7; Dated 5 Apr. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More th 2-engin
Midland VOR	Radio Int#	Direct	4100	T-dn	300-1	300-1	*200-
Int NE crs ILS and V-16	Tank Farm Int	Direct	4400	C-dn	400-1	500-1	500-1
Tank Farm Int	Radio Int (Final)	Direct	3900	S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-1

*300-1 required Runways 16L and 34R.

#Radio Int: Int NE crs ILS and R-117 MAF.

Procedure turn N side of NE crs of ILS, 043 Outbnd, 223 Inbnd, 4400′ within 10 mi. Beyond 10 mi NA.

No glide slope. Altitude over Radio Int, 3900′; Crs and distance, Radio Int to Airport, 223—3.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, climb to 4400′ on SW crs ILS within 20 or when directed by ATC, climb to 4000′ on R-150 MAF or climb to 4000′ on SE crs of MAF LFR within 20 mi.

City, Midland; State, Tex.; Airport Name, Air Terminal; Elev., 2867′; Fac. Class, ILS-IMAF; Ident., BVOR-MAF. Procedure No. ILS-22, Amdt. 3; Eff. Date, 28 Jun. Sup. Amdt. No. 2; Dated, 14 Dec. 57

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
E, NW, and N quadrants CLE LFR	Radar site	Within 10 mi	2,300	Precision approach			
S, NW, and N quadrants CLE LFR	Radar site	10-30 mi	3,000				
SE quadrant CLE LFR	Radar site	Within 30 mi	3,000	S-dn-5L	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C/S-dn-all	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Rnwy 27: Climb to 2000′ on W crs of Cleveland LFR and proceed to Elyria Int; Rnwy 9: Climb to 3000′ on N side of the E crs of Cleveland LFR to Parkman Int; All runways except 9 and 27: Make a climbing right turn and proceed on the N side of the E crs of the Cleveland LFR to the Parkman Int at 3000′.

CAUTION: TV towers approximately 1970′ approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class, Cleveland; Ident., Radar; Procedure No. 1, Amdt. 5; Eff. Date, 2 Jun. 58; Sup. Amdt. No. 4; Dated, 8 Feb. 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 26, 1958.

[F. R. Doc. 58-4057; Filed, June 2, 1958; 9:11 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PRESERVATION OF RECORDS AND REPORTS OF CERTAIN STABILIZING ACTIVITIES

The Securities and Exchange Commission has adopted an amendment to its Rule 240.17a-3 (§ 240.17a-3) under the Securities Exchange Act of 1934. This rule specifies the books and records which must be maintained and kept current by members of a national securities exchange who transact a business in securities directly with others than members, brokers and dealers who transact a business through the medium of a member, and registered brokers and dealers. The amendment requires such persons to prepare and maintain a record of the proof of money balances of all ledger accounts in the form of trial balances currently at least once a month. Notice of the proposed action was published on March 25, 1958 in Securities Exchange Act Release No. 5662.

Such trial balances will serve as a check upon the current status and accuracy of the ledger accounts which members, brokers and dealers are required to maintain and keep current, and will also help to keep such members, brokers and dealers currently informed of their capital positions. Maintenance of such trial balances should also reduce the number of violations of bookkeeping and capital rules. The Commission is informed that most members, brokers and dealers already prepare such trial balances as a part of their regular bookkeeping procedures. This amendment does not require any additional filing with the Commission.

Statutory basis and text of amendment. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of its functions under the act, hereby amends Rule 240.17a-3 (§ 240.17a-3) by adding the following new subparagraph (11) at the end of paragraph (a) thereof:

§ 240.17a-3 *Records to be made by certain exchange members, brokers and dealers.* (a) * * *

(11) A record of the proof of money balances of all ledger accounts in the form of trial balances. Such trial balances shall be prepared currently at least once a month.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78 w)

The above amendment shall be effective July 1, 1958.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 27, 1958.

[F. R. Doc. 58-4117; Filed, June 2, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1644]

[77617]

ALASKA

EXCLUDING LANDS FROM THE CHUGACH NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS A HOMESITE

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tract of public land in Alaska occupied as a homesite and identified by a survey of which the plat and field notes are on file in the Bureau of Land Management, is hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as a homesite under section 10 of the act of May 14, 1898 (30 Stat. 409), as amended by the act of May 26, 1934 (48 Stat. 609; 48 U. S. C. 461):

U. S. Survey No. 2530, Homesite No. 66, Primrose Group, Lot F, latitude 60°20′20″ N., longitude 149°22′ W., 3.99 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 27, 1958.

[F. R. Doc. 58-4111; Filed, June 2, 1958; 8:46 a. m.]

[Public Land Order 1645]

[Anchorage 033526]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE BUREAU OF PUBLIC ROADS, DEPARTMENT OF COMMERCE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 631; 30 U. S. C. 601–604) as amended, and reserved for use of the Bureau of Public Roads, Department of Commerce, as a highway construction and maintenance depot:

EUREKA AREA

Beginning at a point at approximate mile 129 on centerline of Glenn Highway from which corner No. 1, U. S. Survey 2926 bears S. 33°02′ W., 2263.1 feet, S. 60°59′ W., 3824.3 feet, and N. 28°47′ W., 102.4 feet, thence

N. 56°58′ W., 350 feet;
N. 33°02′ E., 700 feet;
S. 56°58′ E., 350 feet;
S. 33°02′ W., 700 feet along the centerline of Glenn Highway to point of beginning.

The tract described contains 5.624 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 27, 1958.

[F. R. Doc. 58–4112; Filed, June 2, 1958; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58–17]

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

Correction

In F. R. Doc. 58–3679, appearing at page 3376 of the issue for Tuesday, May 20, 1958, the third sentence of § 67.40–1 should read: "When construction has been completed, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and or fog signals are in operation."

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

SAN FRANCISCO BAY, CALIF.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.224 establishing and governing the use and navigation of anchorages in San Francisco Bay and tributary waters, California, is modified with respect to paragraph (a) (7) (i) redesignating the boundaries of Anchorage 7 (Temporary) in San Francisco Bay, as follows:

§ 202.224 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River and connecting waters, Calif.* (a) *San Francisco Bay.* * * *

(7) *Anchorage 7 (Temporary).* (i) That portion of San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly shore of Treasure Island at a point bearing 89°, 4,135 yards, from Alcatraz Light; thence to points which are the following bearings and distances from Alcatraz Light: 73°30′, 3,100 yards; 117°40′, 2,087 yards; 122°30′, 3,730 yards; 111°00′, 4,167 yards; 109°30′, 3,833 yards; 98°30′, 4,583 yards.

[Regs., May 14, 1958, 800.212 (San Francisco Bay, Calif.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–4108; Filed, June 2, 1958; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

CHRISTINA RIVER, DEL., CHOPTANK RIVER, MD., THREE MILE CREEK, ALA.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.235 governing the operation of drawbridges across Christina River is hereby amended with respect to paragraph (h) to include the Walnut Street bridge, as follows:

§ 203.235 *Christina River, Del.; bridges.* * * *

(h) *Closed periods.* The Third Street, Walnut Street and Market Street bridges shall not be required to open for the passage of vessels between 7:00 a. m. and 8:00 a. m. and between 4:30 p. m. and 5:30 p. m., except on Sundays and legal holidays: *Provided,* That any vessel which has passed through one or more of these three bridges immediately prior to a closed period and will require passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of such bridge or bridges without delay: *Provided further,* That in time of flood or other emergency the closed periods may be suspended or modified by the District Engineer, Corps of Engineers.

[Regs., May 21, 1958, 823.01 (Christina River, Del.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended by the modification of paragraph (f) (6) governing the operation of the Baltimore and Eastern Railroad Company bridge across the Choptank River at Denton, Maryland, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(6) Choptank River, Md.; Baltimore and Eastern Railroad Company bridge at Denton. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

[Regs., May 16, 1958, 823.01 (Choptank River, Md.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended by revision of paragraph (i) (20) to govern the operation of the Southern Railway Company bridge at Mobile, Alabama, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including the Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.* * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(20) *Three Mile Creek, Alabama,* Southern Railway Company bridge at Mobile. On Sundays, and between 4:00 p. m. and 8:00 a. m. on all other days, the draw need not be opened for the passage of vessels, except in the event of emergency. At all other times, and in all other respects the regulations contained in § 203.240 shall govern the operation of this bridge. Whenever in the event of an emergency, a vessel is required to pass through the drawspan on Sundays or between 4:00 p. m. and 8:00 a. m., the draw shall be opened promptly upon receipt of notice by the drawtender, who is domiciled in the immediate vicinity of the bridge. The notice posted in accordance with paragraph (d) of this section shall state how the drawtender may be reached.

[Regs., May 18, 1958, 823.01 (Three Mile Creek, Ala.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58–4109; Filed, June 2, 1958; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter E—Claims

PART 751—NAVY PERSONNEL CLAIMS

REVISION OF PART

Part 751 is revised to read as follows:

Sec.

751.1 Definitions.
751.2 Scope.
751.3 Claims payable.
751.4 Claims not payable.
751.5 Type and quantity of property.
751.6 Computation of award.
751.7 Statute of limitations.
751.8 Demand on carrier and insurer.
751.9 Concurrent claims on the carrier and insurer and the Government.
751.10 Form of demand on carrier.
751.11 Nonconcurrent claims against the carrier and insurer and the Government.
751.12 Transfer of rights against the carrier or insurer.
751.13 Proration of recovery from carrier or insurer.
751.14 Claims within provisions of other regulations.
751.15 Claimants.
751.16 Form of claim.
751.17 Evidence in support of claim.
751.18 Filing of claim.
751.19 Appointment of Claims Investigating Officers.
751.20 Investigation of claim.
751.21 Action of Claims Investigating Officer in transportation losses.
751.22 Preparation of Claims Investigating Officer's report.
751.23 Action by commanding officer.
751.24 Navy service personnel adjudicating authority.
751.25 Marine Corps service personnel adjudicating authority.
751.26 Civilian personnel adjudicating authority.
751.27 Separation from service.
751.28 Meritorious claims not otherwise provided for.
751.29 Appeals.
751.30 Authorization for issuance of instructions.

AUTHORITY: §§ 751.1 to 751.30 issued under sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interpret or apply 70 Stat. 255; sec. 2732, 70A Stat. 152; 31 U. S. C. 222c, 10 U. S. C. 2732.

§ 751.1 *Definitions.* (a) "Claim" means any claim filed under oath by the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps, including their reserve components, and by civilian employees of the Naval Establishment, for damage, loss, destruction, capture or abandonment of their personal property incident to their service.

(b) "Service personnel" means the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps, respectively.

(c) "Civilian personnel" means, in addition to other employees of the Naval Establishment, those paid on a contract basis.

(d) The words "Navy" and "naval" as used herein include "Marine Corps" except where the context indicates to the contrary.

(e) "Damage or loss" includes destruction, capture, or abandonment.

§ 751.2 *Scope.* Under the regulations in this part, claims on behalf of service personnel and civilian personnel of the Navy and Marine Corps may be approved for settlement where the damage to or loss of the claimant's personal property occurred incident to his service, and where the possession of the property was reasonable, useful, necessary, or proper under the attendant circumstances. The maximum amount which may be allowed on a claim is $6,500.

§ 751.3 *Claims payable.* The following classes of claims are payable where the damage to or loss of the claimant's personal property occurs incident to his service under any of the following circumstances:

(a) *Property losses in quarters or other authorized places.* Claims are payable where property is damaged or lost by fire, flood, hurricane, or other serious occurrence while located at:

(1) Quarters, wherever situated, which were assigned to him or otherwise provided in kind by the Government. Assigned quarters include permanent or temporary housing units on military installations which are owned and maintained by the Government. Or,

(2) Quarters outside the continental United States or in Alaska, occupied by the claimant which were not assigned to him or otherwise provided in kind, by the Government. This provision does not apply where the claimant is a civilian employee who is a local inhabitant.

(3) Any warehouse, office, hospital, baggage dump, or other place (except quarters, but see subparagraphs (1) and (2) of this paragraph), designated by superior authority for the reception of the property.

(b) *Theft.* Claims attributable to theft are payable under any of the conditions stated in paragraph (a) of this section, with the exception of losses attributable to theft occurring in quarters in the United States or in Alaska which are not assigned to the claimant or otherwise provided in kind by the Government. To be reimbursable, positive evidence must indicate:

(1) That the claimant exercised due care in the protection of his property; and

(2) The existence of a larceny, burglary or housebreaking.

(c) *Transportation losses.* Claims are payable where property, including baggage checked or in personal custody, and including household effects, is damaged or lost incident to transportation by a carrier, an agent or agency of the Government, or private conveyance:

(1) When shipped under orders; or

(2) In connection with travel under orders irrespective of the purpose of such travel; or

(3) In connection with travel in performance of military duty with or without troops.

(d) *Marine or aircraft disaster.* Claims are payable where property is damaged or lost in consequence of perils of the sea and hazards connected with the operation of aircraft.

(e) *Enemy action.* Claims are payable where property is lost, abandoned, damaged or destroyed by:

(1) Enemy action or threat of such action;

(2) Combat, or movement in the field which is part of a combat mission;

(3) Guerilla, organized brigandage or other belligerent activities, whether or not the United States is involved; or

(4) Unjust confiscation by a foreign power or its nationals.

(f) *Property subjected to extraordinary risks.* Claims are payable when property is damaged or lost as a direct result of extraordinary risks to which it has been subjected by the performance of official noncombat duties by the claimant, including but not limited to:

(1) Performance of duty in connection with civil disturbance, public disorder, or public disaster;

(2) Efforts to save Government property or human life where the situation was such that the claimant could have saved his own property had he not so acted; or by

(3) Abandonment or destruction of property by reason of military emergency or by order of superior authority.

(g) *Property used for benefit of Government.* Claims are payable where property is damaged or lost while being used, or held for use, for the benefit of the Government at the direction or request of superior authority or by reason of military necessity.

(h) *Negligence of the Government.* Claims are payable where property is damaged or lost incident to the service of the claimant and the proximate cause of such damage or loss was the negligent act or omission of agents or employees of the Government acting within the scope of their employment.

(i) *Money deposited for safekeeping, transmittal, or other authorized disposition.* Claims for loss of personal funds which were accepted by other military personnel acting with the authority of the commanding officer for safekeeping, deposit, transmittal, or other authorized disposition, are payable where the funds were neither applied as directed by the owner nor returned to him (Article 1922, U. S. Navy Regulations, 1948).

(j) *Motor vehicles.* Claims are allowable for damage to or loss of automobiles and other motor vehicles in overseas shipments provided by the Government. Shipments provided by the Government means via Government vessels, charter of commercial vessels or by Government bills of lading on commercial vessels, and includes storage, on-loading and off-loading incident thereto.

§ 751.4 *Claims not payable.* Claims may not be allowed for:

(a) *Money or currency.* Money or currency except when deposited with authorized personnel as contemplated by § 751.3 (i).

(b) *Unserviceable property.* Worn-out or unserviceable property.

(c) *Precious jewels or other expensive articles.* Precious jewels, jewelry, or other articles of extraordinary value are not payable when shipped with household goods or as unaccompanied baggage. (See § 751.6 (d).)

(d) *Articles acquired for other persons.* Articles intended directly or indirectly for persons other than the claimant or members of his immediate household.

This prohibition includes articles acquired at the request of others, and articles to be disposed as gifts or for sale.

(e) *Easily pilferable articles.* Small articles of substantial value, usually worn or carried, and easily pilfered, such as cameras, watches, rings, binoculars, necklaces when shipped with household goods or as unaccompanied baggage (shipment includes storage). This prohibition does not apply to claims coming within the scope of § 751.3 (a) and (b).

(f) *Articles being worn.* Property, including articles, being worn, except under the circumstances of § 751.3 (d), (e), and (f).

(g) *Intangible property.* Intangible property such as bank books, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(h) *Government property.* Property owned by the United States, except such property for which the claimant is responsible to any agency of the Government other than the Department of the Navy.

(i) *Motor vehicles.* Claims for motor vehicles, except as cognizable under § 751.3 (j), will ordinarily not be paid. Meritorious claims for damage to or loss of motor vehicles may be recommended to the Secretary of the Navy (Judge Advocate General) for payment in exceptional cases.

(j) *Enemy property.* Property of civilian employees who are nationals of a country at war with the United States, or of any ally of such enemy country, except as it is determined that the claimant is friendly to the United States; property of prisoners of war or interned enemy aliens; and property of civilian employees who have collaborated with an enemy, or with an ally of an enemy of the United States.

(k) *Losses of subrogees.* Losses of insurers and other subrogees.

(l) *Losses recoverable from insurer and carriers.* Losses, or any portion thereof, which have been recovered or are recoverable from an insurer or carrier.

(m) *Losses in unassigned quarters in the United States.* Claims otherwise cognizable under § 751.3 (a) are not payable for property damaged or lost at quarters occupied by the claimant within the continental United States (excluding Alaska) which are not assigned to him, or otherwise provided in kind, by the Government.

(n) *Contractual coverage.* Losses, or any portion thereof, which have been recovered or are recoverable pursuant to contract.

(o) *Negligence of claimant.* Claims for damage to or loss of personal property caused in whole or in part by any negligence or wrongful act on the part of the claimant, or of his agent or employee.

(p) *Business property.* Property normally used for business or profit.

(q) *Fees for obtaining estimates of repair.* Claims are not normally payable for fees paid to obtain estimates of repair in conjunction with submitting a claim under the regulations of this part, except, where, in the opinion of the approving authority, the claimant could not obtain an estimate without paying a fee. However, it will be allowed in an amount determined by the approving authority to be reasonable in relation to the value and/or the cost of repairs of the item on which the estimate was made.

(r) *Violation of directives.* Property acquired, possessed, or transported in violation of law or regulations of competent authority. This does not apply to limitations imposed on weight of shipments of household effects.

§ 751.5 *Type and quantity of property*—(a) *Type and quantity.* Claims are payable under the provisions of this part only for such types and quantities of tangible personal property, the possession of which shall be determined by the adjudicating authority to be reasonable, useful, necessary, or proper under the attendant circumstances at the time of the loss or damage. Among such items of personal property, is property required by law or regulations of the Navy to be possessed or used by its military personnel or civilian employees incident to their service.

(b) *Ownership or custody.* Claims which are otherwise within the provisions of this part will not be disapproved for the sole reason that the property was not in the possession of the claimant at the time of the damage, loss, or destruction, or for the sole reason that the claimant was not the legal owner of the property for which the claim was made. Example, borrowed property may be the subject of a claim if its possession was reasonable, useful, or necessary to the claimant.

§ 751.6 *Computation of award*—(a) *Cost of property as basis.* The amount awarded on any item of property will not exceed the adjusted cost of the item based either on the price paid in cash or property or the value at the time of acquisition, if not acquired by purchase or exchange. The amount normally payable on property damaged beyond economical repair is found by determining its depreciated value immediately before it was damaged or lost, less any salvage value. If the cost of repairs is less than the depreciated value of the property, then it is economically repairable, and the cost of repairs is the amount payable.

(b) *Depreciation.* Depreciation in value of an item is determined by considering the type of article involved, its cost, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim. Schedules of depreciation are issued by the Chief of Naval Personnel and Commandant of the Marine Corps as guides for determining the estimated life of various classes of items.

(c) *Appreciation.* There will be no allowance for appreciation in the value of the property except that the cost of the item will be adjusted to reflect changes in the purchasing power of the dollar before depreciation is computed.

(d) *Expensive articles.* Allowance for expensive items, including heirlooms, or for items purchased at unreasonably high prices, will be based on the fair and reasonable purchase price of substitute articles of a similar nature, appropriate for the claimant under the particular circumstance of his service.

(e) *Acquisition.* Allowance for articles acquired by barter will not exceed the adjusted cost of the articles tendered in barter. No reimbursement will be made for articles acquired in black market or other prohibited activities.

(f) *Maximum allowances.* The Chief of Naval Personnel and the Commandant of the Marine Corps are authorized to promulgate from time to time guides for determining the maximum amount allowable for specific articles, and for establishing maximum quantities which will be allowed. In applying these guides the claimant's standard of living will be considered, as well as his income and social obligations, the size of his family, and his need to have more than the average quantities.

§ 751.7 *Statute of limitations.* No claim may be paid under the provisions of these regulations unless presented in writing within 2 years after such claim accrues; Provided, that if the claim accrues in time of war, or in time of armed conflict in which armed forces of the United States are engaged, or if war or such armed conflict intervenes within 2 years after date of accrual, it may, if good cause for delay is shown, be presented within 2 years after such good cause ceases to exist, but not later than 2 years after peace is established or armed conflict terminates.

§ 751.8 *Demand on carrier and insurer*—(a) *Carrier.* Whenever property is damaged, lost, or destroyed while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the carrier according to the terms of its bill of lading or contract before submitting a claim against the Government under these regulations. This demand should be made against the last commercial carrier known or believed to have handled the goods, unless the carrier who was in possession of the property when the damage or loss occurred is known. In this event, the demand should be made against the responsible carrier. If more than one bill of lading or contract was issued, a separate demand should be made against the last carrier on each such document. The demand must be made within nine months of the date delivery was made, or within nine months of the date that delivery should have ordinarily been made. If it is apparent that the damage or loss is attributable to packing, storage, or unpacking while in the custody of the Government, no demand need be made against the carrier. Pursuant to the provisions of § 751.9, the claimant may present his claim to the Government immediately after he had made his demand on the carrier.

(b) *Insurer.* Whenever property which is damaged, lost, or destroyed incident to the claimant's service, is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made within the time limit provided in the policy, and prior to the filing of the concurrent claim against the Government as provided for in § 751.9.

(c) *Failure to make demand on carrier or insurer.* Failure to make a demand on a carrier or insurer or to make all reasonable efforts to collect the amount recoverable from the carrier or insurer may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable from the carrier or insurer, had the claim been timely made or diligently prosecuted. However, no deduction will be made where the circumstances of the claimant's service preclude seasonable filing of such a claim or diligent prosecution, or the evidence indicates a demand was impracticable or would have been unavailing.

§ 751.9 *Concurrent claims on the carrier and insurer and the Government*—(a) *Concurrent claim on carrier and insurer.* To expedite the settlement of household effects claims, the claim presented to the Government under the regulations may be submitted concurrently with the demand made against the carrier and/or insurer. The Claims Investigating Officer will assist the claimant in the preparation of the claim against the carrier and/or insurer, and will thereafter assume the responsibility of monitoring the claims against the carrier and insurer to final settlement. The claimant will direct the carrier or insurer in his demand to address all correspondence regarding the claim, to himself, in care of the Commanding Officer of the organization at which he filed his claim, "Attention: Claims Investigating Officer". Further, all reimbursements to the claimant in settlement of his claim by the carrier or insurer should be made payable to the claimant and addressed to him, in care of the Commanding Officer, "Attention: Claims Investigating Officer".

(b) *Claims against the Government* Following the submission of the claim against the carrier or insurer, or both, the claimant may immediately submit his claim against the Government in accordance with the provision of § 751.18.

§ 751.10 *Form of demand on carrier.* It is suggested that demands on carriers (see § 751.8) be made by letter in substantially the following form:

DEMAND ON CARRIER

....
(Name of carrier)

....
(Address)

....
(Date)

Gentlemen: Claim is presented by the undersigned for ....
(Loss or damage)

in connection with a shipment from ...., ...,
(Consignor) (City, town, or station)

to ...., ... under ....
(Consignee) (City, town, or station)

.... No. .... dated ....,
(Bill of lading, contract, or baggage check)

issued by ...., covering shipment of ....
.... described as follows:
(Household goods, footlocker, flight bag, etc.)

Description of container (or of article if uncrated)	*Approximate weight (pounds)*	*Nature and extent of damage*	*Amount claimed*
....	....	....	....
....	....	....	....
....	....	....	....
....	....	....	....
....	....	....	....
....	....	....	....

Total amount of claim ....
....

Detailed description of property lost or damaged, including identifying marks on containers:
....
....

Remarks:
....

Please mail all correspondence in regard to this claim to the undersigned in care of:
Commanding Officer
(Name of station or activity at which claim filed)
Address
Attention: Claims Investigating Officer
Yours very truly,

....
(Signature of claimant)

§ 751.11 *Nonconcurrent claims against the carrier and insurer and the Government.* In the event a claim against a carrier or insurer is made by the claimant independent of the procedure specified for Concurrent Claims in § 751.9, the claimant is not required to wait until either final approval or denial of his claim is made by the carrier or insurer before submitting his claim against the Government. He may immediately file a claim with his Commanding Officer in accordance with the provisions of § 751.18. Upon submitting his claim, he will certify in his claim that he has or has not gained any recovery from a carrier and/or insurer, and enclose all correspondence pertinent thereto. If final action has not been taken by the carrier or insurer on his claim, he will immediately notify them to address all correspondence in regard to his claim, to him, in care of the Commanding Officer of the organization at which his claim with the Government was filed, "Attention: Claims Investigating Officer". Thereafter, the entire matter will be treated by the claimant and Claims Investigating Officer as if it had commenced as concurrent claims under the provisions of § 751.9. The claimant will be required to advise the Claims Investigating Officer of any action taken by the carrier or insurer on his claim, and upon request, to furnish the Claims Investigating Officer with all correspondence, documents, and other evidence pertinent to the matter.

§ 751.12 *Transfer of rights against the carrier or insurer.* The claimant will assign to the United States to the extent of any payment on his claim accepted by him, all his right, title and interest in any claim he may have against any carrier, insurer, or other party, arising out of the incident on which the claim against the United States is based. He will also, upon request, furnish such evidence as may be required to enable the United States to enforce the claim. After payment of his claim by the United States the claimant will upon receipt of any payment from a carrier or insurer, pay the proceeds to the United States to the extent of the payment received by him from the United States.

§ 751.13 *Proration of recovery from carrier or insurer.* When the amount recovered or recoverable by the claimant from a carrier or insurer is less than the total loss, the amount so recovered or recoverable will be prorated between (a) the amount approved, and (b) the sum of:

(1) The amount disapproved for items not reasonable, useful, necessary, or proper;

(2) The amount disapproved for items not personal to the claimant's use;

(3) The disapproved portion of the actual value of expensive articles and of items purchased at unreasonably high prices.

§ 751.14 *Claims within provisions of other regulations.* The provisions of the Navy Personnel Claims Regulations in this part are preemptive of other claims regulations. However, claims which are not allowable under the regulations of this part may possibly be allowable under the General Claims Regulations (Part 750 of this chapter), and may be considered thereunder by the appropriate adjudicating authority.

§ 751.15 *Claimants.* A claim may be presented only by a military member or civilian employee of the Navy, or in his name by his spouse as his authorized agent or by any other authorized agent or legal representative. In the event the claim is filed by an agent or legal representative, this person must demonstrate his or her capacity to act in the claimant's behalf by submitting a power of attorney or other documentary evidence. If the military or civilian person is deceased, the claim may be presented by his survivor, regardless of whether the claim arose before, concurrently with, or after the decedent's death. Survivors' claims will be presented in the following order of precedence:

(a) Spouse;
(b) Child or children;
(c) Father or mother, or both;
(d) Brothers or sisters, or both.

§ 751.16 *Form of claim.* The claim will be submitted by presenting a detailed statement in triplicate, signed by or on behalf of the claimant, on form NAVEXOS 2662A. However, if these claims forms are not available through normal distribution channels, any writing will be accepted and considered as a claim, if it asserts a demand for a sum certain and substantially describes the facts necessary to support a claim cognizable under these regulations. Attention is directed to the provisions of § 751.17, outlining the specific evidence required for particular classes of claims. Careful compliance with these requirements by the claimant in the preparation of his claim will substantially expedite adjudication by avoiding delays arising from the need of the adjudicating authority to obtain additional evidence from him.

§ 751.17 *Evidence in support of claim*—(a) *General.* The claim should be supported by the evidence required on the claim form, and in addition, the following evidence when applicable—

(1) Corroborating statement from a person who has personal knowledge of the facts concerning the claim;

(2) Statement of property recovered or replaced in kind;

(3) Itemized bill of repair for damaged property which has been repaired;

(4) At least one written estimate of the cost of repairs from a competent bidder or person if the property is repairable but has not been repaired. By "competent" it is meant one who has experience in the line of needed repairs, and is in a position to know the cost of repairs of such items in the current market. The name, address and experience of each such "competent" person must be given. The adjudicating authority may reject any estimate or statement of the cost of repairs that does not meet the above standards. The claimant shall satisfy the Claims Investigating Officer that items claimed as beyond economical repair are in fact in that condition.

(5) Certified statement concerning any insurance coverage and reimbursement obtained from the insurer. The statement should describe the type of insurance and coverage and give the name of the insurer. If the claimant has insurance, but has not submitted a claim, the failure to do so should be explained.

(b) *Claims less than $100.* Where damaged property has not been repaired, the requirement of a written estimate may be dispensed with for items for which the amount claimed is less than $50, if the total claim does not exceed $100. In lieu of a written estimate, the Claims Investigating Officer will personally inspect the damaged property and set a reasonable amount to be claimed for repairs on such items. In the event the claimant and the Claims Investigating Officer cannot agree on a reasonable value, or it is not possible for the Claims Investigating Officer to personally inspect the property, the written estimates required by paragraph (a) (4) of this section will be obtained. In cases where the investigating officer does recommend an amount to be paid without further evidence in the form of written estimates, he will briefly describe the facts upon which his recommendation is based in his report.

(c) *Specific classes of claims.* The following classes of claims should also have the following specific evidence in detail accompanying the claim—

(1) Property losses in quarters or other authorized places: A statement indicating—

(i) Geographical location;

(ii) Whether quarters were assigned or provided in kind by the Government;

(iii) Whether regularly occupied by the claimant;

(iv) Name of authority, if any, who designated the place of storage of the property, if other than quarters;

(v) Measures taken to protect the property; and

(vi) If claimant is a civilian employee, a statement from competent authority establishing that when the claim arose the claimant was a civilian employee of the Navy, and was, or was not, a local inhabitant;

(2) Theft: A statement indicating—

(i) Geographical area of the loss;

(ii) Facts and circumstances surrounding the loss, including evidences of larceny, burglary or housebreaking, such as breaking and entering, capture of the thief, recovery of part of the stolen goods, etc.;

(iii) Evidence that the claimant exercised due care in protecting his property prior to the loss. Attention will be given to the degree of care normally exercised in the locale of the loss due to any unusual risks involved.

(3) Transportation losses: (i) Copy of orders authorizing the travel, transportation or shipment, or certificate explaining the absence of orders, and stating their substance;

(ii) All bills of lading, and inventories of property shipped;

(iii) Copy of demand on carrier or insurer, or both, where required, and replies (see §§ 751.9 and 751.11);

(iv) In case of missing baggage, statement indicating action taken to locate missing property, with related correspondence; and

(v) Statement indicating in cases where property was turned over to a quartermaster, transportation officer, supply officer, or contract packer;

(*a*) Name (or designation) and address of quartermaster, transportation officer, supply officer, or contract packer,

(*b*) Date property was turned over,

(*c*) Condition when property was turned over,

(*d*) When and where property was packed, and by whom,

(*e*) Date of shipment and re-shipment,

(*f*) Copies of all manifests, bills of lading and contracts,

(*g*) Date and place of delivery to claimant,

(*h*) Date property was unpacked,

(*i*) Statements of disinterested witnesses as to condition of property when received and delivered, or as to handling or storage,

(*j*) Whether the negligence of any government employee acting within the scope of his employment caused the damage or loss, and

(*k*) Whether the last common carrier, or local civilian carrier was given a clear receipt.

(4) Marine or aircraft disaster: Copy of orders or other evidence to establish claimant's right to be, or to have his property on board.

(5) Enemy action, public disaster, public service or abandonment: (i) Copy of orders or other evidence establishing claimant's required presence in the area involved;

(ii) A detailed statement of facts and circumstances showing applicable causes enumerated in § 751.3 (e) and (f).

(6) Property used for benefit of Government: (i) A statement from proper authority that the property claimed for was required to be supplied by the claimant in the performance of his official duty or occupation at the request or direction of superior authority, or by reason of military necessity; and

(ii) Evidence that if the property being used for the benefit of the Government was lost while not in use, that the loss occurred in an authorized storage area.

(7) Money deposited for safekeeping, transmittal, or other authorized disposition: A statement indicating—

(i) Name, grade, service number, and address of the person or persons who received the money, and any other involved;

(ii) The name, and designation of the authority who authorized such person or persons to accept personal funds, and the disposition requested (Article 1922, U. S. Navy Regulations, 1948); and

(iii) Receipts and written sworn statements explaining the failure to account for the funds or return them to the claimant.

§ 751.18 *Filing of claim.* All claims coming within the cognizance of these regulations, should if practicable, be submitted by the claimant or his authorized agent to the Commanding Officer of any naval or Marine Corps activity nearest to the point where investigation of the facts and circumstances can most conveniently be made. As an alternative the claim may be submitted to the Commanding Officer of the organization to which the claimant belongs or is attached. If submission under the foregoing provisions is impracticable, the claim may be submitted direct to the Chief of Naval Personnel, the Commandant of the Marine Corps, or the Judge

Advocate General of the Navy, Washington 25, D. C. Acceptance of a claim for filing will not be refused even though the claim appears not to be within the scope of these regulations.

§ 751.19 *Appointment of Claims Investigating Officers.* Each Commanding Officer will appoint one or more Claims Investigating Officers to investigate, process, and make recommendations on all claims presented to him under these regulations. Commanding Officers of major or separate commands and Commanding Officers processing an appreciable number of claims will appoint one or more Claims Investigating Officers on a continuing basis. This is particularly pertinent to activities receiving many shipments of household effects.

§ 751.20 *Investigation of claim.* Upon receipt of a claim under the provisions of these regulations, the Commanding Officer will refer the claim, with all the available information relating thereto, to the Claims Investigating Officer appointed by him, for investigation and report. The investigating officer will consider all information and evidence submitted with the claim and conduct such investigation as seems necessary and appropriate, securing and considering testimony of all competent witnesses on pertinent facts. He will give special attention to the credibility of statements by the claimant and corroborating witnesses. Direct correspondence by investigating officers with and between theaters of operations is authorized for the purpose of tracing the location or disposition of missing baggage or effects.

§ 751.21 *Action of Claims Investigating Officer in transportation losses*—(a) *Assistance to claimants in the filing of concurrent claims against carriers and insurers.* The Claims Investigating Officer will assist claimants in the preparation of claims to be submitted to carriers and insurers for damage, loss, or destruction of household and personal effects occurring while being shipped pursuant to authorized travel orders.

(b) *Action in regard to concurrent claims against carriers and insurers.* The Claims Investigating Officer will advise the claimant when the claim is filed with the carrier and/or insurer, that he will monitor these claims to final settlement on the claimant's behalf, and in the event of favorable action by the carrier or insurer, advise him and make all necessary adjustments to the concurrent claim filed with the Government. The claimant will be advised to notify the Claims Investigating Officer promptly of any subsequent action by the carrier or the insurer, including settlement, partial settlement, or denial of liability. He will also, upon request, provide the Claims Investigating Officer with all documents, papers and other evidence needed to press his claim.

(c) *Approval or denial of concurrent claim by carrier or insurer*—(1) *Denial of claim by carrier or insurer.* The Commanding Officer will report all carrier or insurer denials to the Navy Regional Accounts Office, Washington, D. C., or the Disbursing Officer, Marine Corps Disbursing Office, Eastern Pay Area, Washington, D. C., as appropriate, by speedletter as shown in subparagraph (3) of this paragraph using the optional paragraph 5.

(2) *Approval of claim by carrier or insurer.* The action to be taken by the Commanding Officer upon the approval of a claim by a carrier or insurer will depend on the prevailing situation as follows:

(i) If the claim filed with the Government is still at the command level the claimant will be advised to accept the award. The Commanding Officer will make appropriate deduction for the recovery obtained by the claimant from the carrier or insurer before forwarding the claim to the appropriate adjudicating authority.

(ii) If the claim filed with the Government has been forwarded to the appropriate adjudicating authority, and the claimant has not received settlement from the Government, the claimant will be advised to accept the award. The Commanding Officer will notify the Navy or Marine Corps Disburing Officer, as appropriate, of this fact by speedletter shown in subparagraph (3) of this paragraph using the optional paragraph 5.

(iii) If the claimant has received settlement from the Government he will be advised to pay the proceeds received from the carrier or insurer to the United States by endorsing the check to the Treasurer of the United States and turning it over to the Commanding Officer or his representative. The Commanding Officer will forward the endorsed check to the Navy or Marine Corps Disbursing Officer, as appropriate, by speedletter shown in subparagraph (3) of this paragraph using the optional paragraph 5.

(3) *Form of notification to activity paying claim.* Notification to the appropriate Disbursing Officer of a payment or denial to the claimant by a carrier or insurer should contain the following:

AIR MAIL SPEEDLETTER

From: Commanding Officer
To: Officer in Charge
Navy Regional Accounts Office
Washington 25, D. C.
or Disbursing Officer
Marine Corps Disbursing Office
Eastern Pay Area
Washington 25, D. C.
Re Claim For Reimbursement Household Goods:

1. (Full name of claimant)
2. (Grade)
3. (Service number)
4. (Date claim forwarded to adjudicating authority)
5. Claimant has retained (amount paid) settlement from carrier/insurer request deduction from Government settlement or checkage as appropriate

or

5. Attached carrier/insurer settlement check endorsed for redeposit to appropriate claims allotment.

or

5. Claim with carrier/insurer denied; considered (justified/unjustified*) *Requires additional action specified in paragraph (e) of this section.

(d) *Noncurrent claims.* If an independent claim has been filed against a carrier or insurer, the claimant will be asked at the time the claim is filed with the Government to certify on the suggested form set forth in this paragraph whether or not he has obtained any recovery from a carrier or insurer on his claims.

CERTIFICATE OF DEMAND ON CARRIER OR INSURER

(Date)

I, the undersigned, hereby certify that on ---------- I made written demand on ----
(Date)
------------------ for ---------- in accord-
(Insurer or carrier) (Amount)
ance with the terms and conditions of the bill of lading under which my household effects were shipped, or my contract of insurance. I certify that I have (have not) been reimbursed by the above carrier (insurer) in the amount of ---------- in settlement of
(Amount)
my claim. If I have not been reimbursed by the carrier (insurer), I agree to notify the Claims Investigating Officer of any subsequent action, settlement, or denial made to me. A copy of my demand letter, together with a copy or original of all shipping documents and insurance policies, and all pertinent correspondence thereto are attached to this certificate. I have advised the carrier (insurer) to address all future correspondence in regard to this claim to me, in care of the Commanding Officer. I further agree that, if recovery is received from the carrier or insurer after my claim has been paid by the Government, I will pay the proceeds to the United States, or will submit to checkage of my pay account in an equivalent amount; such payment or checkage may not exceed the amount received by me from the United States.

(Signature of claimant)

If any recovery has been obtained from the carrier or insurer appropriate comment indicating amount recovered will be made by the Claims Investigating Officer on the claim being forwarded to the adjudicating authority. If action by the carrier or insurer is still pending, the claimant will advise carrier or insurer to address all correspondence to him, in care of the Commanding Officer of the organization at which the claim was filed, "Attention: Claims Investigating Officer," and the matter will be treated thereafter as if it had commenced as a Concurrent Claim. The claimant will be further advised to notify the Claims Investigating Officer promptly of any subsequent settlement or denial of liability by the carrier or insurer. Forwarding of the claim by the command to the appropriate adjudicating authority will not be delayed pending the action of a carrier or insurer unless it is apparent that final action by the carrier or insurer will be immediately forthcoming.

(e) *Unjustified denial by the carrier or insurer.* If the claim has been denied by the carrier or the insurer, and, in the opinion of the Claims Investigating Officer and the Commanding Officer, the carrier is responsible for the damage, or the insurer is liable under its contract of insurance, then the entire matter, together with an expression of opinion, should be forwarded to the Bureau of Supplies and Accounts or in the case of the Marine Corps to the Supply or Transportation Officer, for appropriate action.

§ 751.22 *Preparation of Claims Investigating Officer's report*—(a) *Gen-*

eral. The Claims Investigating Officer will prepare a written report of investigation including his recommendation. Sufficient copies will be prepared so that the original and two copies may be forwarded to the appropriate adjudicating authority and one copy retained at the Command. Only one complete set of supporting papers as exhibits is required to be forwarded to the adjudicating authority.

(b) *Form of Claims Investigating Officer's report.* The Claims Investigating Officer's Report will be submitted on form NAVEXOS 2662B, except when such form is not available through normal distribution channels, in which case the report should set forth substantially the information indicated by the form.

(c) *Claims arising out of the same incident.* A separate report will be prepared on each claim. However, where several separate claims arise out of the same incident, the Claims Investigating Officer may avoid duplication of effort by completing his detailed report of investigation with all necessary exhibits and documents which are common to the group in one claim, and incorporating by reference this report and supporting exhibits in the other claims arising out of the same incident. A brief summary of facts relating to the common incident should be included in these latter claims, as well as mention of the claim in which the detailed report and exhibits may be found.

§ 751.23 *Action by commanding officer*—(a) *Examination and approval of report.* The commanding officer or his legal officer will review the file and determine whether the findings of the investigating officer are complete, whether the facts and evidence are clearly stated, and whether the recommendation of the investigating officer is supported by adequate evidence. In proper cases he may refer such report back to the investigating officer for further investigation and the inclusion of additional data. The commanding officer or his legal officer will then, by first endorsement to the investigating officer's report, approve the report without qualification or with stated exceptions. In no event will any opinion be expressed to the claimant as to whether his claim will be approved. The endorsement shall express an opinion as to whether the possession by claimant of the property was reasonable, useful, necessary or proper under the attendant circumstances.

(b) *Statement concerning replacement in kind.* There will be included in the first endorsement to the investigating officer's report, or attached to each copy of such report, either a statement that no replacement in kind was made or, as the case may be, a list of the items so replaced and the price of each. This statement may be omitted on claims of Naval Personnel if the provisions of § 751.24 as to replacement in kind are utilized to the extent that replacement in kind is made as to all items claimed, in which event the report, with the claim and supporting papers, will not be forwarded to higher authority than the officer authorizing replacement in kind. Marine Corps in kind claims procedures appear in the Annual Individual Clothing Regulations, NAVMC 1066SD.

(c) *Forwarding of claim to adjudicating authority.* The investigating officer's report in triplicate (except when replacement in kind of all items claimed is made as permitted under § 751.24 or § 751.25) will be forwarded with the original and two copies of the claim and one copy of each supporting document or paper, directly to the cognizant adjudicating authority.

§ 751.24 *Navy service personnel adjudicating authority*—(a) *Claims.* The Chief of Naval Personnel; Deputy Chief of Naval Personnel; Director, Policy Division, Bureau of Naval Personnel; Director, Assistant Director, Assistant for Planning, and Technical Assistant, Enlisted Services and Records Division, Bureau of Naval Personnel; and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, adjust, and determine claims of Navy service personnel for reimbursement in cash filed under the regulations of this part.

(b) *Reimbursement in kind.* Officers of or above the rank of lieutenant commander who are (1) commanding officers, or (2) in higher echelons of command, including the officers specified in paragraph (a) of this section, or (3) senior officers present, and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of Navy enlisted personnel for reimbursement in kind filed under the regulations of this part.

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U. S. Navy Regional Accounts Office, Washington 25, D. C., from such appropriation as may be designated, or by reimbursement in kind by supply officers of the Navy, as provided in instructions issued by the Chief of Naval Personnel.

§ 751.25 *Marine Corps service personnel adjudicating authority*—(a) *Claims.* The Commandant of the Marine Corps, the Director of Personnel of the Marine Corps and the Head, Personal Affairs Branch, Personnel Department, Headquarters, U. S. Marine Corps, are hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under the regulations of this part by Marine Corps service personnel.

(b) *Reimbursement in kind.* Officers of or above the rank of major who are (1) commanding officers, or (2) in higher echelons of command, including the officers specified in paragraph (a) of this section, or (3) officers below the rank of major, when such officers are in command of separate companies, batteries, squadrons, detachments, posts and stations, or (4) senior officers present, and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of Marine Corps enlisted personnel for reimbursement in kind filed under the regulations of this part.

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the Quartermaster General of the Marine Corps, from such appropriation as may be designated, or by reimbursement in kind as provided in instructions issued by the Commandant of the Marine Corps.

§ 751.26 *Civilian personnel adjudicating authority*—(a) *Claims.* The Judge Advocate General of the Navy, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International & Administrative Law), the Director, Civil Law Division, Office of the Judge Advocate General and the Head, General Claims Branch, Civil Law Division, Office of the Judge Advocate General, are hereby designated and authorized to consider, ascertain, adjust, and determine claims filed under the regulations of this part by civilian personnel of the Navy and Marine Corps.

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U. S. Navy Regional Accounts Office, Washington 25, D. C., from such appropriation as may be designated for this purpose, or by reimbursement in kind, as provided in instructions issued by the Judge Advocate General of the Navy.

§ 751.27 *Separation from service.* Separation from the service or the Naval Establishment shall not bar service personnel or civilian employees, respectively, from filing claims, or bar the authority of the designated officers to consider, ascertain, adjust, determine, and pay claims otherwise falling within the provisions of this part which accrued prior to such separation.

§ 751.28 *Meritorious claims not otherwise provided for.* Meritorious claims within the scope of the Military Personnel Claims Act (10 USC 2732), which are not otherwise provided for in this part, may be forwarded via official channels to the Secretary of the Navy (Judge Advocate General) for consideration, and may in exceptional cases be approved by the Secretary of the Navy or the Judge Advocate General for payment.

§ 751.29 *Appeals.* Any claimant may appeal to the Secretary of the Navy for a review of the adjustment or determination of his claim. Such appeals shall be made in writing and shall be submitted through official channels to the Secretary of the Navy (Judge Advocate General) within six months from the date the claimant receives notice of the adjudication of his claim.

§ 751.30 *Authorization for issuance of instructions.* The Chief of Naval Personnel, the Commandant of the Marine Corps, and the Judge Advocate General of the Navy, respectively, are hereby authorized to issue such instructions not in conflict herewith as may be deemed necessary from time to time to give full force and effect to the purpose of the regulations of this part.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

MAY 28, 1958.

[F. R. Doc. 58-4176; Filed, June 2, 1958; 9:11 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

REPUBLIC OF KOREA

Pursuant to the authority contained in sections 28, 32, and 42 of the Federal Employees' Compensation Act (39 Stat. 748, 749, and 750, as amended; 5 U. S. C. 778, 783, and 793), Reorganization Plan No. 19 of 1950 (3 CFR 1953 Supp., p. 171), and General Order No. 46 (15 F. R. 3290) and in accordance with section 3 of the Administrative Procedure Act, § 25.25 of Part 25 of Title 20 of the Code of Federal Regulations is hereby amended by substituting a colon for the period at the end of paragraph (d) and by adding the following immediately thereafter: "Provided, that whenever circumstances prevent the payment of benefits to a member of any of the classes of beneficiaries enumerated above, the compensation may be paid to the remaining survivor or survivors of the same class or, if there are none, then to the survivor or survivors of the next class in the order of the precedence, to the extent circumstances permit such payment."

Signed at Washington, D. C., this 22d day of May 1958.

(Sec. 32, 39 Stat. 749, as amended; 5 U. S. C. 783)

WILLIAM M. MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F. R. Doc. 58-4129; Filed, June 2, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS[1]

INSPECTION AND CERTIFICATION

Notice is hereby given that the United States Department of Agriculture is considering the amendment, as herein proposed, of existing regulations (7 CFR §§ 52.1 through 52.87) governing the inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U. S. C. 1621 et seq.).

The proposed changes involve a change in the definition of an "official device" to include approved devices used to interpret the United States Department of Agriculture grade standards and facilitate inspection service. They also provide for the manufacture, identification, distribution or sale of such official devices under an approved licensing procedure.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed revisions in the regulations governing inspection and certification are as follows:

1. In § 52.3 delete the definition of "Official device" and insert in lieu thereof the following:

Official device. "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof; or any device approved and designated by the Administrator as a USDA official device for use as a color standard, defect guide, or other similar aid to interpret the United States Department of Agriculture grade standards and to facilitate conduct of the inspection service.

2. In § 52.53 *Approved identification,* add the following new paragraph:

(e) *Licensing and identification of certain official devices.* The Administrator may issue licenses permitting the manufacture, identification, distribution, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be revocable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix "USDA" together with other identifying words or symbols, as prescribed by the license.

Dated: May 28, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4107; Filed, June 2, 1958; 8:45 a. m.]

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[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; fishery products, except oil; tea; cocoa; coffee; spices; condiments.

[7 CFR Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

U. S. STANDARDS FOR GRADES OF FROZEN PEAS[1]

A notice of proposed rule making was published on May 1, 1957, in the FEDERAL REGISTER (22 F. R. 3072) regarding the revision of United States Standards for Grades of Frozen Peas. In view of additional changes which have been proposed since publication of the aforesaid notice, the United States Department of Agriculture is now considering further changes in the revision of the aforesaid standards for grades of frozen peas, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the sixth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than January 15, 1959.

PRODUCT DESCRIPTION AND GRADES

52.3511 Product description.
52.3512 Grades of frozen peas.

FACTORS OF QUALITY

52.3513 Ascertaining the grade.
52.3514 Ascertaining the rating for the factors which are scored.
52.3515 Color.
52.3516 Defects.
52.3517 Maturity and tenderness.
52.3518 Method of analysis.

LOT INSPECTION AND CERTIFICATION

52.3519 Ascertaining the grade of a lot.

SCORE SHEET

52.3520 Score sheet for frozen peas.

PRODUCT DESCRIPTION AND GRADES

§ 52.3511 *Product description.* "Frozen peas" means the frozen product prepared from the clean, sound, succulent seed of the common garden pea (Pisum sativum) by shelling, washing, blanching, proper sorting, proper draining, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

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[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.3512 *Grades of frozen peas.* (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of frozen peas that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that are tender; and for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided,* That the frozen peas may possess a reasonably good color, scoring not less than 17 points if the total score is not less than 90 points.

(b) "U. S. Grade B" (or "U. S. Extra Standard") is the quality of frozen peas that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; and for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided,* That the frozen peas may possess a fairly good color and may be fairly free from defects with respect to pieces of peas if the total score is not less than 80 points.

(c) "U. S. Grade C" (or "U. S. Standard") is the quality of frozen peas that possess similar varietal characteristics; that possess a normal flavor; that possess a fairly good color; that are fairly free from defects; that are fairly tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of frozen peas that fail to meet the requirements of U. S. Grade C.

FACTORS OF QUALITY

§ 52.3513 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	*Points*
Color	20
Defects	40
Tenderness and maturity	40
Total score	100

(b) *Evaluation of quality.* The rating for the factors of color, defects, and tenderness and maturity, with respect to each ingredient, and the evaluation of similar varietal characteristics are determined immediately after thawing so that the product is free from ice crystals. The flavor is determined on the raw and the cooked product.

(c) *Definitions of requirements not rated by score points.* (1) "Good flavor" means that the product has a good normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) "Normal flavor" means that the product may be lacking in good normal flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.3514 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "36 to 40 points" means 36, 37, 38, 39, or 40 points.)

§ 52.3515 *Color*—(a) *(A) classification.* Frozen peas that possess a good color may be given a score of 18 to 20 points. "Good color" means that the frozen peas possess a green color typical of young and tender peas, which color is practically uniform and bright, and that not more than one-half of one percent, by count, of peas may be present that seriously detract from the overall color appearance, including peas commonly referred to as blond or cream colored peas.

(b) *(B) classification.* If the frozen peas possess a reasonably good color, a score of 16 or 17 points may be given. Frozen peas that score 16 points in this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the frozen peas possess a color typical of reasonably young and reasonably tender peas, which color is reasonably uniform and reasonably bright, and that not more than one and one-half percent, by count, of peas may be present that seriously detract from the overall color appearance, including peas commonly referred to as blond or cream colored peas.

(c) *(C) classification.* Frozen peas that possess a fairly good color may be given a score of 14 or 15 points. Frozen peas that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the frozen peas possess a green color typical of nearly mature and fairly tender peas, which color is fairly uniform, and that not more than two percent, by count, of peas may be present that seriously detract from the overall color appearance, including peas commonly referred to as blond or cream colored peas.

(d) *(SStd.) classification.* Frozen peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3516 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, pieces of peas, blemished peas, seriously blemished peas, and other defects.

(1) "Harmless extraneous vegetable material" means:

(i) Succulent vegetable material common to the pea plant, such as leaves, pea pods, and stems;

(ii) Non-deleterious or non-poisonous types of thistle buds, nightshade berries, or other similar type buds, berries, or seeds from other plants; and

(iii) Other predominant spherical or cylindrical vegetable material from other plants which are tender and similar in color to frozen peas.

(2) "Piece of pea" (broken pea) means:

(i) A whole pea from which a cotyledon or a large portion thereof has become separated;

(ii) Two detached whole cotyledons;

(iii) Pieces of detached cotyledons aggregating the equivalent of an average size cotyledon;

(iv) A whole detached skin or portions of detached skin aggregating the equivalent of an average size whole skin.

(3) "Blemished" means discoloration which slightly affects but does not materially affect the appearance or eating quality of the pea.

(4) "Seriously blemished" means a pea that is spotted or discolored or hard shriveled to an extent that the appearance or eating quality is materially affected. (Does not include peas commonly referred to as "blond" or "cream colored" peas which are scored under the factor of color.)

(b) *(A) classification.* Frozen peas that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means:

(1) That for each approximately 20 ounces of net weight there may be present not more than:

(i) One piece of vegetable material common to the pea plant; or pieces having an aggregate area of not more than ¼ square inch (½″ x ½″) on one surface;

(ii) One thistle bud or nightshade berry or other similar spherical piece of vegetable material from other plants;

(iii) One cylindrical piece or pieces of vegetable material from other plants not exceeding ½ inch in length in the aggregate.

(2) That not more than seven percent, by count, of the peas may be pieces of peas;

(3) That not more than two percent, by count, of the peas may be blemished and seriously blemished: *Provided,* That not more than one-half of one percent, by count, of all the peas may be seriously blemished;

(4) That the prescence of harmless extraneous vegetable material, pieces of peas; blemished peas, and seriously blemished peas and other defects, individually or collectively, do not more than slightly affect the appearance or eating quality of the product.

(c) *(B) classification.* If the frozen peas are reasonably free from defects, a score of 32 to 35 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means:

(1) That for each approximately 30 ounces of net weight there may be present not more than:

(i) One piece of vegetable material common to the pea plant, or pieces having an aggregate area of not more than ½ square inch (½" x 1") on one surface;

(ii) Two thistle buds or nightshade berries or other similar spherical piece of vegetable material from other plants;

(iii) Two cylindrical pieces of vegetable material from other plants, each not exceeding ½ inch in length in the aggregate.

(2) That not more than 12 percent, by count, of the peas may be pieces of peas;

(3) That not more than four percent, by count, of the peas may be blemished and seriously blemished: *Provided,* That not more than two percent, by count, of all the peas may be seriously blemished;

(4) That the presence of harmless extraneous vegetable material, pieces of peas, blemished peas, and seriously blemished peas and other defects, individually or collectively, does not materially affect the appearance or eating quality of the product.

(d) *(C) classification.* If the frozen peas are fairly free from defects, a score of 28 to 31 points may be given. Frozen peas that fall into this classification, except for pieces of peas, shall not be graded above U. S. Grade C, regardless of the total score for the product (this is a partial limiting rule). "Fairly free from defects" means:

(1) That for each approximately 30 ounces of net weight there may be present not more than:

(i) One piece of vegetable material common to the pea plant, or pieces having an aggregate area of not more than 1 square inch (1" x 1") on one surface;

(ii) Three thistle buds or nightshade berries or other similar spherical piece of vegetable material from other plants;

(iii) Three cylindrical pieces of vegetable material from other plants, each not exceeding 1 inch in length in the aggregate.

(2) That not more than 15 percent, by count, of the peas may be pieces of peas;

(3) That not more than six percent, by count, of the peas may be blemished and seriously blemished: *Provided,* That not more than three percent, by count, of all the peas may be seriously blemished;

(4) That the presence of harmless extraneous vegetable material, pieces of peas, blemished peas, and seriously blemished peas and other defects, individually or collectively, does not seriously affect the appearance or eating quality of the product.

(e) *(SStd.) classification.* Frozen peas that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3517 *Maturity and tenderness*—(a) *General.* The determination of maturity and tenderness of frozen peas is based on the brine flotation test set forth in § 52.3518 by first carefully removing the skins from the peas.

(b) *(A) classification.* Frozen peas that are tender may be given a score of 36 to 40 points. "Tender" means that the peas comply with the requirements of Table I of this subpart.

TABLE I

Maximum number of peas (skins removed) that sink in 10 seconds (percent by count)	Percentage of salt in solution
10	13

(c) *(B) classification.* If the frozen peas are reasonably tender, a score of 32 to 35 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the peas comply with the requirements of Table II of this subpart.

TABLE II

Maximum number of peas (skins removed) that sink in 10 seconds (percent by count)	Percentage of salt in solution
12	15

(d) *(C) classification.* If the frozen peas are fairly tender a score of 28 to 31 points may be given. Frozen peas that fall into this classification shall not be graded above U. S Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the peas comply with the requirements of Table III of this subpart.

TABLE III

Maximum number of peas (skins removed) that sink in 10 seconds (percent by count)	Percentage of salt in solution
16	16

(e) *(SStd.) classification.* Frozen peas that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3518 *Method of analysis*—(a) *Brine flotation test.* The brine flotation test utilizes salt solutions of various specific gravities to separate the peas according to maturity. The brine solutions are based on the percentage by weight of pure salt (NaCl) in solution at 20 degrees C. In making the test the brine solutions are standardized to the proper specific gravity equivalent to the specified "percent of salt solutions at 20 degrees C." by using a salometer spindle accurately calibrated at 20 degrees C. A 250 ml. glass beaker or similar receptacle is filled with the brine solution to a depth of approximately two inches. The brine solution and sample must be at the same temperature and should closely approximate 20 degrees C. After carefully removing the skins from the peas place the peas into the solution. If cotyledons divide, use both cotyledons in the test. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink." Pieces of peas and loose skins should not be used in making the brine flotation test.

(b) *Determining percent of pieces of peas.* The percent, by count, of pieces of peas is determined by dividing the total number of pieces of peas by the total number of peas and pieces of peas. (A pea held together by its skin, even though the cotyledons are partly crushed or the skin split, is considered an unbroken pea.)

LOT INSPECTION AND CERTIFICATION

§ 52.3519 *Ascertaining the grade of a lot.* The grade of a lot of frozen peas covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed products thereof, and certain other processed food products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3520 *Score sheet for frozen peas.*

Size and kind of container				----
Container mark or identification				----
Label				----
Net weight (ounces)				----
Type				----
Factors	Score points			
Color	20	(A)	18-20	----
		(B)	[2] 16-17	----
		(C)	[2] 14-15	----
		(SStd.)	[1] 0-13	----
Defects	40	(A)	36-40	----
		(B)	[1] 32-35	----
		(C)	[2] 28-31	----
		(SStd.)	[1] 0-27	----
Tenderness and maturity	40	(A)	36-40	----
		(B)	[1] 32-35	----
		(C)	[1] 28-31	----
		(SStd.)	[1] 0-27	----
Total score	100			
Flavor				----
Varietal characteristics				----
Grade				----

[1] Indicates limiting rule.

[2] Indicates partial limiting rule.

Dated: May 28, 1958.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4139; Filed, June 2, 1958; 8:51 a. m.]

[7 CFR Parts 1011, 1016]

[Docket No. AO-299]

HANDLING OF MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which each of the proposed marketing agreements and orders, as hereinafter set forth, were formulated, was conducted at Escanaba, Michigan, on October 8–15, 1957, pursuant to notice thereof which was issued September 13, 1957 (22 F. R. 7429) and at Green Bay, Wisconsin, on November 20, 1957, pursuant to notice to reconvene which was issued October 30, 1957 (22 F. R. 8852).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in each of the proposed marketing areas is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of milk marketing agreements or orders which will tend to effectuate the policy of the act; and

3. If orders are issued what their provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

1. *Character of commerce.* The handling of milk in each of the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products.

The Michigan Upper Peninsula marketing area defined in the order proposed for that area includes fourteen counties in Michigan and portions of three counties in Wisconsin. Within this area there is a continuous and substantial interstate commerce in the procurement of milk from producers and the sale of fluid milk and its products to consumers. Distributing plants in Iron Mountain, Ironwood and Bessemer, Michigan, distribute fluid milk products in Saxon, Hurley, Florence, Aurora, Niagara and Wausaukee, Wisconsin. Distributing plants in Rhinelander and Green Bay, Wisconsin, distribute fluid milk products throughout various portions of the area in Michigan. Distributing plants in the Sault St. Marie portion of the marketing area distribute fluid milk products to ore boats passing through the locks at Sault St. Marie proceeding to ports in Ohio, Indiana, Illinois and Minnesota.

Producers supplying milk to plants in the Michigan portion of the marketing area are on farms located in several counties in Wisconsin and all the Upper Peninsula counties of Michigan. Milk produced on farms in the states of Wisconsin and Michigan is inextricably commingled at processing plants in Ironwood, Iron Mountain, Crystal Falls and Bessemer, Michigan; and in Green Bay, Wisconsin. Supplemental supplies of milk come primarily from plants procuring supplies of milk from Wisconsin dairy farmers.

The marketing area proposed for the Northeastern Wisconsin area includes the city of Menominee, Michigan. Milk dealers in Menominee distribute milk in Marinette and other nearby Wisconsin areas. Wisconsin dealers likewise distribute milk in Menominee.

One of the major distributors serving the proposed Northeastern Wisconsin marketing area processes milk at a plant in Green Bay, Wisconsin, and distributes approximately 25 percent of his total fluid milk sales in the Michigan upper Peninsula marketing area as proposed herein. Milk used in these products is procured from producers with farms located in Michigan and Wisconsin. Other distributors at Rhinelander and Sheboygan, Wisconsin, in the proposed Northeastern Wisconsin marketing area distribute fluid milk products in Michigan. The distributor at Rhinelander distributes milk in Ironwood, Watersmeet and Iron River, Michigan. The distributor at Sheboygan distributes fluid milk products in Menominee, Michigan. Fluid milk products are distributed throughout the Wisconsin area from plants of handlers regulated by the Milwaukee, Wisconsin, order.

Farm milk supplies for each of the proposed marketing areas are intermingled with farm supplies of numerous manufacturing plants. Such products as nonfat dry milk, cheese, butter, evaporated milk and other related products are processed by national dairy concerns for distribution in the current of interstate commerce. Within the Northeastern Wisconsin marketing and supply areas are more than four thousand farms supplying milk to the Chicago, Illinois, market.

2. *Need for regulation.* Milk marketing and pricing conditions in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas justify the issuance of milk marketing orders to establish and maintain orderly marketing conditions. Orders for each of these areas will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

Northeastern Wisconsin is in general an area of intensive milk production. Of the 21 counties proposed for inclusion in the marketing area milk cow population in 13 counties exceeded 50 per square mile of land in farms, and was less than 25 in only three counties. In this area are located 17 supply plants for the Chicago market which receive milk from more than 4,000 producers qualified for Chicago. The total volume of Chicago pool milk has varied from 63 to 93 million pounds per month in a recent 12 month period. Extensive manufacturing of dairy products such as cheese, butter, nonfat dry milk and other products is conducted in the area.

Approximately 1,250 producers of Grade A milk supply the needs of plants engaging in the fluid milk trade of this area. None of this milk is purchased from producers on the basis of use made of it by the dealer. Most producers receive a flat price for their milk without being in position to negotiate with respect to prices, terms or conditions of sale. In a few instances base and excess prices are paid as a means of encouraging level production, but without regard to utilization of the milk.

For the most part the prices paid producers approximate the producer prices of the Chicago order applicable in the immediate vicinity. This does not mean, however, that local milk dealers are paying the applicable Chicago order prices for the milk they sell in fluid form. Handler testimony for a group of dealers claimed to be representative showed that in May 1957 they used 73.6 percent of receipts from producers as Class I milk and in September 1957 their Class I utilization was 82 percent. Chicago Class I and II utilization was 56.9 percent in May and 76.5 percent in September. The Chicago utilization percentages include in Class II ice cream use and for Class II volumes are computed on a milk equivalent basis; had the computation for Chicago been identical with that for the Northeastern Wisconsin dealers a somewhat greater difference in utilization would have been shown. No Chicago plants regularly distribute milk in Northeastern Wisconsin that is priced under the Chicago order. Three cooperative associations and one proprietary concern operating Chicago supply plants also operate separate facilities for the Northeastern Wisconsin trade.

The flat price system prevalent in the Northeastern Wisconsin area by its very nature promotes instability in the marketing of milk for the fluid trade of the area. The milk dealer who can restrict his purchases to the volume of his trade sales will have a Class I cost equal to the flat price paid. A certain amount of reserve milk is necessary for the market, however, to assure an adequate supply at all times. Fluctuation brought about by the seasonal nature of production and day to day variations in milk sales require the disposition of some Grade A milk produced for the market into manufacturing channels at a value lower than that for fluid sales. To the extent that a dealer can avoid or minimize the cost of handling such reserve milk he can achieve a competitive advantage over the dealer who carries the reserve milk associated with his share of the market. As a result producers have no assurance of a continuing market for their milk. Instances were shown on the record of producers being "cut off" with little or no notice.

While the supply competition from Chicago determines the general level of prices in the area, the flat prices paid are by no means uniform. In some cases different prices are paid to producers delivering to the same dealer. These price differences accentuate disparities in costs of milk for fluid use.

A cooperative association representing a substantial number of producers has been unsuccessful in attempts to negotiate uniform prices based upon use of milk. With most dealers they have been unable to negotiate prices on any basis. Dealer resistance has prevented this association from fully serving its members through check testing and weighing services.

Classified prices are negotiated separately by areas between the principal milk dealers with plants located in or near the Michigan Upper Peninsula cities of Ironwood, Marquette, and Sault St. Marie and local units of a cooperative association representing producers supplying each of these cities. Other cooperative associations own and operate plants at which milk produced by members of such associations is received, processed, and packaged, and from which such milk is distributed to wholesale and retail outlets. A considerable volume of milk in the Upper Peninsula is, however, purchased at flat prices without regard to the use made of the milk.

Substantial quantities, estimated at 10 to 14 million pounds annually, of milk packaged in Northeastern Wisconsin plants is distributed in the Michigan Upper Peninsula. The principal distribution is from a plant at Green Bay, Wisconsin. Milk from this plant is now sold throughout most of the Upper Peninsula. A plant at Rhinelander, Wisconsin also distributes substantial volumes of milk in the Peninsula, principally in the western portion. Distribution from other Wisconsin plants is of a more localized nature. This regular distribution of milk packaged in Wisconsin is a relatively recent development associated with improved roads, paper packages, and growth of the Upper Peninsula tourist trade. Classified price negotiations between producers and dealers in the Upper Peninsula are of comparatively recent origin. Such negotiations having been carried on only since January 1954 at Marquette, December 1954 at Ironwood, and June 1956 at Sault Ste. Marie. While income from dairying represents a substantial proportion of the cash farm income of the Upper Peninsula, climate, topography and soil conditions are such that only 10–15 percent of the total area is in farmland. Twenty to twenty-five percent of the milk produced is for fluid use, the large majority of the remainder being made into cheese.

Negotiation of classified prices for milk delivered to Upper Peninsula dealers has been severely affected by the sales competition from milk bought on the flat price basis. The complex problem of proper price relationship between the production area of the Upper Peninsula and that of the intensive Wisconsin production area cannot properly be solved by negotiation when prices do not apply equally on the basis of classified use.

Stability of marketing conditions can be assured for these areas only (1) when all milk handlers in each area have substantially equal prices of milk according to use, (2) such use is verified by impartial audit, when all producers supplying each handler in each market receive the same price for milk of the same quality, with the quality and quantity of such milk verified by an adequate check weighing and testing program, and (3) when accurate marketwide information relative to receipts and sales of milk in these areas is provided to all (giving in each case due consideration to the point of receipt). The milk marketing orders herein proposed will provide the only practical means for accomplishing these ends.

3. *Order provision*—(a) *The scope of regulation*—(1) *Marketing areas.* The three cooperative associations of producers that initiated the request for an order proposed in the notice of hearing an order with a marketing area of all territory in the Michigan Upper Peninsula, exclusive of Menominee township in Menominee County, plus five towns and the city of Hurley in Iron County, Wisconsin. A handler who distributes in the Upper Peninsula about one-fourth of the milk processed at his plant in Green Bay, Wisconsin, proposed in the notice of hearing that the area also include 25 counties in Northeastern Wisconsin and Menominee township, Menominee County, Michigan. Handlers with local distribution proposed minor additions, all of which were within the area proposed by the Green Bay handler.

In the course of the hearing the proponent cooperative associations supported the need for regulation in much of the additional Wisconsin territory proposed, but advocated that this be accomplished by means of a separate order. Consideration was given to issuance of a single regulation for the Michigan Upper Peninsula and Northeastern Wisconsin areas. While substantial volumes of milk are distributed in Michigan by plants located in Wisconsin, the number of dealers making such distribution is relatively few. Additional plant and farm supply inspections are required, since Michigan statutes do not provide for reciprocal approvals. Prior to July 1, 1957, milk could not practicably be labeled Grade A in Michigan so that milk meeting Grade A standards could not be sold in Michigan under the label used for the Wisconsin trade. A large majority of the dealers in Northeastern Wisconsin limit their distribution to Wisconsin points. Wisconsin distribution from Michigan plants is localized to nearby points for which appropriate consideration can be given in defining separate marketing areas.

In view of these considerations and differences in supply conditions in the two areas, it is concluded that issuance of separate orders for the Michigan Upper Peninsula and Northeastern Wisconsin areas with prices properly aligned is the most appropriate means of providing regulation adapted to the needs of each area.

The Michigan Upper Peninsula marketing area should be defined to include all area within 14 of the 15 Upper Peninsula counties (omitting Menominee County) and the following territory in Wisconsin: five towns and the cities of Hurley and Montreal in Iron County; two towns in Florence County and one town and the village of Niagara in Marinette County.

The total population of this area is approximately 290,000. The principal cities with population over 10,000 are Sault St. Marie, Escanaba, Ironwood and Marquette. There are, in addition, six other cities of more than 5,000 population.

While no one dealer distributes milk throughout the Upper Peninsula, a dealer whose plant is located in Marquette distributes throughout the greater portion. Milk bottled at this plant is sold at Sault St. Marie, and St. Ignace, each approximately 165 miles east of Marquette, at Manistique and Escanaba to the southeast, at Houghon 100 miles to the northeast, and to the south at Crystal Falls, near the Wisconsin border. Milk bottled at Bessemer and Ironwood is likewise sold in the Copper Country near Houghton, and a cooperative association with bottling facilities in Houghton County sells milk in and near Marquette. Ironwood and Bessemer dealers serve the adjoining cities of Hurley and Montreal and other nearby territory in Iron County, Wisconsin. Iron Mountain dealers serve the nearby areas in Florence and Marinette counties, Wisconsin, and Wisconsin dealers in Florence County compete in Iron Mountain.

The health regulations of the State of Michigan provide a uniform minimum standard with respect to all milk marketed within the State of Michigan. While Grade A milk regulations similar to United States Public Health standards have only recently become effective in Michigan on a permissive basis, practically all plants in the Upper Peninsula either have complied or will comply with Grade A standards. Grade A labeling under United States Public Health standards is widespread in Wisconsin and will become compulsory July 1, 1959.

While resident population in many areas of the Upper Peninsula is sparse the distribution of tourist and vacation trade is widespread. It is therefore concluded that the marketing area in Michigan should be defined by county boundries. The southernmost county, Menominee, is largly devoted to farming with its principal population center, the City of Menominee, at the southern extremity of the county, which adjoins the City of Marinette, Wisconsin. Inclusion of these cities in the Northeastern Wisconsin marketing area appears appropriate. There is little, if any, distribution of milk in other portions of Menominee County that would not be regulated under either of the orders.

The Northeastern Wisconsin marketing area should include the Wisconsin counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Sheboygan, Vilas, Waupaca and Winnebago. In addition there should be included, as more precisely defined in the order, the northern portion of Fond du Lac County, the eastern portion of Marathon County, all of Shawano County not a part of the Menominee Indian Reservation, the southeastern portion of Wood County, the City of Sturgeon Bay in Door County, the cities of Marinette and Peshtigo and the town of Peshtigo in Marinette County, the cities of Gillett, Oconto and Oconto Falls in Oconto County, all in Wisconsin, and the City of Menominee, Menominee County, Michigan.

The total population of this area is approximately 900,000. The principal cities, ranging in population from 25,000 to more than 50,000, are Green Bay, Sheboygan, Oshkosh, Appleton, Wausau, Fond du Lac, and Manitowoc, and the companion cities of Marinette and Menominee the combined population of which is approximately 25,000. There are, in addition, some sixteen other cities of more than 5,000 population.

Milk from one Green Bay plant is distributed throughout this entire area. A cooperative association operates a bottling plant at West DePere in Brown County from which milk is distributed throughout the major portion of the area. Another plant of the same cooperative furnishes the entire milk supply of a dealer in Rhinelander whose distribution covers the remainder of the area. Milk bottled at Sheboygan and Manitowoc is distributed extensively throughout a number of the more densely populated counties in the southern and eastern portions of the area. A number of other plants extend their distribution throughout two or more counties. There is also a substantial distribution of milk throughout much of the area from at least three plants regulated under the order for the Milwaukee market.

Wausau dealers offered testimony to show that the volume of milk from other areas sold in that city is not sufficient to justify its inclusion in the marketing areas. Approximately 7–8 percent of the sales in Wausau are by dealers with extensive distribution throughout the area. The same general need for regulation was shown with respect to marketing conditions in Wausau as for the remainder of the area. Producers supplying Wausau dealers belong to the same cooperative association as do the producers supplying numerous dealers throughout the area. Wausau dealers extend their distribution into other parts of the proposed area. It is concluded that Wausau should be included in the area.

Almost all milk distributed in the area meets the Grade A labeling standards of Wisconsin. Most of the cities have Grade A ordinances and milk inspected under one authority moves freely into other jurisdictions within the area.

In the counties of Marinette and Oconto on the western shore of Green Bay it is necessary to include in the marketing area only the cities which are the principal centers of population. It is not necessary to regulate distribution in the remainder of these counties, in Forest County, or in that part of Florence County not included in the Michigan Upper Peninsula order. Population in these areas is predominantly rural, and there is little opportunity for substantial distribution of milk by dealers who will not otherwise be regulated. Likewise in Door County, lying between the shores of Green Bay and those of Lake Michigan, it is necessary to include only the City of Sturgeon Bay to provide effective regulation. Inclusion of all of Fond du Lac County would result in the marketing area boundary passing through the city of Waupun, which lies partly in Fond du Lac and partly in Dodge County. For this reason the southern portion of Fond du Lac County is not included in the area.

(2) *Milk to be regulated.* The milk to be regulated by each of the proposed marketing agreements and orders should be that which is delivered to plants from which milk is distributed on routes in the respective proposed marketing areas. To be eligible for such distribution milk must be produced, processed and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and pooling provisions of each of the recommended marketing agreements and orders. For this reason, definitions of fluid milk plant, handler, producer, producer milk, producer-handler, route, fluid milk product and other source milk are provided in the orders.

The definition of a fluid milk plant should be such as to determine which producers, as hereinafter defined, are to be included in the determination of the uniform prices to be paid by each handler under the Michigan Upper Peninsula and Northeastern Wisconsin orders. The two broad categories of fluid milk plants to be regulated by these orders are distributing plants and supply plants. There are distributing plants at which milk received from local dairy farmers or other plants is processed and packaged and from which such milk is distributed as fluid milk products in one or both of these extensive marketing areas. At other plants milk is received directly from dairy farmers and delivered in bulk to distributing plants. This category of plant is generally known as a supply plant.

To be eligible for distribution in fluid form in the State of Michigan milk must conform to the requirements of Public Law No. 169. Permissive standards for Grade A milk have recently become effective and it is probable that milk labeled Grade A will shortly constitute the principal distribution in the Upper Peninsula. Distributing plants to be defined as fluid milk plants under the Michigan Upper Peninsula order should include those plants at which fluid milk products either labeled Grade A or conforming to the requirements of Michigan Public Law No. 169 are processed or packaged for distribution in the marketing area.

In Wisconsin uniform minimum standards presently apply only to milk labeled Grade A. Such labeling, which will become compulsory in 1959, represents the dominant distribution in the Northeastern Wisconsin marketing area. Distributing plants to be regulated under the Northeastern Wisconsin order should be those at which fluid milk products labeled Grade A are processed or packaged for distribution in the marketing area.

Under each order provision should be made to exempt from regulation distributing plants located outside the marketing area from which only a minor volume of milk is distributed in the marketing area. Regulation of such plants might place them in an uneconomic and unfavorable position with respect to the major portion of their sales in nonregulated areas. As long as the volume of sales an exempt plant may make in the proposed marketing area is left relatively low, such distribution would not present a disruptive force. An average of 600 pounds per day on routes in the marketing area is considered to be an appropriate limit for such exemption.

In each order, the fluid milk plant definition should include provision for supply plants at which milk produced in conformity with health regulations of the area is received from dairy farmers and from which fluid milk products are moved to distributing plants. Supply plants from which regular shipments of milk are delivered to the market should be fully regulated. Regular shipments of milk from sources where no minimum price regulations are in effect would be a threat to the stability of these markets were there no provisions for pricing receipts of supply plants. As a result of handlers' receiving milk from outside the order in unlimited shipments, a situation could arise in which a significant portion of the market supply of milk would not be subject to the pricing and payment provisions of the order. These plants would be a constant threat to the classified pricing plans of these orders.

Handlers in the Michigan Upper Peninsular area receive both regular and incidental supplemental supplies of milk when demand for fluid milk products exceeds the production of milk in this area. Further, there are supply plants which are integral parts of a certain handler's sources of supply. One of the proponent cooperatives, with a plant located at Crystal Falls, receives producer milk to supply various handlers with supplemental supplies of milk. A dealer performing functions somewhat similar to those of a supply plant plans to construct a receiving station at Carney, Michigan. Supply plants which constitute regular sources of supply should be fully regulated. Provision should be made, however, for receipt of some supplemental unpriced supplies during the vacation and short production seasons. Thus, it is concluded that the fluid milk plant definition in the Michigan Upper Peninsula order should provide that a supply plant be one from which milk or skim milk is delivered to a distributing plant on 10 or more days in any of the months of July through December or on 3 or more days in the months of January through June.

In the Northeastern Wisconsin marketing area, there is a distributing plant at Rhinelander supplied entirely by a receiving station at Wittenburg, Wisconsin. Another handler with a plant at Wausau has received occasional supplementary supplies of milk. Handlers in the Wisconsin area provided little evidence of need for supply plants for limited shipments of milk. Moreover, this area is a concentrated milk production area where there are abundant available local supplies of milk. Therefore, it is concluded that the fluid milk plant definition in the Northeastern Wisconsin order should provide that a supply plant should be regulated if it delivers milk or skim milk on 3 or more days in any month. These provisions should preclude handlers from receiving spot shipments of supplemental supplies of milk if necessary.

There are at least three distributing plants, which would be regulated by the proposed Northeastern Wisconsin order that currently sell fluid milk products within the proposed Michigan Upper Peninsula marketing area. There are at least three fluid milk plants regulated under the Milwaukee, Wisconsin, order that currently sells fluid milk products within the proposed Northeastern Wisconsin marketing area. Since handlers distribute fluid milk products in various regulated markets in this area, provisions must be adopted to avoid possible dual regulation. In this connection, it is concluded that a plant should be regulated under the order where such plant's monthly sales of fluid milk products are greatest. However, operators of plants subject to regulation under another order should be required to file reports and submit to audits by the market administrator in order that he may verify the status of such plant.

"Handler" should be defined under each order as any person who operates one or more fluid milk plants, in his capacity as such, or who operates a plant that does not qualify as a fluid milk plant but from which any fluid milk product is distributed on routes in the marketing area. The handler receives the milk of producers and must be held responsible for reporting its receipts and utilization, and for making payment for it at not less than specified minimum prices. Producer-handlers and operators of plants distributing minimum volumes in the marketing areas should be defined as handlers so that they may be required to report to the market administrator the information necessary to determine their status and relationship to the market at any given time.

It was proposed that a cooperative association be defined as a handler with respect to milk of member producers diverted for the account of the cooperative to nonfluid milk plants even though the association operated no plant. In another portion of this decision it is concluded that proceeds of the sale of producer milk be by means of individual handler pools. The pool of the cooperative handler, with respect to milk delivered to unregulated plants, would reflect only the value of the diverted milk which presumably would be at manufacturing milk classes. For the producers diverted for the account of the cooperative to receive any share of the value of Class I milk of the market, it would be necessary for the cooperative to collect the proceeds for milk of other member producers and reblend them with those from the diverted milk. This may be done without defining the cooperative association as a handler or the farmer whose milk is diverted by the cooperative as producers. The proposal would serve no useful purpose under these orders.

"Producer" should be defined under the Michigan Upper Peninsula order, as any person, other than a producer-handler, who produces milk in compliance with Grade A requirements or Michigan Public Law No. 169, which milk is received at a fluid milk plant. Under the Northeastern Wisconsin order, producer should be defined as any person, other than a producer-handler, who produces milk in compliance with Grade A requirements of any duly constituted health authority, which milk is received at a fluid milk plant. Provision should be made that the milk of producers regularly received at a fluid milk plant may be diverted for the account of the handler operating such plant to a nonfluid milk plant without such producers losing their status as producers under the proposed orders. This will permit milk regularly associated with these markets to be diverted to manufacturing plants, during periods of flush production, holidays and weekends when deliveries exceed sales, should there be need for this milk to be manufactured in nonregulated plants. Producers whose milk is so diverted will continue to receive the diverting handler's uniform price under these orders and their milk should be available for fluid use when needed. Diverted milk shall be deemed to have been received at the fluid milk plant from which it was diverted.

"Producer milk" should include all skim milk and butterfat contained in milk produced by producers and received at the fluid milk plant directly from producers or diverted by a handler from a fluid milk plant. All provisions concerning the classification of producer milk should apply also to the milk received from handlers' own herds.

"Producer-handler" should be defined as a dairy farmer who operates a plant from which fluid milk products are distributed on a route in the marketing area but who receives no milk from other dairy farmers or nonfluid milk plants. Reports to the market administrator at such time and in such manner as may be requested, with examinations of accounts, records and facilities should provide ample means to determine the status of a producer-handler.

A producer-handler may receive milk from other fluid milk plants and still maintain status as a producer-handler. However, the classification provisions of each of the proposed orders should provide that any milk, skim milk or cream in bulk form transferred or diverted from a fluid milk plant to a producer-handler will be Class I milk. Supplemental supplies of milk which may be obtained from other fluid milk plants, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid milk use and should be classified in the supplying handler's fluid milk plant as Class I milk. Any milk which is received at a fluid milk plant from a producer-handler would be "other source milk" and would, therefore, be allocated to the lowest class utilization at the fluid milk plant(s) of such handler after the allocation of allowable shrinkage on producer milk. This method of allocating milk received from producer-handlers at fluid milk plant(s) will insure producers' priority on Class I sales made by the handler operating the fluid milk plant where the producer-handler's milk is received. The producer-handler who by being exempt enjoys the full advantage of his fluid milk sales, should not also share in the Class I sales of other producers.

The definition of a route is included in each of the orders to clarify other definitions or provisions and avoid lengthy repetition in order language. The term route should be defined as a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product other than a delivery to any milk processing plant.

A definition of "fluid milk product" is included to mean milk, flavored milk, flavored milk drinks, skim milk, buttermilk, half and half and cream. This definition of "fluid milk product" will clarify other order provisions and definitions.

"Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his fluid milk plant(s), except producer milk and fluid milk products received from other fluid milk plants. This definition would include milk products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed and converted to another product in the fluid milk plant during the month. The amount of supplemental supplies received from nonfluid milk plants, vary from season to season and between handlers. This definition of other source milk will insure uniformity among all handlers under the allocation and pricing provisions of each of the proposed orders.

(b) *The classification and allocation of milk.* Milk under each order should be classified in three classes reflecting the principal differences in the value and in the quality of milk required for different uses.

Because skim milk and butterfat are not used in most products in the same proportion as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Class I utilization under each order should include all skim milk and butterfat disposed of for consumption as fluid milk products, namely milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half, and cream. Plant loss of producer milk in excess of 2 percent of receipts and skim milk and butterfat not accounted for as Class II or Class III utilization should also be Class I.

The products to be included in Class I are those required by health authorities in each marketing area to be from inspected sources. The extra cost of producing and delivering to the market milk of approved quality in the quantities required for fluid distribution justifies a price for Class I milk somewhat higher than that for manufacturing quality milk. It is appropriate that the products requiring approval be included in a single class so that all milk required for their use may contribute uniformly to the cost of supplying the market needs for inspected milk.

Reserve milk in excess of market needs for fluid consumption must usually be manufactured into various dairy products for which approved inspected sources of milk are not required. Such products must be sold in competition with like products from uninspected sources produced over a wide area. Most such products are less perishable than fluid milk products. Milk used to produce these products should be classified in lower classes and priced in accordance with its value in such outlets.

It was proposed that all such uses be included in Class II milk. It is desirable, however, that separate classification and pricing be provided for milk used to produce butter, cheese and nonfat dry milk. Substantial volumes of milk priced under the Chicago order are made into these products in the Northeastern Wisconsin area. A separate class (Class IV) is provided under that order for the milk equivalent of butterfat made into butter and cheese. A separate classification for these products (including also nonfat dry milk, the manufacture of which frequently complements the manufacture of butter) will permit pricing milk used for these products under the Northeastern Wisconsin order in close alignment with the Chicago order. In the Michigan Upper Peninsula some excess milk must be disposed of to cheese factories, and prices than can be realized in this area for milk disposed of to such outlets differ considerably from the value of such milk in other nonfluid products. In addition to these products, skim milk dumped or disposed of for livestock feed after notification to the market administrator and opportunity for verification of volumes should also be included in Class III milk, as should shrinkage within allowable limits.

Class I milk should then include all skim milk and butterfat used to produce products not specified as Class I or Class III and in inventories of fluid milk products on hand at the end of the month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for plant loss. No limit need be put on shrinkage of other source milk (assigned to Class III) since such milk is deducted from the lowest use class under the allocation procedures.

Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plan, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another fluid milk plant should be at the plant where actually received. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage as may be classified in Class III, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Uniformity of minimum prices to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class III shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume for which producers were paid at the Class II price in the preceding month.

Provisions should be made for classification of fluid milk products transferred in bulk between pool plants and from plants to nonpool plants. Transfers between pool plants should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained.

Transfers to other nonpool plants may be at Class II or Class III if the nonpool plant does not engage in the fluid milk business, or has receipts from inspected farmers equal to any Class I sales. If Class I sales exceed such receipts, the milk transferred should be Class I to the extent of the excess. In any event, in order to substantiate a classification other than Class I the nonpool plant must have and make available records adequate to verify any such utilization claimed.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to assure the effectiveness of a classified pricing program. The system of assigning utilization of milk to receipts from different sources is set forth in detail in the proposed order. A monthly accounting period is provided for this assignment in order that uniform prices to producers may be computed for each month's delivery of milk.

(c) *Class prices.* The price of milk for fluid use in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas should be closely related to the prices of milk used in the production of manufactured dairy products. In both of these areas substantial volumes of milk are produced, relative to fluid milk production, for use in the production of manufactured milk products. Producers' farms where milk is produced for the Chicago and Northeastern Wisconsin markets are intermingled in the Northeastern Wisconsin milkshed. Surplus and reserve supplies of milk from the Chicago market are manufactured in plants located in the Northeastern Wisconsin area. Dealers in the Northeastern Wisconsin and Michigan Upper Peninsula areas have based their fluid milk prices on the prices paid by manufacturing plants in the areas and on prices paid by plants regulated under the Chicago order. Class I prices in the nearby Federal order markets of Chicago, Milwaukee, Duluth-Superior, Minneapolis-St. Paul and Upstate Michigan are based on similar manufacturing values. Use of a basic formula price to which a Class I differential is added will, for each order, reflect manufacturing values.

(1) *Basic formula price.* The basic formula price used to determine the Class I price should be the higher of the average price paid by 12 Wisconsin and Michigan condenseries or a formula price based on market values of butter and nonfat dry milk. These prices measure the value of milk used in each of these major manufactured dairy products which are marketed nationally. These same factors are used in the Chicago and Milwaukee Federal order markets.

Several of the 12 condenseries whose prices are included are located in the Northeastern Wisconsin area. A butter-powder formula price using slightly different factors from that included in the attached orders was proposed in the notice of hearing. In view of the desirability of maintaining alignment with prices of the orders for the Chicago and Milwaukee markets the formula price used in those orders is included as the alternative basic formula price. Use of the basic formula price of the proceding month in the determination of Class I prices will permit these prices to be announced early in the month to which they apply, and will assist in maintenance of alignment with Chicago and Milwaukee prices.

(2) *Class I price.* The Class I price differential to be added to the basic formula price should be at a level which will reflect the additional costs of providing an adequate but not excessive year-round supply of milk meeting the inspection requirements of each of these areas. For the initial 18 months of operation of the Northeastern Wisconsin order this differential should be established at an annual level of $0.74, varied seasonally to be $0.94 for the months of August, September, October, and November; $0.74 for the months of January, February, July, and December; and $0.54 for the months of March, April, May, and June; and at those plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida, and Vilas, and the State of Michigan, the Class I price under the Northeastern Wisconsin order should be increased ten cents. For the initial 18 months of operation of the Michigan Upper Peninsula order this differential should be established for those plants located in (1) Zone 1 at an annual level of $0.94, varied seasonally to be $1.12 for the months of July through November, and $0.92 for the months of January, February, and December, and $0.72 for all other months; (2) Zone 2 at an annual level of $1.14, varied seasonally to be $1.32 for the months of July through November, $1.12 for the months of January, February, and December, and $0.92 for all other months; and (3) Zone 3 at an annual level of $1.34, varied seasonally to be $1.52 for the months July through November, $1.32 for the months of January, February, and December, and $1.12 for all other months.

It was proposed at the hearing that the Class I differential of the Northeastern Wisconsin order be $1.00 in all months of the year and that of the Michigan Upper Peninsula order be $1.35 for all months. While zone price differences for the Upper Peninsula were proposed in the notice of hearing, proponents at the hearing supported the application of a single Class I differential applicable at all locations.

Prices of the Chicago and Milwaukee markets are a dominating influence on the price structure of the Northeastern Wisconsin area. The volume of milk priced under the Chicago order delivered to Chicago pool plants located in the Northeastern Wisconsin area averaged approximately 78 million pounds per month over a recent 12 month period. This is substantially more milk than that to be regulated under the Northeastern Wisconsin order. Chicago prices at these points are clearly the dominant competitive factor in procurement of milk. Milwaukee handlers also compete for sales in the Northeastern Wisconsin marketing area. Producer prices under the Milwaukee order are directly related to those of the Chicago order.

Under the Chicago order the Class I prices at plants located more than 70 miles from the Chicago City Hall are decreased 2 cents for each 15 miles or fraction thereof in excess of 70 miles. An annual average Class I differential, of 90 cents is provided at the 55–70 mile zone. Chicago pool plants are located in the Northeastern Wisconsin area in zones 7–14 so that the annual average Class I price differentials applicable at these plants range from 64 to 78 cents. Under the Milwaukee order an average annual differential of 86 cents, which represents the Chicago zone prices at Milwaukee, applies at all plants.

Approximately two-thirds of the milk to be regulated by the Northeastern Wisconsin order is received at points which would lie in zones 7–10 of the Chicago order, for which the applicable Class I differential of that order ranges from 72 to 78 cents on the annual average. Furthermore, it is from plants located in this area that route distribution is most extensive throughout other parts of the area.

This area also represents the primary concentration of receipts under the Chicago order. Thirteen of the 17 Chicago pool plants are located in zones 7–10. While the record does not show the volume of receipts for plants in this particular group of zones, at 10 plants in zones 7–9 receipts were more than 61 percent of the Chicago milk received in the entire area. The six Chicago plants in zone 9 received approximately 35 percent of the total volume for the area.

It is concluded that a Class I differential with an annual average of 74 cents, which is that applicable under the Chicago order at plants in zone 9, is appropriate for all parts of the Northeastern Wisconsin marketing area except for the northern portion of the area discussed elsewhere in this decision. Throughout the remainder of the area the extensive competition between handlers makes it desirable that the Class I price be uniform to handlers rather than be varied by the zone differentials of the Chicago order. The concentration of receipts under both Chicago and the proposed Northeastern Wisconsin order at or near zone 9 makes this the most appropriate price for the area.

In conformity with the seasonal price patterns of the Chicago order the Northeastern Wisconsin Class I differential should be 20 cents above the annual average level for the months of August through November, 20 cents less for the months of March through June, and at the annual average level for other months.

The Chicago and Milwaukee orders provide for the adjustment of Class I and II prices on the basis of supply and demand in the Chicago market. In view of the lack of data with respect to producer receipts and utilization in the Wisconsin area there is no basis for providing similar provisions for the Northeastern Wisconsin order at this time. While consideration was given to providing precise price alignment by use of the amount of adjustment each month under the Chicago order such precise alignment is not necessary for an initial 18 month period of operation of the order necessary to provide data with respect to the market. Differences in the classification and accounting provisions of the orders render such precise alignment unnecessary.

In Oneida and Vilas counties milk production is much less intensive than in the remaining portions of the Northeastern Wisconsin area. The principal handler located in this area, whose plant is at Rhinelander in Oneida County, receives his entire supply from a plant at Wittenberg, 74 miles to the south in the area to which the 74 cent differential would apply. This area, and the companion cities of Marinette-Menominee are the portions of the Northeastern Wisconsin area nearest to the Michigan Upper Peninsula area from which local distribution in adjacent portions of that area may be expected. A Class I price 10 cents higher than that applicable in other portions of the area should apply under the Northeastern Wisconsin order at plants in these areas and the territory intervening between the two marketing areas. This will reflect differences in supply conditions in that portion of the area.

Other than this zone price differential, there is no need to provide any reductions in the Class I price for plants at distant locations. This is an area where substantial volumes of milk in excess of local requirements are produced and as a consequence producer prices approach the minimum. To the east is Lake Michigan, to the south Chicago and Milwaukee establish competitive prices higher than here provided, and to the north this decision establishes Michigan Upper Peninsula prices higher than those here provided. To the west the nearest regulated markets, Minneapolis-St. Paul and Duluth-Superior, are also at higher levels.

It was proposed by proponent cooperatives that the Michigan Upper Peninsula marketing area be zoned as three areas for the purpose of establishing Class I price differentials, for each zone. However, at the hearing producers recommended at the Class I price be the basic formula price plus $1.35 in all months, and for all portions of the marketing area. Negotiated prices in the two markets of Marquette and Ironwood have been established by one of the proponent cooperatives for several years. In 1956, the average monthly price differential for fluid milk, above manufacturing prices, using the recommended basic formula price, was $1.30 in the Marquette market and $1.05 in the Ironwood market. Negotiated prices for the Sault St. Marie market have not been in effect for a sufficient period to permit a reasonable determination of the average differential. The prices negotiated at this point have, however, been substantially higher at all times than those for Marquette. The classification to which these prices apply is not similar in all respects to that recommended herein inasmuch as the negotiated Class I price does not apply to cream and half and half.

The influence of the Northeastern Wisconsin market should be reflected in the level of the Class I price under the Michigan Upper Peninsula order. The Wisconsin area is not only a source of alternative supplies of milk but provides considerable direct competition for sales from Wisconsin plants. The Michigan

Upper Peninsula area is, however, quite extensive geographically, and some portions are much farther from the Wisconsin production area than others. As a consequence transportation costs from Wisconsin points are substantially higher in certain parts of the area.

For Zone I, representing the area lying nearest to the Wisconsin production, a Class I price 20 cents higher than that of the principal portion of the Northeastern Wisconsin area is provided. This price is 10 cents more than that for the nearby northern portions of the Wisconsin area. Such difference approximates the costs of movement of supplemental supplies in this area. The Class I price is increased an additional 20 cents for each zone as the distance becomes greater from Northeastern Wisconsin. These differences between zones approximates those that have been established through negotiation at Ironwood in Zone I, Marquette in Zone II and Sault Ste. Marie in Zone III. The relationship between prices in the principal cities in each of these zones and that provided in the concentrated Wisconsin production area continues to approximate reasonable allowances for transportation for movements of supplemental supplies of milk.

The demand for fluid milk during the vacation season in the Michigan Upper Peninsula makes appropriate the inclusion of July with the months of highest Class I prices. With this exception the seasonal pattern of the Class I price in the Michigan Upper Peninsula order should follow that of the Northeastern Wisconsin order. The 20-cent price differences apply to the annual average levels provided.

In contrast to the situation in Northeastern Wisconsin the possibility that distant plants are or might become regulated under the Michigan Upper Peninsula order requires that provision be made to allow for the cost of moving Class I milk from such plants. While the distant plants presently distributing milk in the area would be regulated under the Northeastern Wisconsin order, plants not subject to any other order may become regulated as either supply plants or distributing plants. If such plants are west of Lake Michigan, presumably in Wisconsin or Minnesota the nearest portion of the marketing area will be Zone I, in which the cities of Ironwood and Iron Mountain provide appropriate points from which distances may be determined. If such plants are east of Lake Michigan, presumably in the lower peninsula of Michigan, the portion of the marketing area accessible to them will be Zone III, via the newly constructed bridge over the Straits of Mackinac. St. Ignace, located at the straits, provides a convenient point for measurement of distances from Zone III. Accordingly, location adjustments from the Zone I price are provided for plants located west of Lake Michigan and more than 50 miles from the nearer of Ironwood or Iron Mountain, and from the Zone III price for plants located east of Lake Michigan and more than 50 miles from St. Ignace. The rate of adjustment should be 10 cents per hundred-weight for distances of 50–70 miles, plus 2 cents for each additional 20 miles or fraction thereof. The application of these rates to the Northeastern Wisconsin plants with substantial distribution in the marketing area will approximate the prices established for such plants under the Wisconsin order.

Under the handler pooling provisions included in these orders the producer prices computed reflect the location value of milk if the handler does not operate two or more plants at which different Class I values are applicable. If such is the case the uniform price applicable to milk received at the plant to which the higher or highest Class I price applies is computed and a location differential equal to the difference in Class I values is used in determining minimum producer prices at other plants of such handler. A similar provision is included in the Northeastern Wisconsin order to provide for the contingency that a handler might receive milk at plants in each of the two price zones specified in that order.

(3) *Class II prices.* The Class II price should reflect a value for milk used in cottage cheese, ice cream and related products under each of these orders. Reserve supplies of milk that are needed because handlers' sales fluctuate on a daily basis are converted to such products as cottage cheese, ice cream and related products. Ungraded milk for these purposes commands higher prices than that for butter, cheese, or nonfat dry milk. The level of Class II milk price should not be below that paid for ungraded milk for the same use, since such "pay" prices represent the prevailing value for milk for such uses. It is to be expected that such supplies of milk will be used in the highest valued manufactured products. It is concluded that the Class II price under each of these orders should be the basic formula price of the current month which represents the higher of the prices established for milk for manufacturing purposes.

(4) *Class III price.* The Class III price should reflect the value of milk for manufacture into butter, nonfat dry milk, and cheese (other than cottage cheese) in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas. The plants which manufacture butter, nonfat dry milk and cheese are not comparable in these two areas. In the Northeastern Wisconsin area there are centered some of the largest manufacturing plants in the country. Plants manufacture into these products milk from the Chicago market for which the price is established on the basis of the butter-powder formula price. Thus, it is appropriate that the butter-powder formula portion of the basic formula price should be used to price milk used to produce butter and cheese under the Northeastern Wisconsin order. That computed from the current month quotations should apply.

Producer proponents of the Michigan Upper Peninsula order proposed that the pay prices at local cheese plants and creameries should be the price for "distressed" milk during the flush months. Products, principally cheese, made at these plants must be assembled and shipped considerable distances to the central markets. As a consequence the prices paid by these plants are less than prices paid by cheese factories and creameries in Northeastern Wisconsin. Many of these plants are operated by producer cooperatives so that their current pay prices may not reflect accurately returns to the farmers supplying milk to such plants. It is concluded that the butter-powder formula price less ten cents will approximate the level of prices paid by manufacturing plants in the area and should determine the Class III milk price.

(5) *Handler butterfat differentials.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 3.5 percent butterfat content, the usual fat test at which prices are quoted in these areas, and on which the two markets have operated for some time. It will then be necessary to adjust Class I, Class II and Class III prices of milk to each handler in accordance with the average test of milk used in each class by such handler. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose.

Producers proposed that a single butterfat differential apply to all classes of milk. They proposed that this differential be 0.122 times the average price of 92-score butter at Chicago. Producers contend there is a shortage of butterfat for fluid milk uses which has resulted in part from the requirements of recently enacted Michigan statutes.

Butterfat in fluid milk products (which include cream) from inspected sources has a higher value than that in ungraded milk, which will be approximately reflected by a butterfat differential 0.125 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation from 3.5 percent butterfat content. The Class II and Class III butterfat differential should be 0.115 times the Chicago butter price. This differential reflects an appropriate value of butterfat for Class II and Class III uses in these areas.

In order that the Class I butterfat differential may be announced early each month for the current month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I butterfat differential at the same time that the Class I price is announced.

The Class II and Class III butterfat differential will not be announced until after the end of the current month. Although handlers will not know precisely the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets. Trends in butter and nonfat dry milk prices may be observed from daily and weekly reports issued by the Department.

(d) *Distribution of proceeds to producers*—(1) *Type of pool.* The individual-handler type of pool should be included in each order as a means of distributing to producers the returns from the sale of their milk.

The act specifies that an order must provide for (1) the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them, or (2) the payment to all producers delivering milk to all handlers of uniform prices for all milk so delivered, without regard to the uses made of such milk by the handler to whom it was delivered. The former method of payment is by individual-handler pools, the latter by a market-wide pool. Under either method all handlers pay the class prices for producer milk, except for differences in the location at which received and for butterfat content.

Under the individual-handler pool, the minimum prices to be paid producers will be uniform to all producers delivering their milk to the same handler. The uniform price will depend upon the proportion of producer receipts used in each class by the handler. Although each handler will be required to pay minimum uniform prices to all the producers who deliver milk to him during each month, the prices paid by different handlers may differ because the proportion of milk used in each class may vary.

In the Michigan Upper Peninsula area the Michigan Milk Producers Association has operated separate association pools at Marquette, Ironwood and Sault Ste. Marie with respect to milk of those members delivered to handlers at each of these points. Handler pooling will permit continuation of this practice should the association so desire. At least three other cooperative associations operate plants in other points in this marketing area. The area is very extensive, with substantial differences in production conditions surrounding various centers of population. While Class I price differences are provided in recognition of this situation, it is also desirable that differences in the supply and sales relationships throughout the area be reflected in producer prices. Individual handler pooling was supported by all producer organizations with members supplying the Michigan Upper Peninsula market.

For the northeastern Wisconsin market the principal proponent cooperative association, a bargaining organization, advocated individual-handler pooling. Certain associations operating fluid milk plants in the area proposed a market-wide pool. It was not shown that any particular group of plants to be regulated serve to balance supplies among other plants. While one plant operated by a cooperative association regularly supplies milk to a proprietary plant, it serves as the sole source of such supply and consequently would receive the sole benefit of the entire utilization of the plant. Handlers asserted that the single uniform price of a market-wide pool should apply because of the market-wide pool of the Chicago order. Chicago producer prices vary by location throughout the Northeastern Wisconsin areas. It is not considered that any undue competitive problem with Chicago plants will be created by use of handler pooling in Northeastern Wisconsin.

Under each order it was proposed that, in addition to the milk each handler received from producers or diverted for his account to nonfluid milk plants, there should be included in the computation of his pool price, milk of dairy farmers who had supplied such handler any time during the preceding months of July-December and certified their willingness and ability to deliver inspected milk currently, but whose milk was not received at a fluid milk plant. It was proposed that such dairy farmers be designated "associated producers" and receive payments from the handler through the market administrator equal to the difference between the uniform price of the handler and the manufacturing milk price of the order. The source of such payments would be a reduction in the uniform price otherwise payable to producers by the handler. It was claimed that such provisions would prevent producers from loss of their market through arbitrary action of the handler.

A number of things in addition to conformity with health requirements are influential in farmers acquiring and retaining a fluid milk market. A number of plants in these areas receive milk only in bulk tanks and other plants are in the course of changing to this type of delivery. Only dairy farmers equipped with farm storage tanks can continue to market milk at such plants. Seasonality of production is another factor which may affect the ability of a dairy farmer to retain his market with any specific handler. It is difficult from this record to find a basis on which failure of a farmer to meet market practice requirements could be distinguished from arbitrary action of a handler in determining the producer who should share in the Class I business of a handler without current delivery of milk. It is concluded that such provision should not be included without more definite evidence of actual need to provide stable market conditions.

2. *Producer butterfat differentials.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk by each handler. The rate to be used for this purpose would be the average of the Class I, Class II, and Class III differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(e) *Other administrative provisions.* Certain other provisions are needed in each of the orders to carry out the administrative steps necessary to accomplish the purpose of the proposed regulations.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Other terms defined in each of the proposed orders are common to many other Federal milk orders.

(2) *Market Administrator.* Provisions are made for the appointment by the Secretary of market administrators to administer each of the orders and to set forth the powers and duties of the market administrators.

(3) *Records and reports.* Provision should be included in each of the orders to inform handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrators. The following time schedule should allow all interested persons adequate time to perform each function. These time limits apply to the indicated day of the month following the month for which computations are being made except Class I price announcements which are for the current month. Day of the month and function:

5th working day—Announcement of class prices by market administrator.

5th working day—Submission of monthly reports of receipts and utilization by handlers.

10th day—Payment by handlers to cooperative associations operating fluid milk plants.

12th day—Announcement of uniform price for each handler by market administrator.

12th day—Notification by market administrator to each handler of the value of his producer milk in each class, and payments due for expenses of administration.

13th day—Payments by handlers to cooperative associations.

15th day—Payments by handlers to producers.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately it is necessary that such records be kept for a reasonable period of time.

Each of the orders should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the order should terminate. The provisions made in this regard are identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claim is equally applicable in this situation and is adopted as a part of this decision.

(4) *Expense of administration.* As his share of the expenses of administer-

ing the respective order under which he is regulated each handler should pay not in excess of 5 cents per hundredweight with respect to all producer milk received and all other source milk received at a fluid milk plant which was classified as Class I milk. Market administrators must verify receipts and utilization of all such milk, therefore, all such milk should be subject to the expenses of administration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, under either order, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

(5) *Marketing services.* A provision should be included in each of the orders for furnishing marketing services to producers, such as verifying tests and weights of producer milk and furnishing market information. These should be provided by the market administrators and the cost should be borne by the producers receiving the service. If a qualified cooperative association is found to be performing such services for any member producers in a similar manner, this will be accepted by the market administrators in lieu of their own service. These orders should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrators in financing such services.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. (a) The proposed marketing agreements and orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in each of the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreements and orders will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders. The following orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed orders.

Recommended Order for Michigan Upper Peninsula Marketing Area

DEFINITIONS

§ 1011.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1011.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1011.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 1011.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1011.5 *Michigan Upper Peninsula marketing area.* (a) "Michigan Upper Peninsula marketing area" (hereinafter referred to as the "marketing area") means all the territory including all municipal corporations within the zones described below in this section.

(b) "Zone 1": Counties of Delta, Dickinson, Gogebic, Iron, Ontonagon, all in the State of Michigan; the town of Niagara and the village of Niagara, in Marinette County; the towns of Aurora and Florence, in Florence County, and the towns of Carey, Kimball, Oma, Pence, Saxon and the cities of Hurley and Montreal in Iron County, all in the State of Wisconsin.

(c) "Zone 2": Counties of Alger, Baraga, Houghton, Keweenaw, Marquette, and Schoolcraft, all in the State of Michigan.

(d) "Zone 3": Counties of Chippewa, Luce, and Mackinac, all in the State of Michigan.

§ 1011.6 *Fluid milk product.* "Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream.

§ 1011.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1011.8 *Fluid milk plant.* "Fluid milk plant" means the premises, buildings and facilities of any milk receiving, processing or packaging plant handling milk eligible for distribution in the marketing area as Grade A milk or conforming to the requirements of Michigan Public Law No. 169:

(a) From which fluid milk products are disposed of during the month on routes in the marketing area except as provided in § 1011.81; or

(b) From which milk or skim milk delivered to a plant(s) described in paragraph (a) of this section on 10 or more days in any of the months of July through December or on three or more days in any of the months of January through June.

§ 1011.9 *Handler.* "Handler" means a person who operates one or more fluid milk plants or any other plant from which fluid milk products are disposed of during the month on routes in the marketing area.

§ 1011.10 *Producer.* "Producer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority, or in conformity with the requirements of Michigan Public Law No. 169, which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler (milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant from which it was diverted).

§ 1011.11 *Producer-handler.* "Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area but receives no fluid milk products during the month except his own production or from fluid milk plants.

§ 1011.12 *Producer milk.* "Producer milk" means milk received at a fluid milk plant directly from producers, or diverted to a nonfluid milk plant pursuant to § 1011.10.

§ 1011.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except: (1) Receipts from other fluid milk plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 1011.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, as defined in § 1011.10, which the Secretary determines after application by the association is qualified under provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

MARKET ADMINISTRATOR

§ 1011.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1011.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1011.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1011.71:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1011.72, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1011.30 to 1011.33, or (2) payments pursuant to §§ 1011.70, 1011.71, and 1011.72;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1011.51 and Class I butterfat differential pursuant to § 1011.54 (a), both for the current month; the minimum price for Class II milk pursuant to § 1011.52 and the Class II butterfat differential pursuant to § 1011.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1011.53 and the Class III butterfat differential pursuant to § 1011.54 (b), both for the preceding month;

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1011.61 and the producer butterfat differential computed pursuant to § 1011.62.

REPORTS, RECORDS AND FACILITIES

§ 1011.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler who operates fluid milk plant(s) shall report to the market administrator for the preceding month for each fluid milk plant, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in:

(1) Producer milk,

(2) Fluid milk products received from other fluid milk plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1011.31 *Payroll reports.* (a) On or before the 20th day of each month each handler operating fluid milk plant(s) shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(1) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(2) The date and net amount of payment to such producer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1011.32 *Producer-handler reports.* Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1011.33 *Exempt handler reports.* Each handler exempt pursuant to §§ 1011.81 and 1011.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1011.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1011.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retaind by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1011.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 1011.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1011.41 to 1011.45.

§ 1011.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1011.42 and 1011.43, the classes of utilization shall be:

(a) Class I utilization shall be skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c) (2) of this section; and

(2) Not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

§ 1011.42 *Shrinkage.* (a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1011.43 *Transfers.* Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1011.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) To a plant operated by a producer-handler or a handler exempt pursuant to § 1011.81, shall be Class I utilization; and

(c) To a nonfluid milk plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1011.30 for the month:

(2) Class I utilization in the nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for fluid disposition of such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess; and

(3) The operator of the nonfluid milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1011.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1011.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1011.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 1011.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from fluid milk plants of other handlers according to the classification established pursuant to §§ 1011.41 and 1011.43 (a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1011.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1011.46.

§ 1011.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 1011.46 and 1011.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1011.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A.:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1011.51 *Class I milk price.* Subject to the provisions of § 1011.54 the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class I milk during the 18 month period following the effective date of this subpart should be the basic formula price for the preceding month, plus the applicable amounts specified below for the marketing area zone in which such plant is located. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1011.55) should be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 3.

Zone	Months of March through June	Months of January, February, and December	Months of July through November
1	0.72	0.92	[illegible]
2	.92	1.12	[illegible]
3	1.12	1.32	[illegible]

§ 1011.52 *Class II milk price.* Subject to the provisions of § 1011.54, the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or from the fluid milk plant of a cooperative association, during the month and utilized as Class II milk shall be the basic formula price.

§ 1011.53 *Class III milk price.* Subject to the provisions of § 1011.54 the minimum price per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1011.50 (b) less ten cents.

§ 1011.54 *Handler butterfat differential.* If the average butterfat test of Class I milk, Class II milk or Class III milk as calculated pursuant to § 1011.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the U. S. D. A. during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

§ 1011.55 *Handler location adjustment.* (a) For milk received at a fluid milk plant located outside the marketing area, west of Lake Michigan and more than 50 miles from the nearer of the City Hall in Ironwood, Michigan, or the City Hall in Iron Mountain, Michigan, the applicable Zone 1 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(b) For milk received at a fluid milk plant located outside the marketing area, east of Lake Michigan, and more than 50 miles from the City Hall in St. Ignace, Michigan the applicable Zone 3 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(c) Any distance used to determine location adjustments shall be the shortest hard surfaced highway distance as determined by the market administrator.

§ 1011.56 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1011.60 *Value of producer milk.* The value of producer milk received by each handler at fluid milk plant(s) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1011.48, by the applicable respective class prices (adjusted pursuant to §§ 1011.54 and 1011.55), and add together the resulting amounts;

(b) Add an amount computed by multiplying any overage deducted from each class pursuant to § 1011.46 (g) and the corresponding step of § 1011.47 by the applicable class price;

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1011.46 (d) and the corresponding step of § 1011.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit by the market administrator.

§ 1011.61 *Computation of uniform price* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to fluid milk plants of such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 1011.60, subtract if the weighted average butterfat test of all milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat differential computed pursuant to § 1011.62 multiplied by 10;

(b) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (c) of this section for the previous month to the nearest cent;

(c) Except as provided in paragraph (d) of this section, divide the result by the total hundredweight of producer milk represented by the amount computed pursuant to § 1011.60 (a) and adjust the resulting figure to the nearest cent. The "uniform price" so computed shall be that applicable to milk delivered to the fluid milk plant(s) of a handler at whose plant or plants a single Class I price is applicable pursuant to §§ 1011.51 and 1011.55;

(d) For each handler operating two or more fluid milk plants at which different Class I prices are applicable pursuant to §§ 1011.51 and 1011.55, the value of milk used in the computation provided in paragraph (c) of this section shall first be further adjusted by adding the value of all applicable producer location adjustments pursuant to § 1011.63. The uniform price as computed shall be that applicable at the plant or plants of such handler at which the highest Class I price is applicable.

§ 1011.62 *Producer butterfat differential.* The applicable uniform prices to be paid pursuant to § 1011.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1011.54, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1011.63 *Producer location adjustments.* In making payments pursuant to § 1011.70 to producers or a cooperative association for milk for which a uniform price was computed pursuant to § 1011.61 (d) such uniform price for milk received at a plant at which a lesser Class I price is applicable than at the plant for which the uniform price is computed shall be reduced by an amount equal to the difference between the applicable Class I prices.

§ 1011.64 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price applicable at each fluid milk plant of such handler pursuant to §§ 1011.61 and 1011.63 and the butterfat differential computed pursuant to § 1011.62; and

(c) The amounts to be paid by such handler pursuant to §§ 1011.71 or 1011.72.

PAYMENT FOR MILK

§ 1011.70 *Time and method of payment.* (a) Except as provided in paragraph (b) or (c) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1011.61 adjusted by the butterfat differential pursuant to § 1011.62 and the location adjustment pursuant to § 1011.63.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of the month in which it was received, at not less than the applicable class prices.

§ 1011.71 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production; and

(b) Any other source milk allocated to Class I pursuant to § 1011.46 (b) and the corresponding step of § 1011.47.

§ 1011.72 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1011.70 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a fluid milk plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1011.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1011.73 *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1011.74 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1011.71, 1011.72 and 1011.73 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1011.75 *Termination of obligations.* The provisions of this section shall apply to any obligations under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or association or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the Act a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1011.80 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this subpart except §§ 1011.32, 1011.34 and 1011.35.

§ 1011.81 *Exempt handler.* A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1011.33 to 1011.35.

§ 1011.82 *Handlers subject to other Federal orders.* The provisions of this part shall not apply to a handler who operates a fluid milk plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and the disposition of fluid milk products in this other Federal marketing area exceeds that in the Michigan Upper Peninsula marketing area: *Provided,* That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1011.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1011.91 *Suspension or termination.* The Secretary shall, whenever he finds that this subpart, or any provision of this subpart, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 1011.92 *Continuing obligation.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1011.93 *Liquidation.* Under the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1011.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1011.101 *Separability of provisions.* If any provision of this subpart, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Recommended Order for Northeastern Wisconsin Marketing Area

DEFINITIONS

§ 1016.1 *Act.* "Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 1016.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1016.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 1016.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1016.5 *Northeastern Wisconsin marketing area.* The Northeastern Wisconsin marketing area, hereinafter referred to as the "marketing area", means all territory within (a) the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca and Winnebago, all in Wisconsin, including all towns, villages, and cities; (b) the county of Fond du Lac, Wisconsin, exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield, and the city of Waupun; (c) the city of Sturgeon Bay in Door County, Wisconsin; (d) the towns of Bergen, Berlin, Bevent, Easton, Elderon, Frazen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norrie, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon and Schofield, and the cities of Mosinee and Wausau, all in Marathon County, Wisconsin; (e) the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin; (f) the cities of Gillett, Oconto and Oconto Falls in Oconto County, Wisconsin; (g) the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga and Seneca, the village of Biron, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wisconsin; and (h) the city of Menominee in Menominee County, Michigan.

§ 1016.6 *Fluid milk product.* "Fluid milk product" means milk, skim milk, flavored milk, flavored milk drinks, buttermilk, half and half and cream.

§ 1016.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1016.8 *Fluid milk plant.* "Fluid milk plant" means all the premises, buildings and facilities of any Grade A milk receiving, processing or packaging plant:

(a) From which fluid milk products are disposed of during the month on routes in the marketing area, except as provided in § 1016.81; and

(b) From which milk or skim milk is delivered to a plant(s) described in paragraph (a) of this section on 3 or more days during the month.

§ 1016.9 *Handler.* "Handler" means a person who operates one or more fluid milk plants or any other plant from which fluid milk products are disposed of during the month on routes in the marketing area.

§ 1016.10 *Producer.* "Producer" means a person, other than a producer-handler who produces Grade A milk in conformity with the sanitation requirements of any duly constituted health authority which milk is (a) received at a fluid milk plant or (b) diverted from such plant for the account of a handler. (Milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant from which it was diverted.)

§ 1016.11 *Producer-handler.* "Producer-handler" means a dairy farmer who distributes fluid milk products on a route in the marketing area, but receives no fluid milk products during the month except his own production or from fluid milk plants.

§ 1016.12 *Producer milk.* "Producer milk" means milk received at a fluid milk plant directly from producers, or diverted to a nonfluid milk plant pursuant to § 1016.1[illegible].

§ 1016.[illegible] *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except

(1) Receipts from other fluid milk plants or

(2) Producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the fluid milk plant) which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 1016.14 *Cooperative Association.* "Cooperative Association" means any cooperative marketing association of producers, as defined in § 1016.10, which the Secretary determines after application by the association is qualified under provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

MARKET ADMINISTRATOR

§ 1016.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1016.21 *Powers.* The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1016.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § 1016.71:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1016.72, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1016.30 to 1016.33, or (2) payments pursuant to §§ 1016.70, 1016.71 and 1016.72;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers or persons upon whose utilization the classification of skim milk and butterfat for each handler depends, to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th working day of each month the minimum price for Class I milk pursuant to § 1016.51 and the Class I butterfat differential pursuant to § 1016.54 (a), both for the current month; the minimum price for Class II milk pursuant to § 1016.52 and the Class II butterfat differential pursuant to § 1016.54 (b), both for the preceding month; and the minimum price for Class III milk pursuant to § 1016.53 and the Class III butterfat differential pursuant to § 1016.54 (b), both for the preceding month;

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § 1016.61 and the producer butterfat differential computed pursuant to § 1016.62.

REPORTS, RECORDS AND FACILITIES

§ 1016.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler who operates fluid milk plant(s) shall report to the market administrator for the preceding month for each fluid milk plant, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of butterfat and skim milk contained in:

(1) Producer milk,

(2) Fluid milk products received from other fluid milk plants,

(3) Other source milk, and

(4) Inventories of fluid milk products on hand at the end of each month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to sources and disposition as the market administrator may prescribe.

§ 1016.31 *Payroll reports.* (a) On or before the 20th day of each month each handler operating fluid milk plant(s) shall report his producer payroll for each fluid milk plant for the preceding month which shall show:

(1) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(2) The date and net amount of payment to such producer, or to a cooperative association for such producer's milk, with the price, deductions and charges involved and the nature of each.

§ 1016.32 *Producer-handler reports.* Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

§ 1016.33 *Exempt handler reports.* Each handler exempt pursuant to §§ 1016.81 and 1016.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 1016.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other content of all milk and milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 1016.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1016.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 1016.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1016.41 to 1016.45.

§ 1016.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1016.42 and 1016.43, the classes of utilization shall be:

(a) Class I utilization shall be skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (c) (2) of this section; and

(2) Not accounted for as Class II and Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) or (c) of this section; and

(2) In inventories of fluid milk products on hand at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat:

(1) Used to produce butter, nonfat dry milk or cheese in any form except cottage cheese;

(2) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(3) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(4) In shrinkage of other source milk.

§ 1016.42 *Shrinkage.* (a) When producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferor handler's plants shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 1016.43 *Transfers.* Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 1016.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent

amount of skim milk and butterfat, re- shall be classified so as to allocate to spectively, and

(2) Such skim milk and butterfat producer milk the greatest possible total Class I utilization in the two plants;

(b) To a plant operated by a producer-handler or a handler exempt pursuant to § 1016.81, shall be Class I utilization;

(c) To a nonfluid milk plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) Utilization in another class is claimed by the transferring handler in his report submitted pursuant to § 1016.30 for the month.

(2) Class I utilization in the nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply of Grade A milk for such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess; and

(3) The operator of the nonfluid milk plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

§ 1016.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1016.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in Class I, Class II and Class III utilization for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1016.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 1016.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in Class II milk and Class I milk, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from fluid milk plants of other handlers according to the classification established pursuant to §§ 1016.41 and 1016.43 (a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such coverage from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 1016.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in the same manner as that prescribed for butterfat in § 1016.46.

§ 1016.48. *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 1016.46 and 1016.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 1016.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A.

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richmond Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A., during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1016.51 *Class I milk price.* Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class I milk during the 18-month period following the effective date of this subpart shall be:

(a) Except as provided in paragraph (b) of this section, the basic formula price for the preceding month plus $0.54 for the months of March, April, May and June; $0.74 for the months of January, February, July and December; and $0.94 for all other months.

(b) For fluid milk plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased ten cents.

§ 1016.52 *Class II milk price.* Subject to the provisions of § 1016.54 the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association, during the month and utilized as Class II milk shall be the basic formula price.

§ 1016.53 *Class III milk price.* Subject to the provision of § 1016.54 the minimum price per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class III milk shall be the price computed pursuant to § 1016.50 (b).

§ 1016.54 *Handler butterfat differential.* If the average butterfat test of Class I milk, Class II milk or Class III milk as calculated pursuant to § 1016.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the U. S. D. A. during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II and Class III milk, multiply such price for the current month by 0.115.

§ 1016.55 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with, the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 1016.60 *Value of producer milk.* The value of producer milk received by each handler at fluid milk plant(s) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.48, by the applicable respective class prices (adjusted pursuant to § 1016.54).

(b) Add the amounts computed by multiplying the quantity of overage assigned to each class pursuant to § 1016.46 (g) and the corresponding step of § 1016.47 by the applicable class price.

(c) Add the amount obtained in multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 1016.46 (d) and the corresponding step of § 1016.47; or

(2) The hundredweight of producer milk classified as Class II, during the preceding month; and

(d) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit of the market administrator.

§ 1016.61 *Computation of uniform price.* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to fluid milk plants of such handlers as follows:

(a) From the value of milk computed for such handler pursuant to § 1016.60, subtract if the weighted average butterfat test of all milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 1016.62 multipled by 10;

(b) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (c) of this section for the previous month to the nearest cent;

(c) Except as provided in paragraph (d) of this section, divide the result by the total hundredweight of producer milk represented by the amount computed pursuant to § 1016.60 and adjust the resulting figure to the nearest cent. The "uniform price" so computed shall be that applicable to milk delivered to the fluid milk plant(s) of a handler at whose plant or plants a single Class I price is applicable pursuant to § 1016.51.

(d) For each handler operating two or more fluid milk plants at which different Class I prices are applicable pursuant to § 1016.51, the value of milk used in the computation provided in paragraph (c) of this section shall first be further adjusted by adding the value of all applicable producer location adjustments pursuant to § 1016.63. The uniform price so computed shall be that applicable at the plant or plants of such handler at which the higher Class I price is applicable.

§ 1016.62 *Producer butterfat differential.* The applicable uniform prices to be paid pursuant to § 1016.70 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1016.54, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

§ 1016.63 *Producer location adjustments.* In making payments pursuant to § 1016.70 to producers or a cooperative association for milk for which a uniform price was computed pursuant to § 1016.61 (d) such uniform price for milk received at a plant at which a lesser Class I price is applicable than at the plant for which the uniform price is computed shall be reduced by an amount equal to the difference between the applicable Class I prices.

§ 1016.64 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price applicable at each fluid milk plant of such handler pursuant to §§ 1016.61 and 1016.63 and the butterfat differential computed pursuant to § 1016.62; and

(c) The amounts to be paid by such handlers pursuant to § 1016.71 or § 1016.72.

PAYMENT FOR MILK

§ 1016.70 *Time and method of payment.* (a) Except as provided in paragraphs (b) and (c) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1016.61 adjusted by the butterfat differential pursuant to § 1016.62 and the location adjustment pursuant to § 1016.63.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purehased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of each month in which it was received, at not less than the applicable class prices.

§ 1016.71 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production; and

(b) Any other source milk allocated to Class I pursuant to § 1016.46 (b) and the corresponding step of § 1016.47.

§ 1016.72 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1016.70 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deduction to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a fluid milk plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1016.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1016.73 *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 1016.74. *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1016.71, 1016.72 and 1016.73 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1016.75 *Termination of obligations.* The provisions of this section shall apply to any obligations under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 1016.80 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this subpart except §§ 1016.32, 1016.34 and 1016.35.

§ 1016.81 *Exempt handler.* A handler who operates a fluid milk plant located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 1016.33 to 1016.35.

§ 1016.82 *Handlers subject to other Federal orders.* The provisions of this part shall not apply to a handler who operates fluid milk plant(s) during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceed that in the Northeastern Wisconsin marketing area: *Provided,* That the operator of a fluid milk plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1016.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1016.91 *Suspension or termination.* The Secretary shall, whenever he finds that this subpart, or any provision of this subpart, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 1016.92 *Continuing obligation.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1016.93 *Liquidation.* Under the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1016.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1016.101 *Separability of provisions.* If any provision of this subpart, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., the 28th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4140; Filed, June 2, 1958; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATION

NOTICE OF HEARING TO DETERMINE PREVAILING MINIMUM WAGES FOR PAPER AND PULP INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036, as amended; 41 U. S. C. 35-45), known as the Walsh-Healey Public Contracts Act.

For purposes of this hearing the Paper and Pulp Industry is defined as that industry which manufactures or furnishes pulp from wood or from other materials such as rags, linters, waste paper, and straw; paper from wood pulp and other fibers; paper board from wood pulp and other fibers; building paper and building board, except gypsum products; coated bookpaper; and sanitary paper such as facial tissues, toilet paper, paper napkins, and paper towels.

The definition of the paper and pulp industry does not include the manufacture or furnishing of paper boxes and containers; paper bags; fiber cans, tubes, and drums; stationery and envelopes; and related products.

Now, therefore, notice is hereby given that a public hearing will be held on June 30, 1958, at 10 a. m., in Room No. 1214, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing interested persons may appear and submit evidence, views, and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limitation for such areas) should be determined for this industry; and (4) whether there should be included in any determination for this industry provision for the employment of beginners at wages lower than the prevailing minimum wages, and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data as of October 1957 for this industry have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested persons upon request. Data collected in the Department of Labor for use in preparing its monthly series on "Earnings And Hours" showing the movement of average hourly earnings in this industry subsequent to October 1957 will be prepared for consideration at the hearing on the question of what changes have occurred in the prevailing minimum wages in this industry since October 1957 to the date of hearing.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it shall be received in evidence.

To the extent possible, evidence with respect to the subjects and issues involved, constituting the testimony of each witness or the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant by plant basis and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers employed in each such establishment, (c) the minimum rates paid to covered workers and the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, and (d) the minimum wages paid to beginners in each such establishment, the scale of wages paid during the beginning periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (3) the geographic area or areas of competition within this industry; and (4) the changes in the minimum wages since October 1957 for persons employed in this industry.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C (41 CFR Part 203).

Signed at Washington, D. C., this 27th day of May 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-4130; Filed, June 2, 1958; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 132]

[File No. 21-327]

MACARONI, NOODLES, AND RELATED PRODUCTS INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

In the matter of proposed trade practice rules for the Macaroni and Noodle Products Industry to supersede rules promulgated for the Macaroni, Noodles, and Related Products Industry on July 17, 1938 (16 CFR Part 132).

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Macaroni and Noodle Products Industry (which constitute a proposed revision and extension of the rules for the Macaroni, Noodles, and Related Products Industry as promulgated by the Commission July 7, 1938), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises.

For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 18, 1958. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. d. t., Wednesday, June 18, 1958, in Room [illegible], Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of macaroni, spaghetti, vermicelli or noodles. So-called Chinese noodles are not included.

These proceedings were instituted pursuant to an industry application and are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. The announced hearing constitutes a further step in the proceedings.

Issued: May 28, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4124; Filed, June 2, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 58-20]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), and R. S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U. S. C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3 (c) of the act of August 9, 1954 (50 U. S. C. 198), and implementing regulations in 46 CFR Chapter I: *It is ordered*, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

d. The correction to a prior document shall be made as indicated in Part III of this document.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/41/0, 30-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N. J.

BUOYANT APPARATUS

Approval No. 160.010/28/0, 3.75′ x 3.0′ x 0.75′ buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, dwg. No. M-99-13, Alt. B, dated March 12, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.010/36/0, 4.0′ x 3.0′ x 0.67′ buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, dwg. No. 10-1, Rev. 2, dated April 16, 1958, and specification dated April 16, 1958, manufactured by Duane Peabody Co., 6536 Southwest Macadam Avenue, Portland 1, Oreg.

WINCHES, LIFEBOAT

Approval No. 160.015/15/1, Type H-68 lifeboat winch for use with mechanical davits, fitted with wire rope not more than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for a maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by general arrangement dwg. No. 2564 dated March 29, 1943, and revised December 11, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Extension of the approval published in FEDERAL REGISTER March 18, 1953, effective March 18, 1958.)

Approval No. 160.015/55/1, Type HM, Size 3 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 4 wraps of the falls on the drums, approved for maximum working load of 5,700 pounds pull at the drums (2,850 pounds per fall), identified by general arrangement dwg. No. 1505 dated September 1957, and revised January 2, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.015/55/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 160.015/71/0, Type PM, Size 3 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 4 wraps of the falls on the drums, approved for maximum working load of 5,700 pounds pull at the drums (2,850 pounds per fall), identified by general arrangement dwg. No. 1503 dated January 1957, and revised September 10, 1957, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

LIFE FLOATS

Approval No. 160.027/39/0, 6.0′ x 2.83′ (8½″ x 8½″ body section) rectangular aluminum life float with unicellular plastic foam core, 7-person capacity, dwg. No. 60064, dated December 31, 1957, revised February 14, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.027/46/0, 5.17′ x 3.0′ (8″ x 8″ body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 7-person capacity, L. S. Baier & Associates dwg. No. 455, Alt. 2 dated April 14, 1958, and specification dated March 11, 1958, manufactured by Sunde & d'Evers Co., Colman Dock, Seattle, Wash.

Approval No. 160.027/47/0, 7.5″ x 4.0″ (10½″ x 10½″ body section) rectangular aluminum life float with unicellular plastic foam core, 15-person capacity, dwg. No. 60068, Rev. A, dated March 12, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/9/0, Kilgore Marine Signal Pistol Model A, assembly dwg. No. MSP-1, Rev. 1, dated January 28, 1953, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio. (Extension of the approval published in FEDERAL REGISTER March 18, 1953, effective March 18, 1958.)

DAVITS, LIFEBOAT

Approval No. 160.032/43/1, gravity davit, Type 30-V, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. 3379-3, dated January 30, 1952, and revised October 28, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Extension of the approval published in FEDERAL REGISTER March 18, 1953, effective March 18, 1958.)

Approval No. 160.032/156/0, gravity davit, Type LO-65-S, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using two-part falls, identified by general arrangement dwg. No. 3653-A dated November 12, 1957, and revised February 11, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

LIFEBOATS

Approval No. 160.035/26/2, 26.0′ x 8.75′ x 3.75′ steel, oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. G–2650 dated April 2, 1952, and revised December 9, 1957, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/26/1 terminated in FEDERAL REGISTER November 1, 1957.)

Approval No. 160.035/41/2, 24.0′ x 8.0′ x 3.58′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 2602 dated June 26, 1952, and revised April 10, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/41/1 terminated in FEDERAL REGISTER March 25, 1958.)

Approval No. 160.035/184/2, 24.0′ x 7.75′ x 3.33′ steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 245–2 dated October 1, 1953, and revised March 24, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/184/1 terminated in FEDERAL REGISTER March 25, 1958.)

Approval No. 160.035/248/1, 26.0′ x 7.88′ x 3.35′ steel, oar-propelled lifeboat, 41-person capacity, identified by construction and arrangement dwg. No. 3236 dated October 2, 1957, and revised March 19, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/248/0 published in FEDERAL REGISTER March 18, 1953.)

Approval No. 160.035/286/1, 24.0′ x 8.0′ x 3.5′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24–9 dated October 30, 1951, and revised March 27, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.035/286/0 terminated in FEDERAL REGISTER January 22, 1958.)

Approval No. 160.035/366/0, 37.0′ x 13.0′ x 5.33′ steel, motor-propelled lifeboat with radio cabin (Class A), 142-person capacity, identified by construction and arrangement dwg. No. 80135 dated March 22, 1957, and revised February 17, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Perth Amboy, N. J.

KITS, FIRST-AID

Approval No. 160.041/6/0, First-Aid Kit, Model No. 24 L. B., assembly dwg. No. 1–24–LB, revised January 14, 1953, marking dwg. No. 2–24–LB, revised January 14, 1953, manufactured by The Pac-Kit Co., P. O. Box 1306, Greenwich, Conn. (Extension of the approval published in FEDERAL REGISTER March 18, 1953, effective March 18, 1958.)

PUMPS, BILGE, LIFEBOAT

Approval No. 160.044/5/1, Size No. 3 lifeboat bilge pump, identified by general assembly dwg. No. 228, Rev. C dated February 25, 1958, manufactured by Allied Marine Equipment Corp., Division of Tap-Rite Products, 204 Railroad Avenue, Hackensack, N. J. (Supersedes Approval No. 160.044/5/0 published in FEDERAL REGISTER March 18, 1953.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/178/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for Lifeline Company, Marietta, Ga.

Approval No. 160.047/179/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for Lifeline Company, Marietta, Ga.

Approval No. 160.047/180/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for Lifeline Company, Marietta, Ga.

Approval No. 160.047/184/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland, Oreg.

Approval No. 160.047/185/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland, Oreg.

Approval No. 160.047/186/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland, Oreg.

Approval No. 160.047/190/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by B. T. Crump Co., Inc., 1310–1334 East Franklin Street, Richmond 13, Va.

Approval No. 160.047/191/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by B. T. Crump Co., Inc., 1310–1334 East Franklin Street, Richmond 13, Va.

Approval No. 160.047/192/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by B. T. Crump Co., Inc., 1310–1334 East Franklin Street, Richmond 13, Va.

Approval No. 160.047/193/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Viking Products Co., 145–92 228th Street, Springfield Gardens 13, N. Y.

Approval No. 160.047/194/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Viking Products Co., 145–92 228th Street, Springfield Garden 13, N. Y.

Approval No. 160.047/195/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Viking Products Co., 145–92 228th Street, Springfield Gardens 13, N. Y.

BOUYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/119/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C., for Lifeline Company, Marietta, Ga.

Approval No. 160.048/121/0, special approval for 15′′ x 15′′ x 2′′ rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland, Oreg.

Approval No. 160.048/125/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N. Y., for Viking Products Co., 145–92 228th Street, Springfield Gardens 13, N. Y.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/12/0, 30-inch unicellular plastic ring life buoy, U. S. C. G. Specification Subpart 160.050, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.050/13/0, 24-inch unicellular plastic ring life buoy, U. S. C. G. Specification Subpart 160.050, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.050/14/0, 20-inch unicellular plastic ring life buoy, U. S. C. G. Specification Subpart 160.050, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/36/3, sound powered telephone handset, Type 333 or Type 333–1, identified by dwg. No. A–257, Alt. 5, Rev. 2, dated December 27, 1957, manufactured by United States Instrument Corp., P. O. Box 33, Charlottesville, Va. (Supersedes Approval No. 161.005/36/2 published in FEDERAL REGISTER June [illegible], 1954.)

VALVES, SAFETY (POWER BOILERS)

Approval No. 162.001/2/1, Style CS, carbon steel body pop safety valve, exposed springs, maximum pressure [illegible] p. s. i., maximum temperature 650° F., dwg. No. 59BB–1, dated October 5, [illegible], revised December 19, 1952, approved for sizes 2′′, 2½′′, 3′′, 3½′′ and 4′′, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass. (Extension of the approval published in Federal Register March 18, 1953, effective March 18, 1958.)

Approval No. 162.001/41/1, Style DS, carbon steel body duplex pop safety valve, exposed springs, maximum pressure 400 p. s. i., maximum temperature 650° F., dwg. No. 84–B–1, dated August 31, 1933, and revised December 19, 1952, approved for sizes 2'', 2½'', 3'', 3½'' and 4'', manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass. (Extension of the approval published in Federal Register March 18, 1953, effective March 18, 1958.)

Approval No. 162.001/43/1, Style DS–11, carbon steel body duplex pop safety valve, exposed springs, rocker shaft lifting lever, maximum pressure 400 p. s. i., maximum temperature 650° F., dwg. No. 84–B–1, dated August 31, 1933, revised December 19, 1952, approved for sizes 2'', 2½'', 3'', 3½'' and 4'', manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass. (Extension of the approval published in Federal Register March 18, 1953, effective March 18, 1958.)

Approval No. 162.001/54/1, Style CS–100, carbon steel body pop safety valve, exposed spring, maximum pressure 450 p. s. i. for sizes up to and including 3½'', 400 p. s. i. for 4'', maximum temperature saturated stream, dwg. No 102B–1, dated June 19, 1940, approved for sizes 1½'', 2'', 2½'', 3'', 3½'' and 4'', manufactured by The Ashton Valve Co, 43 Kendrick Street, Wrentham, Mass. (Extension of the approval published in Federal Register March 18, 1953, effective March 18, 1958.)

Approval No. 162.001/67/1, Style DS–100, carbon steel body duplex pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature saturated steam, dwg. No. 336B, dated August 1, 1944, approved for sizes 2'' and 2½'', manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass. (Extension of the approval published in Federal Register March 18, 1953, effective March 18, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND DRY-CHEMICAL TYPE

Approval No. 162.010/41/0, Ansul Model M–10, 10-lb. pressure-cartridge operated dry chemical type hand portable fire extinguisher, assembly dwg. No. 5895, Rev. 1 dated January 22, 1958, name plate dwg. Nos. 3601, Rev. 4 dated September 9, 1955, and 5889 dated January 9, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Ansul Chemical Co., Marinette, Wis.

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/77/1, Figure No. 140 pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, bronze, nickel cast iron or stainless steel body, dwg. No. 140–A, Rev. 1, dated January 31, 1958, approved for 8'' size, manufactured by Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y. (Supersedes Approval No. 162.017/77/0 published in Federal Register October 6, 1953.)

GAGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/9/0, Model No. 129 Series fixed tube liquid level gauge for liquefied compressed gas service, dwg. No. 159 dated December 16, 1954, manufactured by the Metal Goods Mfg. Co., 110 South Park Avenue, Bartlesville, Okla.

Approval No. 162.019/10/0, Model No. 133 Series fixed tube liquid level gauge for liquefied compressed gas service, dwg. No. 164 dated December 16, 1954, manufactured by the Metal Goods Mfg. Co., 110 South Park Avenue, Bartlesville, Okla.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/105/0, Model No. R080 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36A2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, Calif.

Approval No. 162.020/106/0, Model No. R180 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36C2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, Calif.

Approval No. 162.020/107/0, Model No. R280 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36C2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, Calif.

Approval No. 162.020/108/0, Model No. R281 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36C2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, Calif.

Approval No. 162.020/109/0, Model No. M302 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. P–1–36A2.001, manufactured by Wedgewood Division, Rheem Manufacturing Co., 1355 Market Street, San Francisco, Calif.

STRUCTURAL INSULATIONS

Approval No. 164.007/22/0, "Baldwin-Hill 8-pound Felt", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, file III–6/26, dated July 16, 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3'' thickness and 8 pounds per cubic foot density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J. (Extension of the approval published in Federal Register March 18, 1953, effective February 12, 1958.)

Approval No. 164.007/23/0, "Baldwin-Hill Mono-Block", mineral wool type structural insulation identical to that described in National Bureau of Standards Test Reports Nos. TG3619–47, FR1820, dated January 7, 1941, and TG3610–1493, FP2569, dated November 10, 1947, boards approved for use without other insulating material to meet Class A–60 requirements in a 2'' thickness and 18 pounds per cubic foot density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J. (Extension of the approval published in Federal Register March 18, 1953, effective February 12, 1958.)

Approval No. 164.007/28/1, "Weber's Super '48' Insulating Cement", plaster type structural insulation identical to that described in National Bureau of Standards Test Report No. TG10210–1782:FP3061 dated August 10, 1951, approved for use without other insulating material to meet Class A–60 requirements in a 2½'' thickness, manufactured by Forty-Eight Insulations, Inc., Aurora, Ill. (Extension of the approval published in Federal Register March 18, 1953, effective March 18, 1958.)

BULKHEAD PANELS

Approval No. 164.008/22/0, "Almarine-M", hollow aluminum insulation filled bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3630–1, FP2562, dated October 31, 1947, approved as meeting Class B–15 requirements in a 2⅜'' thickness when filled with 2'' of Eagle Picher Mineral Wool and with two 0.025'' asbestos paper inserts, manufactured by Ward Industries Corp., Martin-Parry-Marine Division, 415 Madison Avenue, New York 17, N. Y. (Extension of the approval published in Federal Register March 18, 1953, effective February 12, 1958.)

Approval No. 164.008/23/1, "Almarine-A", hollow aluminum, asbestos board core bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3630–2:FP2563, dated October 31, 1947, and modified by Martin-Parry dwg. No. 44196, Alt. 1, dated December 10, 1947, approved as meeting Class B–15 requirements in a 2⅜'' thickness when fitted with a ¼-inch asbestos millboard or 3/11-inch J–M Marine Sheathing core with two 0.025-inch asbestos paper inserts, manufactured by Ward Industries Corp., Martin-Parry-Marine Division, 415 Madison Avenue, New York 17, N. Y. (Extension of the approval published in Federal Register March 18, 1953, effective March 25, 1958.)

Approval No. 164.008/26/0, "Almarine-A-3", hollow aluminum bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3630–4:FP2581, dated January 13, 1948, approved as meeting Class B–15 requirements in a 2⅜'' thickness with two ⅛-inch asbestos millboard inserts; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by Ward Industries Corp., Martin-Parry-Marine Division, 415 Madison Avenue, New York 17, N. Y. (Extension of the approval published in Federal Register March 18, 1953, effective March 25, 1958.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/11/0, "Ocean-Lite", plaster type incombustible material identical to that described in National Bureau of Standards Test Report No. TG367-130, FP2579, dated December 15, 1947, manufactured by Ocean-Lite Flooring Corp., 143 Pioneer Street, Brooklyn 31, N. Y. (Extension of the approval published in FEDERAL REGISTER, March 18, 1953, effective February 12, 1958.)

Approval No. 164.009/12/0, "Thermoflex", plaster type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1496, FP2574, dated December 4, 1947, manufactured by Kompolite Co., Inc., 11-25 44th Road, Long Island City 1, N. Y. (Extension of the approval published in FEDERAL REGISTER, March 18, 1953, effective February 12, 1958.)

Approval No. 164.009/13/0, "Transite", asbestos cement board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1495, FP2573, dated November 28, 1947, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y. (Extension of the approval published in FEDERAL REGISTER, March 18, 1953, effective February 12, 1958.)

Approval No. 164.009/14/0, "BX-SPIN-TEX", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1493, FP2569, dated November 10, 1947, approved in a range from 3 through 8 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y. (Extension of the approval published in FEDERAL REGISTER, March 18, 1953, effective February 12, 1958.)

Approval No. 164.009/49/0, "Thermasil", asbestos-hydrous calcium silicate type pipe and block insulation identical to that described in Ehret Magnesia Manufacturing Company's letter of October 18, 1957, to the Commandant, U. S. Coast Guard, manufactured by Ehret Magnesia Manufacturing Co., Valley Forge, Pa.

Approval No. 164.009/50/0, "Thermalite", 85 percent magnesia type pipe and block insulation identical to that described in Ehret Magnesia Manufacturing Company's letter of October 18, 1957, to the Commandant, U. S. Coast Guard, manufactured by Ehret Magnesia Manufacturing Co., Valley Forge, Pa.

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5, AND 6

Termination of Approval No. 160.002/33/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by H. S. White Manufacturing Co., Inc., Fifth and Wacouta Streets, St. Paul 1, Minn. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective February 12, 1958.)

Termination of Approval No. 160.002/34/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by H. S. White Manufacturing Co., Inc., Fifth and Wacouta Streets, St. Paul 1, Minn. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective February 12, 1958.)

LIFEBOATS

Termination of Approval No. 160.035/20/2, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G-2440, dated March 9, 1951, and revised November 23, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 160.035/64/1, 31.0' x 11.25' x 4.5' steel, hand-propelled lifeboat, 90-person capacity, identified by construction and arrangement dwg. No. 2665, dated December 2, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 160.035/148/1, 16.0' x 5.5' x 2.38' steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 408, dated December 5, 1952, revised December 22, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 160.035/169/1, 26.0' x 9.0' x 3.83' aluminum, motor-propelled lifeboat with radio cabin, 43-person capacity, identified by construction and arrangement dwg. No. 3167, dated September 12, 1952, and revised November 8, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 160.035/196/1, 30.67' x 10.17' x 4.25' steel, hand-propelled lifeboat, 78-person capacity, identified by construction and arrangement dwg. No. 1873, dated June 4, 1952, and revised January 3, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 160.035/298/0, 30.0' x 10.0' x 4.13' aluminum, motor-propelled lifeboat without radio cabin (Class B), 68-person capacity, identified by construction and arrangement dwg. No. 30-1D, dated September 12, 1952, and revised December 9, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 160.035/302/0, 20.0' x 6.5' x 2.6' steel, oar-propelled lifeboat, 20-person capacity, identified by general arrangement and construction dwg. No. 49R-2020-8, dated November 7, 1952, manufactured by Lane Lifeboat & Davit Corp., 8920 [illegible] Avenue, Brooklyn 14, N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Termination of Approval No. 162.002/27/0, Elkhart 2½-gal. foam type hand portable fire extinguisher, assembly dwg. No. C-30234, dated November 4, 194[illegible], name plate dwg. No. B-30162, dated July 19, 1949 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by Elkhart Brass Manufacturing Co., Inc., Elkhart, Ind. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.002/28/0, General Quick Aid Fire Guard, Model TF-4, 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. BHF-833-X, Alt. A, dated March 11, 1952, name plate dwg. No. CHF-833-[illegible], Alt. 3, dated December 7, 1949 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The General Fire Extinguisher Corp., P. O. Box 263, Detroit 32, Mich. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.002/34/0, General Quick Aid Fire Guard, Model TF-4, 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. BHF-833-X, Alt. A, dated March 11, 1952, name plate dwg. No. CHF-833-[illegible], Alt. 3, dated December 7, 1949 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The General Fire Extinguisher Corp., P. O. Box 263, Detroit 32, Mich. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Termination of Approval No. 162.001/38/0, Elkhart 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. C-30265, dated December [illegible], 1949, name plate dwg. No. B-30161, dated July 19, 1949 (Coast Guard classification: Type A, Size II), manufactured by Elkhart Brass Manufacturing Co., Inc., Elkhart, Ind. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.001/45/0, General Quick Aid Fire Guard Model TS-15, 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. BHS-303-XC, revised August 11, 1950, name plate dwg. No. CHS-303-[illegible], Rev. 3, dated December 7, 1949 (Coast Guard classification: Type A, Size II), manufactured by The General Fire Extinguisher Corp., P. O. Box 263, Detroit 32, Mich. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/48/0, Garland No. A-173 gas range, six open top burners with two ovens and griddle-broiler burners, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/49/0, Garland No. A-182 gas range, six open top burners with one oven and three griddle-broiler burners, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/50/0, Garland No. A-183 gas range, six open top burners with two ovens and three griddle-broiler burners, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18,1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/51/0, Garland No. A-184 gas range, ten open top burners with two ovens, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/52/0, Garland No. A-186 gas range, six open top burners with one oven, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/53/0, Garland No. A-192 gas range, six open burners with one oven and three griddle-broiler burners, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/54/0, Garland No. A-193 gas range, six open top burners with two ovens and three griddle-broilers, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/55/0, Garland No. A-194 gas range, ten open top burners with two ovens, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

Termination of Approval No. 162.020/56/0, Garland No. A-196 gas range, six open top burners with one oven, approved by the American Gas Association, Inc., under Certificate No. 11-(42-8.0 & -4.4).001, manufactured by Welbilt Corporation, Garland Division, 5718 Flushing Avenue, Maspeth, L. I., N. Y. (Approved FEDERAL REGISTER March 18, 1953. Termination of approval effective March 18, 1958.)

The Coast Guard Document CGFR 58-7 and Federal Register Document 58-2185 published in the FEDERAL REGISTER of March 25, 1958 (23 F. R. 1964) is corrected by substituting the words "39,000 pounds per set (19,500 pounds per arm)" in lieu of "19,500 pounds per set (9,750 pounds per arm)" in Approval No. 160.032/152/0 under the heading "Davits, Lifeboat."

Dated: May 26, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-4123; Filed, June 2, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 23, 1958.

The Corps of Engineers, U. S. Army, has filed an application, Serial No. Washington 02850, for the withdrawal of the lands described below, from all forms of appropriation, including grazing, mineral leasing and mining locations.

The applicant desires the land for security and control of the traffic on the Columbia River in connection with the continued operations and expansion of the Atomic Energy Commission, Hanford Operations.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 209 Federal Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 11 N., R. 28 E.,
  Sec. 14: Lot 5.
  Containing 3.89 acres.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 58-4113; Filed, June 2, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1957-CROP LOAN COTTON

NOTICE OF PURCHASE

Notice is hereby given that Commodity Credit Corporation will purchase at the close of business on July 31, 1958, all 1957-crop cotton securing outstanding loans under Commodity Credit Corporation's 1957 Cotton Loan Program. Loans under the 1957 Cotton Loan Program mature on July 31, 1958. If the producer or the purchaser of his equity does not repay a loan before the close of business on July 31, 1958, Commodity Credit Corporation will purchase the cotton securing the loan in accordance with the provisions of the loan agreements.

Any sum due the producer as a result of the purchase of the cotton shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

If a farm-storage loan is not repaid by the close of business on July 31, 1958, the producer will be required to deliver the cotton in accordance with the provisions of the Cotton Mortgage Supplement, and if the cotton is not so delivered by the producer, Commodity Credit Corporation may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, Commodity Credit Corporation may purchase the cotton in accordance with the provisions of this notice.

Issued this 27th day of May 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4141; Filed, June 2, 1958; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALLTRANSPORT, INC. AND ALLTRANSPORT AGENCY

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8307 is between Alltransport, Incorporated of New York City and Alltransport Agency of San Francisco. Alltransport Agency will act as the San Francisco agent of the New York firm and will perform certain freight forwarding business for the latter.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 28, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4128; Filed, June 2, 1958; 8:50 a. m.]

Office of the Secretary

WILLIAM E. VAUGHN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 1, 1956, 21 F. R. 3728; November 30, 1956, 21 F. R. 9389; June 7, 1957, 22 F. R. 4036; November 30, 1957, 22 F. R. 9628.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 18, 1958.

Dated: May 18, 1958.

WILLIAM E. VAUGHN.

[F. R. Doc. 58-4119; Filed, June 2, 1958; 8:48 a. m.]

EDWARD ABBOTT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8937; June 12, 1956, 21 F. R. 4030; November 29, 1956, 21 F. R. 9336; May 29, 1957, 22 F. R. 3767-8; December 4, 1957, 22 F. R. 9700.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 22, 1958.

Dated: May 22, 1958.

EDWARD ABBOTT.

[F. R. Doc. 58-4120; Filed, June 2, 1958; 8:48 a. m.]

WILLIAM J. LINDNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of June 7, 1957, 22 F. R. 4036; December 12, 1957, 22 F. R. 9979.

Deletions: No change.

Additions: American Tobacco, Bethlehem Steel Co., Dow Chemical, General Electric, General Motors, International Business Machine, Ingersoll Rand, Standard Oil of New Jersey, Sun Oil, Southern Natural Gas, Union Carbide.

This statement is made as of May 22, 1958.

Dated: May 22, 1958.

WILLIAM J. LINDNER.

[F. R. Doc. 58-4121; Filed, June 2, 1958; 8:48 a. m.]

ROBERT G. PETERSEN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Robert G. Petersen.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 22, 1958.
4. Title of position: Consultant (Adviser to Director) Electrical Equipment Division.
5. Name of private employer: I-T-E Circuit Breaker Company, Philadelphia, Pennsylvania.

CARLTON HAYWARD,
Director of Personnel.

APRIL 4, 1958.

Statement of Finincial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

I-T-E Circuit Breaker Co., Clark Controller Co., Chemway Corp., King of Hearts Co., bank deposit.

Dated: May 22, 1958.

ROBERT G. PETERSEN.

[F. R. Doc. 58-4122; Filed, June 2, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 42-9000-2]

RADIATION PRODUCTS CO. ET AL.

FINAL ORDER REVOKING LICENSE, ENTERING FINDING

In the matter of Dalton L. James doing business as Radiation Products Company, and Radiation Products Co., a corporation, Respondent.

It appears that:

a. By the amended order of the Commission dated April 18, 1958, received by respondent on April 21, 1958, respondent was given notice of additional allegations of violations of the license and temporary suspension order and advised of the proposed final order and finding which the Atomic Energy Commission would enter within twenty days of receipt of the amended order unless within fifteen days respondent chose to contest such order and requested a hearing.

b. Respondent has made no response or request for a hearing within the time allowed. In an earlier response, dated February 13, 1958, following the temporary suspension of the license based on the then known violations, respondent expressed the desire not to appear at a hearing and that one not be held.

c. Respondent has admitted some of the violations alleged as recited in the amended order of April 18, 1958, and has failed to deny the additional violations charged in said amended order. All of the violations charged have been substantiated by proof in the possession of AEC, and the taking of further evidence is unnecessary.

Therefore, it is ordered, That:

1. License No. 42-9000-2 is revoked effective February 7, 1958, except for the transactions which were allowed by the modifications of February 14, 1958; April 24, 1958, and the provisions of paragraph 2 following.

2. For purposes of effecting a lawful transfer or disposal of byproduct material now in the possession of respondent or held for him in or about Dallas, Texas, by federal authorities, respondent is authorized to retain in his possession or receive back such material for a period of fifteen days from the date of this order, and if the lawful transfer or disposal of all of such material is not completed in that time, the remaining material shall be removed in AEC containers without cost to respondent to the AEC Albuquerque Operations Office at Albuquerque, New Mexico, to be there retained pending written instructions from the respondent for a lawful transfer or disposal of such material, provided that the transfer or disposal from the Albuquerque office shall be without expense to the AEC. If said remaining material is not removed from AEC custody within one hundred and eighty days from date of receipt by AEC, a reasonable storage fee not to exceed seventy-five cents ($0.75) per day shall be charged to the licensee, of which charge he will be informed.

3. A finding is entered in the docket of this case to the following effect: In view of the fact that license No. 42-9000-2 was issued for a term of one year and would

have expired by its own limitation on February 28, 1958, but for the suspension and revocation effective February 7, 1958, AEC finds that if said license had had a full term of one year to run the violations of the license and of the suspension order committed by the respondent would have warranted a revocation of the license embracing the full one year period.

Signed and dated at Germantown, Md., May 22, 1958, at 12:30 p. m.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4106; Filed, June 2, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14715]

SUBURBAN FUEL GAS, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 27, 1958.

Take notice that on March 21, 1958, as supplemented on May 1, 1958, The Suburban Fuel Gas, Inc. (Suburban), filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing The Ohio Fuel Gas Company (Ohio Fuel), to establish a physical connection of its natural gas transportation facilities with the proposed transmission and distribution system of Suburban and to sell natural gas to Suburban for resale to consumers in and about the Village of Weston, Wood County, Ohio, a community now without natural gas service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed tap connection with Ohio Fuel would be located about eight miles east of Weston and about three-quarters of a mile southwest of Bowling Green, all in Wood County. The proposed facilities would consist of a regulator house near the village, approximately 8.5 miles of 4-inch transmission line and a distribution system in the village, all estimated to cost approximately $135,000, to be financed by a 30-year bond issue which has already been arranged for.

The estimated requirements of Suburban for the first four years are:

	1958	1959	1960	1961	1962
Annual (Mcf)	30,000	120,000	122,000	123,000	125,000
Peak day (Mcf)	800	1,300	1,300	1,300	1,300

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4125; Filed, June 2, 1958; 8:49 a. m.]

[Docket No. G-14870]

TEXAS EASTERN TRANSMISSION CORP. ET AL

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 27, 1958.

In the matter of Texas Eastern Transmission Corporation, Texas Eastern Penn-Jersey Transmission Corporation, Wilcox Trend Gathering System, Inc., Docket No. G-14870.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey) and Wilcox Trend Gathering System, Inc. (Wilcox), filed a joint application on April 14, 1958, as supplemented on April 29, 1958, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon facilities and service and to acquire and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application seeks authority for Penn-Jersey and Wilcox to abandon all of their respective natural gas facilities and the services rendered by means thereof, and for Texas Eastern to acquire and operate all of such facilities. The application states that Penn-Jersey and Wilcox are wholly owned subsidiaries of Texas Eastern which propose to merge into the parent company.

Texas Eastern states that the Wilcox and Penn-Jersey systems are and have been operated as integral parts of the Texas Eastern system and that the proposed merger of the two subsidiaries into the parent corporation will effect convenience and efficiency of operation and will lower operating costs such as bookkeeping and regulatory expenses.

The facilities proposed to be abandoned are described as follows:

(1) By Penn-Jersey: approximately 263.38 miles of 24-inch main transmission line, extending from the Oakford Storage Field in Westmoreland County, Pennsylvania, to Texas Eastern's Compressor Station No. 26 near Lambertville, New Jersey; 5 compressor stations with a total of 70,000 HP, together with appurtenant metering and regulating facilities. Penn-Jersey's facilities are operated by Texas Eastern, under a long-term lease filed with the Commission as Penn-Jersey's FPC Gas Tariff Original Volume No. 1. In pending Docket No. G-12447, Penn-Jersey proposes to add an additional 71,000 HP to existing and proposed compressor stations. If authorized by the Commission, these facilities will be included in the proposed abandonment.

(2) By Wilcox: approximately 161 miles of 14- and 16-inch main transmission line, 227.71 miles of lateral lines and two compressor stations with a total of 6,400 HP, together with appurtenant metering and regulating facilities. Wilcox's facilities are located wholly within the State of Texas and are used to gather and transport natural gas from the Wilcox Trend producing area in the south Texas Gulf Coast to a connection with Texas Eastern's main line in the vicinity of Provident City, Texas. Wilcox gathers, transports and delivers gas for Texas Eastern, under a long term contract filed with the Commission as Wilcox's FPC Gas Tariff Original Volume No. 1. It also transports the liquid portion of the gas for Goliad Corporation, a gasoline plant operator; such transportation is not subject to Commission jurisdiction.

Texas Eastern proposes to acquire and operate on all its facilities proposed to be abandoned by Penn-Jersey and Wilcox. The application states that no new sales facilities, or services which are proposed nor will any existing customers be deprived of services as a result of the proposed abandonments.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 1, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 19, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4126; Filed, June 2, 1958; 8:49 a. m.]

[Docket No. G-14973]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 27, 1958.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed an application on April 24, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open to public inspection.

The application recites that Applicant proposes to construct and operate a meter and regulator station on Applicant's existing 16-inch transmission pipeline in Sedgwick County, Kansas, for the purpose of selling and delivering natural gas to the City of Kechi, Kansas, for resale for ultimate public consumption therein. Volumetric requirements annually and on a peak day for the first 3 years of service are estimated to be as follows:

Year of service	1	2	3
Peak day (Mcf)	79	97	102
Annual (Mcf)	8, 100	9, 750	10, 190

The estimated cost of construction is $3,910 which will be defrayed by Applicant with reimbursement in aid of construction being made by the City of Kechi.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4127; Filed, June 2, 1958; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 339]

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS FOR PROCUREMENT OF ENGINEERING SERVICES

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Agriculture to enter into contracts for professional engineering services required for all roads, trails, bridges, dams, buildings, cadastral surveys, landscape, architectural and related professional engineering services such as planning and design of camp grounds, picnic areas, trailer parks, observation points, and playgrounds, together with necessary structures, water, sanitation and other facilities that are involved in programs of the Forest Service and those incident to the construction of dams, channels, silting basins and other water use and control structures in connection with the watershed and flood prevention programs of the Soil Conservation Service, without advertising pursuant to section 302 (c) (4) and (9) of the said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Agriculture.

4. This delegation shall be effective as of the date hereof, and shall not extend beyond July 1, 1959. The prior delegation of authority on the same subject to the Secretary of Agriculture, dated April 19, 1957 (22 F. R. 2927) is hereby superseded.

Dated: May 26, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-4114; Filed, June 2, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 28, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34704: *TOFC service—Rates between southwestern points and adjacent border points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7296), for interested rail carriers. Rates on cement, conduit or pipe, baking powder and malted milk, in specified minima, loaded in or on trailers and transported on railroad flat cars between points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, also Memphis, Tenn., and Natchez, Miss., on the one hand, and points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4285.

FSA No. 34705: *Perlite between points in Illinois territory.* Filed by H. R. Johnson, Agent (IFA No. 6), for interested rail carriers. Rates on perlite, other than crude, carloads between points in Illinois territory.

Grounds for relief: Short-line distance formula and competition with vermiculite, other than crude.

Tariff: Supplement 7 to Illinois Freight Association, Agent, tariff I. C. C. 900.

FSA No. 34706: *Slack coal from and to western points.* Filed by Colorado-Wyoming Committee, Agent (No. F-1), for interested rail carriers. Rates on bituminous slack coal, screened, carloads from points in specified groups in Colorado, New Mexico, Utah and Wyoming to specified points in Iowa and Nebraska.

Grounds for relief: Market competition.

Tariff: Supplement 45 to Colorado-Wyoming Committee, Agent, tariff I. C. C. 54.

FSA No. 34707: *Commodity rates from and to Kaolin, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3671), for interested rail carriers. Rates on all commodities, except coal and coke moving on commodity rates, carloads and less than carloads between Kaolin, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Establishment of new station.

FSA No. 34708: *Iron and steel articles—Memphis, Tenn., to Arkansas.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7297), for interested rail carriers. Rates on iron and steel articles, carloads from Memphis, Tenn., to specified points in Arkansas.

Grounds for relief: Motor truck competition of contract and private motor carriers.

Tariff: Supplement 195 to Southwestern Freight Tariff Bureau, tariff I. C. C. 4170.

FSA No. 34709: *Substituted service—Motor and rail—Erie Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 18), for interested carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Leavittsburg, Ohio and Chicago, Ill., on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 8 to Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. 27.

FSA No. 34710: *Substituted service—Motor and rail—Penn., R. R. Co.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 19), for interested carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and Chicago, Ill., on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 8 to Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. No. 27.

FSA No. 34711: *Substituted service—Motor and rail—Penn., R. R. Co.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 17), for interested carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between (a) Chicago, Ill., on one hand, and Cleveland, Ohio, and Pittsburgh, Pa., on the other, (b) East St. Louis, Ill., on one hand and Cleveland, Ohio, Indianapolis, Ind., and Pittsburgh, Pa., on the other, and (c) Indianapolis, Ind., on the one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 8 to Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. No. 27.

FSA No. 34712: *Creosoted poles from and to Western points.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1980), for interested rail carriers. Rates on poles, creosoted or otherwise preservatively treated or not treated, carloads, from specified points in Colorado and Wyoming to points in Minnesota, South Dakota and Wisconsin.

Grounds for relief: Rates constructed on basis related to short-line distance formula, class rates and grouping.

Tariff: Supplement 41 to The Denver and Rio Grande Western Railroad Company's tariff I. C. C. 986 and two other schedules.

FSA No. 34713: *Caustic soda between and from and to points in Illinois territory.* Filed by H. R. Johnson, Agent (IFA No. 8), for interested rail carriers. Rates on caustic soda (sodium hydroxide) between points in Illinois territory, and between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: short line distance formula and grouping.

Tariffs: Supplement 7 to Illinois Freight Association, Agent, tariff I. C. C. 900. Supplement 10 to Illinois Freight Association, Agent, tariff I. C. C. 899.

FSA No. 34714: *Starch or dextrine—Points in Illinois territory to Reserve, La.* Filed by H. R. Johnson, Agent (IFA No. 9), for interested rail carriers. Rates on starch or dextrine, carloads from stations in Illinois, Indiana, Iowa, and Missouri described in the application to Reserve, La.

Grounds for relief: Market competition of imported tapioca and sago flour.

Tariffs: Supplement 132 to Illinois Freight Association, Agent, tariff I. C. C. 776. Supplement 108 to Southern Freight Association, Agent, tariff I. C. C. 1548.

FSA No. 34715: *Scrap iron or steel—Milwaukee, Wis., to Ontario points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2439), for interested rail carriers. Rates on scrap iron or steel (not copper clad), namely scraps or pieces of iron or steel having value for remelting purposes only, carloads from Milwaukee, Wis., to Hamilton and Toronto, Ont., Canada.

Grounds for relief: Competition of water carriers via the Great Lakes.

Tariff: Supplement 21 to Grand Trunk Western Railroad Company's tariff I. C. C. A-100.

FSA No. 34716: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 322), for interested rail carriers. Rates on motor fuel additives, carloads, and cast iron pressure pipe and fittings, carloads between points in Texas, as described in the application.

Grounds for relief: Short-line distance formula and intrastate competition.

Tariff: Supplement 59 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C. 865.

FSA No. 34718: *Copper products—Hillside, Ariz., to official territory.* Filed by Trans-Continental Freight Bureau, Agent (No. 349), for interested rail carriers. Rates on copper products, carloads from Hillside, Ariz., to specified points in official territory.

Grounds for relief: Market competition with other Arizona producing points.

Tariff: Supplement 50 to Trans-Continental Freight Bureau tariff I. C. C. 1582.

FSA No. 34719: *Iso-pentane and petroleum pentane in the southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7301), for interested rail carriers. Rates on Iso-pentane and petroleum pentane, tank-carloads between points in southwestern territory, including Kansas.

Grounds for relief: Short-line distance formulas and commodity analogous with gasoline.

FSA No. 34720: *Phosphate Rock—Florida Mines to Charleston, S. C.* Filed by O. W. South, Jr., Agent (SFA No. A3672), for interested rail carriers. Rates on phosphate rock, grounds, carloads from Florida points named in the application to Charleston, S. C.

Grounds for relief: Short-line distance formula.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34717: *Commodities Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 323), for interested rail carriers. Rates on motor fuel additives, carloads, and cast iron pressure pipe and fittings, carloads between points in Texas.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combinations from or to points beyond the named Texas points.

Tariff: Supplement 59 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4115; Filed, June 2, 1958; 8:47 a. m.]

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TITLE 5—
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Chapter III—F
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PART 325—ADDI
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DESIGNATION

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FEDERAL REGISTER

VOLUME 23 NUMBER 109

Washington, Wednesday, June 4, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.365]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (c) is amended by the deletion of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.

2. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (b) is amended by the addition of the following:

Fernando de Noronha, Brazil.

3. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (c) is amended by the addition of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fernando de Noronha, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.

4. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (c) is amended by the deletion of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fernando de Noronha, Porta Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.

5. Effective as of the beginning of the first pay period following November 30, 1957, paragraph (c) is amended by the addition of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fernando de Noronha, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Taubate.

6. Effective as of the beginning of the first pay period following May 31, 1958, paragraph (b) is amended by the deletion of the following:

Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Manila, San Miguel and Subic Bay(including Cubi Point).

7. Effective as of the beginning of the first pay period following May 31, 1958, paragraph (d) is amended by the deletion of the following:

San Miguel, Philippines.

8. Effective as of the beginning of the first pay period following May 31, 1958, paragraph (b) is amended by the addition of the following:

Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Manila, San Miguel (Zambales) and Subic Bay (including Cubi Point).

9. Effective as of the beginning of the first pay period following May 31, 1958, paragraph (c) is amended by the addition of the following:

San Miguel (Zambales), Philippines.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

MAY 22, 1958.

[F. R. Doc. 58-4177; Filed, June 3, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957–58 FISCAL YEAR

Notice was published in the May 14, 1958, daily issue of FEDERAL REGISTER (23 F. R. 3275) that consideration was being

(Continued on p. 3849)

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 26 (1954), Parts 20–221, Rev. Jan. 1, 1958 ($4.25)

Title 32, Parts 800–1099 ($0.65)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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given to the proposals regarding the expenses and the fixing of the rate of assessment for the 1957–58 fiscal year under the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, originally effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order, as amended), it is hereby found and determined that:

§ 922.205 *Expenses and rate of assessment for the 1957–58 fiscal year*—(a) *Expenses.* The expenses necessary to be incurred by the Valencia Orange Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, as amended, to enable such committee to perform its functions, in accordance with the provisions thereof, during the 1957–58 fiscal year (November 1, 1957, through October 31, 1958), will amount to $170,000.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles oranges shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, as amended, is hereby fixed at seven and one-half mills ($0.0075) per carton of oranges handled by such handler as the first handler thereof during the 1957–58 fiscal year.

(c) It is hereby further found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of oranges from Arizona and designated part of California are now being made; (2) the rate of assessment is applicable to all oranges handled during the 1957–58 fiscal year; (3) the provisions hereof do not impose any obligation on a handler until such handler handles oranges; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Valencia Orange Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order, as amended.

(d) As used in this section, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 28, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4151; Filed, June 3, 1958; 8:47 a. m.]

PART 952—MILK IN THE AUSTIN-WACO, TEX., MARKETING AREA

FLUID MILK PLANT; TERMINATION OF CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "Act", and of the order, as amended (7 CFR, Part 952), regulating the handling of milk in the Austin-Waco, Texas, marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The provision in § 952.10 (b): "owned and" no longer tends to effectuate the declared policy of the act;

(b) Notice of proposed rule-making, public procedure thereon, and 30-day prior notice of the effective date hereof are found to be impracticable, unnecessary and contrary to the public interest in that (1) the issuance of this termination order is necessary to reflect current marketing conditions and facilities, promote, and maintain the orderly marketing of milk produced for the said marketing area; (2) unless this termination order becomes effective June 1, 1958, hardship will result for producers, since a handler is vacating his plant in Austin, Tex., which will result in disrupting the market for the producers' milk; (3) this termination order will enable the producers' cooperative, presently supplying the handler, to lease and operate the plant to receive milk from its producers; (4) this termination order has been requested by a substantial majority of the producers regulated by the order and it has been concurred in by handlers; (5) this termination order does not require of persons affected substantial or extensive preparation prior to its effective date; and (6) the time intervening between the date of this termination order and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the provision in § 952.10 (b): "owned and" be and hereby is terminated effective June 1, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of May, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4193; Filed, June 3, 1958; 8:55 a. m.]

[Peach Order 3]

PART 962—FRESH PEACHES GROWN IN GEORGIA

LIMITATION OF SHIPMENTS

§ 962.315 *Peach Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 5, 1958. Shipments of the early varieties of the current crop of peaches are now being made and this section should be applicable, insofar as

practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 5, 1958, and ending at 12:01 a. m., e. s. t., September 1, 1958, no handler shall ship peaches in any bulk lot or any lot of packages (except peaches in bulk to destinations in the adjacent markets), unless:, (1) At least 70 percent, by count, of such peaches are U. S. No. 1 quality; and (2) at least 90 percent, by count, of such peaches are mature: *Provided*, That peaches with split pits and hail marks may be shipped if they otherwise meet the requirements of this paragraph.

(c) The maturity regulations contained in § 962.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b) of this regulation.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order (§§ 962.1 to 962.92), and the terms "U. S. No. 1," "split pits," and "hail marks" shall have the same meaning as when used in the revised United States Standards for Peaches (§§ 51.1210-51.1226 of this title; 23 F. R. 3759).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 2, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4249; Filed, June 3, 1958; 10:35 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 102]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (9 CFR 1957 Supp., 76.27; 23 F. R. 794, 1855, 2589), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (lxxxv) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxxv) Block 387, Lot 39, Plate 30, in Deptford Township, owned and operated by Lawrence Hartnett.

2. Subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, is amended to read:

(9) All of Monmouth County except the following:
(i) Upper Freehold Township;
(ii) That part of Millstone Township lying north of County Route No. 537, west of Noah Hunt Road, south of County Route No. 526, and east of Red Valley-Monmouth Road;
(iii) Atlantic Township;
(iv) Freehold Township;
(v) Holmdel Township;
(vi) Manalapan Township;
(vii) Matawan Township;
(viii) Middletown Township;
(ix) New Shrewsbury Township;
(x) Raritan Township;
(xi) Howell Township;
(xii) Marlboro Township;
(xiii) Ocean Township;
(xiv) Wall Township.

3. Subdivision (i) of subparagraph (10) of paragraph (d), relating to Morris County in New Jersey, is deleted; and a new subdivision (ix) is added to said subparagraph (10), to read:

(ix) Parsippany-Troy Hills Township.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases areas in New Jersey, heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR 1957 Supp., Part 76, Subpart B as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 117, 120, 123, 125)

Done at Washington, D. C., this 29th day of May 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 58-4195; Filed, June 3, 1958; 8:56 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

FORM FOR REGISTRATION ON AN ADDITIONAL EXCHANGE

The Securities and Exchange Commission has adopted certain amendments to Form 8-C[1] (§ 249.208c) under the Securities Exchange Act of 1934. This form is used for registration under the Act of a class of securities on a national securities exchange on which the registrant has no securities registered if such class is already listed and registered on another national securities exchange. Notice of the proposed action was published April 14, 1958, in Release No. 5674.

An application on Form 8-C (§ 249.208c) consists chiefly of copies of applications, reports and proxy statements filed with the original exchange, together with copies of the required exhibits. The amendments to the form provide for a considerable reduction in the amount of material required to be filed in cases where the issuer intends to continue listing and registration of the securities on the original exchange. The amendments also include certain verbal changes made in the interest of clarity.

The amendments were adopted pursuant to the Securities Exchange Act of 1934, particularly sections 12 (b) and (c) and 23 (a) thereto.

Inasmuch as the amendments to the form relieve restrictions and since certain issuers may wish to use the amended form in the near future, the amendments shall become effective immediately upon publication, May 26, 1958.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 26, 1958.

[F. R. Doc. 58-4148; Filed, June 3, 1958; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

STREPTOMYCIN AND PARA-AMINOBENZOIC ACID POWDER FOR INHALATION THERAPY

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141b, 146b) are amended by adding thereto the following new sections:

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[1] Filed as part of original document.

§ 141b.135 *Streptomycin and para-aminobenzoic acid powder for inhalation therapy; dihydrostreptomycin and para-aminobenzoic acid powder for inhalation therapy*—(a) *Potency*—(1) *Streptomycin content*. Proceed as directed in § 141b.117 (a) (1). Its content of streptomycin is satisfactory if it contains not less than 95 percent of the number of milligrams that it is represented to contain.

(2) *Dihydrostreptomycin content*. Proceed as directed in § 141b.117 (a) (2). Its content of dihydrostreptomycin is satisfactory if it contains not less than 95 percent of the number of milligrams that it is represented to contain.

(b) *Moisture*. Proceed as directed in § 141a.5 (a) of this chapter, except if it is packaged with inert gases proceed as directed in § 141b.117 (c).

§ 146b.130 *Streptomycin and para-aminobenzoic acid powder for inhalation therapy; dihydrostreptomycin and para-aminobenzoic acid powder for inhalation therapy*. Streptomycin and para-aminobenzoic acid powder for inhalation therapy and dihydrostreptomycin and para-aminobenzoic acid powder for inhalation therapy conform to all requirements and are subject to all procedures prescribed by § 146b.112 (a), (b), and (c) for streptomycin for inhalation therapy veterinary and dihydrostreptomycin for inhalation therapy veterinary, except that:

(a) They contain para-aminobenzoic acid.

(b) In addition to the labeling prescribed by § 146b.112 (c), each package shall bear on its label and labeling the number of milligrams of para-aminobenzoic acid in each immediate container and the statements: "For veterinary use only," and "Caution: Discontinue use 24 hours before birds are slaughtered for human consumption." The expiration date shall be 12 months after the month during which the batch was certified.

(c) *Request for certification; samples*. (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making such batch was completed, the potency per gram of powder, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per gram of powder and average moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: Potency, toxicity moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One immediate container for each 5,000 containers in the batch, but in no case less than five such containers or more than 12 immediate containers. Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time the containers are being filled that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: Five packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5.0 grams.

(4) The results referred to in subparagraph (2) (ii) of this paragraph and the samples referred to in subparagraph (3) (ii) of this paragraph are not required if such results or samples have been previously submitted.

(d) *Fees*. The fees for the service rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (c) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter, for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of those new antibiotic drugs.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: May 28, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4174; Filed, June 3, 1958; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 48—FULFILLING THE MILITARY SERVICE OBLIGATION

The Secretary of Defense approved the following on May 23, 1958:

Sec.
48.1 Purpose.
48.2 Cancellation.
48.3 Applicability.
48.4 The military service obligation.

AUTHORITY: §§ 48.1 to 48.4 issued under secs. 4, 6, 62 Stat. 605, as amended, 609, as amended; 50 U. S. C. App. 454, 456. Interpret or apply sec. 262, 69 Stat. 600, as amended, secs. 1, 2, 70 Stat. 333; 50 U. S. C. 1013, 1411, 1412.

§ 48.1 *Purpose*. The purpose of this part is to prescribe uniform policy with respect to fulfilling the statutory military service obligation.

§ 48.2 *Cancellation*. DoD Directive 1200.3, "Reserve Obligations Under section 4 (d), Universal Military Training and Service Act, as amended", dated March 2, 1953, and DoD Directive 1300.4, "Discharge of Reservists for the Purpose of Immediate Entry into the U. S. Military Academy, the U. S. Naval Academy, the U. S. Air Force Academy, or the U. S. Coast Guard Academy, to Prevent Such Individuals from Having Dual Military Status While Enrolled Therein", dated May 3, 1954, are hereby superseded and cancelled.

§ 48.3 *Applicability*. This part applies to all military departments in the administration of the regular and reserve components.

§ 48.4 *The military service obligation*—(a) *Subsections 4 (d) (1) and (2) of the Universal Military Training and Service Act, as amended, hereinafter referred to as the UMT&S Act, as amended*. Members of the Armed Forces, including the reserve components thereof, who possess a statutory reserve obligation as a result of the operation of subsections 4 (d) (1) and (2) of this act are relieved of that obligation by being discharged from military status at the discretion of the Secretary concerned.

(b) *Subsection 4 (d) (3) of the UMT&S Act, as amended*—(1) *Statutory provisions*—(i) *The eight year obligation*. "Each person who * * * [between June 20, 1951 and August 9, 1955, inclusive] * * * is inducted, enlisted, or

appointed, under any provision of law, in the Armed Forces, including the reserve components thereof * * * prior to attaining the twenty-sixth anniversary of his birth, shall be required to serve on active training and service in the Armed Forces * * * and in a reserve component, for a total period of eight years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense * * *. Each such person, on release from active training and service in the Armed Forces * * * shall * * * be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve * * *."

(ii) *The six year obligation.* "Each person who, subsequent to * * * [August 9, 1955] * * * is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, except a person enlisting pursuant to the provisions of section 262 of the Armed Forces Reserve Act of 1952, or a person deferred under the next to the last sentence of section 6 (d) (1) of this act, as amended, prior to attaining the twenty-sixth anniversary of his birth, shall be required to serve on active training and service in the Armed Forces and in a reserve component, for a total period of six years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense * * *. Each such person on release from active training and service in the Armed Forces * * * shall * * * be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve * * *."

(2) *Implementation.* (i) For the purpose of administering subsection 4 (d) (3) of the UMT&S Act, as amended:

(*a*) The terms "inducted," "enlisted," and "appointed" refer to initial entry into any of the Armed Forces, including a reserve component thereof.

(*b*) Except as provided in (*d*) of this subparagraph, its provisions apply to male persons who were inducted, enlisted, or appointed as described in (*a*) of this subparagraph, prior to attaining the 26th anniversary of their birth.

(*c*) Its provisions do not apply to persons who had previously acquired a military service obligation under any other provision of law.

(*d*) The six-year requirement set forth in subparagraph (1) (ii) of this paragraph, does not apply to individuals who enlist in the Reserve under the provisions of section 262 of the Armed Forces Reserve Act of 1952, as amended hereinafter referred to as AFRA, as amended, which requires performance of an initial period of three to six months of active duty for training or to graduates of ROTC or other officers' training programs who perfom six months of active duty for training as authorized by subsection 6 (d) (1) of the UMT&S Act, as amended. Such individuals incur an eight-year military service obligation.

(ii) Subject to the considerations set forth in subdivision (i) of this subparagraph, qualified individuals affected by the provisions of subsection 4 (d) (3) of the UMT&S Act, as amended are required to serve a total period of eight or six years, as the case may be, from the date of their induction, enlistment, or appointment. For personnel accounting purposes, they shall not be considered as Reservists until transferred to a reserve component, unless originally entering on their obligated period of service in that status. Transfer to a reserve component of the Armed Force concerned of persons who have a portion of their obligation remaining upon release from active training and service, and who are determined by the appropriate Secretary to be physically and mentally qualified for enlistment or appointment therein, shall be accomplished without discharge from military status.

(3) *Fulfillment of the military service obligation.* (i) Upon completion of the military service obligation, the individual shall be discharged or otherwise separated unless his enlistment or obligated period of service is extended under any provision of law.

(ii) The military service obligation acquired under provisions of subsection 4 (d) (3) of the UMT&S Act, as amended is considered terminated upon a discharge for the purpose of complete separation from military status, or upon revocation or termination of commission or appointment, acceptance of resignation, dropping from the rolls or dismissal.

(iii) An individual subject to the provisions of subsection 4 (d) (3) of the UMT&S Act, as amended may upon his written application be discharged from the Reserve, irrespective of having performed the total required period of service, for the purpose of taking final vows in a religious order. Such application should be accompanied by a statement or certificate signed by the appropriate official of the religious order showing that to proceed further with his acceptance into the order it is necessary that he be separated from military status.

(iv) The military service obligation acquired under provisions of subsection 4 (d) (3) of the UMT&S Act, as amended is not considered terminated upon discharge or other type of separation for the purpose of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status or for the purpose of entry into an officers' training program in which the individual has military status. Additional service performed after such discharge or other type of separation will be counted toward fulfillment of such obligation.

(v) An enlisted member of the Armed Forces who accepts appointment as a cadet or midshipman at a service academy or as a midshipman in the United States Naval Reserve shall not be separated from his enlisted status by reason of such appointment, and the period of time served as cadet or midshipman at a service academy or as a midshipman, United States Naval Reserve shall be counted toward fulfillment of his military service obligation under subsection 4 (d) (3) of the UMT&S Act, as amended.

(vi) A service academy cadet or midshipman, or a midshipman, United States Naval Reserve, who initially entered the Armed Forces in such status shall be transferred, in order to complete his military service obligation under subsection 4 (d) (3) of the UMT&S Act, as amended, to a reserve component in a grade deemed appropriate by the Secretary concerned in the event the appointment of such cadet or midshipman is terminated prior to graduation.

(vii) A person whose enlistment or appointment is terminated as being void on the grounds of minority shall not, as a result of such enlistment or appointment, be considered to have acquired the military service obligation described in subsection 4 (d) (3) of the UMT&S Act, as amended, nor is service under any enlistment or appointment which was so terminated creditable toward the fulfillment of any subsequently acquired obligation.

(viii) The discharge or other separation of a person from an Armed Force prior to the date he has completed his military service obligation under subsection 4 (d) (3) of the UMT&S Act, as amended, will be effected by the appropriate Secretary in accordance with standards prescribed by the Secretary of Defense. A member of the Armed Forces normally shall not be discharged by reason of personal or community hardship prior to the date he has completed his military service obligation; the provisions of Part 53 of this subchapter shall apply in such cases.

(ix) Interservice transfers of Reservists who are subject to the provisions of subsection 4 (d) (3) of the UMT&S Act, as amended, shall be accomplished as prescribed in DoD Directive 1205.5 "Transfer of Persons between Reserve Components of the Armed Forces under Section 209, Armed Forces Reserve Act of 1952".

(x) Apart from any military service obligation that an individual may possess under subsection 4 (d) (3) of the UMT&S Act, as amended, certain persons are entitled to deferment or exemption from induction. Liability for induction terminates upon attainment of age 26 except when, by reason of deferment, liability for induction has been extended to age 28 or, in other instances, to age 35.

(*a*) *Subsection 4 (c) (2) of the UMT &S Act, as amended.* A person who was an enlisted member of a reserve component on June 25, 1950 and whose application for two years of active duty has been denied is deferred so long as he serves satisfactorily in such reserve component in accordance with provisions of Part 45 of this subchapter.

(*b*) *Subsection 6 (c) (1) of the UMT &S Act, as amended.* A person who was a member of an organized unit of a reserve component on February 1, 1951 is exempt so long as he participates satisfactorily in accordance with provisions of Part 45 of this subchapter.

(*c*) *Subsection 6 (c) (2) (A) of the UMT&S Act, as amended.* An individual who enlists prior to age 18½ in an organized unit of the Army National Guard or Air National Guard is deferred so long as he serves satisfactorily as a member of such organized unit.

(d) *Subsection 6 (c) (2) (C) of the UMT&S Act, as amended.* An individual who enlists prior to age 18½ in an organized unit of the Reserve is deferred so long as he serves satisfactorily as a member of such organized unit in accordance with provisions of Part 45 of this subchapter.

(e) *Subsection 6 (d) (1) of the UMT&S Act, as amended.* A graduate of ROTC or related officers' training program who has not performed active military service is deferred from induction so long as he continues in Regular or Reserve status pursuant to the terms of his enrollment contract.

(f) *Subsection 6 (d) (2) of the UMT&S Act, as amended.* A member of the Reserve commissioned upon graduation from officers' candidate school and not ordered to active duty in commissioned status is deferred so long as he performs satisfactory service in accordance with provisions of Part 45 of this subchapter.

(g) *Section 262 of AFRA, as amended.* A person who enlists in the Ready Reserve for eight years and undergoes three to six months of initial active duty for training is deferred so long as he serves satisfactorily in accordance with provisions of Part 45 of this subchapter.

(h) *Subparagraph 2 (b), Executive Order No. 10714 (22 F. R. 4273).* An individual without prior military service who enlisted in a reserve component and who is deferred under the provisions of subparagraph 2 (b), Executive Order No. 10714, dated June 13, 1957 incurred a six or eight year military service obligation as indicated in subparagraph (1) of this paragraph.

(xi) An individual who is enlisted or appointed in the Ready Reserve of any of the Armed Forces pursuant to the provisions of section 262 of AFRA, as amended or subsection 6 (c) of the UMT&S Act, as amended and who subsequently fails to participate satisfactorily in Reserve training will not be discharged by reason thereof. The provisions of Part 45 of this subchapter will apply in such cases. An individual who is inducted under the provisions of subsection 6 (c) (2) (E) of the UMT&S Act, as amended and who completes the required period of active training and service, continues, despite his induction, to hold his appointment or enlistment contract to serve as a Reserve, and shall be required to fulfill the term thereof unless discharged therefrom by the Secretary concerned.

This part is effective immediately. Copies of Service Directives implementing its provisions will be furnished the Assistant Secretary of Defense (Manpower, Personnel and Reserve), within 90 days.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 58-4153; Filed, June 3, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1646]

[1032217]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 697 OF FEBRUARY 2, 1951, WHICH WITHDREW LANDS FOR NATIONAL DEFENSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 697 of February 2, 1951, withdrawing the following-described public lands in Alaska under the jurisdiction of the Secretary of the Interior for use in connection with the national defense, is hereby revoked:

Beginning at the mouth of Clear Creek on the west bank of the Nenana River, latitude 63°30′ N., longitude 148°49′ W., thence westerly along Clear Creek to north fork, thence northwesterly along the north fork of Clear Creek to the divide between Riley and Windy Creeks, thence westerly along the divide between Riley and Windy Creeks and Sanctuary River and Cantwell Creek to west longitude 149°25′, thence due south to the divide between Bull River and Cantwell Creek, thence southeasterly along the divide to the northern boundary of T. 19 S., R. 9 W., Fairbanks Meridian, thence easterly along the north boundary of T. 19 S., to Edes Lake, thence northeasterly along the Edes Lake drainage to the Jack River, thence northeasterly along the Jack and Nenana Rivers to the point of beginning.

The area described contains 119,000 acres, more or less, of which approximately 66,000 acres are within Mount McKinley National Park.

2. Pursuant to section 202 (a) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 46-3 (a)), and subject to the requirements of that act and the regulations in 43 CFR Part 76, the Territory of Alaska shall be entitled until 10:00 a. m., on August 26, 1958, to a preferred right of selection of the restored lands in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

3. Subject to valid existing rights and the requirements of applicable law, the lands outside the exterior boundaries of Mount McKinley National Park are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in Paragraph (b) (1) below, the lands, beginning at 10:00 a. m., on August 26, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean conflict and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended). Beginning at 10:00 a. m., on November 25, 1958, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may by presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 26, 1958, will be considered as simultaneously filed at that hour. Rights under such preference-right applications after that hour and before 10:00 a. m. on November 25, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on November 25, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands, including those in the National Park, will be open to location under the United States mining laws, beginning at 10:00 a. m. on November 25, 1958.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 27, 1958.

[F. R. Doc. 58-4143; Filed, June 3, 1958; 8:45 a. m.]

[Public Land Order 1647]

[69356]

MONTANA

PARTLY REVOKING EXECUTIVE ORDER NO. 3504 OF JUNE 25, 1921, AS AMENDED, WHICH ESTABLISHED THE PABLO NATIONAL WILDLIFE REFUGE; DEPARTMENTAL ORDERS OF JULY 8, 1909, FEBRUARY 23, 1910, AND NOVEMBER 17, 1913, WHICH RESERVED LANDS FOR FLATHEAD PROJECT, AND DEPARTMENTAL ORDER OF OCTOBER 3, 1911, WHICH RESERVED LANDS ON FLATHEAD PROJECT TO PROVIDE ALLOTMENTS; RESTORING RELEASED LANDS, AND LANDS IN ALLARD TOWNSITE, TO TRIBAL OWNERSHIP

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 18, 1934 (48 Stat. 984); by section 22 of the act of March 3, 1909 (35 Stat. 796), and by section 17 of the act of June 21, 1906 (34 Stat. 354), it is ordered as follows:

1. Executive Order No. 3504 of June 25, 1921, as amended by Proclamation No. 2416 of July 25, 1940, so far as it reserved certain lands in sections 16, 17, 20, and 21, T. 22 N., R. 20 W., Montana Principal Meridian, comprising the North Pablo Reservoir, as a part of the Pablo National Wildlife Refuge is hereby revoked. The released lands are the same as those described in paragraph 2 (d) of this order.

2. (a) The Departmental Order of July 8, 1909, reserving certain lands on the Flathead Indian Reservation for reservoir sites under the provisions of the act of March 3, 1909 (35 Stat. L. 795), and

(b) The Departmental Order of February 23, 1910, reserving lands within the Flathead Indian Reservation for power and reservoir sites in connection with the Flathead Project, and

(c) The Departmental Order of October 3, 1911, restoring certain lands from the withdrawal of July 8, 1909, supra, and reserving them to provide allotments in lieu of those in conflict with power and reservoir sites, and

(d) The Departmental Order of November 17, 1913, reserving certain lands in connection with the construction of the Pablo Reservoir on the Flathead Project are hereby revoked so far as they affect the following-described lands:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 20 W.,
  Sec. 16, Lots 2, 4, and 5, and NW¼SE¼;
  Sec. 17, Lot 15;
  Sec. 20, Lots 1 and 3;
  Sec. 21, Lots 2, 3, 5, and 7, and N½NW¼.

The areas described aggregate 326.01 acres.

3. Whereas, pursuant to authority contained in the act of June 21, 1906 (34 Stat. 354), certain townsites were, by Departmental Order of February 28, 1910, established within the Flathead Indian Reservation, and

Whereas, the lands in the Allard Townsite, established by said order of February 28, 1910, and described as the W½NW¼ and NE¼NW¼, sec. 22, T. 23 N., R. 19 W., MPM, have never been platted and have attracted no public interest, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the lands in the Allard Townsite, and the lands described in paragraph 2 of this order, to tribal ownership,

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984), I hereby find that restoration to tribal ownership of the lands in the Allard Townsite, and those lands described in paragraph 2 of this order will be in the public interest, and the said lands, excepting the tracts in section 16 and lot 3 of section 21 which have been patented, are hereby restored to tribal ownership for the use and benefit of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana, and are added to and made a part of the existing reservation, subject to any valid existing rights and the easement provided for by section 5 (b) of the act of May 25, 1948 (62 Stat. 269).

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 28, 1958.

[F. R. Doc. 58-4144; Filed, June 3, 1958; 8:45 a. m.]

[Public Land Order 1648]

[359426]

MONTANA

POWER SITE RESTORATION NO. 508; PARTIALLY REVOKING EXECUTIVE ORDER OF SEPTEMBER 10, 1913, CREATING POWER SITE RESERVE NO. 397, AND DEPARTMENTAL ORDER OF JUNE 29, 1908, CREATING INDIAN POWER SITE RESERVE NO. 0

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of September 10, 1913, creating Power Site Reserve No. 397, and the Departmental order of June 29, 1908, creating Indian Power Site Reserve No. 0, Montana, are hereby revoked so far as they affect the following-described lands:

PRINCIPAL MERIDIAN

T. 20 N., R. 21 W.,
  Sec. 28, SW¼NE¼.
T. 22 N., R. 21 W.,
  Sec. 11, SE¼SW¼;
  Sec. 22, NE¼NE¼.
T. 18 N., R. 22 W.,
  Sec. 22, SW¼NW¼ and NW¼SW¼;
  Sec. 27, NW¼ and E½SW¼;
  Sec. 28, SW¼SE¼;
  Sec. 33, Lots 1 to 6, inclusive, N½NE¼, SE¼NE¼ and SE¼NW¼;
  Sec. 34, NW¼NW¼.

The areas described aggregate 782.25 acres.

The lands are either within the Flathead Indian Reservation, Montana, or are ceded Indian lands, withdrawn pending legislation.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 28, 1958.

[F. R. Doc. 58-4145; Filed, June 3, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 156—REGULATIONS GOVERNING THE REPORTING OF PROPERTY CHANGES; PIPELINE CARRIERS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 23d day of May A. D. 1958.

Having under consideration requirements of Supplement No. 8 to Valuation Order No. 3, second revised issue, which consists of instructions to govern the recording and reporting of changes in property subsequent to the date of valuation of carriers by pipeline, as prescribed by an order entered November 7, 1936, pursuant to provisions of sections 12 and 19a of the Interstate Commerce Act, as amended (24 Stat. 383, as amended; 37 Stat. 701, as amended; 49 U. S. C. 12 and 19a, as amended); and

It appearing that tentative regulations governing the reporting of property changes by pipeline carriers, to be prescribed in lieu of said Supplement No. 8 to Valuation Order No. 3, were issued as proposed rule making pursuant to provisions of section 4 (a) of the Administrative Procedure Act by a notice dated March 14, 1958, and published in the FEDERAL REGISTER on March 27, 1958 (23 F. R. 2040); and consideration having been given to responses by interested persons to that notice, which were received on or before April 21, 1958, as therein provided, in the formulation of regulations hereinafter prescribed:

It is ordered, That the said order of November 7, 1936, and the instructions in Part 156 which were prescribed by it be, and both order and instructions hereby are, canceled effective July 1, 1958, as of which date the title of Part 156 of Title 49 in the Code of Federal Regulations shall be changed to conform to the heading of this order and the regulations hereinafter prescribed substituted for the text thereof: *Provided, however*, That all pipeline carriers which are subject to provisions of that order and have not pursuant thereto and prior to the date of such cancellation reported physical property which was installed, retired, or otherwise changed prior to January 1, 1957, as therein required, be, and each of them hereby is, required to report such property changes in the same form and manner as would have been required prior to such cancellation.

It is further ordered, That effective July 1, 1958, all common carriers by pipeline subject to provisions of the Interstate Commerce Act shall comply with "Regulations Governing the Reporting of Property Changes; Pipeline Carriers," which regulations are attached hereto and are by this reference made a part of this order and which may be cited as Revised Supplement No. 8 to Valuation Order No. 3, second revised issue, in reporting physical property which was installed, retired, or otherwise changed on and after January 1, 1957.

And it is further ordered, That this order shall be served on each pipeline carrier which is subject to its provisions, and each lessor thereof, and on every trustee, receiver, executor, administrator, or assignee of such pipeline carrier or lessor, and that notice of the order including the attachments shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order and attachments with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

GENERAL

Sec.
156.0 Regulations prescribed.
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156.4 Geographical identity of property changes.
156.5 Carrier and noncarrier property defined.
156.6 Reporting changes by class of carrier property.
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FORMS INSTRUCTIONS

156.100 Property changes other than land and rights-of-way.
156.101 Land and rights-of-way property changes.
156.102 Summary of original cost.
156.103 Summary of cost of reproduction new and cost of reproduction new less depreciation.

INSTRUCTIONS COVERING THE PROCESSING OF PURCHASE, SALE, MERGER, CONSOLIDATION OR REORGANIZATION ACTIONS

156.200 Introduction.
156.201 Actions between common carriers affecting property representing one or more complete valuation sections.
156.202 Actions between common carriers affecting property representing less than a complete valuation section.
156.203 Actions between common carriers and individuals, firms, corporations or others not common carriers.

FORMS

156.300 List of forms.

AUTHORITY: §§ 156.0 to 156.300 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 19a, 37 Stat. 701, as amended; 49 U. S. C. 19a.

GENERAL

§ 156.0 *Regulations prescribed.* Each common carrier by pipeline subject to provisions of the Interstate Commerce Act is required to comply with regulations in this part in reporting property changes subsequent to the date fixed for the basic inventory of its property. This does not supersede provisions of Valuation Order No. 3—Second Revised Issue, effective January 1, 1919 (Part 155 of this chapter) requiring all carriers to record and report property changes. Those requirements are adapted by regulations in this part to the terminology and property units peculiar to pipeline carriers, as contemplated by the provisions of section 23 of Valuation Order No. 3—Second Revised Issue (§ 155.23 of this chapter).

§ 156.1 *Prescribed forms.* Facsimiles of ACV Forms No. 1, 2, 3 and 4 are presented in Appendices A, B, C and D, respectively,[1] and their use is prescribed as outlined herein.

§ 156.2 *Preparation of forms.* Detailed instructions concerning the information to be reported on the forms are set out in §§ 156.100 to 156.103, and §§ 156.200 to 156.203.

§ 156.3 *Copies required.* The prescribed forms shall be filed with the Commission in an original only and one copy shall be retained by carriers for examination by Commission representatives.

§ 156.4 *Geographical identity of property changes.* Changes relating to property which is not normally moved from place to place, or mobile property such as vehicles or other work equipment or other property which services a particular valuation section on a reasonably permanent basis, shall be identified with the valuation section and state in which the property is physically located at the end of the reporting period. Changes relating to mobile property servicing more than one valuation section of a state shall be reported as unallocated for the state in which such valuation sections are located. If mobile property services more than one state, changes affecting same shall be reported as unallocated for the carrier as a whole without state identity.

§ 156.5 *Carrier and noncarrier property defined.* Carrier property is that which is used exclusively for common-carrier purposes. Noncarrier property is that which is used exclusively for purposes other than those of a common carrier. These definitions are to be interpreted as disregarding incidental or immaterial use.

§ 156.6 *Reporting changes by class of carrier property.* Property changes shall be reported separately by use and ownership category of carrier property. These are defined as follows:

(a) Class 1: Property owned by a common carrier and used for common-carrier purposes. This class of property includes:

(1) Wholly owned and wholly used by the same carrier.

(2) Jointly owned and used by the same carriers.

(b) Class 2: Property owned by a common carrier but used by another common carrier for common-carrier purposes. This class of property includes:

(1) Wholly owned by one carrier but wholly used by another carrier.

(2) Wholly owned by one carrier but jointly used by other carriers.

(3) Jointly owned by carriers but wholly used by another carrier.

(4) Jointly owned by carriers but jointly used by other carriers.

(c) Class 3: Property used by a common carrier for common-carrier purposes but owned by another common carrier. This class of property includes:

(1) Wholly used by one carrier but wholly owned by another carrier.

(2) Wholly used by one carrier but jointly owned by other carriers.

(3) Jointly used by carriers but wholly owned by another carrier.

(4) Jointly used by carriers but jointly owned by other carriers.

(d) Class 4: Property used by a common carrier for common-carrier purposes but owned by other than a common carrier. This class of property includes:

(1) Wholly used by a carrier but wholly owned by a noncarrier.

(2) Wholly used by a carrier but jointly owned by noncarriers.

(3) Jointly used by carriers but wholly owned by a noncarrier.

(4) Jointly used by carriers but jointly owned by noncarriers.

(e) All possible ownership and use combinations have not been included in the examples set out under the four classes of property defined above. Questions concerning those omitted shall be submitted to the Commission by carriers on an individual case basis.

§ 156.7 *Responsibility for filing forms.* (a) Class 1 property: ACV Forms No. 1, 2, 3 and 4 shall be filed by the owning carrier. For agent operated jointly owned and used property, ACV Forms No. 1, 2 and 4 shall be prepared by the agent operator which shall mail them to the Commission where they will be retained. Following review by the Commission two photocopies thereof will be mailed by the Commission to each jointly owning and using carrier. For nonagent operated jointly owned and used property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly owning and using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly owning and using carrier. The recipient carrier shall retain one copy of the forms received in accordance with the foregoing, and shall file the other with the Commission. The proportionate share of changes reported on copies of ACV Forms No. 1 and 2 affecting both agent and nonagent operated jointly owned and used property shall be included in amounts reported on ACV Form No. 3 filed by the owning carrier.

(b) Class 2 and 3 property: ACV Forms No. 1, 2, 3 and 4 shall be filed by the owning carrier for class 2 property and by the using carrier for class 3 property. ACV Forms No. 1, 2 and 4 may be prepared by a wholly owning but not using carrier, or by a wholly using but not owning carrier. Two copies of these forms shall be mailed by the carrier preparing them to the wholly owning or to the wholly using carrier, as appropriate. For agent operated jointly owned but not used property, or for agent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared by the agent operator which shall mail them to the Commission where they will be retained. Following review by the Commission two photocopies thereof will be mailed by the Commission to each owning and to each using carrier. For nonagent operated jointly owned but not used property, or for nonagent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly owning or by one of the jointly using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each owning and to each using carrier. The recipient carrier shall retain one copy of the forms received in accordance with the foregoing, and shall file the other with the Commission. The proportionate share of changes reported on copies of ACV Forms No. 1 and 2, affecting both agent and nonagent operated jointly owned but not used property or both agent and nonagent operated jointly used but not owned property, shall be included in amounts reported on ACV Form No. 3 filed by owning and by using carriers.

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[1] Filed as part of original document.

(c) Class 4 property: ACV Forms No. 1, 2, 3 and 4 shall be filed by the using carrier. For agent operated jointly used property, ACV Forms No. 1, 2 and 4 shall be prepared by the agent operator which shall mail them to the Commission where they will be retained. Following review by the Commission two photocopies thereof will be mailed by the Commission to each jointly using carrier. For nonagent operated jointly used property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly using carrier. The recipient carrier shall retain one copy of the forms received in accordance with the foregoing, and shall file the other with the Commission. The proportionate share of changes reported on copies of ACV Forms No. 1 and 2 affecting both agent and nonagent operated jointly used property shall be included in amounts reported on ACV Form No. 3 filed by the using carrier.

(d) Forms filed with the Commission shall report all property changes whether made by the owning or by the using carrier.

(e) To assure the prompt review and early return by the Commission of the ACV Forms pertaining to agent operated property required by this Section to be mailed to the Commission, such forms shall be mailed as soon after the close of the reporting year as practicable.

(f) A summary by class of property shall be filed by each carrier on ACV Form No. 4, prepared in accordance with § 156.103 (d) and (e).

§ 156.8 *Reporting period and filing date.* The forms shall be prepared as of December 31 of each year, shall be filed with the Commission not later than the next succeeding September 30, and shall cover property changes occurring since the date of basic inventory or since the date of the latest previously filed forms.

§ 156.9 *Out-of-service property.* Property temporarily out of service, and held under a definite plan for pipeline operations within a reasonable period of time, shall not be reported as a retirement or reported separately. Out-of-service property not meeting these criteria shall be reported as a retirement.

§ 156.10 *Transfers between category of property.* Transfers between carrier and noncarrier property, between classes of carrier property, or between primary accounts, shall be reported separately as additions and retirements and shall be clearly identified as such.

§ 156.11 *Processing exceptions.* All exceptions taken by the Commission affecting property transactions recorded or reported on forms prescribed by Valuation Order No. 3, or Supplements or Revisions thereto, shall be processed on the first ACV Forms No. 1 and 2 prepared following receipt by carriers of notice of such exceptions. Reference shall be made on ACV Forms No. 1 and 2 to the letter from the Commission directing such action.

§ 156.12 *Reconciliations.* (a) Carrier property: Carriers shall prepare and submit on ACV Form No. 1 an analysis of the difference between the closing balance of original cost shown in column 5 of ACV Form No. 3 for owned property and the closing balance in Account 1, Investment in Carrier Property (primary accounts 101 to 193, inclusive) and Account 2, Cost of Organization at the end of the reporting period. This analysis shall be in such form as to separately indicate by subheadings, amounts included in Accounts 1 and 2 but not included in the closing balance of original cost at the end of the reporting period, and amounts included in the closing balance of original cost but not included in Accounts 1 and 2 at the end of the reporting period. The details of items under each subheading shall be grouped under appropriate descriptive headings according to the nature of the difference.

(b) Noncarrier property: Carriers shall also prepare and submit on ACV Form No. 1 a reconciliation statement showing an analysis of the difference between the closing balance of original cost shown in column 5 of ACV Form No. 3 for owned property and the closing balance in Account 5, Miscellaneous Physical Property at the end of the reporting period.

(c) See Appendix E[1] for sample reconciliations.

§ 156.13 *Valuation sections.* Valuation section identity shall be determined as of the date of original valuation, or subsequent thereto when appropriate, subject to the approval of the Commission.

§ 156.14 *Corrections of additions or retirements previously reported.* In reporting corrections of additions or retirements previously reported, the adjusting entry in the current report shall be shown as an increase or as a decrease in the same column in which the original item was reported.

§ 156.15 *Ancillary documents.* The following documents referred to in this part will be supplied by the Bureau of Accounts, Cost Finding and Valuation:

1947 Period Guide Prices and Annual and Period Indices.

Schedule of Annual and Period Indices.

Pipeline Condition Percent Table.

Schedule of Element Codes and Guide Service Lives.

Table of Index Reciprocals.

Schedule of Ratios of Freight Rates to Delivered Prices of Pipe.

§ 156.16 *Amendments and deviations.* Only those amendments to or deviations from the regulations prescribed by this part as may be directed by the Commission are authorized.

FORMS INSTRUCTIONS

§ 156.100 *Property changes other than land and rights-of-way.* Instructions for the preparation of ACV Form No. 1—"Statement of Property Changes other than Land and Rights-of-Way:"

(a) The data to be reported on this form should be typewritten. However, the form may be prepared manually where such method will assure legibility and permanency. Where the form is prepared manually, required additional horizontal lines shall be provided at the time of printing to aid in its preparation and to improve its legibility. A new sheet shall be started for each primary account. When ACV Form No. 1 is used to report changes in noncarrier property, the primary account numbers used for carrier property shall also be employed to facilitate the identification of such changes. With the exception of column 1, all entries on the form shall be double spaced. Additions and retirements shall be reported on separate lines. If there have been no property changes in a given valuation section for the reporting period, a form shall be prepared for each such valuation section bearing the statement "No Property Changes."

(b) A single copy of the form shall be used to set forth the following statement which shall be signed by a responsible officer of the carrier preparing the reports:

> The forms identified hereon have been carefully examined by the undersigned who declares that they have been prepared in accordance with regulations issued by the Interstate Commerce Commission.

There shall also be set forth on this copy the identity and the number of forms filed. To assure the receipt of such forms this information shall be presented in such manner as to permit ready verification. A single copy of the form shall also be used to present in narrative form a summary of significant changes which occurred during the reporting period.

(c) Sheet No. 1 of ACV Form No. 1 shall be used for each valuation section to identify the primary accounts, by account number only, in which property changes are reported for the valuation section. This same sheet shall also set forth a statement of changes in pipeline mileage occurring between the current and the next previously filed statement. This information shall be presented in the following form:

---

[1] Filed as part of the original document.

Pipeline Mileage Statement

[In thousandths]

	Trunk lines				Gathering lines
	Line	Loops	Other	Total	
At beginning of period					
During period:					
Additions					
Retirements					
At end of period					

NOTE: The total of additions and retirements appearing in the above statement must agree with the total of additions and retirements for accounts 103, 153, 160 and 162, excluding service pipe, reported on ACV Form No. 1, exclusive of screwage.

(d) When ACV Form No. 1 is used to report changes affecting jointly owned or jointly used property enter on Sheet No. 1, for each valuation section, an asterisk (*) on the Property Owned by ---------- and Property Used by ---------- line and, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning or using interest.

(e) ACV Form No. 1 shall be executed as follows:

(1) *Statement of Property Changes From ----- To ------.* Indicate the beginning and ending dates of the period covered by the report.

(2) ☐ *Carrier Property* ☐ *Noncarrier Property.* Place an X in the appropriate block to identify the property being reported. Data shall not be recorded in columns 4, 6, 8, 9, 10 and 12 of ACV Form No. 1 when reporting property changes for noncarrier property.

(3) *Report Filed by* --------------------

Property Owned by ----------------------

Property Used by -----------------------

Enter appropriate identifications. Where jointly owned or jointly used property is being reported, enter an asterisk (*) on the Property Owned by ---------- and Property Used by ---------- line to indicate that the identity of the owning and the using carriers is set out on Sheet No. 1 for the valuation section, as directed in (d) above.

(4) *State* ---------- *Val. Sec.* ---------- Identify the State and valuation section in which the property changes being reported occurred. Enter the word "Unallocated" on the Val. Sec. -------------- line for mobile property servicing more than one valuation section of the State. Enter the word "Unallocated" on the State ---------- line for mobile property servicing more than one State, leaving the Val. Sec. ------------ line blank.

(5) *Sheet No. -------- of -------- Sheets.* Except when the form is used as a summary or as otherwise directed, the use of this line shall be restricted to identifying the sheets relating to the valuation section indicated on the line above on the form. It shall not be used for the consecutive numbering of all sheets constituting the complete carrier's report of all property changes for the reporting period. When the form is otherwise used this line shall identify the sheets so used.

(6) *Columns 1 and 3.* Property additions described in these columns shall be expressed as prescribed in the 1947 Period Guide Prices and Annual and Period Indices. Property retirements need not be described in complete detail. A general description, including the carrier's property number, will suffice. Include in column 1 however, for retirements, the identity of the B. V. Form 590 which reported, as a basic inventory item, the property being retired; include also the identity of the Statement of Property Changes which reported, as an addition, the property being retired. When reporting additions to existing property, such as an addition made to an existing building or tank, indicate this same identity for the existing property to which the addition was made. Report, also, the date of installation of the existing property in column 1. Identify secondhand property as such in column 1. When reporting property changes for accounts 103 and 153 state in column 1 whether the number of units reported in columns 5 and 11 include or exclude screwage. Show in column 1 the computation of the factor and the quotient referred to in (8) below.

(7) *Column 2.* Enter for both additions and retirements the year, including the current year, the property was dedicated to public service. Record dates for additions, only, for accounts 104 and 154. When the year of dedication to public service differs from the year the property was actually installed indicate, also, the latter year in column 1. This requirement shall apply equally to property installed by previous owners. Where the precise year cannot be determined enter the best estimate. When showing these dates only the last two digits of the year need be shown. Thus, 1956 may be indicated by 56.

(8) *Column 4.* Enter applicable unit price from the 1947 Period Guide Prices and Annual and Period Indices. Where period guide prices have not been established enter appropriate annual index from this same document, or the corresponding reciprocal from the Table of Index Reciprocals. For retirements from accounts 104 and 154 enter factor, determined by dividing cumulative cost of reproduction new by cumulative original cost, both as of the end of the next previous reporting period. For retirements of construction damages from accounts 105 and 155, enter the quotient of cumulative cost of reproduction new divided by related lineal feet of line pipe, both as of the end of the next previous reporting period. All entries in this column shall be used as multipliers.

(9) *Columns 5 and 11.* Enter the number of units applicable to the property described in columns 1 and 3. Leave these columns blank where the unit in column 3 is Lot.

(10) *Column 6.* Enter, to the nearest dollar, the product of column 5 times column 4. This will represent the cost of reproduction new at 1947 period prices. Entries shall not be made in this column for overhead items.

(11) *Columns 7 and 13.* Enter in these columns, to the nearest dollar, the original cost of each unit, or the aggregate cost of all units reported in related columns 5 and 11, or the original cost of each lot reported in column 3. The term original cost shall be interpreted to mean the actual cost of property to a carrier at the time of its initial dedication to public use. Overhead items shall be stated separately and shall be clearly defined and identified as such in column 1.

(12) *Columns 8 and 9.* The data to be entered in these columns shall be taken from the Schedule of Element Codes and Guide Service Lives. Where property is to be depreciated to a 50 percent minimum indicate an asterisk (*) after the guide service life in column 9. Service life shall not be shown in column 9 for accounts 104, 105, 154 and 155.

(13) *Column 10.* Enter applicable percent for additions or retirements from the Pipeline Condition Percent Table. Indicate 100 percent when appropriate. Except as may be otherwise approved by the Commission in individual cases, additions to existing property, such as an addition to an existing building or tank, shall follow the condition percent of the property to which it is added. Condition percent for accounts 104 and 105, and, 154 and 155, shall not be shown in this column since the condition percent of these accounts follows the condition percent of accounts 103 and 153, respectively.

(14) *Column 12.* Enter, to the nearest dollar, the product of column 11 times column 4. This will represent the cost of reproduction new at 1947 period prices. Entries shall not be made in this column for overhead items.

(f) A total shall be shown on this form, at the end of each account, for columns 6, 7, 12 and 13. The amount of property changes reported in columns 6 and 12 shall then be summarized, by element code, and the summaries entered in these columns below the total, with the appropriate element code, service life, and weighted average condition percent being shown in columns 8, 9 and 10, respectively. Caption this summary "Distribution of columns 6 and 12." The total of amounts summarized by code in columns 6 and 12 must agree with the totals shown at the end of the account for these columns, and this summary shall serve as the posting medium for entries to be made in columns 7, 8, 9 and 10 of ACV Form No. 4.

(g) For jointly owned or jointly used property, the owning and the using percentages set out on Sheet No. 1 for the valuation section shall be applied to the totals prescribed in paragraph (f) of this paragraph, to be shown at the end of each account for columns 7 and 13. The percentages and resultant amounts shall be shown and identified by each owning and each using carrier.

(h) ACV Form No. 1 reporting changes to jointly owned or jointly used property representing less than a valuation section shall report the complete property change. There shall then be indicated on the form the identity of the participating carriers and their owning or using percentage of interest. The appropriate percentage shall then be applied to the totals prescribed to be shown at the end of each account for columns 7 and 13, and by element code for columns 6 and 12. The resultant amounts shall be shown and identified by each owning or using carrier, and two copies of ACV Form No. 1 shall be mailed by the carrier reporting the change to each participating carrier, one to be retained and the other to accompany related forms filed with the Commission. In the case of joint projects involving expenditures not exceeding $5,000.00 each, such expenditures may be grouped for the entire valuation section and the total reported as a lot. Joint projects involving expenditures exceeding $5,000.00 each shall be described in complete detail, including the total cost of the project, the identity and percentage of participation, and the number of units,

in column 1 of ACV Form No. 1 and the carrier's share of the expenditure reported in total in columns 6, 7, 12 or 13.

(i) ACV Form No. 1, identified as indicated below, shall be used to produce each of the following summaries of totals shown at the end of each primary account in columns 7 and 13:

(1) State Summary: (i) Execute the heading of the form, entering the word "All" on the Val. Sec. ------ line thereof, and the caption "State Summary" in column 6 of the body of the form. Summarize, by primary account, the totals appearing in columns 7 and 13 at the end of each account on ACV Forms No. 1 covering carrier property for all valuation sections within the State. Include ACV Forms No. 1 with the word "Unallocated" on the Val. Sec. ------ line. Identify, in column 1, the primary accounts which have been summarized and enter the appropriate totals in columns 7 and 13. This will provide a State total, summarized by primary account, and the summary shall serve as the posting medium for amounts to be entered, by primary account, for the State, in columns 3 and 4 of ACV Form No. 3 for carrier property.

(ii) In the development of the above State summaries include the proportionate share of the filing carrier's interest in additions and retirements indicated on photocopies of ACV Forms No. 1 received from the Commission, and on those received from carriers covering changes to jointly owned or jointly used property or joint projects. In the case of purchase, merger, consolidation, or reorganiaztion actions, releasing carriers shall include original cost retirements reported on ACV Forms No. 1 prepared in accordance with § 156.201 (a) (2). Acquiring carriers shall exclude additions appearing on ACV Forms No. 1 prepared in accordance with § 156.201 (b) (2) since, as directed in §§ 156.201 to 156.203 these amounts will be summarized separately as acquisitions for entry in column 2 of ACV Form No. 3.

(2) As a Whole Summary: Execute the heading of the form entering the word "All" on the State ------ line thereof. Leave the Val. Sec. ------ line blank. Enter the caption "As a Whole Summary" in column 6 of the body of the form. Summarize, by primary account, the amounts appearing in columns 7 and 13 on all state summaries. Include ACV Forms No. 1 with the word Unallocated on the State ------ line. Identify, in column 1, the primary accounts which have been summarized, and enter the appropriate totals in columns 7 and 13. This will produce totals, summarized by primary account, and the summary shall serve as the posting medium for amounts to be entered, by primary account, for the carrier as a whole, in columns 3 and 4 of ACV Form No. 3 for carrier property.

(3) Prepare summaries of ACV Forms No. 1 reporting noncarrier property changes, leaving the Property Owned by ------ and Property Used by ------ and the State ------ Val. Sec. ------ lines blank. Enter the caption "Summary by State" in column 6 of the body of the form. Summarize the entries in columns 7 and 13, without primary account or class identity, for each state, of ACV Forms No. 1 reporting noncarrier property changes, and record the totals in columns 7 and 13 of the summary. Identify in column 6, on this same line, the state summarized. Add state totals and identify as "All States," also in column 6. ACV Forms No. 1 thus prepared shall serve as posting media for entries to be made in columns 3 and 4 of ACV Form No. 3 for the category Other under Noncarrier Property, for each state and for the as a whole section of the form.

(j) See §§ 156.201 to 156.203 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

§ 156.101 *Land and rights-of-way property changes.* Instructions for the preparation of ACV Form No. 2—"Statement of Land and Rights-of-Way Property Changes."

(a) The data to be reported on this form shall be typewritten. When ACV Form No. 2 is used to report changes in noncarrier property, the primary account numbers used for carrier property shall also be employed to facilitate the identification of such changes. If there have been no property changes in a given valuation section for the reporting period, it will not be necessary to prepare ACV Form No. 2 for such valuation sections. When the form is used to report changes affecting jointly owned or jointly used property enter on Sheet No. 1 for each valuation section, an asterisk (*) on the Property Owned by ---------- and Property Used by ---------- line and, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning or using interest.

(b) Instructions set out in § 156.100 (h) pertaining to the manner of preparing ACV Form No. 1 covering changes in jointly owned or jointly used property representing less than a valuation section, or when used to report joint projects, shall also apply in the preparation of ACV Form No. 2.

(c) Maps, prepared in accordance with the specifications set out in Valuation Order No. 26, showing land additions and retirements, shall be filed with ACV Form No. 2 for both carrier and noncarrier property. Land additions and retirements shall also be indicated on carriers' copies of maps. Maps will not be required to be filed where an entire parcel, previously reported, is retired.

(d) In reporting land acquisitions having an original cost of $500.00 or less per individual acquisition, group such acquisitions by county and report original cost and related areas by county total. It will not be necessary to file maps for acquisitions so reported. Land having an original cost of $500.00 or less per lease, leased to a carrier or to a noncarrier, or leased from carriers, shall not be reported. Land leased from noncarriers having an annual rental of $500.00 or less shall not be reported. When reporting land leased from noncarriers having an annual rental in excess of $500.00 omit original cost. Portions of land owned and no longer used for common-carrier purposes and having an original cost of $500.00 or less per portion, shall be regarded as incidental and immaterial with respect to its noncarrier category, and such portions shall not be transferred to noncarrier property.

(e) ACV Form No. 2 shall be executed as follows:

(1) *From* ------ *To* ------. Indicate the beginning and ending dates of the period covered by the report.

(2) ☐ *Carrier Property* ☐ *Noncarrier Property.* Place an X in the appropriate block to identify the property being reported.

(3) *Report Filed by* ----------------------

Property Owned by ----------------------

Property Used by ----------------------.

Enter appropriate identifications. Where jointly owned or jointly used property is being reported, enter an asterisk (*) on the Property Owned by ---------- and Property Used by ---------- line to indicate that the identity of the owning and the using carriers is set out on Sheet No. 1 of ACV Form No. 2 for the valuation section, as directed in (a) above.

(4) *State* ---------- *Val. Sec.* ----------. Identify the state and valuation section in which the property changes being reported occurred.

(5) *Sheet No.* ------ *of* ------ *Sheets.* This line shall identify the sheets relating to the valuation section, only, indicated on the line above on the form.

(6) *Column 1.* Enter the number of the land map assigned by the carrier.

(7) *Column 2.* Indicate the number assigned to the parcel, or parcels, on the map identified in column 1.

(8) *Column 3.* Indicate the date and the kind of instrument by which title to, or interest in, each parcel was derived, such as deed, quitclaim deed, condemnation, ordinance, lease, agreement, grant, donation, etc. In the case of land retirements requiring the execution of a new instrument, identify such instrument in this column.

(9) *Columns 4 and 5.* Enter, respectively, the name of the grantor and grantee cited in the instrument identified in column 3.

(10) *Columns 6 and 8.* Enter in these columns, respectively, the area, either in square feet or acres, of the land added or retired.

(11) *Columns 7 and 9.* Enter to the nearest dollar in these columns, respectively, the original cost of additions or retirements for the areas reported in columns 6 and 8. Incidental costs and assessments for public improvements shall be reported separately and shall be identified in column 17. Incidental costs and assessments shall be allocated to the parcels affected. If the considerations involved are other than cash identify such considerations in column 17. Enter valuation section totals for these columns.

(12) *Column 10.* Use this column for both land and rights-of-way. Enter the year that the parcel of land, or the year that the first trunk pipeline rights-of-way for the valuation section, or portion thereof, was dedicated to public service. Record this information for both additions and retirements.

(13) *Columns 11 and 12.* Identify the termini of the valuation section, or portion thereof, of trunk pipeline rights-of-way added or retired.

(14) *Columns 13 and 15.* Enter in these columns, for the termini identified in columns 11 and 12, the line miles of trunk pipeline rights-of-way added or retired.

(15) *Columns 14 and 16.* Enter to the nearest dollar in these columns, respectively, the total original cost for the valuation section as a whole of additions or retirements. If the considerations involved are other than cash identify such considerations in column 17.

(16) *Column 17.* Use this column to record information relevant to both land and rights-of-way not otherwise provided for on the form such as, in the case of land or rights-of-way acquired, a statement of the specific use to which such property has been put; or, in the case of land or rights-of-way retired, transferred or relinquished from carrier use, the disposition thereof, such as sales, transfers to noncarrier, reversions, etc.

(f) Prepare state and as a whole summaries of amounts appearing in columns 7, 9, 14 and 16 of ACV Forms No. 2, similar to those prescribed in § 156.100 (i) (1), (2) and (3) for carrier and noncarrier property.

(g) See §§ 156.201 to 156.203 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

§ 156.102 *Summary of original cost.* Instructions for the preparation of ACV Form No. 3—"Summary of Changes in Original Cost and Total Original Cost at Close of Period."

(a) This form includes two identical sections of five columns each for reporting, by primary account and for the noncarrier property categories indicated, the information cited in the title of the form, for the carrier as a whole and for each state. A blank block appears at the top of each section of the form to provide this latter identity. The information required for the carrier as a whole shall be entered in the first section of Sheet No. 1 and this section shall be headed "As a Whole" in the blank block provided. The information required for the first state to be reported shall be entered in the remaining section of Sheet No. 1 of the form, and this section shall bear the name of the state being reported in the blank block provided. The sections of all such additional sheets as may be required shall be used to report the remaining states, and unallocated, and these sections shall also be appropriately identified in the blank blocks. When the form has been completed, the total of all amounts entered in similarly numbered columns in the state and unallocated sections shall be balanced, by primary account and by noncarrier property category, with amounts entered in the corresponding columns of the as a whole section. All totals and grand totals indicated to be shown on ACV Form No. 3 shall be crossfooted by individual sections, and state and unallocated sections shall be crossfooted to balance with amounts shown in the as a whole section. Since this form will not be prepared by class of property for noncarrier property, for uniformity in reporting, record the data for all noncarrier property on ACV Form No. 3 prepared for class I property.

(b) The data reported on ACV Form No. 3 shall be typewritten and the form shall be executed as follows:

(1) *Summary of Changes in Original Cost From ------ To ------, and Total Original Cost at Close of Period.* Indicate the beginning and ending dates of the period covered by the report.

(2) *Sheet No. ------ of ------ Sheets.* This line shall identify the number of sheets constituting the Summary and the individual sheets thereof.

(3) *Report Filed by* --------------------
Property Owned by --------------------
Property Used by --------------------
Enter appropriate identifications.

(4) *Accounts.* The primary accounts and the noncarrier property categories designated in this column shall identify the applicable amounts stated in columns 1 through 5 of both sections of the form.

(5) *Column 1.* Enter the amounts appearing in column 5 of the form for the previous reporting period.

(6) *Column 2.* Entries in this column shall be made as directed in §§ 156.201 to 156.203.

(7) *Columns 3 and 4*—(i) *Carrier property.* Record amounts from state and as a whole carrier summaries prepared as directed in § 156.100 (i) (1) and (2), and § 156.101 (f).

(ii) *Noncarrier property; land and rights-of-way.* Record amounts appearing in state and as a whole noncarrier summaries prepared in accordance with § 156.101 (f).

Other. Record amounts from noncarrier summaries prepared as directed in § 156.100 (1) (3).

(8) *Column 5.* This column is the product of column 1 plus columns 2 and 3, minus column 4.

§ 156.103 *Summary of cost of reproduction new and cost of reproduction new less depreciation.* Instructions for the preparation of ACV Form No. 4—"Summary of Cost of Reproduction New and Cost of Reproduction New Less Depreciation:"

(a) The data to be reported on this form should be typewritten. However, the form may be prepared manually where such method will assure legibility and permanency. Where the form is prepared manually, required additional horizontal lines shall be provided at the time of printing to aid in its preparation and to improve its legibility. All entries on the form shall be double spaced. Because of changing condition percents and current period indices, it will be necessary to prepare and file this form even though there were no additions or retirements during the reporting period. When the form is used to report changes affecting jointly owned or jointly used property enter on Sheet No. 1, for each valuation section, an asterisk (*) on the Property Owned by ---------- and Property Used by ---------- line and, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning or using interest.

(b) ACV Form No. 4 shall be executed as follows:

(1) *For the Year ------.* Indicate the calendar year covered by the report.

(2) *Report Filed by* --------------------
Property Owned by --------------------
Property Used by --------------------
Enter appropriate identifications. Where jointly owned or jointly used property is being reported, enter an asterick (*) on the Property Owned by-------------------- and Property Used by ---------------- line to indicate that the identity of the owning and the using carriers is set out on Sheet No. 1 of ACV Form No. 4 for the valuation section, as directed in (a) above.

(3) *State ---------- Val. Sec. ----------.* Identify the state and valuation section in which the property changes being reported occurred. Enter the word "Unallocated" on the Val. Sec. ------ line for mobile property servicing more than one valuation section of the state. Enter the word "Unallocated" on the State ------ line for mobile property servicing more than one state, leaving the Val. Sec. ------ line blank.

(4) *Sheet No. ------ of ------ Sheets.* Except where the form is used as a summary, the use of this line shall be restricted to identifying the sheets relating to the valuation section indicated on the line above on the form. It shall not be used for the consecutive numbering of all sheets constituting the complete carrier's report of all property changes for the reporting period. When the form is used as a summary this line shall identify the sheets so used.

(5) *Freight on Pipe.* Rate ----- % -----. Enter the appropriate rate and percentage from the Schedule of Ratios of Freight Rates to Delivered Prices of Pipe.

(6) *Columns 1, 2, 3, 4 and 5.* Enter in these columns, respectively, the same information appearing in columns 1, 2, 3, 11 and 12 of the form for the next previous reporting period. Omit service life and condition percent in columns 3 and 5 for accounts 104, 105, 154 and 155. Where property changes occur during the current reporting period and no entries appear in columns 11 and 12 for the next previous reporting period, enter account number, element code, and service life in columns 1, 2 and 3, respectively, from ACV Form No. 1.

(7) *Column 6.* Enter the applicable current year condition percent for each element code from the Condition Percent Table. Omit condition percent for accounts 104, 105, 154 and 155.

(8) *Columns 7, 8, 9 and 10.* The data to be entered in these columns are those set out in columns 6, 10 and 12 under "Distribution of columns 6 and 12" which appears at the end of each account on ACV Form No. 1 for which property changes are reported. Since this distribution will report no condition percent for accounts 104, 105, 154 and 155 none will be shown in columns 8 and 10 for these accounts.

(9) *Column 11.* The amount to be entered in this column is produced as follows: Column 4 plus column 7, minus column 9. Enter account totals in this column.

(10) *Column 12.* (i) This condition percent is arrived at by dividing the product of: Column 4 times column 6, plus column 7 times column 8, minus column 9 times column 10; by the amount in column 11.

(ii) In the case of element codes 2, 4, 6 and 8, for accounts 103 and 153 the percentage of cost new shall also be shown in this column. This percentage is determined by multiplying the salvage factor percent (to be shown as SF—in parentheses in column 13) by the difference between the condition percent and 100 percent, and adding the result to the condition percent. Entries in this column shall be shown, for example, as 70/76, the condition percent being 70 and the percentage of cost new being 76.

(iii) A weighted condition percent shall also be developed from the element codes of accounts 103 and 153 which shall be used for conditioning accounts 104 and 105, and 154 and 155, respectively. This weighted condition percent shall be developed as follows: Multiply the amount for each element code in column 11 by the related condition percent (not the percentage of cost new) in column 12. Add the products and divide the resultant sum by the total for account 103 or 153 appearing in column 11. This weighted condition percent shall be shown in parenthesis in this column opposite the total for these accounts. This condition percent shall be entered in this column for the element codes of accounts 104, 105, 154 and 155, and shall be used to condition amounts in column 11 for these elements. It shall not be used to condition accounts 103 or 153.

(11) *Column 13.* This is the product of column 11 times column 12. For elements 2, 4, 6 and 8 of accounts 103 and 153 use the percentage of cost new instead of condition percent. Where a current period index (Column 14) is common to all elements of an account, the total of the account, only, shall be entered in this column. Enter also in parenthesis in this column for element codes 2, 4, 6 and 8 for accounts 103 and 153, the appropriate salvage factor (SF—) as shown in the Schedule of Element Codes and Guide Service Lives. Indicate account totals in this column.

(12) *Column 14.* Enter the current year period index from the Schedule of Annual and Period Indices. Since the amounts reported in columns 11 and 13 for accounts 103 and 153 include freight, for which a separate period index is established, it will be necessary to develop a weighted index for amounts in columns 11 and 13 for accounts 103 and 153. This weighted index shall be arrived at by multiplying the freight on pipe percent, shown in the upper right hand portion of the form, by the current year period index for freight on pipe, and adding to this the prod-

uct of 100 percent less the freight on pipe percent, times the current year period index for line pipe. Enter the weighted index computed for account 103 and for account 153 in this column, opposite the totals shown for these accounts in column 13 and, above the index, the factors used in computing it.

(13) *Columns 15 and 16.* Enter, respectively, the products of column 11 times column 14, and column 13 times column 14.

(14) Enter valuation section totals for columns 4, 7, 9, 11 (these columns must crossfoot), 13, 15 and 16.

(15) Entries will be made on ACV Form No. 4 in columns 17 through 22 as follows for the valuation section as a whole only:

(i) *Columns 17, 18, 19 and 20.* Enter the percentages approved for the carrier for each valuation section.

(ii) *Columns 21 and 22.* Add 100 to each of the percentages in columns 17 through 20, and multiply columns 17 times 18 times 19 times 20. Apply the product to the totals in columns 15 and 16 and enter the results in columns 21 and 22, respectively.

(c) For jointly owned or jointly used property, the owning and the using percentages, set out on Sheet No. 1 of ACV Form No. 4 for the valuation section, shall be applied to each of the totals appearing in columns 21 and 22. The resultant amounts shall be shown and identified by each owning and each using carrier.

(d) ACV Form No. 4 shall be used to produce summaries of the following categories of property:

(1) *Owned and Used Summary.* List wholly owned and wholly used property followed by jointly owned and used property. When listing jointly owned and used property identify the system of which it is a part, or other joint tenants.

(2) *Owned but Not Used Summary.* List property, whether wholly or jointly owned, leased to carriers and identify lessees.

(3) *Used but Not Owed Summary.* List property, whether wholly or jointly used, leased from carriers followed by property leased from noncarriers. Identify lessors.

(e) Execute the "For the Year," "Report Filed by ____," and "Sheet No. ____ of ___ Sheets" captions in the heading of the form, and prepare the summaries, double spaced, as follows:

(1) Enter the following headings on the first line of the body of the form:

Column 7. Val. Sec.
Column 9. Line.
Column 11. Loops.
Column 13. Other.
Column 15. Total Trunk.
Column 16. All Gathering.

(2) Identify the summary being produced. Use the summary titles referred to in (d) above.

(3) On the next line, in column 11, indicate the state being summarized.

(4) Enter on successive lines for each valuation section:

(i) *Columns 7, 9, 11, 13, 15 and 16.* List, from Sheet No. 1 of ACV Form No. 1, the valuation section number and the appropriate mileages recorded on the At End of Period line of the Pipeline Mileage Statement. For jointly owned and used, and jointly owned or jointly used property enter an asterisk (*) in column 6.

(ii) *Columns 21 and 22.* List, from ACV Form No. 4, the totals in these columns appearing at the end of each valuation section. Enter the proportionate share, only, for jointly owned and used, and for jointly owned or jointly used property.

(iii) Include in the above listing, and identify as "Unallocated" in column 7, ACV Forms No. 4 for mobile property servicing more than one valuation section.

(iv) Where two or more valuation sections are listed in a single state for a given lessee or lessor, indicate a state total for each in columns 21 and 22, only.

(v) For jointly owned and used property identify, beginning in column 1, the system of which it is a part, or other joint tenant. For owned but not used property, and property used but not owned, identify, also beginning in column 1, lessees and lessors, respectively.

(5) Indicate the subheading "State Totals" in column 4 and enter the totals of columns 21 and 22 only.

(6) Repeat (3), (4) and (5) above until all states have been summarized.

(7) Following the development of state totals enter, on the next line, the caption "Unallocated" in column 11 and, on the same line, record in columns 21 and 22 the totals appearing in these columns on ACV Form No. 4 for mobile property servicing more than one state.

(8) Enter the identification "As a Whole Totals" in column 4 on the next line and, on the same line, record, in columns 21 and 22 only, the grand summary of state and unallocated totals produced in accordance with (5), (6) and (7) above.

(9) When as a whole totals have been developed for each summary enter, on the next succeeding lines, the terms "Total Owned," and "Total Used." Record, in columns 21 and 22, opposite the former, the totals of amounts appearing in these columns for the owned and used, and owned but not used summaries; record opposite the latter term, in columns 21 and 22, the totals of amounts in these columns for the owned and used, and used but not owned summaries.

(10) Enter an asterisk (*) on the last line followed by the phrase "Undivided joint mileage."

(f) See §§ 156.201 to 156.203 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

INSTRUCTIONS COVERING THE PROCESSING OF PURCHASE, SALE, MERGER, CONSOLIDATION OR REORGANIZATION ACTIONS

§ 156.200 *Introduction.* (a) ACV Forms No. 1, 2, 3 and 4, and B. V. Form No. 588–R and related Subschedules prescribed by Supplement No. 8 to Valuation Order No. 3, Second Revised Issue, shall be used as outlined in this section to document actions in the captioned category. The term "acquiring carrier," as used in this section, refers to the carrier gaining title to property; "releasing carrier" refers to the carrier relinquishing title.

(b) Where purchase, sale, merger, consolidation or reorganization actions are between common carriers, the original cost of property to the releasing carrier as of the date of the action shall be used to record such actions. If such actions are between common carriers and individuals, firms, corporations, or others not common carriers, the purchase price paid by acquiring common carriers shall be used to record property acquisitions, and the original cost of property as of the date of the action shall be used to record property releases.

(c) Cost of organization, either added or retired in connection with purchase, sale, merger, consolidation or reorganization actions, shall be reported on ACV Form No. 1 under accounts 116, [illegible] 186 as appropriate. Include amounts so reported in state summaries.

§ 156.201 *Actions between common carriers affecting property representing one or more complete valuation sections.* (a) The releasing carrier shall:

(1) Prepare ACV Forms No. 1 and 2 covering changes occurring between the date of the latest previously filed statements of property changes and the date of the action.

(2) Prepare a separate ACV Form No. 1, by valuation section, identifying thereon the action being reported, showing the balances of original cost and cost of reproduction new remaining after giving effect to the property changes reported in accordance with subparagraph (1) of this paragraph. Identify the primary accounts affected in column 1, enter the appropriate element codes in column 8, and record related cost of reproduction new balances in column 12. Using the same primary account identity, enter related original cost balances in column 13. Amounts reported in column 13 shall be included in summaries of ACV Forms No. 1 prepared as prescribed in § 156.100.

(3) Prepare a separate ACV Form No. 2, by valuation section, identifying thereon the action being reported, showing the balances of original cost remaining after giving effect to the property changes reported on ACV Form No. 2 prepared in accordance with subparagraph (1) of this paragraph. Identify the primary accounts affected in column 1 and enter the balances in column 9 for land accounts, and in column 16 for rights-of-way accounts. Amounts thus recorded will be included in summaries of ACV Forms No. 2 prepared as prescribed in § 156.101.

(4) Prepare ACV Form No. 4 through column 11, as directed in § 156.103, and include in column 9 amounts reported in column 12 of ACV Forms No. 1 prepared in accordance with subparagraph (2) of this paragraph. This will reduce the balance in column 11 of ACV Form No. 4 to zero.

(5) Provide the acquiring carrier with:

(i) A copy of its December 31, 1947, or later, basic inventory, showing units and costs, of the property affected by the action.

(ii) A copy of all its B. V. Forms No. 588–R and related Subschedules, and ACV Forms No. 1 and 2 covering all property changes through the effective date of the action.

(iii) A copy of its ACV Forms No. 4 referred to in subparagraph (4) of this paragraph showing zero balance in column 11.

(b) Following the close of the reporting period the acquiring carrier shall:

(1) Prepare ACV Forms No. 1 and 2 covering changes for the period from the date of the action to December 31 of the reporting year, including additional organization expenditures.

(2) Prepare a separate ACV Form No. 1, by valuation section, identifying thereon the action being reported. List the primary accounts affected in column 1 and record as additions in column 7

the retirements reported in column 13 of ACV Forms No. 1 prepared by the releasing carrier in accordance with paragraph (a) (2) of this section, and provided the acquiring carrier in accordance with paragraph (a) (5) of this section. Exclude cost of organization reported by the releasing carrier.

(3) Prepare a separate ACV Form No. 2, by valuation section, identifying thereon the action being reported. List the primary accounts affected in column 1 and record as additions in column 7 for land accounts, and in column 14 for rights-of-way accounts, the retirements reported in columns 9 and 16 of ACV Forms No. 2 prepared by the releasing carrier in accordance with paragraph (a) (3) of this section, and provided the acquiring carrier in accordance with paragraph (a) (5) of this section.

(4) Prepare ACV Form No. 1, identified as indicated below, to produce state and as a whole summaries of amounts reported in column 7 of ACV Forms No. 1 covering carrier property prepared in accordance with subparagraph (2) of this paragraph:

(i) *State Summary.* Execute the heading of the form entering the word "All" on the Val. Sec. ______ line. In the body of the form identify the action being reported and enter the caption "State Summary" in column 7. Summarize, by primary account, the additions reported in column 7 for all valuation sections within the state. Include ACV Forms No. 1 with the word Unallocated on the Val. Sec. ______ line. Identify, in column 1, the primary accounts which have been summarized, and enter the appropriate totals in column 7. This will provide a state total, summarized by primary account, and the summary shall serve as the posting medium for amounts to be entered, by primary account, for the state in column 2 of ACV Form No. 3 for carrier property.

(ii) *As a Whole Summary.* Execute the heading of the form entering the word "All" on the State ______ line thereof. Leave the Val. Sec. ______ line blank. In the body of the form identify the action being reported and enter the caption "As a Whole Summary" in column 7. Summarize, by primary account, the additions reported in column 7 on all state summaries. Include ACV Forms No. 1 with the word Unallocated on the State ______ line. Identify, in column 1, the primary accounts which have been summarized, and enter the appropriate totals in column 7. This will produce an as a whole total, summarized by primary account, and the summary shall serve as the posting medium for amounts to be entered, by primary account, in column 2 of the as a whole section of ACV Form No. 3 for carrier property. Differences between amounts covering acquisitions recorded in Account 1, Investment in Carrier Property, and related original cost or purchase price amounts recorded on ACV Forms No. 1 and 2 shall be identified on this summary.

(5) Prepare ACV Form No. 2, identified as indicated below, to produce state and as a whole summaries of amounts reported in columns 7 and 14 of ACV Forms No. 2 covering carrier property prepared in accordance with subparagraph (3) of this paragraph:

(i) *State Summary.* Execute the heading of the form entering the word "All" on the Val. Sec. ______ line. In the body of the form identify the action being reported and enter the caption "State Summary " in column 11. Summarize, by primary account, the additions reported in columns 7 and 14 for all valuation sections within the state. Identify, in column 1, the primary accounts which have been summarized, and enter the appropriate totals in columns 7 and 14. This will provide a state total, summarized by primary account, and the summary shall serve as the posting medium for amounts to be entered, by primary account, for the state in column 2 of ACV Form No. 3 for carrier property.

(ii) *As a Whole Summary.* Execute the heading of the form entering the word "All" on the State ______ line. Leave the Val. Sec. ______ line blank. In the body of the form identify the action being reported and enter the caption "As a Whole Summary" in column 11. Summarize, by primary account, the additions reported in column 7 and 14 on all state summaries. Identify, in column 1, the primary accounts which have been summarized, and enter the appropriate totals in columns 7 and 14. This will produce an as a whole total, summarized by primary account, and the summary shall serve as the posting medium for amounts to be entered, by primary account, in column 2 of the as a whole section of ACV Form No. 3 for carrier property.

(6) Prepare ACV Forms No. 1 and 2 to produce state and as a whole summaries of amounts reported in column 7 of ACV Forms No. 1 and columns 7 and 14 of ACV Forms No. 2 covering noncarrier property prepared in accordance with subparagraphs (2) and (3) of this paragraph. Leave the State ______ Val. Sec. ______ line blank. Enter, in the body of the form, the caption "Summary by State" in column 7 of ACV Form No. 1 or column 11 of ACV Form No. 2. Summarize by each State, without primary account identity, all amounts entered in column 7 of the ACV Forms No. 1 being summarized and record each state total in column 7 of the ACV Form No. 1 summary. Identify the states summarized opposite these totals. Add the state totals and identify as "As a Whole." These state and as a whole totals shall be recorded in column 2 of the state and as a whole sections, respectively, of ACV Form No. 3 for the noncarrier category Other. Develop similar state and as a whole totals, also without primary account identity, for amounts entered in columns 7 and 14 of ACV Forms No. 2, and record same in column 2 of ACV Form No. 3 for the noncarrier categories Land, and Rights-of-Way.

(7) Prepare ACV Form No. 4 to cover the entire reporting year, identifying same to indicate that it includes changes applicable to both the releasing and the acquiring carrier. To accomplish this, copy in the corresponding columns of this form the data appearing in columns 1, 2, 3, 4 and 5 of ACV Form No. 4 received from the releasing carrier in accordance with paragraph (a) (5) of this section. Consolidate, by element, the amounts of cost of reproduction new property changes appearing in columns 6 and 12 of the copy of ACV Form No. 1 received from the releasing carrier covering current year changes to the date of the action, and the ACV Form No. 1 prepared by the acquiring carrier covering current year changes from the date of the action to the end of the reporting year. Record these consolidated changes, in columns 7 and 9 of ACV Form No. 4 and complete the form as directed in §156.103.

§ 156.202 *Actions between common carriers affecting property representing less than a complete valuation section.* (a) The releasing carrier shall:

(1) Identify the action and report same, by account, as a retirement on separate ACV Forms No. 1 and 2, including complete description, units, costs, etc., immediately following the recording of regular property changes for the reporting year.

(2) Provide the acquiring carrier with a copy of the ACV Forms No. 1 and 2 referred to in subparagraph (1) of this paragraph.

(b) The acquiring carrier shall:

(1) Identify the action and report same by account, as an addition on ACV Forms No. 1 and 2, including complete description, units, costs, etc., immediately following the recording of regular property changes for the reporting year. ACV Forms No. 1 and 2 received from the releasing carrier in accordance with paragraph (a) (2) of this section shall serve as the posting media for recording these data.

(2) Prepare state and as a whole summaries, in the manner outlined in Sec. 156.201, for the additions referred to in subparagraph (1) of this paragraph. These summaries shall serve as the posting media for amounts to be entered in column 2 of ACV Form No. 3.

§ 156.203 *Actions between common carriers and individuals, firms, corporations or others not common carriers.* (a) The releasing carrier shall record the action as a retirement in the same manner as outlined in § 156.202 (a) (1), except that it will not be necessary to prepare separate ACV Forms No. 1 and 2.

(b) The acquiring carrier shall record the action as an addition in the same manner as outlined in § 156.202 (b) (1) and (2), except that if the property represents a valuation section or more separate ACV Forms No. 1 and 2 shall be prepared, the date of the addition shall be the year in which the property is dedicated to public service by the acquiring carrier, and the source medium shall be the inventory of the property acquired. This inventory shall state the manner in which it was determined and shall identify the installation dates of the property included therein. Where accurate installation dates cannot be determined the best possible estimate shall be used.

FORMS

§ 156.300 *List of forms.*[1]

ACV Form No. 1—Statement of Property Changes other than Land and Rights-of-Way.

ACV Form No. 2—Statement of Land and Rights-of-Way Property Changes.

ACV Form No. 3—Summary of Changes in Original Cost and Total Original Cost at Close of Period.

ACV Form No. 4—Summary of Cost of Reproduction New and Cost of Reproduction New Less Depreciation.

[F. R. Doc. 58-4168; Filed, June 3, 1958; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

PABLO NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order affecting certain lands reserved as part of the Pablo National Wildlife Refuge (§ 17.3) see Public Land Order 1647 in the Appendix to Title 43, Chapter I, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 171]

OIL AND GAS LEASING; INDIAN TRIBAL LANDS

AUTHORITY FOR ADVERTISING

Notice is hereby given of intention to amend § 171.3 as set forth below. The purpose of this amendment is to authorize Superintendents to advertise Indian tribal lands for oil and gas lease sale. The present wordage of § 171.3 had led to some confusion as to whether or not it is necessary to acquire the approval of the Secretary of the Interior before Indian tribal lands can be so advertised.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed amendment, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 28, 1958.

Paragraph (a) of § 171.3 is amended to read as follows:

§ 171.3 *Sale of oil and gas leases.* (a) At such times and in such manner as he may deem appropriate, after being authorized by the tribal council or other authorized representative of the tribe, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Commissioner of Indian Affairs, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for the completion and submission of the lease form, but no extension shall be granted for remitting the balance of moneys due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Indian lessor.

[F. R. Doc. 58-4146; Filed, June 3, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

SALABLE AND SURPLUS PERCENTAGES FOR 1957-58 CROP YEAR

Notice is hereby given that the Secretary is considering a proposal to increase the salable percentage from 75 percent to 76 percent and to decrease the surplus percentage from 25 percent to 24 percent for California almonds (23 F. R. 823) during the 1957-58 crop year. The changed percentages, which are based on the recommendations of the Almond Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909; 22 F. R. 4993, 8485, 10734; 23 F. R. 903), regulating the handling of almonds grown in California. Said marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following estimates (in terms of kernel weight) for the crop year beginning July 1, 1957: (1) A carryover by handlers on July 1, 1957 of 18 million pounds; (2) an estimated 1957 domestic production of 36.1 million pounds; (3) an estimated total supply of 54.1 million pounds; (4) a trade demand for domestic almonds of 35.5 million pounds (which is based on estimated total trade acquisitions of 40 5 million pounds less 5 million pounds of imported almonds); (5) a supply in excess of trade demand of 18.6 million pounds; and (6) a carryover on June 30, 1958 of 10 million pounds.

The current estimates of the 1957 almond production and of imports of foreign almonds are substantially unchanged from the estimates (23 F. R. 144, 823) on which the salable and surplus percentages now in effect were based. Almond Control Board data on sales and deliveries of almonds during the current crop year through March 31, 1958 indicate that the trade demand will be approximately 1.5 million pounds less than the previous estimate.

The handler carryover on July 1, 1957 was increased from 17.1 million pounds to 18 million pounds to include an approximate 900 thousand pounds of a certain category of shelled almonds which under the unamended agreement and order were considered disposed of but which subsequent to July 1, 1957 are to be included in handler carryover. The almonds of this category were not included by the Board in their previous estimates of such carryover. The June 30, 1958 increase in handler carryover from 7.1 million pounds to 10 million pounds includes an adjustment comparable to the foregoing, and an additional supply of almonds intended to supplement an anticipated small 1958 almond crop. Since present prospects are for a very small 1958 almond crop, 10 million pounds of almonds is considered a desirable handler carryover at the end of the current crop year.

Data now available to the Department indicate that in excess of 9 million pounds of almonds are likely to be exported. However, the proposed salable and surplus percentages of 76 and 24 percent, respectively, would require disposition of only 8.7 million pounds in surplus outlets, including export.

The proposal is that § 909.207 *Revised salable and surplus percentages for almonds during the crop year beginning July 1, 1957* (23 F. R. 823) be amended by deleting therefrom the terms "75 percent and 25 percent, respectively," and inserting in lieu thereof the terms "76 percent and 24 percent, respectively."

Dated: May 28, 1958.

[SEAL]

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-4190; Filed, June 3, 1958; 8:54 a. m.]

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[1] Filed as part of original document.

[7 CFR Parts 927, 996, 1019]

[Docket Nos. AO–71–A35, AO–203–A9, AO–305]

MILK IN NEW YORK-NEW JERSEY; SPRINGFIELD, MASS.; AND CONNECTICUT MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS REGULATING HANDLING IN NEW YORK-NEW JERSEY AND SPRINGFIELD, MASS., MARKETING AREAS; NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING IN CONNECTICUT MARKETING AREA

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the House Chamber, State Capitol, Hartford, Connecticut, June 24, 1958, beginning at 10:00 a. m., local time.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the handling of milk in the State of Connecticut; Fishers Island, New York; Berkshire County, Massachusetts; and the City of Westerly, Rhode Island, and to the alternative possibilities of (1) expanding the present New York-New Jersey marketing area so as to regulate the handling of milk in all or part of the State of Connecticut and Fishers Island, New York, under Order No. 27, as amended, (2) expanding the present Springfield, Massachusetts, marketing area so as to regulate the handling of milk in all or part of the State of Connecticut under Order No. 96, as amended, or (3) issuing one or more separate orders to regulate the handling of milk in all or part of the State of Connecticut; the counties of Putnam, Dutchess and Columbia, in the State of New York; Berkshire County, Massachusetts; and the City of Westerly, Rhode Island.

The hearing on the various proposals is to determine whether (1) the handling of milk in the areas proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the amendment of either of the present orders referred to, or the issuance of one or more additional marketing agreements and orders regulating the handling of milk in the proposed areas, is justified, and (3) the provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will best tend to effectuate the declared policy of such act with respect to milk handled in such proposed areas.

The proposed amendments and the proposed marketing agreement and order provisions, set forth below, have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received with respect to all aspects of the marketing conditions which are dealt with by the various proposals and any appropriate modifications thereof.

The proposals for specific terms of regulation set forth herein fall into three groups. First are proposals to amend Order No. 27 to include thereunder the State of Connecticut and Fishers Island, New York, as a part of the marketing area. The second group of proposals relates to adding the State of Connecticut to the marketing area defined on Order No. 96. A third group includes the promulgation of a separate order for the State of Connecticut and certain additional cities and counties outside of that State. Since these proposals fall into such groups they will be considered at the hearing in the above stated order as a means of attaining orderly procedure.

PROPOSED AMENDMENTS TO ORDER NO. 27 (NEW YORK-NEW JERSEY)

Proposed by Chatham Milk Producers Cooperative, Inc.:

Proposal No. 1. Enlarge the marketing area defined in Order No. 27 to include the State of Connecticut.

Proposal No. 2. Provide for the pricing of milk sold into the State of Connecticut on an f. o. b. Hartford basis.

Proposal No. 3. Provide that the difference in price between the Class I–A price and the f. o. b. Hartford price to be paid to the producers supplying such milk.

Proposal No. 4. Provide that as to milk sold in the State of Connecticut the basing point for the computation of differentials shall be Hartford.

Proposed by the Dairymen's League Cooperative Association, Inc., the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., and the Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 5. Amend § 927.3, "Marketing Area", so that the definition includes the entire State of Connecticut and Fishers Island, New York.

Proposal No. 6. Amend § 927.25 to change the 12 months to April 1957 through March 1958 for plants shipping to Connecticut.

Proposal No. 7. Amend § 927.25 (b) to permit designation, as regular pool plants, of plants in the States of Connecticut, Vermont and Massachusetts in addition to the States of New York, New Jersey and Pennsylvania.

Proposal No. 8. Amend § 927.42 to include as additional basing points, Hartford, Meriden, New Haven, Bridgeport, and Stanford, all in the State of Connecticut; and to provide at the freight zone for all plants located in the State of Connecticut east of a line running along the Connecticut River from the north line of the State of Connecticut to the city of Hartford thence south along United States Route 5 to Long Island Sound shall be considered in the 1–10 mile zone.

Proposal No. 9. Amend § 927.71 (b) (1) to provide that all farms located in the State of Connecticut as well as New Jersey shall be considered to be in the 1–50 mile zone.

Proposal No. 10. Amend § 927.71 (c) to provide that plants located in the State of Connecticut east of a line running along the Connecticut River from the north line of the State of Connecticut to the city of Hartford thence south along United States Route 5 to Long Island Sound shall be considered in the 1–10 mile zone.

Proposal No. 11. Amend Order 27 as may be required to make the entire order conform with the amendments proposed above.

Proposed by the Rider Dairy Company:

Proposal No. 12. Enlarge the marketing area under Order No. 27 to include the State of Connecticut.

PROPOSED AMENDMENTS TO ORDER NO. 96 (SPRINGFIELD, MASS.)

Proposed by the Bellows Falls Co-op. Creamery, Inc., et al.:

Proposal No. 13. Include the State of Connecticut in the marketing area regulated by Order No. 96 in the event a separate order is not found appropriate for such State.

PROPOSALS RE SEPARATE MARKETING AGREEMENT AND ORDER FOR THE STATE OF CONNECTICUT

Proposed by the Brook-Hall Producers' Association, The Connecticut Milk Producers Association, The Connecticut Wholesale Milk Producers' Council, and The Litchfield County Dairy Committee:

Proposal No. 14:

§ 1019.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricutural Marketing Agreement Act of 1937, as amended.

(b) "Connecticut marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the State of Connecticut.

(c) "Order," used with the name of a marketing area other than the Connecticut marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 1019.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any of the types of dairy farmers described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm;

(2) Any dairy farmer with respect to milk which is purchased from him by a dealer who operated both regulated and unregulated plants during the month and which milk is moved to a regulated plant, if that dealer caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month; and

(3) Any dairy farmer whose milk is received by a handler at a pool plant during the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not include any person who was a producer-handler during any of the preceding months of July through November;

(4) As used in this paragraph, terms "handler" and "dealer" includes affiliates of, and persons who control or are controlled by, the handler or dealer.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, and a producer-handler. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 1019.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under another Federal order, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any dairy farmer who operates a processing and packaging plant from which Class I milk is disposed of in the marketing area; who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers; and who during the calendar month disposes of no more than 1,000 quarts on a daily average of fluid milk products in the marketing area.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 1019.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant located in the marketing area, and any plant located within 10 miles of the marketing area from which packaged fluid milk products are disposed of in the marketing area.

(c) "Country plant" means any plant other than a city plant.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 1019.20, 1019.21, 1019.22, and 1019.23 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

§ 1019.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to more than one-half of 1 percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 12 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 12 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 12 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains not more than one-half of 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets and any fluid milk products, other than cream and exempt milk, which are received in bulk from producer-handlers at the regulated plant of a pool handler or a buyer-handler.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk and receipts from plants regulated under another Federal order which are assigned to Class I milk pursuant to § 1019.27.

(3) All Class I milk which is disposed of to consumers in the marketing area from an unregulated plant, except a plant regulated under another Federal order.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the dairy farmer during the same month; or

(2) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occurs during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(3) Packaged fluid milk products, other than cream, received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month.

(j) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to consumers and have not been removed from those containers prior to such disposition.

MARKET ADMINISTRATOR

§ 1019.10 *Designation of market administrator.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1019.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 1019.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 1019.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate:

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 1019.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 1019.16, 1019.17, and 1019.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established;

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 1019.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 1019.25 and 1019.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant regulated by another Federal order, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved in bulk to a plant regulated by another Federal order, they shall be classified as Class I milk if assigned to Classes I, I–A, or I–B under that order; otherwise they shall be classified as Class II milk.

(e) If moved in packaged form to a plant regulated by another Federal order, they shall be classified as Class I milk.

(f) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant regulated by another Federal order, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) to (e) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

§ 1019.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 1019.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification (c), (d), (f), and (r), and 307 (b) of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 1019.20 *Basic requirements for pool plant status.* Subject to the provisions of § 1019.23, each receiving plant shall be a pool plant in each month in which it meets the applicable requirements of § 1019.21, or § 1019.22, together with following basic requirements:

(a) The dairy farmers delivering milk to the plant hold permits issued by the Department of Agriculture of Connecticut pursuant to Chapter 137, Section 3215 of the General Statutes.

(b) The handler operating the plant holds a permit which has been issued by the Department of Agriculture of Connecticut, pursuant to Chapter 137, Section 3216 of the General Statutes.

§ 1019.21 *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 1019.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which meets the pool plant requirements under this part during each of the months of July through November shall be a pool plant continuously for the following months of December through June, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before December 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

§ 1019.23 *Conditions resulting in nonpool plant status.* Any plant shall be a nonpool plant in any month in which the following conditions apply.

(a) The plant has the status of a pool plant under another Federal order with a marketwide pool.

(b) The plant is operated by a handler in his capacity as a producer-handler.

(c) Each of a handler's plants which is a nonpool receiving plant during any of the months of July through November shall not be a pool plant in any of the following months of December through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through November was in the handler's capacity as a producer-handler.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 1019.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 1019.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 1019.27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of pool handlers and buyer-handlers; and packaged fluid milk products other than cream from producer-handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Hartford, Connecticut, according to their zone locations.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Hartford, Connecticut, according to their zone locations.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Hartford, Connecticut, according to their zone locations.

(j) Receipts of bulk skim milk from regulated city plants of pool handlers and buyer-handlers, and then from regulated country plants of pool handlers and buyer-handlers.

(k) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 1019.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 1019.25 shall be assigned to Class II milk.

§ 1019.27 *Receipts from other Federal order plants.* Receipts of fluid milk products, other than cream, from plants regulated by another Federal order with a marketwide pool shall be assigned to Class I milk if classified and priced in Classes I, I-A, or I-B under the other Federal order.

§ 1019.30 *Pool handlers' reports of receipts and utilization.* On or before the 6th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production.

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to § 1019.25 to § 1019.27.

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 1019.15 to 1019.18.

§ 1019.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 6th day after the end of the month.

§ 1019.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 1019.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 1019.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 1019.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hour of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 1019.36 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1019.37 *Notices to producers.* Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, each pool handler shall give each producer from whom he receives milk written notice of such composite test.

MINIMUM CLASS PRICES

§ 1019.40 *Class I price at city plants.* The Class I price at city plants shall be determined for each month pursuant to this section.

(a) Divide the "unbracketed" Class I price for the 201–210 mile zone as computed under Federal Order No. 4 (Part 904 of this chapter), regulating the handling of milk in the Greater Boston marketing area, for the given month, expressed to tenths of a cent per hundredweight, by the seasonal adjustment factor for that month as given in § 904.48 (c) of this chapter, expressing the result to the nearest tenth of a cent per hundredweight.

(b) Divide the Class I-A price for the 201–210 mile zone as computed under Federal Order No. 27 (Part 927 of this chapter), regulating the handling of milk in the New York-New Jersey marketing area, for the given month, expressed to cents per hundredweight, by the seasonal adjustment factor for that month as given in § 927.40 (a) (11) of this chapter, expressing the result to the nearest tenth of a cent per hundredweight, and add the butterfat differential for Class I-A milk for the month, for two-tenths of 1 percent of butterfat, as provided in § 927.41 of this chapter.

(c) Average the results obtained in paragraphs (a) and (b), giving each price an equal weight, and add $0.535 to the average.

(d) Apply the result in paragraph (c) to the following table to determine the Class I price for the month:

Result in paragraph (c) of this section is

At least—	But less than—	Class I price is—
$5.120	$5.340	$5.38
$5.340	$5.560	5.60
$5.560	$5.780	5.82
$5.780	$6.000	6.04
$6.000	$6.220	6.26
$6.220	$6.660	6.48
$6.440	$6.660	6.70
$6.660	$6.880	6.92
$6.880	$7.100	7.14

If the result in paragraph (c) of this section is outside the ranges indicated in the table, the result shall be determined by extending the table at the indicated rate of extension.

(e) Notwithstanding the provisions of paragraphs (a) to (d) of this section, the Class I price in each of the months from July through November shall not be lower than in the immediately preceding month, and the Class I price in each of the months from January through May shall not be higher than in the immediately preceding month.

§ 1019.41 *Class II price at city plants.* The Class II price at city plants shall be the Class II price determined for each month pursuant to § 904.41 of this chapter plus 5.8 cents in the months of September through June, and plus 15.8 cents in the months of July and August.

§ 1019.42 *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 1019.40, 1019.41, and 1019.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Hartford, Connecticut, as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Hartford and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Hartford, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

A Distance to Hartford	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
50 or less	5	−35.6	−2.0
51 to 60	6	−37.0	−3.0
61 to 70	7	−38.4	−3.0
71 to 80	8	−39.8	−3.0
81 to 90	9	−41.2	−3.0
91 to 100	10	−42.6	−3.0
101 to 110	11	−44.0	−4.5
111 to 120	12	−45.4	−4.5
121 to 130	13	−46.8	−4.5
131 to 140	14	−48.2	−4.5
141 to 150	15	−49.6	−4.5
151 to 160	16	−51.0	−6.0
161 to 170	17	−52.4	−6.0
171 to 180	18	−53.8	−6.0
181 to 190	19	−55.2	−6.0
191 to 200	20	−56.6	−6.0
201 to 210	21	−58.0	−7.0
211 to 220	22	−59.4	−7.0
221 to 230	23	−60.8	−7.0
231 to 240	24	−62.2	−7.0
241 to 250	25	−63.6	−7.0
251 and over	26 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 250 miles from Hartford shall be obtained by extending the table at the rate of 1.4 cents for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 1019.44 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 1019.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday, he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

BLENDED PRICES TO PRODUCERS

§ 1019.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 1019.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 1019.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 1019.40, 1019.41, and 1019.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 1019.66;

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 1019.25 (f), (i) and (k) by the price applicable pursuant to §§ 1019.41 and 1019.42.

§ 1019.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 1019.50 and the payments required pursuant to §§ 1019.65 and 1019.66 for each handler from whom the market administrator has received at his office, prior to the 9th day after the end of such month, the report for such month and the payments required pursuant to §§ 1019.61 (b), 1019.65, and 1019.66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 8th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 1019.61, 1019.62, 1019.65, 1019.66, and 1019.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 1019.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 1019.61 and 1019.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

NOTE: It is anticipated that a Level Production Incentive plan will be included in the order, providing for a deduction of 50

cents per hundredweight in April, May, and June, to be added back in three equal parts in the following July, August and November. The detailed provisions to effectuate such a plan should be included in §1019.51.

§ 1019.52 *Announcement of blended prices.* On or before the 10th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 1019.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 1019.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during each month as required to be computed pursuant to § 1019.50 as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 1019.63 and 1019.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 18th day after the end of each month, or receiving from the market administrator, on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 1019.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 1019.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 1019.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 1019.61 (b), 1019.65 and 1019.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 1019.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 1019.63 *Butterfat differential* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 8 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the calendar month by the United States Department of Agriculture, rounded off to the nearest full cent.

§ 1019.64. *Location differentials.* The payments to be made to producers by handlers pursuant to § 1019.61 (a) shall be subject to the differentials set forth in Column C of the table in § 1019.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in the State of Connecticut or Rhode Island, or in that portion of New York State east of the Hudson River and south of the northern boundary of the towns of Copake, Taghkanic, and Livingston, or in any of the following cities or towns in Massachusetts, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 1019.40 and 1019.42 which is effective at the plant to which the milk is delivered, in which event there shall be added an amount which will give as a result such price:

MASSACHUSETTS

Agawan.
Douglas.
Dudley.
East Longmeadow.
Granville.
Hampden.
Holland.
Longmeadow.
Marlboro.
Monson.
Mount Washington.
Sandersfield.
Sheffield.
Southbridge.
Southwick.
Sturbridge.
Tolland.
Wales.
Webster.

(b) With respect to milk delivered by a producer whose farm is located outside the area set forth in paragraph (a) of this section, but within that portion of Massachusetts south of the Massachusetts Turnpike, or within that portion of New York State east of the Hudson River and south of the New York State extension of the Massachusetts Turnpike, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 1019.40 and 1019.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 1019.65 *Payments on outside milk.* Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 1019.40, 1019.41, and 1019.42, effective for the zone location of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 1019.40, 1019.41, and 1019.42, effective for the zone location of the handler's plant.

§ 1019.66 *Payments on Class I receipts from other Federal order plants.* Within 18 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk during the month from a plant regulated by another Federal order shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 1019.40 and 1019.42, effective for the zone location of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to § 1019.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 1019.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 1019.61, 1019.62, 1019.65, and 1019.66, to or from the market administrator on the 8th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 9th day of such month.

§ 1019.68 *Statements to producers.* In making the payments to producers prescribed by § 1019.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 1019.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 1019.70 and 1019.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 1019.70 *Marketing service deduction; nonmembers of an association of producers.* In making payments to producers pursuant to § 1019.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 1019.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 1019.71 *Marketing service deductions; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 1019.70, each handler shall, in lieu of the deductions specified in § 1019.70, make such deductions from payments made pursuant to § 1019.61 (a) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATIVE EXPENSE

§ 1019.72 *Payment of administration expense.* Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

§ 1019.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers, or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1019.80 *Effective time.* The provisions of this part, or any amendment to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1019.81.

§ 1019.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1019.82 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1019.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1019.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by the Connecticut Milk Dealers Association. (Numbering of counter proposals conforms with numbering in proposed order of Brock-Hall Producers' Association et al.):

Proposal No. 15. Paragraph (i) of § 1019.2 is proposed to read as follows:

(i) "Producer-handler" means any dairy farmer who operates a processing and packaging plant from which Class I milk is disposed of in the marketing area; who receives no milk, other than exempt milk, from dairy farmers, and who during the calendar month disposes of no more than 500 quarts on a daily average of fluid milk products in the marketing area. A producer-handler who, during the calendar month, disposes of a quantity of fluid milk products in excess of 500 quarts daily average, shall be a producer-handler only to the extent of 500 quarts and shall be a handler with respect to such excess.

To effectuate the intent of the above proposal, we also advocate the elimination of the following provision in the proponent's proposed order: § 1019.4 (i) (1).

Proposal No. 16. Section 1019.4 (b) is proposed to read as follows:

(b) "Cream" means that portion of milk, containing not less than 12 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; and milk and cream mixtures containing 12 percent or more of butterfat. This definition, however, does not include butter, cheddar cheese, and other cheese made by the cheddar process.

Proposal No. 17. Add as § 1019.41 (f) the following:

(f) The price for Class II milk used for butter, cheddar cheese and other cheese made by the cheddar process shall be $0.185 per hundredweight less than the price for other Class II milk.

Proposal No. 18. Section 1019.15 (a) is proposed to read as follows:

(a) Class I milk shall be:

(1) All fluid milk products solds, distributed or disposed of as milk or skim milk.

(2) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in paragraph (a) (1) and (2) of this section. This shall include cream, cultured and flavored milk products having a butterfat test under 3.25% and fluid milk products sold in bulk to establishments at which food products are manufactured and at which there is no disposition of milk or skim milk other than milk or skim milk received in consumer packages for consumption on the premises.

(2) As plant shrinkage in the amount specified in the rules and regulations adopted hereunder.

Proposal No. 19. Section 1019.40 is proposed to read as follows:

§ 1019.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48 of this chapter, plus 54 cents.

Proposal No. 20. a. Section 1019.16 (d) is proposed to read as follows:

(d) Fluid milk products, if moved to an area regulated by another Federal order, shall be classified as Class I milk if assigned to Classes I, I-A, or I-B under that order; otherwise, they shall be classified as Class II milk.

b. Omit § 1019.16 (e).

c. Section 1019.40 (f) is proposed to read as follows:

(f) Packaged milk products classified according to § 1019.16 (d) shall be priced according to the prices applicable for such classification in the Federal marketing area in which they are sold.

Proposal No. 21. The proposed § 1019.41 should read as follows:

§ 1019.41 *Class II price at city plants.* The Class II price at city plants per hundredweight of milk containing 3.7 percent butterfat shall be the Class II price determined for each month pursuant to § 904.41 of this chapter, plus 5.8 cents.

Proposal No. 22. The note following § 1019.51 (e) should read:

NOTE: Payments to producers shall be made on the basis of the basic blended price with appropriate adjustments for location, freight and butterfat differentials and administrative adjustments but without the application of a level production incentive plan.

Proposed by the Connecticut Milk Consumers Association, Inc:

Proposal No. 23. Delete paragraphs (d) and (e) of § 1019.40 (Class I price at city plants) in the proposal of Brock-Hall Producers Association, et al.

Proposal No. 24. Delete § 1019.64 (location differentials) of the proposal of Brock-Hall Producers Association, et al.

Proposed by Deary Bros., Inc:

Proposal No. 25. Include the city of Westerly, Rhode Island, in the proposed Connecticut marketing area.

Proposed by the Connecticut League of Dairy Farmers and Producer-Dealers:

Proposal No. 26. Producer-handlers who do not buy milk from other producers, but who may or may not buy bulk milk from other handlers, shall be fully exempt from the pricing provisions of the order. Producer-handlers who buy milk from other producers shall have their own herd production fully exempt from the pricing provisions of the order, with their own herd production subject to pro rata classification. Both of these exemptions shall apply only to producer-handlers with no more than one farm and one herd. Both of these exemptions shall apply to producer-handlers whose milk is processed by another dealer as well as to those who process their own milk. The order shall provide that exempt producer-handlers pay Class I prices for supplemental bulk milk purchased from other handlers, except producer-handlers, and shall obtain Class I prices for sales of surplus bulk milk to non-exempt handlers.

Proposed by the Dairymen's League Cooperative Association, Inc., and the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

Proposal No. 27. Establish the "Connecticut marketing area" as the State of Connecticut; the counties of Putnam, Dutchess and Columbia, New York; and Berkshire County, Massachusetts.

Copies of this notice of hearing may be obtained from Market Administrator, 205 East 42d Street, New York 17, New York; Market Administrator, 145 State Street, Room 408, Springfield, Massachusetts; or Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: May 29, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4191; Filed, June 3, 1958; 8:54 a. m.]

[7 CFR Part 987]

[Docket No. AO-252-A5]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Mississippi marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Jackson, Mississippi, on December 9–10, 1957, pursuant to notice thereof which was issued November 2, 1957 (22 F. R. 9482).

The material issues on the record of the hearing relate to:

1. The level of Class I and Class II prices and the months when the lower Class I differential, and the higher Class I differential should apply.

2. A review of the rules qualifying distributing and supply plants as pool plants and clarification of the order language with respect to diverted milk.

3. The pricing and pooling of a handler's own farm production.

4. Changing the rate of compensatory payment on other source milk.

5. Clarification of the order language with respect to the classification of milk.

6. The proration of allowable shrinkage between distributing and supply plants.

7. Revision of order provisions with respect to the pricing of fluid milk products in inventory.

8. Revision of the transfer provisions with respect to milk, skim milk and cream moved to nonpool plants.

9. A revision of the base plan rules.

10. A provision for the determination of equivalent price quotations.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class prices.* The present Class I differentials above the basic formula

price should be extended through February 29, 1960. The month of July should be added to the months when the Class I differential above the basic formula price is $1.85 and the Class II differential is 10 cents above the average of the four local dairy manufacturing plants.

Producers requested that class prices be continued at present levels because they handle 85 to 90 percent of the supply classified as Class II. They stated the relationship of receipts from producers to Class I needs is no more than adequate. They further contended that the present differentials, above the basic formula price for Class I, were first established in the fall of 1954 to encourage a supply for a deficit market. The present supply is no more than adequate and since a lower basic formula price is anticipated the cooperative association contends that Class I price differentials should not be lowered.

Handlers generally supported the cooperative association in the retention of the present level of the Class I price. One handler, however, proposed Class I differentials of $1.65 for the months of March through July and $2.05 for all other months, contending that the supply of producer milk is more than adequate.

Marketing data for three full years are now available. The first seventeen months are a period when returns to producers were pooled on an individual-handler basis. Since April 1, 1956, producer returns have been pooled marketwide. Receipts of producer milk were 117 percent of total Class I utilization for the first twelve months (November 1954–October 1955) of the order; 140 percent, the second year, and 135 percent during the 1956–57 period. An analysis of the available data substantiates the fact that supplies are little more than adequate for the Class I needs of the market plus a reasonable reserve supply. For example, a comparison of receipts of milk to gross Class I utilization during the short production season reveals the following: During the August-November 1956 period receipts were 121 percent of gross Class I utilization. For the same period of 1957 the relationship decreased to 118 percent. The data cited above do not demonstrate that the proposal to reduce the annual level of the Class I price 20 cents per hundredweight at this time is justified.

Official notice is taken of the fact that the Secretary has been requested to consider the need of regulating the handling of milk in areas to the north and south contiguous to this marketing area. It is concluded on the basis of the facts of this record, to continue except for July the present Class I and Class II differentials through February 29, 1960. Such action will allow for an accumulation of marketing data with respect to this area and related areas upon which the need, if any, for revision of the Class I prices in this marketing area may be based.

Placing July on the lower seasonal Class I differential of $1.85, instead of $2.25, as presently provided, will reduce the annual Class I price level about 3 cents per hundredweight. Such a minor adjustment seems to be justified by seasonal supply conditions. Production is still relatively high in July, the relation of production to Class I utilization is closely related to the March–June period and producers are paid a base and excess price for milk for the months of March through July. The base-excess plan for the payments to producers is designed to encourage the production of milk according to the needs of the market. Therefore, the period when the lower seasonal Class I differential applies should coincide in this marketing area with the period when producers are paid base and excess prices. Total receipts of producer milk and the relationship of production to Class I utilization for the month of July are very similar to those for the months of March and April.

The Class II price should be reduced 10 cents per hundredweight for the month of July.

Handlers proposed the Class II price be reduced 10 cents per hundredweight, March through June, and 20 cents all other months. The stated reason for this view was that a Class II price too high creates a market surplus.

The utilization of producer milk in Class II during the March–June period of 1956 averaged 35.6 percent compared to 34.4 percent for the same period of 1957. Prices received by the cooperative association for producer milk used to produce Class II products were on the average higher than order prices. There are times, however, when some sales for Class II use are less than order prices. Inasmuch as the supply of producer milk in the month of July is near to the March through June average, the 10-cent differential should apply, instead of the 20-cent differential now in effect. The Mississippi Milk Producer's Association handles 85 to 90 percent of the producer milk utilized as Class II. It is willing and able to handle the producer milk in excess of the Class I needs of the Central Mississippi marketing area. It is concluded, therefore, the only change necessary in the Class II pricing is to shift the month of July to the group of months receiving a differential of 10 cents per hundredweight over the average of the local condensery prices.

2. The definition of producer should be revised with respect to milk diverted for the account of a cooperative association. The month of December should be excluded from the months when diversion privileges are limited.

Producers proposed that the order be revised to clarify the language with respect to the responsible person and point of receipt of producer milk diverted from a pool plant for the account of a cooperative association. The intent of the present order provision is to provide that milk diverted for the account of a cooperative association be deemed to be received by the cooperative association at the location of the pool plant from which diverted. Milk diverted for the account of a cooperative association is accounted for by the cooperative association in its monthly report to the market administrator. The definition of producer milk is revised to state clearly the responsible person and point of receipt of producer milk diverted from a pool plant for the account of a cooperative association. This definition should be further revised to provide that limited diversion apply only in the months of September, October, and November, instead of during the period of September through December. Excess milk supplies during the three months of September, October, and November, normally occur only on weekends or holidays. Provision for diversion of a producer's milk on not more than 10 days during any of these three months should provide adequate opportunity for disposal of excess milk in this period. During the month of December, however, schools are closed nearly half of the period and the trade during the year and holiday season is such that the 10-day limitation on diversion may not provide adequate opportunity for disposal of excess milk. Therefore, the month of December should not be included in the group of months of limited diversion.

Handlers proposed a reduction in the requirement that a distributing plant to maintain pool status dispose of more than 50 percent of its receipts from producers and pool plants on routes as Class I. This proposal, in conjunction with the proposal of handlers to reduce the Class II price, could have the effect of encouraging the development, by some plants, of a supply of Grade A milk for Class II operations at the expense of the marketwide pool and a consequent reduction of returns to producers. The application of a Class I utilization percentage is to distinguish plants primarily engaged in producing fluid milk products from plants more engaged in the production of manufactured dairy products. It was on this basis that the present 50 percent rule was determined. The evidence does not justify a change at this time. The proposal is denied.

Handlers further proposed that the month of December be removed from the August through January period during which supply plants are required to ship each month to distributing plants 50 percent or more of their receipts from producers in order to qualify as pool plants. The receipts of producer milk to Class I sales, for the six-month period August through January, was 123 percent in 1956 and 119 percent in 1957. During the month of December 1956, the relation of receipts to sales was 119 percent and in December 1957, 122 percent. During the last two years the utilization in December was little different from the average of the six-month period of lower production. Therefore, on the basis of the facts in this record no change should be made in the requirements which determine whether a supply plant is associated with this market. The requirement that a supply plant should ship 50 percent or more of its receipts from dairy farmers to a distributing plant each month, August through January, should be continued.

3. No change should be made with respect to the pricing and pooling of a handler's own production.

The proponent contended that the pricing and pooling of a handler's own production is unfair, unjust and inequitable. The proponent further questioned the intent of Congress, with respect to this matter, in the provisions of the Agricultural Marketing Agreement Act of 1937.

The evidence fails to show that marketing conditions in this area have changed since the Secretary issued his decision of March 25, 1957 (22 F. R. 2049). In that decision it was concluded that a handler distributing only fluid milk products from his own production should be exempt from the pricing and pooling provisions of this order. The decision, however, required the pricing and pooling of a handler's own production whenever such a handler purchases milk from producers, other handlers, and other sources.

It is therefore concluded that, on the basis of this record, no change should be made in the definitions of handler and producer-handler or in other provisions that would alter the pricing and pooling of a handler's own production as presently provided by the order.

4. The application of compensatory payments with respect to (1) unpriced milk allocated to Class I in a pool plant, and (2) fluid milk products distributed in the marketing area from a nonpool plant, should be revised.

The order presently provides for the months of March through August, a rate of compensatory payment on all other source milk, at the difference between the class prices. For the months of September through February, the rate is the difference between the Class I price and the uniform price.

It was proposed by producers that the rates of compensatory payment remain the same as in the order at this time, but that the application of rates be determined by the relationship between the receipts of producer milk and gross Class I utilization each month rather than seasonally by months as presently provided in the order. The proposal would require compensatory payments when receipts of producer milk at all pool plants are 112 percent or more of the total gross Class I utilization. The rate of payment would be the difference between the class prices. A lesser rate of the difference between the Class I price and the uniform price would apply when producer receipts are less than 112 percent of gross Class I use.

At the time the order was amended to include compensatory payments on unpriced milk, the supply of producer milk in the Central Mississippi marketing area was not sufficient to meet, on a year-around basis, the Class I needs of the market, plus a reasonable reserve supply. Producer receipts for November and December 1954 were only 88.4 percent and 103 percent, respectively, of gross Class I utilization. The receipts of producer milk during the September-December 1955 period ranged from 102 percent to 109 percent of total Class I use. During the September-December periods in 1956 and 1957, however, receipts of producer milk averaged 119 and 117 percent, respectively, of the total Class I use of the market. The lowest percentage during any of these eight months was nearly 111.

The production of producer milk in 1956 and 1957 was approximately 20 percent higher in the two flush months than during the two months of least production. Class I sales varied seasonally also during these same two years and were approximately 35 percent greater in the two months of highest sales each year than in the two months of least sales.

Handlers have reported receipts of other source milk each month since the order became effective and substantial quantities of such milk have been allocated each month to Class I in the pool plants of handlers except for the months of May, June, and July 1956 when no other source milk was received. It is a trade practice in this area to reconstitute and use on a year-around basis, substantial amounts of manufactured dairy products, such as nonfat dry milk, for distribution as fluid milk products. The record does not show the amounts, if any, of other source milk that may be received in the form of bulk fluid milk.

The cost and opportunity to purchase such nationally manufactured dairy products on the part of regulated handlers is relatively stable throughout the year. Therefore, any compensatory payment applied to such other source milk allocated to Class I should be at a single rate regardless of the time of year—to do otherwise would weaken the classified pricing system and undermine Class I prices. The Class II price under the order is a fair and economic measure of the cost of such other source milk used for Class I products in this market, for handlers pay this price for any producer milk used to produce such manufactured products.

In light of the data accumulated during the past three years, and under existing marketing conditions, no compensatory payment should be required on unpriced milk allocated to Class I in the pool plant of a handler when the supply of producer milk is such that a handler may need to depend on a supply of other source milk in the form of fresh fluid milk to meet his Class I needs. A reasonable criterion by which to determine when compensatory payments should apply is the relationship of the receipts of producer milk to total Class I use. Although the procurement and distribution of milk involves rather extensive geographical areas, the principal cooperative in this marketing area has demonstrated its ability and willingness to move the supply of producer milk to pool plants that need such milk for Class I use. Thus, under the present marketing conditions a minimum reserve of producer milk approximately ten percent above Class I needs of the area may be considered fair and reasonable to assure handlers a supply of producer milk at all times for their Class I needs.

When handlers are assured an adequate supply, plus a reasonable reserve, of producer milk for their Class I needs compensatory payments should apply on any other source milk allocated to Class I in the pool plant(s) of such handlers. The rate already established in the order, in months when supplies are normally in excess of needs, should apply. This rate is the difference between the two class prices. Compensatory payments, under the provisions recommended herein, would apply any month regardless of the time of year when the supply of producer milk is in excess of 110 percent of the total Class I utilization. Likewise in times of short supply, regardless of the month, compensatory payments would not apply.

In the case of a handler whose plant fails to qualify as a distributing plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the difference between the Class I and Class II price multiplied by the amount of Class I milk sold in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. Consequently, the price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to only that volume.

Compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order since its proper classification and pricing will be determined pursuant to the other order.

5. The order language with respect to the classification of milk should be clarified.

A handler proposed that the classification provisions should be clarified by specifically excluding ice milk mixes, frozen ice milk, and frozen desserts from Class I. The adoption of this proposal would make no changes in the classification of milk under the order but would merely constitute a clarification by naming the related products covered by the Mississippi dairy laws and regulations with respect to ice cream, ice cream mixes, frozen desserts, and ice milk. The proposal should be adopted.

6. The method of determining allowable shrinkage should be changed.

The order presently provides for the assignment of shrinkage at the pool plant where the producer milk is received directly from producers. The maximum shrinkage allowed is 2 percent of all receipts. It was proposed that the allowable shrinkage should be prorated at the rate of 0.5 percent to the supply plant and 1.5 percent to the distributing plant when milk is moved in bulk from a supply plant to a distributing plant. This proposal would not change, as compared to present order provisions, the total percent of allowable shrinkage.

Proration of shrinkage as proposed provides a reasonable and equitable treatment of the shrinkage allowance. Handlers and producers supported this proposal to prorate shrinkage between distributing and supply plants. The proposal should be adopted.

7. The order provisions with respect to the pricing of fluid milk products in inventory should not be changed.

It was proposed by a handler that fluid milk products in inventory should be separately classified and priced at $4.00 per hundredweight. The stated reason for the proposal was to provide for the pricing of skim milk and butterfat in fluid milk products, held in inventory, during the month of actual utilization.

The order presently requires the reporting of fluid milk products in inventory as Class I. It is further provided in the determination of the uniform price that for the month of July an amount should be added by multiplying by 40 cents the hundredweight by which the inventory classified for the preceding month exceeds any inventory so classified for the preceding February.

The net effect of the present order provisions is to classify fluid milk products in inventory at the Class I price adjusted each July by any excess in such inventory between the end of February and June. March through June is the period when the seasonal Class I differential above the basic formula price is 40 cents less than other months. This adjustment provides an equitable means of handling any increase in inventory of fluid milk products from the beginning to the end of the lower seasonal pricing period.

Inasmuch as the Class I percentage of utilization of producer milk in this market is very high, fluid milk products held in inventory will be utilized mostly as Class I. The present provisions of the order for the classification and pricing of fluid milk products in inventory are adequate and equitable. It is concluded, therefore, that the only revision necessary in these provisions is to change July to August in § 987.70 (f). Such a modification will conform with the changes, recommended herein, with respect to Class I prices.

8. Provisions for the classification of milk, skim milk, and cream moved to nonpool plants should be revised.

A nonpool plant located at Brookhaven, Mississippi, receives milk from plants regulated by this order and by Order No. 42 regulating the handling of milk in the New Orleans marketing area. Milk transferred to such a nonpool plant should be classified in an equitable manner under each of the orders involved. There is need for uniformity in order provisions with respect to the classification of milk at a nonpool plant receiving milk from plants regulated by different Federal orders. This can be accomplished by providing the same provisions in each of the orders involved. Order No. 42, regulating the New Orleans marketing area, was amended effective December 1, 1957, to meet this specific situation. Under this amendment, any milk, skim milk, or cream received at a nonpool plant that is classified as Class I is shared pro rata by the pool plants under this order and by any plant(s) at which milk is priced under another order(s).

No opposition was offered to this method of classification. The amendment will facilitate the movement of milk in excess of market needs in the usual channels available to the market. The amendment provided herein will provide for the proration, between pool plants of this and other orders, of any skim milk or butterfat classified as Class I at a nonpool plant receiving producer milk from pool plants under this and another Federal order(s).

9. The base plan rules should be revised.

One proposal would provide that bases should be assigned to dairy farmers who become producers under the order as a result of a plant becoming a pool plant by meeting the required distributing or supply plant qualifications or by the extension of the marketing area.

A distributing plant must sell 50 percent or more of its receipts from producers and other pool plants on routes as fluid milk products and 20 percent or more of such receipts on routes in the marketing area to qualify as a pool plant. Any supply plant failing to qualify as a pool plant during the required period must ship 50 percent or more of its receipts from dairy farmers to a pool distributing plant each month to again qualify as a pool plant. A plant that meets the pool plant requirements during the February through July period, is sufficiently associated with this market to justify the assignment of bases to producers delivering to such plant. To fail to do so would be discriminatory. This provision will permit these producers to share equally with all other producers in the returns for milk.

The rules governing the transfer of bases from one producer to another should be clarified.

Under certain conditions, bases may be transferred from one producer to another. Without an administrative determination it would be possible through the manipulation of ownership during the base-forming period to increase the combined bases of such producers in excess of the base which would be earned by their combined milk production during the base-forming period. The intent of the order is to provide a means of determining a base for each producer in accordance with the actual receipts of milk at pool plants during the base-forming period. To accomplish this intent under conditions where bases are transferred, the total base should be determined by adding together the milk deliveries of the transferee and transferor during the base-forming period and dividing this total by the number of days from the first day milk was received from either producer during the base-forming period to the last day of such period but not less than 120. This proposed revision of the base rules conforms with the practices followed in this market.

10. A provision for the determination of equivalent price quotations should be included in the order.

Such a provision is designed to meet an emergency situation in which a price quotation necessary in the determination of class prices, or for any other purposes, may not be available. In such event, the Secretary would determine a price equivalent to the price quotation normally available. The provision proposed will remove uncertainty as to the procedure to be followed in the absence of any price quotation provided for in the order and thereby will prevent unnecessary interruption in the administration of the order.

The entire order is redrafted to incorporate conforming provisions in the order to accommodate the recommended changes made herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Central Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

§ 987.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 987.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 987.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 987.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 987.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area" hereinafter called the "marketing area" means all the territory within the following counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar (except Beat 2 thereof), Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne; all in the State of Mississippi.

§ 987.7 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which not less than 20 percent of such Class I milk is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 987.8 *Supply plant.* "Supply plant" means an approved plant from which during the month an amount equal to 50 percent or more of receipts of its producer milk is shipped to and received at distributing plants. Any supply plant that was a pool plant during each of the months of August through January immediately preceding shall be a pool plant each of the months of February through July unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in § 987.7.

§ 987.9 *Pool plant.* "Pool plant" means either a distributing plant or a supply plant, except a plant operated by a producer-handler.

§ 987.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant other than a pool plant.

§ 987.11 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant(s) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except milk distributing or processing plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 987.12 *Handler.* "Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 987.13; or

(b) Any person in his capacity as the operator of one or more approved plants.

§ 987.13 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted from a pool plant to a nonpool plant, except plants under another order, for the account of a handler operating a pool plant or a cooperative association but for not more than 10 days production during the months of September, October, and November. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

§ 987.14 *Producer milk.* "Producer milk" means only the skim milk or butterfat contained in milk (a) received at a pool plant(s) directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 987.13.

§ 987.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

§ 987.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 987.18 *Fluid milk product.* "Fluid milk product" means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen desserts and mixes, and sterilized products contained in hermetically sealed containers).

MARKET ADMINISTRATOR

§ 987.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 987.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 987.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 987.95, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 987.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31, or payments pursuant to § 987.90, and §§ 987.93 to 987.98;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 987.51 (a) and the Class I butterfat differential computed pursuant to § 987.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 987.51 (b) and the Class II butterfat differential computed pursuant to § 987.52 (b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 987.71, and the butterfat differential computed pursuant to § 987.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 987.72, and the butterfat differential computed pursuant to § 987.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk; and for the months of March through July, the total quantity of base milk received;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 987.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants, his producer payroll for such month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk, or cream at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) On or before the day prior to diverting producer milk pursuant to § 987.13, his intention to divert such milk, the date(s) of such diversion and the nonpool plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

(c) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 987.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month,

(2) On or before the 10th day after the end of each month:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 987.33 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 to 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.43 and 987.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in fluid milk products;

(2) Contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; and

(4) In shrinkage, but in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers plus 1½ percent of the total pounds of skim milk and butterfat in bulk milk, skim milk, and cream in fluid form received at a pool plant from all sources less that disposed of in bulk to a pool plant of another handler.

§ 987.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants, and (2) other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 987.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of fluid milk products to the pool plant of another handler unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30, subject in any event to the conditions set forth in subparagraph (1) of this paragraph:

(1) (i) In no event shall the skim milk or butterfat assigned to Class II milk exceed the amount thereof remaining in Class II milk in the plant(s) of the transferee handlers after subtraction of other source milk pursuant to § 987.46, and any additional amounts of such skim milk or butterfat shall be classified as Class I milk; and

(ii) If either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk of both handlers; and

(b) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s)

and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 987.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this or another order issued pursuant to the act and such cream is allocated to other than Class I milk (under the applicable order definitions at the transferee plant).

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II milk processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not dispose of milk or cream for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (1) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk contained in such product, plus all of the water originally associated with such solids.

§ 987.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 987.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk, except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk in other source milk exceed the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk, the pounds of skim milk in fluid milk products received from plants regulated pursuant to other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants, respectively: *Provided*, That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in fluid milk products received from the pool plants of other handlers, according to the classification of such skim milk as determined pursuant to § 987.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 987.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price:

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, by 3.5 and multiply by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8; and

(2) Deduct five cents from the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department of Agriculture, and multiply by 7.5; and

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starksville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 987.51 *Class prices.* Subject to the provisions of §§ 987.52 and 987.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* Through February 29, 1960, the minimum price per hundredweight shall be the basic formula price for the preceding month, plus $1.85 during the months of March through July and plus $2.25 during all other months;

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c) plus 10 cents during each of the months of March through July and plus 20 cents during all other months.

§ 987.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 987.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant

located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance as determined by the market administrator, and which is transferred in the form of fluid milk products to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Miss. (miles):	Rates per hundredweight (cents)
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

***Provided,* That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1), (2), and (3), and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants which the location differential is applicable.**

§ 987.54 *Rate of compensatory payments.* In any month in which total deliveries of producer milk exceed 110 percent of the total amount classified as Class I (excluding duplications) at all pool plants, the rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price adjusted by the Class I butterfat differential and adjust such difference by the location differential rate set forth in § 987.52 for the location of the plant at which the milk was received from farmers.

§ 987.55 *Use of equivalent prices.* If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 987.60 *Producer-handlers.* Sections 987.40 to 987.46, 987.50 to 987.54, 987.61, 987.62, and 987.70 to 987.72, 987.80 to 987.83, and 987.90 to 987.98 shall not apply to a producer-handler.

§ 987.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month from such plant to retail or wholesale outlets (except pool plants) in the Central Mississippi marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That, if such distributing plant disposed of Class I milk during the month in the marketing areas of more than one other Federal order, the marketing area in which the most Class I milk is disposed shall determine the Federal order under the provisions of which such plant shall be regulated; and

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to § 987.8.

§ 987.62 *Obligations of a handler operating a nonpool distributing plant.* Each handler who operates during the month a nonpool distributing plant shall pay to the market administrator for deposit in the producer settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 987.30, the amounts computed as follows:

(1) On or before the 15th day after the end of the month, for the producer settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 15th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 987.95 with respect to Class I milk disposed of on routes in the marketing area; and

(b) Except as the handler's obligation may be computed pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 987.70 as if such plant has been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 987.31 (b), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 987.95 had such plant been a pool plant.

§ 987.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts.

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(e) In the case of a handler operating a pool plant which was not a pool plant under this order during each of the preceding five months, add an amount calculated by multiplying the difference between the Class I and the Class II prices adjusted by the appropriate butterfat differentials by any figure determined as follows: Any amount by which the hundredweight of skim milk or butterfat in inventory for such month, pursuant to § 987.41 (a) (2), is less than the least hundredweight of skim milk or butterfat, respectively, deducted pursuant to § 987.46 (a) (4) and (b) for such handler for any month since such plant was not a pool plant;

(f) Add for each month of August an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 987.41 (a) (2) for the preceding month exceeds any inventory so classified for the preceding February; and

(g) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk, pursuant to § 987.46 (a) (2) and (b), by the rate of compensatory payment as determined pursuant to § 987.54, for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products.

§ 987.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, for plants within the marketing area as follows:

(a) Combine into one total the values computed pursuant to § 987.70 for the producer milk of all handlers who submit reports prescribed in § 987.30 and who have made payments for the previous month pursuant to § 987.90 or § 987.91;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 4.0 percent by the butterfat differential computed pursuant to § 987.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 987.90 (c) (1);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 987.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, for plants within the marketing area, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 987.30, and who have made payments for the previous month pursuant to § 987.90 or § 987.97, as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price; and (3) add together the resulting amounts;

(b) Divide the aggregate value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract an amount determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 987.71 (a) to (d);

(d) Divide the result obtained pursuant to paragraph (c) of this section by the total hundredweight of base milk of handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content for plants within the marketing area.

BASE RATING

§ 987.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 987.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month.

§ 987.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January inclusive but not less than 120 days.

§ 987.83 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 987.90 *Payments to producers.* Except as provided in paragraph (e) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 987.94;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 987.94, and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers, and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price(s) pursuant to §§ 987.71 and 987.72, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less payment made such co-

operative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations; and

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 987.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 987.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 987.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 987.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 987.92 *Location differentials to producers.* In making payment to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the city limits of Hattiesburg, Jackson, Meadville, or Meridian, Mississippi, whichever is closest by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule:

Distance from the city limits of Hattiesburg, Jackson, Meadville or Meridian, Miss. (miles):	*Rates per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof, an additional	1.5

§ 987.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occured.

§ 987.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 987.90 (d).

§ 987.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for such month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production; (b) other source milk allocated to Class I milk pursuant to § 987.56 (a) (2) and (b); and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 987.96 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 987.62, 987.93 and 987.97, and out of which he shall make all payments pursuant to §§ 987.93 and 987.98: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 987.97 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay, except as provided in § 987.62, to the market administrator any amount by which the value of his producer milk as computed pursuant to § 987.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 987.98 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 987.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 987.99 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 987.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 987.101.

§ 987.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 987.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 987.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 987.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 29th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

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[7 CFR Part 1004]

[Docket No. AO-271-A3]

MILK IN CENTRAL ARIZONA MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Phoenix, Arizona, in the Adams Hotel, beginning at 10:00 a. m., on June 11, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arizona marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Arizona Dairyman's League:

1. Review the supply-demand adjustment provisions of § 1004.51 and particularly the need for revisions of the standard utilization percentages contained therein as follows:

STANDARD UTILIZATION PERCENTAGES

January	114-118	July	119-123
February	116-120	August	121-125
March	116-120	September	119-123
April	116-120	October	116-120
May	116-120	November	114-118
June	117-121	December	112-116

2. Delete the base-surplus plan provisions in the order.

3. Amend § 1004.51 (b) by placing a period after the word "December" and by deleting the phrase "and that price less twenty-five ($0.25) cents during the months of January through June".

4. Amend § 1004.45 (a) by inserting the present 1004.45 (a) (2) between the present 1004.45 (a) (4) and (5) and by renumbering all subparagraphs of 1004.45 (a).

5. Amend § 1004.52 (a) by changing the figures 0.175 to 0.125.

6. Amend §§ 1004.70 and 1004.71 to provide for the computation of the prices to be paid producers on an individual-handler pool basis.

7. Make such conforming changes in other sections of the order as may be necessary to effectuate the purposes of the specific proposed amendments.

Proposed by the Phoenix Handlers Committee:

8. Change the base-making period from August through November to August through October and compute each producer's daily average base by dividing his total deliveries to pool plants during the three months by 92.

9. Amend § 1004.51 (b) so that the $0.25 price differential now existing on Class II milk for the period January through June will apply instead to the six months period, November through April.

10. Amend the order to provide that all milk prices be computed and announced in terms of milk of 3.6 percent butterfat content instead of 3.8 percent butterfat.

Proposed by the Dairy Division, Agricultural Marketing Service:

11. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 86 West Osborn Road, Phoenix, Arizona, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 29th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4192; Filed, June 3, 1958; 8:55 a. m.]

[7 CFR Part 1023]

[Docket No. AO-295]

MILK IN DES MOINES, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Des Moines, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the **Federal Register**. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Des Moines, Iowa, on June 18–24, 1957, pursuant to notice thereof which was issued May 17, 1957 (22 F. R. 3588).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the act; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Des Moines marketing area, includes all the territory in the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne and the city of Grinnell, all in the state of Iowa. Milk handled in the marketing area moves in many forms over state lines. Milk that is processed and packaged in the marketing area is distributed on routes in various communities in the State of Missouri and, conversely, some milk from Missouri plants is distributed in the marketing area. During those months in recent years when producer deliveries were inadequate for the needs of the market, milk for distribution in the marketing area was purchased from plants in Wisconsin.

When the supply of producer milk is in excess of local requirements milk is shipped for fluid use to points in Nebraska and as far distant as Texas. Fluid milk for which a fluid market is not available is usually disposed of through such plants as the Des Moines Cooperative Dairy, which manufacture substantial quantities of butter, cheese, nonfat dry milk powder and condensed milk. These manufactured dairy products are distributed over a wide area in the stream of interstate commerce.

Routes of handlers under the North Central Iowa and Cedar Rapids-Iowa City Federal milk marketing orders extend into the proposed marketing area, where milk is sold in competition with distributors who would be handlers under the Des Moines order. At the plants of these handlers who are regulated by other Federal orders the interstate commerce factor is indicated by the receipts of milk from and distribution to locations outside the State of Iowa.

2. *Need for an order.* Marketing conditions in the Des Moines, Iowa, marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. This excess milk must be manufactured into butter, cheese, and similar products and sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful, the classification of milk in accordance with its use and the payment to producers on the use basis, require the full participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Des Moines marketing area are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the act.

The buying practices of various handlers in the market have caused chaotic conditions and instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices and order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised, and there is uncertainty among some regarding the accuracy of the weights and butterfat tests on which they are paid for their deliveries. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the market.

Several handlers in the area have dealt with farmers in such a way as to discourage or completely thwart cooperative action by these farmers. Some handlers refused to make deductions for cooperative dues from payments due member producers even though such deductions had been properly authorized by producers. Failure to make such deductions has limited producers in instituting check weighing and testing programs.

Handlers at various localities throughout the marketing area have refused or failed to recognize or to bargain with the authorized representatives of producer groups as to the price or any other terms with respect to the sale of the milk of the producers. Various means have been used by handlers to discourage or to completely prevent producers from affiliating with cooperative associations. Such handlers have advised producers that they prefer to deal with them individually and in some instances indicated that action of a producer is fostering or abetting cooperative organizations would mean the loss of his market. Several producers who had served as officers or otherwise taken an active part in a cooperative were shut off from their Grade A markets when their activity had been found out by the handlers to whom they shipped. A reason commonly given for cutting off a producer was that his milk did not meet required sanitary standards even though no inspection had been made or other action taken by the Health Department having jurisdiction in this matter.

The attitude of handlers in being hostile to and in impeding the efforts of producers to organize has apparently been especially purposeful on the part of some handlers. With a strong producer organization, for example, it is not likely that those producers delivering to an Ottumwa handler would have been forced to purchase through the fieldman of the handler the tanks needed on their farms to change to a bulk tank system of operation. Neither would these producers have had unauthorized deductions made from the payments due them by the handler to defray some of the expenses incurred by him in expanding his sales area to include a nearby city.

The stated base and excess prices paid producers are generally at the option of the handler and not meaningful. A producer's base is often changed without his being aware of it and arbitrary methods have been used in some instances in arriving at the percentage of milk to be paid for at the base price. Some of the statements issued by handlers, which accompany the payments to producers, fail to reveal the proportion of a producer's deliveries which is being paid for as surplus milk and no means are available to ascertain the actual utilization of milk by such handlers. Under these conditions, payment to a producer at the excess or surplus price for any of his milk does not indicate that such milk was not used for fluid purposes.

Des Moines is the largest city in the proposed marketing area and Des Moines handlers distribute milk in every county in the area. These handlers obtain their milk supplies, principally by direct delivery, from producer members of the Des Moines Cooperative Dairy. The Cooperative has enjoyed good relations with its buying handlers and, for an extended period of time, has been able to bargain effectively with them. Within the past several years, however, handlers have been exerting increasing pressure on the Des Moines Cooperative to adjust prices downward so that they may meet competition from handlers in that portion of the marketing area outside the city of Des Moines. Although less milk is distributed by Des Moines handlers outside Des Moines than within its boundaries, the disruptive marketing practices which prevail at various localities throughout the proposed marketing area are tending to create chaotic and unstable marketing conditions throughout the entire area.

It is not uncommon for handlers operating in the proposed marketing area to purchase milk from producers for fluid use at prices more comparable to the blend price of the Des Moines Cooperative than to its Class I price. For example, the producer members of the Farmers Cooperative Creamery, who produce approximately 110,000 pounds of Grade A milk monthly for John's Dairy of Corning, Iowa, are paid the Des Moines Cooperative's blend price for their total deliveries. Milk from this plant has displaced milk of Des Moines handlers in a number of the cities in the marketing area. The intense competition throughout the area from John's Dairy and other handlers similarly situated has resulted in price wars with their accompanying disruptive marketing practices.

Producers are generally required to bear the burden of such price wars by reduced returns, and the Des Moines Cooperative Dairy was requested by some of its handlers to make Grade A milk available to them at such prices as would enable them to meet the reduced prices of their competitors. For the Des Moines Cooperative to accede to the continuing requests of its buying handlers for reduced prices might enable the Des Moines handlers to overcome temporarily such advantages as they allege their competitors have, but could seriously threaten the maintenance of an adequate supply of Grade A milk for the Des Moines market.

The Des Moines Cooperative provides many services to its handlers. Each handler is supplied his Class I needs daily at his plant by direct delivery from producer members of the association. On such days as a plant is closed the milk normally delivered to it is received by the Cooperative at its plant. This is an especially valuable service, since some plants in the market receive milk from producers on only 3 days during the week. In periods of short supply, when milk from its producers is not adequate for the needs of its buying handlers, the Cooperative obtains milk from outside sources for the handlers. Cream and skim milk as needed, either for fluid use or for manufacturing purposes, are supplied to handlers by the Cooperative from its plant.

The argument of Des Moines handlers that they are suffering a competitive disadvantage in many parts of the sales area, because of such factors as price wars and of competitors buying on a flat-price basis, has been a significant deterrent to obtaining any increase in the rate of payment by handlers, directly or indirectly, for milk and milk products and for the many services provided the handlers, irrespective of the extent to which such increased prices or changes might be warranted. Producers contend that only a device such as a Federal milk marketing order can halt the continual deterioration in their bargaining position and bring about orderly marketing and stability in the sales area served by its buying handlers.

The conditions complained of by producers and herein cited with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one another throughout the proposed marketing area.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. This information is incomplete with regard to the overall receipts and utilization of milk and milk products in the area. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

It is concluded that the issuance of a marketing agreement and order for the Des Moines marketing area would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearings, what the various order provisions should be.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order.

Marketing area. The marketing area should include all of the territory within the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, Wayne and the city of Grinnell, all in the State of Iowa.

According to the 1950 census, the population in the territory proposed to be regulated is approximately 625,000. Because a significant portion of the sales of fluid milk products by handlers who would be regulated is in rural communities and because of the substantial population immediately surrounding the various cities, the marketing area should be defined, insofar as it is practicable, on the basis of county rather than city boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various locations in the marketing area take place through reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The degree of similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

Des Moines, the largest city in Iowa, is the principal city in the proposed marketing area. Its 1950 population was 178,000 and that of the next largest cities, Ottumwa and Ames, was 34 and 23 thousand, respectively. Other cities which are important in connection with the distribution of milk throughout the area are Boone, Newton, Oskaloosa, Creston, Centerville, Knoxville, Grinnell, Perry, Chariton, Indianola, Albia, Jefferson, Winterset, Osceola, Lamoni, Greenfield, Guthrie Center, and Corydon.

Des Moines is the principal point at which milk from producers is processed and packaged for distribution throughout the marketing area. The eight handlers whose plants are in Des Moines receive milk from about 1100 of the approximately 1450 producers supplying handlers who would be regulated by the proposed order. From these plants in Des Moines milk is distributed on routes or through stores in most of the cities in the marketing area. All producers shipping to Des Moines handlers are members of the Des Moines Cooperative Dairy.

The three plants in Ottumwa receive milk from 139 producers, 103 of which are members of the Milk Producers Association of Ottumwa. The major portion of the fluid milk distribution from these plants is made in the proposed marketing area in competition with Des Moines handlers and other handlers who would be regulated by the proposed order.

In addition to the Des Moines and Ottumwa handlers there are about 15 other handlers who would be brought under regulation by the proposed order. These handlers, in the aggregate, distribute over a wide area and compete with Des Moines and Ottumwa handlers at numerous locations throughout the marketing area. The quantities of milk distributed by these handlers, who receive milk from a total of about 200 producers, are significantly smaller on the average than are the quantities distributed by Des Moines and Ottumwa handlers.

Although the city of Grinnell is in Poweshiek County it is very near the eastern border of Jasper County. Approximately 60 percent of the fluid milk distribution from the plant of the one handler in Grinnell is within the city of Grinnell. Distribution by this handler in Jasper and Mahaska Counties, both of which are proposed to be part of the marketing area herein recommended, is 20 percent and 6 percent, respectively. If Grinnell were not included in the marketing area, it might reasonably be expected that this handler would be regulated by the order because of his sales in Jasper and Mahaska Counties. However, if Grinnell were excluded from the marketing area the Grinnell handler would be at an economic disadvantage because all milk sold from his plant would be subject to pricing under an order while sales in Grinnell by any unregulated handler would not be subject to order prices.

The aggregate of the marketing area proposals contained in the notice of hearing include, in addition to that provided by this decision, the counties of Marshall, Adams, Ringgold and Taylor. The latter three are rural in character and do not represent important outlets for milk for handlers serving the proposed area. The 1950 population of Adams, Ringgold and Taylor Counties was 9, 10, and 12 thousand, respectively. These counties are on the fringe of the Des Moines marketing area and the milk distributed in them is principally from the plants of handlers who would otherwise not be regulated by the proposed order. These three counties should not be included in the marketing area.

The inclusion of Marshall County in the marketing area was proposed by Des Moines handlers. Although some sales are made in Marshall County by Des Moines handlers and other handlers who would be regulated by the proposed order, the principal distribution in this county is from the plants of handlers in Marshalltown, the major city in the county. On October 1, 1957, Order No. 105, regulating the handling of milk in the North Central Iowa marketing area, became effective (22 F. R. 7455). The city of Marshalltown is included in the marketing area under that order. In view of this, no purpose would now be accomplished by the inclusion of any portion of Marshall County in the proposed Des Moines marketing area, especially since practically all of the milk sold in the county would be subject to pricing under an existing order or the proposed Des Moines order. Accordingly, Marshall County should not be included in the marketing area.

One Ottumwa handler has 40 percent of his Class I sales outside the marketing area herein proposed. He argued that the city of Ottumwa should be included in a separate order that would take in the Iowa cities of Burlington, Fort Madison and Keokuk and other communities to the south and east of Ottumwa. This handler, the majority of whose sales is in 3 counties in the recommended marketing area, distributes milk in at least 7 Missouri counties and 7 Iowa counties outside the marketing area. Sales in these latter counties from his plant are scattered over a large area and are a significantly lesser quantity than his sales in the marketing area. This handler's principal competitors in the marketing area have practically no distribution in the Missouri and Iowa counties outside the marketing area in which he distributes milk. Accordingly, it would be impracticable to exclude Ottumwa from the marketing area under the proposed order or to conclude, on the basis of the record, that it would be more appropriate to include this city in the marketing area under some other order.

Other handlers stated that the marketing area considered at the hearing was inappropriate in that it does not include various places where milk from their plants is distributed. The distribution of milk in localities outside the marketing area from pool plants as defined under the proposed order is not in itself justification for the inclusion of such localities in the marketing area. Neither was it established that marketing conditions in these localities are such that their inclusion would be appropriate or justified at this time.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that made a substantial portion of their fluid milk sales outside the marketing area would be increased many fold. By providing for a marketing area as proposed herein, regulation is at a minimum for milk distributors with a large proportion of their sales outside the marketing area and their operations will not be unduly disturbed with respect to the major portion of their sales in communities wherein they compete with other distributors who would not be regulated at all by the proposed order.

In the course of the operation of an order the question may arise whether any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. No proposal was made to exempt sales by a handler in any territory or to any agency from the provisions of the order and no evidence was presented at the hearing which would justify such exemption. However, so that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated counties and city in the recommended Des Moines marketing area shall include territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plant".

The basis for determining which plants shall be pool plants under the order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering an order for the Des Moines marketing area.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not needed on the market would result in no extra value to consumers.

Essential to the operation of a marketwide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Des Moines order market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation. Neither should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Des Moines marketing area may depend. If such a plant, by selling a token quantity of Class I milk in the marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from the Des Moines order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk products (as hereinafter defined) are disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" would be defined to mean a plant (except a distributing plant) from which milk, skim milk or cream, acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount during the month to at least 35 percent of their receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 35 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants which are pool plants with milk to the extent of 50 percent of its producer milk receipts during the period of September through November to maintain automatic pool status for the months of March through June.

The source of supply for all distributing plants in and near the city of Des Moines is from producer members of the Des Moines Cooperative Dairy. Milk from these producers is moved to such plants directly from their farms. In addition, various of the plants supplement their producer deliveries with purchases of milk, cream, and skim milk, both for fluid use and for manufacturing purposes, from the plant operated by the Cooperative. It is the practice of these plants to accept from producers only such quantities of milk as are needed for their fluid operations and all milk in excess thereof is moved to the Cooperative's plant.

Most of the handlers supplied by producer members of the Des Moines Cooperative Dairy do not operate their plants on one or more days each week. On such days the producers ship to the Cooperative's plant. Because of the irregular day-to-day requirements of handlers, the Des Moines Cooperative Dairy must maintain extensive plant facilities for the handling of surplus milk.

Approximately 75 percent of the dairy farmers supplying handlers who would be regulated by the proposed order are members of the Des Moines Cooperative Dairy. The plant of the association is unusually well equipped to receive and handle large quantities of milk, most of which, on an annual basis, is used at the plant in the production of butter and skim milk powder. The marketing of milk in the Des Moines area requires the use of this plant to which producer deliveries are moved when not needed by handlers for Class I purposes. The service to the market provided by maintaining a plant such as is operated by the Des Moines producer association is necessary to insure orderly marketing in the proposed area.

In view of the above, it is concluded that the best interest of the market would be served by providing that a plant operated by a cooperative association whose membership represents more than one-half of the total number of producers shipping to the pool plants of other handlers during the month should be a pool plant for such month.

A pool plant or a distributing plant which is not a pool plant should be defined as an "approved plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the language in the various order provisions as they apply to such plants, especially with respect to those distributing plants which are not pool plants.

Some handlers in the market receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguard should be provided in the order to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk that is distributed in the marketing area is from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more approved plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant.

A handler is the person who receives approved milk and who is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

A handler operating more than one approved plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

Approved dairy farmer. Approved dairy farmer should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at an approved plant.

Producer. Producer should mean an approved dairy farmer whose milk is received at a pool plant.

Fluid milk product. Fluid milk product should mean milk, skim milk, buttermilk, milk drinks (plain or flavored) cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items designed as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Approved milk. Approved milk should be defined as all skim milk and butterfat contained in milk received at an approved plant directly from approved dairy farmers or diverted from an approved plant to a nonpool plant. Milk transferred to an approved plant from the plant of another handler should not be included in the approved milk definition. When receipts at a shipping plant are from approved dairy farmers and from other sources, the milk is intermingled and it cannot always be ascertained whether the milk being moved is that from approved dairy farmers, from other sources or a mixture of the two.

When approved milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when approved milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert approved milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the approved milk regularly received at an approved plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than the numbers of days that milk was delivered to an approved plant from the farm of the approved dairy farmer during any other months and still retain approved milk status under the order. Diverted milk should be deemed to have been received at the plant from which it was diverted.

Producer milk. Producer milk should be defined as approved milk which is received at a pool plant.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except approved milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no approved milk or other source milk at such plant. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

It was proposed by producers that the plant of a producer-handler from which an average of more than 1,000 pounds of milk daily is disposed of in the marketing area should be a pool plant. Proponents claimed that under an order such a producer-handler would have the benefit of a share of the Class I market without carrying his fair share of the burden of surplus for the market. This was not substantiated on the record in connection with current or prospective marketing conditions in the proposed marketing area.

No testimony was presented describing the operations of the various producer-handlers now on the market, including such producer-handlers, if any, distributing an average of more than 1,000 pounds of milk daily in the marketing area. However, it was stated by proponents that unless their proposed producer-handler definition is adopted an additional number of producers would come on the market as producer-handlers, bringing about unstable and demoralized marketing conditions. The information contained in the hearing record does not justify this conclusion.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred from an approved plant to the plant of a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from approved plants and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on approved milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received at approved plants directly from approved dairy farmers, from other handlers, and from other sources. Milk from all of these sources is intermingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of approved milk and to apply the classified price plan.

The products which should be included in Class I milk are those generally required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level as will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, milk drinks, (plain or flavored), cream and any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); and skim milk and butterfat not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids, such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; aerated cream products, sour cream, butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk solids, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from Grade A milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of all fluid milk products be classified in Class II milk. Such inventories would be substracted under the proposed allocation procedure, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in non-fluid milk products had been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at an approved plant at the beginning of any month during which such plant becomes an approved plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current approved milk receipts to current Class I use.

Skim milk which is dumped should be classified as Class II milk. The only outlets for surplus skim milk for many handlers are located at considerable distances from their processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of unneeded skim milk to such outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively. Shrinkage not in excess of 2 percent of the handler's receipts of approved and other source milk should be prorated between approved and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other approved plants because shrinkage on such milk would be allowed to the transferring handler. A plant which is operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of approved and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers, and therefore should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of appropriate plant records or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk solids should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of approved milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from approved dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for such limited quantities of shrinkage, which under certain conditions (as set forth elsewhere in this decision) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application to the classification procedures prescribed in the order.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plants exceeds the receipts of skim milk and butterfat from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from an approved plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the act, the skim milk and butterfat assigned to Class I milk at each such approved plant under the Des Moines order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the act.

The method herein recommended for classifying transfers and diversions from approved plants to nonpool plants accords equitable treatment to Des Moines order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk transferred or diverted to nonpool plants located more than 150 miles from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa. The area thus described is adequate to dispose of reserve milk for Class II uses. Fluid milk products moving greater distances are normally for Class I use.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expanse or to cover a geographical area which is larger than that provided herein. Making such provision might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein handlers who would be subject to the Des Moines order normally dispose of reserve supplies of milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order provides for determining the value of approved milk at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from approved dairy farmers, to determine the quantities of milk in each class to be assigned to approved milk.

The milk of approved dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at approved plants. This is necessary to insure the stabliity of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while approved milk in the plant was utilized in Class II, the order would not be effective in carrying out the purpose of the act. Also, the market would be deprived of a dependable supply of milk.

Other source milk from ungraded sources should be assigned to Class II milk first. The plants supplying such milk may not have purchased such milk from dairy farmers on a classification and use basis and it is not feasible to determine this or other conditions of sale. There is no assurance that such milk would not be used to displace approved milk in Class I to the advantage of the purchasing handler.

When supplemental supplies are obtained under conditions which assure that such supplies were paid for at Class I prices under another Federal order, a limited priority of assignment to Class I should be permitted under the order. Accordingly, provision should be made that 5 percent of approved milk may be assigned to Class II before any assignment of Federally regulated other source milk to such class. This will permit a handler whose approved milk supplies run short to bring in milk from other Federal order markets and have it assigned to Class I, even though he has a small amount of reserve milk in his plant. Such other source milk will be assigned to any Class I milk in excess of 5 percent of approved milk. This is necessary to assure approved dairy farmers that no more than the necessary reserve supplies will be allocated to Class II use when supplemental supplies are imported from other regulated markets.

If after making the prescribed assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to approved milk exceeds the amount of approved milk reported to have been received at a plant, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. The value of such overage should be computed at the applicable class prices.

(c) *Class prices.* Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area. If prices remain too low, insufficient quantities of milk will be produced to [illegible] that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimulated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the development of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market, supplemental supplies of Grade A milk are purchased by handlers in the marketing area from plants outside the regular supply area. Other items which influence the prices at which such milk will be available to Des Moines order handlers include the cost of transporting such milk to the marketing area and the alternative outlets for such milk.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may, by meeting the prescribed qualifications, become a pool plant under the order. It is necessary, therefore, that the Class I prices in the proposed Des Moines milk marketing order should not be set at levels which will bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

Both producers and handlers emphasized in their testimony that the Class I price in the Des Moines order should be appropriately aligned with the Class I prices in nearby markets, especially with those Iowa markets under Federal milk marketing orders. There are six Federal milk orders currently in effect in Iowa: the so-called Missouri Valley Federal order markets of Omaha-Lincoln-Council Bluffs and Sioux City in the extreme western part of the state; the so-called Mississippi Valley Federal order markets of Quad Cities, Dubuque, and Cedar Rapids-Iowa City in the eastern part of the state; and the recently established North Central Iowa order market.

The Cedar Rapids-Iowa City order was amended effective August 1, 1957, to provide for a Class I price 15 cents above the Chicago order Class I price. This is the same as the price contained in the North Central Iowa order which became effective October 1, 1957. Since May 1, 1957, the Quad Cities order Class I price has been computed by adding 20 cents to the Chicago order Class I price and the Dubuque order Class I price is 10 cents below that of the Quad Cities order. For the year ending May 31, 1957, the Chicago Class I price per hundredweight of 3.5 percent milk averaged 4.01.

The average Class I prices per hundredweight of 3.5 percent milk under the Omaha-Lincoln-Council Bluffs and Sioux City orders for the year ending May 31, 1957, were $4.52 and $4.61, respectively.

Des Moines is the principal point from which milk is distributed in the proposed marketing area. Handlers in the city of Des Moines obtain their supplies from producer members of the Des Moines Cooperative Dairy, whose 1100 Grade A producers represent about 75 percent of the dairy farmers who would be producers under the attached order. The price paid to the Des Moines Cooperative by handlers for milk for fluid use received from its members is computed each month by adding 15 cents to the average of the Omaha-Lincoln-Council Bluffs order Class I price and a price patterned after the Quad Cities order Class I price. For the year ending May 31, 1957, the price paid by Des Moines handlers for milk for fluid use averaged $4.50 per hundredweight of 3.5 percent milk.

For the year ending May 31, 1957, the "base price" per hundredweight of 3.5 percent milk paid to the 139 producers supplying Ottumwa handlers—Beatrice Foods, Wapello Dairy, and Williams Dairy—averaged $4.07, $4.10 and $4.15, respectively. In some instances milk paid for as base milk by these handlers was utilized in the manufacture of ice cream and cottage cheese.

Boone Dairy, which receives milk from 31 producers, is the largest handler in Boone. This handler pays a Class I price of $4.40 for 3.5 percent milk. However, only bottled whole milk is considered in the Class I milk category by the handler. Milk used for fluid cream and other products which would be Class I under the proposed order are paid for at a lower price by Boone Dairy.

The three handlers in Ames receive milk from about 65 producers. The price for "base milk" paid to their producers is $4.00 per hundredweight of 3.5 percent milk. In addition to this base price, one Ames handler pays his producers a 20-cent per hundredweight quality premium.

Waterloo, Fort Dodge and Marshalltown are major cities in the North Central Iowa marketing area. Handlers in each of these communities are in competition with various handlers who would be regulated by the proposed Des Moines order. Although Des Moines order handlers sell in competition with Waterloo handlers in a number of places outside the proposed marketing area, Des Moines order handlers are in substantially greater competition with Marshalltown handlers.

Marshalltown, which is 51 miles northeast of Des Moines, is less than 15 miles from the nearest point in the proposed Des Moines marketing area. Waterloo is 52 miles northeast of Marshalltown. Fort Dodge, 88 miles north of Des Moines, is about 25 miles from the nearest point in the proposed Des Moines marketing area.

Marshalltown distributors are in competition with Des Moines order handlers both in and outside the proposed marketing area. In addition, there is an overlapping of the production areas for both markets.

Both Cedar Rapids and Iowa City are 119 miles east of Des Moines. There is some overlapping of the sales areas served from plants in the city of Des Moines and those under the Cedar Rapids-Iowa City order. There is, however, substantially greater competition for sales at various localities between Cedar Rapids-Iowa City handlers and other handlers who would be regulated by the proposed order, especially Ottumwa handlers.

Council Bluffs is 135 miles west of Des Moines and about 70 miles west of the nearest point in the Des Moines marketing area. The territory between Des Moines and Council Bluffs is not heavily populated and there is relatively little overlapping of the sales territories served by Omaha-Lincoln-Council Bluffs handlers and those who would be regulated by the Des Moines order.

Sioux City is 193 miles from Des Moines. No Sioux City handlers compete for sales in any territory served by handlers who would be regulated by the Des Moines order and there is no overlapping of the production areas for these markets.

Producers proposed a Class I price per hundredweight of 3.5 percent milk that would be computed each month by adding $1.40 to a basic formula price, which basic formula price would be the higher of either the average of the prices paid by specified midwestern condenseries or a price based on a butter-powder formula. For the year ending May 31, 1957, a price thus computed would have averaged $4.46. This price, although averaging 4 cents below that received by the Des Moines Cooperative for Class I sales to handlers during the same period, is 30 cents above the average price of $4.16 which would have been obtained by using the Class I pricing formula now contained in the North Central Iowa and Cedar Rapids-Iowa City orders.

In justification of the price level requested, producers stated that it costs more to produce milk in the production area for the Des Moines marketing area than in the milkshed for the North Central Iowa and Cedar Rapids-Iowa City markets. It was also argued that, historically, Class I prices in the proposed marketing area have been higher than in the eastern Iowa markets. It was claimed that the Class I price under the proposed order should be based primarily on local marketing conditions and not on the basis of the prices prevailing in nearby markets. Local conditions, it was argued, would justify a pricing basis and a Class I price level such as is now contained in the Omaha-Lincoln-Council Bluffs order. The average Class I price for 3.5 percent milk under that order for the year ending May 31, 1957, of $4.52 is comparable to the average price which was obtained for Class I milk by the Des Moines Cooperative Dairy in the same period and that which would have been realized by using the Class I formula proposed by the cooperative.

Handlers proposed that the level of the Class I price in the Des Moines order should be similar to that presently provided in the North Central Iowa and Cedar Rapids-Iowa City orders. The Class I price under these orders was proposed as an appropriate price for the Des Moines order by handlers even though it was testified by their representatives that currently and historically the Class I prices applicable to the major portion of producer milk purchased by them are higher than those in the North Central Iowa and Cedar Rapids-Iowa City orders. There were no proposals at the hearing for a Class I price lower than those prescribed in the

North Central Iowa and Cedar Rapids-Iowa City orders.

There was no substantial objection from producers or handlers to using the Chicago order Class I price as a basis for computing the Class I price under the Des Moines order if the level of the price thus obtained would be equal to that proposed by them. In this connection, the producers stated that the Class I price under the proposed order should be equal to the Chicago Class I price plus 45 cents and the handlers claimed that a Class I price 15 cents above that in the Chicago order would be adequate.

The Chicago milkshed is one of the principal milk production areas in the United States. At various times throughout the year, especially during the months of low production, milk from this area is shipped great distances throughout the country. The Chicago order Class I price is used extensively as a recognized price quotation both locally and nationally. It is not uncommon to fix Class I prices in a market on the basis of the price in a major milk marketing area, such as Chicago, or on the basis of obtaining alternative sources of supply from such major market.

The Class I price under the Chicago order, which averages $4.01 for the year ending May 31, 1957, is determined on the basis of a "basic formula price" which reflects the value of milk for manufacturing purposes nationally. As such, it may be expected to be a most appropriate basis for use in establishing the Des Moines order Class I price, especially since handlers in this market must compete in various localities with handlers regulated by other orders whose Class I prices are based on the Chicago order Class I price. Unless handlers regulated by the Des Moines order are able to anticipate and project the prices they will be required to pay for Class I milk in relation to recognized and established price quotations used in major markets, they will be at a disadvantage with handlers from other markets in competing for Class I sales beyond the confines of the marketing area. Determining the Des Moines order Class I price on a direct relationship with the Chicago order Class I price will provide an economically sound pricing basis.

In order to insure the maintenance of an adequate supply of milk for the Des Moines market it is necessary that the Class I price for such market be appropriately aligned with the Class I prices in the eastern Iowa order markets. The principal factor used in computing the Class I price in the Eastern Iowa order markets is the Chicago order Class I price.

It is concluded that the intent of the act will best be effectuated by fixing the Class I price under the recommended Des Moines order at the level of the Chicago order Class I price plus 30 cents. This Class I price would be applicable to all plants located in the "base zone", which should be defined to include all the territory within the boundaries of Polk County, Iowa. However, the Class I price should be 5 cents less for milk received from approved dairy farmers at plants outside the base zone.

Polk County, in which is located the city of Des Moines, is the most heavily populated county in Iowa. Although the 8 handlers whose plants are in Polk County distribute about three-quarters of all milk sold in the entire proposed marketing area, approximately 60 percent of the Class I sales from these plants are to retail and wholesale customers in Polk County. Producers shipping to plants in Polk County must pay more for hauling their milk than do their neighbors supplying plants in the more rural communities in the marketing area. Consequently, prices which have been paid for producer deliveries to plants in Polk County have been higher than those paid to producers delivering to plants at other locations in and near the marketing area. A Class I price 5 cents less for producer milk at plants outside the base zone gives consideration to the overall historical relationship of prices in the various communities in the marketing area. The level of prices thus obtained at the various locations where milk is received from producers should be helpful toward insuring the maintenance of orderly and stable marketing conditions throughout the territory wherein milk is distributed by the Des Moines order handlers.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Producers proposed a Class II price, based on a butter-powder formula which would be calculated each month as follows: (1) Multiply the Chicago 92-score butter price quotation for the month by 4.24, (2) multiply by 8.2 the weighted average of carlot prices for non-fat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and (3) add the amounts obtained in the above computations and subtract 75.2 cents therefrom. This formula, except for using the 92-score instead of 93-score price quotation, is used in computing the Class IV milk price under the Chicago order. For the year ending May 31, 1957, the monthly prices which would have been obtained by using this formula averaged $3.04. The monthly Class IV milk prices under the Chicago order for the same period also averaged $3.04.

The Class II price in the North Central Iowa, Cedar Rapids-Iowa City, Quad Cities, and Dubuque orders is based on the average of the pay prices at seven specified manufacturing plants, six in Illinois and one in Iowa. Of these, the Carnation Company plant at Waverly, Iowa, about 115 miles from Des Moines, is nearest the proposed marketing area. It was suggested at the hearing that the average of the prices paid by these manufacturing plants would be a suitable basis for determining the Class II price under the Des Moines order. For the year ending May 31, 1957, an average Class II price of $3.07 would have been realized by using these pay prices.

Each handler in the city of Des Moines receives daily only as much producer milk as is needed on that particular day for his fluid operations. Producer milk that handlers do not take is delivered to the plant of the Des Moines Cooperative Dairy. This plant, which has facilities for receiving, holding, and manufacturing large quantities of milk, is by a wide margin the leading user of milk for manufacturing purposes in the area. Although a number of dairy products are manufactured at this plant, the principal disposition of milk received at this plant is in the manufacture of butter and skim milk powder. In addition to receiving the Grade A milk of its members when it is not needed by handlers for Class I purposes, the cooperative receives substantial quantities of milk from ungraded dairy farmers for manufacturing purposes. The prices paid for ungraded milk of 3.5 percent butterfat range from $2.30 to $3.00 per hundredweight, depending on the quality of the milk. The 3.5 percent price paid by this cooperative to its producers for manufacturing purposes was $3.00 at the time of the hearing and averaged $2.94 for the year ending May 31, 1957. The actual returns to Grade A producers for milk for manufacturing purposes is further increased by the "13th check" which is paid annually to Grade A producers by the cooperative.

There is much variation in the handling and marketing of surplus milk by the various handlers in the marketing area outside the City of Des Moines. A significant proportion of the milk utilized for Class I purposes in the market is handled at plants with extremely limited manufacturing facilities. However, a relatively large number of plants which would be pool plants under the order maintain manufacturing operations, especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months of heavy production, producer milk not needed by some handlers is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk. Producers are generally paid whatever is realized in the sale of such milk. In a number of instances, payments to producers for "over base" milk utilized for manufacturing purposes or otherwise disposed of follows no consistent pattern.

Throughout the milkshed area there are a number of plants which are primarily manufacturing plants and which would not be subject to the order. These plants, which include Story City Cooperative Creamery at Story City, Farmers Cooperative Creamery at [illegible]

Brooklyn Cooperative Creamery at Brooklyn, Lytton Cooperative Creamery at Lytton, and Hudson Cooperative Creamery at Hudson, are engaged principally in the manufacture of butter, skim milk powder and ice cream mix. These plants are all potential outlets for surplus milk from plants which would be regulated by the Des Moines order. Complete information was not submitted with respect to the prices paid by the various manufacturing plants in the area.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the product which they manufacture and because of variations in the quantities of milk available for manufacturing purposes. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of smaller volume and inefficient means of handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supply of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

Elsewhere in this decision the need for maintaining an alignment of the Des Moines order Class I price with those in the eastern Iowa Federal order markets is emphasized. Providing for such alignment with respect to the Class II price for the Des Moines marketing area is no less necessary. However, the various manufacturing plants whose pay prices are used in computing the Class II price in the eastern Iowa order markets are relatively far from the marketing area and do not have any significant association with the Des Moines order market. Moreover, the disposition of surplus milk under the proposed order would be preponderantly in the manufacture of butter and skim milk powder. Established price quotations for both these products are available and can be used appropriately in computing a Class II price under the Des Moines order. Such a price under the formula proposed by producers, experience has indicated, would result in a price approximating the level of that provided in the eastern Iowa orders. Accordingly, it is concluded that the Class II price under the proposed order should be established by using the quotations for 93-score butter at Chicago and for nonfat dry milk powder on the basis of the formula proposed by producers. Although the price resulting from this formula will in some instance be above that which has been obtained by various handlers for producer milk disposed of for manufacturing purposes, the price here proposed reasonably approximates that which producers in the milkshed have been receiving for such milk and appropriately reflects the value of milk for manufacturing purposes in the area.

Provision is made in the attached order to permit a handler to divert directly to manufacturing plants any milk not needed in his own operations. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the year.

Butterfat differentials. Provision is made elsewhere in this decision that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product.

The butterfat differential having the greatest application throughout the Des Moines marketing area is 6 cents for each one-tenth of one percent butterfat in a hundredweight of milk. This is the rate used by the Des Moines Cooperative Dairy, the organization representing 1,100 of the approximately 1,450 Grade A dairy farmers on the market. The Farmers Cooperative Creamery at Corning uses the 6-cent differential not only in paying its Grade A farmers but also in making payment for the large quantities of milk received from ungraded farms. A rate of 5.9 cents is used in Ottumwa. Although applicable to a considerably smaller proportion of the total quantity of milk produced for the marketing area, a 7-cent differential is used by handlers in Ames, Boone, and Corydon. The practice followed throughout the area is to pay farmers the same differential for all milk shipped irrespective of its use.

The values, to the nearest one-tenth cent, resulting from multiplying the 92-score Chicago butter price by 0.120 for Class I milk and by 0.110 for Class II milk, will obtain butterfat differentials which will approximate on an overall basis those which have been used in the market and will provide an appropriate basis for adjusting class prices. The use of butter prices in this manner will reflect changes in the central market prices of butterfat and follows standard practices in most fluid milk markets for adjusting for butterfat variations. The basing point from which adjustments are made should be 3.5 percent butterfat. This is the basis having widest acceptance in the Des Moines marketing area.

The lower butterfat differential for Class II milk will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. The butterfat differential value of 110 percent of the Chicago butter price should be high enough so as not to give an unnatural incentive to the movement of butterfat to the manufacture of butter and Cheddar cheese at the expense of preferred outlets such as for condensed milk and frozen desserts. Moreover, at the recommended rate, the cost of butterfat in the market will be competitive with butterfat from alternative sources of supply.

In order that it may be known early each month, the Class I differential would be based on the average price of butter in the preceding month. This will permit announcement of the applicable butterfat differential at the same time that the Class I price is announced. The Class II price and butterfat differential will not be announced until after the end of the month. Although handlers will not know the exact cost of such milk as it is utilized, they will know that their cost will tend to follow movements in daily or weekly dairy product prices and, in any event, the cost of milk of their principal competitors for manufactured product outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

Location differentials. A schedule of location differentials should be incorporated in the order to provide an appropriate adjustment of order prices at the location of any plant from which milk is moved to the marketing area.

It would be neither practicable nor economically justifiable to require each handler to pay the same minimum class prices for milk regardless of the location of his plant in relation to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay producers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid producers delivering directly to plants in or near the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order.

It was suggested that the location differential adjustment provision in this order be patterned after those contained in the Quad Cities and North Central Iowa orders. In the Quad Cities order, prices for Class I milk received from producers at a pool plant located more than 50 miles from the principal city (Rock Island, Illinois) in the marketing area is reduced by 10 cents for the first 65 miles or less and 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the Rock Island City Hall. The applicable rates under the North Central Iowa order are the same as those for the Quad Cities except that the mileages are measured from the nearest of the city halls of the four principal cities from which milk is distributed throughout the marketing area.

Milk from approximately 40 producer members of the Des Moines Cooperative Dairy is received at a plant at Gowrie, Iowa, and transported from that country plant to the Des Moines Cooperative Dairy plant in Des Moines. The charge for this haul of approximately 75 miles is 20 cents per hundredweight. As might be expected, this rate is somewhat greater than that charged by commercial haulers specializing in hauling milk and milk products in tank trucks, since such companies generally carry relatively large and full loads. Such a company, the Dairyland Transport Corporation, charges 15 cents per hundredweight for a 70-mile haul.

It was proposed that a location differential deduction of 20 cents be applied to milk received at the Gowrie, Iowa, plant and that no other location differential be provided for in the order. Another proposal would base location differential adjustments on the distance of a plant from the city of Des Moines. The economic justification for these proposals was not established on the record. Moreover, it was shown that to adopt either of these proposals would unwarrantably create inequities among handlers.

In applying location differentials under the Des Moines order the mileage zone of a plant should be determined by its distance from the nearest of the cities of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa. These cities are so situated with respect to the overall marketing area so that basing location differential mileage zones from the nearest of them would be equitable to all handlers.

The post offices in each of these cities would be appropriate sites from which to measure the mileages used in applying location differential adjustments. Computing the location differential adjustments in this manner will reflect the value of the milk in relation to the nearest potential outlets in the marketing area and it may reasonably be expected that the source of the milk which is moved for regular distribution or as supplementary supplies would be nearer to the city of which the shipments were made than any other city in the marketing area. This method of arriving at location differential adjustments will result in values for milk at plants at different locations in such a manner as to promote the economical allocation of available supplies in accordance with location of such supplies with respect to the major consuming centers in the marketing area.

Because the Des Moines marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differential applicable at plants which are less than 60 miles from any of the cities named herein. Accordingly, it is concluded that the Class I price under the Des Moines order should be reduced by 10 cents for the first 75 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 60 miles from the nearest of the post offices of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa.

The location differential here recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

As provided elsewhere in this decision the specified Class I price would be reduced by 5 cents for milk received at plants outside the base zone. It is appropriate, therefore, that the same amount should be deducted from the uniform price for producer milk delivered to these plants. Such deduction, to facilitate the accounting procedures under the order, should be considered as a separate location differential in making payment for producer milk.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

Payments on unpriced milk. The order should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant. There was no opposition at the hearing to the proposal of producers for including such a provision in the order.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Des Moines order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the order could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of April, May and June the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through March, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to the market at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the market in the July through March period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled and this will tend to affect also conditions in the area from which unpriced milk is obtained.

The rates which are here found to be appropriate for the Des Moines marketing area give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, such conditions do not prevail uniformly in all instances since all transactions are not made under the same circumstances and it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein proposed are those which will best effectuate the intent of the act under current marketing conditions in the area.

Other source milk used in the form of concentrated milk products should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensation payment on other source milk derived from concentrated products, such as condensed milk or nonfat dry milk solids, will be comparable to that on any other source milk which is allocated to Class I milk.

In the case of a handler whose distributing plant fails to qualify as a pool plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price during April, May and June and by the difference between the Class I and uniform price during other months, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. Consequently, the price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Des Moines order handlers might obtain supplemental supplies approximate or exceed the Des Moines order Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Des Moines marketing area for Class I use at less than Class I prices.

Handlers proposed that no compensatory payment be required on other source milk received at a pool plant during a month when receipts of producer milk are below 120 percent of Class I sales. Some handlers on the market purchase milk from a sufficient number of producers to insure their having an adequate supply of producer milk to meet their Class I needs in the months of lowest production. A number of other handlers limit their purchases of milk from producers and obtain supplemental supplies to meet their Class I requirements from other sources during the months of seasonally low production.

Production from dairy farms in the milkshed for the proposed marketing area is more than adequate to meet the Class I needs of the market throughout the year. In addition to those Grade A dairy farmers now supplying the market, there are in the production area a large number of farmers now shipping ungraded milk which could, on short notice, meet the qualifications to ship Grade A milk. A number of handlers stated that they had long waiting lists of such producers wanting to ship to them. In effect, the Des Moines marketing area is not a deficit market with regard to the potential availability of producer milk for the Class I needs of the market.

The Class I price level herein recommended may reasonably be expected to attract enough milk from nearby farms to meet the Class I needs of Des Moines order handlers even in the months of lowest production. In view of this, the handler proposal for no compensatory payment when producer milk receipts are below a specified percentage of Class I sales is unnecessary and unjustified for the Des Moines marketing area. Moreover, such a provision would be harmful to the best interests of the market by encouraging handlers to limit their purchases of producer milk and thereby bring about an uneconomic procurement pattern for the market at the expense of nearby dairy farmers.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the order handle substantial quantities of milk for manufacturing purposes. Under these conditions a marketwide pool in the Des Moines marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for the producers' associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It assists in apportioning among all producers the lower returns from reserve milk where otherwise this burden may be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Although Order No. 105, regulating the handling of milk in the nearby North Central Iowa marketing area provides for individual handler pools, there was no support at the hearing for this type of pooling under the Des Moines order. Marketing conditions in the proposed Des Moines marketing area are significantly different from those in the North Central Iowa market. Most marked in this regard is that the principal cooperative in the Des Moines order market operates a plant and utilizes for manufacturing purposes any milk not needed by its buying handlers for Class I purposes. None of the major producer organizations in the North Central Iowa market operates a plant. Moreover, no handler, under the North Central Iowa order carries an undue proportion of excess milk in order to supply other handlers with supplemental milk. In the Des Moines order market this is not the case, and the sharing by all producers on the market of the Class I sales and the burden of surplus through the medium of a marketwide pool would, in conjunction with the various other provisions contained in the attached proposed order, best effectuate the intent of the act in the area proposed to be regulated.

Producers proposed a "Louisville plan" of fall production incentive payments. Such a plan provides for setting aside a portion of the payments made by handlers for producer deliveries in the spring months of flush production to be paid to producers on the basis of their deliveries during the fall months of low production. Except for the operation of such a plan by the cooperative association supplying the handler in Grinnell, the Louisville plan of distributing returns to producers is not now used in the market.

Handlers did not support the proposal for a Louisville plan but suggested instead the adoption of a base and excess plan for distributing returns to producers. Producers stated that they would have no objection to the order making provision for a base and excess plan if the record failed to support the inclusion of a Louisville plan in the order.

There are a number of base and excess plans in operation throughout the milkshed area. This method of distributing returns to producers is utilized in various forms by a number of handlers in the market. While the principles embodied in the base and excess plans now in operation are fundamentally the same, there are many differences in the practices followed in administering them and in the months used for the base forming and base paying periods.

The Des Moines Cooperative Dairy, the major producer organization in the area, operates neither a base and excess plan nor a Louisville plan in distributing returns to producers. Although the association was a proponent of a Louisville plan provision, a spokesman for the cooperative stated that the association would not be unfavorable to having a base and excess plan in the proposed order.

The seasonal pricing in the proposed Des Moines order follows the same pattern as the Class I pricing provisions in the nearby North Central Iowa and Cedar Rapids-Iowa City Federal orders, neither of which provides for a Louisville plan or a base and excess plan.

The price of Class I milk in the attached proposed order, which is calculated by adding 30 cents to the Chicago order Class I price varies seasonally by significant amounts. For example, the Class I price of $4.50 which would have prevailed for November 1956 is 59 cents above the $3.91 Class I price which would have resulted the following May. In contrast, the prices which have been paid for milk used for Class I purposes by handlers who would be subject to the proposed order have varied relatively little seasonally or have remained at fixed levels for indefinite periods. The seasonal pricing recommended in this decision, by returning to producers a higher price for fall production and a correspondingly lower price in the spring months of high production than have generally prevailed in the market, will provide to a considerable extent the incentive for more even production throughout the year, the purpose for which a Louisville plan is frequently employed. In view of this, no provision should be made at this time for including a Louisville plan in the order.

It would be neither desirable nor administratively practicable to provide for a base and excess plan within the framework of the proposed order at this time. Even though some producer groups in the milkshed have been paid on the basis of various base and excess plans and have, in some degree, adapted their production to the particular schemes under which they operate, producers who represent a major portion of the milk produced for the market have not been paid in accordance with such a plan. Such producers would need some time to adapt their dairy farm operations to an order with a base and excess plan.

While there might be some merit to making provision at this time for a Louisville plan or a base and excess plan that would become operative at a date subsequent to the effective date of the order, it would be more appropriate, if any action is then warranted, to give consideration to such plans at a hearing after the order had been in effect for a reasonable period of time. By then the information gained through operation of the order, which information would then be available to the market, could be used advantageously in determining whether there is then justification for a Louisville plan or a base and excess plan and what the provisions of such plan should be.

Payments to producers. The order should provide that each handler shall pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semimonthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price per hundredweight for the preceding month. No adjustment for butterfat content is required on such partial payment.

It was proposed by producers that provision be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the market. Such functions can be accomplished more expediently if the association is collecting payments for the sales of members' milk.

The contracts with their members authorize the principal cooperative in the market to collect payment for producer milk. The act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. It is concluded, therefore, that each handler shall, if requested by a cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer a supporting statement. Such statement should show the pounds and butterfat tests of milk received from him, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

Experience has indicated that it is desirable to set aside a reasonable reserve or balance in such fund at the end of each month. Such a reserve is necessary in order to provide for contingencies such as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month. The unobligated balance in the producer-settlement fund remaining from the preceding month would be added to the values used in calculating the uniform prices each month. The amount of the reserve which is provided herein should be adequate to enable the producer-settlement fund to perform its function efficiently.

As indicated elsewhere in this decision compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited into the producer-settlement fund would be included in the uniform price computation and thereby be distributed to all producers on the market.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments to the producer-settlement fund for the preceding month would be eliminated in the computation of the uniform price.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of approved milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments therefor.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the marked administrator or any other information upon which the classification of approved milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

As indicated elsewhere in this decision, detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area are needed by the market administrator in order to compute the amounts payable to the producer-settlement fund on such unpriced milk.

In addition to the regular reports required of handlers, provision is made for a handler to notify the market administrator when he intends to divert producer milk or when he intends to import other source milk. This will facilitate the check-testing program of the market administrator. Such information on a marketwide basis also may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made thereto. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, on (a) producer milk, (b) other source milk at a pool plant which is classified as Class I milk, and (c) approved milk received at a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local supplies of approved milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to approved milk (which includes a handler's own production) and to other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the prices prescribed in the order) the scope of the audit of his records by the market administrator would be significantly lessened. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such distribution is of the total receipts of such plant. In such instances, only the fluid milk products disposed of in the marketing area from the nonpool plant should be subject to the administrative assessment.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying tests and weights and furnishing market information. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is a need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation indicates that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Des Moines, Iowa, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 1023.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1023.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1023.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1023.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1023.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1023.6 *Des Moines, Iowa, Marketing Area.* "Des Moines, Iowa, marketing area" (hereinafter called the "marketing area"), means all the territory within the boundaries of the city of Grinnell and the counties of Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Story, Union, Warren, Wapello, and Wayne, all in the State of Iowa, including territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 1023.7 *Approved dairy farmer.* "Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant.

§ 1023.8 *Producer.* "Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 1023.9 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1023.10 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1023.12.

§ 1023.11 *Approved plant.* "Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 1023.12 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) or (c) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year: *And provided further,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(c) A plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers during the month: *Provided,* That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1023.13 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1023.14 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more approved plants, or (b) any cooperative association with respect to the milk from approved dairy farmers diverted by the association for the account of such association from an approved plant to a nonpool plant.

§ 1023.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from approved dairy farmers or from sources other than approved plants.

§ 1023.16 *Approved milk.* "Approved milk" means the skim milk and butterfat contained in milk received at an approved plant directly from an approved dairy farmer: *Provided,* That milk diverted from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further,* That in any of the months of July through March milk diverted from the farm of an approved dairy farmer on more than the number of days that milk was delivered to an approved plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 1023.17 *Producer milk.* "Producer milk" means approved milk which is received at a pool plant.

§ 1023.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1023.19 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1023.20 *Base zone.* "Base zone" means all the territory within the boundaries of Polk County, Iowa.

§ 1023.21 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1023.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1023.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1023.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1023.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1023.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1023.30 and 1023.31 or payments pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.86, 1023.87, and 1023.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and disseminate publicly such statistics and informations as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(j) Publicly announce and notify each handler in writing on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1023.50 (a) and the Class I butterfat differential pursuant to § 1023.51 (a), both for the current month; and the minimum price for Class II milk pursuant to § 1023.50 (b) and the Class II butterfat differential pursuant to § 1023.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price pursuant to § 1023.72, and the butterfat differential pursuant to § 1023.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month that was utilized in each class. For the purpose of this report the milk so delivered shall be allocated to each class in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

§ 1023.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his approved plants, in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of approved milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by approved milk diverted to nonpool plants pursuant to § 1023.16;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1023.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1023.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1023.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1023.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 1023.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1023.41 to 1023.46.

§ 1023.41 *Classes of utilization.* Subject to the conditions set forth in § 1023.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in skim milk dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping; (3) contained in inventory of fluid milk products on hand at the end of the month; and (4) in shrinkage allocated to receipts of approved milk and other source milk (except milk diverted to a nonpool plant pursuant to § 1023.16) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 1023.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in approved milk and other source milk.

§ 1023.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1023.44 *Transfers.* Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 1023.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1023.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1023.46 (a) (2) and the corresponding step in paragraph (b) thereof: *And provided further*, That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, Iowa; and

(d) As Class I milk if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Office of Corydon, Creston, Des Moines, Grinnell, Jefferson and Ottumwa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1023.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the act is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the

preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant tc the act.

§ 1023.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each approved plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1023.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1023.45, the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to approved milk pursuant to § 1023.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in approved milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products as determined pursuant to § 1023.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1023.50 *Class prices.* Subject to the provisions of §§ 1023.51 and 1023.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 30 cents: *Provided,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 5 cents.

(b) *Class II milk price.* The Class II milk price shall be computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices for nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month;

(3) Add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and

(4) Subtract 75.2 cents therefrom.

§ 1023.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1023.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 1023.52 *Location differentials to handlers.* For approved milk which is received at an approved plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1023.50 shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Corydon, Creston, Des Moines, Jefferson, Grinnell, and Ottumwa: *Provided,* That for the purpose of calculating such location differential, fluid milk products which are transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1023.46 (a) (4), and the comparable steps in § 1023.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1023.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1023.60 *Producer-handler.* Sections 1023.40 to 1023.46, 1023.50 to 1023.52, 1023.70 to 1023.72 and 1023.80 to 1023.88 shall not apply to a producer-handler.

§ 1023.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1023.12 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Des Moines marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1023.30) and allow verification of such reports by the market administrator.

§ 1023.62 *Handlers operating nonpool plants.* Unless payment for approved milk at such plant is made pursuant to § 1023.80 (b), each handler in his capacity as the operator of a nonpool plant shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 1023.63.

§ 1023.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of April, May and June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through March, the uniform price pursuant to § 1023.72 adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 1023.70 *Computation of value of milk at each approved plant.* The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1023.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of approved milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 1023.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1023.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 1023.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

§ 1023.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within the base zone, as follows:

(a) Combine into one total the values computed pursuant to § 1023.70 for all pool plants for which the reports prescribed in § 1023.30 for such month were made, except those in default of payments required pursuant to § 1023.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1023.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1023.72 *Computation of uniform price.* For each month the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1023.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

PAYMENT FOR MILK

§ 1023.80 *Time and method of payment.* (a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1023.81, 1023.82 and 1023.87 and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Unless payment is made to the producer-settlement fund pursuant to § 1023.62, each handler shall make payment on or before the 15th day after the end of each month to each approved dairy farmer for approved milk received from him during the month at an approved plant which is a nonpool plant at not less than the price per hundredweight, adjusted by the butterfat differential pursuant to § 1023.81, obtained by dividing the value of approved milk at such plant computed pursuant to § 1023.70 by the hundredweight of approved milk at such plant: *Provided*, That if the total amount paid to such approved dairy farmers is less than that prescribed by this paragraph, payment of the difference shall be made to the producer-settlement fund.

(c) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(d) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1023.81 *Butterfat differentials to producers.* The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1023.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1023.82 *Location differentials to producers.* (a) The uniform price for producer milk received at a pool plant located 60 miles or more from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Cory-

Creston, Des Moines, Grinnell, Jef- and Ottumwa; and

(b) The uniform price for producer milk received at a pool plant outside the base zone shall be reduced 5 cents.

§ 1023.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1023.62, 1023.80, 1023.84, 1023.85, and 1023.86; *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1023.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1023.80 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1023.70.

§ 1023.85 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1023.80, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1023.70: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1023.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1023.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1023.84 and 1023.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1023.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1023.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1023.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1023.88 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1023.46, and (c) approved milk received at a nonpool plant: *Provided,* That if payment for such milk is not made pursuant to § 1023.80 (b), the expense of administration payable pursuant to this section shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

§ 1023.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1023.90 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1023.91 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. The part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1023.92 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator of such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1023.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under this control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1023.100 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1023.101 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 29th day of May 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4194; Filed, June 3, 1958; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 110—F]

DESTRUCTION OF RECORDS OF PERSONS WHICH FURNISH CARS TO RAILROADS

NOTICE OF PROPOSED RULE MAKING

MAY 21, 1958.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that regulations to govern the destruction of records of persons which furnish cars to railroad or express companies (but not protective service against heat or cold) are to be issued in revised form, tentatively as shown below. Any interested person may on or before June 30, 1958 file with the Secretary of the Commission written views or suggestions to be considered in this connection, and may request oral argument thereon. After consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the revised regulations effective after due notice to persons which will be subject thereto.

The revised regulations are to be issued under authority contained in paragraphs (6) and (7) (b) of section 20 of the Interstate Commerce Act, as amended.

(24 Stat. 386, as amended, 54 Stat. 917; 49 U. S. C. 20 (6) and 20 (7) (b))

[SEAL] HAROLD D. MCCOY,
Secretary.

Sec.
110.100 Regulations prescribed.
110.101 Statutory provisions.
110.102 Authority to destroy records.
110.103 Photographic copies.
110.104 Periods of retention.

§ 110.100 *Regulations prescribed.* All persons, including corporations and partnerships as well as individuals, which furnish cars to or on behalf of any carrier by railroad or express company subject to provisions of section 20 (6) of the Interstate Commerce Act, but do not furnish protective service against heat or cold, shall comply with regulations in this part before destroying records or documents which pertain or relate to the cars so furnished. Compliance with the regulations in this part will not, however, exempt such a person from statutory requirements other than provisions of the Interstate Commerce Act, for retention of such records or documents for periods longer than those hereinafter prescribed. (Car line companies which also provide protective service are subject to regulations in §§ 110.1 to 110.7.)

§ 110.101 *Statutory provisions.* Section 20 (6) of the Interstate Commerce Act includes the following requirements:

> The Commission * * * shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of persons which furnish cars * * * to or on behalf of any carrier by railroad or express company * * *: *Provided, however*, That such authority shall be limited to accounts, books, records, memoranda, correspondence, or other documents which pertain or relate to the cars * * * so furnished. * * * Persons furnishing such cars * * * shall submit their accounts, books, records, memoranda, correspondence, or other documents, to the extent above provided, for inspection and copying * * * upon demand * * *.

Section 20 (7) (b) of the Interstate Commerce Act includes the following provisions:

> Any person who * * * shall knowingly and willfully destroy, multilate, alter, or by any other means or device falsify the record of * * * accounts, records, or memoranda, * * * shall be deemed guilty of a misdemeanor and shall be subject * * * to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents * * * as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

§ 110.102 *Authority to destroy records.* Records and documents which pertain or relate to cars furnished subject to provisions of section 20 (6) of the Interstate Commerce Act may be destroyed after the same have been retained respectively for periods hereinafter prescribed.

§ 110.103 *Photographic copies.* Records and documents covered by the regulations in this part may be destroyed at any time after they have been suitably photographed in the normal course of business under a program instituted for the protection or storage of other company records of a similar nature or purpose: *Provided, however*, That microfilm copies shall be retained for the periods of time prescribed for the original records or documents, respectively; that the microfilm copies shall be no less readily accessible than the original records or document as normally filed or preserved would be; and that suitable facilities shall be available to locate, identify, read, or reproduce such microfilm copies.

§ 110.104 *Periods of retention.* Records and documents listed below, insofar as they pertain or relate to cars furnished to or on behalf of any carrier by railroad or express company, shall be retained for the periods of time shown for each kind of record or document, respectively. Inclusion of a record or document in the list imposes no requirement that it shall be installed if the information normally so recorded is not otherwise required by provisions of the Interstate Commerce Act.

Item; Description of Records; and Period To Be Retained

1; Contracts, leases, and agreements; [illegible] years after expiration or termination.

2; Copies and files of tax returns; 3 years.

3; Insurance records, including the policies; 2 years after expiration of coverage.

4; Records of the cost or construction of cars; 3 years after sale or retirement.

5; Records of rents and revenues from cars, of repairs to and maintenance of cars, and of safety appliances installed or repaired; 3 years.

6; Car location records and reports; [illegible] years.

7; Records and files of claims for personal injuries, and fire and other damages; 5 years after settlement or rejection.

8; Accident records and reports, if not included in Item 7; 2 years.

9; Reports to regulatory agencies, file copies of and supporting papers; 5 years.

10; Correspondence; for the period prescribed for the records to which the correspondence relates.

[F. R. Doc. 58-4167; Filed, June 3, 1958; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

EXTENSION OF TIME FOR FILING COMMENTS ON PROPOSAL TO ESTABLISH TOLERANCE FOR RESIDUES OF DDT IN OR ON SWEET CORN AND ZERO TOLERANCE FOR SUCH RESIDUES IN OR ON SWEET CORN HUSKS AND FORAGE

Pursuant to the notice published in the FEDERAL REGISTER of April 18, 1958 (23 F. R. 2574), persons representing agricultural interests have filed comments indicating that additional time is needed to permit the compilation of data that should be considered in connection with the proposal. These persons have requested an extension of time for filing comments in the above-entitled matter; and good reason therefor appearing: *It is ordered*, Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U. S. C. 346a (b), (e)), That the time for the filing of such comments be extended to July 18, 1958.

Dated: May 26, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4136; Filed, June 3, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

CERTAIN MEMBERS OF RESERVE COMPONENTS

DELEGATION OF AUTHORITY TO ORDER TO ACTIVE DUTY

The Secretary of Defense approved the following delegation of authority, May 26, 1958:

There is hereby delegated to the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force, with the power to redelegate, the authority vested in the Secretary of Defense by Executive Order 10762, dated March 28, 1958, to order to active duty (other than for training) for a period of not more than 24 consecutive months, with or without his consent, any member of a reserve component of the armed forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and who has not performed at least one year of active duty (other than for training).

Delegation of authority published at 21 F. R. 3083, May 9, 1956, is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 58-4154; Filed, June 3, 1958; 8:47 a. m.]

ADMINISTRATIVE ASSISTANT TO SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY

The Secretary of Defense approved the following delegation of authority on May 26, 1958:

In accordance with the provisions of subsection 202 (f) of the National Security Act, as amended (5 U. S. C. 171a), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 638), I hereby delegate the following authorities to the Administrative Assistant to the Secretary of Defense, or, in his absence or incapacity, to the person acting for him, such authority to be exercised for the Department of Defense, exclusive of the Department of the Army, Department of the Navy and Department of the Air Force:

1. Authority to exercise the powers vested in the Secretary of Defense pertaining to the employment and general administration of civilian personnel.

2. Authority to administer oaths of office incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, in accordance with provisions of the act of June 26, 1943 (5 U. S. C. 16a).

3. Authority to pay cash awards to, and incur necessary expenses for, the honorary recognition of civilian employees of the Government, in accordance with the provisions of the Government Employees Incentive Awards Act (5 U. S. C. 2121).

4. Authority to supervise and administer the affairs of welfare and recreation activities.

5. Authority to (1) authorize, in case of an emergency, the appointment of a person to a sensitive position for a limited period, for whom a full field investigation has not been completed, and (2) authorize the suspension of an employee in the interest of the national security, in accordance with the provisions of Public Law 733, 81st Congress (64 Stat. 476, 5 U. S. C. 22-1).

6. Authority to clear personnel for access to Top Secret, Secret and Confidential material and information, in accordance with the provisions of Department of Defense Directive 5210.8, "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information", June 29, 1955.

7. Authority to authorize and approve overtime work for civilian officers and employees, in accordance with the provisions of section 25.141 of the Federal Employment Pay Regulations.

8. Authority to authorize and approve travel for civilian employees, in accordance with the standardized Government Travel Regulations, August 1, 1952, as amended, and for temporary duty travel only of military personnel, in accordance with the Joint Travel Regulations for the Uniformed Services, April 1, 1951, as amended.

9. Authority to approve the expenditure of funds for travel incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense is required by law.

10. Authority to enter into contracts for supplies, equipment and services, and, subject to the limitation contained in section 2311, Chapter 137, Title 10, United States Code, to make the necessary determinations and findings required under that Chapter.

11. Authority to act as custodian of the seal of the Department of Defense and to attest to the authenticity of official records of the Department of Defense under said seal.

12. Authority to approve contractual instruments for commercial-type concessions at the Seat of Government, and to maintain general supervision over commercial-type concessions operated by or through the Department of Defense at the Seat of Government.

13. Authority to act for the Secretary of Defense before the Joint Committee on Printing, the Public Printer, and the Director of the Bureau of the Budget on all matters pertaining to printing, binding and publications requirements.

14. Authority to purchase bonds to cover civilian officers and employees and the military personnel of the Department of Defense, in accordance with Public Law 323, 84th Congress (6 U. S. C. 14), and regulations of the Department of the Treasury (31 CFR Part 226).

The authorities vested in the delegate named herein may be redelegated by him as appropriate.

All previous delegations of authority to the Director, Office of Administrative Services, pertaining to matters delegated herein are hereby revoked.

NEIL MCELROY,
Secretary of Defense.

Delegation of authority published at 18 F. R. 3676 is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 58-4155; Filed, June 3, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Director's Order 1, Amdt. 1]

DESIGNATED OFFICIALS OF THE BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES FOR SPACE

MAY 14, 1958.

Director's Order No. 1, dated October 14, 1957 (22 F. R. 8241), is hereby amended as hereinafter indicated:

1. Section 1 (a) (3) is hereby amended to read as follows:

(3) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations and Area Director, Southern California Area, $100,000; and General Manager and Administrative Officer, Pribilof Islands Reservation, $5,000.

2. Section 3 (b) (3) is hereby amended to read as follows:

(3) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations and Area

Director, Southern California Area $100,000.

(Secretary's Order No. 2509, Amdts. 16 and 25; Commissioner's Order No. 3, 22 F. R. 8126)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-4172; Filed, June 3, 1958; 8:51 a. m.]

[Director's Order 2, Amdt. 2]

DESIGNATED OFFICIALS OF THE BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY FOR NEGOTIATED PURCHASES AND CONTRACTS

MAY 14, 1958.

Director's Order No. 2, dated October 18, 1957 (22 F. R. 8401), is hereby amended as hereinafter indicated:

1. Section 1 (a) (1) (iii) is hereby amended to read as follows:

(iii) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations and Area Director, Southern California Area, $100,000.

2. Section 1 (a) (4) (iii) is hereby amended to read as follows:

(iii) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations and Area Director, Southern California Area, $100,000; Fishery Management Agents in Alaska, $15,000; all project leaders in charge of fish cultural stations, laboratories, experimental projects or vessels, $10,000; and General Manager, Pribilof Islands Reservation, $5,000.

(Secretary's Order No. 2825; Commissioner's Order No. 3, 22 F. R. 8126)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-4173; Filed, June 3, 1958; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9321 etc.; FCC 58-497]

WKAT, INC. ET AL.

ORDER REOPENING RECORD FOR FURTHER HEARING ON STATED ISSUES

In re applications of WKAT, Inc., Miami Beach, Florida, Docket No. 9321, File No. BPCT-399; L. B. Wilson, Inc., Miami, Florida, Docket No. 10825, File No. BPCT-1645; North Dade Video, Inc., Miami, Florida, Docket No. 10826, File No. BPCT-1685; Public Service Television, Inc., Miami, Florida, Docket No. 10827, File No. BPCT-1792; for television construction permits (Channel 10).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the Order of the United States Court of Appeals for the District of Columbia Circuit in the above-entitled proceeding, dated April 17, 1958;

It appearing that by said order the proceeding was remanded to the Commission with instructions to proceed forthwith to hold an evidentiary hearing with respect to whether the award heretofore made may be void *ab initio* or voidable, and whether a party or parties to the proceeding may be disqualified by reason of misconduct to receive an award of a television construction permit;

It is ordered, That the record in this proceeding is reopened and further hearing shall be held before a presiding officer, to be designated by the Commission, on the following issues:

1. To determine whether any of the members of the Commission who participated should have disqualified himself from voting in the proceedings before the Commission which resulted in the award of a construction permit for a television station on Channel 10 in Miami.

2. To determine whether any person or persons influenced or attempted to influence any member of the Commission with respect to the proceedings resulting in the award of the construction permit for Channel 10, Miami, in any manner whatsoever except by the recognized and public processes of adjudication.

3. To determine whether any party to the proceedings before the Commission which resulted in the award of the construction permit for Channel 10 in Miami directly or indirectly secured, aided, confirmed, ratified, or knew of any misconduct or improprieties in connection with the proceedings.

4. To determine, in the light of the facts adduced upon the foregoing issues, whether the grant heretofore made of a construction permit for Channel 10, Miami, was void ab initio and if not whether such grant is voidable and action should be taken to set it aside; whether any of the applicants in this proceeding was and is disqualified to receive a grant of its application; and whether the conduct of any applicant, if not of a disqualifying character, has been such as to reflect adversely upon such applicant from a comparative standpoint.

It is further ordered, That the further hearing herein shall be held in the city of Washington, District of Columbia, commencing on the 23d day of June, 1958 with a pre-hearing conference; and that upon petition therefor filed with the Commission, consideration will be given to the holding of hearing sessions at locations other than that specified herein; and

It is further ordered, That all parties to these cases before the Commission shall be admitted to participate as parties if they so request, such requests to be submitted on or before June 5, 1958, and that any person or persons concerning whom evidence may be received in the said hearing shall be permitted to cross-examine and to submit rebuttal testimony if he or they request the opportunity to do so; and

It is further ordered, That the presiding officer shall permit the Attorney General of the United States or his designated representative, upon request made, to participate in the hearing as amicus curiae.

Released: May 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4181; Filed, June 3, 1958; 8:53 a. m.]

[Docket No. 12383; FCC 58-509]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 58-301) setting forth the above proposal was issued by the Commission on April 3, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 2365), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before May 2, 1958; and

It further appearing that the only comment submitted was filed by WJMC, Inc., Hayward, Wisconsin, which favored adoption of the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 226 available for assignment in Hayward, Wisconsin, and for which WJMC, Inc., proposes to file an application for construction permit for an FM station to operate there on this Channel; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended:

It is ordered, That effective May 28, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to Hayward, Wisconsin:

General area	Channel	
	Delete	Add
Hayward, Wis		226

Released: May 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4182; Filed, June 3, 1958; 8:53 a. m.]

[Docket No. 12384; FCC 58-505]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 58-303) setting forth the above proposal was issued by the Commission on April 3, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 2366), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before May 2, 1958; and

It further appearing that the only comment received in the matter favored adoption of the proposed amendment; and

It further appearing that the proposed amendment will provide Channel 236 in Ventura for which an application is on file from the Tri-Counties Public Service, Inc., and will provide Channel 260 for Santa Barbara for which an application is on file from the Tri-Counties Broadcasting Company; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective May 28, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following cities:

General area	Channels	
	Delete	Add
Ventura, Calif.		236
Santa Barbara, Calif.	236	260
San Luis Obispo, Calif.	260	223

Released: May 29, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4183; Filed, June 3, 1958; 8:53 a. m.]

[Docket No. 12397; FCC 58-508]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 58-363) setting forth the above proposal was issued by the Commission on April 21, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 2761), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before May 16, 1958; and

It further appearing that no comments were filed, either favoring or opposing the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 286 available for assignment in Salem, Ohio, for which an application, File No. BPH-2405, has been filed by Russell C. Jones; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective May 28, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Salem, Ohio, and Sharon, Pennsylvania:

General area	Channels	
	Delete	Add
Salem, Ohio		286
Sharon, Pa. (includes Warren and Youngstown, Ohio; Meadville and New Castle, Pa)	286	

Released: May 29, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4189; Filed, June 3, 1958; 8:41 a. m.]

[Docket Nos. 12388, 12389; FCC 58M-551]

MID-AMERICA BROADCASTERS, INC., AND MUTUAL BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Mid-America Broadcasters, Inc., San Francisco, California, Docket No. 12388, File No. BPH-2325; Mutual Broadcasting System, Inc., San Francisco, California, Docket No. 12389, File No. BPH-2329; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance of Prehearing Conference" filed on May 26, 1958, by counsel for Mutual Broadcasting System, Inc., requesting a continuance of the date on which the prehearing conference in the above-entitled matter is to be held, from May 28, 1958, to June 6, 1958; and

It appearing that sufficient good cause has been set forth in the said petition to warrant a grant of the relief requested therein; and that all parties have agreed to the above-requested continuance and to a waiver of § 1.43 of the Commission's rules;

It is ordered, This 28th day of May 1958, that the above petition for continuance is granted, and that the prehearing conference in the above-entitled proceeding is hereby continued to June 6, 1958.

Released: May 29, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4184; Filed, June 3, 1958; 8:53 a. m.]

[Docket No. 12399; FCC 58-511]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that notice of proposed rule making (FCC 58-365) setting forth the above proposal was issued by the Commission on April 21, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 2761), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before May 16, 1958; and

It further appearing that no comments were filed, either favoring or opposing the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 279 available for assignment in San Diego, California, for which an application, File No. BPH-2406, has been filed by the Broadmoor Broadcasting Corporation; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective May 28, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of San Diego, California:

General area	Channel	
	Delete	Add
San Diego, Calif.		[illegible]

Released: May 29, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4186; Filed, June 3, 1958; 8:53 a. m.]

[Docket No. 12440; FCC 58M-547]

MACOMB BROADCASTING CO. (WKAI)

NOTICE OF PREHEARING CONFERENCE

In re application of the Macomb Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 12440, File No. BP-11239; for construction permit.

A prehearing conference will be held Wednesday, June 18, 1958, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: May 27, 1958.

Released: May 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4187; Filed, June 3, 1958; 8:54 a. m.]

[Docket No. 12445 etc.; FCC 58M-549]

FLORIDA GULFCOAST BROADCASTER, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Florida Gulfcoast Broadcasters, Incorporated, Largo, Fla., Docket No. 12445, File No. BPCT-2371; City of St. Petersburg, Florida (WSUN-TV), St. Petersburg, Fla., Docket No. 12446, File No. BPCT-2373; Suncoast Cities Broadcasting Corporation, St. Petersburg, Fla., Docket No. 12447, File No. BPCT-2389; Tampa Telecasters, Inc., Tampa, Fla., Docket 12448, File No. BPCT-2432; WTSP-TV, Inc., St. Petersburg, Fla., Docket No. 12449, File No. BPCT-2437; Bay Area Telecasting Corporation, St. Petersburg, Fla., Docket No. 12450, File No. BPCT-2445; for construction permits for new television broadcast stations (Channel 10).

It is ordered, This 26th day of May 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 28, 1958, in Washington, D. C.

Released: May 28, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4188; Filed, June 3, 1958; 8:54 a. m.]

[FCC 58-510]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
San Diego, Calif.	300	299

It appearing that KCBQ, Inc., permittee of Station KCBQ-FM, San Diego, California, has filed an application, File No. BMPH-5210, for assignment of Channel 299 in lieu of Channel 300; and

It further appearing that should KCBQ-FM operate on Channel 300 (107.9 megacycles) there is a possibility of interference being caused to the reception of satellite signals on 108 megacycles at the Navy minitrack satellite tracking station at Brown Field, California; and

It further appearing that should KCBQ-FM operate on Channel 299 (107.7 megacycles) it is believed that no interference to the reception of the satellite signals would exist; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that because the proposed amendment merely represents a substitution of one channel for another with no objectionable interference being involved with existing or proposed stations or other allocations, the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act are unnecessary;

It is ordered, That effective May 28, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channel	
	Delete	Add
San Diego, Calif.	300	299

Released: May 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4185; Filed, June 3, 1958; 8:51 a. m.]

POST OFFICE DEPARTMENT

BRITISH CURRENCY RESTRICTION REMOVED; MAILING OF MEDICINES TO HUNGARY

1. The British authorities have removed their restriction on the importation of Bank of England notes and other paper money in pounds sterling. British currency in any amount may now be sent to Great Britain and Northern Ireland by registered letter mail.

2. The Hungarian Postal Administration has given notice that medicines are not admitted as gifts except in the original intact wrappings of the manufacturer. Otherwise, they are confiscated or returned to senders. This restriction applies to medicines in letter packages and small packets as well as parcel post.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4171; Filed, June 3, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6510]

WESLEY WEST

NOTICE OF RECONVENING HEARING

MAY 26, 1958.

In the Notice of Reconvening Hearing, issued May 22, 1958, and published in the FEDERAL REGISTER on May 28, 1958 (23 F. R. 3677), the last sentence on page one should be corrected to read: "*Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure."

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4147; Filed, June 3, 1958; 8:46 a. m.]

[Docket No. G-15168]

SEABOARD OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPROPOSED CHANGE IN RATES

MAY 28, 1958.

Seaboard Oil Company (Seaboard) on April 28, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Seaboard's FPC Gas Rate Schedule No. 25.

Effective date: May 29, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Seaboard submits a copy of a letter from Texas Eastern Transmission Corporation agreeing to the increased rate. Seaboard states that the entire pricing arrangement resulted from good faith arm's-length bargaining and to deny the increase would be in effect to decrease the price originally agreed upon under the contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Seaboard's FPC Gas Rate Schedule No. 25 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regula-

[illegible] under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Seaboard's FPC Gas Rate Schedule No. 25.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 29, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4156; Filed, June 3, 1958; 8:48 a. m.]

[Docket No. G-15169]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 28, 1958.

Gulf Oil Corporation (Gulf Oil) on April 28, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 22, 1958.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 41.

Effective date: June 1, 1958 (effective date is the effective date proposed by Gulf Oil).

In support of the proposed periodic rate increase, Gulf Oil cites the contract provision providing for the increased price which it states resulted from arm's-length bargaining. Gulf Oil also cites 1957 and 1958 negotiated contract prices in the Houston, Goliad and Corpus Christi areas which are higher than the here proposed 13.9 cents per Mcf rate. In addition, Gulf Oil states production expenses have increased.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 41 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 41.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4157; Filed, June 3, 1958; 8:48 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-[illegible].

[Docket No. G-15170]

CONTINENTAL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 28, 1958.

Continental Oil Company (Continental) on April 28, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Continental's FPC Gas Rate Schedule No. 84.

Effective date: May 29, 1958 (effective date is the effective date proposed by Continental).

In support of the proposed redetermined rate increase, Continental submits a copy of a letter from Texas Eastern Transmission Corporation agreeing to the increased rate. Continental states that the entire pricing arrangement resulted from good faith arm's-length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Continental's FPC Gas Rate Schedule No. 84 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Continental's FPC Gas Rate Schedule No. 84.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 29, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4158; Filed, June 3, 1958; 8:48 a. m.]

[Docket No. G-15171]

CONTINENTAL OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

MAY 28, 1958.

Continental Oil Company (Operator) et al. (Continental), on April 28, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 12 to Continental's FPC Gas Rate Schedule No. 114. Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 125.

Effective date: May 29, 1958 (effective date is the effective date proposed by Continental).

In support of the proposed redetermined rate increases, Continental submits a copy of a letter from Texas Eastern Transmission Corporation agreeing to the increased rate. Continental states that the entire pricing arrangement resulted from good faith arm's-length bargaining.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 12 to Continental's FPC Gas Rate Schedule No. 114, and Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 125, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 12 to Continental's FPC Gas Rate Schedule No. 114, and Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 125.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 29, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4159; Filed, June 3, 1958; 8:48 a. m.]

[Docket No. G-15172]

SINCLAIR OIL AND GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 28, 1958.

Sinclair Oil and Gas Company et al. (Sinclair), on April 29, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 17, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Sinclair's FPC Gas Rate Schedule No. 65.

Effective date: May 30, 1958 (effective date is the effective date proposed by Sinclair).

In support of the proposed favored-nation rate increase, Sinclair submits a copy of a letter from El Paso Natural Gas Company (El Paso) in which Sinclair is notified that effective January 1, 1958, El Paso commenced the purchase of gas at 10.5 cents per Mcf within the favored-nations area and offering to pay Sinclair the same price. In addition, Sinclair cites recent acceptances by the Commission of increases to 10.5015 cents and 10.5 cents per Mcf for gas sales by F. J. Danglade et al. and Elliott, Inc., respectively, to El Paso in the same county.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Sinclair's FPC Gas Rate Schedule No. 65 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Sinclair's FPC Gas Rate Schedule No. 65.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 30, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4160; Filed, June 3, 1958; 8:49 a. m.]

[Docket No. G-15173]

MENDOTA OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 28, 1958.

Mendota Oil Company (Mendota) on April 30, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 6 to Mendota's FPC Gas Rate Schedule No. 8.

Effective date: May 31, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Mendota states that the contract was an arm's-length transaction in which the escalation clause was an integral part of the consideration; that without such a guarantee Mendota would have been unwilling to tie up its reserves for 20 years. Mendota further states that the increase will stimulate further exploration; that costs have increased, and the discovery rate has declined.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Mendota's FPC Gas Rate Schedule No. 8 be suspended and the use thereof defered as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Mendota's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof defered until October 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4161; Filed, June 3, 1958; 8:49 a. m.]

[Docket No. G-15175]

G. E. HALL ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 28, 1958.

G. E. Hall, (Operator) et al. (Hall), on May 2, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 29, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Hall's FPC Gas Rate Schedule No. 2.
Effective date: June 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Hall submits a copy of a letter from El Paso Natural Gas Company (El Paso) notifying him of a general increase of 1.0 cents per Mcf for gas purchased by El Paso commencing January 1, 1958.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Hall's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Hall's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4162; Filed, June 3, 1958; 8:49 a. m.]

[Docket No. G-15176]

CARTER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 28, 1958.

The Carter Oil Company (Carter) on May 2, 1958,[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 25, 1958.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 1 to Carter's FPC Gas Rate Schedule No. 44.
Effective date: June 2, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Carter states that the contract resulted from arm's-length bargaining; that the effect of the proposed increase is as if the parties had agreed upon an average price for the life of the contract, and that the buyer would receive substantial benefits by being able to purchase reserves at a lower initial price during the time that the buyer's fixed costs were highest.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Carter's FPC Gas Rate Schedule No. 44 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Carter's FPC Gas Rate Schedule No. 44.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4163; Filed, June 3, 1958; 8:49 a. m.]

[Docket No. G-15178]

MOUND CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 28, 1958.

Mound Company (Operator) et al. (Mound), on May 1, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 6 to Mound's FPC Gas Rate Schedule No. 1.
Effective date: June 1, 1958 (effective date is the effective date proposed by Mound).

In support of the proposed two-step periodic rate increase,[2] Mound cites the contract provision providing for the increased price which Mound states resulted from arm's-length bargaining. Mound also states the minimum average price over the term of the contract is 14.5 cents per Mcf and the rate requested here is only 13.8 cents per Mcf (base rate).

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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[1] Previously filed March 27, 1958, and rejected.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-10435.

[2] A previous increase was suspended in Docket No. G-12684, but no motion has been filed by Mound to place the suspended rate in effect subject to refund, hence the two-step increase.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Mound's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Mound's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4164; Filed, June 3, 1958; 8:49 a. m.]

[Docket No. G-9417 etc.]

BAYVIEW OIL CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

MAY 27, 1958.

In the matters of Bayview Oil Corporation, Docket No. G-9417; Bayview Oil Corporation (operator), et al., Docket No. G-13739; Bayview Oil Corporation, et al., Docket No. G-13421.

Upon consideration of the motion filed May 26, 1958, by Counsel for Bayview Oil Corporation for postponement of the hearing now scheduled for June 16, 1958 in the above-designated matters;

The hearing now scheduled for June 16, 1958, is hereby postponed to July 16, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4165; Filed, June 3, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3906]

COMSTOCK, LTD.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 27, 1958.

In the matter of Comstock, Limited, common stock; File No. 1-3906.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the San Francisco Mining Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Reports required by the Exchange and the Securities and Exchange Commission have not been filed for 1955, 1956, and 1957, and the state of the records presently precludes completion of an audit and accounting.

Upon receipt of a request, on or before June 11, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4149; Filed, June 3, 1958; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO ADVANCES FOR PUBLIC WORKS PLANNING

A. Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of advances for public works planning on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U. S. C. 462:

(1) To approve planning projects and execute offers to public agencies for planning projects involving advances in amounts not exceeding $30,000 per project, and amend or modify contracts resulting from the acceptance of such offers provided that such amendments or modifications do not increase the Federal advances for any project beyond $30,000;

(2) To execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of $30,000, and amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Federal advance shall not be executed without the prior approval of the Community Facilities Commissioner;

(3) To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs (1) or (2) above;

(4) To authorize payments under any contracts resulting from acceptance of offers under subparagraphs (1) or (2) above;

(5) To redelegate to one or more employees under his jurisdiction any of the authority delegated under subparagraphs (3) and (4) above; and

(6) In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

B. This delegation of authority supersedes the delegation effective May 10, 1957 (22 F. R. 3304, May 10, 1957), as amended effective February 19, 1958 (23 F. R. 1636, March 7, 1958).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U. S. C. 1701c)

Effective as of the 4th day of June 1958.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 58-4178; Filed, June 3, 1958; 8:52 a. m.]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO HOUSING FOR EDUCATIONAL INSTITUTIONS

A. Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of loans for housing for educational institutions on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U. S. C. 1749-1749c):

(1) To approve applications, authorize loans, and execute loan agreements, involving loans for student and faculty housing and/or dining facilities in amounts not exceeding $1,000,000;

(2) To amend or modify any such loan agreement provided that such amend-

ment or modification does not increase the Federal loan beyond $1,100,000;

(3) To execute any loan agreement under the program in the amount approved by the Community Facilities Commissioner, and to amend or modify any such loan agreement provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than $100,000 or 10 per cent, whichever is the lesser;

(4) To redelegate to one or more employees under his jurisdiction the authority to execute loan agreements and amendments or modifications thereof delegated under subparagraphs (1), (2), and (3) above; and

(5) In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

B. This delegation of authority supersedes the delegation effective August 15, 1957 (22 F. R. 6586, August 15, 1957), as amended effective February 19, 1958 (23 F. R. 1636, March 7, 1958).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U. S. C. 1701c)

Effective as of the 4th day of June 1958.

ALBERT M. COLE,
Housing and Home
Finance Administrator.

[F. R. Doc. 58-4179; Filed, June 3, 1958; 8:53 a. m.]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC FACILITY LOANS

A. Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the public facility loans program on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492):

(1) To approve applications from, authorize loans to, and enter into contracts with, public agencies, involving loans for essential public works or facilities in amounts not exceeding $250,000;

(2) To amend or modify any such contract provided that such amendment or modification does not increase the Federal loan beyond $275,000;

(3) To enter into contracts with public agencies for such public works or facilities in amounts approved by the Community Facilities Commissioner, and to amend or modify any such contract provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than $25,000 or 10 percent, whichever is the lesser;

(4) To redelegate to one or more employees under his jurisdiction the authority to enter into contracts and amendments or modifications thereof delegated under subparagraphs (1), (2), and (3) above; and

(5) In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

B. This delegation of authority supersedes the delegation effective November 28, 1955 (20 F. R. 9981, December 24, 1955), as amended effective February 19, 1958 (23 F. R. 1636, March 7, 1958).

(Reorg. Plan. No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U. S. C. 1701c)

Effective as of the 4th day of June 1958.

ALBERT M. COLE,
Housing and Home
Finance Administrator.

[F. R. Doc. 58-4180; Filed, June 3, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 29, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34721: *Acrylonitrile—Texas City, Tex., to Lugoff, S. C.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7300), for interested rail carriers. Rates on acrylonitrile, tankcar loads from Texas City, Tex., to Lugoff, S. C.

Grounds for relief: Barge truck competition.

Tariff: Supplement 476 to Southwestern Lines Freight Tariff I. C. C. 4139.

FSA No. 34722: *TOFC service between points in Illinois and Indiana, and southwestern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7302), for interested rail carriers. Rates on freight loaded in or on trailers and transported on railroad flat cars between points in Illinois and Indiana taking Chicago, Ill., rates on one hand, and points in Arkansas, Louisiana, New Mexico, and Texas, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 56 to Southwestern Lines Freight Tariff I. C. C. 4254.

FSA No. 34723: *Class rates—Intermountain and Pacific Coast Points to Cedar City, Utah.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 239), for interested rail carriers. Rates on all commodities described in Uniform Classification No. 4, I. C. C. No. A-4, Western Classification Committee, Agent, from points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and British Columbia, Canada.

Grounds for relief: Carrier competition in equalization of class rates to Cedar City on traffic for beyond.

Tariff: Supplement 25 to North Pacific Coast Freight Bureau, Agent, and Pacific Southcoast Freight Bureau, Agent, tariff I. C. C. 1590.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4166; Filed, June 3, 1958; 8:50 a. m.]

[Notice 38]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 29, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-42289 (Deviation No. 2), LOMBARD BROS., INCORPORATED, 249 Mill Street, Waterbury, Conn., filed May 23, 1958. Attorneys for said carrier, Hugh M. Joseloff and Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike at or near Weston, Mass. (Interchange No. 14), and Interchange No. 4 of the said Turnpike in Chicopee, Mass., as follows: from Interchange No. 14 of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to Interchange No. 4 of said Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Springfield, Mass., and Boston, Mass., over the following pertinent route: from Springfield over U. S. Highway 20 to Worcester, and thence over Massachusetts Highway 9 to Boston.

No. MC-69116 (Deviation No. 1), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed May 23, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Wisconsin Dells, Wis., and Mauston, Wis., as follows: from Wisconsin Dells over Wisconsin Highway 13 to the junction of Wisconsin Highway 82, thence over Wisconsin Highway 82 to the junction of U. S. Highway 12 at Mauston, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Wisconsin Dells, Wis., and Mauston, Wis., over U. S. Highway 12.

No. MC-69116 (Deviation No. 2), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed May 23, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Interchange No. 50 of the New York State Thruway at Buffalo, N. Y., and Interchange No. 61 of said Thruway near Ripley, N. Y., as follows: from Interchange No. 50 of the New York State Thruway over the New York State Thruway and access routes to Interchange No. 61 of the said Thruway and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the Pennsylvania-New York State line and Buffalo, N. Y., over the following pertinent routes: (a) Over U. S. Highway 20 to junction New York Highway 5 at or near Silver Creek, N. Y., thence over New York Highway 5 to junction New York Highway 33, thence over New York Highway 33 to the New York State Thruway at Interchange No. 51; (b) over U. S. Highway 20 to junction U. S. Highway 62, thence over U. S. Highway 62 to junction New York Highway 130, thence over New York Highway 130 to the New York State Thruway at Interchange No. 52; and (c) over U. S. Highway 20 to junction New York Highway 5 at or near Silver Creek, N. Y., thence over New York Highway 5 to junction New York Highway 130 at or near Buffalo, N. Y.

No. MC-69116 (Deviation No. 3), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed May 23, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes (A) between junction U. S. Highways 20 and 62 near Big Tree, N. Y., and junction U. S. Highway 20 and New York Highway 130 at Depew, N. Y., as follows: from junction U. S. Highways 20 and 62 near Big Tree over U. S. Highway 20 to junction New York Highway 130; and (B) between junction New York Highway 5 and Alternate U. S. Highway 20, or unnumbered highway at or near Athol Springs, N. Y., and junction New York Highways 78 and 33 at or near Bowmansville, N. Y., as follows: from junction New York Highway 5 and Alternate U. S. Highway 20, or unnumbered highway over unnumbered highway to the junction of U. S. Highway 20 near Big Tree, N. Y., thence over U. S. Highway 20 to the junction New York Highway 78 at Depew, N. Y., thence over New York Highway 78 to the junction New York Highway 33; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from the junction U. S. Highways 20 and 62 near Big Tree, N. Y., over U. S. Highway 62 to the junction of New York Highway 130 in Buffalo, N. Y., thence over New York Highway 130 to the junction of U. S. Highway 20 at Depew, N. Y.; and from the junction of New York Highway 5 and Alternate U. S. Highway 20, or unnumbered highway, at or near Athol Springs, N. Y., over New York Highway 5 to junction New York Highway 33 in Buffalo, N. Y., thence over New York Highway 33 to junction of New York Highway 78 at or near Bowmansville, N. Y.; and return over the same routes.

No. MC-74721 (Deviation No. 3), MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio, dated May [illegible], 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Pekin, Ill., and Springfield, Ill., as follows: from Pekin over Illinois Highway 9 to junction Illinois Highway 121, thence over Illinois Highway 121 to junction U. S. Highway 66, thence over U. S. Highway 66 to Springfield and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Staunton, Ill., over Illinois Highway 4 to Springfield, Ill., thence over Illinois Highway 29 via Pekin to Peoria, Ill., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 12), THE GREYHOUND CORPORATION (CENTRAL GEYHOUND LINES DIVISION), 509 Sixth Avenue North, Minneapolis 3, Minn., filed May 21, 1958. Attorney for said carrier, J. V. Murphy, 509 Sixth Avenue, North, Minneapolis 5, Minn. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, between Beloit, Wis., and Evansville, Wis., as follows: from Beloit over Wisconsin Highway 13 to Evansville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Beloit, Wis., and Evansville, Wis., over the following pertinent route: from Beloit over U. S. Highway 51 to junction U. S. Highway 14, thence over U. S. Highway 14 to Evansville.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4169; Filed, June 3, 1958; 8:51 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—PROVISIONS FOR PARTICIPATION OF FINANCIAL INSTITUTIONS IN POOLS OF CCC PRICE SUPPORT LOANS OF CERTAIN COMMODITIES

This subpart contains the regulations (hereinafter called regulations in this subpart) providing the terms and conditions under which financial institutions may participate in pools of loans made to producers on certain agricultural commodities under price support programs announced by the Commodity Credit Corporation, U. S. Department of Agriculture.

Sec.
421.3801 Definition of terms.
421.3802 Pooling of price support program loan notes.
421.3803 Rate of interest and basis of computation of interest earned.
421.3804 Maturity date of certificates.
421.3805 Disbursement of funds in connection with loans.
421.3806 Transfer of certificates.
421.3807 Exchange of certificates.
421.3808 Payment of face amount of certificate.
421.3809 Payment of interest earned.
421.3810 Acceptance of documents by financial institutions.
421.3811 Acceptance of terms.

AUTHORITY: §§ 421.3801 to 421.3811 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. 714c.

§ 421.3801 *Definition of terms.* As used in §§ 421.3801 to 421.3811, the following terms shall have the following meanings:

(a) "CCC" shall mean the Commodity Credit Corporation of the U. S. Department of Agriculture.

(b) "CSS" shall mean the Commodity Stabilization Service, U. S. Department of Agriculture.

(c) "Commodity Office" shall mean (1) with respect to certificate(s) payable through the Federal Reserve Bank of Chicago, the Evanston CSS Commodity Office located at 2201 Howard Street, Evanston, Illinois, and (2) with respect to certificate(s) payable through the Federal Reserve Bank of Kansas City, the Kansas City CSS Commodity Office located at 560 Westport Road, Kansas City 41, Missouri.

(d) "Financial institution" shall mean a commercial bank which accepts demand deposits, an association organized pursuant to state law and supervised by state banking authorities, or a production credit association.

(e) "Payee's transit number" shall mean the ABA transit number of commercial banks or the transit number assigned by CCC to other eligible financial institutions.

(f) "Price support program loans" shall mean loans approved under the price support programs announced by Commodity Credit Corporation pursuant to the Agricultural Act of 1949, as amended, and related Acts.

(g) "Producer" shall mean any person, firm, or association eligible to obtain price support program loans.

(h) "ASC County Office" shall mean the Office of the Agricultural Stabilization and Conservation County Committee for the county in which the producer's farm is located on which the commodity approved for a price support program loan was produced.

(i) "Certificate" shall mean certificate of interest, the document which evidences the financial institution's participation in financing price support program loans.

(j) "Producer note" shall mean the producer's note and supplemental loan agreement (Commodity Loan Form A), producer's note and loan agreement (Commodity Loan Form B), producer's note and loan agreement (CCC Dry Bean Form B), or producer's note and loan agreement (CCC Rice Form B).

(k) "Holder of record" shall mean the financial institution shown as payee, as designated by the payee's transit number, on the face of the certificate.

(l) "Holder" shall mean the holder of record or the financial institution which has acquired a certificate by transfer pursuant to § 421.3806.

§ 421.3802 *Pooling of price support program loan notes.* Commencing with the 1958 crop year CCC will place in a single pool for each crop year all producer notes evidencing price support program loans on barley, corn, dry edi-

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ble beans, flaxseed, grain sorghums, honey, oats, farm-stored peanuts, rice, rye, soybeans, tung oil, and wheat. CCC may place in the pool for any crop year notes evidencing any additional unmatured price support program loans held by CCC which were disbursed under a CCC price support program for an earlier crop year or for any other commodity. Financial institutions may participate in the pool by disbursing funds in connection with price support program loans on the commodities named above in accordance with the regulations in this subpart. In consideration of the disbursement, CCC will issue to the financial institution a certificate having a face value equal to the amount of disbursement. The certificate will show a crop year indicating the pool to which it applies. CCC reserves the right to purchase, at its option, at any time, any outstanding certificate at its face value plus earned interest. CCC will purchase upon presentation, at the option of the holder, all outstanding certificates at face value plus earned interest and will, in the event the face value of outstanding certificates on the last day of any month exceeds the unpaid principal amount of the loans comprising the pool, as determined by CCC, call in for payment and cancellation outstanding certificates in an amount sufficient to reduce the face value of the outstanding certificates to or below the value of the unpaid principal amount of the loans comprising the pool. The specific certificate(s) to be so purchased or called in for payment and cancellation shall be determined by CCC. Each holder of record of a certificate to be purchased at the option of CCC or called in for payment and cancellation in accordance with the provisions of this section shall be notified by mail, at least 15 days prior to the date such certificate is to be purchased or turned in to CCC for payment and cancellation, that the certificate is to be presented to CCC for purchase or payment and cancellation by such date. Payment of the face amount of the certificates, and the interest earned thereon, which are tendered for purchase or payment and cancellation, shall be made as prescribed in §§ 421.3808 and 421.3809. CCC will not issue certificates to itself but shall have an interest in the pool to the same extent as though certificates were issued equal to the amount by which the unpaid principal amount of loans comprising the pool exceeds the face value of outstanding certificates. To the extent of such interest, CCC reserves the right to offer financial institutions the opportunity to participate in the pool through issuance of certificates upon the payment to CCC of the face amount thereof. In the event such offer is to be made, announcements thereof will be made by CCC. CCC shall have the residual interest in any proceeds of the pool remaining after payment of the face value of certificates plus earned interest. CCC may remove from the pool at any time notes representing all or any part of its interest in the pool.

§ 421.3803 *Rate of interest and basis of computation of interest earned.* Certificates shall earn interest at the rate of $1\frac{3}{4}$ percent per annum. This rate may be increased or decreased by CCC upon publication of a notice of such increase or decrease in the FEDERAL REGISTER: *Provided,* That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 30 days subsequent to the date of publication of notice thereof in the FEDERAL REGISTER. Interest earned will be paid on a 365 day basis from and including the date disbursed shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is presented, at option of holder, to CCC for purchase or the date a certificate is to be presented to CCC for purchase or cancellation in accordance with notice given the holder of record pursuant to § 421.3802, whichever date first occurs.

§ 421.3804 *Maturity date of certificates.* The maturity date of certificates issued pursuant to the regulations in this subpart shall be August 1 of the year next following the crop year indicated on the certificate.

§ 421.3805 *Disbursement of funds in connection with loans*—(a) *Documents required.* The producer shall present to the financial institution a properly executed original certificate, signed and countersigned, showing the financial institution as payee, and the "county office copy" of the related producer note. The producer note related to a certificate will show crop year, commodity and loan number corresponding to the loan data shown on the certificate.

(b) *Disbursement.* The financial institution shall disburse the "total disbursement amount" as indicated in part 2 of the producer note. The funds shall be disbursed to the payees and in the amounts shown in part 2 of the producer note. The financial institution shall not make any charge to producers for services rendered in connection with the disbursement of funds under price support program loans. The financial institution shall insert on the "county office copy" of the producer note, in the spaces provided, date of disbursement, and payee's transit number and shall, on the date of disbursement, mail or deliver the copy of the producer note to the ASC County Office which approved the loan. The financial institution shall insert the payee's transit number in the space so identified on the certificate and shall insert the date of disbursement in the space titled "date disbursed" on the certificate. After the payee's transit number and the date have been inserted, the financial institution shall retain the certificate until it is tendered to CCC for purchase or exchange or transferred to another financial institution.

(c) *Limitation on period of disbursement of loans.* Each certificate will show the final date on which the loan may be disbursed. The financial institution shall not disburse funds in connection with a loan after the final date for disbursement shown on the related certificate.

(d) *Knowledge of ineligibility for loan.* The financial institution shall not disburse funds in connection with a loan if, to its knowledge, the commodity offered as security or securing the loan is damaged, destroyed, or impaired, or is subject to any prior lien or encumbrance, or is otherwise ineligible for a loan. The financial institution which disburses funds in connection with loans in violation of this provision shall be liable to CCC for any loss incurred by CCC in connection therewith.

(e) *Revoked certificate.* The ASC County Office which approved a loan will notify the financial institution named as payee on the related certificate of the revocation of a certificate which is lost, stolen, or destroyed before presentation to the financial institution on behalf of the producer or which has otherwise become ineligible for use as the basis of disbursement of loans. The financial institution shall acknowledge receipt of such notice and, thereafter, shall not accept such certificate as the basis for disbursing funds in connection with the loan.

§ 421.3806 *Transfer of certificates.* A certificate, upon which disbursement has been made in accordance with § 421.3805, may be transferred to another financial institution, at any time by endorsement and delivery of the certificate. The financial institution which acquires a certificate by endorsement and delivery may transfer it to another financial institution, or may present it for payment pursuant to § 421.3808. Such financial institution may also tender the certificate(s) to the appropriate Commodity Office (§ 421.3801 (c)) and obtain replacement certificate(s), showing such financial institution as the payee, pursuant to § 421.3807. Section 421.3809 provides that interest on certificates presented for payment through banking channels will be paid only to the holder of record of the certificate; therefore, a financial institution which holds certificates as an investment should obtain replacement certificates, pursuant to § 421.3807, for certificates acquired by endorsement and delivery before presenting them for payment through banking channels.

§ 421.3807 *Exchange of certificates.* A financial institution which desires to consolidate its holdings of certificates into fewer certificates of larger denominations or which acquires certificates by endorsement and delivery and desires to obtain certificates showing such financial institution as the payee shall endorse the certificates to CCC and tender them to the appropriate Commodity Office (§ 421.3801 (c)) with a request for replacement certificate(s). If a financial institution desires fewer certificates of larger denominations it shall specify in its request the denominations and number of each desired. Replacemust certificates will show, as payee, the financial institution which tendered certificates for exchange and will show the payee's transit number identifying such financial institution. The replacement certificate(s) will be issued in such denominations as may be requested by the financial institution: *Provided, however*, That the total value of the replacement certificate(s) issued shall be equal to the sum of the face values of the certificates tendered for exchange with each request. The "date disbursed" on replacement certificate(s) shall be the average of the dates disbursed, shown on the certificates tendered with each request for issuance of replacement certificate(s), weighted in accordance with the amounts thereof. The date disbursed (weighted average date) of each replacement certificate will be computed as follows: (a) The date the certificates are received for exchange by the Commodity Office will be used as the interest focal date; (b) the dollar days each certificate has been outstanding to, but not including, the interest focal date will be computed; (c) the total dollar days will be divided by the sum of the face value of all certificates tendered for exchange to determine the average number of days the certificates were outstanding (fractions of ½ day or more will be raised to the next whole digit; fractions of less than ½ day will be disregarded); and (d) the average number of days outstanding will be subtracted from the interest focal date to determine the date disbursed to be shown on the replacement certificate(s). Certificates maturing in different years must be accompanied by separate requests for issuance of replacement certificate(s) for each maturity. All requests for replacement certificate(s) must be submitted to the applicable Commodity Office prior to the 15th day before maturity of the certificate(s) tendered for exchange. In the event certificates are tendered during the 15 day period prior to maturity, the certificates will be held by CCC until maturity, at which time the face amount plus interest earned thereon will be paid to the financial institution which tendered the certificates.

§ 421.3808 *Payment of face amount of certificate.* The holder of a certificate may receive payment, at any time, for the face amount thereof by presentation of a certificate through normal banking channels to the Federal Reserve Bank through which the certificate is payable or upon presentation of the certificate, endorsed to CCC, directly to the appropriate Commodity Office (§ 421.3801 (c)). The Federal Reserve Bank will receive the certificate as a cash item. In the event certificates are presented directly to the Commodity Office, payment of the face amount will be made by that office.

§ 421.3809 *Payment of interest earned.* The Commodity Office will compute interest earned on the total face value of certificates showing the same payee's transit number on the face thereof paid through the Federal Reserve Bank each day and will pay such interest to the financial institution indicated by such payee's transit number. Interest earned on certificates presented directly to the Commodity Office will be paid to the financial institution which presented the certificates for payment. Interest on certificates tendered for exchange during the 15 day period prior to maturity will be paid as provided in § 421.3807. Interest will not be paid on any certificate for any period beyond the date of maturity (§ 421.3804), the date of payment by the Federal Reserve Bank or Commodity Office (§ 421.3808), or the date the Certificate is to be presented to CCC for purchase or cancellation in accordance with notice given the holder of record (§ 421.3802), whichever is earlier. Notwithstanding any other provision of this subpart, if the interest payable to a financial institution in accordance with the provisions of this section is computed to be less than three dollars on any day, no payment shall be made for such interest.

§ 421.3810 *Acceptance of documents by financial institutions.* It shall be the responsibility of CCC (a) to determine that the producer is eligible and that the producer note has been properly executed, and (b) to issue a certificate in the name of the financial institution designated by the producer, the face amount of which shall be the sum of money which the financial institution is authorized to disburse. Financial institutions may accept certificates when presented by producers with the related producer note as prescribed in paragraph (a) of § 421.3805 subject to the provisions of paragraphs (c), (d), and (e) of § 421.3805, as evidence that properly executed producer notes are held in the ASC County Office and shall not be responsible for any discrepancies which may subsequently be determined to exist between a certificate and the related producer note and shall be held harmless by CCC from any loss sustained as a consequence of such discrepancies.

§ 421.3811 *Acceptance of terms.* Lending agencies shall not make disbursements on price support program loans for 1958 or subsequent crop years pursuant to lending agency agreements (CCC Forms 322 and 322-1). The regulations in this subpart will constitute the offer of CCC to financial institutions to participate in pools of price support program loans by dispersing funds in connection with price support program loans on commodities listed in § 421.3802. A financial institution which makes disbursements pursuant to the "county office copy" of the producer note and related certificates or a transferee financial institution which accepts cetificates endorsed by the payee shall by such act evidence acceptance of the terms and conditions contained in the regulations in this subpart.

Issued this 2d day of June 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4252; Filed, June 4, 1958; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-424]

PART 60—AIR TRAFFIC RULES

SPECIAL CIVIL AIR REGULATION; POSITIVE AIR TRAFFIC CONTROL EXPERIMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of May 1958.

On April 17, 1958, a notice of proposed rule making was issued, Draft Release No. 58-8 (23 F. R. 2742) which would authorize the Administrator to designate a portion of airspace within which positive control of air traffic would be exercised. Comments on this proposal are due on or before June 25, 1958. Subsequent developments make it necessary for the Board to take regulatory action at the earliest possible time. The Administrator has now advised the Board that he has the capability to implement positive control on the three transcontinental routes linking New York and Washington with Los Angeles and San Francisco at the altitudes from 17,000 to 22,000 feet. Under the circumstances the Board is promulgating this regulation immediately to become effective on June 15, 1958.

In discussing the positive control concept, Draft Release No. 58-8 stated substantially as follows:

The current provisions of Part 60 of the Civil Air Regulations classify all air traffic into two broad categories: (1) VFR, or that category of air traffic operating in weather conditions in which it is assumed that all pilots are able to see and avoid other aircraft, and (2) IFR, or that category of air traffic operating in weather conditions in which it is assumed that pilots are not able to see and avoid other aircraft. Weather conditions which limit the range of visibility of a pilot, therefore, are the principal factors determining the applicability of these rules.

In applying the principle of "see and be seen" in the air traffic rules of Part 60, the Board, up to the present time, has dealt principally with the meteorological conditions which affect a pilot's ability to see other aircraft. For some time, however, it has become increasingly apparent that the long-established "see and be seen" philosophy applicable to VFR flight must also take account of the extreme rates of closure which are the result of the very high speeds at which certain aircraft operate.

Under certain circumstances, it appears that the rate of closure of very high-speed aircraft is such that the total time in which the aircraft may be visible to a pilot of another aircraft is so short that pilots cannot be expected to insure separation between aircraft irrespective of the weather conditions in which they are flying.

It has been recognized that in the interest of safety there are certain areas of the common system where the problem of collision avoidance inherent in high-speed operations requires the use of air traffic control separation by ground controllers even in good weather conditions.

The purpose of the proposed regulation was to permit the Administrator to designate such a segment of airspace which will provide for an accurate determination of the nature and extent of the traffic handling problems involved in the actual application of the all-weather positive control concept.

The air traffic rules governing flight in this portion of the airspace will be identical with the current requirements for complete IFR operation in other controlled airspace. All aircraft operated within it must be fully equipped for all-weather operations and all pilots must be capable of instrument flight.

In order to achieve a true positive control system which will relieve the pilot of the responsibility to visually avoid other air traffic, it is imperative that no uncontrolled traffic be intermingled in this airspace. Air traffic control cannot insure positive separation of all traffic in a specific area unless it has complete control of all traffic within that area.

All VFR flight irrespective of weather conditions will be prohibited from operating in this airspace. "VFR conditions on top" or VFR climb or descent restrictions, therefore, will not be used as a traffic control limitation.

While the requirement for an IFR capability is not expected to impose an undue burden on those who typically operate at these altitudes, the inclusion of this requirement in this experiment should not be construed as a precedent to exclude controlled VFR operations in future extensions of this concept to the lower altitudes.

The importance of avoiding this experimental area in all-weather conditions by nonparticipating pilots cannot be overemphasized. All pilots who may have occasion to operate at the altitude levels involved are expected to familiarize themselves with the exact location of the designated airspace. Pilots not intending to participate must exercise extreme care to avoid this airspace either vertically or laterally. The positive control segment of airspace will depicted on aeronautical maps and charts in a distinguishing manner.

The altitudes proposed to be utilized in this route experiment were 20,000 to 35,000 feet. These were selected to insure a sufficient volume of air traffic to evaluate effectively the traffic problems involved in an en route positive control concept while at the same time creating the least possible conflict with current operations.

Subsequent to the publication of Draft Release No. 58-8, events have occurred which focused considerable attention on the concept advocated in the proposal. Recent mid-air collisions and near misses between aircraft at the higher altitudes in good weather conditions where piston and jet aircraft are mixed have further highlighted the need for immediate action.

The Administrator has now advised the Board that there is sufficient capacity in the air traffic control system to permit initiation of the positive control experiment by June 15, 1958.

He further advises that because of the traffic flow characteristics of piston engine aircraft and the operational altitudes employed in many jet aircraft procedures, the positive control experiment can be initiated with more effect and less burden on the majority of airspace users if the experiment is implemented along certain airways between 17,000 and 22,000 feet.

In the light of the urgent requirement for positive separation of aircraft in good weather conditions as well as bad, the Board considers it imperative to initiate this program immediately.

For the reasons stated above, the Board finds that a situation exists requiring immediate action in the interest of safety in air commerce, that further notice and public procedure hereon are contrary to the public interest, and the Board finds that good cause exists for making this Special Civil Air Regulation effective on less than 30 days' notice.

Interested persons desiring to present written data setting forth their views with respect to the rules herein adopted are requested to submit such matter to the Board on or before June 25, 1958. All communications so received in addition to comments received in response to Draft Release No. 58-8 will be considered by the Board and the rules herein adopted will be re-evaluated in the light of the comments submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective June 15, 1958:

(1) The Administrator is hereby authorized to designate as a "positive control route segment" any portion of the airspace between 17,000 to 35,000 feet, having a width not in excess of 40 miles.

(2) No person shall operate an aircraft within such designated airspace without prior approval of air traffic control.

(3) All VFR flight activities, irrespective of weather conditions, are prohibited from operating in this designated airspace.

(4) All aircraft operated within this designated airspace shall have the instruments and equipment currently required for IFR operations and all pilots shall be rated for instrument flight.

This Special Civil Air Regulation is issued under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. It shall be effective until June 15, 1959, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 1005, 52 Stat. 1007, as amended, 1023, as amended; 49 U. S. C. 551, 645)

Effective: June 15, 1958.

Adopted: May 28, 1958.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-4142; Filed, June 4, 1958; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

SUBPART I—DESIGNATED POSITIVE CONTROL ROUTE SEGMENTS

Pursuant to Special Civil Air Regulation 424,[1] adopted by the Civil Aeronautics Board May 28, 1958, effective June 15, 1958, the Civil Aeronautics Board has delegated to the Administrator the authority to designate positive control route segments in any portion of the airspace between 17,000 to 35,000 feet, having a width not in excess of 40 miles, at which certain operational requirements shall be applicable. This subpart is hereby adopted by the Administrator for the designation of such positive control route segments.

Pursuant to the authority given him by special CAR 424, the Administrator, in order to implement it, is herewith imposing positive control on airway segments between altitude levels especially selected because these airspace areas are peculiarly suitable, from the standpoint of volume and type of traffic and existing air traffic control capabilities, to afford a comprehensive testing ground for a first stage implementation of positive control.

The Administrator, in promulgating this rule and fixing an early effective date, does so in recognition of the pressing need, highlighted by recent mid-air collisions and near misses, for the adoption of additional regulations so as to bring about a surer and safer separation of all aircraft using the airspace over continental United States. The urgency for such action is thoroughly set forth in the preamble to Special CAR 424, concurrently published. However, various practical problems especially pertaining to the implementing regulations of the Administrator herein promulgated, must be, and are, recognized by the Administrator. The following comments relate to these problems.

The airspace designated for positive control by these regulations is, generally speaking, on selected airways running between the east coast and west coast of the United States, together with certain supplemental and inter-connecting airways, between the altitudes of 17,000 and

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[1] Part 60, Chapter I of this title, F. R. Doc. 58-4142, *supra*.

22,000 feet inclusive. It must be understood that this undertaking is necessarily a first step. It is equally applicable to all categories of military and civilian operations. In exercising positive control no preferential treatment is to be accorded to any one classification of user over another.

It is recognized that any procedures adopted in the initial implementation of the positive control program must of necessity be subject to modifications and changes as experience dictates. It is also to be understood in this connection that the various users of this positive controlled airspace may be justified in requesting from time to time reconsideration of these procedures. Recognizing this, all users—military and civilian—will be afforded ample opportunity to present to the Administrator their special problems as they arise so that equitable consideration may be given to modifications and adjustments that would appear necessary or desirable.

In adopting the program of positive control as herein set forth, embracing as it does a sizable segment of our civil airways, the Department of Defense has urged, and the Administrator has recognized, that certain types of military operations, such as training missions, defense missions, and some others, all of which are vitally related to the national defense, require segregated airspace for the proper and necessary carrying out of these missions. Since aircraft engaged in these missions cannot be subjected to positive control, the necessity may arise for the modification or deletion of existing airways, in order that segregated areas of proper size and location can be allocated so as to accommodate military requirements. It is therefore recognized that when such situations develop, consideration will be given to military needs with the objective of preserving positive controlled airspace, while at the same time taking into account and providing for the designation of segregated areas.

In embarking on a program of positive control by the designation of the positive control airspace set forth in the following regulations, it is also recognized that with experience and the acquisition of more and better equipment, the positive control area will undoubtedly, from time to time, be expanded. Any expansion of the positive control area beyond that being presently designated will be subject, as in the past, to the rule-making requirements of the Administrative Procedure Act, thereby giving all interested users an opportunity to be heard with respect to any such proposed expansions.

All parties having an interest in this subject have been duly informed of the following regulations of the Administrator. All comments and views of interested parties have been duly considered. As the result of recent mid-air collisions and near misses it is imperative, in the interest of safety, that the Administrator take prompt and positive action to implement the authority invested in him by special CAR 424. In view of pressing need for such action, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

1. The title to Part 601 of this chapter is amended to read as set forth above:

2. A new subpart I is added to read as follows:

§ 601.8001 *General.* The airspace within the following airways, including all coinciding airways embraced within them, between 17,000 feet and 22,000 feet (MSL) inclusive, within their existing lateral limits, is designated as a Positive Control Route Segment:

VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.) (see § 600.6610 of this chapter). * * *; from the point of intersection of the Los Angeles omnirange 057° and the Long Beach, Calif., 024° radials via the intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Bryce Canyon, Utah, omnirange station; Hanksville, Utah, omnirange station; Grand Junction, Colo., omnirange station; Kremmling, Colo., omnirange station; Denver, Colo., omnirange station; Akron, Colo., omnirange station; Imperial, Nebr., omnirange station; Grand Island, Nebr., omnirange station; Omaha, Nebr., omnirange station; Des Moines, Iowa, omnirange station; Iowa City, Iowa, omnirange station; Cordova, Ill., omnirange station; Naperville, Ill., omnirange station; South Bend, Ind., omnirange station; intersection of the South Bend omnirange 092° and the Waterville omnirange 288° radials; Waterville, Ohio, omnirange station, including a south alternate from the Iowa City omnirange station to the Waterville omnirange station via the point of intersection of the the Iowa City omnirange 093° and the Joliet omnirange 265° radials, the Joliet, Ill., omnirange station, the Chicago Heights, Ill., omnirange station and the Goshen, Ind., omnirange station; Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° and the Allentown, Pa., omnirange 211° radials; to the Colts Neck, N. J., omnirange station; * * *.

VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.) (see § 600.6006 of this chapter). * * *; from the Rock River, Wyo., omnirange station via the intersection of the Rock River omnirange 108° and the Sidney omnirange 292° radials; Sidney, Nebr., omnirange station; North Platte, Nebr., omnirange station; to the Grand Island, Nebr., omnirange station; * * *.

VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.) (See § 600.6032 of this chapter). * * *; from the Elko, Nev., omnirange station; to the Bonneville, Utah, omnirange station; * * *.

VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D. C.) (See § 600.6604 of this chapter). * * *; from the Sacramento, Calif., omnirange station via the intersection of the Sacramento omnirange 055° and the Reno omnirange 230° radials; Reno, Nev., omnirange station; Lovelock, Nev., omnirange station; Battle Mountain, Nev., omnirange station; to the Elko, Nev., omnirange station; * * *.

VOR civil airway No. 200 (Ukiah, Calif., to Kremmling, Colo.) (see § 600.6200 of this chapter). * * *; from the Williams, Calif., omnirange station; intersection of the Williams omnirange 061° and the Reno omnirange 268° radials; to the Reno, Nev., omnirange station; * * *.

VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) (see § 600.6612 of this chapter). * * *; from the point of intersection of the Los Angeles omnirange 057° and the Long Beach, Calif., 024° radials via intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; Daggett, Calif., omnirange station; Goffs, Calif., omnirange station; Valle, Ariz., omnirange station; Farmington, N. Mex., omnirange station; Alamosa, Colo., omnirange station; Lamar, Colo., omnirange station; Russell, Kans., omnirange station; Salina, Kans., omnirange station; Topeka, Kans., omnirange station; Kansas City, Mo., omnirange station; Macon, Mo., omnirange station; Quincy, Ill., omnirange station; to the Springfield, Ill., omnirange station, including a south alternate from the Kansas City, Mo., omnirange station to the Indianapolis, Ind., omnirange station via the Columbia, Mo., omnirange station, the St. Louis, Mo., omnirange station, the Vandalia, Ill., omnirange station and the Terre Haute, Ind., omnirange station. From the Indianapolis, Ind., omnirange station via the intersection of the Indianapolis omnirange 084° and the Dayton omnirange 261° radials; Dayton, Ohio, omnirange station; Appleton, Ohio, omnirange station; Newcomerstown, Ohio, omnirange station; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; point of intersection of the Tower City, Pa., omnirange 279° radial with the Philipsburg, Pa., omnirange direct radial to the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Selinsgrove omnirange 104° and the Allentown, Pa., omnirange 211° radials; to the Colts Neck, N. J., omnirange station; * * *.

VOR civil airway No. 50 (Kirksville, Mo., to Indianapolis, Ind.) (see § 600.6050 of this chapter). * * *; from the Springfield, Ill., omnirange station; to the Terre Haute, Ind., omnirange station; * * *.

VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.) (see § 600.6614 of this chapter). * * *; from the Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; Harrisburg, Pa., omnirange station; point of intersection of the West Chester, Pa., omnirange 314° and the Allentown, Pa., omnirange 228° radials; Pottstown, Pa., omnirange station; point of intersection of the Pottstown omnirange 104° and the Colts Neck omnirange [illegible]° radials; to the Colts Neck, N. J., omnirange station; * * *.

VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D. C.) (see § 600.6606 of this chapter). * * *; from the Bonneville, Utah, omnirange station via the Salt Lake City, Utah, omnirange station; Fort Bridger, Wyo., omnirange station; Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station; to the Rock River, Wyo., omnirange station; * * *; from the Appleton, Ohio, omnirange station via Zanesville, Ohio, omnirange station; Morgantown, W. Va., omnirange station; Front Royal Va., omnirange station; to the intersection of the Front Royal omnirange 112° and the Washington terminal omnirange 245° radials; * * *.

VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.) (see § 600.6008 of this chapter). * * *; from the Goshen, Ind., omnirange station; Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 100° and the Pittsburgh omnirange 291° radials; Pittsburgh, Pa., omnirange station; Martinsburg, W. Va., omnirange station; to the point of intersection of the Martinsburg omnirange direct radial to the Washington, D. C., terminal omnirange station with the Front Royal, Va., omnirange 088° radial; * * *.

VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.) (see § 600.6144 of this chapter). * * *; from the point of intersection of the Peotone, Ill., omnirange direct radial to the Fort Wayne omnirange station with the Chicago Heights, Ill., omnirange direct radial to the Lafayette, Ind., omnirange station; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 090° and the Findlay omnirange 276° radials; Findlay, Ohio, omnirange station; to the Appleton, Ohio, omnirange station; * * *.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. June 15, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JUNE 2, 1958.

[F. R. Doc. 58-4251; Filed June 4, 1958; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6753]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OMEGA CHEMICAL CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Omega Chemical Company, Inc., Jersey City, N. J., Docket 6753, May 2, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the manufacturer in Jersey City, N. J., of "Omega Oil" drug preparation with representing falsely in advertising in newspapers and by radio that its said product was an effective treatment and would afford complete and permanent relief of the symptoms and pains of all kinds of arthritis, rheumatism, backaches, neuritis, and disorders of muscles and joints, etc.; and provided a new type of relief, different and more extensive than that provided by competitive products.

Following acceptance of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Omega Chemical Company, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the drug preparation "Omega Oil" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that Omega Oil:

(a) Is an adequate, effective or reliable treatment for, or will afford complete relief of, any kind of arthritis or other disorder of joints, rheumatism, backache or neuritis, or the symptoms or manifestations thereof; or has any beneficial effect in any of such conditions or disorders in excess of affording temporary relief of the minor aches or pains thereof or the discomforts caused by such aches or pains.

(b) Penetrates into areas of structures below the skin or has a substantial direct effect upon structures of the body underlying the area of application; but this is not to be construed as prohibiting respondent from representing that this product affords temporary relief of the minor aches and pains arising in structures underlying the area of application.

(c) Provides a new type of relief, or a different or more extensive type of relief than that provided by competitive products.

(d) Provides any relief of pain for many hours or for any specific number of hours.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said drug preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4222; Filed, June 4, 1958; 8:50 a. m.]

[Docket 6754]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MENTHOLATUM CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product of service;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Mentholatum Company, Inc., Buffalo, N. Y., Docket 6754, May 3, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the manufacturer in Buffalo, N. Y., of "Mentholatum Rub" drug preparation with representing falsely in advertising in newspapers and by radio and television that said product was an effective treatment for, and would afford complete and permanent relief of, the aches and discomforts of all kinds of arthritis, rheumatism, bursitis, neuralgia, and disorders of the muscles and joints; provided a new type of relief, different and more extensive than that provided by other products, etc.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 3 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, The Mentholatum Company, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the drug preparation "Mentholatum Deep Heat Rub", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or my implication, that Mentholatum Deep Heat Rub:

(a) Is an adequate, effective or reliable treatment for, the cure of, or will afford complete relief of, any kind of arthritis or other disorder of joints, rheumatism, bursitis or neuralgia, or has a therapeutic effect on the symptoms or manifestations thereof; or has any beneficial effect in any of such conditions or disorders in excess of affording temporary relief of the minor aches or pains thereof or the discomforts caused by such aches or pains.

(b) Penetrates into areas or structures below the skin or has a substantial direct effect upon structures of the body underlying the area of application; but this is not to be construed as prohibiting respondent from representing that this product affords temporary relief of the minor aches and pains arising in structures underlying the area of application.

(c) Provides any relief of pain for many hours or for any specific number of hours.

(d) Provides a new type of relief, or a different or more extensive type of relief than that provided by competitive products.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said drug preparation, which advertisement con-

tains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4224; Filed, June 4, 1958; 8:50 a. m.]

[Docket 6755]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN HOME PRODUCTS CORP.[1]

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Home Products Corporation, New York, N. Y., Docket 6755, May 2, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with representing falsely in advertising in newspapers and broadcast by radio and television that its drug products "InfraRub" and "Heet" were effective treatments and would afford complete relief of the pains and discomforts of all kinds of arthritis, rheumatism, backache, and muscleaches; that they penetrated below the skin and had a substantial effect upon the underlying body structures, etc.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 2 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, American Home Products Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the drug preparations "InfraRub" and "Heet", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That InfraRub is an adequate, effective, or reliable treatment for, or will afford complete relief of, any kind of arthritis, rheumatism, backache, or the congestion or pressure thereof; or has any beneficial effect in any of such conditions or disorders in excess of affording temporary relief of the minor aches or pains thereof or the discomforts caused by such aches or pains.

(b) That Heet is an adequate, effective, or reliable treatment for, or will afford complete relief of, any kind of arthritis, rheumatism or backache; or has any beneficial effect in any of such conditions or disorders in excess of affording temporary relief of the minor aches or pains thereof or the discomforts caused by such aches or pains.

(c) That InfraRub or Heet:

(1) Penetrates into areas or structures below the skin or has a substantial direct effect upon structures of the body underlying the area of application; but this is not to be construed as prohibiting respondent from representing that these products, or either of them, affords temporary relief of the minor aches and pains arising in structures underlying the area of application.

(2) Provides any relief of pain for many hours or for any specific number of hours.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said drug preparations, or either of them, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4223; Filed, June 4, 1958; 8:50 a. m.]

[Docket 6910]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FOOD MART, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Food Mart, Inc. (El Paso, Tex.), et al., Docket 6910, May 6, 1958]

In the Matter of Food Mart, Inc., a Corporation; Del Norte Frozen Foods, Inc., a Corporation; Davis Brokerage Company, Inc., a Corporation; J. Spencer Weed, Individually and as Chairman of the Board and Director of Food Mart, Inc.; Gordon W. Foster, Individually and as President and Director of Food Mart, Inc., and Vice President and Director of Del Norte Frozen Foods, Inc.; Robert H. Hoy, Individually and as Executive Vice President and Director of Food Mart, Inc.; Lawrence M. Davis, Individually and as President and Director of Del Norte Frozen Foods, Inc., and as President and Director of Davis Brokerage Company, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a large Southwest grocery chain operating some 60 retail stores in Texas and New Mexico, and its two subsidiaries—a frozen foods distributor and a broker of frozen food products—with violating section 2 (c) of the Clayton Act through receiving payments of brokerage from suppliers as an independent broker through said broker intermediary acting in fact for said grocery chain.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Food Mart, Inc., a corporation, Del Norte Frozen Foods, Inc., a corporation, the respondent J. Spencer Weed, individually and as an officer of Food Mart, Inc., the respondent Gordon W. Foster individually and as an officer of Food Mart, Inc., and of Del Norte Frozen Foods, Inc., and respondent Lawrence M. Davis, individually and as an officer of Del Norte Frozen Foods, Inc., their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products for their own account or for the account of any of the named corporations with which they are then directly or indirectly related as officer, employee, agent, representative, intermediary or controlling stockholder.

It is further ordered, That the respondents Davis Brokerage Company, Inc., a corporation, and Lawrence M. Davis, individually and as an officer of the said Davis Brokerage Company, Inc., and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products where the individual respondent Lawrence M. Davis or the Davis Brokerage Company, Inc., is the agent, representative or intermediary acting for or in behalf of, or is subject to the direct or indirect control of the buyer, or of any of the officers of said buyer.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Robert H. Hoy.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Food Mart, Inc., a corporation; Del Norte Frozen Foods, Inc., a corporation; Davis Brokerage Company, Inc., a corporation; J. Spencer Weed, individually and as Chairman of the Board and Director of Food Mart, Inc.; Gordon W. Foster, individually and as President and Director of Food Mart, Inc., and Vice President and Director of Del Norte Frozen Foods, Inc.; and Lawrence M. Davis, individually and as President and Director of Del Norte Frozen Foods, Inc., and as President and Director of Davis Brokerage Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 6, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4225; Filed, June 4, 1958; 8:50 a. m.]

[Docket 6939]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WINDSOR PEN CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1320 *Scientific or other relevant facts.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Windsor Pen Corporation et al., New York, N. Y., Docket 6939, May 2, 1958]

In the Matter of Windsor Pen Corporation, a Corporation, Windsor Pen Manufacturing Company, Inc., a Corporation, Manor Merchandise Corporation, a Corporation, and Morris Fink, Individually and as an Officer of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three associated corporate enterprises in New York City, engaged in selling, principally to wholesalers and jobbers, pens, pencils, tie clasps, cuff links, watches, and other merchandise, with representing excessive, fictitious amounts as the regular retail prices of their products on price tags and in brochures and display sheets placed in the hands of their purchasers, and using the words "Advertised In Life" misleadingly in the same way; and with failing to disclose that gold appearing bezels on certain watch cases were actually composed of base metal.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Windsor Pen Corporation, a corporation, Windsor Pen Manufacturing Company, Inc., a corporation, Manor Merchandise Corporation, a corporation, and their officers, and Morris Fink, individually or as an officer of any of these corporations and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of pens, pencils, tie clasps, cuff links, watches or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that certain amounts are the usual and regular retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.
2. Representing, directly or by implication, that any item of merchandise has been advertised in Life magazine, or any other advertising medium, or has been advertised at a stated price, when such is not a fact.
3. Engaging in any practice or plan which would provide retailers of their merchandise with means of misrepresenting the usual and regular retail prices or the extent of the advertising of such merchandise.
4. Failing to reveal the true metal content of watch cases or portion thereof which has the appearance of a different metal.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4230; Filed, June 4, 1958; 8:52 a. m.]

[Docket 6946]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CARL'S

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Carl's, San Antonio, Tex., Docket 6946, May 1, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Antonio, Texas, with violating the Fur Products Labeling Act by failing to comply with the invoicing and labeling requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs or named other animals, failed to disclose that certain products were artificially colored or were composed of cheap or waste fur, or to disclose the country of origin of imported furs and to set forth information as required; and in such advertising, representing fictitious prices as the usual prices and sale prices as reduced without maintaining the required records as basis for such pricing claims.

Following acceptance of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Carl's, a corporation, its officers, representatives, agents and employees, directly or indirectly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the offering for sale, sale, advertising, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

(g) The item number or mark assigned to a fur product.

C. Falsely or deceptively advertising fur products through the use of any notice, advertisement, representation or public announcement which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

2. Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

3. Fails to disclose that fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

4. Contains the name or names of any animal or animals other than the name or names of the animal or animals that produced the fur from which the fur product was manufactured;

5. Represents through comparative pricing claims that the regular or usual retail prices charged by respondents for fur products of similar grade and quality in the recent regular course of their business are the prices designated as the regular or usual prices when such is not the fact.

6. Fails to disclose the name of the country of origin of the imported furs contained in fur products.

7. Fails to set forth all the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in type of equal size and conspicuousness and in close proximity with each other.

D. Makes price claims or representations in advertisements respecting comparative prices and reduced prices of furs or fur products unless there is maintained by respondents adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 1, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4234; Filed, June 4, 1958; 8:53 a. m.]

[Docket 6970]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GOVERNMENT EMPLOYEES EXCLUSIVELY ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices: Comparative; percentage savings.*[1] Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Government Employees Exclusively (Sacramento, Calif.) et al., Docket 6970, May 3, 1958]

In the Matter of Government Employees Exclusively, a Corporation, and Dewey Ehrenberg and Charles Ehrenberg, Individually and as Copartners Trading as Ehrenberg Brothers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers doing business in San Francisco and also operating the fur department of a store in Sacramento, Calif., with violating the Fur Products Labeling Act by invoicing products falsely, and by advertising in newspapers which failed to disclose that certain fur products were artificially colored and to set forth other required information, and which misrepresented selling prices and percentage reductions; and by failing to maintain adequate records as a basis for such pricing claims.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Government Employees Exclusively, a corporation, and its officers, and Dewey Ehrenberg and Charles Ehrenberg, individually and as copartners trading as Ehrenberg Brothers or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

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[1] New.

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

B. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(1) Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(2) Fails to set forth the information required under Section 5 (a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other;

(3) Represents, directly or by implication, the aggregate retail prices of fur products when such claims and representations are not true in fact;

(4) Represents through percentage savings claims that the regular or usual retail prices charged by respondents for fur products of similar grade and quality in the recent regular course of their business are reduced in direct proportion to the percentage of savings stated when such is not the fact;

(5) Contains any qualifying statement or statements in regard to representations concerning the retail selling prices of fur products unless such qualifying statement or statements are set forth prominently, conspicuously and in sufficiently close conjunction with said representations as to avoid deception;

C. Making percentage savings claims in advertising unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Government Employees Exclusively, a corporation, and Dewey Ehrenberg and Charles Ehrenberg, individually and as copartners trading as Ehrenberg Brothers, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4231; Filed, June 4, 1958; 8:52 a. m.]

[Docket 6992]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOSKE BROTHERS CO.

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Exaggerated as regular and customary; percentage savings; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Joske Brothers Company, San Antonio, Tex., Docket 6992, May 7, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in San Antonio, Texas, with violating the Fur Products Labeling Act by labeling which contained fictitious prices and misrepresented the regular retail selling prices; by invoicing which did not comply with the requirements; by advertising which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, and the fact that certain products contained artificially colored, or cheap or waste, fur, and which represented falsely price reductions and percentage savings; and by failing to maintain adequate records on which the pricing claims were based.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Joske Bros. Co., a corporation, and its officers, whether trading as Joske's of Texas or any other trade name, or in any other manner, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels affixed to the fur products or in any other manner, that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which respondent usually and customarily sold such products in the recent regular course of its business.

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product;

(g) The item number or mark assigned to a fur product;

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is the fact;

(d) The name of the country of origin of any imported furs contained in a fur product.

2. Represents directly or by implication that the regular or usual price of any fur product, is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent and regular course of its business.

3. Represents directly or indirectly through percentage savings claims, that the regular or usual retail prices charged by respondent for fur products in the recent regular course of its business, are reduced in direct proportion to the amounts of savings stated, when contrary to the fact.

D. Making price claims or representation in advertisements respecting reduced prices, comparative prices or percentage savings of fur products, unless there are maintained by respondent adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, Joske Brothers Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: May 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4233; Filed, June 4, 1958; 8:53 a. m.]

[Docket 7053]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WASHINGTON FORGE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1255 *Manufacture or preparation;* § 13.1280 *Price.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Washington Forge, Inc., et al., Englishtown, N. J., Docket 7053, May 3, 1958]

In the Matter of Washington Forge, Inc., a Corporation, Milton Berger and Anna Berger, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers of tableware and cutlery in Englishtown, N. J., with representing fictitious and excessive amounts as the usual retail prices, and representing falsely that certain products, actually coated with a thin finish by electrolysis, were "24 Karat gold plated", in their catalogs, promotional literature and letters, on containers, and on tags and labels affixed to their products.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Washington Forge, Inc., a corporation, and its officers, and Milton Berger and Anna Berger, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tableware, cutlery or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Representing, by preticketing or in any other manner, that a certain amount is the customary or usual retail price of said merchandise when said amount is in excess of the price at which said merchandise is customarily and usually sold at retail;

2. Furnishing said merchandise to others which has been preticketed with a price or amount in excess of the price or amount at which such merchandise is customarily and usually sold at retail;

3. Representing that the finish of any part of said merchandise is rolled gold plate unless said finish is of the designated carat fineness applied in the manner and to the thickness characteristic of rolled gold plate, or otherwise representing that said finish is other than what it is in fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Washington Forge, Inc., a corporation, Milton Berger and Anna Berger, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4232; Filed, June 4, 1958; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

CERTIFICATION FEES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507 (b) (5), 59 Stat. 463, as amended; 21 U. S. C. 357 (b) (5)) and delegated to the Commission of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of animal feed containing antibiotic drugs (21 CFR 146.8, 146.26) are amended as indicated below:

1. In § 146.8 *Fees*, paragraph (f) is amended by deleting the period at the end thereof and adding the following phrase: "and § 146.26."

2. Section 146.26 is amended by adding thereto the following new paragraphs:

(c) [Reserved.]

(d) *Fees.* The fees for the services rendered with respect to each application for an exemption from certification under the regulations in paragraph (b) of this section, and for each amendment thereto, shall be:

(1) $10.00 for each initial application for exemption from certification, provided only one medicated feed formula is contained therein.

(2) $5.00 for each additional medicated feed contained in the application and for each additional medicated feed described in each amendment to such application.

The fee prescribed by this paragraph shall accompany each application and each amendment to such application unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

Effective date. This order shall become effective on July 1, 1958, since informal notice of its provisions has been given to the members of the affected industry, since its publication was postponed at the request of a member of that industry, and since it will facilitate accounting practices if it is made effective at the beginning of a fiscal year, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth herein are necessary in order to provide, equip, and maintain an adequate certification service for the antibiotic and antibiotic-containing drugs.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: May 29, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4235; Filed, June 4, 1958; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER on April 22, 1958 (23 F. R. 2643) that the Acting Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the regulations heretofore issued pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), which provide for the employment of learners in the cigar industry at wages lower than the wage applicable under section 6 of the Act (29 CFR 522.80-522.85). Interested persons were invited to submit in writing any data, views, or arguments pertaining to the proposal on or before May 8, 1958. The only responses were received from the Cigar

Makers International Union of America approving the proposal and from the Consolidated Cigar Corporation noting but expressing no views on the proposal.

The purposes of these amendments are to increase the wage rates presently authorized for learner occupations in the cigar industry (29 CFR 522.85) from 80 and 87½ cents per hour to 85 cents and 92½ cents per hour, respectively; to clarify the regulations by making it clear that the proportion of learners that may be utilized in an establishment is based upon the ratio of the number of learners to the total number of factory production workers, rather than the number of factory production workers engaged in each authorized learner occupation; and to limit the references contained in the regulations to the making of Italian stogies, to the making of Italian stogies by hand.

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, and after giving full consideration to all relevant matters presented, I hereby adopt the amendments as proposed and as set forth below.

1. Paragraph (a) of § 522.82 is amended to read as follows:

(a) The number of learners which any employer may be authorized to employ by any certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of factory production workers in the plant: *Provided, however,* That in plants employing less than 100 production workers, a maximum of ten learners may be authorized.

2. Section 522.83 is amended to read as follows:

§ 522.83 *Learner occupations.* Special certificates may be issued authorizing the employment of learners in the cigar industry in the occupations of cigar machine operating; cigar packing; hand bunch making; hand rolling; hand making Italian stogies; hand stripping; and machine stripping.

3. Paragraph (a) of § 522.84 is amended by revising the clause concerning the learning period for making Italian stogies to read: "for hand making Italian stogies, 640 hours;"

4. Paragraph (a) of § 522.85 is amended to read as follows:

(a) The subminimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than 85 cents per hour in the occupations of cigar machine operating and cigar packing; not less than 85 cents per hour for the first 480 hours and 92½ cents per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than 85 cents per hour for the first 320 hours and 92½ cents per hour for the second 320 hours in the occupation of hand making Italian stogies; and not less than 85 cents per hour in the occupations of hand stripping and machine stripping.

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

These amendments shall take effect July 6, 1958.

Signed at Washington, D. C., this 31st day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4237; Filed, June 4, 1958; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

BURIAL

Section 1101.41 is revised to read as follows:

§ 1101.41 *Burial*—(a) *Purpose.* The purpose of this section is to provide the authority and procedure for the care and disposition of remains of Army National Guardsmen entitled to burial from Federal funds.

(b) *Policy.* The provisions of the following regulations are applicable to the Army National Guard, except as modified in this section:

(1) Sections 536.50 to 536.54 of this title.

(2) AR 638-45 (Administrative Army regulations pertaining to deceased personnel).

(c) *Eligibility.* Members of the federally recognized Army National Guard of the several States who die while:

(1) On active duty for training or while performing authorized travel to or from such service.

(i) Those on active duty for training under the provisions of the Reserve Forces Act of 1955, as amended.

(ii) Those on all other active duty for training.

(2) On inactive duty training pursuant to proper authority.

(3) Hospitalized or undergoing treatment at Government expense, as authorized by law, for injuries, illness or disease contracted or incurred while on active duty for training or performing authorized travel thereto or therefrom, or while on inactive duty training pursuant to proper authority.

(d) *Limitation on burial expenses.* (1) Payment of burial expenses is limited to an amount not exceeding that allowed by the Government for such services. The amount allowed will be in accordance with the following limitations:

(i) If death occurred within the radius of a Contract for Care of Remains (normally 30 miles) reimbursement for services obtainable under the contract will be limited to the amount of the contract.

(ii) If the place of death was not within the radius of a Contract for Care of Remains, reimbursement for removal, preservation, casket and outside box (or cremation and an urn), clothing, and hearse service will be limited to a maximum of $400.

(iii) Reimbursement for transportation will be limited to the amount for which the Government could have obtained required common carrier transportation.

(iv) Reimbursement for interment expenses may not exceed $125 if interment is in a civilian cemetery, or $75 if burial is in a national or post cemetery.

(2) The National Guard Bureau is the government agency authorized to determine the amount of expenses payable from Federal funds in cases involving Army National Guard personnel in the categories set forth in paragraph (c) (1) (ii), (2) and (3) of this section. Accordingly, all requests for payment will be approved by the National Guard Bureau prior to forwarding to the disbursing office for payment.

(3) The Active Army will be responsible for care of remains of Army National Guard personnel within the purview of paragraph (c) (1) (i) of this section. The installation at which death occurs, or the nearest installation will take action in accordance with the provisions of AR 638-45 (referred to in paragraph (b) (2) of this section).

(i) Costs for services obtained by Active Army installations, either under annual contract or by negotiated one-time contract, will be paid from funds available to the United States Property and Fiscal Officer of the State concerned. The installation will cite active Army funds in payment and will submit a Standard Form 1080 to the National Guard Bureau to effect reimbursement from National Guard funds.

(ii) Bills for services obtained by relatives will be forwarded to The Quartermaster General for evaluation and approval. Recommendation for payment will be made to the National Guard Bureau for transmittal to the United States Property and Fiscal Officer of the State concerned, for payment.

(e) *Authorized expenses.* (1) For Army National Guard personnel as indicated in paragraph (c) (1) (ii), (2) and (3) of this section.

(i) Recovery and identification of remains.

(ii) Items of care and preparation.

(*a*) Notification to the next of kin or other appropriate person.

(*b*) Embalming and other preservative measures.

(*c*) Hearse for removing remains from the place of death to a funeral director's establishment and for delivery of remains to a local cemetery or a common carrier terminal.

(*d*) Funeral director's services.

(*e*) Casket (or suitable receptacle for cremation purposes), and/or urn, with outside box when required.

(*f*) Burial and shipping permits.

(iii) Cremation only upon written request of the person recognized as the one to direct disposition of remains.

(iv) Clothing.

(*a*) The clothing of the deceased will be used to clothe the remains, if available and in a clean and serviceable condition.

(*b*) When decedent's own clothing is not available, or is not suitable for burial, necessary clothing will be provided.

(*1*) Suiting underclothing and hose; complete appropriate uniform (except shoes, caps, and gloves) commensurate with the grade of the deceased at the time of death; and complete insignia of grade, organization and service, campaign ribbons, and ribbons indicating decorations and awards.

(*2*) The uniform clothing will be satisfactory and complete in every detail as to size and fit, and will be clean and pressed. The utmost care will be taken to assure that proper insignia and ribbons are furnished and affixed.

(*3*) No clothing will be provided when remains are mutilated to such an extent that it is impossible to dress them in the normal manner. Such remains will be wrapped in suitable cloth material.

(*c*) Clothing issued as indicated above will not be made a charge against the accounts of the deceased. Accountability and responsibility for such items of issued clothing will be terminated upon execution by the responsible officer of statement on DA Form 447 (Turn-in-Slip) substantially as follows:

> Upon request of __________, legal next of kin of the deceased __________, the items of clothing enumerated above were issued to clothe his remains for funeral purposes. At the time of his death, the deceased was a member in good standing in this organization.

(*d*) In the case of an officer or a warrant officer who is not entitled to issue clothing or in the case of any enlisted man where neither his own clothing nor issue clothing is available, necessary clothing may be purchased chargeable to funds available for disposition of the remains.

(v) *Flag.* An interment flag to drape the casket and to be presented to the legal next of kin after the funeral. The interment flag will be issued by the United States Property and Fiscal officer to the organization commander of the deceased. The signature of the organization commander on the document of issue will constitute a valid credit document for accountability purposes.

(vi) *Transportation.* (*a*) Necessary transportation is authorized to ship the remains (accompanied by an escort of one person, who is authorized round trip transportation and other prescribed expenses from Federal funds) to any town or city, in either the United States or its possessions or in a foreign country, designated by the person directing disposition of remains, or to a national or post cemetery.

(*b*) If the destination designated is a common carrier terminal, common carrier transportation will be used for the entire distance. If the destination designated is not a common carrier terminal, common carrier transportation will be used from the place of death to the common carrier terminal nearest the destination and hearse transportation may be used from the common carrier terminal nearest the destination to the destination.

(vii) *Services included in interment allowances.* The allowance may include the usual and customary services of interment, such as hearse for the remains from the common carrier terminal to the cemetery and/or any intermediate points; church services or clergyman's fee; obituary notices; vault; limousine for the immediate family to and from the cemetery; the services of a funeral director, including the use of his facilities and equipment; grave site or crypt; opening and closing of the grave; and use of the cemetery equipment.

(f) *Procurement of initial services incident to preparation of remains*—(1) *How obtained.* Services and merchandise incident to preparation of remains for shipment or burial will be obtained in one of the following ways:

(i) Under contract.

(ii) By negotiation.

(iii) By next of kin.

(2) *Under contract.* When, in the absence of the person having the right to direct disposition, or at the specific request of such person, Army National Guard commanders are responsible for arranging for preparation of remains, Active Army contracts will be utilized in every instance, if possible under the provisions of the established mileage radius and Item 3, Specification 4, thereof.

(3) *By negotiation.* When, in the absence of the person having the right to direct disposition, or at the specific request of such person, commanders are responsible for arranging for preparation of remains for burial or shipment. If no contract for Care of Remains is in effect, the required services in each individual case will be obtained by negotiation.

(4) *By next of kin.* In instances where relatives make arrangements with a funeral director for preparation of remains, or in which relatives wish to select the merchandise to be used, commanders should make no attempt to participate in or interfere with the arrangements. Participation by commanders under such circumstances should be confined solely to advising relatives of their rights to make claim for reimbursement in whatever amount the National Guard Bureau may determine to be allowable.

(g) *Reimbursement for expenses borne by individuals.* When expenses for a deceased person are borne by an individual or individuals, reimbursement may be made to such individual or individuals in an amount not in excess of limitations in paragraph (d) of this section.

[NGR 63, May 1, 1958] (Sec. 110, 70A Stat. 600; 32 U. S. C. 110)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-4199; Filed, June 4, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-20]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

DELETION OF STATION SYMBOL FOR EACH CLASS OF STATION

The Commission having under consideration the desirability of making certain editorial changes in § 2.1 of its rules and regulations; and

It appearing that the text of § 2.101 of the rules, which listed station symbols, was deleted by Commission Order (mimeo 57652) released April 22, 1958; and

It further appearing that the definition of each class of station contained in § 2.1 of the rules is preceded by the symbol which designated that class of station prior to the above mentioned deletion of the station symbols from § 2.101; and

It further appearing that the station symbols in § 2.1 are not significant, insofar as Part 2 of the rules alone is concerned, without the list of symbols and the class of station designated by each symbol which was formerly contained in § 2.101; and

It further appearing that the amendments adopted herein are editorial in nature and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 29th day of May 1958, that, effective June 5, 1958, § 2.1 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 2 of the Commission's rules is amended as follows:

Amend § 2.1 by deleting the station symbol from between the name and definition of each class of station, e. g., Aeronautical advisory station (FAA), Aeronautical fixed station (FXA), etc., would be amended to read Aeronautical advisory station, Aeronautical fixed station, etc.

[F. R. Doc. 58-4239; Filed, June 4, 1958; 8:54 a. m.]

[Rules Amdt. 3-114]

[Docket No. 12064; FCC 58-513]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

1. On April 3, 1956, Community Broadcasters Association, Inc., filed with the Commission a petition requesting that rule making be instituted to amend §§ 3.22 (d), 3.41, 3.182 (a) (4), 3.182 (v) and 3.182 (w) of the rules and standards to authorize a horizontal increase in maximum power of Class IV standard broadcast stations from the present 250 watts to 1 kilowatt.

2. The petitioner contended that, unless difficulties presently confronting Class IV radio stations are alleviated, substantial numbers of these stations will be compelled to cease operations or to become daytime only stations, in many instances depriving their communities of the only local nighttime service. The petitioner asserted that the economic portion of these difficulties results from the increased number of higher powered daytime only stations and the advent and rapid expansion of the television industry; and that the technical portion derives from the problem of providing adequate local service to geographically expanded communities from unexpanded facilities of diminished efficiency due to the increased level of industrial noise and interference resulting from the increased use of local channels. The petitioner claimed that a mandatory horizontal power increase would serve to alleviate these difficulties and to extend the daytime primary service areas of many Class IV stations.

3. The petitioner requested that § 3.182 (w) of the rules providing for a 1:1 interference ratio of desired groundwave to undesired groundwave or adjacent channel stations (10 kc apart) be amended to specify an interference ratio of 1:2 desired to undesired groundwave; on the basis of this amendment the Class IV station power increase "would not result in actual adjacent channel interference to any existing Regional or Clear Channel station." Subsequently, however, the petitioner furnished the Commission with the results of engineering tests tending to show that less than half of the radio receivers now in use have sufficient selectivity to give adequate performance in the face of adjacent channel interference ratios of 1:2 desired to undesired groundwave. Accordingly, the petitioner withdrew the request that § 3.182 (w) be modified and proposed instead that the adjacent channel interference resulting from the horizontal increase in power to 1 kilowatt be specifically disregarded.

4. Consideration of the original petition led to the June 24, 1957 issuance of a Notice of Proposed Rule Making (FCC 57-660/46013) inviting comments on proposed amendments of §§ 3.21 (c), 3.22 (d), 3.23, 3.41, 3.87 (a), 3.182 (a) (4), 3.182 (f) and 3.182 (v) of the rules to provide for Commission acceptance and consideration on a case-to-case basis of Class IV station applications for daytime only increases in power up to 1 kilowatt, utilizing directional antennas, if necessary, to protect the normally protected contours of other stations.

5. Comments and Reply Comments filed with the Commission through February 12, 1958 (Appendix II)[1] have been studied. A decided majority of interested parties favor the Commission proposal as set forth in the Notice of Proposed Rule Making. The opponents comprise two general categories: those in favor of a less restrictive increase in power, essentially as proposed by the petitioner; and those opposed to any increase in power for Class IV stations.

6. The opponents of any increase in power contend that the Commission's proposal would, in effect, divide Class IV's into stations unable to increase power because of economic, international, or resultant interference considerations; stations able to increase power only by undertaking the considerable expense of establishing and maintaining directionalized operations; and stations qualifying for omnidirectional power increases through no merit of their own. This anticipated result is characterized as inequitable.

7. The opponents of increased power further contend that other classes of stations would be adversely affected by adjacent channel interference. One opponent requests that any decision be withheld pending a detailed study of the effect on radio service throughout the United States and possessions, and that rule making be withheld pending formal agreement thereon by all interested foreign countries who may find this change "most unpalatable" and seek to "institute some modifications of their own which may be most undesirable to the United States."

8. The opponents also anticipate that authorization of higher power would result in crowding the local channels so as to preclude future assignments, "regionalizing" the character of local stations, and inviting further requests for increased power and economic assistance from Class IV's and other classes of stations each intent on benefiting at the other's expense.

9. The proponents of a horizontal power increase also note the implied daytime subdivision of Class IV's into 1,000 watt omnidirectional, 1,000 watt directional antenna, and 250 watt stations, and object to the Commission's proposal as offering minimal overall improvement and tending to increase rather than alleviate the problems of the great number of stations which would fall into the daytime directional and 250 watts limited categories.

10. Those proponents cite the high cost of directionalization, including directional antenna, purchase price of a second site suitable for directional antenna installation and consequently probably not suitable for community coverage with 250 watts nighttime power, and establishment and operation of the second site in addition to continued operation of the original site.

11. The petitioner originally conceded that a horizontal nighttime power increase would not extend present nighttime service areas, but now contends that improved reception within those areas and enhanced competitive position as regards listener tuning would constitute results of distinct practical significance.

12. An engineering study included with the petitioner's comments indicates that, in the case of thirty-five Class IV stations proposed as typical, horizontal authorization of 1 kilowatt non-directional daytime power would result in new broadcast service to 865,000 persons and loss of service to 12,439.

13. Comments filed by Class IV stations furnish much data in support of the petitioner's representation of the problems confronting this group. Competition from higher power daytime only stations and the unremunerative nature of nighttime operations are cited as factors tending to render local broadcasting marginal without providing a satisfactory substitute for the service rendered by Class IV stations. The ability of this service to reach its intended local public is said to have deteriorated as electrical noise levels, broadcasting on local and other channels, and decentralization of urban areas have increased. There appears to be general agreement among Class IV stations filing comments as to the need for some course of action designed to improve their present situation.

14. The proponents of the Commission's proposal recognize that the criteria to be applied would not result in equal benefits to all Class IV stations. In fact, many of these proponents are Class IV stations which have already determined that directional antennas would be a necessary part of their respective qualifications for increased power. In at least one case possible non-eligibility for even a directionalized increase has not affected the particular station's support of the Commission's proposal. Other proponents include several Class IV stations which would qualify for omnidirectional power increases with resultant increased daytime coverage, including in one or more cases some area presently without any primary service.

15. We do not believe that characterization of the Commission's proposal as inequitable because it would not result in equal gains for equal investments in each case constitutes a valid objection. No practicable modification of overall or presently considered allocations has as yet been devised to yield absolute equity or equal benefits to all stations with deleterious effects to none. Thus the present choice is limited to several sets of inequities: those presently in effect, as discussed by the petitioner and various interested parties; those resulting from the Commission's proposal, as noted by its opponents; those resulting from a mandatory power increase without regard to individual problems or interference caused to other classes of stations; or those which would follow from any other necessarily inequitable proposal.

16. The objection that other classes of stations would be adversely affected by adjacent channel interference would seem to apply to a blanket power increase rather than to the Commission's proposal of separate consideration of each application for increased power and unmodified retention of all present limitations on permissible interference. At least one Class III adjacent channel station filing comments has made this distinction, but it is not clear that other opponents of any power increase have differentiated between proposals in this regard. The only data included with these comments consists of the statement that a particular station would receive interference from specified Class IV stations operating at increased power under or presumedly under blanket authorization. In the absence of any engineering studies in support of the opponents' con-

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[1] Filed as part of the original document.

tention, to require as a prerequisite to any decision that the proponents of increased power submit a detailed study of the totality of possible results, as one opponent requests, would have the effect of delaying the decision beyond any presently determinable date.

17. In the Notice of Proposed Rule Making, the separate interests of Canada Mexico, and Cuba in employing powers in excess of 250 watts on local channels are discussed as indicative of the possibility of favorable negotiations on the proposed changes, provided that our rules would protect foreign stations from objectionable interference. The Notice explicitly states that adoption of these changes "would in any case be subject to such revision of existing international agreements as might be required." Accordingly, fears of foreign retaliation resulting in "chaotic interference conditions", as expressed by one opponent, appear to be without foundation.

18. It is possible that the proposed power increase might preclude an indeterminable amount of new service from hypothetical applicants at some future time. It is probable that the future service thus precluded would be slight, since the basic needs for local outlets are nearly saturated by the more than 900 Class IV stations presently operating, and since future support for new stations is likely to arise in unsaturated areas relatively free of local channel operations at either present or increased power. It is certain that the proposed power increase would enable measurable increases in the respective daytime service areas of many existing stations immediately. The local character of a Class IV station is unlikely to suffer "reorganization", as opponents contend, within present nighttime service area limitations.

19. The proponents of the petitioner's proposal assert that the proposed rule making represents minimal modification of the existing situation. Our reasons for non-acceptance of certain features of the original petition when we issued our notice of proposed rule making were as follows:

(a) The requested change in the definition of objectionable adjacent channel interference, subsequently withdrawn by the petitioner, was rejected on the bases of: (1) Inadequate supporting data, (2) prior need of an intensive study of possible effects on all channels, and (3) unsuitability for treatment as a subsidiary aspect of a proceeding having a different primary purpose.

(b) The mandatory element of the petitioner's proposal was not accepted because: (1) Resultant overall improvements in service to the public appeared insufficient to warrant the imposition of such a requirement; (2) there was no indication that all or essentially all of the more than 900 Class IV stations desired to make such a change; (3) in many instances the required expense would outweigh any gains and impose serious hardship; (4) adjacent channel interference would not be eliminated by changing the applicable definition or by specifying that it be disregarded; (5) any blanket power increase would be less likely of acceptance by interested foreign countries than a case-by-case increase in conformance with all present interference standards and resulting in no objectionable interference to any foreign station.

(c) The alternative of blanket permission for a power increase was not accepted because of: (1) Resultant increased interference to Class IV stations not increasing power for any reason and consequent pressure on those stations to increase power in order to regain lost portions of their former service areas; (2) resultant adjacent channel interference, and (3) international considerations as noted above.

(d) Non-acceptance of either a horizontal daytime power increase or a horizontal nighttime power increase followed from rejection of any power increase on a mandatory or permissive basis.

(e) A nighttime power increase on a selective basis was not proposed because: (1) The necessary standards for the determination of nighttime interference between Class IV stations do not presently exist and would require excessive time and effort to establish and apply; and (2) in view of the great number of stations on local channels and of the extended range of nighttime skywave interference as compared with daytime groundwave interference from the same source, it is unlikely that many local stations would qualify for increased power under any reasonable criteria.

A daytime power increase on a selective basis was proposed as the maximum modification presently practicable. We adhere to that conclusion.

20. Authorization of the use of directional antennas was proposed to enable greater numbers of Class IV stations to meet the criteria of eligibility for increased daytime power. As these criteria derive from present standards of protection to other stations, daytime service areas gained from power increases under the terms of the proposed rule making would constitute a real increase in radio service to the public. We recognize that directionalization is a costly procedure; however, many Class IV stations filing comments in support of the Commission's proposal have indicated both willingness to undertake the necessary expense and intent to apply for 1 kilowatt directional antenna daytime operation. We recognize also that the proposed rule making may have the indirect effect of increasing the economic problems of some Class IV stations. This proposal was not formulated as the universal panacea for economic ills and disparities but only as the least inequitable means of improving an already inequitable situation. In no instance would the proposed rule making augment the technical problems of a Class IV station not increasing power or diminish the ability of such a station to serve its present public.

21. With regard to the petitioner's contention that a horizontal nighttime power increase would improve the quality of nighttime service and the audience attracting potential of Class IV stations, we believe that any such gains would be outweighed by the difficulties associated with such a power increase, including loss of some adjacent channel service. The nighttime service areas of most local channel stations are presently so severely limited by co-channel interference that a mandatory power increase would not extend service to new areas of any appreciable magnitude, and a nonmandatory nighttime power increase would have the general effect of benefiting the station increasing power at the expense of large portions or even essentially all of the respective nighttime service areas of other local channel stations.

22. The engineering study submitted by the petitioner presents the area and population gains of selected Class IV stations and the associated adjacent channel service loss which would result from horizontal omnidirectional 1 kilowatt daytime operation. For present purposes it is assumed that determinations have been made accurately from adequate data, that the 35 stations studied constitute a fair sampling of the more than 900 stations on local channels, and that the population gained in each case equals audience gained. The study notes that: "Needless to say, the variation was wide. Such stations as WNEB in Worcester, Massachusetts and WCUM in Cumberland, Maryland received no benefit area-wise and only a vestigial profit population-wise. Other stations like WCFV in Clifton Forge, Virginia increased the area served by 92.4 percent and increased the population by 62 percent." Thus, such stations as WNEB and WCUM would be compelled to undertake considerable expenditures in order to continue their present service, and stations like WCFV would derive impressive benefits. These results may be contrasted with their respective counterparts under the terms of the Commission's proposal: such stations as WNEB and WCUM would retain their present areas without resultant expense; stations like WCFV would generally qualify for 1 kilowatt omndirectional daytime operation with resultant gains exactly as indicated in the study. In extending the comparison, however, it is conceded that the total gain accruing to stations limited to directionalized increases would not be as great as the corresponding gain in accordance with the petitioner's proposal. This difference cannot be translated into numerical terms without detailed knowledge of the operations involved and the patterns of directionalization to be utilized. On the basis of comments expressing intent to increase power with directional antennas and accompanying engineering studies indicating extensive resultant gains, it may be stated with certainty that this difference would be appreciably less than one hundred percent of the total gain under the petitioner's proposal. As the gain redounding to any such station from a horizontal omnidirectional increase would be limited by interference from other stations to an area not much greater than the maximum achievable with directional antenna operation in accordance with the Commission's proposal, it may also be stated with certainty that this difference need not be appreciably more than zero percent of the total gain under the petitioner's proposal. In individual in-

stances where the attainable gain is slight, however, it is probable that stations would elect to continue present operations or to increase power with simple rather than optimum directional antennas. The difference in resultant new service is thus largely dependent on the decisions of the various stations and may be regarded as the penalty for avoiding all of the difficulties attendant upon a mandatory power increase. The Commission's proposal would enable the 35 stations studied by the petitioner to furnish new service to not much less than 65,000 persons without loss of adjacent channel service to 12,439 persons.

23. Modifications proposed in comments on the notice of proposed rule making include the exemption of Class IV stations increasing power from:

(a) The requirement of § 3.24 (b) (7) of the Commission's rules that the population within the 1 v/m contour be less than 1 percent of the population within the 25 mv/m contour or less than 300.

(b) The requirement of § 3.28 (c) (3) of the rules that daytime interference in no case affect more than 10 percent of the population within a proposed station's normally protected primary service area.

(c) The requirement of § 3.188 (d) of the rules that roof-top antennas not be used at operating power in excess of [illegible] watts.

(d) The requirement of the modification of § 3.182 (f) proposed in the notice of proposed rule making that directional antenna radiation along every radial be the equivalent of not less than 250 watts non-directional radiation in the event of radials extending over unpopulated areas as oceans or deserts.

(e) The use of directional antennas of other than the simplest design.

(f) Applicable limitations on interference within the normally protected service contours of other stations provided that the affected stations agree to accept the excess interference.

(g) Directionalization to operate at 500 watts or 1000 watts in the event that the station meets the requirements for omnidirectional daytime operation at some lower power in excess of 100 watts or 250 watts as applicable.

(h) Directionalization in several specified areas where it is claimed that actual ground conductivity is lower than the accepted estimated value and 1 kilowatt omnidirectional operation without violating any interference restrictions is actually although not theoretically possible.

Although particular instances of the applicability of certain of these considerations might merit individual attention in the proper context, these proposed modifications will not be considered in the present proceeding.

24. In accordance with the modifications proposed in the notice of proposed rule making the use of directional antennas to reduce the presently required separations between Class IV stations is specifically precluded. In view of misinterpretation of the original terms of this restriction, it is noted that there was no intent to preclude all use of directional antennas by 100 watt stations increasing daytime power.

25. While the Agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band would allow daytime operation of Class IV stations with maximum power of 1 kilowatt in all areas of the United States more than 100 kilometers (62 miles) from the common border, the North American Regional Broadcasting Agreement (NARBA) would limit Class IV station power to 250 watts. Accordingly, final Commission action with respect to any application proposing Class IV station daytime operation with power in excess of 250 watts will be withheld pending satisfactory completion of necessary coordination of the rules with other North American countries.

26. Review of all comments and reconsideration of the basic problems have confirmed the acceptability of the Commission's proposal. It is recognized that certain difficulties and inequities will persist, but the possibility of an absolute solution has not as yet been established. The present proposal would bring new daytime radio service to sizable segments of the public, benefit Class IV stations to the maximum practicable degree, cause no loss of adjacent channel service, and be consistent with the parallel action of such interested foreign countries as Canada and Mexico.

27. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i), 301, 303 (b), (c), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

28. *Accordingly, it is ordered,* That effective July 7, 1958, Part 3 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: May 28, 1958.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete § 3.21 (c) and substitute the following:

(c) *Local Channel.* A local channel is one on which several stations operate with powers not in excess of 1 kilowatt daytime, and 250 watts nighttime. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

NOTE: The power ceiling for Class IV stations under the North American Regional Broadcasting Agreement (NARBA) is 250 watts. The Agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band would permit daytime operation of Class IV stations with a maximum power of 1 kilowatt in all areas of the United States more than 100 kilometers (62 miles) from the United States-Mexican border. Accordingly, before the Commission will take final action with respect to an application proposing the use of daytime power in excess of 250 watts by a Class IV station, appropriate coordination of the rules providing for the use of such power must be effected with other North American countries. (See note under § 3.28 (b).)

2. Delete § 3.22 (d) and substitute the following:

(d) *Class IV Station.* A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt and not more than 0.25 kilowatt nighttime, and 1 kilowatt daytime, and its service area is subject to interference in accordance with § 3.182.

3. Amend § 3.23 as follows:

a. Delete paragraph (c) and substitute the following:

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. Daytime stations operating on local channels with a power of 0.1 kw or 0.25 kw may, upon notification to the Commission and to the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

b. Delete paragraph (e) and substitute the following:

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in § 3.71.) Specified hours stations operating on local channels with a power of 0.1 kw or 0.25 kw, except those sharing time with other stations may, upon notification to the Commission and the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

4. Amend § 3.41 by changing the entry for Class IV stations in the table to read as follows:

Class IV:	
100 watts	250
250, 500 or 1000 watts	1000

5. Add a new subparagraph (4) to § 3.87 (a) to read as follows:

(4) Class IV stations authorized for operation with daytime power in excess of 250 watts.

6. Amend § 3.182 as follows:

a. Delete that portion of paragraph (a) (4) preceding the note and substitute the following:

(4) Class IV stations operate on local channels normally rendering primary service only to a city or town and the suburban or rural areas contiguous thereto with powers not less than 100 watts, nor more than 250 watts nighttime and 1 kilowatt daytime. The stations are normally protected to the 0.5 mv/m groundwave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. Where directional antennas are employed in the daytime by Class IV stations uti-

lizing power in excess of 250 watts, the separations required shall in no case be less than those necessary to afford protection, assuming nondirectional operation with 100 watts or 250 watts, whichever is the nighttime power of the station. In no case will 250 watts nighttime operation be authorized to a station unable to operate omnidirectionally at 250 watts in the daytime. The actual nighttime limitation will be calculated.

b. Delete that portion of paragraph (f) preceding the note and substitute the following:

(f) The signals necessary to render primary service to different types of service areas are as follows:

Area:	*Field intensity groundwave* [1]
City business or factory areas	10 to 50 mv/m.
City residential areas	2 to 10 mv/m.
Rural—all areas during winter or northern areas during summer	0.1 to 0.5 mv/m.
Rural—southern areas during summer	0.25 to 1.0 mv/m.

[1] See § 3.184 for curves showing distance to various groundwave field intensity contours for different frequency and ground conductivities and § 3.183.

All these values are based on an absence of objectionable fading, either in changing intensity or selective fading, the usual noise level in the areas, and an absence of limiting interference from other broadcast stations. The values apply both day and night but generally fading or interference from other stations limits the primary service at night in all rural areas to higher values of field intensity than the values given. The Commission will authorize a directive antenna for a Class IV station for daytime operation only with power in excess of 250 watts. In computing the degrees of protection which such antenna will afford, the radiation produced by this antenna shall be assumed to be no less, in any direction, than that which would result from nondirectional operation, utilizing a single element of the directional array, with 100 watts or 250 watts, whichever is the nighttime power of the station.

c. Change the entry on the last line of the third column of the table in paragraph (v) to read as follows:

0.1 to 0.25 kw night and 0.1 to 1 kw day.

[F. R. Doc. 58-4240; Filed, June 4, 1958; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1958–59 SEASON

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find, with respect to Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches, that expenses not to exceed the following amounts are likely to be incurred, during the season beginning March 1, 1958, and ending February 28, 1959, both dates inclusive, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committee established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $23,077.78;

(2) Early varieties of plums, $17,628.90;

(3) Late varieties of plums, $21,042.73; and

(4) Elberta peaches, $20,595.59.

(b) That the Secretary of Agriculture fix, as each handler's pro rata share of such expenses, the following rates of assessment which each handler shall pay in accordance with the provisions of said amended marketing agreement and order:

(1) 1 cent ($0.01) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 1 cent ($0.01) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 1 cent ($0.01) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 4½ mills ($0.0045) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 29, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4198; Filed, June 4, 1958; 8:45 a. m.]

[7 CFR Part 943]

[Docket No. AO-231-A10]

MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth to the tentative marketing agreement and to the order, were formulated, was conducted at Dallas, Texas, on December 11, 1957, pursuant to notice thereof which was issued on December 4, 1957 (22 F. R. 9839).

The material issues of record related to:

(1) Increasing the Class I price through an upward revision of the supply-demand norms;

(2) Providing greater seasonality in the Class I differential;

(3) Providing a contraseasonal provision to the Class I prices; and

(4) Reducing the maximum limits by which the Class I price may be affected by the supply-demand adjuster.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The Class I price should be maintained at approximately its present annual level. Some revision, however, should be made in the norms used in determining the supply-demand adjustment and the Class I differentials should be changed to provide greater seasonality in the Class I price.

The Class I prices under the Austin-Waco, Central West Texas, Corpus Christi, and San Antonio orders are related directly to the Class I price in the North Texas market. There is a close interrelationship between these five markets and milk moves freely among them. All except North Texas are more or less deficit markets and depend on the North Texas market to furnish supplemental milk during the season of short production. This close interrelationship, particularly the fact that the reserve supplies of the other markets are carried in the North Texas pool, has been recognized not only by basing prices in the other Texas markets on the North Texas price, but also by basing the supply-demand adjustment on the ratio of producer receipts to Class I sales for the five markets combined rather than for North Texas alone.

Any change in the Class I price in the North Texas market is reflected in a change of like amount in the Class I price in the other markets mentioned above. Producer representatives from all of these markets participated in the subject hearing. They contended unanimously that a substantial increase in price was necessary to maintain production in Texas markets and that unless such was granted there would be a sizeable curtailment of production.

In support of their position they argued that a substantial decrease in net income had occurred during the year. During 1956 and the early part of 1957 producers were receiving drought relief in the form of a subsidy on a portion of their purchased feeds, and a reduction of 50 percent in the freight rate paid on hay imported from outside the drought area. In addition, handlers voluntarily paid a premium over order prices during the fall of 1956. Producers estimated that the loss of the premium and the drought relief, coupled with a decrease in the Class I price, provided by the order, had reduced net income by about $1.80 per hundredweight. They pointed to a shortage of milk and the need for increased purchases of supplemental milk from distant sources as proof that a substantial decline in production was already in progress and would continue unless immediate relief were granted.

In arriving at a decision in this matter, the supply-demand situation in all five markets as reflected in the record has been carefully considered. Official notice has also been taken of the pool statistics published by the market administrator of these orders for the months immediately following the hearing.

There has been a steady increase each year in each market in the volume of milk produced. There has also been an increase in the amount of milk disposed of as Class I milk. The latter has not been as great as the former. Milk supplies thus are more nearly adequate to the Class I requirements of Texas markets than they were in any year prior to 1957. Except for North Texas and Central West Texas markets, receipts during the first three months of 1958 were equal to or in excess of those in the same period of 1957.

The shortage of milk which occurred generally in Texas during the late fall of 1957 appears to have resulted not so much from a decline in the annual average level of production as from the fact that the low point of production was reached at a somewhat later period than in previous years. In North Texas, for example, the lowest month of production was September in 1955 and August in 1956, but in 1957, it was November. The experience of other markets was similar. Class I sales normally are somewhat lower in August and September than they are in November. Consequently, in previous years the point of low production coincided with the point of lowest Class I sales and producer receipts were seasonably ample for the requirements of the market. In 1957 the period of low production coincided with the peak sales in the market. This resulted in a shortage of milk at that particular time.

The decline in production which occurred during November may be attributable to many factors. The excessive rainfall which occurred during the summer and fall of 1957 did considerable damage to hay and feed crops. As a consequence the hay and grain fed to cows in the fall of 1957 were inferior to the hay and grain which dairymen purchased during the drought years. The excessive rainfall also resulted in a shortage of fall pasture. Some farmers were unable to sow their fields because of the heavy rains and in the case of fields which were sown, the ground, much of the time, was too muddy to be pastured. The latter was particularly true in the case of small grains which, in normal years, constitute a fairly high proportion of the fall pasture.

The high price of beef also tended to reduce the supply of milk. Prices for commercial, utility, and cutter and canner cows were extremely favorable and dairymen culled their herds much more extensively than usual.

There has been some decline in the number of farmers producing milk in the North Texas and Central West Texas markets. Some of the decrease is a result of a consolidation trend toward fewer and larger farms; some is due to smaller producers shifting out of dairying instead of installing expensive farm bulk tanks in the bulk tank conversion program. The good dairy cows from such farms generally are purchased by neighboring dairymen to enlarge their herds. At least a portion of this decline, however, is attributable to the favorable outlook for beef production. Much of the milk producing area for these markets is located in what is normally a beef producing region. During the extended drought, as the range deteriorated, many producers of beef cattle turned to dairying. The heavy rainfall of 1957 restored the range to excellent condition. The prospect of continued good range conditions and rising beef prices caused many of these former beef cattle producers to abandon dairyman and return to raising beef. In the May Livestock and Meat Situation, it is noted:

> Last fall cattle producers began to hold back cows from slaughter. They have continued to do so since, and by spring the demand for replacement cows had been exceedingly active. Prices of cows and heifers have been substantially above that of a year ago, contributing to a higher level of prices for all cattle.
>
> Renewed enthusiasm in retaining breeding stock, an unmistakable sign of expansionary psychology in the cattle industry has been spurred by the rising prices of the past year. Also, a big factor has been the recovery of ranges and pastures. Range conditions changed from severe drought in 1956 to lushness in 1957, for one of the sharpest turnabouts in memory.

Official notice is also taken of the April 1, Western Range and Livestock Report which states that April 1 range feed conditions equaled or exceeded any year since 1942, and that prospects for luxuriant grass during 1958 were excellent.

Increased prices for milk at this time will not cause a shift from beef production back to dairying. The slight shortening of supply that has occurred this year relative to sales has resulted in increased returns to producers over those that prevailed a year ago. Uniform prices are expected to continue somewhat above those which prevailed a year ago in relation to Class I prices and at a level which will prevent any further decline in production.

The same conditions which have produced the excellent range have also produced an abundance of excellent pasture, the best in many years. Thus prospects for dairying are most favorable and any loss in production from the diversion to beef should be more than offset by increased production on the remaining farms.

The level of producer receipts in relation to Class I sales is not the sole criterion which must be considered. A further factor in arriving at the proper level of the Class I price is the price at which alternative supplies of milk are available to handlers in the Texas markets. Experience has shown that when the price in North Texas is out of line with the prices of milk in surplus producing areas of the Midwest, handlers have shut off or reduced purchases from local producers and have secured their supplies from plants in the surplus producing areas. Any time that the North Texas price exceeds the Midwest price, plus transportation and handling costs, there is a likelihood of milk from the Midwest displacing that of local Texas producers. An increase in price which caused handlers to replace locally produced milk with that imported from other areas would result in lower returns to producers since it would force a greater proportion of the milk into manufacturing uses.

On an annual average, at the present time, the North Texas price is in a reasonable relationship with prices at those points in Missouri, Iowa, and Wisconsin where alternative supplies of milk are available. Even though prices are comparable on an annual average, North Texas prices have been out of line with those in the Midwest during April, May, and June because the seasonal pricing pattern in North Texas has been different from that in the other markets. The present order provides a Class I differential during March, April, May, and June which is 20 cents less than that during the remaining months; whereas in most Midwest markets, the differential is 40 cents lower in April, May, and June than during other months. During the April-June period in 1957, substantial quantities of milk were brought into the North Texas market for Class I use, even though ample supplies of locally produced milk were available, because the handler who purchased it was able to buy such milk delivered in Dallas at a lower price than the North Texas price. It is concluded, therefore, that the seasonal pricing pattern in the North Texas market should be changed to correspond to that which exists in the markets in the surplus producing areas. Accordingly, the Class I differential during April, May, and June, should be 40 cents less than the Class I differential during the remaining months of the year.

Producers proposed that the increase in the Class I price which they sought be accomplished primarily through an increase in the stated percentages of supply to sales from which the variations are computed. When the present norms, which are based on the ratio of receipts to sales in the five Texas markets, were incorporated in the order, the Class I differentials were left at the same level which had existed prior to the amendment, and the supply-demand norms were fixed at a level which would return to producers approximately the same prices which have prevailed in the past. Since during the period used to compute these norms Texas markets had been short of milk, the norms provided in the order do not reflect the production of an adequate supply of milk to fill Class I requirements and provide the necessary reserve supplies. Consequently, with the increased production which has been occurring, the supply-demand adjustment has tended to reduce the price resulting from the addition of the Class I differential to the basic formula price.

Although no change should be made in the annual average level of prices, the supply-demand norms provided in the order should be revised to reflect a more realistic supply-demand situation. The present percentages, as noted above, are based on a situation of short supply. In view of the increase which has taken place in producer receipts relative to Class I sales, it is desirable at this time to increase the standard percentages to a level which will reflect the production of a more nearly adequate supply of milk and approximate the actual supply-demand situation in the market. Accordingly, it has been concluded that the supply-demand norms in the order should be increased by an average of 6 points at the median level.

Some adjustment should also be made to reflect a slight change in the seasonal production pattern which has taken place since the norms were originally developed. The present supply-demand norms affect prices whenever the ratio of receipts to sales moves more than one percentage point in either direction from the median. This has resulted in occasional adjustments of only one cent in either direction. Fewer minor fluctuations in the Class I price would take place if the range of the norms were increased. Accordingly, it is concluded that no change in price should take place unless the percentage of the receipts to sales varies at least 2 percentage points in either direction from the median. The table of supply-demand norms in the present order should be deleted, therefore, and the following table should be substituted:

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October-November	110	114
February	November-December	114	118
March	December-January	116	120
April	January-February	116	120
May	February-March	120	124
June	March-April	126	130
July	April-May	129	133
August	May-June	126	130
September	June-July	122	126
October	July-August	113	117
November	August-September	108	112
December	September-October	108	112

As noted above, it has been concluded that the Class I price should be maintained at about its present level. To compensate for the increase in the supply-demand adjustment norms, the annual level of the Class I differentials should be reduced by an amount which will approximate the increase resulting from altering the supply-demand formula. To accomplish this end and to reflect the change in seasonality which has been recommended, the Class I differential should be fixed at $1.75 during April, May, and June and at $2.15 during the remaining months.

Producers also proposed that in conjunction with the pricing formula in the order, provision should be made that would prevent the Class I price from dropping as a result of the supply-demand provision during the months of August through February and which would prevent the Class I price from increasing as a result of the supply-demand adjustment during the period of April through June.

They also proposed that the present provision which limits the maximum operation of the supply-demand adjuster to plus or minus 50 cents should be reduced to plus or minus 23 cents.

The purpose of the supply-demand adjuster is to reflect in the Class I price, changes in the relationship of producer receipts to Class I sales. It is not intended to affect Class I prices seasonally during the year. To limit the operation of the supply-demand adjuster seasonally would tend to nullify its effectiveness. Similarly reducing the maximum limits within which the supply-demand adjuster can operate would also serve to nullify its effectiveness. It is concluded that in view of supply-demand conditions in the marketing area its proper functioning should not be impaired. The present maximum limits applicable to the supply-demand adjuster in the order should not be changed and, likewise, a contraseasonal provision should not be added to it.

Had the proposed changes been in effect during the 36 months from June 1955 through May 1958, the Class I price on an annual average would have been approximately 2 cents higher than it would have been had the present formula been fully operative during the same period of time. During April, May, and June of each year the price would have been several cents lower than under the present provision and slightly higher during all other months with the exception of the month of March, when it would have averaged 26 cents higher than that afforded by the present order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The following order amending the order regulating the handling of milk in the North Texas marketing area is hereby recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

1. Delete the introductory sentence of § 943.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth percent) plus $1.75 for the months of April, May, and June, and plus $2.15 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

2. Delete the table in § 943.51 (a) (2) (iii) and substitute therefor the following:

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October-November	110	114
February	November-December	114	118
March	December-January	116	120
April	January-February	116	120
May	February-March	120	124
June	March-April	126	130
July	April-May	129	133
August	May-June	126	130
September	June-July	122	126
October	July-August	113	117
November	August-September	108	112
December	September-October	108	112

Issued at Washington, D. C., this 2d day of June, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4250; Filed, June 4, 1958; 8:56 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATION

NOTICE OF TENTATIVE DECISION IN BITUMINOUS COAL INDUSTRY

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U. S. C. 35 and 43a) to amend the determination of prevailing minimum wages for persons employed in the bituminous coal industry has been certified to me by the Hearing Examiner. The time for submitting proposed findings and conclusions, together with supporting reasons, has expired. The Administrative Procedure Act (5 U. S. C. 1008 (b)) and the rules of practice (41 CFR 203.21b) now require a ruling upon each such proposal, tentative findings and conclusions, together with the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, and a tentative decision of the question whether to amend the determination now in effect, including the terms of any such amendment.

In response to a petition by representatives of management and labor alleging that there had been an increase in prevailing minimum wages in the industry as a result of collective bargaining, notice was published in the FEDERAL REGISTER on December 12, 1957 (22 F. R. 9945) of a hearing to begin February 3, 1958, on the question of whether to amend the determination of prevailing minimum wages made October 26, 1955 (20 F. R. 8044; 41 CFR 202.51).

Just three years earlier, there had been an extensive hearing culminating in findings and conclusions relating to the best definition of this industry for this purpose, the areas of production appropriate for separate determination of prevailing minimum wages, the groups of employees to whom the determinations should apply, and the special provisions which were appropriate to measure compliance with the determination for pieceworkers (20 F. R. 5690, 8044). Certain mine operators who had opposed the initial determination, invoked section 10 (b) of the act to subject these findings and conclusions to judicial review as inadequately supported. The judgment of the court in these cases declared the wage determination to be "in all respects valid." Central Pennsylvania Open Pit Mining Association v. Mitchell and Ruth Elkhorn Coals, Inc. v. Mitchell, 12 WH Cases 696; 29 Labor Cases 69, 565 (D. C. D. C.), affirmed 248 F. 2d 635 (C. A. D. C.), certiorari denied 355 U. S. 935.

The notice of hearing described the subjects and issues involved in the proceedings, and gave all interested persons the opportunity to appear at the hearing and submit evidence, views and arguments as to each of such subjects and issues, and to demonstrate the contrary as to the continued existence of facts found in the 1955 determination pertaining to production districts and other peripheral phases of the present regulation, of which facts official notice was specifically proposed to be taken. Neither prior to, during, or after the 1958 hearing was any evidence, view, argument, proposed finding or conclusion directed to any of the facts officially noticed, or the reasons supporting continued use of such portions of the regulation. Most of the facts officially noticed are of the type which do not change rapidly, such as the distribution, quality, and characteristics of the nation's major bituminous coal deposits, the major transportation facilities used to move such coal to market, the resultant patterns of competition for commercial and Government business, the types of workers in collective bargaining units, the outstanding trade associations, the historic bases of Government regulation, and the types of available statistical data.

The representative of one mine objected to the provision regarding official notice. This objection became moot, however, because the continued existence of these facts was proved by evidence adduced at the 1958 hearing by representatives of both labor and management. In addition, statistical data concerning recent procurement experience of the principal Governmental consumers of coal, and the patterns of commercial competition were introduced. These data point to production districts as the most appropriate localities for wage determination even more clearly than did the comparable statistics received at the 1955 hearing.

For all of these reasons, this tentative decision will make no change in the provisions of the regulation now in effect, except such as are responsive to the new wage data for the several production districts.

Two individuals appeared at hearing in opposition to the proceedings. One represented the Kentucky Truck Coal Operators Association, a group of 26 nonunion truck mine operators whose total tonnage production is not large, and who "may" employ an average of 9.5 workers each. This same spokesman also represented 15 operators of mines in Lee County, Virginia. The other individual opposing the proceedings represented Ruth Elkhorn Coals, Inc. Prior to the taking of evidence on the wage issue, they joined in motions to postpone the hearing eight months, to dismiss the proceedings, and to remove the hearing to unspecified places in Production Districts 7 and 8. The motion to postpone was based on a contention that the notice did not give sufficient time to gather wage data, and that since a petition was pending before the Supreme Court contending that the bituminous coal industry was exempt from the Walsh-Healey Act, such preparation might prove unnecessary. The motion to dismiss was based on the contention that this industry is exempt under the provision in the Act relating to open market purchases and on the contention that the issues had been wrongfully prejudged by the provision concerning official notice, discussed above. The motion to relocate the hearings demanded that the hearing be held at unspecified places in Districts 7 and 8 to save their clients the expense of bringing to the hearing by subpoena operators of mines, parties to the United Mine Workers' collective bargaining agreement, on the supposition that although they had not terminated such agreement, some of them might testify that they were not paying the minimum wage they had contracted to pay.

The hearing examiner's action overruling these motions is approved. Insofar as the motions were based on the contention that a wage determination for the bituminous coal industry is precluded by the provision in section 9 of the act exempting purchases of such goods as may usually be bought in the open market and the pendency of that contention before the Supreme Court in a petition for certiorari to review the decision of the Court of Appeals for the District of Columbia Circuit in Ruth Elkhorn Coals v. Mitchell, 248 F. 2d 635, the Supreme Court has now denied that petition. This decision is effective to conclude that litigation with the decision of the court of appeals upholding the authority "to make a determination of the prevailing minimum wages for the bituminous coal industry."

There are several reasons why the claim of prejudgment based on "official notice" of the facts relating to production districts and other peripheral phases of the regulation, will not be up-

held. As disqualification was not raised by affidavit, the requirements of section 7 (a) of the Administrative Procedure Act are not satisfied, and the claim has no standing. Section 7 (a) only provides for the disqualification of "presiding officers" and subordinate officers "participating in decisions in conformity with Section 8" which latter section adverts only to "Action by Subordinates". The statute thus gives effect to the well settled "rule of necessity," which precludes use of a disqualification claim as this one is sought to be used, to avoid authorized regulation by disqualifying the only officer with authority to act. Evans v. Gore, 253 U. S. 245. Nor is there merit to the contention that "official notice" of facts relative to production districts and other peripheral phases of the regulation prior to hearing, results in disqualifying "prejudgment," in view of the fact that section 7 (d) expressly authorizes this procedure and section 4 (a) authorizes a notice of hearing which may go much further than this one by giving "the terms or substance of the proposed rule." Here again, the act conforms to the general jurisprudence, which makes no requirement of ignorance or lack of reasoned prehearing purpose on the part of the responsible administrative agency, so long as parties are given the opportunity to submit evidence and argument supporting their contrary views. United States v. Morgan, 313 U. S. 409; Trade Comm'n v. Cement Institute, 333 U. S. 638. Nor was there prejudice to any legitimate interest of the party advancing this claim. It made no effort to rebut or even deny the facts noticed, and has not even advocated any change in the responsive terms of the regulation now in effect.

The fifty-three days notice of hearing given here exceeds the customary thirty days notice of hearing which also was challenged for insufficiency and held adequate in the judicial review proceedings above cited. It exceeds the 15 days which is adequate in law by the express terms of the applicable statute (44 U. S. C. Sec. 308). The proposal of an eight month delay to give one individual representing a small number of mines in Districts 8 and 9, all the time he requests to survey the industry on a nation-wide basis, is particularly inappropriate in view of the absence of any proposal for abandonment of the format of the determination now in effect which finds the minimum wages for such production district solely on the basis of the wages paid in each of them. Nor was there any assurance that granting such delay would actually result in the additional wage survey suggested.

Finally, the motion to relocate the proceedings, made only after a large group from distant places had already assembled at Washington pursuant to the notice, obviously came too late. The party on whose behalf the motion was made had been able to present evidence giving the name, location, productivity and employment at mines having minimum wages less than those proposed at the 1955 hearing, without the expensive procedure which the motion to relocate assumed to be prerequisite. The motion was not even supported by a statement of counsel that he had interviewed a single witness in the proposed relocation area, or otherwise had reason to suppose such witnesses, whom he characterized as involuntary, would testify as he speculated they might. Even considered as an initial proposal, the general area suggested is less central or convenient a site for the hearing than the City of Washington, surrounded as Washington is by the States of Pennsylvania, West Virginia, and Virginia, which alone account for most of this Nation's production of bituminous coal.

Wages. The United Mine Workers of America introduced evidence of the amendments to the National Bituminous Coal Wage Agreement of 1950, which became effective September 1, 1955, and October 1, 1956. Except for Production Districts 12 and 21, these amendments provide a total minimum wage of 50 cents per hour in excess of those provided in the currently effective determination. The Government introduced Bureau of Labor Statistics Wage Chronology No. 4, which analyzes the National Wage Agreement from 1933 through the 1956 amendment. Counsel for the Ruth Elkhorn mine objected to this exhibit, because the witness who identified it had not participated in its compilation. This objection appears to have become moot, however, as counsel withdrew all objection to verbatim copies of the amendments introduced through testimony of the Assistant to the President of the United Mine Workers of America, which were analyzed in the Government Wage Chronology Exhibit.

The absolute application of the minimum wage provision of this agreement in the several production districts into which the industry has been divided for the purpose of this wage determination was proven by a list of the several mines operated by parties to the agreement, giving for each, the production district in which it is located, the number of its employees in 1956, and the tonnage it produced in 1956. This evidence took the form of an exhibit compiled and introduced by the United Mine Workers of America. The comparative application of this minimum wage provision in each production district and for the nation as a whole is measurable by comparing this evidence with the Government's Exhibit "Bituminous Coal and Lignite in 1956", released November 27, 1957, as Mineral Market Summary No. 2715 by the United States Department of the Interior, Bureau of Mines, as part of its series of Mineral Industry Surveys. This comparison shows that in 1956 80 percent of the bituminous coal produced by the industry and 83 percent of its total employment are subject to the minimum wage provisions of the union agreement.

There was objection to the list of mines which are parties to the agreement, because the witness had not brought to the hearing each of the several thousand original signed agreements. The colloquy on admissibility of the list of mines which were parties to the union contract expressly mentioned both counsel's failure to apply for a general subpoena and the offer of the union to produce without subpoena any specific contract which counsel might challenge as means whereby counsel might prove any inaccuracy in the testimony that the list was accurate.

Counsel did not avail himself of either of these opportunities. Neither did he impair the credibility of the qualifying testimony by his cross-examination, nor offer any rebuttal evidence. The objection, therefore, rests solely on a rule excluding evidence which is not technically the best available. Though such an objection might have basis in a court of law if the issue were the rights of the parties under a particular agreement, there is no sound basis for it in an administrative rule-making proceeding where the agency rule of practice and the legislative history of the Administrative Procedure Act both make it clear that the technical rules of evidence do not have application and the mere admission of evidence is not to be taken as prejudicial error.

This principle has particular pertinence here, where the issue is not the liability of a party under a single agreement but the breadth and scope of an industry wage practice resulting from national collective bargaining. The mines listed in the contracts in his office and the identical printed form of all of them were facts within the direct testimonial knowledge of the union officer who testified. The exhibits are plainly the most convenient means of presenting these data, so that they may be the more readily assessed in terms of total tonnage and employment in each production district without thousands of pointless repetitions of the text. Still another reason why the exhibits are truly the best evidence on the issues here lies in the fact that the exhibits present initial data as to the production and employment of each mine, which the signed agreements do not reveal. This objection is overruled.

There was also objection to the publication "Bituminous Coal and Lignite in 1956" on the ground that it had not been introduced through testimony of its author, and on the ground that the calendar year 1956, to which it related, was too remote for it to have relevance. This last objection is answered in the testimony of the witness who identified the publication. He called attention to the recent release date of the publication, and testified that it contained the most recent data of this type available. The hearing examiner was correct in receiving in evidence technical statistical data in written form which is of a substantially non-controversial nature, officially prepared on a routine annual basis by the Bureau of Mines concerning the annual production and employment in the bituminous coal industry in each of the several production districts. No effort was made by the parties raising that objection to present their own case, or to rebut this evidence in any way.

Comparing, for each production district in 1956, the total tonnage and employment in mines operating under contracts with the United Mine Workers of America, which call for a total increase in the minimum wage of 50 cents the 1955 hearing, with the total tonnage and employment of all mines in those production districts in that year, shows that a clear majority of both the tonnage and employment is accounted for by the signatory mines in all of those production districts except numbers 5, 12, 14, 18, and 22.

No determination is presently in effect for Production District No. 5 (Michigan). It was determined at the previous hearing that coal no longer was being produced in that district. The most recent report shows that coal production has not recurred in that district. There is no basis, therefore, for making a prevailing minimum wage determination for Production District No. 5 at this time.

In Production District No. 12 (Iowa), both at the 1955 and 1958 hearings, it appeared that only a relatively small portion of the bituminous coal production and employment occurred at mines operating under the United Mine Workers Agreement. A comprehensive survey of the minimum wages paid for work at the several mines in that state was introduced at the 1955 hearing. On the basis of this survey it was determined that the prevailing minimum wage among such mines is $1.40 per hour. Certain wage data concerning the minimum wages currently being paid in the production of bituminous coal in this state and district were introduced at the 1958 hearing. These data are not adequate, however, to show that there has been any change in the prevailing minimum wage provided in the determination now in effect. Accordingly, this tentative decision does not propose any amendment to the prevailing minimum wage determination presently in effect for Production District No. 12 (Iowa).

In Production District 14 (Arkansas-Oklahoma), the United Mine Workers exhibit shows that in 1956, mines producing 1,000 tons or more operating under the latest contract with that union employed 959 employees and produced 697,163 tons of coal. It appears from the Bureau of Mines statistics that in 1956 all the mines in this district employed 1,948 employees and produced 1,554,729 tons of coal. These figures alone suggest the conclusion that though the union contract had application to a large majority of the miners in that district, they produced only about 45% of the coal. This exhibit was supplemented by testimony, however, from witnesses produced by labor and management, to the effect that in 1956 the Garland Coal Company and the Sallasaw Coal Company, though not parties to the union contract, were paying the minimum wage it requires in their production of 378,418 tons of coal in Oklahoma, and that subsequent to 1956 both of these companies became parties to the agreement. I find, therefore, that in Production District No. 14 a large majority of both the total tonnage and employment is in mines operating under the agreement in 1956 and others paying the minimum wage it requires.

In Production District No. 18 (New Mexico), only 12 percent of the employees and 14 percent of the coal production are accounted for by mines operating under the United Mine Workers agreement. At the last hearing there was detailed evidence as to mines which were not parties to the United Mine Workers agreement, but which were paying minimum wages at least as high as those provided in the agreement. Since that time, there has been a substantial decline in the total production of the District. This witness, who was well qualified as an expert on production, marketing and economic trends in this industry and who submitted at the 1955 hearing the detailed evidence as to District 18, expressed the opinion that the decline affected mines which paid minimum wages less than those provided in the United Mine Workers agreement, as fully as it had affected the other mines, and that most of the production and employment in this district continues to occur at the mines which pay minimum wages at least equal to those the agreement provides. Although this opinion is not as persuasive as the statistical presentation concerning this production district at the 1955 hearing, it has probative value and it may not be dismissed as insubstantial or unreliable. There being no evidence to the contrary, I find that in Production District No. 18, the majority of production and employment is in mines operating under the wage agreement, and others paying the minimum wage it requires.

In Production District Number 22 (Montana), although 88 percent of the employment in mines during 1956 was in mines operated under the United Mine Workers Agreement, only 312,455 of the 846,134 tons of coal produced in that district that year, or approximately 37 percent, came from those mines. The testimony of witnesses representing both labor and management established, however, that these figures do not include the 441,668 tons produced that year by the Foley Brothers mine in Rosebud County, and that it pays minimum wages at least as high as those required by the United Mine Workers Agreement, to which it is not a party. Upon consideration of this additional fact, I find that in 1956, at least 89 percent of the production in District 22, and over 88 percent of the employment there, was in mines operated under the United Mine Workers Agreement and those whose minimum wages at least equal the minimum wages required by that agreement.

Production District Number 21 (North and South Dakota), presents a different situation. Sixty-five percent of the coal produced in 1956 came from mines operating under agreement with the United Mine Workers of America, and 54 percent of the employment was in those mines. This tentative decision proposes no change in the determination for District 21, however, because there has been no change since the 1955 hearing in the minimum wage required by that agreement, nor any other evidence of change in the prevailing minimum wage.

The Assistant to the President of the United Mine Workers of America testified that the minimum wages called for by the October 1, 1956, amendment to the Union's wage agreement have been paid since their effective date. He was questioned concerning the extent of noncompliance with the minimum wage provision of the collective bargaining agreement. He called attention to the provision of the agreement itself providing machinery for its enforcement. He testified that the union recognized its duty to police the agreement to see that it was properly enforced and regarded this as one of its important duties. Though the primary responsibility for enforcement was recognized as one which could be most effectively dealt with at the local level, the national organization was vigilant to require an investigation of every complaint of violation, even anonymous ones, that came to its attention. Most of such complaints had been found to be without merit, but adjustment conformably with the requirements of the contract had been effected in every case where violation was revealed. Though the witness conceded it to be possible for some violations of the agreement to occur without knowledge of the fact coming to his attention, he testified that this could not have happened on such a scale as to change the preponderance of tonnage and employment in union mines in any production district.

The union testimony of general compliance with the union agreements was corroborated by all of the management representatives that testified. A representative of the Island Creek Coal Company, which operates 19 mines employing over 5,000 employees and producing approximately 14 million tons of coal annually in Production Districts 7 and 8 gave his opinion "that $2.745 is the prevailing minimum wage" because the contracts provided the "minimum wages actually being paid" in those districts. The president of the Harman Mining Corporation and Feds Creek Coal Company operating in Production District Number 8 testified not only that $2.745 was the minimum wage paid in his company's mines, but also that most of the coal produced in that district "is mined by employees who are paid $2.745." The Director of Industrial Relations of the Pittsburgh and Midway Coal Company, which produces over 3 million tons of coal annually in its operations in Production District 9 (West Kentucky), 10 (Illinois), 14 (Arkansas and Oklahoma), 15 (Kansas, Missouri, Oklahoma and Texas), and 17 (Southern Colorado) testified that the mines operated by his company and those operated by the members of the producers associations in each of those production districts were actually paying the union wages called for by the United Mine Workers Agreement applicable in each of those districts. Finally, testimony on this point was given by the Manager for Business Surveys for the Pittsburgh Consolidation Coal Company, which operates mines in Production Districts Nos. 2 (Western Pennsylvania), 3 (Northwest Virginia), 4 (Ohio), 6 (Panhandle), 7 (Southern No. 1), and 8 (Southern No. 2), where in 1957 it produced a total of 40 million tons of coal using 9,900 employees under the terms provided in the United Mine Workers Agreement. This witness also gave his opinion that the United Mine Workers exhibits of men employed and tonnage of coal produced under contracts with the union "accurately reflects the conditions that are recited therein as to the tonnage produced, the men employed, and the scale paid."

It was suggested by counsel at the hearing and also in several informal communications received since the close of the hearing that in some unidentified instances mine managements that are parties to the October 1, 1956, amendment to the National Bituminous Coal Wage Agreement of 1950, are not paying the minimum wage which it requires. The only formal proposed findings and conclusions filed subsequent to the hearing (on behalf of several mines which did not participate in the hearing) suggest that by reason of this phenomenon the presently effective determination that $2.09 is the prevailing minimum wage in Production District Number 9 (West Kentucky), be left undisturbed notwithstanding the uncontroverted proof that in 1956, 73 percent of all the coal produced in that District came from mines employing 85 percent of all of the miners employed in that District which are firmly bound by collective bargaining agreement to pay no worker who would be covered by this determination less than $2.59 per hour.

As opposed to the mass of evidence of general actual payment of the minimum wages required by the union agreement, no testamentary or documentary evidence was introduced to support the several suggestions of unidentified violations. The Walsh-Healey Act requires that this determination be made "on the record after an opportunity for a hearing". On this state of the record, I must and do find that the union contract wages in evidence here are actually paid in accordance with their terms so generally and uniformly that any noncompliance as may exist is incidental and insufficient to alter the balance for or against the union minimum wage in any production district.

Several letters were received after the close of the hearing, and some suggestion was made at the hearing that a number of small mines in Kentucky and Virginia are operated by persons who are not parties to the United Mine Workers Agreement and who do not pay a minimum wage as high as it provides. The production and employment of these mines accounts for only a minor portion of the industry totals in their production districts, the preponderant majority of which are subject to the minimum wages of the 1956 amendment to the union agreement.[1] It has also been suggested that these mines cannot pay a minimum wage as high as that required by the United Mine Workers contract and continue to operate. It is said that these mines give substantial employment, and I am urged to forego amendment of the prevailing minimum wage determination on the surmise that to do so will put these mines out of business and their employees out of work at a time of abnormal unemployment.

There is no evidence here of any deterrent to continued operation of bituminous coal mines by virtue of payment of the proposed minimum wage in the performance of Government contracts for bituminous coal.

Section 10 of the Walsh-Healey Act, added to it in 1952 by the Fulbright Amendment, requires that wage determinations such as this be made "on the record after an opportunity for a hearing" and invokes the most formal hearing procedure provided in the Administrative Procedure Act. That procedure requires the decision to be "supported by and in accordance with the reliable, probative, and substantial evidence."

Even if in the absence of evidence I were free to assume that there are marginal or other small mines which might not be able to continue operations while paying the proposed minimum wages in the performance of Government contracts, and might have to forego them, the act gives me no discretion to accommodate to such a minority situation by departing from those wages in the face of the demonstrated fact that they prevail in this industry. The brief and communications I have received, however, assume that the only alternatives to authorization to perform Government contracts at less than the prevailing minimum wages established by the industry itself, are withdrawal from the industry or business failure. No persuasive reasons are advanced for this assumption, and the inferences that may be drawn from available information appear to negate it.

At the 1955 hearing, wage data was received from a substantial number of small mines also located in Kentucky and Virginia, which purportedly showed prevailing minimum wages for small mines in those areas of $1.00 to $1.25 per hour, and of $1.25 per hour respectively. The minimum wages determined as prevailing for these areas in such proceedings were $2.245 per hour, except for $2.09 per hour for West Kentucky. On the basis of these data it would appear that to bid for and receive Government contracts subject to such minimum wages, these small mines had to make a substantial upward adjustment in their minimum wages.

There is no showing in these proceedings of measurable cessation of operations in small mines in Kentucky and Virginia attributable solely to adjusting to the determined wages in order to bid for and procure Government contracts. In this context, the current comment of these mines on the effect of the smaller increase they indicate will be required by the minimum wages proposed in these proceedings, appear no more substantial than the similar, unrealized speculations advanced as to the rates proposed in the 1955 proceedings. There is no cognizable basis in this proceeding for concluding that curtailment of employment or earnings will result from this proposed amendment.

Each of the proposed findings and conclusions which opposes redetermination as herein provided has been considered and is overruled.

In revising the wage determination regulation to give effect to the minimum wages now found to be prevailing, it is proposed to delete the section relating to handicapped workers as this problem is adequately covered by 41 CFR Part 201.

Accordingly, upon the findings and conclusions stated herein and pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sec. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, by deleting § 202.51 (e), relettering § 202.51 (f) and (g) as § 202.51 (e) and (f) respectively, and amending § 202.51 (b) to read as follows:

(b) *Minimum wage.* The minimum wage for employees (other than auxiliary workers) engaged in the performance of contracts with agencies of the United States subject to the provisions of the act for production of furnishing of bituminous coal (including lignite) shall be the amount indicated for each area as follows:

District 1. Eastern Pennsylvania: $2.745.

The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntington, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the Pittsburgh and Shawmut Railroad on the west bank of the Allegheny River, and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

District 2. Western Pennsylvania: $2.745.

The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the Pittsburgh and Shawmut Railroad.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

District 3. Northern West Virginia: $2.745.

The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

	Production	Employment
	Percent	*Percent*
District 7	92.6	97.3
District 8	83.1	80.1
District 9	73.2	85.1

District 4. Ohio: $2.745.

All coal-producing counties in Ohio.

District 5. Michigan: (No determination).

District 6. Panhandle: $2.745.

The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

District 7. Southern Numbered 1: $2.745.

The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork Branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek.)

District 8. Southern Numbered 2: $2.745.

The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek) and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and Branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Clinton, Elliott, Floyd, Greenup,. Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Manifee, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Wayne, Whitley, Wolfe.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Pickett, Putnam, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

District 9. West Kentucky: $2.59.

The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

District 10. Illinois: $2.745.

All coal-producing counties in Illinois.

District 11. Indiana: $2.78.

All coal-producing counties in Indiana.

District 12. Iowa: $1.40.

All coal-producing counties in Iowa.

District 13. Southeastern: $2,515.

All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

District 14. Arkansas-Oklahoma: $2.59.

The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

District 15. Southwestern: $2.59.

All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, McIntosh, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

District 16. Northern Colorado: $2.796.

The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

District 17. Southern Colorado: $2,796.

The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

District 18. New Maxico: $2.796.

The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.

All coal-producing counties in California.

District 19. Wyoming: $2.82.

All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Bannock, Power, Caribou, Oneida, Franklin, ,Bear Lake.

District 20. Utah: $2.82.

All coal-producing counties in Utah.

District 21. North Dakota-South Dakota: $2.226.

All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

District 22. Montana: $2.846.

All coal-producing counties in Montana.

District 23. Washington: $2.735.

All coal-producing counties in Washington. All coal-producing counties in Oregon.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the tentative decision above described. Exceptions should be directed to the Secretary of Labor, and filed with the Chief Hearing Examiner, Room 4414, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 31st day of May 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-4236; Filed, June 4, 1958; 8:54 a. m.]

Wage and Hour Division

[29 CFR Parts 661, 706]

[Administrative Order 509]

INDUSTRY COMMITTEES NOS. 39-D AND 39-E

REGISTRATION AND APPOINTMENT OF EMPLOYER MEMBER

Frank A. Besosa of Hato Rey, Puerto Rico has resigned as an employer representative on Industry Committees Nos. 39-D and 39-E. The Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Tomas I. Nido of San Juan, Puerto Rico to serve on said Committees as an employer representative.

Signed at Washington, D. C., this 31st day of May 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-4238; Filed, June 4, 1958; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12461; FCC 58-514]

CLASS B FM BROADCAST STATIONS

CHANGE OF POLICY WITH RESPECT TO REVISED TENTATIVE ALLOCATION PLAN

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to change the Commission's policy with respect to the effect given to the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, promulgated June 13, 1947 (Public Notice 8178; 12 F. R. 4031), and to amend §§ 1.356 (f) and 1.309 (a) of the Commission's Rules.

3. The Revised Tentative Allocation Plan for Class B FM Broadcast Stations and the former tentative allocation plan, promulgated December 19, 1945 (News Release, Mimeo No. 87477) and revised September 3, 1946 (Public Notice, Mimeo No. 97592; 11 F. R. 11223), were intended as merely a guide regarding the manner in which the Commission expected to allocate Class B FM channels throughout the country. It now appears that the said Revised Tentative Allocation Plan has outlived its usefulness and is no longer necessary in view of the pattern that has already been established for the assignment of Class B FM broadcast stations. Thus, of the 18 Class B channels allocated to New York City, three remain unassigned and two comparative hearings are underway for two of the channels; of the 18 Class B channels allocated to Chicago, one remains unassigned and a comparative hearing is underway for that channel; of the 12 Class B channels allocated to Philadelphia, two remain unassigned—two applications are pending for each of the two channels and section 309 (b) letters have been sent to the applicants; of the 20 Class B channels allocated to Los Angeles, two remain un-

assigned and two comparative hearings are underway for the remaining two channels; and of the 17 Class B channels allocated to San Francisco, one remains unassigned and a comparative hearing is underway for that channel.

4. Moreover, in many cases proceedings to amend the Revised Tentative Allocation Plan have been instituted as a result of applications filed for Class B FM facilities in communities not listed in the Plan, and such proceedings have not generated much interest in the way of comments from interested parties. Hence, it appears that these and other applications for FM facilities may be more expeditiously processed if the Revised Tentative Allocation Plan for Class B FM Stations is abandoned, thus obviating the need for proceedings for its amendment. In acting on FM applications in the past and in amending the Tentative Allocation Plan the Commission has been guided primarily by § 3.313 of the Commission's rules, which prescribes the method for determining the existence and extent of objectionable interference, if any, caused by any existing or proposed FM station. Abandonment of the plan will, therefore, result in no substantial change in the ultimate action on a particular application.

5. Abandonment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations will require amendment of §§ 1.356 (f) and 1.309 (a) of the Commission's rules.

6. It is proposed to amend § 1.356 (f) to read as follows:

(f) If, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application for FM broadcast facilities (Class A, Class B or noncommercial educational), the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.362 will be followed.

7. It is proposed to amend § 1.309 (a) to read as follows:

(a) Where the Commission has denied an application for a new station or for any modification of services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind to substantially the same area by substantially the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, may be filed within 12 months from the effective date of the Commission's action: *Provided, however*, That applicants whose applications have been denied in a comparative hearing for a particular television facility allocated in the television allocation table, may immediately reapply for another available television channel.

8. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

9. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 7, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

10. In accordance with the provisions of § 1.54 of the Commission's rules or regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 28, 1958.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary

[F. R. Doc. 58-4241; Filed, June 4, 1958; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

VARIATION IN SALES LOAD OF REDEEMABLE SECURITIES OF REGISTERED INVESTMENT COMPANY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule N-22D-1 (§ 270.22d-1) under the Investment Company Act of 1940 to codify certain administrative interpretations of the provisions of section 22 (d) of the act and exemptions from its provisions granted under section 6 (c) of the act. Such interpretations and orders have related to permissible variations in the sales load charged upon sale of the redeemable securities of registered investment companies. The proposed rule would also require a number of changes in current practices, including the availability of a quantity discount for group purchases. The proposal is made pursuant to sections 6 (c), 22 (d) and 38 (a) of the act.

Section 22 (d) of the Investment Company Act prohibits a registered investment company, its principal underwriter or a dealer in its shares from selling such shares to "any person" except "at a current public offering price described in the prospectus." The purposes of the section are to prevent discrimination among purchasers and to provide for orderly distribution of such shares by preventing their sale at a price less than that fixed in the prospectus.

Section 6 (c) provides that the Commission by rule, regulation or order may exempt any person or transaction from any provisions of the act if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the act. Section 38 (a) authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the act, including rules defining technical and trade terms.

In an opinion of the Commission's General Counsel issued in 1941, section 22 (d) was construed to permit continuance of a long standing practice of the industry to grant graduated reductions in the sales load dependent upon the quantity of shares purchased ("quantity discounts") if such quantity discounts were clearly described in the prospectus and available to any member of the public on a non-discriminatory basis.

Paragraph (a) of the proposed Rule N-22D-1 (§ 270.22d-1) would codify this interpretation to permit such quantity discounts to be granted to any person. The proposed rule would also codify Commission interpretations and exemptive orders permitting the computation of the quantity on the basis of a single purchase, or the aggregate of the shares previously acquired and then owned plus shares being purchased; and in such instances it would also permit the inclusion of shares of other investment companies employing the same principal underwriter as the issuer. Purchases pursuant to a statement or letter of intent are not covered by the proposed rule. The Commission is tentatively of the opinion that the mere intent to purchase shares in the future is not a sufficient basis for computing a quantity for which a quantity discount may be granted with respect to all such purchases.

For the purpose of granting a quantity discount to "any person", that term is defined as including an individual purchasing with his own funds for himself or as gifts to others, or a trustee or other fiduciary purchasing for a single trust estate or fiduciary account although there may be more than one beneficiary. The limitations of this definition reflect a stricter interpretation of the statutory requirements of section 22 (d) than previous Commission views, which had permitted quantity discounts to be extended to a trustee or other fiduciary, a custodian, or an agent purchasing for more than one account, and more recently had been extended to a representative or agent acting on behalf of a group of individuals such as members of a medical society or a college faculty. It had been thought appropriate to regard the fiduciary or other representative making such purchases as a single purchaser, and thus "any person" falling within the statutory language, where the grouping of purchases was voluntarily arranged without inducement by the issuer or his sales representatives.

The Commission has been reviewing industry practices and complaints in connection with such groupings of purchases. It appears that in many instances the grouping has been solicited or encouraged by the investment company, its principal underwriter or the distributors of its shares, who are pro-ted under section 22 (d) of the act from discriminatory pricing policies. Thus it has become increasingly evident that reduced prices are not being granted to a single member of the public based on the quantity of shares being purchased, but rather to several or numerous individuals comprising selected "classes" of persons, contrary to the spirit and intent of section 22 (d). An important consideration in the group purchase is the danger that prospectuses will not be furnished to all the individuals comprising the group, thus thwarting the disclosure requirements of the Investment Company Act and the Securities Act of 1933.

Another aspect of the proposed rule relates to the investment of dividends. Section 22 (d) (ii) permits a deviation from the single offering price requirement of that section in connection with a sale "pursuant to an offer made solely to all registered holders of the securities * * * issued by the company proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities)." This provision requires, in effect, that if an offer is made to stockholders to reinvest dividends below the offering price, the offer must be made to all stockholders in connection with each distribution. Administratively the Commission has considered that there is literal compliance with the provisions of section 22 (d) (ii) where reinvestment at net asset value is made automatically for those shareholders participating in a dividend reinvestment plan and all nonparticipating shareholders are afforded separate opportunity for reinvestment.

In some instances the privilege to reinvest at net asset value dividends paid from investment income has been limited solely to shareholders participating in a dividend reinvestment plan, and in some instances the privilege has been further limited to the holders of a specified minimum quantity of shares. The Commission is tentatively of the opinion that if the costs of administering the dividend reinvestment plan are borne by the issuer there should be no deviations from the express provisions of section 22 (d) (ii). If the costs of administering the dividend reinvestment plan are not borne by the issuer (the cost of most such plans are paid by the underwriters), paragraph (b) of proposed Rule N-22D-1 would permit the privilege of reinvestment of dividend income at net asset value to be limited to plan participants. In addition, this paragraph would permit a further limitation of the privilege to shareholders owning shares of a stated minimum value of no more than $1,200.

The proposed rule would not provide any exemption from the express requirements of section 22 (d) (ii) with respect to reinvesting capital gains distributions. Thus, if the privilege of reinvesting capital gains distributions at net asset value is granted to shareholders pursuant to a reinvestment plan, a separate offer in connection with any capital gains distribution must also be made which would give all stockholders not participating in the plan the option to reinvest the distribution in shares at net asset value, subject only to the right to impose appropriate qualifications to avoid the issuance of fractional shares.

Paragraph (c) of the proposed rule will codify prior Commission practice in exempting sales at a reduced load pursuant to a uniform offer made to all tax exempt organizations enumerated in sections 501 (c) (3) or (13) of the Internal Revenue Code or employees' trusts, pension, profit-sharing or other employee benefit plans qualified under section 401 of the Code. Paragraphs (d) and (e) of the proposed rule will codify two administrative interpretations designed to reconcile section 22 (d) and certain other provisions of the act. Paragraph (d) covers the sale of redeemable securities to periodic payment plans and paragraph (e) covers a private offering to raise the initial capital required under section 14 (a). The Commission has interpreted the requirements of section 22 (d) as inapplicable in these instances.

The Commission has in the past exempted from section 22 (d), sales for investment purposes at a reduced load or no load to officers, directors, partners and employees of an investment company, its principal underwriter and investment advisor, and to the trustees of qualified pension and profit-sharing plans for the benefit of such persons. It was represented that such sales promoted employee incentive and good will. The Commission upon reconsideration of this matter is tentatively of the opinion that on balance the business purposes to be served by reductions in sales load to such persons are insufficient to warrant continuation of this practice in the light of the policy and intent of section 22 (d). Accordingly, no such exemptive provisions has been included in the proposed rule.

If the proposed rule is adopted, it is contemplated that appropriate proceedings would be instituted to determine whether the Commission should modify or revoke such outstanding exemptive orders as may be inconsistent with the provisions of the rule or as may be necessary or appropriate in the public interest.

The text of the proposed rule follows:

§ 270.22d-1 *Variations in sales load permitted for certain sales of redeemable securities.* A registered investment company which is the issuer of redeemable securities, a principal underwriter of such securities or a dealer shall be exempted from the provisions of section 22 (d) to the extent necessary to permit the sale of such securities by such persons at prices which reflect reductions in, or eliminations of, the sales load under any of the following circumstances:

(a) (1) In accordance with a scale of reducing sales load varying with the quantity of securities purchased by any person. The quantity entitling any person to any such reduced sales load may be computed on any of the following bases, and may include redeemable securities of other registered investment companies having the same principal underwriter as the issuer of such securities: (i) The aggregate quantity of securities being purchased at any one time; or (ii) the aggregate quantity of securities previously purchased or acquired and then owned plus the securities being purchased. The scale of reducing sales loads and the method of computation utilized shall be specifically described in the prospectus and shall be applicable to sales to all persons.

(2) As used in this paragraph, the term "any person" shall include (i) an individual purchasing securities with his own funds for himself and/or as gifts to others; and (ii) a trustee or other fiduciary purchasing securities for a single trust estate or single fiduciary account although more than one beneficiary is involved. Notwithstanding the foregoing, the term shall not include a group of individuals whose funds are combined, directly or indirectly, for the purchase of shares jointly or through a trustee, agent, custodian, or other representative.

(b) In accordance with a systematic plan for the reinvestment of dividends from investment income at net asset value, where the privilege of reinvestment at net asset value is available only to plan participants; *Provided:* (1) The plan is described in the prospectus; (2) the costs of providing and administering the reinvestment privilege of such plan are not borne by the issuer; (3) participation in the plan is available to all security holders, subject to the right to limit participation to the holders of securities of a stated minimum value not greater than $1,200; and (4) all stockholders are notified of the availability of the plan at least once each year.

(c) Upon the sale pursuant to a uniform offer described in the prospectus and made to tax-exempt organizations enumerated in sections 501 (c) (3) or (13) of the Internal Revenue Code, or employees' trusts, pension, profit-sharing or other employee benefit plans qualified under section 401 of the Internal Revenue Code.

(d) Upon the sale to a registered unit investment trust which is the issuer of periodic payment plan certificates the net proceeds of which are invested in such redeemable securities.

(e) Upon the sale through a private offering, in connection with the organization of the issuer, for the purpose of providing the initial capital required under section 14 (a) of the act.

All interested persons are invited to submit views and comments on the proposed rule. Written statements of views and comments and any requests for oral argument in respect of the proposed rule should be submitted to the Securities and Exchange Commission, Washington 25, D. C., on or before June 25, 1958. Unless the person submitting any statement requests that his views not be made part of the Commission's public files, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 28, 1958.

[F. R. Doc. 58-4226; Filed, June 4, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 27, 1958.

The Department of Agriculture has filed an application, Serial No. Idaho 09138, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws subject to valid existing claims. The applicant desires the land for streamside zones, roadside zones, campgrounds and picnic areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Bureau of Land Management, Land Office, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

LIGHTNING CREEK STREAMSIDE ZONE

Strips of land 50 feet in width adjoining each bank of Lightning Creek extending from its confluence with Morris Creek northerly to Lightning Creek Falls (locally known as Char Falls) through the following described lands:

T. 57 N., R. 2 E.,
  Unsurveyed, but when surveyed will probably be:
  Sec. 2; Lot 3, SE¼NW¼, NE¼SW¼, SE¼SW¼, SE¼SE¼;
  Sec. 11; NW¼NE¼, SW¼NE¼, NE¼SE¼, NW¼SE¼, SE¼SE¼;
  Sec. 13; NW¼SW¼, SW¼SW¼, SE¼SW¼;
  Sec. 14; NE¼NE¼, SE¼NE¼, NE¼SE¼;
  Sec. 24; NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NW¼.
T. 58 N., R. 2 E.,
  Unsurveyed, but when surveyed will probably be:
  Sec. 26; SE¼NW¼, NE¼SW¼, SE¼SW¼, to Char Falls;
  Sec. 35; NE¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼.
T. 56 N., R. 3 E.,
  Sec. 5; Lot 3, Lot 4, SW¼NW¼, NW¼SW¼, SW¼SW¼;
  Sec. 6; NE¼SE¼, SE¼SE¼;
  Sec. 8; NW¼NW¼.
T. 57 N., R. 3 E.,
  Unsurveyed, but when surveyed will probably be:
  Sec. 19; SW¼NW¼, NE¼SW¼, NW¼SW¼, SE¼SW¼, SW¼SE¼;
  Sec. 29; SW¼NW¼, NW¼SW¼, SW¼SW¼;
  Sec. 30; NE¼NE¼, NW¼NE¼, SE¼NW¼;
  Sec. 32; NW¼NW¼, SW¼NW¼, NW¼SW¼, SW¼SW¼.

The areas described aggregate approximately 145 acres.

PRIEST RIVER ROAD NO. 6 TO ROADSIDE ZONE

A strip of land 400 feet in width (200 feet on each side of center line) of the Priest River Road No. 6 through the following legal subdivisions or so much of said width as may be situated within said subdivisions. This comprises about 461 acres of national forest land more or less.

T. 59 N., R. 4 W.,
  Sec. 6; Lot 8 (SE of highway is patented), Lot 11, NW¼NE¼, SW¼NE¼;
  Sec. 7; Lot 6, Lot 7, Lot 10;
  Sec. 18; Lot 3, Lot 6, Lot 11, Lot 12, SE¼SW¼;
  Sec. 19; Lot 2, Lot 3, Lot 4, Lot 6, Lot 11, NE¼NW¼, SE¼NW¼.
T. 60 N., R. 4 W.,
  Sec. 31; Lot 7.
T. 58 N., R. 5 W.,
  Sec. 2; Lot 4, SW¼NW¼;
  Sec. 3; Lot 1, SE¼NE¼, NE¼SE¼, SW¼SE¼, SE¼ SE¼;
  Sec. 10; NW¼NE¼, E½NE¼NW¼, SE¼NW¼, N½N½NE¼SW¼.
T. 59 N., R. 5 W.,
  Sec. 12; Lot 1, NE¼SE¼;
  Sec. 13; Lot 2, Lot 3;
  Sec. 24; NE¼SE¼, SW¼SE¼, SE¼SE¼, SE¼SW¼;
  Sec. 25; NE¼NW¼, NW¼NW¼, SW¼NW¼, SE¼NW¼, NW¼SW¼;
  Sec. 26; SE¼NE¼, NE¼SE¼, NW¼SE¼, SW¼SE¼, SE¼SE¼, SE¼SW¼;
  Sec. 34; NE¼NE¼, SE¼NE¼, NE¼SE¼, SE¼SE¼;
  Sec. 35; NW¼NE¼, NE¼NW¼, NW¼NW¼, SW¼NW¼, NW¼SW¼, SW¼SW¼.
T. 60 N., R. 5 W.,
  Sec. 2; NW¼SW¼, SW¼SW¼;
  Sec. 3; Lot 1, SE¼NE¼, NE¼SE¼, SE¼SE¼;
  Sec. 11; NW¼NW¼, SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, SE¼SW¼;
  Sec. 14; NW¼NE¼, SW¼NE¼, NE¼NW¼, SE¼NW¼;
  Sec. 23; E½E½SE¼;
  Sec. 26; NE¼NE¼NE¼, E½SE¼NE¼NE¼.
T. 61 N., R. 5 W.,
  Sec. 14; S½N½SE¼SE¼, S½SE¼SE¼, E½SE¼SW¼SE¼;
  Sec. 23; NE¼NE¼, NW¼NE¼, NW¼SW¼NE¼, N½SW¼SW¼NE¼, NE¼NE¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼SW¼, E½E½SW¼SW¼, W½SE¼SW¼SW¼, SE¼SW¼SW¼SW¼;
  Sec. 26; NW¼NW¼;
  Sec. 27; NE¼SE¼NE¼, SW¼SE¼NE¼;
  Sec. 34; E½NW¼NE¼, SW¼NE¼, NE¼SE¼, NW¼SE¼, SW¼SE¼, SE¼SE¼.

GRANITE CREEK STREAMSIDE ZONE

A strip of land 50 feet wide contiguous to and on the northerly side of Granite Creek and a strip of land 50 feet wide contiguous to and on the southerly side of Granite Creek. Extending from the boundary between private and national forest land in the SW¼NW¼, Section 30, T. 55 N., R. 1 E., B. M., east to the confluence of Dry Gulch and Granite Creek in Section 29, T. 55 N., R. 1 E., B. M. (surveyed) and situated in the following subdivisions:

T. 55 N., R. 1 E.,
  Sec. 29; NW¼NE¼, SW¼NE¼, NE¼NW¼, NW¼NW¼;
  Sec. 30; Lot 2, NE¼NE¼, SW¼NE¼, SE¼NE¼.

The areas described aggregate approximately 25 acres.

EAST FORK LIGHTNING CREEK CAMPGROUND AND PICNIC SITE

T. 57 N., R. 3 E.,
  Unsurveyed, but when surveyed will probably be: The subdivision in Section 32, that portion of NW¼SW¼ and SW¼SW¼ east of Lightning Creek and north of the East Fork of Lightning Creek.

The areas described aggregate approximately 30 acres.

BEAVER CAMPGROUND AND PICNIC SITE

T. 57 N., R. 3 E.,
  Unsurveyed, but when surveyed will probably be: The subdivision of Section 29, that portion of the NW¼NW¼SW¼ east of Lightning Creek.

The areas described aggregate approximately 5 acres.

BATTLE CREEK CAMPGROUND, PICNIC AREA AND ADMINISTRATIVE SITE

T. 57 N., R. 2 E.,
  Unsurveyed, but when surveyed will probably be: The subdivision of Section 2, NE¼NW¼ and NE¼SE¼NW¼ east of Lightning Creek and south of Battle Creek.

The areas described aggregate approximately 25 acres.

ROBINSON LAKE CAMPGROUND

T. 65 N., R. 2 E.,
  Sec. 21; Lot 3, less what would be the N½SW¼NW¼, Lot 4, less what would be the S½NW¼SW¼.

The areas described aggregate approximately 24.54 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-4200; Filed, June 4, 1958; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 27, 1958.

The Department of Agriculture has filed an application, Serial No. Idaho 09077, for the withdrawal of the lands described below, from all forms of appropriation subject to valid existing claims under the General Mining Laws. The applicant desires the land for the Trail Creek Recreation Area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Land Office, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 9 N., R. 11 E.,
  Unsurveyed Sec. 2; N½NW¼;
  Unsurveyed Sec. 3; N½NE¼NE¼, SE¼NE¼NE¼.
T. 10 N., R. 11 E.,
  Unsurveyed Sec. 34; SW¼SW¼NE¼ that portion not included within the Grandjean Administrative Site. SW¼SE¼NW¼ that portion not included within the Grandjean Administrative Site. N½NE¼SW¼ that portion not included within the Grandjean Administrative Site. S½NE¼SE¼, NW¼SE¼, N½SW¼SE¼, SE¼SE¼;
  Unsurveyed Sec. 35; SW¼SW¼, S½SE¼SW¼.

The above area includes approximately 330 acres of land.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-4201; Filed, June 4, 1958; 8:46 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 27, 1958.

The Bureau of Reclamation, U. S. Department of the Interior, has filed an application, Serial No. Montana 027972, for a first form withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws, as provided in section 3 of the act of June 17, 1902 (32 Stat. 388), as amended. The applicant desires the land for right-of-way for flowage purposes in connection with the Tiber Reservoir, Lower Marias Unit, Marias Division, Missouri River Basin Project.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 2 E.,
  Sec. 26: S½NE¼.
T. 30 N., R. 4 E.,
  Sec. 2: SW¼SE¼.

The above areas aggregate 120 acres of public lands.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-4202; Filed, June 4, 1958; 8:46 a. m.]

[Classification 59, Document 180]

ARIZONA

SMALL TRACT CLASSIFICATION: AMENDMENT

MAY 27, 1958.

Effective May 27, 1958, paragraph 4 of Federal Register Document 58-1309 appearing on page 1123 of the issue for February 21, 1958, is hereby amended to read as follows:

4. * * * Rights-of-way 50′ in width for street and road purposes and for public utilities, along each side of all section lines, quarter, sixteenth, and sixty-fourth section lines, will be reserved on the tracts involved. * * *

EUGENE H. NEWELL,
Acting State Supervisor,
Arizona.

[F. R. Doc. 58-4204; Filed, June 4, 1958; 8:46 a. m.]

[Group 293, Arizona]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 26, 1958.

1. Pursuant to authority delegated by BLM Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, notice is given that the plats of survey accepted December 30, 1957, of T. 42 N., R. 5 E., and T. 42 N., R. 6 E., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 42 N., R. 5 E.,
  Sec. 31, Lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼, (All);
  Sec. 32, Lots 1, 2, 3, 4, S½, (All).
T. 42 N., R. 6 E.,
  Sec. 32, Lots 1, 2, 3, 4, S½, (All);
  Sec. 36, Lots 1, 2, 3, 4, S½, (All).

Within the above described areas are 471.27 acres of public land.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Arizona upon the acceptance of the above-mentioned plats of survey:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 42 N., R. 5 E.,
  Sec. 32, Lots 3, 4, SW¼.
T. 42 N., R. 6 E.,
  Sec. 32, Lots 1, 2, 3, 4, S½;
  Sec. 36, Lots 1, 2, 3, 4, S½.

The areas described aggregate 1,196.05 acres.

3. On July 18, 1957, the Director concurred in the Bureau of Reclamation withdrawal of March 14, 1957, which withdrew from public entry under the first form reclamation withdrawal, act of June 17, 1902, Lots 1, 2, and the SE¼ Sec. 32, T. 42 N., R. 5 E.

4. The following described lands are opened to application, location, selection and petition as outlined below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition unless they have been classified:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 42 N., R. 5 E.,
  Sec. 31, Lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼ (All).

The areas described aggregate 471.27 acres.

5. Available data indicates the land in Sec. 31, T. 42 N., R. 5 E., is rolling with sandy soil; the land in Sec. 32, T. 42 N., R. 5 E., ranges from rolling to mountainous and the soil varies from sandy clay, sandy to rocky; the land in Sec. 32, T. 42 N., R. 6 E., is rolling with rocky clifts along the Parja River Canyon, and the soil is sandy with some rock; the land in Sec. 36, T. 42 N., R. 6 E., is nearly level with sandy soil.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing of applications, selections, and locations, in accordance with the following:

a. Applications and selections under the nonmineral public land laws presented to the Manager mentioned below, beginning on the date of this order. Such application, selections, and offers will be considered and filed on the hour and respective dates shown for the various classes commensurated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowances and confirmations will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on July 1, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 30, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on September 30, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after

that hour will be governed by the time of filing.

7. Persons claiming veterans' preference rights under paragraph 6 (a) (2), above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

THOS. F. BRITT,
Manager.

[F. R. Doc. 58-4205; Filed, June 4, 1958; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Columbia Garment Co., Third and Union Streets, Columbia, Pa.; effective 5-21-58 to 5-20-59 (ladies' dresses and dusters).

Harrisville Garment Corp., 112 Cross Street, Harrisville, W. Va.; effective 5-23-58 to 5-22-59 (ladies' and children's cotton blouses).

Humberland Dress Co., 31 North Spruce Street, Mount Carmel, Pa.; effective 6-10-58 to 6-9-59 (children's dresses).

Joy Togs, Inc., 950 Highland Avenue, Greensburg, Pa.; effective 6-6-58 to 6-5-59 (children's snowsuits).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 6-6-58 to 6-5-59 (boys' pants).

M & G Sportswear, Inc., Union Mill No. 2, Fall River, Mass.; effective 5-22-58 to 5-21-59 (children's sportswear and outerwear).

Mode O'Day Corp., Plant No. 2, 146 South West Temple, Salt Lake City, Utah; effective 6-3-58 to 6-2-59 (women's dresses).

Phillips-Van Heusen Factory, Patton, Pa.; effective 6-2-58 to 6-1-59 (dress shirts).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5-21-58 to 5-20-59 (men's and boys' sport shirts).

Henry I. Siegel Co., Inc., Fulton, Ky.; effective 5-27-58 to 5-26-59 (men's and boy's pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Homer, Ga.; effective 5-31-58 to 5-30-59; 10 learners (sport jackets).

C & D Sportswear Corp., Adel, Ga.; effective 5-27-58 to 5-26-59; 10 learners (sport shirts).

New Era Shirt Co., Arcadia, Mo.; effective 5-22-58 to 5-21-59; 10 learners (ladies' and girls' blouses).

New Era Shirt Co., Piedmont, Mo.; effective 5-21-58 to 5-20-59; 10 learners (ladies' and girls' blouses).

Normandy Dress Co., 700 South Madison, Bay City, Mich.; effective 5-22-58 to 5-21-59; 10 learners (ladies' cotton house dresses).

Stanro Dress Co., Inc., 810 George Street, Throop, Pa.; effective 5-22-58 to 5-21-59; five learners (ladies' and children's dresses).

York Springs Dress Co., York Springs, Pa.; effective 5-23-58 to 5-22-59; three learners (ladies' cotton house dresses).

Youngwood Manufacturing Co., Inc., 309 North Fourth St., Youngwood, Pa.; effective 5-28-58 to 5-27-59; 10 learners (children's snowsuits; children's spring jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

C & D Sportswear Corp., Adel, Ga.; effective 5-27-58 to 11-26-58; 15 learners (sport shirts).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5-27-58 to 11-26-58; 10 learners (men's and boys' sport shirts).

Sampson Sewing Co., Inc., Clinton, N. C.; effective 5-22-58 to 11-21-58; 35 learners (women's and children's sportswear).

Seiro Manufacturing Co., Denton, Md.; effective 5-22-58 to 11-21-58; five learners (ladies' sportswear).

Jack Winter Manufacturing Corp., Marianna, Ark.; effective 5-21-58 to 11-20-58; 50 learners (men's slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., Oneida, Tenn.; effective 5-23-58 to 5-22-59; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Dinberg Glove Corp., 215 Gilbert Street, Ogdensburg, N. Y.; effective 5-23-58 to 5-22-59; five learners for normal labor turnover purposes (lined leather gloves).

Wells Lamont Corp.; Philadelphia, Miss.; effective 5-22-58 to 5-21-59; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S. C.; effective 5-22-58 to 5-21-59; five learners for normal labor turnover purposes (full-fashioned, seamless).

Dapper Hosiery Mills, Inc., 110 Henry Street, Clinton, S. C.; effective 5-21-58 to 5-20-59; five learners for normal labor turnover purposes (full-fashioned).

Selma Hosiery Co., Dillon, S. C.; effective 5-22-58 to 5-21-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Selma Hosiery Co., Dillon, S. C.; effective 6-2-58 to 12-1-58; 50 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Masterfit Manufacturing Corp., Prescott, Ark.; effective 5-23-58 to 11-22-58; 15 learners for plant expansion purposes (men's shorts; boys' shorts, pajamas).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

R. K. Barter Canneries, Inc., Stonington, Maine; effective 5-26-58 to 11-25-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packers, for a learning period of 160 hours at rates of at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (sardine packing).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Alfra Bra, Inc., Minillas Development, Bayamon, P. R.; effective 5-15-58 to 7-8-58; authorizing the employment of 25 learners for plant expansion purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Atlas Products Corp., P. O. Box 141, Toa Alta, P. R.; effective 5-12-58 to 11-11-58; authorizing the employment of 20 learners for plant expansion purposes in the occupation of machine sewing on leather gloves, for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (leather work gloves).

Beatrice Needle Craft, Inc., 18 San Vicente St., P. O. Box 88, Mayaguez, P. R.; effective 5-15-58 to 3-31-59; authorizing the employment of 12 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Beatrice Needle Craft, Inc., P. O. Box 88, Mayaguez, P. R.; effective 5-15-58 to 9-30-58; authorizing the employment of 20 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents for the remaining 160 hours (replacement certificate) (brassieres).

Beatrice Needle Craft, Inc., P. O. Box 391, Ponce, P. R.; effective 5-15-58 to 11-4-58; authorizing the employment of 25 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

The Carib Co., Inc., P. O. Box 277, Aibonito, P. R.; effective 5-13-58 to 5-12-59; authorizing the employment of 15 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 50 cents an hour for the first 240 hours and 58 cents an hour for the remaining 240 hours (women's underwear).

Catherine Needle Craft, Inc., P. O. Box 88, Mayaguez, P. R.; effective 5–15–58 to 10–28–58; authorizing the employment of 25 learners for plant expansion purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Juana Diaz Co., Inc., P. O. Box 363, Juana Diaz, P. R.; effective 5–15–58 to 5–14–59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

El Dorado Import & Export, Inc., P. O. Box 695, Caguas, P. R.; effective 5–15–58 to 5–14–59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupations of millinery assembling, sewing machine operators, and finishing operations involving hand sewing, for a learning period of 480 hours each, at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (women's millinery).

Island Industries, Inc., P. O. Box 488, Catano, P. R.; effective 5–15–58 to 4–17–59; authorizing the employment of 20 learners for normal labor turnover purposes in the occupations of looping, and sewing, for a learning period of 480 hours each at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (seamless, full-fashioned girdles).

Makress, Inc., 908 Miraflores Street, P. O. Box 3055, San Juan, P. R.; effective 5–15–58 to 10–17–58; authorizing the employment of 24 learners for plant expansion purposes in the occupations of sewing machine operators (single needle; double needle; zig-zag; fagotting and feather stitch), for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (girdles, corsets and allied products).

Newport Brassieres Co., Inc., P. O. Box 10,008, Caparra Heights, P. R.; effective 5–15–58 to 7–6–58; authorizing the employment of 125 learners for plant expansion purposes in the occupations of (1) sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garment, for a learning period of 160 hours at the rate of 60 cents an hour (replacement certificate) (brassieres and accessories).

Paradise Manufacturing Inc., P. O. Box 408, Gurabo, P. R.; effective 5–12–58 to 11–11–58; authorizing the employment of 50 learners for plant expansion purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Rico Glove Corp., P. O. Box 1097, Cayey, P. R.; effective 5–6–58 to 5–5–59; authorizing the employment of 18 learners for normal labor turnover purposes in the occupation of machine sewing, for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (fabric gloves).

Youthful Corp., 161 Ponce de Leon Avenue, Hato Rey, P. R.; effective 5–15–58 to 5–14–59; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (girdles and panty girdles).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C. this 28th day of May 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58–4215; Filed, June 4, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–13]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF UTILIZATION FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the amendment (No. 2) set forth below to License CX–1 authorizing The Babcock & Wilcox Company to conduct an additional series of experiments for the Consolidated Edison Reactor in the Company's Critical Experiment Laboratory near Lynchburg, Virginia. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the facility for the proposed series of critical experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the operation of the previous experiments approved in the original license.

The principal change in the experiments from the series authorized in Amendment No. 1 is the use of boric acid in the moderator. With the exception of modifying the moderator circulation system to accommodate the use of dissolved boric acid, no modifications will be made to the facility as it is now constructed. The instrumentation, safety devices and auxiliary equipment which will be used in the proposed experiments are the same as those used in the previously authorized experiments and will provide adequate protection. The use of boric acid in the moderator will not result in a significant change in the hazards previously presented by operation of this critical experiments facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the filing of this notice with the Federal Register Division. For further details see (1) the application submitted by The Babcock & Wilcox Company, and amendments thereto, and (2) a hazards analysis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of May 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58–4197; Filed, June 4, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11645 etc.; FCC 58–516]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In the matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels. The Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service. American Telephone and Telegraph Company, et al., Docket No. 12194; charges, classifications, regulations and practices for and in connection with Channels for Data Transmission.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the record to date in the above entitled proceeding, together with a Petition for Immediate Rate Reduction, filed February 7, 1958, by General Services Administration (G. S. A.), requesting that the Commission take appropriate action to effectuate an immediate reduction in the charges of American Telephone and Telegraph Company (A. T. & T.) for private line services furnished by means of channels of telephone grade; an opposition to G. S. A.'s petition filed by A. T. & T. on February 24, 1958; a reply to the opposition filed by G. S. A. on March 3, 1958; a Petition for Expeditious Handling filed by G. S. A. on May 1, 1958; and an opposition to such petition filed by A. T. & T. on May 13, 1958;

It is ordered, That oral argument on the matters raised by the above-mentioned pleadings herein before the Commission en banc is scheduled for June 12, 1958, commencing at 10:00 a. m.; that counsel for General Services Administration and counsel for the respondent Bell System companies are allowed 30 minutes each for argument; and that counsel for The Western Union Telegraph Company, United Press Associations and Aeronautical Radio, Inc., are allowed 15 minutes each for argument: *Provided, however,* That the last three named parties shall each file, on or before June 5, 1958, a notice of intention to appear and participate in such oral argument which notice shall specify with particularity the points upon which the party filing the notice intends to present argument.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4242; Filed, June 4, 1958; 8:55 a. m.]

[Docket No. 12210 etc., FCC 58M-552]

KENNETH G. AND MISHA S. PRATHER

ORDER CONTINUING HEARING CONFERENCE

In re application of Kenneth G. Prather and Misha S. Prather, Boulder, Colorado; Docket No. 12210, File No. BP-11289; for construction permit.

Upon the oral request of counsel for the above-named applicant, and with the agreement of the other parties involved: *It is ordered,* This 29th day of May 1958, that the further prehearing conference in the above-entitled matter presently scheduled to be held on June 2, 1958, is hereby rescheduled to commence at 10:00 a. m., July 8, 1958, in the offices of the Commission in Washington, D. C.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4243; Filed, June 4, 1958; 8:55 a. m.]

[Docket No. 12310 etc.; FCC 58M-554]

ENTERTAINMENT SERVICE, INC. ET AL.

ORDER CONTINUING HEARING

In re applications of Entertainment Service, Inc., Solvay, New York; Docket No. 12310, File No. BP-10988; Joseph A. Marturano and Philip S. Marturano d/b as Rome Community Broadcasting Company, Rome, New York; Docket No. 12311, File No. BP-11262; James A. McKechnie, North Syracuse, New York; Docket No. 12312, File No. BP-11329; for construction permits.

The Hearing Examiner having under consideration a motion filed on May 28, 1958, by counsel for James A. McKechnie, one of the parties in the above-styled proceeding, requesting that the schedule previously fixed be extended; and

It appearing that the counsel for the other parties, including the Broadcast Bureau, have informally agreed to the requested changes, and good cause has also been shown for the grant of the motion;

It is ordered, This 29th day of May 1958, that the motion be and the same is hereby granted; and the schedule is extended as follows: Exchange of direct affirmative cases, on June 10, 1958; further prehearing conference on June 17, 1958; and commencement of evidentiary hearing on July 14, 1958.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4244; Filed, June 4, 1958; 8:55 a. m.]

[Docket No. 12360; FCC 58-503]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

WASHINGTON, D. C., AND WOODBRIDGE, VA.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Rule Making (FCC 58-280) setting forth the above proposal was issued by the Commission on March 28, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 2146), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before April 25, 1958; and

It further appearing that the only comment submitted was filed by the S & W Enterprises, Inc., the applicant for a new Class B FM broadcast station in Woodbridge, Virginia, for operation on Channel 290, favoring adoption of the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 290 available for the proposed station of S & W Enterprises, Inc.; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective May 28, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Washington, D. C., and Woodbridge, Virginia:

General area	Channels	
	Delete	Add
Washington, D. C.	290	
Woodbridge, Va.		290

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4245; Filed, June 4, 1958; 8:55 a. m.]

[Docket No. 12398; FCC 58-504]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

WEST BEND AND MILWAUKEE, WIS.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Rule Making (FCC 58-364) setting forth the above proposal was issued by the Commission on April 21, 1958, and was duly published in the FEDERAL REGISTER (23 F. R. 2761), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before May 16, 1958; and

It further appearing that no comments were filed, either favoring or opposing the proposed amendment; and

It further appearing that adoption of the proposed amendment will make Channel 223 available for assignment in West Bend, Wisconsin, for which an application, File No. BPH-2392, has been filed by the West Bend Broadcasting Company; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective May 28, 1958, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of West Bend and Milwaukee, Wisconsin:

General area	Channels	
	Delete	Add
West Bend, Wis.		[illegible]
Milwaukee, Wis.	223	

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4246; Filed, June 4, 1958; 8:55 a. m.]

[Docket No. 12422 etc.; FCC 58M-553]

POMPANO BEACH BROADCASTING CORP. ET AL.

ORDER RESCHEDULING HEARING

In re applications of Pompano Beach Broadcasting Corporation, Pompano

Beach, Florida; Docket No. 12422, File No. BP-11297; Voice of South Miami Broadcasters, Inc., South Miami, Florida; Docket No. 12423, File No. BP-11410; Louis G. Jacobs, Miami-South-Miami, Florida; Docket No. 12424, File No. BP-11489; South Miami Broadcasting, Incorporated, South Miami, Florida; Docket No. 12425, File No. BP-11751; for construction permits.

It is ordered, This 29th day of May 1958, that the prehearing conference in the above-entitled matter presently scheduled to take place at 10:00 a. m., June 5, 1958, is hereby rescheduled to commence at 9:00 a. m., June 5, 1958, in the offices of the Commission in Washington, D. C.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4247; Filed, June 4, 1958; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13268]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 29, 1958.

Take notice that on September 16, 1957, Texas Eastern Transmission Corporation (Texas Eastern) and Texas Gas Transmission Corporation (Texas Gas) filed a joint application and on November 26, 1957, a supplement thereto in Docket No. G-13268, pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas through existing and a proposed new interconnection between the facilities of the natural gas companies at the points hereinafter described and as more fully described in the application and the supplement, above mentioned.

Installed interconnections and proposed interconnection:

(1) At a point near Seymour in Jackson County, Indiana where facilities of the Indiana Gas and Water Company Horseshoe system connect with Texas Eastern's 24-inch line, and at a point near Mitchell, Orange County, Indiana, where Texas Gas and Texas Eastern's main lines connect.

(2) At a point near Lebanon in Warren County, Ohio, where Texas Eastern's 24-inch and 26-inch lines connect with facilities of Texas Gas.

(3) At a point near Lisbon in Bienville Parish, Louisiana where Texas Eastern's 20-inch line connects with Texas Gas' 26-inch line.

(4) At the tailgate of Champlin Oil and Refining Company's gasoline plant in Carthage Field, Texas, where both of the Applicants receive deliveries and are connected.

(5) At the tailgate of Southwest Producing Company's gasoline plant at Dubach, Lincoln Parish, Louisiana, where both Applicants receive gas deliveries and their facilities are connected.

(6) Interconnection through the facilities of the Ohio Fuel Gas Comany at the delivery points where both Applicants connect with the facilities of the said Ohio Fuel Gas Company.

(7) A proposed new connection between Texas Eastern's 30-inch line with Texas Gas' 26-inch line west of the Opelousas compressor station of Texas Eastern in Evangeline Parish, Louisiana.

Applicants request that the authorization given by order of March 14, 1950, as amended by order of February 25, 1953, in Docket No. G-1316, be cancelled because the regular daily exchange authorized therein at the Horseshoe System of Indiana Gas and Water Company was terminated after the construction of other facilities by Texas Gas under a certificate issued at Docket No. G-6854. Applicants desire to maintain such interconnections for possible use in the event of emergencies or other occasional use.

The matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 17 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 130 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4218; Filed, June 4, 1958; 8:49 a. m.]

[Docket No. G-14494 etc.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER FIXING DATE OF HEARING

MAY 29, 1958.

In the matters of Texas Gas Transmission Corporation, Docket No. G-14494; The British-American Oil Producing Company (Operator), Docket No. G-14515; Sohio Petroleum Company, Docket No. G-14569; Southwest Gas Producing Company, Inc., et al., Docket No. G-14835.

Texas Gas Transmission Corporation (Texas Gas), The British-American Oil Producing Company (Operator) (British-American), Sohio Petroleum Company (Sohio) and Southwest Gas Producing Company, Inc., et al. (Southwest), filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities for receiving natural gas and for the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications.

Texas Gas filed its application in Docket No. G-14494 on February 14, 1958, for authority to construct and operate approximately 1.74 miles of 6" O. D. lateral supply line with appurtenances to extend to a point of connection on its existing 20" Thibodaux pipeline in Assumption Parish, Louisiana, to a meter station to be installed and operated by Texas Gas in the Ramos Field, in Assumption and St. Mary's Parishes, Louisiana in order to purchase and receive natural gas produced in said field by British-American, Sohio and Southwest. The estimated initial cost of the proposed facilities is $61,170.

On February 19, 1958, British-American, in Docket No. G-14515, on February 24, 1958, Sohio in Docket No. G-14569, and on April 4, 1958, Southwest in Docket No. G-14835, filed certificate applications seeking authority to sell natural gas in interstate commerce to Texas Gas for resale from production in the Ramos Field in Assumption and St. Mary's Parishes, Louisiana, as described above, pursuant to a 20-year gas sales contract dated November 22, 1957, executed by and between Texas Gas, British-American, Sohio and Southwest.

Concurrently with their respective certificate applications, British-American, Sohio and Southwest, each filed a copy of the aforementioned contract dated November 22, 1957, as an initial rate schedule to cover the proposed sales. The contract provides for an initial rate of 20 cents per Mcf at 15.025 psia, including the 1 cent Louisiana gathering tax.

The foregoing applications are on file with the Commission and open to public inspection. This order shall constitute notice of the filing of the applications.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held on September 15, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

(B) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1958.

By the Commission (Commissioner Digby dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4219; Filed, June 4, 1958; 8:49 a. m.]

[Docket No. G-14560 etc.]

SOUTHERN NATURAL GAS CO., ET AL.

ORDER FIXING DATE OF HEARING

MAY 29, 1958.

In the matters of Southern Natural Gas Company, Docket No. G-14560; Kin-Ark Oil Company (Operator), Docket No. G-14711; Skelly Oil Company (Operator), Docket No. G-14712.

Southern Natural Gas Company (Southern), Kin-Ark Oil Company, (Operator) (Kin-Ark) and Skelly Oil Company (Operator) (Skelly) filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of natural gas facilities to receive natural gas and for the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the respective applications.

Southern in its application filed on February 24, 1958, in Docket No. G-14560, seeks authority to construct and operate approximately 2.75 miles of 8'' lateral supply line to extend from a point of connection at or near Milepost 8.724 on Southern's existing Sandy Hook Field supply line to two meter stations to be installed by Southern in the Dexter Field, Walthall and Marion Counties, Mississippi, together with a 220 h. p. compressor station to be known as the Dexter Compressor station to be located at or near the junction of the proposed lateral pipeline and the existing Sandy Hook Pipeline. Such facilities will be used to purchase and receive natural gas produced in the Dexter Field by Kin-Ark, and Skelly. The estimated initial cost of the proposed facilities is $214,290.

On March 20, 1958, Kin-Ark, in Docket No. G-14711 and Skelly in Docket No. G-14712 filed certificate applications seeking authority to sell natural gas in interstate commerce to Southern for resale from production in the Dexter Field, Walthall and Marion Counties, Mississippi, as described above, pursuant to separate 20-year contracts dated February 24, 1958, executed by and between Southern and Kin-Ark, and December 30, 1957, executed by and between Southern and Skelly.

Concurrently with their respective certificate applications Kin-Ark and Skelly filed their respective gas sales contracts as initial rate schedules to cover the proposed sales. The contracts provide for an initial rate of 21.72126 cents per Mcf at 15.025 psia, including reimbursement for certain Mississippi taxes (up to 1.3 cents per Mcf for taxes in effect on the date of the contract and 7/8ths of the excess of such taxes above 1.3 cents).

The foregoing applications are on file with the Commission and open to public inspection. This order shall constitute notice of the filing of the applications.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held on September 22, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

(B) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1958.

By the Commission (Commissioner Digby dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4220; Filed, June 4, 1958; 8:49 a. m.]

[Docket Nos. G-14705, G-14764]

DEEP SOUTH OIL COMPANY OF TEXAS

NOTICE OF POSTPONEMENT OF HEARING

MAY 29, 1958.

Upon consideration of the motion filed May 28, 1958, by Counsel for Deep South Oil Company of Texas for postponement of the hearing now scheduled for June 3, 1958, in the above-designated matter;

The hearing now scheduled for June 3, 1958, is hereby postponed to July 8, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4221; Filed, June 4, 1958; 8:49 a. m.]

[Docket No. G-15174]

MISSISSIPPI RIVER FUEL CORP.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS

MAY 29, 1958.

Mississippi River Fuel Corporation (Mississippi) on May 1, 1958, tendered for filing Fourth Revised Sheet No. 4 and Third Revised Sheet No. 5, to its FPC Gas Tariff, Original Volume No. 1, proposing to make effective as of June 1, 1958, increased rates and charges for the sale of natural gas for resale. Such revised tariff sheets would effect an increase in rates and charges of $4,097,323 annually, or 16.1 percent, based on sales for the year 1957.

The proposed increased rates and charges are based primarily on (1) a claimed 7½ percent rate of return for its transmission system facilities and 10 percent for facilities of its production division; (2) rate increases filed by United Gas Pipe Line Company, a principal supplier of gas to Mississippi, which are currently being collected subject to refund in Docket Nos. G-9547, G-10562 and G-12801; and (3) other claimed increased costs said to have been experienced since 1952 in wages, salaries and taxes.

Mississippi proposes to increase its general service rate. No change is proposed in its rate schedules for standby service and field service. The present and proposed general service rates are as follows, per Mcf:

	Present	Proposed
Rate Schedule F-1:		
Demand	$1.80	[illegible]
Commodity	0.17	[illegible]

Changes other than unit prices are: (1) The basis for computing the billing demand is changed from greatest day's delivery during the 12 months ending with the billing month (but not more than the contracted demand nor less than 90 percent of the contracted demand), to the full contracted demand and (2) the overrun penalty is revised for the stated purpose of removing ambiguities and expressing the provision as originally intended.

In support of the proposed increased rates Mississippi states its existing rates were established on the basis of 1952 operations. It claims that its costs have increased since that time and that the proposed increased rates and charges are necessary to compensate for the increasing costs.

Mississippi has presented actual costs for the calendar year 1957, with adjustments. The company's adjustments include: (1) increased purchased gas costs, (2) reduction in depreciation rates for production properties of its Natural Gas and Oil division and revisions in depreciation reserves, (3) increased taxes, (4) increase in transportation charges paid, (5) elimination of administrative and general expenses applicable to nonutility operations and (6) annualization of plant additions and related increase in depreciation expenses. The company submitted a separate cost-of-service study for the production operations of Natural Gas and Oil division. On the basis of such study it computes a unit cost of 21.98 cents per Mcf for gas produced and delivered to its pipeline division.

Analysis of the claimed cost support indicates that purchase gas costs may be overstated at least to the extent of dependence upon rate increases of suppliers which are presently under investigation and that other parts of the claimed cost of service, including the claimed rate of return and cost allocation methods, should be determined by investigation and hearing.

The total claimed costs for Mississippi's pipeline division operations are $45,205,462, of which $29,580,385, or 65.4 percent, is allocated to jurisdictional business. Estimated revenues under the proposed rates total $29,499,601, or $80,784 less than allocated costs. The aforementioned revenues do not include all revenues received from sales of the production division.

The customer companies and the state commissions were invited to submit comments on the proposed increase. The Illinois Commission requests suspension of the increase. Comments from the customers generally request or indicate the necessity for suspension and investigation of the filing.

The increased rates and charges provided for in the revised tariff sheets tendered by Mississippi on May 1, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, as proposed to be amended by Fourth Revised Sheet No. 4 and Third Revised Sheet No. 5 to Original Volume No. 1 thereof, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, as proposed to be amended by Fourth Revised Sheet No. 4 and Third Revised Sheet No. 5 to Original Volume No. 1 thereof as tendered for filing on May 1, 1958.

(B) Pending such hearing and decision thereon, Mississippi's proposed Fourth Revised Sheet No. 4 and Third Revised Sheet No. 5, to its FPC Gas Tariff, Original Volume No. 1, are each hereby suspended and the use thereof deferred until November 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4248; Filed, June 4, 1958; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 219]

MOTOR CARRIER APPLICATIONS

MAY 29, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 147), filed March 27, 1958. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Texas, Louisiana, Arkansas, Tennessee, Mississippi, and Alabama. Applicant is authorized to conduct operations in Louisiana, Texas, Tennessee, Arkansas, and Mississippi.

HEARING: July 16, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner James I. Carr.

No. MC 1328 (Sub No. 6), filed April 17, 1958. Applicant: J. J. LONG, INC., Frankton Pike, Alexandria, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* and *mineral wool products*, from Gimco City Ind., to points in Pennsylvania on and west of U. S. Highway 219; points in Kentucky on, west and north of a line beginning at Louisville, Ky., and extending along U. S. Highway 31W, to junction U. S. Highway 62 at Elizabethtown, Ky., thence along U. S. Highway 62 through Leitchfield and Beaver Dam, Ky., to junction U. S. Highway 41 at Nortonville, Ky., thence along U. S. Highway 41 through Hopkinsville, Ky., to the Kentucky-Tennessee State line; points in Michigan north of a line beginning at Ludington, Mich., and extending along U. S. Highway 10 to junction Michigan Higway 20, thence along Michigan Highway 20 to Bay City, Mich., thence along Michigan Highway 15 (formerly Michigan Highway 24) to Richville, Mich., and thence along Michigan Highway 46 to Lake Huron; points in Dunklom, Pemiscot, New Madrid, Mississippi, Stoddard, Scott, Cape Girardeau, Bollinger, Butler, Wayne, Ripley, Carter, Oregon, Shannon, Reynolds, Dent, Iron, Madison, Perry, St. Genevieve, St. Francois, Washington, Crawford, Lewis, Knox, Adair, Putnam, Phelps, Maries, Osage, Gasconade, Franklin, Jefferson, St. Louis, St. Charles, St. Louis City, Warren, Montgomery, Lincoln, Callaway, Cole, Boone, Pike, Audrain, Ralls, Monroe, Randolph, Marion, Shelby, Macon, Schuyler, Scotland, and Clark Counties, Mo.; Lee, Van Buren, Davis, Appanoose, Wayne, Des Moines, Henry, Louisa, Jefferson, Wapello, Monroe, Lucas, Warren, Marion, Mahaska, Keokuk, Washington, Muscatine, Scott, Clinton, Cedar, Johnson, Iowa, Poweshiek, Jasper, Polk, Marshall, Tama, Benton, Linn, Jones, Jackson, Dubuque, Delaware, Buchanan, Black Hawk, Bremer, Fayette, Clayton, Winneshiek, and Allamakee Counties, Iowa; Kenosha, Racine, Walworth, Rock, Green, Lafayette, Grant, Iowa, Dane, Jefferson, Waukesha, Milwaukee, Ozaukee, Washington, Dodge, Columbia, Sauk, Richland, Crawford, Vernon, La Crosse, Monroe, Juneau, Adams, Marquette, Washara, Green Lake, Fond du Lac, Winnebago, Calumet, Sheboygan, Manitowoc, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, Kewaunee, Door, Clark, Marathon, and Shawano Counties, Wis. *Damaged or rejected shipments* of the above-specified commodities from the above-specified destination points to Gimco City, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and West Virginia.

HEARING: July 21, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Frank R. Saltzman.

No. MC 1485 (Sub No. 3), filed May 12, 1958. Applicant: FRANK C. SCHROLL, doing business as SCHROLL TRANSPORTATION COMPANY, 5 Church Street, Wethersfield, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing-house products* and *commodities used by packing-houses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, 272, and *fish* and *frozen foods*, restricted against the transportation of such commodities in bulk, in tank vehicles, from Hartford, Conn. to points in Litchfield, Hartford and Tolland Counties, Conn., the cities of Waterbury and Middletown, Conn., and points in Hampden County, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, and Rhode Island.

HEARING: July 10, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 2359 (Sub No. 9), filed April 28, 1958. Applicant: ROCCO D. DAMEO, 7 Dameo Place, Short Hills, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed concrete*, from Trenton, N. J., to points in Rhode Island, Connecticut, New York, Pennsylvania, Delaware, and Maryland, and *returned shipments* of pre-stressed concrete on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that the above service will be restricted to a continuing

contract with Atlantic Prestressed Concrete Company.

HEARING: July 17, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 3690 (Sub No. 13), filed April 17, 1958. Applicant: LESLIE J. STRAWN, INC., 4448 17th Street Extension NW., Canton, Ohio. Applicant's attorney: Richard E. Brandon, Society for Savings Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Franklin, Pa., to Heath, Ohio. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 3690 (Sub No. 12).

HEARING: July 17, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 8102 (Sub No. 17), filed March 24, 1958. Applicant: U. L. BROOKS AND JAMES C. PITTS, doing business as CANADIAN TRUCK LINE, 200 North Lincoln, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gruver, Tex., and Spearman, Tex., from Gruver over Farm-to-Market Highway 289 to junction Texas Highway 282, thence over Texas Highway 282 to Spearman, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Kansas, Ohio, and Texas, and irregular route operations in Kansas and Oklahoma.

HEARING: July 14, 1958, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 27962 (Sub No. 12), filed April 28, 1958. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from Maple Grove, Ohio, and points within two miles thereof, to points in Hancock, Wayne, Brooke, Ohio, Marshall, Mason, Cabell, Kanawha, and Fayette Counties, W. Va. *Pallets, skids*, and *shipping containers* used in the transportation of refractory products, from points in the above-specified destination territory in West Virginia to Maple Grove, Ohio, and points within two miles thereof. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Ohio, and Michigan.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 27962 (Sub No. 11).

HEARING: July 15, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 31438 (Sub No. 10), filed May 2, 1958. Applicant: ROY O. WETZ, doing business as R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, Ohio. Applicant's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, from points in Waterford Township, Washington County, Ohio, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities*, and *damaged, defective, rejected* or *returned shipments* of the above commodities on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, Maryland, Virginia, New York, Illinois, Kentucky, Pennsylvania, West Virginia, and New Jersey.

HEARING: July 16, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Frank R. Saltzman.

No. MC 31600 (Sub No. 450), filed April 14, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, except gasoline, kerosene, fuel oils and asphalt, from points in Connecticut, Massachusetts, and Rhode Island to points in Ohio and Michigan. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, New Jersey, New Hampshire, Maine, Pennsylvania, Vermont, Delaware, Kentucky, Illinois, Ohio, Maryland, West Virginia, South Carolina, Virginia, Indiana, Michigan, and North Carolina.

HEARING: July 17, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner C. Evans Brooks.

No. MC 31600 (Sub No. 452), filed April 30, 1958. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, 216 Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening*, in bulk, in tank vehicles, from Pittsburgh, Pa., and Chicago, Ill., to Boston, Mass., and Portland, Maine, and *refused and rejected shipments* of shortening, on return. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, Maine, New Hampshire, Pennsylvania, Vermont, Indiana, Michigan, Delaware, Ohio, Illinois, South Carolina, North Carolina, Maryland, West Virginia, New Jersey, and Virginia.

HEARING: July 17, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner C. Evans Brooks.

No. MC 33582 (Sub No. 2), filed May 8, 1958. Applicant: JOSEPH TAYLOR TRUCKING CORPORATION, 8315 River Road, North Bergen, N. J. Applicant's attorney: Aloysius F. Schaeffner, 120 Broadway, New York 5, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps, soap products, soap powders, vegetable oils, shortening, glycerine, cleaning, scouring, and washing compounds*, and *equipment, materials*, and *supplies* used in the manufacture of the above-named commodities from Edgewater, N. J., to points in Rockland County, N. Y., and *rejected and/or damaged merchandise* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to transport similar commodities in New Jersey and New York.

HEARING: July 23, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 34874 (Sub No. 3), filed April 28, 1958. Applicant: JACOB J. ELLIOTT, JR., AND ALVIN R. ROTH, doing business as SHIVELY'S 47 East Union Boulevard, Bethlehem, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *those of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, between Bloomsbury, Musconetcong Junction, Warren Glen, Hughesville, Alpha, and Phillipsburg, N. J., and Easton, E. & N. Junction, 13th Street Junction, Easton (Bushkill Station), Easton (13th Street), Kepler's Mill, Walters (Lower Mill), Coilton, Zucksville, Tatamy, Hercules, Stockertown, Belfast, Freemansburg, Florence, Bethlehem, East Pennsylvania Junction, Allentown, and Fullerton, Pa. RESTRICTIONS: (a) The service proposed to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, rail service of the Lehigh Valley Railroad Company. (b) Applicant shall not serve, or interchange traffic at, any point not a station on the rail line of the Lehigh Valley Railroad Company. (c) All contractual arrangements between applicant and the Lehigh Valley Railroad Company shall be reported to the Interstate Commerce Commission and shall be subject to revision, if and as it is found to be necessary in order that they shall be fair and equitable to the parties. (4) Such further specific conditions as the Interstate Commerce Commission may find it necessary in the future to impose in order to restrict carrier's operations by motor vehicle to service that is auxiliary to or supplemental of rail service. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that the purpose of the instant application is for applicant to furnish tractors, to pull Lehigh Valley Railroad Company semi-trailers, in Lehigh Valley Railroad Company service, from and to Lehigh Valley Railroad Stations as named above. Applicant further states that they propose to transport commodities that may be lawfully transported in trailers on flat car service (Piggy-Back service) under tariffs filed and published by or for the account of the Lehigh Valley Railroad Company as auxiliary to or supplemental of rail service.

HEARING: July 17, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 35628 (Sub No. 216), filed April 11, 1958. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk, serving Mt. Prospect, Ill., as an off-route point, in connection with applicant's authorized regular route operations in Certificate No. MC 35628 to and from Chicago, Ill. Applicant is authorized to conduct operations in Delaware, Iowa, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Maryland, Minnesota, Missouri, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 23, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 35628 (Sub No. 217), filed May 5, 1958. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving the site of Consumers Power Company plant in Port Sheldon Township, Ottawa County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Holland and Grand Haven, Mich., over U. S. Highway 31 in Certificate No. MC 35628 at Sheet 5. Applicant is authorized to conduct operations in Delaware, Indiana, Iowa, Illinois, Maryland, Kentucky, Michigan, Massachusetts, Minnesota, Missouri, New York, New Jersey, Ohio, Pennsylvania, Wisconsin, West Virginia, and the District of Columbia.

HEARING: July 17, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 37656 (Sub No. 8), filed May 15, 1958. Applicant: DOYLE TRUCKING CORPORATION, 42-33 24th Street, Long Island City 1, N. Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, and such *supplies, materials and equipment* as are used in the manufacture, display or sale of furniture, between the sites of the plants of The Simmons Company, located at or near Elizabeth and Union, N. J., on the one hand, and, on the other, points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in New Castle County, Del. Applicant is authorized to conduct similar operations between specified points in New Jersey, New York, and Connecticut.

HEARING: July 28, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 39230 (Sub No. 2), filed April 17, 1958. Applicant: HARCOURT & COWAN, INC., Milroy, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty tin cans*, loose or in bulk, in bags, boxes, crates, or bundles, *tin can covers or tops*, nested or flat, in packages, *empty corrugated boxes and containers*, and *canning factory machinery and parts and tools therefore*, between the site of The Heekin Can Company plant, at or near Newton, Ohio, on the one hand, and, on the other, points in that part of Indiana on and south of U. S. Highway 30. Applicant is authorized to transport similar commodities in Indiana and Ohio and other commodities in Indiana, Kentucky, and Ohio.

HEARING: July 23, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 40428 (Sub No. 6), filed May 16, 1958. Applicant: CROSS TRANSPORTATION, INC., Bridgeton, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles or containers*, from Glassboro, N. J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; and *such materials and supplies* as are used in the manufacture, packing and shipping of plastic articles or containers, and *returned or rejected shipments* of plastic articles and containers on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE: Applicant is authorized to perform a portion of the above service and states no duplicating authority is sought; further, it is authorized to transport caps, closures and accessories for same from Glassboro, N. J., to the above destination territory and rejected and returned shipments to Glassboro. Applicant states this application is filed to provide service for additional products of shipper served at Glassboro.

HEARING: July 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 41406 (Sub No. 4), filed April 30, 1958. Applicant: J. ARTIM & SONS, INC., 7105 Kennedy Avenue, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Febricated structural iron or steel*, and *contractors' machinery, tools, equipment, materials and supplies*, from Chicago and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, and Kentucky, and (2) *damaged or rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: July 21, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 43552 (Sub No. 5), filed April 15, 1958. Applicant: UNION MOTOR LINE, INC., 2167 Stanley Terrace, Union, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from the site of the Koppers Company, Inc. plant at Kearney, N. J., to points in Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Montour, Northampton, Northumberland, and Susquehanna Counties, Pa. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: July 7, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

No. MC 44128 (Sub No. 24), filed April 15, 1958. Applicant: THE TRANSPORT CORPORATION, 126 South Main Street, Blackstone, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, cooperage stock* and *lumber* (not including plywood and veneer), between points in that part of Virginia and North Carolina on and west of U. S. Highway 301 and points in Florence, Darlington, Marlboro, Chesterfield, Marion, Lancaster, and Kewshaw Counties, S. C., on the one hand, and, on the other, points in Tennessee, West Virginia, and Kentucky. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia.

HEARING: July 11, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh,

N. C., before Examiner James C. Cheseldine.

No. MC 44639 (Sub No. 8), filed May 13, 1958. Applicant: SAM MAITA, IRVING LEVIN AND ABE LEVIN, doing business as L & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* and *supplies* used in the manufacture of wearing apparel and *wearing apparel* on hangers, between New York, N. Y., and points in New Jersey within 10 miles of New York, N. Y., on the one hand, and, on the other, Bedford, Floyd, Lynchburg, Newcastle and Roanoke, Va. Applicant is authorized to conduct operations in New York, New Jersey, Virginia, and Maryland.

HEARING: July 24, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 46219 (Sub No. 2), filed April 17, 1958. Applicant: STERNBERGER MOTOR CORPORATION, 43-31 36th Street, Long Island City 1, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, and *household and office furnishings, fixtures, appliances and equipment*, between New York, N. Y., and Newark, N. J., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. (2) Furniture, from North Grosvenordale, Conn., Bridgewater, Mass., and Hanover and Philadelphia, Pa., to New York, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant proposes the service in (2) for tacking with paragraph (1) so as to serve points beyond New York, N. Y.

HEARING: July 8, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

No. MC 46384 (Sub No. 1), filed April 28, 1958. Applicant: FRANCES MARGOLIES, doing business as MARGOLIES VAN CO., 1481 Westchester Avenue, Bronx, New York 72, N. Y. Applicant's representative: Irving Abrams, 1776 Broadway, New York 19, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage*, in seasonal operations, between June 1 and September 30, inclusive, of each year, between New York, N. Y., points in Nassau County, N. Y., points in Union, Essex, and Hudson Counties, N. J., points in that part of Bergen County, N. J., on and south of New Jersey Highway 502, and points in that part of Passaic County, N. J., west of Pompton Lake and the Ramapo and Pompton Rivers, on the one hand, and, on the other, Camp Kennybrook, Camp Ta-Go-La, and Camp Roosevelt, all located at Monticello, N. Y., Camp Sequoia, located at Rock Hill, N. Y., Camp Delmont, located at Livingston Manor, N. Y., and Camp Lake-Vu, located at New Brunswick, N. J. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York, and Pennsylvania.

HEARING: July 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 50069 (Sub No. 198), filed May 21, 1958. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Schneider, Ind., and points within five (5) miles thereof, to points in Illinois, Michigan, and Wisconsin. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: June 20, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 52657 (Sub No. 516), filed May 5, 1958. Applicant: ARCO AUTO CARRIER, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: Louis E. Smith, 1800 North Meridian, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, except truck tractors, with or without attachments; *trailers*, other than those designed to be drawn by passenger automobiles; *tools, parts* and *other equipment* designed for use in connection with tractors and/or trailers and moving in combination loads with tractors and/or trailers, (1) between Churubusco, Ind., and points in Arizona, Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming, and Alaska; (2) commodities named above when moving as show equipment and displays, from points in the above-named destination States to Churubusco, Ind. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 24, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 52657 (Sub No. 517), filed May 5, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (as defined in Descriptions in Motor Carrier Certificates, Ex Parte No. MC-45), in initial movements, by the truckaway and driveaway methods, from Boston, Mass., to points in the United States and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 52657 (Sub No. 518), filed May 5, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Communication shelters*, equipped or unequipped, from Washington, D. C., and Beltsville, Md., to points in the United States and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 52657 (Sub No. 519), filed May 5, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from Washington, D. C., and Beltsville, Md., to points in the United States and Alaska; (B) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Washington, D. C., and Beltsville, Md., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, the District of Columbia, and Alaska; (C) *truck and trailer bodies*, from Washington, D. C., and Beltsville, Md., to points in the United States, including such bodies when loaded in or on shipper's trailer moving in truckaway or driveaway service, as named in (A) above. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 52657 (Sub No. 520), filed May 5, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Louis E. Smith, 1800 North Meridian, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, except truck tractors, with or without equipment attached thereto; *trailers*, other than those designed to be drawn by passenger automobiles; *tools, parts*, and *other equipment* designed for use in connection with and moving in combination loads with tractors, (1) between Burlington, Iowa, and points in the United States and Alaska; (2) Commodities named above when moving as show equipment and displays, from points in the United States and Alaska to Burlington, Iowa. Applicant is authorized to conduct operations throughout the United States.

Note: Applicant states that it seeks no duplication of existing or requested authority in this application.

HEARING: July 24, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 52729 (Sub No. 16), filed May 7, 1958. Applicant: FRANK FIOROT, THOMAS J. WATERS AND MERLIN G. TUCKER, doing business as FIOROT TRUCKING, Box 43, Pen Argyl, Pa. Applicant's attorney: William J. Wilcox, Commonwealth Building, 512 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *asphalt shingles and supplies used in the installation of asphalt shingles*, from Kearny, Hudson County, N. J., to Wind Gap, Pa., and points within 5 miles thereof; (2) *precast concrete beams, planks, slabs, lintels* and *cribbings*, from the site of the plant or plants of Structural Precast Co., Inc., at Raubsville, Pa., to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia; (3) *stone, whitestone, marble* and *marble chips*, from French Lick, Ind., Crossville, Crab Orchard, and Knoxville, Tenn., Mount Airy, N. C., and Glenmont, Ohio, to points in New Jersey and Pennsylvania, and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Massachusetts, Connecticut, New York, Rhode Island, District of Columbia, Virginia, Vermont, Maryland, West Virginia, Ohio, Delaware, Alabama, Florida, Georgia, Illinois, Kentucky, Mississippi, and Missouri.

HEARING: July 16, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 55811 (Sub No. 40), filed March 20, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Lake Odessa, Mich., to points in Allegheny, Armstrong, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa. (except Pittsburgh), and Murrysville (Westmoreland County), Pa., and *damaged or rejected shipments* of canned goods on return. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

HEARING: July 14, 1958, at the Olds Hotel, Lansing, Mich., before Examiner David Waters.

No. MC 55811 (Sub No. 41), filed March 31, 1958. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* and *food preparations*, except canned goods, from Fremont, Mich., to points in Illinois, Indiana, Ohio, Louisville and Covington, Ky., St. Louis, Mo., and Pittsburgh, Pa., and *equipment, materials* and *supplies* as are used or useful in the manufacture, packing, shipping and sale of the above commodities on return. Applicant is authorized to transport similar commodities in Kentucky, Illinois, Ohio, Indiana, Missouri, Pennsylvania, West Virginia, and Iowa.

HEARING: July 14, 1958, at the Olds Hotel, Lansing, Mich., before Examiner David Waters.

No. MC 61403 (Sub No. 30), filed May 8, 1958. Applicant: ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to points in North Carolina and South Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 17, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Frank R. Saltzman.

No. MC 61624 (Sub No. 4), filed April 10, 1958. Applicant: KIRBY & KIRBY, INC., 1052 Spruce Street, Trenton, N. J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N. J. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *A mixture of 25% corn syrup and 75% invert sugar*, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N. J., over applicant's authorized regular and alternate routes, serving no intermediate points, but serving junction New Jersey Highway 73 (formerly New Jersey Highway S-41) and U. S. Highway 130 for joinder purposes only. Applicant is authorized to conduct operations in Connecticut, Delaware, New Jersey, New York, Pennsylvania, and West Virginia.

Note: Applicant states thta it presently serves shipper at Bordentown, N. J., with 100% invert sugar, in tank vehicles. Corn syrup is transported to shipper by private carrier and then mixed at shipper's plant. Shipper proposes to purchase mixture at refinery and desires applicant to now transport mixture of 25% corn syrup and 75% invert sugar.

HEARING: July 15, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 67818 (Sub No. 63), filed April 21, 1958. Applicant: MICHIGAN EXPRESS, INC., 505 Monroe NW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal and metal products in bulk), and those requiring special equipment, serving the site of the Consumers Power Company plant in Port Sheldon Township, Ottawa County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Holland, Mich., and Agnew, Mich. Applicant is authorized to conduct operations in Illinois, Michigan, Indiana, Ohio, and Pennsylvania.

HEARING: July 17, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 69833 (Sub No. 52), filed April 30, 1958. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre NE., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal and metal products, in bulk), and those requiring special equipment, serving the site of the Consumers Power Company plant in Port Sheldon Township, Ottawa County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Holland and Muskegon, Mich.

HEARING: July 17, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 71517 (Sub No. 2), filed April 29, 1958. Applicant: CHARLIE OTIS POTEAT, doing business as POTEAT MOVING & STORAGE, Rt. No. 4, South Main Street, Extension, Danville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Henry, Pittsylvania, and Halifax Counties, Va., and points in Rockingham, Caswell, and Person Counties, N. C., on the one hand, and, on the other, points in Alabama, Maryland, and Florida. Applicant is authorized to transport similar commodities in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, and other commodities in North Carolina and Virginia.

Note: Duplication with present authority to be eliminated.

HEARING: July 9, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner James C. Cheseldine.

No. MC 75320 (Sub No. 83), filed May 21, 1958. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Amoco Chemical Corporation plant (Olin-Mathieson Chemical Company), located approximately ten (10) miles southwest of Joliet, Ill. on U. S. Highway 6, as an off-route point in connection with applicant's authorized regular route operations to or from Joliet, Ill. between Springfield, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Missouri, Kansas, Oklahoma, Arkansas, Tennessee, Mississippi, Alabama, Louisiana, and Texas.

HEARING: June 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 82072 (Sub No. 3), filed April 22, 1958. Applicant: EDWARD KELLER AND ROLAND KELLER, doing business as C. KELLER & SONS, 106 Hamilton Street, Allentown, Pa. Applicant's representative: Mrs. E. K. Diehl, 1514 Allen Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), from Pennsburg and East Greenville, Pa., to points in Maine, New Hampshire, and Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 15, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 85255 (Sub No. 4), filed May 19, 1958. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. Applicant's attorney: Charles J. Keever, Hoge Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings, hogged fuel* and *sawdust*, between points in Oregon on the one hand, and, on the other, points in Washington within 30 miles of Wallula, Wash. Applicant is authorized to conduct operations in Oregon and Washington.

HEARING: July 25, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 102373 (Sub No. 3), filed April 18, 1958. Applicant: JACOB R. COHN, 153 Emerson Street, Springfield, Mass. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from Hartford, Conn., to Springfield, Mass. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

HEARING: July 10, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103993 (Sub No. 107), filed April 28, 1958. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, initial movements, in truckaway service, from points in Pennsylvania, except from Montoursville, Clarion, Camp Hill, Chambersburg, West Pittston, and Clearfield, Pa., to points in the United States, except to Mount Clemens, Detroit, and Flint, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 14, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Frank R. Saltzman.

No. MC 103993 (Sub No. 109), filed May 12, 1958. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, from South Hill, Va., and points within 15 miles thereof to points in the United States; (2) *trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Virginia (except from Alexandria, Norfolk, and Petersburg, Va.) to points in the United States (except to Mount Clemens, Detroit, and Flint, Mich.). Applicant is authorized to conduct operations throughout the United States.

HEARING: July 8, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner James C. Cheseldine.

No. MC 106379 (Sub No. 32), filed April 10, 1958. Applicant: GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P. O. Box 18104, Houston 23, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *related machinery* and *related contractors'* materials and supplies when their transportation is incidental to the transportation of the commodities authorized in (1) above; and (3) *machinery, equipment, materials* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and pipe and *machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintennace, and dismantling, of pipelines, including the stringing and picking up thereof except in connection with main or trunk pipelines, between points in Michigan, Ohio, New York, New Jersey, and Pennsylvania on the one hand, and, on the other, points in Arizona and Colorado. RESTRICTION: The authority in (1) and (2) above is subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipelines. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Georgia, Ohio, Michigan, Mississippi, Alabama, Florida, Pennsylvania, New York, New Jersey, Montana, North Dakota, South Dakota, Wyoming, Illinois, Indiana, Kansas, Missouri, and Nebraska.

HEARING: July 10, 1958, at the Federal Building, Detroit, Mich., before Examiner David Waters.

No. MC 106398 (Sub No. 97), filed April 28, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Pennsylvania, except from Montoursville, Clarion, Camp Hill, Chambersburg, West Pittston, and Clearfield, Pa., to points in the United States, except to Mount Clemens, Detroit, and Flint, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 14, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Frank R. Saltzman.

No. MC 106398 (Sub No. 102), filed May 16, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096, Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, from South Hill, Va., and points within 15 miles thereof to points in the United States; (2) *Trailers*, designed to be drawn by passenger automobiles, initial movements, in truckaway service, from points in Virginia (except from Alexandria, Norfolk, and Petersburg, Va.) to points in the United States (except Mount Clemens, Detroit, and Flint, Mich.) Applicant is authorized to conduct operations throughout the United States.

HEARING: July 8, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner James C. Cheseldine.

No. MC 106433 (Sub No. 2), filed April 28, 1958. Applicant: ANTRIM TRANSPORTATION CO. INC., 7–11 Suffern Place, Suffern, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, on pallets, from Natick, Mass., to Tillson (Ulster County), N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York, and Pennsylvania.

HEARING: July 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 106965 (Sub No. 119), filed May 16, 1958. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Philadelphia, Pa., to Baltimore, Md. Applicant is authorized to conduct operations in the District of Columbia, Maryland, West Virginia, Virginia, Pennsylvania, New Jersey, Ohio, North Carolina, Illinois, Indiana, Michigan, Minnesota, Missouri, Wisconsin, New York, and Delaware.

HEARING: July 9, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 106977 (Sub No. 19), filed March 24, 1958. Applicant: T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P. O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between junction U. S. Highways 190 and 71 at Krotz Springs, La., and Shreveport, La., over U. S. Highway 71, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) Between Shreveport, La., and Lebeau, La., over U. S. Highway 71, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

NOTE: Duplication with present authority to be eliminated.

HEARING: July 28, 1958, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 107002 (Sub No. 121), filed May 22, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P. O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, unmixed, *liquid sugar* and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in St. John the Baptist Parish, La., to points in Alabama, Arkansas, Mississippi, Oklahoma, Tennessee, and Texas. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Alabama, Kentucky, Florida, Georgia, Texas, North Carolina, Oklahoma, Pennsylvania, South Carolina, Missouri, Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Rhode Island, Virginia, and Wisconsin.

HEARING: June 24, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Reece Harrison.

No. MC 108410 (Sub No. 5), filed April 23, 1958. Applicant: M. C. M. TRANSPORTATION CO., INC., 39 Chapel Street, Newport, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R. I. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, between Providence, R. I., and Boston, Mass., over U. S. Highway 1, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Newport, R. I., on the one hand, and, on the other, Providence, R. I., and Boston, Mass. Applicant is authorized to conduct operations in Rhode Island, Virginia, Georgia, New York, Maryland, Kansas, Pennsylvania, North Carolina, Illinois, Massachusetts, New Jersey, Connecticut, Kentucky, Delaware, Ohio, South Carolina, Vermont, West Virginia, and the District of Columbia.

HEARING: July 21, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 108678 (Sub No. 23), filed May 5, 1958. Applicant: LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from (1) Lyndonville, Lyons, Hilton, East Williamson, and Rochester, N. Y., to Indianapolis, Ind., and Louisville, Ky.; and (2) from Indianapolis, Ind., to Louisville, Ky., and Memphis, Tenn. Applicant is authorized to transport specified liquid commodities other than vinegar in Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Wisconsin.

HEARING: July 25, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Frank R. Saltzman.

No. MC 108678 (Sub No. 24), filed May 12, 1958. Applicant: LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar*, and *blends thereof*, and *dry sugar*, in bulk, in tank and hopper-type vehicles, from Cincinnati, Ohio to points in Kentucky, Indiana, and West Virginia. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c), in No. MC 108678 (Sub No. 21), to determine whether applicant's status is that of a common or contract carrier.

HEARING: July 28, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Frank R. Saltzman.

No. MC 109352 (Sub No. 3), filed May 5, 1958. Applicant: ELIZABETH JANE ATKINSON, doing business as W. HUNTER ATKINSON, Cresson and Kingsley Streets, Philadelphia 27, Pa. Applicant's attorney: Manuel Sidkoff, Suite 1212–1225, 1528 Walnut Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down cartons, empty containers, anti-freeze* in packages, from Pettys Island, N. J., to McKees Rocks, Pa., and *empty pallets* on return. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

HEARING: July 16, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 109451 (Sub No. 87), filed April 14, 1958. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, varnishes, lacquers, shellac, wood fillers*, and *bronzing compounds*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Kentucky, Michigan, Mississippi, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin. *Phosphoric acid*, in bulk, in tank vehicles, from Fernald, Ohio, to St. Joseph, Mo. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 109451 (Sub No. 82).

HEARING: July 21, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Frank R. Saltzman.

No. MC 109501 (Sub No. 4), filed April 30, 1958. Applicant: CALHOUN TRUCKING CORP., 33 Searing Avenue, East Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioner parts*, in box-type skids, from Trenton, N. J., to Maspeth, N. Y.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *empty box-type skids* on return. Applicant is authorized to transport similar commodities in New Jersey and New York.

NOTE: Applicant states it presently serves Fedders-Quigan Corporation from its Newark, N. J., plant to its Maspeth, N. Y., plant transporting air conditioner parts under continuing contract.

HEARING: July 22, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 109558 (Sub No. 3), filed May 9, 1958. Applicant: SOPHIA LANE AND HATTIE KAPLAN, doing business as STATE FILM SERVICE, 630 Ninth Avenue, New York 36, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motion-picture film, accessories*, and *advertising* customarily used in connection with the exhibition of such pictures, between New York, N. Y., on the one hand, and, on the other, points in Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Sussex, Union, and Warren Counties, N. J. Applicant is authorized to transport the above-specified commodities between New York, N. Y., on the one hand, and, on the other, specified points in New Jersey.

NOTE: Applicant states it presently holds authority to serve many points in the above-named Counties and requests all duplicating authority be revoked. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 109558 (Sub No. 1).

HEARING: July 23, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 109637 (Sub No. 81), filed May 14, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distilled spirits*, in bulk, in tank vehicles, from Owensboro, Ky., to Peekskill, N. Y. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: July 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 110505 (Sub No. 40), filed March 7, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, *implements and parts therefor*, when their transportation is incidental to the transportation of the machinery or implements, *tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), and *traction engines and parts and attachments therefor* when their transportation is incidental to the transportation of the tractors, between the plant sites of Massey-Harris-Ferguson, Inc., at Detroit, Mich., and ports of entry on the boundary between the United States and Canada at Detroit, Port Huron, and Sault Ste. Marie, Mich., and at or near Pigeon River, Minn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Kentucky, Iowa, Missouri, West Virginia, Wisconsin, Pennsylvania, Nebraska, Tennessee, Alabama, Michigan, Arkansas, Kansas, Minnesota, and Mississippi.

HEARING: July 7, 1958, at the Federal Building, Detroit, Mich., before Examiner David Waters.

No. MC 110711 (Sub No. 2), filed March 31, 1958. Applicant: JOHN F. KIRKSEY, doing business as MORRIS & KIRKSEY, Route 8, Box 596A, Richmond, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Staves* and *headings*, from points in Powhatan and Chesterfield Counties, Va., to Baltimore, Md., Beaver Falls, Bethlehem, Pittsburgh, Conshohocken, Lebanon, and Philadelphia, Pa., Phillipsburg, N. J., Port Chester, N. Y., and Joliet, Ill. Applicant is authorized to conduct operations in Maryland and Virginia.

HEARING: July 9, 1958, at the U. S. Court Rooms, Richmond, Va., before Examiner James C. Cheseldine.

No. MC 110814 (Sub No. 5), filed March 31, 1958. Applicant: W. L. LINKENHOGER, G. N. LINKENHOGER AND J. L. LINKENHOGER, a partnership, doing business as WESTERN LINES, P. O. Box 2046, Corpus Christi, Tex. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer* (manufactured fertilizers), in bags or in bulk, from El Dorado, Ark., to points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas, and *empty containers or other such incidental facilities* used in transporting the above-described commodity, on return. Applicant is authorized to transport petroleum products in containers from Kansas City, Kans., to points in Texas on and west of U. S. Highway 281 and manufactured fertilizer from Etter, Tex., to points in Oklahoma, Kansas, Nebraska, Iowa, and Missouri.

HEARING: July 10, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner James I. Carr.

No. MC 110814 (Sub No. 6), filed March 31, 1958. Applicant: W. L. LINKENHOGER, G. N. LINKENHOGER, AND J. L. LINKENHOGER, a partnership, doing business as WESTERN LINES, P. O. Box 2046, Corpus Christi, Tex. Applicant's attorney: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Kansas City, Kans., to points in Texas east of U. S. Highway 281 and to points in Louisiana, and *damaged or rejected shipments* of petroleum products, and *empty containers or other such incidental facilities* used in transporting petroleum products, on return. *Fertilizers*, in sacks, bags or containers, and in bulk, from Houston, Tex., to points in Louisiana, Arkansas, New Mexico, Oklahoma, and Kansas, and *rejected shipments* of fertilizers and *empty containers or other such incidental facilities* used in transporting fertilizers, on return. Applicant is authorized to transport petroleum products in containers from Kansas City, Kans., to points in Texas on and west of U. S. Highway 281, and manufactured fertilizer from Etter, Tex., to points in Oklahoma, Kansas, Nebraska, Iowa, and Missouri.

HEARING: July 21, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner James I. Carr.

No. MC 111941 (Sub No. 5), filed April 23, 1958. Applicant: PHILIP ARTHUR FLINN AND ROBERT H. LEIFER, doing business as PIERÇETON TRUCKING CO., Box 175, Pierceton, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 5, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plant site of the Laketon Asphalt Refining, Inc., at or near Laketon, Ind., to points in Illinois, Michigan, and Ohio; (2) *Asphalt* and *asphalt products*, in bulk, in tank vehicles, from the plant site of American Bitumuls and Asphalt Company, at or near Columbia Park, Ohio, to points in Indiana; (3) *unfinished blending oil*, in bulk, in tank vehicles, from the plant site of American Bitumuls and Asphalt Company, at or near Columbia Park, Ohio, to the plant site of the Laketon Asphalt Refining, Inc., at or near Laketon, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

HEARING: July 22, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Frank R. Saltzman.

No. MC 112145 (Sub No. 4), filed April 28, 1958. Applicant: CHARLES SPURLING, 1101 West 26th Street, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile*, and *building block*, from Fairdale, Ky., and points within five (5) miles thereof, to points in Indiana. Applicant is authorized to transport similar commodities from and to specified points in Illinois, Indiana, Michigan, Ohio, and Kentucky.

HEARING: July 24, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 112617 (Sub No. 43), filed May 26, 1958. Applicant: LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorneys: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Ficklin and Kankakee, Ill., and points within 5 miles of each to points in Indiana, Kentucky, Ohio, and Missouri. Applicant is authorized to conduct operations in Ohio, Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Indiana, Michigan, Illinois, Tennessee, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas, and Florida.

HEARING: June 19, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alton R. Smith.

No. MC 112822 (Sub No. 15), filed March 27, 1958. Applicant: EARL BRAY, INC., P. O. Box 910, Linwood and North Streets, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in stainless steel, insulated temperature controlled tank vehicles, from Ponca City, Okla., to all points in Nebraska and Iowa, except Sioux City, Iowa, and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: July 11, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner James I. Carr.

No. MC 112851 (Sub No. 4), filed May 9, 1958. Applicant: GEORGE B. REYNOLDS, doing business as REYNOLDS TRUCKING COMPANY, R. R. No. 1, Crawfordsville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, (1) from Brazil, Ind., to points in Iowa; (2) from Crawfordsville, Ind., to points in Missouri, Iowa, Tennessee, the upper Peninsula of Michigan, and points in Ohio east of U. S. Highway 23; and (3) from White Hall, Ill., to Crawfordsville and Brazil, Ind., and *brick*, from Attica, Ind. and points within two (2) miles thereof, to points in Wisconsin. *Damaged or rejected shipments* of clay products and brick, on return. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Kentucky, Tennessee, Wisconsin, Missouri, and Michigan.

HEARING: July 25, 1958 at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Frank R. Saltzman.

No. MC 112893 (Sub No. 9), filed May 12, 1958. Applicant: BULK TRANSPORT COMPANY, a Corporation, Calumet Streeet, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Elk Grove Township, Cook County, Ill. (excluding points within the Chicago, Ill. Commercial Zone), to points in Wisconsin. Applicant is authorized to conduct operations in Indiana and Wisconsin.

HEARING: July 23, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 114061 (Sub No. 3), filed May 6, 1958. Applicant: HARRY SCHNEIDER AND ROSE SCHNEIDER, doing business as SCHNEIDER'S TRANSFER COMPANY, 201 East Second Street, Richmond, Va. Applicant's attorney: Henry E. Ketner, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and sherbert confections*, and *ice cream*, from Richmond, Va., to Lewisburg and Beckley, W. Va., and *used empty containers* on return. Applicant is authorized to conduct operations in Virginia, Pennsylvania, South Carolina, North Carolina, and the District of Columbia.

HEARING: July 10, 1958, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 245, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 114592 (Sub No. 2), filed May 9, 1958. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, between Milwaukee, Wis., and Stephenson, Mich.; and (2) *carbonated soft drink beverages*, in glass containers only, and *empty containers or other such incidental facilities* used in transporting the named commodities, between Milwaukee, Wis., on the one hand, and, on the other, Calumet and Escanaba, Mich. Applicant is authorized to transport malt beverages from Milwaukee, Wis., to Calumet, Escanaba, Ishpeming, Iron Mountain, and Sault Ste. Marie, Mich., and empty malt beverage containers on return.

HEARING: July 15, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95, or, if the Joint Board waives its rights to participate, before Examiner David Waters.

No. MC 115322 (Sub No. 8), filed April 8, 1958. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, 1303 French Avenue, P. O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from Boston, Mass., to Cheatham Annex Depot near Williamsburg, Va. Applicant is authorized to conduct operations in Florida, New York, Virginia, North Carolina, South Carolina, Georgia, Pennsylvania, and Alabama.

HEARING: July 11, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner C. Evans Brooks.

No. MC 115379 (Sub No. 2), filed May 21, 1958. Applicant: JOHN D. BOHR, JR., R. D. No. 2, Annville, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Cecil County, Md., to points in Lancaster County, Pa., and from points in Caroline County, Md., to points in Lebanon, Dauphin, and Lancaster Counties, Pa. Applicant is authorized to transport limestone, limestone products and sand in Pennsylvania, Maryland, and Delaware.

HEARING: July 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 115952 (Sub No. 1), filed April 10, 1958. Applicant: A. C. MILLER, P. O. Box 104, Rodney, Ontario, Canada. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber* and *damaged and rejected shipments* of rough lumber, between ports of entry on the International Boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., and Buffalo, N. Y., on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Indiana, and West Virginia, and Louisville, Ky., and those in Michigan except Detroit and points in the Detroit, Mich., Commercial Zone, as defined by the Commission. Applicant is authorized to transport rough lumber in Michigan.

NOTE: Duplication with present authority to be eliminated.

HEARING: July 9, 1958, at the Federal Building, Detroit, Mich., before Examiner David Waters.

No. MC 116075 (Sub No. 1), filed April 29, 1958. Applicant: SAMUEL E. NUTILE AND LEO RABINOWITZ, doing business as NU-RAY TRUCKING CO., 41 Fredericks, Avenue, Hawthorne, N. J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used baking pans* for cleaning and reglazing, between Fair Lawn, N. J., on the one hand, and, on the other, points in Rhode Island and Massachusetts, also points located in that part of Maine on, south and west of a line beginning at Portland, Maine, and extending along U. S. Highway 302 to its junction with Maine Highway 35 at Naples, Maine, thence northward along Maine Highway 35 to its junction with Maine Highway 5 at Lynchville, Maine, thence northward along Maine Highway 5 to its junction with U. S. Highway 2 at Bethel, Maine, thence westward along U. S. Highway 2 to the Maine-New Hampshire State line; those points in New Hampshire on and south of a line beginning at the New Hampshire-Maine State line and extending along U. S. Highway 2 to the New Hampshire-Vermont State line; those points in Vermont, on, south and west of a line beginning at the Vermont-New Hampshire State line and extending along U. S. Highway 2 to its junction with U. S. Highway 7 at Burlington, Vermont, thence northward along U. S. Highway 7 to its junction with Vermont Highway 104 at Swanton, Vermont, thence westward along Vermont Highway 104 to the Vermont-New York State line; and those points in New York, on, and encompassed within a line beginning at the New York-Vermont State line and extending along U. S. Highway 11 through Potsdam and Watertown, N. Y., to its junction with New York Highway 13 at Pulaski, N. Y., thence westward along New York Highway 13 to its junction with New York Highway 3 at Port Ontario, N. Y., thence southward along New York Highway 3 to its junction with New York Highway 69 at Mexico, N. Y., thence eastward on New York Highway 69 to its junction with New York Highway 5 at Utica, N. Y., thence New York Highway 5 to its junction with New York Highway 2 at Albany, N. Y., thence eastward on New York Highway 2 to the New York-Massachusetts State line. Applicant is authorized to transport similar commodities in New Jersey, Connecticut, and Pennsylvania.

HEARING: July 18, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 116077 (Sub No. 41), filed March 31, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Texas on and west of a line beginning at the Oklahoma-Texas State line on U. S. Highway 77, thence south to Denton, thence on U. S. Highway 377 to Fort Worth, thence south on U. S. Highway 81, through Hillsboro, Waco, Temple, and Austin, to San Antonio, thence west on U. S. Highway 90, through Hondo, Uvalde, and Del Rio, to the International boundary between Texas and Mexico, to points in Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, North Carolina, South Carolina, and Florida. Applicant is authorized to transport certain commodities in bulk in tank vehicles in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

HEARING: July 23, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner James I. Carr.

No. MC 116077 (Sub No. 42), filed April 21, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Sulphur*, in bulk, in specialized equipment, from Cincinnati, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Mississippi, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Colorado, Florida, Tennessee, Kansas, Missouri, Georgia, and Illinois.

HEARING: July 15, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 116230 (Sub No. 1), filed May 5, 1958. Applicant: DON D. BECKER, 1500 Wilkinson Avenue, Marquette, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Gladstone and Manistique, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages on return. Applicant is authorized to conduct operations in Michigan and Wisconsin.

HEARING: July 15, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 116483 (Sub No. 2), filed May 5, 1958. Applicant: ED JOHNSON, 3101 Tenth Street, Menominee, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, including lumber* (expressly excluding plywood, dimension stock and built-up wood), from points in Menominee, Dickinson, Luce, Marquette, and Alger Counties, Mich., to points in Wisconsin. Applicant is authorized to transport lumber, logs, wooden posts and poles, from points in Gogebic, Iron, Ontonagon, Baraga, and Houghton Counties, Mich., to points in Wisconsin.

HEARING: July 16, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 116773 (Sub No. 1), filed March 13, 1958. Applicant: HALTOM & GREER, INC., P. O. Box 662, Nacogdoches, Tex. Applicant's attorney: Francis I. Tucker, P. O. Box 662, Nacogdoches, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arkansas and Louisiana, to points in Texas.

HEARING: July 18, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 153, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 116963 (Sub No. 2), filed May 6, 1958. Applicant: FRANK A. YEVCHAK MOTOR DELIVERY SERVICE, INC., 29 Central Avenue, Tarrytown, N. Y. Applicant's attorney: Samuel C. Cantor, 165 Broadway, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, instruments, apparatus, supplies, records and similar items used for and in connection with various types of laboratory work, scientific experiments and research, as well as products utilized in the manufacture and production thereof*, between Irvington, N. Y., and points in New York City, N. Y., Connecticut, and New Jersey.

HEARING: July 22, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 117020 (Sub No. 2), filed April 17, 1958. Applicant: VERNARD E BOUDLE, North Stratford, N. H. Applicant's attorney: J. L. Blais, Sheridan Building, Berlin, N. H. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, and *U. S. Mail*, between North Stratford, N. H., and Beecher Falls, Vt., from North Stratford over U. S. Highway 3 to West Stewartstown, N. H., thence over the Highway Bridge to Canaan, Vt., thence over Vermont Highway 102 to Beecher Falls, and return over the same route, serving Colebrook, N. H., as an intermediate point.

HEARING: July 24, 1958, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 132, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 117100 (Sub No. 1), filed May 16, 1958. Applicant: SAM ORGEL AND JULE ORGEL, doing business as ELIZABETH RUBBER WASTE, 248 First Street, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 8, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber (crude, natural or synthetic) reclaim rubber, scrap rubber and hard rubber scrap-pulverized, plastic pellets or granules and powder, plastic scrap*, loose, between points in Essex, Union, Hudson, Bergen, Passaic, and Middlesex Counties, N. J., and New York, N. Y., on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, District of Columbia, and Virginia. Applicant indicates as a restriction that the above-described operations are to be limited to a transportation service to be performed, under a continuing contract or contracts, with A. Schulman, Inc.

HEARING: July 10, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Reese Harrison.

No. MC 117111 (Sub No. 1), filed May 6, 1958. Applicant: MILDRED VIRGINIA TALLEY, Route 3, Beaverdam, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ilmenite minerals*, in bulk, in loose bag shipments, and in bag pallets units, from Beaverdam District, Hanover County, Va., to Ashland, Va., on traffic having subsequent movement by rail to points outside Virginia.

HEARING: July 10, 1958, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108, or, if the Joint Board waives its right to participate before Examiner James C. Cheseldine.

No. MC 117183 (Sub No. 1), filed April 29, 1958. Applicant: WESTBORO FORWARDING CORP., 1651 Webster Avenue, Bronx, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Syrups*, in cans, in cartons, and in drums, from Lodi, N. J., to Yonkers and New York, N. Y., and points in Nassau and Suffolk Counties, N. Y.; (2) *Non-alcoholic beverages*, in bottles, in cases, and in cans in cartons, from New York, N. Y., to Lodi, N. J., and *empty containers, cans, drums, cartons, cases* and *skids or other such incidental facilities* used in transporting the above commodities on return.

HEARING: July 18, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 117309, filed March 28, 1958. Applicant: WALTER GAGNE, 32 Octave Street, Victoriaville, Quebec, Canada. Applicant's representative: L. R. Charron, L. R. Charron, Inc., 4-B Boulevard Carignan, Victoriaville, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, machinery*, and *parts*, when shipped with agricultural implements or machinery, from the site of New Holland Machine Company's plants located at New Holland, Lancaster, Mountville, and Belleville, Pa., to points and ports of entry on the International Boundary Line between the United States and Canada in New Hampshire, New York, and Vermont, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application.

NOTE: Applicant states on return trips its own manufacture products (wooden discs) also will be delivered to Lancaster, Pa. Applicant further states the proposed transportation service is directly and without transfer to points located in the Province of Quebec, Canada, for direct delivery to New Holland Machine Company's representatives.

HEARING: July 24, 1958, at the Washington County Court House, Montpelier, Vt., before Examiner C. Evans Brooks.

No. MC 117310, filed March 31, 1958. Applicant: FRANK C. CICIONI, 117 West Washington Street, Shenandoah, Pa. Applicant's attorney: Leonard C. Schumack, 100 South Main Street, Shenandoah, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder block*, from points in Schuylkill County, Pa., to points in New York, New Jersey, Delaware, and Maryland; *terracota pipe*, from points in New Jersey to points in Schuylkill County, Pa.; *calcium chloride*, from Solvay, N. Y., to points in Schuylkill County, Pa.; *rags*, between points in Schuylkill County, Pa., on the one hand, and, on the other, points in New York, New Jersey, New Hampshire, Vermont, Massachusetts, Connecticut, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, Rhode Island, and the District of Columbia; and *metasilicate*, from points in New York and New Jersey to points in Schuylkill County, Pa.

HEARING: July 9, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 117329, filed April 19, 1958. Applicant: JOHN M. CONDON, 37 Sawyer Street, Methuen, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal* and *metal products*, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York.

HEARING: July 22, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner C. Evans Brooks.

No. MC 117332 (Sub No. 1), filed April 17, 1958. Applicant: SMITH & JORDAN TRANSPORTATION CO., INC., 19-60 41st Street, Long Island City 5, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York, 16, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glues, adhesives, starch, dextrine, gums, latex*, and *plastisol*, and *materials, supplies and equipment* used to manufacture the foregoing commodities, between New York, N. Y., and the plant sites of Morningstar & Paisley located at Bloomfield Avenue, Clifton, N. J., and Fourth and Utter Avenues, Hawthorne, N. J.

HEARING: July 7, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

No. MC 117338, filed April 14, 1958. Applicant: EARL RAY, 27360 Barkman, Roseville, Mich. Applicant's attorney: William R. Hefferan, 1419-25 Majestic Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* and *tile*, from points in Indiana and Ohio, and from Darlington (Beaver County), Bessemer, Beaver Falls, and New Brighton, Pa., to points in Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting brick and tile on return.

HEARING: July 9, 1958, at the Federal Building, Detroit, Mich., before Examiner David Waters.

No. MC 117340 (Amendment), filed April 14, 1958, published in the FEDERAL REGISTER May 28, 1958, at page 3681. Applicant: TRIO BUTCHERS TRUCKING CORP., 636 West 131st Street, New York 27, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats* and *packing-house products*, as defined by the Commission in 61 M. C. C. 209, Appendix I, Paragraphs A and B, from Newark and Elizabeth, N. J., and Yonkers, N. Y., to New Rochelle, Scarsdale, Bronx, Monticello, Yorktown Heights, Greenburg, Hewlitt, Roslyn, Flushing, Bayside, Yonkers, Larchmond, Pelham, Harrison, White Plains, Hartsdale, Mamaroneck, Mount Vernon, Ardsley, Briarcliff Manor, Long Beach, Bronxville, Pelham Manor, Tuckahoe, Cedarhurst, Rye, Spring Valley, Elmsford, and Great Neck, N. Y., and Stamford and Greenwich, Conn., and *rejected returned* and *damaged shipments* of the above-described commodities and *meat hooks* belonging to the shipper on return.

NOTE: Applicant states that the above transportation will be under an individual contract with the Daitch Crystal Dairies, Inc. providing for the furnishing of vehicles with drivers for the exclusive use of the contracting shipper serving the stores and warehouse of the contracting shipper.

HEARING: Remains as assigned July 2, 1958, at 346 Broadway, New York, N. Y., before Examiner C. Evans Brooks.

No. MC 117344, filed April 16, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sweetening*, in bulk, in tank vehicles, (1) from St. Louis, Mo., to Cincinnati, Ohio; and (2) from Cincinnati, Ohio, to points in Indiana and Kentucky; and *empty containers or other such incidental facilities* (not specified) used in transporting liquid shortening from the above-specified destination points to the above-specified origin points.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 60404 (Sub No. 55) to determine whether applicant's status is that of a common or contract carrier.

HEARING: July 16, 1958, at the New Post Office Building, Columbus, Ohio, before Examiner Frank R. Saltzman.

No. MC 117344 (Sub No. 3), filed May 21, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Kentucky, except points in Jefferson County, Ky., and *empty containers or other such incidental facilities* used in transporting acids and chemicals, on return. Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 50404 and sub-numbers thereunder.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 50404 Sub No. 55, to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 12, 1958, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 117344 (Sub No. 6), filed May 21, 1958. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detergent alkylate, acids* and *chemicals* except styrene and liquid resins, in bulk, in tank vehicles, from Cincinnati, Ohio, to Chicago, Ill., and St. Louis, Mo., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 50404 and sub-numbers thereunder.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 50404 Sub No. 55 to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 24, 1958, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Lacy W. Hinely.

No. MC 117379, filed May 5, 1958. Applicant: VINCENT J. PRIOLO, doing business as LIBNY PIGEON TRAINING, 66 Wright Avenue, Deer Park, N. Y. Applicant's attorney: Alfred S. Koffler, 444 Main Street, Islip, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Homing pigeons*, and *empty containers or other such incidental facilities* (not specified) used in transporting homing pigeons, between Deer Park, N. Y., and Cresson, Pa., as follows: from Deer Park over unnumbered highway to junction U. S. Highway 27, thence over U. S. Highway 27 to junction Van Wyck Expressway, thence over Van Wyck Expressway to junction Long Island Expressway, thence over Long Island Expressway to Williamsburg Bridge, thence over Williamsburg Bridge and Delancy Street to Holland Tunnel, thence through Holland Tunnel and over U. S. Truck Highway 1-9 to junction U. S. Highway 22, and thence over U. S. Highway 22 to Cresson, and return over the same route, serving the intermediate points of Union, N. J., and Fogelsville and Harrisburg, Pa., and the off-route points of Somerville, N. J., and Lebanon and Mount Union, Pa.

HEARING: July 18, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 117381, filed May 5, 1958. Applicant: CELLI TRUCKING COMPANY, a Corporation, 3521 Lake Street, Melrose Park, Ill. Applicant's attorney: Irving Stillerman, 19 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank vehicles, from Buffington, Ind., to Algonquin, Bloomingdale, Chicago, Lockport, Mundelein, and Palatine, Ill., and to points in Cook, Lake, DuPage, McHenry, Kane, and Will Counties, Ill.

HEARING: July 30, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 117387, filed May 9, 1958. Applicant: LOWELL L. TREFFERT, Franksville, Wis. Applicant's attorney: Joseph A. Gramza, Above the Bank of Franksville, Franksville, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled and packaged malt beverage products*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between St. Louis, Mo., and South Bend, Ind., on the one hand, and, on the other, Racine and Kenosha, Wis.

HEARING: July 30, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 117389, filed May 12, 1958. Applicant: PATRICK J. FITZGERALD, JAMES FITZGERALD, THOMAS M. FITZGERALD, JR., DONALD J. FITZGERALD, CATHERINE B. FITZGERALD, ANNA MARGARET PROUT, AND JOAN BECKERICH, a Partnership, doing business as THE FITZGERALD COMPANY, 214 East St. Clair Street, Indianapolis, Ind. Applicant's attorney: Thomas F. Quinn, Odd Fellows Building, Suite 714, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in metal and glass containers, from Newport, Ky., to Indianapolis, Ind.

HEARING: July 24, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 117398, filed May 16, 1958. Applicant: JOSEPH CORY, doing business as RAPID CARRIERS & DISTRIBUTORS, 1000 Dean Street, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from New York, N. Y. to points in New York, New Jersey, and Connecticut within 35 miles of New York, N. Y.

NOTE: Applicant states that it now holds common carrier authority to transport new furniture from New York, N. Y., to points in New York and New Jersey within 35 miles of New York, N. Y., in Certificate No. MC 89377. He will consent to the revocation of said certificate upon the issuance of a Permit as requested.

HEARING: July 28, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

MOTOR CARRIERS OF PASSENGERS

No. MC 6344 (Sub No. 4), filed April 16, 1958. Applicant: JOHN W. TURNER, doing business as TURNER MOTOR COACH SERVICE, 301 [illegible] Street, Fitchburg, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, restricted to the transportation of passengers who, at the time are travelling for the purpose of participating in games commonly referred to as Beano or Bingo games, beginning and ending at Gardner, Winchendon, Templeton, Marlboro, Maynard, Hudson, Fitchburg, Clinton, Leominster, Groton, Ayer, Westford (Middlesex County), Athol, and Petersham, Mass., and extending to Keene, N. H. Applicant is authorized to conduct operations in Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

HEARING: July 15, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 67925 (Sub No. 1), filed April 17, 1958. Applicant: WILLIAMS VALLEY TRANSPORTATION COMPANY, a corporation, 226 West Market Street, Williamstown, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Millersburg, Pa., and Muir, Pa., from Millersburg over U. S. Highway 209 through Elizabethville, Lykens, Tower City and Reinerton, Pa., to Muir, and return over the same route, serving all intermediate points, and (2) between Loyalton, Pa., and Tower City, Pa., from Loyalton over U. S. Highway 209 to junction unnumbered highway, thence over unnumbered highway through Wiconisco and Williamstown, Pa., to junction U. S. Highway 209, thence over U. S. Highway 209 to Tower City, and return over the same route, serving Wiconisco and Williamstown, Pa., as intermediate points.

HEARING: July 8, 1958, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 113024 (Sub No. 3), filed May 16, 1958. Applicant: ARLINGTON

JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, Newcastle, Del. Applicant's attorney: Samuel W. Earnshaw, The Munsey Building, Washington 4, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, dry goods, drugs, medicines, toilet preparations, diaper liners, display stands, materials and supplies used in the manufacture of sewn and latex products, including packing and packaging materials therefor.* (A) between Dover, Del., and points within five miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Pennsylvania; points in Coweta, Fulton, Meriwether, and Troup Counties, Ga.; Lafayette, Ala., Cleveland, Ohio, Chicago, Ill., Laredo, Tex., and Los Angeles, Calif.; (B) between Lafayette, Ala., and points in Coweta, Meriwether, and Troup Counties, Ga., on the one hand and, on the other, Chicago, Ill., and Los Angeles, Calif.; and (C) between points in Coweta, Fulton, Meriwether, and Troup Counties, Ga., and Lafayette, Ala. Applicant indicates the proposed transportation is to be performed for International Latex Corporation.

No. MC 116111 (Sub 3), filed May 19, 1958. Applicant: CHARLES S. REAVIS, doing business as NORTH KANSAS CITY TOW SERVICE, 1114 Swift Avenue, North Kansas City, Mo. Applicant's attorney: William Harrison Norton, Suite 205, Pioneer Building, Armour at Swift, North Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles*, by tow-away wrecker truck, between points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Oklahoma. Applicant is authorized to conduct operations in Missouri, Iowa, Nebraska, Oklahoma, and Kansas.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 148), filed May 20, 1958. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, 1. Proposed revision of original sheet No. 41. 1.2 Requested Certificate revisions: 2.5 Between Hollywood and Pasadena, Calif., from junction De Longpre Avenue and Vine Street, Hollywood, over Vine Street to Sunset Boulevard to Western Avenue to Los Feliz Boulevard to Brand Boulevard, Glendale, thence over Brand Boulevard to junction California Highway 134, thence over California Highway 134 to Pasadena, and return over the same route, 1.3 Related authorized routes: The proposed route connects with Route 210 at Hollywood, and with Route 257 at Pasadena, proposed route has not been applied for. 2. Proposed revision of proposed original sheet No. 48A. 2.2 Requested certificate revisions: Pursuant to the foregoing, (a) Establish the following additional regular route: 263. Between Long Beach and Santa Ana, Calif., from Long Beach over California Highway 22 to Century Boulevard to Verano Street to Westminster Boulevard to 17th Street, thence over 17th Street to Main Street, Santa Ana, and return over the same route, (b) Establish the following additional regular route: 263-A. Between Tustin and Olive Junction: from Tustin over California Highway 55 to junction U. S. Highway 91 (Oliver Junction). 2.3 Related authorized routes: (a) Proposed route 263 connects at Long Beach with routes 218 and 230, with Route 231 at Seal Beach, and with Route 232 at Santa Ana. (b) Proposed route 263-A connects with Route 232 at Tustin, and with Route 237 at Olive Junction. Applicant will serve all intermediate points on the above proposed routes.

NOTE: Applicant states that the above authority is proposed to be incorporated in the designated revised or added sheets to Certificate No. MC 1501 Sub 138. Applicant is authorized to conduct operations throughout the United States.

No. MC 1501 (Sub No. 149), filed May 22, 1958. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago, Ill. Applicant's attorneys: Gambrell, Harlan, Russell, Moye & Richardson, Suite 825 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, mail, express* and *newspapers* in the same vehicle with passengers, between Valdosta, Ga., and Tifton, Ga., from Valdosta over Georgia Highway 125 to Tifton, and return over the same route, serving the intermediate points of Bemiss, Barretts, Ray City, Allenville, and Nashville, Ga. Applicant is authorized to conduct operations throughout the United States.

No. MC 1504 (Sub No. 145), filed May 15, 1958. Applicant: ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's attorney: Raymond H. Warns, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the junction Old and Relocated West Virginia Highways 25, 0.6 miles East of Nitro, W. Va., Post Office and Junction Old and Relocated West Virginia Highways 25, 2.3 miles East of Nitro, W. Va., Post Office, over Relocated West Virginia Highway 25, serving all intermediate points. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, Ohio, Virginia, West Virginia, and the District of Columbia.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 44926 (Sub No. 1) JOHN CANTERELLI, dba J. & C. EXPRESS COMPANY (Nutley, N. J.)

No. MC 96500 (Sub No. 1) HARVEY'S EXPRESS COMPANY, INC. (New York, N. Y.)

No. MC 101074 (Sub No. 2) S. C. TABOR (Olive Hill, Ky.)

No. MC 115862 (Sub No. 2) ARTHUR JAMES FERO, JR. dba FERO'S MOTOR EXPRESS (Waterford, N. Y.)

The above-numbered proceedings were instituted on the Commission's own initiative, on February 17, 1958, to determine the carrier's status pertaining to their contract carrier authority issued on or before August 22, 1957. It has now been determined that the carriers' operations are those of a contract carrier and an order which becomes effective June 30, 1958, will discontinue the proceedings.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6689, published in the September 18, 1957, issue of the FEDERAL REGISTER on page 7445. Amendment filed at the hearing May 15, 1958, seeking authority for merger into TAKIN BROS. FREIGHT LINE, INC., 100 East 10th Street, Waterloo, Iowa, of IOWA-NEBRASKA TRANSPORTATION CO., INC., Avoca, Iowa.

No. MC-F 6905 (correction) (NEW YORK CENTRAL TRANSPORT CO.—PURCHASE (PORTION) — TRUCK TRANSPORT CO.), published in the May 28, 1958, issue of the FEDERAL REGISTER on page 3684. The name of Beverley S. Simms and the firm name of Wrape and Hernly, 1624 Eye Street NW., Washington, D. C., should be removed as counsel.

No. MC-F 6913. Authority sought for merger into HUSMANN & ROPER FREIGHT LINES, INC., 1717 North Broadway, St. Louis 6, Mo., of SCHIEN TRUCK LINES, INC., 416 West Main Street, Sedalia, Mo. Applicants' attorney: G. M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Kansas City, Kans., and East St. Louis, Ill., between Sedalia, Mo., and Warsaw, Mo., between Warsaw, Mo., and Springfield, Mo., between junction U. S. Highway 50 and unnumbered highway at or near Knobnoster, Mo., and the Sedalia, Mo., Glider Base, between junction of U. S. Highway 50 and Missouri Highway 5 near Syracuse, Mo., and

Boonville, Mo., and between Halfway, Mo., and Springfield, Mo., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and petroleum products in bulk, between Kansas City, Mo., and Springfield, Mo., serving certain intermediate and off-route points; *household goods* and *general commodities*, with certain exceptions including commodities in bulk, between Kansas City, Kans., and Clinton, Mo., serving certain intermediate and off-route points; alternate route for operating convenience only between Clinton, Mo., and Kansas City, Mo.; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Bolivar, Mo., and East St. Louis, Ill., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, from Sedalia, Mo., to certain points in Missouri. HUSMANN & ROPER FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Missouri, Ohio, Kentucky, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6916. Authority sought for purchase by E. & L. TRANSPORT CO. OF KY., Post Office Box 7, Camp Taylor Station, Louisville 13, Ky., of a portion of the operating rights and property of E. & L. TRANSPORT COMPANY, 14201 Schaden Avenue, Dearborn, Mich., and for acquisition by LLOYD LAWSON, ANTHONY J. D'ANNA, and E. & L. TRANSPORT COMPANY, all of 14201 Schaden Avenue, Dearborn, Mich., of control of such rights and property through the purchase. Applicants' attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *New automobiles, new trucks*, and *new chassis*, in initial movements, by truckaway and driveaway methods, as a *common carrier* over irregular routes, from Louisville, Ky., to certain points in Kentucky, Ohio, Indiana, Virginia, and West Virginia; *bodies and cabs*, from Louisville, Ky., to certain points in Indiana, Kentucky, Ohio, Virginia, and West Virginia; *new automobiles*, new trucks, and new truck chassis, in initial movements, in truckaway service, from Louisville, Ky., to points in Maryland; *new automobiles and new truck cabs and bodies* when moving in the same vehicle with commodities as described immediately above, from Louisville, Ky., to points in Maryland; *automobiles, trucks, tractors, automobile chassis*, and *truck chassis*, in initial movements, in truckaway and driveaway service, and *motor vehicle bodies*, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois (except points on and south of U. S. Highway 24, Iowa, Kansas, Maine, Massachusetts, Michigan, Missouri (except St. Louis, Mo.), Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming, and the District of Columbia; *automobiles, trucks, tractors, automobile chassis*, and *truck chassis*, in initial movements, in driveaway service, and *motor vehicle bodies*, from points in Jefferson County, Ky., to Moffett, Okla., and Texarkana, Tex.; *new automobiles, new trucks, new trailers, new bodies, new cabs, new chassis*, and *automobile parts and accessories*, when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in truckaway service, from places of manufacture and assembly in Louisville, Ky., to points in Georgia, Tennessee, Kentucky, Indiana, Ohio, points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and points in Illinois on and south of U. S. Highway 24; *new automobiles, new trucks, new trailers*, and *new chassis*, in initial movements, in driveaway service, from places of manufacture and assembly in Louisville, Ky., to points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia, West Virginia, points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and points in Illinois on and south of U. S. Highway 24; *automobiles, trucks, trailers, bodies, cabs*, and *chassis*, in truckaway service, from Louisville, Ky., to points in North Carolina, Virginia, and West Virginia; *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported in initial movements, in driveaway service, from places of manufacture or assembly in Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina; *new automobiles, new trucks, new bodies, new cabs, new chassis* (except trailer chassis), and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, in initial movements, in truckaway service, from places of manufacture and assembly in Louisville, Ky., to points in Alabama, Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina; *automobiles, trucks, bodies, cabs*, and *chassis* (except trailer chassis), new, used, unfinished, or wrecked, in secondary movements, in driveaway service, between points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, and between points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina, on the one hand, and, on the other, Louisville, Ky.; *new automobiles, new trucks, new chassis*, and *automobile parts and accessories* when such parts and accessories are incidental to the equipment of cars actually transported, in initial movements, in truckaway service, from Louisville, Ky., to Moffett, Okla., and Texarkana, Tex.; *airplane parts*, between Louisville, Ky., and points within one mile thereof, on the one hand, and, on the other, Robertson, Mo., Cincinnati, Columbus, and Dayton, Ohio, Buffalo, N. Y., and points within ten miles of Buffalo, N. Y.; *jigs fixtures and layouts* used in the manufacture and assembly of airplanes and *airplane parts and assemblies*, between Louisville, Ky., and points within one mile thereof, on the one hand, and, on the other, Robertson, Mo. Vendee holds no authority from this Commission; however it is controlled by the vendor, which is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. If this application is approved, vendee will be a wholly-owned subsidiary of vendor with identical officers and directors. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6917. Authority sought for purchase by M & M TRANSPORTATION COMPANY, 250 Mystic Avenue, Somerville 45, Mass., of a portion of the operating rights of CHELSEA CONTRACTING & TRUCKING CO., 140 Third Street, Chelsea 50, Mass., and for acquisition by HARRY MARKS, 26 Nancy Road, Newton, Mass., SIDNEY MARKS, 186 Laurel Road, Chestnut Hill, Mass., WESLEY MARKS, 94 Redwood Road, Newton, Mass., and SIDNEY MALKIN, 193 West Shore Road, Kings Point, N. Y., of control of such rights through the purchase. Applicants' attorney: Zelby & Burstein, 160 Broadway, New York 38, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Connecticut, New Jersey, Rhode Island, New York, and Maryland. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6918. Authority sought for purchase by HERDER TRUCK LINES, INC., 135 West Post Office Street, Weimar, Tex., of the operating rights of CHARLES HERDER, JR., doing business as HERDER TRUCK LINES, 135 West Post Office Street, Weimar, Tex., and for acquisition by CHARLES HERDER, JR., also of Weimar, of control of such rights through the purchase. Applicants' attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Houston, Tex., and Moulton, Tex., between San Antonio, Tex., and Gonzales, Tex., and between San Antonio, Tex., and Sequin, Tex., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the State of Texas. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6919. Authority sought for purchase by THE GUYOTT COMPANY, 176 Forbes Avenue, New Haven, Conn., of the operating rights and property of RALPH H. WORRALL, doing business as R. H. WORRALL, 265 Plain Street, Providence, R. I., and for acquisition by FRANCIS R. GUYOTT, 45 Snug Harbor

Road, Milford, Conn., LOUIS E. GUYOTT, Ridgewood Terrace, North Haven, Conn., and CLARA A. GUYOTT, 22 Anderson Avenue, Milford, Conn., of control of such rights and property through the purchase. Applicants' attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Operating rights sought to be transferred: *Petroleum products*, in bulk, as a *common carrier* over irregular routes, between Providence, R. I., and East Providence, R. I., on the one hand, and, on the other, all points in Connecticut and Rhode Island, and certain points in Massachusetts; *solid fuel*, and *commodities requiring dump trucks for transportation*, between Providence, R. I., on the one hand, and, on the other, all points in Rhode Island and Connecticut and certain points in Massachusetts; *solid fuel*, from Providence, R. I., to certain points in Massachusetts and Connecticut, and Tiverton, R. I., and from Pawtucket, R. I., to Wrentham, Mass. Vendee is authorized to operate as a *common carrier* in Rhode Island, Connecticut, Massachusetts, Pennsylvania, and New York. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6920. Authority sought for purchase by MERCHANTS TRUCK LINE, INC., New Albany, Miss., of the operating rights of BEN ALLEN KITCHENS AND PAUL DENNIS KITCHENS, doing business as MERCHANTS TRUCK LINE, New Albany, Miss., and a portion of the operating rights of THE INTER-CITY TRUCKING COMPANY, 132 Legion Street, Johnson City, Tenn., and for acquisition by BEN ALLEN KITCHENS, PAUL DENNIS KITCHENS and CARLTON (JACK) DOWDY, all of New Albany, Miss., of control of such rights through the purchase. Applicants' attorneys: James H. Epps, Jr., Thad A. Cox Building, Johnson City, Tenn., Ramsay Wall, First National Bank Building, Memphis, Tenn., and John Paul Jones, Home Federal Building, Memphis, Tenn. Operating rights sought to be transferred: (KITCHENS) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Memphis, Tenn., and New Albany, Miss., serving all intermediate points, and the off-route point of Cotton Plant, Miss.; (INTER-CITY) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Memphis, Tenn., and Columbus, Miss., between New Albany, Miss., and Baldwyn, Miss., and between Pontotoc, Miss., and Okolona, Miss., serving all intermediate and certain off-route points. MERCHANTS TRUCK LINE, INC., holds no authority from this Commission, however, its stockholders, BEN ALLEN KITCHENS and PAUL DENNIS KITCHENS, doing business as MERCHANTS TRUCK LINE, a partnership, is authorized to operate as a *common carrier* in Tennessee and Mississippi. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6921. Authority sought for purchase by JOSEPH CALHOUN WEBB, SR., doing business as WEBB'S TRANSFER, 166 South Main Street, Suffolk, Va., of a portion of the operating rights of H. E. HUDGINS AND C. DOUGLAS THOMAS, doing business as M & G TRANSPORTATION, Cobbs Creek, Va. Applicants' attorney: Jno C. Goddin, 1304 State-Planters Bank Building, Richmond 19, Va. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between Richmond, Va., and points in Essex County, Va., southeast of U. S. Highway 360 except those within one mile of such highway. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, South Carolina, Massachusetts, Rhode Island, Connecticut, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6922. Authority sought for purchase by GETTER TRUCKING, INCORPORATED, East Railway Street, Cut Bank, Mont., of the operating rights and property of A. E. SHERIDAN TRUCKING COMPANY, North Central Avenue, Cut Bank, Mont., and for acquisition by RALPH E. GETTER, THOMAS I. GETTER, RUTH V. GETTER and BRUCE E. GETTER, all of Cut Bank, of control of such rights and property through the purchase. Applicants' representative: Ralph E. Getter, President of Getter Trucking, Incorporated, East Railway Street, Cut Bank, Mont. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, *machinery or machines and parts thereof, and materials, equipment and supplies in connection therewith*, used in the operation, repair, servicing, maintenance and dismantling of bakeries, dairy, creamery and cheese-manufacturing plants, ice-manufacturing or refrigeration plants, laundry and dry-cleaning establishments (other than household) and milling operations, all in truckloads, requiring special equipment, *forest products, lumber and lumber products, iron and steel products, airplane engines and parts, wrecked motor vehicles, railroad equipment, materials and supplies, refrigeration and cooling equipment*, and *safes, vaults and parts thereof*, all in truckloads, requiring special equipment, and *buildings, fabricated or portable, electrical appliances, materials and parts, electrical poles, telephone and telegraph poles and pole line equipment, elevating and hoisting machinery and equipment, mining, ore-milling and smelting machinery and equipment, roadbuilding equipment, material and supplies, rock and stone crushers and parts*, and *telephone, telegraph and electric lines, cables, appliances, equipment and parts*, including the stringing and picking up thereof, all in truckloads, as a *common carrier* over irregular routes between points in Glacier, Liberty, Pondera, and Toole Counties, Mont. Vendee is authorized to operate as a *common carrier* in Montana and Wyoming. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 6892 (AMERICAN TRANSPORTATION ENTERPRISES, INC.—CONTROL—DELAWARE BUS CO.), published in the May 14, 1958, issue of the FEDERAL REGISTER on page 3292. Supplement filed May 23, 1958, to show joinder of ALLEN & COMPANY, 30 Broad Street, New York, N. Y., as a party in control of AMERICAN TRANSPORTATION ENTERPRISES, INC.

No. MC-F 6895 (correction) (QUEEN CITY COACH CO.—PURCHASE (PORTION)—CAROLINA SCENIC STAGES), published in the May 14, 1958, issue of the FEDERAL REGISTER, on page 3292. The authority being transferred should be corrected by eliminating therefrom the following: "*passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between Orangeburg, S. C., and Springfield, S. C., serving all intermediate points."

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4170; Filed, June 4, 1958; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 2, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34724: *Coal—Southern Railway mines to points in the Carolinas.* Filed by Southern Railway Company, for itself (No. 132-A) and interested rail carriers. Rates on coal, all kinds, and fine coal, carloads from mines on the Southern Railway and its shortline connections in Kentucky, Tennessee, and Virginia to destinations in Carolina territory, southern Virginia and northern Georgia.

Grounds for relief: Competition with natural gas, oil, etc.

Tariff: Supplement 43 to Southern Railway Company tariff I. C. C. A-11352.

FSA No. 34725: *Fine coal—Southern mines to Carolina and Georgia points.* Filed by O. W. South, Jr., Agent (SFA No. A3673), for interested rail carriers. Rates on fine coal, carloads from mines in southeastern Kentucky, eastern Tennessee, southwest Virginia, and West Virginia to points in Georgia, North Carolina and South Carolina.

Grounds for relief: Competition with other fuels and grouping.

Tariff: Chesapeake and Ohio Railway Company tariff I. C. C. 13500 and other schedules.

FSA No. 34726: *Fine coal—Southwest Virginia mines to southern points.* Filed by O. W. South, Jr., Agent (SFA No. A3675), for interested rail carriers. Rates on fine coal, carloads from mines in southwest Virginia, on the Norfolk and Western Railway Company to specified points in Georgia, North Carolina and South Carolina.

Grounds for relief: Competition with fuel oil and grouping.

Tariff: Supplement 43 to Southern Railway Company's tariff I. C. C. A-11352.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4229; Filed, June 4, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1155]

AMERICAN MUTUAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

MAY 29, 1958.

Notice is hereby given that American Mutual Fund, Inc. ("American"), a registered open-end diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 17 (a) of the act the sale by it of 11,520 shares of capital stock of Petrolite Corporation ("Petrolite") to the Investment Company of America ("I. C. A."), also a registered open-end diversified investment company.

The application makes the following representations:

Petrolite is principally engaged in the manufacture and sale of chemicals and electrical equipment for the purification and treatment of petroleum and the manufacture and sale of waxes from crude oil residuum. Pursuant to an order of this Commission dated April 22, 1958 (Investment Company Act Release No. 2702), American acquired from Bareco Investment Company ("Bareco") substantially all of its assets, including 25,520 shares of Petrolite capital stock. This block represents 8.7 percent of the total number of Petrolite shares outstanding. American states that the aggregate value of said shares exceeds the amount which it holds or desires to hold of any one security which is traded in the over-the-counter market and is relatively inactive. Accordingly, it proposes to sell 11,520 of said shares to I. C. A. at a price of $86.00 per share, or a total price of $990,720. The agreement of sale provides that if, prior to the issuance of the Commission's order requested herein, the bid quotations in the over-the-counter market for Petrolite capital stock should be less than 82½ or more than 89½ per share, either party may require a redetermination of the price.

In determining the price to be paid by American for the assets acquired from Bareco, the Petrolite stock was valued at $85 per share. This valuation was made on the basis of an analysis of Petrolite's business, its book value per share, its earnings per share for the last five years, an estimate of earnings for 1958, records and financial condition of other companies comparable to Petrolite, and the bid and ask quotations for the capital stock of Petrolite from February 1, 1957, to March 7, 1958. On March 7, 1958, the market for Petrolite common stock was reported to be bid 84 and asked 86. On May 21, 1958, when American and I. C. A. entered into the agreement of sale, the Petrolite stock was quoted approximately at bid 85 and asked 87.

American and I. C. A. have the same investment adviser, Capital Research and Management Company, and many of the officers and directors of American are also officers and directors of I. C. A. Accordingly, American and I. C. A. may be affiliated companies and the sale by American to I. C. A. would be prohibited by section 17 (a) (1) of the act unless exempted by order under section 17 (b) which provides that the Commission shall exempt a proposed transaction from the provisions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

The Boards of Directors of both companies have approved the transaction. The application urges that the Commission make the required findings under section 17 (b) of the act. The difference in the price of $85 per share of Petrolite stock paid by American on the acquisition of such stock from Bareco and the price of $86 per share to be paid by I. C. A. reflects allowance, among other things, for the expense incurred by American in acquiring the stock and an improvement in the market prices quoted for the Petrolite stock since American's acquisition.

Notice is further given that any interested person may, not later than June 11, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4227; Filed, June 4, 1958; 8:51 a. m.]

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

MAY 29, 1958.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On May 19, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending May 29, 1958.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, May 30, 1958, to June 8, 1958, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4228; Filed, June 4, 1958; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CHARLES DE LADOUCETTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charles de Ladoucette, 172 Rue de l'Université, Paris 7, France; Claim No. 61601; $8,350.01 in the Treasury of the United States.
Vesting Order No. 17699.

Executed at Washington, D. C., on May 22, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4206; Filed, June 4, 1958; 8:46 a. m.]

TOSHIWA IDE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Toshiwa Ide, No. 227, Shirakibaru Onomachi, Chikushi-Gun, Fukuoka-Ken, Japan; Claim No. 62373; $6,356.15 in the Treasury of the United States.
Vesting Order No. 7955.

Executed at Washington, D. C., on May 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4207; Filed, June 4, 1958; 8:47 a. m.]

LOUIS H. SCHOETTLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Louis H. Schoettler, Hamburg, Germany; Claim No. 41448; $7,123.49 in the Treasury of the United States.
Vesting Order No. 12464.

Executed at Washington, D. C., on May 26, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-4208; Filed, June 4, 1958; 8:47 a. m.]

ILONA STRAUSZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ilona Strausz, formerly Ilona (Elona) Weisz Weinberger, Reh Shmuel Hanavi 34, Bajit Gan Lea, Jerusalem, Israel; Claim No. 33662; $1,436.41 in the Treasury of the United States.
Vesting Order No. 3820.

Executed at Washington, D. C., on May 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4209; Filed, June 4, 1958; 8:47 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF J. J. VAN DER EYK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below:

The State of the Netherlands for the benefit of:

J. J. van der Eyk, L. S. Claim No. 971; Southern Pacific Company 4½-81, Bond No. 41719, in the principal amount of $1,000.

A. W. Westra van Holthe, L. S. Claim No. 973; Cities Service Company 5/69, Debentures Nos. 38886 and 41971/2, in the principal amount of $1,000 each.

H. J., G. L., and Mr. E. A. Bolte, L. S. Claim No. 975; Cities Service Company 5/66, Debentures Nos. 13013/4, in the principal amount of $1,000 each.

Mrs. E. J. Prins, nee Bok, L. S. Claim No. 980; Central Pacific Railway Company 4/49, Bond No. 9361, and Cities Service Company 5/66, Debenture No. 17999, all in the principal amount of $1,000 each.

Mrs. A. A. Geertsema-du Ry van Beest Holle, L. S. Claim No. 981; Cities Service Company 5/66, Debenture No. 10338, in the principal amount of $1,000.

Dowager D. R. J. Baroness van Lynden, L. S. Claim No. 983; Cities Service Company 5/69, Debenture No. 24850, in the principal amount of $1,000.

Noord-en Zuid Hollandsche Redding Maatschappij, L. S. Claim No. 986; Cities Service Company 5/58, Debentures Nos. 5142, 5561, and 7576, in the principal amount of $1,000 each.

Mrs. H. A. Lamberts-de Haart and C. O. de Haart, L. S. Claim No. 990; Cities Service Company 5/69, Debenture No. 7552, in the principal amount of $1,000.

J. A. Hulman, Jr., L. S. Claim No. 991; Cities Service Company 5/69, Debenture No. 9682, in the principal amount of $1,000.

J., and L. P. Kwak and Mrs. G. H. P. Voskuyl-Kwak, L. S. Claim No. 995; Cities Service Company 5/69, Debentures Nos. 13720 and 25396, in the principal amount of $1,000 each.

Mrs. A. G. H. Heinen-Stricker, L. S. Claim No. 1000; Southern Pacific Company 4½-81, Bond No. 34327, in the principal amount of $1,000.

J. Hillen, Jan, W., J., A., and H. Pfann, Mrs. D. Serret-Pfann, L. J. van Weert, H. J. v. d. Berg, and Joh. P. Budding-Pfann, L. S. Claim No. 1002; Southern Pacific Railroad Company 4/55, Bond No. 105649, in the principal amount of $1,000.

J. Bauer-Stumpf, L. S. Claim No. 1017; Cities Service Company 5/69, Debentures Nos. 35925, 37776 and 45813, in the principal amount of $1,000 each.

Q. Nepveu, L. S. Claim No. 1018; Cities Service Company 5/66, Debenture No. 781, in the principal amount of $500.

M. B. F., T. L. F., H., K. F., and S. H. A. C. van Geuns, L. S. Claim No. 1019; Cities Service Company 5/69, Debenture No. 34045, in the principal amount of $1,000.
Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 26, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4212; Filed, June 4, 1958; 8:47 a. m.]

PIETER TILLEMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after ade-

quate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Pieter Tillema, Koningstraat 34, Zaltbommel, Holland; Claim No. 61425; $153.11 in the Treasury of the United States.

Vesting Order No. 17914.

Executed at Washington, D. C., on May 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4210; Filed, June 4, 1958; 8:47 a. m.]

VITTORIA TORI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vittoria Tori, Chicago, Illinois; $33.34 in the Treasury of the United States.

Pasquina Bernardini, Lucca, Italy; $33.33 in the Treasury of the United States.

Ida Carmignani, Lucca, Italy; $33.33 in the Treasury of the United States.

Vesting Order No. 2425; Claim No. 46784.

Executed at Washington, D. C., on May 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4211; Filed, June 4, 1958; 8:47 a. m.]

ANTONIA VAN DEN BOVENKAMP ET AL.

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on July 20, 1957 (22 F. R. 5814) with respect to the return of the property described below to Mrs. B. A. v. d. Bovenkamp-Hillebrants;

Whereas, information was subsequently received to the effect that Mrs. B. A. v. d. Bovenkamp-Hillebrants died on December 2, 1953 in Diepenveen, Holland, and that she left as her sole heirs her three children, namely Antonia, Maria and Gijsbert van den Bovenkamp;

Whereas, Antonia, Maria and Gijsbert van den Bovenkamp have been substituted as claimants in this matter;

Whereas, the 60 shares of common stock of Keta Gas and Oil Corporation, and the 42 shares of common stock of Swan Finch Oil Corporation, referred to under "Property and Location" in the aforesaid Notice of Intention, have been sold by this Office, resulting in an increase in cash in the appropriate accounts of $59.91;

Now, therefore, pursuant to section 32 of the Trading With the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under the heading "Claimant" the name and address of Mrs. B. A. v. d. Bovenkamp-Hillebrants, and deleting under the heading "Property and Location" all references to cash and securities, and location thereof, and substituting in lieu thereof the following:

Claimant, Claim No., Property, and Location

Antonia van den Bovenkamp; $357.58 in the Treasury of the United States.

Maria van den Bovenkamp; $357.58 in the Treasury of the United States.

Gijsbert van den Bovenkamp; $357.57 in the Treasury of the United States.

All of Diepenveen, The Netherlands; Claim No. 60516.

Vesting Order Nos. 17836, 17869, 17918 and 17950.

All other provisions of said Notice of Intention to Return Vested Property, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority therof, are hereby ratified and confirmed.

Executed at Washington, D. C., on May 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4213; Filed, June 4, 1958; 8:48 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 23 NUMBER 111

Washington, Friday, June 6, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (7) of § 6.342 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4277; Filed, June 5, 1958; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

EXECUTING VARIABLE-PAYMENT AGREEMENT

Section 333.2 (b) (3), Title 6, Code of Federal Regulations (21 F. R. 5553), is revised to authorize the County Supervisor to execute Form FHA-165 and to read as follows:

§ 333.2 *Subsequent direct loans* * * *
(b) *Refinancing of existing Farm Ownership debts not required.* * * *

(3) Each borrower whose initial loan was approved prior to November 1, 1946, will execute Form FHA-165, "Variable-Payment Agreement," for his initial loan at the time he receives a subsequent loan if he has not previously done so. The County Supervisor is authorized to execute Form FHA-165 on behalf of the United States. Execution of Form FHA-165 will change the repayment plan, eliminate the 90-day grace period, and establish December 31 as the installment due date. However, if a prior subsequent loan has been made with a March 31 installment due date, the installment due date for the new subsequent loan also will be March 31.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: June 2, 1958.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-4295; Filed, June 5, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

PLUMS; STANDARD PACK; DIAMETER; EQUIVALENT SIZES

Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches, grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), and upon other available information, it is hereby found that the amendment of the rules and regulations (7 CFR Part 936.100 et seq.; Subpart—Rules and Regulations), as hereinafter set forth, is in accordance with provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The said rules and regulations are hereby amended by deleting therefrom § 936.142 *Plums; standard pack; diameter; equivalent sizes.*

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U. S. C.

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FEDERAL REGISTER

1934

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 26 (1954), Parts 20–221, Rev. Jan. 1, 1958 ($2.25)

Title 32, Parts 800–1099 ($0.65)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Rev. Jan. 1, 1958 ($3.00); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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1001 et seq.) in that (1) the United States Standards for Plums and Prunes (Fresh) were revised effective May 29, 1958 (§§ 51.1520–51.1537 of this title; 23 F. R. 3509), and the definitions of "standard pack" and "diameter" as set forth in said § 936.142 (a) and (b), respectively, were changed; (2) research on equivalent sizes of plums during the past two years by the Plum Commodity Committee on shipments in the special plum box and in other containers other than the standard basket has revealed that the "equivalent sizes" set forth in paragraph (c) of said § 936.142 do not conform with current packing methods and are obsolete; and (3) the 1958 shipping season for California plums is now underway and it is necessary that this amendatory action be immediately placed in effect in order to avoid conflicting requirements pertaining to "equivalent sizes."

This amendment shall become effective upon publication in the FEDERL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 3, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4293; Filed, June 5, 1958; 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA, MINIMUM WAGE ORDER

Pursuant to section 5 of the Fair Labor Standards Act, of 1938, as amended (52 Stat. 1062, as amended; 29 U. S. C. 205), the Secretary of Labor by Administrative Order No. 502 (23 F. R. 1604), appointed, convened, and gave notice of the hearing of Special Industry Committee No. 2 for American Samoa to recommend the minimum wage rate or rates to be paid under section 6 (a) (3) of that act (70 Stat. 1118, 29 U. S. C., Supp. V, 206 (a) (3)) to employees in American Samoa, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1064, as amended; 29 U. S. C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the Committee are published in this order amending Part 697 of Title 29 of the Code of Federal Regulations, effective June 21, 1958, to read as follows:

Sec.
697.1 Definitions of industries in American Samoa.
697.2 Wage rates.
697.3 Notices.

AUTHORITY: §§ 697.1 to 697.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U. S. C. 205, 206.

§ 697.1 *Definitions of the industries in American Samoa.* The industries in American Samoa to which this part shall apply are hereby defined as follows:

(a) *Fish canning and processing industry.* This industry shall include the canning, freezing, preserving or other processing of any kind of fish, shellfish, or other aquatic forms of animal life and the manufacture of any by-product thereof.

(b) *Shipping and transportation industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of air terminals, piers, wharves and docks, including stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and travel ticket agencies: *Provided, however,* That this definition shall not include bunkering of petroleum products.

(c) *Petroleum marketing industry.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, including bunkering operations in connection therewith, and repair and maintenance of storage facilities.

(d) *Miscellaneous industries.* Miscellaneous industries shall include all operations and activities not included in the shipping and transportation industry, the petroleum marketing industry, or the fish canning and processing industry, as defined herein.

§ 697.2 *Wage rates.* (a) Wages at a rate of not less than 52 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the fish canning and processing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 52 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the petroleum marketing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 38 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the miscellaneous industries in American Samoa, who is engaged in commerce or in the production of goods for commerce.

§ 697.3 *Notices.* Every employer subject to the provisions of § 697.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 2d day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4280; Filed, June 5, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1641]

[Fairbanks 013669]

ALASKA

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY, FOR MILITARY PURPOSES

Correction

In Federal Register Document 58-4007, published at page 3716 in the issue for Thursday, May 29, 1958, section 26 of the land description should read as follows: "Sec. 26, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, NW¼NE¼ and N½ NE¼NE¼;".

[Public Land Order 1649]

[1811067]

ALASKA

ADDING LANDS TO CHUGACH NATIONAL FOREST; RESERVING PORTION OF LANDS FOR PUBLIC RECREATION PURPOSES; REVOKING EXECUTIVE ORDER NO. 1919½ OF APRIL 21, 1914, IN PART, AND EXECUTIVE ORDER NO. 8505 OF AUGUST 7, 1940, IN ITS ENTIRETY

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473) and the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 304), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 8505 of August 7, 1940, and No. 1919½ of April 21, 1914, so far as they reserved lands within the following-described area for townsite purposes are hereby revoked:

PLACER CREEK

Beginning at a point 2 miles due west and ½ mile due north of the highest point of the most northerly knob, about 50 feet in height, on the well-defined glaciated spur between Passage Canal (Portage Bay) and Portage Glacier, this knob being approximately 1¼ miles southwest of the head of Passage Canal in approximate latitude 60°46′ N., longitude 148°45′ W.; thence east ½ mile, north ¼ mile, east ¼ mile, north ½ mile, east ¼ mile, north ¾ mile, west 2 miles, south 1½ miles, east 1 mile to the place of the beginning.

The area described contains approximately 1,760 acres.

2. The lands described in paragraph 1 of this order are hereby added to and made a part of the Chugach National Forest, and the boundaries of the said Forest are adjusted accordingly.

3. Subject to valid existing rights, the following-described area, which is a part of the area described in paragraph 1 of this order, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved under jurisdiction of the Forest Service, Department of Agriculture, as a recreation area:

PORTAGE LAKE RECREATION AREA

Beginning at a point 2 miles due west and ½ mile due north of the highest point of the most northerly knob, about 50 feet in height, on the well-defined glaciated spur between Passage Canal (Portage Bay) and Portage Glacier, this knob being approximately 1¼ miles southwest of the head of Passage Canal in approximate latitude 60°46′ N., longitude 148°45′ W.; thence east ½ mile, north ¾ mile, west 1½ miles, south ¾ mile, east 1 mile to the place of beginning.

The area described contains approximately 720 acres.

4. The withdrawal made by paragraph 3 of this order shall take precedence over but not otherwise affect the withdrawal for national forest purposes made by paragraph 2.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 29, 1958.

[F. R. Doc. 58–4258; Filed, June 5, 1958; 8:45 a. m.]

[Public Land Order 1650]

[Idaho 05884]

IDAHO

CORRECTING PUBLIC LAND ORDER NO. 1567 OF DECEMBER 19, 1957, AND WITHDRAWING ADDITIONAL LANDS TO THOSE WITHDRAWN BY THAT ORDER

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. In Federal Register Document 57–10688, appearing at pages 10957–58 of the issue for Saturday, December 28, 1957, the land description under T. 36 N., R. 12 E., in connection with Lochsa River (Lewis and Clark Forest Highway 16) Roadside Zone, so far as such description refers to sec. 10, W½SE¼, is hereby corrected to read "sec. 10, W½SW¼".

2. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved as an addition to those withdrawn by Public Land Order No. 1567 in connection with the Lochsa River (Lewis and Clark Forest Highway 16) Roadside Zone:

BOISE MERIDIAN

NEZ PERCE NATIONAL FOREST

A strip of land 200 feet in width on each side of the center line of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 33 N., R. 7 E.,
Sec. 28, lots 1, 5, and NW¼SE¼;
Sec. 33, lots 3, 6, and 9.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 29, 1958.

[F. R. Doc. 58–4259; Filed, June 5, 1958; 8:46 a. m.]

[Public Land Order 1651]

[78855]

ARKANSAS

POWER SITE RESTORATION NO. 544; PARTIALLY REVOKING EXECUTIVE ORDER OF DECEMBER 18, 1915, CREATING POWER SITE RESERVE NO. 514

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of December 18, 1915, creating Power Site Reserve No. 514, is hereby revoked so far as it affects the following-described lands:

FIFTH PRINCIPAL MERIDIAN

T. 19 N., R. 15 W.,
Sec. 2, NW¼NW¼SW¼ and S½NW¼SW¼;
Sec. 3, NE¼SE¼.

The areas described aggregate 70 acres.

2. The lands are located on the left bank of the White River.

3. The NE¼NW¼SW¼, section 2, is occupied by a transmission line under permit issued to the Arkansas Power and Light Company by the Department of the Army. This land is also included in the Executive order of December 18, 1915 (Power Site Reserve No. 514), but is not included in the revocation made by this order. It is included in the opening made by paragraph 5 of this order, however, but subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818).

4. The restored lands shall be subject until 10:00 a. m., on August 28, 1958, to application by the State of Arkansas under any statute or regulation applicable thereto for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

5. This order shall not become effective to change the status of the lands described until 10:00 a. m., on July 4, 1958. At that time, the said lands, including those described in paragraph 3, shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, the 90-day preference right period of selection afforded the State of Arkansas by paragraph 4 of this order, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

6. In DA–56–Arkansas, issued March 14, 1958, the Federal Power Commission vacated the power withdrawals created pursuant to the filing of applications for preliminary permit for Project No. 1 on October 20, 1920, and for license for Project No. 654 on October 3, 1925, so far as those projects affect the lands described in paragraphs 1 and 3 of this order.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained from the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D. C.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 29, 1958.

[F. R. Doc. 58–4260; Filed, June 5, 1958; 8:46 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

MISCELLANEOUS AMENDMENTS

The following amendments are made, to take effect thirty days after publication in the FEDERAL REGISTER. Notice and public procedure are deemed unnecessary as the changes relate to a minor adjustment of fee items.

1. Paragraph (n) of § 1.21 is amended to read as follows:

(n) Search of Patent Office records for purposes not otherwise specified in this section, per hour of search or fraction thereof_____________________ [illegible]

2. Paragraph (o) of § 1.21 is deleted.

(Sec. 1, 66 Stat. 793; 35 U. S. C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U. S. C. 41)

[SEAL] ARTHUR W. CROCKER,
Acting Commissioner of Patents.

Approved: May 29, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58–4281; Filed, June 5, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

COOPERATIVE PAYMENTS; NOTICE OF MEETING

Pursuant to provisions of § 927.81 of the order, as amended (7 CFR Part 927; 22 F. R. 4643), regulating the handling of milk in the New York-New Jersey marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given of a meeting to be held on June 12, 1958, at 10 a. m., e. d. s. t., at the office of the Market Administrator, 205 East 42d Street, New York, New York, for consideration of amendments to the regulations issued pursuant to said § 927.81 of the order. Interested persons will be afforded an opportunity at the meeting to be heard through the submission of data, views, or arguments orally or in writing. All material presented in writing should be in quintuplicate. Copies of the said proposed rules and regulations, as hereinafter set forth may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York.

The proposed amendments to the regulations to be considered at said meeting are as follows:

By the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

1. Amend § 927.402 by adding a new paragraph (f) as follows:

(f) Amount per hundredweight received from any members who are not dairy farmers as defined in § 927.6.

2. Amend § 927.403 by changing the period to a comma at the end of subdivision (i) thereof and adding the following words: "together with the method of reimbursement for services, if any, to such organization."

3. Amend § 927.405 by adding a new paragraph (f) as follows:

(f) Performing services for dairy farmer members who are not producers as defined in § 927.6 or affiliated organizations, if any, and the nature and expense of such services.

4. Amend § 927.420 by adding a new paragraph (d) as follows:

(d) A qualified co-operative or federated co-operative shall file evidence of any change in its operations as originally reported under §§ 927.402 (f), 927.403 (i) and 927.405 (f) not later than the end of the month following the month in which such change is made.

5. Add a new § 927.428 as follows:

§ 927.428 *Activities of a federation not market-wide in character.* (a) Each federated co-operative shall pay to any federation which performs activities that are not market-wide in character the sum of one-quarter of one cent per hundredweight of milk received by it.

By Eastern Milk Producers Cooperative Association, Inc.:

1. Amend § 927.418 of the cooperative payments regulations by adding a new paragraph (d):

(d) The following principles should govern publications of qualified cooperatives and federated cooperatives:

(1) Published material should never contain deliberate falsehoods.

(2) When published material is based upon differences of opinion or policy and both sides of a disputed question or topic are stated, such divergent viewpoints must be fairly presented.

(3) Fair comment or criticism of another cooperative's policies should be limited to editorials or signed columns and not in "news columns" of a publication unless attributed.

(4) Such comment or criticism of another cooperative organization should be limited to the policies of the other organization and should not be directed at individuals.

(5) Privacy of individuals or corporate bodies should be respected in matters of internal business such as salaries paid and received, physical operations and nonmarketwide policies. The published material should not contain scurrilous references direct or indirect to any cooperative organization or individual who is an official member or employee, or other representative of a qualified cooperative or federation.

(6) There should be no issuance of anonymous articles or distribution of any printed material anonymously. In the event of the appearance in the milkshed of any such anonymous material, the Market Administrator is authorized upon the request of any qualified cooperative or federation adversely affected or attacked by such anonymous material, to investigate all cooperatives to ascertain if any of them are responsible for the publication of such material.

2. Amend § 927.421 *Verification of reports and receipts of milk from members,* by including a new paragraph (c) to read as follows:

(c) The market administrator shall compile an annual report and a financial statement covering the activities of each qualified cooperative association and each qualified federation of cooperatives and shall publish a condensation of such report each year in the Market Administrator's Bulletin.

3. Add the following note under the heading, "Application," preceding § 927.400:

NOTE: Applicants for qualification for cooperative payments provided in § 927.81 should include in reports accompanying applications, and in subsequent reports requisite to continue qualification all information indicated in §§ 927.400 to 927.408 of the cooperative payments regulations.

4. Add new paragraph (f) to § 927.405 to read as follows:

(f) The program and activities of its field force including a detailed report of its contact with and services to producers who are members of such qualified cooperatives or federations and with respect to producers who are members of other cooperatives or are not members of any cooperative.

By the Market Administrator:

1. In addition to the regulations proposed by Eastern Milk Producers Cooperative Association, Inc. with respect to relationship between qualified cooperatives or federations of cooperative associations, the meeting shall be open to consideration of regulations with respect to such relationships, including membership solicitation of one organization among members of another organization.

2. Any person claimed as a member, who immediately prior to such claimed membership, was a member of another qualified organization shall be deemed not to be a member with respect to cooperative payments.

3. Any cooperative or federated cooperative which makes patronage payments to its members resulting in a net receipt from the member of less than one cent per hundredweight shall be subject to disqualification for payment.

4. As an alternative to proposal No. 5 of the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc. provide for the payment by a federated cooperative to the federation regardless of whether the federation purports to be engaged in activities not market-wide in character.

Issued at New York, N. Y., this 28th day of May 1958.

[SEAL] C. J. BLANFORD,
Market Administrator.

[F. R. Doc. 58-4292; Filed, June 5, 1958; 8:52 a. m.]

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 69 (7 CFR Part 969) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $9,153.00 will be necessarily incurred by said committee during the fiscal year April 1, 1958, through March 31, 1959, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles avocados shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of $0.04 per bushel, or equivalent quantity of avocados handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: June 2, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4253; Filed, June 5, 1958; 8:45 a. m.]

[7 CFR Part 1001]

HANDLING OF LIMES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958-59 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee established under the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $8,953.00 will be necessarily incurred by said committee during the fiscal year April 1, 1958, through March 31, 1959, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles limes shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of $0.04 per bushel, or equivalent quantity of limes handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: June 2, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4254; Filed, June 5, 1958; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 779]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

AUTOMOTIVE TIRE TRADE

The Administrator has conducted an investigation of the sales practices of the automotive tire trade with a view to determining the types of sales and the types of establishments recognized in the industry as retail and the types not recognized as retail within the meaning of sections 13 (a) (2) and 13 (a) (4) of the Fair Labor Standards Act of 1938. The investigation indicates that the following classifications of sales and establishments in the automotive tire trade reflect the recognition in the industry.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614), notice is hereby given that I propose to amend Part 779 of Title 29 of the Code of Federal Regulations as follows:

1. Delete the center heading preceding § 779.34 which reads as follows: "Application of the 13 (a) (2) Exemption to Certain Trades".

2. Immediately following § 779.36 add § 779.37 to read as follows:

§ 779.37 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to the automotive tire trade.* (a) It is the purpose of this section to show generally how the 13 (a) (2) exemption applies to establishments engaged in the sale of tires, tubes, accessories and repair services on tires, and how the 13 (a) (4) exemption applies to establishments engaged in retreading and recapping tires.

(b) In applying the tests of the exemption under section 13 (a) (2), all sales of tires, tubes, accessories and tire repair services, including retreading and recapping, are recognized as retail in the industry, except those set out in subparagraphs (1) through (6) of this paragraph:

(1) Sales for resale: For example, sales of tires, tubes, accessories or services to garages, service stations, repair shops, tire dealers and automobile dealers, to be sold or to be used in reconditioning vehicles for sale are sales for resale.

(2) Sales made pursuant to a formal invitation to bid: Such sales are made under a procedure involving the issuance by the buyer of a formal invitation to bid on certain merchandise for delivery in accordance with prescribed terms and specifications. Sales to the Federal, state, and local governments are typically made in this manner.

(3) Sales to "national accounts" as known in the trade:

(4) Sales to fleet accounts at wholesale prices: As used in this section, a "fleet account" is a customer operating five or more automobiles or trucks for business purposes. Wholesale prices are prices equivalent to, or less than, those typically charged on sales for resale. If the establishment makes no sales of passenger car tires for resale, the wholesale price of such tires will be taken to be the price typically charged in the area on sales of passenger car tires for resale. If the establishment makes no sales of truck tires for resale, the wholesale price of such tires will be taken to be the price charged by the establishment on sales of truck tires to fleet accounts operating 10 or more commercial vehicles or, if the establishment makes no such sales, the wholesale price will be taken to be the price typically charged in the area on sales of truck tires to fleet accounts operating 10 or more commercial vehicles.

(5) Sales of a tire rental service on a mileage basis known in the trade as "mileage contracts": This is a leasing arrangement under which a tire dealer agrees to provide and maintain tires for a customer's fleet of motor vehicles.

(6) Sales of servicing and repair work performed under a fleet maintenance arrangement on tires for trucks and other automotive vehicles whereby the establishment undertakes to maintain the tires on a customer's fleet at a price below the prevailing retail price.

(c) If more than 50 percent of the establishment's annual dollar volume of sales is made within the State in which the establishment is located and if 75 percent or more of the establishment's annual dollar volume of sales consists of sales which are not for resale and are recognized as retail sales of goods or services in the industry, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment except those employees who are engaged in the recapping or retreading of tires for sale or in other manufacturing or processing of goods for sale.

(d) The retreading or recapping of a customer's tires constitutes a service which may be recognized as retail in the industry in accordance with the above tests. However, where the recapping or retreading work is performed on tires which the establishment expects to sell in their reconditioned form, such activities are not performed as a service for a customer but constitute manufacturing goods for sale. Employees performing such work may be exempt only if they are employed by the establishment and all of the following tests of the section 13 (a) (4) exemption are met:

(1) The establishment must qualify as an exempt retail establishment under section 13 (a) (2), as explained above.

(2) More than 85 percent of the establishment's annual dollar volume of sales of the tires which it retreads or recaps for sale must be made within the state in which the establishment is located.

(3) The retreaded or recapped tires which the establishment sells must be processed at the establishment which sells them.

(4) The establishment must be recognized as a retail establishment in the industry.

An establishment engaged in retreading or recapping of tires is recognized as a retail establishment in the industry if it does not derive from the sale of tires retreaded or recapped for sale more than 50 percent of the annual dollar volume of its sales resulting from its retreading or recapping operations.

Prior to final adoption of this amendment, consideration will be given to any data, views, or arguments submitted in writing within 30 days from the date of publication.

Signed at Washington, D. C., this 29th day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4214; Filed, June 5, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 316, Arizona]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 29, 1958.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F. R. 2473), as amended, notice is hereby given that the plats of survey accepted April 15, 1958, of T. 3 S., R. 10 W., and T. 3 S., R. 11 W., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 S., R. 10 W.,
  Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
  Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 8, (All);
  Sec. 9, (All);
  Sec. 10, (All);
  Sec. 11, (All);
  Sec. 12, (All);
  Sec. 13, (All);
  Sec. 14, (All);
  Sec. 15, (All);
  Sec. 16, (All);
  Sec. 17, (All);
  Sec. 20, (All);
  Sec. 21, (All);
  Sec. 22, (All);
  Sec. 23, (All);
  Sec. 24, (All);
  Sec. 25, (All);
  Sec. 26, (All);
  Sec. 27, (All);
  Sec. 28, (All);
  Sec. 29, (All);
  Sec. 32, (All);
  Sec. 33, (All);
  Sec. 34, (All);
  Sec. 35, (All);
  Sec. 36, (All).
T. 3 S., R. 11 W.,
  Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
  Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 8, (All);
  Sec. 9, (All);
  Sec. 10, (All);
  Sec. 11, (All);
  Sec. 12, (All);
  Sec. 13, (All);
  Sec. 14, (All);
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  Sec. 23, (All);
  Sec. 24, (All);
  Sec. 25, (All);
  Sec. 26, (All);
  Sec. 27, (All);
  Sec. 28, (All);
  Sec. 29, (All);
  Sec. 32, (All);
  Sec. 33, (All);
  Sec. 34, (All);
  Sec. 35, (All);
  Sec. 36, (All).

Within the above described areas are 43,447.70 acres of public lands.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Arizona upon the acceptance of the above mentioned plats of survey:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 S., R. 10 W.,
  Sec. 16, (All);
  Sec. 32, (All);
  Sec. 36, (All).

The areas described aggregate 1,920 acres.

3. The following described lands are open to application, location, selection, and petition as outlined below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 10 W.,
  Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
  Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 8, (All);
  Sec. 9, (All);
  Sec. 10, (All);
  Sec. 11, (All);
  Sec. 12, (All);
  Sec. 13, (All);
  Sec. 14, (All);
  Sec. 15, (All);
  Sec. 17, (All);
  Sec. 20, (All);
  Sec. 21, (All);
  Sec. 22, (All);
  Sec. 23, (All);
  Sec. 24, (All);
  Sec. 25, (All);
  Sec. 26, (All);
  Sec. 27, (All);
  Sec. 28, (All);
  Sec. 29, (All);
  Sec. 33, (All);
  Sec. 34, (All);
  Sec. 35, (All).
T. 3 S., R. 11 W.,
  Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 3, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 4, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 5, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼, (All);
  Sec. 7, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 30, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 8, (All);
  Sec. 9, (All);
  Sec. 10, (All);
  Sec. 11, (All);
  Sec. 12, (All);
  Sec. 13, (All);
  Sec. 14, (All);
  Sec. 15, (All);
  Sec. 16, (All);
  Sec. 17, (All);
  Sec. 20, (All);
  Sec. 21, (All);
  Sec. 22, (All);
  Sec. 23, (All);
  Sec. 24, (All);
  Sec. 25, (All);
  Sec. 26, (All);
  Sec. 27, (All);
  Sec. 28, (All);
  Sec. 29, (All);
  Sec. 32, (All);
  Sec. 33, (All);
  Sec. 34, (All);
  Sec. 35, (All);
  Sec. 36, (All).

The areas described aggregate 43,447.70 acres.

4. Available data indicates the land in T. 3 S., R. 10 W., is nearly level with a few low isolated hills. The soil is generally a light sandy loam, becoming

rocky around the scattered hills. The land in T. 3 S., R. 11 W., is principally level, with drainage toward the Gila River. The soil is principally a rich sandy loam, with numerous rock outcroppings.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 4, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 3, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 3, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. Persons claiming veterans' preference rights under paragraph 6 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

THOS. F. BRITT,
Manager.

[F. R. Doc. 58–4203; Filed, June 5, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 26, 1958, continuing in effect to and including June 30, 1958, an order issued on May 1, 1956 (15 A. D. 548), which authorized the respondents, Market Agencies at St. Louis National Stock Yards, National Stock Yards, Illinois, to assess the current schedule of rates and charges.

On May 28, 1958, a petition was filed on behalf of the respondents requesting authority to make certain modifications in their current schedule of rates and charges to become effective on July 1, 1958. The petition also requests that the respondents be authorized to assess the current temporary schedule, as so modified, to and including May 31, 1959. The modifications requested in the petition are indicated below.

SELLING CHARGES

CATTLE	
Consignments of one head and one head only	$1.45 per head.
Consignments of more than one head:	
First 5 head in each consignment	1.25 per head.
Next 10 head in each consignment	1.20 per head.
Each head over 15 in each consignment	1.15 per head.
HOGS	
Consignments of one head and one head only	.55 per head.
Consignments of more than one head:	
First 10 head in each consignment	.44 per head.
Next 15 head in each consignment	.39 per head.
Each head over 25 in each consignment	.34 per head.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 2d day of June 1958.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58–4294: Filed, June 5, 1958; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF AMERICAN WEST AFRICAN FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7680–7, between the member lines of the American West African Freight Conference, modifies the basic agreement of that conference (No. 7680, as amended), which presently covers the trade, both eastbound and westbound, between Atlantic and St. Lawrence ports of Canada/United States Atlantic and Gulf ports and West African ports (Dakar to Mossamedes inclusive), including the Atlantic Islands of the Azores, Madeira, and Cape Verdes, also the Islands of Fernando Po, Principe, and San Thome in the Gulf of Guinea. The purpose of the modification is to enlarge the range of West African ports covered by the agreement so as to include all ports between the southerly border of Rio de Oro (Spanish Sahara) and the northerly border of Southwest Africa.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 2, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58–4278; Filed, June 5, 1958; 8:50 a. m.]

ALLTRANSPORT, INC., AND HARPER ROBINSON & CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8306 between Alltransport, Incorporated, New York, New York, and Harper, Robinson & Co., San Francisco, California, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 2, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4279; Filed, June 5, 1958; 8:50 a. m.]

REDERIET OCEAN A/S AND WEST COAST LINE, INC.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8309, between Rederiet Ocean A/S and West Coast Line, Inc., the carriers comprising the West Coast Line joint service, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to Puerto Rico, with transshipment at New York or Baltimore.

(2) Agreement No. 8311, between Rederiet Ocean A/S and West Coast Line, Inc., the carriers comprising the West Coast Line joint service, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast ports to the Virgin Islands, with transshipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 2, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4257; Filed, June 5, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9252]

SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a prehearing conference on the above-entitled application is assigned to be held on June 10, 1958, at 10:00 a. m., e. d. s. t., in Room 5859, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., June 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4282; Filed, June 5, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107, 12222; FCC 58M-555]

RIVERSIDE CHURCH IN THE CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of the Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

The Hearing Examiner having under consideration a petition filed on May 27, 1958, on behalf of Huntington-Montauk Broadcasting Co., Inc., as corrected by a letter from the same party dated May 28, 1958, requesting that the hearing in the above-entitled proceeding now scheduled to be held on June 17, 1958, be continued until July 1, 1958, and that the date for the exchange of exhibits and related information be continued from June 9, 1958, until June 24, 1958; and

It appearing that there is no opposition to a grant of the relief requested in the said petition by The Riverside Church in the City of New York or the Commission's Broadcast Bureau, the only other parties to the proceeding;

It is ordered, This 29th day of May 1958, that the above petition be, and it is hereby granted; that the date for the exchange of exhibits and related information in the above-entitled proceeding is hereby continued from June 9, 1958 until June 24, 1958; and that the date for the commencement of the hearing in the said proceeding is hereby continued until 10:00 o'clock a. m., on Tuesday, July 1, 1958, in the offices of this Commission, Washington, D. C.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4283; Filed, June 5, 1958; 8:51 a. m.]

[Docket No. 12348; FCC 58M-559]

OTTAWAY STATIONS, INC. (WDOS)

ORDER CONTINUING HEARING

In re application of Ottaway Stations, Inc. (WDOS), Oneonta, New York, Docket No. 12348; File No. BP-11119; for construction permit.

The Hearing Examiner having under consideration a motion, filed on June 2, 1958, by Ottaway Stations, Inc., the applicant in the above-entitled proceeding, requesting that the hearing therein now scheduled to be held on June 2, 1958, be postponed until June 5, 1958; and

It appearing that sufficient good cause has been set forth in the said petition to justify a grant of the relief requested therein; and

It further appearing, that Radio Anthracite, Inc., and the Commission's Broadcast Bureau, the only other parties to the proceeding, have agreed to the proposed continuance;

It is ordered, This 2d day of June 1958, that the above motion be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Thursday, June 5, 1958, in the offices of this Commission, Washington, D. C.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4284; Filed, June 5, 1958; 8:51 a. m.]

[Docket Nos. 12390, 12391; FCC 58M-561]

KWG BROADCASTING CO. AND VALLEY BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of KWG Broadcasting Company, Stockton, California, Docket No. 12390, File No. BPH-2348; Valley Broadcasters, Inc., Stockton, California, Docket No. 12391, File No. BPH-2354; for construction permits.

It is ordered, This 2d day of June 1958, that instead of a hearing, as now scheduled, a prehearing conference will be held on June 16, 1958, and that the scheduled hearing is continued to a date to be set. No evidence will be taken on June 16.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4285; Filed, June 5, 1958; 8:51 a. m.]

[Docket Nos. 12451, 12452; FCC 58-501]

UNICOI BROADCASTING CO. (WEMB) AND MACE, GROVES AND MACE

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Max M. Blakemore tr/as Unicoi Broadcasting Company (WEMB), Erwin, Tennessee, Docket No. 12451, File No. BP-11216; Earl O. Mace, A. Clay Groves and Glen F. Mace d/b as Mace, Groves and Mace, South Gastonia, North Carolina, Docket No. 12452, File No. BP-11653; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the above-captioned applications of Max M. Blakemore tr/as Unicoi Broadcasting Company for a construction permit to increase the power of Station WEMB, Erwin, Tennessee, from one kilowatt to 5 kilowatts and to continue operation on the presently assigned frequency of 1420 kilocycles, daytime only; and of Earl O. Mace, A. Clay Groves and Glen F. Mace d/b as Mace, Groves and Mace for a construction permit for a new standard broadcast station to operate on 1420 kilocycles with a power of 500 watts, daytime only, at South Gastonia, North Carolina;

It appearing, that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the stations as proposed but that the proposed operation of WEMB would cause interference to the proposed operation of Mace, Groves and Mace and to the existing operations of Stations WLET, Toccoa, Georgia (1420 kc, 5 kw, Day), and WMNC, Morganton, North Carolina (1430 kc, 5 kw, Day); that, on the basis of measurement data filed by the licensee of Station WEGO, Concord, North Carolina (1410 kc, 1 kw, Day), on January 21, 1958, the proposed operation of Mace, Groves and Mace would result in mutual interference with Station WEGO; that the proposed operation of Mace, Groves and Mace would also result in mutual interference with Station WCRE, Cheraw, South Carolina (1420 kc, 1 kw, Day); and that because of interference received the loss in population to the Mace, Groves and Mace proposal may be excessive under the provisions of § 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 9, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that in a reply dated May 8, 1958, Mace, Groves and Mace contended that the measurement data submitted by WEGO do not constitute an adequate basis upon which to find that their proposed operation would not comply with § 3.28 (c) of the rules and that the operation of their proposal would result in mutual interference with WEGO, but stated that if the Commission should conclude that interference received would be excessive, then a waiver of § 3.28 (c) of the rules is requested; and

It further appearing that the Commission finds that the measurement data submitted by WEGO are sufficient to indicate that the proposed Mace, Groves and Mace operation may be involved in mutual interference with WEGO and that the proposal may suffer a population loss in excess of the ten percent permitted under the provisions of § 3.28 (c) of the rules; and

It further appearing that the licensees of Stations WEGO and WMNC have requested that the above-captioned applications be designated for hearing by letters filed April 28 and May 6, 1958, respectively; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WEMB as proposed and the availability of other primary service to such areas and populations.
2. To determine the areas and populations which would receive primary service from the proposed operation of Mace, Groves and Mace and the availability of other primary service to such areas and populations.
3. To determine whether the proposed operation of Station WEMB would cause objectionable interference to Stations WLET, Toccoa, Georgia, and WMNC, Morganton, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
4. To determine whether the proposed operation of Mace, Groves and Mace would cause objectionable interference to Stations WEGO, Concord, North Carolina, and WCRE, Cheraw, South Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
5. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
6. To determine whether, because of interference received, the proposed operation of Mace, Groves and Mace would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said Section of the rules.
7. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.
8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That R. G. LeTourneau, Evelyn LeTourneau and Virgle E. Craig d/b as Radio Station WLET; Nathan J. Cooper; the Pee Dee Broadcasting Company and the Concord-Kannapolis Broadcasting Company, licensees of Stations WLET, WMNC, WCRE and WEGO, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4286; Filed, June 5, 1958; 8:51 a. m.]

[Docket No. 12453, etc.; FCC 58-[illegible]]

ALFRED RAY FUCHS (KTJS) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Alfred Ray Fuchs (KTJS), Hobart, Oklahoma, Docket No. 12453, File No. BP-11045; KGFL, Incorporated (KGFL), Roswell, New Mexico, Docket No. 12454, File No. BP-11[illegible]; Bob Garrison and H. H. Huntley d/b as Garrison-Huntley Enterprises, Lubbock, Texas, Docket No. 12455, File No. BP-11538; Joseph S. Lodato, Santa Rosa, New Mexico, Docket No. 12456, File No. BP-11721; Clarence Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the above-captioned applications for construction permits by Alfred Ray Fuchs to increase the power of Station KTJS, Hobart, Oklahoma (1420kc, 250w, Day), to 1 kilowatt; by KGFL, Incorporated to change the facilities of Station KGFL, Roswell, New Mexico (1400kc, 250w, Unlimited time), to operation on 1430 kilocycles with a power of 1 kilowatt nighttime and 5 kilowatts daytime, utilizing directional antenna nighttime, unlimited time; by Bob Garrison and H. H. Huntley, d/b as Garrison-Huntley Enterprises, for a new standard broadcast station at Lubbock, Texas to operate on 1420 kilocycles with a power of 500 watts, daytime only; by

Joseph S. Lodato for a new standard broadcast station at Santa Rosa, New Mexico to operate on 1420 kilocycles with a power of 1 kilowatt, daytime only; and by Clarence Wilson, for a new standard broadcast station to operate at Hobbs, New Mexico on 1430 kilocycles with a power of 5 kilowatts, daytime only; and

It appearing that except as indicated by issues below, KGFL, Incorporated, Alfred Ray Fuchs, Joseph S. Lodato, and Clarence Wilson are legally, technically, financially, and otherwise qualified, and Garrison-Huntley Enterprises is legally, technically, and otherwise qualified, to construct and operate their proposals, but that the proposals of Clarence Wilson and KGFL, Incorporated, involve mutually destructive interference; that the proposals of Alfred Ray Fuchs and Garrison-Huntley Enterprises involve mutual interference; that the proposal of Garrison-Huntley Enterprises involves interference from and objectionable interference to Station KPEP, San Angelo, Texas; that interference from the proposals of Alfred Ray Fuchs, Joseph S. Lodato, and Clarence Wilson, and from Station KPEP may affect more than ten percent of the population in the normally protected primary service area of the proposal of Garrison-Huntley Enterprises in contravention of § 3.28 (c) of the Commission rules; and

It further appearing that Garrison-Huntley Enterprises failed to supply the information requested by the Commission in letters dated January 14 and April 2, 1958, in order to determine whether the applicant is financially qualified, its programming is in the public interest, its proposed antenna would constitute a hazard to air navigation, its 25 mv/m contour would encompass the business district of the city sought to be served as required by § 3.188 of the Commission rules, and its antenna would, because of proximity, involve any problem of cross modulation or reradiation with Station KDAV, Lubbock, Texas, or any other existing station; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated April 2, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further apearing that each of the instant applicants filed a timely reply; and

It further appearing that after consideration of the foregoing, the Commission is of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals of Garrison-Huntley Enterprises, Joseph S. Lodato, and Clarence Wilson, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would gain or lose primary service from each of the instant proposals of Alfred Ray Fuchs (KTJS) and KGFL, Incorporated (KGFL), and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Garrison-Huntley Enterprises would involve objectionable interference with Station KPEP, San Angelo, Texas, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Garrison-Huntley Enterprises is in compliance with § 3.28 (c) of the Commission rules; and whether, if compliance is not achieved, circumstances exist which would warrant a waiver of § 3.28 (c).

6. To determine whether Garrison-Huntley Enterprises is financially qualified to construct and operate its proposed station.

7. To determine the type and character of the programming proposed by Garrison-Huntley Enterprises in its instant application and whether such programming would be in the public interest.

8. To determine whether the antenna system herein proposed by Garrison-Huntley Enterprises would constitute a hazard to air navigation.

9. To determine whether the 25 mv/m contour of the instant proposal of Garrison-Huntley Enterprises would provide adequate signal over the business and factory areas of the city sought to be served, as required by § 3.188 (b) (1) of the Commission rules.

10. To determine whether the antenna system proposed by Garrison-Huntley Enterprises would involve cross modulation or reradiation with Station KDAV, Lubbock, Texas, or any other existing station.

11. To determine, in the light of § 307 (b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

12. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That the Concho Broadcasting Company, licensee of Station KPEP, San Angelo, Texas, is made a party to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4287; Filed, June 5, 1958; 8:52 a. m.]

[Docket No. 12453, etc.; FCC 58M-563]

ALFRED RAY FUCHS (KTJS) ET AL.

ORDER SCHEDULING HEARING

In re applications of Alfred Ray Fuchs (KTJS), Hobart, Oklahoma, Docket No. 12453, File No. BP-11045; KGFL, Incorporated (KGFL), Roswell, New Mexico, Docket No. 12454, File No. BP-11273; Bob Garrison and H. H. Huntley, d/b as Garrison-Huntley Enterprises, Lubbock, Texas, Docket No. 12455, File No. BP-11538; Joseph S. Lodato, Santa Rosa, New Mexico, Docket No. 12456, File No. BP-11721; Clarence Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; for construction permits.

It is ordered, This 2d day of June 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 28, 1958, in Washington, D. C.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4288; Filed, June 5, 1958; 8:52 a. m.]

[Docket Nos. 12458, 12459; FCC 58-506]

ANNAPOLIS BROADCASTING CORP. AND BELVEDERE BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Annapolis Broadcasting Corporation, Annapolis, Maryland, Docket No. 12458, File No. BPH-2402; Belvedere Broadcasting Corp., Baltimore, Maryland, Docket No. 12459, File No. BPH-2410; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958;

The Commission having under consideration the above-captioned applications

of the Annapolis Broadcasting Corporation and the Belvedere Broadcasting Corp. for construction permits for new Class B FM broadcast stations to operate on 107.9 megacycles, Channel No. 300, in Annapolis and Baltimore, Maryland, respectively;

It appearing that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 24, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on these applications is necessary; and

It further appearing that the Annapolis Broadcasting Corporation proposes to side-mount the FM antenna on the antenna structure of Station WANN (AM); and

It further appearing that the Belvedere Broadcasting Corp. proposes to mount the FM antenna on top of the present antenna structure of Station WWIN (AM) increasing its overall height;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by the Annapolis Broadcasting Corporation and the Belvedere Broadcasting Corp. and the availability of other such FM broadcast service to the said areas and populations.

2. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence presented under issue 1, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

3. To determine, in the event it is concluded that a choice between the two applications cannot be made on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of the Annapolis Broadcasting Corporation, the construction permit shall contain a condition requiring that Station WANN shall receive permission from the Commission to determine power of WANN by the indirect method during the installation of the FM antenna and rechecking resistance of the tower after the installation has been completed, and submitting Forms 302 for WANN in the event of a change in resistance of the tower.

It is further ordered, That in the event of a grant of the application of the Belvedere Broadcasting Corp., the construction permit shall contain a condition requiring the submission and approval of an application for construction permit to modify the WWIN antenna system to accommodate the FM antenna.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4289; Filed, June 5, 1958; 8:52 a. m.]

[Docket Nos. 12458, 12459; FCC 58M-562]

ANNAPOLIS BROADCASTING CORP. AND BELVEDERE BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Annapolis Broadcasting Corporation, Annapolis, Maryland, Docket No. 12458, File No. BPH-2402; Belvedere Broadcasting Corp., Baltimore, Maryland, Docket No. 12459, File No. BPH-2410; for construction permits.

It is ordered, This 2d day of June 1958, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 2, 1958, in Washington, D. C.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4290; Filed, June 5, 1958; 8:52 a. m.]

[Docket No. 12460; FCC 58-512]

DURHAM BROADCASTING ENTERPRISES, INC. (WTVD)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Durham Broadcasting Enterprises, Inc. (WTVD), Durham, North Carolina, Docket No. 12460, File No. BMPCT-4812; for modification of construction permit.

1. The Commission has before it for consideration (1) a "Protest" filed on May 2, 1958, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Fayetteville Broadcasters, Inc. (protestant), permittee of Television Station WFLB-TV (Channel 18), Fayetteville, North Carolina,[1] and directed against the Commission's action of April 2, 1958, granting without hearing the above-captioned application of Durham Broadcasting Enterprises, Inc. (Durham) for modification of its construction permit for Television Station WTVD (Channel 11), Durham, North Carolina, to change transmitter location and increase antenna height above average terrain; (2) an "Opposition to Protest" filed by Durham on May 12, 1958; and (3) a "Reply" to such opposition filed by protestant on May 19, 1958.

2. The protestant claims standing as a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, as the permittee of an existing UHF television broadcast station, WFLB-TV, serving the Fayetteville, North Carolina, area, which will receive for the first time a Grade A or better signal from the operation of Television Station WTVD as proposed. Protestant states that its station has been in operation since August 1955, and is the only UHF television station in North Carolina, serving an area with a radius of approximately 25 miles in all directions; that an estimated eighty percent of the television sets in this area are capable of receiving the programs of WFLB-TV, which operates about 57 hours weekly; that three VHF stations located at Wilmington, Raleigh, and Chapel Hill, North Carolina, respectively, now provide Grade B or better signals

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[1] WFLB-TV has been in operation since August 29, 1955.

to Fayetteville (1950 population, 34,715 persons); that Station WFLB–TV is affiliated with all three national television networks and carries approximately 15 hours per week of NBC programs obtained by an "off-the-air pickup" from Raleigh Station WRAL–TV, about 10 hours weekly of CBS programs (4 hours "picked up" from the Durham station and 6 hours from Greensboro Station WMFY–TV), and 1 hour per week of ABC kinescope programs; and that it has been protestant's experience that its station provides a more acceptable signal to the Fayetteville area viewers than any other station except WRAL–TV, so that they tend to prefer protestant's station over the other stations, with the exception of WRAL–TV, when a given network program is being telecast by both its (protestant's) station and another outlet. Protestant asserts further that the commencement of operation of WTVD pursuant to the subject grant would provide a stronger signal to the Fayetteville area than is now provided by any existing VHF station, and would have an even greater adverse economic effect on its UHF station than resulted from the advent of the Raleigh Station WRAL–TV signal in December, 1956, which caused a significant loss to protestant of local revenue and also some network revenue. Thus, protestant claims, its station would experience severe loss of local, as well as network, revenues and would be economically injured as a result of the operation of WTVD as authorized in the modification grant to Durham.

3. In support of its protest, Fayetteville alleges, in substance, that the grant of the Durham application would not be in the public interest for the following reasons: First, the proposed operation of WTVD would seriously endanger the continued operation of WFLB–TV as the only local television station in Fayetteville since the latter facility is now operating at a substantial loss and is in a difficult financial position after having recently effected a "thorough overhaul of its operation" for the purpose of reducing operating costs. In this regard, protestant points out that the entry of WTVD into the Fayetteville area would provide the viewing public there with a high quality substitute for the CBS programs now carried by WFLB–TV, and adds that the resultant demise of Fayetteville's station would mean the loss of the only television outlet for self-expression which WTVD would not replace. Secondly, it is alleged that a total of more than 5,000 persons to the north and east of Durham would be deprived of their only Grade B or better television signal; that the area which would have only one Grade B or better signal after the WTVD move is substantially larger than the area to which WTVD would provide a first choice of service; and that the more than 400,000 persons who would lose their reception from WTVD are for the most part located closer to Durham than those persons residing in the area which would for the first time receive a Grade B signal from WTVD. In view of these allegations, based on WTVD's engineering statements filed with the Commission, protestant argues that the proposed change in WTVD facilities will result in a downgrading of television service to areas and populations presently dependent on WTVD. Finally, protestant contends that although the avowed purpose of moving the WTVD transmitter from a point nine miles north of Durham to a site about thirty miles southeast thereof is to make WTVD more competitive with WRAL–TV, the net effect of the change would be to deprive Durham of its only outlet for local self-expression in favor of providing Raleigh with an additional television outlet despite less need therefor.

4. In view of the foregoing, the protestant requests that the Commission designate the instant application for an evidentiary hearing on four specified issues and on such additional issues as the Commission may specify; place the burden of proof as to each of the issues on Durham; make the protestant a party to the proceeding; and, pending final decision in this matter after hearing, stay the effective date of the grant in question.

5. In its opposition to the above-described protest, Durham states preliminarily that by proper application it sought permission to change its transmitter location by a move to a point 30 miles southeast of the city of Durham; and that the Commission, before acting on the subject application, directed a letter on February 12, 1958 to Durham containing the following three questions concerning the changes proposed therein: (1) whether the move was for the purpose of converting WTVD into a Raleigh station; (2) whether a diminution of service areas would result, contrary to the public interest; and (3) the effect of a grant of the application upon the operation of WFLB–TV (protestant's station) at Fayetteville. Durham asserts that every question and issue posed by the instant protest was encompassed in the matters raised by the Commission in its aforementioned letter to the applicant; that on March 4, 1958, Durham submitted a complete response to the Commission's inquiry in which each question was dealt with thoroughly; that the applicant's full response, which equally applies to the questions now being raised in the protest, was before the Commission when, on April 2, 1958, it found the application to be in the public interest and consequently granted it; and that all matters set forth in that response are incorporated in Durham's opposition by reference. In addition, Durham points out that the subject protest does not involve the protest of a station threatened with the inauguration of a new and additional station in its community, nor with the move of a competing station to a nearby transmitter location; that WTVD presently operates with its transmitter some 72 miles from Fayetteville and the new WTVD transmitter site will be some 47 miles from Fayetteville, which is not in a contiguous market but instead is 65 miles removed from Durham and 53 miles from Raleigh; that Fayetteville presently receives service from at least four VHF television stations rendering Grade B or better signals; and the consequent effect of the grant to Durham is not the destruction of a "UHF Island," as claimed by protestant, but the addition of another VHF signal to the multiplicity of signals now rendering service to the Fayetteville areas.

6. In challenging the protest, Durham asserts also that the protestant lacks standing to protest since section 309 (c) of the Communications Act provides that it can be invoked only by one who has set forth "allegations of fact" showing the protestant to be a "party in interest," and Fayetteville's allegations do not present the requisite factual matters. In essence, according to Durham, protestant's allegations with respect to standing consist in general of pleas of adversity, an irrelevant claim of being the only UHF station in its state, and discussions of tendencies of local viewers, and the conclusion stated by protestant that it will be "economically injured" is given no factual support by data regarding station income and losses suffered. Durham urges that, in the absence of the allegations of specific facts required under the Communications Act for a showing as to standing, the protest be summarily dismissed.

7. Durham contends, moreover, that the protestant has also failed to specify with particularity facts showing that the grant of the above-captioned application was improperly made or otherwise not in the public interest; and that protestant has merely restated those matters which were thoroughly considered by the Commission before the grant to Durham, and has relied entirely on speculation and unsupported conclusions. Durham discusses in detail protestant's claims (i. e., that WTVD will favor service to Raleigh, that a grant will result in degraded service to areas now dependent on WTVD, and that economic injury will result to WFLB–TV) and argues that no factual allegations in support thereof have been advanced. With reference to protestant's claim of economic injury, Durham submits that this issue is "beyond the purview of the Commission" and should, therefore, not be considered. Finally, Durham urges denial of the request for postponement of the effective date of the grant for the following alleged reasons: (1) The public interest in the improved service to be provided by WTVD; (2) the safety to air navigation to be derived from the change in transmitter site; (3) the lack of reasonable likelihood that protestant could prevail on the merits of its protest; and (4) the absence of a showing of irreparable injury to protestant resulting from the grant remaining in effect.

8. In its reply, the protestant asserts that Durham's position as to the lack of standing to protest, is untenable, and reiterates some of the allegations advanced in the protest in support of the claim that protestant herein is a "party in interest." Also, protestant controverts Durham's contention that the protest is lacking in factual allegations to establish the impropriety of the subject grant, and again sets forth in substance the allegations of its protest which purport to demonstrate why the grant would not be in the public interest. In addi-

tion, protestant asserts that the Commission has consistently considered economic matters in the context of the situation presented in the instant protest, namely, the impact of a VHF station on a UHF operation in a different city, and the Commission does have to consider the impact of the proposed location of the WTVD transmission facilities on UHF operations in Fayetteville. In renewing its request for a stay, protestant argues that the claim that the modified facilities will serve additional viewers is offset by the circumstances that the changes will deprive more than 400,000 persons of an existing service, deprive Durham of an outlet for local expression, and seriously endanger the only station in Fayetteville. Furthermore, protestant asserts that there is no factual basis for Durham's claim that air safety considerations require the grant to remain in effect. Additionally, protestant asserts that the emphasis placed by Durham on the great strides it has made towards completion of the new facilities and the sums spent thereon, has no bearing on the stay question, and that this status of construction only about five weeks after the grant raises a question of premature construction. Accordingly, an additional issue in that regard is requested by protestant. In conclusion, protestant states that the stay is also needed to protect its station and the city of Fayetteville from irreparable loss of revenues and service. The protestant urges, too, that since the issues requested by it are essentially those originally set forth in the Commission's letter of February 12, 1958 (see paragraph 5, above), and a hearing ordered thereon would have placed the burden of proof on Durham, the Commission should at this time adopt the issues and place the burden on said applicant.

9. In view of the fact that the protestant is the permittee of Television Station WFLB–TV in Fayetteville, North Carolina, and has alleged that as a result of the grant of the above-captioned application it will be injured competitively through the proposed change in transmitter site and antenna height by the loss of advertising revenues and television audience, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station 309 U. S. 470; In re T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 197; Versluis Radio and Television, Inc., 9 Pike & Fischer RR 102. We further find that the protestant has specified with sufficient particularity the facts relied on to warrant designating the instant application for hearing upon the issues specified in the protest.[2] The initial question to be determined is what type of hearing is to be held.

10. In substance, the issues specified by protestant concern (a) the competitive injury which protestant's UHF station will allegedly suffer in the Fayetteville area as a result of the grant of Durham's subject modification application, (b) the alleged loss to the city of Durham of its only local television service as well as the deprivation of service that assertedly would be experienced by a very substantial number of persons in the areas to the north and east of Durham, and (c) the alleged effect of the move as creating a Raleigh or a Raleigh-Durham station in place of a Durham station. We believe that the problems raised by the protest as to the competitive impact of additional VHF service on a UHF station and as to the effect of the move on service to the Durham area in relation to the additional service to be provided to other areas, are of the type which do not lend themselves to demurrer. In re Application of Dispatch, Inc. (WICU), Erie, Pennsylvania, 15 Pike & Fischer RR 896; In re Application of Triangle Publications, Inc. (WNHC), New Haven, Connecticut (FCC 57–1402). We shall, accordingly, designate the protest for evidentiary hearing. However, we are not adopting such issues, and the burden of proceeding with the introduction of evidence as well as the burden of proof will be upon the protestant.

11. We turn now to the question of whether we should stay the effective date of a grant of the above-captioned application pending a final decision in the hearing ordered below. Section 309 (c) provides in pertinent part that "the effective date of the Commission's action to which the protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect * * *." It is obvious that the modification authorization in question is not essential to the conduct of an existing service. Moreover, the Commission is of the view that the reasons advanced by the applicant in opposition to the stay do not suffice to warrant an affirmative finding that the public interest requires that the grant remain in effect. Accordingly, in the absence of compelling reasons for continuing the grant in force, the effective date of the Commission's action here in question will be postponed pending a final decision in the hearing hereinafter ordered.

In view of the foregoing: *It is ordered*, That the subject protest is granted; that the request for postponement of the effective date of the grant is granted; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine the effect upon the operation of UHF station WFLB–TV, operating on Channel 18 in Fayetteville, North Carolina, of the operation of station WTVD as authorized in BMPCT–4812.

(2) To determine the areas and populations which would gain or lose service of Grade A or Grade B intensity from WTVD, the programming of WTVD to serve those areas and populations, the other television signals available to these areas and populations and the programming provided by them, and the relative needs of those areas and populations for the signals to be gained and lost.

(3) To determine whether operation by station WTVD as authorized in BMPCT–4812 would tend to make it a Raleigh-Durham station rather than a Durham station, and, if so, to determine whether this change would better meet the needs of the viewing public than does the present operation of WTVD.

(4) To determine in the light of the facts developed under the above issues whether the grant of BMPCT–4812 was proper and would serve the public interest.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on protestant.

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at a date to be specified in a subsequent order, before an Examiner to be specified at a later date.

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than June 12, 1958.

Adopted: May 28, 1958.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–4291; Filed, June 5, 1958;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–14856]

BERKSHIRE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that the Berkshire Gas Company (Applicant), a public utility engaged in the distribution of natural gas within the Commonwealth of Massachusetts, having its principal place of business in Pittsfield, Massachusetts, filed an application on April 10, 1958, for an order, pursuant to section 7 (a) of the Natural Gas Act, directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection of its facilities with those which Applicant proposes to construct and to sell and deliver to Applicant certain volumes of natural gas for distribution and sale in the community of Greenfield, Massachusetts and to other customers adjacent to its proposed transmission lines, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

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[2] Protestant's request in its Reply for an additional issue to determine whether construction was commenced prior to the grant of the subject modification application, is based on mere speculation and does not merit any further consideration.

The application states that Applicant presently sells and distributes natural gas in other communities in the State of Massachusetts, including the communities of Pittsfield, Lenox, Dalton and others, which it purchases from Tennessee. The application further states that Applicant acquired the assets of Greenfield Gas Light Company, which had been engaged in distributing manufactured gas in the towns of Greenfield and Montague in Franklin County, Massachusetts.

The application states that Greenfield Gas Light Company was unable to meet its financial obligations and was adjudicated insolvent by the United States District Court for the District of Massachusetts and its gas business was sold and transferred to Applicant on March 28, 1958. Applicant is presently operating said distribution system and distributing low B. t. u. manufactured gas in that community. Because of the high cost of making such gas and the large investment that would be required to repair and maintain the existing gas manufacturing facilities, Applicant proposes to convert from the uneconomical distribution of manufactured gas to the more advantageous distribution of natural gas in Greenfield. For that purpose, Applicant proposes to construct and operate approximately 22 miles of 6-inch transmission pipeline extending from a connection with Tennessee's existing 6-inch lateral near Northhampton, Massachusetts, to a proposed meter and regulator station in the community of Greenfield. In addition, Applicant also proposes to serve customers along the route of its proposed 6-inch pipeline including the towns of Whately, South Deerfield and Old Deerfield, which are within its franchise area.

After conversion from manufactured to natural gas, Applicant proposes to convert the present manufactured gas facilities to high B. t. u. oil gas for peak-shaving and stand-by use.

Based on a survey of existing and potential customers in the Greenfield service area, Applicant estimates the natural gas requirements as follows:

Type of service	Requirements in Mcf									
	1959		1960		1961		1962		1963	
	Annual	Peak day	Annual	Peak day	Annual	Peak day	Annual	Peak day	Annual	Peak day
Residential	32,700	112	34,300	118	36,700	126	38,400	132	40,400	138
Residential heat	26,900	281	36,800	382	49,700	519	63,500	673	75,100	782
Commercial	23,400	165	25,700	186	27,200	199	30,000	219	32,400	238
Industrial	67,600	264	67,600	264	67,600	264	67,600	264	67,600	264
Indus. interruptible	155,400		182,600		223,800		270,100		303,500	
Company use and lost	12,200	33	14,000	38	16,200	44	19,000	51	21,000	57
Total	318,200	855	361,000	988	421,200	1,152	488,900	1,339	540,000	1,479

To meet these requirements, Applicant requests an allocation of 1479 Mcf per day from Tennessee, its estimated fifth year requirement.

Applicant states that converting the Greenfield distribution operation to natural gas will result in a definite reduction in rates to all customers. The present rates for 530 B. t. u. manufactured gas range from $6.05 per Mcf for residential general service to $2.68 per Mcf for firm industrial service. The rates which Applicant proposes to charge for 1000 B. t. u. natural gas range from $3.50 per Mcf for residential service to 53 cents per Mcf for interruptible industrial service.

Applicant estimates the total capital cost of constructing its proposed facilities at $420,000 plus $54,000, for conversion of customers' appliances.

On May 2, 1958, Tennessee filed its answer to the application herein, stating that it believes it will be able to deliver the relatively small volumes of natural gas requested by Applicant without impairing its ability to meet its contractual obligations to other customers. However, Tennessee states that due to the uncertainties regarding rates caused by the "Memphis decision" it is willing to enter only into short-term service agreements with new as well as existing customers for additional quantities of gas. Therefore, Tennessee and Applicant have entered into a short-term contract dated April 30, 1958, providing for the delivery of a maximum of 838 Mcf per day to Applicant, which is approximately its first year requirement for a period ending November 1, 1959. On May 8, 1958, Tennessee filed a supplement to its answer, stating that it is willing to render the service requested by Applicant, provided that the "gas sales contract referred to above is accepted for filing by the Commission as an initial rate schedule and hence not subject to suspension".

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application filed herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4261; Filed, June 5, 1958; 8:46 a. m.]

[Docket No. G-15179]

F. A. CALLERY, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

F. A. Callery, Inc., et al. (Callery), on May 5, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 2, 1958.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 6 to Callery's FPC Gas Rate Schedule No. 1.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Callery cites the contract provision providing for the increased price which Callery states resulted from arm's-length bargaining. Callery also states that the pricing provisions are really an installment method for payment of the contract rate over the 20-year contract term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Callery's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Callery's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12682.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4262; Filed, June 5, 1958; 8:46 a. m.]

[Docket No. G-15180]

HUMBLE OIL AND REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

Humble Oil and Refining Company (Humble) on May 5, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Letter,[2] dated July 25, 1957. (2) Letter,[3] dated July 29, 1957. (3) Notice of Change, dated April 25, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 7 to Humble's FPC Gas Rate Schedule No. 35. (2) Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 35. (3) Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 35.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Humble states that the proposed price is reasonable and in line with going prices in the area and cites other prices ranging from 22.5 cents to 23.9 cents per Mcf (initial service rates). Humble also states that the proposed price was agreed upon by experienced parties after arm's-length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 7, 8 and 9 to Humble's FPC Gas Rate Schedule No. 35, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 7, 8 and 9 to Humble's FPC Gas Rate Schedule No. 35.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 5, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4263; Filed, June 5, 1958; 8:46 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. 13609.

[2] Parties agree to redetermination of base rate from 20.6 cents to 21.2 cents per Mcf.

[3] Buyer's acknowledgement and clarification of seller's letter dated July 25, 1957.

[Docket No. G-14877]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that Pacific Northwest Pipeline Corporation (Applicant) a Delaware corporation with its principal place of business in Salt Lake City, Utah, filed an application on April 14, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities for the sale and delivery of natural gas as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a tap on its existing 12-inch Lewiston-Clarkston lateral located about 1700 feet south of Endicott, Whitman County, Washington, together with metering and regulating facilities to enable it to sell and deliver natural gas to Eastern Washington Natural Gas Company, Inc. (Eastern Washington) for resale in and around Endicott.

The application states that Eastern Washington is an existing customer of Applicant at Ritzville, Washington, and has obtained a franchise from the town of Endicott and a certificate from the Washington Public Service Commission authorizing it to construct and operate a natural gas distribution system in and around Endicott. Eastern Washington will construct about 1700 feet of transmission line to bring the gas south from Applicant's pipeline to the town of Endicott. Applicant estimates the natural gas requirements for the first three years of service to Endicott to be as follows:

Years of service	1	2	3
Peak day (Mcf)	20	70	[illegible]
Annual (Mcf)	2,420	8,740	[illegible]

Applicant states that the proposed sale and delivery of the relatively small volume of firm gas as proposed herein would have no appreciable effect on its gas reserves nor its ability to serve existing customers. No additional main line capacity is required to serve the quantity of gas involved.

The total estimated cost of Applicant's proposed facilities to render service to Eastern Washington is $11,790.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 8, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4264; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G-9385 etc.]

AMERADA PETROLEUM CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 2, 1958.

In the matter of Amerada Petroleum Corporation, Docket Nos. G-9385, G-10999, G-11882, G-11883, G-12882, G-13401, G-13897, G-13899, G-13900, G-13916, G-14421, G-14618; Amerada Petroleum Corporation (Operator) et al., Docket No. G-13901.

Upon consideration of the motion filed May 21, 1958, by Counsel for Amerada Petroleum Corporation for postponement of the hearing now scheduled for June 23, 1958 in the above-designated matters;

The hearing now scheduled for June 23, 1958, is hereby postponed to September 23, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–4265; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G–14801]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that the Manufacturers Light and Heat Company (Applicant) a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority:

(1) To construct and operate approximately 5.6 miles of 26-inch replacement gas transmission pipeline between Applicant's Hickory Gate Nest and its Primrose Nest in Washington county, Pennsylvania, near Pittsburgh.

(2) To abandon a 5.6 mile section of its 20-inch transmission line No. 1 which would be replaced by the proposed 26-inch line.

The application states that Applicant's existing line No. 1 together with its 12-inch line No. 135 serves to carry gas from the Hickory Gate Nest to the Primrose Gate Nest serving markets along the Ohio River principally in the Pittsburgh area. The area concerned in this application is served principally by lines No. 1 and No. 135. It lies along the Ohio River between Pittsburgh, Pennsylvania and Weirton, West Virginia, and includes more than 50,000 customers in 73 communities in Pennsylvania, Ohio and West Virginia.

Applicant estimates that the market requirements for this area will exceed by 18,900 Mcf per day the 1958–1959 maximum day capacity. The present 20-inch line No. 1 is leaky and has a pressure limitation of 200 pounds. The proposed new 26-inch line will be capable of carrying over 200 psia and will enable Applicant to meet expected deliveries on this portion of its system at least through the 1959–1960 winter, thereby enabling Applicant to keep pace with the growing requirements of this particular service area. No service will be abandoned as a result of the abandonment of facilities as proposed herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 8, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–4267; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G–13734]

PHILLIPS PETROLEUM CO.

ORDER DENYING MOTION FOR DISMISSAL OF FILING AND AMENDING ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

On October 21, 1957, Phillips Petroleum Company (Phillips), tendered for filing a proposed change in rate which was designated Supplement No. 11 to its Rate Schedule No. 10 and pertained to sales of natural gas to El Paso Natural Gas Company (El Paso). Phillips stated that it was filing for a favored-nations increase which had been triggered by an increase filed by Warren Petroleum Corporation (Operator), et al., for gas sold to El Paso in Lea County, New Mexico, and which had been suspended in Docket No. G–12767 by the Commission until November 22, 1957, by order issued June 20, 1957.

By Commission order issued November 20, 1957, Phillips' proposed increased rate was suspended in Docket No. G–13734 effective November 22, 1957, until April 22, 1958.

On February 3, 1958, El Paso formally protested the continuation of the suspension in Docket No. G–13734 and urged that Phillips' filing be dismissed and the proceedings terminated. In support of the protest El Paso invited the Commission's attention to a letter by Warren dated December 2, 1957, and submitted to the Commission asking permission to withdraw its filing suspended in Docket No. G–12767. The Commission, by order issued December 31, 1957, permitted Warren to withdraw the filing and file a superseding change which would have no "triggering" effect upon Phillips' contract with El Paso.

On February 28, 1958, Phillips filed with the Commission an answer to El Paso's formal protest reciting that by order of the Commission issued July 12, 1957, in Docket No. G–12841 a proposed increased rate tendered by Sun Oil Company (Sun) was suspended until December 14, 1957. This filing pertained to sales of natural gas to El Paso and was made effective as of December 14, 1957, upon Sun's filing an undertaking and agreement in accordance with the Commission's order issued January 16, 1958. The amount of Sun's increase in rate is identical on a percentage basis to the increase in rate contained in the Phillips' increase in rate suspended in Docket No. G–13734. Phillips further stated that the Sun increase has triggered its contract with El Paso and that therefore El Paso's request for termination of its filing should be denied.

The Commission finds:

(1) That the order for hearing and suspending proposed change in rates issued November 21, 1957, in Docket No. G–13734 should be amended to: (i) change the effective date of the proposed change in rates from November 22, 1957, to December 14, 1957; and (ii) change the termination of the suspension period from April 22, 1958, until May 14, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(2) That the motion by El Paso to dismiss Phillips' filing in, and to terminate the proceedings in Docket No. G–13734 should be denied.

The Commission orders:

(A) That the order for hearing and suspending proposed change in rates issued November 21, 1957, in Docket No. G–13734 is hereby amended to: (i) Change the effective date of the proposed change in rates from November 22, 1957, to December 14, 1957; and (ii) change the termination of the suspension period from April 22, 1958, until May 14, 1958, and until such other time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) That the motion by El Paso to dismiss Phillips' filing in, and to terminate the proceedings in Docket No. G–13734, is hereby denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–4268; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G–9520 etc.]

GULF OIL CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 2, 1958.

In the matters of Gulf Oil Corporation, Docket Nos. G–9520, G–11106, G–11335, G–11442, G–11443, G–11444, G–11847, G–12315, G–12634, G–12955, G–12956, G–13495, G–13518, G–13519, G–13526, G–13581, G–13772, G–13841, G–

13983, G-13984, G-14092, G-14262, G-14410, G-14416; Gulf Oil Corporation (Operator) et al., Docket Nos. G-11851, G-13100, G-13494.

Upon consideration of the motion filed May 23, 1958, by Counsel for Gulf Oil Corporation for postponement of the hearing now scheduled for July 7, 1958, in the above-designated matters;

The hearing now scheduled for July 7, 1958, is hereby postponed to November 17, 1958, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4266; Filed, June 5, 1958; 8:47 a. m.]

[Docket No. G-15177]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 2, 1958.

Sunray Mid-Continent Oil Company (Sunray) on May 5, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 30, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 135.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Sunray mentions arm's-length bargaining, and states that the proposed rate is in line with the market value of gas in the area, and that the value of the gas is 51 cents per Mcf based upon prices of crude oil and Btu values.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 135 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 135.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR Ch. I).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4269; Filed, June 5, 1958; 8:48 a. m.]

[Docket No. G-14955]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that Hope Natural Gas Company (Applicant), a West Virginia corporation, having its principal place of business in Clarksburg, West Virginia, filed an application on April 22, 1958, for permission and approval to abandon natural gas facilities, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the following described facilities:

(1) Centerville Compressor Station located in Tyler County, West Virginia and consisting of two 500 horsepower gas driven compressor units.

(2) Coburn Compressor Station located in Wetzel County, West Virginia consisting of two 165 horsepower gas driven compressor units.

(3) Five 400 horsepower gas driven compressor units at its Marts Compressor Station located in Harrison County, West Virginia.

The application states that the above-described facilities were used to compress locally produced gas in fields that are now practically depleted.

The application further states that the engines at the Centerville station were purchased in 1917 and have become obsolete. The station itself has not been operated for the past three years. The Coburn Station facilities were first used by Applicant in 1926 when the station was purchased from Carter Oil Company. This station also has not been operated for over three years. At the Marts Station a small volume of field gas from the area surrounding the station is still being gathered and pumped to Applicant's Hastings Station. However, one remaining 500 horsepower unit at Marts Station will be adequate to continue the service required. The five engine units proposed to be abandoned are now obsolete, having been purchased in 1911.

Applicant states that the field lines formerly feeding both Centerville and Coburn stations are now connected into suction lines of nearby stations so that any remaining gas supplies in fields to which these stations are attached, are still available to Applicant. No abandonment or curtailment of any service will result from the proposed abandonment of facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 1, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4270; Filed, June 5, 1958; 8:48 a. m.]

[Docket No. G-14918]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1958.

Take notice that on April 18, 1958, Northern Natural Gas Company (Applicant) filed in Docket No. G-14918 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and continued operation of an existing tap and appurtenances in Dakota County, Minnesota, south of Minneapolis, on Applicant's 16-inch main transmission line in order to render firm retail natural gas service directly to the Valley Highlands Housing Addition for residential purposes, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The cost of the subject facilities was $7,100, and the estimated natural gas requirements for the first and third years of service to the housing addition are:

	First year	Third year
Annual (Mcf)	4,980	9,960
Peak day (Mcf)	48	96

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1958, at 9:30 a. m., e. d. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4271; Filed, June 5, 1958; 8:48 a. m.]

[Projects Nos. 177, 682]

FLORIDA POWER CORP.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSES

JUNE 2, 1958.

Public notice is hereby given that Florida Power Corporation, of St. Petersburg, Florida, has filed applications under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the licenses for water-power Projects Nos. 177, located on the Oklawaha River in Marion County, Florida, and 682, located on the Ochlockonee River in Gadsden and Leon Counties, Florida. The applications seek amendment of the licenses to change the language of the amortization reserve provision inserted in the licenses pursuant to section 10 (d) of the act to conform with that presently included by the Commission in licenses for such projects.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is July 2, 1958. The applications are on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4272; Filed, June 5, 1958; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32417]

HUDSON & MANHATTAN RAILROAD CO.

NEW JERSEY INTRASTATE PASSENGER FARES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 29th day of May A. D. 1958.

It appearing that by petition filed April 24, 1958, with the Interstate Commerce Commission, Herman T. Stichman, Trustee of the Hudson & Manhattan Railroad Company, a common carrier operating an interurban rapid transit electric railroad transporting passengers between and with the States of New York and New Jersey, seeks authority to increase its local passenger fare from 12 cents to 15 cents for rides, in either direction, between any two of the following stations in the State of New Jersey: Exchange Place (Jersey City), Grove and Henderson Streets (Jersey City), Journal Square (Jersey City), Erie (Jersey City), and Hoboken; and that the Board of Public Utility Commissioners of the State of New Jersey answered the petition by letter, dated May 14, 1958, which has been considered;

It further appearing that on August 20, 1957, the Hudson & Manhattan Railroad Company filed tariffs with the Interstate Commerce Commission for an increase in local interstate fares from 20 cents to 25 cents; with the New York Public Service Commission for an increase in the New York intrastate fares from 10 cents to 15 cents, and with the Board of Public Utility Commissoners of the State of New Jersey for an increase in New Jersey intrastate fares from 10 cents to 15 cents; that the tariffs filed with this Commission and the New York Commission went into effect without suspension and without hearing, but on August 27, 1957, the New Jersey Board ordered suspension of the proposed increase in the New Jersey fares. On March 12, 1958, the New Jersey Board authorized an increase in petitioner's New Jersey intrastate fare to 12 cents, but refused to approve the 15 cent rate. Petitioner avers that by reason of the increased interstate fares, the intrastate fare now in effect causes undue, unreasonable and unjust discrimination against and imposes undue burden upon interstate commerce in violation of section 13 (4) of the Interstate Commerce Act;

And it further appearing that there has been brought in issue by the said petition passenger fares made or imposed by authority of the State of New Jersey:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held for the purpose of giving the respondent hereinafter designated and any other persons interested an opportunity to present evidence to determine whether the present New Jersey local intrastate passenger fare of 12 cents made or imposed by the State of New Jersey, causes, or will cause, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act; and to determine what fares and charges, if any, or what maximum or minimum, or maximum and minimum, fares and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That the Hudson & Manhattan Railroad Company be, and it is hereby, made the respondent to this proceeding; that a copy of this order be served upon such respondent; and that the State of New Jersey be notified of this proceeding by sending copies of this order and of the said petition by registered mail to the Governor of said State and to the Board of Public Utility Commissioners of the State of New Jersey at Trenton, N. J.;

It is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on June 25, 1958, at 9:30 o'clock a. m., U. S. standard time (or 9:30 a. m. local daylight saving time, if that time is observed) at the offices of the Board of Public Utility Commissioners of New Jersey, Room 214 Newark Center Building, 1100 Raymond Boulevard, Newark, N. J., before Examiner W. J. Kane.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4274; Filed, June 5, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 3, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34728: *Gravel—Dickason Pit, Ind., to Illinois points.* Filed by Illinois Freight Association, Agent (IFA No. 10), for the Chicago & Eastern Illinois Railroad Company. Rates on gravel, road surfacing, carloads, as described in the application from Dickason Pit, Ind., to Holland and Moccasin, Ill.

Grounds for relief: Truck competition from wayside pit to jobsite.

Tariff: Supplement 100 to Chicago & Eastern Illinois Railroad Company's tariff I. C. C. 144.

FSA No. 34729: *Substituted service—Motor and rail, B&M et al.* Filed by Midwest Haulers, Inc., Agent (No. 6), for interested rail and motor carriers. Rates on general commodities, loaded in highway trailers and transported on railroad flat cars between East Cambridge, Holyoke, and Worcester, Mass., on the one hand, and Chicago and East St. Louis, Ill., Hammond and Indianapolis, Ind., Louisville, Ky., Detroit, Mich., Cincinnati, Cleveland, and Toledo, Ohio, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Midwest Haulers, Inc., tariff MF-I. C. C. 21.

FSA No. 34730: *Toluene—Aliquippa, Pa., to Chattanooga, Tenn.* Filed by O. E. Schultz, Agent (ER No. 2440), for interested rail carriers. Rates on toluene (toluol), tank-car loads from Aliquippa, Pa., to Chattanooga, Tenn.

Grounds for relief: Competition of water carriers.

Tariff: Supplement 80 to Trunk Line Territory Tariff Bureau, I. C. C. A-1079.

FSA No. 34731: *Coal—Wisconsin points to points in Minnesota.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1987), for interested rail carriers. Rates on anthracite and bituminous coal, carloads from Allouez, Ashland, Central Ave., (Superior), Itasca, Superior, Superior East End, and Washburn, Wis., to specified points in Minnesota.

Grounds for relief: Market competition with Duluth, Minn.

Tariff: Supplement 38 to Chicago and North Western Railway Company's tariff I. C. C. 4876 and other schedules listed in the application.

FSA No. 34732: *TOFC service—Class rates between St. Louis, Mo., group and points in Arkansas and Tennessee.* Filed by The St. Louis-San Francisco Railway Company for itself (No. 231). Rates on various commodities moving on class rates loaded in trailers and transported on railroad flat cars between St. Louis, Mo., and East St. Louis. Ill., on the one hand, and points in northeastern Arkansas and Memphis, Tenn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 44 to Southwestern Freight Bureau tariff I. C. C. 4274.

FSA No. 34733: *Asphalt—St. Louis, Mo., and related points to southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3674), for interested rail carriers. Rates on asphalt (asphaltum), carloads from St. Louis., Mo., East St. Louis and Wood River, Ill., groups, and intermediate points to points in southern territory.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitraries.

Tariffs: Supplement 13 to Illinois Freight Association tariff I. C. C. 880. Supplement 33 to TEA-ER tariff I. C. C. 4796.

FSA No. 34734: *Scoria or slag—Twin Mountain, N. Mex., to Kansas and Missouri points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7298), for interested rail carriers. Rates on volcanic scoria or slag, carloads from Twin Mountain, N. Mex., to points in Kansas and Missouri.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 30 to Southwestern Freight Bureau Tariff I. C. C. 4257. Supplement 37 to Southwestern Freight Bureau Tariff I. C. C. 4259.

FSA No. 34735: *Roofing and building material from Chaison and Dumont, Tex.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7299), for interested rail carriers. Rates on roofing and building material and slab roofing, carloads, from Chaison and Dumont, Tex., to Mississippi River crossings, Memphis, Tenn., and South, Helena and West Helena, Ark., and points in southern territory described in the application.

Grounds for relief: Short-line distance formulas.

Tariff: Supplement 13 to Southwestern Freight Bureau tariff I. C. C. 4264.

FSA No. 34736: *Cores—From, to and within the Southwest.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7303), for interested rail carriers. Rates on cores, printing paper and newsprint paper winding, carloads from, to, and between points in the Southwest.

Grounds for relief: Short-line distance formulas, among others.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I. C. C. 4075 and other schedules listed in the application.

FSA No. 34737: *Gravel—Cayuga, Ind., to Neoga, Ill.* Filed by Illinois Freight Association, Agent (IFA No. 11), for interested rail carriers. Rates on gravel road surfacing, screened, carloads from Cayuga, Ind., to Neoga, Ill.

Grounds for relief: Motor truck competition from wayside pit to jobsite.

Tariff: Supplement 51 to New York, Chicago and St. Louis Railroad Company's tariff I. C. C. 6210.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34727: *Cement or concrete mix—Texas points to James Spur, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 324), for interested rail carriers. Rates on cement or concrete mix, carloads from Dallas and Orange, Tex., to James Spur, Tex.

Grounds for relief: Not disclosed.

Tariff: Supplement 60 to Texas-Louisiana Freight Bureau, Agent, tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4273; Filed, June 5, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER WITHDRAWING REGISTRATION OF SECURITY ON NATIONAL SECURITIES EXCHANGE

JUNE 2, 1958.

Proceedings having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration of the common stock of Bellanca Corporation on the American Stock Exchange, a national securities exchange;

Hearings having been held after appropriate notice, the parties having waived a recommended decision by the hearing examiner and proposed findings and briefs, respondent having consented that the Division of Corporation Finance may assist in the preparation of the Commission's decision, and oral argument having been heard;

The Commission having this day issued its findings and opinion; on the basis of said findings and opinion

It is ordered, That the registration of the common stock of Bellanca Corporation on the American Stock Exchange be, and it hereby is, withdrawn, effective upon the expiration on June 8, 1958, of the Commission's outstanding order under section 19 (a) (4) of the Securities Exchange Act of 1934 suspending trading in such stock through that date.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4275; Filed, June 5, 1958; 8:49 a. m.]

[File No. 1-2113]

CABLE ELECTRIC PRODUCTS, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 2, 1958.

In the matter of Cable Electric Products, Inc. common stock; File No. 1-2113.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

American Insulated Wire Corporation has come to own over seven-eighths of the 256,047 outstanding shares and there has been no transaction in the stock on the Exchange since October 15, 1957.

Upon receipt of a request, on or before June 18, 1958, from any interested person for a hearing in regard to term to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4276; Filed, June 5, 1958; 8:49 a. m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 23 NUMBER 112

Washington, Saturday, June 7, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

WHERE APPEALS SHALL BE FILED

Effective August 5, 1958, § 22.303 *Where appeals shall be filed*, of Subpart C is revoked.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4332; Filed, June 6, 1958; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958 crop of rice. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958, is supplemented as follows:

Sec.
421.3336 Purpose.
421.3337 Availability of price support.
421.3338 Eligible rice.
421.3339 Bagged and bulk rice.
421.3340 Warehouse receipts.
421.3341 Determination of quantity.
421.3342 Determination of quality.
421.3343 Maturity of loans.
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421.3346 Settlement.

AUTHORITY: §§ 421.3336 to 421.3346 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441.

§ 421.3336 *Purpose.* Sections 421.3336 to 421.3346 state additional specific requirements which, together with the general requirements contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020) comprise the regulations governing loans and purchase agreements under the 1958-crop Rice Price Support Program.

§ 421.3337 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to eligible producers on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, except that farm-storage loans will not be available in areas of States where the State committee determines the rice cannot be safely stored on the farm.

(c) *Where to apply.* Application for rice price support must be made at the office of the county committee which keeps the farm program records for the farm. In the case of eligible cooperative marketing associations of producers, application for price support shall be made in the county where the main office of the cooperative marketing association of producers is located or in such other county as the State committee determines the application can be more expeditiously handled.

(d) *When to apply.* Loans and purchase agreements will be available from time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents referred to herein include the producer's note and loan agreement for warehouse-storage loans, the producer's note and supplemental loan agreement and the commodity chattel mortgage for farm-storage loans and the purchase agreement for purchase agreements.

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(e) *Eligible producer.* An eligible producer shall be a producer who is in compliance with the requirements for eligibility for price support prescribed in the 1958 C. C. C. Rice Bulletin A and any amendments thereto. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible rice produced by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on rice produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

(f) *Cooperative associations.* A cooperative marketing association which satisfies the requirements of this paragraph shall be deemed an eligible producer and shall be eligible for warehouse storage loans and purchase agreements: *Provided*, That warehouse storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own rice only in those States where the issuance and pledge of such warehouse receipts are valid under State law. To be eligible for price support, the association must meet the following requirements:

(1) The association must be a producer-owned and producer-controlled cooperative marketing association of producers which operates in good faith as a cooperative marketing association of producers under the control of its producer members;

(2) All rice, except seed rice, delivered to the association by producer members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer members.

(3) The major part of the rice marketed by the association must be eligible rice produced by members who are eligible producers.

(4) The association must have authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(5) The association must maintain a record by varieties, grade and milling yields of the quantities of rough rice eligible for price support under § 421.3338 acquired by or delivered to the association from each source, and such record must show the disposition of the rice. Similar records must be maintained separately for ineligible rough rice. The association must keep in inventory at all times a quantity of rough rice of the varieties, average grade and milling yield equal to its outstanding warehouse receipts. Rice stored modified commingled or identity preserved must be stored separately by lot and so kept in storage so long as receipts for such rice are outstanding.

(6) Before the association applies for price support or before December 1, 1958, whichever is earlier, the association must set aside in physically segregated storage separate from all other rough rice a quantity of each variety of rough rice of the 1958 crop equivalent in quality and quantity to the eligible rough rice of the 1958 crop which was delivered by eligible producer members and which remains undisposed of in its inventory at the time of such segregation. Eligible rough rice which is received by the association on or after the date of such segregation shall also be set aside in physically segregated storage and may be included with quantities of eligible rough rice.

(7) Price support may be obtained only on the rough rice in approved storage segregated in accordance with subparagraph (6) of this paragraph.

(8) The association shall distribute the proceeds from the disposition of all rice segregated in accordance with subparagraph (6) of this paragraph and of all eligible rice disposed of prior to the date of segregation to only the eligible producers who delivered eligible rice to the association and only on a basis which results in the proceeds being distributed proportionally to such producers according to the quantity and quality of the eligible rice delivered by each eligible producer. This provision shall not be construed to prohibit the association from establishing separate pools based on varieties, grades and qualities of the rice.

(9) Rough rice held by the association must be made available for inspection by CCC at all reasonable times so long as the association has rice under price support and the books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1964.

(10) Notwithstanding the requirement of subparagraph (1) of this paragraph that the association shall consist of producers, a cooperative marketing association, which includes in its membership other cooperative marketing associations, composed of producer members, shall be eligible for price support if its member associations meet the requirements for price support under this paragraph, except that the requirement in subparagraph (4) of this paragraph shall be deemed to be satisfied if such member associations have the right to deliver rice of its producer members to the association applying for price support and to authorize such association to sell the rice and to obtain a loan on the security of the rice and to give a lien thereon. The association applying for price support shall: (i) In its chapter, by-laws, marketing contracts or by other legal means require that its member associations meet such requirements for price support; (ii) certify to CCC that its member associations are in fact eligible for price support under such requirements; and (iii), except for the requirement that it consist of producers, otherwise qualify for price support under this paragraph.

(11) Determinations with respect to the eligibility of cooperative marketing associations of producers pursuant to this section for either warehouse-storage loans or purchase agreements, or both, shall be made by the Executive Vice President, CCC.

§ 421.3338 *Eligible rice.* Rice to be eligible for price support must meet the following requirements:

(a) The rice must have been produced in 1958 by an eligible producer on a farm on which the rice acreage allotment was not exceeded.

(b) (1) The beneficial interest in the rice must be in the eligible producer tendering the rice for loan or for purchase under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested.

(2) In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association or to member associations meeting the requirements of § 421.3337 (f) (10) and must have always been in them and former producers whom they succeeded before the rice was harvested. Rough rice and seed rice acquired by the association from producer members on which the producer members surrender any right to share proportionately in the proceeds of marketing by the association of the rice so purchased is not eligible for price support.

(3) Any producer or association in doubt as to whether the requirements of this paragraph have been fulfilled should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(c) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rice was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(d) The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(e) The rice, at the time it is placed under loan or purchased under purchase agreement, must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice); (2) contain not more than 14 percent moisture; and (3) must not contain mercurial compounds or other substances poisonous to man or animals.

(f) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State committee.

§ 421.3339 *Bagged and bulk rice.* Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(a) *Farm storage.* (1) Loans on farm-stored rice will be made on a bagged or bulk basis in accordance with the manner in which the rice is stored.

(2) Settlement with respect to farm-stored rice acquired by CCC in bulk under loan or purchase agreement shall be on the basis of the net weight of the bulk rice acquired by CCC.

(3) Settlement with respect to farm-stored rice acquired by CCC in bags under loan or purchase agreement shall be on the basis of the combined weight of the rice and bags acquired by CCC, and title to the bags shall pass with the rice. CCC shall not otherwise pay any amounts representing the value of the bags.

(b) *Approved warehouse storage.* (1) In the case of rice in approved warehouse storage, loans shall be made and rice under purchase agreement shall be acquired on a bagged or bulk basis in accordance with the manner in which the rice is to be loaded out by the warehouseman as indicated on the warehouse receipt. Therefore, if a loan is made on the basis of loading out the rice in bags, the rice must be in bags at the time of load out by the warehouseman and, if a loan is made on the basis of loading out the rice in bulk, the rice must be in bulk at the time of load out by the warehouseman.

(2) Settlement with respect to rice in approved warehouse storage which the warehouseman is required to load out in bulk shall be on the basis of the net weight of bulk rice acquired by CCC under loan or purchase agreements.

(3) Settlement with respect to rice in approved warehouse storage, acquired by CCC under loans or purchase agreements, which the warehouseman is required to load out in bags shall be on the basis of the combined weight of the rice and bags, and title to the bags shall pass with the rice, except that, if the rice is not in bags at the time of acquisition by CCC title to the bags shall pass to CCC at the time of load out. CCC shall not otherwise pay any amounts representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

§ 421.3340 *Warehouse receipts.* (a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in any holder, and must be issued by an approved warehouse as defined in § 421.3006 (b). The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags (sacks), and whether the rice is to be delivered in bulk or in bags (sacks). Under the uniform rice storage agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity preserved" or "modified commingled." In the case of rice stored identity preserved, the warehouseman is not a guarantor but is required to load out the identical rice for which the warehouse receipt was issued. In the case of rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice is stored in one lot, the identity of which the warehouseman is required to maintain. The warehouse receipts or accompanying supplemental certificates representing rice stored modified commingled shall contain the following statement:

> Modified commingled means the storage or handling of rice in bulk or in bags by commingling in one lot rice of a single class and of a similar grade and quality, in such manner that rice actually deposited in that lot prior to a sample being drawn for quality determination, and no other, may be delivered to the holder of each warehouse receipt issued with respect to such rice.

(b) If the receipt is issued for rice of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

(c) In order to be acceptable as security for a warehouse-storage loan, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured to the extent required by CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. Insurance on commingled and modified-commingled rice must be obtained by the warehouseman. Insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance on identity-preserved rice is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for rice represented by warehouse receipts to be purchased under the purchase agreement program.

(d) A supplemental certificate will be required to be executed in duplicate when all of the following information is not contained in the warehouse receipt or inspection certificate: Variety, grade, grade factors, milling yield, moisture, gross and net weight, method of storage, manner in which the rice will be delivered (bulk or bagged), and manner by which the rice was received. When required, the supplemental certificate (completed for all items) shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified-commingled rice and by the producer for identity-preserved rice.

(e) When the warehouse receipt represents identity-preserved rice, the producer's responsibility will be the same as stated in § 421.3015 for farm-stored rice. The producer's responsibility for modified-commingled rice shall be the same as stated in § 421.3015 for farm-stored rice except that he shall not be responsible for the quantity.

(f) A separate warehouse receipt must be submitted for each class or variety, grade, and milling yield of rice.

(g) Warehouse receipts covering rice which is in approved warehouse storage on or before the maturity date for loans which is to be placed under loan or acquired by CCC under purchase agreement must carry an endorsement by the warehouseman in substantially the following form:

> Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags (sacks), the warehouseman agrees that any and all right, title, and interest which he has in such bags (sacks) shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out, if the rice is not in bags at the time of acquisition by CCC.

(h) The warehouse receipt shall not contain any statement indicating that the quantity is subject to a shrinkage factor.

§ 421.3341 *Determination of quantity.* (a) Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded except in the case of loans made on the basis of commingled warehouse receipts the exact weight shown on the warehouse receipt shall be used. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan shall be determined on the basis of weight. Determination of the quantity of rice delivered under a farm-storage loan, or for making settlement on an identity-preserved warehouse-storage loan or under a purchase agreement shall be on the basis of weight.

(b) In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used. When necessary to convert bagged rice to a bulk basis or bulk rice to a bagged basis, an adjustment of 0.6 pound for 100 pounds of gross weight shall be made as allowance for the weight of the bag.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of 36 pounds:

For rice testing:	*Percent*
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

The percentages shall be proportionately lower for rice testing below 40 pounds.

(d) In the case of commingled rice, loans will be made and settlement with the producer will be made on 100 percent of the quantity of the rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, loans will be made on 95 percent of the quantity of rice determined in accordance with this section, and the determination of quantity for settlement purposes will be made on the basis of the actual quantity acquired by CCC, except that in the case of rice stored modified commingled, settlement with the producer will be made on the basis of 100 percent of the quantity shown on the warehouse receipt or the supplemental certificate.

(e) In the case of rice under purchase agreement, the producer shall, at the time he notifies the county committee of his intention to sell rice to CCC, specify the quantity of each class or variety of rice included in the total quantity to be sold.

§ 421.3342 *Determination of quality.* (a) The class, grade, grade factors, milling yield and all quality factors for price support purposes shall be determined in accordance with the methods set forth in the Official United States Standards for Rough Rice.

(b) In the case of commingled rice, loans will be made and settlement with the producer, either on loans or purchase agreements, will be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on the official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the county committee for each lot of rice at the time application is made for the loan, and settlement with the producer, both with respect to loans and purchase agreements, will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date for loans, and submitted by the producer in accordance with the settlement provisions of this bulletin. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the acquisition of rice by CCC will be for the account of the producer.

§ 421.3343 *Maturity of loans.* Unless demand is made earlier, loans on rice will mature on March 16, 1959.

§ 421.3344 *Support rates.* Loans and purchases under purchase agreement will be made at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate per 100 pounds of rough rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE[1]

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark)		
II	Blue Bonnet, Nira and Rexark		
III	Century Patna, Toro, Fortuna, R. N. and Edith		
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude, Lady Wright and Nato		
V	Pearl, Calrose, Early Prolific, Calady, and other varieties		

[1] The value factors will be published as an amendment to this section shortly after August 1, 1958.

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

Grade U. S. No. 1: Premium of 20 cents per 100 pounds.
Grade U. S. No. 2: Premium of 10 cents per 100 pounds.
Grade U. S. No. 3: Discount of 5 cents per 100 pounds.
Grade U. S. No. 4: Discount of 20 cents per 100 pounds.
Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however,* That such location differentials shall not apply to rice produced in these areas if the rice is transported to a rice producing area where no location differential is applicable and is there placed under loan or delivered to CCC under a purchase agreement:

Area:	*Discount per 100 pounds*
State of Florida	$0.97
States of South Carolina and North Carolina	.94
Counties of Lafayette, Little River, and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana	.42
Imperial County, California, and adjacent counties in Arizona and California	.96
Counties of Holt, Lincoln, Marion, Pike, and St. Charles in Missouri, and Adams in Illinois	.60

§ 421.3345 *Warehouse charges.* (a) CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer on rice stored in an approved warehouse on or before loan maturity date prior to acquisition by CCC and acquired by CCC in such approved storage.

(b) CCC will assume receiving charges on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered under the price support program after loan maturity date to an approved warehouse for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(c) CCC will assume warehouse-storage charges accruing on and after the day following the loan maturity date on rice which is in approved warehouse storage on the maturity date for loans and acquired by CCC under a warehouse-storage loan, or under a purchase agreement.

(d) CCC will assume warehouse-storage charges from and after the date of completion of deposit of the rice in the warehouse on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered from other than approved warehouse storage under the price support program to an approved warehouse after loan maturity date for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(e) Fees for inspection and weighing and any special charges assessed by the warehouseman shall be for the account of the producer.

§ 421.3346 *Settlement*—(a) *Farm-storage loans.* (1) For settlement on loans on farm-stored rice the producer shall, at his own expense at the time of delivery of the rice, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of delivery to CCC of the rice, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under farm-storage loan, or, where applicable, the commingled receipt for rice originally covered by a farm-storage loan, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipts, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery the rice contains mercurial compounds or other substances poisonous to men or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.

(3) If rice, placed under farm-storage loan in an area where a location differential is in effect, is delivered to CCC by the producer in satisfaction of the loan in a rice producing area where no location differential is applicable, settlement will be made on the basis of the applicable support rate for the area where the rice is delivered.

(b) *Identity-preserved warehouse-storage loans.* (1) For settlement on loans on identity-preserved warehouse stored rice not repaid by maturity, the producer shall, at his own expense and within 10 days after maturity, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition by CCC of rice covered by an identity-preserved warehouse-storage loan, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of rice covered by an identity-preserved warehouse-storage loan, the producer will not be required to furnish lot inspection and weight certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under identity-preserved warehouse-storage loan, or, where applicable, the commingled receipt for rice originally stored identity-preserved, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled receipt, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.

(c) *Modified-commingled warehouse-storage loans.* (1) For settlement on loans on modified-commingled warehouse-storage rice not repaid by maturity, the producer shall at his own expense and within 10 days after maturity, furnish to the county committee a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date, covering the lot of rice acquired by CCC which must have been taken from the modified-commingled lot against which the warehouse receipt representing the rice under loan was issued. Settlement on such loans shall be made at the applicable support rate for the grade and quality of rice as shown on the inspection certificate and for the quantity shown on the warehouse receipt. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition of the rice by CCC, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of any lot of rice covered by a modified-commingled warehouse-storage loan, the producer will not be required to furnish lot inspection certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under modified-commingled warehouse-storage loan, or, where applicable, the commingled warehouse receipt for rice originally stored modified commingled, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection certificate, or commingled receipt, is delivered

to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided, further,* That if upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.

(d) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and accompanying documents.

(e) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the rice to CCC. However, he may sell to CCC any quantity of eligible rice not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the rice to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date specified in § 421.3343 or such earlier date as may be prescribed by the Executive Vice President, CCC.

(2) In the case of eligible rice stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of rice he elects to sell to CCC. In the case of eligible rice stored in other than approved warehouse storage, or stored identity-preserved or modified commingled in approved warehouse storage, the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain rice stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of rice covered by a purchase agreement, occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the rice is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the rice is going out of condition or is in danger of going out of condition and that the rice cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the rice to be of an eligible grade, settlement, when delivery is completed, shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(4) Eligible rice sold to CCC under a purchase agreement will be purchased at the applicable support rate for the grade and quality of the rice sold. CCC will accept modified commingled warehouse receipts under the purchase agreement program only when the entire quantity of rice in the modified commingled lot against which the warehouse receipt was issued, is delivered to CCC in a single unit. Otherwise, rice so stored must be removed from such storage and, if the producer desires to deliver warehouse receipts to CCC under the sale, new warehouse receipts representing the lot to be sold must be obtained from an approved warehouse. Where the rice sold to CCC is represented by modified commingled warehouse receipts, the producers shall, at their expense, furnish to the county committee at the time of sale Federal or Federal-State lot inspection certificates covering the entire quantity of rice in the modified-commingled lot issued on a single date not earlier than 30 days prior to the applicable maturity date for loans and settlement with each producer will be made at the applicable support rate for the quality of rice shown on such inspection certificates and the quantity of rice shown on the warehouse receipt. Where the rice sold is represented by an identity-preserved warehouse receipt or is physically delivered to CCC, the producer shall, at his expense, furnish to the county committee at the time of sale official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date for loans and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on such weight and inspection certificates. Where the rice sold is represented by commingled warehouse receipts, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(5) Where rice of an ineligible quality is inadvertently accepted by CCC, such rice shall be sold by CCC in order to determine its market price, and the settlement value shall not be less than such sales price. Where the rice contains mercurial compounds or other substance poisonous to man or animals and is inadvertently accepted by CCC such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery. Nothing contained in this section shall be construed to waive or modify any right of CCC or of the United States arising out of the pledge for a loan or the sale under a purchase agreement of rice containing a mercurial compound or other substance poisonous to man or animals.

(f) *Storage payment where CCC is unable to take delivery of rice stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rice stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rice within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rice to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rice is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rice to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after maturity and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of 2½ cents per cwt. for each 30 days or fraction thereof for the eligible rice accepted for delivery by CCC.

(g) *Weight or inspection certificates.* In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement on loans, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer.

Done at Washington, D. C., this 3d day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-4347; Filed, June 6, 1958; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR NECTARINES[1]

On April 26, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2804) regarding a proposed revision of United States Standards for Nectarines.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Nectarines are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

Sec.	
	GRADES
51.3145	U. S. Fancy.
51.3146	U. S. Extra No. 1.
51.3147	U. S. No. 1.
51.3148	U. S. No. 2.
	UNCLASSIFIED
51.3149	Unclassified.
	TOLERANCES
51.3150	Tolerances.
	APPLICATION OF TOLERANCES
51.3151	Application of tolerances.
	STANDARD PACK
51.3152	Standard pack.
	DEFINITIONS
51.3153	Mature.
51.3154	Well formed.
51.3155	Clean.
51.3156	Injury.
51.3157	Damage.
51.3158	Badly misshapen.
51.3159	Serious damage.

AUTHORITY: §§ 51.3145 to 51.3159 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.3145 *U. S. Fancy.* "U. S. Fancy" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from injury caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pits, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John Rivers variety each nectarine shall show some blushed or red color. In the case of other varieties each nectarine shall have not less than one-third of its surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3146 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pits, scars, russeting, other disease, insects, or mechanical or other means.

(a) In the case of the John Rivers variety at least 50 percent of the nectarines in any lot shall show some blushed or red color. In the case of other varieties at least 75 percent of the nectarines in any lot shall show some blushed or red color including therein at least 50 percent of the nectarines with not less than one-third of the fruit surface showing red color characteristic of the variety. (See § 51.3150.)

§ 51.3147 *U. S. No. 1.* "U. S. No. 1" consists of nectarines of one variety which are mature but not soft or overripe, which are well formed, clean, and free from decay, broken skins which are not healed, worms, worm holes, and free from damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pits, scars, russeting, other disease, insects, or mechanical or other means.

(a) At least 75 percent of the nectarines in any lot shall show some blushed or red color, except that there are no color requirements for nectarines of the John Rivers variety in this grade. (See § 51.3150.)

§ 51.3148 *U. S. No. 2.* "U. S. No. 2" consists of nectarines of one variety which are mature but not soft or overripe, which are not badly misshapen, which are clean and free from decay, broken skins which are not healed, worms, worm holes, and free from serious damage caused by bruises, growth cracks, hail, sunburn, sprayburn, scab, bacterial spot, scale, split pits, scars, russeting, other disease, insects, or mechanical or other means.

(a) There are no color requirements for nectarines in this grade. (See § 51.3150.)

UNCLASSIFIED

§ 51.3149 *Unclassified.* "Unclassified" consists of nectarines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3150 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U. S. Fancy, U. S. Extra No. 1 and U. S. No. 1 grades*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the specified grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for nectarines affected by decay.

(2) *For color*—(i) *U. S. Fancy grade.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade.

(ii) *U. S. Extra No. 1 grade.* In the case of the John Rivers variety individual containers may have not less than 40 percent of the nectarines showing some blushed or red color: *Provided,* That the entire lot averages not less than 50 percent of the nectarines showing this color. In the case of other varieties individual containers may have not less than 65 percent of the nectarines showing some blushed or red color including therein not less than 40 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety: *Provided,* That the entire lot averages not less than 75 percent of the nectarines showing some blushed or red color, including therein not less than 50 percent of the nectarines having at least one-third of the fruit surface showing red color characteristic of the variety.

(iii) *U. S. No. 1 grade.* Except for the John Rivers variety individual containers may have not less than 65 percent of the nectarines showing some blushed or red color: *Provided,* That the entire lot averages not less than 75 percent of the nectarines showing this color.

(b) *U. S. No. 2 grade*—(1) *For defects.* 10 percent for nectarines in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for nectarines affected by decay.

APPLICATION OF TOLERANCES

§ 51.3151 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than one nectarine which

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

is soft or affected by decay shall be permitted in any package.

STANDARD PACK

§ 51.3152 *Standard pack.* (a) Nectarines shall be fairly uniform in size and shall be packed in boxes, lugs, crates, cartons or baskets and arranged according to the approved and recognized methods. All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising resulting from overfilling. The nectarines in the shown face shall be reasonably representative in size, color and quality of the contents of the container. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) When packed in closed containers, the size shall be indicated by marking the container with the numerical count, the pack arrangement, or the minimum diameter or minimum and maximum diameters in terms of inches and not less than one-eighth fractions of inches.

(c) Boxes, lugs or cartons: (1) The number of nectarines packed in a box or lug shall not vary more than 4 from the number indicated on the container.

(2) Nectarines packed in containers equipped with cell compartments, molded trays, or paper cups shall be of the proper size for the cells, molds or cups in which they are packed.

(d) Four-basket crates: (1) The size of nectarines packed in four-basket crates shall be indicated as follows: 3 x 4, 3-4 x 4, 3-4 x 5, 4 x 4, etc., in accordance with the arrangement in the top layer of the basket. These packs shall not be more than three layers deep.

(2) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way, than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer or may be one row less one way than the arrangement of the top layer. Straight, offset and diagonal packs in the layers are permitted.

(e) Baskets: Nectarines packed in U. S. standard half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the nectarines within the baskets when lidded.

(f) "Fairly uniform in size" means that not more than 5 percent of the nectarines vary in diameter more than is permitted for the applicable size of fruit and type of container as shown in the following table:

TABLE I

Type of container	Size	Variation permitted in diameter
Four-basket crates	All	¼ inch.
California Peach Box.	80 or smaller	¼ inch.
Do	75 or larger	⅜ inch.
Lugs	85 or smaller	¼ inch.
Do	80 or larger	⅜ inch.
Other containers	2 inches diameter or smaller.	¼ inch.
Do	Over 2 inches to 2¾ inches diameter.	⅜ inch.
Do	Over 2¾ inches diameter.	½ inch.

(g) Minimum size: When size is indicated in terms of minimum diameter not more than 5 percent, by count, of the fruit in any container may be smaller than the size marked.

(h) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(i) Tolerances: In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for Standard Pack.

DEFINITIONS

§ 51.3153 *Mature.* "Mature" means that the nectarine has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.3154 *Well formed.* "Well formed" means that the nectarine has the shape characteristic of the variety and that the appearance is not materially affected by bumps or other roughness.

§ 51.3155 *Clean.* "Clean" means that the fruit is practically free from dirt or other foreign material.

§ 51.3156 *Injury.* "Injury", unless otherwise specifically defined in this section, means any defect which more than slightly affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-eighth inch in length;[2]

(b) Hail when the skin has been broken or the injury is more than superficial and the aggregate area exceeds that of a circle one-fourth inch in diameter;[2]

(c) Sunburn, or sprayburn when the normal color of the nectarine is more than slightly changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle one-fourth inch in diameter;[2]

(e) Scale when more than 1 large scale or more than three scales of any size are present;

(f) Split pit when causing any crack which is unhealed or readily apparent, or when more than slightly affecting the shape of the nectarine;

(g) Scars when not light in color, when not smooth, when having appreciable depth or when the aggregate area exceeds that of a circle one-fourth inch in diameter; and,[2]

(h) Russeting when the aggregate area exceeds 10 percent of the surface of nectarines of the Quetta or Freedom varieties of 5 percent of the surface of nectarines of other varieties.

§ 51.3157 *Damage.* "Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when deep or not well healed, or when well healed and shallow and more than 1 in number or more than one-fourth inch in length;[2]

(b) Hail when the skin has been broken and the injury is not well healed, or when well healed and the aggregate area exceeds that of a circle one-fourth inch in diameter,[2] or when the injury is superficial and the aggregate area exceeds that of a circle three-eighths inch in diameter;[2]

(c) Sunburn or sprayburn when the normal color of the nectarine is materially changed;

(d) Scab or bacterial spot when cracked or when the aggregate area exceeds that of a circle three-eighths inch in diameter;[2]

(e) Scale when 5 or more scales are concentrated, or when scales are scattered and their aggregate area exceeds that of a circle one-fourth inch in diameter;[2]

(f) Split pit when causing any crack which is unhealed or readily apparent, or when affecting shape to the extent that the nectarine is not well formed;

(g) Scars which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are dark, rough or deep when the aggregate area exceeds that of a circle one-fourth inch in diameter;[2]

(2) Scars which are fairly light in color, fairly smooth or of slight depth when the aggregate area exceeds that of a circle five-eighths inch in diameter;[2] and,

(3) Scars which are light in color, smooth and have no depth when the aggregate area exceeds that of a circle three-fourths inch in diameter;[2]

(h) Russeting when the aggregate area exceeds 15 percent of the surface of nectarines of the Quetta or Freedom varieties or 10 percent of the surface of nectarines of other varieties.

§ 51.3158 *Badly misshapen.* Badly misshapen" means that the nectarine is so decidely deformed that its appearance is seriously affected.

§ 51.3159 *Serious damage.* "Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the nectarine. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Growth cracks when deep or not well healed, or when well healed and seriously affecting the appearance or the shipping quality of the nectarine;

(b) Hail when the skin has been broken and is not well healed, or when

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[2] Areas of circles or lengths of cracks specified are applicable to a 4 x 4 size nectarine having a diameter of 2 inches. Correspondingly lesser or greater areas shall be allowed on smaller or larger nectarines.

well healed and the affected tissue extends more than one-fourth inch below the surface, or when the injury is superficial and the aggregate area exceeds that of a circle three-fourths inch in diameter; [2]

(c) Sunburn or sprayburn when extending into the flesh or when changing the normal color on more than one-fourth of the surface of the nectarine;

(d) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle three-fourths inch in diameter; [2]

(e) Scale when the aggregate area exceeds that of a circle three-eighths inch in diameter; [2]

(f) Split pit when causing any crack which is unhealed or which is healed and distinctly open, or when seriously affecting the shape of the nectarine;

(g) Scars when more than one-fourth inch deep, or when dark or slightly rough and the aggregate area exceeds that of a circle one-half inch in diameter; [2]

(h) Russeting when the aggregate area exceeds one-fourth of the fruit surface;

(i) Soft or overripe nectarines; and,

(j) Wormy fruit or worm holes.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond the date of publication hereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) The 1958 packing season for nectarines will start during June and it is in the interest of the public and the industry that the standards be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with the standards on the part of the members of the nectarine industry or of others.

The United States Standards for Nectarines contained in this subpart shall become effective on publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Nectarines which have been in effect since July 27, 1938.

Dated: June 4, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4317; Filed, June 6, 1958; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 139]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.439 *Valencia Orange Regulation 139*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 5, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 8, 1958, and ending at 12:01 a. m., P. s. t., June 15, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 646,800 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 6, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4402; Filed, June 6, 1958; 11:29 a. m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

ASSESSMENT REPORTS

Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Control Committee, established under the said amended marketing agreement and order, it is hereby found that the following amendment to the currently effective rules and regulations (7 CFR Part 936.100 et seq.; Subpart—Rules and Regulations) is in accordance with the provisions of the said marketing agreement and order, as amended, and such amendment is hereby approved:

Add, after § 936.178, the following new section:

§ 936.179 *Assessment reports.* In lieu of the reporting requirements set forth in §§ 936.176, 936.177, and 936.178, the Control Committee may request a shipper to file, and upon such request such shipper shall file with the manager of the Control Committee a monthly summary showing the total quantity of Bartlett pears, plums, and Elberta peaches which he shipped during the specified month; and such shipper may remit with his monthly report sufficient funds to cover the assessment due on the shipments which he reports.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the provisions of the aforesaid amendment authorize use of a less restrictive alternative reporting requirement than currently is specified in the said rules and regulations.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 3, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4316; Filed, June 6, 1958; 8:50 a. m.]

[Lemon Reg. 742]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.849 *Lemon Regulation 742*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 4, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 8, 1958, and ending at 12:01 a. m., P. s. t., June 15, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 418,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 5, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4383; Filed, June 6, 1958; 9:20 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

PART 238—CONTRACTS WITH TRANSPORTATION LINES

PREEXAMINATION OF ALIENS

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of April 9, 1958 (23 F. R. 2300) and in which there was set out in full the terms of proposed amendments to Part 235, Chapter I, Title 8 of the Code of Federal Regulations. Representations which were received concerning the proposed rules have been considered. The proposed rules have been amended by adding the phrase "on and after December 24, 1952," to § 235.5 (b) and, Part 238 has been amended. The amendatory regulations, as set out below, are hereby adopted.

1. Section 235.5 *Pre-inspection in certain parts of the United States* is amended to read as follows:

§ 235.5 *Preexamination*—(a) *In United States territories and possessions.* In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 234, 235, 236, and 237 of the act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examining immigration officer that any person in the United States being examined under this section is prima facie deportable from the United States, further action with respect to his examination shall be deferred and further proceedings conducted as provided in section 242 of the act and Part 242 of this chapter. When the foregoing inspection procedure is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he is found to be admissible as provided in this section.

(b) *In contiguous territory and adjacent islands.* On and after December 24, 1952, in the case of any aircraft or vessel proceeding directly from a port or place in foreign contiguous territory or adjacent islands to a port of entry in the continental United States, the examination and inspection of passengers and crew required by the act and final determination of admissibility may be made immediately prior to such departure at the port or place in foreign contiguous territory or adjacent islands and shall have the same effect under the act as though made at the destined port of entry in the United States.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

2. The title of Part 238—*Entry Through or From Foreign Contiguous Territory and Adjacent Islands* is amended to read as set forth above.

3. Part 238 is amended to read as follows:

§ 238.1 *Contracts.* The contracts with transportation lines referred to in sections 238 (a) and (b) of the act shall be made by the regional commissioner in behalf of the Government and shall be in such form as prescribed. The contracts with transportation lines referred to in section 238 (d) of the act shall be made by the Commissioner in behalf of the Government and shall be on Form I-426.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interprets or applies sec. 238, 66 Stat. 202; 8 U. S. C. 1228)

The basis and purpose of the above-prescribed regulations are to provide for final determination of admisibility prior to departure from foreign contiguous territory or adjacent islands.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4 (c) of the Administrative Procedure Act is unnecessary and would serve no useful purpose in this instance because the persons affected by the regulations prescribed will not require additional time to prepare for the effective date of the regulations.

Dated: June 3, 1958.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-4319; Filed, June 6, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 33]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.15 *Green civil airway 5* is amended to read in part:

From Nashville, Tenn., LFR; to Shop Spring INT, Tenn.; MEA 2,000.

From Shop Spring INT, Tenn.; to Smithville, Tenn., LF/RBN; MEA 3,500.

From Smithville, Tenn., LF/RBN; to *Watts Bar INT, Tenn.; MEA 5,000. *4,500—MCA Watts Bar INT, westbound.

From Watts Bar INT, Tenn.; to Knoxville, Tenn., LFR; MEA 3,000.

Section 610.16 *Green civil airway 6* is amended to delete:

From Palacios, Tex., LFR; to Galveston, Tex., LFR; MEA 1,200.

From Galveston, Tex., LFR; to Port Arthur INT, Tex.; MEA 1,400.

From Port Arthur INT, Tex.; to Lake Charles, La., LF/RBN; MEA 1,500.

Section 610.16 *Green civil airway 6* is amended by adding:

From Palacios, Tex., LFR; to Arcola INT, Tex.; MEA 1,400.

From Arcola INT, Tex.; to Houston, Tex., LFR; MEA 1,500.

From Houston, Tex., LFR; to Beaumont, Tex., LFR; MEA 1,600.

From Beaumont, Tex., LFR; to Lake Charles, La., LF/RBN; MEA 1,500.

Section 610.101 *Amber civil airway 1* is amended to read in part:

From *Oceanside, Calif., LF/RBN; to Long Beach, Calif., LFR; MEA 4,000. *2,500—MCA Oceanside LF/RBN, northwestbound.

Section 610.254 *Red civil airway 54* is amended to delete:

From Promotory Point, Utah, LF/RBN; to Stansbury INT, Utah; southbound, MEA 11,000; northbound, MEA 9,000.

Section 610.296 *Red civil airway 96* is amended to delete:

From Palacios, Tex., LFR; to Arcola INT, Tex.; MEA 1,400.

From Arcola INT, Tex.; to Houston, Tex., LFR; MEA 1,500.

From Houston, Tex., LFR; to Beaumont, Tex., LFR; MEA 1,600.

From Beaumont, Tex., LFR; to Lake Charles, La., LF/RBN; MEA 1,500.

Section 610.602 *Blue civil airway 2* is added to read:

From Loma Portal, Calif., LF/RBN; to Oceanside, Calif., LF/RBN; MEA 1,500.

Section 610.605 *Blue civil airway 5* is amended to delete:

From Galveston, Tex., LFR; to Houston, Tex., LFR; MEA 1,700.

Section 610.605 *Blue civil airway 5* is amended to read in part:

From Crescent INT, Okla.; to Oxford INT, Kans.; MEA 2,500.

Section 610.622 *Blue civil airway 22* is added to read:

From Delta, Utah, LFR; to Promontory Point, Utah, LF/RBN; MEA 13,000.

From Promontory Point, Utah, LF/RBN; to Malad City, Idaho, LFR; MEA 11,000.

Section 610.635 *Blue civil airway 35* is added to read:

From San Diego, Calif., LFR; to Oceanside, Calif., LF/RBN; MEA 3,000.

Section 610.647 *Blue civil airway 47* is amended to read in part:

From Front Royal, Va., LFR; to Int. N crs Front Royal LFR and SE crs Pittsburgh LFR; MEA 4,500.

From Int. N crs Front Royal LFR and SE crs Pittsburgh LFR; to Flint Stone INT, Md.; MEA 4,000.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Fall River INT, Tenn.; to Spring Hill INT, Tenn.; MEA 7,000.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Fall River INT, Tenn.; to Columbia INT, Tenn.; MEA 7,000.

From Columbia INT, Tenn.; to Spring Hill INT, Tenn.; MEA 2,500.

From Oakland, Calif., VOR; to Williams, Calif., VOR; MEA 5,000.

From Austin, Tex., VOR; to Bass INT, Tex.; MEA *3,500. *3,000—MOCA.

From Bass INT, Tex.; to Johnson City INT, Tex.; MEA *4,000. *2,700—MOCA.

Section 610.1001 *Direct routes, U. S.* is amended to read in part:

From Dallas, Tex., VOR; to Leona, Tex., VOR (LOA 344/DAL 139); MEA 3,000.

From Dallas, Tex., VOR; to Leona, Tex., VOR (LOA 329/DAL 154); MEA 3,000.

From Ennis INT, Tex.; to Leona, Tex., VOR; MEA 5,000.

From Kemp INT, Tex.; to Leona, Tex., VOR; MEA 5,000.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Helena, Mont., VOR; to Canton INT, Mont.; northwestbound, MEA 9,000; southeastbound, MEA 11,000.

From Canton INT, Mont.; to Bozeman, Mont., VOR; MEA 11,000.

From Milwaukee, Wis., VOR; to *Cardinal INT, Wis.; MEA 2,700. *2,700—MCA Cardinal INT, westbound.

From Cardinal INT, Wis.; to Muskegon, Mich., VORTAC; MEA 2,000.

From Muskegon, Mich., VORTAC; to *Lowell INT, Mich.; MEA 2,800. *4,000—MRA.

From Lowell INT, Mich.; to Lansing, Mich., VOR; MEA 2,200.

From Milwaukee, Wis., VOR via S alter.; to Sun Fish INT, Wis., via S alter.; MEA 2,300.

From Sun Fish INT, Wis., via S alter.; to Muskegon, Mich., VORTAC via S alter.; MEA 2,000.

From Muskegon, Mich., VORTAC via S alter.; to Caledonia INT, Mich., via S alter.; MEA 2,200.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Chattanooga, Tenn., VOR; to Morrison INT, Tenn.; MEA 4,000.

From Morrison INT, Tenn.; to *Murfreesboro INT, Tenn.; MEA **3,000. *2,500—MRA. **2,400—MOCA.

From Murfreesboro INT, Tenn.; to Nashville, Tenn., VOR; MEA 2,000.

From Nashville, Tenn., VOR via E alter.; to *River Bend INT, Tenn., via E alter.; MEA 2,000. *2,300—MRA.

From Alma, Ga., VOR; to Macon, Ga., VOR; MEA *2,500. *1,700—MOCA.

From Appleton, Ohio, VOR; to Mount Vernon INT, Ohio; MEA 2,500.

From Mount Vernon INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,700.

From Mansfield, Ohio, VOR; to Cleveland, Ohio VOR; MEA 2,500.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Iowa City, Iowa, VOR; to Cordova, Ill., VOR; MEA 2,000. Via S alter; MEA 2,100.

From Cordova, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *3,500—MRA.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Dothan, Ala., TVOR; to *Skipperville INT, Ala.; MEA 1,800, *3,000—MRA.

From Skipperville, INT, Ala.; to *Banks INT, Ala.; MEA 1,800. *2,500—MRA.

From Banks INT, Ala.; to *Shady Grove INT, Ala.; 1,800. *3,000—MRA.

From Shady Grove INT, Ala.; to Montgomery, Ala., VOR; MEA 1,800.

Section 610.6008 *VOR civil airway 8* is amended to delete:

From Daggett, Calif., VOR via S alter.; to Las Vegas, Nev., VOR, via S alter.; MEA 11,500.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.

From *Ontario, Calif., VOR; to Fontana INT, Calif.; northeastbound, MEA 10,000; southwestbound, MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.

From Fontana INT, Calif., to Hector, Calif., VOR; MEA 10,000.

From Hector, Calif., VOR; to Las Vegas, Nev., VOR; MEA 12,000.

From *Daggett, Calif., VOR via N alter.; to Baxter INT, Calif., via N alter.; MEA 6,000. *8,000—MCA Daggett VOR, southwestbound.

From Baxter INT, Calif., via N alter.; to *Silver Lake INT, Calif., via N alter.; MEA 9,500. *13,000—MRA.

From Silver Lake INT, Calif., via N alter.; to *Clark INT, Calif., via N alter.; MEA 9,500. *13,000—MRA.

From Clark INT, Calif., via N alter.; to Las Vegas, Nev., VOR via N alter.; MEA 9,500.

From Mormon Mesa, Utah, VOR; to Hurricane INT, Utah; eastbound, MEA 11,500; westbound, MEA 10,000.

From Hurricane INT, Utah; to Bryce Canyon, Utah, VOR; MEA 13,000.

From Iowa City, Iowa, VOR; to Cordova, Ill., VOR; MEA 2,000.

From Cordova, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *3,500—MRA.

From Iowa City, Iowa, VOR via S alter.; to Cordova, Ill., VOR via S alter.; MEA 2,100.

From Findlay, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.

From Mansfield, Ohio, VOR; to *Mount Hope INT, Ohio; MEA 2,500. *3,000—MRA.

Section 610.6012 *VOR civil airway 12* is amended to delete:

From Palmdale, Calif., VOR; to Daggett, Calif., VOR; MEA 6,000.

From Daggett, Calif., VOR via N alter.; to Needles, Calif., VOR; MEA 9,000. Via N alter.; MEA 8,500.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From *Palmdale, Calif., VOR; to Barstow INT, Calif.; MEA 7,000. *9,000—MCA Palmdale VOR, southwestbound.

From Barstow INT, Calif.; to Hector, Calif., VOR; MEA 8,000.

From Hector, Calif., VOR; to Needles, Calif., VOR; MEA 8,500.

From Hector, Calif., VOR via N alter.; to *Goffs, Calif., VOR via N alter.; MEA 8,500. *7,000—MCA Goffs VOR, westbound.

From Goffs, Calif., VOR via N alter.; to Needles, Calif., VOR via N alter.; MEA 6,000.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Indianapolis, Ind., VOR via N alter.; to *Cowan INT, Ohio, via N alter.; MEA 2,800. *3,000—MRA.

From Dayton, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Erie, Pa., VOR; to Dunkirk, N. Y., VOR; MEA 2,500.

From Dunkirk, N. Y., VOR; to Buffalo, N. Y., VOR; MEA 2,500.

Section 610.6014 *VOR civil airway 14* is amended by adding:

From Erie, Pa., VOR via N alter.; to Buffalo, N. Y., VOR via N alter.; MEA *2,500. *For that airspace over U. S. Territory.

Section 610.6015 *VOR civil airway 15* is amended by adding:

From St. Joseph, Mo., VOR via E alter.; to Neola, Iowa, VOR via E alter.; MEA 2,500.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From *Waverly INT, Tenn., via N alter.; to **Vanleer INT, Tenn., via N alter.; MEA ***2,000. *3,500—MRA. **2,300—MRA. ***1,800—MOCA.

From Jacks Creek, Tenn., VOR; to Graham, Tenn., VOR; MEA 2,000.

From *Murfreesboro INT, Tenn.; to **Woodbury INT, Tenn.; MEA 4,000. *2,500—MRA. **5,000—MRA.

From Woodbury INT, Tenn.; to *Walling INT, Tenn.; MEA 4,000. *5,000—MRA.

From Walling INT, Tenn.; to Crossville, Tenn., VOR; MEA 5,000.

From *Lebanon INT, Tenn., via N alter.; to **Center Hill INT, Tenn., via N alter.; MEA ***3,000. *5,000—MRA. **2,300—MRA. ***2,200—MOCA.

From La Grange INT, Tenn.; via S alter.; to Scotts Hill INT, Tenn., via S alter.; MEA *4,000. *1,500—MOCA.

From Scotts Hill INT, Tenn.; via S alter.; to Graham, Tenn., VOR via S alter.; MEA 2,000.

From Spring Hill INT, Tenn., via S alter.; to *Rockvale INT, Tenn., via S alter.; MEA **3,500. *3,500—MRA. **2,300—MOCA.

From Rockvale INT, Tenn., via S alter.; to Crossville, Tenn., VOR via S alter.; MEA 5,000.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Augusta, Ga., VOR; to Sardis INT, Ga.; MEA 1,800.

From Sardis INT, Ga.; to Allendale, S. C., VOR; MEA 1,600.

From Jackson, Miss., VOR; to *Newton INT, Miss.; MEA **2,000. *4,000—MRA. **1,700—MOCA.

From Newton INT, Miss.; to Meridian, Miss., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6021 *VOR civil airway 21* is amended to delete:

From *Ontario, Calif., VOR; to Daggett, Calif., VOR; MEA 10,000. *8,000—MCA Ontario VOR, northeastbound.

From Daggett, Calif., VOR; to *Silver Lake INT; MEA 9,500. *13,000—MRA.

From Silver Lake INT, Calif.; to *Clark INT, Calif.; MEA 9,500. *13,000—MRA.

From Clark INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

Section 610.6021 *VOR civil airway 21* is amended by adding:

From *Ontario, Calif., VOR; to Fontana INT, Calif., northeastbound; MEA 10,000; southwestbound; MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.

From Fontana INT, Calif.; to Hector, Calif., VOR; MEA 10,000.

From Hector, Calif., VOR; to Los Vegas, Nev., VOR; MEA 12,000.

From Helena, Mont., VOR via W alter.; to Cut Bank, Mont., VOR via W alter.; MEA 9,500.

Section 610.6021 *VOR civil airway 21* is amended to read in part:

From Delta, Utah, VOR; to *Eureka INT, Utah; MEA 11,000. *13,000—MRA.

From Eureka INT, Utah; to Utah Lake, Utah, VOR; MEA 11,000.

From Delta, Utah, VOR via W alter.; to Seiver INT, Utah, via W alter.; MEA 13,000.

From Sevier INT, Utah, via W alter.; to Utah Lake, Utah, VOR via W alter.; MEA 11,000.

From Helena, Mont., VOR; to *Great Falls, Mont., VOR; MEA 9,500. *6,600—MCA Great Falls VOR, southwestbound.

From Cascade, Mont., FM; to Great Falls, Mont., VOR, northeastbound only; MEA 5,500.

Section 610.6023 *VOR civil airway 23* is amended to delete:

From Fresno, Calif., VOR via E alter.; to Modesto, Calif., VOR via E alter.; MEA 4,500.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From *Oceanside, Calif., VOR; to Long Beach, Calif., VOR; MEA 4,000. *2,500—MCA Oceanside VOR, northwestbound.

From Fresno, Calif., VOR; to Modesto, Calif., VOR; MEA 4,000.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Findlay, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,400.

Section 610.6039 *VOR civil airway 39* is amended to read in part:

From Poughkeepsie, N. Y., VOR; to Westfield, Mass., VOR; MEA 3,500.

From Westfield, Mass., VOR; to Gardner, Mass., VOR; MEA 3,500.

Section 610.6043 *VOR civil airway 43* is amended to read in part:

From Appleton, Ohio, VOR; to Tiverton, Ohio, VOR; MEA 2,400.

Section 610.6046 *VOR civil airway 46* is amended to delete:

From White Cap INT, N. Y., via S alter.; to Newport INT, R. I., via S alter.; MEA *6,000. *1,500—MOCA.

Section 610.6047 *VOR civil airway 47* is amended to read in part:

From Sidney, Ohio, VOR; to Findlay, Ohio, VOR; MEA 2,200.

Section 610.6049 *VOR civil airway 49* is amended to read in part:

From Avon INT, Mont.; to *Great Falls, Mont., VOR; MEA 9,500. *6,600—MCA Great Falls VOR, southwestbound.

From Cascade, Mont., FM; to Great Falls, Mont., VOR northeastbound only; MEA 5,500.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Alma, Ga., VOR; to Macon, Ga., VOR; MEA *2,500. *1,700—MOCA.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Pullman, Mich., VOR; to Muskegon, Mich., VORTAC; MEA 1,900.

From Muskegon, Mich., VORTAC; to Pentwater INT, Mich.; MEA 2,300.

From Dayton, Ohio, VOR; to Dawn INT, Ohio; MEA *2,600. *2,200—MOCA.

From Dawn INT, Ohio; to *Coldwater INT, Ohio; MEA **2,600. *2,600—MRA. **2,200—MOCA.

From Coldwater INT, Ohio; to Fort Wayne, Ind., VOR; MEA *2,600. *2,200—MOCA.

Section 610.6057 *VOR civil airway 57* is amended to read in part:

From Graham, Tenn., VOR; to Bowling Green, Ky., VOR; MEA 2,000.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From El Centro, Calif., VOR; to *Sand Hills INT, Calif.; MEA 3,000. *5,000—MRA.

From Sand Hills INT, Calif.; to Yuma, Calif., VOR; MEA 3,000.

Section 610.6067 *VOR civil airway 67* is amended to read in part:

From Waterloo, Iowa, VOR; to *Shell Rock INT, Iowa; MEA 2,500. *3,500—MRA.

From Shell Rock INT, Iowa; to Mason City, Iowa, VOR; MEA 2,500.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From San Antonio, Tex., VOR; to Clareville INT, Tex.; MEA 2,200.

From Clareville INT, Tex.; to *Floresville INT, Tex.; MEA 1,400. *4,000—MRA.

From Floresville INT, Tex.; to Corpus Christi, Tex., VOR; MEA 1,400.

Section 610.6069 *VOR civil airway 69* is amended to read in part:

El Dorado, Ark., VOR; to *Hampton INT, Ark.; MEA 1,600. *4,500—MRA.

From Hampton INT, Ark.; to Pine Bluff, Ark., VOR; MEA 1,600.

Section 610.6070 *VOR civil airway 70* is amended by adding:

From Evergreen, Ala., VOR; to *Banks INT, Ala.; MEA **2,500. *2,500—MRA. **1,800—MOCA.

From Banks INT, Ala.; to Eufaula, Ala., VOR; MEA *2,500. *1,800—MOCA.

From Eufaula, Ala., VOR; to Vienna, Ga., VOR; MEA 1,900.

From Vienna, Ga., VOR; to Allendale, S. C., VOR; MEA *3,000. *1,600—MOCA.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Rockdale, N. Y., VOR; to Albany, N. Y., VOR; MEA 4,000.

Section 610.6088 *VOR civil airway 88* is amended to read in part:

From Tulsa, Okla., VOR; to *College INT, Okla.; MEA 2,000. *3,000—MRA.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Waterville, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.

Section 610.6103 *VOR civil airway 103* is amended to read in part:

From Elkins, W. Va., VOR; to Clarksburg INT, W. Va.; MEA 5,000.

From Clarksburg INT, W. Va.; to Wheeling, W. Va., VOR; MEA 3,000.

Section 610.6105 *VOR civil airway 105* is amended by adding:

From *Las Vegas, Nev., VOR; to Beatty, Nev., VOR; MEA 11,000. *8,000—MCA Las Vegas VOR, westbound.

From Beatty, Nev., VOR; to Coaldale, Nev., VOR; MEA 11,000.

From Coaldale, Nev., VOR; to Reno, Nev., VOR; MEA *14,000. *11,000—MOCA.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From *Clara INT, W. Va.; to Benson INT, W. Va.; MEA **4,000. *5,000—MRA. **3,000—MOCA.

From Benson INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

From Poughkeepsie, N. Y., VOR; to Westfield, Mass., VOR; MEA 3,500.

From Westfield, Mass., VOR; to Gardner, Mass., VOR; MEA 3,500.

Section 610.6115 *VOR civil airway 115* is amended to read in part:

From Ellwood City, Pa., VOR; to Jamestown, N. Y., VOR; MEA 4,000.

From Jamestown, N. Y., VOR; to Buffalo, N. Y., VOR; MEA 3,000.

Section 610.6123 *VOR civil airway 123* is amended by adding:

From Wilton, Conn., VOR; to Litchfield INT, Mass.; MEA 2,500.

From Litchfield INT, Mass.; to Westfield, Mass., VOR; MEA 3,500.

Section 610.6127 *VOR civil airway 127* is amended to read:

From Livingston, Mont., VOR; to Canton INT, Mont.; MEA 11,000.

From Canton INT, Mont.; to Helena, Mont., VOR; northwestbound, MEA 9,000; southeastbound, MEA 11,000.

Section 610.6133 *VOR civil airway 133* is amended to delete:

From Parkersburg, W. Va., VOR; to Zanesville, Ohio, VOR; MEA 2,500.

Section 610.6133 *VOR civil airway 133* is amended to read in part:

From Tiverton, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,700.

From Mansfield, Ohio, VOR; to Detroit River INT, Mich.; MEA 2,500.

Section 610.6134 *VOR civil airway 134* is amended to read in part:

From Evergreen, Ala., VOR; to *Banks INT, Ala.; MEA **2,500. *2,500—MRA. **1,800—MOCA.

From Banks INT, Ala.; to Columbus, Ga., VOR; MEA *3,000. *2,000—MOCA.

Section 610.6135 *VOR civil airway 135* is amended to read in part:

From Needles, Calif., VOR; to Bullhead INT, Nev.; southbound, MEA 6,000; northbound, MEA 8,000.

From Bullhead INT, Nev.; to *Searchlight INT, Nev.; MEA 8,000. *8,000—MRA.

Section 610.6137 *VOR civil airway 137* is amended to read in part:

From *Thermal, Calif., VOR; to **Arrowhead INT, Calif.; MEA 14,000. *12,000—MCA Thermal VOR, northwestbound. **13,000—MCA Arrowhead INT, southeastbound.

Section 610.6138 *VOR civil airway 138* is amended by adding:

From Neola, Iowa, VOR; to Fort Dodge, Iowa, VOR; MEA 2,500.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Nashville, Tenn., VOR; to *Lebanon INT, Tenn.; MEA 2,000. *2,300—MRA.

From Lebanon INT, Tenn.; to *Hartsville INT, Tenn.; MEA 2,000. *2,400—MRA.

From Hartsville INT, Tenn.; to Highway INT, Tenn.; MEA *4,200. *3,400—MOCA.

From Highway INT, Tenn.; to Corbin, Ky., VAR; MEA *5,000. *3,400—MOCA.

From Nashville, Tenn., VOR via N alter.; to *River Bend INT, Tenn., via N alter.; MEA 2,000. *2,300—MRA.

From River Bend INT, Tenn., via N alter.; to Hillsdale INT, Tenn., via N alter.; MEA 2,000.

Section 610.6142 *VOR civil airway 142* is amended to delete:

From Erie, Pa., VOR; to Jamestown INT, N. Y.; MEA 4,000.

From Jamestown INT, N. Y.; to Buffalo, N. Y., VOR; MEA 6,000.

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Findlay, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,400.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From Macon, Ga., VOR; to Dublin INT, Ga.; MEA *2,500. *1,800—MOCA.

From Meridian, Miss., VOR; to *York INT, Ala.; MEA 2,000. *3,000—MRA.

From York INT, Ala.; to Safford INT, Ala.; MEA 2,000.

Section 610.6157 *VOR civil airway 157* is amended to delete:

From Miami, Fla., VOR via W alter.; to Harvey INT, Fla., via W alter.; MEA 1,200.

Section 610.6161 *VOR civil airway 161* is amended by adding:

From Des Moines, Iowa, VOR via W alter.; to Union INT, Iowa, via W alter.; MEA *3,000. *2,600—MOCA.

From Union INT, Iowa, via W alter.; to Waterloo, Iowa, VOR via W alter.; MEA *3,000. *2,400—MOCA.

Section 610.6165 *VOR civil airway 165* is amended to read in part:

From *Oceanside, Calif., VOR; to Long Beach, Calif., VOR; MEA 4,000. *2,500—MCA Oceanside VOR, northwestbound.

Section 610.6165 *VOR civil airway 165* is amended by adding:

From San Diego-Lindbergh, Calif., TVOR; to Oceanside, Calif., VOR; MEA *1,700. *1,500—MOCA.

Section 610.6170 *VOR civil airway 170* is amended to delete:

From Erie, Pa., VOR via N alter.; to Bradford, Pa., VOR via N alter.; MEA 4,000.

Section 610.6185 *VOR civil airway 185* is amended to read in part:

From *Piedmont INT, Tenn.; to Knoxville, Tenn., VOR; MEA 4,000. *8,000—MRA.

From Ottway INT, Tenn., via E alter.; to *Piedmont INT, Tenn., via E alter.; MEA 4,000. *8,000—MRA.

From Piedmont INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter.; MEA 4,000.

From Savannah, Ga., VOR; to Kildare INT, Ga.; MEA 1,300.

From Kildare INT, Ga.; to Augusta, Ga., VOR; MEA 1,800.

Section 610.6199 *VOR civil airway 199* is amended to read:

From San Francisco, Calif., TVOR; to Duxburg INT, Calif.; MEA 3,000.

From Duxburg INT, Calif.; to Bodega INT, Calif.; MEA 4,000.

From Bodega INT, Calif.; to *Fort Ross INT, Calif.; MEA 6,000. *10,500—MRA.

From Fort Ross INT, Calif.; to Ukiah, Calif., VOR; MEA 6,000.

Section 610.6200 *VOR civil airway 200* is amended to read in part:

From *Utah Lake, Utah, VOR; to **Provo INT, Utah; MEA 13,000. *12,000—MCA Utah Lake VOR, eastbound. **14,000—MRA.

From Provo INT, Utah; to Myton, Utah, VOR; MEA 13,000.

Section 610.6203 *VOR civil airway 203* is amended to read in part:

From Norwich, Conn., VOR; to *Russell INT, Mass.; MEA 2,500. *3,500—MCA Russell INT, northwestbound.

From Russell INT, Mass.; to Chester, Mass., VOR; MEA 3,500.

Section 610.6210 *VOR civil airway 210* is amended to delete:

From Hawkins INT, Calif.; to Daggett, Calif., VOR; MEA 12,000.

From Daggett, Calif., VOR; to Dawes Station INT, Calif.; MEA 8,500.

From Dawes Station INT, Calif.; to Goffs, Calif., VOR; MEA 8,000.

Section 610.6210 *VOR civil airway 210* is amended by adding:

From Hawkins INT, Calif.; to Barstow INT, Calif.; MEA 12,000.

From Barstow INT, Calif.; to Hector, Calif., VOR; MEA 8,000.

From Hector, Calif., VOR; to Goffs, Calif., VOR; MEA 8,500.

From Farmington, N. Mex., VOR via S alter.; to Alamosa, Colo., VOR via S alter.; MEA *15,000. *13,000—MOCA.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From *Cowan INT, Ind.; to **Union City INT, Ind.; MEA 2,400. *3,000—MRA. **2,500—MRA.

From Union City INT; to Dawn INT, Ohio; MEA 2,400.

From Sidney, Ohio, VOR; to Richwood INT, Ohio; MEA *4,000. *2,400—MOCA.

Section 610.6215 *VOR civil airway 215* is amended to read:

From Muskegon, Mich., VORTAC; to White Cloud, Mich.; MEA 2,000.

Section 610.6216 *VOR civil airway 216* is amended to read in part:

From Janesville, Wis., VOR; to *Wind Lake INT, Wis.; MEA **3,000. *3,000—MRA. **2,400—MOCA.

From Wind Lake INT, Wis.; to Sun Fish INT, Wis.; MEA *3,500. *2,000—MOCA.

From Sun Fish INT, Wis.; to Muskegon, Mich., VORTAC; MEA 2,000.

From Muskegon, Mich., VORTAC; to Kent City INT, Mich.; MEA 2,000.

Section 610.6216 *VOR civil airway 216* is amended by adding:

From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 3,500.

From Mankato, Kans., VOR; to Pawnee City, Nebr., VOR; MEA 3,000.

From Pawnee City, Nebr., VOR; to Lamoni, Iowa, VOR; MEA 2,500.

Section 610.6233 *VOR civil airway 233* is amended to read in part:

From *Annawan INT, Ill.; to Cordova, Ill., VOR; MEA 2,000. *4,000—MRA.

From Cordova, Ill., VOR; to Cedar Rapids, Iowa, VOR; MEA 2,200.

Section 610.6241 *VOR civil airway 241* is amended to read in part:

From Dothan, Ala., TVOR; to *Abbeville INT, Ala.; MEA 1,600. *2,700—MRA.

From Abbeville INT, Ala.; to Eufaula, Ala., VOR; MEA 1,600.

From Eufaula, Ala., VOR; to *Omaha INT, Ga.; MEA 2,000. *3,000—MRA.

From Omaha INT, Ga.; to Columbus, Ga., VOR; MEA 2,000.

Section 610.6243 *VOR civil airway 243* is amended to read in part:

From Chattanooga, Tenn., VOR; to Cagle INT, Tenn.; MEA 4,400.

From Cagle INT, Tenn.; to *Walling INT, Tenn.; MEA **5,000. *5,000—MRA. **4,200—MOCA.

From Walling INT, Tenn.; to *Center Hill INT, Tenn.; MEA **5,000. *5,000—MRA. **4,200—MOCA.

From Center Hill INT, Tenn.; to *Hartsville INT, Tenn.; MEA **5,000. *2,400—MRA. **4,200—MOCA.

From Hartsville INT, Tenn.; to Bowling Green, Ky., VOR; MEA *2,400. *2,000—MOCA.

Section 610.6246 *VOR civil airway 246* is amended to read in part:

From Dayton, Ohio, VOR; to Springhills INT, Ohio; MEA 2,500.

From Springhills INT, Ohio; to Marion INT, Ohio; MEA 2,600.

From Marion INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,300.

Section 610.6255 *VOR civil airway 255* is amended to read in part:

From Colona INT, Ill.; to Cordova, Ill., VOR; MEA 2,300.

From Cordova, Ill., VOR; to Thomson INT, Ill.; MEA 2,200.

Section 610.6257 *VOR civil airway 257* is amended to read:

From Delta, Utah, VOR; to Ogden, Utah, VOR; MEA 13,000.

Section 610.6265 *VOR civil airway 265* is amended by adding:

From Harrisburg, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

From Philipsburg, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.

From Bradford, Pa., VOR; to Jamestown, N. Y., VOR; MEA 4,000.

From Jamestown, N. Y., VOR; to Dunkirk, N. Y., VOR; MEA 4,000.

Section 610.6266 *VOR civil airway 266* is amended to read in part:

From Hickory, N. C., VOR; to South Boston, Va., VOR; MEA 3,000.

Section 610.6270 *VOR civil airway 270* is amended to read:

From Erie, Pa., VOR; to Jamestown, N. Y., VOR; MEA 4,000.

From Jamestown, N. Y., VOR; to Wellsville, N. Y., VOR; MEA 4,000.

From Wellsville, N. Y., VOR; to Elmira, N. Y., VOR; MEA 4,000.

From Elmira, N. Y., VOR; to Binghamton, N. Y., VOR; MEA 3,500.

From Binghamton, N. Y., VOR; to Sanford INT, N. Y.; MEA 3,500.

From Sanford INT, N. Y.; to De Lancey, N. Y., VOR; MEA 4,500.

From De Lancey, N. Y., VOR; to Hudson INT, N. Y.; MEA 6,000.

From Hudson INT, N. Y.; to Chester, Mass., VOR; MEA 4,000.

Section 610.6277 *VOR civil airway 277* is amended to read in part:

From Plain City INT, Ohio; to Sidney, Ohio, VOR; MEA 2,400.

Section 610.6279 *VOR civil airway 279* is amended to read in part:

From Columbus, Ohio, LFR; to Richwood INT, Ohio; MEA 2,500.

Section 610.6280 *VOR civil airway 280* is amended to read in part:

From Pinon, N. Mex., VOR; to Hope INT, N. Mex.; MEA 8,800.

From Hope INT, N. Mex.; to Roswell, N. Mex., VOR; MEA 6,000.

Section 610.6294 *VOR civil airway 294* is added to read:

From Des Moines, Iowa, VOR; to Cedar Rapids, Iowa, VOR; MEA 2,200.

Section 610.6296 *VOR civil airway 296* is amended to read in part:

From Cherokee INT, N. C.; to Charlotte, N. C., VOR; MEA 2,200.

Section 610.6423 *VOR Civil airway 423* is amended to read in part:

From Delta, Utah, VOR; to *Stansbury INT, Utah; MEA 13,000 *11,000—MCA Stansbury INT, southbound.

Section 610.6602 *VOR civil airway 1502* is amended to read in part:

From Milwaukee, Wis., VOR; to *Cardinal INT, Wis.; MEA 2,700. *2,700—MCA Cardinal INT, westbound.

From Cardinal INT, Wis.; to Muskegon, Mich., VORTAC; MEA 2,000.

From Muskegon, Mich., VORTAC; to *Lowell INT, Mich.; MEA 2,800. *4,000—MRA.

From Lowell INT, Mich.; to Lansing, Mich., VOR; MEA 2,200.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From Milford, Utah, VOR; to Myton, Utah, VOR; MEA *15,000 *Continuous navigation signal coverage does not exist over the entire route segment below 21,000.

Section 610.6610 *VOR civil airway 1510* is amended to read in part:

From Iowa City, Iowa, VOR; to Cordova, Ill., VOR; MEA 2,000.

From Cordova, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *3,500—MRA.

From Mormon Mesa, Nev., VOR; to Hurricane INT, Utah; eastbound, MEA 11,500; westbound, MEA 10,000.

From Hurricane INT, Utah; to Bryce Canyon, Utah, VOR; MEA 13,000.

Section 610.6612 *VOR civil airway 1512* is amended to delete:

From *Los Angeles, Calif. VOR; to Alhambra INT, Calif.; northeastbound, MEA 12,000; southwestbound, MEA 3,000. *9,000—MCA Los Angeles VOR, northeastbound.

From Alhambra INT, Calif.; to Hawkins INT, Calif.; northeastbound, MEA 12,000; southwestbound, MEA 9,000.

From Hawkins INT, Calif.; to Daggett, Calif., VOR; MEA 12,000.

From Daggett, Calif., VOR; to Dawes Station INT, Calif.; MEA 8,500.

From Dawes Station INT, Calif.; to Goffs, Calif., VOR; MEA 8,000.

Section 610.6612 *VOR civil airway 1512* is amended by adding:

From *Los Angeles, Calif., VOR; to Long Beach, Calif., VOR; MEA 2,000. *3,000—MCA Los Angeles VOR, northbound.

From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.

From *Ontario, Calif., VOR; to Fontana INT, Calif.; northeastbound, MEA 10,000; southeastbound, MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.

From Fontana INT, Calif.; to Hector, Calif., VOR; MEA 10,000.

From Hector, Calif., VOR; to Goffs, Calif., VOR; MEA 8,500.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Dayton, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Dayton, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6616 *VOR civil airway 1516* is amended to read in part:

From Modesto, Calif., VOR; to Fresno, Calif., VOR; MEA 4,000.

From Farmington, N. Mex.; to Horse Lake INT, N. Mex.; MEA *15,000. *13,000—MOCA.

From Horse Lake INT, N. Mex.; to Raton, N. Mex., VOR; MEA *17,000. *15,000—MOCA.

Section 610.6618 *VOR civil airway 1518* is amended to delete:

From *Los Angeles, Calif., VOR; to Alhambra INT, Calif.; northeastbound, MEA 12,000; southwestbound, MEA 3,000. *9,000—MCA Los Angeles VOR, northeastbound.

From Alhambra INT, Calif.; to Hawkins INT, Calif.; northeastbound, MEA 12,000; southwestbound, MEA 9,000.

From Hawkins INT, Calif.; to Daggett, Calif., VOR; MEA 12,000.

From Daggett, Calif., VOR; to Needles, Calif., VOR; MEA 9,000.

Section 610.6618 *VOR civil airway 1518* is amended by adding:

From *Los Angeles, Calif., VOR; to Long Beach, Calif., VOR; MEA 2,000. *3,000—MCA Los Angeles VOR, northbound.

From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.

From *Ontario, Calif., VOR; to Fontana INT, Calif.; northeastbound, MEA 10,000; southwestbound, MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.

From Fontana INT, Calif.; to Hector, Calif., VOR; MEA 10,000.

From Hector, Calif., VOR; to Needles, Calif., VOR; MEA 8,500.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From *Waverly INT, Tenn.; to Nashville, Tenn., VOR; MEA 3,000. *3,500—MRA.

From Nashville, Tenn., VOR; to *Lebanon INT, Tenn.; MEA 2,000. *2,300—MRA.

From Lebanon INT, Tenn.; to *Hartsville, INT, Tenn.; MEA 2,000. *2,400—MRA.

From Hartsville INT, Tenn.; to Highway INT, Tenn.; *4,200. *3,400—MOCA.

From Highway INT, Tenn.; to Corbin, Ky., VAR; MEA *5,000. *3,400—MOCA.

Section 610.6620 *VOR civil airway 1520* is amended to delete:

From *Los Angeles, Calif., VOR; to Alhambra INT, Calif.; northeastbound, MEA 12,000; southwestbound, MEA 8,000. *9,000—MCA Los Angeles VOR, northeastbound.

From Alhambra INT, Calif.; to Hawkins INT, Calif.; northeastbound, MEA 12,000; southwestbound, MEA 9,000.

From Hawkins INT, Calif.; to Daggett, Calif., VOR; MEA 12,000.
From Daggett, Calif., VOR; to Needles, Calif., VOR; MEA 9,000.

Section 610.6620 *VOR civil airway 1520* is amended by adding:

From *Los Angeles, Calif., VOR; to Long Beach, Calif., VOR; MEA 2,000. *3,000—MCA Los Angeles VOR, northbound.
From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.
From *Ontario, Calif., VOR; to Fontana INT, Calif.; northeastbound, MEA 10,000; southwestbound, MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.
From Fontana INT, Calif.; to Hector, Calif., VOR; MEA 10,000.
From Hector, Calif., VOR; to Needles, Calif., VOR; MEA 8,500.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Knoxville, Tenn., VOR; to *Piedmont INT, Tenn.; MEA 4,000. *8,000—MRA.
From Piedmont INT, Tenn.; to *Ottway INT, Tenn.; MEA 4,000. *8,000—MRA.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From *Hampton INT, Ark.; to Jerome INT, Ark.; MEA **8,500. *4,500—MRA. **1,600—MOCA.
From Jerome INT, Ark.; to Greenwood, Miss., VOR; MEA *3,000. *1,600—MOCA.

Section 610.6629 *VOR civil airway 1529* is amended by adding:

From Logandale, Nev., FM; to Las Vegas, Nev., VOR southwestbound only; MEA 6,500.

Section 610.6629 *VOR civil airway 1529* is amended to read in part:

From Casper, Wyo., VOR; to Dickinson, N. Dak., VOR; MEA *17,000. *8,000—MOCA.
From Milford, Utah, VOR; to Myton, Utah, VOR; MEA *15,000. *Continuous navigation signal coverage does not exist over the entire route segment below 21,000 feet.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 3, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 29, 1958.

[F. R. Doc. 58-4256; Filed, June 6, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES FROM SOIL TREATMENT WITH ETHYLENE DIBROMIDE

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of tolerances for residues of inorganic bromides from soil treatment with ethylene dibromide in or on okra and pineapple.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 22 F. R. 4284) are amended by adding to § 120.126 the following tolerances for residues of inorganic bromides resulting from soil treatment with ethylene dibromide: 50 parts per million in or on okra; 40 parts per million in or on pineapple. With these additions, § 120.126 is revised to read as follows:

§ 120.126 *Tolerances for residues of inorganic bromides resulting from soil treatment with ethylene dibromide.* Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown in soil treated with ethylene dibromide are established as follows:

(a) 75 parts per million in or on broccoli, carrots (with or without tops), melons, parsnips.

(b) 50 parts per million in or on eggplant, okra, summer squash, sweet corn, sweet corn forage, sweetpotatoes, tomatoes.

(c) 40 parts per million in or on pineapple.

(d) 30 parts per million in or on cucumbers, lettuce, peppers.

(e) 25 parts per million in or on cottonseed.

(f) 10 parts per million in or on asparagus, cauliflower.

(g) 5 parts per million in or on lima beans, strawberries.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: June 2, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4297; Filed, June 6, 1958; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

A notice of intention to modify 25 CFR Part 221 dealing with operation and maintenance assessments against certain irrigable lands of the Flathead Indian Irrigation Project, Montana, was published in the FEDERAL REGISTER, on February 25, 1958 (23 F. R. 1173). Interested persons were invited to participate in this proposed adjustment in assessments by presenting their views and arguments in writing to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days after the date of publication. No views or arguments were received. The Acting Associate Solicitor, Indian Affairs, for the Department, however, requested that certain of the provisions be clarified. Accordingly the regulations as published are adopted, with such revisions, as set forth below.

GLENN L. EMMONS,
Commissioner.

JUNE 2, 1958.

§ 221.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.91 per acre, for the season of 1958, and thereafter until further notice, shall be made against all irrigable land to which water can be delivered under constructed works in the Jocko Division that is not included in an Irrigation District organization regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and ninety-four cents ($1.94) per acre foot or fraction thereof.

§ 221.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $3.30 per acre, for the season of 1958 and thereafter until further notice, shall be made against all irrigable land to which water can be delivered under constructed works in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available

water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty cents ($2.20) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.27 per acre, for the season of 1958 and thereafter until further notice, shall be made against all irrigable land to which water can be delivered under constructed works in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and eighteen cents ($2.18) per acre foot or fraction thereof.

(Secs. 1, 3, 76 Stat. 270, 272, as amended; 25 U. S. C. 385)

[F. R. Doc. 58-4299; Filed, June 6, 1958; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Revised]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

NOTICE OF TERMINATION

Notice is hereby given that the program of the Defense Minerals Exploration Administration for providing Government aid in financing the cost of projects for exploration of new or undeveloped sources of strategic or critical metals and minerals (DMEA Order 1, Revised; 22 F. R. 8304) will be terminated effective 12 o'clock midnight, June 30, 1958.

All exploration project contracts in effect on June 30, 1958, will be continued until terminated in accordance with the contract provisions.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

C. O. MITTENDORF,
Administrator,
Defense Minerals
Exploration Administration.

JUNE 4, 1958.

[F. R. Doc. 58-4298; Filed, June 6, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

HAMPTON ROADS, VIRGINIA

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.168 establishing and governing the use and navigation of anchorage areas in Hampton Roads, Virginia, is hereby amended by deleting any reference to the Norfolk-Newport News Ferry, as follows:

§ 202.168 *Hampton Roads, Va., and adjacent waters*—(a) *Hampton Roads.* * * *

(3) *Anchorage C, Newport News Bar.* * * *

(i) [Revoked]

* * * * *

(4) *Anchorage D.* * * *

(i) * * * for the operation of shallow-draft vessels and tows.

* * * * *

(5) *Anchorage E, Newport News Middle Ground.* * * *

(i) * * * for the operation of shallow-draft vessels and tows.

* * * * *

(6) *Anchorage H.* * * *

(i) * * * for the operation of shallow-draft vessels and tows.

[Regs., May 22, 1958, 800.212 (Hampton Roads, Va.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-4296; Filed, June 6, 1958; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1652]

[1360411]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 5289 OF MARCH 4, 1930, WHICH RESERVED CERTAIN LANDS IN NATIVE VILLAGES FOR EDUCATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5289 of March 4, 1930, which reserved certain lands in native villages in Alaska for educational purposes, is hereby revoked so far as it affects the following-described lands at Kaltag:

U. S. SURVEY NO. 2027

Tract B, containing 0.63 acres.

2. In accordance with the provisions of the act of July 28, 1956 (70 Stat. 709, 711; 48 U. S. C. 48-3b), the Territory of Alaska shall have, until 10:00 a. m. on September 1, 1958, a preferred right of selection of the lands, subject to prior existing valid rights and to equitable claims subject to allowance and confirmation.

3. Subject to any existing valid rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, presented prior to 10:00 a. m. on September 1, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 1, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on December 1, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on December 1, 1958.

4. Persons claiming veterans preference rights under paragraph 3a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

JUNE 2, 1958.

[F. R. Doc. 58-4301; Filed, June 6, 1958; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 3–113]

[FCC 58–515]

PART 3—RADIO BROADCAST SERVICES

FREQUENCY AND MODULATION MONITORS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of §§ 3.690 (a) and 3.691 (a) of the Commission's rules governing television broadcast stations to extend the time for compliance with the provisions therein.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1958.

The Commission having under consideration the provisions of §§ 3.690 (a) and 3.691 (e) of its rules, which require that television broadcast stations have type-approved frequency and modulation monitors at the station whenever the transmitter is in operation.

It appearing that the time specified for compliance with the requirements of §§ 3.690 (a) and 3.691 (a) was last extended to June 1, 1958; and

It further appearing that with the continued development of more stable frequency control circuits in all types of broadcast transmitters (AM, FM and TV), the Commission is considering a review of its requirements regarding continuously operating frequency monitors to ascertain whether such apparatus is still needed or is adequate to ensure that the operating frequencies of broadcast stations are maintained within the prescribed frequency tolerances; and that should it appear that the rules relating to such monitors should be amended, an appropriate rule making proceeding will be initiated; and

It further appearing that since the requirements of §§ 3.690 (a) and 3.691 (a) have not, as yet, been placed in effect and in view of the possibility that these rules may be amended in the near future, the Commission deems it desirable to postpone the effective date of these sections of the rules for an additional period of one year; and

It further appearing that the amendment herein ordered is procedural in nature and effects a relaxation of the rules; therefore, compliance with the requirements of section 4 of the Administrative Procedure Act is not required;

And it further appearing that authority for the amendments adopted herein is contained in sections 303 (e), (f) and (r) and 4 (i) of the Communications Act of 1934, as amended;

It is ordered, That, effective June 1, 1958, §§ 3.690 (a) and 3.691 (a) are amended by substituting the date "June 1, 1959", in the parenthetical sentence to each of these sections.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: May 28, 1958.

Released: June 2, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–4339; Filed, June 6, 1958; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 10]

COAL ANALYSES FOR NON-FEDERAL APPLICANTS

SCHEDULES OF FEES

Notice is hereby given that pursuant to the authority in section 5 of the act of February 25, 1913, as amended (30 U. S. C. 7), it is proposed to amend 30 CFR 10.4 to read as set forth below. The purpose of this amendment is to provide a more accurate and concise description of the services, and to increase the amount of the fee for some of the services. The fees prescribed are based on actual costs involved in the performance of coal analyses for non-Federal applicants.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Mines, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director,
Bureau of Mines.

Approved: June 2, 1958.

HATFIELD CHILSON,
Acting Secretary of the Interior.

Section 10.4 of Part 10 of Title 30 is amended to read as follows:

§ 10.4 *Schedule of fees.* (a) The following fees are charged for analysis of each sample:

1. Moisture and ash, or sulfur, or volatile matter, or free-swelling index	$4.00
2. Proximate analysis (moisture, ash, and volatile matter)	6.00
3. B. t. u	7.50
4. Proximate analysis, sulfur, and B. t. u	11.00
5. Ultimate analysis (moisture, ash, carbon, hydrogen, sulfur, and nitrogen)	17.00
6. Ultimate analysis and B. t. u	21.00
7. Proximate and ultimate analyses, and B. t. u	22.00
8. Fusibility of ash	10.00
9. Hardgrove grindability index	10.00

(b) Fees for special tests will be computed on the basis of the work involved.

[F. R. Doc. 58–4304; Filed, June 6, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1958 Dept. Circular 1009]

3¼ PERCENT TREASURY BONDS OF 1985

OFFERING OF BONDS

JUNE 3, 1958.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 100½ and accrued interest, from the people of the United States for bonds of the United States, designated 3¼ percent Treasury Bonds of 1985. The amount of the offering under this circular is $1,000,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these bonds to Government Investment Accounts. The books will be open only on June 3 for the receipt of subscriptions for this issue.

II. *Description of bonds.* 1. The bonds will be dated June 3, 1958, and will bear interest from that date at the rate of 3¼ percent per annum, payable on a semiannual basis on November 15, 1958, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1985, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) that the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at ________ for credit on Federal estate taxes due from estate of ________". Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782, [3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 2 percent of the combined amount of time certificates of deposit (but only those issued in the names of individuals, and of corporations, associations, and other organizations not operated for profit), and of savings deposits, or 5 percent of the combined capital, surplus and undivided profits, of the subscribing bank, whichever is greater. All subscriptions, including those from commerical banks for their own account, must be accompanied by payment of 20 percent of the amount of bonds applied for, which payment must be made to the Federal Reserve Bank or Branch or to the Treasurer of the United States, in immediately available funds or by credit in a Treasury tax and loan account. Following allotment, any portion of the 20 percent payment in excess of the amount of bonds allotted will be returned to the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. In the event allotments are at a rate which exceeds 20 percent of the amount subscribed for, payment at 100½ and accrued interest in the amount of $1.335 per $1,000 par amount for the bonds allotted hereunder, less an adjustment for the amount of the deposit, and accrued interest thereon in the amount of $1.335 per $1,000 must be completed on June 18, 1958, or on later allotment. In the event allotments are less than a rate of 20 percent of the amount subscribed for, the amount of the deposit in excess of 100½ per $1,000 par amount for the bonds allotted hereunder will be returned to the subscribers. In no event will bonds allotted be delivered prior to June 18, 1958. In every case where payment is not so completed, the payment with application up to 20 pereent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58-4336; Filed, June 6, 1958; 8:55 a. m.]

[1958 Dept. Circular 1010]

1¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1959

OFFERING OF CERTIFICATES

JUNE 4, 1958.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1¼ percent Treasury Certificates of Indebtedness of Series B-1959, in exchange for which any of the following listed securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

2⅞ percent Treasury Notes of Series A-1958, maturing June 15, 1958.

2¾ percent Treasury Bonds of 1958-63, called for redemption on June 15, 1958.

2⅜ percent Treasury Bonds of 1958, maturing June 15, 1958.

The amount of the offering under this circular will be limited to the amount of the eligible securities of the three issues enumerated above tendered in exchange and accepted. The books will be open only on June 4 through June 6 for the receipt of subscriptions for this issue.

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[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from April 16 to May 15 and from October 16 to November 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

2. In addition to the offering under this circular, holders of the eligible securities are also offered the privilege of exchanging all or any part of such securities for 2⅝ percent Treasury Bonds of 1965, which offering is set forth in Department Circular No. 1011, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated June 15, 1958, and will bear interest from that date at the rate of 1¼ percent per annum, payable on a semiannual basis on November 15, 1958, and May 15, 1959. They will mature May 15, 1959. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with two interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before June 16, 1958, or on later allotment, and may be made only in the securities of the three issues enumerated in Section I hereof, which will be accepted at par, and should accompany the subscription. Coupons dated June 15, 1958, should be detached from the securities in coupon form to be exchanged, and cashed when due. All coupons subsequent thereto on 2¾ percent Treasury Bonds of 1958–63 in coupon form should be attached to such bonds when surrendered. In the case of registered bonds, final interest due on June 15, 1958, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury bonds of the two eligible issues in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for 1¼ percent certificates of indebtedness of Series B–1959 to be delivered to __________", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58-4337; Filed, June 6, 1958; 8:55 a. m.]

[1958 Dept. Circular 1011]

2⅝ PERCENT TREASURY BONDS OF 1965

OFFERING OF BONDS

JUNE 4, 1958.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 2⅝ percent Treasury Bonds of 1965, in exchange for which any of the following listed securities, singly or in combinations aggregating $500 or multiples thereof, may be tendered:

2⅞ percent Treasury Notes of Series A–1958, maturing June 15, 1958.

2¾ percent Treasury Bonds of 1958–63, called for redemption on June 15, 1958.

2⅜ percent Treasury Bonds of 1958, maturing June 15, 1958.

The amount of the offering under this circular will be limited to the amount of the eligible securities of the three issues enumerated above tendered in exchange and accepted. The books will be open only on June 4 through June 6 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are also offered the privilege of exchanging all or any part of such securities for 1¼ percent Treasury Certificates of Indebtedness of Series B–1959, which offering is set forth in Department Circular No. 1010, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds will be dated June 15, 1958, and will bear interest from that date at the rate of 2⅝ percent per annum, payable on a semiannual basis on February 15 and August 15, 1959, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1965, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provisions will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before June 16, 1958, or on later allotment, and may be made only in the securities of the three issues enumerated in section I hereof, which will be accepted at par, and should accompany the subscription. Coupons dated June 15, 1958, should be detached from the securities in coupon form to be exchanged, and cashed when due. All coupons subsequent thereto on 2¾ percent Treasury Bonds of 1958–63 in coupon form should be attached to such bonds when surrendered. In the case of registered bonds, final interest due on June 15, 1958, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury Bonds of the two eligible issues in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 2⅝ percent Treasury Bonds of 1965"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 2⅝ percent Treasury Bonds of 1965 in the name of ----------"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 2⅝ percent Treasury Bonds of 1965 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58–4338; Filed, June 6, 1958; 8:55 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

MARCH 31, 1958.

Report of purchases under Domestic Purchase Regulations (pursuant to section 4, Pub. Law 206, 83d Cong.).

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases during quarter		Cumulative purchases through end of quarter	
				Quantity	Amount	Quantity	Amount
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2 asbestos.	1,500	0	0	1,499	$1,762,505.00
		Short tons, crude No. 3.	----------	0	0	850	340,070.05
Beryl	June 30, 1962	Short dry tons, beryl ore.	4,500	158	$77,604.60	1,853	1,021,765.45
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates.	200,000	9,960	942,633.76	184,988	18,109,605.87
Columbium Tantalum.	Dec. 31, 1958	Pounds, contained combined pentoxide.	15,000,000	[1] 3,775	[1] 48,980.33	15,584,167	60,636,871.49
Manganese:							
Butte-Phillipsburg.	June 30, 1958	Long ton units, recoverable manganese.	6,000,000	449,698	726,048.44	5,745,916	8,528,065.16
Deming	June 30, 1958	do	6,000,000	0	0	6,215,258	12,036,388.37
Wenden	June 30, 1958	do	6,000,000	0	0	6,108,316	10,743,179.21
Domestic small producers.	Jan. 1, 1961	Long ton units, contained manganese.	28,000,000	1,210,083	3,186,982.90	17,928,301	45,287,089.15
Mercury:							
Domestic	Dec. 31, 1957	Flasks, prime virgin mercury.	125,000	5,629	1,266,525.00	8,596	1,934,100.00
Do	Dec. 31, 1958	do	[2] 30,000	2,726	613,350.00	2,726	613,350.00
Mexican	Dec. 31, 1957	do	75,000	751	168,943.96	766	172,317.39
Do	Dec. 31, 1958	do	[2] 20,000	1,100	247,494.63	1,100	247,494.63
Mica	June 30, 1962	Short tons, handcobbed mica or equivalent.	25,000	703	624,446.16	13,618	13,958,829.21
Tungsten	July 1, 1958	Short ton units, tungsten trioxide.	3,000,000	0	0	2,996,280	189,212,704.62

[1] Includes adjustments applicable to prior periods.
[2] Extension of prior limitation.

Dated: June 3, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58–4335; Filed, June 6, 1958; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

LENDING AGENCY AGREEMENT—COTTON

NOTICE OF DECREASE IN INTEREST RATE

Commodity Credit Coporation announces that, effective as of 30 days subsequent to the date of publication of this notice in the FEDERAL REGISTER, in accordance with the provisions of section IV, paragraph 4, of the Lending Agency Agreement—Cotton, CCC Cotton Form D (6–15–54) as amended by Amendment No. 1, CCC Cotton Form D-1 (6–22–56), the rates of compensation for loans made pursuant to the 1958 and subsequent Cotton Loan Programs shall be as follows:

1. The compensation to be included in the purchase price of acceptable notes purchased by CCC pursuant to section II of the Agreement shall consist of:

a. A fee for services performed, computed at the rate of 8 cents for each bale of cotton covered by the notes, and

b. Interest on the principal amount of the notes at the rate of 1¾ percent per annum from the respective dates of disbursement of the loans to the date of purchase by CCC: *Provided,* That a fee computed at the rate of 3 cents for each bale of cotton covered by the notes shall be allowed in lieu of interest if agency obtains payment by drawing a draft on CCC.

2. The compensation to be included in the face amount of Certificates of Interest issued for notes accepted for pooling pursuant to section III of the Agreement shall be a fee for services performed, computed at the rate of 8 cents for each bale of cotton covered by the notes.

3. Certificates of Interest issued for notes tendered and accepted for pooling pursuant to section III of the Agreement shall bear interest at the rate of 1¾ percent per annum.

4. The rates of compensation or the rate of interest provided herein may be increased or decreased by CCC upon publication of notice thereof in the FEDERAL REGISTER in accordance with section IV, paragraph 4 of the Agreement, as amended.

5. All other terms and conditions of the Agreement shall remain in effect.

Issued this 3d day of June, 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58–4348; Filed, June 6, 1958; 8:57 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 58; DPAV-55 (a)]

CERTAIN COMPANIES

NOTICE OF WITHDRAWAL OF REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN INTEGRATION COMMITTEE ON ARMY AIRCRAFT AND MAINTENANCE

The Integration Committee on Army Aircraft and Maintenance formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has served the purpose for which it was formed. Accordingly, the request published in 21 F. R. 978, February 10, 1956, to participate in the formation and activities of that Committee in accordance with the "Plan and Regulations of Transportation Corps Governing the Integration Committee on Army Aircraft and Maintenance" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER and in 21 F. R. 1211, February 22, 1956, has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: June 3, 1958.

GORDON GRAY,
Director.

[F. R. Doc. 58-4308; Filed, June 6, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Muskogee Area Office Redelegation Order 2]

ASSISTANT AREA DIRECTOR ET AL.

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended (20 F. R. 2092, 5703; 21 F. R. 2290), pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby redelegated as indicated in this order.

SEC. 2. *Assistant Area Director and Area Property and Supply Officer.* (a) The Assistant Area Director may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of contracting officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a finding of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by airmail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

PAUL L. FICKINGER,
Area Director.

Approved: June 3, 1958.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 58-4300; Filed, June 6, 1958; 8:46 a. m.]

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 29, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 021758, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Lost Lake Recreation Area

T. 1 N., R. 87 W., (Unsurveyed, embracing an area which when surveyed will probably be described as follows:)
Sec. 7, S½N½, and S½;
Sec. 8, SW¼NE¼, W½SE¼, SW¼ and S½NW¼.

T. 1 N., R. 88 W., (Unsurveyed, embracing an area which when surveyed will probably be described as follows:)
Sec. 1, SW¼;
Sec. 2, S½;
Sec. 11, N½ and SE¼;
Sec. 12, S½NE¼, SE¼ and W½.

The above area aggregates approximately 2,360 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-4302; Filed, June 6, 1958; 8:47 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 29, 1958.

The U. S. Forest Service of the Department of Agriculture has filed an application, Serial Colorado 021250, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as administrative sites, campgrounds, and picnic area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHO NATIONAL FOREST

Frisco Administrative Site No. 1

T. 5 S., R. 78 W.,
Sec. 35, lots 16 and 17.

Frisco Administrative Site No. 2

T. 5 S., R. 78 W.,
Sec. 26, S½SE¼.

Officers Gulch Campground

T. 6 S., R. 78 W.,
Sec. 8, NW¼SW¼;
Sec. 17, NW¼NW¼.

Snake River Campground

T. 5 S., R. 76 W.,
Sec. 18, S½SE¼SW¼;
Sec. 19, NW¼NW¼NE¼, N½SW¼NW¼NE¼, N½NE¼NW¼, NE¼NW¼NW¼ (excepting that portion within HES #110); SE¼NW¼NW¼ (excepting that portion within HES #110); SW¼NE¼NW¼ (excepting that portion within HES #110); SE¼NE¼NW¼ (excepting that portion within HES #110).

Winter Park Campground

T. 2 S., R. 75 W.,
Sec. 10, Suspended Metes and Bounds Description;

Beginning at corner No. 2, HES 117;
Thence S. 3° E., 24.53 chains to corner No. 3, HES 117;
N. 73° E., 10.00 chains;
Northwesterly with the centerline of Highway U. S. 40, 24.84 chains to the point of beginning.

Denver Creek Campground

T. 3 N., R. 78 W.,
Sec. 1, SW¼NW¼.

Bakers Tank Picnic Area

T. 7 S., R. 77 W.,
Sec. 16, S½NE¼NE¼ and N½SE¼NE¼.

The above area aggregates approximately 379.72 acres.

J. Elliott Hall,
Lands and Minerals Officer.

[F. R. Doc. 58-4303; Filed, June 6, 1958; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

American Machine & Foundry Co. and Industrial Reactor Laboratories, Inc.

NOTICE OF TRANSFER OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has (1) consented to the transfer of Construction Permit No. CPRR-7 from American Machine & Foundry Company to Industrial Reactor Laboratories, Incorporated, (2) consented to the transfer of all right, title and interest in the facility to be constructed under said permit from American Machine & Foundry Company to Industrial Reactor Laboratories, Incorporated, (3) has issued the following amendment to said permit substituting "Industrial Reactor Laboratories, Incorporated" for "American Machine & Foundry Company" as the holder thereof, and (4) allocated special nuclear material to Industrial Reactor Laboratories, Incorporated for fuel required in connection with the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of its consent to the transfer and issuance of the amendment to the construction permit provided a request therefor from the licensee or an intervener is filed with the Commission within thirty days after the filing of this notice with the Federal Register Division. For further details see (a) the application submitted by American Machine & Foundry Company and amendments thereto, (b) the application submitted by Industrial Reactor Laboratories, Incorporated and amendments thereto, and (c) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for transfer of construction permit all on file at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Germantown, Md., this 3d day of June 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of Licensing and Regulation.

[Construction Permit CPRR-7, as amended; Amdt. 3]

Transfer of Right, Title and Interest in Construction Permit

1. Industrial Reactor Laboratories, Incorporated and American Machine & Foundry Company have applied pursuant to Part 50, §§ 50.54 and 50.60 of the Commission's regulations for transfer of construction permit No. CPRR-7 and for allocation of special nuclear material. Based upon the findings set forth below, the Commission consents to the assignment of CPRR-7 from American Machine & Foundry Company to Industrial Reactor Laboratories, Incorporated, and to the transfer of all right, title and interest thereunder.

2. Effective as of the date of issuance, set forth below, CPRR-7 is amended by substituting "Industrial Reactor Laboratories, Incorporated" for "American Machine & Foundry Company" as the holder thereof.

3. The final paragraph of Construction Permit No. CPRR-7 is hereby amended to read as follows:

> Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Industrial Reactor Laboratories, Incorporated for use in connection with the facility 41.58 kilograms of uranium 235 contained in uranium enriched to approximately 93 percent in the isotope uranium 235. Estimated schedules of special nuclear material transfers to Industrial Reactor Laboratories, Incorporated and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Industrial Reactor Laboratories, Incorporated in accordance with column 2 in Appendix "A" will be conditioned upon Industrial Reactor Laboratories' return to the Commission of material substantially in accordance with column 3 of Appendix "A".

4. The Atomic Energy Commission has found that:

a. Industrial Reactor Laboratories, Incorporated is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

b. Industrial Reactor Laboratories, Incorporated and American Machine & Foundry Company, its prime contractor, are technically qualified to design and construct the reactor.

c. Industrial Reactor Laboratories, Incorporated proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

d. The transfer is in accordance with the provisions of the Atomic Energy Act of 1954.

Date of Issuance: June 3, 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of Licensing and Regulation.

Appendix "A" of Construction Permit No. CPRR-7 is amended to read as follows:

Appendix "A" to Industrial Reactor Laboratories, Incorporated Construction Permit No. CPRR-7

Estimated schedule of transfers of special nuclear material from the commission to IRL and to the commission from IRL.

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to IRL, kgs. U-235	(3) Returns by IRL to AEC, kgs. U-235		(4) Net yearly distribution including cumulative losses, kgs. U-235	(5) Cumulative distribution including cumulative losses, kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1958	10	3.0	-------	7.00	7.00
1959	7	2.1	5.60	(0.70)	6.30
1960	14	4.2	3.92	5.88	12.18
1961	14	4.2	7.84	1.96	14.14
1962	14	4.2	7.84	1.96	16.10
1963	14	4.2	7.84	1.96	18.06
1964	14	4.2	7.84	1.96	20.02
1965	14	4.2	7.84	1.96	21.98
1966	14	4.2	7.84	1.96	23.94
1967	14	4.2	7.84	1.96	25.90
1968	14	4.2	7.84	1.96	27.86
1969	14	4.2	7.84	1.96	29.82
1970	14	4.2	7.84	1.96	31.78
1971	14	4.2	7.84	1.96	33.74
1972	14	4.2	7.84	1.96	35.70
1973	14	4.2	7.84	1.96	37.66
1974	14	4.2	7.84	1.96	39.62
1975	14	4.2	7.84	1.96	41.58
1976	7	2.1	7.84	(2.94)	38.64
1977	-------	-------	[1] 3.92	(3.92)	[2] 34.72
	248	74.4	138.88	[2] 34.72	-------

[1] Inventory to be returned.
[2] Fabrication and burnup losses.

[F. R. Doc. 58-4333; Filed, June 6, 1958; 8:54 a. m.]

[Docket No. 50-53]

Aerojet-General Nucleonics

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the Federal Register on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R-42 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a 100-milliwatt nuclear reactor which has been designated by the Company as Model AGN-201, Serial No. 113.

Dated at Germantown, Md., this 3d day of June 1958.

For the Atomic Energy Commission.

H. L. Price,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4334; Filed, June 6, 1958; 8:54 a. m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

The following description of the organization of the Post Office Department is from Chapter 8 of the Postal Manual, and is a revision and republication of such description which has appeared annually in the special edition of the FEDERAL REGISTER, designated "The United States Government Organization Manual", and reflects the delegations of authority and amendments thereof which have been published in the FEDERAL REGISTER as follows: 18 F. R. 1187, 2480, 8458, 8460, 8908; 19 F. R. 342, 361, 2376, 3065, 3970, 4043, 4331, 4483; 4484, 4584, 5323, 5971, 6168, 6169, 6351, 6862, 7275, 7416, 7510, 7910, 8042, 8226; 20 F. R. 98, 165, 234, 276, 567, 941, 1103, 1186, 2205, 2206, 2669, 3266, 3548, 3833, 5269, 7399, 7946, 8478, 8522; 21 F. R. 162, 613, 1075, 1189, 2896, 5335, 5462, 6096, 7809, 8778; 22 F. R. 3737, 4166, 4673, 6022, 7382, 8542; 23 F. R. 616, 805, 1798, 2754, 2816, 2817, 3740. The said delegations of authority, as amended, including the delegations to and establishment of the Regional Organizations in the field, are hereby adopted and made a part of the description of the "central and field organization" of the Post Office Department.

Subchapter 810—General Principles of Organization

PART 811—BASIS OF RESPONSIBILITY DISTRIBUTION

Sec.
811.1 Postmaster General and Deputy Postmaster General.
811.2 Headquarters and Field.
811.3 Staff Officers and Staff Units.
811.4 Operating Bureau.
811.5 Policy and Administrative Bueraus.
811.6 Bureau of the Chief Postal Inspector.
811.7 Office of the General Counsel.
811.8 Office of Research and Engineering.

PART 812—DELEGATIONS OF AUTHORITY

812.1 Authority for Delegation.
812.4 Redelegation.
812.5 Authority to effect personnel actions.
812.6 Authority to administer oaths of office.

Subchapter 820—Organization Statements

PART 821—OFFICE OF THE POSTMASTER GENERAL

821.1 Postmaster General.
821.2 Deputy Postmaster General.
821.3 Executive Assistant to the Postmaster General.
821.4 Special Assistant to the Postmaster General (Public Relations).
821.5 Executive Assistant to the Deputy Postmaster General.
821.6 Special Assistant to the Deputy Postmaster General.
821.7 Judicial Officer.
821.8 Division of Hearing Examiners.

PART 822—STAFF BUREAUS

822.1 Bureau of the Chief Postal Inspector.
822.2 Office of the General Counsel.
822.3 Office of Research and Engineering.

PART 823—FUNCTIONAL BUREAUS

823.1 Assistant Postmaster General, Bureau of Operations.
823.2 Assistant Postmaster General, Bureau of Transportation.
823.3 Assistant Postmaster General, Bureau of Finance.
823.4 Assistant Postmaster General, Bureau of Facilities.
823.5 Assistant Postmaster General, Bureau of Personnel.

PART 824—REGIONAL ORGANIZATION

Sec.
824.1 Regional Operations Director.

SUBCHAPTER 810—GENERAL PRINCIPLES OF ORGANIZATION

PART 811—BASIS OF RESPONSIBILITY DISTRIBUTION

811.1—POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

.11 All responsibilities and authorities for performance of the work of the Post Office Department are vested by law in the Postmaster General, who may redelegate them to subordinate officers. The Postmaster General operates through delegation, as provided herein, except as to any matters which he may generally or specifically reserve for his personal decision, notwithstanding formal delegations.

.12 The Deputy Postmaster General functions as full alternate to the Postmaster General with full authority to act in his stead on all matters.

811.2—HEADQUARTERS AND FIELD

.21 The duties assigned to the Department in Washington relate mainly to:

a. Program planning, direction, and review.

b. Establishment of policies, procedures, standards, and other guidances.

c. Operational determinations on matters not logically within the full jurisdiction of field officers.

.22 Field installations are assigned responsibility for:

a. Local decision-making and performance of work in accordance with official delegations and prescribed policies, procedures, and standards.

b. Referral to superior authority of matters requiring higher decision, accompanied by appropriate recommendations.

c. Reporting of performance, special problems, trends, and other operating information necessary for effective planning and action by superior headquarters.

811.3—STAFF OFFICERS AND STAFF UNITS

.31 Staff officers to the Postmaster General and the Deputy operate in behalf of their superiors as extended arms of his personal authority. Staff officers do not have authority in their own right to make decisions on matters within the defined scope of other bureaus and offices. To the extent they participate in such decision-making, they do so as personal representatives of, and in behalf of their superiors.

.32 Staff officers keep their superiors informed as to significant developments, implications, and needs for action. They may represent their superiors in coordinating developmental plans and programs of an interbureau nature.

.33 Additional duties of a service or control nature may be assigned to staff units, as provided in their individual functional statements.

.34 Staff officers and staff units in subordinate components of organization within the Postal Establishment are expected to operate in accordance with the principles stated in this section.

811.4—OPERATING BUREAU

.41 The Bureau of Operations is the sole operating bureau at the departmental level having line responsibility over the field organization.

.42 It carries out the policies and programs of the Postmaster General on all matters pertaining to the provision of postal service within the scope of its functional statements and delegations.

.43 The execution of policies and program by the Bureau of Operations in the field is discharged with the policy guidance, advice, and support of other bureaus and offices acting within the scope of their own functional statements and delegations.

.44 In the event of differences of opinion with other bureaus and offices as to operating policies or actions, the Bureau of Operations is expected to exhaust every means for composing differences. The means for referring these differences for higher decision ordinarily rests with the Bureau of Operations.

811.5—POLICY AND ADMINISTRATIVE BUREAUS

.51 The Bureau of Transportation, the Bureau of Finance, the Bureau of Facilities, and the Bureau of Personnel develop or establish policies and programs within their respective areas as defined in their functional statements and delegations. They perform also certain supporting or auxiliary functions as assigned to them in functional statements and delegations. Their mission is to provide the overall policy and program guidance which will contribute to the effectiveness of field operations.

.52 The Bureau of Finance, the Bureau of Facilities, and the Bureau of Personnel develop or establish policies and procedures pertaining to the internal administration of the Department's operations, within the scope of their delegations. They do so in coordination with the appropriate bureaus and offices so that new policies and procedures will realistically serve operating needs and convenience.

811.6—BUREAU OF THE CHIEF POSTAL INSPECTOR

.61 The Bureau of the Chief Postal Inspector functions as an independent factfinding and internal auditing arm for the Postmaster General. Its national and field offices are independent of the rest of the Department's organizational structure.

.62 Upon request of other bureaus and offices, or as assigned by the Postmaster General, this Bureau also performs in a similar manner in behalf of other bureaus and offices and regional operations directors.

.63 This Bureau also exercises certain law enforcement, security, protective, and emergency responsibilities.

.64 Internal auditors stationed in the field operate as an independent group reporting through area audit managers, in turn, to the Director, Internal Audit Division and the Chief Postal Inspector.

811.7—OFFICE OF THE GENERAL COUNSEL

While the General Counsel serves the Postmaster General and the Department generally on legal matters, he also performs certain administrative functions specifically delegated to him.

811.8—OFFICE OF RESEARCH AND ENGINEERING

The Office of Research and Engineering provides independent research and development facilities for the application of engineering principles, techniques, and developments to operations of the Postal Establishment. Its director serves as the principal advisor to the Postmaster General, the Deputy Postmaster General, and the heads of other bureaus and offices on all phases of industrial research and engineering.

PART 812—DELEGATIONS OF AUTHORITY

812.1—AUTHORITY FOR DELEGATION

.11 All authority for administration of the programs and activities of the Post Office Department is vested by Reorganization Plan No. 3 of 1949 in the Postmaster General. The Postmaster General is authorized by this law to delegate his authority to officers and employees under his direction and supervision.

.12 An Assistant Postmaster General is authorized to act in behalf of the Postmaster General on all matters within the terms of reference of that Assistant Postmaster General. In the absence of an Assistant Postmaster General from duty, his functions shall be discharged by his Deputy Assistant Postmaster General or other designated officer, next in line, who shall use the title of Acting Assistant Postmaster General and sign documents as such. When a designation is to be made to an officer of lesser rank than a Deputy Assistant Postmaster General to act as Assistant Postmaster General, the prior approval of the Postmaster General or the Deputy Postmaster General shall be obtained.

.13 Specific written delegation granting authority for the performance of acts specifically vested in the Postmaster General or in the Post Office Department by statutory or administrative law is sometimes required, such as those which authorize the incurring directly of an obligation on behalf of the United States Government or the certification of vouchers for payment. Evidence of this authority is necessary for audit purposes or to support the validity of official acts in case of legal contest.

812.4—REDELEGATION

.41 An Assistant Postmaster General may redelegate any authority vested in him, except as otherwise provided by law or administrative regulations.

.42 Authority to commit the Post Office Department or the United States Government may be subdelegated by the Deputy Postmaster General or by an Assistant Postmaster General. Other subordinate officers may not redelegate authority to perform acts in accordance with legal requirements.

.43 An officer may redelegate responsibility for the ordinary performance of duties, except as provided in 812.41.

812.5—AUTHORITY TO EFFECT PERSONNEL ACTIONS

.51 *Delegation.* The officials and employees listed below are hereby delegated authority, to approve and sign POD Forms 50, Notification of Personnel Action, for appointments, changes during employment, and separations affecting employees under their jurisdiction in the postal field service, except as may be limited by other provisions of the Postal Manual or by the Regional Operations Director:

a. *Regional Headquarters.*

Regional Operations Directors.
Regional Personnel Managers.
Postal Installations Managers.
Distribution and Traffic Managers.
Mobile Unit Managers.

b. *Postal Installations.*

Postmasters.
Assistant Postmasters.
Terminal Managers.
Heads of PTS Stationary Installations.
Manager and Assistant Manager, Money Order Center.
Supervisors Assigned to Personnel Offices in Postal Installations.
Managers and Assistant Managers, Supply Centers.
Superintendents, International Money Order Exchange Office.
Manager and Assistant Manager, Mail Equipment Shops.
Chief Cartographer.

.52 *Redelegation.* The authority to approve and sign POD Forms 50 may be redelegated by the Regional Operations Director to such officers and supervisors under his jurisdiction as is considered necessary and essential to efficient operation of this personnel function.

.53 *Administrative clearances and approvals.* The authority delegated herein does not preclude the securing of administrative clearances and approvals which may be required by instructions implementing this part issued through other media.

812.6—AUTHORITY TO ADMINISTER OATHS OF OFFICE

.61 *Delegation.* The officials listed below are authorized to administer oaths of office in connection with employment:

a. *Regional Headquarters.*

Regional Operations Directors.
Regional Personnel Managers.
Postal Installations Managers.
Distribution and Traffic Managers.
Regional Controllers.
Mobile Unit Managers.
Regional Employment and Placement Officers.
Regional Personnel Assistant (Placement and Transactions).
Field Services Officers.
Mobile Services Officers.

b. *Postal Installations.*

Postmasters.
Assistant Postmasters.
Terminal Managers.
Heads of PTS Stationary Installations.
Manager and Assistant Manager, Money Order Center.
Superintendents and Administrative Clerks, Mail Bag Depositories.
Superintendents, Assistant Superintendents where authorized and Administrative Clerks of Combined Mail Bag Depositories and Mail Bag Repair Centers.
Supervisors Assigned to Personnel Offices in Postal Installations.
Executive Secretaries, Postal Boards of Civil Service Examiners.
Managers, Assistant Managers, and Personnel Officers, Supply Centers.
Superintendents, and Assistant Superintendents, International Money Order Exchange Office.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
Chief Cartographer.

c. *Inspection Service.*

Postal Inspectors in Charge.
Assistant Postal Inspectors in Charge.
Postal Inspectors.
Area Managers, Internal Audit Division.

.62 *Prohibition on redelegation.* The authority delegated to the officers and supervisors specified in 812.61 cannot be redelegated by such officers and supervisors to any officials or employees under their jurisdiction.

.63 *Administration of the oath of office.*

.631 POD Forms 61, Appointment Affidavits, and 62, Oath of Office and Appointment Affidavit, shall be used to ascertain that the personnel action being taken conforms with the Civil Service Act and rules and applicable laws pertaining to holding of office, pensions, suitability in connection with any record of discharge or arrest, age, citizenship, and other requirements relating to employment in the Postal Service. No employee shall be assigned to duty if the form indicates that he does not meet the requirements. Appointing officers shall guard against impersonation and determine beyond reasonable doubt that the appointee is the same person who qualified for the appointment. It is incumbent upon officials and supervisors administering oaths of office to become familiar with those organizations in which membership, past or present, may constitute a bar to employment or retention in the Postal Service. (See Part 837.)

.632 The oath of office incident to entrance into the Postal Service (or to a conversion to career status) shall be administered without charge or fee.

SUBCHAPTER 820—ORGANIZATION STATEMENTS

PART 821—OFFICE OF THE POSTMASTER GENERAL

821.1—POSTMASTER GENERAL

a. Administers the Postal Service in all its branches, the appointment of its personnel, the management of its finances, and the disbursement of appropriations.

b. Appoints postmasters at offices of the fourth class and submits nominations to the President on appointments to be made by him.

c. Determines appeals from the action of the several Assistant Postmasters General, except as otherwise delegated.

d. Promulgates rules and regulations and issues all orders requiring the formal approval of the Postmaster General.

e. Performs all special duties enjoined by law upon the Postmaster General.

821.2—DEPUTY POSTMASTER GENERAL

a. Executes and performs all powers, functions, and duties conferred by law upon the Postmaster General, including the modification, suspension, or recision, of orders, instructions, and regulations which have heretofore, or which may hereafter be, issued in the name of the Postmaster General.

b. Delegates to any officer, employee, or agency of the Post Office Department designated by him, such of the foregoing powers, functions, and duties as he deems appropriate.

821.3—EXECUTIVE ASSISTANT TO THE POSTMASTER GENERAL

Performs such duties as are assigned by the Postmaster General.

821.4—SPECIAL ASSISTANT TO THE POSTMASTER GENERAL (PUBLIC RELATIONS)

a. Initiates and directs the formulation of policies and programs for the administration of public relations matters throughout the postal establishment.

b. Provides current information on problems, policies, and programs of the Post Office Department to the public, the principal mail users, the press, and radio and TV commentators.

c. Prepares the Postal Service News, a monthly employees' publication, with policy guidance of the Bureau of Personnel.

d. Formulates and recommends policies and programs for the administrative functions connected with the selection, promotion, and exhibition of commemorative stamps and new issues of postage stamps.

821.5—EXECUTIVE ASSISTANT TO THE DEPUTY POSTMASTER GENERAL

a. Represents the Deputy Postmaster General on matters of staff coordination, planning, and reporting.

b. Prepares reports on the status of departmental programs and activities for use by the Postmaster General and Deputy Postmaster General.

c. Provides executive secretariat services for the Office of the Postmaster General and administrative staff services for headquarters.

d. Represents the Deputy Postmaster General on manpower control matters requiring his determination.

e. Directs the work of the Office of Management Services and the Office of Headquarters Services.

f. Prepares and coordinates programs for the indoctrination of foreign officials in matters of postal administration.

.51 *Office of Management Services.* a. Performs supporting executive staff work on matters requiring attention of the Deputy Postmaster General as a basis for decision by him or to follow through on action and timing requirements.

b. Prepares reports on the status of operating programs of the Department, for management use of the Postmaster General and the Deputy Postmaster General.

c. Coordinates the release and distribution of all official regulations, manuals, procedural statements, and reports of the Post Office Department.

d. Coordinates projects and activities of an interbureau nature, where required, working at the staff level.

e. Makes organization studies and recommends modifications of functional assignments.

f. Works on special projects, as assigned.

g. Provides staff assistance to the Executive Assistant to the Deputy Postmaster General, to other members of the staff of the Deputy Postmaster General, as assigned, to the Administrative Officer, and to heads of other bureaus and offices, as requested.

.52 *Office of Headquarters Services.* a. Provides office, communication, supply, and building services for the headquarters activities of the Post Office Department in Washington, D. C.

b. Operates and provides a graphics, reproduction, and distribution service for headquarters.

c. Provides a mail and messenger service for headquarters.

d. Assigns space and parking permits.

e. Provides Post Office Department library services.

f. Maintains liaison with the General Services Administration on headquarters building and cafeteria matters.

821.6—SPECIAL ASSISTANT TO THE DEPUTY POSTMASTER GENERAL

Performs such duties as are assigned by the Deputy Postmaster General.

821.7—JUDICIAL OFFICER

a. Acts for the Postmaster General in the performance of quasi-judicial functions having delegated authority from the Postmaster General to—

(1) Execute final departmental decisions and orders in administrative proceedings arising from alleged violation of postal laws and disputes over second-class permits conducted in accordance with the Rules of Practice and procedures of the Department; and modify, suspend, or rescind any action heretofore taken or hereafter taken pursuant to a delegation of authority.

(2) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or provided in Rules of Practice.

(3) Revise or amend the Post Office Department Rules of Practice for administrative hearings.

b. Decisions and orders of the Judicial Officer made under the delegated authority are the final departmental action from which there is no further administrative remedy. The Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

c. Exercises administrative supervision over the Division of Hearing Examiners and the Docket Clerk.

821.8—DIVISION OF HEARING EXAMINERS

a. Hearing examiners are appointed and qualified in the manner prescribed by law (5 U. S. C. 1010). They preside at administrative hearings in cases involving alleged violations of postal laws or conflicts arising over second-class mail permits.

b. Examiners prepare initial decisions in those cases which become final departmental decisions, unless an appeal is taken to the Judicial Officer.

c. The Division of Hearing Examiners and the Docket Clerk are under the jurisdiction of the Judicial Officer for administrative supervision of the same type exercised by a Court of Appeals over the District Courts.

Part 822—Staff Bureaus

822.1—BUREAU OF THE CHIEF POSTAL INSPECTOR

a. Advises the Postmaster General, the Deputy Postmaster General, and other principal assistants on the condition and needs of the service.

b. Directs the execution of policies, regulations, and procedures governing investigations, and operating inspections and audits for the Postal Service.

c. Acts as Security Officer, Civil Defense Officer, and Defense Mobilization Officer for the Postal Establishment.

d. Directs the selection, training, and supervision of inspection service personnel.

e. Maintains liaison with other investigative and law enforcement agencies of the Government.

.11 *Criminal Investigations Division.* a. Directs postal inspectors' investigations of:

(1) Mail losses and depredations.

(2) Mail frauds, lotteries, and extortions.

(3) Alteration or wrong payment of postal financial paper.

(4) Counterfeiting of stamps, money orders, or other postal paper.

(5) Mailing of obscene, scurrilous, subversive, or other prohibited matter.

(6) Impersonation of Federal officers and employees.

b. Examines and analyzes evidence pertinent to violations of the postal laws.

.12 *Internal and Special Investigations Division.* a. Directs postal inspectors' investigations relating to:

(1) Postmaster candidates and charges against postmasters.

(2) Embezzlement of funds.

(3) Falsification of records.

(4) Inflation of stamp sales.

(5) Misuse of mail permits.

(6) Violations of the Private Express Statutes.

b. Conducts such confidential missions and investigations as may be assigned by the Postmaster General or the Deputy Postmaster General.

c. Participates in surveys and service studies requested by operating management.

d. Inspects and rates post offices; reports results to the Regional Operations Director concerned.

e. Handles the President's mail while he is traveling.

f. Determines financial responsibility in cases involving mistreatment of mail or irregularities in the handling of official funds, revenues, and property, and accidents and claims arising therefrom.

g. Initiates actions to enforce recoveries resulting from mail robberies, misappropriations, and other financial irregularities; determines the ownership and disposition of money and property recovered by inspectors.

.13 *Internal Audit Division.* a. Develops and directs an internal audit program for the Post Office Department, including property, fiscal, cost, and operating accounts pertaining to revenues, appropriated funds, and assets of the Department.

b. Establishes standards, principles, and procedures for audit of all postal activities and organizations for use by internal auditors and postal inspectors.

c. Develops programs and conducts internal audits of postal activities and organizations, other than post offices.

.14 *Administrative Staff.* a. Assists the Chief Postal Inspector on matters of organization, personnel administration, budget administration, management controls, methods, procedures, and office management, records management, issuance of publications and instructions.

b. Examines and selects inspection service personnel; operates Inspectors' Training School.

c. Formulates, develops, and coordinates civil defense and defense mobilization programs for the Postal Establishment; maintains liaison with the Office of Defense Mobilization, the Federal Civil Defense Administration, State and local civil defense organizations, and other agencies concerning these activities.

d. Maintains liaison with the Department of Defense on postal service problems and administers the Army Affiliation Program for the Postal Establishment.

.15 *Personnel Security.* a. Formulates, with the Office of the General Counsel, personnel security regulations and procedures of the Department; administers personnel and physical security programs for the Postal Establishment.

b. Maintains liaison with the Department of Justice, the Civil Service Commission, and other agencies relative to security activities.

c. Assists operating officials and appointing officers in determining sensitive positions; evaluates security checks and investigations; effects clearances or recommends appropriate action; prepares charges in instances of suspension.

d. Collaborates with the Office of the General Counsel on recommendations for the disposition of cases in which suspended employees have submitted statements refuting or explaining security charges against them.

e. Designates postal officials to serve on security hearing boards and arranges facilities for such boards.

822.2—GENERAL COUNSEL

a. Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to legal interpretations and opinions; drafting or approving legal documents; and conduct of administrative hearings before regulatory agencies of the Federal Government and court proceedings on behalf of the Department.

b. Acts as legislative officer for the Department by drafting bills, preparing reports on proposed legislation; and representing the Department in hearings and conferences on legislative matters.

c. Maintains liaison with other agencies of the Government on legal matters and determines questions concerning legal relations between the Department and other agencies.

d. Collaborates with the Security Officer (Chief Postal Inspector) in developing procedures and taking action required to effectuate laws, Executive orders, and instructions of the President relating to personnel security.

e. Makes rulings and advisory opinions, with authority to redelegate, as to mailability of matter under laws covering obscene matter, lotteries, subversive and propaganda matter, extortions and threats and firearms.

f. Acts for the Postmaster General, with authority to redelegate the function to General Counsel staff members, in the settlement of personal or property damage claims brought against the Department or claims by postmasters for unavoidable losses by fire, burglary, or casualty; formulates and administers policies and standards governing the adjudication and settlement by regional offices of personal or property damage claims under $100, and claims of postmasters of $25 or under.

g. Acts for the Department in requesting the Department of Justice to institute or defend civil suits involving the Post Office Department or its operations.

h. Initiates and prosecutes, in his name or by his designee, mailability proceedings under laws prohibiting the mailing of fraud, lottery, obscene, subversive or propaganda, extortious or threatening matter and firearms.

i. Initiates and prosecutes, in his name or by his designee, cases seeking the issuance of final agency "fraud," "unlawful business," "fictitious name" orders; and orders in proceedings involving the denial, suspension, or annulment of second-class mailing privileges.

j. Determines legal questions arising in the use of the frank for the transmission of mail matter.

k. Authorizes the closing of post office boxes when used in violation of law or regulation.

l. Prepares and publishes rules governing the admission of attorneys to practice before the Post Office Department.

.21 *Deputy General Counsel.* a. Exercises direct professional supervision over the staff of the Office of the General Counsel.

b. Provides the General Counsel with recommended interpretations, opinions, regulations, and procedures on matters requiring legal action.

c. Represents and acts for the General Counsel in his absence or at his request.

.22 *Special Associate General Counsel.* Performs such duties as are assigned by the General Counsel.

.23 *Special Assistant General Counsel.* Performs such duties as are assigned by the General Counsel.

.24 *Administrative Aide.* Assists and, as directed, acts for the General Counsel in matters of organization, management, budget and personnel administration, and other related staff activities.

.25 *Associate General Counsel (Mailability—Claims).* Directs those phases of the responsibilities of the General Counsel which relate to fraud and mailability; damages and claims.

.251 *Fraud and Mailability Division.* a. Prepares interpretations and rulings as to mailability of matter under statutes covering obscene matter, lotteries, subversive and propaganda material, extortions and threats, and firearms.

b. Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes governing fraud, lottery, mailability, and second-class mail matters.

c. Collaborates with the Department of Justice in the handling of court proceedings brought against the Post Office Department involving fraud and mailability matters.

d. Considers and recommends closing of post office boxes used for deceptive or immoral purposes.

.252 *Damages and Claims Division.* a. Prepares interpretations and applications of the Federal Tort Claims Act to the Post Office Department.

b. Correlates the responsibilities, rights, and respective spheres of action of Federal and State governments under motor vehicle safety responsibility laws.

c. Considers and recommends to the General Counsel the disposition of personal or property damage claims brought against the Department; maintains liaison with regional offices in the adjudication there of claims under $100.

d. Considers and recommends settlement to the General Counsel of claims by postmasters for unavoidable losses by fire, burglary, or casualty; maintains liaison with regional offices in the adjudication there of claims of $25 or under.

e. Maintains liaison with other agencies of the Government and assists the Department of Justice in the defense of suits brought under the Federal Tort Claims Act.

.26 *Associate General Counsel (Opinions—Legislation).* Directs those phases of the responsibilities of the General Counsel which relate to opinions, personnel security, and legislation.

.261 *Opinions Division.* a. Prepares interpretations of laws, regulations, treaties, and conventions and prepares opinions as requested.

b. Examines, approves, or drafts contracts and bonds as requested.

c. Recommends approval, as to legal acceptability, of securities offered by banks to secure postal savings deposits.

d. Recommends disposition of questions arising from application of the Private Express Statutes.

e. Assists and collaborates with the Department of Justice in the institution and defense of civil suits involving the Department other than those handled by other divisions of the office of the General Counsel.

f. Recommends approval of procedures and actions under laws, and Executive orders relating to personnel security.

.262 *Legislative Division.* a. Coordinates within the Department the analysis and interpretation of and preparation of reports on proposed legislation affecting the Postal Establishment.

b. Prepares and coordinates the legislative program of the Department, including the drafting of bills, maintenance of liaison with other agencies of the Government, and participation in appearances before congressional committees and the Bureau of the Budget.

c. Represents the Department on material to be published in the FEDERAL REGISTER and questions arising under the Administrative Procedure Act.

d. Prepares amendments to the postal regulations resulting from new legislation.

.27 *Associate General Counsel (Transportation — Real Property)*. Directs those phases of the responsibilities of the General Counsel relating to proceedings before regulatory bodies and other agencies of Government concerning transportation of mail, transportation rates and postage rates; and acquisition, disposal and leasing of real property.

.271 *Transportation Division*. a. Prepares and tries before regulatory bodies and other agencies of the Government, cases dealing with transportation of mail, transportation rates paid by the Department, and postage rates under the jurisdiction of such bodies or agencies.

b. Assists and collaborates with the Department of Justice in the institution and defense of suits involving orders issued by the Civil Aeronautics Board or the Interstate Commerce Commission dealing with the transportation of mail, and postage rates.

.272 *Real Property Division*. a. Prepares legal opinions and documents, and performs all other legal work arising from the acquisition, use, disposal, and leasing of real property or space by the Post Office Department.

b. Assists and collaborates with the Department of Justice in the institution or defense of civil suits involving the Post Office Department arising out of real property and space acquisition program.

822.3—OFFICE OF RESEARCH AND ENGINEERING

a. Develops and administers an industrial research and engineering program for the Postal Establishment.

b. Develops, designs, and tests postal equipment and materials and makes recommendations for their use.

c. Develops methods programs for postal operations and recommends improved operating systems and procedures..

d. Develops production measurement standards and manpower utilization systems and coordinates their administration.

e. Recommends, as a service to operating management, general location and functional design and develops layout and mechanization for new construction; determines and recommends modification requirements for existing postal facilities.

.31 *Deputy Director*. Assists the Director and acts for him in his absence or at his request.

.32 *Programing and Control Staff*. a. Determines program schedules, develops budget proposals, allocates allotted funds, and evaluates expenditures.

b. Makes studies of the economics of engineering improvements and programs.

c. Conducts preliminary contract negotiations for research and engineering.

d. Coordinates the review of suggestions referred to the Office of Research and Engineering.

e. Establishes and maintains a system of research and engineering project reporting and control.

f. Prepares instructions and operating manuals for the use in testing and the installation, operation, and maintenance of postal equipment, production standards, systems, procedures, and work methods.

g. Provides administrative services and performs special assignments for the Director and the Office.

.33 *Director of Field Engineering*. a. Represents the director in reviewing the quality and scope of regional engineering in furnishing technical guidance to regional engineers including criteria and guide lines.

b. Coordinates regional research and engineering programs with national programs.

.34 *Space Utilization and Mechanization Division*. a. Conducts facilities studies as a service to operating management, recommends general location and functional design; develops and recommends space layout and the extent and type of mechanization for new facilities and related modification to existing postal facilities.

b. Develops and compiles master planning data on major population centers and local communities for use in estimating the adequacy of postal facilities.

.35 *Manpower Utilization Division*. a. Develops and provides technical guidance for production measurement systems and programs.

b. Conducts work measurement studies; develops work performance standards and programs for the improvement of manpower utilization.

c. Directs the installation of production measurement, work simplification, and carrier-vehicle programs where applicable.

.36 *Research and Development Division*. a. Conducts research; designs, develops, tests, and evaluates new mail processing and related postal equipment and administers related research and engineering contracts.

b. Prepares preliminary specifications for newly developed and tested postal equipment.

c. Takes action to protect the Government's interest concerning patents.

.37 *Operations Analysis and Improvement Division*. a. Analyzes postal operating practices, work flow, methods, and equipment to identify areas for developing programs to reduce costs and improve postal service.

b. Develops mechanical equipment production standards.

c. Develops improvements for mail preparation and handling by patrons.

d. Develops user specifications, and recommends application of functional vehicles, materials-handling equipment, and methods.

e. Develops improved and safer materials-handling procedures and practices.

f. Develops and analyzes data concerning mail volume and mail flow for the approval of operating officials in establishing facilities location and space requirements.

PART 823—FUNCTIONAL BUREAUS

823.1—ASSISTANT POSTMASTER GENERAL, BUREAU OF OPERATIONS

a. Directs execution of policies, programs, regulations, and procedures governing the operation of the Postal Field Service and the operating procedures of its personnel excluding installations administered directly from Washington.

b. Represents and acts for the Postmaster General in the selection, appointment and discipline of postmasters.

c. Represents and acts for the Postmaster General in the promotion of patron relations, and implements policies concerning the entry, makeup, and classification of domestic mail and the application of postage rates and fees.

d. Directs the establishment, consolidation, and discontinuance of mail handling facilities; determines their location and services rendered the public; establishes space, equipment, and supply requirements and priorities.

e. Directs the distribution and routing of preferential mail, motor vehicle utilization programs; establishes motor vehicle requirements.

.11 *Executive Assistant*. Provides staff assistance to the Assistant Postmaster General and his deputies in the formulation of policies, programs, regulations, and procedures, regarding all matters under the jurisdiction of the Bureau of Operations.

.12 *Special Assistant for Field Management*. Assists the Assistant Postmaster General in his supervision of field service activities; advises him on all phases of regional headquarters organization, management, and staffing.

.13 *First Deputy Assistant Postmaster General for Administration*. Advises and assists the Assistant Postmaster General and acts for him in his absence or at his direction; directs the staff and activities of the Divisions of Postmasters and Postal Services.

.131 *Special Assistant for Fiscal Control*. Assembles budget proposals; recommends to Assistant Postmaster General allocations of allotted funds to activities; and evaluates expenditures, cost trends, and expenditure controls.

.132 *Division of Postmasters*. a. Determines qualifications, suitability, and availability of candidates for positions of acting postmaster and postmaster.

b. Prepares recommendations of candidates and processes nominations for presidential appointments; recommends disciplinary action covering postmasters.

c. Transmits instructions for the installation and indoctrination of postmasters.

d. Reviews and evaluates postmaster performance and recommends action to improve performance where necessary.

.133 *Division of Postal Services*. a. Analyzes public service needs and recommends improvements; develops new or improved ordinary and special mail services.

b. Develops programs for the promotion of public cooperation; maintains continuing liaison with large mail users.

c. Recommends policies and designs procedures for testing and improving mail services; conducts delayed mail tests; reviews and acts on complaints.

d. Recommends policies and develops procedures for the administration of laws and regulations concerning domestic mail, including:

(1) Admissibility of goods to the mail, other than obscene matter.

(2) Packing and wrapping; limits of weight and size; and addressing, forwarding, and returning of all mail matter.

(3) Classification of mail and application of postage rates.

(4) Permit authorization, penalty and free mailing privileges, and acceptance of mail for the Armed Forces.

(5) Entry of newspapers and other periodical publications as second-class matter; filing and publication of statements of ownership, management, and circulation of second-class mail publications; acceptance in mail of controlled circulation publications and matter for use by the blind; and mailing privileges of news agents.

(6) Domestic registered, insured, certified, special delivery, and COD mail services, including provision of sender's receipt for ordinary mail of any class.

e. Communicates authority for and controls:

(1) The use of special dies for printing advertising slogans in connection with postmarking of mail.

(2) The placing of postage metering and stamp vending machines in post offices for public use.

f. Recommends policies governing the issuance of official sealing and postmarking dies to post offices.

g. Recommends policies and designs procedures for the disposition of undeliverable and unmailable matter.

.14 *Deputy Assistant Postmaster General for Field Operations.* Advises and assists the Assistant Postmaster General and acts for him at his direction; supervises field service activities and directs the staff and activities of the Divisions of Postal Installations and of Distribution and Movement.

.141 *Special Assistant for Vehicle Management.* Recommends policies and designs procedures relating to Government-owned and hired motor vehicle utilization; develops motor vehicle requirements; directs motor vehicle operations.

.142 *Division of Postal Installations.* a. Recommends policies and designs procedures relating to the organization and operation of post offices and other installations; and the collection, distribution, and delivery of mail by city and rural carriers.

b. Recommends policies and programs for the utilization of field service operating personnel in accordance with performance standards.

c. Recommends space, equipment, and supply requirements and priorities.

d. Recommends action to comply with the custodial maintenance standards at postal field service facilities.

e. Recommends policies relative to the appointment of mail clerks at armed service installations and surveillance over their performance.

.143 *Division of Distribution and Movement.* a. Recommends policies, develops procedures, and administers regulations for the distribution and routing of mail, including:

(1) Establishment of operating requirements for routes and facilities and points to be served.

(2) Protection of mail from damage and depredation.

(3) Mail makeup, distribution, routing, and handling.

b. Formulates and recommends policies and designs procedures relating to the utilization of transportation services; develops transportation requirements.

c. Develops and recommends schemes and scheme examination policies.

823.2—ASSISTANT POSTMASTER GENERAL, BUREAU OF TRANSPORTATION

a. Develops policies and programs for the transportation of mail and mail equipment and the exchange of mail with other countries and with the territories and possessions.

b. Administers procurement of transportation from and supervision of service performance by commercial carriers.

c. Determines routes and the media for movement of bulk mail and for all classes of international mail.

d. Determines the points at which in-transit bulk mail will be massed for distribution.

.21 *Special Assistant.* Assists the Postmaster General in formulating and coordinating policy on special activities.

.22 *Deputy Assistant Postmaster General.* a. Advises and assists the Assistant Postmaster General and acts for him in his absence or as directed.

b. Exercises direct supervision over the staff and activities of the Bureau of Transportation.

.221 *Administrative Staff.* a. Provides administrative assistance to the Assistant Postmaster General and his Deputy and common administrative services for all components of the Bureau.

b. Assembles budget proposals for transportation of mail, and evaluates expenditures and cost trends; recommends allocations of funds for procurement of transportation services.

c. Handles all inquiries and complaints concerning transportation matters from Members of Congress, civic and other organizations, and the general public.

d. Develops transportation civil defense plans.

.23 *Mail Transportation Division.* a. Recommends policies, develops procedures, and administers regulations for the transportation of mail, including:

(1) Establishment, discontinuance, and modification of routes in accordance with operating requirements.

(2) Service performance by commercial carriers.

(3) Mail makeup, and routing of bulk mail.

(4) Department representation in air route proceedings.

b. Administers a mail equipment transportation system and develops mail equipment requirements.

.24 *Transportation Development and Research Division.* a. Develops programs for improving transportation means and methods, and recommends changes in media. Reviews and maintains national transportation patterns.

b. Represents the Department before regulatory bodies and in transportation rate proceedings.

c. Conducts negotiations with common carriers for special rates and arrangements.

d. Makes and coordinates studies of transportation economics, methods, rates, and statistics.

.25 *International Service Division.* a. Recommends policies, develops procedures, and administers regulations for the exchange and transportation of all classes of international mail including mail to and from the possessions and the Trust Territories of the Pacific, such as:

(1) Designation of United States entrance and exit points.

(2) Classification of international mail.

(3) Service performance by commercial carriers.

(4) Protection of mail from damage and depredation, and payment of indemnities and postage refunds.

(5) Mail make-up, routing, distribution, billing, and handling.

(6) Customs treatment.

(7) Transportation rates.

b. Represents the Department in all dealings with other departments, countries, and the international postal unions concerning international mail.

c. Advises the Bureau of Finance on matters concerning international mail accounting and postage rates.

823.3—ASSISTANT POSTMASTER GENERAL, BUREAU OF FINANCE

a. Develops and coordinates policies, programs, and procedures governing:

(1) Accounting, cost analysis, and financial reporting.

(2) Budget formulation and execution, financial examinations, economic and statistical analyses.

(3) Banking of postal funds.

(4) Receipt, protection, and disbursement of monies.

(5) The domestic and international money order systems and the postal savings systems.

b. Analyzes financial condition and operating results; prepares advisory reports to the Postmaster General and heads of other bureaus to assist them in their decision-making responsibilities.

c. Conducts a postal rate research program; determines proposed changes in parcel post rates and classification reformations, requiring the approval of the Interstate Commerce Commission; determines proposed changes in fees for special services, requiring the approval of the Postmaster General; develops rate proposals for submission to the Congress.

d. Serves as agent of the Board of Trustees of the Postal Savings System for the designation of depository banks and the establishment of collateral requirements; and for the deposit, transfer, and withdrawal of postal-savings funds.

e. Administers activities of the Post Office Department related to sale of accountable or negotiable paper for other Government agencies.

f. Prepares estimates of revenue produced or expenses caused by pending or proposed legislation.

g. Establishes standards of accountability and reviews standards established by Bureau of Facilities for safekeeping of stamped paper.

.31 *Deputy Assistant Postmaster General and Controller.* a. Acts for the Assistant Postmaster General in his absence or as assigned.

b. Directs the staff and activities of the Bureau of Finance.

.32 *Assistant Controller.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to statistical and economic reports and analyses, and financial systems and procedures; maintains functional liaison with regional controllers.

.321 *Division of Statistics and Economics.* a. Identifies, interprets, and reports economic trends which may have an influence on postal volume; studies and reports, any significant correlations between postal volume trends and national and sectional private business trends.

b. Maintains a central library of statistical resources and recurring statistical reports of the Department, to afford maximum utilization of data and to avoid duplication.

c. Constructs models for statistical sampling; interprets statistical findings.

d. Administers the reports management program.

.322 *Division of Systems and Procedures.* a. Develops financial and related clerical procedures, standards, and techniques.

b. Administers the forms control program.

c. Renders a procedural development service to other bureaus and offices as requested by them; initiates recommendations as to procedural problems requiring attention by other bureaus and offices.

d. Makes studies and provides expert assistance in planning for the appropriate and effective use of business machines, computers, and mechanized paperwork handling techniques.

e. Maintains liaison with the General Accounting Office on financial systems and procedures matters.

f. Administers the records management program.

.33 *Assistant Controller, Accounting.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to accounting and cost analysis.

.331 *Division of Accounting.* a. Maintains all general, budgetary, cost, and summary operating accounts of the Department.

b. Prepares financial analyses and interpretations of operating conditions as disclosed by accounting reports.

c. Reviews and approves proposed obligations for conformity with the financial plan of the Department.

d. Examines and certifies vouchers, payrolls, and other claims for payment, approves and effects collection of accounts receivable and other claims.

e. Operates the data processing machine service.

f. Audits and settles accounts from other countries regarding postal transactions.

.332 *Division of Cost Analysis.* a. Develops principles, procedures, and criteria relating to cost ascertainment, analysis, and control.

b. Assists other bureaus in the planning and conduct of unit cost studies.

c. Reviews and analyzes progress in unit cost reduction.

.34 *Assistant Controller, Budget.* a. Develops and recommends an overall financial plan for the Department based on the programs of the operating bureaus and the regions.

b. Prepares, reviews, apportions, allots, and adjusts the Post Office Department budget, in accordance with guidances of the Deputy Postmaster General.

c. Prepares instructions governing development and review of the Post Office Department budget.

d. Assists or represents the Assistant Postmaster General in the presentation of estimates before the Bureau of the Budget and the congressional committees on appropriations; maintains liaison with these bodies.

e. Forecasts revenue and obligations; maintains budgetary summaries reflecting current obligations, expenditures and trends, based on accounting reports.

.35 *Finance Officer.* a. Carries out those responsibilities of the Assistant Postmaster General which relate to postal funds, postal savings, money orders, and philately.

b. Directs the operation of the Money Order Center.

c. Directs the operation of the Philatelic Sales Agency.

.351 *Postal Funds Division.* a. Formulates and recommends policies and administers regulations and procedures for the handling and protection of monies, stamps, and stamped paper; the receipt, banking, and disbursement of funds; redemption features relating to all types of stamped paper; and lock-box rental service in post offices.

b. Receives and disburses all monies for the headquarters office of the Post Office Department.

c. Approves the issuance of duplicate checks on Treasury checking accounts of the Post Office Department when the originals have been lost, destroyed, or mutilated.

d. Formulates and recommends policies and administers regulations and procedures for those activities of the Postal Savings System for which the Assistant Postmaster General, Finance, serves as the agent of the board of trustees of the system.

e. Maintains liaison with the Treasury Department on the sale of bonds under the payroll savings plan, and on the sale by post offices of U. S. savings bonds and stamps; formulates internal procedures governing the Post Office Department sales of such bonds and stamps.

f. Formulates and recommends policies and administers regulations and procedures for the domestic and international money order system.

g. Provides information and advice for the negotiation of agreements with other countries related to international money orders.

h. Determines currency conversion rates.

.352 *Philatelic Sales Agency.* Provides the Headquarters over-the-counter and mail order service for the sale of select quality stamps.

.36 *Postal Rates Division.* a. Provides a central research, statistical, and analytical service on all domestic and international postal rate matters for the Postmaster General, the Departmental Committee on Postal Rates, and the bureaus and offices of the Department.

b. Develops rate-making procedures consistent with departmental policies and the expressed wishes of Congress.

c. Conducts research as required, in the historic and economic antecedents of postal rate policy, public attitudes on postal rates and services, and the probable effects of proposed revisions in rates or fees.

d. Participates in conferences within the Department or with outside groups from which may originate proposals for changes in postal rates or fees; provides representation for the Department at international conferences on postal rate matters.

823.4—ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

a. Formulates and administers policies, programs, and procedures governing the procurement, management, maintenance, and disposal of real property, equipment, vehicles, and supplies used in the Postal Service.

b. Directs the operation of the supply system, the production, repair, and storage of mail bags, the production of keys, locks, and postal route maps, and the vehicle service.

c. Exercises procurement authority for the Department except for items or services specifically delegated by the Postmaster General to other bureaus.

d. Represents the Postmaster General on the Joint Departmental Committee to administer the public buildings program outside the District of Columbia.

e. Maintains liaison with the General Services Administration and other agencies of the Government and the Committees of Congress having an interest in postal facilities, equipment, and supplies.

f. Services the civil defense program of the Department, as coordinated by the Chief Postal Inspector in the fields of real estate, motor vehicles, supply and development of a civil defense communications program.

.41 *Deputy Assistant Postmaster General.* a. Acts for the Assistant Postmaster General, Bureau of Facilities, in his absence or as assigned.

b. Directs the staff and activities of the Bureau of Facilities.

.42 *Administrative Aides.* a. Assist the Assistant Postmaster General and the division directors as required on matters of organization and program planning and control, personnel administration, public relations, budget administration, management controls, methods, procedures, and office management; coordinate the operations of the bureau with other bureaus and departments.

b. Operate the security and civil defense programs of the bureau.

.43 *Division of Real Estate.* a. Plans, develops, and administers policies, programs, and procedures governing the procurement, management, maintenance, and disposal of real property.

b. Negotiates agreements for use and occupancy of real estate facilities by the Post Office Department under leases, rental agreements, or long-term purchase contracts; accepts, revises, cancels, or terminates such leases and agreements.

c. Formulates and provides architectural and engineering policies and services in connection with planning and construction of major facilities and repairs and alterations of Government-owned buildings occupied by the Post Office Department.

d. Establishes and maintains standard practices for the maintenance, management, space assignment, and utilization of Government-owned and leased postal facilities.

e. Establishes and maintains controls over the procurement of light and power, communications, and other metered utilities, and solid and liquid fuels; provides engineering service for the installation and use of heating and ventilating equipment.

f. Develops communications for civil defense.

.44 *Division of Supplies.* a. Develops and directs the program for the purchase and inventory control of equipment, supplies, and materials for the Postal Establishment; the development of supply and equipment requirements; except mail bags and locks; the requisitioning of replenishment stocks for supply centers; the recording and analyses of inventories; the disposition of surplus property; the routing, transportation, and delivery of equipment, except mail bags, by common or contract carriers; and the processing of requisitions and purchase orders for the Department including those to other Government departments.

b. Directs the receipt, inspection, warehousing, and redistribution of post office equipment and supplies; operates the area supply centers.

c. Exercises direct supervision over the production and distribution of postal maps and parcel post zone keys and over the manufacture of mail equipment such as mail bags, locks, and keys.

d. Exercises direct supervision over the examination, repair, condemnation, and storage of mail equipment at mail equipment repair centers and at mail equipment depositories.

e. Procures, distributes, and exercises production control over stamps and accountable postal paper.

.45 *Division of Vehicles.* a. Maintains and operates the motor vehicle service. Upon request of Regional Directors supplies Government-owned vehicles for transportation of the mail and furnishes drivers for such services as required.

b. Determines the quantity, types, and specifications for Government-owned vehicles to be procured to meet field services requirements; procures vehicles for the fleet.

c. Establishes and maintains standards of performance and criteria for operating, garaging, and maintaining Government-owned vehicles used by the Postal Service.

d. Establishes and maintains standards of performance and criteria for hire of vehicles used in local transportation.

823.5—ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL

a. Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to employee relations; compensation administration; and employee training at professional and educational institutions.

b. Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

c. Directs the formulation of policies, programs, regulations, and procedures required for the development and maintenance of an effective personnel management program throughout the Postal Establishment.

d. Exercises the appointive powers of the Postmaster General with respect to employees in the departmental service, in accordance with the recommendations of the bureaus and offices concerned.

e. Administers the incentive awards program and authorizes awards as provided by law and regulation.

.51 *Deputy Assistant Postmaster General.* a. Assists the Assistant Postmaster General and acts for him in his absence or at his request.

b. Exercises direct supervision over the staff of the Bureau of Personnel.

.511 *Special Assistant, Post Office Personnel.* a. Serves as liaison officer with Bureau of Operations on all matters relating to operating personnel problems.

b. Performs special assignments relating to post office personnel for the Assistant Postmaster General and Deputy Assistant Postmaster General.

.512 *Special Assistant, Transportation Personnel.* a. Serves as liaison officer with Bureau of Transportation on all matters relating to operating personnel problems.

b. Performs special assignments relating to transportation personnel for the Assistant Postmaster General and Deputy Assistant Postmaster General.

.52 *Departmental Personnel Division.* a. Recommends policies and develops procedures for administration of personnel matters affecting departmental (headquarters) employees.

b. Provides staff guidance and technical assistance to departmental bureaus and offices on all matters of personnel administration affecting headquarters personnel.

c. Administers the provisions of the Classification Act of 1949, the Departmental Wage Board, and section 15 of Public Law 600 (5 U. S. C. 55a); takes final action on personnel actions covered by such provisions.

d. Administers applicable policies, programs, and procedures with respect to departmental employees relating to recruiting; testing, placement, and separations; training; performance rating; safety and health; suggestions and awards; relations with employee organizations; and employee services.

e. Maintains direct relations with the Civil Service Commission on all departmental personnel matters except policy matters.

f. Processes formal personnel transactions, maintains central personnel records, issues personnel reports, and conducts official correspondence relative to proposed, current, and former departmental employees.

.53 *Employment and Placement Division.* a. Formulates and recommends policies and develops procedures relating to recruiting, examining, employing, placing, and promoting personnel in the Postal Establishment.

b. Determines the need for employee examining and testing in conjunction with affected bureaus and offices and, in collaboration with the Civil Service Commission, develops and directs the application of a program of suitable examinations and tests.

.54 *Training and Development Division.* a. Determines general need for and plans training and development programs for the Postal Establishment in conjunction with affected bureaus and offices, including general course outlines, instructional guides, and training materials.

b. Reviews and approves proposals for subsidized outside courses of study.

c. Controls the development, procurement, production, and distribution of training aids, films, and auxiliary equipment.

d. Reviews the progress and effectiveness of training activities in all departmental and field services and reports to the appropriate bureaus and offices.

e. Provides official representation of the Department with governmental, educational, and industrial groups on national training matters.

.55 *Compensation Division.* a. Develops and maintains a system of evaluating and classifying all positions in the Postal Field Service.

b. Establishes and defines standards and qualification requirements for all positions in the Postal Field Service in conjunction with bureaus and offices affected and allocates grades under the postal classification system.

c. Establishes procedures for hearing appeals or conducting reviews of personnel actions taken under the postal classification system.

d. Conducts surveys and examinations to insure the proper maintenance and application of position standards.

e. Conducts research on compensation trends in private industry and Government services and submits recommendations on legislation designed to insure equitable compensation of postal employees.

.56 *Safety and Health Division.* a. Develops and maintains an effective safety and health program for the Postal Establishment, in conjunction with other bureaus and offices, covering health hazards, fire prevention and protection, transport and traffic safety, first aid and medical services, and safety aspects of property and equipment conservation and utilization.

b. Provides consulting service on safety and health matters to management officials throughout the Postal Establishment.

c. Provides official representation of the Department with other agencies of the Government and with outside organizations on safety and health matters of a national character.

.57 *Policy Review and Analysis Division.* a. Determines need for and develops written statements covering personnel policies, regulations, operating procedures, and reports for the Postal Establishment.

b. Interprets Civil Service Commission regulations, Executive orders, and legislation relating to personnel administration, utilizing the services of the office of the General Counsel, where required.

c. Conducts studies of procedures and methods used in the administration of the personnel program and develops improvements thereto.

d. Determines personnel reports requirements and maintains liaison with the Bureau of Finance and Civil Service Commission in preparing personnel reports.

.58 *Suggestions and Awards Division.* a. Develops procedures for an effective suggestion and incentive awards system throughout the Postal Establishment.

b. Processes employee contributions of national significance.

c. Conducts promotional campaigns to increase employee participation in the incentive awards program.

PART 824—REGIONAL ORGANIZATION

824.1—REGIONAL OPERATIONS DIRECTOR

a. Directs and takes final action with respect to all aspects of postal management, operations, transportation, equipment, supply, and facilities and personnel within his region, except with respect to the work of the postal inspection service, internal auditors, the mail equipment shops, repair centers and depositories, supply centers and the Money Order Center, except as to specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters.

b. Exercises direct supervision over all officers and employees within his region except as provided in 824.1a.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4353; Filed, June 6, 1958; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BOOTH STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8066-1, between The Booth Steamship Company, Limited, and Lamport & Holt Line Limited (the carriers comprising the Booth Lamport Bermuda Service) and Furness, Withy & Co., Ltd., modifies approved Agreement No. 8066, an agreement for restriction of competition, to provide (1) that Booth and Lamport will not operate as common or private carrier in the trade from New York to Hamilton, Bermuda, but will furnish cargo space on each of their sailings in such trade to Furness who will act as the common carrier for shipments moving on such vessels in that trade; and (2) that Booth and Lamport may operate as common carriers from New York to St. Georges, Bermuda, including Marginal Wharf and Kindley Field, also for cargo from New York for account of M. S. T. S. for delivery at points in Bermuda other than Hamilton, including the United States Naval Base, whether shipped by M. S. T. S. or by private contractors. Agreement No. 8066, as presently in effect, covers an arrangement whereby Booth and Lamport agree not to operate as common or private carriers in the trade from New York to Bermuda, but will furnish cargo space to Furness on each of their sailings in such trade, and Furness agrees not to operate as such a carrier in the trade from U. S. Atlantic ports other than New York to Bermuda.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 4, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4318; Filed, June 6, 1958; 8:51 a. m.]

Maritime Administration

OCEANIC STEAMSHIP CO.

NOTICE OF APPLICATION

Notice is hereby given of the application to the Oceanic Steamship Company, for written permission under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit the parent organization, the Matson Navigation Company, to time charter the former's owned C-2 vessel "Ventura," for a single, one-way voyage in the domestic service from Hawaii to U. S. Atlantic ports with general cargo, said voyage to commence on or about June 15, 1958.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, by close of business on June 10, 1958, notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules of practice and procedure.

If no request for hearing and petition for leave to intervene is received within the specified time, the requested permission will be granted.

Dated: June 5, 1958.

By order of the Acting Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4385; Filed, June 6, 1958; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6580 etc.]

INDEPENDENT AIRLINES ASSN.; COMMERCIAL CHARTER EXCHANGE

NOTICE OF HEARING

In the matter of the application filed by the Independent Airlines Association, dated October 8, 1957, to extend orders Nos. E-9745, E-9882 and E-11600, so as to grant approval of exchange authority for transportation of persons and property in interstate, overseas and foreign air transportation.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 10, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., June 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4344; Filed, June 6, 1958; 8:56 a. m.]

[Docket No. 9224]

TRANS WORLD AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of schedules filed and published by Trans World Airlines, Inc., Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on July 1, 1958, is postponed to July 3, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., June 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4345; Filed, June 6, 1958; 8:56 a. m.]

[Docket Nos. 8698, 8699]

SOUTH PACIFIC AIR LINES, INC., AND R. STANLEY DOLLAR

NOTICE OF PREHEARING CONFERENCE

In the matter of the joint applications of South Pacific Air Lines, Inc., R. Stanley Dollar, R. Stanley Dollar, Jr., J. Harold Dollar, Jr., J. D. Hopkins, R. P. Seeley, E. H. Hall, C. W. Gabrielson for approval of interlocking relationships under section 409 of the Civil Aeronautics Act of 1938, as amended, and such other sections thereof as may be applicable.

In the matter of the application of R. Stanley Dollar, The Robert Dollar Co., Dollar Associates, Inc., Dollar Lines, Ltd., for a disclaimer of jurisdiction, or in the alternative, for approval under section 408 of the Civil Aeronautics Act of 1938, as amended, and such other sections thereof as may be applicable.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on June 9, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., June 3, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4346; Filed, June 6, 1958; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11645, etc.; FCC 58M-568]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER CONTINUING HEARING

In the matter of American Telephone and Telegraph Company, Docket No. 11645, charges, classifications, regulations and practices for and in connection with private line services and channels; the Western Union Telegraph Company, Docket No. 11646, charges, classifications, regulations and practices for and in connection with domestic leased facility service; American Telephone and Telegraph Company et al., Docket No. 12194, charges, classifications, regulations and practices for and in connection with channels for data transmission.

Pursuant to agreements reached by all parties as shown by the transcript record of the further hearing held on May 29, 1958,

It is ordered, This 3d day of June 1958, that the further hearing in this proceeding is continued to 10:00 a. m. on Monday, June 16, 1958.

Released: June 4, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4340; Filed, June 6, 1958; 8:55 a. m.]

[Docket No. 12167; FCC 58M-564]

CAPITOL BROADCASTING CO. (WJTV)

ORDER SCHEDULING HEARING CONFERENCE

In re modification of construction permit of Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communications Act of 1934, as amended.

The Hearing Examiner having under consideration in the above-entitled matter (1) the order released April 16, 1958, by the Hearing Examiner (Mimeo No. 57587), and (2) the Decision of the United States Court of Appeals for the District of Columbia Circuit in Nos. 14034 and 14162, decided May 22, 1958; and

It appearing that a hearing conference in the matter is necessary in order that the parties, including counsel for the Commission's Broadcast Bureau, may make known on the record their plans and advice for the further conduct of this proceeding in the light of the aforementioned Decision by the United States Court of Appeals for the District of Columbia,

It is ordered, This 2d day of June 1958, that a hearing conference for the recited purposes will commence at 10:00 a. m., June 20, 1958, in the Commission's offices in Washington, D. C.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4341; Filed, June 6, 1958; 8:56 a. m.]

[Docket Nos. 12451, 12452; FCC 58M-566]

UNICOI BROADCASTING CO. (WEMB) AND MACE, GROVES AND MACE

ORDER SCHEDULING HEARING

In re applications of Max M. Blakemore, tr/as Unicoi Broadcasting Company (WEMB), Erwin, Tennessee, Docket No. 12451, File No. BP-11216; Earl O. Mace, A. Clay Groves and Glen F. Mace, d/b as Mace, Groves and Mace, South Gastonia, North Carolina, Docket No. 12452, File No. BP-11653; for construction permits.

It is ordered, This 2d day of June 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 2, 1958, in Washington, D. C.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4342; Filed, June 6, 1958; 8:56 a. m.]

[Docket No. 12460; FCC 58M-565]

DURHAM BROADCASTING ENTERPRISES, INC. (WTVD)

ORDER SCHEDULING HEARING

In re application of Durham Broadcasting Enterprises, Inc. (WTVD), Durham, North Carolina, Docket No. 12460, File No. BMPCT-4812; for modification of construction permit.

It is ordered, This 2d day of June 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1958, in Washington, D. C.

Released: June 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4343; Filed, June 6, 1958; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13254]

JOSEPH I. O'NEILL, JR.[1]

ORDER FIXING DATE OF HEARING

JUNE 3, 1958.

Joseph I. O'Neill, Jr. (Operator) filed his application for a certificate of public convenience and necessity authorizing the sale of natural gas to Phillips Petroleum Company (Phillips) for resale, subject to the jurisdiction of the Commission, pursuant to section 7 of the Natural Gas Act.

The application which was filed September 10, 1957, represents that Joseph I. O'Neill, Jr., together with other persons named in the footnote are the owners of a leasehold upon 320 acres located in Azalea Stream (Spraberry Field), Midland County, Texas, from which acreage gas is produced for sale by O'Neill, as operator, to Phillips. As further stated in the application and exhibits attached and referred to the gas so produced is sold in interstate commerce for ultimate consumption to Permian Basin Pipe Line Company after the natural gas has been processed at the plant of Phillips, which is located in the vicinity.

The price of the gas sold at Phillips' gasoline plant to Permian is at the rate of 12.5 cents per Mcf at 14.65 p. s. i. a. (plus a pro rata share of any tax reimbursement which may be received by Phillips) all as more fully set out in the application and contract on file with the Commission and open to public inspection.

This order shall constitute notice of the filing of the application hereinabove described.

The Commission orders:

(A) Pursuant to authority provided for and subject to the jurisdiction conferred upon this Commission by the Natural Gas Act and particularly by sections 7 and 15 thereof in accordance with the Commission rules of practice and procedure and the regulations under the Natural Gas Act, a hearing will be held on July 10, 1958, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power

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[1] Joseph I. O'Neill, Jr., Operator, is filing for himself and Walter Duncan, J. Walter Duncan, Jr., Vincent J. Duncan, Raymond T. Duncan, Albert Bradley, John G. Burns Estate, John T. Cahill, David R. Calhoun, James G. Hanes, Roscoe C. Hobbs, A. W. Johnson, G. Hilmer Lundbeck, Jr., J. W. McAfee, Severence A. Millikin, Edgar M. Queeny, Riddell Petroleum Corporation and Edward L. Shea.

Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

(B) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 27, 1958.

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4305; Filed, June 6, 1958; 8:48 a. m.]

[Docket No. G-14723]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 3, 1958.

Cities Service Oil Company (Operator) et al. (Cities Service), on May 5, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Supplemental Agreement,[1] dated March 1, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 24 to Cities Service's FPC Gas Rate Schedule No. 89.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The proposed rate increase herein is supplementary to and a continuation of the same renegotiated rate increase which was tendered to the Commission on February 19, 1958, and was suspended by Commission order issued March 21, 1958, in this proceeding, until August 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. The increase tendered on February 19, 1958, was on behalf of a non-signatory co-owner with Cities Service, however, the interests of certain signatory co-owners, whose gas is sold pursuant to the rate schedule but who had neither agreed to the price or been included in the arbitration proceeding, were not included.

The filing tendered herein consists of a supplemental agreement in which the signatory co-owner now agrees to the price for his portion of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 24 to Cities Service's FPC Gas Rate Schedule No. 89 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 24 to Cities Service's FPC Gas Rate Schedule No. 89.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4306; Filed, June 6, 1958; 8:48 a. m.]

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[1] Frank A. Griffin, Jr., signatory co-owner under the contract, agrees to renegotiated increase.

[Docket No. G-14724]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 3, 1958.

Cities Service Oil Company (Operator) et al. (Cities Service), on May 5, 1958, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated March 1, 1958. (2) Supplemental Agreement,[2] dated March 1, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: (1) Supplement No. 75 to Cities Service's FPC Gas Rate Schedule No. 70. (2) Supplement No. 76 to Cities Service's FPC Gas Rate Schedule No. 70.

Effective date: June 5, 1958 (effective date is the first day after expiration of the required thirty days' notice).

The proposed rate increases herein are supplementary to and a continuation of the same renegotiated rate increases which were tendered to the Commission on February 19, 1958, and were suspended by Commission order issued March 21, 1958, in this proceeding, until August 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. Included within the increases tendered on February 19, 1958, were non-signatory co-owners with Cities Service, however, the interests of certain signatory co-owners, whose gas is sold pursuant to the rate schedules but had neither agreed to the price or been included in the arbitration proceeding, were not included.

The filings tendered herein include supplemental agreement in which two signatory co-owners now agree to the price for their portion of the gas. However, the interest of Phillips Petroleum Company (Phillips) is not controlled by Cities Service's subject filing (designated as Supplement No. 75 to Cities Service's FPC Gas Rate Schedule No. 70) but by a separate filing made by Phillips on April 23, 1958, under its own FPC Gas Rate Schedule No. 176 and now suspended in Docket No. G-15088 until October 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 75 and 76 to Cities Service's FPC Gas Rate Schedule No. 70 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 75 and 76 to Cities Service's FPC Gas Rate Schedule No. 70.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until August 22, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.3

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[1] Phillips Petroleum Company, signatory co-owner under the contract, agrees to renegotiated increase.

[2] George E. Morgan, et al., signatory co-owners under the contract, agree to renegotiated increase.

of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4307; Filed, June 6, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2369]

BLUE BIRD MINES, INCORPORATED OF PINAL COUNTY

ORDER TEMPORARILY SUSPENDING EXEMPTION STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 3, 1958.

I. Blue Bird Mines, Incorporated of Pinal County, an Arizona corporation, filed with the Commission on January 4, 1957, a notification and offering circular and amendments thereto, relative to a proposed offering of 50,000 shares of its $1.00 par value common stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a revised offering circular as required by Rule 256(e) of Regulation A.

III. *It is ordered,* pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Blue Bird Mines, Incorporated, of Pinal County and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice at the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4309; Filed, June 6, 1958; 8:49 a. m.]

[File No. 24SF-2408]

BREVILANA, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 3, 1958.

I. Brevilana, Inc., a California corporation, 6200 Franklin Avenue, Hollywood, California, filed with the Commission on May 3, 1957, a notification and offering circular relating to a proposed offering of 30,000 shares of its $10 par value common stock at $10 per share, for the purpose of obtaining an exemption from registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file Form 2-A reports of sales as required by Rule 260, despite requests from the staff for such reports.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Brevilana, Inc., 6200 Franklin Avenue, Hollywood, California, and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4310; Filed, June 6, 1958; 8:49 a. m.]

[File No. 7-1919]

WALT DISNEY PRODUCTIONS

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 3, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Walt Disney Productions Common Stock, File No. 7-1919.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before June 19, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4311; Filed, June 6, 1958; 8:49 a. m.]

[File No. 1-3414]

COMMODORE HOTEL, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 3, 1958.

In the matter of Commodore Hotel, Inc., Common Stock, File No. 1-3414.

American Stock Exchange has made application, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The number of shares not owned or being acquired by Zeckendorf Hotels Corporation pursuant to its purchase offer of October 9, 1957, is less than 6 percent of the 483,132 shares outstanding. The stock was suspended from dealings on the Exchange on May 29, 1958, by reason of the reduced public holdings.

Upon receipt of a request, on or before June 18, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms.

In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-4312; Filed, June 6, 1958; 8:49 a. m.]

[File No. 7-1921]

McGRAW-EDISON CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 3, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in McGraw-Edison Company, Common Stock, File No. 7-1921.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before June 20, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-4313; Filed, June 6, 1958; 8:49 a. m.]

[File No. 7-1918]

GEORGIA PACIFIC CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 3, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Georgia Pacific Corporation, common stock, File No. 7-1918.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before June 19, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commision on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-4314; Filed, June 6, 1958; 8:50 a. m.]

[File No. 7-1920]

BAUSCH & LOMB OPTICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 3, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Bausch & Lomb Optical Company, Common Stock, File No. 7-1920.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before June 20, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-4315; Filed, June 6, 1958; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KARL GRAF-ABT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Graf-Abt, 90 Grellingerstrasse, Basel, Switzerland; $4,629.15 in the Treasury of the United States.

Vesting Orders Nos. 17829 and 17908; Claim No. 62683.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 58-4320; Filed, June 6, 1958; 8:52 a. m.]

HENRI VAN DAM ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Henri van Dam, Groningen, Holland; L. S. Claim No. 867; $392.08 in the Treasury of the United States.

Julie Martha Jacobs, Port Washington, New York; L. S. Claim No. 1015; All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18[illegible] (16 Fed. Reg. 11547, November 14, 1951) in and to Southern Pacific Company-San Francisco Terminal 4/50, Bonds Nos. 4291 and 4293, in the principal amount of $500 each.

Mrs. Elisabeth Beer, New York, New York, and Mrs. Gabrielle Marchfeld, Beth Serah, Israel; L. S. Claim No. 1022; $784.16 in the Treasury of the United States.

Michael Levi, New York, New York; L. S. Claim No. 1023; All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18520 (16 Fed. Reg. 10101, October 3, 1951) in and to Southern

Railway Company 4/56, Bond No. 16331, in the principal amount of $1,000.
Vesting Orders Nos. 18520, 18521 and 18620.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4328; Filed, June 6, 1958; 8:53 a. m.]

BRUNO BLOCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bruno Bloch, Ballenstedterstrasse 17, Berlin-Wilmersdorf, Germany; $560.00 in the Treasury of the United States.

$100 Conversion Office for German foreign debts, 3% dollar bonds—due 1-1-46 Cert. No. CO48891.

$1,000 Berlin Electric Elevated & Underground Rys. Co. 30 yr. 1st Mtge. 6½%, due 10-1-56 Cert. No. 4097.

$1,400 Harpen Mining Corp. 4½% Deb. Adj., due 1-1-70.

$60 Harpen Mining Corp. 4½% Deb. Adj., due 1-1-70 Scrip.

Vesting Order No. 18005; Claim No. 61984.

The above described securities are presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4321; Filed, June 6, 1958; 8:52 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF VEREENIGING OBSERVATIEHUIS VOOR MEISJES ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below:

The State of the Netherlands for the benefit of:

Vereeniging Observatiehuis voor Meisjes; L. S. Claim No. 73; Cities Service Company 5/66, Debentures Nos. 13085 and 13975, in the principal amount of $1,000 each.

Dr. Henri Arthur Philip, Jozef Jacob, and Philip Arnold Hartog—L. S. Claim No. 230; $6,724.28.

Hijman, Clara, Hijman, Jr., and Yvonne Sarah de Haas, Henderina Damen-de Haas, Mozes (Maurice), Meyer, David and Machiel Zak, Margaretha Brans-Zak, Mrs. Naatje Bartels, Mrs. Elisabeth Springer, Machiel Content, Godefroy Auguste Meijer, Marie Josee and Leon Paul Vranckx, Gerard Karel, and Elisabeth Louise Levy, Herman Gerard Jan de Leeuw, and Kitty Jeanne Groen—L. S. Claim No. 847; $7,791.61.

Israel Koenraad Polak; L. S. Claim No. 1004; $3,818.52. Missouri-Kansas-Texas Railway Company 4/90, Bond No. 27759, and Southern Pacific Company 4½-69, Bond No. 63676, all in the principal amount of $1,000 each.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4331; Filed, June 6, 1958; 8:53 a. m.]

THEKLA THERESE BOERCKEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Miss Thekla Therese Boerckel, Hamburg, Germany; $201.96 in the Treasury of the United States.

Vesting Order No. 8711; Claim No. 42305.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4322; Filed, June 6, 1958; 8:52 a. m.]

KLAAS LEONARD JACOBS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Klaas Leonard Jacobs, Dusseldorf, Germany; $250.00 in the Treasury of the United States.

Vesting Order No. 18956; Claim No. 63272.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4323; Filed, June 6, 1958; 8:52 a. m.]

KARL SCHNEIDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Schneider, Offenbach/Main, Germany; $558.42 in the Treasury of the United States.

Vesting Order No. 5216; Claim No. 43027.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4326; Filed, June 6, 1958; 8:53 a. m.]

BRUNO MENDELSOHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bruno Mendelsohn, Stadionweg 214, Amsterdam, The Netherlands; $2,897.33 in the Treasury of the United States.

Vesting Order No. 17915; Claim No. 60647.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4325; Filed, June 6, 1958; 8:52 a. m.]

Herman Rudolph Krijn

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herman Rudolph Krijn, Amsterdam-Z, The Netherlands; $663.00 in the Treasury of the United States.

Vesting Order No. 17831; Claim No. 61999.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4324; Filed, June 6, 1958; 8:52 a. m.]

Mrs. W. E. E. Tholen

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. W. E. E. Tholen, 23 Heinzestraat, Amsterdam, Holland; $1,367.11 in the Treasury of the United States.

Vesting Order No. 9068; Claim No. 63202.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4327; Filed, June 6, 1958; 8:53 a. m.]

H. C. van Wijnbergen

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

H. C. van Wijnbergen, Amsterdamsestraatweg 316, Utrecht, The Netherlands; $594.55 in the Treasury of the United States.

Vesting Order No. 18118; Claim No. 64010.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4329; Filed, June 6, 1958; 8:53 a. m.]

Antonio de Satrustegui

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonio de Satrustegui, Executor under the Last Will and Testament of Manuela O'Neill y Salamanca, deceased, Madrid, Spain; $36,580.04 in the Treasury of the United States.

Vesting Orders Nos. 10998 and 15362; Claim No. 45018.

Executed at Washington, D. C., on May 29, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4330; Filed, June 6, 1958; 8:53 a. m.]

OF MICHIGAN
JUN 13 1958
MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 113

Washington, Tuesday, June 10, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3244

NATIONAL OLYMPIC WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the XVIIth Olympic Games of the modern era will be held in Rome, Italy, beginning August 25 and ending September 11, 1960; the Winter Games will be held at Squaw Valley, California, from February 19 to March 1, 1960; and the Pan American Games will be held in Chicago, Illinois, from August 27 to September 7, 1959; and

WHEREAS in these games men and women of more than seventy nations, and of many races, creeds, and cultural backgrounds, will be brought together to match their athletic abilities against one another under established rules of sportsmanship which offer an equal opportunity for all; and

WHEREAS the Olympic and the Pan American Games of past years have contributed in a unique way to greater understanding and mutual respect among the peoples of the world; and

WHEREAS the United States Olympic Association is presently engaged in obtaining maximum support for the teams representing the United States at these three athletic events; and

WHEREAS the Congress by a joint resolution approved June 4, 1958, has authorized and requested the President of the United States to issue a proclamation designating the week beginning October 13, 1958, as National Olympic Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 13, 1958, as National Olympic Week; and I urge all our citizens to give their full support to the XVIIth Olympic Games, to the Olympic Winter Games of 1960, and to the Pan American Games of 1959 so that the United States will be fully and adequately represented in these games.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 4th day of June in the year of our Lord nineteen hundred and fifty-eight, and of the independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4412; Filed, June 6, 1958; 2:51 p. m.]

PROCLAMATION 3245

NATIONAL SAFE BOATING WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our people in increasing numbers are taking part in boating activities on the waters of the Nation, and it is estimated that approximately twenty-eight million will participate in such activities during 1958; and

WHEREAS safety is essential for the full enjoyment of boating, and safe boating practices will result in the saving of many lives and in the avoidance of injuries and property damage; and

WHEREAS the Congress, by a joint resolution approved June 4, 1958, has authorized and requested the President of the United States to proclaim annually the week which includes July 4 as National Safe Boating Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning June 29, 1958, as National Safe Boating Week.

I urge boating organizations, the boat industry, Government agencies, and all other organizations and all individuals interested in boating, to join in the observance of National Safe Boating Week; and I ask them to do their utmost during that week and throughout the year to make boating a safe and enjoyable activity.

I also invite the Governors of the States, Territories, and possessions of the United States to provide for the observance of National Safe Boating Week in

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FEDERAL REGISTER

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(As of January 1, 1958)

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Title 6 ($1.50)
Title 26, 1957 Added Pocket Parts:
Parts 1–79 ($0.25)
Parts 80–169 ($0.25)
Parts 170–182 ($0.20)
Titles 44–45, 1957 Added Pocket Part ($0.35)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Parts 1–19, Rev. Jan. 1, 1958 ($3.00), Parts 20–221, Rev. Jan. 1, 1958 ($2.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Parts 800–1099 ($0.65), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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order to focus universal attention on the importance of safe boating practices.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 4th day of June in the year of our Lord nineteen hundred and fifty-
[SEAL] eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4413; Filed, June 6, 1958; 2:51 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

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PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—PROVISIONS FOR PARTICIPATION OF FINANCIAL INSTITUTIONS IN POOLS OF CCC PRICE SUPPORT LOANS OF CERTAIN COMMODITIES

Correction

In F. R. Document 58-4252, appearing in the issue for Thursday, June 5, 1958, at page 3913, make the following change: In § 421.3811, line 10, the word "dispersing" should read "disbursing".

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 900—GENERAL REGULATIONS

SUBPART—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended, and as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F. R. 9217), the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders are hereby amended as follows:

1. Delete § 900.4 (b) and (c) and insert in lieu thereof the following:

(b) *Giving notice of hearing.* (1) The Deputy Administrator shall give or cause to be given notice of hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a true copy of the notice of hearing to each of the persons known to the Deputy Administrator, to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers in the area proposed to be subjected to regulation as reasonably will tend to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of such of the several States of the United States and to executive heads of such of the Territories and Possessions of the United States as the Deputy Administrator, having due regard for the subject matter of the proposal and the public interest, shall determine should be notified.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subparagraph (1) (ii), (iii), and (iv) of this paragraph shall not affect the legality of the notice.

(c) *Proof of the giving of notice.* There shall be filed with the hearing clerk or submitted to the examiner at the hearing proof of the giving of notice (other than by publication in the FEDERAL REGISTER) in the form of an affidavit or certificate of the person giving the same. In the alternative, if notice is not given in the manner provided in paragraph (b) (1) (ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the examiner at the hearing a determination by the Deputy Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. In the event of a determination by the Deputy Administrator such determination shall be final.

2. Delete § 900.8 (c) and insert in lieu thereof the following:

(c) *Order of procedure.* (1) The presiding officer shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record his designation as presiding officer, the notice of hearing as filed with the Division of the Federal Register, and the affidavit or certificate of the giving of notice or the determination provided for in § 900.4 (c).

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(Sec. 10, 48 Stat. 37, as amended; 7 U. S. C. 610)

Done at Washington, D. C., this 5th day of June 1958, to be effective on and after publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4384; Filed, June 9, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 570—WASHINGTON NATIONAL AIRPORT

SPEED OF MOTOR VEHICLES

In the interest of maintaining proper control over the speed of motor vehicles operating on Washington National Airport it has been determined that § 570.24 should be amended to further reduce the speed limit for motor vehicles operating on certain areas of the Airport. A proprietary function of the Government is involved; therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Section 570.24 is amended to read as follows:

§ 570.24 *Speed.* (a) No person shall operate a motor vehicle of any kind in excess of 6 miles per hour in the baggage concourse located in the Terminal Building,

(b) No person shall operate a motor vehicle of any kind in excess of 15 miles per hour on any apron or ramp,

(c) No person shall operate a motor vehicle of any kind in excess of 25 miles per hour on the taxiways, runways, restricted service roads, or any other areas comprising the aircraft movement area of the Airport (excluding the ramp or apron),

(d) No person shall operate a motor vehicle of any kind in excess of the speed limits prescribed and posted by the Airport Director on areas of the Airport not mentioned in paragraph (a), (b), or (c) of this section, and

(e) No person shall operate a motor vehicle in a careless or reckless manner on the Airport, and motor vehicles shall be so operated as to be under safe control at all times, weather and traffic conditions considered.

(Sec. 2, 54 Stat. 688; 2 D. C. Code 1602)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 3, 1958.

[F. R. Doc. 58-4349; Filed, June 9, 1958; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 72—INTERSTATE QUARANTINE

SUBPART G—LAND AND AIR CONVEYANCES; EQUIPMENT AND OPERATION

TOILET AND LAVATORY FACILITIES

Notice of proposed rule making, public rule making proceedings and postponement of effective date have been omitted as unnecessary in the issuance of the following amendment to § 72.150 which relieves a restriction.

Section 72.150 is amended by deleting paragraph (b) so that as amended said section reads as follows:

§ 72.150 *Toilet and lavatory facilities.* Where toilet and lavatory facilities are provided on conveyances they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes or hydrants.

(Sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interprets or applies sec. 361, 58 Stat. 703; 42 U. S. C. 264)

Dated: May 23, 1958.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: May 29, 1958.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-4363; Filed, June 9, 1958; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

[Order 35]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of May 1958.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 35, dated April 9, 1958, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on April 24, 1958 (23 F. R. 2748), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; and that no request for hearing and no written views or arguments were submitted to the Commission in favor of or against the proposed amendments:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended as set forth below.

It is further ordered, That this order shall become effective August 20, 1958, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F. R. 8265, 8266, 8269, 8270, 8271, 8273, Dec. 2, 1950) (20 F. R. 949, Feb. 15, 1955) (18 F. R. 6776, Oct. 27, 1953) (22 F. R. [illegible], Oct. 3, 1957) (23 F. R. 2322, April [illegible], 1958) as follows:

§ 72.5. *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Calcium arsenate, solid	Pois. B	73.364, 73.367, 73.368	Poison	200 pounds.
Chromyl chloride	Cor. L.	No exemption, 73.247	White	1 gallon.
Hafnium powder or sponge, dry	F. S.	No exemption, 73.215	Yellow	75 pounds.
Hafnium powder, wet or sludge	do	No exemption, 73.214	do	150 pounds.
Liquefied carbon dioxide gas (mining device). *See* Carbon dioxide gas, liquefied (mining device).				
Self-propelled vehicles	See §§ 73.120, 73.257, 73.303.			
Smokeless powder for cannon or small arms *See* Propellant explosives, class A, or propellant explosives, class B.				
Zirconium powder or sponge, dry	F. S.	No exemption, 73.215	Yellow	75 pounds.
Zirconium powder, wet or sludge	do	No exemption, 73.214	do	160 pounds.
(Add)				
Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.	Pois. A	No exemption, 73.329 (c)	Poison Gas.	Not accepted.
Dinitrophenol solutions	Pois. B	73.345, 73.362A	Poison	65 pounds.
Methyl acetylene—15% to 20% propadiene mixture.	F. G.	73.302, 73.308, 73.314	Red Gas	300 pounds.
Nitrocellulose flakes, wet with alcohol or solvent. *See* Wet nitrocellulose flakes—20 percent alcohol or solvent.				
Trick noise makers, explosive	Expl. C	No exemption, 73.111		150 pounds.
Wet nitrocellulose flakes—20 percent alcohol or solvent.	F. L.	73.118, 73.127	Red	25 pounds.
(Cancel)				
Negative cotton. *See* High explosives.				

PART 73—SHIPPERS

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.100 amend paragraph (o); amend the introductory text of paragraph (x) and add paragraph (x) (3) (15 F. R. 8296, Dec. 2, 1950) (21 F. R. 670, Jan. 31, 1956) to read as follows:

§ 73.100 *Definition of class C explosives.* * * *

(o) Safety fuse, consisting of a core of black powder overspun with yarns, waterproofing compounds, and/or tapes must be packed in outside fiberboard boxes, wooden boxes, wooden barrels, bales, or metal containers, and must be described for shipping purposes as "SAFETY FUSE". No other restrictions apply in this part.

* * * * *

(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of a type approved by the Bureau of Explosives and are described as follows:

* * * * *

(3) Trick noise makers, explosive, consist of spheres containing a small amount of explosive composition.

2. In § 73.111 amend the heading and introductory text of paragraph (a) (21 F. R. 670, Jan. 31, 1956) to read as follows:

§ 73.111 *Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive.* (a) Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive must be packed in specification containers as follows:

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

In § 73.127 amend the heading and introductory text of paragraph (a) (15 F. R. 8301, Dec. 2, 1950) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet, nitrocellulose flakes, colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, etc.* (a) Nitrocellulose or [illegible] cotton, fibrous, or nitrostarch, wet with alcohol or a solvent, must contain at least 30 percent by weight of alcohol or a solvent with flash point not lower than 30° F., nitrocellulose flakes, colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet with alcohol or a solvent, must contain at least 20 percent by weight of alcohol or a solvent with flash point not lower than 30° F., and must be packed in specification containers as follows:

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.151 amend paragraph (a) (15 F. R. 8303, Dec. 2, 1950) to read as follows:

§ 73.151 *Oxidizing material; definition.* (a) An oxidizing material for the purpose of Parts 71–78 of this chapter is a substance such as a chlorate, permanganate, peroxide, nitro carbo nitrate, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.

2. In § 73.153 amend paragraph (c) (58); add paragraph (c) (68) (15 F. R. 8303, Dec. 2, 1950) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* * * *

(c) * * *

(58) Zirconium, dry, wet or sludge.

* * * * *

(68) Hafnium, dry, wet or sludge.

3. In § 73.176 amend paragraph (d) (2) (15 F. R. 8306, Dec. 2, 1950) to read as follows:

§ 73.176 *Matches.* * * *

(d) * * *

(2) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside containers; not over [illegible] pounds each. Fill-in pieces specified by § 78.205–14 or § 78.206–14 of this chapter shall not be required.

4. In § 73.182 amend the introductory text of paragraph (a) by amending only the commodity "Nitro carbo nitrate" to read "Nitro carbo nitrate (see Note 1)"; add Note 1 to paragraph (a) (1) (19 F. R. 8526, Dec. 14, 1954) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.182 *Nitrates.* (a) * * *

(1) * * *

NOTE 1: Nitro carbo nitrate is a mixture consisting substantially of inorganic nitrates and carbonaceous materials, in which none of the ingredients are explosive as defined in this part and which as packaged for shipment cannot be detonated by means of a No. 8 test blasting cap as described herein. (A No. 8 test blasting cap is one containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.)

5. In § 73.207 amend paragraph (b) (2) (15 F. R. 8310, Dec. 2, 1950) to read as follows:

§ 73.207 *Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.* * * *

(b) * * *

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be metal cans of not over 5 pounds net weight each or glass bottles of not over 1 pound net weight each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross.

6. In § 73.214 amend the heading and introductory text of paragraph (a) (18 F. R. 6778, Oct. 27, 1953) to read as follows:

§ 73.214 *Zirconium powder or hafnium powder, wet or sludge.* (a) Zirconium powder or hafnium powder, wet or sludge, must be packed in specification containers as follows:

7. In § 73.215 amend the heading and introductory text of paragraph (a); amend paragraphs (a) (3), (4); cancel paragraph (a) (5) (18 F. R. 6778, Oct. 27, 1953) (20 F. R. 4416, June 23, 1955) to read as follows:

§ 73.215 *Zirconium or hafnium powder or sponge, dry.* (Not subject to these regulations if particle size exceeds 20 mesh). (a) Zirconium or hafnium powder or sponge, dry, must be packed in specification containers as follows:

* * * * *

(3) Spec. 6A, 6B, or 6C (§ 78.97, § 78.98, or § 78.99 of this chapter). Metal barrels or drums not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium sponge.

(4) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip) not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium sponge.

(5) [Canceled.]

8. In § 73.234 amend paragraph (a) (2) (19 F. R. 1278, Mar. 6, 1954) to read as follows:

§ 73.234 *Sodium nitrite.* (a) * * *

(2) Spec. 44C (§ 78.237 of this chapter). Multiwall paper bags constructed of at least 5 thicknesses of heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 320 pounds including a polyethylene, or other suitable pliable plastic material, inner sheet having a minimum basis weight of 10 pounds. All closures must be of such design as to provide a moisture-resistant package when closed for shipment. Net weight not over 100 pounds each. Authorized for carload or truckload shipments only.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.242 amend paragraph (c) (21 F. R. 3010, May 5, 1956) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* * * *

(c) Acid or corrosive liquid solutions in securely closed bottles, in quantity necessary for preparing photographic processing mixture and efficiently cushioned, may be packed in the same outside shipping container with required amount of packaged dry chemicals not classed as dangerous articles by these regulations, provided no dangerous reaction occurs should the contents of bottles and dry chemicals be mixed. Marking prescribed in § 73.401 (c) shall not be required.

2. In § 73.257 add paragraphs (a) (13) and (c) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(13) Spec. 5B, 6J, or 37A (single-trip) (§ 78.82, § 78.100, or § 78.131 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Spec. 37A (§ 78.131 of this chapter) drums shall be constructed of at least 24 gauge steel for capacities over 5 gallons. Two ⅛-inch holes are permitted diametrically opposite each other in the steel barrel or drum bodies near the bottom chime. Gross weight restriction indicated by the gross weight embossment on spec. 6J and 37A (§§ 78.100 and 78.131 of this chapter) steel barrels or drums shall be waived.

* * * * *

(c) Electrolyte acid or corrosive battery fluid contained in polyethylene containers not over 2 quarts capacity each and packed not more than 3 containers in spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter) wooden boxes or packed as prescribed in § 73.257 (a) (6) and bearing white acid label or corrosive liquid label may be securely attached to self-propelled vehicles or mobile agricultural machinery or securely braced on car floors.

3. In § 73.263 amend paragraph (a) (15); add paragraphs (a) (20) and (d) (2) (19 F. R. 6268, Sept. 29, 1954) (15 F. R. 8317, Dec. 2, 1950) (21 F. R. 9357, Nov. 30, 1956) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) * * *

(15) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

* * * * *

(20) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip) with inside polyethylene containers, spec. 2T (§ 78.21 of this chapter). Removable heads of steel drums may have holes of suitable size to provide for protruding neck and closure of inner container.

* * * * *

(d) * * *

(2) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be in the outside container.

4. In § 73.372 amend paragraph (f) (3) (23 F. R. 2326, April 10, 1958) to read as follows:

§ 73.272 *Sulfuric acid.* * * *

(f) * * *

(3) Spec. 5B, 6J, or 37A (single-trip) (§ 78.82, § 78.100, or § 78.131 of

this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Steel barrels or drums of 55-gallon capacity when used for sulfuric acid of 93 percent or greater concentration shall be constructed of at least 16 gauge steel throughout. Gross weight restriction indicated by the gross weight embossment on spec. 6J and 37A (§§ 78.100 and 78.131 of this chapter) steel barrels or drums shall be waived.

5. In § 73.286 add paragraph (c) (15 F. R. 8323, Dec. 2, 1950) to read as follows:

§ 73.286 *Chemical kits.* * * *

(c) Chemical kits containing acids or corrosive liquids and other chemicals not classed as dangerous articles used for photographic processing, except as otherwise provided for in Parts 71–78 of this chapter, must be packed in specification containers as follows:

(1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 32 ounces capacity each, securely cushioned and separated from other inside containers. The contents of the kit must be of such nature and so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas.

SUBPART—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend paragraph (a) (9) (21 F. R. 7601, 7602, Oct. 4, 1956) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) * * *

(9) Inside nonrefillable metal containers of a capacity not to exceed 31.83 cubic inches (17.6 fluid ounces) charged with a solution of nonpoisonous and nonflammable materials and nonliquefied compressed gases. Pressure in the container not to exceed 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

2. In § 73.306 amend paragraph (b) (1) (22 F. R. 2227, Apr. 4, 1957) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* * * *

(b) * * *

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside container must be plainly marked "Inside containers comply with prescribed specifications".

3. In § 73.308 amend paragraph (a) table and add Note 14 thereto (19 F. R. 8527, Dec. 14, 1954) as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(*Add*) Methylacetylene—15% to 20% propadiene mixture (see Note 14).	*Percent* 50	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240, ICC-4BA240; ICC-4B240ET.

* * * * *

NOTE 14: Cylinders having a water capacity in excess of one gallon shall be insulated with three coats of heat-retardant paint, of a type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives.

4. In § 73.314 amend paragraph (a) table (22 F. R. 2227, Apr. 4, 1957) as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(*Add*) Methyl acetylene—15% to 20% propadiene mixture.	*Percent* 56	ICC-105A300-W.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.329 amend the heading and introductory text of paragraph (a); add paragraph (c) (16 F. R. 9377, 9378, Sept. 15, 1951) to read as follows:

§ 73.329 *Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.* (a) Bromacetone, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

* * * * *

(c) *Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.* Chlorpicrin and nonflammable, nonliquefied compressed gas mixtures, in addition to containers prescribed in § 73.328, when offered for transportation by carriers by rail freight, highway, or water, must be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, 78.51, or § 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates [illegible] § 73.25).

2. In § 73.331 amend paragraph (a) (1) (15 F. R. 8332, 8333, Dec. 2, 1950) to read as follows:

§ 73.331 *Gas identification sets.* (a) * * *

(1) Gas identification sets containing poisonous liquids and gases, class A, and poisonous articles, class C, may be shipped in amounts not exceeding 5 cubic centimeters, if a liquid, or 5 grams, if a solid, when mixed with or absorbed in activated charcoal or silica gel, or other absorbent medium, and packed in strong glass bottles of not less than 4 fluid ounces capacity. The poisonous gases, class A, and chlorine may be shipped if the gas itself is absorbed in activated charcoal or silica gel, or other absorbent medium, this material to be filled into 4 ounce bottles as above; each bottle as herein specified must be surrounded with appropriate absorbent cushioning material, and inclosed in a hermetically sealed metal can; each can must be surrounded on all sides by at least 1 inch of dry, fine sawdust or wood pulp; the cans must be packed in an outside wooden box, spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter); the bottles must be closed with ground-in glass stoppers securely fastened; the cushioning material around the bottle must be at least 1 inch thick; the cans must be made from metal of thickness not less than 30 gauge, United States standard; and there must be not more than a total of 100 grams or cubic centimeters, or a combination of both, in each outside wooden box.

3. Add § 73.362a (15 F. R. 8336, Dec. 2, 1950) to read as follows:

§ 73.362a *Dinitrophenol solutions.* (a) Dinitrophenol solutions must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass, earthenware, or metal inside containers not over 1 gallon capacity each; not to contain more than 4 inside glass or earthenware containers if their capacity is greater than 5 pints each.

4. In § 73.365 amend paragraph (a) (2) (20 F. R. 4418, June 23, 1955) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) * * *

(2) Spec. 17E, 17H, 37A, or 37B (§ 78.116, § 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 375 pounds, except for material fused solid in the drum a gross weight of 880 pounds is authorized in drums constructed of at least 18 gauge steel regardless of gross weight marking embossed in the container.

5. In § 73.367 add paragraph (a) (6) (15 F. R. 8337, Dec. 2, 1950) to read as follows:

§ 73.367 *Arsenical compounds, n. o. s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures.* (a) * * * spec. 44E (§ 78.239 of this chapter). Multiwall paper bags constructed with minimum total basis weight of 160 pounds. For carload or truckload shipments only; loaded by the consignor and unloaded by the consignee or his duly authorized agent. Net weight not over 50 pounds each.

In § 73.368 amend paragraph (a) F. R. 8337, Dec. 2, 1950) to read as follows:

§ 73.368 *Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts.* (a) Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts from metal recovery operations not subject to dangerous spontaneous heating, and arsenic trioxide, calcium arsenate, or sodium arsenate, when delivery is made to plants with private sidings, only, may, in addition to containers prescribed in § 73.367, be shipped in sift-proof, self-clearing, hopper or bottom outlet steel cars or in sift-proof all steel flat bottom gondola cars with fixed sides and ends equipped with water-proof and dust-proof wooden or steel covers well secured in place for all openings, or in sift-proof box cars of all steel construction only when said cars are assigned exclusively to this service. See § 74.566 (b) of this chapter for cleaning cars. Such cars, when used exclusively in this service, are not subject to the requirements of § 74.566 (b) of this chapter.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.529 amend paragraph (c) (19 F. R. 6269, Sept. 29, 1954) to read as follows:

§ 74.529 *Cars for class B explosives.* * * *

(c) Explosives, class B, may be carried in tight, closed truck bodies or trailers on flat cars provided all automatic heating or refrigerating machinery with which truck bodies or trailers are equipped shall be rendered inoperative. Packages of explosives shall be so braced and stayed as to prevent their movement and so as to prevent injury to them due to movement of other freight during transit. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed. "Dangerous" placards prescribed by § 74.552 must be securely attached to the car or truck body or trailer so as to be visible from both sides and ends of the car.

2. In § 74.530 amend paragraph (b) (19 F. R. 6269, Sept. 29, 1954) to read as follows:

§ 74.530 *Cars for class C explosives.* * * *

(b) Explosives, class C, may be carried in tight, closed truck bodies or trailers on flat cars provided all automatic heating or refrigerating machinery with which truck bodies or trailers are equipped shall be rendered inoperative. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

SUBPART C—PLACARDS ON CARS

In § 74.544 add paragraph (a) (5) (15 F. R. 8351, Dec. 2, 1950) to read as follows:

§ 74.544 *Placards not required.* (a) * * *

(5) Cars carrying shipments of electrolyte acid or corrosive battery fluid together with self-propelled vehicles or mobile agricultural machinery in accordance with the provisions of § 73.257 (c).

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

In § 78.51-20 amend the introductory text of paragraph (a) (22 F. R. 2230, April 4, 1957) to read as follows:

§ 78.51 *Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.*

§ 78.51-20 *Authorized steel.* (a) Open hearth or electric steel of uniform quality. The following chemical analyses are authorized. (See footnote 1):

(No change in table.)

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.82-7 paragraph (a) table, amend the sub-column heading "Head sheet" to read "Head Sheet[4]"; add footnote 4 to paragraph (a) table (22 F. R. 3928, June 5, 1957) to read as follows:

§ 78.82 *Specification 5B; steel barrels or drums.*

§ 78.82-7 *Parts and dimensions.* (a) * * *

[4] Head sheet may have holes of suitable size to provide for protruding closures when used with inside spec. 2S (§ 78.35) polyethylene drum.

2. In § 78.100-5 paragraph (a) table, amend the sub-column heading "Head sheet" to read "Head sheet[4]"; add footnote 4 to paragraph (a) table (22 F. R. 2233, Apr. 4, 1957) to read as follows:

§ 78.100 *Specification 6J; steel barrels and drums.*

§ 78.100-5 *Parts and dimensions.* (a) * * *

[4] Head sheet may have holes of suitable size to provide for protruding closures when used with inside spec. 2S (§ 78.35) polyethylene drum.

3. In § 78.131-6 paragraph (a) table, amend the 2d column heading to read "Authorized gross weight not over (pounds)[5]"; amend the sub-column heading "Head sheet" to read "Head sheet[4]"; add footnotes 4 and 5 to paragraph (a) table (21 F. R. 9363, Nov. 30, 1956) (22 F. R. 7842, Oct. 3, 1957) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131-6 *Capacities, weights, type, and gauges.* (a) * * *

[4] Head sheet may have holes of suitable size to provide for protruding closures when used with inside spec. 2S (§ 78.35) polyethylene drum.

[5] Drums must be manufactured in accordance with gauge requirements for capacity of drum as prescribed in § 78.131-6 except that weight restriction indicated by the gross weight embossment shall be waived when container is used in conjunction with an inside spec. 2S (§ 78.35) polyethylene drum.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

In § 78.185-16 amend paragraph (a) (1) (15 F. R. 8471, Dec. 2, 1950) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

§ 78.185-16 *Staple spacing (approximate) and minimum size.* (a) * * *

(1) One and one-fourth inches long with 1½-inch spacing, or 1⅛ inches long with 1-inch spacing, when boards are over ¼-inch thick.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. In § 78.205-14 amend paragraphs (a) and (b) and add paragraph (c) (4); in § 78.205-17 amend the introductory text of paragraph (a) and amend paragraph (a) (1); in § 78.205-18 amend paragraph (a) (4) (18 F. R. 3143, June 2, 1953) (15 F. R. 8475, 8476, Dec. 2, 1950) (21 F. R. 7610, Oct. 4, 1956) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205-14 *Flap closures.* (a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by Part 73 of this chapter.

(b) If to be closed by adhesive, each inner flap must cover at least one-third of face; inner flaps must butt or have full overlap, or fill-in pieces must be used, unless otherwise provided by Part 73 of this chapter, except that fill-in pieces are not required when outer flaps have full overlap. Outer flaps must butt or have full overlap.

(c) * * *

(4) Complete inner box or boxes.

§ 78.205-17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces where required or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

(1) By stitching with staples as prescribed by § 78.205-6 at 2½-inch intervals along all seams (one 5-inch space allowed, when necessary to permit use of stitching device); or with staples made of flat wire of hardness not less than equivalent of Rockwell B90, and not less than 0.037 inch thick and not less than 0.074 inch wide, with not less than 1¼ inch crown, may be spaced not more than 5 inches apart. Such staples may be used across center seam where outside

flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps; or staples made of arcuate wire of hardness not less than equivalent of Rockwell B90, and not less than 0.027 inch thick and not less than 0.095 inch wide, with not less than 1 inch crown, may be spaced not more than 5 inches apart. Such stitches when spaced not more than 2½ inches apart may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps.

§ 78.205–18 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

2. In § 78.206–14 amend paragraphs (a) and (b) and add paragraph (c) (4); in § 78.206–17 amend the introductory text of paragraph (a) and amend paragraph (a) (1); in § 78.206–18 amend paragraph (a) (4) (18 F. R. 3143, June 2, 1953) (15 F. R. 8477, 8478, Dec. 2, 1950) (22 F. R. 2235, Apr. 4, 1957) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.206 *Specification 12C; fiberboard boxes.*

§ 78.206–14 *Flap closures.* (a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by Part 73 of this chapter.

(b) If to be closed by adhesive, each inner flap must cover at least one-third of face; inner flaps must butt or have full overlap, or fill-in pieces must be used, unless otherwise provided by Part 73 of this chapter, except that fill-in pieces are not required when outer flaps have full overlap. Outer flaps must be reasonably close together at the center seam or have full overlap.

(c) * * *

(4) Complete inner box or boxes.

§ 78.206–17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces where required or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

(1) By stitching with staples as prescribed by § 78.206–6 at 2½-inch intervals along all seams (one 5-inch space allowed when necessary to permit use of stitching device); or with staples made of flat wire of hardness not less than equivalent of Rockwell B90, and not less than 0.037 inch thick and not less than 0.074 inch wide, with not less than 1¼-inch crown, may be spaced not more than 5 inches apart. Such staples may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlay inner flaps; or staples made of arcuate wire of hardness not less than equivalent of Rockwell B90, and not less than 0.027 inch thick and not less than 0.095 inch wide, with not less than 1 inch crown, may be spaced not more than 5 inches apart. Such stitches when spaced not more than 2½ inches apart may be used across center seam where outside flaps meet in lieu of on both sides of center seam but need only be used where outside flaps overlap inner flaps.

§ 78.206–18 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

3. In § 78.207–18 amend paragraph (a) (4) (15 F. R. 8479, Dec. 2, 1950) to read as follows:

§ 78.207 *Specification 12D; fiberboard boxes.*

§ 78.207–18 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

4. In § 78.208–12 amend paragraph (a) (4) (15 F. R. 8479, Dec. 2, 1950) to read as follows:

§ 78.208 *Specification 12E; fiberboard boxes.*

§ 78.208–12 *Marking.* (a) * * *

(4) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

5. In § 78.209–13 amend paragraph (a) (3) (20 F. R. 8110, Oct. 28, 1955) to read as follows:

§ 78.209 *Specification 12H; fiberboard boxes.*

§ 78.209–13 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

6. In § 78.210–12 amend paragraph (a) (3) (22 F. R. 7843, Oct. 3, 1957) to read as follows:

§ 78.210 *Specification 12A; fiberboard boxes.*

§ 78.210–12 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

7. In § 78.214–17 amend paragraph (a) (3) (15 F. R. 8480, Dec. 2, 1950) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

§ 78.214–17 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

8. In § 78.218–10 amend paragraph (a) (3) (15 F. R. 8480, Dec. 2, 1950) to read as follows:

§ 78.218 *Specification 23G; special cylindrical fiberboard box for high explosives.*

§ 78.218–10 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be least ½ inch high; other markings must be legible.

9. In § 78.219–13 amend paragraph (a) (3) (17 F. R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–13 *Marking.* (a) * * *

(3) Size of markings: Specification markings prescribed in subparagraph (1) of this paragraph must be at least ½ inch high; other markings must be legible.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.283–5 amend paragraph (a) (1) (21 F. R. 4593, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–5 *Material.* (a) * * *

(1) The maximum corrosion rate in inches penetration per month in the ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels shall be 0.006 for the straight chromium-bearing stainless steel and 0.0015 for any of the chromium-nickel alloys.

2. In § 78.297–5 amend paragraph (a) (21 F. R. 4619, June 26, 1956) to read as follows:

§ 78.297 *Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297–5 *Material.* (a) All plates for tank and expansion dome must be to an approved specification and be made of a metal capable of resisting the action of nitric acid as follows:

(1) The maximum corrosion rate in inches penetration per month in the ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels shall be 0.006 for the straight chromium-bearing stainless steel and 0.0015 for any of the chromium-nickel alloys.

3. In § 78.298–5 amend paragraph (a) (21 F. R. 4621, June 26, 1956) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298–5 *Material.* (a) All plates for tank and expansion dome must be to an approved specification and be made of a metal capable of resisting the action of nitric acid as follows:

(1) The maximum corrosion rate in inches penetration per month in the ASTM Specification A–262 titled Recommended Practice Boiling Nitric Acid Test for Corrosion-Resisting Steels shall be 0.006 for the straight chromium-bearing

stainless steel and 0.0015 for any of the chromium-nickel alloys.

4. In § 78.307-18 amend paragraph (a) (1) (22 F. R. 4808, July 9, 1957) to read as follows:

§ 78.307 *Specification ICC-105A200-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.307-18 *Marking.* (a) * * *

(1) ICC-105A200-W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A-212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC-105A200-W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.321-11 amend paragraph (b) (16 F. R. 11785, Nov. 21, 1951) to read as follows:

§ 78.321 *Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.*

§ 78.321-11 *Properties of material.* * * *

(b) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point, minimum	45,000 p. s. i.
Ultimate strength, minimum	60,000 p. s. i.
Elongation, 2-inch sample	25 percent.

2. In § 78.322-18 amend the introductory text of paragraph (b) (22 F. R. 11034, Dec. 31, 1957) to read as follows:

§ 78.322 *Specification MC 301; cargo tanks constructed of welded aluminum alloy (grade 3S).*

§ 78.322-18 *Bulkheads, baffles, and ring stiffeners.* * * *

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

3. In § 78.324-11 amend paragraph (a) (21 F. R. 7611, Oct. 4, 1956) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.*

§ 78.324-11 *Material—*(a) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall be of ferrous alloy, commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point	45,000 p. s. i.
Ultimate strength	60,000 p. s. i.
Elongation, 2-inch sample	25 percent.

4. In § 78.325-8 paragraph (d) amend the text following the third table; in § 78.325-21 amend paragraph (a) (21 F. R. 7611, Oct. 4, 1956) (20 F. R. 8115, Oct. 28, 1955) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absolute at 100° F.*

§ 78.325-8 *Minimum thickness of material.* * * *

(d) * * *

All material used in accordance with this table of minimum thicknesses shall meet or exceed the following minimum requirements:

	Steel other than stainless	Stainless steel
Yield point .... p. s. i.	45,000	32,000
Ultimate strength .... p. s. i.	60,000	75,000
Elongation, 2-inch sample percent	25	20

§ 78.325-21 *Anchoring of tank.* (a) Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

5. In § 78.330-9 amend paragraphs (c) (3) and (4) (15 F. R. 8555, Dec. 2, 1950) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.*

§ 78.330-9 *Material.* * * *

(c) * * *

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized as set forth elsewhere in this appendix; or

(4) for the transportation of hydrofluoric acid of sixty percent (60%) or higher concentration, they be passivated in the following or an equally effective method: By filling the tank to not less than ninety percent (90%) of its capacity with hydrofluoric acid of fifty-eight percent (58%) strength and allowing it to stand at least forty-eight (48) hours at a temperature of eighty degrees Fahrenheit (80° F.), then seven (7) hours at one hundred forty degrees Fahrenheit (140° F.), the internal pressure being maintained at atmospheric pressure the meanwhile.

6. In § 78.331-9 amend paragraph (e) (3) (18 F. R. 6784, Oct. 27, 1953) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331-9 *Materials.* * * *

(e) * * *

(3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

[F. R. Doc. 58-4356; Filed, June 9, 1958; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

INVESTMENTS; INSPECTION OF ASSETS

In § 13.321, paragraph (b) (6) is amended to read as follows:

§ 13.321 *Investments; inspection of assets.* * * *

(b) * * *

(6) The Chief Attorney will instruct legal custodians to invest all funds received from the Veterans Administration not needed for the current or contemplated support of the beneficiary. Preferred investments are United States savings bonds, which in order to avoid necessity for a corporate surety bond should be registered only in this form:

---------- (ward's name), a minor, under custodianship by designation of the Veterans Administration.

(Ward's address) ----------------------

The amount of the investments in United States savings bonds which are so registered will be excluded in determining the penal sum of a corporate surety bond otherwise required by §§ 13.210 and 13.312. The Chief Attorney will not object to investment of surplus funds by a legal custodian in interest or dividend paying accounts in banks, shares or deposits in building and loan associations or Federal savings and loan associations, provided the accounts, shares or deposits are insured by the corporations and under the laws cited in paragraph (d) (1) of this section, or comparable insurance protection authorized by State law. In such cases, when a corporate surety bond would otherwise be required by §§ 13.210 and 13.312, the legal custodian may be authorized, in lieu of furnishing such bond, to make arrangements with the bank, building and loan association, or Federal savings and loan association, whereby the funds so invested may be withdrawn only with the written approval of the Chief Attorney. A copy of the agreement made by the legal custodian with the bank, building and loan association, or Federal savings and loan association will be filed in the records of the particular case in the Chief Attorney's office.

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interprets or applies sec. 1502, 71 Stat. 136; 38 U. S. C. 3502)

This regulation is effective June 10, 1958.

[SEAL] R. J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-4362; Filed, June 9, 1958; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 16–27; FCC 58–548]

PART 16—LAND TRANSPORTATION RADIO SERVICES

ASSIGNMENT OF CERTAIN FREQUENCY PAIRS

In the matter of amendment of §§ 16.256 and 16.352 (c) of the Commission's rules governing the Land Transportation Radio Services relative to the assignment of the frequency pairs 452.90–457.90 Mc and 452.95–457.95 Mc.

The Commission has before it for consideration the petition (File No. RM23) of the American Trucking Associations, Inc. (ATA) filed on April 21, 1958, and the answer of the Association of American Railroads (AAR) in reply thereto filed May 19, 1958. ATA requests the Commission to issue a Notice of Proposed Rule Making for the purpose of providing that:

(1) The frequency pair 452.95–457.95 Mc (now presently available for assignment only to stations in the Railroad Radio Service) for duplex or 452.95 for simplex operations will be assigned only when it is shown that all other frequencies available to the applicant are used to capacity in the area in question and that there is a need for the assignment of this frequency pair or the simplex frequency; and

(2) All persons authorized to use the frequencies 452.95 and 457.95 Mc in the Motor Carrier Radio Services prior to April 1, 1958, may continue using them until one or both of the frequencies are assigned in same area to a station in the Railroad Radio Service.

Prior to April 1, 1958, four frequency pairs, consisting of 100 kc wide channels, were available in the 450–460 Mc band to the Motor Carrier Radio Service and the Railroad Radio Service on a shared basis. However, the Commission by its Memorandum Report and Order in Docket No. 11993 (FCC 58–195) released on February 28, 1958 and effective, April 1, 1958, among other things, reduced the channel spacing in this band from 100 kc to 50 kc, made the frequencies available on a regular rather than on a developmental basis, and made 5 frequency pairs available to the Motor Carrier Radio Service on an exclusive basis and 2 frequency pairs available to the Railroad Radio Service on an exclusive basis. The Commission had proposed in its notice on this matter (FCC 57–358) that 4 frequency pairs be made available to the Motor Carrier Radio Service and 3 frequency pairs made available to the Railroad Radio Service but stated in its Memorandum Report and Order:

> The American Trucking Associations, Inc., objected to the proposed sub-allocation of the four pairs of frequencies (and three "splits" derived therefrom) in the 450–460 Mc range now shared by the Motor Carrier Radio Service and the Railroad Radio Service, on the basis that all four frequency pairs presently available are being extensively used by the Motor Carrier Radio Service and that very little need for frequencies in this range has been shown by the Railroad Radio Service. With this contention the Association of American Railroads flatly disagreed, pointing out the recent amendment making provision for the Railway Express Agency, Inc., in the Railroad Radio Service and the apparent need of that organization, as well as of railroads making their own local pick-ups or deliveries, for frequencies on which communications for the conduct of those activities can be carried separate from other railroad activities. The Commission has reviewed these conflicting claims for the seven frequency pairs involved and has concluded that public interest would be served by a slight revision of the original proposal. Accordingly, the rules amendments adopted herewith provide that in lieu of the present shared use of four frequency pairs in the 450–460 Mc range, the Motor Carrier Radio Service will have available five frequency pairs on an exclusive basis and the Railroad Radio Service will have available two frequency pairs on an exclusive basis. The requests of the American Trucking Associations, Inc., and the Association of American Railroads are denied to the extent that they are inconsistent with that action.

In support of its petition the ATA points out, as it did in its comments in Docket 11993, that prior to April 1, 1958, when the four frequency pairs in the 450–460 Mc band were available to both the Railroad and Motor Carrier Radio Service on a shared basis, the Motor Carrier Radio Service made extensive use of these frequency pairs while no use was made of these frequencies in the Railroad Radio Service. Continuing, ATA states in part:

> We believe that the frequency utilization by an existing Service is the truest measure of any Service's need for a particular portion of the spectrum. Conversely, the failure of a Service over a period of years to place any stations in a particular portion of the available spectrum space is a confession of that Service's lack of need or interest, or both, in the frequencies involved.

In addition, ATA indicates that the estimated cost of replacing the crystals and making the necessary adjustments to permit existing licensees using the frequency pair 452.95–457.95 Mc to convert to frequencies presently available to the Motor Carrier Radio Service is $40.00 per unit.

On the other hand AAR in its answer and in its reply comments filed in Docket 11993 points out that frequencies in the 450–460 Mc band have been found to be particularly useful for mobile communications in large metropolitan areas and tunnels, because their use effectively reduces or eliminates the number of "dead spots" in such locations. The AAR states that the railroads have a requirement for both tunnel and metropolitan area communications and in this connection asserts that the motor carriers' licensees are concentrated in the metropolitan areas. It further points out that one of the most important potential uses of the UHF frequencies available to the Railroad Radio Service consists of communications relating to the operation of vehicles used for pickup and delivery in metropolitan areas. It was only recently that the Commission by amendment No. 16–12 effective April 1, 1957, made railroad express companies, wholly owned by railroad common carriers, eligible in the Railroad Radio Service. In addition, amendment No. 16-[illegible] effective August 19, 1957, permits licensees in that service in install their licensed mobile units in vehicles of other persons rendering certain services to the railroads. The railroads further state that one of the reasons why the 450–460 Mc frequencies have not been used heretofore in railroad operations is that it has been important to have equipment used in line-of-road or yard-and-terminal operational communications in the same frequency band to permit interchange of equipment among various types of operations and locations. The pickup and delivery communications mentioned above can be isolated from other types of railroad communications since interchangeability of equipment is not required.

Although AAR objects to the first proposal as set forth in the ATA petition, it states that the AAR has no objection to the continued occupancy of the frequency pair 452.95–457.95 Mc by motor carrier licensees until such time as an eligible applicant in the Railroad Radio Service applies for authority to operate on those frequencies in the same area.

The Commission has thoroughly considered the facts and considerations set forth in both the petition of ATA and the answer filed by AAR.

With respect to the first proposal (that the Commission amend § 16.352 (c) to provide that the frequency pair 452.95–457.95 Mc will not be assigned to any applicant in the Railroad Radio Service unless it is shown that all other frequencies available to that Service are used to capacity in the proposed area of operation), it does not appear that the considerations or reasons set forth in support thereof by ATA, differ in any respect from those considered and rejected by the Commission in its proceedings relating to Docket No. 11993. By its action in that proceeding the Commission concluded that it was in the public interest to make those frequencies available to the Railroad Radio Service and it does not now appear that it would be in the public interest to place restrictions which might tend to interfere and restrict the orderly or planned use thereof by that Service. In reaching this conclusion the Commission is convinced of the merit of both the considerations set forth by the AAR in support of the present need by railroads of frequencies in this band, in view of recent amendments made reference to herein, and in explanation of their previous non-use of such frequencies.

As to the second proposal (that all persons presently authorized to use these frequencies in the Motor Carrier Radio Service may continue to use them until such time that one or both of the frequencies are assigned in the same area to a station in the Railroad Radio Service), to which the AAR has stated it has no objection, it appears that the public interest would be served by permitting such licensees in the Motor Carrier Radio Service to continue on these frequencies until such time as it is convenient for them to convert their equipment to other frequencies or such time as an assignment is made to a station in the Railroad Radio Service in the same area. While the Commission is in accord with the intent of the ATA request in this respect, it is not adopting the proposal in its suggested form but is limiting the period in which these developmental authorizations in the Motor Carrier Radio Service may be renewed to April 1, 1963, so as to provide that no operation by such licensees on these frequencies will be permitted after this date. Other changes from the form of the proposal, as set forth by the ATA, include the provision that authorizations will not be renewed after assignment of these frequencies have been made to a station in the Railroad Radio Service rather than a requirement that the licensees vacate the frequencies within 60 days after such assignment, and provisions for modification (other than the addition of a base station) and assignments of authorizations.

In addition, although the Commission is in sympathy with the desire of the licensees in the Motor Carrier Radio Service to delay the expense of conversion to different frequencies to a more convenient time, it takes this opportunity to strongly suggest, in keeping with the temporary nature of the relief herein afforded, that such conversion take place as soon as possible while the additional frequencies recently made available in the 450-460 Mc range are still unoccupied or are lightly loaded.

In view of the foregoing, the petition of ATA is granted to the extent consistent with the action taken herein and in all other respects is denied.

The public interest in the amendments ordered herein require that these amendments take effect as soon as possible since the date April 1, 1958, after which these frequencies became no longer available to licensees in the Motor Carrier Radio Service, has transpired and pending the adoption of the rule herein ordered such licensees would be required to convert their equipment and thereby be deprived of the relief afforded herein. Therefore, the Commission finds, under the provisions of section 4 of the Administrative Procedure Act, that compliance with the public notice requirements of that section is unnecessary and that the amendment ordered herein may be made effective immediately.

Accordingly, it is ordered, That under the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, § 16.256 of the Commission's rules is amended effective June 4, 1958, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: June 4, 1958.

Released: June 5, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 16.256 by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) Persons authorized prior to April 1, 1958, to use either or both of the frequencies 452.95 and 457.95 Mc in the Motor Carrier Radio Service may continue to renew their developmental authorizations to operate on these frequencies on a year-to-year basis until such time as these frequencies are assigned to a licensee in the Railroad Radio Service in the same area of operation; however, in no event may such operation continue beyond April 1, 1963. During this period such persons may also modify, reinstate or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee; however, they will not be authorized to expand their facilities by the addition of new base stations on either of these frequencies.

[F. R. Doc. 58-4371; Filed, June 9, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

APPROVAL OF BUDGET AND FIXING OF RATE OF ASSESSMENT FOR CALENDAR YEAR 1958

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1958, as follows:

§ 131.158 *Budget of expenses and rates of assessment for the calendar year 1958*—(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1958, will amount to $44,440.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $6,254.03 on hand with said Control Agency on January 1, 1958, from assessments collected during the calendar year 1957, leaving a balance of $38,185.97 to be collected during the calendar year 1958.

(b) *Rates of assessment.* Of the amount of $38,185.97 to be collected during the calendar year 1958, the sum of $29,021.34 shall be assessed against handlers who are manufacturers, and $9,164.63 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1958 by each handler who is a manufacturer shall be $19.96 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1957 and the pro rata share of such expenses to be paid for the calendar year 1958 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $8.80 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 Veterans of Foreign Wars Building, Kansas City 11, Missouri.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the thirtieth (30th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate.

(49 Stat. 781; 7 U. S. C. 851 et seq.)

Issued this 4th day of June 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-4352; Filed, June 9, 1958; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

LEARNING PERIODS; SUBMINIMUM RATES

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations for the employment of learners in the knitted wear industry at wages lower than the wage applicable under section 6 of the Act (29 CFR 522.30 to 522.35).

These regulations have been examined in the light of recent changes in wage levels and experience gained in their administration.

All relevant information available indicates that it is necessary to increase the special minimum rate presently authorized for the learner occupations in the knitted wear industry from 85 cents an hour to 90 cents an hour.

In addition, it appears desirable to amend the regulations concerning the learning periods designated for the learner occupations in this industry (29 CFR 522.34). It is the purpose of the proposed amendment to provide that no worker may be employed as a learner at hourly wage rates below the minimum wage applicable under section 6 of the act for the learning periods permitted in those regulations in more than two of the learner occupations authorized in this industry.

Accordingly, notice is hereby given in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, that I propose to amend Part 522 of Title 29, Code of Federal Regulations, as indicated below.

1. Amend § 522.34 by inserting the following new paragraph (d):

(d) No worker shall be employed as a learner at subminimum rates in more than two of the learner occupations authorized in § 522.33.

2. Amend paragraph (a) of § 522.35 to read as follows:

(a) The subminimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than 90 cents per hour.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Acting Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within fifteen days of the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 4th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-4380; Filed, June 9, 1958; 8:50 a. m.]

[29 CFR Parts 608, 609, 610, 611, 612]

[Administrative Order 508]

VARIOUS INDUSTRIES IN PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 40-A for the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico; Industry Committee No. 40-B for the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico; Industry Committee No. 40-C for the Children's Dress and Related Products Industry in Puerto Rico; Industry Committee No. 40-D for the Needlework and Fabricated Textile Products Industry in Puerto Rico; and Industry Committee No. 40-E for the Sweater and Knit Swimwear Industry in Puerto Rico.

Industry Committee No. 40-A is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; Emanuel Stein, New York, N. Y.; Antonio J. Colorado, San Juan, P. R.

For the employees: Morris Bialis, Chicago, Ill.; Sol Brandzel, Chicago, Ill.; Hipolito Marcano, San Juan, P. R.

For the employers: Isidore A. Agree, New York, N. Y.; Cesar A. Pietri, Yauco, P. R.; Maria Luisa Arcelay, Mayaguez, P. R.

For the purpose of this order, the handkerchief, square scarf, and art linen industry in Puerto Rico is defined as follows:

The manufacture of plain, scalloped, or ornamented handkerchiefs and square scarves; the manufacture of art linens, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other material: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Industry Committee No. 40-B is composed of the following representatives:

For the public: Paul H. Sanders, Nashville, Tenn.; Emanuel Stein, New York, N. Y.; Antonio J. Colorado, San Juan, P. R.

For the employees: Morris Bialis, Chicago, Ill.; Sol Brandzel, Chicago, Ill.; Hipolito Marcano, San Juan, P. R.

For the employers: Isidore A. Agree, New York, N. Y.; Lester S. Milberg, San Juan, P. R.; Ruben D. Nazario, Yauco, P. R.

For the purpose of this order, the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico is defined as follows:

The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys', size 6X and under, and infants' underwear and nightwear, including, but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarves (except square scarves): *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614); or the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Industry Committee No. 40-C is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; Emanuel Stein, New York, N. Y.; Antonio J. Colorado, San Juan, P. R.

For the employees: Morris Bialis, Chicago, Ill.; Sol Brandzel, Chicago, Ill.; Hipolito Marcano, San Juan, P. R.

For the employers: Isidore A. Agree, New York, N. Y.; Leonard H. Tuttman, Bayamon, P. R.; Maxwell Feller, Manati, P. R.

For the purpose of this order the children's dress and related products industry in Puerto Rico is defined as follows:

The manufacture from woven or knit fabric or from waterproof materials of the following garments: dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Industry Committee No. 40-D is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; Emanuel Stein, New York, N. Y.; Antonio J. Colorado, San Juan, P. R.

For the employees: Morris Bialis, Chicago, Ill.; Sol Brandzel, Chicago, Ill.; Hipolito Marcano, San Juan, P. R.

For the employers: Isidore A. Agree, New York, N. Y.; Stanley B. Seigel, Bayamon, P. R.; Gus B. Gellmann, Corozal, P. R.

For the purpose of this order, the needlework and fabricated textile products industry in Puerto Rico is defined as follows:

The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the artificial flower, decoration, and party favor industry in Puerto Rico (29 CFR Part 688), the button, jewelry, and lapidary work industry in Puerto Rico (29 CFR Part 709), the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614), the fabric and leather glove industry in Puerto Rico (29 CFR Part 603), the hosiery industry in Puerto Rico (29 CFR Part 687), the men's and boys' clothing and related products industry in Puerto Rico (29 CFR Part 615), the shoe and related products industry in Puerto Rico (29 CFR Part 601), the straw, hair, and related products industry in Puerto Rico (29 CFR Part 613), or the textile and textile products industry in Puerto Rico (29 CFR Part 699), as defined in the wage orders for these industries in Puerto Rico; or in the handkerchief, square scarf, and art linen industry in Puerto Rico, the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico, the children's dress and related products industry in Puerto Rico, and the sweater and knit swimwear industry in Puerto Rico, as defined in this order.

Industry Committee No. 40-E is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; Emanuel Stein, New York, N. Y.; Antonio J. Colorado, San Juan, P. R.

For the employees: Morris Bialis, Chicago, Ill.; Sol Brandzel, Chicago, Ill.; Hipolito Marcano, San Juan, P. R.

For the employers: Isidore A. Agree, New York, N. Y.; Malcolm Gordon, Cayey, P. R.; Manuel T. Olivari, Yauco, P. R.

For the purpose of this order, the sweater and knit swimwear industry in Puerto Rico is defined as follows:

The manufacture of men's women's, misses', boys', and girls', knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls', knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by crochet beading process or with bullion thread.

I hereby refer to each of the above-named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 8 (c) of the act in the particular industries with which they are concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 40-A shall convene at 10:00 a. m. on July 7, 1958, in the office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortalesa and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearing at 2:00 p. m. on the same date at the same place. Following this hearing, Industry Committees Nos. 40-B, 40-C, 40-D, and 40-E, shall convene consecutively at the same place in that order at hours designated by the committee chairmen to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than June 27, 1958.

Signed at Washington, D. C., this 5th day of June 1958.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 58-4379; Filed, June 9, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 12474; FCC 58-547]

PUBLIC SAFETY RADIO SERVICES

LIMITATION OF AUTHORIZED POWER OF CERTAIN TRANSMITTERS

In the matter of § 10.106 of Part 10, Public Safety Radio Services, to limit the authorized power of transmitters operating on frequencies above 450 Mc.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 10.106 of Part 10 of the Commission's rules, Public Safety Radio Services, now specifies the maximum plate power input to the final radio frequency stage which will be authorized for stations operating on frequencies from 1.6 to 450 Mc. It further states that the maximum authorized plate power input to the final radio frequency stage of any transmitter operated on a frequency above 450 Mc will be specified in the station authorization in each case.

3. The Commission has recently made frequencies in the range 450-460 Mc available in these services on a regular, rather than on a developmental, basis. In view of this fact, it appears appropriate to also specify in § 10.106 the power limitation to be applied to stations in the Public Safety Radio Services operating on frequencies in the 450-460 Mc range.

4. Accordingly, the Commission proposes to amend the table appearing in § 10.106 (b) of its rules to read as follows:

Frequency:	*Maximum plate power input to the final radio frequency stage (watts)*
1.6 to 3	2000
3 to 25	1000
25 to 100	500
100 to 460	600
Above 460	(1)

[1] To be specified in the station authorization.

5. Authority for the amendment herein proposed is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before July 15, 1958, a written statement or brief setting forth his comments. Replies to such comments may be filed within 10 days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 4, 1958.

Released: June 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4372; Filed, June 9, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 61]

ANCHORAGE ALASKA LAND DISTRICT

SMALL TRACT CLASSIFICATION, PARTIAL REVOCATION

Effective June 3, 1958, Federal Register Document 52-7960, appearing on page 6718 of the issue for July 22, 1952, and Federal Register Document 55-3637, appearing on page 3037 of the issue for May 5, 1955, are revoked as to the following described public lands:

T. 20 N., R. 8 E., S. M.,
  Section 23: N½NW¼NE¼SW¼.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4367; Filed, June 9, 1958; 8:48 a. m.]

[Classification No. 62]

ANCHORAGE ALASKA LAND DISTRICT

SMALL TRACT CLASSIFICATION, PARTIAL REVOCATION

Effective June 3, 1958, Federal Register Document 52-8617, appearing on pages 7188 and 7189 of the issue for August 7, 1952, is revoked as to the following described public lands:

T. 17 N., R. 4 W., S. M.,
  Section 27: N½NE¼NW¼SE¼ (Lot 22).

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4368; Filed, June 9, 1958; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial Number A.043101 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for an addition to Elmendorf Air Force Base.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

T. 14 N., R. 3 W., S. M.,
  Section 16: Lots 1, 2, 3, N½N½ of Lot 4, SE¼NE¼, E½SE¼, NW¼SE¼, N½N½SW¼SE¼.

Containing 295.10 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4369; Filed, June 9, 1958; 8:49 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Department of Lands has filed an application, Serial Number A.043137 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not including leasing for oil and gas.

The applicant desires the land for public school site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 5 N., R. 9 W., S. M.,
  Section 11: Lot 2.

Containing 5.43 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4370; Filed, June 9, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 25]

DIENELT & EISENHARDT

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF ALLIED SPECIALTIES COMPANY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company which has accepted the request to participate in the operations of the Allied Specialties Company is herewith published. The original list of companies accepting such request was published on August 1, [illegible] in 18 F. R. 4529.

Dienelt & Eisenhardt, 1314 North Howard Street, Philadelphia 22, Pa.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. [illegible]; E. O. 10493, October 14, 1953, 18 F. R. [illegible])

Dated: May 22, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-4350; Filed, June 9, 1958; 8:45 a. m.]

[Declaration of Disaster Area 187]

LOUISIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of May 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Parishes (including any areas adjacent to said Parishes) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Parishes: St. Tammany and Orleans (windstorm, floods and high tides occurring on or about May 18, 1958).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Federal Office Building, Room 303, 610 South Street, New Orleans 12, La.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1958.

Dated: May 26, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-4351; Filed, June 9, 1958; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ORGANIZATION AND FUNCTIONS

GENERAL ORGANIZATION AND PROCEDURE

This statement on Public Health Service organization, functions, procedures, forms, and sources of public information relating to the Public Health Service has been prepared pursuant to the requirements of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.). This statement replaces comparable material in 20 F. R. 4330 of June 21, 1955.

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ORGANIZATION AND FUNCTIONS

GENERAL ORGANIZATION

SECTION 101 *General statement.* The Public Health Service is one of the operating units of the Department of Health, Education, and Welfare (Reorg. Plan No. 1 of 1953). It is administered under the Public Health Service Act (42 U. S. C. 201 et seq.) as amended, and, in addition to the functions assigned by that act, it has responsibility for the administration of the Federal Water Pollution Control Act (33 U. S. C. 466–466k, Public Law 660, 84th Cong.), the act to provide research and technical assistance relating to air pollution control (42 U. S. C. 1857 et seq., Public Law 159, 84th Cong.), and for the administration of other laws or aspects thereof. The Public Health Service Act provides for a corps of commissioned officers, Regular and Reserve, who have the ranks and rates of pay similar to officers of the Armed Services, except the Surgeon General, Deputy Surgeon General, and chiefs of the three operating bureaus who are paid at rates specified in the Federal Executive Pay Act (70 Stat. 736, Public Law 845, 84th Cong.). The Surgeon General is appointed from the Regular Corps for a four-year term by the President, by and with the advice and consent of the Senate, to administer the Service, under the supervision and direction of the Secretary of Health, Education, and Welfare. There is no limitation to his reappointment.

SEC. 102 *Organization.* As provided in the basic statute, the activities of the Service are organized in four bureaus: (a) The Office of the Surgeon General; (b) the Bureau of Medical Services; (c) the Bureau of State Services; and (d) the National Institutes of Health. In addition, the National Library of Medicine was established in the Public Health Service by Public Law 941, 84th Congress. The National Institutes of Health is administered as a part of the field service. The Surgeon General assigns functions, and establishes, abolishes, transfers, and consolidates divisions within the bureaus, with the approval of the Secretary of Health, Education, and Welfare. The Surgeon General assigns a commissioned officer from the Regular Corps to be the Deputy Surgeon General. The Deputy Surgeon General administers the Office of the Surgeon General, acts as Surgeon General during the absence or disability of the Surgeon General or in the event of a vacancy in that office, and performs such other duties as the Surgeon General may prescribe. The Surgeon General assigns several commissioned officers to serve as Assistant Surgeons General, in addition to their regular duties. One of the Assistant Surgeons General serves as Surgeon General in case of absence, disability, or vacancy in the offices of both the Surgeon General and the Deputy Surgeon General.

SEC. 103 *Major functions.* The Public Health Service is concerned with raising the health standards of individuals and communities. It assists the health authorities of States, local governments, and other agencies in advancing their health programs, supplies medical and hospital care to categories or groups of persons designated by Congress, and promotes better health through medical and public health research. The Service also provides training to overcome the scarcity of health workers in specialized fields, and participates on behalf of the United States in international health activities. The major functions of the Service are to:

(a) Determine needs for health personnel, facilities and methods, and the resources for meeting these needs;

(b) Operate institutions, hospitals, and stations to provide medical and dental treatment and care for categories or groups of persons specified by Congress;

(c) Cooperate with States and assist them in solving health problems in the fields of narcotic drugs, communicable diseases, quarantine, and other health areas;

(d) Prepare comprehensive water pollution control programs to improve the sanitary conditions of surface and underground waters, and assist the States in such activities;

(e) Conduct and support research and provide technical assistance in the field of air pollution;

(f) Collect, prepare, and distribute data on births and deaths and other vital statistics;

(g) Collect, analyze, and disseminate information on the amount, distribution, and effects of illness and disability in the United States; and develop improved methods for obtaining current data on illness and disability and related information;

(h) Conduct scientific research, investigations, experiments and demonstrations related to the cause, prevention, diagnosis, treatment, and control of the physical and mental diseases or impairments of man;

(i) Award grants to finance the construction of health research facilities at non-Federal institutions to improve the housing of such facilities;

(j) Provide health and medical services to 370,000 Indians and Alaska natives to raise their health standards to equal the generally prevailing standards in the United States;

(k) Assist in the advancement of medical science by providing for the collection, analysis, and use of published literature on medical and allied subjects;

(l) Administer aspects of the Federal law involving the provision of medical and dental care to uniformed services personnel, and their dependents, of the Public Health Service, the Coast and Geodetic Survey, and the Coast Guard when it is not operating under the Navy;

(m) Make grants-in-aid (1) to public or private institutions, or to individuals, for research in the physical and mental diseases; (2) to States and their political subdivisions for venereal disease control, tuberculosis control, mental health services, cancer control, heart disease control, and general health services; and (3) to States and their political subdivisions, universities, hospitals, and other public or private nonprofit institutions for constructing public and nonprofit hospitals, diagnostic and treatment centers, rehabilitation facilities, and nursing homes;

(n) Promote the training of professional personnel in the sciences of public health and medicine. To this end, the Service (1) grants fellowships for research scientists from the United States; (2) provides stipends for individuals in State and local health work, and for physicians intending to become specialists in the diagnosis and treatment of cancer, heart diseases, mental health, neurological and sensory diseases, and arthritis and metabolic diseases; (3) trains personnel in work related to water pollution control and the effects of radiation on humans; (4) awards grants to approved institutions, including stipends for the training of psychiatrists and others concerned with the care of mental patients, and for specialists in neurological and sensory diseases; (5) makes awards to individuals and grants to institutions for traineeships for graduate or specialized training in public health for physicians, engineers, nurses, and other professional health personnel; and (6) makes grants and awards for training activities relating to air pollution control to State and local government air pollution control agencies, educational and training institutions, and individuals;

(o) Provide technical assistance through consultative services or loans of personnel to the States and to Federal agencies, and through issuance to the public of information related to public health;

(p) Participate in world health activities, in accordance with United States policies of international cooperation, by (1) operating health projects in foreign countries; (2) administering training programs for foreign health personnel; (3) representing the United States on the World Health Organization; and (4) collaborating in the development of health programs with the governments of other countries, with international organizations, with other government agencies, and with private national organizations and institutions concerned with health;

(q) Administer the Federal law to ensure the safety, purity, and potency of biological products, and conduct research leading to their standardization;

(r) Prescribe and enforce quarantine and sanitary regulations to prevent the introduction from abroad, and the spread in the United States or its possessions, of communicable diseases;

(s) Provide physical and mental examinations which may be required by immigration laws and for aliens seeking entry into the United States;

(t) Advise with respect to the disposal of Federal surplus property usable for the protection of public health and for health research;

(u) Conduct national health conferences whenever the interests of public health would be promoted by such meetings; and

(v) Develop special civil defense health measures for use in a civil defense emergency.

Sec. 104 *Location of offices.* The headquarters of the Public Health Service is located in Washington, D. C. The mailing address is Washington 25, D. C. The National Institutes of Health is located at Bethesda, Md. Its mailing address is Bethesda 14, Maryland. The National Library of Medicine is located in Washington, D. C. Its mailing address is Seventh and Independence Avenue SW., Washington 25, D. C. The Public Health Service maintains field stations in the continental United States and in its insular and territorial possessions. (See List of Field Installations, sections 171 through 176.)

Sec. 105 *Final opinions.* All final opinions, orders, and rules not limited in their application to matters of internal management, except those which the Surgeon General may for good cause hold confidential, are available for public inspection at headquarters or field installations. For those relating to biological products make application to the National Institutes of Health, Bethesda 14, Md.; for all others, to the Public Health Service, Washington 25, D. C.

Sec. 106 *Disclosure of official records and information.* Official records of the Service are made available for public inspection in accordance with regulations of the Surgeon General (42 CFR 1.101 to 1.108). These regulations also specify the extent to which information in the possession of the Service shall be confidential and not disclosed except under the particular circumstances stated.

DELEGATIONS OF AUTHORITY

Sec. 108 *Delegations by the Secretary of Health, Education, and Welfare.* For delegations of authority by the Secretary to the Surgeon General, see sections 4.20 and 4.40 of 22 F. R. 1049 and 1050, respectively. For authority reserved to the Secretary, see section 4.30, 22 F. R. 1049.

Sec. 109 *Delegations by the Surgeon General.* (a) The Chief and Deputy Chief of the Bureau of Medical Services; the Chief and Deputy Chief of the Division of Hospitals; the Chief of the Division of Indian Health; the Chief, Deputy Chief, Executive Officer, and Assistant Executive Officer of the Bureau of State Services; the Chief and the Deputy Chief of the Division of Personnel; the Director of the National Institutes of Health; the Director of the Clinical Center, National Institutes of Health; and the Medical Officers in Charge of the respective Indian health area offices, Indian health subarea offices, Indian hospitals including Alaska Native hospitals, and Indian health centers, are authorized to determine, in the light of the need to assure the integrity and safety of the records or the efficient administration of the Service, the places at which clinical or nonclinical records may be made available for examination or copying, where their production is required other than before a court or an agency or other body having power to compel appearances before it, in accordance with §§ 1.103 and 1.104 of the Public Health Service regulations.

(b) The Chief and Deputy Chief of the Bureau of Medical Services; the Chief and Deputy Chief, Division of Hospitals; the Chief and Deputy Chief, Division of Indian Health; the Chief, Deputy Chief, Executive Officer, and the Assistant Executive Officer of the Bureau of State Services; the Chiefs of the respective Divisions in Bureau of State Services; the Chief of the National Office of Vital Statistics, Division of General Health Services, Bureau of State Services; the Officer in Charge of the Arctic Health Research Center; the Director of the Robert A. Taft Engineering Center; the Chief of the Communicable Disease Center; the Officer in Charge of the respective field stations of the Occupational Health Branch, Division of Special Health Services, Bureau of State Services; the Director of the National Institutes of Health; and the Director of the Clinical Center, National Institutes of Health, have authority to authorize and direct the furnishing of clinical information or records obtained in the performance of the functions of their respective bureaus, divisions, and offices of the Public Health Service, to State or other public health agencies engaged in collecting data regarding diseases, pursuant to section 215 of the Public Health Service Act, as amended (42 U. S. C. 216).

(c) The Chief and the Deputy Chief of the Bureau of Medical Services; the Chief and the Deputy Chief of the Division of Hospitals; the Chief of the Division of Indian Health; the Medical Officers in Charge of the respective Public Health Service hospitals, outpatient clinics, outpatient offices, Indian health area and subarea offices, Indian and Alaska Native hospitals, and Indian health centers; the Director and Associate Directors of the National Institutes of Health; and the Director of the Clinical Center, National Institutes of Health, are authorized to determine the extent to which funds, other than those authorized by the Public Health Service Act, are not available from other public or private funds for burial expenses for any patient dying in a hospital or station and to provide for payment to that extent, pursuant to section 321 of the Public Health Service Act, as amended (42 U. S. C. 248).

(d) The Chief and Deputy Chief, Bureau of State Services, are authorized to exercise the powers of the Surgeon General to: (1) Approve, disapprove, or take other necessary action concerning State plans, including budgets, and applications for funds relating to grants-in-aid presented under sections 314, 612, and 647 of the Public Health Service Act, as amended (42 U. S. C. 246; 291b and 291q), and under sections 5 and 6 of the Federal Water Pollution Control Act (33 U. S. C. 466d and 466e); (2) award traineeships to professional public health personnel for graduate or special public health training either directly to individuals whose applications for admission have been accepted by the public or other nonprofit institutions providing the training or through grants to such institutions, pursuant to section 306 of the Public Health Service Act; (3) make grants to State and local government air pollution control agencies, and to other public and private agencies and institutions, and individuals for air pollution training and demonstration projects, pursuant to § 56.3 of the Public Health Service regulations; (4) make, in accordance with the provisions of Public Law 141, 81st Congress, or equivalent provisions of subsequent appropriation acts, project grants to States and, with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the States, for the conduct of one or more of the following venereal disease control projects; in-patient treatment facilities; out-patient treatment facilities; projects for the demonstration of proven or the development of new case finding and control techniques; and projects for the payment of fees to private physicians or non-profit institutions for the diagnosis and the referral to rapid treatment facilities for treatment of persons infected with syphilis in the infectious or potentially infectious stages.

(e) The Chief, Deputy Chief, Executive Officer, and Assistant Executive officer, Bureau of State Services; the Chief of the respective divisions in Bureau of State Services; the Chief, National Office of Vital Statistics, Division of General Health Services, Bureau of State Services; the Director, Robert A. Taft Sanitary Engineering Center; the Officer in Charge of the Arctic Health Research Center; the Chief, Communicable Disease Center; the Officer in Charge of the respective field stations of the Occupational Health Branch, Division of Special Health Services, Bureau of State Services; and the Director and Assistant Director of the National Clearinghouse for Poison Control Centers, Division of Special Health Services, Bureau of State Services, are authorized to give assurances of confidentiality which they determine to be necessary for the purpose of any research, survey, investigation, or collection of statistical data, conducted under their respective areas of authority, pursuant to sections 202 and 215 of the Public Health Service Act, as amended (42 U. S. C. 203, 216).

(f) The Chief, Bureau of Medical Services, and the Chief, Division of Nursing Resources, Bureau of Medical Services, are authorized to award traineeships through grants to public or other nonprofit institutions for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training) or to serve in an administrative or supervisory capacity, pursuant to section 307 of the Public Health Service Act, as amended.

(g) The Chief, Bureau of Medical Services, and the Chief, Division of Hospital and Medical Facilities, Bureau of Medical Services, are authorized to make grants-in-aid to States, political subdivisions, universities, hospitals, and other public and private nonprofit institutions or organizations, for projects for the conduct of research experiments, or demonstrations relating to the development, utilization, and coordination of hospital services, facilities, and resources, pursuant to section 636 and related sections of the Public Health Service Act, as amended.

(h) The Chief, Bureau of Medical Services, and the Chief, Division of Hospitals, Bureau of Medical Services, are authorized to: (1) establish, at Public Health Service hospitals designated for the care of narcotic addicts, industries, plants, factories, or shops for the production or manufacture of articles, commodities and supplies for the United States Government, and to employ inmates of such hospitals, pursuant to section 342 of the Public Health Service Act, as amended (42 U. S. C. 258); and (2) employ narcotic addict patients in patients' commissaries in U. S. Public Health Service hospitals designated for their care, and to establish a wage scale for payment of such employment, pursuant to section 342 of the Public Health Service Act, as amended (42 U. S. C. 258).

(i) The Chief, Bureau of Medical Services; the Chief, Division of Hospitals; and the Medical Officers in Charge of the Public Health Service hospitals at Lexington, Ky., and at Fort Worth, Tex., are authorized to examine and admit narcotic addict applicants to Public Health Service hospitals, pursuant to section 344 (b) of the Public Health Service Act, as amended.

(j) The Medical Officers in Charge of the U. S. Public Health Service hospitals at Lexington, Ky., and at Fort Worth, Tex., are authorized to make determinations, pursuant to sections 345 and 347 of the Public Health Service Act, as amended, relating to the admission and discharge of narcotic drug users committed to these hospitals from the District of Columbia under the provisions of Public Law 764, 84th Congress.

(k) The Chief, Division of Hospitals, is authorized to fix the rate to be charged voluntary patients for subsistence, care, and treatment for narcotic addiction, at Public Health Service hospitals, pursuant to section 344 of the Public Health Service Act, as amended (42 U. S. C. 260).

(l) The Chief, Bureau of Medical Services, and the Chief, Division of Foreign Quarantine, Bureau of Medical Services, are authorized to: (1) Convene boards of medical officers for reexamination of aliens and to authorize medical officers in charge to convene such boards, in accordance with § 34.14 of the Public Health Service regulations; and (2) establish the hours during which quarantine service shall be performed at each quarantine station, pursuant to section 364 (b) of the Public Health Service Act, as amended (42 U. S. C. 267).

(m) The Chief, Bureau of Medical Services, and the Chief and the Assistant Chief, Division of Foreign Quarantine, Bureau of Medical Services, are authorized to: (1) Issue permits for importation of psittacine birds for medical research purposes or for zoological parks, in accordance with § 71.152 (b) of the Public Health Service regulations; and (2) issue permits for the importation and distribution of etiological agents and vectors, in accordance with § 71.156 of the Public Health Service regulations.

(n) The Chief and the Assistant Chief of the Division of Foreign Quarantine, Bureau of State Services, and the Chief of the Entomological Branch of that Division are authorized to make findings as to the effectiveness of insecticides, in accordance with § 71.102 (b) of the Public Health Service regulations.

(o) The Director and Associate Directors of the National Institutes of Health, Chief, Division of Research Grants, and the Directors of the individual Institutes for the respective fields for which they have responsibility, are authorized to exercise the powers of the Surgeon General to make grants-in-aid, pursuant to section 301 (d) of the Public Health Service Act, as amended, to universities, hospitals, laboratories, and other public or private institutions, and to individuals, for research projects relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man, as are recommended by the National Advisory Health Council; or with respect to cancer, recommended by the National Advisory Cancer Council; or with respect to mental health, recommended by the National Advisory Mental Health Council; or with respect to heart diseases, recommended by the National Advisory Heart Council; or with respect to allergy and infectious diseases, recommended by the National Advisory Allergy and Infectious Diseases Council; or with respect to dental diseases and conditions, recommended by the National Advisory Dental Research Council; or with respect to arthritis and metabolic diseases, recommended by the National Advisory Arthritis and Metabolic Diseases Council; or with respect to neurological and sensory diseases, recommended by the National Advisory Neurological Diseases and Blindness Council.

(p) The Director and the Associate Directors of the National Institutes of Health, and the Chief, Division of Research Grants are authorized to exercise the powers of the Surgeon General to award research fellowships, to authorize travel and to provide stipends and allowances pursuant to section 301 (c) of the Public Health Service Act, as amended, and applicable regulations (42 U. S. C. 241).

(q) The Director and the Associate Directors of the National Institutes of Health, and the Directors of the National Cancer Institute, the National Heart Institute, the National Institute of Arthritis and Metabolic Diseases, and the National Institute of Neurological Diseases and Blindness for their respective fields, are authorized to exercise the powers of the Surgeon General pursuant to section 433 (a) (42 U. S. C. 289c) and related sections of the Public Health Service Act, as amended, to make traineeship awards to individuals having proper technical qualifications for training in these Institutes and elsewhere in matters relating to the diagnosis, prevention and treatment of the disease or diseases to which the activities of the specific Institute are directed; to provide such stipends and allowances (including travel and subsistence) for trainees as they may deem necessary.

(r) The Director and the Associate Directors of the National Institutes of Health, and the Directors of the National Cancer Institute, the National Heart Institute, the National Institute of Mental Health, the National Institute of Neurological Diseases and Blindness, the National Institute of Allergy and Infectious Diseases, the National Institute of Arthritis and Metabolic Diseases, the National Institute of Dental Research, and the Chief of the Division of Research Grants, are authorized to exercise the powers of the Surgeon General pursuant to section 433 (a) (42 U. S. C. 289c) and related sections of the Public Health Service Act, as amended, and the current appropriation act, to make grants-in-aid to universities, hospitals, laboratories, and other public or private institutions to provide for training in matters relating to the activities of the National Institutes of Health.

(s) The Regional Medical Directors of the Public Health Service in the Regional Offices of the Department of Health, Education, and Welfare, are authorized to exercise the powers of the Surgeon General: (1) To review and, except where significant variations from established policies are involved, to approve applications and amendments of approved applications from States in their regions, submitted under sections 625 and 654 of the Public Health Service Act, as amended (42 U. S. C. 291h and 291v); to make findings required by sections 625 (a) and 654 (a); to determine the necessary cost of construction pursuant to section 631 (i) of the act (42 U. S. C. 291i (i)); to waive technical compliance with the requirements of the regulations as permitted under § 53.12 of the regulations; and to approve the findings of the State agency pursuant to §§ 53.112 and 53.113 of the regulations; (2) to review and approve State plans (including budgets) and applications for funds relating to grants-in-aid presented under sections 314, 612, and [illegible] (except the initial aproval under section 647) of the Public Health Service Act (42 U. S. C. 246, 291b, and 291q) and the regulations of the Surgeon General governing grants to States for public health services; (3) to act on plans, and on project applications and requests for Federal financial aid, and to authorize payments, pursuant to sections 5 and 6 of the Federal Water Pollution Control Act (33 U. S. C. 466); (4) to review and approve modifications of State plans presented under section 623 of the Public Health Service Act, as amended (42 U. S. C. 291f), except the revisions of and supplements to State plans submitted under section 653 (a) of the act and the annual modifications of State plans required under § 53.122 (d) of the regulations; (5) to approve, pursuant to Title III of the Defense Housing and Community Facilities Services Act of 1951 and with the advice and assistance of the Regional Engineers, the public health aspects concerning the sources of water supply developed, utilized, or aided by the Housing and Home Finance Administrator; and to consult with the said Administrator with respect to the public health aspects of water distribution systems and sewerage systems constructed or aided by him; and (6) to adjust allot-grants for construction of chronic disease hospitals, diagnostic or treatment centers, and nursing homes within their respective regions, and to notify the State agency of such adjustment pursuant to the provisions of section 654 (b) of the Public Health Service Act, as amended, and § 53.91 of the Public Health Service Regulations.

ADVISORY BODIES AND CONFERENCES

Sec. 110 *General statement.* Certain public advisory groups—councils, boards, committees—have been established by statute to assist the Surgeon General and the Secretary in carrying out specific functions of the Service. In addition, the Surgeon General from time to time establishes certain advisory groups on a continuing or temporary basis. The advisory groups are composed of outstanding experts in medicine, public health, and related professions and of leaders in public affairs. Statutory advisory bodies are described below.

(a) National Advisory Health Council: This Council advises, consults with, and makes recommendations to the Surgeon General upon matters relating to health activities and functions of the Service. It reviews and makes recommendations on research in the general health area, exclusive of research carried on in particular fields such as cancer, heart, mental, dental research, arthritis and metabolic diseases, neurological and sensory diseases, and allergy and infectious diseases. It certifies approval of grants-in-aid for research projects to universities, hospitals, laboratories, and other public or private institutions, and to individuals. It recommends regulations to provide for the apprehension, examination, and detention of persons known to be spreading communicable diseases from State to State, and advises the Surgeon General on any other matter, upon request.

(b) National Advisory Cancer Council: This council reviews and recommends approval to the Surgeon General of, (1) research projects relating to the cause, prevention, or methods of diagnosis and treatment of cancer; (2) applications for grants-in-aid for cancer research and control projects from universities, hospitals, laboratories, and other public or private institutions, and from individuals. It advises the Surgeon General on the provision for training and instruction in technical matters relating to the diagnosis and treatment of cancer, and other matters relating to cancer. It collects and, with the approval of the Surgeon General, makes available to interested organizations and individuals information concerning studies being carried on at home or abroad. It recommends the acceptance of conditional gifts for cancer research and research facilities.

(c) National Advisory Dental Research Council: This council reviews and recommends approval to the Surgeon General of, (1) research projects relating to the cause, prevention, or methods of diagnosis and treatment of dental diseases and conditions and (2) applications for grants-in-aid for dental research projects from public or private institutions, and for training, instruction, and traineeships from public and other non-profit institutions. It collects information as to studies being carried on at home or abroad and, with the approval of the Surgeon General, makes available such information to interested individuals and organizations; recommends the acceptance of conditional gifts for dental research and research facilities; and advises the Surgeon General with respect to other matters pertaining to dental diseases and conditions.

(d) National Advisory Heart Council: This council reviews and recommends approval to the Surgeon General of, (1) research projects relating to the cause, prevention, methods of diagnosis, or treatment of heart diseases and (2) applications for grants-in-aid for research projects to public or private institutions, and for training, instruction and traineeships to public and other nonprofit institutions. It collects information as to studies being carried on at home and abroad, and with the approval of the Surgeon General makes available such information to interested individuals and organizations; and advises the Surgeon General in respect to other matters pertaining to heart diseases.

(e) National Advisory Mental Health Council: This council advises and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of mental health. It reviews and recommends mental health research projects, investigations, experiments, demonstrations, studies or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals; recommends and certifies approval of grants-in-aid for research, investigations, experiments, demonstrations, studies, training, and instruction, and determines the number of specialists to be trained for mental health work by the Public Health Service.

(f) National Advisory Neurological Diseases and Blindness Council: This Council advises, consults with, and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of neurological and sensory diseases. It reviews and recommends neurological and sensory diseases research projects or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals; recommends and certifies approval of grants-in-aid for research, training, and instruction, and determines the number of specialists to be trained for neurological and sensory diseases by the Public Health Service.

(g) National Advisory Arthritis and Metabolic Diseases Council: This Council advises, consults with, and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of arthritis and metabolic diseases. It reviews and recommends arthritis and metabolic diseases research projects or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals; recommends and certifies approval of grants-in-aid for research, training, and instruction, and determines the number of specialists to be trained for arthritis and metabolic diseases by the Public Health Service.

(h) National Advisory Allergy and Infectious Diseases Council: This council advises, consults with and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of allergy and infectious diseases. It reviews and recommends allergy and infectious diseases research projects or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals, recommends and certifies approval of grants-in-aid for research, training, and instruction, and determines the number of specialists to be trained in the field of allergy and infectious diseases by the Public Health Service.

(i) Water Pollution Control Advisory Board: This board reviews policies and programs of the Public Health Service in respect to water pollution control and makes recommendations thereon in reports to the Surgeon General.

(j) National Advisory Council on Health Research Facilities: This council advises and assists the Surgeon General in the preparation of general regulations and with respect to policy matters arising in the administration of health research activities. It considers all applications for grants-in-aid for the construction of new facilities to house health research activities.

(k) Federal Hospital Council: This council approves the regulations for the administration of Title VI of the Public Health Service Act; considers appeals from States upon disapproval of State plans by the Surgeon General; appoints special advisory committees; and advises the Surgeon General in the administration of the hospital and medical facilities survey and construction program and provides consultation for grants-in-aid for research and demonstrations, under section 636 of the act (42 U. S. C. 291n). Upon request by three or more members of the Council, it is the duty of the Surgeon General to call a meeting of the Council.

(l) National Advisory Committee on Public Health Traineeships: This committee advises the Surgeon General in connection with the administration of traineeships for graduate or specialized training in public health for physicians, engineers, nurses, and other professional health personnel, including the development of program standards and policies.

(m) Expert Advisory Committee for the Professional Nurse Traineeship Program: This committee advises the Surgeon General in connection with the administration of traineeships for the advanced training of professional nurses in areas of supervision, administration, and teaching, including the development of program standards and policies.

(n) Board of Regents of the National Library of Medicine: This board advises, consults with, and makes recommendations to the Surgeon General on important matters of Library policy including the acquisition of materials; the scope, content and organization of library services; and rules under which its materials, publications, facilities, and services shall be made available to users.

SEC. 111 *Conferences.* Conferences of State and Territorial Health Officers, State and Territorial Hospital Survey and Construction Authorities, and State and Territorial Mental Health Authorities are called annually by the Surgeon General. The Surgeon General may call other such conferences when the interests of the public health warrant. Upon the requests of five or more State agencies the Surgeon General must call a conference of the authorities requesting the conference. The conferences are designed to provide an opportunity for the Surgeon General to promote the interests of public health through this means, or to promote the purposes of the Federal Hospital Council, and to provide opportunity for mutual consultation between State authorities and Public Health Service officials and for the Surgeon General to present contemplated grant-in-aid regulations and amendments regarding general or mental health. Insofar as practicable the Surgeon General obtains the agreement of the State health authorities, or State mental health authorities as the case may be, prior to the issuance of any such regulations or amendments. The Chief of the Children's Bureau joins the Surgeon General in the planning of and participation in such of these conferences as are of concern to the Bureau.

OFFICE OF THE SURGEON GENERAL

SEC. 121 *Functions.* The major function of the Office of the Surgeon General is the administration of the internal affairs of the Public Health Service, as contrasted with administration of services to the public by other bureaus. A second important function is to advise and assist the Surgeon General and his staff in the coordination of Public Health Service programs and in the formulation of policies and in the planning of future programs for the advancement of national health. The office is headed by the Deputy Surgeon General, assisted by an Executive Officer.

SEC. 122 *Divisions.* Within the framework of policies and instructions of the Department, the Surgeon General, and other authorized agencies of the Government, the following Divisions in the Office of the Surgeon General shall perform the functions indicated:

(a) *Administrative Services, Division of.* This division is responsible for providing a variety of services to facilitate Public Health Service program activities at headquarters and in the field. The division develops, directs, and carries out programs for procurement; property management, printing and distribution services, forms and records management, administrative issuances, space and utilities, and general office services for headquarters. It operates the centralized Medical Supply Depot at Perry Point, Maryland.

(b) *Finance, Division of.* This division administers all budgetary and fiscal affairs of the Public Health Service. It plans and directs the preparation of all estimates of appropriations required for the Service, including the justifications for such appropriations, and allocates appropriations to operating units of the Service. It manages the appropriation and fund accounting of the Service including the promulgation of procedural issuances, the collection of and accounting for revenue and receipts, the preparation of financial reports, and the conduct of internal audits.

(c) *Personnel, Division of.* This division plans, directs, and coordinates the commissioned and civil service personnel management programs of the Service. Advises the Surgeon General and his immediate staff on all phases of personnel management, representing him inside and outside the Service on personnel management matters. Provides leadership, guidance, and assistance to bureaus, divisions, and field stations on personnel management programs, policies, and practices. Studies, develops, and recommends to the Surgeon General new and improved personnel programs for the Service.

(d) *Public Health Methods, Division of.* This division provides staff, advisory and consultative service to, and for, the Surgeon General within such areas of the Service program as he may prescribe. It provides consultation and Public Health Service liaison on matters relating to legislation (except appropriations). It conducts a continuing nationwide survey of illness and disability, special studies based on medical records and physical examinations, and investigations in methodology of health survey. It also develops, tests, and applies methods, procedures, and techniques for identifying the nature and extent of health problems and the effectiveness of health programs; recommends action for the resolution of health problems and initiation and improvement of health programs; administers experimental and exploratory programs to determine extent to which they meet defined needs; and publishes Public Health Reports and related papers.

BUREAU OF MEDICAL SERVICES

SEC. 131 *Functions.* The Bureau of Medical Services is the principal operating bureau of the Service with respect to clinical activities. It operates U. S. Public Health Service hospitals, outpatient clinics and offices providing medical care to legal beneficiaries of the Service; and, administers a program of health services for Indians of the United States and natives of Alaska including hospital and medical care services and such other public health services as sanitation, health education, and communicable disease control activities. The Bureau also provides consultation and technical assistance to States and communities in planning for and providing adequate hospital and other health facilities; and, administers a research and grants program relating to the development, construction, utilization and coordination of hospital services, facilities and resources. It protects the United States against introduction of communicable diseases from foreign countries through administration of programs for foreign quarantine and medical examination of visa applicants; and directs efforts toward improving the quality of nursing and dental services and the utilization and supply of professional and auxiliary nursing and dental personnel. The Bureau assigns officers of the Service to other Federal agencies for the purpose of developing, supervising, and in some cases, rendering medical care. It cooperates with the Chief Medical Officer of the Coast Guard, a Public Health Service officer, in administering medical and dental service to the U. S. Coast Guard at shore stations and aboard vessels. Medical and psychiatric units at Federal penal institutions are staffed by professional personnel of the Service under direct administration of a Public Health Service officer assigned to the Bureau of Prisons for this purpose. Other Federal agencies to which one or more Public Health Service officers are assigned for the development and administration of medical programs include: Bureau of Employees' Compensation of the Department of Labor; Bureau of Old-Age and Survivors Insurance, and Office of Education of the Department of Health, Education, and Welfare; the Foreign Service of the Department of State; the Coast and Geodetic Survey, and the Maritime Administration, of the Department of Commerce.

SEC. 132 *Chief of Bureau, Office of.* This office, under the direction of the Chief, Bureau of Medical Services, with the assistance of a Deputy Chief and an Executive Officer, directs and coordinates the program and management activities of the Bureau; and provides professional supervision and consultation to Bureau personnel assigned to perform or supervise medical services in other Federal agencies. The Office establishes general policies for the guidance of the Bureau's divisions in program planning and development, and provides interdivision coordination and liaison with other bureaus and with other Federal agencies. It evaluates programs and plans of the divisions and analyzes the progress of operations in relation thereto. It also coordinates information and public relations activities within the Bureau and with those of the Service and Department.

SEC. 133 *Divisions*—(a) *Dental Resources, Division of.* This division coordinates and devolops dental resources in the Public Health Service and, as requested, in other government agencies. It provides information and advice on broad questions of national policy pertaining to dental health activities for technical and general public use. It encourages selective expansion of training facilities to meet dental manpower requirements, investigates educational methods and promotes training of dental manpower which includes the dentist, dental hygienist, clinical dental assistant, and dental technologist to assure maximum utilization of all dental resources. It advises the Chief Dental Officer, Public Health Service, and the Chief, Bureau of Medical Services, on [illegible] for improvement of dental health in the general population; provides technical aid to other bureaus and divisions of the Service and advises them concerning professional qualifications and training of dental personnel, standards of dental health services including those rendered to beneficiaries of the Service and on specifications for dental equipment and materials purchased within or outside the Service. Conducts studies of methods, procedures and costs of providing dental care which includes all types of prepayment and postpayment plans and serves as consultant to groups throughout the Nation concerned with developing and establishing dental care program. Promotes and conducts studies and demonstrations within and outside the Service on dental health needs, fund requirements and resources and provides statistical analyses of the data involved; extends applicable knowledge and proved techniques to other agencies, organizations, universities and interested groups.

(b) *Indian Health, Division of.* This division administers a program of health services for persons of Indian descent in the United States, as defined in regulations of the Service, and of natives of Alaska. Under the immediate jurisdiction of 6 Indian health area and 3 subarea offices, the division operates 47 Public Health Service Indian hospitals, 8 Alaska Native hospitals, 18 Indian health centers, and provides health services at several hundred health stations and locations. Services include therapeutic medical and dental care, hospital care, and preventive health services, such as public health nursing, sanitation, dental services, maternal and child health services and school health supervision, health education, and tuberculosis case finding and control, as well as conduct of other communicable disease control programs. These services are provided at hospitals, health centers and other field installations, operated directly by the Service, and through contractual arrangements with local and State health departments, as well as with governmental and nongovernmental community hospitals, and private physicians and dentists.

(c) *Foreign Quarantine, Division of.* (1) This division is responsible for promulgation and enforcement of the foreign quarantine regulations (under Part G, title III, Public Law 410) which apply to sea, land, and air traffic. The division is also responsible for enforcing regulations issued by the Surgeon General which apply to conducting medical examinations of aliens.

(2) To prevent the introduction of communicable diseases, officers of the Service inspect conveyances and certain imports and examine persons arriving at sea and air ports and border stations in the United States.

(3) The division conducts the physical and mental examination of aliens at certain U. S. consulates abroad in connection with applications for visas; and at quarantine and immigration stations in this country in connection with admission to the United States. The results of such examinations, when performed overseas, are reported to consular officers requesting such examinations; and when performed in the United States, to the appropriate officials of the Immigration and Naturalization Service of the Justice Department.

(4) The division operates a number of major quarantine stations in the continental United States. Additional ports and border points are served by these major stations, through regular facilities of the Service or through part-time quarantine officers. Quarantine stations are also located in Alaska, Hawaiian Islands, Puerto Rico, and the Virgin Islands. (See List of Field Installations, section 173 (a).) Consulates in areas with large numbers of visa applicants are staffed with full-time Public Health Service medical officers. At other U. S. consulates throughout the world, Public Health Service regulations and instructions serve as a basis for medical examination of visa applicants by local physicians designated by the State Department.

(d) *Hospital and Medical Facilities, Division of.* This division is responsible for the administration of Title VI of the Public Health Service Act (60 Stat. 1040, 42 U. S. C. 291). This act, as amended, authorizes the appropriation of Federal funds to be allotted to the States as grants-in-aid for conducting Statewide surveys of the needs for hospitals and other medical facilities and to provide for the construction of such facilities by States, and other public and nonprofit agencies. The division provides consultative technical aid to the States in the various phases of their hospital and medical facilities survey and construction program in such fields as methods of determining need for hospitals and related facilities, and the architectural and engineering aspects of construction. The division also administers a research, demonstration, and grant-in-aid program for research purposes relating to the effective development and utilization of hospital devices, facilities, and resources.

(e) *Hospitals, Division of.* This division operates sixteen hospitals and supervises the administration of Freedmen's Hospital, Washington, D. C. Twelve of the hospitals are operated as general hospitals; one is a tuberculosis hospital; one is for the treatment of leprosy; and two are for the treatment of mentally ill beneficiaries of the Public Health Service and other Federal agencies, narcotic drug addicts who have been convicted of Federal offenses, and narcotic drug addicts who voluntarily apply for treatment. The Public Health Service hospital at Carville, Louisiana, receives persons afflicted with leprosy from any part of the United States and provides medical and institutional care for them. The division also furnishes medical and dental care to beneficiaries of the Service in clinics and outpatient offices located at coastal and inland ports not served by a Public Health Service hospital. In all, there are 139 Service hospitals, outpatient clinics, and outpatient offices in the continental United States and its territories and possessions to which beneficiaries of the Service may apply for immediate attention. In addition, the Public Health Service hospital at Baltimore operates an outpatient department in the business section of the city. Several of the outpatient clinics are administered as outpatient sections of Public Health Service hospitals, as shown in the list of field installations, section 173 (b). The division also has general responsibility for carrying out the functions of the Service in connection with health programs for Government employees as authorized by the act of August 8, 1946 (60 Stat. 903, 5 U. S. C. 150).

(f) *Nursing Resources, Division of.* This division is responsible for maintaining a continuing review of the national nursing needs, and planning with Federal and State agencies and national and local nursing organizations in order to develop programs which will insure adequate support for recruitment, education and training, service, administration, and research in nursing, with special emphasis in areas other than public health nursing, which is the responsibility of the program for public health nursing in the Division of General Health Services. It also augments and improves the nursing resources of the country to meet the increasing demands for modern nursing care; conducts research into the fundamental problems of nursing care, and makes studies and surveys, including development of methodology, for the evaluation and improvement of nursing service, education and training; extends this knowledge to institutions, professional groups, and leaders in fields of nursing, within and without the Service, through expert consultation, demonstrations, workshops, training conferences, and the preparation of manuals and other publications and visual materials; and provides direction and consultation for the Public Health Service programs of nursing research grants and fellowships and graduate nurse traineeships.

BUREAU OF STATE SERVICES

SEC. 141 *Functions.* The Bureau of State Services is the principal operating bureau of the Service for Federal-State and interstate health programs and for international health activities. It coordinates Public Health Service Federal-State activities, and gives general direction to programs designed to aid the States and communities in establishing and maintaining effective programs for the prevention, treatment, and control of diseases and for the maintenance of health, including programs concerned with general and environmental sanitation and vital statistics, and administers interstate quarantine regulations and water pollution control enforcement measures. The Bureau administers grants-in-aid to States, provides consultation and technical assistance to States and localities, assists in the training of personnel and the establishment of effective health procedures and practices, and conducts field surveys, investigations, and demonstrations. It also coordinates the provision of emergency relief and disaster and epidemic aid to States. The Bureau also provides overall program and policy direction to Service activities in the international health

field and in the planning, negotiation, and administration of Service responsibilities for international health services with other Federal agencies and international organizations. Specifically, the programs of the Bureau include venereal disease, heart disease control, chronic disease and aging, tuberculosis, dental public health, communicable disease, special Arctic health programs, air pollution control, water supply and water pollution control, milk and food sanitation, general sanitation, occupational health, accident prevention, radiological health, international health, vital statistics, public health nursing, public health education, emergency health services, and administration of State grants.

Sec. 142 *Chief of Bureau, Office of.* This office, under the direction of the Chief of the Bureau of State Services who, assisted by a Deputy Chief, an Executive Officer, and a Program Staff, supervises and directs the work of the Bureau of State Services. The office establishes general policies for the guidance of Bureau divisions in program planning and development, and provides inter-division coordination and liaison with other bureaus and other Federal agencies and with professional societies and voluntary health agencies, including educational institutions in the fields of health and the allied professions, with respect to Bureau programs. It evaluates programs and plans of the divisions and analyzes the progress of operations in relation to such programs and plans. It supervises the Regional Public Health Service Organizations; evaluates proposed organization plans; and provides management and administrative services necessary to meet the needs of the divisions and to carry out the responsibilities of the Bureau. It also supervises and coordinates information and public relations activities within the Bureau and coordinates such activities with those of the Service and the Department.

Sec. 143 *Divisions* — (a) *General Health Services, Division of.* This division promotes development of and conducts studies of State and local basic health organization, administration and services; nationwide public health education and public nursing programs. Explores new public health program areas; develops and operates a coordinated system of vital statistics collection, analyses, and publication; develops and conducts Arctic health research; coordinates development and administration of Public Health Service grants to States; collects and disseminates information on polio vaccine programs; administers Title I of Health Amendments Act of 1956 which provides traineeships for professional public health personnel; and administers Alaska Mental Health Enabling Act (Pub. Law 830, 84th Cong.).

(b) *Special Health Services, Division of.* This division plans, conducts, promotes and coordinates comprehensive nationwide health programs for the prevention and control of accidents, cancer, chronic diseases, heart diseases, occupational diseases, and tuberculosis, and programs concerned with the medical aspects of air pollution, and the health of the aged. In these program areas the division conducts pilot studies, demonstrations, research and investigations; and provides to States technical assistance including program consultation, and educational training, informational and related technical services.

(c) *Sanitary Engineering Services, Division of.* This division plans, conducts, and coordinates national programs in the field of sanitary engineering such as milk, food, and shellfish sanitation, water supply and water pollution control, engineering aspects of air pollution control, community and rural sanitation and the promulgation and enforcement of the interstate quarantine regulations; conducts research and investigations; participates with external organizations in studies, projects, and demonstrations; provides training, consultation, and other technical services to interstate, State, and local agencies, industry, and other organizations; develops and evaluates model codes and ordinances, standards, techniques, or equipment; and develops and distributes program guides, information, education, and training materials.

(d) *Communicable Disease Center.* This Center which is directly responsible to the Chief, Bureau of State Services, plans, conducts, and coordinates a nationwide program for the prevention, control, and continued surveillance of communicable and preventable diseases; provides assistance to States and local health agencies in prevention and control through: (1) Investigation of endemic and epidemic disease problems; (2) implementation, through applied research and technical development, of improved methods, techniques and procedures of disease prevention, control, diagnosis, and evaluation; (3) training in public health practices and laboratory methods, procedures and techniques, including the production of training aids; (4) provision of reference laboratory diagnostic and consultative services; (5) conduct of field operations for prevention and control; and (6) provision of epidemic and disaster aid. The Center enforces the medical aspects of the interstate quarantine regulations; cooperates with Division of International Health in providing training for foreign health personnel; and maintains vigilant surveillance of infrequently occurring diseases so as to recognize immediately any indication of reimportation or resurgence.

(e) *International Health, Division of.* This division provides program and policy direction to service activities in international health; develops and recommends United States international health policies including those affecting participation in the World Health Organization and Pan American Sanitary Organization; recommends members for United States delegations to international health meetings; maintains technical liaison with World Health Organizations and Pan American Sanitary Organizations; plans, negotiates, and administers Service activities connected with international health programs of the Foreign Operations Administration and other agencies; and administers training programs for foreign health personnel.

(f) *Dental Public Health, Division of.* This division plans and directs dental public health programs; assists State and local communities in planning, organizing, establishing, and maintaining modern dental health services; develops and demonstrates new and improved dental health procedures and techniques for the prevention, treatment, and control of dental diseases; develops and provides informational materials and training services to State and local communities; provides technical and consultative services to State and local communities; and provides specialized assistance for review and appraisal of State and local plans and programs.

(g) *Radiological Health, Division of.* This division plans, conducts, and coordinates a national program for the prevention and control of radiation hazards to public health; develops and administers a national program of radiological health research pertaining to people and their environment; conducts training courses in the field of radiological health and assists in the planning and conduct of State and local radiological health training programs; provides consultation, demonstration, education, information, and other technical services to assist State and local health agencies in the development, operation, and improvement of radiological health activities.

NATIONAL INSTITUTES OF HEALTH

Sec. 151 *Functions.* (a) The National Institutes of Health is the research bureau of the Public Health Service. It is composed of several institutes each of which conducts broad programs of research in its respective field. Many projects are initiated as cooperative studies with other Federal agencies and with private institutions and organizations. The exceptional facilities of the institutes are made available to research scientists of such organizations. The studies of the component institutes are coordinated in a comprehensive program of research so that a particular problem may be aproached through various related sciences. Many studies are conducted in the field or in facilities of cooperating institutions.

(b) The National Institutes of Health administers a program of grants-in-aid for research in the medical sciences. Through this program the Service provides financial assistance to public and private institutions and to individuals whose applications for such aid are recommended by the National Advisory Health Council, or as may be appropriate, by the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Heart Council, the National Advisory Allergy and Infectious Diseases Council, or the National Advisory Dental Research Council. Fellowships for research scientists are provided by the institutes. The Director of the Institutes, in addition to administering the work of the institutes, advises the Surgeon General on research matters and coordinates research programs initiated by other bureaus of the Service with those of the institutes.

Sec. 152 *Director, Office of.* This office, with the Director of the National Institutes of Health as its chief, assisted by two associate directors and an executive officer, supervises and directs the work of the National Institutes of Health. Through this office the director advises the Surgeon General on all matters pertaining to scientific research, directs research within the National Institutes of Health, fosters outside research activities, and maintains relationships with the public. The office cooperates with other scientific organizations for the purpose of coordinating medical research. It provides research planning and research facilities planning. It also provides internal administrative management and scientific services for the bureau, including publication and dissemination of scientific findings to research workers, health authorities, and others. Professional and scientific examinations are administered for personnel of the institutes by the U. S. Board of Civil Service Examiners in the Office of the Director. This board is composed of scientists of the National Institutes of Health who perform this activity in addition to their other professional duties.

Sec. 153 *Institutes and divisions*—(a) *National Cancer Institute.* This Institute conducts, fosters, and coordinates research into the cause, prevention, diagnosis, and treatment of cancer; provides training and instruction on methods of diagnosis and treatment; makes grants-in-aid to public and private laboratories, institutions, and individuals, including grants for research, teaching, and special control projects, as well as grants to States on a formula basis for control activities. It also maintains traineeships and fellowships in the Institute. It lends radium for treatment and research; cooperates with, and furnishes consultative services and advice to States and other public and private organizations; and collects and disseminates information on cancer diagnosis, treatment, and preventive measures.

(b) *National Heart Institute.* This Institute conducts, assists, and fosters research, investigation, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of diseases of the heart and circulation and promotes the coordination of research and control programs. It provides training, instruction, traineeships, and research fellowships by making grants to public and other non-profit institutions. It also maintains traineeships and research fellowships at the Institute. It provides grants-in-aid to public and private institutions and to individuals for research projects. It serves as the focal point for the dissemination of information in respect to heart diseases.

(c) *National Institute of Arthritis and Metabolic Diseases.* This Institute conducts, fosters, and coordinates research into the cause, prevention, diagnosis and treatment of metabolic diseases; provides training and instruction on methods of diagnosis and treatment; makes research and training grants to public and private laboratories, institutions, and individuals; and collects and disseminates information on diagnosis, treatment, and preventive measures on arthritis and metabolic diseases. It also maintains traineeships and fellowships in the Institute. The director of the Institute maintains the principal Service relationships with professional societies, other groups, and the general public interested in this Institute's program.

(d) *National Institute of Dental Research.* This Institute conducts, assists, and fosters research, investigations, experiments, and studies relating to the cause, prevention, and method of diagnosis and treatment of dental diseases and conditions. It provides traineeships and research fellowships in the Institute. It administers grants to public and non-profit institutions and to individuals. It provides grants for research to public and private institutions. It promotes the coordination of dental research conducted by the Institute, other agencies, organizations, and individuals.

(e) *National Institute of Mental Health.* This Institute administers the national mental health program authorized by the National Mental Health Act, as amended (60 Stat. 421, and 70 Stat. 930). It supports research into the prevalence, causes, diagnosis, and prevention of mental illnesses by grants-in-aid to public and private institutions and individual scientists; conducts in-service studies in this field; and makes available information relating to such research. It provides training through grants-in-aid to public and other non-profit institutions, and conducts in-service training in mental health. It assists States in developing and maintaining adequate mental health programs and facilities through grants-in-aid, demonstrations, and consultative services. It cooperates with State mental health authorities and other organizations in studying mental health resources and needs, and in improving facilities for the care of the mentally ill. It cooperates with Federal and other official and private agencies, including the furnishing of psychiatric services to the Juvenile Court of the District of Columbia. It collects and publishes statistics on patients in mental institutions and psychiatric clinics.

(f) *National Institute of Neurological Diseases and Blindness.* This Institute is responsible for conducting, fostering and coordinating research on the causes, prevention, diagnosis and treatment of neurological and sensory disorders; providing training and instruction on methods of diagnosis and treatment of these illnesses; providing grants-in-aid for research and teaching to public and private laboratories, institutions and individuals; and collecting and disseminating information on neurological and sensory disorders.

(g) *National Institute of Allergy and Infectious Diseases.* This Institute conducts research on allergic phenomena and on the growth requirements, metabolism, and conditions of survival of micro-organisms as related to public health. The Institute pursues programs seeking to apply this knowledge to the problems of prevention and control of allergic and infectious diseases and makes epidemiological and other field studies of infectious diseases when necessary. It makes grants-in-aid for research to public and other non-profit institutions, and to individuals. It also maintains training grants and fellowships in the Institute.

(h) *Clinical Center.* This Center provides for integrated operation of the patient facilities which serve the clinical investigations programs of the various institutes. It provides patients, selected by the directors of the institutes, with all necessary services other than the physician care provided by the institutes. This includes nursing, dietetic, diagnostic laboratory and other services in accordance with regulations and standards established by the Director of the National Institutes of Health. The Clinical Center also provides for residency training and related programs.

(i) *Research Grants, Division of.* This division receives all applications for research grants, general research training grants, health research facilities grants, and research fellowships for referral to appropriate study sections, boards, committees, and national advisory councils for review. Applications for research grants, general research training grants, and fellowships not referrable to one of the categorical councils and fellowships boards are presented by the division for review by the National Advisory Health Council and by the National Institutes of Health Research Fellowships Board, respectively. Through use of study sections comprised mainly of expert non-governmental consultants, the division provides technical advice to the various national advisory councils on all applications for research grants. Applications for health research facilities grants are presented to the National Advisory Council for Health Research Facilities for evaluation and recommendation. The division has responsibility for the business management and technical coordination of the total Public Health Service research grants and fellowships programs.

(j) *Biologics Standards, Division of.* This division administers those provisions of the Public Health Service Act pertaining to the regulation of biological products, i. e., virus, therapeutic serum, toxin, anti-toxin, or analogous products (including human blood and its derivatives), arsphenamine or its derivatives. It maintains licensing, inspection, and control testing programs of biologics produced for sale, barter, or exchange in interstate commerce; for importation into the United States, or for export from the United States; and conducts research relating to development, testing and use of such products.

NATIONAL LIBRARY OF MEDICINE

Sec. 161 *Functions.* The major functions of the National Library of Medicine are to assist in the advancement of medical and related sciences, and to aid in the dissemination and exchange of scientific and other information important to the progress of medicine and public health. The Library acquires and preserves books, periodicals, prints and films pertinent to medicine; it organizes these materials for use by appropriate cataloging, indexing, and preparation of bibliographies, and publishes the resulting efforts; it provides reference and research assistance through the medium of loans of material, photocopying, answering questions, and other devices. The Library's holdings exceed one million pieces. It is one of the three largest research libraries operated by the Federal Government. Each year its loan service places over 120,000 items in the hands of medical research workers throughout the world.

Sec. 162 *Director, Office of.* This office, with the Director as its chief and such staff assistance as may be required, supervises and directs the programs of the National Library of Medicine; maintains liaison with Government agencies, medical and ancillary professional groups, and the public; and provides professional leadership in the field of medical librarianship.

Sec. 163 *Divisions*—(a) *Acquisition Division.* This division acquires books, periodicals, prints, films, and other Library materials pertinent to medicine.

(b) *Catalog Division.* This division catalogs and classifies the Library's collection; establishes and maintains card catalogs and shelf lists; marks; repairs and binds books; and publishes the National Library of Medicine Catalog.

(c) *Reference Division.* This division maintains the collection; answers reference inquiries; circulates Library materials; furnishes reading lists, bibliographies, and photocopies. In the field of medical Government documents and art materials, it advises on the procurement of materials. It arranges for exhibits of the Library's collections, both within and outside the Library.

(d) *Index Division.* This division prepares and publishes the Current List of Medical Literature, the Bibliography of Medical Reviews, and volumes of the Index-Catalogue.

(e) *History of Medicine Division.* This division organizes and services the principal historical source materials of the Library which consist of 32,000 volumes of rare books dated, in general, prior to the 19th Century.

PUBLIC HEALTH SERVICE ORGANIZATION IN THE FIELD

Sec. 171 *Regional organization.* (a) In order to maintain direct contact with State and local authorities, with field offices of other Federal agencies, and with other official and non-official organizations concerned with its activities, the Public Health Service maintains a staff headed by a Regional Medical Director in eight of the nine Regional Offices of the Department. (See List of Field Installations, section 171 (b), for addresses and jurisdiction of these offices.) Under the general administrative supervision of the Regional Director, each Regional Medical Director represents the Surgeon General in interpreting and carrying out the broad policies of the Service. The Regional Medical Director has immediate direction and supervision of the Public Health Service staff assigned to the regional offices. In this capacity he serves under the immediate direction of the Bureau of State Services and is responsible for seeing that the regional staff provides consultative services to State authorities and assists them in developing and maintaining plans, programs, and budgets for Federal-State-local cooperative programs. Correspondence to the Public Health Service regions should be addressed to the Regional Medical Directors.

(b) Addresses and jurisdictions:

Department of Health, Education, and Welfare Region 1, 120 Boylston Street, Boston 16, Mass.: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. (Correspondence concerning Public Health Service activities should be addressed to Region 2.)

Department of Health, Education, and Welfare Region 2, 42 Broadway, New York 4, N. Y.: Delaware, New Jersey, New York, Pennsylvania.

Department of Health, Education, and Welfare Region 3, 700 East Jefferson Street, Charlottesville, Va.: District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, Virgin Islands.

Department of Health, Education, and Welfare Region 4, 50 Seventh Street NE., Atlanta 5, Ga.: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee.

Department of Health, Education, and Welfare Region 5, 69 West Washington Street, Chicago 2, Ill.: Illinois, Indiana, Michigan, Ohio, Wisconsin.

Department of Health, Education, and Welfare Region 6, Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Department of Health, Education, and Welfare Region 7, 1114 Commerce Street, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Department of Health, Education, and Welfare Region 8, 525 New Customs House, 19th and Stout Streets, Denver 2, Colo.: Colorado, Idaho, Montana, Utah, Wyoming.

Department of Health, Education, and Welfare Region 9, Federal Office Building, San Francisco 2, Calif.: Arizona, California, Nevada, Oregon, Washington, Alaska, Hawaii.

Sec. 172 *Public Health Service Medical Supply Depot, Office of Surgeon General.* The Public Health Service Medical Supply Depot, Office of Surgeon General provides supply depot facilities for the Service, including testing and inspection of purchased materials. Correspondence should be addressed to: Officer in Charge, Public Health Service Medical Supply Depot, Perry Point, Maryland. Freight and Express address: Perryville, Maryland.

Sec. 173 *Field Installations of the Bureau of Medical Services*—(a) *Foreign Quarantine Stations.* Correspondence with foreign quarantine stations should be addressed to: Medical Officer in Charge, U. S. Quarantine Station.

UNITED STATES QUARANTINE STATIONS

Port	Address	Jurisdiction
Anchorage, Alaska	Arctic Health Research Center, PHS, P. O. Box 960.	Alaska.
Baltimore, Md	Curtis Bay, Baltimore 26	Chesapeake Bay.
Boston, Mass	287 Marginal St., East Boston 28	Madawaska, Maine, to Bridgeport, Conn.
Brownsville, Tex	P. O. Box 992	Aransas Pass, Tex., to Port Isabel, Tex.
Chicago, Ill	4141 Clarendon Ave., Chicago 13	Baudette, Minn., to Muskegon, Mich.; Indianapolis, Ind., to Kansas City, Mo.
Detroit, Mich	Windmill Pointe, Detroit 15	Sault Ste. Marie, Mich., to Buffalo, N. Y.; Toledo, Ohio, to Akron, Ohio.
El Paso, Tex	139 U. S. Courthouse	Progreso, Tex., area to San Luis, Ariz.
Fort Monroe, Va	P. O. Box 27	Hampton Roads, Va., to Morehead City, N. C.
Galveston, Tex	45th St. and Avenue N, Galveston 1	Lake Charles, La., to Freeport Tex., and Houston, Dallas, Fort Worth, Tex.
Honolulu, T. H	P. O. Box 1410	Hawaii.
Jacksonville, Fla	P. O. Box 4788, Jacksonville 1	Brunswick, Ga., to St. Augustine, Fla.
Los Angeles, Calif	P. O. Box 97, Terminal Island	San Luis Obispo to San Pedro Bay, Calif.
Miami, Fla	P. O. Box 1246, Miami Beach 39	Charleston, S. C., and Savannah, Ga; Fort Pierce to Key West, Fla.
Mobile, Ala	P. O. Box 780, U. S. Court and Customs House, St. Joseph and St. Louis Sts.	Apalachicola, Fla., to Gulfport, Miss.
New Orleans, La	Route 1, Box 17, Algiers, New Orleans 14	Mississippi River and Gulf Coast to Morgan City, La.
New York, N. Y	Rosebank, Staten Island 5	New York to Perth Amboy, N. J.
Philadelphia, Pa	225 Chestnut St., Philadelphia 2	Delaware Bay and Delaware River.
San Diego, Calif	208 New Post Office Bldg., San Diego 1	San Diego to Calexico, Calif.
San Francisco, Calif	Foot of Hyde St., San Francisco 9	Eureka to Monterey, Calif.
San Juan, P. R	P. O. Box 3788, San Juan 18	Puerto Rico and Virgin Islands.
Seattle, Wash	35 Federal Office Bldg., Seattle 4	Columbia River and Puget Sound.
Tampa, Fla	P. O. Box 1438, Tampa 1	Cedar Keys to Boca Grande, Fla.
Washington, D. C	HEW Bldg., South, 4th and D Sts. SW., Washington 25.	Potomac River and Washington National Airport.

The medical examination of aliens is also performed at a selected number of consular offices in foreign countries. For a list of additional seaports, border stations, and airports served by quarantine officers write the Chief, Division of Foreign Quarantine, U. S. Public Health Service, Washington 25, D. C.

(b) *Hospitals, Clinics, and Outpatient Offices.* Correspondence with hospitals, clinics, and outpatient offices of the Service should be addressed to: Medical Officer in Charge.

U. S. Public Health Service Hospitals and Outpatient Department Annexes

Baltimore 11, Md.: Wyman Park Drive and 31st Street; Outpatient Department Annex: Customhouse, Baltimore 2, Md.

Boston 35 (Brighton), Mass.: 77 Warren Street.

Brooklyn 35, N. Y.: Oriental Boulevard and Pealy Avenue; Manhattan Beach (Tuberculosis).

Carville, La. (Public Health Service Leprosarium) Freight and Express Address: St. Gabriel, La.

Chicago 13, Ill.: 4141 Clarendon Avenue.

Detroit 15, Mich.: Windmill Pointe.

Fort Worth 1, Tex.: P. O. Box 100 (Drug Addiction and Mental Illness).

Galveston 1, Tex.: 45th Street and Avenue North.

Lexington, Ky.: P. O. Box 2000 (Drug Addiction and Mental Illness).

Memphis 6, Tenn.: 360 West California Street.

New Orleans 18, La.: 210 State Street.

Norfolk 8, Va.: Hampton Boulevard, Larchmont.

San Francisco 18, Calif.: 15th Avenue and Lake Street.

Savannah, Ga.: York and Abercorn Streets.

Seattle 14, Wash.: P. O. Box 3145.

Staten Island 4, N. Y.: Freight Address: Tompkinsville, Staten Island, N. Y., Express Address, Stapelton, N. Y.

Public Health Service Outpatient Clinics

Atlanta 23, Ga.,[2] 50 Seventh Street NE.

Balboa Heights, C. Z.[4]

Buffalo 3, N. Y.,[1] 227 Post Office Building, 121 Ellicott Street.

Charleston 8, S. C.,[2] Customhouse, Market and East Bay Streets.

Charlotte Amalie, V. I., U. S. Post Office and Customhouse Building.

Cincinnati 2, Ohio, U. S. Post Office and Courthouse Building, Fifth and Walnut Streets.

Cleveland 13, Ohio,[1] New Post Office Building, West Third Street and Prospect Avenue.

El Paso, Tex., 139 U. S. Courthouse.

Honolulu 7, Hawaii, 208 Federal Building or Box 1410.

Houston 11, Tex.,[3] 216 Appraisers Stores Building, 7300 Wingate Avenue.

Jacksonville 1, Fla., 403 Federal Building, 311 West Monroe Street, or Box 4788.

Los Angeles 12, Calif., 424 Federal Building, 312 North Spring Street.

Miami 3, Fla., 365 Federal Building, 300 Northeast First Avenue.

Mobile 16, Ala.,[4] U. S. Court and Customhouse, St. Joseph and St. Louis Streets.

New York 13, N. Y.,[5] 67 Hudson Street.

Philadelphia 6, Pa., 225 Chestnut Street.

Pittsburgh 19, Pa.,[6] 413 New Federal Building, Seventh and Grant.

Port Arthur, Tex.,[3] 211 U. S. Post Office and Customhouse, Fifth and Austin Avenue.

Portland 3, Maine,[7] 331 Veranda Street.

Portland 5, Oreg.,[8] 220 U. S. Courthouse, Broadway and Main Streets.

St. Louis 1, Mo.,[9] Room 206, Old Post Office Building, 815 Olive Street.

San Diego 1, Calif., 208 New Post Office Building.

San Juan 18, P. R., Box 3788.

San Pedro, Calif.,[10] 308 Federal Building, 825 South Beacon.

Tampa 1, Fla., Box 1438, Davis Island.

Address Correspondence to the Medical Officer in Charge:

[1] Public Health Service Hospital, Detroit, Mich.

[2] Public Health Service Hospital, Savannah, Ga.

[3] Public Health Service Hospital, Galveston, Tex.

[4] Public Health Service Hospital, New Orleans, La.

[5] Public Health Service Hospital, Staten Island, N. Y.

[6] Public Health Service Hospital, Baltimore, Md.

[7] Public Health Service Hospital, Boston, Mass.

[8] Public Health Service Hospital, Seattle, Wash.

[9] Public Health Service Hospital, Chicago, Ill.

[10] Outpatient Clinic, Los Angeles, Calif.

Washington 25, D. C., HEW Building, South, Fourth and D Streets, SW.

Public Health Service Outpatient Offices

Aberdeen, Wash., 700 Becker Building, 110 South First.

Albany 8, N. Y., 680 Madison Avenue.

Alpena, Mich., Savings Bank Building, 122 North Second Street.

Anacortes, Wash., Medical-Dental Building, 418 Commercial Avenue.

Apalachicola, Fla., 17½ Avenue E.

Ashland, Wis., 522 West Second Street.

Ashtabula, Ohio, 2334 Lake Avenue.

Astoria, Oreg., 486 12th Street.

Bath, Maine, 118 Front Street.

Baton Rouge 11, La., 707 North Seventh Street.

Bay City, Mich., 307 Davidson Building.

Beaufort, N. C., 111 Pollock Street.

Bellingham, Wash., 511 Herald Building, 1155 State Street.

Biloxi, Miss., 423 Lameuse Street.

Brownsville, Tex., 108 Medical Arts Center, 105 West Elizabeth Street.

Brunswick, Ga., Dunwoody Building, 1501½ Newcastle Street.

Cairo, Ill., 309 Eighth Street.

Calumet, Mich., 219 Sixth Street.

Cambridge, Md., 6 Church Street.

Cape May, N. J., Columbia Avenue and Ocean Street.

Coos Bay, Oreg., 510 Hall Building, 320 West Central Avenue.

Cordova, Alaska, Cordova Community Hospital or Box 100.

Corpus Christi, Tex., Suite 15, Medical Center, 2400 Morgan Avenue.

Crisfield, Md., 322 Main Street.

Duluth 2, Minn., 900 Medical Arts Building, 324 West Superior Street.

East Chicago, Ind., 4035 Elm Street.

East Machias, Maine, High Street.

Edenton, N. C., 108 East King Street.

Edgartown, Mass., North Summer Street.

Elizabeth City, N. C., 224 Carolina Building.

Erie, Pa., 511 Commerce Building.

Escanaba, Mich., 1106 First Avenue South.

Eureka, Calif., Medical-Dental Building, 630 Seventh Street.

Evansville 2, Ind., 619 Mary Street.

Everett, Wash., 3202 Colby Avenue.

Fall River, Mass., 465 Walnut Street.

Frankfort, Mich., 104 Fourth Street.

Gallipolis, Ohio, 68 State Street.

Gloucester, Mass., 63 Middle Street.

Grand Haven, Mich., 414 Franklin Street.

Green Bay, Wis., 1252 Main Street.

Gulfport, Miss., 404–406 Hewes Building.

Juneau, Alaska, Box 465, or Odd Fellows Building, Franklin and Second Avenues.

Ketchikan, Alaska, Koel Building, 325 Dock Street, or Box 359.

Key West, Fla., 420 Simonton Street.

Kilmarnock, Va.

LaCrosse, Wis., 205 Linker Building, Fourth and Main.

Lewes, Del., Savannah Road.

Lorain, Ohio, 435 Reid Avenue.

Louisville 2, Ky., 908 Hayburn Building., Fourth and Broadway.

Ludington, Mich., 107 West Ludington Avenue.

Manistee, Mich., 401 River Street.

Manitowoc, Wis., 811 York Street.

Marquette, Mich., Savings Bank Building, 101 South Front Street.

Menominee, Mich., Electric Square Building, 104 10th Avenue.

Milwaukee 2, Wis., Goldsmith Building, 425 East Wisconsin Avenue.

Morehead City, N. C., 907 Evans Street.

Muskegon, Mich., 1160 Ransom Street.

Nantucket, Mass., 41 India Street.

Natchez, Miss., 304 Franklin Street.

New Bedford, Mass., 166 Cottage Street.

New Bern, N. C., Elks Temple, 81 Pollock Street.

New Haven 11, Conn.

New London, Conn., 302 State Street.

Newport, Oreg., 625 Hurbert Street.

Newport, R. I., 105 Pelham Street.

Newport News, Va., Medical Arts Building, 2903 West Avenue.

Nome, Alaska, Maynard MacDougall Memorial Hospital, or Box 497.

Ogdensburg, N. Y., 430 Ford Street.

Olympia, Wash., 529 West Fourth Street.

Oswego, N. Y., 91 West Bridge Street.

Paducah, Ky., 817 Citizens Savings Bank Building.

Panama City, Fla., 456 Grace Avenue.

Pensacola, Fla., 1003 North 12th Street.

Petersburg, Alaska, Box 1054.

Ponce, Puerto Rico, Box 1231 or 40 Isabel Street.

Port Huron, Mich., 916 Seventh Street.

Port St. Joe, Fla., c/o Ward Clinic.

Port Townsend, Wash., Medical Building, 1136 Water Street.

Providence 3, R. I., 1413 Broad Street.

Provincetown, Mass., 322 Commercial Street.

Racine, Wis., 1101 Grand Avenue.

Reedville, Va.

Richmond 20, Va., 714 North Boulevard.

Rogers City, Mich., 123 Third Street.

Sandusky, Ohio, 616 Camp Street.

Sault Ste. Marie, Mich., 300 Court Street.

Seward, Alaska, Seward Clinic.

Sheboygan, Wis., 516A North Eighth Street.

Southport, N. C.

Superior, Wis., Board of Trade Building, 1507 Tower Avenue.

Tacoma 2, Wash., 1403 Medical Arts Building, 3701 Sixth Avenue.

Toledo 4, Ohio, 510–514 Ohio Building, 401 Madison Avenue.

Two Harbors, Minn., 426 First Avenue.

Vicksburg, Miss., 1600 Monroe Street.

Washington, N. C., 420 North Market Street.

Wilmington, Del., 1300 Delaware Avenue.

Wilmington, N. C., 203 Murchison Building, 209 North Boulevard.

(c) *Public Health Service Indian Health Area Offices, Hospitals, and Centers.* Correspondence involving Indian Health field installations should be addressed to the Medical Officer in Charge of the Public Health Service Indian Health Area Office under whose jurisdiction the installation operates, with the exception that correspondence may be addressed directly to the Medical Officer in Charge of the Public Health Service Alaska Native Hospital at Mount Edgecumbe, Alaska, because of the location and difficulty in delivery of mail.

Public Health Service Indian Health Area Offices and Jurisdiction

Aberdeen, S. Dak., 422½ South Main St.	Public Health Service Indian Hospitals: Belcourt, N. Dak.; Cass Lake, Minn.; Cheyenne Agency, S. Dak.; Fort Yates, N. Dak.; Pine Ridge, S. Dak.; Rapid City,[1] S. Dak.; Red Lake, Minn.; Rosebud, S. Dak.; Sisseton, S. Dak.; Wagner, S. Dak.; White Earth, Minn.; Winnebago, Nebr. Public Health Service Indian Health Centers: Fort Totten, N. Dak.; Newtown, N. Dak.

[1] Tuberculosis Hospital.

Public Health Service Indian Health Area Offices and Jurisdiction—Continued

Albuquerque, N. Mex., 220 3d St. NW. (P. O. Box 1715).	Public Health Service Indian Hospitals: Albuquerque,[2] N. Mex.; Mescalero, N. Mex.; Santa Fe, N. Mex.; Zuni, N. Mex. Public Health Service Indian Health Centers: Dulce, N. Mex.; Ignacio, Colo.; Taos, N. Mex.
Sub-Area: Window Rock, Ariz., P. O. Box 188.	Public Health Service Indian Hospitals: Crownpoint, N. Mex.; Fort Defiance,[2] Ariz.; Shiprock, N. Mex.; Tuba City, Ariz.; Winslow, Ariz. Public Health Service Indian Health Centers: Chinle, Ariz.; Gallup, N. Mex.; Tohatchi, N. Mex.
Oklahoma City 2, Okla., 301 Post Office and Court House Bldg.	Public Health Service Indian Hospitals: Cherokee, N. C.; Claremore, Okla.; Clinton, Okla.; Lawton, Okla.; Pawnee, Okla.; Philadelphia, Miss.; Shawnee,[1] Okla.; Tahlequah, Okla.; Talihina,[2] Okla. Public Health Service Indian Health Center: Anadarko, Okla.
Phoenix, Ariz., 4110 North 16th St. (P. O. Box 674).	Public Health Service Indian Hospitals: Hoopa, Calif.; Keams Canyon, Ariz.; Owyhee, Nev.; Parker, Ariz.; Phoenix,[2] Ariz.; Sacaton, Ariz.; San Carlos, Ariz.; Schurz, Nev.; Tucson, Ariz.; Whiteriver, Ariz.; Winterhaven, Calif. Public Health Service Indian Health Centers: Bylas, Ariz.; Fort Duchesne, Utah; Peach Springs, Ariz.; Sells, Ariz.
Portland, Oreg., 208 Southwest 5th St., Room 600, Lincoln Bldg. (P. O. Box 1729).	Public Health Service Indian Hospitals: Nespelem, Wash.; Tacoma,[1] Wash. Public Health Service Indian Health Centers: Klamath, Oreg.; Warm Springs, Oreg.; Wellpinit, Wash.
Sub-Area: Billings, Mont., P. O. Box 2143.	Public Health Service Indian Hospitals: Browning, Mont.; Crow Agency, Mont.; Harlem, Mont.; Poplar, Mont. Public Health Service Indian Health Centers: Fort Washakie, Wyo.; Lame Deer, Mont.

Public Health Service Alaska Native Health Area Office and Jurisdiction

Anchorage, Alaska, 3d and Gambell Sts. (P. O. Box 741).	Public Health Service Alaska Native Hospitals: Anchorage,[2] Alaska; Barrow, Alaska; Bethel, Alaska; Kanakanak, Alaska; Kotzebue, Alaska; Tanana, Alaska.
Sub-Area: Mount Edgecumbe, Alaska.	Public Health Service Alaska Native Hospitals: Mount Edgecumbe,[2] Alaska; Juneau, Alaska.

Note: Mail should be addressed to the Post Office box indicated rather than to the street address except that telegrams, special deliveries, and packages should be mailed to the street address.

[1] Tuberculosis Hospital.

[2] General and Tuberculosis Hospital.

SEC. 174 *Field installations of the Bureau of State Services*—(a) *Field Stations of the Division of General Health Services.* Correspondence should be addressed to: Medical Officer in Charge, Arctic Health Research Center, U. S. Public Health Service, P. O. Box 960, Anchorage, Alaska.

(b) *Field Stations of the Division of Special Health Services.* Correspondence should be addressed to: Officer in Charge, U. S. Public Health Service.

Diabetes Field Research and Training, 639 Huntington Avenue, Boston, Mass.

Occupational Health Field Headquarters, 1014 Broadway, Cincinnati 2, Ohio.

Occupational Health Field Station, Box 2537, Fort Douglas Station, Salt Lake City, Utah.

Electronic and Technical Services Laboratory, 122 Commerce Lane, Rockville, Md.

Biologics Preparation Laboratory, 336 Commerce Lane, Rockville, Md.

Tuberculosis Field Research Facility, c/o Muscogee County Health Department, 8th Avenue at Talbottom, Columbus, Ga.

Tuberculosis Research Laboratory, P. O. Box 185, Chamblee, Ga.

Tuberculosis Field Research Facility, c/o Insular Health Department, San Juan, P. R.

(c) *Field Stations of the Division of Sanitary Engineering Services.* Correspondence with the field stations of the division should be addressed to: Officer in Charge, Robert A. Taft Sanitary Engineering Center, 4676 Columbia Parkway, Cincinnati 26, Ohio.

(d) *Communicable Disease Center and Field Stations thereof.* Correspondence with the Center should be addressed to Chief, Communicable Disease Center, U. S. Public Health Service, 50 Seventh Street NE., Atlanta 23, Ga.: Correspondence to the field stations of the Communicable Disease Center should be addressed to the Officer in Charge, U. S. Public Health Service, Communicable Disease Center Activities:

Amherst, Mass.: Training Station, University of Massachusetts, Marshall Hall Annex.

Bakersfield, Calif.: Bakersfield Field Station, P. O. Box 1564.

Chapel Hill, N. C.: V. D. Experimental Laboratory, P. O. Box 1049.

Denver, Colo.: Training Station, University of Colorado Medical Center, 4200 East Ninth Avenue.

Greeley, Colo.: Encephalitis Investigations, P. O. Box 625.

Kansas City, Kans.: Kansas City Field Station, 3900 Eaton Street.

Logan, Utah: Logan Field Station, 290 West Center Street.

Montgomery, Ala.: Virus and Rickettsia Laboratory, P. O. Box 61.

Mount Vernon, N. Y.: New York Field Training Station, 20 East First Street.

New Haven, Conn.: Poliomyelitis Investigations, Yale University School of Medicine, 333 Cedar Street.

Newton, Ga.: Newton Field Station.

Oklahoma City, Okla.: Southwest Field Training Section, 1227 North Kelly Street.

Philadelphia, Pa.: Anthrax Investigations, Care Wister Institute, University of Pennsylvania, Woodland Avenue and 36th Street.

Phoenix, Ariz.: Phoenix Field Station, 1550 East Indian School Road.

San Francisco, Calif.: San Francisco Field Station, 15th Avenue and Lake Street.

San Juan, P. R.: Puerto Rico Field Station, P. O. Box 52.

Savannah, Ga.: Technical Development Laboratories, P. O. Box 769.

Taunton, Mass.: Taunton Field Station, Myles Standish State School.

Wenatchee, Wash.: Wenatchee Field Station, P. O. Box 73.

(e) *Field Stations of the Division of Dental Public Health.* Correspondence with the field stations of the division should be addressed to:

Dental Officer in Charge, U. S. Public Health Service Dental Study Projects.

(1) C/o Alachua County Health Department, Gainesville, Fla.

(2) C/o Dorchester County Health Department, Cambridge, Md.

(3) 612 Allerton Avenue, Bronx, N. Y.

(4) 921-23 Troost Street, Kansas City 6, Mo.

(5) C/o West Virginia State Hospital, Huntington, W. Va.

Officer in Charge, U. S. Public Health Service:

(1) C/o City Water Works, Britton, S. Dak.

(2) C/o City Water Works, Bartlett, Tex.

SEC. 175 *Field organization of the National Institutes of Health.* The field organization includes laboratories or centers which conduct basic research studies in fields of medicine with which the Institutes are concerned. Most of the laboratories or centers are located in universities, hospitals, or other public or private research institutions. Also included are several installations which offer services to people in the community. These are listed below. Inquiries concerning National Institutes of Health field installations should be addressed to the Director, National Institutes of Health, Bethesda, Md.

Rocky Mountain Laboratory, Hamilton, Mont.

Mental Health Study Center, 1000-1002 Lebanon Street, Langley Park, Silver Spring, Md.

SEC. 176 *Field organization of the National Library of Medicine.* The field organization of the National Library of Medicine consists of the History of Medicine Division located in Cleveland, Ohio. Correspondence with this Division should be addressed to: Chief, History of Medicine Division, National Library of Medicine, 11000 Euclid Avenue at Adelbert Road, Cleveland 6, Ohio.

PROCEDURES AND FORMS

GENERAL PROCEDURES

SEC. 201 *Gifts.* On behalf of the United States, the Secretary of Health, Education, and Welfare is authorized to accept gifts made for the benefit of the Public Health Service or for carrying out its functions, in accordance with section 501 of the Public Health Service Act, as amended, 42 U. S. C. 219 and Reorganization Plan No. 1 of 1953. Information may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C.

SEC. 202 *Claims for damages.* Provisions of law and procedures regarding claims for damage to, or loss or destruction of, property or for personal injury or death, alleged to have been caused by commissioned or civilian officers or employees of the Public Health Service, are set forth in 45 CFR 35.1–35.8, and 28 U. S. C. 1346 (b), 2401 (b), 2671–80. Provisions of law regarding claims for damage occasioned by collisions or incident to the operation of vessels of the Public Health Service, are set forth in section 505 of the Public Health Service Act, as amended, 42 U. S. C. 223. All such claims may be filed with the Public Health Service Board of Claims, U. S. Public Health Service, Washington 25, D. C.

SEC. 203 *Civil service positions.* (a) Information regarding civil service positions in the Public Health Service may be obtained by writing to the Division of Personnel, U. S. Public Health Service, Washington 25, D. C. For procedures and forms prescribed by the U. S. Civil Service Commission, see 5 CFR Ch. I.

(b) The Public Health Service offers medical librarianship intern training; information regarding such training can be obtained by writing to the Director, National Library of Medicine, Washington 25, D. C.

SEC. 204 *Medical Library Services.* (a) The National Library of Medicine makes its collections available to those unable to obtain the material needed locally through interlibrary loans to other libraries, either by sending the original or by furnishing photocopy. Requests for this service should be addressed to the Interlibrary Loan Service of the National Library of Medicine, Washington 25, D. C.

(b) The National Library of Medicine publishes monthly, an index to the world's periodical medical literature containing references to 115,000 journal articles each year. This publication is available upon subscription from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. In addition, the National Library of Medicine Catalog is published annually with quinquennial cumulations, and may be purchased through the National Library of Medicine, Washington 25, D. C.

REGULAR AND RESERVE COMMISSIONED CORPS

SEC. 205 *General statement.* (a) Commissions in the Regular and Reserve Corps of the Public Health Service are available to citizens trained in the fields of medicine, dentistry, sanitary engineering, pharmacy, scientific specialties related to public health, nursing, dietetics, and physical and occupational therapy. Regulations relating to the commissioned corps are contained in 42 CFR Parts 21, 22.

(b) The Public Health Service offers medical, dental, pharmacy and dietetic internship training at some of its stations; information regarding such training can be obtained by writing to the Division of Personnel, U. S. Public Health Service, Washington 25, D. C.

(c) Appointments are made in the Regular Corps by the President subject to confirmation by the Senate. Officers retain commissions in the Regular Corps for life, contingent upon their passing prescribed promotion and physical examinations and compliance with rules and regulations of the Service. Appointments are made in the Reserve Corps by the Secretary for an indefinite period under authority delegated by the President (E. O. 10506, Dec. 10, 1953, 18 F. R. 8219). Reserve commissions may be terminated at any time by the Secretary, upon recommendation of the Surgeon General, under the foregoing delegation of authority.

SEC. 206 *Application for commission.* Applications may be made on form PHS–50, Revised 6/55, "Application for Appointment as a Commissioned Officer in the United States Public Health Service." Application forms and instructions may be obtained by writing to the Division of Personnel, U. S. Public Health Service, Washington 25, D. C. Eligibility requirements are prescribed in the Public Health Service regulations.

SEC. 207 *Regular Corps; examinations and appointment.* (a) Competitive written examinations for appointment in the Regular Corps are usually held annually in the principal cities in the early spring or summer. Announcements of the time and place of examinations are published at least thirty days prior to the date of the examination, in the leading medical and other professional journals. Applicants with satisfactory qualifications are instructed to present their completed applications and supporting documents to a board of commissioned officers, appointed by the Surgeon General, which conducts oral and written professional examinations and physical examinations as prescribed in regulations.

(b) The procedure for establishment of merit rolls on the basis of examination ratings and relative standings of candidates, and for nominations from merit rolls, are described in the regulations.

SEC. 208 *Reserve Corps; examination and appointment.* Eligibility requirements are described in Title 42 of the Code of Federal Regulations. The examination consists of a review of the candidate's qualifications by the examining board in Washington, D. C., a physical examination which is arranged at a Public Health Service station, and may include an oral interview; a written examination or both. Appointments of candidates are recommended by the Surgeon General and transmitted to the Secretary for final action.

SEC. 209 *Other provisions governing commissioned officers.* Procedures regarding allotments, leave, promotion, separation, retirement, uniforms, decorations, discipline, and burial payments in time of war, quarters, and foreign service allowances of commissioned officers, are described in the regulations.

PUBLIC INQUIRIES

SEC. 210 *General statement.* (a) The Public Inquiries Branch in the Office of the Surgeon General, U. S. Public Health Service, Washington 25, D. C., conducts a central inquiry service for the professional and lay public. It answers questions and distributes publications and films on a variety of subjects ranging from simple health information to scientific research findings in the fields of medicine and public health.

(b) The National Library of Medicine of the Public Health Service also answers questions pertaining to the published medical literature.

COLLECTION OF VITAL STATISTICS

SEC. 211 *General statement.* Reports of morbidity and mortality are collected by the Public Health Service from State, Territorial or local governments in accordance with 42 U. S. C. 245 and provisions of International Sanitary Conventions to which the United States is a signatory power. Transcripts of birth, death, and fetal death certificates are purchased by arrangements with the States, Territories, and independent registration cities in accordance with section 312a, Public Health Service Act (42 U. S. C. 244a).

SEC. 212 *Use of reports and transcripts.* Transcripts and reports collected by the Public Health Service under these provisions are tabulated and analyzed by the National Office of Vital Statistics for statistical purposes only.

SEC. 213 *Reports.* Weekly telegraphic morbidity reports and annual morbidity summaries (Forms PHS–1715–1, 1715–2, 1716, 1717 1718) are submitted by State and Territorial Health Departments. In addition, reports of outbreaks and other unusual occurrences of diseases are received. Weekly telegraphic or mail reports of deaths are received from health departments of the larger cities. Monthly mail reports of births, deaths, marriages, and divorces are received from State, city, and Territorial health departments.

SEC. 214 *Official publications.* Annual reports (Vital Statistics in the United States, Parts I and II), and occasional special publications on vital statistics may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Subscriptions to "Public Health Reports", a monthly scientific journal of public health practice, may be obtained from the same source. Weekly and monthly statistical reports and the papers entitled "Vital Statistics—Special Reports" are made available to professionally interested persons and agencies without charge.

INTERSTATE CARRIER SANITATION

SEC. 221 *General statement.* Interstate carriers must comply with requirements of the Interstate Quarantine Regulations contained in 42 CFR Part 72 regarding the sanitary condition of interstate conveyances such as railroad passenger cars and dining cars, buses, ships, and airlines, which have sanitary facilities, provide water or food, and which operate in interstate traffic. Failure to comply with the requirements of the regulations can result in a fine of not more than $1,000 or imprisonment for not more than one year, or both (section 368 (a) of the Public Health Service Act as amended, 42 U. S. C. 271). Operating conditions on these conveyances are observed and in the case of ships and dining cars, inspections are made regularly. Water and food sources are inspected and certified for use by interstate carriers. The facilities for handling food and water at railroad and airline servicing areas are also under inspection as well as facilities for the disposal of wastes. Plans for the construction and reconstruction of such facilities are reviewed.

SEC. 222 *Construction of conveyances.* (a) Plans for the construction or reconstruction of sanitary equipment or facilities for railroad passenger cars, buses, and aircraft are required to be submitted to the Division of Sanitary Engineering Services for review. Inspections are made by Public Health Service Regional Office representatives. Plans may be submitted by the operators or the car builders. The obligation to submit plans is the responsibility of the operator not the car builder or the aircraft builder, but the submittal is frequently made by the builder. The Handbook on Sanitation of Railroad Passenger Car Construction, PHS Publication No. 95, and the Handbook on Sanitation of Airlines, PHS Publication No. 308, provide general information on sanitary aspects of design.

(b) Plans for the construction or reconstruction of U. S. vessels in interstate traffic, as well as in foreign trade, are reviewed on a voluntary basis. Inspections result in issuance of a "Certificate of Sanitary Construction," if construction or reconstruction has been in accordance with the recommendations contained in the Handbook on Sanitation of Vessel Construction, PHS Publication No. 393. Inspections are made by Regional Office representatives. In the case of U. S. vessels in foreign trade, ratproof construction, as well as general sanitation including water, food, plumbing, and waste disposal, is important.

SEC. 223 *Operating conditions.* The Interstate Quarantine Regulations, 42 CFR Part 72, spell out various requirements to be met by the railroad, bus, airline, and vessel industries in their interstate operations. Inspections are generally made of each passenger or freight ship and each dining car about twice a year. Inspections of other interstate carriers are not made on a regularly scheduled basis. Reports of inspection are given to the operator with the request that corrections be made where indicated. "Certificates of Sanitation" are issued to a conveyance having a high sanitation rating. These certificates must be posted by the carriers. The Handbook on Sanitation of Vessels in Operation, PHS Publication No. 68, the Handbook on Sanitation of Airlines, PHS Publication No. 308, and the Handbook on Sanitation of Dining Cars in Operation, PHS Publication No. 83, are used as guides.

SEC. 224 *Water, milk and food sources.* (a) The regulations require that water used on an interstate conveyance be from a source approved by the Surgeon General. The Service prepares and distributes to the carriers semi-annual lists of the various watering points used by them, each classified either as "approved," or "provisionally approved". Carriers must use watering points which appear on the list. Special measures are taken to provide carriers with immediate notification when a watering point is considered unfit for use. The classification of a watering point depends on two factors. One is the water supply, which may be a public supply or a private one, and the second factor is the sanitary status of the facilities at the watering point for handling or loading water. The Public Health Service makes inspections of water supplies or watering points or utilizes reports of State or local health agencies. Sufficient copies of the respective lists are sent to those railroads, bus lines, airlines and vessel companies which provide water on their conveyances for passenger or crew consumption. The standards for classification of the water supplies are the Drinking Water Standards contained in 42 CFR 72.201 to 72.204. The Handbook on Sanitation of Railroad Services Areas, PHS Publication No. 66, and the Handbook on Sanitation of Vessel Watering Points, PHS Publication No. 274, are used as guides for classifying watering points.

(b) Milk plants supplying fresh milk or frozen desserts to interstate carriers are inspected, classified, and notification provided in a manner similar to watering points. The regulations require that such products be approved by the Surgeon General for use on interstate carriers. The Milk Ordinance and Code—1953 Recommendations of the Public Health Service, PHS Publication No. 229, is used as a guide in classifying milk plants. Its Frozen Desserts Ordinance and Code, recommended by the Public Health Service, is used as a guide in classifying ice cream sources.

(c) Carrier commissaries and catering establishments are inspected by Public Health Service or State personnel. The Ordinance and Code Regulating Eating and Drinking Establishments—1943 Recommendations of the Public Health Service, PHS Publication No. 37, is used as a guide in inspecting and classifying these food preparation places. These commissaries and caterers are evaluated in a manner similar to that for watering points and milk sources and the carriers are notified of the results of inspections as well as the classification. Sources of bottled water are inspected by Public Health Service or State personnel and classified as "approved," or "provisionally approved."

(d) The Public Health Service publishes semimonthly a list of shellfish shippers holding certificates issued by those State regulatory authorities which conduct a shellfish sanitation program approved by the Service on the basis of a "Manual of Recommended Practices for the Sanitary Control of the Shellfish Industry"—1946 Recommendations of the Public Health Service, PHS Publication No. 33. Shellfish used on interstate carriers must originate from shipper currently listed by the Service.

(e) The regulations require the submittal of construction plans or plans for major reconstruction of sanitation facilities at servicing areas. These facilities include watering point installations of hydrants and platforms as well as facilities for disposing of material from soil cans, garbage cans, and the construction or reconstruction of commissaries where food is stored or prepared. The Handbook on Sanitation of Railroad Servicing Areas, PHS Publication No. 66; and the Handbook on Sanitation of Airlines, PHS Publication No. 308; provide general information on sanitary aspects of design and operation.

INTERSTATE SHIPMENT OF SHAVING AND LATHER BRUSHES

SEC. 225 *General statement.* Shaving or lather brushes may not be shipped or carried in interstate commerce unless manufactured in compliance with the regulations contained in 42 CFR Part 72.

SEC. 226 *Permits; application and issuance.* (a) Application forms for permits certifying approval of manufacturing procedures may be obtained from the Division of Sanitary Engineering Services, U. S. Public Health Service, Washington 25, D. C. This form calls for the name and location of the manufacturing establishment, a list of products manufactured or processed, and the signature and title of the executive officer of the establishment. The application form is submitted in duplicate to the Division of Sanitary Engineering Services. The facilities and processes of the applicant's establishment are then inspected for compliance with provisions of the regulations by a representative of the Regional Office within whose jurisdiction the establishment is located. Copies of the identifying marks to be used on brushes are also obtained. The Regional Office transmits to the Division of Sanitary Engineering Services an inspection report, together with recommendations. If upon the basis of the report the head of the Division of Sanitary Engineering Services determines that the establishment is complying with the regulations, a permit is forwarded to the applicant. If the application is not approved, the applicant is notified of this fact, reasons given, and suggestions are offered for improvements that would result in favorable action.

(b) After a permit is issued, all Regional Offices and all State health authorities are so notified in order that the establishment's products may be recognized on the market. State and local health departments make periodic checks of brushes for sale on the retail market and when brushes are found not carrying a registered mark as required by the regulations, a report of that fact is sent to the Surgeon General for enforcement action. Establishments holding permits are subject to periodic inspection; the permit is subject to revocation if it is determined that the regulations are not complied with.

BIOLOGICAL PRODUCTS; LICENSES

SEC. 230 *General statement.* (a) Licenses are issued to establishments engaged in the manufacture and preparation of certain biological products, under the authority of section 351 of the Public Health Service Act, as amended (42 U. S. C. 262). Standards designed to insure the continued safety, purity, and potency of such products are prescribed in regulations made jointly by the Surgeon General of the Public Health Service, the Surgeon General of the Army, and the Surgeon General of the Navy, and approved by the Secretary of Health, Education, and Welfare. They appear in 42 CFR Part 73.

(b) The Division of Biologics Standards, National Institutes of Health, Bethesda 14, Md., prepares and issues monographs, known as "Minimum Requirements," on individual biological products. The monographs discuss each product, methods for its production, tests for safety, purity and potency, etc. They are advisory in character, intended for the information and assistance of manufacturers and scientists. Forms are sometimes attached to the monographs which are designed for use in recording the results of tests of a licensed product. These forms may be used in preparing the protocols which are to be transmitted to the National Institutes of Health with samples of licensed products, as provided for in 42 CFR 73.71, 73.91. The Division of Biologics Standards also prepares and issues from time to time material, known as "Dating Decisions", containing information concerning the periods within which particular products may be expected to yield their specific results. This material represents the latest scientific knowledge available and is also advisory in character. Copies of the "Minimum Requirements" and "Dating Decisions" may be obtained from the Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland.

SEC. 231 *Products and establishments subject to license.* Products subject to license include any virus, therapeutic serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of diseases or injuries of man. Foreign as well as domestic establishments are subject to license requirements with respect to products brought into the District of Columbia or any State or possession, for sale, barter, or exchange.

SEC. 232 *Applications for licenses.* Forms for application for licenses, and assistance in completing application forms, may be obtained from the Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland. Detailed information is required on the technical facilities of the establishment and on the methods of preparation and testing of the product.

SEC. 233 *Processing of applications.* Completed applications, reviewed by the Division of Biologics Standards are forwarded with a report to the Surgeon General. The report is based in part on inspection of the establishment and laboratory tests of the product. The Surgeon General transmits the application, the report, and his recommendations for action, to the Secretary of Health, Education, and Welfare. In certain cases the Surgeon General appoints a Special Board of Officers to review applications. The findings of the Board are submitted to the Secretary with the Surgeon General's recommendations.

SEC. 234 *Issuance of licenses.* Licenses for approved establishments and products are issued by the Secretary. Licensed establishments are subject to reinspection and licensed products are subject to retesting.

SEC. 235 *Suspension, cancellation, or revocation.* Upon recommendation of the Surgeon General, the Secretary may suspend, cancel, or revoke licenses in accordance with regulations, contained in 42 CFR Part 73. Such recommendations are ordinarily based upon inspection reports and laboratory tests.

SEC. 236 *Hearings.* The Surgeon General grants opportunity for hearings (a) prior to denial, revocation, or suspension of license; or (b) after a license has been denied or because of danger to health, summarily suspended without prior opportunity for a hearing. Such hearings are provided before a board of officers designated by the Surgeon General for that purpose. The findings and recommendations of the officers or board are forwarded by the Surgeon General with his recommendations to the Secretary.

SEC. 237 *Complaints.* Any person who has reason to question the safety, purity, or potency of any licensed biological products on the open market should communicate with the Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland.

SEC. 238 *Relation to Food and Drug Administration; licensed products and products for investigational use only.* The Public Health Service is generally responsible to the Secretary of Health, Education, and Welfare for the administration of the provisions of the Public Health Service Act, as amended; it is also responsible for administering those provisions of the Federal Food, Drug, and Cosmetic Act which are applicable to biological products. This responsibility extends to products licensed under the Public Health Service Act, which are deemed not subject to section 505 of the Federal Food, Drug, and Cosmetic Act, and to products intended solely for investigational use which are subject to the provisions of subsection (i) of section 505 of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder. By administrative arrangement, reports are made to the Service by the Food and Drug Administration whenever, in the course of the field operations of the Food and Drug Administration, conditions or products are encountered which there is reason to suspect may be substandard. In any emergency involving protection to the public against products which may be dangerous to life or health, proceedings may be invoked under the provisions of either act as may be agreed between the Public Health Service and the Food and Drug Administration, or as the Secretary may direct.

RESEARCH FELLOWSHIPS

SEC. 240 *General statement.* Research fellowships are awarded to individuals who have demonstrated outstanding or potential ability for scientific research in the various fields of science related to public health, in accordance with section 301, and related provisions of the Public Health Service Act, as amended (42 U. S. C. 241). For regulations regarding fellowships see 42 CFR Part 61.

SEC. 241 *Applications for fellowships.* Application forms may be obtained from the Division of Research Grants, National Institutes of Health, Bethesda 14, Maryland. The principal items in the application form require from the applicant detailed information on his education, training, and experience.

SEC. 242 *Evaluation of applications.* Applications are evaluated by research fellowship boards appointed by the Surgeon General. The boards consist of persons representing various fields of science.

SEC. 243 *Action following Board evaluation.* Based on recommendations of the boards, awards may be made by an official to whom authority is delegated by the Surgeon General. Advice of final action is communicated to all applicants.

GRANTS FOR RESEARCH AND FOR RESEARCH FACILITIES

SEC. 245 *General statement.* (a) Grants for research in health, medical, dental, nursing, sanitary engineering, and allied fields are made to universities, hospitals, laboratories, other public and private institutions and individual scientists, in accordance with section 301 and related provisions of the Public Health Service Act, as amended (42 U. S. C. 241).

(b) Section 701 of the Public Health Service Act, as amended (42 U. S. C. 292) and related provisions provides for assistance in the construction of facilities for the conduct of research in the sciences related to health, by award of grants-in-aid to public and private nonprofit institutions for this purpose.

SEC. 246 *Applications for grants.* Application forms and instructions for preparing the forms for use in obtaining grants either under section 245 (a) or section 245 (b) above, may be obtained from the Division of Research Grants, National Institutes of Health, Bethesda 14, Md.

SEC. 247 *Evaluation of applications, and action taken.* (a) Applications for grants for research in health, medical, dental, nursing, sanitary engineering, and allied fields, are submitted to expert committees covering designated areas of medical research. These committees, consisting of non-Government consultants, review applications and prepare recommendations for consideration by the appropriate national advisory councils. Upon recommendation by a national advisory council for approval or disapproval of a grant, the recommendation is certified for final action to an official to whom authority is delegated by the Surgeon General; and the applicant is notified of final action.

(b) Applications for grants for construction of research facilities are eval-

uated by the National Advisory Council for Health Research Facilities and, based on the recommendations of the Council, awards are made by the Surgeon General, and the applicant is notified of final action.

TRAINING GRANTS AND TRAINEESHIPS

Sec. 249 *General statement.* **(a) Section 433 of the Public Health Service Act, as amended (42 U. S. C. 289c), and related provisions provide: (1) For the award to individuals, of traineeships in such fields as heart disease, cancer, allergy and infectious diseases, neurological and sensory diseases and arthritis and metabolic diseases; and (2) for grants to public and other nonprofit institutions for improvement of teaching and for training, including payment of stipends to qualified trainees, in such fields as mental health, cancer, heart disease, allergy and infectious diseases, neurological and sensory diseases and arthritis and metabolic diseases. The respective institutes of the National Institutes of Health have general administrative responsibility for these programs. For regulations governing traineeships, see 42 CFR 63.**

(b) Section 306 of the Public Health Service Act, as amended, provides for traineeships for graduate or specialized training in public health for physicians, engineers, nurses, and other professional health personnel, to be awarded either directly to individuals or through grants to public or nonprofit training institutions. Public Law 159 (84th Cong.), known as the Air Pollution Research and Technical Assistance Act of 1955, provides for grants-in-aid for training activities relating to the study, effects, extent, assessment, or control of air pollution to State and local government air pollution control agencies or other public agencies, educational and training institutions, and individuals. Various divisions of the Bureau of State Services have general administrative responsibility for these training programs.

Sec. 250 *Applications for training grants or traineeships.* **(a) Application forms and instructions for preparing the forms, both for use by institutions in obtaining training grants, and for individuals seeking traineeships under those programs referred to in section 249 (a) above, for which the National Institutes of Health has general administrative responsibility, may be obtained from the appropriate institute of the National Institutes of Health, Bethesda 14, Md.**

(b) Application forms and instructions for preparing the forms, both for use by agencies or institutions in obtaining grants-in-aid, and for individuals seeking traineeships in connection with those programs referred to in section 249 (b) above, under the general administrative responsibility of the Bureau of State Services, may be obtained from the Division of General Health Services, Bureau of State Services, Public Health Service, Department of Health, Education, and Welfare, Washington 25, D. C.

Sec. 251 ***Evaluation of applications and action taken thereon.*** Applications for grants or traineeships under the programs referred to in section 249 (a) and (b) above, are evaluated, as applicable, either by national advisory councils, other expert committees, or professional review boards. Based on the recommendation of such bodies awards may be made by the Surgeon General or by an official to whom such authority is delegated by the Surgeon General. The applicant is notified of final action.

RADIUM LOANS

Sec. 252 *General statement.* Loans of radium are made to agencies and institutions for treatment of cancer patients and for cancer research, in accordance with sections 402 and 403 of the Public Health Service Act, as amended.

Sec. 253 *Applications for loans.* Application forms and a statement of the conditions under which loans are granted may be obtained from the National Cancer Institute, National Institutes of Health, Bethesda 14, Md. The application requires a description of the size and equipment of the hospital or clinic, the qualifications of the staff and a statement of the number of cancer patients using the facilities.

Sec. 254 *Processing of applications.* The completed application is reviewed by the Director of the National Cancer Institute, or persons designated by him. The main points considered are the qualifications of staff, the need for the radium as determined by the amount the hospital already has and the number of cancer patients using its facilities, the adequacy of the hospital's radiological equipment and the availability of other radium in the community. In order to effect an equitable distribution of radium, loans already made to institutions in the State and community are considered.

Sec. 255 *Loan contract.* The applicant is notified of the decision made on his application. If the loan is approved, a loan contract is sent to the applicant for signature. The essential elements in the contract provide that the borrowers agree to:

(a) Replace any lost radium.

(b) Make no charge to patients for the use of the radium.

(c) Permit the radium to be used for treatment purposes only by experts whose qualifications are the equivalent of the standards established for radiologists by the American Board of Radiology.

(d) Maintain adequate standards for the protection of their personnel from overexposure to the radium.

(e) Furnish such reports on the use of the radium as the Service may require.

Upon completion of the contract, the radium is shipped to the borrower. Loan contracts are made for a period of one year and may be renewed.

MEDICAL CARE

Sec. 258 *Addresses of U. S. Public Health Service hospitals and medical care stations.* For addresses of U. S. Public Health Service hospitals, medical care stations, and other field stations and activities of the Service, see sections 17 through 176.

Sec. 259 *Seamen and others*—(a) *General statement.* Persons listed below are entitled to medical, surgical and dental treatment and hospitalization, without charge, at Service hospitals and established medical care stations of the Public Health Service. In emergencies, such treatment may be furnished at private and other than Service facilities at Public Health Service expense when authorized. These services are furnished in accordance with regulations contained in 42 CFR Part 32.

(1) *Group 1.* Seamen employed on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade;

(2) *Group 2.* Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State-school ships or on vessels of the United States Government of more than five tons' burden;

(3) *Group 3.* Seamen on vessels of the Mississippi River Commission;

(4) *Group 4.* Officers and crews of vessels of the Fish and Wildlife Service;

(5) *Group 5.* Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

(6) *Group 6.* Cadets at State maritime academies or State training ships; and

(7) *Group 7.* Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty.

(b) *Form of application*—(1) *Groups 1–4.* All seamen in these groups must present a Form PHS–125 "Masters Certificate of Service," in person or by proxy if unable to appear themselves. The seaman or master of the vessel may obtain this form from the nearest Public Health Service hospital or medical care station upon request. If Form PHS–125 is not available, other evidence of recent employment as a seaman beneficiary is acceptable.

(2) *Groups 5–6.* A written request from a responsible official of the organization concerned must be furnished.

(3) *Group 7.* Evidence of status as Public Health Service field employee or noncommissioned officer must be furnished.

(c) *Place of application.* Persons in all groups make application to the admitting office of the Service hospital or medical care station.

(d) *Emergency treatment*—(1) *Groups 1–4.* In emergencies where application cannot be made in person to an established medical care facility of the Public Health Service, the application may be sent to a medical officer in charge of a Service hospital or a medical care station together with documents evidencing eligibility as a seaman beneficiary. Application must be made at the time treatment is required, or shortly thereafter while the beneficiary is undergoing treatment.

(2) *Groups 5–6.* Same as for groups 1–4 and, in addition, application is made

to the responsible officer of the Public Health Service assigned to a Maritime Service, Merchant Marine Cadet Corps school or State Maritime Academy.

(3) *Group 7.* Same as for Groups 1-4, and, in addition, when on duty in any foreign place, the officer in charge or the patient himself, if necessary, may make arrangements for care and treatment without prior authorization.

(e) *Eligibility for treatment*—(1) Upon examination of the application and oral interrogation, where required, the admitting office or medical officer in charge, as the case may be, determines eligibility in accordance with regulations contained in 42 CFR Part 32. If found eligible, medical benefits are accorded the patient; if not, the applicant is rejected. Where, due to the emergency of the case, treatment at other than Public Health Service facilities is indicated, the Service or other authorized official receiving the application examines the evidence of eligibility, determines whether a true emergency exists and authorizes treatment for the applicant if eligibility is established. If time does not permit, treatment is authorized conditionally pending establishment of eligibility.

(2) Where the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Division of Hospitals, or someone designated by him. Temporary care and treatment is furnished pending determination of eligibility.

Sec. 260 *Coast Guard personnel and others*—(a) *General statement.* Persons listed below are entitled to medical, surgical, and dental treatment and hospitalization, without charge, at Service hospitals and established medical care stations of the Public Health Service and at other uniformed services facilities, such as, Army, Navy, and Air Force medical facilities, except that Group 4 beneficiaries and noncommissioned ships' officers and crew members of Coast and Geodetic Survey vessels mentioned in Group 2 are not entitled to routine but may receive emergency care at uniformed services facilities of the Army, Navy, and Air Force at Public Health Service expense, when properly authorized. In emergencies, such treatment may be furnished at private and at Government facilities other than uniformed services facilities at Service expense to active duty persons indicated in Groups 1 to 4 inclusive when authorized. These services are furnished in accordance with the regulations contained in 42 CFR Part 31, and 32 CFR Part 56.

(1) *Group 1; Coast Guard.* (i) Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; (ii) regular members of the Coast Guard Reserve when on active duty or when retired for disability; (iii) temporary members of the Coast Guard Reserve when on active duty or in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty; (iv) members of the Women's Reserve of the Coast Guard when on active duty or when retired for disability; (v) members of the Coast Guard Auxiliary in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty.

(2) *Group 2; Coast and Geodetic Survey.* Commissioned officers, ships' officers, and members of the crews of vessels of the Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(3) *Group 3; Public Health Service.* (i) Commissioned officers of the Regular Corps of the Service, whether on active duty or retired; (ii) commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(4) *Group 4.* Lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who, subsequent to June 30, 1939, have involuntarily been assigned to other civilian duty in the Coast Guard; who were entitled to medical care at hospitals and other stations of the Public Health Service prior to July 1, 1944; and who are now or hereafter on active duty or who have been or may hereafter be retired under the provisions of section 6 of the act of June 20, 1918, as amended (33 U. S. C. 763).

(5) *Group 5.* Uniformed service personnel of the Army, Navy, Air Force, and Marine Corps.

(b) *Form of application.* The applicant must present evidence of status or connection with the groups specified above.

(c) *Place of application.* Persons make application to the admitting office of a Public Health Service hospital, medical care station, or uniformed services facility, if eligible at the latter.

(d) *Emergency treatment.* In emergencies where application cannot be made in person to established facilities of the Service, an officer or other supervisory official of the organization concerned may arrange for treatment or hospitalization of active duty persons indicated in Groups 1 to 4 inclusive at private facilities at Public Health Service expense. As soon as possible, a report of the case is made to the Medical Officer in Charge of the nearest Service hospital or out-patient clinic. Transfer of the patient to an established Service facility or other Federal medical facility is effected as soon as the condition of the patient permits.

(e) *Eligibility for treatment.* (1) Upon examination of the certificate of identification or other written evidence of status, the receiving Public Health Service or other uniformed service officer determines eligibility in accordance with regulations contained in 42 CFR Part 31 or 32 CFR Part 56, whichever are applicable. Treatment is then furnished at Public Health Service facilities, uniformed services facilities, or at private facilities, depending upon the circumstances.

(2) When the admitting or authorizing official of a Public Health Service facility is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Division of Hospitals, or someone designated by him. Temporary care and treatment is furnished pending determination of eligibility.

Sec. 261 *Dependents and seamen on foreign flag vessels*—(a) *General Statement.* The types of medical care available to two additional groups of beneficiaries of the Public Health Service are described below:

(1) *Group 1.* The following persons may receive medical advice and outpatient treatment at Public Health Service hospitals and out-patient clinics, and hospitalization at Public Health Service and other uniformed services hospitals, except that dependents of non-commissioned ships' officers and crew members of Coast and Geodetic Survey vessels mentioned above in Group 2 are not eligible for hospitalization at uniformed services hospitals other than those of the Public Health Service. Hospitalization in hospitals of the Public Health Service will be at a per diem cost to the officer; enlisted person or member of the crew concerned at the uniform rate set by the President for such dependents. Dependents of active duty uniformed service personnel (does not include noncommissioned ships' officers and crew members of Coast and Geodetic Survey vessels mentioned above in Group 2) are also entitled to civilian hospital care in accordance with the regulations contained in 32 CFR Part 56. Dependent members of the families of personnel in the:

(i) Coast Guard, commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; and regular members of the United States Coast Guard Reserve and members of the Women's Reserve of the Coast Guard, when on active duty or when retired for disability.

(ii) Coast and Geodetic Survey: Commissioned officers, ships' officers, and members of the crews of vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(iii) Public Health Service: Commissioned officers of the Regular Corps of the Service, whether on active duty or retired, and commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(iv) Other Uniformed Service Personnel (uniformed service personnel of the Army, Navy, Air Force, and Marine Corps, active duty and retired): May be hospitalized at Service hospitals and furnished outpatient treatment at Service hospitals or outpatient clinics.

(2) *Group 2.* Seamen on foreign flag vessels may be hospitalized at Service hospitals and furnished out-patient treatment at Service hospitals or outpatient clinics of the Service at rates

prescribed by the Surgeon General and approved by the Secretary.

(b) *Form of application*—(1) *Group 1.* Application may be made by presentation of DD Form 1173, "Uniformed Services Identification and Privilege Card," or other acceptable evidence of dependency status.

(2) *Group 2.* The foreign seamen must present an authorization for treatment signed by the master, owner or agent of the vessel; or by a responsible official of the consular office of the country concerned, such authorization to give evidence of agreement to reimburse.

(c) *Place of application.* Application is made to the admitting office of the Public Health Service hospital, medical care station, or uniformed services facilities, if eligible at the latter.

(d) *Eligibility for treatment.* The Public Health Service or other uniformed service medical officer receiving the application will determine eligibility of the applicants for treatment and furnish the required services in accordance with applicable regulations.

(e) *Payment of bills*—(1) *Group 1.* The billing office of the Public Health Service hospital presents the patient with a bill, Form PHS–118, showing the number of days spent in the hospital and requesting that payment be made to the account of the Treasurer of the United States by check, money order, etc. Payment is made through the hospital. Other uniformed services facilities have their own billing procedures.

(2) *Group 2.* Form PHS–118 is prepared and forwarded to the Collector of Customs for collection from the master, owner or agent of the foreign vessel or other responsible person or agency. Any voucherable expenditures authorized are paid by the responsible parties.

SEC. 262 *Indians and others.* Hospital, medical and dental care, including outpatient, therapeutic and preventive services (immunizations and health examinations of special groups, such as school children, migratory workers, etc.) are available to Indians, Eskimos, Aleuts, and others as prescribed in regulations of the Service. Charges for general hospital care are made in those instances where Indians are clearly able to pay, on the basis of a schedule of charges established by each Area Medical Officer. No charge is made for immunization, health examinations of school children or similar preventive services.

SEC. 263 *Persons afflicted with leprosy*—(a) *General statement.* Any person afflicted with leprosy residing in any State, Territory, or the District of Columbia may be received and treated at the U. S. Public Health Service Hospital (National Leprosarium), Carville, La. This service is furnished in accordance with regulations contained in 42 CFR Part 32.

(b) *Form of application.* The application for admission may be made by letter requesting permission to enter the hospital, personal presentation at the hospital, written or oral request through a State health officer, or any other appropriate communication to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, La.

(c) *Place of application.* Application shall be made to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, La.

(d) *Transfer of patients.* When diagnosis of leprosy has been confirmed, the Medical Officer in Charge of the U. S. Public Health Service Hospital, Carville, La., may make arrangements for transfer of the patient to Carville at Service expense. Before transfer is undertaken, the patient must execute and sign a statement indicating his willingness to be so transferred.

(e) *Initial examination of arriving patients.* Upon arrival, the patient is examined by a board of three medical officers convened by the medical officer in charge for the purpose of final confirmation of the diagnosis. Treatment is prescribed for those whose conditions are confirmed; if diagnosis is not confirmed, the patients are discharged and returned to their homes.

(f) *Discharge.* The medical officer in charge of the hospital convenes a board of three medical officers and the patient is examined. A recommendation of the board that the patient be discharged is transmitted to the medical officer in charge for final consideration.

(g) *Notification to health authorities.* Upon discharge of a patient, the medical officer in charge of the hospital notifies the State health officer of the State where the patient expects to reside.

SEC. 264 *Narcotic drug addicts*—(a) *General statement.* Persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, or who voluntarily submit themselves for treatment, are admitted and treated in hospitals of the Service especially equipped for the accommodation of such patients, in accordance with regulations contained in 42 CFR Part 33.

(b) *Prisoners and probationers.* (1) Prisoner addicts are admitted to such hospitals upon certification to the medical officer in charge by the Bureau of Prisons, Department of Justice. A certificate of addiction signed by the prosecuting officer, on the form "Preadmission Report of Drug Addiction in a Convicted Person," accompanies the prisoner. Custody and discharge are governed by rules and regulations of the Bureau of Prisons. For procedures regarding the granting, forfeiture, and restoration of industrial good time and good conduct allowances, see 42 CFR 33.2, 33.3.

(2) Addicts placed on probation are admitted upon presentation to the medical officer in charge of a copy of the court order establishing the probation and a certificate of addiction signed by the prosecuting or probation officer.

(3) Upon discharge of a prisoner or probationer from a Public Health Service Hospital, determination of the cash, clothing and transportation allowances are made by the medical officer in charge in accordance with 42 CFR 33.5, 33.6.

(c) *Ex-prisoner patients, admission.* One month prior to the expiration of sentence, each prisoner is examined by the medical officer in charge, or an officer designated by him, and is advised regarding further treatment. The prisoner may then apply for continued treatment on the form "Application of Prisoner for Treatment beyond Expiration of Sentence," obtained from the medical officer in charge. The completed application is then forwarded to the Medical Officer in Charge of the Public Health Service hospital for approval. If the application is approved, the prisoner remains in the hospital as an ex-prisoner in accordance with 42 CFR 33.4.

(d) *Voluntary patients; charge for subsistence, care and treatment.* (1) A person seeking admission as a voluntary patient to the Lexington, Ky., or Fort Worth, Tex., Public Health Service Hospitals for drug addiction must complete Form PHS–52 "Application for Voluntary Admission to a U. S. Public Health Service Hospital," and send it directly to the medical officer in charge of the hospital concerned. Complete instructions are printed on the reverse side of the form. A blank application form may be obtained from either of the Public Health Service Hospitals at Lexington, Ky., or Fort Worth, Tex., from other Service hospitals, or outpatient clinics, or by writing Division of Hospitals, U. S. Public Health Service, Washington 25, D. C.

(2) *Charge for care.* Voluntary patients are charged for their subsistence, care, and treatment. If patients are financially unable to pay, no charge is made.

(e) *Ex-prisoner and voluntary patients, discharge.* Ex-prisoner and voluntary patients are discharged by the medical officer in charge (1) upon cure, or (2) upon expiration of the maximum period estimated to effect a cure, or (3) when the presence of such patient becomes, in the opinion of the medical officer in charge, detrimental to the hospital. Indigent voluntary patients discharged as cured may be furnished transportation and meals while traveling, at Service expense, to any place within the continental United States, which, in the opinion of the medical officer in charge will afford the best opportunity for permanent rehabilitation.

SEC. 265 *Disposition of money and effects of deceased patients*—(a) *General statement.* The money and effects of deceased Public Health Service patients are surrendered to the legal representative of the estate of the deceased upon the basis of a claim (Form PHS–1226) filed with the Medical Officer in Charge of the hospital concerned. Persons other than the legal representative may file their claims for the valuables and effects of deceased patients on Form PHS–1226 with the Medical Officer in Charge. The forms are available at all Service hospitals. In any event, the money and effects of deceased Veterans Administration beneficiaries will be forwarded to that Agency for disposition in accordance with its own regulations.

(1) *Delivery; money and valuables $1,000 or less.* After the expiration of 10 days from the time of sending notices to potential claimants, the medical

officer in charge will deliver money and valuables, valued at $1,000 or less, to one of the persons in the priority order required by regulations contained in 42 CFR 35.44.

(2) *Delivery; money and valuables over $1,000.* If the value of the money and valuables is over $1,000, they may be delivered only to the legal representative, if any.

(3) *Disposition; other.* If disposition is not possible in accordance with subparagraphs (1) and (2) of this paragraph, the patient's money (U. S. Currency and coin) is deposited in the Treasury of the United States to the credit of a trust-fund account when 120 days after the sending of notices have elapsed.

Likewise, unclaimed valuables, after six months from the death of the patient, are sold at public auction at the hospital or by sealed bids to the highest bidder and the proceeds deposited into the same trust-fund account as was the money.

Money so deposited in the Treasury of the United States is subject to claims by legal claimants against the estate of the deceased. Such persons will submit their claims to the Surgeon General, U. S. Public Health Service, Washington 25, D. C., on Standard Form 1055 which may be obtained from any of the hospitals of the Public Health Service. The claim will then be forwarded to the General Accounting Office for settlement.

FOREIGN QUARANTINE

SEC. 285 *General information*—(a) *Addresses of quarantine stations.* For addresses of Public Health Service Quarantine Stations, see section 173 (a).

(b) *Penalty procedures.* For penalty procedures, see sections 311 and 312.

FOREIGN QUARANTINE: VESSELS

SEC. 287 *General statement.* Vessels departing from foreign ports for ports under the control of the United States are required to comply with quarantine regulations contained in 42 CFR Part 71, (a) at ports of departure, (b) while en route, and (c) at time of first arrival on each voyage at a port in the United States, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271). Definitions of terms used in the following sections on foreign quarantine are contained in 42 CFR 71.1.

SEC. 288 *Measures en route.* The occurrence or suspected occurrence on board of any of the communicable diseases listed or described in 42 CFR 71.31 while the vessel is en route, must be reported by radio to the medical officer in charge at the port of entry.

SEC. 289 *Measures at ports of arrival.* (a) Upon arrival at a port under control of the United States, unless exempted by 42 CFR 71.46, 71.47, vessels must anchor at a point designated by port authorities, or proceed to a point designated by the medical officer in charge, and await boarding and inspection by a quarantine officer of the U. S. Public Health Service. The vessel signifies its readiness for inspection by hoisting a yellow (Q) flag. The usual hours of boarding are 6 a. m. to 6 p. m., or 7 a. m. to 7 p. m., daily. Ships requesting boarding outside regular hours are charged for overtime pay of quarantine employees concerned, in certain cases, in accordance with section 364 of the Public Health Service Act, as amended (42 U. S. C. 267).

(b) Usually, a quarantine officer and one or more sanitary inspectors board the vessel. Quarantine and sanitary operations and inspections are conducted in accordance with 42 CFR 71.64, 71.66–71.73, 71.81–71.91, 71.101, 71.103–71.105, and 71.107–71.109.

(c) If inspection requirements are met satisfactorily, the master of the vessel is given a free pratique, signed by the quarantine officer. A pratique is a certificate issued by a quarantine officer releasing or provisionally releasing a vessel from quarantine. This certificate, which permits the vessel to enter the port, is presented to the Collector of Customs as evidence of compliance with quarantine regulations.

(d) If inspection requirements are not met satisfactorily, the vessel may be detained in quarantine, or a provisional pratique may be issued by the quarantine officer permitting the ship to enter the port, but specifying additional measures which must be met before or after discharge of cargo or landing of passengers. For example, it may require fumigation before the cargo is unloaded or after the cargo is partially or completely unloaded. After the conditions specified in the provisional pratique are met, a free pratique may be issued.

(e) The Medical Officer in Charge of a Quarantine Station may grant pratique by radio as provided in 42 CFR 71.124.

(f) Vessels arriving from a foreign port are subject to deratting every 6 months. When a vessel is deratted or inspected and found free of rodents, a deratting certificate or deratting exemption certificate is issued by the medical officer in charge. The certificate is valid for six months.

SEC. 290 *Remanding of vessels.* (a) As applied to vessels, the term "remand" means the procedure by which a vessel coming from a foreign port may be kept under quarantine surveillance as it proceeds from one United States port to another. The quarantine officer of the port from which a vessel is remanded transmits in writing, to the Collector of Customs and the quarantine officer at the port to which the vessel is remanded, a notice that the vessel is to remain under observation or is to be subjected to further quarantine measures.

(b) *Vessels remanded to other United States ports.* (1) Vessels which have residue cargo for other United States ports sufficient in amount to prevent complete and final rat infestation inspection and on which the observed evidence of active rat life is insufficient to warrant deratting are remanded to the next United States port at which less cargo will be on board, for further inspection and for such treatment as may be indicated.

(2) Vessels which have arrived from plague ports and which contain an appreciable amount of residue cargo for other United States ports after deratting are remanded to the next United States port where cargo is to be discharged, for further search for rats and for such additional treatment as may be indicated. When a deratting certificate cannot be completed on account of inability to ascertain the results of deratting, the incomplete certificate is forwarded with the notice of remand to the station receiving the remand. The certificate is completed by the quarantine station making the final inspection and is delivered to the master or to the agents for the vessel. When deratting is required on a vessel from plague-free ports, the vessel is remanded as necessary to permit deratting when the vessel is empty or when the discharge of cargo is sufficient to allow adequate deratting.

(3) When a vessel has been granted provisional pratique and remanded to another quarantine station for fumigation, the master or agents are given explicit instructions in writing relative to the required fumigation.

(4) In remanding a vessel, full information as to the reason therefor is given to the station receiving the remand.

(5) Notice of remand is timed to reach its destination at least 48 hours ahead of the arrival of the vessel concerned, a telegram being sent when necessary.

(c) *Vessels remanded from other United States ports.* (1) If from plague ports, the vessel is treated as if direct from infected ports except that the vessel may be permitted to dock and to discharge cargo under supervision of the quarantine station. Quarantine treatment is predicated upon the finding of the inspection undertaken during the discharge of cargo. If the vessel has residue cargo for other United States ports and satisfactory inspection and treatment cannot be completed, it is remanded to the next port where cargo will be discharged.

(2) If from nonplague ports, the vessel is treated as if direct from a clean foreign port.

(d) Upon completion of quarantine treatment at a port to which a vessel has been remanded, a report of the action taken and of the results obtained is sent to the quarantine station which remanded the vessel.

FOREIGN QUARANTINE: AIRCRAFT

SEC. 293 *General statement.* Aircraft departing from a foreign port for a port under the control of the United States are required to comply with 42 CFR Part 71, at (a) ports of departure, (b) while en route, and (c) on first arrival on each flight at a port in the United States.

SEC. 294 *Measures before arrival.* Requirements regarding place of landing and advance notice of arrival are contained in 42 CFR 71.502, 71.503. The occurrence or suspected occurrence on board of any of the communicable diseases listed or described in 42 CFR 71.31, while the aircraft is en route, must be reported by radio to the medical officer in charge at or nearest the intended place of first landing.

SEC. 295 *Measures at airports of arrival.* (a) Upon arrival at an airport under the control of the United States, unless exempted by regulations, all aircraft are inspected by a quarantine officer of the Public Health Service. The aircraft commander is responsible for detention of the aircraft, its crew, and passengers pending their release by the quarantine officer. Cargo and other contents of the aircraft must be held at the airport or other place of first landing until released by the quarantine officer. As required by 42 CFR 71.65, the aircraft commander or authorized agent of the owner or operator of the aircraft must deliver to the quarantine officer immediately upon first landing an aircraft general declaration (Customs form 7507, available from Collector of Customs) including information on: illness occurring on board; other condition that may lead to spread of disease; disinsecting or sanitary treatment of aircraft; and any animals, cultures of bacteria, fungi, or viruses, or other infectious agents on board. The aircraft general declaration form may be printed or dittoed by private parties, provided such form conforms to the officially printed form currently in use, with respect to size, wording, arrangement, style and size of type, and paper.

(b) Usually a sanitary inspector boards the aircraft. The quarantine officer usually inspects the passengers in quarters outside the aircraft. Quarantine and sanitary operations (including insecticide spraying) and inspections are conducted in accordance with 42 CFR 71.66–71.73; 71.81–71.91; 71.101, 71.102, 71.104, 71.106; and 71.107–71.109.

(c) If inspection requirements are met satisfactorily, free pratique is issued and the passengers are released from quarantine jurisdiction and pass on to the jurisdiction of the Immigration and Naturalization Service and the Customs Service.

(d) If inspection requirements are not met satisfactorily—or in the case of infected aircraft—control measures, including surveillance, detention, and vaccination of persons, disinfection or disinfestation of the aircraft, issuance of provisional pratique, and remand of the aircraft to subsequent United States airports, may be undertaken as provided in 42 CFR Part 71.

(e) An aircraft arriving from a foreign airport may be required to proceed to another airport with all passengers, crew and cargo, for required quarantine and sanitary measures, upon determination by the quarantine officer that the aircraft cannot be adequately handled at the airport of arrival.

FOREIGN QUARANTINE: PERSONS

SEC. 298 *General statement.* Unless aboard an aircraft or vessel exempt under 42 CFR 71.46 or 71.47 all persons arriving at an airport or port under the control of the United States from a foreign country are subject to quarantine regulations contained in 42 CFR Part 71, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271).

SEC. 299 *Measures at port or airport of arrival.* (a) Upon arrival except as provided in 42 CFR 71.67, all persons, their personal effects and their records are subject to measures determined by the quarantine officer as necessary to prevent the introduction of communicable diseases into the United States. These measures, including isolation and surveillance, are set forth in 42 CFR 71.66–71.72 and 71.81–71.91.

(b) Aliens are subject to physical and mental examinations required by the Immigration and Naturalization Service. The examinations are made by medical officers of the Public Health Service.

SEC. 300 *Border quarantine.* Persons entering the United States at international border stations are subject to all pertinent requirements governing persons entering on aircraft or vessels, that is, detention, surveillance, vaccination, and other restrictions as set forth in 42 CFR 71.136 to 71.141.

SEC. 301 *International Certificates of Vaccination.* To be acceptable, evidence of immunization must be presented on a form approved by the World Health Organization; smallpox and cholera vaccination certificates must be authenticated by a stamp approved by the health administration of the country in which the vaccination is performed; yellow fever vaccination certificates must be issued (and stamped) by a yellow fever vaccinating center designated by a national government. (For provisions regarding stamps approved for authenticating vaccination certificates issued in the United States, and the designation of yellow fever vaccinating centers, see 42 CFR 71.8.) Form PHS–731, "International Certificates of Vaccination," is used for this purpose. This form is distributed with United States passport application forms and is obtainable from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at $0.05 a copy or $2.50 per hundred. A limited number of copies may be obtained, without charge, from (1) the U. S. Public Health Service, Division of Foreign Quarantine, Washington 25, D. C., (2) the Regional Medical Directors, (3) the Public Health Service Hospitals, and (4) the Quarantine Stations of the Public Health Service. The International Certificate of Vaccination form may be duplicated by private parties, provided that such duplicated form is identical in every respect (including size, wording, arrangement, style and size of type, and color and specifications of paper) with the officially printed Public Health Service form currently in use, and provided that any company identification or other information added to the form does not interfere with the text of the form or the entries thereon.

FOREIGN QUARANTINE: IMPORTATION OF CERTAIN THINGS

SEC. 303 *General statement.* (a) Quarantine regulations governing the importation of lather brushes, psittacine birds, cats, dogs, and monkeys, etiological agents and vectors, and dead bodies, are contained in 42 CFR 71.151 to 71.157, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271).

(b) Information regarding procedures required to import any of these articles or animals may be secured from the U. S. Public Health Service, Division of Foreign Quarantine, Washington 25, D. C.

SEC. 304 *Lather brushes.* For procedures, see 42 CFR 71.151.

SEC. 305 *Psittacine birds.* For procedures, see 42 CFR 71.152, 71.153. Under these sections, prescribed Form PHS–1882 has been adopted for the request by the importer to the Surgeon General for a permit to import birds brought in for medical research or for zoological parks.

SEC. 306 *Cats, dogs, and monkeys.* For procedures, see 42 CFR 71.154, 71.155.

SEC. 307 *Etiological agents and vectors.* Applications in writing for permits to import etiological agents and vectors, described in 42 CFR 71.156, should be addressed to the Surgeon General, U. S. Public Health Service, Washington 25, D. C. If the application is approved, the Surgeon General issues a "Permit to Import Quarantinable Material;" and a copy is sent to the Quarantine Officer at the port of entry. The Collector of Customs will not release a shipment until he has received a permit from the Surgeon General. In special cases, the Surgeon General may issue a permit by telegram.

SEC. 308 *Dead bodies.* For procedures, see 42 CFR 71.157.

FOREIGN QUARANTINE: SPECIAL PROVISIONS RELATING TO PORTS AND AIRPORTS

SEC. 309 *General statement.* See 42 CFR Part 71, Subpart L, for provisions including requirements on: Water supply, waste disposal systems, and measures and facilities for insect and rodent control at ports or airports; food and water sources for vessels and aircraft; and waste disposal by aircraft.

FOREIGN QUARANTINE: PENALTY PROCEDURES

SEC. 311 *General statement.* Penalties for violations of quarantine regulations, 42 CFR Part 71, are prescribed in sections 367 and 368 of the Public Health Service Act, as amended (42 U. S. C. 270, 271).

SEC. 312 *Action following violations*—(a) *Violations by persons.* When an apparent violation of quarantine laws or regulations has been committed by a person, he is formally notified in writing by the Collector of Customs, who sets forth the specific section of the Public Health Service Act or foreign quarantine regulations violated, advising that the matter is being reported to the Surgeon General of the U. S. Public Health Service for appropriate action. The case is referred to the medical officer in charge for transmission to the Surgeon General, who determines whether, under the circumstances, the case should be referred to the U. S. Department of Justice for prosecution.

(b) *Violations by vessels or aircraft.* When an apparent violation by a vessel or aircraft has occurred, incurring a forfeiture under section 368 (b) of the Public Health Service Act, as amended, the owner is served with a formal written notice by the Collector of Customs, setting forth the specific section of the Public Health Service Act or foreign quarantine regulations violated and requiring that a Customs bond on Customs form 7567 or 7569 be given before the aircraft or vessel is permitted to depart. The owner or agent of the vessel or aircraft is informed that an application for mitigation or remission of the forfeiture incurred may be filed with the Surgeon General. The entire case, including petition for relief, is referred to the medical officer in charge for transmission, with recommendations, to the Surgeon General.

INTERSTATE QUARANTINE

Sec. 320 *General statement.* The interstate travel of persons who are capable of spreading a communicable disease or who are believed to be spreading a disease is governed by 42 CFR Part 72. The interstate transportation of articles which may be the source of a communicable infection are governed by these regulations. See 42 CFR Part 72, for interstate quarantine procedures.

GRANTS FOR HOSPITAL AND MEDICAL FACILITY SURVEY AND PLANNING

Sec. 327 *General statement.* (a) Federal funds are authorized to be made available to assist States (1) to inventory their existing hospitals, diagnostic or treatment centers, hospitals for the chronically ill and impaired, rehabilitation facilities, and nursing homes, (2) to survey the need for construction of facilities of these types, and (3) to develop programs for construction of such public and nonprofit facilities of these types as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate services of the kinds which may be supplied by these facilities to the people of the several States.

(b) These grants are made to legally designated State agencies in the 48 States, District of Columbia, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands in accordance with 42 CFR Part 53.

Sec. 328 *Making of allotments.* The Surgeon General determines the allotment for each State in accordance with methods outlined in section 613 (c) and section 648 of the act (42 U. S. C. 291b and 291r). State agencies are notified of allotments by the Regional Medical Directors.

Sec. 329 *Application and other required forms.* Forms and instructions for submitting applications may be secured from the Regional Offices of the Department of Health, Education, and Welfare. The forms should be submitted by the State agency designated as the sole agency for carrying out the purposes of section 612 (a) and section 641 (a) of the Public Health Service Act, as amended (42 U. S. C. 291), to the Regional Offices for review and approval. The State agency is notified of final action by the Regional Medical Director. Amendments to these forms are handled in the same manner as the original forms.

Sec. 330 *Assistance in development of State programs.* The help of special consultants assigned to the Regional Office may be secured in developing State programs. In connection with their work, these consultants maintain close working relationships between the Public Health Service headquarters and State hospital and medical facility survey and planning agencies.

Sec. 331 *Payments from allotments.* Upon approval of an application for a grant, a State agency may submit a request for payment.

Sec. 332 *Audits.* Fiscal audits are made of the expenditures by the State of grant and matching funds to insure that funds were spent in accordance with applicable laws, regulations, and approved plans. These audits are made by personnel attached to the Regional Offices. The Regional Medical Director notifies the State agency of the results of the audit.

HOSPITAL AND MEDICAL FACILITY PLANS AND CONSTRUCTION

Sec. 335 *General statement.* Following completion of a State inventory and survey of existing health facilities, each State develops and submits a State Plan for the construction of needed hospital and public health center facilities, diagnostic or treatment centers, rehabilitation facilities and nursing homes.

Sec. 336 *Format and content of State Plans.* The general form and content of State Plans are set forth in Title 2 of the Health Grants Manual which is available in the Regional and Washington offices of the Department and at State agencies. State Plans set forth a program for the construction of general, mental, chronic disease, and tuberculosis hospital beds and facilities, public health centers, diagnostic or treatment centers, rehabilitation facilities, and nursing homes for all population groups within the State. The State Plans also establish a system for determining the priority of construction projects. In addition, State Plans set forth the basic State laws for administration of the program by the State, a description of the State agency organization and functions, the membership of the State advisory council, the merit system rules governing personnel administration, standards of construction, standards of maintenance and operation where required by the Federal act, methods of administration, fair hearing procedures for project applicants, and fiscal methods and procedures. Forms required to be filled out as a part of a State Plan are supplied on request by any of the Regional Offices.

Sec. 337 *Approval of State Plans.* State Plans are submitted in duplicate through the Regional Offices and are approved by the Surgeon General. Regional Office Consultants are available to assist in State Plan preparation. After approval by the Surgeon General, State agencies are notified by Regional Medical Directors.

Sec. 338 *Revision and amendments to State Plans.* The regulations require annual revision of plans by State agencies. The Plan may be amended, however, as often as necessary.

Sec. 339 *Delegation of final authority.* Final authority to approve amendments to State Plans, other than major modifications and annual revisions required by the regulations, has been delegated by the Surgeon General to the Regional Medical Directors.

Sec. 340 *Availability of official records.* State agencies are required by the regulations to maintain on file for public information a copy of their approved State Plan. Members of the public may secure information concerning the approved State Plan from their State agency.

Sec. 341 *Allotment and availability of hospital and medical facility construction funds.* Following the approval of the State Plan, funds are allotted each fiscal year to the State in accordance with the formulas contained in sections 624 and 652 of the Public Health Service Act, as amended. Allotments are certified to the Secretary of the Treasury and each State is notified of its allotment. Under certain specific conditions, a State may request that its allotment or a portion thereof, for any one of three separate categories of medical facilities, namely, diagnostic or treatment centers, chronic disease hospitals, or nursing homes, be added to the allotment for one or both of the other categories. Also, under certain specific conditions, a State's allotment, or part thereof, for diagnostic or treatment centers, chronic disease hospitals, nursing homes, or rehabilitation facilities may be added to the corresponding allotment of another State.

ADMINISTRATION AND DEVELOPMENT OF HOSPITAL AND MEDICAL FACILITY CONSTRUCTION PROGRAM

Sec. 343 *Project construction schedule*—(a) *General.* Following approval of the State Plan a project construction schedule is submitted, which outlines the construction projects to be undertaken during the fiscal year involved. The schedule is submitted to Regional Offices on Form PHS–224, in duplicate, and sets forth the name, location, category of facility, estimated cost, estimated Federal share and other data for each contemplated construction project. In submitting the project construction schedule, the State agency must certify that the projects included thereon are of the highest priority, or that higher priority projects cannot meet the financial assurances or are not interested in construction during the fiscal year involved. The schedule may be amended by the State agency as often as necessary.

(b) *Approval of project construction schedules.* Project construction schedules are reviewed in the Regional Office for compliance with the Public Health Service Regulations (42 CFR Part 53) and instructions and the approved State Plan. Regional Medical Directors approve project construction schedules and

amendments thereto and notify the State agencies of their approval.

APPLICATION FOR HOSPITAL AND MEDICAL FACILITY CONSTRUCTION FUNDS

SEC. 345 *Project construction applications.* Following approval of the State Plan, and in accordance with the project construction schedule, States, political subdivisions, and nonprofit organizations may submit applications to their appropriate State agency requesting Federal funds in the construction, expansion, remodeling, or alteration of a hospital, public health center, diagnostic or treatment center, rehabilitation facility, or nursing home. Applicant for a diagnostic or treatment center must be a State, or political subdivision, or an organization which owns and operates a nonprofit "hospital" as defined in the act. The application must comply with Federal statutory and regulatory requirements, as well as any State requirements which may have been established, and must be consistent with the approved State Plan and project construction schedule. If the State agency recommends approval, it certifies and transmits the application to the Regional Office. The application must contain such data and certifications by the applicant and the State agency as are essential to approval by the Surgeon General, or, in the case of rehabilitation facilities, by the Director of Vocational Rehabilitation and the Surgeon General. The State agency may require submission of additional data by the applicant to support certifications by the State agency regarding the accuracy and adequacy of the summary information included in the application. The application form consists of Parts 1, 2, 3, and 4 of Form PHS–62, "Project Construction Application," plans, and specifications. Final drawings and specifications accompany Part 4 of the application. Lists of equipment must be submitted by the applicant as soon as possible after the award of the construction contract and prior to requesting payments of Federal funds for equipment. Forms for use in preparation of specifications are available upon request to any Regional Office.

SEC. 346 *Wage rate determinations.* Under Title VI of the Public Health Service Act, as amended, minimum wage rates as established by the Department of Labor must be paid in the construction of projects receiving Federal funds. To assist the Secretary of Labor in establishing such wage rates, the applicant submits through the State agency and Regional Office, Form PHS–531, listing current building construction wage data in the applicant's area.

SEC. 347 *Delegation of final authority.* Project construction applications, including drawings, specifications, and equipment lists, are reviewed by the Regional Offices for compliance with Federal statutory and regulatory requirements and the approved State Plan and project construction schedule. Final authority to approve such applications has been delegated by the Surgeon General to the Regional Medical Directors. In the case of rehabilitation facilities, the application must also be approved by the Regional Representative of the Office of Vocational Rehabilitation. The authority to disapprove an application has been retained by the Surgeon General. In the case of applications for rehabilitation facilities, it has been retained by the Surgeon General and the Director of Vocational Rehabilitation. Such disapproval action may be taken only after the Surgeon General has afforded the State agency an opportunity for a hearing.

SEC. 348 *Opportunities for hearings.* When an application is disapproved by a State agency or an applicant is denied an opportunity to apply for Federal aid, such applicant is entitled to a hearing before the State agency in accordance with procedures set forth in the approved State Plan. In instances where approval is not given to an application by the Regional Office, the State Agency, under the terms of the Act, is afforded an opportunity for a hearing before the Surgeon General. The act further provides for recourse to the Federal courts on the part of the State if the State is dissatisfied with the action of the Surgeon General in disapproving the application.

SEC. 349 *Encumbrance of allotments.* Upon approval of a project construction application, the estimated amount of the Federal share is established as an obligation against the appropriate State allotment.

SEC. 350 *Bids, contract awards, and modifications.* Competitive bidding procedures are prescribed by the regulations. Actual construction work must be performed by the lump sum (fixed price) contract method. Contracts awarded to other than the responsible bidder submitting the lowest bid must be justified to the State agency and the Regional Office. Copies of the executed agreements between the applicant and successful bidder are submitted in duplicate through the State agency to the Regional Office. All contract modifications must be approved by the State agency and Regional Office. The nature and extent of such modifications determine whether or not they may be authorized immediately by the applicant, or whether prior approval of the State agency and Regional Office is required.

SEC. 351 *Inspections and payment procedures*—(a) *State inspections.* Payments to applicants are made on the basis of inspections conducted by State agencies and certifications made by the State agencies to the Public Health Service.

(b) *Payments.* Payments are certified on Form PHS–459, "Public Voucher for Installment Payments," which is prepared by State agencies in quadruplicate. At the time of inspection, the representative of the State agency and the applicant prepare and sign the Form PHS–530, "Project Progress Report," which constitutes the basis for the preparation of the voucher and accompanies it in duplicate. In certain instances where a State itself may not legally make payment to applicants, payments are made directly to the applicant.

(c) *Federal inspection and withholding of payments.* Inspections are made by Public Health Service Regional Office representatives to determine compliance with the approved application, including plans and specifications, and to ascertain whether or not certain defaults as specified in the Public Health Service Act, as amended, have occurred which require the withholding of payments and certifications. If, in the opinion of the Regional Office, there has been a default justifying the withholding of payments, a recommendation to that effect is submitted to the Surgeon General. Prior to final decision by the Surgeon General, an opportunity for a hearing is afforded the State agency.

SEC. 352 *Audits:* Audits of the fiscal aspects of projects are made periodically by personnel attached to Regional Offices, after arrangement with project applicants and the State agencies. Audit exceptions appealed by State agencies are referred to the Washington office for final disposition.

SEC. 353 *Assistance in administration.* Consultants assigned to Regional Offices assist the States in planning, developing and executing their construction programs. Close working relationships are maintained with the State agencies for this purpose.

SEC. 354 *Places at which public may secure information.* Interested and prospective applicants for Federal funds under the Public Health Service Act, as amended, may secure information and necessary application forms from their appropriate State agency. The Regional representatives of the Service will refer such prospective applicants to the appropriate State agency.

GRANTS TO STATES FOR HEALTH SERVICES

SEC. 355 *General statement.* The Public Health Service makes grants for (1) venereal disease control, (2) tuberculosis control, (3) general health purposes, (4) community mental health services, (5) heart disease control, (6) cancer control, and (7) research and studies relating to the control and prevention of water pollution. These grants are made to designated State agencies (and, in the case of water pollution grants, interstate agencies) in 48 States, District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam (except (7) above), in accordance with 42 CFR Parts 51, 52, 55.

SEC. 356 *Allotments.* The Surgeon General, in accordance with regulations, makes allotments to each State from the sums appropriated by Congress. States are notified of these allotments through the Regional Offices as soon as possible after appropriations become available.

SEC. 357 *Approval of plans.* State agencies submit to Regional Offices prior to the beginning of each fiscal year, State plans which indicate the purposes for which grant and matching funds will be spent. Authority to approve such State plans for these grants has been delegated to Regional Medical Directors.

SEC. 358 *Payments from allotments.* Quarterly payments are made upon reto those States which have approved plans and which have submitted all of the required reports.

Sec. 359 *Forms and instructions.* Necessary forms and instructions used in the grant-in-aid program are available from the Regional Offices.

Sec. 360 *Consultant services.* Consultants in a variety of public health specialties, administrative management and merit system operations are available to States upon request made to the Regional Offices.

Sec. 361 *Fiscal audits.* Fiscal audits are made of the expenditures by the State of grant and matching funds to insure that funds were spent in accordance with applicable laws, regulations, and approved plans. These audits are made by personnel attached to the Regional Offices. The Regional Medical Director notifies the State agency of the results of the audit.

WATER POLLUTION CONTROL

Sec. 365 *General Statement.* The Division of Sanitary Engineering Services in the Bureau of State Services is responsible for carrying out the provisions of 42 CFR Part 55 having to do with control of pollution of the Nation's waters.

Sec. 366 *Development of comprehensive programs.* The Division of Sanitary Engineering Services prepares comprehensive programs for eliminating or reducing the pollution of interstate waters and their tributaries, and for improving the sanitary conditions of surface and underground waters for various water uses, including public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. The programs consist generally of the listing of pollution sources, desired best water uses, and recommendation of the remedial measures necessary to realize the uses. They are kept up to date as required by changing conditions and needs.

Sec. 367 *Research, investigations, technical assistance, and training.* The Division of Sanitary Engineering Services conducts research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution, and, through grants-in-aid, fellowships, and contracts, aids and supports other appropriate public and private agencies in conducting such research and studies. The results of these studies, and other technical assistance, are made available to States, interstate agencies, municipalities, industries, and individuals. Also, upon request of any State water pollution control agency or interstate agency, the Division of Sanitary Engineering Services conducts special investigations and research, and makes surveys concerning specific problems of water pollution confronting a State, interstate agency, community, municipality, or industrial plant. The division may, if necessary in discharging its legal obligations, initiate investigative studies of water pollution. The division provides training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

Sec. 368 *Basic data.* In cooperation with other Federal, State, and local agencies having related responsibilities, the Division of Sanitary Engineering Services collects and disseminates basic data on chemical, physical, and biological water quality and other information, insofar as such data or other information relate to water pollution and its prevention and control.

Sec. 369 *State program grants.* The Division of Sanitary Engineering Services, in cooperation with the Division of General Health Services, Bureau of State Services, administers the grant program authorized by Section 5 of the Water Pollution Control Act (42 CFR Part 55) assist States and interstate agencies in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution. Allotments are made to the States on the basis of population, extent of the water pollution problem, and financial need of the respective States. The Federal share may range from one-third to two-thirds of the cost of the State program, and is determined on the basis of a formula specified in the act.

Sec. 370 *Construction grants.* The Division of Sanitary Engineering Services administers the grant program authorized by section 6 of the Water Pollution Control Act 42 CFR Part 55 to assist States, municipalities, or inter-municipal or interstate agencies in the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection with such construction. Individual grants for any project cannot exceed 30 percent of the estimated reasonable cost of the project or $250,000, whichever is smaller. Fifty percent of the funds appropriated for such grants for any fiscal year must be used for grants to municipalities of 125,000 population or less. The funds allotted to each State for this purpose are computed on the basis of the relation of the State's population and per capita income to the national population and per capita income. Projects must meet certain basic requirements specified in the act and by regulations, in order to be eligible for a construction grant.

Sec. 371 *Enforcement measures against pollution of interstate waters.* Section 8 of the Water Pollution Control Act (Pub. Law 660, 84th Cong., 70 Stat. 498), establishes Federal enforcement procedures against pollution of interstate waters which endangers the health or welfare of persons in a State other than that in which the discharge originates. These procedures provide for conferences between the Public Health Service and State and interstate agencies and others concerned; public hearing; and institution of court proceedings upon request of any affected State.

AIR POLLUTION

Sec. 372 *General statement.* The Divisions of Special Health Services and Sanitary Engineering Services in the Bureau of State Services are responsible for carrying out the provisions of the Air Pollution Research and Technical Assistance Act of 1955 (Pub. Law 159, 84th Cong.).

Sec. 373 *Research, technical assistance, and training.* The Air Pollution Program of the Public Health Service conducts research into the extent, nature, causes, health and other effects and control of air pollution. In addition to research activities directly conducted by the Public Health Service, research is supported through research grants and contracts. Other Federal agencies perform research required by the Program and for which they have special competence. The Public Health Service provides technical assistance to public and private organizations on request. Assistance is provided public agencies through demonstration project grants. In addition, the Public Health Service supports training activities through the provision of short technical courses given by Program personnel and by grants-in-aid for traineeships and to educational institutions for curriculum development.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: June 4, 1958.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-4382; Filed, June 9, 1958; 8:51 a. m.]

VETERANS ADMINISTRATION

COMPETITIVE SERVICE POSITIONS

DELEGATION OF AUTHORITY TO ORDER PAID ADVERTISING FOR USE IN RECRUITMENT

In the Delegations of Authority, a new section 10 is added as follows:

Sec. 10. *Delegation of authority to order paid advertising for use in recruitment for competitive service positions.* Paid advertisements may be used in recruitment for competitive service positions to the extent authorized by Civil Service Commission instructions. Authority to order such advertising is hereby delegated to the Chief Benefits Director, Chief Insurance Director, Chief Medical Director, and the Assistant Administrator for Personnel, pursuant to 5 U. S. C. 22a. In the exercise of this authority proper precautions shall be taken to insure conformity with applicable regulatory and statutory requirements. The authority delegated herein may not be redelegated.

[SEAL] R. J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-4361; Filed, June 9, 1958; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54610]

AMERICAN BANNER LINES, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

JUNE 4, 1958.

The Commissioner of Customs, by virtue of the authority vested in him and in accordance with § 3.81 (a), Customs Regulations (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the American Banner Lines, Inc., as described below:

(a) *House flag.* The house flag is rectangular in shape; the hoist is 4 feet in height, the fly is 6 feet. The field of the flag is red and blue, halved horizontally, with blue uppermost. Superimposed thereon is a white diamond, the points of which are located midway along the hoist and fly. Centered on the diamond are the letters "A B" in blue, each letter approximately 18 inches in height and 16 inches in width, spaced 3 inches apart.

(b) *Funnel mark.* The funnel mark is to appear on a raked dark-blue funnel, which is 37 feet 3 inches on the centerline at the base, the top of which slants downward from forward to aft. The mark appears on a white band 13 feet 2 inches in uniform width, the lower edge of which is 3 feet 3 inches above the base line. The band extends around the funnel from forward aft to a point 31 feet 7 inches from the forward edge of the funnel at the base. Superimposed on the white band is a representation of the house flag described above which centers about a vertical located 16 feet 9 inches from the forward edge of the funnel at the base, 13 inches from the upper and lower edges of the white band. The funnel is raked forward and the forward edge of the representation is parallel to the forward edge of the raked funnel. The diamond within the house flag is also centered about the aforementioned vertical and is 18 feet in length and 11 feet in height; the letters "A B," centered within the diamond are 4 feet in height and 9 feet 1 inch in total length, including 1 foot 6 inches spacing between the letters. The colors in the representation of the house flag are also as described above.

Colored drawings of the house flag and funnel mark described above are on file with the Federal Register Division.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 58-4364; Filed, June 9, 1958; 8:48 a. m.]

Internal Revenue Service

[Order 61]

ASSISTANT REGIONAL COMMISSIONERS (A & TT)

DELEGATION OF AUTHORITY WITH RESPECT TO ASSESSMENT, CLAIM AND COMPROMISE AUTHORITY PERTAINING TO FIREARMS TAXES

1. With respect to firearms taxes arising under subchapter B, chapter 25 and part VIII, subchapter A, chapter 27, Internal Revenue Code of 1939, or chapter 53 of the Internal Revenue Code of 1954, each Assistant Regional Commissioner (A & TT) is delegated the authority:

(a) To make determinations of tax liabilities,

(b) To allow or reject claims for abatement or refund of taxes and penalties or redemption of stamps, and

(c) To accept or reject offers in compromise of tax liabilities.

2. The exercise of the authority delegated herein to each Assistant Regional Commissioner (Alcohol and Tobacco Tax) shall be under the direction and supervision of his Regional Commissioner.

3. The authority herein delegated may not be redelegated.

Issued: May 22, 1958.

Effective: June 2, 1958.

[SEAL] O. GORDEN DELK,
Acting Commissioner.

[F. R. Doc. 58-4365; Filed; June 9, 1958; 8:48 a. m.]

[Order 62]

ASSISTANT REGIONAL COMMISSIONERS (A & TT)

DELEGATION OF AUTHORITY WITH RESPECT TO ACCEPTANCE OR REJECTION OF OFFERS IN COMPROMISE OF LIABILITIES UNDER CHAPTER 52, INTERNAL REVENUE CODE

1. Pursuant to authority vested in me by Treasury Department Order 150-25, dated June 1, 1953, there is hereby delegated to each Assistant Regional Commissioner (Alcohol and Tobacco Tax) the authority to accept or reject offers in compromise of liabilities arising under Chapter 52, Internal Revenue Code (tobacco, cigars, cigarettes, and cigarette papers and tubes).

2. The exercise of the authority delegated herein to each Assistant Regional Commissioner (Alcohol and Tobacco Tax) shall be under the direction and supervision of his regional commissioner, and in accordance with existing policy and procedures.

3. The authority herein delegated may not be redelegated.

Issued: May 22, 1958.

Effective date: June 2, 1958.

[SEAL] O. GORDON DELK,
Acting Commissioner.

[F. R. Doc. 58-4366; Filed, June 9, 1958; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12207, 12420; FCC 58M-572]

GRADY M. SINYARD AND STATES BROADCASTING SYSTEM, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Grady M. Sinyard, New Boston, Ohio, Docket No. 12207, File No. BP-11076; States Broadcasting System, Inc., St. Marys, [illegible] Docket No. 12420, File No. BP-115[illegible] construction permit.

It is ordered, This 4th day of June 1958, that a prehearing conference in the above-entitled proceeding will be held on June 24, 1958, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: June 4, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4373; Filed, June 9, 1958; 8:49 a. m.]

[Docket Nos. 12329-12331; FCC 58M-578]

FOX VALLEY BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Dave Edelman, Ralph T. Buehlman and Walter F. Meyers, d/b as Fox Valley Broadcasting Co., Geneva, Illinois, Docket No. 12329, File No. BP-11038; Radio Wisconsin, Incorporated (WISC), Madison, Wisconsin, Docket No. 12330, File No. BP-11396; Logansport Broadcasting Corp., Aurora-Batavia, Illinois, Docket No. 12331, File No. BP-11405; for construction permits.

Pursuant to a joint request of all of the parties at a prehearing conference in the above-entitled proceeding held on June 4, 1958; *It is ordered,* This 4th day of June 1958, that the hearing therein now scheduled to be held on June 9, 1958, is postponed until 10:00 o'clock a. m. on Wednesday, June 11, 1958, in the offices of this Commission, Washington, D. C.

Released: June 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4374; Filed, June 9, 1958; 8:49 a. m.]

[Docket No. 12469; FCC 58-538]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Athens, Ala.		[illegible]

3. The purpose of the proposed amendment is to make Channel [illegible] available for assignment in Athens, Alabama, as requested in an application submitted by the Athens Broadcasting Company, Inc., File No. BPH-2435.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communication Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 7, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 4, 1958.

Released: June 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4375; Filed, June 9, 1958; 8:49 a. m.]

[Docket No. 12470; FCC 58-539]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast stations in the following manner:

General area	Channels	
	Delete	Add
Lancaster, Ohio		238
Columbus, Ohio	238	

3. The purpose of the proposed amendment is to make Channel 238 available for assignment in Lancaster, Ohio, as requested in an application submitted by the Hocking Valley Broadcasting Corp., File No. BPH-2434.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 7, 1958 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 4, 1958.

Released: June 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4376; Filed, June 9, 1958; 8:49 a. m.]

[Docket No. 12471; FCC 58-540]

CLASS B FM BROADCASTING STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Cleburne, Tex		235

3. The purpose of the proposed amendment is to make Channel 235 available for assignment to Station KCLE-FM as requested in an application, File No. BPH-2418, filed by Marti, Inc., licensee of Station KCLE-FM. This application proposes to change Station KCLE-FM from a Class A station operating on Channel 232 to a Class B station operating on Channel 235.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 7, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 4, 1958.

Released: June 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4377; Filed, June 9, 1958; 8:49 a. m.]

[Docket No. 12472; FCC 58-541]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Proposals have been submitted to the Commission to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Redlands, Calif		300
Lancaster, Calif		300

3. The petition requesting allocation of Channel 300 to Redlands, California, was submitted on behalf of the Southwest Broadcasting Co., applicant for a new Class B station in Redlands (File No. BPH-2215, Docket No. 12319). The petition requesting allocation of Channel 300 to Lancaster, California, was submitted on behalf of Cordell Fray who proposes to prosecute an application for a new FM station in Lancaster to be operated on Channel 300.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 7, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 4, 1958.

Released: June 5, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4378; Filed, June 9, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2692, G-12583]

MARINE GATHERING CO. (COMMONWEALTH OIL CO.) ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 4, 1958.

In the matters of The Marine Gathering Company now Commonwealth Oil Company, Docket No. G-2692; Tennessee Gas Transmission Company, The Pure Oil Company, Commonwealth Oil Company, Docket No. G-12583.

Take notice that The Marine Gathering Company (Marine) filed an application on September 8, 1954, in Docket No. G-2692, for a certificate of public convenience and necessity authorizing the sale of natural gas made to Tennessee Gas Transmission Company (Tennessee), for transportation in interstate commerce for resale, which gas is purchased by Marine from The Pure Oil Company (Pure), Phillips Petroleum Company (Phillips) and Kerr-McGee Oil Industries, Inc. (Kerr-McGee), in the Rollover Field off-shore Vermilion Parish, Louisiana, in the Gulf of Mexico. Marine transports such gas through its underwater pipeline system to its processing plant located on shore near Grand Chenier, Louisiana, and resells the dry residue gas after processing at the tailgate of such plant to Tennessee.

On December 13, 1954, Marine amended its application to seek permission and approval of the Commission to abandon the sale of natural gas made on an interim basis up to November 1, 1954, to Tennessee only insofar as such sale previously made was attributable to purchases from Phillips and Kerr-McGee. In lieu thereof, Marine requested authority to commence a sale of such gas to Niagara Gas Transmission Limited (Niagara) on November 1, 1954, under a sales contract dated February 6, 1953, between Niagara and Marine. On May 2, 1958, Commonwealth Oil Company, as successor in interest to Marine, withdrew that portion of its application relating to the sale made to Niagara on the basis that said sale is not a sale in interstate commerce within the meaning of the Natural Gas Act.

On May 16, 1957, Tennessee, Pure and Commonwealth Oil Company (Commonwealth) filed a joint application in Docket No. G-12583, as amended,[1] to effect changes in the contractual relationships now governing the disposition of the gas attributable to Pure's interest in the offshore Rollover Field. The application recites that Commonwealth succeeded to all of the assets and liabilities of Marine effective March 1, 1957. As heretofore noted, at the present time, Pure sells its gas from the subject offshore area to Marine (now Commonwealth) who in turn transports such gas to a point of delivery on shore and delivers and resells the gas after processing at the tailgate of its plant to Tennessee. The joint application seeks permission and approval for Pure to abandon its sale to Commonwealth and in lieu thereof sell its gas directly to Tennesse, and for Commonwealth to transport such gas for the account of Pure.

To accomplish the above the joint application seeks authority for:

(1) Commonwealth to be substituted for Marine in the application in Docket No. G-2692.

(2) Pure to abandon its present sale to Commonwealth and receive authorization to sell natural gas directly to Tennessee.

(3) Commonwealth to abandon the sale to Tennessee, and in lieu thereof, to transport natural gas in interstate commerce for the account of Pure.

In addition, Tennessee seeks authorization to purchase from the Pure the quantities of gas referred to in an "Agreement Relating to Contracts" dated January 2, 1957, in accordance with the terms and conditions thereof.

The above applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4357; Filed, June 9, 1958; 8:46 a. m.]

[Docket No. G-13965 etc.]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 4, 1958.

In the matters of Montana-Dakota Utilities Co., Docket No. G-13965; Continental Oil Company, Operator, et al, Docket Nos. G-14440 and G-14454.

Take notice that on December 16, 1957, Montana-Dakota Utilities Co. (Montana) filed in Docket No. G-13965 an application, pursuant to section 7 (b) of the Natural Gas Act, for (1) authority to abandon certain intrastate facilities presently installed in the South Byron Field, Big Horn County, Wyoming, and (2) a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing the construction and operation of certain interstate facilities in the South Elk Basin Field, Park County, Wyoming, in order to purchase, receive and compress natural gas produced by Continental Oil Company, Operator, et al. (Continental); all is more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities which Montana proposes to abandon, remove and salvage consist of a 440-horsepower field compressor plant and appurtenances now installed in the South Byron Field and proposed to be moved to the South Elk Basin Field.

The facilities which Montana proposes to construct and operate in the South Elk Basin Field consist, in addition to the foregoing field compressor plant, of approximately 13,200 feet of $8\frac{5}{8}$-inch O. D. field lines and metering equipment to receive gas produced by Continental from the Frontier and Middle Frontier formations in said field, and to connect existing field lines to the aforementioned compressor plant.

The estimated total initial cost of the facilities proposed to be installed and operated herein is $194,469, which cost will be financed by Montana from working capital.

On February 10, 1958, Continental filed in Docket Nos. G-14440 and G-14454 certificate applications covering sales of gas produced from the Frontier and Middle Frontier formations, respectively, in the South Elk Basin Field, to Montana, under separate 20-year gas sales contracts, each dated August 30, 1957. Producer's facilities consist of customary lease equipment, field lines and tank batteries. These applications also are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

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[1] Amendments filed November 6, 1957, and March 17, 1958, by Pure, March 24, 1958, and May 2, 1958, by Commonwealth and March 25, 1958, by Tennessee.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 8, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4358; Filed, June 9, 1958; 8:46 a. m.]

[Docket No. G-14957]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 4, 1958.

Take notice that on April 24, 1958, supplemented on May 8, 1958, New York State Natural Gas Corporation (Applicant) filed in Docket No. G-14957 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 13 miles of 20-inch transmission pipe line to replace 12.9 miles of Applicant's 12-inch Line No. 12 in Potter County, Pennsylvania, for the purpose of increasing the capacity of Line No. 12 to help meet the estimated peak day requirements of Applicant's existing markets served through this line for the years 1959 through 1961, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The portion of Line No. 12 to be replaced extends from Applicant's Harrison Storage Field in Potter County, Pennsylvania, to a connection with its existing main Line Nos. 14 and 24, which extend north into southwestern New York State serving various distributors for resale in and near Buffalo, Rochester, Wellsville, Belmont, Angelica, and others.

The estimated total capital cost of the facilities proposed herein is $923,900, to be financed partly from available company funds and partly from funds to be obtained from notes or stock to be issued to Applicant's parent corporation, Consolidated Natural Gas Company. Applicant estimates a salvage value of $68,000 for the pipe to be replaced, with $48,000 as the estimated cost of retiring these facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 8, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4359; Filed, June 9, 1958; 8:47 a. m.]

[Project No. 2000]

POWER AUTHORITY OF STATE OF NEW YORK

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JUNE 4, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Power Authority of the State of New York, licensee for Project No. 2000 situated in the International Rapids section of the St. Lawrence River near Massena, New York, for amendment of Article 25 of the license to reduce the clearing limits of the reservoir from elevation 249 to 246 feet in the reach between Chimney Point and Barnhart Island Powerhouse.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 14, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4360; Filed, June, 9, 1958; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., 706 19th Avenue, Nashville, Tenn.; effective 5-29-58 to 5-28-59 (sport shirts).

Angelica Uniform Co., Winfield, Mo.; effective 6-5-58 to 6-4-59 (men's washable cotton service uniform coats).

Brookfield Manufacturing Co., Warrensburg, Mo.; effective 6-6-58 to 6-5-59 (one-piece suits, coats, work pants, etc.).

Kutztown Sportswear, Inc., 361 East Main Street, Kutztown, Pa.; effective 5-27-58 to 5-26-59 (ladies' blouses).

Strasburg Manufacturing Co., Inc., Strasburg, Va.; effective 5-29-58 to 5-28-59; learners may not be employed at special minimum wage rates in the production of separate skirts (women's cotton-knit sportswear).

Vacation Wear, Inc., P. O. Box 176, New Ellenton, S. C.; effective 6-14-58 to 6-13-59 (dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Belle Sportswear, Inc., Rush, Pa.; effective 5-27-58 to 5-26-59; 10 learners (ladies' maternity sportswear, shorts, pedal pushers, jamaica pants).

Don Juan Manufacturing Corp., 113 Grubb Street, Hertford, N. C.; effective 6-6-58 to 6-5-59; 10 learners (boys' sport shirts).

Gunnin Manufacturing Co., Corner Main and Church Streets, Dawson, Ga.; effective 5-28-58 to 5-27-59; 10 learners (sport shirts).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga.; effective 6-17-58 to 6-16-59; 10 learners (work trousers).

Rock Hall Manufacturing Co., Rock Hall, Md.; effective 5-29-58 to 5-28-59; 10 learners (men's and boys' sport shirts).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa.; effective 6-12-58 to 6-11-59; 10 learners (ladies' underwear).

Washington Garment Co., 112 East Sixth Street, Washington, N. C.; effective 6-2-58 to 6-1-59; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Form-O-Uth Brassiere Co., P. O. Box P, McLean, Tex.; effective 5-28-58 to 11-27-58; 20 learners (brassieres).

Stitchcraft, Inc., 393 Oconee Street, Athens, Ga.; effective 5-26-58 to 11-25-58; 10 learners (dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Reaco Hosiery Mills, 220 12th Avenue, NE., Hickory, N. C.; effective 5-29-58 to 5-28-59; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Strutwear, Inc., Clarksdale, Miss.; effective 5-29-58 to 11-28-58; 10 learners for plant expansion purposes (sweaters, lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Muscatine Pearl Works, Columbus Junction, Iowa; effective 5-28-58 to 11-27-58; 3 learners for normal labor turnover purposes in the occupation of blank button cutter, for a learning period of 480 hours at rates of at lease 85 cents an hour for the first 320 hours, and not less than 90 cents an hour for the remaining 160 hours (pearl button blanks).

William Underwood Co., West Jonesport, Maine; effective 6-2-58 to 12-1-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer, for a learning period of 160 hours at rates of at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (canned sardines).

William Underwood Co., Yarmouth, Maine; effective 6-2-58 to 12-1-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer, for a learning period of 160 hours at rates of at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (canned sardines).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 3d day of June 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-4381; Filed, June 9, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 5, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34738: *Substituted service—Rail and water rates, CGW RY.* Filed by Middlewest Motor Freight Bureau, Agent (No. 107), for the Chicago Great Western Railway Company, and interested motor carriers. Rates on various articles of freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Motor truck competition.

Tariff: Supplement 75 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34739: *Scrap iron or steel—Muskegon, Mich., to Hamilton, Ontario.* Filed by O. E. Schultz, Agent (ER No. 2441), for the Canadian National Railways and the Grand Trunk Western Railroad Company. Rates on scrap iron or steel (not copper clad), carloads, as further described in the application from Muskegon, Mich., to Hamilton, Ont.

Grounds for relief: Competition of carriers by water.

Tariff: Supplement 22 to Grand Trunk Western Railroad Company's tariff I. C. C. A-100.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-4354; Filed, June 9, 1958; 8:46 a. m.]

[Rev. S. O. 562, Amdt. 2 to Taylor's I. C. C. Order 88]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 88 and good cause appearing therefor: *It is ordered*, That:

Taylor's I. C. C. Order No. 88, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p. m., November 30, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., May 31, 1958, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 29, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-4355; Filed, June 9, 1958; 8:46 a. m.]

OF MICHIGAN
JUN 13 1958
MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 114

Washington, Wednesday, June 11, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

COMMISSION ON CIVIL RIGHTS

1. Effective upon publication in the FEDERAL REGISTER, § 6.160 (a) is added as set out below.

§ 6.160 *Commission on Civil Rights.* (a) Until November 9, 1959, Chief, Research and Planning Division.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.360 is amended and paragraphs (b) and (c) are added as set out below.

§ 6.360 *Commission on Civil Rights.* (a) One Executive Secretary to the Commission.

(b) Chief, Reports and Analysis Division.

(c) One Administrative Assistant to the Staff Director.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4401; Filed, June 10; 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR PEACHES

REVOCATION AND REINSTATEMENT

The revised United States Standards for Peaches published in the FEDERAL REGISTER on May 30, 1958 (23 F. R. 3759) and made effective on that date are hereby revoked and the prior United States Standards for Peaches that, otherwise, have been in effect since June 15, 1952 (17 F. R. 4473 and renumbered at 18 F. R. 7065 (§§ 51.1210-51.1223)) are hereby reinstated.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this action until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that (1) representatives of the peach industry have requested additional time for study of certain features and aspects of the aforementioned revised standards; and (2) revocation of the aforementioned revised standards (23 F. R. 3759) and reinstatement of the prior standards (17 F. R. 4473 and renumbered at 18 F. R. 7065) is in relief of restriction and no special preparation on the part of the industry for compliance therewith will be necessary.

(Sec. 205, 60 Stat., 1090, as amended; 7 U. S. C. 1624)

Done at Washington, D. C., this 5th day of June 1958 to become effective June 5, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4403; Filed, June 10, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[1015.301 Amdt. 9]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENT

a. *Findings.* 1. Pursuant to Marketing Agreement No. 118 and Order No. 115 regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amend-

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FEDERAL REGISTER

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ed; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (v) this amendment relieves restrictions on the handling of cucumbers grown in the production area.

b. *Order as amended.* The provisions of § 1015.301 (b) (1) (22 F. R. 8148, 8219, 8810, 8976, 9251, 9589, 9916, 9917; 23 F. R. 1169, 2838), are hereby amended to read as follows:

(b) *Order.* During the period from June 6, 1958, through July 31, 1958, the following regulations shall be effective with respect to all varieties of cucumbers grown in the production area; (1) No person may handle cucumbers, except for conversion into pickles or relishes, unless the cucumbers meet the requirements of U. S. No. 2, or better, grade.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 6, 1958, to become effective June 6, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4426; Filed, June 10, 1958; 8:54 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Cucumber Reg. 1, Amdt. 5]

PART 1070—CUCUMBERS

IMPORT RESTRICTIONS

Pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115 (22 F. R. 6083), regulating the handling of cucumbers grown in Florida, and in accordance with the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), amended paragraph (b) *Import restrictions* of § 1070.1 *Cucumber Regulation No. 1*, as amended; 22 F. R. 9045, 9690, 9917; 23 F. R. 1169, 2839 is amended to read as follows:

(b) *Import restrictions.* During the period from June 9, 1958 to July 31, 1958, both dates inclusive, and subject to the general regulations (Part 1060 of this subchapter) applicable to the importation of listed commodities and the requirements of this section, no person may import any cucumbers of any variety unless such cucumbers meet the requirements of U. S. No. 2, or better, grade.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendatory regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which make such amended regulation mandatory; (ii) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (§ 1015.301; 22 F. R. 8148, 8219, 8810, 8976, 9251, 9589); (iii) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date hereof; and (iv) this amendment relieves restrictions on the importation of cucumbers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated: June 6, 1958, to become effective June 9, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4425; Filed, June 10, 1958; 8:53 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter IV—Employees' Compensation Appeals Board, Department of Labor

PART 501—REGULATIONS GOVERNING APPEALS

PART 502—RULES OF PROCEDURE

ALTERNATE SERVICE BY CERTIFIED MAIL

The regulations and rules contained in Parts 501 and 502 of Title 20, Code of Federal Regulations, provide that notices and orders under Part 501 and notices under Part 502 may be served personally upon the person to whom directed, or in the alternative sent to such person by registered mail. The effect of this amendment is to provide that the alternative service also may be effective by "certified mail".

Pursuant to section 32 of the United States Employees' Compensation Act (39 Stat. 749; 5 U. S. C. 783), Reorganization Plan No. 2 of 1946 (60 Stat. 1051; 3 CFR 1943-1948 Comp., p. 1064), and Reorganization Plan No. 19 of 1950 (64 Stat. 1271; 3 CFR, 1950 Supp., p. 171), Parts 501 and 502 of Title 20 of the Code of Federal Regulations are hereby amended as follows:

1. Section 501.6 (e) is amended to read:

(e) Any notice or order required under this part to be given or served, may be served personally upon the person to whom directed, or sent to such person by certified or registered mail.

2. Section 502.4 (a) is amended to read:

(a) *To whom sent.* Notice of hearing shall be sent by the Board to the Director, Bureau of Employees' Compensation, and to all other parties in interest. Hearings will be set upon such notice as will afford adequate opportunity to be present, but shall not be set earlier than 10 days from the date of the notice, unless waiver of such notice is filed. Such notice (Form AB-3) may be served personally upon the person to whom it is directed, or may be sent to such person by certified or registered mail. Such notice shall disclose the issues to be heard.

(Sec. 3, 60 Stat. 1095)

This amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 5th day of June 1958.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 58-4410; Filed, June 10, 1958; 8:50 a. m.]

Chapter V—Bureau of Employment Security, Department of Labor

PART 613—REGULATIONS TO IMPLEMENT THE TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 1958; RESPONSIBILITIES OF PUERTO RICO, THE VIRGIN ISLANDS AND STATE AGENCIES

Pursuant to section 207 of the Temporary Unemployment Compensation Act of 1958 (P. L. 441, 85th Congress, 72 Stat. 171), and in accordance with section 3 of the Administrative Procedure Act (5 U. S. C. 1002), Title 20 of the Code of Federal Regulations is hereby amended by adding a new Part 613 thereto. This part shall contain the regulations to implement the Temporary Unemployment Compensation Act of 1958 and to effectuate that program in all of the areas to which it applies. The regulations contained in the amendment relate to grants and benefits payable by the United States under the act, and shall become effective immediately upon publication in the FEDERAL REGISTER. The amendment shall read as follows:

Sec.
613.1 Definitions.
613.2 Effective period of the program.
613.3 Exhaustion of rights under unemployment compensation laws.
613.4 Date of exhaustion.
613.5 Maximum aggregate amount.
613.6 Weekly benefit amount.
613.7 Restrictions on eligibility.
613.8 Application of unemployment compensation law.
613.9 Application of interstate benefit payment plan.
613.10 Overpayments.
613.11 Appeals.
613.12 Information and services furnished by non-participating state agencies.
613.13 Extension of UCV and UCFE agreements.
613.14 Temporary unemployment compensation in Puerto Rico and the Virgin Islands.

AUTHORITY: §§ 613.1 to 613.14 issued under sec. 207, 72 Stat. 176. Interpret or apply secs. 101-104, 201-207, 72 Stat. 171-176.

§ 613.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise,

(a) "Act" means Temporary Unemployment Compensation Act of 1958.

(b) "Base period" means (1) for individuals who exhausted their rights under an unemployment compensation law administered by the State of Wisconsin, the period specified in the agreement between the State and the Secretary; (2) for individuals who exhausted their rights under title IV of the Veterans' Readjustment Assistance Act of 1952 only for the purpose of section 206 of the act, the period of military service upon which a veteran established his eligibility for the benefits provided by said title IV; and (3) for all other individuals, the base period prescribed in the applicable State unemployment compensation law.

(c) "Benefit year" means (1) for individuals who exhausted their rights under an unemployment compensation law administered by the State of Wisconsin, the period specified in the agreement between the State and the Secretary; (2) for individuals who have exhausted their rights under title IV of the Veterans' Readjustment Assistance Act of 1952 the period of eligibility prescribed by that title, except that with respect to individuals who exhausted their rights under a combination of a State unemployment compensation law and title IV of the Veterans' Readjustment Assistance Act of 1952, the benefit year prescribed in the applicable State law; and (3) for all other individuals, the benefit year prescribed by the applicable State unemployment compensation law.

(d) "First claim" means the first request for determination of benefit status filed by a temporary unemployment compensation claimant on the basis of which a maximum aggregate amount and a weekly benefit amount under the act are established, whether or not temporary unemployment compensation is paid.

(e) "Initial State" means either a participating State or a limited participating State, administering the unemployment compensation law under which an individual last exhausted his right to unemployment compensation prior to making his first claim for temporary unemployment compensation.

(f) "Limited participating State" means Puerto Rico, the Virgin Islands, and a State which has an extended agreement with the Secretary under section 103 of the act.

(g) "Maximum aggregate amount" means the total amount of compensation payable to an individual under the act.

(h) "Monetary determination" means the determination made under an unemployment compensation law with respect to an individual's benefit year of the total amount of benefits payable to him and the weekly amount of such benefits.

(i) "Participating State" means a State which has an agreement with the Secretary under section 102 of the act.

(j) "Secretary" means the Secretary of Labor of the United States.

(k) "State" includes the 48 States, Alaska, Hawaii and the District of Columbia.

(l) "State agency" means any agency of a State administering a State unemployment compensation law and the agencies in Puerto Rico and the Virgin Islands cooperating with the United States Employment Service under the Wagner-Peyser Act (48 Stat. 133).

(m) "Temporary unemployment compensation" means the unemployment compensation provided by the act.

(n) "Unemployment compensation law" means any one or more of the following laws: The unemployment compensation law of a State, title XV of the Social Security Act, or title IV of the Veterans' Readjustment Assistance Act of 1952.

(o) "Week" means a week as defined in the applicable State unemployment compensation law.

(p) "Weekly benefit amount" means the amount of weekly compensation, including dependents' allowances, payable under the act.

§ 613.2 *Effective period of the program.* Compensation under the act shall be payable for weeks of unemployment beginning on or after June 19, 1958, or if a later date is specified in the agreement between the State and the Secretary entered into pursuant to the act, for weeks beginning after such later date. Compensation shall not be paid for weeks of unemployment which begin on or after April 1, 1959.

§ 613.3 *Exhaustion of rights under unemployment compensation laws.* (a) An individual is deemed to have exhausted his rights under an unemployment compensation law when a benefit year had been established for him under such law administered by a participating State and his rights to benefits thereby established expire after June 30, 1957, or such later date as the State has designated in its agreement with the Secretary.

(b) An individual is deemed to have exhausted his rights under title IV of the Veterans' Readjustment Assistance Act of 1952 and title XV of the Social Security Act when a benefit year had been established for him under either of such laws administered by a limited participating State and his rights to benefits thereby established expire after June 30, 1957, or such later date as the State has designated in its agreement with the Secretary.

§ 613.4 *Date of exhaustion.* (a) The date of exhaustion for an individual shall be the date of the end of the week in which his current benefit year expires or the date of the end of the last week in such benefit year for which he was entitled to receive benefits, whichever is earlier.

(b) The date of exhaustion for an individual with respect to whom a disqualification has been imposed shall be the date of the end of the week for which all benefits payable have been received, after deferment of, or reduction in benefits, or after cancellation or exclusion of wage or benefit credits where a benefit year was established and such credits have been canceled or excluded.

(c) The date of exhaustion for an individual whose claim for temporary unemployment compensation is based solely on expiration of his rights under title IV of the Veterans' Readjustment Assistance Act of 1952 shall be the date of the end of the week as of which he received a total of $676, or in which his period of eligibility under said act ends, whichever occurs earlier.

§ 613.5 *Maximum aggregate amount.* (a) Upon the filing of a first claim the initial State shall compute the maximum aggregate amount to which a claimant is entitled, in accordance with this section.

(b) The maximum aggregate amount for a claimant shall be 50 percent of the total amount (including dependents' allowances, but excluding any temporary additional unemployment compensation) which was payable to him for the benefit year under the unemployment compensation law administered by the initial State: *Provided, however,* That the maximum aggregate amount shall be reduced by the amount of any temporary additional unemployment compensation paid, and the maximum aggregate amount shall reflect any adjustments due to a change in the number of dependents within the benefit year, if such adjustments are made under the applicable unemployment compensation law.

(c) The maximum aggregate amount for a claimant whose claim for temporary unemployment compensation is based on exhaustion of his rights under the unemployment compensation law of a State and title IV of the Veterans' Readjustment Assistance Act of 1952, or under said title IV and title XV of the Social Security Act, during the same week, will be 50 percent of the total amount under both title IV and the State unemployment compensation law, or both title IV and title XV, which was payable to him with respect to the benefit year established under said State law or title XV.

(d) The total amount payable to a claimant for the benefit year with respect to which his last exhaustion occurred, prior to filing his first claim, shall be determined by the initial State in accordance with the applicable unemployment compensation law administered by it. If no cancellation or reduction of benefit rights is involved, the maximum aggregate amount payable under the act shall be 50 percent of the amount to which the claimant was entitled based on applicable base period wages, whether or not such amount was paid.

§ 613.6 *Weekly benefit amount.* (a) The weekly benefit amount, which the initial State shall establish for an individual upon his filing of a first claim, shall be the weekly amount, including dependents' allowances, established by the monetary determination made by such State. Where the applicable unemployment compensation law provides for a change in the weekly amount due to a change in the number of dependents within the benefit year, the weekly benefit amount shall be appropriately adjusted.

(b) If after an individual files a first claim, he again becomes entitled to and exhausts benefits under an unemployment compensation law of a participating State, the weekly benefit amount for subsequent weeks of temporary unemployment compensation will be redetermined on the basis of the weekly amount of his most recent regular benefits.

(c) The weekly amount of temporary unemployment compensation payable to an individual for a week of less than full-time work shall be determined in accordance with the applicable State unemployment compensation law on the basis of the weekly benefit amount, including dependents' allowances, as specified in this section.

§ 613.7 *Restrictions on eligibility.* (a) Temporary unemployment compensation shall not be paid to an individual who:

(1) Has been paid the maximum aggregate amount provided by § 613.5, or

(2) Has a right to payment of benefits under any State or Federal unemployment compensation law other than the act, or

(3) Is disqualified to receive benefits under an unemployment compensation law administered by a participating State or a limited participating State (so long as such disqualification continues in effect), or

(4) Has not exhausted his rights in accordance with § 613.3, or

(5) Has been determined to be ineligible for temporary unemployment compensation under section 206 of the act.

(b) Temporary unemployment compensation shall not be paid to any individual who is an alien if at any time after the first day of his base period and before the week with respect to which he claims temporary unemployment compensation, he was employed by (1) a foreign government, or agency or instrumentality thereof, which at the time of his employment was Communist or under Communist control; or (2) any organization which at the time of his employment was registered under section 7 of the Subversive Activities Control Act of 1950, or with respect to which there was in effect a final order of the Subversive Activities Control Board requiring said organization to register under section 7 of such Act or determining that the organization was Communist-infiltrated.

(c) A State agency shall, in accordance with information furnished by the Secretary, determine whether claimants who are aliens have been employed during the prescribed period by an agency, instrumentality, organization or government described in paragraph (b) of this section. Any individual who, upon request of a State agency, refuses to furnish the information necessary to determine his eligibility under section 206 of the act shall be ineligible to receive such compensation until the information is furnished and the State agency determines that he is entitled to such compensation.

§ 613.8 *Application of unemployment compensation law.* (a) A participating State shall apply to an individual's claims for temporary unemployment compensation, the unemployment compensation law administered by it under which such individual most recently exhausted his rights to benefits, except that employment and wage qualifying or re-qualifying requirements necessary to establish benefit year and waiting period requirements shall not be applicable to such claims.

(b) A limited participating State shall apply to an individual's claims for temporary unemployment compensation, title IV of the Veterans' Readjustment Assistance Act of 1952 or title XV of the Social Security Act under which such individual most recently exhausted his rights to benefits, except that employment and wage qualifying or re-qualifying requirements necessary to establish a benefit year and waiting period requirements shall not be applicable to such claims.

§ 613.9 *Application of interstate benefit payment plan.* For the purposes of interstate benefit payments and interstate appeals any State or Puerto Rico, or the Virgin Islands that has an agreement with the Secretary under the act shall act as agent or liable State in accordance with the Interstate Benefit Payment Plan to the extent of its participation in the payment of temporary unemployment compensation under its agreement. Any other State may act as an agent State in accordance with the Interstate Benefit Payment Plan with respect to claims for temporary unemployment compensation filed by an individual who exhausted his rights under an unemployment compensation law administered by a participating State or a limited participating State.

§ 613.10 *Overpayments.* (a) If, after a determination and an opportunity for a fair hearing thereon, a State agency or a court of competent jurisdiction finds that a claimant has received an overpayment of temporary unemployment compensation as a result of false statements knowingly made or material facts knowingly withheld, he shall be liable to repay any such outstanding overpayment. In the discretion of the State agency, such amounts may be deducted from future compensation payable to him under the act following the date on which such finding was made, as provided in section 203 of the act.

(b) In cases of overpayment, where there has been no finding by a State agency or court of competent jurisdiction that there has been an intent to defraud, the determinations specified below shall be made under the applicable unemployment compensation law or laws:

(1) Whether a claimant who had received an overpayment of temporary unemployment compensation which he has not repaid shall receive any future compensation payable under the act, or

(2) Whether he shall be liable to repay such overpayment, or

(3) Whether he shall be permitted to offset any future compensation payable to him under the act against such outstanding overpayment, or

(4) Whether a waiver of such overpayment may be permitted.

§ 613.11 *Appeals.* Determinations made by a State agency with respect to a claimant's entitlement to temporary unemployment compensation shall be subject to review in the same manner and extent as determinations under the applicable unemployment compensation law.

§ 613.12 *Information and services furnished by non-participating State agencies.* The agency of a State other than a participating State or a limited participating State may furnish to the Secretary such information or services as he may find necessary or appropriate in carrying out the provisions of the act and the Secretary will reimburse the State agency for the costs thereof.

§ 613.13 *Extension of UCV and UCFE agreements.* (a) Where agreements made between a State and the Secretary to effectuate title IV of the Veterans' Readjustment Assistance Act of 1952 and title XV of the Social Security Act, are extended to effectuate the act, temporary unemployment compensation shall be paid for weeks of unemployment beginning June 19, 1958, or effective date of extension, whichever is later. Where there is such an extension, temporary unemployment compensation shall be paid in accordance with the applicable sections of this part.

(b) Where there has been an extension as provided in paragraph (a) of this section, an individual who simultaneously exhausts his rights under a State unemployment compensation law and either title IV of the Veterans' Readjustment Assistance Act of 1952 or title XV of the Social Security Act, temporary unemployment compensation shall be paid to him only to the extent that he would have received temporary unemployment compensation if he had exhausted his rights only under said title IV or title XV.

§ 613.14 *Temporary unemployment compensation in Puerto Rico and the Virgin Islands.* (a) Any individual in Puerto Rico and the Virgin Islands who has exhausted his rights under title IV of the Veterans' Readjustment Assistance Act or title XV of the Social Security Act, shall be paid temporary unemployment compensation in accordance with the applicable sections of this part.

(b) Any individual whose claim for temporary unemployment compensation, based on his exhaustion of rights under title IV of the Veterans' Readjustment Assistance Act of 1952, has been denied shall be entitled to a fair hearing and review in accordance with §§ 607.13 to 607.30 of this chapter. Any individual whose claim for temporary unemployment compensation, based on his exhaustion of rights under title XV of the Social Security Act, has been denied shall be entitled to a fair hearing and review in accordance with §§ 611.7 to 611.11 of this chapter.

Signed at Washington, D. C., this 5th day of June 1958.

James T. O'Connell,
Acting Secretary of Labor.

[F. R. Doc. 58-4411; Filed, June 10, 1958; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

Part 146—General Regulations for the Certification of Antibiotic and Antibiotic-Containing Drugs

CERTIFICATION FEES; REVOCATION OF AMENDMENTS

The order amending §§ 146.8 and 146.26 (F. R. Doc. 58-4235), published on June 5, 1958 (23 F. R. 3924), is hereby revoked in its entirety. Amendments covering the sections involved will be published at a later date.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: June 9, 1958.

[SEAL] John L. Harvey,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-4453; Filed, June 10, 1958; 8:56 a. m.]

Part 146a—Certification of Penicillin and Penicillin-Containing Drugs

PENICILLIN TABLETS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507 (b) (1), 59 Stat. 463, as amended; 21 U. S. C. 357 (b) (1)) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of penicillin and penicillin-containing drugs (21 CFR 146a.27; 21 CFR, 1956 Supp.; 22 F. R. 349) are amended by changing paragraph (a) to read as follows:

§ 146a.27 *Penicillin tablets*—(a) *Standards of identity, strength, quality, and purity.* Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, crystalline penicillin V, crystalline potassium penicillin V, benzathine penicillin G, or procaine penicillin, with or without one or more suitable sympathomimetic agents, analgesic substances, antihistaminics, and caffeine and with or without one or more suitable and harmless vitamin substances, buffer substances, diluents, binders, lubricants, colorings, and flavorings. They may also contain probenecid or one or more suitable sulfonamides. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.0 percent if it contains sodium penicillin, calcium penicillin, potassium penicillin, or crystalline penicillin O; not more than 2.8 percent if it contains procaine penicillin; not more than 3.0 percent if it contains crystalline penicillin V; and not more than 8.0 percent if it contains benzathine penicillin G. If it contains crystalline potassium penicillin V, its moisture content is not more than 1.5 percent unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 3 percent. The penicillin used conforms to the standards prescribed for such drug by the regulations in this chapter, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment has been drawn in collaboration with interested members of the affected industry, and it would be against public interest to delay providing therefor.

Effective date. This order shall become effective upon publication in the Federal Register, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: May 29, 1958.

[SEAL] Geo. P. Larrick,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4388; Filed, June 10, 1958; 8:45 a. m.]

Part 146c—Certification of Chlortetracycline (or Tetracycline) and Chlortetracycline- (or Tetracycline-) Containing Drugs

CHLORTETRACYCLINE OPHTHALMIC

In F. R. Doc. 58-3201, published in the Federal Register of April 30, 1958 (23 F. R. 2857), amendment 5, to § 146c.208 (c) (1) (iii), the words "36 months" are corrected to read "48 months". (See 23 F. R. 2098)

Dated: June 5, 1958.

[SEAL] Geo. P. Larrick,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4389; Filed, June 10, 1958; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

Part 720—Proceedings in Civil Courts

Part 725—Disposition of Cases Involving Physical Disability

MISCELLANEOUS AMENDMENTS

1. Section 720.6 (e) is deleted.

2. Section 725.6 (a) is revised to read as follows:

(a) *In general.* A physical evaluation board will be composed of competent and mature officers of sound judgment who are familiar with board procedures and, in particular, with the regulations and instructions pertaining to physical evaluation boards and physical standards. A physical evaluation board considering the case of a party who is a member of the naval service on extended active duty shall consist of three commissioned officers as members, two of whom shall be non-medical officers and one of whom shall be a medical officer. There shall also be appointed a counsel for the board, and, unless waived by the party, a counsel for the party. There shall not be such disparity in rank and experience among the members of the board as might tend to operate to inhibit and influence junior members in expressing their opinions. When the party whose physical fitness is under consideration is a member of the Regular Navy or the Regular Marine Corps, two members shall, whenever practicable, be senior in rank to such party. In the absence of objection by the party, the seniority of the members of the board shall be considered as waived. When the party is a member of a Reserve component, all members of the board who act on the case shall be senior to the party and, if available, a majority of them shall be Reserve officers. In any instance where a majority of Reserve members is not available, the board will include not less than one Reserve officer among its members, and the record shall contain a certificate by the convening authority as to the unavailability of Reserve officers of the requisite seniority to constitute a majority of the board.

(Sec. 6011, 70A Stat. 375; 10 U. S. C. 6011)

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

JUNE 4, 1958.

[F. R. Doc. 58-4408; Filed, June 10, 1958; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

KENNEBEC RIVER, MAINE; HUDSON RIVER AT COEYMANS AND CEDAR HILL, N. Y.; YORK RIVER, VA.

1. Pursuant to the provisions of section 1 of an act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.3 is hereby prescribed establishing a special anchorage area in Kennebec River at Randolph, Maine, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.3 *Kennebec River at Randolph, Maine.* The area comprises that portion of the waterway beginning at a point on the shoreline 450 feet upstream from the east end of the Gardiner-Randolph Highway bridge at latitude 44°13′54″, longitude 69°46′06″, thence extending 213° (True) to the upstream end of the east bridge pier at latitude 44°13′49″, longitude 69°46′11″, thence extending along the shoreward side of the pier to its downstream end at latitude 44°13′47″, longitude 69°46′10″, thence 113° (True) to a point on the shoreline 350 feet downstream from the east end of the bridge at latitude 44°13′46″, longitude 69°46′05″, thence along the shore to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Randolph, Maine.

[Regs., May 27, 1958, 800.212—ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

2. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), paragraphs (v) and (w) of § 202.60 are hereby prescribed designating special anchorage areas in Hudson River, at Coeymans and Cedar Hill, New York, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.60 *Port of New York and vicinity.* * * *

(v) *Hudson River, at Coeymans, New York.* That portion of the waters of the westerly side of Hudson River, west of Coeymans Middle Dike, north of a line bearing due west from a point 700 feet south of Upper Hudson River Light No. 43, and south of a line bearing due west from Upper Hudson River Light No. 45, except for an area 125 feet wide, adjacent to and east of the bulkhead fronting the Village of Coeymans and Barren Island Dike.

(w) *Hudson River, at Cedar Hill, New York.* That portion of the westerly side of the Hudson River, adjacent to Cedar Hill Dike, 250 feet in width, bounded on the south by the northerly side of the cut in the dike at the junction of the Vloman Kill and the Hudson River, and extending northerly therefrom 1,600 feet.

[Regs., May 27, 1958, 800.212—ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 207.128 is hereby amended with respect to paragraphs (a) (1), (2) and (b) (2) redesignating the boundaries of the prohibited and restricted areas in York River, Virginia, and modifying the regulations pertaining thereto, as follows:

§ 207.128 *York River, Va.; naval prohibited and restricted areas*—(a) *The areas*—(1) *Naval mine service-testing area (prohibited).* A rectangular area surrounding Piers 1 and 2, Naval Mine Depot, beginning at a point on the shore line at latitude 37°15′07″ N., longitude 76°32′18″ W.; thence to latitude 37°15′27″ N., longitude 76°31′48″ W.; thence to latitude 37°15′05″ N., longitude 76°31′27″ W.; thence to a point on the shore line at latitude 37°14′51″ W., longitude 76°31′50″ W.; and thence along the shore line to the point of beginning.

(2) *Naval mine service-testing area (restricted).* A rectangular area adjacent to the northeast boundary of the prohibited area described in subparagraph (1) of this paragraph, beginning at latitude 37°16′00″ N. longitude 76°32′29″ W.; thence to latitude 37°16′23″ N., longitude 76°32′00″ W.; thence to latitude 37°15′27″ N., longitude 76°30′54″ W.; thence to latitude 37°15′05″ N., longitude 76°31′27″ W.; thence to latitude 37°15′27″ N., longitude 76°31′48″ W.; thence to latitude 37°15′24″ N., longitude 76°31′52″ W.; and thence to the point of beginning.

* * * * *

(b) *The regulations.* * * *

(2) Trawling, dragging, and net-fishing are prohibited, and no permanent obstructions may at any time be placed in the area described in paragraph (a) (2) of this section. Upon official notification, any vessel anchored in the area will be required to vacate the area during the actual mine-laying operation. Vessels entering the area during mine-laying operations by aircraft must proceed directly through the area without delay, except in case of emergency. Naval authorities are required to publish advance notice of mine-laying and/or retrieving operations scheduled to be carried on in the area, and during such published periods of operation, fishing or other aquatic activities are forbidden in the area. No vessel will be denied passage through the area at any time during either mine-laying or retrieving operations.

[Regs., 27, May 1958, 800.21 (York River, Va.)—ENGWO] (Sec. 4, 28 Stat. 362, as amended, secs. 1-4, 40 Stat. 892, 893, as amended; 33 U. S. C. 1, 3)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-4386; Filed, June 10, 1958; 8:45 a. m.]

PART 208—FLOOD CONTROL REGULATIONS

PALISADES DAM AND RESERVOIR, SNAKE RIVER, IDAHO

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 709), the following § 208.91 is hereby prescribed to govern the use and operation of Palisades Dam and Reservoir on Snake River, Idaho, for flood control purposes.

§ 208.91 *Palisades Dam and Reservoir, Snake River, Idaho.* The Bureau of Reclamation shall operate Palisades Dam and Reservoir in the interests of flood control as follows:

(a) Storage space in Palisades Reservoir and Jackson Lake combined shall be kept available for flood control purposes in accordance with the Flood Control Storage Reservation Diagram currently in force. Not less than 75 percent of the total flood control space shall be made available in Palisades Reservoir.

(b) Releases from Palisades Reservoir shall be restricted to quantities which will not cause downstream flows at the Hiese gaging station to exceed 20,000 cubic feet per second, insofar as this control can be accomplished with combined reservoir capacity not exceeding 1,400,000 acre-feet in Palisades Reservoir and Jackson Lake.

(c) When the total active capacity of the reservoir has been evacuated and when the forecasted runoff indicates that storage capacity in excess of 1,400,000 acre-feet may be required for Palisades Reservoir and Jackson Lake combined to control the flows at Heise gaging station to 20,000 cubic feet per second, releases in excess of 20,000 cubic feet per second prior to June 1 will be planned on the basis of the following rule curve:

May 1–July 31 forecasted volume (acre-feet):	*Required discharge*[1] *(c. f. s.)*
Less than 4,100,000	20, 000
4,100,000	23, 000
4,300,000	24, 000
4,600,000	25, 000
4,900,000	26, 000
5,300,000	27, 000
5,600,000	28, 000
6,000,000	29, 000
6,300,000 or larger	30, 000

[1] Applicable only when exceeded by natural inflow.

(d) When the forecasted runoff for the period June 1 through July 31 exceeds 2,500,000 acre-feet, and when, after June 1, the available space is not within 10,000 acre-feet of the space required by the Flood Control Storage Reservation Diagram currently in force, the releases from the reservoir may be increased so that the flow at Heise gaging station will exceed 20,000 c. f. s. up to a limit of 30,000 c. f. s. to the extent of 1,000 c. f. s. for each 5,000 acre-feet of deficient storage space, except that the release shall not be greater than the natural inflow. The change in discharge will be made in such manner as to minimize the adverse downstream effects.

(e) In no case will releases be made which will cause the flow of Snake River at Heise gaging station to exceed 30,000 c. f. s. except as may be agreed upon by the Corps of Engineers and Bureau of Reclamation in the case of exceedingly large floods or as provided in paragraph (f) or (h) of this section.

(f) The flood control regulations of the section are subject to temporary modification by the District Engineers, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modification may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of the same day to the Office of the Regional Director of the Bureau of Reclamation in charge of the locality.

(g) The Flood Control Storage Reservation Diagram currently in force as of the promulgation of this section is that dated May 12, 1958, File No. SN-902-1/1, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D. C., and in the Office of the Commissioner, Bureau of Reclamation, Washington, D. C. Revisions of the Flood Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation, and, from that date until replaced, shall be the Flood Control Storage Reservation Diagram currently in force for purposes of this section. Copies of the Flood Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

(h) In the event that the reservoir level rises above elevation 5620 at the dam (top of spillway gates), care shall be taken that the maximum subsequent release from the reservoir does not exceed the corresponding rate of reservoir inflow.

(i) Nothing in the regulations in this section shall be construed to require dangerously rapid changes in magnitude of releases, or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(j) The Bureau of Reclamation shall currently procure basic hydrologic data, make determinations of required flood control reservation from the Flood Control Storage Reservation Diagram currently in force and make calculations of permissible releases from the reservoir as are required to accomplish the flood control objectives prescribed in this section.

(k) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of hydrologic data and other operating criteria which affect the schedule of operation. Also, the Bureau of Reclamation shall keep the Watermaster, Water District No. 36, acting for the Department of Reclamation, State of Idaho, currently advised of reservoir releases.

[Regs., May 12, 1958, ENGWE] (Sec. 7, 58 Stat. 890; 33 U. S. C. 709)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-4387; Filed, June 10, 1958; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 9—USE OF FACILITIES BY STUDENTS AND OTHER QUALIFIED INDIVIDUALS

Secs.
9.1 Purpose.
9.2 Policy.
9.3 Rules and restrictions.

AUTHORITY: §§ 9.1 to 9.3 issued under Stat. 395, as amended; 20 U. S. C. 91.

§ 9.1 *Purpose.* To promote an increase in our Nation's scientific educational potential by making available the study and research facilities of the Department of Health, Education, and Welfare to qualified students and others.

§ 9.2 *Policy.* It is the policy of the Department to permit its operating agencies to allow duly qualified individuals, students, and graduates of institutions of learning in the several States, Territories, as well as the District of Columbia, to use the study and research facilities of the Department subject to rules and restrictions set forth in this part and as may be implemented. Nothing in this part shall restrict the existing authority of any operating agency such as section 301 (b) of the Public Health Service Act.

§ 9.3 *Rules and restrictions.* (a) Prior to the use of this authority each agency head must determine that it would be consistent with the programs of that agency for the agency to participate in this program and that agency facilities should be made available for the use of students and other authorized individuals. Facilities may be made available provided the use of such facilities will be of direct benefit to the educational objectives of students and other authorized individuals with the prospect of fruitful interchange of ideas and information between agency personnel and students, and such use will not interfere with agency programs.

(b) The official in charge of any Department research or study facility will not permit such use of the facility until he determines:

(1) That appropriate space and facilities are available.

(2) That the equipment is on hand and supplies required to carry on the study can be made available.

(3) That the proposed studies or research will not interfere with regular Department functions, nor require the subsequent acquisition of additional equipment, and

(4) That the proposed studies or research will have general value in a field of concern to the Department.

(c) No Department funds will be used to pay for direct support of such studies or research, other than replenishment of supplies and materials and administrative and other costs related to the maintenance and use of the space and facilities.

(d) No Department funds will be used to pay the salary costs of the research or studies or the cost of direct supervision for such studies or research, but the Department shall reserve the right in all instances to control the character and extent of studies and research where safety is involved or the public interest or Department programs are in any way affected.

(e) Operating agencies permitting students and others the use of facilities for the purpose stated in this part shall require each student or other individual to agree that the results of such research and study including any copyrightable material or patentable inventions resulting from the use of or access to the study and research facilities shall be dedicated to the Public and shall become a part of the public domain, except as otherwise authorized in accordance with Department policies and procedures.

(f) Proper safeguards for Government property will be instituted including arrangements for replacement of Government property damaged or lost by a student or other authorized individual.

(g) Each student and other authorized individual will be expected to use the facilities and equipment with customary care and otherwise conduct himself in such manner as to complete his studies within any time limits prescribed.

(h) Each student and other individual authorized to use Government facilities for study purposes may not be authorized to sign requisitions for supplies and equipment.

Dated: June 5, 1958.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-4390; Filed, June 10, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-21; FCC 58-553]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

FIXED AND MARITIME MOBILE SERVICES; DELETION OF ALLOCATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the fifth day of June 1958.

The Commission having under consideration deletion of the allocation of the 90–110 kc band to the fixed and maritime mobile services; and

It appearing that national defense considerations require that the primary use of the band 90–110 kc be limited forthwith to the radionavigation service to assure interference-free operation of that service as specifically requested by the Office of Defense Mobilization; and

It further appearing that there are presently no assignments in the 90–110 kc band to non-Government stations in the fixed or maritime mobile services and, therefore, no non-Government stations in these services will be displaced or otherwise affected by the rule amendment herein ordered; and

It further appearing that because of Government requirements involving national defense considerations, it would be impracticable and contrary to the public interest to comply with the public notice requirements of section 4 of the Administrative Procedure Act and that, because of the urgent nature of those requirements, the amendment should be made effective immediately;

It is ordered, That, under authority contained in sections 1, 4 (a), 4 (j), 303 (c), (f) and (r) of the Communications Act of 1934, as amended, Part 2 of the Commission's rules is amended, effective June 19, 1958, as set forth below.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amendment of Part 2 of the Commission's rules, Frequency Allocation and Radio Treaty Matters; General Rules and Regulations:

1. Amend columns 8, 9, and 11 of the table of frequency allocations, § 2.104 (a) (5) to read as follows with respect to the 90–110 kc band:

Band	Service	Class of station	Frequency	Nature OF SERVICES of stations
7	8	9	10	11
90–110	Radionavigation.	a. Radionavigation land. b. Radionavigation mobile.	....	RADIONAVIGATION

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 58-4416; Filed, June 10, 1958; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

TEMPORARY AUTHORITIES BOARD AND TRANSFER BOARD

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 3d day of June A. D. 1958.

The special rules of practice governing the procedure of the Transfer Board being under consideration; and

It appearing that the Commission on April 1, 1958, amended the rules and regulations governing transfers of rights to operate as a motor carrier in interstate or foreign commerce (49 CFR Part 179) to provide for publication in the FEDERAL REGISTER, prior to their effective dates, of synopses of affirmative orders entered pursuant to those rules, and to give interested persons an opportunity, prior to such orders becoming effective, to bring pertinent facts to the Commission's attention, and to seek reconsideration or oral hearing in connection therewith:

It is ordered, That, to implement such action, § 1.225 of the special rules of practice be, and it is hereby, revised to read as follows:

§ 1.225 *Special rules of practice governing the procedure of the Temporary Authorities Board and the Transfer Board.* (a) The proceedings of the Temporary Authorities Board and the Transfer Board shall be informal. No transcription of such poceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of the Temporary Authorities Board or the Transfer Board may be filed by any interested person. Such petition and the reply thereto, will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d) and (e) of this section.

(c) The original and four copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

(d) A petition seeking reconsideration of an order of the Temporary Authorities Board entered under section 210a (a) of the Interstate Commerce Act must be filed within 20 days after the date of service of the order. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

(e) A petition seeking reconsideration of an affirmative order of The Transfer Board entered pursuant to the rules and regulations governing transfers of operating rights, Part 179 of this chapter, must be filed within 20 days following publication of a synopsis of such order in the FEDERAL REGISTER. In such a petition the matters claimed to have been erroneously decided and the alleged errors must be specified with particularity. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. Within 20 days after the final date for filing of such petitions with the Commission, any interested person may file and serve a reply thereto.

It is further ordered, That this order shall be effective on July 1, 1958.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548 as amended; 49 U. S. C. 12, 17, 304, 305)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4415; Filed, June 10, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR PEACHES

EXTENSION OF TIME

A proposal for revision of the United States Standards for Peaches was set forth in the notice which was published in the FEDERAL REGISTER on April 26, 1958 (23 F. R. 2802).

In consideration of data, comments, and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until December 31, 1958, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of the United States Standards for Peaches.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

JUNE 5, 1958.

[F. R. Doc. 58-4404; Filed, June 10, 1958; 8:49 a. m.]

[7 CFR Part 927]

[Docket No. AO-71-A34]

HANDLING OF MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New York-New Jersey milk marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Utica, New York; Newark, New Jersey; and New York City, during the period February 3-10, 1958, pursuant to notices thereof which were issued January 21, 1958 (23 F. R. 481), and January 24, 1958 (23 F. R. 587).

The material issues on the record of the hearing relate to:

1. Conditions under which milk produced on a handler's own farm should be wholly or partially exempt from regulation.

2. Conditions under which the handling of milk at a plant may be subject to either full or partial regulation at the option of the handler.

3. The assignment of milk to Class I-A at plants not expressly designated as regular pool plants.

4. Uses of skim milk to which the fluid skim differential should apply.

5. The plant at which classification should be determined for fluid cream products, half and half, and cultured or flavored milk drinks.

6. The zone limit for plants at which nearby location differentials are payable.

7. The times specified for filing reports, announcement of the uniform price and payments into and out of the producer-settlement fund.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 1. It is concluded that the order should be amended to set forth more specifically than at present the conditions under which milk produced on a handler's own farm is exempt from regulation. Definitions of a "producer-handler" and of "own farm milk" should be added. Provision should be made for (1) complete exemption from the pricing and pooling provisions of the order for own farm milk of any handler designated as a producer-handler, and (2) exemption from pricing and pooling of up to an average of 800 pounds per day of own farm milk of any other handler in any month in which the average daily volume of milk handled which is from sources other than his own farm does not exceed 1,600 pounds.

The definition of a producer-handler should provide specific requirements to be met by a handler to qualify for designation as a producer-handler whose milk is fully exempt from the pricing and pooling provisions of the order. Accordingly, the definition should require that the handler (1) file an application with the market administrator, (2) handle no milk, fluid skim milk or cream other than from a milk production, processing and distributing unit owned, operated and controlled by the handler (except as hereinafter provided), and (3) does not directly or indirectly control or manage the operations of another handler or plant or is controlled or managed directly or indirectly by another handler. The definition also should provide that the designation of a producer-handler be cancelled upon a finding by the market administrator that these requirements are not being met, with termination to be effective on the first day of the month following the month in which the requirements were not met. The designation is to be cancelled if the producer-handler transfers during any month except during June through November, and then only after prior notification to the market administrator, a dairy herd, cattle barn or milking parlor to another person who uses such facilities or resources in producing milk delivered to the plant of another handler. The designation also is to be cancelled if such resources and facilities previously used by another person for the production of milk delivered to another handler is added to the producer-handler's designated milk production facilities and resources during any month except during December through May, after prior notice to the market administrator, or if such resources and facilities added were a part of the designated production resources and facilities during the preceding 12 months.

The exceptions noted with respect to requirement No. (2) are that if the producer-handler handles in any month more than an average of 100 pounds of milk per day other than that received from his designated unit, the designation be cancelled effective the first of such month, and that the designation be cancelled effective the first of the month following the third month in any six-month period in which a producer-handler handles less than an average of 100 pounds per day of milk or any quantity of skim milk or cream other than that derived from his designated production resources and facilities.

A second exception relating to requirement No. (2) is that title to milk production, processing or distributing facilities constituting the producer-handler's operation may be in the name of a relative or the estate of a relative if the handler seeking designation is other than a corporation and demonstrates that he has and exercises the same degree of control and management of the operation as would be the case if all such facilities and resources were all actually owned by the handler. It should be required that the market administrator publicly announce the names, plant and farm locations of designated producer-handlers and those whose designations have been cancelled.

In the event the plant of the handler was operated by a handler previously disqualified as a producer-handler, the handler operating the plant cannot be designated as a producer-handler unless the plant has received no milk except from designated production resources and facilities of a producer-handler for at least 12 months following the date of cancellation.

The term "own farm milk" should be defined as milk received at a plant from a dairy farm operated by the person who also is the operator of such plant, and provision should be made for the market administrator to publicly announce the name and plant location of any handler receiving own farm milk. The announcement should not include the name of any person designated as a producer-handler nor any person who handles no milk of other producers and who sells no more than 100 quarts per day of Class I-A milk in the marketing area other than to other plants.

The order now provides complete exemption from pricing and pooling for all milk received at a handler's plant from the handler's own farm if no milk is received at the plant from any other source, and provides an exemption of up to an average of 800 pounds per day of milk received at a handler's plant from the handler's own farm if milk is received at such plant from other plants but not from dairy farmers.

As found in the Department's decision of June 10, 1957 (22 F. R. 4194), the objectives of these provisions were to provide full exemption from regulation for handlers who depend entirely on their own production as a source of supply and who do not burden the pool with any surplus or excess milk and to exempt from regulation a vast majority of handlers with own farm milk who receive some milk from other plants. It was the purpose of these provisions that individuals who are basically dairy farmers and who own, operate and control all facilities and resources of a milk producing, processing and distributing unit should be exempt from regulation.

It was recognized in the June 10, 1957, decision that the exemption thereby accorded own farm milk together with extension of regulation to include considerable urban territory in Upstate New York and Northern New Jersey would provide some competitive advantage to handlers with own farm milk who prior to the effective date of regulation were in competition with handlers buying milk from producers for which no minimum price was established or for which the Class I-C price was paid. Since August 1, 1957, these competing handlers have been fully regulated and required to account for milk used in fluid form at the Class I-A price. While this situation was recognized, it was not the objective that these provisions provide unwarranted incentives for producers to become distributors or for handlers with own farm milk to expand in numbers or in volume by employing numerous practices to qualify for exemption from pricing and pooling at the expense of or to the detriment of producers under the order. It was not intended that the exemption then provided for handlers with own farm milk result in according them a competitive advantage of sufficient magnitude over handlers whose supply is fully regulated to constitute a major competitive factor in the market or to threaten the stability of the market and the effectiveness of the order in achieving its primary objectives.

These unintended and undesirable consequences already have developed to some degree and their further development is in prospect under the prevailing economic conditions and existing order provisions. Considerable incentive is afforded for (1) producers to become distributors, (2) handlers with own farm milk to expand fluid sales at retail and wholesale prices lower than those of competing fully regulated handlers, and (3) handlers with own farm milk to take advantage of opportunities afforded under existing provisions of the order to increase the volume of exempt own farm milk by entering into contractual arrangements or otherwise adjusting their operations in such a way as to qualify more milk either for the limited or unlimited exemptions provided.

The fact that the amended order has been in effect only a few months, and that at the time of the hearing, data on own farm milk were available only through October 1957 results in only a limited statistical measure of change in the number of handlers with exempt own farm milk or in the volume of exempt milk. However, even during this limited period for which data are available (August–October), the total volume of exempt milk utilized in Class I-A in the Upstate New York and the Northern New Jersey portions of the marketing area increased from 5.5 to 6.1 million pounds, an increase of 10 percent, while during the same period the total volume of pool milk utilized for fluid purposes in these areas decreased from 201.0 to 193.8 million pounds, or a decline of 4 percent.

The total volume of exempt milk used in Class I-A expressed as a percent of total pool milk for fluid use in all districts of the marketing area, exclusive of the New York Metropolitan District, increased from 2.7 to 3.1 percent from August to October 1957. The volume of exempt Class I-A milk in relation to Class I-A milk of regulated handlers in some of the districts is a substantial share of the total fluid sales. For example, while the percentage of exempt I-A milk to pool I-A milk varied considerably among districts during October 1957, it was 3.5; 6.4; 4.3; 2.4; 1.8; 13.9; 10.6; and 2.0 percent, respectively, of pool Class I-A milk in the Nearby, Capital, Mohawk Valley, Syracuse, Binghamton, Elmira, South Central and Northern New Jersey Districts. To a varying degree among districts, exempt own farm milk sold in competition with fully regulated handlers is of sufficient volume and a large enough proportion of total sales in the district to have considerable influence on the retail pricing of milk in these areas.

In some districts, exempt handlers have cut retail and wholesale prices below prevailing prices of fully regulated handlers in efforts to increase their fluid sales with the result that fully regulated handlers have lost some fluid sales to handlers with exempt own farm milk. In some districts such practices have tended to detract from the effectiveness of the order in promoting orderly and stable marketing conditions and these practices and resultant undesirable conditions may be expected to expand into other districts and magnify in intensity in the near future unless the order is appropriately amended. These practices have prevailed most extensively in the Capital District and in Northern New Jersey.

In addition to marketwide statistics relative to own farm milk, actual or prospective increases in the volume of exempt own farm milk may be expected. A number of individual handlers who now qualify for either full or partial exemption reported increases in their production and fluid sales ranging from 5 to 20 percent. Some of these handlers also intend to increase their fluid sales areas in the immediate future. One handler who is now partially exempt, and who heretofore has purchased milk from a pool plant to supply an increase in fluid demand during July, August, and September, reported that he plans to increase his own farm production of milk from 60,000 to 130,000 pounds per month to provide a larger volume of milk for fluid distribution.

Instances were cited of steps already taken by producer-distributors to qualify for exemption of own farm milk. At least four producers who prior to August 1, 1957, were having their milk pasteurized and packaged at the plant of another handler have since sought permission from the State of New York to equip their own pasteurizing plants. Sale of milk in gallon jugs, recently authorized by the State of New York, was reported to provide an attractive means by which a producer can become a distributor since a smaller capital investment is required and such type of distribution otherwise lends itself to small operations.

The present order provisions permit, if not encourage, handlers with own farm milk who are fully or partially exempt from regulation to enter into various contractual arrangements to increase the volume of their milk exempt from regulation. In some instances, these practices have resulted in producers under the order carrying the seasonal and day-to-day reserve supplies of milk associated with such handler's fluid sales without sharing in the benefits accruing from such fluid sales.

Sixteen of 106 handlers with exempt own farm milk (63 fully exempt and 43 partially exempt) either leased or owned and leased the farms they claimed to operate. Some leases were made immediately before and some since the effective date of the order on August 1, 1957. It is possible under the present order provisions for a handler to lease any number of cows or farms during periods in which additional milk is needed and terminate the lease when the milk is no longer required to supply fluid sales. This is an attractive means by which a handler with own farm milk can balance out of the pool and permit producers to carry his burden of surplus. After such a lease is terminated the milk from such cows and farms can be delivered to a pool plant by the owner and the blend price received. It is also possible that a handler with some own farm milk may lease the cows, barns and land of any number of dairy farmers who previously delivered milk to his plant as producers and qualify for full exemption as all the milk would be considered as own farm milk. The leasing arrangements may specify that the dairy farmers receive payments of approximately the same amounts as previously paid when the individuals were producers delivering to the handler's plant. Under such circumstances, the handler is basically a handler and not a dairy farmer and should not be given a competitive advantage over competing fully regulated handlers but should be considered the same as any other fully regulated handler who receives milk from producers, who is required to participate in marketwide equalization and who is required to pay producers the minimum uniform prices.

Under the present order language a multiple farm operator can produce exempt milk from one farm while delivering milk to regulated handlers from any number of other farms and receive the uniform price for the milk. Cows can be shifted or the milk may possibly be shifted in a concealed manner from the farm or farms from which milk is delivered to regulated handlers to the farm on which exempt milk is produced. Such practices enable an exempt handler to balance from the pool the day-to-day and seasonal surplus associated with the fluid sales exempt from pricing and pooling while producers under the order receive no benefits from the exempt handler's fluid sales.

Some handlers with own farm milk have taken full advantage of the order provisions to qualify for full exemption of own farm milk. Prior to August 1, 1957, there were 27 handlers in the State of New York who in addition to handling their own milk also purchased milk from other producers and who have since that date discontinued receiving milk from other producers. A number of handlers who are now exempt testified at the hearing that they ceased purchasing milk from other producers after August 1, 1957, so that they could qualify their own farm milk for exemption.

It is recognized that emergency conditions and conditions of an unusual nature may arise in which a designated producer-handler may find it necessary to receive limited quantities of milk for limited periods of time from sources other than his own production unit. In view of the restrictive requirements to be fulfilled for designation as a producer-handler and the provisions requiring that a producer-handler cannot regain designation for 12 months once it is cancelled, it is reasonable to permit a producer-handler to receive some milk from other sources under emergency or unusual conditions. Accordingly, provision is made that a designated producer-handler will not lose his designation until after the third month in any six-month period in which he receives not more than an average of 100 pounds per day of milk or any skim milk or cream derived from sources other than from the production resources and facilities designated as constituting a part of the producer-handler's unit. However, provision is made for cancellation of the designation of a producer-handler as of the first of any month in which he receives more than an average of 100 pounds per day of milk other than from his designated unit. These limited exceptions to the requirement that a producer-handler handles only milk, skim milk or cream from his designated production resources and facilities will provide needed flexibility but at the same time will not permit producer-handlers to balance out of the pool to an extent detrimental to the interests of other producers.

If qualification as a producer-handler depended only on whether he receives milk from sources other than his designated unit, a producer-handler, although receiving no milk, could receive unlimited quantities of skim milk and cream from pool sources at any time and depend on the pool to carry a portion of his surplus burden. As it is intended that full exemption be provided for handlers who handle only milk from a production, processing and distributing unit in which all facilities and resources are owned, operated and controlled by the handler and who do not depend on producers under the order to carry their burden of surplus, a producer-handler should be precluded from handling not only milk but also fluid skim milk or fluid cream derived from sources other than from his designated unit except in limited amounts and for limited periods of time as herein provided.

The provisions herein provided that a handler operating a plant which was previously operated by a handler whose designation as a producer-handler has been cancelled cannot obtain designation as a producer-handler sooner than 12 months following such cancellation and that a producer-handler cannot relinquish and then later add (except during specified periods) resources and facilities which constitute a part of his designated source of supply will prevent producer-handlers from depending on the pool to carry the seasonal surplus associated with their fluid sales. Without these requirements, a producer-handler could choose to become fully regulated or add production resources and facilities to his designated unit during periods when additional supplies of milk are required and revert to full exemption from pricing and pooling during any months when his own production is adequate to supply the demand for fluid milk, or release production resources and facilities when they are not needed. Such practices would be in direct conflict with the objective of providing full exemption from pricing and pooling for handlers who distribute only milk from their production units and who are not dependent upon the pool in any way except in cases of an emergency nature for which provision is made.

Exempt milk of a producer-handler should not be allowed to displace milk of other producers for fluid use when such other producers do not share in the fluid sales of the exempt producer-handler. Accordingly, as presently provided with respect to own farm milk, any milk received from the production, processing and distribution facilities of a producer-handler at the plant of another handler (except certified milk as hereinafter provided) should be considered as a receipt of nonpool milk at the plant of such other handler and be subject to compensatory payments if assigned to Class I-A or Class II.

Instances have occurred in which handlers under the order have received milk at their plants from handlers who were fully exempt from pricing and pooling and have not considered the milk as nonpool milk as they were not aware that the handler delivering the milk was exempt from regulation. In some instances, such milk has been received by handlers for a considerable period of time without their knowing that an obligation for compensatory payments was being incurred. To provide proper notification to regulated handlers of persons who are designated as producer-handlers so that any milk received from such persons will be assigned as nonpool milk, the market administrator should be required to publicly announce the names, plant and farm locations of designated producer-handlers and of those whose designations have been cancelled. The announcements should be controlling with respect to the accounting at regulated handler's plants for milk received from producer-handlers on and after the first of the month following the date of announcement.

Handlers with own farm milk who are not designated as producer-handlers should be allowed an exemption of up to an average of 800 pounds of own farm milk per day in any month in which the volume of milk, other than own farm milk, handled does not exceed an average of 1600 pounds per day. This will permit a handler to supply the equivalent of two medium size routes with milk received from other plants or from dairy farmers without losing limited exemption on his own farm milk. Currently, partially exempt handlers with own farm milk are given an incentive to conceal receipts of milk from neighboring dairy farmers when additional supplies of milk are required in order to preserve their exemption. There appears to be no sound basis for distinguishing, for limited exemption purposes, between handlers with own farm milk who obtain additional limited supplies from other plants and those obtaining such additional supplies from other producers. In either instance the pool will be protected since such additional supplies will be pooled.

Prior to the effective date of the amended order on August 1, 1957, a considerable number of small handlers with own farm milk "custom bottled" milk for one or more other dairy farmers. These handlers were not eligible for partial exemption on their own farm milk if they continued to engage in this practice after August 1, 1957, since milk so received for custom bottling is considered to be received from producers. The change herein provided under which such a handler remains eligible for a limited exemption on his own farm milk so long as other source milk also is limited to not more than an average of 1600 pounds per day will permit him to do "custom bottling" for two or three other producers of average size without loss of his exemption. This change will permit more flexibility of operations without adversely affecting the interests of other producers.

Provision for limited exemption on own farm milk applicable to those receiving no more than an average of 1600 pounds of milk per day from other sources will tend to confine eligibility to those who are engaged primarily in milk production but who also distribute their own milk and other milk on a limited scale. On the other hand, this limited exemption will not be applicable to those handlers engaged primarily in the processing and distribution of relatively large volumes of milk but who incidentally obtain a relatively minor part of their milk from their own farms.

An exemption of up to an average of 800 pounds per day will provide full exemption of own farm milk for 28 of 57 handlers who claimed partial exemption in 1957 and for 31 of 57 handlers with own farm milk who did not claim any exemption in 1957 provided, in each instance, their receipts from other sources do not exceed an average of 1600 pounds per day. Receipts of own farm milk by those handlers averaged less than 800 pounds per day. The remaining 29 handlers claiming partial exemption in 1957 and the remaining 26 claiming no exemption in 1957 would be eligible for an 800-pound daily exemption if their other source receipts are within the specified limit.

Milk received at the plant of a fully regulated handler from a handler with own farm milk to which the limited exemption applies should be allocated to the lowest possible classification at the second handler's plant. No provision for treating any such milk as nonpool milk in instances where it must be assigned to Class I-A or Class II is necessary (as is provided with respect to milk received from a designated producer-handler) since, considering the volume limitation provided, there can be no significant displacement of producer milk in these classes by exempt own farm milk.

The market administrator should be required to publicly announce the names and plant locations of handlers with own farm milk for the purpose of identifying the milk required to be so allocated. Such announcements should not include the names of designated producer-handlers or the names of handlers receiving no milk from other dairy farmers and who sell no more than an average of 100 quarts of Class I-A milk per day directly to consumers in the marketing area. Those to be so excluded from the list are producers essentially rather than handlers.

The State of New York exempts from milk dealers' license requirements a farmer (individual or partnership but not a corporation) selling only on the farm where produced not more than 100 quarts daily average of milk in any one month to consumers coming to such farm for it. It would not be administratively feasible to attempt to designate such persons as handlers with own farm milk and require that any milk delivered by such persons to a pool plant be assigned to the lowest classification possible. Accordingly, any milk delivered by such persons should be considered as being received from producers.

The present provisions of the order for exempting own farm milk from pricing and pooling apply to milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and permit a producer of such milk to dispose of to other handlers for fluid use in Class I-A that portion of his production in excess of that marketed as certified milk. Such disposition displaces priced producer milk in Class I-A thus adversely affecting the interests of other producers. Accordingly, it is concluded that milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is marketed as certified milk should continue to be exempt from pricing and pooling in the same manner as own farm milk of other designated producer-handlers, and that any milk so produced, other than that marketed as certified milk, delivered from the farm where produced to a pool plant of another handler should be considered as having been received from a producer and priced and pooled the same as other producer milk.

It was contended at the hearing by handlers with own farm milk that they were entitled to exemption from pricing and pooling because of alleged higher costs of production than other producers caused by operating conditions normally associated with and peculiar to their type of business enterprise, and that, because of their higher production cost, an exemption would not provide them with a competitive advantage over fully regulated handlers. It was contended that their higher costs of production were due to (1) higher labor costs, (2) maintenance of "show places" from which the industry in general benefits by promoting the sale of more milk for fluid use, (3) use of land with higher value and subject to higher taxation by virtue of being located near urban centers, and (4) maintenance of more even seasonal pattern of production.

These reasons as justification for an exemption are not valid. Cost of production cannot be used as a sound basis for granting an exemption from pricing and pooling any more than it can be used as the sole criterion for establishing minimum order prices. If production costs were used as a criterion for exemption of producer-handlers it logically would follow that comparable exemptions also be provided for milk received by fully regulated handlers from other producers with higher than average production cost. Aside from the administrative difficulties involved in its application, such a criterion for exemption would be in direct conflict with the principles of the classified system of pricing, marketwide pooling and the requirements of the act for establishing minimum order prices.

It was not demonstrated that all or a majority of the producers who also are engaged in distribution have production costs higher than many other producers; that their production is seasonally more even than that of many other producers; that the labor employed is any less productive than that of other producers; that the majority of such producer-handlers maintain production and processing facilities of higher quality than those of other producers and of the handlers to whom they deliver or that when "show places" are maintained that they should not be regarded as a form of advertising the cost thereof being freely incurred as an integral part of the cost of distribution the same as similar costs are incurred by fully regulated handlers in the normal course of business.

No change should be made in the order to provide full or partial exemption for milk delivered by a dairy farmer to a handler's plant for processing and packaging and with packaged fluid milk being returned to the dairy farmer for distribution directly to consumers. As a means of carrying out the purpose of the order, each milk handler operating a plant at which milk is received from farmers is required to account for the utilization of all milk so received and is held responsible for payment for that milk at the minimum prices established. The practice of attempting to impose these obligations upon persons other than those handlers operating plants receiving milk from farmers would provide opportunities and incentives for engaging in practices constituting a threat to market stability and orderly marketing, thus tending to defeat the purposes of the order.

An unwarranted incentive would be provided for producers to have their milk "custom bottled" and become handlers or distributors in an effort to increase their returns by obtaining more than their proportionate share of the fluid sales in the market, to the detriment of other producers, and handlers would be encouraged to engage in the practice of "custom bottling" as a means of escaping the obligation of paying the established minimum prices for the milk so handled and thus obtain undue competitive advantage over other handlers.

Issue No. 2. Provisions of the order relating to temporary pool plants should be amended to provide (1) that a plant from which Class I-A milk is distributed in the marketing area, and which now is a nonpool plant unless the handler operating the plant exercises the option to be a pool plant, would be a pool plant automatically unless the handler exercises the option to be a nonpool plant, and (2) that such provision for full regulation as a pool plant, unless the handler chooses to be a nonpool plant, be applicable to a plant otherwise subject to regulation under another Federal order in which no provision is made for marketwide equalization regardless of the relative volumes of milk distributed from the plant in the two marketing areas involved.

At the present time, the order provides that a plant distributing milk directly to consumers in the marketing area but in a quantity insufficient to make that plant a pool plant automatically may become a pool plant at the option of the operating handler if not less than 55 percent of the milk received from farmers at that plant is classified as Class I-A or Class I-B. This option is not available, however, to plants which otherwise would be regulated under another Federal order unless the volume of Class I-A milk at the plant is larger than the volume of its Class I-B sales in the other Federal marketing area. At present, if the plant distributing the milk in the marketing area does not exercise its option to be a pool plant, an obligation is incurred to make compensatory payments on any nonpool milk distributed in the marketing area. Thus, a plant which is not regulated under another Federal order and which receives no milk from pool plants would be required to pay to the producer-settlement fund the difference between the Class III price and the Class I-A price for any Class I-A milk distributed in the marketing area. By making such payments the operator avoids pooling his Class I-B milk distributed outside of the marketing area.

A reversal of the present option provision, as proposed at the hearing, to provide that such a plant automatically is a pool plant unless the operator exercises an option to remain a nonpool plant, would not change the economic position of a plant. The change would mean, however, that nonpool status for the plant could be attained only by positive action by the handler rather than merely resulting from inaction on his part. Such a change appears desirable and should be made in order that nonpool status, and the resultant prospective or possible obligation for compensatory payments, will be the result of a choice positively exercised by the handler operating the plant.

All other Federal milk marketing orders in the Northeast provide for excluding from regulation thereunder any plant which is regulated by the New York-New Jersey order. Some of such other orders provide for marketwide equalization and some do not. In contrast to handlers subject to no minimum price regulation or to regulation with no provision for marketwide equalization, a handler subject to regulation under a Federal marketing order with provisions for marketwide equalization is not in a position to increase returns to his producers by increasing the proportion of his milk disposed of for Class I-A use except to the relatively minor extent that such higher Class I utilization increases the returns to all producers in the market through the mechanics of marketwide pooling. This difference in the impact on the handlers under regulation of an order providing for marketwide equalization compared to other handlers not involved in marketwide pooling is recognized under existing provisions of the order providing for compensatory payments on nonpool milk disposed of for fluid use in the marketing area. Thus, under existing provisions of the order a handler subject to regulation under the Philadelphia order (Order No. 61) incurs an obligation for compensatory payments on nonpool milk disposed of in the Order No. 27 marketing area at a rate equal to the difference between the Order No. 27 Class I-A and Class III prices and with his obligation to producers under Order No. 61 reduced by an equivalent amount. The return to producers under the Philadelphia order for such milk is the same as for milk disposed of for manufacturing rather than for fluid purposes.

Since under existing provisions of the order a handler subject to regulation under the Philadelphia order incurs an obligation for compensatory payments on milk disposed of in the Order No. 27 marketing area at the same rate as is applicable to nonpool milk from sources not subject to regulation under another order, such a regulated handler should have the same unrestricted choice as an unregulated handler of either being a pool plant subject to full regulation under the order or of being a nonpool plant subject to compensatory payments. Handlers subject to regulation under another Federal order with provisions for marketwide equalization are in essentially the same position as handlers subject to regulation under Order No. 27 insofar as their ability to influence the returns to their own producers by means of their own utilization is concerned. Handlers subject to this type of regulation incur an obligation for compensatory payments, if any, only in the amount by which the Order No. 27 Class I-A price exceeds the Class I-A price under the other order. Thus, there is no need to afford as much freedom for this type of handler to become subject to full regulation under Order No. 27 as is afforded to other handlers not so regulated. Unrestricted freedom to shift back and forth between orders with provisions for marketwide pooling to take advantage of month-to-month differences in class prices could result in disorderly marketing conditions and adversely affect the interests of producers under both orders.

Accordingly, the present provisions should continue to provide that a handler subject to regulation under another order providing for marketwide equalization be eligible for designation as a temporary pool plant under Order No. 27 only if the volume of Class I-A milk at the plant exceeds the volume of Class I-B milk at the plant disposed of in the marketing area defined under the other order.

Issue No. 3. The order should be changed (by amending § 927.35 (a) (1)) to provide that, if a handler operating a plant which is not an expressly designated pool plant (pursuant to § 927.25 or § 927.28) but from which Class I-A milk is distributed on routes in the marketing area so elects, milk received from pool plants may be assigned to such Class I-A milk prior to the assignment of milk received at the nonpool plant directly from dairy farmers to such Class I-A sales.

The order presently requires that milk received at a nonpool plant directly from dairy farmers first be assigned to Class I-A milk distributed from the plant on routes in the marketing area unless the volume of such Class I-A milk is not sufficient to qualify the plant as a temporary pool plant pursuant to paragraph (a) or (b) of § 927.29. Accordingly, under present provisions of the order, a handler operating a plant from which the volume of Class I-A milk distributed on routes in the marketing area is not large enough to subject the plant to full regulation, may first assign milk received at his plant from pool plants to his Class I-A sales, and thereby avoid compensatory payments on nonpool milk assigned to Class I-A, provided the volume of his receipts from pool plants equals or exceeds his volume of Class I-A sales.

The difficulty encountered by this type of handler as the order presently is written, however, is that when he attempts to reduce the volume of milk received directly from farmers to compensate for the volume received from pool plants, the volume of his Class I-A sales, although remaining constant, becomes a larger percentage of his receipts directly from farmers, thereby making him subject to full regulation as a temporary pool plant pursuant to § 927.29. The change herein provided will eliminate this difficulty and permit more flexibility in the application of the order to the "fringe operator" type of handler. The change will tend to minimize the impact of the order on this type of handler and at the same time avoid either giving him any undue competitive advantage over other handlers or adversely affecting the pool.

Issue No. 4. The fluid skim differential should apply to skim milk disposed of in the form of fluid skim milk if it is for human consumption as fluid skim milk and not to skim milk disposed of as fluid skim milk for other uses including that disposed of to commercial food processing or manufacturing establishments, other than dairy plants, for use in processed or manufactured food products. Provisions of the order setting forth the mechanics of accounting for skim milk in connection with application of the fluid skim differential should be revised for the purpose of clarification.

Practices employed in the disposition of skim milk in the expanded marketing area to which the order has applied since August 1, 1957, are different from those in the marketing area as previously constituted. Thus, the fluid skim differential, under existing provisions of the order, is applicable to skim milk dispositions in circumstances not encountered prior to expansion of the marketing area. In the territory added to the marketing area effective August 1, 1957, fluid skim milk in bulk is disposed of from handlers' plants to such establishments as bakeries and soup, candy and margarine manufacturers; whereas, such dispositions in the former marketing area were extremely limited or nonexistent.

It was found in the decision of June 10, 1957 (22 F. R. 4194) providing for expansion of the marketing area that (1) application of the fluid skim differential is a method of attaching a fluid price to skim milk used in products which essentially are fluid milk products, and (2) the fluid skim differential provisions of the order (existing prior to August 1, 1957) should be applied in the expanded marketing area to the same products and at the same rate as presently applicable to the (former) marketing area. There is no basis in this record for a different conclusion but there is evidence that the conclusion is not properly implemented under existing provisions of the order and that the amendments herein provided are needed for that purpose.

It appears probable that amendment of the order, as herein provided, to make the differential applicable to fluid skim milk disposed of in consumer packages or dispenser units will make it applicable to virtually all skim milk disposed of as fluid skim milk for consumption in fluid form, since no other method of disposing of fluid skim milk for consumption as such is known to be presently permitted under applicable health authority regulations. However, to insure against a possible loophole, provision should be made for application of the differential also to any skim milk disposed of in bulk for human consumption as fluid skim milk.

It was contended at the hearing that even though such application of the fluid skim differential was not heretofore intended, experience under the order since August 1, 1957, indicates that the differential should apply to fluid skim milk disposed of for manufacturing purposes such as in the manufacture of margarine. It was pointed out in this connection that the volume of skim milk subject to the differential had about tripled in the first month after expansion of the marketing area in contrast to a 70 percent increase in population of the area, and had remained at a high level through December, the last month for which statistics are available. These statistics are of extremely doubtful validity, however, in support of a conclusion that margarine and other manufacturers are paying and will continue to pay a fluid price for skim milk. The statistics are based on handlers' reports which, it was indicated, did not include skim milk sales to margarine manufacturers as being a disposition subject to the fluid skim differential. Moreover, a substantial part of the increased volume of skim milk subject to the differential reasonably may be attributed to the abandonment of country classification (coincident with expansion of the marketing area) and the application of the differential to skim milk in milk separated in the New York metropolitan district which formerly was reported as Class I-A milk to which the differential did not apply.

Experience since expansion of the marketing area reveals the need, in the interest of clarity, for revision of order language to indicate more specifically than at present the point at which a determination is to be made as to whether the fluid skim differential is applicable, and the forms in which products may move prior to such determination. Accordingly, provision is made herein for amending § 927.33, relating to the plant at which classification is to be determined, so that it will apply not only to whole milk and cream as at present but also to products containing skim milk to which the fluid skim differential may be applicable in essentially the same manner as at present with respect to the classification of whole milk depending upon disposition of butterfat.

Issue No. 5. Provision of the order relating to the plant at which classification is to be determined (§ 927.33) should be amended to apply to interplant movements of butterfat and skim milk in the form of fluid cream products, half and half, or cultured milk drinks in essentially the same fashion as now provided in the case of movements of butterfat and skim milk in the form of cream.

The order presently provides that milk the butterfat from which leaves a plant in the form of cream is to be classified at the plant or plants to which the cream is shipped (with specified exceptions) rather than at the plant where the cream was separated. Milk shipped in the form of cream from a pool plant where separated to the New York metropolitan district and there disposed of as fluid cream is classified in Class II. However, if such cream is used in the manufacture of ice cream in the New York metropolitan district or is shipped from the plant where received in the New York metropolitan district to a purchaser outside the district, the milk is classified in Class III. On the other hand, in the case of fluid cream products, half and half, or cultured milk drinks containing less than 3 percent or more than 5 percent butterfat shipped to the New York metropolitan district, there is no provision for following such products beyond the plant of receipt in the New York metropolitan district and, consequently, the milk involved is classified in Class II on the basis of such movement even though such products are moved from the plant where received in the New York metropolitan district to a plant or purchaser outside the district or are there manufactured. The amendment herein provided will allow the same degree of flexibility involving movements of fluid cream products, half and half, or cultured milk drinks into and out of the New York metropolitan district as is now the case regarding such movements of cream and will tend to provide a higher degree of equality of treatment between handlers who are involved in such movements and those who are not.

Issue No. 6. It is concluded that the provision of the order (§ 927.71 (b) (5)) specifying the zone limit for plants at which nearby location differentials are payable on milk received from farms located within zones up to 120 miles should be amended by (1) changing the plant zone limit of 131–140 miles to 141–150 miles for plants located in the specified counties and towns, (2) adding Schenectady County, New York, to those counties now specified, and (3) changing the zone limit for other plants from 111–120 miles to 131–140 miles.

These changes should be made primarily to achieve a more logical and orderly pattern of payments to producers eligible to receive the nearby location differential. No change is being made in the provision confining payment of nearby location differentials only to those producers (with specified exceptions) whose farms are located within the 120-mile zone (and no such change was proposed). Moreover, the changes made herein constitute only a relatively minor adjustment in, rather than complete elimination of, the presently prescribed zone limitation for plants at which nearby location differentials are payable. There is no abandonment of the principle set forth in the decision of June 10, 1957 (22 F. R. 4194) that nearby location differentials should be paid only on milk received at plants within a specified territory since "nearby differentials of this type are designed to reflect the fact that under competitive conditions milk produced in this area has a traditional outlet as fluid milk at plants located in the nearby area."

The presently prescribed limitation as to plant location, however, is not fully serving the purpose of distinguishing in the most equitable and logical manner between those producers who are eligible for the differential and those who are not. Most of the peculiar situations relating to eligibility of certain producers result from the employment of a method of determining farm zones which is different from the method of determining zones for plants. Plant zones are based on highway mileage to the plant; whereas, farms are zoned by highway mileage to the nearest point in the township, or other minor civil division, in which the farm (milkhouse) is located.

The result is that there are instances where producers operating farms zoned within 120 miles who deliver their milk to a plant located in the same town as the farm but who are not eligible to receive the differential because the plant is in the 121–130 or perhaps the 131–140 mile zone, while other producers in the same neighborhood are eligible for and do receive the differential because their milk is received at a plant located within the 120-mile zone. This and similar situations where two or more plants are equally accessible to producers, but where some of the plants are inside the 120-mile zone and some outside, have generated a degree of discontent among producers similarly situated. The situation provides an incentive for producers to shift from plants to which they historically have delivered their milk, and a competitive advantage to the handler operating the plant at which the differential is payable.

Extending from 120 miles to 140 miles the zone limit for plants at which the nearby location differential is payable will provide a more gradual and orderly pattern of producer payments without any significant increase in the number of additional producers eligible to receive the differential or in the total amount of money required to pay the differentials. There are 31 plants located in the 121–140 mile zone at which milk is received from approximately 2,500 producers. About 1,760 of these producers are on farms zoned beyond 120 miles and would remain ineligible for the differential irrespective of the plant to which they deliver. The remaining 740 producers whose farms are zoned within 120 miles are the maximum number of additional producers who could qualify for the differential. All of these producers presently are eligible provided they shift to a plant zoned within 120 miles. Over 600 of these 740 producers are on farms zoned in the 111–120 mile zone and thus would become eligible for a differential at the rate of only five cents per hundredweight. If the additional producers in each zone made eligible for the differential deliver the same volume of milk as those presently receiving the differential, the total monthly increase in aggregate amount paid will approximate $5,000.00 and a percentage increase of from one to one and one-half percent. The effect on the uniform price would be negligible.

The extension of the zone limit (from 131–140 to 141–150) for plants in the territory now specified along the eastern border of the State of New York northward into the Capital District, and the addition of Schenectady County to those now specified is designed to accomplish substantially the same purposes as the extension generally of the zone limit for other plants to 140 miles as herein provided. A relatively few additional producers in and around the Capital District will become eligible for the differential including a few now delivering to a plant in Schenectady who delivered to a plant of the same handler located in Albany until the Albany plant was closed in November 1956.

Issue No. 7. It is concluded that (1) the provision of the order (§ 927.50) now requiring each handler to report specified information to the market administrator on or before the 10th day of each month should be amended to require that, if such reports are filed by mail, they be postmarked no later than the 8th day of the month, and if not so mailed that they be physically delivered to the office of the market administrator by no later than the close of business on the 10th day of the month, and (2) the day by which the market administrator is required (by § 927.67) to announce the uniform price should be changed from the 14th to the 15th of each month.

Experience in the submission by handlers of monthly reports and in the handling and processing of such reports in the office of the market administrator incident to the computation of the uniform price since expansion of the marketing area effective August 1, 1957, has demonstrated the need for a longer period of time between the date on which handlers' reports are received in the office of the market administrator and the date by which the market administrator is required to announce the uniform price. The job of computation and announcement of the uniform price as presently required by the 14th of each month currently requires a greater amount of overtime work by the personnel involved than can be continued indefinitely.

The need for additional time is directly associated with the expansion of the marketing area by amendment of the order effective August 1, 1957. Several factors are involved, however. The number of reports received each month has more than doubled since August 1957. Beginning with August 1957, the number of reports received each month has ranged from 960 to 990 compared with an average of 420 theretofore. The physical handling of this increased volume of reports requires more time. In addition, the order amendments effective August 1, 1957, require the performance of functions not previously required, including the checking of reports in connection with pooling options, exemption of own farm milk, receipts from plants with exempt milk and nearby location differentials.

The second factor involved is that a substantially larger number, and a larger proportion of the total number, of reports filed originate from points located a greater distance from the market administrator's office than was the case prior to August 1. Nearly one-half (198) of the monthly reports filed prior to August 1957 came from points in or near the metropolitan area. These reports from nearby points usually were received in the office of the market administrator by not later than the 10th of the month. Some were mailed and some were delivered by messenger. The remainder, or those transmitted by mail from the distant points usually were received on the 10th, 11th, or 12th of the month.

Since August 1957, the number of reports from nearby points (about 220) is only slightly larger than heretofore and is a substantially smaller proportion of the total. In general, since August these reports from nearby sources have been received by the 10th of the month and, as previously, some are delivered by messenger and some are mailed. However, a substantially increased number of reports from more distant points, and a larger proportion of the total heretofore, have not been received in the office of the market administrator until after the 10th of the month. Such reports have been received on each day from the 10th through the 14th and in each month since August an average of 50 reports, most of which were claimed to have been mailed by the 10th, were not received until after the 14th of the month. Information contained in these latter reports was obtained by long distance telephone for use in computing the uniform price. Such telephone calls, together with a larger number of calls regarding reports after they have been received, are time consuming.

There is no need for specifying an earlier date by which all handlers' reports are to be filed. Certain handlers, particularly multiple plant operators, and cooperatives which file reports for plants operated by buying dealers, are experiencing considerable difficulty in reporting by not later than the 10th as presently required. The majority of the reports filed by these handlers are prepared in or near the metropolitan area and are not the reports constituting the problem from the standpoint of the market administrator. The major part of the problem is caused by the late receipt of reports transmitted by mail from more distant points.

A later date for announcing the uniform price also was considered. In this connection, announcement of the uniform price more than one day later than at present would leave insufficient time thereafter for handlers to perform the work involved in making payments to producers by not later than the 25th of the month as presently required. No proposal was considered for a later date for paying producers. It was not indicated that changing from the 14th to the 15th the day for announcing the uniform price would necessitate any change in the dates presently provided for payments into and out of the producer-settlement fund.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the New York-New Jersey marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Add new §§ 927.14 and 927.15 as follows:

§ 927.14 *Own farm milk.* (a) Own farm milk means milk received at a plant from a farm operated by the person who is the operator of such plant.

(b) The market administrator shall publicly announce the name of any handler operating a pool plant receiving own farm milk and the location of the plant operated by such handler. This public announcement shall not include the name of any person meeting the definition of producer-handler as specified in § 927.15, or any person receiving no milk from other dairy farmers and selling no more than 100 quarts per day of Class I-A milk to persons in the marketing area other than to other plants.

§ 927.15 *Producer-handler*. Producer-handler means a handler who, following the filing of an application pursuant to paragraph (a) of this section, has been so designated by the market administrator upon determination that the requirements of paragraph (b) of this section have been met. Such designation shall be effective on the first of the month after receipt by the market administrator of an application containing complete information on the basis of which the market administrator determines that the requirements of paragraph (b) are being met, except that the effective date of designation shall be the same as the effective date of this provision if applications therefore are filed not later than 15 days after such effective date. The effective date of designation shall be governed by the date of filing new applications in instances where applications previously filed have been denied. All designations shall remain in effect until cancelled pursuant to paragraph (c) of this section.

(a) Application: Any handler claiming to meet the requirements of paragraph (b) of this section may file with the market administrator, on forms prescribed by the market administrator, an application for designation as a producer-handler. The application shall contain the following information:

(1) A listing and description of all resources and facilities used for the production of milk which are owned or directly or indirectly operated or controlled by the applicant.

(2) A listing and description of all resources and facilities used for the processing or distribution of milk or milk products which are owned, or directly or indirectly operated or controlled by the applicant.

(3) A description of any other resources and facilities used in the production, handling or processing of milk or milk products in which the applicant in any way has an interest and the names of any other persons having or exercising any degree of ownership, management, or control in the applicant's operation either in his capacity as a handler or in his capacity as a dairy farmer.

(4) A listing and description of the resources and facilities used in the production, processing and distribution of milk which the applicant desires to be determined as his milk production, processing and distribution unit in connection with his designation as a producer-handler: *Provided*, That all milk production resources and facilities owned, operated or controlled by the applicant either directly or indirectly shall be considered as constituting a part of the applicant's milk production unit in the absence of proof satisfactory to the market administrator that some portion of such facilities or resources do not constitute an actual or potential source of milk supply for the applicant's operation as a producer-handler.

(5) Such other information as may be required by the market administrator.

(b) Requirements: (1) The handler owns the plant which he operates in his capacity as a handler and also owns, in his capacity as a dairy farmer, the milking herd, the buildings housing the milking herd, and the land on which such buildings are located, all of which constitute the milk production, processing, and distributing facilities and resources of the handler's operation as a producer-handler: *Provided*, That, if the applicant is other than a corporation, title to such facilities and resources may be in the name of a relative or the estate of a relative if the control and management of the entire operation by the applicant is tantamount to ownership.

(2) The handler in his capacity as a handler handles no milk, fluid skim milk, or cream except that received from the milk production facilities and resources designated as constituting the applicant's operation as a producer-handler.

(3) The handler is not, either directly or indirectly, associated with control or management of the operation of another plant or another handler, nor is another handler so associated with his operation.

(4) In case the plant of the applicant was operated by a handler whose designation as a producer-handler previously has been cancelled pursuant to paragraph (c) of this section, no milk, cream, or fluid skim milk has been received at the plant during the 12 months preceding the application except from the milk production facilities and resources designated as constituting the applicant's operation as a producer-handler.

(c) Cancellation: The designation as a producer-handler shall be cancelled under conditions set forth in subparagraphs (1) and (2) of this paragraph or, except as specified in subparagraphs (3) and (4) of this paragraph, upon determination by the market administrator that any of the requirements of paragraph (b) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met.

(1) A dairy herd, cattle barn or milking parlor is transferred to another person who uses such facilities or resources in producing milk for delivery to another handler, unless such transfer is in the months of June through November, and with prior notice to the market administrator. This provision, however, shall not be deemed to preclude the occasional sale of individual cows from the herd.

(2) A dairy herd, cattle barn or milking parlor, previously used for the production of milk delivered to another handler, is added to the designated milk production facilities and resources of the producer-handler, except in the months of December through May, after prior notice to the market administrator, or if such facilities and resources were a part of the designated production facilities and resources for the preceding 12 months. This provision, however, shall not be deemed to preclude the occasional purchase of individual cows for the herd.

(3) If the producer-handler handles more than an average of 100 pounds per day of milk other than that from the designated milk production facilities and resources, the cancellation of designation shall be effective the first of the month in which he received such milk.

(4) If the producer-handler handles an average of 100 pounds or less per day of milk, or any skim milk or cream other than that derived from the designated milk production facilities and resources, the designation shall be cancelled effective on the first of the month following the third month in any six-month period in which the producer-handler received such milk or milk products.

(d) The market administrator shall publicly announce the name, plant and farm location of persons designated as producer-handlers, and those whose designations have been cancelled. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk received from each producer-handler on and after the first of the month following the date of such announcement.

(e) Burden of establishing and maintaining producer-handler status: The burden rests upon the handler who is designated as a producer-handler (and upon the applicant for such designation) to establish through records required pursuant to § 927.54 that the requirements set forth in paragraph (b) of this section have been and are continuing to be met and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

2. Amend § 927.29 (d) to read as follows:

(d) Any plant which for any month is not a pool plant because of failure to meet the requirements of paragraph (a), (b), or (c) of this section from which Class I-A milk is distributed in the marketing area other than to another plant shall be a pool plant in any month if at least 55 percent of the milk received from dairy farmers at the plant during such month is classified in Class I-A and Class I-B: *Provided*, That such plant shall not be a pool plant if the handler operating the plant elects at the time of filing the report pursuant to § 927.50 not to have the plant designated a pool plant, and to make payments into the producer-settlement fund at the rate specified in § 927.83 (b) for any nonpool milk or skim milk which, on the basis of products distributed in the marketing area to purchasers other than other plants, is classified as Class I-A, Class II or as skim milk subject to the fluid skim differential: *Provided further*, That such plant shall not be a pool plant, if in the absence of this provision, milk received from farmers at the plant would be classified and priced under another order issued pursuant to the act, with a provision for marketwide equalization, and if the percentage of the milk received from dairy farmers at the plant which is classified as Class I-B and disposed of in the marketing area defined in such other order is greater than the percentage of such milk classified as Class I-A.

3. Amend § 927.33 by:

(a) Changing the proviso therein to read as follows: "*Provided*, That if the butterfat in such milk is shipped in the form of milk, cream, fluid cream products, half and half, or cultured or flavored milk drinks, or if the skim milk in such milk is shipped in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks to another plant or plants, it shall be classified, subject to the provisions of paragraphs (a) and (b) of this section, at the plant to which shipped, and there shall be no limit on the number of interplant movements in such forms, except as set forth in paragraphs (a) and (b) of this section. For purposes of this section, classification of skim milk shall mean the determination of whether the skim milk is assigned to a product or use to which the fluid skim milk differential may be applicable."

(b) Amending paragraphs (a) and (b) to read as follows:

(a) Except as set forth in paragraph (b) of this section, the classification of milk shipped in the form of milk and of milk the butterfat from which is shipped in the form of cream, fluid cream products, half and half, or cultured or flavored milk drinks, and of skim milk which is shipped in the form of fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks to a nonpool plant shall be determined at the nonpool plant (unless such nonpool plant is in the marketing area, receives no milk from dairy farmers and is engaged substantially either in distributing packaged milk or cream in the marketing area or in shipping bulk milk or cream to a pasteurizing and bottling plant in the marketing area), unless the handler operating the pool plant from which such shipments were made to the nonpool plant elects in writing in his monthly reports to have the classification of such milk and skim milk determined at the pool plant from which such shipments were made to the nonpool plant.

(b) The classification of milk shipped in the form of milk more than 65 miles from the plant where received from dairy farmers and of milk the butterfat from which is shipped in the form of cream, fluid cream products, half and half, or cultured milk drinks more than 65 miles from the plant where such product is made to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia shall be determined at the plant from which the milk or milk product is so shipped.

4. Amend § 927.35 (a) (1) by changing the proviso to read as follows: "*Provided*, That if such Class I-A milk is not sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.29, or if the handler operating the plant elects at the time of filing a report pursuant to § 927.50 to not make such assignment, no assignment pursuant to this subparagraph is to be made by the handler."

5. Amend § 927.35 (a) (5) to read as follows:

(5) Notwithstanding other provisions of this paragraph, milk received (except packaged milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is received for marketing as certified milk), from a handler listed by the market administrator as a producer-handler pursuant to § 927.15, shall be considered to be nonpool milk with respect to assignments pursuant to this section and payments pursuant to § 927.83: *Provided*, That milk received from a producer-handler who produces milk in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk and which is not received for marketing as certified milk, shall be treated as producer milk at the plant and not subject to the provisions of § 927.65 (h).

6. Add a new subparagraph (6) in § 927.35 (a) to read as follows:

(6) Milk received at a handler's plant from a producer who is also a handler listed by the market administrator pursuant to § 927.14 as receiving own farm milk shall be considered as received first at such producer's plant and shall be assigned as far as possible to pool milk classified in Class III. Milk received from producers who are also handlers but who are not listed by the market administrator pursuant to either § 927.14 or § 927.15 shall be considered as having been received from a producer.

7. Amend § 927.35 (e) by eliminating the proviso.

8. Amend § 927.44 by deleting the words prior to the word "deduct" and substitute the following: "For skim milk, other than that derived from Class I-A or Class I-B milk subject to the pricing provisions of § 927.40 (a) or (c), which skim milk is utilized or disposed of in the marketing area in the form of milk, fluid skim milk in consumer packages, dispenser units, or in bulk for human consumption as fluid skim milk, half and half, or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, or which skim milk is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows: * * *"

9. Amend § 927.50 by changing that portion thereof preceding paragraph (a) to read as follows:

§ 927.50 *Monthly reports*. Each handler (except a handler receiving own farm milk and not required to be listed pursuant either to § 927.14 or § 927.15) shall report each month to the market administrator for the preceding month in the manner and on the forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his plants where milk or milk products subject to payments under §§ 927.83 and 927.84 were handled, the information set forth in paragraphs (a) to (f) of this section. Such report, if transmitted by mail, shall bear a postmark no later than the 8th day of the month, and if not so mailed, shall be delivered physically to the office of the market administrator no later than the close of business on the 10th day of the month.

10. Amend § 927.54 by changing paragraph (e) thereof and by adding new paragraphs (f) and (g) to read as follows:

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant and the production resources and facilities of a producer-handler's operation.

(f) Verify that the requirements for designation as a producer-handler have been and are being met.

(g) Verify all other information required by this part to be reported.

11. Amend § 927.65 (h) (2) and (3) to read as follows:

(2) Own farm milk not in excess of an average of 800 pounds per day if the handler is not a producer-handler and if the volume of milk, other than own farm milk, handled does not exceed an average of 1600 pounds per day.

(3) All milk handled by a designated producer-handler which is derived from such producer-handler's production resources and facilities.

12. Amend § 927.67 by changing the words "14th day of each month" to "15th day of each month."

13. Amend § 927.71 (b) (5) by (1) adding Schenectady County, New York, to those presently listed therein, (2) changing the phrase "131–140 mile zone" to "141–150 mile zone", and (3) changing the phrase "111–120 mile zone" to "131–140 mile zone."

Issued at Washington, D. C., this 6th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4429; Filed, June 10, 1958; 8.54 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-A23]

HANDLING OF MILK IN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the LaSalle Hotel, Madison and LaSalle Streets, Chicago, Illinois, beginning at 10:00 a. m., c. d. t., on June 17, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago, Illinois, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Pure Milk Association:

Proposal No. 1. Amend § 941.66 (b) to read:

(b) Ships during the delivery period at least 30 percent of the pounds of butterfat in, or at least 30 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers: *Provided*, That * * *."

Proposal No. 2. Amend § 941.66 (b) (2) and (3) by deleting in the first sentence of each subparagraph the words "September, October and November" and substituting in their place the words "August, September and October."

Proposal No. 3. Amend § 941.66 (b) (4) to read:

(4) Any plant which, during the three-month period of August, September and October ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of, at least 30 percent of the pounds of butterfat in, or at least 30 percent of the volume of milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers, shall be a pool plant beginning with November of the same year and continuing through July of the following year, * * *

Proposal No. 4. Make such other changes or amendments as may be helpful, needed or required to make the order and identification of respective sections or parts thereof conform with any amendments adopted after hearing upon foregoing proposals.

Copies of this notice of hearing and the order may be procured from the market administrator, 73 West Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 6th day of June 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4428; Filed, June 10, 1958; 8:54 a. m.]

[7 CFR Part 953]

[Docket No. AO 144-A8]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 229 Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 9:00 a. m., P. d. s. t., June 30, 1958, with respect to proposed further amendments to the amended marketing agreement and Order No. 53, as amended (7 CFR Part 953), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the California Citrus League:

I. *Change in make-up and organization of Lemon Administrative Committee.* (1) Delete the provisions of §§ 953.20, 953.21, 953.22, 953.23, and 953.28 and substitute in lieu thereof the following:

ADMINISTRATIVE BODY

§ 953.20 *Establishment and membership.* There is hereby established a Lemon Administrative Committee consisting of thirteen members; for each of whom there shall be an alternate member who shall have the same qualifications as the member for whom each is an alternate. Eight of the members and their respective alternates shall be growers. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in § 953.22 (f). The eight members of the committee who shall be growers are referred to in this part as "grower" members of the committee and the four members who shall be handlers or employees of handlers, or employees of central marketing organizations are referred to in this part as "handler" members of the committee.

§ 953.21 *Term of office.* The term of office of each initial member and alternate member of the committee shall begin on the date designated by the Secretary, and shall terminate on October 31, 1959. The term of office of each subsequent member and alternate member of the committee shall be for a period of two years, and such terms shall begin on November 1: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 953.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of lemons during the fiscal year in which nominations for members and alternate members of the committee are submitted, shall nominate four grower members, four alternate grower members, two handler members, and two alternate handler members of the committee. At least one of the nominees for member or alternate member shall be from and represent district 3, and at least one of the nominees for member or alternate member shall be from and represent district 1.

(c) All cooperative marketing organizations which market lemons and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets lemons shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the fiscal year in which such nominations are made.

(f) The members of the committee selected by the Secretary pursuant to § 953.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least seven members, shall nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

§ 953.23 *Selection.* From the nominations made pursuant to § 953.22 (b) or from other qualified growers and handlers, the Secretary shall select four grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 953.22 (c) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 953.22 (d) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 953.22 (f) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

(2) Delete the provisions of § 953.28, and substitute in lieu thereof the following:

§ 953.28 *Procedure.* (a) Seven members of the committee shall constitute a quorum and any action of the committee shall require seven concurring votes.

(b) The committee may vote by telegraph, telephone or other means of communication, and any votes so cast shall be confirmed promptly in writing. If an assembled meeting is held all votes shall be cast in person.

II. *Size regulation.* (1) Insert new §§ 953.65, 953.66, and 953.67, as follows:

§ 953.65 *Recommendations for size regulation.* (a) Whenever the committee finds that the supply and demand conditions for sizes of lemons make it advisable to regulate the handling of sizes of lemons during any period, it shall recommend to the Secretary the sizes of lemons grown in each prorate district which it deems advisable to be handled during said period. The committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 953.51 (b).

§ 953.66 *Issuance of size regulations.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of lemons by size would tend to effectuate the declared policy of the act, he shall fix the sizes of lemons grown in each such prorate district which may be handled during the specified period. The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give adequate notice thereof to all handlers.

§ 953.67 *Exemptions from size regulation.* In the event lemons are regulated pursuant to § 953.66, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of lemons handled as the average proportion of lemons which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his lemons equal to the percentage determined as aforesaid. Shipments of lemons under exemption certificates issued pusuant to this section shall be subject to and limited by such regulations as may be effective under § 953.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by lemons covered by such certificates.

III. *Allotment base on lemons available for current shipment based on "tree count" in District No. 3.* (1) Add a new § 953.14, as follows:

§ 953.14 *Lemons available for current shipment.* As used in § 953.53 (j) "lemons available for current shipment" means all lemons as measured by the total tree crop.

(2) Amend paragraph (b) of § 953.53 by inserting immediately following the first comma the words, "in districts 1 and 2."

(3) Add to § 953.53 a new paragraph (j), (1), (2), (3), (4), and (5), as follows:

(j) In district 3 allotments shall be computed on the basis of lemons available for current shipment. Each handler in district 3 who submits an application for a prorate base and for allotment as provided in this part shall support such application by such evidence as the committee may require and shall furnish to the committee in such application the following information: The name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of lemons available for current shipment by the applicant; an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein, and an estimate of the total quantity of lemons available for current shipment by the applicant in terms of a unit of measurement designated by the committee.

(1) Such application shall include only such lemons available for current shipment which the applicant controls (i) by a bona fide written contract giving the applicant authority to handle such lemons, or (ii) by having legal title or possession thereof, or (iii) by having executed a bona fide written agreement to purchase such lemons. If an applicant controls lemons pursuant to subdivision (i) or (iii) of this subparagraph he shall submit a copy of each type of such contract to the committee, together with a statement that no other types of contracts are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(2) If the quantity of lemons available for current shipment by any person is increased or decreased by the acquisition or loss of the control acquired by subparagraph (1) of this paragraph, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(3) If any person gains or loses control of lemons as required by subparagraph (1) of this paragraph, there shall be a corresponding increase or decrease in the quantity of lemons available for current shipment by such person. If it is determined by the committee that any person who has lost control of lemons as required by subparagraph (1) of this paragraph has handled a quantity of such lemons less than the quantity that could have been handled under the allotments issued thereon, the quantity of lemons available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of lemons equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(4) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of lemons available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(5) Each week during the marketing season when volume regulation is likely to be recommended for district 3, the committee shall compute the total quantity of lemons available for current shipment by each person who has applied for a prorate base and for allotments in such district. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of lemons available for current shipment by each applicant and the total quantity of lemons available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

IV. *Exclusion of State of California north of the 37th Parallel from the order.* (1) Add a new § 953.15 as follows:

§ 953.15 *Production area.* "Production area" means the State of Arizona, and that part of the State of California south of the 37th Parallel.

(2) Amend § 953.64 by adding immediately after the word "Districts" as

the beginning of the section the following: "The production area shall be divided into three prorate districts, as follows:"

(3) Amend paragraph (a) of § 953.64 to read as follows:

(a) "District 1" shall include that part of the State of California south of the 37th Parallel which is north of a line drawn due east and west through the Tehachapi Mountains.

V. *Elimination of transfer of allotments for a consideration.* (1) Delete the provisions of § 953.60 and substitute in lieu thereof the following:

§ 953.60 *Transfer of allotments.* No allotments may be transferred from one handler to another except pursuant to the provisions of § 953.59.

VI. *Three year limitation on keeping of records.* (1) Amend paragraph (b) of § 953.62 by inserting immediately after the word "transactions" the second time that it appears in this paragraph, the words, "for a period of three years," so that the phrase reads, "* * * shall keep records which will accurately reflect all such allotment transactions for a period of three years, and such records shall be * * *"

VII. *Exemptions from regulations of minimum quantities or types of shipments.* (1) Amend the provisions of § 953.80 by adding immediately after the first sentence the following: "The committee may, with the approval of the Secretary, establish minimum quantities and types of shipments which shall be free from all regulation under this subpart."

(2) Delete the second sentence of § 953.80 and substitute in lieu thereof the following: "The committee may prescribe adequate safeguards to prevent lemons which are exempted from regulation under this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart."

VIII. *Clarification of the definition of handle.* (1) Revise § 953.7 to read as follows:

§ 953.7 *Handle.* "Handle" means to buy, sell, consign, transport, or ship lemons (except as a common or contract carrier of lemons owned by another person), or in any other way to place lemons in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of lemons on the tree; (b) the transportation of lemons to a packinghouse for the purpose of having such lemons prepared for market and such preparation for market; (c) and the storage of lemons within the production area under such rules and regulations as the committee, with the approval of the Secretary, may prescribe.

IX. *Requirement for marketing policy meetings.* (1) Insert a new § 953.50 as follows:

§ 953.50 *Marketing policy.* Prior to the recommendation for regulation for prorate districts 1 and 3 and in prorate district 2 on or before November 15 of each year, the committee shall hold for each of said districts a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for each district for the ensuing season. Such marketing policy shall contain the following information: (a) The available crop of lemons in the prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section.

X. *Annual report.* (1) Delete § 953.31 (j) and substitute the following:

(j) To prepare and mail as soon as practicable after the close of each fiscal year an annual report to the Secretary and to each handler and grower of record. This annual report covering the operations of the previous fiscal year to contain at least:

(1) A complete review by prorate districts of the weekly regulatory operations and lemon movement during the fiscal year as conducted under the marketing policy established pursuant to § 953.50.

(2) A complete review by prorate district of the data upon which prorate bases are determined.

XI. *Reapportion of committee members.* (1) Add a new § 953.31 (k) as follows:

(k) With the approval of the Secretary, to reapportion the number of grower members or handler members on the Lemon Administrative Committee who are nominated pursuant to § 953.22. Any such changes shall be based, insofar as practical, upon the proportionate amount of lemons handled by the respective types of marketing organizations, provided that each such grower group described in § 953.22 shall be entitled to nominate at least one grower and one handler member together with their respective alternates.

The following amendment to the marketing agreement and order has been proposed by Pure Gold, Incorporated:

XII. *The establishment of the prorate base on a fixed storage count.* (1) Amend paragraph (b) of § 953.53 by inserting immediately following the first comma the words, "in districts 1 and 2."

(2) Delete the provisions of paragraph (c) of § 953.53 and substitute in lieu thereof the following:

(c) In computing the quantity of lemons which, for the applicable two-week period, each handler has available for shipment, the committee shall compute the quantity of lemons which meet the requirements of marketing under State laws and which each handler has picked from the trees and brought to an established shipping point approved by the committee within the area of production during the applicable two-week period, and shall allow with regard to such lemons a storage life of twenty weeks. Such lemons to be counted must be in containers approved by the committee.

(3) Delete the provisions of paragraphs (d), (e), and (h) and redesignate paragraph (f) as paragraph (d) and paragraph (g) as paragraph (e).

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: June 6, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Service.

[F. R. Doc. 58-4427; Filed, June 10, 1958; 8:54 a. m.]

[7 CFR Part 967]

[Docket No. AO-170-A11]

HANDLING OF MILK IN SOUTH BEND-LA PORTE-ELKHART, INDIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at South Bend, Indiana, on March 18, 19, and 20, 1958, pursuant to notice thereof which was issued February 6, 1958 (23 F. R. 876) and notice of postponement of hearing issued February 25, 1958 (23 F. R. 1257).

The material issues on the record of the hearing relate to:

(1) Expansion of the marketing area to cover several counties,

(2) Adoption of delivery performance requirements for plants participating in the marketwide pool; inclusion of a definition of "reload point",

(3) Introduction of compensatory payments on certain milk partially regulated,

(4) Modification of the base and excess plan to permit the computation of bases for new producers entering the regulated market as the result of any marketing area expansion,

(5) Revision of the price formulas for Class I milk and Class II milk; and introduction of price adjustments for location,

(6) Adoption of provisions by which announced class prices would be expressed in terms of prices per hundredweight of milk of 3.5 percent butterfat content, plus or minus a butterfat differential for butterfat test variation in each class, in lieu of separately computed class prices for skim milk and butterfat,

(7) Revision of the administrative assessment provision, and

(8) Certain order revisions for administrative purposes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The marketing area should be enlarged to include all territory geographically located within the perimeter boundaries of the counties of La Porte, St. Joseph, and Elkhart, Indiana, together with all incorporated communities therein. The name of the marketing area should be changed to "South Bend-La Porte-Elkhart, Indiana, marketing area".

The South Bend-La Porte, Indiana, marketing area as defined at the present time includes the cities of Michigan City and La Porte, in La Porte County, and the cities of South Bend and Mishawaka, in St. Joseph County, all in the State of Indiana. Territory outside the corporate limits of such cities but located within the respective counties named is not a part of the marketing area.

Producers proposed the expansion of the marketing area to cover such named counties in their entirety, including all incorporated communities lying therein and also the entire county of Elkhart, together with its incorporated places.

One handler proposed the inclusion of the same areas suggested in the producers' proposal plus the Indiana counties of Starke, Marshall, Kosciusko, Fulton, and Pulaski in their entirety. This proposal was abandoned by proponent during the course of the hearing and in view of the lack of evidence as to the need for regulation of the latter five counties, it is concluded that such counties should not be made a part of the defined marketing area.

Extension of regulation to La Porte, St. Joseph, and Elkhart counties, however, will correct unstable marketing conditions caused by lack of uniformity in the buying prices for milk in these counties. It will provide also a framework for orderly marketing and insure an adequate supply of Grade A milk for consumers. Basically, an order provides for:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform pricing to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization further to insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of reserve milk; and

(f) Marketwide information on receipts, sales, and other data relating to milk marketing in the area.

In this instance the order also would establish for producers supplying the annexed area, as well as maintain for the producers currently affected by the order, uniform rules for the operation of a base and excess plan to encourage more even production of milk seasonally.

The suburban communities in St. Joseph County, adjacent to the city of South Bend, represent a regular outlet for a substantial proportion of the total Class I milk business of South Bend (regulated) handlers. A very large percentage of the fluid milk sold in St. Joseph County is processed in plants under the South Bend-La Porte order and thus is subject to order pricing. Some fluid milk sold in the county in competition with order-priced milk is distributed by persons not under price regulation of any kind and for a long period such distribution has presented difficult competitive problems for regulated handlers as the result of price advantage in the purchase of milk from dairy farmers. Since the adoption in July 1957 of statewide regulations in Indiana requiring the sale of Grade A milk only for fluid consumption, all milk distributed in St. Joseph County from milk plants located in that county or in other counties has been required to meet quality standards substantially the same as those applicable to milk sold in the city of South Bend. Such milk thus may reasonably be priced on a basis equivalent to South Bend approved milk. The elimination of differences in the pricing of milk purchased from dairy farmers for sale in the county will tend to promote orderly marketing.

At the present time there are no unregulated plants distributing milk in La Porte County. Although the county has not issued a formal health ordinance as have St. Joseph and Elkhart Counties, all milk distributed in the county meets the State quality requirements for milk to be sold for fluid consumption as Grade A milk through inspection by the health authorities of the city of La Porte and Michigan City. Since regulated plants service this county with its complete milk requirements at the present time and the county is a part of the regular distribution area for a substantial proportion of the Grade A milk processed in such plants, its inclusion in the marketing area is practicable and desirable to avoid repetition of the pricing disadvantages which have been experienced by regulated handlers operating in St. Joseph County. La Porte County should be included in the marketing area.

South Bend handlers distribute milk in Elkhart County in competition with milk distributors at Elkhart and with milk distributors from locations outside either county. Also farms of dairy farmers delivering milk to Elkhart distributors are interspersed with those of producers whose milk is shipped to South Bend and currently priced by the order. Farm prices for milk in the South Bend and Elkhart milksheds have fluctuated widely, with consequent supply problems for the South Bend market. The Elkhart market has been subject to recurring resale price disturbances with detrimental effect on farm prices for milk. At other times, when milk prices in the Cleveland market (at Goshen, Indiana) have been relatively attractive, Elkhart prices to farmers have been sufficiently high to attract milk from South Bend plants, without regard to the adequacy of supplies for such plants.

The adoption of price regulation for the Elkhart market will promote greater stability of supplies for both markets and, with the prices recommended herein, will provide more assurance for consumers that adequate supplies will be available in both markets which have had periodic difficulties in maintaining sufficient supplies. Further, competitive difficulties resulting from differences in the cost of purchasing milk from farmers will be avoided as between South Bend and Elkhart dealers and between Elkhart dealers and distributors more distantly located who have established outlets in Elkhart County. It is concluded that Elkhart County should be included in the marketing area.

In view of the addition of the City of Elkhart, a principal community, to the marketing area, it is concluded that henceforth the marketing area should be referred to as the "South Bend-La Porte-Elkhart, Indiana, marketing area".

(2) Performance requirements for plants to participate in the marketwide pool and a definition of "reload point" should be provided.

The major producers' association proposed that delivery performance standards be established for plants to participate in the marketwide pool. Proponents submitted that a "pool plant" should be defined as either (a) a plant which is approved by a health authority having jurisdiction in the marketing area for the processing and distribution of milk in fluid form and from which (i) at least 10 percent of the plant's volume of Class I and Class II milk is disposed of on routes lying entirely or partially within the marketing area, and (ii) either 50 percent of its receipts of producer milk is disposed of as Class I milk, or 65 percent of such receipts is disposed of in Class I and Class II milk combined; or (b) a plant or reload point from which not less than 50 percent of the receipts of milk or butterfat is disposed of to a plant as defined in (a) above. Proponents, in a separate proposal, also suggested an increase in the level of the Class II price, and conditioned their support of the use of Class II milk utilization as a basis of pool plant qualification on the adoption of a Class II price increase.

Several handlers joined in a separate, but similar, proposal to establish delivery performance standards as a basis for pool plant qualification. However, as noted elsewhere in this decision, handlers proposed to discontinue the use of a separate classification and price for milk used in the manufacture of cottage cheese, and to price milk in this use at the current Class III price level.

Under the present order all milk eligible for distribution as fluid milk which is received at an "approved plant" from which Class I milk is disposed of in the marketing area is fully regulated and pooled. A plant may become fully regulated during any month of the year by making only token sales of Class I milk in the marketing area. While the present provisions have functioned to serve their intended purposes of pricing and pooling only that milk customarily associated with the market, recent changes in procurement practices, i. e., the procurement of milk from greater distances, and the proposed expansion of the marketing area, make advisable more precise standards for determining the milk to be eligible for pooling. Such standards are necessary to specify adequately, for regulatory purposes, that milk which may be said to be identified primarily with this market.

The order provides for the distribution of producer returns by means of a marketwide pool. Since the marketwide pool results in payments to all producers on an average utilization for the market, individual handlers are relieved, in large measure, of responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his minimum rate of pay to producers will be the same as that of other handlers in the market because handlers whose proportion of utilization in Class I is greater than the market average make payments into the producer-settlement fund and those whose proportion of utilization in Class I is less than the average for the market receive payment from the fund, in order that all producers may receive uniform prices. Thus, under certain circumstances, the operators of plants engaged principally in the manufacture of milk into manufactured dairy products, or in supplying other fluid markets, have an incentive to place their plants under the regulation for the sole purpose of obtaining payment from the producer-settlement fund. If a distributor loses some portion of fluid sales in another marketing area temporarily, he may seek to join the South Bend-La Porte-Elkhart market pool in order to continue to pay farmers a blended price on such milk, even though it is used in lower-priced manufacturing uses. If unregulated operators are entirely free to decide when they will or will not share in the market pool, their decisions normally will be made to join the pool when they will draw payments from the equalization fund. Thus, status of a plant with respect to the pool may be the determining factor in guiding the operations of the plant operator. The South Bend-La Porte-Elkhart market, however, would gain no advantage from the payment of equalization on such supplies. Such a distribution of equalization payments, in fact, would reduce the blended price to dairy farmers regularly supplying the market, thereby having an adverse effect on returns to those producers furnishing milk supplies upon which this market depends. The scope of pooling and the plan for distributing returns for Class I sales under the order, therefore, must be such that the Class I use values will serve the purpose for which they are intended, i. e., to insure a sufficient and dependable supply of milk for the market.

A major problem in establishing or maintaining a marketwide pool is to fix standards which will accommodate the sharing of Class I sales among only those producers who are an essential and regular part of the milk supply for the marketing area. In order not to extend regulation beyond the point necessary to accomplish the objectives of the statute, standards adopted should be flexible enough to include in the pool only those plants having significant association with this market and to permit intermittent shipments and casual sales of milk, without pooling, by plants the primary function of which is the supplying of milk for other markets, but which are found to be distributing milk in the area on the basis of a small, perhaps accidental, shipment.

It is concluded that delivery performance should be the measure of whether a plant is sufficiently identified with the market to be fully subject to the pricing, pooling and payment provisions of the order. A 50-percent requirement on Class I disposition will identify those distributing plants which, in the first place, are primarily employed in a fluid milk business as contrasted to a milk manufacturing operation. The requirement that at least 10 percent of the distributing plant's Class I sales be made within the marketing area on routes is designed to include in the pool only those plants which have more than an incidental association with this market.

The requirement that 50 percent of the monthly receipts of milk from dairy farmers at a supply-type plant be moved to a distributing-type plant which is qualified as a pool plant, in order that the supply plant may participate in the pool, will identify those supply plants with the primary function of supplying such milk as is needed over and above the quantities delivered from farms of individual producers directly to the marketing area. At the present time there is only one plant (actually a reload point) of this type at which the total volume of Grade A milk received is an integral part of the supply for the marketing area. There is no indication that such plant would have difficulty in meeting the delivery requirements adopted. A supply-type plant with less than 50 percent of its receipts supplied to the marketing area in any month should be considered a source primarily for some other market. It is expected that such limitation on pool participation, in practice, will affect only plants which have no previous record of service to the marketing area but for which area outlets may be sought in the future.

Milk from sources other than those meeting Grade A requirements may be utilized for cottage cheese to be sold in parts of the marketing area. If performance standards for pooling were based on Class II milk utilization as well as Class I milk, it would be possible for a plant the major function of which is the manufacture and sale of such product to qualify for pooling, and dairy farmers producing milk not meeting Grade A quality standards would receive the marketwide blended price. The pricing and pooling provisions are designed to return to producers a blended price which will bring forth an adequate supply of Grade A milk for the market's fluid needs. Since it is not required uniformly that Grade A milk be used in cottage cheese, it would be inappropriate for a plant to qualify for pooling on the basis of Class II sales. It is concluded, therefore, that Class II utilization should not be used as a basis for pool qualification.

A witness for another cooperative association suggested that performance standards for supply plants might be made more liberal than the 50 percent requirement for each month. There was no evidence introduced at the hearing to show that any supply plant or reload point which is presently regulated, or that reasonably might be expected to become associated with the market through extension of the marketing area, would have difficulty in meeting the performance requirements adopted. As previously pointed out, handlers in this market are predominantly in Class I milk operations and have limited facilities for the handling of milk for manufacturing uses. With the diversion privileges offered by the order, less strict delivery performance would increase the possibilities of "pool riding" with milk not intended to serve as a Class I milk operation.

There is no provision in the current order for the pricing of milk at reload points. It was proposed, however, that a definition of "reload point" be incorporated into the order so that all producers would be equitably treated in the distribution of returns for their milk on the basis of the location to which their milk is delivered.

The conversion from can handling to bulk tank handling of milk presents additional problems in the handling and pricing of milk. When milk comes to the market in cans from great distances the milk of individual producers is dumped, weighed, tested and assembled in storage tanks in the country supply plant and cooled for shipment by over-the-road tanks to the processing plant. Upon receipt at such plant the handler becomes responsible for accounting for the milk and the plant is also the point of pricing.

When milk is collected from distant farms by the bulk tank method, it may be measured in the farm bulk tank, sampled for butterfat, pumped into a bulk tank truck, and delivered either to a supply plant or to a reloading point where, in turn, the tank loads of milk hauled from the farms are pumped directly into large over-the-road tank trucks and delivered to a distributing plant. In the case of the one reload point being used in this market individual records of each farmer's deliveries are kept as well as facilities maintained for washing and sanitizing the tank trucks and for the testing of butterfat samples.

One Order 67 handler currently reloads milk from individual farm pick-up tanks into over-the-road tankers and delivers the milk to his distributing plant. Since a reload point under the bulk handling method serves a function similar to that of a supply plant under the can handling method, it should be treated in the same manner insofar as pricing, location differentials to handlers, and performance requirements for pool status are concerned. It is concluded that a definition of reload point and its application to pricing, location differentials, and performance requirements will facilitate the pricing and orderly marketing of milk under Order 67. The term "reload point" should be defined to mean any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered as a part of the plant's operations.

(3) The order should be amended to provide compensatory payments on other source milk (except that priced under another order) disposed of as Class I milk in the marketing area.

Producers and handlers made similar proposals which would provide for compensatory payments on milk which is not priced by the order but is disposed of in the marketing area in Class I milk or Class II milk. Proponents suggested that such compensatory payments should be at the respective rate of the difference between the Class I or Class II price, depending on the class in which disposition was made, and the Class III price.

Since the order will provide for the identification of that milk which is subject to total regulation under the order, the possibility remains that some milk (i. e. other source milk) will be disposed of in the marketing area as Class I milk which will not be subject to total regulation.

It should be required that on all other source milk classified as Class I milk, a payment shall be made into the equalization fund at a rate equal to the difference between the Class I price and the Class III price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order.

Essentially all other source milk which might be utilized as Class I milk in the marketing area would be produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area other than the area regulated by this order but not used for such purposes in the area for which it was produced. It could be only milk in excess of the amount needed for fluid disposition in the area for which it was produced. This is particularly so in view of the statewide Grade A milk law in Indiana. If the plant operator with such milk could not find a Class I sale for such milk within the Order 67 marketing area, it would be necessary for him to convert the milk into a manufactured milk product. The most likely surplus disposition of this other source milk would be as butter and nonfat dry milk, or as cheese. Its value, therefore, to the plant operator would be a surplus milk value. The Class III price for milk under the South Bend-La Porte-Elkhart order is based on the value of milk converted into butter and nonfat dry milk, and this is the price which regulated handlers are required to pay for milk when they convert it into these products in their own plants or dispose of reserve supplies to manufacturing plants. The Class III price, therefore, is an accurate and fair representation of the value to the receiving plant operator of surplus milk from an unregulated plant which is disposed of for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing, provision of the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning a reasonable level of prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, since there would be incentive for the regulated handlers to obtain milk for Class I uses not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk is, therefore, an essential and necessary provision of this order.

Because the value for Class I milk in the regulated market is established at the level of the Class I price provided for in the order and the true value of other source milk when disposed of in the marketing area is the Class III value, a payment computed as the difference between the Class III price and the Class I price will remove the advantage which other source milk otherwise would have. Although from the standpoint of health standards, ungraded milk is not to be used for Class I purposes, the possibility remains that this grade of milk may find its way at times into such uses. When this occurs, the same rate of payment should apply to such milk, normally used in manufactured milk products, since its value is established by a lack of eligibility, on a Grade A standard, for regular use as Class I milk.

On the other hand, such payments should not apply to milk entering the marketing area from a plant regulated under another order since its proper classification and price will be determined pursuant to the other order, and if used in Class I milk as defined in this order will be priced equivalently (with due allowance for the transportation cost between markets) under the other order.

There may be other situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and yet it would be neither necessary nor desirable in terms of effective regulation to bring the plants fully under regulation. For instance, a plant which is associated with another market may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured milk products. It would be quite possible, through misunderstanding or error, for such milk, which was intended for utilization in Class III products, to be assigned a Class I classification. In such circumstances it would not be practical or desirable to place the plant under full regulation. The application of compensatory payments as prescribed will accommodate such situations.

If milk is distributed as Class I milk within the marketing area or routes from a nonpool plant, it is necessary to require payments to be made into the producer-settlement fund on such milk, also, in order to maintain reasonable uniformity of cost of milk and equity among all handlers. Accordingly, there is included in the amended order a provision that each handler operating routes in the area from a nonpool plant shall make payment at the difference between the Class I and Class III price per hundredweight on that volume of "other source milk" distributed as Class I milk in the marketing area. As previously stated, all milk produced for consumption in fluid form in the State of Indiana must meet minimum Grade A requirements and is subject to statewide sanitary standards. As a consequence of this code of sanitary requirements and reciprocal arrangements existing with other state and local health authorities, any milk wherever produced which has approval by the health authorities for fluid consumption is eligible from a sanitation standpoint for sale in the South Bend-LaPorte-Elk-that marketing area. Because of this, small quantities of milk may be disposed of in the regulated marketing area as Class I milk from plants which are not normal or regular sources of supply for the marketing area. If any small, incidental, or accidental shipment of milk into the marketing area were to bring under total regulation all the milk at the plant from which such shipment was made, undue hardship might result for the operator of such plant and for the farmers delivering the milk involved.

Under the definition of "pool plant" any plant, no matter where located, which becomes an integral part of the South Bend-La Porte-Elkhart market may be brought under regulation by delivery performance in the manner required, and any such plant may be removed from full regulation when it no longer operates in a way that brings it within the scope of the pool plant qualification section of the order. In each case the decision as to whether a plant will be fully regulated under the order, or will not be subject to total regulation, may be determined by the decision of the plant operator.

In view of the competitive circumstances in this market relating to the production and sale of cottage cheese as discussed elsewhere in this decision, no compensatory payment should apply on milk disposed of as Class II milk.

(4) The "base and excess plan" of distributing among producers the proceeds from the sale of milk should not be revised.

Producers proposed that the base and excess plan be revised to permit the computation of bases for those producers brought onto the market through marketing area expansion by the same method as is used for computing the bases of regular producers now on the market. Such revision would eliminate from the category of "new producers", for base-allotment purposes, any producers brought onto the market by such means. The proposed method of calculation was intended to apply in 1958 only and therefore would not have significance unless the amended order were to become effective prior to August 1, 1958. If the marketing area were to be expanded, effective July 1, 1958, for example, the revised base computation provisions would apply to the month of July only since beginning August 1 a uniform (weighted average) price for all milk delivered is payable to all producers for several months following and a new base effective on deliveries in the April–July 1959 period is computed for each producer on his deliveries in the fall months of 1958.

On the basis that the marketing area expansion cannot take place prior to August 1, 1958, it is concluded that this proposal should not be adopted.

(5) (a) The supply-demand adjustment relative to the Class I price should be modified to provide closer Class I price alignment between the South Bend-La Porte-Elkhart market and other major markets.

The order presently provides for a Class I price determined from a basic formula price of midwest condensery prices or Chicago butter-nonfat dry milk prices, whichever provides the higher level, plus price differentials which average $1.10 annually, increased or decreased by a supply-demand adjustment identical to that computed under Order 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

Producers proposed that the supply-demand adjustment as computed under Order 41 and applied to Order 67 milk be eliminated and that a supply-demand adjustment based on supply and sales conditions in the local market be incorporated. A proponent witness testified that, at current prices, South Bend-La Porte-Elkhart producers have been attracted to the Cleveland market and to unregulated markets even though local supplies were inadequate at all times to meet handlers' needs for fluid milk.

Experience with the supply-demand adjustment as computed under Order 41 and applied to milk priced under Order 67 discloses that such adjustment factor does not fully reflect supply and demand conditions in the Order 67 marketing area at all times. With the expansion of the marketing area herein proposed, the use of the current supply-demand formula would be even less effective in reflecting local conditions.

Among the factors influencing the supply-demand situation in the South Bend-La Porte-Elkhart market which indicate the propriety of a modification of the supply-demand formula at this time are:

1. Competition for supplies from nearby fluid milk markets.

2. Costs involved in procuring additional supplies from locations beyond the immediate milkshed.

3. Recently effective uniform Grade A requirements on all fluid milk distributed within the marketing area.

4. The inadequacy of current milk supplies.

Cleveland (Order 75), Fort Wayne (Order 32), and Order 67 handlers, and unregulated dealers, all compete for supplies in the various parts of the Order 67 milkshed. The proposed extension of the marketing area to include Elkhart County will intensify competition for milk supplies between Order 67 handlers and the Cleveland market. In 1957 the Order 67 minimum Class I price, on a 3.5 percent butterfat basis, averaged $4.06 while in the same period the minimum Cleveland Class I price f. o. b. Goshen, Indiana (located in Elkhart County), averaged $4.34. If the 1957 Order 67 Class I price had not been decreased by the supply-demand adjustment in effect, the Cleveland Class I price f. o. b. Goshen would have exceeded the Order 67 price by only 10 cents instead of 28 cents per hundredweight. Class I utilization of milk for these markets averaged 71 and 73 percent, respectively, for the year. The 1957 Cleveland order minimum uniform price f. o. b. Goshen, Indiana, averaged $3.99 and the comparable Order 67 uniform price was $3.83. The minimum Class I price for 3.5 percent milk under the Fort Wayne, Indiana, order for 1957, official notice of which is taken, averaged $4.34 per hundredweight.

Prices for fluid milk reported paid to dairy farmers by unregulated dealers in nearby communities have been at times in excess of Order 67 Class I prices. One Michigan dealer who competes for supplies with Order 67 handlers paid prices for fluid milk for bottling as high as $4.70 per hundredweight on a 4 percent butterfat basis during recent winter months (or about $4.40 on a 3.5 percent butterfat basis). Several of the farmers from whom such dealer purchased milk formerly delivered their milk to Order 67 handlers.

Order 41 handlers distribute milk in the South Bend-La Porte marketing area from Chicago regulated plants and also offer local handlers competition for farm supplies of milk. Thus, it is recognized that the Class I price level under Order 67 must be reasonably related to Class I prices under Order 41 as well as to price levels in other nearby markets. However, Order 41 Class I prices announced for the 55–70 mile zone do not reveal entirely the prevailing price relationships between the two markets. The basic formula price under Order 41 is, for all practical purposes, the same as that of Order 67. The respective Class I price differentials, on an annual average basis, under the two orders are $0.90 and $1.10 per hundredweight. The Chicago Class I price is announced for a zone 55–70 miles from the City Hall in Chicago while the South Bend-La Porte Class I price is announced f. o. b. the marketing area. Although not computed f. o. b. market under the order, as in the case of the South Bend-La Porte market, the return for Class I milk delivered to market in Chicago, after the addition of an inner zone payment (4 cents per hundredweight) and consideration of that portion of the farm-to-plant hauling cost (14.5 cents per hundredweight on the average) borne by handlers, is appreciably higher than that for the 55–70 mile zone location from which the various zone Class I price differentials for the milkshed are computed. A reasonable price level for the South Bend-La Porte market must take such factors into account since they affect the South Bend handlers' ability to procure milk supplies in competition with this neighboring market.

Another important factor which has had recent impact on milk supplies available to Order 67 handlers is the Indiana Grade A law. This statute which became effective July 1, 1957, requires that all milk sold for fluid distribution anywhere in the State be produced on inspected farms and labeled as Grade A milk. Ungraded milk supplies in northern Indiana have decreased substantially in recent years, leaving relatively small quantities of Grade B milk available in this area for conversion to Grade A outlets. Inasmuch as the South Bend-La Porte-Elkhart milkshed area overlaps the procurement areas of numerous unregulated dealers serving such markets, who formerly were not required to purchase milk meeting the Grade A standard, such dealers now compete with Order 67 handlers for supplies of the higher quality.

One Order 67 handler has arranged for a regular supply of milk from Schullsburg, Wisconsin. This handler, who operates in the Chicago market from other plants, purchases the milk directly from producers who have converted to bulk farm tanks, reloads the milk into over-the-road tankers and transports it to his Order 67 bottling plant in Indiana. On the assumption that milk may be procured from Wisconsin farms at the Chicago Class I price for the zone in which the plant or reload point is located plus transportation to South Bend, the cost per hundredweight of such milk to the Order 67 handler, delivered to the market, would be greater than the current Order 67 Class I price. With decreasing supplies of Grade A milk available in the direct-delivery area in relation to overall fluid milk requirements, and taking account of the prices being paid at competing outlets, Order 67 handlers have the choice of obtaining their milk requirements from locations beyond Chicago or of paying prices sufficient to maintain production from direct-delivery producers. Therefore, it is reasonable to compute the Class I price under Order 67 on a basis that takes into account the costs of procuring more distant supplies.

On an annual average, handlers under Order 67 have maintained a reserve supply of milk above Class I milk requirements of approximately 26 percent. Such reserve, which may be regarded as appropriate to a reasonably balanced supply for this market, varies from about 18 percent in November, the month of lowest production, to approximately 34 percent in May, the month of highest production. Class I uses in January and February 1958 were 77.9 and 74.7 percent, respectively, of total producer receipts as compared with approximately 74.3 and 69.6 percent, respectively, for the same months last year. Normal percentages of Class I milk to producer receipts in these months in a balanced supply situation would approximate 76 and 75 percent, respectively. Although the market supply is becoming tighter with a lesser proportion of the total receipts being locally produced, the present supply-demand adjustment is having the effect of reducing Class I prices below the level needed to provide adequate supplies.

In view of the above, a price adjustment based on local supply-demand relationships is appropriate. The supply-demand adjustment should be designed to increase the Class I price when Class I utilization is relatively high in relation to supply and to decrease the Class I price when Class I utilization is relatively low. An appropriate price adjustment for each month may be made on the basis of utilization data for the second and third preceding months. The use of figures for the second and third preceding months will provide a reasonable indication of current market conditions and will be the latest figures available in advance of the month for which the price is being computed. The following table sets forth monthly utilization percentages considered as standard, or normal, for a balanced supply situation, and the month in which the price would be affected thereby:

Month for which price applies	Months used in computing current supply-demand ratio	Standard utilization percentage
January	October-November	80
February	November-December	79
March	December-January	77
April	January-February	76
May	February-March	75
June	March-April	73
July	April-May	69
August	May-June	67
September	June-July	70
October	July-August	74
November	August-September	75
December	September-October	76

The rate of adjustment should be 2 cents for each percentage point that the Class I utilization is above or below the standard utilization percentage. The total amount of the adjustment should be limited, however. Supply-demand adjustments applicable under Chicago Order No. 41 and Cleveland Order No. 75 are limited to plus or minus 24 and 25 cents per hundredweight, respectively. A limitation under this order of plus or minus adjustments of 24 cents per hundredweight with a floor of the Chicago minimum Class I price for the 55–70 mile zone will provide greater assurance of a reasonable price relationship with adjacent markets at all times.

Also, to accomplish the above purposes, the Class I price differentials for the months of December and July should be modified by decreasing the differential 20 cents (from $1.30 to $1.10) in December and increasing the differential 20 cents (from $0.90 to $1.10) in July. This seasonal modification of the Class I price differentials will provide for each month stated Class I price differentials 20 cents higher than the stated differentials for the 55–70 mile zone under the Chicago order. At the present time monthly differences in the differentials under the two orders vary from 0 to 40 cents per hundredweight with an average of 20 cents per hundredweight.

(b) A schedule of location adjustments applicable to the pricing of milk received at pool plants should be established in relation to the distance the plant is located from South Bend. The rate should be 10 cents per hundredweight for milk received at plants located not less than 55 miles but not more than 60 miles from the St. Joseph County Courthouse in Sound Bend, plus 1.6 cents for each 10 miles (or fraction thereof) in excess of 60 miles therefrom.

The present order does not provide for location differentials. Class and uniform prices for milk at regulated plants (or at reload points) located at various distances from the marketing area are the same as are applicable to milk received from farms at plants located within the marketing area.

Historically, there have been no outlying plants supplying milk in bulk to distributing plants in the South Bend-La Porte marketing area. For the most part handlers have purchased their milk from direct-delivery producers. In periods of short supply, handlers have purchased needed additional supplies from plants regulated under other Federal orders, particularly the Chicago order. As stated above, one Order 67 handler, in addition to purchasing milk from producers whose farms are located in the vicinity of his distributing plant location, began in recent months the purchase of milk from producers with farms located in southwest Wisconsin, approximately 255 miles from South Bend. The net uniform price for such milk, after hauling deductions, paid to the Wisconsin producers has been closely aligned with the uniform price computed under the Chicago order for the same location.

Producer proponents testified that although no particular problems had arisen, it might be possible in the absence of location differentials for inequities of cost among handlers and in the distribution of returns among producers to result.

Milk produced on farms or received at plants has a progressively lower value in relation to a given market as such farms or plants are located farther from the market. The difference in value is related to the cost of transporting milk to the market from the respective locations. It is economically sound and necessary to recognize such differences in value at pool plants to promote a uniform basis of determining milk costs for handlers and in distributing the returns for milk among producers. Producers are producing milk for the fluid milk market. The difference in value of producer milk for fluid purposes received at a country point as compared with a city distributing plant is the additional cost to the handler in getting the milk to the city plant. Returns to producers located near the market should reflect their location advantage. This may be done by establishing a schedule of location adjustments to apply at distant plants, and at reload points, in accordance with their respective distances from the marketing area.

At this time only one handler regularly purchases milk at a considerable distance from the marketing area. As referred to, this milk is purchased in southwest Wisconsin and is reloaded at that location before being shipped in large tankers to his distributing plant. Such reload point is located approximately 255 miles from South Bend and 278 miles from the handler's plant. The hauling rate for the delivery of milk from that location to South Bend approximates 42 cents per hundredweight.

Proponents suggested that no location differential should apply within 70 miles from the County Court House in St. Joseph County. It was testified that custom and the basing point for pricing under Order No. 41 for Chicago are the basis for this proposal. As previously stated, Order 67 provides that prices shall be announced f. o. b. marketing area, whereas under Order No. 41 the Class I price is announced for the 55-70 mile zone and is supplemented by customary "inner zone" pricing arrangements. In comparing returns to direct-delivery producers under Chicago Order 41 with returns to direct-delivery producers under Order 67 consideration must be given to the previously men-lished customary and prevailing subsidies for hauling paid by Order 41 handlers and to the additional 4 cents per hundredweight required to be paid by Chicago handlers to all producers delivering milk to plants located in the marketing area, which payments are not reflected in the announced price for the 55-70 mile zone. The application of location differentials, as herein adopted, beginning at a 55-mile distance from South Bend will provide not only close alignment of farm returns for Class I milk at Order 41 plants in the Calumet area, which are the closest Order 41 plants to the South Bend-La Porte-Elkhart marketing area, and at Order 67 distributing plants, but also a close alignment at all points beyond the 55-mile zone. No adjustments for location are appropriate for points less than 55 miles from South Bend since country plants or reload points would not serve an economic purpose within this distance insofar as the maintenance of market supplies are concerned or provide a marketing function for producers. Also, within the 55-mile distance competing markets offer alternative outlets for milk at prices equivalent to or higher than the delivered-to-market price at South Bend.

Milk can be hauled in large quantities from distant points to plants in South Bend for approximately 1.6 cents per hundredweight for each 10 miles of distance. Even though no location differential should be provided within the 55-mile zone, the differential should apply on the basis of the total distance that the supply plant, or reload point, is located from South Bend.

The location differential allowed to handlers should apply only to that portion thereof which is actually needed for utilization as Class I milk at the distributing plant. In determining the quantity so utilized in Class I, allocation of Class I milk, for pricing purposes, should first be made to direct receipts from producers at the distributing plant. Any residual Class I milk should be allocated to the more distant plants, or reload points, in sequence beginning with the plant or reload point having the smallest location differential. This will assure that producers as a whole do not absorb excessive hauling costs for milk.

It is concluded that a schedule of location differentials shoud be adopted to apply in determining handler costs of Class I milk and producer payments applicable at various locations in the milkshed.

(c) The price differential (over basic formula price) for Class II milk should not be increased; the classification of milk used for cottage cheese (Class II milk) should not be changed.

Milk used to produce cottage cheese is classified as Class II milk and priced at the basic formula price plus 70 cents per hundredweight for August through February, and plus 45 cents per hundredweight for March through July.

Producers proposed to increase the Class II price 15 cents per hundredweight above the current level for each month. It is contended that current order Class II prices do not reflect the costs involved in producing Grade A milk for use in cottage cheese and that the return for such milk tends to reduce the uniform price. It is anticipated by proponents that even though, in the past, the use of milk from uninspected sources has been permitted for cottage cheese manufacture in portions of the enlarged marketing area, county health regulations will require, in the near future, the use of inspected milk for this product.

The separate classification and pricing for milk used to produce cottage cheese under Order 67 became effective March 1, 1957. Although the new Indiana Grade A milk law requires milk for fluid distribution to be derived from inspected sources, it does not require milk for cottage cheese to be derived from similar sources. While local health ordinances for portions of the marketing area indicate the necessity of using inspected milk for this product, the standards applicable throughout the marketing area are not uniform at this time and substantial quantities of cottage cheese produced from ungraded milk are sold in parts of the area.

In view of the lack of uniformity in the enforcement of requirements on milk used in the manufacture of cottage cheese, provision for higher pricing might well intensify the use of ungraded milk for this purpose, causing a net loss in returns to producers if equivalent quantities of producer milk were forced into the lower-priced Class III uses. Considering the prices of skim milk and butterfat from alternative sources for cottage cheese manufacture, and the availability of outside sources of cottage cheese in finished form, the Class II price level provided is designed to insure the maximum return to producers without a loss of market for inspected milk in this product.

Handlers proposed that milk for cottage cheese be classified with other manufactured dairy products and that, as a corollary change, the Class III classification be designated as Class II milk. The redesignated Class II milk would be priced, however, at the current Class III price level. They testified that at a previous hearing when the classification and pricing of cottage cheese was considered, it was anticipated that enforcement of regulations requiring inspected milk for cottage cheese would be uniform throughout the marketing area and that since it has not been, the lower pricing of milk so used is appropriate.

The extra value of producer (inspected) milk for making cottage cheese is recognized by handlers in practice and present pricing has not caused a reduction in cottage cheese sales. It is concluded that producers should receive the higher return provided by the Class II price for the quality of milk furnished for this product. Therefore, no change in classification should be made at this time.

(6) The order should be amended to provide that class prices be announced in terms of a hundredweight of milk containing 3.5 percent butterfat, with class butterfat differentials for butterfat test variations above or below 3.5 percent.

Class prices under the present order are set forth in terms of separate prices for the butterfat and skim milk contained in a hundredweight of milk used in each class. However, the market administrator calculates and publishes for informational purposes a price per hundredweight for each class on a 3.5 percent butterfat basis.

Revision of the order to provide for the announcement of class prices for a hundredweight of milk on a 3.5 percent butterfat basis with appropriate class price differentials for butterfat test variations above or below the basic test is desirable to provide for simplicity of calculations, better understanding of price levels, and statistical comparisons of prices under Order 67 with prices of other markets. Expression of prices in these terms will not, of itself, materially alter handlers' costs or producers' returns on an annual basis. Such changes as may affect the levels of class prices are discussed in connection with issue numbered 5 in this decision. This change was supported by the major cooperative in the market and no objections thereto were offered at the hearing. It is concluded that the revised method of computing and announcing class prices should be adopted.

Class price differentials for each point of butterfat test variation to provide class prices for butterfat similar to those in the current order could be calculated as follows:

Classes I and II. Multiply by 0.13 the average of the daily wholesale prices per pound of 93-score butter at Chicago during the month, as reported by the United States Department of Agriculture, and round to the nearest tenth of a cent.

Class III. Multiply by 0.12 the average of the daily wholesale prices per pound of 92-score butter at Chicago, similarly reported, and round to the nearest tenth of a cent. These differentials were suggested by the major cooperative in the market.

In the case of the Class I butterfat differential the amount resulting from the above computation represents a reasonable value of butterfat in Class I uses and is adopted. However, in view of somewhat different competitive circumstances involved in the marketing of cottage cheese, including the availability of butterfat from lower-priced sources for use in such product in some portions of the marketing area, a differential computed by multiplying Chicago 93-score butter by 0.125 is more appropriately related to the lower value of milk utilized in Class II milk, and therefore, is adopted. This modification will place a slightly increased value on the skim milk and a lesser value on the total amount of butterfat so utilized. However, such change does not alter the Class II price level on a 3.5 percent butterfat basis.

Manufactured products in Class III must compete on a national basis with products made from ungraded milk. Therefore, the present basis for computing the price of Class III butterfat should be continued through the medium of the Class III butterfat differential.

In setting up a new system for calculating class prices per hundredweight of milk it is desirable for administrative reasons to round such prices to the nearest cent. This revision is also adopted. For convenience in computing handlers' costs the use of separate class prices for skim milk and butterfat, reflecting the levels established by the prices per hundredweight of 3.5 percent milk, will be continued.

(7) The application of the assessment for expense of administration should be modified.

It was proposed that the assessment (not to exceed 4 cents per hundredweight of milk) for expense of administration of the order be limited, insofar as "other source milk" is concerned, to those portions classified as Class I milk and Class II milk. At the present time the assessment applies to all other source milk, except such milk subject to another Federal order, even though some or all the milk may be used strictly for the manufacture of milk products of the types covered by Class III milk.

At least one milk distributor who would be regulated upon expansion of the marketing area maintains a substantial business in products produced from ungraded (Grade B) milk as well as a fluid milk business utilizing Grade A milk. The application of the administrative assessment to milk of Grade B quality utilized in manufactured milk products would present an expense to him not ordinarily associated with the processing of ungraded milk.

Funds to cover the necessary auditing of reserves of producer milk which from time to time may be commingled with ungraded milk for disposition as manufactured milk products will be derived from the application of the assessment to the producer milk so utilized. It is possible, however, that at times some other source milk may be utilized as Class I milk or Class II milk. It is the duty of the market administrator to verify for each month the receipts and disposition of milk from all sources in order that the integrity of the classified-price plan for producers' milk (Grade A milk priced by the order) may be maintained. Equity in sharing the cost of administration of the order among all handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including such handler's own production) and to such other source milk as may be allocated to Class I milk. In view of the fact that cottage cheese is not required to be produced from Grade A milk in all parts of the marketing area it is not practicable to apply the assessment to other source milk so used by pool handlers.

(8) Certain revisions of the order should be made for administrative purposes.

(a) The order should be amended to set forth clearly the conditions under which milk subject to this order may be made exempt therefrom when such milk is also subject to the class price provisions of another marketing agreement or order.

The present order provides that skim milk and butterfat disposed of as Class I milk in the marking area on a route shall not be subject to the provisions of this order if "(a) such milk is priced under another marketing agreement or order issued pursuant to the act, and (b) the person making such disposition of milk in the marketing area is subject to regulation under such other marketing agreement or order," provided that the handler making such disposition of milk in the marketing area shall make reports to the market administrator, at such time and in such manner as the latter may require, which shall be subject to verification. In general, interested parties at the hearing supported revision of the provisions of the order to the extent necessary relative to plants regulated under other orders, and to producer milk which might qualify for pooling under two orders, to provide clarity in the application of this order to such milk.

Some milk in packaged form is distributed in the market by handlers regulated under Order 41. In light of the expanded marketing area, it is possible that even larger quantities of Class I milk may be distributed in the area from plants regulated by other orders. Milk may be disposed of from plants under this order into other Federally-regulated markets.

Order 41 contains a provision which exempts from regulation thereunder a plant from which a greater percentage of its receipts is disposed of as Class I milk in another Federal marketing area. It is consistent with the pooling requirements that a plant be regulated under the South Bend-La Porte-Elkhart order if the Class I disposition in the marketing area is greater than in another marketing area. The provision that a distributing plant shall be regulated under the order for the market in which the greater disposition is made will provide clarity, avoid duplication of regulation and will coordinate orders affecting adjacent marketing areas as to milk involved under more than one order.

The pooling standards for supply-type plants in adjacent Federal order markets provide for automatic pool status during certain months based on performance requirements in other months. It is possible under such conditions that a supply plant for such other market which has automatic pool status during certain months could dispose of a major portion of its receipts to a distributing plant in this market in such months. In this circumstance, such a plant should not be regulated under this order so long as it continues to be regulated under the order in which it already has met pooling requirements and from which it has not become exempt through withdrawal or otherwise according to the terms of such other order. The provisions of the attached order so provide.

Although exemption of other Federal order distributing plants would depend on a determination by the Secretary that the conditions prescribed in the order apply to the plant(s) in question, the operator of such a plant, otherwise exempt from order provisions, must be required to make reports to the market administrator as to receipts and utilization, so that the exact status of the plant can be determined. A similar requirement is necessary also with respect to supply-type plants involved with more than one order.

(b) The conversion from can handling to bulk tank handling of milk by producers creates problems as to the pool treatment of milk under the order which has been diverted from a plant regulated under another order. In view of the proximity of Order 67 plants to plants regulated under other orders, it is entirely possible that producer milk may be diverted to an Order 67 plant from a plant regulated under another order without having been received first at the latter plant. Since the present order does not provide a specific method of determining which order would apply to such milk, it is quite possible that the milk would be subject to the two orders. Any inclusion of milk under this order which would cause duplication of regulation could prove unduly burdensome to the handlers involved. Therefore, it is concluded that the South Bend-La Porte-Elkhart order should provide for a determination by the Secretary as to the extent to which such order shall apply when the milk is also subject to another order. The provisions of the attached order so provide.

(c) An equivalent price provision should be incorporated in the order. It has been found that from time to time various price quotations specified in an order become unavailable with little if any advance notice. The use of an equivalent price would remove uncertainty as to the procedure to be followed in the absence of price quotations specified in the order and thus would prevent unnecessary interruption in the operation of the order. The proposal should be adopted.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 967.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 967.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture specified in this part.

§ 967.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 967.5 *Market administrator.* "Market administrator" means the person designated pursuant to § 967.20 as the agency for the administration of this part.

§ 967.6 *South Bend-La Porte-Elkhart, Indiana, marketing area.* "South Bend-La Porte-Elkhart, Indiana, marketing area", hereinafter called the "marketing area", means all the territory geographically located within the perimeter boundaries of La Porte, St. Joseph and Elkhart Counties, including all incorporated and unincorporated cities, towns, and villages, Federal military reservations, facilities and installations, and State institutions lying wholly or partially within such counties; all in the State of Indiana.

§ 967.7 *Route.* "Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop other than a plant (§ 967.8), but excluding any disposition of skim milk or butterfat in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 967.8 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. This definition shall not include any building, premises, facilities, or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s).

§ 967.9 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

§ 967.10 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraph (a) of this section, or any plant or reload point meeting the conditions of paragraph (b) of this section, but not any plant exempt pursuant to § 967.60, or the plant of a person defined in § 967.16:

(a) A plant in which milk is processed or packaged and from which not less than 10 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided,* That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area is not less than 50 percent of such plant's total receipts of milk eligible for sale in fluid form as Grade A milk within the marketing area; or

(b) Any plant or reload point from which during any month 50 percent or more of its total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section.

§ 967.11 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 967.12 *Producer.* "Producer" means any person, except a person as defined in § 967.16, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant(s), or (b) caused to be temporarily diverted by handler for his account from a pool plant to a nonpool plant: *Provided,* That such diverted milk shall be deemed to be received by such handler at the location of the pool plant from which it was diverted.

§ 967.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association, to be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 967.14 *Producer milk.* Except as provided in § 967.60, "producer milk" or "milk received from producers" means milk produced by one or more dairy farmers who are producers (as defined in § 967.12).

§ 967.15 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s), (b) any cooperative association with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s) and milk customarily received as producer milk at a pool plant which is diverted by such association for its account to a nonpool plant; or (c) any person in his capacity as the operator of any nonpool plant from which milk is disposed of as Class I milk within the marketing area on a route(s).

§ 967.16 *Producer-handler.* "Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade A milk within the marketing area but receives no milk directly from other dairy farmers: *Provided,* That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

§ 967.17 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

§ 967.18 *Base, base milk and excess milk.* (a) "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.62.

(b) "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June, and July which is not in excess of such producer's base multiplied by the number of days on which such milk was produced.

(c) "Excess milk" means producer milk received by a handler during each of the months of April, May, June, and July which is in excess of the base milk received from such producer.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 967.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 967.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 967.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 and 967.31 or (2) payments pursuant to §§ 967.80 to 967.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly anonunce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 7th day after the end of such month, the minimum class prices for milk (rounded to the nearest cent) and the butterfat differentials computed pursuant to §§ 967.53, 967.54, 967.55, and 967.57;

(2) On or before the 14th day after the end of such month, the uniform price computed pursuant to § 967.71 and the butterfat and location differentials computed pursuant to § 967.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

REPORTS, RECORDS AND FACILITIES

§ 967.30 *Monthly reports of receipts and utilization.* (a) On or before the 9th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 967.15 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class III milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) The aggregate quantities of base milk and excess milk received (for April through July); and

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Except as provided in § 967.31 (a), each handler who operates a nonpool plant as referred to in § 967.15 (c) shall report to the market administrator, on or before the 9th day after the end of each month, his total receipts, his total utilization of milk and milk products, his total disposition of Class I milk, including as a separate figure the quantity of Class I milk disposed of within the marketing area on routes, and such other information with respect to all receipts and utilization for such month as the market administrator may prescribe.

§ 967.31 *Other reports.* (a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, (2) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved, (3) for the months of September through December, the number of days on which milk was received from each producer, and (4) for the months of April through July, the number of days on which milk was received from each producer and the amount of his base and excess milk.

§ 967.32 *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 967.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commerfood processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b), and in paragraphs (c) (1), (2), (3) and (4) of this section; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler in the form of any item named in § 967.41 (a) (1), (2), or (3) shall be classified:

(a) As Class I milk if transferred from the pool plant of a handler to the pool plant of another handler (except a producer-handler), unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the month within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) On the basis of ratable apportionment to each class according to the use of skim milk and butterfat in the pool plant of the transferee-handler if caused to be delivered to such plant by a cooperative association in the manner described in § 967.15 (b);

(c) As Class I milk if transferred or diverted to the plant of a producer-handler;

(d) As Class I milk if transferred or diverted to a nonpool plant, unless (1) the transferor-handler claims use in another class on the basis of utilization in the nonpool plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such month in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided,* That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively in each class for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(b) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (c) (7)), in series beginning with Class III milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraph (a) of this section.

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class III milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

MINIMUM PRICES

§ 967.50 *Class prices.* Each handler shall pay, at the time and in the manner set forth in §§ 967.80 to 967.84, not less than the prices per hundredweight computed pursuant to §§ 967.51 to 967.59 for all milk received during each month from producers and cooperatives associations: *Provided,* That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 967.51 *Basic formula price.* The basic formula price to be used in determining the prices of Class I milk and Class II milk shall be the higher of the prices computed by the market administrator for the month immediately preceding from the formulas set forth in paragraphs (a) and (b) of this section.

(a) The arithmetical average of the basic (or field) prices reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department:

Companies and Locations

Borden Company, Mount Pleasant, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Sparta, Mich.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.52 *Supply and demand adjustment.* On or before the 7th working day of each month the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the sum of the receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the sum of the pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same preceding months, and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

§ 967.53 *Class I price.* Except as provided in § 967.56, the price for Class I milk of 3.5 percent butterfat content shall be the basic formula price computed pursuant to § 967.51, plus $1.30 for the months of August through November; plus $1.10 for December, January, February and July; and plus $0.90 for all other months: *Provided*, That whenever the current supply-demand ratio varies from that set forth in the table below for the applicable month, the Class I price shall be increased or decreased to a maximum amount of 24 cents at the rate of 2.0 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table for such month, but such price, after adjustment, shall not be less than the minimum price per hundredweight for Class I milk for the same month as computed for the 55–70 mile zone under Order No. 41 for the Chicago, Illinois, marketing area.

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	80	October–November.
February	79	November–December.
March	77	December–January.
April	76	January–February.
May	75	February–March.
June	73	March–April.
July	69	April–May.
August	67	May–June.
September	70	June–July.
October	74	July–August.
November	75	August–September.
December	76	September–October.

§ 967.54 *Class II price.* The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price plus $0.70 for the months of August through February; and plus $0.45 for all other months.

§ 967.55 *Class III price.* The price for Class III milk of 3.5 percent butterfat content shall be that computed under § 967.51 (a).

§ 967.56 *Location differential credits to handlers on Class I milk.* In computing the value of each handler's milk pursuant to § 967.70, the following location differentials shall be credited with respect to each hundredweight of producer milk received at a pool plant or reload point located more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, and classified as Class I milk: 10 cents for distances at least 55 miles but not more than 60 miles, and an additional 1.6 cents for each 10 miles, or major fraction thereof, in excess of 60 miles, in all instances by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool plant or reload point to the St. Joseph County Courthouse, South Bend, Indiana: *Provided*, That for the purpose of computing the credits applicable pursuant to this section, the amount of milk transferred in bulk form from a pool plant(s) pursuant to § 967.10 (b) to a pool plant(s) pursuant to § 967.10 (a) and classified as Class I milk, shall not exceed the total amount of Class I milk disposed of from the latter plant less the total amount of any producer milk received at such plant from producers' farms and shall be assigned to pool plants under § 967.10 (b) in sequence beginning with the plant having the smallest allowable credit.

§ 967.57 *Class butterfat differentials*—(a) *Class I milk.* Multiply by 0.13 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest one-tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk.* Multiply by .125 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(c) *Class III milk.* Multiply by .12 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (92-score) bulk creamery butter at Chicago, as reported by the Department for the month, and round to the nearest tenth of a cent.

§ 967.58 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 967.53, 967.54 and 967.55) less the result of multiplying the applicable class butterfat differential for the month (§ 967.57) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

§ 967.59 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* (a) Milk received at a plant qualified as a pool plant under § 967.10 (a) shall be exempt from the provisions of this part if the conditions of subparagraphs (1) and (2) of this section are met: *Provided*, That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 967.32:

(1) The Secretary determines that a greater quantity of milk is disposed of in fluid form from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on a route(s) or through a plant(s) regulated by such other marketing agreement or order than is disposed of from such plant in the South Bend-La Porte-Elkhart marketing area either on a route(s) or through another pool plant(s); and

(2) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

(b) Milk received at a plant qualified as a pool plant under § 967.10 (b) shall be exempt from the provisions of this part as producer milk if such milk is subject to class prices at a plant regulated under another marketing agreement or order issued pursuant to the act: *Provided*, That the proviso set forth in paragraph (a) of this section shall apply.

(c) In the case of producer milk received directly from a farm at a pool plant which milk (1) has been diverted (without being physically received therein) from a plant at which farm receipts of milk are subject to the class price provisions of another marketing agreement or order issued pursuant to the act, (2) is reflected on the producer-payroll of the plant from which diverted, and (3) is not specifically exempt from class pricing by the terms of such other marketing agreement or order, the Secretary shall make a determination as to the extent to which the terms of this part shall apply to such milk.

§ 967.61 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.58, 967.70 to 967.72, 967.80 to 967.84 and 967.86 to 967.88 shall not apply to a producer-handler.

§ 967.62 *Computation of base.* Subject to the conditions set forth in § 967.63, the market administrator shall compute for each of the months of April, May, June and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided*, That any producer for whom a base has been computed may, upon written notice to the market administrator postmarked not later than February 15 preceding, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base milk was of the remaining pounds, and subtract 10.

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

§ 967.63 *Base rules.* Any base computed pursuant to § 967.62 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm on which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to relinquish the base earned for one farm he must do so for all farms.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 967.70 *Computation of the value of milk.* (a) For each month the total value of milk received by each handler from producers or associations of producers (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk and butterfat in each class by the applicable class prices pursuant to § 967.58, adding together the resulting amounts, adding any amounts computed for such handler pursuant to subparagraphs (1) and (2) of this paragraph, and subtracting the total amount of any location differential credits computed pursuant to § 967.56.

(1) Add, with respect to other source milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) received in fluid form as milk, skim milk or cream at each pool plant of such handler in excess of the total volume of his Class II milk and Class III milk at such plant, an amount computed by multiplying the hundredweight of skim milk and butterfat in such other source milk by the difference between the Class I milk and Class III prices for skim milk and butterfat, respectively, pursuant to § 967.58: *Provided*, That if the plant supplying such milk is located outside the marketing area and more than 55 miles from the St. Joseph County Courthouse, South Bend, Indiana, the payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the applicable location adjustment provided in § 967.56 for the distance such plant is located from the St. Joseph County Courthouse, but not to exceed an amount equal to the difference between the Class I and Class III prices.

(2) Multiply the pounds of skim milk and butterfat subtracted pursuant to § 967.46 (d) by the respective applicable class prices.

(b) For each month the total obligation to the producer-settlement fund for each handler who, during such month, disposed of Class I milk (except other source milk classified and priced under the class price provisions of another marketing agreement or order issued pursuant to the act) within the marketing area on routes from a nonpool plant shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in other source milk so disposed of by the difference between the Class I and Class III prices for skim milk and butterfat, respectively, adjusted for the location of the plant at the rates applicable for pool plants pursuant to § 967.56: *Provided*, That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 967.71 *Computation of uniform price.* For each of the months of August through March the market administrator shall compute a uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who filed reports pursuant to § 967.30 and were not in violation of § 967.83 for the preceding month;

(b) Subtract, if the average butterfat content of milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81 (a), and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 967.81 (b);

(d) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content.

§ 967.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through July the market administrator shall compute separate prices per hundredweight for base milk and excess milk of producers as follows:

(a) Make the same computations as required pursuant to § 967.71 (a), (b), (c), and (d);

(b) Compute the total value, on a 3.5 percent butterfat basis, of that portion of milk, included in the computations pursuant to paragraph (a) of this section, which is excess milk by: multiplying the quantity of such excess milk (but not more than an amount equal to the total quantity of Class III milk included in these computations) by the price for Class III milk of 3.5 percent butterfat content, and multiplying any quantity of such excess milk greater than such Class III milk, in series, by the prices for Class II milk and Class I milk of 3.5 percent butterfat content, respectively, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent (the result shall be known as the "uniform price for excess milk" of 3.5 percent butterfat content);

(d) Subtract the value computed pursuant to paragraph (b) of this section from the total value of milk included in these computations, and divide the result by the total hundredweight of base milk represented; and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports of payments or delinquencies in payments by handlers. The result shall be known as the "uniform price for base milk" of 3.5 percent butterfat content.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the months of August through March and the uniform prices for base milk and excess milk for the months of April through July, adjusted by the producer butterfat and location differentials pursuant to § 967.81, for all milk received from such producer during such month and less payment to such producer made pursuant to paragraph (c) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further,* That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk, Class II milk and Class III milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided,* That in the event any producer or cooperative association discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such month shall be made on or before the 18th day after the end of such month pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding month is—	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00 to $1.99	1.00
$2.00 to $2.99	2.00
$3.00 to $3.99	3.00
$4.00 to $4.99	4.00
$5.00 to $5.99	5.00
$6.00 to $6.99	6.00
$7.00 and over	7.00

§ 967.81 *Producer butterfat and location differentials.* (a) In making payments pursuant to § 967.80 (a) there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the month, as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

(b) In making payments to producers pursuant to § 967.80 for milk received at a pool plant at which a location adjustment is applicable pursuant to § 967.56, the uniform price per hundredweight for the months of August through March, and the uniform price per hundredweight for base milk for the months of April through July, shall be reduced by the zone rate per hundredweight for such plant prior to the proviso in § 967.56.

§ 967.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 *Payments to the producer-settlement fund.* (a) On or before the 16th day after the end of each month, each handler whose obligation is computed pursuant to § 967.70 (a) shall pay to the market administrator the amount by which the value of such handler's milk as determined pursuant to § 967.70 (a), minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided,* That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each month, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81.

(b) On or before the 16th day after the end of each month, each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who, during such month, disposed of milk as described in § 967.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 967.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each month, the market administrator, shall pay to each handler the amount by which the value of producer milk received by such handler during such month pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86, and 967.87: *Provided,* That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such month, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat and location differentials pursuant to § 967.81: *And provided further,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.22 (d), each handler (except a producer-handler) as defined in § 967.15 (a) or (b) shall pay the market administrator, on or before the 16th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, with respect to skim milk and butterfat received within the month in producer milk (including such handler's own production) and in other source milk allocated to Class I milk; and each handler as defined in § 967.15 (c), including a producer-handler, shall make payment at the same rate per hundredweight with respect to other source milk disposed of as Class I milk within the marketing area on routes: *Provided,* That milk which is subject to administrative expense assessment under another marketing agreement or order issued pursuant to the act shall be exempt from payment under this section.

§ 967.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each month. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer, except a producer for whom payments are collected by a cooperative association pursuant to § 967.80 (b), (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 967.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 967.90 *Effective time.* The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 967.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 967.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 6th day of June 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4430; Filed, June 10, 1958; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, ST. IGNATIUS, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210; 25 U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551 Amendment No. 1; 16 F. R. 5454–7), notice is hereby given of the intention to modify §§ 221.24, 221.26, and 221.38 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the Irrigation District Organization and are subject to the jurisdiction of the three irrigation districts.

§ 221.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1959 an assessment of $240,744 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 74,262.5 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1959 an assessment of $45,776 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,779.1 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1959 an assessment of $17,240 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,135.4 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data or arguments in writing to Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

CHARLES H. SCHRAMM,
Acting Area Director.

[F. R. Doc. 58–4391; Filed, June 10, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release 58–12]

ALTIMETER SETTING

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by Aug. 11, 1958. Copies of such communications will be available after Aug. 13, 1958, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

This proposed amendment to the air traffic rules will provide for the use of one standard altimeter setting for aircraft operating at and above 24,000 feet MSL, in the continental control area, and for the use of current reported altimeter settings from the surface upward to 23,500 feet MSL. The selection of these altitudes followed considerable study and discussion with the principal users of the higher altitudes and in the Bureau's opinion they are the best altitudes to initiate the change in the altimeter setting concept, considering the diverse interests involved. To insure common procedures in trans-border operations, coordination with the Canadian Government has assured compatible procedures.

The need for a standard altimeter setting at high altitude is becoming more urgent as more aircraft operate in this airspace. As altitude increases, the altimeter is required to measure progressively smaller units of atmospheric pressure and the accuracy of the instrument is thus reduced. The use of a standard setting will not wholly solve all the problems of altimetry, but it is a necessary adjunct to other expected improvements.

Since knowledge of the exact meaning of certain terms is important to the understanding of the discussion that follows, particularly with respect to one of the terms which is not widely used in the United States, the following definitions, two of which appear in the proposed rule, are set forth:

Cruising altitude. A level determined by vertical measurement from mean sea level.

Flight level. A level of constant atmospheric pressure related to a reference datum of 29.92'' Hg. For example, flight level 250 corresponds to an altimeter indication of 25,000 feet, and flight level 265 to 26,500 feet.

Standard atmospheric pressure. A pressure equal to 29.92 inches of mercury.

Altitude. A vertical elevation above mean sea level.

There have been, over many years, studies and suggestions advocating that aircraft altimeters be set to standard atmospheric pressure because of the inherent advantages of this system in achieving vertical separation of aircraft. With this standard setting, every pilot knows that other pilots in his area are governing the altitude of their aircraft by reference to an altimeter set as his is set. Thus, he may be certain that no altitude conflicts will occur because respective altimeter settings are derived from different sources.

This system is excellent for separating aircraft by reference to the standard, but two difficulties become apparent. First, the pilot has no indication of actual altitude, and so terrain clearance and the avoidance of obstructions are not assured. Secondly, if this problem is solved by the use of corrected pressure settings at low altitudes, then separation of aircraft using the two systems becomes a problem.

Assuming that these problems are susceptible of solution, use of two systems, each in the area in which its advantages make it appropriate and its disadvantages are at a minimum, will result in improved safety of flight. Where measurement of altitude is of primary importance, as in landing, after take-off, and in cruising flight at low altitudes, the corrected pressure setting is most desirable. Although the altimeter must be reset as atmospheric pressure varies along the route of flight, these settings are generally available and the resulting cruising altitude of the aircraft is reasonably constant.

At high altitudes, a standard setting is much more desirable. Terrain clearance is no longer a factor and there are many reasons why the standard setting is preferable. The speed of aircraft operating in the upper airspace is such that they traverse pressure systems quickly, and if separation depends on the accuracy of a setting received from the ground, frequent resettings are necessary. The chance of error inherent in resetting would be eliminated by standard setting. Where controlled flights are possible in the continental control area without regard to airway systems, the possibility exists that no reporting station would be available in the immediate area in which a jet might be operating. Finally, standard setting is more adaptable to automatic flight control and improves the correlation between performance data and actual performance.

In previously devised proposals to enable the use of two settings, a sterile airspace was included in which cruising flight was to be prohibited. Since cruising altitudes are at a fixed altitude above MSL, and the altitude of flight levels varies as atmospheric pressure changes, it is apparent that conditions could exist in which a flight level would be coincident with a cruising altitude. As atmospheric pressure decreases, the altitude of a flight level decreases. The sterile area, or "buffer zone," was devised to provide airspace to accommodate this sinking effect of flight levels as atmospheric pressure decreases below standard. A disadvantage in this, however, is that a buffer zone entails permanent loss of altitudes available for cruising flight. This has been considered unacceptable because of the volume of air traffic in the United States which requires use of all available flight altitudes.

No permanent loss of cruising altitudes, or of flight levels, is necessary in this proposed rule. Essentially, flight of aircraft within the continental control area would be conducted by reference to an altimeter set to a standard setting and would utilize flight levels; cruising flight in the airspace between the ground and 23,500 feet, which is below the continental control area, would be conducted at cruising altitudes maintained by reference to an altimeter set to current reported altimeter setting. It is believed that through proper planning by pilots and air traffic controllers, the possibility of conflict between aircraft using the different systems of setting can be eliminated. Having no buffer zone, the workability of this proposal is predicated on maintaining at least the standard vertical separation, 1,000 feet, between aircraft even though they may be controlled by altimeters set to different pressure references.

The rule describes the areas wherein each system will be employed. The dividing line is the lower limit of the continental control area, which is defined as 24,000 feet above MSL. All cruising altitudes from the ground to 23,500 feet are available at all times, regardless of the atmospheric pressure. However, when pressure is below 29.92" Hg., the altitude of an aircraft using standard setting is below the altimeter indication. Since this altimeter indication defines the flight level, it follows that some flight levels will fall below 24,000 feet MSL. Obviously, this situation could result in conflict with aircraft conducting flight at a cruising altitude and, therefore, pilots must not choose, nor controllers assign, flight levels without ascertaining that the flight level is actually within the continental control area.

Reference to the table included in the rule will give, by example, the lowest usable flight level when the atmospheric pressure is below 29.92" Hg. During a large percentage of the time atmospheric pressure is at or above 29.92" Hg., therefore no reference to the table will be necessary. Since all cruising altitudes are always available, it will be noted that only for flights in the lower levels of the continental control area would the possibility exist that a flight level would not be usable. The table provided in the rule covers atmospheric pressures prevailing in most areas the greater portion of the time. Atmospheric pressures which are extraordinarily high might permit the use of additional flight levels which normally lie below 24,000 feet MSL. Abnormal lows also might force vacation of flight levels usually well above 24,000 feet.

To execute the plan proposed herein, it will be necessary for each controller to know the atmospheric pressure and pressure tendency in his area of responsibility. Similarly, since the pilot has the primary responsibility for flight planning and execution, the atmospheric pressure and pressure tendency must be included in preflight planning. This problem would still be present even though a buffer zone were provided. However large the buffer zone provided, the possibility of extremely low atmospheric pressures, such as those present in hurricanes, would necessitate the same planning on the part of pilots and the same procedural planning for controllers as in the presently proposed rule.

The 24,000-foot altitude was chosen to begin the constant altimeter setting area because the altitude was already significant as the beginning of the continental control area. This area is programmed for expansion by changing the lower limit to 15,000 feet MSL when the added burden of air traffic control can be accepted. At that time, the desirability of revising the regulation to continue the constant altimeter setting as a rule applicable in the continental control area will be examined.

Appropriate changes in the terminology of related regulations would be required on the adoption of this rule. As these regulations are presently in the process of revision, and the changes are not substantive, they are not detailed herein.

In consideration of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 60 of the Civil Air Regulations be amended:

1. By adding a new § 60.25 to read as follows:

§ 60.25 *Altimeter setting.* The cruising altitude or flight level of aircraft shall be maintained by reference to an altimeter which shall be set:

(a) At or below 23,500 feet MSL, to the current reported altimeter setting of a station along the route of flight within 100 nautical miles: *Provided,* That where there is no such station, the current reported altimeter setting of an appropriate available station shall be used: *And provided further,* That aircraft having no radio shall set altimeters to the elevation of the airport of departure or use available en route forecast pressures.

(b) At or above 24,000 feet MSL, to 29.92" Hg. An altitude of at least 24,000 feet MSL must be maintained when this setting is used; the use of flight levels which are below this altitude is not permissible. Flight levels appropriate to normally encountered atmospheric pressure are shown in the table following:

Atmospheric pressure in inches of mercury:	*Lowest usable flight level*
29.92	240
29.91 to 29.42	245
29.41 to 28.92	250
28.91 to 28.42	255
28.41 to 27.92	260

2. By adding to § 60.60 the following new definitions:

§ 60.60 *Definitions.* * * *

Cruising altitude. Cruising altitude is a level determined by vertical measurement from mean sea level.

Flight level. Flight level is a level of constant atmospheric pressure related to a reference datum of 29.92" Hg. For example, flight level 250 corresponds to an altimeter indication of 25,000 feet, and flight level 265 to 26,500 feet.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., June 5, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58-4414; Filed, June 10, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 3–7, 9–11, 16, 20, 21]

[Docket No. 11745; FCC 58-554]

FREQUENCIES UTILIZED FOR RADIO ASTRONOMY

INTERFERENCE PROTECTION

1. Notice is hereby given of further proposed rule-making in the above entitled Docket.

2. The Commission has under consideration the comments which have been filed in the above-captioned proceeding in response to the First Notice of Proposed Rule Making, adopted June 20, 1956. From its analysis of this material the Commission is convinced that the accomplishments and potentialities of radio astronomy in contributing to man's knowledge of the universe favor the adoption of measures designed to foster the development of this branch of science. Specifically, we believe that it would be in the public interest to adopt Rules for reducing interference at radio telescope sites in order that radio signals of a non-terrestrial origin can be received more intelligibly. At the same

time we recognized that the legitimate and pressing needs of existing communications services for spectrum space impose limitations on the amount of protection which can reasonably be extended to such sites.

3. Essentially, the comments and proposals submitted offer two means for minimizing or eliminating interference to radio astronomy observations: restricting radio authorizations in geographic areas surrounding observatory sites; and reserving portions of the spectrum for the exclusive purpose of radio astronomical observations. The Commission believes that, within certain limitations, both approaches offer means for improving reception of radio telescope installations.

4. Radio astronomy interests have recognized the advantages of establishing a primary observation site away from the man-made noise and in an area where a minimum of radio interference would be encountered. At a site meeting these requirements, Green Bank, West Virginia, the National Science Foundation has established a radio astronomy observatory. Comments filed in this proceeding and Docket 11866 indicate the extreme importance attached to minimizing interference to observations at this installation. It has been requested that the Commission prohibit or restrict the operation of radio stations within at least fifty miles of Green Bank and in certain frequency bands, as well. The Commission estimates from its records that the number of non-Government stations now located within approximately fifty miles of the Green Bank site exceeds 200. It is not believed that the public interest would be served by proposing to require that these stations change frequency, make technical adjustments, or move their locations. However, in view of the extreme care with which the site was chosen and the nature and importance of the work being done, the Commission believes that the adoption of measures to protect it from any additional interference would be in the public interest. Additionally, a Naval Radio Facility has been established at Sugar Grove, West Virginia (near Green Bank and essentially in the same area) where radio astronomy observations will be made. Accordingly, the Commission proposes to amend its Rules to require that applications for station licensees for new stations, for construction permits for new stations or for modifications of existing facilities (except amateur, citizen's radio, temporary base, Civil Air Patrol, mobile and temporary fixed) within a defined rectangular area, slightly exceeding 100 miles on each side, near Green Bank shall be accompanied by a statement that the applicant has advised the Green Bank authorities, in writing, of the technical particulars of his proposed station. The Commission will withhold action on such applications for a maximum period of two weeks awaiting comments from the Green Bank authorities. Such comments, if received, would represent an evaluation of the probable interference to radio astronomy observations in the area from the proposed assignment, based on studies by the National Radio Astronomy Observatory in consultation with the Navy installation at Sugar Grove. If no comments are received or no objections are interposed during that period, the application will be processed in the normal fashion. Should opposition be expressed by authorities at Green Bank, the Commission would, after an appraisal of all the circumstances involved, take such action as appeared to be in the public interest and consistent with statutory requirements. The Executive Branch of the Federal Government proposes to take similar action with respect to Government stations so as to give the maximum practicable protection to the defined area.

5. Mobile stations, Civil Air Patrol Land, and temporary base stations would be excluded from these procedures in view of their relatively low power intermittent operation, and frequently changing locations. In addition § 9.913 (a) of the rules specifically permits a Civil Air Patrol Land Station to be moved and operated away from its authorized location for short periods of time. In the case of mobile stations, their operations would be indirectly controlled in that the base stations with which they communicate would be subject to the coordination procedure. Because of the variable frequencies on which they operate, their intermittent use and their low power, amateur stations have also been excluded. Citizen's radio service stations, because of their low power and intermittent operation have likewise been excluded.

6. The Commission has also given consideration to proposals for reserving specific frequencies exclusively for purposes of radio astronomy observations. Radio astronomy interests stress in particular the importance of protecting observations on the "hydrogen line", i. e., a band from approximately 1400–1427 Mc, in which are received emissions from neutral hydrogen atoms in inter-stellar space. After considering comments filed in this proceeding, the record of the Docket 11866 proceeding, and after consultations with interested Government Agencies, the Commission, in its Notice of Proposed Rule Making in Docket No. 12404, released on April 18, 1958, has proposed that the 1400–1427 Mc frequency band be reserved for radio astronomy observation. Moreover, the Commission's Fifth Notice of Inquiry in Docket No. 12263, contained a proposal that this band be allocated internationally for this purpose. We do not believe that sufficient justification has been presented to warrant proposing at this time the reservation of additional bands for exclusive radio astronomy use, particularly in view of the very serious impact that such additional reservations would have on presently authorized radio services.

7. The Commission does not believe that some of the more sweeping protective measures suggested by radio astronomy groups are feasible or in the public interest. For example, while the procedures for geographical protection already outlined appear well-suited to the Green Bank/Sugar Grove area because of its isolation and the relatively limited use of radio which may be expected there, the protection of radio telescope sites in urban areas might well entail changing the frequencies of hundreds of existing stations and effecting a serious curtailment in the uses presently being made of radio. In addition, the existence of a large number of more favorable geographic sites throughout the country militates against establishing regulations to protect installations located in regions where radio usage is already highly developed and greatly relied on. Similarly the setting aside of a large number of frequencies and their subharmonics or harmonics in various parts of the spectrum in order to eliminate the reception of undesired signals would necessarily require the withdrawal of large bands of frequencies from general use. Since, with the exception of the hydrogen line, considerable flexibility exists in the frequencies which can be selected for astronomical purposes, it would appear that for the present at least, astronomers can continue to be guided by principles which now determine their selection of frequencies.

8. This Further Notice of Proposed Rule Making is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended. The proposed amendments are set forth below.

9. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 3, 1958, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.54 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 5, 1958.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Parts 3, 4, 5, 6, 7, 9, 10, 11, 16, 20, and 21 of the Commission's rules and regulations by adding a new section as follows:

In order to minimize possible harmful interference at the National Radio Astronomy observation site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Facility site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, Citizens Radio, Civil Air Patrol or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height, or directivity or location of such a station within the area bounded by 39°15′ N on the North, 78°30′ W on the East, 37°30′ N on the South and 80°30′ W on the West shall, at the time of filing such application with the Commission, simultaneously notify the appropriate authorities[1] of the National Radio Astronomy Observatory, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of two weeks for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the two week period from the National Radio Astronomy Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

[F. R. Doc. 58-4417; Filed, June 10, 1958; 8:51 a. m.]

[47 CFR Part 10]

[Docket No. 12473; FCC 58-546]

FORESTRY CONSERVATION RADIO SERVICE

ASSIGNMENT OF FREQUENCIES

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. The Forestry Conservation Communications Association has filed a petition seeking amendment of Part 10 of the Commission's Rules so as to require that all frequencies in the 151.145–151.475 Mc and 159.225–159.465 Mc bands assignable to Forestry-Conservation Radio Service users, be assigned only in accordance with a geographic assignment plan and that "each initial application for a specific frequency or frequencies shall include a favorable recommendation from the National Frequency Advisory Committee." The above-referred-to petition also requested approval of geographic assignment plans submitted by the petitioner.

3. The proposal to require that each initial application for a specific frequency "*shall* include a favorable recommendation from the National Frequency Advisory Committee"[2] raises questions concerning the extent of lawful delegation of the Commission's authority. Accordingly, an amendment to the Commission's rules so as to provide such a requirement will not be included in any amendments which may be ordered in this proceeding.

4. Except as stated above, the Commission has not made any determination as to whether amendments of the type proposed by the Forestry Conservation Communications Association would be in the public interest and the Commission is not now proposing specific amendments to its rules. However, this Notice of Proposed Rule Making is being issued to afford interested parties an opportunity to present their views to the Commission concerning the proposals, including the specific geographic assignment plans set forth below, advanced by the Forestry Conservation Communications Association.

5. The proposed amendments are issued pursuant to the authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested persons who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 1, 1958, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: June 4, 1958.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

PROPOSED FCCA ASSIGNMENT PLAN—151 MC

NOTE: The basic plan provides a minimum of three frequencies per state. Where requested and justified, additional frequencies are provided. Asterisk indicates that requests for this frequency must be accompanied by a clearance from the regional chairman indicating that the specific proposed use has been coordinated with the adjacent state holding area priority preference.

Alabama—151.175, 151.265, 151.385.
Arizona—151.145, *151.205, *151.355.
Arkansas—151.175, 151.295, 151.385.
California—*151.145, 151.175, 151.205, *151.235, 151.265, 151.295, *151.325, 151.355, *151.385, 151.415, *151.445, *151.475.
Colorado—151.265, 151.415, 151.475.
Connecticut—151.175, 151.295, 151.385.
Delaware—151.265, 151.415, 151.475.
Florida—151.295, 151.355, 151.415.
Georgia—151.145, 151.205, 151.475.
Idaho—151.145, 151.205, 151.355.
Illinois—151.235, 151.325, 151.445.
Indiana—151.145, 151.205, 151.355.
Iowa—151.175, 151.295, 151.385.
Kansas—151.175, 151.295, 151.385.
Kentucky—151.175, 151.295, 151.385.
Louisiana—151.235, 151.325, 151.445.
Maine—151.145, 151.205, 151.355.
Maryland—151.235, 151.325, 151.445.
Massachusetts—151.265, 151.415, 151.475.
Michigan—151.175, 151.235, 151.295, 151.385.
Minnesota—151.265, 151.413, 151.475.
Mississippi—151.145, 151.205, 151.355.
Missouri—151.265, 151.415, 151.475.
Montana—151.265, 151.415, 151.475.
Nebraska—151.145, 151.205, 151.355.
Nevada—151.385, *151.415, 151.475.
New Hampshire—151.235, 151.325, 151.445.
New Jersey—151.265, 151.415, 151.475.
New Mexico—151.295, *151.325, 151.385.
New York—151.143, 151.205, 151.355.
North Carolina—151.175, 151.295, 151.355, 151.385.
North Dakota—151.175, 151.295, 151.385.
Ohio—151.265, 151.415, 151.475.
Oklahoma—151.145, 151.205, 151.355.
Oregon—*151.175, 151.235, 151.325, 151.445.
Pennsylvania—151.175, 151.295, 151.385.
Rhode Island—151.235, 151.385, 151.445.
South Carolina—151.235, 151.265, 151.445.
South Dakota—151.235, 151.325, 151.445.
Tennessee—151.235, 151.235, 151.445.
Texas—151.175, 151.265, 151.415, 151.475.
Utah—151.235, 151.325, 151.445.
Vermont—151.175, 151.295, 151.385.
Virginia—151.265, 151.415, 151.475.
Washington—151.265, 151.295, 151.385, 151.415, 151.475.
West Virginia—151.145, 151.205, 151.355.
Wisconsin—151.145, 151.205, 151.355.
Wyoming—151.175, 151.295, 151.385.

Minimum sharing any channel—10 states.
Maximum sharing any channel—17 states.
Average sharing all channels—14 states.

PROPOSED FCCA ASSIGNMENT PLAN—159 MC

1	159.225.	10	159.360.
2	159.240.	11	159.375.
3	159.255.	**12	159.390.
**4	159.270.	13	159.405.
5	159.285.	14	159.420.
6	159.300.	15	159.435.
7	159.315.	**16	159.450.
**8	159.330.	17	159.465.
9	159.345.		

Alabama—7, 9, 14, *16*.
Arizona—*4, 7, 10, 13.
Arkansas—1, *8*, 11, 14.
California—2, *4*, 5, *6, *8*, 9, *10, 11, **12*, 14, *16*.
Colorado—4, 7, *10, 15.
Connecticut—3, 10, 13, 16.
Delaware—5, 8, 10, 13.
Florida—*4*, 6, *8*, 11.
Georgia—3, 5, 10, *12*.
Idaho—*4*, 7, *10, *12*, *16*.
Illinois—6, 13, 16, 17.
Indiana—2, 7, 9, 10.
Iowa—1, 3, 12, 14.
Kansas—2, 6, 13, 17.
Kentucky—1, 5, 12, 14.
Louisiana—2, 7, 9, 16.
Maine—3, 5, 8, *12*, 16.
Maryland—1, 6, 9, 11, *16*.
Massachusetts—2, *4*, 7, 9, *12*, 14.
Michigan—1, *4*, *12*, 14, 17.
Minnesota—6, 9, 10, 15.
Mississippi—*4*, 10, *12*, 15.
Missouri—4, 7, 10, 15.
Montana—2, 5, *8*, 15.
Nebraska—5, 8, 11, 16.
Nevada—1, 6, 14, 17.

*Indicates that each application must be accompanied by a letter of clearance from the regional chairman indicating that the proposed use has been coordinated with the adjacent state holding area priority.

**Indicates original 60 kc channel.

Italics indicates in use.

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[1] If this proposed section is adopted, the name and address of the appropriate authority would be specified at that time.

[2] Emphasis supplied.

New Hampshire—6, 10, 15, 17.
New Jersey—2, *4*, 11, 17.
New Mexico—1, **8*, 11, 14.
New York—1, 6, *8*, *12*, 15, 17.
North Carolina—5, 7, *12, 14.
North Dakota—1, 3, 14, 16.
Ohio—6, 13, 15, 16.
Oklahoma—3, 5, *12*, *16*.
Oregon—3, *6, 10, *12, 15.
Pennsylvania—3, *8*, *10, *12*, 14.
Rhode Island—6, 8, 11, 15.
South Carolina—*4*, 9, 13, 16.
South Dakota—4, 7, 12, 17.
Tennessee—2, 6, 13, 17.
Texas—*4*, 6, 10, 13, 15.
Utah—2, 5, *8, 12.
Vermont—3, 8, 13, 16.
Virginia—3, 8, 10, 15.
Washington—2, *4*, *8*, 11, 14, 17.
West Virginia—2, *4*, 7, 17.
Wisconsin—2, 5, 8, 11.
Wyoming—1, 3, 6, 14.

Footnotes on preceding page.

Note: New 15 kc and 30 kc channels available only after finalization of Docket 11990 and subject to limitations set forth therein.

[F. R. Doc. 58-4418; Filed, June 10, 1958; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DEFERRAL OF ACTION ON PROPOSED RULE MAKING

On March 5, 1958, the Securities and Exchange Commission in Securities Act Release No. 3903, invited all interested persons to submit their comments in regard to a proposed new Rule 136 (§ 230.136) and a proposed amendment to Rule 140 (§ 230.140) under the Securities Act with respect to assessable stock. It was requested that such comments be submitted on or before April 7, 1958. At the request of various persons, the Commission subsequently extended the time for submitting such comments to June 7, 1958.

The Commission intends in the near future to invite the submission of comments in regard to certain additional proposed rule changes which would provide a conditional exemption pursuant to section 3 (b) from registration under the Securities Act for the levying of limited amounts of assessments on assessable stock. Pending the receipt and consideration of comments on these additional proposals the Commission has determined not to take action in regard to the proposed rule changes published March 5, 1958.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 4, 1958.

[F. R. Doc. 58-4400; Filed, June 10, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 3, 1958.

The Department of Commerce, Civil Aeronautics Administration, has filed an application, Serial No. New Mexico 042744, for the withdrawal of lands described below from all forms of appropriation including mineral leasing and mining location.

The applicant desires the lands for location of a radio transmitter, designated as the Belen "H" Facility.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 6 N., R. 2 E.,
  Sec. 11, Lot 5.

The area described aggregates 0.45 acres.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 58-4392; Filed, June 10, 1958; 8:47 a. m.]

[Wyoming-062694]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 4, 1958.

The Bureau of Reclamation has filed an application, Serial No. Wyoming-062694, for withdrawal of the lands described below, from all forms of appropriation other than that provided for by the act of June 17, 1902 (32 Stat. 388).

The applicant desires the lands in order that they may be administered and disposed of under reclamation law, in connection with the Hanover-Bluff Unit. Tract 1 and lots 6, 9, and 10 of Section 3 and Tract 1 of Section 4, T. 46 N., R. 92 W., are included within Farm Units A, B, and C listed in the order dated October 19, 1956, and as such are to be withheld from development in accordance with that order.

For a period of 30 days from the date of publication of this notice persons having cause may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each party of record.

The lands involved in this application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 92 W.,
  Sec. 3, Tract 1, lots 5, 6, 9, 10, SE¼NE¼, E½SE¼;
  Sec. 4, Tract, 1, lot 6, SW¼NE¼, N½NW¼SE¼, N½S½NW¼SE¼;
  Sec. 9, SW¼NW¼;
  Sec. 18, Tract 1, lot 26.
T. 46 N., R. 93 W.,
  Sec. 13, Tracts 2, 4, lots 6, 7;
  Sec. 24, Tracts 2, 3.
T. 45 N., R. 94 W.,
  Sec. 1, Tract 1;
  Sec. 2, Tracts 1, 3, 5, lot 18;
  Sec. 3, lot 23.

The areas described total 710.46 acres of public lands.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 58-4393; Filed, June 10, 1958; 8:47 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

ASSISTANT ADMINISTRATOR, RESOURCES AND REQUIREMENTS ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

The purpose of this delegation is to authorize the disposal of surplus property, having a single item acquisition cost of $2,500 or more, in advance of the time limitations set forth in § 1702.7 (e) of Federal Civil Defense Administration regulations, Part 1702, Surplus Property, Chapter XVII, Title 32 of the Code of Federal Regulations (21 F. R. 8990), and to prescribe the terms and conditions of such disposal.

Pursuant to the authority vested in me by section 203 (j), Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 484 (j)), and the Federal Civil Defense Act of 1950, as amended (50 U. S. C. App. 2251 et seq.), the Assistant Administrator, Resources and Requirements (or his designee of the Federal Civil Defense Administration is hereby delegated the authority to give written authorization to donees, on an individual case basis, for the disposal of surplus property, donated for civil defense purposes and having a single item acquisition cost of $2,500 or more, in advance of the time limitations set forth in § 1702.7 (e) of Federal Civil Defense Administration regulations, Part 1702, and to prescribe the terms and conditions of each such disposal:

1. Determinations involving a single item acquisition cost of $50,000 or more. This authority may not be redelegated.

2. Determinations involving a single item acquisition cost of $2,500 or more, but less than $50,000. This authority may be redelegated.

The foregoing delegation of authority shall be exercised in accordance with FCDA regulations and other administrative issuances governing the Surplus Property Program.

This delegation of authority is effective upon publication in the FEDERAL REGISTER.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58-4394; Filed June 10, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JUNE 1958 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Available interest rates on sales made in June under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 1⅝ percent per annum.

For periods over 6 months up to and including 18 months, 2⅜ percent per annum.

For periods over 18 months up to and including 36 months, 2⅞ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter and entered into.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Commodity Office and therefore generally they do not appear in the Monthly Sales List.

JUNE 1958 MONTHLY SALES LIST

On sales for which buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this prupose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-26. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic price: For unrestricted use price is "in store" [1] at storage locations of products. Prices for unrestricted use, which reflect 90 percent of the April 1958 parity prices, will continue in effect for the remainder of 1958. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-26. Export prices are on the basis of delivery f. a. s. vessel or at buyer's option f. o. b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-26. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter (as available)	Domestic, unrestricted use: 68 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 67¼ cents per pound, Washington, Oregon, and California. All other States 67 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of chocolate or in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 16.25 cents per pound; in bags, 15.40 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 14.25 cents per pound; in bags, 13.40 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels, drums, or bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddar, flats, twins, and rindless blocks (standard moisture basis).	Domestic: 39.5 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 38.5 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, Revision I, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-4 and NO-C-9, as amended, and Announcement CN-EX-5 and NO-C-11.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Domestic (unrestricted use): Shelled (1956 crop in cold storage): Market price but not less than the 1956 applicable loan rate for type and grade basis in store point of origin, plus 5 percent, adjusted for milling, storage, and other charges. Example of minimum price at point of storage: Virginias, U. S. Grade, Extra large kernels, 26.70 cents per pound; Virginias, U. S. Grade, Medium, 25.20 cents per pound; S. E. Runner, U. S. Grade No. 1, 24.20 cents per pound. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store [2], but not less than the 1957 applicable loan rate, plus (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. Examples of the foregoing minimum per bushel (ex-rail or barge): Chicago, No. 1 RW, $2.59; Minneapolis, No. 1 DNS, $2.63; Kansas City, No. 1 HW, $2.59; Portland, No. 1 SW, $2.49. Noncommercial wheat-producing area: Market price, basis in store [2], but not less than 133 percent of applicable 1957 county loan rate plus (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended for application to certain barter contracts and specially approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Dallas, Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Evanston, and Portland when announced.
Corn, bulk	Domestic: Commercial corn producing area: Market price, basis in store,[3] but not less than the 1957 applicable loan rate for corn produced in compliance with 1957 acreage allotments plus: (1) a markup of 21 cents per bushel for corn in storage at point of production, (2) a markup of 23 cents per bushel and the rail freight (including transportation tax) from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, $1.81¾; Minneapolis, $1.71¼. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 110 percent of the applicable 1957 loan rate plus markups as above. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn, unrestricted use (as available): At other than bin sites, through the above offices. At bin sites, through ASC county offices. Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit sales, and under Announcement GR-368, for Feed Grain Payment-in-Kind Program.

See footnotes at end of table.

JUNE 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) a markup of 21 cents per bushel for oats in storage at point of production, (2) a markup of 23 cents per bushel and the rail freight (including transportation tax) from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, No. 3 oats or better, $0.91¾; Minneapolis, No. 3 oats or better, $0.86. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Minneapolis, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price in store,[2] but not less than the 1957 applicable loan rate plus (1) 25 cents per bushel if received by truck, or (2) 22 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 barley, $1.40. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Dallas, Minneapolis, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 28 cents per bushel if received by truck or (2) 23 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 or better, $1.63. Available Evanston, Kansas City, Minneapolis, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Evanston, Dallas, and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) 51 cents per hundredweight if received by truck or (2) 42 cents per hundredweight if received by rail or barge. If delivery is outside the area of production applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex rail or barge): Kansas City, No. 2 or better, $2.73. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[3]
Soybeans, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 6½ cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk	Domestic (for crushing) or export. Market price basis in store but not less than 1957 crop support rate for the point of production for Grade No. 1 plus 4½ cents per bushel, except for odd lots or lots in danger of deterioration. Market discounts for lower grades to apply. Available Minneapolis CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1957 loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling plus 83 cents per hundredweight basis in store. Prices and quantities available by varieties and grade may be obtained from Dallas CSS Commodity Office. Example of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$11.26	$10.41	$9.48
Century Patna	10.43	9.58	8.75

Export: Competitive bid under DL-MR-400/57 (Revised) for export only under Title I, Public Law 480 purchase authorizations as announced by Dallas CSS Commodity Office.

Special export; Competitive bid on "as is" basis, under DL-MR/53 as announced by Dallas CSS Commodity Office.

See footnotes at end of table.

JUNE 1958 MONTHLY SALES LIST—Continued

Commodity	Sales price or method of sale
Rice, rough	Domestic, unrestricted: Market price but not less than the 1957 applicable loan rate plus 5 percent plus 61 cents per hundredweight basis in store. Price and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive bid as announced by Dallas and Portland CSS Commodity Offices.
Dry edible beans (bagged) (as available).	Domestic or export: Domestic market price but not less than the following minimum price per hundredweight for U. S. No. 1 f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1957 price support differential.

Class	Price per hundredweight	Area of production	CSS Commodity Office
Red Kidney	$9.16	Idaho, Calif.	Portland.
Large Lima	10.86	Calif.	Portland.
Pinto	6.89	Eastern Colo.	Kansas City.
Pink	7.67	Calif.	Portland.

Commodity	Sales price or method of sale
Gum rosin	Domestic or export: Offer and acceptance basis "as is" in galvanized metal drums (averaging 517 number net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.
Burley Tobacco (as available)	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of announcement to be issued. This announcement will cover a limited quantity (about 16,000,000 pounds). Copies of such announcement, when issued, may be obtained from the Tobacco Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C.

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[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: June 5, 1958.

[SEAL]

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4431; Filed, June 10, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6825]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

JUNE 5, 1958.

Take notice that on May 29, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Company ("Applicant"), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $30,000,000 in principal amount of its First Mortgage bonds (the "New Bonds"), Series due 1988. Applicant will issue the New Bonds as a new series of First Mortgage Bonds under and pursuant to a presently existing Trust Indenture, dated February 1, 1937, to Harris Trust and Savings Bank, Trustee, as heretofore supplemented by nine indentures supplemental thereto, and as it is to be further supplemented by a Tenth Supplemental Indenture thereto, to be dated as of July 1, 1958. The New Bonds are to be dated July 1, 1958, are to bear interest at the rate per annum to be fixed by competitive bidding and will mature on July 1, 1988. Applicant proposes to issue the New Bonds on July 15, 1958. Applicant proposes to use $18,944,400 of the proceeds from the sale of the New Bonds to redeem, on August 15, 1958, the $18,000,000, principal amount of its First Mortgage Bonds, Series due August 1, 1987, 5 percent, now outstanding. The balance of the proceeds from the sale of the New Bonds will be added to the general funds of Applicant and used to pay part of the expenditures incurred or to be incurred in 1958 under the construction program, presently estimated at $43,900,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 23rd day of June 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4395; Filed June 10, 1958; 8:47 a. m.]

[Docket No. G-9760]

JADE OIL & GAS CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 5, 1958.

Take notice that Jade Oil & Gas Company, Inc. (Applicant), an Oklahoma corporation with principal place of business in Tulsa, Oklahoma, filed an application on December 9, 1955, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce produced from the El Dorado Field, Saline County, Illinois, to Texas Eastern Transmission Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4396; Filed, June 10, 1958; 8:48 a. m.]

[Docket No. G-14763]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 5, 1958.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal office in Owensboro, Kentucky, filed an application on March 27, 1958, and supplementary data thereto on May 12, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 12.5 miles of 16-inch O. D. pipeline completing the looping of Applicant's Lake Arthur-Eunice supply lateral in Jefferson Davis and Acadia Parishes, Louisiana, subject to the jurisdiction of the Commission, as more fully set forth in the application on file with the Commission and open to public inspection.

The application recites that:

The existing partially looped Lake Arthur-Eunice (North Tepetate) supply line is one of the principal lines carrying gas to Applicant's Eunice-Bastrop 26-inch line for input into the main 26-inch system. On peak days the Lake Arthur-Eunice line alone is expected to supply 186,600 Mcf out of a total of 423,800 Mcf delivered to Eunice by a number of south Louisiana supply lines operated by Texas Gas. The maximum capacity of said line is estimated by Texas Gas to be 344,400 Mcf per day with the proposed loop, an increase of 128,400 Mcf per day over the existing capacity of the supply line.

Applicant further states the Lake Arthur-Eunice line normally transports only gas produced in the Lake Arthur Field, but Applicant states that, when occasions require, it could also carry gas produced in the nearby Chalkley, Mallard Bay and South Bell City Fields through rerouting of such gas in interconnecting lines to the Lake Arthur line. In the event of an emergency on the other south Louisiana supply lines, Applicant could use the Lake Arthur line to carry both the Lake Arthur gas and the gas from the aforenamed fields. Applicant states, it also desires to install the proposed loop line, to enable it to assure availability of Lake Arthur gas in the event of a break on either of the two 16-inch Lake Arthur loop lines.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 29, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 16, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4397; Filed, June 10, 1958; 8:48 a. m.]

[Docket No. G-15211]

SOHIO PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 5, 1958.

Sohio Petroleum Company (Sohio) on May 12, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 10 to Sohio's FPC Gas Rate Schedule No. 28.
Effective Date: June 12, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Sohio merely submits a copy of a letter from Texas Eastern Transmission Corporation and states that the increased price was determined in accordance with the contract which was negotiated at arm's-length and that such price is just and reasonable and is not in excess of the commodity value of the gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Sohio's FPC Gas Rate Schedule No. 28 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Sohio's FPC Gas Rate Schedule No. 28.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 12, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4399; Filed, June 10, 1958; 8:48 a. m.]

[Docket No. G-15210]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 5, 1958.

Cities Service Oil Company (Operator) et al. (Cities Service), on May 7, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 1, 1958.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 1.
Effective date: June 7, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Cities Service states that the increased rate is provided for by a contract which was negotiated at arm's-length; that the increased price is not unreasonable but is in fact less than the going price and market value of gas in the area. In addition, Cities Service submits a copy of a letter from Trunkline Gas Company agreeing to the favored-nation increased price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 7, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4398; Filed, June 10, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 90 (Revised)]

NATIONAL BUREAU OF STANDARDS

ORGANIZATION AND FUNCTIONS

The material appearing in 20 F. R. 8728-8730 of November 26, 1955 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the National Bureau of Standards.

SEC. 2. *Organization.* .01 The National Bureau of Standards, established by the Act of March 3, 1901 (31 Stat. 1449; 15 U. S. C. 271), is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Director appointed by the President with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Under Secretary of Commerce.

.02 The National Bureau of Standards shall be constituted as follows:

1. Office of the Director:

Director.
Associate Director for Physics.
Associate Director for Engineering.
Associate Director for Chemistry.
Associate Director for Planning.
Associate Director for Administration.
Associate Director for the Boulder Laboratories.

2. Scientific divisions at headquarters in Washington, D. C., reporting to the Director through Associate Directors as assigned:

Electricity and Electronics.
Optics and Metrology.
Heat.
Atomic and Radiation Physics.
Chemistry.
Mechanics.
Organic and Fibrous Materials.
Metallurgy.
Mineral Products.
Building Technology.
Applied Mathematics.
Data Processing Systems.

3. Divisions reporting to the Associate Director for the Boulder Laboratories:

Cryogenic Engineering.
Radio Propagation Physics.
Radio Propagation Engineering.
Radio Standards.
Administrative.

4. Technical Staff Offices reporting to the Director or an Associate Director:

Office of Weights and Measures.
Office of Basic Instrumentation.
Office of Technical Information.
National Bureau of Standards Library.

8. Service divisions reporting to the Associate Director for Administration:

Accounting.
Personnel.
Administrative Services.
Shops.
Supply.
Management Planning.
Budget.
Internal Audit.
Plant.

Sec. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director is hereby authorized to perform the functions and exercise the authorities vested in the Secretary by Title 15, Chapters 6 and 7, U. S. Code, or by any subsequent legislation with respect to physical science activities within the special competence of the National Bureau of Standards.

.02 The Director of the National Bureau of Standards may redelegate and authorize the successive relegation of the authority granted herein to any employee of the Bureau and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

Sec. 4. *General functions.* .01. The basic functions of the National Bureau of Standards are (a) development and maintenance of the national standards of measurement, and the provision of means for making measurements consistent with those standards; (b) determination of physical constants and properties of materials; (c) development of methods for testing materials, mechanisms, and structures, and the making of such tests as may be necessary, particularly for Government agencies; (d) cooperation in the establishment of standard practices, incorporated in codes and specifications; (e) advisory service to Government agencies on scientific and technical problems; and (f) invention and development of devices to serve special needs of the Government.

.02 In carrying out these functions the Bureau is authorized to undertake the activities enumerated in Section 6.02 and similar activities for which the need may arise in the operation of Government agencies, scientific institutions and industrial enterprises.

Sec. 5. *Functions of the Office of the Director.* .01 The Director, subject to legal requirements and policy direction from the Secretary, determines the policies of the National Bureau of Standards and directs the development and execution of its programs.

.02 The Associate Directors for Physics, Engineering, Chemistry, and Boulder Laboratories have the following combination of responsibilities:

1. Advise the Director on the planning and coordination of the scientific program;

2. Provide specialized staff assistance in designated subject areas; and

3. Carry line responsibility for designated divisions and offices.

.03 The Associate Director for Planning is the Director's principal staff adviser on program development, coordination and evaluation, giving special attention to the long-range responsibilities of the Bureau in relation to the needs of science and technology.

.04 The Associate Director for Administration is responsible for the planning and operation of administrative functions in support of technical programs and serves as the Director's principal staff adviser on management matters.

.05 The Associate Director for the Boulder Laboratories supervises the Bureau's major establishment outside Washington, D. C. He may, when appropriate, use the abbreviated title, Director, Boulder Laboratories.

.06 In the absence of the Director, the Acting Director is automatically the first Associate Director available in the following sequence: Physics, Engineering, Chemistry, Planning, Administration, and Boulder Laboratories.

Sec. 6. *Functions of scientific divisions.* .01 The general functions of the Bureau are carried out primarily by the scientific divisions, with the technical offices and services assisting them.

.02 Each scientific division is authorized to engage in such of the following activities as are appropriate to its special functions; as indicated generally by division titles (see Section 2.02).

1. Research in engineering, mathematics, and physical sciences;

2. Construction of physical standards;

3. Testing, calibration and certification of standards and standard measuring apparatus;

4. Improvement of instruments and means of measurement;

5. Investigation and testing of scales for weighing commodities for interstate shipment;

6. Cooperation with States in securing uniformity in weights and measures laws and methods;

7. Provision of standard samples for checking basic properties of materials and provision of standard instruments for calibration of measuring equipment;

8. Development of methods of chemical analysis and synthesis of materials, and investigation of properties of rare substances;

9. Study of methods of producing and measuring high and low temperatures and the behavior of materials at such temperatures;

10. Investigation of radiation, radioactive substances, and X-rays, together with their uses and means of protecting persons from their harmful effects;

11. Study of the atomic and molecular structure of chemical elements;

12. Broadcasting of radio signals of standard frequency;

13. Investigation of conditions which affect the transmission of radio waves; and distribution of information for choice of frequencies to be used in radio operations;

14. Study of new technical processes of fabricating materials in which the Government has a special interest; also, study of processes and methods of measurement used in manufacture of optical glass, pottery, tile and other clay products;

15. Determination of properties of building materials and structural elements and encouragement of their standardization and most effective use, including fire prevention aspects;

16. Metallurgical research, including study of alloy steel and light metal alloys; investigation of foundry and related practices; prevention of corrosion of metals and alloys; behavior of bearing metals; and development of standards for metals and sands;

17. Operation of a laboratory of applied mathematics; and

18. Provision of general scientific and technical data resulting from the above activities or derived from other sources when such data are important to scientific or manufacturing interests or the general public and are not readily available elsewhere; and, demonstration of the results of the Bureau's work by exhibits and other means.

Sec. 7. *Functions of technical staff offices.* .01 While many technical services are obtained by scientific divisions from one another, certain service and coordinating activities are carried out by technical offices which report to the Director or to Associate Directors as assigned.

.02 The Office of Weights and Measures develops model laws, rules, regulations, specifications, tolerances, and general administrative procedures, including testing apparatus and test methods and promotes adoption of these by State and local weights and measures jurisdictions. As a part of this activity, that Office serves as liaison between the States and technical staff of the National Bureau of Standards, and conducts an annual National Conference on Weights and Measures.

.03 The Office of Basic Instrumentation analyzes methods and devices for measurements of physical magnitude; coordinates Bureau projects in basic instrumentation; surveys all work in progress at the Bureau with regard to its applicability to existing or proposed instrumentation projects; arranges for the testing and evaluation of new instrument developments; stimulates and directs experimental studies of original ideas for improved means of measurements; and arranges for preparation and dissemination of articles relating to instrumentation.

.04 The Office of Technical Information fosters and assists in the outward communication of scientific findings and related information to science, industry, and the general public.

.05 The National Bureau of Standards Library furnishes diversified library services to Bureau staff members and arranges exchanges and loans with other organizations.

Sec. 8. *Functions of the administrative divisions.* .01 The central administrative divisions are responsible for their special functions and also for providing staff assistance to the Associate Director for Administration in carrying out his functions.

.02 The Accounting Division administers the official system of central fiscal records, payments and reports, and provides staff assistance on accounting and related matters.

.03 The Personnel Division advises on personnel policy and utilization and administers recruitment, placement, classification, training, and employee relations activities, assisting operating officials on these and other aspects of personnel management.

.04 The Administrative Services Division has staff responsibility for security, safety, emergency relocation planning, and civil defense activities, and administers custodial functions, communication services, records management, duplicating service, test administration service, and local transportation service.

.05 The Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

.06 The Supply Division performs or facilitates procurement and distribution of material, keeps records and promotes effective utilization of property, and acts as the contracting office for all research, construction, supply, and lease contracts entered into by the Bureau.

.07 The Management Planning Division advises on all aspects of management not otherwise assigned, and provides staff assistance on the maintenance and improvement of organization and methods.

.08 The Budget Division advises on financial management and provides staff assistance in the preparation of estimates and the utilization of funds.

.09 The Internal Audit Division assists the Director and other Bureau officials by conducting independent, objective, and constructive appraisals of the effectiveness and efficiency with which the Bureau's operating, administrative, and financial programs are being carried out and reporting its findings and recommendations for consideration and action.

.10 The Plant Division maintains the physical plant at Washington, and performs staff work in planning and providing grounds, buildings, and improvements at all Bureau locations.

SEC. 9. *Operations outside Washington, D. C.* .01 The Bureau's major activity outside Washington, D. C. is Boulder Laboratories whose divisional organization is given in Section 2.02. The titles of these divisions are descriptive of the functions performed.

.02 In addition several scientific divisions have field establishments. For the most part, these contribute to the specific programs and projects of their corresponding headquarters divisions rather than perform special services for the public. Activities include concreting materials testing, lamp inspection, development and application of visual range meters, development of uniform standards for railway freight car weighing, and radio frequency and propagation testing and monitoring.

Effective date: May 16, 1958.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-4409; Filed, June 10, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12031; FCC 58M-577]

BIRCH BAY BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE AND CONTINUING HEARING

In re application of George A. Wilson and L. N. Ostrander d/b as Birch Bay Broadcasting Company, Blaine, Washington; Docket No. 12031, File No. BP-10848; for construction permit.

It is ordered, This 5th day of June 1958, that a further prehearing conference in the above-entitled proceeding will be held on July 1, 1958, at 10:00 a. m.; and

It is further ordered, That the hearing presently scheduled to begin on June 25, 1958, is hereby continued to July 10, 1958, in the offices of the Commission, Washington, D. C.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4419; Filed, June 10, 1958; 8:53 a. m.]

[Docket Nos. 12058, 12462; FCC 58-534]

KBR STATIONS, INC. AND KENNETH E. SHAW

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The KBR Stations, Inc., Keene, New Hampshire; Docket No. 12058, File No. BP-10732; Kenneth E. Shaw, Newport, New Hampshire; Docket No. 12462, File No. BP-11782; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June 1958;

The Commission having under consideration the above-captioned applications of The KBR Stations, Inc., and Kenneth E. Shaw, each for a construction permit for a new standard broadcast station to operate on 1010 kilocycles with powers of one kilowatt and 250 watts, respectively, daytime only, at Keene and Newport, New Hampshire, respectively;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the proposed stations but that the operation of both proposals would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated February 6, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies to the Commission's letter were filed by both applicants; and

It further appearing that the application of The KBR Stations, Inc., proposes the use of a composite transmitter, and, therefore, in the event of favorable action on the application in the hearing provided for below, the construction permit shall include a condition requiring submission of data to show compliance with §§ 3.48 and 2.524 of the Commission's rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of a grant of the application of The KBR Stations, Inc., as a result of the hearing proceeding ordered above, the permittee shall submit with the application for license satisfactory data showing compliance with §§ 3.48 and [illegible] of the Commission's rules.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4420; Filed, June 10, 1958; 8:53 a. m.]

[Docket No. 12310 etc.; FCC 58M-578]

ENTERTAINMENT SERVICE, INC., ET AL.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Entertainment Service, Inc., Solvay, New York; Docket No. 12310, File No. BP-10988; Joseph A. Marturano and Philip S. Marturano, d/b as Rome Community Broadcasting Company, Rome, New York; Docket No. 12311, File No. BP-11262; James A. McKechnie, North Syracuse, New York; Docket No. 12312, File No. BP-11329; for construction permits.

The Hearing Examiner having under consideration a motion filed on June 4, 1958, by counsel for James A. McKechnie, one of the applicants, requesting that the date for exchange of direct affirmative case in the above-entitled proceeding be extended from June 10 to June 23, 1958; and that the further prehearing conference be continued from June 17 to June 30, 1958;

It appearing that counsel for the other parties, including the Broadcast Bureau, have informally agreed to the requested changes, and good cause has also been shown for the grant of the motion;

It is ordered, This 5th day of June 1958, that the motion be and the same is hereby granted; and the date for exchange of direct affirmative case is extended to June 23, 1958, and the further prehearing conference is continued to June 30, 1958, at 10 o'clock a. m., in Washington, D. C.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4421; Filed, June 10, 1958; 8:53 a. m.]

[Docket Nos. 12463, 12464; FCC 58-535]

JAMES S. RIVERS, INC., (WJAZ) AND F. KEITH BROWN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James S. Rivers, Inc., (WJAZ) Albany, Georgia; Docket No. 12463, File No. BP-11220; F. Keith Brown, Cuthbert, Georgia; Docket No. 12464, File No. BP-11403; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June, 1958;

The Commission having under consideration the above-captioned applications of James S. Rivers, Inc., for a construction permit to change the facilities of Station WJAZ, Albany, Georgia, from operation on 1050 kilocycles with a power of one kilowatt, daytime only, to 960 kilocycles 5 kilowatts power, directional antenna, daytime only; and of F. Keith Brown for a construction permit for a new standard broadcast station to operate on 960 kilocycles with a power of one kilowatt, daytime only, at Cuthbert, Georgia;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate the stations as proposed but that the operation of both proposals would result in mutually destructive interference and that the proposed operation of Station WJAZ would cause interference to Station WGOV, Valdosta, Georgia (950 kc, 5 kw, Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated March 3 and April 22, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letters; and

It further appearing that by letter dated March 28, 1958, the licensee of Station WGOV expressed an intention of appearing at a hearing on the application of James S. Rivers, Inc.; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WJAZ as proposed, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operation of F. Keith Brown, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station WJAZ would cause objectionable interference to Station WGOV, Valdosta, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Georgia-Florida Radio and Television Co., licensee of Station WGOV, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4422; Filed, June 10, 1958; 8:53 a. m.]

[Docket No. 12465; FCC 58-536]

WLBE, INC. (WLBE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WLBE, Inc. (WLBE) Leesburgh-Eustis, Florida; Docket No. 12465, File No. BP-11305; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June 1958;

The Commission having under consideration the above-captioned application of WLBE, Inc., for a construction permit to increase the daytime power of Station WLBE, Leesburg-Eustis, Florida, from one kilowatt to 5 kilowatts, and to continue operation on the presently assigned frequency of 790 kilocycles, with nighttime power of one kilowatt, utilizing a nighttime directional antenna, unlimited time; and

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, and otherwise qualified to operate Station WLBE as proposed, but that the proposed operation would cause objectionable interference to Station WSUZ, Palatka, Florida (800 kc, 1 kw, D); and that additional data is needed to determine whether interference from Station

WSUZ and from Station WPFA, Pensacola, Florida (790 kc. 1 kw, D), would affect more than 10 percent of the population in the normally protected primary service area of the instant proposal in contravention of Section 3.28 (c) of the Commission Rules, and whether the applicant is financially qualified; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated May 7, 1958, of the foregoing deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply but did not submit the aforementioned information requested in the Commission's letter of May 7, 1958; and

It further appearing that the licensee of Station WSUZ had previously requested, in a letter dated July 3, 1957, that this application be designated for hearing because of the interference to Station WSUZ; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on the application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WLBE as proposed and the availability of other primary service to such areas and populations.
2. To determine whether the proposed operation of Station WLBE would cause objectionable interference to Station WSUZ, Palatka, Florida, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
3. To determine whether, because of interference received, the proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.
4. To determine whether WLBE, Inc., is financially qualified to construct and operate its instant proposal.
5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Raymac, Inc., licensee of Station WSUZ, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4423; Filed, June 10, 1958; 8:53 a. m.]

[Docket Nos. 12466-12468; FCC 58-537]

HEMET-SAN JACINTO VALLEY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Fred W. Volken, John F. Stroud & N. Vincent Parsons d/b as Hemet-San Jacinto Valley Broadcasting Company, Hemet, California; Docket No. 12466, File No. BP-11182; William L. Miller and Luther Pillow d/b as L & B Broadcasting Company, Hemet, California; Docket No. 12467, File No. BP-11217; San Luis Rey Broadcasting Company, Inc. (KSLR), Oceanside, California; Docket No. 12468, File No. BP-11652; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June 1958;

The Commission having under consideration the above-captioned applications of Fred W. Volken, John F. Stroud and N. Vincent Parsons d/b as Hemet-San Jacinto Valley Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1340 kilocycles with a power of 250 watts, unlimited time at Hemet, California; of William L. Miller and Luther Pillow d/b as L & B Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1320 kilocycles with a power of 500 watts, directional antenna, daytime only, at Hemet, California; and of the San Luis Rey Broadcasting Company, Inc., for a construction permit to increase the daytime power of Station KSLR, Oceanside, California, from 500 watts to one kilowatt, to make changes in the daytime antenna pattern, and to continue operation on 1320 kilocycles with a nighttime power of 500 watts and utilizing the present directional antenna pattern for nighttime operation, unlimited time; and

It appearing that except as indicated by the issues specified below, all the applicants are legally, technically, financially and otherwise qualified to operate the proposed stations but that the operation of the Hemet-San Jacinto Valley Broadcasting Company and the L & B Broadcasting Company proposals would result in mutually destructive interference; that the proposed operation of Station KSLR would cause prohibitive interference to the L & B Broadcasting Company proposal; that the L & B Broadcasting Company proposal would cause interference to the proposed operation of KSLR which together with the interference from Station XEC, Tia Juana, Baja California, Mexico, and from Station KFAC, Los Angeles, California, may result in a loss in population to the proposed KSLR operation which would be excessive under the provisions of § 3.28 (c) of the Commission's rules; that the proposed operation of KSLR would cause interference to Station KFAC; that the proposed operation of the Hemet-San Jacinto Valley Broadcasting Company would cause interference to Station KCSB, San Bernardino, California; that the maximum expected operating values of radiation indicated on the horizontal plane radiation pattern of the KSLR proposal appear excessive and that the calculations submitted by KSLR regarding the proposed three element directional antenna system indicate that the base resistance of the southwest tower is only 0.3 ohm and, as a result, a question of array stability obtains; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 9, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; or

It further appearing that all applicants filed timely replies to the Commission's letter; and

It further appearing that by letters dated February 6 and May 7, 1958, the licensee of Station KFAC requested that the application of the San Luis Rey Broadcasting Company, Inc., be designated for hearing; and

It further appearing that by letter of May 9, 1958, counsel for the San Luis Rey Broadcasting Company, Inc., requested additional time in which to prepare an amendment to the KSLR application, but that it will be expeditious to designate the applications for hearing forthwith and to deny the request for additional time as an applicant may amend after designation upon a showing of good cause pursuant to § 1.311 (b) of the Commission's rules; and

It further appearing that the Hemet-San Jacinto Valley Broadcasting Company proposes to reduce radiation in order to minimize the interference to Station KCSB and that, in the event of a grant of the application as a result of the hearing ordered below, the construction permit shall include a condition that, before program tests are authorized, a nondirectional proof-of-performance shall be submitted to establish that the inverse distance field at one mile has been reduced to essentially 150 mv/m per kilowatt as proposed; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary

service from the proposed operations of the Hemet-San Jacinto Valley Broadcasting Company and the L & B Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KSLR as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operations of the Hemet-San Jacinto Valley Broadcasting Company or KSLR, respectively, would cause interference to Stations KCSB, San Bernardino, California, and KFAC, Los Angeles, California, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether, because of interference received the proposed operation of Station KSLR would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

6. To determine if the maximum expected operating values of radiation proposed by San Luis Rey Broadcasting Company, Inc., are reasonable and whether the inherent design of the directional antenna system will provide reasonable assurance that the pattern can be adjusted and maintained as proposed.

7. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair, efficient and equitable distribution of radio service.

8. To determine on a comparative basis, in the event that pursuant to the foregoing issue Hemet, California is considered to have the greater need for a new radio station, which of the operations proposed by the Hemet-San Jacinto Valley Broadcasting Company or the L & B Broadcasting Company would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said two applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of said applications.

9. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications herein should be granted.

It is further ordered, That E. L. Cord tr/as Los Angeles Broadcasting Company and F. P. D'Angelo, licensees of Stations KFAC and KCSB, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents herein, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issues:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of a grant of the application of the Hemet-San Jacinto Valley Broadcasting Company, the construction permit shall include the condition that, before program tests are authorized, a nondirectional proof-of-performance shall be submitted to establish that the inverse distance field at one mile has been reduced to essentially 150 mv/m per kilowatt as proposed.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4424; Filed, June 10, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 220]

MOTOR CARRIER APPLICATIONS

JUNE 6, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4941 (Sub No. 7), filed May 1, 1958. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat* and *packing-house products*, from Boston, Mass., to Williamsburg and Cheatham Annex, Va. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

HEARING: July 25, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 7073 (Sub No. 3), filed March 31, 1958. Applicant: EUGENE E. BOOS, doing business as BOOS APPLIANCE & HARDWARE COMPANY, Highland, Kans. Applicant's attorney: Ernest W. Rothfelder, Highland, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used farm machinery*, knocked down and set up, and *new and used parts therefor, feed* and *fertilizer, building and fencing materials, household goods*, in crates, and *oil* and *grease*, in containers, from Kansas City, Mo., and points in Doniphan County, Kans., to points in Brown County, Kans., on and east of Combined U. S. Highways 159 and 73; *Ice* and *fertilizer*, from St. Joseph, Mo., and Highland, Kans., to points in Kansas; and *Ordinary livestock*, from the above-specified destination points to the above-specified origin points. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: July 29, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 7640 (Sub No. 15), filed April 30, 1958. Applicant: BARNES TRUCK LINE, INC., Herring Avenue, Wilson, N. C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (1) from points in Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, and Virginia to points in North Carolina; and (2) between points in North Carolina, on the one hand, and, on the other, points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, New York, Ohio, Rhode Island, Tennessee, Vermont and West Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

HEARING: July 16, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner James C. Cheseldine.

No. MC 9510 (Sub No. 5), filed May 26, 1958. Applicant: WILLIAM P. HOYT, doing business as BILL HOYT TRUCK-

ING CO. 84 South Main Street, Newport, N. H. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, from Grafton, N. H., to Manchester, Conn. Applicant is authorized to transport household goods as defined by the Commission between points in New Hampshire, Connecticut, Maine, Massachusetts, New York, Rhode Island, Vermont, and New Jersey.

HEARING: July 21, 1958, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 295, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 11220 (Sub No. 64), (CORRECTION) filed April 30, 1958, published issue May 14, 1958. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Amoco Chemical Corporation plant located 4 miles southeast of the junction of U. S. Highways 6 and 66, west of Joliet, Ill., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Tennessee, Missouri, Mississippi, Louisiana, Alabama, Kentucky, and Arkansas.

NOTE: Previous publication gave location of plant site desired to be served in error.

HEARING: Remains as assigned June 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 17379 (Sub No. 6), filed May 23, 1958. Applicant: DOROTHY C. MADRID, doing business as M & M TRUCKING COMPANY, East Poland Avenue, Bessemer, Lawrence County, Pa. Applicant's attorney: John Douglas Clark, 715 Perpetual Building, Washington 4, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in covered mechanical self-unloading equipment, and in bags, from Bessemer, Lawrence County, Pa., to points in Monroe County, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting cement on return. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

HEARING: July 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 27418 (Sub No. 4), filed May 19, 1958. Applicant: WARD JACKSON, 107 Stephens Street, Morrilton, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Clarksville and Morrilton, Ark., to points in Iowa, Wisconsin, Illinois, Indiana, Ohio, and points in Texas on and east of U. S. Highway 83; and (2) from Searcy, Ark., to points in Iowa, Wisconsin, Illinois, Indiana, Ohio, Missouri, Kansas, Oklahoma, and points in Texas on and east of U. S. Highway 83; and *Manufactured feed, flour, grain*, and *seeds*, from points in Missouri on and south of U. S. Highway 40, points in that part of Kansas on and south of U. S. Highway 40 and on and east of U. S. Highway 81, and those in Oklahoma on and east of U. S. Highway 81, to points in Pope, Conway, Faulkner, White, Pulaski, Van Buren, and Cleburne Counties, Ark. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, and Tennessee.

HEARING: July 17, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 27970 (Sub No. 30), filed June 4, 1958. Applicant: CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York, N. Y. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Amoco Chemical Company plant located approximately four miles southeast of the junction of U. S. Highways 6 and 66, in Illinois, as an off-route point in connection with applicant's authorized regular route operations between Joliet, Ill., and Boston, Mass. Applicant is authorized to conduct operations in Illinois, Massachusetts, Ohio, New York, Pennsylvania, New Jersey, Connecticut, Rhode Island, Maryland, Minnesota, Missouri, Nebraska, Kansas, Indiana, and the District of Columbia.

HEARING: June 16, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 29654 (Sub No. 34), filed April 18, 1958. Applicant: FURNITURE EXPRESS, INC., Fluvanna Road, R. D. No. 1, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, built-up wood, doors, architectural plywood*, and *plywood specialties*, between points in Chautauqua County, N. Y., on the one hand, and, on the other, points in Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N. Y. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, Maryland, the District of Columbia, New Jersey, Delaware, Illinois, Indiana, Michigan, Wisconsin, Connecticut, Massachusetts, Rhode Island, West Virginia, Tennessee, Maine, New Hampshire, Vermont, South Carolina, and North Carolina.

HEARING: July 14, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Michael B. Driscoll.

No. MC 29955 (Sub No. 12), filed April 24, 1958. Applicant: ENGLAND BROS. TRUCK LINE, INC., 300 North Second Street, Fort Smith, Ark. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Memphis, Tenn., from Kansas City over U. S. Highway 71 to junction Missouri Highway 35, thence over Missouri Highway 35 to Clinton, Mo., thence over Missouri Highway 13 to Springfield, Mo., thence over U. S. Highway 60 to Cabool, Mo., thence over U. S. Highway 63 to Memphis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arkansas, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: Duplication with present authority to be eliminated.

HEARING: July 14, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 30451 (Sub No. 18), filed April 21, 1958. Applicant: THE LUPER TRANSPORTATION COMPANY, 404 East 21st Street, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by Meat Packers in the conduct of their business when destined to and for use by Meat Packers, and *Dairy products*, as defined by the Commission, from points in Missouri on and south of a line beginning at the junction of U. S. Highway 54 and the Missouri-Kansas State line, thence in an easterly direction along U. S. Highway 54 to Camdenton, Mo., thence in a southerly direction along Missouri Highway 5 to Mansfield, Mo., thence in an easterly direction along U. S. Highway 60 to the Mississippi River, those in New Mexico on and east of U. S. Highway 85, Memphis, Tenn., and points in Oklahoma, Arkansas, Louisiana, and Texas to Wichita, Kans. (2) *Meats, meat products* and *meat by-products* from El Paso, Galveston, Houston, and San Antonio, Texas, and New Orleans, La., to Wichita, Kans., and *fresh, frozen* and *deep frozen fish* (including shell fish), *agricultural commodities empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in

Oklahoma, Kansas, Texas, Arkansas, New Mexico, Tennessee, and Louisiana.

HEARING: July 30, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Herbert L. Hanback.

No. MC 33392 (Sub No. 6), filed May 14, 1958. Applicant: CHARLES PYSZ, doing business as CHARLES TRANSFER, Mountain Road, Suffield, Conn. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizer* and *fertilizer materials*, in bags, from East Providence, R. I., to points in Fairfield, Hartford, Litchfield, Middlesex, New Haven, and Tolland Counties, Conn., and Agawam, East Longmeadow, Southwick, Springfield, Westfield, and West Springfield, Mass. Applicant is authorized to conduct operations in Massachusetts, Connecticut, and Rhode Island.

HEARING: August 1, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 36473 (Sub No. 66), filed April 24, 1958. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. Applicant's representative: Ben H. Fowler, c/o Central Truck Lines, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: OVER ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: (I) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Thomasville, Ga., and Tallahassee, Fla., serving no intermediate points: From Thomasville over U. S. Highway 319 to Tallahassee, and return over the same route. Between Tallahassee, Fla., and Capps, Fla., serving no intermediate points, and serving Capps for purpose of joinder only: From Tallahassee over U. S. Highway 27 to Capps, and return over the same route. Applicant indicates service authorized herein is subject to the following conditions: Service at Tallahassee is restricted to traffic moving to or from points west of Marianna, Fla. Applicant holds the above authority in Certificate in Docket No. MC 36473 (Sub No. 59) subject to additional restriction and the purpose of this application is to eliminate paragraph 2 of Restrictions reading: 2. Said alternate routes shall not be used for transporting traffic to or from points in Georgia other than those lying in that portion of the State on and east of a line extending from the Florida-Georgia State line over Georgia Highway 97 to Bainbridge, Ga., thence over U. S. Highway 84 to Waycross, Ga., thence over Georgia Highway 38 to Jesup, Ga., and thence over U. S. Highway 25 through Ludowici and Augusta, Ga., to the Georgia-South Carolina State Line. (II) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Otter Creek, Fla., and Thomasville, Ga., from Otter Creek over U. S. Highway 19 to Thomasville, and return over the same route, serving no intermediate points, but serving Otter Creek, Fla., for the purpose of joinder only. In certificate No. MC 36473 (Sub No. 44) applicant holds alternate route for operating convenience only, similar to that described in (II) above but by this application is adding to this authority serving Otter Creek, Fla., for the purpose of joinder only, and requests elimination of the language "in connection with carrier's authorized operations between Thomasville, Ga., and Tampa, Fla.", and of the restrictions resulting therefrom. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, and Louisiana.

HEARING: July 16, 1958, at the U. S. Court Rooms, Tampa, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 43269 (Sub No. 44), filed May 22, 1958. Applicant: WELLS CARGO, INC., 1775 East Fourth Street, P. O. Box 1511, Reno, Nev. Applicant's attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore, ore concentrates*, and *precipitates*, between points in Arizona on the one hand, and, on the other, Ripley and Winterhaven, Calif., and points in California within 25 miles of Ripley and Winterhaven. Applicant is authorized to conduct operations in California, Nevada, Utah, Oregon, and Arizona.

Note: Applicant states that it seeks no duplicating authority.

HEARING: July 15, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47.

No. MC 52945 (Sub No. 2), filed May 14, 1958. Applicant: H. P. STARSIAK, INC., 18 Hills Street, Manchester, Conn. Applicant's representative: William L. Mobley, Rooms 317–319, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizer* and *fertilizer materials*, in bags, from East Providence, R. I. to points in Fairfield, Hartford, Litchfied, Middlesex, New Haven, and Tolland Counties, Conn. Applicant is authorized to conduct operations in Connecticut, Massachusetts, and Rhode Island.

HEARING: August 1, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 252, or, if the Joint Board waives its right to participate before Examiner Michael B. Driscoll.

No. MC 59150 (Sub No. 8), filed April 24, 1958. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, P. O. Box 47, Station G, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and accessories*, such as (A) plaster accelerator or retarder; ground gypsum; gypsum backing board; gypsum filler; gypsum lath, Keenes cement (wall plaster); gypsum blocks, planks, slabs or tile; land plaster; lime, common, hydrated, quick or slaked; plaster, calcined, patching, stucco or wall; plaster of Paris (See Notes 1 and 2 below); and (B) (See Note 1) Gypsum wallboard and related articles; gypsum sheathing; gypsum wallboard joint system, tape, wallboard joining or reinforcing; paint (See Note 3 below); mineral wool (rock or slag wool) (See Note 3 below); asbestos shingles, siding or wallboard (See Note 3 below); asbestos accessories, including ridge rolls, corner rolls, nails, and washers, which may be required for the installation of asbestos shingles, siding or wallboard, to be included with asbestos articles (See Note 3 below); lathing or ribbing, expanded or perforated steel (See Note 3 below); plaster grounds, steel (See Note 3 below); and channels or angles, steel (See Note 3 below), from the site of the U. S. Gypsum Company plant at Jacksonville, Fla., to points in South Carolina. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Note 1: Nails, iron or steel, may be shipped with gypsum lath, gypsum wallboard or gypsum sheathing. The weight or the nails may not exceed one percent (1%) of the weight of the articles they accompany.

Note 2: A small number of empty bags, not to exceed twenty-five (25) pounds, for reconditioning in transit, may be shipped with the plaster which the bags accompany.

Note 3: Articles making reference to this note may be shipped in mixed truckloads only with gypsum products listed under Description A and/or Description B. Weight or paint may not exceed five percent (5%) of the weight of the shipment. Weight of asbestos shingles, siding or wallboard and asbestos accessories as shown in Description B may not exceed twenty-five percent (25%) of the weight of the shipment. Weight of the mineral wool may not exceed five percent (5%) of the weight of the shipment. Weight of steel lathing, ribbing, steel plaster grounds, steel channels or angles may not exceed five percent (5%) of the weight of the shipment.

HEARING: July 17, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 70451 (Sub No. 201), filed May 14, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of unusual size or weight, (1) between Winnebago, Nebr., and junction U. S. Highways 77 and 275 (near Winslow, Nebr.), from Winnebago over U. S. Highway 77 to junction U. S. Highway 275, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Sioux City, Iowa and Kansas City, Mo., and between Norfolk, Nebr., and Omaha, Nebr., and (2) between Fremont, Nebr., and junction U. S. Highways 77 and 6, from Fremont over U. S. Highway 77 to junction U. S. Highway 6, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Norfolk, Nebr., and Omaha, Nebr., between Lincoln, Nebr., and Omaha, Nebr., and between Lincoln, Nebr., and Nebraska City, Nebr. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: July 23, 1958, at 11:00 a. m. United States standard time (or 11:00 a. m. local daylight saving time, if that time is observed), at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 93, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 70451 (Sub No. 203), filed May 14, 1958. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy Street, Omaha 8, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 6 and 81 and Newton, Kans., from junction U. S. Highways 6 and 81 over U. S. Highway 81 to Newton, and return over the same route, serving no intermediate points, with service at junction U. S. Highways 6 and 81 and Newton as points of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Lincoln, Nebr., and Clay Center, Nebr., and between Kansas City, Mo., and Wichita, Kans. Applicant is authorized to conduct similar operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: July 25, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 73165 (Sub No. 160) (Amended April 17, 1958), filed March 31, 1958. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: J. Haden Alldredge, Investment Building, Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough or dressed, and *flooring*, from points in Alabama to points in Georgia, Florida, Tennessee, and Kentucky. Applicant is authorized to conduct operations in Georgia, Mississippi, Tennessee, Alabama, Florida, Texas, Virginia, Arkansas, Louisiana, South Carolina, North Carolina, Missouri, Kansas, Iowa, Wisconsin, Michigan, and Illinois.

HEARING: July 24, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allan F. Borroughs.

No. MC 78632 (Sub No. 102), filed May 19, 1958. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., P. O. Box 450, Polk Avenue, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within 10 miles of Decatur, Ala., as intermediate and off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Kentucky, Mississippi, Missouri, Ohio, and Tennessee.

NOTE: Applicant states no duplication of operating authority is sought.

HEARING: July 23, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 86687 (Sub No. 46), filed March 31, 1958. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a Corporation, Seaboard Air Line Railroad Building, Norfolk 10, Va. Applicant's attorney: Richard A. Hollander, Seaboard Air Line Railroad Company, Law Dept., Norfolk 10, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Tampa, Fla., and Boca Grande, Fla.: from Tampa over Florida Highway 60 to junction with U. S. Highway 301, thence over U. S. Highway 301 to Sarasota, Fla., thence over U. S. Highway 41 to junction with Florida Highway 775, thence over Florida Highway 775 to Placida, Fla. (also from junction U. S. Highway 41 and Florida Highway 775 over U. S. Highway 41 to Murdock, Fla., thence over Florida Highway 771 to Placida, Fla.), and thence over unnumbered highway to Boca Grande, and return over the same route, serving all intermediate points and the off-route points of Lithia, Boyette, Palm, Durant and Wimauma, Fla. Applicant is authorized to conduct operations in North Carolina, Florida, South Carolina, Virginia, and Georgia.

HEARING: July 14, 1958, at the U. S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 89611 (Sub No. 6), filed May 1, 1958. Applicant: ERNEST ULRICH, U. S. 50 East, Olney, Ill. Applicant's attorney: Grover Hoff, 901 Ridgely Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mt. Erie, Bone Gap, Calhoun, Albion, Samsville, West Salem, and Parkersburg, Ill., as off-route points in connection with applicant's authorized regular route operations between St. Louis, Mo., and Lawrenceville, Ill., over U. S. Highway 50. Applicant is authorized to conduct regular route operations in Illinois and Missouri, and irregular route operations in Arkansas, Illinois, Indiana, Kentucky, Ohio, Missouri, and Tennessee.

HEARING: July 18, 1958, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 92983 (Sub No. 282), filed March 28, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups* and *sugars including blends thereof*, in bulk, in tank vehicles, from Muskogee, Okla., to points in Arkansas, Kansas, and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 14, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 285), filed April 25, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Wyoming, Ill., and points within 5 miles thereof to points in Indiana, Iowa, Kentucky, Minnesota, Missouri, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 15, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner W. Cunningham.

No. MC 92983 (Sub No. 286), filed April 28, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment, contractors' mate-*

rials and supplies, heavy machinery, castings, internal combustion engines and parts thereof, structural and reinforcing steel, parts of and accessories for construction and maintenance machinery and equipment, and *commodities,* which because of their size or weight require the use of special equipment or special handling, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, upper peninsula of Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 16, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 288), filed April 30, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone as defined by the Commission, to points in Iowa and Nebraska: Applicant is authorized to conduct operations in Iowa, Nebraska, Illinois, Missouri, Wisconsin, Indiana, Kansas, Minnesota, Arkansas, Ohio, Kentucky, North Carolina, South Carolina, Florida, Louisiana, Tennessee, Michigan, New York, Texas, North Dakota, South Dakota, Pennsylvania, Massachusetts, Georgia, Connecticut, Mississippi, Oklahoma, and Alabama.

HEARING: July 17, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 289), filed May 5, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and spirits,* in bulk, in tank vehicles, from Lawrenceburg, Ind., and points in Kentucky to points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 14, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 290), filed May 20, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals,* in bulk, from Muscatine, Iowa, and points within 10 miles thereof to points in Missouri, North Dakota, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 15, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 291), filed May 21, 1953. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from St. Louis, Mo., and points in Madison and St. Clair Counties, Ill., to points in Arkansas, Mississippi, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 21, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 94877 (Sub No. 5), filed May 14, 1958. Applicant: PETER W. KUBOSIAK, Elm Street, Hatfield, Mass. Applicant's representative: William L. Mobley, Rooms 317–319, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mixed fertilizer* and *fertilizer materials,* in bags, from East Providence, R. I., to points in Hampden, Hampshire, Franklin, and Berkshire Counties, Mass. Applicant is authorized to conduct operations in Connecticut and Massachusetts.

HEARING: August 1, 1958, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 95922 (Sub No. 11), filed May 14, 1958. Applicant: JAMES F. LEE, doing business as LEE TRANSPORT, 707 East Fourth Street, Muscatine, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* from Muscatine, Iowa, to points in Illinois north of U. S. Highway 36, except Chicago, Ill. Applicant is authorized to conduct operations in Iowa, Illinois, Missouri, and Nebraska.

HEARING: July 21, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 99629 (Sub No. 2), filed May 23, 1958. Applicant: SHULMAN, INC., 30 West Howell Street, Dorchester, Mass. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N. Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* between points in Massachusetts.

NOTE: Applicant is presently conducting interstate operations within the state of Massachusetts by virtue of filing under the second proviso of section 206 (a) (1), which filing has been assigned Docket No. MC 99629 (Sub No. 1).

HEARING: July 22, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 101126 (Sub No. 108), filed May 23, 1958. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar* and *blends thereof,* and *dry sugar,* in bulk, in tank and hopper type vehicles, from Cincinnati, Ohio, to points in Kentucky, Indiana, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 101126 (Sub No. 86).

HEARING: July 28, 1958, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Frank R. Saltzman.

No. MC 102616 (Sub No. 652) (AMENDMENT) filed May 2, 1958, published issue May 21, 1958. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum oils,* in bulk, in tank vehicles, from Philadelphia, Pa., to points in Illinois, Indiana, Kentucky, and that portion of Virginia south of U. S.

Highway 60. Applicant is authorized to conduct operations in New Jersey, New York, North Carolina, Ohio, Rhode Island, Pennsylvania, South Carolina, Virginia, Tennessee, West Virginia, Wisconsin, the District of Columbia, Michigan, Maryland, Massachusetts, Kentucky, Indiana, Delaware, Illinois, and Connecticut.

HEARING: Remains as assigned June 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before examiner David Waters.

No. MC 103051 (Sub No. 45), filed April 17, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Decatur County, Ga., to Cairo, Ga. Applicant is authorized to conduct operations in Georgia, Tennessee, Alabama, Delaware, Kentucky, Maryland, North Carolina, Virginia, Florida, South Carolina, Louisiana, and Texas.

HEARING: August 1, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 103051 (Sub No. 47), filed May 7, 1958. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, (1) from points in Mobile County, Ala., to points in Clayton, Cobb, De Kalb, Douglas, Fulton, and Gwinnett Counties, Ga., those in Caldwell, Forsyth, Guilford, and Mecklenburg Counties, N. C., and those in Hamilton County, Tenn.; (2) from points in Duval and Escambia Counties, Fla., to points in Hamilton County, Tenn. Applicant is authorized to conduct operations in Georgia, Tennessee, Alabama, Delaware, Kentucky, Maryland, North Carolina, Virginia, and Florida.

HEARING: August 1, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allan F. Borroughs.

No. MC 103993 (Sub No. 108), filed April 28, 1958. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Pownal Center, Vt., and points within five (5) miles thereof, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 17, 1958, at the Federal Building, Albany, N. Y., before Examiner Michael B. Driscoll.

No. MC 103993 (Sub No. 110), filed May 16, 1958. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Forest City, Iowa and points within 10 miles thereof to points in the United States (except Mount Clemens, Detroit, and Flint, Mich.). Applicant is authorized to conduct operations throughout the United States.

HEARING: July 22, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 104654 (Sub No. 115), filed May 8, 1958. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, P. O. Box 297, Belleville, Ill. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from the plant sites of the Texas Eastern Transmission Corporation in Gibson County, Ind., to points in Kentucky, Illinois and Ohio, and (2) from the plant sites of the Texas Eastern Transmission Corporation in Warren and Butler Counties, Ohio, to points in Kentucky, Indiana, Pennslyvania, and West Virginia. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, and Tennessee.

HEARING: July 21, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 105461 (Sub No. 9), filed May 19, 1958. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty petroleum products containers*, from Cleveland, Boardman, and Akron, Ohio, Wheeling, W. Va., Providence, R. I., and points in New York, New Jersey, Connecticut, Massachusetts, Virginia, Maryland, and Delaware, to Philadelphia, Pa. Applicant is authorized to conduct common carrier operations in Delaware, Maryland, Pennsylvania, Virginia, the District of Columbia, New Jersey, and New Hampshire.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 68807 and sub-numbers thereunder. Dual operations under section 210 may be involved.

HEARING: July 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 106398 (Sub No. 98), filed April 28, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements in truckaway service, from Pownal Center, Vt., and points within five (5) miles thereof, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 17, 1958, at the Federal Building, Albany, N. Y., before Examiner Michael B. Driscoll.

No. MC 106398 (Sub No. 99), filed May 12, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. MAIL: Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable steel buildings*, new and used, from Wichita, Kans., to all points in the United States; and *Used portable steel buildings*, between all points in the United States, and *empty containers or other such incidental facilities* (not specified), *including empty shipper-owned trailers*, used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the above-specified commodities will be loaded on special trailers owned by shipper.

HEARING: July 31, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Herbert L. Hanback.

No. MC 106398 (Sub No. 101), filed May 16, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096, Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridan Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Forest City, Iowa, and points within 10 miles thereof to points in the United States (except Mount Clemens, Detroit, and Flint, Mich.). Applicant is authorized to conduct operations throughout the United States.

HEARING: July 22, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 107107 (Sub No. 101), filed May 27, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Allapattah Station, P. O. Box 65, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products* and *dairy products*, as defined by the Commission; and *Frozen foods*, from New York, N. Y., and points in New Jersey within 15 miles of New York, N. Y., to points in Alabama and Louisiana. Applicant is authorized to conduct operations in Florida, New York, Pennsylvania, New Jersey, Delaware, Virginia, North Carolina, Georgia, Illinois, Indiana, Missouri, Maryland, Michigan, Ohio, Louisiana, Texas, District of Columbia, South Dakota, Alabama, Kansas, Kentucky, Minnesota, and Tennessee.

HEARING: July 30, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 107295 (Sub No. 58), filed April 3, 1958. Applicant: PRE-FAB TRANSIT CO., a Corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel panel sections, angles, beams* and *bolts* and *nuts* and *parts; building construction sections, metal and mineral ore, glass wool combined,* from Galesburg, Ill., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 15, 1958, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Herbert L. Hanback.

No. MC 107475 (Sub No. 36), filed April 14, 1958. Applicant: DANCE FREIGHT LINES, INC., 728 National Avenue, Lexington, Ky. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 1, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods an defined by the Commission, commodities in bulk, and those requiring special equipment, between Athens, Ga., and Dalton, Ga., from Athens, over U. S. Highway 129 to Gainesville, Ga., thence over Georgia Highway 53 to junction Georgia Highway 183, thence over Georgia Highway 183 to junction Georgia Highway 52, thence over Georgia Highway 52 to Ellijay, Ga., thence over U. S. Highway 76 to Dalton, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Atlanta, Ga., and Athens, Ga., and between Cincinnati, Ohio, and Columbus, Ga. Applicant is authorized to conduct operations in Georgia, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee.

HEARING: August 1, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 107515 (Sub No. 281), filed May 5, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–16 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined by the Commission, and *horsemeat*, from El Paso, Tex., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: July 16, 1958, at the U. S. Court Rooms, Tampa, Fla., before Examiner Allan F. Borroughs.

No. MC 108185 (Sub No. 19), filed May 5, 1958. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, P. O. Box 631, Meridian, Miss. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tuscaloosa, Ala., and Eutaw, Ala., from Tuscaloosa over U. S. Highway 82 to Reform, thence over Alabama Highway 17 to Aliceville, thence over Alabama Highway 14 to Eutaw, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, Louisiana, Florida, Tennessee, Kentucky, Illinois, and Missouri.

HEARING: July 22, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 109637 (Sub No. 81), (AMENDMENT), filed May 14, 1958. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distilled spirits*, in bulk, in tank vehicles, between Owensboro, Ky., and Peekskill, N. Y. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE: Previous publication sought a from and to movement.

HEARING: Remains as assigned July 8, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 109638 (Sub No. 9), filed April 1, 1958. Applicant: WOODROW EVERETT, doing business as W. EVERETT TRUCK LINE, Washington, N. C. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed poultry*, from points in North Carolina on and east of U. S. Highway 301, to points in North Caroline, Virginia, West Virginia, Maryland, the District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Georgia, and Florida, and *damaged, refused or rejected shipments* of, and *new containers* for, dressed poultry, on return. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New Jersey, New York, North Carolina, Virginia, West Virginia, Delaware, Ohio, South Carolina, Georgia, Alabama, Mississippi, Tennessee, and Connecticut.

NOTE: Applicant states the purpose of this application is to enable it to transport dressed poultry, an exempt commodity, in the same vehicle at the same time with non-exempt commodities.

HEARING: July 18, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner James C. Cheseldine.

No. MC 110117 (Sub No. 11), filed April 7, 1958. Applicant: KENDRICK CARTAGE CO., a Corporation, P. O. Box 63, Salem, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the plant site or terminal of Gulf Oil Corporation, St. Louis, Mo., to points in Illinois on and south of U. S. Highway 136, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee.

NOTE: Applicant has filed appropriate application with this Commission for a determination of its status as a common or contract carrier in No. MC 110117.

HEARING: July 17, 1958, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 110197 (Sub No. 16), filed March 24, 1958. Applicant: DANIEL S. DRACUP & CO., INC., 42 Chicago Avenue, Celoron, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated voting machines (including accessories shipped with machines* in cartons or packages) in boxes or in steel cabinets or on wheels or casters, protected with wooden hoods or corrugated fibreboard hoods, between Jamestown, N. Y., on the one hand, and, on the other, points in Georgia, Alabama, and Florida. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Kentucky, Massachusetts, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: July 14, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Michael B. Driscoll.

No. MC 110525 (Sub No. 358), filed May 27, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda* and *liquid caustic potash*, in bulk, in tank vehicles, from points in Marshall County, Ky., to points in Arkansas, Missouri, Illinois, Indiana, Tennessee, Ohio, and Kentucky. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, West Virginia, Kentucky, Delaware, Ohio, Virginia, North Carolina, Tennessee, Michigan, Kansas, Connecticut, Illinois, Indiana, Massachusetts, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, and Alabama.

HEARING: July 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 11054 (Sub No. 3), filed May 22, 1958. Applicant: MARK E. YODER, 41 Parkway, Schuylkill Haven, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Northumberland, Carbon, and Luzerne Counties, Pa., to points in New Jersey and Delaware. Applicant is authorized to transport similar commodities in Delaware, New Jersey, and Pennsylvania.

HEARING: July 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Thomas F. Kilroy.

No. MC 110698 (Sub No. 96), filed April 16, 1958. Applicant: RYDER TANK LINE, INC., P. O. Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from South Point, Ohio, to Greensboro, N. C. Applicant is authorized to conduct operations in North Carolina, Virginia, Georgia, South Carolina, Tennessee, West Virginia, Alabama, Florida, Mississippi, Louisiana, Pennsylvania, Arkansas, Kentucky, District of Columbia, Ohio, Missouri, Texas, Maryland, New Jersey, New York, and Delaware.

HEARING: July 18, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner James C. Cheseldine.

No. MC 110698 (Sub No. 97), filed May 13, 1958. Applicant: RYDER TANK LINE, INC., P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glues, formaldehyde, resins, surface coating compounds* and *plastic binders*, in bulk, in tank vehicles, and *catalyst or liquid glue hardener*, in drums, limited to shipments of not more than four drums moving on the same tank vehicle as is used to transport the bulk commodities specified above, from Demopolis, Ala., to points in Indiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: July 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Gerald F. Colfer.

No. MC 110969 (Sub No. 7), filed March 26, 1958. Applicant: W. L. BUTLER, doing business as W. L. BUTLER TRANSFER Elizabethtown, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (except veneer and plywood), from Elizabethtown, N. C., and points within two (2) miles thereof, to points in West Virginia; and (2) *Lumber* (except veneer and plywood), between Elizabethtown, N. C., and Raeford, N. C. Applicant is authorized to conduct operations in Delaware, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: July 15, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 292, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 111545 (Sub No. 30), filed May 5, 1958. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* described in Appendix VIII and *agricultural machinery, implements and parts*, as described in Appendix XII in Description in Motor Carrier Certificates, 61 M. C. C. 209, from Cedartown, Ga., to points in Florida, Alabama, Mississippi, Louisiana, Texas, Missouri, Arkansas, Tennessee, Virginia, North Carolina, South Carolina, Kentucky, West Virginia, Maryland, and Delaware. Applicant is authorized to conduct operations in Georgia, Alabama, Tennessee, North Carolina, West Virginia, Michigan, Illinois, Indiana, Iowa, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Wisconsin, Delaware, Missouri, Nebraska, Kentucky, Texas, Massachusetts, Louisiana, Mississippi, Arkansas, Minnesota, and the District of Columbia.

HEARING: July 31, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Allan F. Borroughs.

No. MC 112364 (Sub No. 3), filed February 10, 1958. Applicant: J. W. McGINNIS, R. F. D. No. 2, Mattoon, Ill. Applicant's attorney: Grover Hoff, Room 901 Ridgely Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, fresh and canned, frozen and unfrozen, *meat products* and *meat by-products*, used for animal consumption only, and *dog food*, in temperature-controlled vehicles, from the plant site of Campbell & Co., Inc., approximately six (6) miles southwest of Mattoon, Ill., to mink farms and animal supply houses in Missouri and Kansas; and *empty containers* or *other such incidental facilities* used in transporting the above-described commodities, and *horsemeat*, fresh, frozen and unfrozen, *meat products*, and meat *by-products* and *other ingredients* used for preparing animal and dog food, on return. Applicant is authorized to transport whey, buttermilk and buttermilk products from Peoria, Ill. to points in Iowa on and east of U. S. Highway [illegible] and empty containers on return.

HEARING: July 16, 1958, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 195, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 112617 (Sub No. 44), filed May 27, 1958. Applicant: LIQUID TRANSPORTERS, INC., P. O. Box 513[illegible], Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz and Gerald L. Phelps, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda* and *liquid caustic potash*, in bulk, in tank vehicles, from points in Marshall County, Ky., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. Applicant is authorized to conduct operations in Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Ohio, Missouri, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas, and Florida.

HEARING: July 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 112713 (Sub No. 76), filed May 21, 1958. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Topeka, Kans., and Baxter Springs, Kans., from Topeka over U. S. Highway 75 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction of U. S. Highway 166, thence over U. S. Highway 166 to Baxter Springs; and return over the same route, serving no intermediate points, but with service at termini for purposes of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Kansas City, Mo., and Wichita, Kans., and between Kansas City, Mo., and Houston, Tex. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, and Ohio.

HEARING: July 25, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 113362 (Sub No. 6), filed May 14, 1958. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil and grease*, in containers, from Bradford, Oil City, Emlenton, and Farmers Valley, Pa., to points in Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that it is presently authorized and performs the proposed service either direct or by tacking rights now held. A grant of the authority sought will eliminate the gateway requirement for serving a portion of the destination territory.

HEARING: July 18, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 113843 (Sub No. 24), filed May 8, 1958. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 8 Commonwealth Pier, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packing houses*, from points in Massachusetts to points in Delaware, Maryland, and Virginia. Applicant is authorized to conduct operations in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: July 30, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 113996 (Sub No. 3), filed April [illegible], 1958. Applicant: T. C. DUNLEVY, [illegible] Calhoun Street, Johnston, S. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobile parts*, unpacked (1) from points in Tennessee except those on and south of U. S. Highway 64 from the North Carolina-Tennessee State line to Fayetteville, Tenn., and except on and east of U. S. Highway 231 from Fayetteville to the Tennessee-Alabama State line, to Atlanta, Ga.; (2) from points in Mississippi, except Columbus and Meridian, Miss., to Atlanta, Ga.; and (3) from points in Tennessee and Mississippi to Memphis, Tenn. Applicant is authorized to transport the above-specified commodities in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: July 31, 1958, at 630 West Peachtree Street, NW., Atlanta, Ga., before Examiner Allan F. Borroughs.

No. MC 114019 (Sub No. 17), filed May 16, 1958. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, including calcium chloride, and *salt* containing chemical ingredients, in bulk and in packages or containers, from Akron, Ohio, to points in Delaware, Maryland, Virginia, and Washington, D. C. Applicant is authorized to conduct contract carrier operations under Permit No. MC 9685 and subnumbers thereunder in Tennessee, Ohio, Indiana, Kentucky, Pennsylvania, Wisconsin, New York, Michigan, Missouri, Iowa, West Virginia, Virginia, Maryland, Massachusetts, Minnesota, New Jersey, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 9685 Sub No. 58, to determine whether applicant's status is that of a contract or common carrier.

HEARING: July 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 114019 (Sub No. 18), filed May 16, 1958. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *advertising materials* related thereto when shipped with foodstuffs, from points in Adams County, Pa., and points in Monroe, Orleans, and Wayne Counties, N. Y., to points in Tennessee, Arkansas, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, West Virginia, and Wisconsin; and *equipment, materials and supplies* used in the manufacture of food stuffs, and *used pallets*, on return. Applicant is authorized to conduct contract carrier operations under Permit No. MC 9685 and sub-numbers thereunder in Tennessee, Ohio, Indiana, Kentucky, Pennsylvania, Wisconsin, New York, Michigan, Missouri, Iowa, West Virginia, Virginia, Maryland, Massachusetts, Minnesota, New Jersey, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) in MC 9685 Sub No. 58, to determine whether applicant's status is that of a contract or common carrier.

HEARING: July 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 114413 (Sub No. 16), filed May 14, 1958. Applicant: SEABOARD FOOD EXPRESS, INC., P. O. Box 205, 4550 West Colonial Drive, Orlando, Fla. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice, jams, jellies, preserves*, and *tomato juice*, in insulated trailers, from North East, Pa., to points in Florida, Georgia, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Maryland, Mississippi, New York, Pennsylvania, Alabama, Florida, New Jersey, North Carolina, South Carolina, District of Columbia, Louisiana, Georgia, Virginia, Ohio, Connecticut Delaware, Massachusetts, and Rhode Island.

HEARING: July 15, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Michael B. Driscoll.

No. MC 114413 (Sub No. 17), filed May 14, 1958. Applicant: SEABOARD FOOD EXPRESS, INC. P. O. Box 205, 4550 West Colonial Drive, Orlando, Fla. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Boston, Mass., to Williamsburg, Va. Applicant is authorized to conduct operations in Maryland, Mississippi, New York, Pennsylvania, Alabama, Florida, New Jersey, North Carolina, South Carolina, District of Columbia, Louisiana, Georgia, Virginia, Ohio, Connecticut, Delaware, Massachusetts, and Rhode Island.

HEARING: July 25, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 115050 (Sub No. 3), filed May 2, 1958. Applicant: DARRELL V. THOMPSON, doing business as THOMPSON TRANSPORT COMPANY, McPherson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzene* (Benzol), *Tolvene* (Tolvol), and *Xylene* (Xylol), from points in Kansas to points in Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: July 29, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 115056 (Sub No. 6), filed April 23, 1958. Applicant: CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, N. C. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes, box shooks*, and *wooden pallets*, from points in Chowan and Hertford Counties, N. C., to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Ohio, West Virginia, and the District of Columbia; and *damaged, refused or rejected shipments* of the above-described commodities, on return. Applicant is authorized to transport lumber from specified points in North Carolina and Virginia to points in Virginia, Maryland, Pennsylvania, Delaware, New Jersey, the District of Columbia, New York, Connecticut, Ohio, and West Virginia.

HEARING: July 15, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner James C. Cheseldine.

No. MC 115056 (Sub No. 7), filed May 7, 1958. Applicant: CLAUDE BUNDY, doing business as BUNDY TRUCK LINE, Gatesville, N. C. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass boats and swimming pools*, from Edenton, N. C., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, and West Virginia, and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, and the District of Columbia.

HEARING: July 15, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner James C. Cheseldine.

No. MC 115162 (Sub No. 39), filed April 21, 1958. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Alabama on and south of U. S. Highway 78, on the one hand, and, on the other, points in Tennessee, Kentucky, Georgia, Mississippi, Florida, and Louisiana. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 21, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allan F. Borroughs.

No. MC 115322 (Sub No. 11), filed May 2, 1958. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P. O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, and *frozen foods*, from points in Massachusetts to points in Alabama, Mississippi, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. Applicant is authorized to conduct operations in Florida, New York, Virginia, North Carolina, South Carolina, Georgia, Alabama, Pennsylvania, Vermont, New Hampshire, and Maine.

HEARING: July 28, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 115331 (Sub No. 2), (Republication) filed April 15, 1957, originally published issue of June 5, 1957. Applicant: TRUCK TRANSPORT, INC., Highway 61–67 Crystal City, Mo. Applicant's attorney: B. W. LaTourette, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. This is a second publication. Application as originally filed sought authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonia nitrate*, in barrels, bags and in bulk, from Selma, Mo., and points within 5 miles thereof, to points in Illinois, Kentucky, Tennessee, Iowa, Oklahoma, Kansas, and Arkansas, and empty barrels on return. A Report and Order of the Commission, Division 1, dated April 7, 1958, recommended that a certificate authorizing such operations should be granted. By letter dated May 16, 1958, applicant's attorney states that "through a typographical error * * * when the application was filed, the commodity sought to be transported was shown as 'ammonia nitrate' instead of the proper description of 'ammonium nitrate'. It would be greatly appreciated if the proper commodity could be entered * * * as there is no such commodity known as ammonia nitrate." The purpose of this republication is to show the correct commodity: Ammonium nitrate. 30 days will be allowed from the date of this republication within which time any person who may have been prejudiced by the allowance of this amendment may object by filing an appropriate petition.

No. MC 115601 (Sub No. 9), filed April 3, 1958. Applicant: BROOKS ARMORED CAR SERVICE, INC., Delaware Trust Building, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Delaware Trust Building, Wilmington, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and non-negotiable securities* and *other negotiable and non-negotiable instruments*, in armored vehicles, and *cash letters* (checks for collection) in armored or unarmored vehicles, between Charlotte, N. C., and points in Florence, Horry, Charleston, Orangeburg, Sumter, Richland, Greenwood, Greenville, and Spartanburg Counties, S. C. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 115601 (Sub No. 6).

HEARING: July 14, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 115663 (Sub No. 2), filed May 22, 1958. Applicant: LAURENCE HARBAUGH, 1720 South Locust Street, Grand Island, Nebr. Applicant's attorney: J. Max Harding, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses*, and in connection therewith, *personal effects of attendants*, and *supplies and equipment* used in the care and exhibition of such animals, between points in Arizona, Arkansas, Colorado, Iowa, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, and points in Illinois within 25 miles of East St. Louis, Ill. Applicant is authorized to conduct similar operations between points in Nebraska, South Dakota, Illinois, and Colorado.

NOTE: Applicant seeks no duplication of authority; if the proposed application is granted applicant states it will cancel its Certificate No. MC 115663.

HEARING: July 24, 1958, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Examiner Leo W. Cunningham.

No. MC 116254 (Sub No. 4), filed April 23, 1958. Applicant: CHEM-HAULERS, INC., P. O. Box 245, Sheffield, Ala. Applicant's attorney: Gordon Allison Phillips, Munsey Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting; *Liquid caustic soda* and *liquid caustic potash*, in bulk, in tank vehicles, and *liquefied chlorine*, in containers, from Sheffield, Ala., and points within 15 miles thereof to points in Georgia, Tennessee, Mississippi, Kentucky, Arkansas, and Louisiana, and *empty chlorine containers* on return. Applicant is authorized to conduct operations in Alabama, Georgia, Florida, North Carolina, South Carolina, Mississippi, and Louisiana.

HEARING: July 29, 1958, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Allan F. Borroughs.

No. MC 116387 (Sub No. 15), filed May 19, 1958. Applicant: ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: H. N. Nunnally, Traffic Mgr., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar* and *coal tar products*, in bulk, in tank vehicles, from Gadsden, Ala., and points within 10 miles thereof, to points in Tennessee, Georgia, North Carolina, South Carolina, Florida, and Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Mississippi, and Tennessee.

HEARING: July 23, 1958, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allan F. Borroughs.

No. MC 116885 (Sub No. 2), filed May 16, 1958. Applicant: R. E. MACY, doing business as MACY BULK CEMENT SERVICE, 106 North University Road, Vermillion, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in specially constructed vehicles, from Rapid City, S. Dak., and points within five (5) miles thereof, to points in Wyoming and Nebraska; and *rejected shipments* of cement, on return.

HEARING: July 11, 1958, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 233, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117151 (Sub No. 2), filed March 31, 1958. Applicant: GEORGIA INDUSTRIAL REALTY COMPANY, a Corporation, 99 Spring Street SW., Atlanta, Ga.

Applicant's attorney: Griffin B. Bell, c/o Spalding, Sibley, Troutman, Meadow & Smith, 434 Trust Company of Georgia Building, Atlanta 3, Ga. Applicant's representative: Arthur J. Dixon, c/o Georgia Industrial Realty Company, 920 15th Street NW., Washington 5, D. C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular route, transporting: *General commodities, including commodities of unusual value,* and *Class A and B explosives* moving in express service, and *mail,* between Brunswick, Ga., and Macon, Ga., from Brunswick over U. S. Highway 341 to Hawkinsville, Ga., thence over U. S. Highway 129 to Cochran, Ga., thence over U. S. Highway 23 to Macon, and return over the same route, serving the intermediate points of Cochran, Hawkinsville, Eastman, Chauncey, Helena, McRae, Lumber City, Everett, Hazelhurst, Graham, Baxley, Surrency, Odum, Jesup, and Gardi, Ga., and the off-route point of Scotland, Ga. Applicant states the proposed service is auxiliary to, or supplemental of, air or railway express service, and further limited to shipments moving on a through bill of lading, or express receipt, covering in addition to movement by motor carrier, an immediately prior or immediately subsequent movement by air or rail.

HEARING: July 30, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 117209 (Sub No. 2), filed April 17, 1958. Applicant: ARKANSAS CALIFORNIA EXPRESS, INC., 610 East Roosevelt Road, Little Rock, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* between points in Arkansas, on the one hand, and, on the other, points in New Mexico, Arizona, California, Nevada, and Oregon.

HEARING: July 14, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 117294, filed March 26, 1958. Applicant: W. B. STUCKEY, P. O. Box 230, Rhine, Ga. Applicant's attorney: Hal M. Smith, Eastman, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* between points in Alabama, Georgia, and Florida.

HEARING: July 28, 1958, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 117301 (Sub No. 1), filed April 22, 1958. Applicant: EARL STEVENS AND I. R. STEVENS, doing business as I. J. STEVENS & SON, 129 Gordon Road, Wilmington, N. C. Applicant's attorney: Charles H. Young, 1008 Insurance Building, Raleigh, N. C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Creosoted poles, piling,* and *lumber,* from Wilmington, N. C., and points within fifteen (15) miles thereof, to points in South Carolina and Virginia.

HEARING: July 14, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 196, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 117302, filed March 28, 1958. Applicant: M. L. CONN, GLENN CONN, AND JACK CONN, doing business as M. L. CONN & SONS, Elizabethtown, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Ore,* crude or refined, between points in Hardin and Pope Counties, Ill., on the one hand, and, on the other, points in Crittenden, Livingston, Caldwell, and Marshall Counties, Ky.

HEARING: July 16, 1958, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 156, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 117303 (Sub No. 1), filed April 17, 1958. Applicant: CHARLES HAWLEY, Salt Point, N. Y. Applicant's attorney: William F. Leahey, 4 Liberty Street, Poughkeepsie, N. Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk, in hopper-type vehicles, from Hudson, N. Y., to Westfield, Mass.

HEARING: July 18, 1958, at the Federal Building, Albany, N. Y., before Examiner Michael B. Driscoll.

No. MC 117318, filed April 1, 1958. Applicant: LLOYD G. STANLEY, doing business as STANLEY TRUCK LINES, 5830 Pershing Boulevard, Houston, Tex. Applicant's attorney: John W. Carlisle, 422 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing,* in rolls and packages, *asbestos siding,* in bundles, and *tar,* in pails, barrels and drums, when such tar is to be used in connection with or incidental to the other materials named, from Houston, Tex., to points in Louisiana, Arkansas, Mississippi, New Mexico, and Oklahoma.

HEARING: July 25, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner James I. Carr.

No. MC 117348, filed April 18, 1958. Applicant: CHLORINE TRANSPORT, INC., P. O. Box 1191, Jacksonville, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied chlorine gas,* in shipper-owned containers, from Houston, Tex., and points in the Houston, Tex., Commercial Zone, including Deer Park, Tex., to points in Oklahoma, and *shipper-owned empty containers* for liquefied chlorine gas, on return.

HEARING: July 18, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 117360 (Sub No. 1), filed May 19, 1958. Applicant: CECIL CRUZON, doing business as CALIFORNIA ACTIVE TRUCK LINES, 2101 North Santa Fe Avenue, Compton, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cottonseed cake, flake, and meal,* in bulk, in hopper-type equipment, from the port of entry on the International Boundary Line between the United States and Mexico at or near Calexico, Calif., to points in Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, Calif.

HEARING: June 16, 1958, at the Federal Building, Los Angeles, Calif., before Joint Board No. 304, or, if the Joint Board waives its right to participate, before Commissioner John H. Winchell.

No. MC 117373, filed May 1, 1958. Applicant: PHILLIP N. ENGLE, doing business as NU-WAY TRUCKING, 864 Brookside, Glendale 22, Mo. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmens Bank Building, St. Louis 2, Mo. Authority sought to operate as a *contract carrier,* by motor vehicle, over regular routes, transporting: *Ice cream, salad dressings, meat,* and *meat products, chili, fountain syrups,* and *miscellaneous equipment and supplies* used in restaurants, between the commissary of Steak 'n Shake, Inc., in St. Louis County, Mo., and the commissary of Steak 'n Shake, Inc., in Bloomington, Ill.: from the commissary of Steak 'n Shake, Inc., in St. Louis County, Mo., over U. S. Highway 40-66 to junction U. S. Highways 40 and Bypass 40, thence over U. S. Bypass 40 to junction U. S. Highway 66, and thence over U. S. Highway 66 to the commissary of Steak 'n Shake, Inc., at Bloomington, Ill., and return over the same route serving no intermediate or off-route points.

NOTE: Applicant states the proposed service will be performed under exclusive contract with Steak 'n Shake, Inc. and the equipment used will be for the exclusive use of said shipper.

HEARING: July 22, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 117388, filed May 10, 1958. Applicant: L. Z. WILLIAMS, doing business as WILLIAMS TRANSPORT SERVICE, Hardin, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Commercial liquid fertilizer,* in bulk, and *anhydrous ammonia,* and *empty containers or other such incidental facilities* (not specified) between the Consumers Cooperative Association refinery located three miles east of Lawrence, Kans. on the one hand, and, on the other, points in Missouri; (2) *Liquefied petroleum gas,* and *empty containers or other such incidental facilities* (not specified) between the pipeline terminal located one mile south of Paola, Kans. (known as Ringer Terminal) and the Consumers Cooperative Association refineries located at Coffeyville, McPherson, and Phillipsburg, Kans., on the one hand, and, on the other, points in Missouri.

HEARING: July 24 1958, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 117391, filed May 13, 1958. Applicant: E. L. REDDISH, 711 Shipley Street, Springdale, Ark. Applicant's attorneys: A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D. C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, as more fully described in the application, from points in Arkansas and Oklahoma to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Maryland, Nebraska, New Jersey, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and *Canned goods*, and *materials* and *supplies*, used in the manufacture of canned goods, such as salt, sugar, metal cans and lids, cardboard boxes, printed labels, fresh vegetables, and fresh fruits, from the above-specified destination points to the above-specified origin points.

NOTE: Applicant states that the operations to be authorized are to be limited to a transportation service to be performed, under a continuing contract, for the following companies: Steele Canning Company, Springdale, Ark.; Keystone Packing Company, Fort Smith, Ark., and Cain Canning Company, Inc., Springdale, Ark.

HEARING: July 23, 1958, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 117396, filed May 22, 1958. Applicant: JOHNSON & SON, INC., 372 Virginia Street, Crystal Lake, Ill. Applicant's attorney: Alfred L. Roth, 188 West Randolph Street, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, (1) from Gary, Ind., and points within 10 miles thereof, to points in Illinois, and to points in Kenosha, Racine, Rock, Walworth, Milwaukee, and Waukesha Counties, Wis.; and (2) from Chicago, Ill., and points within 10 miles thereof, and from Ottawa, Ill., to points in Kenosha, Racine, Rock, Walworth, Milwaukee, and Waukesha Counties, Wis. *Fly ash*, in bags and in bulk, from Chicago, Ill., and points within 10 miles thereof, and from Aurora, Ill., to points in Kenosha, Racine, Rock, Walworth, Milwaukee, and Waukesha Counties, Wis. *Slabs*, concrete, from points in Kenosha, Racine, Rock, Walworth, Milwaukee, and Waukesha Counties, Wis., to points in Illinois and to points in Lake and Porter Counties, Ind.

HEARING: July 11, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117397, filed May 14, 1958. Applicant: JOSEPH H. METCALF, doing business as METCALF & SONS, 218 Winchester Street, Keene, N. H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to express matter having a subsequent or prior movement by aircraft and moving on commercial bills of lading, between Keene, N. H., on the one hand, and, on the other, points in Vermont and New Hampshire within 35 air miles of Keene.

HEARING: July 21, 1958, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 132, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 117399, filed May 19, 1958. Applicant: LEE E. CHAMP, 809 West 10th Street, Junction City, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers and *advertising matter*, (1) from Golden, Denver, and Pueblo, Colo., to points in Kansas on and east of U. S. Highway 81 and points on and north of a line beginning at the junction of U. S. Highways 81 and 56 and extending along U. S. Highway 56 to Marion, thence U. S. Highway 56 to the junction of Kansas Highway 150, thence Kansas Highway 150 to the junction of U. S. Highway 50, thence U. S. Highway 50 to Kansas City, Kans., (2) from Omaha, Nebr., to points in Kansas on and West of U. S. Highway 77 and on and north of U. S. Highway 40, and also Manhattan, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities on return.

HEARING: July 28, 1958, at the Hotel Kansan, Topeka, Kans., before Examiner Herbert L. Hanback.

No. MC 117403, filed May 19, 1958. Applicant: LLOYD KOSTNER AND GORDON KAMHOLZ, JR., Doing business as KAMHOLZ & KOSTNER, R. F. D. No. 1, Box 89, Fox River Grove, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, fill sand, limestone dust slag, pyro plaster, bulk cement, fill dirt, top soil, limestone chips and all types of machinery used in road and building construction*, from points in Racine, Kenosha, Walworth, Rock, and Green Counties, Wis., to points in Lake, Cook, McHenry, Boone, Winnebago, Kane, Du Page, and Will Counties, Ill.

NOTE: Applicant describes the service as transportation of construction materials from Consumer's Co. Pit, Quarry or Warehouses in Racine County on the one hand and other companies' pits, quarries or warehouses in Racine, Kenosha, Walworth, Rock, and Green Counties on the other hand, to construction sites in the above-specified counties in Illinois.

HEARING: July 10, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117404, filed May 19, 1958. Applicant: JUNIOR SYLVESTER HOUSDEN, R. F. D. No. 1, Charles Town, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burned lime*, in bulk, in spreader vehicles, from Blair and Martinsburg (Berkeley County), W. Va., to points in Carroll, Montgomery, Howard, Prince Georges, Washington, and Frederick Counties, Md.

HEARING: July 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117406, filed May 19, 1958. Applicant: HAROLD HELFOGT, doing business as RITE WAY SERVICE GARAGE & TOWING, 1258 Rand Road, Des Plaines, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, between points in Indiana and Wisconsin and points in Illinois.

NOTE: Applicant states service is predicated upon site of breakdown or wreck where emergency repairs thereto cannot be made to mobilize vehicle operated by members of the Motor Vehicle and Affiliated Truck Owners Associations on one hand and the general public on the other.

HEARING: July 11, 1958, in Room 852, U. S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117408, filed May 21, 1958. Applicant: NORMAN H. CROSBY, doing business as THE FAHR EXPRESS COMPANY, 86 Jay Place, North Branford, Conn. Applicant's attorney: Charles F. Riddle, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured by or dealt in by the National Gypsum Co., materials and supplies used by such company in its business*, and *returned containers and pallets*, between New Haven, Conn., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New Hampshire, Rhode Island, and Vermont; those in New Castle County, Del., Androscoggin, Cumberland, Kennebec, York, and Sagadahoc Counties, Maine, those in that portion of New York in and east of St. Lawrence, Jefferson, Oswego, Cayuga, Tompkins, and Chemung Counties, and those in that portion of Pennsylvania in and east of Tioga, Lycoming, Northumberland, Dauphin, and Lancaster Counties.

HEARING: July 16, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 117410, filed May 21, 1958. Applicant: TRIPLE "S" DELIVERY SERVICE, INC., 2315 Lincoln Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission.

NOTE: Applicant states that while the proposed operations are as above stated, its main intent is to seek a Certificate for the transportation of general commodities with no exceptions which would allow the interlining of freight from and to such commercial zone areas.

HEARING: July 22, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 117420, filed May 26, 1958. Applicant: MARVIN CROWELL, doing business as MARV'S SHELL SERVICE, 4687 Natural Bridge Road, St. Louis, Mo. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, wrecked, disabled or repossessed, in tow-away service by wrecker, between points in Illinois, on the one hand, and, on the other, St. Louis, Mo., and points in St. Louis County, Mo.

HEARING: July 22, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 238), filed May 22, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, Law Department, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Jersey City, N. J., and extending to Jones Beach, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: July 14, 1958, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Examiner Joint Board No. 3.

No. MC 3677 (Sub No. 40), filed May 23, 1958. Applicant: W. M. A. TRANSIT COMPANY, a Corporation, 4421 Southern Avenue, SE., Bradbudy Heights, Md. Applicant's attorney: Earl M. Foreman, Tower Building, Washington 5, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Hillcrest Heights, Md., and Marlow Heights, Md.: from junction 23d Parkway and Iverson Street, Hillcrest Heights, over 23d Parkway to Kenton Place, thence over Kenton Place to 28th Avenue, and thence over 28th Avenue to Marlow Heights, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in the District of Columbia and Maryland.

HEARING: July 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 112.

No. MC 68167 (Sub No. 32), filed May 12, 1958. Applicant: WASHINGTON, VIRGINIA AND MARYLAND COACH CO., INC., doing business as W. V. & M COACH CO., 707 North Randolph Street, Arlington, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail, newspapers*, and *papers*, in the same vehicle with passengers, between junction Virginia Highways 649 and 709 over Virginia Highway 649, Annandale Road, to junction Virginia Highway 236, Fairfax County, Va., serving all intermediate points. Applicant is authorized to conduct operations in Maryland and Virginia, and the District of Columbia.

HEARING: July 11, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 108.

No. MC 96318 (Sub No. 1), filed May 26, 1958. Applicant: PITTSFIELD YELLOW CAB COMPANY, 99 New West Street, Pittsfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in special round trip operations, during the racing season, with no pickup or discharge enroute, beginning and ending at Pittsfield, Mass., and extending to Saratoga Raceway, Saratoga Springs, N. Y.; (2) *Passengers and their baggage*, in special round trip operations, year-round, beginning and ending at Great Barrington, Stockbridge, Lenox, Pittsfield, North Adams, Adams, and Cheshire, Mass., and extending to New Lebanon, N. Y. Applicant is authorized to conduct operations in Massachusetts, New York, and Connecticut.

NOTE: Applicant states that the operations under route 2 above will be special round trip operations, restricted to the transportation of passengers and their baggage, who, at the time, are travelling for the purpose of participating in games commonly known as Beano and Bingo games, in New Lebanon, N. Y.

HEARING: July 18, 1958, at the Federal Building, Albany, N. Y., before Examiner Michael B. Driscoll.

No. MC 109665 (Sub No. 5), filed April 3, 1958. Applicant: ARGENTINE TRANSIT LINES, INC., 1800 Steele Road, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, between junction Kansas Highway 10 and Pflumm Road in Merriam, Johnson County, Kans., and junction Ninth and Main Street, in Kansas City, Mo.: From junction Kansas Highway 10 and Pflumm Road in Merriam, Johnson County, Kans., in a northerly direction along Pflumm Road to junction Johnson Drive, thence in a northeasterly direction along Johnson Drive to junction Quivira Road, thence north along Quivira Road to junction 55th Street, thence east along 55th Street to junction Nieman Road, thence south along Nieman Road to junction Rogers Drive, thence southeasterly along Rogers Drive to junction 62d Street, thence east along 62d Street to junction Ballentine Drive, thence north along Ballentine Drive to junction Johnson Drive, thence east along Johnson Drive to junction Merriam Lane, thence northeasterly along Merriam Lane to junction Southwest Boulevard (Wyandotte County), thence northeasterly along Southwest Boulevard to the Kansas-Missouri State line, thence continue along Southwest Boulevard to junction Main Street, thence north along Main Street to junction Seventh Street, thence west along Seventh Street to junction Delaware Street, thence south along Delaware Street to junction Main Street (at Ninth Street) in Kansas City, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: July 24, 1958, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 112559 (Sub No. 3), filed May 12, 1958. Applicant: KANSAS CITY-LEAVENWORTH BUS LINES, INC., 1320 Ottawa Street, Leavenworth, Kans. Applicant's attorney: A. J. Stanley, Jr., 518 Brotherhood Building, Kansas City 1, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the junction of Kansas Highway 5 and Wyandotte County Lake Road and the junction of Kansas Highway 5 and North 91st Street, over Wyandotte County Lake Road, serving all intermediate points.

NOTE: The above route is located in Wyandotte County, Kans. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: July 28, 1958, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 116675 (Sub No. 1), filed April 25, 1958. Applicant: JOSEPH RICIGLIANO, doing business as RITCHIE SIGHTSEEING SERVICE, 116 Delaware Avenue, Buffalo, N. Y. Applicant's attorney: Clarence E. Rhoney, 631 Niagara Street, Buffalo 1, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip sightseeing tours beginning and ending at Buffalo, N. Y., and extending to Ports of entry on the boundry between the United States and Canada at or near Buffalo (via Peace Bridge), Niagara Falls (via Rainbow Bridge), and Lewiston (via Lewiston Bridge), N. Y.

NOTE: Applicant states the seating capacity of the vehicle to be used in the proposed operation will transport eight (8) passengers, not including the driver thereof and not including children under ten years of age.

HEARING: July 16, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Michael B. Driscoll.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub No. 95), filed May 26, 1958. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the intersection of Louisiana Highway 14 and unnumbered parish road 6 miles west of Lake Arthur, La., and the plant site of Superior Oil Co., 5 miles south of said intersection, over unnumbered parish road, serving no intermediate points. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Dual operations or common control may be involved.

No. MC 53965 (Sub No. 17), filed May 23, 1958. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. Applicant's attorney: Michael A. Barbara, V. F. W. Building, Room 304, 214 West Sixth Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including those of unusual value, and commodities in bulk*, but excluding Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Kansas City, Mo., and Wichita, Kans., over the Kansas Turnpike, serving all intermediate points. Applicant is authorized to conduct regular route operations in Kansas and Missouri, and irregular route operations in Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

NOTE: Applicant holds common carrier authority in Certificate No. MC 53965 (Sub No. 16) to transport general commodities with the usual exceptions, between Kansas City, Mo., and Wichita, Kans., serving no intermediate points, as an alternate route for operating convenience only. Duplication should be eliminated.

No. MC 59314 (Sub No. 3), filed May 23, 1958. Applicant: ARTHUR PARVIN, doing business as ARTHUR PRAVIN'S TRANSFER, 15 East Harmony Street, Penns Grove, N. J. Applicant's attorney: Matthew Aaron, 70 North Laurel Street, Bridgeton, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment, (1) between Millville, N. J., and Cape May, N. J., from Millville over New Jersey Highway 47 to junction County Highway 585 thence over County Highway 585 to Cape May Court House, thence continuing over County Highway 585 to junction U. S. Highway 9, thence over U. S. Highway 9 to Cape May, and return over the same route, serving all intermediate points, and the off-route points of Lessburg, Mauricetown, Woodbine, and Wildwood, N. J. (2) Between Buena, N. J., and Cape May, N. J., from Buena over County Highway 557 to Estell Manor, N. J., thence continuing over County Highway 557 to junction New Jersey Highway 50, thence over New Jersey Highway 50 to Seaville, N. J., thence over U. S. Highway 9 to Cape May, and return over the same route, serving all intermediate points including Tuckahoe, N. J., and the off-route points of Cape May Court House, Woodbine, and Wildwood, N. J. (3) between junction New Jersey Highway 77 and County Highway 540, from junction New Jersey Highway 77 and County Highway 540 over County Highway 540 to junction U. S. Highway 40, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Woodbury, and Bridgeton, N. J., between Elmer and Bridgeton, N. J., and between Malaga and Mays Landing, N. J. (4) between Millville, N. J., and Hammonton, N. J., over New Jersey Highway 54, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Mays Landing and Camden, N. J., between Malaga and Mays Landing, N. J., and the authorized alternate route between Carneys Point and Millville, N. J., and (5) between Grenloch, N. J., and Williamstown, N. J., over New Jersey Highway 42, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Camden, N. J., and Grenloch, and between Glassboro and Williamstown, N. J. Applicant indicates the service authorized herein will be subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Pennsylvania-Reading Seashore Lines, hereinafter called the Railroad. Such carrier shall not serve any point not a station on the rail line of the railroad. The service to be performed by said carrier shall be limited to the transportation of commodities moving on a through bill of lading, or express receipt, covering in addition to the motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail. All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct similar operations in New Jersey.

No. MC 66562 (Sub No. 1423), filed May 26, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Morristown, Tenn., and Rogersville, Tenn., from Morristown, over U. S. Highway 11-E to Bulls Gap, Tenn., thence over Tennessee Highway 66 to Rogersville, Tenn., thence over U. S. Highway 11-W to junction U. S. Highway 25-E, thence over U. S. Highway 25-E to Morristown, and return over the same route, serving the intermediate point of Bulls Gap, Tenn. Applicant indicates the service proposed to be performed by applicant will be limited to service which is auxiliary to or supplemental of express service. Shipments proposed to be transported by applicant will be limited to those moving on a through bill of lading or express receipt covering in addition to the motor carrier movement by applicant an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 89693 (Sub No. 28), filed May 19, 1958. Applicant: J. D. HARMS, doing business as HARMS PACIFIC TRANSPORT, 14410 State Hiway No. 2, Bellevue, Wash. Applicant files this application for the purpose of changing its authorized operations in Certificate MC 89693 Sub No. 26 from a seasonal to a year-round authority. Applicant is authorized in the above certificate to transport *liquid fertilizers* (except anhydrous ammonia), in bulk in tank vehicles, over irregular routes in seasonal operations from February 1 to May 31 and from August 1 to November 30 of each year, inclusive, from Finley and Pasco, Wash., and points within 5 miles of each, to points in Oregon in and east of Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and to points in Idaho in and north of Idaho County, Idaho.

NOTE: Applicant has filed appropriate application with this Commission to change its operations from J. D. Harms, individual, doing business as Harms Pacific Transport, to a partnership as follows: J. D. Harms, J. D. Harms, Jr., and Gretchen Harms, a partnership, doing business as Harms Pacific Transport, assigned No. MC-FC 61252.

No. MC 100592 (Sub No. 14), filed May 29, 1958. Applicant: JAMES STUFFO, INC., 3010 North 21st Street, Philadelphia 32, Pa. Applicant's attorney: M. Randall Marston, 515 East Wynnewood Road, Merion Station, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings therefor*, from East

Liverpool, Ohio, and points in Ohio within 75 miles thereof, to Philadelphia, Pa., and points in Pennsylvania within 50 miles thereof, and to points in New Jersey, Delaware, Maryland, and New York, and *empty containers or other such incidental facilities* (not specified) and *pallets* used in transporting the above-described commodities, and *damaged, defective, and returned shipments* of the same commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 100592 (Sub No. 12) to determine whether applicant's status is that of a common or contract carrier.

No. MC 107403 (Sub No. 262), filed May 29, 1958. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Wilford Building, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Delaware City, Del., to Petersburg, W. Va. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 114004 (Sub No. 21), filed May 28, 1958. Applicant: ARKANSAS TRUCKING CO., INC., 8828 New Benton Highway, Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway service (excluding Utility Rental trailers), from Crossville, Tenn., and points within 15 miles thereof, to points in the United States except Mount Clemons, Detroit, and Flint, Mich., and *damaged or refused trailers*, on return. Applicant is authorized to conduct similar operations from and between specified points in Arkansas to points in the United States.

No. MC 115924 (Sub No. 5), filed May 28, 1958. Applicant: SUGAR TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 1104 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar*, in bulk, in tank vehicles, from Wilmington, N. C., to points in Virginia, Tennessee, and South Carolina, and *rejected* or *returned shipments* of the above commodities on return. Applicant is authorized to transport the above commodities in Georgia, Tennessee, Florida, Georgia, North Carolina, and South Carolina.

NOTE: Applicant states that the above transportation will be conducted under a continuing contract with one person (as defined in section 203 (a) (1) of the Interstate Commerce Act), who operates manufacturing plants, the principal business of which is the production of sugar.

MOTOR CARRIERS OF PASSENGERS

No. MC 28680 (Sub No. 20), filed May 23, 1958. Applicant: JORDAN BUS COMPANY, a Corporation, JORDAN BUS TERMINAL, Hugo, Okla. Applicant's attorney: Max G. Morgan, 443–54 American Nat'l. Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Wister, Okla., and junction U. S. Highways 59 and 271 (3 miles southwest of Poteau), Okla: from Wister over U. S. Highway 270 to Heavener, Okla., and thence over U. S. Highway 59 to junction U. S. Highway 271, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in Oklahoma, Texas, and Arkansas.

NOTE: Applicant states it is authorized to conduct operations between Wister and Poteau over U. S. Highway 271 and seeks no duplicating authority; applicant states that the proposed operation merely adds a loop serving Heavener and Howe, Okla.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12681, filed May 26, 1958. Applicant: THOMPSON TRAVEL BUREAU, INC., 621 Lackawanna Avenue, Scranton 3, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. For a license (BMC 5) authorizing operations as a *broker* at Scranton and Philadelphia, Pa., Newark, N. J., and Binghamton, Rochester, and Syracuse, N. Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, between points in the United States.

NOTE: The purpose of this application is to transfer License No. 12310, held by Roy Howarth Thompson, doing business as Thompson Travel Bureau to the corporation, Thompson Travel Bureau, Inc. If and when the authority applied for herein is granted, the operations authorized in No. MC 12310 should be canceled.

PETITIONS

No. MC 37257 (common carrier application) and No. MC 84781 (contract carrier application), PETITION, dated May 21, 1958, TO RECONSIDER "GRANDFATHER" APPLICATIONS AND CORRECT CERTIFICATE, CENTRAL JERSEY MOTOR LINES, INC., 728 State Street, P. O. Box 124, York, Pa. Petitioner's attorney: Donald W. Cross, 1329 E Street NW., Washington 4, D. C. Central Jersey Motor Lines, Inc., petitioner, seeks waiver of Rule 101 (e) of the Commission's general rules of practice, and to reopen and reconsider Dockets Nos. MC 37257 and MC 84781, and upon such reconsideration, remove certain restrictions from the Certificate granted in No. MC 37257 and simultaneously upon such removal, revoke the Permit issued in No. MC 84781. Petitioner has a certificate and a permit, obtained as a result of separate applications filed under the "grandfather" clause because petitioner at that time was unaware of its status. The certificate authorizes the transportation of general commodities with certain exceptions, among which are (1) Metal office furniture and equipment, and (2) bakery goods and containers. Petitioner recites that the "metal office furniture and equipment" restriction was apparently inserted because the permit authorized contract carriage of this commodity description in a territory part of which was included in the common carrier grant. Petitioner states that no reason appears for the insertion of the "bakery goods and containers" restriction; that the records establish that the application in No. MC 37257 sought authority to continue operations as a common carrier of "commodities generally except articles of extraordinary value or dimensions or articles likely to impregnate or otherwise damage other freight"; that upon analysis, it is clear that the commodities "metal office furniture and equipment" and "bakery goods and containers" were, on and after the crucial date, being transported as a common carrier. Therefore, petitioner seeks (1) leave to file this petition; (2) reopen the proceedings and reconsider the dockets on the present record; (3) remove from the certificate in No. MC 37257 the exception against the transportation of bakery goods and containers, and metal office furniture and equipment; and (4) upon said removal, revoke the permit in No. MC 84781.

No. MC 67916 (Sub No. 3), PETITION (dated April 24, 1958), FOR REOPENING, RECONSIDERATION AND MODIFICATION OF ORDERS DATED May 18, 1948, and July 31, 1951, THE NEW YORK CENTRAL RAILROAD COMPANY (COMMON CARRIER APPLICATION) 466 Lexington Avenue, New York, N. Y. Petitioner's attorneys: Herbert Burstein, and Kenneth H. Lundmark, 466 Lexington Avenue, New York 17, N. Y. The New York Central Railroad Company, petitioner, seeks reopening of this proceeding for the purpose of reconsidering and modifying the Commission's orders dated May 18, 1948 and July 31, 1951 in No. MC 67916 Sub–3, by the elimination of the conditions naming Anderson, Greensburg, Lafayette, and Terre Haute, Ind., as key points, in support of which petitioner states: (1) that in its Certificate dated May 18, 1948 certain key point restrictions were imposed, barring petitioner from transportation of shipments between said key points; (2) that upon petition for reconsideration and modification filed by petitioner on or about November 13, 1950, Certificate of May 18, 1948, was modified in part, as set forth in Certificate dated July 31, 1951 which represents petitioner's present operating authority; and (3) that on or about July 20, 1956, petitioner filed a petition for reconsideration and modification of the aforesaid orders by eliminating the conditions naming specified key points insofar as such key points are applicable to commodities handled in Railway Express Service, and to milk, cream, newspapers and newspaper supplements moving in rail baggage service. On March 28, 1958, Division 1 served its report granting said application and thereby modified condition 3 of Certificate MC 67916 Sub 3. Petitioner contends, in part, that the key points involved in this petition result in waste and inefficiency and impair service to the public; that the four key points involved compel the unnecessary use of box cars; and that their removal will also aid in the expeditious movement of traffic by rail in that multiple handlings at the key points will be eliminated. Petitioner states that the modification here sought will not adversely effect existing motor carriers or alter the present competitive position of petitioner; wherefore, petitioner seeks reopening, and modification of the aforesaid orders so as to enable it to provide substituted-motor-for-rail service from any restrictive key-point conditions at Anderson, Lafayette, Greensburg, and Terre Haute, Ind.

No. MC 109598, PETITION FOR LEAVE TO FILE PETITION, AND FOR LIFTING A RESTRICTION, dated April 4, 1958, CAROLINA SCENIC STAGES, a Corporation, P. O. Box 767, Spartanburg, S. C. Petitioner's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. Carolina Scenic Stages, petitioner, (successor to Carolina Scenic Coach Lines) requests leave to file the instant petition, which seeks to eliminate the following restriction contained on Sheet 6 of petitioner's Certificate No. MC 109598 dated August 13, 1957: "* * * restricted against service from Hendersonville, N. C., to Asheville, N. C., except that part of Asheville west of French Broad River, and known as West Asheville, N. C., and restricted against service from that part of Asheville on the east side of French Broad River to Hendersonville". Petitioner states the above restriction, which formerly appeared in North Carolina intrastate certificate previously issued to Carolina Scenic Coach Lines by the North Carolina Utilities Commission, crept into the interstate certificate issued by the Interstate Commerce Commission, which it states was an obvious error. Petitioner states it has, from the very beginning of its operations in interstate or foreign commerce, transported passengers, etc., between Asheville and Hendersonville, destined to points beyond the borders of North Carolina or coming from points beyond those borders. Wherefore, petitioner seeks a corrected certificate which will remove the language set forth above, appearing at Sheet 6 of petitioner's certificate of August 13, 1957.

PETITIONS TO REDEFINE COMMERCIAL ZONE LIMITS

The following petitions relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203 (b) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC-7, Washington, D. C. Commercial Zone, a petition dated May 22, 1958, as amended or supplemented June 4, 1958, has been filed by the Bethesda-Chevy Chase Chamber of Commerce seeking redefinition of the limits of the commercial zone of Washington, D. C., in a manner to expand said zone to include an area in Maryland beyond the area proposed to be included by the petition filed by the Rockville Chamber of Commerce, Inc., et al., published herein on January 15, 1958.

Executive Director of the Bethesda-Chevy Chase Chamber of Commerce, James A. Barr, Perpetual Building, Bethesda, Md., is representative for petitioner.

The limits of the commercial zone of *Washington, D. C.* as heretofore determined are specifically set forth in Ex Parte No. MC-7, *Washington, D. C., Commercial Zone*, 54 M. C. C. 797, 798 (Prior Reports: 3 M. C. C. 243, 48 M. C. C. 460) (49 CFR 170.4).

Petitioner seeks enlargement of the above-described zone limits and of the limits proposed by the Rockville Chamber of Commerce, Inc. et al., to include an area in Montgomery County, Md., bounded generally on the south by River Road, on the west by Piney Meeting House Road, Travilah Road, Dufief Mill Road, Maryland Highways 124 and 28, and various other highways and roads to and including Gaithersburg, Md., on the north by Maryland Highways 124 and 115, and on the east by Derwood Road, Fields Road, Shady Grove Road, and Glen Road.

Oral hearing will be held on this petition and on the pending petitions of Rockville Chamber of Commerce, Inc., et al., and the Economic and Industrial Development Committee of Fairfax County, notice of which was published January 15, 1958, on a consolidated record, at the time, and place and before the examiner later to be designated. Persons supporting or opposing the changes in the present zone limits proposed by this petition and who desire to participate in future proceedings on this petition or be notified of any action thereon, should notify the Commission and petitioner or its representative of their desire on or before 30 days from the date of this publication.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6912 (correction) (DAVID RUKIN—CONTROL—WEST FORDHAM TRANSPORTATION CORP.), published in the May 28, 1958, issue of the FEDERAL REGISTER on page 3686. The address of applicant's affiliate, HUDSON TRANSIT LINES, INC., should have been shown as Mahwah, N. J.

No. MC-F 6923. Authority sought for purchase by BYERS TRANSPORTATION COMPANY, INC., 901 Washington, Kansas City, Mo., of a portion of the operating rights of W. E. MURRAY TRANSFER & STORAGE CO., 2113 Grand Avenue, Kansas City, Mo. Applicants' attorney: Lowell L. Knipmeyer, 900 Waltower Building, Kansas City, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Clay, Jackson, and Platte Counties, Mo., and Douglas, Johnson, Leavenworth, and Wyandotte Counties, Kans. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6924. Authority sought for control by ARTHUR JONES, 235 Keats Avenue, Elizabeth, N. J., of JONES TRUCKING CO., 847 Flora Street, Elizabeth, N. J. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Essex, Hudson, Bergen, Passaic, Union, and Middlesex Counties, N. J., on the one hand, and, on the other, certain points in New York, Pennsylvania, and Connecticut, between Newark, Kearny, and Harrison, N. J., on the one hand, and, on the other, points in the NEW YORK, N. Y., COMMERCIAL ZONE, as defined by the Commission, and between New York, N. Y., and points in Westchester and Nassau Counties, N. Y., on the one hand, and, on the other, certain points in New Jersey; *lard and dog food*, from Long Island City, N. Y., to Scranton, Pa., and Binghamton, N. Y. ARTHUR JONES holds no authority from this Commission; however, he is the majority stockholder of FOOD PRODUCTS TRUCKING CO., Linden, N. J., which is authorized to operate as a *contract carrier* in New York, New Jersey, Pennsylvania, Connecticut, Maryland, and Delaware. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6925. Authority sought for control by SONDELL COLEMAN and RAYMOND BUCH, both of 854 South 16th Street, Harrisburg, Pa., of MERCHANTS DELIVERY, INC., 854 South 16th Street, Harrisburg, Pa., and BUCH EXPRESS, INC., 2800 Paxton Street, Harrisburg, Pa. Applicants' attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Operating rights sought to be controlled: (MERCHANTS DELIVERY, INC.) Authority applied for covering the transportation of *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes from Harrisburg, Pa., to certain points in Pennsylvania; (BUCH EXPRESS, INC.) *general commodities*, except Class A and B explosives, and except livestock, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier* over regular routes between Harrisburg, Pa., and New York,

N. Y., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between York, Pa., and Frederick and Williamsport, Md., and Reading, Pa., between Hamburg, Pa., and Philadelphia, Pa., between Millersburg, Pa., and Lemoyne, Pa., between Schuylkill Haven, Pa., and Harrisburg, Pa., and between Lewistown, Pa., and Duncannon, Pa., serving all intermediate points; *grocery store supplies*, between Baltimore, Md., and York, Pa., and from York, Pa., to Lebanon, Pa., serving certain intermediate points; *macaroni*, from Lebanon, Pa., to Baltimore, Md., serving the intermediate point of Harrisburg, Pa., restricted to pick-up only; *bedding*, from Baltimore, Md., to Hershey, Pa., serving no intermediate points; *general commodities*, with certain exceptions including househlod goods and excluding commodities in bulk, over irregular routes, between points in Harford County, Md., on the one hand, and, on the other, certain points in Pennsylvania; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Baltimore, Md., on the one hand, and, on the other, certain points in Maryland, between New York, N. Y., and Jersey City, N. J., on the one hand, and, on the other, points in Westchester, Nassau, and Suffolk Counties, N. Y., between certain points in New Jersey, on the one hand, and, on the other, certain points in Pennsylvania, and from certain points in New Jersey to certain points in Pennsylvania; *household goods* as defined by the Commission, and *general commodities*, with certain exceptions including commodities in bulk, between points in the WASHINGTON, D. C., COMMERCIAL ZONE, as defined by the Commission, and between points in the WASHINGTON, D. C. COMMERCIAL ZONE, as defined by the Commission, on the one hand, and, on the other, certain points in Maryland and Virginia; *canned goods*, from Baltimore, Md., and points within 50 miles of Baltimore, to certain points in Pennsylvania; *grocery store supplies and bedding*, from Baltimore, Md., to certain points in Pennsylvania; *chains*, from York, Pa., to Wilmington, Del.; *leather and leather goods*, from Williamsport, Md., to Binghamton and Rochester, N. Y., and Philadlephia, Pa.; *Paper and paper products*, from York Haven, Pa., to Hagerstown, Md.; *rubber heels, soles, and materials* used in the manufacture of heels and soles, between Hagerstown, Md., on the one hand, and, on the other, Binghamton, N. Y., and between Gettysburg, Pa., on the one hand, and, on the other, Winchester, Va., Binghamton, New York, Dansville, and Rochester, N. Y., and Hagerstown and Westminster, Md.; *fresh meats*, from Royalton, Pa., to Utica, Binghamton, Waterford, Cohoes, and Albany, N. Y. SONDELL COLEMAN and RAYMOND BUCH hold no authority from this Commission; however, they are affiliated with the corporations sought to be controlled herein. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6926. Authority sought for purchase by HERBERT GRAVER, CLAIR GRAVER, CARL GRAVER and JOHN GRAVER, doing business as C. GRAVER TRUCKING, 1007 North Ninth Street, Stroudsburg, Pa., of a portion of the operating rights of PINE HILLS DISPATCH, INC., First Trust & Bank Building, Perth Amboy, N. J. Applicants' attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Operating rights sought to be transferred: *Fertilizer*, as a *common carrier* over irregular routes, from Carteret, N. J., to points in Chenango, Delaware, Otsego, Schoharie, Ulster, and Greene Counties, N. Y., and from Kearny, N. J., and Bridgeport and New Haven, Conn., to points in Chenango, Delaware, and Otsego Counties, N. Y., and those within 20 miles of Harpersfield, N. Y.; *rejected shipments of fertilizer*, from points in Chenango, Delaware, Otsego, Schoharie, Ulster, and Greene Counties, N. Y., to Carteret, N. J., and from points in Chenango, Delaware, and Otsego Counties, N. Y., and those within 20 miles of Harpersfield, N. Y., to Kearny, N. J., and Bridgeport and New Haven, Conn. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4407; Filed, June 10, 1958; 8:49 a. m.]

[Notice 69]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 6, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2900 (Deviation No. 1), GREAT SOUTHERN TRUCKING COMPANY, P. O. Box 2408, Jacksonville, Fla., filed May 29, 1958. Attorney for said carrier, J. E. Allen, 1863 Clarkson Street, Jacksonville, Fla. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Jacksonville, Fla., and Charlotte, N. C., as follows: from Jacksonville over U. S. Highway 17 to junction Georgia Highway 303, thence over Georgia Highway 303 to junction U. S. Highway 25, thence over U. S. Highway 25 to Statesboro, Ga., thence over U. S. Highway 301 to junction Georgia Highway 24 approximately five miles north of Sylvania, Ga., thence over Georgia Highway 24 to Louisville, Ga., thence over U. S. Highway 221 to Wrens, Ga., thence over Georgia Highway 17 to junction U. S. Highway 378 approximately two miles east of Washington, Ga., thence over U. S. Highway 378 to Saluda, S. C., thence over South Carolina Highway 19 to Newberry, S. C., thence over South Carolina Highway 22 via Winnsboro to junction U. S. Highway 21 approximately two miles south of Great Falls, S. C., thence over U. S. Highway 21 to junction South Carolina Highway 97, thence over South Carolina Highway 97 to junction South Carolina Highway 200, thence over South Carolina Highway 200 to Lancaster, S. C., thence over South Carolina Highway 9 to Pageland, S. C., thence over U. S. Highway 601 to Monroe, N. C., thence over U. S. Highway 74 to Charlotteville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes; from Winston-Salem, N. C., over U. S. Highway 311 to junction U. S. Highway 220, thence over U. S. Highway 220 to Asheboro, N. C., thence over North Carolina Highway 49 to junction North Carolina Highway 6, thence over North Carolina Highway 6 to junction U. S. Highway 52, thence over U. S. Highway 52 to Albemarle, N. C., and thence over North Carolina Highway 27 to Charlotte, N. C.; from Winston-Salem over specified routes to Greenville, S. C., thence over U. S. Highway 123 to the South Carolina-Georgia State line, and thence over Georgia Highway 13 to Atlanta, Ga.; from Atlanta, Ga., over U. S. Highway 411 to Perry, Ga., thence over U. S. Highway 341 to Baxley, Ga., and thence over U. S. Highway 1 to Jacksonville, Fla.; and return over the same routes.

No. MC-10928 (Deviation No. 3), SOUTHERN-PLAZA EXPRESS, INC., P. O. Box 837, Dallas 21, Tex., filed June 2, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions; over a deviation route, between junction of Illinois Highway 50 and Illinois Highway 49 (redesignated as U. S. Highway 54) and Chicago, Ill., as follows: from junction Illinois Highway 50 and U. S. Highway 54 over Illinois Highway 50 to Chicago and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Louis, Mo., and Chicago, Ill., over the following pertinent route: from St. Louis over U. S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to Fullerton, Ill., thence over U. S. Highway 54 to Onarga, Ill., thence over U. S. Highway 45 to Kankakee, Ill., and thence over Illinois Highway 49 to Chicago.

No. MC-69116 (Deviation No. 4), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed May 23, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Interchange No. 1 (Westpoint) of the Northern Indiana Toll Road and Interchange No. 11 (Eastpoint) of the said Toll Road, as follows: from Interchange No. 1 of the Northern Indiana Toll Road over the Northern Indiana Toll Road to Interchange No. 11 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the Illinois-Indiana State line and the Indiana-Ohio State line over U. S. Highways 6, 20, 30, and 24.

No. MC-72444 (Deviation No. 1), THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 16, Ohio, filed May 19, 1958. Attorney for said carrier, Charles R. Iden, 2200 First National Tower, Akron 8, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Owego, N. Y., and Binghamton, N. Y., as follows: from Owego over New York Highway 17 to Binghamton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Owego, N. Y., and Binghamton, N. Y., over New York Highway 17C (formerly New York Highway 17).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4406; Filed, June 10, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34740: *Crushed stone and screenings—Illinois points to Hobart, Ind.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2379), for interested rail carriers. Rates on crushed stone or crushed stone screenings, in bulk, open-top carloads from Bellwood and McCook, Ill., to Hobart, Ind.

Grounds for relief: Motor truck competition.

Tariff: Supplement 16 to Trunk Lines-Central Territory Railroads Tariff Bureau tariff I. C. C. 4767 (Hinsch series).

FSA No. 34741: *TOFC service rates between Springfield, Mo., and western points.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1985), for interested rail carriers. Rates on various commodities loaded in demountable trailer bodies and transported in open-top railroad cars, also freight loaded in or on trailers and transported on railroad flat cars between Springfield, Mo., and stations in Illinois, Iowa, Kansas, and Minnesota.

Grounds for relief: Motor truck competition.

Tariff: Supplement 14 to Western Trunk Lines tariff I. C. C. A-4213.

FSA No. 34742: *Paper and related articles—Fremont, Nebr., to western points.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1968), for interested rail carriers. Rates on paper and related articles, carloads from Fremont, Nebr., to points in Colorado, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 12 to Western Trunk Lines Tariff I. C. C. A-4190.

FSA No. 34743: *Substituted service—Rail and motor, C. & N. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent (No. 108), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Altoona and Eau Claire, Wis., on the other.

Grounds for relief: Motor truck competition.

Tariff: 76 to Middlewest Motor Freight Bureau, Agent, tariff MF I. C. C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4405; Filed, June 10, 1958; 8:49 a. m.]

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PART I

FEDERAL REGISTER

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Washington, Thursday, June 12, 1958

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-10]

PART 60—AIR TRAFFIC RULES

CRUISING ALTITUDES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of June 1958.

Part 60 of the Civil Air Regulations currently specifies certain cruising altitudes appropriate to the direction of flight. These rules differ depending on whether the flight is in controlled or uncontrolled airspace. Outside controlled airspace above 3,000 feet and with less than 3 miles visibility, pilots are required to comply with a quadrantal rule. Aircraft being operated in controlled airspace are required to be flown at odd or even thousand-foot altitudes as specified by the Administrator. These rules specify a rather complex system of determining altitudes by direction of flight on colored airways and VOR airways, which is modified by a priority system for colored airways, and further modified where colored and VOR airways coincide or cross. For irregular portions of airspace designated as controlled areas there is no altitude specification. A proposal to provide a single simplified system to determine appropriate cruising altitudes was circulated for comment, among others not here discussed, in Civil Air Regulations Draft Release No. 57-27 dated December 10, 1957.

It was apparent from comment received pursuant to this draft release that there is widespread agreement that the present cruising altitude rules have grown so complex as to become increasingly ineffective and early adoption of the new rules was urged.

This amendment providing for semicircular rules requires VFR aircraft (or aircraft on no flight plan) to cruise at odd thousands plus 500 feet when on magnetic courses of 0° to 179° inclusive; and at even thousands plus 500 feet when on courses of 180° to 359° inclusive below 29,000 feet. Aircraft operating on an IFR flight plan with a specific altitude assignment would be normally conducted at odd thousands on magnetic courses of 0° to 179° and even thousands on courses of 180° to 359°. More simply, aircraft operating under VFR rules would cruise at plus 500-foot altitudes and IFR traffic would normally cruise at cardinal altitudes. This arrangement establishes a degree of separation between the IFR cruising altitude rules and the VFR cruising altitude rules, which is advisable in light of the growing utilization of the one-way airway procedures.

The advantage ofthe new semi-circular rules would be to establish a single system to apply in all airspace (i. e., in and outside of controlled airspace). This will resolve the difficulties of determining proper cruising altitudes along airways, crossing airways, and in the large controlled areas that had previously been without any designated altitudes. Further, it simplifies the rules to be followed when operating outside of airways and other controlled areas.

In order to provide for aircraft operating under the instrument flight rules and cleared by air traffic control to maintain "VFR conditions on top," such flights will be required to comply with the altitude rules prescribed for VFR flight.

In commenting on Draft Release 57-27, recommendations were received from the military and the Air Transport Association, and later endorsed by other users, to modify the cruising altitude rules above 29,000 feet so as to provide a degree of separation between IFR and VFR flights in a manner similar to the system proposed below 29,000 feet. It was contended that this modification would establish a uniform system to determine appropriate cruising altitudes at high, as well as low altitudes, thereby providing separation of cruising VFR and IFR traffic at all altitudes. This modification would provide aircraft operating VFR above 29,000 feet on reciprocal courses with a minimum vertical separation of at

(Continued on p. 4135)

This issue includes two parts bound together. Part II contains a revision of Subchapter B of Chapter III, Title 15.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 6 ($1.50)
Title 26, 1957 Added Pocket Parts:
  Parts 1–79 ($0.25)
  Parts 80–169 ($0.25)
  Parts 170–182 ($0.20)
Titles 44–45, 1957 Added Pocket Part ($0.35)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Parts 1–19, Rev. Jan. 1, 1958 ($3.00), Parts 20–221, Rev. Jan. 1, 1958 ($2.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Parts 800–1099 ($0.65), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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least 2,000 feet. Aircraft operating on an IFR flight plan with a specific altitude assignment would normally be separated by 1,000 feet from VFR aircraft on reciprocal courses.

The Board believes there is merit in these recommendations. It had proposed that the rule change be effective below 29,000 feet only because the high altitude quadrantal rule (above 29,000 feet) which provides for 2,000 feet of separation, as contrasted with 1,000 feet separation below that altitude, was believed to provide satisfactory vertical separation between cruising aircraft in different directions and therefore did not require amendment. The advantage of one uniform system is obvious however, and since there are no offsetting disadvantages the system should apply above 29,000 feet as well as below.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 9668), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective August 15, 1958.

1. By amending § 60.32 to read as follows:

§ 60.32 *VFR cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, the following cruising altitudes (Mean Sea Level) shall be observed:

(a) *Below 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.).

(2) 180° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.).

(b) *Above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 179° inclusive, at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).

(2) 180° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

2. By amending § 60.44 to read as follows:

§ 60.44 *IFR cruising altitudes.* When an aircraft is operated in level cruising flight, it shall be operated in accordance with the following cruising altitudes:

(a) *Within controlled airspace.* At altitudes authorized by air traffic control. In the absence of a specific altitude authorized by air traffic control, aircraft operating "on top" shall be flown at altitudes specified in § 60.32.

(b) *Outside controlled airspace—below 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 179° inclusive, at odd thousands (1,000; 3,000; etc.).

(2) 180° to 359° inclusive, at even thousands (2,000; 4,000; etc.).

(c) *Outside controlled airspace at and above 29,000 feet in Alaska and other territorial possessions of the United States.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 179° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.).

(2) 180° to 359° inclusive, at 4,000-foot intervals beginning at 31,000 (31,000; 35,000; etc.).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] MARVIN BERGSMAN,
Acting Secretary.

[F. R. Doc. 58-4466; Filed, June 11, 1958; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 10]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.16 *Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.)* is amended by changing all before "Lake Charles, La., nondirectional radio beacon;" to read: "From the Alice, Tex., radio range station via the Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., nondirectional radio beacon;".

2. Section 600.19 *Green civil airway No. 9 (Hawaiian Islands)* is amended by deleting the words which read: "excluding the portion at and below 5,000 feet above mean sea level which overlaps the Kaneohe Naval Airspace Reservation (P-331)."

3. Section 600.254 is amended to read:

§ 600.254 *Red civil airway No. 54 (Burley, Idaho, to Promontory Point, Utah).* From the Burley, Idaho, radio range station to the Promontory Point, Utah, nondirectional radio beacon.

4. Section 600.296 is amended to read:

§ 600.296 *Red civil airway No. 96 (Lake Charles, La., to Baton Rouge, La.).* From the Lake Charles, La., nondirectional radio beacon via the Lafayette, La., nondirectional radio beacon to the Baton Rouge, La., radio range station.

5. Section 600.602 is added to read:

§ 600.602 *Blue civil airway No. 2 (San Diego, Calif., to Oceanside, Calif.).* From the Loma Portal, Calif., nondirectional radio beacon via the intersection of a 287° True bearing from the Loma Portal nondirectional radio beacon and a 178° True bearing from the Oceanside nondirectional radio beacon to the Oceanside, Calif., nondirectional radio beacon.

6. Section 600.605 is amended by changing the caption to read: "*Blue civil airway No. 5 (Houston, Tex., to Wichita, Kans.)*" and by changing all before the "Bryan, Tex., radio range station;" to read: "From the Houston, Tex., radio range station via the intersection of the northwest course of the Houston radio range and the southeast course of the Bryan radio range; Bryan, Tex., radio range station;".

7. Section 600.622 is added to read:

§ 600.622 *Blue civil airway No. 22 (Delta, Utah, to Malad City, Idaho).* From the Delta, Utah, radio range station via the Promontory Point, Utah, nondirectional radio beacon to the Malad City, Idaho, radio range station. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of the Tooele restricted area (R-399) and the Deseret restricted area (R-514) are excluded during their designated time of use.

8. Section 600.635 is added to read:

§ 600.635 *Blue civil airway No. 35 (San Diego, Calif., to Oceanside, Calif.).* From the San Diego, Calif., radio range station via the intersection of a 358° True bearing from the San Diego radio range station and a 131° True bearing from the Oceanside nondirectional radio beacon to the Oceanside, Calif., nondirectional radio beacon.

9. Section 600.647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.)* is amended by changing the portion which reads: "the intersection of the north course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range;" to read: "the intersection of the north course of the Front Royal, Va., radio range and the southeast course of the Pittsburgh, Pa., radio range;".

10. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Muskegon, Mich., omnirange station, including a south alternate via the intersection of the Milwaukee omnirange 111° True and the Muskegon omnirange 255° True radials;" to read: "Muskegon, Mich., VORTAC, including a south alternate via the intersection of the Milwaukee omnirange 111° and the Muskegon VORTAC 254° radials;".

11. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "From the Key West, Fla., omnirange station via the intersection of the Key West omnirange 078° and the Miami, Fla., omnirange 204° radials; intersection of the Miami omnirange 204° radial and the Miami International Airport ILS localizer west course;" to read: "From the Key West, Fla., omnirange station via the intersection of the Key West omnirange 078° and the Miami, Fla., omnirange 205° radials; intersection of the Miami omnirange 205° radial and the Miami International Airport ILS localizer west course;".

12. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the name "Moline, Ill." to read: "Cordova, Ill." wherever it appears.

13. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Dothan, Ala., terminal omnirange station; intersection of the Dothan terminal omnirange 336° True and the Montgomery omnirange 123° True radials;" to read: "Dothan, Ala., terminal omnirange station; intersection of the Dothan omnirange 336° and the Montgomery omnirange 130° radials;".

14. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing all before "Mormon Mesa, Nev., omnirange station," to read: "From the point of intersection of the Long Beach omnirange 266° and the Los Angeles, Calif., omnirange 207° radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; the intersection of the Hector omnirange 049° and the Las Vegas omnirange 210° radials; Las Vegas, Nev., omnirange station, including a north alternate from the Long Beach omnirange to the Las Vegas omnirange via the point of intersection of the Long Beach omnirange 024° and the Los Angeles omnirange 057° radials, the point of intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials, and the Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station," by changing the name "Moline, Ill." to read: "Cordova, Ill." wherever it appears; by changing the portion which reads: "the intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials;" to read: "point of intersection of the Youngstown, Ohio, omnirange 195° and the Pittsburgh omnirange 291° radials;" and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Bullion Mountains restricted area (R–344) is excluded during its time of designation."

15. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Palmdale, Calif., omnirange station; intersection of the Palmdale omnirange 082° True and the Daggett omnirange 257° True radials; Daggett, Calif., omnirange station; Needles, Calif., omnirange station, including a north alternate via the intersection of the Daggett omnirange 078° True and the Needles omnirange 289° True radials;" to read: "Palmdale, Calif., omnirange station; Hector, Calif., omnirange station; Needles, Calif., omnirange station, including a north alternate from the Hector omnirange station to the Needles omnirange station via the Goffs, Calif., omnirange station;" and by adding a new last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Bullion Mountains restricted area (R–344) is excluded during its time of designation."

16. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "Erie, Pa., omnirange station, including a north alternate from the Cleveland omnirange station to the Erie omnirange station via the point of intersection of the Cleveland omnirange 049° True and the Carleton, Mich., omnirange direct radial to the Jefferson, Ohio, omnirange station; Buffalo, N. Y., omnirange station;" to read: "Erie, Pa., omnirange station, including a north alternate from the Cleveland omnirange station to the Erie, Pa., omnirange station via the point of intersection of the Cleveland omnirange 049° radial and the Carleton, Mich., omnirange direct radial to the Jefferson, Ohio, omnirange station; Dunkirk, N. Y., omnirange station; Buffalo, N. Y., omnirange station, including a north alternate from the Erie, Pa., omnirange station to the Buffalo, N. Y., omnirange station via the intersection of the Erie omnirange 043° and the Buffalo omnirange 242° radials;".

17. Section 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.)* is amended by changing the portion which reads: "Neola, Iowa, omnirange station;" to read "Neola, Iowa, omnirange station, including an east alternate via the intersection of the St. Joseph omnirange 358° and the Neola omnirange 142° radials;".

18. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border)* is amended by changing all before "Las Vegas, Nev., omnirange station;" to read: "From the point of intersection of the Long Beach omnirange 266° and the Los Angeles, Calif., omnirange 207° radials via the Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; intersection of the Hector omnirange 049° and the Las Vegas omnirange 210° radials; Las Vegas, Nev., omnirange station;" and by changing all after "Helena, Mont., omnirange station;" to read: "Helena, Mont., omnirange station; intersection of the Helena omnirange 352° and the Great Falls omnirange 222° radials; Great Falls, Mont., omnirange station; Cut Bank, Mont., omnirange station, including an east alternate and also a west alternate from the Helena omnirange to the Cut Bank omnirange direct; to the United States-Canadian Border via the Cut Bank omnirange 347° radial. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Bullion Mountains restricted area (R–344) is excluded during its time of designation."

19. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: "Fresno, Calif., omnirange station, including an east alternate; Modesto, Calif., omnirange station, including an east alternate via the intersection of the Fresno omnirange 328° True and the Modesto omnirange 117° True radials;" to read: "Fresno, Calif., omnirange station, including an east alternate; intersection of the Fresno omnirange 323° and the Modesto omnirange 117° radials; Modesto, Calif., omnirange station;".

20. Section 600.6039 *VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine)* is amended by changing the portion which reads: "Poughkeepsie, N. Y., omnirange station; point of intersection of the Chester, Mass., omnirange 131° True and the Poughkeepsie omnirange 058° True radials; Gardner, Mass., omnirange station;" to read: "Poughkeepsie, N. Y., omnirange station; Westfield, Mass., omnirange station; Gardner, Mass., omnirange station;".

21. Section 600.6051 *VOR civil airway No. 51 (Key West, Fla., to Chicago, Ill.)* is amended by changing the portion which reads: "From the Key West, Fla., omnirange station via the intersection of the Key West omnirange 041° and the Miami, Fla., omnirange 222° radials; intersection of the Miami omnirange 222° and the Biscayne omnirange 265° radials; Biscayne, Fla., omnirange station; Miami, Fla., omnirange station; intersection of the Miami omnirange 343° and the Vero Beach omnirange 191° radials; Vero Beach, Fla., omnirange station;" to read: "From the Key West, Fla., omnirange station via the point of intersection of the Miami omnirange 221° and the Biscayne omnirange 262° radials; Biscayne, Fla., omnirange station; Miami, Fla., omnirange station; intersection of the Miami omnirange 344° and the Vero Beach omnirange 191° radials; Vero Beach, Fla., omnirange station;".

22. Section 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.)* is amended by changing all after "Pullman, Mich., omnirange station;" to read: "Pullman, Mich., omnirange station; Muskegon, Mich., VORTAC; intersection of the Muskegon VORTAC 342° and the Green Bay omnirange 118° radials; to the Green Bay, Wis., omnirange station."

23. Section 600.6059 is amended to read:

§ 600.6059 *VOR civil airway No. 59 (Parkersburg, W. Va., to Cleveland, Ohio).* From the Parkersburg, W. Va., omnirange station via the Newcomerstown, Ohio, omnirange station; point of intersection of the Tiverton, Ohio, omnirange direct radial to the Youngstown, Ohio, omnirange station with the Mansfield, Ohio, omnirange 104° radial; to the Cleveland, Ohio, omnirange station.

24. Section 600.6070 is amended by changing the caption to read: "*VOR civil airway No. 70 (Corpus Christi, Tex., to Allendale, S. C.)*" and by changing the portion which reads: "to the Evergreen, Ala., omnirange station." to read: "the Evergreen, Ala., omnirange station; Eufaula, Ala., omnirange station; Vienna, Ga., omnirange station; to the Allendale, S. C., omnirange station."

25. Section 600.6103 *VOR civil airway No. 103 (Greensboro, N. C., to Cleveland, Ohio)* is amended by changing all after "Wheeling, W. Va., omnirange station;" to read: "Wheeling, W. Va., omnirange station; intersection of the Wheeling omnirange 313° and the Youngstown, Ohio, 195° radials; intersection of the Mansfield omnirange 104° with the Tiverton, Ohio, direct radial to the Youngstown, Ohio, omnirange station; to the Cleveland, Ohio, omnirange station."

26. Section 600.6105 is amended to read:

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Reno, Nev.).* From the Phoenix, Ariz., omnirange station via the Prescott, Ariz., omnirange station, including an east alternate via the intersection of the Phoenix omnirange 004° and the Prescott omnirange 135° radials; Las Vegas, Nev., omnirange station, including a west alternate; the intersection of the Las Vegas omnirange 266° and the Beatty omnirange 136° radials; Beatty, Nev., omnirange station; Coaldale, Nev., omnirange station; to the Reno, Nev., omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fallon, Nev., restricted area (R–268) is excluded during its time of designation.

27. Section 600.6106 *VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine)* is amended by changing the portion which reads: "Poughkeepsie, N. Y., omnirange station; point of intersection of the Chester, Mass., omnirange 131° True and the Poughkeepsie omnirange 058° True radials; Gardner, Mass., omnirange station;" to read: "Poughkeepsie, N. Y., omnirange station; Westfield, Mass., omnirange station; Gardner, Mass., omnirange station;".

28. Section 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Buffalo, N. Y.)* is amended by changing all after: "to the Charleston, W. Va., omnirange station." to read: "From the Ellwood City, Pa., omnirange station via the point of intersection of the Fitzgerald, Pa., omnirange 304° and the Bradford, Pa., omnirange 260° radials; Jamestown, N. Y., omnirange station; to the Buffalo, N. Y., omnirange station."

29. Section 600.6117 *VOR civil airway No. 117 (El Centro, Calif., to Daggett, Calif.)* is amended by changing all after "Thermal, Calif., omnirange station;" to read: "Thermal, Calif., omnirange station; intersection of the Thermal omnirange 340° and the Daggett omnirange 187° radials; to the Daggett, Calif., omnirange station. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Bullion Mountains restricted area (R–344) and the Salton Sea restricted area (R–303) are excluded during the time of designation of these restricted areas."

30. Section 600.6123 is amended by changing the caption to read: "*VOR civil airway No. 123 (Washington, D. C., to Westfield, Mass.)*" and by changing all after: "to the Wilton, Conn., omnirange station." to read: "Wilton, Conn., omnirange station; point of intersection of the Wilton omnirange direct radial to the Chester, Mass., omnirange station with the Poughkeepsie, N. Y., omnirange 099° radial; Westfield, Mass., omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Edgewood Arsenal restricted area (R–82) is excluded during the time of designation of this restricted area. The portion of this airway which overlaps the Washington prohibited area (P–56) is excluded."

31. Section 600.6134 is amended to read:

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Columbus, Ga.)* From the Evergreen, Ala., omnirange station via the intersection of the Evergreen omnirange 075° and the Columbus omnirange 219° radials; to the Columbus, Ga., omnirange station.

32. Section 600.6138 is amended to read:

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Fort Dodge, Iowa).* From the Rock River, Wyo., omnirange station via the Cheyenne, Wyo., omnirange station, including a north alternate via the intersection of the Rock River omnirange 108° and the Cheyenne omnirange 320° radials; to the Sidney, Nebr., omnirange station, including a south alternate. From the Grand Island, Nebr., omnirange station via the intersection of the Grand Island omnirange 099° and the Neola omnirange 236° radials; Neola, Iowa, omnirange station; to the Fort Dodge, Iowa, omnirange station.

33. Section 600.6142 is amended to read:

§ 600.6142 *VOR civil airway No. 142 (Buffalo, N. Y., to Rochester, N. Y.).* From the Buffalo, N. Y., omnirange station via the intersection of the Buffalo omnirange 034° and the Rochester omnirange 289° radials; to the Rochester, N. Y., omnirange station.

34. Section 600.6154 *VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.)* is amended by changing the portion which reads: "Columbus, Ga., omnirange station, including a south alternate via the intersection of the Montgomery omnirange 088° True and the Columbus omnirange 195° True radials;" to read: "Columbus, Ga., omnirange station, including a south alternate via the intersection of the Montgomery omnirange 088° radial and the Columbus omnirange direct radial to the Eufaula, Ala., omnirange station;".

35. Section 600.6157 *VOR civil airway No. 157 (Key West, Fla., to Richmond, Va.)* is amended by changing the portion which reads: "La Belle, Fla., omnirange station, including a west alternate from the intersection of the Miami omnirange 222° and the Fort Myers, Fla., omnirange 134° radials via the intersection of the Fort Myers omnirange 134° and the La Belle omnirange 161° radials to the La Belle, Fla., omnirange station;" to read: "La Belle, Fla., omnirange station, including a west alternate from the point of intersection of the Miami omnirange 221° and the Fort Myers, Fla., omnirange 134° radials via the point of intersection of the Fort Myers omnirange 134° and the La Belle omnirange 162° radials to the La Belle, Fla., omnirange station;".

36. Section 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.)* is amended by changing the portion which reads: "Orlando, Fla., omnirange station, including an east alternate from the Vero Beach omnirange station to the Orlando omnirange station via the intersection of the Vero Beach omnirange 342° and the Orlando omnirange 123° radials and also a west alternate from the West Palm Beach omnirange station to the Orlando omnirange station via the intersection of the West Palm Beach omnirange 311° and the Orlando omnirange 163° radials;" to read: "Orlando, Fla., omnirange station, including an east alternate from the Vero Beach omnirange station to the Orlando omnirange station via the intersection of the Vero Beach omnirange 342° and the Orlando omnirange 123° radials and also a west alternate from the West Palm Beach omnirange station to the Orlando omnirange station via the intersection of the West Palm Beach omnirange 312° and the Orlando omnirange 163° radials;".

37. Section 600.6161 *VOR civil airway No. 161 (Fort Worth, Tex., to Alexandria, Minn.)* is amended by changing the portion which reads: "Waterloo, Iowa, omnirange station;" to read: "Waterloo, Iowa, omnirange station, including a west alternate from the Des Moines omnirange to the Waterloo omnirange via the intersection of the Des Moines omnirange 023° and the Waterloo omnirange 241° radials;".

38. Section 600.6165 is amended to read:

§ 600.6165 *VOR civil airway No. 165 (San Diego, Calif., to Coalinga, Calif.).* From the San Diego-Lindbergh, Calif., terminal omnirange station via the intersection of the San Diego-Lindbergh terminal omnirange 287° and the Oceanside omnirange 177° radials; the Oceanside, Calif., omnirange station; Long Beach, Calif., omnirange station; intersection of the Long Beach 346° and the Palmdale 200° radials; Palmdale, Calif., omnirange station; point of intersection of the Palmdale omnirange direct radial to the point of intersection of the Bakersfield, Calif., omnirange 210° and the Coalinga, Calif., omnirange 153° radials with the Bakersfield omnirange 149° radials; Bakersfield, Calif., omnirange station; to the Coalinga, Calif., omnirange station.

39. Section 600.6170 *VOR civil airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.)* is amended by changing the portion which reads: "From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station, including a north alternate via the point of intersection of the Bradford omnirange 308° radial with the Ellwood City, Pa., omnirange direct radial to the Buffalo, N. Y., omnirange station;" to read: "From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station; Selinsgrove, Pa., omnirange station;".

40. Section 600.6185 *VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.)* is amended by changing the portion which reads: "From the Savannah, Ga., omnirange station via the intersection of the Savannah omnirange 320° True and the Augusta omnirange 157° True radials;" to read: "From the Savannah, Ga., omnirange station via the intersection of the Savannah omnirange 321° and the Augusta omnirange 157° radials;" and by changing the last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp Gordon restricted area (R–124) is excluded during this restricted area's time of designation."

41. Section 600.6199 is amended to read:

§ 600.6199 *VOR civil airway No. 199 (San Francisco, Calif., to Ukiah, Calif.).* From the San Francisco, Calif., terminal omnirange station via the intersection of the San Francisco terminal omnirange 304° and the Ukiah omnirange 172° radials; to the Ukiah, Calif., omnirange station. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tomales Point restricted area (R–519) is excluded during the time of designation of this restricted area.

42. Section 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.)* is amended by changing the portion which reads: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° True and the Daggett omnirange 235° True radials; Daggett, Calif., omnirange station; Goffs, Calif., omnirange station;" to read: "From the Los Angeles, Calif., omnirange station via the point of intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; point of intersection of the Daggett omnirange 235° and the Hector omnirange 265° radials; Hector, Calif., omnirange station; Goffs, Calif., omnirange station;" and by changing the portion which reads: "Alamosa, Colo., omnirange station;" to read: "Alamosa, Colo., omnirange station, including a south alternate via the intersection of the Farmington omnirange 090° and the Alamosa omnirange 232° radials;".

43. Section 600.6216 is amended to read:

§ 600.6216 *VOR civil airway No. 216 (Hill City, Kans., to Saginaw, Mich.).* From the Hill City, Kans., omnirange station via the Mankato, Kans., omnirange station; Pawnee City, Nebr., omnirange station; Lamoni, Iowa, omnirange station; Ottumwa, Iowa, omnirange station; to the Iowa City, Iowa, omnirange station. From the Janesville, Wis., omnirange station via the intersection of the Janesville omnirange 076° and the Muskegon VORTAC 254° radials; Muskegon, Mich., VORTAC; to the Saginaw, Mich., omnirange station.

44. Section 600.6233 *VOR Civil airway No. 233 (Springfield, Ill., to Cedar Rapids, Iowa)* is amended by changing the name "Moline, Ill." to read: "Cordova, Ill."

45. Section 600.6241 is amended to read:

§ 600.6241 *VOR civil airway No. 241 (Crestview, Fla., to Atlanta, Ga.).* From the Crestview, Fla., omnirange station via the intersection of the Crestview omnirange 076° and the Dothan terminal omnirange 240° radials; Dothan, Ala., terminal omnirange station; Eufaula, Ala., omnirange station; Columbus, Ga., omnirange station; intersection of the Columbus omnirange 018° and the Atlanta omnirange 233° radials; to the Atlanta, Ga., omnirange station. The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall, AFB restricted area (R–336) are excluded during this restricted area's time of designation.

46. Section 600.6255 *VOR civil airway No. 255 (Burlington, Iowa, to Janesville, Wis.)* is amended by changing the name "Moline, Ill." to read: "Cordova, Ill." wherever it appears.

47. Section 600.6264 *VOR civil airway No. 264 (Ontario, Calif., to Giant Rock, Calif.)* is revoked.

48. Section 600.6265 is amended to read:

§ 600.6265 *VOR civil airway No. 265 (Washington, D. C., to Dunkirk, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; point of intersection of the Westminster omnirange 345° and the Harrisburg omnirange 196° radials; Harrisburg, Pa., omnirange station; Philipsburg, Pa., omnirange station; Bradford, Pa., omnirange station; Jamestown, N. Y., omnirange station; to the Dunkirk, N. Y., omnirange station.

49. Section 600.6270 is amended to read:

§ 600.6270 *VOR civil airway No. 270 (Erie, Pa., to Chester, Mass.).* From the Erie, Pa., omnirange station via the Jamestown, N. Y., omnirange station; Wellsville, N. Y., omnirange station; Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station; De Lancey, N. Y., omnirange station; to the Chester, Mass., omnirange station.

50. Section 600.6294 is added to read:

§ 600.6294 *VOR civil airway No. 294 (Des Moines, Iowa, to Cedar Rapids, Iowa).* From the Des Moines, Iowa, omnirange station via the Des Moines omnirange 086° and the Cedar Rapids 233° radials; to the Cedar Rapids, Iowa, omnirange station.

51. Section 600.6404 *Hawaiian VOR civil airway No. 4* is amended by deleting the portion which reads: "The north alternate shall include the airspace between straight lines starting from a point on each outer boundary of the north alternate, at a distance of 50 statute miles west from the Honolulu omnirange station, and diverging westward at angles of 6° relative to the north alternate's centerline." and by deleting the sentence which reads: "The portion of this airway at and below 5,000 feet mean sea level, which overlaps the Kaneohe Bay Airspace Reservation (P–331) is excluded."

52. Section 600.6412 is amended to read:

§ 600.6412 *Hawaiian VOR civil airway No. 12.* From the point of intersection of the Lihue, Kauai, T. H., omnirange 1[illegible]° and the Honolulu omnirange 261° radials to the Honolulu, Oahu, T. H., omnirange station. In addition, this airway shall include the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 statute miles west and diverging westward at angles of 6° relative to the airway's centerline.

53. Section 600.6608 *VOR civil airway No. 1508 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing all before "Mormon Mesa, Nev., omnirange station;" to read: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station;".

54. Section 600.6610 *VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing all before "Mormon Mesa, Nev., omnirange station;" to read: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 057° and the Daggett omnirange 235° radials; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station;" and by changing the name "Moline, Ill." to read: "Cordova, Ill."

55. Section 600.6612 *VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing all before "Goffs, Calif., omnirange station;" to read: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 123° and the Long Beach omnirange 287° radials; Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; Goffs, Calif., omnirange station;".

56. Section 600.6616 *VOR civil airway No. 1516 (San Francisco, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Modesto,

Calif., omnirange station to the Fresno, Calif., omnirange station." to read: "Modesto, Calif., omnirange station; intersection of the Modesto omnirange 117° and the Fresno omnirange 323° radials; to the Fresno, Calif., omnirange station."

57. Section 600.6618 *VOR civil airway No. 1518 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing all before "Needles, Calif., omnirange station;" to read "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 123° and the Long Beach omnirange 287° radials; Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; Needles, Calif., omnirange station;" and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Bullion Mountains restricted area (R–344) is excluded during its time of designation."

58. Section 600.6620 *VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing all before "Needles, Calif., omnirange station;" to read: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 123° and the Long Beach omnirange 287° radials; Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; Needles, Calif., omnirange station;" and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Bullion Mountains restricted area (R–344) is excluded during its time of designation."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 3, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 6, 1958.

[F. R. Doc. 58–4435; Filed, June 11, 1958; 8:46 a. m.]

[Amdt. 10]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.254 is amended by changing the caption to read: "*Red civil airway No. 54 control areas (Burley, Idaho, to Promontory Point, Utah).*"

2. Section 601.296 is amended by changing the caption to read: "*Red civil airway No. 96 control areas (Lake Charles, La., to Baton Rouge, La.).*"

3. Section 601.602 is added to read:

§ 601.602 *Blue civil airway No. 2 control areas (San Diego, Calif., to Oceanside, Calif.).* All of Blue civil airway No. 2.

4. Section 601.605 is amended by changing the caption to read: "*Blue civil airway No. 5 control areas (Houston, Tex., to Wichita, Kans.).*"

5. Section 601.622 is added to read:

§ 601.622 *Blue civil airway No. 22 control areas (Delta, Utah, to Malad City, Idaho).* All of Blue civil airway No. 22.

6. Section 601.635 is added to read:

§ 601.635 *Blue civil airway No. 35 control areas (San Diego, Calif., to Oceanside, Calif.).* All of Blue civil airway No. 35.

7. Section 601.1038 is amended to read:

§ 601.1038 *Control area extension (Great Falls, Mont.).* The airspace lying within a 45-mile radius centered on the Great Falls, Mont., omnirange station.

8. Section 601.1067 is amended to read:

§ 601.1067 *Control area extension (Lexington, Ky.).* The airspace within a 40-mile radius of the Lexington omnirange station extending clockwise from the centerline of VOR civil airway No. 4 east of Lexington to the centerline of VOR civil airway No. 57 southwest of Lexington, thence within a 25-mile radius of the omnirange station extending clockwise from the centerline of VOR civil airway No. 57 southwest of Lexington to the centerline of VOR civil airway No. 4 east of Lexington.

9. Section 601.1086 *Control area extension (Memphis, Tenn.)* is amended by adding the following portion to present control area extension: "The airspace northwest of Memphis bounded on the east by VOR civil airway No. 9, on the south by VOR civil airway No. 54–N, on the west by VOR civil airway No. 69, and on the north by VOR civil airway No. 140."

10. Section 601.1098 *Control area extension (Casper, Wyo.)* is amended by adding the following portion to present control area extension: "and the airspace within 5 miles either side of the 85° True radial of the Casper omnirange extending from the omnirange station to VOR civil airway No. 247."

11. Section 601.1105 is amended to read:

§ 601.1105 *Control area extension (Muskegon, Mich.).* Within a 15-mile radius of the Muskegon County Airport, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, Little Sable Point restricted area (R–437) during its designated time of use.

12. Section 601.1111 is amended to read:

§ 601.1111 *Control area extension (San Diego, Calif.).* The airspace within 5 miles either side of the 287° True radial of the Lindberg Field terminal omnirange extending from the terminal omnirange station to a point 28 miles northwest; within 5 miles either side of the San Diego radio range extending from the radio range station to a point 30 miles southwest; the airspace within a 23-mile radius of the San Diego radio range station lying in the southwest quadrant of the radio range excluding the portion under the jurisdiction of Mexico; the airspace southeast of San Diego bounded on the north by Red civil airway No. 9, on the west by Amber civil airway No. 1, on the east by longitude 116°24′00″, and on the south by the United States-Mexican Border.

13. Section 601.1126 *Control area extension (Knoxville, Tenn.)* is amended by changing the words: "Blue civil airway No. 87" to read: "VOR civil airway No. 97" wherever they appear.

14. Section 601.1159 *Control area extension (Moline, Ill.)* is amended by changing the name of the facility "Moline omnirange station," to read: "Cordova, Ill., omnirange station".

15. Section 601.1205 *Control area extension (Albuquerque, N. Mex.)* is amended by deleting the words which read: "excluding the portion below 30,000 feet MSL which overlaps restricted area (R–313)." and by adding the following sentence to read: "The portion of this control area extension which lies within Albuquerque restricted area (R–313) (Published in § 608.39 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

16. Section 601.1216 is amended to read:

§ 601.1216 *Control area extension (New Orleans, La.).* All of the airspace from the United States shoreline bounded on the north by a direct line extending from the Belle Chasse, La., nondirectional radio beacon to a point at latitude 29°25′00″, longitude 87°00′00″, on the southeast by a line extending from latitude 29°25′00″, longitude 87°00′00″ to a point at latitude 28°50′00″, longitude 88°00′00″, thence south along longitude 88°00′00″ to the northern boundary of the New Orleans Oceanic Control Area, on the south by the New Orleans Oceanic Control Area, on the west by longitude 90°15′00″, and on the northwest by the New Orleans control area extension (601.1025), excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States.

17. Section 601.1219 is amended to read:

§ 601.1219 *Control area extension (Pensacola, Fla.).* The airspace within a 25-mile radius of NAAS Saufley Field including the airspace within an arc of 38 statute miles centered on NAAS Saufley, bounded on the west by a line extending between points at latitude 30°06′00″, loigitude 87°49′00″ and latitude 30°15′00″, longitude 87°41′00″, bounded on the east by a line extending between points at latitude 29°55′00″, longitude 87°20′00″ and latitude 30°19′00″, longitude 87°13′00″.

18. Section 601.1226 *Control area extension (Tampa, Fla.)* is revoked.

19. Section 601.1226 is added to read:

§ 601.1226 *Control area extension (Grand Isle, La.) (Nan-Love route)*. The airspace within tangent lines drawn from the circumference of a circle 5 statute miles in radius centered on the Grand Isle, La., nondirectional radio beacon extending to the circumference of a circle 15 statute miles in radius centered at a point midway on a rhumb line between the Grand Isle, La., and the Egmont Key, Fla., nondirectional radio beacons thence to the circumference of a circle 5 statute miles in radius centered on the Egmont Key, Fla., nondirectional radio beacon, excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States. This control area extension shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

20. Section 601.1246 is amended to read:

§ 601.1246 *Control area extension (Evansville, Ind.)*. The airspace within a 15-mile radius of the Evansville omnirange station and within 5 miles either side of lines bearing 38° and 218° True from the ILS outer marker extending from the 15-mile radius control area to a point 25 miles north of the outer marker, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, Camp Breckinridge restricted area (R-51) during the restricted area's designated time of use.

21. Section 601.1323 *Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area)* is amended by changing the words which read: "Red civil airway No. 96," to read: "Green civil airway No. 6,"

22. Section 601.1349 *Control area extension (Redmond, Oreg.)* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 125° True radial of the Redmond omnirange extending from the omnirange station to a point 15 miles southeast."

23. Section 601.1402 is amended to read:

§ 601.1402 *Control area extension (Middleton Island, Alaska)*. Within 5 miles either side of the northeast course of the Middleton Island radio range extending from the radio range station to a point 25 miles northeast; within 5 miles on the northwest side and 8 miles on the southeast side of the southwest course of the radio range extending from the radio range station to a point 10 miles southwest.

24. Section 601.1455 is added to read:

§ 601.1455 *Control area extension (Las Vegas, Nev.)*. The airspace northwest of Las Vegas bounded on the northwest by a circle 10 miles in radius centered on the Indian Springs, Nev., nondirectional radio beacon, on the northeast by a line tangent to the circumference of this circle extending to the circumference of a 5-mile radius circle centered on the Las Vegas radio range station, on the southwest by a line tangent to the circumference of the Indian Springs 10-mile radius circle extending to the circumference of a 5-mile radius circle centered on the Las Vegas omnirange station, and on the southeast by Amber civil airway No. 2. The portion of this control area extension which lies within the Tonopah restricted area (R-271) shall be used only after obtaining prior approval from Civil Aeronautics Air Traffic Control.

25. Section 601.2030 is amended to read:

§ 601.2030 *Galveston, Tex., control zone*. Within a 5-mile radius of the Galveston Airport and within 2 miles either side of the 119° and 299° True radials of the Galveston omnirange extending from the 5-mile radius zone to a point 10 miles west of the omnirange station and within 2 miles either side of a line bearing 312° True from the Galveston nondirectional radio beacon extending from the 5-mile radius zone to a point 10 miles northwest of the nondirectional radio beacon.

26. Section 601.2084 *Battle Creek, Mich., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 018°, 051°, 115°, 157°, 215°, 258° and 317° True radials of the Battle Creek omnirange extending to points 12 nautical miles from the omnirange station."

27. Section 601.2096 *Evansville, Ind., control zone* is amended by changing the words which read: "extending from the Evansville outer marker to a point 10 miles northeast." to read: "extending from the 5-mile radius zone to a point 10 miles northeast of the ILS outer marker."

28. Section 601.2116 *Moline, Ill., control zone* is amended by changing the name of the facility "Moline omnirange." to read: "Cordova, Ill., omnirange."

29. Section 601.2117 is amended to read:

§ 601.2117 *Muskegon, Mich., control zone*. Within a 5-mile radius of Muskegon County Airport and within 2 miles either side of the southeast course of the Muskegon radio range extending from the radio range station to a point 12 miles southeast.

30. Section 601.2186 is amended to read:

§ 601.2186 *San Diego, Calif., control zone*. Within a 5-mile radius of Lindberg Field, within 2 miles either side of the north course of the San Diego radio range extending from the radio range station to the La Jolla fan marker and within 2 miles either side of the south course of the radio range extending from the radio range station to a point 13 miles south, within 2 miles either side of the 287° True radial of the San Diego terminal omnirange extending from the terminal omnirange station to a point 10 miles northwest, and within 2 miles either side of a 125° bearing extending from the North Island Naval Air station to a point 8 miles southeast.

31. Section 601.2219 *Cedar Rapids, Iowa, control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 093° and 274° True radials of the Cedar Rapids omnirange extending from the 5-mile radius zone to a point 12 miles west of the omnirange station."

32. Section 601.2225 is amended to read:

§ 601.2225 *Mansfield, Ohio, control zone*. Within a 5-mile radius of the Mansfield Municipal Airport and within 2 miles either side of the 322° and 142° True radials of the Mansfield omnirange extending from the 5-mile radius zone to a point 10 miles northwest of the omnirange station.

33. Section 601.2252 is amended to read:

§ 601.2252 *El Toro, Calif., control zone*. Within a 5-mile radius of El Toro Marine Corps Air Station, within a 3-mile radius of Orange County Airport, Santa Ana, Calif., and within ½ mile east of and 9½ miles west of and parallel to lines bearing 355° and 175° True extending from the El Toro nondirectional radio beacon (located at latitude 33°40′53″, longitude 117°43′48″) to Green civil airway No. 5 on the north and to Amber civil airway No. 1 on the south."

34. Section 601.2318 *Myrtle Beach, S. C., control zone* is amended by changing the facility name "Myrtle Beach nondirectional radio beacon (MTL)" to read: "Conway (MTL) nondirectional radio beacon."

35. Section 601.4016 *Green civil airway No. 6 (Alice, Tex., to Norfolk, Va.)* is amended by deleting the following reporting point: "the intersection of the northeast course of the Galveston, Tex., radio range and the south course of the Beaumont, Tex., radio range;" and by adding the following reporting points in lieu thereof: "Houston, Tex., radio range station; Beaumont, Tex., radio range station;".

36. Section 601.4254 is amended by changing the caption to read: "*Red civil airway No. 54 (Burley, Idaho, to Promontory Point, Utah)*."

37. Section 601.4296 is amended to read:

§ 601.4296 *Red civil airway No. 96 (Lake Charles, La., to Baton Rouge, La.)*. No reporting point designation.

38. Section 601.4602 is added to read:

§ 601.4602 *Blue civil airway No. 2 (San Diego, Calif., to Oceanside, Calif.)*. No reporting point designation.

39. Section 601.4605 is amended to read:

§ 601.4605 *Blue civil airway No. 5 (Houston, Tex., to Wichita, Kans.)*. Bryan, Tex., radio range station.

40. Section 601.4622 is added to read:

§ 601.4622 *Blue civil airway No. 22 (Delta, Utah, to Malad City, Idaho).* No reporting point designation.

41. Section 601.4635 is added to read:

§ 601.4635 *Blue civil airway No. 35 (San Diego, Calif., to Oceanside, Calif.).* No reporting point designation.

42. Section 601.6070 is amended to read:

§ 601.6070 *VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Allendale, S. C.).* All of VOR civil airway No. 70.

43. Section 601.6105 is amended to read:

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Reno, Nev.).* All of VOR civil airway No. 105 including an east and a west alternate.

44. Section 601.6123 is amended to read:

§ 601.6123 *VOR civil airway No. 123 control areas (Washington, D. C., to Westfield, Mass.).* All of VOR civil airway No. 123.

45. Section 601.6138 is amended to read:

§ 601.6138 *VOR civil airway No. 138 control areas (Rock River, Wyo., to Fort Dodge, Iowa).* All of VOR civil airway No. 138 including a north alternate and a south alternate.

46. Section 601.6142 is amended to read:

§ 601.6142 *VOR civil airway No. 142 control areas (Buffalo, N. Y., to Rochester, N. Y.).* All of VOR civil airway No. 142.

47. Section 601.6161 is amended to read:

§ 601.6161 *VOR civil airway No. 161 control areas (Fort Worth, Tex., to Alexandria, Minn.).* All of VOR civil airway No. 161 including a west alternate.

48. Section 601.6165 is amended to read:

§ 601.6165 *VOR civil airway No. 165 control areas (San Diego, Calif., to Coalinga, Calif.).* All of VOR civil airway No. 165.

49. Section 601.6170 is amended to read:

§ 601.6170 *VOR civil airway No. 170 control areas (Milwaukee, Wis., to Philadelphia, Pa.).* All of VOR civil airway No. 170.

50. Section 601.6216 is amended to read:

§ 601.6216 *VOR civil airway No. 216 control areas (Hill City, Kans., to Saginaw, Mich.).* All of VOR civil airway No. 216.

51. Section 601.6264 *VOR civil airway No. 264 control areas (Ontario, Calif., to Giant Rock, Calif.)* is revoked.

52. Section 601.6265 is amended to read:

§ 601.6265 *VOR civil airway No. 265 control areas (Washington, D. C., to Dunkirk, N. Y.).* All of VOR civil airway No. 265.

53. Section 601.6270 is amended to read:

§ 601.6270 *VOR civil airway No. 270 control areas (Erie, Pa., to Chester, Mass.).* All of VOR civil airway No. 270.

54. Section 601.6294 is added to read:

§ 601.6294 *VOR civil airway No. 294 control areas (Des Moines, Iowa, to Cedar Rapids, Iowa.).* All of VOR civil airway No. 294.

55. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Battle Creek, Mich., omnirange station.
Cordova, Ill., omnirange station.
Coyle, N. J., omnirange station.
Mankato, Kans., omnirange station.
Pawnee City, Nebr., omnirange station.
Vienna, Ga., omnirange station.
Waterville, Ohio, omnirange station.

Saybrook Intersection: The intersection of the Wilton, Conn., omnirange 090° True and the Riverhead, N. Y., omnirange 046° True radials.

Sterling Intersection: The intersection of the Providence, R. I., omnirange 270° True and the Norwich, Conn., omnirange 043° True radials.

Wolcottsville Intersection: The intersection of the Buffalo, N. Y., omnirange 034° True radial and the Niagara Falls, N. Y., ILS localizer east course.

by revoking the following reporting points:

Detroit, Mich., omnirange station.
Moline, Ill., omnirange station.
Toledo, Ohio, omnirange station.

Homer Intersection: The intersection of the Norcross, Ga., omnirange 054° True and the Royston, Ga., omnirange 270° True radials.

Salem Intersection: The intersection of the Hartford, Conn., omnirange 130° True and the Norwich, Conn., omnirange 224° True radials.

and by changing the following reporting points to read:

Annawan Intersection: The intersection of the Iowa City, Iowa, omnirange 093° True radial, the Cordova, Ill., omnirange 138° True radial and the Moline, Ill., ILS localizer back course.

Belle Glade Intersection: The intersection of the Vero Beach, Fla., omnirange 192° True and the Miami, Fla., omnirange 344° True radials.

Clareville Intersection: The intersection of the Alice, Tex., omnirange 013° True and the Corpus Christi, Tex., 321° True radials.

Flintstone Intersection: The intersection of the Front Royal, Va., omnirange 335° True and the Martinsburg, W. Va., omnirange 298° True radials.

Fontana Intersection: The interesction of the Palmdale, Calif., omnirange 137° True and the Ontario, Calif., omnirange 047° True radials.

Highway Intersection: The intersection of the Bowling Green, Ky., omnirange 101° True and the Crossville, Tenn., omnirange 349° True radials.

Maricopa Intersection: The intersection of the Coalinga, Calif., omnirange 152° True and the Bakersfield, Calif., omnirange 210° True radials.

Marin Intersection: The intersection of the San Francisco, Calif., terminal omnirange 304° True and the Point Reyes, Calif., omnirange 239° True radials.

Mt. Hamilton Intersection: The intersection of the Agnew, Calif., omnirange 097° True and the Oakland, Calif., omnirange 130° True radials.

North Bend Intersection: The intersection of the Bradford, Pa., omnirange 127° True, the Williamsport, Pa., omnirange 271° True and the Philipsburg, Pa., omnirange 014° True radials.

Stinson Beach Intersection: The intersection of the San Francisco, Calif., terminal omnirange 304° True and the Point Reyes, Calif., omnirange 155° True radials.

White Oaks Intersection: The intersection of the Palmdale, Calif., omnirange 291° True and the Gorman, Calif., omnirange 056° True radials.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 3, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 6, 1958.

[F. R. Doc. 58-4436; Filed, June 11, 1958; 8:46 a. m.]

[Amdt. 2]

PART 618—HIGH DENSITY AIR TRAFFIC ZONES AND AIRPORTS

DESIGNATION OF HIGH DENSITY AIR TRAFFIC ZONES AND AIRPORTS

The Administrator of Civil Aeronautics designates the following high density air traffic zones and high density airports. These designations appeared as a notice of proposed rule making in 23 F. R. 1795–1796 (March 15, 1958). All interested persons have been afforded an opportunity to submit written views, data, or arguments. All comments received were considered.

Part 618 is amended as follows:

1. Subpart B is amended by adding the following designated high density air traffic zones:

Atlanta, Ga., High Density Air Traffic Zone. All of the airspace within a radius of 10 nautical miles centered on the Atlanta Municipal Airport extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Boston, Mass., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Boston Control Zone (§ 601.2005 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Cleveland, Ohio, High Density Air Traffic Zone. All of the airspace within the current boundaries of the Cleveland Control Zone (§ 601.2089 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Philadelphia, Pa., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Philadelphia Control Zone (§ 601.2015 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Pittsburgh, Pa., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Pittsburgh Control Zone (§ 601.2313 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Albuquerque, N. Mex., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Albuquerque Control Zone (§ 601.2023 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Burbank, Calif., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Burbank Control Zone (§ 601.2174 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Denver, Colo., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Denver Control Zone (§ 601.2047 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Long Beach, Calif., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Long Beach Control Zone (§ 601.2178 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Los Angeles, Calif., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Los Angeles Control Zone (§ 601.2179 of this chapter) including the airspace within 2 miles either side of the 083° True radial of the Los Angeles omnirange extending to a point 18 miles east of the omnirange station, extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Oakland, Calif., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Oakland Control Zone (§ 601.2180 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

Phoenix, Ariz., High Density Air Traffic Zone. All of the airspace within the current boundaries of the Phoenix Control Zone (§ 601.2338 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

San Francisco, Calif., High Density Air Traffic Zone. All of the airspace within the current boundaries of the San Francisco Control Zone (§ 601.2187 of this chapter) extending upwards from the surface to and including an altitude of 3,000 feet above the surface.

2. Subpart C is amended by adding the following designated high density airports:

Atlanta Municipal Airport, Atlanta, Ga.
Logan International Airport, Boston, Mass.
Cleveland-Hopkins Airport, Cleveland, Ohio.
Philadelphia International Airport, Philadelphia, Pa.
Greater Pittsburgh Airport, Pittsburgh, Pa.
Kirtland Air Force Base, Albuquerque, N. Mex.
Lockheed Air Terminal, Burbank, Calif.
Stapleton Airfield, Denver, Colo.
Long Beach Municipal Airport, Long Beach, Calif.
Los Angeles International Airport, Los Angeles, Calif.
Metropolitan Oakland International Airport, Oakland, Calif.
Sky Harbor Municipal Airport, Phoenix, Ariz.
San Francisco International Airport, San Francisco, Calif.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., July 3, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 5, 1958.

[F. R. Doc. 58-4434; Filed, June 11, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 13—SETOFFS

Correction

In Federal Register Document 58-4078, published at page 3757 in the issue for Friday, May 30, 1958, the phrase "of setoffs", appearing in the final paragraph, should read "to setoffs".

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 12th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2 as amended, 22 F. R. 2656; cf. 22 F. R. 2679) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Duane Drennen Farm No. 1, Parker, mailing address, c/o Colorado River Trading Company.

Duane Drennen Farm No. 2, Parker, mailing address, c/o Colorado River Trading Company.

Tom Drennen Farm, Parker, mailing address, c/o Colorado River Trading Company.

Elmer Emrick Farm, Route 1, Box 154, Somerton.

Arnold Gillatt Stable, 3231 North Craycroft, Tucson.

William Hershkowitz Farm, P. O. Box 1114, Wickenburg.

Hundred Eleven Ranch (Sombrero Butte), Mammoth.

Mission Road Market, 1256 Mission Road, Tucson.

Emon Parker Chicken Yard, 4129 East Magnolia Street, Tempe.

Tom Rhodes Ranch, P. O. Box 96, Mammoth.

Rhodes-Mercer 111 Farm, Mammoth.

River Farm, 3100 South Seventh Street, Phoenix.

Roseline Farms, Box 86, Vicksburg.

Shady Acres Nursery & Bird Farm, 3640 East Washington Street, Phoenix.

Clay Sharp Farm, Box 1931, Parker.

Frank Spatig Farm, Route 1, Box 18, Somerton.

Ernest Williams Chicken Yard, Route 1, Somerton.

CALIFORNIA

A. Abma Feed Lot and Storage, Route 1, Box 283, Wasco.

Ray Ansolabehers property, 7105 Fruitvale Avenue, Bakersfield.

Barling Brothers (Home Ranch), one-half mile north of Palm Avenue, Wasco.

Barling Brothers Potato Shed, Eighth Street and Railroad Track, Wasco.

Barling Brothers Ranch (Desert Property), one-half mile west of Rawlee Road, Wasco.

Barling Brothers Ranch (E. Kimberlina), 640 G Street, Wasco.

Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 54, mail address Box 226, Coachella.

Ruth H. Penner, Sec. 2, T. 27 S., R. 24 E., MDM, 0.6 mile west of the intersection of Palm and Gromer Avenues, P. O. Box 18, Wasco.

E. L. O'Riley property, Sec. 35, T. 27 S., R. 32 E., Bodfish.

Fred Smith Turkey Ranch, 4638 South Temperance, Fresno.

Glade Wattenbarger property, Sec. 33, T. 26 S., R. 30 E., MDB&M, Granite Station, Bakersfield.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

LaSalvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

P. Callo property, located 2 miles west of the intersection of Roads 90 and West C on the south side of Road 90, P. O. Box 44, Niland.

Floyd B. Carrion property, located on the south side of Avenue 70, 0.8 mile west of Lincoln Street, P. O. Box 564, Mecca.

Tom Mejia property, located at the southwest corner of the intersection of Roads 90 and West C, P. O. Box 662, Niland.

Union Development Co. Warehouse, located approximately 100 yards south of the intersection of County Roads No. 86 and West A, Niland.

Martin Valdez property, located at the intersection of Roads 90 and West E, P. O. Box 403, Niland.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

Subsequent to the eleventh revision, effective April 29, 1958, an infestation of the khapra beetle was discovered on the premises of the Central Commercial Company, P. O. Box 632, Kingman, Arizona. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this revision.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona, California, and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective June 12, 1958, when they shall supersede P. P. C. 612, Eleventh Revision, effective April 29, 1958 (23 F. R. 2832).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 9th day of June 1958.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 58-4468; Filed, June 11, 1958; 8:52 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Burley, Flue, Fire, Air, and Sun-58)-1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1958-59 MARKETING YEAR

GENERAL

Sec.
725.930 Basis and purpose.
725.931 Definitions.
725.932 Instructions and forms.
725.933 Extent of calculations and rule of fractions.

IDENTIFICATION AND LOCATION OF FARMS, DETERMINATION OF ACREAGE AND FLUE-CURED TOBACCO SEED VARIETIES

725.934 Identification and location of farms.
725.935 Determination of tobacco acreage and seed varieties.

FARM MARKETING QUOTAS AND MARKETING CARDS

725.936 Amount of farm marketing quota.
725.937 Transfer of farm marketing quota.
725.938 Issuance of marketing cards.
725.939 Persons authorized to issue marketing cards.
725.940 Rights of producers in marketing cards.
725.941 Successors in interest.
725.942 Invalid cards.
725.943 Report of misuse of marketing card.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

725.944 Extent to which marketings from a farm are subject to penalty.
725.945 Disposition of excess tobacco.
725.946 Identification of marketings.
725.947 Rate of penalty.
725.948 Persons to pay penalty.
725.949 Marketing deemed to be excess tobacco.
725.950 Payment of penalty.
725.951 Request for return of penalty.

RECORDS AND REPORTS

725.952 Producer's records and reports.
725.953 Warehouseman's records and reports.
725.954 Dealer's records and reports.
725.955 Dealers exempt from regular records and reports.
725.956 Records and reports of truckers and persons redrying, prizing or stemming tobacco.
725.957 Separate records and reports from persons engaged in more than one business.
725.958 Failure to keep records or make reports.
725.959 Additional records and reports to Director.
725.960 Examination of records and reports.
725.961 Length of time records and reports are to be kept.
725.962 Information confidential.

AUTHORITY: §§ 725.930 to 725.962 issued under sec. 374, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 314, 372-375, 52 Stat. 38, as amended, 47, as amended, 48, 65 as amended, sec. 401, 63 stat. 1054, as amended, sec. 1315, 66 Stat. 597, as amended, secs. 125, 211, 70 Stat. 198, 202; 7 U. S. C. 1301, 1313, 1314, 1372-1374, 1421, 1315, 1813, 1860.

GENERAL

§ 725.930 *Basis and purpose.* Sections 725.930 to 725.962 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949, and the Agricultural Act of 1956, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1958-59 marketing year. Prior to preparing §§ 725.930 to 725.962, public notice (23 F. R. 2611) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 725.930 to 725.962, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956. Since county committees are now determining the acreage of tobacco on farms, and are preparing to issue marketing cards, and since farmers are engaged in harvesting tobacco and disposing of excess tobacco, and are marketing tobacco at nonwarehouse sale, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 725.930 to 725.962 shall therefore become effective upon filing with the Director, Division of the Federal Register.

§ 725.931 *Definitions.* As used in §§ 725.930 to 725.962, and in all instructions forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1958 which has not been marketed or which has not been disposed of under § 725.945.

(c) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons in the State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(d) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(e) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers wihtout regard to whether such person is registered as a dealer with the Internal Revenue Service.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm": The definition of this term as set forth in Part 718 of this chapter shall apply in §§ 725.930 to 725.962.

(i) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of an ASC county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(j) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups".

(k) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.930 to 725.962 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(l) "Market" means the disposition in raw of processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(m) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(p) "Pick-ups" means (1) "pick-ups (a)", which is any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business or (2) "pick-ups (b)", which is any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than the warehouseman.

(q) "Producer" means a person who, as owner, landlord, tenant or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(r) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers would equal one pound standard weight.

(s) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(t) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(u) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(v) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(x) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(y) "Tobacco" means each one or all, as indicated by the context, of the kinds of tobacco listed in this paragraph comprising the types specified, as classified in Service and Regulatory Announcement No. 118 (§§ 30.4 and 30.5 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

Burley tobacco, comprising type 31;
Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37.

(1) "Discount Variety" means any of the flue-cured tobacco seed varieties designated as Coker 139, Coker 140 or Dixie Bright 244 or a mixture or strain of such seed varieties (also hereinafter referred to as "discount varieties" or "limited support variety"): *Provided*, That where there is growing in a field off-type plants of not more than two (2) percent, such off-type plants shall not be considered in determining the flue-cured tobacco variety being produced. Off-type plants are due to genetic or environmental factors and shall be considered as variation within the variety. Flue-cured tobacco which is not determined to be discount variety shall be considered as "acceptable variety".

(2) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced shall include all acreage of tobacco on the farm. The acreage of each kind of tobacco (burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured) shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1958 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(z) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1958 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 725.945.

(aa) "Tobacco subject to marketing quotas" means:

(1) Any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco marketed during the period October 1, 1958 to September 30, 1959, inclusive, and any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco produced in the calendar year 1958 and marketed prior to October 1, 1958.

(2) Any flue-cured tobacco marketed during the period July 1, 1958 to June 30, 1959, inclusive, and any flue-cured tobacco produced in the calendar year 1958 and marketed prior to July 1, 1958.

(bb) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(cc) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(dd) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 725.932. *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 725.933 *Extent of calculations and rule of fractions*—(a) *Harvested acreage.*

The acreage of tobacco harvested on a farm in 1958 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS, DETERMINATION OF ACREAGE AND FLUE-CURED TOBACCO SEED VARIETIES

§ 725.934 *Identification and location of farms.* (a) Each farm as operated for the 1958 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1958 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

§ 725.935 *Determination of tobacco acreage and seed varieties*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1958 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1958 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Tolerance in measured acreage.* For the purpose of §§ 725.930 to 725.961 inclusive and subject to the rule of fractions heretofore provided in § 725.933 (a), if the determination of the county committee of the planted or the harvested acreage of tobacco on a farm is in excess of the farm tobacco acreage allotment and the excess acreage is not more than the smaller of two percent of such acreage allotment or nine hundredths (0.09) of an acre, in either case the planted or harvested acreage of tobacco on such farm shall be deemed to be the same acreage as the tobacco acreage allotment established for such farm: *Provided,* That if the determination of the county committee of the planted or harvested acreage of tobacco on any farm is in excess of the farm tobacco acreage allotment by more than the smaller of two percent of such acreage allotment or nine hundredths (0.09) of an acre, all such planted or harvested acreage of tobacco in excess of the farm tobacco acreage allotment as determined by the county committee shall be tobacco acreage in excess of the allotment.

(c) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(d) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 725.938 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1958 tobacco acreage and the tobacco acreage in excess of the 1958 farm tobacco acreage allotment.

(g) *Identification and determination of flue-cured tobacco seed varieties and application of review examination.* (1) The county committee shall determine for any farm on which flue-cured tobacco is grown in 1958 whether any tobacco plants on such farm having growth characteristics of discount varieties of flue-cured tobacco have been planted in fields on such farm. Such determination of the county committee shall be based upon information contained in Form MQ-32—Flue-Cured, Certification of Flue-Cured Tobacco Varieties Planted in 1958 filed by the operator of such farm as provided in § 725.952 (b) as well as the failure of the operator of such farm to file such report; or upon information obtained as hereafter provided in this paragraph from inspecting, sampling or photographing flue-cured tobacco, or tobacco plants produced or grown on such farm in 1958, including such plants allowed to go to flower.

(2) Members of the county committee and State committee and any employee of the ASC county office designated by the county office manager as a reporter, or any other such employee or employee of the Department of Agriculture designated by the county office manager as a specialist qualified to examine and identify seed varieties of flue-cured tobacco or any employee of the ASC State office or employee of the Department of Agriculture designated by the State administrative officer as a specialist qualified to examine and identify seed varieties of flue-cured tobacco shall enter upon any farm for the purpose or purposes of designating flue-cured tobacco plants on the farm to be allowed to go to flower, examining the growth characteristics of flue-cured tobacco plants on such farm, taking photographs of flue-cured tobacco plants on the farm and taking and removing from the farm samples of flue-cured tobacco growing or harvested on the farm in 1958.

(3) To assist the county committee in making the determination with respect to seed varieties of flue-cured tobacco planted on a farm as heretofore provided in this paragraph, and at the request of any of the persons authorized as heretofore provided in this paragraph to enter upon the farm, the operator of the farm shall allow flue-cured tobacco plants designated by any of such persons to go to flower, not to exceed 50 representative plants per acre, and shall permit any of such persons to examine the growth characteristics of flue-cured tobacco plants on the farm, to take and remove from the farm samples of any flue-cured tobacco for chemical analyses, and to take photographs of tobacco plants growing on the farm. In the event the farm operator refuses such a request, a second request by the use of Form MQ-34-1, Notice Regarding Determination of Seed Varieties of 1958 Crop Flue-Cured Tobacco, will be sent the farm operator by certified mail by the county office manager, and if the farm operator then refuses or wilfully fails to permit, for variety identification purposes, a designated number of flue-cured tobacco plants in each field or area to go to flower, not to exceed 50 representative plants per acre, or refuses to permit, for variety identification purposes, the examination of the growth characteristics of tobacco plants or the taking of samples of flue-cured tobacco for chemical analyses, or the taking of photographs of flue-cured tobacco plants all the flue-cured tobacco produced on such farm as well as on any other farm operated by the same operator in 1958 which cannot otherwise be identified with respect to seed varieties shall be deemed to be discount variety flue-cured tobacco for the purpose of issuing a marketing card for the farm.

(4) The county committe shall mail a written notice on Form MQ-34-2, Notice of Determination of Discount Variety of Flue-Cured Tobacco, in any case where the county committee determines that

tobacco plants of the tobacco crop being grown in 1958 on the farm have growth characteristics of discount varieties of flue-cured tobacco. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the tobacco being grown on the farm.

(5) Any producer on a farm who is dissatisfied with the determination made by the county committee that the tobacco being produced on such farm is of discount variety may request that such determination be reconsidered by the county committee and that the 1958 crop of tobacco be reexamined by other variety identification specialists than those who previously examined the flue-cured tobacco being grown on the farm. Such request shall be in writing and be filed with the local ASC county office within seven days after the date of notice (Form MQ–34–2) is mailed to him of the determination by the county committee.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.936 *Amount of farm marketing quota*—(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 725.911 to 725.928 (Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1958–59 Marketing Year, as amended, 22 F. R. 5675, 8103; 23 F. R. 135). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1958 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1958 times the number of acres harvested in excess of the farm acreage allotment plus (2) any excess carryover of tobacco.

§ 725.937 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 725.920 and 725.926 of the burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations of this chapter, for determining acreage allotments and normal yields, 1958–59 marketing year.

§ 725.938 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (a) to (g) of this section:

(a) *Excess marketing cards (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards except with respect to the issuance of marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (d) (2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 725.947 (b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1958 from a farm for which no 1958 acreage allotment was established, or

(ii) Where tobacco is harvested in 1958 from a farm and the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 725.944 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply) shall be issued in any case:

(i) Where tobacco is harvested in 1958 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is to be marketed from a farm in 1958 having carryover tobacco available for marketing and the percent excess determined pursuant to § 725.944 (b) exceeds zero percent, or

(iii) Where tobacco is produced on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956, and which is within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1958, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1958 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or to have a remeasurement made of the tobacco acreage within ten (10) days (seven days in the case of flue-cured tobacco grown in the State of North Carolina) from the date of notice to the farm operator on Form CSS–590 Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 725.945, unless the county committee with the approval of a representative of the State Committee determines that failure to file such written request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1958 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 725.945 (a) unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured or remeasured, as the case may be, in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(b) *Excess marketing cards for flue-cured tobacco stamped or marked "acceptable varieties" or "discount varieties".* (1) If an excess marketing card is issued for a farm on which flue-cured tobacco is harvested in 1958 and the operator of such farm establishes to the satisfaction of the county committee that no discount variety tobacco was or will be harvested from such farm or any other farm operated by the farm operator, the excess marketing card and each memorandum of sale (both purchaser's copy and county office copy) therein shall be stamped or marked "acceptable varieties."

(2) If an excess marketing card is issued for a farm on which flue-cured tobacco is harvested in 1958 and the operator of such farm fails to establish to the satisfaction of the county committee that no tobacco having growth characteristics of discount variety tobacco was or will be harvested from such farm or any other farm operated by the farm operator, the excess marketing card and each memorandum of sale (both purchaser's copy and county office copy) therein shall be stamped or marked "discount varieties."

(c) *Within Quota Limited Support Flue-Cured Marketing Card (MQ–76–D—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (a) of this section and where flue-cured tobacco is harvested in 1958 from such farm, a Within Quota Limited Support Flue-Cured Marketing Card (eligible for limited price support loans and marketing without penalty) shall be issued for such farm under the following conditions unless a zero penalty excess marketing card is required to be issued as provided in paragraph (d) (2) of this section to identify tobacco grown for experimental purposes only:

(1) If the operator of such farm, after the request of the county committee, State committee, or their representative fails to file a report on Form MQ–32—Flue-Cured, Certification of Flue-Cured Tobacco Varieties Planted in 1958, as provided in § 725.952 (b), or

(2) If the operator of such farm, after the request of the county committee, State committee, or their representative, refuses or wilfully fails to permit, for identification purposes, the examination of growth characteristics of flue-

cured tobacco plants on such farm, or the taking of samples of flue-cured tobacco or photographs of flue-cured tobacco from or on such farm as provided in § 725.935 (g) (3), or

(3) If the operator of such farm fails to establish to the satisfaction of the county committee that no tobacco having growth characteristics of discount variety tobacco was or will be harvested on such farm in 1958, or

(4) If the operator of such farm establishes to the satisfaction of the county committee that no tobacco having the growth characteristics of discount variety tobacco was or will be harvested in 1958 from such farm, but he fails to establish to the satisfaction of the county committee that no discount variety tobacco was or will be harvested in 1958 from another farm which he also operates in 1958.

(d) *Within Quota Marketing Card (MQ-76—Tobacco).* In any case where an excess marketing card or a Within Quota Limited Support Flue-Cured Marketing Card is not required to be issued for a farm under paragraphs (a) or (c) of this section, a Within Quota Marketing Card (eligible for price support loans and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1958 is not in excess of the farm acreage allotment therefor and any excess carryover tobacco can be marketed without penalty under the provisions of § 725.944 (b).

(2) If the Director of a publicly-owned agricultural experiment station furnished to the ASC State office a list by counties showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly-owned experiment station,

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only,

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly-owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly-owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(e) *Stamping within quota marketing cards (MQ-76-D or MQ-76) to show producer indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ-76), or any within quota limited support flue-cured marketing card (MQ-76-D) issued for such farm in accordance with paragraph (c) or (d) of this section shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ-76), or a within quota limited support flue-cured marketing card (MQ-76-D), bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. If an excess flue-cured marketing card is issued under this subparagraph, each memorandum of sale (both purchaser's copy and county copy) therein shall be stamped or marked "acceptable varieties" or "discount varieties", as the case may be. The acceptance and use of a within quota marketing card or a within quota limited support flue-cured marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card or a within quota limited support flue-cured marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* (1) Subject to the approval of the county office manager or the State administrative officer as provided in § 725.939, two or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or county office manager, who issued the card, to have been lost, destroyed or stolen.

(2) If an excess flue-cured marketing card (MQ-77) which has been stamped or marked "discount varieties" is issued under the provisions of paragraph (b) (2) of this section for any farm, it may, upon advance notice by the farm operator to the county committee and with prior approval of the county committee, be exchanged at the county office by the operator for an excess flue-cured marketing card (MQ-77) which has been stamped or marked "acceptable varieties" for flue-cured tobacco when the operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount varieties of flue-cured tobacco with any other flue-cured tobacco produced on the farm or any other farm operated by him, and that all discount variety flue-cured tobacco has been marketed or satisfactorily disposed of or accounted for, including any carry-over discount variety flue-cured tobacco.

(3) If a within quota Limited Support Flue-Cured Marketing Card (MQ-76-D) is issued under the provisions of paragraph (c) of this section for any farm it may, upon advance notice by the farm operator to the county committee and with prior approval of the county committee be exchanged at the county office by the operator for a Within Quota Marketing Card (MQ-76) for flue-cured tobacco when the operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount variety flue-cured tobacco with any other flue-cured tobacco produced on the farm or any other farm operated by him, and that all discount variety flue-cured tobacco has been marketed or satisfactorily disposed of or accounted for, including any carryover discount variety of flue-cured tobacco.

(g) *Issuance of marketing cards (MQ-76-D or MQ-76) to identify flue-cured tobacco produced by a publicly owned agricultural experiment station.* If under the provisions of paragraph (c) or (d) of this section a farm on which tobacco is grown for experimental purposes only is eligible for the issuance of both a within quota limited support flue-cured marketing card (MQ-76-D) and a within quota flue-cured marketing card (MQ-76), notwithstanding the provisions of paragraph (f) (3) of this section, an MQ-76-D marketing card may be issued prior to or simultaneous with the issuance of an MQ-76 marketing card for flue-cured tobacco if the Director of a publicly owned agricultural experiment station furnishes, in addition to the information and certification required under paragraph (d) (2) of this section, the following:

(1) A list by counties, showing for each farm on which tobacco is grown for experimental purposes only the acreage of discount varieties grown;

(2) A certification that all discount varieties of tobacco grown have been kept

separate by varieties from tobacco of any other varieties during harvest and preparation for market and that each discount variety of tobacco will be marketed separately by use of a within quota limited support flue-cured marketing card (MQ-76-D); and

(3) An agreement to notify the ASC State administrative officer as to the place and date of sale of discount varieties of flue-cured tobacco.

§ 725.939 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards for the purpose of identifying tobacco grown for experimental purposes pursuant to the provisions of § 725.938 (d) (2).

(b) Except as provided in paragraph (a) of this section, the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall bear the actual or facsimile signature of either the State administrative officer or the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASC State office or of the ASC county office, as the case may be.

§ 725.940 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 725.941 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.942 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm opreator, or the persons having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.943 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.944 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.945 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carryover" acres by dividing the number of pounds of carryover tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carryover acres" by multiplying the "carryover acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the percent excess) for the year in which the carryover tobacco was produced, except that if the excess portion of the carryover tobacco is disposed of under § 725.945, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carryover acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1958 allotment and the "within quota carryover acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carryover tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.945 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1958 harvested acreage is less than the 1958 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1958 harvested acreage plus any acreage added with respect to any excess carryover tobacco for the farm pursuant to § 725.944 (b) is less than the 1958 allotment may be marketed penalty free.

§ 725.946 *Identification of marketings.* Subject to paragraph (a) of this section, each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1958 marketing card (MQ-76—Tobacco, MQ-76-D—Tobacco, or MQ-77—Tobacco) issued for the farm on which the tobacco was produced. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Memorandum of sale and sale without marketing card.* (1) If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ-82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ-82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized on MQ-78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.954, and who has been authorized on MQ-78—Tobacco, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

(iii) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 725.954 and who has been authorized on MQ-78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

(2) The authorization on MQ-78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.930 to

725.962. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(8) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator, including the signature of each such person.

(2) The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

(3) Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

(c) *Separate Display on warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the floor with at least one vacant row between each such kind of tobacco.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco sold at auction over the warehouse floor.

§ 725.947 *Rate of penalty.* Marketings of each kind of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the kind of tobacco for the 1957–58 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1957–58 marketing year was 60.3 cents per pound in the case of burley tobacco, 55.4 cents per pound in the case of flue-cured tobacco, 38.7 cents per pound in the case of fire-cured (type 21) tobacco, 36.4 cents per pound in the case of fire-cured (types 22, 23 and 24) tobacco, 36.1 cents per pound in the case of dark air-cured tobacco, and 34.0 cents per pound in the case of Virginia sun-cured tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1958–59 marketing year shall be forty-five (45) cents per pound in the case of burley tobacco, forty-two (42) cents per pound in the case of flue-cured tobacco, twenty-nine (29) cents per pound in the case of fire-cured (type 21) tobacco, twenty-seven (27) cents per pound in the case of fire-cured (types 22, 23 and 24) tobacco, twenty-seven (27) cents per pound in the case of dark air-cured tobacco, and twenty-five (25) cents per pound in the case of Virginia sun-cured tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 725.944.

§ 725.948 *Persons to pay penalty.* The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.949 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale without memorandum of sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing whichever comes first, shall be identified by a MQ–82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which:

(1) Is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale), and

(2) In the case of flue-cured tobacco:

(i) Is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week in which the tobacco was purchased, or

(ii) If purchased prior to the opening of the local auction market, is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco, not later than the end of the calendar week which would include the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco; or

(3) In the case of all other kinds of tobacco:

(i) Is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or

(ii) If purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.930 to 725.962, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnished proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resales of tobacco which §§ 725.930 to 725.962 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.930 to 725.962 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State administrative officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(g) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1958 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 725.952 (e) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (h) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 725.935 shall be paid by the producer.

(h) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 725.927, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the tobacco allotment acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 725.950 *Payment of penalty*—(a) *Date due.* Penalties shall become due at the time tobacco is marketed, except that (1) in the case of tobacco removed from storage under bond, penalty shall be due on the date of such removal from storage, or (2) in the case of false identification or failure to account for disposition of tobacco, penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale—net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.930 to 725.962 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) *Nonwarehouse sale—converted penalty rate.* Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 725.951 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.930 to 725.962 to be paid. Such request shall be filed on MQ-85—Tobacco with the ASC county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 725.952 *Producer's records and reports*—(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS-578, Report of 1958 Acreage, showing all fields of tobacco on the farm in 1958. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representatives refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced as provided in the applicable Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1959–60 Marketing Year.

(b) *Report of flue-cured tobacco varieties planted.* To assist the county committee in determining if there has been planted on a farm in 1958 any of the discount varieties of flue-cured tobacco the operator of each farm on which flue-cured tobacco is planted in 1958, shall execute and file a report with the ASC county office or a representative of the county committee on Form MQ-32—Flue-Cured, Certification of Flue-Cured Tobacco Varieties Planted which will clearly state whether any discount varieties were or were not planted on the farm in 1958. If the farm operator has executed and filed a report with the ASC county office or a representative of the county committee on Form MQ-32 which shows there was not planted on any farm operated by him in 1958 any of the discount varieties of flue-cured tobacco and the farm operator wishes to change this certification to show there were planted on such farm some of such seed varieties of flue-cured tobacco, he shall, at any time prior to the issuance of a marketing card for the farm, be permitted upon request to the county committee or its representative to execute and file a new Form MQ-32 which shall supersede and replace the first Form MQ-32 for the farm. If the farm operator fails to file Form MQ-32 as requested or files a Form MQ-32, including a second Form MQ-32, which is found by the State or county committee to be incomplete or incorrect, all the flue-cured tobacco produced on the farm or farms by such operator in 1958 will be subject to marketing under either a within quota Limited Support Marketing Card or an Excess Marketing Card as determined under § 725.938 (a) or (c).

(c) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1958 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty (30) days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (f) of this section.

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotment next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in such marketing, as provided in the applicable tobacco marketing quota regulations for determining acreage allotment and normal yields, 1959-60 marketing year.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 725.930 to 725.962, the operator of each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered or certified mail from the State administrative officer within fifteen (15) days after deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary on Form MQ-108—Tobacco a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing. Failure to file the MQ–108 as requested, the filing of a false MQ–108, or the filing of a MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced as provided in the applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 1959–60 marketing year.

§ 725.953 *Warehouseman's records and reports*—(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information.

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, as defined in § 725.931 (p) (1) and (2).

(3) Any warehouseman or any other person who grades tobacco for farmers shall maintain records whch will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(4) In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided,* That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1958 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction throuh warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office as follows: for flue-cured tobacco, not later than the end of the calendar week in which such tobacco was purchased or resold; for other kinds of tobacco, not later than the end of the calendar week following the week in which such tobacco was purchased or resold.

(g) *Identification of flue-cured leaf account tobacco as acceptable variety and reports on MQ–79–1 (flue-cured).* (1) Each warehouseman who offers for auction sale any leaf account flue-cured tobacco on a warehouse floor other than his own and who requests the other warehouseman to identify such tobacco as being an "acceptable variety" shall either (i) execute Form MQ–79–1 (Flue-Cured), Dealers Certification—Resale Tobacco, or (ii) have the eligibility of such tobacco to be so identified determined by the Director or his representative.

(2) Each warehouseman who is participating in the Commodity Credit Corporation price support program and who identifies resale tobacco with a "certified" basket ticket indicating that such tobacco by virtue of an executed Form MQ–79–1 (Flue-Cured) Dealers Certification—Resale Tobacco is of an acceptable variety, shall at the time the tobacco is weighed in have such tobacco covered by an executed Form MQ–79–1 unless the eligibility of such tobacco to be identified as being of an acceptable variety is determined by the Director or his representative.

(3) Each executed MQ–79–1 (Flue-Cured), Dealers Certification — Resale Tobacco, shall show the following information with respect to each lot of resale tobacco:

(i) Crop year.

(ii) Name and address of warehouse where the tobacco is being offered for sale.

(iii) Floor sheet number, date and number of pounds being offered for sale.

(iv) Date and signature of dealer and current address.

(v) Dealer's Record Book number where the resale will be recorded.

(h) *Season report of warehouse business.* Each warehouseman shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report showing:

(1) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor.

(2) The total pounds and gross amount of "loan tobacco" billed to any association.

(3) The total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 725.931 (p) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor.

(4) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 725.931 (p) (1) or (2)), or floor sweepings.

(5) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse.

(6) The total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(i) *Report of penalties.* Each warehouseman shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty:

(1) The name of the farm operator.

(2) The memorandum number.

(3) The name of the county in which the farm is located.

(4) The farm serial number.

(5) The number of pounds sold.

(6) The amount of penalty due on each such sale, and

(7) The applicable converted rate of penalty.

MQ-81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(j) *Report of resales.* Each warehouseman shall make reports on MQ-86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor:

(1) The warehouse bill number.

(2) The name on the warehouse bill.

(3) The name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings,

(4) The registration number and State of the person making the resale,

(5) The number of pounds sold, and

(6) The gross amount for the sale.

MQ-86—Tobacco shall be prepared for each sale day and forwarded to the ASC State office not later than the end of the calendar week following the week in which the tobacco was resold.

(k) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§725.930 to 725.962.

§ 725.954 *Dealer's record and reports.* Each dealer, except as provided in § 725.955 and any dealer or any other person as provided in paragraph (e) of this section shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ-79—Tobacco which is issued to the dealer.

(b) *Record of marketing.* Each dealer shall keep such records as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1958, the fact that such tobacco was so bought and carried over.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1958 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(d) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ-79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of purchase or resale of tobacco bought from a crop produced prior to 1958, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1958.

MQ-79—Tobacco shall be prepared and a copy forwarded to the ASC State office as follows: for flue-cured tobacco, not later than the end of the calendar week in which such tobacco was purchased or resold; for other kinds of tobacco, not later than the end of the calendar week following the week in which such tobacco was purchased or resold.

(e) *Identification of flue-cured resale tobacco as acceptable variety and reports on MQ-79-1 (Flue-Cured).* (1) Each dealer or any other person who offers for auction sale any resale flue-cured tobacco on a warehouse floor which is participating in the Commodity Credit Corporation price support program and on which floor eligible resale flue-cured tobacco is identified with a "certified" basket ticket, and who requests the warehouseman to identify his tobacco as being of an "acceptable variety" shall either (i) execute Form MQ-79-1 (Flue-Cured), Dealers Certification—Resale Tobacco, or (ii) have the eligibility of such tobacco to be so identified determined by the Director or his representative.

(2) Each executed MQ-79-1 (Flue-Cured), Dealers Certification—Resale Tobacco, shall show the following information with respect to resale tobacco:

(i) Crop year.

(ii) Name and address of warehouse where the tobacco is being offered for sale.

(iii) Floor Sheet No., date and number of pounds being offered for sale.

(iv) Date and signature of dealer and current address.

(v) Dealer's Record Book No. where the resale will be recorded.

(3) Each dealer or any other person who acquires acceptable variety tobacco in a manner which would make it ineligible for certification on Form MQ-79-1, or who has on hand both discount variety tobacco and acceptable variety tobacco and desires to dispose of acceptable variety tobacco prior to disposing of the discount variety tobacco, may apply in writing to the Director for a special authorization to have the acceptable variety tobacco certified when offered for auction sale.

(4) If any dealer fails to timely file Form MQ-79, Dealer's Record, or if there is substantial indication that a dealer has executed a false certification on Form MQ-79-1, the Director may notify such dealer and all auction warehouses participating in the Commodity Credit Corporation price support program that certifications by such dealer on Form MQ-79-1 shall not be accepted for the purpose of identifying tobacco offered for auction sale by such dealer as being of acceptable variety until further notice.

(f) *Report of penalties.* Each dealer shall make a report on MQ-81—Tobacco, Report of Penalties, showing for each purchase, other than by warehouse sale, of tobacco subject to penalty:

(1) The name of the farm operator,

(2) The memorandum number,

(3) The name of the county in which the farm is located,

(4) The farm serial number,

(5) The number of pounds purchased,

(6) The applicable converted rate of penalty, and

(7) The amount of penalty due on each such purchase.

MQ-81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

§ 725.955 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him, except for reports under § 725.954 (e), shall not be subject to the other provisions of § 725.954: *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 725.954 with respect to such purchases. Each such dealer or buyer shall make such reports to the State administrative officer, in addition to the foregoing, as he may find necessary to enforce §§ 725.930 to 725.962.

§ 725.956 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 725.957 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, truckers, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.958 *Failure to keep records and make reports or making false report or record*—(a) *Misdemeanor provisions.* Except with respect to reports submitted on Form MQ-79-1, any warehouseman, processor, dealer, trucker, or persons engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.930 to 725.962, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 725.930 to 725.962 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both. Notice of any violation by a warehouseman, dealer or trucker shall be given by the State administrative officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

(b) *Criminal law.* The penalties which may be imposed under subparagraph (1) of this paragraph are in addition to, and not exclusive of any other remedies or penalties under existing law, including the provisions of U. S. Code, Title 18, sec. 371 relating to acts of conspiracy and U. S. Code, Title 18, sec. 1001 relating to acts of fraud.

§ 725.959 *Additional records and reports to Director.* Any warehouseman, processor, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 725.930 to 725.962, keep such records and make such reports to the Director as he may find necessary to enforce §§ 725.930 to 725.962.

§ 725.960 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, processor, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 725.961 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 725.930 to 725.962 for the 1958-59 marketing year shall be kept by him until June 30, 1961, in the case of flue-cured tobacco and September 30, 1961 in the case of burley, fire-cured, dark air-cured and Virginia sun-cured tobacco. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 725.962 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.930 to 725.962 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 6th day of June 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-4446; Filed, June 11, 1958; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[9th Gen. Rev. of Export Regs.,[1] Amdt. 1 [1a]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 371.10 *General License GLV; shipments of limited value,* paragraph (e) is amended to read as follows:

(e) *Non-Positive List commodities.* Commodities which are not included on the Positive List of Commodities (§ 399.1 of this chapter) may be exported in a single shipment to Hong Kong or Macao under the provisions of this general license, provided that for each Schedule B number the net value of commodities classified thereunder does not exceed $25.

2. Note 2 following § 371.10 (e) is amended to read as follows:

2. *General License GHK.* Certain specified non-Positive List commodities may be exported to Hong Kong or Macao in unrestricted quantities under the provisions of General License GHK (§ 371.23).

3. Section 371.13 *General Licenses SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES* is amended in the following particulars:

Paragraph (a) *General License SHIP STORES,* subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products,* and paragraph (b) *General License PLANE STORES,* subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft* are amended by deleting the words "Macao or" wherever they appear in said subparagraphs.

4. Section 371.23 is amended by amending the title of the section and paragraph (a) *Scope* to read as follows:

§ 371.23 *General License GHK; shipments of certain commodities to Hong Kong and Macao*—(a) *Scope.* A gen-

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[1] See Part II of this issue.

[1a] This amendment was published in Current Export Bulletin 799, dated May 6, 1958 and Current Export Bulletin 800, dated May 29, 1958.

eral license designated GHK is hereby established authorizing the exportation to Hong Kong or Macao of commodities bearing the symbol "H," in the commodity listing in § 371.51.[2]

5. Section 371.51 *Supplement 1; commodities subject to General License GHK or GLSA* is amended by adding the following entry:

Commodity; Schedule B No.; and Symbol

Cotton, unmanufactured: Raw cotton, except linters; 30005–30045; H.

6. Section 372.2 *Definitions of validated licenses,* paragraph (c) *Project license* is amended to read as follows:

(c) *Project license.* A "project license" is a validated license authorizing the exportation of Positive List commodities required for a specified activity for a period of approximately one year from the issuance of the license. (See Part 374 of this chapter.)

7. Section 372.7 *License applications for ship stores, plane stores, supplies and equipment,* paragraph (c) *Exportations of petroleum and petroleum products, including bunker fuel for use on vessels and planes departing from the United States,* subparagraph (4) *Commodity description* is amended by deleting the words "Macao or" wherever they appear in said subparagraph.

8. Section 372.12 *Reexportation from country of destination* is amended to read as follows:

§ 372.12 *Reexportation from country of destination*—(a) *General provisions.* (1) No exportation may be made under any validated license with the knowledge or intention that the commodities so exported are to be reexported from the country stated on the license application as the country of ultimate destination, unless the reexportation has been specifically authorized by the Bureau of Foreign Commerce and except as provided in paragraph (b) of this section.

(2) If it is stated on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized. (See subparagraph (4) of this paragraph for special provisions for specified countries.) The only exceptions to this rule are Time Limit (TL) licenses (see Part 377 of this chapter) where reexport authority may be granted on a document other than the license itself.

(i) Authorization will be granted or withheld by an appropriate statement on the face of the validated license, as follows:

(*a*) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(*b*) "Distribution or resale of the commodities listed above is permitted in (name of country of ultimate destination) and (names of other approved countries)."

(ii) As indicated in subparagraph (4) of this paragraph, the authorization by the Bureau of Foreign Commerce of a reexportation from Switzerland to any country or a reexportation from any country to certain destinations listed in that subparagraph is limited to a specified quantity and to a specified person or firm in the country to which the reexportation will be made. Accordingly, where a validated license authorizes distribution or resale from Switzerland or distribution or resale in a country listed in subparagraph (4) of this paragraph, such authorization is limited to the specific reexportation transaction for that country as described on the related application for export license.

NOTE

1. *Destination control statement.* See § 379.10 of this chapter for requirement for destination control statement on Shipper's Export Declaration, Bill of Lading and commercial invoice covering exports from the United States.

2. *Notice to consignee of distribution and resale authority.* In those cases where the Bureau of Foreign Commerce has disapproved an authorization request for distribution or resale, in whole or part, it is suggested that the United States exporter may wish to advise his foreign consignee of the Bureau of Foreign Commerce decision in advance of the required notification in the form of the destination control statement on the Bill of Lading and commercial invoice.

(3) Where additional distribution or resale authority is required subsequent to the submission of a license application to the Bureau of Foreign Commerce, such request for authority shall be made as follows:

(i) If the license application is still pending with the Bureau of Foreign Commerce, or, if the export license has been issued and the proposed shipment has not been cleared for export by the U. S. Collector of Customs, Form IT– or FC–763 shall be submitted to the Bureau of Foreign Commerce, Washington 25, D. C., in accordance with the procedure described in § 380.2 (g) of this chapter. On the Form IT– or FC–763, in the space headed "Amend license to read as follows", the applicant should state, "Add permission to reexport to (name of countries)". (See subparagraph (4) of this paragraph for special provisions for specified countries.)

(ii) If the shipment has been cleared for export by the U. S. Collector of Customs, a letter request, in duplicate, shall be submitted to the Bureau of Foreign Commerce, Washington 25, D. C. The letter request shall identify the export license number (if known) and include the commodity description and quantity proposed for distribution or resale in each country of distribution or resale. (See subparagraph (4) of this paragraph for special provisions for specified countries.)

(4) *Special provisions for requests to reexport to or from specified destinations.* In addition to the requirements set forth in subparagraphs (2) and (3) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland under a validated export license, and the commodity(ies) covered is to be reexported from Switzerland, the request shall include the name and address of each person or firm to whom reexportation will be made, the quantity and value of the commodities to be reexported to each such person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States to Switzerland.

(ii) If the reexportation is to be made to any one of the following countries (regardless of the country to which the commodities were originally shipped from the United States), additional information shall be furnished as set forth in (*a*) and (*b*) below.

Cambodia.
Hong Kong.
Indonesia.
Laos.
Lebanon.
Macao.
Malaya, Federation of.
Poland (including Danzig).
Singapore, Colony of.
Subgroup A countries.
Switzerland.
Thailand.
Viet-Nam, Republic of.
Yugoslavia.

(*a*) The name and address of each person or firm to whom reexportation will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such persons or firm, and

(*b*) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by part 373 of this chapter if the reexportation were a direct export from the United States to the new country. Where this document is a Yugoslav End Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexportation will be made, the Bureau of Foreign Commerce will accept a reproduced copy of the document being furnished to the country of reexportation.

(iii) Where the request for reexportation authorization described in subdivision (i) or (ii) of this subparagraph is approved by the Bureau of Foreign Commerce, the U. S. exporter shall advise his foreign consignee of the amount of reexportation and name of person or firm to whom the reexportation has been approved.

(b) *Permissive reexportations.* The following reexportations of U. S. origin commodities may be made without the need for obtaining prior authorization from the Bureau of Foreign Commerce:

(1) Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either (i) under General License GO, GRO, G–PUB, GHK, or GLSA, or (ii) where the value of the reexportation does not exceed the GLV

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[2] Single shipment of all non-Positive List commodities may be made to Hong Kong or Macao under General License GLV if the quantity classified under a single Schedule B number is valued at $25 or less (see § 371.10).

dollar-value limit shown on the Positive List with reference to the country of destination.

(2) For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, a reexportation authorization issued by the Bureau of Foreign Commerce which permits reexportation to Italy automatically includes the area of Trieste under Italian civil administration, and similarly an authorization issued by the Bureau of Foreign Commerce which permits reexportation to Yugoslavia automatically includes the area of Trieste under Yugoslav civil administration.

(3) Reexportations between the United Arab Republic (Egypt Region) and United Arab Republic (Syria Region).

(4) Reexportations between the Colony of Singapore and the Federation of Malaya.

NOTE: For reexportation of technical data, see § 385.6 of this chapter.

9. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

a. Paragraph (a) *Nickel scrap, nickel alloy scrap, and nickel-bearing cobalt scrap* is hereby revoked.

b. Paragraph (b) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms* is amended by revoking subparagraphs (5) and (6).

10. Section 373.49 *Machinery and parts*, paragraph (c) *Automative vehicles, parts, and accessories* is hereby revoked.

11. Part 373 is amended by adding a new § 373.72 to read as follows:

§ 373.72 *United Arab Republic.* (a) All license applications (Form FC-419) and Shipper's Export Declarations which refer to the United Arab Republic shall specify the area referred to as United Arab Republic (Egypt Region) or United Arab Republic (Syria Region), whichever is applicable.

(b) The area designations in paragraph (a) of this section are not compulsory on other export control documents such as Bills of Lading, consignee and purchaser statements, etc., or in the destination control statement placed on Shipper's Export Declarations, Bills of Lading, and commercial invoices. On these documents any of the following appropriate designations may be used: Egypt, Syria, United Arab Republic, United Arab Republic (Egypt Region), or United Arab Republic (Syria Region).

12. Part 374[1] is amended to read as follows:

PART 374—PROJECT LICENSES

Sec.
374.1 Project licenses.
374.2 Commodities subject to project license.
374.3 Basis for consideration of license applications.
374.4 Application procedure.
374.5 Action by Bureau of Foreign Commerce on license applications.
374.6 Exportation of commodities identified on the Positive List by the symbol "B".
374.7 Extensions and amendments to project licenses.
374.8 Action by BFC on extensions or amendments to project licenses.
374.9 Export clearance.
374.10 Reexportation.
374.11 Application for other validated licenses.
374.12 Other applicable provisions.

AUTHORITY: §§ 374.1 to 374.12 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023; E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 374.1 *Project licenses.* This part establishes a procedure for obtaining a project license which, if issued, authorizes exportations of licensed commodities for use in specified activities abroad for a period of approximately one year from issuance of the license.

§ 374.2 *Commodities subject to project license.* The project licensing procedure is applicable to all Positive List commodities for which a validated license is required. Since commodities identified by the symbol "B" on the Positive List of Commodities are items under control for reasons of short supply or other special consideration, a holder of a project license shall apply for authorization to export "B" commodities by filing Form FC-989. (See § 374.6.)

§ 374.3 *Basis for consideration of license applications*—(a) *Criteria for consideration for approval.* A license application for a project license will be considered for approval only where all of the conditions described in subparagraph (1) of this paragraph are met and where it is shown that the commodities are to be used in an activity abroad as described in subparagraph (2) of this paragraph.

(1) *Volume of validated license shipments.* The expected volume of validated license shipments to be made annually meets the following minimum limitations:

(i) The total value of the validated license shipments is expected to be $100,000 or more.

(ii) The commodities to be exported are covered by Positive List entries representing four or more processing codes (e. g., STEE, NONF, ELME, RUBR, CONS, etc.).

(iii) At least 40 individual validated licenses would be required to export the proposed commodities.

(2) *Activities eligible for the project license procedure.* An application for a project license will be considered for approval where it is shown that the license, if granted, will be used for one of the following activities:

(i) A substantial project representing a capital expansion, either a new facility or expansion of an existing facility; or

(ii) A program for supplying maintenance, repair and operating supplies to serve an existing facility.

(3) *Activities which are ineligible for the project license procedure.* A project license will not be issued to cover exportations of commodities to be used for resale in the form in which exported from the United States.

§ 374.4 *Application procedure*—(a) *Documents required.* Each initial application for a project license shall include the following documents:

(1) Form FC-116, Acknowledgment Card.

(2) Form FC-419, Application for Export License.

(3) Form FC-988, Statement by Ultimate Consignee in Support of Project License Application.

(4) Statement of estimated requirements.

(5) Comprehensive narrative statement by the exporter.

NOTE: The preparation of an initial application for a project license entails a substantial amount of work on the part of the exporter. Therefore, a prospective applicant for a project license is advised to consult with the Bureau of Foreign Commerce in advance of preparation of his application in order that a preliminary determination can be made as to the applicability of the project license procedure and to obtain advice as to any special information which may be required in support of the application.

(b) *Preparation of documents*—(1) *Form FC-116, Acknowledgment Card.* Form FC-116, Acknowledgment Card, shall be prepared in accordance with the provisions of Note 3 following § 372.5 (a) of this chapter with the following exceptions:

(i) In the Schedule B number space, the applicant shall enter "Project License."

(ii) The processing code space shall not be completed.

(iii) In the commodity description space, the name or description of the project shall be entered.

The Acknowledgment Card will be returned to the applicant with the Bureau of Foreign Commerce case number and date of receipt. In addition, the Bureau of Foreign Commerce will insert a code symbol in the processing code space to indicate the name of the product division to which the application has been assigned for processing. Any contacts with the Bureau of Foreign Commerce with regard to the application should be made with the indicated division and should refer to the Bureau of Foreign Commerce case number. The code symbols used are as follows:

A—Agricultural and Chemical Products Division.
F—Finished Products Division.
M—Materials Division.
P—Producers Equipment Division.

(2) *Form FC-419, Application for Export License.* Form FC-419, Application for Export License, shall be prepared and submitted in accordance with instructions contained in § 372.5 of this chapter, with the following specific modifications:

(i) Where there is more than one ultimate consignee, enter in the "ultimate consignee in foreign country" space of Form FC-419 "See attached list" and submit the list in duplicate. In listing

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[1] Copies of all forms have been filed with the Division of the Federal Register.

the ultimate consignees, the country of ultimate destination (alphabetically arranged) shall be listed first with the name(s) of the ultimate consignee(s) (alphabetically arranged) following. The example below illustrates the manner in which ultimate consignees shall be listed:

Dominican Republic: Central Corp., Development Corp.
Mexico: Consolidated Copper; Fairway Limited.

(ii) In the commodity description space enter the following statement:

Articles and materials set forth on the attached statement of estimated requirements constitute the known requirements of commodities requiring validated licenses for the --
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(Insert name of program or project)

I (We) hereby certify that if a license is granted in response to this application, (a) no commodities will be exported under the license unless specifically required for the (program) (project) and (b) after exportation, the commodities will not be disposed of or used for any purpose other than that stated in this application.

(3) *Statement by ultimate consignee in support of project license applications*—(i) *General.* The applicant shall furnish Form FC–988, Statement by Ultimate Consignee in Support of Project License Application,[4] from each ultimate consignee named in the license application.

(ii) *Exemption.* Form FC–988 is not required from the ultimate consignee where the license applicant is the same person as the ultimate consignee in the country of destination. This exemption does not apply where the applicant and the consignee are separate entities such as parent and subsidiary, or affiliated or associated firms.

(iii) *Signature.* Form FC–988 shall be manually signed by the ultimate consignee (the person abroad who is actually to receive the material for the project), or by a responsible official of the ultimate consignee who has personal knowledge of the information included in the statement, who has authority to bind the ultimate consignee, and who has the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this document may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement shall include his official title with his signature.

(4) *Statement of estimated requirements.* The statement, submitted in duplicate, shall specify the estimated requirements for commodities requiring a validated license (including shipments which are exportable under General License GLV but which the licensee prefers to ship under the project license) which are expected to be exported during the first year validity period. If the commodities are for use in a project representing a capital expansion, an additional statement in duplicate shall be included covering the estimated requirements of commodities requiring a validated license which are expected to be exported during the period required for the full completion of the project. The statement shall be made in terms of broad descriptive categories corresponding with the unnumbered commodity subgroup headings which appear on the Positive List under the main commodity group headings. For each such commodity entry show the total value of expected exports requiring a validated license with subtotals for exports to country group R and country group O and the grand totals for all exports to group R and O countries. The following example illustrates the manner in which these entries should be made on the statement:

POSITIVE LIST REQUIREMENTS FOR FIRST YEAR

Commodity group	Country group R	Country group O	Subtotal
Group 2			
Rubber (natural allied gums and synthetics) and manufactures	$7,000	$3,000	$10,000
Group 5			
Petroleum and products	50,000	20,000	70,000
Glass and products	30,000	15,000	45,000
Clay and products	40,000	15,000	55,000
Group 6			
Metal manufactures	150,000	75,000	225,000
Group 7			
Electrical machinery and apparatus	70,000	40,000	110,000
Power generating machinery, n. e. c	50,000	20,000	70,000
Metal working machine tools	80,000	40,000	120,000
Grand totals	477,000	228,000	705,000

NOTE: If the application is approved and a project license issued, these estimates constitute a limitation only as to the grand total dollar value of all exports to be made under the license. A license amendment is not necessary to increase the dollar value of any group of commodities, or to export commodities not listed on the approved statement of estimated requirements. For example, in the above illustration, an amendment is necessary only if the grand total value of shipments of R and O Positive List commodities is to exceed $705,000.

(5) *Comprehensive narrative statement.* The comprehensive narrative statement shall be an explanation by the applicant which describes in detail the project abroad with respect to which the project license application is made and shall include the applicant's justification for requesting favorable action on the application for a project license. As a minimum, the statement shall include the following information:

(i) *Qualification.* An appraisal by the applicant as to how the proposed project license application qualifies in light of the criteria described in § 374.3.

(ii) *Description.* A detailed description of the project, including estimated completion date, which will provide the Bureau of Foreign Commerce with a clear understanding of the nature and scope of the project.

(iii) *Business relationship.* The nature and duration of the business relationship between the applicant and the consignee or consignees named in the project license application. If there are any corporate or other ownership relationships between the parties, these relationships shall be fully disclosed.

§ 374.5 *Action by Bureau of Foreign Commerce on license applications*—(a) *Approved license applications*—(1) *Issuance of license.* When an application for a project license is approved by the Bureau of Foreign Commerce, an export license is issued on a separate document (Form FC–628) authorizing, subject to provisions of the Export Regulations and to the terms and provisions of the license, the exportation of Positive List commodities (other than commodities identified by the symbol "B" in the Commodity Lists column of the Positive List) during the validity period shown on the license. A project license shall be used for exportations of Positive List commodities only. The project license will be similar to validated license documents described in § 372.11 of this chapter with the following exceptions:

(i) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the Department of Commerce seal and a series of numbers which identifies the date on which the license was validated. The stamp will include the letter "D" and a series of numbers to indicate the year, month, and day on which the license was validated. A validation stamp in this space which reads "D–8–110" indicates that the license was validated in the year 195(8) in the month of January (1) and on the 10th day of the month (10).

(ii) *License number.* Immediately below the validation stamp the license number assigned to the project will be indicated. This license number will be a four-digit number prefixed by the letter DL and suffixed by a one letter code indicating the Bureau of Foreign Commerce product division to which the project was assigned. (See § 374.4 (b) (1).)

(iii) *Entries.* Entries will be made on the license document in the appropriate space but there will be no specific description of quantities, kinds, or values of commodities. Instead, there will appear in the commodity description item on the license the following legend:

Project License Statement. This license authorizes exportation of commodities requiring a validated license except those commodities identified on the Positive List with the symbol "B" in the Commodity Lists column. An exportation hereunder is authorized subject to the specific limitations set forth in the Export Regulations and on this license.

If any special conditions are imposed with respect to the use of a specific project license more restrictive than the general conditions set forth in the Export Regulations, these conditions will be set forth on the license document at the time of issuance, or the licensee will be advised by other means.

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[4] Form FC–988 may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(3) *Notification to Collectors of Customs.* The Bureau of Foreign Commerce will notify all Collectors of Customs of the issuance of the project license.

(b) *Applications returned without action.* When a project license application is returned without action, the application together with related documents will be returned to the applicant with Form FC-204-B, Advice on Application Returned Without Action. Form FC-204-B will state the reason for return of the license application and will explain to the applicant what corrections are to be made or additional information is required if the application is to be resubmitted for further consideration by the Bureau of Foreign Commerce.

(c) *Rejected applications.* When an application for a project license is rejected, the applicant will be notified of this fact by Form FC-204-A, Notice of Rejection. This notice will contain a statement explaining the reason for rejection of the project license application. The applicant may apply for individual validated licenses for transactions covered by the rejected project license application.

§ 374.6 *Exportations of commodities identified on the Positive List by the symbol "B"*—(a) *General.* A holder of a project license, Form FC-628, shall apply for authorization to export commodities identified by the symbol "B" in the "Commodity Lists" column of the Positive List by filing Form FC-989, Request for and Notice of Approval to Export "B" Commodities, in accordance with the procedure described below.

(b) *Procedure for submitting requests*—(1) *Number of copies.* Requests for authorization to export "B" commodities shall be submitted on Form FC-989, Request for and Notice of Approval to Export "B" Commodities, in duplicate.[5] Related commodities on the Positive List having the same processing code and related commodity group number may be submitted on the same Form FC-989. Commodities which do not have the same processing code and related commodity group number must be submitted on separate Forms FC-989.

(2) *Time of submission.* When specific time schedules are established for the submission of license applications covering certain Positive List commodities, the time schedules must be observed in the submission of Form FC-989. (See § 373.81 of this chapter.) In all other cases Form FC-989 may be submitted at any time during the validity period of the project license.

(3) *Information required.* All numbered items shown on Form FC-989 must be completely filled in according to the instructions described below.

Item 1—Enter the name and address of the project license holder.

Item 2—Enter the date of this request.

Item 3—Enter the applicant's reference number, if desired.

Item 4—Enter the project license number. (See § 374.5 (a) (1) (ii).)

Item 5—Enter the country of final (ultimate) destination.

Item 6—Enter the name and address of the intermediate consignee(s), if any. If none state "None", if unknown, state "Unknown."

Item 7—Enter the name and address of the ultimate consignee in foreign country.

Item 8a—Enter the quantity requested to be shipped, using units as specified on the Positive List.

Item 8b—Enter complete description of the commodity(ies). The description shall conform to the Positive List description for that commodity. (See Note 2, Item 11 (b) following § 372.5 (a) (2) of this chapter.)

Item 8c—Enter the Schedule B number, Processing Code, and related commodity group number, if any.

Item 8d—Enter the unit price and total price. (See Note 2, Item 11 (d) following § 372.5 (a) (2) of this chapter.)

Item 9—Enter the signature of the person who has authority to execute this request.

(4) *Special provisions.* The requirements of the special provisions set forth in Part 373 of this chapter with respect to particular commodities must be fulfilled as a part of making application for the export of commodities identified by the symbol "B" under a project license.

(c) *Action by Bureau of Foreign Commerce on request*—(1) *Approval.* Where Form FC-989 is approved, the Bureau of Foreign Comerce will validate the original Form FC-989 with a stamp which includes a facsimile of the Department of Commerce seal and a series of numbers which indicates the date on which the Form FC-989 was validated. In addition, the Form FC-989 will indicate the quantity(ies) of the commodity(ies) approved for export.

(2) *RWA'd or rejected Forms FC-989.* Where Form FC-989 is returned without action, held without action or rejected, the Form FC-989 will not be validated. In such instances the applicant will be notified in the manner described in § 374.8 (a) (2) and (3).

§ 374.7 *Extensions and amendments to project licenses*—(a) *Extension*—(1) *General.* Upon receipt of a request for extension of a project license, an analysis of the past activity and nature of the project covered in the request is made by the Bureau of Foreign Commerce to determine whether an extension beyond the present expiration date is warranted. Therefore, an applicant prior to requesting an extension should examine his records as to whether the criteria described in § 374.3 (a) were met during the validity period of the project license. Where the criteria were not met, the applicant is advised to file an individual license application or other appropriate license application.

(2) *Submission of request, Form FC-957.* Requests for extension of the expiration date on a project license shall be submitted on Form FC-957 (Rev. May 1958), Application for and Notice of Extension of Project License, in triplicate.[6] In accordance with the provisions of § 374.4 (b) (3), Form FC-988, Statement by Ultimate Consignee in Support of Project License Application, for each ultimate consignee named on the request for extension, (Form FC-957), shall either accompany the request for extension or have been submitted previously to the Bureau of Foreign Commerce.

(3) *Time of submission.* In order to permit shipments to move without interruption, Form FC-957, Application for and Notice of Extension of Project License, shall be submitted within 60 days prior to the expiration date of the license but not earlier than 90 days prior to the expiration date.

(4) *Information required.* All numbered items shown on Form FC-957 must be completely filled in on all copies in accordance with the instructions described below. Where the answer to any item is "none", indicate "none" in the appropriate space. If more space is needed for the completion of any item attach an additional sheet. Write on each sheet the project license number to which the application for extension applies and also indicate the item number to which the answer applies.

Item 1—Enter the name and address of present project license holder.

Item 2—Enter the project license number assigned by the Bureau of Foreign Commerce.

Item 3—Enter the current expiration date of the project license or expiration date of the current approved extension.

Item 4—Enter the date of this application.

Item 5—Enter the new date of expiration which is being requested. This should be the date after which no further shipments are expected to be made under this license, or one year from current expiration date, whichever is earlier.

Item 6—Enter the name and address of intermediate consignee(s) presently approved on project license.

Item 7—Enter the name and address of ultimate consignee(s) presently approved on project license.[7]

Item 8—Enter the name and address of intermediate consignee(s) not presently approved on the project license.

Item 9—Enter the name and address of ultimate consignee(s) not presently approved on the project license.[7]

Item 10—Enter the name and address of intermediate consignee(s) presently approved on the project license who will be deleted.

Item 11—Enter the name and address of ultimate consignee(s) presently approved on the project license who will be deleted.[7]

Item 12—Enter in this space a brief description of the type of project, e. g., whether it is the construction of a specific installation; whether the items to be exported are to be used for the continued maintenance, repair, and operation of the installation, etc. For a construction type project, indicate the extent of completion and estimated completion date. Include also a concise justification for the continued use of this license.

Item 13a—List the Positive List commodities to be exported during the period covered by this request. (This period would begin the day following the date shown in Item 3 and end on the date shown in Item 5.) The Positive List commodities shall be listed in terms of broad descriptive categories corresponding with the unnumbered commodity subgroup headings which appear on the Positive List. It is essential that the total for each subgroup heading include only Positive List commodities which require a validated license.

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[5] Form FC-989 may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

[6] Form FC-957 may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

[7] See § 374.4 (b) (2) (i) relative to the manner in which ultimate consignees should be listed.

Item 13b—List the total value of these Positive List subgroup headings shown in Item 13a to be exported to Group "R" destinations.

Item 13c—List the total value of these Positive List subgroup headings shown in Item 13a to be exported to Group "O" destinations.

Item 13d—List the sub-totals for export to Group R and O destinations.

Item 13e—List the grand totals for all exports to Group R and O destinations.

Item 14—The application must be signed by the applicant or his agent.

(5) *Statements regarding new consignees.* Where a new ultimate consignee is to be added, Form FC-957 shall be accompanied by a statement from the new ultimate consignee (see § 374.4 (b) (3)), as well as a statement from the U. S. exporter setting forth the information required by § 374.4 (b) (5) (iii).

(b) *All other amendments*—(1) *Amendments required.* Requests for amendments to project licenses for purposes of adding an intermediate consignee, ultimate consignee, etc., shall be submitted to the Bureau of Foreign Commerce on Form IT- or FC-763, Request for and Notice of Amendment Action, in accordance with the provisions of § 380.2 of this chapter. However, if the request for amendment is made together with a request for extension of the validity period of a project license, the request for amendment may be included on Form FC-957 (see paragraph (a) of this section). In preparing Form IT- or FC-763, the "License has been, or will be, deposited with" space shall not be completed by the applicant. Where a new ultimate consignee is proposed for addition, Form IT- or FC-763 shall be accompanied by a statement from the new ultimate consignee as described in § 374.4 (b) (3) and by a statement from the U. S. exporter setting forth the information required by § 374.4 (b) (5) (iii).

(2) *Amendments not required.* No amendment is required to add a commodity group or change the total value of a single commodity group in the statement of estimated requirements unless the grand total value of the Positive List shipments shown in the statement will be exceeded. (See Note following § 374.4 (b) (4).)

§ 374.8 *Action by BFC on extensions or amendments to project licenses*—(a) *Extension of validity period*—(1) *Approval.* When a request for extension is approved, a Form FC-957, Application for and Notice of Extension of Project License, will be validated as described in § 374.5 (a) (1) (i) and a copy returned to the applicant. In returning this validated notice the Bureau of Foreign Commerce will indicate thereon any changes which have been made in the applicant's request or any special conditions which are attached to the project license during the extended validity period. The Bureau of Foreign Commerce will notify Collectors of Customs of the approval action.

(2) *Return without action.* When a request for extension is returned without action, the application (Form FC-957) and associated documents will be returned to the applicant. The appropriate box ("RWA") in the official use space on the Form FC-957 will be checked. The reason for return of the application and any action required by the applicant will be indicated on Form FC-204-B, Advice on Application Returned Without Action, or by letter.

(3) *Rejection.* When an application is rejected the original of Form FC-957 will be held in the Bureau of Foreign Commerce; the duplicate and triplicate copies will be returned to the applicant. The appropriate box ("Rejected") in the official use space on the Form FC-957 will be checked. The reason for rejection will be indicated in the appropriate space on Form FC-204-A, Notification of Rejection, or by letter.

(b) *All other amendments*—(1) *Approval.* If an amendment request is approved, Form IT- or FC-763, Request for and Notice of Amendment Action, will be validated and a copy returned to the applicant in the manner described in the Note following § 380.2 (g) of this chapter. The Bureau of Foreign Commerce will notify all Collectors of Customs of the approval action.

(2) *Return without action.* If a Form IT- or FC-763 is to be returned without action, the original will be held in the Bureau of Foreign Commerce files and the duplicate and triplicate copies of the request will be returned to the applicant. The appropriate box ("RWA") in the official use space on the Form IT- or FC-763 will be checked. The reason for return without action and any action required by the applicant will be indicated on the Form IT- or FC-763 in the appropriate space or on an attachment thereto.

(3) *Rejection.* If a request for amendment is rejected, the original Form IT- or FC-763 will be held in the Bureau of Foreign Commerce files, the duplicate and triplicate copies will be returned to the applicant. The appropriate box ("Rejected") in the official use space on the Form IT- or FC-763 will be checked. The reason for rejection will be indicated in the appropriate space on the Form IT- or FC-763 or an attachment thereto.

§ 374.9 *Export clearance*—(a) *General.* Generally, the Bureau of Foreign Commerce will notify every Collector of Customs of the approval of a project license within 15 days after dispatch of the license to the licensee. Therefore, an exporter should not plan to clear an exportation at an earlier date unless he has verified that notification has reached the Collector of Customs at the intended port of exit. In unusual circumstances the applicant may request specific earlier notification on the part of the Bureau of Foreign Commerce to one Collector of Customs in order that a specific emergency shipment or shipments may be cleared as soon as the applicant is notified of approval action by the Bureau of Foreign Commerce.

(b) *Presentation of license or other approval action.* (1) When clearing shipments for export under a project license, the licensee shall, on demand, show to the Collector of Customs either the original or a photostatic copy of the license or amendment. The license or amendment however is not required to be filed with the Collector of Customs.

(2) No commodity which is identified on the Positive List by the symbol "B" in the column headed "Commodity Lists" or which has been prohibited by special restriction may be exported under a project license, Form FC-628, unless the commodity is covered by a validated Form FC-989.

(c) *Shipper's Export Declaration.* The Shipper's Export Declaration covering an exportation made under a project license shall be prepared in accordance with standard instructions covering the preparation of declarations except as modified by the following special instructions:

(1) *Project license number.* The declaration shall include the project license number and, where applicable, the validation number shown on the approved Form FC-989, Request for and Notice of Approval to Export "B" Commodities.

(2) *Additional copy of declaration.* When clearing shipments under a project license, the licensee shall file with the Collector of Customs an additional copy of the declaration. The licensee shall enter the symbol "DL" on the declaration in the upper right corner.

NOTE: Although the project license and extensions thereto describe the commodities only in broad descriptive categories, the description of the commodity on the declaration shall conform to the Positive List description in sufficient detail to identify precisely the commodity being exported.

(d) *Mail shipments.* Shipments by mail shall be made in accordance with the instructions contained in § 379.1 (b) of this chapter.

(e) *Shipments exportable under General License GLV.* A project license holder may use either his project license or General License GLV to export Positive List commodities which meet the provisions of General License GLV. The project license, however, may not be used for shipments which can be made under General License GRC or GO.

§ 374.10 *Reexportation.* Commodities exported under a project license may be reexported between ultimate consignees covered by the terms of the project license without the necessity of obtaining specific approval from the Bureau of Foreign Commerce.

§ 374.11 *Application for other validated licenses.* An exporter holding a project license shall not apply for, nor will the Bureau of Foreign Commerce issue to him, an individual or any other type of validated license for any transaction involving the licensed project.

§ 374.12 *Other applicable provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for and licenses issued under this part.

This part of the amendment shall become effective as of July 14, 1958, except that the provisions of § 374.7 (a) shall become immediately effective with respect to extension of project licenses expiring on or after September 30, 1958.

13. Section 379.3 *Presentation of Shipper's Export Declaration*, paragraph (c) *Number of copies to be presented*, subparagraph (3) (iii) is amended to read as follows:

(iii) Exportations made under a project license. (See § 374.9 (c) (2) of this chapter.)

14. Section 379.10 *Destination control* is amended in the following particulars:

a. Paragraph (c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and commercial invoice*, subparagraph (1) is amended to read as follows:

(1) An appropriate destination control statement shall be entered on all copies of the Shipper's Export Declaration[8] [9] presented for authentication to the Collector of Customs, in accordance with the provisions set forth below, for all shipments subject to the provisions of this paragraph.

(i) The following statement shall be entered on the declaration covering an exportation under either a validated or general license, other than General Licenses GIT, G-PUB, GTDP, or GTDS, with the blank space filled in with the name of the country of ultimate destination set forth in the declaration; unless, instead of this statement, an appropriate statement as provided in subdivision (ii) or (iii) of this subparagraph has been entered.

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities; however, the reexportation provisions of the Export Regulations (§§ 371.4 and 372.12 of this chapter) would permit the reexportation. Where this occurs, and permission to distribute or resell is requested by the foreign importer or any other party in possession of the commodities, the exporter, without obtaining written approval of the Bureau of Foreign Commerce, may inform the foreign importer or other party that distribution or resale may be made in accordance with the reexportation provisions where applicable. In all other instances, written approval shall be obtained from the Bureau of Foreign Commerce.

(ii) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below.

These commodities licensed by the United States for ultimate destination ____________ and for distribution or resale in ____________. Diversion contrary to the United States law prohibited.

(*a*) If the exportation is made under a general license, other than General Licenses GIT, G-PUB, GTDP, or GTDS, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos[10] unless otherwise authorized by the United States". Where commodities listed in § 371.52 of this chapter, "Commodities Destined to Poland (including Danzig) Which Are Excepted from General License GRO", are exported to any destination under any general license, other than GIT, the destination control statement shall be changed to add Poland and Danzig to the list of excepted destinations.

(*b*) Where a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" or "Macao" may be deleted from the insertion in the last blank space of the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations included in the insertion in the last blank space of the above statement, the excepted destination may be deleted from the insertion in the last blank space provided that § 371.4 (b) of this chapter permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement.

(*c*) If the exportation is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The Note following § 379.10 (c) (1) (i) is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (ii) is used.

(iii) (*a*) Where a shipment is made under a general license, other than General Licenses GIT, G-PUB, GTDP, or GTDS, the following statement may be entered on the declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph.

United States law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos,[10] unless otherwise authorized by the United States.

(*b*) Where commodities listed in § 371.52 of this chapter, "Commodities Destined to Poland (including Danzig) Which Are Excepted from General License GRO", are exported to any destination under any general license, other than GIT, the destination control statement shown above shall be changed to add Poland and Danzig to the list of excepted destinations.

(*c*) If a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" or "Macao" may be deleted from the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations, the excepted destination may be deleted from the above statement provided that § 371.4 (b) of this chapter permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement.

NOTE: The Note following § 379.10 (c) (1) (i) is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (iii) is used.

b. In the list of Interpretations following § 379.10 (g), question and answer number 10 is amended to read as follows:

10. Q. The third destination control statement applicable exclusively to general license exportations (see § 379.10 (c) (1) (iii)) reads: "United States law prohibits distribution of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos, unless otherwise authorized by the United States."

May any of the destinations be deleted from this statement?

A. Yes. The destination "Laos" may be deleted for exports under General License. In addition, where a shipment of commodities may be exported under the provisions of General License GHK, the destinations, "Hong Kong" and "Macao" may be deleted from the above statement. Similarly, where a shipment of commodities may be exported under General License GLSA, the destinations, "Hong Kong," "Macao," and "Soviet Bloc," may be deleted from the above statement. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the destinations, "Hong Kong," "Macao," "Laos," and "Soviet Bloc," may be deleted from the excepted destinations in the above statement.

The deletion may be made by striking out or otherwise obliterating "Hong Kong," "Macao," "Laos," or "Soviet Bloc" from statements where general licenses apply to these destinations for the commodity of reference.

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[8] Where the country of ultimate destination is Viet Nam, the destination control statement shall be filled in as required by § 373.68 of this chapter, regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

[9] Where the country of ultimate destination shown on a Shipper's Export Declaration is either United Arab Republic (Egypt Region) or United Arab Republic (Syria Region), any of the following appropriate designations may be used in the destination control statement: Egypt, Syria, United Arab Republic, United Arab Republic (Egypt Region), or United Arab Republic (Syria Region).

[10] The words "and Laos" may be deleted at the exporter's discretion.

15. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file*, subparagraph (3) *Amendment requests on which field offices may not take action* is amended to read as follows:

(3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the following conditions. All such requests shall be filed with the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(i) Requests for amendment of licenses covering exportations to Subgroup A countries, unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

(ii) Requests for amendment of licenses where the intended port of exit is not known to the licensee.

(iii) Requests for amendment action on shipments which have already been laden aboard the exporting carrier or exported (see paragraph (h) (2) of this section).

(iv) Requests for amendments or extension of licenses for iron and steel scrap (other than tin-plated and terneplated scrap), Schedule B Nos. 60030, 60040, 60050, 60060, 60065, 60075, and 60085, except shipments of iron and steel scrap to Mexico or where "offshore" scrap is to be exported.

(v) Decrease in quantity of commodity listed in § 373.81.

(vi) Requests for amendments or extensions of project licenses.

16. Section 382.1 *Denial of export privileges*, paragraph (a) *Administrative sanctions* is amended by adding a footnote reference to the paragraph heading and the following footnote:

[1] See § 370.3a of this chapter regarding the unauthorized disposition of foreign excess personal property purchased from the United States Armed Forces in foreign countries.

This amendment shall become effective as of May 29, 1958, except as otherwise indicated with respect to part 12 of the amendment.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-4437; Filed, June 11, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 3-115]

PART 3—RADIO BROADCAST SERVICES

NONCOMMERCIAL EDUCATIONAL FM STATIONS; CONELRAD

The Commission has under consideration the desirability of making certain editorial changes in § 3.573 of its rules and regulations to correct a cross reference and to eliminate an inconsistency.

Section 3.573 deals with noncommercial educational FM stations and therefore the cross reference in this section should have been to the CONELRAD Rules for these stations instead of to the rules for Commercial FM stations.

The CONELRAD Rules for noncommercial educational FM stations do not require such stations to conform to the complete CONELRAD alerting procedure followed by commercial FM stations. Inadvertently the same language was used for the noncommercial educational FM remote control rule as was used for the commercial FM remote control rule.

The amendment adopted herein is editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

The amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information.

In view of the above: *It is ordered*, This 9th day of June 1958, that effective June 12, 1958, § 3.573 (b) is amended to read as follows:

(b) All stations, whether operating by remote control or direct control, shall be so equipped, in accordance with § 3.1003 (a), so as to be able to follow the prescribed CONELRAD procedure.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: June 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4459; Filed, June 11, 1958; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 204; Docket No. R-159]

Subchapter C—Accounts, Federal Power Act

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

Subchapter D—Approved Forms, Federal Power Act

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

MISCELLANEOUS AMENDMENTS

MAY 29, 1958.

In the matter of amendment of Uniform System of Accounts prescribed for public utilities and licensees and Annual Report Form No. 1 respecting treatment of deferred taxes on income.

The Commission has under consideration in this proceeding the amendment of Subchapter C of the Commission's rules and regulations under the Federal Power Act entitled "Uniform System of Accounts Prescribed for Public Utilities and Licensees" (18 CFR, Chapter I, Subchapter C, Part 101), by adding new Accounts designated as Account 259 with subaccounts 259.1, 259.2, and 259.3, and new Accounts 507-A and 507-B, as set forth in the Commission's notice of rule making under date of February 8, 1957. We are also concerned with the amendment of Annual Report Form No. 1 prescribed by section 141 of the Commission's regulations under the Federal Power Act (18 CFR, Chapter I, Subchapter D, Part 141) by adding thereto a schedule to appropriately reflect the foregoing changes in the System of Accounts, as indicated by the attachment to the aforesaid notice of rule making, and to further amend the Report Form to provide for inclusion in the pertinent schedules of the new accounts herein adopted.

The principal purposes of the proposed amendments are (1) to provide the accounts and related instructions whereby public utilities and licensees under the Federal Power Act utilizing deferred tax accounting can account for and report tax deferrals related to liberalized depreciation permitted under section 167 of the Internal Revenue Code of 1954, contemplated by the Commission's order issued August 29, 1956 in Matter of Amere Gas Utilities Co., et al., docket No. G-6366 (16 F. P. C. 880), as well as account for other tax deferrals; and (2) to provide the accounts and related instructions whereby such public utilities and licensees can account for and report tax deferrals related to accelerated amortization permitted under section 168 of the Internal Revenue Code of 1954. The Amere decision of course involved "natural-gas companies" under the Natural Gas Act; but the principles and policies set forth there are in general applicable to public utilities and licensees under the Federal Power Act as well. We are concerned in this proceeding solely with the accounting treatment to be accorded deferred taxes and not with matters pertaining to rate making.

As more fully appears below, we conclude that the foregoing purposes can best be accomplished by amending our Uniform System of Accounts for Public Utilities and Licensees by adding a new Account 266 with appropriate subaccounts, and new Accounts 507-A and 507-B, as set forth in Appendix A to this order, generally with the provisions and in the form carried in our February 8, 1957 notice of rule making but with the revisions as to account titles and otherwise hereinafter described.

In that notice, we gave permission to any interested person to submit data, views, comments and suggestions in writing concerning the matters involved herein. General public notice of the proposed rule making was given by publication of notice in the FEDERAL REGISTER on February 14, 1957 (22 F. R. 931). Thirty-seven responses were received from public utilities and licensees, state public utility commissions and state and municipal authorities, and utility service organizations and accounting firms[1] Pursuant to Commission order issued July 26, 1957, the instant docket No. R-159 was consolidated with docket No. R-158,[2] for the purpose of oral argument, in view of the fact that these dockets presented parallel issues. Oral argument was had on the proposed amendments on September 17, 1957. As a matter of convenience, separate orders will be issued in docket Nos. R-159 and R-158 respectively.

As indicated above, these proceedings are in part the culmination of the Amere proceedings in which, by order issued June 30, 1956, affirming the initial decision of the presiding examiner issued February 29, 1956, we concluded that, as a matter of principle, the Commission's Uniform System of Accounts for natural-gas companies should be amended to make provisions for deferred taxes arising from liberalized depreciation under section 167 of the Internal Revenue Code of 1954, similarly to the amendments we had previously prescribed for natural-gas companies in order No. 171, issued April 21, 1954, in docket No. R-126, making provision for deferred taxes related to accelerated amortization under section 124 A now section 168 of the tax code. However, we have postponed to the instant proceeding a consideration of the mechanics whereby deferred tax accounting for public utilities and licensees with respect both to accelerated amortization and to liberalized depreciation could best be provided for in the Uniform System of Accounts for Public Utilities and Licensees.

Relying on the entire records in these proceedings, we have determined what amendments are necessary and appropriate to carry out the above-stated purposes. In this regard, as indicated above, the question whether to amend our System of Accounts to make provision for deferred taxes related to liberalized depreciation was decided in the affirmative in the Amere proceedings insofar as natural-gas companies are concerned, a fact clearly evident from the notice of rule making cited above.[3]

The proposed amendments set forth in our notice of rule making call for establishing an income Account 507-A, "Provision for Deferred Taxes on Income", which would be debited during the period of temporary tax reductions with the amount of tax deferrals; and a new balance sheet Account 259.2, "Reserve for Deferred Taxes on Income—Liberalized Depreciation", which would be credited with such amounts. Subsequently, when tax liabilities increase because of smaller depreciation deductions for tax purposes, the process would be reversed. Proposed Account 507-B, "Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit", would then be credited and Account 259.2 debited with an amount equal to the increase in taxes payable, attributable to the smaller depreciation deduction than otherwise allowable for tax purposes on the related facilities. Deferred taxes arising from accelerated amortization would be treated correspondingly under the proposed amendments. Thus, initially, proposed income Account 507-A would be debited with an amount equal to the temporary tax reduction resulting from use of accelerated amortization, and balance sheet Account 259.1, "Reserve for Deferred Taxes on Income—Accelerated Amortization", would be credited with such amount. Subsequently, Account 507-B would be credited and Account 259.1 debited with an amount equal to the increase in taxes attributable to the unavailable or reduced depreciation deduction allowable for tax purposes due to use of accelerated amortization in prior years.

A majority of the thirty-seven responses in this proceeding favor amending the Commission's Uniform System of Accounts generally. However, many recommend editorial changes or changes in specific provisions of the proposed amendments. Three State utility commissions recommend in favor of the amendments, two against. In considering objections to the adoption of the proposed amendments, we need discuss only three main points.

First, question arises whether accumulated deferred taxes should be included in a reserve account as provided in the proposed amendments, or in some other account such as a restricted surplus account. On consideration of the various aspects of this problem, we conclude that the congressional purposes which led to the enactment of section 167 of the Tax Code[4] can reasonably be achieved by employing the procedures contemplated in the proposed amendments described above, but providing a balance sheet treatment that neither identifies the accumulated amounts as a reserve or as restricted surplus.

As this record shows, there are both advantages and disadvantages to the use of either the reserve or the restricted surplus treatment in accounting for accumulated deferred taxes. It is argued that the reserve treatment is superior in more directly providing for future tax liability. However, the reserve treatment necessarily emphasizes a liability concept, although the accumulated tax deferrals cannot be said to represent an actual indebtedness. Even though tax deferrals have certain aspects as a long-term debt, their evaluation as an existing liability cannot be fully justified considering the long-term and non-interest bearing features.

In favor of the restricted surplus treatment it is argued that the temporary classification of deferred tax amounts as equity capital sufficiently provides for such accumulations as may be needed for future taxes while improving the rating of the company's securities and reducing its costs of financing. On the other hand, it is evident that classification of tax deferrals as surplus, even though restricted, tends to disregard their essential character as provisions from income committed to the single purpose of providing for future taxes.

In fact, we think that none of the balance sheet categories of the Commission's Uniform System of Accounts is entirely suitable for the extraordinary accounting which tax deferral requires. In view of the differences of opinion and conflicting considerations present, what is called for, in our judgment, is a separate balance sheet classification for accumulated deferred taxes. This will assure clear disclosure of this important item and lessen the possibilities of misunderstanding and misinterpretation of the nature and purposes of accumulated tax deferrals. It will meet the intent of Congress that the funds generated from the effect of accelerated amortization and liberalized depreciation be available to the utilities for plant expansion. And while making provision for future tax liability, it will not foreclose financial analysts, investors and others from considering these amounts as part of equity capital if they think proper, with such consequential benefits to the rating of the company's securities and costs of financing as may result therefrom.

We conclude that the most appropriate treatment of accumulations of deferred taxes involves the addition of a new balance sheet classification to the Commission's Uniform System of Accounts for Public Utilities and Licensees entitled "Accumulated Deferred Taxes on Income," and inclusion in this classification of Account 266, "Accumulated Deferred Taxes on Income," comprising the subaccounts set forth below.

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[1] This number excludes the replies of small municipal utilities to which deferred tax accounting is not applicable.

[2] Docket No. R-158 involves proceedings to amend the Uniform System of Accounts Prescribed for Natural-Gas Companies under the Natural Gas Act in matters substantially similar to those involved herein.

[3] We quoted in that notice the following language contained in our Amere order, 16 F.P.C. at 881:

"On the record in this proceeding we have heretofore by our order issued June 30, 1956, affirming the decision of the presiding examiner, concluded that the Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, as amended by order No. 171 relating to accelerated amortization, should be further amended to make similar provision for liberalized depreciation. However, the due and orderly effectuation of that conclusion in a manner uniformily applicable not only to Amere Gas Utilities Co. et al. but to all natural-gas companies subject to the provisions of the Natural Gas Act will, under our order, await the initiation and completion of rule making proceedings in which such amendment can be prescribed. We expect to initiate such proceedings at an early date."

[4] The congressional intent is disclosed, we believe, in the following language which appears in both the Report of the House Committee on Ways and Means (H. Rep. No. 1337, 83d Cong., 2d Sess., p. 24) and the Report of the Senate Committee on Finance (Sen. Rep. No. 1622, 83d Cong., 2d Sess., p. 26) respecting the provisions for liberalized depreciation in what became section 167 of the Internal Revenue Code of 1954:

"More liberal depreciation allowances are anticipated to have far-reaching economic effects. The incentive resulting from the changes are well timed to help maintain the present high level of investment in plant and equipment. The acceleration in the speed of the tax-free recovery of costs is of critical importance in the decision of management to incur risk. The faster tax writeoff would increase available working capital and materially aid growing businesses in the financing of their expansion. For all segments of the American economy, liberalized depreciation policies should assist modernization and expansion of industrial capacity, with resulting economic growth, increased production, and a higher standard of living."

In view of the fact that some state regulatory commissions also having accounting jurisdiction have specified the restricted surplus treatment and others the reserve treatment, some parties urge that we adopt accounting provisions which would permit either a restricted surplus or a reserve treatment. In our opinion, this dual or alternative treatment would cause intolerable confusion and conflict in the Commission's prescribed accounting and would be contrary to the public interest. We regret the inconsistency which has arisen among the several state commissions. Under the circumstances, however, we see no reasonable solution to the problem for those utilities which are required by a state commission to report deferred taxes in a reserve or surplus account but to classify the deferred taxes in accordance with state requirements for state purposes, and to use the treatment specified by this order for the purposes of this Commission.

The second point which deserves mention is that, as set forth in paragraph D of Accounts 266.1 and 266.2 below, the deferred tax accounting provided for in the amendments to the System of Accounts is not mandatory for any utility which, in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization or liberalized depreciation is used in computing taxes on income. This non-mandatory feature is desirable, among other reasons, to avoid to the extent possible conflict with requirements which may be prescribed by state regulatory authorities having major rate regulatory responsibilities, some of which may authorize and others deny deferred tax accounting.

Third, the accounting provisions relating to liberalized depreciation set forth in paragraph C of Account 266.2 include the requirement that records of deferred taxes shall be kept showing the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and service life expectancies have been used. We do not agree that such record keeping requirements will be unreasonably burdensome, as a few of the responses assert. If they prove to be so, such remedies as may be necessary can no doubt be found. To this end, we have indicated by revision in the text of this subaccount that, where necessary, the underlying calculations to segregate and associate deferred tax amounts and subsequent "reserve deferrals" with the respective vintage years may be based on reasonable methods of approximation, consistently applied. This revision in text should make it clear that the revised accounts deal only with deferred tax accounting and add to the system of accounts no new plant accounting requirements. It is recognized, however, that certain plant classification requirements are inherent in the Internal Revenue Code and related regulations with respect to the Code sections 167 and 168. The deferred tax records specified in this order are for the principal purpose of enabling full disclosure of the composition and status of the accumulated deferred taxes and to permit separate reporting and identification of (a) income account debits for tax deferrals and (b) income account credits for "reserve tax deferrals".

Finally, it may be added that although we adopt at this time, Account 266.3 below, "Accumulated Deferred Taxes on Income—Other", we do so as a matter of convenience only, without specifying the uses to which this account may be put. Before doing so, we shall provide for any further proceedings respecting this matter which may be necessary or appropriate.

The separate statement which follows this order renews contentions made to the examiner and to the Commission before they rendered their respective decisions in In Re Amere Gas Utilities Co., et al., 15 F. P. C. 760, and 16 F. P. C. 880. Although such contentions are not germane to the matters here decided, as they have already been disposed of in the above case, we cite the Amere case here, rather than quote from it, in answer to the said separate statement.

A number of suggested editorial changes have been adopted and are carried in the following amendments.

The Commission further finds:

(1) It is necessary and appropriate to carry out the provisions of the Federal Power Act that the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees be amended by the addition of the accounts specified in paragraph (A) below, to read as set forth below; and to amend Annual Report Form No. 1, prescribed in § 141.1 of the Commission's regulations under the Federal Power Act, by adding thereto a schedule entitled "Accumulated Deferred Taxes on Income", and to amend the schedules "Balance Sheet" and "Statement of Income for the Year" of Annual Report Form No. 1 to provide for new accounts all as set forth in Appendix B hereto.[5]

(2) Good cause exists that these amendments be effective as of January 1, 1958.

The Commission, acting pursuant to the authority granted by the Federal Power Act, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855 and 858; 16 U. S. C. 825, 825c and 825h), orders:

(A) The Uniform System of Accounts Prescribed for Public Utilities and Licensees, being Subchapter C of the Commission's Regulations under the Federal Power Act (18 CFR, Chapter I, Subchapter E, Part 101), is amended by adding new Account 266 with subaccounts 266.1, 266.2, and 266.3 and new Accounts 507-A and 507-B, to read as set below.

(B) Section 141.1 of the Commission's regulations under the Federal Power Act (18 CFR, Chapter I, Subchapter D, Part 141) is amended so as to provide for the addition to Annual Report Form No. 1 prescribed thereunder of a schedule entitled "Accumulated Deferred Taxes on Income," and to amend the schedules "Balance Sheet" and "Statement of Income for the Year" of Annual Report Form No. 1, all as set forth in Appendix B hereto.[5]

(C) The amendments prescribed herein are effective as of January 1, 1958.

By the Commission. Commissioner Connole not participating for the reasons set forth in separate statement.[5]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

§ 101.266 *Accumulated deferred taxes on income.* The subaccounts below are provided for the use of Public Utilities and Licensees which (a) have filed with the Commission, copy of an order or other authorization by a State public service commission having jurisdiction, authorizing accounting for deferred taxes on income, (b) in the absence of necessity of authorization by a State public service commission having jurisdiction, have filed with the Commission a statement of proposed plan of accounting for deferred taxes on income, or (c) which have obtained authorization of the Commission for use of subaccount 266.3 relating to deferred tax accounting other than with respect to accelerated amortization or liberalized depreciation.

NOTE A: The text of subaccounts below are designed primarily to cover deferrals of Federal income taxes pursuant to provisions of the Internal Revenue Code of 1954 but the subaccounts are also applicable to deferrals of State taxes on income.

NOTE B: Public Utilities and Licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and which have deferred taxes on income with respect thereto shall classify such deferrals in the subaccounts provided below under Subdivisions for each utility department.

§ 101.266:1 *Accumulated deferred taxes on income—accelerated amortization.* (a) This account shall be credited and Account 507-A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code of 1954 (section 124A of previous Internal Revenue Code), as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

(b) This account shall be debited and Account 507-B, Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified defense facilities instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph (a) of this section. Such debit to this account and credit to Account 507–B shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

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[5] Filed as part of the original document.

(c) Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

(d) The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

(e) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed, shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement of such facility or predominant part thereof, be credited to Account 507–B, Taxes on Income Deferred in Prior Years—Credit, or otherwise be applied as the Commission may authorize or direct.

§ 101.266:2 *Accumulated deferred taxes on income—liberalized depreciation.* (a) This account shall be credited and Account 507–A, provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

(b) This account shall be debited and Account 507–B, Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph (a) of this section. Such debit to this account and credit to Account 507–B, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permited for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

(c) Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

(d) The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

(e) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax balance with respect to any year's plant additions of subdivisions thereof for which liberalized depreciation accounting has been followed upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to Account 507–B, Taxes on Income Deferred in Prior Years—Credit, or otherwise applied as the Commission may authorize or direct.

§ 101.266:13 *Accumulated deferred taxes on income—other.* (a) This account, when its use has been authorized by the Commission for specific types of tax deferrals shall be credited and Account 507–A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

(b) This account, when its use has been authorized by the Commission, shall be debited and Account 507–B, Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph (a) of this section, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to Account 507–B shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

(c) Records with respect to entries to this account, as described above, and the Account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

(d) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to Account 507–B, Taxes on Income Deferred in Prior Years—Credit, or otherwise disposed of as the Commission may authorize or direct.

Note: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate such as situations (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

§ 101.507A *Provision for deferred taxes on income.* This account shall be debited and the appropriate subdivision of Account 266, Accumulated Deferred Taxes on Income, shall be credited with an amount equal to any deferral of taxes on income as provided by Account 266 and the subaccounts thereunder. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in Account 507-B, Taxes on Income Deferred in Prior Years—Credit.

§ 101.507B *Taxes on income deferred in prior years—credit.* This account shall be credited and the appropriate subaccount of Account 266, Accumulated Deferred Taxes on Income, debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by Account 266. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in Account 507-A, Provision for Deferred Taxes on Income.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

[F. R. Doc. 58-4217; Filed, June 4, 1958; 8:48 a. m.]

[Order No. 203; Docket No. R-158]

Subchapter F—Accounts, Natural Gas Act

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Subchapter G—Approved Forms, Natural Gas Act

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

REPORTING OF DEFERRED TAXES ON INCOME, MISCELLANEOUS AMENDMENTS

MAY 29, 1958.

In the matter of amendment of Uniform System of Accounts prescribed for natural gas companies respecting treatment of deferred taxes on income.

The Commission has under consideration in this proceeding the amendment of Subchapter F of the Commission's rules and regulations entitled "Uniform System of Accounts Prescribed for Natural Gas Companies" (18 CFR, Chapter I, Subchapter F, Part 201) by substituting for existing Accounts 259, 507-A and 507-B, respectively, revised Account 259 with new subaccounts 259.1, 259.2 and 259.3, and revised Accounts 507-A and 507-B, as set forth in the Commission's notice of rule making under date of January 7, 1957. We are also concerned with the amendment of Annual Report Form No. 2 prescribed in § 260.1 of the Commission's regulations under the Natural Gas Act (18 CFR, Chapter I, Subchapter G, Part 260) by adding thereto a schedule to appropriately reflect certain of the foregoing changes in the System of Accounts, as indicated by the attachment to the aforesaid notice of rule making, and to further amend the Report Form to provide for inclusion of the new accounts herein adopted in the pertinent schedules.

The principal purposes of the proposed amendments are (1) to provide the accounts and related instructions whereby natural-gas companies utilizing deferred tax accounting can account for and report tax deferrals related to liberalized depreciation permitted under section 167 of the Internal Revenue Code of 1954, as contemplated by the Commission's order issued August 29, 1956, in Matter of Amere Gas Utilities Co., docket Nos. G-6358, et al. (16 F. P. C. 880), and account for other tax deferrals arising from differences in the timing of deductions for tax purposes as compared to recognition of such deductions in the natural-gas companies' general books of account; and (2) to harmonize with these changes the provisions of present Accounts 259 and 507-A and 507-B, relating to deferred Federal income taxes arising from accelerated amortization provisions of the Internal Revenue Code of 1954. We are concerned in this proceeding solely with the accounting treatment to be accorded deferred taxes and not with matters pertaining to rate making.

As more fully appears below, we conclude that the foregoing purposes can best be accomplished by amending our Uniform System of Accounts for natural-gas companies by substituting for existing Account 259, a new Account 266, "Accumulated Deferred Taxes on Income," with appropriate subaccounts; and for Accounts 507-A and 507-B, revised Accounts 507-A and 507-B, as set forth below, generally with the provisions and in the form carried in our January 7, 1957, notice of rule making, but with the revisions as to account titles and otherwise hereinafter described.

In that notice, we gave permission to any interested person to submit data, views, comments, and suggestions in writing concerning the matters involved herein. General public notice of the proposed rule making was given by publication of notice in the FEDERAL REGISTER on January 12, 1957 (22 F. R. 267). Twenty-five responses were received from natural-gas companies, state public utility commissions and state and municipal authorities, and utility service organizations an accounting firms. Pursuant to Commission order issued July 26, 1957, the instant docket No. R-158 was consolidated with docket No. R-159[1] for the purpose of oral argument, in view of the fact that these dockets presented parallel issues. Oral argument was had on the proposed amendments on September 17, 1957. As a matter of convenience, separate orders will be issued in docket Nos. R-158 and R-159, respectively.

As indicated above, these proceedings are in part the culmination of the Amere proceedings in which, by order issued June 30, 1956, affirming the initial decision of the presiding examiner issued February 29, 1956, we concluded that, as a matter of principle, the Commission's Uniform System of Accounts for natural-gas companies should be amended to make provision for deferred tax accounting related to liberalized depreciation under section 167 of the Internal Revenue Code of 1954, similarly to the amendments we had previously prescribed in order No. 171, issued April [illegible], 1954, in docket No. R-126, making provision for deferred tax accounting related to accelerated amortization under section 124A (now section 168) of the Tax Code. However, we postponed to the instant proceeding a consideration of the mechanics whereby this could best be accomplished by particular amendments to our rules and by concomitant changes to harmonize the deferred tax accounting related to accelerated amortization and to provide such accounting for other types of tax deferrals.

Relying on the entire records in these proceedings, we have determined what amendments are necessary and appropriate to carry out the above-stated purposes. In this regard, we may observe that the question whether to amend our System of Accounts to make provision for deferred taxes related to liberalized depreciation was decided in the affirmative in the Amere proceeding, a fact clearly evident from the notice of rule making cited above.[2]

The proposed amendments set forth in our notice of rule making call for establishing a revised income Account 507-A, "Provision for Deferred Taxes on Income", which would be debited during the period of temporary tax reductions with the amount of tax deferrals; and a new balance sheet Account 259.2, "Reserve for Deferred Taxes on Income—Liberalized Depreciation", which would be credited with such amounts. Subsequently, when tax liabilities increase because of smaller depreciation deductions for tax purposes, the process would be reversed. Proposed Account 507-B, "Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit" would then be credited and proposed Account 259.2 debited with an amount equal to the increase in taxes payable, attributable to the smaller depreciation deduction than otherwise allowable for the tax purposes on the related facilities. Deferred taxes arising from accelerated amortization would be treated correspondingly under the proposed amendments. Thus, initially, revised income Account 507-A would be debited with an amount equal to the temporary tax reduction resulting from use of accelerated amortization, and new balance sheet Account 259.1, "Reserve for Deferred Taxes on Income—Accelerated Amortization", would be credited with such amount. Subsequently, revised Account 507-B would be credited and new Account 259.1 debited with an amount equal to the increase in taxes attributable to the unavailable or reduced depreciation deduction allowable for tax purposes due to use of accelerated amortization in prior years.

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[1] Docket No. R-159 involves proceedings to amend the Uniform System of Accounts for Public Utilities and Licensees and Annual Report Form No. 1 applicable thereto in matters similar to those involved herein.

[2] We quoted in that notice the following language contained in our Amere order, 16 F. P. C. at 881:

"On the record in the proceeding we have heretofore by our order issued June 30, 1956, affirming the decision of the presiding examiner, concluded that the Uniform System of Accounts Prescribed for Natural-Gas Companies subject to the provisions of the Natural Gas Act, as amended by order No. 171 relating to accelerated amortization, should be further amended to make similar provision for liberalized depreciation. However, the due and orderly effectuation of that conclusion in a manner uniformly applicable not only to Amere Gas Utilities Co. et al., but to all natural-gas companies subject to the provisions of the Natural Gas Act will, under our order, await the initiation and completion of rule-making proceedings in which such amendment can be prescribed. We expect to initiate such proceedings at an early date."

A majority of the twenty-five responses in this proceeding favor amending the Commission's Uniform System of Accounts generally as set forth above. However, most recommend editorial changes or changes in specific provisions of the proposed amendments. Nine submittals by municipal and state authorities urge rejection of the proposed changes, objecting principally to the theory of deferred tax accounting. In considering objections to the adoption of the proposed amendments, we need discuss only three main points.

First, question arises whether accumulated deferred taxes should be included in a reserve account as provided in the proposed amendments, or in some other account such as a restricted surplus account. On consideration of the various aspects of this problem, we conclude that the congressional purposes which led to the enactment of section 167 of the Tax Code[3] and the purposes of Commission regulation of accounts can reasonably be achieved by employing the procedures contemplated in the proposed amendments described above, but providing a balance sheet treatment that neither identifies the accumulated amounts as a reserve or restricted surplus.

As this record shows, there are both advantages and disadvantages to the use of either the reserve or the restricted surplus treatment in accounting for accumulated deferred taxes. It is argued that the reserve treatment is superior in more directly providing for future tax liability. However, the reserve treatment necessarily emphasizes a liability concept, although the accumulated tax deferrals cannot be said to represent an actual indebtedness. Even though tax deferrals have certain aspects as a long-term debt, their evaluation as an existing liability cannot be fully justified considering the long-term and non-interest bearing features.

In favor of the restricted surplus treatment it is argued that the temporary classification of deferred tax amounts as equity capital sufficiently provides for such accumulations as may be needed for future taxes while improving the rating of the company's securities and reducing its cost of financing. On the other hand, it is evident that classification of tax deferrals as surplus, even though restricted, tends to disregard their essential character as provisions from income committed to the single purpose of providing for future taxes.

In fact, we think that none of the balance sheet categories of the Commission's Uniform System of Accounts is entirely suitable for the extraordinary accounting which tax deferral requires. In view of the differences of opinion and conflicting considerations present, what is called for, in our judgment, is a separate balance sheet classification for accumulated deferred taxes. This will assure clear disclosure of this important item and lessen the possibilities of misunderstanding and misinterpretation of the nature and purposes of accumulated tax deferrals. It will meet the intent of Congress that the funds generated from the effect of accelerated amortization and liberalized depreciation be available to the utilities for plant expansion. And while making provision for future tax liability, it will not foreclose financial analysts, investors and others from considering these amounts as part of equity capital if they think proper with such consequential benefits to the rating of the company's securities and costs of financing as may result therefrom.

We conclude that the most appropriate treatment of accumulations of deferred taxes involves the addition of a new balance sheet classification to the Commission's Uniform System of Accounts for Natural Gas Companies entitled "Accumulated Deferred Taxes on Income," and inclusion in this classification of Account 266, "Accumulated Deferred Taxes on Income," comprising the subaccounts set forth in Appendix A to this order.

In view of the fact that some state regulatory commissions also having accounting jurisdiction have specified the restricted surplus treatment and others the reserve treatment, some parties urge that we adopt accounting provisions which would permit either such treatment. In our opinion, this dual or alternative treatment would cause intolerable confusion and conflict in the Commission's prescribed accounting and would be contrary to the public interest. We regret the inconsistency which has arisen among the several state commissions. Under the circumstances, however, we see no reasonable solution to the problem for those utilities which are required by a state commission to report deferred taxes as a reserve or restricted surplus but to classify the deferred taxes in accordance with state requirements for state purposes, and to use the treatment specified by this order for the purposes of this Commission.

The second point which deserves mention is that, as set forth in paragraphs D of Accounts 266.1 and 266.2 below, the deferred tax accounting provided for in the amendments to the System of Accounts is not mandatory for any natural-gas company which, in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization or liberalized depreciation is used in computing taxes on income. This nonmandatory feature is desirable, among other reasons, to avoid to the extent possible conflict with requirements which may be prescribed by state regulatory authorities having major rate regulatory responsibilities, some of which may authorize and others deny deferred tax accounting.

Third, the revised accounting provisions relating to liberalized depreciation set forth in paragraph C of Account 266.2 include the requirement that records of deferred taxes be kept showing the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and service life expectancies have been used. We do not agree that such record-keeping requirements will be unreasonably burdensome, as a few of the responses assert. If they prove to be so, such remedies as may be necessary can no doubt be found. To this end, we have indicated by revision in the proposed text of this subaccount that, where necessary, the underlying calculations to segregate and associate deferred tax amounts and subsequent "reverse deferrals" with the respective vintage years may be based on reasonable methods of approximation, consistently applied. This revision in text should make it clear that the revised accounts deal only with deferred tax accounting and add to the System of Accounts no new plant accounting requirements. It is recognized, however, that certain plant classification requirements are inherent in the Internal Revenue Code and related regulations with respect to Tax Code Sections 167 and 168. The records for deferred taxes specified in this order are for the principal purpose of enabling full disclosure of the composition and status of the accumulated deferred taxes and to permit separate reporting and identification of (a) income account debits for tax deferrals and (b) income account credits for "reverse tax deferrals."

Finally, it may be added that although we adopt at this time Account 266.3 below, "Accumulated Deferred Taxes on Income—Other," we do so as a matter of convenience only, without specifying the uses to which this account may be put. Before doing so, we shall provide for any further proceedings respecting this matter which may be necessary and appropriate.

The separate statement which follows this order renews contentions made to the examiner and to the Commission be-

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[3] The Congressional intent is disclosed, we believe, in the following language which appears in both the Report of the House Committee on Ways and Means (H. Rep. No. 1337, 83d Cong., 2d Session, p. 24) and the Report of the Senate Committee on Finance (S. Rep. No. 1622, 83d Cong., 2d Session, p. 26) respecting the provisions for liberalized depreciation in what became section 167 of the Internal Revenue Code of 1954.

"More liberal depreciation allowances are anticipated to have far-reaching economic effects. The incentive resulting from the changes are well timed to help maintain the present hight level of investment in plant and equipment. The acceleration in the speed of the tax-free recovery of costs is of critical importance in the decision of management to incur risk. The faster tax write-off would increase available working capital and materially aid growing businesses in the financing of their expansion. For all segments of the American economy, liberalized depreciation policies should assist modernization and expansion of industrial capacity, with resulting economic growth, increased production, and a higher standard of living."

fore they rendered their respective decisions in In Re Amere Gas Utilities Co., et al., 15 F. P. C. 760, and 16 F. P. C. 880. Although such contentions are not germane to the matters here decided, as they have already been disposed of in the above case, we cite the Amere case here, rather than quote from it, in answer to the said separate statement.

A number of suggested editorial changes have been adopted and are carried in the following amendments.

The Commission further finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies be amended to read as set forth below; and that the Commission's Annual Report Form No. 2, prescribed in § 260.1 of the Commission's regulations under the Natural Gas Act, be amended by adding thereto a schedule entitled "Accumulated Deferred Taxes on Income", to delete the schedule "Reserve for Deferred Taxes on Income (Account 259)"; and to amend the schedules "Balance Sheet" and "Statement of Income for the Year" of Annual Report Form No. 1, all as set forth in Appendix B [4] hereto.

(2) Good cause exists that these amendments be effective as of January 1, 1958.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 8, 10, and 16 thereof (52 Stat. 821, 825, 826, and 830; 15 U. S. C. 717g, 717i and 717o), orders:

(A) The Uniform System of Accounts Prescribed for Natural Gas Companies, being Subchapter F of the Commission's regulations under the Natural Gas Act (18 CFR, Chapter I, Subchapter F, Part 201), is amended by substituting for Accounts 259, revised Account 266 and subaccounts 266.1, 266.2, and 266.3; and substituting for Account 507-A and 507-B, revised Accounts 507-A and 507-B, to read as set forth below.

(B) Section 260.1 of the Commission's regulations under the Natural Gas Act (18 CFR, Chapter I, Subchapter G, Part 260) is amended so as to require the addition to Annual Report Form No. 2 prescribed thereunder of a schedule entitled "Accumulated Deferred Taxes on Income," in place of the present schedule, "Reserve for Deferred Federal Income Taxes," and to amend the schedules "Balance Sheet" and "Statement of Income for the Year" to provide for the revised accounts herein prescribed, all as set forth in Appendix B hereto.[4]

(C) The amendments prescribed herein are effective as of January 1, 1958.

By the Commission. Commissioner Connole not participating for the reasons set forth in separate statement.[4]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

§ 201.266 *Accumulated deferred taxes on income.* This account shall be subdivided as shown below:

NOTE A: The text of subaccounts below are designed primarily to cover deferrals of federal income taxes arising under provisions of the Internal Revenue Code of 1954 but the subaccounts are also applicable to deferrals of State taxes on income.

NOTE B: Natural Gas Companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and which have deferred taxes on income with respect thereto shall classify such deferrals in the subaccounts provided below under subdivisions for each utility department.

§ 201.266:1 *Accumulated deferred taxes on income; accelerated amortization.* (a) This account shall be credited and Account 507-A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code of 1954 (section 124A of previous Internal Revenue Code), as compared to the depreciation (deduction) otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

(b) This account shall be debited and Account 507-B, Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior year of accelerated (5-year) amortization of certified defense facilities instead of nonaccelerated depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph (A) of this section. Such debit to this account and credit to Account 507-B shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

(c) Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

(d) The use of this account and the accounting described above are not mandatory for any utility which, in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

(e) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement from service of such facility or predominant part thereof, be credited to Account 507-B, Taxes on Income Deferred in Prior Years—Credit, or otherwise be applied as the Commission may authorize or direct.

§ 201.266:2 *Accumulated deferred taxes on income; liberalized depreciation.* (a) This account shall be credited and Account 507-A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

(b) This account shall be debited and Account 507-B, Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph (a) of this section. Such debit to this account and credit to Account 507-B, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

(c) Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

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[4] Filed as part of original document.

(d) The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property, such accounting shall not be discontinued on that property without approval of the Commission.

(e) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed or, upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to Account 507-B, Taxes on Income Deferred in Prior Years—Credit, or otherwise applied as the Commission may authorize or direct.

§ 201.266:3 *Accumulated deferred taxes on income—other.* (a) This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be credited and Account 507-A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

(b) This account, when its use has been authorized by the Commission, shall be debited and Account 507-B, Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph (a) of this section, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to Account 507-B shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

(c) Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

(d) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the accounts or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to Account 507-B, Taxes on Income Deferred in Prior Years—Credit, or otherwise disposed of as the Commission may authorize or direct.

NOTE: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate, such as situations (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

§ 201.507A *Provision for deferred taxes on income.* This account shall be debited and the appropriate subdivision of Account 266, Accumulated Deferred Taxes on Income, shall be credited with an amount equal to any deferral of taxes on income as provided by Account 266 and the subaccounts thereunder. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in Account 507-B, Taxes on Income Deferred in Prior Years—Credit.

§ 201.507B *Taxes on income deferred in prior years—credit.* This account shall be credited and the appropriate subaccount of Account 266, Accumulated Deferred Taxes, debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes in a prior year, in accordance with the plan of deferred tax accounting provided by Account 266. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in Account 507-A, Provision for Deferred Taxes on Income.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

[F. R. Doc. 58-4216; Filed, June 4, 1958; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6295]

[Reg. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

COMPUTATION OF NONTAXABLE INCOME FROM EXEMPT EXCESS OUTPUT WITH RESPECT TO STRATEGIC MINERALS

On February 26, 1958, notice of proposed rule making regarding the amendment of §§ 40.453-3 and 40.453-6 of Regulations 130, relating to computation of nontaxable income from exempt excess output with respect to strategic minerals, was published in the FEDERAL REGISTER (23 F. R. 1199). After consideration of the comments received during the 30-day period prescribed in the notice, the following amendment to such regulations is hereby adopted:

Regulations 130 (26 CFR (1939) Part 40) are hereby amended by deleting paragraph (a) (5) of § 40.453-3 and paragraph (c) of § 40.453-6 thereof.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: June 6, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4449; Filed, June 11, 1958; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-2]

PART 74—COSTS AND CHARGES

Correction

The following change should be made in the correction to Federal Register Document 58-3438 (23 F. R. 3066), published on page 3100, issue of May 9, 1958: The third column figure for item 9, now reading "34", should read "33".

Subchapter K—Security of Vessels

[CGFR 58-21]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

ADVANCE NOTICE OF VESSEL'S TIME OF ARRIVAL TO CAPTAIN OF THE PORT, U. S. COAST GUARD

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04–8 in Executive Order 10173 (15 F. R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States. The purpose for amending 33 CFR 124.10 is to permit the masters of merchant vessels (except on coastwise voyages of 24 hours or less) reporting in accordance with the U. S. Coast Guard's voluntary "Merchant Vessel Reporting Program" to be considered in constructive compliance with the requirements of paragraph (a) of this section and, therefore, will not require additional "advance notice of vessel's arrival" reports to the Captain of the Port. This amendment to 33 CFR 124.10 shall be effective on and after the date of publication of this document in the Federal Register.

Since the security interests of the United States call for the aforesaid application of the provisions of 33 CFR 6.04–8 in Executive Order 10173 and because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Orders 10277 and 10352, § 124.10 is amended by redesignating paragraphs (d), (e), (f), and (g) to (e), (f), (g), and (h), respectively, and by inserting a new paragraph (d), so that this section as revised reads as follows:

§ 124.10 *Advance notice of vessel's time of arrival to Captain of the Port.* (a) The master or agents of every vessel (foreign, and domestic) shall give at least 24 hours' advance notice of the time of such vessel's arrival to the Captain of the Port where the vessel is to arrive. The master or agents of every foreign vessel, as well as every documented vessel of the United States, destined from one port or place to another port or place shall give at least 24 hours' advance notice of the time of such vessel's arrival to the Captain of the Port where the vessel is to arrive. For such foreign and domestic vessels, this 24 hours' advance notice of time of arrival is applicable at every port of call. In any case where the port of arrival is not located within the geographical area assigned to a particular Captain of the Port, this advance notice of time of arrival shall be made to the Commander of the Coast Guard District in which such a port or place is located. In a case of force majeure, if it is not possible to give at least a 24 hours' advance notice of time of arrival, then an advance notice as early as practicable shall be furnished.

(b) The master and agents of a vessel entering the Great Lakes shall be exempt from the requirements of paragraph (a) of this section, but the master or agents of such vessel if bound for a United States port shall:

(1) Immediately on the vessel's entry into Lake Ontario inbound, advise the Commander, 9th Coast Guard District, of the vessel's first intended United States port of call and estimated time of arrival in that port.

(2) Upon the vessel's arrival in the first United States port cause to be delivered to the Captain of the Port an itinerary giving the vessel's foreign ports of call during the preceding six months or last visit to a U. S. port whichever is later, the intended ports of call on the Great Lakes, and the estimated dates of arrival.

(3) Thereafter, immediately advise the Commander, 9th Coast Guard District, when the necessity of a deviation from that itinerary becomes known.

(c) The master or agents of a vessel engaged upon a scheduled route need not furnish the advance notice of arrival in individual instances if a copy of the schedule is filed with the Captain of the Port for each port of call named in the schedule and the times of arrival at each such port are adhered to.

(d) The masters of merchant vessels (except on coastwise voyages of 24 hours or less) reporting in accordance with the U. S. Coast Guard's voluntary "Merchant Vessel Reporting Program" shall be considered to be in constructive compliance with the requirements of paragraph (a) of this section, and no additional advance notice of vessel's arrival reports to the Captain of the Port are required. The master or agent of a vessel on coastwise voyages of 24 hours or less shall report the advance notice of vessel's arrival as provided in paragraph (a) of this section.

(e) In the case of a vessel which is engaged in operations in and out of the same port, either on voyages to sea and return without having entered any other port, or on coastwise voyages within the same Coast Guard District, or from ports within the First, Ninth, Thirteenth or Seventeenth Coast Guard Districts to adjacent Canadian ports, and where no reason exists which renders such action prejudicial to the rights and interests of the United States, the Coast Guard District Commander having jurisdiction may prescribe conditions under which Coast Guard Captains of the Ports may consider such a vessel as being in constructive compliance with the requirements of this section without the necessity for reporting each individual arrival.

(f) Failure to give advance notice will subject the master or agents of a vessel to the penalties of fine and imprisonment, as well as subject the vessel to seizure and forfeiture, as provided in section 2, title II of the act of June 15, 1917, as amended, 50 U. S. C. 192. In addition, such failure may result in delay in the movement of the vessel from the harbor entrance to her facility destination within the particular port.

(g) The requirements of this section do not apply to the following:

(1) Vessels which, during the course of their voyages, do not navigate any portion of the high seas; and

(2) Vessels which are numbered by the Coast Guard.

(h) The term "high seas", as used in this section, shall be construed to mean any portion of the open sea below the low water mark along the coasts and projections of the land across the entrances of bays, sounds and other bodies of water which join the open sea.

(Sec. 1, 40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, Oct. 18, 1950, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, Aug. 1, 1951, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, May 19, 1952, 17 F. R. 4607, 3 CFR, 1952 Supp.)

Dated: June 5, 1958.

A. C. Richmond,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 58-4448; Filed, June 11, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1653]

[Wyoming 044344 (Neb)]

NEBRASKA

WITHDRAWING LANDS WITHIN NEBRASKA NATIONAL FOREST FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS SANDHILLS EXPERIMENTAL FOREST AND RANGE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Nebraska National Forest are hereby withdrawn from all forms of appropriation under public-land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as the Sandhills Experimental Forest and Range, in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581):

SIXTH PRINCIPAL MERIDIAN

NEBRASKA NATIONAL FOREST

Sandhills Experimental Forest and Range

T. 32 N., R. 32 W.,
  Sec. 1, SW¼;
  Sec. 2, S½;
  Sec. 3, S½;
  Sec. 4, S½;
  Sec. 5, S½;
  Sec. 6, lots 7, 8, 9, 10, 13, and 14, SE¼;
  Secs. 7 to 11, incl;
  Sec. 12, W½;
  Sec. 13, W½;
  Secs. 14 to 18, incl.
T. 32 N., R. 33 W.,
  Sec. 1, SE¼;
  Sec. 12, E½;
  Sec. 13, E½.

The areas described aggregate 9,875.21 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Under Secretary of the Interior.

June 6, 1958.

[F. R. Doc. 58-4439; Filed, June 11, 1958; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter J—Miscellaneous

[General Order 81, Amdt. 1]

PART 350—SEAMEN'S SERVICE AWARDS

CHANGES AS TO CERTIFIED DISTRIBUTOR AND COST OF MERCHANT MARINE RIBBONS

Effective as of June 1, 1958, §§ 350.4 and 350.5 (a) are amended as follows:

1. Section 350.4 *Procedure for purchase* is amended by deleting the name and address of the certified distributor "A. & N. Trading Company, Inc., 8th and D Streets NW., Washington 25, D. C." and substituting therefor "Harry Sadow, 75 Church Street, New York 7, New York, and by deleting the words "twenty-eight cents" as the cost for the purchase of each bar and substituting therefor the words "thirty cents" as the new cost.

2. Section 350.5 (a) *Replacement* is amended by deleting the name "A. & N. Trading Company, Inc.," and substituting therefor the name "Harry Sadow", and by deleting the words "twenty-eight cents" and substituting therefor the words "thirty cents".

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: May 29, 1958.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 58-4456; Filed, June 11, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 982, 986]

[Docket Nos. AO-298, AO-238-A8]

HANDLING OF MILK RED RIVER VALLEY AND CENTRAL WEST TEXAS MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order to regulate the handling of milk in the Red River Valley marketing area, which was issued on May 19, 1958 (23 F. R. 3530; F. R. Doc. 58-3882), is hereby extended to June 13, 1958. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of this date.

Dated: June 10, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4498; Filed, June 11, 1958; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1958. Supp. 186]

N. V. THE NETHERLANDS INSURANCE CO.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

JUNE 6, 1958.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An Underwriting limitation of $327,000.00 has been established for the company.

N. V. The Netherlands Insurance Company, Est. 1845, The Hague Holland (U. S. Office, Keene, New Hampshire).

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4447; Filed, June 11, 1958; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FAIRBANKS, ALASKA

TOWNSITE OF CANTWELL; NOTICE OF SALE

JUNE 4, 1958.

1. *Statutory authority.* The lots in the Townsite of Cantwell, Alaska, will be disposed of under section 2381, United States Revised Statutes (43 U. S. C. sec. 712). The townsite plat of U. S. Survey No. 3203 A and B was accepted on July 3, 1953, and officially filed on September 23, 1953.

2. *Lots and minimum prices.* The lots which will be offered for sale and minimum prices thereof are shown below.

3. *Public sale.* The lots will be offered for sale by the Operations Supervisor, Fairbanks or his representative at public outcry to the highest bidder at Cantwell, Alaska, on July 10, 1958, beginning at 1:00 p. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payments.* No lot shall be sold for less than the minimum price. Full payment may be made in cash on the date of the sale, or one-fourth of the purchase price may be paid in cash at that time and the balance in not to exceed three equal annual installments, with interest at the rate of four percent per annum to the date of payment. Payment on the date of the sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, Fairbanks Land Office, Fairbanks, Alaska.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Forfeitures for nonpayment.* If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations, at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. *Removal of improvements.* Owners of buildings who do not purchase the lots on which the buildings are located will be allowed three months from the date of the sale in which to remove their improvements.

10. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale will be subject to private entry for cash at their minimum prices, and lots the rights of which have been declared forfeited for nonpayment of any installment of the purchase price will be subject to private entry for cash at such purchase price.

11. *Reservations.* Patents for the lots, when issued, will contain the reservations of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391), and for the construction of railroads and telegraph and telephone lines as provided by the act of March 12, 1914 (38 Stat. 305).

12. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any person so offending will be prosecuted under Section 59 of the Criminal Code of the United States (18 U. S. C. sec. 113).

Block	Lot	Minimum price
3	1	$200.00.
	2	$170.00.
4	------	$480.00.
5	------	$465.00.
6	1	$55.00.
	2	$40.00.
	3	$40.00.
	4	$40.00.
	5	$40.00.
	6	$40.00.
	7	$40.00.
	8	$30.00.
	9	$30.00.
	10	$610.00.
7	1	Federal Reserve.
	2	Federal Reserve.
	3	Federal Reserve.
	4	Federal Reserve.
	5	Federal Reserve.
	6	Federal Reserve.
	7	Federal Reserve.
	8	Federal Reserve.
	9	School Reserve.
	10	$60.00.
	11	$40.00.
	12	$40.00.
	13	$40.00.
	14	$40.00.
	15	$40.00.
	16	$40.00.
	17	$40.00.
	18	$20.00.
	19	$20.00.
	20	$20.00.
	21	$20.00.
	22	$20.00.
	23	$20.00.
	24	$20.00.
	25	$20.00.
	26	$20.00.
	27	$36.00.
8	1	$50.00.
	2	$50.00.
	3	$50.00.
	4	$50.00.
	5	$50.00.
	6	$70.00.
	7	$45.00.
	8	$20.00.
	9	$20.00.
	10	$20.00.
	11	$20.00.
	12	$20.00.
	13	$20.00.
	14	$20.00.
	15	$20.00.
	16	$20.00.
9	1	$70.00.
	2	$50.00.
	3	$50.00.
	4	$50.00.
	5	$50.00.
	6	$50.00.
	7	$20.00.
	8	$20.00.
	9	$20.00.
	10	$20.00.
	11	$20.00.
	12	$20.00.
	13	$20.00.
	14	$20.00.
	15	$20.00.
	16	$45.00.
10	1	Park Reserve.
	2	Municipal Reserve.
11	----	Park Reserve.
12	1	$80.00.
	2	$40.00.
	3	$40.00.
	4	$40.00.
	5	$40.00.
13	1	$25.00.
	2	$25.00.
	3	$25.00.
	4	$40.00.
	5	$30.00.
	6	$30.00.
	7	$30.00.
	8	$45.00.
	9	$35.00.
	10	$20.00.
	11	$20.00.
	12	$20.00.
14	1	$40.00.
	2	$25.00.
	3	$25.00.
	4	$25.00.
	5	$20.00.
	6	$20.00.
	7	$20.00.
	8	$35.00.
	9	$45.00.
	10	$30.00.
	11	$30.00.
	12	$30.00.
15	1	$25.00.
	2	$25.00.
	3	$25.00.
	4	$25.00.
	5	$20.00.
	6	$20.00.
	7	$20.00.
	8	$35.00.
	9	$35.00.
	10	$20.00.
	11	$20.00.
	12	$20.00.
16	1	$25.00.
	2	$25.00.
	3	$20.00.
	4	$20.00.
	5	$20.00.
	6	$35.00.
	7	$455.00.

RICHARD L. QUINTUS,
Fairbanks Operations Supervisor.

[F. R. Doc. 58-4451; Filed, June 11, 1958; 8:50 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Civil Aeronautics Administration has filed an application, Serial Number A.042225 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, excepting the disposition of materials under the Materials Act. The applicant desires the land for use of the Civil Aeronautics Administration for use as an Instrument Landing System Outer Marker Facility and a V. O. R. installation site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Box [illegible], Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

COLD BAY AREA, ALASKA

Beginning at a point at latitude 50°17′[illegible]″ N., longitude 162°46′04″ W., thence by metes and bounds:

South 68°27′14″ west 6,000 feet;
North 21°32′46″ west 6,000 feet;
North 68°27′14″ east 6,000 feet;
South 21°32′46″ east 6,000 feet to Point of Begining.

Containing 826.45 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4452; Filed, June 11, 1958; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 set forth below, to License DPR-1 authorizing General Electric Company to conduct experiments in its Vallecitos Boiling Water Reactor to test (1) a fuel rupture detecting device and (2) in-core neutron detectors of the ion chamber and thermopile types. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the Vallecitos Boiling Water Reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details, see (1) the application for license amendment by General Electric Company and (2) a hazards analysis of the experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 5th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4432; Filed June 11, 1958; 8:45 a. m.]

[Docket No. 50-100]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of proposed action with the Federal Register Division, the Atomic Energy Commission has this date issued License No. XR-20 to General Electric Company authorizing the export of a 1,000 kilowatt pool-type research reactor to National Tsing-Hua University, Taipei, Taiwan, China. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on May 3, 1958, 23 F. R. 2990.

Dated at Germantown, Md., this 5th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4433; Filed, June 11, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8227 etc.; FCC 58M-587]

UNION BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 8227, File No. BP-5893; W. Frank Short & Austin E. Harkins, d/b as The Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Lion Broadcasting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP-11215; for construction permits.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on July 14, 1958;

Now therefore, it is ordered, This 6th day of June 1958, pursuant to § 1.111 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 9:15 a. m. on Thusday, June 19, 1958, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and
6. Such other matters as may aid in the disposition of this proceeding.

Released: June 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4460; Filed, June 11, 1958; 8:51 a. m.]

[Docket No. 12243; FCC 58M-582]

PIERCE BROOKS BROADCASTING CORP. (KGIL)

ORDER CONTINUING HEARING

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The Hearing Examiner having under consideration informal request of Pierce Brooks Broadcasting Corp. for continuance of hearing herein;

It appearing that counsel for all other parties to the proceeding have informally consented to immediate consideration and grant of the request;

It is ordered, This 5th day of June 1958, that the above request is granted; and the hearing now scheduled for June 6, 1958, is continued until July 1, 1958, at 10:00 a. m.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4461; Filed, June 11, 1958; 8:51 a. m.]

[Docket Nos. 12310-12312; FCC 58M-578]

ENTERTAINMENT SERVICE, INC., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Entertainment Service, Inc., Solvay, New York, Docket No. 12310, File No. BP-10988; Joseph A. Marturano and Philip S. Marturano, d/b as Rome Community Broadcasting Company, Rome, New York, Docket No. 12311, File No. BP-11262; James A. McKechnie, North Syracuse, New York, Docket No. 12312, File No. BP-11329; for construction permits.

The Hearing Examiner having under consideration a motion filed on June 4, 1958, by counsel for James A. McKechnie, one of the applicants, requesting that the date for exchange of direct affirmative case in the above-entitled proceeding be extended from June 10 to June 23, 1958; and that the further prehearing conference be continued from June 17 to June 30, 1958;

It appearing that counsel for the other parties, including the Broadcast Bureau, have informally agreed to the requested changes, and good cause has also been shown for the grant of the motion;

It is ordered, This 5th day of June 1958, that the motion be and the same is hereby granted; and the date for exchange of direct affirmative case is extended to June 23, 1958, and the further prehearing conference is continued to June 30, 1958, at 10 o'clock a. m., in Washington, D. C.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4462; Filed, June 11, 1958; 8:51 a. m.]

[Docket No. 12332 etc.; FCC 58M-583]

PENINSULA BROADCASTING CORP. (WVEC-TV) ET AL.

ORDER CONTINUING HEARING

In re applications of Peninsula Broadcasting Corporation (WVEC-TV), Hampton, Virginia, Docket No. 12332, File No. BMPCT-4721; Tim Brite, Inc. (WTOV-TV), Norfolk, Virginia, Docket No. 12333, File No. BMPCT-4778; for modification of construction permits; Virginian Television Corporation, Norfolk, Virginia, Docket No. 12335, File No. BPCT-2413; for construction permit for new television broadcast station (Channel 13).

The Hearing Examiner having under consideration a Request for Rescheduling of Hearing filed June 5, 1958, jointly on behalf of all applicants in this proceeding, requesting that the dates for certain procedural steps be postponed as hereinafter ordered; and

It appearing that in a recent informal conference all parties agreed that the requested schedule changes are desirable and necessary in order to accommodate the schedules of the individual attorneys and the Hearing Examiner, and that the granting of the instant Request will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 5th day of June 1958, that the applicants' Request for Rescheduling of Hearing is granted, and that: (a) The exchange of the written direct case exhibits shall be effected on or before June 16, 1958; (b) the further prehearing conference is continued from June 19 to June 27, 1958; and (c) the commencement of the hearing is continued from June 24 to July 21, 1958.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4463; Filed, June 11, 1958; 8:52 a. m.]

[Docket No. 12357; FCC 58M-584]

FRANK PERRY

ORDER CONTINUING HEARING

In the matter of Frank Perry, 2025 East Belt Street, San Diego, California, Docket No. 12357, order to show cause why there should not be revoked the license for Radio Station KIIU aboard the vessel "Frances Marie".

The Hearing Examiner having under consideration the desirability of continuing this hearing indefinitely;

It appearing that a petition was filed by the Safety and Special Radio Services Bureau on June 5, 1958, requesting that the proceeding be dismissed, and that sufficient time has not elapsed for action to be taken on this pleading; and

It further appearing that no useful purpose would be served by attempting to go forward with the hearing on the date now scheduled for its commencement, which is June 10, 1958;

It is ordered, This 6th day of June 1958, that the hearing now scheduled to commence on June 10 is continued indefinitely.

Released: June 6, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4464; Filed, June 11, 1958; 8:52 a. m.]

[Docket Nos. 12248, 12249; FCC 58M-586]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of St. Anthony Television Corporation, Houma, Louisiana Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana, Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station (Channel 11).

The Hearing Examiner having under consideration a petition filed June 4, 1958, by the Chief, Broadcast Bureau, Federal Communications Commission requesting that the further pre-hearing conference now scheduled to be held on June 9, 1958, be continued to June 17, 1958; and

It appearing that the reason for the requested continuance is due to the fact that Broadcast Bureau counsel will be engaged in another hearing on June 9, 1958, and will not be able to attend the conference on the date now scheduled; and

It further appearing that all parties to the proceeding have agreed to the requested continuance and to the immediate consideration of the petition for continuance, and good cause for the requested continuance having been shown;

It is ordered, This the 6th day of June 1958, that the petition of the Broadcast Bureau for continuance is granted and the date of the further pre-hearing conference now scheduled for Monday, June 9, 1958, is continued to Tuesday, June 17, 1958.

Released: June 9, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4465; Filed, June 11, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15054]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 6, 1958.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation with its principal place of business in Minneapolis, Minnesota, filed an application on May 6, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing (a) the construction and operation of the following described natural gas facilities: (1) 11.9 miles of 12¾-inch O. D. gas transmission line looping 13.9 miles of existing 12¾-inch O. D. transmission main between Laurel and Billings, Montana; (2) a new town border meter station in Billings, Montana, at the terminus of the proposed 11.9 mile loop transmission line, and (b) the abandonment and removal of an existing pressure regulating station located at 24th Street West in Billings, Montana, together with a valve assembly and housing, subject to the jurisdiction of the Commission, as more fully described in the application on file with the Commission and open to public inspection.

The applicant states that the existing segment of its system between Laurel and Billings is a single 12¾-inch pipe and runs through an area congested with highways and railroads and it therefore desires to lay the 11.9 mile loop to avoid said area, and to have an alternate route to insure continuity of service, as well as to provide expanded capacity for Billings' requirements.

The estimated cost of the (a) new transmission line is $440,000, and (b) new border station is $30,300. Total construction cost including interest during construction is estimated to be $475,600. Cost of removal of facilities and salvage is stated to be $900 and $8,159, respectively.

Cost of Applicant's proposals will be defrayed from funds obtained under a financing program authorized by the Commission on April 8, 1958, in Docket No. E-6803.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4440; Filed, June 11, 1958; 8:47 a. m.]

[Docket No. G-14969]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 6, 1958.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed an application on April 24, 1958, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open to public inspection.

The application recites that Applicant proposes to construct and operate a meter and regulator station on Applicant's existing 20-inch Pampa-Wichita transmission pipeline in Sumner County, Kansas, for the purpose of selling and delivering natural gas to the City of Viola, Kansas, for resale for ultimate public consumption therein. Volumetric requirements annually and on a peak day for the first 3 years of service are estimated to be as follows:

Year of service	1	2	3
Peak day (Mcf)	100	110	11
Annual (Mcf)	9,236	11,006	11,

The estimated cost of construction is $3,910 which will be defrayed by Applicant with reimbursement in aid of construction being made by the city of Viola.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 30, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 18, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4441; Filed, June 11, 1958; 8:48 a. m.]

[Docket No. G-14269]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 6, 1958.

Take notice that on January 6, 1958, as supplemented on March 13, 1958, The Ohio Fuel Gas Company (Applicant) filed in Docket No. G-14269 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities necessary to convert Applicant's depleted Clinton Sand of the Medina gas producing field in Medina County, Ohio, into a gas storage field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist, initially, of a 3300 Bhp compressor station in the field, plus a gas injection and withdrawal system comprised of 12.4 miles of pipe ranging from 4- to 20-inch O. D., plus necessary appurtenances. The new injection and withdrawal system would replace the existing low pressure gathering system in the field which is presently connected to Applicant's existing transmission line L-920 between York Station and Lorain, Ohio. Ultimately, Applicant proposes to drill 72 additional wells and build the necessary well lines for full development of the field. The ultimate storage inventory is given as 8.5 billion cubic feet of natural gas at a maximum proposed storage pressure of 1150 psig, with a maximum volume proposed to be injected by November 1, 1961, of 7.7 billion cubic feet providing an active storage volume of 3.4 billion cubic feet over the proposed 4.3 billion cubic feet of cushion gas.

The estimated total investment in the Medina Storage Pool is $5,075,504, of which $5,007,750 would be for new facilities, including cushion gas. This sum will be spent over a three-year period and includes an initial expenditure of $2,171,400 for the compressor station, pipelines, and metering facilities, and an additional investment of $2,836,350 for ultimate full development, including 72 additional storage wells, pipelines, cushion gas, and leases. Funds for the work will be supplied to Applicant by its parent, Columbia Gas System, out of its annual financing plans for the next few years.

Applicant states that in the near future requirements in the Parma-Lorain market area in northeastern Ohio will exceed existing capacity of facilities transporting gas into the area and early development of additional storage adjacent to the markets will reduce the distance which future peak volumes must be transported.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 27, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4442; Filed, June 11, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1153]

NEW YORK DOCK CO.

NOTICE OF FILING OF APPLICATION FOR ORDER TEMPORARILY EXEMPTING APPLICANT FROM REQUIREMENTS

JUNE 5, 1958.

Notice is hereby given that New York Dock Company ("Dock"), a registered, closed-end management company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission temporarily exempting Dock from the provisions of section 15 (a), until the next meeting of stockholders of Dock scheduled to be held not later than the fourth Wednesday of April 1959.

Dock was organized in August 1901 under the laws of the State of New York and, prior to registering under the act on April 30, 1958, was primarily engaged, directly and indirectly, in owning and operating dock properties and rendering docking services. Because of recent dispositions of properties and partial discontinuance of services the company is no longer so primarily engaged.

The application states that J. L. Hain & Co. ("Hain") has served as investment adviser to the applicant since May 1, 1956, without a written contract and, pursuant to the provisions of section 15 (a) of the act, Dock has entered into a written contract dated May 1, 1958, with Hain, which contract was approved by resolution of the Board of Directors of Dock on May 19, 1958.

The application further states that the Board of Directors of Dock and of Dunhill International, Inc., are presently considering proposals to merge the two companies, and if such proposals are approved, then a stockholders' meeting will be held to approve the same and the investment advisory contract will also be submitted to the stockholders of both companies for their approval. If such stockholders' meeting should not be held, then the investment advisory contract will be submitted to the stockholders of Dock at the very first special meeting thereof thereafter held for any purpose, and in no event later than the next annual stockholders' meeting to be held on the fourth Wednesday of April 1959.

Section 15 (a) of the act makes it unlawful for a person to act as an investment adviser for a registered investment company, except pursuant to a written contract containing certain specified statutory terms, which has been approved by the vote of a majority of the outstanding voting securities of the registered investment company.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than June 19, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4443; Filed, June 11, 1958; 8:48 a. m.]

[File No. 812-1157]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JUNE 5, 1958.

Notice is hereby given that National Aviation Corporation ("Applicant"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed investment of not to exceed $500,000 in the Convertible Subordinated Debentures, due June 1, 1973 (the "Debentures"), which Continental Air Lines, Inc. (the "Issuer") proposes to issue.

Applicant recites that the Issuer is preparing to issue in a public offering an aggregate of 12 million dollars principal amount of the Debentures and shares of its common stock which are covered by a Registration Statement filed by the Issuer with the Securities and Exchange Commission on or about May 26, 1958. The Debentures will be convertible, at the holder's option prior to June 1, 1973, into common stock of the Issuer at a conversion price not yet determined.

The investments of Applicant over the last ten years have been, and are, for the most part, in common stock and in senior securities convertible into common stock, of aircraft manufactures, air transport companies and in companies either in, or connected with, or serving and/or supplying the aviation industry. The Issuer is an air carrier engaged in the commercial transportation of mail passengers and property by aircraft.

The investment banking firms of Paine, Webber, Jackson & Curtis and Hornblower & Weeks are expected to be members of the underwriting group offering the securities. The application recites that Stuart R. Reed, a director of applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis and that Charles S. Sargent, also a director of Applicant, is a general partner of Hornblower & Weeks. Applicant states that it proposes not to purchase the debentures from Paine, Webber, Jackson & Curtis or Hornblower & Weeks. The proposed investment would represent approximately 2.32 percent of the total assets of Applicant as of May 27, 1958.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since Reed and Sargent are affiliated persons of investment banking firms which may be part of the underwriting group of the debentures by the Applicant during the underwriting is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase of debentures is consistent with the protection of investors and the investment policies of the Applicant as recited in its registration statement filed with the Commission.

Notice is further given that any interested person may, not later than June 17, 1958, at 1:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretray.

[F. R. Doc. 58-4444; Filed, June 11, 1958; 8:48 a. m.]

[File No. 812-1158]

MISSILES-JETS & AUTOMATION FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 5, 1958.

Notice is hereby given that Missiles-Jets & Automation Fund, Inc. ("Fund"), a registered management investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting the Fund, its directors and its proposed investment advisers from the provisions of Sections 15 (a) and 16 (a) of the act, to the extent that such provisions require stockholder approval of investment advisory contracts and election by the stockholders of the Fund's directors. The requested exemption is to be effective until the first annual meeting of the Fund's stockholders, which is scheduled to be held on November 10, 1958.

The application makes the following representations:

The Fund presently has no shareholders. It proposes initially to issue up to 500,000 shares of its capital stock when a registration statement it has filed pursuant to the Securities Act of 1933, becomes effective. Prior to the effective date of this registration statement applicant proposes to enter into a Management Agreement with Missiles-Jets & Automation Management Company which will constitute that company an investment adviser of the Fund. It is also contemplated that Missiles-Jets & Automation Management Company will enter into an agreement with Templeton, Dobbrow & Vance, Inc. pursuant to which that company will become an investment adviser of the Fund. Inasmuch as the Fund has not had any stockholders to date, and will not have any stockholders until after the sale of its shares proposed in its registration statement pursuant to the Securities Act of 1933, the present board of directors of the Fund has not been elected by the stockholders as required by section 16 (a) of the act, and it will not be possible to hold an election of directors prior to such issuance of shares. Similarly, it will not be possible to secure prior approval by the stockholders of the proposed investment adviser agreements, as required by section 15 (a) of the act. The Board of Directors of the Fund and the proposed investment advisory contracts will comply with the provisions of the act in all respects except as to necessary advance approval of stockholders.

The entire Board of Directors will stand for election, and the investment advisory contracts will be presented for approval, at the first annual meeting of the stockholders scheduled for November 10, 1958. During the period prior to such meeting the prospectus used by the Fund in connection with the sale of its shares pursuant to the Securities Act of 1933 will contain full appropriate information concerning the directors and the investment advisory contracts.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than June 18, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4445; Filed, June 11, 1958; 8:48 a. m.]

TARIFF COMMISSION

[Investigation 68]

Barium Chloride

POSTPONEMENT OF PUBLIC HEARING

Investigation No. 68 under section 7, Trade Agreements Extension Act of 1951, as amended.

The Tariff Commission on June 6, 1958, ordered that the public hearing in Investigation No. 68 under section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted with respect to Barium Chloride, heretofore scheduled for June 24, 1958 (23 F. R. 1635), be postponed to 10 a. m., e. d. s. t., July 15, 1958.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Requests to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days in advance of the date of the hearing.

Issued: June 9, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-4457; Filed, June 11, 1958; 8:51 a. m.]

[Investigation 33]

Tungsten Ore and Concentrates

NOTICE OF PUBLIC HEARING

Investigation No. 33 under section 332, Tariff Act of 1930.

The United States Tariff Commission has ordered that a public hearing in connection with the investigation instituted March 20, 1958, under section 332 of the Tariff Act of 1930, in accordance with a resolution of the Committee on Finance, United States Senate, relating to tungsten ore and concentrates, be held beginning at 10 a. m., e. d. s. t., on July 29, 1958. The announcement regarding institution of the investigation appeared in the FEDERAL REGISTER (23 F. R. 2018).

Interested parties desiring to appear and to be heard at the hearing should notify the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days before the date of the hearing. The hearing will be held in the Tariff Commission hearing room on the third floor of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Issued: June 9, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-4458; Filed, June 11, 1958; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

Eugene Schlegel

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eugen Schlegel, Route de Villars 19, Fribourg, Switzerland; $90.82 in the Treasury of the United States.

$300.00 (£20 NV at $5.00 per £) Potash Syndicate of Germany 7% Gold Bonds, Series A, due January 1, 1973, Nos. 53823, 53824, and 53825, presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York.

Vesting Order No. 18007; Claim No. 63865.

Executed at Washington, D. C., on June 6, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4454; Filed, June 11, 1958; 8:50 a. m.]

Takeshi Yorizane

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Takeshi Yorizane, Midokiimura Asagun, Hiroshima ken, Japan; $287.84 in the Treasury of the United States.

Vesting Order No. 16325; Claim No. 61391.

Executed at Washington, D. C., on June 6, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4455; Filed, June 11, 1958; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8614]

Aerovias Sud Americana; Certificate Renewal Case

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 25, 1958, at 10:00 a. m., e. s. t., at The Allison Hotel, Miami Beach, Florida, before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., June 5, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4467; Filed, June 11, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

Fourth Section Applications for Relief

JUNE 9, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34744: *Scrap iron or steel—Muskegon, Mich., to Niagara frontier points.* Filed O. E. Schultz, Agent (ER No. 2442), for interested rail carriers. Rates on scrap iron or steel (not copper clad), carloads, as described in the application, from Muskegon, Mich., to Buffalo, East Buffalo, Buffalo Lake, Black Rock, North Tonawanda, Niagara Falls and Suspension Bridge, N. Y.

Grounds for relief: Competition of carriers by water.

Tariff: Supplement 23 to Grand Trunk Western Railroad Company's tariff I. C. C. No. A-100.

FSA No. 34745: *Gasoline—New Mexico points to Interstate points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7306), for interested rail carriers. Rates on natural gasoline, tank-car loads from Baca, Ciniza, Gallup, Wingate and Zuni, N. Mex., to points in southwestern, western trunk-line, official and southern territories.

Grounds for relief: Short-line distance formulas, among others, and competition with other producing points.

Tariffs: Supplement 179 to Southwestern Lines tariff I. C. C. 4086, and other supplemental schedules listed in the application.

FSA No. 34746: *Liquefied petroleum gas, Zuni, N. Mex., to southern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7305), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Zuni, N. Mex., to points in southern territory described in the application.

Grounds for relief: Short-line distance formula, among others.

Tariff: Supplement 157 to Southwestern Lines tariff I. C. C. 4118.

By the Commission.

[SEAL] Harold D. McCoy,
Secretary.

[F. R. Doc. 58-4450; Filed, June 11, [illegible] 8:50 a. m.]

PART II

FEDERAL REGISTER

VOLUME 23 NUMBER 115

Washington, Thursday, June 12, 1958

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[9th General Revision of Export Regs.]

REVISION OF SUBCHAPTER

Introductory statement and explanations. The purpose of this Ninth General Revision is to codify the regulations relating to the control of exports issued under the authority of the Export Control Act of 1949 (50 U. S. C. App. 2023). This revision supersedes the Eighth General Revision of Export Regulations issued June 15, 1956, published in 21 F. R. 4111 et seq., as amended by Amendments No. 1 through 51 and Amendments P. L. No. 1 through 19, with the exception of the saving clauses, which may still be operative, contained in any such amendments and substantive changes noted hereafter. The Export Regulations are also published in the Comprehensive Export Schedule and Current Export Bulletins issued by the Bureau of Foreign Commerce. The Comprehensive Export Schedule issued April 1, 1958 contains the regulations included in this revision.

In making this revision, obsolete provisions of the Regulations have been deleted, minor revisions have been made in the text and other material of the Regulations for the purpose of clarification. In addition, some substantive changes not heretofore published in the FEDERAL REGISTER have been incorporated.

The Positive List of Commodities has been completely revised to incorporate the new Schedule B numbers appearing in the 1958 edition of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States. There have also been some commodities added and deleted in this revised list.

The substantive amendments contained herein have been published in Current Export Bulletin 798, dated April 1, 1958.

Copies of all forms required by the Export Regulations are filed with the Federal Register Division.

Part
368 Mutual assistance on U. S. imports and exports (as applied to selected U. S. imports).
370 Scope of export control by Department of Commerce.
371 General licenses.
372 Provisions for individual and other validated licenses.
373 Licensing policies and related special provisions.
374 Project licenses.
375 Blanket (BLT) license.
376 Periodic requirements (PRL) license.
377 Time limit (TL) license.
379 Export clearance and destination control.
380 Amendments, extensions, transfers.
381 Enforcement provisions.
382 Denial of export privileges.
383. Appeals.
384. General orders.
385 Exportations of technical data.
398 Priority ratings.
399 Positive list of commodities and related matters.

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

§ 368.1 *Import certificate and delivery verification on selected imports into the United States*—(a) *What this regulation does*—(1) *General.* The United States and a number of foreign countries have undertaken to institute certain procedures to facilitate trade among themselves in strategic commodities and those in short supply by increasing the effectiveness of their respective controls over international trade in such commodities. These procedures contemplate that, where required by the exporting country with respect to specific transactions, the importer will affirmatively undertake to import into the economy of his country the commodities involved and will not divert, transship, or reexport the commodities to another destination except in accordance with export control regulations of the importing country. Representations to this effect are made by the importer to his government which in turn certifies that such representations have been made.

(2) *Representations by importer.* As a part of its responsibilities in the foreign trade field, including its export control responsibilities, the Department of Commerce has engaged to receive these representations from persons in the United States regarding the intended destination of commodities and to act as certifying agent, by issuing appropriate certificates that such representations have been filed with the Department of Commerce. The making of these representations to the Department of Commerce and the certifying thereof will serve to satisfy the requirements of the foreign country in this respect and will, in addition, substantially assist in effectuating United States export controls. It should be noted, however, that these representations, which prescribe that the commodities will be entered into the United States, do not preclude the temporary unlading of the goods in a foreign trade zone for subsequent entry into the economy of the United States.

(3) *Exports.* Comparable procedures with respect to exports from the United States are described in § 373.2 of this chapter.

NOTE: 1. *Arms, ammunition, and implements of war.*[1] Items enumerated in the U. S. Munitions List (22 CFR Parts 121–125) covering arms, ammunition and implements of war are not governed by the provisions of Part 368. (Information on comparable procedures relating to these items may be obtained from the Office of Munitions Control, Department of State, Washington 25, D. C.)

2. *Commodities subject to the Atomic Energy Act.* Through agreement between the Department of Commerce and the U. S. Atomic Energy Commission, the procedure set forth in Part 368 will apply to commodities classified as "source material," "byproduct material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

(b) *United States Import Certificate*—(1) *General.* Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an Import Certificate, such person shall apply for his certification by filling out and executing Form FC-826, Import Certificate,[3] in triplicate (in quadruplicate for "source material," "by-product material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission).

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[1] See § 370.4 (a) of this chapter for listing of these commodities.

(2) *Where to file.* (i) All requests for certification and validation of Import Certificates or requests for amendments of Import Certificates may be filed with the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., or with any of the following field offices of the Department of Commerce:

Boston.
Buffalo.
Chicago.
Cincinnati.
Cleveland.
Dallas.
Detroit.
Houston.
Jacksonville.
Los Angeles.
Miami.
New Orleans.
New York.
Philadelphia.
Pittsburgh.
Portland.
San Francisco.
Savannah.
Seattle.

(Blank forms are obtainable at the same offices or any other field office.)

(ii) The Import Certificate may be presented for validation either in person or by mail. The duly validated form will be returned to the United States importer and shall be dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country.

(iii) In accordance with international practice, the issuing office upon request will stamp the Import Certificate with a triangular symbol to indicate to the government of the exporting country that the importer is uncertain whether the commodities will be imported into the United States, or knows that the commodities will not be imported into the United States, but they will not be delivered to any destination except in accordance with the United States Export Regulations. The placing of a triangular symbol on a United States Import Certificate is not, in and of itself, an approval by the Bureau of Foreign Commerce to transfer or sell commodities to a foreign consignee. (See subparagraph (7) of this paragraph for method of obtaining such approval.)

(3) *Validity period.* (i) The Import Certificate will be valid for a period of 90 days from the date of certification by the Department of Commerce official. This document will not be acceptable to the authorities of the exporting country unless presented within 90 days from the date of certification. Importers are cautioned that this time limitation for the presentation of the Import Certificate to the exporting country in no way relieves them of their responsibility to adhere to the commitments made therein.

(ii) Where the validity period of an Import Certificate has expired before its presentation to the foreign government and an extension is desired, the United States importer should apply for a new Import Certificate.

(4) *"Cross Reference Card" (Form IT- or FC-827).* In submitting Form FC-826, the United States importer shall fill out and attach a "Cross Reference Card," Form IT- or FC-827, showing his name and address. Form FC-826 will be returned without action unless accompanied by a Cross Reference Card.

(5) *Statements and representations.* (i) All statements and representations made in an Import Certificate and any amendment thereto shall be deemed to be continuing in nature, until such time as the transaction described in the Import Certificate is completed and the goods are delivered into the economy of the importing country. Any change of fact or intention in regard to the transaction as set forth in the Import Certificate shall be promptly disclosed to the Department of Commerce by the United States importer. Such disclosure shall be by presentation of an amended Import Certificate which sets forth all changes of facts or intention, and shall be accompanied by the original Import Certificate bearing the certification of the Department of Commerce. In those cases where the original Import Certificate has been transmitted by the United States importer to his foreign exporter, the United States importer shall, wherever possible, obtain the original Import Certificate prior to applying for an amendment of such Import Certificate. Where the Original Import Certificate is unobtainable because the foreign exporter has surrendered it to his government, or for any other valid reason, the United States importer shall submit a written statement giving his reason, or reasons for failure to submit the original Import Certificate.

(ii) All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form FC-826 are hereby incorporated as a part of this section with the same force and effect as if set forth in full herein.

(6) *Lost or destroyed Import Certificates.* Where an Import Certificate is lost or destroyed, a duplicate copy of such Import Certificate may be obtained by the person in the United States who executed the original Import Certificate by submitting to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., or any field office of the Department of Commerce listed in subparagraph (2) of this paragraph, a new set of Forms FC-826 in accordance with the provisions of subparagraph (1) of this paragraph and accompanied by a letter certifying:

(i) That the original Import Certificate No. ______ (if known) dated ______, issued to (name and address of U. S. importer) for importation from (foreign exporter's name and address) has been lost or destroyed;

(ii) The circumstances under which is was lost or destroyed; and

(iii) If the original Import Certificate is found, the applicant agrees to return the original or duplicate Import Certificate to the Department of Commerce.

(7) *Approval of shipment, transfer, or sale of commodities to a foreign consignee.* (i) The written approval of the Bureau of Foreign Commerce is required before commodities covered by a United States Import Certificate whether or not bearing a triangle, may be shipped to a destination other than the United States or Canada or sold to a foreign purchaser, and before title to or possession of such commodities may be transferred to a foreign transferee.[3] [4]

(ii) In such cases, a letter requesting approval of the release of the shipment shall be submitted to the Bureau of Foreign Commerce. The letter shall show the United States Import Certificate number, the date issued, the location of the issuing office, and the names, addresses, and identity of all parties to the complete transaction, as well as the quantity, the dollar value, and the description of the commodity. The letter shall be accompanied by an Import Certificate, an ultimate consignee statement, or other documentation as required by the Export Regulations for the country of ultimate destination, as provided for license applications in §§ 373.2, 373.65, 373.66, 373.67, 373.69, and 373.70 of this chapter. Where none of these numbered sections of the Export Regulations apply to the transaction, the letter shall include the intended end-use of the commodities.

(iii) Where the Bureau of Foreign Commerce approves a request supported by a foreign import certificate (other than a Swiss Blue Import Certificate), further approval is not required in order for the purchaser or transferee to resell or again transfer the commodities. However, where the Bureau of Foreign Commerce approves a request which was not supported by a foreign import certificate, the person to whom approval is granted is required to inform the purchaser or transferee in writing that the commodities are to be shipped to the approved destination only and that no other disposition of the commodities is permitted without the approval of the Bureau of Foreign Commerce.

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[3] Form FC-826 may be obtained from all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

[3] The provisions of this subparagraph (7) do not apply after the commodities have been delivered in accordance with the undertaking set forth in the United States Import Certificate.

[4] The attention of United States purchasers is directed to the Transaction Control Regulations of the U. S. Treasury Department (Title 31 of the Code of Federal Regulations, §§ 505.01 to 505.60). These regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of any merchandise in any foreign country when the transaction involves a shipment from any foreign country to any Subgroup A destination, of merchandise included in the Positive List (Part 399) followed by the letter "A", or of a type prohibited by any of the several regulations referred to in § 370.4 of this chapter.

The attention of purchasers is also directed to the Foreign Assets Control Regulations of the U. S. Treasury Department (Title 31 of the Code of Federal Regulations, Sections 500.101 to 500.808). These Regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, or nationals thereof have or have had, any interest, direct or indirect, since December 17, 1950. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese or North Korean origin, or is Chinese type merchandise specified in the Regulations.

(iv) If approval of the transaction is granted by the Bureau of Foreign Commerce, a validated letter of approval will be sent to the United States purchaser for retention in his records. Where a Delivery Verification or other official governmental confirmation of delivery is required, the validated letter from the Bureau of Foreign Commerce will so indicate.

(v) If the commodities covered by a United States Import Certificate have been imported into Canada or into any other ultimate destination other than the United States, and the foreign exporter of the commodities requests a Delivery Verification from the person who obtained the United States Import Certificate, the Import Certificate holder shall obtain a Delivery Verification from the person to whom the goods were delivered in the importing country (or if a Delivery Verification is unobtainable, other official governmental confirmation of delivery), and submit it to the Bureau of Foreign Commerce, together with an explanatory letter showing the United States Import Certificate Number, the date issued and the location of the issuing office. The Bureau of Foreign Commerce will then notify the governmental authorities of the exporting country that the requirements of the government of the United States have been satisfied with respect to the delivery of the commodities.

(8) *Delivery, sale, or transfer of commodities covered by a United States Import Certificate to another United States purchaser.* (i) (*a*) Commodities covered by a United States Import Certificate may not be sold, and title to or possession of such commodities may not be transferred to another United States purchaser or transferee, before the commodities are delivered to the United States (or to an approved foreign destination, as provided by subparagraph (7) of this paragraph except in accordance with the following provisions.[5]

(*b*) Resale or transfer to another United States purchaser or transferee requires the prior approval of the Bureau of Foreign Commerce only in cases where the buyer or transferee is listed in § 382.51 of this chapter, Supplement 1, "Table of Compliance Orders Currently in Effect Denying Export Privileges," as amended by Current Export Bulletins. However, the person who obtained the Import Certificate is required under the terms of the Certificate to notify the Bureau of Foreign Commerce of any changes in facts or intentions relating to the transaction, and in all cases he is held responsible for the delivery of the commodities in accordance with the Export Regulations. In order to carry out this responsibility, the seller or transferor in all cases is required to secure, prior to sale or transfer, and to retain in his files for three years written acceptance by the purchaser or transferee of: (*1*) all obligations undertaken by and imposed under the Export Regulations of the United States upon the holder of the United States Import Certificate; and (*2*) an undertaking that all subsequent sales or transfers will be made subject to the same conditions.

(ii) The responsibility of the United States person or firm executing an Import Certificate for providing the foreign exporter with confirmation of the delivery of the commodities covered includes instances where the commodities resold are transferred to another United States person or firm prior to actual delivery to the United States or to an approved foreign destination. Where such resale or transfer occurs, the person who executed the Import Certificate shall secure in writing from the United States purchaser or transferee, and retain in his files for three years: (*a*) acceptance of the obligation to provide him with either the delivery verification (or other official governmental confirmation of delivery if a Delivery Verification is unobtainable) or assurance that this documentation was submitted to the Bureau of Foreign Commerce, and (*b*) an undertaking that each succeeding United States transferee or purchaser will assume the obligations set forth in (*a*) of this subdivision. In each case the seller or transferor shall transmit to the purchaser or transferee the identification number of the United States Import Certificate covering the exportation from the foreign country, and request that they pass it on to any other United States purchasers or transferees.

(c) *Reexportation or transshipment of commodities covered by a U. S. Import Certificate.* Commodities imported into the United States under the provisions of a United States Import Certificate, Form FC-826, may not be reexported to any destination under the provisions of General License GIT (see § 371.9 of this chapter). However, all other provisions of the Export Regulations applicable to commodities of domestic origin shall apply to the reexportation of commodities of foreign origin shipped to the United States under the provisions of a United States Import Certificate, Form FC-826.

(d) *Delivery verification on imports into the United States*—(1) *General.* (i) United States importers may be requested by their foreign exporters to supply them with a certified Delivery Verification, Form FC-908 (Rev. 10-17-57), covering materials imported into the United States. These requests are made by the various foreign governments for the purpose of assuring that strategic goods shipped to the United States are not diverted from their intended destination. The issuance of an export license in these instances is conditioned upon the subsequent receipt of certified Delivery Verifications from the U. S. importer.

(ii) Failure on the part of the United States importer to comply with his foreign exporter's request will result in the exporter's inability to fulfill this obligation to his government and may result in his being denied further export licenses. This action obviously would prevent the United States importer's participation in further import transactions with such foreign exporter. It also may result in the United States importer being cut off from any trade with the exporting country requesting the Delivery Verification. In addition, the foreign exporter may be subjected to other penalties for his failure to furnish his government a certified Delivery Verification.

(iii) Where a United States person or firm is required to provide a delivery verification and does not wish to disclose to his seller or transferor the name of his customer he may obtain the Delivery Verification and send it to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C. The Bureau of Foreign Commerce, will then undertake to notify the governmental authorities in the country of the seller or transferor of the satisfactory delivery of the commodities. In notifying the country requesting the Delivery Verification the Bureau of Foreign Commerce will forward an appropriately modified Form FC-956 "Delivery Compliance Notice" signifying the receipt of satisfactory assurances that the commodities were imported into the United States.

(2) *Completion and disposition of delivery verifications.* A United States importer who is required by the foreign government to obtain a Delivery Verification shall present Form FC-908 (Rev. 10-17-57),[6] Delivery Verification, in original only, to the Collector of Customs. The Collector of Customs will certify Delivery Verifications after the importation has been delivered to the importer. Delivery Verification forms will be certified by Collectors of Customs only where the importation is made by a warehouse or consumption entry. Form FC-908 (Rev. 10-17-57) shall be completed by the United States importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and certification at the bottom of the form. The commodities described on the form shall be in the same terms as those shown on the related Import Certificate. The duly certified form shall be dispatched by the United States importer to the foreign exporter or otherwise disposed of in accordance with the instructions of the exporting country.

(3) *Lost or destroyed Delivery Verification.* When a Delivery Verification, Form FC-908 (Rev. 10-17-57) is lost or destroyed, the United States importer shall prepare a duplicate copy in the same manner as set forth in subpara-

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[5] The provisions of this subparagraph (8) do not apply after the commodities have been delivered in accordance with the undertaking set forth in the United States Import Certificate.

[6] Form FC-908 (Rev. 10-17-57) may be obtained from all Department of Commerce field offices, from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., and from offices of Collectors of Customs.

graph (2) of this paragraph, except that the Delivery Verification will not be presented to the Collector of Customs for certification. The United States importer shall attach to the duplicate copy of Form FC-908 (Rev. 10-17-57) a letter addressed to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., certifying:

(i) That the original Delivery Verification, a copy of which is attached, has been lost or destroyed;

(ii) The circumstances under which it was lost or destroyed; and

(iii) The type of customs entry (warehouse or consumption), entry number, and date of entry.

The Bureau of Foreign Commerce will undertake to confirm the facts with the Collector of Customs at the port of entry and also notify the exporting government.

(e) *Penalties and sanctions for violations*—(1) *Administrative.* (i) The enforcement provisions of Part 381 of this chapter, and § 384.2 (a) of this chapter, and the denial or suspension of export privileges provisions of Part 382 of this chapter shall apply to transactions involving imports into the United States covered by this part. Any provisions of Part 381 and § 384.2 (a) of this chapter which by their terms relate to "exportations" or "exportations from the United States" are also deemed to apply and extend to imports or importations into the United States, applications for Import Certificates, Import Certificates, and Delivery Verifications, dealt with in this part. (A Form FC-826, Import Certificate, when presented to the Department of Commerce for certification or validation, is an application for Import Certificate.)

(ii) Any person, either in the United States or abroad, who violates the Export Control Act or any regulation, order, or license issued thereunder, including the provisions of this part, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Department of Commerce; in suspension, revocation, and denial of export privileges under the Export Control Act; and in exclusion from practice before the Bureau of Foreign Commerce.

NOTE: Applications for Import Certificates, and Delivery Verifications, as specified in this Part 368, are included within the definition of export control documents set forth in § 370.1 (n) of this chapter.

(2) *Criminal.* The U. S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a United States department or agency. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both. In addition, each violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than $10,000 or by imprisonment for not more than one year, or both.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Sec.
370.1 Definitions.
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370.6 In-transit shipments without unloading.
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370.8 Shipments via Hong Kong.
370.9 Shipments which transit a Subgroup A country enroute to a non-Subgroup A destination.

AUTHORITY: § 370.1 to 370.9 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 370.1 *Definitions.* When used in the Export Regulations:

(a) *Person.* "Person" shall be construed to mean the singular or plural, an individual, corporation, partnership, association, company, or any other kind of organization whatsoever, including any government or agency thereof.

(b) *The United States.* "The United States" shall, unless otherwise specifically stated, be construed to include the District of Columbia, the Canal Zone, and all territories, dependencies, and possessions of the United States.

(c) *Export Control Law and Export Regulations.* (1) "Export Control Law" means Export Control Act of 1949, as amended, and includes section 6 of the act of July 2, 1940, 54 Stat. 714, as amended.

(2) "Export Regulations" refers to and means the regulations set forth in Parts 368-399, inclusive, of this chapter, and contained in the Comprehensive Export Schedule published by the Department of Commerce.

(d) *Department of Commerce.* "The Department of Commerce" shall be construed to refer to and include the Bureau of Foreign Commerce of the Department of Commerce.

(e) *Schedule B Numbers.* "Department of Commerce Schedule B numbers" is defined as numbers so designated in, and appearing in, the 1958 edition of the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.

(f) *Commodity.* "Commodity" means any article, material, or supply except technical data.

(g) *Positive list of commodities.* (1) "Positive List of Commodities" means the list of commodities incorporated in § 399.1 of this chapter.

(2) "RO commodities" means commodities included on the Positive List of Commodities and identified by the symbol "RO" in the column headed "Validated License Required."

(3) "R commodities" means commodities included on the Positive List of Commodities and identified by the symbol "R" in the column headed "Validated License Required."

(h) *License application.* "Application for license" and "license application" and words of similar import mean an application for a validated license.

(i) *Validated license.* "Validated license" means an individual or other type of export license or any other document authorizing exportation, granted or issued by or under the authority of the Department of Commerce. The term also includes the phrase "license granted or issued upon application" and words of similar import and, unless the context otherwise indicates, the phrase "export license."

(j) *General license.* "General license" means a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in the Export Regulations.

(k) *Port of exit; collector of customs; export declaration.* "Port of exit" includes, in the case of an exportation by mail, the place of mailing; "Collector of Customs" includes Postmasters unless the context otherwise indicates; and "Shipper's Export Declaration" includes any declaration required under regulations of the Department of Commerce and other Government departments or agencies in connection with exportations.

(l) *Exporting carrier.* "Exporting carrier" includes any instrumentality of water, land, or air transportation by which an exportation is effected.

(m) *Consignee.* "Consignee" includes ultimate consignee or purchaser.

(n) *Export control document.* (1) "Export control document" means a validated Export License; an Application for Export License, including any supporting documents; an Ultimate Consignee or Purchaser Statement; an application for Import Certificate, an Import Certificate, and a Delivery Verification, as specified in Parts 368 and 373 of this chapter; a Shipper's Export Declaration presented to a Collector of Customs or Postmaster in connection with the clearance of any shipment for exportation to Canada or, under validated or general license, to any other foreign destination, whether or not authenticated by a Collector or Postmaster; a Dock Receipt or Bill of Lading issued by any carrier in connection with any exportation subject to the Export Regulations; and any other document issued by a U. S. Government agency pursuant to the Export Regulations as evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license, or the reexportation of any such commodities.

(2) "Export control document" also means the following documents: Customs Form 3139, Application for Identi-

fication Card of Authorized Forwarding Agent or Exporter; Customs Form 3141, Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof; and Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit when used for Transportation and Exportation (T. & E.) or Immediate Exportation (I. E.).

(o) *Parties.* "Parties" in connection with any export control document and any exportation means (1) the purchaser who is the person abroad who has entered into the export transaction with the applicant (licensee) to purchase the commodities for delivery to the ultimate consignee; (2) the order party, who is the person in the United States who has received the order from the foreign purchaser or ultimate consignee; (3) the licensee named in the export control document (identified in Shipper's Export Declaration forms as "principal or seller"), who shall be the exporter; (4) the ultimate consignee who (i) is the person to whom the licensee is authorized to export by sale, consignment, or otherwise, and (ii) is situated in the country of ultimate destination named in the same document; and (5) the intermediate consignee named in the export control document (also identified in Form FC-419), to whom the commodities may be consigned for the purpose of effecting delivery to the ultimate consignee.

§ 370.2 *Prohibited Exportations*—(a) *General provisions.* Subject to the provisions of §§ 370.3, 370.3a, and 370.4, the exportation from the United States of all commodities and all technical data as defined in § 385.1 of this chapter is hereby prohibited unless and until a license authorizing such exportation shall have been established or granted by the Department of Commerce, except:

(1) Exportations to Canada, and

(2) Exportations for the official use of or consumption by the United States Armed Forces when shipped by or consigned to any branch thereof under a United States Government Bill of Lading or a United States Government space charter or by means of a United States Government-owned or Government-chartered carrier, and

(3) Exportations of commodities and technical data controlled by another government agency.

(b) *Positive list of commodities.* The commodities set forth on the Positive List of Commodities (see § 399.1 of this chapter) may not be exported from the United States to any destination unless and until a license authorizing the exportation shall have been applied for and granted or issued by the Department of Commerce, except where exportation of such commodities is authorized by the provisions of an established general license as set forth in Part 371 of this chapter, and except where authorized with respect to certain commodities by the provisions of a footnote on the Positive List of Commodities, and except where not subject as provided in paragraph (a) of this section to the general prohibition set forth therein.

NOTE: 1. *Requirement for Validated License.* RO commodities require validated licenses for export to all destinations except Canada. R commodities require validated licenses for export to destinations in Country Group R only. (See § 371.2 for definition of Country Groups O and R.)

2. *Commodity Coverage on Positive List.* Where the commodity description of a Schedule B number on the Positive List mentions only a part of the commodities covered by the Schedule B listing, only the commodity or commodities specifically mentioned are included on the Positive List. (For an example, refer to § 399.1, of this chapter, paragraph (b) of the General Notes to Positive List.)

(c) *Revocation of licenses.* All export licenses are subject to revision, suspension, or revocation without notice.

§ 370.3 *Shipments to Canada for reexportation to another foreign country.* The exportation from the United States to Canada of all commodities and all technical data as defined in § 385.1 of this chapter with the knowledge or intention that they are to be rexported therefrom to another foreign destination is hereby prohibited unless there has been established or granted upon application a license authorizing the exportation thereof to the country of ultimate destination.

NOTE: When such an exportation to a foreign country is made in transit via Canada, the United States exporter shall submit an authenticated copy of the U. S. Shipper's Export Declaration to the Canadian customs authorities at the Canadian port of entry.

§ 370.3a *Unauthorized disposition of foreign excess personal property purchased from the United States Armed Forces in foreign countries.* (a) In the event the United States Armed Forces shall sell in any foreign country any Positive List commodity, in used or new condition, which was exported from the United States pursuant to § 370.2 (a) (2), the prohibitions and sanctions provided in Parts 381 and 382 of the export regulations set forth in this chapter shall apply whenever such commodity is or is attempted to be transshipped, diverted or reexported to any destination contrary to the provisions of the contract of sale executed by the United States Armed Forces.

(b) The provisions of this section shall apply to any person who directly or indirectly participates or has an interest in any transaction involving Positive List commodities sold by the United States Armed Forces in any foreign country. Sanctions may include denial of participation in Armed Forces foreign excess personal property disposals, as well as United States export privileges.

§ 370.4 *Exportations authorized by Government agencies other than Bureau of Foreign Commerce*—(a) *Arms, ammunition, and implements of war.*[1] Regulations promulgated by the Secretary of State under the authority of section 414 of the Mutual Security Act of 1954 (68 Stat. 848) shall govern the exportation of arms, ammunition, and implements of war.

NOTE: 1. Regulations concerning the exportation of arms, ammunition, and implements of war are published in 22 CFR, Parts 121-125 and in the document "International Traffic in Arms." Copies of this publication are furnished by the Department of State upon request.

2. An application to export any of the following articles, which are listed in the United States Munitions List (22 CFR, Parts 121-125) should be made on the license form obtainable from the Department of State.

3. Any inquiries as to the applicability of the provisions of 22 CFR, Parts 121-125 to certain articles or commodities, application forms and procedure, or other matters relative to arms, ammunition, and implements of war should be addressed to the Office of Munitions Control, Department of State, Washington 25, D. C.

CATEGORY I—SMALL ARMS AND MACHINE GUNS

(a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns using ammunition of caliber .22 or over, except weapons using only caliber .22 rim-fire ammunition.

(b) All components and parts for machine guns and fully automatic rifles. Barrels and breech mechanisms for rifles, carbines, pistols and revolvers.

(c) Ammunition belting machines for machine guns.

(d) Firearm silencers.

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

(b) Components and parts, including but not limited to mounts and carriers.

CATEGORY III—AMMUNITION

(a) Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof, except caliber .22 rim-fire ammunition.

(b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuses or fuzes and components thereof, primers, and other detonating devices of such ammuntion.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, MINES, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, guided missiles, depth charges, chemical and incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation or detection of items enumerated in paragraph (a) of this category, including *inter alia* the following components and parts: fuses or fuzes and components thereof; bomb racks and shackles; bomb shackles release units; bomb ejectors; torpedo tubes; torpedo and guided missile boosters; launching racks and projectors; control mechanisms and control systems; pistols (exploders); igniters; fuze or fuse arming devices; and the following items related thereto; intervalometers and components thereof; bomb lift trucks; bomb and torpedo handling trucks; trailers, hoists, and skids for handling bombs; guided missile launchers, and specialized handling equipment.

(c) Land and naval mines and equipment for the laying, detection, detonation, and sweeping of mines. Components, parts, attachments and accessories specifically designed for mine laying, mine detection and detonation, and mine sweeping equipment.

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[1] Arms, ammunition and implements of war must be rendered useless beyond the possibility of restoration, before they can be licensed by the Bureau of Foreign Commerce for export as scrap metal. (See § 399.2 of this chapter, Interpretation 12.)

(d) Missile power plants and components and parts specifically designed therefor.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

(a) Fire control, gun and missile tracking and guidance, infrared, and other night-sighting equipment; range, position, and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights; bombing computers, military television sighting units, inertial platforms; gun sights, and periscopes for the articles enumerated throughout this List.

(b) Components, parts, accessories, and attachments specifically designed for the articles enumerated in paragraph (a) of this category.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

(a) Tanks;

(b) Military type armed or armored vehicles, and vehicles fitted with mountings for arms and other specifically designed military vehicles;

(c) Military half tracks;

(d) Military type tank recovery vehicles;

(e) Gun carriers;

(f) Trailers specifically designed to carry ammunition;

(g) Amphibious vehicles;

(h) All specifically designed components, parts and attachments for the foregoing;

(i) Military mobile repair shops specifically designed to service military equipment.

CATEGORY VII—TOXICOLOGICAL AGENTS

(a) Chemical agents, including tear gas;

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops;

(c) Equipment for the dissemination, detection, and identification of, and defense against, the items in paragraphs (a) and (b) of this category;

(d) Components, parts, attachments, and accessories specifically designed for the equipment described in paragraph (c) above.

CATEGORY VIII—PROPELLANTS, EXPLOSIVES AND INCENDIARY AGENTS

(a) Propellants for the articles enumerated in Categories III and IV hereof;

(b) Military high explosives;

(c) Military fuel thickeners;

(d) Military pyrotechnics, including projectors therefor.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships. Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, and submarines.

(b) Submarine and torpedo nets. Components, parts, attachments and accessories specifically designed for these articles.

(c) Harbor entrance magnetic pressure acoustic detection devices, controls and components thereof.

CATEGORY X—AIRCRAFT

(a) Aircraft and airborne equipment;

(b) All components, parts and accessories for aircraft. This does not include ground handling and maintenance equipment or bulk materials, such as dopes, paints, oils, cable, wire, tubing, hose, and aluminum sheets.

(c) Miscellaneous equipment used with aircraft, as follows:

(1) Catapults and cartridge-actuated devices utilized in emergency escape of personnel from aircraft;

(2) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, aircraft liquid oxygen converters, complete parachutes utilized for personnel, cargo, or deceleration purposes and complete harnesses and platforms therefor. Components and parts specifically designed for such articles.

(3) Aircraft landing mats, launching and recovery equipment.

CATEGORY XI—MILITARY ELECTRONICS

(a) Electronics equipment specially designed for military use, including equipment specially designed for altitudes above 50,000 feet or at temperatures of 500° centigrade or above;

(b) Radar of all types;

(c) Electronic countermeasure and jamming equipment;

(d) Military underwater sound equipment;

(e) Military communications-electronics equipment bearing a military designation;

(f) Electronic navigation and location-finding aids;

(g) Radio distance measuring systems such as Shoran; and hyperbolic grid systems, such as Raydist, Loran, and Decca;

(h) Components, parts, accessories and attachments specifically designed for use with equipment enumerated above.

CATEGORY XII—PHOTOGRAPHIC EQUIPMENT

Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting and photogrammetry equipment.

CATEGORY XIII—SPECIAL ARMORED EQUIPMENT

(a) Armor plate;

(b) Armored railway trains;

(c) Military steel and nylon helmets;

(d) Body armor and flak suits, and components and parts specifically designed for such articles.

CATEGORY XIV—SPECIALIZED MILITARY TRAINING EQUIPMENT

(a) Specialized military training equipment;

(b) Components, parts, attachments, and accessories specifically designed for such equipment.

CATEGORY XV—HELIUM GAS

CATEGORY XVI—MISCELLANEOUS ARTICLES

(a) Cryptographic devices (encoding and decoding);

(b) Self-contained diving and underwater swimming apparatus and components and auxiliary equipment specifically designed therefor;

(c) Protective clothing for guided missile fuel handling.

CATEGORY XVII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

CATEGORY XVIII—TECHNICAL DATA

Unclassified technical data relating to the articles herein designated as arms, ammunition, and implements of war.

(b) *Gold.* The gold regulations (31 CFR, Part 54) promulgated by the Secretary of the Treasury under the Gold Reserve Act of 1934 (48 Stat. 337) and section 5 (b) of the act of October 6, 1917, as amended by section 2 of the act of March 9, 1933 (48 Stat. 1), shall govern the exportation of gold, except that the exportation of fabricated gold (as defined in § 54.4 of this chapter) of which not more than 90 percent of the total domestic value is attributable to the gold content thereof shall also be subject to the Export Regulations of the Department of Commerce.

Note: 1. *Fabricated gold.* The exportation of "fabricated gold," as defined in the gold regulations issued by the Treasury Department (31 CFR, 54.4), is controlled by the Department of Commerce under an arrangement with the Treasury Department. All "fabricated gold" commodities which are not included on the Positive List may be exported to any destination, except Hong Kong, Macao, and Subgroup A destinations, under Department of Commerce General License GRO (see § 371.8 of this chapter).

2. *Semi-processed Gold.* For the export of "semi-processed gold," as defined in § 54.4 of said regulations, an application for a license to export must be filed with the Bureau of the Mint, Treasury Department. Exporters are cautioned that "semi-processed gold" (as defined by the gold regulations) presented for export as "fabricated gold" is subject to seizure.

(c) *Narcotics.* The Export Regulations of the Department of Commerce shall not govern the exportation of narcotic drugs and marihuana subject to the Narcotics Drugs Import and Export Act (21 U. S. C. 171 et seq.) and Marihuana Tax Act of 1937 (26 U. S. C. 2590, 3230 et seq.), as amended, respectively, and regulations promulgated thereunder, administered by the Treasury Department, Bureau of Narcotics.

Note: Under the provisions of the Narcotics Drugs Import and Export Act, as amended, and the Federal marihuana law, the authority to control exports and imports of narcotic drugs, which are listed below, is vested in the Treasury Department, Bureau of Narcotics:

(1) Amidone or Methadon (Adanon and Dolophine—trade names).

(2) Coca leaves and their derivatives.

(3) Isonipecaine (Demerol—trade name).

(4) Marihuana or cannabis.

(5) Opium and its derivatives.

(6) Opiates.

(7) Any medicine or preparation containing any quantity of the foregoing drugs or their derivatives.

(d) *Commodities subject to Atomic Energy Act.* Regulations promulgated by the Atomic Energy Commission under the authority of the Atomic Energy Act of 1954 (10 CFR Parts 30, 40, 50, and 70), or as the same may be amended from time to time, shall govern the exportation of "by-product material," "source material," "special nuclear material," and "facilities for the production or utilization of special nuclear material" (except components for such facilities, which are licensed for export by the Bureau of Foreign Commerce) as defined in said act and regulations.

Note: 1. *Definitions*—(a) *Byproduct material.* The term "byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) *Source material.* The term "source material" means any material except special nuclear material, which contains: by weight one-twentieth of one percent (0.05%) or more of (1) uranium, (2) thorium, or (3) any combination thereof.

(c) *Special nuclear material.* The term "special nuclear material" means plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, or any material artificially enriched by any of the foregoing.

(d) *Production facility.* The term "production facility" means:

(i) Any nuclear reactor designed or used primarily for the formation of plutonium or U-233, or

(ii) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

(iii) Any facility designed or used for the chemical, physical, or metallurgical processing or fabricating or alloying of special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(e) *Utilization facility.* The term "utilization facility" means: any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

2. *Regulations, forms, and instructions.* Copies of the Atomic Energy Commission regulations, together with forms and instructions for submitting license applications, and information with respect to the issuance of a license, may be obtained from the United States Atomic Energy Commission, Division of Licensing and Regulation, Washington 25, D. C.

(e) *Vessels.* The sale to a foreign purchaser and/or the transfer to foreign registry of vessels which are owned by citizens of the United States, regardless of size, type or documentation, is subject to the approval of the U. S. Maritime Administration under the authority of Sections 9 and 37 of the United States Shipping Act of 1916, as amended (46 U. S. C. 808 & 835; 46 CFR Part 221). However, for vessels of war, as defined in the United States Munitions List (see § 370.4 (a) of this chapter), export authorization must be obtained from both the State Department and the Maritime Administration.

(f) *Natural gas.* The provisions of the Natural Gas Act of 1938 (52 Stat. 822; 15 U. S. C. 717b) and of Executive Order No. 8202, dated July 13, 1939 (4 F. R. 3243, 3 CFR, 1943 Cum. Supp.) and the regulations heretofore or hereafter promulgated by the Federal Power Commission pursuant to said Act and Executive Order (18 CFR, Part 153) shall govern the exportation of "natural gas" as defined in said Act, and the construction, operation, maintenance, or connection of facilities for such exportation at the United States side of international boundaries.

§ 370.5 *Shipments to territories, dependencies, and possessions of the United States*—(a) *Territories, dependencies, and possessions.* No license is required for shipments from the United States to the Canal Zone or any territory, dependency, or possession of the United States, as listed in Schedule C issued by the Bureau of the Census.

(b) *Trust territory of the Pacific Islands.* For the purpose of export control, the Trust Territory of the Pacific Islands (i. e., the Caroline Islands, the Marshall Islands, and the Marianas Islands, except Guam, which is an island possession of the United States) shall be accorded the same treatment as the territories and possessions of the United States and, accordingly, an export license is not required for shipments of commodities thereto.

§ 370.6 *In-transit shipments without unloading.* Commodities shipped by vessel from one foreign country and passing through the United States in transit to another foreign country may be exported without a license from the Department of Commerce; provided that while in waters subject to the jurisdiction of the United States, they have not been unladen from the vessel on which they entered such waters, and provided further, that they are not originally manifested to the United States.

NOTE: *Commodities Excepted from General License GIT.* Any commodity which is excepted from the provisions of General License GIT (§ 371.9 (c) of this chapter) and which is manifested to the United States requires a validated license for on-forwarding to all destinations, regardless of whether unladen from a vessel in waters subject to the jurisdiction of the United States.

§ 370.7 *Shipments entering foreign trade zones*—(a) *General provisions.* Commodities identified on the Positive List of Commodities (§ 399.1 of this chapter) by the symbol "C" in the column headed "Commodity Lists" may not be exported from a foreign trade zone without an export license from the Bureau of Foreign Commerce. Other commodities wholly of foreign origin for which no customs entry has been made with a Collector of Customs may be exported from a foreign trade zone without an export license to:

(1) Any destination other than Hong Kong, Macao, Poland (including Danzig) and Subgroup A, and

(2) Hong Kong, Macao, Poland (including Danzig) and Subgroup A destinations only if the same exportation may be made directly from the United States under the provisions of a general license.

(b) *Shipments originating in Canada.* Shipments of commodities originating in Canada and moving through the United States may be exported from a foreign trade zone without a license from the Department of Commerce provided such exportation meets the conditions set forth in § 371.9 (b) (1) of this chapter, General License GIT; or when exported to an ultimate destination to which the same commodity could be exported under General License GO.

§ 370.8 *Shipments via Hong Kong*—(a) *General.* Notwithstanding restrictions upon shipments to Hong Kong set forth elsewhere in the Export Regulations, shipments may be made via Hong Kong subject to the provisions set forth in paragraphs (b), (c), and (d) of this section.

(b) *Shipments not unloaded at Hong Kong.* General and validated license shipments, which are manifested to any ports other than Hong Kong, Macao, and those in Subgroup A destinations, and which proceed through Hong Kong only for the purpose of exchanging Bills of Lading, but which are not to be discharged, off-loaded, or transshipped at Hong Kong, may proceed without the necessity of bonding such shipments against discharge in Hong Kong, provided the Bill of Lading calls for discharge at the port to which the shipment is manifested. Bills of Lading permitting discharge only at an unrestricted port by the use of a statement such as "Singapore via Hong Kong" may be cleared without bond. However, shipments which are either manifested to, or under Bills of Lading calling for, "Hong Kong" as port of discharge or "Hong Kong in-transit to Singapore," or any other similar designation indicating Hong Kong as port of discharge, may not be cleared without a validated export license specifically authorizing transshipment at Hong Kong.

(c) *General License GRO shipments under a through bill of lading.* (1) Shipments of all commodities under General License GRO may be transshipped at Hong Kong without the necessity of obtaining a validated license: *Provided,* (i) Such transshipments are made under a through Bill of Lading to a destination outside of Hong Kong, Macao, or Subgroup A and (ii) the shipment is maintained in the custody of the originating or on-forwarding carrier at all times.

(2) For purposes of this regulation a through Bill of Lading includes a contract of carriage with a carrier for transportation from the United States of the commodities to the country of ultimate destination named on the authenticated Shipper's Export Declaration. The actual transportation may be made by more than one carrier and may involve more than one transportation document.

(d) *Validated license shipments under a through bill of lading.* Subject to the provisions shown in paragraph (c) of this section, commodities shipped under a validated license for an ultimate destination other than Hong Kong may be transshipped at Hong Kong without the necessity of obtaining specific authorization from the Bureau of Foreign Commerce on the validated license.

§ 370.9 *Shipments which transit a Subgroup A country enroute to a non-Subgroup A destination.* The exportation from the United States of commodities which will be unladen from a vessel or aircraft in a Subgroup A country or which will move intransit through a Subgroup A country enroute to a non-Subgroup A destination is hereby prohibited unless a validated license specifically authorizing the transshipment or intransit shipment, or both, shall have been granted by the Department of Commerce, except:

(a) An exportation made to West Berlin which will transit East Germany (the Soviet Zone of Germany and the Soviet Sector of Berlin), and

(b) An exportation to a non-Subgroup A destination of a non-Positive List commodity which is exportable under a general license directly from the United States to the Subgroup A country of transit or unlading.

NOTE: See § 372.16 of this chapter with respect to filing applications for validated licenses to export commodities which will be unladen from a vessel or aircraft in a Subgroup A country or which will move intransit through a Subgroup A country enroute to a non-Subgroup A destination.

PART 371—GENERAL LICENSES

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AUTHORITY: §§ 371.1 to 371.52 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. app. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 371.1 *Definition.* A "general license" is a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in the Export Regulations.

§ 371.2 *General provisions*—(a) *Export declarations.* No exportation may be made pursuant to any general license established in Parts 371 and 385 of this chapter unless prior to said exportation, whenever required by the Export Regulations, or by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, a Shipper's Export Declaration describing the commodity or commodities to be exported has been filed with the Collector of Customs at the port of exit or with the Postmaster at the place of mailing; or, unless at the time of said exportation, whenever the filing of a Declaration is not required, an oral export declaration describing the commodity or commodities is made to a Collector at the port of exit.

(b) *Use of general license symbol*—(1) *Symbol on shipper's Export Declaration.* A person exporting any commodity or technical data pursuant to any general license established in Parts 371 or 385 of this chapter shall enter on the Shipper's Export Declaration, when the Declaration is required, the designation or symbol of the general license authorizing the exportation. The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

Example. If medicinals are to be sent to a member of the American Embassy in a foreign country, they may be exported under general license GUS, and the exporter will note on the Declaration the symbol GUS to indicate that the exportation is licensed.

(2) *Symbol on mail shipments.* (i) In the case of exportations by mail, except as provided in subdivision (ii) of this subparagraph, the designation or symbol of the general license shall be entered also on the address side of the wrapper of the parcel and shall be followed by the phrase "Export License Not Required." The use of such designation or symbol and the above phrase shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

(ii) The general license designation or symbol and the above phrase is not required on the wrapper if the exported material meets the provisions of General License GTOP, GTDU, GTDS, or GPUB.

(c) *Applicability*—(1) *Prohibited shipments.* No general license set forth in Parts 371 and 385 of this chapter may be used to effect an exportation to a destination for which such general license has been suspended or revoked. In addition, except as provided by the provisions of § 370.9 of this chapter, no general license may be used to effect an exportation which will be unladen from a vessel or aircraft in a Subgroup A country or which will move in transit through a Subgroup A country enroute to a non-Subgroup A destination.

(2) *Choice of general license.* When two or more types of general licenses are applicable, any one of such general licenses may be used. However, exportations of commodities under any applicable general license on a vessel or aircraft of foreign registry departing from the United States for use on board such vessel or aircraft must conform to the requirements for exportation under General License SHIP STORES or General License PLANE STORES, respectively. (See § 371.13.)

(3) *Exportations to foreign vessels in foreign ports.* Except as provided in the Note below, a commodity may not be exported under the provisions of any general license to a foreign vessel, whether an operating vessel or one under construction, located in a foreign port, unless such general license is applicable to both the country in which such port is located and to the country under whose laws such vessel is or will be registered.

NOTE: The exportation of commodities under the provisions of General Licenses SHIP STORES, or REGISTERED CARRIER STORES, is not affected by this provision.

§ 371.3—*General license country groups*—(a) *Grouping of countries.*[1] Two general license country groups are hereby designated: Group R and Group O. (Since exportations to United States territories, dependencies, and possessions, the Canal Zone, Trust Territory of the Pacific Islands, and Canada do not require export licenses from the Department of Commerce these destinations are not included in these country groups.)

(1) Country Group O consists of the following countries and other destinations:

NORTH AMERICA

Northern Area:
Greenland.
Miquelon and St. Pierre Islands.
Southern Area:
Mexico (including Cozumel and Revilla Gigedo Islands).
Central America:
Guatemala.
British Honduras.
El Salvador.
Honduras (including the Bay Islands).
Nicaragua.
Costa Rica.
Panama, Republic of.
Bermuda and Caribbean:
Bermuda.
Bahamas.
Cuba (including Isle of Pines).
Jamaica.
Haiti (including Gonave and Tortuga Islands).
Dominican Republic.
Leeward and Windward Islands.
Barbados.
Trinidad and Tobago.
Netherlands Antilles (formerly Curacao, N. W. I.).
French West Indies.

SOUTH AMERICA

Northern Area:
Colombia.
Venezuela.
British Guiana.
Surinam (Netherlands Guiana).
French Guiana (including Inini).
Western Area:
Ecuador (including the Galapagos Islands).
Peru.
Bolivia.
Chile (including the islands Sala-y-Gomez, Juan Fernandes, San Felix, San Ambrosio, and Easter Island).
Eastern Area:
Brazil (including the islands St. Paul, Fernando Noronha, and Trinidad (in South Atlantic)).
Uruguay.
Paraguay.
Argentina.
Falkland Islands.

(2) Country Group R includes and consists of all countries and other destinations not included in Country Group O, except Canada. Within Country Group R there is established Subgroup A, which includes and consists of the

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[1] Further explanation of the areas indicated is contained in "Schedule C" appearing on pages x–xv of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and amendments thereto.

following countries and other destinations:

Albania.
Bulgaria.
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
Communist-controlled area of Viet Nam.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Rumania.
Union of Soviet Socialist Republics.

(b) *Applicability to individual countries.* When a commodity is exportable under general license to a particular country group, it may, subject to the provisions of the Export Regulations, be exported to any country or destination in that group.

§ 371.4 *Reexportation from country of destination*—(a) *Prohibited reexportations.* No exportation may be made under any type of general license with the knowledge or intention that the commodities so exported are to be reexported from the country of destination unless the reexportation has been authorized by the Department of Commerce, except as provided in paragraph (b) of this section.

(b) *Permissive Reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, G–PUB, GHK, or GLSA or where the value of the reexportation does not exceed the GLV dollar value limit shown on the Positive List with reference to the country of destination.

NOTE: 1. *Reexportation from country of destination.* This provision applies to commodities exported from the United States to the original country of destination under either a general or validated license. See § 372.12 of this chapter.

2. *Optional ports of unlading.* When an exporter of a commodity being exported under General License GRO or GO does not know, prior to the departure of the exporting carrier, which of several countries is the country of ultimate destination, he may name optional ports of unlading on the Declaration and Bill of Lading, even when more than one foreign country is involved, as provided by the Note following § 379.4 (b) of this chapter.

3. *Technical data.* For reexportation of technical data, see § 385.6 of this chapter.

§ 371.5 *Consignee control under general license*—(a) *Revocation and suspensions.* General licenses may be revoked or suspended as to any person in any destination.

(b) *Consignees.* Shipment under a general license may be made, subject to the provisions thereof, to any consignee in any country of destination except to any person as to whom the general license has been revoked or suspended.

§ 371.6 *Consignor control under general license.* General licenses may be revoked or suspended as to any person within or without the United States by an order issued pursuant to the provisions of Part 382 of this chapter.

§ 371.7 *General license GO; shipments to group O destinations*—(a) *Scope of license.* A general license designated GO is hereby established, subject to the other provisions of this section, authorizing the exportation of R commodities to destinations in Country Group O as listed in § 371.3(a).

(b) *Footnotes on Positive List.* If reference is made to a footnote on the Positive List of Commodities (§ 399.1 of this chapter) which modifies or alters the general license established in this section, the provisions specified in such footnote shall govern, notwithstanding any other provision.

NOTE: To determine if a commodity may be exported to a specific destination under this general license, the exporter should consult the provisions regarding country groups in § 371.3. If the destination is included in Group O, he should then consult the Positive List (§ 399.1). If the commodity is listed and identified by the symbol "R" in the column headed "Validated License Required," it is an R commodity, and the exportation may be made under General License GO. (Exporters in doubt as to the proper classification of the commodities which they handle should consult the Department of Commerce publication, "*Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.*")

Example No. 1. An exporter desiring to ship toluene to Venezuela finds that Venezuela is included in Country Group O (§ 371.3). Turning to the Positive List (§ 399.1), he finds that toluene, Schedule B No. 80110, is listed and followed by the symbol "R" in the column headed, "Validated License Required." It is, therefore, an R commodity, and the exportation may be made under this general license by use of the symbol GO on the Shipper's Export Declaration.

Example No. 2. An exporter desiring to ship toluene to Spain consults the country list (§ 371.3) and finds that Spain is a Country Group R destination. The shipment cannot be made under General License GO, and an application must be filed for a validated export license if the value of the shipment exceeds that specified in the column headed "GLV Dollar Value Limits."

Example No. 3. An exporter desiring to ship copper ore and concentrates, Schedule B No. 64010, to Venezuela finds this commodity on the Positive List, followed by the symbol "RO" in the column headed "Validated License Required." The exportation, therefore, cannot be made under General License GO.

§ 371.8 *General license GRO; shipments of non-positive list commodities*—(a) *Scope of license.* (1) A general license designated GRO is hereby established, authorizing the exportation to all destinations of all commodities not included on the Positive List of Commodities (§ 399.1 of this chapter), subject to the other provisions set forth in this section,[2] except that:

(i) No exportations may be made under this general license to Hong Kong, Macao or Subgroup A destinations; and

(ii) No exportations of the commodities listed in § 371.52 may be made under this general license to Poland (including Danzig).[3]

NOTE: Gift parcels containing commodities not on the Positive List may be shipped under General License GRO except as indicated in § 371.8 (a) (1) (i) and (ii). Any commodity on the Positive List requires a validated license for export, even though intended as a gift, unless exportable under one of the other general licenses such as GIFT (see § 371.21), GO (see § 371.7), or GLV (see § 371.10).

(b) *Surplus agricultural commodities and Manufactures Thereof*[3]—(1) *Contracts of sale amounting to $10,000 or more.* (i) Prior to or at the time of entering into a contract to sell for export, or otherwise dispose of for exportation to other than Group O countries:

(*a*) Any commodity obtained directly or indirectly from the Commodity Credit Corporation, either in the form acquired or in processed form;

(*b*) Any commodity being sold in substitution for a commodity acquired from the CCC under an export disposal program; or

(*c*) Any commodity which is subsidized for export by the CCC, either by cash payment or payment in kind;

(ii) An exporter shall, where the contract is entered into prior to exportation of the commodity under this general license, either in the contract of sale or in connection therewith, obtain from the foreign purchaser, where the contract amounts to $10,000 or more, a written acknowledgment of the purchaser's understanding of (*a*) the prohibition without prior Bureau of Foreign Commerce approval against exportation or reexportation by any person, as set forth in this section and in § 371.4, of any such commodities, to Macao, Hong Kong and destinations in Subgroup A (see § 371.3) and (*b*) the sanction of denial of export privileges which may be imposed for violation of the export regulations. Where a contract of sale involving $10,000 or more is not to be entered into until after exportation under this general license, the exporter shall, either in the contract of sale or in connection therewith, obtain the same type of acknowledgment from the foreign purchaser prior to, or at the time of entering into the contract of sale.

NOTE: If commodities are to be exported by a party other than the original purchaser of the commodities from the Commodity Credit Corporation, the original purchaser shall inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

(iii) Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgement from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency.

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[2] In addition § 371.2 (c) provides that commodities may not be supplied under any general license for use on a vessel or aircraft departing from the United States unless such exportation is authorized under General License SHIP STORES or PLANE STORES.

[3] This procedure is also applicable to such shipments under General License GHK (§ 371.23).

(2) *Retention of records.* The document of acknowledgment required to be obtained from the foreign purchaser and the documents constituting evidence of the contract of purchase and sale must be kept available by the exporter for inspection, upon demand, by the Bureau of Foreign Commerce for a period of three years from the date of exportation.

§ 371.9 *General license GIT; in-transit shipments*—(a) *General provisions*—(1) *Scope.* (i) A general license designated GIT is hereby established, authorizing, subject to the other provisions of this section, the exportation from the United States of commodities which originate in and are destined to any foreign country: *Provided,* That such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry made at a United States customhouse.

(ii) Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(iii) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A country, under the provisions of a general license, may be exported to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A country, respectively, under General License GIT.

(2) *Exception from foreign-origin requirement.* Notwithstanding the provisions of subparagraph (1) of this paragraph, an automobile manufacturer located in Canada may export, under the provisions of General License GIT, automotive replacement parts of U. S. origin which were originally exported from the United States to Canada as stock parts for new vehicles of Canadian manufacture, and which are moving from Canada in transit through the United States to a foreign destination; provided, however, that such automotive replacement parts are for repair or replacement only for passenger cars and commercial trucks not exceeding 10,000 pounds gross vehicle weight, and not for assembly of new vehicles outside of Canada.

NOTE: 1. A commodity is not considered as "moving in transit" within the meaning of General License GIT if it is covered by a warehouse entry and withdrawn from warehouse under a withdrawal-for-exportation customs entry or if its transit is broken by a warehousing or processing operation under another type of customs entry.

2. Regardless of origin of the in-transit shipment, except those originating in Canada, General License GIT cannot be used to export any commodity if it is an excepted commodity as provided in paragraph (c) of this section or if the shipment was imported into the United States under a U. S. Import Certificate (Form FC-826), in accordance with the procedure described in § 368.1 (b).

3. As used in § 371.9 (b), commodities or shipments of commodities which originate in any foreign country means commodities exported from that country whether or not grown, produced, or manufactured there.

4. General License GIT is not applicable to exportations of commodities licensed by agencies of the United States Government other than the Department of Commerce.

5. See § 370.6, of this chapter and Note following that section, regarding shipments moving in transit via the United States without unloading from the carrier.

(b) *Special provisions for shipments originating in Canada.* (1) The provisions of General License GIT are applicable, as modified herein, to all shipments originating in Canada and moving in transit through the United States to any foreign destination, including Hong Kong, Macao, and Subgroup A destinations. The United States Collector at the United States port of exit shall require, and the shipper shall submit to him, a copy of Canadian Customs Entry, Form B13, certified or stamped by the Canadian customs authorities, for each such shipment. Positive List commodities may be exported from the United States under General License GIT only as authorized in the certified or stamped Canadian Customs Entry, Form B13. Where the ultimate destination or any other pertinent detail of such shipment is not the same on the U. S. Shipper's Export Declaration as that shown on the Canadian Customs Entry, Form B13, a validated U. S. export license or a new Form B13 authorizing the shipment is required. However, non-Positive List commodities may be exported under any general license applicable to the exportation of the same commodities of domestic origin whether or not there is a change of ultimate destination while the shipment is in transit. Non-Positive List commodities authorized by the Canadian Customs Entry, Form B13, for export to Hong Kong, Macao, or Subgroup A destinations may proceed in transit through the United States under General License GIT according to that authorization. Other shipments of non-Positive List commodities to Hong Kong, Macao, or Subgroup A destinations, not authorized to such a destination by the accompanying Canadian Customs Entry, Form B13, require a validated U. S. export license or a new Form B13 authorizing such an exportation.

(2) Any parties to the exportation shall submit any further proof which the Collector at the United States port of entry or at the port of exist may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. An exportation shall not be cleared for shipment by the Collector at the United States port of exit under General License GIT unless all provisions of this general license have been complied with.

(c) *Commodities excepted from the provisions of General License GIT.* (1) Commodities identified on the Positive List of Commodities (§ 399.1 of this chapter) by the symbol "C" in the column headed "Commodity Lists" may not be exported to any destinaton under this general license, with the exception of shipments of commodities originating in Canada which are being exported from the United States in accordance with the authorization shown on the accompanying Canadian Customs Entry, Form B13.

(2) Commodities shipped to the United States under the provisions of a United States Import Certificate (Form FC-826) may not be reexported to any destination under this general license.

(3) Commodities disposed of by U. S. Government agencies under foreign excess property disposal programs may not be reexported to any destination under this general license.

NOTE: 1. *License applications for In-transit Shipments.* See § 372.6 of this chapter for export application requirements for in-transit shipments where General License GIT is not applicable.

2. *Schedule S numbers.* All shipments of merchandise for which the Declaration For In-transit Goods is required (Commerce Form 7513) must be shown in terms of Schedule S as well as in terms of Schedule B. Schedule S numbers, by commodity groupings, are contained in "Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States", which is obtainable without charge from the Bureau of the Census, Washington 25, D. C.

3. *Other general Licenses.* The provisions of § 371.9 shall not be construed as limiting the use of any other general license specifically authorized.

§ 371.10 *General license GLV; shipments of limited value*—(a) *Purpose and symbol.* A general license designated GLV is hereby established, authorizing the exportation from the United States of shipments within certain specific dollar-value limits.

(b) *Definitions and interpretations.* The following definitions and interpretations are applicable to this section:

(1) "Net value" means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(2) "One importer" is interpreted as follows: For exportation under the provisions of this Section, not more than the amount authorized under this general license may be exported in a single shipment from a designated exporter to a designated consignee or to an intermediate consignee even though such shipment is to be forwarded to one or more ultimate consignees.

(3) "Commodity" means a commodity under the export control jurisdiction of the Department of Commerce. Commodities licensed by agencies other than the Department of Commerce may not be exported under the provisions of this general license (see § 370.4 of this chapter).

(4) "Single shipment" means the shipment of all commodities which move at the same time from one exporter to one importer on the same exporting carrier, except that not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one importer.

(c) *Evasion of "single shipment" provisions.* Shipments designed as a device to evade the requirement of a validated export license are prohibited. Such devices include, but are not limited to, (1) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment; (2) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits but which have a combined value in excess thereof.

(d) *Positive List commodities.* Commodities included on the Positive List of Commodities (§ 399.1 of this chapter) may be exported in a single shipment under this general license to all destinations, except Hong Kong, Macao, Poland (including Danzig), and Subgroup A countries (see § 371.3 (a)), as follows:

(1) *R destinations.* RO or R commodities classified in a single entry on the Positive List may be exported to Group R destinations, provided that the net value of the shipment is within the dollar-value limit specified in the column headed "GLV Dollar Value Limits."

(2) *O destinations.* RO commodities classified in a single entry on the Positive List may be exported to Group O destinations, provided that the net value of the shipment is within the dollar-value limit specified in the column headed "GLV Dollar Value Limits" (including those limits specified as "none"), or $500, whichever is higher, unless the commodity is identified by the symbol "G" in the column headed "Commodity Lists." Where the commodity is identified by the symbol "G," the commodity may be exported only within the dollar-value limit specified in the column headed "GLV Dollar Value Limits."

(3) *Special provisions for Mexico*—(i) *Limitations on commodities under quantitative quotas.* Commodities subject to quantitative quotas which have been announced in Current Export Bulletins and which are being exported to Mexico by or on behalf of the same exporter to or for the account of the same ultimate consignee are restricted to one "single shipment" (as defined in paragraph (b) of this section) per calendar week when such exports are transported otherwise than by common carrier or by mail.

(ii) *Certification required.* The Shipper's Export Declaration covering any exportation to Mexico which is authorized by General License GLV but which is restricted by the terms of subdivision (i) of this subparagraph shall contain the following additional certification:

> The undersigned certifies to the Department of Commerce that the merchandise above described is the only shipment of the commodity(ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of General License GLV by the undersigned exporter to the consignee named herein during the current calendar week.
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> ------------------
>
> (Signed)

(iii) *Hardship or emergency cases.* In any case where the Collector determines that the limitations in subdivision (i) of this subparagraph would create an undue hardship, or that an emergency exists in a particular case, he is authorized to permit more than one such shipment in a calendar week under this general license; provided that the value of each such shipment does not exceed the value limitation provided for the commodities included in such shipment under this general license.

(iv) *Collectors authorized to limit shipments.* The Collector of Customs is authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever he shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading the Export Regulations.

NOTE: *R Commodities.* R Commodities may be exported to Group O destinations without dollar-value limit under the provisions of General License GO (§ 371.7).

(e) *Non-Positive List Commodities.* Commodities which are not included on the Positive List of Commodities (§ 399.1 of this chapter) may be exported in a single shipment to Hong Kong under the provisions of this general license, provided that for each Schedule B number the net value of commodities classified thereundre does not exceed $25.

NOTE: 1. *General License GRO.* Commodities not included on the Positive List of Commodities (except shipments to Poland, including Danzig, of commodities listed in § 371.52 of this chapter) may be exported to any destination, except Hong Kong, Macao, and Subgroup A destinations, without dollar-value limit under the provisions of General License GRO (§ 371.8).

2. *General License GHK.* Certain specified non-Positive List Commodities may be exported to Hong Kong in unrestricted quantities under the provisions of General License GHK (§ 371.23).

3. *General License GLSA.* Certain specified non-Positive List commodities may be exported to certain Subgroup A destinations in unrestricted quantities under the provisions of General License GLSA (§ 371.24).

(f) *Use of other general licenses not restricted.* The provisions of this section shall not be construed as limiting the use of any other general license specifically authorized.

§ 371.11 *General licenses BAGGAGE and TOOLS OF TRADE*—(a) *General License BAGGAGE*—(1) *General provisions.* A general license designated BAGGAGE is hereby established authorizing a person leaving the United States, but not including members of crews on vessels and aircraft, to export to any destination, as personal baggage, accompanied and unaccompanied, the following classes of commodities:

(i) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects, and their containers.

NOTE: As used in the Export Regulations, usual and reasonable quantities and kinds of food should be limited, generally, to the quantities and kinds necessary and appropriate for use by a traveler or members of his immediate family during the outgoing and any immediate return voyage. Consequently, where a traveler desires to include, under the baggage general license, food in such quantities as to be obviously used for consumption after he has finished his voyage, or to be distributed as "gifts," such food is not included within the provisions of this general license.

(ii) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(iii) *Vehicles.* Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

Provided, That the above-indicated personal effects, household effects, and vehicles shall include only such articles as are owned by such person or members of his immediate family; shall be in his possession at the time of or prior to his departure from the United States for a foreign country; are necessary and appropriate for the use of such person or his immediate family; are intended for his use or the use of his immediate family; and are not intended for sale.

(2) *Definition of "accompanied" and "unaccompanied."* The provisions of General License BAGGAGE are applicable to accompanied and unaccompanied personal baggage, which is defined as follows:

(i) *Accompanied.* All commodities exported under this general license on the same carrier on which the passenger departs.

(ii) *Unaccompanied.* All other shipments of commodities under this general license. Unaccompanied shipments under this category shall be clearly marked "BAGGAGE." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after, departure of the consignee or owner from the United States.

(3) *Special provisions.* No more than 3 firearms and no more than 500 cartridges, subject to the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by the Department of State (see § 370.4 (a) of this chapter), may be exported under General License BAGGAGE.

(b) *General license TOOLS OF TRADE.* A general license designated TOOLS OF TRADE is hereby established, authorizing a person leaving the United States to export to any destination usual and reasonable kinds and quantities of the following types of commodities: implements, instruments, and tools of trade, occupation or employment, and their containers; provided that the above-indicated tools of trade (1) shall include only such articles as are owned by such person; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

NOTE: A proposed export of personal effects, household effects, vehicles, and tools of trade that is not authorized for export to the country of destination under General License BAGGAGE or General License TOOLS OF TRADE, or under any other general license, must be authorized by a validated license in accordance with § 372.3 of this chapter.

(c) ***Requirement for filing declaration.*** A shipper's Export Declaration must be filed in accordance with § 379.1 of this chapter whenever a shipment is exported under General License BAGGAGE or General License TOOLS OF TRADE when shipped under a bill of lading.

NOTE: 1. *Commodities for sale.* Commodities exported for sale, even though carried in the baggage or with the tools of a traveler, may not be exported under either General License BAGGAGE or TOOLS OF TRADE. Commodities exported for sale must be declared as a commercial shipment and may be exported only under a validated export license or under a general license applicable to such commercial shipments.

2. *Validated license requirement.* The provisions of § 379.1 (a) (1) of this chapter also require the filing of a Declaration for authentication whenever a shipment is exported under a validated license.

3. *Oral declaration.* A Declaration need not be filed whenever a shipment is exported under General License BAGGAGE or General License TOOLS OF TRADE except when shipped under a Bill of Lading. As stated in § 371.2 (a), whenever the filing of a Declaration is not required by the Export Regulations or by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, an oral declaration describing the commodity or commodities shall be made to a Collector at the port of exit.

4. *Filing of declaration with manifest.* Bureau of Customs regulations provide that whenever any commodity, for which a Declaration is required to be filed, is to be exported, the person in command of the exporting carrier, or the owner or agents thereof on his behalf, shall deliver to the Collector together with the carrier's manifest all authenticated Declarations presented to the exporting carrier for the purpose of facilitating or effecting the exportation of such commodities.

(d) *Customs authority to limit or prohibit shipments.* Collectors of Customs shall limit or prohibit the export of any commodity or commodities under General License BAGGAGE or General License TOOLS OF TRADE whenever the kind or quantity is in excess of the limitations set forth in this section, or whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

§ 371.12 *General license GLD; Dunnage.* A general license designated GLD is hereby established, authorizing the exportation to any destination except Communist China, North Korea, and the Communist-controlled area of Viet Nam, of usual and reasonable kinds and quantities of dunnage necessary and appropriate to stow or secure cargo on the outgoing and any immediate return voyage of an exporting carrier, when exported solely for use as dunnage, not intended for unlading in a foreign country and not exported under a Bill of Lading.

NOTE: 1. *Validated license requirements.* Proposed exports of dunnage that are not authorized for export to the country of destination under General License GLD or under any other general license must be authorized by a validated license in accordance with § 372.3 of this chapter.

2. *Filing of declaration for Authentication.* A Shipper's Export Declaration must be filed in accordance with § 379.1 (a) (1) whenever a validated license is required for the export of dunnage. The Declaration may be executed and filed by the person in command of the exporting carrier or the owner or agents thereof on his behalf. A Declaration need not be filed whenever a shipment is exported under General License GLD. (See paragraph 371.2 (a).)

3. *Filing of declaration with Manifest.* Bureau of Customs regulations provide that whenever any dunnage is to be exported for which Declarations are required to be filed, the person in command of the exporting carrier, or the owner or agents thereof on his behalf, shall deliver to the Collector at the port of clearance all authenticated Declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such dunnage.

§ 371.13 *General licenses SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES*—(a) *General license SHIP STORES*—(1) *Scope.* A general license designated SHIP STORES is hereby established authorizing, subject to the provisions set forth below, the exportation on vessels of foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities: *Provided,* Such commodities are not intended for unlading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraph (2) of this paragraph, for use or consumption on board a vessel of any registry, except a vessel registered in Communist China, North Korea, or the Communist-controlled area of Viet Nam, or a vessel controlled by or under charter to Communist China, North Korea, or the Communist-controlled area of Viet Nam, or a national of Communist China, North Korea, or the Communist-controlled area of Viet Nam, during the outgoing and any immediate return voyage:

(*a*) Bunker fuel;

(*b*) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements;

(*c*) Medical and surgical supplies;

(*d*) Food stores;

(*e*) Slop chest articles, and

(*f*) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except:

(*a*) A vessel registered in a Subgroup A country or Poland (including Danzig); or

(*b*) A vessel controlled by or under charter to a Subgroup A country or Poland (including Danzig) or a national of a Subgroup A country or Poland (including Danzig).

(2) *Restrictions on the exportation of petroleum and petroleum products.* No exportation of petroleum and other petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at Macao or a Far Eastern Communist port during the 120 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at Macao or a Far Eastern Communist port within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next 120 days commodities, of any origin, known by the owner, master, or agent to be destined directly or indirectly to these ports, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered in any Subgroup A country or Poland (including Danzig), or is controlled by, or under charter to, any Subgroup A country or Poland (including Danzig), or a national of a Subgroup A country or Poland (including Danzig).

(3) *Restricted commodities.* The provisions of subparagraph (2) of this paragraph are applicable to the following commodities:

Schedule B No.	Commodity
50110	Petroleum, crude (including shale oil).
50120	Natural gasoline.
50150	Gasoline blending agents (hydrocarbons only), n. e. c.
	Aviation gasoline, except jet fuel (report jet fuels in 50180):
50161	100 or over octane number.
50163	Under 100, not under 90 octane number.
50165	Under 90 octane number.
50170	Gasoline, n. e. c.
50180	Jet fuels, all types.
50190	Aliphatic naphtha in containers over 4 oz.; mineral spirits; solvents; and other finished light aliphatic products, n. e. c.
50270	Kerosene, except jet fuel and distillate fuel oil (report kerosene for jet fuel in 50180).
50300	Distillate fuel oil (light fuel oil).
50310	Residual fuel oil.
	Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 50590; hydraulic oils, except of petroleum origin in 82996):
50325	White mineral oil in containers of 42 gallon capacity or over (report white mineral oil in containers of less than 42 gallon capacity in 81130).
50330	Red and pale oils.
50340	Black oils (including all black and dark green oils, except those intended for use in steam cylinders, for which see 50351 and 50352).
50351	Cylinder bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 95 seconds or more).
50352	Cylinder steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock).
50380	Insulating or transformer oils.
	Industrial engine lubricating oils, including marine:
50391	Diesel engine lubricating oils (report diesel fuel oil in 50300-50310).
50392	Turbine engine lubricating oil.
50394	Other industrial engine lubricating oil.
50399	Industrial lubricating oils, n. e. c.
50400	Aviation engine lubricating oils, (including synthetic).
50403	Automotive engine lubricating oils.
50405	Automotive gear oils.

Schedule B No.	Commodity
50407	Lubricating oils, n. e. c., except in containers of 4 oz. or less (including raw or semirefined stocks, or distillates from which lubricants may be produced).
50408	Cutting oils and compounds, petroleum base.
50410	Lubricating greases, except graphite lubricants (report graphite lubricants in 54809).
50440	Microcrystalline wax.
50470	Petroleum asphalt and petroleum asphalt products, n. e. c.
50480	Petroleum coke.
50490	Petroleum products, n. e. c.
54809	Graphite greases and lubricants.

(b) *General license PLANE STORES*—(1) *Scope.* A general license designated PLANE STORES is hereby established authorizing, subject to the provisions set forth below, the exportation on aircraft of foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities, *Provided,* Such commodities are not intended for unlading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraph (2) of this paragraph, for use or consumption on board an aircraft of any registry, except an aircraft registered in Communist China, North Korea, or the Communist-controlled area of Viet Nam, or controlled by or under charter to Communist China, North Korea, or the Communist-controlled area of Viet Nam, or a national of Communist China or North Korea, or the Communist-controlled area of Viet Nam, during the outgoing and any immediate return voyage:

(*a*) Fuel;

(*b*) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements;

(*c*) Medical and surgical supplies;

(*d*) Food stores;

(*e*) Slop chest articles, and

(*f*) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except:

(*a*) An aircraft registered in a Subgroup A country or Poland (including Danzig): or

(*b*) An aircraft controlled by or under charter to a Subgroup A country or Poland (including Danzig) or a national of a Subgroup A country or Poland (including Danzig).

(2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft.* No exportation of petroleum or petroleum products (including those used as fuel) listed in subparagraph (3) of paragraph (a) of this section may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft if the aircraft (i) has called at Macao or any point under Far Eastern Communist control during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (ii) will call at Macao or any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the aircraft, (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to Macao or any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered or documented in any Subgroup A country or Poland (including Danzig) or is controlled by, or under charter to, any Subgroup A country or Poland (including Danzig) or a national of any Subgroup A country or Poland (including Danzig).

(c) *General License CREW.* A general license designated CREW is hereby established, authorizing a member of the crew on an exporting carrier to export among his effects usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, medicinal supplies, toilet articles, food, souvenirs, games, hand tools, and similar personal effects and their containers: *Provided,* That such commodities are (1) owned by such crew member; (2) intended, necessary, and appropriate for his use or that of his immediate family; (3) not intended for sale; (4) not exported under a Bill of Lading as cargo, and (5) not exported to Communist China, North Korea, or the Communist-controlled area of Viet Nam.

(d) *General license REGISTERED CARRIER STORES.* (1) A general license designated REGISTERED CARRIER STORES is hereby established, authorizing exportations to any destination of certain commodities for use by or on a vessel or plane of United States or Canadian registry located at a port outside the United States or Canada: *Provided,* That such commodities are (i) shipped as cargo under a Bill of Lading on an exporting carrier of United States or Canadian registry; (ii) in usual and reasonable kinds and quantities; (iii) ordered by the person in command of the vessel or plane to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel or plane; (iv) not intended for unlading in a foreign country except for transshipment on another carrier of United States or Canadian registry and delivery to the vessel or plane to which they are consigned; and (v) covered by such Declarations as are required to be filed by § 379.1 (a) (2).

(2) Only commodities described in paragraph (a) of this section may be exported to vessels of United States or Canadian registry located at a port outside the United States or Canada, and only articles described in paragraph (b) of this section may be exported to planes of United States or Canadian registry located outside the United States or Canada.

(3) In addition, commodities may be exported to vessels or planes of United States or Canadian registry located outside the United States or Canada pursuant to the provisions of any other general license applicable to the commodities proposed to be exported and to the country in which the port and ship or plane are located.

NOTE: 1. *Spare parts for vessels of war and aircraft.* The provisions of § 371.13 do not authorize the exportation of any equipment or spare parts for vessels of war or for aircraft which are licensed for export by the Department of State (see § 370.4 (a)). The provisions of § 371.13 relate only to those commodities under the export control authority of the Department of Commerce.

2. *Validated license requirements.* Proposed exports of all ship and plane stores, supplies and equipment, and all commodities to be exported by a crew member among his effects that are not authorized for export to the country of destination under General License SHIP STORES, REGISTERED CARRIER STORES, PLANE STORES, or CREW, or are not authorized for export under any other general license must be authorized by a validated license in accordance with § 372.2 of this chapter. Whenever a validated license is required for the export of ship stores, plane stores, supplies, and equipment, license applications shall be prepared as set forth in § 372.7 of this chapter.

3. *Filing of declaration for authentication.* Whenever a shipment is exported under General License SHIP STORES, PLANE STORES, or CREW, a Declaration need not be filed (see § 379.1 (a) (2) of this chapter). Whenever a validated license is required for the export of commodities, a Declaration must be filed in accordance with the provisions of § 379.1 (a) (1) of this chapter. Insofar as ship and plane stores, supplies and equipment are concerned, the Declaration may be executed and filed by the master of the exporting vessel, the commander of the exporting plane, or the owner or agents of such vessel or plane.

4. *Filing of declaration with manifest.* Bureau of Customs regulations provide that whenever any commodities are to be exported for which Declarations are required to be filed, the person in command of the exporting carrier, or the owner or agents thereof on his behalf, shall deliver to the Collector, together with the carrier's manifest at the port of clearance all authenticated Declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such commodities.

§ 371.14 *General license GUS; shipments to personnel and agencies of the United States Government.* A general license designated *GUS* is hereby established, authorizing exportations to any destination as follows:

(a) *Commodities for personal use.* Commodities in quantities sufficient solely for the personal use of members of the United States Armed Services, of civilian personnel of the United States Government, and of their immediate families and servants. Commodities for personal use include household effects, food, beverages, and other daily necessities.

(b) *Commodities for official use.* Any commodities for the official use of agencies of the United States Government. The term "agencies of the United States Government" includes all civilian and military departments, branches, missions, government-owned corporations, and other agencies of the United States Federal Government, but does not include such national agencies as the

American Red Cross or international organizations in which the United States participates such as the Organization of American States. These non-governmental national agencies are therefore not eligible to use this general license.

§ 371.15 *General license GLC; exportations of commercial vehicles by private or common carriers.* A general license designated GLC is hereby established, authorizing the exportation to any destination of trucks, busses, trailers, railroad rolling stock, and other commercial vehicles when operated by private or common carriers between the United States and other countries: *Provided,* That such vehicles, except those imported into the United States from a foreign country, shall not be exported for the purpose of resale.

§ 371.16 *General license GTF; goods imported for trade fairs*—(a) *Return to country from which imported.* A general license designated GTF is hereby established, authorizing the exportation to the country from which imported, except Communist China, North Korea, and the Communist-controlled area of Viet Nam, of commodities which have been entered under bond or which have been permitted temporary free importation under bond providing for their exportation, for exhibition at trade or similar fairs: *Provided,* That such commodities are being exported in accordance with the terms of such bonds.

(b) *Export to other destinations.* Commodities described in paragraph (a) of this section which are not excepted from the General License GIT provisions (§ 371.9 (c)) may be exported to destinations other than that from which imported, with the exception of Hong Kong, Macao and Subgroup A destinations.

§ 371.17 *General license GCC; commodities sold at auction by Bureau of Customs.* A general license designated GCC is hereby established, authorizing exportation to any destination except Hong Kong, Macao, and Subgroup A destinations of commodities which are refused entry into the United States and are sold at auction by the Bureau of Customs for export only: *Provided,* That a certified custom bill and/or receipt (Form 5117A) is presented to the Collector of Customs at the port of exit or the Postmaster at the place of mailing as evidence of the purchase at such auction.

§ 371.18 *General license GLR; return of certain commodities imported into the United States.* A general license designated GLR is hereby established, authorizing exportations described below. When exportations are made under this general license, the entry number and the port of entry covering the importation of the goods into the United States must be shown on the Shipper's Export Declaration.

(a) *Machinery or parts of machinery.* (1) Machinery, or parts of machinery, shipped to the United States for repair purposes may be returned to the country from which sent to the United States, as well as replacement or rebuilt parts which are substituted when the identical parts imported are not returned.

(2) The provisions of this paragraph do not apply to:

(i) Hong Kong, Macao, and Subgroup A destinations; and

(ii) Tools or devices incorporating diamonds, including such tools or devices when shipped as an integral part of a machine. (See § 373.49 (b) of this chapter).

(iii) Commodities disposed of by United States Government agencies under foreign excess property disposal programs.

(b) *Commodities from Republic of Panama.* All articles and materials which have been imported into the Panama Canal Zone from the Republic of Panama for the purpose of being repaired or processed may be returned to the Republic of Panama.

(c) *Containers.* Exportation may be made of metal drums, gas cylinders, bags and other containers (whether manufactured in the United States or a foreign country) which are imported into the United States for the purpose of transporting contained commodities to or from the United States to any destination other than Hong Kong, Macao, or Subgroup A destinations, whether such container is exported (1) empty, or (2) filled with any commodity which may be exported under a general license, or (3) filled with any commodity for which a validated license has been issued by the Department of Commerce.

(d) *Newsprint cores.* Newsprint cores made of any kind of material, whether imported into the United States separately or as a part of the packing of imported newsprint paper, may be returned to any destination from which imported, except Hong Kong, Macao, and Subgroup A destinations.

(e) *Commodities failing to conform to specifications or shipped without the consent of the consignee.* A commodity which does not conform to sample or other specifications, or was shipped without the consent of the consignee and is in the same condition it was in when imported into the United States, may be returned under this general license to the country from which it was exported to the United States. This paragraph does not apply to the return of commodities to Communist China, to North Korea, or to the Communist-controlled area of Viet Nam.

(f) *Exportation of commodities imported under bond for a temporary period.* Collectors of Customs are authorized, within their discretion, to clear for export under this general license commodities imported for a temporary period into the United States under bond in compliance with the provisions of the Tariff Act of 1930, as amended (secs. 308 and 201, paragraphs 1607, 1747, and 1809); provided:

(1) No commodities identified on the Positive List of Commodities (§ 399.1 of this chapter) by the letter "C" in the "Commodity Lists" column are included in an exportation under this general license;

(2) The exportation is not destined to Hong Kong, Macao, or a Subgroup A destination;

(3) The exportation does not include commodities excluded under paragraph (a) (2) of this section; and

(4) The exporter submits a written statement signed in person by the exporter or his authorized agent, and such other evidence as may be required by the Collector to show that all commodities included in such exportation were imported into the United States and utilized for authorized purposes only in compliance with the terms of the bond and in accordance with the provisions of the Tariff Act of 1930.

(g) *Return of shipments refused entry.* Shipments of commodities refused entry by U. S. Customs, by the Food and Drug Administration, or by other U. S. Government agencies may be returned under this general license to the country of origin, including Hong Kong, Macao, and Subgroup A destinations, except that this paragraph does not authorize the return of any shipment to Communist China, to North Korea, to the Communist-controlled area of Viet Nam, or any shipment to any destination where such shipment has been refused entry by U. S. Customs because of the Foreign Assets Control Regulations of the Treasury Department unless such return is licensed or otherwise authorized by the Foreign Assets Control.

§ 371.19 *General licenses GTDP, GTDU, and GTDS; technical data.* (See § 385.2 of this chapter for provisions of these general licenses.)

§ 371.20 *General license G-PUB; Exportation of certain publications*—(a) *Authorization.* A general license designated G-PUB is hereby established, authorizing the exportation to all destinations of the publications listed in paragraph (b) of this section: *Provided,* That the publications do not contain technical data as defined in § 385.1 of this chapter.

(b) *Publications exportable.* The following commodities are exportable under the authority of General License G-PUB:

Schedule B No.	Commodity
91211-91245	Motion picture films, developed.
95100	Bound books published as school text book.
95110	Bibles and Testaments.
95121	Bound dictionaries and encyclopedias, including year books.
95123	Bound literature books, fictional and nonfictional.
95129	Bound books, n. e. c.
95140	Unbound books in sheets, n. e. c.
95161	Catalogs, pamphlets, and booklets.
95230	Music in books and sheets.
95530	Newspapers, current, except overissue (report newspapers issued prior to six months of the time of export and overissue newspapers in 46971; old newspapers enhanced in value in 96100).
95550	Periodicals, current, except overissue (report periodicals issued prior to six months of the time of export and overissue periodicals in 46981; old periodicals enhanced in value in 96100).
95600	Calendars, all types.
95610	Advertising matter, n. e. c., exclusively related to any commodity exportable under General License G-PUB.

§ 371.21 *General license GIFT; shipments of gift parcels*—(a) *Scope of license.* A general license designated GIFT is hereby established authorizing the exportation of gift parcels by mail, including parcel post, and by air, including air express, air cargo, and air freight, addressed to individuals or to religious, charitable, or educational organizations residing in all destinations except Communist China, North Korea and the Communist-controlled area of Viet Nam: *Provided,* That such exportations are made in accordance with the following provisions of this section.

NOTE: 1. *Use of other general licenses.* In the export of gifts, the donor is not restricted to the use of General License GIFT. If the provisions of any other general license, such as GLV or GO, or if any other procedure of the Bureau of Foreign Commerce authorizing the export of commodities applies to the export of the gift, such other license or procedure may be used.

2. *Multiple parcels.* Multiple parcels exported in a single shipment for delivery to individuals residing in a foreign country do not fall within the provisions of this general license. Such shipments, unless authorized by one of the other general licenses set forth in this part, must meet validated license requirements, including the submission of a license application in accordance with all of the provisions of the Export Regulations.

(b) *Definition.* The term "gift parcel" as used herein means a parcel containing commodities to be sent by an individual in the United States (the donor) free of cost to an individual or a religious, charitable, or educational organization in a foreign destination (the donee) for the use of the donee or the donee's immediate family in the case of an individual, and for use by the organization in the case of a religious, charitable, or educational organization.

(c) *Commodity, weight, and other limitations*—(1) *Manner of sending.* Under this general license a gift parcel must be sent directly to the donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the donor, regardless of whether sent by him or by a forwarding service.

(2) *Commodity limitations.* Commodities which may be included in each gift parcel under this general license are restricted to those normally sent as gifts, such as food, clothing, toilet articles, and medicinals and pharmaceutical preparations in dosage form. The export of military wearing apparel to Hong Kong, Macao, and Subgroup A destinations under this general license is specifically prohibited, whether or not all distinctive U. S. military insignia, buttons, or other markings are removed.

(3) *Dollar-value limitations.* The combined total domestic retail value of all commodities included in a single parcel shall not exceed $50. If such parcel contains any medicinal or pharmaceutical preparations listed below, the total domestic retail value of these commodities shall not exceed $25.

Any sulfonamide drugs, for example:
Sulfanilamide (Schedule B No. 81251).
Sulfathiazole and derivatives (Schedule B No. 81245).
Sulfadiazine and derivatives (Schedule B No. 81248).
Sulfaguanidine (Schedule B No. 81251).
Any antibiotics (other than tyrothricin, polymixin and neomycin), for example:
Penicillin (Schedule B No. 81257).
Streptomycin (Schedule B No. 81260).
Dihydrostreptomycin (Schedule B No. 81266).
Compounds or mixtures containing antibiotics and/or sulfonamides (Schedule B No. 81354).

NOTE: The above commodity listing serves only to identify those medicinal and pharmaceutical preparations in dosage form, the shipment of which is restricted to $25 under general license GIFT. Any medicinal or pharmaceutical preparation in dosage form not listed in the above paragraph may be included in a gift parcel up to a dollar value of $50.

(4) *Postal, size, and weight limitations.* A gift parcel sent via parcel post under this general license shall conform with applicable post office regulations as to size, weight, and permissible contents. A gift parcel sent via air express, air cargo, or air freight, is not limited as to size or weight by the provisions of this general license.

(5) *Other limitations.* Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(d) *General license designation.* In addition to bearing the name and address of both the donor and the donee, all gift parcels presented for shipment under this general license must have the notation "Gift—Export License Not Required" written on the addressee side of the package and the word "Gift" written on any required customs or Shipper's Export Declarations.

NOTE: 1. *Import regulations of receiving country.* The sending of merchandise as gifts is also subject to the import regulations of the receiving country. Many foreign countries permit the entry, duty-free, of gift parcels which conform to regulations regarding contents and marking. To secure this advantage, the sender also should show the words "U. S. A. Gift Parcel" on the addressee side of the package and on any required customs declaration.

2. *Information on import regulations.* Senders of gift parcels who wish information regarding the import regulations of a foreign country should write to the nearest field office of the Department of Commerce, or the Director, Office of Economic Affairs, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

§ 371.22 [Reserved.]

§ 371.23 *General license GHK; shipments of certain commodities to Hong Kong*—(a) *Scope.* A general license designated GHK is hereby established authorizing the exportation to Hong Kong of commodities bearing the code "H," in the commodity listing in § 371.51, Supplement 1.[4]

(b) *Surplus agricultural commodities and manufactures thereof.* The provisions of § 371.8 (b) apply to exportations of surplus agricultural commodities and manufactures thereof which are shipped under General License GHK.

§ 371.24 *General license GLSA: Shipments of certain commodities to specified Subgroup A destinations.* A general license designated GLSA is hereby established authorizing the exportation of the commodities bearing the code "S", in the listing in § 371.51, Supplement 1. This general license may be used for shipments to the following destinations only: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Rumania, and the Union of Soviet Socialist Republics except the maritime province of the Union of Soviet Socialist Republics.[5]

§ 371.51 *Supplement 1; Commodities subject to General License GHK or GLSA.*

Commodity	Schedule B No.	Symbol
Animals, edible	00113-00199	H S
Meat and meat products	00200-00480	H S
Animal oils and fats, edible	00505-00550	H S
Dairy products	00600-00698	H
Fish and fish products	00700-00899	H S
Other edible animal products	00901-00990	H S
Hides and skins, raw, except furs	02017-02509	H S
Leather	03005-03590	H S
Leather manufactures (except military footwear, 99930)	06451-06990	H S
Furs and manufactures	07150-07590	H S
Animal and fish oils and greases, inedible:		
Oleic acid, or red oil	08470	H S
Tallow, inedible	08570	H S
Inedible animal greases and fats, n. e. c.	08599	H S
Other inedible animals and animal products:		
Live animals	09005-09790	H S
Feathers, crude, not dressed	09230	H S
Glue of animal and fish origin	09420-09429	H S
Casein, inedible	09990	H S
Shells, unmanufactured; and pearl essence, natural	09992-09993	H S
Fish, shellfish, and other marine animal products, inedible, n. e. s.:		
Condensed fish solubles; coquina shells, crushed; fish meal; mussel shells, crushed; oyster shells, crushed, ground, or meal; other shells, crushed, ground, or meal; shrimp bran; shrimp hulls; and shrimp meal	09997	H
Other fish, shellfish, and marine animal products, inedible	09997	H S

Symbol "H"—Commodities subject to General License GHK.
Symbol "S"—Commodities subject to General License GLSA.

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[4] Single shipment of all non-Positive List commodities may be made to Hong Kong under General License GLV if the quantity classified under a single Schedule B Number is valued at $25 or less (see § 371.10).

[5] Shipments under General License GLSA are not permitted to move in transit via any Subgroup A destination other than those listed in § 371.24.

Commodity	Schedule B No.	Symbol
Other inedible animals and animal products—Continued		
Animal products inedible, n. e. c., the following only:		
Beaver castoreum; bedding, feather; boas, feather; bristles, crude, sorted, bunched, or prepared; castoreum, powdered; chicken feathers, dressed; China bristles, crude, sorted, bunched, or prepared; Chungking bristles, crude, sorted, bunched, or prepared; down comforters; down manufactures; down-filled coats and jackets, except military; dressed down; duck quills, dressed; dusters, feather; feather manufactures; feathers, dressed; goose feathers, dressed; goose quills, dressed; Hankow bristles, crude, sorted, bunched, or prepared; hats, feather; hog bristles, crude, sorted, bunched, or prepared; marabou feathers, dressed; mechanical owls, feather; millinery feathers; ostrich feathers, dressed; pig bristles, crude, sorted, bunched, or prepared; pillows, feather; plumes, feather; quill toothpicks; reclaimed feathers; shoe bristles, sorted, bunched, or prepared; sleeping bags, eiderdown, except military; sleeping robes, eiderdown; turkey feathers, dressed; used feathers; water-fowl feathers, dressed; and wreaths, feather	09999	H S
Other inedible animal products, n. e. c., except cantharides powder	09999	H
Grains and preparations	10110-10990	H
Fodders and feeds, n. e. c	11010-11998	H
Vegetables and preparations, edible:		
Beans, dry, ripe, except for seed	12001-12030	H
Seed beans, all types	12035	H S
Peas, dry, ripe, except for seed	12040-12050	H
Seed peas, all types	12055	H S
Vegetables, fresh:		
Beans, fresh	12071	H
Onions, fresh, dry	12080	H S
Peppers, fresh	12100	H
Potatoes, white, fresh	12110	H S
Vegetables, fresh, n. e. c	12130-12257	H
Vegetables, frozen (including frozen specialties, vegetables chief value)	12260	H S
Soups and vegetables, dehydrated (including flake, powder, or tablet form)	12360	H S
Vegetables, canned:		
Asparagus, canned	12410	H S
Baked beans; and pork and beans, canned	12420	H
Corn, canned; and peas, canned	12430-12440	H S
Soups, canned, n. e. c., including chowders and bouillons	12451	H S
Tomatoes, tomato paste, puree (pulp), sauce for cooking purposes, and juice canned	12460-12480	H S
Beans (string or stringless), canned; and spinach, canned	12491-12495	H S
Baby food vegetables, strained or chopped, canned	12497	H S
Lima beans, canned	12499	H S
Other vegetables and juices, canned, n. e. c	12499	H
Pickles, cucumber	12500	H
Catsup (Ketchup), chili sauce, and similar table tomato sauces	12515	H S
Sauces and relishes, n. e. c.; vinegar; yeast; vegetable starches, n. e. c.; vegetable seasonings, n. e. c.; and vegetable lecithin	12529-12597	H
Soup base in paste form, vegetables chief value; and soup mix in paste form, vegetables chief value	12509	H S
Other vegetable preparations, edible, n. e. c	12599	H
Fruits and preparations	13010-13560	H S
Nuts and preparations:		
Apricot and peach pits and kernels (shelled or not shelled)	13740	H S
Peanuts (shelled or not shelled)	13751-13755	H
Other nuts and preparations	13761-13799	H S
Vegetable oils, fats, and waxes, refined	14210-14500	H
Cocoa, coffee, tea, and substitutes	15010-15139	H S
Spices	15492-15498	H S
Sugar and related products:		
Dextrose, except pharmaceutical	16200	H
Sirup for table use; edible molasses; and glucose, liquid or dried (except dextrose and pharmaceutical glucose)	16230-16240	H S
Molasses, industrial	16250	H
Honey	16320	H
Candy; chewing gum; baby food: custards and puddings; and desserts and sugar products, n. e. c., except maple sugar (16370)	16340-16370	H S
Beverages and related products, except malt sugar, and maltose (17015)	17015-17800	H S
Rubber (natural, allied gums, and synthetics) and manufactures:		
Balata, gutta-percha, and other crude allied gums	20030	H
Rubber and rubberized piece goods, fabrics, and sheeting, n. e. c., except made of or employing synthetic rubber	20165	H
Rubber boots and shoes	20330	H S
Canvas shoes with rubber soles	20340	H
Top lifts for heels	20382	H S
Rubber and rubberized gloves and mittens, except surgeons' gloves, and gloves and mittens of synthetic rubber	20390	H
Rubber (natural, allied gums, and synthetics) and manufactures—Continued		
Druggists' and medical rubber sundries, the following only:		
Atomizer bulbs; bath sprays; breast pumps; nipple shields; nursers; nursing bottle nipples; nursing bottle teats; pacifiers; and teething rings	20410	H S
Crib sheets; ice bags; medicine dropper (glass droppers with rubber sacs); rubber sacs for medicine droppers; sponge bags; surgeons' aprons; water bottles; water cushions; and water pillows	20410	H
Clothing of rubber or of rubberized cloth, the following only:		
Aprons; bathing caps, bandeaux, ladies'; bathing shoes; bathing slippers; bathing suits; brassieres; bust supporters; capes; corsets; dress shields; girdles; household aprons; infants' bibs, bloomers, diapers, and pants; reducers; reducing clothing; sanitary belts; waterproof aprons; and waterproof sleeves	20430	H
Rubber toys, balls, and novelty balloons, n. e. c	20461	H S
Hard rubber goods, n. e. c., not specially fabricated for particular machines or equipment, except ebonite sheets and sheeting, electrical; insulating material; insulators; rods, electrical; sheets, electrical; tubes and tubing, electrical	20590	H S
Rubber tile, tiling and flooring	20941	H S
Rubber mats and matting	20942	H S
Sponge rubber, chemically blown and foam, and products, the following only:		
Cushions; shoulder pads; and sponges	20970	H S
Foam rubber mattresses; foam rubber stripping; and foam rubber pillows	20970	H
Natural and synthetic rubber manufactures, n. e. e., not specially fabricated for particular machines or equipment, the following only:		
Artgum erasers; baby carriage tires; basin plugs; bath plugs; beach bags; buffers; bumpers; caps for millinery racks; carpet sweeper tires; carriage tires; chair tips; closet tank balls; concave cushions; cord undershoes, rubber-impregnated; crutch tips; cushion tires, except truck and industrial; door bumpers; doorstops; ear pads; easies (cord undershoes, rubber impregnated); elastic bands, stationers'; erasers, including pencil plugs; eye guards; eyelets; grips; gum erasers; hand pads; hand stamps; handle grips; hat bags (for hat manufacturing); hoof pads; horseshoe pads; mallets; masks and false faces, except novelty; mat patches; mauls; mud shields; nose clips; paste rollers; pencil plugs; plungers; ricksha tires; rubber bands; rubber tires for children's toys; safety gripper attachments; shower curtains; sink plugs; skate strap pads (rubber chief value); soap dishes; solid tires, except truck and industrial; table tops; tank balls; tires for toys; tires, solid and cushion, except truck and industrial; typewriter erasers; velocipede tires; and weatherstrip	20998	H S
Hair, rubberized; and scraper tips	20998	H
Naval stores, gums, and resins:		
Naval stores	21100-21255	H
Drugs, herbs, leaves, and roots, crude:		
Cascara bark	22010	H S
Ginseng	22050	H
Other crude drugs, herbs, leaves and roots, except cinchona bark, pyrethrum (insect flowers), and rotenone-bearing roots	22098	H S
Oilseeds (including nuts and kernels), except essential oil seeds	22100-22240	H
Vegetable oils, fats, and waxes, crude:		
Vegetable oils (except essential) and fats, crude	22300-22498	H
Peppermint, spearmint and other mint oils, natural	22680-22690	H S
Citrus oils, natural	22711-22715	H S
Aniseed oil; and cassia oil	22798	H S
Vegetable waxes, crude	22900	H S
Vegetable dyeing and tanning extracts, except quebracho extract (23390)	23320-23398	H
Seeds, except oilseeds:		
Grass and field seeds	24013-24199	H
Flower seeds	24670	H S
Vegetable seeds	24685-24695	H S
Seeds, n. e. c	24750	H
Nursery and floral stock	25985-25998	H S
Tobacco and manufactures:		
Tobacco	26011-26190	H
Tobacco manufactures	26200-26295	H S
Miscellaneous vegetable products, inedible:		
Broomcorn	29310	H S
Hops	29510	H S
Inedible vegetable products, n. e. c	29998	H
Cotton semimanufactures, except cotton pulp	30081-30139	H
Cotton manufactures	30155-31990	H
Vegetable fibers and manufactures:		
Hemp, unmanufactured	32052	H S
Sisal or henequin, unmanfuactured (including tow)	32058	H
Unmanufactured vegetable fibers, n. e. c	32060	H S
Cordage, except cotton or jute	34110-34198	H
Hard-fiber yarns	34990	H
Vegetable fiber manufactures, n. e. c. (wholly or in chief weight vegetable fibers) (including straw or grass manufactures)	34998	H S
Wool, unmanufactured	36093-36099	H

Symbol "H"—Commodities subject to General License GHK.
Symbol "S"—Commodities subject to General License GLSA.

Commodity	Schedule B No.	Symbol
Wool semimanufactures	36221-36330	H
Wool manufactures	36411-36899	H
Hair and manufactures, n. e. c	36905-36995	H S
Silk and manufactures, except parachute cloth (37260)	37020-37990	H S
Man-made fibers and manufactures:		
Filament yarn and monofilaments, all twists (including thrown and plied yarns) of man-made fibers:		
Rayon (viscose and cuprammonium), regular and intermediate tenacity filament yarn and monofilaments (including thrown and plied yarns)	38410	H
Acetate filament yarn and monofilaments (including thrown and plied yarns)	38414	H
Nylon filament yarn and monofilaments (including thrown and plied yarns) except tire cord and tire cord fabric	38416	H
Man-made fiber filament yarns and mononfilaments, n. e. c., (including thrown and plied yarns) except polytetrafluoroethylene (Teflon) fiber, and yarn	38418	H
Thread and hand work yarns of man-made fibers (including sewing, embroidery, hand-knitting and crocheting)	38420	H
Man-made fiber spun yarns (including singles and plied) n. e. c	38422-38424	H
Textile glass fibers for weaving, knitting and braiding, and glass staple and tow	38426	H
Man-made fiber staple and tow, n. e. c	38428-38432	H
Waste and partially manufactured man-made fiber, including tops, sliver and roving:		
Man-made fiber producers' and low twist mill thread waste	38434-38436	H
Rags and clips (new, old, or used) and used civilian clothing (including hosiery) of man-made fibers	38438	H S
Other waste and partially manufactured man-made fiber	38440-38446	H
Broad woven goods, wholly or in chief weight man-made fibers, except parachute cloth and polytetrafluoroethylene (Teflon) fabric	38448-38474	H S
Knit fabric in the piece, wholly or in chief weight man-made fibers	38476	H S
Ribbons and other narrow woven fabrics, fringes, trimmings and braids (other than hat braids), wholly or in chief weight man-made fibers, except nylon webbing (38482)	38480-38482	H S
Wearing apparel, house furnishings, and textile manufactures, n. e. c., wholly or in chief weight man-made fibers, except nylon fishing line, unfinished; nylon twine; and nylon rope (38590)	38521-38590	H S
Miscellaneous textile products:		
Linoleum, felt base coverings, and oilcloth for floor, shelf, table and wall	39010-39110	H
Coated or impregnated fabrics, except those treated with or containing polytetrafluoroethylene (e. g., Teflon) or monochlorotrifluoroethylene (e. g., CF-3)	39160-39179	H
Waterproof outer garments, new, except rubber and rubberized	39180	H
Corsets, brassieres, and girdles, new, except rubber and rubberized	39210	H
Neckties, cravats, mufflers, and scarves, new (all fibers)	39280	H
Hat braids of natural or man-made fibers	39400	H
Hats and hat bodies of straw, palm leaf, and similar natural fibers, or of man-made fibers, new	39410	H S
Fur-felt and wool-felt hats, caps and hat bodies, new	39510-39530	H S
Hats, caps, and berets, new, n. e. c	39590	H
Artificial flowers, fruits, vegetables, grasses, grains, leaves, stems, or parts thereof (all materials)	39630	H S
Mattresses, cotton, kapok, moss, and hair	39700	H
Absorbent cotton, absorbent rayon staple, sterilized gauze, and sterilized bandages	39820	H
Elastic webbing, woven, knit, or braided	39880-39900	H
Garters, arm bands, suspenders, and braces, new	39940	H
Textile manufactures, n. e. c	39990	H
Wood, unmanufactured, except Port Orford cedar (40170)	40040-40390	H S
Sawmill products, except Port Orford cedar (40575)	40503-41592	H S
Wood manufactures:		
Wood containers, shooks, cooperage, and cooperage stock	41600-42099	H S
Veneers	42162-42166	H S
Softwood plywood, interior type	42174	H S
Shingles	42250	H S
Millwork	42265-42289	H S
Prefabricated and ready-cut buildings and components, wood or chief value wood	42403	H
Wood manufactures, n. e. c. except battery separators and blanks and separator veneers (42946); and boat parts, small, machined to shape, docks, portable; gun stock blanks; patterns; portable floats; propeller blades; propellers; towers, windmill; and trestles (42990)	42407-42990	H S
Cork and manufactures	43020-43081	H S
Paper base stock, except rags:		
Overissue and folded newspapers	46971	H S
Wastepaper and paper stock, n. e. c., except esparto pulp, flax pulp, rag pulp, re-pulped waste paper, and straw pulp	46981	H S
Paper, related products and manufactures:		
Newsprint	48010	H
Groundwood paper and book paper, printing and converting, except chalk overlay	48030-48070	H S
Fine paper:		
Writing paper, except graph paper, base stock	48090	H S
Bristols, except rag index or bogus	48100	H S
Cigarette paper on bobbins or in sheets	48110	H S
Cover paper, fine, n. e. c	48130	H S
Coarse paper	48165-48185	H S
Paper, related products and manufactures—Continued		
Tissue paper and sanitary tissue stock	48295-48300	H S
Absorbent paper and products, n. e. c	48310	H S
Paperboard and building paper, except baggage tag stock; file folder stock; and rope stock (48376)	48330-48475	H S
Converted paper and board products, except gummed paper (48660); corrugated paper sheets and rolls (48680); and specialty bags, including liner bags (48715)	48510-48960	H
Paper, paperboard, and products, n. e. c., not specially fabricated for particular machines or equipment, the following only:		
Art corners; albums, except photographic; balsam wool, paper; bats, balsam wool; blankets, balsam wool; cellufoam masonite; cellulose wadding, insulation; crepe wadding insulation blankets; fills, balsam wool thermal insulation; flexible wool and vegetable fiber thermal insulation; flexoline sheets; insulation, fiber quilt or blanket type; insulation material, ground paper, chemically treated; Kimsul insulation blankets; Masonite Cell-U-blankets; mounts, photographic; tags, printed and unprinted; and Tuffiex	48990	H S
Christmas wrapping; crepe paper; decorations; gift wrapping papers; labels, printed or unprinted; leather, artificial; leatherette-coated paper; leatherette paper base, except cover; polyethylene coated paper; ribbon, paper; seals; tapes; teledeltos receiving blanks for facsimile machines; tinsel cord and ribbon	48990	H
Coal and related fuels:		
Coal, including coal and coke briquettes, except petroleum coke	50010-50030	H S
Coke, except petroleum coke	50040	H
Charcoal, fuel grades, except animal charcoal	50050	H
Stone, hydraulic cement and lime:		
Building and monumental stone, and manufactures of stone	51010-51270	H S
Standard Portland hydraulic cement	51640	H S
Concrete and cement manufactures, n. e. c	51700	H S
Lime	51710	H S
Glass and products:		
Flat glass and products, except laminated glass and manufactures (52170)	52121-52309	H S
Glass bricks and blocks	52315	H S
Unfilled glass containers, with or without closures, new and used	52321-52360	H S
Table and kitchen glassware	52371-52450	H S
Glass lamp chimneys, lantern globes, and globes and shades for lighting fixtures	52550-52610	H S
Glass products, n. e. c., not specially fabricated for particular machines or equipment, except balletini reflective material; Foamglass; floaters; glass fiber products, including filters; glass fibers not for weaving, knitting, and braiding; insulator brackets; Lamiglass; and reflective highway marking beads	52990	H
Clay and products:		
Clays, except fire clay	53090-53098	H S
Table and kitchen articles and utensils	53201-53205	H S
Sanitary articles, vitreous and semivitreous	53321-53340	H S
Pottery, n. e. c., except chemical and industrial	53380	H S
Structural clay products (except pottery and refractories)	53690-53750	H S
Other nonmetallic minerals and products (precious included):		
Grindstones and pulpstones	54150-54160	H S
Vinyl floor tiles and vinyl asbestos tiles	54598	H
Asphalt tile	54600	H S
Asphalt and bitumen, natural, manufactures, n. e. c	54710	H S
Gypsum and manufactures	54835-54870	H S
Rock wool, and other semi-rigid and "fill" mineral insulating materials, n. e. c., except glass wool and other glass fiber insulating material	54901	H S
Glass wool and other glass fiber insulating material	54901	H
Salt, crude and refined	57240	H S
Magnesium silicate	57360	H
Talc, steatite, soapstone, and pyrophyllite manufactures: Baptismal fonts only	57370	H S
Gravel	59625	H S
Stone, crushed, ground, or broken	59630-59635	H S
Other nonmetallic mineral products, the following only:		
Agate articles, except jewelry; agates; blast furnace slag; carbon clinkers (furnace waste); cinders; crude chalk, except precipitated; crude vermiculite; feldspar, except for gems; firestone; fluxing stone; glazing stones; lava, unmanufactured; meerschaum, imitation and natural, unmanufactured; obsidianite; plaster aggregate; sea coal; slag, except basic; stucco; and volcanic ash and earth	59645	H S
Glaze frits, and supercel filter powder	59645	H
Precious, semiprecious, synthetic, and imitation stones, n. e. c., except diamonds (genuine and synthetic); diamond bearings; jewel bearings; rubies (genuine and synthetic); and sapphires (genuine and synthetic)	59900	H S
Metal manufactures:		
Cutlery (except table flatware) and parts	61120-61165	H S
Table flatware and specially fabricated parts, n. e. c.:		
Silver-plated	61171	H S
Metals, except precious	61179-61195	H S
Hollowware, n. e. c., solid or plated of metals, except precious (including stainless steel)	61199	H S
Cooking and kitchen utensils and hand-operated kitchen appliances, n. e. c., and specially fabricated parts and accessories, n. e. c	61201-61234	H S
Vitreous enameled products, n. e. c., and specially fabricated parts and accessories, n. e. c.	61236	H S
Metal ware, n. e. c., and specially fabricated parts and accessories, n. e. c	61240	H S
Metal furniture and fixtures (including office equipment), except laboratory furniture (61369)	61311-61369	H S

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Commodity	Schedule B No.	Symbol
Metal manufactures—Continued		
Domestic cooking and heating stoves and water heaters (except electric), and specially fabricated parts and accessories, n. e. c.	61423–61471	H S
Hardware:		
Locks (all metals)	61800–61803	H
Hinges and butts (all metals)	61805	H
Iron and steel wood screws	61807	H
Iron and steel bolts, screws, nuts, rivets, and washers, n. e. c., not specially fabricated for particular machines and equipment	61809	H
Iron and steel nails, staples, and spikes, except boat spikes; and except wire nails, staples and spikes	61814	H
Other nails, staples, and spikes, except boat spikes	61816	H
Tacks, including thumbtacks	61818	H S
Iron and steel builders' hardware, n. e. c., and specially fabricated parts and accessories, n. e. c.	61820	H S
Furniture hardware, and specially fabricated parts and accessories, n. e. c.	61824–61828	H S
Hardware, n. e. c., all metals, except gasoline flatirons, sadirons, and tailors' irons (61836); and blowguns, blowlamps, and copper-base alloy hardware (61838)	61836–61838	H S
Metal plumbing fixtures and fittings, and specially fabricated parts, and accessories, n. e. c.	61840–61847	H S
Sash, sections and frames, door and window	61916–61918	H
Construction materials, n. e. c., the following only: sash, sections, and frames, door and window, metal, n. e. c.	61922	H
Venetian blinds (including slats and strip), and specially fabricated parts and accessories, n. e. c.	61924–61926	H
Filled milk cans	61932	H
Unfilled milk cans	61936	H
Wire products, n. e. c.:		
Aluminum screen cloth	61952	H
Picture cord only, iron and steel, except stainless steel	61956	H S
Wire products, n. e. c., not specially fabricated for particular machines and equipment the following only:		
Fasteners for paper milk bottle caps; grating with wire center, steel; helically coiled wire inserts; needleboard pressboards; wire baskets; wire insulators for conveyor belting; wire insulators for upholstery webbing; wire nets, finished, and wire rope clamps	61964	H S
Wire cloth sieves; and welded mesh (other than reinforcing), except mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter	61964	H
Metal signs, except electric, iron and steel	61990	H S
Metal manufactures, n. e. c., and parts, n. e. c. the following only:		
Metal signs, except electric, n. e. c.	61995	H S
Venetian blinds (including slats and strips), and specially fabricated parts and accessories, n. e. c.	61995	H
Precious metals and plated ware, n. e. c.:		
Silver-plated manufactures, n. e. c.	69591	H S
Electrical machinery and apparatus:		
Flashlight batteries	70160	H S
Electric household-type refrigerators, farm- and home-type freezers (whether to be used in farm, home, or commercial establishments), and parts	70580–70595	H S
Flashlights	70600	H S
Electric free air circulating fans	70610	H S
Filament bulbs (lamps) up to and including ¾-inch base, the following only: carbon filament; Christmas tree; clearance bulbs; flashlight; incandescent; lens; and metal filament	70630	H S
Filament bulbs (lamps), over ¾-inch base, the following only: carbon filament; clear; frosted; incandescent; metal filament; photoflood, and projection	70645	H S
Electric household laundry equipment, and specially fabricated parts and accessories, n. e. c.	70680–70690	H S
Electric household motor-driven appliances, n. e. c., and specially fabricated parts and accessories, n. e. c.	70691–70705	H S
Electric flatirons	70710	H S
Electric household cooking and heating appliances and utensils, n. e. c., and specially fabricated parts and accessories, n. e. c.	70720–70738	H S
Electric commercial cooking (except bakery), and food service equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.	70740	H S
Incandescent portable lamps	70961	H S
Electric lighting fixtures, n. e. c., and specially fabricated parts and accessories, n. e. c., including parts for incandescent and fluorescent lighting fixtures and portable lamps, except explosion-proof fixtures, starters; and vaporproof fixtures	70960	H S
Electrical machinery and apparatus—Continued		
Electrical apparatus, n. e. c., and parts, n. e. c., the following only: appliance cords, complete with plugs; Christmas tree lighting sets; cord sets, electric; drive-in windows for bank deposits, electrically operated; dryers, face and hand; electric paint mixers; electric whisk brushes; extension cords, complete; flashlight battery parts; flashlight parts; foot vibrators; fountains, decorative; fuse parts; fuse plug bodies; fuse plug parts; insect control units; insect killers; metal signs, electric; neon signs; neorite units (control of neon sign animation); parts, n. e. c., specially fabricated for electric free air circulating fans; range-refrigerator combinations; safety cap lamps; sign flashes; sign letters; signs, electric; traffic signal lights; window-opening devices, commercial type, electrically operated	70999	H S
Construction, excavating, mining, oil field, and related machinery:		
Asphalt heating kettles and heaters only	72151	H
Concrete batching, mixing, placing, paving, finishing, and curing units, and auxiliary units, the following only: buggies; concrete floor machines; concrete vibrators; grout mixers; plaster and mortar mixers; and rotary finishers	72155	H
Parts and accessories n. e. c., specially fabricated for the equipment covered in entries under Schedule B Nos. 72151 and 72155 above	72157	H
Dirt tampers only	72215	H
Construction and maintenance equipment, n. e. c., and specially fabricated parts and accessories, n. e. c., the following only:		
Asphalt cutters; clay spades	72245	H
Overhead hoists, pendant type	72313	H S
Parts and accessories, n. e. c., specially fabricated for pendant type overhead hoists	72314	H
Elevators and moving stairways, n. e. c., and specially fabricated parts and accessories, n. e. c.	72495	H
Other industrial machines, and parts:		
Bakery machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	76002	H S
Flour-mill and gristmill machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	76050	H S
Rice mill machines, and specially fabricated parts and accessories, n. e. c.	76090	H S
Sugar-mill machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	76110	H
Cannery machines, n. e. c., and specially fabricated parts and accessories, n. e. c., except piping made of or lined with any corrosion resistant materials	76125	H
Bottling, bottle-washing, and bottle-labeling machines, and specially fabricated parts and accessories, n. e. c.	76131–76132	H S
Meat and other food grinding and cutting power-driven machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	76151	H S
Food and beverage processing machines n. e. c., and specially fabricated parts and accessories, n. e. c.	76195	H
Cigarette and cigar-making, and tobacco processing machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	76200	H S
Paper-coverting machines, and specially fabricated parts and accessories, n. e. c.	76270–76281	H
Woodworking machines and specially fabricated parts and accessories, n. e. c.	76310–76390	H S
Air conditioning and mechanical refrigerating equipment:		
Ice-making machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	76505	H S
Self-contained commercial type refrigerators and freezers, n. e. c., except blood, bone, and tissue bank freezers, and deepfreeze storage cabinets	76561	H S
Commercial type refrigerators and freezers (other than self-contained), n. e. c., as follows:		
Refrigerators and freezers, except refrigerating systems for trucks and railway cars	76591	H
Refrigerators and freezers, except refrigerating systems for trucks and railway cars and walk-in coolers	76591	S
Parts, n. e. c., specially fabricated for replacement only in air-conditioning and refrigeration equipment specified on this list under Schedule B Nos. 76505, 76561, and 76591	76605	H S
Refrigerator defrosting clocks	76680	H S
Centrifix type RW line purifiers	77083	H S
Hand pumps, n. e. c., and windmill pumps	77109	H S
Self-contained household water systems (with or without tanks)	77113	H S
Service station pumps only	77115	H S
Parts and accessories, n. e. c., specially fabricated for the pumps specified on this list under Schedule B Nos. 77109, 77113 and 77115	77119	H
Paint spraying machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	77200	H S
Commercial laundry and dry cleaning equipment (including power-driven machines), and specially fabricated parts and accessories, n. e. c.	77381–77385	H S
Scales and balances, other than industrial and commercial, and specially fabricated parts, and accessories, n. e. c., except lead scale weights	77442–77447	H S
Wrapping, packaging and filling machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	77490	H S
Leather-tanning and leather-working machines, n. e. c., and specially fabricated parts and accessories, n. e. c.	77530	H S
Lubrication equipment, n. e. c., and specially fabricated parts, and accessories, n. e. c.	77548	H

Symbol "H"—Commodities subject to General License GHK.
Symbol "S"—Commodities subject to General License GLSA.

Commodity	Schedule B No.	Symbol
Other industrial machines, and parts—Continued		
Presses, power-driven, n. e. c., the following only:		
Briquetting presses	77596	H S
Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c., the following only:		
Abattoir equipment, boiler room specialty tools; broom-making machines, except broom-sewing; broom winding, scrapping and chipping machines; brush-making machines; button covering machines; button making machines; candle making machines; casket lowering devices; clay guns; cleaning machines, steam; cleaning units, sack; creosoting equipment, for wood products, dehairers (abattoir), dish-washers, commercial; Dri-Air units; exhaust fume control units; fish reduction machines, for the manufacture of fish meal for animal feed; flame arrestors, floor finishers, industrial-type, floor sanders, industrial type, floor scrubbing machines; floor surfacers, industrial type; fluorescent lamp disposal units, fumigation chambers; fur-blowing machines; fur-treating machines; garbage burners, industrial and commercial; garbage grinders, industrial and commercial; hat-blocking machines; hat-making machines, ice-crusher slingers; ice saw and drill machines, combination type, engine driven; incinerators, industrial and commercial; jacks, power, general purpose; Koch "Cash X" pistol (slaughterhouse); linoleum making machines; measureograph machines for measuring cloth; nutter; paint markers for marking pavement; paper match assembly (booking machines); pin ticketing machines (tag-to-product applying); power sprayer-type cleaning outfits; reels, hose and cable, power operated; refrigerant charging apparatus, automatic; shoelace tipping machines; slaughterhouse machines; smoke generators, except military; stone products manufacturing machines; tank-cleaning machines; tube cleaners; tube expanders, maintenance type; vacuum cleaners, industrial type; vibrating paper joggers; vibrators, hydraulic; wallboard plaster core machines; watch-cleaning machines; zipper manufacturing machines	77599	H S
Abrasive circulators; abrasive coating machines; acetylene gas generating apparatus, unitized; assembling fixtures, production, except those for production of military equipment; BRI (Basic Refractories Injection) guns; battery making and assembling machines; cutting machines for brick, tile, ceramics, and similar non-metallic materials, except powder cutting machines; line-traveling coating and wrapping machines for pipes and tubes; Permanent Magnet Ferro Filters; pipe line cleaning machines; water super-heaters; waxing machines, industrial; welding rod brushing machines; and welding rod feeders	77599	H
Office, accounting, and computing machines:		
Addressing machines, except punch-card type, and specially fabricated parts, and accessories, n. e. c	77632–77634	H
Duplicating machines, and specially fabricated parts, and accessories, n. e. c	77636–77641	H
Cash registers, and specially fabricated parts and accessories, n. e. c	77643–77670	H S
Typewriters, standard and portable, new, used and rebuilt	77700 77742	H S
Hectowriters	77745	H S
Parts and accessories, n. e. c., specially fabricated for typewriters	77750	H S
Staplers, office type	77771	H S
Mail-handling machines, and specially fabricated parts, and accessories, n. e. c	77791	H
Check-handling machines, and specially fabricated parts, and accessories, n. e. c	77795	H S
Office machines, n. e. c., and specially fabricated parts and accessories, n. e. c., except adding machines, nonlisting; calculating machines, used or rebuilt; card punch equipment, used or rebuilt; collating machines; Coxheadliners; cylinder shaving machines; cylinders for dictating machines; discs for recording machines; Formaliners; foto-list machines; headliners; lightning calculators (adding machines); listing adding machines, used or rebuilt; magnetic tape for recording machines; needles for recording machines; photo composing machines; pocket adding machines; and remote dictation stations	77799	H S
Printing and bookbinding machinery:		
Typesetting machines, and specially fabricated parts and accessories, n. e. c	77900–77905	H
Printing presses, including decorating presses, and specially fabricated parts and accessories, n. e. c	77910–77915	H
Printing apparatus, n. e. c., and specially fabricated parts and accessories, n. e. c., the following only: fonts; handsaws; and linotype matrices	77951	H
Embossers and embossing equipment	77951	H S
Agricultural machines, implements and parts:		
Milk room equipment, and specially fabricated parts and accessories, n. e. c	78013–78025	H
Poultry equipment, and specially fabricated parts and accessories, n. e. c	78045–78061	H
Other agricultural machines and implements, except power sprayers (78073), power dusters (78077), and portable and semiportable irrigation systems, farm-type (78705) (excludes parts and accessories)	78071–78715	H
Tractors, parts and accessories:		
Garden tractors and motor tillers	78793–78798	H
Parts and accessories, n. e. c., specially fabricated for garden tractors and motor tillers (8 horsepower and under)	78895	H
Other vehicles and parts:		
Bicycles, and specially fabricated parts and accessories, n. e. c	79714–79715	H S
Farm wagons, drays, and trailers, except logging wagons (report logging wagons in 79996)	79735	H S
Vehicles, n. e. c., and specially fabricated parts n. e. c., except logging wagons, motor scooters, sno-cats, and sno-cat trailers	79996	H S

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Symbol "S"—Commodities subject to General License GLSA.

Commodity	Schedule B No.	Symbol
Coal-tar and other cyclic chemical products:		
Coal-tar and other cyclic dyes and stains, n. e. c., the following only, in small packages of 2 ounces or less: dye tablets; easter egg colors, except of vegetable origin: and household tints and dyes	80599	H S
Medicinal and pharmaceutical preparations:		
Castor oil, medicinal grade, in 16 oz. containers or less	81110	H S
Menthol, bulk	81398	H
Plasters	81500	H S
Cold, cough and bronchial preparations, except vaccines	81530–81540	H
Tonics, blood purifiers, emulsions and appetizers	81600	H
Laxatives, purgatives, cathartics and stool-softening agents, including milk of magnesia	81615	H S
Antacids and digestive preparations	81650	H S
Drugs and medicinal preparations, in dosage form, n. e. c., the following only: corn and foot remedies; liniments; mouth washes, gargles, and personal antiseptics	81800	H S
Chemical specialties:		
Paradichlorobenzene	82056	H
Benzene hexachloride, technical, and formulations containing 6 percent or more gamma isomer of benzene hexachloride	82075	H
Agricultural insecticides and insecticide formulations, n. e. c., the following only: Benzene hexachloride and compositions, containing 1 to 6 percent gamma isomer	82240	H
Fumigants, soil, grain, and industrial, except Acrylon fumigant; azobenzene fumigating powder; cyanide, crude; cyanogas; DD (dichloropropene-dichloropropane mixture); Dowfume W—85; fumo gas; nematacides; nicotine fumigating powders; soil fumigants (chemicals); and soil fumigators	82260	H
Insecticides and other pesticides, household and industrial, n. e. c., except aerosol bombs; bug bombs; moth balls; and naphthalene balls and flakes in packages exceeding 5 pounds	82270	H
Disinfectants, household and industrial, n. e. c	82280	H
Baking powder	82300	H S
Textile specialty compounds:		
Textile oil; and yarn conditioning liquids	82385	H S
Other textile specialty compounds, n. e. c	82385	H
Tanning specialty compounds, n. e. c., except chromium tanning mixture	82390	H S
Regenerated cellulose (except rayon) sheets and rolls, including printed	82700	H S
Cementing preparations, n. e. c., for repairing, sealing and adhesive use, the following only:		
Automobile top sealer; floor patch, concrete; floor cement; linoleum cement, except rubber; linoleum paste, except rubber, roofing cement; and running board cement	82740	H S
Acetate cement; cementing compound, sulfur and tar; cementing preparations, for pyroxylin watch glasses; film cement with paraffin; iron cement; polishing wheel cement; soil pipe cementing preparations; solder glue; thread lubricant and seal compound; tire-cut filler; and wallboard cementing preparations	82740	H
Detergents, all types	82870	H
Specialty cleaning and washing compounds, n. e. c., except rifle cleaning compounds	82895	H
Shoe polishes and shoe cleaners	82910	H S
Leather dressings, oils, polishes, and stains, the following only:		
Auto top dressing; belt dressing; and shoe dressing	82920	H S
Blacktop dressing; castor oil, sulfonated; and fatty acids for leather dressing and staining	82920	H
Polishes, n. e. c	82925	H S
Synthetic essential oils	82932	H S
Odoriferous chemicals of synthetic origin only	82936	H S
Oderiferous compounds containing natural and/or synthetic essential oils and/or odoriferous chemicals of natural and synthetic origin for perfumery, n. e. c	82941	H S
Flavors and flavoring extracts, natural and synthetic	82945–82956	H S
Pectin and preparations	82960	H S
Licorice extract and mass	82990	H S
Chemical specialty compounds, n. e. c., the following only: Brewer's finings; chemical compounds for manufacturing ice cream; chill proofing compounds; clarifier for beer or ale; clarifying powder, for wines; denatured alcohol, solidified; hat finishing powder; ink eradicators; laundry sour; lipstick bases; lipstick waxes; marble polish; meat curing compounds; platinum liquids for decorating china and glass; platinum plating solutions; rosin size; secondary and minor plant nutrients, n. e. c., shaving cream base, concentrated; silk-stocking savers, in tablet form; silver liquids for decorating china and glass; soil conditioners, synthetic; and yeast food (dough conditioner)	82999	H S
Aluminum stearate solution for waterproofing masonry; brewers' tank coating compound; buffing compounds, chemical; calcium chloride and salt compound; ceramic printing paste; cigar and cigarette lighter fluids; concrete hardeners; concrete plasticizer compounds: concrete waterproofing compound; diol oleate (rubber thread lubricating compound); dough improvers; etching compounds; fluorescent powder, daylight (magnesium sulfate and ammonium tungstate); glycerol stearate (emulsifying agent); indicating paste; industrial enzymes; ink conditioners; ink thinners, for cellophane printing; iron oxide suspension (spirit dispersion); leather binding compounds; metal patch alloy; metal patch solvents; metallic hardeners for cement floors; model airplane engine fuels; paint oil, SPX (linseed oil substitute consisting of fish-oil base and thinners) paper-coating paste; pickling inhibitors; plant hormones; road binding compound; saturating compounds, asphalt base; screening pastes; shark deterrents; shellac substitutes; talc paste; and white camphor oils	82999	H

Commodity	Schedule B No.	Symbol
Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):		
Organic acids and anhydrides, the following only: A, B-dibromopropionic acid; adenylic acid; camphoric acid; and camphosulfuric acid	83030	H
Ethyl alcohol	83151	H
Alcohols, n. e. c., the following only: diacetone alcohol	83159	H
Organic chemicals, except cyclic, the following only: corn protein denaturant; crotonaldehyde; cyanacetamide; diethyl malonate; dimethyl gloxime; dipentaerythritol acetate; dipentaerythritol hexapropionate; dipentaerythritol hexybutyrate; ethyl butyrate; ethyl chloride; ethyl chloroacetate; ethyl chlorocarbonate; ethyl formate; ethyl hydrogen sulfate; ethyl lactate; ethyl malonate; ethyl mercaptan; glutaronitrile; glyceryl monostearate; methyl glutamate; methyl hydroxy acetate (methyl glycolate); methylionylacetaldehyde; methyl monostearate; monoisopropanolamine; monopentaerythritol diacetate dibutyrate; monopentaerythritol tetrabutyrate; pentanedione 2-4 (acetylacetone); perpinyl acetate; sodium carboxymethyl-cellulose; tri-ethyl phosphate; and zein (corn protein denaturant)	83299	H
Aluminum compounds, the following only: alum, crystallized; aluminum fluoride; aluminum nitrate; aluminum silicate; ammonia alum; potash alum; potassium alum; potassium aluminum sulfate; soda alum; sodium alum; sodium aluminate; and sodium aluminum sulfate	83390	H
Potassium compounds, except fertilizers, the following only:		
Cream of tartar (synthetic included)	83590	H S
Potash-magnesia carbonate, potassium arsenite; potassium bicarbonate; potassium bisulfate; potassium meta-bisulfite; potassium phosphate, monobasic; potassium silicate; potassium sulfate; potassium sulfide; and rochelle salts	83590	H
Sodium bicarbonate or baking soda	83670	H S
Sodium compounds, n. e. c., the following only: sodium allyl arsenate; sodium ammonium phosphate; sodium arsenate; sodium bisulfite; sodium chlorite; sodium orthosilicate; sodium sesquicarbonate, and sodium thiosulfate	83799	H
Hydrogen peroxide or dioxide, 5 percent solution or less	83973	H S
Metal salts of organic compounds, except paint and varnish driers, the following only: aluminum acetate; aluminum dihydroxyaminoacetate; aluminum formate solutions; aluminum isopropylate; aluminum lactate; aluminum octoate, aluminum oxyquinolate; ammonium acetate; ammonium alginate; ammonium bitartrate; ammonium ferric oxalate; ammonium oxalate; ammonium thioglycollate; antimony lactate (antilac); cadmium acetate; cadmium octoate; cadmium salicylate; calcium acetate; calcium formate; calcium linoleate; calcium tartrate; chlorophyll, dry; chlorophyll solution (in oil); iron protoxalate; iron sodium oxalate; magnesium oxyphenyl arsenate; manganese acetate; phenyl mercury acetate; potassium acetate; potassium bitartrate; potassium oxalate; potassium oxychinolin sulfonate; potassium salicylate; sodium bitartrate (acid sodium tartrate); sodium formate; sodium gluconate; sodium methylate; sodium oxalate; sodium potassium tartrate; sodium propionate; sodium salicylate; sodium stearate; tartar emetic; zinc acetate; and zinc stearate	83979	H
Industrial chemicals, n. e. c., the following only: cadmium sulfate; calcium oxide; calcium polysulfide; calcium silicate, chalk, precipitated, dicalcium phosphate; Epsom salts; ferric hydroxide; ferrous carbonate, ferrous chloride, ferrous sulfate; iron chloride; iron hydroxide; iron phosphate; iron sulfate, iron sulfide, granular; kieserite, natural; lead arsenite; lead thiocyanate, lime bi-sulfate; lime phosphate; magnesium arsenide; magnesium phosphate; magnesium silicate, hydrated; magnesium silicate, precipitated; magnesium silicofluoride; magnesium sulfate; magnesium trisilicate; monocalcium phosphate, except as fertilizer, monocalcium sulphate; palladium chloride; palladium salts and compounds; silver chlorides; silver cyanide, industrial; silver nitrate; silver sulfate; silver sulfide; sodium silico aluminate; talcum powder, precipitated; zinc carbonate; zinc cyanide; zinc hydrosulfite; zinc nitrate; zinc peroxide; zinc phosphate; and zinc sulfate, except as fertilizer	83990	H
Pigments, paints, varnishes and related materials:		
Iron oxide pigments, dry, synthetic and natural (mineral earth pigments)	84010	H S
Pigments, n. e. c., the following only:		
Copper ore pigments; lead phosphate pigments; luminescent zinc pigments, not radioactivated	84290	H
Extender pigments, dry, as follows: barytes, ground; calcium sulfate; and gypsum, ground	84290	H S
Bituminous coatings, liquid and plastic, n. e. c	84300	H S
Artists' colors	84311	H S
Water paints in paste form	84323-84325	H S
Lacquers, aluminum, silver, gold, and pearl	84337	H S
Ready-mixed paints, stains, and enamels, n. e. c., except fluorescent ready-mixed paints, stains, and enamels, and except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene and silicones	84380	H S
Varnishes (oil or spirit), natural or synthetic, n. e. c., except antifouling types (including all those containing cuprous oxide) and those containing polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene, and silicones	84421	H S
Paste and semipaste paint colors only in oil, putty and paste wood fillers, n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene and silicones	84480	H S
Fertilizers and fertilizer materials:		
Phosphate rock	85153-85157	H S
Other phosphatic fertilizer materials	85191-85200	H
Potassic fertilizer materials, except potassium chloride	85310	H S
Prepared fertilizer mixtures	85510	H S
Soap and toilet preparations	87110-87700	H S
Photographic and projection goods:		
16 mm Motion-picture cameras, except gun cameras and special purpose military cameras	90012	H
8 mm Motion-picture cameras	90015	H S
Hand-type, fixed focus still cameras	90030	H S
Parts and accessories, n. e. c., specially fabricated for cameras, the following only: cable releases; camera stands; carrying cases; flash synchronizers; lamp holders	90060	H S
Other parts and accessories, n. e. c., specially fabricated for: 16 mm motion-picture cameras, except gun cameras and special purpose military cameras; 8 mm motion-picture cameras; and hand-type, fixed focus still cameras	90060	H
16 mm Silent motion-picture projectors	90083	H S
8 mm Motion-picture projectors, silent only	90086	H S
16 mm miniature still picture projectors	90090	H S
Motion-picture projection equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.:		
Parts and accessories, n. e. c., specially fabricated for 16 mm and 8 mm silent motion-picture projectors	90270	H S
Motion-picture studio equipment, n. e. c., and specially fabricated parts and accessories, n. e. c., the following only: developing, printing, fixing, or washing tanks or machines; dies and punches	90280	H S
Motion-picture film, unexposed:		
16 mm	91173-71174	H
8 mm	91178	H S
Motion-picture films, exposed, or exposed and developed, except 35 mm and over negative motion-picture feature films, 4000 linear feet or over (91215); and 35 mm and over, short subject, negative, less than 4000 linear feet (91245)	91211-91245	H
Photographic processing and finishing equipment, professional and commercial (except motion-picture) n. e. c., and specially fabricated parts and accessories, n. e. c., the following only: Analyzers; cutting boards; developing equipment; halftone glass screens; photo baths, glass; photo blotters; photo scales (enlarger parts); print rollers; printing frames; printing masks; shading machines	91320	H S
Photographic prints: Foto murals only	91340	H
Photographic transparencies on film or glass, the following only: Color transparencies; lantern slides; slide film prints (silent film only)	91350	H S
Photographic and projection goods, n. e. c., and specially fabricated parts and accessories, n. e. c., the following only: Albums, background, photographic; carrying cases; developing tongs; dry mounting press; dry plates; flashing powder; hangers; magic; lantern parts; projector parts, still picture; screens; squeegees; View-Masters	91400	H S
Scientific and professional instruments, apparatus and supplies, n. e. c.:		
Sun glasses, sun goggles, ophthalmic spectacles, ophthalmic lenses, and specially fabricated parts, and accessories, n. e. c	91420-91438	H S
Optical goods, n. e. c., and specially fabricated parts and accessories, n. e. c., the following only: binocular cases; binocular loupes; cases for opera glasses; folding magnifiers; magnifying glasses; monoculars; spectacle cases of all materials; and stereoscopes	91499	H S
Teeth, dentures, and bridges	91520	H S
Dental, professional, and laboratory equipment, n. e. c., the following only and specially fabricated parts and accessories therefor: bench equipment; bracket tables; cabinets; casting machines; chairs; compound heaters; control panels; cuspidors and cuspidor bowls; denture trimmers; flasks; grinders; investment mixers; investment scales; laboratory spatulas; lights and light adapters; mats; presses; processing equipment; sand blasters; surveyors; syringes, except rubber; tampers; tongs; units; vibrators; waste receivers; and water heaters	91555	H S
Dental supplies, n. e. c	91559	H S
Nursing bottle washing machines only (hospital type)	91565	H S
Surgical appliances, n. e. c., and specially fabricated parts and accessories, n. e. c	91585	H S
Surgical and medical apparatus, n. e. c., and specially fabricated parts and accessories, n. e. c., except venopaks, and whirlpool baths	91599	H S
Musical instruments, parts, and accessories	92110-92975	H S
Miscellaneous office supplies	93031-93990	H S
Toys, games, athletic and sporting goods, except fishing tackle, equipment and parts suitable only for commercial fishing (94210 and 94215)	94000-94480	H S
Books, maps, pictures, and other printed matter, n. e. c., except technical data	95100-95690	H
Miscellaneous commodities, n. e. c.:		
Electric clocks, the following only: alarm and mantel	95700	H S
1-Day alarm clocks	95710	H S
Non-electric clocks, and specially fabricated parts and accessories, the following only: 8-day alarm clocks; clock chimes, dials, and glasses; and novelty clocks	95790	H S
Watches, watch movements, and specially fabricated parts and accessories, n. e. c	95805-95895	H S
Works of art, antiques, and collectors' items, n. e. c	96100	H S
Rosaries only	96200	H S
Jewelry and related items, all materials, except solid gold, platinum, and platinum group metals	96215-96285	H S
Jewelry findings, and specially fabricated parts, n. e. c	96250	H S

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Symbol "S"—Commodities subject to General License GLSA.

Commodity	Schedule B No.	Symbol
Miscellaneous commodities, n. e. c.—Continued		
Bottle and container closures, except closures for thermostatic containers; accessories, and specially fabricated parts, n. e. c	96805-96809	H S
Buttons, and specially fabricated parts and accessories, n. e. c	97110-97120	H S
Lighting devices, n. e. c., and specially fabricated parts and accessories, n. e. c., except incandescent mantels	97925	H S
Matches	98000	H S
Plastic kitchenware and tableware	98151	H S
Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment, the following only, except all manufactures of polytetrafloroethylene (e.g., Teflon) and polytrifluorochloroethylene:		
Cigar ribbons; containers for household use (soap dishes, etc.); display equipment (forms, display boxes, stands, frames), draperies (not firm, woven); garment bags (not requiring cutting or further manufacture for use); hand-mirrors; manicure sets; mats; sausage casings, plastic; table cloths (cut to size); venetian blinds, including separateslats and tapes; baby pants, aprons, bibs, and other indoot type wearing apparel	98159	H S
Bathroom fixtures; boxes, empty; casein plastic slides; frames; furniture; handles; job trays; knobs; mailing cases; nursing bottles; shower curtains; stoppers, for basins and bathtubs; toilet seats; and vials	98159	H
Synthetic sponges	98211	H S
Brushes and brooms	98220-98265	H S
Tobacco pipes (all material)	98280	H S
Umbrellas and parasols	98310	H
Parts and accessories, n. e. c., specially fabricated for umbrellas and parasols	98315	H S
Snap fasteners and slide fasteners, and specially fabricated parts, n. e. c	98390	H S
Notions, novelties, and specialties, n. e. c., and specially fabricated parts and accessories, n. e. c	98409	H S
Mechanical (except electric) household type refrigerators	98415	H
Mechanical (except electric) farm and home type freezers	98415	H S
Ice refrigerators, household and commercial types	98420	H S
Parts and accessories, n. e. c., specially fabricated for mechanical (except electric) household type refrigerators, farm and home type freezers, and ice refrigerators	98429	H S
Soda fountain and bar equipment, and specially fabricated parts and accessories, n. e. c.	98460	H S
Barber and beauty shop equipment, n. e. c., and specially fabricated parts and accessories, n. e. c	98470	H S
Shoe findings, n. e. c	98530	H S
Coin-operated machines, n. e. c	98710-98720	H S
Commodities exported for relief or charity by individnals and private agenices: only those commodities which can be exported commercially under their own individual Schedule B numbers within the provisions of General License GHK	99800-99890	H
General merchandise valued at less than $25: only those commodities which are exportable in quantities valued at $25 or over under their own individual Schedule B number within the provisions of General License GHK or General License GLSA	99910	H S
Articles not elsewhere classified, the following only: aquarium equipment; Braille slates, and parts; brush handles or backs, except wood; busts, for window display purposes; canes, except adjustable; coin-operated machine parts, except parts of musical machines; distilled water; entomologist supplies; fingerprint outfits, and supplies; furniture touchup kits; fly swatters, and parts; fly traps, and parts; game machine parts, coin-operated; heads for display purposes; incense; mannequins, and parts; nursing bottle sets; parking meter parts; picnic sets; record compound; record stock, phonograph; ribbon flycatchers; sand glasses (timers); scrap, phonograph record compound; scrap records; shoe shine kits; tattoo outfits; taxidermists' supplies; theatrical wardrobes, complete; vending machine parts, coin-operated; and washing machines and parts, household, except electric	99990	H S

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Symbol "S"—Commodities subject to General License GLSA.

§ 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO.*

Schedule B No.	Commodity
	Petroleum and products:
50110	Petroleum, crude (including shale oil).
50300	Distillate fuel oil (light fuel oil).
50310	Residual fuel oil.
50407	Lubricating oils, n. e. c., except in containers of four ounces or less (including raw or semirefined stocks, or distillates from which lubricants may be produced).[1]
	Iron products and steel mill products, semifinished:
60164	Carbon steel billets, projectile and shell steel (includes projectile and shell steel blooms and slabs).
60174	Alloy steel (including stainless billets, projectile and shell steel.
	Iron products and steel mill products, rolled and finished:
60210	Bars, projectile and shell steel, hot rolled carbon steel.
60220	Bars, projectile and shell steel, hot rolled alloy steel, except stainless.[1]
	Line pipe (if alloy, specify and give analysis):
60627	Seamless line pipe, carbon and alloy steel.
60630	Welded line pipe, carbon and alloy steel.
	Metal manufactures:
61875	Steel storage tanks, lined, n. e. c., and specially fabricated parts and accessories, n. e. c.
61907	Bridges, metal, portable and knockdown, and specially fabricated parts and accessories, n. e. c. (all metals).
61932	Gas cylinders (all metals and all sizes), filled.
61934	Gas cylinders (all metals and all sizes), unfilled.
61976	Magnesium metal powder.
	Nonferrous metals:
66445	Magnesium metal and alloys in crude form and scrap.
66447	Magnesium alloy semifabricated forms, n. e. c.
	Electrical machinery and apparatus:
70061	Mobile steam turbine generator sets under 500 kilowatts. (Specify by rating.)
70085	Mobile steam turbine generator sets, 500 kilowatts up to and including 7500 kilowatts. (Specify by rating.)
70110	Mobile and portable electrical generating sets powered by Diesel engines. (Specify by rating.)
70114	Mobile and portable self-contained generating sets (generator and power unit) ¾ kilowatts and under.
70115	Mobile and portable self-contained generating sets (generator and power unit) over ¾ kilowatts.
70786	Shipborne radio communication receivers and subassemblies therefor, n. e. c.[1]
70789	Land-type radio communication receivers and subassemblies therefor, n. e. c.[1]
70852	Capacitors (condensers).
70856	Resistors.
70859	Transformers.[1]
70888	Telegraph apparatus (wire), n. e. c., and specially fabricated parts and accessories, n. e. c.
	Construction, excavating, mining, oil field, and related machinery:
73075	Magnetic and electrostatic separators.
73081	Specially fabricated parts and accessories, n. e. c., for magnetic and electrostatic separators.
	Metal-cutting machine tools (nonportable), and parts and accessories, n. e. c.:
74005	Hollow spindle (oil-country type) lathes.[1]
74070	Automatic knee and column type milling machines, with tables 20 inches wide and over and/or 48 inches long and over.
74075	Automatic bed-type milling machines, with tables 20 inches wide and over and/or 48 inches long and over.[1]
74079	Milling machines, n. e. c., with tables 20 inches wide and over and/or 48 inches long and over.[1]
74234	Deep hole drilling machines.[1]
74391	External cylindrical grinding machines, centerless (whether or not automatic sizing).[1]
74439	Combined internal and external cylindrical grinding machines.[1]
74455	Deep-hole drills.[1]
74456	Specially fabricated parts, n. e. c., for the above machine tools (Schedule B Nos. 74005 through 74439).[1]
74457	Accessory equipment for use exclusively on the above types of machine tools (Schedule B Nos. 74005 through 74439).[1]
	Other industrial machines, and parts:
76710	Cotton gins, and specially fabricated parts, n. e. c.
77086	Mechanical vacuum pumps fabricated of or lined with any corrosion resistant material [2] and capable of producing a vacuum less than atmospheric pressure but not as low as 0.1 millimeters mercury pressure absolute.[1]
77125	Tubular heat exchangers, corrosion resistant,[2] designed to operate at pressures over 200 psi and specially fabricated parts, n. e. c.[1]
77585	Multiple effect evaporators, and specially fabricated parts, and accessories, n. e. c.[1]
77585	Processing vessels, non-mixing, n. e. c., designed to operate at pressures over 200 psi, and specially fabricated parts, and accessories, n. e. c.[1]
77588	Electromagnetic separators, and specially fabricated parts, and accessories, n. e. c.[1]
77588	Filters, industrial process type, and specially fabricated parts, n. e. c.[1]
	Agricultural machines, implements, and parts:
78591	Mechanical cotton pickers.
78719	Specially fabricated parts, and accessories, n. e. c., for mechanical cotton pickers.
	Watercraft:
79560	Parts and accessories, n. e. c., specially fabricated for military watercraft, except converted.
	Railway transportation equipment:
79620	Locomotives, new, straight electric, genera lservice (line), of a gauge greater than 4 feet 8 inches (1.42m) or with an individual axle load greater than 12 metric tons.
79623	Locomotives, new, diesel-electric, general service (line), of a gauge greater than 4 feet 8 inches (1.42m) or with an individual axle load greater than 12 metric tons.
79630	Locomotives, new, diesel, nonelectric, general service (line), of a gauge greater than 4 feet 8 inches (1.42m) or with an individual axle load greater than 12 metric tons.[1]
79690	Parts, n. e. c., specially fabricated for the above locomotives (Schedule B Nos. 79620 through 79630).[1]
79695	Automatic (block type) railway signal systems, and specially fabricated parts and accessories, n. e. c.[1]

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[1] For other items under this Schedule B number which require a validated license for shipments to Poland (including Danzig), see the Positive List (§ 399.1).

[2] As used in this list, the term "corrosion-resistant materials" means (i) metals or alloys containing 10 percent or more of chromium and/or nickel and/or silicon; 75 percent or more of copper; 85 percent or more of aluminum; or 90 percent or more of zinc, tin, cadmium, indium, lead, silver, titanium, molybedenum, tantalum or zirconium, either separately or in combination; (ii) glass, ceramics, carbon, graphite, or other nonmetallic materials of mineral origin; (iii) rubber (natural or synthetic), plastics or synthetic resins; and (iv) any other newly-developed corrosion-resistant materials.

Schedule B No.	Commodity
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):
	Organo-fluorine compounds (specify by name):
83285	Dibromomonochloretrifluoroethane (e. g., Freon 123-BR); dibromotetrafluoroethane (e. g., Freon 114-B2); monobromomonochlorodifluoromethane (e. g., Freon 12-B1); monochloropentafluoroethane (e. g., Freon 115); octafluorocyclobutane (e. g., Freon C-318); tetrachlorodifluoroethane (Freon 112); tetrafluoromethane (e. g., Freon 14).[1]
83990	Titanium tetrachloride; phosphorus, elemental; phosphorous oxychloride; and phosphorus trichloride.
	Scientific and professional instruments, apparatus and supplies, n. e. c.:
91610	Transits having a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better.
19620	Parts and accessories, n. e. c., specially fabricated for transits having a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better.[1]
91620	All photo-theodolites; other theodolites having an accuracy of 1 sexagesimal second or better by direct reading or a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better; and specially fabricated parts and accessories, n. e. c.
91620	Tachymeters (tacheometers) having a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better; and specially fabricated parts and accessories, n. e. c.
91980	Vacuum freeze-drying equipment, and specially fabricated parts and accessories, n. e. c.[1]
	Miscellaneous commodities, n. e. c.:
99930.	Military apparel of all types and materials, including insignia, and footwear (new and used).
99960	Miscellaneous military and naval equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.

[1] For other items under this Schedule B number which require a validated license for shipments to Poland (including Danzig), see the Positive List (§ 399.1).

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Sec.
372.1 Applicability of provisions.
372.2 Definitions of validating licenses.
372.3 Exportations requiring validated licenses.
372.4 Applications for validated licenses.
372.5 How to file an application for a validated license.
372.6 License applications for in-transit shipments.
372.7 License applications for ship stores, plane stores, supplies and equipment.
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372.9 Documents accompanying license applications.
372.10 Additional information.
372.11 Issuance and use of validated licenses.
372.12 Reexportation from country of destination.
372.13 Duplicate licenses.
372.14 Return of revoked, expired, or unused licenses.
372.15 Reports.
372.16 License applications for commodities which transit a Subgroup A country enroute to a non-Subgroup A destination.

AUTHORITY: §§ 372.1 to 372.16 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 372.1 *Applicability of provisions.* The provisions of this part and (insofar as consistent with the provisions of this part) all of the other provisions of the Export Regulations shall apply to applications for export licenses submitted to, and individual licenses issued by, the Bureau of Foreign Commerce. These provisions also shall apply equally to other types of validated licenses and applications therefor, insofar as consistent with the provisions of Parts 374 to 399, inclusive, of this chapter relating to such other types of validated licenses.

NOTE: Special provisions for certain commodities and destinations are set forth in Part 373 of this chapter.

§ 372.2 *Definitions of validated licenses*—(a) *Validated license.* The term "validated license" means a document authorizing exportation, issued by, or under the authority of, the Bureau of Foreign Commerce. Wherever reference is made in this part to an application for a license or to a license issued upon application, the reference is to a validated license, as distinguished from the general licenses, established in Part 371 of this chapter for which no application is required and for which no document is issued.

(b) *Individual license.* An "individual license" is any validated license other than those named below (paragraphs (c) through (f) of this section), authorizing the exportation of a specified quantity of commodities by a designated licensee to a designated consignee.

(c) *Project license.* A "Project license" is a validated license authorizing the exportation of all commodities required for a specific officially recognized project or program for a specific period. Two types of Project licenses, "Special Project" (SP) and "Dollar Limit" (DL), are used for this purpose. (See Part 374 of this chapter.)

(d) *Blanket license.* A "Blanket (BLT) license" is a validated license authorizing the exportation of specified quantities of a specific commodity to two or more consignees in the same country of destination. (See Part 375 of this chapter.)

(e) *Periodic Requirements license.* A "Periodic Requirements (PRL) license" is a validated license authorizing the exportation during a specified period of one or more of the commodities identified on the Positive List of Commodities (§ 399.1 of this chapter) by the letter "E" in the column headed "Commodity Lists," to one or more named ultimate consignees in a named ultimate destination. (See Part 376 of this chapter.)

(f) *Time limit license.* A "Time Limit (TL) license" is a validated license authorizing the exportation of an unlimited quantity of commodities, other than those commodities identified on the Positive List by the letter "B" in the column headed "Commodity Lists," to an ultimate consignee located in a Group O country. (See Part 377 of this chapter.)

(g) *Technical data license.* A "Technical Data license" is a validated license authorizing the exportation of specified technical data to a specified ultimate consignee(s). (See Part 385 of this chapter.)

§ 372.3 *Exportations requiring validated licenses.* No commodity subject to the Export Regulations of the Bureau of Foreign Commerce may be exported to any destination without a validated license issued by the Bureau of Foreign Commerce, except where the exportation is authorized by a general license or other authorization granted, issued, or established by the Bureau of Foreign Commerce.

NOTE: Certain commodities are subject to export regulations of other agencies of the Government. The Bureau of Foreign Commerce does not issue export licenses for these commodities. (See § 370.4 of this chapter.)

§ 372.4 *Applications for validated licenses*—(a) *Who may apply*—(1) *General.* (i) A license application may be made by any person subject to the jurisdiction of the United States who is in fact the exporter, or by his duly authorized agent. In either event, the exporter must be shown as the applicant.

(ii) The applicant for a license should be that person who, as the principal party in interest in the export transaction, has the power and responsibility to determine and control the sending of the goods out of the country and is thus in reality the exporter. For this purpose, it is the identity of the applicant and his role in the transaction, and not the terms of sale, with which the Bureau of Foreign Commerce is primarily concerned. If, in a given transaction, he has the responsibility for effecting exportation, such person is a proper applicant; if, on the other hand, he does not assume such responsibility, he is not a proper applicant.

(iii) If the seller intends to leave the responsibility for effecting exportation in the hands of the foreign importer or the latter's forwarding or purchasing agent in the United States, he should not apply for the license or appear as exporter. In each such case, the forwarding or purchasing agent should appear as applicant and exporter unless the foreign importer himself is subject to the jurisdiction of the United States at the time of exportation, in which event the latter should apply for the license in his own name. If any forwarding or purchasing agent applies for the license, he must disclose the fact of his agency and the name of his principal.

(iv) No application by any person not subject to the jurisdiction of the United States will be considered unless such application is made on his behalf by an authorized agent in the United States. The agent authorized to file the application then becomes the applicant. Ordinarily, a seller who delivers commodities in this country to a foreign buyer, or to the latter's forwarder or other agent, would not be in a position to assume responsibility for the exportation and so would not be a proper applicant. This would normally be the situation where the sale is made f. o. b. factory, although it is recognized that such terms of sale may relate only to price and are not necessarily inconsistent with the assumption by the seller of full responsibility for effecting the exportation.

(2) *Order Party.* (i) Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, or through his or their agents abroad, the application must also be signed by the person in the United States who originally received the order (the order party) as well as by the applicant. The "order party" is that person in the United States who conducted the direct negotiations or correspondence with the foreign purchaser or ultimate consignee and who, as a result of these negotiations, received the order from the foreign purchaser or ultimate consignee.

(ii) The order party should not be shown as an applicant in the space provided for the applicant on the application form. The license, when issued, will show as licensee only the party shown as applicant on the application form.

(b) *Responsibility of the licensee.* Any applicant to whom an export license is issued becomes the licensee, and will be held strictly accountable for use of the license, whether as a principal exporting for his own account, or as an agent acting for the account of a foreign principal who is not subject to the jurisdiction of the United States. He thereby assumes responsibility for actually effecting the exportation, for proper use of the license, and for due performance of all its terms and conditions.

(c) *Requirement to disclose parties in interest*—(1) *Disclosure requirement.* (i) The policies of export control require the fullest disclosure by the applicant of all parties in interest in order that decisions on applications may be made with the fullest knowledge of all relevant facts and in order that the identity and whereabouts of the persons who know most about the transactions may be easily ascertained in the event of inquiry.

(ii) The applicant must disclose fully on the application for license the names of all parties who are concerned with or interested in the proposed exportation. This includes all parties participating on their own account, including the applicant as exporter, the ultimate consignee, the intermediate consignee, and the purchaser, all as defined in this paragraph. If the application is filed for an account other than that of the applicant, the agent, as applicant, must disclose the name of his foreign principal for whose account the exportation is to be made. The true parties in interest as known to the applicant must be disclosed.

(iii) It is realized that there may be cases in which more than one person in a transaction may fairly be described as being a principal. In such cases, the application should be accompanied by a statement giving the names and addresses of such other persons and their roles in the transaction in question. Where there is any doubt as to which of several persons should be named as the party to the license, the applicant should disclose the names of all and the functions to be performed by each. For this purpose a separate statement attached to the application will be acceptable.

(2) *Definitions of parties in interest*—(i) *Applicant.* As set forth in paragraph (a) of this section, the applicant for a license should be that person who, as the principal party in interest in the export transaction, has the power and responsibility to determine and control the sending of the goods out of the country and is thus in reality the exporter.

(ii) *Ultimate consignee.* The person located abroad who is the true party in interest in actually receiving the exportation for the designated end use must be named as the ultimate consignee. In all cases, the address of the ultimate consignee must be in the country of destination specified for the proposed exportation. A bank, freight forwarder, forwarding agent, or other party, when acting as an intermediary, is not acceptable as the ultimate consignee.

(iii) *Intermediate consignee.* The bank, forwarding agent, or other intermediary (if any) who acts in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the exportation to the ultimate consignee, must be named on the application, if known. If no intermediary is to be used, or if the intermediate consignee is unknown at the time of the application, this fact must be stated on the application.

(*a*) Optional intermediate consignees may be indicated on the application for export license by an exporter who is unable to determine, at the time of filing his license application, at which port the commodities will be unloaded from the exporting carrier.

(*b*) In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee to be used must be ascertained and set forth on the Shipper's Export Declaration, whether or not named on the license application or validated license (see § 379.4 (b) (3) of this chapter). However, the name and address of the intermediate consignee need not be shown on the commercial invoice.

(*c*) Amendment of the export license is required if an intermediate consignee to be used in the export transaction is not located in the country of ultimate destination unless named on the export license.

(*d*) If the newly added intermediate consignee is located in the country of ultimate destination, an amendment is required only where the change in or addition of the intermediate consignee involves a consolidated shipment as provided by § 379.10 (h) (2) (iv) of this chapter or where pursuant to notice from the Bureau of Foreign Commerce, in any case, the Collector of Customs specifically requires an amendment for this purpose.

(iv) *Purchaser.* The person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee must be named as the purchaser. If such person is the same as the ultimate consignee, the applicant should state on Form FC-419, "Same as Item 4"; if such person is the same as the intermediate consignee, the applicant should state on Form FC-419, "Same as Item 5". A bank, freight forwarder, forwarding agent, or other intermediary is generally not acceptable as the purchaser.

(d) *Legal liability for violations.* Insofar as legal liability for any violation of the export control law and Export Regulations is concerned, every person who in any capacity participates in fact in an exportation knowing it to be unauthorized may be held to account, whether or not he appears as the party on the application for the export license. (See Part 381 of this chapter.)

(e) *Information regarding commodities.* The applicant must state on the application for a validated license submitted on Form FC-419 (revised January 1956), in accordance with the instructions set forth on such form (see Note 2 following § 372.5 (a)) for each commodity item listed therein:

(1) The quantity to be shipped;

(2) A description in sufficient detail to permit accurate identification, including its Schedule B number;

(3) The total selling price of the item and its price per unit; and

(4) The proposed end use.

(f) *Substantiation of representations made in license application*—(1) *Orders and substantiation of other material facts.* No application for an export license shall be made unless and until the applicant has, supported by documentary evidence in his possession, or in the possession of the order party (as defined in paragraph (a) (2) of this section), who signs the application in accordance with the requirements of paragraph (a) (2) of this section:

(i) An order for export for the commodities covered by the application. If the applicant for the export license is not the person who conducted the direct negotiations or correspondence relative to the order with the ultimate consignee or foreign purchaser, as designated in the application for export license, and did not receive the order from the ultimate consignee or foreign purchaser, the application must be completed in accordance with paragraph (a) (2) of this section.

(ii) Substantiation of the following facts relating to the purchase transaction which the applicant must disclose on the application, Form FC-419 (Revised Jan. 1956) (see § 372.5):

(*a*) Country of ultimate destination;

(*b*) Names and addresses of the ultimate consignee, intermediate consignee (if any), purchaser (if other than ultimate consignee), and any other party to the purchase transaction, whether principal or agent, including but not limited to brokers, representatives, or other agents through whom the order was received;

(*c*) Quantity and description of the commodities to be exported;

(*d*) End use of the exportation;

(*e*) International Cooperation Administration (formerly FOA) authorization if known and applicable.

(2) *Definitions*—(i) *Order.* The term "order" as used herein means an order for export placed with an exporter in the United States, or through an order party as defined in paragraph (a) (2) of this section, by an importer in a foreign country which, if accepted by the exporter or the order party, will result in a binding contract between the ex-

porter or the order party and the foreign importer. Conversely, however, an exporter's or order party's offer alone is not a basis for an application. While the terms of the order may be conditioned, such terms must be ascertainable and certain; for example, (*a*) the terms of payment may provide a price dependent upon the market price at the time of delivery; (*b*) the time or place of delivery may be dependent upon an event in the future, etc. An "order" is more than a mere business inquiry relating to the possible purchase of merchandise, although it need not be an agreement which can be presently executed. Furthermore, while orders may be conditioned upon the issuance to the exporter of an export license by the Bureau of Foreign Commerce or the issuance to the importer of an Import Permit or exchange permit by his government, or such other government document as may be required, such orders for export would still be considered as orders within the meaning of these provisions.

(ii) *Evidence of an order.* Evidence of an order as used herein means any document or documents emanating from the foreign purchaser which set forth the terms and conditions of his offer to buy the materials or articles for which the export license is requested. Such evidence may take the form of a contract signed by both parties, or of letters, telegrams, cables, confirmations, or other documents which set forth in definite terms the offer of the foreign purchaser to buy or the acceptance by the foreign purchaser of the exporter's offer to sell.

(iii) *Evidence of facts relating to the purchase transaction.* Evidence of the facts relating to the purchase transaction means any documents emanating from the purchaser or ultimate consignee which relate to statements in the application enumerated in subparagraph (1) of this paragraph. Such evidence may be contained in the document or documents constituting evidence of the order, or in additional documents emanating from the purchaser or ultimate consignee. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(3) *Shipments involving other than normal purchase and sale contracts.* Where the transaction between the applicant and purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the term "order" as used herein does not apply, the applicant shall attach to his application a full description of the nature of the transaction.

NOTE: Where an exporter ships supplies or equipment to his foreign subsidiary or to distributors for use or resale, but it is not the practice for the subsidiary or distributor to submit or for the exporter to accept orders, documentary evidence of an order is not required. The applicant must, however, submit a full statement of the nature of the transaction or arrangement, explaining the end uses of the commodities involved. When commodities are to be exported under any other arrangement, a full statement of the nature of the transaction must likewise be submitted.

(4) *Retention of documents.* The documents constituting evidence of an order and of the facts relating to the purchase transaction, as defined in subparagraph (2) of this paragraph, or other transaction referred to in subparagraph (3) of this paragraph, must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgement Card, Form FC-116.

NOTE: 1. *Copies of documents.* The Bureau of Foreign Commerce may request either the originals of the documents constituting the evidence, or photostatic or other copies thereof. The time and manner of submission will be made known to the applicant at the time the request for submission is made. In accordance with § 372.9 (a), all documents submitted in connection with a license application must be identified clearly as a part of that application. Unless supporting documents are so identified, they will not be accepted by the Bureau of Foreign Commerce.

2. *Coded terms; foreign languages.* The provisions of § 372.9 (d), requiring an explanation of terms and abbreviations and an English translation of documents in a foreign language, must be observed.

(5) *Changes in orders or facts relating to the purchase or other transaction.* Answers to all questions in the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the order or in the facts relating to the purchase transaction or other transaction, shall be promptly reported to the Bureau of Foreign Commerce, whether a license has been granted or the application is still under consideration. If a license has been granted, such change shall be reported immediately to the Bureau of Foreign Commerce, in accordance with the provisions of Part 380 of this chapter, even though shipments against the license may be partially or wholly completed.

NOTE: 1. *Change in intermediate consignee.* Change in intermediate consignee must be reported on the Shipper's Export Declaration, and in certain cases an amendment to the export license is required. (See §§ 372.4 (c) (2) (iii) and 380.2 (d) (3) of this chapter.)

(g) *Export licenses related to complete applications.* Although an export license issued by the Bureau of Foreign Commerce may not set forth all the facts relating to the export transaction that are contained in the license application and supporting documents, any validated export license issued is valid for use only with respect to the specific export transaction described in the license application and supporting documents, unless otherwise provided by the export license or the Export Regulations.

§ 372.5 *How to file an application for a validated license*—(a) *Form and manner of filing.* (1) An application for a validated license must be submitted on Form FC-419 (Revised Jan. 1956), Application for Export License, accompanied by Form FC-116, Acknowledgment Card.[6] An application is incomplete and will be returned to the applicant unless accompanied by an acknowledgment card with both portions completely and correctly filled out.

(2) All terms, conditions, provisions and instructions, including the applicant's certification, contained in such form or forms are hereby incorporated as a part of the Export Regulations.

NOTE: 1. *Facsimiles of Form FC-419 (Revised Jan. 1956).* Exporters may print facsimiles of Form FC-419 (Revised Jan. 1956) with printed answers to many of the questions, provided the facsimiles are identical with the official form in size, color of ink, and typographic arrangement.

2. *Preparation of Form FC-419 (Revised Jan. 1956).* The following instructions apply to the preparation of applications submitted on Form FC-419 (Revised Jan. 1956), Application for Export License, for all types of validated export licenses issued by the Bureau of Foreign Commerce, except as modified by special licensing procedures and provisions contained in the Export Regulations.

Item 1. The date of application must be shown.

Item 2. The applicant's reference number may be used for applicant's convenience.

Item 3. The country of final (ultimate) destination is to be entered, not a country through which the exportation may travel in transit to its final destination. Exporters are responsible for placing a statement of ultimate destination and prohibition against diversion on shipper's export declaration, bill of lading and commercial invoice for various export shipments. Omission of the statement, or unauthorized diversion of commodities from country of final (ultimate) destination, not in accordance with the statement, are violations of the Export Regulations subject to denial of export privileges and to criminal penalties.

Item 4. The person named as ultimate consignee shall be the person abroad who is actually to receive the material for the designated end use. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as an ultimate consignee, but should be disclosed as an intermediate consignee.

Item 5. An intermediate consignee may be a bank, forwarding agent, or other intermediary in a foreign country who participates as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the purchaser or ultimate consignee. All known intermediate consignees must be named. If no intermediary is to be used, state "None," if unknown state "Unknown." If no entry is made in this item, the applicant represents that there is no intermediate consignee.

Item 6. The name and address of the applicant must be entered.

Item 7. The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered.

Item 8. If applicant is exporting for the account of a foreign principal, the name and address of the foreign principal must be shown and an explanation of the transaction given in full. If no entry is made in this item, the applicant represents that he is exporting for his own account.

Item 9. The person named as purchaser should be the person abroad who has entered into the export transaction with the applicant or Order Party. If such person is the same as the ultimate consignee, applicant should state "Same as Item 4"; if such person is the same as the intermediate consignee, applicant should state "Same as Item 5." If no entry is made in this item, the applicant represents that the ultimate consignee is the foreign purchaser.

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[6] Form FC-419 and Form FC-116 may be obtained at all Department of Commerce Field Offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

Item 10. Leave blank if applicant is the producer of the commodities to be exported. Applicant so represents where item is blank. If applicant is not the producer, give supplier's name and address, or state "Unknown," if unknown.

Item 11 (a). Give the quantity to be shipped, using units specified in "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States"[7] (unless otherwise specified in the Export Regulations) and also in trade units, where different.

Item 11 (b). Commodities must be described in terms which correspond with the commodity descriptions in Schedule B. Additional details as prescribed by the Export Regulations must be furnished to the extent necessary for identification of the specific items so classified. Include characteristics shown on Positive List such as basic ingredients, composition, type, size, guage, grade, horsepower, etc. Where the Positive List entry states "specify by name", all of the commodities to be included in the shipment must be listed by name on the application.

Item 11 (c). The Schedule B number, Processing Code, and related commodity group number, if any, must be shown in this column. (Unless the Processing Code is followed by a related commodity group number, a separate application must be filed for each entry on the Positive List of Commodities.)

Item 11 (d). Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f. o. b. (factory), f. a. s. (named port), c. i. f., or other form. The particular form of price quotation must be specified. Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price at the time of delivery of shipment" or other such general statement of price, will not be acceptable.

Item 12. End use of commodities covered by this application will be an important factor in determining issuance of license. Statement by ultimate consignee (and purchaser, if not same) as to ultimate destination and end use must be submitted for certain exportations as required by the regulations. (Applicant's reference to such statement does not relieve him of responsibility to fully disclose any additional or different information he may know.) Applicant must indicate clearly the end use intended by the ultimate consignee, stating what will be produced or manufactured, or what services will be rendered, and give the country or countries where this will take place. A complete and detailed description is required.

Item 13. Enter additional information pertinent to the transaction or required by the Export Regulations such as special certifications, names of parties in interest not disclosed elsewhere, explanation of documents attached, etc.

Item 14. Application must be signed by applicant, or by an officer or duly authorized agent of the applicant. (If signed by agent of the applicant, title and firm name of agent must be shown.)

Item 15. Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, or through his or their agents abroad, the person in the United States who conducted the direct negotiations with the foreign party and originally received the order (the Order Party) must sign the application and complete this item.

3. *Preparation of Form FC–116.* An Acknowledgment Card, Form FC–116, with both portions completely and correctly filled out, must accompany each license application.

This card must be made out in the name of the applicant, as shown in the item entitled "Applicant's Name and Address" of Form FC–419 (Revised Jan. 1956). Upon receipt of the application, the Bureau of Foreign Commerce will enter on the card the case number assigned to the application and the date of receipt, detaching and returning to the applicant the return portion (applicant's copy).

If the application is submitted by an agent, or if the applicant wishes an agent to receive an Acknowledgment Card, the upper portion only (applicant's copy) of an additional acknowledgment card may be filled out in the name of the agent and submitted with the application.

The date of application, applicant's reference number (if any), country of destination, Schedule B number, and processing code (and related commodity group number, if any) must be the same as the corresponding entries on Form FC–419 (Revised Jan. 1956). Only a brief commodity description is required to be shown on Form FC–116.

(b) *Assembly and submission of applications.* (1) All documents or correspondence accompanying the license application, bearing the applicant's reference number, if any, should be firmly stapled together in the upper left corner.

(2) Form FC–116, typed side up, should be attached with a paper clip (not stapled) to the upper left corner of Form FC–419 (Revised Jan. 1956). The two portions of Form FC–116 should not be separated.

(3) Applications should be submitted (preferably by mail) to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(4) Applications which omit essential information will be returned without action.

(c) *Time of submission of license applications.* Specific filing dates are established for certain Positive List commodities. Applications for licenses to export such commodities shall be submitted at such times or during such periods as are indicated in § 373.81 of this chapter. Applications for licenses to export commodities for which no specific filing dates are announced may be submitted at any time.

(d) *Separate applications for each positive list entry.* A separate and complete application must be submitted for each Positive List entry to each consignee in each country of destination, except as otherwise specifically provided in the Export Regulations.

(e) *Commodities exported for relief or charity.* Applications by individuals or private agencies for validated licenses to export commodities for relief or charity shall show the appropriate relief category Schedule B number (99800–99890). In addition, where the commodities proposed for export are listed in the Positive List of Commodities (§ 399.1 of this chapter) the specific Schedule B number established for the commodity when shipped commercially shall also be shown.

(f) *Inclusion of related commodities on a single application*—(1) *Description of related commodities.* For each entry on the Positive List of Commodities (§ 399.1 of this chapter) there appears in the column headed "Processing Code and Related Commodity Group" a four-letter symbol (ELME, GIEQ, etc.), which is the processing code for that entry. In many instances this code is followed by a number, which is the related commodity group number for that entry. All entries on the Positive List which have both the same processing code and the same related commodity group number are designated related commodities and may be included on a single license application. Entries which have processing codes not followed by a number are not included in any related commodity group, and a separate application must, therefore, be filed for each such entry. In addition, since non-Positive List commodities do not have commodity group numbers, the submission of a separate application is required for each non-Positive List commodity. (See § 399.3 of this chapter for non-Positive List commodity processing codes.)

NOTE: The following examples illustrate proper use of a single application for related commodities:

Example 1. All entries on the Positive List having the processing code ELME followed by the related commodity group number 1 (ELME 1) may be entered on a single application.

Example 2. All entries on the Positive List having the processing code ELME followed by the related commodity group number 2 (ELME 2) may be entered on a single application.

Example 3. An entry on the Positive List having the processing code and related commodity group number ELME 1 may not be entered on the same application with an entry having the processing code and related commodity group number ELME 2.

Example 4. An entry having the processing code ELME not followed by a related commodity group number may not be combined on an application with any other entry, including entries having the same processing code.

Example 5. Entries having different processing codes (e. g., ELME, GIEQ, RUBR), regardless of whether followed by a related commodity group number, may not be included on the same application.

(2) *Partial approval.* An application may be approved in whole or in part. Upon specific request, stated on the application form, the application will be considered as a whole and either approved or rejected in its entirety.

(3) *Attachments.* Additional sheets listing related commodities must be attached securely to the application form.

(g) *Applications to cover partial or periodic shipments.* Where partial or periodic shipments of an identical commodity are to be made by the applicant to the same consignee in a foreign country, an application may be filed covering the entire quantity of commodities to be so exported.

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[7] For sale by Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., and by all Department of Commerce Field Offices.

(h) *Applications for licenses to cover shipments by mail.* (1) Only one shipment by mail may be made against a validated license, except as specified in § 379.1 (b) (1) of this chapter.

(2) Where an exporter, at the time of applying for an export license, expects to make several shipments by parcel post against one order, he may submit one application to obtain separate licenses for each anticipated partial shipment by mail against such an order. The applicant shall indicate, in the commodity description column of the application, the quantity of each partial shipment, and note across the bottom of the column: "Anticipated Partial Shipments by Mail Against One Order."

(i) *Second applications.* A second application covering the same proposed exportation shall not be submitted pending action on the first application.

NOTE: 1. *Submission of new application.* When an application has been returned without action to the applicant and is being resubmitted, a new application should ordinarily not be filled out. However, a new application should be submitted where the necessary alterations on the old application would be too difficult to make or would be illegible, or where the old application is on a form other than Form FC-419 (Revised Jan. 1956). When a new application is submitted, the original application must be attached to the new application.

2. *Resubmission of previous application.* When an export license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the later date for the submission of a new application.

(j) *Emergency clearance.* In case of emergency, the Bureau of Foreign Commerce will, upon approving an application for export license, authorize clearance by telephone or telegraph to the appropriate Collector of Customs, the cost of the telephonic or telegraphic message being charged to the applicant for the export license. In such cases, the license is not sent to the licensee, but to the Collector with whom the clearance has been authorized by the Bureau of Foreign Commerce.

(k) *Inquiries and correspondence.* (1) Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of one week after receipt of returned Acknowledgment Card (Form IT- or FC-116) or, in case of commodities with established filing dates, 3 weeks after close of such filing period, before inquiring as to progress of an application. Certain types of applications require more time for necessary examination and consideration.

(2) Requests for information concerning the application of Export Regulations to specific fact situations, the status of delayed cases, or any other inquiry concerning export license applications should be addressed to the Exporters' Service Section, Attn: FC-2650, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. Such communications should not be attached to an application for license but should be mailed in a separate envelope. Memoranda attached to license applications should be limited to informational data relating to those applications and should not include inquiries requiring individual reply.

(3) Inquiries concerning the status of applications may be made only by an applicant or his authorized agent. The Bureau of Foreign Commerce will not furnish status information to other persons. When these inquiries are made, they should be submitted on Form IT- or FC-743-A, in duplicate, in accordance with the instructions contained thereon.[8] After receipt of the form and a determination of the status of an application, the Bureau of Foreign Commerce will return the form, indicating thereon the information requested. A separate form must be submitted for each application. For convenience of mailing, the form is designed for use in a standard window envelope.

(4) Information as to the probable action of the Bureau of Foreign Commerce respecting a proposed shipment or a hypothetical license application will not be given. It will be necessary in all cases to submit an application together with pertinent information in order to obtain a decision.

(5) A supporting letter should give additional information for only the application to which it is attached.

(6) When an exporter requests telegraphic reply to an inquiry, the complete address of such person or company, including name, street, city, postal zone number, and state, must be given; or if desired, the Western Union "WUX" designation may be substituted for the address. This will expedite the servicing of these requests by the telegraph companies. Telegraphic replies will be made at the expense of the inquirer.

§ 372.6 *License applications for in-transit shipments*—(a) *Information required on application.* (1) License applications for commodities moving in transit through the United States which may not be exported under General License GIT (§ 371.9 of this chapter), shall include in the "additional information item" of the Application for Export License, Form FC-419, the following:

(i) The name and address of the foreign consignor who shipped the goods to the United States;

(ii) A statement that the shipment is wholly of foreign origin; and

(iii) The notation "IN-TRANSIT SHIPMENT."

(2) In addition, the applicant should submit any evidence available showing the approval or acquiescence of the exporting country (or the country of which the exporter is a resident) with respect to the proposed ultimate destination of the shipment. Such evidence may be submitted in the form of a Transit Authorization Certificate or other document.

(b) *Applicability of special provisions.* In addition, except for shipments originating in Canada, the applicant must comply, where applicable, with the provisions of § 373.2 of this chapter with respect to confirmation of country of ultimate destination and verification of actual delivery (IC/DV); § 373.65 of this chapter with respect to required ultimate consignee and purchaser statements; § 373.67 of this chapter with respect to Swiss Blue Import Certificate; § 373.69 of this chapter with respect to Hong Kong Import License, Delivery Verification, and Landing Certificate; and § 373.70 of this chapter with respect to Yugoslav end use certificate.

(c) *Nature of exportations covered by provisions of this section.* Licenses issued under this section will be valid only for the export of in-transit shipments wholly of foreign origin and for which a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry is outstanding covering the shipments.

NOTE: 1. *Inapplicable requirements.* The provisions of the Export Regulations relating to quota limitations or other short supply considerations affecting the licensing of the commodity are not applicable to license applications for in-transit shipments. For example, the following requirements are inapplicable: Adherence to time-table licensing (§ 373.81 of this chapter); and priority ratings (Part 398 of this chapter).

2. *Other applicable provisions.* For in-transit shipments under General License GIT, see § 371.9 of this chapter; and for special clearance procedures applicable to in-transit shipments, see § 379.4 (d) of this chapter.

3. *Submission of T. & E. or I. E. entry.* In clearing an in-transit shipment under a validated license, the Collector of Customs may, at his discretion, require the licensee to submit a copy of the Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry covering such shipment.

4. *Destination control statement.* Exportations made under a validated export license for shipments of foreign origin moving in transit through the United States must comply with the destination control provisions (§ 379.10 of this chapter). Under these provisions all copies of the in-transit Shipper's Export Declaration presented to the Collector at the port of exit must contain the destination control statement. In addition, the destination control statement must be shown on all Bills of Lading and commercial invoices in the possession of, or sent to the ultimate consignee or purchaser by, the shipper, exporter, carrier, and agent in the United States.

§ 372.7 *License applications for ship stores, plane stores, supplies and equipment*—(a) *Exportations Requiring Validated License.* The provisions of § 371.13 of this chapter establish general licenses for the exportation of ship stores, plane stores, supplies and equipment under prescribed conditions. Where any commodities to be used on operating vessels and aircraft are not authorized to be exported under the provisions of § 371.13 of this chapter, or where commodities are being exported for vessels under construction and are not authorized to be exported under any general license, the exportation must be authorized by a validated license.

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[8] Form IT- or FC-743-A may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

NOTE: See § 371.13 (d) on exports to United States and Canadian vessels located at foreign ports.

(b) *Preparation of license applications*—(1) *Vessels under construction.* Applications for licenses to export commodities, including ship stores, supplies and equipment, to vessels under construction shall be prepared on Form FC-419 in accordance with the instructions contained in § 372.5, with the following modifications:

(i) *Country of ultimate destination.* Show country in which vessel is being constructed.

(ii) *Ultimate consignee in foreign country.* Show name and address of shipyard where vessel is being constructed.

(iii) *Commodity description.* For vessels under 40 feet in length, include a statement as to the length of the vessel. For vessels 40 feet in length or over, show the following information in this item or on an attachment to the application:

(*a*) Hull number and name of vessel (if known).

(*b*) Type of vessel.

(*c*) Name and business address of prospective owner, and his nationality.

(*d*) Country of registry, or intended country of registry.

(iv) *End use of commodities covered by this application.* If the vessel is a tanker, the application or an attachment thereto shall include the following statement signed by the prospective owner of the vessel or his duly authorized agent:

> The vessel ____________________ (Hull number and name of vessel, if known) for which these commodities are required (will be used) (will not be used) (Strike out inapplicable phrase) to transport petroleum or petroleum products directly or indirectly to any Subgroup A destination.

(v) *Identification of parties to transaction.* In all cases, all parties to the transaction, including the United States or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4 (c).

(2) Operating vessels and aircraft. Applications for licenses to export commodities, including ship or plane stores, supplies and equipment (except as provided in paragraph (c) of this section), to operating vessels and aircraft, whether in operating or being repaired, shall be prepared on Form FC-419 in accordance with the instructions contained in § 372.5 with the following modifications:

(i) *Country of ultimate destination.* Show country where the vessel or aircraft will take on the commodities.

(*a*) If the country where the vessel or aircraft will take on the commodities is uncertain at the time of filing the license application, and the commodities will not be shipped to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination, enter the statement:

> Uncertain; however, shipment(s) will not be made to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination.

(*b*) An export license issued under these circumstances will bear the following destination restriction:

> Shipment(s) may be made to the named vessel at any port in any country except Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination.

(ii) *Ultimate consignee in foreign country.* Show name of owner and port of place where commodities will be taken aboard. Also, if a vessel, show name of vessel.

(*a*) If the port or place where the commodities will be taken aboard is uncertain at the time of filing the license application, and the commodities will not be shipped to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination, enter the statement:

> Port or place where the commodities will be taken aboard the vessel is uncertain; however, the commodity(ies) will not be loaded on the named vessel at a port or place located in Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination.

(*b*) An export license issued under these circumstances will bear the destination restriction indicated in subdivision (i) of this subparagraph.

(iii) *Commodity description.* For vessels under 40 feet in length, include a statement as to the length of the vessel. For vessels 40 feet in length or over, show the following information in this item or on an attachment to the application:

(*a*) Type of vessel.

(*b*) Business address of owner and his nationality.

(*c*) Country of registry.

(*d*) Name of charterer and the terms and type of charter, if under charter.

(iv) *End use of commodities covered by this application.* If the vessel is a tanker, the application or an attachment thereto shall include the following statement signed by a responsible person in a position to furnish this information; that is, the owner or his duly authorized agent, or the owner and charterer (or their duly authorized agents) when the vessel is chartered:

> The vessel ____________________ (Name of vessel) for which these commodities are required (will be used) (will not be used) (Strike out inapplicable phrase) to transport petroleum or petroleum products directly or indirectly to any Subgroup A destination.

(v) *Identification of parties to transaction.* In all cases, all parties to the transaction, including the United States or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4 (c).

(3) *Subsequent applications.* After the additional information required by the instructions set forth in subparagraphs (1) and (2) of this paragraph has been supplied to the Bureau of Foreign Commerce, a subsequent application for an additional license to export commodities to the same vessel or hull number under construction or the same operating vessel may incorporate the required additional information by reference to the previous application containing that information. Such subsequent applications shall include a certification that the information previously submitted to the Bureau of Foreign Commerce has not changed, giving the appropriate BFC Case No. of the previously submitted application or, if the BFC Case No. is unknown, the applicant's reference number, date of submission, and Schedule B numbers shown on that application. (Whenever possible, the BFC Case No. should be indicated on the application since failure to supply this number may result in delay in processing the license application.)

(4) *Additional information.* The Bureau of Foreign Commerce may require, where necessary, that the exporter submit a letter of confirmation or amplification of the information specified in this paragraph.

(c) *Exportations of petroleum and petroleum products, including bunker fuel for use on vessels and planes departing from the United States.* Applications for licenses to export petroleum or petroleum products, including bunker fuel for vessels or fuel for planes departing from the United States, may be included on a single Form FC-419. Such application shall indicate, at the top of the Form FC-419, the word "BUNKER" in the case of exportations for the use of vessels, or "PLANE FUEL" in the case of exportations for the use of aircraft. The application shall be prepared on Form FC-419, in accordance with the instructions contained in § 372.5, except as modified in subparagraphs (1) through (5) of this paragraph with respect to the spaces on the application labelled as follows:

(1) *Country of ultimate destination.* Show the country in which the carrier is registered.

(2) *Ultimate consignee in foreign country.* Show the name of the carrier and the port or point where petroleum or petroleum products are to be taken aboard.

(3) *If purchaser in foreign country is other than ultimate consignee, give name and address.* Show name and address of the owner of carrier. If carrier is under charter to or control of party other than owner, show names and addresses of both owner and party otherwise in control of carrier.

(4) *Commodity description.* (i) In addition to a description of the commodities to be exported, list for each of the carrier's calls at Macao or any point under Far Eastern Communist control within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.)

(ii) Also submit the carrier's proposed calls at Macao or any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States.[*]

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[*] If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to the future destinations and areas of operation shall be submitted.

(iii) If the carrier will call at Macao or a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or if the carrier is registered in Poland, Danzig, or a Subgroup A Country, or if the carrier is under charter to or control of a national of Poland, Danzig, or a Subgroup A Country, state whether any commodities included on the Positive List of Commodities (§ 399.1 of this chapter), the United States Munitions List (§ 370.4 (a) of this chapter), or the United States Atomic Energy List (§ 370.4 (d) of this chapter), are carried on board the vessel or aircraft and destined directly or indirectly to Macao or any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

(5) *Additional information.* (i) State the reasons why a general license is inapplicable to the proposed exportation unless the reasons are already indicated elsewhere on the application or on an attachment thereto. If additional space is required an attachment may be used.

(ii) Also state the gross registered tonnage (GRT), type of main engines and rated horse power, with daily fuel consumption rate, total fuel capacity, and fuel supply on board, indicating specifically the number of days' running supply from the port where additional supplies are requested. In the case of aircraft, state make and model.

§ 372.8 *Disclosure of prior action on the shipment*—(a) *Prior detention of commodities by customs.* Any exporter or his agent making application to the Bureau of Foreign Commerce for an export license, who shall know or have reasonable cause to believe that a Collector of Customs has detained commodities which would be exportable under such license, if granted, shall disclose to the Bureau of Foreign Commerce at the time of applying for such license the fact that the Collector has detained the commodities. Any license obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

(b) *Prior exportation without a license.* No export license application shall be submitted to the Bureau of Foreign Commerce covering a shipment that is already laden aboard the exporting carrier or exported. In cases where such export should not have been made without first securing a validated license authorizing the shipment, the exporter shall send a letter or telegram to the Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., Attention: FC-2040, explaining why a validated license was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the license application. The Bureau of Foreign Commerce will inform the exporter of its action and furnish instructions to him by letter. Any license covering such shipments obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

NOTE: See §§ 380.2 (h) and 380.4 (c) of this chapter with respect to amendments to licenses and extensions of validity periods of licenses to authorize shipments described in this § 372.8.

§ 372.9 *Documents accompanying license applications*—(a) *Copies may be submitted in lieu of originals.* (1) Documents submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action. Accordingly, applicants need not submit original documents which they may subsequently require, unless such original documents are specifically required by the provisions of another section of the Export Regulations. In lieu thereof, photostatic or other copies of an original document may be submitted. Individual certification of copies of original documents is not required by the Bureau of Foreign Commerce. By signing Form FC-419 the applicant certifies and represents that any copies of documents submitted with the application, or submitted in support of the application at any time before or after filing the application, are true copies of the original documents, and that the information contained in such documents is true, correct, and complete to the best of his knowledge and belief.

(2) Any document submitted in connection with an export license application which is submitted separately from an application must be identified clearly as part of that application. Such document must be identified by the following statement:

"This document is to be considered as a part of application number ______________
(BFC Case No.)

______________________"
(Signature of applicant)

Unless documents filed separately from the export license application are identified with the application in this manner, they will not be accepted by the Bureau of Foreign Commerce.

(b) *Originals must be available.* The Bureau of Foreign Commerce may demand the originals of any copies of documents submitted in support of export license applications. Such originals must be kept available for inspection, upon request of the Bureau of Foreign Commerce, for 3 years from the date of receipt of the license application by the Bureau of Foreign Commerce, as shown on the Acknowledgment Card (Form FC-116).

(c) *Documents submitted with applications.* Documents which are submitted with an application and which will ultimately become a part of the license, such as proposed lists of consignees, must be submitted in duplicate, affixed to the application. A copy of such documents will become a part of the license, if issued, and must remain affixed thereto. Other documents submitted in support of an application which will not become a part of the license, such as evidence of orders, need be submitted in one copy only and should be attached to the application.

(d) *Coded terms, foreign language.* In the case of originals and copies of documents, all abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation.

§ 372.10 *Additional information.* (a) Every person applying for an individual or other type of validated export license shall, in addition to the information called for in the Export Regulations in connection with such type of license or in the form on which the export license application is made, furnish such information with respect to such application as may be required by the Bureau of Foreign Commerce.[10]

(b) Any additional information submitted by an applicant in connection with a license application must be clearly identified as part of such application as provided in § 372.9 (a).

§ 372.11 *Issuance and use of validated licenses*—(a) *Issuance of license document.* When an application for an export license is duly approved by the Bureau of Foreign Commerce, an export license is issued on a separate document (Form FC-628) authorizing, subject to the provisions of the Export Regulations and to the terms and provisions of such license, the exportation of the quantity of those commodities described therein. (See §§ 372.5, 372.12, and 379.10 of this chapter.) (See Part 374 of this chapter for procedure covering issuance of license documents for projects.)

NOTE: 1. *Case number.* Each license application, Form FC-419, when received by the Bureau of Foreign Commerce is given a number (the Bureau of Foreign Commerce Case Number) for identification purposes. The number does not indicate whether the application has been rejected or has been validated as a license. The BFC Case Number appears in the upper right corner.

2. *Validation of Form FC-628.* When a license application is approved, the license will be issued in the following manner:

(a) Form FC-628 will be prepared, validated, and issued by the Bureau of Foreign Commerce upon approval of a license application for the exportation of commodities to any destination. The license will be validated and identified by a license number in the upper right corner of the document. The license number is composed of a letter and a series of numerals following the validating symbol; for example, A7-2-8-04051, or B71031-33031. The digits immediately following the letter indicate the year, month and day of validation; the last half of the number is the validating sequence. (A7-2-8 signifies a validating action in the year 1957 (7), in the month of February (2), on the eighth day of the month (8). B71031 signifies a validating action in the year 1957 (7), in the month of October (10), on the last day of the month (31).)

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[10] Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) License continuation sheets and other attachments to licenses will be validated by imprinting a facsimile of the Bureau of Foreign Commerce seal followed by a five digit number representing the date of validation.

(3) *Use of license number.* Exporters are cautioned to use the complete license number (letter, digits indicating date of validation, and digits indicating validating sequence) when preparing Shipper's Export Declarations and other export documents, and when communicating with or requesting services from the Department of Commerce.

(b) *Units of quantity.* Where no unit of quantity is shown in the column on the Positive List headed "Unit" (§ 399.1 of this chapter), the quantity of such commodities authorized for export is licensed by the Bureau of Foreign Commerce in terms of the total dollar value shown on the license. For purposes of consideration of license applications, the Bureau of Foreign Commerce requires that the unit of quantity commonly used in the trade must be shown on the license application for export of such commodities. Although the units of quantity commonly used in the trade may be shown on the export license issued, the quantity of commodities authorized for export by the license is limited entirely by the total dollar value shown on the license.

(c) *Partial shipments.* Partial shipments may be made against a validated license; however, when the exportation is by mail, only one shipment may be made, unless shipment is made in accordance with the provisions of § 379.1 (b) (1) of this chapter.

(d) *Validity of licenses.* (1) Outstanding licenses may be revised, suspended, or revoked, or the validity periods thereof may be extended or reduced, by appropriate orders or regulations.

(2) Unless otherwise stated on the face of the license, export licenses will be issued for a validity period ending on the last day of the sixth month following the month during which the license is validated; e. g., a license issued on January 12 would expire on July 31. If the validity period expires on a day when the office of the Collector of Customs is not open for business, the validity period shall automatically be extended to midnight of the first day of business following the expiration date.

NOTE: Refer to Part 373 of this chapter to determine if the special provisions for a commodity include any particular terms regarding the validity period of the individual export license.

§ 372.12 *Reexportation from country of destination*—(a) *General provisions.* (1) No exportation may be made under any validated license with the knowledge or intention that the commodities so exported are to be reexported from the country stated on the license application as the country of ultimate destination, unless the reexportation has been specifically authorized by the Bureau of Foreign Commerce and except as provided in paragraphs (b) and (c) of this section.

(2) If it is stated on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized. The only exceptions to this rule are Time Limit (TL) licenses (see Part 377 of this chapter), where reexport authority may be granted on a document other than the license itself. Authorization will be granted or withheld by an appropriate statement on the face of the validated license, as follows:

(i) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(ii) "Distribution or resale of the commodities listed above is permitted in (name of country of ultimate destination) and (names of other approved countries)."

NOTE: 1. *Destination control statement.* See § 379.10 of this chapter for requirement for destination control statement on Shippers Export Declaration, Bill of Lading and Commercial Invoice covering exports from the United States.

2. *Notice to consignee of distribution and resale authority.* In those cases where the Bureau of Foreign Commerce has disapproved an authorization request for distribution or resale, in whole or part, it is suggested that the United States exporter may wish to advise his foreign consignee of the Bureau of Foreign Commerce decision in advance of the required notification in the form of the Destination Control Statement on the Bill of Lading and Commercial Invoice.

(3) Where additional distribution or resale authority is required subsequent to the submission of a license application to the Bureau of Foreign Commerce, request for such authority shall be made as follows:

(i) If the license application is still pending with the Bureau of Foreign Commerce, or, if the export license has been issued and the proposed shipment has not been cleared for export by the U. S. Collector of Customs, Form IT- or FC-763 shall be submitted to the Bureau of Foreign Commerce, Washington 25, D. C., in accordance with the procedure described in § 380.2 (g) of this chapter.

(ii) If the shipment has been cleared for export by the U. S. Collector of Customs, a letter request, in duplicate, shall be submitted to the Bureau of Foreign Commerce, Washington 25, D. C. The letter request shall identify the export license number (if known) and include the commodity description and quantity proposed for distribution or resale in each country of distribution or resale.

(b) *Reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, G-PUB, GHK, or GLSA, or where the value of the reexportation does not exceed the GLV dollar-value limit shown on the Positive List with reference to the country of destination.

NOTE: For reexportation of technical data, see § 385.6 of this chapter.

(c) *Trieste, Italy, and Yugoslavia.* For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, a reexportation authorization issued by the Bureau of Foreign Commerce which permits reexportation to Italy automatically includes the area of Trieste under Italian civil administration, and similarly an authorization issued by the Bureau of Foreign Commerce which permits reexportation to Yugoslavia automatically includes the area of Trieste under Yugoslav civil administration.

§ 372.13 *Duplicate licenses.* Where a license is lost or destroyed, a duplicate of such license may be obtained by the licensee by submitting to the Bureau of Foreign Commerce a letter certifying:

(a) That the original license assigned BFC Case No. _____ and License No. ____ (if known) issued to ________________
____
(Name and address of licensee)
has been lost or destroyed;

(b) The circumstances under which it was lost or destroyed;

(c) The quantity of commodities, if any, that have been shipped under the original license and at what port the license was filed; and

(d) If the original license is found, the licensee agrees to return the original or duplicate license to the Bureau of Foreign Commerce.

NOTE: Where partial shipments have been made, the duplicate license issued by the Bureau of Foreign Commerce will be mailed directly to the Collector's office at the port where the license had been filed.

§ 372.14 *Return of revoked, expired, or unused licenses.* If a license is revoked or expires or if shipment is not to be made, the license shall be returned immediately to the Bureau of Foreign Commerce, with a covering letter explaining the reason for such return. If the license is not in his possession, at that time, the licensee shall so notify the Bureau of Foreign Commerce.

§ 372.15 *Reports.* Any person to whom a validated license has been issued shall file with the Bureau of Foreign Commerce such reports as the Bureau of Foreign Commerce shall, from time to time, require.[11]

§ 372.16 *License applications for commodities which transit a Subgroup A country en route to a non-Subgroup A destination.* (a) An application for a license to export a commodity (Positive List or non-Positive List) which will be unladen from a vessel or aircraft in a Subgroup A country or which will move in transit through a Subgroup A country enroute to a non-Subgroup A destination (see § 370.9 of this chapter) shall be prepared on Form FC-419 (Revised Jan. 1956) in accordance with the instructions contained in § 372.5 and in this section. Where the intermediate consignee in the Subgroup A country of unlading or transit is unknown at the time of filing the license application, the

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[11] Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Subgroup A country of unlading or transit shall be shown in the "additional information item" of the application form by a statement such as "To be transshipped at (name of transshipment point) and destined to (name of country)"; or, "To be shipped to (name of country of destination) via (name of country)."

(b) Except as set forth below, a validated license issued under the provisions of this section will name the intermediate consignee in the Subgroup A country of unlading or transit approved by Bureau of Foreign Commerce.

(c) Where the license application indicates that the intermediate consignee in the Subgroup A country of unlading or transit is unknown, the license will name the Subgroup A country of unlading or transit approved by the Bureau of Foreign Commerce. However, in accordance with the provisions of § 372.4 (c) (2) (iii), the exporter is obliged to obtain an amendment of the export license before shipment is made in those instances where the license does not include the name of the intermediate consignee in the Subgroup A country of unlading or transit.

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

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Subpart E—Time Schedules for Submission of Applications To Export Certain Positive List Commodities

373.81 Supplement 1.

AUTHORITY: §§ 373.01 to 373.81 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

SUBPART A—HOW TO USE PART 373

§ 373.01 *Scope.* The special requirements for validated licenses set forth in this part are in addition to or modify the general requirements applicable to all exportations requiring validated licenses. The provisions of this part, however, apply only to particular commodities or particular destinations.

§ 373.02 *Other special provisions.* In addition to this part, the Positive List of Commodities (§ 399.1 of this chapter) includes certain other special requirements which apply only to particular commodities. These special provisions require either commodity specifications additional to those in Schedule B or reporting in units of quantity additional to or in lieu of those in Schedule B. As examples, the Positive List indicates that for certain commodities the commodity description shown on an application for export license shall "specify the copper content," "specify the horsepower," etc., or that the quantity on the application shall be shown in "barrels of 42 gallons" or shall "specify the tonnage by grade," etc. Therefore, both this part and the specific entry on the Positive List shall be consulted to determine all the special provisions applicable to a particular commodity.

§ 373.03 *Organization of sections—(a) General organization.* (1) The sections of this part, while numbered consecutively in the usual manner, are arranged into three separate divisions under the following main headings:

Multiple Commodity Group Provisions (§§ 373.1–373.10).
Individual Commodity Group Provisions (§§ 373.11–373.64).
Destination Provisions (§§ 373.65–373.75).

(2) The basis for the organization of the first two divisions is the "commodity group." Commodity groups are the major classifications of commodities exported from the United States as set forth on page xxxv of "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States," and also on the Positive List (§ 399.1 of this chapter). There are 11 such groups, numbered 00 to 9, inclusive. The commodity group number of any commodity is the same as the first digit of the Schedule B number, except in the case of Group 00, where the first two digits of the Schedule B number indicate the commodity group.

(b) *Commodity provisions.* Under the heading "Multiple Commodity Group Provisions" are those sections (§§ 373.1–373.10) which apply to commodities in several or all commodity groups and cannot therefore be identified with a single commodity or commodity group. Under the heading "Individual Commodity Group Provisions" are the sections (§§ 373.11–373.64) containing the provisions for each commodity group 00 to 9, inclusive, each such group being identified by the appropriate subheading "Commodity Group 1," "Commodity Group 2," etc.

(c) *Destination provisions.* Under the heading "Destination Provisions" are all provisions relating solely to exportations to particular destinations without regard to the commodity involved; i. e., all commodities requiring a validated license for export are subject to these provisions when exported to one of these destinations.

NOTE: The special provisions for particular commodity groups (§§ 373.11–373.64), "Individual Commodity Group Provisions," relate in some cases both to particular commodities and particular destinations. These provisions are considered "commodity" provisions since they apply only to particular commodities when exported to these destinations, rather than to all commodities.

§ 373.04 *How to determine whether any special provision is applicable—(a) Commodity provisions.* To determine whether this part contains any special provisions applicable to a particular commodity, an applicant for export li-users need only take the first figure in his Schedule B number and then group number. For example, wire rods, alloy steel, including stainless, special types only, Schedule B. No. 60187, is in Commodity Group 6, as indicated by the first digit of the Schedule B number. Special provisions for this commodity, as well as any other commodity having a Schedule B number beginning with the number 6, will be found in the sections under the subheading "Commodity Group 6," (§§ 373.39–373.47). If a commodity is subject to a multiple commodity group provision (§§ 373.1–373.10), a provision to this effect appears in the first section under the appropriate commodity group heading. Multiple commodity group provisions are not repeated in the individual commodity group provisions but are referred to whenever applicable. For example, diamond powder, Schedule B No. 54091, is subject to the provisions of § 373.2 since this commodity is identified on the Positive List of commodities by the letter "A". Section 373.31, the first section under the heading "Commodity Group 5," contains a provision to that effect. An applicant need not, therefore, refer to any of the multiple commodity group provisions in §§ 373.1–373.10 unless specifically directed to do so by the provisions appearing in the first section under his individual commodity group heading. If so directed, the applicant should refer to the other sections under the same commodity group heading to determine which of them apply to his commodity.

(b) *Destination provisions.* To determine whether there are special provisions applicable to a particular destination, an applicant need only consult the provisions under the heading "Destination Provisions," §§ 373.65–373.75. The section titles indicate the destinations covered; e. g., § 373.67, "Switzerland."

SUBPART B—MULTIPLE COMMODITY GROUP PROVISIONS [1]

§ 373.1 *Export licensing general policy.* The following general, but not exclusive, policy for export licensing and related procedures is hereby established.

(a) *End use.* Where commodities are licensed for export on the basis of the specific end uses, applications will be considered for approval only if they conform to appropriate end uses.

(b) *Foreign government recommendations.* The Department of Commerce reserves the right in all respects to determine to what extent any recommendations made by foreign governments should be followed. However, the Department of Commerce will not seek or undertake to give consideration to recommendations from foreign governments as to the United States exporters whose export license applications should be approved.

(c) *U. S. and foreign government procurement*—(1) *U. S. Government.* For such purchases as may be made by agencies of the United States Government, licenses, where required, will be issued to the United States purchasing agency or its designee making the export shipment, but such exports will be authorized only where it is evident that the use of private trade channels is inappropriate.

(2) *Foreign governments.* Procurement by foreign governments will be subject to continuous review in line with the announced policy of the United States to maximize the restoration of private trade, and in every instance the foreign government will be requested, before it buys any commodity, to establish the competitive nature of its procurement.

(d) *Commodity advisory panels and committees.* Commodity advisory panels and committees will be consulted regarding problems arising in the administration of the provisions of this section.

§ 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*—(a) *Scope.*—(1) *General.*[2] [3] The provisions of this section shall apply to shipments for which a validated license is required covering the following commodities proposed for export or exported to the following countries:

(i) *Commodities.* The commodities subject to the provisions of paragraph (c) of this section, "Submission of Import Certificate," are those commodities on the Positive List of Commodities (§ 399.1 of this chapter) that are identified by the symbol "A" in the column headed "Commodity Lists." All commodities on the Positive List of Commodities are subject to the provisions of paragraph (e) of this section, "Submission of Delivery Verification."

(ii) *Countries.* Austria, Belgian Congo, Belgium, Denmark, France (including the Saar territory), Federal Republic of Germany, Western Sectors of Berlin, Greece, Italy (including the area of Trieste under Italian civil administration), Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, and United Kingdom. (Hong Kong is also a participant in the procedure set forth in this section, but because of certain distinguishing features of the procedure established for Hong Kong, the provisions applicable to Hong Kong are set forth in a separate section, § 373.69). The provisions of this section do not apply to the overseas territories of the countries listed above unless such territories are specifically included in the list.

(2) *Exemptions.* The provisions of paragraph (c) of this section shall not apply to: (i) A shipment or application for export license covering a shipment under a project license (see part 374 of this chapter); (ii) an application for license to export commodities classified in a single entry on the Positive List the total value of which, as shown on the export order, is less than $500, except where a multiple transaction Import Certificate is filed in accordance with paragraph (c) (2) of this section; (iii) an application for license to export a commodity to a foreign government or government agency when such government or government agency actually placed the order with the applicant and will take delivery of the exportation when it is received in the importing country; or (iv) a shipment made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, to a member agency in the foreign country.

NOTE: For definition of "government agency", see § 373.65 (a) (2) (iv).

(b) *Definitions.* As used in this section, the terms "Import Certificate" and "Delivery Verification" (IC/DV) refer to the documents issued by governments of countries listed in paragraph (a) (1) of this section to importers in such countries, and are the equivalent documents to the Import Certificate (Form FC-826) and Delivery Verification (Form FC-908) issued to United States importers (see § 368.1 of this chapter). These documents contain an undertaking by the government issuing the Import Certificate or the Delivery Verification to exercise legal control over the disposition of the commodities covered. This control is in addition to the conditions and restrictions placed on the exportation by the Bureau of Foreign Commerce. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an Import Certificate or Delivery Verification.

(c) *Submission of import certificate*—(1) *Single transaction Import Certificates.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section the original Import Certificate, bearing the official authentication of the governmental authorities in the importing country, issued to the named importer or his agent and covering the commodity or commodities described in the export license application.

NOTE: As indicated above, the original import certificate shall be attached to the license application. A reproduced copy (photostat or other type) of the import certificate will not be accepted by the Bureau of Foreign Commerce.

(ii) Where the single transaction Import Certificate covers commodities for which more than one export license application is submitted, the original Import Certificate shall be attached to the first such application. On each subsequent application the following certification shall be inserted in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the ________________ Import Certificate
(Name of country)
No. ________, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on

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[1] Applicants should first consult the special provisions for the particular commodity groups in which commodities are classified before referring to the provisions in §§ 373.1–373.10. (See "How to use Part 373", §§ 373.01–373.04.)

[2] Submission of an Import Certificate does not relieve the parties to the transaction from compliance with the reexportation provisions. (See § 373.12)

[3] In certain exceptional instances, an Import Certificates may be required for transactions not involving an exportation from the United States under a validated license. (See § 368.1 (b) (8) of this chapter.)

the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate. This Import Certificate was submitted in support of Application No. ____________

(BFC case No., or if case No. is unknown, the applicant's reference No., date of submission of the application to which the Import Certificate was attached and Schedule B Nos. and Processing Codes shown on that application)

NOTE: Whenever possible, the BFC Case Number should be indicated on the certification set forth above since failure to supply the BFC Case Number may result in delay in processing the license application.

(2) *Multiple transaction import certificates.* Exporters may submit to the Bureau of Foreign Commerce an original Import Certificate, if issued by a foreign government, covering all proposed exportations of a commodity or commodities, regardless of value (including commodities based on export orders amounting to less than $500), for a specific period or if no specific period is shown, for a specific quantity or value. The applicant shall attach to the first license application covered by the Multiple Transactions Import Certificate, the original Import Certificate, bearing the official authentication of governmental authorities in the importing country. On each subsequent application for export license submitted against the multiple transaction Import Certificate, one of the following certifications (depending on whether a quantity is shown on the Import Certificate) signed by the applicant, shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the ________________ Import Certificate
(Name of country)
No. ________, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate. This Import Certificate was submitted in support of Application No. ____________

(BFC case No. or if BFC case No. is unknown the Applicant's reference No., date of submission of the application to which the Import Certificate was attached, and Schedule B Nos. and Processing Codes shown on that application)

or (if no quantity is shown on the certificate):

I (We) certify that this application is supported by the ________________ multiple
(Name of country)
transactions Import Certificate No. ________, which was submitted in support of application No. ________________________________

(BFC case No. or if BFC case No. is unknown the Applicant's reference No., date of submission of the application to which the Import Certificate was attached, and Schedule B Nos. and Processing Codes shown on that application)

(3) *Requirements applicable to both single and multiple transactions Import Certificates*—(i) *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Positive List units shall be converted into Positive List units. Documents in a foreign language shall be acompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation.

(ii) *Purchase order.* The Import Certificate may cover more than one purchase order and may be concerned with several commodities, including commodities for which an Import Certificate is not required under paragraph (a) (1) (i) of this section; however, the Import Certificate shall relate only to purchase orders placed by a single importer located in a single foreign country with a single United States exporter.

(iii) *Parties named on the certificate.* The Import Certificate may be accepted from either the ultimate consignee or the purchaser if they are different parties located in the same country. If the ultimate consignee and the purchaser are not located in the same country, an Import Certificate, an ultimate consignee statement, or other applicable equivalent document is required from the party located in the country of ultimate destination. The United States exporter named in the Import Certificate must appear as applicant, supplier, or order party on the United States license application.

(iv) *Validity period.* An Import Certificate submitted to the Bureau of Foreign Commerce after its expiration date will be returned to the applicant for amendment or submission of a new Import Certificate. The expiration date of an Import Certificate in no way affects the validity period for which an export license is granted.

(v) *Applicant's responsibility for full disclosure.* In submitting an Import Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the Import Certificate. In accordance with the provisions of § 368.1 of this chapter, the applicant also shall, by means of supplementary statements from the importer or any other party to the transaction, notify the Bureau of Foreign Commerce of any change that is brought to his notice subsequent to the date the Import Certificate is issued.

(4) *Import Certificate as a factor in licensing.* (i) The Bureau of Foreign Commerce reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which a foreign government has issued on Import Certificate.

(ii) Generally commodities licensed by the Bureau of Foreign Commerce on the basis of dollar value will not be licensed in excess of the dollar value shown on the Import Certificate and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Import Certificate.

(iii) The Bureau of Foreign Commerce will not seek, or undertake to give consideration to recommendations from a foreign government as to which United States exporter's license application should be approved. An Import Certificate will be used by the Bureau of Foreign Commerce as only one of the considerations upon which licensing action will be based, since quotas, end uses, and other considerations remain important factors in export licensing.

(d) *Return of Import Certificate.* (1) The United States exporter may be requested by his foreign importer to return an unused or partially used Import Certificate. In such case, the United States exporter shall forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted application for export, or an appeal.

(2) Failure on the part of the United States exporter to comply with his foreign importer's request will result in the importer's inability to fulfill his obligations to his government and may result in the foreign importer being denied further Import Certificates. This action obviously would prevent the United States exporter's participation in further export transactions with such foreign importer. In addition, the foreign importer may be subjected to other penalties for his failure to return the Import Certificate.

(3) The Bureau of Foreign Commerce will not return an Import Certificate to the United States exporter where the total quantity shown on the Import Certificate has been shipped or is covered by an outstanding export license(s) except as indicated in this subparagraph. In order to comply with a foreign importer's request for the return of an unused or partially used Import Certificate, an Import Certificate on file in the Bureau of Foreign Commerce will be returned to the exporter in accordance with the procedures described below:

(i) Where an Import Certificate covers a quantity in excess of the export license applications submitted against it, or does not specify the quantity covered, the Bureau of Foreign Commerce will retain the Import Certificate until such time as the exporter requests return thereof. When requesting return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, Bureau of Foreign Commerce Case Numbers to which the Import Certificate applies, Import Certificate number, and statement that such Import Certificate will not be used in connection with a new or resubmitted application for export. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(ii) The Bureau of Foreign Commerce will automatically return the applicable Import Certificate to the United States exporter (applicant) whenever an application for export covers the same type and amount of the commodity as that shown on the Import Certificate but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce. In some cases the Import Certificate covering an application rejected by the Bureau of Foreign Commerce for other than quota reasons will be returned directly to the government which issued the certificate. In such cases the applicant will be notified of this action. In any event, the government issuing the Import Certificate will be notified if the export application which it covers is rejected.

(iii) In instances where the United States exporter does not intend to ship the total quantity of commodities for which a license has been issued and desires the return of the Import Certificate, he should submit his request in writing for return of the Import Certificate, together with a request for cancellation or amendment of the unexpired license to show the quantity which he intends to ship. (See § 380.2 of this chapter.) In such cases the exporter shall submit the amendment form, Form IT– or FC–763 (in addition to the letter request), as provided by the regular amendment procedure. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(e) *Requests for amendments.*[4] A new or appropriately amended Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Import Certificate previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted Import Certificate, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number ------, if granted, will not exceed the total quantity authorized under the ------------------ (Name of country) Import Certificate Number ------.

(f) *Submission of Delivery Verification*—(1) *Notification of requirement.* (i) The licensee may be requested by the Bureau of Foreign Commerce to submit a Delivery Verification with respect to any commodities exported under a validated license to a country listed in paragraph (a) of this section, including commodities not subject to paragraph (c) of this section and exemptions and exceptions granted under the provisions of paragraphs (a) (2) and (h) of this section. Where a Delivery Verification is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form FC–863." In addition, Form FC–863, Notification of Delivery Verification Requirement, will be attached to the license. Where a Form FC–863 is attached to a license forwarded by the Bureau of Foreign Commerce to an agent or freight forwarder of the licensee, it shall be the responsibility of such agent or freight forwarder to notify the licensee that a Delivery Verification is required.

(ii) The requirement that a Delivery Verification be submitted for a particular export transaction is cancelled automatically if subsequent to the issuance of a license, the commodity is deleted from the Positive List, or the symbol "A" in the Commodity Lists column is removed from the commodity listing on the Positive List.

(2) *Submission to the Bureau of Foreign Commerce.* When notified to do so by the Bureau of Foreign Commerce, any person issued licenses covering shipments within the scope of this section shall: (i) Transmit to the foreign importer a written request for delivery verification at the time of making each shipment under the license (wherever possible, this request shall be submitted together with the related Bill of Lading or Air Waybill); (ii) obtain from the named importer a Delivery Verification which has been issued to the importer by his government covering the commodities described on the particular export license, or so much thereof (when complete shipment against the license will not be made) as the licensee will have shipped; and (iii) send the original copy of the Delivery Verification to the Bureau of Foreign Commerce within a reasonable time after clearance of the last exportation made under the license. If a Delivery Verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license the licensee shall obtain a Delivery Verification for each partial shipment and retain it in his files until all Delivery Verifications respecting shipments against the license have been received by him. The licensee shall then send the original copies of all such Delivery Verifications to the Bureau of Foreign Commerce in one parcel.

(3) *Inability to obtain a Delivery Verification.* If an exporter is unable to obtain the required Delivery Verification from his importer, he shall promptly notify the Bureau of Foreign Commerce and upon request make available to the Bureau of Foreign Commerce all information and records, including correspondence regarding his attempt to obtain the Delivery Verification.

NOTE: 1. *Delivery Verifications.* It is the policy of the Bureau of Foreign Commerce to require Delivery Verifications on a selective basis where Import Certificates are required. Also, Delivery Verifications may be required relative to export licenses issued for exportation to any of the countries participating in the Import Certificate/Delivery Verification procedure, even though the licensed commodities are not subject to paragraph (c) of this section, or are commodities for which exemptions and exceptions have been granted under the IC/DV procedure.

2. *Translation requirements.* See § 373.2 (c) (3) (i).

(g) *Effective dates.* Whenever the scope of this section is extended by adding commodities or countries to those described in paragraph (a) of this section, such changes shall become effective 45 days from the time such new commodities or countries are added.

(h) *Relationship to ultimate consignee statements.* The requirement for submission of consignee statements specified in § 373.65 of this part shall not be applicable wherever Import Certificates are submitted pursuant to the requirements of this section.

(i) *Request for exception.* An applicant for an export license subject to the requirement for an Import Certificate in accordance with the provisions of paragraph (c) of this section, may request an exception to this requirement.

(1) *Grounds for exception.* An exception will not be granted where such exception will be contrary to the objectives of the United States export control program. Otherwise, favorable consideration of the request for exception generally will be given where the requirement for an Import Certificate:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e. g. the commodities will be held in a foreign trade zone or bonded warehouse for subsequent distribution in one or more countries); or,

(ii) Cannot be complied with because the foreign country refuses to issue an Import Certificate and such refusal constitutes discrimination against the United States exporter; or,

(iii) Is not applicable to the transaction (e. g. the commodities will not be imported for consumption into the named country of destination).

(2) *Types of request.* (i) A request for exception may involve either a single transaction or multiple transactions. The single transaction exception relates to a single export order and, if granted, will cover the application or applications which the exporter submits to ship the single export order. The multiple transactions exception, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted. For example, a multiple transactions request submitted on April 1, 1958 may cover all applications for shipment to the ultimate consignee filed on or before June 30, 1959, unless an earlier termination date is requested.

(ii) A multiple transaction request for exception will be considered by the Bureau of Foreign Commerce only where the reason necessitating the request is continuing in nature.

(3) *When to submit request.* The request for exception shall be submitted together with the application to which it relates. Where the request for exception relates to more than one application, the request shall be submitted together with the first application to which it relates.

(4) *How to submit request.* Each request for exception shall be by letter, in duplicate, addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The request shall be accompanied by a statement from the ultimate consignee and purchaser in accordance with § 373.65, unless such statement is already on file in the Bureau of Foreign Commerce. As a minimum, the letter of request shall include:

(i) The type of request, i. e., whether for a single transaction or multiple transactions (see subparagraph (2) of this paragraph).

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[4] Section 380.2 of this chapter contains other provisions applicable to amendments of applications covered by an Import Certificate.

(ii) A full explanation of the reason or reasons for requesting the exception.

(iii) Whether the exporter has previously submitted to the Bureau of Foreign Commerce any Import Certificate issued in the name of the importer.

(iv) Whether a statement from the ultimate consignee and purchaser, in accordance with § 373.65 is on file with the Bureau of Foreign Commerce.

(v) Name and address of the ultimate consignee. If the commodities will be exported to a foreign trade zone or bonded warehouse, include the location of the foreign trade zone or bonded warehouse.

(vi) Name and address of the purchaser, if different than the ultimate consignee.

(vii) If a multiple transactions exception is requested (see subparagraph (2) of this paragraph) and the exporter wishes the exception period to expire before June 30 of the next year, state the requested date of expiration.

(5) *Action by Bureau of Foreign Commerce*—(i) *Single transaction exception.* For a single transaction request the Bureau of Foreign Commerce will act on the request for exception together with the application for export license with which the request for exception was submitted. In those cases where the related application is approved, the issuance of the export license will serve also as an automatic notice to the exporter that the exception is approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Bureau of Foreign Commerce will advise the exporter by letter.

(ii) *Multiple transactions request.* Where the request involves multiple transactions, the Bureau of Foreign Commerce will advise the exporter by letter of the action taken on the request for exception. The letter will contain any conditions or restrictions which the Bureau of Foreign Commerce finds necessary as a condition to approval of the request for exception. In addition, a written acceptance of these conditions will be required from the parties to the transaction.

(6) *Submission of additional applications.* Any additional application for export license which is subject to an approved request for exception to the Import Certificate requirement shall contain the following certification in the "Additional Information" item of the application, or on an attachment to the application:

> I (We) certify that the circumstances shown in the original request for exception to submission of an Import Certificate also exist with respect to this application. The request for exception was submitted in support of Application No. ____________________
>
> (BFC case No. or if BFC case No. is unknown, the Applicant's reference No., date of submission of the application to which the Import Certificate was attached, and Schedule B Nos. and Processing Codes shown on that application.)

(7) *Relationship to reexportation.* The granting of an exception to submission of an Import Certificate in no way relieves the applicant or any other party to the transaction from obtaining reexportation authorization from the Bureau of Foreign Commerce when so required by the Export Regulations.

§ 373.3 [Reserved.]

§ 373.4 *Statement of past participation*—(a) *Statement of past participation*—(1) *General.* (i) The use of the Statement of Past Participation in Exports, Form IT–821, aids in accomplishing one of the underlying considerations in licensing; namely, the maintenance of a normal pattern of export trade during periods of short supply. Under this method of license issuance, the bulk of export quotas is reserved for those firms who have participated in exports during a representative base period. However, licensing on the historical basis does not preclude participation by exporters who do not have a record of past participation in exports during the base period since a certain portion of the quota is also reserved for exporters within this category. Where necessary, a portion of the quota will also be set aside for especially urgent needs, such as military or defense-supported requirements.

(ii) This section sets forth the general provisions for submission by exporters of a Statement of Past Participation in Exports when required by the Export Regulations.

(2) *Requirement to file.* Applicants for licenses to export any commodities subject to the provisions of this section are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of that commodity on Form IT– or FC–821, excluding exports specified in subparagraph (5) of this paragraph. Such commodities are set forth specifically in the special provisions applicable to each particular commodity group in which these commodities are classified. This information shall be filed only once by an applicant, unless there is a change in the name of the reporting firm or in its relation with other firms. At the time of such change, a new Form IT– or FC–821 shall be submitted which refers to the original form and contains the new information. In order to be considered in relation to a specific quota, the completed Form IT– or FC–821 must be received in the Bureau of Foreign Commerce prior to the termination date for filing applications under that quota. The submission of this information does not guarantee that the applicant will receive a license for the full amount or any portion of the commodities covered by his license application.

(3) *Restrictive quota participation.* A single firm shall be entitled to only one participation in each quota established for each category of commodities subject to the provisions of this section. The filing of dual applications or the claiming of an additional participation through any device whatsoever, including the transfer or assignment of an export order, may result in the denial of export privileges to all persons concerned. In no instance may an additional participation in an export quota be claimed by the device of transferring an export order to another person or firm for the purpose of filing a license application covering a commodity subject to the provisions of this section.

(4) *Form IT– or FC–821.*[8] The following information, in addition to other information specified on the form, shall be submitted on Form IT– or FC–821:

(i) On separate Forms IT– or FC–821 for each category of commodities, the total quantity of exports, excluding shipments covered by subparagraph (5) of this paragraph, from the United States to all foreign countries other than Canada shipped in the exporter's name, i. e., for his own account, during the base period specified for each such category of commodities, as set forth in the special provisions for the commodity groups in which such commodities are classified (§§ 373.11–373.64).

(ii) The names of each exporter, dealer, manufacturer, or other business organization (whether an individual, partnership, association, corporation, or other type of business organization) engaged in the export of the particular commodity being reported which is directly or indirectly owned or controlled by the applicant or which directly or indirectly owns or controls the applicant's operations. The date (month and year) when each such firm or organization was established and its relationship to the applicant's operation shall also be included.

(5) *Exports excluded from report.* Unless specifically requested, exportation of any commodity subject to the provisions of this section under the conditions indicated below shall not be included in this report:

(i) Shipments to territories, dependencies, and other possessions of the United States, and Trust Territory of the Pacific Islands, i. e., the Caroline Islands, the Marshall Islands, and the Marianas Islands;

(ii) Toll shipments;

(iii) In-transit shipments;

(iv) Shipments under Project licenses; and

(v) Shipments to Canada.

(6) *Successors in interest.* A successor firm which has acquired the business interest of a predecessor may include its predecessor's record of past participation in exports for the purpose of establishing the successor firm's position as an historical exporter, provided that the predecessor is not entitled to claim the same past participation in exports. Such successor firm may submit Form IT– or FC–821 for consideration by the Bureau of Foreign Commerce and set forth thereon, or on an attached statement, a full explanation of the association between the entities concerned including the following signed statement:

> The terms of acquisition of the business interests of ______________________________ by
>
> (Name of predecessor firm)
>
> ____
>
> (Name of successor firm)
>
> precludes the predecessor firm from claiming past participation in exports for the purpose of obtaining export licenses under the historical pattern of export licensing.

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[8] Contrary to the instructions on Form IT– or FC–821, this form need be submitted in original only.

NOTE: In the absence of a report on Form IT- or FC-821, the Bureau of Foreign Commerce will assume that the applicant's total exports for each commodity were less in each of the specified calendar years than the established minimum amount (as shown in the special provisions for the commodities subject to this section) for submission of Form IT- or FC-821, and his application for an export license will be considered under a portion of the export quota reserved for exporters in this category.

(b) *Commodities requiring statement of past participation.* The commodities subject to the provisions of this section are specifically set forth in the special provisions applicable to the particular commodity groups in which these commodities are classified. The special provisions for each such commodity group also set forth any modification of the provisions of this section with respect to the commodities within that group.

§ 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations*—(a) *Subsidized commodities.* It is the general policy of the Bureau of Foreign Commerce to deny applications for validated licenses to export, or authority to re-export, agricultural commodities and manufactures thereof to any Subgroup A destination, where the proposed shipment (1) consists of any commodity which is acquired directly or indirectly from the Commodity Credit Corporation, whether in the form acquired or in processed form; (2) consists of any commodity which is shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; and (3) is subsidized for export by the Commodity Credit Corporation either by cash payments or by payments in kind.

(b) *Non-subsidized commodities*—(1) *Exports from the United States.* License applications covering proposed shipments of agricultural commodities and manufactures thereof destined to Eastern European countries within country designation Subgroup A, may be considered for approval, if approval would not be in conflict with the policy stated in paragraph (a) of this section. Such license applications submitted to the Bureau of Foreign Commerce shall contain the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify (1) that the commodities covered by this application have not been and will not be obtained directly or indirectly from Commodity Credit Corporation stocks; (2) that the commodities will not be shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (3) that if the exportation is eligible for a subsidy under a Commodity Credit Corporation export disposal program for surplus agricultural commodities, such subsidy has not been and will not be claimed or obtained.

NOTE: See § 371.8 of this chapter for exportations under General License GRO of surplus agricultural commodities and manufactures thereof.

(2) *Reexportations.* Requests for authority to reexport agricultural commodities and manufactures thereof to Eastern European countries within country designation Subgroup A, may be considered for approval, (i) if approval would not be in conflict with the policy stated in paragraph (a) of this section; or, (ii) if the commodities had not been exported from the United States under either the Mutual Security program or the foreign currency, barter, or other Public Law 480 program. Such requests shall be submitted by letter to the Bureau of Foreign Commerce by the United States exporter and shall contain the following certification:

I (We) certify (1) that none of these commodities was exported from the United States under either the Mutual Security program, or the foreign currency, barter, or other Public Law 480 program; (2) that the commodities covered by this request for authority to reexport have not been obtained directly or indirectly from Commodity Credit Corporation stocks; (3) that the commodities were not shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (4) that if the exportation is eligible for a subsidy under a Commodity Credit Corporation export disposal program for surplus agricultural commodities, such subsidy has not been and will not be claimed or obtained.

§ 373.6 *Return of unused quota.* As soon as a licensee decides that he does not intend to export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly request reduction of the quantity covered by the license to the amount he actually intends to export. The request for reduction shall be made by submitting to the Bureau of Foreign Commerce a Form IT- or FC-763, in accordance with the procedure set forth in § 380.2 of this chapter. If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation in accordance with § 372.14 of this chapter.

§ 373.7 *Commodities exported for exhibition.* (a) When a person in the United States applies for a license to export a commodity for display at a trade fair or other exhibition, with the intention of returning it to the United States, forwarding it for display at another trade fair or exhibition, or selling it abroad to a yet undetermined purchaser during or after exhibition (as distinguished from instances where it is intended to sell the commodities prior to exhibition or where they will be sold during or after exhibition to a known purchaser abroad), the application for an export license does not require the support of an ultimate consignee statement or import certificate, or other documentation issued by the country of ultimate destination. However, such application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto:

These commodities are to be exported for exhibition from ---------- to ---------- at
(Date) (Date)

(Official name of fair or exhibition)

to be held at ------------ and if they are not
(Location)

returned to the United States at the end of the exhibition they will not be otherwise disposed of without prior authorization of the Bureau of Foreign Commerce.

(b) In addition, since the applicant retains title to the commodities, he shall be shown as the ultimate consignee, in care of the person who will have custody of the commodities abroad.

(c) When it is decided that the exhibited commodities are not to be returned to the United States, the request made to the Bureau of Foreign Commerce for authorization to display the commodities at another fair or exhibition or to otherwise dispose of the commodities, shall be made by means of a letter setting forth the proposed disposition, the license number, the BFC Case number, the ultimate destination, the commodity description, the quantity, and the Schedule B number of the commodity, as well as the name, address, and identity of each party to the transaction. In addition, except where the request is for permission to exhibit at another fair or other exhibition, the letter shall be accompanied by all documents required in support of an application for an export license to the proposed destination. The Bureau of Foreign Commerce will validate and issue Form FC-L-58 "Authorization to Dispose of Commodities Shipped to Trade Fairs" for approved requests. If it is subsequently desired to forward the commodities for display at another fair or other exhibition or to make any other use or disposition of the commodities not authorized by the validated Form FC-L-58, an amendment of the form shall be requested by means of a letter to the Bureau of Foreign Commerce containing the same information and documentation as that described above.

§§ 373.8-373.10 [Reserved.]

SUBPART C—INDIVIDUAL COMMODITY GROUP PROVISIONS

COMMODITY GROUP 00

§§ 373.11-373.12 [Reserved.]

COMMODITY GROUP 0

§§ 373.13-373.16 [Reserved.]

COMMODITY GROUP 1

§§ 373.17-373.19 [Reserved.]

COMMODITY GROUP 2

§ 373.20 *Applicability of Multiple Commodity Group provisions to Commodity Group 2 commodities.* All commodities within Commodity Group 2 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§§ 373.21-373.23 [Reserved.]

COMMODITY GROUP 3

§ 373.24 *Applicability of Multiple Commodity Group provisions to Commodity Group 3 commodities.* All commodities within Commodity Group 3 which are identified on the Positive List of commodities by the letter "A" in the "Commodity Lists" column (see § 399.1

of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§§ 373.25–373.27 [Reserved.]

COMMODITY GROUP 4

§ 373.28 *Applicability of Multiple Commodity Group provisions to Commodity Group 4 commodities.* All commodities within Commodity Group 4 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§§ 373.29–373.30 [Reserved.]

COMMODITY GROUP 5

§ 373.31 *Applicability of Multiple Commodity Group provisions to Commodity Group 5 commodities.* All commodities within Commodity Group 5 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§ 373.32 *Petroleum products*—(a) *Application requirements.* (1) An application to export lubricating oils, Schedule B Nos. 50325, 50330, 50340, 50351, 50352, 50391, 50392, 50394, 50400, 50403, and 50405, as well as an application to export lubricating greases, Schedule B. No. 50410, shall set forth detailed information regarding the proposed end use. The applicant should identify the end use by the particular industry or government activity (e. g., railroads, marine, motor transportation, other public utility, agricultural machinery, mining, etc.) and, where possible, by specific function (e. g., aviation motors, motor cars, trucks and tractors, Diesel engines, transformers, compressors, open bearings, etc.).

(2) An application to export petroleum products Schedule B Nos. 50161 through 50165 and 50325 through 50590, in quantities valued at $100.00 or more for each commodity classified under a single entry on the Positive List, to Burma, Cambodia, Ceylon, Federation of Malaya, Hong Kong, India, Laos, Macao, Republic of Indonesia, Singapore, Taiwan, Thailand, and Viet Nam shall be accompanied by a statement attached to the application setting forth the following information:

(i) The quantity of stock the ultimate consignee has on hand (in units of quantity as shown on the Positive List) as of the time the order was placed for each commodity covered by the application;

(ii) The date such order was placed;

(iii) The quantity of each commodity covered by the application (in units of quantity shown on the Positive List) that the ultimate consignee expects to receive from all sources other than the license applicant within 90 days after such order was placed; and

(iv) The monthly rate of consumption, including resale, by the ultimate consignee of the commodities covered by the application.

(b) *Return of incomplete applications.* Applications which do not contain sufficient detailed information for an exact identification of the commodities involved and complete information regarding the end use will not be considered but will be returned to the applicant without action.

§ 373.33 *Diamonds*—(a) *Definitions.* The Commodities covered by this section are loose diamonds (except cut gem diamonds). "Loose diamonds (except cut gem diamonds)" are any diamonds not set in any other material and are either:

(1) "Industrial diamonds," Schedule B Nos. 54091 and 59900, unmounted industrial-purpose diamonds, in any form, including ballas, carbonados, crushing bort, and diamond fragments, as well as diamond powder, dust, and compounds, or

(2) "Cuttable diamonds," Schedule B No. 59901, diamonds suitable for cutting into gems and not reserved for industrial use.

(b) *Export clearance of loose diamonds.* (1) Every shipment of loose diamonds in any form must be inspected by the United States Appraiser of Merchandise at New York, regardless of the means of exportation or the port of exit.

(2) The Appraiser will compare the contents of the shipment with the description on the Shipper's Export Declaration authenticated by the Collector of Customs. If the contents and description on the authenticated Declaration agree, the Appraiser shall place his seal on the package or parcel.

(3) If the contents of the shipment do not agree with the description set forth on the authenticated Declaration, the Appraiser will submit the authenticated Declaration, together with a statement of his findings, to the Bureau of Foreign Commerce via the Collector of Customs.

(4) Post offices will not accept packages or parcels containing such commodities for mailing to a foreign destination unless they have been inspected by the United States Appraiser of Merchandise at New York, and the unbroken seal of that official appears on each package or parcel.

(c) *Return of loose industrial diamonds, diamond dust, or powder without license.* Notwithstanding the foregoing provisions of this section (which relate only to diamond exports which require a validated license), the provisions of § 371.9 (c) of this chapter (which relate to exceptions from General License GIT for intransit shipments), and the provisions of § 370.7 of this chapter (which permit certain exports from foreign trade zones without a license), any person in the United States to whom diamond dust or powder, Schedule B No. 54091 or loose industrial diamonds, Schedule B No. 59900, are consigned by a foreign supplier, with the privilege of selection and purchase or return, may return to such foreign supplier such diamonds, diamond dust or powder not selected for purchase, without securing an export license therefor: *Provided,* The following procedure and conditions are observed:

(1) *Deposit in New York Foreign Trade Zone.* The entire consignment to such person from his foreign supplier, upon arrival in the United States and prior to opening or inspection, must be taken directly from Customs custody into the New York Foreign Trade Zone and must be continuously kept there while inspection and selection are made. Diamonds, diamond dust or powder not selected for purchase and to be returned to the foreign supplier shall remain in the New York Foreign Trade Zone until released for immediate exportation to the foreign supplier.

(2) *Examination by Federal Supply Service.* The Federal Supply Service, General Services Administration, must be given an opportunity to examine and purchase the diamonds, diamond dust or powder proposed to be returned. After having purchased any which it desires to purchase, the Federal supply service must furnish to the New York Foreign Trade Zone Operators, Inc., its certificate, in duplicate, stating that it has been afforded an opportunity to purchase those diamonds, dust or powder remaining for return to the foreign supplier (which must be sufficiently identified by lot number, quantity, weight, description, etc.).

(3) *Certificate required for release from Zone.* The New York Foreign Trade Zone Operators, Inc., shall not release the diamonds or dust or powder from the Foreign Trade Zone unless and until the above-mentioned certificate has been furnished. At the time of such release, there shall be attached to the original of the certificate a duly executed Certificate of Constructive Transfer, Zone Form C, revised (i. e., the official document by which commodities are released from the Foreign Trade Zone). Both certificates will be delivered to the proposed exporter.

(4) *Export clearance.* No Collector of Customs shall authenticate any Declaration for the export of loose industrial diamonds or diamond dust or powder pursuant to this procedure unless the certificate of the Federal Supply Service and the attached Certificate of Constructive Transfer, Zone Form C, revised, provided for above, accompany the Declaration filed with the Collector.

NOTE: The use of the procedure set forth in paragraph (c) of this section will be expedited if diamond dealers desiring to use the facilities of the New York Foreign Trade Zone will make such arrangements as soon as they know when a consignment of diamonds or diamond dust or powder is due to arrive. Persons using the procedure are also responsible for notifying the Federal Supply Service, General Services Administration, when a proposed shipment is ready for inspection.

(d) *Tools incorporating industrial diamonds.* Applications for licenses to export tools, tool parts, or devices containing diamonds must be submitted in accordance with the provisions of § 373.49 (b).

§§ 373.34–373.38 [Reserved for future use.]

COMMODITY GROUP 6

§ 373.39 *Applicability of Multiple Commodity Group provisions to Commodity Group 6 commodities.* All commodities within Commodity Group

6 which are identified on the Positive List of Comodities by the letter "A" in the "Commodity Lists" column (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§ 373.40 *Iron and Steel*—(a) *Iron and steel products with processing code STEE*—(1) *Applicability.* The provisions of this paragraph are applicable to all iron and steel products on the Positive List with the processing code STEE, including commodities within Commodity Group 7. (See § 373.50.)

(2) *Export price.* The export price may be shown on the application form in terms of either the total price, including price per unit, or the supplier's price plus a specified mark-up. This latter method may be used only where the supplier files or has filed with the Bureau of Foreign Commerce his price schedule maintained for the sale of iron and steel items for which export licenses are or may be requested and a statement that the supplier will inform the Bureau of Foreign Commerce promptly (within 10 days) of any changes which may occur in his price schedule. In case the unit price varies according to size or specifications, the applicant must show unit price for each separate size or specification.

(b) *Iron and steel scrap, Schedule B Nos. 60030, 60040, 60050, 60060, 60065, 60075, and 60085*[6]—(1) *Validity period.* Except where the ultimate destination of the exportation is in Mexico or where "offshore" scrap (scrap located in American possessions or territories, including Alaska, outside the continental United States) is to be exported, license applications to export iron and steel scrap (other than tin-plated and terne-plated scrap), Schedule B Nos. 60030, 60040, 60050, 60060, 60065, 60075, and 60085, will be issued for a maximum validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on April 2, 1958, would expire on July 31, 1958. All licenses for iron and steel scrap destined for Mexico and all licenses for "offshore" scrap to be exported to any destination will bear the usual six-month validity period.

(2) *Offshore scrap.* License applications to export these scrap commodities from an American possession or territory outside the continental United States, including Alaska, shall include the following certification:

I (We) certify that the commodities described in this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession).

(3) *Additional copy of shipper's export declaration.* In accordance with the provisions of § 379.3 (c) (3) of this chapter in all cases where a Shipper's Export Declaration is required by the Export Regulations or the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, the shipper shall present to the Collector of Customs an additional copy of the Declaration for exportations of iron and steel scrap, Schedule B Nos. 60030 through 60085.[7] The additional copy shall bear the following notation in the upper right corner: "COMM-8."

(c) *Rerolling rails, Schedule B No. 60095*—(1) *General.* License applications to export rerolling rails over 60 lbs. per yard, Schedule B No. 60095, will be considered for approval in accordance with the procedure described below. License applications to export rerolling rails weighing 60 pounds per yard or less, when manufactured, Schedule B No. 60095, are not subject to the special licensing provisions described below and will be considered for approval without regard to export quota limitations where the stated end use is for rerolling purposes.

(2) *Evidence of availability.* The following certification shall appear on each application in the space entitled "Additional Information," or an attachment thereto:

I (We) certify that the commodities in the quantities described on this license application are in my (our) possession or will be in my (our) possession for export not later than ----------.

(Date)

(3) *Statement of Past Participation in Exports, Form IT– or FC–821.* Applicants for licenses to export rerolling rails are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports in accordance with the procedure set forth in § 373.4. The report shall be broken down by countries of destination and shall cover the quantity of exports from the United States of rerolling rails, exclusive of other rerolling materials, made by the applicant during the calendar year 1955 and the period January 1, 1956 through September 20, 1956, where the total value of such exports to all countries amounted to $3,000 or over. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall read "calendar year 1955" and the heading above items (e) and (f) shall read "January 1 through September 20, calendar year 1956."

(4) *Time for submission of applications.* Applications for licenses to export rerolling rails, Schedule B No. 60095, shall be submitted in accordance with the time schedule set forth in § 373.81.

(d) *Relaying rails and other used rails, except for scrap and for rerolling, Schedule B. No. 60530.* License applications to export used standard tee rails (over 60 lbs. per yard), used carbon steel rails, and relaying rails, Schedule B No. 60530, shall be supported by the following certification made by the ultimate consignee:

I (We) request that this certification be considered a part of the application for export license filed by ----------------------

(Name of U. S. exporter)

to export to us ----------------------

(Quantity and commodity description)

We certify that these commodities will not be used or resold for rerolling and will be used for the following end use ----------------

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(Signature of ultimate consignee)

(Date of signing)

§ 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*—(a) *Nickel Scrap, Nickel Alloy Scrap, and Nickel-bearing Cobalt Scrap*—(1) *General.* License applications to export nickel scrap containing 95 percent or more nickel, Schedule B No. 65460 and all other clean and contaminated nickel scrap, nickel alloy scrap and cobalt nickel alloy scrap, Schedule B Nos. 65460 and 66429,[8] will be considered for approval in accordance with the procedures described below.

(2) *Evidence of commercial unsalability.* License applications to export nickel scrap containing 95 percent or more nickel, Schedule B No. 65460 are required to be supported by evidence of commercial unsalability in the domestic market. This evidence shall be submitted in the form of a letter or other statement from the applicant, supplier, or person to whom the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and if available, the reason(s) for rejection of offers to sell.

(3) *Validity period.* Licenses to export all commodities covered by this paragraph, will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on April 2, 1958, would expire July 31, 1958.

(4) *Amendments to export licenses.* Requests for amendments to licenses (other than an extension of the validity period) covering nickel scrap containing 95 percent or more nickel, Schedule B No. 65460, shall be submitted directly to the Bureau of Foreign Commerce. All other requests for amendments to licenses covering the commodities described in this paragraph may be submitted to any field office of the Department of Commerce listed in § 380.2 of this chapter or directly to the Bureau of Foreign Commerce.

(b) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms*—(1) *General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 64010; refined copper in cathodes, billets, ingots, wire bars, anodes and other crude forms, including copperweld rods, Schedule B No. 64120 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 64130; copper-base alloy scrap (new and old), Schedule B No. 64400;

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[6] See paragraph (c) of this section for rerolling rails, Schedule B No. 60095.

[7] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

[8] Does not include grindings, crushed radio tubes and slags; and skimming and drosses. License covering these commodities will be considered for approval by the Bureau of Foreign Commerce on an open-end basis.

and copper-base alloy ingots and other crude forms, Schedule B No. 66410, will be considered for approval in accordance with the procedures described below.

(2) *Refined copper, Schedule B No. 64120.* License applications to export refined copper in cathodes, billets, ingots, wire bars, anodes, and other crude forms (including copperweld rods) shall be supported by the following information:

(i) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements in the space entitled "Additional Information", on or an attachment thereto:

> The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country item" on this license application;

or, if the foreign consumer is not the same as that shown in the ultimate consignee in foreign country item:

> The name and address of the foreign consumer is ----------------------------------

(ii) *Toll or conversion agreements.* The provisions of this subparagraph do not apply to an application for a license to export refined copper produced in the United States under a toll or conversion agreement from materials received from foreign sources. In these cases the applicant shall make the following certification on the license application in the space entitled "Additional Information", or on an attachment thereto.

> I (We) certify that the refined copper described in this license application was produced in the United States under a toll or conversion contract from materials received from foreign sources.

(iii) *Intransit shipments.* The provisions of this subparagraph do not apply to an application for a license to export refined copper produced in a foreign country and passing intransit through the United States to a foreign destination. (See § 372.6 of this chapter for other requirements regarding applications for licenses covering intransit shipments.)

(3) *Copper ores, concentrates, matte and other unrefined copper, Schedule B No. 64010.* License applications to export copper ores, concentrates, matte, and other unrefined copper shall be supported by the information set forth in subparagraph (2) (i) of this paragraph. A foreign smelter, refiner, or processor may be identified as the consumer of the copper materials included in this paragraph.

(4) *Copper scrap and copper-base alloy scrap.* License applications to export unalloyed copper scrap (new and old), Schedule B No. 64130; copper-base alloy scrap (new and old) containing 40 percent or more copper, including copper-nickel alloy scrap containing 5 percent or more nickel, Schedule B No. 64400; copper scrap (new and old) and copper-base alloy scrap containing less than 40 percent copper with a nickel content of less than 5 percent including ashes, slag, drosses, residues, skimmings, flue dust, and irony brass, Schedule B Nos. 64130 and 64400; and copper-base alloy ingots and other crude forms, Schedule B No. 64410, shall disclose the foreign consumer as set forth in subparagraph (2) (i) of this paragraph.

(5) *Validity period.* Licenses to export copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, including nickel silver (German silver) scrap, Schedule B No. 64400, will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on April 2, 1958, would expire on July 31, 1958. Licenses to export all other commodities covered by this paragraph will bear the usual six month validity period.

(6) *Amendments to export licenses.* Requests for amendments to licenses (other than for an extension of the validity period), covering cooper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, including nickel silver (German silver) scrap, Schedule B No. 64400, shall be submitted directly to the Bureau of Foreign Commerce. All other requests for amendments to licenses covering the commodities described in this paragraph may be submitted to any field office of the Department of Commerce listed in § 380.2 of this chapter or directly to the Bureau of Foreign Commerce.

§ 373.42 *Tools incorporating industrial diamonds.* Applications for licenses to export tools, tool parts, or devices containing diamonds must be submitted in accordance with the provisions of § 373.49 (b).

§§ 373.43–373.47 [Reserved.]

COMMODITY GROUP 7 [•]

§ 373.48 *Applicability of multiple commodity group provisions to Commodity Group 7 commodities.* All commodities within Commodity Group 7 which are identified on the Positive List of Commodities by the symbol "A" in the "Commodity Lists" column (see § 399.1 of this chapter) are subject to the Import Certificate Delivery Verification requirements set forth in § 373.2.

§ 373.49 *Machinery and parts* [•]—(a) *Machinery, equipment, and apparatus.* Applications for licenses to export machinery, equipment and apparatus, with the processing codes CONS, ELME, GIEQ, SATE, TOOL, and TRAN must include the following identifying information in addition to the requirements of § 372.4 (e) of this chapter:

(1) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(2) For commodities having a rated capacity, show maximum rating.

(3) For machinery, equipment, or apparatus, if production and exportation can not be completed within six months, the Bureau of Foreign Commerce will consider the issuance of a license with a validity period of one year. In these instances, the exporter shall enter this request in the item entitled "Additional Information" on the Form FC-419, or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

(b) *Tools incorporating diamonds*—(1) *Commodities included.* Any tool incorporating diamonds requires a validated license (unless general license GLV applies to the shipment of the tool) for export to all R and O country destinations whether or not the tool is shipped with the machine with which it is to be used.

(2) *Definition.* As used in this paragraph, the term "Tools incorporating diamonds" means any tools, tool parts or devices, including metal slugs, which contain diamonds. Such "tools" do not include the machines which may make use of the tools incorporating diamonds.

(3) *Application requirements.* (i) A license to export a tool incorporating diamonds as a spare or replacement part shall be applied for under the Schedule B number applicable to such tool. When a diamond tool is to be shipped with a machine with which it is to be used, whether or not such machine is on the Positive List, the diamond tool shall be entered on the license application under the Schedule B number of the machine.

(ii) If a validated license is required for the machine, a single license application shall be submitted and the description shall specify that a tool containing diamonds is to be shipped with the machine.

(iii) In addition to the information required by paragraph (a) of this section, applications for licenses to export tools, tool parts, or devices (including metal slugs) incorporating diamonds must be listed separately on license applications, or by groups of identical tools, giving the name and type of tool.

(4) *Preparation of Shipper's Export Declaration.* (i) A tool incorporating diamonds exported under a validated license as a part of a machine exported under a general license shall be reported on the same Shipper's Export Declaration as a unit. The value stated in column (15) shall reflect the combined value of the machine and the diamond tool.

(ii) Separate data for the diamond tool shall be shown only in column (10). The description of the machine shall specify that it includes a tool containing diamonds together with the same information required on a license application for the diamond tool, as set forth in subparagraph (3) of this paragraph.

(c) *Automotive vehicles, parts, and accessories*—(1) *Statement of Past Participation in Exports, Form IT– or FC-821.* Applicants for licenses covering shipments to Israel and neighboring Arab states (i. e. Egypt, Jordan, Lebanon, Syria) of automotive vehicles, parts and accessories covered on the Positive List of Commodities under Schedule B Nos. 79011 through 79133, 70630, 70989, 79148,

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[•] Parts, accessories, and equipment, which are to be scrapped are classified as scrap (e. g., Schedule B Nos. 60030–60095, 63005, 64130, and 64400). See § 399.2 of this chapter, Int. 10.

79151, 79153, 79156, 79159, 79162, 79168, 79261, 79262, and 79277, are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports in the manner set forth in § 373.4. The report shall be broken down by countries of destination and shall cover the quantity of exports from the United States of these commodities made by the applicant during the calendar years 1954 and 1955. For automotive vehicles, the statement shall show one total figure for each year in units (number of vehicles) with no breakdown as to classes or types. For parts and accessories the statement shall show one total figure for each year in dollars for each country with no breakdown as to classes or types. In preparing Form IT– or FC–421, the heading above items (c) and (d) shall be changed to read "calendar year 1954" and the heading above items (e) and (f) shall be changed to read "calendar year 1955."

(2) *Time for submission of applications.* Application for licenses to export any of the commodities covered by this paragraph to Egypt or Syria shall be submitted in accordance with the time schedules set forth in § 373.81.

§ 373.50 *Commodity group 7 commodities with processing code STEE.* All commodities within Commodity Group 7 with the processing code STEE are subject to the provisions of § 373.40 relating to iron and steel products.

§§ 373.51–373.53 [Reserved.]

COMMODITY GROUP 8

§ 373.54 *Applicability of multiple commodity group provisions to Commodity Group 8 commodities.* All commodities within Commodity Group 8 which are identified on the Positive List of Commodities by the symbol "A" in the "Commodity Lists" column (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§ 373.55 *Chemicals and medicinals*—(a) *General.* All applications for licenses to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(b) *Isotopes.* License applications to export those isotopes for which procurement authorization is required from the Atomic Energy Commission shall specify the AEC Procurement Authorization number and expiration date in the commodity description item of Form FC–419.

§§ 373.56–373.58 [Reserved.]

COMMODITY GROUP 9 [10]

§ 373.59 *Applicability of multiple commodity group provisions to Commodity Group 9 commodities.* All commodities within Commodity Group 9 which are identified on the Positive List of Commodities by the symbol "A" in the "Commodity Lists" column (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§ 373.60 [Reserved.]

§ 373.61 *Tools incorporating diamonds.* Applications for licenses to export tools, tool parts, or devices (including dental instruments, Schedule B No. 91500) containing diamonds must be submitted in accordance with the provisions of § 373.49 (b).

§§ 373.62–373.64 [Reserved.]

SUBPART D—DESTINATION PROVISIONS

§ 373.65 *Ultimate consignee and purchaser statements*—(a) *Scope*—(1) *General.* The provisions of this section apply to all proposed shipments of commodities for which validated export licenses are required where the country of ultimate destination is a country in Group R, and to any proposed shipments under the Time Limit (TL) licensing procedure (see part 377 of this chapter) to a country in Group O.

(2) *Exemptions.* The provisions of this section do not apply if the license application covering the proposed shipment shows that one or more of the following conditions are present:

(i) The application for license to export a proposed shipment is covered by an Import Certificate, submitted in accordance with § 373.2 (or as applicable, by a Swiss Blue Import Certificate as provided in § 373.67, a Hong Kong Import License as provided in § 373.69, or a Yugoslav End-Use Certificate as provided in § 373.70).

(ii) The total value, as shown on the export order covering the application, of the commodity(ies) classified in a single entry on the Positive List is less than $500 and the shipment is not supported by a Multiple Transactions Statement Form FC–843 [11] submitted in accordance with paragraph (c) (3) of this section; or for exportation of non-Positive List commodities to Hong Kong or Macao, the total value of the commodity(ies) classified under a single Schedule B number, as shown on the export order covering the application, is less than $500 and the shipment is not supported by a Multiple Transactions Statement.

(iii) Shipment will be made under a Project License issued or to be issued as set forth in Part 374 of this chapter.

(iv) (*a*) The ultimate consignee named in the license application is a foreign government or foreign government agency, and the foreign purchaser is also a foreign government or foreign government agency. However, if one of the parties to the transaction, either purchaser or ultimate consignee, is a party other than the foreign government or government agency, then a statement from that purchaser or ultimate consignee is required.

(*b*) The term "government agency" is construed as follows for the purpose of this section:

(*1*) National governmental departments operated by government paid personnel performing governmental administrative funtions; e. g., Finance Ministry, Ministry of Defense, Ministry of Health, etc. Municipal or other local government entities must submit consignee statements.

(*2*) National government owned public service entities; e. g., nationally owned railway, postal, telephone, telegraph, broadcasting, and power systems, etc.

(*c*) The term "government agency" does not include government corporations, quasi-government agencies, and State enterprises engaged in commercial, industrial, and manufacturing activities; such as petroleum refining, production, and distribution plants, mines, steel mills, retail stores, automobile manufacturing plants, airlines, or steamship lines which operate between two or more countries, etc.

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, to a member agency in the foreign country.

(vi) The license applicant is the same person as the ultimate consignee in the country of ultimate destination, provided that the applicant furnishes all the applicable information on the license application which is required in the ultimate consignee/purchaser statement. This exemption does not apply where the applicant and the consignee are separate entities such as parent and subsidiary, or affiliated or associated firms.

(b) *Statements required from ultimate consignee and purchaser*—(1) *General.* The applicant shall furnish an original or copy of a statement from the ultimate consignee and purchaser (Form FC–842 or FC–843) named in the application, certifying to certain facts relating to the proposed transaction. This statement is required by the Bureau of Foreign Commerce to make certain that foreign consignees and purchasers are fully aware of their responsibility not only for the representations made to the Bureau of Foreign Commerce, but also for the proper disposition of the licensed commodities only in those foreign countries where the Bureau of Foreign Commerce has authorized disposition. In addition, the requirement curtails the time-consuming supplementary inquiries by the Bureau of Foreign Commerce which otherwise often may be necessary.

(2) *Signature by ultimate consignee.* The Statement must be manually signed by the ultimate consignee (the person abroad who is actually to receive the material for the designated end use), or by a responsible official of the ultimate consignee who has personal knowledge of the information included in the statement, who has authority to bind the ultimate consignee, and who has the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this document may not be delegated to any person (agent,

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[10] Parts, accessories, and equipment, which are to be scrapped are classified as scrap (e. g., Schedule B Nos. 60030–60095, 63005, 64130, and 64400). See § 399.2 of this chapter, Int. 10.

[11] Forms FC–842 and FC–843 may be obtained at all Department of Commerce Field Offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. Foreign importers may obtain copies of Forms FC–842 and FC–843 from their United States exporter or from United States diplomatic and Consular offices.

employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement may be located in the United States or in a foreign country; his official title shall be included with his signature.

(3) *Signature by purchaser.* If the purchaser (the person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee) named in the export license application is a different person from the named ultimate consignee, the purchaser must either sign the statement executed by the ultimate consignee, or the applicant must also attach to the application an additional Statement executed by the purchaser. This Statement from the purchaser shall meet the same requirements of signature, etc., as are stated in subparagraph (2) of this paragraph above for the ultimate consignee, and it must cover the same subject matter as required from the ultimate consignee in subsequent paragraphs of this section. The purchaser's statement may be a Single Transaction Statement (Form FC-842) or a Multiple Transactions Statement (Form FC-843) and shall be completed in accordance with the procedure described in paragraph (c) of this section.

(4) *Alterations.* After a consignee or purchaser statement (Form FC-842 or FC-843) has been signed by the consignee or purchaser, no corrections, additions or alterations may be made by any person other than the consignee or purchaser. If the signed statement is incomplete or incorrect in any respect, the applicant shall obtain a corrected statement from the consignee and/or purchaser. (See paragraph (c) (1) (iii) (*j*) (3) of this section.)

(5) *Amendments to Statements.* Where a consignee or purchaser statement (Form FC-842 or FC-843) is on file in the Bureau of Foreign Commerce an amendment to the Statement may be submitted in the form of an additional Form FC-842 or FC-843, a wire or cable, or a copy of the wire or cable from the ultimate consignee. Sufficient identifying information shall be submitted with the amendment to permit the Bureau of Foreign Commerce to identify the amendment with the Statement on file in the Bureau of Foreign Commerce, such as: Form number (Form FC-842 or FC-843); name of consignee or purchaser and date of signing; Bureau of Foreign Commerce Case Number of the license application with which the Statement was submitted to the Bureau of Foreign Commerce; applicant's reference number, etc.

(6) *Applications filed without statements.* An application not supported by a Consignee/Purchaser statement (where required) from the ultimate consignee or purchaser will be returned without action to the applicant. However, an applicant who can show to the satisfaction of the Bureau of Foreign Commerce that he has made diligent efforts to obtain such Statement and has been unable to get it, may so advise the Bureau of Foreign Commerce in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement and the application will receive consideration for approval.

(7) *30-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries or for Group O countries under the TL licensing procedure need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statements during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee, ultimate destination, and the end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and consignee, or other documents received from the consignee.

(c) *Information required in consignee statements*—(1) (i) *General.* Where an application to export a commodity involves a single transaction, a statement shall be submitted on Form FC-842 "Single Transaction Statement by Consignee and Purchaser," [13] or in the event of an emergency, in the form of a wire or cable provided it contains the same information as required on the form. Exporters who have a continuing and regular relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same commodities to the same destinations and for the same end uses, and applicants for Time Limit (TL) licenses (see Part 377 of this chapter) may submit to the Bureau of Foreign Commerce a multiple transactions statement executed on Form FC-843, "Multiple Transactions Statement by Consignee and Purchaser." Statements submitted under the multiple transactions procedure will not be accepted on any form other than Form FC-843. The exporter shall attach to Form FC-843 a list in original only of the Bureau of Foreign Commerce product divisions responsible for licensing those commodities listed on the statement, and shall submit the original plus one additional copy of the Multiple Transactions Statement for each Bureau of Foreign Commerce product division responsible for licensing these commodities. (A list of Bureau of Foreign Commerce product divisions and the commodity processing codes for which each product division has licensing authority, is set forth in § 399.4 of this chapter.) Since there are but four product divisions in the Bureau of Foreign Commerce, a maximum of an original plus four additional copies will be required. If the commodities to which the statement applies are assigned processing codes under a single product division, the original plus only one additional copy of the statement will be required.

(ii) This Multiple Transactions Statement (Form FC-843) shall cover all proposed exportations of such commodities regardless of value (including those based on export orders amounting to less than $500) for which applications for export licenses will be submitted to the Bureau of Foreign Commerce during all or any part of the period ending on June 30 of the year following the year during which the statement is executed (unless an earlier termination date is desired and is specified on the Multiple Transactions Statement). For example, a Statement executed on April 3, 1958, may cover proposed exportations for which license applications are filed on or before June 30, 1959.

(iii) All of the items of information specified in this paragraph or on Form FC-842 or Form FC-843, shall be furnished if applicable to the transaction. If such information is unknown, that fact should also be disclosed. Special provisions applicable to the Single Transaction Statement (Form FC-842) are set forth in subparagraph 2 of this paragraph; special provisions applicable to the Multiple Transactions Statement (Form FC-843) are set forth in subparagraph 3 of this paragraph; and the information required on both the Single and Multiple Transactions Statement is set forth below:

(*a*) Name and address of the ultimate consignee;

(*b*) Name of the United States exporter or person with whom the order has been placed;

(*c*) Description of the commodity or commodities to which the statement applies. The commodities shall be described in terms which will enable the Bureau of Foreign Commerce to determine that the commodities described on the Statement are the same as those described on the related application for export license. Where the commodity description on the ultimate consignee/purchaser statement is not readily identifiable with that shown on the license application, the applicant should add an explanatory note in the commodity description item on the license application to make the relationship clear.

(*d*) The nature of the consignee's usual business, including whether he is the user, seller, etc., of the commodities to which the statement applies;

(*e*) The ultimate destination of the commodity or commodities to which the Consignee/Purchaser statement applies, showing whether the commodities will be reexported from the country indicated in the ultimate consignee item of the Statement, and if the commodities are for reexport, the name of the country or countries to which reexportation is proposed (in the item entitled "Disposition of Commodities"). (See § 373.68

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[13] Forms FC-842 and FC-843 may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. Foreign importers may obtain copies of Forms FC-842 and FC-843 from their United States exporter or from United States diplomatic and Consular offices.

with respect to the filing of Consignee/Purchaser statements which make reference to Viet-Nam.) It is emphasized that nothing shown on Form FC-842 or Form FC-843 shall be construed as an authorization by the Department of Commerce to reexport the commodities to which the Consignee/Purchaser statement applies without the approval of specific countries from the Department of Commerce. Such authorization to reexport is not granted on the basis of information on these forms, but as a result of a specific request by the United States exporter on the license application or upon request of the consignee through the United States exporter after the license is issued. (See also § 372.12 of this chapter.)

(*f*) A specific and detailed description of the end use to which the commodity or commodities will be put by the ultimate consignee in the country of ultimate destination (in the item entitled "Specific Use"). If the ultimate consignee will use the commodity or commodities to produce other end products show the names of the end products, the country or countries where the production or manufacture will take place and the country or countries in which the end product will be distributed, if these facts are known. The end-use information shall be set forth in as much detail as is known to the person(s) signing the Consignee/Purchaser statement.

(*g*) Any additional facts relating to the transaction which the consignee or purchaser believes will be of value to the Bureau of Foreign Commerce in the consideration of license applications submitted in his behalf by the United States exporter (in the item entitled "Additional Information").

(*h*) The name of any person, other than the employees of the ultimate consignee or purchaser, who assisted in the preparation of the Consignee/Purchaser statement; and

(*i*) A certification by the consignee and/or purchaser, as defined in paragraphs (b) (2) and (3) of this section, that the facts contained in the Consignee/Purchaser statement are true and correct to the best of their knowledge and belief; a certification by the consignee and/or purchaser that they will promptly send a supplemental Statement to the United States exporter (or the foreign distributor in the case of a Foreign Distribution license) of any change of facts or intentions set forth in their Statement(s) which occurs after the Statement has been prepared and forwarded; and that with respect to any shipment which they propose to dispose of contrary to the representations made in the Statement, or contrary to the limitations on countries of distribution which may be received on the bill of lading, commercial invoice or other comparable documents, they will notify the United States exporter and secure approval of the Bureau of Foreign Commerce through the United States exporter prior to such disposition.

(*j*) The applicable information described below should be submitted to the Bureau of Foreign Commerce by the applicant for the export license or the duly authorized agent of the applicant in those instances where the consignee or purchaser statement (Form FC-842 or FC-843) contains corrections, additions or alterations. Consignee/Purchaser Statements which do not contain this information may be returned to the applicant for clarification.

(*1*) Where the Statement contains corrections, additions or alterations which appeared on the Statement at the time of receipt from the ultimate consignee or purchaser, the following certification may be attached to the Statement:

I (We) certify that no corrections, additions or alterations were made on the attached Form (FC-842) (FC-843) by me (us) after the form was signed by the (ultimate consignee) (purchaser).

(2) Where the Consignee/Purchaser statement has been partially or completely filled in by the applicant or his agent prior to signing by the ultimate consignee or purchaser, the "Assistance in Preparing Statement" items on Forms FC-842 or FC-843 shall show the name of the person assisting in the preparation of the Statement. If in so assisting, any corrections, additions or alterations are made on the Form, the applicant shall advise the Bureau of Foreign Commerce, in writing, of (*a*) the changes made (*b*) the reason(s) for making the changes and (*c*) shall include the certification shown in (*a*) of this subdivision.

(3) In accordance with paragraph (b) (4), of this section, after a consignee or purchaser statement (Forms FC-842 or FC-843) has been signed by the consignee or purchaser, no corrections, additions or alterations may be made by any person other than the consignee or purchaser. However, in those instances where an explanatory note by the applicant will aid in identifying the commodity description of the export transaction shown on the Consignee/Purchaser Statement with that shown on the related license application, the applicant may add this explanatory note on the related license application or on an attachment thereto. In all other instances where a correction, addition or alteration to a Form FC-842 or FC-843 appears necessary after the form was signed by the consignee or purchaser, the applicant shall return the form for correction to the consignee or purchaser, as applicable.

(2) *Special provisions applicable to the single transaction statement.* In addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the single transaction statement (Form FC-842):

(i) The Single Transaction Statement (Form FC-842) shall be submitted to the Bureau of Foreign Commerce within 90 days from the date of signing by the consignee or purchaser, whichever date is later.

(ii) The quantity and (if known) the value of commodities ordered by the consignee or purchaser from the United States exporter shall be shown on the Statement in the quantity and value items of Form FC-842. If the actual value is not known, an estimated value should be shown and the entry should be labeled "estimate". If it is impossible to determine an estimated value, the word "unknown" should be entered therein together with an explanation of the reason why an actual or estimated value cannot be provided.

NOTE: 1. *Commodities licensed in terms of dollar value.* If the commodity is licensed in terms of dollar value, an application for an export license will not be approved for a quantity significantly in excess of the actual or estimated value shown on the Form FC-842. Where the Form FC-842 indicates that the value is unknown, the Bureau of Foreign Commerce will consider the approval of one application against the related Form FC-842 provided that the applicant states on the license application that the transaction described on the license application is the same as that described on the Form FC-842.

2. *Commodities not licensed in terms of dollar value.* If the commodity is not licensed in terms of dollar value, the Bureau of Foreign Commerce uses the value information shown on Form FC-842 primarily as an aid to identifying the commodity. Applications covering this type of commodity will not be approved for a quantity significantly in excess of the quantity shown on the related Form FC-842.

(iii) In addition, the end use of the commodities by the ultimate consignee shall be shown in the item entitled "Specific End Use" including if known, the end use of the commodities by the customers of the ultimate consignee. If the end use by the customers is unknown, enter the word "unknown."

(3) *Special provisions applicable to the multiple transactions statement.* In addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the Multiple Transactions Statement (Form FC-843):

(i) A representation that the Statement shall be considered a part of every application for license filed by the named United States exporter or person with whom the order is placed, for export to the consignee of the commodity or commodities to which the Statement applies, during the period stipulated (in the item entitled "Request");

(ii) The nature of the consignee's business relationship with the United States exporter named on the Form FC-843, and how long the relationship has existed (in the item provided to show business relationship).

NOTE: *Proper number of copies of statement.* United States exporters may wish to advise their foreign importers (ultimate consignees and purchasers) to submit these Statements in as many copies as the exporter requires for submission to the Bureau of Foreign Commerce for all license applications to be submitted in connection with the importer's orders).

(4) *Method of extension of validity period of multiple transactions statements.* (i) In lieu of submitting a new Multiple Transactions Statement, the coverage period of a currently valid Multiple Transactions Statement submitted on Form FC-843 on file in the Bureau of Foreign Commerce, may be extended by the submission to the Bureau of Foreign Commerce of (*a*) a certification completed by the ultimate consignee and purchaser and (*b*) a copy of the United

States exporter's letter to his ultimate consignee and purchaser requesting the completion of such certification. Such certification and letter shall meet, as a minimum, the requirements described below and shall be submitted in the same number of copies as are required for Multiple Transactions Statements under subparagraph (1) of this paragraph.

(ii) The following certification shall be signed by the ultimate consignee and purchaser (if applicable):

I (We) certify that:

(1) I (We) have reread our multiple transactions statement, Form FC-843—Revised, dated ----------;

(2) The facts contained in this multiple transactions statement which will expire on ---------- have not changed to date;

(3) The facts contained in this multiple transactions statement accurately and completely reflect our past and present relationship with ------------------------------
(Name of U. S. exporter)
and our intended use and disposition of commodities received during the period ending

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(June 30 of next year, unless an earlier termination date is desired)

(4) I (We) shall promptly send a supplemental statement to the named United States exporter disclosing any change of facts or intentions which occurs after the signing of this certification;

(5) With respect to any shipment which I (we) proposed to dispose of contrary to the representations made in the above-described Form FC-843, or contrary to limitations on countries of distribution which I (we) received on my (our) Bill of Lading, commercial invoice or comparable documents, I (we) will notify the named United States exporter, and will secure the United States Government approval through this exporter prior to such disposition.

(Date of signing)

(Print or type)

(Name of consignee/purchaser)

(Address of consignee/purchaser)

(Signature of official of firm named)

(Name and title of person signing statement)

(iii) The United States exporter's letter to his consignee requesting the above certification shall, among other things, include the following instructions: (*a*) The original multiple transactions statement (Form FC-843) shall be reexamined to make sure that the facts and intentions have not changed; (*b*) the commodities shall be used in the authorized countries only; (*c*) the commodities shall not be diverted or transshipped from authorized destinations to other destinations without prior United States approval; and (*d*) the exporter must be informed of any future change of facts or intentions from those stated in the certification.

(iv) The certification completed by the ultimate consignee and purchaser and the copy of the United States exporter's letter to his ultimate consignee and purchaser requesting the completion of such certification, must be received in the Bureau of Foreign Commerce before the expiration date of the consignee statement or any previous extensions thereof.

(d) *Applications supported by consignee statements*—(1) *Applications supported by a multiple transactions statement.* An application for an export license, supported by a multiple transactions statement or by a certification extending the coverage period of a multiple transactions statement, shall contain the following statement:

This application is supported by the Multiple Transactions Statement dated ---------- from the named consignee to this applicant.

(2) *Applications supported by a single transaction statement.* Where a single transaction statement (Form FC-842) covers a purchase order for commodities that require more than one license application, each license application supported by the single transaction statement shall contain the following certification in the space entitled "additional information," or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the single transaction statement dated ----------, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same single transaction statement, including the present application, do not total more than the quantities shown on that statement. This single transaction statement was submitted in support of Application No. ------------------------------

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(BFC case No. or if BFC case No. is unknown, the Applicant's reference No., date of submission of the application to which the single transaction statement was attached, and Schedule B Nos. and Processing Codes shown on that application)

NOTE: 1. *Purchase order.* The statement from the ultimate consignee and purchaser shall relate only to purchase orders placed by one ultimate consignee and one purchaser with one United States exporter. A purchase order covered by any consignee statement may involve several commodities. The Single Transaction Statement by Consignee and Purchaser (Form FC-842) shall relate to only one purchase order. The Multiple Transactions Statement by Consignee and Purchaser (Form FC-843) may cover more than one purchase order.

2. *Coded terms and translation requirements.* The provisions of paragraph 372.9 (d), requiring an explanation of terms and abbreviations and an English translation of documents in a foreign language, must be observed. Exporters may provide their foreign customers with Form FC-842 and Form FC-843 translated into the foreign language of the customers. Copies of Form FC-842 and Form FC-843 in foreign languages will not be provided by the Bureau of Foreign Commerce.

3. *Applicability of statements on ultimate consignee/purchaser statement to license applications and export licenses.* Information supplied by a consignee or purchaser on a consignee statement (Forms FC-842 or FC-843) cannot be construed as extending or expanding the specific information on a license application or an export license resulting therefrom. With regard to disclosure of facts pertaining to an individual export transaction, the export license application covering the transaction must be self-contained. The authorizations contained in the resulting export license are not extended by the general information contained in the consignee/purchaser statement with regard to reexportation from the country of destination or with regard to any other facts relative to the transaction as reported on the application.

4. *Liability of ultimate consignee or purchaser.* Misrepresentations, either through failure to disclose facts, concealing a material fact, or furnishing false information in the required consignee/purchaser statement, will subject the ultimate consignee and/or purchaser to administrative action by the Bureau of Foreign Commerce, including suspension, revocation, or denial of licensing privileges and denial of other participation in exports from the United States.

5. *Applicant's responsibility for full disclosure.* In submitting Statements Forms FC-842 or FC-843 from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.5, the applicant shall also promptly bring to the attention of the Bureau of Foreign Commerce any change in the facts which were set forth in the first or any supplementary Statement from the ultimate consignee or purchaser and which change was brought to his notice by the ultimate consignee or purchaser or any other person subsequent to the date the statement was made.

6. *Applicant is not named on consignee statement.* If the license applicant is not named on the consignee/purchaser statement, the provisions of § 372.4 (a) (2) of this chapter must be observed.

(e) *Letterheads and order forms.* The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(f) *Requests for amendments.*[12] (1) A new consignee/purchaser statement (Form FC-842 or FC-843) shall accompany a request for an amendment of an export license which proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Bureau of Foreign Commerce.

(2) A new Single Transaction Statement by Consignee and Purchaser (Form FC-842) or a letter, wire or cable from the ultimate consignee and purchaser (if applicable) confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Single Transaction Statement by Consignee and Purchaser previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted Single Transaction Statement by Consignee and Purchaser, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number ---------- if granted, will not exceed the total covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

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[12] Section 380.2 of this chapter contains other provisions applicable to amendments of licenses covered by a consignee and purchaser statement.

Where the export license is based on a multiple transactions statement (Form FC-843) an additional statement is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the request for amendment.

I (We) certify that the license(s) listed above is supported by a multiple transactions statement.

§ 373.66 [Reserved.]

§ 373.67 *Switzerland*—(a) *Import certificate requirement.* License applications for export of commodities to Switzerland must be accompanied by the original Blue Import Certificate issued to the Swiss importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed exportation from the United States. Where the Import Certificate covers commodities for which more than one license application is submitted, the original of the Import Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information", or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Swiss Blue Import Certificate No. _____, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same Certificate, including the present application, do not total more than the quantities shown on that Certificate. This Swiss Blue Import Certificate was submitted in support of Application No. ________________________

____

(BFC case No. or if BFC case No. is unknown, the Applicant's reference No., date of submission of application to which the Swiss Blue Import Certificate was attached, and Schedule B Nos. and Processing Codes shown on that application)

(b) *Exemptions*—(1) *45-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List of Commodities, export license applications for such commodities need not conform to these requirements for a period of 45 days from the time such commodities are added to the Positive List.

(2) *Shipments to the Swiss Government.* Applications for licenses to export commodities to Swiss Government agencies are exempted from the requirement to submit a Swiss Blue Import Certificate where the Swiss Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Switzerland.

NOTE: For definition of "government agency," see § 373.65 (a) (2) (iv).

(c) *Return of Blue Import Certificate.* The Swiss Blue Import Certificate provides that the Swiss importer has pledged himself directly to import the commodities into the Swiss customs territory and that any reexportation of these goods is prohibited. If the Swiss importer is unable to obtain the commodities covered by a Swiss Blue Import Certificate, he is required by the Swiss Government to produce evidence of such inability. Therefore, United States exporters may be requested by their foreign importers to return unused or partially used Import Certificates. In such cases, the United States exporter should forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted license application, or an appeal. In order to meet these requests, Import Certificates on file in the Bureau of Foreign Commerce will be returned to exporters in accordance with the procedures indicated below.

(1) *Import Certificate quantity greater than license application.* Where an Import Certificate covers a quantity in excess of the license application(s) submitted against it, the Bureau of Foreign Commerce will retain the Import Certificate until such time as the exporter requests the return thereof. When requesting the return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, applicable Bureau of Foreign Commerce case numbers to which the Import Certificate applies, Import Certificate number, and a statement that such Import Certificate will not be used in connection with a new or resubmitted application for export license. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(2) *Import Certificate and license application in same quantities.* The Bureau of Foreign Commerce will automatically return the applicable Import Certificate to the United States exporter (applicant) whenever an application for export license covers the same type and amount of the commodity as that shown on the Import Certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(3) *Unshipped quantities.* In instances where the United States exporter does not intend to ship the total quantity or any portion of commodities for which a license has been issued and desires the return of the Import Certificate, he should submit his request in writing for return of the Import Certificate, together with a request for cancellation or amendment of the license to show the quantity, if any, which he intends to ship. Where the amendment refers to an unexpired license, the exporter shall submit amendment form (Form IT- or FC-763) in addition to the letter request, as provided by the regular amendment procedure. (See § 380.2 of this chapter.) Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

NOTE: 1. *Reexportation to Switzerland.* Where an Import Certificate has been submitted to the Bureau of Foreign Commerce covering an exportation for the account of an importer pursuant to the provisions of § 373.2 and the exportation is subsequently to be reexported to Switzerland, the applicant for export license is not required to submit a Swiss Blue Import Certificate to the Bureau of Foreign Commerce. However, the exporter is required to secure permission from the Bureau of Foreign Commerce prior to reexportation, in compliance with § 372.12 (a) of this chapter.

(d) *Exceptions.* (1) The Bureau of Foreign Commerce will consider the granting of an exception to the requirement for submission of the Swiss Blue Import Certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the United States export-control program. The Bureau of Foreign Commerce may waive the requirement of the submission of the Swiss Blue Import Certificate where the refusal by the foreign government to issue the Import Certificate constitutes discrimination against the United States exporter, or for any other valid reason of similar importance. Each such request for exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, (i) the nature and duration of the business relationship between the applicant and the importer shown on the license application; (ii) the reason or reasons for the foreign importer's inability to obtain the Blue Import Certificate from his government; (iii) a statement as to whether the exporter has previously submitted to the Bureau of Foreign Commerce any Swiss Blue Import Certificates issued in the name of the importer and a listing of the Bureau of Foreign Commerce case numbers to which these certificates applied; and (iv) any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the Bureau of Foreign Commerce, a Statement from the consignee and purchaser in accordance with § 373.65. No request will be considered or granted unless such statement is submitted or is on file in the Bureau of Foreign Commerce.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (Bureau of Foreign Commerce case number if known, or applicant's reference number) to the application to which the original letter request was attached.

(e) *Amendment requests for increased quantities.*[14] A request for amendment to increase the quantity of an export license which is covered by a Swiss Blue Import Certificate shall include the following certification on Form IT- or FC-763 or on a signed attachment thereto:

I (We) certify that this request for amendment of export license No. ______, if granted, will not exceed the total quantity authorized under Swiss Blue Import Certificate No. ------

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[14] Section 380.2 (j) of this chapter contains other provisions applicable to amendments of applications covered by a Swiss Blue Import Certificate.

§ 373.68 *Viet-Nam.* All license applications (Form FC-419), ultimate consignee and purchaser statements (Form FC-842 or FC-843, see § 373.65), and destination control statements (see § 379.10 (c) of this chapter) which make reference to Viet-Nam shall also specify which of the following areas is referred to:

(a) Communist controlled areas of Viet-Nam.

(b) Republic of Viet-Nam (area not under Communist control).

§ 373.69 *Hong Kong*—(a) *Scope.* The provisions of this section shall apply to shipments to Hong Kong of all commodities on the Positive List of Commodities (§ 399.1 of this chapter) for which a validated export license is required, unless the shipment (or application for export license) is of the type exempted by the provisions of § 373.2 (a) (2).

NOTE: The ultimate consignee and purchaser statement procedure set forth in § 373.65 shall be applicable to proposed exports to Hong Kong of commodities not on the Positive List of Commodities for which a validated export license is required. However, a Hong Kong Import License will be acceptable in lieu of a consignee and purchaser statement for proposed exports of non-Positive List commodities: *Provided,* The Import License contains any one of the endorsements described in paragraph (c) (1) of this section.

(b) *Documents.* For export control purposes, an endorsed Import License (Form 3) issued by the Hong Kong Government to importers in Hong Kong is the equivalent document to the Import Certificate (Form FC-826) issued to United States importers, C & I Form 229, Delivery Verification, and C & I Form 42, Landing Certificate, as issued by the Government of Hong Kong to importers in Hong Kong, are the equivalent documents of the Delivery Verification (Form IT- or FC-908) issued to United States importers (see § 368.1 of this chapter).

(c) *Submission of import license*—(1) *Single transaction import license.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the duplicate copy of the Import License, bearing the official authentication of the governmental authorities in Hong Kong, issued to the named importer or his agent and covering the commodity or commodities described in the export license application. The copy of the Hong Kong Import License attached to the application for a validated license shall include thereon one of the following stamped endorsements which shall bear the signature of an official of the Hong Kong Government:

(*a*) "For consumption in Hong Kong. Diversion en route prohibited. Re-export not permitted except under special license and subject in addition to general or specific concurrence of government of supplying country concerned."

(*b*) "For re-export to -------------- --

(Approved destination)

Diversion en route prohibited. To be delivered by shipping or airline company concerned to Govt-designated godown. Overside delivery not permitted. Release from godown subject to approval of export license."

(*c*) "For consumption in Hong Kong or re-export to approved destinations. Diversion en route prohibited. Re-export subject to issue of export license."

(ii) Where the Hong Kong Import License covers commodities for which more than one export license application is submitted, the Import License shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "additional information", or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Hong Kong Import License No. ------, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same Import License, including the present application, do not total more than the quantities shown on that Import License. This Import License was submitted in support of Application No. ---------------------------- --

(BFC case No. or if BFC case No. is unknown, the Applicant's reference No., date of submission of application to which the Import License was attached, and Schedule B Nos. and Processing Codes shown on that application)

NOTE: *BFC case number inclusion.* Whenever possible, the BFC case number should be indicated on the certification set forth above since failure to supply the BFC case number may result in delay in processing the application.

(2) *Multiple transactions import license.* Exporters may submit to the Bureau of Foreign Commerce the duplicate copy of the Hong Kong Import License issued by the Government of Hong Kong, appropriately endorsed as provided in subparagraph (1) (i) of this paragraph, covering all proposed exportations of a commodity or commodities, regardless of value, including commodities based on export orders amounting to less than $500. However, to be acceptable, the multiple transactions Import License must indicate either a specific validity period or a specific quantity or value. The exporter shall attach to the first license application covered by the multiple transactions Import License the duplicate copy of the Import License bearing the official authentication of the Hong Kong government. Each subsequent application for export license submitted against a multiple transactions Import License shall include one of the following certifications (depending on whether a quantity is shown on the Import License):

I (We) certify that the quantities of commodities shown on all export licenses based on the Hong Kong Import License No. -----, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same Import License, including the present application, do not total more than the quantities shown on that Import License. This Import License was submitted in support of Application No. ---------------------------- --

(BFC case No. or if BFC case No. is unknown, the Applicant's reference No., date of submission of application to which the Import License was attached, and Schedule B Nos. and Processing Codes shown on that application.)

or (if no quantity is shown on the Import License):

I (We) certify that this application is supported by the Hong Kong multiple transactions Import License No. ------, which was submitted in support of Application No. --

(BFC case No. or if FBC case No. is unknown, the Applicant's reference No., date of submission of application to which the Import License was attached, and Schedule B Nos. and Processing Codes shown on that application)

(d) *Submission of verification of delivery.* (1) The Bureau of Foreign Commerce may require verification of delivery in the form of a Hong Kong Delivery Verification or Landing Certificate, for any exportation to Hong Kong for which a validated license is granted, including commodities not listed on the Positive List. Where a verification of delivery is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form FC-863." Where a Form FC-863 is attached to a license forwarded by the Bureau of Foreign Commerce to an agent or freight forwarder of the licensee, it shall be the responsibility of the agent to notify the licensee that a verification of delivery is required.

(2) Where verification of delivery is required on a shipment, the United States exporter shall submit the Hong Kong Delivery Verification (C & I Form 229) to the Bureau of Foreign Commerce. In instances where the Bureau of Foreign Commerce requires verification of delivery and the Hong Kong Government does not issue their Delivery Verification form, the United States exporter shall obtain a Landing Certificate (C & I Form 42) from the Hong Kong importer and submit this certificate to the Bureau of Foreign Commerce in lieu of the Delivery Verification form.

(3) The requirement that a verification of delivery be submitted for a particular commodity is cancelled automatically if, subsequent to the issuance of a license, the commodity is authorized by the Bureau of Foreign Commerce to be shipped to Hong Kong under General License GHK.

(4) If an exporter is unable to obtain the required delivery verification from his importer, he shall promptly notify the Bureau of Foreign Commerce and, upon request, make available to the Bureau of Foreign Commerce all information and records, including correspondence, regarding his attempt to obtain the delivery verification.

(e) *Applicability of IC/DV provisions in § 373.2.* The following provisions of § 373.2 are equally applicable to license applications and validated export licenses covering shipments to Hong Kong:

§ 373.2 (a) (2)—Exemptions to Submission of Import License.

§ 373.2 (b)—Definitions.

§ 373.2 (c) (3)—Requirements Applicable to Both Single and Multiple Transactions Import License.

§ 373.2 (d)—Return of Import License.

§ 373.2 (e)—Request for Amendment of Import License.

§ 373.2 (g)—Effective Dates for Import License Requirement Covering Commodities Added to Positive List.

§ 373.2 (i)—Request for Exception to Submission of Import License.

§ 373.70 *Yugoslavia*—(a) *End-use certificate requirement.* License applications for the export of commodities to Yugoslavia (including the area of Trieste under Yugoslav civil administration) shall be accompanied by the original End-Use Certificate covering the proposed exportation from the United States issued to the Yugoslav importer by the Federal Chamber for Foreign Trade in Belgrade (Beograd). Where the End-Use Certificate covers commodities for which more than one export license application is submitted, the original of the End-Use Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the "additional information" item or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Yugoslav End-Use Certificate No. ______, when added to the quantities of commodities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same End-Use Certificate, including the present application, do not total more than the quantities shown on that Certificate. This End-Use Certificate was submitted in support of Application No.

____

(BFC case No. or if BFC case No. is unknown, the Applicant's reference No., date of submission of the application to which the End-Use Certificate was attached, and Schedule B Nos. and Processing Codes shown on that application)

NOTE: 1. *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. (See § 372.9 (d).)

2. *Purchase order.* The Yugoslav End-Use Certificate may cover more than one purchase order and may be concerned with several commodities. However, the End-Use Certificate shall relate only to purchase orders placed by a single importer with a single United States exporter.

3. *Applicant's responsibility for full disclosure.* In submitting a Yugoslav End-Use Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the End-Use Certificate. The applicant also shall, by means of supplementary statements from the importer or any other party to the transaction, notify the Bureau of Foreign Commerce of any change that is brought to his notice subsequent to the date the End-Use Certificate is issued.

4. *Yugoslav End-Use Certificate as a factor in licensing.* The Department of Commerce reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Yugoslav Government has issued an End-Use Certificate. The Department of Commerce will not seek or undertake to give consideration to recommendations from the Yugoslav Government as to the United States exporter whose license application should be approved. A Yugoslav End-Use Certificate will be used by the Bureau of Foreign Commerce as only one of the considerations upon which licensing action will be based, since quotas, end uses, etc., must remain important factors in export licensing.

(b) *Exemptions*—(1) *45-day grace period for Positive List additions.* When a commodity becomes subject to the requirement of this section by reason of having been added to the Positive List of Commodities, export license applications for such commodities need not conform to these requirements for a period of 45 days from the time such commodities are added to the Positive List.

(2) *Shipments to the Yugoslav Government.* Applications for licenses to export commodities to Yugoslav Government agencies are exempted from the requirement to furnish the Yugoslav End-Use Certificate where the Yugoslav Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Yugoslavia.

NOTE: For definition of "government agency", see § 373.65 (a) (2) (iv).

(c) *Return of End-Use Certificate.* The Yugoslav End-Use Certificate provides a certification by the Yugoslav importer to his government that he will import the commodities through the Yugoslav customs frontier and that he will not reexport the goods without obtaining permission from his government. If the Yugoslav importer is unable to obtain the commodities covered by the End-Use Certificate, he is required by the government of Yugoslavia to produce evidence of such inability. Therefore, where United States exporters are requested by the foreign importers to return unused or partially used End-Use Certificates, United States exporters shall return such Certificates in the same manner as established for the return of a Swiss Blue Import Certificate (see § 373.67 (c)).

(d) *Exceptions.* The Bureau of Foreign Commerce will consider the granting of an exception to the requirement for submission of the Yugoslav End-Use Certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the United States export control program. Requests for exception shall be submitted in the same manner as prescribed for exceptions for submission of a Swiss Blue Import Certificate (see § 373.67 (d)).

NOTE: Applicants are advised that delay may be entailed in the review of a license application under this exception clause in view of the necessary added consideration, although the Bureau of Foreign Commerce will process the application as quickly as possible. The Bureau of Foreign Commerce can give no assurance that an export license will be issued for any exportation where an exception to this § 373.70 is requested.

(e) *Amendment request for increased quantities.*[25] A request for amendment to increase the quantity of an export license which is covered by a Yugoslav End-Use Certificate shall include the following certification on Form IT- or FC-763 or on a signed attachment thereto:

I (We) certify that this request for amendment of export license No. ______, if granted, will not exceed the total quantity authorized under Yugoslav End-Use Certificate No. ______.

§ 373.71 *Trieste.* For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore Applications for Export Licenses (Form FC-419), which make reference to Trieste, shall also specify which of the following areas is referred to:

(a) The area of Trieste under Italian civil administration.

(b) The area of Trieste under Yugoslav civil administration.

§§ 373.72–373.80 [Reserved.]

SUBPART E—TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES

§ 373.81 *Supplement 1.*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

SECOND QUARTER OF 1958

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter 1958
60095	Rerolling rails (over 60 lbs. per yard).[1]	April 1 to May 30, 1958.
65460	Nickel anodes, cast and rolled.	April 1 to May 1, 1958.

[1] See § 373.40 (e) for special licensing provisions.

NOTE: 1. *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

2. *Where no filing dates are announced.* Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c) of this chapter).

3. *Intransit shipments.* Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (c) of this chapter).

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[25] Section 380.2 (j) of this chapter contains other provisions applicable to amendments of applications covered by a Yugoslav End-Use Certificate.

PART 374—PROJECT LICENSES

Sec.
374.1 Project licenses.
374.2 Application procedure.
374.3 Amendments to licenses.
374.4 Export clearance.
374.5 Other applicable provisions.

AUTHORITY: §§ 374.1 to 374.5 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 374.1 *Project licenses.* Under the provisions of this part, there is established a procedure for the exportation of commodities required for a specific project or program. Pursuant to this procedure, application may be made for a project license which, if issued, can be used to effect export clearance of commodities requiring a validated license.

(a) *Definitions.* (1) A "project" is a new foreign operation or the expansion of an existing foreign operation, for which commodities are required; in other words, a capital expenditure.

(2) A "program" is the maintenance, repair or operation, and production requirements of commodities for a foreign operation.

(b) *Types of project licenses.* (1) Two types of project licenses have been established: the Dollar Limit (DL) license, and the Special Project (SP) license. The form of the project license will be a validated Export License, Form FC-628, with supplemental validated documents as required. The validated Form FC-628 constitutes the general approval and authorization of the project. However, export clearance of the specific Positive List commodities for such project may be effected only under the appropriate supplemental validated documents. The validated Form FC-628 may cover a project or program for a validity period of one year which may be renewable for a similar period on the request of the licensee in accordance with § 374.3. Supplemental documents will be valid for the period indicated thereon.

(2) In order to be considered under this procedure, a foreign project or program must have annual requirements for materials sufficient in quantity or variety to justify the use of the DL or SP procedure. Save for exceptional circumstances, applications for project licenses will be granted only for commodities not intended for resale.

(c) *Application for other validated licenses.* An exporter holding a project license (SP or DL) shall not apply for, nor will the Bureau of Foreign Commerce issue to him, an individual or any other type of validated license for a transaction involving a project whose requirements are covered by his outstanding SP or DL project license, except where the shipment is to be made by mail under the provisions of § 374.4.

NOTE: 1. *Project license identification.* If a project license is issued, it will be given a license number with either the prefix "SP" (if approved as a Special Project license) or with the prefix "DL" (if approved as a Dollar Limit license). The "SP" or "DL" prefix will be followed by the license number and an additional symbol to indicate the code of the product division in the Bureau of Foreign Commerce which is responsible for issuing the license and for handling any other matters with respect to that license. The symbol "P" indicates the Producers Equipment Division, "F" the Finished Products Division, "M" the Materials Division, and "A" the Agricultural and Chemical Products Division. As an example, License Number "DL-113-P" indicates that a Dollar Limit (DL) type of project license has been issued, that number "113" is the numerical sequence of license issuance and that the Producers Equipment Division (P) of the Bureau of Foreign Commerce is responsible for handling all matters with respect to that license.

2. *Consultation with the Bureau of Foreign Commerce.* Prospective applicants for new project licenses should consult with the Bureau of Foreign Commerce so that a determination may be made as to whether the use of the project licensing procedure is justified. Where the prospective applicant is unable to determine which product division in the Bureau of Foreign Commerce is responsible for licensing the bulk of the commodities required for a project or program, this information may be obtained from the Exporters Service Section, Operations Division, Bureau of Foreign Commerce.

3. *Holders of SP Project licenses.* Holders of outstanding SP Project licenses, as well as other applicants, may apply for Dollar Limit licenses. If requirements for a project or program now authorized for export by an outstanding SP Project license are approved for export under a Dollar Limit license, the SP Project license will be canceled.

§ 374.2 *Application procedure*—(a) *Basis for consideration of applications*—(1) *Dollar limit (DL) license.* Applications for DL licenses must meet one or more of the following conditions:

(i) The project or program will contribute significantly to supporting, maintaining, or increasing the production of materials strategic to, or in short supply in, the United States, and will benefit supply conditions of these materials in the United States or in areas in which the United States has a significant interest.

(ii) It will implement the Mutual Security Act or will implement loans granted foreign countries by the Export-Import Bank or the International Bank for Reconstruction and Development.

(iii) In the opinion of an appropriate agency of the United States Government (including the Bureau of Foreign Commerce), it merits licensing under the DL procedure.

(2) *Special project (SP) license.* Project license applications will be considered for SP licenses where the above criteria for DL licenses are not fully met or when, for other reasons, the project does not justify the approval of a DL license. Annual requirements for materials must be sufficient in quantity and variety to justify the use of the SP procedure rather than the individual license procedure.

(b) *Application for project licenses*—(1) *Preparation of application form.* Applications shall be on Form FC-419, in duplicate, accompanied by an Acknowledgement Card, Form FC-116, a letter of explanation (in duplicate), and a statement of estimated requirements (in duplicate). In preparing the application, Form FC-419, with respect to the particular items specified below, the applicant shall enter:

(i) In the commodity description item, the following legend:

> Articles and materials set forth on the attached statement of estimated requirements constitute the total known requirements for (insert name of project) or requirements for one year for (insert name of program) of commodities requiring validated export license beginning (insert date beginning with a calendar quarter). We hereby certify that if a license is granted in response to this application, no such commodities will be exported under the license unless specifically required for the project or program and, after exportation, the commodities will not be disposed of or used for any purpose other than that stated in this application.

(ii) In the value item, the total or aggregate dollar value of the commodities to be exported.

(iii) In the signature item, the signature of the person who has authority to bind the applicant organization to its commitments in the license application. In the case of an individual, the application shall be signed by that individual applicant. In the case of a partnership, it shall be signed by a partner. In the case of a corporation, it shall be signed by an officer. In the case of other applicants, it shall be signed by a comparable official.

(2) *Preparation of acknowledgment card.* Form FC-116, Acknowledgment Card, shall be prepared in accordance with § 372.5 (a) of this chapter with the following exceptions:

(i) In the Schedule B Number item, the applicant should enter "Project License."

(ii) The processing code item shall not be completed.

(iii) In the commodity description item, the name of the project shall be entered.

In returning the Acknowledgment Card to the applicant, the Bureau of Foreign Commerce will insert a code symbol in the processing code item to indicate the name of the product division to which the application has been assigned for processing. Any contacts with the Bureau of Foreign Commerce with regard to the application should be made with the indicated division. The code symbols used are as follows:

P—Producers Equipment Division
F—Finished Products Division
M—Materials Division
A—Agricultural and Chemical Products Division

(3) *Letter of explanation.* The letter of explanation shall give full details as to urgency of need of the commodities and the nature of the project or program for which the commodities are required. The degree of adequacy of the information submitted in justification of the project or program has a direct bearing upon the period of time required for processing the application and the action taken. Additional information, if needed, will be requested by the Bureau of Foreign Commerce.

(4) *Statement of estimated requirements.* The statement of estimated requirements shall specify the estimated commodity requirements necessitating validated export license for the project or, in the case of a program, for one year or less if the program is of shorter duration. Such statement shall be made in terms of broad descriptive categories corresponding with the unnumbered commodity subgroup headings which

appear on the Positive List under the main numbered commodity group headings. In addition, the total dollar value of the requirements for each category of commodities, whether or not an individual Form IT– or FC–375 is required (see paragraphs (c) (1) and (2) of this section, shall be included in connection with all project license applications except a DL project license application for a Group O country. Examples are indicated below:

Under Commodity Group 2, "Rubber (Natural, Allied Gums, and Synthetics) and Manufactures"—$7,000.

Under Commodity Group 5, "Petroleum and Products"—$120,000.

Under Commodity Group 6, "Metal Manufactures"—$150,000.

Under Commodity Group 7, "Electrical Machinery and Apparatus"—$200,000.

(i) *DL license.* If the project application is approved for a DL license, one copy of the statement of estimated requirements will be validated and attached to the Export License, Form FC-628, and will serve as a supplemental document to be presented to the Collector of Customs at the port of exit upon demand to clear other than restricted commodities. (Restricted commodities are identified on the Positive List by the letter "B" in the column headed "Commodity Lists".) Non-restricted commodities may be shipped in unlimited quantities to a project or program in a Group O country: *Provided,* That the commodities fall under commodity subgroup headings listed on the validated statement of estimated requirements. Shipments of non-restricted commodities to a project in a Group R country are limited to the total dollar value of the applicable commodity subgroup heading(s) shown on the validated statement of estimated requirements. Restricted commodities may be shipped to a project in a Group R or Group O country only in accordance with the procedure described in paragraph (c) (1) of this section.

(ii) *SP license.* If the project application is approved for an SP license, the procedure described in paragraph (c) (2) of this section must be complied with prior to the export of any commodity on the Positive List for which a validated export license is required.

(c) *Submission of Form IT– or FC-375*—(1) *Dollar limit (DL) project licenses*—(i) *Restricted commodities.* For the initial quarter, and thereafter for each successive calendar quarter, Form IT– or FC–375 (Materials Requirements List) must be submitted in duplicate for each commodity which is identified on the Positive List of Commodities by the letter "B" in the column headed "Commodity Lists." Related commodities on the Positive List having the same processing code and related commodity group number may be included on one set of Form IT– or FC–375. The commodity or related commodities must be described in terms of the Schedule B number, commodity description, and quantity in the unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value. Commodities which do not have the same processing code and related commodity group number must be submitted on separate Forms IT– or FC–375. Each Form IT– or FC–375 shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers.

(ii) *Time of submission.* When specific time schedules are established for submission of applications covering particular commodities, the schedules must be observed in the submission of Form IT– or FC–375. In all other cases Form IT– or FC–375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported. However, where a commodity is placed under restricted commodity control invalidating the license with respect to that commodity less than 30 days prior to a calendar quarter, Form IT– or FC–375 may be submitted immediately.

NOTE: 1. *Statement of essentiality.* A statement of the essentiality of the particular commodity in relation to the project will be helpful in expediting action on the application.

2. *Time schedules.* The commodities for which Form IT– or FC–375 must be submitted during particular periods are set forth in § 373.81, Time Schedules for Submission of Applications for Licenses to Export Certain Positive List Commodities.

(2) *Special project (SP) licenses*—(i) *Manner of submission.* For the initial quarter, and thereafter for each successive calendar quarter, a Form IT– or FC–375 must be submitted, in duplicate, for each commodity for which a validated license is required. Related commodities on the Positive List, that is, those having the same processing code and related commodity group number, may be included on one set of Form IT– or FC–375. Each Form IT– or FC–375 shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers. The commodity or related commodities must be described in terms of the Schedule B number, commodity description, and unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value. Commodities which do not have the same processing code and related commodity group number must be submitted on separate Forms IT– or FC–375.

(ii) *Time of submission of firm requirements.* When specific time schedules are established for submission of applications covering particular commodities, such schedules must be observed in the submission of Form IT– or FC–375 covering quarterly firm requirements when so provided. In all other cases Form IT– or FC–375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported.

NOTE: The commodities for which Form IT– or FC–375 must be submitted during particular periods are set forth in § 373.81 of this chapter, Time Schedules for Submission of Applications for Licenses to Export Certain Positive List Commodities.

(3) *Special provisions.* The requirements of the special provisions set forth in Part 373 of this chapter with respect to particular commodities must be fulfilled as a part of making application for the export of such commodities under a project license.

§ 374.3 *Amendments to licenses*—(a) *Extension of validity period*—(1) *Submission of requests.* (i) Requests for extension of an SP or DL project license must be submitted by letter, in duplicate, at least 30 days prior to the current expiration date of the license. The letter should contain the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers, the reasons for requesting an extension, the approximate percentage of completion of the project or program and the approximate date of completion, as well as a statement as to whether the scope of the project or program has changed materially. If there is a change in the scope of the project or program and/or the level of requirements, the procedure as outlined in paragraph (b) of this section should be complied with.

(ii) In requesting the extension of a DL license, whether or not there is a change in the level of requirements, the applicant must submit with his letter of request a statement of estimated requirements, in duplicate, as set forth in § 374.2 (b) (4).

(2) *Notification.* If the extension request is granted, a notification letter will be sent to the licensee for attachment to the license and all Collectors will be notified. In case of a DL license, one copy of the statement of estimated requirements, validated by the Bureau of Foreign Commerce, will be returned to the licensee with the letter of notification. This will constitute authority for the licensee to clear other than restricted commodities through the Collector at the port of exit.

(b) *All other amendments.* Requests for amendments to project licenses which materially change the scope of the project or program or materially change the level of requirements from the United States, as well as amendments covering such other changes as addition of an intermediate consignee, change in name of the licensee, addition of another ultimate consignee, etc., shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol of the project license to which it relates and shall be submitted as follows:

(1) Requests for amendment of a DL (Dollar Limit) license shall be submitted in letter form, in duplicate, and shall include, if applicable, a supplementary statement, in duplicate, showing the estimated new or additional requirements for the project or program as set forth in § 374.2 (b) (4). If the required additional commodity or commodities fall within the restricted commodities described in § 374.2 (c) (1), Form IT– or FC–375, in duplicate, must be submitted in accordance with the provisions of that section.

(2) Except as indicated in subparagraph (3), of this paragraph, requests for amendment of an SP (Special Project) license shall be submitted in letter

form, in duplicate, and shall include, if applicable, a supplementary statement of estimated requirements, in duplicate, showing the required additional commodities by broad descriptive categories and accompanied, where required, by Form IT– or FC–375, SP (Special) License Application Materials Requirements List, indicating the firm requirements for the initial calendar quarter, as provided in § 374.2 (c) (2).

(3) Requests for amendment of an SP (Special Project) license, which covers a large petroleum construction project which was originally submitted under Order M–46A, shall be submitted as follows:

(i) If the amendment involves a significant change in the character of the project as approved, the request shall be submitted in accordance with sub-paragraph (2) of this paragraph.

(ii) If the licensee requires only export clearance for additional materials for the project as approved, the request shall be submitted on Form IT– or FC–375, in duplicate.

§ 374.4 *Export clearance*—(a) *Presentation of license.* (1) When clearing shipments for export under any project license, the licensee must present, upon demand of the Collector of Customs at the port of exit, either the original or a photostatic copy of the license, and the appropriate supplementary validated documents.

(2) No commodity which is identified on the Positive List by the letter "B" in the column headed "Commodity Lists" may be exported under a DL license (Form FC–628) unless such commodity is covered by a validated Form IT– or FC–375.

(3) Shipment under any project license cannot be made by mail unless the shipper has applied for and obtained an individual export license covering the particular commodities to be exported by mail. Application should be made on Form IT– or FC–375 in the usual way, except that the license holder should indicate on the face of the form that shipment of the commodities listed is to be made by mail. An individual license will be issued on the safety paper license form (Form FC–628). Clearance against such individual license must be effected in accordance with the procedures for shipments by mail outlined in § 379.1 (b) of this chapter.

(b) *Shipper's export declaration.* (1) When clearing shipments under a project license, licensees shall file with the Collector of Customs an additional (fourth) copy of the Shipper's Export Declaration (Commerce Form 7525–V). The licensee shall enter on the Declaration the full license number, including the symbol prefix (SP or DL) and division code symbol of the project license to which it relates. Where exportation is made under an SP license, or where a restricted commodity is being exported under a DL license, the amendment number as stated on the particular Form IT– or FC–375, as appropriate, shall be shown. The date of validation of the Form IT– or FC–375 also shall be stated.

(2) Commodities exported under a DL or an SP license shall be described on the Shippers Export Declaration as they are described on the Positive List, including the processing code and related commodity group number. It is not sufficient to describe such commodities in terms of broad Schedule B commodity categories. As provided for in § 379.4 (c) (1) of this chapter, in those cases where a Schedule B basket classification is involved, the detailed descriptions of only 5 of the items which represent the greatest proportion of the total dollar value need be shown on the Declaration.

§ 374.5 *Other applicable provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

PART 375—BLANKET (BLT) LICENSE

Sec.
375.1 Blanket (BLT) license.
375.2 Application requirements.
375.3 Export clearance.
375.4 Validity period.
375.5 Effect of other provisions.

AUTHORITY: §§ 375.1 to 375.5 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 375.1 *Blanket (BLT) License.* Under the provisions of this part, there is established an alternative procedure for the exportation of commodities requiring a validated license. Pursuant to this procedure, application may be made for a Blanket (BLT) license, which, if issued, authorizes exportation of the same commodity to two or more consignees in the same country of destination.

§ 375.2 *Application Requirements*—(a) *Application form and consignee list.* An application for a Blanket (BLT) license shall be submitted on Form FC–419 with Acknowledgment Card (Form FC–116) attached, and must be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each consignee. This list shall be attached to and will become a part of the license, if issued. In preparing such list, applicants shall leave ample space between listings in order to provide Collectors of Customs with sufficient space for entering quantities shipped to each named consignee.

(b) *Preparation of application.* In preparing a license application (Form FC–419), the applicant shall write the words "BLT License" in the commodity description item, and enter:

(1) In the ultimate consignee item, the statement "See attached list of consignees";

(2) In the quantity item, the total quantity of material to be exported; and

(3) In the value item, the unit price and the aggregate value of the material to be exported. Any variation in price for different consignees must be explained.

(c) *Submission of applications.* A BLT license application may be submitted at any time; provided that if the commodities covered by the BLT license application are commodities for which individual license applications must be submitted during specified periods of each calendar quarter (see § 373.81 of this chapter), the BLT license application must be submitted within the period specified.

(d) *Processing of applications.* (1) The Bureau of Foreign Commerce will leave intact, as nearly as possible, the list of proposed consignees submitted with each BLT application. This will enable the applicant to select the specific consignee to whom he prefers to ship in the event the entire quantity approved is less than that applied for, although no one consignee may receive more out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

(2) If the Bureau of Foreign Commerce finds that it will require an extended period of time to process a BLT license application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a BLT license will be issued excluding such consignee or consignees. By this method, undue delay will be avoided in processing the application. The Bureau of Foreign Commerce in such instances will notify the applicant that an individual license application may be submitted to cover each excluded consignee.

§ 375.3 *Export clearance*—(a) *Presentation of license to customs.* When clearing shipments for export under any BLT license, the licensee must present the license to the Collector at the port of exit. The total amount shipped against such license shall not exceed the total quantity approved for export, and the total quantity shipped to a single consignee must not exceed the quantity specified for the respective consignee.[1]

(b) *Shipper's Export Declaration.* A person exporting any commodity pursuant to a BLT license shall enter the symbol "BLT" and the validated license number on each Shipper's Export Declaration filed with the Collector at the port of exit at the time of each exportation under each license.

§ 375.4 *Validity period.* BLT licenses will generally be issued for the same validity period as an individual license for the same commodity, unless otherwise stated on the face of the license.

§ 375.5 *Effect of other provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

PART 376—PERIODIC REQUIREMENTS (PRL) LICENSE

Sec.
376.1 Periodic Requirements (PRL) license.
376.2 Certificate of Qualification.
376.3 Application requirements.
376.4 Issuance of licenses.
376.5 Amendment of license.

AUTHORITY: §§ 376.1 to 376.5 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App.

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[1] See Note following § 379.2 (b) of this chapter for application of tolerance provisions.

Supp., E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 376.1 *Periodic Requirements (PRL) License*—(a) *General.*—A procedure for a Periodic Requirements (PRL) license is hereby established. Under this procedure, a single application may be made to export commodities, identified on the Positive List by the letter "E" in the column headed "Commodity Lists", to one or more named ultimate consignees at a named ultimate destination. The application may cover as much as six-months' estimated requirements of the named consignees for the commodities included in the application.

(b) *Applicability of procedure.* Applications under this procedure will not be considered for the exportation of commodities to Hong Kong, Macao, and Subgroup A destinations.

(c) *Established trade relationships.* A PRL license is issued to cover only United States export transactions between a United States exporter and one or more ultimate consignees who, with respect to that commodity, have an established trade experience with each other of at least two consecutive years' duration prior to the issuance of a PRL license.

(d). *Waiver of order requirements.* In view of the limitations on the issuance of a PRL license, the Bureau of Foreign Commerce will permit application by an exporter for such a license in anticipation of future orders. The provisions of §§ 372.4 (f) and (g) of this chapter relating to export orders are, therefore, waived with respect to PRL license applications.

(e) *Historical trade pattern between exporters not a criterion.* The limitation on issuance of PRL licenses is not intended to restrict trade to any historic pattern with respect to the volume of trade or distribution between exporters. The Bureau of Foreign Commerce will continue to issue individual licenses, and other licenses where applicable, for the export of commodities subject to the PRL procedure. Therefore, any exporter ineligible for a PRL license by reason of paragraph (c) of this section may become eligible thereunder by experience developed through transactions in these commodities covered by other types of licenses.

(f) *Application for other validated license.* An exporter holding a PRL license shall not apply for, nor will the Bureau of Foreign Commerce issue, any other type of validated license, except a Time Limit (TL) or Foreign Distribution (FD) license, for any transaction involving a commodity and consignee covered by such PRL license, unless a parcel post shipment is to be made in accordance with § 372.5 (h) of this chapter. (For other methods of clearing parcel post shipments, see § 379.1 (b) of this chapter.)

NOTE: Exporters are advised not to apply for a PRL license to export commodities valued at less than $1,000 per calendar quarter. Generally, such applications will be rejected with a recommendation that another form of license application be used.

§ 376.2 *Certificate of Qualification*—(a) *Certificate of qualification required.* No application for a PRL license will be considered until a validated "Certificate of Qualification for Periodic Requirements (PRL) license", Form IT- or FC-888, shall have been issued. Consequently, Form FC-419 should not be submitted with the documents specified in paragraph (b) of this section when application for a certificate of qualification is made. Application on Form FC-419 for individual or other types of export licenses may be submitted while an application for Certificate of Qualification is pending, but such applications must bear the notation "Certificate of Qualification pending" in the commodity description item.

(b) *How to apply for Certificate of Qualification.* Each application for Certificate of Qualification shall comprise the following documents:

(1) Form IT- or FC-888 (in three copies).

(2) Form IT- or FC-821, Data of Past Participation in Exports Questionnaire (in two copies). Both original forms shall be assembled together and both duplicate forms shall be assembled together. When approved or rejected, the triplicate Form IT- or FC-888 will be returned to the applicant with an indication of official action by the Bureau of Foreign Commerce.

(c) *Preparation of documents.* The documents submitted by an applicant in connection with an application for a Certificate of Qualification shall be prepared in accordance with the following instructions:

(1) *Form IT- or FC-888.* This form shall indicate:

(i) The name and address of applicant;

(ii) The person to whom advice of the Bureau of Foreign Commerce action is to be mailed;

(iii) Schedule B number and processing code and related commodity group number if the application covers a single entry on the Positive List. If application is made for a group of related commodities in accordance with § 372.5 (f) of this chapter, enter the processing code and related commodity group number, and a general description of the commodity; for example, "TRAN 1—Automotive Replacement Parts."

(2) *Form IT- or FC-821.* This form may include one or more countries and one or more commodities, and should be prepared as follows:

(i) The names and addresses of the consignees included must be shown in the country of destination item. If more than one country is included, the consignees must be listed by country of ultimate destination, showing the country as a heading followed by the names and addresses of the consignees located in that country.

(ii) (*a*) If Form IT- or FC-821 covers all of the commodities which are included under a single related commodity processing code and identified by an "E" on the Positive List, then such processing code designation should be indicated in Items 2 and 4 of Form IT- or FC-821. If Form IT- or FC-821 covers one or more Schedule B numbers but not an entire processing code designation, the Schedule B number(s) shall be listed in Item 2.

(*b*) The total quantity or value of the commodity shipped to each consignee during the two-year base period selected by the applicant (see § 376.1 (c)) must be shown in Item 4. If the application covers more than one commodity, show for each consignee the combined total quantity or value of all the commodities included. The quantity or value of the commodities shipped during the two-year base period shall not include toll shipments, in-transit shipments, or shipments under a Project license.

(*c*) The total of the quantity or value information shown for the individual consignees within a single country should be entered opposite the country heading. In reporting exportations of petroleum products, the total may be supplied by country only.

(iii) If the application covers more than one Schedule B number, or covers an entire related commodity group, the following statement must be typed or written in ink at the end of the last consignee entry:

Each ultimate consignee named herein participated during each year covered by this form in the importation from the undersigned of some of the commodities classified under each Schedule B number included under the list designated in Items 2 and 4 of this Form except as indicated below:

(Name of firm)
did not participate in the importation of

(Schedule B numbers)

(d) *Notice of action*—(1) *Approval.* (i) When the application for Certificate of Qualification is approved by the Bureau of Foreign Commerce, a Form IT- or FC-888 will be validated, and the Bureau of Foreign Commerce reference number in the upper right corner of the form will become the official Certificate of Qualification (CQ) number. An application for a PRL license(s) to export the commodities to consignee(s) listed in Form IT- or FC-821 may then be considered by the Bureau of Foreign Commerce.

(ii) When an application is approved subject to modifications by the Bureau of Foreign Commerce, such stipulations will be indicated on the reverse side of Form IT- or FC-888.

(iii) The approval of an application does not imply continued approval. The Bureau of Foreign Commerce may withdraw an approval previously granted at any time it may consider it desirable to do so. Similarly, the granting of an approval for a stated period does not imply that future applications will be approved.

(2) *Return without action.* When an application is returned without action by the Bureau of Foreign Commerce, the reason(s) will be stated on the reverse side of Form IT- or FC-888.

(3) *Rejection.* When an application is rejected by the Bureau of Foreign Commerce, the reason for such action will be shown on the reverse side of Form

IT- or FC-888. The applicant may apply for individual validated licenses for transactions covered by the rejected CQ application.

§ 376.3 *Application Requirements*—(a) *Submission date.* The Bureau of Foreign Commerce will endeavor to take action on all applications for PRL licenses within 15 days after receipt of the application. However, to insure that the license, if approved, will be available for use when needed, applications should be filed about 30 days (but not more than 45 days) preceding the period for which the license is to be used.

(b) *Identification of PRL license application.* When filing Form FC-419 for a PRL license, the applicant should identify it as such by inserting the CQ number in the Additional Information item in the following manner: "Certificate of Qualification No. CQ ______"

(c) *How to prepare a PRL license application*—(1) *General.* An application for PRL license may include only one country of ultimate destination. More than one commodity may be included on a single application, provided the commodities are related commodities in accordance with § 372.5 (f) of this chapter and are covered by a Certificate of Qualification. Exportations to more than one consignee within the same country of destination may be included in a single application, provided all of the consignees are covered by a Certificate of Qualification. If more than one consignee is covered, the applicant shall attach a list, in duplicate, of the names and addresses of the proposed consignees, and state in the ultimate consignee item, "See attached list of consignees."

(2) *Quantity and value.* (i) The quantity applied for should not exceed the estimated six-months' requirements of the named consignees for the commodities included in the application.

(ii) When making application for a PRL license for petroleum products, the total quantity and value for each commodity must be shown on Form FC-419, and the quantity and value of each commodity to be exported to each designated ultimate consignee must be shown on the attached lists of consignees.

(iii) For all other commodities, the total quantity and value for each commodity must be shown, but a breakdown of quantity and value among consignees is not required. If no unit of quantity is indicated in the Positive List for the particular Schedule B number(s), then only value need be given on the application.

(d) *Other application requirements.* Issuance of a Certificate of Qualification does not assure approval of any PRL license for which application is made. PRL applications are subject to individual consideration by the Bureau of Foreign Commerce, and must meet all the criteria of validated individual and blanket license applications with the exceptions noted in § 376.1 (d).

§ 376.4 *Issuance of Licenses.* PRL licenses will be issued on Form FC-628 (Export License), and will bear the identifying words "Periodic Requirements License" below the validation stamp.

(a) *Validity period.* The validity period of a PRL license will be for a period of one year from issuance of the license, and the effective dates of validity will be indicated on Form FC-628.

(b) *Presentation of license to Customs.* The PRL license shall be deposited with the Collector of Customs at the port of exit through which the greater portion of shipments thereunder will move. Upon request of the licensee, Collectors may authorize movement of a portion of the shipment from another port in accordance with the procedures established in § 379.2 (e) of this chapter.

(c) *Effect of other provisions.* Except as modified by this part, all of the provisions of the Export Regulations are applicable to any application for a PRL license and any license issued pursuant thereto.

§ 376.5 *Amendment of license*—(a) *Amendment of quantity.* If the amount licensed under a PRL license proves insufficient to meet an exporter's requirements for any country, he may request an increase in the quantity authorized for export under such license. This should be done by requesting amendments of the appropriate PRL license on Form IT- or FC-763, Request for and Notice of Amendment Action, in accordance with the provisions of § 380.2 of this chapter.

(b) *Extension of validity period.* Generally, extension of the validity period of a PRL license will not be granted where such license is valid for one year.

PART 377—TIME LIMIT (TL) LICENSE

Sec.
377.1 Time Limit (TL) license.
377.2 Commodities subject to TL license.
377.3 Consideration of applications.
377.4 Reexportation.
377.5 Application requirements.
377.6 Issuance of licenses.
377.7 Export clearance.
377.8 Use of other licensing procedures.
377.9 Amendment of license.
377.10 Effect of other provisions.

AUTHORITY: §§ 377.1 to 377.10 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 377.1 *Time limit (TL) license.* Under the provisions of this part, there is hereby established an alternative procedure for the exportation of certain specified commodities to Country Group O destinations (listed in § 371.3 of this chapter). Pursuant to this procedure, application may be made for a Time Limit (TL) license which, if issued, authorizes exportations in unlimited quantities of the licensed commodity or commodities to a consignee in a Country Group O destination for a period of one year from issuance of the license. Reexportation by the foreign consignee to importers in Group O countries may also be effected in accordance with the provisions of § 377.4.

§ 377.2 *Commodities subject to TL license.* The commodities which may be exported under the Time Limit (TL) license procedure are all RO commodities on the Positive List of Commodities (§ 399.1 of this chapter), except those identified by the letter "B" in the "Commodity Lists" column.

§ 377.3 *Consideration of applications*—(a) *End use.* Applications for TL licenses will be considered for approval when the commodities proposed to be exported are intended for consumption or resale within the particular country of ultimate destination or for reexportation by the foreign consignee to another Group O country. However, reexportation may not be effected until such time as approval is received from the Bureau of Foreign Commerce in accordance with § 377.4.

(b) *Applicant-consignee relationship.* An applicant for a TL license must have an established business relationship with the ultimate consignee named on the application for a period of two years immediately preceding the date of filing the application, and must have exported the commodities covered by the application to the ultimate consignee in an amount totaling at least $2,000 during these two years, part of which was exported during each of the two years. For example, if the application is filed on April 10, 1958, this relationship must have existed during the years April 10, 1957, through April 9, 1958, and April 10, 1956 through April 9, 1957. In addition, an applicant for a TL license shall have in his possession, at the time the application is filed, documentary evidence of the existence of the prescribed relationship with each ultimate consignee. The documents or records shall be retained by the applicant for three years from the date of receipt of the application, as shown on the Acknowledgment Card (Form FC-116), and shall be kept available for inspection, upon demand, by the Bureau of Foreign Commerce.

(c) *Waiver of order requirements.* An applicant for a TL license is not required to hold an export order from the foreign consignee or purchaser for the commodities subject to this procedure. The provisions of § 372.4(f) of this chapter relating to export orders are, therefore, waived with respect to applications for TL licenses.

§ 377.4 *Reexportation.* (a) Reexportation may be made between ultimate consignees named on outstanding TL licenses, issued to the same licensee, without the necessity of obtaining specific approval from the Bureau of Foreign Commerce. Approval for reexportation to other importers in Country Group O may be obtained in accordance with the procedure described below.

(b) Requests for reexportation approval may be made either with the license application or subsequent to the issuance of the TL license. In order to obtain such approval, Form IT- or FC-917, Request for and Notice of Approval for Reexportation, shall be submitted, in triplicate, to the Bureau of Foreign Commerce.[1] Items 1 through 9 of the form may be completed by the U. S. exporter who shall then transmit Form IT– or FC–917 to his foreign consignee for completion of item 10 and for any other information on the form not completed by the U. S. exporter. The Bureau of Foreign Commerce will approve or deny the request by completing the bottom portion of one copy of the form and returning it to the U. S. exporter. Reexportation requests, if approved, will be continuing until rescinded by the Bureau of Foreign Commerce.

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[1] Form IT- or FC-917 or Form FC-843 may be obtained from all Department of Commerce field offices, from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., and from U. S. consulates, embassies and other posts in Group O countries.

§ 377.5 *Application Requirements*—(a) *Application form.* An application for a TL license shall be submitted on Form FC–419, with Acknowledgment Card (Form FC–116) attached. In preparing an application (Form FC–419), the applicant shall (1) enter the words "Time Limit License" across the top of Form FC–419, immediately above the printed words "United States of America," and (2) leave blank the items entitled "Quantity to be Shipped," "Unit Price," "Total Price." Related commodities may be grouped on a single application in accordance with the provisions of § 372.5 (f) of this chapter.

(b) *Certification of applicant-consignee relationship.* Each application for a TL license shall include the following certification signed by the applicant:

This is to certify that (I) (we) have had a business relationship with ------------------

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(Name of ultimate consignee)

extending over a period of two years preceding the date of submission of this application and have exported to the named consignee the commodities applied for under this application in an amount totaling at least $2,000 during these two years, part of which was exported during each of the two years.

(c) *Multiple transactions statement.* Each application for a TL license shall be supported by a Multiple Transactions Statement by Consignee and Purchaser (Form FC–843),[1] completed by the foreign consignee in accordance with the provisions of § 373.65 (c) of this chapter, except that quantities to be ordered need not be shown on the form.

§ 377.6 *Issuance of licenses*—(a) *Form of issuance.* TL licenses will be issued on Form FC–628, Export License, and will bear the identifying words "Time Limit License" below the validation stamp.

(b) *Validity period.* A TL license will be valid for a period of one year from date of issuance, and the expiration date will be indicated on the license form. Where the commodity covered by the license is subsequently removed from the Time Limit (TL) license procedure by the addition of the symbol "B" to the commodity lists column on the Positive List (§ 399.1 of this chapter), the validity period of the license covering such commodity shall automatically terminate on the effective date of such addition of this symbol. Ordinarily, the addition of the symbol "B" to a commodity listing shall become effective 30 days after such announcement.

§ 377.7 *Export clearance*—(a) *Presentation of license to customs.* (1) The TL license shall be deposited with the Collector of Customs at the port of exit through which the greater portion of shipments thereunder will move.

(2) Upon request of the licensee, Collectors may authorize movement of the commodity from another port in accordance with the procedure established in § 379.2 (e) of this chapter. As an alternative, the applicant may obtain an additional license for deposit with the Collector at each additional port of exit through which substantial shipments will move. Under the alternative procedure, the applicant shall indicate on the license application the ports of exit through which substantial shipments will move. If, subsequent to issuance of the license, additional licenses are required under the alternative procedure, the licensee may make such request by letter to the Bureau of Foreign Commerce, indicating the Bureau of Foreign Commerce case number, name of ultimate consignee, and ports through which substantial shipments will move.

(b) *Shipments by mail.* Shipments may be made by mail, without the necessity of obtaining additional licenses to effect such shipments, in accordance with the procedure described in § 379.1 (b) of this chapter.

§ 377.8 *Use of Other Licensing Procedures.* The filing of an application for a TL license, or the granting of such license, shall not limit the applicant's filing for, or use of, an individual, Blanket (BLT), or Periodic Requirements (PRL) license. Neither shall the filing for or use of an individual, Blanket (BLT), or Periodic Requirements (PRL) license limit the applicant as to the filing for or use of, a license under the Time Limit (TL) procedure. Where more than one licensing procedure is used covering the same consignee and the same commodity, the reason(s) for such duplication shall be entered on the application.

§ 377.9 *Amendment of License.* Amendments of a TL license involving extension of the validity period will not be granted. In order to assure the continuity of an outstanding license, exporters may submit an additional application for a TL license, covering the same consignee and commodity(ies), 30 days prior to the expiration date of the outstanding license. Where special circumstances exist (for example, lead time in long-cycle production commodities), an additional license application may be submitted 90 days prior to the expiration date of the outstanding license, provided that the reason(s) for such early submission are included with the application.

§ 377.10 *Effect of Other Provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for and licenses issued under this part.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Sec.

379.1 General export clearance requirements.
379.2 Presentation and use of validated license.
379.3 Presentation of Shipper's Export Declaration.
379.4 Authentication of Declarations.
379.5 Use of authenticated Declaration.
379.6 Use of license symbols or numbers on Declaration or parcel.
379.7 General authority of Collectors of Customs and Postmasters in clearing shipments.
379.8 Types of actions which may be taken by Collectors.
379.9 Port of exit; shipments leaving United States before final exportation from United States port.
379.10 Destination control.
379.11 Return or unloading of cargo at direction of Department of Commerce.
379.12 Other applicable laws and regulations.

AUTHORITY: §§ 379.1 to 379.12 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 379.1 *General export clearance requirements*—(a) *Exportations by water or air carrier.* No person shall place on a pier or dock or other place of loading for the purpose of exporting by water or air, load or carry onto an exporting carrier, or present to the Collector of Customs for inspection and clearance for exportation, any commodity or technical data until:

(1) *Shipments requiring a validated license.* A validated license therefor has been presented to the Collector, except as provided in § 379.2 (e) and a related duly executed Shipper's Export Declaration, covering such commodity or technical data, has been presented to, and authenticated by, the Collector.

(2) *Shipments under a general license.* A duly executed Declaration, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Collector. Where the filing of a Declaration is not required, an oral declaration describing the commodity or technical data about to be exported and the applicable general license shall be made to the Collector at the port of exit.

(b) *Exportations by mail*—(1) *Shipments requiring a validated license*—(i) *General requirements.* No person shall export any commodity or any technical data by means of mail, including surface and air parcel post, until (*a*) a validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity[1] to be so mailed, whether or not required by the regulations of the Bureau of the Census, and until (*b*) the sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

(ii) *Partial shipments.* (*a*) Where more than one shipment is to be made

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[1] Form IT– or FC–917 or Form FC–843 may be obtained from all Department of Commerce field offices, from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., and from U. S. consulates, embassies and other posts in Group 0 countries.

[1] Section 385.5 excludes technical data from this requirement for a Declaration.

against a validated license, the sender (exporter) shall file the license with a Collector (instead of surrendering the license to the Postmaster) and present to such Collector for authentication a copy of the Declaration covering each shipment. The authenticated Declaration, in addition to the Declaration required under subdivision (i) of this subparagraph above, shall be surrendered to the Postmaster at the time of mailing.

(b) A shipment by mail against a license on file with a Collector may be exported on or before the license expiration date indicated by the Collector on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2 of this subchapter, the exporter shall prepare and present to the Collector for authentication a new copy of the Declaration, clearly marked "Amended", together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Collector and the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license*—(i) *Declaration required.* The sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Shipper's Export Declaration for each commercial mail shipment made under a general license from one business concern to another business concern when the shipment consists of a commodity(ies) valued at $25 or more.[3] Exportation by mail of technical data under a general license does not require the submission of a Declaration.

(ii) *Symbol on Declaration.* In preparing the Declaration for presentation to the Postmaster the sender shall place on the form the designation or symbol of the general license under which the commodity(ies) is being exported.

(iii) *Symbol on parcel.* On mail shipments under a general license, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper of the parcel, followed by the phrase "Export License Not Required"; however, no notation need be made if the exported material meets the provisions of general license GTDP, GTDU, GTDS, or G-PUB. The general license symbol and the phrase will constitute a certification by the sender to the Postmaster and to the Bureau of Foreign Commerce that the shipment is made under the authority of the general license indicated. The export regulations (including the requirements of General Licenses GTDP, GTDU, GTDS, and G-PUB) remain otherwise fully applicable to exportations which require no general license symbol.

NOTE: 1. *Post Office regulations.* All exportations via mail should also conform to the applicable Post Office Department regulations as to size weight, permissible contents, etc. Such exportations are subject to inspection by the Post Office Department and the Bureau of Customs.

2. *Gift parcels.* If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.21.)

3. *Weekly shipments.* Only one shipment per calendar week of a commodity classified in a single entry on the Positive List may be made by parcel post or mail under General License *GLV* by one exporter to one importer. (See § 371.10(b) (4).)

4. *Partial shipments.* The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in § 372.5 (h).

(c) *When exporting by means other than by water, air, or mail.* No person shall export any commodity or technical data by means other than by water, air, or mail, until (1) a validated license, where required by the provisions of the Export Regulations, has been presented to the Collector at the port of exit from the United States and until (2) a duly executed Declaration covering the commodity or technical data, except as provided for in § 385.5 of this chapter, has been presented prior to inspection together with the related license to, and authenticated by, the Collector. Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Collector at the port of exit. Where the filing of a Shipper's Export Declaration is not required, an oral declaration, including a description of the commodity or technical data to be exported and the applicable general license, shall be made to the Collector at the port of exit.

§ 379.2 *Presentation and use of validated license*[5]—(a) *Licenses valid for shipment from any port.* A license may be used for exportation from the United States from any port of exit subject to the jurisdiction of the United States, unless the Bureau of Foreign Commerce shall otherwise provide.

(b) *Signature on licenses.* The export license document, Form FC-628, presented to the Collector or Postmaster, must bear on the reverse side thereof the following signatures:

(1) *Licensee.* At the top left, on the line reading "Signature of licensee", the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(2) *Person presenting license.* At the top right, on the line reading "Signature of person presenting license", the signature of the licensee or of an officer or employee of either the licensee or the forwarding agent who is authorized to sign and swear to the Declaration accompanying such license. This signature may be affixed either in the presence of the Collector or outside the customhouse.

(c) *Filing of license at time of first shipment.* All validated licenses (except Project Licenses) must be presented to and filed with the Collector before any commodity or technical data is loaded, presented for loading, deposited on a dock or other place of loading, or carried onto an exporting carrier; except that in the case of shipments to be made by mail, the validated license shall be presented to the Postmaster or to the Collector when the Declaration covering the first shipment is presented for exportation under that license.

(d) *Subsequent shipments from port where license filed.* If only a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the Collector until complete shipment is made or until the license expires. On any subsequent shipments under that license from the same port, duly executed Declarations shall be presented for authentication as provided in this part.

(e) *Simultaneous or subsequent shipments from other ports*—(1) *Transmittal of approval.* If part of the licensed shipment is to be made from another port, the licensee shall request the Collector holding the license to transmit to the Collector at the intended port of exit approval for the intended shipment. Upon granting the approval, the Collector holding the license will endorse the license to record the facts as to the intended shipment. On any shipment made pursuant to such approval, duly executed Declarations shall be presented to the Collector at the port from which the shipment is to be made, as provided in this part. In case full or partial shipment is not made from the intended port (in accordance with the approval), the licensee or his agent may initiate action for the modification or deletion of the Collector's endorsement of the intended shipment. Such action may be initiated in the following manner:

(i) *License in possession of Collector.* If the license is still in the possession of the Collector (whether or not the license would have been completed by the intended shipment), the licensee or his agent shall request the Collector to whom the approval was sent to notify the Collector holding the license to make an amendment of his previous endorsement of the intended shipment.

(ii) *License returned by Collector to the Bureau of Foreign Commerce.* If the license has been returned by the Collector to the Bureau of Foreign Commerce, an application for a new license may be submitted to the Bureau of Foreign Commerce covering the quantity not shipped, together with a letter explaining the facts and identifying the Collector to whom the approval was sent.

(2) *Transmittal of license.* As an alternative to the notification procedure set forth above, the Collector holding the license is authorized to transmit the license by mail to the Collector at another intended port of exit, upon written request by the licensee stating that the license will no longer be used at the port at which the license is deposited.

(3) *Exceptions.* The procedure set forth above in this paragraph shall not be applicable to licenses which specify that shipment is authorized for clearance at a particular port of exit.

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[3] This rule is also contained in the regulations issued by the Bureau of the Census.

[5] Provisions relating to the export clearance of technical data under a validated license are set forth in § 385.4 (f).

(f) *Shipments against expiring licenses*—(1) *Commodities or technical data ready for loading or laden.* Commodities or technical data which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may depart with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities or technical data may be exported without an extension of the validity period of the license, if in the judgment of the Collector undue hardship would otherwise result.

(2) *Commodities or technical data in transit to port of exit.* Commodities or technical data in transit to the port of exit prior to midnight of the date of expiration of the validated license covering the shipment may be cleared for export, at the discretion of the Collector, within 5 days following the expiration date of the license if the shipment qualifies under subparagraph (1) of this paragraph. The Collector may require the exporter to submit a Bill of Lading or other evidence that the shipment was in transit to the port of exit prior to the expiration date of the license and was delayed in transit.

(3) *Other shipments.* Licensed shipments not coming within one of the foregoing provisions may not be exported except by extension of the validity period of the license by the Bureau of Foreign Commerce.

(g) *Reexportation under license previously granted*—(1) *Shipments returned to the United States.* Shipments which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination may be reexported to the consignee and destination to which the shipment was originally made without the procurement of a new license; provided that satisfactory evidence of the validity of the original exportation is submitted to a Collector.

(2) *Evidence required.* Such evidence may consist of a copy of the original Declaration or the exporting carrier's outward manifest, or such other evidence as the Collector may require. If the commodities or technical data are reexported to other than the original consignee, they must be treated as new exportations and are subject to current regulations of the Bureau of Foreign Commerce regarding the specific commodity or technical data.

(h) *Weight and volume tolerance*—(1) *10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below.

Commodities	*Tolerance (percent)*
Raw cotton except linters (Schedule B Nos. 30005 through 30045) (pounds or bales)	2
Sulfur, crude (containing 85% or more sulfur), crushed, ground, refined, sublimed, and flowers (Schedule B Nos. 57141 and 57150)	1
Medicinal and pharmaceutical preparations with processing code DRUG, other than radium salts and compounds, Schedule B No. 82986 (Schedule B Nos. 81110 through 81800)	1

(2) *Unit of quantity covered.* (i) This tolerance is allowed only when the unit of quantity called for on the license is in the following weight or volume terms.

Avoirdupois ounce.
Bale.
Barrel.
Bushel.
Content pound.
Cubic foot.
Gallon.
Gram.
Hundredweight (100 pounds).
Linear foot.
Linear yard.
Long ton (2,240 pounds)
M (1,000) board feet.
Milligram.
Oxford unit.
Pound.
Proof gallon.
Short ton (2,000 pounds).
Square foot.
Square yard.
Troy ounce.
U. S. P. unit.

(ii) The weight and tolerance provisions of this section shall not apply to the following units of quantity:

Carat.
Cell.
Dozen.
Gross.
Number.
Pack.
Pair.
Pencil gross.
Piece.
Ream.
Roll.
Round.
Set.
Square.

(3) *Maximum tolerance allowed.* (i) In all cases, the tolerance shall be allowed on the basis of the actual quantity stated in the license; and in no case shall the tolerance exceed 10 percent of such quantity.

(ii) For example:

(*a*) If the quantity shown on the license is "100,000 pounds," not more than 110,000 pounds may be exported.

(*b*) If the quantity shown on the license is "100,000 pounds 10 percent more or less," not more than 110,000 pounds may be exported.

(*c*) If the quantity shown on the license is "approximately 100,000 pounds," not more than 110,000 pounds may be exported.

(iii) Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

(4) *Commodities licensed in both container and weight or volume units.* (i) Where commodities are licensed in terms of both standard-size container units and weight or volume units, the tolerance is allowed on the total weight or volume licensed; provided that the number of standard-size container units shall not be increased over the number thereof stated in the license.

(ii) For example: If the license authorized the shipment of 10,000 pounds of a commodity in twenty 500-pound drums, that license may be used to clear an exportation of not more than 11,000 pounds in not more than twenty such drums.

(5) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the 10 percent tolerance is allowed only on the unshipped balance, except that in the case of shipments of iron and steel products (processing code STEE), and tinplate (processing code TNPL), the tolerance of 10 percent, and, in the case of raw cotton, except linters, the tolerance of 2 percent, is allowed on the basis of the actual quantity stated in the license. Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

NOTE: 1. *Tolerance.* When there is a discrepancy in weight or volume within the tolerance allowance between the amount shown on the license and the amount actually shipped, the amount actually shipped shall be noted on the license by the Collector of Customs at the final port of exit before the license is returned to the Bureau of Foreign Commerce.

2. *BLT shipments.* When shipments are cleared against a BLT license, the applicable tolerance may be applied to the quantity approved for export to each single consignee; provided, however, that the total amount shipped against the license does not exceed the total amount approved for export plus 10 percent. In other words, the tolerance provisions may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

§ 379.3 *Presentation of shipper's export declaration*—(a) *Definition of shipper's export declaration.* "Shipper's Export Declaration" means Shipper's Export Declaration (Commerce Form 7525-V) or Shipper's Export Declaration for In-transit Goods (Commerce Form 7513). The Declaration for in-transit goods should be used for all commodities:

(1) Shipped in transit through the United States.

(2) Transshipped in ports of the United States for foreign countries.

(3) Exported from General Order Warehouse.

(4) Exported from foreign trade zones (unless the Collector of Customs specifically permits the use of Commerce Form 7525-V).

(b) *When required.* Declarations shall be presented to the Collector at the port of exit, or to the Postmaster at the post office from which the shipment is mailed, in the number of copies specified in paragraph (c) of this section.

(c) *Number of copies to be presented*—(1) *Where exporting by means other than mail.* Three copies of the Declaration shall be required by the Collector at the port of exit, except in cases of shipments to Canada and shipments between the United States and its territories and possessions[4] for which only two copies are required, except as provided in subparagraph (3) of this paragraph.

(2) *When mailing*—(i) *General.* In the case of shipment by mail, one copy of the Declaration shall be presented to the Postmaster at the place of mailing[4] when: (*a*) The shipment is under a validated license, or (*b*) the shipment is of a commercial nature and its value is $25 and over.

(ii) *Partial shipment against a validated license on file.* In addition, as provided in § 379.1 (b) (1) (ii), when making a partial mail shipment against a license on file with a Collector, the sender (exporter) must present to the Postmaster a copy of the Declaration authenticated by the Collector with whom the license is filed.

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[4] Shipments between the United States and Alaska or Hawaii do not require Declarations.

(3) *Additional copies of Declaration.* The Bureau of Foreign Commerce, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the "Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States," an additional copy of the Declaration shall be presented for exportations described in subdivisions (i), (ii) or (iii) of this subparagraph.

(i) Exportations of any commodity to Poland (including Danzig). The additional copy shall bear in the upper right corner the notation, "FC–2651".

(ii) Exportations to any destination of iron and steel scrap (other than tinplated and terne-plated scraps), Schedule B Nos. 60030 through 60085.[5] The additional copy shall bear in the upper right corner the notation, "COMM–8".

(iii) Exportations made under a Project License. (See § 374.4 (b) (1) of this subchapter.)

NOTE: For exports from the United States to foreign countries made in transit via Canada, the exporter shall present for authentication an additional copy of the Declaration in such cases.

(d) *Separate declarations required where shipment is partly under general license and partly under validated license*—(1) *General.* Commodities or technical data to be exported under the authority of a general license shall not be combined on the same Declaration with commodities or technical data to be exported under a validated license. Separate Declarations must be presented; one to cover the commodities or technical data under general license, the other to cover commodities or technical data under validated license.

(2) *Exceptions.* In the case of a shipment consisting of commodities and the containers therefor, where either the commodities only or the containers only require a validated license, both the commodities and the containers shall be entered on the same Declaration.

(e) *Special requirements*—(1) *Special requirements stated on the license.* Where a particular validated license bears on the face thereof a requirement that specified documents or information (additional to that furnished at the time of application) be furnished, the licensee shall, at the time of or prior to presenting the Declaration to the Collector, write on or attach to all copies of the Declaration such specified information or documents, unless otherwise indicated on the license.

(2) *Manner of submission of additional information and documents; additional copy of Declaration.* (i) The information required by subparagraph (1) of this paragraph shall be set out in columns (9) to (15) on all copies of the Declaration—one copy in addition to, and conforming to, the number of copies otherwise required—to be filed with the Collector for authentication. Unless otherwise specified on the face of the license, the documents required shall be attached to the additional copy of the Declaration and need be submitted in one copy only. The documents may be either original or certified copies.

(ii) All statements and documents submitted in accordance with the requirements of a license will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Bureau of Foreign Commerce in any export control matter (see § 381.5 (b) of this chapter).

(iii) The Collector will refuse to authenticate a Declaration in any case where the exporter fails to comply with the special requirements of a validated export license or does not possess the information or documents requested, unless, prior to presentation of the Declaration, the exporter has informed the Bureau of Foreign Commerce of the specific reason for his inability to comply and, for good cause shown, the Bureau of Foreign Commerce has in writing waived the requirement. The licensee will attach to and file with the license any letter of waiver in order to effect clearance of the shipment through Customs.

(3) *Special requirements for exportations by air.* (i) The provisions of this subparagraph apply to any exportation by air, other than air mail or air parcel post which is made under authority of a validated license.

(ii) For any such exportation by air, one copy of the related Air Waybill (or other contract of carriage) shall be submitted to the Collector of Customs at the gateway or port of exit at the same time as the Shipper's Export Declaration is presented for authentication. This copy of the Waybill submitted to the Collector will be returned to the presenting party.

(iii) Where several individual exportations are consolidated into one shipment for which a consolidated Master Air Waybill is issued by the carrier, a copy of each of the individual Air Waybills issued by the consolidator (indirect carrier) for each exportation contained in the consolidated shipment shall be submitted to the Collector of Customs. However, it is not required that the "Master" Waybill be submitted to the Collector.

(iv) The copy of the Waybill presented to the Collector will be examined by him to assure that it meets all the requirements of the Export Regulations and will be returned to the presenting party.

(v) In the case of an exportation included in a consolidated shipment, the consolidator shall be responsible for assuring that the office copies of the Waybill retained by him at the gateway or port of exit, as well as all copies of the Waybill which are to be sent abroad, shall conform to the copy of the Waybill presented to the Collector. In the case of an exportation which is not included in a consolidated shipment, the exporting carrier shall have this responsibility.

NOTE: The provisions of § 379.3 (e) (3) do not require an exporting carrier or consolidator to assure the conformity of copies of the Waybill which are not accessible to him at the gateway or port of exit and which are not to be sent abroad.

§ 379.4 *Authentication of declarations*—(a) *Authentication requirement.* All copies of Declarations which are required to be presented to Collectors must be authenticated by the Collector at the port of exit (see § 379.3 (b)). No Collector shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated export license or general license, as the case may be, and with such other relevant information as he may have, that (1) exportation of the commodity or commodities described in such Declaration is authorized under such license; (2) that the statements in such Declaration are identical in all respects with the contents of the validated export license, or the terms, provisions, and conditions of the general license; (3) that the statements in such Declaration are set forth in such manner as to permit all Collectors or other authorized officials or persons to whom the Declaration may thereafter be exhibited or delivered in connection with the exportation to determine whether the said exportation complies with the contents of the validated export license, or the terms, provisions, and conditions of the general license; and (4) that the shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Information required for authentication.* No Declaration shall be authenticated by a Collector unless there are set forth in such Declaration, and in all copies thereof required to be presented to the Collector:

(1) The name and address of the exporter, who shall be the licensee named in a validated export license or entitled to export under a general license. On a Declaration covering exportations under a validated license, the answer to Item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form FC–419.

(2) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(3) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license.

(4) All of the other data required to be shown on the Declaration form.

NOTE: 1. *Optional Ports of unlading.* In a case where, prior to the departure of the exporting carrier, an exporter does not know which of several countries is the country of ultimate destination of a commodity being exported under General License GRO or GO, the exporter may name on the Declaration and Bill of Lading as ultimate destination optional ports of unlading, even when more than one foreign country is involved. As soon as the exporter ascertains the actual country of ultimate destination, Correction

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[5] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

Form FT-7403 should be filed with the Collector at the port of exit where the original Shipper's Export Declaration was filed, specifying the actual port of unlading, the actual country of ultimate destination, and the name and address of the buyer to whom delivery is made. If the exportation is consigned to more than one country of ultimate destination, Correction Form FT-7403 should indicate the amount (quantity and value) consigned to each country of ultimate destination.

When an exportation under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional ports of unlading in one or more countries, together with the name and address of the intermediate consignee in each of the countries designated. Optional ports of unlading, in all cases, must be located in a country to which the commodity may be shipped directly from the United States under the same or another applicable general license.

In the case of exportations made under a validated license, optional ports of unlading in the country of ultimate destination only may be designated on the Declaration and Bill of Lading, unless the export license designates intermediate consignees in one or more countries other than the country of ultimate destination. In the latter case, the optional ports of unlading must be designated as optional in-transit points on the Declaration and Bill of Lading in accordance with the validated license. Amendment of the validated license is required if an intermediate consignee in any of the designated countries is not named on the export license, as provided in § 380.2 (d) of this subchapter.

On any exportation, as soon as the exporter ascertains at which port the commodities are to be unloaded, whether located in the country of ultimate destination or in a country of transit, Correction Form FT-7403 should be filed with the Collector at the port of exit where the original Declaration was filed, specifying the actual port of unlading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unlading is located in a country other than the country of ultimate destination. If the exportation is unloaded at more than one port, Correction Form FT-7403 should indicate the amount (quantity and value) unloaded at each port, and the name and address of each intermediate consignee employed in the transaction.

In all of the above instances, the Bureau of Customs, in accordance with Customs clearance regulations (§ 4.60 (a) of Customs Regulations of 1943), requires that the carrier must have other cargo on board to be discharged at one of the optional ports named in each country and such carrier must be cleared accordingly.

In no event does the aforementioned procedure apply to any shipment destined directly or indirectly to Hong Kong, Macao, or Subgroup A destinations. (For shipments to other destinations via Hong Kong, see § 370.8 of this chapter.)

2. *Applicant-licensee (exporter).* On a Declaration (Commerce Form 7525-V) covering exportations under a validated license, the answer to item 3, except as indicated below, shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form FC-419. In the absence of such identity, the export license does not cover the proposed exportation. However, the answer to item 3 of Form 7525-V may correspond to the name of the foreign principal shown on Form FC-419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States.

(c) *Commodity descriptions*—(1) *Basket commodity descriptions.* (i) As used herein, "basket classification" means those Schedule B commodity classifications in the 1958 edition of Schedule B, as amended, which call for the shipper to "specify by name," "specify by type," etc., the items included in the shipment under those commodity numbers. A detailed description shall be set forth on the applicable Declaration for commodities falling within the Department of Commerce Schedule B commodity basket classifications, in addition to all other data required to be shown on such Declaration.

(ii) In those cases where there are a substantial number of items included in a single export shipment under one basket classification, exporters may set forth the detailed descriptions of only five of the items which represent the greatest proportion of the total dollar value under this single Schedule B basket classification. Separate dollar value, net quantity, and shipping weight information for individual items reported under one Schedule B basket classification are not required on the Declaration.

(2) *Distinguishing characteristics or specifications.* When shipment of a commodity is being made under a general license as a non-Positive List commodity and there is an entry on the Positive List for the same type of commodity and under the same Schedule B number, but with different specifications, capacities or other characteristics, the description of the commodity on the Declaration shall contain the distinguishing specification, capacity, or other characteristic, such as: rated horsepower, pressure, kilowatts, operating voltage, kilovolt amperes, etc. Such description shall be complete in all respects, including the exact specifications and/or composition of the commodity; for example: one resistance welder, single phase type, Schedule B No. 70106. If it is impractical to give the exact specifications and/or composition of the commodity, Collectors, at their discretion, may authorize exporters, in lieu thereof, to place the following certification on the Declaration:

> This commodity does not come within the restricted specifications, characteristics and/or composition shown for this Schedule B number on page ______ dated __________ of the Positive List.

(d) *Additional information required for in-transit goods.* The following additional information shall be set forth on the Shipper's Export Declaration for In-transit Goods (Commerce Form 7513):

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1-6;

(2) Underneath the name and address of the intermediate consignee, also within columns 1-6, one of the following statements must be made, whichever is appropriate:

(i) For in-transit shipments of foreign merchandise (for definition of "foreign origin," see § 371.9 (a)) of this chapter.

> The merchandise described herein is of foreign origin.

(ii) For in-transit shipments of domestic (United States) merchandise:

> The merchandise described herein is of the growth, production, or manufacture of the United States.

(iii) For in-transit shipments of commodities of United States origin excepted under § 371.9 (a) (2) of this chapter:

> The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by § 371.9 (a) (2).

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number, as well as in terms of Schedule S.[1] The Schedule B number shall be entered in column 4 immediately underneath the Schedule S number.

(e) *Statement regarding ultimate destination.* No Declaration shall be authenticated by a Collector unless the statement regarding ultimate destination, whenever required, has been entered on all copies of the Declaration as provided in § 379.10 (c) of this part.

(f) *Forwarding agent*—(1) *Definition of "forwarding agent."* For the purpose of this part, a "forwarding agent" shall be a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities described in the Declaration, such as preparing the Declaration, attending to clearance of the shipment by submission of documents to the Collector or export control officers, securing cargo space, or delivering the commodities to the exporting carrier, obtaining Bills of Lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents; but such "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

(2) *Forwarding agent as true agent.* Unless the exporter shall otherwise state in writing in the power of attorney set forth in the Declaration, or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee, filed with the Collector, the forwarding agent named by the exporter in said power of attorney or other written form shall be deemed to be the true agent of the exporter for export control and customs purposes.

(g) *Signature on Declaration.* (1) The signature of the person making the declaration set forth on the Declaration form and taking the oath shown on said form (where oath is required) shall be that of the exporter or the forwarding agent named in the Declaration, or a duly authorized officer or employee of either. The signature of such person, whether or not under oath and whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements made and all information set forth in such Declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature shall constitute a like representation by the forwarding agent.

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[1] Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, obtainable without charge from the Bureau of the Census, Department of Commerce, Washington 25, D. C.

(2) Additional copies of the Declaration or copies of the continuation sheet form for such Declaration may be used where more space is required to prepare fully a Declaration. In all such cases, the Declaration need be signed and the oath taken (where required) on only one Declaration form. The additional copies or sheets must be numbered in sequence and securely attached to the executed Declaration form; and the following legend must be inserted between columns (9) and (15) on the executed Declaration form:

This Declaration consists of this sheet and ------ continuation sheets.

No portion of any form attached as a continuation sheet shall be torn off or removed.

(h) *Statements on Declaration.* In all cases where a Declaration is presented to a Collector or Postmaster, the exporter shall be deemed thereby to represent (1) that all statements made and information set forth in the Declaration have been furnished by him or on his behalf for the purpose of effecting an exportation under the Export Regulations; (2) that the exportation of the commodity or commodities described in such Declaration is authorized under the general or validated export license therein identified; (3) that the statements contained in such Declaration are identical in all respects with the contents of the validated export license or the terms, provisions and conditions of the applicable general license; and (4) that all of the other terms, provisions, and conditions of the Export Regulations applicable to the exportation have been met.

(i) *Who may submit Declaration for authentication.* No person shall submit to the Collector for authentication any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(j) *Rejection of Declarations.* Collectors shall reject all Declarations which do not comply with the foregoing provisions of this part.

(k) *Procedures for presentation of Declaration for authentication.* (1) Any Collector may, with the prior approval of the Bureau of Foreign Commerce, institute and maintain any procedure for the presentation for authentication of Declarations, which shall provide in each case for the proper identification, and recording of the identity of the individuals who sign such Declaration and who appear before the Collector for such purpose.

(2) Collectors are specifically authorized to institute and maintain the following procedure for identification of persons submitting or presenting Declarations to the Collector:

(i) *Identification cards.* An exporter (licensee) effecting exportations without the services of a forwarding agent shall make application for and obtain from the appropriate Collector an Identification Card, as herein described, for each of his officers or employees who submit or present Declarations or licenses. Where a forwarding agent is employed by an exporter, the forwarding agent shall similarly apply for and obtain an Identification Card for each of his officers or employees who submit or present Declarations or licenses on behalf of an exporter. In addition, carriers, not otherwise acting as forwarding agents, who may, as provided in paragraph (i) of this section, deliver executed Declarations without specific authorization therefor, shall similarly apply for and obtain such Identification Cards. Applicants for Identification Cards shall be responsible for all Declarations executed and submitted in their names to Collectors through use of the Identification Card. Such Identification Card may be used only in the Customs district for which issued, by the person to whom issued, and is not transferable. Application must be made on Customs Form 3139, "Application for Identification Card of Authorized Forwarding Agent or Exporter", and the Identification Card to be issued shall be Customs Form 3141, "Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof."

(ii) *Waiver of identification card requirement.* In the case of exporters not regularly engaged in making exportations, Collectors may waive the Identification Card requirement where they are otherwise satisfied that the person submitting or presenting the Declaration is in fact the exporter (licensee) or is acting for and on behalf of such exporter.

(iii) *Identification cards and power-of-attorney forms.* Wherever the Identification Card procedure is instituted and maintained, it shall supersede any existing requirement of the Collector for filing a form of power-of-attorney executed by an exporter or forwarding agent, as the case may be, authorizing his officers or employees to sign, swear to, or submit Declarations.

(l) *Changes, alterations, and amendments of Declaration prior to authentication.* Collectors shall not, except in case of hardship or emergency, authenticate any Declaration showing evidence of change, alteration, or amendment, but shall require a clean copy. Where demonstrated cases of hardship or emergency exist in which Collectors find it desirable to make an exception, Collectors may approve on the face of the Declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in Declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of exportation, or the actual Schedule B number to which the commodity described in the Declaration unambiguously refers; but nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the Declaration.

NOTE: For changes, alterations, amendments of Declaration after authentication, see § 379.5 (b).

§ 379.5 *Use of authenticated Declaration*—(a) *Authenticated Declaration as export control document.* When duly authenticated by the Collector at the port of exit, a Declaration shall be deemed to be a document, issued pursuant to the Export Regulations, evidencing the existence of a validated export license or permission for an exportation under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for exportation or otherwise facilitating or effecting the exportation of a commodity or commodities requiring a validated or general export license under the Export Regulations issued pursuant to the Export Control Law.

(b) *Changes, alterations, amendments of authenticated Declarations.* (1) Except as described below, no Declaration, used or intended to be used in connection with the exportation of any commodity or commodities requiring a validated or general export license, which shall have been authenticated by any Collector shall, at any time after such authentication, be changed, altered, or amended in any respect by any person without prior written authorization therefor set forth on such authenticated Declaration by the said Collector.

(2) Where for any reason an exporting carrier designated in an authenticated Declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, railroad, motor vehicle company, or other person issuing Bills of Lading or similar documents of carriage for the carrier originally named, if due and timely notice of such change is given to the Collector prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the Declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person.

(3) In the event that conditions beyond the control of a carrier, named as exporting carrier on a duly executed Shipper's Export Declaration, prevents the lading of the total cargo covered by the Declaration, such carrier is authorized to prepare and present additional Declarations covering the remainder of the cargo when shipped: *Provided*, That due and timely notice is given to the Collector prior to loading of the remainder of the cargo on a carrier. The original Declaration shall be amended by the carrier to show the descriptions, quantity and value of the commodities actually carried. Subsequent Declarations by the carrier shall be completed in all de-

tails and shall contain the following statement:

> These commodities were included, but not shipped, under authenticated Shipper's Export Declaration No. ------ at ---------- (Port)
> on ----------. (Date)

(4) No change, alteration or amendment may be authorized in any authenticated Declaration which would have the effect of authorizing shipment after the validity period of the applicable validated or general export license has expired or which would otherwise vary the terms, provisions, and conditions of such license.

NOTE: For changes of Declaration prior to authentication, see § 379.4 (1).

(c) *Declarations showing unauthorized changes.* No person to whom any authenticated Declaration showihg evidence of change, alteration, or amendment shall be exhibited for the purpose of facilitating any exportation, without the production of written authorization therefor by the Collector, shall take any action toward such facilitation, but shall promptly report the facts to the nearest Collector and shall, where such authenticated Declaration is in his or its possession, surrender same to such Collector.

(d) *Correction of authenticated Declarations.* Any item of information contained on an authenticated Declaration filed with the Collector shall be corrected in accordance with the facts of the exportation either by use of Form FT-7403, Correction Form, or directly on the authenticated Declaration in accordance with the procedure described below. The acceptance by the Collector of such corrections does not imply approval of any act involved in the shipment nor does his signature in the space entitled "Certification" on the Correction Form imply that he is certifying to the truth or correctness of the information contained on the form.

(1) Corrections shall be made directly on the authenticated Declaration where:

(i) The shipment does not require submission of four copies of the Declaration, and

(ii) The Bureau of the Census copy of the Declaration is still in the possession of the Collector.

(2) In all other instances corrections shall be made by use of Correction Form, Form FT-7403. Form FT-7403 shall be submitted in triplicate, where the shipment is made under a validated license requiring the submission of four copies of the Declaration; or in duplicate where the shipment does not require the submission of four copies of the Declaration. The Correction Form, Form FT-7403, shall be executed by the exporter or his duly authorized agent and submitted to the Collector with whom the authenticated Declaration was filed.

(e) *Return of unused copies of authenticated Declaration.* All copies of authenticated Declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the Collector making the authentication.

(f) *Limitation of effective period of Declaration.* No Declaration shall be authenticated, and no authenticated Declaration shall be used, for the purpose of clearing for exportation, or otherwise facilitating or effecting, the exportation of a commodity or commodities requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the applicable general license, except as provided in §§ 372.11 (d) and 379.2 (f) of this chapter.

The validity period of an export license includes any extension provided by any saving clause or regulation.

NOTE: 1. *Responsibility of licensee and agent.* Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent. Experience in the administration of export controls indicates, however, that it is often difficult to establish that relationship as a matter of record and fix responsibility when violations occur. The provisions of this part and the Bureau of Foreign Commerce form, "Power of Attorney—Designation of Forwarding Agent", are designed to remedy that situation.

2. *Power-of-attorney forms; purpose and use; alternatives.* The form which is prepared for this purpose is not mandatory but only suggested. Power-of-attorney terminology is used to accord with common business practice in establishing agency relationships, and by way of interpretation considerable flexibility is permitted. Nevertheless, there are situations where firms have found compliance with some of the required formalities in the execution of a general power of attorney, such as corporate seal, special resolution of the board of directors, etc., to be unduly onerous.

Accordingly, the Export Regulations, as set forth above, permit, alternatively to the power-of-attorney form, the use of any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such designation must, of course, clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority in this designation, as in the power-of-attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

3. *Carriers.* In addition, specific reference to carriers has been made in those parts of the Export Regulations dealing with the submission of the Declaration in order to make clear that carriers, not otherwise acting as forwarding agents, may deliver executed Declarations without specific authorization therefor. The privilege of making certain specified insertions or corrections in the Declaration prior to authentication is also extended to such carriers.

Summary of interpretations—(a) *Applicability of Part 379:*

1. Q. Do the provisions of the Export Regulations with respect to presentation of additional copies of Declarations, and with respect to the procedure for authentication of Declarations, filing of powers-of-attorney or other forms of designations of forwarding agent, and use of authenticated Declarations, apply to Canada?

A. No, unless the particular exportation from the United States is destined for a third country, for which a validated license is required, and the shipment is via Canada.

2. Q. Do the foregoing provisions of the Export Regulations apply to general license shipments?

A. Yes. General license shipments have always been subject to Customs scrutiny and are covered by the Export Regulations, along with shipments under validated license, in order to curb possible abuse of the general license privileges.

3. Q. Are the Export Regulations contained in this part applicable to exportations regulated by United States governmental agencies other than the Bureau of Foreign Commerce, such as the Atomic Energy Commission and the Department of State?

A. No.

4. Q. What is the effect of making the Declaration an "export control document?"

A. A Declaration has always been an official document of the United States Government so that, for example, the penalties relating to making false statements on Government documents were always applicable to the use of that document. The only effect of the additional Export Regulations in this respect has been to bring Declarations under the export control laws as well as under the laws of the United States relating to Government documents generally, and Declarations in particular.

(b) *Powers-of-attorney or other forms of designation of forwarding agent:*

5. Q. Is the use of a power-of-attorney form mandatory?

A. As now provided in § 379.4 (f) (2), it is only an optional form.

6. Q. May the exporter designate more than one forwarding agent?

A. Yes. It is not intended that the power-of-attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers-of-attorney or other authorization for any and all of the forwarding agents whom they employ.

7. Q. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States), must the seller designate such forwarding agent as his agent for export control and customs purposes?

A. Exporters have in some such cases expressed reluctance in designating such forwarders as their agents, because they do not regularly deal with them, or because they may not wish thereby to disturb contractual relations with their own forwarders. It is assumed that the underlying problem here is the exporter's unwillingness to give any general authorization to such agent. It is therefore suggested that the form of designation on the Declaration be used which would limit the authority granted to the particular transaction involved. It should also be noted that in some such cases the solution to the problem may lie in having the agent for the foreign buyer apply for the license. (See § 372.4 (a) of this subchapter.)

8. Q. Must an exporter use the Bureau of Foreign Commerce form of power-of-attorney designating a forwarding agent, or may he gives such authority by other and more limited powers-of-attorney?

A. The language of the Bureau of Foreign Commerce form of power-of-attorney is not mandatory. It is specifically provided that it may be made more restrictive by the exporter; likewise, an exporter may restrict the power-of-attorney set forth in the Declaration. Of course, no limitation may be made which would relieve the exporter from responsibility for carrying out the exportation authorized by the license which he holds.

9. Q. May the exporter vary the language of the acknowledgement set forth in the Bureau of Foreign Commerce forms of power-of-attorney?

A. Yes. The forms were drafted to permit use by exporters who are individuals, partnerships, corporations, associations, or quasi-governmental bodies. The acknowledgement forms may be modified to fit the legal status of the exporter.

10. Q. May exporters authorize forwarding agents to sign and swear to Declarations and to present them to Collectors for authentication by executing the designation appearing on the face of the Declarations?

A. Yes. The exporter may execute the designation appearing on the Declaration, which is applicable only to the transaction referred to in the Declaration. The power-of-attorney or other written authorization may be used where the same forwarding agent handles numerous shipments and it is impracticable to execute a specific designation on the Declaration for each transaction.

(c) *Who should execute:*

11. Q. Who is deemed to be a "duly authorized officer or employee" for the purpose of signing and swearing to Declarations?

A. There is and can be no fixed rule in this respect. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority. Assistant officers will, in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations will also be deemed to have authority to execute the designation appearing on the face of a Declaration and to sign and swear to such Declarations.

(d) *Proof of authority:*

12. Q. Under what circumstances must Customs be furnished with supporting evidence of authority of persons executing powers-of-attorney or other authorizations?

A. Customs may in any case require proof of the authority of any such person signing a power-of-attorney or other authorization. In general, however, Customs will require such proof only when there is some reason to doubt the authority of the person involved.

(e) *Miscellaneous:*

13. Q. Must a forwarding agent have an office at the port of exportation or otherwise be known to the Collector at such port?

A. No. A forwarding agent need not have an office at every port of exportation. If a forwarding agent signs and swears to a Declaration which is intended for clearance of an exportation through a port where he has no office, he should furnish to the Collector at such port his power-of-attorney or other authorization from the exporter. He should also furnish to the person who will arrange physically to present the Declaration to the Collector, an authorization in writing for that purpose.

14. Q. May a forwarding agent who does not have an office at the port of exportation redelegate to another forwarding agent his authority to sign and swear to Declarations and to present Declarations for authentication at such port?

A. Yes; provided that the power-of-attorney or other authorization from the exporter permits such redelegation or there is presented to the Collector written evidence of consent of the exporter to such redelegation.

15. Q. If a forwarding agent has a power-of-attorney or other authorization filed with a Collector in one port, must he file additional original documents with Collectors in other ports through which he may effect exportations?

A. No. It is only necessary to file the original documents in one port. Photostatic copies thereof, certified by the Collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

16. Q. How should forwarding agents and exporters handle such matters as changes of weights, measurements, quantities, etc., which must frequently be made on Declarations after authentication?

A. In general, the Export Regulations permit certain types of amendments and insertions to be made in Declarations before and after authentication, as set forth in §§ 379.4 and 379.5. A forwarding agent, however, designated on the Declaration or by separate document, may make such changes, unless specifically precluded from doing so by the exporter in his designation. Collectors are empowered to permit such amendments upon written authorization therefor by the Collectors set forth on such authenticated Declaration. Collectors will exercise discretion to allow amendments of this character. Where the amendments have the effect of converting a Declaration into one for a substantially different shipment, however, a new Declaration will have to be prepared. Unless otherwise limited by the exporter, the power-of-attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute Declarations reflecting such changes.

§ 379.6 *Use of license symbols or numbers on Declaration or parcel*—(a) *Certification by the exporter.* The use by any exporter of a general license symbol, a validated license number, or other designation, on a Declaration or parcel when such marking is required by the provisions of the Export Regulations, for the purpose of clearing an exportation under any general license or validated license, shall constitute a certification by the exporter that the terms, provisions, and conditions of the license have been met.

(b) *Use of validated license number.* The Collector will not authenticate a Declaration for a licensed exportation where an incomplete export license number is shown thereon; exporters must therefore use the complete validated license number when entering the required information in column (10) of the Declaration (Form 7525–V).

NOTE: 1. *License number.* When the number of an export license, Form FC–628, is correctly entered on the Declaration in column (10), the one entry of the complete number satisfies the requirements for inserting the "export license number" and the "issuance date" of the license. As explained in § 372.11, the digits immediately following the initial letter, although an inseparable part of the license number, conjointly indicate the issuance (or validation) date of the license, while the last five digits signify the validating sequence. (Examples of complete numbers for Form FC–628, Export License: A8–2–6–04051; B71125–34691; C8–212–64451.)

2. *Project licenses.* The license number of a Project License (see Part 374 of this subchapter) issued on Form FC–419 is the number appearing in the upper right corner of the document. The date of issuance appears in the lower right corner, in the space marked "For Official Use Only".

3. *Expiration date.* A separate entry is necessary to show the expiration date of the license on the Declaration form.

§ 379.7 *General authority of Collectors of Customs and Postmasters in clearing shipments*—(a) *Definitions.* "Collectors" means Collectors of Customs and other customs officials. "Postmasters" means Postmasters and other post office officials.

(b) *Scope of authority of Collectors and Postmasters.* Collectors and Postmasters are authorized and directed to take appropriate action to assure observance of the provisions of the Export Regulations, and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data being or about to be exported.

(c) *Waiver of presentation of license.* A Collector of Customs or Postmaster, upon specific authorization by the Bureau of Foreign Commerce, may waive the presentation of a license.

§ 379.8 *Types of actions which may be taken by Collectors.* The following types of actions, among others, are authorized to be taken by Collectors:

(a) *Examination of commodities*—(1) *Purpose of examination.* All commodities and technical data declared for export are subject to examination by customs officials for the purpose of verifying the commodity or technical data specified in the Declaration, and the value and quantity thereof, as well as to assure observance of the other provisions of the Export Regulations. The examination may be made in connection with commodities or technical data exported under a general license as well as a validated export license. It also may be made in connection with exportations to Canada. This examination is not limited to, but may take the form of, commodity identification, technical appraisal (analysis), or both.

(2) *Place of examination.* Examination of exportations shall be made at the place of lading or where the customs officials are stationed for that purpose.

(3) *Technical identification.* In those cases where, in the judgment of the Collector, the commodity or technical data cannot be properly identified, a sample may be taken for more detailed examination by customs appraisers or for chemical or other laboratory analysis. The shipment will not be delayed after sampling for completion of the analysis.

(4) *Sampling for technical identification*—(i) *Obtaining samples.* When sampling is required, the sample will be obtained by the customs official in accordance with the provisions for sampling imported merchandise. The size of the sample taken shall be the minimum representative amount necessary for identification or analysis and will depend on such factors as the physical condition of the material (whether solid, liquid, or gas), and the size and shape of the container.

(ii) *Notification of sampling to exporter and consignee.* The exporter (or his agent) and ultimate consignee shall be notified in each case where a sample is extracted for purposes of identification or analysis. Notification will be on Form IT– or FC–915, Notice of Retained Samples. This form shall be prepared by the customs official, showing the name of the port of exit, the date of sampling, Declaration number, license number (if any), mark and case numbers, amount of sample taken, manufacturer's number, and a description of the commodity. The form shall be prepared in triplicate. The original shall be placed in the opened package, box, crate, or other container; the duplicate shall be sent to the exporter or his agent; and the triplicate shall be retained by the Collector.

(iii) *Disposal of samples.* Samples withdrawn for analysis will be disposed of in accordance with the procedure followed by Collectors for disposing of samples of imported commodities.

(b) *Inspection of documents.* The Collector is authorized to require the owners and operators of exporting carriers or their agents, as well as the exporters or their agents, to produce for inspection or copying, invoices, orders, letters of credit, inspection requests, packing lists, shipping documents and instructions, correspondence, as well as any other relevant documents, and furnish other information bearing upon a particular exportation or commodity or technical data intended for export or removal from the United States and the identity and relationships of all participants therein.

(c) *Prohibiting lading.* The Collector is authorized to prevent the lading of commodities or technical data about to be laden on an exporting carrier whenever he has reasonable cause to believe such commodities or technical data are being exported or removed from the United States contrary to the provisions of the Export Regulations.

(d) *Inspection of exporting carrier.* The Collector is authorized to inspect and search any exporting carrier which is about to clear for a foreign destination at any time to determine whether commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(e) *Seizure.* The Collector is authorized, under Title 22 of the U. S. Code, section 401, et seq., to seize and detain any commodities or technical data whenever an attempt is made to export said commodities or technical data in violation of the Export Regulations or whenever he knows or has probable cause to believe that commodities or technical data are intended to be, or are being, or have been exported in violation of the Export Regulations. Seized commodities or technical data are subject to forfeiture.

(f) *Preventing departure of carrier.* The Collector is authorized, under Title 22 of the U. S. Code, section 401, et seq., to seize and detain, either before or after clearance, any vessel or vehicle or air carrier about to depart from a port or place in the United States for a foreign port or place either directly or via another port in the United States which has been or is being used in exporting or attempting to export any commodity or technical data intended to be, or being, or having been previously exported in violation of the provisions of the Export Regulations.

(g) *Ordering the unlading.* The Collector is authorized to unlade or cause to be unladen from any exporting carrier that is about to depart for a foreign destination commodities or technical data that have been laden thereon, whenever the Collector has reasonable cause to believe such commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(h) *Questioning of individuals.* The Collector is authorized to question the owners and operators of exporting carriers and their agents, as well as the exporters and their agents, concerning particular shipments of commodities or technical data exported or intended to be exported.

(i) *Ordering the return of commodities.* The Collector is authorized to order the owners and operators of exporting carriers and their agents to return commodities or technical data exported on such exporting carriers and make them available for inspection by the Collector when no adequate opportunity is afforded the Collectors to examine the commodities prior to lading and when departure of the carrier takes place prior to authentication of the Declaration.

§ 379.9 *Port of exit: Shipments leaving United States before final exportation from United States port*—(a) *Shipments leaving United States before final exportation from United States port.* Commodities which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final exportation to a foreign country will be treated as an export at the last port of exit from the United States.

(b) *Licenses valid for shipment from any port.* A license may be used for exportation from any port of exit from the United States subject to the jurisdiction of the United States unless the Bureau of Foreign Commerce shall otherwise provide.

(c) *Simultaneous shipments from different ports.* Simultaneous shipments from different ports of exit may be cleared for export under a single license by the Collector having possession of the license, through arrangements with the Collector at the other port or ports of exit, as provided in § 379.2 (e).

§ 379.10 *Destination Control*—(a) *Definition of Bill of Lading.* As used in this section, "Bill of Lading" means the contract of carriage and receipt for commodities issued by the carrier.

(b) *Country of ultimate destination.* The following provisions of this paragraph apply to all shipments made under a validated license. (For the carrier's responsibilities regarding general license shipments see §§ 379.10 (c), (d), (f), and (g), and §§ 371.4, 381.2, 381.3, 381.4 and 381.6 of this chapter.)

(1) No carrier by water, land, or air, nor any other person on behalf of any carrier, shall issue a bill of lading which provides for delivery of cargo subject to the provisions of this paragraph at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated Declaration.

(2) No carrier shall deliver such cargo at any other country at the request or option of either the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent.

(3) No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent: (i) Divert any cargo to any country of ultimate destination other than that named in the authenticated Declaration or in the Bill of Lading described in paragraph (c) of this section; (ii) request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Bureau of Foreign Commerce.

(4) No carrier of such cargo shall issue a Bill of Lading providing for delivery to the ultimate consignee named in the authenticated Declaration at optional ports where one of such optional ports is in a country not named as the ultimate country of destination in the license or Declaration, unless written authorization has been granted by the Bureau of Foreign Commerce. However, where the authenticated Declaration provides for delivery of cargo consisting of commodities subject to this paragraph to optional intermediate consignees located in ports in different countries, the carrier may issue a Bill of Lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on Declaration, bill of lading, and commercial invoices.* The provisions of this paragraph apply to (1) a shipment made under a general license where a Shipper's Export Declaration is required to be presented to the Collector of Customs, except for General Licenses GIT, G-PUB, GTDP, and GTDS; (2) a shipment made under a validated license.

NOTE: The provisions of § 379.10 (c) are inapplicable to shipments intended for consumption in Canada, since these exportations to Canada require neither a validated nor a general license. However, these provisions are applicable to shipments through Canada to other foreign countries.

(1) An appropriate destination control statement shall be entered on all copies of the Shipper's Export Declaration[6] presented for authentication to the Collector of Customs, in accordance with the provisions set forth below, for all shipments subject to the provisions of this paragraph.

(i) The following statement shall be entered on the Declaration covering an exportation under either a validated or general license, other than General Licenses GIT, G-PUB, GTDP, or GTDS, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration; unless, instead of this statement, an appropriate statement as provided in subdivisions (ii) or (iii) of this subparagraph has been entered.

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[6] Where the country of ultimate destination is Viet Nam, the destination control statement shall be filled in as required by § 373.68 of this subchapter regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

> These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities; however, the reexportation provisions of the Export Regulations (§§ 371.4 and 372.12 of this chapter) would permit the reexportation. Where this occurs, and permission to distribute or resell is requested by the foreign importer or any other party in possession of the commodities, the exporter, without obtaining written approval of the Bureau of Foreign Commerce, may inform the foreign importer or other party that distribution or resale may be made in accordance with the reexportation provisions where applicable. In all other instances, written approval shall be obtained from the Bureau of Foreign Commerce.

(ii) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below.

> These commodities licensed by the United States for ultimate destination ---------- and for distribution or resale in ----------. Diversion contrary to the United States law prohibited.

(a) If the exportation is made under a general license, other than General Licenses GIT, G-PUB, GTDP, or GTDS, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos[1] unless otherwise authorized by the United States". Where commodities listed in § 371.52 of this subchapter, "Commodities Destined to Poland (including Danzig) Which are Excepted from General License GRO", are exported to any destination under any general license, other than GIT, the destination control statement shall be changed to add Poland and Danzig to the list of excepted destinations.

(b) Where a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" may be deleted from the insertion in the last blank space of the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations included in the insertion in the last blank space of the above statement, the excepted destination may be deleted from the insertion in the last blank space provided that § 371.4 (b) of this subchapter permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement.

(c) If the exportation is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The Note following § 379.10 (c) (1) (i) is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (ii) is used.

(iii) (a) Where a shipment is made under a general license, other than General Licenses GIT, G-PUB, GTDP, or GTDS, the following statement may be entered on the declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph.

> United States law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos,[1] unless otherwise authorized by the United States.

(b) Where commodities listed in § 371.52 of this subchapter, "Commodities Destined to Poland (including Danzig) Which are Excepted from General License GRO", are exported to any destination under any general license, other than GIT, the destination control statement shown above shall be changed to add Poland and Danzig to the list of excepted destinations.

(c) If a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" may be deleted from the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations, the excepted destination may be deleted from the above statement provided that § 371.4 (b) of this chapter permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement.

NOTE: The Note following § 379.10 (c) (1) (i) is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (iii) is used.

(2) (i) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a Bill of Lading covering an exportation of a commodity with respect to which a Declaration has been authenticated by a Collector containing the applicable statement set forth in § 379.10 (c) (1), unless all copies of such Bill of Lading, including all nonnegotiable and office copies except as provided in subdivision (ii) of this subparagraph, shall contain the same statement.

(ii) In the case of shipments by air (other than airmail or air parcel post) the provisions of subdivision (i) of this subparagraph are applicable to: (a) Any Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment; or (b) any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment. The provisions of subparagraph (1) of this paragraph do not apply to a "Master" Air Waybill issued by a carrier to cover a consolidated shipment.

(3) No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this paragraph, unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the same destination control statement. This statement shall be an applicable statement as set forth in subparagraph (1) of this paragraph.

(4) No carrier shall release custody of a shipment of commodities covered by the provisions of this paragraph to any party (including agents, on-carriers, foreign customs officials, or any other person) without surrender by that party, to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (1) of this paragraph; unless simultaneously with release of the commodities the carrier delivers to such party a written copy of the destination control statement covering the shipment as contained on the copy of the Bill of Lading in the carrier's possession. The written statement shall identify the shipment by Bill of Lading number, name of carrier, voyage number, date and port of arrival. The carrier shall secure and retain either a signed receipted copy of such written statement or other equivalent written evidence of such statement.

(d) *Notice and prohibition against diversion.* (1) Whenever a commercial invoice shall be issued containing the destination control statement prescribed in paragraph (c) (1) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to (i) the ultimate consignee and the purchaser named in the authenticated Declaration; (ii) the intermediate consignee; and (iii) any other persons named in the invoice who are located in a foreign country. Nothing herein contained shall be construed to limit the persons or classes of persons to whom such invoices and Bills of Lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment; or, in lieu of a copy of the commercial invoice, may send a copy of the Bill of Lading containing the destination control statement prescribed in paragraph (c) (1) of this section.

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[1] The words "and Laos" may be deleted at the exporter's discretion.

(2) No person, including the ultimate consignee or intermediate consignee and any on-forwarding carrier, shall, after notification of the prohibition against diversion prescribed in paragraph (c) (1) of this section, whether by such invoice or Bill of Lading or by any other means, divert or cause to be diverted any of the commodities described in such Bill of Lading to any country of ultimate destination other than that named in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Bureau of Foreign Commerce, evidence of the sending of such invoice or Bill of Lading, or other form of notification of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof and of notification that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the Export Regulations shall be deemed to prohibit a carrier from unloading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated Declaration where, by reason of an act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, insurrection, or other causes beyond the control of the carrier set forth as standard provisions of the carrier's Bill of Lading, it is not feasible to deliver the cargo at the licensed port of destination. Whenever, because of the existence of any of the said causes, cargo is unloaded at a port in any other country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Bureau of Foreign Commerce. This report shall consist of a copy of the manifest of such diverted cargo, together with a statement of the place of unloading and the name and address of the person in whose custody the commodities were delivered.

(2) The exporter of such commodities shall, upon notice from the Bureau of Foreign Commerce of such diversion, promptly, and within 10 days, notify the Bureau of Foreign Commerce of the proposed disposition of the commodities.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities into the commerce of the country where unloaded without prior approval of the Bureau of Foreign Commerce. The carrier shall take steps to assure that such commodities are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated Declaration without such prior approval.

(g) *Indication of shipper's export declaration number on ship's manifest.* The carrier or its agent shall, on all copies of the outward foreign manifest which is filed with the United States Collector of Customs, indicate thereon, with respect to each shipment, the applicable Shipper's Export Declaration number assigned to each such shipment by the Collector.

INTERPRETATIONS

1. Q. When is a destination control statement required on shipping documents?

A. A destination control statement is required on the Shipper's Export Declaration, on the Bill of Lading[8] and on the commercial invoice for any exportation under the jurisdiction of the Department of Commerce, where a Shipper's Export Declaration is required, except intransit shipments under the authorization of General License GIT and shipments under General Licenses GTDP, GTDS, or G-PUB. Shipments intended for consumption in Canada are also exempted from the regulation. However, exportations from the United States moving via Canada to other foreign destinations are subject to the regulation.

2. Q. Why is a destination control statement not required for shipments made under General Licenses GTDP, GTDS, and G-PUB?

A. Since shipments made under General Licenses GTDP, GTDS, and G-PUB are authorized for exportation and reexportation to all destinations under the provisions of these general licenses (see §§ 371.4, 371.19 and 371.20), a destination control statement would be meaningless.

3. Q. Which shipping documents are affected by the destination control statement regulations?

A. Shipper's Export Declarations, Bills of Lading, and commercial invoices prepared and issued in the United States to cover exportations are the only shipping documents affected by the revised destination control provisions. Such documents as consular invoices, Inland Bills of Lading covering movements to port, letters of credit, ship's manifests, packing lists, dock receipts, and warehouse receipts do not require the destination control statement.

4. Q. Since the destination control statement serves primarily as a notification to the importer of the United States reexportation provisions that apply to a particular shipment of United States commodities, why is it necessary to enter a destination control statement on a Shipper's Export Declaration?

A. The destination control statement on the authenticated Shipper's Export Declaration enables the Collector of Customs to ascertain that the shipper is aware of the destination control regulations and that an appropriate statement has been or will be used on the Bill of Lading and commercial invoice.

5. Q. Who has the responsibility for assuring the entry of the destination control statement on the Shipper's Export Declaration, the Bill of Lading, and the commerical invoice?

A. The exporter has the primary responsibility whether or not he prepares all of these documents. If a forwarder, carrier, or other party prepares or issues these documents he also is responsible for seeing that a correct statement is placed on the documents.

6. Q. Who, other than the shipper, may insert the destination control statement on the Shipper's Export Declaration and the Bill of Lading?

A. The forwarding agent and carrier may insert the destination control statement on the Shipper's Export Declaration and the Bill of Lading.

7. Q. Where a freight forwarder, carrier, or other agent of the exporter prepares a Shipper's Export Declaration or a Bill of Lading without receiving a copy of the commercial invoice prepared by the exporter how will the forwarder or agent know which destination control statement to use?

A. Where the shipment is made under a validated export license, the appropriate statement to be used may be determined from the license. (See No. 8 below.)

For shipments made under a general license, an understanding must be reached between the exporter and his carrier, forwarder or other agent as to which destination control statement shall be used. This understanding may be reached at the initiative of either party and may be on the basis of a particular exportation or on a general basis. While a carrier has no obligation to determine which destination control statement, if any, is required on a Shipper's Export Declaration, he must see that the same destination control statement which appears on the Shipper's Export Declaration also appears on the corresponding Bill of Lading before the contract of carriage is issued. Since the primary purpose of this regulation is to provide advice to the importer with respect to the U. S. reexportation provisions which apply to the specific transaction, the effectiveness of the regulation will be lessened if one statement appears on the commercial invoice and a different statement appears on the Bill of Lading.

8. Q. Which destination control statement should be used for a shipment made under a validated export license?

A. If the face of the export license indicates that the commodities are licensed only for the country of ultimate destination the shipper may use the first statement (see § 379.10 (c) (1) (i)); or, if he desires to do so, he may use the second statement (see § 379.10 (c) (1) (ii)) with the word "none" inserted in the last blank space.

If the face of the export license indicates that the commodities are licensed for country of ultimate destination, and for distribution or resale to other countries the shipper should use the second statement with the names of the countries to which distribution or resale is authorized inserted in the last blank space. In all cases the countries shown in the last blank space shall include only those authorized on the face of the license.

9. Q. Which destination control statement should be used for a shipment under a general license?

A. Usually, the third destination control statement (see § 379.10 (c) (1) (iii)) will be the most appropriate for a shipment made under a general license since it includes a notice of the authority provided by § 371.4 to reexport to many destinations. However, any of the three destination control statements shown in § 379.10 (c) may be used at the exporter's option for a shipment made under a general license. Of course, the use of a statement more restrictive than required by the regulations may result in needless correspondence between the various parties to the transaction if the foreign customer subsequently requests permission to reexport to one or more destinations permitted under the Export Regulations. (See No. 15 below).

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[8] As used in this question and answer series, the term "Bill of Lading" includes the Air Waybill and any other type of contract of carriage issued by a surface or air carrier in connection with an export transaction.

10. Q. The third destination control statement applicable exclusively to general license exportations (see § 379.10 (c) (1) (iii)) reads:

"United States law prohibits distribution of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos, unless otherwise authorized by the United States."

May any of the destinations be deleted from this statement?

A. Yes. Where a shipment of commodities may be exported under the provisions of General License GHK, the destination, "Hong Kong," may be deleted from the above statement. Similarly, where a shipment of commodities may be exported under General License GLSA, both the destinations, "Hong Kong" and "Soviet Bloc," may be deleted from the above statement. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the destinations "Hong Kong" and "Soviet Bloc," may be deleted from the excepted destinations in the above statement. In addition, the words "and Laos" may be deleted at the exporter's discretion.

The deletion may be made by striking out or otherwise obliterating the "Soviet Bloc" or "Hong Kong," from statements where general licenses apply to these destinations for the commodity of reference.

11. Q. Is a destination control statement required on shipping documents covering exportations licensed by the Department of State, the Atomic Energy Commission, or other United States Government Agencies?

A. No. These destination control statement provisions apply only to the commodities within the export control jurisdiction of the Department of Commerce.

12. Q. Is a destination control statement required on a Railroad Through Bill of Lading covering an export shipment?

A. Yes. A destination control statement is required on a Railroad Through Bill of Lading, or any other Bill of Lading, prepared or issued in the U. S. providing for carriage of the goods either to an intermediate destination abroad or to the ultimate destination abroad except for those types of shipments which are not subject to the destination control statement provisions. (See Question No. 1.)

13. Q. Is a destination control statement required on a Bill of Lading which is not issued in the United States?

A. No. Only shipping documents prepared or issued in the United States are required to bear a destination control statement. However, a carrier exporting goods from the United States may not release custody of a shipment covered by a destination control statement to any party without surrender by that party, to the carrier, of a copy of the Bill of Lading bearing on its face the applicable clause—unless, simultaneously with release of the commodities, the carrier delivers to such party a copy of the destination control statement covering the shipment as described on the copy of the Bill of Lading in the carrier's possession. In addition, any person, including the ultimate consignee or intermediate consignee and any on-forwarding carrier, after receiving notification of the prohibition against diversion, is prohibited from diverting a shipment in contravention of the destination control statement.

14. Q. Where an ocean Bill of Lading is issued in Canada to cover shipment from Canada to another foreign country of U. S. origin goods which moved to Canada on a Bill of Lading issued in the United States, must the Bill of Lading issued in Canada carry a destination control statement?

A. (See answer to question No. 13.)

15. Q. How may a U. S. exporter answer a request from a foreign customer for permission to reexport a shipment of U. S. origin goods where the destination control statement covering the shipment appears to prohibit such reexportation?

A. If the proposed reexportation is authorized by the reexportation provisions of the Comprehensive Export Schedule (see §§ 371.4 and 372.12 of this chapter), the U. S. exporter may notify his foreign customer, without consulting the Bureau of Foreign Commerce, that reexportation is authorized by the Bureau of Foreign Commerce.

Example: A foreign purchaser in France has received a shipment of candy, Schedule B. No. 16340, from a United States exporter under General License GRO. The Bill of Lading and commercial invoice received by the purchaser carry the destination control statement shown in § 379.10 (c) (1) (iii) which is used exclusively for general license shipments and which prohibits reexportation to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam unless otherwise authorized by the United States. The French firm informs the United States exporter that it wishes to reexport the candy to a Soviet Bloc country in Europe. The U. S. exporter may notify the French firm that the Bureau of Foreign Commerce authorizes reexportation to the European Soviet Bloc under the provisions of § 371.4 of this chapter, since candy is on the list of commodities which may be shipped direct from the United States to the European Soviet Bloc under General License GLSA.

If a foreign purchaser requests permission to reexport a shipment of U. S. commodities, and the proposed reexportation is not authorized by the provisions of §§ 371.4 or 372.12 of this chapter, or on the face of the license issued to the U. S. exporter, the shipment may be reexported only on the basis of special authorization issued to the United States exporter (or on occasion to a carrier or through a United States Embassy or Consulate or to the importer) by the U. S. Department of Commerce.

Exporters are cautioned that advice to their foreign customers regarding reexportation of U. S. commodities should be confined to specific request in connection with a specific shipment and should not be given on a "blanket" basis in advance. The Bureau of Foreign Commerce takes this position primarily because U. S. regulations are subject to constant change, a fact which could result in causing "blanket" advice to become obsolete. Furthermore, a U. S. exporter is held responsible for any incorrect or misleading advice which he gives to foreign parties concerning U. S. export control regulations.

16. Q. May a destination control statement be preprinted on Shipper's Export Declarations, Bills of Lading, or commercial invoices?

A. Yes. However, not more than one of the three destination control statements in § 379.10 (c) may be preprinted on any one of these documents. Only one statement should appear on any document which the foreign parties in the transaction see. Complete obliteration of additional statements appears impractical. In addition, the incidence of error on the part of exporters, freight forwarders, and carriers with respect to selection of the correct statement for the specific transaction would be materially increased if more than one preprinted statement appeared on the document. Whenever such errors occurred, foreign parties would receive conflicting instructions on the commercial invoice and the Bill of Lading. This would substantially lessen the effectiveness of the regulation, since the importer would lose the benefit of precise and explicit instructions with respect to U. S. reexportation regulations as they apply to his specific transaction.

17. Q. Is there any requirement regarding the size, style, and color of the type used for destination control statements entered on shipping documents?

A. The destination control statement must be clearly legible. Otherwise there is no restriction with respect to the size, style, or color of the type used.

18. Q. May a rubber stamp be used to enter the destination control statement on the Shipper's Export Declaration, the Bill of Lading and the commercial invoice?

A. Yes.

19. Q. Do the destination control statement provisions apply to shipments to such territories and possessions of the United States as Puerto Rico or the Panama Canal Zone?

A. No. While the Bureau of the Census requires Shipper's Export Declarations in order to obtain statistical information regarding shipments to certain territories and possessions of the United States, these shipments are not exportations controlled by the Bureau of Foreign Commerce, and therefore the destination control statement is not required.

20. Q. Do the destination control statement provisions apply to exports by mail?

A. The destination control statement provisions apply to all exportations by mail for which a Shipper's Export Declaration is required. However, since Bills of Lading are not issued for exports by mail, a destination control statement is required only on the Shipper's Export Declaration and the commercial invoice.

21. Q. When does a shipment moving intransit through the United States require a destination control statement?

A. An intransit shipment made under a United States validated export license requires a destination control statement. An intransit shipment made under General License GIT does not require a destination control statement.

22. Q. Do the revised destination control provisions apply to shipments of CCC surplus agricultural commodities?

A. Yes. One of the three destination control statements shall be used.

23. Q. What steps will the Collector of Customs take in seeing that the destination control statement appears on the Shipper's Export Declaration, the Bill of Lading and on the commercial invoice?

A. Although Collectors of Customs will not require the presentation of the Bill of Lading and the commercial invoice in each instance (except Airway Bills in the case of air shipments) they will check the destination control statement on all Shipper's Export Declarations submitted for authentication. They will require presentation of the Bill of Lading and the commercial invoice whenever they deem it appropriate to insure compliance with the destination control regulations and with respect to compliance otherwise.

24. Q. If one Bill of Lading is issued for two or more individual shipments and two or more destination control statements are applicable to these shipments, how should the statements be entered?

A. The applicable destination control statement should be entered beneath each shipment or group of shipments to which it applies. However, in some cases a Bill of Lading may use a single freight tariff classification to describe several commodities which, for export control purposes, require the use of more than one form of the destination control statement. If in such a case it is impracticable to attempt to separate the commodities on the Bill of Lading into the different export control groups and enter the appropriate destination control statement below each group, the most restrictive form of statement applicable to any of the group may be used on the Bill of Lading for the entire shipment. The commercial invoice and Shipper's Export Declaration should, nevertheless, segregate the commodity groups and contain the proper destination control statement for each group. As an example, where a shipment of ball bearings, Schedule B No. 76910, is licensed to the country of ultimate destination only, the first destination control statement set forth in § 379.10 (c) (1) (i) is applicable. Where a shipment of knee action springs, Schedule B No. 79262, is licensed to the same ultimate destination and authorization for resale and distribution in certain other specified countries is granted in connection with the issuance of the license, the second destination control statement set forth in § 379.10 (c) (1) (ii) is applicable. Where a shipment of shock absorbers, Schedule B No. 79170, is being exported to the same destination under General License GRO, the third destination control statement set forth in § 379.10 (c) (1) (iii) is applicable. In this instance, all of these "mixed" commodities may be shown on one Bill of Lading under the single tariff classification, "automotive parts". Where this classification is used on the Bill of Lading, the destination control statement which applies to the shipment of ball bearings shall be entered on the Bill of Lading for the entire shipment since this is the most restrictive of the applicable statements.

[illegible] Q. What countries are included in the term "Soviet Bloc" as used in the destination control statement?

A. As used in the destination control statement, the term "Soviet Bloc" means all destinations listed in the Subgroup A country designation (see § 371.3 (a) (2) for destinations covered by Subgroup A). It will be noted that Poland (including Danzig) and Yugoslavia are not included in Subgroup A.

(h) *Conformity of export control documents.* (1) As used in this paragraph, "licensed exporter" means the person named as "exporter," and "licensed ultimate consignee" means the person named as ultimate consignee, in an authenticated Shipper's Export Declaration covering a validated license shipment.

(2) The rules of conformity set forth below shall apply to any shipment under a validated export license, except that in the case of shipments by air, other than air mail or air parcel post, the conformity rules do not apply to a consolidated "Master" Air Waybill. However, the rules of conformity do apply to any individual Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment and to any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment.

(i) The validated export license, the authenticated Declaration, and the outbound Bill of Lading covering the same export shipment must be consistent with one another.

(ii) The Bill of Lading is not consistent if it contains words or a statement indicating that the shipment is in transit to a different country of ultimate destination from the country of ultimate destination named in the authenticated Declaration, such as consigning the shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or consigning the shipment to a free zone or free port when it is known or there is reasonable cause to believe that the shipment is not for consumption in the country in which the ultimate consignee is located.

(iii) The Bill of Lading is not consistent if it names as shipper any person other than the licensed exporter or his duly authorized forwarding agent. Where shipments from more than one exporter are consolidated on a single Bill of Lading, the shipper named on the Bill of Lading must also appear as the authorized forwarding agent for each licensed exporter on each Declaration.

(iv) In the case of negotiable Bills of Lading (i. e., "order" Bills of Lading) the Bill of Lading is deemed consistent only if:

(*a*) The name and address of the licensed ultimate consignee are shown in the body of the Bill of Lading under the caption "licensed ultimate consignee and notify party" or in the case of the Air Waybill under the caption "also notify." Where shipments to more than one licensed ultimate consignee are consolidated on one Bill of Lading and the names of all licensed ultimate consignees are not shown in the body of the Bill of Lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the goods to the licensed ultimate consignees must appear on the Bill of Lading, the export license, and the Declaration. Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on the validated license, or does not appear on the license, an amendment of the license is necessary even though the intermediate consignee is in the same country as the ultimate consignees;

(*b*) The consignee or order party named in the Bill of Lading is named in the authenticated Declaration; and

(*c*) The Bill of Lading provides for delivery of the shipment (cargo) at a port located in the country of either the ultimate consignee or intermediate consignee named in the authenticated Declaration.

NOTE: As indicated in § 379.10 (h) (2) (iv) above, the Bill of Lading may consign the commodities covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder or other intermediary), or to the order of purchaser (if not the same as the licensed ultimate consignee).

An "order" Bill of Lading issued in the above form constitutes a representation on the part of such shipper that the commodities covered by the validated license, authenticated Declaration, and Bill of Lading are ultimately destined to such ultimate consignee, that the document has not been used for the purpose of evading the terms and conditions of the validated license, and that pursuant to the contract of carriage, the commodities will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the authenticated Declaration.

(v) On Bills of Lading the commodities may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the authenticated Declaration and validated export license.

(vi) No carrier shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure, a Bill of Lading which is contrary to the provisions of this paragraph, and Collectors are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

(vii) If the carrier's outward foreign manifest which is filed with the U. S. Collector contains names of shippers or consignees, these names must not be inconsistent with the names shown on the Bill of Lading (or authenticated Declarations).

§ 379.11 *Return or unloading of cargo at direction of Department of Commerce*—(a) *Exporting carriers.* (1) As used in this section, the term "exporting carrier" includes connecting or on-forwarding carriers, as well as the owner charterer, agent, master, and any other person in charge of the vessel, aircraft, or other kind of carrier, whether such persons are located in the United States or in a foreign country.

(2) The Bureau of Foreign Commerce or any United States Collector of Customs, where there are reasonable grounds for believing that a violation of the Export Regulations has occurred or will occur with respect to a particular exportation from the United States, may order any exporting carrier carrying such shipment, or which is otherwise in possession or control thereof, to return or unload the shipment. Such exporting carriers shall as ordered either (i) return such shipment to the United States or cause it to be so returned, or (ii) unload such shipment at a port of call and take steps to assure that such shipment is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Bureau of Foreign Commerce. For the purpose of this section, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

(3) The provisions of § 379.10 (f), relating to reporting, notification to the Bureau of Foreign Commerce, and the prohibition against unauthorized delivery or entry of the commodity into a foreign country, shall apply also to commodities directed to be unloaded at a port of call, as provided in this section.

(b) *Notification.* Upon discovery by an owner, agent or other person included within the term "exporting carrier," as defined in paragraph (a) of this section, that a violation of the Export Regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify the Bureau of Foreign Commerce, Department of Commerce, Washington

25, D. C., and the person in actual possession or control of the shipment.

NOTE: 1. *Customs regulations.* Section 379.11 in no wise relieves exporting carriers of their responsibilities under regulations of the Bureau of Customs (particularly under U. S. Code, Title 46 sections 91 and 92).

2. *Commodities returned to United States.* Commodities returned to the United States pursuant to § 379.11 are required by customs regulations to be removed from the dock or pier where deposited within 48 hours, or the commodities will be placed in storage with charges leviable against the commodities.

§ 379.12 *Other applicable laws and regulations.* Nothing contained in this part shall relieve any person from complying with the applicable provisions of any other law of the United States or rules and regulations issued thereunder, including those governing Declarations and manifests.

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Sec.

380.1 Transfer of license.
380.2 Amendments or alterations of licenses.
380.3 Price amendments on pending license applications.
380.4 Extending of licenses.

AUTHORITY: §§ 380.1 to 380.4 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 380.1 *Transfer of licenses*—(a) *Authorization.* Export licenses shall not be transferred except by prior written authorization of the Bureau of Foreign Commerce. Transfer of export licenses may be effected only by amendment of the original license, except as otherwise provided in this section, and only upon request of the original licensee.

(b) *When transfer may be granted.* A transfer of a validated license may be granted in any case to a transferee subject to the jurisdiction of the United States who is a principal party in interest and who will assume all powers and responsibilities under the license for the control of the shipment of the goods out of the United States. Only one transfer of the same license will be approved under this section.

(c) *Information from transferor and form of request*—(1) *Transfer of less than 15 licenses.* (i) In requesting transfer of less than 15 outstanding licenses (except Project licenses) (for amendments of Project licenses, see § 374.3 of this chapter), the licensee must submit:

(*a*) A completed Form IT– or FC–763, Request for and Notice of Amendment Action, in triplicate, for each license(s).

(*b*) The original license(s) if held by the licensee.

(*c*) A signed letter from the person or firm to whom the license(s) is to be transferred as required by paragraph (d) of this section.

(*d*) The following certification:

The undersigned hereby certifies that, if license number(s) ______ is (are) transferred in accordance with my (our) request, any and all documents evidencing the order covered by this (these) license(s) will be retained by me (us) for three years from the date of this certification and will be made available upon demand. The undersigned will promptly report to the Bureau of Foreign Commerce any material or substantive changes in the terms of the order and any other facts of the export transaction known or reported to the undersigned at any future time by any party to the export transaction.

____
(Signature of transferor)

____
(By)

____
(Title)

____
(Date)

(ii) When setting forth reasons for the requested transfer in the item entitled "Facts Necessitating Amendment" of Form IT– or FC–763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in the item entitled "Amend License to Read as Follows" of Form IT– or FC–763.

(iii) If the original license(s) is being held by a Collector of Customs at the time the licensee submits the request for transfer, he must show in the item entitled "License Has Been Deposited With" of Form IT– or FC–763, the address of the Collector with whom the original license(s) has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IT– or FC–763, showing in the item entitled "Return Copy of Amendment Notice To," of one copy the name and address of the original licensee and on the additional copy the name and address of the person to whom the license is to be transferred. This additional triplicate (yellow) copy of Form IT– or FC–763 will be used for notifying the transferee of the action taken.

(2) *Transfer of 15 or more licenses.* Where the licensee requests a transfer of 15 or more outstanding licenses, the request must be made in the form of a letter to the Bureau of Foreign Commerce setting forth the following:

(i) Either a list of the Bureau of Foreign Commerce case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred and indicating the total number of such outstanding licenses.

(ii) A listing showing the Bureau of Foreign Commerce Case Numbers of applications for export licenses pending in the Bureau of Foreign Commerce which are to be transferred.

(iii) The name and address of the proposed transferee.

(iv) Facts necessitating transfer.

(v) A statement of whether or not any consideration has been or will be paid for the transfer.

(vi) The certification set forth in subparagraph (1) (i) (*d*) of this paragraph.

(3) *Additional proof.* In addition to the information required under subparagraphs (1) and (2) of this paragraph, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document, and the state where filed or recorded.

(d) *Information from transferee.* The request for transfer from the original licensee must be accompanied by a signed letter from the person to whom transfer is to be made as follows:

(1) In those cases where the transfer is requested because the license is desired for use by a subsidiary or parent corporation of the licensee, or where the entire or a substantial portion of the assets or business of the licensee has been sold or transferred to the new exporter, the transferee must certify that the legal document or authority under which the change of exporter is effected authorizes and imposes the responsibility on the transferee of accepting and fulfilling the legal obligations of the transferor under the transactions covered by the license to be transferred.

(2) The transferee is a principal party in interest in the transaction covered by the license or is acting as agent for a principal party in interest.

(3) The transferee is subject to the jurisdiction of the United States.

(4) The transferee assumes all powers and responsibilities under the license for the control of the shipment of the goods out of the United States.

(5) Whether any consideration has been or will be paid for the transfer.

(6) If the transferee will make the exportation as agent on behalf of a foreign principal, the name and address of that foreign principal must be stated.

(e) *Notification*—(1) *Notification of amendment action.* On an approved request for the transfer of less than 15 licenses, the Bureau of Foreign Commerce will validate all copies of Form IT– or FC–763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation. The duplicate will be forwarded as the official notice of amendment to the Collector of Customs designated in the item entitled "License Has Been Deposited With". The triplicate will be forwarded to the individual named in the item entitled "Return Copy of Amendment Notice To" of Form IT– or FC–763. If the request is rejected, the reason(s) therefor will be indicated in the upper right corner, and the triplicate copy returned to the applicant.

(2) *Notification of blanket authority.* Upon approval of a request by the licensee to transfer 15 or more outstanding licenses, the Bureau of Foreign Commerce will issue a blanket authorization and notification to Collectors of Customs that shipments may be cleared for export against such licenses when presented by the transferee. The transferor and transferee will be notified by letter of the blanket authorization.

§ 380.2 *Amendments or alterations of licenses*—(a) *Persons authorized to amend licenses.* No amendments or alterations of outstanding export licenses may be made except by the Department of Commerce or by Collectors of Customs or Postmasters acting under specific instructions from the Department of Commerce.

(b) *General provisions.* The Bureau of Foreign Commerce will consider for approval a request for amendment of an outstanding export license submitted for the purpose of conforming such license to changes which have taken place in the original transaction covered by that license. However, an amendment will not be approved to effect a change of such significance as to constitute a new transaction. Such transactions must be covered by a new license application.

(c) *Changes requiring a new license application.* In general, changes of the following types will be deemed to be of such substance as to constitute an essentially new transaction and therefore require a new application for an export license:

(1) Country of ultimate destination.

(2) Ultimate consignee (except as indicated in paragraph (d) (2) of this section).

(3) Commodity to be exported.

(d) *Changes by amendment.* The changes which may be made by amendment to an outstanding export license include, but are not limited to, the following items:

(1) Purchaser (provided the change in purchaser does not also effect a change in ultimate consignee).

(2) Ultimate consignee, if the change is made (i) to identify correctly the same ultimate consignee named in the license, or (ii) to add one or more new consignees to an outstanding Periodic Requirements (PRL) license or a Blanket (BLT) license, or (iii) to designate a new consignee when the purchaser instructs that shipment be made direct to the ultimate user, provided that all documents required from the ultimate user, such as consignee/purchaser statement, are submitted to the Bureau of Foreign Commerce either with the original application or with the amendment request.

(3) Intermediate consignee, (i) if the new intermediate consignee is located in any country other than the country of ultimate destination shown on the export license; or (ii) if the new intermediate consignee is located in the country of ultimate destination and an amendment request is submitted in accordance with the provisions of § 379.10 (h) (2) (iv) of this chapter; or (iii) if pursuant to notice from the Bureau of Foreign Commerce, in any case, the Collector of Customs requires the submission of an amended license showing the new intermediate consignee.

(4) Increase in quantity or price (see paragraph (i) of this section).

(5) Extension of the validity period of the license (see § 380.4).

(6) Correction of a clerical error on the part of the Bureau of Foreign Commerce.

(7) Correction of a clerical error on the part of the applicant for an export license of a type not covered by paragraph (e) of this section.

(8) Change of licensee (in accordance with the provisions relative to the transfer of licenses set forth in § 380.1.

(9) Decrease in quantity of commodity included in § 373.81 of this chapter.

(e) *Changes which require neither amendment nor new license.* The following changes do not require either a new license or an approved amendment, or any other notification to the Bureau of Foreign Commerce:

(1) Change in applicant's reference number.

(2) Decrease in unit price or total value.

(3) Other changes in price (see paragraph (i) (3) of this section).

(4) Change in intermediate consignee if the new intermediate consignee is located in the country of ultimate destination as shown on the export license, except a change in or addition of an intermediate consignee involving a consolidated shipment (see § 379.10 (h) (2) (iv) of this chapter), or pursuant to notice from the Bureau of Foreign Commerce, in any case, a change of intermediate consignee for which the Collector of Customs requires an amended license.

(5) Change in address of purchaser or ultimate consignee, provided that the new address is located within the same country shown on the export license.

(6) Change in Schedule B number, unit of quantity, or wording of the commodity description where necessary only for the purpose of conforming to an official revision of "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States" made by the Bureau of the Census after the license is issued but before shipment is made. This provision does not permit any change to be made which effects an actual change in the commodity or the quantity licensed.

(f) *Where to file*—(1) *General.* All requests for amendments to licenses may be filed with the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. However, certain types of amendments described in paragraph (f) (2) of this section may be requested from the following named field offices of the Department of Commerce:

Boston.
Chicago.
Cleveland.
Dallas.
Detroit.
Houston.
Jacksonville.
Los Angeles.
Miami.
New Orleans.
New York.
Philadelphia.
Portland, Oreg.
San Francisco.
Savannah.
Seattle.

(2) *Amendment requests on which field offices may take action.* With the exceptions set forth in subparagraphs (3) and (4) of this paragraph, the Department of Commerce field offices listed in subparagraph (1) of this paragraph are authorized to take action on requests for amendment of licenses of the following types only:

(i) Extension of validity period.

(ii) Correction of certain types of obvious errors due to mistakes in typing licenses, such as misspelled words, errors in price extension or computation, and errors in unit of quantity (provided the correction does not change the total quantity).

(iii) Change of quantity or dollar value required as a result of factors beyond the control of the licensee, such as unforseen overruns of the mill. Field offices of the Department of Commerce are limited in their approvals of such amendment requests, however, to specified small percentage increases in the licensed quantity or dollar value.

(iv) Change of licensee's address.

(v) Change in intermediate consignee or addition of intermediate consignee (see §§ 379.10 (h) (2) (iv) and 380.2 (d) (3) of this chapter).

(3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the following conditions. All such requests shall be filed with the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(i) Requests for amendment of licenses covering exportations to Macao or Subgroup A countries, unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

(ii) Requests for amendment of licenses where the intended port of exit is not known to the licensee.

(iii) Requests for amendment action on shipments which have already been laden aboard the exporting carrier or exported (see paragraph (h) (2) of this section).

(iv) Request for amendment, other than extension of the validity period, of a license covering copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, including nickel silver (German silver) scrap, Schedule B No. 64400.

(v) Requests for amendments or extension of licenses for iron and steel scrap (other than tin-plated and terneplated scrap), Schedule B Nos. 60030, 60040, 60050, 60060, 60065, 60075, and 60085), except shipments of iron and steel scrap to Mexico or where "offshore" scrap is to be exported.

(vi) Requests for amendments, other than extension of the validity period of a license covering nickel scrap containing 95 percent or more nickel, Schedule B No. 65460.

(vii) Decrease in quantity of commodity included in § 373.81 of this chapter.

(4) *Duplicate requests covering same license.* Requests for amendments shall not be submitted to or acted upon by any field office of the Department of Commerce if an amendment request covering the same license is currently pending action or has been previously denied by the Washington office of the Bureau of Foreign Commerce, or by any other field office.

(g) *Procedure for submitting requests for amendments*—(1) *Number of copies.* Requests for amendments shall be submitted on Form IT– or FC–763, Request for and Notice of Amendment Action, in triplicate. However, when such requests are filed with one of the above-named field offices, a fourth copy shall be submitted; this fourth copy may be made on plain, thin, white paper.

(2) *Information required.* All numbered items shown on Form IT– or FC–763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in the item entitled "Facts Necessitating

Amendment" of the form. (For amendments to an export license covered by an Import Certificate, a Swiss Blue Import Certificate, a Hong Kong Import License, a Yugoslav End-Use Certificate or an Ultimate Consignee and Purchaser Statement, see paragraphs (j) and (k) of this section.)

(ii) The licensee must not in any case retain the license when submitting a request for amendment. Where shipments are to be made through customs, the address of the Collector with whom the license has been deposited must be entered in the item entitled "License Has Been Deposited With" of Form IT– or FC–763. If the exporter does not know the intended port of exit, he shall return his license to the Bureau of Foreign Commerce with his request for amendment on Form IT– or FC–763; in which case, the applicant shall enter the word "Unknown" in answer to this item on the form. A Postmaster or postoffice address, from which a shipment will be made by mail, is not an acceptable entry for this item. When shipment is to be made by mail, the license must accompany the request for amendment.

(iii) In completing the item entitled "Amend License to Read as Follows," the applicant must identify that portion of the license upon which amendment is requested and insert the proposed change. In addition where the amendment request applies to a license issued prior to January 1, 1958, and involves a change in quantity licensed, it shall show this requested change in terms of the unit of quantity in which the license was issued and, if different, in terms of the unit of quantity specified in the 1958 edition of Schedule B.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the license, shall be placed on the original[1] of Form IT– or FC–763, in the space provided. When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarder, attorney, or any other individual so authorized, he shall sign the request by entering the licensee's name and underneath his own signature prefixed by the word "by" and followed by his own title.

For example:

Joseph Aloysius Jones
By: Hamilton Newbold,
Agent.

(4) *Telegraphic requests.* Under emergency conditions, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be forwarded to the Collector of Customs by telegram or telephone, the cost of the telegraphic or telephonic message being charged to the licensee. In such instances, the telegram shall include the same information required to complete Form IT– or FC–763, and, in addition, full information as to the necessity for such type of service, including deadline dates. If the request is submitted by mail on Form IT– or FC–763, but emergency clearance is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, shall accompany the request for amendment.

(5) *Telephone requests.* Under emergency conditions, a request for amendment may be made by telephone and the licensee may include therein a request that the amendment, if approved, be transmitted to the Collector of Customs, by telegram or telephone, the cost of the telegraphic or telephonic message being charged to the licensee. In such instances, the applicant shall supply the Bureau of Foreign Commerce with sufficient justification for the request and detailed information necessary for the completion of Form IT– or FC–763. If the amendment is approved, the Bureau of Foreign Commerce will so advise the applicant and the Collector. However, before the Collector will release the shipment under the amended license, the applicant must file a completed and signed Form IT– or FC–763 with the Collector.

NOTE: Requests for amendments by letter will not be accepted.

1. *Licenses held by Collectors. Amendment action by the Bureau of Foreign Commerce, Washington, D. C.:* On an approved request, the Bureau of Foreign Commerce will validate all copies of Form IT– or FC–763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation. The duplicate copy will be forwarded as the official notice of amendment to the Collector designated in the item of the form entitled "License Has Been Deposited With". The triplicate copy will be forwarded to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—". If the request is rejected, or returned without action, the reason(s) therefor will be indicated in the upper right corner, and the triplicate copy returned to the applicant. Upon request, and where warranted, advice of an amendment action will be dispatched by collect wire to the applicant and (in the case of approved requests) by special communication to the Collector; copies of Form IT– or FC–763 then will be mailed in the usual manner and serve as confirmation of wire advices.

Amendment action by field offices: Amendments approved by Department of Commerce field offices will be validated in a different manner than those approved by the Washington office of the Bureau of Foreign Commerce. The facsimile of the Department of Commerce seal and the name of the field office will be inserted in the space marked "Validation" by means of a validating machine and plate. To complete the validation process, the amending officer will sign and date Form IT– or FC–763. The Collector's copy of the approved form will be sent to the appropriate Collector by official transmittal as the official notice of amendment. A confirmation copy will be sent to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—". In case of rejection or return without action, the amending officer will; in the spaces provided, indicate rejection or return without action, sign, date, identify the field office, and give reasons for such action; a confirmation copy will be sent to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—".

When an amendment request involves shipment by mail, the field office shall return to the applicant (a) the validated duplicate (Collector's copy) of Form IT– or FC–763; (b) the triplicate (applicant's copy); and (c) the export license (Form FC–628). It will be the responsibility of the licensee or his authorized agent to present the license and the validated Form IT– or FC–763 to the Postmaster at the time of mailing.

2. *Licenses sent to Bureau of Foreign Commerce.* In those cases where the intended port of exit is unknown and the license accompanies Form IT– or FC–763, the Bureau of Foreign Commerce, on an approved request, will prepare a new license and forward it to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—". However, if the amendment requested is for an extension of the validity period, such amendment will be made by typing a new expiration date on the face of the original license.

3. *Where to obtain Form IT– or FC–763.* Form IT– or FC–763 is set up in pads of quadruplicates so as to provide a copy for the applicant's file. Sets of the forms may be obtained by writing to any field office of the Department of Commerce.

(h) *Disclosure on amendment requests of prior action on the shipment*—(1) *Prior detention of commodities by customs.* Any exporter or his agent making application to the Bureau of Foreign Commerce for an amendment of an export license, who shall know or have reasonable cause to believe that a Collector of Customs has detained commodities which would be exportable under such license, as amended, shall disclose to the Bureau of Foreign Commerce at the time of applying for such amendment the fact that the Collector has detained the commodities. Any amendment obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

(2) *Prior exportation without a license.* No request for amendment to an export license shall be submitted to the Bureau of Foreign Commerce covering a shipment that is already laden aboard the exporting carrier or exported. In such cases where the shipment should have been authorized by a validated license, or amendment thereto, the exporter should send a letter or wire to the Export Control Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., Att'n: FC–2040, explaining why a validated license (or amendment thereto) was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the amendment request (Form IT– or FC–763). The Bureau of Foreign Commerce will inform the exporter of its action and instructions to him in the matter by letter. Any amendment covering such shipments obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

NOTE: See § 372.8 of this chapter and § 380.4 (c) with respect to license applications and extensions of validity periods of licenses to authorize shipments described in § 380.2 (h).

(i) *Price amendments*—(1) *Time for submission.* Request for amendment of a license to effect a change in price may be submitted at any time during the validity period of the license.

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[1] Notwithstanding instruction No. 5 on the reverse side of Form IT– or FC–763, the duplicate copy need not be signed.

(2) *Necessary amendments to show price changes.* Except under the conditions described below, an export license shall be amended for; (i) Any upward change in unit price or total value shown on the license, if the commodity is licensed by dollar value (those commodities on the Positive List of Commodities (§ 399.1) or on "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States" which do not show a specific unit of quantity are licensed by dollar value); or, (ii) an upward change in unit price or total value in excess of 25 percent beyond that shown on the license, if the commodity is licensed in units other than dollars:

(*a*) Where the licensee avails himself of permissible weight and volume tolerances (see § 379.2 (h) of this chapter). In such cases, the total value for the commodity shown on the Shipper's Export Declaration may exceed the total value shown on the license. However, the unit value shown on the license may not be increased, except in accordance with this subparagraph.

(*b*) Where price increases can be justified before the Collector of Customs on the basis of changes in point of delivery, port of exit, or as a result of transportation costs, drayage, port charges, warehousing, etc.

(*c*) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license.

(3) *Additional price changes for which amendments are not required.* Export licenses need not be amended to show changes in unit or total value where the change involves a reduction in prices; provided that when commodities are licensed in quantities determined only by dollar value indicated on the license, the value shown on the Declaration shall not exceed the total value shown on the license. Shipments against such licenses will be charged in terms of dollars as shown on the Declaration.

NOTE: 1. Where the Positive List does not indicate a unit of quantity for a specific commodity, the commodity shall be deemed to be licensed in quantities determined by dollar value only, even though a unit of quantity is shown on the license. In such instances, any increase in total dollar value must be made by amendment as provided for under § 380.2 (i) (2). Shipments against such licenses will be charged in terms of dollars as shown on the Declaration and the value shown on the Declaration shall not exceed the total value shown on the license.

2. When commodities are licensed in quantities determined only by the dollar value indicated on the license, price increases, transportation and warehousing charges, etc., occurring between the date of validation of the license and the date of the Declaration may have the effect of reducing the physical quantity which may be exported.

(j) *Licenses covered by an Import Certificate, a Swiss Blue Import Certificate, a Hong Kong Import License, or a Yugoslav End-Use Certificate.* A request for an amendment of an export license covering a commodity subject to the Import Certificate procedure (§ 373.2 of this chapter), the Swiss Blue Import Certificate procedure (§ 373.67 of this chapter), the Hong Kong Import License procedure (§ 373.69 of this chapter), or the Yugoslav End-Use Certificate procedure (§ 373.70 of this chapter), which proposes a change in any party to the transaction named on the license or any increase in the net quantity set forth on the license, shall be accompanied by a new or appropriately amended document if the proposed amendment is not in accordance with the document previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted document, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license No. ------, if granted, will not exceed the total quantity authorized under the ------------------------ (Import
(Name of country)
Certificate) or (End-Use Certificate No. ------) (Import License).
(Strike out inapplicable title of form)

(k) *Licenses covered by consignee statements.* (a) A new Consignee and Purchaser Statement Form FC–842 or FC–843, shall accompany a request for an amendment of an export license which proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Bureau of Foreign Commerce.

(b) A new Single Transaction Statement by Consignee and Purchaser Form FC–842 or a letter, wire or cable from the ultimate consignee and purchaser if applicable confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Single Transaction Statement by Consignee and Purchaser Form FC–842 previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted Form FC–842, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number ------, if granted, will not exceed the total covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

Where the export license is based on a Multiple Transactions Statement by Consignee and Purchaser, Form 843 an additional Form FC–843 is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the request for amendment:

I (We) certify that the license(s) described in item 2 (a) is supported by a Multiple Transactions Statement.

§ 380.3 *Price amendments on pending license applications.* Requests for amendment of a pending license application to effect a change in price may be submitted at any time, except that if a time schedule for submission of the license application has been established (see § 373.81 of this chapter), the request may be submitted only during such period. The amendment procedure set forth in § 380.2 of this chapter shall be followed with respect to these requests. The request shall include the applicant's reference number, date of application, commodity, country of destination, the BFC Case Number if known for the purpose of identifying the application, the revised price, and reasons for the price change.

§ 380.4 *Extension of licenses*—(a) *Time for submission of requests.* Licensees may submit requests for extension of the validity periods of licenses which expire before shipment has been made. It is essential that the request for extension be submitted sufficiently in advance of the expiration date to allow the Bureau of Foreign Commerce to send an advice of amendment by regular mail to the licensee and the Collector of Customs holding the license before the license expires. However, where unusual circumstances have made it impossible for the licensee to submit his request for extension before the expiration date, requests for extension will be considered if received within one month after the expiration date shown on the license.

(b) *Procedure and justification for requesting extension.* Requests for extension of the validity period of licenses must be submitted in the same manner as amendments or alterations of licenses, as provided in § 380.2 (g) and shall be accompanied by the expiring license unless it has been filed with a Collector of Customs. Where the license has been deposited with a Collector, notification of the filing of such request shall be given to the Collector with whom the license has been deposited. Where the expiring license does not accompany the request for extension, the applicant shall also include the following information on the face of Form IT– or FC–763:

(1) In the item of Form IT– or FC–763 entitled "Facts Necessitating Amendments", state why shipment was not or will not be made before the expiration date of the license, stating facts to assure that shipment can be effected during the extended validity period requested. If partial shipment has been made, indicate quantity and value.

(2) In the item entitled "Amend License to Read as Follows", state whether the license has been previously extended. If so, give date(s) and duration of such extension(s), and office by which extension was issued. The foregoing information must also be included when request for extension is submitted by telegram in cases of extreme emergency as provided under § 380.2 (g) (4).

NOTE: If granted, the extension will be made in the same manner as other amendments. (See NOTE following § 380.2 (g)).

When a Collector who is holding an expiring license is notified that a request for extension of the license has been filed in accordance with the foregoing provisions, the Collector will hold the license for an additional 30 days after the original expiring date. If the approved extension has not been received within 30 days, the Collector will return the license to the Bureau of Foreign Commerce.

(c) *Disclosure of prior action on the shipment.* The provisions of § 380.2 (h) with respect to disclosure of prior action on the shipment in the case of requests for amendments to licenses shall apply equally to requests for extension of validity periods of licenses.

PART 381—ENFORCEMENT PROVISIONS

Sec.

381.1 Sanctions.
381.2 Causing, aiding, and abetting a violation.
381.3 Conspiracy, attempt, and solicitation to violate.
381.4 Acting with knowledge of a violation.
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381.6 Diversion, reexportation, transshipment.
381.7 Licensee accountable for use of license.
381.8 Unauthorized use and alterations of export control documents.
381.9 Trafficking and advertising export control documents.
381.10 Applicability of export denial orders to parties other than those named therein.

AUTHORITY: §§ 381.1 to 381.10 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 381.1 *Sanctions.* (a) Any person who violates the Export Control Law or any order, regulation, or license issued thereunder is punishable for each violation by a fine of not more than $10,000 or by imprisonment for not more than one year, or both. A violator of any law or regulation relating to export controls is subject also to administrative action which may result in suspension, revocation, and denial of export privileges under the Export Control Law, and to exclusion from practice before the Bureau of Foreign Commerce.

(b) The submission of false or misleading statements and the concealment of material facts are punishable also under other laws. In addition, commodities attempted to be, or being, or intended to be, or which have been, exported or shipped from or taken out of the United States in violation of the Export Control Law or of any proclamation, order, rule, regulation, or license issued thereunder are subject to seizure and forfeiture, as are the vessels, vehicles, and aircraft carrying such commodities.

NOTE: See Part 382, "Denial or Suspension of Export Privileges," and 384.2 (a), "Activities of Persons Appearing Before the Bureau of Foreign Commerce in Connection with Export Control Matters," of this chapter.

§ 381.2 *Causing, aiding, and abetting a violation.* It is unlawful for any person knowingly to cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by, the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

§ 381.3 *Conspiracy, attempt, and solicitation to violate.* It is unlawful for any person knowingly to conspire or to act in concert with one or more persons in any manner or for any purpose to bring about, or to do any act which solicits the commission of or which constitutes an attempt to bring about, a violation of the Export Control Law or any proclamation, order, rule, regulation or license issued thereunder; and any such act or conspiracy shall constitute a violation.

§ 381.4 *Acting with knowledge of a violation.* It is unlawful for any person, whether as principal or agent or otherwise, to buy, receive, conceal, store, sell, dispose of, transport, finance, forward, or otherwise service, in whole or in part, any exportation from the United States, knowing that with respect to the whole or any part of such exportation, a violation of the Export Control Law or any proclamation, order, rule, regulation or license has occurred, is about to, or is intended to occur.

§ 381.5 *Misrepresentation and concealment of facts*—(a) *General.* All representations, statements, and certifications made, and material facts concealed, by any person, in connection with the preparation, submission, issuance, or use of any export control document or document relating thereto, or for the purpose of or in connection with effecting an exportation of any commodity from the United States, or the reexportation, transshipment, or diversion of any commodity so exported, or in the course of an investigation or other action instituted under the authority provided in the Export Control Act of 1949, as amended, shall be deemed to constitute representations, statements and certifications made to, and material facts concealed from, the Bureau of Foreign Commerce and the Bureau of Customs with respect to matters within the jurisdiction of these agencies under the statutes, proclamations, Executive Orders, and regulations relating to export control and orders or licenses issued or established thereunder.

(b) *Persons liable.* It is unlawful under the Export Regulations and the Export Control Law, in addition to the provisions of any other law, for any person, whether or not situated in the United States, knowingly to make any false or misleading representation, statement, or certification, or to falsify or conceal any material fact, whether directly to the Bureau of Foreign Commerce, any Collector of Customs, or an official of any other United States agency, or indirectly through any other person or foreign government agency or official:

(1) In the course of an investigation or other action instituted under the authority of the Export Control Act of 1949, as amended;

(2) In connection with the preparation, submission, issuance, or use of any export control document or document relating thereto; or

(3) For the purpose of or in connection with effecting an exportation from the United States, or the reexportation, transshipment, or diversion of any such exportation, or the issuance, or maintenance in effect, of any document relating to export control.

(c) *Types of misrepresentation and concealment.* Without limitation of the foregoing or of any other provisions of the law or the Export Regulations, no person shall, with respect to:

(1) *Country of destination.* Falsely state or conceal the country of ultimate or intermediate destination intended;

(2) *Consignee, purchaser, commodity.* Falsely describe or conceal the true commodity, or the true ultimate or intermediate consignee, purchaser, or any other party in interest to the transaction;

(3) *Orders.* Solicit or submit any order for the purchase or importation from the United States of any commodity, or state in writing any commitment to purchase or import the same, for the sole purpose of obtaining an export license with the intention not to abide by such order or commitment, or not to perform the terms thereof, whether or not the applicant or licensee is aware of such intention;

(4) *End use.* Falsely state or conceal the end use;

(5) *Ultimate consignee or purchaser statement.* Submit an ultimate consignee or purchaser statement which is false in any respect or which conceals any material fact; or

(6) *Import Certificate, Delivery Verification.* Make any false statement or conceal any material fact in connection with an Import Certificate or Delivery Verification.

(d) *Representations to be continuing in effect; notification.* All representations, statements, and certifications made by any person are deemed to be continuing in effect. It is unlawful for any person who has made such representation, statement, or certification to fail to notify in writing the Bureau of Foreign Commerce of any change of any material fact or intention from that previously represented, stated, or certified. Such notification shall be made immediately upon receipt of any information which would lead a reasonably prudent person to believe that a change of material fact or intention has occurred or may occur in the future.

§ 381.6 . *Exportation, diversion, reexportation, transshipment.* Except as specifically authorized by the Bureau of Foreign Commerce, it is unlawful for any person knowingly to export, dispose of, divert, transship, or reexport commodities to any person or destination or for any use in violation of or contrary to the terms, provisions, or conditions of any export control document, any prior representation, any form of notification of porhibition against such action, or any other provision of the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

§ 381.7 *Licensee accountable for use of license.* The applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license. It is unlawful, without prior written approval of the Bureau of Foreign Commerce, for the licensee to permit any other person to facilitate or effect the exportation of any commodity described in the license, except under the direction and responsibility of or as the true agent in fact for the licensee, regardless of the terms of sale or exportation or other agreement between the licensee or the order party and the purchaser or ultimate consignee of such commodity.

§ 381.8 *Unauthorized use and alterations of export control documents.* Except as otherwise specifically authorized in the Export Regulations or in writing by the Bureau of Foreign Commerce, it is unlawful for any person, whether or not the licensee, to obtain, use, or alter, or to assist in or permit the use or alteration of, any export control document, for the purpose of or in connection with facilitating or effecting any exportation or reexportation other than that set forth in such document or except in accordance with all the terms, provisions, and conditions thereof.

§ 381.9 *Trafficking and advertising export control documents*—(a) *Unlawful practices.* Without limitation of any provision of law or of the Export Regulations, it is unlawful for any person, without prior written approval of the Bureau of Foreign Commerce, to do any of the following with respect to any exportation or reexportation under any export control document:

(1) *Transfers or changes of authority.* To effect any transfer of, or other change of the authority granted in, such document, whether by sale, grant, gift, loan or otherwise, to any person, or to permit any person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or for any person not the licensee to receive or accept a transfer or other change of the authority granted in, or otherwise to use, an export control document, except for the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* To effect any change of, substitution for, or addition to, the parties named in an export control document; or to transfer, obtain, purchase, or create any interest or participation in the transaction described in any export control document.

(3) *Unlawful advertising or soliciting.* To offer or solicit by advertisement, circular, or other communication any transfer or change of an export control document or any interest therein hereinabove declared unlawful. Such communication shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Bureau of Foreign Commerce of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, in offering or soliciting the sale for exportation of any commodities, the communication indicates that the proposed seller of such commodities holds or will furnish a license or other export control document for the exportation of such commodities;

(iii) Where, in offering or soliciting the purchase for exportation of any commodities, such communication is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export control document for the exportation of such commodities.

INTERPRETATIVE STATEMENT: Sections 381.7, 381.8 and 381.9, among other things, make it unlawful for a licensee or other person holding an export control document to sell or to offer to sell, or for any person to purchase or to offer to purchase, the commodities described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect exportation of the said commodities; for any person to effect exportation thereof for the benefit of or "for the account" of any person other than the licensee, regardless of the device, means or fiction employed; for the licensee fictitiously to act as principal or agent of another person who actually is effecting the exportation, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose; or for the named consignee to act "for the account" of a new unlicensed consignee. Where a licensed transaction has failed of accomplishment for any reason, the license may not, without special authorization of the Bureau of Foreign Commerce, be used for any other transaction. Changes of consignors and consignees will be permitted only under the strict provisions of the Export Regulations.

(b) *Transfer of dock receipts, bills of lading, or liens.* (1) Paragraph (a) of this section is not to be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license, or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or documents in the course of financing, warehousing, forwarding, or transporting commodities.

(2) However, where the person entitled to the foreclosure of any lien or other security title or interest, or where the exercise of any rights by the holder of the lien or other security title or interest, contemplates an exportation under the license by someone other than the licensee, or to someone other than the purchaser or ultimate consignee designated in the license, such person must apply for a new license or for an amendment in accordance with the provisions of Part 380 of this chapter.

§ 381.10 *Applicability of export denial orders to parties other than those named therein.* Without prior disclosure of the facts to, and specific authorization of the Bureau of Foreign Commerce, it is unlawful for any person, with knowledge that another person is then subject to an order suepending, revoking, or denying his export privileges or is then excluded from practice before the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) to apply for, obtain or use any license, Shipper's Export Declaration, Bill of Lading, or other export control document relating to an exportation or reexportation of commodities by, to, or for such suspended person; or (b) to order, receive, use, forward, transport, finance, or otherwise service or participate in, any exportation from the United States or a reexportation of any commodity exported from the United States, so that such suspended person will directly or indirectly obtain any benefit therefrom. For the purpose of this section, the term "suspended person" is defined to include:

(1) Any person, firm, corporation, or other business organization whose export privileges are suspended, revoked, or denied by any order of the Bureau of Foreign Commerce or who is excluded by such order from practice before the Bureau of Foreign Commerce; and

(2) Any other person, firm, corporation, or other business organization also suspended or excluded from practice because of his or its relationship to such suspended person through ownership, control, position of responsibility or other like connection in the conduct of trade involving exports from the United States or services connected therewith during the period of such order, and whether or not named in such order.

NOTE: Orders of the Bureau of Foreign Commerce which suspend, revoke, or deny the export privileges of any person or which exclude any person from practice before the Bureau of Foreign Commerce provide that the terms and prohibitions of such orders apply not only to the persons expressly named therein but also, for the purpose of preventing evasion, to any other person, firm, corporation, or other business organization with which such person may be then or thereafter (during the term of the order) related by ownership, control, position of responsibility or other such connection in the conduct of trade involving exports from the United States or services connected therewith. See §§ 382.1, 384.2, and 382.51, "Table of Denial and Probation Orders Currently in Effect" of this chapter. This table contains orders issued by the Bureau of Foreign Commerce which currently deny export privileges and/or place the person or firm on probation. This list contains the names and addresses of such persons, the effective and expiration dates of the orders, a brief summary of the export privileges affected, and the citations to the volumes and pages of the FEDERAL REGISTER where complete texts of the orders are published. The publication of such orders in the FEDERAL REGISTER constitutes legal notices of the terms thereof to all persons.

PART 382—DENIAL OF EXPORT PRIVILEGES

Sec.
382.1 Denial of export privileges.
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382.51 Supplement 1; Table of denial and Probation Orders currently in effect.

AUTHORITY: §§ 382.1 to 382.51 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 50, 3 CFR, 1948 Supp.

§ 382.1 *Denial of export privileges*—(a) *Administrative sanctions.* Any person (respondent) who contravenes or violates any law or regulation relating to export control is subject to the following administrative actions:

(1) Any or all outstanding validated export licenses concerned with or affecting any transaction in which such respondent may have any interest, direct or indirect, may be revoked and ordered returned forthwith to the Bureau of Foreign Commerce.

(2) Such respondent may be denied the privileges of participating, directly or indirectly in any manner or capacity, in any transaction involving commodities or technical data in whole or in part exported or to be exported from the United States to any foreign destination, including Canada. Without limitation of the generality of such denial of export privileges, participation in any such transaction may be deemed to include and prohibit: (i) Participation as a party or as a representative of a party to any validated export license application; (ii) Participation in the preparation or filing of any export license application or document to be submitted therewith; (iii) Participation in the obtaining or using of any validated or general export license or other export control documents; (iv) Participation in the receiving, ordering, buying, selling, delivering, storing, using or disposing of any commodities or technical data; and (v) Participation in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

(3) Such respondent may be excluded from practice before the Bureau of Foreign Commerce.

(b) *Applicability to related persons.* The order provided for in § 382.9 may be made applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may then or thereafter be related by ownership, control, position of responsibility, or other connection in the conduct of export trade or services connected therewith. In addition, the order may contain the substance of § 381.10 of this chapter.

(c) *Definition.* Any statute, proclamation, executive order, regulation, rule, license or order applicable to any conduct involving an export transaction shall be deemed to be a "law or regulation relating to export control."

NOTE: This procedure in no way restricts the present practice of referring appropriate cases to the Department of Justice for criminal prosecution. Violations of Export Regulations not only may result in denial of export privileges but also are punishable by a fine of not more than $10,000, or by imprisonment for not more than 1 year or both. Any submission of false information, whether in connection with license applications, Shipper's Export Declarations, investigations, compliance proceedings, appeals, or otherwise, is punishable by a fine of not more than $10,000, or by imprisonment for not more than 5 years, or both. Violations may also result in seizure and forfeiture of property under Title 22, U. S. C. A. 401.

§ 382.2 *Compliance Commissioners.* The Director of the Bureau of Foreign Commerce will designate one or more persons to act as Compliance Commissioners, who shall have the powers and duties provided herein. Compliance Commissioners shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions.

§ 382.3 *Institution of Administrative proceedings*—(a) *Charging letters.* The Export Control Investigation Staff may, with the approval of the Office of the General Counsel, initiate proceedings for the denial of export privileges to any person who it has reason to believe has violated any law or regulation relating to export control. Such proceedings shall be initiated by service of a charging letter. The charging letter shall allege the essential facts constituting the specific violations charged, including reference to the particular regulatory or other provisions alleged to have been violated, and shall give notice that, if the respondent is found to have committed the alleged violations, his export privileges may be denied. The charging letter shall inform the respondent that he is required to answer the allegations therein contained, as provided in § 382.5 of this part, and that if he fails to answer as so provided he will be in default and the allegations will be deemed admitted. The charging letter shall also inform the respondent that he is entitled to an oral hearing provided that he files written demand therefor, together with or within seven days after service of his answer, and that he may, if he so desires, be represented by counsel of his own choosing. Charging letters may be amended from time to time, upon reasonable notice.

(b) *Service.* A charging letter shall be deemed served upon a respondent: (1) If he is a resident of the United States, when mailed in a wrapper addressed to him at his last known address, or when left with him or his agent or employee, or when left at his dwelling with some person of suitable age and discretion then residing therein; or (2) if he is a non-resident of the United States, when delivered to him by any of the foregoing means, or if such mailing or delivery is not practicable or appropriate by reason of arrangements or understandings between the United States Government and the Government of the country wherein the respondent resides, when it is tendered for service upon him to an official of the Government of the country wherein the respondent resides.

§ 382.4 *Default*—(a) *Failure to answer.* If the respondent fails to file an answer to the charging letter in the manner or within the time prescribed in § 382.5, he shall be held in default and the case shall be referred forthwith to the Compliance Commissioner who shall consider the same in such manner and upon such evidence as he may decide is appropriate. Any order thereafter issued shall have the same effect as an order issued following the disposition of contested charges.

(b) *Application to set aside defaults.* Any respondent against whom an order has been issued upon his default may apply, upon good cause shown, together with evidentiary data in support thereof, to set aside his default and vacate the order entered thereon. Such application shall be duly sworn before an officer qualified to take oaths and shall be submitted in duplicate to the Director, Office of Export Supply, who shall then refer it to the Compliance Commissioner for consideration and recommendation as to what disposition thereof ought to be made. The Compliance Commissioner shall consider the application and may, if he so decides, require the respondent to attend a hearing or submit further evidence in support of his request. The filing of an application to set aside a default does not in any manner affect an order entered upon default and such order continues in full force and effect unless a further order is made modifying or terminating it.

§ 382.5 *Answer and demand for oral hearing*—(a) *When to answer.* The respondent shall answer the allegations of the charging letter within 15 days after service of the charging letter upon him.

(b) *Contents of answer.* An answer shall be responsive to the charging letter and shall fully and completely set forth the nature of the respondent's defense or defenses. In addition, it shall, by separate paragraphs, admit or deny specifically and in detail each and every separate allegation of the charging letter, unless the respondent is without knowledge, in which case, his answer shall so state and the statement shall operate as a denial. A failure to deny or controvert any particular allegation shall be deemed an admission thereof. The respondent may, in his answer, set forth such additional or new matter as he may regard as supporting a defense to or claim of mitigation of the charges. Any defenses or partial defenses not specifically set forth in an answer shall be deemed waived, and evidence offered thereon by the respondent at a hearing may be refused unless good cause be shown for its receipt. If the respondent does not demand an oral hearing, he shall transmit, within 7 days after the service of his answer, original or photocopies of all correspondence, papers, records, affidavits, and other documentary or written evidence having any bearing upon or connection with the matters in issue and, if any such materials be in a language other than the English language, translations thereof into English shall be submitted at the same time.

(c) *Submission of answer.* The answer, written demand for oral hearing, and supporting evidence required by paragraph (b) of this section, shall be in duplicate and mailed or delivered to the Compliance Commissioner (Attention FC-2680), Bureau of Foreign Commerce, U. S. Department of Commerce, Washington 25, D. C.

(d) *Extension of time.* A respondent may, on good cause being shown, apply to the Compliance Commissioner for additional time within which to prepare and submit his answer to the charging letter or do any other act required by this section.

§ 382.6 *Subpoenas and interrogatories*—(a) *Subpoenas.* The Compliance Commissioner may issue subpoenas, returnable before him, at the request of any party to a proceeding before him, requiring the attendance of witnesses and the production of books, records, or other documentary or physical evidence determined by the Compliance Commissioner to be relevant and material to the proceedings, reasonable in scope, and properly obtainable by subpoena.

(b) *Interrogatories and requests for admissions of facts.* In any compliance proceeding, the Export Control Investigation Staff or the Compliance Commissioner may serve on any respondent or his attorney interrogatories or requests for admissions of facts, and if, without good cause being shown, there is a failure or refusal to respond to the questions or requests for admissions, the Compliance Commissioner, on his own motion or motion of the Investigation Staff, and upon such notice to the respondent as the Compliance Commissioner may direct, may strike respondent's answer and declare him in default, or make any other ruling which he deems necessary and just under the circumstances. Interrogatories and requests may be served in the same manner as provided in § 382.3 (b) for service of a charging letter.

§ 382.7 *Hearings.* (a) No hearing shall be granted to any respondent who has not filed a written answer, and the case against him in such instance shall be considered by the Compliance Commissioner as provided in § 382.4 (a). If an answer has been filed and no oral hearing has been demanded, the same shall be deemed waived, and the Compliance Commissioner shall proceed to consider the case upon all the pleadings and evidence available and shall provide for the making of the record in such manner as he deems appropriate. If an answer has been duly filed and an oral hearing has been demanded, the Compliance Commissioner shall set the case for such hearing, and due notice thereof shall be given to the respondent. A respondent is not entitled to notice of hearing unless he has answered, raised issues to be determined as provided in § 382.5 and has made demand for hearing. If neither the respondent nor anyone on his behalf shall attend a hearing which has been set after due notice given, such absence shall not affect the validity of the hearing or any proceedings or action thereafter.

(b) Hearings shall be conducted by the Compliance Commissioner in a fair and impartial manner. The rules of evidence prevailing in courts of law shall not apply, but all evidence relevant and material to the inquiry shall be received and given appropriate weight. The Compliance Commissioner may administer oaths and affirmations. Respondent may be represented by counsel but need not be. The proceedings shall be taken by a reporter, transcribed, and filed with the Compliance Commissioner. Respondents shall have an opportunity to examine the transcript and to obtain a copy upon payment of proper costs.

§ 382.8 *Proceedings before and report of Compliance Commissioner.* (a) In any situation for which the regulations in this part make no provision, the Compliance Commissioner may, in his discretion, conform the proceedings before him to the Federal Rules of Civil Procedure.

(b) The Compliance Commissioner shall consider the record and shall prepare a written report which shall include findings of fact, including a finding whether or not a violation has occurred, and recommendations. The report, transcript, and exhibits shall be transmitted to the Director, Office of Export Supply, Bureau of Foreign Commerce.

§ 382.9 *Disposition of proceeding.* If the Compliance Commissioner finds that the evidence is not sufficient to justify the conclusion that a violation has been committed, the Director, Office of Export Supply, shall enter an order dismissing the charges. If the Compliance Commissioner finds that a violation has been committed, his recommendation shall be advisory only, and the Director, Office of Export Supply, shall review the record, consider the report of the Compliance Commissioner, and determine the disposition of the case. He may then issue an order denying the respondent's export privileges, as provided in § 382.1, or take such other action as he deems appropriate. Any order issued shall be effective for such period of time and shall contain such additional terms and conditions as may be deemed appropriate and prescribed therein. A certified copy of the order together with a copy of the Compliance Commissioner's report shall be served upon the respondent in the same manner as provided in § 382.3 (b) for service of a charging letter.

§ 382.10 *Consent orders.* The Export Control Investigation Staff, and the respondent may, after transmission of a charging letter, by agreement submit to the Compliance Commissioner a proposal for the issuance of a consent order. The Compliance Commissioner shall review the facts of the case and the proposal and, for this purpose, may conduct informal conferences with the parties and may require the informal presentation before him of the evidence in the case. If he does not approve the proposal, he shall so notify the respondent and the Export Control Investigation Staff, and the case shall proceed to hearing. If he approves the proposal, he shall report the facts of the case with his recommendations to the Director, Office of Export Supply. The Director, Office of Export Supply, may reject the proposal, in which event the case will proceed to hearing, or he may accept the proposal and issue an appropriate order.

§ 382.11 (a) *Denial within charging letter.* A charging letter from and after the date of its issuance may deny to any respondent the privileges of participating directly or indirectly in any manner or capacity in any transaction involving commodities or technical data in whole or in part exported or to be exported from the United States to any foreign destination pursuant to any validated export license. The charging letter may also suspend or revoke and require the return for cancellation of outstanding validated licenses, but shall not otherwise deny export privileges to the respondent. Such latter privileges, however, may be denied as provided in paragraph (b) of this section.

(b) *Temporary denial orders.* (1) Any person who is under investigation, or against whom administrative or judicial proceedings are pending, for violation of any law or regulation relating to export control, may be summarily denied export privileges, as set forth in § 382.1, without prior notice or opportunity for hearing, where and to the extent such denial of export privileges is found reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings. Such a temporary denial order shall be issued only for such limited time, ordinarily not exceeding 30 days, as may be required to complete the investigation or the proceedings, but may, on a showing of need for additional time, be extended in the same manner as originally issued.

(2) An application for such a temporary denial order shall be made by the Export Control Investigation Staff to the Compliance Commissioner and shall include a brief recital of the facts of the case and a statement of the grounds for the application and the nature of the order sought. The Compliance Commissioner shall review the application and for this purpose may require informal presentation of evidence before him. If he does not approve the application, he shall so notify the Export Control Investigation Staff, by memorandum, and no further action shall be taken upon it; but if he approves it, he shall send his recommendation, together with the application and accompanying documents, to the Director, Office of Export Supply, who may issue such temporary denial order as he shall deem appropriate. A certified copy of the order shall be sent to the respondent in the same manner as provided in § 382.3 (b) for service upon him of a charging letter.

(c) *Motions to vacate or modify.* (1) The respondent may at any time move to vacate or modify any temporary denial of export privileges contained in any charging letter or order. Any such motion shall be filed with the Compliance Commissioner and an oral hearing thereon, if requested, shall be held before the Compliance Commissioner at the earliest convenient date. The Compliance Commissioner shall consider the evidence presented and shall submit his report and recommendations thereon to the Director, Office of Export Supply. The latter may issue such order disposing of the motion as he deems appropriate, and a true copy thereof shall be sent promptly to the respondent.

(2) In any case where no motion is made pursuant to subparagraph (1) of this paragraph to vacate or modify a temporary denial, or where, if such motion is made, substantial evidence is not presented to support the granting thereof in whole or in part, such denial or any modification thereof may be continued and extended to and including completion of the proceedings.

(d) *Deferment of action on license applications otherwise prohibited.* Except for the particular application or license which is itself the basis of any investigation or proceeding, and except pursuant to paragraph (a) of this section, no export license application filed by any person shall be returned without action, held without action, or rejected, solely because such person is under investigation, or that proceedings against him are pending, otherwise than in accordance with the terms of a temporary denial order issued under paragraph (b) of this section.

§ 382.12 *Rehearings.* The Compliance Commissioner may, upon written request, grant a rehearing or reopen a proceeding at any time for the purpose of hearing any relevant and material evidence which was not known or which was unobtainable at the time of the original hearing. The request for rehearing or reopening shall contain a summary of such evidence, the reasons why it is deemed relevant and material, and the reasons why it could not have been presented at the original hearing. The Compliance Commissioner shall give prompt notice of the time and place of any further hearing, if one is held, and shall conduct such hearing and submit his report and recommendations thereon to the Director, Office of Export Supply, for final action in the same manner as provided for the original proceedings.

§ 382.13 *Appeals*—(a) *Grounds of appeal.* The respondent may appeal from a denial of export privileges upon the ground (1) that the findings of violation are not supported by any substantial evidence, (2) that prejudicial error of law was committed, or (3) that the provisions of the order are arbitrary, capricious, or an abuse of discretion. The appeal must specify upon which of these grounds the appeal is based and must indicate from which provisions of the order the appeal is taken.

(b) *Filing of appeals.* An appeal must be in writing and shall be filed with, and addressed to, the Appeals Board for the Department of Commerce, Washington 25, D. C. An appeal from a final order denying export privileges shall be filed within 10 days of receipt of a copy of the order. Generally, an appeal from a denial upon default, a temporary denial, or an indefinite denial will not be entertained unless the respondent has moved unsuccessfully for relief as provided in § 382.4 (b), § 382.11 (c), or § 382.15 as the case may be. The provisions of Part 383 of this chapter shall govern the procedure and disposition of appeals, except as otherwise provided in this section.

(c) *Matters considered on appeal.* A hearing before the Appeals Board shall not constitute a trial de novo, but the appeal shall be considered upon the basis of the record, consisting of the charging letter, the transcript of the hearing before the Compliance Commissioner, the report of the Compliance Commissioner, the order of the Director, Office of Export Supply, and any other relevant documents involved in the proceedings before the Compliance Commissioner. If the respondent has requested and been denied a rehearing or reopening on the basis of new evidence, the Appeals Board may direct that such rehearing or reopening be granted if it finds that such new evidence is relevant and material to the issues and was not known or was not available to the respondent at the time of the original hearing. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in rules or regulations alleged to have been violated.

(d) *Effect of appeals.* The taking of an appeal shall not stay the operation of any order. The decision of the Appeals Board shall be final and shall be promptly transmitted to the respondent.

§ 382.14 *Proceedings confidential.* Compliance proceedings shall be confidential, excepting any orders issued therein. Reports of the Compliance Commissioner and copies of transcripts of hearings shall be available only to parties to the proceedings and, to the extent of their own testimony as contained in transcripts, to witnesses therein. Any such matters may, however, be made available to any Government agency having a proper interest therein.

§ 382.15 *Indefinite denials.* Whenever the Bureau of Foreign Commerce finds it impracticable, during the course of an investigation or other proceeding or action, to subpoena a person or his books, records, and other writings, the Bureau of Foreign Commerce may serve upon such person interrogatories and requests for admissions of facts therein specifically set forth. If such person, within 10 days after service thereof, fails or refuses to furnish responsive answers to such interrogatories or requests for admissions, the Bureau of Foreign Commerce may without prior notice issue an order, as provided in § 382.1, denying export privileges to such person. This order shall remain in effect until such person shall respond to the interrogatories or requests or shall give adequate reasons to the Bureau of Foreign Commerce for his failure or refusal to so respond. Such interrogatories or requests may be served in the same manner as provided in § 382.3 (b) for service of a charging letter.

The procedure regarding applications for indefinite denial orders and motions to vacate or modify such orders shall conform substantially to that provided for temporary denial orders by §§ 382.11 (b) (2) and 382.11 (c).

§ 382.16 *Publication of orders.* All orders denying export privileges and all decisions of the Appeals Board in appeals under § 382.13 shall be published in the Federal Register as soon as practicable after issuance.

§ 382.51 *Supplement 1; Table of denial and probation orders currently in effect*—(a) Contents. This Table contains orders issued by the Bureau of Foreign Commerce which currently deny export privileges and/or place the person or firm on probation. It contains the names and addresses of all United States and foreign persons, corporations, and firms denied export privileges and/or serving a period of probation by orders based on findings of violations of the laws and regulations relating to export control, effective date of order, expiration date of order, export privileges affected, and the volume and page of the Federal Register in which the complete text containing the factual and legal basis for each cited order can be found.

(1) *Probation periods.* In some cases, orders provide a specified period of denial, a certain portion of which is to be an actual denial, and the balance a period in which effective denial is held in abeyance, conditioned on the respondent's compliance with the Export Control Law and regulations. In such cases, the period of abeyance may be automatically reinstated as a further period of actual denial in the event that the Bureau of Foreign Commerce finds that the respondent has committed a further violation. In the column of this Table headed "Expiration Date," the termination date of the period of actual denial will appear, and in the event the order contains a further abeyance period, the expiration date of that period will be shown in the same column as a period of probation, set off by parentheses.

(2) *Indefinite denial orders.* The expiration of certain temporary and final orders is contingent on some future action, and such orders are therefore listed as operative "until further notice". Indefinite denial orders issued under § 382.15 for failure or refusal to answer interrogatories are listed as "Indefinite" in the "Expiration Date" column of the Table.

(3) *Proceedings confidential.* Proceedings in compliance cases are confidential except any orders issued in connection with the proceedings.

(4) *Publication of orders.* (i) The Table will be amended to list additional orders which may be issued and to delete listed orders whenever they expire.

(ii) Orders denying export privileges are issued not only for violations involving unauthorized transshipments of strategic commodities but also for other types of violations relating to the Export Regulations. Therefore, to ascertain the grounds for any order, reference should be made to the cited issue of the Federal Register for the text of the order.

Note: Denial orders usually contain a provision making them applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may be related by ownership, control, position of responsibility, or other like connection in the conduct of trade involving exports from the United States, or services connected therewith. Accordingly, reference should be made to the text of the order in any particular case to ascertain whether it is applicable to related persons.

Section 381.10 of this chapter makes it unlawful without prior disclosure to and specific authorization by the Bureau of Foreign Commerce for any person to apply for, obtain or use any license, Shipper's Export Declaration, Bill of Lading, or other export control document relating to an exportation or reexportation of commodities, by, to, or for any person subject to a denial order; or to order, receive, use, forward, transport, finance, or otherwise service or participate in, any exportation from the United States or a reexportation of any commodity exported from the United States, so that any such person will directly or indirectly obtain any benefit therefrom.

(b) Table of denial and probation orders.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Aarsen, H., Meent 93, Rotterdam, Netherlands.	5-24-57	5-24-58 (On probation 5-25-58—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 3765, 5-29-57.
Abel, Alexander, Abel, Friedrich, 50, Rue de Bassano, Paris, France.	4-25-56	Duration	do	21 F. R. 2852, 5-1-56.
Abel, Rudolph, 14, Ave. Pierre Ier de Serbie, Paris, France.	do	do	do	21 F. R. 2852, 5-1-56.
A. C. E. Nominees, Ltd., 1 Broad Street Place, London, E. C. 2, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
A. C. I., S. A., a/k/a Automobile Commerciale Internationale, 1 rue du Rhone, Geneva, Switzerland.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Aeberli-Schaller, Karl, a/k/a Aeberli, Karl, Oberalpstrasse 51, Basel, Switzerland.	2-13-58	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Standard Chemie A. G., Basel, and W. K. S. Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
A. F. I. N. A., Societe, 13 rue Gallieni, Casablanca, Morocco.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Allmable, S. A., 205 Rue Americaine, Ixelles, Brussels, Belgium.	8- 3-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F. R. 4913, 8-9-49.
Allgemeines & Technische Vertriebs Gesellschaft, Eschen, Liechtenstein, and Lausanne, Switzerland.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F. R. 2852, 5-1-56.
American Hellenic Corp., 17 Battery Pl., New York, N. Y.	10-14-48	do	General and validated licenses, all commodities, any destination, also exports to Canada.	13 F. R. 6126, 10-20-48.
American Industrial Products Co., 111 Broadway, New York 6, N. Y.	3- 3-54	3-3-59	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Ching Sen Lee, which see.)	19 F. R. 1328, 3-9-54.
American Industrial Products Co., Inc., 111 Broadway, New York 6, N. Y. and 42 Rue de l'Association, Brussels, Belgium.	do	do	do	19 F. R. 1328, 3-9-54.
American Industrial Products Co., Ltd., 115 Old Broad St., London EC-2, England.	do	do	do	19 F. R. 1328, 3-9-54.
American Industrial Products Co., G. m. b. H., a/k/a Aminprocom, Kattrepel 2, Hamburg, Germany.	do	do	do	19 F. R. 1328, 3-9-54.
Americauto, 44 rue Brunel, Paris, France.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Aminprocom, Kattrepel 2, Hamburg, Germay.	3- 3-54	3-3-59	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Ching Sen Lee, which see.)	19 F. R. 1328, 3-9-54.
Amortisseurs Newton, 13 rue Labie, Paris 17, France.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Amsterdamsche Maatschappij voor Industrie en Handel, "Hydrocarbon," N. V., 384 Herengracht, Amsterdam, C., Netherlands.	12-28-53	6-28-56 (On probation 6-29-56—12-28-58.)*		19 F. R. 37, 1-1-54. 21 F. R. 4686, 6-27-56.
Anciens Establissements Hofman Kortrijkse Steenweg 233 Ghent, Belgium.	2-24-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 1224, 2-27-58.
Anglo-Canadian Cement Co., Ltd., 540 Burrard St., Vancouver, B. C., Canada.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Anglo-Canadian Cement, Ltd., Marina House, Broad St., Lagos, Nigeria.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Anglo-Continental Exchange, Ltd., 31 Throgmorton St., London, E. C. 3, England.	3-25-57	do*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 2053, 3-28-57.
Arnos A. G., 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	do*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Aroyo, Eli Nissim, d/b/a General Import Export Co., Sudexport, Allenby Str. 108, P. O. B. 2228, Tel Aviv, Israel.	6-24-57	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 4512, 6-27-57.
Ateliers de France Automobile, 21 rue Le Verrier, Paris, France.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Austria West Africa Corp., Ltd., Vaduz, Liechtenstein.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Austria Westafrica Corp., Ltd., 1 Brickfield Rd., Ebute Metta (Lagos), Nigeria.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Auto-Innovation, 39 Avenue de Choisy, Ivry-sur-Seine (Seine), France.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Automobile Commerciale Internationale, 1 rue du Rhone, Geneva, Switzerland.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Harsel Trust, Vaduz, Liechtenstein.	4-25-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F. R. 2852, 5-1-56.
Bau, C. F. & Cie., G. m. b. H. a/k/a Bau, K. H. & Co., K. G., 14/25 Hindenburg St., Offenburg/BW, West Germany.	12-18-56	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1780, 3-19-57.
Belimex Corp., 1186 Broadway, New York, N. Y.	8- 3-49	Duration	General and validated licenses, all commodities, any destination.	14 F. R. 4913, 8-9-49.
Benedetti, Nicholas R., 602 Broderick St., San Francisco, Calif.	3-31-49	do	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 1680, 4-8-49.
Bensa-Fourey, 4 rue Nicolas-Charlet, Paris 15, France.	10-4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Bensa, Jacques d/b/a Americauto, 44 rue Brunel, Paris, France.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Berk, Milton, 1457 Le Jeune Rd., Coral Gables, Miami, Fla.	5-25-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 2882, 6-1-49.
Berwin Trading Co., Inc., 15 Park Row, New York 38, N. Y.	4-23-53	do	do	18 F. R. 2481, 4-28-53.
Beydoun, Ihsan M., 85-86 London House, Loveday St., POB 5102 Johannesburg, Union of South Africa.	4-24 51	do	do	16 F. R. 3671, 4-28-51.
Bierma, Sipke N., Keizersgracht 702, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation 11-29-56—duration.)*		20 F. R. 8224, 11-2-55.
Bilik, John, Jr., International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	Until further notice.	General and validated licenses, no participation all commodities, as carrier, forwarder, exporter, or otherwise.	17 F. R. 1633, 2-18-52.
Blake-Smith Pipe and Steel Co., 4121 Riverside Dr., Burbank, Calif.	4-10-56	4-10-58	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2416, 4-13-56.
Boland Inc., Volunteer Bldg., Atlanta 3, Ga.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Braista, S. A., 3 Saint-Pierre, Lausanne, Switzerland.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Bramall, R. E., 14 & 16 Ludgate Hill, St. Paul's, London E. C. 4, England.	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald Hall & Co. Ltd., which see.)	23 F. R. 688, 2-1-58.
Brandes, Ralph Harry, Boersenstrasse 16, Zurich, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 10083, 10-3-51.
Britannia Shipping Co., Ltd., 30 Baker St., London, W. 1, England.	3-25-57	(On probation 3-25-57—3-25-60.)*		22 F. R. 2053, 3-28-57.
Burgi-Tobler, K. & Co., Burgi, Karl, a/k/a Burgi-Tobler, Karl, Burgi-Tobler, Anna, Stampfenbachstrasse 69, Zurich, Switzerland.	3- 1-57	10-1-59 (On probation 10-2-59—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 1183, 2-25-55. 22 F. R. 1348, 3-5-57.
Burke & Wilson, Ltd., Prince's Bldg., Hong Kong.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	15 F. R. 8863, 12-14-50.
Centralimpex, S. A., 205 Rue Americaine, Ixelles, Brussels, Belgium.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F. R. 4913, 8-9-49.
C. H. Pharmacy, 147/75 Chakrapetch Rd., Bangkok, Thailand.	5-19-54	do	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 3009, 5-25-54.
Chambers, James Robert, Finsbury Circus House, 4/10 Blomfield St., London, E. C. 2, England.	5-24-57	2-24-58 (On probation 2-25-58—duration.)*	do	22 F. R. 3765, 5-29-57.
Chanwit Kunothai, a/k/a Chan Vit Kunothai, Chanvitya Kunothai, 147/75 Chakrapetch Rd., Bangkok, Thailand.	5-19-54	Duration	do	19 F. R. 3009, 5-25-54.
Chem. Techn. Industrie, "Tilburg," N. V., Poststraat 39, Postbox 37, Tilburg, Netherlands.	1-31-58	1-31-59 (On probation 2-1-59—duration.)*	do	23 F. R. 761, 2-5-58.
Chemical Industries of Nigeria, Ltd., 1 Brickfield Rd., Ebute Metta, Lagos, Nigeria.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 55-57, The Hague, Netherlands.	10-27-55	10-27-57 (On probation 10-28-57—duration.)*		20 F. R. 8202, 11-1-55.
Cheung Kam Kee Trading Co., Cheung Yuk Leung, 10 Wing Kut St., Hong Kong.	12-12-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 9431, 12-15-55.
Ching Sen Lee (sometimes known as Lee Ching Sen), 111 Broadway, New York 6, N. Y. and/or Kattrepel 2, Hamburg, Germany.	3- 3-54	3-3-59	do	19 F. R. 1328, 3-9-54.
Choisy-Auto-Specialite, 39 Avenue de Choisy, Ivry-sur-Seine (Seine), France.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Chunichi Seiyaku K. K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 775-777, 2-3-56.
Codechimie S. P. R. L., 49, Rue Montoyer, Brussels, Belgium.	4-12-57	10-12-57 (On probation 10-13-57—duration.)*		22 F. R. 2741, 4-19-57.
Cohen, Nisan Simon, 83 Biesbosstraat, Amsterdam, Netherlands.	4-29-57	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 3134, 5-2-57.
Cohn, Ernst, 384 Herengracht, Amsterdam, C., Netherlands.	12-28-53	6-28-56 (On probation 6-29-56—12-28-58.)*		19 F. R. 37, 1-1-54. 21 F. R. 4686, 6-27-56.
Cohn, Julia, 1186 Broadway, New York, N. Y.	8- 3-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 4913, 8-9-49.
Cole, Eugene Hobart, Hidalgo, Tex.	4-10-56	4-10-58	do	21 F. R. 2416, 4-13-56.
Compadimex, S. A., a/k/a Cie. D'Importation et D'Exportation, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	Duration	do	21 F. R. 8412, 11-2-56.
Compentrad Chemical Products & Supplies, Ltd., 1 Broad Street Pl., London, E. C. 2, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Comptoir N. V., Paul Stevens & Co., S. A., 21 Kipdorp, Antwerp, Belgium.	9-17-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 9667, 9-21-51.
Condor Industries, Inc., 125 Cedar St., New York 6, N. Y.	10- 4-56	10-3-57 (On probation 10-4-57—duration.)*		21 F. R. 7699, 10-9-56.
Contimex Merchants, Ltd., 24 St. Mary Ave., London, E. C. 3, England.	10-28-55	10-28-56 (On probation 10-29-56—duration.)*	(Company related to Continental Import and Export Company, N. V. and N. V. Noord-Hollandsche Handelsassociatie, which see.)	20 F. R. 8224, 11-2-55.
Continental Import and Export Co. N. V., Standhouderskade 81, Amsterdam Z, Netherlands.	do	do*		20 F. R. 8224, 11-2-55.
Corodex, N. V., Noorderduinweg 48, Zandvoort, Netherlands.	12-28-53	6-28-56 (On probation 6-29-56—12-29-58.)*	(Company related to N. V. Amsterdamsche Naalschappi voor industrie en Handel—"Hydrocarbon.")	19 F. R. 37, 1-1-54. 21 F. R. 4686, 6-27-56.
Corti, Dante, Corti & Cia. s. r. l., Dante, Via Orefici : 7, Genoa, Italy, and 24 Viale Montegrappa Prato, Italy.	**4-14-52**	**Duration**	**General and validated licenses, all commodities, any destination, also exports to Canada.**	**17 F. R. 3361, 4-15-52.**

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Crystal Industries, Inc., 125 Cedar St., New York 6, N. Y.	10- 4-56	10-3-57 (On probation 10-4-57—duration.)*	(Company related to Fred W. Schonfeld, which see.)	21 F. R. 7699, 10-9-56.
David, Eugene, 805 McEachran Ave., Montreal, Quebec, Canada.	3- 6-53	3-6-58	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 1406, 3-11-53.
David (Davis), Israel, 511 State St., Long Beach, N. Y.	3- 6-53	Duration	do.	18 F. R. 1406, 3-11-53.
De Fiori, Enrica L., De Fiori, Victor E., 1564 Broadway, New York, N. Y.	3-10-50	do.	do.	15 F. R. 1494, 3-16-50.
D'Importation et D'Exportation Cie., a/k/a Compadimex, S. A., 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	do.	do.	21 F. R. 8412, 11-2-56.
Delattre, Gaston, 148 Avenue d'Auderghem, Brussels, Belgium.	4-25-56	4-25-58 (On probation 4-26-58—4-25-59.)*	do.	21 F. R. 2852, 5-1-56.
Del Bo, Giacinto Leopoldo, Via Manzoni 41A, Milan, Italy.	7- 9-56	Duration	do.	21 F. R. 5197, 7-12-56.
De Metz, Rene, 128 Bisschoppenhoflaan, Deurne (Antwerp), Belgium.	10-30-56	do.	do.	21 F. R. 8412, 11-2-56.
de Pesters, Jhr. C. A., Adjunct Managing Director, Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 55-57, The Hague, Netherlands.	10-27-55	10-27-57 (On probation 10-28-57—duration.)*		20 F. R. 8202, 11-1-55.
Dermine, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Dualca Steamship Co., International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	Until further notice.	General and validated licenses, no participation, all commodities, as carrier, forwarder, exporter, or otherwise.	17 F. R. 1633, 2-18-52.
Dublin Chemicals, 39 Dame St., Dublin, Ireland.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Dunlap, Archibald S., 342 West 71st St., New York, N. Y.	4- 7-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F. R. 3241, 4-12-52.
Eastern Steel Supplies, Ltd., c/o Panchaud-Freres, S. A., 3 Saint-Pierre, Lausanne, Switzerland.	12- 8-50	do.	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Economic Digest, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2058, 3-28-57.
Eigler, George, Liliengasse 1, Vienna 1, Austria.	12-17-57	3-31-58	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 10310, 12-20-57. 23 F. R. 1180, 2-25-58.
Electra Commodity & Barter Corp., 3 East 48th St., New York, N. Y.	5-28-51	Duration	do.	16 F. R. 5295, 6-5-51.
Electrical Agencies (London), Ltd., 15 Percy St., London, W. 1, England.	5- 1-53	Indefinite	do.	18 F. R. 2659, 5-7-53.
Electroexport, Rotenturmstrasse 25, Vienna 1, Austria.	6- 1-56	5-31-58 (On probation 6-1-58—duration.)*	do.	21 F. R. 3880, 6-6-56.
Emery, Charles A., c/o Northrup, King & Co., South Highway 99, Fresno, Calif.	2-15-58	8-15-58 (On probation 8-16-58—2-15-59.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 1153, 2-22-58.
Essex International Corp., 120 Liberty St., New York 6, N. Y.	10- 4-56	10-3-57 (On probation 10-4-57—duration).*		21 F. R. 7699, 10-9-56.
Establissements Newton, 13 rue Lable, Paris 17, France.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Euro-Union, N. V., 21 Kloveniersburgwal, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation 10-29-56—duration.)*	(Company related to Continental Import and Export Company, N. V. and N. V. Noord-Hollandsche Handelsassociatie, which see.)	20 F. R. 8224, 11-2-55.
Export Elektrotechnischer Erzeugnisse, trading as Electroexport, Rotenturmstrasse 25, Vienna 1, Austria.	6- 1-56	5-31-58 (On probation 6-1-58—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 3880, 6-6-56.
Feldag Immobiliengesellschaft, 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Films of Great Britain, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	do.	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Fleschner, Richard, d/b/a Richard Fleschner Import-Export, Amendestrasse 90/91, Berlin-Reinickendorf, West Germany.	6-25-56	6-25-57 (On probation 6-26-57—duration.)*		21 F. R. 4936, 7-3-56. 22 F. R. 2717, 4-18-57.
Foster, Andrew J., 1063 Hope St., Springdale, Conn.	6- 3-57	11-2-57 (On probation 11-3-57—6-2-58.)*		22 F. R. 3983, 6-6-57.
Fujisawa Shoko K. K., No. 14 Hirano-Machi 3-Chome Higashi-Ku, Osaka, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 775-777, 2-3-56.
Futo, Andrew B., 147 Victoria St., London, S. W. 1, England.	8-22-57	5-22-58 (On probation 5-23-58—8-22-59.)*	do.	22 F. R. 6902, 8-27-57.
G & L Electrical Supply Co., Ltd., 15 Percy St., London, W. 1, England.	5- 1-53	Indefinite	do.	18 F. R. 2659, 5-7-53.
Galiron, Ltd., Buckingham House, 19/21 Palace St., London, S. W. 1, England.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Garage de France, Paris, France	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Gebrs. Melman, Zuid Oosterfront 122, 's Hertogenbosch, Netherlands.	4- 5-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2302, 4-10-56. 22 F. R. 7408, 9-17-57.
General Import Export Co., Allenby Str. 108, P. O. B. 2228, Tel Aviv, Israel.	6-24-57	do.	do.	22 F. R. 4512, 6-27-57.
Gevirtzman, F., 15 Percy St., London, W. 1, England.	5- 1-53	Indefinite	do.	18 F. R. 2659, 5-7-53.
Gilbert, Arthur, c/o Pine Plains Lumber Co., Pine Plains, Columbia Cty., Route 3, N. Y., and 67-23 182d St., Flushing, N. Y.	3- 6-53	3-6-58	do.	18 F. R. 1406, 3-11-53.
Gintz, Franz, 46-47 Chancery Lane, London W. C. 2, England.	5-21-56	Duration	do.	21 F. R. 3609, 5-25-56.

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Gold Oil Co., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F. R. 7179, 11-11-53.
Gourfinkel, Leon, Norfolk House, Norfolk St., London, W. C. 2, England.	8-22-57	1-22-58. (On probation 1-23-58—8-22-59.)*		22 F. R. 6902, 8-27-57. 23 F. R. 58, 1-3-58.
Govaerts, Robert (alias Bernard Liebermann), 1186 Broadway, New York, N. Y., and 60 Rue Ravenstein, Brussels, Belgium.	8- 3-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 4913, 8-9-49.
Grote, Rolf G., 1482 York Ave., New York, N. Y.	7- 3-50	do	do	15 F. R. 4323, 7-7-50.
Gryp, Andre, Kortrijkse Steenweg 233, Ghent, Belgium.	2-24-58	do	do	
Guetta, Amedeo H., 120 Wall St., New York 5, N. Y.	6-24-57	11-24-57. (On probation 11-25-57—6-24-59.)*		22 F. R. 4510, 6-27-57. 22 F. R. 8071, 10-10-57.
Gunson, R. W. (Seeds), Ltd., 20-21 St. Dunstan's Hill, London, E. C. 3, England.	2-15-58	4-15-58. (On probation 4-16-58—2-15-59.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 1153, 2-22-58.
Handelmaatschappij J. Smits Import-Export, N. V., Molstraat 1, Rotterdam, Netherlands.	10-28-54	Duration	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F. R. 7197, 11-5-54. 22 F. R. 727, 2-5-57.
Hanke, Anneliese, Hegelgasse 5, Vienna 1, Austria.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Hanke, A. & Co. (Handel mit Pharmazeutika), Hegelgasse 5, Vienna 1, Austria, or Anneliese Hanke & Co. (Handel mit Pharmazeutika), Hegelgasse 5, Vienna 1, Austria.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Hanke-Chemie, Hochstrasse 19, Frankfurt, Germany, and or Postplatz 26, Vaduz, Liechtenstein.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Hanke, Franz, a/k/a Hanke, Gunther, Hegelgasse 5, Vienna 1, Austria.	do	do	do	19 F. R. 2432, 4-24-54.
Hanke, Franz Guenther (Chemikalien—Grosshandel), Hegelgasse 5, Vienna 1, Austria.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Hanke-Holz, Kreutzstrasse 8, Salzburg, Austria.	do	do	do	19 F. R. 2432, 4-24-54.
Hanke-Ziegler, A. G., Hettlingen, Winterthur, Switzerland.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Hannoco, S. P. R. L. c/o Gaston Triest, 192, Avenue Franklin Roosevelt, Brussels, Belgium, and/or Hottingerstrasse 4, Zurich, Switzerland.	do	do	do	19 F. R. 2432, 4-24-54.
Harlow & Jones (Belgium), S. A. 1 Pont de Meir, Antwerp, Belgium.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Harlow & Jones Ltd., 18 Buckingham Gate, London, S. W. 1, England.	do	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Hauptfield, Dr. Georg, Stein Bei Hennef (Seig), Germany.	4-21-54	4-21-54 5-31-55 (On probation 6-1-55—duration.)*		19 F. R. 2432, 4-24-54. 20 F. R. 3991, 6-4-55.
Heltex, a/k/a E. & H. Leibowitz, Zurich, Switzerland.	4-25-56	4-25-58. (On probation 4-26-58—4-25-59.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Leibowitz, Ephraim, which see.)	21 F. R. 2852, 5-1-56.
Hertford Chemical Co., Nottingham Pl., London, W. 1, England.	3-11-57	3-11-60. (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Hof, W., Longue Rue Nueve 43, Antwerp, Belgium.	10-27-55	10-27-57. (On probation 10-28-57—duration.)*	(Company related to Stemmler-Imex, N. V., which see.)	20 F. R. 8202, 11-1-55.
Hollander, Bertram, Esq., 401 Broadway, New York 13, N. Y.	3- 6-53	3-6-58	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 1406, 3-11-53.
Huiles et Produits Chimiques Pour L'Agriculture et L'Industrie, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques and Jean Richard, which see.)	20 F. R. 9469, 12-16-55. 21 F. R. 4322, 6-20-56.
Hutmacher, Dr. Georg, Boersenstrasse 16, Zurich, Switzerland.	9-24-51	do	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 10088, 10-3-51.
"Hydrocarbon," N. V., Amsterdamsche Maatschappij voor Industrie en Handel, 384 Herengracht, Amsterdam, C., Netherlands.	12-28-53	6-28-56. (On probation 6-29-56—duration.)*	do	19 F. R. 37, 1-1-54. 21 F. R. 4686, 6-27-56.
Independent Plastic Industries, 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60. (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Industrial Overseas Technical Corp., 120 Wall St., New York 5, N. Y.	6-24-57	11-24-57. (On probation 11-25-57—6-24-59.)*	(Company related to Messrs. Jarach & Guetta, which see.)	22 F. R. 4510, 6-27-57. 22 F. R. 8071, 10-10-57.
Industrial Specialty (Iron & Steel), Ltd., 18 Buckingham Gate, London, S. W. 1, England.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Industriale Commerciale Cotoni Affini, Societa (S. I. C. C. A.), 24 Viale Montegrappa, and Via Fra Bartolemmeo, Prato, Italy, and Via Strozzi, Florence, Italy.	4-14-52	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Dante Cort, which see.)	17 F. R. 3361, 4-15-52.
Industrie Chemie Etablissement, Postplatz 26, Vaduz, Liechtenstein.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Industrie-Warenverkehr, Liliengasse 1, Vienna 1, Austria.	12-17-57	3-31-58	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 10310, 12-20-57. 23 F. R. 1180, 2-25-58.
Industriele Handelsonderneming, v/h Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam, Netherlands.	11- 6-53	Duration	do	18 F. R. 7179, 11-11-53.
Intercontinental Import-Export S. A., 70 Rue du Lombard, Brussels, Belgium.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F. R. 4913, 8-9-49.
International Cement Corp., Ltd., Vancouver & Chilliwack, B. C., Canada.	3-11-57	3-11-60. (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
International Meat Co., 41 Eendrachtsweg, Rotterdam, Netherlands.	11-6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F. R. 7179, 11-11-53.
Interzack Holzgrosshandels Import & Export, G. m. b. H., Hochstrasse 19, Frankfurt, Germany.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke-Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Istawa S. R. L., Via Mario Pagano 35, Milan, Italy.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Italiana Gestione Immobiliari, Societa (S. I. G. I.), 24 Viale Montegrappa, Prato, Italy.	4-14-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada, (Company related to Dante Corti, which see.)	17 F. R. 3361, 4-15-52.
J. W. Transport & Travel Association, 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Jackson, George, 18 Buckingham Gate, London, S. W., 1. England.	12-8-50	Duration	General and validated licenses, all commodiites, any destination, also exports to Canada.	15 F. R. 8868, 12-14-50.
Jarach-Guetta Industrial Overseas Co., Inc., Jarach, Lawrence M., 120 Wall St., New York 5, N. Y.	6-24-57	11-24-57 (On probation 11-25-57—6-24-59.)*		22 F. R. 4510, 6-27-57. 22 F. R. 8071, 10-10-57
Jerry, Williams & Co., Hong Kong.	6-1-56	Duration		21 F. R. 3878, 6-6-56.
Joan Sangyo K. K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Fujisawa Shoko, K. K. which see.)	21 F. R. 775-777, 2-3-56.
Johnson & Warnes, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 *(On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Kassar, Adel, Kassar, Adnan, Kassar, Adnan and Adel, Maarad St., Kassar, Bldg., P. O. Box 1531, Beirut, Lebanon.	4-15-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 2717, 4-18-57.
Kato, Motohisa, Kato, Toshio, officials of Chunichi Seiyaku K. K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan.	1-31-56	Duration	do	21 F. R. 775-777, 2-3-56.
Kazantzis, Theodore E., 17 Battery Pl., New York, N. Y.	10-15-48	do	do	13 F. R. 6126, 10-20-48.
KESCO, G. m. b. H., Mainluststrasse 8, Frankfurt, Germany.	3-29-55	do	do	20 F. R. 2093, 4-2-55. 21 F. R. 7699, 10-9-56.
Kessler, Hans Jr., Kessler, Hans Sr., Mainluststrasse 8, Frankfurt, Germany.	do	do	do	20 F. R. 2093, 4-2-55. 21 F. R. 7699, 10-9-56.
Klassen, A. A., Klaasen, J. M. A., 41 Eendrachtsweg, Rotterdam, Netherlands.	11-6-53	do	do	18 F. R. 7179, 11-11-53.
Klein, Aaron, 224 East 86th St., New York, N. Y., and 138-17 225th St., Laurelton, N. Y.	8-26-49	do	do	14 F. R. 5400, 8-31-49.
Klenfex Laboratories, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Koenig, Karl, 6 Romerstrasse, Munich 23, Germany.	2-21-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1158, 2-27-57.
Koopman, Jack, Koopman & Co., Inc., Jack, 15 Park Row, New York 38, N. Y.	4-23-53	Duration	do	18 F. R. 2481, 4-28-53.
Kow Ting Heng, a/k/a Koh Ting Heng, proprietor C. H. Pharmacy, 147/75 Chakrapetch Rd., Bangkok, Thailand.	5-19-54	do	do	19 F. R. 3009, 5-25-54.
Krueger, Herbert, Krueger, Luise (Johannsen), Hanau-Wilhelmsbad, Hohe Tanne 101, Germany.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
L & S Bearing Equipment Supply Corp., 1 Square Gaston Bertandeau, Paris 17, France.	10-4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Lai, I. K., Lai, S. K., owners of Levee and Co., 50 Queen's Rd. Central, Hong Kong, and Rm. 604, Fukoku Bldg., Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 775-777, 2-3-56.
L'Amortisseur Francais, 13 rue Lable, Paris 17, France.	10-4-56	Until further notice	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
La Rapida Shipping & Trading Co., 1564 Broadway, New York, N. Y.	3-10-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F. R. 1494, 3-16-50.
Larkins, G. D. & Co., Ltd., Buckingham House, 19/21 Palace St., London, S. W. 1, England.	12-8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Lau Yiu Chuen, 326 Prince's Bldg., Hong Kong.	6-1-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 3878, 6-6-56.
Lee Ching Sen (also known as Ching Sen Lee), 111 Broadway, New York 6, N. Y., and/or Kattrepel 2, Hamburg, Germany.	3-3-54	3-3-59	do	19 F. R. 1328, 3-9-54.
Leibowitz, E. & H., Zurich, Switzerland.	4-25-56	4-25-58 (On probation 4-26-58—4-25-59.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Leibowitz, Ephrain, which see.)	21 F. R. 2852, 5-1-56.
Leibowitz, Ephraim Stauffacherquai 58, Zurich, Switzerland.	do	do*	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2852, 5-1-56.
Les Grandes Editions Publicitaires Internationales, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.)	20 F. R. 9409, 12-16-55. 21 F. R. 4322, 6-20-56.
Levee and Co., 50 Queen's Rd. Central, Hong Kong, and Rm. 604, Fukoku Bldg., Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 775-777, 2-3-56.
Liebermann, Bernard (alias Robert Govaerts), 1186 Broadway, New York, N. Y., and 60 Rue Ravenstein, Brussels, Belgium.	8-3-49	do	do	14 F. R. 4913, 8-9-49.
Lijnzaad, D., N. V., Transport en Handelmaatschappij, 58 Coolsingle, Boursgebouw, Rotterdam, Netherlands.	(10-27-55)	(On probation 10-27-55—duration.)*		20 F. R. 8220, 11-2-55.
Lijnzaad, Dirk, 7 Duinweg, Wassenaar, Netherlands.	do	do*		20 F. R. 8220, 11-2-55.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Lindemann, E. & Co., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F. R. 7179, 11-11-53.
London Export Corp., Ltd., 5 Chandos St., London, W. 1, England.	5-24-57	do	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 3765, 5-29-57.
London Wax Refining Co., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Loyal Trust, The Vaduz, Liechtenstein.	3-25-57	do	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 2053, 3-28-57.
Lu Lieh Ming, proprietor Well Lu Trading Co., P. O. Box 697, 201, Rama 1 Rd., Pratumwarn, Bangkok, Thailand.	5-19-54	Duration	do	19 F. R. 3009, 5-25-54.
Lynch, Thomas P., 280 Klemath St., Brisbane, California, and 21 Bridge St., New York, N. Y.	8-15-49	do	do	14 F. R. 5207, 8-19-49.
MacDonald Hall & Co., Ltd., MacDonald-Hall, R., 14 and 16 Ludgate Hill, St. Paul's, London E. C. 4, England.	1-29-58	Indefinite	do	23 F. R. 688, 2-1-58.
Macher, Manfred, Hochstrasse 19, or Im Sachsenlager 6, Frankfurt, Germany.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Machlett Laboratories, Inc., 1063 Hope St., Springdale, Conn.	6- 3-57	8- 2-57 (On probation 8-3-57—6-2-58.)*		22 F. R. 3983, 6-6-57.
Mandatare Treuhand, A. G., Vaduz, Liechtenstein.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Manufacture Nouvelle de Textiles (MANOTEX), 3 Rue Olivier de Serres, Paris 15, France.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F. R. 4913, 8-9-49.
Maru, Tadami, official of Tokyo Shoko K. K., No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 775-777, 2-3-56.
Mazloumian, Bramall & Co., P. O. Box 130, Aleppo, Syria.	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald Hall & Co. Ltd., which see.)	23 F. R. 688, 2-1-58.
Meersman, Willy-Louis, 225 Avenue Van Rijswijck, Antwerp, Belgium.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	16 F. R. 3670, 4-28-51.
Melman, P., d/b/a Gebrs. Melman, Zuid Oosterfront 122, 's Hertogenbosch, Netherlands.	4- 5-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2302, 4-10-56. 22 F. R. 7408, 9-17-57.
Metalimport, S. A. R. L., 26 Rue de la Pepiniere, Paris, France.	4-25-56	do	do	21 F. R. 2852, 5-1-56.
Metalimport Trust, Vaduz, Liechtenstein, and Dreikonigstrasse 21, Zurich, Switzerland.	do	do	do	21 F. R. 2852, 5-1-56.
Meyns, Peter & Co., Meyns, Peter, Gertrudenkirchhof 10, Hamburg 1, Germany.	4-10-56	4-10-58 (On probation 4-11-58—duration.)*	do	21 F. R. 2415, 4-13-56.
Middle East Cotton Co., Maarad St., Kassar Bldg., P. O. Box 1531, Beirut, Lebanon.	4-15-57	Indefinite	do	22 F. R. 2717, 4-18-57.
Monk, A. C. & Co., Inc., Farmville, N. C.	(10-17-57)	(On probation 10-17-57—4-17-58.)*		22 F. R. 8324, 10-23-57.
Munich, Kurt, Hegelgasse 5, Vienna 1, Austria.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Murwal, Inc., 17 State St., New York 4, N. Y.	7-24-57	11-24-57 (On probation 11-25-57—7-24-58.)*	do	22 F. R. 5962, 7-30-57.
Nanyang Bros. Tobacco Co., Ltd., 271 Wanchai Rd., Hong Kong.	12-17-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Suspension for 18 months or as long as Treasury Dept. designated national, whichever longer.)	22 F. R. 10311, 12-20-57.
Nedimtrans, N. V., 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands.	(10-27-55)	(On probation 10-27-55—duration.)*		20 F. R. 8226, 11-2-55.
Nelson, A., Nelson & Co., A. Nelson, Mrs. Danielle L. (nee Lederberg), 172 Orchard St., New York, N. Y.	3-23-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 1399, 3-29-49.
Nelson, Murray M., Nelson, Inc., Murray M., Nelson's Trading House, 1151 East 165th St., New York, N. Y.	do	do	do	14 F. R. 1399, 3-29-49.
Newmark, M. & Co., Ltd., 5 & 7 Watling Court, Cannon St., London, England.	3-26-56	Indefinite	do	21 F. R. 1941, 3-29-56. 21 F. R. 2851, 5-1-56.
New York Export Agency Co., 280 Klemeth St., Brisbane, Calif., and 21 Bridge St., New York, N. Y.	8-15-49	Duration	do	14 F. R. 5207, 8-19-49.
Noord-Hollandsche Handelsassociatie, N. V., Keizersgracht 702, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation 10-29-56—duration.)*	do	20 F. R. 8224, 11-2-55.
Norte Americana Compania, 15 Park Row, New York 38, N. Y.	4-23-53	Duration	do	18 F. R. 2481, 4-28-53.
Northrup, King & Co., Minneapolis 13, Minn.	2-15-58	5-15-58 (On probation 5-16-58—2-15-59.)*	do	23 F. R. 1153, 2-22-58.
Obegi, Les Fils de Basile, Obegi, Maurice, Obegi, Raymond, Khan Ghoumrok, P. O. Box 277, Aleppo, Syria.	6- 9-55	Duration	do	20 F. R. 4100, 6-15-55.
Obermayr, Albert, Rotenturmstrasse 25, Vienna 1, Austria.	6- 1-56	5-31-58 (On probation 6-1-58—duration.)*	do	21 F. R. 3880, 6-6-56.
"Objecta" Treuhand und Verwaltung, Oberalpstrasse 51, Basel, Switzerland.	2-13-58	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Standard Chemie A. G., Basel, and W. K. S Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Oceanic Express Co., 168 West 23d St., New York, N. Y.	3-24-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F. R. 1821, 3-30-50.
Oestawa Handelshaus A. G. Vaduz, Leichtenstein, and Rennweg 3, Vienna III, Austria.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Oleynick & Co., L., Oleynick, Leah, 1151 East 165th St., New York, N. Y.	3-23-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 1399, 3-29-49.
Pan Pacific Trading Co., 602 Broderick St., San Francisco, Calif.	3-31-49	do	do	14 F. R. 1682, 4-6-49.
Panchaud Freres, S. A., 3 Saint-Pierre, Lausanne, Switzerland.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F. R. 8868, 12-14-50.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Panchaud, Gerald Stanley, Panchaud, John Braithwaite, 18 Buckingham Gate, London, S. W. 1, England, and 1 Galerie Benjamin Constant, Lausanne, Switzerland.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F. R. 8868, 12-14-50.
Pawlitza, Dr. Josef, Hegelgasse 5, Vienna 1, Austria.	4-21-54	do	do	19 F. R. 2432, 4-24-54.
Pesters, Jhr. C. A. de, Adjunct Managing Director, Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 55-57, The Hague, Netherlands.	10-27-55	10-27-57 (On probation 10-28-57—duration.)*	do	20 F. R. 8202, 11-1-55.
Petroleum Specialties, Ltd., Norfolk House, Norfolk St., London, W. C. 2, England.	8-22-57	1-22-58 (On probation 1-23-58—8-22-59).*		22 F. R. 6902, 8-27-57.
Philippi, Herbert James, 384 Herengracht, Amsterdam, C., Netherlands.	12-28-53	6-28-56 (On probation 6-29-56—12-28-58.)*		19 F. R. 37, 1-1-54. 21 F. R. 4686, 6-27-56.
Pisk, Alexander W., Freiestrasse 87, Zurich, Switzerland.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Prodalco, S. A. R. L. 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6- 9-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F. R. 4190, 6-15-55.
Pulpimpex Co., 805 McEachran Ave., Montreal, Quebec, Canada.	3- 6-53	3-6-58	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 1406, 3-11-53.
Pun, Tsze E., & Co., Room 1201, Wing On Life Bldg., P. O. Box 2606, Hong Kong.	12-17-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Suspension for 18 months or as long as Treasury Dept. designated national, whichever longer.)	22 F. R. 10311, 12-20-57.
Ralux Gesellschaft fuer Elektrotechnik, mbH 6 Romerstrasse, Munich 23, Germany.	2-21-57	do	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1153, 2-27-57.
Rentzeperis, John, 168 West 23d St., New York, N. Y.	3-24-50	Duration	do	15 F. R. 1821, 3-30-50.
Rex Continental Corp., c/o Bertram Hollander, Esq., 401 Broadway, New York 13, N. Y.	3- 6-53	3-6-58	do	18 F. R. 1406, 3-11-53.
Rex Rayon Corp., 40 East 19th St., New York 8, N. Y., and c/o Arthur Gilbert, 67-23 182d St., Flushing, N. Y.	do	do	do	18 F. R. 1406, 3-11-53.
Richard, Jean, 27 Rue des Petites Ecuries, Paris, France.	12-13-55	Duration	do	20 F. R. 9469, 12-16-55. 21 F. R. 4322, 6-20-56.
Rogers, B., 14 and 16 Ludgate Hill, St. Paul's, London E. C. 4, England.	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald Hall & Co. Ltd., which see.)	23 F. R. 688, 2-1-58.
Rohimport Trust, Vaduz, Liechtenstein.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.
Ross, Jerome Herbert, 4121 Riverside Dr., Burbank, Calif.	4-10-56	4-10-58	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2416, 4-13-56.
Royal Industrial Co., 150 Broadway, Rm. 914, New York, N. Y.	4-23-53	Duration	do	18 F. R. 2481, 4-28-53.
Saida, Societe Immobiliere de la, S. A., Paris, France.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F. R. 2852, 5-1-56.
Satis, A. G., Boersenstrasse 16, Zurich, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 10088, 10-3-51.
Satis, S. A., Melide, Switzerland	do	do	do	16 F. R. 10088, 10-3-51.
Schonfeld, Fred W., 125 Cedar St. and 120 Liberty St., New York 6, N. Y.	10- 4-56	10-3-57 (On probation 10-4-57—duration.)*		21 F. R. 7699, 10-9-56.
Schrijvers, Florent M. L., 84, Avenue D'Italie, Antwerp, Belgium.	5-21-56	8-21-56 (On probation 8-22-56—5-21-58.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 3462, 5-24-56.
Schick, Walter, 17 State St., New York 4, N. Y.	7-24-57	11-24-57 (On probation 11-25-57—7-24-58.)*		22 F. R. 5982, 7-30-57.
Semadis & Co., Semadis, Peter K. 641 8th Ave., New York, N. Y.	3-24-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 1605, 4-5-49.
Serata, A. G., 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
SERTI, S. A., 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland, and Kassas-Sadat Bldg., Rue Fardosse, Damascus, Syria, and Lazarich Bldg., Beirut, Lebanon.	6- 9-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F. R. 4190, 6-15-55.
Seto, Wai Man, Hong Kong	8- 5-53	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 4751, 8-11-53.
Siegwart and Hanke, Hegelgasse 5, Vienna 1, Austria.	4-21-54	Duration	do	19 F. R. 2432, 4-24-54.
Smits, J., Officer of N. V. Handelmaatschappij J. Smits Import-Export, Molstratt 1, Rotterdam, Netherlands.	10-28-54	do	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F. R. 7197, 11-5-54. 22 F. R. 727, 2-5-57.
Smits, J., Import-Export, N. V., Molstratt 1, Rotterdam, Netherlands.	do	do	do	19 F. R. 7197, 11-5-54. 22 F. R. 727, 2-5-57.
Smits, J. K., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F. R. 7179, 11-11-53.
Societe Ati France, 26 Bd. de Sebastopol, Paris, France.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Jacques Bensa, which see.)	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Societe Auto Innovation, 382 Bd. de la Gare, Casablanca, Morocco.	do	do	do	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Societe Auto Start Cie., 44 rue Brunel, Paris 17, France.	do	do	do	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Societe d'Applications Nouvelles a l'Automobile et a l'Industrie, 39 Avenue de Choisy, Ivry-sur-Seine (Seine), France.	do	do	do	21 F. R. 7706, 10-9-56. 22 F. R. 1649, 3-14-57.
Societe de Distribution de Fournitures Automobiles, 1 Square Gaston Bertandeau, Paris 17, France.	do	do	do	21 F. R. 7703, 10-9-56. 22 F. R. 1649, 3-14-57.
Societe d'Etudes et de Recherches Technique et Industrielles, (SERTI), S. A., 15 Rue de la Cite and 7 Place de la Fusterie, Geneva, Switzerland.	6- 9-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F. R. 4190, 6-15-55.

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Societe d'Etudes de l'Union Francaise, Paris, France.	4-25-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F. R. 2852, 5-1-56.
Societe Generale de Produits Chimiques et Biologiques, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.)	20 F. R. 9469, 12-16-55. 21 F. R. 4322, 6-20-56.
South Sea Trading Co., Ltd., 314 China Bldg., Hong Kong.	10- 4-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R 7699, 10-9-56.
Spaeth, Anneliese, Spaeth, Karl-Heinz, 6 Romerstrasse, Munich 23, Germany.	2-21-57	Indefinite	do	22 F. R. 1153, 2-27-57.
Spicer Food Co., Ltd., 22/32 Copperfield, Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Spiess Trust, Vaduz, Liechenstein.	4-25-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F. R. 2852, 5-1-56.
Standard Chemica S. A., Via Piemonte 63, Rome, Italy.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Standard Chemical & Pharmaceutical Corp., Ltd., 22/32 Copperfield Rd., London, E. 3, England.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Standard Chemie, 5 Steinhovelstrasse, Ulm/Donau, Germany.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Standard Chemie, A. G., Vaduz, Liechtenstein.	do	do*	do	22 F. R 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Standard Chemie, A. G., St. Albangraben 8, Basel, Switzerland.	3-25-57	do*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 2053, 3-28-57.
Stawa A. G., Vaduz, Liechtenstein.	3-11-57	do*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Stawa Co., 22/32 Copperfield Rd., London, E. 3, England.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Stemmler, Carl Herman Ferdinand, Manager and Director, Stemmler-Imex, N. V., Leidseplein-Hirschgebouw, Post Box 649, Amsterdam, Netherlands.	10-27-55	10-27-57 (On probation 10-28-57—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 8202, 11-1-55.
Stemmler-Imex Succ., Longue Rue Nueve 43, Antwerp, Belgium.	do	do*	(Company related to Stemmer-Imex, N. V., which see.)	20 F. R. 8202, 11-1-55.
Stevens, Paul, Comptoir N. V. Paul Stevens & Co., S. A., 21 Kipdorp, Antwerp, Belgium.	9-17-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 9667, 9-21-51.
Stonehill, G. C., 18 Buckingham Gate, London, S. W. 1, England.	12- 8-50	do	do	15 F. R. 8868, 12-14-50.
Sudexport, Allenby Str. 108, P. O. B. 2228, Tel Aviv, Israel.	6-24-57	do	do	22 F. R. 4512, 6-27-57.
Takeno, Yonesaburo, official of Tokyo Shoko K. K. No. 14 Hirano-Machi 3-Chome Higashi-Ku, Osaka, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 775-777, 2-3-56.
Termac, Kaistrasse 7, Duesseldorf, Germany.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F. R. 2852, 5-1-56.
Thiel, Reynold, 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6- 9-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F. R. 4190, 6-15-55.
Tingley, E. & Son, Ltd., 22/32 Copperfield Rd., Canal Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1650, 3-14-57.
Tingley, E., Trading, Ltd., 22/32 Copperfield Rd., London, E. 3, England, and 1 Brickfield Rd., Ebute Metta (Lagos), Nigeria.	do	do*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Tokyo Shoko K. K., No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 775-777, 2-3-56.
Torbay Trading Ltd., Copperfield Rd., Westhill, Ontario, Canada.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Tower Warehousing Co. (London), Ltd., Brown Bear Alley, London, E. 1, England.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Trans Chemie, 702 Keizersgracht, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation 10-29-56—duration.)*	(Company related to Continental Import and Export Company, N. V. and N. V. Noord-Hollandsche Handelsassociatie, which see.)	20 F. R. 8224, 11-2-55.
Trans Trust, Ltd., S. P. R. L. 3, Rue d'Assaut, Brussels, Belgium.	4-25-56	4-25-58 (On probation 4-26-58—4-25-59.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2852, 5-1-56.
Transmare Handelmaatschappij, N. V., Meent 93, Rotterdam, Netherlands.	5-24-57	5-24-58 (On probation 5-25-58—duration.)*	do	22 F. R. 3765, 5-29-57.
Traverse, N. V., 51 Stadhouderskade, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation 10-29-56—duration.)*	(Company related to Continental Import and Export Company N. V. and N. V. Noord-Hollandsche Handelsassociatie, which see.)	20 F. R. 8224, 11-2-55.
Treitel, E. & Co., Ltd., Dashwood House, 69, Old Broad St., London, E. C. 2, England.	7-24-57	(On probation 7-24-57—7-24-58.)*		22 F. R. 5982, 7-30-57.
Union Europeenne de Produits Chimiques, 27 Rue des Petites Ecuries, Paris, France.	12-13-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 9469, 12-16-55. 21 F. R. 4322, 6-20-56.
United Chemicals (London), Ltd., 147 Victoria St., London, S. W. 1, England.	8-22-57	5-22-58 (On probation 5-23-58—8-22-59.)*	do	22 F. R. 6902, 8-27-57.
United Petrolifera, Italiana, S. R. L. (formerly United Refineries Corp.), Via Manzoni 41A, Milan, Italy.	7- 9-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 5197, 7-12-56.
Van de Looveren, N.V., A. M. M., Van de Looveren, Anthonius, M. M., Willemsparkweg 80, Amsterdam C, Netherlands.	12-12-55	do	do	20 F. R. 9431, 12-15-55.
Van Der Zanden, Hendrik Frans, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	do	do	21 F. R. 8612, 11-9-56.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration date	Export privileges affected	Federal Register citation
Van Woerkom, J. C. A. M., Industriele Handelsonderneming, v/h Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam, Netherlands.	11- 6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 7179, 11-11-53.
Volmer, Arthur, American Industrial Products Co., G. m. b. H., a/k/a Aminprocom, Kattrepel 2, Hamburg, Germany.	3- 3-54	3-3-59	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Ching Sen Lee, which see.)	19 F. R. 1328, 3-9-54.
von der Fuhr, Hans W. J. M., von der Fuhr, Werner H. H., dba N. V. Chem. Techn., Industrie "Tilburg", Poststraat 39, Postbox 37, Tilburg, Netherlands.	1-31-58	1-31-59 (Duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 761, 2-5-58.
Von Tscharner, Albert Edward, Rothkreuz, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Satis, A. G. which see.)	16 F. R. 10088, 10-3-51.
Wallastone Construction Co., Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Waller Estates, Ltd., 540 Burrard St., Vancouver, B. C., Canada.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Waller Family Trust, Ltd., Chambers, Nassau, Bahamas, British West Indies.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Waller Investment Corp., Ltd., Copperfield Rd., Westhill, Ontario, Canada.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Waller, W. K. S., 22/32 Copperfield Rd., London, E. 3, England.	3-25-57	do*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 2053, 3-28-57.
Wallersteiner Familien Trust, Vaduz, Liechtenstein.	3-11-57	do*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Wallersteiner, William, Kurt Samuel, a/k/a Waller, W. K. S., 22/32 Copperfield Rd., London, E. 3, England.	do	do*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Watford Chemical Co. (Canada), Ltd., Copperfield Rd., Westhill, Ontario, Canada.	do	do*	do	22 F. R. 1650, 3-14-57.
Watford Chemical Co., Ltd., 22/32, Copperfield Rd., Canal Rd., London, E. 3, England.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Watford Chemical Corp., New York, N. Y.	do	do*	do	22 F. R. 1650, 3-14-57.
Watford Chemicals (Alberta), Ltd., Royal Bank of Canada Chambers, Edmonton, Alberta, Canada.	do	do*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Watford Realty, Ltd., Copperfield Rd., Westhill, Ontario, Canada.	do	do*	do	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Watters, Chris A., 3 Parkway Dr., R. R. 1, Milton, Ontario, Canada.	do	3-11-60	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1650, 3-14-57.
Well Lu Trading Co., P. O. Box 697, 201, Rama 1 Rd., Pratumwarn, Bangkok, Thailand.	5-19-54	Duration	do	19 F. R. 3009, 5-25-54.
Westawu G. m. b. H., 30 Friedrich-Ebert Strasse, Frankfurt, Germany.	3-11-57	3-11-60 (On probation 3-12-60—duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57. 22 F. R. 2053, 3-28-57.
Wester Metaalwarenfabriek, Amsterdam, Netherlands.	10-27-55	10-27-57 (On probation 10-28-57—duration.)*	(Company related to Stemmler-Imex, N. V., which see.)	20 F. R. 8202, 11-1-55.
Western Metal A. G., Zurich and Lausanne, Switzerland.	4-25-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F. R. 2852, 5-1-56.
Wilhelm, Georges, 3, Rue d'Assaut, Brussels, Belgium.	do	4-25-58 (On probation 4-26-58—4-25-59.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 2852, 5-1-56.
Williams, Jerry & Co., Hong Kong.	6- 1-56	Duration	do	21 F. R. 3878, 6-6-56.
Wolff, Hans, d/b/a Hans Wolff Export-Import, Bingerstrasse 31, Berlin-Wilmersdorf, West Germany.	4-15-57	(On probation 4-15-57—duration.)*	do	22 F. R. 2717, 4-18-57.
Wolfson, Irving N., 15 Park Row, New York 38, N. Y.	4-23-53	Duration	do	18 F. R. 2481, 4-28-53.
Youssem, Leon, 12 Avenue des Arts, Brussels, Belgium.	3-25-57	Indefinite	do	22 F. R. 2055, 3-28-57.
Zemanek & Co., Ltd., 46-47 Chancery Lane, London W.C. 2, England.	5-21-56	Duration	do	21 F. R. 3609, 5-25-56.
Zetland Corp., David, Zetland, David, Zetlan, David or Davis, Zetlin, David or Davis, 46 Cedar St., New York, N. Y.	5-28-51	do	do	16 F. R. 5295, 6-5-51.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

PART 383—APPEALS

§ 383.1 *General procedure for appeals*—(a) *Purpose.* This section provides the general procedure for appeals, except as otherwise noted below.

(b) *Appeal of regulations and administrative actions.* Any person may appeal, upon the grounds set forth in paragraph (e) of this section, from:

(1) Any regulation issued by the Department of Commerce under the Export Control Law or delegated authority relating thereto; or,

(2) Any administrative action of the Department of Commerce or duly authorized employees thereof, taken under such authority, including appeals from compliance actions as set forth in § 382.13 of this chapter.

(3) Problems of an overall nature, affecting exporters as a group, will not be considered within this appeals procedure, but may be referred to Commodity Advisory Panels and Commodity Advisory Committees as provided in § 384.1 of this chapter.

(c) *Definitions.* For purposes of this section.

(1) "Regulation" means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in a Current Export Bulletin which is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action taken by the Department of Commerce or its duly authorized employees under a regulation with respect to a particular person, and covers all actions taken on license applications, including return without action.

(3) "Appeal" means a request for relief as provided in this section from the provision of a regulation or of an administrative action, and includes an initial review.

(4) "Person" shall be construed to mean the singular, or plural, an individual, corporation, partnership, association, company, or any other kind of organization whatsoever, including any government or agency thereof.

(5) "Appellant" means a person filing an appeal.

(d) *Establishment of Appeals Board.* The Appeals Board of the Department of Commerce has been established as an impartial body to consider appeals. The Board consists of a Chairman and two other members designated by the Assistant Secretary of Commerce for Administration, and approved by the Secretary of Commerce.

(e) *Who may file and upon what grounds.* Any person affected by a regulation or administrative action of the kind described in paragraph (b) of this section may file an appeal on the ground that:

(1) The regulation or administrative action works an exceptional and unreasonable hardship upon him; or

(2) The regulation or administrative action improperly discriminates against him.

(f) *Preparation of appeals*—(1) *Appeals shall be in writing.* All appeals and accompanying material shall be filed in triplicate, unless otherwise indicated below. If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the appellant, waiver of this rule may be requested at the time the appeal is filed. Appeals must be clearly marked "Ref: Appeals," followed by a reference to the regulation (or administrative action thereunder) which is appealed and shall be in letter form.

(2) *Information to be contained in appeal.* All appeals shall clearly state (i) the provisions of the regulation or the administrative action which is appealed, (ii) the grounds for the appeal, and (iii) the relief requested by the appellant. The various grounds for the appeal should be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) *Request for oral presentation.* A request for an oral presentation before the Appeals Board, as provided in paragraph (h) (2) of this section, shall be in writing and should be filed with the appeal.

(4) *Return without action of appeals improperly prepared or filed.* An appeal not prepared or filed substantially as provided in this section may be returned to the appellant without action.

(5) *Additional requirements for specified appeals.* In addition to the above-described appeals letter, the following papers shall be included with appeals of the kind described in this subparagraph.

(i) Appeals from rejection of license applications shall include (*a*) the Notification of Rejection (Form IT- or FC-204A), (*b*) a new original copy of the license application (Form FC-419) on which should be entered the Bureau of Foreign Commerce old case number in the space provided, and (*c*) an acknowledgment card (Form FC-116) showing the old case number.

(ii) Appeals from license applications returned without action shall include (*a*) the returned without action license application (Form FC-419), and (*b*) an acknowledgment card (Form FC-116) showing the old case number.

(iii) Appeals from multiple commodities or multiple consignee applications disallowed in part must include (*a*) a certified or photostatic copy of the original application (Form FC-419), (*b*) a complete new application covering only the rejected items, and (*c*) the appropriate Acknowledgment Card (Form FC-116).

(iv) Appeals from rejection of request for extension of licenses shall include the license unless it has been previously surrendered to the Department of Commerce or a Collector of Customs.

(v) Appeals from denial of request to transfer export licenses shall include (*a*) letters of request for transfer in triplicate from the transferor and transferee, and (*b*) the original license unless the license is on file with the Bureau of Foreign Commerce.

(g) *When and where to file appeals other than appeals from suspension orders.* Appeals may be filed not later than 20 days after the publication date of a regulation, or the date of transmittal of written notification of administrative action, or of a determination upon the initial review.[1] All appeals shall be filed with and addressed to the Department of Commerce, Washington 25, D. C.

NOTE: The procedure for filing appeals from suspension orders and denials of license privileges is set forth in § 382.13 of this chapter.

(h) *Consideration of appeals*—(1) *Submission of appeals.* All appeals, except appeals from denial of the privilege of obtaining or using export licenses, will be considered and reviewed initially by appropriate officials of the Bureau of Foreign Commerce prior to submission of the appeals to the Appeals Board. The Appeals Board will consider only those appeals in which the appellant expressly requests in writing that his appeal be considered by the Appeals Board. An appellant may request consideration of his appeal by the Appeals Board at the time of original submission or after determination upon the initial review of his appeal by appropriate officials of the Bureau of Foreign Commerce as set forth in this paragraph.

NOTE: The basis for consideration of appeals from suspension orders and denials of licensing privileges is set forth in § 382.13 of this chapter.

(2) *Oral presentations.* In exceptional cases, where the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D. C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation. Such presentation will be heard informally; generally no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. Appellants need not be represented by counsel unless they so wish.

(3) *Records.* Records concerning each appeal will be maintained by the Bureau of Foreign Commerce and may be made available for inspection and copying by persons properly concerned, upon written application. Such application shall be addressed to the Appeals Board, Department of Commerce, Washington 25, D. C., and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purpose for which it is sought.

(i) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part. Determinations by the Appeals Board shall be final. The determination of an appeal will be communicated to the appellant in writing.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. app. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

PART 384—GENERAL ORDERS

Sec.
384.1 Commodity advisory panels and committees.
384.2 Conduct of business and practice before the Bureau of Foreign Commerce.
384.3 Authority of Collectors of Customs to exercise export control authority in event of enemy attack.

AUTHORITY: §§ 384.1 to 384.3 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. app. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 384.1 *Commodity advisory panels and committees*—(a) *Purpose.* (1) The purpose of this section is to establish a procedure whereby the Bureau of Foreign Commerce of the Department of Commerce may consult with the export trade and obtain advice and recommendations concerning export licensing policies and procedures under the Export Control Law.

(2) The provisions of this section are not to be construed as prohibiting individuals or groups of individuals from seeking discussions with employees of the Bureau of Foreign Commerce.

(b) *Organization of the panels and committees*—(1) *Representation by commodities.* It is intended, for convenient operation and size, to provide representation of the export trade by commodities. Wherever practicable, segments of the trade handling different commodities (or groups of commodities) will be represented by separate panels or committees. Where panels are formed, the membership may be called upon to meet as a whole, or committees may be organized from among the members to consider specific problems as they arise. The panels and committees will be selected by the Bureau of Foreign Commerce.

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[1] A rejection of an export license application on the ground that the proposed exportation is contrary to the national interest may be appealed. Such an appeal is appropriate, for instance, if appellant believes he has not furnished sufficient information as to the nature, characteristics, and possible end use of the commodity in question, and that an appeal may lead to favorable reconsideration. In such cases, upon request and the showing of sufficient justification, the Appeals Board may waive the time limitation.

(2) *Standards of selection.* As the purpose of the panels and committees is to give advice and make recommendations to the Bureau of Foreign Commerce affecting the trade as a whole, or segments thereof, the members of the panels and committees will be selected in an effort to obtain advice and recommendations which will represent the viewpoint of all parts of the trade involved. The panels and committees will be formed of the minimum number of persons necessary to represent a fair cross-section of the trade in the commodity (or groups of commodities) from the standpoints of (i) large, medium, and small-sized companies, (ii) geographical distribution, (iii) segments of the export trade involved—e. g., by types of exporters (such as manufacturers, manufacturers' representatives, merchant exporters, combination export managers, etc.), (iv) by types of commodities, and (v) trade association membership and non-membership.

(3) *Special conferences.* If export trade advice is sought on a special problem, and there is no foreseeable need to seek the continuing advice of the trade, a special conference may be called. Except for omission of formal establishment of a panel or committee, the procedure for calling and conducting a special conference shall be the same as set forth under the provisions of this section.

(4) *Representation of small business.* In forming commodity advisory panels and committees, the Bureau of Foreign Commerce will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress) and the President's memorandum to heads of Executive Departments and Agencies of December 12, 1947, with respect to the representation of small business on Government committees.

(5) *No compensation allowed.* Members of the panels and committees pay their own expenses and are entitled to no compensation for their services.

(c) *Functions of the panels and committees*—(1) *Authorized activities.* The functions of commodity advisory panels and committees formed by the Bureau of Foreign Commerce under this section are to give advice and make recommendations through one or more commodity advisory committees to the Bureau of Foreign Commerce, at committee meetings, on export licensing policies and procedures affecting those parts of the export trade represented by the committee. Where deemed appropriate, in view of the nature of a specific licensing policy or procedure, the Bureau of Foreign Commerce will authorize the hólding of full panel meetings.

(2) *Unauthorized activities.* (i) No other activities by these commodity advisory panels and committees or by their members are sponsored or authorized by the Department of Commerce or the Bureau of Foreign Commerce. No meetings of these commodity advisory panels and committees, or any part thereof, are sponsored or authorized by the Department of Commerce or the Bureau of Foreign Commerce unless such meetings are called and conducted by appropriate officials of the Bureau of Foreign Commerce in accordance with the provisions of this section.

(ii) The panels and committees are not authorized to determine policies for the export trade nor are they authorized to compel or coerce any person to comply with any request, order, or regulation made by the Department of Commerce or the Bureau of Foreign Commerce.

(d) *Meetings of the panels and committees*—(1) *Calling of meetings.* (i) Commodity advisory panel meetings and commodity advisory committee meetings will be called by the Bureau of Foreign Commerce in connection with the promulgation of export licensing policies or procedures affecting the parts of the export trade represented by the panel or committee, as the case may be, except where the necessary timing or other public exigency does not permit such prior consultation.

(ii) A meeting of a trade advisory panel or committee may be proposed by any three of its members. Such proposal should be addressed to the Government presiding officer and state the reasons for proposing the meeting. The Government presiding officer is responsible for determining whether a meeting should be called.

(2) *Agenda and presiding officer.* (i) The agenda of the meeting will be prepared by the Bureau of Foreign Commerce. A representative of the Bureau of Foreign Commerce will preside at every panel meeting and every committee meeting.

(ii) Prior to a meeting, members of a panel or committee may propose subjects for the agenda to the Government presiding officer, but during a meeting may not introduce any subject not included on the agenda.

(3) *Attendance at meetings.* (i) Attendance at meetings shall be limited to duly appointed members and invited Government representatives. The attendance of other persons at meetings, such as industry or trade observers or alternates for accredited members, is not authorized. If it is essential for the purpose of a particular meeting to invite a non-member expert or technician who can provide advice concerning a specialized subject, a special written invitation from the Bureau of Foreign Commerce will be required requesting the attendance of such person at the meeting.

(ii) A meeting of a segment or segments of an advisory panel or committee may be called to discuss subjects of interest only to that part of the trade, provided that the segment of the trade is representative, or that additional representatives are appointed in order to make it representative.

(4) *Conduct during meetings.* During a meeting, members are restricted to expressions of advice and recommendations and may not make resolutions nor shall they submit or request submission of a vote regarding a recommendation under discussion.

(5) *Minutes.* The Bureau of Foreign Commerce will keep minutes of each meeting and where practicable, will make summaries available to members of the commodity advisory panel, the committee, the export trade, and the press.

§ 384.2 *Conduct of business and practice before the Bureau of Foreign Commerce*—(a) *Activities of persons appearing before the Bureau of Foreign Commerce in connection with export control matters*—(1) *Who may be excluded.* Any person, whether acting on his own behalf or on behalf of another, who shall be found guilty of engaging in any unethical activity or who shall be demonstrated not to possess the required integrity and ethical standards may be excluded from (denied) export privileges on his own behalf or may be excluded from practice before the Bureau of Foreign Commerce on behalf of another, in connection with any export control matter, or both, as provided in part 382 of this chapter.

(2) *Grounds for exclusion.* Among the grounds for exclusion are the following:

(i) Inducing or attempting to induce by gifts, promises, bribes, or otherwise any officer or employee of the Bureau of Foreign Commerce or any customs or post office official to take any action with respect to the issuance of licenses or any other aspects of the administration of the Export Control Law, whether or not in violation of any regulation;

(ii) Offering or making gifts or promises thereof to any such official or employee for any other reason;

(iii) Soliciting by advertisment or otherwise the handling of business before the Bureau of Foreign Commerce on the representation, express or implied, that such person, through personal acquaintance or otherwise, possesses special influence over any officer or employee of the Bureau of Foreign Commerce;

(iv) Charging or proposing to charge for any service performed in connection with the issuance of any license any fee wholly contingent upon the granting of such license and the amount or value thereof. This provision will not be construed to prohibit the charge of any fee agreed to by the parties; provided that the out-of-pocket expenditures and the reasonable value of the services performed, whether or not the license is issued and regardless of the amount thereof, are fairly compensated; and

(v) Knowingly violating or participating in the violation of, or an attempt to violate, any regulation with respect to the exportation of commodities, including the making of or inducing another to make any false representations to facilitate any exportation in violation of the Export Control Law or any order or regulation issued thereunder.

(3) *Definition.* As used in this section, the terms "practice before the Bureau of Foreign Commerce" and "appear before the Bureau of Foreign Commerce" include:

(i) The submission on behalf of another of applications for export licenses or other documents required to be filed with the Bureau of Foreign Commerce, or the execution of the same;

(ii) Conferences or other communications on behalf of another with officers or employees of the Bureau of Foreign

Commerce for the purpose of soliciting or expediting approval by the Bureau of Foreign Commerce of applications for export licenses or other documents, or with respect to quotas, allocations, requirements, or other export control actions, pertaining to matters within the jurisdiction of the Bureau of Foreign Commerce;

(iii) Participation on behalf of another in any proceeding pending before the Bureau of Foreign Commerce; and

(iv) The submission to a customs official on behalf of another of a license or Shipper's Export Declaration or other export control document.

(4) *Proceedings.* All proceedings under this section shall be conducted in the same manner as provided in part 382 of this chapter.

(b) *Former employees.* (1) No person shall appear or be permitted to appear before the Bureau of Foreign Commerce, Department of Commerce, as the agent, attorney, or representative of any individual, corporation, partnership, or any group or body of persons, other than the United States or agency thereof, or public international organizations, as designated by Executive Order (including the United Nations and its specialized agencies), if such person:

(i) Is, or at any time within one year prior thereto was, a full-time or part-time, compensated or uncompensated officer or employee of the Bureau of Foreign Commerce or any of its predecessor or constituent agencies and such relationship or employment was terminated subsequent to May 24, 1951; or

(ii) Has at any time been officially associated with the specific transaction or matter to which such appearance relates, as a full-time or part-time, compensated or uncompensated officer or employee of the Bureau of Foreign Commerce or any of its predecessor or constituent agencies.

(2) Notwithstanding the prohibition contained in this paragraph, the Bureau of Foreign Commerce may, in exceptional cases and upon receipt of a sworn written application setting forth the facts, grant to a former officer or employee disqualified under this paragraph, written permission to appear before the Bureau of Foreign Commerce on behalf of another person for a specific or limited purpose, where in its opinion such permission is necessary to prevent injustice or unnecessary hardship.

(3) As used in this paragraph, the term "appear before the Bureau of Foreign Commerce" shall have the same meaning as the definition in paragraph (a) (3) of this section.

§ 384.3 *Authority of Collectors of Customs to exercise export control authority in event of enemy attack.* (a) Each Collector of Customs is hereby authorized and directed in the event of an enemy attack on any part of continental United States to prohibit completely or curtail to the extent deemed necessary and advisable by each Collector any exports through ports under the Collector's jurisdiction.

(b) This general authorization shall be subject to any orders or directives transmitted from the Bureau of Foreign Commerce of the Department of Commerce or the Bureau of Customs of the Treasury Department, either prior to or subsequent to an enemy attack.

(c) In the exercise of this authority, consideration should be given for the safety of any vessels in port, loading or having aboard export cargo, as well as the necessity for maintaining loading or unloading facilities for emergency purposes.

PART 385—EXPORTATIONS OF TECHNICAL DATA

Sec.
385.1 Definitions.
385.2 General Licenses GTDP, GTDU, and GTDS.
385.3 Security provisions for certain types of technical data.
385.4 Exportations to Subgroup A Destinations and Poland (including Danzig).
385.5 Presentation of Shipper's Export Declaration.
385.6 Reexportations.

AUTHORITY: §§ 385.1 to 385.6 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 385.1 *Definitions*—(a) *Technical data.* "Technical data" means any professional, scientific or technical information, including any model, design, photograph, photographic negative, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, utilization, or reconstruction of articles or materials. As used in this part, technical data do not include "classified" technical data, i. e., technical data which have been officially assigned a security classification, i. e.: "top secret," "secret," or "confidential," by an officer or agency of the United States Government.

(b) *Exportation of technical data.*[1] [2] "Exportation of technical data" is defined as any release of unclassified technical data for use outside the United States (except Canada[3]) and includes the actual shipment out of the United States as well as the furnishing of data in the United States to persons with knowledge or intention that the person to whom it is furnished will take such data out of the United States.

§ 385.2 *General Licenses GTDP, GTDU, and GTDS*—(a) *General License GTDP; unclassified technical data generally available in published form.* A general license designated GTDP is hereby established authorizing the exportation to all destinations of unclassified technical data generally available in published form, provided such technical data are (1) sold at newsstands or bookstores; or (2) available by subscription or purchase without restrictions to any person or available without cost to any person; or (3) granted second class mailing privileges by the United States Government; or (4) freely available at public libraries.

(b) *General License GTDU; unclassified technical data either unpublished or not generally available in published form.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, either unpublished or not generally available in published form, to any destination, except a Subgroup A destination or Poland (including Danzig).[4]

(c) *General License GTDS; unclassified scientific and educational technical data.* A general license designated GTDS is hereby established authorizing the exportation to all destinations of unclassified scientific and educational technical data involving:

(1) Dissemination of information not directly and significantly related to design, production and utilization in industrial processes, including such dissemination by correspondence and attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories.

NOTE: "Instruction" is interpreted not to include research under contract where the research relates directly and significantly to design, production, and utilization in industrial processes.

§ 385.3 *Security provisions for certain types of technical data*—(a) *General.* This section establishes a procedure whereby persons or firms may obtain, through the Bureau of Foreign Commerce official United States Government opinions as to the desirability of exporting or releasing for use in friendly foreign countries certain types of unpublished technical data which have significance to the common security and defense of the United States.

(b) *Scope.* The scope of this section is concerned with technical data in connection with:

(1) Advanced developments, technology, and production "know-how";

(2) Prototypes; and

(3) Special installations.

NOTE: Official opinions are not necessary in order to export advertising catalogs or pamphlets; sales technical data supporting a proposal or quotation for installation of

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[1] License applications or questions as to the exportation of unclassified technical data relating to commodities which are licensed by government agencies other than the Bureau of Foreign Commerce shall be referred to the appropriate government agency for consideration (see § 370.4). License applications or questions as to the exportation of classified technical data shall be referred to the Office of Munitions Control, Department of State, Washington 25, D. C.

[2] In addition to the regulations issued by the U. S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are subject to the Bureau of Foreign Commerce regulations covering the exportation of technical data, in the same manner as the exportation of other types of technical data. Patent attorneys and others are advised to consult with the U. S. Patent Office, Department of Commerce, Washington 25, D. C., relative to the U. S. Patent Office regulations concerning the filing of patent applications or amendments in foreign countries.

[3] Exportation or release of technical data for use in Canada is permitted without authorization or license from the Bureau of Foreign Commerce.

[4] See § 371.3 (a) (2) of this chapter for listing of destinations in Subgroup A.

United States origin equipment; maintenance, repair and operating data for existing installations of United States origin equipment; technical data for the assembly, erection and installation of United States origin equipment licensed for export.

(c) *Substance.* (1) Before completing arrangements to export or release for use in friendly foreign countries any unpublished technical data included in the scope of the security provisions, exporters should request an official opinion from the United States Government, through the Bureau of Foreign Commerce, as to the desirability of exporting or releasing the technical data. Requests for official opinion from the United States Government shall be submitted by letter, in duplicate, to the Department of Commerce, Bureau of Foreign Commerce, Reference FC-2620, Washington 25, D. C. Information included in these requests will be treated in confidence in order not to disturb competitive relationships.

(2) The letter shall set forth all the necessary facts as may be required to present to the Bureau of Foreign Commerce a complete disclosure of the relationships existing between the applicant and the consignee and to describe adequately the type of technical data to be exported. The letter of explanation should present a composite picture of the kind and types of technical data, the uses for which and by whom such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(3) As a minimum, the letter should include the following information:

(i) A detailed itemization of the technical data to be exported, including a detailed description of the nature of the specific technical data, processes involved, if any, and whether new installations, developments or projects are concerned.

(ii) A list of names and addresses of the firms in foreign countries who will use or see the technical data.

(iii) Whether the technical data will be used abroad in the production of any material or product that is to be exported from the country of ultimate destination, and if so, name of the country(ies) to which the material or product is to be exported, and if possible, the estimated quantities of each material or product.

(iv) Whether the technical information is required for the national defense, public health, or safety of the country of destination. If the technical data are to be used in a project sponsored by the United States Government, it should be so indicated.

(v) The manner or means by which the information will be furnished to the foreign consignee (i. e., blue prints, specifications, technical aid contracts, manufacturing agreements, patent licensing arrangements, instructional or training material, training in the United States of foreign personnel, personal delivery by United States personnel sent abroad, etc.).

§ 385.4 *Exportations to Subgroup A destinations and Poland including Danzig*[1]—(a) *Scope.* (1) Under the provisions of this section, there is established a procedure for the exportation to Subgroup A destinations and Poland (including Danzig) of technical data not exportable under a general license.

(2) Pursuant to this procedure, application may be made for a validated license which, if issued, authorizes the exportation of specifed technical data to a designated foreign consignee or consignees, within a validity period of six months.

(b) *Application form and acknowledgment card.* An application for a technical data license shall be submitted on Form FC-419 (Revised Jan. 1956), in duplicate, accompanied by an Acknowledgment Card, Form FC-116, as described in paragraph (c) of this section, and the letter of explanation described in paragraph (d) of this section.

(c) *Completion of application form and acknowledgment card.* (1) Form FC-419 (Revised Jan. 1956) shall be completed as provided in § 372.5 of this chapter, except that the items for producer, quantity to be shipped, Schedule B number, and price, shall be left blank. The commodity description item shall contain a general statement which specifies the form(s) of the technical data (blue prints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form FC-419 immediately above the printed words "United States of America".

(2) The Acknowledgment Card, Form FC-116, shall also be completed as provided in § 372.5 of this chapter except that the Schedule B number, processing code, related commodity group number, and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the processing code.

(d) *Letter of explanation.* Each application shall be supported by a comprehensive letter of explanation in duplicate, setting forth all the necessary facts as may be required to present to the Bureau of Foreign Commerce a complete disclosure of the relationships existing between the applicant and the consignee and to describe adequately the type of technical data to be exported. The letter of explanation should present a composite picture of the kind and types of technical data, the uses for which such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(e) *Issuance and use of validated licenses.* (1) When an application for a license to export technical data is approved by the Bureau of Foreign Commerce, an export license will be issued on Form FC-628, authorizing, subject to the provisions of the Export Regulations and to the terms and provisions of such license, the exportation of the types of technical data described therein.

(f) *Export clearance.* The Technical Data license shall be deposited with the Collector of Customs at the port of exit or the Postmaster, as appropriate, before exportation or deposit of the data with the Postmaster for mailing.

(g) *Amendments.* Requests for amendments shall be made in accordance with the provisions of § 380.2 of this chapter.

(h) *Other applicable provisions.* Insofar as consistent with the provisions of this section, all of the provisions of the Export Regulations shall apply equally to applications for licenses issued under this section.

§ 385.5 *Presentation of Shipper's Export Declaration.* A shipper's Export Declaration, in the number of copies set forth in § 379.3 (c) of this chapter, shall be presented to the Collector of Customs prior to the exportation or release for foreign use of technical data other than by mail, including surface or air parcel post, or by telegram, wireless, cable, or telephone. Except where a shipment is made by mail in accordance with the provisions of § 379.1 (b) (1) (ii) of this chapter, a Declaration is not required to be presented to the Postmaster.

§ 385.6 *Reexportations*—(a) *Prohibited reexportations.* (1) No exportation may be made under any type of general license with the knowledge or intention that the technical data so exported are to be reexported from the country of destination unless the reexportation has been specifically authorized by the Department of Commerce or is permitted under the provisions of paragraph (b) of this section.

(2) No exportation may be made under any validated license with the knowledge or intention that the technical data so exported are to be reexported from the country stated on the license application, unless the reexportation has been specifically authorized by the Bureau of Foreign Commerce or is permitted under the provisions of paragraph (b) of this section.

(b) *Permissive reexportations.* Any technical data which have been exported from the United States may be reexported from any destination to any other destination provided that, at the time of reexportation, the technical data to be reexported may be exported directly from the United States to the new country of destination under General License GTDP, GTDU or GTDS.

PART 398—PRIORITY RATINGS

Sec.
398.1 DO (priority) ratings and allotment symbols (DMS) for MRO supplies for foreign civil air carrier aircraft.
398.2 Defense Supporting Priority Assistance.
398.51 Supplement No. 1 to Part 398: Countries for which the Civil Aeronautics Administration handles DO ratings or allotment symbols for foreign civil air carrier aircraft.
398.52 Supplement No. 2 to Part 398: Controlled materials (Schedule 1 to DMS Regulation No. 1).

AUTHORITY: §§ 398.1 to 398.52 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 398.1 *DO (priority) ratings and allotment symbols (DMS) for MRO sup-*

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[1] See paragraph 371.3 (a) (2) for listing of destinations in Subgroup A.

plies for foreign civil air carrier aircraft—(a) *Delegation of authority.* (1) The Civil Aeronautics Administration has delegated to the Bureau of Foreign Commerce, Department of Commerce, the right to assign DO ratings on purchase orders for maintenance, repair, and operating supplies (MRO) and supporting navigational aids for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in § 398.51. This rating authority will be exercised in accordance with a program established by the Business and Defense Services Administration and limited in total dollar value for each calendar quarters.

(2) The Bureau of Foreign Commerce is further authorized to assign allotment symbols for the procurement of controlled materials (see § 398.52) for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in § 398.51.

(b) *Programs.* The Bureau of Foreign Commerce will consider requests under the Civil Air Carrier Program for Foreign Aircraft for the assignment of:

(1) Allotment symbols for the procurement of controlled materials, and

(2) DO ratings for commodities other than controlled materials.

When such requests are approved, the Bureau of Foreign Commerce will assign the appropriate allotment symbol or rating, using the following Department of Defense program identification symbols:

A-1	Aircraft Program.
A-7	Electronics and Communications Equipment Program.
B-9	Production Equipment Program.
C-9	Miscellaneous Program.

(c) *Ratings not assigned by Bureau of Foreign Commerce.* Requests for DO ratings or allotment symbols on purchase orders for delivery of maintenance, repair and operating supplies and supporting navigational aids to foreign civil air carriers registered in any of the countries listed in § 398.51 shall be submitted to Defense Requirements Staff, W-110, General Services Office, Civil Aeronautics Administration, Temporary Building T-5, Washington 25, D. C.

(d) *Submission of request for assignment of DO ratings or allotment symbols.* (1) Requests to the Bureau of Foreign Commerce to assign DO ratings or allotment symbols to purchase orders shall be by letter, addressed to the Producers' Equipment Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The following information and documents must be attached to the letter:

(i) Duplicate copies of the purchase order or bill of materials containing the following information:

(*a*) The name of the foreign airline for which materials are required;

(*b*) The supplier's name;

(*c*) Purchase order number of the air carrier;

(*d*) Total dollar value; and

(*e*) End delivery date.

(ii) A statement that the supplier will not deliver the material without a DO rating or allotment symbol and that the air carrier cannot obtain the material from any other source.

(iii) In the case of commodities other than controlled materials, a statement as to whether any of the material covered by the order requires a validated export license from either the Bureau of Foreign Commerce or the Department of State (see § 370.4 (a) of this chapter). If a license is required from the Bureau of Foreign Commerce, submit either a Form FC-419, Application for Export License, or the Bureau of Foreign Commerce case number or export license number; if from the Department of State, furnish the license application number or the export license number.

(iv) In the case of controlled materials, the request for allotment symbol must be submitted simultaneously with the Form FC-419 when a license is required under the export regulations.

(2) In cases when an exporter desires to make shipment of a controlled material not requiring an individual export license (i. e., General Licenses GLV, GO, or GRO), the request for the allotment symbol shall specify the net weight, type of controlled material, and Schedule B number.

(3) Suppliers may also request DO ratings or allotment symbols on behalf of the air carrier or its representative by submitting the above information. In such case, the supplier must notify the air carrier or its representative, in writing, that a request for DO rating or allotment symbol has been made and send a copy of such notification to the Producers' Equipment Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

§ 398.2 *Defense supporting priority assistance.* Requests for, or information as to, export priority assistance for approved defense supporting programs should be directed to the Assistant Secretary of Defense (International Security Affairs), Washington 25, D. C.

§ 398.51 *Supplement 1; Countries for which the Civil Aeronautics Administration handles DO ratings or allotment symbols for foreign civil air carrier aircraft.*

EUROPEAN COUNTRIES

- Austria.
- Belgium-Luxembourg Economic Union.
- Denmark, including Faroe Islands.
- France, including the Saar.
- Germany (Federal Republic).
- Greece, including the Aegean Islands.
- Iceland.
- Ireland.
- Italy.
- Netherlands.
- Norway, including Spitzbergen.
- Portugal, including the Azores.
- Sweden.
- Switzerland, including Liechtenstein.
- Trieste, Free Territory of.
- Turkey.
- United Kingdom, including the Channel Islands.
- Yugoslavia.

OVERSEAS TERRITORIES

- Belgian Overseas Territories:
  - Belgian Congo.
  - Ruanda-Urundi.
- British Overseas Territories:
  - Gibraltar.
  - Malta and Gozo.
  - Cyprus.
- British Overseas Territories—Continued
  - British West Africa:
    - Nigeria, including British Cameroons.
    - Gold Coast, including British Togoland and Ashanti.
    - Sierra Leone.
    - Gambia.
  - Northern Rhodesia.
  - Southern Rhodesia.
  - Nyasaland.
  - British East Africa:
    - Kenya.
    - Uganda.
    - Tanganyika.
    - Zanzibar and Pemba.
  - Somaliland Protectorate.
  - Basutoland, Bechuanaland Protectorate, Swaziland.
  - St. Helena, Ascension Island.
  - Mauritius and Dependencies.
  - Seychelles.
  - Aden (Colony and Protectorate).
  - Bahrein Island, Kuwait, Qatar and Trucial Oman.
  - British Malaya, including Singapore.
  - British Borneo (North Borneo, Sarawak and Brunei).
  - Hong Kong.
  - British Oceania:
    - Fiji Islands.
    - British Solomon Islands.
  - Other British Islands of the Pacific.
  - Bermuda.
  - British West Indies:
    - Bahamas.
    - Jamaica and Dependencies.
    - Windward Islands, including Dominica.
    - Leeward Islands.
    - Barbados.
    - Trinidad and Tobago.
  - British Honduras.
  - British Guiana.
  - Falkland Islands and Dependencies.
- French Overseas Departments, Protectorates and Territories:
  - Overseas Departments:
    - Algeria.
    - French Guiana.
    - Guadeloupe.
    - Martinique.
    - Reunion Island.
  - Protectorates:
    - French Zone of Morocco.
    - Tunisia.
  - Overseas Territories:
    - Somaliland.
    - French West Africa, including French Togo.
    - French Equatorial Africa, including French Cameroons.
    - Madagascar and Comoro Islands.
    - Saint Pierre and Miquelon.
    - French Pacific Islands, including New Caledonia and Dependencies.
    - French East Indian Possessions.
- New Hebrides—Anglo-French Condominium.
- Danish Overseas Territory:
  - Greenland.
- Netherlands Overseas Territories:
  - Surinam.
  - Netherlands Antilles, including Curacao.
- Portuguese Overseas Territories:
  - Angola (Portuguese West Africa), including Cabinda.
  - Mozambique (Portuguese East Africa).
  - Cape Verde Islands and Portuguese Guinea.
  - Madeira.
  - Sao Thome and Principe.
  - Timor
  - Macao.
  - Portuguese East India.

FAR EASTERN COUNTRIES

- Cambodia, Laos, and Viet-Nam (the area formerly known as Indochina).
- Taiwan (Formosa).
- Thailand.
- Philippines.
- Korea, Republic of.

§ [illegible] *Supplement 2; controlled materials*[a] *(Schedule I to DMS Regulation No. 1).*

Carbon steel (including wrought iron):[1]
(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, formed.
Roofing trimmings, galvanized.
Ridge roll, valley, and flashing.
Siding, galvanized, formed.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
(c) Plate.[3]
(d) Structural shapes,[4] piling.
(e) Pipe, tubing.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]

Carbon steel (including wrought iron)[1]—Continued
(e) Pipe, tubing[1]—Continued
Includes:
Oil country goods (casings, tubular goods, type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing—seamless and welded.
Mechanical tubing, seamless and welded.
(f) Wire, wire products.
Includes:
Wire—drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples—bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.
(g) Tool steel (including die blocks and tool steel forgings).
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, shell quality for body stock only.[7]
Billets, shell quality for component parts and rockets.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings (not including cast iron).

Alloy steel[8] (except stainless steel):[9]
(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.

Alloy steel[8] (except stainless steel)[9]—Con.
(c) Plates.[10]
Includes:
Rolled armor.
Other.
(d) Structural shapes.
(e) Pipe, tubing.[5]
Includes:
Oil-country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings.

Nickel-bearing stainless steel:[11]
(a) Seamless tubing.[5]
(b) Other mill forms and products (not including forgings).
Includes:
Bar, bar shapes (including light shapes).
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
Plate.[12]
Structural shapes.[4]
Tubing (except seamless).[5]
Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.
Welded wire mesh and woven wire netting.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.

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[a] "Controlled materials" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated above, whether new, remelted, rerolled or redrawn.

[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) Ingot iron; (2) all grades of electrical sheet and strip; (3) low-alloy, high-strength steels; (4) clad and coated carbon steels not included with alloy steels; e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels; and (5) leaded carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose; and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

[2] Includes projectile body stock, sizes under 2⅞ inches and component parts, all sizes.

[3] Carbon plates not only include the following minimum size specifications, but also floor plates of any thickness:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 6 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 6 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] Steel pipe or tubing exceeding 36 inches O. D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:
Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material, nor is it a Class A or a Class B product.

[10] Alloy steel plates include the following size specifications:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

[11] "Nickel-bearing stainless steel" means a stainless steel containing 1 percent or more of nickel.

[12] Nickel-bearing stainless steel plates include the following size specifications: $\frac{3}{16}$ inch (0.1875) or thicker, over 10 inches wide.

Nickel-bearing stainless steel [11]—Continued
  (c) Castings.[12]
Copper and copper-base alloy brass mill products:[14]
  Copper (unalloyed):
    (a) Bar, rod, shapes, wire (except electrical wire).
    (b) Sheet, strip, plate, rolls.
    (c) Pipe, tubing (seamless).
  Copper-base alloy:[15]
    (d) Bar, rod,, wire, shapes.
    (e) Sheet, strip, plate, rolls, military ammunition cups and discs.
    (f) Pipe, tubing (seamless).
Copper and copper-base alloy foundry
  All copper wire and cable for electrical conduction, including but not limited to:
    Bare and tinned.
    Weatherproofed.
    Magnet wire.
    Insulated building wire.
    Paper and lead power cable.
    Paper and lead telephone cable.
    Asbestos cable.
    Portable and flexible cord and cable.
    Communication wire and cable.
    Shipboard cable.
    Automotive and aircraft wire and cable.
    Insulated power cable.
    Signal and control cable.
    Coaxial cable.
  Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.
Copper and copper-base alloy foundry products and powder:
  Includes:
    Copper, brass, and bronze castings.[16]
    Copper, brass, and bronze powder.
Aluminum: [17]
  Rolled bar, rod, wire (including drawn wire), structural shapes.
  Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.
  Insulated or covered wire or cable.
  Extruded bar, rod, shapes, tube (including drawn or welded tube).
  Sheet and plate.
  Pig or ingot, granular or shot.
Nickel alloys: [18]
  Ingots, blooms, slabs, and billets.
  Plate, sheet, strip, and foil.

Nickel alloys [18]—Continued
  Rods, bars (including anode bars), pipe, tubing, and shapes.
  Wire and wire rod.
  Powder.
  Castings (less gates and risers, rough as cast).

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Sec.
399.1 Appendix A—Positive List of Commodities.
399.2 Appendix B—Commodity interpretations.
399.3 Appendix C—Commodity processing codes.
399.4 Appendix D—Groups of commodity processing codes.

AUTHORITY: §§ 399.1 to 399.4 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 399.1 *Appendix A—Positive List of Commodities.*

GENERAL NOTES TO POSITIVE LIST

(a) *Schedule B Number.* Commodities are listed in numerical order by Schedule B numbers, which appear in the first column of the Positive List of Commodities. These numbers correspond with those shown in the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and must be shown on all export license applications.

(b) *Commodity Description*—(1) *Partial coverage of Schedule B number.* Where the commodity description of a Schedule B number on the Positive List of Commodities mentions only a part of the commodities covered by the Schedule B number, only the commodity or commodities specifically mentioned are included on the Positive List.

Example: The commodity description in Schedule B under No. 38470 reads "Broad woven fabrics, n. e. c., wholly or in chief weight nylon." On the Positive List,, nylon cloth specially manufactured for the production of parachutes is the only commodity shown under this Schedule B number. Therefore, other fabrics classified under this number in Schedule B are not on the Positive List.

(2) *Unnumbered captions.* The unnumbered captions set forth in the "Commodity" column serve only to identify the broad categories of commodities within which the numbered commodities are to be found in Schedule B.

Only commodities listed opposite Schedule B numbers are on the Positive List.

Example: The following unnumbered caption and commodity listing appear on the Positive List:

Abrasive products [Report abrasive refuse in 59645]:
54126 Grinding wheels containing silicon carbide or aluminum oxide.

This means that grinding wheels of the types described above are the only types of abrasive products on the Positive List under this Schedule B number.

(c) *Quantity classifications.* The quantity classification given for each commodity in the "Unit" column must be shown on export license applications. If there is no entry in the unit column, the application should show the unit of quantity commonly used in the trade.

(d) *GLV Dollar Value Limits.* The "GLV Dollar Value Limits" column has reference to the dollar value limits under General License GLV, established by § 371.10 of this chapter.

(e) *Commodity processing codes.* The commodity processing codes, referred to in the "Processing Code and Related Commodity Group" column, are used to facilitate the routing and processing of export license applications within the Bureau of Foreign Commerce. Related commodities are commodities which have the same processing code symbol and the same number following such symbol.

For each entry there is a four-letter symbol (e. g., GIEQ, STEE, TRAN), known as the processing code, which must be shown on the application for export license. In many cases this symbol is followed by a number, which is known as the related commodity group number. This number, which also must be shown on the application, indicates that all entries having the same processing code and number may be entered on a single application for export license. (For complete information on the inclusion of related commodities on a single application, see § 372.5 (f) of this chapter.)

Commodity processing codes, arranged in four groups corresponding to the four product divisions in the Bureau of Foreign Commerce that license the commodities, are shown in § 399.4.

(f) *Validated License Required.* The "Validated License Required" column is used to indicate whether a commodity is identified as an RO or R commodity. A validated license is required for the exportation of RO commodities to destinations in both Country Groups R and O. A validated license is required for exportations of R commodities to Country Group R destinations only. However, a validated license is not required if the exportation can be made, under one of the general licenses, as set forth in Part 371 of this chapter, or under other provisions permitting the exportation without a license.

The Positive List of Commodities includes all commodities which require a validated export license from the Department of Commerce for shipment to any destination, whether to Country Group R and O destinations or to Country Group R destinations only. (All commodities, whether or not on the Positive List, require validated licenses for export to Hong Kong, Macao, Poland (including Danzig), and Subgroup A destinations, unless exportable under a particular general license. See Parts 371 and [illegible] of this chapter.) (Commodities licensed by other agencies of the government are described in § 370.4 of this chapter.)

(g) *Definitions*—(1) *Abbreviation "n. e. c."* The abbreviation "n. e. c." appearing in various entries on the Positive List of Commodities means "not elsewhere classified."

(h) *References on the Positive List to special provisions.* Under each commodity group heading on the Positive List, Commodity Group 0 to Commodity Group [illegible] inclusive, there are references to all Sections containing special provisions for any commodity in that commodity group; i. e., any commodity having a Schedule B number the first digit of which is the same as the commodity group number. The Sections referred to are arranged in Part 373 of this chapter, Licensing Policies and Related Special Provisions, under commodity group headings which correspond with those on the Positive List.

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[11] See preceding page.

[12] "Nickel-bearing stainless steel castings" means any steel casting which is heat-, corrosion-, or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with 1 percent or more of nickel, with or without molybdenum or other alloying elements.

[14] Includes anodes—rolled, forged, or sheared from cathodes.

[15] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67–38.

[16] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer.) Castings include anodes cast in a foundry, or by an ingot maker.

[17] Aluminum foil and aluminum powder (atomized or flake, including paste) are not controlled materials or Class A or Class B products.

[18] "Nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum, in the following mill and foundry shapes and forms:
  Ingots, blooms, slabs, and billets.
  Plate, sheet, strip, and foil.
  Rods, bars (including anode bars), pipe, tubing, and shapes (rolled, drawn, or extruded).
  Wire and wire rod.
  Powder.
  Castings (less gates and risers, rough as cast).

It also includes cast iron (less gates and risers, rough as cast) for which the specified nickel content is 5 percent or more. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the forms of ingots or powder for remelting.

Individual entries subject to some of these special provisions, as well as commodities subject to special types of licenses, are identified by a letter symbol in the "Commodity Lists" column on the Positive List as follows:

Code letter	Explanation of code letter	Section
A	Subject to Import Certificate Delivery Verification procedure.	373.2
B	(1) Requires prior approval from BFC for shipments under DL project license.	374.2
	(2) Time limit licensing procedure is not applicable.	Part 377
C	Excepted from the provisions of General License GIT.	371.9
E	Periodic Requirements licensing procedure is applicable.	Part 376
G	Limits GLV value for 0 destinations to amounts shown in "GLV dollar-value" column.	371.10

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 00—EDIBLE ANIMAL PRODUCTS					
	(There are at present no commodities within this commodity group listed on the Positive List of Commodities)					
	GROUP 0—INEDIBLE ANIMAL PRODUCTS					
	(There are at present no commodities within this commodity group listed on the Positive List of Commodities)					
	GROUP 1—VEGETABLE FOOD PRODUCTS AND BEVERAGES					
	(There are at present no commodities within this commodity group listed on the Positive List of Commodities)					
	GROUP 2—VEGETABLE PRODUCTS, INEDIBLE, EXCEPT FIBERS AND WOOD					
	(See special provisions for Commodity Group 2, §§ 373.20-373.23; special destination provisions, §§ 373.65-373.75)					
	Rubber (natural, allied gums, and synthetics) and manufactures					
	Crude (natural) rubber and allied gums. (Report compounded or semiprocessed in 20105):					
20012	Latex (liquid), crude (natural). (Report in terms of total dry latex solids [TDLC] (formerly 200100).)	Lb.	RUBR 2	250	RO	
20014	Crude (natural) rubber, except latex (liquid) (formerly 200100).)	Lb.	RUBR 2	250	RO	
	GROUP 2—VEGETABLE PRODUCTS, INEDIBLE, EXCEPT FIBERS AND WOOD—con.					
	Rubber (natural, allied gums, and synthetics) and manufactures—Continued					
	Synthetic rubbers, excluding compounded or semiprocessed. (Report synthetic liquid latex in terms of total dry latex solids [TDLS].) (Report compounded or semiprocessed rubber in 20105):					
	S-type (copolymers of butadiene and styrene), containing 40 percent or more butadiene. (Report copolymers of butadiene and styrene containing less than 40 percent butadiene in 82520):					
20051	Latex (liquid), S-type, cold rubber only (formerly 200901).	Lb.	RUBR 2	100	RO	
20053	S-type, except latex (liquid), cold rubber only (formerly 200901).	Lb.	RUBR 2	100	RO	
20091	Butyl (copolymers of isobutylene and isoprene, or other diolefins) (formerly 200903).	Lb.	RUBR 2	100	RO	A
	Synthetic rubbers, n. e. c.:					
20098	Polytrifluorochloroethylene elastomer (formerly 200998).	Lb.	RUBR 2	None	RO	A G
20098	Thiokol (organic polysulfides) (formerly 200998).	Lb.	RUBR 2	25	RO	
20098	Silicone (formerly 200998)	Lb.	RUBR 2	500	RO	A
20105	Cold S-type masterbatch (formerly 209800)	Lb.	RUBR	100	RO	
	Pneumatic tires and casings. (Report used tires in 20998; scrap tires, and scrap tire casings, cut or uncut, in 20120): [1]					
20610	Truck and bus tires and tire casings: (a) all sizes, combat or runflat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (g) tubeless tire size 8-22.5 in 8-ply rating and over; (h) all tubeless tire sizes 10-21 and 10-22.5 in 10-ply rating and over; and (i) all tubeless tire sizes 12-21, 13-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply (formerly 206000).)	No.	RUBR 10	100	RO	A
20632	Off-the-road tires and tire casings (except farm tractor and implement): (a) all sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) size 1600 x 21 and over of 36-ply rating and over; (g) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (h) tubeless tire size 8-22.5 in 8-ply rating and over; (i) all tubeless tire sizes 10-22 and 10-22.5 in 10-ply rating and over; and (j) all tubeless tire sizes 12-21, 18-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply (formerly 206430).)	No.	RUBR 10	100	RO	A

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[1] Aircraft tires and tire casings, Schedule B of No. 20630 and aircraft inner tubes, Schedule B No. 20656, require export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 2—VEGETABLE PRODUCTS, INEDIBLE, EXCEPT FIBERS AND WOOD—con.					
	Rubber (natural, allied gums, and synthetics) and manufactures—Continued					
	Pneumatic tires and casings—Continued					
20638	Industrial tires and tire casings: (a) size 900 x 16 of 8-ply rating and over; (b) size 34 x 7 of 10-ply rating and over; (c) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; and (d) all tubeless tire sizes 12-21, 13-21, 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply (formerly 206490).)	No.	RUBR 10	100	RO	A
20891	Aircraft hose (formerly 208910)	Lb.	RUBR	100	RO	A G
20893	High-pressure rotary drilling hose, 3,000 psi test pressure and over (formerly 208920).	Lb.	RUBR	100	RO	A
	Natural and synthetic rubber manufactures, n. e. c., not specially fabricated for particular machines or equipment:					
20998	Used truck and bus tires and tire casings: (a) all sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (g) tubeless tire size 8-22.5 in 8-ply rating and over; (h) all tubeless tire sizes 10-21 and 10-22.5 in 10-ply rating and over; and (i) all tubeless tire sizes 12-21, 13-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply (formerly 206000).)	No.	RUBR 10	100	RO	A
20998	Used off-the-road tires and tire casings (except farm tractor and implement): (a) all sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, and 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; (f) size 1600 x 21 and over of 36-ply rating and over; (g) all tubeless tire sizes 7-17.5, 7-21, 7-22.5, 8-16, 8-17.5, and 8-21 in 6-ply rating and over; (h) tubeless tire size 8-22.5 in 8-ply rating and over; (i) all tubeless tire sizes 10-22 and 10-22.5 in 10-ply rating and over; and (j) all tubeless tire sizes 12-21, 13-21, and 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply (formerly 206430).)	No.	RUBR 10	100	RO	A
20998	Used industrial tires and tire casings: (a) size 900 x 16 of 8-ply rating and over; (b) size 34 x 7 of 10-ply rating and over; (c) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over; and (d) all tubeless tire sizes 12-21, 13-21, 14-21 in 12-ply rating and over. (Specify type of tire tread design, tire size and ply (formerly 206490).)	No.	RUBR 10	100	RO	A
	GROUP 3—TEXTILE FIBERS AND MANUFACTURES					
	(See special provisions for Commodity Group 3, §§ 373.24-373.27; special destination provisions, §§ 373.65-373.75)					
	Man-made fibers and manufactures					
[illegible]	Nylon cloth specially manufactured for the production of parachutes (formerly [illegible]).	Sq. yd.	TEXT	100	RO	A
	GROUP 4—WOOD AND PAPER					
	(See special provisions for Commodity Group 4, §§ 373.28-373.30; special destination provisions, §§ 373.65-373.75)					
	Paper, related products, and manufactures					
	Fine paper:					
48150	Paper for dielectric use, uncoated, 0.0015 inch (0.038 mm.) or less in thickness. (State thickness.) (Report uncoated dielectric paper cut to size or otherwise processed, in 48990; and coated, whether or not further processed, in 48990 (formerly 481500).)	Lb.	TEXT 1	15	RO	A G
	Special industrial paper, n. e. c.:					
48270	Paper for dielectric use, uncoated, 0.0015 inch (0.038 mm.) or less in thickness. (State thickness.) (Report uncoated dielectric paper cut to size or otherwise processed, in 48990; and coated, whether or not further processed, in 48990 (formerly 482700).)	Lb.	TEXT 1	15	RO	A G
	Paper, paperboard, and products, n. e. c.:					
48990	Processed paper for dielectric use, 0.0015 inch (0.038 mm.) or less in thickness (includes all coated paper, and uncoated paper which has been cut to size or otherwise processed). (State thickness and whether coated or uncoated.) (Reported uncoated dielectric paper not cut to size or otherwise processed in 48150 (formerly 489900).)	Lb.	TEXT 1	15	RO	A G
	GROUP 5—NONMETALLIC MINERALS					
	(See special provisions for Commodity Groups 5, §§ 373.31-373.38; special destination provisions, §§ 373.65-373.75)					
	Petroleum and products [1]					
50120	Natural gasoline (bbl. of 42 gal.) (formerly 501200)	Bbl.	PETR 1	1,000	RO	A E
50150	Gasoline blending agents (hydrocarbon compounds only), n. e. c., except tri-isobutylene (special hydrocarbon compounds which may be used as components of aviation or motor gasoline.) (Include both aliphatic and cyclic.) (Report benzene 80060; toluene in 80110; and antiknock compounds in 82976 (barrel of 42 gal. (formerly 501400).)	Bbl.	PETR 1	1,000	RO	A
	Aviation gasoline, except jet fuel. (Report jet fuels in 50180):					
50161	100 or over octane number (bbl. of 42 gal.) (formerly 501610).	Bbl.	PETR 2	[2] 25	RO	A C
50163	Under 100, not under 90 octane number (bbl. of 42 gal.) (formerly 501620).	Bbl.	PETR 2	[2] 25	RO	A C
50165	Under 90 octane number (bbl. of 42 gal.) (formerly 501640).	Bbl.	PETR 2	[2] 25	RO	A C
50170	Gasoline, n. e. c. (Report natural gasoline in 50120 (bbl. of 42 gal.) (formerly 501700).)	Bbl.	PETR 1	1,000	RO	A E
50180	Jet fuels, all types (bbl. of 42 gal.) (formerly 501800).	Bbl.	PETR 1	25	RO	A
50270	Kerosene, except jet fuel and distillate fuel oil (bbl. of 42 gal.). (Report distillate fuel oils in 50300; and jet fuel in 50180 (formerly 502700).)	Bbl.	PETR 1	[2] 100	RO	A E

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[1] Natural gas, Schedule B No. 50520, requires export authorization from the Federal Power Commission. See § 370.4 (f).

[2] The GLV dollar-value limit for shipments to Mexico is $1,000.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 5—NONMETALLIC MINERALS—con.					
	Petroleum and products [3]—Continued					
	Lubricating oils, except hydraulic. (Report hydraulic oils of petroleum origin in 50590; hydraulic oils, except of petroleum origin in 82996):					
50325	White mineral oil in containers of 42-gallon capacity or over, except medicinal grade (bbl. of 42 gal.). (Report white mineral oil in containers of less than 42-gallon capacity in 81130 (formerly 503300).)	Bbl.	PETR 1	25	RO	A E
50330	Red and pale oils (bbl. of 42 gal.) (formerly 503300).	Bbl.	PETR 1	25	RO	A E
50340	Black oils (including all black and dark green oils, except those intended for use in steam cylinders, for which see 50351 and 50352) (bbl. of 42 gal.) (formerly 503400).	Bbl.	PETR 1	25	RO	A E
50351	Cylinder bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 95 seconds or more) (bbl. of 42 gal.) (formerly 503510).	Bbl.	PETR 1	25	RO	A E
50352	Cylinder steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock (bbl. of 42 gal.) (formerly 503520).)	Bbl.	PETR 1	25	RO	A E
50380	Insulating or transformer oils (bbl. of 42 gal.) (formerly 503800).)	Bbl.	PETR 1	25	RO	A E
	Industrial engine lubricating oils, including marine:					
50391	Diesel engine lubricating oils. (Report diesel fuel oil in 50300–50310 (bbl. of 42 gal.) (formerly 503910).)	Bbl.	PETR 1	25	RO	A E
50392	Turbine engine lubricating oil (bbl. of 42 gal.) (formerly 503920).	Bbl.	PETR 1	25	RO	A E
50394	Other industrial engine lubricating oil (specify by name) (bbl. of 42 gal.) (formerly 503940).	Bbl.	PETR 1	25	RO	A E
50399	Industrial lubricating oils, n. e. c. (Specify by name (bbl. of 42 gal.) (formerly 503990).)	Bbl.	PETR 1	25	RO	A E
50400	Aviation engine lubricating oils, including synthetics (bbl. of 42 gal.) (formerly 504005).	Bbl.	PETR 1	25	RO	A C E
50403	Automotive engine lubricating oils (bbl. of 42 gal.) (formerly 504030).	Bbl.	PETR 1	25	RO	A E
50405	Automotive gear oils (bbl. of 42 gals.) (formerly 504050).	Bbl.	PETR 1	25	RO	A E
50407	Lubricating oils, n. e. c., except lubricating oils in containers of 4 oz. or less, and except raw or semirefined stocks, or distillates from which lubricants may be produced. (Specify by name (bbl. of 42 gal.) (formerly 504090).)	Bbl.	PETR 1	25	RO	A E
50408	Cutting oils and compounds, petroleum base. (Report cutting oils and compounds, except petroleum base, in 82500 (formerly 504095).)	Bbl.	PETR 1	25	RO	A E
50410	Lubricating greases, except graphite lubricants. (Report graphite lubricants in 54809 (formerly 504100).)	Lb.	PETR 1	25	RO	A E
50590	Automatic transmission fluids (all types) (formerly 505900).	Gal.	PETR 1	25	RO	A E
50600	Reference fuels, referee fuels, and calibrating fuels (all types) (formerly 505900).	Gal.	PETR 1	25	RO	A E
50690	Hydraulic fluids or oils (petroleum base). (Report other hydraulic fluids or oils in 82996 (formerly 505900).)	Gal.	PETR 1	25	RO	A E

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 5—NONMETALLIC MINERALS—con.					
	Glass and products					
	Optical instrument glass and optical instrument lens blanks, including synthetic optical crystals and lens blanks. (Report optical instrument prisms and lenses in 91475):					
52311	Glass blocks, plates (slabs), pressings and molds (other than rough-molded lenses and prisms), tinted or untinted, with a unit weight of 1 kg. or more (formerly 523110).	Lb.	SATE 1	25	RO	A
52311	Glass rough-molded lenses and prisms, tinted or untinted, with a unit weight of 0.5 kg. or more (formerly 523110).	Lb.	SATE 1	25	RO	A
52311	Crystal blanks, rough and semifinished, of lithium fluoride or calcium fluoride (formerly 523110 and 599098).	Lb.	SATE 1	None	RO	A C
52311	Quartz crystals, natural, unprocessed, of optical quality (formerly 595050).	Lb.	RARA 50	50	RO	A C
52311	Quartz crystals, synthetic, unprocessed, of optical quality (formerly 599098).	Lb.	RARA 50	50	RO	A
	Clay and products					
	Refractories, except graphite. (Report brick and shapes in thousands, 9-inch equivalent): [4]					
53620	Magnesite brick and similar shapes composed of 97 percent or more by weight of magnesium oxide (formerly 536200).	M	FINP 31	None	RO	A B C
	Firebrick and similar firebrick shapes, except plastic, n. e. c.:					
53681	Firebrick and similar firebrick shapes, composed of 97 percent or more by weight of beryllium oxide or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide. (Specify type (formerly 536810).)	M	FINP 31	None	RO	A B C
53681	Firebrick and similar firebrick shapes, composed of bonded or fused silicon carbide, including but not limited to silicon-nitride-bonded silicon carbide. (Specify type (formerly 536810).)	M	FINP 31	None	R	
53683	High-temperature refractory cements or bonding mortars composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide. (Specify by name.) (Report magnesia cement in 57227 (formerly 536830).)	Lb.	FINP 31	None	RO	A B C
53685	Plastic refractories (including plastic fire-brick and ramming mixtures) composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (formerly 536850).	Lb.	FINP 31	None	RO	A B C
	Refractories (except graphite), n. e. c.:					
53689	Refractories composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide. (Specify by name (formerly 536890).)	Lb.	FINP 31	None	RO	A B C
53689	Refractories, composed of bonded or fused silicon carbides, including but not limited to silicon-nitride-bonded silicon carbide. (Specify by name (formerly 536890).)	Lb.	FINP 31	None	R	

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[3] Natural gas, Schedule B No. 50520, requires export authorization from the Federal Power Commission. See § 370.4 (f).

[4] Refractories for use in rockets, guided missiles, and jet engines require export authorization from the Department of State. See § 370.4(a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 5—NONMETALLIC MINERALS—con.					
	Other nonmetallic minerals and products (precious included)					
54091	Diamond powder (natural and synthetic). (Specify average price per carat; and mesh sizes.) (Report industrial diamonds in 59900 (formerly 540910).)	Carat	FINP	None	RO	A B C G
	Abrasive materials, manufactured:					
54101	Fused alumina (fused aluminum oxide), crude and in grains (formerly 541110).	Lb.	MINL 1	100	R	E
54105	Silicon carbide, crude and in grains (formerly 541120).	Lb.	MINL 1	100	R	E
54114	Boron carbide, crude and in grains (formerly 541140).	Lb.	MINL 1	100	R	E
	Abrasive products. (Report abrasive refuse in 59645):					
54124	Diamond grinding wheels, sticks, hones and laps (except dental type). (Report net quantity of each commodity in terms of carat weight of embedded diamonds.) (Report dental type in 91500 (formerly 540905).)	Carat	TOOL 1	250	RO	A
54126	Grinding wheels containing silicon carbide or aluminum oxide. (Report diamond grinding wheels in 54124 (formerly 541210).)	Lb.	TOOL	500	R	E
54140	Honing abrasive stones for use on power-driven metalworking machines, and made of, or incorporating, grains of silicon carbide, boron carbide or fused aluminum oxide (formerly 541400).	Lb.	TOOL 2	500	R	E
54140	Other whetstones, sticks, files, and blocks of manufactured abrasives made of, or incorporating, grains of silicon carbide, boron carbide or fused aluminum oxide (formerly 541400).	Lb.	FINP 3	250	R	E
54170	Abrasive pastes, compounds, and cake, incorporating grains of silicon carbide, boron carbide or fused aluminum oxide (formerly 541150).	Lb.	FINP 3	100	R	E
54182	Abrasive paper, cloth, or combinations thereof, coated with silicon carbide or aluminum oxide, when the largest dimension exceeds 12 inches. (Reduce different sizes of sheets, pads, rolls, disks, or belts to reams of 480 standard sheets, 9 x 11 inches (formerly 541820).)	Ream	TOOL	500	R	E
	Carbon or graphite products (natural and artificial):					
54730	Electrodes for furnace or electrolytic work, artificial graphite, smallest dimension 2 inches or over. (Specify size and boron content in parts per million (formerly 547300).)	Lb.	MINL 2	100	RO	A B C E
54740	Brush stock, artificial graphite, smallest dimension 2 inches or over. (Specify by name, size and boron content in parts per million (formerly 547400).)	....	ELME 1	50	RO	A B C
54780	Lighting carbons, artificial graphite, smallest dimension 2 inches or over. (Specify size and boron content in parts per million (formerly 547800).)	No.	FINP	25	RO	A B C
54809	Spectroscopic carbons (formerly 548098)	Lb.	SATE 2	25	RO	A B C
54809	Graphite greases and lubricants, petroleum base (formerly 548098).	....	PETR 1	25	RO	A
54809	Artificial graphite products, n. e. c., in block, brick, plate, or rod form, smallest dimension 2 inches or over. (Specify by name, size, and boron content in parts per million (formerly 548098).)	Lb.	MINL 2	100	RO	A B C E
	GROUP 5—NONMETALLIC MINERALS—con.					
	Other nonmetallic minerals and products (precious included)—Continued					
57141	Sulfur, crude (containing 85 percent or more sulfur). (Report sulfur ores or crude sulfur of less than 85 percent sulfur content in 59645 (formerly 571410).)	L. ton	SALT 3	25	R	E
57150	Sulfur, crushed, ground, refined, sublimed and flowers. (Report agricultural sulfur and formulations in 82065-82260 (formerly 571500).)	Lb.	SALT 3	25	R	E
57227	Magnesia cement composed of 97 percent or more by weight of magnesium oxide (formerly 572270).	Lb.	FINP 31	None	RO	A B O
57227	Magnesium oxide, purity 97 percent or higher, except precipitated. (Report precipitated in 83990 (formerly 572270).)	Lb.	MINL	50	RO	A B C
59506	Quartz crystal, natural, unprocessed, except optical or gem quality. (Report optical quality in 52311; and gem quality in 59909 (formerly 595050).)	....	RARA 50	50	RO	A C
59506	Quartz crystal, synthetic, unprocessed, except optical or gem quality. (Report optical quality in 52311; and gem quality in 59909 (formerly 599098).)	....	RARA 50	50	RO	A
59509	Quartz crystal plates (natural and synthetic). (See § 399.2, Int 6 (formerly 595090 and 708010).)	....	RARA 50	100	RO	A
59645	Lithium-containing minerals (e. g., amblygonite, spodumene) (formerly 596098).	....	MINL	10	RO	A B O
59900	Diamonds suitable only for industrial use, n. e. c. (natural and synthetic). (Specify type, number of stones per carat, and average price per carat (formerly 599005).)	Carat	FINP	None	RO	A B C G
59901	Diamonds, rough or uncut, suitable for cutting into gem stones. (Specify type, number of stones per carat, and average price per carat (formerly 599010).)	Carat	FINP	None	RO	A C
59909	Diamond bearings (formerly 599098)	....	FINP	None	RO	A C
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES					
	(See special provisions for Commodity Group 6, §§ 373.39-373.47; special destination provisions, §§ 373.65-373.75)					
	Iron and steelmaking raw materials					
	Iron and steel scrap. (Report scrap containing 1 percent or more tungsten in 66487, and 5 percent or more cobalt in 66429; and 5 percent or more nickel in 65460):					
60030	No. 1 heavy melting steel scrap. (See § 399.2, Interpretations 10, 12, and 17 (formerly 601015).)	S. ton	STEE 1	100	RO	A B
60040	No. 2 heavy melting steel scrap. (See § 399.2, Interpretations 10, 12, and 17 (formerly 601025).)	S. ton	STEE 1	100	RO	A B
60050	No. 1 bundles, steel scrap. (See § 399.2, Interpretation 17 (formerly 601035).)	S. ton	STEE 1	100	RO	A B
60060	No. 2 bundles, steel scrap. (See § 399.2, Interpretation 17 (formerly 601045).)	S. ton	STEE 1	100	RO	A B
60065	Borings, shoveling, and turnings, iron and steel (formerly 601050 and 601070).	S. ton	STEE 1	100	RO	A B

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Iron and steelmaking raw materials—Con.					
	Iron and steel scrap—Continued					
60075	Other steel scrap, except terneplated scrap, and tin-plated scrap, other than detinned, semi-detinned, or rusted tin-plated scrap. (Specify type.) (See § 399.2, Interpretation 10 and 12 (formerly 601090).)	S. ton	STEE 1	100	RO	A B
60085	Iron scrap except borings, shoveling, and turnings. (See § 399.2, Interpretations 10 and 12 (formerly 601070).)	S. ton	STEE 1	100	RO	A B
60095	Rerolling rails. (Report relaying rails in 60530 (formerly 601170).)	S. ton	STEE	100	RO	A B G
60095	Other rerolling and redrawing material. (See § 399.2, Interpretations 10 and 12 (formerly 601170).)	S. ton	STEE	100	RO	A B G
	Iron products and steel mill products, semifinished					
	Steel ingots, blooms, billets, slabs, sheet bars, and tinplate bars:					
60172	Ingots, alloy steel, including stainless, special types only [5] [6] (formerly 601702).	S. ton	STEE 2	100	RO	A
60172	Ingots, other stainless steel containing 1 percent or more nickel [6] (formerly 601702).	S. ton	STEE 3	100	RO	
60174	Billets, projectile and shell steel containing 1 percent or more nickel [6] (formerly 601704).	S. ton	STEE 3	100	RO	
60178	Billets, blooms, slabs, and sheet bars, alloy steel, including stainless, special types only [5] [6] (formerly 601708).	S. ton	STEE 2	100	RO	A
60178	Billets, blooms, slabs, and sheet bars, other stainless steel containing 1 percent or more nickel.[6] (Report projectile and shell steel billets in 60174 (formerly 601708).)	S. ton	STEE 3	100	RO	
60181	Tube rounds, alloy steel, including stainless, special types only [5] [6] (formerly 601810).	S. ton	STEE 2	100	RO	A
60181	Tube rounds, other stainless steel containing 1 percent or more nickel [6] (formerly 601810).	S. ton	STEE 3	100	RO	
60185	Skelp, alloy steel, including stainless, special types only [5] [6] (formerly 601950).	Lb.	STEE 2	100	RO	A
60185	Skelp, other stainless steel containing 1 percent or more nickel [6] (formerly 601950).	Lb.	STEE 3	100	RO	
60187	Wire rods, alloy steel, including stainless, special types only [5] [6] (formerly 601910).	Lb.	STEE 2	100	RO	A
60187	Wire rods, other stainless steel containing 1 percent or more nickel [6] (formerly 601910).	Lb.	STEE 3	100	RO	
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Iron products and steel mill products, rolled and finished					
	Iron and steel bars and bar size rods and shapes, hot rolled, except tool steel and concrete reinforcement bars (all regular bars including bars in coils or cut lengths, and special sections and bar shapes with cross sectional dimension of under 3 inches). (Report tool steel bars in 60270; concrete reinforcement bars in 60280; and special sections and bar shapes with cross sectional dimension of 3 inches and over in 60730 and 60735):					
60220	Alloy steel bars, hot-rolled, except stainless, special types only,[5] [6] except projectile and shell steel (formerly 602630 and 602670).	Lb.	STEE 2	100	RO	A
60230	Stainless steel bars, hot-rolled, special types only.[5] [6] (formerly 602500).	Lb.	STEE 2	100	RO	A
60230	Other stainless steel bars, hot-rolled, containing 1 percent or more nickel [6] (formerly 602500).	Lb.	STEE 3	100	RO	
	Steel bars and bar size rods and shapes, cold-finished, except tool steel and concrete reinforcement bars (all cold-drawn or cold-rolled flats and rounds, including bars in coils or cut lengths, and special sections and bar shapes with cross-sectional dimension of under 3 inches). (Report tool steel bars in 60270; concrete reinforcement bars in 60280; and special sections and bar shapes with cross-sectional dimension of 3 inches and over, in 60730 and 60735):					
60255	Alloy steel bars, cold-finished, except stainless, special types only [5] [6] (formerly 602090 and 602670).	Lb.	STEE 2	100	RO	A
60260	Stainless steel bars, cold-finished, special types only [5] [6] (formerly 602050).	Lb.	STEE 2	100	RO	A
60260	Other stainless steel bars, cold-finished, coning 1 percent or more nickel [6] (formerly 602050).	Lb.	STEE 3	100	RO	
60270	Tool steel bars, alloy steel, special types only [5] [6] (formerly 602650).	Lb.	STEE 2	100	RO	A
	Steel sheets, black (including painted):					
60315	Alloy steel sheets, hot-rolled, except stainless steel, special types only [5] [6] (formerly 603570).	Lb.	STEE 2	100	RO	A
60320	Stainless steel sheets, hot-rolled, special types only [5] [6] (formerly 603540).	Lb.	STEE 2	100	RO	A
60320	Other stainless steel sheets, hot-rolled, containing 1 percent or more nickel [6] (formerly 603540).	Lb.	STEE 3	100	RO	
60330	Alloy steel sheets, cold-rolled, except stainless steel, special types only [5] [6] (formerly 603580).	Lb.	STEE 2	100	RO	A
60335	Stainless steel sheets, cold-rolled, special types only [5] [6] (formerly 603560).	Lb.	STEE 2	100	RO	A
60335	Other stainless steel sheets, cold-rolled, containing 1 percent or more nickel [6] (formerly 603560).	Lb.	STEE 3	100	RO	

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[5] For export control purposes, "special types" of alloy steel (including stainless) include the following: (1) AISI types 301, 302, 302B, 303, 303Se, 304, 304L, 305, 308, 309, 309S,310, 310S, 314, 316, 316L, 317, 321, 347 and 348; (2) molybdenum high-speed tool steel; (3) 19-9 WMo electrode steel; and (4) any alloy steel containing 6 percent or more molybdenum (but 3 percent or more molybdenum in any alloys containing more than 14 percent chromium); or 6 percent or more cobalt; or 0.25 percent or more columbium or tantalum; or nickel-bearing steels, n. e. c., having a nickel content of 6 percent or more and containing a combined nickel chromium content of 22 percent or more.

[6] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Iron products and steel mill products, rolled and finished—Continued					
60355	Electrical (silicon) steel sheets, and strip with a core loss of 0.5 watts per pound at 13,000 gausses and 50 cycles per second or less, or with a thickness of 0.003 inches and less. (Specify thickness in decimal parts of an inch; or the core loss in watts per pound at flux density of 13,000 gausses and at 50 cycles per second.) (Report stampings in 70997.) (Formerly 603595.)	Lb.	STEE 4	100	RO	A
	Steel strip, coated or uncoated, except electrical. (Report electrical steel strip in 60355):					
60365	Carbon steel strip, hot-rolled, gilding metal clad (formerly 603810).	Lb.	STEE 5	100	RO	A
60370	Alloy steel strip, hot-rolled (except stainless steel), special types only [5][6] (formerly 603890).	Lb.	STEE 2	100	RO	A
60380	Stainless steel strip, hot-rolled, special types only [5][6] (formerly 603850).	Lb.	STEE 2	100	RO	A
60380	Other stainless steel strip, hot-rolled, containing 1 percent or more nickel [6] (formerly 603850).	Lb.	STEE 3	100	RO	
60382	Carbon steel strip, cold-rolled, gilding metal clad (formerly 603710).	Lb.	STEE 5	100	RO	A
60386	Alloy steel strip, cold-rolled (except stainless steel), special types only [5][6] (formerly 603790).	Lb.	STEE 2	100	RO	A
60390	Stainless steel strip, cold-rolled, special types only [5][6] (formerly 603750).	Lb.	STEE 2	100	RO	A
60390	Other stainless steel strip, cold-rolled, containing 1 percent or more nickel [6] (formerly 603750).	Lb.	STEE 3	100	RO	
	Rails, trackwork, and track accessories (all steel grades):					
60530	Relaying rails. (Specify for relaying (formerly 605300).)	S. ton	STEE	100	RO	B G
60530	Other used rails, except alloy steel standard tee rails. (Specify not for relaying.) (Report rail scrap for remelting in 60075; and for rerolling in 60095.) (Formerly 605110 and 605210.)	S. ton	STEE	100	RO	B G
	Pipe, tubes, and tubing, n. e. c., new and used (except for scrap or redrawing). (Report pipe assemblies specially fabricated for particular machines or equipment in 77516; used tubes for scrap in 60075, tubes for redrawing in 60095; and pipe fittings in 61849-61862):					
	Oil country pipe (including drill pipe, casing and tubing for oil, gas, and water wells). (See § 399.2, Int. 1):					
60621	Seamless drill pipe, carbon steel (formerly 606210).	Lb.	STEE 6	100	RO	A E
60621	Seamless casing and tubing, carbon steel (formerly 606210).	Lb.	STEE 6	100	RO	A E
60623	Seamless drill pipe, alloy steel, except stainless (formerly 606230).	Lb.	STEE 6	100	RO	A E
60623	Seamless casing and tubing, alloy steel, except stainless (formerly 606230).	Lb.	STEE 6	100	RO	A E
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Iron products and steel mill products, rolled and finished—Continued					
	Pipe, tubes, and tubing, n. e. c., etc.—Con.					
	Oil country pipe—Continued					
60624	Welded drill pipe, carbon steel (formerly 606240).	Lb.	STEE 6	100	RO	A E
60624	Welded casing and tubing, carbon steel (formerly 606240).	Lb.	STEE 6	100	RO	A E
60626	Welded drill pipe, alloy steel, except stainless (formerly 606260).	Lb.	STEE 6	100	RO	A E
60626	Welded casing and tubing, alloy steel, except stainless (formerly 606260).	Lb.	STEE 6	100	RO	A E
	Line pipe. (If alloy, specify and give analysis.) (See § 399.2, Int. 1):					
60627	Seamless line pipe, carbon and alloy steel, over 24 inches O. D. (formerly 606270).	Lb.	STEE 7	100	RO	A E
60630	Welded line pipe, carbon and alloy steel, over 24 inches O. D. (formerly 606280).	Lb.	STEE 7	100	RO	A E
60640	Mechanical tubing, alloy steel (except stainless), special types only [5][6] (formerly 607430).	Lb.	STEE 2	100	RO	A E
	Pressure tubes and tubing, steel (including boiler tubes and tubing):					
60650	Seamless pressure tubes and tubing, special types only [5][6] (formerly 606110).	Lb.	STEE 2	100	RO	A E
60660	Welded pressure tubes and tubing, alloy steel, special types only [5][6] (formerly 606130).	Lb.	STEE 2	100	RO	A E
60665	Pipe and tubing, stainless steel, special types only [5][6] (formerly 607500).	Lb.	STEE 2	100	RO	A E
60665	Pipe and tubing, other stainless steel containing 1 percent or more nickel [5][6] (formerly 607500).	Lb.	STEE 3	100	RO	E
60680	Pipe and tubing, alloy steel, except stainless, n. e. c., special types only [5][6] (formerly 607710).	Lb.	STEE 2	100	RO	A E
	Steel plates (hot or cold-rolled) not fabricated, except armor plates: [7]					
60715	Alloy steel plates, (except stainless), special types only [5][6] (formerly 603145).	Lb.	STEE 2	100	RO	A
60720	Stainless steel plates (including stainless-clad plates), special types only [5][6] (formerly 603135).	Lb.	STEE 2	100	RO	A
60720	Other stainless steel plates containing 1 percent or more nickel [6] (formerly 603135).	Lb.	STEE 3	100	RO	
	Structural shapes and piling.					
60735	Alloy steel (including stainless) structural shapes, not fabricated, special types only [5][6] (formerly 604530 and 604580).	S. ton	STEE 2	1,000	RO	A
60735	Other stainless steel structural shapes, not fabricated, containing 1 percent or more nickel [6] (formerly 604530).	S. ton	STEE 3	1,000	RO	
	Steel wire, n. e. c. (all round, shaped, and flat wire regardless of use). (Report steel fencing and netting in 61948; and electrical insulated wire and cable in 70972-70995):					
60813	Uncoated alloy steel wire (except stainless), special types only [5][6] (formerly 608130).	Lb.	STEE 2	100	RO	A E
60815	Uncoated stainless steel wire, special types only [5][6] (formerly 608150).	Lb.	STEE 2	100	RO	A E
60815	Other uncoated stainless steel wire containing 1 percent or more nickel [6] (formerly 608150).	Lb.	STEE 3	100	RO	E
60821	Coated wire, steel chief value (except galvanized or insulated), special types only [5][6] (formerly 608210).	Lb.	STEE 2	100	RO	A E

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[5] For export control purposes, "special types" of alloy steel (including stainless) include the following: (1) AISI types 301, 302, 302B, 303, 303Se, 304, 304L, 305, 308, 309, 309S, 310, 310S, 314, 316, 316L, 317, 321, 347, and 348; (2) molybdenum high-speed tool steel; (3) 19-9 WMo electrode steel; and (4) any alloy steel containing 6 percent or more molybdenum (but 3 percent or more molybdenum in any alloys containing more than 14 percent chromium); or 6 percent or more cobalt; or 0.25 percent or more columbium or tantalum; or nickel-bearing steels, n. e. c., having a nickel content of 6 percent or more and containing a combined nickel chromium content of 22 percent or more.

[6] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.

[7] See § 399.2, Int. 7 for commodity interpretation relating to steel springs.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Iron products and steel mill products, rolled and finished—Continued					
	Steel wire, n. e. c., etc.—Continued					
60821	Other coated wire, steel chief value (except galvanized or insulated), stainless steel containing 1 percent or more nickel [6] (formerly 608210).	Lb.	STEE 3	100	RO	E
	Castings and forgings [8]					
	Castings, iron and steel, rough and semifinished, except railway car wheels. (Report railway car wheels in 60370):					
61050	Alloy steel castings (except stainless), special types only [5][6] (formerly 610491).	Lb.	STEE 2	100	RO	A
61055	Cast steel grinding balls, special types only [5][6] (formerly 610492).	Lb.	STEE 2	100	RO	A
61055	Other stainless steel castings, special types only [5][6] (formerly 610492).	Lb.	STEE 2	100	RO	A
61055	Other stainless steel castings containing 1 percent or more nickel [6] (formerly 610492).	Lb.	STEE 3	100	RO	
	Forgings, rough and semifinished:					
61065	Grinding balls, alloy steel (including stainless), special types only [5][6] (formerly 610495).	Lb.	STEE 2	100	RO	A
61065	Other forgings, alloy steel (including stainless), special types only [5][6] (formerly 610495).	Lb.	STEE 2	100	RO	A
61065	Forgings, other stainless steel containing 1 percent or more nickel [6] (formerly 610495).	Lb.	STEE 3	100	RO	
	Metal manufactures					
61788	Tools incorporating industrial diamonds, n. e. c. (including slugs containing diamonds). Use this Schedule B number for tools shipped as spare or replacement parts only. When tools are shipped with a machine, report under the Schedule B number of the machine whether or not the machine is on the Positive List. (See § 373.49 (b) (formerly 617901).)	No.	TOOL	50	RO	A
	Fabricated steel products:					
61869	Perforated sheets, alloy steel, including stainless, special types only [5][6] (formerly 618964).	Lb.	STEE 2	100	RO	A
61869	Perforated sheets, other stainless steel containing 1 percent or more nickel [6] (formerly 618964).	Lb.	STEE 3	100	RO	
61944	Nickel and nickel alloy welding rods and wires, and electrodes including brazing rods. (Specify by name and metal content (formerly 619040).)	Lb.	NONF 16	100	RO	A G
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Metal manufactures—Continued					
	Wire products, n. e. c. (Report steel wire, n. e. c., in 60812–60830; wire nails, staples, and spikes in 61814 and 61816) [7][8]					
61952	Woven wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter. (Report welded wire mesh in 61964 (formerly 619057).)	Sq. ft.	FINP 1	None	RO	A B C
61956	Wire rope, strand and cord made of stainless steel.[9] (Report strand wire in 60812–60821; and insulated in 70972–70995 (formerly 619061 and 619065).)	Lb.	STEE 2	100	RO	A
61964	Wire rope, strand and cord made of phosphor bronze.[9] (Report strand wire in 60812–60821; and insulated in 70972–70995 (formerly 619063 and 619066).)	Lb.	NONF 17	100	RO	A
61964	Welded wire mesh composed of wire containing 95 persent or more nickel with 60 or more wires per linear centimeter. (Report woven wire mesh in 61952.) (Formerly 619069.)	Lb.	FINP 1	None	RO	A B C
	Metal powders, n. e. c.:					
61966	Carbonyl iron powder (formerly 619110)	Lb.	STEE	10	RO	A
61970	Aluminum and aluminum-bronze alloy powders (aluminum content (formerly 619130)).	Content Lb.	NONF	100	RO	A E
61974	Beryllium metal powders and beryllium alloy metal powders (except beryllium copper), containing more than 50 percent beryllium by weight (formerly 619151).	Lb.	MINL 3	500	RO	A B C
61978	Molybdenum metal powders (formerly 619153)	Lb.	MINL	100	RO	A
61980	Tantalum metal powders (formerly 619159)	Lb.	MINL	25	RO	A
61987	Boron and mixtures of metal powders containing 10 percent or more boron (formerly 619159).	Lb.	MINL	100	RO	A
61987	Cobalt metal powders (formerly 619159)	Lb.	NONF	25	RO	A
61987	Columbium metal powders (formerly 619159)	Lb.	NONF	25	RO	A
61987	Nickel and nickel alloy powder and flakes (including nickel-chrome-boron powder) (formerly 619159).	Lb.	NONF 16	25	RO	A B C G
61987	Titanium metal powders (formerly 619159)	Lb.	MINL	100	RO	A
61987	Zirconium metal powders and zirconium alloy metal powders, containing more than 50 percent zirconium by weight (formerly 619159).	Lb.	NONF	25	RO	A B C
	Metal manufactures, n. e. c., and parts, n. e. c.:					
	Iron and steel manufactures, n. e. c., and parts, n. e. c.: [10]					
61991	Packing, nickel-bearing stainless [6] (formerly 619910).	Lb.	STEE 2	100	RO	A
	Metal manufactures, n. e. c., and parts, n. e. c. except iron and steel and except precious metals:					
61995	Aluminum plates and sheets, perforated, in which (1) the average copper content is 1 percent or more irrespective of other elements; (2) the average copper content is less than 1 percent and the zinc content is 4 percent or more, or the silicon content is 3.5 percent or more, or the magnesium content is 9.5 percent or more (formerly 619950).	Lb.	NONF 12	100	RO	A C E

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[5] For export control purposes, "special types" of alloy steel (including stainless) include the following: (1) AISI types 301, 302, 302B, 303, 303Se, 304, 304L, 305, 308, 309, 309S, 310, 310S, 314, 316, 316L, 317, 321, 347, and 348; (2) molybdenum high-speed tool steel; (3) 19–9 WMo electrode steel; and (4) any alloy steel containing 6 percent or more molybdenum (but 3 percent or more molybdenum in any alloys containing more than 14 percent chromium); or 6 percent or more cobalt; or 0.25 percent or more columbium or tantalum, or nickel-bearing steels, n. e. c., having a nickel content of 6 percent or more and containing a combined nickel chromium content of 22 percent or more.

[6] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.

[8] Torpedo nets requires export authorization from the Department of State. See § 370.4 (a).

[9] Electric conducting cable suitable for sweeping magnetic mines or for harbor defense requires export authorization from the Department of State. See § 370.4 (a).

[10] Body armor, Schedule B No. 61991, requires export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Metal manufactures—Continued					
	Metal manufactures, n. e. c., etc.—Con.					
	Metal manufactures, n. e. c., and parts, n. e. c. except iron and steel and except precious metals—Continued					
61995	Beryllium foil (formerly 619250)	Lb.	MINL	500	RO	A B C
61995	Columbium foil (formerly 619250)	Lb.	NONF	100	RO	A
61995	Copper and copper-base alloy perforated plates and perforated sheets (formerly 619950).	Lb.	NONF 15	100	RO	A C E
61995	Monel metal manufactures (formerly 619950)	Lb.	FINP 1	25	RO	
61995	Nickel manufactures (formerly 619950)	Lb.	FINP 4	100	RO	
61995	Permanent magnets (formerly 619950)	No.	FINP 4	25	RO	A C
61995	Tantalum foil (formerly 619250)	Lb.	NONF	100	RO	A
61995	Titanium foil (formerly 619250)	Lb.	NONF	100	RO	A
61995	Zirconium manufactures, wholly of zirconium. (Specify hafnium content (formerly 619950).)	Lb.	FINP 4	None	RO	A B C
61995	Zirconium alloy manufactures, wholly of zirconium alloys containing more than 50 percent zirconium. (Specify hafnium content (formerly 619950).)	Lb.	FINP 4	None	RO	A B C
	Ferroalloys					
62210	Ferrochrome, low carbon, containing a maximum of 0.03 percent carbon. (Report quantity in pounds, net weight, and specify pounds or percent of chrome content (formerly 622050).)	Lb.	MINL	100	R	
62230	Ferromolybdenum. (Report quantity in pounds, net weight, and specify pounds or percent of molybdenum content (formerly 622085).)	Lb.	MINL	100	RO	A
	Other ferroalloys:					
62290	Ferrocolumbium. (Report quantity in pounds, net weight, and specify pounds or percent of columbium (formerly 622098).)	Lb.	MINL	100	RO	A
62290	Ferrocolumbium-tantalum. (Report quantity in pounds, net weight, and specify pounds or percent of alloy content (formerly 622098).)	Lb.	MINL	100	RO	A
62290	Ferrotantalum. (Report quantity in pounds, net weight, and specify pounds or percent of alloy content (formerly 622098).)	Lb.	MINL	100	RO	A
62290	Ferrozirconium, containing more than 50 percent zirconium. (Report quantity in pounds, net weight, and specify pounds or percent of hafnium content (formerly 622098).)	Lb.	MINL	100	RO	A B C
	Uranium and thorium, all forms, and special nuclear material [11]					
62570	Thoriated tungsten wire (formerly 664583)	Lb.	MINL	100	RO	A C E
63005	Aluminum and aluminum alloy scrap (new and old). (See § 399.2, Interpretations 10 and 12 (formerly 630050).)	Lb.	NONF	500	RO	A C
63007	Aluminum metal and aluminum alloys in crude form (including ingots, pigs, blooms, and slabs (formerly 630070)).	Lb.	NONF	500	RO	A C E
63035	Aluminum plates and sheets, flat and coiled, special alloys only [12] (0.006 inch and over in thickness). (Report perforated sheets in 61995.) (Formerly 630301.)	Lb.	NONF	100	RO	A C E
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Uranium and thorium, all forms, and special nuclear material [11]—Continued					
63040	Aluminum bars and rods, rolled or drawn, special alloys only [12] (⅜ inch and over). (Report aluminum bus bars in 70948.) (Formerly 630310.)	Lb.	NONF 12	100	RO	A C E
63045	Aluminum extruded and drawn shapes and tubes (except drawn bars, rods, and wire) special alloys only [12] (formerly 630320).	Lb.	NONF 12	100	RO	A C E
63050	Aluminum castings and forgings, rough and semifinished, special alloys only [12] (formerly 630340).	Lb.	NONF 12	100	RO	A C
63061	Aluminum wire (under ⅜ inch) and cable, bare, special alloys only [12], except aluminum cable, steel reinforced (ACSR). (Specify by name.) (Report welding rods and wires in 61944.) (Formerly 630610.)	Lb.	NONF 12	100	RO	A C E
63065	Aluminum semifabricated forms, n. e. c., special alloys only. [12] (Specify by name (formerly 630650).)	Lb.	NONF 12	100	RO	A C
	Copper ores, concentrates, scrap, and semifabricated forms					
64010	Copper ores, concentrates, matte, and other unrefined copper. (Report quantity and value of copper content under this Schedule B number, and quantity and value of metal content other than copper under the Schedule B number appropriate for the other metal ore (Formerly 640100).)	Content Lb.	NONF	500	RO	A C
64120	Copperweld rods for drawing (formerly 641200)	Lb.	NONF	100	RO	A C E
64120	Refined copper in cathodes, billets, ingots, wire bars and other crude forms. (Report copper bars except wire bars in 64290 (formerly 641200).)	Lb.	NONF	None	RO	A B C E
64130	Copper scrap (new and old), containing 40 percent or more copper. (See § 399.2, Interpretations 10 and 12 (formerly 641300).)	Lb.	NONF 13	500	RO	A B C
64130	Copper scrap (new and old), containing less than 40 percent copper. (Specify copper content.) (See § 399.2, Interpretations 10 and 12 (formerly 641300).)	Lb.	NONF 13	500	RO	A B C
64220	Copper pipe and tubing. (Report flexible tubing, except electrical, in 61995; flexible electrical conduit in 70945.) (Formerly 642200.)	Lb.	NONF 15	100	RO	A C E
64230	Copper plates, sheets, and strip, including nickel-plated (formerly 642300).	Lb.	NONF 15	100	RO	A C E
64251	Copper wire and cable, bare, except welding rods and wire.[9] (Report welding rods and wire in 61944; and insulated wire and cable in 70972-70995.)	Lb.	NONF 15	100	RO	C
64290	Copper castings and forgings, rough and semifinished (formerly 642900).	Lb.	NONF 15	200	RO	A C E
64290	Copper rods and bars, n. e. c. (Report copper wire bars and copperweld rods for drawing into wire in 64120; copper or copperweld ground rods and copper bus bars in 70948). (Formerly 642400.)	Lb.	NONF 15	100	RO	A C E

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[11] Plutonium, uranium, and thorium metals and alloys, require export authorization from the Atomic Energy Commission. See § 370.4 (d).

[9] Electric conducting cable suitable for sweeping magnetic mines or for harbor defense requires export authorization from the Department of State. See § 370.4 (a).

[12] For export control purposes, "special alloys" of aluminum are defined as those which have (1) an average copper content of 1 percent or more irrespective of other elements; (2) an average copper content of less than 1 percent and (a) a zinc content of 4 percent or more, or (b) a silicon content of 3.5 percent or more, or (c) a magnesium content of 0.5 percent or more; or (3) an average boron content of 10 percent or more irrespective of other elements.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Copper-base alloys (including brass and bronze), scrap, and semifabricated forms					
64400	Copper-base alloy scrap (new and old). (Specify copper content and nickel content.) (See § 399.2, Interpretations 10 and 12 (formerly 644000).)	Lb.	NONF 13	500	RO	A B C
64410	Copper-base alloy ingots. (Specify percentage of each alloying element, or the recognized standard commercial brand or trade name (formerly 644100).)	Lb.	NONF	500	RO	A C E
64410	Other copper-base alloy crude forms (formerly 644190).	Lb.	NONF 15	100	RO	A C E
64490	Copper-base alloy bars, rods, and other bar-size shapes, extruded, rolled and drawn (formerly 644900).	Lb.	NONF 15	100	RO	A C E
64500	Copper-base alloy plates, sheets, and strip (formerly 645000).	Lb.	NONF 15	100	RO	A C E
64530	Copper-base alloy pipe and tubing (including pipe coils). (Report flexible tubing, except electrical, in 61995; and flexible electrical conduit in 70945.) (Formerly 645300.)	Lb.	NONF 15	100	RO	A C E
64571	Phosphor bronze cable, bare [9] (formerly 645710)	Lb.	NONF	100	RO	A
64571	Other copper-base alloy wire and cable, bare. (Report welding rods and wires in 61944.)[9] (Formerly 645710.)	Lb.	NONF 15	100	RO	C
64793	Copper-base alloy castings and forgings, rough and semi-finished (formerly 647913).	Lb.	NONF 15	200	RO	A C E
	Nickel ores, concentrates, scrap, and semifabricated forms					
65455	Nickel ore, concentrates, and matte (formerly 654501).	Lb.	NONF	100	RO	A
65460	Nickel metal in ingots, bars, rods, and other crude forms, and scrap, except spent nickel catalyst. (See § 399.2, Interpretations 10 and 12 (formerly 654502).)	Lb.	NONF	None	RO	A B C G
65460	Nickel alloy metal scrap. (Specify percentage of each alloying element, or the recognized standard commercial brand or trade name.) (See § 399.2, Interpretations 10 and 12 (formerly 654502).)	Lb.	NONF	None	RO	A B C G
65460	Nickel alloy metals in ingots, bars, rods, and other crude forms. (Report nickel silver in 64400–64490 (formerly 654502).)	Lb.	NONF	None	RO	A B C G
65465	Nickel and nickel alloy metal sheets, plates, and strip. (Report nickel-silver in 64400–64490.) (Formerly 654504.)	Lb.	NONF 16	100	RO	A G
65470	Nickel-chrome electric resistance wire, except insulated. (Report insulated wire in 70972–70995.) (Formerly 654508.)	Lb.	NONF	100	RO	A G
65475	Nickel catalysts (formerly 619950)	Lb.	NONF 12	100	RO	G
65480	Nickel and nickel alloys in semifabricated forms, n. e. c. (Specify by name and nickel content (report cupro-nickel wire in 64571).) (Formerly 654519.)	Lb.	NONF 16	100	RO	A C G
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)					
66407	Beryllium ores and concentrates (formerly 664505).	Lb.	MINL 3	500	RO	A B C
66409	Beryllium metal and alloys (except beryllium copper), containing more than 50 percent beryllium, in crude form and scrap (include metal alloys in which beryllium is the metal of chief value). (See § 399.2, Interpretations 10 and 12 (report beryllium copper in 64400–64795).) (Formerly 664506.)	Lb.	MINL 3	500	RO	A B C
66411	Beryllium metal and alloys, containing more than 50 percent beryllium, in semifabricated forms, n. e. c. (Specify by name (report beryllium copper in 64400–64795).) (Formerly 664509.)	Lb.	MINL 3	500	RO	A B C
66413	Bismuth matte, slimes, residues, and base bullion (formerly 664510).	Lb.	MINL 4	100	RO	C
66415	Bismuth metals and alloys (include metal alloys in which bismuth is the metal of chief value) (formerly 664512).	Lb.	MINL 4	100	RO	C
66429	Cobalt dental alloys (formerly 664526)	Lb.	MINL 5	100	RO	A E G
66429	Cobalt ores, concentrates, metal and other alloys in crude form. (Include metal alloys in which cobalt is the metal of chief value (formerly 664526).)	Lb.	MINL 5	100	RO	A
66429	Nickel-bearing cobalt scrap metal (include alloy steel scrap containing 5 percent or more cobalt by weight). (Specify percentage of each alloying element, or the recognized standard commercial brand or trade name.) (See § 399.2, Interpretations 10 and 12 (formerly 664526).)	Lb.	MINL 5	None	RO	A B G
66429	Other cobalt-bearing scrap metal (include alloy steel scrap containing 5 percent or more cobalt by weight). (See § 399.2, Interpretations 10 and 12 (formerly 664526).)	Lb.	MINL 5	None	RO	A B G
66431	Cobalt semifabricated forms, n. e. c. (Specify by name (formerly 664529).)	Lb.	MINL 5	100	RO	A
66433	Columbium or niobium ores and concentrates. (Report slag in 66540 (formerly 664530).)	Lb.	MINL 6	100	RO	A
66435	Columbium or niobium metals and alloys in crude form (include metal alloys in which columbium is the metal of chief value). (Report slag in 66540.) (Formerly 664533.)	Lb.	MINL 6	100	RO	A
66437	Columbium or niobium metals and alloys in semifabricated forms, n. e. c. (Include metal alloys in which columbium is the metal of chief value.) (Specify by name (formerly 664535).)	Lb.	MINL 6	100	RO	A
66445	Magnesium alloys in crude form, containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal) (formerly 664547).	Lb.	MINL 7	100	RO	A C E
66447	Magnesium alloys in semifabricated forms, n. e. c., containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal. (Specify by name (formerly 664549).)	Lb.	MINL 7	100	RO	A C E

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[9] Electric conducting cable suitable for sweeping magnetic mines for harbor defense requires export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)—Con.					
66449	**Molybdenum ores and concentrates (molybdenum content). (Report quantity and value of molybdenum content under this Schedule B number, and quantity and value of metal content other than molybdenum under the Schedule B number appropriate for the other metal ore (formerly 664550).)**	Content Lb.	MINL 8	500	RO	A E
66461	**Molybdenum metal and alloys in crude form, and scrap. (Include metal alloys in which molybdenum is the metal of chief value). (See § 399.2, Interpretations 10 and 12) (formerly 664551).)**	Lb.	MINL 8	100	RO	A
66463	**Molybdenum wire, bare, except welding rods and wires. (Report welding rods and wires in 61944; and insulated wires in 70972-70995.) (Formerly 664553.)**	Lb.	MINL 8	100	RO	A
66465	**Molybdenum semifabricated forms, n. e. c. (Specify by name (formerly 664554).)**	Lb.	MINL 8	100	RO	A
66467	**Radium metal and alloys (radium content). (Report quantity and value of radium content under this Schedule B number, and quantity and value of metal content other than radium under the Schedule B number appropriate for the other metal.) (Report radium-bearing ores in 62510; and radium isotopes in 82986.) (Formerly 664557.)**	Content mgm.	MINL	None	RO	B C
66469	**Tantalum ores and concentrates. (Report slag in 66540.) (Formerly 664560.)**	Lb.	MINL 9	100	RO	A
66471	**Tantalum metals and alloys in crude form, and scrap. (Include metal alloys in which tantalum is the metal of chief value.) (See § 399.2, Interpretations 10 and 12.) (Report slag in 66540 (formerly 664562).)**	Lb.	MINL 9	100	RO	A C
66473	Tantalum semifabricated forms, n. e. c. (Specify by name (formerly 664563).)	Lb.	MINL 9	100	RO	A C E
66475	Quicksilver or mercury (formerly 664565)	Lb.	NONF	None	RO	A B C G
	Titanium metal and alloys (include metal alloys in which titanium is the metal of chief value):					
66479	Sponge (including iodide titanium) and scrap. (Specify by name.) (Specify Brinell hardness of sponge.) (See § 399.2, Interpretations 10 and 12 (formerly 664572).)	Lb.	MINL 10	100	RO	A
66481	Intermediate mill shapes. (Specify by name (formerly 664574).)	Lb.	MINL 10	100	RO	A
66483	Millproducts, n. e. c. (Specify by name.) (Report titanium metal powder in 61987; and titanium foil in 61995 (formerly 664576).)	Lb.	MINL 10	100	RO	A
66489	Tungsten wire, coated or uncoated (formerly 664583).	Lb.	MINL	100	RO	A C E
66510	Zirconium metal and alloys in crude form, and scrap, containing more than 50 percent zirconium. (See § 399.2, Interpretations 10 and 12 (formerly 664596).)	Lb.	MINL 11	100	RO	A B C
66520	Zirconium semifabricated forms, n. e. c., containing more than 50 percent zirconium. (Specify by name (formerly 664597).)	Lb.	MINL 11	100	RO	A B C
	Nonferrous metallic ores and concentrates, n. e. c. (Specify by name):					
66530	**Lithium ores (e. g., lepidolite), and lithium ore concentrates (formerly 664598).**	Lb.	MINL	10	RO	A B C
	GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—con.					
	Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)—Con.					
	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (Specify by name.) (See § 399.2, Interpretations 10 and 12):					
66540	Boron metal, and alloys containing 10 percent or more boron, all forms (including grains and mixtures containing 10 percent or more boron). (Report boron powder in 61987 (formerly 664998).)	Lb.	MINL	100	RO	A
66540	Crystalline silicon (silicon metal) containing 99 percent silicon or over (formerly 664998).	Lb.	MINL	None	RO	A
66540	Gallium metal (formerly 664998)	Lb.	MINL 3	None	RO	B C
66540	Germanium metal (formerly 664998)	Lb.	MINL 3	None	RO	A
66540	Hafnium metal (formerly 664998)	Lb.	MINL 3	None	RO	B C
66540	Lithium metals and alloys (formerly 664998)	Lb.	MINL	None	RO	A B C
66540	Polonium metal (formerly 664998)	Lb.	MINL 3	None	RO	B C
66540	Thermo bimetal, thermometal, and thermostatic metal (formerly 664998).	Lb.	MINL	100	RO	A G
66540	Columbium-niobium-bearing slag (formerly 664998).	Lb.	MINL	100	RO	A
66540	Tantalum bearing slag (formerly 664998)	Lb.	MINL	100	RO	A
	Precious metals and plated ware, n. e. c.					
69561	Silver-copper brazing alloy	Lb.	NONF 15	100	RO	A C E
	GROUP 7—MACHINERY AND VEHICLES					
	(See special provisions for Commodity Group 7, §§ 373.48-373.53; special destination provisions, §§ 373.65-373.75)					
......	Tools or devices incorporating diamonds, not included elsewhere on the Positive List. (See § 373.49(b).)	No. and Carat	TOOL	50	RO	A C
	Electrical machinery and apparatus [13]					
	Generators, n. e. c., and parts. (Report aircraft, automobile, bus, truck, tractor, and industrial engine generators in 70921 and 70922; generators for electric propulsion motors in 70433):					
70002	Direct current generators, n. e. c., 5,000 kilowatts and over. (Specify by rating (formerly 700000).)	No	ELME 1	None	RO	A
70010	Alternating current generators, n. e. c., 5,000 kilowatts and over. (Specify by rating (formerly 700100).)	No.	ELME 1	None	RO	A
70015	Parts and accessories, n. e. c., specially fabricated for generators, 5,000 kilowatts and over. (Specify by name and rating (formerly 700150).)	....	ELME 1	100	RO	A
	Steam turbine generator sets (turbogenerators):					
70085	5,000 kilowatts up to and including 7,500 kilowatts. (Specify by rating (formerly 700805).)	No.	ELME 1	None	RO	A
70087	Over 7,500 kilowatts. (Specify by rating (formerly 700807).)	No.	ELME 1	None	RO	A
	Welding sets n. e. c., and parts:					
70106	**3-phase resistance welding sets (formerly 701032).**	**No.**	**ELME 4**	**None**	**R**	**A**
70108	**Parts specially fabricated for 3-phase type resistance welding sets (formerly 709998).**	....	**ELME 4**	**100**	**R**	**A**

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus [13]—Con.					
70110	Diesel engine generator sets, 5,000 kilowatts and over. (Specify kilowatt capacity of generator and brake horsepower of engine.) (Report switch-gear equipment not designed as an integral component, whether or not shipped simultaneously with the generator set, in 70310-70335.) (Formerly 701105.)	No.	ELME 1	None	RO	A
	Transforming or converting apparatus, n. e. c., and parts:					
70275	Motor generator sets having motors of 500 up to but not including 5,000 horsepower (formerly 702725).	No.	ELME 1	None	R	
70275	Motor generator sets having motors of 5,000 horsepower and over (formerly 702725).	No.	ELME 1	None	RO	A
70275	Synchronous condensers, 5,000 kilowatts and over. (Specify by rating (formerly 702725).)	No.	ELME 1	None	RO	A
	Electrical quantity indicating instruments (electrical or electronic type), nonrecording, n. e. c.:					
70362	Electrometers, except student type; and instruments capable of measuring currents of less than 1 micromicroampere [14] (formerly 703620).	No.	ELME 3	None	RO	A C
70362	Other electrical quantity indicating instruments (electrical or electronic type), nonrecording, n. e. c., except battery testers, battery testing voltmeters, and cell testers. Specify by name (formerly 703620 and 703825).)	No.	ELME 3	25	RO	A
	Electrical quantity recording instruments (electrical or electronic type), n. e. c.:					
70370	Cycle counters; and oscillographs, except cathode ray (formerly 703825).	No.	ELME 3	25	RO	A
70372	Signal generators. (Specify by name (formerly 703825).)	No.	ELME 3	25	RO	A
70374	Waveform measuring, analyzing and/or testing instruments, except optical. (Specify by name (formerly 703825).)	No.	ELME 3	25	RO	A
	Electrical and electronic characteristics testing instruments, n. e. c., and specially fabricated parts and accessories, n. e. c., for electrical and electronic quantity and characteristics measuring and testing instruments:					
70379	Electrical and electronic characteristics testing instruments, n. e. c. (Specify by name (formerly 703825).)	No.	ELME 3	25	RO	A
70379	Parts and accessories, n. e. c., specially fabricated for: electrometers, except student type; and instruments capable of measuring currents of less than 1 micromicroampere. (Specify by name [14] (formerly 703850).)	....	ELME 3	25	RO	A C
70379	Parts and accessories, n. e. c., specially fabricated for other electrical and electronic quantity and characteristics measuring and testing instruments, except watt hour and other integrating meters. (Specify by name (formerly 703850).)	....	ELME 3	25	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus [13]—Con.					
	Electric motors (including gearmotors), n. e. c., and parts:					
70430	Reversible type, liquid-cooled and totally enclosed, 1,000 horsepower and over. (Specify by rating (formerly 704300).)	No.	ELME 2	None	RO	A
70430	Other motors, 500 up to but not including 5,000 horsepower. (Specify by rating (formerly 704300).)	No.	ELME 2	None	R	
70430	Other motors, 5,000 horsepower and over. (Specify by rating (formerly 704300).)	No.	ELME 2	None	RO	A
70432	Parts and accessories, n. e. c., specially fabricated for motors 500 up to but not including 5,000 horsepower. (Specify by name and rating (formerly 705500).)	....	ELME 2	100	R	
70432	Parts and accessories, n. e. c., specially fabricated for motors 5,000 horsepower and over. (Specify by name and rating (formerly 705500).)	....	ELME 2	100	RO	A
	Industrial motor controls (consisting of starting, speed regulating, stopping, and protecting devices), n. e. c., resistance welding controls, parts and accessories:					
70490	Pilot circuit devices, and specially fabricated parts, n. e. c., for motors 500 up to but not including 5,000 horsepower. (Specify by name and rating (formerly 704810-704850).)	....	ELME 2	100	R	
70490	Pilot circuit devices, and specially fabricated parts, n. e. c., for motors 5,000 horsepower and over. (Specify by name and rating (formerly 704810-704850).)	....	ELME 2	100	RO	A
70493	General-purpose power circuit devices, A-C and D-C, low voltage and high voltage, and specially fabricated parts, n. e. c., for motors 500 up to but not including 5,000 horsepower. (Specify by name and rating (formerly 704850).)	....	ELME 2	100	R	
70493	General-purpose power circuit devices, A-C and D-C, low voltage and high voltage, and specially fabricated parts, n. e. c., for motors 5,000 horsepower and over. (Specify by name and rating (formerly 704850).)	....	ELME 2	100	RO	A
70495	Special-purpose controls, and specially fabricated parts, n. e. c., for motors 500 up to but not including 5,000 horsepower. (Specify by name and rating (formerly 704810-704820).)	....	ELME 2	100	R	
70495	Special-purpose controls, and specially fabricated parts, n. e. c., for motors 5,000 horsepower and over. (Specify by name and rating (formerly 704810-704820).)	....	ELME 2	100	RO	A
70498	Accessory equipment, n. e. c., specially fabricated for industrial motor controls, for motors 500 up to but not including 5,000 horsepower. (Specify by name and rating (formerly 704810-704850).)	....	ELME 2	100	R	
70498	Accessory equipment, n. e. c., specially fabricated for industrial motor controls, for motors 5,000 horsepower and over. (Specify by name and rating (formerly 704810-704850).)	....	ELME 2	100	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[14] All outstanding licenses issued by the Atomic Energy Commission prior to September 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus [13]—Con.					
	Electric bulbs and tubes (lamps), and parts. (Report bulb and tube blanks in 52930 and 52940):					
70630	Sealed beam headlamps suitable for mounting on automotive vehicles (formerly 706305).	No.	TRAN 1	250	R	E
70659	Molybdenum filaments (formerly 706590)	....	FINP 3.	100	RO	A
70659	Tungsten filaments, coated and uncoated (formerly 706590).	....	FINP 3	100	RO	A E
70660	Power-controlled searchlights designed for military use. (Specify by name (formerly 706600).)	No.	ELME 5	None	RO	A G
70741	Electric industrial melting and refining furnaces. (Specify by name (formerly 707415).)	No.	ELME 7	None	RO	A B C
70744	Electric industrial metal heat-treating furnaces. (Specify by name (formerly 707425).)	No.	ELME 7	100	RO	A B C
70746	Parts and accessories, n. e. c., specially fabricated for electric industrial melting, refining and heat-treating furnaces. (Specify by name (formerly 707435).)	....	ELME 7	100	RO	A B C
	X-ray apparatus, n. e. c., and parts, n. e. c.:					
70751	Radiographic X-ray tubes and valves, flash discharge type (formerly 707509).	No.	SATE 1	None	RO	A
70751	X-ray diffraction tubes and valves (formerly 707507).	No.	SATE 2	None	RO	A
70753	Parts, n. e. c., specially fabricated for radiographic X-ray tubes and valves, flash discharge type. (Specify by name.) (Report glass tube blanks in 52945 (formerly 707509).)	....	SATE 1	None	RO	A
70753	Parts, n. e. c., specially fabricated for X-ray diffraction tubes and valves. (Specify by name.) (Report glass tube blanks in 52945 (formerly 707509).)	....	SATE 2	None	RO	A
70755	X-ray diffraction units (formerly 707550) ..	No.	SATE 2	None	RO	A
70755	Parts, n. e. c., specially fabricated for X-ray diffraction units (formerly 707550).	....	SATE 2	None	RO	A
70755	X-ray goniometers (formerly 707550)	....	SATE 2	None	RO	A
70759	Short wave diathermy units operating at frequencies exceeding 600 megacycles per second, and specially fabricated parts, n. e. c. (formerly 707590).	....	SATE 1	25	RO	A
	Electronic equipment, n. e. c., and parts. (Report tubes, crystal diodes and transistors, capacitors (condensers), resistors, inductors (transformers and coils), in 70824-70859; microphones, 70886; amplifiers, 70875, 70879, radar and other electronic detection and navigational equipment, 70867; antenna equipment, 70867; antenna towers, 61864; also see § 399.2, Int. 9): [15]					
70764	Radio broadcast transmitting equipment, designed for operation at frequencies above 216 mc; and specially fabricated parts, n. e. c. (formerly 707608).	....	RARA 50	100	RO	A
70764	Microwave relay and transmitter link equipment, radio (formerly 707608).	....	RARA 50	100	RO	A
70768	Television broadcast transmitting equipment, designed for operation at frequencies above 216 mc; and specially fabricated parts, n. e. c. (Specify by name (formerly 707608).)	....	RARA 50	100	RO	A
70768	Microwave relay and transmitter link equipment, television (formerly 707608).	....	RARA 50	100	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus [13]—Con.					
	Electronic equipment, n. e. c., and parts—Con.					
70786	Shipborne transmitters and transceivers (transmitter-receivers) designed to operate at frequencies of 30 mc and over, and specially fabricated parts, n. e. c. (formerly 707613).	....	RARA 50	100	RO	A
70789	Land-type radio communication transmitters and transceivers (transmitter-receivers) designed to operate at frequencies of 30 mc and over, and specially fabricated parts, n. e. c. (formerly 707617).	....	RARA 50	100	RO	A
70793	Radio beacon (beam) transmitters, and specially fabricated parts and accessories, n. e. c. (formerly 707625).	....	RARA 50	100	RO	A
	Electron tubes and parts. (Report X-ray tubes in 70751):					
70824	Receiving-type tubes, except non-military versions of the types listed in § 399.2, Int. 13. (Specify type numbers and quantity of each type.) (Report television picture tubes in 70832 (formerly 707803).)	No.	RARA 51	50	RO	A
70828	Television camera tubes (cathode ray). (Specify type numbers and quantity of each type (formerly 707812).)	No.	RARA 51	None	RO	A
70836	Cathode-ray tubes, n. e. c. (Specify type numbers and quantity of each type.) (Report television cathode-ray tubes in 70828 and 70832 (formerly 707820).)	No.	RARA 51	50	RO	A
70840	Electrometer tubes designed to operate with grid currents of less than 1 micromicroampere. (Specify type numbers and quantity of each type [14] (formerly 707830).)	No.	RARA 51	50	RO	A B C
70840	Geiger-Mueller counter tubes and other radiation counter tubes. (Specify type numbers and quantity of each type [14] (formerly 707830).)	No.	RARA 51	50	RO	A B C
70840	Photomultiplier tubes having photocathode sensitivity of 10 or more microamperes per lumen and an average amplification greater than 100,000. (Specify type numbers and quantity of each type [14] (formerly 707830).)	No.	RARA 51	50	RO	A B C
70840	Electron tubes, n. e. c. (Specify type numbers and quantity of each type [14] (formerly 707830).)	No.	RARA 51	50	RO	A
	Parts and accessories, n. e. c., specially fabricated for electron tubes. (Report glass electron tube blanks in 52945):					
70844	Tantalum rings, for radio transmitter and radio receiver tubes (formerly 707840).	....	MINL	100	RO	A
70844	Other parts, n. e. c., specially fabricated for electron tubes included on the Positive List under Schedule B Nos. 70824, 70828, 70836, and 70840 (formerly 707840).	....	RARA 51	100	RO	A
70848	Crystal diodes and transistors (semi-conductors, n. e. c.) [16] (formerly 707850).	No.	RARA 51	50	RO	A
70852	Precision capacitors, fixed or variable, with a rated accuracy better than plus or minus 1 percent (formerly 707905).	No.	RARA 52	100	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[15] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[14] All outstanding licenses issued by the Atomic Energy Commission prior to September 28, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

[16] Silicon transistors, Schedule B No. 70848, require export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus [13]—Con.					
	Electronic equipment, n. e. c., and parts—Con.					
	Resistors:					
70856	Linear potentiometers having a rated linearity of 0.1 percent or less (formerly 707910).	No.	RARA 52	100	RO	A
70856	Non-linear potentiometers having a rated conformity of 1 percent or less (formerly 707910).	No.	RARA 52	100	RO	A
70856	Resistors of value of 1,000 megohms or over [14] (formerly 707910).	No.	RARA 52	50	RO	A B C
70856	Resistors, temperature sensitive (formerly 707910 and 709998).	No.	RARA 52	100	RO	A
70856	Precision resistors, fixed or variable, with a rated accuracy better than plus or minus 1 percent [14] (formerly 707910).	No.	RARA 52	100	RO	A
	Inductors (including transformers and coils):					
70859	Pulse transformers (formerly 707915)	No.	RARA 52	100	RO	A
70859	Precision inductors, with a rated accuracy better than plus or minus 1 percent (formerly 707915).	No.	RARA 52	100	RO	A
	Electronic detection and navigational apparatus, n. e. c. and specially fabricated parts and accessories, n. e. c. (Report spare and replacement tubes in 70824-70840):					
70867	Ionosphere recorders, and specially fabricated parts, n. e. c. (formerly 708410).		RARA	100	RO	
70867	Electronic detection and navigational apparatus, n. e. c., designed for use at frequencies of 600 mc. and over [17] (formerly 708410).		RARA 52	100	RO	A
70871	Carrier current line-communications terminal and intermediate repeater or amplifier equipment, designed to transmit, carry or receive frequencies higher than 10 kilocycles; and specially fabricated parts, n. e. c. (formerly 708460).		RARA 50	100	RO	A
	Amplifiers (except audio frequency), n. e. c., and specially fabricated parts and accessories, n. e. c.:					
70879	Amplifiers designed for use in nuclear measurements, including linear amplifiers, preamplifiers, and distributed chain amplifiers [14] (formerly 708820).	No.	ELME 2	None	RO	A B C
70879	Parts, n. e. c., specially fabricated for amplifiers designed for use in nuclear measurements [14] (formerly 708820).		ELME 2	25	RO	A B C
70879	Other amplifiers, n. e. c., and specially fabricated parts, n. e. c., except motion picture amplifiers and parts. (Report audio-amplifying apparatus in 70875 (formerly 708820).)		RARA 52	200	RO	A
70883	Magnetic recorders and accessories, the following: (a) tape recorders having a transport speed exceeding 15 inches per second; (b) multichannel tape recorders and recording heads; (c) drum-type recorders; (d) magnetic tape designed for use with multichannel recorders. (See § 399.2, Int. 8 (formerly 708850).)		RARA 50	100	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus [13]—Con.					
	Electronic equipment, n. e. c., and parts—Con.					
	Electronic equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
70886	Parts, n. e. c., specially fabricated for crystal diodes and transistors (formerly 708010).		RARA 52	25	RO	A
70886	Waveguides (formerly 708010)		RARA 52	100	RO	A
70886	Regulated power supplies (formerly 708100)		ELME 3	100	RO	A
	Telegraph apparatus (wire), n. e. c., and specially fabricated parts and accessories, n. e. c.:					
70888	Telegraph apparatus suitable for use at speeds greater than 200 words per minute or 150 bauds; and specially fabricated parts therefor (formerly 708500).		RARA 51	100	RO	A
70888	Other multi-channel telegraph terminal transmitting and receiving equipment; and specially fabricated parts, n. e. c.[15] (formerly 708500).		RARA 51	100	RO	A
70895	Telephone terminal and intermediate repeater or amplifier equipment designed to transmit, carry, or receive frequencies higher than 10 kilocycles; and specially fabricated parts, n. e. c.[15] (formerly 708700).		RARA 50	100	RO	A
	Pole line, transmission, and distribution hardware, n. e. c., and specially fabricated parts, n. e. c.:					
70948	Copper bus bars (formerly 709495)	Lb.	NONF 15	100	RO	A
	Insulated wire, cord, and cable:					
70972	Building wire and cable, copper or copper-base alloy (formerly 709810).	Lb.	NONF 17	100	RO	C
70974	Weatherproof and slow-burning wire, copper or copper-base alloy (formerly 709830).	Lb.	NONF 17	100	RO	C
70976	Coaxial cable (single or multi-tube) having any of the following characteristics: (1) an attenuation of 10 decibels or less per 100 feet and a standing wave ratio of 2 or less at 3,000 megacycles; (2) air-spaced types; or (3) having polytetrafluoroethylene (e. g., Teflon) or polytrifluorochloroethylene dielectric. (Specify dielectric material and type number (formerly 709855).)	Lb.	NONF	100	RO	A
70976	Communications submarine cable (formerly 709855).	Lb.	NONF	100	RO	A C
70976	Communications cable containing more than one pair of conductors and containing any conductor (single or stranded) exceeding 0.9 mm in diameter (formerly 709855).	Lb.	NONF	100	RO	A C
70976	Other communication and signal wire and cable, copper or copper-base alloy. (Specify by name (formerly 709855).)	Lb.	NONF 17	100	RO	C
70978	Portable cord, wire, and cable, copper or copper-base alloy, molded rubber sheathed. (Specify by name (formerly 709860).)	Lb.	NONF 17	100	RO	C
70989	Automotive ignition wire, copper or copper-base alloy, in coils, reels or spools, in lengths of 100 feet or less (formerly 709865).	Lb.	TRAN 1	500	RO	E
70989	Other copper or copper-base alloy wire and cable, rubber and/or thermoplastic insulated. (Specify kind of wire or cable and type of insulation (formerly 709865).)	Lb.	NONF 17	100	RO	C
70991	Copper or copper-base alloy wire and cable, varnished-cambric insulated, with braided, leaded, or armored finishes. (Specify kind of wire or cable and type of insulation (formerly 709870).)	Lb.	NONF 17	100	RO	C

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[14] All outstanding licenses issued by the Atomic Energy Commission prior to September 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to AEC.

[17] See § 370.4 (a) for detection and navigational apparatus requiring export authorization from the Department of State. All outstanding licenses for exportation of underwater sound equipment, and specially fabricated parts therefor (Schedule B No. 70867), issued by the Bureau of Foreign Commerce prior to date of transfer of export authorization of these commodities to the Department of State remain valid until they expire or are revoked.

[15] See § 370.4 (a) for other commodities under this Schedule B number which require export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Electrical machinery and apparatus [13]—Con.					
	Insulated wire, cord, and cable—Continued					
70993	Copper or copper-base alloy power cable, paper-insulated, with leaded or armored finishes. (Specify kind of wire or cable and type insulation (formerly 709875).)	Lb.	NONF 17	100	RO	C
70995	Copper or copper-base alloy wire and cable, insulated, n. e. c. (Specify kind of wire or cable and type of insulation (formerly 709885).)	Lb.	NONF 17	100	RO	C
70995	Nickel and nickel alloy wire, insulated. (Specify kind of wire or cable and type of insulation (formerly 709885).)	Lb.	NONF	100	RO	A G
70997	Electrical steel punchings, with a core loss of 0.5 watts per pound at 13,000 gausses and 50 cycles per second or less, or with a thickness 0.003 inches and less. (Specify thickness in decimal parts of an inch; or the core loss in watts per pound at flux density of 13,000 gausses and at 50 cycles per second (formerly 709920).)	Lb.	STEE 4	100	RO	A
	Electrical apparatus, n. e. c., and parts, n. e. c.:					
70999	Belt-type electrostatic generators (Van de Graaff machines)[14] (formerly 709998).	No.	ELME 1	None	RO	A B C
70999	Parts, n. e. c., specially fabricated for belt-type electrostatic generators (Van de Graaff machines)[14] (formerly 709998).)	....	ELME 1	25	RO	A B C
70999	Betatrons and synchrotrons, and specially fabricated parts, n. e. c. (formerly 919098).	....	SATE 2	None	RO	A B C
70999	Clyclotrons, synchrocyclotrons, and linear accelerators, and specially fabricated parts, n. e. c.[14] (formerly 919098).	....	SATE 2	25	RO	A B C
70999	Other electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion [14] (formerly 919080).	No.	SATE 2	None	RO	A B C
70999	Magnets, and other specially fabricated parts, n. e. c., (including positive ion sources), specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion [14] (formerly 919080)	....	SATE 2	25	RO	A B C
70999	Parts specially fabricated for synchronous condensers, 5,000 kilowatts and over. (Specify by name and rating (formerly 709998).)	....	ELME 1	100	RO	A
70999	Parts specially fabricated for motor generator sets having motors of 500 up to but not including 5,000 horsepower. (Specify by name and rating (formerly 709998).)	....	ELME 1	100	R	
70999	Parts specially fabricated for motor generator sets having motors of 5,000 horsepower and over. (Specify by name and rating (formerly 709998).)	....	ELME 1	100	RO	
70999	Parts, n. e. c., specially fabricated for power-controlled searchlights designed for military use (formerly 709998).	....	ELME 5	None	RO	A G
70999	Gyros, rate and integrating type [15] (formerly 709998).	....	ELME 10	None	RO	
70999	Servo control units, and the following specially fabricated parts: synchros; resolvers; linear induction potentiometers; induction rate generators; and servo motors. (Report amplifiers in 70879) [15] (formerly 709998).)	....	ELME 10	None	RO	A
70999	Thermistors (formerly 709998)	No.	RARA 52	100	RO	A

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Power generating machinery, n. e. c.[13] [16]					
	Steam engines and turbines, n. e. c., and parts, n. e. c.: [16]					
71131	Steam turbines, 2,000 horsepower and over (excludes those incorporated in generator sets). (Specify horsepower (formerly 711310).)	No.	CONS 8	None	RO	A
71141	Water wheels and water turbines, 2,000 horsepower and over. (Specify horsepower (formerly 711410).)	No.	ELME 1	500	RO	A
71151	Air turbines, 2,000 horsepower and over. (Specify horsepower (formerly 711510).)	No.	CONS 8	None	RO	A
71151	Gas turbines, 2,000 horsepower and over. (Specify horsepower.) (Report aircraft turbines in 79470) (formerly 711510).)	No.	CONS 8	None	RO	A
71151	Gas turbines, under 2,000 horsepower. (Specify horsepower.) (Report aircraft turbines in 79470 (formerly 711510).)	No.	CONS 8	None	R	
71190	Parts, n. e. c., specially fabricated for water wheels, and water turbines, 2,000 horsepower and over. (Specify by name and rating (formerly 711900).)	....	ELME 1	100	RO	A
71190	Parts, n. e. c., specially fabricated for steam or air turbines, 2,000 horsepower and over. (Specify horsepower (formerly 711900).)	....	CONS 8	100	RO	A
71190	Parts, n. e. c., specially fabricated for gas turbines, 2,000 horsepower and over. (Specify horsepower.) (Report parts for aircraft turbines in 79476) (formerly 711900).)	....	CONS 8	100	RO	A
71190	Parts, n. e. c., specially fabricated for gas turbines under 2,000 horsepower. (Specify horsepower.) (Report parts for aircraft turbines in 79476) (formerly 711900).)	....	CONS 8	100	R	
	Power boilers (steam generators), and parts: [16]					
71330	Water tube, boilers, marine type, having a capacity to generate 30,000 pounds or more of steam per hour at pressures of 450 psig or more. (Specify generating capacity in terms of pounds of steam per square foot of tubular heating surface, and steaming capacity in terms of pounds of steam per hour and designed operating pressure (formerly 713300).)	....	CONS 8	None	RO	A
71330	Water tube boilers, marine type, having a capacity to generate less than 30,000 pounds of steam per hour at pressures of 450 psig or more. (Specify generating capacity in terms of pounds of steam per square foot of tubular heating surface, and steaming capacity in terms of pounds of steam per hour and designed operating pressure (formerly 713300).)	....	CONS 8	None	R	
71330	Water tube boilers, stationary, having a capacity to generate 15,000 pounds or more of steam per hour at pressures more than 250 psig. (Specify steaming capacity in terms of pounds of steam per hour and designed operating pressure (formerly 713300).)	....	CONS 8	None	R	
71392	Parts, n. e. c., specially fabricated for water tube boilers, marine type, having a capacity to generate 30,000 pounds or more of steam per hour at pressures of 450 psig or more. (Specify type and rating of boilers for which parts are intended (formerly 713920).)	....	CONS 8	500	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[14] All outstanding licenses issued by the Atomic Energy Commission prior to February 15, 1956, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

[15] See § 399.4 (a) for commodities which require export authorization from the Department of State.

[16] See § 370.4 (d) for nuclear reactors which require export authorization from the Atomic Energy Commission.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Power generating machinery, n. e. c.[13] [14]—Con.					
	Power boilers, etc., and parts [15]—Continued					
71392	Parts, n. e. c., specially fabricated for water tube boilers, marine type, having a capacity to generate less than 30,000 pounds of steam per hour at pressures of 450 psig or more. (Specify type and rating of boilers for which parts are intended (formerly 713920).)	----------	CONS 8	500	R	
71392	Parts, n. e. c., specially fabricated for water tube boilers, stationary type, having a capacity to generate 15,000 pounds or more of steam per hour at pressures more than 250 psig. (Specify type and rating of boilers for which parts are intended (formerly 713920).)	----------	CONS 8	500	R	
	Internal-combustion engines, n. e. c., and parts and accessories, n. e. c. (Report automobile, truck, and bus engines in 79151-79162 and 79277; aircraft engines in 79440-79472; motorcycle motors in 79730; and engine-driven welding sets and self-contained electric generator sets in 70101-70115): [13]					
	Diesel and semi-Diesel marine engines:					
71450	50 up to and including 200 brake horsepower, when the non-magnetic content exceeds 50 percent of total weight. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714500).)	No.	CONS 9	None	RO	A
71462	Over 200, up to and including 500 brake horsepower, when the nonmagnetic content exceeds 50 percent of total weight. (Specify brake horsepower at rated speed, and r. p. m., (formerly 714620).)	No.	CONS 9	None	RO	A
71462	Other marine engines, 300 up to and including 500 brake horsepower. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714620).)	No.	CONS 9	None	R	
71464	Over 500, up to and including 1,000 brake horsepower when the nonmagnetic content exceeds 50 percent of total weight. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714640).)	No.	CONS 9	None	RO	A
71464	Other marine engines, over 500, up to and including 1,000 brake horsepower. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714640).)	No.	CONS 9	None	R	
71466	Over 1,000 brake horsepower when the nonmagnetic content exceeds 50 percent of total weight. (Specify brake horsepower at rated speed, and r. p. m.) (formerly 714660).)	No.	CONS 9	None	RO	A
71466	Other marine engines, over 1,000 up to but not including 1,500 brake horsepower. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714660).)	No.	CONS 9	None	R	
71466	Other marine engines, 1,500 brake horsepower and over. (Specify brake horsepower at rated speed, and r. p. m (formerly 714660).)	No.	CONS 9	None	RO	A

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Power generating machinery, n. e. c.[13] [14]—Con.					
	Diesel and semi-Diesel marine engines—Con.					
	Diesel and semi-diesel engines, n. e. c. (including tractor engines):					
71472	300, up to and including 500 brake horsepower. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714720).)	No.	CONS 9	None	R	
71474	Over 500, up to and including 1,000 brake horsepower. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714740).)	No.	CONS 9	None	R	
71476	Over 1,000 up to but not including 1,500 brake horsepower. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714760).,	No.	CONS 9	None	R	
71476	1,500 brake horsepower and over. (Specify brake horsepower at rated speed, and r. p. m. (formerly 714760).)	No.	CONS 9	None	RO	A
71590	Parts and accessories, n. e. c., specially fabricated for Diesel engines included on the Positive List under Schedule B Nos. 71462 through 71476 for which validated license is required to R country destinations only. (Specify type of engine, brake horsepower at rated speed, and r. p. m. (formerly 715900).)	----------	CONS 9	500	R	E
71590	Parts and accessories, n. e. c., specially fabricated for Diesel engines included on the Positive List under Schedule B Nos. 71450 through 71476 for which validated license is required to both R and O country destinations. (Specify type of engine, brake horsepower at rated speed, and r. p. m. (formerly 715900).)	----------	CONS 9	500	RO	A E
	Construction, excavating, mining, oil field and related machinery[13]					
	Excavator-type power cranes and shovels, new. (Report used in 72018):					
72002	Crawler or walker mounted, full revolving, convertible, over 5 cu. yd. dipper capacity, or over 100 tons crane lifting capacity, new. (Specify type and capacity (formerly 720117).)	No.	CONS 1	None	R	E
72004	Wheel-mounted, including truck or wagon mounted, full revolving, convertible, designed for airborne transport, new (formerly 720122).	No.	CONS	None	RO	A
72004	Other wheel-mounted, including truck or wagon mounted, full revolving, convertible, over ½ cu. yd. dipper capacity, or over 10 tons crane lifting capacity, new. (Specify type and capacity (formerly 720122).)	No.	CONS 1	None	R	E
72006	Unmounted, full revolving, over 5 cu. yd. dipper capacity, or over 100 tons crane lifting capacity, new. (Specify type and capacity (formerly 720127).)	No.	CONS 1	None	R	E
72015	Loaders, wheel-type, front and rear drive, 100 brake horsepower and over, new. (Specify type and brake horsepower.)	No.	CONS 1	None	RO	A
72017	Dredging machines, new. (Specify by name.) (Report used in 72018; dredgers (vessels), in 79535 (formerly 720147).)	No.	CONS 4	None	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[14] See § 370.4 (a) for commodities which require export authorization from the Department of State.

[15] See § 370.4 (d) for nuclear reactors which require export authorization from the Atomic Energy Commission.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Construction, excavating, mining, oil field and related machinery [13]—Continued					
	Used or rebuilt power excavators, loading machines, and dredging machines:					
72018	Power cranes and shovels, wheel-mounted, including truck or wagon mounted, full revolving, designed for airborne transport, used and rebuilt (formerly 720160).	No.	CONS	None	RO	A
72018	Other wheel-mounted power cranes and shovels, including truck or wagon mounted, full revolving, over ½ cu. yd. dipper capacity, or over 10 tons crane lifting capacity, used and rebuilt. (Specify type and capacity (formerly 720160).)	No.	CONS 1	None	R	E
72018	Power cranes and shovels, full revolving, mounted and unmounted, over 5 cu. yd. dipper capacity, or over 100 tons crane lifting capacity, used and rebuilt. (Specify type and capacity (formerly 720160).)	No.	CONS 1	None	R	E
72018	Loaders, wheel-type, front and rear drive, 100 brake horsepower and over, used or rebuilt. (Specify type and brake horsepower.)	No.	CONS 1	None	RO	A
72018	Dredging machines, used and rebuilt. (Specify by name (formerly 720160).)	No.	CONS 4	100	RO	A
72021	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels designed for airborne transport (formerly 720210).	....	CONS	None	RO	A
72021	Parts, accessories, and attachments, n. e. c., specially fabricated for wheel-mounted power cranes and shovels, including truck or wagon mounted, full revolving, over ½ cu. yd. dipper capacity, or over 10 tons crane lifting capacity, except airborne. (Specify type and capacity of equipment for which parts, accessories, and attachments are intended (formerly 720210).)	....	CONS 1	1,000	R	E
72021	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels, crawler and walker mounted, full revolving, over 5 cu. yd. dipper capacity, or over 100 tons crane lifting capacity. (Specify type and capacity of equipment for which parts, accessories, and attachments are intended (formerly 720210).)	....	CONS 1	1,000	R	E
72021	Parts, accessories, and attachments, n. e. c., specially fabricated for wheel-type loaders included on the Positive List under Schedule B Nos. 72015 and 72018.	....	CONS 1	500	RO	A
72021	Parts, accessories, and attachments, n. e. c., specially fabricated for dredging machines (formerly 720210).	....	CONS 4	1,000	RO	A E
72215	Soil compactors with pneumatic-tired wheels, vibrating type, of 30,000 lbs. or 15 tons net vehicle weight, or over (formerly 722020).	No.	CONS 1	None	RO	A E

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Construction, excavating, mining, oil field and related machinery [13]—Continued					
	Contractors' off-the-road wheel type tractors (including off-the-road truck- or hauler-tractors): [19]					
72225	Front and rear drive, 100 brake horsepower and over. (Specify brake horsepower (formerly 722024).)	No.	CONS 1	None	RO	A E
72225	Front and rear drive, 70 to 100 brake horsepower. (Specify brake horsepower (formerly 722024).)	No.	CONS 1	None	R	E
72225	Wheel tractors having rear drive only, 70 brake horsepower and over. (Specify brake horsepower (formerly 722024).)	No.	CONS 1	None	R	E
72225	2-wheel tractors (with overhung engine), 70 brake horsepower and over. (Specify brake horsepower (formerly 722024).)	No.	CONS 1	None	R	E
	Off-the-road haulers. (Report tractors separately under appropriate Schedule B number.) [19]					
72227	Off-the-road haulers (trucks), front and rear axle drive.	No.	CONS 1	None	RO	A
72227	Other off-the-road haulers (trucks, wagons, and trailers) having an axle-load rating of 47,500 pounds or more for any one axle assembly (whether the axle assembly consists of one or two axles, or dual axles); and chassis for such vehicles. (Specify rated axle capacity (formerly 722027).)	No.	CONS 1	None	R	E
	Construction and maintenance equipment, n. e. c., and specially fabricated parts and accessories, n. e. c..					
72245	Parts and accessories, n. e. c., specially fabricated for off-the-road haulers (trucks, wagons and trailers) and chassis therefor included on the Positive List under Schedule B No. 72227. (Specify rated axle capacity of haulers for which parts are intended (formerly 722045).)	....	CONS 1	500	R	E
72245	Parts, accessories, and attachments, n. e. c., specially fabricated for pneumatic-tired soil compactors, vibrating-type, 15 tons net vehicle weight and over (formerly 722045).	....	CONS 1	None	RO	A E
72245	Parts and accessories, n. e. c., specially fabricated for contractors' off-the-road wheel type tractors, front and rear drive, 100 brake horsepower and over. (Specify type and brake horsepower of tractors for which parts are intended (formerly 722045).)	....	CONS 1	500	RO	A E
72245	Parts and accessories, n. e. c., specially fabricated for other contractors' off-the-road wheel type tractors. (Specify type and brake horsepower of tractors for which parts are intended (formerly 722045).)	....	CONS 1	500	R	E

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[19] Off-the-road vehicles are interpreted, for purposes of export control, to be those which have an overall width of over 98 inches, measured from outside to outside of rear tires.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Construction, excavating, mining, oil field and related machinery [13]—Continued					
	Materials handling equipment and parts:					
72511	Internal-combustion engine powered industrial trucks, front and rear drive, 100 brake horsepower and over. (Specify brake horsepower.) (Report straddle carriers in 72507.)	No.	CONS 8	None	RO	A
72520	Industrial type tractors, wheel-type, front and rear drive, 100 brake horsepower and over. (Specify brake horsepower.)	No.	CONS 1	None	RO	A
72540	Parts, accessories, and attachments, n. e. c., specially fabricated for industrial trucks and wheel-type tractors included on the Positive List under Schedule B Nos. 72511 and 72520.	----------	CONS 1	500	RO	A
	Rotary drill rigs, and parts. (Report percussion-type drilling machines in 73227 and 73229; rotary rock drill bits, core bits, and reamers in 73112-73119; percussion rock drill bits in 73391-73393; drill bit blanks or inserts in 61792 and 61794):					
73091	Rotary drill rigs incorporating rotary tables and with draw works designed for an input of less than 250 horsepower (including truck or trailer-mounted). (Specify input horsepower.) (See § 399.2, Int. 14.) (Report parts in 73225; and core drills in 73098 (formerly 730900).)	No.	CONS 6	None	RO	A
73095	Rotary drill rigs incorporating rotary tables and with draw works designed for an input of 250 and over horsepower (including truck or trailer-mounted). (Specify input horsepower.) (See § 399.2, Int. 14.) (Report parts in 73225; core drills, 73098 (formerly 730900).)	No.	CONS 6	None	RO	A
73112	Rock drill bits and reamers containing diamonds (formerly 730875).	No.	CONS 5	100	RO	A
73115	Rotary rock drill bits, core drill bits, and reamers containing tungsten carbide (formerly 730870).	No.	CONS 5	100	RO	A
73119	Rotary drill bits, core drill bits, and reamers, n. e. c. (formerly 730880).	No.	CONS 5	100	RO	A
73222	Parts and accessories, n. e. c., specially fabricated for rotary drill bits, core drill bits, and reamers (formerly 730890).	----------	CONS 5	100	RO	A E
73225	Parts and accessories, n. e. c., specially fabricated for rotary drill (except core) rigs (formerly 732000).	----------	CONS 6	500	RO	A E
73395	Petroleum and natural gas field production equipment, n. e. c., and specially fabricated parts and accessories, n. e. c. (Specify by name.) (Report rotary rock drill bits and reamers in 73112-73119; percussion type rock drill bits in 73391 and 73393; internal combustion engines and engine parts in 71471-71590; oil country pipe in 60621-60626 (formerly 733950).)	----------	CONS 6	500	RO	A E
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metal-cutting machine tools (nonportable), and parts and accessories, n. e. c.[13]					
74005	Engine and center lathes, over 18 inches center height (36 inch swing), and over 18 feet between centers (working length). (Specify type (formerly 740005).)	No.	TOOL	500	RO	A
74021	Horizontal turret lathes, bar capacity of 4 inches and over or swing-over-bed of 24 inches or more. (Specify type (formerly 740212).)	No.	TOOL	500	RO	A
74025	Automatic profiling and duplicating lathes. (Specify type.) (Report nonautomatic profiling and duplicating lathes in 74039 (formerly 740305).)	No.	TOOL	500	RO	A
74029	Multiple spindle automatic chucking lathes and between-center lathes. (Specify type (formerly 740305).)	No.	TOOL	500	RO	A
	Artillery and ammunition lathes:					
74032	Cartridge-case lathes (formerly 740308)	No.	TOOL	None	RO	A
74032	Gun barrel trepanning lathes (formerly 740308).	No.	TOOL	None	RO	A
74032	Gun-boring lathes (formerly 740308)	No.	TOOL	None	RO	A
74032	Gun jump screw lathes (formerly 740308)	No.	TOOL	None	RO	A
74032	Shell lathes (formerly 740308)	No.	TOOL	None	RO	A
74032	Bomb spinning lathes (formerly 740308)	No.	TOOL	None	RO	A
	Automatic screw (bar) machines:					
74035	Automatic multi-spindle bar machines (formerly 740315).	No.	TOOL	500	RO	A
	Lathes, n. e. c.:					
74039	Combination tube boring and turning lathes (formerly 740390).	No.	TOOL	500	RO	A
74039	Combination lathe, drilling and milling machines, specially designed for mobile military workshops or for naval craft (formerly 740390).	No.	TOOL	500	RO	A
74039	Jet engine compressor case boring lathes (formerly 740390).	No.	TOOL	500	RO	A
74039	Jet engine compressor and turbine disc turning lathes (formerly 740390).	No.	TOOL	500	RO	A
74039	Profiling or duplicating lathes, n. e. c. (Specify type.) (Report automatic chucking lathes and between center lathes in 74025 (formerly 740390).)	No.	TOOL	500	RO	A
74039	Right angle (T) lathes (in which the bed is at right angles to the spindle) (formerly 740390).	No.	TOOL	500	RO	A
74045	Automatic vertical boring and turning mills, including vertical turret lathes (formerly 740405).	No.	TOOL	500	RO	A
74045	Non-automatic vertical boring and turning mills, with table diameter 72 inches and over, including vertical turret lathes (formerly 740405).	No.	TOOL	500	RO	A
74049	Bomb nose and tail boring machines (formerly 740409).	No.	TOOL	500	RO	A
74049	Precision boring machines, production types, capable of an accuracy of 0.001 inch or better (formerly 740409).	No.	TOOL	500	RO	A
74052	Jig boring machines (formerly 740409)	No.	TOOL	500	RO	A
74054	Horizontal boring-drilling-milling machines (combination units) (formerly 744313).	No.	TOOL	500	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metal-cutting machine tools (nonportable), and parts and accessories, n. e. c.[13]—Continued					
74058	Shell tappers (formerly 740604)	No.	TOOL	500	RO	A
	Bed-type milling machines (single and multiple spindle):					
74075	Aircraft skin milling machines (formerly 740800).	No.	TOOL	500	RO	A
74075	Planer milling machines and combination planer and planer-milling machines, with capacity for work pieces 48 inches wide and over or 15 feet long and over (formerly 740800).	No.	TOOL	500	RO	A
74075	Horizontal spindle bed type automatic milling machines with tables 20 inches wide and over and/or 48 inches long and over (formerly 740800).	No.	TOOL	500	RO	A
74075	Spar millers (formerly 740800)	No.	TOOL	500	RO	A
74077	Profiling and duplicating milling machine, including diesinking millers (specify type (formerly 740800).)	No.	TOOL	500	RO	A
74079	Thread milling machines, 6-inch work diameter and over at the thread (formerly 740800).	No.	TOOL	500	RO	A
74086	Gear-hobbing machines, over 48 inches maximum work diameter (formerly 741110).	No.	TOOL	500	RO	A
74100	Gear-tooth grinding and gear-tooth finishing machines, n. e. c., except nongenerating type gear grinding machines. (Specify type (formerly 741200).)	No.	TOOL 3	500	RO	A
74112	Gear-cutting machines, n. e. c. (Specify type.) (Report gear rolling machines in 74601 (formerly 741120).)	No.	TOOL 3	500	RO	A
	Drilling machines, n. e. c. (Report rifle drilling machines in 74447):					
74234	Hollow drill deep-hole drilling machines. (Report hollow deep-hole drills in 74455 (formerly 742300).)	No.	TOOL	500	RO	A
74234	Projectile drilling and facing machines	No.	TOOL	None	RO	A
	Planers, except gear planers. (Report gear planers in 74112):					
74260	Armor plate planers (formerly 742600)	No.	TOOL	500	RO	A
74260	Planers, profiling, for aircraft or marine propellor blades (formerly 742600).)	No.	TOOL	500	RO	A
74260	Other planing machines with capacity for work pieces of 48 inches wide and over or 15 feet long and over. (Specify type (formerly 742600).)	No.	TOOL	500	RO	A
74350	Surface grinding machines (using wheels or abrasive-coated paper or cloth) as follows: (a) multi-spindle, rotary table or work holder; (b) horizontal spindle, reciprocating table over 24 inches wide; (c) multi-spindle disc. (formerly 743500).	No.	TOOL	500	RO	A
	External cylindrical grinding machines:					
74391	External cylindrical grinding machines, equipped to grind jet engine rotors (formerly 743910).	No.	TOOL	500	RO	A
74391	Roll grinding machines, fitted with or capable of being fitted with cambering device (formerly 743910).	No.	TOOL	500	RO	A
74391	Crankshaft, crankpin, and camshaft grinders, with capacity for shafts 48 inches long or over, having either of the following characteristics: (a) total weight of machine over 5 tons, or (b) designed for, or equipped with, wheel head motor exceeding 12 horsepower (formerly 743910).)	No.	TOOL	500	R	
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metal-cutting machine tools (nonportable), and parts and accessories, n. e. c.[13]—Continued					
	Internal cylindrical grinding machines:					
74410	Internal grinding machines, all types, having either of the following characteristics: high frequency (over 60 cycles) spindles; or a spindle capable of speeds exceeding 60,000 r. p. m. (formerly 744100).	No.	TOOL 5	500	RO	A
74410	Other internal cylindrical grinding machines as follows: centerless; automatic feed; automatic sizing; or with any other automatic features. (Specify maximum spindle speeds (formerly 744100).)	No.	TOOL	500	R	
74420	Grinding machines for broaching tools, automatic cycle, automatic sizing (formerly 744205).	No.	TOOL	500	RO	A
74427	Contour band sawing and band filing machines designed to permit operator to select rate of cutting speed and to vary such speed while in operation, and to maintain at all times the desired rate of speed with a variation of less than 2 percent (formerly 744319).	No.	TOOL	500	R	
74429	Honing machines and combination honing and lapping machines (except gear) with multiple work stations. (Report gear honing and lapping machines in 74100 (formerly 744305).)	No.	TOOL 2	500	RO	A
	Grinding machines, n. e. c.:					
74439	Automatic oscillating race radial grinders (formerly 744311).	No.	TOOL	500	RO	A
74439	Contour profile grinders (formerly 744311)	No.	TOOL	500	RO	A
74439	Jig grinders (formerly 744311)	No.	TOOL	500	RO	A
74439	Profiling grinders for marine and aircraft propellers (formerly 744311).	No.	TOOL	500	RO	A
74439	Thread grinding machines (formerly 744311)	No.	TOOL	500	RO	A
74440	Multi-station machine tools in which the work piece is indexed or transferred successively from station to station (formerly 744319).	No.	TOOL	500	R	
74445	External surface broaching machines (formerly 744315).	No.	TOOL 4	500	RO	A
74447	Accelerated lead rifle broaching machines (formerly 744315).	No.	TOOL	500	RO	A
74447	Other rifling and rifle-working machines (formerly 744316).	No.	TOOL	500	RO	A
74450	Machines *specially* designed for making or measuring gas turbine blades. (Report conventional machines used for this work under appropriate Schedule B number (formerly 744319).)	No.	TOOL	500	RO	A
	Metal-cutting tools (not incorporating industrial diamonds), n. e. c., specially fabricated for metal-cutting machine tools:					
74455	Hollow deep-hole drills (formerly 744381)		TOOL	250	RO	A
74455	Surface broaching tools (formerly 744381)		TOOL 4	250	RO	A
74456	Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 74005 through 74450 for which validated license is required to both R and O country destinations. (Specify type and model of machine tool for which parts are fabricated (formerly 744340).)		TOOL 1	500	RO	A E
74456	Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 74391, 74410, 74427, and 74440, for which validated license is required to R country destinations only. (Specify type and model of machine tool for which parts are fabricated (formerly 744340).)		TOOL 1	500	R	E

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metal-cutting machine tools (nonportable), and parts and accessories, n. e. c.[13]—Continued					
	Accessory equipment, n. e. c., specially fabricated for metal-cutting machine tools:					
74457	Attachments for center and capstan lathes, milling machines and vertical boring machines which make them capable of profiling and duplication (formerly 744383).	....	TOOL 1	250	RO	A
74457	Internal grinding machine wheel spindles and spindle assemblies, all types, having either of the following characteristics: high frequency (over 60 cycles); or capable of speeds exceeding 60,000 r. p. m. (Report internal grinding machines in 74410.) (Formerly 744383.)	....	TOOL 5	None	RO	A
74457	Jigs and fixtures, military type, and specially fabricated parts therefor. (Report assembling jigs, and fixtures and accessories therefor in 77599.) (Formerly 744383.)	....	TOOL 1	100	RO	A
74457	Other accessories and attachments for use exclusively on types of machine tools included on the Positive List under Schedule B Nos. 74005 through 74450. (Specify type and model of machine tool with which accessories and attachments are to be used (formerly 744383).)	....	TOOL 1	500	RO	A
	Metal-forming machine tools, n. e. c., and parts and accessories, n. e. c.[13]					
	Metalworking hydraulic presses, power-driven, including forging presses:					
74459	Hydraulic gear quenching presses (formerly 744420).	No.	TOOL 3	500	RO	A
74459	Hydraulic presses equipped for the working or forming of aircraft sheet, plate or extrusions (formerly 744420).	No.	TOOL	500	RO	A
74459	Hydraulic presses, equipped to manufacture arms, munitions, and implements of war (formerly 744420).	No.	TOOL	500	RO	A
74459	Other hydraulic presses with rated capacity of over 1,000 tons. (Specify rated capacity (formerly 744420).)	No.	TOOL	None	RO	A
74459	Other hydraulic presses with rated capacity of 1,000 tons or less. (Specify rated capacity (formerly 744420).)	No.	TOOL	1,000	R	
	Metalworking mechanical presses, power driven:					
74461	Mechanical presses equipped for the working or forming of aircraft sheet, plate or extrusions (formerly 744425).	No.	TOOL	500	RO	A
74461	Mechanical presses, equipped to manufacture arms, munitions, and implements of war (formerly 744425).	No.	TOOL	500	RO	A
74461	Other mechanical presses with rated capacity of over 1,000 tons. (Specify rated capacity (formerly 744425).)	No.	TOOL	None	RO	A
74461	Other mechanical presses with rated capacity of 1,000 tons or less. (Specify rated capacity (formerly 744425).)	No.	TOOL	1,000	R	
74463	Bending and forming machines equipped for the working and forming of aircraft sheet, plate or extrusions (formerly 744415).	No.	TOOL	500	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metal-forming machine tools, n. e. c., and parts and accessories, n. e. c.[13]—Continued					
74465	Punching or shearing machines equipped for the working or forming of aircraft sheet, plate or extrusions (formerly 744430).	No.	TOOL	500	RO	A
	Forging machines and hammers, except hydraulic forging presses:					
74466	Bomb nose and tail forging machines (formerly 744710).	No.	TOOL	100	RO	A
74466	Forging hammers as follows: (a) having falling weight exceeding 3 tons; (b) steam, air or mechanical hammers of rated size exceeding 2.5 tons. (Specify type (formerly 744710).)	No.	TOOL	500	RO	A
74466	Forging rolls (formerly 744710)	No.	TOOL	500	RO	A
74466	Forging machines capable of operating on bar stock of a diameter exceeding 3.5 inches or equivalent cross section (formerly 744710).	No.	TOOL	500	RO	A
74466	Forging machines equipped to manufacture arms, munitions and implements of war.	No.	TOOL	500	RO	A
74468	Parts and accessories, n. e. c., specially fabricated for bomb nose and tail forging machines (formerly 744750).	....	TOOL	100	RO	A
74468	Parts and accessories, n. e. c., specially fabricated for other metal-forming machine tools included on the Positive List under Schedule B Nos. 74459 through 74466, for which validated license is required to both R and O country destinations. (Specify rated capacity of machine on which parts and accessories will be used (formerly 744490 and 744750).)	....	TOOL	500	RO	A
74468	Parts and accessories, n. e. c., specially fabricated for metal-forming machine tools included on the Positive List under Schedule B Nos. 74459 and 74461 for which validated license is required to R country destinations only. (Specify rated capacity of machine on which parts and accessories will be used (formerly 744490).)	....	TOOL	1,000	R	
	Metalworking machines (except machine tools), parts and accessories, n. e. c.[13]					
74480	Rolling mill machines, including pipe or tube mill machines, and specially fabricated parts, n. e. c. (See § 399.2, Int. 16 (formerly 744800).)	....	TOOL 6	500	RO	A
	Foundry equipment, and parts:					
74500	Molding machines, artillery casting (formerly 745000).	No.	TOOL	500	RO	A
74505	Artillery die-casting machines, and specially fabricated parts, n. e. c. (formerly 745050).	....	TOOL	500	RO	A
74529	Artillery centrifugal-casting machines, and specially fabricated parts, n. e. c. (formerly 745060).	....	TOOL	500	RO	A
74529	Parts and accessories for molding machines, artillery casting (formerly 745298).	....	TOOL	500	RO	A
74550	Diamond wire drawing dies. (Specify whether unmounted or encased (formerly 745503).)	No.	TOOL	100	RO	A
74580	Machines for flame hardening of gears (formerly 745805).	....	TOOL 3	500	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Metalworking machines (except machine tools), parts and accessories, n. e. c.[13]—Continued					
	Metalworking machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
74601	Equipment designed for removing surplus stock from workpieces as follows: (a) by electrical discharge from a shaped electrode, (b) by applying ultrasonic vibrations, or (c) by electrolytic means in combination with abrasive action. (Specify by name (formerly 746010).)		TOOL	100	RO	A
74601	Floturn (lathes) machines (formerly 740390)	No.	TOOL	500	RO	A
74601	Gear roll forming machines	No.	TOOL	500	RO	A
74601	Machinery for drawing and/or tempering: (a) wire 0.015 inches in diameter or less; or (b) tubing 0.026 inches in diameter or less. (Specify by name (formerly 744780).)		TOOL	500	RO	A
74601	Pneumatic gear quenching presses	No.	TOOL 3	500	RO	A
74601	Pneumatic presses equipped for the working or forming of aircraft sheet, plate or extrusions. (Specify by name (formerly 744420).)	No.	TOOL	500	RO	A
74601	Pneumatic presses equipped to manufacture arms, munitions and implements of war. (Specify by name (formerly 744420).)	No.	TOOL	500	RO	A
74601	Spinning (lathes) machines, except those with spindle drive motor of 10 horsepower or less (formerly 740390).	No.	TOOL	500	RO	A
74601	Parts and accessories, n. e. c., specially fabricated for metalworking machines included on the Positive List under Schedule B No. 74601 (formerly 744340, 744490, 744780, and 746010).		TOOL	500	RO	A
	Other industrial machines and parts[13]					
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated):					
76465	Reciprocating compressor units, over 10 horsepower and not over 30 horsepower, having a designed capacity of 60 cfm or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 764670).)	No.	GIEQ 8	500	RO	A
76468	Reciprocating compressor units: (a) requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 psi. (Specify delivery pressure and horsepower (formerly 764680).)	No.	GIEQ 8	None	RO	A
76468	Reciprocating compressor units over 30 horsepower, having a designed capacity of 60 cfm or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 764680).)	No.	GIEQ 8	500	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and par s[13]—Con.					
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c., etc.—Continued.					
76471	Centrifugal refrigerating units: (a) requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 psi. (Specify delivery pressure and horsepower (formerly 764710).)	No.	GIEQ 8	None	RO	A
76471	Centrifugal refrigerating units having a designed capacity of 60 cfm or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 764710).)	No.	GIEQ 8	500	RO	A
76491	Tubular heat exchangers designed to operate at pressures of 300 psi and above or with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 10 percent or more chromium or nickel either separately or combined, and specially fabricated parts therefor. (Report tubing shipped as spares or replacements under tubular products according to material (formerly 764910).)		GIEQ 13	100	RO	A
76603	Parts, n. e. c., specially fabricated for air-conditioning and refrigerating equipment included on the Positive List under Schedule B Nos. 76465 through 76471 for foreign assembly or manufacture (formerly 766030).		GIEQ 8	100	RO	A
76650	Parts, n. e. c., specially fabricated for air-conditioning and refrigerating equipment included on the Positive List under Schedule B Nos. 76465 through 76471 for replacement (formerly 766050).		GIEQ 8	25	RO	A
76650	Electronic industrial process control systems. (Specify by name (formerly 766970).)	No.	GIEQ	50	RO	A
	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts and accessories n. e. c.:					
76670	Industrial process indicating, recording, and/or controlling instruments containing one or more electronic components (incorporating one or more electronic tubes or transistors) (specify by name), and specially fabricated parts, n. e. c. (Report electronic industrial process control systems in 76650 (formerly 766970).)		GIEQ	250	RO	A
	Physical properties testing and inspecting machines, n. e. c., including products testing machines, n. e. c., and specially fabricated parts and accessories, n. e. c. (Report mass spectrometer type leak detectors in 91980):					
76693	Centrifugal-action testing equipment (specify by name), and specially fabricated parts, n. e. c. (formerly 766990).		GIEQ	100	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [11]—Con.					
	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts and accessories n. e. c.—Continued.					
76693	Electronic physical properties testing and products testing and inspecting machines or equipment, incorporating circuitry designed to use one or more electronic tubes or transistors (specify by name), and specially fabricated parts and accessories (formerly 766990).	....	GIEQ	50	RO	A
76693	Gear testers (specify type), and specially fabricated parts, n. e. c. (formerly 766990).	....	TOOL 3	250	RO	A
76693	Testing and inspecting machines incorporating transonic, supersonic or ultrasonic generators designed for operation at 17,000 cycles per second or over, and specially fabricated parts, n. e. c. (formerly 766990).	....	GIEQ	None	RO	A
	Size measuring machines and instruments, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
76696	Instruments or devices capable of controlling the dimensions of a rolled product during its production (specify by name), and specially fabricated parts, n. e. c. (formerly 766993).	....	TOOL 6	250	RO	A
76696	Machines designed for measuring gas turbine blades, and specially fabricated parts, n. e. c. (formerly 766993).	....	TOOL	500	RO	A
	Geophysical and mineral prospecting equipment, n. e. c., and specially fabricated parts, and accessories, n. e. c.: [18]					
76698	Electronic or fluxgate magnetometers (specify by name), and specially fabricated parts, n. e. c. (formerly 766995).	....	CONS 6	None	RO	A
76698	Gravity meters (specify by name), and specially fabricated parts, n. e. c. (formerly 766995).	....	CONS 6	100	R	
76698	Seismic or seismograph equipment (excluding observatory type) (specify by name), and specially fabricated parts, n. e. c. (formerly 766995).	....	CONS 6	100	R	
76698	Well-logging instruments and equipment (specify by name), and specially fabricated parts, n. e. c. (Report isotopes in 82986 (formerly 766995).)	....	CONS 6	100	RO	A
76910	Ball bearings including all components, and specially fabricated parts except separate balls.[20] (Report separate balls in 76933.) (See § 399.2, Int. 2 (formerly 769100).)	....	GIEQ 3	100	RO	A E
76920	Roller bearings including all components, and specially fabricated parts except separate rollers.[20] (Report separate rollers in 76935.) (See § 399.2, Int. 2 (formerly 769200).)	....	GIEQ 3	100	RO	A E
76933	Balls for bearings. (See § 399.2, Int. 2 (formerly 769310).)	....	GIEQ 3	100	RO	A E
76935	Rollers for bearings. (See § 399.2, Int. 2 (formerly 769315).)	....	GIEQ 3	100	RO	A E
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [11]—Con.					
	Plain bearings, n. e. c.: [20]					
76937	Water-lubricated bearings, with bearing surface made with Buna N rubber compounds, and specially fabricated parts (formerly 769320).	....	RUBR	250	RO	A
	Stationary positive displacement air and gas compressors (reciprocating and rotary):					
77042	Stationary reciprocating compressors, 15 horsepower and under, having a designed capacity of 60 cfm or more, and all flow-contact surfaces made of aluminum, nickel or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770500 and 770625).)	No.	CONS 2	500	RO	A
77044	Stationary reciprocating compressors, over 15 up to and including 125 horsepower, having a designed capacity of 60 cfm or more, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel, (Specify cfm. capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770500 and 770625).)	No.	CONS 2	500	RO	A
77046	Stationary reciprocating compressors of over 125 horsepower, having a designed capacity of 60 cfm or more, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770500 and 770625).)	No.	CONS 2	500	RO	A
77046	Other stationary reciprocating compressors: (a) requiring a drive unit rated 900 horsepower or more, or (b) requiring a drive unit rated 300 horsepower or more when designed for a delivery pressure exceeding 450 psi. (Specify delivery pressure and horsepower (formerly 770500 and 770625).)	No.	CONS 2	None	RO	A
77052	Stationary rotary compressors, 15 horsepower and under, having a designed capacity of 60 cfm or more, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770500 and 770625).)	No.	CONS 2	50	RO	A
77054	Stationary rotary compressors, over 15 horsepower, having a designed capacity of 60 cfm or more, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770500 and 770625).)	No.	CONS 2	500	RO	A
77054	Other stationary rotary compressors: (a) requiring a drive unit rated 900 horsepower or more, or (b) requiring a drive unit rated 300 horsepower or more when designed for a delivery pressure exceeding 450 psi. (Specify delivery pressure and horsepower (formerly 770500 and 770625).)	No.	CONS 2	None	RO	A

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[11] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[18] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[20] Bearings and parts for aircraft (except separate balls and rollers). Schedule B Nos. 76910, 76920, and 76937, require export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [13]—Con.					
	Portable positive displacement air and gas compressors (reciprocating and rotary):					
77058	Portable reciprocating air and gas compressors having a designed capacity of 60 cfm or more, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770615 and 770625).)	No.	CONS 2	500	RO	A
77060	Portable rotary air and gas compressors having a designed capacity of 60 cfm or more, and all flow-contact surface made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770615 and 770625).)	No.	CONS 2	500	RO	A
77063	Parts and accessories, n. e. c., specially fabricated for positive displacement compressors included on the Positive List under Schedule B Nos. 77042 through 77060 (formerly 770630).	....	CONS 2	500	RO	A
	Dynamic air and gas compressors (centrifugal, axial flow, and mixed flow). (See § 399.2, Int. 20.):					
77073	Centrifugal air and gas compressors having a designed capacity of 60 cfm or more, and all flow contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770700 and 770720).)	No.	CONS 2	500	RO	A
77073	Other centrifugal air and gas compressors: (a) requiring a drive unit rated 900 horsepower or more, or (b) requiring a drive unit rated 300 horsepower or more when designed for a delivery pressure exceeding 450 psi. (Specify delivery pressure and horsepower (formerly 770700 and 770720).)	No.	CONS 2	None	RO	A
77076	Axial flow and mixed flow air and gas compressors having a capacity of 60 cfm or more, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify cfm capacity and kind of metal, and if nickel alloy, state percentage of nickel content (formerly 770710 and 770720).)	No.	CONS 2	500	RO	A
77076	Other axial flow and mixed flow air and gas compressors: (a) requiring a drive unit rated 900 horsepower or more, or (b) requiring a drive unit rated 300 horsepower or more when designed for a delivery pressure exceeding 450 psi. (Specify delivery pressure and horsepower (formerly 770710 and 770720).)	No.	CONS 2	None	RO	A
77078	Parts, n. e. c., specially fabricated for air and gas compressors included of the Positive List under Schedule B Nos. 77073 and 77076 (formerly 770775).	....	CONS 2	500	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [13]—Con.					
77086	Mechanical vacuum pumps capable of producing a vacuum of 0.01 mm. or less mercury pressure absolute, except pumps having a capacity of less than 60 liters of free air per minute (formerly 770820).	No.	GIEQ 1	None	RO	A E
77086	Other mechanical vacuum pumps capable of producing a vacuum of 0.1 mm. or less mercury pressure absolute, except pumps having a capacity of less than 60 liters of free air per minute (formerly 770820).	No.	GIEQ 1	None	R	E
77086	Diffusion vacuum pumps, less than 5 inches in diameter (diameter measured inside the barrel at the inlet jet) (formerly 770850).	No.	GIEQ 1	None	RO	A
77086	Diffusion vacuum pumps, 5 inches in diameter and larger (diameter measured inside the barrel at the inlet jet) [14] (formerly 770870).	No.	GIEQ 1	None	RO	A C G
77101	Centrifugal pumps designed to produce pressures of 450 psi or more and with a delivery capacity exceeding 200 gpm, except fire-fighting pumps. (Specify pressure and delivery capacity (formerly 770900).)	No.	CONS 3	None	RO	A
77101	Centrifugal pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene, except fire-fighting pumps. (Specify metal content in percent (formerly 770900).)	No.	CONS 3	None	RO	A
77103	Turbine pumps designed to produce pressures of 450 psi or more and with a delivery capacity exceeding 200 gpm. (Specify pressure and delivery capacity (formerly 770910).)	No.	CONS 3	None	RO	A
77103	Turbine pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene. (Specify metal content in percent (formerly 770910).)	No.	CONS 3	None	RO	A
77105	Rotary pumps designed to produce pressures of 450 psi or more and with a delivery capacity exceeding 200 gpm. (Specify pressure and delivery capacity (formerly 770920).)	No.	CONS 3	None	RO	A
77105	Rotary pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene. (Specify metal content in percent (formerly 770920).)	No.	CONS 3	None	RO	A
77107	Reciprocating power pumps designed to produce pressures of 450 psi or more and with a delivery capacity exceeding 200 gpm. (Specify pressure and delivery capacity (formerly 770940 and 770950).)	No.	CONS 3	None	RO	A

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[14] All outstanding licenses issued by the Atomic Energy Commission prior to September 28, 1966, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts[11]—Con.					
77107	Reciprocating power pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene. (Specify metal content in percent (formerly 770940 and 770980).)	No.	CONS 3	None	RO	A
	Pumps, n. e. c.:					
77117	Ion vacuum pumps (formerly 770960)	No.	GIEQ 1	None	RO	A C G
77117	Jet ejectors (formerly 771120)	No.	GIEQ 1	None	RO	A E
77117	Pumps, n. e. c., designed to move molten metals by electromagnetic forces. (Specify that pumps are so designed (formerly 770980).)	No.	CONS 3	None	RO	A
77117	Pumps, n. e. c., designed to produce pressures of 450 psi or more and with a delivery capacity exceeding 200 gpm (specify by name). (Specify pressure and delivery capacity (formerly 770980).)	No.	CONS 3	None	RO	A
77117	Pumps, n. e. c., having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify by name). (Specify metal content in percent (formerly 770930 and 770980).)	No.	CONS 3	None	RO	A
77119	Parts, n. e. c., specially fabricated for vacuum pumps included on the Positive List under Schedule B 77086. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments (formerly 770995).)	....	GIEQ 1	None	RO	A
77119	Parts, n. e. c., specially fabricated for jet ejectors included on the Positive List under Schedule B No. 77117. (Specify type of ejector (formerly 771120).)	....	GIEQ 1	None	RO	A E
77119	Parts, n. e. c., specially fabricated for pumps included on the Positive List under Schedule B Nos. 77101 through 77117 (other than parts for jet ejectors). (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments (formerly 770995).)	....	CONS 3	500	RO	A E
77123	Condensers, tubular (heat exchanger type) designed to operate at pressures of 300 psi and above or with all flow-contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 10 percent or more chromium or nickel, either separately or combined, and specially fabricated parts therefor. (Report tubing shipped as spares or replacements under tubular products according to material (formerly 771140).)	....	GIEQ 13	100	RO	A

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[11] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts[11]—Con.					
	Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts, and accessories, n. e. c.:					
77125	Boiler superheaters, feedwater heaters, and economizers, for boilers designed to operate at 450 psig or more, and specially fabricated parts, n. e. c. (formerly 771200).	....	GIEQ 9	250	RO	A
77125	Boiler superheaters, feedwater heaters and economizers, for stationary boilers designed to operate at pressures more than 250 psig and less than 450 psig, and specially fabricated parts, n. e. c. (formerly 771200).	....	GIEQ 9	250	R	A
77125	Tubular heat exchangers designed to operate at pressures of 300 psi and above or with all flow-contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 10 percent or more chromium or nickel, either separately or combined (specify kind of metal and, if nickel alloy, state percentage of nickel content); and specially fabricated parts therefor. (Report tubing shipped as spares or replacements under tubular products according to material (formerly 771200).)	....	GIEQ 13	100	RO	A
	Pipe valves and parts:					
	Pipe valves, iron or steel, except automatic control or regulating:					
77450	Valves and cocks fitted with bellows seal, and lined with aluminum, nickel, or alloy containing 60 percent or more nickel (formerly 774450).	No.	GIEQ 5	250	RO	A B C
77450	Other valves and cocks having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (e. g., Teflon); polytrifluorochloroethylene. (Give full specifications (formerly 774450).)	No.	GIEQ 5	250	RO	A E
	Pipe valves, brass, bronze or other nonferrous metals, except automatic control or regulating:					
77455	Valves and cocks fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel (formerly 774465).	No.	GIEQ 5	250	RO	A B C
77455	Other valves and cocks having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (e. g., Teflon); polytrifluorochloroethylene. (Give full specifications (formerly 774465).)	No.	GIEQ 5	250	RO	A E

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [13]—Con.					
	Pipe valves and parts—Continued					
	Automatic control or regulating pipe valves, n. e. c. (any pipe valve having a mechanism partially integral, i. e., directly attached by adaptors and bolts, or wholly integral, for automatically regulating or controlling its operation):					
77460	Automatic control valves, fitted with bellows seal, wholly made of or lined with aluminum, nickel or alloy containing 60 percent or more nickel (formerly 774490).	No.	GIEQ 5	250	RO	A B C
77460	Automatic control valves having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (e. g., Teflon); polytrifluorochloroethylene, except the following types of valves: (1) check, non-return and float valves; (2) pressure relief valves designed for working pressures of less than 450 psi [21] (30 kgs. per sq. cm.); (3) valves and cocks specially designed for milking machines and for electric household refrigerators and home freezers. (Give full specifications (formerly 774490).)	No.	GIEQ 5	250	RO	A E
	Pipe valves, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
77465	Nonmetal valves and cocks having all flow-contact surfaces made of polytetrafluoroethylene (e. g., Teflon) or polytrifluorochloroethylene. (Specify by name (formerly 774480).)	No.	GIEQ 5	250	RO	A B C
77465	Parts, n. e. c., specially fabricated for: metal valves and cocks fitted with bellows seal and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel; and nonmetal valves and cocks having all flow-contact surfaces made of polytetrafluoroethylene (e. g., Teflon) or polytrifluorochloroethylene. (Specify Schedule B number of valve for which parts are intended, valve size, type, and working pressure (formerly 774498).)	....	GIEQ 5	250	RO	A B C
77465	Parts, n. e. c., specially fabricated for other pipe valves and cocks included on the Positive List under Schedule B Nos. 77450–77465. (Specify Schedule B number of valve for which parts are intended, valve size, type, and working pressure (formerly 774498).)	....	GIEQ 5	250	RO	A E
77480	Glass-making, glass-forming and glass-finishing machines, n. e. c. (specify by name), specially designed for, or capable of producing glass components for electronic, fluorescent, and incandescent bulbs and tubes; and specially fabricated parts, n. e. c. (formerly 775030).	....	GIEQ 17	100	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [13]—Con.					
77480	Optical curve generators, and specially fabricated parts, n. e. c. (Report parts containing diamonds as instructed in § 373.49(b).) (See § 399.2, Int. 15 (formerly 775030).)	....	GIEQ	100	RO	A
77485	Electronic, fluorescent, and incandescent bulb and tube (lamp) manufacturing and assembling machines, n. e. c. (specify by name), and specially fabricated parts and accessories, n. e. c. (Includes specially designed equipment, n. e. c., for the production of bulb or tube component parts, sub-assemblies, or complete assemblies.) (Report bulb and tube glass component-making machines in 77480 (formerly 775035).)	....	GIEQ 17	100	RO	A
77516	Pipe assemblies (two or more pipe sections permanently affixed), specially fabricated for particular machines or equipment. (Specify machine or equipment.)	Lb.	CONS 7	500	RO	A
77520	Oxygen-production equipment, atmospheric process, and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	500	RO	A
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts and accessories, n. e. c. (Report spinning pumps in 77117; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 70741):					
77525	Acid concentrating equipment (specify by name); and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
77525	Electrolytic cells (specify by name); and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A B C
77525	Equipment, n. e. c., for the production of chlorine (gaseous or liquid), sodium, and magnesium (specify by name); and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
77525	Equipment for the production or refining of hydrocarbons other than petroleum by processes involving alkylation, thermal and catalytic cracking and reforming units, isomerization, aromatization, dehydrogenation, hydrogenation and polymerization (specify by name); and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	None	RO	A
77525	Equipment, n. e. c., for the production of hydrogen (specify by name); and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
77525	Hydrogenation equipment designed to operate under pressure of 360 pounds per square inch or over (specify by name); and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
77570	Cast iron shafts for pyrites roasters (formerly 775055).	....	CONS	None	R	

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[13] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

[21] All working pressures are based on tests with water not exceeding 125° F.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [11]—Con.					
	Processing vessels, nonmixing, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
77585	Processing vessels, nonmixing, n. e. c., having any of the following characteristics: (a) vessels using a catalyst; (b) towers or columns utilizing fractionating trays and bubble caps; (c) vessels containing alloy steel of 1 percent or more chromium and one-half percent or more molybdenum and/or nickel; or (d) vessels designed to operate at pressures of 360 psi or over (specify by name); and specially fabricated parts, n. e. c. (formerly 775055 and 775043).	....	GIEQ 2	250	RO	A
77585	Other processing vessels for petroleum refining and specially fabricated parts, n. e. c. (Specify by name (formerly 775049).)	....	CONS 7	500	RO	A
77585	Gas—(including air) liquefying equipment and specially fabricated equipment for handling liquefied gases (specify by name); and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
77585	Nitrators, and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (Report ore and coal separating machines in 73075; electrostatic precipitators, precipitron type, in 77083):					
77588	Centrifugal counter-current solvent extractors, all types (specify by name), and specially fabricated parts, n. e. c. (formerly 775360).	....	GIEQ 4	100	RO	A
77588	Centrifuges, n. e. c., power-driven, bowl type, with product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify by name.) (Specify kind of metal and, if nickel alloy, state percentage of nickel content.) (Report tube or flash types in 91980 (formerly 775360).)	....	GIEQ 4	250	RO	A B C
77588	Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify by name.) (Specify kind of metal and, if nickel alloy, state percentage of nickel content (formerly 775360).)	....	GIEQ 4	250	RO	A B C
77588	Cyclone separators, and specially fabricated parts, n. e. c. (formerly 775360).	....	GIEQ 2	250	RO	A
77588	Dewaxing chillers, and specially fabricated parts, n. e. c. (formerly 775360).	....	GIEQ 2	250	RO	A
77588	Drum filters with characteristics suitable for petroleum refining; and specially fabricated parts, n. e. c. (formerly 775049).	....	GIEQ	500	RO	A
77588	Electrostatic precipitators, Cottrell type, and specially fabricated parts, n. e. c. (formerly 775360).	....	GIEQ	None	RO	A
77588	Oil and gas separators, and specially fabricated parts, n. e. c. (formerly 775360).	....	GIEQ 2	250	RO	A
	Presses, power-driven n. e. c.:					
77596	Dehydration presses, double opposed hydraulic ram type (formerly 775055).	No.	GIEQ 2	250	RO	A
77596	Extrusion presses, hydraulic ram and closure type (formerly 775055).	No.	GIEQ 2	250	RO	A
77596	Other presses, power-driven, n. e. c., specially designed for the production of military explosives (formerly 775998).	No.	GIEQ 2	250	RO	A

[11] See § 399.2, Int. 4 and 10 for commodity interpretations relating to shipments of machinery.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Other industrial machines and parts [11]—Con.					
	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n.e. c.: [22]					
77599	Assembling jigs and fixtures, and accessories therefor, for military equipment. (Report jigs and fixtures for machine tools under 74457 (formerly 775998).)	....	GIEQ 2	None	RO	A
77599	Automatic equipment for controlling the diameter or the eccentricity of extruded dielectric on wires and cables (formerly 775998).	No.	TOOL	500	RO	A
77599	Equipment, n. e. c., for the production of military explosives (specify by name), and specially fabricated parts therefor. (Report chemical processing equipment for the production of explosives in 77525; and processing vessels in 77585 (formerly 775998).)	....	GIEQ 2	250	RO	A
77599	Machines for applying insulating separators to the inner conductor of air spaced coaxial electric cable; and specially fabricated parts, n. e. c. (formerly 775998).	....	TOOL	500	RO	A
77599	Machines for applying metal strip or sheet to form the outer conductor of coaxial electric cable; and specially fabricated parts, n. e. c. (formerly 775998).	....	TOOL	500	RO	A
77599	Machines for forming, stranding, or assembling coaxial cable, with or without conductors other than coaxial tubes; and specially fabricated parts, n. e. c. (formerly 775998).	....	TOOL	500	RO	A
77599	Machines for applying insulated material to conductors of multipair electric telecommunication cables; and specially fabricated parts, n. e. c. (formerly 775998).	....	TOOL	500	RO	A
77599	Machines for laying together conductors for multipair telecommunication cables and/or applying insulating, separating, binding, or identifying material thereto; and specially fabricated parts, n. e. c. (formerly 775998).	....	TOOL	500	RO	A
77599	Machines for laying together conductors (pairs, quads, etc.) to form complete cable core or a part thereof; and specially fabricated parts, n. e. c. (formerly 775998).	....	TOOL	500	RO	A
77599	Powder cutting machines, with feed rolls geared to rotating cutter blades, and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
77599	Shell loading or filling machines (formerly 775998).	....	GIEQ 2	500	RO	A
77599	Specialized equipment, n. e. c., for the production of components and assemblies for electronic printed circuits (specify by name); and specially fabricated parts, n. e. c. (formerly 775998).	....	GIEQ	None	RO	A
77599	Sweetie barrels, revolving type, 5 feet or more in maximum diameter, and specially fabricated parts, n. e. c. (formerly 775055).	....	GIEQ 2	250	RO	A
77599	Parts and accessories, n. e. c., specially fabricated for presses listed on the Positive List under Schedule B No. 77596 (formerly 775998).	....	GIEQ 2	250	RO	A

[22] Ammunition belting machines for machine guns require export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Office, accounting, and computing machines					
	Electronic computers, related information processing machines, and accessories, n. e. c.:					
77626	Ballistic film analyzer and recorder units (formerly 919080).	No.	SATE 2	None	RO	A
77626	Electronic computers (formerly 919080)	No.	SATE 1	None	RO	A
77626	X-Y plotters (formerly 919080)	No.	SATE 1	None	RO	A
	Parts, n. e. c., and tape, specially fabricated for electronic computers, related information processing machines and accessories, n. e. c.:					
77628	Parts, n. e. c., specially fabricated for ballistic film analyzer and recorder units (formerly 919080).	....	SATE 2	25	RO	A
77628	Parts, n. e. c., specially fabricated for electronic computers (formerly 919080).	....	SATE 1	25	RO	A
77628	Magnetic tape designed for use with multichannel recorders. (See § 399.2, Int. 8 (formerly 708850).)	....	RARA 50	100	RO	A
77628	Parts, n. e. c., specially fabricated for X-Y plotters (formerly 919080).	....	SATE 1	25	RO	A
	Tractors, n. e. c., parts and accessories					
	Tracklaying tractors:					
78730	110 under 155 drawbar horsepower tracklaying tractors, new (report horsepower rating according to Nebraska Maximum Test or manufacturer's equivalent (formerly 787560).	No.	CONS 1	None	R	E
78735	155 and over drawbar horsepower tracklaying tractors, new (report horsepower rating according to Nebraska Maximum Test or manufacturer's equivalent (formerly 787560).	No.	CONS 1	None	R	E
78745	Used or rebuilt tracklaying tractors, 110 and over drawbar horsepower (report horsepower rating according to Nebraska Maximum Test or manufacturer's equivalent (formerly 787597).	No.	CONS 1	None	R	E
78891	Parts and accessories, n. e. c., specially fabricated for tracklaying tractors of 110 and over drawbar horsepower (formerly 788901).	....	CONS 1	500	R	E
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment					
	Gasoline motor trucks and truck chassis, including truck tractors, new, n. e. c. (G. V. W., or gross vehicle weight, is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees vehicle to accommodate with safety under normal conditions of operation [18] [19]					
	6,000 lbs. G. V. W. and under, gasoline, new:					
79011	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790013).	No.	TRAN 1	None	RO	A E
79013	Military, front and rear axle drive, or multiple rear axle drive (formerly 790017).	No.	TRAN 1	None	RO	A
	6,001 to 10,000 lbs. G. V. W., gasoline, new:					
79015	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790023).	No.	TRAN 1	None	RO	A E
79017	Military, front and rear axle drive, or multiple rear axle drive (formerly 790027).	No.	TRAN 1	None	RO	A
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Automobiles, trucks, busses, and trailers, parts, accessories, and service equipment—Continued					
	Gasoline motor trucks and truck chassis—Con.					
	10,001 to 14,000 lbs. G. V. W., gasoline, new:					
79019	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790033).	No.	TRAN 1	None	RO	A E
79021	Military, front and rear axle drive, or multiple rear axle drive (formerly 790037).	No.	TRAN 1	None	RO	A
	14,001 to 16,000 lbs. G. V. W., gasoline, new:					
79023	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790043).	No.	TRAN 1	None	RO	A E
79025	Military, front and rear axle drive, or multiple rear axle drive (formerly 790047).	No.	TRAN 1	None	RO	A
	16,001 to 19,500 lbs. G. V. W., gasoline, new:					
79027	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790053).	No.	TRAN 1	None	RO	A E
79029	Military, front and rear axle drive, or multiple rear axle drive (formerly 790057).	No.	TRAN 1	None	RO	A
79031	19,501 to 26,000 lbs. G. V. W., gasoline, commercial, new, front and rear axle drive, or multiple rear axle drive (formerly 790063).	No.	TRAN 1	None	RO	A E
79033	26,001 to 33,000 lbs. G. V. W., gasoline, commercial, new, front and rear axle drive, or multiple rear axle drive (formerly 790063).	No.	TRAN 1	None	RO	A E
79035	33,001 lbs. G. V. W. and over, gasoline, commercial, new, front and rear axle drive, or multiple rear axle drive (formerly 790063).	No.	TRAN 1	None	RO	A E
79037	19,501 lbs. G. V. W. and over, gasoline, military, new, front and rear axle drive, or multiple rear axle drive (formerly 790067).	No.	TRAN 1	None	RO	A
	Diesel and semi-diesel motor trucks and truck chassis, including truck-tractors, new n. e. c. (G. V. W. or gross vehicle weight, is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate with safety under normal conditions of operation): [18]					
	19,500 lbs. G. V. W., and under, diesel and semi-diesel, new:					
79039	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790083).	No.	TRAN 1	None	RO	A E
79041	Military, front and rear axle drive, or multiple rear axle drive (formerly 790087).	No.	TRAN 1	None	RO	A
	19,501 lbs. G. V. W., and over, diesel and semi-diesel, new:					
79043	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790093).	No.	TRAN 1	None	RO	A E
79045	Military, front and rear axle drive, or multiple rear axle drive (formerly 790097).	No.	TRAN 1	None	RO	A
	Motor busses and bus chassis (new):[18]					
	Gasoline, new:					
79053	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790553).	No.	TRAN 1	None	RO	A E
79057	Military, front and rear axle drive, or multiple rear axle drive (formerly 790557).	No.	TRAN 1	None	RO	A
	Diesel and semi-diesel, new:					
79063	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 790563).	No.	TRAN 1	None	RO	A E
79067	Military, front and rear axle drive, or multiple rear axle drive (formerly 790567).	No.	TRAN 1	None	RO	A
	Passenger cars and chassis, new:[18]					
79070	Nonmilitary, front and rear axle drive only (formerly 790768).	No.	TRAN 1	None	RO	A E
79073	Military, front and rear axle drive only (formerly 790767).	No.	TRAN 1	None	RO	A

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[18] See § 370.4 (a), for commodities which require export authorization from the Department of State.

[19] Off-the-road vehicles are interpreted, for purposes of export control, to be those which have an overall width of over 96 inches, measured from outside to outside of rear tires.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Automobiles, trucks, busses, and trailers, parts, accessories, and service equipment—Continued					
	Passenger cars and chassis, used:[11]					
79075	Nonmilitary, front and rear axle drive only (formerly 790773).	No.	TRAN 1	None	RO	A E
79078	Military, front and rear axle drive only (formerly 790777).	No.	TRAN 1	None	RO	A
	Special-purpose vehicles, n. e. c.: [18]					
	Maintenance and repair trucks, new:					
79080	Commercial, front and rear axle drive, or multiple rear axle drive (formerly 791103).	No.	TRAN 1	None	RO	A
79085	Military, front and rear axle drive, or multiple rear axle drive (formerly 791107).	No.	TRAN 1	None	RO	A
79113	Special-purpose commercial vehicles, new, n. e. c., front and rear axle drive or multiple rear axle drive (including standard-type automobiles, trucks, and busses, which are so altered in design that they do not meet standard competitive specifications). (Specify purpose for which designed and/or type of mounted equipment (formerly 791137).)	No.	TRAN 1	None	RO	A
79114	Special-purpose military vehicles, new, n. e. c., front and rear axle drive, including standard-type automobiles, trucks, and busses, which are so altered in design that they do not meet standard competitive specifications). (Specify purpose for which special-purpose vehicles are designed and/or type of mounted equipment (formerly 791140).)	No.	TRAN	None	RO	A
79130	Used commercial motor trucks, busses, and chassis, including truck-tractors, with front and rear axle drive, or multiple rear axle drive (formerly 790603).	No.	TRAN 1	None	RO	A E
79130	Used commercial special-purpose vehicles, n. e. c., with front and rear axle drive or multiple rear axle drive (including standard-type automobiles, trucks and busses, which are so altered in design that they do not meet standard competitive specifications). (Specify purpose for which special-purpose vehicles are designed and/or type of mounted equipment (formerly 791153).)	No.	TRAN 1	None	RO	A
79133	Used military motor trucks, busses, and chassis, including truck-tractors, and used military special-purpose vehicles, n. e. c., front and rear axle drive or multiple rear axle drive (including standard-type automobiles, trucks and busses, which are so altered in design that they do not meet standard competitive specifications). (Specify purpose for which special-purpose vehicles are designed and/or type of mounted equipment (formerly 790607 and 791167).)	No.	TRAN 1	None	RO	A
79148	Parts and accessories specifically ordered and invoiced as original equipment for passenger, commercial, and military vehicles previously shipped. (Include only normal and usual parts and accessories for which no additional charge is being made—such items having been either in short supply or inadvertently omitted at the time of the original shipment of the vehicles [23] (formerly 791205).)	----------	TRAN 1	500	R	E
	Parts and accessories for commercial automobiles, trucks, and busses: [23]					
	Engines for assembly:					
79151	Motor truck and bus, diesel and semi-diesel (formerly 791210).	No.	TRAN 1	None	R	E
79153	Motor truck and bus, gasoline (formerly 791220).	No.	TRAN 1	None	R	E
79156	Passenger car (formerly 791230) ----------	No.	TRAN 1	None	R	E
	Engines for replacement:					
79159	Motor truck and bus, diesel and semi-diesel (formerly 791240).	No.	TRAN 1	None	R	E
79162	Motor truck, bus, and passenger car, gasoline (formerly 791250).	No.	TRAN 1	None	R	E
79168	Leaf springs, and spring leaves, for replacement (formerly 791280).	Lb.	TRAN 1	500	R	E
	Parts and accessories, n. e. c., specially fabricated, for assembly:					
79261	Front-wheel-drive and transfer case assemblies (for the assembly of front driving axles on motor trucks and truck chassis) (formerly 792610).	No.	TRAN 1	None	RO	A E
79261	Other parts and accessories, n. e. c., specially fabricated, for assembly, except: air cleaners; ammeters; brake extension handles; bumpers; clearance lights; dashboard plugs; door locks and handles; fog lights; gasoline tank caps; heaters; horns; hub caps; hydraulic hoists, truck body dumping; lighters; oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power take-offs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; taxicab meters; thermostats; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items. (Excludes accessories and complete knockdown vehicles; complete knockdown vehicles should be reported in the proper car, truck, or bus classification, whether the integral components are shipped simultaneously or in a series of partial shipments (formerly 792610).)	----------	TRAN 1	500	R	E
	Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components:					
79262	Front-wheel-drive and transfer case assemblies (for the conversion of single-driving-axle motor trucks and truck chassis to front-and-rear-axle-drive vehicles) (formerly 792620).	No.	TRAN 1	None	RO	A E

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[11] See § 370.4 (a) for commodities which require export authorization from the Department of State.

[23] Parts and accessories specifically designed for types of vehicles licensed by the Department of State also require export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Automobiles, trucks, busses, and trailers, parts, accessories, and service equipment—Continued					
	Parts and accessories for commercial automobiles, trucks, and busses [23]—Continued					
	Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components—Continued					
79262	Other parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components (including automobile bodies and knee-action springs) except: air cleaners; ammeters; bodies, truck and bus only; brake extension handles; bumpers; cabs; door locks and handles; fuel level gauges; gasoline tank caps; heat indicators; horns; hub caps; hydraulic hoists, truck body dumping; motor vehicle instruments, n. e. c.; oil filter clamps; oil filters; oil pressure gauges; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signals, road traffic; speedometers; stop lights; thermostats; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items (formerly 792620).	....	TRAN 1	500	R	E
	Parts and accesories, n. e. c., for military automobiles, trucks, busses, and trailers.[23]					
79277	Front-wheel-drive and transfer case assemblies (for original assembly, spare or replacement, on military motor trucks and truck chassis) (formerly 792730).	No.	TRAN	None	RO	A
79277	Other parts and accesories, n. e. c., for military automobiles, trucks, busses and trailers (formerly 792730).	....	TRAN	100	R	
	Aircraft, parts, and accessories [11] [24]					
	Aircraft training equipment, n. e. c., and ground handling and maintenance equipment, and specially fabricated parts and accessories, n. e. c. (specially designed for training aviation personnel and for ground handling and maintenance of aircraft). (Report hand tools in 61534-61786; and riveters in 74570): [11]					
79496	Test, checkout and calibration equipment having one or more electronic components (incorporating one or more electronic tubes or transistors) (specify by name); and specially fabricated parts, n. e. c. (formerly 794960).	....	GIEQ	50	RO	A
	Watercraft [25]					
79550	Marine propeller shafts ¾ inch and over in diameter. (Specify metal.) (Report shafting not machined under appropriate Schedule B number for metal rods (formerly 795170).)	Lb.	GIEQ 5	250	RO	A
79550	Other parts, n. e. c., specially fabricated for nonmilitary watercraft 40 feet and over in length, except propellers and blades. (Specify by name (formerly 795155).)	....	GIEQ 5	100	RO	A

[11] See § 370.4 (a) for commodities which require export authorization from the Department of State.

[23] Parts and accessories specifically designed for types of vehicles licensed by the Department of State also require export authorization from the Department of State. See § 370.4 (a).

[24] See § 399.2, Int. 5 for commodity interpretation relating to parachutes.

[25] See § 370.4 (a) and (e) for types of watercraft and components, parts, etc., for military watercraft requiring export authorization from Department of State and Maritime Administration.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 7—MACHINERY AND VEHICLES—con.					
	Railway transportation equipment [26]					
	Locomotives, except electric mining and industrial. (Report electric mining and industrial locomotives in 70556):					
79625	Locomotives, new, turbine type, switching type of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons (formerly 796111).	No.	CONS 7	None	RO	A
79627	Locomotives, new, turbine type, industrial, of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons (formerly 796112).	No.	CONS 7	None	RO	A
79630	Locomotives, new, turbine type, general service (line), of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons (formerly 796109).	No.	CONS 7	None	RO	A
79635	Locomotives, used or rebuilt, turbine type, general service (line), switching, or industrial type, of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons (formerly 796117).	No.	CONS 7	None	RO	A
79660	Well cars, new, with a load capacity of 80 tons or over (formerly 796138).	No.	CONS 7	None	RO	A
79675	Well cars, used and rebuilt, with a load capacity of 80 tons or over (formerly 796148).	No.	CONS 7	None	RO	A
	Parts, for locomotives and railway cars. (Report motors, generators and controls in 70110, 70433, 71471-71489; wheels and axles in 60575-60586; and railway car parts, n. e. c. in 79698):					
79690	Parts and accessories, n. e. c., specially fabricated for turbine locomotives (formerly 796172).	....	CONS 7	1,000	RO	A
	Railway signals, and specially fabricated parts and accessories, n. e. c.:					
79695	Centralized traffic control (CTC) systems of railway signalling, and specially fabricated parts, n. e. c. (formerly 796186).	....	CONS 7	100	RO	A
79698	Parts and accessories, n. e. c., specially fabricated for well cars with a load capacity of 80 tons or over (formerly 796182).	....	CONS 7	1,000	RO	A E
	GROUP 8—CHEMICALS AND RELATED PRODUCTS					
	(See special provisions for Commodity Group 8, §§ 373.54-373.58; special destination provisions, §§ 373.65-373.75)					
	Coal-tar and other cyclic chemical products [27] *(including cyclic products derived from petroleum, natural gas or other sources)*					
80110	Toluene or toluol (all grades) (formerly 801100)...	Lb.	COTA 1	100	R	F
	Coal-tar intermediates, and other cyclic intermediates, except acids:					
80257	Diphenylamine (formerly 802570)............	Lb.	COTA 1	100	RO	A

[26] Armored railway cars require export authorization from the Department of State. See § 370.4 (a).

[27] Narcotics require export authorization from the Treasury Department. See § 370.4 (c).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Coal-tar and other cyclic chemical products [36] *(including cyclic products derived from petroleum, natural gas or other sources)*—Continued					
	Coal-tar intermediates, and other cyclic intermediates, except acids—Continued					
	Coal-tar and other cyclic intermediates, n. e. c.: [14]					
80279	Dinitrotoluene solids and oils (formerly 802590).	Lb.	COTA 1	100	RO	A
80279	Ethyl benzene (formerly 802590)	Lb.	COTA 1	100	RO	A
80279	N-methylaniline (monomethylaniline) (formerly 802590).	Lb.	COTA 1	100	RO	A
	Finished coal-tar products, and other finished cyclic products, n. e. c., except medicinals:					
80698	Ethyl centralite (formerly 806998)	Lb.	COTA 2	None	RO	A
80698	Methyl centralite (formerly 806998)	Lb.	COTA 2	None	RO	A
80698	2-nitrodiphenylamine (formerly 806998)	Lb.	COTA 2	None	RO	A
80698	Stabilizers for explosives, n. e. c. (Specify by name (formerly 806998).)	Lb.	COTA 2	None	RO	A
	Medicinal and pharmaceutical preparations					
	Biological products (all forms):					
81215	Poliomyelitis vaccine, all forms (formerly 812200).		DRUG	50	RO	
81396	Medicinal chemicals, n. e. c., organic and inorganic, bulk (cyclic included) for which export controls on other grades are indicated elsewhere on the Positive List. (Specify by name.) (Report dosage forms in 81395 and 81500-81800.) [37] (Formerly 813503 and 813595.)		DRUG	Export controls and commodity list designations applicable to each chemical under this classification are the same as for other grades of the same chemical indicated elsewhere on the Positive List.†		
	Chemical specialties					
82085	Weed killers consisting primarily of boron compounds (e. g., borates, borax) (formerly 820587).	Lb.	SALT 1	100	RO	A E
	Agricultural sulfur (except formulations), n. e. c. (Report ground sulfur, unconditioned, in 57150; and sulfur formulations in 82065-82085 and 82200-82280):					
82210	Agricultural sulfur dusts and spray concentrates containing 85 percent or more sulfur, such as, but not limited to, conditioned dusting sulfur and wettable sulfur (formerly 820589).	Lb.	AGSU	100	R	
	Synthetic resins in all unfinished and semifinished forms, except laminated, and except film and sheeting, but including scrap in all forms:					
82535	Polyvinyl butyral, uncompounded (without plasticizers, fillers, or other added ingredients), in unfinished (except semifinished) form (formerly 825422).	Lb.	RESN 1	100	R	E
82540	Polyvinyl butyral, compounded, in unfinished (except semifinished) form, including scrap in all forms (formerly 825424).	Lb.	RESN 1	100	R	E
82545	Polyvinyl butyral, in semifinished forms, except laminated, and except film and sheeting. (Specify form (formerly 825427).)	Lb.	RESN 1	100	R	E

†A single shipment hereunder may include two or more chemicals, each up to its GLV limit.

[36] See § 370.4 (a) for commodities which require export authorization from the Department of State.

[37] Narcotics require export authorization from the Treasury Department. See § 370.4 (c).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Chemical specialties—Continued					
	Synthetic resins in all unfinished and semifinished forms, except laminated, and except film and sheeting, but including scrap in all forms—Continued					
82580	Polyethylene resin with average molecular weight above 10,000, in all unfinished and semifinished forms (including scrap), except laminated and except film and sheeting. (Specify whether virgin or scrap (formerly 825920).)	Lb.	RESN 3	100	RO	E
82590	Ion exchange resins. (Specify by name (formerly 824000 and 825920).)	Lb.	RESN 1	100	RO	C
82591	Polytetrafluoroethylene (e. g., Teflon) (formerly 825920).	Lb.	RESN 2	25	RO	A B C G
82591	Polytrifluorochloroethylene (including grease, oil and wax) (formerly 825920 and 829990).	Lb.	RESN 2	25	RO	A B C G
82591	Siloxanes. (Formerly 825920)	Lb.	RESN 1	100	R	
	Synthetic resin film and sheeting, except laminated, and except scrap (including printed, embossed, planished, or otherwise treated surface):					
82595	Polyethylene with average molecular weight above 10,000. (Specify whether virgin or scrap (formerly 825980).	Lb.	RESN 3	100	RO	E
82598	Methyl methacrylate, clear (formerly 825980)	Lb.	RESN 1	100	RO	A
82598	Polymethyl alpha-chloroacrylate (e. g., Gafite) (formerly 825980).	Lb.	RESN 1	100	RO	A
82598	Polytetrafluoroethylene (e. g., Teflon) (formerly 825980).	Lb.	RESN 2	25	RO	A B C G
82598	Polytrifluorochloroethylene (formerly 825980)	Lb.	RESN 2	25	RO	A B C G
82598	Polyvinyl butyral (formerly 825980)	Lb.	RESN 1	100	R	E
82598	Synthetic film for dielectric use, 0.0015 inch (0.038 mm.) or less in thickness (formerly 825980).	Lb.	RESN 1	15	RO	A
	Laminates and molded laminates, synthetic resins, except scrap. (Report plastic laminates other than synthetic resin in 82615-82680; scrap in 82520-82591):					
	Laminates of synthetic resins, except molded and decorative:					
82600	Polytetrafluoroethylene (e. g., Teflon) (formerly 826050).	Lb.	RESN 2	25	RO	A B C G
82600	Polytrifluorochloroethylene (formerly 826050).	Lb.	RESN 2	25	RO	A B C G
82600	Polyethylene with average molecular weight above 10,000 (formerly 826050).	Lb.	RESN 3	100	RO	E
82600	Methyl methacrylate, clear (formerly 826050).	Lb.	RESN 1	100	RO	A
	Molded-laminated shapes of synthetic resins, except decorative:					
82604	Polytetrafluoroethylene (e. g., Teflon) (formerly 826050).	Lb.	RESN 2	25	RO	A B C G
82604	Polytrifluorochloroethylene (formerly 826050).	Lb.	RESN 2	25	RO	A B C G
82604	Polyethylene with average molecular weight above 10,000 (formerly 826050).	Lb.	RESN 3	100	RO	E
82604	Methyl methacrylate, clear (formerly 826050).	Lb.	RESN 1	100	RO	A
	Decorative laminates of synthetic resins:					
82610	Polytetrafluoroethylene (e. g., Teflon) (formerly 826050).	Lb.	RESN 2	25	RO	A B C G
82610	Polytrifluorochloroethylene (formerly 826050).	Lb.	RESN 2	25	RO	A B C G
82610	Polyethylene with average molecular weight above 10,000 (formerly 826050).	Lb.	RESN 3	100	RO	E
82610	Methyl methacrylate, clear (formerly 826050).	Lb.	RESN 1	100	RO	A

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Chemical specialties—Continued					
	Cellulose plastics in all unfinished or semifinished forms:					
82615	Ethyl cellulose in all unfinished or semifinished forms (formerly 826150).	Lb.	RESN 1	100	R	E
82670	Cellulose acetate, 0.0015 inch (0.038 mm.) or less in thickness (formerly 826550).	Lb.	RESN 1	15	RO	A E
82976	Antiknock compounds (formerly 829910)	Lb.	PETR 1	25	RO	A E
82979	Additives for lubricating and fuel oils. (Specify by names of additives and indicate quantity of each.) (Report combustion catalysts containing cobalt 82999 (formerly 829915).)	Lb. or Gal.	PETR 1	25	RO	A E
82986	Radium emanation (Radon), radium salts and compounds, all forms (including radium needles and radium ore concentrate). (State radium content (formerly 829940).	Curie	DRUG 1	25	RO	G
82986	Radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof, except radioisotopes having an atomic number 3 through 83, and compounds and preparations thereof.[28] (Convert all isotopes to quantity of radioactive emissions expressed in curie (formerly 829940).)	Curie	DRUG 1	None	RO	G
82992	Reagent chemicals for laboratory use, n. e. c. (C. P., U. S. P., N. F., A. C. S., or other recognized reagent grades only) for which export controls on other grades are indicated elsewhere on the Positive List. (Specify by name and grade [29] (formerly 829970).)	....	ORGN 1	Export controls and commodity list designations applicable to each chemical under this classification are the same as for other grades of the same chemical indicated elsewhere on the Positive List.†		
82996	Hydraulic fluids, synthetic (excludes hydraulic fluids of castor oil base). (Report hydraulic fluids of petroleum origin in 50590 (formerly 829984).)	Gal.	ORGN 1	100	RO	A E
	Chemical specialty compounds, n. e. c.: [29] [30] [31]					
82999	Combustion catalysts containing cobalt (formerly 829990).	Lb.	SALT 1	100	RO	A
82999	Molybdenum lubricants. (Report molybdenum disulfide powder not for lubrication use in 83990 (formerly 829990).)	Lb.	SALT 1	100	RO	A
82999	Silicone diffusion pump oils (formerly 829980)	Gal.	ORGN 1	25	RO	A O
82999	Other diffusion pump oils (oils enabling the attainment of vacuum of 10^{-6} millimeters of mercury pressure absolute in a single stage diffusion pump). (Specify by name (formerly 829980).)	Gal.	ORGN 1	25	RO	C
82999	Silicone grease compounds (compounds of organo-silicone material) of the following types only: Silicone high-vacuum greases; and stopcock greases, both high-vacuum and regular (formerly 829990).	....	ORGN 1	25	R	
82999	Chemical specialty compounds, n. e. c., containing 80 percent or more by quantity of any item or combination of items specified elsewhere on the Positive List. (Specify by name (formerly 829990).)	....	ORGN	RO where any component thereof is subject to RO control; otherwise subject to R control, commodity list designations are the same as those applicable to the controlling component.		

† A single shipment hereunder may include two or more chemicals, each up to its GLV limit.

[28] Radioisotopes produced in a nuclear reactor and compounds and preparations thereof are under the jurisdiction of the Atomic Energy Commission. See § 370.4 (d).

[29] Chemicals containing thorium or uranium require export authorization from the Atomic Energy Commission. See § 370.4 (d).

[30] Napalm and military fuel thickeners require export authorization from the Department of State. See § 370.4 (a).

[31] Gold-containing chemicals, in which the gold content is 90 percent of value, require export authorization from the Treasury Department. See § 370.4 (b).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)					
	Inorganic acids and anhydrides, n. e. c.:					
83098	Perchloric acid (formerly 830980)	Lb.	SALT 1	100	RO	
	Alcohols. (Report jet fuels in 50180):					
83110	Ethylene glycol (formerly 831100)	Lb.	ORGN 1	100	RO	A
83159	Furfuryl alcohol (furyl carbinal) (formerly 831590).	Lb.	ORGN 1	100	RO	A
83159	Pentaerythrite (pentaerythritol) (formerly 831590).	Lb.	ORGN 1	100	RO	A
83159	Propylene glycols (formerly 831590)	Lb.	ORGN 1	100	RO	A
83159	Tetrahydrofurfuryl alcohol (formerly 831590)	Lb.	ORGN 1	100	RO	A
83159	Thiodiglycol (formerly 831590)	Lb.	ORGN 1	100	RO	A
	Organo-fluorine compounds, n. e. c. (Specify by name):					
83285	Monochlorotrifluoro methane (e. g., Freon 13); dichloromonofluoro methane (e. g., Freon 21); monochlorodifluoro methane (e. g., Freon 22); trichlorotrifluoro ethane (e. g., Freon 113; Genetron 226); dichlorotetrafluoroethane (e. g., Freon 114); trichlorodifluoroethane (e. g., Freon 122); difluoroethane (e. g., Freon 152; Genetron 100); monochlorodifluoroethane (e. g., Freon 142; Genetron 101). (Specify by name (formerly 832985).)	Lb.	SALT 1	100	RO	A O
83285	Dichlorodifluoro methane (e. g., Freon 12; Genetron 12); trichloromonofluoro methane (e. g., Freon 11; Genetron 11); monobromotrifluoro methane (e. g., Freon 13B1); dibromodifluoro methane (e. g., Freon 12B2). (Specify by name (formerly 832985).)	Lb.	SALT 1	100	R	
83285	Tetrafluoroethylene (formerly 832990)	Lb.	SALT 1	25	RO	A B C G
83285	Trifluoromonochloroethylene (formerly 832985).	Lb.	SALT 1	25	RO	A B C G
	Organic chemicals except cyclic, n. e. c.:					
83299	Furfural (formerly 832990)	Lb.	ORGN 1	100	R	
83299	Hexamethylenetetramine (formerly 832990)	Lb.	ORGN 1	100	RO	A
83299	Isopropyl ether (formerly 832990)	Lb.	ORGN 1	100	RO	A
83299	Nonyl sebacates (formerly 832990)	Lb.	ORGN 1	100	RO	A
83299	Octyl sebacates (formerly 832990)	Lb.	ORGN 1	100	RO	A
83440	Lithium bromide	Lb.	SALT 1	10	RO	A B C G
83460	Lithium iodide	Lb.	SALT 1	10	RO	A B C G
	Potassium compounds, except fertilizers. (Report fertilizers and fertilizer materials in 85050-85510): [14]					
83590	Potassium perchlorate (formerly 835900)	Lb.	SALT 1	100	RO	
83590	Potassium tetroxide (formerly 835900)	Lb.	SALT 1	25	R	
83622	Boron nitride (formerly 836220)	Lb.	SALT 1	100	R	E
83622	Other boric acid and borates, crude, refined, and compounds, except sodium perborate (including borate esters and other boron compounds), n. e. c. (Specify by name (formerly 836220 and 839900).)	Lb.	SALT 1	100	RO	A E
	Sodium compounds except fertilizer. (Report fertilizers in 85050-85510):					
83799	Sodium azide (formerly 837990)	Lb.	SALT 1	None	RO	A
83799	Sodium perchlorate (formerly 837990)	Lb.	SALT 1	100	RO	

[14] See § 370.4 (a) for commodities which require export authorization from the Department of State.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)—Continued					
	Ammonium compounds, except fertilizers. (Report fertilizers and fertilizer materials in 85050–85510; ammonia (anhydrous or aqua) in 83910): [18]					
83850	Ammonium molybdate (formerly 838500)	Lb.	SALT 1	100	RO	A
83850	Guanidine nitrate (formerly 838500)	Lb.	SALT 1	100	RO	A
83850	Hydrazine, hydrazine hydrate, and hydrazine salts [23] (formerly 383500).	Lb.	SALT 1	None	RO	A
83850	Nitroguanidine (formerly 838500)	Lb.	SALT 1	None	RO	A
	Gases, compressed, liquefied and solidified, n. e. c. (Report liquefied petroleum gases in 50435 and 83299; ammonia (anhydrous or aqua) in 83910): [18]					
83959	Bromine trifluoride (formerly 839590)		SALT 1	100	RO	A B C
83959	Chlorine trifluoride (formerly 839590)		SALT 1	100	RO	A B C
83973	Hydrogen peroxide or dioxide, 50 to 85 percent strength inclusive [28] (formerly 839730).	Lb.	SALT 1	None	RO	A
	Metal salts of organic compounds, except paint and varnish driers. (Report paint and varnish driers in 84459; thorium and uranium salts and compounds in 62510–62590): [18] [24]					
83979	Cobalt salts of organic compounds. (Specify by name (formerly 839750).)	Lb.	SALT 1	100	RO	A
83979	Lead styphnate (lead trinitroresorcinate) (formerly 839750).	Lb.	SALT 1	25	RO	A
83979	Lithium salts of organic compounds. (Specify by name (formerly 839750).)	Lb.	SALT 1	None	RO	A B C G
83979	Naphthenates of all metals, and mixtures containing such naphthenates. (Specify by name.) (Report cobalt, lead or zinc naphthenates in liquid or paste forms in 84459 (formerly 839750).)	Lb.	SALT 1	None	R	
83979	Nickel salts of organic compounds. (Specify by name (formerly 839750).)	Lb.	SALT 1	100	RO	
	Industrial chemicals, n. e. c.: [22]					
83990	Actinium-bearing salts and compounds. (Specify by name (formerly 839900).)		SALT 1	None	RO	B C
83990	Barium nitrate (formerly 839900)		SALT 1	100	RO	A
83990	Beryllium salts and compounds (including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate). (Specify by name (formerly 839900).)		SALT 1	500	RO	A C
83990	Cobalt compounds. (Specify by name.) (Report cobalt salts of organic compounds in 83979; cobalt-containing pigments in 84290; and cobalt-containing paint and varnish driers in 84459 (formerly 839900).		SALT 1	100	RO	A
83990	Deuterium and deuterium compounds, including heavy water and heavy paraffin (formerly 839900).		SALT 1	None	RO	A B C G
83990	Gallium salts and compounds. (Specify by name (formerly 839900).)		SALT 1	None	RO	B C G
83990	Germanium compounds. (Specify by name (formerly 839900).)		SALT 1	None	RO	A
83990	Lead thiocyanate (formerly 839900)		SALT 1	25	RO	A
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)—Continued					
	Industrial chemicals, n. e. c.[22]—Continued					
83990	Lithium salts and compounds (including, but not limited to, lithium amide, lithium carbonate, lithium chloride, lithia crystals, lithium fluorophosphate, lithium fluoride, lithium hydride, lithium hydroxide, lithium hydroxide monohydrate, and lithium sulfate). (Specify by name (formerly 839900).)	Lb.	SALT 1	10	RO	A B C G
83990	Magnesium oxide, precipitated, purity 97 percent or higher. (Report magnesium oxide other than precipitated in 57227 (formerly 839900).)		SALT 1	50	RO	A B C
83990	Molybdenum salts and compounds, n. e. c. (including refined grades of calcium molybdate, molybdenum oxide, molybdenum trioxide and molybdic acid other than laboratory reagents. (Specify by name.) (Report molybdic oxide ore concentrate in 66449; and laboratory reagents in 82992 (formerly 839900).)	Lb.	SALT 1	100	RO	A
83990	Nickel oxide (formerly 839900)		SALT 1	100	RO	A
83990	Nickel compounds, except nickel oxide. (Specify by name (formerly 839900).)		SALT 1	100	RO	
83990	Polonium-bearing salts and compounds. (Specify by name (formerly 839900).)		SALT 2	None	RO	B C
83990	Tantalum compounds. (Specify by name (formerly 839900).)		SALT 1	25	RO	A
83990	Titanium carbide (formerly 839900)	Lb.	MINL	100	RO	A
83990	Zirconium oxide, stabilized zirconium oxide, and zirconium silicate. (State hafnium content (formerly 839900).)	Lb.	SALT 1	1	RO	A C
83990	Zirconium compounds containing less than one part hafnium to 500 parts zirconium. (Specify by name). (State hafnium content (formerly 839900).)	Lb.	SALT 1	1	RO	A C
83990	Zirconium compounds containing one part or more of hafnium to 500 parts zirconium, other than zirconium oxide, stabilized zirconium oxide, and zirconium silicate. (Specify by name.) (State hafnium content (formerly 839900).)	Lb.	SALT 1	100	R	
	Pigments, paints, varnishes and related materials					
	Pigments:					
84231	Carbon black, contact. (Include channel (formerly 842310).)	Lb.	SALT 1	100	R	E
84235	Carbon black, furnace (formerly 842350)	Lb.	SALT 1	100	R	E
84290	Cobalt oxide pigments (formerly 842900)	Lb.	SALT 1	100	R	A
84380	Polytetrafluoroethylene (e. g., Teflon) finishes and enamels (formerly 843800).	Gal.	RESN 2	25	RO	A B C G
84380	Polytrifluorochloroethylene dispersion (formerly 843800).	Gal.	RESN 2	25	RO	A B C G
	Explosives, blasting agents, fuses, and blasting caps					
86040	Dynamite (formerly 860400)	Lb.	ORGN 2	100	R	
	Explosives and blasting agents, n. e. c.:					
86070	Jet perforators (formerly 860700)	Lb.	CONS 6	250	RO	A
86070	Lead azide (formerly 839900)	Lb.	SALT 1	25	RO	A
86070	Mercury (mercuric) fulminate (formerly 860700).	Lb.	SALT 1	25	RO	A
86070	Explosives containing nitroglycerin. (Specify by name.) (Report dynamite in 86040 (formerly 860700).)	Lb.	ORGN 2	100	R	

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[18] See § 370.4 (a) for commodities which require export authorization from the Department of State.

[23] Hydrazine, when exported for use as a military propellant, requires export authorization from the Department of State. See § 370.4 (a).

[28] Hydrogen peroxide or dioxide in excess of 85 percent concentration, Schedule B No. 839730, requires export authorization from the Department of State. See § 370.4 (a).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Nots to Appendix A in this section, supra)
	GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued					
	Explosives, blasting agents, fuses, and blasting caps—Continued					
	Explosives and blasting agents, n. e. c.—Con.					
86070	Oil well bullets (formerly 860700)	Lb.	CONS 6	250	RO	A
86070	Priming compositions. (Specify by name (formerly 860700).)	Lb.	ORGN 2	25	RO	A
86070	Other explosives and blasting agents, n. e. c. (Specify by name [13] [14] (formerly 860700).)	Lb.	ORGN 2	None	R	
86250	Safety fuses, except nondetonating blasting fuses containing only a black powder core (formerly 862500).	Lin. ft.	ORGN 2	10	R	
	GROUP 9—MISCELLANEOUS					
	(See special provisions for Commodity Group 9, §§ 373.59–373.64; special destination provisions, §§ 373.65–373.75)					
	Photographic and projection goods [15] [16]					
90028	High speed cameras, capable of recording at rates in excess of 250 frames and/or pictures per second (formerly 900238).	No.	FINP 5	None	RO	A
90028	Oscillograph; photomicrographic; and X-ray powder cameras (formerly 900238).	No.	FINP 5	None	RO	A
90060	Parts, n. e. c., specially fabricated for the following: aerial and special purpose military cameras; high-speed cameras capable of recording at rates in excess of 250 frames and/or pictures per second; oscillograph cameras; photomicrographic cameras; and X-ray powder cameras (formerly 900600).		FINP 5	25	RO	A
90060	Micro-flash equipment capable of giving a flash 1/100,000 second or shorter duration or with a frequency of 200 flashes or more per second (formerly 900600).		FINP 5	25	RO	A
90230	Lenses for the following cameras: aerial and special purpose military cameras; high-speed cameras capable of recording at rates in excess of 250 frames per second; oscillograph cameras; and photomicrographic cameras (formerly 902300).	No.	FINP 5	None	RO	A
	Scientific and professional instruments, apparatus, and supplies, n. e. c.					
91475	Calcium fluoride or lithium fluoride crystal lenses, prisms and windows; including finished blanks. (Report rough and semifinished blanks in 52311 (formerly 914750).)	No.	SATE 1	None	RO	A C
91495	Electron microscopes, and the following parts therefor: (a) electron guns; (b) electron objective projection and condenser lenses (magnetic or electrostatic) (formerly 914950).	No.	SATE 2	None	RO	A B C
91500	Diamond disk points and other dental instruments containing diamonds. (See § 373.49 (b) (formerly 915000).)		FINP	None	RO	A C
91620	Photo-theodolites, and specially fabricated parts, n. e. c. (formerly 916029).		SATE 1	25	RO	

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[13] See § 370.4 (a) for commodities which require export authorization from the Department of State.

[14] Nitroglycerin, demolition blocks, and many other explosives under Schedule B No. 86070 require export authorization from the Department of State. See § 370.4 (a).

[15] All outstanding licenses issued for exportation of these commodities by the Bureau of Foreign Commerce prior to date of transfer of export authority to the Department of State, April 1, 1954, remain valid until they expire or are revoked.

[16] See § 380.2, Int. 8 for commodity interpretation relating to recording tape.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 9—MISCELLANEOUS—continued					
	Scientific and professional instruments, apparatus, and supplies, n. e. c.—Continued					
91650	Compasses and gyroscopic equipment as follows: gyro-compasses; transmitting magnetic compasses; gyro-magnetic compasses; repeaters for these compasses; gyroscopic stabilizers, gyroscopic steering controls; and specially fabricated parts, n. e. c.[15] (formerly 916050).		SATE 1	25	RO	A
91910	Balloons, 1,100 grams or more envelope weight deflated, capable of free flight but nonpersonnel carrying (formerly 919010).		RUBR	None	RO	A
	Spectrum measuring instruments, optical, and specially fabricated parts and accessories, n. e. c.:					
91920	Spectrographs, except mass spectrographs, and specially fabricated parts and accessories, n. e. c. (Report mass spectrographs and parts in 91980 (formerly 919066).)		SATE 2	25	RO	A
91920	Other spectrum measuring instruments, optical, and specially fabricated parts and accessories, n. e. c. (formerly 919060 and 919066).		SATE 2	25	RO	A B C
	Optical measuring instruments, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
91966	Fluorophotometers (fluorimeters) employing ultra-violet light as the exciting source and photo-multiplier tubes or photo-cells as detecting and amplifying devices; and specially fabricated parts, n. e. c. (formerly 919066).		SATE 2	25	RO	A B C
91966	Microphotometers, and specially fabricated parts, n. e. c. (formerly 919066).		SATE 2	25	RO	A
	Nuclear radiation detection and measuring instruments, n. e. c., and specially fabricated parts and accessories, n. e. c. (Report electron tubes in 70824–70840; and handling equipment in 91980):					
91972	Dosimeters; dosimeter charging units; and dosimeter charger readers adaptable to X-ray [14] (formerly 707550).	No.	SATE 2	None	RO	A B C
91972	Geiger-Mueller counters, and specially fabricated parts, n. e. c. (formerly 766995).		SATE 2	100	RO	A B C
91972	Other nuclear radiation detection and measuring instruments, except student-type and metal-leaf-type electroscopes; and specially fabricated parts for all nuclear radiation detection and measuring instruments [14] (formerly 707550, 766995, and 919080).		SATE 2	25	RO	A B C
91976	Balances, electronic, capable of detecting differences in weight smaller than 10 micrograms (formerly 919068).	No.	SATE 2	None	RO	A B C
91976	Balances, n. e. c., of a sensitivity capable of detecting differences in weight of 0.1 micrograms or less (formerly 919068).	No.	SATE 2	None	RO	A B C
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
91980	Parts for electronic balances capable of detecting differences in weight smaller than 10 micrograms (formerly 919080).		SATE 2	25	RO	A B C
91980	Parts, n. e. c., specially fabricated for balances of a sensitivity capable of detecting differences in weight of 0.1 micrograms or less (formerly 919080).		SATE 2	None	RO	A B C

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[14] All outstanding licenses issued by the Atomic Energy Commission prior to September 28, 1955 remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the A.E.C.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 9—MISCELLANEOUS—continued					
	Scientific and professional instruments, apparatus, and supplies, n. e. c.—Continued					
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.—Continued					
91980	Densitometers, and specially fabricated parts, n. e. c. (formerly 919080).	....	SATE 2	25	RO	A
91980	Gas analysis apparatus, laboratory type, and specially fabricated parts, n. e. c. (formerly 919080).	....	SATE 1	25	RO	A
91980	Glass electrodes, for non-continuous pH meters, including titrimeters and aquameters (formerly 919080).	No.	SATE 1	100	RO	A
91980	Helium cryostat equipment, and specially fabricated parts, n. e. c. (formerly 919080).	....	SATE 1	25	RO	A
91980	High-vacuum pump stations, laboratory type, and specially fabricated parts, n. e. c. (formerly 919080).	....	SATE 1	None	RO	A
91980	Laboratory distillation units, and specially fabricated parts, n. e. c., including packing (formerly 919080).	....	SATE 1	25	RO	A
91980	Laboratory fractionating units, and specially fabricated parts, n. e. c., including packing (formerly 919080).	....	SATE 1	25	RO	A
91980	Mass spectrometers; mass spectrographs; leak detectors, mass spectrometer type; and specially fabricated parts, n. e. c.[14] (formerly 919060 and 919066).	....	SATE 2	25	RO	A B C
91980	Supersonic and ultrasonic generators for operation at 17,000 cycles per second or over, and specially fabricated parts, n. e. c. (formerly 919080).	....	SATE 1	25	RO	A
91980	Temperature regulators, laboratory type, and specially fabricated parts, n. e. c. (formerly 919080).	....	SATE 1	25	RO	A
91980	Time interval or recording instruments capable of (1) measuring time intervals of one second or less with an error not exceeding 2 percent or 20 micro-seconds, whichever is the greater, or (2) counting at over 50,000 counts per second; and specially fabricated parts and accessories, n. e. c. (formerly 919080).	....	SATE 1	25	RO	A
	Ordnance and pyrotechnics [15] [38]					
	Parts and accessories, n. e. c., specially fabricated for small arms: [38]					
94745	Slings, straps, gun mounts, belts, links and magazines. (Report cartridge belts to be worn on the person in 06960 and 99930.)[39]	....	FINP	None	RO	A
94745	Gun part fabrications, brass and bronze. (Specify by name (formerly 947450).)	....	NONF	100	RO	A

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra)
	GROUP 9—MISCELLANEOUS—continued					
	Ordnance and pyrotechnics [15] [38]—Continued					
	Parts and accessories, n. e. c., specially fabricated for artillery and naval guns, mortars, rocket and missile launchers, except self-propelled:					
94755	Gun part fabrications, brass and bronze. (Specify by name (formerly 947550).)	....	NONF	100	RO	A
94819	Parts and accessories, n. e. c., manufactured of brass or bronze, for small arms ammunition except empty shotgun shells; primers for shotgun shells; and percussion caps for muzzle loading shotguns (formerly 948169).	....	NONF	100	RO	A
	Parts and accessories, n. e. c., specially fabricated for artillery, naval gun and mortar ammunition:					
94825	Components and parts, n. e. c., manufactured of brass or bronze, for artillery, naval gun and mortar ammunition. (Specify by name (formerly 948250).)	....	NONF	100	RO	A
94825	Copper rotating bands for shells, and other copper munitions components (formerly 948250).	....	NONF	None	RO	A
94825	Gas checks, copper (formerly 948250)	....	NONF	100	RO	A
	Miscellaneous commodities, n. e. c.[15] [37] [38]					
	Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment. (Report plastics and resin materials in unfinished forms in 82510-82680):					
98159	Manufactures of polytetrafluoroethylene (e. g., Teflon). (Specify by name (formerly 981590).)	....	RESN 2	25	RO	A B C G
98159	Manufactures of polytrifluorchloroethylene. (Specify by name (formerly 981590).)	....	RESN 2	25	RO	A B C G
	Commodities exported for relief or charity by individuals and private agencies. (The following classifications are not used for exports for relief or charity by governmental agencies (United States, foreign, and international) except for exports of used clothing by such agencies, which are reported under 99820. All other exports (including new clothing) by governmental agencies are reported under their specific Schedule B numbers):					
99840	Drugs and biological supplies (formerly 999840).	Export controls applicable to each commodity under these classifications are those which apply to the commodity when exported commercially under its individual Schedule B number.				
99890	Commodities exported for relief or charity by individuals and private agencies, n. e. c. (Specify by name (formerly 999830, 999850, 999860 and 999890).)					
99960	Bayonets [39]	....	FINP	None	RO	A

[14] All outstanding licenses issued by the Atomic Energy Commission prior to September 26, 1955 remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

[15] See § 370.4 (a) for commodities which require export authorization from the Department of State.

[36] Parts and accessories specifically designed for types of vehicles licensed by the Department of State also require export authorization from the Department of State. See § 370.4 (a).

[37] Gas and incandescent mantles, Schedule B No. 97925, require export authorization from the Atomic Energy Commission. See § 370.4 (d).

[38] All outstanding licenses for exportation of firearm silencers and diving and underwater swimming apparatus issued by the Bureau of Foreign Commerce prior to date of transfer of export authority to the Department of State, April 1, 1958, remain valid until they expire or are revoked.

[39] Outstanding licenses covering these commodities which were issued by the State Department prior to April 1, 1958 are valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the State Department.

§ 399.2 *Appendix B—Commodity Interpretations.* The commodity interpretations set forth herein are for use in determining (a) the appropriate Schedule B number under which certain commodities are classified, or (b) the validated license requirements for these commodities. They are intended to clarify the question of control where it has been demonstrated that such clarification may prove helpful to the export community, and where such control is not apparent from the Positive List and the Export Regulations.

INTERPRETATION 1: PIPE: OIL COUNTRY OR LINE FOR PUMP INSTALLATION PURPOSES

A maximum of 250 feet of oil country pipe or line pipe, classified in Schedule B Nos. 60621–60630, may be exported under general license, except to Hong Kong, Macao, and Subgroup A destinations (see Part 371), provided such pipe accompanies the pump requiring its use for installation purposes, and also provided such pipe is of appropriate size and type for use with that pump. A validated license is required for any quantity in excess of 250 feet for pipe which appears on the Positive List. If, however, such pipe is being shipped separately from the pump, a validated license is required for the full amount of the shipment if it exceeds the GLV value of the commodity.

INTERPRETATION 2: BALL AND ROLLER BEARINGS AND SPECIALLY FABRICATED PARTS

(1) A ball or roller bearing physically incorporated in a segment of a machine or in a complete machine prior to shipment loses its identity as a bearing and the machine or segment of machinery containing the bearing is the item subject to export license requirements.

(2) A ball or roller bearing not incorporated in a segment of a machine prior to shipment but shipped as a component of a complete unassembled (knocked-down) machine is considered a component of the machine, and the complete machine is the item subject to export license requirements.

(3) Ball and roller bearings shipped as spares or replacements are classified in Schedule B Nos. 76910–76920 (ball and roller bearings and specially fabricated parts). This applies to separate shipments of ball and roller bearings and ball and roller bearings shipped with machinery or equipment for which they are intended to be used as spares or replacement parts.

INTERPRETATION 3: PORTABLE AND SEMI-PORTABLE IRRIGATION SYSTEMS, FARM TYPE

Commodity	Schedule B No.
Portable and semi-portable irrigation systems, farm type, including specially fabricated pipe [1] (not to exceed 8 inches in diameter) and specially fabricated fittings	78705.
Pipe as spares or replacements:	
Specially fabricated [1]	78705.
Not specially fabricated	Report in tubular products according to material (e. g., aluminum, 63045).
Fittings as spares or replacements:	
Specially fabricated for irrigation systems	78705.
Not specially fabricated for irrigation systems:	
If identifiable as pipe fittings	Report as "pipe fittings," according to type and material (e. g., aluminum, 61862).
If not identifiable as pipe fittings	Report as "manufactures," according to material (e. g., aluminum, 61995).
Pumps, whether or not shipped with the irrigation system	Report in appropriate pump classification (77101–77117).

[1] At least one of the following descriptions shall be applicable in describing portable and semi-portable irrigation pipe in order to consider it "specially fabricated":
(a) Permanently attached handles for easy handling.
(b) Attached quick-action couplings.
(c) Punched, drilled, beaded and or cupped pipe ends for special adapters.
(d) 10 percent or more of pipe area perforated.

INTERPRETATION 4: CLASSIFICATION OF "PARTS" OF MACHINERY, EQUIPMENT, OR OTHER ITEMS

(1) *Where an assembled machine or unit of equipment is being exported.* Where one or more assembled machines or units of equipment are being exported, the individual component parts which are physically incorporated into the machine or equipment do not require a separate validated export license. The validated license or the general license under which the complete machine or unit of equipment is exported will also cover its component parts: *Provided,* That no special provisions or interpretations obtain (for example, as in the case of tools containing diamonds); that the parts are normal and usual components of the machine or equipment being exported; or that the physical incorporation is not used as a device to evade the requirement for a validated export license.

(2) *Where parts are exported as spares, replacements, for resale, or for stock.* Where parts are exported as spares, replacements, for resale, or for stock, a validated export license is required if the particular part is on the Positive List to the intended destination.

(3) *Classification instructions.* "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States," issued by the Bureau of the Census, sets forth detailed instructions for the classification of "parts" for machinery, equipment, or other items. These instructions may be found on pages xxiii and xxiv in the "Introduction to Schedule B" paragraphs 11 through 22, under the following sub-headings: "Definition of parts," "Rules for the classification of parts," "Exception to the rules for the classification of parts," and "Definition of the terms specially fabricated and general-purpose."

(4) *Mixed shipments.* It has been determined that mixed shipments of replacement parts classifiable under a Schedule B number for "specially fabricated parts" for a machine often erroneously include replacement parts for which individual classifications are provided in Schedule B. The method for determining when this practice is permissible is set forth in the aforementioned instructions, paragraph c. 20, under the heading "Exception to the rules for the classification of parts."

INTERPRETATION 5: PARACHUTES, PARTS, AND FITTINGS

Parachutes, parts, and fittings are considered implements of war, and exportations thereof are controlled by the Department of State and not the Department of Commerce (see § 370.4 (a) of this chapter). These include complete parachutes, canopies (parachutes with the shroud lines removed), shroud lines, pilot chutes, containers, harnesses, or parts and fittings therefor. Export licenses issued by the Department of State are required for such exportations, including those sent as gifts.

INTERPRETATION 6: QUARTZ CRYSTAL PLATE

Quartz crystal plate is a piece of quartz crystal cut in such a way as to be active piezo-electrically. It may or may not be mounted with metal electrodes applied to its surfaces.

All natural and synthetic quartz crystal plates, mounted or unmounted, are classified under Schedule B No. 59509 and are subject to the Export Regulations applicable thereto.

INTERPRETATION 7: STEEL SPRINGS

Commodity	Schedule B No.
Steel springs, specially fabricated: [1]	
Spare or replacement parts for a machine	Report in Schedule B class provided for "parts" for the specific machine.
Spare or replacement parts for an article other than a machine.	Report in Schedule B class provided for "parts" of the specific commodity. If no such class is provided, report in 61964.

[1] A "specially fabricated" spring is one which has been so constructed as to be usable with only one machine or type of machine for which a single classification is provided in Schedule B, or for a well-defined group of the same type of machines, involving more than one Schedule B classification.

INTERPRETATION 8: RECORDING TAPE AND RECORDING WIRE

Commodity	Schedule B No.
Recording tape, used or unused:	
For motion-picture sound recording	90280.
For electronic computers and related information processing machines	77628.
Other recording tape:	
Perforated type that cannot be erased	99990.
Other types, capable of being erased and reused	70883.
Recording wire, used or unused	70883.

INTERPRETATION 9: AERIALS, ANTENNAS, AERIAL LEAD-INS, AND WIRE THEREFOR

Commodity	Schedule B No.
Aerial lead-ins, strip-clip and other prefabricated types	70896.
Aerial and antenna kits, complete with insulators, lead-in strips, and with or without lightning arresters and ground clamps	70896.
Aerials and antennas, built-in cabinet type	70896.
Television antennas, including those with lead-ins permanently affixed	70896.
Wire, for aerials and antennas, and lead-in wire for aerial and antenna installations: Report according to type	[illegible]

Interpretation 10: Parts, Accessories, and Equipment Exported as Scrap

Parts, accessories, or equipment, which are being shipped as scrap should be declared as scrap, rather than parts, accessories, and equipment, and described on the Shipper's Export Declaration in sufficient detail to be identified under the proper Schedule B classification for the particular type of scrap being shipped. Each such shipment is subject to all regulations concerning that type of scrap.

When commodities declared as parts, accessories, or equipment are shipped in bulk, or are otherwise not packaged, packed, or sorted in accordance with normal trade practices, the Collector of Customs may require evidence that the shipment is not scrap. Such evidence may include, but is not limited to bills of sale, orders, and correspondence indicating that the commodities are being exported for use as parts, accessories, or equipment and not as scrap.

Exporters should consult the Bureau of Foreign Commerce, Washington 25, D. C., Attn: Exporters Service Section, or the Bureau of the Census, Foreign Trade Division, Washington 25, D. C., when in doubt as to the proper classification as parts and accessories, or scrap.

Interpretation 11: Variable Speed Transmissions

Variable speed transmissions, Schedule B No. 77594, are intended to include two types of power transmissions: mechanical and hydraulic, except vehicular.

Mechanical transmissions are those that transmit power by mechanical connection between the driving and driven elements. The changes of speed are variable at will, being limited only by the design range, while the unit is in operation. This is accomplished by changing the pitch ratio between the driving and driven pulleys or by shifting the drive belt position on two cones which are mounted in reversed positions on their respective shafts.

Hydraulic transmissions are those that transmit power by circulating fluid of variable pressure and/or volume between the driving and driven elements. The driving fluid may be used to produce linear or rotary motion and the volume may be varied to produce any speed range within the design limitations of the unit.

Specially fabricated parts and components, n. e. c., are also included under Schedule B No. 77594. Included in this category of parts and components are the pumps specially fabricated for hydraulic power transmission. They do not deliver liquids but operate on a closed recirculating system in which the liquid is used as the medium for transmitting power but is not itself transported beyond the limits of its own circulation system.

Pumps which may be adapted to hydraulic power transmission but can be used in other applications as well, are not intended to be included in Schedule B No. 77594. Pumps of this type must be reported elsewhere, depending on the specifications (see Schedule B Nos. 77101–77117).

Interpretation 12: Arms, Ammunition, and Implements of War

Arms, ammunition, and implements of war which are not listed on the Positive List of Commodities (§ 399.1) and which have been rejected by the armed services and sold as scrap or which are declared surplus or have been junked are, for purposes of export control, under the jurisdiction of the Bureau of Foreign Commerce only if they are rendered useless beyond the possibility of restoration to their original form. The export control of such commodities which are not rendered useless beyond the possibility of restoration to their original form is under the jurisdiction of the Department of State.

Arms, ammunition, and implements of war are defined in the United States Munitions List (Chapter 1, Title 22, CFR, Parts 121–125) (see § 370.4 (a)). This list includes, among other things, components, parts, attachments, and accessories, such as propellers, rudders, etc. (except common-use hardware items such as nuts, bolts, and piping), specifically designed for aircraft and for the following types of combatant vessels (whether or not usable on noncombatant or commercial vessels): battleships, command ships, cruisers, aircraft carriers, destroyers, and submarines.

Commodities such as machine guns, rifles, etc., are not necessarily rendered useless beyond the possibility of restoration to their original form merely by removal of component parts such as triggers, mounts, stocks, hammers, etc.

Exporters should consult the Office of Munitions Control, Department of State Washington 25, D. C., when in doubt as to whether a commodity covered by the Munitions List has been rendered useless, before applying to the Bureau of Foreign Commerce for a license to export the item as metal scrap.

Interpretation 13: Receiving-Type Tubes (Schedule B No. 70824)

The non-military versions (glass or metal) of types of receiving tubes listed below are excepted from the entry presently on the Positive List under Schedule B No. 70824. Military versions of tubes are identified by the use of the letter "W" following any standard tube designation indicated below. For example, 6J5 and 6J5GT are not on the Positive List; however, 6J5WGT is on the Positive List since the letter "W" indicates that it is a military version.

01-A
0Z4
1A4-P
1A5
1A6
1A7
1AX2
1B3
1B4-P
1B5
1B7
1C5
1C6
1C7
1D5
1D5-GP
1D7
1D8
1E5-GP
1E7
1F4
1F5
1F6
1F7
1G4
1G5
1G6
1H4
1H5
1H6
1J5
1J6
1L4
1L6
1LA4
1LA6
1LB4
1LC5
1LC6
1LD5
1LE3
1LG5
1LH4
1LN5
1N5
1N6
1P5
1Q5
1R5
1S4
1S5
1T4
1T5
1U4
1U5
1-v
1V2
1W4
1X2
2A3
2A5
2A6
2A7
2B3
2B7
2BN4
2CY5
2E5
2V2
2X2
3A2
3A3
3A4
3A8
3AL5
3AU6
3AV6
3B2
3B7/1291
3BA6
3BC5
3BC6
3BE6
3BN6
3BU8
3BY6
3BZ6
3C6/XXB
3CB6
3CF5
3CF6
3CS6
3D6
3DT6
3E6
3LF4
3Q4
3Q5
3S4
3V4
4AU6
4BC5
4BC8
4BN6
4BQ7
4BS8
4BU8
4BZ7
4CB6
4CY5
4DT6
5AM8
5AN8
5AQ5
5AS4
5AS8
5AT8
5AU4
5AV8
5AW4
5AX4
5AZ4
5B8
5BE8
5BK7
5BQ7
5BR8
5BT8
5CG8
5CL8
5CM8
5T4
5T8
5U4
5U8
5V3
5V4
5V6
5W4
5X3
5X4
5X8
5Y3
5Y4
5Z3
5Z4
6A3
6A5
6A6
6A7
6A8
6AB4
6AB5
6AB7
6AC5
6AC7
6AD6
6AD7
6AE5
6AE6
6AE7
6AF6
6AG7
6AH4
6AH6
6AH7
6AK6
6AL5
6AL7
6AM8
6AN5
6AN8
6AQ5
6AQ6
6AQ7
6AR5
6AR8
6AS5
6AS6
6AS7
6AS8
6AT6
6AT8
6AU4
6AU5
6AU6
6AU7
6AU8
6AV5
6AV6
6AW8
6AX4
6AX5
6AX6
6AX8
6AZ8
6B4
6B5
6B6
6B7
6B8
6BA6
6BA7
6BA8
6BC5
6BC7
6BC8
6BD4
6BD5
6BD6
6BE6
6BF5
6BF6
6BG6
6BH6
6BH8
6BJ6
6BJ7
6BJ8
6BK4
6BK5
6BK7
6BL4
6BL7
6BN4
6BN6
6BN8
6BQ6
6BQ7
6BR8
6BS8
6BU8
6BV8
6BW4
6BX7
6BY5
6BY6
6BZ6
6BZ7
6BZ8
6C4
6C5
6C6
6C7
6C8
6CA5
6CB5
6CB6
6CD6
6CE5
6CF6
6CG7
6CG8
6CH6
6CH8
6CL6
6CL8
6CM6
6CM7
6CN7
6CQ8
6CR6
6CS6
6CS7
6CU5
6CU6
6CZ5
6D6
6D7
6D8
6DA7
6DC6
6DE6
6DG6
6DN6
6DQ6
6DT6
6E5
6E6
6E7
6F5
6F6
6F7
6F8
6G6
6H6
6J3
6J5
6J7
6J8
6K5
6K6
6K7
6K8
6L5
6L6
6L7
6N6
6N7
6P5
6P7
6Q7
6R4
6R7
6R8
6S4
6S7
6S8
6SA7
6SB7
6SC6
6SC7
6SD7
6SE7
6SF5
6SF7
6SG7
6SH7
6SJ7
6SK7
6SL7
6SN7
6SQ7
6SR7
6SS7
6ST7
6SV7
6SZ7
6T7
6T8
6U4
6U5
6U6
6U7
6U8
6V3
6V6
6V7
6V8
6W4
6W6
6W7
6X4
6X5
6X8
6Y5
6Y6
6Y7
6Z5
6Z7
6ZY5
7A4
7A5
7A6
7A7
7A8
7AD7
7AF7
7AG7
7AH7
7AJ7
7AK7
7AU7
7B4
7B5
7B6
7B7
7B8
7C5
7C6
7C7
7E6
7E7
7F7
7F8
7G7
7H7
7J7
7K7
7L7
7N7
7Q7
7R7
7S7
7V7
7W7
7X6
7X7
7Y4
7Z4
8AU8
8AW8
8B8A
8BH8
8BN8
8CG7
8CM7
8CN7
8CS7
8SN7
9CL8
9U8
10
10C8
10DA7
11
12
12A4
12A5
12A6
12A7
12A8
12AB5
12AC6
12AD6
12AD7
12AE6
12AF6
12AH7
12AJ6
12AL5
12AL8
12AQ5
12AS5
12AS6
12AT6
12AT7
12AU6
12AU7
12AV5
12AV6
12AV7
12AW6
12AX4
12AX7
12AZ7
12B4
12B8
12BA6
12BA7
12BD6
12BE6
12BF6
12BH7
12BK5
12BL6
12BQ6
12BR7
12BV7
12BY7
12BZ7
12C5
12C8
12CA5
12CN5
12CR6
12CS6
12CT8
12CU5
12CU6
12DQ6
12F5
12F8
12H6
12J5
12J7
12J8
12K5
12K7
12K8
12L6
12Q7
12R5
12S8
12SA7
12SC7
12SF5
12SF7
12SG7
12SH7
12SJ7
12SK7
12SL7
12SN7
12SQ7
12SR7
12V6
12W6
12X4
12Z3
14A4
14A5
14A7
14AF7
14B6
14B8
14C5
14C7
14E6
14E7
14F7
14F8
14H7
14J7
14N7
14Q7
14R7
14S7
14W7
14X7
14Y4
15
17AV5
17AX4
17BQ6
17C5
17DQ6
17H3
18A5
19
19AU4
19BG6
19C8
19J6
19T8
19V8
19X8
20
22
24
25A6

25A7
25AC5
25AV5
25AX4
25AX5
25B5
25B6
25B8
25BK5
25BQ6
25C5
25C6
25CA5
25CD6
25CU6
25DN6
25DQ6
25F5
25L6
25N6
25W4
25W6
25Y5
25Z5
25Z6
26
26A7
27
28D7
30
31
32
32L7
33
34
35
35/51
35A5
35B5
35C5
35L6
35W4
35Y4
35Z3
35Z4
35Z5
36
37
38
39/44
40
40A1
40B2
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42
43
45
45Z3
45Z5
46
47
48
49
50
50A1
50A5
50AX6
50B5
50C5
50C6
50CD6
50L6
50X6
50Y6
50Y7
50Z7
53
55
56
57
58
59
70L7
71
75
76
77
78
79
80
81
82
83
83-v
84
84/6Z4
85
89
V99
X99
112-A
117L7/M7
117N7
117P7
117Z3
117Z4
117Z6

INTERPRETATION 14: ROTARY WELL DRILLING RIGS

(1) *Definition.* For export control purposes, a rotary well drilling rig (Schedule B Nos. 73091–73095) consists of a derrick or mast, sub-structure and platform, drawworks, rotary-table, kelly, swivel, crown and travelling blocks, wire rope, power-drive units, electric power-generating units, blowout preventers, mud (slush) pumps, hose, rock drill bits and other accessories necessary to enable the rig to be operated as a drilling unit. Drill pipe casing, oil, grease, drilling mud and explosives are not included in this definition.

(2) *Parts.* A validated export license for a drilling rig (as defined above) also covers spare parts in a value not exceeding five percent of the value of the rig. The exportation of the rig and spare parts, under authority of the validated license, shall be classified under Schedule B Nos. 73091–73095, whether the rig and parts are shipped in a single shipment or in a series of partial shipments.

If the spare parts are not shipped together with the rig, either in a single shipment or series of partial shipments, or if they are in excess of five percent of the value of the rig with which they are being shipped, the spare parts shall be classified as follows:

(i) General purpose items for which a separate classification is provided shall be classified under their appropriate Schedule B numbers.

(ii) Specially fabricated parts, n. e. c., shall be classified under Schedule B No. 73225.

INTERPRETATION 15: OPTICAL CURVE GENERATORS

An optical curve generator as listed on the Positive List of Commodities, Schedule B No. 77480, is defined, for export control purposes, as a machine which produces spherical and/or aspherical curved surfaces on blanks of optical glass or similar material by means of a grinding wheel moving over the surface of a blank in a path of generation governed by cams and linkages which may be preset to produce a predetermined curvature.

The coverage on the Positive List is specifically limited to machines using as a surface shaping medium a grinding wheel which has diamonds or other abrasive material impregnated in its cutting surface. Lens grinders, surfacers, and polishers which produce curved surfaces by utilizing loose abrasives are not covered by the Positive List.

INTERPRETATION 16: METAL ROLLING MILLS

A rolling mill is defined, for export control purposes, as a line of rolling mill stands and accessory equipment, beginning with the first approach table and ending with the last run-out table or coiler which follows the final change in size or dimension of the metal being processed. A rolling mill rolls ferrous or non-ferrous metals (a) from cast ingots or slabs into semi-fabricated or finished rolled products or (b) from semi-finished products into such rolled products as structural shapes, miscellaneous shapes, plates, pipe skelp, sheet strip, bars, rods, tubes, pipes, etc. It may be a reversing or non-reversing or a continuous or semi-continuous mill. It may be designed for either hot or cold rolling, for producing either welded or seamless tubes and pipes, or for such special operations as temper rolling (skin pass) or simultaneous surface and side rolling (universal mill).

When a complete rolling mill is being exported, either in one shipment or in a series of partial shipments, most but not all of the equipment required for this mill is correctly reported under Schedule B No. 74480, "Rolling mill machines, including pipe or tube mill machines, and specially fabricated parts and accessories, n. e. c." Some of the individual units are classified elsewhere in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and are never correctly reported under Schedule B No. 74480, even though exported as part of a complete mill. In this latter category are such individual units as furnaces and shears.

There is also a group of specially designed parts and accessories for a rolling mill which are classified elsewhere in Schedule B. These items, however, are classified under Schedule B No. 74480 when exported as part of a complete mill, but must be reported under their own Schedule B number when exported as spare or replacement parts. Examples of this type equipment are electric motors and electric, electronic and/or hydraulic control devices.

Another group of specially designed parts and accessories for a rolling mill includes all items which are not classified elsewhere in Schedule B. These items are correctly reported under Schedule B No. 74480 when being exported either as part of a complete mill or as spare or replacement parts. They include roll stands, work rolls, back-up rolls, approach tables, run-out tables, manipulators, edgers, up coilers, down coilers, tension and pay-off reels, levelers, straighteners, cooling bed and quenching equipment, and centralized high pressure lubricators.

Equipment for the further processing of the metal product after it has come from the rolling mill as defined above should not be classified under Schedule B No. 74480, even though exported with the mill. Examples of this type equipment are tinplate lines, galvanizing lines, electroplating lines, annealing furnaces, etc. In addition, other equipment used with a rolling mill but not as part of the mill as defined above is never classified under Schedule B No. 74480, even though exported with the mill. Examples of this type equipment are electric generators, roll grinders, and other machine tools.

Since the examples given in the above paragraphs are not all-inclusive, the exporter should, in addition to following the guide lines set forth above, carefully check both the Schedule B and the Positive List of Commodities before entering a Schedule B number on an export license application or on a Shipper's Export Declaration for a particular item he plans to export for use in or with a rolling mill.

INTERPRETATION 17: MELTING STEEL SCRAP

The specifications listed below for melting steel scrap, Schedule B Nos. 60030, 60040, 60050, and 60060, are those applicable for export control purposes. It is pointed out that all iron scrap shall be classified under Schedule B Nos. 60065 and 60085, and does not relate to melting steel scrap, which is the subject of this interpretation.

NO. 1 HEAVY MELTING STEEL SCRAP (SCHEDULE B NO. 60030)

Carbon steel scrap, black only. Individual pieces must be free from attachments, and so cut as to lie flat in the charging box.

SIZE: ¼ inch and over in thickness. Not over 18 inches in width. Not over 5 feet in length.

NOTE: May include new mashed pipe ends, 4 inches and over.

NO. 2 HEAVY MELTING STEEL SCRAP (SCHEDULE B NO. 60040)

Carbon steel scrap, black or galvanized. Individual pieces must be free from attachments, and so cut as to lie flat in the charging box.

SIZE: Black carbon steel scrap ⅛ up to ¼ inch in thickness; galvanized carbon steel scrap ⅛ inch and over in thickness. Not over 18 inches in width. Not over 3 feet in length.

NOTE: May include pipe cut 3 feet and under. May not include automobile body and fender stock.

NO. 1 BUNDLES, STEEL SCRAP (SCHEDULE B NO. 60050)

New black steel sheet scrap, clippings, or skeleton scrap, hydraulically compressed or hand-bundled. Must be free of paint or protective coating of any kind. (Bundles may be Stanley balls, or mandrel-wound bundles or skeleton reels, tightly secured. Hand-bundles must also be tightly secured and stand handling with a magnet.)

SIZE: Bundles of charging box size.

WEIGHT: Not less than 75 pounds per cubic foot.

NOTE: May include chemically detinned material. (No tin can will be deemed to be detinned unless it has undergone the chemical process for the removal and recovery of tin.) May not include electrical sheets. May not include material containing over 0.5 percent of silicon.

NO. 2 BUNDLES, SHEET SCRAP (SCHEDULE B NO. 60060)

Body and fender carbon steel scrap, or old black and/or galvanized carbon steel scrap, hydraulically compressed.

SIZE: Bundles of charging box size.

WEIGHT: Not less than 75 pounds per cubic foot.

NOTE: May include hydraulically compressed black or galvanized fence wire and light coil springs. May not include turnings, beadwire, vitreous enameled stock, tin plate, terne plate, or other metal coated material. (Painted or lacquered material shall not be considered as metal coated material.)

§ 399.3 *Appendix C—Commodity processing codes.* The following commodity processing code symbols shall be used by applicants in preparing applications for export licenses:

Schedule B No.	Commodity group	Processing code
	Animals, edible	
00113–00199		AGRI
	Meat and meat products	
00200–00480		AGRI
	Animal oils and fats, edible	
00505–00550		AGRI
	Dairy products	
00600–00698		AGRI
	Fish and fish products	
00700–00899		AGRI
	Other edible animal products	
00921–00990		AGRI

Schedule B No.	Commodity group	Processing code
	Hides and skins, raw, except furs	
[illegible]		TEXT
	Leather	
[illegible]		TEXT
	Leather manufactures	
[illegible]		TEXT
	Furs and manufactures	
[illegible]		TEXT
	Animal and fish oils and greases, inedible	
[illegible]		AGRI
	Other inedible animals and animal products	
[illegible]		AGRI
[illegible]		FINP
[illegible]		AGRI
[illegible]	(Natural sponges)	FINP
[illegible]	(Other fish, shellfish, and marine animal products, inedible)	AGRI
[illegible]		AGRI
	Grains and preparations	
[illegible]-10990		AGRI
	Fodders and feeds, n. e. c.	
[illegible]-11998		AGRI
	Vegetables and preparations, edible	
[illegible]-12099		AGRI
	Fruits and preparations	
[illegible]-12690		AGRI
	Nuts and preparations	
[illegible]-13799		AGRI
	Vegetable oils, fats, and waxes, refined	
[illegible]-14600		AGRI
	Cocoa, coffee, tea, and substitutes	
[illegible]-15130		AGRI
	Spices	
[illegible]-15498		AGRI
	Sugar and related products	
[illegible]-16370		AGRI
	Beverages and related products	
[illegible]-17800		AGRI
	Rubber (natural, allied gums, and synthetics) and manufactures	
[illegible]-20624		RUBR
[illegible]	(Licensed by State Department).	
[illegible]-20638		RUBR
[illegible]	(Licensed by State Department).	
[illegible]-20998		RUBR
	Naval stores, gums, and resins	
[illegible]-21905		AGRI
	Drugs, herbs, leaves, and roots, crude	
[illegible]-22090		DRUG
[illegible]		AGSU
[illegible]	(Crude opium; coca leaves and their derivatives; and crude cannabis (marihuana): licensed by Treasury Department).	
[illegible]	(Other crude drugs, herbs, leaves and roots)	DRUG
	Oilseeds (including nuts and kernels), except essential oil seeds	
[illegible]-22240		AGRI
	Vegetable oils, fats, and waxes, crude	
[illegible]-22498		AGRI
[illegible]-22798		DRUG
[illegible]		AGRI
	Vegetable dyeing and tanning extracts	
[illegible]-23398		TEXT
	Seeds, except oilseeds	
[illegible]-24750		AGRI
	Nursery and floral stock	
[illegible]-25998		AGRI
	Tobacco and manufactures	
[illegible]-26295		AGRI
	Miscellaneous vegetable products, inedible	
[illegible]-29998		AGRI
	Cotton unmanufactured	
[illegible]-30050		TEXT
	Cotton semimanufactures	
[illegible]-30130		TEXT
	Cotton manufactures	
[illegible]-31090		TEXT
	Vegetable fibers and manufactures	
32052-34998		TEXT
	Wool unmanufactured	
36093-36099		TEXT
	Wool semimanufactures	
36221-36330		TEXT
	Wool manufactures	
36411-36899		TEXT
	Hair and manufactures, N. E. C.	
36905-36995		TEXT
	Silk and manufactures	
37020-37990		TEXT
	Man-made fibers and manufactures	
38410-38590		TEXT
	Miscellaneous textile products	
39010-39990		TEXT
	Wood, unmanufactured	
40040-40390		AGRI
	Sawmill products	
40503-41592		AGRI
	Wood manufactures	
41600-42099		AGSU
42162-42990		FINP
	Cork and manufactures	
43020-43081		FINP
	Paper base stocks, except rags	
46000-46981		TEXT
	Paper, related products and manufactures	
48010-48680		TEXT
48711-48740		AGSU
48780		TEXT
48789		AGSU
48800-48990		TEXT
	Coal and related fuels	
50010-50040		COAL
50050		FINP
	Petroleum and products	
50110-50480		PETR
50520	(Export authorization required from Federal Power Commission).	
50590		PETR
	Stone, hydraulic cement, and lime	
51010-51700		FINP
51710		AGSU
	Glass and products	
52121-52300		FINP
52311	(Quartz crystals, unprocessed, of optical quality)	RARA
52311	(Other optical instrument glass lens blanks)	SATE
52313		SATE
52315		FINP
52321-52360		AGSU
52371-52910		FINP
52920		ELME
52930-52990		FINP
	Clay and products	
53030-53098		MINL
53201-53340		FINP
53351-53361		ELME
53370-53780		FINP
	Other nonmetallic minerals (precious included)	
54091		FINP
54093-54114		MINL
54124-54126		TOOL
54131		FINP
54140	(Honing abrasive stones for use on power-driven metal working machines)	TOOL
54140	(Other whetstones sticks, files, and blocks of manufactured abrasives)	FINP
54150-54160		TOOL
54170-54181		FINP
54182		TOOL
54200		FINP
54205	(Iron and steel shot, chilled)	STEE
54205	(Other metal abrasives)	FINP
54300-54515		MINL
54540-54555		FINP
54580-54587		TRAN
54591-54595		FINP
54598		RESN
54600-54660		FINP
54700		MINL
54710		FINP
54721-54730		MINL
54740		ELME
54780		FINP
54805		MINL
	Other nonmetallic minerals (precious included)—Con.	
54809	(Graphite greases and lubricants)	PETR
54809	(Spectroscopic carbons)	SATE
54809	(Other carbon and graphite products	MINL
54835-54901		FINP
55100-55130		MINL
57141-57150		SALT
57226		MINL
57227	(Magnesia cement)	FINP
57227	(Other magnesite, magnesia, and manufactures)	MINL
57240		AGRI
57360-57370		MINL
59506-59509		RARA
59610-59640		MINL
59645	(Natural mineral wax)	COAL
59645	(Iron pyrites; cuprous pyrites; sulfur ores or crude sulfur of less than 85% sulfur content)	SALT
59645	(Other nonmetallic mineral products)	MINL
59900-59909		FINP
	Iron and steelmaking raw materials	
60010-60065		STEE
60075	(Terne plated scrap)	TNPL
60075	(Other steel scrap)	STEE
60085-60095		STEE
	Iron products and steel mill products, semifinished	
60162-60187		STEE
	Iron products and steel mill products, rolled and finished	
60210-60404		STEE
60411-60445		TNPL
60511-60670		STEE
60675		FINP
60680-60720		STEE
60725	(Licensed by State Department).	
60730-60920		STEE
	Castings and forgings	
61000-61065	(Castings and forgings of any articles enumerated in § 370.4 (a): licensed by State Department).	
61000-61065	(Other castings and forgings)	STEE
	Metal manufactures	
61120-61240		FINP
61250		TNPL
61311-61534		FINP
61545		TOOL
61551-61786		FINP
61788-61792		TOOL
61794	(Molybdenum tool bit blanks)	TOOL
61794	(Other tool bit blanks)	STEE
61796-61805		FINP
61807	(Iron and steel wood screws)	STEE
61807	(Other wood screws)	FINP
61809		STEE
61812		FINP
61814		STEE
61816-61847		FINP
61849		STEE
61851		FINP
61853-61857		STEE
61859		NONF
61862	(Aluminum, copper, lead, and zinc pipe fittings)	NONF
61862	(Other metal pipe fittings)	FINP
61864-61877		STEE
61879		FINP
61881		STEE
61886	(Iron and steel buildings)	STEE
61886	(Other metal buildings)	FINP
61907		STEE
61909-61916		FINP
61918		NONF
61920		FINP
61922	(Window and door sash, sections and frames, except iron, steel, or aluminum; and other construction materials, aluminum only)	NONF
61922	(Other construction materials)	FINP
61924		FINP
61926		NONF
61928		GIEQ
61930		FINP
61932	(Milk cans)	AGSU
61932	(Other filled metal shipping containers)	STEE
61934		STEE
61936	(Milk cans)	AGSU
61936	(Steel shipping containers, unfilled, except milk)	STEE
61936	(Other shipping containers, unfilled)	NONF
70779	(Licensed by State Department).	
70786-70793	(See § 370.4 (a) for communication equipment licensed by State Department).	
70786-70793	(Other communication equipment)	RARA
70797	(Licensed by State Department).	
70799-70819		RARA
70824	(See § 370.4 (a) for electron tubes licensed by State Department).	
70824	(Other electron tubes)	RARA
70828-70840		RARA
70844	(Tantalum rings)	MINL

Schedule B No.	Commodity group	Processing code
	Metal manufactures—Continued	
70844	(Other parts and accessories for electron tubes)	RARA
70848	(Silicon transistors: licensed by State Department).	
70848	(Crystal diodes; and transistors except silicon)	RARA
70852–70863		RARA
70867–70871	(See § 370.4 (a) for electronic equipment licensed by State Department).	
70867–70871	(Other electronic equipment)	RARA
70875		ELME
70879	(Amplifiers designed for use in nuclear measurements, and parts and accessories)	ELME
70879	(Other amplifiers, parts and accessories)	RARA
70883		RARA
70886	(Regulated power supplies)	ELME
70886	(Other electronic equipment)	RARA
70888–70895	(See § 370.4 (a) for telegraph and telephone equipment licensed by State Department).	
70888–70895	(Other telegraph and telephone equipment)	RARA
70898		ELME
70902	(Licensed by State Department).	
70903		TRAN
70921	(Licensed by State Department).	
70922		TRAN
70941–70945		FINP
70948	(Aluminum and copper bus bars; and copper-base alloy solder lugs)	NONF
70948	(Other pole line, transmission, and distribution hardware)	ELME
70960–70961		FINP
70964		ELME
70969		FINP
70972–70978		NONF
70989	(Automotive ignition wire in lengths of 100 feet or less)	TRAN
70989	(Other rubber and/or thermoplastic insulated cable)	NONF
70991–70996		NONF
70997		STEE
70999	(See § 370.4 (a) for electrical apparatus licensed by State Department).	
70999	(Electronuclear machines)	SATE
70999	(Thermistors)	RARA
70999	(Other electrical apparatus)	ELME
	Power generating machinery, n. e. c.	
71111–71131	(See § 370.4 (a) for steam engines licensed by State Department).	
71111–71131	(Other steam engines)	CONS
71141		ELME
71151	(See § 370.4 (a) for gas turbines licensed by State Department).	
71151	(Other turbines, n. e. c.)	CONS
71190	(Parts and accessories for water wheels and water turbines)	ELME
71190	(Parts and accessories for steam engines and turbines, n. e. c.)	CONS
71250–71270	(See § 370.4 (d) for nuclear reactors licensed by the Atomic Energy Commission)	
71250–71270	(Other nuclear reactors, and parts and accessories)	ELME
71320		CONS
71330–71392	(See § 370.4 (a) for marine steam boilers licensed by State Department)	
71330–71392	(Other power boilers, parts and accessories)	CONS
71450–71466	(See § 370.4 (a) for diesel and semi-diesel marine engines licensed by State Department).	
71450–71466	(Other diesel and semi-diesel marine engines)	CONS
71471–71482		CONS
71484	(See § 370.4 (a) for marine engines licensed by State Department).	
71484	(Other watercraft engines)	CONS
71485–71489	(See § 370.4 (a) for internal combustion engines licensed by State Department).	
71485–71489	(Other internal combustion engines)	CONS
71580–71600		CONS
	Construction, excavating, mining, oil field, and related machinery	
72000–72021		CONS
72031	(Construction and mining type crushers)	CONS
72031	(Other crushers)	GIEQ
72035	(Construction and mining type grinders, pulverizers, and granulators)	CONS
72035	(Other grinders, pulverizers and granulators)	GIEQ
72039	(Construction and mining type screening machines)	CONS
72039	(Other screening machines)	GIEQ
72041		CONS
72049	(Parts, attachments, and accessories for construction and mining type crushers, pulverizers, grinders, granulators, screening machines, and crushing-screening outfits)	CONS
72049	(Parts, attachments, and accessories for other crushers, grinders, pulverizers, granulators, and screening machines)	GIEQ
72151–72227		CONS
	Construction, excavating, mining, oil field, and related machinery—Continued	
72230	(Attachments for agricultural wheel-type tractors)	AGSU
72230	(Other attachments for tractors or trucks)	CONS
72240		CONS
72245	(Logging arches, sulkies and parts for use with agricultural wheel-type tractors; and parts and accessories for attachments for agricultural wheel-type tractors)	AGSU
72245	(Other construction and maintenance equipment, parts, and accessories)	CONS
72301–73395		CONS
	Metal-cutting machine tools (nonportable), and parts and accessories, n. e. c.	
74003–74457		TOOL
	Metal-forming machine tools, n. e. c., and parts and accessories, n. e. c.	
74459–74468		TOOL
	Metalworking machines (except machine tools), and parts and accessories, n. e. c.	
74476–74601		TOOL
	Textile, sewing, and shoe machinery	
75005–75490		GIEQ
75515–75517		FINP
75525–75750		GIEQ
61938–61940		STEE
61942		NONF
61944	(Cobalt; molybdenum; tungsten, including tungsten carbide welding rods and wire)	MINL
61944	(Other welding rods and wire)	NONF
61946		NONF
61948		STEE
61950		FINP
61952	(Aluminum, or copper-base alloy insect screen cloth)	NONF
61952	(Copper-base alloy wire cloth except insect screen cloth)	GIEQ
61952	(Other wire cloth)	FINP
61954		STEE
61956	(Electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department).	
61956	(Other iron and steel wire rope, strand, cord, and cable)	STEE
61960–61962		STEE
61964	(Submarine and torpedo nets, and electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department).	
61964	(Phosphor bronze wire, rope, cord, and strand)	NONF
61964	(Other metal wire, rope, cord, strand, and reinforcing fabric, except iron and steel)	FINP
61964	(Other wire products)	STEE
61966–61968		STEE
61970–61972		NONF
61974–61982		MINL
61984		NONF
61987	(Boron, selenium, and titanium powders)	MINL
61987	(Other metal powders)	NONF
61989		NONF
61990		FINP
61991	(Body armor: licensed by State Department).	
61991	(Punchings, except electrical steel; steel shot; flexible tubing, except electrical; stainless steel packing; and tubular steel scaffolding)	STEE
61991	(Other iron and steel manufactures)	FINP
61995	(Brass or bronze bushings)	GIEQ
61995	(Beryllium foil)	MINL
61995	(Aluminum, copper and copper base alloy perforated plates and sheets; burning bars; lead collapsible tubes; tenaplate; tin shot; tin collapsible tubes; foil and leaf, except beryllium; and solder materials)	NONF
61995	(Other metal manufactures, except precious)	FINP
	Ferroalloys	
62133–62290		MINL
	Uranium and thorium, all forms, and special nuclear material	
62510–62590	(See § 370.4 (d) for ores, metals, and special nuclear material licensed by the Atomic Energy Commission).	
62510–62590	(Other ores and metals)	MINL
	Aluminum ores, concentrates, scrap and semifabricated forms	
63001–63065		NONF
	Copper ores, concentrates, scrap and semifabricated forms	
64010–64290		NONF
	Copper-base alloys (including brass and bronze), scrap, and semifabricated forms	
64400–64530		NONF
64571	(Electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department).	
	Copper-base alloys (including brass and bronze), scrap, and semifabricated forms—Continued	
64571	(Other copper-base alloy wire and cable, bare	NONF
64793–64795		NONF
	Lead ores, concentrates, scrap, and semifabricated forms	
65040–65159		NONF
	Nickel ores, concentrates, scrap, and semifabricated forms	
65455–65680		NONF
	Zinc ores, concentrates, scrap, and semifabricated forms	
65701–65805		NONF
	Other nonferrous ores, concentrates, scrap, and semifabricated forms (except precious)	
66401–66415		MINL
66417		NONF
66419–66439		MINL
66441	(Manganese copper)	NONF
66441	(Other manganese metal and alloys)	MINL
66443–66473		MINL
66475		NONF
66477–66540		MINL
	Precious metals and plated ware, n. e. c.	
68176–68182	(Licensed by Treasury Department).	
68184–69299		MINL
69561	(Silver-copper brazing alloy)	NONF
69561	(Other solid silver, sterling, and silver alloy manufactures, n. e. c.)	FINP
69591		FINP
69971	(Items of which 90 percent of the total value is attributable to the gold content: licensed by Treasury Department).	
69971	(Other gold manufactures)	FINP
	Electrical machinery and apparatus	
70002–70115		ELME
70130		TRAN
70140	(Submarine batteries: licensed by State Department).	
70140	(Other storage batteries)	ELME
70160–70180		FINP
70191–70230		ELME
70233		FINP
70235–70275		ELME
70281	(Selenium rectifiers for radio and television apparatus)	RARA
70281	(Other non-rotating rectifiers)	ELME
70310–70432		ELME
70433		CONS
70490–70498		ELME
70556		CONS
70560–70575		ELME
70580–70610		FINP
70630	(Sealed beam headlamps suitable for mounting on automotive vehicles)	TRAN
70630	(Other small filament bulbs)	FINP
70645–70659		FINP
70660		ELME
70680–70738		FINP
70740–70748		ELME
70751–70759		SATE
70764–70776	(See § 370.4 (a) for radio and television equipment licensed by State Department).	
70764–70776	(Other radio and television equipment)	RARA
	Other industrial machines, and parts	
76001	(Steel milk vats, unlined)	STEE
76001	(Other commercial dairy and milk products processing equipment, parts, and accessories)	GIEQ
76002–76390		GIEQ
76455		FINP
76457–76680		GIEQ
76693	(Gear testers, and parts and accessories)	TOOL
76693	(Sound level meters, and parts and accessories)	ELME
76693	(Viscosimeters, noncontinuous, and parts and accessories)	SATE
76693	(Other physical properties testing and inspecting machines, and parts and accessories)	GIEQ
76696		TOOL
76698		CONS
76710		GIEQ
76910–76920	(Ball and roller bearings and parts for aircraft: licensed by State Department).	
76910–76920	(Other ball and roller bearings and parts)	GIEQ
76933–76935		GIEQ
76937	(Bearings and parts for aircraft: licensed by State Department).	
76937	(Water-lubricated bearings, rubber)	RUBB
76937	(Other bearings and parts)	GIEQ
77042–77080		CONS
77083–77086		GIEQ
77101–77115		CONS
77117	(Jet ejectors and vacuum pumps)	GIEQ
77117	(Other pumps, n. e. c.)	CONS

Schedule B No.	Commodity group	Processing code
	Other industrial machines, and parts—Continued	
[illegible]	(Jet ejector and vacuum pump parts)	GIEQ
[illegible]	(Other pump parts and accessories)	CONS
[illegible]-77429		GIEQ
[illegible]-77447		FINP
[illegible]-77469		GIEQ
[illegible]		CONS
[illegible]		GIEQ
[illegible]		CONS
[illegible]		GIEQ
[illegible]-77870		CONS
[illegible]-77882		GEIQ
[illegible]	(Towers and columns; nitrators; gas liquefying equipment)	GIEQ
[illegible]	(Other processing vessels)	CONS
[illegible]-77895		GIEQ
[illegible]	(Coaxial and multipair cable making machines; and parts)	TOOL
[illegible]	(Jacks)	CONS
[illegible]	(Other industrial manufacturing and service-industry machines, and parts and accessories)	GIEQ
	Office, accounting, and computing machines	
[illegible]-77824		FINP
[illegible]		SATE
[illegible]	(Tape)	RARA
[illegible]	(Other parts for electronic computers)	SATE
[illegible]-77790		FINP
	Printing and bookbinding apparatus	
[illegible]-77951		FINP
	Agricultural machines, implements, and parts	
[illegible]		AGSU
	Tractors, n. e. c., parts, and accessories	
[illegible]-78745		CONS
[illegible]		AGSU
[illegible]		CONS
[illegible]		AGSU
	Automobiles, trucks, busses, and trailers, parts, accessories, and service equipment	
[illegible]-79085	(See § 370.4 (a) for vehicles licensed by State Department).	
[illegible]-79085	(Other vehicles)	TRAN
[illegible]-79096	(Licensed by State Department).	
[illegible]-79133	(See § 370.4 (a) for vehicles licensed by State Department).	
[illegible]-79133	(Other vehicles)	TRAN
[illegible]-79142		TRAN
[illegible]	(Military amphibious trailers and ammunition trailers: licensed by State Department).	
[illegible]	(Other military trailers)	TRAN
[illegible]-79277	(Parts and accessories specifically designed for vehicles enumerated in § 370.4 (a): licensed by State Department).	
[illegible]-79277	(Other parts and accessories for commercial and military vehicles)	TRAN
[illegible]	(Jacks for garage use)	CONS
[illegible]	(Reboring machines)	TOOL
[illegible]	(Other automobile, truck, bus, truck-tractor and tractor service appliances, and parts and accessories)	TRAN
	Aircraft, parts, and accessories	
[illegible]	(Licensed by State Department)	
[illegible]	(Complete parachutes licensed by State Department).	
[illegible]	(Specially fabricated parts and accessories)	TEXT
[illegible]	(See § 370.4 (a) for aircraft training, ground handling, and maintenance equipment licensed by State Department).	
[illegible]	(Other aircraft training, ground handling and maintenance equipment)	GIEQ
	Watercraft	
[illegible]-79645	(See § 370.4 (e) for export authorization required by Maritime Administration).	
[illegible]		GIEQ
[illegible]	(Licensed by State Department)	
[illegible]	(Parts, attachments, and accessories specifically designed for the following types of combatant vessels: battleships, command ships, cruisers, aircraft carriers, destroyers, and submarines: licensed by State Department).	
[illegible]	(Other parts and accessories for military watercraft)	GIEQ
	Railway transportation equipment	
[illegible]		CONS
[illegible]	(Armored railway cars: licensed by State Department).	
[illegible]	(Other railway cars)	CONS
[illegible]-79670		CONS
[illegible]	(Armored railway cars: licensed by State Department)	
[illegible]	(Other railway cars)	CONS
[illegible]		CONS
	Other vehicles and parts	
79714-79715		FINP
79720-79735		TRAN
79996		FINP
	Coal-tar and other cyclic chemical products	
80050-80060		COTA
80070		COAL
80100-80240		COTA
80249	(Picric acid: licensed by State Department).	
80249	(Other coal-tar and cyclic acids)	COTA
80251-80277		COTA
80279	(Military propellants and explosives: licensed by State Department).	
80279	(Other coal-tar and cyclic intermediates)	COTA
80281-80698		COTA
	Medicinal and pharmaceutical preparations	
81110		DRUG
81130		PETR
81160-81370		DRUG
81375	(Licensed by Treasury Department).	
81380-81800		DRUG
	Chemical specialties	
82001-82080		AGSU
82085	(Herbicides consisting primarily of boron compounds)	SALT
82085	(Other herbicides)	AGSU
82210-82280		AGSU
82300		AGRI
82330-82500		SALT
82510-82721		RESN
82730-82895		SALT
82910		FINP
82920		AGRI
82925		SALT
82932-82941		DRUG
82945-82960		AGRI
82970		SALT
82973	(Accelerators containing selenium)	SALT
82973	(Other rubber compounding agents; except cyclic)	COTA
82976-82979		PETR
82982		ORGN
82986	(Radioisotopes produced in nuclear reactor, and compounds and preparations thereof: licensed by Atomic Energy Commission).	
82986	(Other radium isotopes and compounds and preparations)	DRUG
82990		DRUG
82992	(Sodium bismuthate)	DRUG
82992	(Other reagent chemicals)	ORGN
82996		ORGN
82999	(Gold-containing chemicals, gold content over 90% of value: licensed by Treasury Department).	
82999	(Napalm; military fuel thickeners: licensed by State Department).	
82999	(Soil improvement materials)	AGSU
82999	(Combustion catalysts containing cobalt; molybdenum lubricants; platinum liquids for decorating china and glass; and platinum plating solutions)	SALT
82999	(Other chemical specialty compounds)	ORGN
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)	
83001-83030		ORGN
83070-83096		SALT
83098	(Hydrogen cyanide, and selenious acid: licensed by State Department).	
83098	(Other inorganic acids and anhydrides)	SALT
83100-83265		ORGN
83270-83273		RESN
83276-83282		ORGN
83285		SALT
83288-83299		ORGN
83360-83580		SALT
83590	(Military propellants and explosives: licensed by State Department).	
83590	(Other potassium compounds)	SALT
83622-83840		SALT
83850	(Military propellants and explosives: licensed by State Department).	
83850	(Other ammonium compounds)	SALT
83910-38920		SALT
83952	(See § 370.4 (a) for military gases licensed by State Department).	
83952	(Other military gases)	SALT
83959	(Helium gas: licensed by State Department).	
83959	(Other gases)	SALT
83973	(Hydrogen peroxide or dioxide in excess of 85% concentration: licensed by State Department).	
83973	(Other hydrogen peroxide or dioxide)	SALT
83979	(Military fuel thickeners: licensed by State Department).	
83979	(Sodium acetate)	ORGN
83979	(Other metal salts of organic compounds)	SALT
83990	(Gold-containing chemicals, gold, content over 90% of value: licensed by Treasury Department).	
83990	(Titanium carbide)	MINL
83990	(Other industrial chemicals)	SALT
	Pigments, paints, varnishes, and related materials	
84010-84351		SALT
84380	(Polytetrafluoroethylene finishes and enamels: and polytrifluorochloroethylene dispersion)	RESN
84380	(Other ready-mixed paints, stains and enamels)	SALT
84421-84459		SALT
	Fertilizers and fertilizer materials	
85050-85510		AGSU
	Explosives, blasting agents, fuses, and blasting caps	
86015	(Licensed by State Department).	
86040		ORGN
86070	(Jet perforators; and oil well bullets)	CONS
86070	(Mercury fulminate and lead azide)	SALT
86070	(Military propellants and high explosives: licensed by State Department).	
86070	(Other explosives)	ORGN
86250	(Detonating fuses for use with military explosives; licensed by State Department)	
86250	(Other safety fuses)	ORGN
86275		ORGN
	Soap and toilet preparations	
87110-87290		AGRI
87345-87700		DRUG
	Photographic and projection goods	
90006	(Special purpose military cameras: licensed by State Department).	
90006	(Other cameras)	FINP
90008	(Licensed by State Department).	
90012-90015	(Special purpose military cameras: licensed by State Department).	
90012-90015	(Other cameras)	FINP
90025	(Licensed by State Department).	
90028-91400	(See § 370.4 (a) for photographic and projection goods licensed by the State Department).	
90028-91400	(Other photographic and projection goods)	FINP
	Scientific and professional instruments, apparatus and supplies, n. e. c.	
91420-91499		SATE
91500		FINP
91520-91610		SATE
91620	(Military photointerpretation, stereoscopic plotting and photogrammetry equipment: licensed by State Department).	
91620	(Other surveying and engineering instruments)	SATE
91630		SATE
91650	(Aircraft gyroscopic compasses and repeaters: licensed by State Department).	
91650	(Other navigational instruments, parts and accessories)	SATE
91910	(Meteorological sounding balloons)	RUBR
91910	(Other meteorological instruments, parts and accessories)	SATE
91920-91980		SATE
	Musical instruments, parts and accessories	
92110-92975		FINP
	Miscellaneous office supplies	
93031-93990		FINP
	Toys, games, athletic and sporting goods	
94000-94480		FINP
	Ordnance and pyrotechnics	
94700-94725	(Small arms .22 caliber or over: licensed by State Department)	
94700-94725	(Other small arms under .22 caliber)	FINP
94730		FINP
94740	(Licensed by State Department)	
94745	(Gun part fabrications, brass and bronze)	NONF
94745	(Other parts and accessories for small arms .22 caliber or over: licensed by State Department)	
94745	(Other parts and accessories for small arms under .22 caliber)	FINP
94750	(Licensed by State Department)	
94755	(Gun part fabrications, brass and bronze)	NONF
94755	(Other parts and accessories for artillery and naval guns, mortars, rocket and missile launchers: licensed by State Department)	
94793-94798	(Licensed by State Department)	
94812		FINP
94814	(Licensed by State Department).	
94819	(Brass and bronze munitions components)	NONF
94819	(Other parts and accessories for small arms ammunition: licensed by State Department).	
94820	(Licensed by State Department).	
94825	(Brass, bronze, and copper munitions components)	NONF
94825	(Other parts and accessories for artillery, naval gun, and mortar ammunition: licensed by State Department).	
94831-94961	(Licensed by State Department)	

Schedule B No.	Commodity group	Processing code
	Ordnance and pyrotechnics—Continued	
94970	(See § 370.4 (a) for fireworks, pyrotechnics, and parts and accessories licensed by State Department).	
94970	(Other fireworks, pyrotechnics, and specially fabricated parts)	FINP
	Books, maps, pictures and other printed matter, n. e. c.	
95100-95690		FINP
	Miscellaneous commodities, n. e. c.	
95700-96100		FINP
96200	(See § 370.4 (b) for gold jewelry licensed by Treasury Department).	
96200	(Other gold, platinum and allied metal jewelry)	FINP
96215-96285		FINP
96350	(See § 370.4 (b) for gold jewelry findings licensed by Treasury Department).	
96350	(Other jewelry findings and parts)	FINP
96805-96809		AGSU
96851-97120		FINP
97925	(Gas incandescent mantles: licensed by Atomic Energy Commission).	
97925	(Other lighting devices, parts, and accessories)	FINP
98000		FINP
98070		SATE
98080	(Self-contained diving and under-water swimming apparatus: licensed by State Department).	
98080	(Other safety apparel and equipment)	SATE
98151		FINP
98159		RESN
	Miscellaneous commodities, n. e. c.—Continued	
98211-98720		FINP
99800-99820		GFTS
99840		DRUG
99890	(Surgical, sanitary, and hospital supplies, equipment, and parts)	SATE
99890	(Ambulances and other motor equipment and parts)	TRAN
99890	(Other items for relief or charity)	GFTS
99910		FINP
99920		FINP
99930	(See § 370.4 (a) for military apparel licensed by State Department).	
99930	(Other military apparel)	TEXT
99960	(Cryptograph converters; and mine detectors; licensed by State Department).	
99960	(Ammunition bags; bedding rolls; breech covers; camouflage nets and netting; cartridge bags; duffle bags; in-flight food packets; knapsacks; rations; sleeping bags; tarpaulins; tent flys and sidewalls; tents; and water bags)	AGSU
99960	(Other miscellaneous military and naval equipment, n. e. c.)	FINP
99990		FINP

§ 399.4 *Appendix D—Groups of commodity processing codes.* For purposes of submission of multiple transactions consignee and purchaser statements (§ 373.65) by applicants for export licenses, the Commodity Processing Code symbols, as shown on the Po (§ 399.1) have been arranged groups, corresponding to the four of Foreign Commerce product that license the commodities:

Agricultural and Chemical Products

AGRI	ORGN
AGSU	RESN
COTA	SALT
DRUG	TEXT
GFTS	TRAN

Finished Products Division

ELME	RUBR
FINP	SATE
RARA	

Materials Division

COAL	PETR
MINL	STEE
NONF	TNPL

Producers Equipment Division

CONS	TOOL
GIEQ	

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 462.1 and Adm. Letter 452 (462)]

PART 371—CHATTEL SECURITY

SUBPART A—SERVICING

The heading of Part 371 of Title 6, Code of Federal Regulations, is hereby amended as set forth above and Subpart A of that part (19 F. R. 3987, 6021, 7451; 20 F. R. 3247; 3673; 21 F. R. 1067, 3609, 5341) is hereby revised to read as follows:

Sec.
371.1 General.
371.2 Taking additional security and keeping security instruments current.
371.3 Furnishing lists of borrowers to purchasers.
371.4 Using Form FHA-14 and Form FHA-197A as a basis for exercising authority to release chattel security.
371.5 Releasing security property.
371.6 Accounting for security property.
371.7 Releases and suspensions of assignments.
371.8 Waivers of crop liens for borrowers receiving loans under the Commodity Credit Corporation Program, other than on wool and mohair.
371.9 Executing releases of liens on wool and mohair marketed by consignment.
371.10 Subordination of security.
371.11 Correcting errors in security instruments.
371.12 Satisfaction of security instruments.
371.13 Assignment of notes and security instruments.
371.14 Fees.
371.15 Special authority to alter regulations.

AUTHORITY: §§ 371.1 to 371.15 issued under R. S. 161, sec. 41, 50 Stat. 528, as amended, sec. 6, 50 Stat. 870, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U. S. C. 22, 7 U. S. C. 1015, 16 U. S. C. 590w, 590x-3, 40 U. S. C. 442. Interpret or apply secs. 21, 44, 51, 50 Stat. 524, 530, 531, as amended, secs. 1-7, 50 Stat. 869, 870, as amended, secs. 1-4, 53 Stat. 1418, 1419, as amended, secs. 1-12, 54 Stat. 1119-1125, as amended, sec. 2, 60 Stat. 1062, as amended, 62 Stat. 1038, sec. 2, 63 Stat. 44, as amended, 66 Stat. 82, sec. 2, 64 Stat. 98, 67 Stat. 150, sec. 8, 68 Stat. 668, as amended, secs. 8-10, 68 Stat. 735, secs. 1-3, 68 Stat. 999, as amended, secs. 8, 9, 70 Stat. 1090; 7 U. S. C. 1001 Note, 1007, 1018, 1025, 12 U. S. C. 1148a-1 Note, 1148a-2, 1148a-4, 16 U. S. C. 590aa, 590bb, 590r to x-3, 590y to z-10, 1006a, 1006b, 1007, 40 U. S. C. 440.

§ 371.1 *General.* This subpart covers the servicing of crop and chattel security for Farmers Home Administration loans, except as otherwise provided in Subpart C of this part with respect to special livestock loans. This subpart does not apply to the servicing of soil and water conservation loans made to associations or loans made to other cooperative associations. After accounts have been approved for liquidation, security property will be disposed of and the proceeds will be used and accounted for in accordance with the provisions of Subpart B of this part. Borrowers must account to the Government for all property mortgaged to secure Farmers Home Administration loans.

§ 371.2 *Taking additional security and keeping security instruments current.* County Supervisors are responsible for maintaining security instruments which will properly identify all security property, including replacements and increases, and for obtaining additional security, as needed, including crop liens.

(a) *Chattels, crops, and assignments.* When additional chattel and crop security not presently covered by a Farmers Home Administration lien is available and needed to protect the Government's interest, County Supervisors will obtain liens on such property and will obtain assignments of the proceeds from the sale of agricultural products or of other income to be received by the borrower, except that crop liens will not be taken as additional security for soil and water conservation loans. When a new security instrument is taken, all existing security items will be described thereon except small equipment, tools, and so forth, on which a lien would not be required under current loan making instructions. This, however, will not relieve the borrower of the responsibility for accounting for these items of security which are omitted from the latest mortgage. Ordinarily, when taking additional chattel or crop security for one

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type of Farmers Home Administration loan, the security instrument also will describe the notes for other Farmers Home Administration loans which are secured by liens on chattels or crops. However, notes for soil and water conservation loans having final due dates which extend substantially beyond that of other Farmers Home Administration loans being secured will not be described on mortgages covering the borrower's crops, livestock, and farm machinery unless such notes are presently secured by substantially the same items of security property.

(b) *Real estate.* In servicing operating loan cases, liens on real estate including real estate serving as security for any Farmers Home Administration loan may be taken upon approval of the State Director when (1) the borrower has a substantial equity in the real estate to be mortgaged, (2) the taking of such security is necessary to protect the interest of the Government, (3) chattel security is not adequate, and (4) the financial condition of the borrower is unfavorable, considering the amounts owed the Farmers Home Administration and other creditors. Form FHA-76__, "Real Estate Mortgage," or other form approved by the National Office, will be used for this purpose. Borrowers will be encouraged to insure improvements on real property taken as security for Farmers Home Administration chattel indebtedness in reasonable amounts and against such hazards as are customary in the area. When insurance is necessary, it should be obtained in accordance with the provisions of Part 306 of this chapter.

(c) *Securing unpaid balances on unsecured loans.* (1) When operating, emergency, or special livestock loans are being made to borrowers owing unsecured balances on prior loans of these types, the notes evidencing such unsecured loans will be described on the mortgage taken to secure the new loans.

(2) When operating, emergency, or special livestock loans are being made to borrowers owing unsecured balances on other Farmers Home Administration loans, the County Supervisor must determine in individual cases whether to request borrowers to give security covering such unsecured balances owed the Farmers Home Administration.

(d) *Extension or renewal of crop and chattel security instruments.* County Supervisors are responsible for seeing that security instruments are extended or renewed as necessary to protect the Government's security interests. This may be accomplished either by (1) obtaining new security instruments as provided in paragraph (a) of this section, or (2) the use of Form FHA-126, "Affidavit of Extension and Renewal," or similar form approved by the Attorney in Charge for this purpose. County Office employees in bonded positions are authorized to execute Form FHA-126 or similar approved form. Form FHA-126 will be recorded or filed in accordance with State Instructions.

§ 371.3 *Furnishing lists of borrowers to purchasers.* County Supervisors may furnish buyers within a trade area with lists of borrowers whose chattels or crops are subject to liens held by the Farmers Home Administration. State Directors may prescribe the use of such lists in specific areas of the State or throughout the entire State. The list will contain the statement: "The chattel mortgages and crop liens held by the Farmers Home Administration are recorded or filed as required by law. This list is furnished only as a convenience to buyers and is not necessarily complete." Lists will be transmitted by letter, Form FHA-852, "List of Farmers Home Administration Borrowers." When the County Supervisor considers it advisable, he should personally deliver the letter and list to the buyers and explain the purpose thereof. The furnishing of these lists will not constitute a substitute for constructive or other notice.

§ 371.4 *Using Form FHA-14 and Form FHA-197A as a basis for exercising authority to release chattel security.* The exercise of release authority in connection with both basic and normal farm income security referred to in § 371.5 will be based upon information concerning the borrower's farm and home operations as reflected in Form FHA-14, "Farm and Home Plan," or Form FHA-197A, "Operating Budget and Financial Statement," or revisions thereof.

(a) In cases where either a loan has been made for the current year or a Form FHA-14 is required for the year, the exercise of release authority will be based upon the information contained in Form FHA-14 or Form FHA-197A prepared for that year.

(b) In cases other than those referred to in paragraph (a) of this section, the exercise of release authority will be based upon the information contained in the most recent Form FHA-14 or Form FHA-197A available, provided no substantial change has occurred in the borrower's farm and home operations or financial status since such form was prepared. If a substantial change has occurred in the borrower's operations or financial status, the necessary revisions will be made in the existing Form FHA-14 or Form FHA-197A or a new form will be prepared and used in exercising the release authority.

§ 371.5 *Releasing security property.* Property mortgaged to the Farmers Home Administration may be released as provided in this subpart only when it clearly appears from the facts that such release will not be to the financial detriment of the Government. Borrowers will be held strictly accountable to the Government for the proper use of proceeds from the sale of security property. Insurance proceeds derived from the loss of security property will be treated the same as proceeds derived from the sale of security property. The authority to release security for Farmers Home Administration loans is different for basic security and normal farm income security. In addition, the authority to release normal farm income security for borrowers indebted for loans scheduled for payment over a period in excess of 18 months is different from the authority for borrowers indebted for loans scheduled for payment over shorter periods. When a borrower is indebted for both an operating loan and other Farmers Home Administration loans secured by chattels, the repayment schedule of the operating loan will control for release purposes. When a borrower is not indebted for an operating loan but is indebted for both a soil and water conservation loan and another Farmers Home Administration loan secured by chattels, the repayment schedule of the other loan will control for release purposes. When a borrower is indebted for both an emergency loan and a special livestock loan, the release authority for the special livestock loan will be followed.

(a) Basic security consists of all equipment serving as security for Farmers Home Administration loans. It also consists of all foundation herds and flocks, including replacements, which serve as a basis for the farming operation outlined in the Farm and Home Plan or yearly budget which serve as security for Farmers Home Administration loans. With respect to livestock herds and flocks, animals that are sold as a result of the normal culling process are basic security unless the borrower has replacements that will keep numbers and production up to planned levels. However, if a borrower plans to make a significant reduction in his basic livestock herd or flocks, the animals or birds that are sold in making this reduction will be considered basic security. County Supervisors are authorized hereby to release basic security when the property has been sold or exchanged for its fair market value, and the proceeds are used for one or more of the following purposes:

(1) To pay on the debts owed to the Farmers Home Administration which are secured by liens on the property sold.

(2) To purchase from the proceeds of the sale, or to acquire through exchange, property more suitable to the borrower's needs, subject to the following conditions: The new property, together with any proceeds applied to the indebtedness, will have security value to the Farmers Home Administration at least equal to that of the lien formerly held by the Farmers Home Administration on the old property. The new property must be made subject to a lien in favor of the Farmers Home Administration by the execution of a new security instrument or by operation of the "replacement" or "after acquired property" clauses in lien instruments.

(3) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration provided any amount remaining after payments are made to the other creditors is used in accordance with the provisions of subparagraphs (1) and (2) of this paragraph.

(4) To pay costs required to preserve or realize on security property because of an emergency or catastrophe when the need for funds cannot be met through a Farmers Home Administration loan in sufficient time to prevent the borrower and the Farmers Home Administration from suffering a substantial loss.

(b) Normal farm income security consists of all security property not considered as basic security. This will include crops, livestock and livestock products, and poultry covered by Farmers Home Administration liens which are sold in the usual course of operating the farm business. County Supervisors are authorized hereby to release normal farm income security when the property has been sold for its fair market value and the proceeds are used in accordance with the requirements set forth in this paragraph or the property is disposed of without sale under one or more of the conditions set forth in this paragraph.

(1) *Loans secured by chattels and made to finance farm adjustments, or for other purposes, that are scheduled for payment over a period in excess of 18 months.* For borrowers owing loans in this category, normal farm income security may be released:

(i) To pay on debts owed to the Farmers Home Administration.

(ii) To pay farm and home expenses provided for in the appropriate tables of Form FHA-14 or Form FHA-197A, including approved revisions thereof.

(iii) To pay necessary farm and home expenses which are shown as debts in the financial statement on Form FHA-14 or Form FHA-197A and which are to be paid during the year as shown by the debt payment table, provided these debts were incurred in the production, harvesting, or marketing of crops, livestock, livestock products, poultry, or poultry products sold during the year covered by such forms, or were for family subsistence for that year.

(iv) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration.

(v) To pay annual installments on farm real estate debts owed to creditors other than the Farmers Home Administration provided amounts of such installments are reasonable when related to the normal rental charge for similar farms in the area and there is assurance that the borrower will retain possession of the farm for the next crop year.

(vi) To make reasonable payments on debts owed to other creditors for essential home equipment and essential passenger automobiles provided for in the debt payment tables of Form FHA-14 or Form FHA-197A or approved revision thereof. Such debts ordinarily will be considered for payment only after the full amount agreed upon for the year has been paid to the Farmers Home Administration. However, reasonable amounts may be paid on such debts to other creditors before the amount agreed upon for the year has been paid to the Farmers Home Administration provided failure to make such payments to other creditors when due would result in the borrower's losing possession of essential home equipment or an essential passenger automobile and such loss of possession would make it necessary for the borrower to replace the property or to go to substantial additional expense in order to continue his farming operations.

(vii) To make payments on debts owed to other creditors and to make purchases or to meet expenses which are not otherwise provided for in subparagraph (1) of this paragraph, provided (*a*) such debt payments, purchases, or expenses are included in the Form FHA-14 or Form FHA-197A, (*b*) it appears clear that sufficient income will be available to pay on the Farmers Home Administration debts secured by liens on chattel property an amount equivalent to that scheduled on the notes to fall due during the year, plus the amount agreed upon on any delinquencies on such debts, and (*c*) such debt payments, purchases, or expenses are essential to permit the borrower to obtain or retain necessary equipment, or to his continued operation of the farm on a sound basis.

(viii) To pay costs required to preserve or realize on security property because of an emergency or catastrophe, when the need for funds cannot be met through a Farmers Home Administration loan in sufficient time to prevent the borrower and the Farmers Home Administration from suffering a substantial loss.

(ix) To permit mortgaged crops to be fed to livestock when it is determined by the County Supervisor that disposal of the mortgaged crops through livestock is preferable to direct marketing of the crops provided a lien or assignment is obtained in accordance with § 341.10 (a) (4) or § 381.8 (a) (3) of this chapter, depending upon the type of loan.

(x) When livestock is consumed by the borrower family for necessary subsistence purposes.

(xi) When the Farmers Home Administration holds a mortgage on crops in which neither the borrower nor the Farmers Home Administration has an interest due to the fact that the borrower is no longer occupying or farming the premises described in the mortgage.

(2) *Loans secured by chattels, made for annual operating expenses and for other items, that are scheduled for payment over a period not exceeding 18 months.* For borrowers indebted for loans in this category, normal farm income security property may be released:

(i) To pay debts owed to the Farmers Home Administration.

(ii) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration.

(iii) To pay necessary operating expenses provided no loan has been made for any operating expenses by the Farmers Home Administration for the current year.

(iv) To pay necessary harvesting and marketing expenses not provided for in the loan or from other sources. When necessary, this may include reasonable amounts for family living expenses during the harvest of cash crops which ordinarily will not extend over a period of more than 60 days. Whenever feasible, the amount authorized to be used for harvesting and marketing expenses will be limited to a fixed amount per unit of production necessary to cover such costs, as agreed upon between the County Supervisor and the borrower at the time the loan is made or prior to the harvest season.

(v) To make payments on debts owed to other creditors and to make purchases or meet expenses not otherwise provided for in this subparagraph, provided such debt payments, purchases, or expenses are included in Form FHA-14 or Form FHA-197A and at least the amounts scheduled on the notes to fall due during the year have been paid to the Farmers Home Administration.

(vi) To pay costs required to preserve or realize on security property because of an emergency or catastrophe, when the need for funds cannot be met through a Farmers Home Administration loan in sufficient time to prevent the borrower and the Farmers Home Administration from suffering a substantial loss.

(vii) To permit mortgaged crops to be fed to livestock when it is determined by the County Supervisor that disposal of the mortgaged crops through livestock is preferable to direct marketing of the crops, provided a lien or assignment is obtained in accordance with § 341.10 (a) (4) or § 381.8 (a) (3) of this chapter, depending upon the type of loan.

(viii) When livestock is consumed by the borrower family for necessary subsistence purposes.

(ix) When the Farmers Home Administration holds a mortgage on crops in which neither the borrower nor the Farmers Home Administration has an interest due to the fact that the borrower is no longer occupying or farming the premises described in the mortgages.

(c) The County Supervisor is authorized to redelegate the authority to release security property, as provided in this section, to Assistant County Supervisors, Emergency Loan Supervisors, and Assistant Emergency Loan Supervisors, provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise the authority properly. The County Supervisor also may redelegate such authority to any other employees in bonded positions in his office under the same conditions except that basic security may be released only in the event the use to be made of the proceeds therefrom has been agreed to by the County Supervisor, or Assistant County Supervisor if he has been redelegated release authority, and such agreement has been documented in the borrower's running case record.

§ 371.6 *Accounting for security property.* County Supervisors are responsible for maintaining currently a record of each borrower's security property.

(a) *Accounting by the borrower*—(1) *Basic security.* Borrowers are required to discuss all proposed dispositions of basic security with supervisory officials prior to the time such dispositions are made. If the proposed dispositions appear proper, Form FHA-851, "Statement of Conditions on Which Lien will be Released," covering such property will be executed by the County Supervisor or his delegate and delivered to the borrower.

(2) *Normal farm income security.* When borrowers make prior inquiries concerning the sale or exchange of normal farm income security, they will be informed that if the property is sold, it must be sold subject to the Farmers Home Administration's lien and that the lien will be released only if the proceeds are used and accounted for as provided in this subpart. Purchasers of mortgaged property who make inquiry will be informed that they should deliver any proceeds in cash to the County Supervisor or make checks payable jointly to the borrower and the Farmers Home Administration.

(b) *Use of Form FHA-99, "Release."* County Supervisors or their delegates are authorized to execute Form FHA-99 or other approved form covering specific items of property when the requirements of § 371.5 have been met. Such forms need not be prepared in any case unless requested by a borrower or by an interested third party.

§ 371.7 *Releases and suspensions of assignments*—(a) *Authority.* (1) County Supervisors are authorized to release or temporarily suspend assignments of proceeds from the sale of agricultural products, including soil bank and crop insurance assignments, and to permit borrowers to use the proceeds from assignments received in the form of checks made payable jointly to the borrower and the Farmers Home Administration. This authority may be exercised in emergency situations and in other justifiable circumstances provided its exercise will not be to the financial detriment of the Government and the funds will be used for the purposes enumerated in § 371.5. County Supervisors will take action to see that suspended or released assignments are reinstated or new assignments are obtained when needed.

(2) State Directors are authorized, in justifiable cases, to approve requests for suspension or release of assignments other than those specified in subparagraph (1) of this paragraph, provided such action will not be detrimental to the Government's interest.

(b) *Method.* All suspensions or releases of assignments will be made on forms approved by the Attorney in Charge.

§ 371.8 *Waivers of crop liens for borrowers receiving loans under the Commodity Credit Corporation Program, other than on wool and mohair*—(a) *Authority.* County Supervisors are authorized to execute waivers of Farmers Home Administration liens on property (other than real estate) in favor of the Commodity Credit Corporation, or its approved lending agencies, to enable borrowers indebted to the Farmers Home Administration to obtain Commodity Credit Corporation loans, provided the funds from such loans are to be used for the purposes set forth in § 371.5 (b), the loan is in the full amount of the Commodity Credit Corporation loan value of the total quantity of the commodity described in the Commodity Credit Corporation loan forms, and the producers' notes contain requests for the disbursement of loan funds, as set forth in paragraph (c) of this section; and provided further that when the amount of the commodity loan is less than the market value of the crop pledged at the time such loan is made:

(1) The borrower has paid or will pay from the Commodity Credit Corporation loan the amount due on debts owed the Farmers Home Administration for the crop year, including any delinquencies; or

(2) The borrower has not paid or will not be able to pay from the Commodity Credit Corporation loan the amount due on debts owed the Farmers Home Administration for the crop year, including any delinquencies, provided the borrower shows his mailing address as the Farmers Home Administration County Office on the Commodity Credit Corporation loan documents so that any checks representing additional proceeds from the commodity will be received in the Farmers Home Administration County Office. When such checks are received in the Farmers Home Administration County Office, the County Supervisor will arrange with the borrower for the use of the income for one or more of the purposes set forth in § 371.5 (b).

(b) *Additional requirements and procedures for cotton loans.* When cotton is involved, the following additional requirements and procedures also will be applicable.

(1) *Loans from the Commodity Credit Corporation or approved lending agencies.* In cases where loans are to be obtained directly from the Commodity Credit Corporation or approved lending agencies, borrowers must agree in writing:

(i) For the County Supervisor to receive and retain custody of "Producer's Loan Statement—A," which includes the "Producer's Redemption Request" and "Producer's Equity Transfer Agreement."

(ii) For the County Supervisor to receive and open any and all correspondence mailed to him by the Commodity Credit Corporation at the mailing address of the County Office.

(iii) That he will not redeem the cotton or sell, transfer or assign his equity therein except with the written consent of and under conditions established by the Farmers Home Administration.

(iv) That if he does not redeem his cotton or transfer his equity therein and the cotton is subsequently sold, purchased, or pooled by the Commodity Credit Corporation, he will apply on the account secured by the cotton all proceeds received from the Commodity Credit Corporation representing his share of the income from the sale of the cotton or so much thereof as is necessary to pay such account.

(2) *Cotton cooperative association loans.* In cases where loans are to be obtained from Cotton Cooperative Associations:

(i) The Cotton Cooperative Association must agree to pay the proceeds of the loan indicated on Commodity Credit Corporation Cotton Form G2 or other similar form used by the Association in form of a check or draft payable jointly to the borrower and the Farmers Home Administration; to make any future equity payment the borrower may have in the cotton described on Commodity Credit Corporation Cotton Form G2 or other similar form used by the Association, payable jointly to the borrower and the Farmers Home Administration; and to mail all correspondence pertaining to the pledged cotton to the borrower in care of the County Supervisor, including warehouse receipts if the Association permits its members to redeem their cotton and such action is taken by the borrower.

(ii) The borrower must agree in writing with the requirements specified in this paragraph and for the County Supervisor to receive and open any and all correspondence mailed to him by the Cotton Cooperative Association at the mailing address of the County Office. Arrangements specified in this paragraph will be made with Cotton Cooperative Associations on a State basis, and the State Director will issue instructions setting forth any additional routines and procedures to be observed in carrying out such arrangement.

(3) *Forms and procedures.* (i) For loans to be made directly by the Commodity Credit Corporation or approved lending agencies, Form FHA-936, "Borrower's Agreement," will be prepared in an original and one copy. The original will be executed by the borrower and retained in the Farmers Home Administration County Office and a copy given to the borrower. In addition, after the waiver has been executed, when the "Producer's Loan Statement—A" (Commodity Credit Corporation Equity Redemption Certificate) is received, it will be placed in the borrower's County Office case folder and it will not be necessary for the borrower to be notified. Any notice of final redemption date received at the County Office will be forwarded promptly to the borrower.

(ii) When the borrower expresses a desire to redeem the cotton, the County Supervisor will agree for this to be done, provided there is an agreement between the borrower, the County Supervisor, and the bank designated to receive the warehouse receipts that such receipts will be delivered to the Farmers Home Administration. After the warehouse receipts are received, the County Supervisor will agree for the cotton to be sold upon the condition that the sales check will be made payable to the borrower and the Farmers Home Administration.

(iii) If the borrower expresses a desire to transfer his equity in the cotton, the County Supervisor will agree for this to be done and will release to the transferee (purchaser) the "Producer's Loan Statement—A" upon receipt of a check made payable jointly to the borrower and the Farmers Home Administration covering the borrower's equity in the cotton, provided the purchase price is equal to the current fair market value of the borrower's interest in the cotton or the amount owed the Farmers Home Administration which was secured by the cotton.

(iv) If the borrower does not exercise his redemption right or transfer his equity, the County Supervisor will notify the borrower when a check for his equity is received.

(v) For loans to be made through Cotton Cooperative Associations, Form FHA-936A, "Borrower's Agreement (Association Loans)," will be prepared in an original and one copy. The original will be executed by the borrower and retained in the Farmers Home Administration County Office and a copy given to the borrower.

(c) *Routines for handling lien waivers.* For borrowers to obtain Commodity Credit Corporation loans, County Supervisors will be required to execute waivers of Farmers Home Administration liens. Waiver forms on Commodity Credit Corporation Loan Forms AA and B, Commodity Credit Corporation Rice Form B, and Commodity Credit Corporation Cotton Forms A, FF, and G2 will be furnished by the Commodity Credit Corporation or its approved lending agencies. If any other type of lien waiver form is being used locally for Commodity Credit Corporation loans, such form may be used to waive the lien of the Farmers Home Administration if approved by the State Director upon the advice of the Attorney in Charge. The borrower will be required by the Commodity Credit Corporation to sign a producer's note to evidence the commodity loan. Space is provided in the note for the insertion of the names and addresses of lien holders and the amounts which the producer requests the payee (Commodity Credit Corporation or its associate lending agency involved) to pay to them or to other parties who may have an interest in the proceeds. The County Supervisor is responsible for seeing that such space in the producer's note is filled in properly so as to provide for the proper disbursement of the Commodity Credit Corporation loan funds. The producer's note should provide for the issuance of a check payable to the Farmers Home Administration for the total amount to be paid to this agency.

(d) *Delegating authority.* The County Supervisor is authorized to redelegate the authority to execute waivers of Farmers Home Administration liens on property in favor of the Commodity Credit Corporation or its associate lending agencies, as provided in this section, to any employees in bonded positions in his office provided, it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise properly the authority.

§ 371.9 *Executing releases of liens on wool and mohair marketed by consignment*—(a) *General.* This section provides the procedure and authority for releases by County Supervisors of liens on wool or mohair when producers, who are borrowers from the Farmers Home Administration, market their wool or mohair by consignment through a company, corporation, or marketing association acting as a broker.

(b) *Policy.* Liens on wool and mohair may be released in instances when the security property is marketed by consignment, provided all of the following conditions are met:

(1) The producer assigns to the Farmers Home Administration the proceeds of any advances made, or to be made, on the wool or mohair by the broker, less necessary costs involved in shipping, handling, processing and marketing.

(2) The producer assigns to the Farmers Home Administration the proceeds of the sale of the wool or mohair, less any remaining costs involved in shipping, handling, processing, and marketing, and less the amount of any advance made by the broker against the wool or mohair, including interest.

(3) The producer and broker agree that the net proceeds of any advances on, or from the sale of, the wool or mohair will be paid by checks made payable jointly to the producer and the Farmers Home Administration.

(c) *Authority.* Pursuant to the policy set forth in paragraph (b) of this section, County Supervisors are authorized to execute releases of the Government's lien on wool and mohair on Form FHA-911, "Assignment, Acceptance, and Release." Since Form FHA-911 does not constitute a binding agreement until executed by all parties in interest, including the producer and the broker as well as the Government, the County Supervisor may execute it before it is signed by the other parties. Form FHA-911 will be executed in an original and two copies. The original will be given to the broker and a copy will be delivered to the borrower.

§ 371.10 *Subordination of security*—(a) *Policy.* Farmers Home Administration employees may not guarantee, personally or on behalf of the Government, repayment of advances from other credit sources. However, to assist borrowers to obtain credit from other sources, liens in favor of the Farmers Home Administration may be subordinated when all the following conditions exist:

(1) Such action will assist the Government in preserving or realizing on its security.

(2) The best interest of the borrower will be served by such action.

(3) The Government will suffer no financial detriment by reason of such subordination.

(4) There are no liens junior to the Farmers Home Administration lien, or if there are any such junior liens, the holders thereof consent in writing to the subordination.

(b) *Authorizations and purposes.* State Directors are authorized to execute subordinations of Farmers Home Administration liens on property subject to the above-stated policy and in the following instances:

(1) When an obligation secured by a lien prior to that of the Farmers Home Administration is about to mature or has matured and the prior lien holder desires to extend or renew the obligation, or the obligation can be refinanced, provided the relative lien position of the Farmers Home Administration is maintained.

(2) When the Farmers Home Administration has not and will not advance any funds for the year's operating expenses, provided (i) the subordination covers only livestock increases which are considered normal farm income security or crops, and (ii) the subordination is limited to a specific amount determined to be necessary to meet the year's operating expenses.

(3) When the Farmers Home Administration has not and will not advance funds for the expenses directly related to a particular crop or crops, growing or to be grown during the crop year, provided the subordination covers only such crop or crops and is limited to a specific amount determined to be necessary for the production of the crop or crops.

(4) When the Farmers Home Administration has advanced funds for the production of crops and additional funds are needed for harvesting or marketing such crops, provided the subordination of the lien on crops is limited to a specific amount that has been found to be reasonable and necessary for such purposes.

(5) When funds are needed to preserve or realize on security property because of an emergency or catastrophe and such need for funds cannot be met through a Farmers Home Administration loan in sufficient time to prevent the borrower and the Farmers Home Administration from suffering a substantial loss.

(6) When such action is necessary to enable the borrower to obtain insurance on crops mortgaged to the Government, provided the borrower assigns the proceeds of such insurance to the Farmers Home Administration.

(c) *Authority to redelegate.* State Directors are authorized to redelegate to County Supervisors the authority to subordinate the Government's lien in accordance with the requirements contained in this section.

(d) *Method.* Subordinations authorized herein will be made only on Form FHA-286, "Subordination by the Government."

§ 37.11 *Correcting errors in security instruments.* When security instruments have been taken to secure Farmers Home Administration loans covering chattels or crops which the mortgagor did not own, or in which he had no mortgageable interest, State Directors are authorized to correct such errors by releasing the lien on the property, except when it is determined that there was bad faith on the part of the borrower in giving the security instrument. This authority will be exercised through the use of Form FHA-99, or other form approved by the Attorney in Charge.

§ 371.12 *Satisfaction of security instruments*—(a) *Satisfaction upon receipt of fully paid notes.* County Supervisors are authorized to satisfy mortgages, deeds of trust, assignments, severance agreements, and other security instruments covering chattels and crops by the execution of Form FHA-77, "Satisfaction," or other approved form after all notes secured by such instruments have been paid in full or satisfied by debt settlement action, or when there is no record of the indebtedness. The original will be delivered to the borrower for recording or filing, except when State laws require recording or filing by the mortgagee, the original will be recorded or filed by the County Supervisor. When State statutes provide that satisfactions may be accomplished by marginal entry on the records of the recording office, or when Form FHA-77 is not legally sufficient because special circumstances require some other form of satisfaction, County Supervisors are authorized to make such satisfactions in accordance with instructions from the State Director.

(b) *Satisfaction prior to receipt of fully paid notes.* County Supervisors are authorized to satisfy mortgages, deeds of trust, assignments, severance agreements, and other security instruments covering chattels and crops at the time final payments are received and prior to receipt of fully paid notes, provided that final payment on the debt secured by the instruments being satisfied is received in the form of cash, money order, certified check, cashier's check, or bank draft. Satisfactions in such cases will be made only on Form FHA-77 or other approved form and not by marginal release or other special method. This authority to satisfy security instruments will be exercised only in cases requiring immediate action, such as the refinancing of Farmers Home Administration liens, or other need for removing Farmers Home Administration liens on the security property simultaneously with receipt of final payments.

(c) *Release of Government's interest in insurance policies.* When liens on property covered by insurance have been released, the County Supervisor is authorized to notify the insurance company that the Government has released its lien on the property covered by the insurance.

(d) *Redelegation of authority to satisfy crop and chattel security instruments.* County Supervisors are authorized to redelegate to Assistant County Supervisors, Emergency Loan Supervisors, and Assistant Emergency Loan Supervisors the authority to satisfy crop and chattel security instruments in accordance with this Section, provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise the authority properly.

§ 371.13 *Assignment of notes and security instruments.* State Directors are authorized to accept from third parties payment in full of a borrower's notes held by the Farmers Home Administration and to assign such notes to such third parties without recourse against the Government, and to assign related security instruments without warranty by the Government in the situations set forth below. The Attorney in Charge will review each proposed assignment, as to the legal matters involved, and will approve the form of assignment.

(a) When borrowers request or give written consent to such an assignment.

(b) When borrowers have not requested or given written consent to such an assignment and have demonstrated an unwillingness to cooperate voluntarily with the Farmers Home Administration in the servicing and orderly retirement of their accounts which would otherwise be liquidated.

§ 371.14 *Fees*—(a) *Security instruments.* Borrowers will be required to pay statutory fees for filing or recording mortgages and other security instruments (including renewal mortgages or statements, or Form FHA–126) and notary fees in connection with the execution of such instruments. They will also be required to pay costs of obtaining lien search reports that are necessary in properly servicing security as outlined in this subpart. When possible, borrowers should pay these fees directly to the officials rendering the service. When cash is accepted by personnel of the Farmers Home Administration to be used to pay the above-mentioned fees, Form FHA–385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed. If the borrower is unable to pay the necessary fees, the County Supervisor may pay such fees and charge them to the borrower's account.

(b) *Satisfactions.* Fees for filing or recording satisfactions of security instruments must be paid by the borrower unless otherwise required by law. When State law requires the mortgagee to file or record satisfactions and to pay the necessary fees therefor, the fees will be paid by the Farmers Home Administration in accordance with instructions of the State Director.

(c) *Notary fees.* Fees for notary service necessary in connection with releases, subordinations, and other documents executed for and on behalf of the Farmers Home Administration, and which cannot be secured without cost, will be paid by the Farmers Home Administration.

§ 371.15 *Special authority to alter regulations.* The Administrator or his delegate in the National Office may make exception to the policies and procedures expressed in this subpart, provided such action is otherwise legally permissible and will not be detrimental to the Government's interests.

Dated: June 6, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58–4482; Filed, June 12, 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 916—MILK IN UPSTATE MICHIGAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of the order regulating the handling of milk in the Upstate Michigan marketing area (7 CFR Part 916), it is hereby found and determined that:

(a) The following provision of § 916.51 (a) will not tend to effectuate the declared policy of the act for the months of July and August 1958: "Through June 30, 1958".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impracticable, unnecessary, and contrary to the public interest in that:

(1) This suspension order is necessary in view of the order provision which terminates the Class I price as of June 30, 1958. This issue was considered at a hearing held at Traverse City, Michigan, on May 20, 1958. The time required for the performance of the several procedural steps which must be followed before an amendment can be issued on all issues considered at the hearing, particularly, for Class I pricing provisions for all periods, precludes the possibility of making an amendment to the order effective for the months of July and August 1958. Handlers and producers recommended at the hearing that the level of the current order Class I price continue during the months of July and August.

(2) There will be no Class I price, and the pricing and pooling provisions of the order would become inoperative, unless this suspension order is made effective for the months of July and August 1958. This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

It is therefore ordered, That the aforesaid provision is hereby suspended for the period July 1, 1958, through August 31, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 9th day of June 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58–4481; Filed, June 12, 1958; 8:48 a. m.]

[Elberta Peach Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION OF SHIPMENTS

§ 936.587 *Elberta Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 16, 1958. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 15, 1958; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 15, 1958, after

consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 6, 1958; shipments of the current crop of such peaches are expected to begin on or about June 25, 1958, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 16, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U. S. No. 1 grade: *Provided,* That (*a*) with respect to ripe Elberta peaches, the requirements of the U. S. No. 1 grade regarding freedom from damage, other than serious damage, caused by bruises need not be met; and (*b*) with respect to peaches which are of a size not smaller than the size that will pack, in accordance with the requirements prescribed for a standard pack, 55 peaches in a 12B California peach box or 60 peaches in either a No. 26 standard lug box or a No. 27 standard lug box, a tolerance of 5 percent for defects not causing serious damage is allowed in addition to the tolerances provided for such U. S. No. 1 grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any package or container of Elberta peaches containing more than one peach which is immature: *Provided,* That no lot of packages or containers of Elberta peaches may be shipped if more than one-half of one percent, by count, of the peaches in the lot are immature; or

(iv) Any package or container of Elberta peaches unless at least 85 percent of the Elberta peaches contained in such package or container measure not less than 2⅜ inches in diameter: *Provided,* That, Elberta peaches (*a*) when packed in a 12B California peach box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in said box or, (*b*) when packed in either a No. 26 standard lug box or a No. 27 standard lug box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, not more than 80 peaches in the respective lug box, shall be deemed to meet the said minimum diameter requirement: *And provided, further,* That for the purpose of determining whether ripe Elberta peaches meet the said standard pack requirements, such peaches may be fairly tightly packed rather than tightly packed.

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) Section 936.143, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U. S. No. 1," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," and "fairly tightly packed" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 10, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4497; Filed, June 12, 1958; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 226]

PART 608—RESTRICTED AREAS

RESTRICTED AREA ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Bullion Mountains, California, area (R-344) amended on August 27, 1954 in 19 F. R. 5476, is further amended by changing the "Designated Altitudes" column to read: "Surface to unlimited except for that portion overlapped by V-8, V-21, V-117 airways. This portion: surface to 10,000 feet MSL".

2. In § 608.18, the Pensacola, Florida, area (R-153) amended on June 6, 1956 in 21 F. R. 3873, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 30-13-10, longitude 88-01-30; thence Eastward along coastline to latitude 30-15-00, longitude 87-41-00; to latitude 30-11-00, longitude 87-44-25; thence Westward 3 nautical miles from and parallel to the coastline to latitude 30-10-10, longitude 88-01-30; to latitude 30-13-10, longitude 88-01-30; point of beginning".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on 0001 EST on July 3, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 9, 1958.

[F. R. Doc. 58-4470; Filed, June 12, 1958; 8:45 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 205; Docket No. R-120]

PART 11—ANNUAL CHARGES

COSTS OF ADMINISTRATION

JUNE 6, 1958.

The Commission has under consideration in this proceeding the amendment of its regulations under the Federal Power Act with respect to annual charges prescribed for State and municipal licensees for the purpose of reimbursing the United States for the costs of the administration of Part I of the act.

The purpose of the amendments herein adopted is to base the assessment of such annual charges upon the actual costs of administering Part I of the act.

General public notice of the proposed rulemaking was given by publication in the FEDERAL REGISTER on November 25, 1953 (18 F. R. 7826). In response to the notice, comments and views were received from several interested parties and the matter was subsequently set down for hearing before one of the Commission's presiding examiners who, following the conclusion of the hearing and the submission of briefs, issued his decision on May 6, 1958. No exceptions to that decision have been filed. The Commission, upon consideration of the entire record in this proceeding, is in complete agreement with the conclusions of the presiding examiner including his order which would amend § 11.20 of the regulations; and therefore finds:

(1) The amendments herein adopted are necessary and appropriate in order to carry out the provisions of the Federal Power Act.

(2) The Commission's Orders No. 172, issued April 28, 1954 (19 F. R. 2564), and No. 172-A, issued January 31, 1957 (22 F. R. 740), (as more fully described in the presiding examiner's decision) should, with respect to future applicability and effect, be terminated and rescinded.

The Commission, acting pursuant to the provisions of the Administrative Procedure Act and the authority granted by the Federal Power Act, particularly sections 10 (e) and 309 thereof (16 U. S. C. 803 (e), 825h) orders:

A. The decision of the presiding examiner issued herein on May 6, 1958, is hereby adopted.

B. Part 11, entitled "Annual Charges," of Subchapter B, Regulations under the Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, is amended by amending § 11.20 to read as follows:

§ 11.20 *Costs of administration.* Reasonable annual charges will be assessed by the Commission against individual licensees for reimbursing the United States for the costs of administration of Part I of the Federal Power Act as follows unless otherwise specifically provided in the license:

(a) For licensees, other than State or municipal, of projects of more than 100 horsepower of installed capacity:

(1) A charge of one cent per horsepower of the horsepower capacity authorized to be installed by the license; and

(2) A charge of 2½ cents per thousand kilowatt-hours of power generated by each project during the calendar year for which the charge is made.

(3) To enable the Commission to determine such charges annually, each such licensee shall file with the Commission, on or before February 1 of each year, a statement under oath showing the gross amount of power generated (or produced by non-electrical equipment) by the project during the preceding calendar year, expressed in kilowatt-hours.

(b) For State or municipal licensees of projects of more than 100 horsepower of installed capacity:

(1) A determination shall be made for each fiscal year of the cost of administration under Part I of the Federal Power Act chargeable to such licensees from which shall be deducted the total amount assessed against State and municipal licensees holding minor and minor-part licenses.

(2) For each calendar year such total actual cost of administration as determined under subparagraph (1) of this paragraph shall be assessed against each such licensee in the proportion that the authorized horsepower installed capacity of each such project bears to the total such capacity under all such outstanding licenses.

(3) After such assessment each calendar year, exemption will be granted such licensees to the extent, if any, to which they may be entitled under section 10 (e) of the act provided the data is submitted as requested in subparagraphs (4) and (5) of this paragraph.

(4) To enable the Commission to compute on the bill for annual charges the exemption to which such licensee is entitled because of the use of power by the licensee for State or municipal purposes, each such licensee shall file with the Commission, on or before February 1 of each year, a statement under oath showing the following information with respect to the power generated by the project and the disposition thereof during the preceding calendar year, expressed in kilowatt-hours:

(i) Gross amount of power generated by the project.

(ii) Amount of power used for station purposes and lost in transmission, etc.

(iii) Net amount of power available for sale or use by licensee, classified as follows:

(*a*) Used by licensee,

(*b*) Sold by licensee.

(5) When the power from a licensed project owned by a State or municipality enters into its electric system, making it impracticable to meet the requirements of subparagraph (4) of this paragraph with respect to the disposition of project power, such licensee may, in lieu thereof, furnish similar information with respect to the disposition of the available power of the entire electric system of the licensee.

(6) All licenses held by State or municipal licensees of projects of more than 100 horsepower of installed capacity and which specifically provides for assessment of administrative annual charges in a manner other than is provided by subparagraphs (1) to (5) of this paragraph may be amended to provide for assessment of such annual charges pursuant to subparagraphs (1) to (5) of this paragraph:

(i) By the filing by such a licensee within 60 days from the date of the order prescribing this amendment to section 11.20 of an acceptance of the provisions and conditions of said subparagraphs (1) to (5) of this paragraph, such amendment to be effective as of January 1, 1957; or

(ii) By the filing by such a licensee of an application for amendment of license pursuant to section 6 of the Federal Power Act.

(c) For projects of 100 horsepower or less of installed capacity the charge shall be $5 per annum, subject to the provisions of § 11.23.

(d) For projects involving transmission lines only the administration charge shall be a minimum of $5 per annum.

(e) For projects not covered by the above subsections, reasonable annual charges will be fixed by the Commission after consideration of the facts in each case.

C. The amendment herein prescribed is effective on and after January 1, 1957.

D. Orders No. 172 issued April 28, 1954, and No. 172-A issued January 31, 1957, are terminated and rescinded with respect to future applicability and effect.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4486; Filed, June 12, 1958; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MOUNT RAINIER NATIONAL PARK; SPEED

Section 20.5 (c) (3) is amended by adding the following subdivision (viii):

(viii) On the Stevens Canyon Road.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 16th day of May 1958.

PRESTON P. MACY,
Superintendent,
Mount Rainier National Park.

[F. R. Doc. 58-4474; Filed, June 12, 1958; 8:46 a. m.]

PART 20—SPECIAL REGULATIONS

YELLOWSTONE NATIONAL PARK; REVOCATION OF LIMITED OPEN SEASON REGULATION

1. Subdivision (iii) of § 20.13 (e) (2) is revoked.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 25th day of April 1958.

LEMUEL A. GARRISON,
Superintendent,
Yellowstone National Park.

[F. R. Doc. 58-4472; Filed, June 12, 1958; 8:45 a. m.]

PART 20—SPECIAL REGULATIONS

YELLOWSTONE NATIONAL PARK; MISCELLANEOUS AMENDMENTS

1. Section 20.13 (b) is amended to read as follows:

(b) *Traffic control.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) At Bridge Bay from a point approximately 3.7 miles west of Lake Junction on the road to West Thumb, along the entire length of the concrete wall for a distance of .6 mile, 25 miles per hour.

(2) The road between Mammoth Village and the North Entrance; the road between Canyon Junction and Chittenden Bridge; and the road from Norris Junction eastward to the beginning of the new park road at Station 412, approximately 3.5 miles west of Canyon Junction, 35 miles per hour; except that portion of the road through the Virginia

Cascades to the top of Blanding Hill posted at 25 miles per hour.

(3) Passenger cars, and trucks of less than 1½ tons capacity, 45 miles per hour on straight and open stretches. Trucks of 1½ tons capacity or over, and vehicles towing trailers or other vehicles of any kind, 30 miles per hour. Except, on that portion of U. S. Highway 191 lying within the boundary of the park, the speed limits shall be as follows: Single vehicles and trucks with gross weight of 4,000 pounds or less, 65 miles per hour; this limit is reduced to 55 miles per hour during the hours of darkness; combination vehicles, and trucks with gross weight of more than 4,000 pounds, 45 miles per hour.

(4) Travel shall be restricted to one direction when posted on the esplanade at Mammoth Hot Springs, the esplanade at Old Faithful Village, the Bunsen Peak loop road, and the Mammoth Terrace loop road.

(5) Careless driving: The operating of any vehicle upon a park road in a careless and heedless disregard of the rights or safety of others, or without due caution, or at a speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

(6) Stop signs: (i) No person shall drive any vehicle onto any road from another road in the Park without coming to a complete stop, provided, however, there are erected appropriate signs at such locations.

(ii) The term "road" means any street, highway turnout, parking area or public thoroughfare.

(7) Parking: No person shall park any vehicle in a posted restricted area except in case of bona fide emergency or for administrative purposes.

(i) The following places are designated as restricted parking areas: All bridges and the immediate surrounding areas of natural features, concession establishments, Government buildings, amphitheatres, and camp and picnic grounds. Provided, however, there are erected appropriate signs at such locations.

2. Paragraph (d) is amended to read as follows:

(d) *Boats*—(1) Permit. A permit, issued by the Superintendent, is required for all boats operated upon the waters of the park. This permit must be carried within the boat at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter. A violation of the regulations, or disregard of the conditions outlined, by the permittee or other persons using the boat, will constitute cause for the cancellation of the permit.

(2) *Commercial operation.* No privately owned boat shall be used to carry passengers for hire or be used in any commercial operation.

(3) *Size limitation.* No privately owned boat more than 32 feet in length measured through the middle of the boat from bow to stern, and no sailboat of any type, houseboat, or any similar type water craft, shall be placed or operated upon waters of the park. Except for administrative purposes or emergencies, motor-propelled boats may be placed or operated only on Yellowstone, Lewis, and Shoshone Lakes and the channel between Shoshone and Lewis Lakes, and on the Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge.

(4) *Removal of boats.* All privately owned boats, boat trailers, water-borne craft of any kind, buoys, mooring floats, and anchorage equipment will not be permitted in the Park prior to May 1 and must be removed by November 1.

(5) *Boat equipment and requirements.* All boats operated upon Park waters are subject to the following requirements:

(i) All boats operated from sunset to sunrise must display the following lights:

(*a*) Class A (less than 16 feet in length). A clear white light showing all around the horizon and visible for one mile.

(*b*) Class I (16 feet to less than 26 feet in length). Same light requirement as Class A boats.

(*c*) Class II (26 feet to 32 feet in length). Individual running lights, red to port and green to starboard, visible for one mile. A bright white light aft showing all around the horizon and visible for two miles, also a bright white light forward showing from right ahead to two points abaft the beam on both sides and visible for two miles.

(ii) Boats shall carry an approved warning device as follows:

(*a*) Class A boats. No warning device required.

(*b*) Class I boats. A hand, mouth, or power operated whistle or horn, capable of producing a blast for at least two seconds duration and audible for a distance of at least one-half mile.

(*c*) Class II boats. Same requirement as Class I boats except the device shall be capable of producing a blast audible for a distance of at least one mile.

(iii) All boats shall carry an approved life preserver, ring buoy, or buoyant cushion in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in emergency.

(iv) All boats having built-in or inboard motors shall carry approved fire extinguishers as follows:

(*a*) Class A and Class I boats. One hand operated and portable fire extinguisher. This may be a 1¼-gallon foam, 4-pound carbon-dioxide, one quart carbon-tetrachloride or a 4-pound dry chemical, or larger.

(*b*) Class II boats. One fixed carbon-dioxide system and two hand operated, portable extinguishers of an approved type, such as 2½-gallon foam, 15-pound carbon-dioxide or 12-pound dry chemical.

(v) All boats powered with inboard motors which use gasoline as fuel are subject to the following conditions:

(*a*) Carburetors shall be fitted with an approved device which has demonstrated its ability to arrest backfire.

(*b*) In decked over boats, two or more ventilators are required, with cowls or equivalent capable of removing gases from bilges in engine and fuel tank compartments. Bilges must be kept free of oil, gasoline and grease.

(*c*) Drip pans are required on all updraft carburetors. These pans are to be equipped with a fine mesh wire screen cover to prevent the overflow from catching fire.

(*d*) The fuel tank filler pipe must be outside the cabin and cockpit, and so constructed that spillage of gasoline will not flow into the bilge. A vent of not less than ⅜-inch diameter is required from the fuel tank to the outside of the hull and shall be independent of the filler pipe.

(vi) Galley and cabin stoves shall be of such type and installation as approved by the Underwriters Laboratories.

(*a*) Approved types of galley stoves are those which use coal, charcoal, wood, alcohol, fuel oil or kerosene as fuel. Stoves which use gasoline as fuel are prohibited.

(*b*) Where a galley or cabin stove is installed, it shall be firmly attached, insulated from the woodwork, and so located that it does not endanger flammable material.

(vii) General conditions. (*a*) Fuel lines must be intact with no leaks and must have a shut-off valve installed near the fuel tank in a readily accessible location.

(*b*) Electrical wiring must be in good condition.

(*c*) All boats must carry a bailing bucket on board in addition to whatever bilge pumps or automatic bailing devices with which they may be equipped.

(*d*) All boats 26 feet or less in length shall be equipped with oars and oarlocks, or carry a sweep adequate to propel the boat in case of engine failure.

(6) *Special limits for small boats.* No boat 16 feet or less in length measured through the middle of the boat from bow to stern, canoe (regardless of length), or other water-borne craft not propelled by a motor, shall be operated at a distance of more than one quarter mile from the shore of any lake.

(7) *Rules of the road.* The following rules of the road shall be observed:

(i) The operation of boats in such a manner as to endanger life or property is prohibited.

(ii) In narrow channels, boats shall be operated to the right of the middle of the channel.

(iii) When approaching or passing other water craft, speed shall be reduced so that the wake does not endanger the other craft.

(iv) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(v) Right-of-way shall be given larger craft.

(8) *Registration of trip.* The operator of each boat leaving for an extended trip, including trips of overnight duration, shall register both upon departure and return at one of the following Ranger Stations: Lake Ranger Station, Fishing Bridge Ranger Station, West Thumb Ranger Station, South Entrance

Station, Old Faithful Ranger Station, and East Entrance Station.

(9) *Sanitation.* No fish offal, bottles, cans, rubbish, or refuse shall be discarded from any boat or water-borne craft into Park waters, or from docks, or from the shores, or otherwise placed in the waters of the Park. Boats, not equipped with or utilizing sewage and waste treatment equipment (consisting of shredding, retention, and chlorination prior to discharge) are hereby prohibited from discharging head and/or galley wastes within one-half mile of low water mark or any domestic water supply intake. All boats or other water-borne craft operating in park waters shall have a receptacle aboard to contain rubbish and refuse which shall be emptied only into facilities provided at docks or other specified places.

(10) *Limitation of boat loads.* No boat or other water-borne craft shall be operated on any water of the park with more than a safe capacity load of passengers or supplies. The following formula shall be used to determine the maximum safe load for boats and other water-borne craft: Maximum safe load (in pounds) = 7½ × length in feet measured through the middle of the boat × width in feet amidship × depth in feet amidship.

(11) *Restricted landing areas.* The landing of boats or other water-borne craft on either of the islands designated as "Molly Islands" in Yellowstone Lake, or passage of boats or other water-borne craft between these islands, or the disturbance in any manner of the birds inhabiting the same or nesting thereon, is prohibited, except upon written permission of the Superintendent. Prior to July 1 of each year, the landing of any boat or other water-borne craft on the lake shore between Trail Creek and Beaverdam Creek is prohibited.

(12) *Restricted waters.* The operation of any boat, canoe, raft, or other water-borne craft on park streams (as distinguished from lakes) is prohibited, except on the channel between Lewis Lake and Shoshone Lake and on the Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge.

(i) The operation of any canoe, raft, boat, or other water-borne craft of any kind is prohibited on Squaw, Goose, Feather, Sylvan, Eleanor, and Twin Lakes, and Beach Springs Lagoon.

(ii) The operation of any motor-propelled water-borne craft is prohibited south and west of the buoy markers in Flat Mountain Arm of Yellowstone Lake.

(iii) Water skiing, boat racing, towing of aircraft, water pageants, and other spectacular and often unsafe types of recreational use are prohibited on all park waters.

(iv) These restrictions shall not apply to craft operated for administrative purposes or in emergencies.

3. Paragraph (e) is amended to read as follows:

(e) *Fishing*—(1) *Open season.* Except as otherwise provided, the open season for fishing in the waters of the park shall be from sunrise on may 30 to sunset on October 15.

(2) *Limited open season.* (i) Riddle Lake, Grebe Lake, Wolf Lake, the stream connecting Grebe and Wolf Lakes and the Yellowstone River and its tributaries from the Upper Falls at Canyon to the marking buoys at the outlet of Yellowstone Lake are open to fishing from sunrise on July 1 to sunset on October 15. Yellowstone Lake and Squaw Lake are open to fishing from sunrise on June 15 to sunset on October 15.

(ii) All streams emptying into Yellowstone Lake, except those closed for management or cultural purposes, are open to fishing from sunrise on July 15 to sunset on October 15. Streams trapped for egg taking purposes are closed during the spawning season. Closure of such streams will be indicated by signs. Mouths of streams shall include those portions of Yellowstone Lake marked by signs and buoys within 100 yards of the stream outlet and/or inlet.

(3) *Night fishing.* Night fishing is prohibited in all waters of the Park open to fishing during specific hours of Mountain Standard Time as follows:

(i) From opening of fishing season to August 31: 9:00 p. m. to 4:00 a. m.

(ii) From September 1 to close of fishing season: 8:00 p. m. to 5:00 a. m.

(4) *Closed waters.* (i) The following waters of the Park are closed to fishing:

Indian Creek, Panther Creek, Duck Lake, Arnica Creek, a tributary of Yellowstone Lake, Obsidian Creek, upstream from the Bridge at the entrance to Indian Creek Campground, Cascade Creek, Mammoth Water Supply Reservoir, Yellowstone River for a distance of 250 yards on either side of the center of the Yellowstone Cascades, Firehole River, from the Old Faithful water supply intake to the Shoshone Lake Trail crossing above Lone Star Geyser, Gardiner River and Glen Creek for their entire length above the Mammoth water supply intake.

(ii) Fishing from the shores of the following waters is prohibited:

From West Thumb boat dock north along the shore of Yellowstone Lake to the mouth of Little Thumb Creek.

(5) *Limit of catch and in possession.* The limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any one person, shall be 10 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 5 fish.

(i) In Yellowstone Lake, that portion of the Yellowstone River above the Upper Falls at Canyon, and the streams entering into these waters, the limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any person, shall be 10 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 3 fish.

(6) *Restrictions on use of bait and lures.* (i) No salmon eggs or other fish eggs, either fresh or preserved, shall be used as bait. The possession of such salmon eggs or other fish eggs is prohibited within the park.

(ii) Only artificial flies, with a single hook, may be used as lures in the Firehole River, Madison River, Squaw Lake, and that section of the Gibbon River extending from the mouth of the stream to the crest of Gibbon Falls. The use of any lures, other than artificial flies, in these waters is prohibited.

4. Paragraphs (g), (h) and (i) are added as follows:

(g) *Camping*—(1) *Limitations.* Occupancy of each campground in Yellowstone National Park by any person, party, or organization during any calendar year during the period July 1 to Labor Day, inclusive, shall not exceed 30 days except as hereinafter specified.

(i) Occupancy of Madison, Old Faithful, West Thumb, Lewis Lake, Fishing Bridge, Cascade, and Canyon campgrounds shall not exceed 15 days during the period July 1 to Labor Day, inclusive.

(ii) Occupancy of primitive campgrounds on Yellowstone and Shoshone Lakes shall not exceed 7 days during the period July 1 to Labor Day, inclusive.

(2) *Hours of quiet.* Quiet shall be maintained in all camp-grounds and hotels and other buildings during the period from 10:00 p. m. to 6:00 a. m. and the use of any noise producing device, such as motors or television sets, to the annoyance or disturbance of other persons, is prohibited during such periods.

(h) *Dogs and cats.* (1) Dogs and cats on leash, crated, or otherwise under physical restraint are permitted in the park only along established roads, walks, and paths within one quarter mile of roads or parking areas except as hereinafter stated.

(2) Dogs and cats are prohibited in the following locations:

(i) On trails more than one quarter mile from roads, and in primitive camps.

(ii) In establishments dispensing food to the public.

(iii) In possession of any employee residing in the park.

(i) *Alcoholic liquors.* (1) Definitions for the purposes of this section:

(i) The term "minor" means any person under 21 years of age regardless of marital status.

(ii) The term "alcoholic liquor" includes alcohol, spirits, wine and beer and every liquid containing alcohol, spirits, wine and beer and capable of being consumed as a beverage by a human being.

(iii) The term "person" includes any natural person, corporation, partnership or association.

(2) The sale of alcoholic liquor within the park by any person not authorized to do so by written permit or contract issued by the Superintendent or the National Park Service is prohibited. This does not apply to employees of persons to whom permits have been issued, in carrying out their assigned duties.

(3) No person authorized to sell alcoholic liquor shall sell any alcoholic liquor between the hours of one o'clock a. m. Sunday and six o'clock a. m. Monday. No person authorized to sell alcoholic liquor shall sell alcoholic liquor on week days between the hours of one o'clock a. m. and six o'clock a. m.

(4) No person authorized to sell alcoholic liquor within the park shall employ any minor to sell or dispense alcoholic liquor or permit any minor to

sell or dispense any alcoholic liquor for him.

(5) No person shall sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any minor, any person who is mentally incompetent or any person who is mentally or physically incapacitated by the consumption of such liquors.

(6) No minor may sell or dispense or have in his possession or physical control any alcoholic liquor.

(7) No minor shall obtain, or attempt to obtain alcoholic liquor by misrepresentation of age, or by any other method in any place where alcoholic liquor is sold.

(8) No person authorized to sell alcoholic liquors shall engage in, allow, permit or suffer in or upon the premises where such alcoholic liquor is sold any disturbances, lewdness, immoral activities or displays, brawls or allow, permit, or suffer the premises where alcoholic liquors are sold to be conducted in such a manner as to become a nuisance public or private.

(Sec. 3, 39 Stat. 535, as amended, 16 U. S. C. 3)

Issued this 16th day of May 1958.

Lemuel A. Garrison,
Superintendent,
Yellowstone National Park.

[F. R. Doc. 58-4473; Filed, June 12, 1958; 8:45 a. m.]

Part 20—Special Regulations

ISLE ROYALE NATIONAL PARK; VESSEL RATES

1. Section 20.38 *Isle Royale National Park* is amended by the addition of paragraph (d) to read as follows:

(d) *Vessel rates.* (1) Transportation services between Houghton, Michigan and Isle Royale National Park, Michigan, rendered aboard Government-owned vessels, shall be charged for at the following rates:

Personal transportation—one way only	$5.00
Personal transportation—round trip	10.00
Transportation of boats up to 14 feet in length—one way only	2.50
Transportation of boats up to 14 feet in length—round trip	5.00
Transportation of boats over 14 feet but less than 18 feet—one way only	5.00
Transportation of boats over 14 feet but less than 18 feet—round trip	10.00

(2) The rates mentioned in subparagraph (1) of this paragraph are subject to applicable Federal Transportation Taxes.

(3) Personal transportation for children between the ages of five and twelve, inclusive, will be one-half of the rates mentioned in subparagraph (1) of this paragraph for comparable service. No charge will be made for children under the age of five.

(4) Employees of the National Park Service, dependent members of their families, and official visitors in the pursuit of their duties will not be charged for personal transportation.

(5) The Superintendent of Isle Royale National Park shall have the authority to refuse passage to any and all persons or things for just cause.

(Sec. 3, 39 Stat. 535, as amended, 16 U. S. C. 3)

Issued this 23d day of May 1958.

John G. Lewis,
Superintendent,
Isle Royale National Park.

[F. R. Doc. 58-4475; Filed, June 12, 1958; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Part 1—General Rules of Practice

SUBPENAS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of May A. D. 1958.

There being under consideration § 1.56 of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That paragraphs (a) and (b) of § 1.56 be amended to read as follows:

§ 1.56 *Subpenas*—(a) *Requests; particularity.* Unless directed by the Commission upon its own motion, a subpena to compel a witness to produce documentary evidence will be issued only upon petition showing general relevance and reasonable scope of the evidence sought, which petition must also specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby: *Provided, however*, That for good cause shown, in lieu of a petition, the request for such a subpena may be made orally upon the record to the officer presiding at the hearing. A request for issuance of a subpena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record to the officer presiding at the hearing. A showing of general relevance and reasonable scope of the evidence sought may be required and the subpena will be issued or denied accordingly.

(b) *Issuance.* A subpena may be issued by the Commission or by the officer presiding at the hearing, but only under the signature of the Secretary or of a member of the Commission.

It is further ordered, That this order shall become effective on June 30, 1958.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, Secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] Harold D. McCoy,
Secretary.

[F. R. Doc. 58-4484; Filed, June 12, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Parts 16, 22, 23]

Second-Class and Controlled Circulation Publications

NOTICE OF PROPOSED RULE MAKING

It is proposed to adopt the following amendments to postal regulations in Title 39, Chapter I, CFR. The amendments will have the following effect:

1. The maximum weight permitted in mail sacks made up by publishers will be changed from 100 pounds to 80 pounds. It is proposed to make this change effective October 1, 1958.

2. New identification statements for second-class and controlled circulation publications would be required in place of the present statements.

3. New procedures for accepting and paying postage on mailings of publications for which applications for second-class privileges have been filed would be established.

4. Existing procedures respecting the cancellation of second-class privileges would be clarified.

Although the proposed changes are exempt from the rule making requirements of 5 U. S. C. 1003 since they relate to a proprietary function of Government, the Postmaster General desires to comply voluntarily with the requirements in this case so that postal patrons may have an opportunity to present written views concerning the proposed regulations. Consideration will be given to the proposed amendments in the light of such views as may be submitted. Comments concerning the proposed regulations may be sent to Mr. Edwin A. Riley, Director, Postal Services Division, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to July 15, 1958.

I. In § 16.1 *Second-class publications* amend subdivision (vi) of paragraph (c) (4) to read as follows:

(vi) *Maximum weight in a sack.* The total weight of publications placed in one sack must not exceed 80 pounds.

Note: The corresponding Postal Manual section is 126.134f.

(R. S. 161, 386, as amended; Sec. 5, 18 Stat. 232, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 283)

II. a. In § 22.2 *Qualifications for second-class privileges* make the following changes:

In paragraph (d), amend subparagraphs (7) and (8) to read as follows:

(7) Second-class imprint, reading: Second-class postage paid at ----------.

(8) Notice of pending application, when copies are mailed while an application is pending, reading: Application for second-class mail privileges is pending at ----------.

NOTE: The corresponding Postal Manual section is 132.25g and h.

b. In § 22.3 Applications for second-class privileges amend paragraph (b) to read as follows:

(b) *Acceptance after application is filed.* Publishers or news agents may not mail at the second-class rates until the application for second-class privileges is approved by the Postal Services Division, Bureau of Operations. Postmasters may not accept mailings at the second-class rates until they receive a written authorization from the Postal Services Division. Postage at the applicable third- or fourth-class rates may be paid in money on mailings made while an application is pending. The postmaster will keep a record of such mailings on Form 3503, and if second-class privileges are authorized by the Postal Services Division, he will be instructed to return to the publishers or news agents the difference between the third- or fourth-class rates and the second-class rates. Form 3503 will not be kept, and the difference will not be returned when postage is paid by stamps affixed.

NOTE: The corresponding Postal Manual section is 132.32.

c. In § 22.5 *Second-class mailing privileges for news agents* amend paragraph (b) to read as follows:

(b) *Information required from news agents.* News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A second-class imprint in the copies is sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

NOTE: The corresponding Postal Manual section is 132.52.

d. Section 22.8 *Cancellation of second-class privileges* is amended to read as follows:

§ 22.8 *Cancellation of second-class privileges.* (a) When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested.

(b) A copy of the procedures governing administrative hearings relative to the denial, suspension or annulment of second-class mail privileges may be obtained from the Bureau of Operations, Postal Services Division.

NOTE: The corresponding Postal Manual section is 132.8.

(R. S. 161, 396, as amended; sec. 5, 18 Stat. 232, as amended, sec. 1, 31 Stat. 1107, sec. 2, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 232, 283, 289a)

III. In § 23.3 *Identification statements,* amend paragraph (f) to read as follows:

(f) Controlled circulation imprint, reading: "Accepted as controlled circulation publication at ----------."

NOTE: The corresponding Postal Manual section is 133.3f.

(R. S. 161, 396, as amended; sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 291b)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4478; Filed, June 12, 1958; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO-257-A4]

HANDLING OF MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Shreveport, Louisiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Monroe, Louisiana, on March 4-6, 1958, pursuant to notice thereof which was issued February 7, 1958 (23 F. R. 911).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area.
2. Revision of order provisions with respect to the classification of milk.
3. The level of class prices in the present and proposed extended marketing area.
4. Establishment of location adjustments from the nearer of the city halls at Shreveport and Monroe, Louisiana, and the revision of the present rate of adjustment.
5. Changes in the assignment and transfer of bases.
6. A revision of the computation of the value of producer milk when a handler has other source milk allocated to Class I in the same month that associated producer milk is assigned to such handler.

Findings and conclusions. The following findings and conclusions on Issue No. 3 with respect to the level of class prices in the present marketing area are based on evidence presented at the hearing and the record thereof. Expedited action is necessary on this issue in order to effectuate, at the earliest date, the recommendations herein.

Action is being deferred on all other issues until a later date. The findings and conclusions on Issue No. 3 are as follows:

3. The Class I price through June 30, 1960 should be the basic formula price for the preceding month plus $2.00 for the months of March through June and plus $2.40 for all other months.

Producers proposed that the Class I differentials should be $2.20 per hundredweight during each of the months of March through June and $2.60 for all other months. The order, since its effective date of April 1, 1955, has and currently does provide a Class I differential of $2.00 for the March-June period. During the July through February periods of 1956-57 and 1957-58, however, as a result of amendments, a Class I differential of $2.40 applied. The order presently provides a differential of $2.20 for the July-February period. A $2.20 differential was in effect for these months during 1955-56.

Production in this marketing area is increasing, annually, at about the same rate as increases in Class I sales. During the latter part of 1957 and the first part of 1958, however, Class I sales were increasing as compared to a year earlier. Production in early 1958 was less than the corresponding period of 1957. But, on an annual basis it is found that receipts of producer milk represented about 98 percent of the total Class I utilization for both of the years 1956 and 1957.

The period of October through February, each year, has been the time when producer milk receipts were shortest in relation to Class I needs. During the October-February 1955-56 period, receipts of producer milk were only 82.5 percent of the market's Class I needs; 94.5 percent during the same period of 1956-57 and only 85 percent during the 1957-58 October through February period. These data do not show any marked changes in the supply and Class I utilization of producer milk.

As in previous years it is necessary to import large quantities of other source milk to meet demand for fluid milk products in this marketing area. Such importations in 1956 and 1957 represented approximately 15 percent and 17 percent, respectively, of the total annual receipts of producer milk. Importations in the form of fluid milk and cream represented about one-quarter to one-third of the total quantities of other source milk received by handlers during the two-year period 1956-57. Handlers brought in slightly more than 16 million pounds of other source milk in 1956 and nearly 19 million pounds during 1957. Of these amounts 14 percent and 24 percent, respectively, was allocated each year to Class I.

Fluid milk and cream are imported into this area from New Orleans, North Texas, Ozarks, and Chicago marketing areas. Under present marketing conditions it is advisable to maintain the Class I prices at the level of the past two years so as to continue the flow of milk from these marketing areas to the Shreveport market. The Class I price is reasonably alined with the markets that furnish supplemental supplies.

Local production conditions, as well as current supply conditions noted above, rule out any reduction in Class I prices at this time. Total receipts of producer milk have undoubtedly been unfavorably influenced by several factors during 1957, which may well continue through 1958. These factors are heavy culling of dairy cows resulting from favorable beef prices and from an extensive Bang's disease eradication program which demands herds free of the disease by the close of 1959. Approximately one-half of the herds in this market have not as yet participated in this program. Currently 15 percent of the milk supply is received from farms in bulk tanks—but it is expected that as much as 40 percent may be received by December 1958. Additional supplies must be attracted from outside the area or from newly established dairy farmers.

The proposal by producers, that the Class I differential should be $2.60 for the months of July through February and $2.20 all other months was evidently based on the supposition that such prices would attract new dairy farms. No evidence however, was presented that such a price would stimulate new production much more than present prices are likely to. Rather such a price might unduly influence sources of supply in other marketing areas to associate themselves temporarily with the Shreveport marketing area and thus create unstable marketing conditions. It is concluded on the basis of the facts of this record that the Class I differentials, should be continued for a limited period at the same level as the past two years. The proposal for differentials of $2.60 for the months of July–February and $2.20 for all other months is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Shreveport, Louisiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 966.51 (a) and substitute the following:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months March, April, May and June, and plus $2.40 for all other months; and

Issued at Washington, D. C., this 10th day of June 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4499; Filed, June 12, 1958; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ETHYL 4,4′-DICHLOROBENZILATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. [illegible] (d) (1)), the following notice is [illegible]

A petition has been filed by Geigy Agricultural Chemicals Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, proposing the establishment of tolerances of 5.0 parts per million for residues of ethyl 4,4′-dichlorobenzilate in or on grapefruit and tangerines.

The analytical method proposed in the petition for determining residues of ethyl 4,4′-dichlorobenzilate is that published in the FEDERAL REGISTER of May 11, 1955 (20 F. R. 3443).

Dated: June 6, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-4495; Filed, June 12, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 130]

[Docket No. 32448]

RATE BUREAUS AND OTHER ORGANIZATIONS

ACCOUNTS, RECORDS AND REPORTS

MAY 29, 1958.

Notice is hereby given pursuant to the provisions of section 4 (a) of the Administrative Procedure Act that the Commission has under consideration the matter of rules and regulations governing the maintenance and preservation of accounts and other records and the reporting of information to the Commission by conferences, bureaus, committees and other organizations operating pursuant to ratemaking agreements approved by the Commission under the provisions of section 5a of the Interstate Commerce Act, as fully detailed below.

Any interested person may on or before July 25, 1958, file with the Commission's Secretary written views or suggestions to be considered in this connection, and may request oral argument thereon.

The proposed rules and regulations are to be issued under authority contained in section 5a (3) of the Interstate Commerce Act, 62 Stat. 472, 49 U. S. C. 5b.

[SEAL] HAROLD D. MCCOY,
Secretary.

Rules and Regulations prescribed under section 5a (3) of the Interstate Commerce Act governing maintenance and preservation of accounts and other records and reporting of information to the Commission by conferences, bureaus, committees, or other organizations established or continued pursuant to rate-making agreements approved by the Commission.

§ 130.10 *Accounts.* Accounts shall be kept by each conference, bureau, committee, or other organization subject to section 5a to record all receipts and expenditures of moneys. Such accounts shall be kept with sufficient par-

particularity to show the facts pertaining to all transactions reflected in the entries made in the accounts. All receipts shall be supported by records, including records showing the basis for charges to members. All disbursements shall be supported by vouchers, payrolls, cancelled checks, and other evidences of expenditures, including the basis for any apportionment of expense items to members.

§ 130.20 *Other records.* (a) Each such organization subject to section 5a shall maintain:

(1) A file for each proposal relating to rates, fares, classifications, divisions, allowances, or charges (including charges between carriers and compensation paid or received for the use of facilities and equipment), or rules and regulations pertaining thereto, which shall contain the proposal, all procedural documents issued, protests, memoranda, amendments, reports, etc., submitted and any other correspondence respecting the matter proposed. Also reports or minutes of all proceedings at any oral, committee or public hearing held thereon and the determination relating thereto.

(2) A file covering each petition or protest filed by the organization against tariff publications of a member for suspension of rates or other matters published for such member carrier.

(3) A file covering each instruction or request for publication by independent action.

(b) All accounts and other records covered by this part shall be filed in such manner as to be readily accessible for examination by representatives of the Commission.

§ 130.30 *Preservation of records-general.* The regulations in this part covering preservation of records, require that all conferences, bureaus, committees or other organizations subject to section 5a of the act shall preserve their accounts, records, memoranda, documents, papers and correspondence for the periods of time herein prescribed, but mention of a record or document hereafter imposes no requirement that it shall be installed if its purpose is otherwise being adequately served. Compliance with the regulations in this part will not exempt an organization subject thereto from statutory requirements, other than the provisions of the Interstate Commerce Act, for retention of records or documents for periods longer than those herein prescribed.

§ 130.31 *Period of retention*—(a) *Records to be permanently preserved.* The following records of organizations subject to the provisions of the regulations in this part shall be retained for a period of 10 years.

(1) General and auxiliary ledgers, journals, cash books and journal entries.

(2) Property records showing costs and dates acquired including certificates or abstracts of title and records pertaining to depreciation, retirements and replacements of property.

(3) Capital stock records, minutes of directors, stockholders and other corporate meetings, and other records pertaining to establishing or forming the organization.

(b) *Records covered in § 130.20.* The records described in § 130.20 shall be preserved for a period of not less than 10 years.

(c) *Other records.* All other records, memoranda, documents, papers and correspondence shall be preserved for a period of not less than three years.

§ 130.32 *Authority to destroy records.* Organizations subject to the provisions of the regulations in this part may destroy records or documents named or described in the regulations in this part after they have been preserved for the prescribed periods of time. Permanent records are those which may not be destroyed without special authority.

(a) *Special authority.* Organizations subject to the provisions of the regulations in this part proposing to destroy records or documents which are not named or described in the regulations in this part or which if named or described have not been retained for the period required by the regulations in this part, may request special authority to destroy them. Applications for such special authority shall describe in detail the records or documents to be destroyed and shall explain why their continued retention is unnecessary. Such organizations may also request special authority to retain photographic copies of any of the records or documents covered by the regulations in this part in lieu of the originals thereof.

§ 130.40 *Reporting requirements.* All conferences, bureaus, committees, or other organizations, subject to section 5a shall file annual reports for the year ended December 31, 1958, and for each succeeding year until further notice in accordance with Annual Report Form RBO.[1] This annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

[F. R. Doc. 58-4485; Filed, June 12, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

FLYNN FORWARDING CO., INC., AND AMERICAN OCEANIC FORWARDING CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8301 between Flynn Forwarding Co., Inc., St. Louis, Missouri, and American Oceanic Forwarding Co., a division of Hawaiian Freight Forwarders, Ltd., with offices in New York, New Orleans, San Francisco, and Los Angeles, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 10, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4492; Filed, June 12, 1958; 8:50 a. m.]

AMERICAN MAIL LINE, LTD., ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8186-1, between American Mail Line, Ltd., American President Lines, Ltd., Isbrandtsen Company, Inc., et al., modifies the West Coast American-Flag Berth Operators agreement to provide that any United States flag common carrier by water whose service in the trade covered by said agreement is limited to the trade between the Territory of Hawaii and the Far East areas may become an associate party with voting rights limited to such trade. Agreement No. 8186 provides for the collaboration of the parties with respect to rates and related matters in connection with the transportation of cargo for M. S. T. S. and related shipper services in the foreign trades to and from United States Pacific Coast ports and to and from ports in territories and possessions of the United States; and also in trades between foreign ports.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

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[1] Filed as part of the original document.

Dated: June 10, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4493; Filed, June 12, 1958; 8:51 a. m.]

ALASKA STEAMSHIP CO. AND LOMEN COMMERCIAL CO.

NOTICE OF CANCELLATION OF AGREEMENTS

Notice is hereby given that by order dated May 26, 1958, the Federal Maritime Board approved the cancellation of the following described agreements pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 7539, as amended, between Alaska Steamship Company and Lomen Commercial Company covers an arrangement whereby Lomen agrees to collect for account of Alaska all freight charges and/or advance charges due Alaska on freight delivered by Alaska to Lomen's lighters at ship's anchorage at Alaskan ports for transportation to shore for delivery to consignees.

(2) Agreement No. 7557, as amended, between Alaska Steamship Company and Lomen Commercial Company is a cooperative working arrangement whereby the parties agree that claims for losses, damages, and shortages in connection with cargo carried on vessels of Alaska and discharged to or received from lighters of Lomen at Bering Sea anchorages, for which responsibility cannot be determined, are to be borne as set forth in the agreement.

These agreements were cancelled since all the property and assets of Lomen Commercial Company have been transferred to Alaska Steamship Company, Alaska is the sole shareholder of Lomen, and Lomen is in the process of voluntary dissolution.

Dated: June 10, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4494; Filed, June 12, 1958; 8:51 a. m.]

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE AND OSAKA SHOSEN KAISHA, LTD.

NOTICE OF CANCELLATION OF AGREEMENT

Notice is hereby given that by order dated June 2, 1958, the Federal Maritime Board approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 57-38, between the member lines of the Pacific Westbound Conference and Osaka Shosen Kaisha, Ltd., provides for the participation of that company in said conference without voting privileges or the requirement of posting a surety bond, but with the right to participate in conference contracts with shippers. This agreement was cancelled because it was no longer operative since Osaka Shosen Kaisha, Ltd., was admitted to regular membership in the conference with full voting rights, effective May 14, 1958.

Dated: June 10, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4501; Filed, June 12, 1958; 8:53 a. m.]

Office of the Secretary

L. KEVILLE LARSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240; December 8, 1956, 21 F. R. 9749; June 20, 1957, 22 F. R. 4369; December 12, 1957, 22 F. R. 9979.

A. Deletions: Oxford Paper Company, Edward Hines Lumber Co., Kimberly-Clark Corp.

B. Additions: Ft. Wayne Paper Company.

This statement is made as of May 31, 1958.

Dated: May 31, 1958.

L. KEVILLE LARSON.

[F. R. Doc. 58-4490; Filed, June 12, 1958; 8:50 a. m.]

WESLEY O. RANKIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 21, 1957, 22 F. R. 10473.

A. Deletions: No change.

B. Additions: No change.

This statement is made as of June 6, 1958.

Dated: June 6, 1958.

WESLEY O. RANKIN.

[F. R. Doc. 58-4491; Filed, June 12, 1958; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHULTS SALE YARD ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Shults Sale Yard, Grand Junction, Colorado.
Oxford Auction Co., Inc., Oxford, Iowa.
Lum Bros. Stockyards, Vidalia, Louisiana.
Ada Livestock Auction, Inc., Ada, Oklahoma.
Community Sales Yard, Edinburg, Texas.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this [illegible] day of June 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-4500; Filed, June 12, 1958; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9333]

STEWART AIR SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Stewart Air Service Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on June [illegible], 1958, is postponed until June 24, 1958 at 10:00 a. m., e. d. s. t., in Room E-[illegible], Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., June [illegible], 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4496; Filed, June 12, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6826]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JUNE 9, 1958.

Take notice that on June 2, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance, of not to exceed 59,532 shares of its Common Stock, par value $3.00 per share not bearing a fixed dividend rate. Applicant proposes to offer the aforesaid shares to the present holders of its Common Stock, on a pro rata basis, at the rate of one share of new Common Stock for each 10 shares of Common Stock held at the time of issue of the new Common Stock, in accordance with the preemptive rights of such holders. Applicant proposes to issue the new Common Stock as soon as is practicable after July 7, 1958. Holders of Applicant's Common Stock are entitled to one vote for each share held and, in the election of directors, each holder is entitled to vote cumulatively. The subscription rights to the new Common Stock will be evidenced by transferable Subscription Warrants, which will expire approximately two weeks from the date of mailing to stockholders. No fractional shares will be issued. It is anticipated that the offer to present stockholders will be underwritten. The proceeds from the sale of the new Common Stock will be used first to pay a short term bank note of $900,000 due August 15, 1958, and the balance of the proceeds, if any, will be applied to Applicant's 1958 construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 30th day of June 1958, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4487; Filed, June 12, 1958; 8:49 a. m.]

POST OFFICE DEPARTMENT

CZECHOSLOVAKIA

GIFT PARCEL REGULATIONS

Gift parcels for Czechoslovakia are delivered at reduced rates of duty, or in some cases free of duty, provided not over three per year are received for one addressee, and the contents do not exceed the limits of commodities prescribed by the Czechoslovak customs authorities. If those limits are exceeded, the addressees may be called on to pay duty at high rates and also to obtain import permits, and if they are unable to do so the parcels may be treated as undeliverable.

There is given below a list of commodities furnished by the Czechoslovak authorities with the amount of what is considered to be the normal quantity of each item for a gift parcel. It should be pointed out to mailers that if their parcels contain items not listed or larger quantities than those shown of the items listed, the parcels may be returned to them because the addressees are unable to take delivery.

It should be noted that preserved food in tin cans or other hermetically sealed containers are not permitted.

Commodity:	*Normal quantity for a gift parcel*
Coffee	2 lbs. 3 ozs.
Tea	8¾ oz.
Spices	8¾ oz.
Cigarettes	200.
Cigars	40.
Tobacco	7 oz.
Cocoa	2 lbs. 3 oz.
Chocolate	2 lbs. 3 oz.
Chocolate products	2 lbs. 3 oz.
Nescafe and similar products	2 lbs. 3 oz.
Chewing gum	17½ oz.
Wool yarn or wool knit goods	1 lb. 10½ oz.
Coats (leather or fur), dresses, suits	1 or material for 1.
Nylon or similar material	7⅛ sq. yd.
Blouses of nylon or similar material	1.
Underwear of nylon or similar material	1 article or 1 suit.
Stockings of nylon or similar material	1 pair.
Shawls of wool, silk, part silk, nylon or similar materials	1.
Scarfs of wool, silk, part silk, nylon or similar materials	1.
Tablecloths of plastic or nylon	1.
Watches	1.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4479; Filed, June 12, 1958; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no requests for formal hearing having been filed following filing of the notice of proposed action with the Federal Register Division the Atomic Energy Commission has this date issued License No. R-37 to Massachusetts Institute of Technology substantially in the form published in the FEDERAL REGISTER on April 4, 1958, 23 F. R. 2232, authorizing the possession and operation of a research reactor at Cambridge, Massachusetts.

Dated at Germantown, Md., this 9th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4469; Filed, June 12, 1958; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 341]

POSTMASTER GENERAL

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS FOR REHABILITATION OF CHICAGO, ILL., MAIN POST OFFICE

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Postmaster General to negotiate a contract or contracts for the rehabilitation of the conveyor system at the Main Post Office, Chicago, Illinois, without advertising pursuant to section 302 (c) (9) of the said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or employee of the Post Office Department.

4. This delegation shall be effective as of the date hereof, and shall not extend beyond June 1, 1959.

Dated: June 6, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-4488; Filed, June 12, 1958; 8:49 a. m.]

[Delegation of Authority No. 342]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY CONCERNING DISPOSAL OF CERTAIN ADDITIONS TO FACILITIES OF NATIONAL TUBE DIVISION, U. S. STEEL CORP.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), (herein referred to as the "Act"), authority is hereby delegated to the Secretary of Defense to dispose of the real and related personal property comprising the scrambled facilities of the National Tube Division, U. S. Steel Cor-

poration plant constructed under Contract No. D-36-061-ORD889, between the United States of America, represented by the Secretary of the Army, and the National Tube Division, U. S. Steel Corporation, by negotiated sale or otherwise; on such terms as may be advantageous to the United States: *Provided*, That in the event of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the Act and Regulations of General Services Administration issued pursuant thereto; except that, in view of the dependency of this facility on other property in private ownership, it has been determined that screening of the facility with other Federal agencies would serve no useful purpose. Therefore, the facility is determined to be surplus property.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

4. This delegation shall be effective as of the date hereof.

Dated: June 9, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-4489; Filed, June 12, 1958; 8:50 a. m.]

Public Buildings Service

[Wildlife Order 48]

RHODE ISLAND

TRANSFER OF PROPERTY

Pursuant to the authority granted under Public Law 537, approved May 18, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated April 18, 1958, that property known as Fort Greble, Dutch Island (Portion) (N-RI-422), Town of Jamestown, County of Newport, Narragansett Bay, Rhode Island, and more particularly described in said deed, has been transferred from the United States to the State of Rhode Island.

2. The above-described property was transferred to the State of Rhode Island for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE,
Commissioner,
Public Buildings Service.

JUNE 3, 1958.

[F. R. Doc. 58-4477; Filed, June 12, 1958; 8:46 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

AMERICAN-POLISH NATIONAL RELIEF FOR POLAND, INC.

REGISTER OF VOLUNTARY FOREIGN AID AGENCIES

In accordance with the regulations of the International Cooperation Administration concerning Registration of Agencies for Voluntary Foreign Aid (I. C. A. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 521 of the Mutual Security Act of 1954, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration to the following agency:

American-Polish National Relief for Poland, Inc., 1002-04 Pittston Avenue, Scranton, Pa.

J. H. SMITH, Jr.,
Director.

MAY 29, 1958.

[F. R. Doc. 58-4476; Filed, June 12, 1958; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-3913, etc.]

OLIVER PRODUCTS, INC., ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 9, 1958.

In the matter of Oliver Products, Inc., File No. 24NY-3913; James Spicer as "The Porcelain Clay Company", File No. 24NY-4123; Holiday Lake, Inc., File No. 24NY-4125.

I. Oliver Products, Inc., 280 Madison Avenue, New York, N. Y.; James Spicer as "The Procelain Clay Company", 36 East 64th Street, New York, N. Y., and Holiday Lake, Inc., 130 North Broadway, Camden, N. J.; each filed with the Commission a notification on Form 1-A and an offering circular relating to a proposed public offering of securities for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reason to believe that the terms and conditions of said Regulation A have not been complied with in that each issuer has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and hereby is, temporarily suspended in each instance.

Notice is hereby given that any person having any interest in any of the above matters may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4480; Filed, June 12, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 10, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34747: *Iron and steel articles to Louisiana and Texas Gulf ports.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7307), for interested rail carriers. Rates on iron and steel articles, carloads from specified points in southern and official (including Illinois) territories to Lake Charles and West Lake Charles, La., Beaumont, Galveston, Houston, Nederland, Orange, Port Arthur, and Texas City, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 199 to Southwestern Freight Bureau tariff I. C. C. 4170.

FSA No. 34748: *Fish scrap—Empire, La., to Illinois territory.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7308), for interested rail carriers. Rates on fish scrap, carloads, as described in the application from Empire, La., to points in Illinois territory.

Grounds for relief: Short-line distance formula and market competition with southern producing points.

Tariff: Supplement 269 to Southwestern Freight Bureau tariff I. C. C. 4112.

FSA No. 34749: *Iron and steel articles between Council Bluffs, Iowa and Nebraska points.* Filed by Western Trunk Line Committee, Agent (WTL No. A-1981), for interested rail carriers. Rates on iron and steel articles, carloads, as described in the application between Council Bluffs, Iowa, on the one hand, and specified points in Nebraska, on the other.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 220 to Western Trunk Lines tariff I. C. C. A-3748.

FSA No. 34750: *Fine coal—Southern mines to Harryat, Ga.* Filed by Southern Railway Company, Agent (No. 133-A), for interested rail carriers. Rates on fine coal, carloads, as described in the appliction from mines in Alabama, Kentucky, Tennessee, and Virginia on Southern Railway Company and connections.

Grounds for relief: Competition with natural gas as fuel for power plants.

Tariffs: Supplement 47 to Southern Railway Company's tariff I. C. C. A-11166. Supplement 44 to Southern Railway Company's tariff I. C. C. A-11352.

FSA No. 34751: *Fertilizer and materials—Southern ports to Southern points.* Filed by O. W. South, Jr., Agent (SFA No. B3676), for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Gulf, south Atlantic and Virginia ports (import traffic) to points in southern territory.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitraries.

Tariff: Southern Freight Tariff Bureau tariff I. C. C. S-12.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4483; Filed, June 12, 1958; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 23 NUMBER 117

Washington, Saturday, June 14, 1958

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.76, Amdt. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

1958 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.76, Determination of Proportionate Shares, Domestic Beet Sugar Producing Area, 1958 Crop, issued October 8, 1957 (22 F. R. 8107 and 8175), as amended by Amendment 1 thereto, issued December 12, 1957 (22 F. R. 9877) is hereby amended as follows:

1. Paragraph (b) (1) is hereby amended by changing the reference to the national acreage limitation therein of "915,000 acres" to "935,000 acres" and by changing the reference to the "Reserve" therein of "2,500 acres" to "22,500 acres".

2. Paragraph (b) (2) is hereby amended by adding the following at the end thereof: "Notwithstanding any other provisions of this section, acreage within the Reserve may be allocated by the Director to States listed in this paragraph to increase the proportionate shares for farms on which additional sugar beet acreage can be utilized."

STATEMENT OF BASES AND CONSIDERATIONS

The determination of proportionate shares for the 1958 crop, made on October 8, 1957, established a national acreage of 915,000 acres. This total acreage was expected to yield the amount of sugar necessary for the area to meet its quota and provide a normal carryover.

During the current calendar year, the quota for the sugar beet area has been increased by more than 250,000 tons of sugar because of deficits in the quotas for Hawaii and Puerto Rico which developed as a result of a prolonged strike and adverse weather conditions, respectively. Thus, the demands for sugar on the beet area have been considerably greater than anticipated. In addition, unfavorable weather and excessive losses from plant diseases in one large sugar beet producing State have resulted in the abandonment of planted acreages far in excess of normal. As a result of such excessive abandonment, it appears that the proportionate share acreage formerly established will produce less sugar than anticipated at that time.

This action increases the national reserve acreage from 2,500 acres to 22,500 acres and the national acreage limitation from 915,000 acres to 935,000 acres. Acreage from the reserve may be allocated by the Director to States for use in increasing the proportionate shares for farms that can use additional acreage. The amount of the increase has been determined by taking into consideration the increase in the quota for the domestic sugar beet area and the excessive abandonment together with the probability of the effective use of the increased acreage at this time.

Because this action is taken to increase the supply of sugar as a result of circumstances which have arisen since the issuance of the original determination, the proportionate shares for the farms affected thereby will exceed those computed for 1958 by application of the factors of past production and ability to produce. Additional acreage made available under this action will have no necessary relation to past production and will reflect ability to produce for only a part of this year. Accordingly, it is not contemplated that recognition will be given to the increase in 1958 planted acreage on the farms affected by this action in the computation of proportionate shares or in establishing State allocations or area allotments under forthcoming proportionate share determinations.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Issued this 10th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4538; Filed, June 13, 1958; 8:52 a. m.]

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FEDERAL REGISTER

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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 140]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.440 *Valencia Orange Regulation 140*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 12, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1958, and ending at 12:01 a. m., P. s. t., June 22, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 13, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4602; Filed, June 13, 1958; 11:15 a. m.]

[Lemon Reg. 743]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.850 *Lemon Regulation 743*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 11, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1958, and ending at 12:01 a. m., P. s. t., June 22, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 511,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4588; Filed, June 13, 1958; 9:19 a. m.]

[Peach Order 4]

PART 962—FRESH PEACHES GROWN IN GEORGIA

LIMITATION OF SHIPMENTS

§ 962.316 *Peach Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) because the time

intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 15, 1958. Shipments of the early varieties of the current crop of peaches are now being made and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) Peach Order 1 (§ 962.313; 23 F. R. 3593) and Peach Order 3 (§ 962.315; 23 F. R. 3849), respectively, are hereby terminated effective at 12:01 a. m., e. s. t., June 15, 1958.

(2) During the period beginning at 12:01 a. m., e. s. t., June 15, 1958, and ending at 12:01 a. m., e. s. t., September 1, 1958, no handler shall ship:

(i) Peaches in any bulk lot or any lot of packages (except peaches in bulk to destinations in the adjacent markets), unless: (*a*) at least 85 percent, by count, of such peaches are U. S. No. 1 quality; and (*b*) at least 90 percent, by count, of such peaches are mature: *Provided,* That peaches with split pits and hail marks may be shipped if they otherwise meet the requirements of this paragraph; or

(ii) Peaches in any bulk lot or any lot of packages (except peaches in bulk to destinations in the adjacent markets), which are of a size smaller than 1⅞ inches in diameter, except that not more than ten (10) percent, by count, of such peaches in any bulk lot or any lot of packages may be of a size smaller than 1⅞ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1⅞ inches in diameter.

(c) The maturity regulations contained in § 962.400 of this part are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b) (2) of this regulation.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U. S. No. 1," "diameter," "split pits," and "hail marks" shall have the same meaning as when used in the revised United States Standards for Peaches (7 CFR 51.1210–51.1223).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–4572; Filed, June 13, 1958; 9:19 a. m.]

[Lime Order 6]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

§ 1001.306 *Lime Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 16, 1958. Shipments of designated varieties of Florida limes are currently regulated pursuant to Lime Order 4, as amended, and are subject thereunder to the same quality and size restrictions as herein provided; Lime Order 4, as amended, is scheduled to terminate effective at 12:01 a. m., e. s. t., June 16, 1958; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to June 16, 1958, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on June 10, 1958, held to consider recommendations for regulation, the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 16, 1958, and ending at 12:01 a. m., e. s. t., April 30, 1959, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U. S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U. S. No. 2, Turning;

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which are smaller than 1⅜ inches in diameter: *Provided,* That not to exceed 5 percent, by count, of the limes in any container may fail to meet this requirement; or

(iv) Any container of such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which contain more than 5 percent, by count, of limes smaller than 1⅞ inches in diameter unless the juice content of the limes in such container averages at least 48 percent, by volume.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016; 22 F. R. 3405).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–4571; Filed, June 13, 1958; 9:19 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENTS OR RESIDENT TRAINEES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE STUDENT NURSES

Effective June 1, 1958, the maximum stipend prescribed under § 27.2 for the position listed below is amended as follows:

§ 27.2 *Maximum stipends prescribed* * * *

Student nurses: Total for three years training (diploma course)	$5,100

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–4528; Filed, June 13, 1958; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 73]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

Note: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Idle Int or RBn (Final)	HEM LFR	Direct	800	T-dn	300-1	300-1	200-½
Radar terminal area transitions all directions.	HEM-LFR	Within 25 mi. of IDL.	3000	C-dn	500-1	600-1	600-1½
Radar terminal area transitions E of NE-SW crs Laguardia LFR.	HEM-LFR	Within 15 mi. of IDL.	1500	A-dn	800-2	800-2	800-2

Radar transition utilizing Idlewild surveillance radar.

Procedure turn E side SW crs. 215 Outbnd, 035 Inbnd, 1500′ within 10 mi.

Minimum altitude over facility on final approach crs, 800′.

Crs and distance, facility to airport, 046—3.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi, make a right climbing turn to 1500′ (or higher altitude when directed by ATC) and return to Hempstead LFR.

City, Bethpage; State, N. Y.; Airport Name, Grumman; Elev., 119′; Fac. Class, SBMRAZ; Ident., HEM; Procedure No. 1, Amdt. 3; Eff. Date, 5 Jul. 58; Sup. Amdt. No. 2; Dated, 11 May 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
DHN LFR	OKB RBn	Direct	1700	T-dn	300-1	300-1	300-1
DHN TVOR	OKB RBn	Direct	1700	S-dn	600-1	600-1	600-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 250° Outbnd, 070° Inbnd, 1600′ within 10 mi.

Minimum altitude over facility on final approach crs, 900′.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OKB RBn, turn left and climb to 1600′ on crs of 280° within 20 mi.

Note: Prior arrangement for landing required for civil aircraft not on official business.

City, Ft. Rucker; State, Ala.; Airport Name, Ozark AAF; Elev., 305′; Fac. Class, MH; Ident., OKB; Procedure No. 1, Orig.; Eff. Date, 22 May 58

IND-VOR	LOM	Direct	1900	T-dn	300-1	300-1	300-1
Clayton FM	LOM	Direct	1900	C-dn	400-1	500-1	500-1½
IND-LFR	LOM	Direct	1900	S-dn-4R and L*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Landing not authorized on Rnwy 4R if aircraft are occupying 4R taxiway when weather below 500-2. Taxiway 4R is 2000′ paved extension of old Rnwy 4R that intersects with end of Rnwy 4L.

Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 1900′ within 10 mi.

Minimum altitude over facility on final approach crs, 1900′.

Crs and distance, facility to airport, 043°—3.9 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 2900′ on E crs IND-LFR to Greenfield Int, or as directed by ATC:

1. Climb to 2200′ on S crs IND-LFR within 20 miles.
2. Make left turn, climb to 1900′ and proceed to LOM.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mun.; Elev., 796′; Fac. Class, LOM; Ident., IN; Procedure No. 1, Orig.; Eff. Date, 5 Jun. 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Waterloo Temp Int*#	Waterloo "H"	Direct	6000	T-dn	300-1	300-1	300-½
Waterloo VOR*	Waterloo "H"	Direct	2300	C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Cancel Waterloo Temp Int and utilize Waterloo VOR when Waterloo VOR is recommissioned.
#Int FOD R-085 and MCW R-122.
Procedure turn South side of crs, 302° Outbnd, 122° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 122°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, make right climbing turn to 2500′ and proceed on crs of 137° within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class, H; Ident., ALO; Procedure No. 1, Orig.; Eff. Date, 5 June 58 or com. date of facility

Chardon VOR	Lost Nation RBn	Direct	2500	T-dn	300-1	300-1	300-1
Perry RBn	Lost Nation RBn	Direct	2500	S-dn-27*	500-1	500-1	500-1
County Int	Lost Nation RBn	Direct	2500	C-dn*	600-1	600-1	600-1½
Fairport Int	Lost Nation RBn	Direct	1900	A-dn	NA	NA	NA

*Authorized only for aircraft equipped to receive ADF and VOR simultaneously. If Chardon VOR not received 1200-1 minimums will apply.
Procedure turn North side of crs, 092° outbnd, 272° inbnd, 2300′ within 10 miles of Int. 272° inbnd crs LNN RBn and R-335 Chardon VOR.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 272—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2500′ on crs of 272° within 10 miles and return to LNN RBn and hold West.
CAUTION: Stack 920′ MSL 1.7 miles WSW of airport. High lines along east boundary of airport.
NOTES: Voice communications and weather on 122.8 available 24 hours a day. Contact Cleveland approach control for ATC. Runway lights east/west runway only.
Facility owned and operated by Lost Nation Airport.

City, Willoughby; State, Ohio; Airport Name, Lost Nation; Elev., 626′; Fac. Class, HW; Ident., LNN; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 July 58

Chardon VOR	Lost Nation RBn	Direct	2500	T-dn	300-1	300-1	300-1
Perry RBn	Lost Nation RBn	Direct	2500	C-dn	800-1	800-1	800-1½
County Int	Lost Nation RBn	Direct	2500	A-dn	NA	NA	NA
Fairport Int	Lost Nation RBn	Direct	1900				

Procedure turn *North side of crs, 272° Outbnd, 092° Inbnd, 1900′ within 10 miles.
*Nonstandard account ATC.
Minimum altitude over facility on final approach crs, 1400′.
Facility located on the airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 2500′ and return to RBn and hold West.
CAUTION: Stack 920′ MSL 1.7 miles WSW of airport. High lines along east boundary of airport.
NOTES: Voice communications and weather on 122.8 available 24 hours a day. Contact Cleveland approach control for ATC. Runway lights east/west runway only.
Facility owned and operated by Lost Nation Airport.

City, Willoughby; State, Ohio; Airport Name, Lost Nation; Elev. 626′; Fac. Class, HW; Ident., LNN; Procedure No. 2, Orig.; Eff. Date, 5 Jul. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 8 MAY 1958.

City Calverton; State, N. Y.; Airport Name, Peconic River; Elev., 80′; Fac. Class, VORW; Ident., RVH; Procedure No. 1, Orig.; Eff. Date, 13 Oct. 54

IOW-VOR	CID-VOR	Direct	2100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side crs, 267° Outbnd, 087° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 087—3.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, climb to 2200′ on R-087 CID within 20 mi.
NOTE: No tower.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class, VOR; Ident., CID; Procedure No. 1, Orig.; Eff. Date, 5 Jul. 58

				T-dn	500-2	500-2	NA
				C-dn	1000-3	1000-3	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 002 Outbnd, 182 Inbnd, 2700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 182—14.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi of FYV VOR, turn left and climb to 2700′ on R-002 within 20 mi.

City, Fayetteville; State, Ark.; Airport Name, Drake Field; Elev., 1251′; Fac. Class, VOR; Ident., FYV; Procedure No. 1, Orig.; Eff. Date, 5 Jul. 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Barbers Point FM	HNL-VOR (Final)	Direct	*1000	T-dn C-dn S-dn-8 A-dn	400-1 500-1 500-1 800-2	400-1 500-1 500-1 800-2	400-1 500-1½ 500-1 800-2

*Maintain 2000′ on final until abeam HN LOM inbnd; if not received, maintain 2000′ to VOR.
Instrument approach procedure will normally commence from Southgate or Coconut Intersections.
Radar vectoring to final approach crs authorized at 2000′.
Procedure turn S side of crs, 250 Outbnd, 070 Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′*.
Crs and distance, facility to airport, 078—4.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles execute right climbing turn to intercept R-108 and proceed to Southgate Int at 2000′.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 385′ terrain 1½ miles north, and 508′ terrain 2 miles northeast of airport.

City, Honolulu; State, Hawaii; Airport Name, Honolulu Int'l; Elev., 10′; Fac. Class, BVOR; Ident., HNL; Procedure No. 1, Amdt. 9; Eff. Date, 5 Jul. 58; Sup. Amdt. No. 8; Dated, 19 Dec. 57

Miles City LFR	MLS-VOR	Direct	4300	T-dn C-dn S-dn-Rny 4 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn S side crs, 210 Outbnd, 030 Inbnd, 4300′ within 10 mi.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 030—3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 4500′ on R-061 within 20 miles.
CAUTION: LFR tower 2800′ m. s. l.

City, Miles City; State, Mont.; Airport Name, Municipal; Elev., 2628′; Fac. Class, BVOR; Ident., MLS; Procedure No. 1, Amdt. 2; Eff. Date, 1 Jul. 58; Sup. Amdt. No. 1; Dated, 6 Jul. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DHN TVOR DHN LFR	OZR TVOR OZR TVOR	Direct Direct	1700 1700	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2

Procedure turn N side crs, 243 Outbnd, 063 Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile OZR TVOR turn left and climb to 1600′ on R-285 OZR TVOR within 20 miles or, when directed by ATC, turn left and climb to 2000′ on R-330 OZR TVOR within 20 mi.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Ft. Rucker; State, Ala.; Airport Name, Ozark AAF; Elev. 305′; Fac. Class TVOR; Ident., OZR; Procedure No. 1, Orig.; Eff. Date, 22 May 58

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
13 mi. fix R-100	8.9 mi. fix (Final-30)	Direct	1700	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	*200-½ 500-1½ 800-2

*300-1 required on runways 8-26.
No procedure turn authorized or required. DME must be used to position aircraft for final approach as directed by ATC.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.9 mi., climb to 3100 on N crs of OKC ILS (350 outbnd) within 20 miles.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1283′; Fac. Class, BVOR; Ident., DME-OKC; Procedure No. VOR-DME-30, Amdt. 3; Eff. Date, 5 Jul. 58; Sup. Amdt. No. 2; Dated, 28 Jul. 56

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1958.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mun.; Elev., 796′; Fac. Class, ILS; Ident., VOR and Radar; Procedure No. ILS-22 L and R, Amdt. 5; Eff. Date, 15 Mar. 58; Sup. Amdt. No. 4; Dated, 13 Jul. 57

Int ILS loc and E crs IND LFR	River Int*	Direct	2300	T-dn	300-1	300-1	200-½
Fairgrounds Int	River Int (Final)*	Direct	1800	C-dn	400-1	500-1	500-1½
Castleton Int	Fairgrounds Int	Direct	2300	S-dn-22 L and R	400-1	400-1	400-1
Indianapolis LFR via crs 075	ILS localizer	Direct	2300	A-dn	800-2	800-2	800-2
8.6 mi Radar Fix on Final	4.3 mi Radar Fix	Direct	1800				
4.3 mi Radar Fix	App end rny 22 (Final)	Direct	1200				
Radar terminal area transition altitudes—distances are from radar site and azimuths progress clockwise.**							
120	260	20 mi	2000				
260	120	20 mi	#2300				

#Except 2800′ within 3 mi of 1849′ tower, 2800′ within 3 mi of 1815′ tower, and 2900′ within 3 mi of 1852′ tower E and NE of airport.
*Holding Not Authorized below 2300′.
**Radar Transitions must intercept NE crs ILS at least 3 mi NE of River Int.
Procedure turn N side NE crs ILS, 043 Outbnd, 223 Inbnd, 2800′ within 10 mi of River Int.
No Glide Slope, minimum altitude over River Int or Radar Fix inbnd on final 1800.
No Outer Marker, brng and distance River Int or Radar Fix to Rny 22R, 223—4.3; No Middle Marker.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing River Int or Radar Fix, make right turn climb to 2000′ on W crs IND-LFR within 15 miles or, when directed by ARTC, as follows: 1. Climb to 2100 on NW crs IND-LFR within 20 mi, 2. climb on SW crs. ILS to 1900 and proceed to LOM.

NOTE: This ILS procedure not authorized when radar is inoperative unless aircraft is equipped to receive VOR and ILS simultaneously.

CAUTION: Landings not authorized on Rnwy 4R if aircraft are occupying 4R taxiway when weather below 500-2.

Taxiway 4R is 2000′ paved extension of old Rnwy 4R that intersects with end of Rnwy 4L. Night operations on Rnwy 4L and 22R authorized when runway lighting completed and in operation.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mun.; Elev., 796′; Fac. Class, ILS; Ident., VOR and Radar; Procedure No. 22R and L, Orig.; Eff. Date 5 Jun.

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1958.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mun.; Elev. 796′; Fac. Class, ILS-IND; Ident., LOM-IN; Procedure No. ILS-4R and L, Comb. ILS-ADF, Amdt. 10; Eff. Date, 15 Mar. 58; Sup. Amdt. No. 9; Dated, 10 Aug. 57

IND VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Clayton FM via crs 105-ILS	SW crs ILS (Final)	Direct	1900	C-dn	400-1	500-1	500-1½
IND-LFR via crs 194 ILS	SW crs ILS	Direct	1900	S-dn-4L*	200-½	200-½	200-½
Int E crs IND-LFR and NE crs ILS	LOM	Direct	1900	A-dn**	600-2	600-2	600-2
Int S crs IND-LFR and SW crs ILS	LOM	Direct	1900				
Int IND R-205 and SW crs ILS	LOM (Final)	Direct	2000				
Radar terminal area transition altitudes—distances are from radar site and azimuths progress clockwise.							
120	260	20 mi	2000				
260	120	20 mi	#2300				

#Except 2800′ within 3 mi of 1849′ tower, 2800′ within 3 mi of 1815′ tower, and 2900′ within 3 mi of 1852′ TV tower NE and E of airport.
*400-1 required when any installed component of ILS is inoperative.
**All installed components of ILS must be operating otherwise alternate minimums of 800-2 apply.
Procedure turn S side SW crs, 223 Outbnd, 043 Inbnd, 1900′ within 10 mi of LOM.
Minimum altitude at G. S. int inbnd, 1900.
Altitude of G. S. and distance to appr end of rny at OM 1900—3.9, at MM 980—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2900′ on E crs of IND-LFR to Greenfield Int or as directed by ATC:
1. Climb to 2200′ on S crs of IND-LFR within 20 mi.
2. Make left turn, climb to 1900′ and proceed to LOM.

CAUTION: Landings not authorized on Rnwy 4R if aircraft are occupying 4R taxiway when weather below 500-2. Taxiway 4R is 2000′ paved extension of old Rnwy 4R that intersects with end of Rnwy 4L. Night operations on Rnwy 4L and 22R authorized when runway lighting completed and in operation.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook Mun.; Elev., 796′; Fac. Class, ILS-IND; Ident., LOM-IN; Procedure No. ILS-4L, Orig.; Eff. Date, 5 Jun.

¶ The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
														Condition	2-engine or less		More than 2-engine, more than 65 knots
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.		65 knots or less	More than 65 knots	
														Surveillance approach			
360	080	5	6000	10	6000	*15	6000	20	8000	25	9500			T-dn	400-1	400-1	400-1
080	110	5	3000	10	3000	15	3000	20	3000	25	3000			C-dn	400-1	500-1	500-1½
110	235	5	1000	10	1500	15	1500	20	1500	25	1500		-	S-dn 4, 8	400-1	500-1	500-1½
235	260	5	1500	10	1500	15	2000	20	2000	25	2000			A-dn	800-2	800-2	800-2
260	280	5	3000	10	3000	15	3000	20	3000	25	3000						
280	290	5	6000	10	6000	15	6000	20	6000	25	7000						
290	360	5	6000	10	6000	15	6000	20	6000	25	6000						

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

*Intermittent Radar Coverage 360-080.

Instrument approach procedure will normally commence from Southgate or Coconut Intersections.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished execute right climbing turn to intercept HNL LFR S crs or VOR R-168 and proceed to Southgate Int at 2000′.

CAUTION: Standard clearance over obstructions not provided for circling minimums; 385′ terrain 1½ miles north, and 508′ terrain 2 miles northeast of airport.

City, Honolulu; State, Hawaii; Airport Name, International; Elev., 10′; Fac. Class, Honolulu; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 5 Jul. 58; Sup. Amdt. No. Orig.; Dated, 31 Mar. 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

MAY 29, 1958.

[F. R. Doc. 58-4255; Filed, June 13, 1958; 10:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

REVOCATION OF CERTAIN DEFENSE MOBILIZATION ORDERS

By virtue of the authority vested in me by Reorganization Plan No. 3 dated June 12, 1953, and Executive Order 10480 dated August 14, 1953, the following Defense Mobilization Orders are hereby revoked:

DMO-I-2—Reconstituting the Committee on Defense Transportation and Storage, August 19, 1953 (18 F. R. 4909) as amended by Amend 1, March 2, 1955 (20 F. R. 1345) and Amend 2, October 7, 1955 (20 F. R. 7574).

DMO-IV-3—Establishment of an Advisory Committee on the Watch Industry, January 12, 1955 (20 F. R. 336).

DMO-V-2—Establishment of a Titanium Advisory Committee, February 17, 1954 (19 F. R. 975).

DMO-VII-8—Establishment of an Industrial Defense Committee (DMO-VI-3, 19 F. R. 380, January 21, 1954, as amended by Amend 1, 19 F. R. 6175, September 28, 1954).

DMO-VII-9—Establishment of Mobilization Production Committee May 6, 1955 (20 F. R. 3187).

Dated: June 11, 1958.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58-4531; Filed, June 13, 1958; 8:50 a. m.]

[Defense Mobilization Order V-7]

DMOV-7—GENERAL POLICIES FOR THE STOCKPILE OF STRATEGIC AND CRITICAL MATERIALS

By virtue of the authority vested in me by the Strategic and Critical Materials Stock Piling Act, it is hereby ordered:

1. *General role of the strategic stockpile.* The strategic stockpile shall take account of the potentiality of limited war and general war and shall assume rapid mobilization in the event of an emergency.

2. *Period covered by stockpiling.* All strategic stockpile objectives shall be limited to meeting estimated shortages of materials for a 3-year emergency period.

3. *Stockpile objectives.* Strategic stockpile objectives shall be adequate for limited or general war whichever shows the larger supply-requirements deficit to be met by stockpiling. The objectives shall consist of (1) a "basic objective" which assumes reliance on sources of supply factored to reflect estimated supply risks and (2) a "maximum objective" which includes an additional allowance to take into account the complete discounting of sources of supply beyond North America and comparably accessible areas.

4. *Emergency requirements.* The requirements estimates for both limited and general war shall reflect specific requirements so far as they are applicable and available. Otherwise it shall be assumed that the total requirements would about equal the consumption by industrial capacity, considering necessary wartime limitation, conservation, and substitution measures. Requirements shall be discounted for wartime losses of consuming capacity to the extent that such losses can be reliably estimated.

5. *Emergency supplies.* Estimates of supply for the mobilization period shall be based on readily available capacity and known resources. The share available to the United States shall be discounted to reflect (1) the strategic vulnerability and possible economic and political instability of foreign sources, (2) overseas shipping losses and (3) vulnerability of domestic sources that are heavily concentrated geographically, including vulnerability to sabotage. Domestic supplies shall be discounted in cases of excessive concentration to the extent of the estimated time required to restore capacity that may be damaged.

6. *Provision for special-property materials.* Prospective needs for high-temperature and other special-property materials shall be considered on the basis of a three-year period beginning not more than two years in the future. Estimates of requirements therefor shall be included in the computation of objectives when there are indications of reasonably firm minimum requirements. In this connection arrangements shall be made for the regular availability of objective scientific advice to assist in such evaluation.

7. *Frequency of supply-requirements reviews.* The supply-requirements balance for any material that is now or may become important to defense shall be

kept under continuing surveillance and shall be given a full-scale review at any time that a change is believed to be taking place that would have a significant bearing on the wartime readiness position. Supply-requirements balances shall be examined at least once a year to ascertain the need for a full-scale review. The interim recalculation of basic and maximum stockpile objectives now underway shall be completed immediately. Priority of review shall be given to materials under procurement.

8. *Procurement policy.* The basic objectives shall be attained expeditiously. If necessary, sources of supply shall be expanded. Procurement, however, shall be tapered as the basic objectives are approached. The maximum objective shall be reached on a lower priority basis by such means as (1) deliveries under existing contracts, (2) transfers from other Government programs, (3) purchases with available foreign currencies, (4) barter of U. S. agricultural surpluses, and (5) programs to maintain the mobilization base under paragraph 9. Future long-term contracts should contain termination clauses whenever possible.

9. *Maintenance of the mobilization base.* The mobilization base shall relate to the projected supply capacity including standby capacity that would be readily available for an emergency commencing on any assumed date rather than to the output of a given period. Stockpile procurement to maintain this capacity shall be undertaken only within the maximum objective. Although various measures that are feasible shall be considered for meeting a mobilization deficit of materials, measures other than stockpiling shall be undertaken only after it is clear that stockpiling is not the best solution. All inventories of Government-owned materials held for long-term storage are a part of the mobilization base. If they are sufficiently large they may eliminate the need for a producing mobilization base segment.

10. *Upgrading to ready usability.* Where the general basis for estimating supplies of a material, including allowance for plant vulnerability, does not call for a sufficient quantity in a form suitable for immediate use to meet the initial surge of demand and abnormal conditions of intensive mobilization, a minimum readiness inventory—approximately a six months' requirement—shall be provided near centers of consumption. An interagency review should be undertaken to determine whether a need for a larger or lesser allowance may exist. Materials in Government inventories may be upgraded only when the net cost is less than the cost of new material. Materials will not be upgraded to such a degree, however, as to impair flexibility of use. Payment in kind may be used within the objectives to finance the upgrading, provided that the release of materials to pay for the upgrading will meet disposal criteria.

11. *Beneficiation of subspecification materials.* Subspecification-grade material in Government inventory may be beneficiated within the limits of the maximum objectives when this can be accomplished at less net cost than buying new material.

12. *Cancellation of contracts.* Commitments for deliveries to strategic stockpile and Defense Production Act accounts beyond the maximum objectives shall be cancelled when settlements can be arranged that would be mutually satisfactory to the supplier and the Government, that would not be disruptive to the economy or to projects essential to the national security and that would protect the financial interests of the Government.

13. *Disposal.* Strategic and critical materials shall be retained in Government inventories so long as they are needed to meet maximum stockpile objectives or any foreseeable increases in such objectives.

Disposals of excesses shall be undertaken only if they do not cause serious economic disruption or adversely affect the international interests of the United States.

14. *Declassification of stockpile data.* The Office of Defense Mobilization shall declassify stockpile data to the maximum extent feasible when it determines with the concurrence of agencies concerned that the national security would not thereby be jeopardized.

These policies are effective June 30, 1958.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 58-4536; Filed, June 13, 1958; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 12-5]

PART 12—AMATEUR RADIO SERVICE

AMATEUR RADIO OPERATOR EXAMINATION POINTS

In the matter of amendment of Appendix 1, Part 12, regarding amateur radio operator examination points; Rules Amdt. 12-5.

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing, that the increase in the number of candidates for operator licenses at quarterly examinations held at Cincinnati, Ohio warrants making additional provision for examinations; and

It further appearing, that provision should be made for additional periodic examinations by changing Louisville, Kentucky from a semiannual examination point to a quarterly examination point; and

It further appearing, that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, Pursuant to authority of section 0.341 of the Commission's Statement of Delegations of Authority, and to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and pursuant to section 3 (a) of the Administrative Procedure Act, that Appendix 1 of Part 12 of the Commission's rules be amended as set forth below, effective August 1, 1958.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: June 9, 1958.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Appendix 1, Part 12, is amended by removing Louisville, Kentucky, from the "Semiannual" listing and adding that city in alphabetical sequence to the "Quarterly" listing within this Appendix.

[F. R. Doc. 58-4502; Filed, June 13, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purpose. On the basis of further study, to make a number of corrections, and to effect temporary trap closures in the westward areas of Alaska, the changes set forth below are made. This document is in two parts; (1) that part which represents changes in the permanent basic regulations, and (2) temporary changes which by their own language temporarily amend certain sections of the basic regulations and are self-terminating.

PART 104—BRISTOL BAY AREA

1. Section 104.12 is amended to read as follows:

§ 104.12 *Size of mesh and depth of gill nets.* (a) Stretched measure shall not be less than 8½ inches prior to June 23 and shall not be less than 5½ inches from June 23 to July 25.

(b) Depth of gill nets shall not exceed 28 meshes.

2. Section 104.15 is amended in paragraph (c) by deleting "immediately preceding the opening date for fishing."

PART 105—ALASKA PENINSULA AREA

1. In § 105.5 (a) subparagraph (1) is amended to read as follows: "(1) from 6 a. m., July 10 to 6 p. m. September 13 west of Strogonof Point: *Provided*, That purse seines only may be used prior to August 4, and".

2. In § 105.5 (b), subparagraph (1) of the proviso is amended to read as follows: "(1) That in the area northeast of the church located near the beach about 2 miles northeast of Bear River, purse

seines only may be used from June 30 to August 2, inclusive, and;".

3. In § 105.9, paragraph (c) is amended to read as follows:

(c) *Northwestern; Southwestern; South Central; and Southeastern districts.* (1) Prior to July 6, from 6 a. m. Friday to 6 a. m. Monday; (2) subsequent to July 5, from 6 p. m. Friday to 6 a. m. Monday.

PART 109—COOK INLET AREA

1. Section 109.5 is amended in paragraph (a) by deleting "June 24" wherever it appears and substituting in lieu thereof "June 23".

2. Section 109.26 is amended in paragraphs (a) and (b) by deleting "June 25" and substituting in lieu thereof "June 23".

3. Section 109.28 is amended in the opening sentence of paragraph (a) by deleting "September 1" and substituting in lieu thereof "August 19"; is amended in paragraphs (b) and (c) by deleting "June 24" and substituting in lieu thereof "June 23", and is further amended in subparagraph (2) of paragraph (a) by inserting the word "open" immediately after the words, "Halibut Cove".

4. Section 109.90 is amended in subparagraph (3) of paragraph (c) by deleting "August 6" and substituting in lieu thereof "August 13".

PART 110—RESURRECTION BAY AREA

1. Section 110.34 is amended to read as follows:

§ 110.34 *Closed waters.* Fishing is prohibited north of a line from the southeast corner of the Alaska Railroad dock to the southwest corner of the Alaska Freight Line dock.

2. Section 110.94 is amended to read as follows:

§ 110.94 *Bag limit and gear restrictions.* Ten salmon, of which not more than two shall exceed sixteen inches in length, with hook and line only (a) in streams tributary to Resurrection Bay and (b) in Resurrection Bay north of a line from the southeast corner of the Alaska Railroad dock to the southwest corner of the Alaska Freight Line dock.

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.34 is amended by deleting paragraph (r).

2. Section 111.96 is amended in the headnote to read as follows: *"Closed season, razor clams."*

PART 115—SOUTHEASTERN ALASKA AREA

1. Section 115.5 is amended in subparagraph (1) of paragraph (a) by deleting "from August 1 to September 20" and substituting in lieu thereof "Except after August 1".

2. Section 115.5 is amended in subparagraph (3) of paragraph (b) by deleting "August 25. The" and substituting in lieu thereof "August 23. Prior to August 20 the".

3. Section 115.5 is amended in subparagraph (2) of paragraph (c) by deleting "August 25. The" and substituting in lieu thereof "August 23. Prior to August 20 the".

4. Section 115.5 is amended in the proviso of subparagraph (2) of paragraph (e) by deleting "133°31′30″" and substituting in lieu thereof "133°21′30″".

5. Section 115.5 is amended in the proviso of subparagraph (1) of paragraph (f) by deleting "133°31′30″" and substituting in lieu thereof "133°21′30″".

6. Section 115.5 is amended in subparagraph (1) of paragraph (h) by deleting "and prior to August 14"; in subparagraph (2) by inserting after "Portland Canal section:" the following language: "From 6 a. m. July 14 to 6 p. m. August 18: *Provided,* That"; and is further amended under subdivision (i) by deleting "6 a. m. July 11" and substituting in lieu thereof "6 p. m. July 11."

7. Section 115.8 is amended by deleting "From 12 noon September 24 to 6 p. m. October 1 in the following places" and substituting in lieu thereof "In addition to the open seasons prescribed in § 115.5, fishing for chum salmon only is permitted from 12 noon September 24 to 6 p. m. October 1 in the following places:".

8. Section 115.11 is amended in subparagraph (2) of paragraph (f) by deleting "June 17" wherever it appears and substituting in lieu thereof "June 16".

9. Section 115.15 is amended by deleting paragraph (a).

10. Section 115.34 is amended in paragraph (a) by adding the following after the headnote: "Fishing, except trolling, is prohibited as follows:".

11. Section 115.34 is amended in subparagraph (2) of paragraph (c) by deleting "which are at 133°20′07″" and substituting in lieu thereof "at 133°27′".

12. Section 115.34 is amended in subparagraph (6) of paragraph (c) by deleting all of the text after the colon and substituting in lieu thereof "all waters."

13. In § 115.34 (c), subparagraph (16) is amended to read as follows:

(16) Taku Inlet and River: north of the survey marker "Lip" which is ¾ mile south of Taku Point.

14. In § 115.34 (c), a new subparagraph designated (25) is added to read as follows:

(25) Auke Bay: Inside a line from Pt. Louisa through Coughlan and Spuhn Islands to the southern tip of Mendenhall Peninsula.

15. Section 115.34 is amended in subparagraph (17) of paragraph (e) by deleting "133°33′05″" and substituting in lieu thereof "133°33′25″". Subparagraph (20) of paragraph (e) is amended by inserting the word "cutoff" immediately after the words "Petersburg road".

16. Section 115.34 is amended in subparagraph (3) of paragraph (f) by deleting "Dora Bay" and substituting in lieu thereof "Canal entering Dora Bay from the south".

17. Section 115.50 is amended by deleting the words "South Prince of Wales Island" and substituting in lieu thereof the words "West Coast".

18. Section 115.54 is amended in paragraph (b) by changing the period at the end of the text to a colon and by adding the following proviso: "*Provided:* That an additional 10,000 short tons may be taken after July 15 in that part of the Eastern and Western districts south of a line from Swain Point to the northern entrance to Snipe Bay.", and by deleting paragraph (c).

19. In § 115.57 (a), subparagraph (2) is amended to read as follows: "(2) Chatham Strait and Lynn Canal north of a line from South Passage Point to Marble Bluff, and".

20. In § 115.92 (b), subparagraph (1) is amended to read as follows:

"(1) Auke Bay and tributary streams inside a line from Pt. Louisa through Coughlan and Spuhn Islands to the southern tip of Mendenhall Peninsula", and is further amended by deleting subparagraph (4) of paragraph (b).

TEMPORARY CHANGES

The following changes are to be effective only through December 31, 1958:

PART 105—ALASKA PENINSULA AREA

Section 105.27 is amended by deleting paragraphs (d), (h), (j), (k) (2), and (p); and by revising paragraphs (a) (2) and (g) to read as follows:

(a) * * * (2) within 2,500 feet of 54°46′28″ N. Lat., 163°11′18″ W. Long.

* * * * *

(g) Within 2,500 feet of 55°06′28″ N. Lat., 161°57′30″ W. Long.

PART 109—COOK INLET AREA

Section 109.26 is amended by deleting paragraphs (a) (1) (iv), (b) (1) (i), (b) (3) (i) and (d) (1) (iii), (iv).

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.27 is amended by deleting paragraphs (f), (h) (1) (i) (2), (k), (l), (n), (p), (r), (s), (t), (v), (w), (x), (y), (z), (aa), and (bb); and by revising paragraphs (a), (d), and (u) to read as follows:

(a) Within 2,500 feet of 60°09′44″ N. Lat., 147°45′20″ W. Long.

* * * * *

(d) Within 2,500 feet of 60°17′58″ N. Lat., 148°00′55″ W. Long.

* * * * *

(u) Within 2,500 feet of 60°28′40″ N. Lat., 146°37′14″ W. Long.

2. In § 111.34, paragraph (r), as published in the FEDERAL REGISTER on April 17, 1958, is reconstituted to read as follows:

(r) *Eshamy district.* Entire district during 1958.

PART 115—SOUTHEASTERN ALASKA AREA

1. Section 115.27 is amended as follows:

a. Subparagraph (10) (v) of paragraph (b) is changed to read:

(v) from 57°58′00″ N. Lat. to 58°01′00″ N. Lat.

b. Paragraph (f) is amended by adding subparagraphs (24), (26), and (31) to the Note listing revisions, to read as follows:

(24) Within 2,500 feet of 54°47′19″ N. Lat., 131°57′48″ W. Long.

* * * * *

(26) Within 2,500 feet of 54°50′08″ N. Lat., 131°57′39″ W. Long.

* * * * *

(31) Within 2,500 feet of 54°41′50″ N. Lat., 132°10′00″ W. Long.

c. Paragraph (h) is amended in provisions (ii), (iii), (iv), and (v) of subparagraph (2) to read as follows:

(ii) 55°12′00″ N. Lat., 131°14′22″ W. Long.
(iii) 55°13′34″ N. Lat., 131°17′19″ W. Long.
(iv) 55°14′45″ N. Lat., 131°19′32″ W. Long.
(v) 55°11′31″ N. Lat., 131°12′44″ W. Long.

2. Section 115.34 is amended as follows:

a. Subparagraph (8) of paragraph (b) is deleted.

b. Subparagraph (1) of paragraph (c) is amended to read as follows:

(1) Port Houghton: (i) Sanborn Canal; (ii) East of 133°08′00″ W. Long.

c. Subparagraph (17) of paragraph (c) is amended to read as follows:

(17) Seymour Canal: North of a straight line through the northern tip of Swan Island and the southern tip of King Salmon Bay Peninsula projected to both shores of the canal.

d. Subparagraph (21) of paragraph (c) is deleted.

e. Paragraph (c) is amended by creating a new subparagraph designated (24) to read as follows:

(24) Windfall Harbor: All waters.

f. Subparagraph (19) of paragraph (e) is amended to read as follows:

(19) Bradfield Canal: East of 131° 55′30″ W. Long.

g. Subparagraph (3) of paragraph (f) is amended by deleting "prior to September 1" and substituting in lieu thereof "except for trolling."

h. Subparagraph (11) of paragraph (f) is amended by deleting "Arm" and substituting in lieu thereof "Island".

i. Subparagraph (20) of paragraph (f) is amended to read as follows:

(20) North Behm Canal: North of a line from Nose Point to Snail Point.

j. Subparagraph (23) of paragraph (f) is amended by deleting "Island" and substituting in lieu thereof "Point".

k. Subparagraph (1) of paragraph (g) is amended to read as follows:

(1) Klawak Inlet: North of the northern tips of Wadleigh and Peratrovich Islands, including Big Salt Lake.

l. Subparagraph (15) of paragraph (g) is amended by deleting "All waters" and substituting in lieu thereof "North of 56°01′04″ N. Lat."

m. Subparagraphs (16) and (23) of paragraph (g) are deleted.

Since certain of the seasons affected are either imminent or already underway, notice and public procedure on these amendments are not in the public interest. They shall, therefore, become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

JUNE 12, 1958.

[F. R. Doc. 58-4574; Filed, June 12, 1958; 12:36 p. m.]

Chapter II—Alaska Game Commission

PART 203—FUR MANAGEMENT AREAS

REVOCATION OF PART

Basis and purpose. It having been determined by the Alaska Game Commission that the provisions of Part Title 50, Code of Federal Regulations, establishing certain areas of Alaska as fur management areas and limiting the persons who may take fur animals therein, cannot be made fully effective within the limitations of applicable law, the said Part 203 is revoked, effective immediately upon publication of this document in the FEDERAL REGISTER.

(Sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199)

Issued at Juneau, Alaska, and dated May 21, 1958.

THE ALASKA GAME COMMISSION,
[SEAL] FORBES L. BAKER,
Chairman.
ANDREW A. SIMONS,
Member.
RALPH HALL,
Member.

CLARENCE J. RHODE,
Executive Officer.

[F. R. Doc. 58-4532; Filed, June 13, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

[Docket No. AO-245-A3]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on October 25, 1957, after notice thereof published in the FEDERAL REGISTER (22 F. R. 7563) on proposed amendment of the marketing agreement, as amended, and to Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Administrator, Agricultural Marketing Service, on March 20, 1958, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 58-2190; 23 F. R. 1952). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 58-2190; 23 F. R. 1952) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order, As Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: June 11, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

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[1] Formerly Part 164, redesignated at 23 F. R. 3779.

Order[1] Amending Order, as Amended, Regulating Handling of Navel Oranges Grown in Arizona and Designated Part of California

§ 914.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on October 25, 1957, upon proposed amendments to the marketing agreement, as amended, and to Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and Designated Part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of navel oranges; and

(5) All handling of navel oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of navel oranges grown in the production area shall be in conformity to, and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Amend § 914.20 as follows:

a. Delete from the second sentence of such section the phrase "who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

b. Delete from the fifth sentence of such section the phrase "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

2. Delete § 914.63 and insert, in lieu thereof, the following:

§ 914.63 *Recommendations for grade and size regulation.* (a) Whenever the Committee finds that the supply and demand conditions for grades or sizes of oranges make it advisable to regulate, during any period, the handling of grades or sizes of oranges grown in any prorate district, it shall recommend to the Secretary the grades or sizes of such oranges which it deems advisable to be handled during such period. The Committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(b) In making its recommendations, the Committee shall give due consideration to the factors referred to in § 914.51 (b).

3. Delete § 914.64 and insert, in lieu thereof, the following:

§ 914.64 *Issuance of grade or size regulation.* Whenever the Secretary shall find, from the findings, recommendations and information submitted by the Committee, or from other available information, that to limit the handling of oranges grown in any prorate district by grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall fix the grades or sizes, or both, of oranges grown in such prorate district which may be handled during the specified period. When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect. The Committee shall be informed immediately of any such regulation issued by the Secretary, and the Committee shall promptly give adequate notice thereof to all handlers.

4. Revise the first sentence in § 914.65 to read as follows: "In the event that oranges are regulated as to size pursuant to § 914.64 the committee shall issue one or more exemption certificates to any producer who furnishes evidence, satisfactory to the committee, that he will be prevented by reason of such size regulation from having as large a proportion of oranges handled as the average proportion of all oranges which may be handled by all other producers in the same prorate district."

5. Add a new § 914.68 as follows:

§ 914.68 *Inspection and certification.* (a) Unless otherwise provided in this part, wherever a regulation issued pursuant to § 914.64 limits the grades of oranges, grown in a prorate district, that may be handled, each handler shall, prior to the handling of any lot of oranges grown in such district, cause such lot to be inspected by a duly authorized representative of the Federal or Federal-State Inspection Service, and certified by such inspection service as meeting all applicable requirements of such regulation and of any size limitation that may then be in effect pursuant to such section: *Provided,* That such inspection and certification shall not be required if the particular lot of oranges previously had been so inspected and certified.

(b) The Committee may enter into an agreement with the Federal and Federal State Inspection Services with respect to the costs of the inspection and certification required by paragraph (a) of this section and may collect from handlers their respective pro rata shares of such costs.

(c) Whenever oranges are inspected pursuant to the requirements of this section, a copy of each inspection certificate issued shall promptly be furnished to the committee by the inspection service.

6. Amend § 914.83 (c) (3) to read as follows:

(3) Upon recommendation of the committee, received not later than January 15, of an odd-numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by producers.

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period November 1, 1957, through June 30, 1958 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and that part of the State of California south of the 37th Parallel, in the production of navel oranges for market, to ascertain whether such producers favor the issuance of an order amending Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in the aforesaid production area, which amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Warren C. Noland, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 1005, 1031 South Broadway, Los Angeles 15, California, is hereby designated agent of the Secretary to conduct said referendum.

The procedure applicable to this referendum shall be the "Procedure for the

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 14, of the aforesaid referendum procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said office, or from any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: June 11, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4537; Filed, June 13, 1958; 8:52 a. m.]

[7 CFR Part 931]

[Docket No. AO-229-A5]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING BRIEFS WITH RESPECT TO HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing briefs with respect to the hearing on proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, which was held April 29–30, 1958, pursuant to notices which were issued April 10 and April 22, 1958, (23 F. R. 2427 and 2770), is hereby extended to June 30, 1958.

Dated: June 10, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4522; Filed, June 13, 1958; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF EXEMPTION FROM THE REQUIREMENT OF A TOLERANCE FOR RESIDUES OF CHLOROFORM

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been file by Frontier Chemical Company, Municipal Airport Terminal Building, Wichita 1, Kansas, proposing the establishment of an exemption from the requirement of a tolerance for residues of chloroform from use as a fumigant on the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

The analytical method proposed in the petition for determining residues of chloroform is that described by Ramsey for carbon tetrachloride in Journal of the Association of Official Agricultural Chemists, Vol. 40, pp. 175–180 (February 1957).

Dated: June 9, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-4529; Filed, June 13, 1958; 8:50 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM 2,4-DICHLOROPHENOXYACETATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 5 parts per million for residues of sodium 2,4-dichlorophenoxyacetate, expressed as 2,4-dichlorophenoxyacetic acid, in or on asparagus.

The analytical method proposed in the petition for determinating residues of sodium 2,4-dichlorophenoxyacetate is an adaptation of the method of Marquardt and Luce and consists in extracting the 2,4-D from the asparagus with ether and sulfuric acid in a blender. Interfering materials are removed by further treatment and the color produced by the reaction of 2,4-D with chromotropic acid is measured.

REFERENCES

"Determination of 2,4-Dichlorophenoxyacetic Acid (2,4-D) in Grain and Seed," by Marquardt and Luce, published in the Journal of Agricultural and Food Chemistry, Vol. 3, No. 1, p. 51 (January 1955).

"Determination of Small Amounts of 2,4-Dichlorophenoxyacetic Acid in Milk," by Marquardt and Luce, published in Analytical Chemistry, Volume 23, p. 1484 (1951).

Dated: June 9, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-4530; Filed, June 13, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12274]

EXTENDED HOURS OF BROADCASTING FOR DAYTIME STANDARD BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

1. The Commission has before it for consideration petitions filed on June 3, 1958, by Storer Broadcasting Company and on June 6, 1958, by Daytime Broadcasters Association, Inc., requesting an extension of time for filing reply comments in the above-entitled proceeding. Storer Broadcasting requests that the time for filing reply comments be extended from June 18, 1958, to July 1, 1958, and Daytime Broadcasters requests that the time be extended to July 21, 1958.

2. In support of their requests, the petitioners state that in light of the voluminous and lengthy comments filed in this proceeding, the additional time requested is needed to complete their study and analysis of the comments and the preparation and filing of their reply comments.

3. Upon considering the number of comments filed in this proceeding and the representations of the petitioners, the Commission believes that the public interest, convenience, and necessity would be served by affording additional time for filing replies.

4. *Accordingly, it is ordered,* That the above-mentioned petitions of Storer Broadcasting Company and Daytime Broadcasters Association, Inc., for additional time to file reply comments are granted, and that the time for filing reply comments in the above-entitled proceeding is extended from June 18, 1958, to July 21, 1958.

Adopted: June 10, 1958.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4533; Filed, June 13, 1958; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11893; FCC 58-544]

TELEVISION BROADCAST STATIONS, LONGVIEW-DENTON, TEXAS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments* governing Television Broadcast Stations (Longview-Denton, Texas).

1. The Commission has before it for consideration the Notice of Proposed Rule Making (FCC 56-1270) issued in this proceeding on December 21, 1956. The Notice was issued in response to a petition filed by Gregg Television, Inc., Longview, Texas, to delete Channel *2 from Denton, Texas, where it is reserved for education, and to reassign it to Longview for commercial use and to substi-

Channel 71 for Channel 2 in Denton; and a petition filed by Harwell V. Shepard of Denton to make Channel 2 available for commercial operation in Denton and reserve Channel 17 for noncommercial educational use. Counterproposals were submitted by Brown County Broadcasting Company, Brownwood Texas, to assign Channel 2 to Brownwood, and by North Star Broadcasting Company, Paris, Texas, to assign Channel 2 to Cooper, Texas.

2. Comments were filed by Gregg Television, Inc., Harwell V. Shepard, Brown County Broadcasting Company, North Star Broadcasting Company, Texas State College for Women (TSCW), North Texas State College (NTSC), The Denton Independent School District, the Texas Commission for Educational Television, the Texas State Teachers Association and the Joint Council on Educational Television. Numerous letters and telegrams were also submitted.

3. Gregg asserts, in support of its proposal, that there is no evidence that the educators at Denton have formulated concrete plans for the utilization of Channel 2 or have taken any affirmative action looking toward the fulfillment of those plans; that there are no prospects that Channel 2 will be utilized for education at Denton within the foreseeable future; and that there is a demand and need for Channel 2 for commercial use at Longview. Gregg asserts that there was no planning whatever for an educational station by any of the educational interests prior to August 30, 1956; that the Denton school board had not formally discussed the matter prior to October 15, 1956, and no funds had been appropriated; that the Board of Regents of NTSC and TSCW have not authorized the construction or operation of a station on Channel 2; that in the absence of authority from the Board, NTSC cannot participate in the construction or operation of a station; and the only TSCW action has been to authorize a preliminary study in the matter of planning for a television and radio studio as part of a proposed building program; that neither NTSC nor TSCW has requested in its budget submissions for a period through 1959 any money for activating Channel 2; and that there is no inclination on the part of the state legislature to furnish funds for the construction or operation of an educational television station. Gregg contends that the resolution of the Board of Regents of NTSC adopted November 7, 1956, requesting the school's president to explore the possibility of securing financial aid from a foundation or some similar source and to determine the effectiveness of television stations now being used by other colleges for educational purposes is merely a delaying tactic; and that even if a "foundation" or "some similar source" supplied the funds, Texas would be required to furnish operating capital. Gregg asserts that 3 channels are reserved for education in the Denton area and notes that no applications have been filed for any of the channels; that even with the withdrawal of one of the reservations in the area, 2 channels for educational purposes will remain. Gregg submits that Longview has no local television service and although part of the city gets service from Shreveport, it has little relevance to the needs of the Longview area; that Denton, on the other hand, gets 4 Grade A services from stations in Fort Worth and Dallas. Gregg asserts that Longview is the largest Texas community without local service; that Channel 2 in Longview would bring a first local service to that city and would provide 10,159 persons with a first Grade A service and 24,032 persons with a first Grade B service; and that the only hope for local television service lies in the assignment of a VHF channel to Longview.

4. Shepard, in support of his proposal for Denton, asserts that the educational interests cannot build and maintain an educational station in Denton and cannot, in the foreseeable future, raise the money necessary for the building and maintenance of such station, and argues that Channel 2 should be made available for commercial use in Denton. He contends that his plan to offer free time to the educational institutions will fully utilize the channel, offer educational programs which otherwise will be neglected, provide an outlet for small merchants who cannot advertise on the metropolitan stations because of costs, and give Denton a local television service. Shepard maintains that Longview is a relatively small town, and is presently served by three television signals; that UHF Channels 32 and 38 could be utilized in Longview; that all the receivers in the area are equipped to receive UHF; that there are "only a handful" of UHF receivers in Denton and a 70 percent saturation of VHF receivers; and that it would not be economically feasible to undertake UHF operation in the area at this time.

5. Brownwood urges that a fair and equitable distribution of frequencies would be best served by the allocation of Channel 2 to both Brownwood and Longview; that Brownwood, the county seat of Brown County, had a 1950 population of 20,181; that the Grade A contour of a Channel 2 Brownwood station would embrace an area of 4,301 square miles, with a population of 71,203 persons, while the Grade B contour would include an area of 20,600 square miles with 214,168 persons; and that a large portion of this area does not now receive television service. Brownwood contends that the economic factors involved in the operation of a television station in the Brownwood area would preclude successful operation on a UHF channel; that in order to operate profitably, a Brownwood station must have the relatively broad coverage of a VHF station. It asserts that Channel 2 may be allocated to Brownwood in full compliance with the mileage separation and other allocation requirements.

6. North Star Broadcasting proposes the assignment of Channel 2 near the county seat of Delta County in the town of Cooper. It alleges that Cooper is approximately 19 miles south of Paris, Texas, a town of approximately 25,000 and the largest city in an eleven-county area in extreme Northeast Texas; that it proposes to center the transmitter location for the station in order to serve this area, large portions of which currently receive no television service from any existing station; and that from this location, a television station on Channel 2 will furnish a first Grade A service to 122,534 persons and a first Grade B service to 89,524 persons; and that Channel 2 at Cooper would provide the first television service to an area containing a greater population than if it were reallocated to Longview or made available for commercial use at Denton.

7. In opposition, the "administrative heads" of the TSCW, NTSC and the Denton Independent School District allege that they are committed to a program of planning for the utilization of Channel 2 and that faculty members and committees have studied the problem. They state that the TSCW has for a good many years offered a radio major, and more recently a radio-television major, and has for a number of years produced regularly-scheduled radio and TV programs of a purely educational nature; that the Board of Regents has authorized the College Architect to begin studies leading to the preparation of plans and specifications for a number of buildings to be erected in 1958, specifically including a "Radio and TV Facility and Theatre"; that NTSC and TSCW sponsored a state radio program written and produced once each week for a number of years on the state radio system; that NTSC offers a number of radio and television courses and participates in a large number of programs each year; and that the Board of Regents of NTSC has requested its President to explore the possibility of securing financial aid from a foundation or some similar source. They allege that preliminary steps have already been taken by the administration of the Denton Public Schools looking toward the operation of an educational station in Denton; that a TV Committee has been set up and the members have attended district and state meetings concerned with television in the public schools; and that in planning the new high school building, lighting for television was given special consideration in the speech room and auditorium; that while it is not possible to commit the schools at this time to spend a specific amount of money to help build the station, the Chairman and members of the Board of Education and the Superintendent of Schools are vitally interested in cooperating in every way possible with the colleges at Denton and will make available the facilities of the public schools in connection with the TV project; and that the Denton Public School System intends to participate financially and otherwise in the operational costs. They represent that a joint application of the institutions will be filed, and that the three institutions have secured the services of an engineering consultant to make a preliminary survey and to estimate costs for construction and operation of a station; that Channel 2 has always been considered an important part of a statewide system for educational TV and its deletion would be a serious handicap to any development of the statewide program; that a UHF channel would not be an acceptable or workable substitute for Channel 2 in the development of educational television in Denton, nor would it

make it possible for Denton to make a contribution to the statewide system.

8. We have carefully considered the comment submitted in this proceeding[1] and have concluded that the public interest would best be served by retaining Channel 2 in Denton for noncommercial educational use and rejecting the proposals to make Channel 2 available for commercial operation in Longview, Denton, Brownwood or Cooper. The comments filed in this proceeding differ sharply with respect to whether the educational organizations in the Denton area will build and operate a station on Channel 2 in the foreseeable future. However, we believe the record establishes that these organizations are actively interested in bringing local educational television service to Denton and have taken active steps toward achieving this goal. While they have not yet succeeded in solving the difficult problem of financing the station, the record indicates that they propose continuing and augmenting efforts to obtain the requisite financial support and they have represented that they intend to file an application for Channel 2. In these circumstances we are not persuaded that the public interest would be served by making Channel 2 available for commercial operation in any of the several communities proposed at the expense of frustrating the efforts of the educators to make possible the construction of a local educational television station on Channel 2.

9. In view of the foregoing: *It is ordered,* That the above-described petitions filed by Gregg Television, Inc. and Harwell V. Shepard are denied and this proceeding is terminated.

Adopted: June 4, 1958.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4503; Filed, June 13, 1958; 8:45 a. m.]

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[1] As indicated in the Notice of Proposed Rule Making the various oppositions and other pleadings filed prior to the issuance of the Notice have also been considered. The Joint Council on Educational Television filed a Motion to Strike the Reply to Oppositions filed on October 30, 1956, by Gregg Television, Inc. In our judgment the reply was relevant and proper. Accordingly, the Motion to Strike is denied. On January 2, 1958, Gregg Television, Inc., filed a petition requesting leave to submit certain supplemental data submitted with its petition bearing on the possibility of an application being filed for the Channel *13 educational assignment at Dallas soon after January 1, 1958, and requesting a stay of Commission action until March 1, 1958, since it assumed that an application for Channel *13 at Dallas would be filed by that time and that this would have a bearing on our decision in this matter. We believe that good cause has been established by Gregg for the grant of its petition, and the material which it submitted has been considered. We note, however, that Channel *13 at Dallas has not yet been applied for by any party.

[2] Commissioner Lee dissenting in opinion.

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Change List 122]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 27, 1958.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		590 kilocycles				
VOCM (PO: 590 kc 1 kw ND).	St. John's, Newfoundland.	10 kw D/1 kw N	ND	U	III	EIO 5-15-59.
		680 kilocycles				
CJOB (PO: 680 kc 5 kw D/2.5 kw N DA-N).	Winnipeg, Manitoba	10 kw D/2.5 kw N	DA-N	U	II	EIO 5-15-59.
		730 kilocycles				
CKAC	Montreal, P. Q	50 kw	DA-1	U	II	Now in operation.
New	Lethbridge, Alta	1 kw D/0.5 kw N	DA-N	U	II	EIO 5-15-59.
		810 kilocycles				
New	Steinbach, Manitoba	1 kw	DA-1	U	II	EIO 5-15-59.
		920 kilocycles				
CJCH (PO: 920 kc 5 kw DA-N).	Halifax, N. S	10 kw D/5 kw N	DA-N	U	III	EIO 5-15-59.
		930 kilocycles				
CJCA (PO: 930 kc 5 kw DA-N).	Edmonton, Alta	10 kw D/5 kw N.	DA-N	U	III	EIO 5-15-59.
		980 kilocycles				
CKRM (PO: 980 kc 5 kw DA-N).	Regina, Sask	10 kw D/5 kw N	DA-2	U	III	EIO 5-15-59.
		1090 kilocycles				
CHRS (PO: 1090 kc 1 kw ND-D).	St. Jean, P. Q	5 kw	ND	D	II	EIO 5-15-59.
		1140 kilocycles				
CKXL (PO: 1140 kc 1 kw DA-N).	Calgary, Alta	10 kw	DA-N	U	II	EIO 5-15-59.
		1230 kilocycles				
CFPA (PO: 1230 kc 0.25 kw ND).	Port Arthur, Ontario.	1 kw D/0.25 kw N.	ND	U	IV	EIO 5-15-59.
CFCW (PO: 1230 kc 0.25 kw ND).	Camrose, Alta	1 kw D/0.25 kw N.	ND	U	IV	EIO 5-15-59.
		1260 kilocycles				
CFRN (PO: 1260 kc 5 kw ND).	Edmonton, Alta	10 kw	DA-2	U	III	EIO 5-15-59.
		1350 kilocycles				
CKLB (PO: 1350 kc 5 kw DA-2).	Oshawa, Ontario	10 kw D/5 kw N.	DA-2	U	III	EIO 5-15-59.
		1460 kilocycles				
CJNB (PO: 1460 kc 1 kw ND).	North Battleford, Sask.	10 kw	DA-N	U	III	EIO 5-15-59.
		1480 kilocycles				
New	Burnaby, B. C	5 kw	DA-2	U	III	EIO 5-15-59.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4512; Filed, June 13, 1958; 8:46 a. m.]

[Mexican List 209]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 23, 1958.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican

Broadcast Stations (Mimeograph 47214–6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		570 kilocycles				
XENZ (change in call letters from XEGG).	Culiacan, Sinaloa	1 kw D/250 w N		U	IV	Apr. 23, 1958
		580 kilocycles				
XEUD (delete assignment—see 1360 kc).	Tuxtla, Gutierrez, Chiapas.	1000 w D/100 w N	ND	U	IV	Oct. 23, 1958
		580 kilocycles				
XEUE (change in frequency from 1360 kc).	Tuxtla, Gutierrez, Chiapas.	1000 w D/ 200 w N	ND	U	IV	Sept. 23, 1958
		590 kilocycles				
XEE (change in frequency from 1260 kc).	Durango, Durango	2000 w N/150 w N	ND	U	III	Sept. 23, 1958
		690 kilocycles				
XETS (increase power)	Tapachula, Chiapas	1000 w D/500 w N	ND	U	III	July 23, 1958
		670 kilocycles				
XEKQ (new)	Tapachula, Chiapas	1000 w D/500 w N	ND	U	II	Oct. 23, 1958
		680 kilocycles				
XEFO (increase power)	Chihuahua, Chihuahua	1000 w D	ND	U	II	July 23, 1958
XESN (new)	Guasave, Sinaloa	1000 w D	ND	D	II	Oct. 23, 1958
		700 kilocycles				
XEDV (increase power)	Zapopan, Jalisco	1000 w	ND-D	U	II	July 23, 1958
		760 kilocycles				
XEZZ (change call letters from XEHJ).	Tonala, Jalisco	1000 w D	ND	D	II	Apr. 23, 1958
		960 kilocycles				
XEKS (change frequency from 1330 kc).	Saltilli, Coahuilla	2000 w D/100 w N	ND	U	III	Oct. 23, 1958
		970 kilocycles				
XEUG (new)	Guanajuato, Guanajuato.	500 watts		D		Oct. 23, 1958
		1030 kilocycles				
XED (delete assignment—see 1050 kc).	Mexicali, Baja California.	10 kw	DA-N	U	II	Oct. 23, 1958
		1050 kilocycles				
XED (change in frequency from 1030 kc).	Mexicali, Baja California.	10 kw D/1 kw N	DA-1	U	II	Oct. 23, 1958
		1240 kilocycles				
XETG (new)	Tuxtla Gutierrez, Chiapas.	1000 w D/250 w N		U	IV	Oct. 23, 1958
		1260 kilocycles				
XEE (delete assignment—see 590 kc).	Durango, Durango	250 w	ND	U	IV	Sept. 23, 1958
		1270 kilocycles				
XENX (change in call letters from XEEC).	Mazatlan, Sinaloa	250 w		U	IV	Apr. 23, 1958
		1280 kilocycles				
XESQ (change in time of operation).	San Miguel-Allende, Guanajuato.	500 w D/250 w N		U	IV	Apr. 23, 1958
		1300 kilocycles				
XELP (new)	Jojutla, Morelos	1000 w D	DA-D	D	III	Oct. 23, 1958
		1330 kilocycles				
XERP (assignment of call letters).	Cd. Madero, Tamaulipas.	1000 w D	ND	D	III	Apr. 23, 1958
XEKS (delete assignment—see 960 kc).	Saltillo, Coahuila	100 w	ND	U	IV	Oct. 23, 1958
XEWQ (new)	Monclova, Coahuila	1000 w D	ND	D	III	Oct. 23, 1958
		1360 kilocycles				
XEUD (new)	Tuxtla, Gutierrez, Chiapas.	1000 w D/500 w N	ND	U	III-B	Oct. 23, 1958
XEUE (delete assignment—see 580 kc).	Tuxtla, Gutierrez, Chiapas.	1000 w D/500 w N	ND	U	III-B	Sept. 23, 1958
		1390 kilocycles				
XEGW (change in call letters from XEVW).	Ciudad Victoria, Tamaulipas.	1 kw D	ND	D	III	Apr. 23, 1958
		1400 kilocycles				
XEDQ (change in location from Santiago Tuxtla, Veracruz, and increase power).	San Andres, Tuxtla, Veracruz.	250 w	ND	U	IV	Oct. 23, 1958
XEDQ (delete assignment).	Santiago, Tuxtla, Veracruz.	250 w	ND	U	IV	Oct. 23, 1958
		1600 kilocycles				
XEVW (change in call letters from XEGW).	Acambaro, Guanajuato	500 w D/200 w N	ND	U	IV	Apr. 23, 1958

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[SEAL]

[F. R. Doc. 58–4535; Filed, June 13, 1958; 8:51 a. m.]

[Docket Nos. 12058, 12462; FCC 58M–595]

KBR STATIONS, INC., AND KENNETH E. SHAW

ORDER SCHEDULING HEARING

In re applications of the KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP–10732; Kenneth E. Shaw, Newport, New Hampshire, Docket No. 12462, File No. BP–11782; for construction permits.

It is ordered, This 9th day of June 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 24, 1958, in Washington, D. C.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–4504; Filed, June 13, 1958; 8:45 a. m.]

[Docket Nos. 12463, 12464; FCC 58M–596]

JAMES S. RIVERS, INC. (WJAZ) AND F. KEITH BROWN

ORDER SCHEDULING HEARING

In re applications of James S. Rivers, Inc. (WJAZ), Albany, Georgia, Docket No. 12463, File No. BP–11226; F. Keith Brown, Cuthbert, Georgia, Docket No. 12464, File No. BP–11403; for construction permits.

It is ordered, This 9th day of June 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 24, 1958, in Washington, D. C.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–4507; Filed, June 13, 1958; 8:45 a. m.]

[Docket No. 12326; FCC 58M-600]

HARDIN COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Harvard C. Bailes and Val D. Hickman d/b as The Hardin County Broadcasting Company, Silsbee, Texas, Docket No. 12326, File No. BP-11166; for construction permit.

At the request of counsel for the Broadcast Bureau, and with the concurrence of other counsel in this proceeding: *It is ordered,* This 10th day of June 1958, that the hearing herein, which is presently scheduled for June 16, 1958, be, and the same is hereby, continued to June 17, 1958, at 10 o'clock a. m., in the offices of the Commission, Washington, D. C.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4506; Filed, June 13, 1958; 8:45 a. m.]

[Docket Nos. 12437-12439; FCC 58M-599]

METROPOLITAN BROADCASTING CORP. ET AL.

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of Metropolitan Broadcasting Corporation, Royal Oak-Clawson, Michigan, Docket No. 12437, File No. BP-10367; Van Wert Broadcasting Company, Van Wert, Ohio, Docket No. 12438, File No. BP-11638; Lake Huron Broadcasting Corporation (WKNX), Saginaw, Michigan, Docket No. 12439, File No. BP-11735; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 9th day of June 1958, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., June 19, 1958.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4508; Filed, June 13, 1958; 8:46 a. m.]

[Docket No. 12299 etc.; FCC 58M-593]

BINDER-CARTER-DURHAM, INC. (WAMM) ET AL.

ORDER CONTINUING HEARING

In re applications of Binder-Carter-Durham, Inc. (WAMM), Flint, Michigan, Docket No. 12299, File No. BP-10839; The Circle Corporation (WKLZ), Kalamazoo, Michigan, Docket No. 12300, File No. BP-10852; William Kuiper & William Eugene Kuiper d/b as Kalamazoo Broadcasting Company, Kalamazoo, Michigan, Docket No. 12301, File No. BP-11022; Northern Indiana Broadcasters, Inc. (WIMS), Michigan City, Indiana, Docket No. 12302, File No. BP-11285; William Kuiper & William Eugene Kuiper d/b as Dowagiac Broadcasting Company, Dowagiac, Michigan, Docket No. 12303, File No. BP-11457; Warner C. Tidemann, tr/as McLean County Broadcasting Company, Bloomington, Illinois, Docket No. 12305, File No. BP-11649; for construction permits.

The Hearing Examiner having before him a "Petition for Continuance of Hearing" in the above-entitled matter filed on June 4, 1958, by Northern Indiana Broadcasters, Inc., said petition requesting a continuance from June 16, 1958 to June 17, 1958; and

It appearing that the Hearing Examiner is presently engaged in an extended hearing in another matter which will not terminate by June 17, 1958.

It is ordered, This 9th day of June 1958, that the further hearing in the above-entitled matter presently scheduled to commence June 16, 1958, be continued to a date to be specified later, and that the aforesaid "Petition for Continuance of Hearing" insofar as it requests continuance to a date certain be and it hereby is denied.

Released: June 9, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4505; Filed, June 13, 1958; 8:45 a. m.]

[Docket No. 12465; FCC 58M-597]

WLBE, INC. (WLBE)

ORDER SCHEDULING HEARING

In re application of WLBE, Inc. (WLBE), Leesburg-Eustis, Florida, Docket No. 12465, File No. BP-11305; for construction permit.

It is ordered, This 9th day of June 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 24, 1958, in Washington, D. C.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4509; Filed, June 13, 1958; 8:46 a. m.]

[Docket Nos. 12466-12468; FCC 58M-594]

HEMET-SAN JACINTO VALLEY BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Fred W. Volken, John F. Stroud & N. Vincent Parsons d/b as Hemet-San Jacinto Valley Broadcasting Company, Hemet, California, Docket No. 12466, File No. BP-11182; William L. Miller and Luther Pillow, d/b as L & B Broadcasting Company, Hemet, California, Docket No. 12467, File No. BP-11217; San Luis Rey Broadcasting Company, Inc. (KSLR), Oceanside, Calif., Docket No. 12468, File No. BP-11[illegible]; for construction permits.

It is ordered, This 9th day of June 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 29, 1958, in Washington, D. C.

Released: June 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4510; Filed, June 13, 1958; 8:46 a. m.]

[Docket No. 12410; FCC 58M-602]

BRIDGEPORT BROADCASTING CO. (WICC)

ORDER FOR PRE-HEARING CONFERENCE

In re application of the Bridgeport Broadcasting Company (WICC), Bridgeport, Connecticut, Docket No. 12410, File No. BP-10707; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Thursday, June 19, 1958, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 10th day of June 1958.

Released: June 11, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4534; Filed, June 13, 1958; 8:51 a. m.]

[Amdt. O-42]

COMMERCIAL AND AMATEUR RADIO OPERATOR EXAMINATION POINTS

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing that the increase in the number of candidates for operator licenses at quarterly examinations held at Cincinnati, Ohio, warrants making additional provision for examinations; and

It further appearing that provision should be made for additional periodic examinations by changing Louisville, Kentucky, from a semiannual examination point to a quarterly examination point; and

It further appearing that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with the public rule-making procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, Pursuant to authority of section 0.341 of the Commission's ment of Delegations of Authority, ant to authority contained in sections (i) and 303 (r) of the Communications Act of 1934, as amended, and pursuant to section 3 (a) of the Administrative Procedure Act, that section 0.413 (a)(1) of Statement of Organization, Delegations of Authority, and Other Information, be amended as set forth below, effective August 1, 1958.

Adopted: June 9, 1958.

Released; June 10, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 0.413 (c) (1) is amended by removing Louisville, Kentucky, from the "Semiannual" listing and adding that city in alphabetical sequence to the "Quarterly" listing within this Section. As amended, the table of examination points reads as follows:

QUARTERLY POINTS

Birmingham, Ala.
Charleston, W. Va.
Cincinnati, Ohio.
Cleveland, Ohio.
Columbus, Ohio.
Corpus Christi, Tex.
Davenport, Iowa.
Des Moines, Iowa.
Fort Wayne, Ind.
Fresno, Calif.
Grand Rapids, Mich.
Indianapolis, Ind.
Knoxville, Tenn.
Little Rock, Ark.
Louisville, Ky.
Memphis, Tenn.
Milwaukee, Wis.
Nashville, Tenn.
Oklahoma City, Okla.
Omaha, Nebr.
Phoenix, Ariz.
Pittsburgh, Pa.
St. Louis, Mo.
Salt Lake City, Utah.
San Antonio, Tex.
Schenectady, N. Y.
Sioux Falls, S. Dak.
Syracuse, N. Y.
Tulsa, Okla.
Williamsport, Pa.
Winston-Salem, N. C.

SEMIANNUAL

Albuquerque, N. Mex.
Bakersfield, Calif.
Boise, Idaho.
Hartford, Conn.
Jackson, Miss.
Jacksonville, Fla.
Portland, Maine.
Roanoke, Va.
Spokane, Wash.
Tucson, Ariz.
Wichita, Kans.
Wilmington, N. C.

ANNUAL

Amarillo, Tex.
Bangor, Maine.
Billings, Mont.
Butte, Mont.
El Paso, Tex.
Hilo, Hawaii, T. H.
Jamestown, N. Dak.
Klamath Falls, Oreg.
Lihue, Kauai, T. H.
Marquette, Mich.
Rapid City, S. Dak.
Wailuku, Maui, T. H.

2. Section 0.413 (c) (1) is amended by removing Louisville, Kentucky from the "Semiannual" listing and adding that city in alphabetical sequence to the "Quarterly" listing within this section.

[F. R. Doc. 58-4511; Filed, June 13, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5463 et al.]

PACIFIC NORTHWEST LOCAL AIR SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 16, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 9, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4539; Filed, June 13, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-15233]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 10, 1958.

The Atlantic Refining Company (Atlantic) on May 15, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated May 13, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 15 to Atlantic's FPC Gas Rate Schedule No. 35. Supplement No. 12 to Atlantic's FPC Gas Rate Schedule No. 37.

Effective date: June 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Atlantic merely cites Texas Eastern Transmission Corporation's redetermination letter and states that the contracts were negotiated at arm's-length since there is no affiliation between the parties thereto.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discrminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 15 to Atlantic's FPC Gas Rate Schedule No. 35, and Supplement No. 12 to Atlantic's FPC Gas Rate Schedule No. 37 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 15 to Atlantic's FPC Gas Rate Schedule No. 35, and Supplement No. 12 to Atlantic's FPC Gas Rate Schedule No. 37.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 15, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commisison's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4523; Filed, June 13, 1958; 8:49 a. m.]

[Docket No. G-15234]

ATLANTIC REFINING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 10, 1958.

The Atlantic Refining Company (Operator) et al. (Atlantic), on May 15, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 13, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 13 to Atlantic's FPC Gas Rate Schedule No. 36.

Effective date: June 15, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Atlantic merely cites Texas Eastern Transmission Corporation's redetermination letter and states that the contract was negotiated at arm's-length since there is no affiliation between the parties thereto.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 13 to Atlantic's FPC Gas Rate Schedule No. 36 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 13 to Atlantic's FPC Gas Rate Schedule No. 36.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4524; Filed, June 13, 1958; 8:49 a. m.]

[Docket No. G-15237]

D. E. LONDON ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 10, 1958.

D. E. London et al. (London), on May 19, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to London's FPC Gas Rate Schedule No. 3.
Effective date: June 19, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, London cites arm's-length bargaining and states that the increase is necessary to protect against increasing costs and the effects of inflation. London further states that the proposed rate does not exceed the current market price in the field.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to London's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to London's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 19, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4527; Filed, June 13, 1958; 8:49 a. m.]

[Docket No. G-15235]

KEWANEE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 10, 1958.

Kewanee Oil Company (Kewanee) on May 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated February 28, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Kewanee's FPC Gas Rate Schedule No. 2.
Effective date: June 16, 1958 (effective date is the effective date proposed by Kewanee).

In support of the proposed favored-nation rate increase, Kewanee cites the favored-nation provision of the contract and states that the increased price is a matter of contractual obligation under a contract which was negotiated at arm's-length. Kewanee also states that to deny the increased price would be unfair, inequitable and confiscatory.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Kewanee's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Kewanee's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 16, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4525; Filed, June 13, 1958; 8:49 a. m.]

[Docket No. G-15236]

CONTINENTAL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 10, 1958.

Continental Oil Company (Continental) on May 19, 1958, tendered for filing a proposed change in its presently effec-the rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Lone Star Gas Company.
Rate schedule designation: Supplement No. 1 to Continental's FPC Gas Rate Schedule No. 89.
Effective date: June 19, 1958 (effective date is the effective date proposed by Continental).

In support of the proposed periodic rate increase, Continental states that the contract was negotiated at arm's-length in good faith; that the increased price is an integral part of the contract and is necessary to afford applicant a reasonable return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Continental's FPC Gas Rate Schedule No. 89 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Continental's FPC Gas Rate Schedule No. 89.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 19, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4526; Filed, June 13, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-1, (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), (22 F. R. 5811, 8197, 23 F. R. 557, 1768) there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation business loans in an amount not exceeding $100,000;

c. To approve disaster loans in an amount not exceeding $50,000.

2. To decline original applications but not reconsideration of such applications for the following types of loans:

a. Disaster Loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.
By ——— ———
Chief,
Financial Assistance Division.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms conditions, and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration of fisheries' loans:

a. Amend loan authorizations.

b. Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

c. Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

d. Cancel loan authorizations prior to disbursement upon the written request of the applicant.

e. Disburse fisheries' loans in the same manner as SBA business loans.

f. Administer fisheries' loans within the same authority exercised with respect to SBA loans.

14. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

b. Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed assets limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

h. Approve changes in use of loan proceeds in connection with partially disbursed loans.

i. Waive violations of agreements to maintain working capital of a specified amount.

15. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of, inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such share are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

16. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indenture, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

19. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

20. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

21. To take peaceable custody of collateral, as mortgages in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

22. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

23. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

24. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

25. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgees, owner or otherwise, and to exercise any rights or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator therein and to any terms of sale or bid made at any such foreclosure sale.

26. To approve sick and annual leave for employees under his supervision.

B. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated in subsection I.B. may be redelegated limiting such redelegation to routine correspondence only. All other authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: June 2, 1958.

CHRIS W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 58-4516; Filed, June 13, 1958;
8:47 a. m.]

[Delegation of Authority 30-X-5, Amdt. 3]

BRANCH MANAGER, HOUSTON, TEX.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-X-5, as amended (22 F. R. 7527, 10315) is hereby further amended by:

(a) Deleting subsections I.B.1, 2 and 3 in their entirety, and

(b) Inserting in section I.B. in lieu thereof the following:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000; to decline original disaster loan applications not exceeding $50,000, but not reconsiderations of such applications.

3. To approve or decline Limited Loan Participation loans.

Dated: June 2, 1958.

CHRIS W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 58-4517; Filed, June 13, 1958; 8:47 a. m.]

[Delegation of Authority 30-X-6, Amdt. 1]

BRANCH MANAGER, NEW ORLEANS, LA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-X-6 (22 F. R. 7526) is hereby amended by:

(a) Deleting subsections I.B.1, 2 and 3 in their entirety, and

(b) Inserting in section I.B. in lieu thereof the following:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000; to decline original disaster loan applications not exceeding $50,000, but not reconsiderations of such applications.

3. To approve or decline Limited Loan Participation loans.

Dated: June 2, 1958.

CHRIS W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 58-4518; Filed, June 13, 1958; 8:48 a. m.]

[Delegation of Authority 30-X-7, Amdt. 1]

BRANCH MANAGER, OKLAHOMA CITY, OKLA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-X-7 (22 F. R. 7527) is hereby amended by:

(a) Deleting subsections I.B. 1, 2 and 3 in their entirety, and

(b) Inserting in section I.B. in lieu thereof the following:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000; to decline original disaster loan applications not exceeding $50,000, but not reconsiderations of such applications.

3. To approve or decline Limited Loan Participation loans.

Dated: June 2, 1958.

CHRIS W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 58-4519; Filed, June 13, 1958; 8:48 a. m.]

[Delegation of Authority 30-X-8, Amdt. 1]

BRANCH MANAGER, LITTLE ROCK, ARK.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-X-8 (22 F. R. 7527) is hereby amended by:

(a) Deleting subsections I.B. 1, 2 and 3 in their entirety, and

(b) Inserting in section I.B. in lieu thereof the following:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000; to decline original disaster loan applications not exceeding $50,000, but not reconsiderations of such applications.

3. To approve or decline Limited Loan Participation loans.

Dated: June 2, 1958.

CHRIS W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 58-4520; Filed, June 13, 1958; 8:48 a. m.]

[Delegation of Authority 30-X-9, Amdt. 1]

BRANCH MANAGER, SAN ANTONIO, TEX.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-X-9 (22 F. R. 7526), is hereby amended by:

(a) Deleting subsections I.B.1, and 2 in their entirety, and

(b) Inserting in section I.B. in lieu thereof the following:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000; to decline original disaster loan applications not exceeding $50,000, but not reconsiderations of such applications.

3. To approve or decline Limited Loan Participation loans.

Dated: June 2, 1958.

CHRIS W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F. R. Doc. 58-4521; Filed, June 13, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4138]

WILLIAM TELL PRODUCTIONS, INC.

ORDER CONSENTING TO WITHDRAWAL

JUNE 9, 1958.

William Tell Productions, Inc., a Delaware corporation having filed with the Commission on November 4, 1955, a notification and offering circular for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A promulgated thereunder, for an offering of 295,000 shares of its 10-cent par value common stock at $1.00 per share;

The Commission on September 5, 1956, having issued an order pursuant to Rule 223 (a) of Regulation A temporarily suspending the exemption with respect to the offering;

The Commission having issued its Findings, Opinion and Order on October 25, 1957, vacating the temporary suspension order, effective upon the date of filing amendments to the notification and offering circular setting forth all required information with respect to the affiliation of William Tell Productions, Inc., with W. T. Clemons Associates and prior sales of securities by W. T. Clemons Associates, and reducing the aggregate offering price in compliance with the $300,000 limitation of Regulation A;

William Tell Productions, Inc., on May 19, 1958, having filed amendments to the notification and offering circular, setting forth the required information and reducing the aggregate offering price pursuant to the terms and conditions of the order of October 25, 1957, and in addition having requested withdrawal of the notification and offering circular as so amended;

It is ordered, That the offering of the unsold securities covered by the notification of William Tell Productions, Inc., as amended be, and it hereby is, deemed withdrawn.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4515; Filed, June 13, 1958; 8:47 a. m.]

[File No. 24 NY-4362 etc.]

VOLTAR ELECTRONICS, INC. ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 9, 1958.

In the matter of Voltar Electronics, Inc., File No. 24 NY-4362; Michael Laurence and Stephen Richards as "The Amish Company", File No. 24 NY-4416; Beckjord Manufacturing Corporation, File No. 24 NY-4437; Mutual Investors Corporation of New York, File No. 24 NY-4500.

I. Voltar Electronics, Inc., 321 Atlantic Avenue, Brooklyn, N. Y.; Michael Laurence and Stephen Richards as "The Amish Company", 41 West 86th Street, New York, N. Y.; Beckjord Manufacturing Corporation, 7 West Water Street, Toms River, N. J.; and Mutual Investors Corporation of New York, 550 Fifth Avenue, New York, N. Y.; each filed with the Commission a notification on Form 1-A and offering circular relating to a proposed public offering of securities for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reason to believe that the terms and conditions of said Regulation A have not been complied with in that each issuer has failed to file on Form 2-A reports of sales as required by Rule 260 of Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to any person having any interest in any of the above matters that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4513; Filed, June 13, 1958; 8:46 a. m.]

[File No. 70-3706]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ACQUISITION BY HOLDING COMPANY OF SECURITIES OF NON-AFFILIATED PIPELINE COMPANY SERVING ITS SYSTEM

JUNE 6, 1958.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 and 10 thereof as applicable to a proposed transaction, which is summarized as follows:

Columbia proposes to acquire for cash the following securities to be issued by Gulf Interstate Gas Company ("Gulf Interstate"), a non-affiliated pipeline company:

(a) 865,000 shares of a new series of its cumulative preferred stock, $20 par value, to be authorized and designated as "Preferred Stock, 5.75 percent Series"—at a purchase price of $20 per share, aggregating $17,300,000;

(b) 225,000 shares of Common Stock, $5 par value, at a purchase price of $12 per share, aggregating $2,700,000.

As at March 31, 1958, Gulf Interstate's net gas plant was stated on its books at $148,308,764 and it had outstanding $85,200,000 principal amount of First Mortgage Pipe Line bonds; $13,792,100 aggregate par value of 6 percent preferred stock; and 3,619,935 shares of $5 par value common stock or an aggregate par value of $18,099,675.

Gulf Interstate was organized in 1952 to construct and operate a pipeline for the transportation of natural gas from Louisiana to West Virginia, for the sole use and benefit of United Fuel Gas Company ("United Fuel"), a subsidiary of Columbia and the major supplier of gas in the Columbia system. The pipeline, which was completed in 1954, is operated under a long-term transportation agreement between Gulf Interstate and United Fuel whereby natural gas is produced or purchased in Louisiana by United Fuel or other subsidiaries of Columbia, and there delivered to Gulf Interstate's pipeline. The gas is then transported by Gulf Interstate to a point in West Virginia near the Kentucky line, where it is redelivered to United Fuel for storage and distribution throughout Columbia's gas service area. The transportation agreement provides that Gulf Interstate will expand its pipeline facilities to meet United Fuel's growing needs, provided the two companies can agree on the cost, financing, and economic feasibility of the additional facilities.

The total gas sales of the Columbia system have increased from 486,832 million cubic feet in 1954 to 646,402 million cubic feet in 1957. The system has become increasingly dependent on gas received from southwest sources; and, to provide means for transporting additional supplies of gas to its service areas, Columbia entered into discussions with Gulf Interstate with a view to increasing the latter's existing capacity from 565 to 666 million cubic feet per day by the addition of loops and appurtenant facilities to the present main 30-inch pipe line. Gulf Interstate is now undertaking to raise the capital necessary for this expansion program by the issue and sale of additional securities.

The presently proposed acquisition of Gulf Interstate's securities by Columbia is in aid of such expansion program. In addition to the $20,000,000 which Gulf will realize from the sale of the aforesaid securities to Columbia. Gulf Interstate expects to realize $60,000,000 from the sale of its first mortgage bonds to certain institutional investors, applying the aggregate proceeds as follows: $[illegible] to retire outstanding bank loans incurred in connection with its 1956 and 1957 construction programs, and $50,000,000 toward financing its 1958 construction program, the total amount of which is approximately $56,000,000.

Columbia states that it was unable in 1952 to finance the construction of its own pipeline from the Gulf coastal region to its service area, and that the arrangement with Gulf Interstate was then worked out as the most feasible solution to a pressing problem. Columbia also states that it is now in a position to consider the outright acquisition of Gulf Interstate's pipeline facilities, that it is conducting negotiations toward that end, and that its acquisition of Gulf Interstate's securities as now proposed will facilitate the later acquisition of Gulf Interstate's physical properties.

Columbia stipulates that, in the event its negotiations for the acquisition of the properties and assets of Gulf Interstate are not consummated by May 21, 19[illegible] (unless the time be further extended by this Commission), it will sell to the public the securities of Gulf Interstate which it may own; and that during such period it will not, without approval of this Commission, vote the Common Stock except for the purpose of obtaining a quorum.

Columbia further stipulates that the approval of the pending application will not in any respect be deemed approval of any subsequent agreement providing for its acquisition of the assets of Gulf Interstate or of any transaction related thereto.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment.

Notice is further given that any interested person, may, not later than June 23, 1958 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4514; Filed, June 13, 1958; 8:47 a. m.]

MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 118

Washington, Tuesday, June 17, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (3) and (c) (1) and (2) of § 6.142 are amended as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* * * *

(3) Until June 30, 1959, seven Regional Administrators.

* * * * *

(c) *Federal Housing Administration.* (1) Until June 30, 1959, 80 Field Directors (State, District, and Territorial).

(2) Until June 30, 1959, six Zone Operations Commissioners.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4555; Filed, June 16, 1958; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 742, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.849 (Lemon Regulation 742; 23 F. R. 3997) are hereby amended to read as follows:

(ii) District 2: 534,750 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4587; Filed, June 16, 1958; 8:54 a. m.]

[Avocado Order 16]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

LIMITATION OF SHIPMENTS

§ 969.316 *Avocado Order 16*—(a) *Findings.* (1) On May 9, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 3104) regarding proposed limitations on shipments of avocados, pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act

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FEDERAL REGISTER

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(As of January 1, 1958)

The following Supplements are now available:

Title 6 ($1.50)
Title 26, 1957 Added Pocket Parts:
  Parts 1–79 ($0.25)
  Parts 80–169 ($0.25)
  Parts 170–182 ($0.20)
Titles 44–45, 1957 Added Pocket Part ($0.35)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Parts 1–19, Rev. Jan. 1, 1958 ($3.00), Parts 20–221, Rev. Jan. 1, 1958 ($2.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Parts 800–1099 ($0.65), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee, established under the aforesaid amended marketing agreement and order, it is hereby found that the regulation hereinafter set forth is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1958. This regulation establishes maturity and quality requirements designed to prevent the shipment of avocados which are immature and of undesirable quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 18, 1958, and ending at 12:01 a. m., e. s. t., April 30, 1959, no handler shall handle any avocados, grown in South Florida, unless such avocados grade at least U. S. No. 2.

(2) After the effective time of this section, no handler shall handle any of the varieties of avocados listed in Column 1 of the following Table I prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph:

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Fuchs	6-23-58	14 ounces 3 5/16 inches	6-30-58	12 ounces 3 1/16 inches	7-14-58	10 ounces 2 15/16 inches	8-4-58
Pollock	7-14-58	18 ounces 3 11/16 inches	8-4-58	16 ounces 3 9/16 inches	8-18-58	14 ounces 3 5/16 inches	9-8-58
Simmonds	7-14-58	16 ounces 3 9/16 inches	8-4-58	14 ounces 3 7/16 inches	8-18-58	12 ounces 3 3/16 inches	9-8-58
Hardee	7-14-58	16 ounces 3 5/16 inches	7-28-58	14 ounces 3 3/16 inches	8-11-58	12 ounces 2 15/16 inches	9-8-58
Nadir	7-21-58	14 ounces 3 5/16 inches	8-4-58	12 ounces 3 3/16 inches	8-18-58	10 ounces 2 14/16 inches	9-15-58
Trapp	7-29-58	14 ounces 3 9/16 inches	8-12-58	12 ounces 3 7/16 inches	8-26-58	10 ounces 3 3/16 inches	9-10-58
Waldin	8-5-58	16 ounces 3 9/16 inches	8-19-58	14 ounces 3 6/16 inches	9-2-58	11 ounces 3 3/16 inches	9-30-58
Petersen	8-5-58	12 ounces 3 6/16 inches	8-19-58	11 ounces 3 4/16 inches	9-2-58	10 ounces 3 3/16 inches	9-23-58
Pinelli	8-19-58	18 ounces	8-26-58	16 ounces	9-2-58	12 ounces	9-23-58
Tonnage	8-26-58	14 ounces 3 5/16 inches	9-2-58	12 ounces 3 3/16 inches	9-9-58	10 ounces 2 14/16 inches	9-23-58
Fairchild	8-26-58	16 ounces 3 10/16 inches	9-9-58	14 ounces 3 7/16 inches	9-23-58	11 ounces 3 3/16 inches	10-7-58
Booth 8	9-16-58	15 ounces 3 6/16 inches	9-30-58	13 ounces 3 4/16 inches	10-14-58	11 ounces 3 1/16 inches	11-18-58
Nirody	9-16-58	18 ounces 3 15/16 inches	9-30-58	15 ounces 3 11/16 inches	10-14-58	12 ounces 3 5/16 inches	11-4-58
Simpson	9-30-58	16 ounces	10-14-58	14 ounces	10-28-58	10 ounces	11-18-58
Rue	10-7-58	30 ounces 4 3/16 inches	10-14-58	24 ounces 3 15/16 inches	10-28-58	18 ounces 3 9/16 inches	11-11-58
B. Prince	10-7-58	16 ounces	10-21-58	14 ounces	11-4-58	10 ounces	11-25-58
Iula	10-7-58	18 ounces 3 10/16 inches	10-21-58	16 ounces 3 7/16 inches	11-4-58	14 ounces 3 4/16 inches	12-9-58
Booth 7	10-14-58	16 ounces 3 10/16 inches	10-28-58	14 ounces 3 8/16 inches	11-11-58	11 ounces 3 2/16 inches	12-2-58
Sherman	10-14-58	16 ounces	10-28-58	14 ounces	11-11-58	10 ounces	12-2-58
Vaca	10-14-58	16 ounces 3 9/16 inches	10-28-58	14 ounces 3 7/16 inches	11-11-58	10 ounces 3 inches	12-2-58
Marcus	10-14-58	32 ounces	11-25-58				
Hickson	10-21-58	14 ounces 3 4/16 inches	11-4-58	12 ounces 3 1/16 inches	11-18-58	10 ounces 2 15/16 inches	12-9-58
Collinson	10-21-58	16 ounces 3 11/16 inches	11-4-58	14 ounces 3 9/16 inches	11-18-58	10 ounces 3 1/16 inches	12-9-58
Avon	10-21-58	14 ounces 3 8/16 inches	11-4-58	12 ounces 3 5/16 inches	11-18-58	9 ounces 2 15/16 inches	12-9-58
Booth 5	10-21-58	16 ounces 3 11/16 inches	11-4-58	14 ounces 3 9/16 inches	11-18-58	10 ounces 3 3/16 inches	12-9-58
Blair	10-21-58	16 ounces	11-4-58				
Nelson	10-21-58	14 ounces 3 8/16 inches	11-4-58	12 ounces 3 5/16 inches	11-18-58	10 ounces 3 1/16 inches	12-9-58
Winslowson	10-28-58	18 ounces 3 14/16 inches	11-11-58	16 ounces 3 12/16 inches	11-25-58	10 ounces 3 3/16 inches	12-24-58
Monroe	10-28-58	24 ounces	11-25-58	20 ounces	12-16-58	14 ounces	1-6-59
Hall	10-21-58	24 ounces 3 13/16 inches	11-4-58	18 ounces 3 7/16 inches	12-2-58	14 ounces 3 3/16 inches	12-24-58
Herman	11-4-58	16 ounces 3 9/16 inches	11-18-58	14 ounces 3 7/16 inches	12-2-58	10 ounces 3 1/16 inches	12-24-58
Booth 10	11-4-58	16 ounces	11-18-58	14 ounces	12-2-58	10 ounces	12-24-58
Booth 11	10-28-58	16 ounces 3 12/16 inches	11-11-58	14 ounces 3 9/16 inches	12-2-58	10 ounces 3 3/16 inches	12-24-58
Ajax (B. 7B)	11-11-58	18 ounces 3 12/16 inches	11-25-58	15 ounces 3 9/16 inches	12-9-58	11 ounces 3 3/16 inches	12-31-58
Booth 3	11-11-58	16 ounces 3 9/16 inches	11-25-58	14 ounces 3 7/16 inches	12-9-58	10 ounces 3 1/16 inches	12-31-58
Booth 1	11-18-58	16 ounces 3 12/16 inches	12-2-58	14 ounces 3 8/16 inches	12-16-58	10 ounces 3 1/16 inches	1-6-59
Taylor	11-18-58	14 ounces 3 4/16 inches	12-2-58	12 ounces 3 3/16 inches	12-16-58	9 ounces 2 13/16 inches	1-6-59
Dunedin	11-18-58	16 ounces 3 10/16 inches	12-2-58	14 ounces 3 8/16 inches	12-16-58	10 ounces 3 1/16 inches	1-6-59
Choquette	10-28-58	30 ounces 4 5/16 inches	11-18-58	22 ounces 3 15/16 inches	12-2-58	18 ounces 3 11/16 inches	1-6-59
Linda	12-9-58	18 ounces	12-23-58	15 ounces	1-6-59	12 ounces	1-20-59
Byars #1	12-9-58	16 ounces	12-23-58	14 ounces	1-6-59	10 ounces	1-27-59
Nabal	12-9-58	14 ounces 3 8/16 inches	12-23-58	12 ounces 3 5/16 inches	1-6-59	9 ounces 3 inches	1-27-59
Wagner	12-16-58	12 ounces 3 5/16 inches	12-30-58	10 ounces 3 2/16 inches	1-13-59	8 ounces 2 14/16 inches	2-3-59
Schmidt	1-27-59	16 ounces	2-10-59	14 ounces	2-24-59		
Itzamna	2-24-59						

(3) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or

is of at least the diameter specified for such variety in said Column 7;

(6) After the effective time of this regulation, no handler shall handle any avocados of the West Indian type not listed in said Table I except in accordance with the following terms and conditions:

(i) During the period beginning at 12:01 a. m., e. s. t., June 18, 1958, and ending at 12:01 a. m., e. s. t., June 30, 1958, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(ii) During the period beginning at 12:01 a. m., e. s. t., June 30, 1958, and ending at 12:01 a. m., e. s. t., July 28, 1958, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iii) During the period beginning at 12:01 a. m., e. s. t., July 28, 1958, and ending at 12:01 a. m., e. s. t., September 15, 1958, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(iv) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(7) After the effective time of this section, no handler shall handle any avocados not covered by subparagraphs (2) to (6) of this paragraph except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a. m., e. s. t., September 8, 1958.

(ii) During the period beginning at 12:01 a. m., e. s. t., September 8, 1958, and ending at 12:01 a. m., e. s. t., October 6, 1958, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iii) During the period beginning at 12:01 a. m., e. s. t., October 6, 1958, and ending at 12:01 a. m., e. s. t., December 22, 1958, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(iv) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(8) Notwithstanding the provisions of subparagraphs (2) to (7) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (6) and (7) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(c) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; terms relating to grade, as used in this section, shall have the same meaning as is given to the respective term in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title; 22 F. R. 6205); and the term "diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

(d) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., June 18, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e–1)

Dated: June 13, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–4615; Filed, June 16, 1958; 9:43 a. m.]

[Cherry Order 2, Amdt. 1]

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement and Order No. 122 (7 CFR Part 1022; 22 F. R. 3835), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this regulation is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of cherries.

It is therefore ordered that the provisions of § 1022.302 (b) (Cherry Order 2; 23 F. R. 3617) are hereby amended, effective on and after June 13, 1958, to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 13, 1958, and ending at 12:01 a. m., P. s. t., September 1, 1958, no handler shall handle:

(i) Any lot of cherries unless such cherries grade at least U. S. No. 1 with an additional tolerance of 15 percent for defects, of which not more than one-third (5 percent) shall be allowed for defects, other than decay, causing serious damage;

(ii) Any lot of cherries, unless at least 90 percent, by count, of such cherries measure at least 48/64 inch in diameter;

(iii) Any lot of cherries in faced packs unless at least 80 percent, by count, of such cherries measure at least 54/64 inch in diameter; or

(iv) Any lot of cherries in any pack other than faced packs in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches, unless the net weight of the cherries in such container is not less than 20 pounds, and at least 80 percent, by count, of such cherries measure at least 54/64 inch in diameter.

(2) Notwithstanding any other provisions of this regulation, any individual shipment of cherries which, in the aggregate, does not exceed 100 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph or in § 1022.41 or § 1022.55.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U. S. No. 1," "defects," "serious damage," and "diameter" shall have the same meaning as when used in the United States Standards for Sweet Cherries (7 CFR 51.2646–51.2657); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–4586; Filed, June 16, 1958; 8:54 a. m.]

PART 1067—AVOCADOS

IMPORTATION

§ 1067.5 *Avocado Regulation No. 5.* (a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited except in accordance with the following terms and conditions:

(1) All avocados imported during the period beginning at 12:01 a. m., e. s. t., June 23, 1958, and ending at 12:01 a. m., e. s. t., April 30, 1959, shall grade not less than U. S. No. 2.

(2) Avocados of the Wilson variety shall not be imported (i) prior to 12:01 a. m., e. s. t., July 1, 1958, unless the individual fruit in each lot of such avocados weigh at least 16 ounces; and (ii) during the period beginning at 12:01 a. m., e. s. t., July 1, 1958, and ending at 12:01 a. m., e. s. t., August 25, 1958, unless the individual fruit in each lot of such avocados weigh at least 14 ounces.

(3) Avocados of the Pollock variety shall not be imported (i) prior to 12:01 a. m., e. s. t., July 6, 1958, unless the individual fruit in each lot of such avocados weigh at least 18 ounces or measure at least $3\frac{11}{16}$ inches in diameter; (ii) during the period beginning at 12:01 a. m., e. s. t., July 6, 1958, and ending at 12:01 a. m., e. s. t., July 20, 1958, unless the individual fruit in each lot of such avocados weigh at least 16 ounces or measure at least $3\frac{8}{16}$ inches in diameter; and (iii) during the period beginning at 12:01 a. m., e. s. t., July 20, 1958, and ending at 12:01 a. m., e. s. t., August 10, 1958, unless the individual fruit in each lot of such avocados weigh at least 14 ounces or measure at least $3\frac{9}{16}$ inches in diameter.

(4) Avocados of the Catalina variety shall not be imported (i) prior to July 6, 1958, unless the individual fruit in each lot of such fruit weigh at least 20 ounces; (ii) during the period beginning at 12:01 a. m., e. s. t., July 6, 1958, and ending at 12:01 a. m., e. s. t., July 27, 1958, unless the individual fruit in each lot of such avocados weigh at least 18 ounces; and (iii) during the period beginning at 12:01 a. m., e. s. t., July 27, 1958, and ending at 12:01 a. m., e. s. t., August 3, 1958, unless the individual fruit in each lot of such avocados weigh at least 16 ounces.

(5) Avocados of the Trapp variety shall not be imported (i) prior to 12:01 a. m., e. s. t., July 27, 1958, unless the individual fruit in each lot of such variety weigh at least 14 ounces or measure at least $3\frac{9}{16}$ inches in diameter; (ii) during the period beginning at 12:01 a. m., e. s. t., July 27, 1958, and ending at 12:01 a. m., e. s. t., August 10, 1958, unless the individual fruit in each lot of such avocados weigh at least 12 ounces or measure at least $3\frac{7}{16}$ inches in diameter; and (iii) during the period beginning at 12:01 a. m., e. s. t., August 10, 1958, and ending at 12:01 a. m., e. s. t., August 31, 1958, unless the individual fruit in each lot of such avocados weigh at least 10 ounces or measure at least $3\frac{3}{16}$ inches in diameter.

(6) Avocados of any variety not specified in subparagraphs (2) to (5) of this paragraph shall not be imported (i) prior to 12:01 a. m., e. s. t., July 1, 1958, unless the individual fruit in each lot of such avocados weigh at least 14 ounces; and (ii) during the period beginning at 12:01 a. m., e. s. t., July 1, 1958, and ending at 12:01 a. m., e. s. t., August 25, 1958, unless the individual fruit in each lot of such avocados weigh at least 12 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this subparagraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(7) Notwithstanding the provisions of subparagraphs (2) to (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety prescribed in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(8) Each importation of avocados shall be made in conformance with the general regulations (Part 1060 of this subchapter, 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 of this subchapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified in this section.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the maturity and quality regulations that are being made applicable, prior to the effective time hereof, to shipments of avocados grown in South Florida.

(h) The provisions of Avocado Regulation No. 4 (§ 1067.4; 22 F. R. 3957) are hereby terminated as of the effective time of this section.

(i) As used in this section, the term "diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U. S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050 to 51.3069 of this title; 22 F. R. 6205).

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this section beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (a) maturity and quality restrictions are being made applicable to shipments of avocados produced in South Florida and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), makes such import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) notice that regulation of the imports of avocados was being considered was published in the FEDERAL REGISTER (23 F. R. 3105) and the written data, views, and arguments received in connection therewith were considered in the formulation of this regulation; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e–1)

Dated, June 13, 1958, to become effective at 12:01 a. m., e. s. t., June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58–4616; Filed, June 16, 1958; 9:43 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54614]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

REVOCATION OF DESIGNATION OF FORT PIERCE, FLA., AS CUSTOMS STATION

The designation of Fort Pierce, Florida, as a customs station in Customs Collection District No. 18 (Florida) was revoked effective June 11, 1958.

Section 1.2 (d), Customs Regulations, is hereby amended by deleting the line "18," "Fort Pierce, Fla.," and "West Palm Beach" from the listing of customs stations.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 5, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4544; Filed, June 16, 1958; 8:45 a. m.]

[T. D. 54615]

PART 3—DOCUMENTATION OF VESSELS

VESSELS REQUIRED TO BE INSPECTED BEFORE DOCUMENTATION

In view of the expiration of the act of August 31, 1954 (68 Stat. 1047), on June 30, 1956, and in order to give effect to the provisions of the act of May 10, 1956 (46 U. S. C. 390-390g, 404, 526f), as amended by the act of August 28, 1957 (71 Stat. 486), § 3.54 of the Customs Regulations is amended as follows:

1. Paragraph (b) is amended to read:

(b) Every vessel above 15 gross tons carrying freight for hire and every vessel of above 15 gross tons and in excess of 65 feet in length carrying passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha or electric motors. A motor vessel of 15 gross tons plus a fraction of a ton is considered to be over 15 gross tons.

2. The parenthetical matter at the end of paragraph (i) is deleted and a new paragraph (j) is added, reading:

(j) Every vessel carrying more than six passengers, except public vessels of the United States, but including vessels owned or operated by the Maritime Administration or any corporation organized or controlled by it, which is:

(1) Propelled in whole or in part by steam or by any form of mechanical or electrical power and is of 15 gross tons or less; or,

(2) Propelled in whole or in part by steam or any form of mechanical or electrical power and is of more than 15 gross tons and less than 100 gross tons and not more than 65 feet in length measured from end to end over the deck excluding sheer; or,

(3) Propelled by sail and is of 700 gross tons or less; or,

(4) Non-self-propelled and is of 100 gross tons or less.

(R. S. 4498, as amended; 46 U. S. C. 496)
(R. S. 161, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 2)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 10, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4545; Filed, June 16, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-412B]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

SPECIAL CIVIL AIR REGULATION; EXTENSION OF TERMINATION DATE OF SPECIAL CIVIL AIR REGULATION NO. SR-412A AND DELETION OF REQUIREMENT FOR AFFIXING IDENTIFICATION MARKS BY JULY 27, 1958

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 11th day of June 1958.

Special Civil Air Regulation No. SR-412A permits aircraft identification marks to be affixed to the vertical tail or fuselage side surfaces of fixed-wing aircraft in lieu of the markings required by Part 1. In the promulgation of SR-412A the Board required that such identification markings be affixed in accordance with that regulation by July 27, 1958. Since the regulation would remain in effect until July 27, 1960, those using the new markings would be assured of being able to display the marks for a reasonable period of time.

Many persons have identified their aircraft in accordance with the provisions of SR-412A and have had very favorable operational experience using the method of marking permitted by that regulation. However, the Board has been advised that if SR-412A were amended to allow an extension beyond July 27, 1958, for affixing the markings, and if the July 27, 1960, termination date of the regulation were extended to December 31, 1960, many other interested persons would take advantage of the alternate method. In addition, several air carriers will be enabled to complete the identification of their fleets in accordance with methods presently authorized by SR-412A. In view of these considerations, and the increased information that should become available to the Board in making a final determination with respect to identification marking requirements, the Board is extending the authorization contained in SR-412A.

Persons who choose to display the new markings in accordance with this regulation may affix such markings to their aircraft at any time prior to December 31, 1960, which is the termination date of this regulation. All interested persons are advised, however, that before this regulation terminates public rule making proceedings will be instituted for the purpose of enabling the Board to make a final decision with respect to the standardization of identification marking requirements. It is anticipated that final rules will be adopted by the Board coincident with the termination of this Special Civil Air Regulation. It should be understood that the rules ultimately adopted by the Board standardizing identification marking requirements may render unacceptable present methods of identification authorized under this special regulation and Part 1 of the Civil Air Regulations. As a result, aircraft owners or operators may be required to alter presently authorized markings, within a reasonable period of time, following the promulgation of the rules ultimately adopted by the Board.

It will be noted that this new regulation, unlike SR-412A, expressly provides for the placement of markings on engine pods located in the area between the wing trailing edge and the horizontal stabilizer leading edge, if such pods are an integral part of the fuselage side surfaces.

Since this is a superseding regulation which relieves restrictions and imposes no additional burden upon any person, the Board finds that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 16, 1958.

Contrary provisions of §§ 1.102 (a) and 1.103 (a) of Part 1 of the Civil Air Regulations notwithstanding, identification markings may be removed from the upper and lower wing surfaces provided that vertical tail or fuselage markings are affixed in accordance with the following:

1. The markings shall be placed horizontally and the letters and numbers shall be of equal height not less than 12 inches high.

2. If on the sides of the fuselage, the markings shall be displayed on both sides of the fuselage in an area between the wing trailing edge and the horizontal stabilizer leading edge. If engine pods are located in this area and are an integral part of the fuselage side surfaces, the markings may be placed on such pods.

3. If on the vertical tail, the markings shall be displayed on both sides of a single vertical tail surface or on the outer sides of multitail surfaces.

4. Identification markings may be affixed and displayed in accordance with the foregoing provisions until the termination date of this special regulation.

This regulation supersedes Special Civil Air Regulation No. SR-412A, and shall terminate on December 31, 1960, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] MARVIN BERGSMAN,
Acting Secretary.

[F. R. Doc. 58-4585; Filed, June 16, 1958; 8:54 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 74]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LWT-VOR	LWT-LFR	Direct	6000	T-dn	300-1	300-1	300-1
Stanford FM	LWT-LFR	Direct	6000	C-dn	700-2	700-2	700-2
				S-dn-7	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 268° Outbnd, 088° Inbnd, 6000′ within 10 miles.

Minimum altitude over facility on final approach crs, 5000′.

Crs and distance, facility to airport, 091—2.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, turn right, climb to 6000′ on W crs of LWT-LFR within 20 miles.

City, Lewistown; State, Mont.; Airport Name, Lewistown; Elev., 4197′; Fac. Class, SBRAZ; Ident., LWT; Procedure No. 1, Amdt. 5; Eff. Date, 12 Jul. 58; Sup. Amdt. No. 4; Dated, 15 Oct. 55

				T-d*	600-1	600-1	600-1
				T-n	700-2	700-2	700-2
				C-d	1000-1	1000-1	1000-2
				C-n	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

*600-2 required on Rnwy 21; sliding scale not authorized for this runway.

Procedure turn S# side of E crs, 109 Outbnd, 289 Inbnd, 3000′ within 10 miles.

#High terrain to North.

Minimum altitude over facility on final approach crs, 2000′.

Crs and distance, facility to contact point, 260—6.0. Contact must be established at shoreline within 6 miles from range with 1100-1 day or 1100-3 night and flight to Lihue Airport made under visual contact conditions by following shoreline in NE direction from PAK LFR.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, climb to 5000′ on South crs within 20 miles.

City, Lihue, Kauai, Hawaii; Airport Name, Lihue Airport; Elev., 148′; Fac. Class, SBRAZ; Ident., PAK; Procedure No. 1, Amdt. 4; Eff. Date, 12 Jul. 58; Sup. Amdt. No. 3; Dated, 28 Apr. 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	700-2	1000-2	*1000-3
				C-d	700-2	1000-2	1000-3
				A-d	800-2	1000-3	1000-3

*AIR CARRIER NOTE: IFR take-off minimums for Air Carriers holding authorizations at Juneau Airport, day 800-2; night 3000-10, Rny 25 only, no precipitation, Auke Mountain visible.

Procedure turn W side NW crs, Gustavus LFR 285 Outbnd, 105 Inbnd, 2700′ within 10 mi. Turns beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 1500′ at Pleasant Isle FM.

Crs and distance, VFR to Juneau 29 mi 32° from SSR.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7 mi after passing Pleasant Isle FM, climb to 1500′ on Sisters Island Rbn thereafter turn left, climb to 4500′ on crs 285 between Sisters Island Rbn and Gustavus LFR.

CAUTION: Mountainous terrain to 3000′ 5 mi N of SE crs Gustavus LFR.

City, Juneau; State, Alaska; Airport Name, Juneau; Elev., 26′; Fac. Class, SBRAZ HW-FM; Ident., GST SSR; Procedure No. 2, Amdt. 3; Eff. Date, 12 Jul 58; Sup. Amdt. No. 2; Dated, 19 May 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Peconic LFR	RVH-VOR	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn North* side of crs, 270 Outbnd, 090 Inbnd, 1600′ within 10 miles.

*Procedure turn nonstandard to avoid MacArthur Airport.

Minimum altitude over facility on final approach crs, 1100′.

Crs and distance, facility to airport, 090—4.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, climb to 1600′ on R-090 within 10 miles of Riverhead VOR.

CAUTION: 1. Radio towers 560′ MSL at 2 nautical miles brng 335° mag. from VOR. 2. Tower 502′ MSL at 1.7 nautical miles brng 155° mag. from VOR.

City, Calverton; State, N. Y.; Airport Name, Peconic River; Elev., 75′; Fac. Class, VOR; Ident., RVH; Procedure No. 1, Amdt., Orig.; Eff. Date, 12 Jul. 58

Stanford FM	LWT-VOR	Direct	6000	T-dn	300-1	300-1	200-1
Lewistown LFR	LWT-VOR	Direct	6000	C-dn	700-2	700-2	700-2
				S-dn-rny 7	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 271 Outbnd, 091 Inbnd, 6000′ within 10 miles.

Minimum altitude over facility on final approach crs, 5000′.

Crs and distance, facility to airport, 072—5.4.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 5.4 miles, turn right, climb to 6000′ on R-271 within 20 miles.

City, Lewistown; State, Mont.; Airport Name, Lewistown; Elev., 4197′; Fac. Class, BVOR; Ident., LWT; Procedure No. 1, Amdt. 1; Eff. Date, 12 Jul. 58; Sup. Amdt. No. Orig.; Dated, 22 Jan. 55

PROCEDURE CANCELLED, EFFEC. 23 MAY 1958, DUE TO APPROACH RADIALS UNRELIABLE FOR INSTRUMENT APPROACHES.

City, Morgantown; State, W. Va.; Airport Name, Morgantown; Elev., 1256′; Fac. Class, VOR; Ident., MGW; Procedure No. 1, Amdt. 2; Eff. Date, 3 Nov. 1956; Sup. Amdt. No. 1; Dated, 29 Sept. 56

Providence LFR	PVD-VOR	Direct	1600	T-dn	300-1	300-1	200-½
Lafayette Int	PVD-VOR	Direct	1600	C-dn*	500-1	500-1	500-1½
				S-dn-5 L and R*	500-1	500-1	[illegible]-1
				A-dn	800-2	800-2	800-2

Procedure turn West# side of crs, 226 Outbnd, 046 Inbnd, 1600′ within 10 mi of PVD-ILS-LOM.

#Procedure turn W to avoid traffic at Quonset Point NAS.

Minimum altitude over facility on final approach crs *1000′ until over PVD-ILS-LOM.

*If Providence ILS-LOM is not received, maintain 1000′ over PVD-VOR (minimums of 900-1½ will apply).

VOR on airport.

Crs and distance, LOM to airport, 046°—5.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi. after passing Providence VOR, climb to 1000′ on radial 046, then make a climbing right turn to Providence VOR at 1600′.

City, Providence; State, R. I.; Airport Name, Green Airport; Elev., 56′; Fac. Class, VOR; Ident., PVD; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Jul. 58

Westfield LFR	BAF-VOR	Direct	3000	T-d*	700-1	700-1	700-1
				T-n*	700-2	700-2	700-2
				C-d#	800-1	800-2	800-2
				C-n#	800-2	800-2	800-2
				S-d-20#	800-1	800-1½	800-1½
				S-n-20#	800-2	800-2	800-2
				A-dn	1500-2	1500-2	1500-2

*800-1 day, 800-2 night, required for takeoff to East on Runway 9 and SE on Runway 15.

#If Westfield LFR is not received, maintain 2000′ over Westfield VOR (minimums of 1700-2 will apply).

Procedure turn West side of crs, 023° Outbnd, 203° Inbnd, 3000′ within 10 mi. of BAF-LFR.

Minimum altitude over facility on final approach crs, 2000′ until over BAF-LFR.

VOR on airport

Crs and distance, BAF-LFR to airport, 203°—4.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi after passing Westfield VOR, climb to 2000′ MSL on R-203, then make a climbing right turn and return to the VOR at 3000′. Hold on R-023 right hand pattern, one minute, 3000′.

AIR CARRIER NOTE: No reduction for ceiling and visibility is authorized for takeoffs or landings.

City, Westfield; State, Mass.; Airport Name, Barnes; Elev., 270′; Fac. Class, VOR; Ident., BAF; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Jul. 58

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Joliet VOR	EDZ-RBn	Direct	2000	T-dn	300-1	300-1	200-½
Big Run	EDZ-RBn	Direct	2000	C-d	400-1	500-1	500-1½
API VOR	EDZ-RBn	Direct	2300	C-n	400-1½	500-1½	500-1½
Downers Grove	EDZ-RBn	Direct	2300	S-dn-31 L and R	400-1	400-1	400-1
MDW LFR	EDZ-RBn	Direct	2000	A-dn	800-2	800-2	800-2
Lake Shore Int (LF)	EDZ-RBn	Direct	2500				
Crib Int (LF)	EDZ-RBn	Direct	2000				
CGT VOR	EDZ-RBn	Direct	2000				
CGT VOR	EDZ-RBn (Final)	Direct	1500				
Radar Vectors 060° clockwise to 185° from EDZ-RBn.	EDZ-RBn	Within 20 mi	2000				
Radar Vectors 185° clockwise to 060°	EDZ-RBn	Within 20 mi	2500				

Procedure turn East side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 mi.
No glide slope.
Minimum altitude over EDZ-RBn, 1500′.
Crs and distance, EDZ-RBn to airport, 312°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 2500′ or higher altitude specified by ATC on crs. 312° and proceed to Chicago MDW-OM, or as directed by ATC, make left turn, climbing to 2300′, proceed to Peotone VOR inbound on R-001.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac. Class, ILS; Ident., IMDW; Procedure No. ILS-31L-R, or com. date of facility; Amdt. Orig.; Eff. Date, 29 May 58

Lexington VOR	Fayette* Int	Direct	2600	T-dn C-dn S-dn-22 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2
Lexington LOM	Fayette* Int	Direct	2600				

*Int. NE crs Lexington, Ky ILS localizer and R-340 Lexington, Ky VOR.
Procedure turn North side NE crs, 042 Outbnd, 222 Inbnd, 2300′ within 10 miles.
No glide slope.
Minimum altitude over Fayette Int, 1800′.
Crs and distance, Fayette Int to airport, 222—4.8 mi.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi after passing Fayette Int, climb to 2200′ on SE crs ILS to Lexington LOM within 10 mi.

City, Lexington; State, Ky.; Airport Name, Blue Grass Fld.; Elev., 978′; Fac. Class, ILS; Ident., ILEX; Procedure No. ILS-22, Amdt. Orig.; Eff. Date, July 12, 1958

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 9, 1958.

[F. R. Doc. 58-4471; Filed, June 16, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Procedures, Rules of Practice, and Orders

[Dockets 6592, etc.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GROVETON PAPER CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist orders, combined, May 7, 1958: Groveton Paper Co., Groveton, N. H., Docket 6592; Sunkist Growers, Inc., Los Angeles, Calif., Docket 6595; General Foods Corporation, White Plains, N. Y., Docket 6596; Sunshine Biscuits, Inc., Long Island City, N. Y., Docket 6597; Piel Bros., Inc., Brooklyn, N. Y., Docket 6598; Hudson Pulp and Paper Corporation, New York, N. Y., Docket 6599; and P. Lorillard Company, New York, N. Y., Docket 6600]

In the matter of Groveton Paper Company, Sunkist Growers, Inc., General Foods Corporation, Sunshine Biscuits, Inc., Piel Bros., Inc., Hudson Pulp and Paper Corporation, and P. Lorillard Company.

These proceedings were heard by a hearing examiner on the complaints of the Commission charging seven major grocery producers with having given unlawful promotional allowances to favored grocery chains indirectly through radio and TV networks, consisting of free time furnished the chains for their own advertising purposes in return for which they gave in-store promotions to the suppliers' products in their stores located in the trade area reached by the broadcasts, while not making compensation for such benefits available on proportionally equal terms to all competitors of the favored customers.

One case, Docket 6595, was settled by a consent order conditioned on the Commission's issuance of a desist order in Docket 6598. The six other cases, including Docket 6598, were tried in separate proceedings, at the close of which the hearing examiner made his initial decisions and orders to cease and desist, from which all respondents appealed. The Commission denied all the appeals and on May 7 adopted the initial decisions as the decisions of the Commission.

Identical orders to cease and desist are combined as follows:

It is ordered, That the following corporate respondents, their officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of groceries and specific products as noted, in commerce, as "commerce" is defined in the Clayton Act, as amended:

Groveton Paper Company, paper napkins and facial tissues;

Sunkist Growers, Inc., fresh and frozen juices;

General Foods Corporation, instant and regular coffee, cake mixes, frozen foods, cereals, and puddings;

Sunshine Biscuits, Inc., cookies and crackers;

Piel Bros., Inc., beer;

Hudson Pulp and Paper Corporation, paper napkins and towels, toilet tissue, and facial tissue; and

P. Lorillard Company, cigarettes,

do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of Respondents as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of any of Respondents' products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Decision of the Commission", reports of compliance were required as follows:

It is further ordered, That respondent corporations: Groveton Paper Company; Sunkist Growers, Inc.; General Foods Corporation; Sunshine Biscuits, Inc.; Piel Bros., Inc.; Hudson Pulp and Paper Corporation; and P. Lorillard Company, shall, within sixty (60) days after service upon them of these orders, file with the Commission reports, in writing, setting forth in detail the manner and form in which they have complied with the orders contained in the initial decisions.

Issued: May 7 and 8, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4543; Filed, June 16, 1958; 8:45 a. m.]

[Docket 6637]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ELLIOT KNITWEAR, INC. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Elliot Knitwear, Inc., et al., New York, N. Y., Docket 6637, Apr. 25, 1958]

In the Matter of Elliot Knitwear, Inc., a Corporation, Elliot Import Corporation, a Corporation, Herman Gross, Individually and as an Officer of said Corporations, and Herman Gross and Samuel I. Gross, Individually and as Copartners Doing Business as Elliot Glove Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging importers in New York City with violating the Wool Products Labeling Act by using the word "Cashmora" on tags, etc., on sweaters containing no cashmere fibers, the only one of several allegations not settled by a previous consent order dated June 25, 1957, 22 F. R. 5824. With respect to the unresolved issue, the matter was litigated in due course, at the conclusion of which a hearing examiner made his initial decision, including findings of fact, conclusions, and order to cease and desist, from which respondents appealed. The Commission denied the appeal, substituted its own order for that contained in the initial decision, and on April 25 adopted the initial decision as thus modified as its own decision.

Said order to cease and desist is as follows:

It is ordered, That the respondents Elliot Knitwear, Inc., and Elliot Import Corporation, both corporations, and their officers, and Herman Gross, individually and as an officer of said corporations, and respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by using the word "Cashmora" or any word of similar import on any stamp, tag or label attached to any wool product that is not made or composed of cashmere: *Provided, however*, That this shall not be construed as prohibiting use of the word "Cashmora" on a stamp, tag or label attached to a wool product composed in substantial part of cashmere if such word is accompanied by a clear and conspicuous statement of the percentage by weight of the cashmere contained therein.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondents Elliot Knitwear, Inc., and Elliot Import Corporation, both corporations, and their officers, and Herman Gross, individually and as an officer of said corporations, and respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by using the word "Cashmora" or any word of similar import on any stamp, tag or label attached to any wool product that is not made or composed of cashmere: *Provided, however*, That this shall not be construed as prohibiting use of the word "Cashmora" on a stamp, tag or label attached to a wool product composed in substantial part of cashmere if such word is accompanied by a clear and conspicuous statement of the percentage by weight of the cashmere contained therein.

It is further ordered, That the respondents, Elliot Knitwear, Inc., and Elliot Import Corporation, both corporations, and Herman Gross, individually and as an officer of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

It is further ordered, That the said initial decision, as modified, is hereby adopted as the decision of the Commission.

Issued: April 25, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4550; Filed, June 16, 1958; 8:47 a. m.]

[Docket 6963]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KAUFMAN CARPET CO., INC. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic. Subpart—*Using misleading name*—Goods: § 13.2310 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Kaufman Carpet Company, Inc., et al., New York, N. Y., Docket 6963, May 3, 1958]

In the Matter of Kaufman Carpet Company, Inc., a Corporation, and Harry Kaufman, and Daniel Schoen, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation in New York City operating seven wholly owned subsidiaries, and all engaged in the retail sale of carpets and floor coverings, with misrepresenting in advertising the price, construction, and fiber content of its products, and with failing to disclose that certain of its carpeting was of Japanese origin.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 3 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Kaufman Carpet Company, Inc., a corporation, and its officers; Harry Kaufman and Daniel Schoen, individually and as officers of the aforementioned corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of carpets, floor coverings, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any amount is the regular or usual price of merchandise when such amount is in excess of the price at which such merchandise has been sold by respondents in their normal course of business;

2. Misrepresenting either the construction or fiber content of their merchandise;

3. Offering for sale or selling carpets, floor coverings or any other merchandise, the whole or any substantial part of which is made in Japan, or in any other foreign country, without clearly disclosing the foreign origin of such product, or of such part, as the case may be.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Kaufman Carpet Company, Inc., a corporation, and Harry Kaufman, and Daniel Schoen, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4551; Filed, June 16, 1958; 8:47 a. m.]

[Docket 6882]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ISIDORE FUCHS, INC. AND ISIDORE FUCHS

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Isidore Fuchs, Inc. (New York, N. Y.), et al., Docket 6882, May 9, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to invoice certain fur products as required by the act.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 9 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Isidore Fuchs, Inc., a corporation, and its officers, and Isidore Fuchs, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Isidore Fuchs, Inc., a corporation, and Isidore Fuchs, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 9, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4552; Filed, June 16, 1958; 8:47 a. m.]

[Docket 6791]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN CHICLE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.110 *Indorsements, approval, or awards;* § 13.205 *Scientific or other relevant facts.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Chicle Company, Long Island City, N. Y., Docket 6791, May 17, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor in Long Island City, N. Y., with representing falsely in advertising by television that its drug preparation "Rolaids" was endorsed generally by the medical profession and that stomach acid is capable of burning a hole in a cloth napkin.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent American Chicle Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation Rolaids, or any other preparation of similar composition or possessing substantially similar properties whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that:

(a) Stomach acid or concentrated stomach acid is capable of burning a hole in a cloth napkin;

(b) By the use of a white coat or any other object, device or words indicative of the medical profession, that doctors or the medical profession recommend Rolaids, unless the representation is limited to numbers of doctors not greater than has been ascertained to be the fact.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That subparagraphs Six (2) and Seven (2) of the complaint be, and the same hereby are, dismissed, without prejudice.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 30, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4553; Filed, June 16, 1958; 8:48 a. m.]

[Docket 6446]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MICHIGAN BULB CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.35 *Condition of goods;* § 13.175 *Quality of product or service;* § 13.185 *Refunds, repairs, and replacements;* § 13.272 *Type or variety;* § 13.285 *Value.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Michigan Bulb Company et al., Grand Rapids, Mich., Docket 6446, Apr. 17, 1958]

In the Matter of Michigan Bulb Company, a Corporation, and Gerald C. Laug, Individually and as an Officer of Said Corporation; and Forrest Laug and Louis Laug, Individually, as Officers of Said Corporation, and as Copartners Trading and Doing Business as Holland Bulb Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging mail order sellers of nursery stock in Grand Rapids, Michigan, with representing falsely in advertising in newspapers and magazines and by radio, the types, quality, and value of the plants, bulbs, shrubs, and trees they sold, and their guarantee of refunds.

Following hearings in due course, the hearing examiner made his initial decision and order to cease and desist, from which respondents appealed. Upon the basis of the whole record, including briefs and oral argument, the Commission denied the appeal and on April 17 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Michigan Bulb Company, a corporation, and its officers; Gerald C. Laug, individually and as an officer of said corporation; Forest Laug and Louis Laug, individually, as officers of said corporation and as co-partners trading and doing business as Holland Bulb Company; and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bulbs, bulblets, planting stock, corms, roots, plants, shrubs, trees, and other related items (hereinafter collectively referred to as nursery stock) in commerce, as "commerce" is defined in the act, do forthwith cease and desist from:

A. Misrepresenting directly or indirectly by description, depiction, failure to reveal or otherwise:

1. The name, common or botanical, of said nursery stock;

2. The species, genus, family, appearance, grade, size, maturity, age, color of bloom, extent of bloom, type of bloom, hardiness, condition, vigor, growth or physical characteristics of said nursery stock;

3. The type of testing, inspection or certification given said nursery stock;

4. The catalogue or retail value of said nursery stock; and

5. The origin or place where said nursery stock is grown.

B. Representing directly or indirectly by description, depiction, failure to reveal or otherwise, that:

1. Said nursery stock:

a. Is field grown unless such be the fact;

b. Has bloomed or flowered, unless such be the fact;

c. Is of blooming size or will bloom in the same season planted or any season thereafter unless such be the fact;

d. Is well branched, well rooted, live, healthy or in good planting condition, unless such be the fact and unless said stock is delivered to the purchaser in such condition;

e. Will be shipped in time for seasonal planting, unless such be the fact;

f. Has been tested and certified for condition or hardiness by an accredited expert, unless such be the fact; and

g. Has been grown in the State of Michigan and inspected and certified by that State's Department of Agriculture unless such be the fact.

2. The purchaser's money will be refunded if the purchaser is not satisfied with the nursery stock received, unless such be the fact.

It is further ordered, That the allegations of the complaint that respondents falsely and deceptively represented their perennials to be of flowering size which would bloom the first season after planting, and their 42 rose plant offer to include two hydrangea bushes and a trumpet vine bearing orange blossoms, be and hereby are dismissed.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents Michigan Bulb Company, a corporation, and Gerald C. Laug, Forrest Laug and Louis Laug shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

Issued: April 17, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4554; Filed, June 16, 1958; 8:48 a. m.]

[Docket 7037]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HYBERN, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.85 *Government approval, action, connection or standards:* Standards, specifications, or source; § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign in general.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hybern, Inc., et al., Los Angeles, Calif., Docket 7037, May 7, 1958]

In the Matter of Hybern, Inc., a Corporation, Hyfield, Inc., a Corporation, Sepulanat, Inc., a Corporation, Hyman Fink and Bernard Field, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging importers in Los Angeles, engaged in selling a wide variety of merchandise at retail through their retail stores and by mail to customers direct, with advertising falsely that binoculars were selling at great price reductions and were identical or similar to U. S. Army issue; and with selling binoculars, telescopes, monoculars, and like products without clearly disclosing the Japanese origin.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Hybern, Inc., a corporation, Hyfield, Inc., a corporation, Sepulanat, Inc., a corporation, their officers and Hyman Fink and Bernard Field, individually and as officers of the corporate respondents, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of binoculars, monoculars, telescopes, or other merchandise, do forthwith cease and desist from:

1. Representing, directly or by implication, that any specific amount is the regular retail price of merchandise when such amount is in excess of the price at which such merchandise is customarily and usually sold at retail by the respondents in the normal course of their business.

2. Representing, directly or by implication, that their binoculars are identical, or similar to U. S. Army issue binoculars; or identical or similar to any other type of binocular, when such is not the fact.

3. Offering for sale or selling any product, the whole or any substantial

part of which was made in Japan, or in any other foreign country, without clearly and conspicuously disclosing the foreign origin of such product or part thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 7, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4560; Filed, June 16, 1958; 8:49 a. m.]

[Docket 6832]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

IDEAL BRUSH MANUFACTURING CO.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—business status, advantages or connections: § 13.1530 *Producer status of dealer.* Subpart—*Using misleading name*—Vendor: § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harry Weiss doing business as Ideal Brush Manufacturing Company, North Hollywood, Calif., Docket 6832, May 10, 1958]

In the Matter of Harry Weiss, an Individual Trading and Doing Business as Ideal Brush Manufacturing Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor in North Hollywood, Calif., of paint brushes to wholesalers and dealers, with using the abbreviation "Mfg." and the word "Manufacturing" in his trade name and on his merchandise, letterheads, invoices, guarantees, and in trade show programs, and on display cards furnished to dealers and thereby representing falsely that he owned or operated a factory in which his merchandise was manufactured.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 10 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Harry Weiss, trading and doing business as Ideal Brush Manufacturing Company, or trading and doing business under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of paint brushes or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the abbreviation "Mfg." or the word "Manufacturing", or any other abbreviation or word of the same import or meaning, as a part of a trade or corporate name, or representing in any other manner that respondent manufactures any merchandise sold by him, unless and until he owns, operates or absolutely controls the manufacturing plant wherein such merchandise is manufactured.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Harry Weiss, an individual trading and doing business as Ideal Brush Manufacturing Company, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 9, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4561; Filed, June 16, 1958; 8:49 a. m.]

[Docket 6463]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CROSSE & BLACKWELL CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Crosse & Blackwell Company, Baltimore, Md., Docket 6463, May 8, 1958]

This case was heard by a hearing examiner on the complaint of the Commission charging the producer of a wide variety of food products, whose annual sales amounted to approximately $14,000,000, with violating section 2 (d) of the Clayton Act by making payments for advertising or other services in connection with the sale of its products to certain food chains without making such allowances available on proportionally equal terms to all their competitors.

After lengthy trial proceedings in which the Commission's subpoena powers were upheld by the courts and the complaint was held subject to the jurisdiction of the Secretary of Agriculture under the Packers and Stockyards Act and dismissed by the hearing examiner but reversed by the Commission on appeal, counsel for both parties entered into a stipulation disposing of the case without trial. On this basis, the hearing examiner made his initial decision and order to cease and desist, from which respondent appealed on the issue of jurisdiction. Holding that that question had been settled in the previous appeal of respondent, the Commission on May 8 adopted as its own the findings, conclusion, and order of the hearing examiner.

The order to cease and desist is as follows:

It is ordered, That respondent Crosse & Blackwell Company, a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of canned nut rolls, marmalades, soups, tomato products, pickles, relishes and other products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of canned nut rolls, marmalades, soups, tomato products, pickles, relishes and other products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such canned nut rolls, marmalades, soups, tomato products, pickles, relishes and other products.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: May 8, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4562; Filed, June 16, 1958; 8:50 a. m.]

Subchapter B—Trade Practice Conference Rules

[File No. 21-332]

PART 136—PAINT AND VARNISH BRUSH INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 17, 1958.

Statement by the Commission. Trade practice rules for the Paint and Varnish Brush Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the Paint and Varnish Brush Manufacturing Industry promulgated by the Commission on January 14, 1939, and supersede the 1939 rules.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of all types and kinds of brushes for use in applying paint, varnish, lacquer, calcimine, wallpaper or other decorative or protective coatings or primers or undercoatings for such coatings. Also nonwire brushes for use in dusting or cleaning surfaces preliminary to the application of such coatings or undercoatings.

The rules are directed to the prevention and elimination of various unfair trade practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of these rules were instituted upon application of the American Brush Manufacturers Association. After due consideration of proposals received, proposed rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer and to be heard in the premises. Pursuant to such notice, a public hearing was held in New York City on January 16, 1958, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
136.0 Definitions.
136.1 Deception (general).
136.2 Deception as to the kind of material of which the brushing part of a brush is composed.
136.3 Misrepresentation as to setting.
136.4 Misleading price quotations, etc.
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136.6 Substitution of products.
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136.9 Deceptive use of trade or corporate names, trade-marks, etc.
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136.11 Use of word "free."
136.12 Consignment distribution.
136.13 Prohibited sales below cost.
136.14 Misrepresenting products as conforming to standard.
136.15 Guarantees, warranties, etc.
136.16 Defamation of competitors or false disparagement of their products.
136.17 Misrepresentation as to origin and disclosure of foreign origin.
136.18 Prohibited forms of trade restraints.
136.19 Prohibited discrimination.
136.20 Exclusive deals.
136.21 Aiding or abetting use of unfair trade practices.
136.201 Industry committee.

AUTHORITY: §§ 136.0 to 136.201 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 136.0 *Definitions*—(a) *Industry members.* Persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of industry products as hereinafter defined.

(b) *Industry products.* The term "industry products" and the word "brushes" as used in the rules in this part includes all types and kinds of brushes which are designed for use in applying paint, varnish, lacquer, calcimine, wallpaper or other decorative or protective coatings or primers or undercoatings for such coatings. Also non-wire brushes for use in dusting or cleaning surfaces preliminary to the application of such coatings or undercoatings.

§ 136.1 *Deception (general).* In the sale, offering for sale, or distribution of industry products it is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature or advertising matter, however disseminated or published, or to use any marking, brand, or label on any such product, which, directly or by implication, or through failure to disclose material information in conjunction therewith, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers of such products in any material respect. [Rule 1]

§ 136.2 *Deception as to the kind of material of which the brushing part of a brush is composed.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice:

(a) To represent or imply that the brushing part of a brush is of a different kind or type of material than is in fact the case; or

(b) To fail correctly to identify, in the manner set forth in this paragraph, the kind of material of which the brushing part of a brush is composed when, by reason of the similarity of such material to another or other kinds of material used in the brushing part of brushes, the failure to make the identification has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the true composition thereof.

(1) Such identification shall be in the form of a legible marking or stamping on the handle or ferrule of the brush and shall be of such size, conspicuousness, and degree of permanency, as to be noticeable and readable upon casual inspection when the brush is offered for sale to consumer purchasers.

(2) When the composition of the brushing part of a brush is of two or more kinds of material, the identification required by this paragraph shall be of each kind in the order of its predominance by weight or be immediately accompanied by the percentage by weight of the entire composition which it represents (Examples: When, by weight, composed of 60 percent horsehair and 40 percent bristle—"Horsehair and Bristle" or "60 percent Horsehair and 40 percent Bristle;" and when, by weight, composed of 60 percent nylon and 40 percent bristle—"Nylon and Bristle" or "60 percent Nylon and 40 percent Bristle"): *Provided, however*, That when any kind of material constitutes but an insubstantial proportion of the entire mixture, the percentage by weight of the mixture accounted for by such kind shall immediately accompany the identification thereof.

(3) In identifying the composition of the brushing part of a brush:

(i) The word "bristle" shall not be used as descriptive of any material other than hog or swine hair;

(ii) The term "China bristle" shall be confined to hog or swine hair imported from China;

(iii) No part of the composition shall be described as tipped or flagged, or as tapered or leveled, when such is not the fact;

(iv) No part of the composition shall be represented as being "natural black" or "undyed" when such is not the fact;

(v) Any part of the composition which is used material shall be immediately accompanied by a clear and non-deceptive disclosure of such fact. [Rule 2]

§ 136.3 *Misrepresentation as to setting.* It is an unfair trade practice to misrepresent the materials used in the setting of a brush or the process by which the brushing part is affixed to the handle, through the use of such terms as "Vulcanized in Rubber," "Epoxy," or otherwise, when such is not the fact. [Rule 3]

§ 136.4 *Misleading price quotations, etc.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to publish or circulate price quotations, price lists, or terms or conditions of sale, which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, or the consuming public, in any material respect. [Rule 4]

§ 136.5 *False invoicing.* Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false, inaccurate, or incomplete record is made, which has the capacity and tendency or effect of deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 5]

§ 136.6 *Substitution of products.* It is an unfair trade practice for any industry member, in the course of or in connection with the sale or distribution of industry products, to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 6]

§ 136.7 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstances having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer or a competing industry member nor is this section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from the customers of any other industry member. [Rule 7]

§ 136.8 *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly, to give, offer to give, or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors, or to effect any other advantage in favor of the industry member making such gift or offer with respect to the sale of industry products to such employers or principals. [Rule 8]

§ 136.9 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the character, name, nature, or origin of any product of the industry, or any material used therein, or which is false or misleading in any other material respect, is an unfair trade practice. [Rule 9]

§ 136.10 *Misrepresenting character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or in any other manner to misrepresent the character or extent, or type of his business. [Rule 10]

§ 136.11 *Use of word "free."* In connection with the sale, offering for sale, or distribution of industry products it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offeror (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free" will not be regarded as compliance.

[Rule 11]

§ 136.12 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 12]

§ 136.13 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of obsolescent goods; (2) made under judicial process; or (3) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 13]

§ 136.14 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 14]

§ 136.15 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that any industry product is "guaranteed" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligation of the guarantor.

(b) It is also an unfair trade practice to use, or cause to be used, any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 15]

§ 136.16 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of the goods of competitors, their credit terms, values, policies, services, the nature or form of the business conducted, or in any other material respect, is an unfair trade practice. [Rule 16]

§ 136.17 *Misrepresentation as to origin and disclosure of foreign origin.* (a) It is an unfair trade practice to misrepresent the place of origin, production, assembly, or manufacture of industry products or their components.

(b) (1) It is also an unfair trade practice to offer for sale, sell, or distribute any industry product manufactured or produced in a foreign country, or any industry product containing a substantial or material part manufactured or produced in a foreign country, without affirmatively and clearly disclosing the fact that such product or part was manufactured or produced in an identified foreign country, when the failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(2) Such identification, when required, shall be in the form of a legible marking or stamping on the handle or ferrule of the brush, or on a label or tag securely attached thereto, and shall be of such size, conspicuousness, and degree of permanency, as to be noticeable and readable upon casual inspection when the brush is offered for sale to consumer purchasers.

NOTE 1: Nothing in paragraph (b) of this section is to be construed as requiring disclosure of the foreign origin of material or parts which, by reason of further processing in this country subsequent to their importation, no longer retain the appearance and essential characteristics possessed by them at the time of their importation.

NOTE 2: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations relating to the marking of imported articles.

[Rule 17]

§ 136.18 *Prohibited forms of trade restraints.*[1] It is an unfair trade practice, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more industry members, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 18]

§ 136.19 *Prohibited discrimination.*[2] (a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended which is set forth in the note following paragraph (e) of this section.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

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[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (e) of this section.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (e) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4) or (5) of paragraph (a) of this section.

When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller, were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: Section 136.19 is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to subparagraph (5) of paragraph (a) of this section and of the note to paragraph (d) of this section.

"Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that the lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

[Rule 19]

§ 136.20 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, upon the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the product of a competitor or competitors of such industry member, where the effect or such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 20]

§ 136.21 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 21]

§ 136.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Issued: June 12, 1958.

Promulgated by the Federal Trade Commission June 17, 1958.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4542; Filed, June 16, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF INORGANIC BROMIDES FROM FUMIGATION WITH METHYL BROMIDE

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of tolerances for residues of inorganic bromides from fumigation with methyl bromide in or on certain raw agricultural commodities including strawberries (23 F. R. 3106). This order takes action with respect to the tolerance requested on strawberries. Action on the other tolerances requested for residues of inorganic bromides from fumigation with methyl bromide will be taken in a later order.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123; 21 CFR 1957 Supp.) are amended by changing § 120.123 (c) to read as follows:

§ 120.123 *Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.* * * *

(c) 30 parts per million in or on beets, rutabagas, strawberries, turnips.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: June 13, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-4633; Filed, June 16, 1958; 9:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of this title is amended as follows:

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

Section 222.13 (a) (1) (vi) is amended to read as follows:

§ 222.13 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) * * *

(1) * * *

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2¾	Aug. 9, 1954	Sept. 1, 1954
2½	Sept. 1, 1954	Jan. 1, 1955
2⅝	Jan. 1, 1955	July 1, 1955
2⅞	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	July 1, 1957
3⅜	July 1, 1957	Jan. 1, 1958
3½	Jan. 1, 1958	July 1, 1958
3⅛	July 1, 1958	

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U. S. C. 1709)

Subchapter D—Multifamily and Group Housing Insurance

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 233.9 (a) (1) (vii) is amended to read as follows:

§ 233.9 *Insurance benefits.* (a) * * *

(1) * * *

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2½	Aug. 13, 1954	Jan. 1, 1955
2⅝	Jan. 1, 1955	July 1, 1955
2⅞	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	July 1, 1957
3⅜	July 1, 1957	Jan. 1, 1958
3½	Jan. 1, 1958	July 1, 1958
3⅛	July 1, 1958	

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Section 293a.9 (a) (1) (vii) is amended to read as follows:

§ 293a.9 *Delivery of debentures and certificate of claim.* (a) * * *

(1) * * *

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2⅞	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	July 1, 1957
3⅜	July 1, 1957	Jan. 1, 1958
3½	Jan. 1, 1958	July 1, 1958
3⅛	July 1, 1958	

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f. Interprets or applies sec. 803, 69 Stat. 646; 12 U. S. C. 1748b)

Issued at Washington, D. C., June 12, 1958.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 58-4546; Filed, June 16, 1958; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 17]

PART 73—SCABIES IN CATTLE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 73.0 of Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, which quarantines certain areas because of scabies in cattle, is hereby deleted.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases from quarantine all areas in the State of Colorado heretofore quarantined because of the contagious, infectious, and communicable disease of cattle known as scabies. Hereafter, the restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR and Supp., Part 73, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Part 73, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 12th day of June 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-4573; Filed, June 16, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 207]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

RENTAL OF EQUIPMENT WITHOUT DRIVERS

JUNE 2, 1958.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the proposed revision of § 207.6 (b) of the rules governing the lease and interchange of vehicles by motor carriers which have been prescribed under authority of the provisions of section 204 of the Interstate Commerce Act in 51 M. C. C. 461, 52 M. C. C. 675, 64 M. C. C. 361, and 68 M. C. C. 553. The purpose of the revision which is contemplated at this time is to permit both common and contract carriers to lease vehicles without drivers to shippers, under proper conditions. Under the present rule only contract carriers may lease vehicles without drivers to shippers, and then only after approval of each contract by the Commission. As it is contemplated to revise § 207.6 (b), that paragraph would read as follows:

(b) *Rental of equipment without drivers.* Authorized carriers may rent equipment to private carriers or shippers under circumstances wherein the authorized carriers do not furnish, provide, or arrange for drivers, and such renting does not result in rebates, concessions, or other unlawful practices, provided the authorized carriers maintain a record of such transactions, including the terms and charges, and retain such record for a period of three years.

No oral hearing is contemplated in respect of the proposal set forth above, interested parties may file with the Commission written statements of facts, opinion or arguments concerning the subject matter hereof. Any written statements so filed shall conform with the specifications provided in § 1.15 of the Commission's general rules of practice, shall consist of an original signed copy and six additional copies, and shall be filed with the Commission at its office in Washington, D. C., on or before July 15, 1958.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4565; Filed, June 16, 1958; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 503]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

JUNE 9, 1958.

Effective June 9, 1958, paragraph 1 of Federal Register Document 56-9745, appearing on page 9334 of the issue for November 29, 1956, is hereby revoked and the following paragraph is substituted therefor:

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 9697), I hereby classify the following described public lands, totaling 190 acres in Kern County, California, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 13 W.,
  Sec. 8, N½NE¼, N½S½NE¼, NW¼SW¼, NW¼NE¼SW¼, W½SW¼SW¼.

Containing 190 acres, subdivided into 62 small tracts, of which 36 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 58-4557; Filed, June 16, 1958; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 9, 1958.

The Alaska Department of Lands has filed an application, Serial No. Fairbanks 014958, for the withdrawal of the lands described below, from all forms of appropriation under the Public Land Laws and the mining laws, but excepting mineral leasing and the disposition under the Materials Act. The applicant desires the land for a public service site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

LOST LAKE AREA

Township 7 South, Range 5 East, Fairbanks Meridian
  Section 24: Portion of Lot 1 which would be described in terms of normal subdivision as: NE¼NW¼NW¼ of Section 24.

Containing approximately 6 acres.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-4547; Filed, June 16, 1958; 8:46 a. m.]

National Park Service

[Lake Mead National Recreation Area Order No. 3]

ADMINISTRATIVE OFFICER AND SUPPLY CLERK

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

MAY 21, 1958.

SECTION 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 2. *Supply Clerk.* The Supply Clerk may execute and approve contracts not in excess of $3,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 3. *Revocation.* This order supersedes Order No. 2, issued August 16, 1955, as amended.

(National Park Service Order No. 14; 39 Stat. 535, 16 U. S. C., 1952 ed., sec. 2. Region Three Order No. 3)

CHARLES A. RICHEY,
Superintendent, Lake Mead
National Recreation Area.

[F. R. Doc. 58-4558; Filed, June 16, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8698, et al.]

SOUTH PACIFIC AIR LINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the joint applications, in Docket No. 8698, of South Pacific Air Lines, Inc., R. Stanley Dollar, R. Stanley Dollar, Jr., J. Harold Dollar, Jr., J. D. Hopkins, R. P. Sealey, E. H. Hall, C. W. Gabrielson for approval of interlocking relationships under section 409 of the Civil Aeronautics Act of 1938, as amended, and such other sections thereof as may be applicable.

In the matter of the application, in Docket No. 8699, of R. Stanley Dollar, The Robert Dollar Co., Dollar Associates, Inc., Dollar Lines, Ltd., for a disclaimer of jurisdiction, or in the alternative, for approval under section 408 of the Civil Aeronautics Act of 1938, as amended, and such other sections thereof as may be applicable.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 18, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., June 10, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4549; Filed, June 16, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALASKA STEAMSHIP CO.

TENTATIVE FINDINGS JUSTIFYING CONTINUANCE OF CERTAIN BAREBOAT CHARTERS

Notice is hereby given that the Federal Maritime Board has tentatively found, in accordance with section 5 (e) (1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters covering the government-owned C1-M-AV1 type vessels "Coastal Monarch," "Coastal Nomad," and "Coastal Rambler" and R1-M-AV3 type vessel "Palisana" presently under charter to Alaska Steamship Company, which are due for annual review on or about June 30, 1958.

Any interested person may request a hearing with respect to the Board's findings by filing written objections, in triplicate, stating the reasons therefor, with the Secretary, Federal Maritime Board, Washington 25, D. C., by close of business on June 26, 1958.

The findings will become final if no objection thereto or no request for a hearing is received.

Dated June 12, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4540; Filed, June 16, 1958; 8:45 a. m.]

STATES MARINE CORP. AND ISTHMIAN LINES, INC.

TERMINATION OF BAREBOAT CHARTERS

Notice of annual review of bareboat charters covering the government-owned vessels "Rock Springs Victory" and "Plymouth Victory" (States Marine Corp. and Isthmian Lines, Inc., charterers, respectively) appeared in the FEDERAL REGISTER issue of May 29, 1958 (23 F. R. 3749).

The Federal Maritime Board has found that conditions do not exist justifying the continuance of the charters beyond a year's period of operation of these vessels.

Dated: June 12, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-4541; Filed, June 16, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11788 etc.; FCC 58M-610]

JAMES W. MILLER ET AL.

ORDER CONTINUING HEARING

In re applications of James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; Orange County Broadcasting Corporation (WGNY), Newburgh, New York, Docket No. 12411, File No. BP-11365; Vincent de Laurentis, Hamden, Connecticut, Docket No. 12412, File No. BP-11607; Albert L. Capstaff, tr/as Eastern States Broadcasting Co., Hamden, Connecticut, Docket No. 12413, File No. BP-11760; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and agreements reached by the parties at the prehearing conference held herein on June 10, 1958;

It is ordered, This 11th day of June 1958, that the hearing session presently scheduled for July 16, 1958, is continued until September 15, 1958, at 10:00 a. m.

Released: June 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4581; Filed, June 16, 1958; 8:53 a. m.]

[Docket Nos. 12453—12457; FCC 58M-605]

ALFRED RAY FUCHS (KTJS)

ORDER SCHEDULING PRE-HEARING CONFERENCE AND CONTINUING HEARING

In re applications of Alfred Ray Fuchs (KTJS), Hobart, Oklahoma, Docket No. 12453, File No. BP-11045; KGFL, Incorporated (KGFL), Roswell, New Mexico, Docket No. 12454, File No. BP-11273; Bob Garrison and H. H. Huntley, d/b as Garrison-Huntley Enterprises, Lubbock, Texas, Docket No. 12455, File No. BP-11538; Joseph S. Lodato, Santa Rosa, New Mexico, Docket No. 12456, File No. BP-11721; Clarence E. Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; for construction permits.

It is ordered, This 10th day of June 1958, that instead of a hearing, as now scheduled, a prehearing conference will be held on July 28, 1958, and that the scheduled hearing is continued to a date to be set. No evidence will be taken on July 28.

Released: June 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4582; Filed, June 16, 1958; 8:53 a. m.]

[Docket Nos. 12463, 12464; FCC 58M-611]

JAMES S. RIVERS, INC. (WJAZ) AND F. KEITH BROWN

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of James S. Rivers, Inc. (WJAZ), Albany, Georgia, Docket No. 12463, File No. BP-11220; F. Keith Brown, Cuthbert, Georgia, Docket No. 12464, File No. BP-11403; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceedings;

It is ordered, This 11th day of June 1958, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules at the Commission's offices in Washington, D. C. at 10:00 a. m., June 27, 1958.

Released: June 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4583; Filed, June 16, 1958; 8:53 a. m.]

[Docket Nos. 12466, etc.; FCC 58M-612]

HEMET-SAN JACINTO VALLEY BROADCASTING CO. ET AL.

NOTICE SCHEDULING PRE-HEARING CONFERENCE

In re applications of Fred W. Volken, John E. Stroud & N. Vincent Parsons d/b as Hemet-San Jacinto Valley Broadcasting Company, Hemet, California, Docket No. 12466, File No. BP-11182; William L. Miller and Luther Pillow, d/b as L & P Broadcasting Company, Hemet, California, Docket No. 12467, File No. BP-[illegible]; San Luis Rey Broadcasting Company, Inc. (KSIR), Oceanside, California, Docket No. 12468, File No. BP-11[illegible]; for construction permits.

A prehearing conference will be held Thursday, July 3, 1958, at 10:30 a. m., in the offices of the Commission, Washington, D. C.

Dated: June 11, 1958.

Released: June 11, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4584; Filed, June 16, 1958; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order No. 510]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

RESIGNATION AND APPOINTMENT OF COMMITTEE MEMBER

Lewis Hines of the American Federation of Labor-Congress of Industrial Organizations has resigned from the Administrator's Advisory Committee on Sheltered Workshops. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, Bertrand R. Seidman of the American Federation of Labor-Congress of Industrial Organizations, Washington, D. C., is hereby appointed to serve on said Committee for a term which will expire June 30, 1959.

This order amends Administrative Order No. 495 (22 F. R. 9203).

Signed at Washington, D. C., this 11th day of June 1958.

CLARENCE T. LUNDQUIST,
Acting Aidmnistrator.

[F. R. Doc. 58-4548; Filed, June 16, 1958; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9174]

MIDSTATES OIL CORP.

NOTICE OF POSTPONEMENT OF HEARING AND OF SEVERANCE OF PROCEEDING

JUNE 11, 1958.

In the matters of Midstates Oil Corporation, Docket Nos. G-9174, G-[illegible], G-11039, G-11081, G-13427, G-13[illegible] and G-13769.

Upon consideration of the Motion to Terminate Proceedings and Accept Rate Supplements and, In the Alternative, Motion for a Continuance, filed on June 2, 1958, by Counsel for Midstates Oil Corporation; and the motion filed on June 3, 1958, by Counsel for Louisiana

Nevada Transit Company, a purchaser from Midstates, for severance from these consolidated matters of the proceeding in Docket No. G-13769;

The proceeding in Docket No. G-13769, heretofore consolidated with the other proceedings identified in the caption hereof, is hereby severed from such consolidated proceedings.

The hearing now scheduled for June 16, 1958, in the remaining consolidated proceedings is hereby postponed to July 14, 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.; provided, however, that such postponement is without prejudice to such action as the Commission may hereafter take upon consideration of the alternative aspects of the aforesaid motion filed on behalf of Midstates Oil Corporation.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4559; Filed, June 16, 1958; 8:49 a. m.]

[Docket Nos. G-4886, G-9780]

BAY PETROLEUM CO. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 11, 1958.

Take notice that on December 15, 1955, Tennessee Gas Transmission Company (Tennessee) filed an application in Docket No. G-9780 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, for authorization to continue certain sales heretofore made by The Bay Petroleum Company (Bay). On May 8, 1956, July 16, 1956, and on May 7, 1958, Tennessee supplemented its application. Said application is on file with the Commission and open for public inspection.

Bay previously filed in Docket No. G-4886 an application covering the sales proposed to be continued by Tennessee, including two sales which were deleted in Tennessee's application in Docket No. G-9780, and excluding several sales included in Tennessee's filing. Tennessee's filing indicates that Bay's application was incomplete.

Tennessee states that it acquired all the assets of Bay pursuant to a contract dated June 9, 1955. Conveyance of these assets occurred on June 20, 1955, and all acts relating to the transfer were completed on November 22, 1955.

Tennessee seeks to continue sales from the various fields to be sold to various purchasers as hereinafter listed. Tennessee alleges that said sales are sales in interstate commerce for resale.

Location of Field; and Buyer

W. Kutz Canyon Field, San Juan County; Fulcher Basin, Blanco, W. Blanco, E. Blanco Fields, San Juan and/or Rio Arriba Counties, New Mexico; El Paso Natural Gas Company.

S. Keyes Field, Cimarron County, Oklahoma; Colorado Interstate Gas Company.

Fox Graham Field, Carter County, Oklahoma; Magnolia Petroleum Company and Signal Oil & Gas Company.

Doyle, N. E. Field, Stephens County, Oklahoma; Universal Gasoline Company.

N. Fox Field, Carter County, Oklahoma; Lone Star Gas Company.

Cement Field, Caddo County, Oklahoma; Consolidatel Gas Utilities Corporation.

Goldsmith Field, Ector County, Texas; Phillips Petroleum Company.

Wasson Field, Gaines and Yoakum Counties, Texas; Shell Oil Company and Coltexo Corporation.

Slaughter Field, Cochran County and Hockley County, Texas; Pan American Petroleum Corporation.

Spraberry Trend Area, Reagan County, Texas; El Paso Natural Gas Company.

Pembrook Field, Upton County, Texas; Phillips Petroleum Company.

Benedum Field, Upton County, Texas; Texas Gas Products Corporation.

Witcher Field, Oklahoma County, Oklahoma; Champlin Refining Company, (now Champlin Oil & Refining Company).

Fullerton Field, Andrews County, Texas; Phillips Petroleum Company, Fullerton Oil Company, Pan American Petroleum Corporation.

South Fullerton Plant, Andrews County, Texas; El Paso Natural Gas Company.

Dilworth Field, Kay County, Oklahoma; Consolidated Gas Utilities Corporation.

Padroni, Little Hoot and Lewis Creek Fields, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

Eumont Field, Lea County, New Mexico; Phillips Petroleum Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4576; Filed, June 16, 1958; 8:52 a. m.]

[Docket No. G-4769]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

JUNE 11, 1958.

The presiding examiner, on March 10, 1958, filed his decision herein and concurrently certified the record to the Commission. Said decision was served on all parties to this proceeding.

Thereafter, exceptions to the decision were filed by several of the parties to the proceeding. Additionally, certain parties filed a motion requesting oral argument before the Commission.

It appears reasonable and appropriate in the public interest that oral argument be had in this proceeding concerning the matters involved and the issues presented by the exceptions to the decision of the presiding examiner, except those issues relating to the applicability to this proceeding of the decision in Memphis Light, Gas and Water Division, et al., v. Federal Power Commission, 250 F. 2d 402, a writ of certiorari for review of such decision having been granted by the Supreme Court of the United States.

The Commission orders:

(A) Oral argument be had before the Commission on July 8, 1958, at 10:00 a. m., e. d. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the said exceptions to the decision of the presiding examiner, except that no argument will be permitted at that time with respect to issues relating to the applicability of the Memphis decision to this proceeding.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before June 27, 1958, of such intention and of the time desired for presentation of such argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4575; Filed, June 16, 1958; 8:52 a. m.]

[Docket No. G-7193]

PURE OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 11, 1958.

Take notice that Pure Oil Company (Applicant), filed an application on December 1, 1954, as subsequently amended,[1] for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing sales of natural gas, as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the amended application which is on file with the Commission, and open to public inspection.

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[1] Amended July 10, 1956, January 22, 1957, March 25, 1957 to add certain acreage, and amendment filed December 6, 1957, changing certain sales contract provisions between Applicant and Hope Natural Gas Company in the Cabin Creek Field, West Virginia, changing delivery point and contract maximum and minimum volume.

Applicant seeks authority to sell natural gas in interstate commerce for resale from production as indicated below:

Purchaser; Field; and Location

(1) Texas Northern Gas Corporation; Bosco Field; Acadia Parish, Louisiana.

(2) Magnolia Petroleum Company; West Guedan Field; Vermillion Parish, Louisiana.

(3) United Gas Pipeline Company; Eugene Island Field; St. Mary's Parish, Louisiana.

(4) Marine Gathering Company (for resale to Tennessee Gas Transmission Company);[2] Rollover Field; Vermillion Parish, Louisiana.

(5) Olin Gas Transmission Corporation; Carthage Point Field, Adams County, Mississippi.

(6) United Gas Pipeline Company; Blanconia Field, Bee County, Texas.

(7) Warren Petroleum Company; Cumberland Field, Marshall and Bryan Counties, Oklahoma.

(8) Skelly Oil Company; Velma Field, Stephens County, Oklahoma.

(9) Warren Petroleum Company; S. W. Wayne Field, McClain County, Oklahoma.

(10) Phillips Petroleum Company; Panhandle Field, Hutchinson County, Texas.

(11) Hope Natural Gas Company; Cabin Creek Field, Boone and Kanawha Counties, West Virginia.

(12) United Fuel Gas Company; Elkhurst Area, Henry District, Clay County, West Virginia.

(13) Montana Wyoming Gas Pipeline Company and Montana Dakota Utilities Company; Worland Field, Washakie and Big Horn Counties, Wyoming; Texas Gas Transmission Corporation; Carthage Field, Panola County, Texas.

(14) El Paso Natural Gas Company; Clara Couch Field, Crockett County, Texas.

(15) Phillips Petroleum Company; Goldsmith Field, Ector County, Texas.

(16) Dollarhide Gasoline Plant; Dollarhide Field, Andrews County, Texas.

(17) C. V. Lyman; Emperor Field, Winkler County, Texas.

(18) Sid Richardson Gasoline Company; Keystone Field, Winkler County, Texas.

(19) Texas Natural Gasoline Corporation; Sandusky Field, Grayson County, Texas.

(20) Snyder Gasoline Plant; Kelly-Snyder Field, Scurry County, Texas.

(21) Southwest Gas Producing Company; Hico-Knowles Field, Lincoln Parish, Louisiana.

(22) El Paso Natural Gas Company; Cooper-Jal, Langlie Mattix and Salmat Fields, Lea County, New Mexico.

On April 19, 1957, Pure filed a petition to dismiss that portion of the subject application relating to the sale of natural gas to the Snyder Gasoline Plant in the Kelly-Snyder Field, Scurry County, Texas, on the basis that the Commission had found that sales from said plant to Lone Star Gas Company were intrastate sales not subject to Commission jurisdiction in its order issued April 2, 1956, In the Matter of Tidewater Oil Company, Docket Nos. G-3717, et al.

The prices paid Pure under each of the respective sales contract implementing the sales shown in Items (7), (8), (9), (15), (16), (17), (18) and (19) above are determined on a "Percentage Sales" basis within the meaning of § 154.91 (e) of the Commission's rules, and such portions of the application related thereto are subject to dismissal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4577; Filed, June 16, 1958; 8:52 a. m.]

[Docket No. G-15037]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 11, 1958.

Take notice that Tennessee Gas Transmission Company (Applicant), filed an application on May 2, 1958, pursuant to Section 7 of the Natural Gas Act, for authority to construct and operate natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate a new 6000 horsepower compressor station to assist in rendering increased storage service for Brooklyn Union Gas Company (Brooklyn Union) and to initiate storage service for Consolidated Edison Company of New York (Con Edison), both of which are existing contract demand customers of Applicant.

The proposed facilities are for the purpose of providing additional peak day capacity east of Applicant's underground storage reservoirs, to enable Applicant to render the following storage service:

Storage service customers	Mcf at 14.73 psia	
	Daily storage quantity	Winter storage quantity
Brooklyn Union Gas Co. (The)	15,300	[illegible]
Consolidated Edison Company of New York, Inc.	30,600	[illegible]
	45,900	[illegible]

It is proposed that the requested storage service to Brooklyn Union and Con Edison shall commence on June 1, 1958, and continue for a period of one year, to June 1, 1959. Applicant states that it does not want to enter into long-term storage service contracts at this time because of the uncertainties arising from the Memphis decision. Applicant further states that long-term contracts with Brooklyn Union and Con Edison will be made upon resolution of the uncertainties. Under the proposal herein, the two distribution companies will reduce their respective takes of gas during off-peak periods to permit Applicant to store such volumes for their accounts. During the following winter Applicant would return equivalent volumes.

Concurrently with the filing of the application herein, Applicant tendered proposed Rate Schedules X-8 and X-9 for the proposed service to Brooklyn Union and Con Edison, respectively.

The proposed 6,000 horsepower compressor station will be located on Applicant's existing Hebron-Greenwich 26-inch line, and will provide sufficient pressure reinforcement for Applicant to satisfactorily meet its delivery obligations from this line. The estimated cost of the compressor station is $2,219,000, which will be financed from general funds of the company.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 7, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4578; Filed, June 16, 1958; 8:52 a. m.]

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[2] In Docket No. G-12583, Pure Oil Company applied for authority to abandon its sale to Marine Gathering Company, now Commonwealth Oil Company, and sell subject gas directly to Tennessee.

[Docket No. G-15080]

Manufacturers Light and Heat Co.

NOTICE OF APPLICATION AND DATE OF HEARING

June 11, 1958.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation having its principal place of business in Pittsburgh, Pennsylvania, filed an application on May 9, 1958, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity, authorizing the construction and operation of certain facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The application states that Applicant transports natural gas northward through its Line No. 5 to serve Toronto, Empire and Wellsville, Ohio, among others, at retail. This line consists of 6″ to 12″ pipe between Toronto and Wellsville. Because of the poor condition of approximately 4.9 miles of 6″ and 8″ pipe in Line No. 5, between Toronto and Empire, Applicant has found it necessary to limit the operating pressure on this line to 50 psig which restricts the capacity of the line to the point that the maximum deliveries possible will be approximately 3,939 Mcf less than the estimated requirements of the customers to be served from it on the 1958–59 peak day. To eliminate this deficiency Applicant proposes to replace this 4.9 section with an equal length of 12″ pipeline. For safety and maintenance reasons the section of Line No. 5 traversing the streets of Toronto will be replaced along the outskirts of the community. To accomplish this, Applicant proposes to construct 2,000′ of 6″ and 3,800′ of 10″ lateral to connect the relocated section with the existing parts of Line No. 5.

The facilities to be replaced are proposed to be abandoned in place except for a part which will be used as a distribution line in Toronto.

The application further states that Applicant's Line No. 28 consists of 2″ to 8″ pipelines and transports gas from a connection with Line No. 5 near Empire, southwesterly to the communities of Knoxville, Richmond and Unionport in Jefferson County, Ohio, and the community of Hopedale in Harrison County, Ohio, all served by Applicant at retail. A 125 h. p. portable compressor located at Empire is now used to compress gas entering Line No. 28 from Line No. 5. The application states that due to the poor condition of 7.58 miles of 2″ and 3″ pipe in Line No. 28, the discharge pressure into Line No. 28 must be limited to 85 psig. This limitation restricts the capacity of the line so that the maximum possible deliveries to Knoxville, Richmond, Unionport and Hopedale on the 1958–59 peak day would be 149 Mcf less than the estimated requirements. To remedy this deficiency, Applicant proposes to replace the 2″ and 3″ pipe in Line No. 28 with 4″ pipe, which Applicant states will allow the required volumes to be transported during the 1958–59 winter. In addition, Applicant states that the compressor at Empire will no longer be required and will be stored until needed elsewhere. The replaced sections of Line No. 28 will be abandoned in place.

Applicant estimates the total capital cost of its proposed facilities at $427,000. Credit to fixed capital for the facilities to be retired is estimated at $38,200 with $1,900 estimated as the cost of retirement and $9,966 as salvage value

The application states that no customers will be deprived of service as a result of the proposed abandonment of facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-4579; Filed, June 16, 1958; 8:53 a. m.]

[Project No. 5]

Montana Power Co.

ORDER GRANTING APPLICATION FOR REHEARING

June 12, 1958.

On May 16, 1958, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana (Confederated Tribes) filed an application for rehearing of the Commission order issued April 17, 1958, which denied the Confederated Tribes' petition for declaratory relief filed on May 8, 1957, but granted the request of the Confederated Tribes for a public hearing respecting the issues involved in The Montana Power Company's pending application for amendment of its license for Project No. 5, including the determination of additional amount of annual charges, if any, for the use of the Indian Tribal lands as proposed in the application for amendment.

By granting the request for hearing on the licensee's application for amendment, we believe the issues involved in such a hearing embrace the issues raised in the petition for declaratory relief. However, to remove all doubt, a rehearing on the Consolidated Tribes' petition on declaratory relief should be granted.

The Commission finds: In the circumstances recited herein, it is in the public interest to grant rehearing as hereinafter provided.

The Commission orders:

(A) The application for rehearing of the Commission's order issued April 17, 1958 denying the petition for declaratory relief is granted.

(B) The rehearing hereby granted is consolidated for purposes of hearing thereon with the hearing presently scheduled to be held on June 24, 1958, commencing at 10 a. m., e. d. s. t., at the Commission's hearing room, General Accounting Office Building, 441 G Street NW., Washington 25, D. C.

By the Commission.

[SEAL] Joseph H. Gutride,
Secretary.

[F. R. Doc. 58-4580; Filed, June 16, 1958; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1922]

Firstamerica Corp.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

June 11, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Firstamerica Corporation, capital stock; File No. 7-1922.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before June 27, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] **NELLYE A. THORSEN,**
Assistant Secretary.

[F. R. Doc. 58-4566; Filed, June 16, 1958; 8:50 a. m.]

[File No. 24S-1609]

INSPIRATION LEAD CO., INC.

NOTICE OF AND ORDER FOR HEARING

JUNE 10, 1958.

I. Inspiration Lead Company, Inc., an Idaho corporation, filed on May 2, 1958, a notification on Form 1-A and an offering circular relating to an offering of 2,000,000 shares of its common Class B non-assessable shares with debenture warrants at 15 cents per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) and Regulation A thereunder.

II. The Commission on May 21, 1958, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Federal Building, Spokane, Washington, at 10:00 a. m., P. s. t., June 23, 1958, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The statement on page 1 of the offering circular to the effect that Inspiration Lead Company, Inc., through its wholly owned subsidiary Dayton-Inspiration Gold Corporation, had acquired from Dayton Consolidated Mines Company a 35 year lease and working agreement on certain valuable gold properties including seven separate mines and a cyanidation flotation mill and that the terms of the lease and working agreement were such as to entitle Dayton-Inspiration Gold Corporation to 70 percent of future profits in that there is a failure to disclose:

(a) That the properties are subject to immediate foreclosure because the $150,000 outstanding first mortgage bonds issued by Dayton Consolidated Mines Company in 1948 due June 1, 1953, are now in default both as to principal and interest;

(b) Other hazards to the title of the properties.

2. The statement on page 4 of the offering circular to the effect that Dayton Consolidated Mines Company, which was one of Nevada's leading gold producers from 1934-1942 until operations were suspended by the War Production Board, earned operating profits before depreciation, depletion, and taxes of more than a million dollars in that there is a failure to disclose:

(a) The marginal net profits;

(b) The effects of inflation subsequent to 1942 on the outlook for gold mining;

(c) Dayton Consolidated Mines had secured public financing three times since 1942, including a $150,000 bond issue in 1948, with substantially no resulting ore production from its mines;

(d) The nature and extent of the expenditures already made by the issuer on the Dayton properties, the purpose thereof and the principal results;

(e) The present inoperative condition of the Dayton mill and any authoritative statement by a qualified expert as to the amount of money necessary to recondition the Dayton mill;

(f) The ore reserve status of the Dayton properties.

3. The offering circular states that Inspiration Lead Company will be "its own underwriter" and provides for commissions of 25 percent, an aggregate of $75,000, and fails to disclose to whom these commissions will be paid.

4. Failure to adequately disclose that Inspiration Lead Company upon completion of the offering will have outstanding $750,000 of debenture warrants, that $450,000 of debenture warrants have been previously issued by Inspiration Lead Company, that the entire amount of outstanding debenture warrants is payable out of 50 percent of its net income, that said net income is dependent upon the net profits of its subsidiary, Dayton-Inspiration Gold Corporation, that the profits of said subsidiary are derived only after repayments of all sums expended for exploration and development, and consist of 70 percent of the remaining profit after all other expenses.

5. Failure to disclose that Inspiration Lead Company, under its present management, has not operated at a profit or been successful in any of its mining ventures, although in excess of $450,000 has been obtained from the public through the sale of its Class B stock with debenture warrants and by the levy of assessments on its Class A stock.

6. Failure to disclose that there is no market for Inspiration Lead Company's stock, either the Class A assessable or the Class B non-assessable with debenture warrants.

The Commission has reasonable cause to believe that the Regulation A exemption is unavailable by reason of Rule 261 (a) (6) in that a director and officer of Inspiration Lead Company, Inc., is subject to pending injunctive proceedings from further violations of section 10 (b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder.

B. Whether the order dated May 21, 1958, temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered*, That Robert N. Hislop or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Inspiration Lead Company, Inc., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before June 17, 1958, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] **NELLYE A. THORSEN,**
Assistant Secretary.

[F. R. Doc. 58-4567; Filed, June 16, 1958; 8:51 a. m.]

[File No. 70-3709]

BROCKTON EDISON CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE OF SHORT-TERM NOTES TO BANKS

JUNE 10, 1958.

In the matter of Brockton Edison Company, Fall River Electric Light Company, Montaup Electric Company; File No. 70-3709.

Notice is hereby given that Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup"), public-utility subsidiaries of Eastern Utilities Associates, a registered holding company, have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and Rules 42 (b) (2) and 50 (a) (2) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Brockton and Fall River propose during the period from July 1, 1958, to July 1, 1959, to issue and sell unsecured promissory notes to banks to meet their cash requirements for construction and investments in Montaup through July 1, 1959, to the extent that such requirements are not covered by cash derived from current operations and from the sale of permanent securities. The notes will mature not less than one year from the date of issuance and will be prepayable in whole or in part without penalty. They will bear interest at a rate not in excess of the prime rate in effect at the time such loans are made. The aggregate maximum amount of the short-term notes to be issued will not exceed $10,400,000 in the case of Brockton and $5,600,000 in the case of Fall River, and the maximum amount to be outstanding at any one time will not exceed $2,600,000 and $1,400,000 respectively. While no definite arrangements have yet been made by Brockton or Fall River, it is expected that the borrowings will be made from one or more of the following banks:

The First National Bank of Boston, Boston, Mass.

Second Bank-State Street Trust Company, Boston, Mass.

The Home National Bank of Brockton, Brockton, Mass.

National Bank of Plymouth County, Brockton, Mass.

B. M. C. Durfee Trust Company, Fall River Mass.

Citizens Savings Bank, Fall River, Mass.

Fall River National Bank, Fall River, Mass.

The Fall River Trust Company, Fall River, Mass.

Montaup proposes during the period from July 1, 1958 to July 1, 1959 to issue and sell unsecured promissory notes to banks up to a maximum amount not to exceed $9,600,000 to be outstanding at any one time. Each note will be made payable to The First National Bank of Boston ("First National") which will participate, pro rata, with the following banks in accordance with the percentages indicated:

	Percent
The First National Bank of Boston	30
The National Shawmut Bank of Boston	25
The First National City Bank of New York	20
Second Bank-State Street Trust Company	15
The Hanover Bank	10
	100

The notes will bear interest at not in excess of the prime rate in effect at First National at the time of issuance and will be prepayable in whole or in part without penalty. Montaup will apply the proceeds of the notes to pay off short-term bank loans expected to be outstanding on July 1, 1958 and to provide funds to finance its construction program to July 1, 1959.

It is contemplated that prior to or on July 1, 1959 Brockton, Fall River and Montaup will retire a portion of the outstanding notes from the proceeds of permanent financing.

The only expenses incident to the proposed transactions are the fees and disbursements of counsel which are to be supplied by amendment.

The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4568; Filed, June 16, 1958; 8:51 a. m.]

[File No. 70-3707]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF PROPOSED SHORT-TERM BANK BORROWINGS BY PARENT AND PROPOSED INTRASYSTEM FINANCING

JUNE 10, 1958.

In the matter of Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, Montaup Electric Company; File No. 70-3707.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiaries Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (b), 12 (c), and 12 (f) of the act and Rules 42 (b) (2), 43, 45 (b) (1), 50 (a) (2), and 50 (a) (3) promulgated thereunder as applicable to the proposed transactions which are summarized below:

(1) EUA proposes to issue promissory notes from time to time during the period from July 1, 1958 to July 1, 1959 to The First National Bank of Boston ("First National") not exceeding an aggregate principal amount of $15,000,000 and not to exceed a maximum of $3,750,000 outstanding at any one time. The loans are to be evidenced by promissory notes with a maturity of approximately 90 days or less, are to be prepayable in whole or in part without penalty and are to bear interest at a rate not in excess of the prime rate in effect at First National at the time the loans are made. Each note will be made payable to First National which will participate, pro rata, with the following banks in accordance with the amounts indicated:

The First National Bank of Boston	$1,750,000
Rhode Island Hospital Trust Company	1,000,000
Industrial National Bank of Providence-Slater Office	1,000,000
	3,750,000

(2) Blackstone proposes to issue and sell to EUA and EUA proposes to acquire $3,750,000 principal amount of Blackstone's First Mortgage and Collateral Trust Bonds, 4⅛ percent Series due 1988 ("New Bonds") at the principal amount thereof plus accrued interest. The New Bonds will be issued under Blackstone's Indenture of Mortgage and Deed of Trust dated as of November 1, 1943, as heretofore supplemented and amended, and as to be further supplemented and amended by a Second Supplemental Indenture to be dated as of March 1, 1958.

The aforementioned bank borrowings by EUA will be secured by the pledge of the New Bonds as collateral. EUA desires to consummate the proposed transactions in order to reduce the cost of call premiums and related expenses which will be incurred by Blackstone in connection with the redemption of its bonds required by its Mortgage Indenture to permit the divestment of its gas properties. EUA contemplates that the New Bonds will be redeemed by Blackstone prior to July 1, 1959, in connection with the divestment of its gas properties, and EUA proposes to apply the proceeds of such redemption in reduction of or in total payment of its short-term indebtedness then outstanding hereunder.

(3) Montaup proposes to issue and sell $3,250,000 principal amount of its 4⅛ percent Debenture Bonds due 1988 ("Debenture Bonds") and 32,500 shares of its common stock of an aggregate par value of $3,250,000 and Blackstone, Brockton and Fall River propose to acquire said debenture Bonds at the principal amount plus accrued interest and said common stock at its par value as follows:

	Debenture bonds, principal amount	Common stock	
		Shares	Amount
Blackstone	$2,140,000		
Brockton		23,000	$2,300,000
Fall River	1,110,000	9,500	950,000
Total	3,250,000	32,500	3,250,000

Montaup proposes to use the proceeds from the sale of the above securities to prepay in whole or in part, without premium, its short-term notes to banks which were issued to provide funds for construction.

The fees, commissions and expenses to be paid or incurred directly or indirectly in connection with the proposed transactions are estimated as follows:

BY EUA

Legal fees and expenses of Gaston, Snow, Motley & Holt	$3,185
Telephone, telegraph, travel and miscellaneous expenses	15
Total	3,200

BY BLACKSTONE

Federal stamp tax	$4,125
Trustee's fees and expenses (including counsel fees) in connection with the issuance of new bonds	3,350
Expenses of printing new bonds and supplemental indenture	1,100
Legal fees and expenses:	
Edwards & Angell	3,225
Corcoran, Foley & Flynn	525
Richard K. Hawes, Esq	250
Fees and expenses of independent appraiser	1,750
Official fees and expenses of recording indenture	250
Telephone, telegraph, travel, and miscellaneous expenses	950
Total	15,525

BY BROCKTON

Legal fees and expenses of Gaston, Snow, Motley & Holt	$525

BY FALL RIVER

Legal fees and expenses:	
Richard K Hawes, Esq	$525
Gaston, Snow, Motley & Holt	110
Total	635

BY MONTAUP

Federal stamp tax	$7,150
State taxes and fees	1,625
Expenses of printing debenture bonds	250
Legal fees and expenses:	
Richard K. Hawes, Esq	1,025
Gaston, Snow, Motley & Holt	110
Telephone, telegraph, travel, and miscellaneous expenses	40
Total	10,200

The joint application-declaration states that (1) the proposed issuance and sale of the New Bonds by Blackstone will have been expressly authorized by the Public Utility Administrator, Department of Business Regulation, State of Rhode Island, the State commission of the State in which Blackstone is organized and doing business, (2) the proposed issuance and sale of the common stock and Debenture Bonds by Montaup have been expressly authorized by the Massachusetts Department of Public Utilities, the State commission of the State in which Montaup is organized and doing business, (3) the acquisition of the Montaup common stock by Brockton and the acquisition of the Montaup common stock and Debenture Bonds by Fall River have been expressly authorized by the Massachusetts Department of Public Utilities, the State commission of the State in which Brockton and Fall River are organized and doing business and (4) no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application-declaration, as filed or as it may hereafter be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4569; Filed, June 16, 1958; 8:51 a. m.]

[File No. 70-3708]

CENTRAL POWER AND LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO BORROW FROM BANKS ON SHORT-TERM NOTES

JUNE 10, 1958.

Notice is hereby given that Central Power and Light Company ("Central"), a public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal to borrow from banks not in excess of $8,000,000. Central designates section 7 of the act and Rule 50 (a) (2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to brorow from time to time an aggregate of not in excess of $8,000,000 and to issue its notes therefor. The proposed borrowings are to be made from banks and in the amounts shown below:

Bank	*Amount*
The First National Bank of Chicago (Chicago, Ill.)	$3,200,000
Harris Trust and Savings Bank (Chicago, Ill.)	1,200,000
Bankers Trust Company (New York, N. Y.)	1,200,000
Victoria Bank & Trust Company (Victoria, Tex.)	610,000
The Corpus Christi State National Bank (Corpus Christi, Tex.)	500,000
The Victoria National Bank (Victoria, Tex.)	400,000
Corpus Christi Bank & Trust Co. (Corpus Christi, Tex.)	375,000
The First State Bank of Corpus Christi (Corpus Christi, Tex.)	175,000
Citizens State Bank of Corpus Christi (Corpus Christi, Tex.)	135,000
The Laredo National Bank (Laredo, Tex.)	90,000
American Bank of Commerce (Victoria, Tex.)	65,000
Union National Bank of Laredo (Laredo, Tex.)	50,000
Total	8,000,000

The borrowings are to be evidenced by promissory notes to be dated the date of the respective borrowings; will mature one year from the date of the first borrowing; and will bear interest at the prime rate of interest in effect at The First National Bank of Chicago at the date each such borrowing is made, payable at maturity, and after maturity at the rate of 6 percent per annum. The notes are prepayable by the company at any time and from time to time without premium or penalty. It is contemplated that the first borrowing will be made in the later part of June 1958. The proceeds from the borrowings will be used by Central to finance temporarily a portion of its construction expenditures. It is contemplated that the notes will be paid at or before maturity through the issuance and sale by Central of such securities as may be considered most appropriate in the light of market conditions existing at the time and as may be approved by the Commission to the extent required by the act.

It is stated that no commitment or other fees are proposed to be paid by Central in connection with the proposed borrowings and that the expenses to be incurred in connection with the proposed transactions, consisting primarily of telephone, incidental and miscellaneous expense, are estimated at not to exceed $400. It is also stated that no Federal commission other than this Commission, and no State commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1958, request the Commission in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may permit the declaration as filed, or as amended, to become effective as provided by Rule 23 promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules 20 (a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4570; Filed, June 16, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 12, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34752: *Shell, crushed or ground from and to points in the southwest.* Filed by Southwestern Freight

Bureau, Agent (SWFB No. B–7304), for interested rail carriers. Rates on crushed or ground shell, carloads between stations in southwestern territory, and between specified points in western trunk-line territory, on the one hand, and specified points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 159 to Southwestern Lines Freight Bureau tariff I. C. C. 4135.

FSA No. 34753: *Fine coal—Alabama, Kentucky, Tennessee, and Virginia Mines to Rome, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3677), for interested rail carriers. Rates on fine coal, carloads, as described in the application from mines in Alabama, eastern Kentucky and eastern Tennessee on the Louisville and Nashville Railroad Company to Rome, Ga., on the Central of Georgia Railway.

Grounds for relief: Natural gas competition.

Tariff: Supplement 58 to Southern Freight Assn. tariff I. C. C. 1499. Supplement 22 to Southern Freight Assn. tariff I. C. C. 1604.

FSA No. 34754: *Fresh meats in official including Illinois and New England territories.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2372), for interested rail carriers. Rates on fresh meats, carloads, as described in the application from specified points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin to points in trunk-line and New England territories, including eastern ports, as named or described in the application.

Grounds for relief: Motor-truck competition, and maintenance of origin and destination rate relations proposed in the application.

Tariffs: Original and supplements to Eastern Railroads tariff C–17, and other supplemental schedules listed in appendix "A" to the application.

FSA No. 34755: *Scrap iron or steel—Hamilton, Ohio, to Brackenridge, Pa.* Filed by O. E. Schultz, Agent (ER No. 2443) for interested rail carriers. Rates on scrap iron or steel (not copper clad), in carloads, as described in the application from Hamilton, Ohio, to Brackenridge, Pa.

Grounds for relief: Rail-water competition.

Tariff: Supplement 24 to Baltimore and Ohio Railroad Company's tariff I. C. C. 24355.

FSA No. 34756: *Soda ash—Solvay and Syracuse, N. Y., to Carteret, N. J.* Filed by O. E. Schultz, Agent (ER No. 2446), for interested rail carriers. Rates on soda ash, in bulk, carloads from Solvay and Syracuse, N. Y., to Carteret, N. J.

Grounds for relief: Barge competition.

Tariff: Supplement 44 to Delaware, Lakawanna and Western Railroad Company's tariff I. C. C. 24471.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58–4563; Filed, June 16, 1958; 8:50 a. m.]

[Section 5a Application No. 66]

WESTERN TANK TRUCK CARRIERS

AGREEMENT

JUNE 12, 1958.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed June 9, 1958 by: Delmar S. Eno, Attorney-in-Fact, 2133 South Bellaire Street, Denver 22, Colorado.

Agreement involved:

An agreement between and among common carriers by motor vehicle, members of the Western Tank Truck Carriers' Conference, Inc., relating to rates, ratings, classifications, rules, regulations, and practices governing the transportation of commodities, in bulk, in tank vehicles in interstate or foreign commerce between points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58–4564; Filed, June 16, 1958; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 119

Washington, Wednesday, June 18, 1958

UNIVERSITY
OF MICHIGAN
JUN [illegible]
MAIN
READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3246

UNITED NATIONS DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS for the purpose of maintaining international peace and promoting the advancement of all peoples the United States of America joined in founding the United Nations; and

WHEREAS in working for a durable world order of freedom and justice, the firm support of the United Nations has always been a fundamental element of our foreign policy; and

WHEREAS the United Nations is keenly aware that the world is on the threshold of a new age of scientific technology which holds great hopes and grave perils for mankind; and

WHEREAS the United Nations provides an unique international forum and constantly seeks to improve its machinery for collective security and the peaceful settlement of disputes; and

WHEREAS the General Assembly of the United Nations has resolved that October twenty-fourth, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the citizens of this Nation to observe Friday, October 24, 1958, as United Nations Day by means of community programs which will demonstrate their faith in the United Nations and contribute to a better understanding of its aims, problems, and accomplishments.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures, to engage in appropriate observance of United Nations Day throughout the land in cooperation with the United States Committee for the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of June in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4655; Filed, June 16, 1958; 1:25 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

ORDER DESIGNATING TOBACCO AUCTION MARKET AT MOREHEAD, KY.

Upon a referendum conducted, pursuant to prior notice (23 F. R. 2349), during the period June 5, 1958 to June 7, 1958, both dates inclusive, among tobacco growers, who during the 1957–58 marketing season, sold tobacco at auction on the market at Morehead, Kentucky, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (7 U. S. D. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Administrator of the Agricultural Marketing Service, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR 29.601) are amended by adding thereto at the end thereof the following paragraph (uu):

§ 29.601 *Designation of tobacco markets.* * * *

(uu) *The tobacco market at Morehead, Ky.* Effective 30 days after June 18, 1958, no tobacco of any type shall be offered for sale at auction on the market at Morehead, Kentucky, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspec-

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FEDERAL REGISTER

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the Act (7 U. S. C. 511 et seq.): *Provided, however*, That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service.

(Sec. 14, 49 Stat. 734; 7 U. S. C. 511m)

Done at Washington, D. C., this 12th day of June 1958.

[SEAL] STEPHEN E. WRATHER,
Director,
Tobacco Division,
Agricultural Marketing Service.

[F. R. Doc. 58-4603; Filed, June 17, 1958; 8:48 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 592, Rev., Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS APPROVING ETHYLENE DIBROMIDE FUMIGATION AS A CONDITION FOR CERTIFICATION OF FRESH LITCHI NUTS FOR MOVEMENT FROM HAWAII

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 301.13-4 (b) of the regulations supplemental to the Hawaiian Fruits and Vegetables Quarantine (7 CFR 301.13-4 (b), as amended, 22 F. R. 2656; cf. 22 F. R. 2679), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions (7 CFR 301.13-4b), effective September 24, 1954, approving ethylene dibromide fumigation as a condition for certification of certain fruits and vegetables for movement from Hawaii are hereby amended by adding the words "fresh litchi nuts," after the words "Cavendish bananas" in paragraph (a) thereof and after "papaya" in paragraph (i) thereof.

This amendment shall be effective June 18, 1958.

This amendment adds fresh litchi nuts to the list of fruits and vegetables that may be fumigated with ethylene dibromide and certified for movement from Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States. Also, an addition to paragraph (i) has been made to indicate that litchi nuts are tolerant to this type of fumigation. Heretofore the only provision for the interstate movement from Hawaii of fresh litchi nuts has been on the basis of treatment by freezing. The provision for their movement after fumigation is therefore a relieving of restrictions. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and contrary to the public interest and since the instructions relieve restrictions, they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162)

Done at Washington, D. C., this 13th day of June 1958.

[SEAL] H. S. DEAN,
Acting Director,
Plant Quarantine Division.

[F. R. Doc. 58-4618; Filed, June 17, 1958; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

PART 945—TOMATOES GROWN IN FLORIDA

ORDER TERMINATING LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the termination of the limitation of shipments as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination order later than June 13, 1958 (5 U. S. C. 1001 et seq.) in that: (i) The time intervening between the date when information upon which this termination order is based became available and the time when this termination order must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, then would otherwise prevail, will be promoted by terminating regulations applicable to shipments of tomatoes, in the manner set forth below, on and after the effective date hereof; (iii) compliance with this termination order will not require any special preparation on the part of handlers which cannot be completed by the effective date; (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (v) this order relieves restrictions on the handling of tomatoes grown in the production area during the period from the effective date hereof until June 30, 1958.

Order terminated. The provisions of § 945.304, as amended (22 F. R. 7984, 10211) are hereby terminated as of June 13, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4604; Filed, June 17, 1958; 8:48 a. m.]

Subchapter B—Prohibitions of Imported Commodities

PART 1065—TOMATOES

ORDER TERMINATING TOMATO IMPORT REGULATION

Pursuant to the requirement contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), Tomato Regulation No. 3 (§ 1065.3; 22 F. R. 8897), is hereby terminated as of June 13, 1958.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination of regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this termination order are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such termination mandatory; (ii) termination of regulations imposed on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.304; 22 F. R. 10211, 7984); will become effective June 13, 1958, (iii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) this order terminates restrictions on the importation of tomatoes which would be imposed by Tomato Regulation No. 3 (§ 1065.3; 22 F. R. 8897), if it were not terminated.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4605; Filed, June 17, 1958; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6788]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MID-TEX CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Bait.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mid-Tex Corporation (Brooklyn, N. Y.) et al., Docket 6788, May 8, 1958]

In the Matter of Mid-Tex Corporation, a Corporation, Apex Window Company, Inc., a Corporation, and Arnold Semenoff and Sidney Tobinick, Individually and as Officers of Said Corporations, Martin Austin and Jack Rachell, Individually and as Copartners Trading as Martin Window Company, Famous Window Company of Pennsylvania, a Corporation, and Harold Brown and Jesse Kessler, Individually and as Officers of Said Corporation, Famous Window Co., Inc., a Corporation, and Oscar J. Reiss and Sam Spector, Individually and as Officers of Said Corporation, Ace Window Company of Missouri, Inc., a Corporation, and Dolph Greene, Albert H. Nadler and Herbert Armstrong, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging several associated corporations and a partnership, engaged in the sale of aluminum combination storm windows and screens from their various locations in Brooklyn, N. Y., Detroit, Mich., Pittsburgh, Pa., and Kansas City, Mo., with bait advertising in newspapers and by radio and television made to obtain leads to prospective purchasers to whom they attempted to, and frequently did, sell much higher priced storm windows and screens, disparaging the advertised products to induce cancellation of purchase orders therefor and subsequent purchase of the higher priced products.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist and dismissing the complaint as to certain individual respondents. Upon consideration, the Commission determined that such dismissal departed from the order agreed upon by the parties, eliminated that provision of the order, and on May 8 adopted the initial decision as so modified as the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, Famous Window Company of Pennsylvania, a corporation, and its officers and respondents, Harold Brown and Jesse Kessler, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of storm windows, screens or any other home improvement products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that certain storm windows, screens or any other home improvement products are offered for sale when such offer is not a bona fide offer to sell such storm windows, screens or other home improvement products.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is further ordered, That the respondents, Famous Window Company of Pennsylvania, a corporation, and Harold Brown and Jesse Kessler, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision as modified.

Issued: May 8, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4591; Filed, June 17, 1958; 8:45 a. m.]

[Docket 6991]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GOLDRING INC.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*concealing, obliterating, or removing law-required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Goldring, Inc., New York, N. Y., Docket 6991, May 8, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by using fictitious prices in newspaper advertisements and on labels and failing to maintain adequate records as a basis for such advertised prices; by failing in advertising to reveal the names of fur-producing animals, the country of origin of imported furs, or that certain furs were artificially colored; by mutilating attached labels; and by failing in other respects to comply with the labeling and invoicing requirements of the act.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Goldring, Inc., a corporation and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

(1) Representing on labels affixed to the fur products or in any other manner, that certain amounts are its regular and usual prices of fur products when such amounts are in excess of the prices at which respondent usually and customarily sold such products in the recent regular course of its business.

(2) Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations promulgated under the Fur Products Labeling Act;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

(3) Setting forth on labels attached to fur products:

a. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information.

b. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

(4) Failure to show on labels attached to fur products an item number or mark assigned to fur products as required by Rule 40 (a) of the rules and regulations (§ 301.40 (a)).

B. Mutilating or participating in the mutilation of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product is sold and delivered to the ultimate consumer.

C. Falsely or deceptively invoicing fur products by:

(1) Failure to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported furs, contained in a fur product.

(2) Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(1) Fails to disclose:

a. The name or names of the animal or animals which produced the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the said rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

c. The name of the country of origin of any imported furs contained in a fur product;

d. All the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in close proximity with each other and in type of equal type and conspicuousness.

(2) Represents directly or by implication that its regular or usual price of any fur product, is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent and regular course of its business.

(3) Represents directly or by implication through percentage savings claims, that its regular or usual retail prices charged by respondent for fur products in the recent regular course of its business, are reduced in direct proportion to the amounts of savings stated, when contrary to the fact.

E. Making price claims and representations of the types referred to in paragraphs D2 and D3 above unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent, Goldring, Inc. (incorrectly identified in the complaint as Goldring's, Inc.), herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 8, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4592; Filed, June 17, 1958; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 76]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

MISCELLANEOUS AMENDMENTS

The Selective Service Regulations are hereby amended as follows:

1. Section 1690.9 is revoked.

2. Section 1690.11 is amended to read as follows:

§ 1690.11 *Determination of availability and category.* In determining the availability of a reservist for order to active duty and his category, consideration shall be given to (a) the information contained in his Standby Reserve Questionnaire (SSS Form No. 80), (b) such other written information as may be contained in his standby reserve folder and, if he is a registrant, in his Cover Sheet (SSS Form No. 101), and (c) current instructions issued by the Director of Selective Service.

3. Section 1690.12 is amended to read as follows:

§ 1690.12 *Category I-R: Reservist available for order to active duty.* In Category I-R shall be placed every reservist who is found to be available for order to active duty. No reservist shall be found to be available when the Selective Service System has been unable to obtain sufficient information concerning his status to establish that he is available for order to active duty.

4. The headnote and paragraph (a) of § 1690.14 are amended to read as follows:

§ 1690.14 *Category III-R: Reservist not available for order to active duty by reason of extreme hardship to dependents.* (a) In Category III-R shall be placed any reservist who is found to be not available for order to active duty solely because his performance of active duty in the Armed Forces in time of war or national emergency declared by the Congress would result in extreme hardship (1) to the reservist's husband, wife, divorced wife, child, parent, grandparent, brother, or sister who is dependent upon the reservist for support, or (2) to a person under 18 years of age or a person of any age who is physically or mentally handicapped whose support the reservist has assumed in good faith: *Provided*, That a person shall be considered to be a dependent of a reservist under this paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

5. The following new section is added to Part 1690 immediately following § 1690.14:

§ 1690.14a *Category IV-R: Reservist not found available for order to active duty who is not eligible for another category.* In Category IV-R shall be placed any reservist who is not found to be available for order to active duty and who is not eligible for either Category II-R or Category III-R.

6. Paragraph (a) and paragraph (b) (5) of § 1690.16 are amended to read as follows:

§ 1690.16 *Appeal to appeal board.* (a) Except as otherwise provided in this section, an appeal to the appeal board from a determination by the local board that the reservist is available for order to active duty or from a determination by the local board that the reservist is not so available may be taken, processed, and determined in the same manner, under the same conditions, and in accordance with the same procedures as are prescribed in Part 1626 of this chapter with respect to an appeal from a classification of a registrant by the local board: *Provided*, That no such appeal may be taken from a determination by the local board of the category of the reservist.

(b) * * *

(5) Any person who requests that the reservist be found not available for order to active duty because of his current civilian occupation.

7. The introductory text of § 1690.19 preceding paragraph (a) is amended to read as follows:

§ 1690.19 *Notification and recording of availability and category.* As soon as practicable after the local board has determined or redetermined the reservist's availability and category and also after the local board receives notice of the determination of a reservist's case by the appeal board or the Director of Selective Service, the local board shall:

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460. Interpret or apply sec. 233, 66 Stat. 489, as amended; 50 U. S. C. 961; E. O. 9979, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JUNE 13, 1958.

[F. R. Doc. 58-4594; Filed, June 17, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 8–8]

[Docket No. 12403; FCC 58–573 (Corrected)]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

EXCEPTION OF CERTAIN RADIO TRANSMITTERS FROM SPURIOUS EMISSION LIMITATIONS AND FROM TYPE ACCEPTANCE REQUIREMENTS

In the matter of amendment of Part 8 of the Commission's rules to permit radio transmitters leased by the same lessor and licensed prior to June 1, 1958, to be excepted from spurious emission limitations and from type acceptance requirements until after June 1, 1963.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration the amendment of Part 8 so as to include leased transmitters, licensed prior to June 1, 1958 (subsequently extended to January 1, 1959), among the radio equipments which do not have to meet the spurious emission limitations or type acceptance requirements until authorized by initial or renewal license after June 1, 1963;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on April 24, 1958 (23 F. R. 2744) and the period for filing comments has now expired; and

It further appearing that no comments or objections to the proposal were received in the subject docket; and

It further appearing that subsequent to the issuance of the proposal in this docket, the Commission, by order of May 8, 1958 (FCC 58–442) amended Part 8 of the rules to extend the effective date of type acceptance requirements and spurious emission limitations, for transmitters licensed to operate on frequencies below 30 Mc, to January 1, 1959, and therefore the subject proposal has been editorially revised to reflect that date; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (e) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective July 21, 1958, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.136 (d) is amended by adding a new subparagraph (5) as follows:

(5) Other radio transmitters leased for operation on board a vessel and licensed for operation on any frequency assignment below 30 Mc prior to January 1, 1959, which are subsequently leased by the same lessor for use by a station or stations on board another vessel or other vessels until they are authorized in a new or renewed station license issued in response to an application filed after June 1, 1963.

2. In § 8.139 (a) delete subparagraph (2) and substitute the following therefor:

(2) Effective January 1, 1959, to transmitters when operating on any frequency assignment, including any assignment below 30 Mc. However, until requested to be authorized in a new or renewal license issued in response to an application filed after June 1, 1963, transmitters licensed under this part prior to January 1, 1959, may (insofar as this requirement is concerned) continue to be authorized for operation on any frequency assignment below 30 Mc if authorized in a station license issued to the same licensee or for a station on board the same vessel, or if under lease and authorized in a station license prior to January 1, 1959, and subsequently leased by the same lessor for a station or stations on board another vessel or other vessels.

[F. R. Doc. 58–4622; Filed, June 17, 1958; 8:52 a. m.]

[Docket No. 12406; FCC 58–572]

[Rules Amdt. 16–29]

PART 16—LAND TRANSPORTATION RADIO SERVICES

AUTOMOBILE EMERGENCY RADIO SERVICE; FREQUENCY COORDINATION

In the matter of amendment of § 16.9 of Part 16, Land Transportation Radio Services, to delete the exception provided for certain applicants in the Automobile Emergency Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration amendment of § 16.9 of its rules governing the Land Transportation Radio Services to delete the exception provided applicants who are associations of owners of private automobiles to the requirements of frequency coordination contained in that section, inasmuch as the reason for the exception is no longer applicable; and

It appearing that the Commission on April 23, 1958, adopted a notice of proposed rule making in this matter which was published in the FEDERAL REGISTER on May 1, 1958 (23 F. R. 2942) in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that no comments either in support of or in opposition to the Commission's proposal have been received; and

It further appearing that the public interest and necessity will be served by the amendment herein ordered, that authority therefor is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective July 18, 1958, § 16.9 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 16.9 by deleting the phrase "Except for applications in the Automobile Emergency Radio Service proposing to use a frequency made available under provisions of § 16.503 (b)" from the first paragraph. As amended, the portion of § 16.9 preceding subparagraph (a) will read as follows:

§ 16.9 *Frequency coordination.* Each application requesting assignment of a frequency not currently authorized for use by that station shall be accompanied by a statement as evidence that applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. This statement may be submitted in any one of the following forms, but any recommendations submitted in connection therewith are purely advisory in character and cannot be considered as binding upon the Commission: * * *

[F. R. Doc. 58–4623; Filed, June 17, 1958; 8:52 a. m.]

[Docket No. 12169; Rules Amdt. 16–28]

PART 16—LAND TRANSPORTATION RADIO SERVICES

AUTOMOBILE EMERGENCY RADIO SERVICE; USE OF CERTAIN FREQUENCIES

In the matter of amendment of Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 42–50 Mc band, to effect changes in the 25–50 Mc and 150.8–152 Mc bands, and to effect other changes relating to the use of frequencies in the 25–50 Mc band. Docket No. 12169.

The Commission having under consideration the First Report and Order in the above-entitled matter (FCC 57–1393) adopted December 18, 1957; and

It appearing that under the terms of the subject Report and Order, Part 2 of the Commission's rules was amended as set forth therein, and that Parts 6, 7, 8, 9, 10, 11, and 16 of such rules were amended to conform to the frequency-availability changes indicated therein, the formal codification of such latter changes to be accomplished by subsequent orders of the Commission; and

It further appearing that the formal codification of the changes herein or-

[illegible] in Part 16 of the Commission's rules is in addition to that contained in the Commission's Supplemental Order Number One—Part 16 (Mimeo No. [illegible]) released January 27, 1958, and conforms without any substantive change, to the frequency-availability changes already ordered in the text and tabulations of the First Report and Order above-described, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that the amendments to Part 16 ordered herein should be made effective immediately; and

It further appearing that authority for the amendments herein ordered is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 10th day of June 1958, that effective June 10, 1958, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. [illegible]. Interprets or applies sec. 303, 48 Stat. [illegible], as amended; 47 U. S. C. 303)

Released: June 13, 1958.

Federal Communications Commission,
[SEAL] Mary Jane Morris,
Secretary.

1. Amend § 16.503 by the addition of a new paragraph (e) to read as follows:

(e) Persons authorized in the Automotive Emergency Radio Service prior to April 1, 1958 to use either the frequency [illegible] Mc or 35.98 Mc may continue to operate on such frequency until March [illegible], 1963. During this period such persons may modify, renew, reinstate, or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee; however, they will not be authorized to expand their facilities by the addition of new base or fixed stations.

[F. R. Doc. 58-4621; Filed, June 17, 1958; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 924]

Part 95—Car Service

AUTHORIZATION TO BALTIMORE AND OHIO RAILROAD CO. TO OPERATE OVER CERTAIN TRACKAGE OF MARYLAND AND PENNSYLVANIA RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June A. D. 1958.

It appearing that the Baltimore and Ohio Railroad Company has asked the right to perform service over a portion of the Maryland and Pennsylvania Railroad Company's trackage situated in Baltimore, Maryland, consisting of 4,550 feet of main line trackage, 1,250 feet of connecting line trackage, and 350 feet of industrial trackage. The Commission is of the opinion that there is need for service over this line of the railroad formerly operated by the Maryland and Pennsylvania Railroad Company and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice: It is ordered, that:

§ 95.924 *Baltimore and Ohio Railway Company*—(a) *Car service.* The Baltimore and Ohio Railroad Company be, and it is hereby authorized to perform service over the tracks of the Maryland and Pennsylvania Railroad Company situated in and about Baltimore, Maryland, consisting of 4,550 feet of main line trackage, 1,250 feet of connecting line trackage, and 350 feet of industrial trackage in order to serve the public and the commerce of the people.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 a. m., June 14, 1958.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p. m., December 14, 1958, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction shall be served upon the Public Service Commission of Maryland and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] Harold D. McCoy,
Secretary.

[F. R. Doc. 58-4613; Filed, June 17, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293]

MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO A RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed marketing agreement and order, regulating the handling of milk in the Washington, D. C. marketing area which was issued May 26, 1958 (23 F. R. 3719; F. R. Doc. 58-4052) is hereby further extended to July 2, 1958.

Dated: June 13, 1958.

[SEAL] F. R. Burke,
Acting Deputy Administrator.

[F. R. Doc. 58-4617; Filed, June 17, 1958; 8:50 a. m.]

Agricultural Research Service

[9 CFR Part 151]

Horses

RECOGNITION OF BREEDS AND BOOKS OF RECORDS OF PUREBRED ANIMALS

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp., sec. 1201, par. 1606), proposes to recognize the book of record of purebred horses entitled "Holsteinisches Gestütbuch" sponsored by the Verband der Zuchter des Holsteiner Pferdes e. V., Elmshorn, Germany, of which Herr H. Horstmann is Secretary, and to amend the regulations governing the recognition of breeds and books of record of purebred animals by adding the name of the stud book to the list of books of record named in 9 CFR 151.9 (a), as amended, under the subheading "Horses".

Notice is also hereby given that pursuant to the said paragraph 1606, it is proposed to amend or revise the opening paragraph of § 151.9 (a) of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 1957 Supp; 151.9 (a); 23 FR 3114) to read as follows:

§ 151.9 *Recognized breeds and books of record.* * * *

(a) *Breeds and books of record in countries other than Canada.* Books of the registry associations listed below are recognized for the following breeds: *Provided*, That no Belted Galloway cattle, horse of the Criolla, Fjordhest (formerly known as Westland), Holstein, Shetland Pony or Welsh Pony and Cob breed, dog or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

The proposed change in the opening paragraph of § 151.9 (a) would add the Holstein breed of horses to the list of breeds of animals which will not be certified by the Animal Inspection and Quarantine Division of the Agricultural Research Service, United States Department of Agriculture, as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for such animal.

Any person who wishes to submit written data, views, or arguments concerning the proposed action may do so by filing them with the Director of the Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of June 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 58-4619; Filed, June 17, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11986]

TELEVISION BROADCAST STATIONS; TELEVISION REFERENCE TEST SIGNAL

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of Part 3 of the Commission's rules and regulations concerning Television Broadcast Stations to Authorize or Require a Television Reference Test Signal.

1. The Commision has before it for consideration a request filed June 9, 1958, by the Electronic Industries Association (EIA) for extension of time from June 13, 1958, to July 11, 1958, in which to file comments in this proceeding.

2. In support of its request, EIA states that, through its Broadcast Television Systems Committee, it has been carrying on an intensive study of the problems presented in this rule-making and that it now finds that these studies can not be completed by June 13, 1958, but will be terminated in time for the preparation of comments by July 11, 1958.

3. The Commission believes that good cause for an extension of time for filing comments in this proceeding has been established and that such extension will serve the public interest, convenience, and necessity, and will not unduly delay the proceeding.

4. In view of the foregoing: *It is ordered*, That the aforesaid petition of the Electronics Industries Association is granted; that the time for filing comments is extended from June 13, 1958, to July 11, 1958, and that the time for filing reply comments is extended from July 13, 1958, to August 13, 1958.

Adopted: June 13, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4624; Filed, June 17, 1958; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 12483; FCC 58-567]

CERTAIN TELEVISION BROADCAST STATIONS IN WISCONSIN AND MICHIGAN; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING AND ORDERS TO SHOW CAUSE

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Milwaukee, Beaver Dam and Chilton, Wisconsin; Ludington, Michigan).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration a problem involving interference to the reception of television broadcast stations operating in the UHF television band, caused by the radiation of radio frequency energy by the local oscillator employed in conventional VHF television receivers. In adopting engineering standards to govern the assignment of UHF television broadcast channels, the Commission took into consideration certain types of potential interference which might originate in sources other than licensed radio stations. Among these possible sources is the radiation of radio frequency energy by the local oscillator employed in conventional UHF television receivers. In order to minimize interference of this nature as well as other forms of interference which might result from spurious responses of conventional UHF television receivers, the Table in § 3.698 of the rules, which specifies a required minimum geographic separation between television broadcast stations operating on channels having a frequency relationship conducive to the creation of such interference, was adopted. Since the fundamental frequency of the local oscillator employed in conventional VHF television receivers does not fall within the UHF television band, it was not deemed necessary to consider that as a source of potential interference.

3. There is considerable evidence now available to indicate that the second harmonic of the local oscillator in conventional VHF television receivers, and possible higher orders of harmonics, are capable of causing harmful interference to the reception of UHF television stations. Such a condition has developed in Milwaukee, Wisconsin where Station WISN-TV operates on Channel 12 and Station WXIX operates on Channel 19. The fundamental frequency of the local oscillator in VHF television receivers which employs the commonly used intermediate frequency of nominally 42 Mc when tuned to Station WISN-TV falls on approximately 251 Mc. The second harmonic of these oscillators is radiated on approximately 502 Mc which is within Channel 19 (500-506 Mc), occupied by Station WXIX in Milwaukee. Although the total amount of radio frequency power developed by such local oscillators is small, they are capable of producing fields in the immediate vicinity strong enough to cause harmful interference to receivers tuned to Station WXIX. Surveys made by CBS in Milwaukee indicate that the interference effects of such fields extends over an average distance of 100 feet from each of the offending receivers.

4. The Commission is of the view that interference from this source may be sufficiently serious to warrant its being taken into account in the engineering standards governing the assignment of television channels. However, further studies will have to be conducted before suitable mileage criteria can be established. Meanwhile, it is apparent that existing situations such as the one in Milwaukee should be corrected wherever practicable. The simplest way to accomplish this in Milwaukee is to change the channel assigned to WXIX. This will necessitate certain other changes in the Table of Assignments.

5. Accordingly, it is proposed to amend § 3.606 of the Commission's rules, Table of Assignments, Television Broadcast Stations, in the following respect:

City	Channel No.	
	Present	Proposed
Ludington, Mich	18+	[illegible]
Beaver Dam, Wis	37	[illegible]−
Chilton, Wis	*24+	*21+
Milwaukee, Wis	4, *10+, 12, 19−, 25, 31−	4, *10+, 12, 18+, 24+, 30

6. The channels proposed to be changed in Ludington, Beaver Dam, and Chilton are not assigned to any television station. Channel 19− is assigned to WXIX which is operated by CBS in Milwaukee. Lou Poller (WCAN-TV) and Business Management, Inc. (WFOX-TV), hold construction permits for Channels 25 and 31−, respectively. Neither WCAN-TV nor WFOX-TV is in operation. In implementation of our proposal we are ordering the licensee of Station WXIX and the permittees of Stations WCAN-TV and WFOX-TV to Show Cause why their outstanding authorizations should not be changed to specify operation on Channels 18+, 24+, and 30, respectively.

7. Authority for the adoption of the amendments proposed herein is contained in section 4 (i), 301, 303 (c), (d), (f) and (r), and section 307 (b)

of the Communications Act of 1934, as amended.

8. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 14, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission.

10. *It is ordered*, That, pursuant to the provisions of sections 303 (f) and 316 of the Communications Act of 1934, as amended:

(a) Columbia Broadcasting System, Inc. is ordered to show cause why its authorization for Station WXIX on Channel 19− at Milwaukee, Wisconsin, should not be modified to specify operation on Channel 18+.

(b) Lou Poller is ordered to show cause why its authorization for Station WCAN-TV on Channel 25 at Milwaukee, Wisconsin, should not be modified to specify operation on Channel 24+.

(c) Business Management, Inc. is ordered to show cause why its authorization for Station WFOX-TV on Channel 31− at Milwaukee, Wisconsin, should not be modified to specify operation on Channel 30.

11. Responses to the Show Cause Orders issued herein should be filed on or before July 14, 1958. If a respondent consents to the proposed modification of its authorization, it will be helpful if the response includes all data necessary for the preparation of engineering specifications covering the modified authorization.

12. *It is further ordered*, That each respondent should file an original and 14 copies of its response, and should indicate therein whether or not it requests a hearing in the matter, and if so, whether it intends to appear and present evidence at such hearing on the matters specified herein and in said response.

13. *It is further ordered*, That failure to file a response by July 14, 1958, shall be deemed consent by the respondent to the modification of its authorization as proposed and a final order will issue accordingly.

14. *It is further ordered*, That failure to indicate in said response that respondent requests a hearing will be deemed a waiver of its right to a hearing, and if the response is filed and the right to request a hearing has been waived by respondent, the Commission may, depending upon the facts alleged and proof offered, either call upon respondent to furnish additional information under oath, designate the matter for hearing on its own motion or issue without further proceedings an order modifying respondents' authorizations, as proposed herein.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4625; Filed, June 17, 1958; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 12484; FCC 58-568]

TELEVISION BROADCAST STATIONS, PEMBINA, N. DAK.; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Pembina, North Dakota).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed April 18, 1958, and amended May 16, 1958, by Community Television Corporation, for rule making to amend the television Table of Assignments contained in § 3.606 of the Commission's rules and regulations, so as to add Channel 12 to Pembina, North Dakota, a community not presently listed in the Table.

3. Community Television urges that the proposed assignment can be made in full compliance with all the rules and standards; that it would provide a first television service to a large and important farming area; and that a VHF facility is necessary for technical and economic reasons to serve this sparsely settled area.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 14, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4626; Filed, June 17, 1958; 8:52 a. m.]

[47 CFR Part 12]

[Docket No. 12485; FCC 58-571]

AMATEUR RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of § 12.111 of the Commission's rules, Amateur Radio Service, to provide that only A1 emission may be used in the lower 100 kilocycles of the 50 and 144 Mc amateur bands.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission has received a petition filed by the American Radio Relay League, Inc., to amend §§ 12.111 (h) and 12.111 (i) of the Amateur Radio Service Rules to provide that only A1 emission may be used in the lower 100 kc of the 50 to 54 and 144 to 148 Mc amateur bands.

3. The Rules now provide for the use of A1, A2, A3, and A4 emissions and narrow band frequency or phase modulation for radiotelephony in the pertinent portion of the 50 to 54 Mc band. In the 144 to 148 Mc band and Rules now provide for the use of A0, A1, A2, A3, and A4 emission and special emission for frequency modulation.

4. In support of the request petitioner states that the contributions of amateurs to the general knowledge of VHF propagation characteristics are a matter of record; that nearly 1,000 amateurs are enrolled in an intensive project as part of the International Geophysical Year program to gather further data on propagation phenomena; that long-distance amateur contacts contribute to such knowledge and that A1 emission is a more effective medium for long-distance communication than is A3; and that such long-distance communication attempts should be given every opportunity for success. Petitioner further states:

> The League's proposal * * * stems from a need to provide experimentally-inclined amateurs the proper tools with which to accomplish successfully the studies they are undertaking, particularly in connection with the IGY.

Petitioner, in justification of its selection of the lower 100 kc of the involved bands for exclusive use of A1 emission, states:

> In the case of the 50-mc. band, there is technical justification for selection of the low end for the exclusive c. w. segment. For example, in F-2 layer work, such as is now going on widely as the result of the current solar activity peak, and (although not quite to the same extent), in sporadic-E propagation, the lower the frequency the better the chance of making distant contacts. In the case of the 144-mc. band, the location of

a proposed c. w. segment is not subject to the same technical justification, and our selection of the low end is purely a matter of consistency with other amateur band suballocations.

5. The sought amendments would result in the removal from other than A1 emission of only two and one-half percent of each of the amateur bands in question and would therefore not appear to materially affect the present usage of these bands. Furthermore, the proposal is generally consistent with the availability, from a historical standpoint, of all bands for A1 emission and only some bands for other types of emission.

6. Accordingly, the Commission proposes to amend §§ 12.111 (h) and 12.111 (i) as set forth below.

7. Authority for the amendments herein proposed is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before Aug. 29, 1958, a written statement or brief setting forth his comments. Replies to such comments may be filed within 10 days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend § 12.111 as follows:

Amend § 12.111 (h) and (i) to read as follows:

(h) 50.0 to 54.0 Mc using type A1 emission. 50.1 to 54.0 Mc using types A2, A3, and A4 emissions and narrow band frequency or phase modulation for radiotelephony, 51.0 to 54.0 Mc using type A0 emission, and on frequencies 52.5 to 54.0 Mc special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(i) 144.0 to 148.0 Mc using type A1 emission. 144.1 to 148.0 Mc using types A0, A2, A3, and A4 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

[F. R. Doc. 58-4627; Filed, June 17, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 42]

MINERAL LEASES AND PERMITS; REPEALS

REDELEGATION OF AUTHORITY

Order 551, as amended, is further amended as hereinafter indicated.

1. Section 16 is revised to read as follows:

SEC. 16. *Mineral leases and permits.* (a) The granting of permission to negotiate permits and leases of tribal and individually owned trust or restricted lands for coal, sand, gravel, pumice, and building stone, and the approval of permits and leases for coal, sand, gravel, pumice, and building stone.

(b) The approval of oil and gas leases, on forms approved by the Commissioner of Indian Affairs, of tribal lands and of trust or restricted individually owned lands in accordance with advertisements soliciting bids therefor and pursuant to 25 CFR Parts 171, 172, 173, and 174.

(c) The approval of tribal and allotted prospecting permits including those with a preferential right to a lease, tribal mining leases and allotted mining leases, on forms approved by the Commissioner of Indian Affairs, for minerals other than those specified in (a) and (b), covering tribal land and trust or restricted individually owned land, pursuant to 25 CFR Parts 171, 172, 173, 174, and 176 provided that the royalty rates have been approved by the Commissioner of Indian Affairs.

(d) The execution and approval of mining leases, in accordance with the provisions of 25 CFR Part 171, on the Chilocco School Reservation lands, pursuant to the act of June 21, 1906 (34 Stat. 325, 362).

(e) The execution and approval of mining leases, in accordance with the provisions of 25 CFR Part 174, for and on behalf of the United States, as trustee, of mineral lands acquired by or for Indians under the act of June 26, 1936 (49 Stat. 1967).

(f) The execution of mining leases on behalf of the United States, in accordance with the provisions of 25 CFR Part 171, where the title to the mineral estate has been acquired by the United States by purchase with funds appropriated under grants of authority referred to in section 7 of the act of June 26, 1936 (49 Stat. 1967).

(g) The approval of Osage oil and gas leases pursuant to 25 CFR Part 183.

(h) The approval of Navajo tribal prospecting, drilling, and exploration permits and mining permits covering uranium and other minerals associated with it, assignments of such permits, and bonds given to secure the permits, on forms approved by the Commissioner of Indian Affairs, pursuant to 25 CFR Part 171, including the approval or other administrative action required on all assignments of the permits now or hereafter in force on Navajo tribal lands and bonds required in connection with such permits.

(i) The authority conferred by this section extends to and includes the approval or other appropriate administrative action required on all subleases, assignments of mining permits or mineral leases now or hereafter in force on tribal and restricted allotted lands, bonds, and other instruments required in connection with such leases, subleases, permits or assignments, the acceptance of voluntary surrender of leases by lessees, cancellation of leases for violation of terms thereof, approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations, unit and communitization agreements by the Area Directors at Anadarko, Gallup and Muskogee, and well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the act of August 4, 1947 (61 Stat. 751).

(j) The authority delegated in this section does not include:

(1) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute.

(2) Approval of leases on lands purchased or reserved for agency or school purposes.

(3) Approval of leases, assignments and bonds on any forms except those approved by the Commissioner of Indian Affairs.

(4) Modification of any forms approved by the Commissioner of Indian Affairs.

(5) Approval of amendments to oil and gas and other mining leases or to assignments.

(6) Extension of time for drilling.

(7) Approval of instruments providing for the payment of overriding royalty.

(8) Approval of unit and communitization agreements except by the Area Director, Anadarko, Gallup and Muskogee.

(9) Assignments of separate horizons.

2. Section 400 *Repeals* is amended by the addition of the following:

Section 20.
Section 21.
Section 22.
Section 23.
Section 27.

GLENN L. EMMONS,
Commissioner.

JUNE 12, 1958.

[F. R. Doc. 58-4589; Filed, June 17, 1958; 8:45 a. m.]

Bureau of Land Management

CHIEF, MINERALS ADJUDICATION UNIT, AND CHIEF, LANDS ADJUDICATION UNIT, MONTANA LAND OFFICE

REDELEGATION OF AUTHORITY TO TAKE ACTION

JUNE 10, 1958.

Pursuant to the authority contained in Bureau Order No. 541, as amended, authority to take action for the Manager in matters listed in section 3.6, Part III-A of the above cited order, is redelegated to the Chief, Minerals Adjudication Unit of the Montana Land Office; also authority to take action for the Manager in matters listed in section 3.9, Part III-A of the above cited order, is redelegated to the Chief, Lands Adjudication Unit of the Montana Land Office.

This authorization will not affect the exercise of authority already held by the Land Office Manager.

THEO E. ANHDER,
Manager,
Montana Land Office.

Approved: June 10, 1958.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-4590; Filed, June 17, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHIEF, FOREST SERVICE, ET AL.

DELEGATION OF AUTHORITY FOR PROCUREMENT OF ENGINEERING SERVICES BY CONTRACT

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of May 26, 1958 (23 F. R. 3844), authority is delegated to the Chief, Forest Service, with authority to redelegate to Regional Foresters and Acting Regional Foresters, and authority is delegated to the Administrator, Soil Conservation Service, with authority to redelegate to officials of the Soil Conservation Service, to negotiate contracts without advertising pursuant to section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, for the following operations:

Forest Service: For professional engineering services required for all roads, trails, bridges, dams, buildings, cadastral surveys, landscapes, architectural and related professional engineering services such as planning and design of camp grounds, picnic areas, trailer parks, observation points, and playgrounds, together with necessary structures, water, sanitation and other facilities that are involved in programs of the Forest Service.

Soil Conservation Service: For professional engineering services incident to the construction of dams, channels, silting basins and other water use and control structures in connection with the watershed and flood prevention programs of the Soil Conservation Service.

Operating procedures previously approved by the Director, Office of Plant and Operations, shall be applicable to these delegations.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act and the delegation of authority of the Administrator, General Services Administration, and shall not extend beyond July 1, 1959. The prior delegations of authority on the same subject to the Chief, Forest Service, and the Administrator, Soil Conservation Service, dated May 10, 1957 (22 F. R. 3423), are hereby superseded.

Done at Washington, D. C., this 13th day of June 1958.

[SEAL] RALPH S. ROBERTS,
Administrative Assistant Secretary.

[F. R. Doc. 58-4620; Filed, June 17, 1958; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue the following facility license to the University of Delaware, Newark, Delaware, unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by the University of Delaware, and (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 12th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

PROPOSED UTILIZATION FACILITY LICENSE

1. The University of Delaware, Newark, Delaware, filed an application dated March 19, 1958 (hereinafter referred to as "the application") to acquire, possess, and operate a nuclear reactor designated as Model AGN-201, Serial No. 113 which was authorized for construction by Construction Permit CPRR-13, dated July 8, 1957, issued to Aerojet-General Nucleonics, San Ramon, California. The applicant also seeks authorizations to receive and possess special nuclear material and byproduct material in connection with the operation of the reactor.

2. The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter I, of Title 10, of the Code of Federal Regulations in Part 20 and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application.

C. The acquisition, possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public.

D. The University of Delaware proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. The University of Delaware is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. The University of Delaware is technically qualified to operate the reactor.

G. The University of Delaware has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses the Unisity of Delaware:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to acquire, possess and operate the reactor in accordance with the procedures described in the application at the location in Newark, Delaware, described in the application.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 700 grams of contained uranium 235 in connection with the operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, to receive and possess up to 16 grams of plutonium contained in one encapsulated plutonium-beryllium source for use in connection with operation of the reactor in accordance with the procedures described in the application.

D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced from operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is

subject to the additional conditions specified or incorporated below:

A. The reactor shall be operated only under the direct supervision of the Reactor Supervisor or his designated alternate, both of whom shall have been approved by the Commission.

B. When unattended the reactor shall be secured with the standard seals and locks supplied by the manufacturer; at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

C. The University of Delaware shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

D. In addition to those otherwise required under this license and applicable regulations the University of Delaware shall keep the following records:

1. Reactor operating records, including power levels.
2. Records of in-pile irradiations.
3. Records showing radioactivity released or discharged into the air or water beyond the effective control of the University of Delaware as measured at the point of such release or discharge.
4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

E. The University of Delaware shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to the University of Delaware, for use in connection with operation of the reactor, 16 grams of plutonium to be contained in one encapsulated plutonium-beryllium source.

6. This license shall expire 20 years from date of issuance hereof unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

——— ———,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-4608; Filed, June 17, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107, 12222; FCC 58-559]

RIVERSIDE CHURCH IN THE CITY OF NEW YORK AND HUNTINGTON-MONTAUK BROADCASTING CO., INC.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of The Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

1. The Commission has under consideration (1) a petition to modify and enlarge issues filed on November 12, 1957, by Huntington-Montauk Broadcasting Co., Inc. (Huntington); (2) opposition to said petition filed on December 9, 1957, by The Riverside Church in the City of New York (Riverside); (3) reply to said petition filed on December 9, 1957, by the Broadcast Bureau (Bureau); (4) answer to Bureau and Riverside filed on December 12, 1957, by Huntington; (5) opposition to additional issues proposed by Bureau ((3), supra) filed December 16, 1957, by Riverside; (6) comment on opposition of Riverside ((5), supra) and answer of Huntington ((4), supra) filed December 18, 1957, by Bureau.

2. Riverside and Huntington are mutually exclusive applicants for Class B construction permits on Channel 294 at New York City and Huntington, Long Island, New York, respectively, which applications have been designated for consolidated hearing on stated issues (22 F. R. 8544).

3. Huntington now petitions that the Commission reconsider its determination of the issues now set for hearing which are the so-called standard comparative issues, striking same, and substituting therefor a determination as between Huntington and Riverside on section 307 (b) grounds entirely. In support of its position, Huntington argues that, while Channel 294 is assigned to the New York Metropolitan District and both Huntington and Riverside seek facilities to serve such district, nevertheless Huntington is 30 miles east of Manhattan (the locale of Riverside) and as such is located in a completely separate "community" within the purview of section 307 (b) of the Communications Act.

4. Riverside opposes the petition citing St. Louis Telecast, 12 RR 1289, wherein the Commission held that while St. Louis and East St. Louis were distinct politically, they formed parts of the same urban complex and hence section 307 (b) did not apply. Upon review of the St. Louis case, *supra*, we find Riverside's reliance thereon to be misplaced. Although the Commission ultimately found that the 307 (b) issue was not dispositive of that proceeding, its holding was based on findings of fact elicited under an issue looking toward the determination of the applicability of section 307 (b). Riverside, in the opposition, argues that a Class A channel could adequately serve the needs of Huntington. The Commission policy against enlargement of issues to show the availability of an alternative frequency (channel) is now well established. Dorsey Eugene Newman, et al., 11 RR 977 (1955). As to the question of coverage of the entire metropolitan district by Huntington, it has not been our practice heretofore to demand full coverage of the farthest reaches of the metropolitan district by an applicant for a Class B FM permit provided that he in good faith sought to serve a major or substantial portion thereof in furtherance of the general scheme underlying our establishment of Class B stations.

5. Bureau suggests that the present state of the record does not permit a determination of whether or not 307 (b) may appropriately be considered and suggests addition of issues looking toward a determination of the areas and populations proposed to be served by the applicants, respectively, and, in connection therewith, whether a 307 (b) issue is applicable and, if so, which of the applicants is entitled to a grant.

6. Huntington maintains that Commission precedents already exist for a determination that Huntington's proposed service area is distinct within the meaning of 307 (b) thereby rendering such a determination unnecessary in this proceeding. Moreover, it argues that Bureau's proposed 307 (b) issues are too narrow in that they do not call for evidence concerning the character and nature of the communities to be served, but only seek to elicit the areas and populations to be served. We think it plain that a legitimate question exists as to whether or not the communities here involved are separate and distinct for the purposes of a 307 (b) determination. Moreover, we are unable to agree with Huntington that the Bureau's proposed issue is too narrow to permit a preliminary finding as to the application of section 307 (b) considerations. In such cases where one applicant was in one community and two were in another (between whom comparative issues might be appropriate were the 307 (b) choice to devolve upon that community), we have permitted and ordered such a proceeding when it was clear that a choice on 307 (b) grounds of the community having only one applicant would render any further comparison moot. But that is not the situation here where the very existence of separate communities is open to question.

In view, therefore, of the foregoing reasons:

It is ordered, That petitioner Huntington's petition to enlarge issues is in all respects denied, and

It is further ordered, That the Commission for the reasons stated in the reply of the Bureau (par. 1 (3), supra) renumbers existing issue 2 as issue 4 and adds the following issues:

2. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by the Riverside Church in the City of New York and the Huntington-Montauk Broadcasting Co., Inc. and the availibility of other such FM broadcast service to the said areas and populations.

3. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence adduced under issue 2, supra, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications hereon can be reasonably based thereon and, if so, whether a grant to one of the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4628; Filed, June 17, 1958; 8:52 a. m.]

[Docket No. 12363; FCC 58M-623]

OSCAR GALJOUR

ORDER CONTINUING HEARING

In the matter of Oscar Galjour, P. O. Box 788, Aransas Pass, Texas, Docket No. 12363; order to show cause why there should not be revoked the license for Radio Station WB-8045 aboard the vessel "Buddy Boy."

It is ordered, On the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding scheduled to be held on June 12, 1958, is hereby continued without date.

Released: June 13, 1958.

Dated this 12th day of June 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4629; Filed, June 17, 1958; 8:53 a. m.]

[Docket Nos. 12475, 12476; FCC 58-563]

MOUNTAIN STATE BROADCASTING CO. AND RADIO MID-POM, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mountain State Broadcasting Company, Middleport-Pomeroy, Ohio, Docket No. 12475, File No. BP-11223; Radio Mid-Pom, Inc., Middleport-Pomeroy, Ohio, Docket No. 12476, File No. BP-11682; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration the above-captioned applications of Mountain State Broadcasting Company and Radio Mid-Pom, Inc., each for a construction permit for a new standard broadcast station to operate on 1390 kilocycles with a power of one kilowatt, daytime only, at Middleport-Pomeroy, Ohio;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies to the Commission's letter were filed by both applicants; and

It further appearing that, the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant difference between the applicants as to:

(a) The background and experience of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4630; Filed, June 17, 1958; 8:53 a. m.]

[Docket Nos. 12477-12480; FCC 58-564]

MONOCACY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Monocacy Broadcasting Company, Gettysburg, Pennsylvania, Docket No. 12477, File No. BP-11325; Times and News Publishing Company (WGET), Gettysburg, Pennsylvania, Docket No. 12478, File No. BP-11683; The Price Broadcasters, Inc., Frederick, Maryland, Docket No. 12479, File No. BP-11759; Dan Weinberg and John J. Keel d/b as Frederick County Broadcasting Company, Middletown, Maryland, Docket No. 12480, File No. BP-11889; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration the above-captioned applications requesting the following standard broadcast facilities:

BP-11325 NEW, Gettysburg, Pennsylvania, The Monocacy Broadcasting Company; Req: 1320 kc, 1 kw, DA-2, Unl.

BP-11683 WGET, Gettysburg, Pennsylvania, Times and News Publishing Company; Has: 1450 kc, 250 w, Unl.; Req: 1320 kc, 500 w, 1 kw-LS, DA-2, Unl.

BP-11759 NEW, Frederick, Maryland, The Price Broadcasters, Inc.; Req: 1320 kc, 1 kw, Day.

BP-11889 NEW, Middletown, Maryland, Dan Weinberg and John J. Keel d/b as Frederick County Broadcasting Company; Req: 1320 kc, 1 kw, Day.

It appearing that except as indicated by the issues specified below, all the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of the proposals would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated April 9, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that all of the instant applicants filed timely replies to the Commission's letter; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of The Monocacy Broadcasting Company, The Price Broadcasters, Inc., and the Frederick County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGET as proposed and the availability of other primary service to such areas and populations.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would best provide a fair, efficient and equitable distribution of radio service.

4. To determine on a comparative basis, in the event that pursuant to the foregoing issue, Gettysburg, Pennsylvania, is considered to have the greater need for either the operation proposed by The Monocacy Broadcasting Company or the Times and News Publishing Company, which of said two proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect

to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of said applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney or appropriate corporate officer, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4631; Filed, June 17, 1958; 8:53 a. m.]

[Docket Nos. 12481, 12482; FCC 58-565]

FARMINGTON BROADCASTING CO. AND FOUR CORNERS BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of: Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Farmington, New Mexico; and

It appearing, that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that in the prehearing letter to Farmington Broadcasting Company, the Commission raised a question with respect to a possible violation of the spirit of § 3.636 (a) (1) of the rules; that on May 6, 1958, Four Corners Broadcasting Company, by its attorneys, filed a letter stating that, in addition to the question raised under § 3.636 (a) (1) the Farmington Broadcasting Company application also raised a question under § 3.636 (a) (2), relating to concentration of control of television broadcast stations; and

It further appearing that upon consideration of the replies to the section 309 (b) letters, the Commission is of the view that the above questions raised with respect to the proposal of Farmington Broadcasting Company should be explored within the framework of comparative issue "1 (a)" as specified hereinafter, rather than as an issue with respect to § 3.636 of the Commission's rules; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that Four Corners Broadcasting Company and Farmington Broadcasting Company are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Farmington Broadcasting Company and Four Corners Broadcasting Company are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the above-captioned applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the request by Four Corners Broadcasting Company for an issue concerning § 3.636 of the Commission's rules is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, Farmington Broadcasting Company and Four Corners Broadcasting Company, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the day fixed for the hearing and present evidence on the issues specified in this order.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4632; Filed, June 17, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 8921 etc.]

ARKANSAS FUEL OIL CORP. AND MECOM PETROLEUMS

ORDER SEVERING PROCEEDINGS AND FIXING DATES FOR FILING BRIEFS

JUNE 12, 1958.

In the matter of Arkansas Fuel Oil Corporation et al., Docket Nos. G-8921, et al.; John W. Mecom, d/b/a Mecom Petroleums, Docket No. G-10357.

John W. Mecom, d/b/a Mecom Petroleums (Mecom), on April 16, 1958, filed a motion requesting severance of the proceedings in Docket No. G-10357 from the consolidated proceedings in Docket Nos. G-8921, et al., which were consolidated for purposes of hearing and decision by orders issued in Docket Nos. G-8921, et al., on February 26, 1957, October 9, 1957, and April 8, 1958.

Mecom states that all evidence relevant to the proceeding in Docket No. G-10357 has been placed of record, that it has no interest in the other dockets in the consolidated proceedings concerning which the hearing has been recessed to September 3, 1958, and that it is appropriate that briefs be separately submitted to the presiding examiner with respect to Docket No. G-10357 only so that decision therein be not unduly delayed. None of the parties to the consolidated proceedings, including staff counsel, have objected to the requested severance.

The Commission finds: It is appropriate and in the public interest that the proceeding in Docket No. G-10357, which has heretofore been consolidated with the proceeding in Docket Nos. G-8921, et al., be severed from the consolidated proceedings and that the time for filing of briefs be established.

The Commission orders:

(A) The proceeding in Docket No. G-10357 hereby is severed from the other proceedings in Docket Nos. G-8921, et al., consolidated by our orders of February 26, 1957, October 9, 1957, and April 8, 1958.

(B) Briefs shall be filed with the presiding examiner as follows:

Initial brief of Mecom Petroleums, August 1, 1958.

Briefs of interveners and staff counsel, September 19, 1958.

Reply brief of Mecom Petroleums, October 17, 1958.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4609; Filed, June 17, 1958; 8:49 a. m.]

[Docket No. G-12177]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 12, 1958.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) a Delaware corporation, having its principal place of business in Shreveport, Louisiana, filed on March 8, 1957, an application in Docket No. G-12177 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to sell and deliver to The East Ohio Gas Company, The Peoples Natural Gas Company, New York Natural Gas Corporation and Hope Natural Gas Company (Consolidated Companies) natural gas for resale for ultimate public consumption, subject to the jurisdiction of this Commission.

The terms and conditions of the proposed sale and delivery of gas, all of which are more fully set forth in the application on file with the Commission and open to public inspection, are as follows.

During off-peak periods quantities of natural gas will be delivered which are not required by Texas Eastern to meet its regular firm service obligations. The annual delivery obligation is firm, but there is no maximum daily obligation to deliver. The annual obligation is approximately 17,300,000 Mcf at 14.73 psia for the first year beginning April 1, 1957 to January 1, 1958, and 20,400,000 Mcf at 14.73 psia for each of the calendar years 1958, 1959 and 1960. The Consolidated Companies are now customers of Texas Eastern and the existing facilities used for transporting and selling gas to them will be used for the proposed sales. The proposed sales of gas by Texas Eastern will be in lieu of certain interruptible gas sales heretofore being made and in addition to other sales which are of a permanent nature and upon a firm basis. The rate provided for the proposed sales is 29.5 cents per Mcf.

The Consolidated Companies have advised Texas Eastern that they require the gas for injection into underground storage pools to meet firm peak requirements during the winter seasons.

Temporary authorization to make sales to the Consolidated Companies was granted by the Commission on April 17, 1957, but without prejudice to final disposition of the application in this proceeding.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 14, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission 441 G Street NW., Washington, D. C., concerning the matters involved in, and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4610; Filed, June 17, 1958; 8:49 a. m.]

[Docket No. G-13924]

TEXAS CO.

ORDER PERMITTING PROPOSED CHANGE IN RATE SCHEDULE TO TAKE EFFECT AND SEVERING AND TERMINATING PROCEEDING

JUNE 12, 1958.

On May 19, 1958, the Commission issued an order in Docket Nos. G-13924 and G-8969, et al., denying a motion filed by the Texas Company (Texas) for reconsideration of the Commission's order issued in Docket No. G-13924 on December 19, 1957, suspending a proposed increase in rate from 10 cents to 11 cents per Mcf for natural gas sold to Lone Star Gas Company in Garvin County, Oklahoma. By its motion for reconsideration, Texas requested that the Commission vacate its order suspending Supplement No. 1 to Texas' FPC Gas Rate Schedule No. 123 and permit the proposed increased rate of 11 cents per Mcf to become effective as of January 16, 1958. In support of its motion for reconsideration, Texas submitted cost of service studies with respect to sales from three Garvin County gasoline plants which are the subject of the aforementioned rate schedule.

Texas pointed out that it was co-owner with Warren Petroleum Company and Cities Service Oil Company of the three gasoline plants and that a similar proposed increased rate of 11 cents per Mcf for the sale of Warren's interest from these gasoline plants was accepted by the Commission by letter dated January 15, 1958, on the basis of cost data submitted by Warren.

The Commission, on its own motion, has reconsidered Texas' motion of April 8, 1958 and has re-examined the cost of service data submitted by Texas. Based upon such reconsideration we now conclude that the cost of service data so submitted by Texas should be accepted as sufficient justification of the proposed increased rate.

The proceeding in Docket No. G-13924 was by order issued April 22, 1958, consolidated for purposes of hearing with Docket Nos. G-8969, et al.

The Commission finds:

(1) The data submitted by Texas in support of the increased rate proposed by Supplement No. 1 to its FPC Gas Rate Schedule No. 123 constitutes sufficient justification of such increased rate, which should be permitted to become effective as of May 8, 1958.

(2) It is appropriate that the proceeding in Docket No. G-13924 be severed from the proceedings in Docket Nos. G-8969, et al., and the proceeding in Docket No. G-13924 should be terminated.

The Commission orders:

(A) Upon reconsideration of the motion filed by Texas on April 8, 1958, Supplement No. 1 to Texas' FPC Gas Rate Schedule No. 123 is permitted to become effective as of May 8, 1958.

(B) The proceeding in Docket No. G-13924 is severed from the consolidated proceedings in Docket Nos. G-8969 et al., and the proceeding in Docket No. G-13924 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4611; Filed, June 17, 1958; 8:50 a. m.]

[Docket No. G-14312]

ILLINOIS POWER CO.

NOTICE OF DATE FOR HEARING

JUNE 12, 1958.

The application in the above-numbered docket was set for hearing before an examiner on May 29, 1958, at 9:30 a. m. Panhandle Eastern Pipe Line Company (Panhandle), having filed a petition for leave to intervene on May 23, 1958, and Illinois Power Company having filed an answer and objection to said petition of Panhandle on May 28, 1958, and the Commission not having acted upon said petition of Panhandle on the date set for said hearing, the presiding examiner postponed this matter indefinitely, subject to further order of the Commission.

The Commission on June 5, 1958, issued an order permitting Panhandle to intervene herein. It now appears that said matter should be set for formal hearing.

Notice is hereby given that a hearing will be held on July 1, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4612; Filed, June 17, 1958; 8:50 a. m.]

[Docket No. E-6827]

ORANGE AND ROCKLAND UTILITIES, INC.

NOTICE OF APPLICATION

JUNE 13, 1958.

Take notice that on June 9, 1958 an application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Orange and Rockland Utilities, Inc. (Applicant), a corporation organized under the laws of the State of New York and qualified to do business in the State of New Jersey with its principal business office at Nyack, New York, seeking an order authorizing the purchase of new shares of Common Stock of its wholly owned subsidiary, Rockland Electric Company ("Rockland"), a company organized under the laws of the State of New Jersey and doing business in said State only with its principal business office at Nyack, New York. Applicant proposes to acquire from Rockland 20,000 shares of the total par value of $2,000,000 of the Common Stock of Rockland. The consideration therefor is to be $2,000,000 in cash, such stock to be purchased at par, at private sale, as set forth in a letter of agreement between the two companies, dated May 14, 1958. Applicant states that the operations of Rockland have been integrated with the operations of Applicant to such an extent that the electric properties of Rockland and Applicant constitute and are operated as one continuous electric system (see joint application filed on December 10, 1957, at Docket No. E-6792). According to the application, the bulk of the proceeds to be obtained by Rockland will be used to replace temporary financing arrangements heretofore entered into to facilitate the carrying on of its construction program. Applicant therefore states that in order to maintain the integration of the systems, it is in the public interest that it continue to own the entire capital stock of Rockland.

The application states that Applicant and Rockland will issue short-term notes, as original issues or as renewals, to finance their respective construction programs, that the notes will be issued to commercial banks or similar institutions, and that the aggregate principal amount of original and renewal notes to be issued will not exceed $7,200,000 in the case of Applicant and $4,000,000 in the case of Rockland. The application, by its terms, requests approval, if required, of such short-term loans incurred by Applicant and Rockland.

Any person desiring to be heard or to make any protest with reference to said application should on or before the third day of July 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4614; Filed, June 17, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 40]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 13, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-3598 (Deviation No. 4), WOOSTER EXPRESS, INC., 2939 Main Street, Hartford, Conn., filed June 9, 1958. Attorney for said carrier, Louis B. Warren, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Thomaston, Conn., and New York, N. Y., as follows: from Thomaston over U. S. Highway 6 to junction U. S. Highway 202 at Brewster, N. Y. (also from Waterbury, Conn., over U. S. Highway 6-A to junction U. S. Highway 6 at Woodbury, Conn., thence over U. S. Highway 6 to junction U. S. Highway 202 at Brewster, N. Y.), thence over U. S. Highway 202 to junction New York Highway 100 at Somers, N. Y., thence over New York Highway 100 to junction New York State Thruway at or near White Plains, N. Y., thence over New York State Thruway and access routes to New York City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Northampton, Mass., and Newark, N. J., over the following pertinent routes: from Northampton over U. S. Highway 5 to New Haven, Conn., thence over U. S. Highway 1 to Newark; from Northampton over U. S. Highway 5 to Springfield, Mass., thence over Alternate U. S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 15 to New Haven, and thence over U. S. Highway 1 to Newark; and from Northampton to Hartford as specified above, thence over U. S. Highway 6 to Thomaston, Conn., thence over Connecticut Highway 8 to Stratford, Conn., and thence over U. S. Highway 1 to Newark.

No. MC-4804 (Deviation No. 1), THE LIBERTY HIGHWAY COMPANY, 1100 King Avenue, Columbus 12, Ohio, filed June 9, 1958. Attorney for said carrier, Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with exceptions, over a deviation route, between Toledo, Ohio, and Detroit, Mich., as follows: from Toledo over U. S. Highway 24-A to junction Michigan Highway 85, thence over Michigan Highway 85 to Detroit, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio, and Detroit, Mich., over the following pertinent route: from Toledo over U. S. Highway 24 to junction U. S. Highway 25 (north of Flat Rock), thence over U. S. Highway 25 to Detroit.

No. MC-4943 (Deviation No. 1), INLAND MOTOR FREIGHT LINES, INC., 1225 Caldwell Street, Corpus Christi, Tex., filed June 6, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Cuero, Tex., and Rosenberg, Tex., as follows: from Cuero over U. S. Highway 77-A via Yoakum, Hallettsville, and Altaire, Tex., to Rosenberg and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cuero, Tex., and Rosenberg, Tex., over the following pertinent route: from Cuero over U. S. Highway 87 to Victoria, thencé over U. S. Highway 59 via Canado, El Campo, and Wharton to Rosenberg.

No. MC-44447 (Deviation No. 1), SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed June 9, 1958. Attorney for said carrier, Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Toledo, Ohio, and Detroit, Mich., as follows: from Toledo over U. S. Highway 24-A to junction Michigan Highway 85, thence over Michigan Highway 85 to Detroit and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio, and Detroit, Mich., over the following pertinent route: from Toledo over U. S. Highway 24 to junction U. S. Highway 25 (north of Flat Rock), thence over U. S. Highway 25 to Detroit.

No. MC-72444 (Deviation No. 2), THE AKRON-CHICAGO TRANSPORTATION CO., INC., 1016 Triplett Boulevard, Akron 16, Ohio, filed June 6, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction U. S. Highway 11 and Interstate Route 515 approximately three miles south of Syracuse, N. Y., and junction U. S. Highway 11 and Interstate Route 515 at Tully Center, N. Y., as follows: from junction U. S. Highway 11 and Interstate Route 515 near Syracuse, over Interstate Route 515 to junction U. S. Highway 11 at Tully Center and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction U. S. Highway 11 and Interstate Route 515 approximately three miles south of Syracuse, N. Y., and junction U. S. Highway 11 and Interstate Route 515 at Tully Center, N. Y., over U. S. Highway 11.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4606; Filed, June 17, 1958; 8:48 a. m.]

[Notice 221]

MOTOR CARRIER APPLICATIONS

JUNE 13, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 11054 (Sub No. 3) CORRECTION. The foregoing docket number which purported to identify the Form BMC 78 application of MARK E. YODER, 41 Parkway, Schuylkill Haven, Pa., noticed on page 4122, of the issue of the FEDERAL REGISTER of June 11, 1958 was in error. The correct docket number assigned to the subject application is No. MC 110541 (Sub No. 3).

No. MC 27672 (Sub No. 5), filed June 3, 1958. Applicant: ERNEST LEROY DAYHOFF AND DONALD R. DAYHOFF, a Partnership, doing business as E. L. DAYHOFF & SON, Route 6, Hagerstown, Md. Applicant's attorney: W. Jerome Offutt, Cramer Building, Frederick, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Warfordsburg, Pa., and points in Pennsylvania within ten (10) miles of Warfordsburg, to points in Washington County, Md., and Martinsburg (Berkeley County) W. Va., and points within ten (10) miles of Martinsburg. Applicant is authorized to transport sand and stone from specified points in Pennsylvania to specified points in Maryland.

HEARING: July 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 206.

No. MC 61403 (Sub No. 29) (AMENDMENT), filed April 23, 1958, published issue May 21, 1958. Applicant: ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, thinners, varnishes* and *surface coating compounds*, in bulk, in tank vehicles, from Louisville, Ky., to points in Greene and Jefferson Counties, Tenn. Applicant is authorized to conduct operations in Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Georgia, Kentucky, Indiana, Ohio, Alabama, Louisiana, Mississippi, District of Columbia, Florida, Michigan, Missouri, New Jersey, Maryland, New York, Delaware, Illinois, Pennsylvania, Texas, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and Iowa.

HEARING: Remains as assigned July 11, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 70330 (Sub No. 28), filed April 9, 1958. Applicant: J. TOM MILLER, doing business as MILLER TRUCK LINE, 901 Northeast 28th Street, Fort Worth, Tex. Applicant's attorneys: Charles D. Mathews, and Thomas E. James, Brown Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packing house products and articles distributed by packing-houses*, as defined by the Commission in Ex Parte MC-45, 61 MCC 209, 272, 273, in vehicles equipped with mechanical refrigeration, from Fort Worth, Tex., to Crossett, Smackover, Stephens, and Strong, Ark. Applicant is authorized to conduct operations in Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Mississippi, and Alabama.

NOTE: Applicant has filed appropriate applications with this Commission (1), to transfer Permit MC 70330 and sub numbers thereunder from applicant herein to Miller Truck Line, Inc., Docket No. MC-FC 61020; and (2) for a determination of its status as a contract or common carrier, No. MC 70330 Sub No. 26.

HEARING: July 18, 1958, at the Baker Hotel, Dallas, Tex., before Joint Board No. 152, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 78118 (Sub No. 8), filed May 28, 1958. Applicant: WILBUR H. JOHNS, 327 North Reservoir Street, Lancaster, Pa. Applicant's attorney: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood kitchen cabinets* and *wood products*, painted, enameled, and unfinished, from Thompsontown, Pa., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida. *Laminated plywood*, from Greenville, Fla., Jesup, Ga., and Whiteville, N. C., to Thompsontown, Pa. *Corrugated fibre paper* and *products thereof*, (1) from Clifton, N. J., to Knox, Pa., and Buffalo, N. Y., and (2) from Hopewell and Lynchburg, Va., Roanoke Rapids and Sylva, N. C., Rome and Macon, Ga., and Panama City, Fla., to Knox, Pa., and Warwood, W. Va. Applicant is authorized to conduct common carrier operations in Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, and Virginia. Applicant holds contract carrier authority under Permits No. MC 15583 and MC 15583 (Sub No. 12). Dual operations under section 210 may be involved. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned No. MC 15583 (Sub No. 14).

HEARING: July 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 95813 (Sub No. 9), filed June 5, 1958. Applicant: T. LEROY KOSER, doing business as KOSER TRUCKING, R. D. No. 1, Dillsburg, Pa. Applicant's attorney: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Adams and Franklin Counties, Pa., New Freedom, Pa., and Gaithersburg, Md., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, and West Virginia; (2) from Thurmont, Md., and points in Frederick, Carroll, and Washington Counties Md., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, and those in that part of Pennsylvania west of a line beginning at the Pennsylvania-Maryland State line and extended north along U. S. Highway 15 to Harrisburg, Pa., thence north along U. S. Highway 11 to Northumberland, Pa., thence along Pennsylvania Highway 14 to junction U. S. Highway 220, thence along U. S. Highway 220 to junction U. S. Highway 15, and thence along U. S. Highway 15 to the Pennsylvania-New York State line, excluding points in Allegheny, Greene, Washington, Lafayette, Westmoreland, Lawrence, Butler, and Armstrong Counties, Pa. Applicant is authorized to conduct operations in Maryland, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Ohio, Virginia,

North Carolina, South Carolina, West Virginia, and the District of Columbia.

HEARING: **July 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold Angle.**

No. MC 103654 (Sub No. 44) (CORRECTION), filed April 4, 1958, published issue May 21, 1958, at page 3469. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Previous publication named one of the commodities proposed to be transported as *"rendering plan products"* in error. Correctly stated it should read: *"rendering plant products"*.

HEARING: **Remains as assigned June 25, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.**

No. MC 106379 (Sub No. 31), filed April 10, 1958. Applicant: GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P. O. Box 18104, Houston 23, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *pipe* and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or trunk pipelines, between points in Texas, Oklahoma, Kansas, Nebraska, and New Mexico on the one hand, and, on the other, points in Ohio and Michigan. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Georgia, Ohio, Michigan, Mississippi, Alabama, Florida, Pennsylvania, New York, New Jersey, Montana, North Dakota, Wyoming, Illinois, Indiana, Kansas, Missouri, and Nebraska.

HEARING: **July 30, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Walter R. Lee.**

No. MC 106379 (Sub No. 33), filed April 10, 1958. Applicant: GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P. O. Box 18104, Houston 23, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and (2) *related machinery* and *related contractors'* materials and supplies when their transportation is incidental to the transportation of the commodities authorized in (1) above, between points in New York, New Jersey, and Pennsylvania on the one hand, and, on the other, points in Oklahoma, Kansas, and Nebraska. RESTRICTION: The authority herein is subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipelines. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Georgia, Ohio, Michigan, Mississippi, Alabama, Florida, Pennsylvania, New York, New Jersey, Montana, North Dakota, South Dakota, Wyoming, Illinois, Indiana, Kansas, Missouri, and Nebraska.

NOTE: Applicant states that it is authorized to render the transportation involved by combining its certificates MC 106379 (Sub 12) and (Sub 26). The sole purpose of this application is to eliminate circuitous operation through North Texas as gateway or common point territory.

HEARING: July 28, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Walter R. Lee.

No. MC 107107 (Sub No. 102), filed May 29, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Savannah, Columbus, and Thomasville, Ga., to points in Virginia, Maryland, the District of Columbia, Pennsylvania, Delaware, New York, New Jersey, Ohio, Michigan, Indiana, Kentucky, West Virginia, Tennessee, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Alabama, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, and South Dakota; and (2) *oleomargarine* and *oleomargarine spreads*, from Thomasville, Ga., to points in the above-designated states. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: July 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 107515 (Sub No. 277), filed April 3, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products*, and *commodities used by packinghouses*, as defined by the Commission in 61 M. C. C. Appendix I, from Fort Worth, Tex., to points in Tennessee (except Memphis). Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: July 21, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 107515 (Sub No. 282), filed May 20, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products,* and *meat by-products,* as defined by the Commission in Ex Parte No. MC–45, from Palestine, Tex., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: July 21, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 108651 (Sub No. 10), filed June 5, 1958. Applicant: ROY B. MOORE, INC., P. O. Box 628, Kingsport, Tenn. Applicant's representive: C. F. Germelman, 2 West Germain Street, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products,* from points in Adams and Franklin Counties, Pa., and Timberville (Rockingham County), Berryville, and Mount Jackson, Va., to points in Tennessee on and east of U. S. Highway 27. Applicant is authorized to conduct regular route operations in New York, and irregular route operations in Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: July 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 109462 (Sub No. 7), filed April 21, 1958. Applicant: LUMBER TRANSPORT, INC., 2428 North Market, Shawnee, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill* and *pressure treated forest products,* (1) from points in Arkansas and Louisiana to points in Tennessee, Alabama, Mississippi, Louisiana, Georgia, and Kentucky; (2) between points in Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Arkansas, Oklahoma, New Mexico, Texas, Missouri, Kansas, Tennessee, and Louisiana.

NOTE: Applicant states that it seeks no duplicating authority. Applicant is now authorized to conduct operations from Arkansas to points in Oklahoma and

Memphis, Tenn.; from Louisiana on and north of U. S. Highway 84 to Arkansas, which will permit a cross-haul into Oklahoma-Memphis.

HEARING: July 16, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 110541 (Sub No. 3) CORRECTION. The foregoing docket number is the correct docket number assigned to the Form BMC 78 application of MARK E. YODER, 41 Parkway, Schuylkill Haven, Pa., noticed on page 4122, of the issue of the FEDERAL REGISTER of June 11, 1958. The docket number shown in that previous publication as No. MC 11054 (Sub No. 3) was in error and should be disregarded.

No. MC 110567 (Sub No. 3), filed April 14, 1958. Applicant: E. R. GRISSOM AND C. B. GRISSOM, doing business as GRISSOM BROTHERS TRANSPORTS, P. O. Box 191, 300 North Commercial Avenue, Wynnewood, Okla. Applicant's attorney: Rufus H. Lawson, P. O. Box 7342, Oklahoma City 12, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils, road oils,* and *asphalt products and by-products,* in bulk, in tank vehicles, and in containers, from Ardmore, Okla., and points within five miles thereof, to points in Texas within 250 miles of Wynne Wood, Okla. *Empty containers* for the above-described, from points in Texas within 250 miles of Wynne Wood, Okla., to Ardmore, Okla., and points within five miles thereof.

NOTE: In Certificate No. MC 110567 applicant is authorized to transport among other authority, fuel oils, road oils and asphalt products and by-products, in bulk, in tank vehicles, and in containers, from Wynne Wood, Okla., and points within one mile thereof, to points in Texas within 250 miles of Wynne Wood, Okla., and Empty containers, for the above-described commodities, from points in Texas within 250 miles of Wynne Wood, Okla., to Wynne Wood and points within one mile thereof. Applicant is authorized to conduct operations in Arkansas, Oklahoma, and Texas.

HEARING: July 25, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 112822 (Sub No. 17), filed May 10, 1958. Applicant: EARL BRAY, INC., P. O. Box 910 (Linwood and North Streets), Cushing, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid wax,* in bulk, in tank vehicles, from Tulsa, Okla., and points within 20 miles thereof, to points in Nebraska, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, Kentucky, Tennessee, Arkansas, and Missouri (except points in Missouri south of U. S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U. S. Highway 66 to Springfield, Mo., and thence along U. S. Highway 65 to the Missouri-Arkansas State line); (2) *Liquid wax,* in bulk, in tank vehicles, from Ponca City, Okla., and points within 20 miles thereof, to points in Nebraska, South Dakota, Minnesota, Iowa (except Sioux City), Wisconsin, Illinois (except Harrisburg), Kentucky, Tennessee, Arkansas (except Fort Smith), and Missouri (except points in Missouri south of U. S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U. S. Highway 66 to Springfield, Mo., and thence along U. S. Highway 65 to the Missouri-Arkansas State line); (3) *Lubricating oil,* in bulk, in tank vehicles, from points in the Kansas City, Kansas-Missouri Commercial Zone to points in Arkansas (except Bald Knobb and Little Rock), and *damaged or contaminated products* on return. Applicant is authorized to conduct operations in Oklahoma, Kansas, Missouri, Iowa, Arkansas, Illinois, Mississippi, Nebraska, Indiana, Louisiana, Kentucky, Tennessee, South Dakota, Minnesota, and Wisconsin.

HEARING: July 23, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 112846 (Sub No. 18), filed June 2, 1958. Applicant: CLARE M. MARSHALL, INC., P. O. Box 611, Rouseville Road, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in insulated tank vehicles, from Petrolia, Pa., and points within three miles thereof, to points in Hamilton County, Ohio. Applicant is authorized to conduct operations in Delaware, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: July 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 114699 (Sub No. 9), filed June 6, 1958. Applicant: TANK LINES, INCORPORATED, P. O. Box 6415, North Dabney Road, Richmond, Va. Applicant's attorney: Alexander W. Neal, Jr., 905 Mutual Building, Richmond, Va. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Edible and inedible animal oils, greases, lard,* and *tallow,* in bulk, in tank vehicles, from Richmond, Va., to points in North Carolina, Tennessee, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia; and (2) *Refined vegetable oils, edible animal oils, greases, lard,* and *tallow,* in bulk, in tank vehicles, from Memphis and Chattanooga, Tenn., Atlanta and Macon, Ga., Charlotte, N. C., Cincinnati, Ohio, and Louisville, Ky., to Richmond, Va. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

HEARING: July 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 116119 (Sub No. 4), filed June 6, 1958. Applicant: JOHN F. HARRIS, doing business as HOGANS TRANSFER & STORAGE CO., 7 Third Street, Elkins, W. Va. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Laboratory and scientific furniture, equipment, fixtures, and parts,* from Elkins, W. Va., and points within fifteen (15) miles of Elkins, and points in Nassau County, N. Y., to points in Pennsylvania, Ohio, and North Carolina; and (2) *Such materials, components, and parts* as are used in the manufacture and assembly of the above-described commodities in (1), from points in the above-described destination areas to Elkins, W. Va., and points within fifteen (15) miles of Elkins, and points in Nassau County, N. Y. Applicant is authorized to conduct operations in Ohio and West Virginia.

NOTE: Applicant has common carrier, irregular route authority in Certificate No. MC 106002, dated February 11, 1958—section 210 (dual authority) may be involved.

HEARING: July 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 117029 (REPUBLICATION), filed November 8, 1957, published page 9905, issue of December 11, 1957. Applicant: GEORGE C. WIEGER CONTRACT CARRIER APPLICATION, 10 Hawthorne Avenue, Trenton, N. J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton 10, N. J. The following are excerpts from the Report and Order of the Commission, Division 1, entered in the subject proceeding and served June 6, 1958. The application, as originally filed, and the notice of the filing of the application, as previously published in the FEDERAL REGISTER under date of December 11, 1957, showed Trenton as the origin point of the outbound movement and indicated that there would be a return movement of used equipment. Thus, both the application and notice implied that the destination of the return movement was Trenton. The evidence of record, however, establishes that some used equipment would be returned to dealers' places of business at points other than Trenton, namely, Philadelphia, Pa., East Orange, N. J., and Copiague, Long Island, N. Y.; the remainder would be returned to the factory at Trenton. In effect, the scope of the application has been broadened. All possibly interested persons are entitled to notice of what is sought. Since the application and the notice failed to reflect the intent of applicant to serve the additional three points on the return movement, the lack of notice may have prejudiced some members of the public who have an interest in the proceeding but who are not now parties because of reliance upon the prior notice. In the circumstance, we shall republish in the FEDERAL REGISTER notice of the authority actually sought and shall withhold the issuance of a permit until the lapse of 30 days from the date of such republication, during which period any proper party in interest may file a protest and petition for further hearing.

We find that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of uncrated refrigerated display cases, walk-in refrigerator boxes, and refrigerating units and coils, from Trenton, N. J., to points in Connecticut, Delaware, Maryland, New York, and those in Pennsylvania on and east of U. S. Highway 19, and (2) of used and damaged refrigerator display cases and walk-in boxes from points in the above-described destination territory to Trenton and East Orange, N. J., Copiague, Long Island, N. Y., and Philadelphia, Pa., service under (1) above limited to shipments for which shipper requires installation by applicant and service under both (1) and (2) above to be restricted against the use of special motor vehicle equipment and limited to a transportation service to be performed under continuing contracts with C. V. Hill and Company, Inc., will be consistent with the public interest and the national transportation policy that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that a permit authorizing such operations should be granted after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought, and provided that no protests or petitions for further proceedings are received during such period; and that the application in all other respects should be denied.

No. MC 117317, filed April 1, 1958. Applicant: B. E. CAMERON, doing business as CAMERON TRUCK LINES, Route 4, Box 48, Tyler, Tex. Applicant's attorney: John W. Carlisle, 4608 South Main Street, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, insecticides* and *fungicides*, in bulk and in packages, from Pryor and Tulsa, Okla., and Houston, Corpus Christi, Harlingen, Dallas, Fort Worth, Sulphur Springs, and Texarkana, Tex., to points in Louisiana.

***HEARING:* August 1, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Walter R. Lee.**

No. MC 117317 (Sub No. 1), filed April 1, 1958. Applicant: B. E. CAMERON, doing business as CAMERON TRUCK LINES, Route 4, Box 48, Tyler, Tex. Applicant's attorney: John W. Carlisle, 4608 South Main Street, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in specialized trailers, from Jefferson Island, La., to points in Texas, Arkansas, and Oklahoma.

***HEARING:* August 1, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Walter R. Lee.**

No. MC 117343, filed April 15, 1958. Applicant: ANDY J. NOWLIN, doing business as ANCO SERVICE COMPANY, 737 Southeast 30th Street, Oklahoma City 9, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment, oilfield supplies, machinery, pipe, and tanks,* not to exceed the weight of 7,000 pounds, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in Arkansas, Texas, and Kansas.

HEARING: July 24, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 117378 (Sub No. 1), filed June 2, 1958. Applicant: GORDON H. LAWHORN, doing business as LAWHORN AUTO WRECKING, R. F. D. No. 2, Ellerson, Va. Applicant's representative: Thomas A. Williams, Jr., 1016 Mutual Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, including component units, such as busses, trucks, truck tractors, truck trailers and automobiles*, between points in Delaware, District of Columbia, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

HEARING: July 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 117400, filed May 19, 1958. Applicant: FORD CONTRACT CARRIER, INC., 800 Southwest Second Street, Oklahoma City., Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from New Orleans, La., and Golden, Colo., to points in Oklahoma; (2) *Janitor supplies, compounds and equipment*, from Oklahoma City, Okla., to points in Colorado and Louisiana.

NOTE: Applicant states that the above commodities will be transported under a continuing contract or contracts for Ford Distributing Co., Inc., Jax Beer Company, Inc., Ford Sales Company, Inc., and Mid-Continent Chemical Company, Inc.

HEARING: July 23, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 164), filed June 6, 1958. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of U. S. Highway 40 and U. S. Alternate 40 near Brownstown, Ill., and the junction of U. S. Highway 40 and U. S. Alternate 40 near Vandalia, Ill., over U. S. Highway 40, as an alternate route for operating convenience only, serving no intermediate points. Applicant is authorized to conduct operations in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, Maryland, Delaware, North Carolina, South Carolina, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Missouri, Kansas, Texas, Oklahoma, Georgia, Wisconsin, and the District of Columbia.

No. MC 4815 (Sub No. 3), filed June 3, 1958. Applicant: RALPH LINSTRUM, 322 Cranberry Run Drive, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and road construction materials* and such *bulk commodities* as are transported in open top trucks, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Beaver and Lawrence Counties, Pa.

NOTE: Applicant is authorized to conduct the above operations but restricted to the use of dump trucks.

No. MC 37578 (Sub No. 17), filed June 3, 1958. Applicant: JOSEPH W. TREHAN, INCORPORATED, 715 Mahoning Avenue, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and concrete products*, from Warren, Ohio, and points within 25 miles thereof to Ashland, Ky., and points in Wayne and Monroe Counties, Mich., those in Pennsylvania on and west of U. S. Highway 11, those in New York on and west of U. S. Highway 15, those in West Virginia on and north of U. S. Highway 50, and those in Kentucky located in the Cincinnati, Ohio, Commercial Zone as defined by the Commission, and *empty containers or other such incidental facilities*, (not specified) including empty returned pallets on return.

NOTE: Applicant is presently authorized to conduct the above operations from Warren, Ohio, and points within 10 miles thereof to points in the above destination territory. Duplication of authority should be eliminated.

No. MC 55696 (Sub No. 9), filed June 2, 1958. Applicant: RALPH JOHNSTON, Cawker City, Kans. Applicant's representative: E. M. Hickman, Manager, Lawrence Traffic Bureau, 625 Live Stock Exchange, Kansas City 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *parts*, from Cawker City, Kans., to Stockton, Calif., Grand Junction, Colo., Jacksonville, Fla., Dublin and Macon, Ga., Indianapolis, Ind., Fargo, N. Dak., Billings, Mont., Pendleton, Oreg., Memphis and Morristown, Tenn., Richmond, Va., Spokane, Wash., and points in Missouri and Nebraska. Applicant is authorized to conduct regular route operations in Kansas and Missouri and irregular route operations in Kansas, Missouri, and Nebraska.

No. MC 66562 (Sub No. 1426), filed June 5, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219

East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving Corfu, N. Y., as an off-route point in connection with applicant's authorized regular route operations between Clarence and Batavia, N. Y. Applicant is authorized to conduct operations throughout the United States.

No. MC 96949, POST ROAD STAGES, INC., Strong Road, Wapping (South Windsor), Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Assigned for hearing to determine whether the motor vehicle operations of the said carrier are and will be managed and operated in a common interest under common management and control with those of Harold J. A. Collins and Leslie M. Collins, doing business as Collins Bus Service, a multiple-State operator under Certificate No. MC–89433, and the eligibility of POST ROAD STAGES, INC. to engage in operations in interstate or foreign commerce with the State of Connecticut, under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 105651 (Sub No. 3), filed June 2, 1958. Applicant: WALTER HERMAN CASE, R. F. D. No. 1, North Tazewell, Va. Applicant's attorney: Albert G. Peery, Tazewell, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone dust* and *rock dust*, in bags and in bulk, (1) between Bishop, Va., and points within 10 miles thereof, on the one hand, and, on the other, Cucumber, W. Va., and points within 10 miles thereof; (2) between points in Tazewell County, Va., on the one hand, and, on the other, points in McDowell County, W. Va. Applicant is authorized to conduct operations in Virginia and West Virginia.

No. MC 109513 (Sub No. 7), filed June 6, 1958. Applicant: CHARLES B. RETZER, doing business as BEVERAGE TRANSPORTATION COMPANY, 2158 Hamilton Avenue, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Akron, Ohio. *Wines*, in packages, from Chicago, Ill., to Akron, Ohio. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from Akron, Ohio, to Milwaukee, Wis., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 109513 (Sub No. 6).

No. MC 115179 (Sub No. 5), filed June 2, 1958. Applicant: GLACKEN TRANSPORTATION, INC., 625 East Pershing Road, Decatur, Ill. Applicant's representative: W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (not including petroleum or oils with a petroleum base), in bulk, in tank vehicles, from Decatur, Ill., to points in Pennsylvania, except Pittsburgh. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 117431, filed June 2, 1958. Applicant: EVELYN HELINSKY, R. D. No. 1, Connellsville, Pa. Applicant's attorney: Richard F. Maize, 405–6 First National Bank Building., Connellsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wooden articles*, such as railroad ties, planks, barn poles, mine ties, highway fence posts, medium telephone poles, fence posts, blocks (various sizes), and bridge timber (various sizes), creosoted or chemically treated for purposes of preservation, from Dunbar Township, Fayette County, Pa., to points in West Virginia and Ohio.

No. MC 117444, filed June 6, 1958. Applicant: EARL L. HANSON, doing business as EARL HANSON TRUCKING CO., Route 4, Mt. Vernon, Wash. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Olivine sand*, in bulk and in sacks, from Hamilton, Wash., and points within ten (10) miles thereof, to ports of entry on the International Boundary line between the United States and Canada at or near Blaine and Sumas, Wash.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Sub No. 8), filed June 9, 1958. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers, between Gettysburg, Pa., and Washington, D. C., from Gettysburg over U. S. Highway 15 to Frederick, Md., thence over U. S. Highway 240 to Washington, and return over the same route, serving all intermediate points between Gettysburg, Pa., and Frederick, Md., restricted against the pick-up of passengers at Frederick on southbound trips and against discharge of passengers at Frederick, Md., on northbound trips. Applicant is authorized to conduct operations in Maryland, Pennsylvania, and the District of Columbia.

NOTE: Applicant states that the purpose of the instant application is to clarify the status of its operating rights under Certificate No. MC 109736 (Sub No. 5), and eliminate the present restriction against the transportation of traffic originating at Gettysburg and destined to Washington, or originating at Washington and destined to Gettysburg.

PETITIONS

No. MC 2923, PETITION FOR REOPENING OF "GRANDFATHER" CLAUSE APPLICATION AND AMENDMENT OF CERTIFICATE, filed June 6, 1958, David Azorsky and Joseph Wein, doing business as Dave's Trucking Company, Port Chester, N. Y. Applicant's representative: Charles A. Trayford, 155 East 40th Street, New York 16, N. Y. Petitioner is authorized in Certificate No. MC 2923, in part, to transport General commodities, with exceptions, between New York, N. Y., on the one hand, and, on the other, Linden, N. J., points in Westchester County, N. Y., those in Hudson and Essex Counties, N. J., and those in Fairfield County, Conn. Petitioner requests that the original proceeding in the instant docket be reopened and an amended certificate be issued to properly and correctly reflect the territorial authority which it originally requested, proved, and have actually been serving since the year 1919 continuously up to and including the present date. Petitioner states that the scope of the certificate in part, as it should have been issued is: General commodities, with exceptions, (1) between New York, N. Y., points in Westchester County, N. Y., points in Fairfield County, Conn., and points in Hudson and Essex Counties, N. J., (2) between Linden, N. J., on the one hand, and, on the other, New York, N. Y. Petitioner states that no issue is made of the commodity description.

NOTE: Petitioner is also authorized in said certificate to transport chemicals between Linden, N. J., on the one hand, and, on the other, Springdale, Conn.

No. MC 86779, PETITION FOR MODIFICATION OF CERTIFICATE, filed June 5, 1958, ILLINOIS CENTRAL RAILROAD COMPANY, 135 East 11th Place, Chicago 5, Ill. Applicant's attorney: Urchie B. Ellis, same address as applicant. Petitioner is authorized in Certificate No. MC 86779, under Part B, to transport General Commodities, with certain exceptions, between various points in Illinois, including Champaign, Clinton, Springfield, and Alhambra, Ill., subject to the following condition: "No shipment shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Clinton, Centralia, Springfield, Mattoon, and Kankakee, Ill." Petitioner has filed an application with the Illinois Commerce Commission to discontinue certain rail service between Chicago, Clinton, Springfield, and St. Louis, over which route it handles shipments for Railway Express Agency, Inc. If such service is discontinued it will not be possible to handle shipments of Railway Express Agency, Inc., between Chicago and Springfield and stations south to Alhambra in a manner satisfactory to the public, through express shipments to stations in the Clinton area may be handled by rail motor service. Petitioner desires to continue such service and the

most practical way of doing so is by rail between Chicago and Champaign, on other trains, and by substituted motor service between Champaign and Springfield and points south to Alhambra. Because of the keypoint restrictions existing at Clinton and Springfield, it is unlawful to transport shipments by truck from Champaign through Clinton to Springfield and beyond and return. If said restriction is eliminated at Clinton, petitioner will be able to handle express in substantially the same manner as at present. The only difference being that shipments would be handled from trains at Champaign instead of Clinton and Springfield. Wherefore, your petitioner prays that an order be entered modifying petitioner's consolidated certificate by eliminating the keypoint restriction at Clinton, Ill., insofar as it applies to express shipments only.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 22167 (Sub No. 8), filed May 23, 1958. Applicant: CONSOLIDATED COPPERSTATE LINES, 2163 East 14th Street, Los Angeles, Calif. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. The purpose of the instant application is to substitute Consolidated Copperstate Lines, No. MC 22167 (Sub No. 8), in lieu of Sunset Motor Lines, No. MC 60388 (Sub No. 43), as applicant in the proceedings directly related to MC-F 6824. The issues will be the same in the instant application as in the application of Sunset Motor Lines, which was published in the FEDERAL REGISTER January 30, 1958, at page 631. A publication of the notice of filing of No. MC-F 6824 published in the FEDERAL REGISTER issue of January 30, 1958 indicated that BMC 78 application of Sunset Motor Lines, Docket No. MC 60388 (Sub No. 43), was directly related. This was in error and should be disregarded. The subject application, MC 22167 (Sub No. 8), is directly related to MC-F 6824, which proceedings are assigned for hearing June 30, 1958, at Dallas, Texas.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6923 (BYERS TRANSPORTATION CO., INC.—PURCHASE (PORTION)—W. E. MURRAY TRANSFER & STORAGE CO.), published in the June 11, 1958, issue of the FEDERAL REGISTER on page 4130. Application filed June 9, 1958, for temporary authority under section 210a (b).

No. MC-F 6927. Authority sought for purchase by INTER-CITY AUTO FREIGHT, INC., 1821 Dock Street, Tacoma 2, Wash., of the operating rights and property of CONCRETE MOTOR FREIGHT CO., 208 Matheson Building, Mount Vernon, Wash., and for acquisition by J. H. GALBRAITH, Route 1, Box 255B, Gig Harbor, Wash., of control of such rights and property through the purchase. Applicant's attorneys: E. K. Murray and E. M. Murray, both of 1012 Rust Building, Tacoma 2, Wash. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods and commodities in bulk, as a *common carrier,* over regular routes between Mt. Vernon, Wash., and Marblemount, Wash., and between Concrete, Wash., and Baker Lake, Wash., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Washington. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6928. Authority sought for purchase by WESTWOOD CARTAGE, INC., Route 1 (near Everett Street), Westwood, Mass., of the operating rights of GROCERY HAULAGE, INC., 32 Westminster Street, Providence, R. I., and for acquisition by JOHN J. McCARTHY, JR., 425 Canton Avenue, Milton, Mass., of control of such rights through the purchase. Applicants' attorney: Ewald E. Kundtz, 1104 Terminal Tower Building, Cleveland 13, Ohio. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies,* used in the conduct of such business, as a *contract carrier* over irregular routes, between certain points in Connecticut, Massachusetts, and Rhode Island. Vendee is authorized to operate as a *contract carrier* in Massachusetts, New Hampshire, Rhode Island, and Maine. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6929. Authority sought for purchase by W. THAYER MARTIN, doing business as MARTIN BROTHERS, 208 Main Street, Mitchell, Ind., of the operating rights and property of THOMAS W. MARTIN (LOUCISSA G. MARTIN, EXECUTRIX), and W. THAYER MARTIN, doing business as MARTIN BROTHERS, East Poland Avenue, Bessemer, Pa. Applicants' attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Coal, building materials,* and *road building and maintenance materials,* as a *common carrier* over irregular routes, between certain points in Pennsylvania, on the one hand, and, on the other, certain points in Ohio; *such bulk commodities* as are transported in dump trucks, between certain points in Pennsylvania, Ohio, and West Virginia; *cement,* in packages, from Bessemer, Pa., to certain points in Ohio and West Virginia; *cement,* in bulk and packages, from Bessemer, Pa., to points in Summit County, Ohio, Alleghany and Garrett Counties, Md., and Chautauqua and Cattaraugus Counties, N. Y.; *structural facing tile* and *glazed face brick,* from points in Darlington Township, Beaver County, Pa., to points in New York, New Jersey, Maryland, Delaware, Ohio, West Virginia, Virginia, Indiana, Illinois, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, and the District of Columbia, except points in Ohio, Indiana, Illinois, and Kentucky which are within 200 miles of Lawrence County, Ind.; *brick,* from Bessemer, Pa., and points in Darlington Township, Beaver County, Pa., to points in New York, Ohio, West Virginia, and Maryland within 150 miles of Bessemer and Darlington Township, respectively; *saggers* and *fire clay shapes,* from New Castle, Pa., to points in New York, New Jersey, Illinois, Indiana, Ohio, Michigan, West Virginia, Virginia, and Tennessee, except points in Illinois, Indiana, and Ohio which are within 200 miles of Lawrence County, Ind.; *skids* and *pallets,* used in the transportation of the above-specified commodities, from the above-specified destination points to the above-specified origin points. Vendee holds no authority from this Commission, however he is affiliated with MARTIN BROS. TRUCKING, INC., Indianapolis, Ind., which is authorized to operate as a *contract carrier* in Indiana, Ohio, Kentucky, and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6930. Authority sought for control and merger by STEFFKE FREIGHT CO., 204 South Bellis Street, P. O. Box 990, Wausau, Wis., of the operating rights and property of TRANSPORT DELIVERY SYSTEM, INC., [illegible] Broadway, Green Bay, Wis., and for acquisition by MALCOLM J. BOYLE, JR., also of Wasau, and STEADFAST OPERATING COMPANY, c/o Mr. D. M. Healy, 231 South La Salle Street, Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorney: Axelrod, Goodman & Steiner, [illegible] South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *Petroleum products,* in bulk, in tank vehicles, as a *common carrier* over irregular routes from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to certain points in Wisconsin, and from Green Bay, Wis., to certain points in Michigan; *petroleum products,* in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M. C. C. 209, 294, from Lemont, Ill., to certain points in Wisconsin and from Blooming Grove in Dane County, Wis., to points in the upper peninsula of Michigan; *used petroleum oils,* in bulk, in tank vehicles, from West Allis, Wis., to McCook, Ill.; *liquid wood preserving and treating compound,* in bulk, in tank vehicles, from Oshkosh, Wis., to points in the upper peninsula of Michigan. STEFFKE FREIGHT CO. is authorized to operate as a *common carrier* in Illinois, Wisconsin, Michigan, and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6931. Authority sought for purchase by STELLA LOUISE MILLSTEAD AND HARRY LEE MILLSTEAD, doing business as MILLSTEAD TRANSFER AND STORAGE, 122 Park Avenue, Bartlesville 1, Okla., of the operating rights and property of C. REX ISAACS, doing business as REX TRANSFER AND STORAGE, 709 Union Street, Coffeyville 1, Kans. Applicants' attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Coffeyville, Kans., and points within 25 miles thereof, on the one hand, and, on the other, points in Kansas, Missouri, and Oklahoma; *catalogues*, from Coffeyville, Kans., to certain points in Oklahoma. Vendee is authorized to operate as a *common carrier* in Oklahoma, Arkansas, Kansas, Texas, Colorado, Illinois, Indiana, Iowa, Kentucky, Nebraska, New Mexico, Missouri, Maine, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, Montana, and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6932. Authority sought for purchase by MARCELL'S MOTOR EXPRESS, INC., 947 Shelburne Road, South Burlington, Vt., of the operating rights and property of HAWTHORN'S TRANSPORTATION CO., INC. (EDMUND J. HAUS, RECEIVER), 4 Hazen Street, White River Junction, Vt., and for acquisition by PHILIP H. MARCELL, also of South Burlington, of control of such rights and property through the purchase. Applicants' attorneys: Drew L. Carraway, 618 Perpetual Building, Washington, D. C., and J. Boone Wilson, 178 Main Street, Burlington, Vt. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of *property* as a *common carrier*, over regular routes, between specified points in the State of Vermont, as more fully described in Docket No. MC 97732. Vendee is authorized to operate as a *common carrier* in New York, Vermont, New Hampshire, Connecticut, Massachusetts, New Jersey, Maine, and Rhode Island. Application has been filed for temporary authority under section 210a (b).

NOTE: Application will be filed and published in the FEDERAL REGISTER at a later date as a matter directly related.

No. MC–F 6933. Authority sought for purchase by FRUIT BELT MOTOR SERVICE, INC., 3909 West Harrison Street, Chicago 24, Ill., of the operating rights of J. W. HUMBERT, INC., Kansas Street, Green Springs, Ohio, and for acquisition by HAROLD J. ALEXANDER and PEARL ALEXANDER, both of Chicago, of control of such rights through the purchase. Applicants' attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Operating rights sought to be transferred: *Household appliance parts*, as a *contract carrier* over irregular routes, from Detroit, Ecorse, and Wyandotte, Mich., points in Ohio except Clyde, and from Elmira, N. Y., and points within three miles of Elmira, to Cylde, Ohio, and from Detroit, Ecorse, and Wyandotte, Mich., to Elmira, N. Y., and points within three miles thereof; *defective shipments* of household appliance parts and *skids, pallets, and containers* used in the transportation thereof, from the above-specified destination points to the above-specified points of origin; *electric motors and washing machine parts*, from Dayton, Ohio, to Tecumseh, Mich., and from Tecumseh, Mich., to Clyde, Ohio; *skids and containers* used in the transportation of electric motors and washing machine parts, from the specified destination points immediately above to the respective origin points indicated. Vendee is authorized to operate as a *contract carrier* in Michigan, Indiana, Illinois, Ohio, Iowa, Wisconsin, Kentucky, and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6934. Authority sought for purchase by CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich., of a portion of the operating rights and property of STEFFKE FREIGHT CO., 204 South Bellis Street, P. O. Box 990, Wausau, Wis., and for acquisition by RUTH K. NORTON and HERBERT J. NORTON, both of Escanaba, of control of such rights and property through the purchase. Applicants' attorneys: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis., and Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Menominee, Mich., and Ishpeming, Mich., between Green Bay, Wis., and Menominee, Mich., between Oconto, Wis., and Gillett, Wis., between Green Bay, Wis., and Iron Mountain, Mich., between Menominee, Mich., and Pound, Wis., between Marinette, Wis., and Winesville, Wis., between junction Wisconsin Highway 180 and Marinette County Highway G, and junction Marinette County Highway G and Marinette County Highway E, between junction Marinette County Highway G and Marinette County Highway E, and junction Wisconsin Highway 64 and Marinette County Highway E, between Marinette, Wis., and junction Wisconsin Highway 64 and Marinette County Highway E, and between Laona, Wis., and Gillett, Wis., serving certain intermediate and off-route points; alternate routes for operating convenience only between Iron Mountain, Mich, and junction U. S. Highways 2 and 41, near Powers, Mich., and between Iron Mountain, Mich., and Ishpeming, Mich.; *general commodities*, except Class A and B explosives, and except livestock, commodities in bulk, and those requiring special equipment, between Laona, Wis., and junction U. S. Highways 8 and 141, between Florence, Wis., and junction Wisconsin Highway 101 and U. S. Highway 8, and between Iron Mountain, Mich., and junction Florence County Highway U and U. S. Highway 8, serving all intermediate points; *fresh fish*, from Escanaba, Mich., to Menominee, Mich., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Wisconsin, Michigan, and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6935. Authority sought for control and merger by ALL STATES FREIGHT, INCORPORATED, 1250 Kelly Avenue, Akron, Ohio, of TARBET TRUCKING, INC., 311 East 18th Street, Muncie, Ind., and for acquisition by C. O. BELL, 929 Greenwood Avenue, Akron, Ohio, BENJAMIN W. CHIDLAW, 13515 Shaker Boulevard, Cleveland, Ohio, MORRIS J. HARTMAN, 19300 Shelburne Road, Shaker Heights, Ohio, CHESTER H. LANG, 1002 North Country Club Road, Schenectady, N. Y., D. W. McCLELLAND, 2477 Addyston Road, Akron, Ohio, SAM S. MULLIN, 2572 Guilford Road, Cleveland, Ohio, JAMES S. PEDLER, 563 Delaware Avenue, Akron, Ohio, J. F. POETZINGER, 3339 Tisen Road, Akron, Ohio, and P. M. THOMAS, 767 Swartz Road, Akron, Ohio, of control of TARBET TRUCKING, INC., through the acquisition by ALL STATES FREIGHT, INCORPORATED. Applicants' representative: James S. Pedler, Jr., Secretary, All States Freight, Incorporated, 1250 Kelly Avenue, P. O. Box 7036, Akron 6, Ohio. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Muncie, Ind., and St. Louis, Mo., between Muncie, Ind., and Buffalo, N. Y., between Muncie, Ind., and Detroit, Mich, between Muncie, Ind., and Chicago, Ill., between Muncie, Ind., and Cincinnati, Ohio, between Indianapolis, Ind., and Louisville, Ky., between Sandusky, Ohio, and Milan, Ohio (for use as a connecting route only), between Marion, Ind., and Peru, Ind. (for use as a connecting route only), and between Muncie, Ind., and junction Indiana Highways 9 and 67 (for use as a connecting route only), serving certain intermediate and off-route points; several alternate routes for operating convenience only; *transmissions, transmission casings*, and *transmission parts*, between Kenosha, Wis., and Chicago, Ill., and between Chicago, Ill., and Kenosha, Wis., serving no intermediate points; *sodium cyanide*, from Niagara Falls, N. Y., to Buffalo, N. Y., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in Illinois within 30 miles of Chicago. ALL STATES FREIGHT, INCORPORATED, is authorized to operate as a *common carrier* in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4607; Filed, June 17, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1979]

NATIONAL UNION INSURANCE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 12, 1958.

In the matter of National Union Insurance Company, Common Stock, File No. 1-1979.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This application is based on the small trading volume in the issue on the Exchange, and has been made at the request of the issuer.

Upon receipt of a request, on or before June 30, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4593; Filed, June 17, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIII-11, Amdt. 1]

CHIEF, LOAN PROCESSING SECTION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-XIII-11 (23 F. R. 3798), is hereby amended by:

Adding the following subparagraphs to paragraph I. A.:

5. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, or the Chairman, Loan Review Board, by issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority.

6. To execute as approving official SBA Form 191, "Request for Disbursement", and SBA Form 192, "Notification of Checks Delivered".

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To effect deferment of payments on principal and interest falling due prior to or within 30 days after the initial disbursement on account of a loan.

Dated: June 11, 1958.

E. D. PETERSON,
Chief,
Financial Assistance Division.
Region XIII.

[F. R. Doc. 58-4599; Filed, June 17, 1958; 8:47 a. m.]

[Delegation of Authority 30-V-5, Amdt. 2]

BRANCH MANAGER, BIRMINGHAM, ALA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-5, as amended (22 F. R. 8009, 23 F. R. 867) is further amended by deleting paragraph I.B.3.a. in its entirety and substituting the following in lieu thereof:

To approve but not decline direct business loans in an amount not exceeding $12,000.

Dated: April 28, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-4595; Filed, June 17, 1958; 8:47 a. m.]

[Delegation of Authority 30-V-6, Amdt. 2]

BRANCH MANAGER, MIAMI, FLA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-6, as amended (22 F. R. 8009, 23 F. R. 867) is further amended by deleting paragraph I.B.3.a. in its entirety and substituting the following in lieu thereof:

To approve but not decline direct business loans in an amount not exceeding $12,000.

Dated: April 28, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-4596; Filed, June 17, 1958; 8:47 a. m.]

[Delegation of Authority 30-V-7, Amdt. 2]

BRANCH MANAGER, MEMPHIS, TENN.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-7, as amended (22 F. R. 8009, 23 F. R. 867) is further amended by deleting paragraph I.B.3.a. in its entirety and substituting the following in lieu thereof:

To approve but not decline direct business loans in an amount not exceeding $12,000.

Dated: April 28, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-4597; Filed, June 17, 1958; 8:47 a. m.]

[Declaration of Disaster Area 180]

WISCONSIN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: St. Croix, Chippewa and Dunn (Tornado occurring on or about June 4, 1958).

Offices: Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minnesota.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1958.

Dated: June 5, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-4601; Filed, June 17, 1958; 8:47 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958 crop of grain sorghums. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and certain other commodities produced in 1958 is supplemented as follows:

Sec.
421.3226 Purpose.
421.3227 Availability of price support.
421.3228 Eligible grain sorghums.
421.3229 Warehouse receipts.
421.3230 Determination of quantity.
421.3231 Determination of quality.
421.3232 Maturity of loans.
421.3233 Support rates.
421.3234 Warehouse charges.
421.3235 Inspection of grain sorghums under purchase agreement.
421.3236 Settlement.

AUTHORITY: §§ 421.3226 to 421.3236 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.3226 *Purpose.* Sections 421.3226 to 421.3236 state additional specific regulations which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1, (§§ 421.3001 to 421.3020), apply to loans and purchase agreements under the 1958-Crop Grain Sorghums Price Support Program.

§ 421.3227 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever grain sorghums are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that grain sorghums cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing grain sorghums in 1958 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible grain sorghums harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 6 ($1.50)
Title 26, 1957 Added Pocket Parts:
  Parts 1–79 ($0.25)
  Parts 80–169 ($0.25)
  Parts 170–182 ($0.20)
Titles 44–45, 1957 Added Pocket Part ($0.35)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26 (1954), Parts 1–19, Rev. Jan. 1, 1958 ($3.00), Parts 20–221, Rev. Jan. 1, 1958 ($2.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Parts 800–1099 ($0.65), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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§ 421.3228 *Eligible grain sorghums.* Grain sorghums, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The grain sorghums must have been produced in the continental United States in 1958 by an eligible producer.

(b) At the time the grain sorghums are placed under loan or delivered under a purchase agreement the beneficial interest in the grain sorghums must be in the eligible producer tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support. To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the grain sorghums were produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether requirements with respect to succession have been met.

(c) Grain sorghums, at the time they are placed under loan, and grain sorghums under purchase agreement which are in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The grain sorghums must be of any class grading No. 4 or better, No. 4 "Smutty" or better, or No. 4 "Discolored" or better.

(2) Grain sorghums grading "Weevily," or containing mercurial compounds or other substances poisonous to man or animals, or containing in excess of 13 percent moisture, shall not be eligible, except that grain sorghums represented by warehouse receipts which indicate that the grain sorghums are ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that grain sorghums of 13 percent moisture or less of an eligible grade which meets the requirements of subparagraph (1) of this paragraph will be delivered as shown in subdivision (i) of this subparagraph if the grain sorghums received in the warehouse contain from 13.1 to 15.0 percent moisture and as shown in subdivision (ii) of this subparagraph if the grain sorghums received in the warehouse contain moisture in excess of 15.0 percent:

(i) On grain sorghums containing over 13 percent moisture and not in excess of 15 percent moisture, delivery will be made of grain sorghums which grade No. ______, which contain not in excess of 13 percent moisture, and which are otherwise of the same quality or better and of the same quantity as the grain sorghums described on warehouse receipt No. ______. No lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or from any subsequent holder of the warehouse receipt.

(ii) On grain sorghums containing in excess of 15 percent moisture, delivery will be made of grain sorghums which grade No. ______, which contain not in excess of 13 percent moisture, which are otherwise of the same quality or better as the grain sorghums described on warehouse receipt No. ______ and which are the actual quantity obtained after drying the grain sorghums described in such receipt to not in excess of 13 percent moisture. No lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(3) If offered as security for a farm-storage loan the grain sorghums must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.3235 (a), grain sorghums under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.3235 (a) and the grain sorghums on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.3229 *Warehouse receipts.* Warehouse receipts, representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show (i) gross weight, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) moisture, (vi) dockage, (vii) any other grading factor(s) when such factor(s) and not test weight, determine the grade and (viii) whether the grain sorghums arrived by rail, truck, or barge. In the case of grain sorghums delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge if such certificate is issued.

(2) If the warehouseman has furnished a statement as provided in § 421.3228 (c) (2) (i) or (ii), the supplemental certificate must show the numerical grade, grading factors and the quantity of the grain sorghums to be delivered. Where the grade, grading factors or the quantity of the grain sorghums shown on the supplemental certificate do not agree with the warehouse receipt, the grade, factors and quantity shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of grain sorghums.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3234.

(e) Warehouse receipts representing grain sorghums which have been shipped by rail or water from a country shipping point must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

(f) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

(g) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the grain sorghums are insured, in accordance with CCC Form 25, Uniform Grain Storage Agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing grain sorghums to be placed under loan shall indicate that the grain sorghums are insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado.

§ 421.3230 *Determination of quantity.* (a) The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity of grain sorghums delivered under a farm-storage loan or under a purchase agreement shall be determined by weight. The quantity of grain sorghums on which a warehouse-storage loan shall be made shall be the net weight of the grain sorghums represented by the warehouse receipt or on the supplemental certificate if applicable.

(b) When the quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of grain sorghums is determined by measurement, 100 pounds shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel. The quantity determined by measurement of grain sorghums having a test weight of less than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For grain sorghums testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 421.3231 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 421.3232 *Maturity of loans.* Loans mature on demand but not later than March 31, 1959.

§ 421.3233 *Support rates.* Basic support rates for grain sorghums placed under loan or delivered under a purchase agreement will be as set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	*Rate per hundredweight*
Omaha, Nebr	$2.22
Council Bluffs, Iowa	2.22
Sioux City, Iowa	2.22
Atchison, Kans	2.31
Kansas City, Kans	2.31
Kansas City, Mo	2.31
Saint Joseph, Mo	2.31
Corpus Christi, Tex	2.35
Galveston, Tex	2.35
Houston, Tex	2.35
New Orleans, La	2.35
Port Arthur, Tex	2.35
St. Louis, Mo	2.40
Memphis, Tenn	2.42
Cairo, Ill	2.40

(2) In order to be eligible for loan or purchase at the support rates shown in the above schedule, the grain sorghums must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any grain sorghums shipped at other than the domestic interstate freight rate, shall be reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) The support rate for grain sorghums which are shipped by rail or water and stored at any designated terminal market, for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall be equal to the terminal rate minus 20 cents per 100 pounds.

(5) The support rate for grain sorghums received by truck and stored at the following terminal markets shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	*Amount of deduction (cents per 100 pounds)*
Omaha, Nebr.; Sioux City, Iowa; Council Bluffs, Iowa; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Saint Joseph, Mo.; Atchison, Kans.; Cairo, Ill	29
Memphis, Tenn	31

(6) (i) Notwithstanding the foregoing provisions of this paragraph the support rate for grain sorghums shipped by rail or water and stored at any of the following terminal markets for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall be equal to the applicable terminal rate:

Corpus Christi, Tex.; Galveston, Tex.; Houston, Tex.; Port Arthur, Tex.; and New Orleans, La.

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	*Amount of deduction (cents per 100 pounds)*
Corpus Christi, Tex.; Houston, Tex.; Galveston, Tex.; Port Arthur, Tex.; New Orleans, La	11

(b) *Support rates for grain sorghums in approved warehouse-storage at other than designated terminal markets.* (1) Except for grain sorghums stored in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah and Washington, the support rates for grain sorghums which are shipped by rail or water and which are stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance if any (plus tax) of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such grain sorghums to the point of storage: *And provided further*, That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(2) (i) For grain sorghums produced and stored in approved warehouses in the States of Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah and Washington the support rate shall be the county support rate for the county in which the grain sorghums are stored except as provided in subdivisions (ii) and (iii) of this subparagraph.

(ii) For grain sorghums which are shipped by rail or water in line to designated coast ports as determined by the appropriate CSS commodity office, and stored in approved warehouses the support rate shall be determined by adding to the county support rate for the county from which the grain sorghums were shipped the value of the freight paid (plus tax) from point of origin to storage and UGSA handling charges at point of origin, except that for the States of Arizona, California and Washington such handling charges shall be 7½ cents per 100 pounds. The warehouse receipts must be accompanied by the original paid registered freight bills or a certificate signed by the warehouseman as set forth in § 421.3229 (e). If the grain sorghums are stored "in-transit" in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement, as determined by CCC, shall be deducted from the support rate as determined in this paragraph.

(iii) For grain sorghums moved by truck to approved warehouse storage in designated coast ports as determined by the appropriate CSS commodity office, the support rate shall be determined by adding to the county support rate for the county where the grain sorghums were produced the actual trucking charges determined by the county committee, but not in excess of the lowest rail freight rate (plus tax) plus 4 cents per hundredweight from origin point to storage, except that for grain sorghums produced in the States of Arizona, California and Washington the trucking charges shall not exceed the lowest rail freight rate (plus tax) from origin point to storage.

(3) If CCC determines that grain sorghums originating in States other than those listed in subparagraph (2) (i) of this paragraph may be shipped by rail in line to designated coast ports as determined by the appropriate CSS commodity offices for storage in approved warehouses within the States listed in subparagraph (2) (i) of this paragraph, the support rate shall be as determined in subparagraph (2) (ii) of this paragraph for States other than Arizona, California and Washington.

(4) If CCC determines that grain sorghums originating in States other than those listed in subparagraph (2) (i) of this paragraph may be shipped by truck to approved West Coast port storage, the support rate shall be as determined in subparagraph (2) (iii) of this paragraph for States other than Arizona, California and Washington.

(5) For grain sorghums originating in States other than those listed in subparagraph (2) (i) of this paragraph which are moved to storage within the States listed in subparagraph (2) (i) of this paragraph and not authorized under subparagraphs (3) and (4) of this paragraph, the support rate shall be the county support rate for the county where stored.

(c) *Basic county support rates.* The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be based on the support rate established for the county in which the grain sorghums are stored. If two or more warehouses are located in the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

Alabama

County	*Rate per hundredweight*
All counties	$1.90

Arizona

County	*Rate per hundredweight*	*County*	*Rate per hundredweight*
Apache	$1.61	Mohave	$1.61
Cochise	1.94	Navajo	1.61
Coconino	1.61	Pima	2.10
Gila	1.49	Pinal	2.16
Graham	1.80	Santa Cruz	1.91
Greenlee	1.63	Yavapai	1.61
Maricopa	2.16	Yuma	2.21

Arkansas

County	*Rate per hundredweight*	*County*	*Rate per hundredweight*
Arkansas	$1.90	Mississippi	$1.99
Clay	1.95	Monroe	1.94
Cleburne	1.93	Phillips	1.94
Craighead	1.97	Poinsett	1.97
Crittenden	2.07	Prairie	1.93
Cross	2.01	Pulaski	1.89
Fulton	1.89	Randolph	1.95
Greene	1.95	St. Francis	2.01
Independence	1.92	Sharp	1.89
Jackson	1.95	White	1.95
Jefferson	1.89	Woodruff	1.96
Lawrence	1.95	All other counties	1.88
Lee	2.01		
Lonoke	1.93		

California

Alameda	$2.37	Riverside	$2.25
Amador	2.35	Sacramento	2.34
Butte	2.24	San Benito	2.27
Calaveras	2.35	San Bernardino	2.30
Colusa	2.27	San Diego	2.22
Contra Costa	2.35	San Francisco	2.37
El Dorado	2.29	San Joaquin	2.37
Fresno	2.26	San Luis Obispo	2.19
Glenn	2.22	San Mateo	2.36
Imperial	2.17	Santa Barbara	2.20
Inyo	2.00	Santa Clara	2.34
Kern	2.21	Santa Cruz	2.29
Kings	2.26	Shasta	2.12
Lake	2.24	Sierra	2.01
Lassen	1.95	Siskiyou	1.92
Los Angeles	2.33	Solano	2.32
Madera	2.29	Sonoma	2.32
Marin	2.35	Stanislaus	2.36
Merced	2.32	Sutter	2.28
Modoc	1.82	Tehama	2.18
Mono	1.95	Tulare	2.25
Monterey	2.25	Ventura	2.32
Napa	2.33	Yolo	2.30
Orange	2.31	Yuba	2.29
Placer	2.31		
Plumas	2.00		

Colorado

Adams	$1.63	Kit Carson	$1.67
Alamosa	1.60	La Plata	1.60
Arapahoe	1.63	Larimer	1.63
Archuleta	1.60	Las Animas	1.62
Baca	1.66	Lincoln	1.63
Bent	1.65	Logan	1.63
Boulder	1.63	Mesa	1.60
Chaffee	1.60	Moffat	1.60
Cheyenne	1.67	Montrose	1.60
Conejos	1.60	Morgan	1.63
Costilla	1.60	Otero	1.63
Crowley	1.63	Ouray	1.60
Custer	1.60	Phillips	1.68
Delta	1.60	Pitkin	1.60
Denver	1.63	Prowers	1.67
Dolores	1.60	Pueblo	1.63
Douglas	1.63	Rio Blanco	1.60
Eagle	1.60	Rio Grande	1.60
Elbert	1.63	Routt	1.60
El Paso	1.63	Saguache	1.60
Fremont	1.60	San Miguel	1.60
Garfield	1.60	Sedgwick	1.63
Grand	1.60	Summit	1.60
Huerfano	1.60	Washington	1.63
Jackson	1.60	Weld	1.63
Jefferson	1.63	Yuma	1.67
Kiowa	1.66		

Florida

All counties	$1.90

Georgia

All counties	$1.95

Idaho

All counties	$1.65

Illinois

All counties	$1.75

Indiana

All counties	$1.80

Iowa

County	*Rate per hundredweight*	*County*	*Rate per hundredweight*
Adair	$1.83	Marion	$1.76
Adams	1.85	Marshall	1.77
Audubon	1.86	Mills	1.88
Boone	1.80	Monona	1.88
Buena Vista	1.79	Montgomery	1.88
Calhoun	1.82	O'Brien	1.80
Carroll	1.86	Osceola	1.79
Cass	1.85	Page	1.88
Cherokee	1.81	Palo Alto	1.76
Clarke	1.80	Plymouth	1.83
Clay	1.78	Pocahontas	1.78
Crawford	1.87	Polk	1.80
Dallas	1.81	Pottawattamie	1.88
Decatur	1.76	Ringgold	1.78
Dickinson	1.76	Sac	1.82
Fremont	1.88	Shelby	1.88
Greene	1.82	Sioux	1.82
Guthrie	1.83	Story	1.80
Hamilton	1.78	Taylor	1.83
Hardin	1.76	Union	1.83
Harrison	1.88	Warren	1.80
Ida	1.83	Wayne	1.77
Jasper	1.76	Webster	1.80
Lucas	1.79	Woodbury	1.84
Lyon	1.79	All other counties	1.75
Madison	1.80		

Kansas

Allen	$1.92	Linn	$1.94
Anderson	1.94	Logan	1.73
Atchison	1.97	Lyon	1.91
Barber	1.80	McPherson	1.83
Barton	1.80	Marion	1.84
Bourbon	1.94	Marshall	1.91
Brown	1.94	Meade	1.73
Butler	1.84	Miami	1.97
Chase	1.88	Mitchell	1.85
Chautauqua	1.88	Montgomery	1.91
Cherokee	1.91	Morris	1.87
Cheyenne	1.72	Morton	1.67
Clark	1.74	Nemaha	1.92
Clay	1.86	Neosho	1.92
Cloud	1.85	Ness	1.79
Coffey	1.92	Norton	1.80
Comanche	1.76	Osage	1.93
Cowley	1.84	Osborne	1.82
Crawford	1.92	Ottawa	1.84
Decatur	1.76	Pawnee	1.80
Dickinson	1.84	Phillips	1.80
Doniphan	1.93	Pottawatomie	1.92
Douglas	1.97	Pratt	1.80
Edwards	1.80	Rawlins	1.73
Elk	1.88	Reno	1.82
Ellis	1.80	Republic	1.85
Ellsworth	1.82	Rice	1.82
Finney	1.73	Riley	1.91
Ford	1.77	Rooks	1.80
Franklin	1.97	Rush	1.80
Geary	1.88	Russell	1.80
Gove	1.75	Saline	1.83
Graham	1.79	Scott	1.73
Grant	1.72	Sedgwick	1.84
Gray	1.75	Seward	1.71
Greeley	1.72	Shawnee	1.94
Greenwood	1.89	Sheridan	1.75
Hamilton	1.72	Sherman	1.72
Harper	1.82	Smith	1.82
Harvey	1.84	Stafford	1.80
Haskell	1.73	Stanton	1.69
Hodgeman	1.79	Stevens	1.70
Jackson	1.94	Sumner	1.84
Jefferson	1.97	Thomas	1.73
Jewell	1.83	Trego	1.79
Johnson	1.97	Wabaunsee	1.91
Kearny	1.72	Wallace	1.72
Kingman	1.83	Washington	1.87
Kiowa	1.80	Wichita	1.72
Labette	1.91	Wilson	1.91
Lane	1.75	Woodson	1.92
Leavenworth	1.97	Wyandotte	1.97
Lincoln	1.83		

Kentucky

All counties	$1.90

LOUISIANA

County	Rate per hundredweight
All counties	$1.90

MICHIGAN

County	Rate per hundredweight
All counties	$1.75

MINNESOTA

County	Rate per hundredweight
All counties	$1.70

MISSISSIPPI

County	Rate per hundredweight
All counties	$1.90

MISSOURI

County	Rate per hundredweight	County	Rate per hundredweight
Andrew	$1.96	Holt	$1.92
Atchison	1.90	Howard	1.90
Barton	1.92	Jackson	1.97
Bates	1.97	Jasper	1.91
Benton	1.93	Johnson	1.96
Buchanan	1.96	Lafayette	1.96
Caldwell	1.96	Linn	1.91
Carroll	1.95	Livingston	1.94
Cass	1.97	Mercer	1.90
Cedar	1.94	Morgan	1.90
Chariton	1.93	Nodaway	1.92
Clay	1.97	Pettis	1.93
Clinton	1.96	Platte	1.97
Cooper	1.91	Polk	1.91
Dade	1.91	Ray	1.97
Daviess	1.95	Saint Clair	1.95
De Kalb	1.96	Saline	1.95
Gentry	1.93	Sullivan	1.90
Grundy	1.92	Vernon	1.94
Harrison	1.91	Worth	1.91
Henry	1.96	All other counties	1.90
Hickory	1.92		

NEBRASKA

County	Rate per hundredweight	County	Rate per hundredweight
Adams	$1.83	Jefferson	$1.88
Antelope	1.80	Johnson	1.90
Arthur	1.69	Kearney	1.81
Banner	1.60	Keith	1.69
Blaine	1.71	Keya Paha	1.71
Boone	1.83	Kimball	1.63
Box Butte	1.62	Knox	1.77
Boyd	1.75	Lancaster	1.89
Brown	1.70	Lincoln	1.72
Buffalo	1.78	Logan	1.71
Burt	1.88	Loup	1.75
Butler	1.88	McPherson	1.69
Cass	1.89	Madison	1.83
Cedar	1.79	Merrick	1.83
Chase	1.69	Morrill	1.59
Cherry	1.66	Nance	1.84
Cheyenne	1.63	Nemaha	1.90
Clay	1.85	Nuckolls	1.85
Colfax	1.88	Otoe	1.89
Cuming	1.88	Pawnee	1.91
Custer	1.74	Perkins	1.69
Dakota	1.84	Phelps	1.80
Dawes	1.57	Pierce	1.82
Dawson	1.76	Platte	1.85
Deuel	1.67	Polk	1.85
Dixon	1.82	Red Willow	1.76
Dodge	1.88	Richardson	1.92
Douglas	1.88	Rock	1.71
Dundy	1.68	Saline	1.89
Fillmore	1.87	Sarpy	1.88
Franklin	1.81	Saunders	1.88
Frontier	1.76	Scotts Bluff	1.56
Furnas	1.79	Seward	1.88
Gage	1.90	Sheridan	1.61
Garden	1.62	Sherman	1.78
Garfield	1.77	Sioux	1.54
Gosper	1.79	Stanton	1.84
Grant	1.63	Thayer	1.87
Greeley	1.81	Thomas	1.69
Hall	1.80	Thurston	1.86
Hamilton	1.83	Valley	1.77
Harlan	1.80	Washington	1.88
Hayes	1.70	Wayne	1.80
Hitchcock	1.72	Webster	1.83
Holt	1.77	Wheeler	1.82
Hooker	1.66	York	1.84
Howard	1.80		

NEVADA

County	Rate per hundredweight
All counties	$1.75

NEW MEXICO

County	Rate per hundredweight
All counties	$1.75

NORTH CAROLINA

County	Rate per hundredweight
All counties	$1.95

NORTH DAKOTA

County	Rate per hundredweight
All counties	$1.65

OHIO

County	Rate per hundredweight
All counties	$1.80

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.78	Le Flore	$1.78
Alfalfa	1.76	Lincoln	1.75
Atoka	1.75	Logan	1.75
Beaver	1.66	Love	1.77
Beckham	1.75	McClain	1.75
Blaine	1.75	McCurtain	1.78
Bryan	1.77	McIntosh	1.77
Caddo	1.75	Major	1.72
Canadian	1.75	Marshall	1.75
Carter	1.75	Mayes	1.84
Cherokee	1.80	Murray	1.75
Choctaw	1.78	Muskogee	1.78
Cimarron	1.66	Noble	1.77
Cleveland	1.75	Nowata	1.88
Coal	1.75	Okfuskee	1.75
Comanche	1.75	Oklahoma	1.75
Cotton	1.75	Okmulgee	1.78
Craig	1.88	Osage	1.81
Creek	1.77	Ottawa	1.87
Custer	1.75	Pawnee	1.78
Delaware	1.86	Payne	1.75
Dewey	1.73	Pittsburg	1.76
Ellis	1.67	Pontotoc	1.75
Garfield	1.76	Pottawatomie	1.75
Garvin	1.75	Pushmataha	1.78
Grady	1.75	Roger Mills	1.74
Grant	1.78	Rogers	1.84
Greer	1.75	Seminole	1.75
Harmon	1.75	Sequoyah	1.78
Harper	1.70	Stephens	1.75
Haskell	1.78	Texas	1.66
Hughes	1.75	Tillman	1.75
Jackson	1.75	Tulsa	1.83
Jefferson	1.75	Wagoner	1.82
Johnston	1.75	Washington	1.87
Kay	1.79	Washita	1.75
Kingfisher	1.75	Woods	1.75
Kiowa	1.75	Woodward	1.68
Latimer	1.78		

OREGON

County	Rate per hundredweight
All counties	$1.80

SOUTH CAROLINA

County	Rate per hundredweight
All counties	$1.95

SOUTH DAKOTA

County	Rate per hundredweight
All counties	$1.70

TENNESSEE

County	Rate per hundredweight
All counties	$1.90

TEXAS

County	Rate per hundredweight	County	Rate per hundredweight
Anderson	$2.00	Brazoria	$2.12
Andrews	1.75	Brazos	2.05
Angelina	2.04	Brewster	1.62
Aransas	2.11	Brisco	1.75
Archer	1.76	Brooks	2.05
Armstrong	1.75	Brown	1.87
Atascosa	2.04	Burleson	2.05
Austin	2.10	Burnet	1.94
Bailey	1.75	Caldwell	2.00
Bandera	2.01	Calhoun	2.05
Bastrop	2.00	Callahan	1.81
Baylor	1.75	Cameron	1.98
Bee	2.10	Camp	1.89
Bell	1.99	Carson	1.75
Bexar	2.02	Cass	1.86
Blanco	1.98	Castro	1.75
Borden	1.75	Chambers	2.04
Bosque	1.93	Cherokee	2.00
Bowie	1.84	Childress	1.75

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Clay	$1.81	Jim Wells	$2.10
Cochran	1.75	Johnson	1.96
Coke	1.75	Jones	1.77
Coleman	1.83	Karnes	2.06
Collin	1.91	Kaufman	1.98
Collingsworth	1.75	Kendall	2.02
Colorado	2.07	Kenedy	2.09
Comal	2.00	Kent	1.75
Comanche	1.87	Kerr	2.01
Concho	1.83	Kimble	1.84
Cooke	1.82	King	1.75
Coryell	1.95	Kinney	1.98
Cottle	1.75	Kleberg	2.10
Crane	1.66	Knox	1.75
Crockett	1.63	Lamar	1.88
Crosby	1.75	Lamb	1.75
Culberson	1.56	Lampasas	1.95
Dallam	1.69	La Salle	1.98
Dallas	1.91	Lavaca	2.04
Dawson	1.75	Lee	2.04
Deaf Smith	1.75	Leon	2.02
Delta	1.84	Liberty	2.10
Denton	1.91	Limestone	2.01
De Witt	2.04	Lipscomb	1.69
Dickens	1.75	Live Oak	2.06
Dimmit	1.93	Llano	1.96
Donley	1.75	Loving	1.56
Duval	2.08	Lubbock	1.75
Eastland	1.84	Lynn	1.75
Ector	1.72	McCulloch	1.85
Edwards	1.81	McLennan	1.96
Ellis	1.95	McMullen	2.08
El Paso	1.55	Madison	2.06
Erath	1.86	Marion	1.89
Falls	2.00	Martin	1.74
Fannin	1.85	Mason	1.87
Fayette	2.05	Matagorda	2.06
Fisher	1.75	Maverick	1.93
Floyd	1.75	Medina	2.02
Foard	1.75	Menard	1.83
Fort Bend	2.11	Midland	1.73
Franklin	1.89	Milam	2.03
Freestone	1.99	Mills	1.85
Frio	1.99	Mitchell	1.75
Gaines	1.75	Montague	1.89
Galveston	2.13	Montgomery	2.10
Garza	1.75	Moore	1.71
Gillespie	2.01	Morris	1.89
Glasscock	1.75	Motley	1.75
Goliad	2.07	Nacogdoches	2.00
Gonzales	2.02	Navarro	1.97
Gray	1.75	Newton	2.08
Grayson	1.85	Nolan	1.75
Gregg	1.92	Nueces	2.13
Grimes	2.07	Ochiltree	1.68
Guadalupe	2.00	Oldham	1.75
Hale	1.75	Orange	2.05
Hall	1.75	Palo Pinto	1.83
Hamilton	1.89	Panola	1.93
Hansford	1.70	Parker	1.88
Hardeman	1.75	Parmer	1.75
Hardin	2.05	Pecos	1.57
Harris	2.12	Polk	2.07
Harrison	1.89	Potter	1.76
Hartley	1.70	Presidio	1.55
Haskell	1.75	Rains	1.86
Hays	2.00	Randall	1.75
Hemphill	1.71	Reagan	1.69
Henderson	1.95	Real	1.96
Hidalgo	1.99	Red River	1.81
Hill	1.96	Reeves	1.58
Hockley	1.75	Refugio	2.07
Hood	1.88	Roberts	1.73
Hopkins	1.85	Robertson	2.01
Houston	2.04	Rockwall	1.91
Howard	1.75	Runnels	1.81
Hudspeth	1.55	Rusk	1.93
Hunt	1.90	Sabine	1.98
Hutchinson	1.71	San Augustine	1.96
Irion	1.64	San Jacinto	2.09
Jack	1.83	San Patricio	2.13
Jackson	2.04	San Saba	1.87
Jasper	2.04	Schleicher	1.65
Jeff Davis	1.55	Scurry	1.75
Jefferson	2.06	Shackelford	1.78
Jim Hogg	2.05	Shelby	1.98

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Sherman	$1.69	Val Verde	$1.89
Smith	1.93	Van Zandt	1.85
Somervell	1.89	Victoria	2.06
Starr	1.97	Walker	2.08
Stephens	1.81	Waller	2.10
Sterling	1.65	Ward	1.65
Stonewall	1.75	Washington	2.07
Sutton	1.63	Webb	2.01
Swisher	1.75	Wharton	2.08
Tarrant	1.92	Wheeler	1.75
Taylor	1.78	Wichita	1.78
Terrell	1.75	Wilbarger	1.75
Terry	1.75	Willacy	1.99
Throckmorton	1.78	Williamson	2.01
Titus	1.89	Wilson	2.04
Tom Green	1.75	Winkler	1.71
Travis	2.00	Wise	1.85
Trinity	2.06	Wood	1.87
Tyler	2.03	Yoakum	1.75
Upshur	1.91	Young	1.83
Upton	1.64	Zapata	1.97
Uvalde	1.98	Zavala	1.93

UTAH

All counties $1.60

VIRGINIA

All counties $1.95

WASHINGTON

All counties $1.80

WYOMING

All counties $1.65

(d) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 5 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 10 cents per 100 pounds.

(2) Grain sorghums which grade "Smutty" shall be discounted 5 cents per 100 pounds.

(3) Grain sorghums which grade "Discolored" shall be discounted 7 cents per 100 pounds.

(4) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV inclusive.

(5) The discounts in this paragraph shall be cumulative.

(e) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the grain sorghums crop, the support rate in the case of farm storage shall be 15 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the grain sorghums comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the grain sorghums are stored determines that State, district or county weed control laws as administered affect grain sorghums stored in approved warehouses, the rate shall be 15 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the grain sorghums comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

§ 421.3234 *Warehouse charges.* (a) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain sorghums are deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghums stored in warehouses operating under the Uniform Grain Storage Agreement is on or before March 31, 1959, there shall be deducted in computing the amount of the loan or purchase price the storage charges per hundredweight as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through March 31, 1959:

Amount of deduction (cents per hundredweight)	Date of deposit (all dates inclusive)		
	Area I [1]	Areas II,[2] III,[3] and IV [4]	Area V [5]
28			Prior to May 19, 1958.
27		Prior to May 18, 1958	May 19–May 30, 1958.
26	Prior to May 4, 1958	May 18–May 29, 1958	May 31–June 11, 1958.
25	May 4–May 16, 1958	May 30–June 10, 1958	June 12–June 23, 1958.
24	May 17–May 29, 1958	June 11–June 22, 1958	June 24–July 5, 1958.
23	May 30–June 11, 1958	June 23–July 4, 1958	July 6–July 17, 1958.
22	June 12–June 24, 1958	July 5–July 16, 1958	July 18–July 29, 1958.
21	June 25–July 7, 1958	July 17–July 28, 1958	July 30–Aug. 10, 1958.
20	July 8–July 20, 1958	July 29–Aug. 9, 1958	Aug. 11–Aug. 22, 1958.
19	July 21–Aug. 2, 1958	Aug. 10–Aug. 21, 1958	Aug. 23–Sept. 3, 1958.
18	Aug. 3–Aug. 15, 1958	Aug. 22–Sept. 2, 1958	Sept. 4–Sept. 15, 1958.
17	Aug. 16–Aug. 28, 1958	Sept. 3–Sept. 14, 1958	Sept. 16–Sept. 27, 1958.
16	Aug. 29–Sept. 10, 1958	Sept. 15–Sept. 26, 1958	Sept. 28–Oct. 9, 1958.
15	Sept. 11–Sept. 23, 1958	Sept. 27–Oct. 8, 1958	Oct. 10–Oct. 21, 1958.
14	Sept. 24–Oct. 6, 1958	Oct. 9–Oct. 20, 1958	Oct. 22–Nov. 1, 1958.
13	Oct. 7–Oct. 19, 1958	Oct. 21–Nov. 1, 1958	Nov. 2–Nov. 12, 1958.
12	Oct. 20–Nov. 1, 1958	Nov. 2–Nov. 13, 1958	Nov. 13–Nov. 23, 1958.
11	Nov. 2–Nov. 14, 1958	Nov. 14–Nov. 25, 1958	Nov. 24–Dec. 4, 1958.
10	Nov. 15–Nov. 27, 1958	Nov. 26–Dec. 7, 1958	Dec. 5–Dec. 15, 1958.
9	Nov. 28–Dec. 10, 1958	Dec. 8–Dec. 19, 1958	Dec. 16–Dec. 26, 1958.
8	Dec. 11–Dec. 23, 1958	Dec. 20–Dec. 31, 1958	Dec. 27, 1958–Jan. 6, 1959.
7	Dec. 24, 1958–Jan. 5, 1959	Jan. 1–Jan. 12, 1959	Jan. 7–Jan. 17, 1959.
6	Jan. 6–Jan. 18, 1959	Jan. 13–Jan. 24, 1959	Jan. 18–Jan. 28, 1959.
5	Jan. 19–Jan. 31, 1959	Jan. 25–Feb. 5, 1959	Jan. 29–Feb. 8, 1959.
4	Feb. 1–Feb. 13, 1959	Feb. 6–Feb. 17, 1959	Feb. 9–Feb. 19, 1959.
3	Feb. 14–Feb. 26, 1959	Feb. 18–Mar. 1, 1959	Feb. 20–Mar. 2, 1959.
2	Feb. 27–Mar. 11, 1959	Mar. 2–Mar. 13, 1959	Mar. 3–Mar. 13, 1959.
1	Mar. 12–Mar. 31, 1959	Mar. 14–Mar. 31, 1959	Mar. 14–Mar. 31, 1959.

[1] Area includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).

[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).

[4] Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.

[5] Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, Tennessee, South Carolina.

(b) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That, the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through March 31, 1959, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of tne elevation charges prepaid by the producer.

§ 421.3235 *Inspection of grain sorghums under purchase agreement*—(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his grain sorghums stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the grain sorghums and obtain a sample of the grain sorghums and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the grain sorghums. If the grain sorghums on the basis of the predelivery inspection are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instruction on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for delivery. The producer whose grain sorghums are stored in other than an approved warehouse and whose grain sorghums are not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his grain sorghums are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the grain sorghums, or otherwise take action to make the grain sorghums eligible and insists upon delivery of the grain sorghums, the county office shall issue delivery instructions. The producer shall be further informed that if such grain sorghums, upon delivery and before purchase, do not meet the eligibility requirements of § 421.3228 (c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the grain sorghums shall not be accepted for purchase by CCC. A predelivery inspection shall not be made on grain sorghums stored commingled in warehouses not approved for storage or on grain sorghums in an unapproved warehouse which are stored so that the identity of the producer's grain sorghums is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such grain sorghums, at the time of delivery must meet the eligibility requirements of § 421.3228 (c) (1) and (2).

(b) *Inspection of grain sorghums stored by producer after maturity date.* The producer may be required to retain the grain sorghums stored in other than approved warehouse storge under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the grain sorghums covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for grain sorghums which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the grain sorghums are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the grain sorghums are going out of condition or are in danger of going out of condition and that the grain sorghums cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3236 *Settlement* — (a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible grain sorghum delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of grain sorghums eligible for delivery. If upon delivery the grain sorghums under farm-storage loan are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the grain sorghums placed under loan, less the difference if any at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the grain sorghums delivered, as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine their market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the grain sorghums contain mercurial compounds or other substances poisonous to man or animals, such grain sorghums shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible grain sorghums under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for grain sorghums delivered to CCC from farm storage meeting the eligibility requirements of § 421.3228 (c) (1) and (2), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If grain sorghums, which were determined to be eligible at the time of the predelivery inspection are, upon delivery of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible grain sorghums as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the grain sorghums, determined by the predelivery inspection, and the market price of the grain sorghums delivered, as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price: *And provided further* That if upon delivery, the grain sorghums contain mercurial compounds or other substances poisonous to man or animals, such grain sorghums shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such grain sorghums for the use specified above, the settlement value shall be the market value as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible grain sorghums stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of grain sorghums he elects to sell to CCC. Settlement for eligible grain sorghums delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse-storage.* Where the producer has properly given the county office written notice of his intent to sell to CCC, grain sorghums in a warehouse not approved for storage which are stored commingled, or which are stored so that the identity of the producer's grain sorghums is maintained but a predelivery inspection is not possible, the county office will issue instructions on or after the loan maturity date for delivery of the grain sorghums. Settlement for such grain sorghums delivered to CCC which meet the eligibility requirements of § 421.3228 (c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's grain sorghums can be made, the provisions of § 421.3235 shall apply and settlement will be the same as for grain sorghums delivered under a purchase agreement from farm-storage as provided in subdivision (i) of this subparagraph.

(iv) *Grain sorghums ineligible for delivery, inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of grain sorghums ineligible for delivery which are inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Grain sorghums which were of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) grain sorghums of an ineligible grade or quality which are delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) grain sorghums in other than approved warehouse-storage on which a predelivery inspection was not performed, and which at the time of delivery does not meet the eligibility requirements of § 421.3228 (c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible grain sorghums delivered as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further,* That, if upon delivery, the grain sorghums contain mercurial compounds or other substances poisonous to men or animals, such grain sorghums shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by men or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell much grain sorghums for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery. If grain sorghums delivered are of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such grain sorghums are inadvertently accepted by CCC, the settlement value shall be the sales price if the grain sorghums are immediately sold. If the grain sorghums are not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Applicable support rate for settlement of loans and purchase agreements.* (1) In the case of grain sorghums stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraphs (3) and (4) and (5) of this paragraph.

(2) In the case of grain sorghums delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3), (4) and (5) of this paragraph.

(3) If the producer is directed to deliver his grain sorghums to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(5) For grain sorghums produced and stored in approved warehouses in the States of Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington or produced in other States and handled under the provisions of § 421.3233 (b) (3) and (4) the settlement rate shall be determined in the same manner as provided in § 421.3233 (b).

(c) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored grain sorghums under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3234.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on grain sorghums under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the grain sorghums to CCC be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Storage payment where CCC is unable to take delivery of grain sorghums stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain grain sorghums stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such grain sorghums within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the grain sorghums to CCC: *Provided, however,* That a storage payment shall be paid a producer whose grain sorghums are stored in other than approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the grain sorghums to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00077 per 100 pounds per day in Area I; $0.00080 per 100 pounds per day in Area II; $0.00082 per 100 pounds per day in Area III; $0.00084 per 100 pounds per day in Area IV; and $0.00087 per 100 pounds per day in Area V for the grain sorghums accepted for delivery or sale to CCC.

(f) *Track-loading payment.* A track-loading payment of 6 cents per 100 pounds shall be made to the producer on grain sorghums delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his grain sorghums to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the grain sorghums any distance greater than the distance from the point where the grain sorghums are stored by the producer to the customary shipping point: *Provided,* That, if the producer is directed to deliver his grain sorghums to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of grain sorghums under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 13th day of June 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4653; Filed, June 18, 1958; 8:50 a. m.]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—PROVISIONS FOR PARTICIPATION OF FINANCIAL INSTITUTIONS IN POOLS OF CCC PRICE SUPPORT LOANS OF CERTAIN COMMODITIES

Correction

The following change should be made in Federal Register Document 58-4252, published at page 3913 in the issue for Thursday, June 5, 1958: The third sentence of § 421.3807 should read; "Replacement certificates will show, as payee, the financial institution which tendered certificates for exchange and will show the payee's transit number identifying such financial institution."

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

EXCLUSION OF CERTAIN EMPLOYEES

Effective upon publication in the FEDERAL REGISTER, § 350.3 is amended as set out below.

§ 350.3 *Exclusion of certain employees*—(a) *Territorial governors.* No territorial post differential or territorial cost-of-living allowance shall be paid to Governors of Territories as defined in the regulations in this part except that upon specific request of the department or agency concerned, the Commission may authorize the payment of a territorial post differential to any such Governor whose compensation is fixed under the provisions of the Classification Act of 1949, as amended, if he is otherwise eligible to receive a territorial post differential and the Commission determines that such payment is warranted in the circumstances.

(b) *Contract employees.* No territorial post differential or territorial cost-of-living allowance shall be paid during the period of his contract to any employee serving under a contract, as defined in § 350.1 (h), on the effective date of the regulations in this part. Any employee serving under a contract shall be compensated according to the terms of such contract for the period thereof.

(Sec. 202, Part II, E. O. 10000, 13 F. R. 5453; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4667; Filed, June 18, 1958; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

SUBPART A—REGULATIONS UNDER THE UNITED STATES COTTON STANDARDS ACT

REVISED FEES FOR LICENSED COTTON LINTERS CLASSERS

On May 23, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 3579) regarding the proposed amendment of § 28.150 of the Regulations under the United States Cotton Standards Act (7 CFR 28.150).

After consideration of all relevant matters presented pursuant to the notice, § 28.150 is hereby amended as follows, pursuant to authority contained in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U. S. C. 61):

§ 28.150 *Fee for linters classer's license; renewals.* For the practical classing examination of an applicant for a license to classify linters in accordance with this subpart, the fee shall be $50.00, but no additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. For each renewal of a classer's license, the fee shall be $10.00. The fee for the practical classing examination for persons not desiring a license shall be $40.00 Any such person who passes the examination may be issued a certificate indicating this accomplishment.

The amendment increases the fee for initial issuance of a license to classify linters from $10.00 to $50.00 and the annual fee for renewal of a license from $5.00 to $10.00. Also, the amendment establishes a new fee of $40.00 for a person who does not desire a license but who wishes to take the practical classing examination to test or demonstrate his proficiency in classing linters. The increases in fees for initial issuance and renewal of licenses have become necessary to more nearly cover the costs of administering and supervising the program.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61)

Done at Washington, D. C., this 16th day of June 1958 to be effective 30 days after publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4665; Filed, June 18, 1958; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 961—MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

PART 1010—MILK IN WILMINGTON, DELAWARE, MARKETING AREA

DETERMINATION OF EQUIVALENT INDEX OF PRICES RECEIVED BY PENNSYLVANIA FARMERS FOR FARM PRODUCTS EXCEPT DAIRY

The index of prices received by Pennsylvania farmers for farm products, except dairy, as published by the Pennsylvania Federal-State Crop Reporting Service is one of the basic factors included in the pricing formula which is used to determine the level of Class I price under the order since April 1951. The Pennsylvania Federal-State Crop Reporting Service has now revised the basis of computing this index and effective June 2, 1958 has discontinued publication of the old index in favor of its revised index. A comparison of the two series indicates that the revised index in recent years has consistently exceeded the old index. It is therefore necessary that an adjustment be made in using the revised index to establish an index value which in combination with the other formula factors will result in a price per hundredweight comparable to that price which would be effective had publication of the old index been continued.

The order provides that if for any reason a price or index specified by the order for use in computing class prices for other purposes is not reported or published in the manner described, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

Pursuant to the applicable provisions of the order and on the basis of available information it is hereby found and determined that an index equivalent to or comparable with the discontinued index may be determined by subtracting 15 points from the index of prices received by Pennsylvania farmers for farm products, except dairy, as published currently by the Pennsylvania Federal-State Crop Reporting Service.

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), it is hereby found and determined that notice and public procedure with respect to this determination, and the postponement of the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER are impractical, unnecessary, and contrary to public interest in that the equivalent price must become effective as soon as possible in order to facilitate, promote, and maintain orderly marketing of milk in the Philadelphia, Pennsylvania and Wilmington, Delaware marketing areas. The changes effected by this determination do not require any preparation by the persons affected prior to the effective date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 13th day of June 1958, to become effective immediately.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4650; Filed, June 18, 1958; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

CROSS UTILIZATION OF SERVICE MEDICAL FACILITIES

The following amendment to § 56.4-7 of this part has been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare. The present second sentence has been deleted from the revised § 56.4-7, which now reads as follows:

§ 56.4-7 *Cross-utilization of service medical facilities.* To provide effective cross-utilization of medical facilities of the uniformed services, eligible dependents, regardless of service affiliation, shall be given equal opportunity for medical care. Such dependents may request and be furnished medical care at the medical facility of the uniformed service serving the area in which they reside or in the medical facility of the sponsor's uniformed service depending upon the capability of the medical facilities concerned. In areas where medical facilities of two or more uniformed services are available, the appropriate officials of each service, with due consideration for the relative size and capabilities of the medical facilities, shall participate jointly in determining the capabilities and establishing areas of medical responsibility. Delineation of such areas shall be published jointly and will include zones in which dependents are permitted to use either the facilities of the sponsor's own service or the facilities which have medical responsibility for the area in which the dependent resides. In addition, commanders of uniformed services hospitals will establish necessary liaison and coordination with the representatives of the local medical society and the civilian hospital facilities as appropriate, to ensure to the maximum extent possible, the smooth referral of excess dependent patient loads to civilian medical facilities when such referrals appear desirable.

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U. S. C. 401–403, 411–414, 421–423, 404–406)

MAURICE W. ROCHE,
Administrative Secretary.

Approved: May 9, 1958.

FRANK B. BERRY,
Assistant Secretary of Defense (Health and Medical).

Approved: May 7, 1958.

E. L. RICHARDSON,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 58–4635; Filed, June 18, 1958; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

REVIEW AND ADJUSTMENT OF WIDOWS' DEPENDENCY AND INDEMNITY COMPENSATION

A new § 4.495 is added to read as follows:

§ 4.495 *Review and adjustment of widows' dependency and indemnity compensation under Public Law 85–422*—(a) *Scope.* This instruction is for application to cases where widows of deceased veterans are receiving or are eligible to receive dependency and indemnity compensation under Title II, Public Law 881, 84th Congress, Servicemen's and Veterans' Survivor Benefits Act. This also includes those widows receiving or eligible to receive compensation under laws in effect prior to January 1, 1957.

(b) *General.* Public Law 85–422, effective June 1, 1958, provides an increase in monthly basic pay for some, but not all servicemen. Whenever basic pay is increased the rates of dependency and indemnity compensation payable to widows under Public Law 881, 84th Congress, will be increased accordingly. Where basic pay is decreased, the rate of dependency and indemnity compensation which any person was receiving on May 31, 1958, or which thereafter becomes payable for that day shall not be reduced.

(c) *Effective date of increases.* Increased rates under this instruction will be effective June 1, 1958, where the widow:

(1) Was receiving dependency and indemnity compensation on May 31, 1958, or

(2) Becomes entitled after May 31, 1958, to dependency and indemnity compensation for that day.

(d) *Original awards effective after May 31, 1958.* Dependency and indemnity compensation will be paid to a widow on the basic pay of her deceased husband as prescribed by Public Law 85–422 only, in any case:

(1) Where a member or former member of a uniformed service dies on or after May 31, 1958, or

(2) Where an election to receive dependency and indemnity compensation is received after May 31, 1958, from a widow who was eligible for death compensation on or after December 31, 1958, by reason of a death occurring on or before that date.

(e) *"New" rate same or less than "old."* Where the "new" dependency and indemnity compensation rate is the same or less than the "old", the "old" rate will be continued in effect.

(f) *Increased awards—amounts rounded to next higher dollar.* All amounts of dependency and indemnity compensation payable must be added and then adjusted to the next higher dollar in determining whether an increase is in order where:

(1) The widow is receiving additional amounts for a child or children, or

(2) The widow's award has been apportioned for a child or children not in her custody. (Instruction 2, Public Law 881, 84th Congress)

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective June 19, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58–4656; Filed, June 18, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1654]

[1963073, Anch. 031140]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 576 OF MARCH 29, 1949, RESERVING PORTIONS OF RELEASED LANDS FOR VARIOUS PUBLIC PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 576 of March 29, 1949, withdrawing public lands in Alaska pending relocation of a portion of the Anchorage-Seward Highway, is hereby revoked so far as it affects the following-described lands:

Beginning at the southeast corner of Sec. 33, T. 12 N., R. 3 W., S. M., thence by metes and bounds, southeasterly 10 miles, parallel to and 1 mile distant from the line of mean high tide of Turnagain Arm, to the west boundary of Chugach National Forest; south 1 mile, along west boundry of the Forest to the line of mean high tide of Turnagain Arm; northwesterly, 11 miles along line of mean high tide of Turnagain Arm to meander corner of south boundary of Sec. 32, T. 12 N., R. 3 W., east, 1¼ miles along south boundary of Secs. 32 and 33 to point of beginning.

The area described contains approximately 6,700 acres.

2. Subject to valid existing rights, the following-described public lands, which are a portion of the lands described in paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185–1187), nor the Recreation Act of June 14, 1926 (44 Stat. 741) as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), and reserved under jurisdiction of the Secretary of the Interior for the preservation and protection of scenic values and for public service sites: *Provided, however,* That no application for the lands may be allowed under the said Small Tract Act or Recreation Act unless the land shall be first classified as valuable or suitable for such type of application: *And provided, further,* That any order heareafter issued, classifying the lands or any part thereof for disposal, shall afford the Territory of Alaska the preference right of selection granted it by section 202 (b) of the act of July 28, 1956 (70 Stat. 709; 711):

Beginning at the North section corner common to Sections 3 and 4, T. 11 North, Range 3 West, S. M., thence with metes and bounds South 1 mile; East ½ mile; South ½ mile; East ½ mile; South 1 mile; East ½ mile; South ½ mile, East ½ mile; South ½ mile; East 1 mile; South ½ mile; East ½ mile; South ½ mile; East 1 mile; South ½ mile; East 1½ miles; South ½ mile; East ½ mile; South ½ mile; East 1½ miles; South approximately ½ mile beyond the Alaska Railroad tracks and the Anchorage-Seward Highway to the northerly shore of Turnagain Arm; thence with the meanders of the northerly shore of Turnagain Arm seaward of the Alaska Railroad tracks and the Anchorage-Seward Highway 11 miles approximately to the township line, (T. 11 N., R. 3 W., and T 12 N., R. 3 W., S. M.) thence East approximately 1¼ miles to the North section corner common to Sections 3 and 4, T. 11 N., R. 3 W., S. M., point of beginning.

The public lands in the areas described aggregate approximately 4,377.57 acres.

In terms of legal description, the above lands are described as follows:

T. 11 N., R. 3 W., S. M. (Part Unsurveyed),
  Secs. 4, 5, and 9;
  Sec. 10, W½ and SE¼;
  Sec. 14, SW¼;
  Secs. 15, 22, and 23;
  Sec. 24, S½;
  Secs. 25 and 26.
T. 11 N., R. 2 W., S. M. (Unsurveyed),
  Sec. 29 SW¼;
  Sec. 30, Fractional W½ and SE¼;
  Secs. 31, 32, and 33, Fractional;
  Sec. 34, SW¼.
T. 10 N., R. 2 W., S. M. (Unsurveyed),
  Secs. 2, 3, and 4, Fractional.

3. In accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709; 711) and subject to the requirements of that act, the Territory of Alaska shall be entitled until 10:00 a. m. on September 12, 1958, to a preferred right of selection of the lands opened by paragraphs 4 and 5 of this order, in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

4. Subject to any valid existing rights, the requirements of applicable law, and the preference right of selection of the Territory of Alaska, the surveyed public-lands described in paragraph 1 of this order and not re-withdrawn by paragraph 2, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on September 12, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 12, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs 4.a (1) and 4.a (2) above, and applications and offers under the mineral-leasing laws presented prior to 10:00 a. m. on December 12, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Subject to any valid existing rights, the requirements of applicable law, and the preference right of selection of the Territory of Alaska, the unsurveyed public lands released from withdrawal by paragraph 1 of this order, and not re-withdrawn by paragraph 2, are hereby opened to the filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands beginning at 10:00 a. m. on September 12, 1958, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. Beginning at 10:00 a. m. on December 12, 1958, any remaining lands will be subject to settlement under those laws by other qualified persons.

b. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on September 12, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 12, 1958, will be governed by the time of filing.

6. All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 4 (a) (1) and (2), and 5 (b) (1) and (2) above, presented prior to 10:00 a. m. on December 12, 1958, will be governed as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. The released lands will be open to applications and offers under the mineral-leasing laws and to location under the United States mining laws, subject to the preference right of selection of the Territory of Alaska, beginning at 10:00 a. m. on December 12, 1958.

8. Persons claiming veterans preference rights under paragraphs 4 (a) (2) and 5 (b) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 13, 1958.

[F. R. Doc. 58-4637; Filed, June 18, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 170]

MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Section 6423 of the Internal Revenue Code of 1954, as amended, reads as follows:

SEC. 6423. *Conditions to allowance in the case of alcohol and tobacco taxes*—(a) *Conditions.* No credit or refund shall be allowed or made, in pursuance of a court decision or otherwise, of any amount paid or collected as an alcohol or tobacco tax unless the claimant establishes (under regulations prescribed by the Secretary or his delegate)—

(1) that he bore the ultimate burden of the amount claimed; or

(2) that he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount; or

(3) that (A) the owner of the commodity furnished him the amount claimed for payment of the tax, (B) he has filed with the Secretary or his delegate the written consent of such owner to the allowance to the claimant of the credit or refund, and (C) such owner satisfies the requirements of paragraph (1) or (2).

(b) *Filing of claims.* No credit or refund of any amount to which subsection (a) applies shall be allowed or made unless a claim therefor has been filed by the person who paid the amount claimed, and, except as hereinafter provided in this subsection, unless such claim is filed after April 30, 1958, and within the time prescribed by law, and in accordance with regulations prescribed by the Secretary or his delegate. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim. Any claimant who has on or before April 30, 1958, filed a claim for any amount to which subsection (a) applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this section and covering the amount (or any part thereof) claimed in such prior claim. No claim filed before May 1, 1958, for the credit or refund of any amount to which subsection (a) applies shall be held to constitute a claim for refund or credit within the meaning of, or for purposes of, section 7422 (a); except that any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which subsection (a) applies shall not be barred by this subsection from the maintenance of such suit as to any amount claimed in such suit on such date if in such suit he establishes the conditions to allowance required under subsection (a) with respect to such amount.

(c) *Period not extended.* Any suit or proceeding, with respect to any amount to which subsection (a) applies, which is barred on April 30, 1958, shall remain barred. No claim for credit or refund of any such amount which is barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

(d) *Application of section.* This section shall apply only if the credit or refund is claimed on the grounds that an amount of alcohol or tobacco tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This section shall not apply to—

(1) any claim for drawback,

(2) any claim made in accordance with any law expressly providing for credit or refund where a commodity is withdrawn from the market, returned to bond, or lost or destroyed, and

(3) any amount claimed with respect to a commodity which has been lost, where a suit or proceeding was instituted before June 15, 1957.

(e) *Meaning of terms.* For purposes of this section—

(1) *alcohol or tobacco tax.* The term "alcohol or tobacco tax" means—

(A) any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter 52 or by any corresponding provision of prior internal revenue laws, and

(B) in the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax.

(2) *Tax.* The term "tax" includes a tax and an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

(3) *Ultimate burden.* The claimant shall be treated as having borne the ultimate burden of an amount of an alcohol or tobacco tax for purposes of subsection (a) (1), and the owner referred to in subsection (a) (3) shall be treated as having borne such burden for purposes of such subsection, only if—

(A) He has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

(B) No understanding or agreement exists for any such relief or shifting, and

(C) If he has neither sold nor contracted to sell the commodities involved in such claim, he agrees that there will be no such relief or shifting, and furnishes such bond as the Secretary or his delegate may require to insure faithful compliance with his agreement.

* * * * *

Pursuant to the above provisions of law, the following new subpart is added immediately following Subpart D of Part 170 of Chapter 26 of the Code of Federal Regulations:

SUBPART E—APPLICATION OF SECTION 6423, INTERNAL REVENUE CODE OF 1954, AS AMENDED, TO REFUND OR CREDIT OF TAX ON DISTILLED SPIRITS, WINES, AND BEER

GENERAL

Sec.
170.85 Scope of regulations in this subpart.
170.86 Meaning of terms.
170.87 Applicability to certain credits or refunds.
170.88 Ultimate burden.
170.89 Conditions to allowance of credit or refund.
170.90 Requirements on persons intending to file claim.

CLAIM PROCEDURE

170.91 Execution and filing of claim.
170.92 Data to be shown in claim.
170.93 Time for filing claim.

BONDS

170.94 Bond, Form 2490.
170.95 Corporate surety.
170.96 Deposit of securities in lieu of corporate surety.
170.97 Authority to approve bonds.
170.98 Termination of liability.
170.99 Release of pledged securities.

PENALTIES

170.100 Penalties.

GENERAL

§ 170.85 *Scope of regulations in this subpart.* The regulations in this subpart relate to the limitations imposed by section 6423, I. R. C., on the refund or credit of tax paid or collected in respect to any article of a kind subject to a tax imposed by part I, subchapter A of chapter 51, I. R. C., or by any corresponding provision of prior internal revenue laws.

§ 170.86 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section.

Article. The commodity in respect to which the amount claimed was paid or collected as a tax.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Claimant. Any person who files a claim for a refund or credit of tax under this subpart.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D. C.

I. R. C. Internal Revenue Code of 1954, as amended.

Owner. A person who, by reason of a proprietary interest in the article, furnished the amount claimed to the claimant for the purpose of paying the tax.

Person. An individual, a trust, estate, partnership, association, company, or corporation.

Regional commissioner. The regional commissioner in a region.

Tax. Any tax imposed by part I, subchapter A of chapter 51, I. R. C., or by any corresponding provision of prior internal revenue laws, and in the case of any commodity of a kind subject to a tax under such part, any tax equal to any such tax, any additional tax, or any floor stocks tax. The term includes an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

§ 170.87 *Applicability to certain credits or refunds.* The provisions of this subpart apply only where the credit or refund is claimed on the grounds that an amount of tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This subpart does not apply to:

(a) Any claim for drawback,

(b) Any claim made in accordance with any law expressly providing for credit or refund where an article is withdrawn from the market, returned to bond, or lost or destroyed,

(c) Any amount claimed with respect to an article which has been lost, where a suit or proceeding was instituted before June 15, 1957, and

(d) Any claim based solely on errors in computation of the quantity of an article subject to tax or on mathematical errors in computation of the amount of the tax due, or to any claim in respect of tax collected or paid on an article seized and forfeited, or destroyed, as contraband.

Any suit or proceeding, with respect to any amount to which the provisions of this subpart would apply, which was barred on April 30, 1958, shall remain barred, and no claim for credit or refund of any such amount which was barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

§ 170.88 *Ultimate burden.* For the purposes of this subpart, the claimant, or owner, shall be treated as having borne the ultimate burden of an amount of tax only if:

(a) He has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

(b) No understanding or agreement exists for any such relief or shifting, and

(c) If he has neither sold nor contracted to sell the articles involved in such claim, he agrees that there will be no such relief or shifting, and furnishes bond as provided in § 170.94.

§ 170.89 *Conditions to allowance of credit or refund.* No credit or refund to which this subpart is applicable shall be allowed or made, pursuant to a court decision or otherwise, of any amount paid or collected as a tax unless a claim therefor has been filed, as provided in this subpart, by the person who paid the tax and the claimant, in addition to establishing that he is otherwise legally entitled to credit or refund of the amount claimed, establishes:

(a) That he bore the ultimate burden of the amount claimed, or

(b) That he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount, or

(c) That (1) the owner of the article furnished him the amount claimed for payment of the tax, (2) he has filed with the assistant regional commissioner the written consent of such owner to the allowance to the claimant of the credit or refund, and (3) such owner satisfies the requirements of paragraph (a) or (b) of this section.

§ 170.90 *Requirements on persons intending to file claim.* Any person who, having paid the tax with respect to an article, desires to claim refund or credit of any amount of such tax to which the provisions of this subpart are applicable must:

(a) File a claim, as provided in § 170.91,

(b) Comply with any other provisions of law or regulations which may apply to the claim, and

(c) If, at the time of filing the claim, neither he nor the owner has sold or contracted to sell the articles involved in the claim, file a bond on Form 2490, as provided by § 170.94.

CLAIM PROCEDURE

§ 170.91 *Execution and filing of claim.* Claims to which this subpart is applicable shall be executed on Form 843 (original only) in accordance with instructions on the form and shall be filed with the district director of internal revenue for the district where the tax was paid, who will refer such claims to the assistant regional commissioner (alcohol and tobacco tax) for the region. The claim must set forth each ground upon which the claim is made in sufficient detail to apprise the assistant regional commissioner of the exact basis therefor. Allegations pertaining to the bearing of the ultimate burden relate to additional conditions which must be established for a claim to be allowed and are not in themselves legal grounds for allowance of a claim. There shall also be attached to the form and made a part of the claim the supporting data required by § 170.92. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim.

§ 170.92 *Data to be shown in claim.* Claims to which this subpart is applicable, in addition to the requirements of § 170.91, must set forth or contain the following:

(a) A statement that the claimant paid the amount claimed as a "tax" as defined in this subpart.

(b) If the claim is a superseding claim covering an amount (or any part thereof) claimed in a claim filed on or before April 30, 1958, a statement setting forth the place of filing of such claim, the date of filing thereof, the amount claimed, and information showing that such prior claim was not barred from allowance on April 30, 1958.

(c) Full identification (by specific reference to the form number, the date of filing, the place of filing, and the amount paid on the basis of the particular form or return) of the tax forms or returns covering the payments for which refund or credit is claimed.

(d) The written consent of the owner to the allowance of the refund or credit to the claimant (where the owner of the article in respect of which the tax was paid furnished the claimant the amount claimed for the purpose of paying the tax).

(e) If the claimant (or owner, as the case may be) has neither sold nor contracted to sell the articles involved in the claim, a statement that the claimant (or owner, as the case may be) agrees not to shift, directly or indirectly in any manner whatsoever, the burden of the tax to any other person.

(f) If the claim is for refund of a floor stocks tax, or of an amount resulting from an increase in rate of tax applicable to an article, a statement as to whether the price of the article was increased on or following the effective date of such floor stocks tax or rate increase, and, if so, the date of the increase, together with full information as to the amount of such price increase.

(g) Specific evidence (such as relevant records, invoices, or other documents, or affidavits of individuals having personal knowledge of pertinent facts) which will satisfactorily establish the conditions to allowance set forth in § 170.89.

The assistant regional commissioner may require the claimant to furnish as a part of the claim such additional information as he may deem necessary.

§ 170.93 *Time for filing claim*—(a) *General.* Except as provided in paragraph (c) of this section, credit or refund of any amount of tax to which the provisions of this subpart apply shall not be made unless the claimant files a claim therefor after April 30, 1958, and within the time prescribed by law and in accordance with the provisions of this subpart, and no claim filed before May 1, 1958, for the credit or refund of any amount of tax to which this subpart is applicable shall be held to constitute a claim for refund or credit within the meaning of, or for the purposes of, section 7422 (a), I. R. C.

(b) *Superseding claims.* Any claimant who on or before April 30, 1958, filed a claim for any amount to which this subpart applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this subpart and covering the amount (or any part thereof) claimed in such prior claim.

(c) *Suits instituted before June 15, 1957.* Any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which this subpart applies, shall not be barred by this section from the maintenance of such suit as to any such amount claimed in such suit on such date if in such suit he establishes the conditions to allowance in this subpart with respect to such amount.

BONDS

§ 170.94 *Bond, Form 2490.* Each claim for a refund or credit of tax on articles which the claimant or owner, as the case may be, has neither sold nor contracted to sell at the time of filing of the claim must be accompanied by a bond on Form 2490. The bond shall be executed by the claimant or the owner of the articles, as the case may be, in accordance with the provisions of this subpart and the instructions printed on the form. Such bond shall be conditioned that there will be no relief or shifting of the ultimate burden of the tax to any other person. The penal sum shall not be less than the amount of tax claimed on all articles which have not been sold or contracted for sale at the time of filing of the claim. Bonds required by this subpart shall be given with corporate surety or with collateral security. A separate bond must be filed for each claim.

§ 170.95 *Corporate surety.* Surety bonds required by this subpart may be given only with corporate sureties holding certificates of authority from and subject to the limitations prescribed by the Secretary of the Treasury as set forth in Treasury Department Form 356-Revised. Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

§ 170.96 *Deposit of securities in lieu of corporate surety.* In lieu of corporate surety, the principal may pledge and deposit securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

§ 170.97 *Authority to approve bonds.* Assistant regional commissioners are authorized to approve all bonds required by this subpart.

§ 170.98 *Termination of liability.* Bonds on Form 2490 will be terminated by the assistant regional commissioner on receipt of satisfactory evidence that the person giving the bond has disposed of the articles covered by the bond and that he bore the ultimate burden of the amount claimed and that no understanding or agreement exists whereby he will be relieved of such burden or shift such burden to another person.

§ 170.99 *Release of pledged securities.* Securities of the United States, pledged and deposited as provided by § 170.96, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may, for proper cause, extend the date of release for such additional length of time as he deems necessary.

PENALTIES

§ 170.100 *Penalties.* It is an offense punishable by fine and imprisonment for anyone to make or cause to be made any false or fraudulent claim upon the United States, or to make any false or fraudulent statements, or representations, in support of any claim, or to falsely or fraudulently execute any documents required by the provisions of the internal revenue laws, or any regulations made in pursuance thereof.

[F. R. Doc. 58-4657; Filed, June 18, 1958; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO-297]

HANDLING OF MILK IN MISSISSIPPI DELTA MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Mississippi Delta marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Greenwood, Mississippi, on August 6-10, 1957, pursuant to notice thereof which was issued July 16, 1957 (22 F. R. 5800).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

There is an interrelation of the trade in Grade A milk in the Mississippi Delta marketing area with the trade in surrounding areas in Mississippi and other States. The proposed marketing area lies wholly within the State of Mississippi, but included in the area are two Federal Government installations, namely Air Force Bases located in Washington and Lowndes Counties. Contracts for milk and its products to serve these installations are issued on a competitive bid basis with milk distributors in the region making bids to secure such contracts from time to time.

Four regulated handlers under Order No. 87 distribute milk on retail and wholesale routes in the proposed marketing area. One of these four handlers sells approximately 40 percent of its total sales in the Central Mississippi marketing area. This handler is located in the proposed Mississippi Delta marketing area and would be the only one of the four Central Mississippi marketing area handlers that would become regulated under this proposed marketing agreement and order.

Located within the proposed marketing area are three milk distributors that have been, or currently are partially regulated by Federal Order No. 87. There have been months when these plants were fully regulated by Order No. 87. Route distribution of fluid milk by these plants in the Central Mississippi marketing area varies from 10 to 20 percent of their total receipts from dairy farmers.

Milk distributors in the proposed Mississippi Delta area purchase bulk fluid milk from plants located in Illinois, Wisconsin, and Tennessee. Purchased Grade A nonfat dry milk is used to produce buttermilk, a milk product that would be classified as Class I product as provided elsewhere in this decision. Specific figures representing the total volume of such purchases were not given. One handler, however, stated that purchases of bulk fluid milk from Wisconsin and Tennessee would average, on annual basis, nearly a million pounds. Another handler stated that sales of buttermilk represented 12-13 percent of his total fluid milk products sales. A large portion of this buttermilk was made from Grade A nonfat dry milk (three carloads of nonfat powder purchased during the past year) purchased from sources outside the State of Mississippi. It is a general practice of all handlers in the proposed Mississippi Delta area to purchase Grade A nonfat dry milk, from out-of-State markets, for use in making buttermilk for distribution on retail and wholesale routes.

Also, there is evidence that Grade A milk or cream is at times moved in interstate commerce by distributors who would be handlers under a Mississippi Delta area order. During the past year, fluid milk was shipped from the Mississippi Delta area plants to markets in Florida, Arkansas, and Louisiana. The quantity of such sales was not available.

Another movement of milk in interstate commerce by Mississippi Delta area Grade A plants, as herein defined, is their disposal of a portion of receipts, that is in excess of fluid needs, to product manufacturing plants, or, in the manufacture of dairy products with wide regional or country-wide markets. Besides such evidence of interstate commerce in the Mississippi Delta area there is evidence that the marketing of producer milk in this area directly affects interstate commerce in milk and, milk products in Mississippi and surrounding States. Farm supplies of Grade A milk for the proposed area are intermingled with supplies for Tennessee and Alabama fluid markets and for Mississippi dairy products manufacturing plants. Procurement of milk in the northwestern portion of the proposed marketing area is in competition with the Memphis, Tennessee, market as evidenced by the testimony of handlers in this area. The same is true on the eastern edge of the Mississippi Delta area milkshed, where Delta distributors and supply plants compete for producers with Grade A milk plants that regularly supply milk to Alabama markets. The growing Grade A trade in northern Mississippi affects farm supplies for dairy products manufacturing plants at Houston, Starkville, and Kosciusko, Mississippi. Much of the supply for the Mississippi Delta fluid trade comes from farms that formerly were patrons of these dairy manufacturing plants. On the other hand, some of the producer milk for the Mississippi Delta area trade, that is in excess of the daily needs of the fluid milk processing plants, is disposed of to these dairy product manufacturing plants.

It is concluded that a significant portion of the milk trade in the Mississippi Delta marketing area is in the current of interstate commerce, and that the marketing of producer milk in this trade area directly affects interstate commerce in milk and dairy products.

(2) *Need for an order.* The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

The two proponent cooperative associations represent approximately one-half of the dairy farmers producing milk for handlers in the proposed marketing area. The Cooperative Creamery Association of Starkville, Mississippi, operates three plants. These plants are located at Starkville and Greenwood, Mississippi. The plants include two distributing plants and a combination supply and manufacturing plant. This latter plant, while under one roof, is so separated as to permit the receiving and handling of Grade A milk in accordance with board of health regulations. In a completely segregated portion of the plant are separate facilities for receiving and manufacturing milk not qualified to be labelled Grade A. This cooperative plant, located at Starkville, Mississippi, supplies its two subsidiary distributing units, A and M Dairies at Greenwood and Starkville. The Cooperative Creamery Association supply plant also contracts with Grenada Farms, Grenada, to furnish monthly specified quantities of milk. In addition, other handlers from time to time purchase supplemental supplies of milk from Cooperative Creamery Association. The Mississippi Milk Producers' Association—the principal cooperative representing producers supplying milk to handlers regulated by Order No. 87 for the Central Mississippi marketing area—is also a proponent of a proposed regulation for the Mississippi Delta marketing area. This bargaining cooperative association represents members who supply handlers that would be regulated by the proposed marketing agreement and order.

Winco Dairy Association, Louisville, Mississippi, and Cooperative Dairies Incorporated, Columbus, Mississippi, together representing approximately 15 percent of all the dairy farmers supplying milk to distributors in the proposed marketing area, operate distributing plants in their respective cities.

The western portion of the marketing area is known as the Delta area and is primarily a cotton producing section. Dairy farming is a minor enterprise. Dairy farmers producing Grade A milk for the proposed marketing area are concentrated in the eastern portion. More than half are located in Lowndes, Oktibbeha, Noxubee, Winston and Attala counties. The remaining producers are scattered over a 20-county area.

Conditions and practices in the trade of this area justify a uniform price plan as authorized under the Act. First, there are procurement practices and policies that, in the absence of a uniform pricing scheme, contribute to market instability and insecurity for producers. Some plants do not afford producers a reliable market or outlet for their supply. In order to keep their costs of supply used in Class I products as low or lower than competitors, and their plant price to producers in line with those paid at other plants, they drop producers in periods of flush production. Then, in periods of low production, or of expanded sales, they reinstate old producers or recruit others. Producers who are dropped when market supplies are seasonally plentiful usually have no alternative outlet better than a distant product manufacturing plant, where returns are much lower than at Grade A milk plants. Such unfortunate producers, in effect, bear a very disproportionate share of the loss or low return on that portion of market supplies which is in excess of daily Class I usage, but which is none the less essential to an adequate market supply. This practice tends to unsettle supply conditions. Other distributing plants limit producers to a number that furnishes an adequate supply only during months of relatively heavy production, and depend upon supplementary supplies from other plants, or other sources, in other periods. While producers who deliver to such plants may be relatively well paid, the use of milk from sources other than producers, when producer milk is available, reduces Class I utilization of producer milk in the market and lowers average plant returns to producers.

In this respect the case is different if plants with short supply of producer milk obtain supplementary supply from supply plants or other plants that receive producer milk in excess of the requirements of their more regular outlets. While this practice displaces no producer milk it has given rise to disparity in prices paid to producers and in the cost, to competing distributors, of milk actually used in fluid milk products. In this marketing area, much of the supplemental milk required by distributing plants is supplied by a cooperative association, that operates two distributing plants and a supply plant. All member milk is received in the supply plant from which it is moved to its processing plants as needed for fluid milk products and to other distributing plants needing supplementary supply for their fluid products. Receipts from producers in this plant usually exceed sales to processors for fluid milk products. Although the extra milk in the plant is clearly essential reserve supply for the market, it may be utilized only in relatively low valued Class II products. The lower valued utilization of this reserve supply tends to make returns to producers at this plant lower than at plants that receive from producers little, if any, supply in excess of actual utilization in fluid milk products.

Such supply relations and concomitant producer prices signify that producers do not share equally in returns from the plants using their milk for fluid milk products. Unequal sharing by producers in market returns from plant utilization of milk, which they in effect supply in common, causes unsettled and unstable market conditions for producers and handlers alike.

The producer testimony on need for an order stresses the instability and uncertainty as well as the inequality in plant prices to producers. No comprehensive compilation of statistical evidence of such price conditions was presented. But, it was stated that not infrequently producer prices have been lowered on rumors or fear of retail and wholesale reductions in street prices. An instance of this occurred in 1956 when producer prices were generally decreased 15 to 25 cents per hundredweight for a period of 3 months even though retail and wholesale prices were reduced for only two weeks, and such change occurred in only a small segment of the sales area. While this may not be a common occurrence, it signifies what has and what may happen to producer prices in the absence of some comprehensive and orderly method of determining them. Variations in pricing plans and in class utilization prices in this area reflect unequal costs of milk among handlers. Such inequality has tended to unsettle trade relations and to depress producer prices.

In this area producers have little part in the determination of plant prices and payments. Handlers pay producers on base and excess price plans devised by handlers. Producers are unable to determine or check the accuracy of weights and tests. Attempts by proponent cooperatives to work out with handlers a classified price plan have failed. Handlers have not been receptive to bargaining with producers.

The marketing agreement and order as recommended herein will implement the policy declared in the Agricultural Marketing Agreement Act of 1937, as amended, of establishing and maintaining orderly marketing conditions by providing:

(1) A determination of prices to producers under a regular and dependable method at levels consistent with the policy established by the act;

(2) An impartial audit of handler's records of receipts and utilization to insure payment of uniform prices for milk purchased;

(3) The establishment of uniform class prices to handlers based on the utilization of milk;

(4) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(5) Uniform rules for all producers in a seasonal production incentive plan which will encourage all producers to adjust production to a more even pattern;

(6) A system of impartial checking of all producer milk in respect to weight and butterfat content; and

(7) Marketwide information in respect to all receipts, utilization and intermarket movements of milk.

(3) *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation is determined by appropriate definitions of the terms: marketing area, pool plant, handler, producer-handler, producer, producer milk and other source milk.

(1) *Marketing area.* The Mississippi Delta marketing area should include all the territory and municipalities and

military reservations within the boundaries of: Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphreys, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster, Winston, and Yazoo counties; Beats 1, 4, and 5 in Calhoun county; Beat 5 in Chickasaw county; Beats 3, 4, and 5 in Clay county; and Beats 1, 4, and 5 in Yalobusha county all within the State of Mississippi.

Several proposals were made with respect to the marketing area. Altogether, a total of 45 counties, encompassing all the counties in Mississippi north of the present Central Mississippi marketing area, were proposed to be included as the marketing area. But the problems complained of by proponents centered primarily around the handling of milk in plants which serve a general area known as the Mississippi Delta. The marketing area as defined by proponents comprised a contiguous group of 17 counties. Distributors proposed 28 additional counties.

The area herein recommended differs from the proposal of proponent in two respects: Counties of Coahoma, Issaquena, Leake, and Quitman are not included; the counties of Winston, Noxubee, Lowndes, Oktibbeha, Choctaw, Webster, and parts of Clay, Chickasaw, Calhoun, and Yalobusha counties are added. The remainder of each of these counties and 16 other counties, extending east and west across the state and north to the Tennessee line, proposed by distributors, are not included in the recommended area. Two other counties, on the southern edge of the area, which were proposed as additional to proponents' group, are not recommended.

The chief fault found with proponents' area proposal was that it was too limited. Although, it was broad enough to include all competing distributors in the main currents of the trade in the region, it failed to include important segments of the sales areas of a few of these distributors. Such operators sought to protect themselves against competition with unregulated distributors, in what would be outside sales territory, by proposing to incorporate such localities in the marketing area. Distributors who might become regulated by such area extension in turn proposed still further extensions. All these proposals for additions to proponents' proposed area will be examined in the light of all the evidence. But, before considering them, it may be well to give reasons for not including in the recommended area all the counties in the group proposed by proponents.

Four counties of the area proposed by proponents were omitted. Two of these, Issaquena and Leake, are on the very southern edge of the Delta region. They are sparsely populated and are served only by distributors who would be regulated because of business in other localities. But, they are not in the sales territory of many Delta distributors and might perhaps be served as well by Central Mississippi distributing plants as by Delta distributors. In fact, a regulated Central Mississippi plant distributes in one of these counties. For these reasons, the evidence generally in support of the proposed area, does not qualify these fringe localities. The other two counties in proponents' proposed area that should not be included are Coahoma and Quitman. These counties are located on the northwest edge of the marketing area and are more closely associated with the Memphis marketing area than with the Delta area. There is one milk distributor located in Coahoma county, none in Quitman county. A distributor regulated by Memphis Federal Order No. 18, and a distributor that would be partially regulated under the order recommended herein, distribute fluid milk products on routes in these two counties. The record is incomplete with respect to the exact proportion of total sales in these counties that is now made by distributors who would be handlers under a Delta order. From the record, however, it may safely be assumed that the local handlers in Coahoma county and handlers associated with the Memphis market have the majority of fluid milk product sales in these counties. Procurement of milk for these counties is definitely in competition with the Memphis source of supply. Therefore, Coahoma and Quitman counties should not be included in the marketing area.

The remaining 13 counties in proponents' group and 10 additional counties or parts of counties are included in the recommended area. These additional counties—named in the fore part of the discussion of this issue—were proposed by Delta area distributors whose sales territories extended to the north and west beyond the limits of the area proposed by proponents. Such extension seems advisable and is, therefore, recommended. In these counties, the business done by principal Delta distributors is substantial. Evidently they are an important part of the market for producer milk. And milk marketing and distribution in this additional area is closely interrelated with that of the chief centers of the Delta trade. Adding this territory would bring under the order three additional handlers, who would otherwise be unregulated. But, the recommended limits on the north, which would exclude parts of the counties of Clay, Chickasaw, Calhoun, and Yalobusha would minimize "fringe area" sales by distributors whose business in the main is in other areas. Including only parts of these counties, as indicated above, with the other counties mentioned would still confine the regulation to those mainly engaged in the Delta area trade. There would be only two "fringe" distributors, each with approximately five percent of his sales in the area.

It is necessary thus to limit the area on the north in order to avoid full application of this order to Grade A milk handlers and their producers whose marketing operations are mainly in the trade centering in Tupelo, Mississippi, or are associated with the Memphis trade. Since such interests are not competitive factors in the main currents of trade in the Delta region, there is no justification in bringing them fully under a price plan designed specifically for the trade in the Delta region. The recommended area would avoid this. If it were extended further to the north it would involve distribution mainly engaged in other marketing areas. For this reason the other 16 counties to the north which were proposed as additions to the proposed area could not be included in the recommended area. Two Delta area handlers would be left with approximately 15 percent of their respective sales in these northern counties outside the area. In this part of their sales territory their competition would be unregulated. But under the circumstances this is unavoidable; for in these northern counties, the Grade A milk trade emanates from local centers that are more closely related to Tennessee, and Alabama markets than to the Mississippi Delta market.

Warren and Kemper are the remaining counties that were proposed for the Delta area and that are not included in the area recommended herein. Warren county is presently a part of the Central Mississippi marketing area and is ineligible for the Delta area. And the evidence concerning Kemper affords little grounds for attaching it to the Delta area. It is on the southern edge of the Delta trade region, as conveniently located to Central Mississippi plants as to those in the Delta trade. The only urban population is in small and scattered towns. Other salient facts are: that there is no local distributor in the county; that sales by a Central Mississippi handler presently constitutes about 40 percent of total distribution in the county; and, that the rest of the business is done by distributors who would be handlers under the recommended Delta order.

Finally, it may be said in behalf of the defined marketing area of this recommended Delta order, that it would limit the regulation to handlers who are primarily engaged in the trade of the Delta region; that the recommended area is contiguous and has uniform health and sanitation regulations of production and handling of milk; that it would subject only minor fringe area distribution to partial regulation; and that the sales areas of all fully regulated handlers would be mostly within the marketing area. Only two handlers would have as much as 15 percent of sales outside of the area. Only these handlers would have any competitive relations with unregulated distributors.

(2) *Milk to be regulated.* The milk to be regulated by the proposed marketing agreement and order should be that which is regularly delivered to plants from which milk is regularly distributed on routes in the marketing area, or which is delivered to plants that are regular sources of supply for such plants. To be eligible for such distribution, milk must be produced, processed, and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and pooling provisions of the recommended marketing agreement and order. For this reason, definitions of handler, producer-handler, plant (various types), producer, producer milk, and other source milk should be provided.

A handler should be defined as:

(1) The operator of a pool plant as hereinafter defined;

(2) The operator of a plant from which Class I milk is processed, packaged, and distributed on routes within the marketing area; and

(3) A cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant by delivery directly from producers' farms to a nonpool plant for the account of such cooperative association.

The handler receives the milk of producers and thus must be held responsible for reporting its receipt and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of distributing plants should be handlers in order that such persons shall report to the market administrator to determine their status at any given time.

The definition of a pool plant should be such as to determine which producers, as hereinafter defined, are to be included in the determination of a marketwide uniform price to producers. Some plants have received milk from local dairy farmers and distributed most of such milk as fluid milk products in the proposed marketing area over a period of several years. There are other plants that fall into one of two categories, (a) distributing plants with a primary interest in other fluid markets but distributing milk within the area and (b) plants generally known as supply plants at which milk is received directly from dairy farmers and delivered in bulk to distributing plants. There are two distributing plants not regulated by any Federal milk order located outside the proposed marketing area that currently sell fluid milk products within the area, but have their primary market elsewhere. Milk distributors in this market depend in part upon bulk supplies of milk and thus there needs to be provision for supply plants as pool plants. Specific requirements for pool plants are therefore needed to define the supply which is generally regarded as an integral part of this fluid market. This may be accomplished by first defining a distributing plant and a supply plant.

A distributing plant should be defined as a plant at which fluid milk products, conforming to the Grade A sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area, are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area.

A supply plant should be defined as a plant at which milk produced in conformity with Grade A health regulations for the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant, a distributing plant should (1) dispose of 20 percent or more of receipts from dairy farmers and supply plants as fluid milk products on routes in the marketing area and (2) have a total disposition of fluid milk products on routes of 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants. In order to qualify as a pool plant a supply plant should move 50 percent or more of receipts from dairy farmers to a distributing plant, as herein defined. If a supply plant qualifies on this basis during each of the months of September through January, it should be able to retain pool plant status the following February through August.

The supply area for the Mississippi Delta marketing area overlaps the supply area of other fluid markets and manufacturing milk production areas. Therefore, the previously stated pool plant requirements are necessary to insure (1) that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area and (2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Thus, it is provided that those plants that make sales of fluid milk products on routes in the marketing area that represent 20 percent or more of total receipts from dairy farmers should be regarded as pool plants. Such a percentage of sales in the area in most cases would represent a substantial volume and thus dairy farmers shipping to such plants should share in the marketwide pool.

The proponent cooperative associations proposed that not less than 70 percent of the receipts of producer milk and fluid milk products from other pool plants be disposed of on routes as Class I during the months September through January as a necessary requirement for qualifying a distributing plant as a pool plant. Similarly a 60 percent shipment of producer milk by a supply plant to a distributing plant would be necessary for pool plant qualification. But, a percentage requirement higher than 50 percent in either case is not warranted on the basis of this record even though distributing plants normally use a higher proportion of their receipts from dairy farmers as fluid milk products. The purpose of this percentage requirement is to distinguish distributing plants from supply plants for the purpose of pool plant qualification. Not less than 50 percent distribution of fluid milk products on routes in any month would indicate that the plant is primarily a milk distributing plant. Route disposal will serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. Route is defined in the order to include all deliveries of fluid milk products other than deliveries to other milk plants.

The 50 percent shipping (to distributing plants) requirement would be reasonable for supply plants as a parallel requirement to that of distributing plants, but it should not apply to supply plants during months of seasonally heavy receipts from producers. Supply plants carry reserve supplies for distributing plants. If they have the milk when needed by processors they may have little or no call for it during flush months. If a supply plant meets the required standards during the short supply season (September–January) status as a pool plant would then be retained during the balance of the year (February–August).

The Mississippi Delta market is currently served by one supply plant. This plant operated by Cooperative Creamery Association and located at Starkville, Mississippi, supplies bulk milk to its distributing plants at Starkville and Greenwood. In addition, other handlers in the proposed marketing area purchase bulk supplies from this plant. These standards will require such supply plants that qualify to have a primary interest in supplying the Mississippi Delta market, and an opportunity to share in marketwide pooling at all times if it establishes its association with the market during the season of normally low supplies.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but receives no milk from other dairy farmers or nonpool plants.

The purpose of this definition is to describe a type of producer-handler operation which would not be required to equalize utilization and prices with the rest of the market. As a practical matter the producer-handler status—outside the producer price pool—must be defined in terms that definitely prescribe the latitude in procurement afforded such an operator.

First, it may be noted that there is no evidence or argument against confining this category to distributors who receive no milk from producers; for, uniform pricing of producer milk as herein recommended requires the equalization of utilization and prices by all handlers who procure milk from producers. Exception for this type of handler would tend to diminish the efficacy of the pricing scheme. For much the same reason a handler who uses other source milk, in addition to his own production, in fluid milk products, must be required to equalize utilization and prices with other distributors. Otherwise, such a handler might be able to acquire relatively low cost milk for an expansion of his business, at the expense of other distributors and their producers. For these reasons it is concluded that these restrictions are entirely appropriate.

But the evidence does not justify further circumscription of this type of handler. The proposed limitation—3300 pounds per month—on sales was insufficiently supported and seems to be unwarranted. The limitations discussed above would remove the likelihood of any cost advantage that the producer-handler might gain over pool handlers.

There was no evidence to show that in this area a prescribed quantitative limit, in addition to procurement limitations, would be necessary in order to prevent this type of handler from undermining or limiting the market for producer milk. If sales by such a handler are limited for the most part to what he can economically produce it must be presumed from the evidence that he would enjoy no obvious competitive advantage in the trade. And this would most likely be true even if producer-handlers are permitted to supplement their own production with purchases from pool plants. It was proposed to confine the supply of a producer-handler to his own production. However, procurement from pool plants normally would cost considerably more than direct receipts of producer milk, and in this area probably could not be relied upon by such handlers, except in relatively small and uncertain quantities. Such milk, of course, would be fully priced producer milk at the pool plant and would be a part of the reserve supply for pool distributors. It would not be available to nonpool handlers at any lower cost, certainly, than to pool distributors. Furthermore, it would seem that under such circumstances procurement by producer-handlers from pool plants would tend to increase Class I utilization of producer milk and to increase returns to producers. It is therefore recommended that producer-handler be defined so as to confine the supply of milk for such an operator to his own production and receipts from pool plants.

Producer should be defined as a person, other than a producer-handler, who produces Grade A milk, in conformity with the sanitation requirements issued by a duly constituted health authority, for consumption in the marketing area as a fluid milk product and whose milk is received at a pool plant. Producer milk diverted from a pool plant by a handler, including a cooperative association, to a nonpool plant for its account should be deemed to have been received at the location of the pool plant from which diverted. In order to distinguish between producers whose milk may be temporarily diverted and those whose milk may be more or less permanently diverted from the fluid market, some limitation on the length of time that milk may be diverted and still be considered as producer milk under the order is desirable. Based on the conditions in the market, it is concluded that milk of a dairy farmer which is diverted to a nonpool plant in excess of 10 days production during any month (except during the months of February through August, when receipts of milk from producers are relatively large in relation to Class I sales) should not be considered as producer milk under the order. Milk of a dairy farmer which is moved to a nonpool plant in a quantity that exceeds 10 days production during the months of September through January is not sufficiently associated with this market to be priced and pooled with other producer milk. Free diversion of milk during February through August will facilitate the economical disposal of seasonal reserve supplies. Such provisions will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of seasonal flush production and over weekends and holidays when supply and demand relationships may require some reserve to be manufactured in plants not regulated by the order. This provision will facilitate interplant movements of milk for the purpose of short time adjustments of supply and demand without depriving dairy farmers producing the regular supply for the market of their status as producers.

Other source milk should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s), except producer milk and fluid milk products received from pool plants. Any receipts from a producer-handler would be other source milk since such persons are neither a producer nor the operator of a pool plant. This definition would include milk products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed and converted to another product in the plant during the month. Supplemental supplies from nonpool plants are occasionally needed and the amounts needed vary from season to season and between handlers.

(b) *The classification and allocation of milk.* Milk should be classified in two classes reflecting the principal differences in the value of milk used for different purposes. Class I should include all skim milk and butterfat disposed of for consumption as a fluid milk product. Fluid milk product means milk, skim milk, buttermilk, flavored milk and drinks, cream and mixtures of milk, skim milk and cream. Plant loss of producer skim milk and butterfat in excess of 2 percent and skim milk and butterfat not accounted for as Class II should also be classified as Class I. Because skim milk and butterfat are not used in most products in the same proportions as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk, and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Representatives of the health authorities having jurisdiction in the proposed marketing area testified that fluid milk products, as defined herein, sold for consumption in the area must be produced and handled in compliance with sanitation standards that are substantially uniform throughout the proposed marketing area. The proponent cooperative associations requested that buttermilk be a Class I product. The health regulations require the same health standards for buttermilk as is required for fluid milk. It is concluded that buttermilk should be a Class I product. Skim milk and butterfat used to produce sweet and sour cream must meet the same health requirements as milk for fluid consumption, hence it is appropriate that cream be classified and priced in the same class as fluid milk.

The products which should be included in Class I are those distributed to consumers in fluid form and required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from Grade A sources. The extra cost of Grade A quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used as Class I somewhat higher than for milk used for manufacturing purposes. It is appropriate that all of the products required to be from Grade A milk be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for Grade A milk.

Reserve milk not needed seasonally, or at other times such as weekends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Class II should therefore include skim milk and butterfat used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, ice milk, frozen desserts and mixes, frozen cream, aerated cream, dried milk products, whole and nonfat, condensed or evaporated products, butter, cottage and hard cheese. Class II should also include plant loss of other source milk, actual plant loss on producer milk not in excess of 2 percent, all skim milk dumped or accounted for as disposed of for livestock feed, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II products which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. The record testimony indicates that an appropriate classification of the inventory of fluid milk products is as Class II. This manner of classifying inventory with correlated steps in the allocation procedure provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity of costs to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation procedures. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another pool plant should be at the pool plant where actually received. When milk is moved in bulk from a supply plant to a distributing plant the loss on producer milk should be prorated at the rate of 0.5 percent to the supply plant and 1.5 percent to the distributing plant. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Provision should be made for classification of fluid milk products transferred in bulk between pool plants and from plants to nonpool plants. Transfers between pool plants should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained. Transfers between pool plants at an agreed upon class will not affect the total value of producer milk under a marketwide pool so long as this prior claim is maintained.

Milk, skim milk or cream transferred or diverted from Mississippi Delta pool plants to nonpool plants should be classified as Class I to the extent that the receipts from regulated plants under this order or any other order exceeds the Class II usage in the nonpool plant. In the event fluid milk products are received at a nonpool plant from more than one plant regulated by a Federal order, any skim milk or butterfat classified as Class I at such a nonpool plant should be shared pro rata between pool plants of this and other orders. In order to substantiate a Class II classification the nonpool plant must have and make available records adequate to verify any Class II utilization claimed.

There was no evidence indicating that the Mississippi Delta market carries milk supplies for other markets and therefore producers have no claims of priority to Class I sales in other markets resulting from transfers from pool plants to nonpool plants in such markets. The highest-valued uses should be assigned first to producers regularly supplying the other market. The provisions herein outlined are provided purposely to assure such assignment.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to insure the effectiveness of the classified pricing program of the proposed order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the proposed market agreement and order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Receipts from other handlers (according to classification);

(4) Beginning inventory;

(5) Add shrinkage deducted in (1); and

(6) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) *Class prices.* Class I prices should be established at a level, which in conjunction with Class II prices, hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of milk to meet the requirements of the marketing area.

The maintenance of stable conditions in the market requires that prices be modified whenever the supply of milk in relationship to sales is out of adjustment. If prices remain too low, insufficient milk will be produced to provide for Class I needs, and if a shortage of this kind should continue it would be necessary to supplement supplies from regular producers by importations of milk from distant areas. On the other hand, if prices are too high, excess production is stimulated, consumption is curtailed, and uneconomic surpluses of milk develop. Moreover, an appropriate balance between supplies of approved milk from regular producers and the sales of such milk in Class I will be attained only if Class I prices are in proper relationship to prices of milk from supplemental sources of supply.

Because of changing supply and demand conditions for milk in the market it is necessary, in order to maintain an appropriate relation between supply and sales, to provide a method of flexible Class I pricing. Pricing formulas which cause prices to change automatically with changes in market conditions are in general use for the pricing of milk to farmers in fluid markets. Proponents proposed for this area such a Class I price formula, one which was much the same as that in the Central Mississippi area under Order No. 87. The purpose was to provide appropriate flexibility in Delta area prices and, at the same time, close articulation of Delta prices with Central Mississippi prices. But, it is shown below that the proposed separate formula for the Delta area would not meet these tests; and that price objectives would be better served by basing Delta area Class I prices directly on prices of the Central Mississippi order at certain designated basing points in the Delta area, than by a separate formula provision.

(1) *Class I price.* The Class I prices in this order should be the Class I prices determined pursuant to § 987.51 (a) of Federal Order No. 87 regulating the handling of milk in the Central Mississippi marketing area, less 16 cents per hundredweight.

It was proposed by the cooperative that the Class I prices be $1.65 per hundredweight above a basic formula price for the months of March through July and $2.05 for all other months. The basic formula price suggested was the highest of the average price paid midwestern condenseries, a formula price based on market values of butter and nonfat dry milk, or the average paying price of nearby Mississippi manufacturing plants.

The result of the cooperative's proposal would be a Class I price 20 cents per hundredweight less than the Class I prices determined under Federal Order No. 87 for the Central Mississippi marketing area. This price would apply to all plants that would be pool plants in the marketing area proposed by the two proponent cooperatives. This proposal was supported on grounds of inter-area relations of the trade in the Delta region with that of the Central Mississippi area. This was the dominant consideration in the determination of the level of Class I prices.

It should be noted that the Delta area adjoins the Central Mississippi market on the south while the northern boundary is approximately 100 miles south of the Memphis area. For 1957, Class I prices at Jackson, Mississippi, averaged $5.73 and at Memphis $5.34. Thus the proposed Delta price of 20 cents under the Jackson price, in 1957, would have been about the same amount over the Memphis price. In 1956 average Class I prices in Memphis were 53 cents lower than the Central Mississippi prices at Jackson. In 1955, the difference was 57 cents. A handler proposed that if Delta prices must be definitely aligned with Central Mississippi prices, as proposed by producers, rather than with Memphis prices, they should be no less than 30 cents under the Jackson, Mississippi, price. This proposal, however, seems to assume that the difference in the annual level of Class I prices in Central Mississippi and in the Memphis area is most likely to be nearer to 60 cents than to 40 cents. This assumption was not supported by any examination of the factors associated with the fluctuating relation of prices in these two markets. On the basis of hearing evidence, there is no good basis for predicting much different relationship from that in 1957.

The same Class I price for all pool plants regardless of location in the area is necessary to equalize extensive competitive relations among pool plants in the area. The prices proposed by proponents need to be altered slightly under prevailing price relations between the Central Mississippi and Memphis markets. A Class I price of sixteen cents under the Central Mississippi market will provide a price, 25 to 30 cents over Memphis and in proper alignment to the location of the Delta territory with respect to these areas. The same price for all plants in the marketing area will reflect the competition between Delta plants. The recommended level of the Class I price will reflect the competition some Delta plants have with the Central Mississippi market.

The procurement area is almost wholly within the proposed marketing area. Some distributors within the area have sales outside the area. Two milk distributors located in the southeast portion and two located in the west-central side of the marketing area sell some fluid milk products in the Central Mississippi marketing area. Three Central Mississippi area handlers distribute fluid milk products in the proposed Delta area. Three milk distributors in the Delta area have some sales to the north, outside the marketing area, in competition with Memphis handlers and with milk distributors primarily competitive with the Memphis trade area. Nonpool plants located within the marketing area, in the eastern portion of the area, compete for supplies of milk with milk distributors that would be regulated under this recommended order. These nonpool plants procure supplies for manufacturing purposes and for sale as Grade A fluid milk for markets in the State of Alabama. Because of the competition in the sale of milk and in the procurement of supplies, milk at the various locations in the recommended marketing area should be priced in accordance with the general location of the marketing area to the trade in the Central Mississippi market.

Obviously, it is necessary in order to contribute to orderly marketing and market stability to price milk in the Delta pool at approximately the level it would be if it were in the Central Mississippi pool. A large portion of the supply area is around Starkville. Under the Central Mississippi order the Class I price would be adjusted by 16 cents at this location. The same location adjustment would apply at Greenwood, which is one of the larger sales areas. A Class I price identical with that which the Central Mississippi order provides at Greenwood and Starkville, Mississippi, will then appropriately extend the Central Mississippi Class I prices adjusted by location adjustments to the Delta area.

(2) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Mississippi Delta milkshed. The average of the prices paid at four Mississippi dairy manufacturing plants provides an appropriate indication of the value of milk for such uses in the area. The four plants selected are in the general area of the Mississippi Delta milkshed, and are not operated or controlled by persons who will be handlers under the order.

To the monthly average of the prices paid at local dairy manufacturing plants 20 cents per hundredweight should be added for the months of September through January and 10 cents all other months. Proponents testified that they are willing to divert for their account milk that handlers do not want to dispose of as Class II. Proponents are able to dispose of Class II milk at this price level. The recommended Class II price will discourage handlers from procuring needless supplies of Grade A fluid milk for Class II use and thus will tend to maximize returns to producers for Grade A milk used for Class II.

(3) *Handler butterfat differential.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 4.0 percent butterfat content, the usual fat test at which prices are quoted in the area, and on which the market has operated for many years. It will then be necessary to adjust Class I and Class II prices of milk to handlers in accordance with the average test of milk used in each class. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose. Producers proposed that the handler butterfat differentials be .12 times the Chicago price of 92-score butter. In the Mississippi Delta area, fluid cream must be from Grade A milk and is therefore priced as Class I milk. Butterfat in cream from inspected sources sold as fluid cream or cream mixtures has a higher value than that in ungraded milk which will be approximately reflected by a butterfat differential 0.12 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation for 4.0 percent butterfat content. The Class II butterfat differential should be 0.11 times the Chicago butter price as proposed. Such a differential reflects an appropriate value of butterfat for Class II uses in this area.

(4) *Location differentials.* It is concluded that an extension of the location differential scheme of the Central Mississippi area would be appropriate, based on distances from Greenwood and Starkville, Mississippi. Provided, however, no location adjustment shall apply in the state of Mississippi south of U. S. Highway No. 82. In Central Mississippi, location differentials begin 50 miles from basing points with a 10-cent decrease in the price, and from there decline at the rate of one and one-half cents for each full ten miles. For plants located 50 miles but less than 60 miles from the nearer of the two basing points, the price would be 7.5 cents less than the marketing area Class I price. The price for plants located 60 miles or more from the nearest basing point would be decreased 7.5 cents per hundredweight plus one and one-half cents for each additional 10 miles in excess of 50 miles. Since the Delta area is directly north of the Central Mississippi area there is no need for location adjustments to the south. Distances would be measured by the shortest highway distance open to commercial truck traffic as determined by the market administrator. This mileage rate, which is the same as that applicable under Order No. 87, is valid for the Delta area, as shown by evidence in the record. The value of manufacturing milk is approximately the same regardless of location. Any differences in price of such milk has little relation to its location to the Mississippi Delta area or to its location nationally. Therefore, location adjustments are unnecessary on Class II milk and should only apply to milk assigned or otherwise classified as Class I.

The uniform prices for producer milk should be subject to location adjustments to reflect the value of such milk in accordance with the location of the pool plant to which such milk is delivered. The rate of adjustment applying to uniform prices should be the same as herein recommended for adjusting Class I prices to handlers. This would be as proposed by producers and as provided in the Central Mississippi area.

(d) *Payments to producers*—(1) *Type of pool.* The marketwide type of pool should be included as a means of distributing to producers the returns from the sale of their milk.

The proponent cooperatives proposed that distribution returns from the sale of producer milk be on a marketwide basis.

Marketing conditions require payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some milk distributors buy as closely as possible to their Class I needs and carry little or no surplus in the high production months. The cooperatives supply their cooperating handlers with as much milk as needed and generally handle the surplus production of their members by diversion to manufacturing outlets. Under present marketing arrangements producers share unequally in the Class I sales of the market. A majority of plants do not have manufacturing facilities, other than for ice cream, and generally purchase supplies from dairy farmers close to their needs. Under an individual handler pool, it could not be expected that reserve supplies for the market would be uniformly distributed among handlers. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers.

A market-wide pool will facilitate the movement of milk supplies by the cooperative associations between handlers to meet their individual needs or to those nonpool processing plants that can make the most efficient use of such milk. Such a pool will aid the market in retaining qualified and experienced producers on a year-round basis which will tend to make available enough milk to fill the Class I requirements during the normally short production season. A market-wide pool will permit any handler to bid on such business as that offered by military installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another. These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a marketwide pool.

(2) *Producer payment plan.* A base and excess plan of distributing returns for milk among producers should be adopted for this market.

The majority of the producers are now receiving payment for milk on a base-excess plan. Each of the two cooperative associations has used this system of distributing payment among its members for many years. The evidence, although it does not represent the total figures for the market, indicates that receipts vary widely relative to Class I sales between the summer and winter months. Handlers and cooperatives have paid producers on base-excess plans with substantially the same rules. Due to lack of complete market information in regard to receipts from all producers and utilization data from all handlers, the effect of these plans on the relationship of supply to total inspected needs of the market cannot be accurately and specifically determined. It is evident, however, that these base-excess plans as operated in the past have encouraged more even production.

Fundamentally the base-excess plan proposed by the cooperative associations and included herein is similar to that now being used. When Class II utilization exceeds the total quantity of excess milk, each producer would receive the manufacturing milk price for milk delivered during the base-operating month in excess of a daily average amount, known as the producer's base. The base forming period is September through January. The producer's base for the base-operating period beginning with the following March is determined by the daily average shipments during the preceding base-forming period. The base price is determined by dividing the total market base deliveries into the remaining returns for all producer milk after subtracting the value of excess milk and the value of milk from producers with no base. The base of each producer delivering milk in the base period is the amount determined by dividing the total pounds of milk received from such producer at all pool plants during the base period by the number of days for which milk was delivered but not less than 120 days.

Certain rules regulating the transfer of established bases were proposed and are adopted herein subject to some modification. Transfers within these rules should be made only on written request filed with the market administrator. The rules permit reasonable transfer of bases and correspond closely to present practices in the market.

The proposed rules are modified to provide for computing bases for dairy farmers on deliveries during the preceding base-forming period whenever any plant first achieves pool plant status in a base paying period. This provision will permit these producers to share equally with all other producers in the returns for milk.

Handlers should make payments to each producer for his milk at the required prices. If a producer has given a cooperative association written authorization by contract or in any other form to collect payments for him and the association makes a written request for the payments due such producers, payment should be made by the handler to the cooperative. A provision authorizing handlers to make payment directly to such qualified cooperative for milk received from producer-members is necessary to enable the association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of member milk. It is provided that handlers should make payments to producers, or to cooperative associations, at not less than applicable price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers bimonthly, provision has been made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of each month at not less than the Class II price. In making payments for producer milk to a cooperative association the handler will pay an amount equal to the sum of the individual payments otherwise payable to member producers, and should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amounts of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary in order that the cooperative association can make proper distribution of money to the producer-members for whom it makes collections.

The order should not include a provision that would provide a pooling differential for "special milk".

A handler proposed a pooling differential on "special milk". He was joined in this proposal by representatives of the Mississippi Guernsey and Jersey breed associations. It was proposed that "special milk" be defined as milk:

(1) Receiving not less than a Class I price premium of 25 cents per hundredweight above the minimum order price,

(2) Processed and handled separately, and

(3) Sold under a registered trademark controlled by a producers' organization.

In support of such a definition of "special milk", it was contended that:

(1) It has superior quality.

(2) Production costs of this "special milk" are higher, and

(3) Consumer demand is greater than in the case of average or "ordinary" milk.

The proposed definition of "special milk", on which a pooling differential for "special milk" would be based, is not a feasible means to distinguish such milk from any other milk in the market for pricing and pooling purposes. In the first place premiums of 25 cents per hundredweight, or more, are frequently paid for reasons not associated with the quality of the milk. There have been numerous situations under Federal milk price regulation where premiums of 25 cents per hundredweight, and more, have been paid generally throughout the market. Consequently, the mere payment of a premium of any amount could not be relied upon to distinguish "special" milk from other milk in the market.

Neither could separate processing and handling be used to identify "special milk". Frequently, all of the milk received in a plant which distributes "special" breed milk handles only milk which is eligible for this designation. Likewise, other distributors sometimes distribute "special milk" and they process in their own plants only milk meeting those specifications. It could be said, consequently, in the latter case as well as the former, that the milk was handled separately. Moreover, milk handlers sometimes set up special quality criteria of their own choosing, and they handle milk meeting these criteria separately.

Finally, the use of a trademark controlled by a producers' organization could not be relied upon to distinguish "special milk" from all other milk in the market. In this market and in other markets, there are producers' associations which distribute milk under their own brand names, which brand names are registered and are controlled by producers' associations. Hence, this criterion also would fail to identify only special milk.

Each of these criteria, and all in combination, would not successfully distinguish special milk from other milk which could be distributed in this and other markets.

In justification for special pricing and pooling it is claimed that the special milk has superior qualities entailing higher production costs that entitle producers to higher prices. But these claims are not supported. The record evidence merely states that "special" breed milk possesses higher or different quality characteristics than other milk in a Grade A standard market but does not offer facts to substantiate such claims. The evidence on cost of production is of the same nature. It is a fact that cost of production studies show marked variation in costs from farm to farm among Grade A milk producers, including producers of "special" breed milk. Production costs or marketability are not in themselves factors to influence minimum milk prices or to justify separate or special pooling of returns to selected groups of producers.

In further justification of their proposal, proponents claimed a greater consumer demand for "special milk." To support this claim, the high Class I utilization of one handler distributing "special" breed milk in the marketing area was cited. This handler purchases other source fluid and powdered milk, from distance sources, to supplement receipts from area producers. At the same time, however, there are producers of special breed milk located in the marketing area that do not have a market with this handler. Extensive advertising, superior selling practices, proximity to the market place are some factors, besides type of milk differentiation, that influence consumer demand and permit some handlers to secure higher than market average Class I utilization. Be that as it may, any handler restricting the amount of milk purchased from producers and supplementing supplies from other sources may achieve equally well a high Class I utilization.

Even if it were possible to define adequately the "special milk" referred to, it would be inappropriate to provide a special pooling differential. The pooling arrangements provided in Federal orders have important market and price stabilizing functions. They make it feasible for milk handlers to accept the offerings of producers at all times. In a marketwide pool handlers may accept the milk of producers without reducing the individual handler's pay price in relation to the rest of the market. This makes it feasible for the handler to accept and market all of the deliveries of producers. In a similar way, under individual-handler pooling, the regulated handler pays his producers a blended price for all of their deliveries. Thus, he does not have to choose among producers who will receive a higher price and who a lower price. The handler can thus receive all of the milk of his producers at an equal price. Through pooling, producers share equally in the higher value of fluid milk products, in the responsibility to provide an adequate and orderly flow of the supply of milk to meet consumer demand and in the lower returns from the market reserve supply. For these reasons the act provides for either individual-handler or marketwide pooling of returns to milk producers to stabilize the pricing and orderly marketing of milk in the interest of producers and consumers.

The proposal for a pool differential, which in effect would mean separate pooling for "special milk", would nullify the effect of pooling. It would hinder the stabilizing influence pooling is intended to have in a regulated market. This is particularly evident when it is recognized that the proposed criteria for "special milk" could result in a multiplicity of separate pooling arrangements. Clearly there is no statutory intent to adopt a proposal which would have the effect of nullifying one of the most essential stabilizing devices provided in the act.

Despite the fact that it is concluded inappropriate to provide special pooling arrangements for "special milk", there is no need to consider such action a penalty to the producers of such "special milk". The prices specified in the Federal orders are minimums only. Producers may negotiate for higher prices for milk of special marketability which under certain circumstances may inhere in "special milk". Such premiums would not be pooled; but would be paid directly to the producers of "special milk".

For these reasons the proposal for special pooling and similar pricing proposals that would provide for a preferential pooling or pricing arrangement for producers of "special milk" is denied.

(3) *Producer butterfat differentials.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sales value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(4) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be accumulated by deducting between 4 and 5 cents each month from the uniform or base price, as applicable, after adding half of the unobligated balance to the pool from which such prices are computed. Since excess milk will rarely share in the higher class uses of the market, and deduction for the reserve from the excess milk price would reduce this price below the level of ungraded manufacturing milk prices, excess milk need not contribute to this revolving reserve fund in months when payments are computed under the base-excess plan.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

5. Payments on unpriced milk:

The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant when receipts from producers exceed 110 percent of the Class I utilization.

The proponent cooperatives proposed compensatory payments on all unpriced milk utilized or sold in the marketing area. The rate of payment would be the difference between the Class I and Class II milk prices for the months March through August. During the months of September through February, the rate of payment would be the difference between the Class I milk price and the uniform price to producers.

Receipts of milk from producers during the lowest period of production may not be enough to meet the Class I needs of handlers in the marketing area. Therefore, purchase of other source milk by handlers in bulk fluid form or as skim milk powder or condensed milk is at times necessary. During the flush season, receipts from producers are more than sufficient to meet the Class I needs of the market.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production, when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Market prices would be demoralized, production of milk would be impaired, and the future supply of milk for both markets would be jeopardized. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order. Since the need for such payments arises because of the availability of unpriced milk (milk not procured at specified prices by class usage), compensatory payments should not apply to milk entering the marketing area from a plant regulated under another order. Its proper classification and pricing is determined pursuant to the other order.

It is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of milk from producers.

In the case of other source milk received in the form of concentrated products such as condensed skim milk or nonfat dry milk, the cost to the handler of such products is approximately the Class II price provided under the Mississippi Delta order. When such products are reconstituted and utilized as Class I milk, the cost to the handler of such product is less than the Class I price by approximately the difference between the Class I price and the Class II price. In order to remove any price advantage, a handler might have through the reconstitution of manufactured dairy products into fluid milk products, the rate of compensatory payment on other source milk received in the form of concentrated products should be the difference between the Class I price and the Class II price, adjusted by the applicable butterfat differential. Since the point of origin of such other source milk is not generally known, it is not administratively feasible to adjust these payments by any location differential.

In addition to the other source milk which enters the market in the form of concentrated products there are at times fluid milk imports from unregulated markets for use as Class I. To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class II price. The Class II price provided by the order is a fair index of the value of such milk in manufactured dairy products which is the alternative outlet for such milk. Since the handler must pay the cost of transporting such milk from the plant of origin to the marketing area, the rate of the payment should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the Mississippi Delta order.

In order to permit handlers to secure supplementary supplies without making a payment when the market is actually short of milk, it has been provided that no compensatory payment will apply any month in which receipts of producer milk on the market are less than 110 percent of Class I sales. From the record data on monthly receipts and utilization of producer milk, such utilization percentage would be a practical demarcation of adequate supply and deficit supply conditions.

In computing the applicable location differential, if a handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence according to the smallest location adjustment applicable.

In the case of a handler whose plant fails to qualify as a distributing plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund. The amount of these payments would be the lesser of (1) the difference between the Class I and Class II price multiplied by the amount of Class I milk sold in the marketing area, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area will adequately protect the regulatory plan in this market. In the areas from which it is expected such nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. It is expected also that the difference between the Class I price and uniform price, which will prevail in this market, will be relatively minor. Consequently, the price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Hence, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan in this market, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if such a handler is to be given credit for payments as related to the classified use value of skim milk and butterfat received. Accordingly, administrative expense should be determined on the same basis as for fully regulated plants. Should a handler operating a nonpool distributing plant elect when filing his report to make payments to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, the expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

6. A provision for the determination of equivalent price quotations should be included in the order.

Such a provision is designed to meet an emergency situation in which a price quotation necessary in the determination of class prices, or for any other purposes, may not be available. In such event, the Secretary would determine a price equivalent to the price quotation normally available. The provision proposed will remove uncertainty as to the procedure to be followed in the absence of any price quotation provided for in the order and thereby will prevent unnecessary interruption in the administration of the order.

(e) *Other administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the order provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the regulatory program in the event of suspension or termination. They are similar to like provisions of other milk orders, and except as set forth below require no comment.

As his share of the expenses of administering this proposed order each handler should pay not in excess of 5 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and as discussed elsewhere with respect to a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore, all such milk should be subject to the expenses of administration. Experience in other markets indicates that 5 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 5 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 7 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrator in financing such services. While proponents sought a deduction of 8 cents per hundredweight, the lesser amount recommended, based on the evidence of this record, should provide adequate funds for marketing services. Conditions in this marketing area are not enough different from the Central Mississippi market—where a 7 cent rate is provided—to justify a higher rate in the Delta area. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect. Such payments to be in lieu of those to the market administrator.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the marketwide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as part of the decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the month and function:

6th day—Announcement of class prices by market administrator.

5th day—Submission of monthly report of receipts and utilization by handlers.

10th—Announcement of uniform prices by market administrator.

12th—Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from producer-settlement fund.

12th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.

13th—Payments by handlers to cooperative associations and by the market administrator out of the producer-settlement fund.

15th—Payments by handlers to producers.

It is impracticable to regulate a handler under two or more orders with respect to the same milk. He should be regulated where his Class I sales are greatest. Therefore, a handler who operates a plant at which minimum prices to dairy farmers are established under another Federal order issued pursuant to the act and also sells Class I milk in the Mississippi Delta marketing area should be exempt from the provisions of this regulation, except for reporting the volume of Class I sales in the marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Mississippi Delta marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

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DEFINITIONS

§ 905.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 905.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 905.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 905.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 905.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 905.6 *Mississippi Delta marketing area.* "Mississippi Delta marketing area," hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations within Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphreys, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster, Winston, and Yazoo Counties; Beats 1, 4 and 5 in Calhoun County; Beats 5 in Chickasaw County; Beats 3, 4 and 5 in Clay County; and Beats 1, 4 and 5 in Yalobusha County, all within the State of Mississippi.

§ 905.7 *Route.* "Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 905.8 *Distributing plant.* "Distributing plant" means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 905.9 *Supply plant.* "Supply plant" means any plant at which milk eligible for distribution in the marketing area under a Grade A label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 905.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 905.61 (a), from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers and supply plants; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers is moved to a plant described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant described in paragraph (a) of this section.

§ 905.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 905.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) The operator of any nonpool distributing plant with route distribution in the area; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 905.14.

§ 905.13 *Producer-handler.* "Producer-handler" means a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own production or transfers from a pool plant(s).

§ 905.14 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted by a handler to a pool plant or a nonpool plant for the account of such handler or by a cooperative association but for not more than 10 days production during any months of September through January. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

§ 905.15 *Producer milk.* "Producer milk" means all skim milk and butterfat received at a pool plant directly from producers, or diverted pursuant to § 905.14.

§ 905.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 905.33.

§ 905.17 *Fluid milk product.* "Fluid milk product" means all skim milk and butterfat in the form of milk, including concentrated milk, skim milk, including reconstituted skim milk, buttermilk, flavored milk, flavored milk drinks, eggnog, yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, other frozen desserts and mixes, and sterilized products contained in hermetically sealed containers).

§ 905.18 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 905.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 905.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 905.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 905.93, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 905.92, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by examination of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly disclose, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 905.30 and 905.31, or payments pursuant to §§ 905.90 to 905.95;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing;

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 905.50 (a) adjusted by the applicable location adjustments pursuant to § 905.52 and the Class I butterfat differential computed pursuant to § 905.51 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.50 (b) and the Class II butterfat differential computed pursuant to § 905.51 (b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 905.72 and the butterfat differential computed pursuant to § 905.75; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to §§ 905.73 and 905.74 and the butterfat differential computed pursuant to § 905.75;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 905.30 *Reports of receipts and utilization.* On or before the 5th day (exclusive of Sundays and holidays) of each month each handler who operates a pool plant(s), each handler, other than a producer-handler, who operates a nonpool distributing plant, and any cooperative association with respect to milk for which it is a handler pursuant to § 905.12 (c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers and for the months of March through July the total quantity of base and excess milk. In lieu thereof the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers who would be producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 905.61 and 905.62, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Class I milk outside the marketing area;

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 905.31 *Other reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 905.12 (c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 905.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

(c) Each handler (other than a producer-handler or one described in § 905.61) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 905.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 905.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 905.34 ***Retention of records.*** **All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain:** ***Provided,*** **That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act of a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.**

CLASSIFICATION

§ 905.40 ***Skim milk and butterfat to be classified.*** **All skim milk and butterfat required to be reported pursuant to § 905.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 905.41 to 905.47.**

§ 905.41 *Classes of utilization.* Subject to the conditions set forth in §§ 905.42 to 905.47 the classes of utilization shall be as follows:

(a) Class I shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) of this section; and

(2) Not accounted for as Class II;

(b) Class II shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In skim milk authorized by the market administrator to be dumped or accounted for as disposed of for livestock feed;

(3) In shrinkage, but in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers plus 1½ percent of the total pounds of skim milk and butterfat in bulk milk, skim milk, and cream in fluid form received at a pool plant from all sources less that disposed of in bulk to a pool plant of another handler;

(4) In shrinkage of other source milk; and

(5) In inventories of fluid milk products on hand at the end of the month.

§ 905.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in (1) producer milk and milk received from other pool plants and (2) other source milk.

§ 905.43 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 905.44 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless Class II is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I in the two plants;

(b) A plant operated by a producer-handler shall be Class I;

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I unless:

(1) The transfer is in bulk form and the transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, used to produce any items of Class II milk (as defined pursuant to § 942.41 (b)) at such nonpool plant during the month;

(ii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a plant at which milk is priced pursuant to this part or another order issued pursuant to the act and such cream is allocated to other than Class I (under the applicable order definitions and allocation procedures at the transferee plant);

(iii) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of the items of Class II processed in such second nonpool plant plus the bulk fluid cream shipped from such second nonpool plant to other nonpool plants which do not dispose of milk or cream for consumption in fluid forms: *Provided,* That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(iv) Subtract the skim milk and butterfat, respectively, received in fluid milk products at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (iv) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the act, the difference shall be assigned pro rata, to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the act), and shall be classified as Class I milk.

§ 905.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 905.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II at the pool plant(s) of such handler.

§ 905.46 *Allocation of skim milk classified.* The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage pursuant to § 905.41 (b) (3);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk, except as specified in paragraph (c) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of other orders issued pursuant to the Act;

(d) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers in such class pursuant to §§ 905.41 and 905.44 (a);

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series, beginning with Class II.

§ 905.47 *Allocation of butterfat classified.* Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 905.46.

§ 905.48 *Computation of total producer milk in each class.* Combine into one total the amounts computed pursuant to §§ 905.46 and 905.47 for each class and determine the weighted average butterfat content of producer milk.

MINIMUM PRICES

§ 905.50 *Class prices.* Subject to the provisions of §§ 905.51 and 905.52 the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The price per hundredweight for Class I shall be the price for Class I milk established pursuant to § 987.51 (a) of this chapter regulating the handling of milk in the Central Mississippi marketing area, less 16 cents;

(b) *Class II price.* The price per hundredweight for Class II shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture: Kraft Cheese Co., Houston, Mississippi; Borden Co., Starkville, Mississippi; Carnation Co., Tupelo, Mississippi; Pet Milk Co., Kosciusko, Mississippi; plus 20 cents per hundredweight for the months September through January and plus 10 cents per hundredweight for the months February through August.

§ 905.51 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices determined pursuant to § 905.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II.* Multiply the Chicago butter price for the month by 0.11.

§ 905.52 *Location adjustment to handlers.* For milk received from producers at a pool plant located north of U. S. Highway No. 82, outside the State of Mississippi, within the State of Mississippi, or at a pool plant located outside the State of Mississippi and 50 miles or more by shortest highway distance open to commercial truck traffic, as determined by the market administrator, from the nearer of the city halls at Greenwood or Starkville, Mississippi and which is classified as Class I, the prices determined pursuant to § 905.50 (a) shall be reduced 7.5 cents, plus an additional 1.5 cents for each 10 miles that such distance exceeds 50 miles.

§ 905.53 *Rate of compensatory payments.* In any month in which total deliveries of producer milk are 110 percent or more of the total amount classified as Class I (excluding duplications) at all pool plants, the rate of compensatory payment per hundredweight shall be calculated as follows:

(a) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price adjusted by the Class I butterfat differential and adjust such difference by the location differential rate set forth in § 905.52 for the location of the plant at which the milk was received from farmers.

§ 905.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 905.60 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 905.32, 905.33 and 905.34.

§ 905.61 *Plants subject to other Federal orders.* The provisions of this part, except §§ 905.30 (b) (1), 905.33 and 905.34, shall not apply to:

(a) A distributing plant which would be subject to the classification and pricing provisions of another order issued, pursuant to the act unless a greater volume of Class I is disposed of from such plant during the month on routes in the Mississippi Delta marketing area than in the marketing area defined in such other order;

(b) A supply plant which would be subject to the classification and pricing provision of another order issued pursuant to the act unless such plant qualified as a pool plant during each of the preceding months of September through January.

§ 905.62 *Obligations of handler operating a nonpool distributing plant.* In lieu of payments required pursuant to §§ 905.90 to 905.95, each handler, other than a producer-handler or one exempt pursuant to § 905.61 (a), who operates during the month a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 905.30 the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 905.93 with respect to Class I disposed of on routes in the marketing area.

(b) Except as the handler may elect the option pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Determine the value for milk received from dairy farmers at such plant for such month pursuant to § 905.70 as if such plant were a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Such gross payments shall be limited to cash payments made to the dairy farmer or his assignee on or before the date for filing reports required pursuant to § 905.31 (c), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an equal to that which would have been computed pursuant to § 905.93 had such plant been a pool plant.

DETERMINATION OF PRICES TO PRODUCERS

§ 905.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the producer milk in each class, as computed pursuant to § 905.48, by the applicable class prices (adjusted pursuant to §§ 905.51 and 905.52);

(b) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46 (b) and the corresponding step of § 905.47 and pursuant to § 905.46 (e) and the corresponding step of § 905.47 excluding the skim milk and butterfat determined pursuant to paragraph (d) of this section, by the rate of compensatory payment as determined pursuant to § 905.53 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 905.46 (a) and the corresponding step of § 905.47 by the applicable class price;

(d) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 905.46 (e) and the corresponding step of § 905.47; or

(2) The hundredweight of producer milk classified as Class II (except as shrinkage) for the preceding month.

§ 905.71 *Computation of the 4.0 percent value of all producer milk.* For each month, the market administrator shall compute the 4.0 percent value of producer milk, as follows:

(a) Combine into one total the individual value of milk computed pursuant to § 905.70 for all handlers, except those who failed to make payments required pursuant to §§ 905.90 and 905.95 for the preceding month;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 4.0 percent, or substract if the weighted average butterfat test of such milk is more than 4.0 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 4.0 percent by the butterfat differential provided in § 905.75 multiplied by 10.

(c) Add the total of the values of the applicable producer location adjustments pursuant to § 905.76, and

(d) Add not less than one-half of the unobligated balance in the producer settlement fund.

§ 905.72 *Uniform price.* For each of the months of August through February, the uniform price per hundredweight for milk containing 4.0 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Divide the amount computed pursuant to § 905.71 by the hundredweight of producer milk; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 905.73 *Uniform excess milk price.* For each of the months of March through July, the price for excess milk of 4.0 percent butterfat content shall be computed as follows:

(a) Multiply the hundredweight of excess milk, not in excess of Class II represented by the values included in § 905.71 (a), by the Class II price for milk of 4.0 percent butterfat content determined pursuant to § 905.50 (b);

(b) Multiply the hundredweight of any excess milk not included in the computation in paragraph (a) of this section by the Class I price for milk of 4.0 percent butterfat content pursuant to § 905.50 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 905.74 *Uniform base milk price.* For each of the months of March through July, the price for base milk of 4.0 percent butterfat content received from producers at pool plants (before location adjustment) shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) From the total 4.0 percent value of producer milk pursuant to § 905.71 subtract the total value determined in paragraph (a) of this section;

(c) Divide the resultant value by the total hundredweight of base milk; and

(d) Subtract not less than 4 cents or more than 5 cents.

§ 905.75 *Producer butterfat differential.* In making payments pursuant to § 905.90, the uniform prices shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 4.0 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 905.51 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 905.76 *Location adjustment to producers.* In making payments to producers and cooperative associations, a handler may deduct from the applicable uniform prices, with respect to all milk received from producers at a pool plant located north of the marketing area or outside the State of Mississippi, and 50 miles or more by shortest highway distance open to commercial truck traffic as determined by the market administrator, from the city hall at Greenwood or Starkville, Mississippi, whichever is nearer, the amount per hundredweight applicable to the plant as set forth in § 905.52.

§ 905.77 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 905.92 and 905.93.

BASE RATING

§ 905.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 905.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was received by such handler during the months.

§ 905.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period.

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of January, inclusive, but not less than 120 days.

PAYMENTS

§ 905.90 *Payments to producers.* Except as provided in paragraph (e) of this section each handler shall make payment for producer milk as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 905.72, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 905.92;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 905.95 and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 905.74 for the quantity of base milk received from such producer during the month subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 905.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(3) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer;

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price pursuant to §§ 905.72 to 905.74, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 905.75 and the location differential computed pursuant to § 905.76, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations; and

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 905.44 (a) at the applicable respective class prices including differentials prescribed by this part.

(g) If by such date such handler has not received full payment for such month pursuant to § 937.96 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 905.91 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 905.92 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 905.90 (d).

§ 905.93 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such months, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 905.46 (b) and § 905.47; and

(c) Applicable amounts specified in § 905.62 (a) (2) or (b) (2).

§ 905.94 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 905.62, 905.91 and 905.95, and out of which he shall make all payments pursuant to §§ 905.91 and 905.96: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 905.95 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 905.70, for such month, is greater than the amount owed by him for such milk pursuant to § 905.90.

§ 905.96 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 905.70, for such month is less than the amount owed by him for such milk pursuant to § 905.90. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight of producer milk and shall complete such payments as soon as the appropriate funds are available.

§ 905.97 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 905.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 905.101.

§ 905.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 905.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 905.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 905.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 905.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., the 16th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4664; Filed, June 18, 1958; 8:52 a. m.]

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given that the reopened hearing on proposed amendments to the marketing agreement and order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131), pursuant to notice of reopening of hearing published in the FEDERAL REGISTER on May 2, 1958 (23 F. R. 2972), will be held in Room 600, United States Courthouse, 219 South Clark Street, Chicago, Illinois, on Monday, July 21, 1958, beginning at 10 a. m., c. d. t.

The purpose of the reopened hearing is to afford interested parties the opportunity to submit additional evidence with respect to proposal 2, or appropriate modifications thereof, of the notice of hearing published in the FEDERAL REGISTER on June 23, 1956 (21 F. R. 4520) and to submit evidence on proposed amendments to said marketing agreement and order, or appropriate modifications thereof, submitted pursuant to the aforesaid notice of reopening of hearing (23 F. R. 2972). The following proposed amendments have not received approval of the Secretary of Agriculture.

Proposal 2 of the notice of hearing published in the FEDERAL REGISTER on June 23, 1956 (21 F. R. 4520) is as follows: "2. Amend the order so that it shall specifically provide that (1) no person or firm shall act in a dual capacity, either individually or as an agent for others, with respect to the classifications of manufacturer, wholesaler, dealer, and consumer defined in the order, except as specifically provided for therein, and (2) no person shall have a substantial financial interest in business units, either directly, indirectly or through close family relationship, which come within different classifications of the trade defined in the order."

Additional proposals. Proposed by the Control Agency:

3. Add a new § 131.80 to read as follows:

§ 131.80 *Merging of classification.* Any merger of the different classifications of handlers as defined in this subpart (manufacturer, wholesaler and dealer), whether directly or indirectly, is prohibited, *Provided*, That the normal business operations of farmer owned or controlled cooperatives, including cooperative corporations or federations owned or controlled by farmer cooperatives, whereby serum and virus is acquired and distributed to farmer patrons of such cooperatives, is not to be deemed a merger.

4. Amend § 131.71 by adding at the end thereof a new paragraph (j) as follows:

(j) The paying or receiving of patronage dividends based on the volume of purchases of serum and virus by buyers, or other discounts or refunds to buyers not immediately accertainable from the posted prices at the time of sale, are prohibited: *Provided*, That patronage dividends, to farmers and farmer controlled organizations, which are declared or paid in the normal course of business of bona fide farmer owned or controlled cooperatives, including cooperative corporations or federations owned or controlled by farmer cooperatives, whereby serum and virus is acquired and distributed to the farmer patrons of such cooperatives for use by such patrons are not prohibited."

5. Make such other changes in other sections of the order, including those relating to the posting of prices, unfair practices, agents and distributional outlets, and/or classifications of handlers, as may be necessary or appropriate most effectively to (1) prohibit a group or groups of handlers or buyers (other than farmers acting through farmer cooperatives) from directly or indirectly acquiring serum or virus at prices other than those posted for them as individual buyers, by banding together or otherwise, and (2) prevent handlers from acting as agents or distributional outlets for other handlers or exercising ownership, domination, or control over such other handlers, so as to result in unfair competitive advantage not consistent with effective price posting under the order and so as to destroy the system of classification of handlers necessary to the price posting plan of the order.

Proposed by Illinois Farm Bureau Serum Association, Iowa Farm Supply Company, Anchor Serum Company and Research Laboratories, Inc.:

6. Add a new § 131.80 to read as follows:

§ 131.80 *Merging of classifications.* The merging of the different classifications of handlers defined in this subpart (manufacturer, wholesaler, and dealer) is prohibited unless such handler is a farmer-owned cooperative or corporation operating on a cooperative plan, including a federation of the same, the corporate members of which are owned by farmer-producer-patrons.

Proposed by Iowa Cooperative Association, Diamond Laboratories Co., and United Veterinary Corporation:

7. Add a new § 131.80 to read as follows:

§ 131.80 *Merging of classifications.* The merging of the different classifications of handlers defined in this part (manufacturer, wholesaler and dealer) is prohibited, except as hereinafter provided. Merger of classifications exists when a handler of one classification owns a substantial interest in a handler of another classification. A substantial interest for such purposes is 11 percent or more at par or of the dollar amount at issuing price of the total stock, membership or other equity capital of such other handler. Nothing in this part is intended or shall be construed to prohibit the existence and operation of cooperatives and like organizations. A cooperative or like organization is one so organized and operated that its earnings and profits are distributed to its members, stockholders (which term may include subscribers), or patrons, in proportion to their patronage of such organization except for additions to surplus and reserves and except for limited dividends upon stock of not to exceed the legal rate of interest in the state of incorporation or 8 percent per annum, whichever is greater, upon the consideration for which such stock was issued. Such an organization may also have a class of stock which is not issued to patrons provided that such stock may not participate in the profits of the organization, upon dissolution or otherwise, beyond the fixed dividends.

Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D. C., or may there be inspected.

Done at Washington, D. C., this 13th day of June 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-4651; Filed, June 18, 1958; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF WITHDRAWAL OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF O,O-DIETHYL S-2-DIETHYLAMINOETHYL PHOSPHOROTHIOATE HYDROGEN OXALATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), Chipman Chemical Company, Inc., Bound Brook, New Jersey, has withdrawn its petition for establishment of tolerances for residues of *O,O*-diethyl *S*-2-diethylaminoethyl phosphorothioate hydrogen oxalate in or on the raw agricultural commodities grapefruit, oranges, and tangerines, notice of which was published in the FEDERAL REGISTER of March 14, 1958 (23 F. R. 1764). This withdrawal is without prejudice to a future filing.

Dated June 11, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F. R. Doc. 58-4636; Filed, June 18, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SECRETARY OF THE ARMY

REDELEGATION OF AUTHORITY CONCERNING TRANSFER TO STATE OF DELAWARE EXCESS LAND, REEDY ISLAND, NEW CASTLE COUNTY, DELAWARE

On May 2, 1958, the Administrator of General Services delegated to me authority to transfer to the State of Delaware a 50-acre tract of excess land located on Reedy Island in New Castle County, Delaware, for use in its wildlife conservation program.

Pursuant to section 202 (f) of the National Security Act of 1947, as amended (63 Stat. 581), such authority as is vested in me by "Delegation of Authority" by the Administrator of General Services, dated May 2, 1958, to accomplish transfer of the Reedy Island property, New Castle County, Delaware, is hereby redelegated to the Secretary of the Army.

The Secretary of the Army is hereby authorized to make further redelegation of such authority to any officer or employee of the Department of the Army as he may determine necessary.

NEIL MCELROY,
Secretary of Defense.

[F. R. Doc. 58-4634; Filed, June 18, 1958; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 14]

COLORADO

SMALL TRACT CLASSIFICATION; AMENDMENT

Pursuant to the authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), it is ordered as follows:

Effective immediately, paragraph 11 of Federal Register document 55-1170, appearing on page 868 of the issue for February 10, 1955, is hereby amended to read as follows:

11. The following tracts as described by reference numbers shall be subject to rights-of-way of record and rights-of-way for roads and public utilities as follows:

33 feet in width along the west boundary of the subdivision described by reference numbers 3, 5, 7, 13, 25, and 27.

33 feet in width along the east boundary of the subdivisions described by reference numbers 4, 14, 22, 24, 25, 27, and 29.

The purpose of this amendment is to eliminate the 33 foot right-of-way reservation along the east boundary of tract reference 21 and along the west boundary of tract reference 22, and to effect a 33 foot right-of-way reservation along the east side of tract reference 22. Paragraph 11 remains unchanged as to reservations affecting other tracts in Small Tract Classification No. 14.

J. ELLIOTT HALL,
Lands and Minerals Officer.

JUNE 11, 1958.

[F. R. Doc. 58-4638; Filed, June 18, 1958; 8:46 a. m.]

[Classification No. 45; Amended]

NEW MEXICO

SMALL TRACT CLASSIFICATION

JUNE 12, 1958.

Pursuant to authority delegated to me by Bureau Order No. 54, dated April 21, 1954 (19 F. R. 2473), I hereby amend Classification Order No. 45, Small Tract, New Mexico, appearing in 21 F. R. 9951, as follows:

4. In addition to rights-of-way reserved in the above described small tract classification order, the following rights-of-way will be reserved:

5′ from the North boundaries of Lots 12 to 19 inclusive, 24, 25, 37 to 40 inclusive, 43 to 48 inclusive, 53 to 60 inclusive. 5′ from the South boundaries of Lots 12 to 15 inclusive, 20 to 23 inclusive, 37, 38, 41 to 44 inclusive, and 49 to 60 inclusive. 10′ from the East boundary of Lot 25. 5′ from the East boundaries of Lots 14, 17, and 23. 5′ from the West boundaries of Lots 13, 18, and 21.

W. J. ANDERSON,
Acting State Supervisor.

[F. R. Doc. 58-4639; Filed, June 18, 1958; 8:46 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 12, 1958.

The Forest Service, Department of Agriculture, has filed an application, Serial No. New Mexico 034615, for withdrawal of the lands described below from location and entry under the General Mining Laws of the United States.

The applicant desires the land for the following purposes: To protect the Government's investment in land treatment measures on the Bernalillo watershed, and to afford urgently needed protection to the town of Bernalillo, New Mexico.

For a period of thirty days, from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor of the Bureau of Land Management, Department of the Interior, Post Office Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 4 E.,
  Sec. 2, W½NW¼, SW¼, SW¼SE¼;
  Sec. 3, All;
  Sec. 10, N½, SE¼;
  Sec. 11, All;
  Sec. 12, S½;
  Sec. 13, N½.

The area described aggregates 2,680 acres.

W. J. ANDERSON,
Acting State Supervisor.

[F. R. Doc. 58-4640; Filed, June 18, 1958; 8:46 a. m.]

[No. 58-6]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 10, 1958.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 05743, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not including the mineral leasing laws. The withdrawal, if made, will be subject to valid existing rights.

The applicant desires the land for the Shoe String Creek Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 809 NE. Sixth Avenue, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T 37 S., R. 18 E.,
  Sec. 4: W½W½ Lot 3, E½ Lot 4, SW¼ Lot 4, N½N½SW¼NW¼.

Containing 54.76 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 58-4641; Filed, June 18, 1958; 8:47 a.m.]

[C-014698]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 10, 1958.

Pursuant to authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), the following described lands reconveyed to the United States in exchanges of land, made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 3 W.,
  Sec. 22, E½SW¼, SW¼SW¼;
  Sec. 27, W½NE¼, NW¼NW¼, SE¼NW¼, NW¼SE¼, SE¼SE¼;
  Sec. 34, NE¼NE¼.
T. 47 N., R. 3 W.,
  Sec. 6, lot 2, SW¼NE¼.
T. 48 N., R 3 W.,
  Sec. 30, lot 4;
  Sec. 31, lots 1 to 4, inclusive, E½SW¼, and W½SE¼.
T. 46 N., R. 4 W.,
  Sec. 14, NW¼SW¼.
T. 48 N., R. 4 W.,
  Sec. 25, SE¼SE¼;
  Sec. 36, E½NE¼.

The area described totals 1,000.71 acres of public lands. This land is in Gunnison County, in central Colorado. The land is rough, with shallow rocky soil that supports native vegetation of aspen and pine trees at lower elevations and aspen and spruce at the higher elevations. The timber is non-commercial. None of the land is suitable for agriculture. Minerals have been reserved to third parties.

No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended, presented prior to 10:00 a. m. on July 16, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on October 15, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on October 15, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. Elliott Hall,
Lands and Minerals Officer.

[F. R. Doc. 58-4642; Filed, June 18, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Department of Lands has filed an application, Serial Number A043400 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining but excepting the mineral leasing laws and the disposal of materials under the Materials Act. The applicant desires the land for a Public Recreation Site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at Point No. 1, common with M. C. Corner No. 4, U. S. Survey No. 3290, Tract B, thence South 7 chains to Corner No. 3, U. S. Survey No. 3290, Tract B, thence continuing South 13 chains to Point No. 2, thence southeasterly parallel with the South Bank of the Knik River (a strip ¼ mile wide) approximately 15 miles to a point opposite foot of Knik Glacier; thence continuing in a southerly direction paralleling the river drainage from Lake George (continuing a strip ¼ mile wide) approximately 7 miles to a point opposite outlet of Lake George; thence continuing southwesterly paralleling west side of Lake George (continuing a strip ¼ mile wide) approximately 8 miles to southwest inlet of Lake George. The area contains approximately 4,800 acres.

L. T. Main,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4659; Filed, June 18, 1958; 8:51 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Fairbanks 019744, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the mining laws but excluding provisions of the mineral leasing laws and disposal under the Materials Act. The applicant desires the land for an administrative site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TANACROSS AREA

Beginning at a point on Line 7-8 of U. S. Survey No. 2631 which bears N. 32°48′ W., 10,560 feet from Corner No. 7 of U. S. Survey No. 2631, said point being marked by a brass monument, "Mile 2, Line 7-8, U. S. S. 2631;" thence by metes and bounds,

N. 32°48′ W., 3,168.00 feet to the intersection of Line 7-8 of U. S. S. 2631 and the center line of the Alaska Highway;
S. 81°12′ E., 2,647.78 feet along said center line;
S. 32°48′ E., 1,409.48 feet;
S. 57°11′ W., 1,980.00 feet to the point of beginning.

Containing 108 acres more or less.

Richard L. Quintus,
Operations Supervisor.

[F. R. Doc. 58-4660; Filed, June 18, 1958; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1957 CROP PEANUT PRICE SUPPORT PROGRAM

NOTICE OF EXTENSION OF MATURITY DATE

Notice is hereby given, pursuant to § 446.902 (b) of the 1957 crop peanut price support program regulations published in the Federal Register on August 15, 1957 (22 F. R. 6551), that the loan maturity date for 1957 crop peanuts is extended to June 30, 1958.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U. S. C. 714c. 7 U. S. C. 1441, 1421)

Issued this 13th day of June 1958.

[SEAL] Clarence L. Miller,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4652; Filed, June 18, 1958; 8:50 a. m.]

Office of the Secretary

WISCONSIN

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Wisconsin a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Chippewa.
Clark.
Dunn.
Marathon.
St. Croix.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 13th day of June, 1958.

[SEAL] True D. Morse,
Acting Secretary.

[F. R. Doc. 58-4654; Filed, June 18, 1958; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9220]

AMERICAN AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the unrealistic schedules filed and published by American Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 25, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., June 13, 1958.

[SEAL] Francis W. Brown,
Chief Examiner.

[F. R. Doc. 58-4666; Filed, June 18, 1958; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12422—12425; FCC 58M-627]

POMPANO BEACH BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Pompano Beach Broadcasting Corporation, Pompano Beach, Florida, Docket No. 12422, File No. BP-11297; Voice of South Miami Broadcasters, Inc., South Miami, Florida, Docket No. 12423, File No. BP-11410; Louis G. Jacobs, Miami-South Miami, Florida, Docket No. 12424, File No. BP-11489; South Miami Broadcasting, Incorporated, South Miami, Florida, Docket No. 12425, File No. BP-11751; for construction permits.

Upon oral motion (in prehearing conference) of counsel for the applicant, Louis G. Jacobs, in the above-entitled matter, and without opposition: *It is ordered,* This 13th day of June 1958, that the hearing heretofore scheduled to com-

mence on July 10, 1958, be and it hereby is rescheduled to commence at 10:00 a. m., July 21, 1958, in the Commission's offices in Washington, D. C.

Released: June 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4661; Filed, June 18, 1958; 8:52 a. m.]

[Docket No. 11973 etc.; FCC 58M-618]

PALM SPRINGS TRANSLATOR STATIONS, INC.

ORDER CONTINUING HEARING

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11973, File No. BPTT-12; Docket No. 11974, File No. BPTT-13; for construction permits for new television broadcast translator stations; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 12149, File No. BMPTT-5; Docket No. 12150, File No. BMPTT-6; for modification of construction permits to increase effective radiated power and to make changes in antenna system; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 12151, File No. BLTT-11; Docket No. 12152, File No. BLTT-12; for television broadcast translator station licenses to cover translator Stations K-70-AL and K-73-AD, Palm Springs, California.

The Hearing Examiner having under consideration a joint petition for continuance filed by Palm Springs Community Television Corporation and Palm Springs Translator Station, Inc., on June 10, 1958;

It appearing that all parties have agreed to the requested continuance;

It is ordered, This 12th day of June 1958, that the above petition is granted; and the dates designated for various procedural steps herein are postponed as follows:

Dates: From—To

Date for exchange of written objections and requests for witnesses to be produced for cross-examination in Washington: June 10, 1958—July 8, 1958.

Hearing date: June 17, 1958—July 15, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4662; Filed, June 18, 1958; 8:52 a. m.]

[Docket Nos. 12437—12439; FCC 58M-626]

METROPOLITAN BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re application of Metropolitan Broadcasting Corporation, Royal Oak-Clawson, Michigan, Docket No. 12437, File No. BP-10367; Van Wert Broadcasting Company, Van Wert, Ohio, Docket No. 12438, File No. BP-11638; Lake Huron Broadcasting Corporation (WKNX), Saginaw, Michigan, Docket No. 12439, File No. BP-11735; for construction permits.

The Hearing Examiner having under consideration informal request of Lake Huron Broadcasting Corporation for continuance of prehearing conference herein;

It appearing that counsel for all other parties to the proceeding have informally consented to immediate consideration and grant of the request;

It is ordered, This 13th day of June 1958, that the above request is granted; and the prehearing conference now scheduled for June 19, 1958, is continued until June 20, 1958 at 10:00 a. m.

Released: June 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4663; Filed, June 18, 1958; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-7287]

FALCON SEABOARD DRILLING CO., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 13, 1958.

Take notice that Falcon Seaboard Drilling Company, a Delaware corporation with principal place of business at Tulsa, Oklahoma, filed on December 1, 1954, as amended June 6, 1956, for itself and on behalf of Ryan Oil Company, Davis Oil Company and Allied Materials Corporation, hereinafter collectively referred to as Applicant, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production in the North Johnson Hill-East Field, Logan County, Colorado, to Kansas-Natural Gas Company, Inc., for resale, pursuant to a sales contract dated April 2, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4644; Filed, June 18, 1958; 8:48 a. m.]

[Docket No. G-9278]

ALFRED C. GLASSELL, JR., ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 13, 1958.

Upon consideration of the motion filed June 11, 1958, by Staff Counsel for postponement of the hearing now scheduled for June 23, 1958, in the above-designated matters;

The hearing now scheduled for June 23, 1958, is hereby postponed to July [illegible], 1958, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4645; Filed, June 18, 1958; 8:48 a. m.]

[Docket No. G-11468]

MONTEREY OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 13, 1958.

Take notice that Monterey Oil Company (Applicant), an independent producer of natural gas, filed an application on November 13, 1956, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon service, as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to Lone Star Producing Company (Lone Star) from production in the Wilshire Field, Upton County, Texas, which sale was previously authorized in Docket No. G-4273, by order of the Commission issued August 24, 1956.

The application states that Lone Star proposes to sell the gasoline plant in which Applicant's gas is processed to El Paso Natural Gas Company (El Paso), and that Applicant has entered into a new gas sales contract with El Paso, dated July 30, 1956, covering the gas production now covered by Applicant's sales contract with Lone Star.[1]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 to 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 22, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4646; Filed, June 18, 1958; 8:48 a. m.]

[Docket Nos. G-14330, G-14331]

AZTEC OIL & GAS CO. AND SOUTHERN UNION GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 13, 1958.

In the matters of Aztec Oil & Gas Company, Docket No. G-14330; Southern Union Gas Company, Docket No. G-14331.

Take notice that on January 27, 1958, Aztec Oil & Gas Company (Aztec) and Southern Union Gas Company (Gas Company) filed in Docket Nos. G-14330 and G-14331, respectively, applications pursuant to section 7 (c) of the Natural Gas Act for authority to make certain proposed sales of natural gas produced from the Southern Union Gas Company Albright No. 1A well in the Aztec Pictured Cliffs Field, San Juan County, New Mexico, to Southern Union Gathering Company (Gathering Company), all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

The subject well, located in the N/2 of the NE/4 of Section 25, T30N, R11W (80 acres), in San Juan County, is owned jointly (50 percent each) by Applicants herein. Gas Company will operate said well.

Aztec's share of the production will be sold pursuant to a basic gas sales contract dated December 12, 1953, executed by and between Gas Company and Aztec. By instrument executed January 16, 1958, Gas Company assigned its rights as purchaser to that portion of the December 12, 1953 contract to Gas Gathering insofar as the subject acreage is concerned.

Gas Company's share of the production will be sold pursuant to a supplemental gas sales contract dated January 16, 1958, to a basic sales contract dated July 25, 1957, both executed by and between Gathering Company and Gas Company.

Applicants' facilities consist of customary lease equipment. Deliveries will be made at the wellhead.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise adivsed, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4647; Filed, June 18, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Company, Eminence, Mo.; effective 6-9-58 to 6-8-59 (women's washable service uniform—waitress type).

Angelica Uniform Company, Marquand, Mo.; effective 6-18-58 to 6-17-59 (men's washable pants).

Angelica Uniform Company, Summersville, Mo.; effective 6-12-58 to 6-11-59 (women's washable service uniform—waitress type).

Elder Manufacturing Company, Sainte Genevieve, Mo.; effective 6-15-58 to 6-14-59 (boys' shirts and jackets).

Fox-Knapp Manufacturing Co., Maple Avenue, Milton, Pa.; effective 6-7-58 to 6-6-59 (men's and boys' sportswear—outerwear).

Fox-Knapp Manufacturing Co., East Pottsville Street, Pine Grove, Pa.; effective 6-7-58 to 6-6-59 (men's and boys' sportswear—outerwear).

Fox-Knapp Manufacturing Co., Laurel Street, Tremont, Pa.; effective 6-7-58 to 6-6-59 (men's and boys' sportswear—outerwear).

Ideal Dresses, Inc., 95 Bridge Street, Lowell, Mass.; effective 6-9-58 to 6-8-59 (apparel, dresses).

Montgomery Sylvania Manufacturing Co., Inc., 22 East Houston Avenue, Montgomery, Pa.; effective 6-7-58 to 6-6-59; learners may not be engaged at special minimum wage rates in the production of separate skirts (women's sportswear).

Saxon Trouser Manufacturing Co., Aberdeen, Miss.; effective 6-6-58 to 6-5-59 (men's trousers).

Wear Well Garment Co., Inc., First North and German Streets, New Ulm, Minn.; effective 6-18-58 to 6-17-59 (men's Hollywood waistbands, ladies' zipper slacks, etc.).

Wilburton Manufacturing Co., Wilburton, Pa.; effective 6-9-58 to 6-8-59 (apparel, dresses, housecoats).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

J. R. Davis Manufacturing Co., Beaver Springs, Pa.; effective 6-9-58 to 6-8-59; six learners (ladies' and children's car coats).

Jersey Shore Sylvania Manufacturing Co., Inc., Bank Avenue, Jersey Shore, Pa.; effective 6-6-58 to 6-5-59; 10 learners; learners may not be engaged at special minimum wage rates in the production of separate skirts (blouses and ladies' sportswear).

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[1] Concurrently with the subject application, Applicant filed a certificate application in Docket No. G-11469 to sell gas to El Paso, pursuant to the sales contract dated July 30, 1956. By order issued April 25, 1957, In the Matters of Lone Star Producing Company, et al., Docket Nos. G-10420, et al., Applicant was granted certificate authorization in Docket No. G-11469.

Pierro Manufacturing Co., 201½ Commercial Street, Sanford, Fla.; effective 6-9-58 to 6-8-59; eight learners (apparel—boys' pajamas).

Roseboro Manufacturing Co., Roseboro, N. C.; effective 6-6-58 to 6-5-59; five learners (women's cotton dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bestform Foundations of Windber, Inc., 19th Street and Veil Avenue., Windber, Pa.; effective 6-9-58 to 12-8-58; 50 learners (ladies' brassieres and girdles).

Callicoon Dress, Inc., School Street, Callicoon, N. Y.; effective 6-4-58 to 12-3-58; 15 learners (women's dresses).

Edmonton Manufacturing Co., Edmonton, Ky.; effective 6-6-58 to 12-5-58; 30 learners (men's work clothing—pants, shirts, coveralls, jackets).

Jersey Shore Sylvania Manufacturing Co., Inc., Bank Avenue, Jersey Shore, Pa.; effective 6-6-58 to 12-5-58; 10 learners; learners may not be engaged at special minimum wage rates in the production of separate skirts (blouses and ladies' sportswear).

Jersey Shore Sylvania Manufacturing Co., Plant #2, Bellefonte and Commerce Streets, Lock Haven, Pa.; effective 6-6-58 to 12-5-58; 30 learners; learners may not be employed at special minimum wage rates in the production of separate skirts (blouses and ladies' sportswear, etc.).

Montgomery Sylvania Manufacturing Co., Inc., 22 East Houston Avenue, Montgomery, Pa.; effective 6-7-58 to 12-6-58; 10 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (women's sportswear).

Style Rite Manufacturing Co., Inc., 257 Winans Avenue, Hot Springs, Ark.; effective 6-5-58 to 12-4-58; 25 learners (men's and boys' robes).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

The Batesville Company, Batesville, Miss.; effective 6-18-58 to 6-17-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Selma Hosiery Company, Dillon, S. C.; effective 6-2-58 to 12-1-58; 50 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Chalmers Knitting Co., Inc., Amsterdam, N. Y.; effective 6-9-58 to 12-8-58; 20 learners for plant expansion purposes (knitted wear—men's handkerchiefs, underwear, shorts, etc.).

Chalmers Knitting Co., Inc., Amsterdam, N. Y.; effective 6-9-58 to 6-8-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear and shorts).

Chatham Knitting Mills, Inc., Chatham, Va.; effective 6-4-58 to 6-3-59; three learners for normal labor turnover purposes (sweaters, jackets).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Bath Canning Co., 66 Bowery Street, Bath, Me.; effective 6-6-58 to 12-5-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer, for a learning period of 160 hours at rates of at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (canned sardines).

Herman D. Oritsky & Co., 106 Grape Street, Reading, Pa.; effective 6-9-58 to 12-8-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final pressing, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (miscellaneous apparel—men's suits).

Sparta Pipes, Inc., Sparta, N. C.; effective 6-6-58 to 12-5-58; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of hand and machine production operations for a learning period of 240 hours at the rate of 85 cents an hour (briarwood smoking pipes, cigar and cigarette holders).

William Underwood Co., McKinley, Me.; effective 6-9-58 to 12-8-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer, for a learning period of 160 hours at rates of at least 85 cents an hour for the first 80 hours, and not less than 90 cents an hour for the remaining 80 hours (miscellaneous—sardine canning).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Alfredo Manufacturing Corp., Rio Grande, P. R.; effective 5-24-58 to 9-16-58; authorizing the employment of 10 learners for normal labor turnover purposes in the occupations of sewing machine operating, and final pressing, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (replacement certificate) (men's cotton pajamas).

American Lead Products Corp., Luchetti Industrial Sub., Bayamon, P. R.; effective 5-26-58 to 11-25-58; authorizing the employment of 36 learners for plant expansion purposes in the occupation of lead die casting machine operators, for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (lead wheel balance weights).

Antilles Leatherwear Inc., 21 Munoz Rivera Street, Caguas, P. R.; effective 5-24-58 to 2-16-59; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of machine sewers on leather, for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (replacement certificate) (leather jackets).

General Electric Wiring Devices, Inc., P. O. Box 274, Juana Diaz, P. R.; effective 5-21-58 to 5-20-59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupations of molders, assemblers, each for a learning period of 480 hours at the rates of .70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (electrical wiring devices).

Guayama Children's Wear Co., Inc., P. O. Box 816; Guayama, P. R.; effective 5-22-58 to 5-21-59; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 45 cents an hour for the first 240 hours and 50 cents an hour for the remaining 240 hours (children's dresses).

Miller Dress Factory of P. R., Inc., P. O. Box 1657, Barceloneta, P. R.; effective 5-23-58 to 11-22-58; authorizing the employment of 60 learners for plant expansion purposes in the occupations of: (1) sewing machine operators—sergers, buttonhole, blind stitch, bander, pinker, and button sewers—each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garment for a learning period of 160 hours at the rate of 54 cents an hour (ladies' dresses).

Puerto Rico Industrial Manufacturing Corp., P. O. Box 505, Manati, P. R.; effective 5-24-58 to 7-6-58; authorizing the employment of 90 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours; (2) machine operations other than sewing (cleaning), final inspection of fully assembled garment, each for a learning period of 160 hours at the rate of 54 cents an hour (replacement certificate) (men's work shirts and pants).

Rio Grande Manufacturing Corp., Rio Grande, P. R.; effective 5-24-58 to 11-[illegible]; authorizing the employment of 50 learners for plant expansion purposes in the occupations of sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (men's shorts).

Stadium Manufacturing Co. of Puerto Rico, Inc., P. O. Box 116, Villalba, P. R.; effective 5-24-58 to 2-14-59; authorizing the employment of 16 learners for normal labor turnover purposes in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (replacement certificate) (men's pajamas).

Trouser Corp. of Puerto Rico, P. O. Box 413, Fajardo, P. R.; effective 5-24-58 to 9-23-58; authorizing the employment of [illegible] learners for plant expansion purposes in the occupations of: (1) sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 54 cents an hour (replacement certificate) (men's trousers).

West Manufacturing Corp., P. O. Box [illegible], Mayaguez, P. R.; effective 5-25-58 to 11-[illegible]-58; authorizing the employment of 24 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours; (2) final inspectors, for a learning period of 160 hours at the rate of 54 cents an hour (automobile seat covers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL [illegible] pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 11th day of June 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-4643; Filed, June 18, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-5600]

AMERICAN AUTOMOBILE INSURANCE CO.

NOTICE OF APPLICATION FOR EXEMPTION

JUNE 13, 1958.

Notice is hereby given that American Automobile Insurance Company, a Missouri corporation, ("issuer") has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("act") (17 CFR 240.15d-20) for an order exempting the issuer from the operation of section 15 (d) of the act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of the outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15 (d) of the act, as follows:

(1) All of the outstanding securities of the issuer are held of record and consist only of 1,750,000 shares of capital stock, all of which are owned and held by The American Insurance Company, a New Jersey corporation.

(2) The filing by the issuer of the reports required by section 15 (d) of the act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

The American Insurance Company is required to file annual and other reports with the Commission pursuant to section 15 (d) of the act. So long as the issuer remains an independent legal entity the Commission's rules require The American Insurance Company, issuer's parent, to include in the parent's annual reports filed with this Commission appropriate financial statements of the issuer.

Notice is further given that an order granting the application and upon such terms and conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after June 30, 1958, unless prior thereto a hearing is ordered by the Commission. Any interested persons, may, not later than June 27, 1958, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4649; Filed, June 18, 1958; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-13]

MANAGER, DISASTER FIELD OFFICE, MONROE, LA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Notice is hereby given that this delegation is rescinded in its entirety. (Disaster Field Office closed, effective COB 5-29-58.)

Dated: May 29, 1958.

C. W. FERGUSON,
Regional Director,
Region X.

[F. R. Doc. 58-4600; Filed, June 17, 1958; 8:47 a. m.]

[Delegation of Authority 30-V-8, Amdt. 1]

BRANCH MANAGER, SAN JUAN, PUERTO RICO

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-8 (22 F. R. 6071) is hereby amended as follows:

A. Delete paragraphs I.B.1. through 5 in their entirety and substitute the following in lieu thereof:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $12,000;

b. Participation business loans up to $50,000, provided that:

(1) A bank will participate to the extent of not less than 25 percent;

(2) The bank's 25 percent may include short-term loans outstanding not more than six months, or long-term loans on which repayments have been made promptly as originally scheduled, considering such loans in computing the bank's participation, as though they constituted new exposure on the part of the bank; however, the bank's share in the loan must be equal to at least the outstanding loan, or loans, to be refunded with a part of the new loan, or 25 percent of the full loan, whichever is the larger;

c. Disaster loans in an amount not exceeding $50,000.

2. To decline original applications but not reconsiderations of disaster loans.

3. To approve or decline Limited Loan Participation Loans.

B. To renumber paragraphs I.B.6. through 24 as I.B.4. through 22.

Dated: April 28, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-4598; Filed, June 17, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 16, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34757: *Iron and steel articles—Official Territory to Louisiana points.* Filed by O. E. Schultz, Agent (ER No. 2444), for interested rail carriers. Rates on iron and steel articles, carloads from points in Delaware, District of Columbia, Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia to Baton Rouse and New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 34 to Trunk Line Territory tariff bureau tariff I. C. C. A-1081 (Boin series).

FSA No. 34758: *Chemicals—Louisiana and Texas points to Chicago, Ill., and district points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7310), for interested rail carriers. Rates on chemicals, tank-car loads, as described in the application from Plaquemine, La., and Houston, Tex., to Chicago, Ill., and points in the Chicago district as described in the application.

Grounds for relief: Barge competition from Houston, Tex., and potential barge competition and market competition from Plaquemine, La.

Tariffs: Supplement 313 to Southwestern Freight Bureau tariff I. C. C. 4087. Supplement 478 to Southwestern Freight Bureau tariff I. C. C. 4139.

FSA No. 34760: *Soda ash—Solvay and Syracuse, N. Y., to Charleston, W. Va., group.* Filed by O. E. Schultz, Agent (ER No. 2445), for interested rail carriers. Rates on soda ash, carloads from Solvay and Syracuse, N. Y., to Charleston, W. Va., and seven other points in the Charleston district.

Grounds for relief: Market competition with Barberton, Ohio.

Tariff: Supplement 54 to Trunk Line Territory Tariff Bureau, tariff I. C. C. A-1116.

FSA No. 34761: *Substituted service, motor-rail, F. E. C. Ry. Co.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 6), for the Florida East Coast Railway Company (J. Turner Butler and William A. Hallowes, Trustees). Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Jacksonville and Miami, Fla.

Grounds for relief: Motor-truck competition.

FSA No. 34762: *Fine coal—Alabama and Tennessee mines to Carolina territory.* Filed by O. W. South, Jr., Agent (SFA No. A3679), for interested rail carriers. Rates on fine coal, carloads, as described in the application from mines on the Louisville and Nashville Railroad in northeastern Alabama and southern Tennessee to specified point in North Carolina, South Carolina, and Augusta, Ga.

Grounds for relief: Short-line distance formula, competition with other fuels.

Tariff: Supplement 65 to Southern Freight Association tariff I. C. C. 1427.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34759: *Chemicals—Louisiana and Texas points to Chicago, Ill., and district points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7309), for interested rail carriers. Rates on chemicals, tank-car loads, as described in the application from Plaquemine, La., and Houston, Tex., to Chicago, Ill., and district points.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates from or to points beyond the named points.

Tariffs: Supplement 313 to Southwestern Freight Bureau tariff I. C. C. 4067. Supplement 478 to Southwestern Freight Bureau tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4648; Filed, June 18, 1958; 8:48 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 121

Washington, Friday, June 20, 1958

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JUN [illegible] 1958
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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958-crop of soybeans. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958, is supplemented as follows:

Sec.
421.3426 Purpose.
421.3427 Availability of price support.
421.3428 Eligible soybeans.
421.3429 Warehouse receipts.
421.3430 Determination of quantity.
421.3431 Determination of quality.
421.3432 Maturity of loans.
421.3433 Determination of support rates.
421.3434 Warehouse charges.
421.3435 Inspection of soybeans under purchase agreements.
421.3436 Settlement.

AUTHORITY: §§ 421.3426 to 421.3436 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.3426 *Purpose.* Sections 421.3426 to 421.3436 state additional specific regulations which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020), apply to loans and purchase agreements under the 1958-Crop Soybean Price Support Program.

§ 421.3427 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that soybeans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such final date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing soybeans in 1958 as landowner, landlord, tenant or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible soybeans harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on soybeans produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State Law. Where the county office has experienced difficulties

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 210–899 ($2.50)
Title 21 ($0.70)
Title 49, Parts 71–90 ($0.55)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 6 ($1.50); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26, 1957 Added Pocket Parts: Parts 1–79 ($0.25), Parts 80–169 ($0.25), Parts 170–182 ($0.20); Title 26 (1954), Parts 1–19, Rev. Jan. 1, 1958 ($3.00), Parts 20–221, Rev. Jan. 1, 1958 ($2.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Parts 800–1099 ($0.65), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Titles 44–45, 1957 Added Pocket Part ($0.35); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.3428 *Eligible soybeans.* Soybeans, to be eligible for price support, must meet all the applicable requirements set forth in this section:

(a) The soybeans must have been produced in the continental United States in 1958 by an eligible producer.

(b) At the time the soybeans are placed under loan or delivered under a purchase agreement, the beneficial interest in the soybeans must be in the eligible producer tendering the soybeans for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested. Any producer who is in doubt as to whether his interest in the soybeans complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support. To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the soybeans were produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Soybeans, at the time they are placed under loan, and soybeans under purchase agreement which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The soybeans must be soybeans of any class, grading No. 4 or better and containing not in excess of 14 percent moisture.

(2) The soybeans must not grade Garlicky or Weevily, or contain mercurial compounds or other substances poisonous to man or animals.

(3) If offered as security for a farm-storage loan, the soybeans must have been stored in the granary at least 30 days prior to their inspection, measurement, sampling, and sealing unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.3435 (a), soybeans under purchase agreement stored in other than approved warehouse—storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.3435 (a) and the soybeans on the basis of an inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.3429 *Warehouse receipts.* Warehouse receipts representing soybeans in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. For soybeans grading Nos. 3 or 4, the percentage of splits, total damage, heat damage and foreign material, if any, must also be shown. In the case of warehouse receipts issued for soybeans delivered by rail or barge, the grading factors on the warehouse receipt or the warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge, if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.3434.

(e) If the receipt is issued for soybeans of which the warehouseman is the producer and owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

(f) Each warehouse receipt or accompanying supplemental certificate representing soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the soybeans are insured in accordance with CCC Form 25, Uniform Grain Storage Agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing soybeans to be placed under loan shall indicate that the soybeans are insured at the full market value against loss or damage by fire, lightning, inherent explosion, wind storm, cyclone and tornado.

§ 421.3430 *Determination of quantity.* (a) The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity of soybeans placed under a warehouse-storage loan or delivered under a loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 2 percent. If the total weight of foreign material is in excess of 2 percent, the excess shall be deducted from the total quantity of soybeans in the determination of the net number of bushels of soybeans. For the purposes of this determination, foreign material shall be computed in tenths of 1 percent. In determining the quantity of sacked soybeans by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 60-pound soybeans.

For soybeans testing:	*Percent*
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

The quantity shall be further adjusted if the total weight of foreign material is in excess of 2 percent, by deducting the excess from the total quantity of soybeans in determining the net number of bushels of soybeans. For the purposes of this determination, foreign material shall be computed in tenths of 1 percent.

§ 421.3431 *Determination of quality.* The class, grade, grading factors, percentage of foreign material, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection.

§ 421.3432 *Maturity of loans.* Loans mature on demand but not later than May 31, 1959.

§ 421.3433 *Determination of support rates.* Basic county support rates and the schedule of premiums and discounts for soybeans will be set forth in 1958 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Soybeans. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

§ 421.3434 *Warehouse charges.* (a) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage; *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1959, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through May 31, 1959.

Amount of deduction (cents per bushel)	Date of deposit (all dates inclusive)			
	Area I [1]	Areas II and III [2] [3]	Area IV [4]	Area V [5]
18			Prior to May 29, 1958	Prior to June 15, 1958.
17		Prior to June 3, 1958	May 29–June 18, 1958	June 15–July 4, 1958.
16	Prior to June 9, 1958	June 3–June 24, 1958	June 19–July 9, 1958	July 5–July 24, 1958.
15	June 9–July 1, 1958	June 25–July 16, 1958	July 10–July 30, 1958	July 25–Aug. 13, 1958.
14	July 2–July 24, 1958	July 17–Aug. 7, 1958	July 31–Aug. 20, 1958	Aug. 14–Sept. 2, 1958.
13	July 25–Aug. 16, 1958	Aug. 8–Aug. 29, 1958	Aug. 21–Sept. 10, 1958	Sept. 3–Sept. 22, 1958.
12	Aug. 17–Sept. 8, 1958	Aug. 30–Sept. 20, 1958	Sept. 11–Oct. 1, 1958	Sept. 23–Oct. 12, 1958.
11	Sept. 9–Oct. 1, 1958	Sept. 21–Oct. 12, 1958	Oct. 2–Oct. 22, 1958	Oct. 13–Nov. 1, 1958.
10	Oct. 2–Oct. 24, 1958	Oct. 13–Nov. 3, 1958	Oct. 23–Nov. 12, 1958	Nov. 2–Nov. 21, 1958.
9	Oct. 25–Nov. 16, 1958	Nov. 4–Nov. 25, 1958	Nov. 13–Dec. 3, 1958	Nov. 22–Dec. 11, 1958.
8	Nov. 17–Dec. 9, 1958	Nov. 26–Dec. 17, 1958	Dec. 4–Dec. 24, 1958	Dec. 12–Dec. 31, 1958.
7	Dec. 10, 1958–Jan. 1, 1959	Dec. 18, 1958–Jan. 8, 1959	Dec. 25, 1958–Jan. 14, 1959.	Jan. 1–Jan. 20, 1959.
6	Jan. 2–Jan. 24, 1959	Jan. 9–Jan. 30, 1959	Jan. 15–Feb. 4, 1959	Jan. 21–Feb. 9, 1959.
5	Jan. 25–Feb. 16, 1959	Jan. 31–Feb. 21, 1959	Feb. 5–Feb. 25, 1959	Feb. 10–Mar. 1, 1959.
4	Feb. 17–Mar. 11, 1959	Feb. 22–Mar. 15, 1959	Feb. 26–Mar. 18, 1959	Mar. 2–Mar. 21, 1959.
3	Mar. 12–Apr. 3, 1959	Mar. 16–Apr. 6, 1959	Mar. 19–Apr. 8, 1959	Mar. 22–Apr. 10, 1959.
2	Apr. 4–Apr. 26, 1959	Apr. 7–Apr. 28, 1959	Apr. 9–Apr. 29, 1959	Apr. 11–Apr. 30, 1959.
1	Apr. 27–May 31, 1959	Apr. 29–May 31, 1959	Apr. 30–May 31, 1959	May 1–May 31, 1959.

[1] Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

[2] Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).

[3] Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).

[4] Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.

[5] Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through May 31, 1959, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.3435 *Inspection of soybeans under purchase agreement*—(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his soybeans stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the soybeans and obtain a sample of the soybeans and submit it for grade analysis within the 30-day period, or as soon as possible thereafter but prior to delivery of the soybeans. If the soybeans, on the basis of the predelivery inspection, are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. The producer whose soybeans are stored in other than an approved warehouse and whose soybeans are not of a quality eligible for a loan at the time of the predelivery inspection, shall be notified in writing by the county office that his soybeans are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the soybeans, or otherwise take action to make the soybeans eligible and insists upon delivery of the soybeans, the county office shall issue delivery instructions. The producer shall be further informed that if such soybeans, upon delivery and before purchase, do not meet the eligibility requirements of § 421.3428 (c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the soybeans shall not be accepted for purchase by CCC. A predelivery inspection shall not be made on soybeans stored commingled in warehouses not approved for storage or on soybeans in an unapproved warehouse which are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such soybeans at the time of delivery must meet the eligibility requirements of § 421.3428 (c) (1) and (2).

(b) *Inspection of soybeans stored by producer after maturity date.* The producer may be required to retain the soybeans stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the soybeans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for soybeans which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the soybeans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the soybeans are going out of condition or are in danger of going out of condition and that the soybeans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.3436 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible soybeans delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the county in which the soybeans were produced. The support rate shall be for the grade and quality of the total quantity of soybeans eligible for delivery. If, upon delivery, the soybeans under farm-storage loan are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the basic support rate adjusted for premiums and discounts, if any, applicable to the grade and quality of the soybeans placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under the loan and the market price of the soybeans delivered, as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible soybeans under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the soybeans were produced.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for soybeans delivered to CCC from farm storage meeting the eligibility requirements of § 421.3428 (c) (1) and (2), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and

quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be the rate for the county in which the soybeans were produced. If soybeans, which were determined to be eligible at the time of the predelivery inspection are, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible soybeans as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the soybeans determined by the predelivery inspection and the market price of the soybeans delivered, as determined by CCC: *Provided, however*, That if such soybeans are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price: *And provided further*, That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the use specified above, the settlement value shall be the market value, as determined, by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse-storage.* In the case of eligible soybeans stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee, warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of soybeans he elects to sell to CCC. Settlement for eligible soybeans delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the soybeans were produced.

(iii) *Delivery from unapproved warehouse-storage.* The county office will issue instructions on or after the loan maturity date for delivery of soybeans in a warehouse not approved for storage which are stored commingled, or which are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible where the producer has properly given the county office written notice of his intent to sell such soybeans to CCC. Settlement for such soybeans delivered to CCC which meet the eligibility requirements of § 421.3428 (c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be the support rate for the county in which the soybeans were produced. If a predelivery inspection of the producer's soybeans can be made, the provisions of § 421.3435 (a) shall apply and settlement will be the same as for soybeans deliverd under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Soybeans ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of soybeans ineligible for delivery which are inadvertently accepted by CCC and which CCC determines that it is not in a position to reject: (*a*) Soybeans which were of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) soybeans of an ineligible grade or quality which are delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) soybeans in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery do not meet the eligibility requirements of § 421.3428 (c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible soybeans delivered as determined by CCC: *Provided, however*, That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further*, That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery. If soybeans delivered are of an eligible grade and quality but are in excess of the maximum quantity stated in the purchase agreement and such soybeans are inadvertently accepted by CCC, the settlement value shall be the sales price if the soybeans are immediately sold. If the soybeans are not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored soybeans under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.3434.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on soybeans under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of soybeans stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain soybeans stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such soybeans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the soybeans to CCC: *Provided, however*, That a storage payment shall be paid a producer whose soybeans are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the soybeans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the following rates per bushel per day for the soybeans accepted for delivery or sale to CCC:

Area I, $0.00043; Area II, $0.00045; Area III, $0.00046; Area IV, $0.00047; Area V, $0.00049.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on soybeans delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his soybeans to a point other than his customary shipping point, he shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the soybeans any distance greater than the distance from the point where the soybeans are stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of soybeans under purchase agreements is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 16th day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4696; Filed, June 19, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR PERSIAN (TAHITI) LIMES [1]

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), the existing United States Standards for Persian (Tahiti) Limes (22 F. R. 3405; (§§ 51.1000 to 51.1016) are hereby amended to read as follows:

GRADES

Sec.
51.1000 U. S. No. 1.
51.1001 U. S. Combination.
51.1002 U. S. No. 2.

UNCLASSIFIED

51.1003 Unclassified.

APPLICATION OF TOLERANCES

51.1004 Application of tolerances.

STANDARD PACK

51.1005 Standard pack.

DEFINITIONS

51.1006 Firm.
51.1007 Fairly well formed.
51.1008 Fairly smooth texture.
51.1009 Stylar end breakdown.
51.1010 Damage.
51.1011 Good green color.
51.1012 Fairly firm.
51.1013 Badly deformed.
51.1014 Excessively rough texture.
51.1015 Serious damage.
51.1016 Diameter.

AUTHORITY: §§ 51.1000 to 51.1016 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1000 *U. S. No. 1.* "U. S. No. 1" consists of Persian limes which are firm, fairly well formed, of fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, yellow color, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Each fruit in this grade shall have not less than an aggregate area of three-fourths of the surface of the fruit which shows good green color characteristic of the Persian lime: *Provided*, That lots of limes which fail to meet the U. S. No. 1 grade requirements only because of blanching shall be designated as "U. S. No. 1, Mixed Color": *And provided further*, That lots of limes which fail to meet the U. S. No. 1 or U. S. No. 1 Mixed Color grade requirements only because of turning yellow or yellow color, caused by the ripening process, shall be designated as "U. S. No. 1, Turning".

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1001 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 limes: *Provided*, That at least 60 percent, by count, of the limes in the lot meet the requirements of U. S. No. 1 grade.

(a) In this grade the U. S. No. 1 limes shall meet the color requirements of the U. S. No. 1 grade and the U. S. No. 2 limes shall meet the color requirements of the U. S. No. 2 grade: *Provided*, That lots of limes which fail to meet the U. S. Combination grade requirements only because of blanching shall be designated as "U. S. Combination, Mixed Color": *And provided further*, That lots of limes which fail to meet the U. S. Combination or U. S. Combination Mixed Color grade requirements only because of turning yellow or yellow color, caused by the ripening process, shall be designated as "U. S. Combination, Turning".

(b) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of the lower grade in the combination, but not more than one-half of this amount, or 5 percent, shall be allowed for limes affected by decay, stylar end breakdown and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(c) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 60 percent of U. S. No. 1 limes required in the U. S. Combination grade, but individual containers may have not less than 50 percent of the higher grade.

§ 51.1002 *U. S. No. 2.* "U. S. No. 2" consists of Persian limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, yellow color, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Each fruit in this grade shall have not less than an aggregate area of one-half of the surface of the fruit which shows good green color characteristic of the Persian lime: *Provided*, That lots of limes which fail to meet the U. S. No. 2 grade requirements only because of blanching shall be designated as "U. S. No. 2, Mixed Color"; *And provided further*, That lots of limes which fail to meet the U. S. No. 2 or U. S. No. 2 Mixed Color grade requirements only because of turning yellow or yellow color, caused by the ripening process, shall be designated as "U. S. No. 2, Turning".

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

UNCLASSIFIED

§ 51.1003 *Unclassified.* "Unclassified" consists of Persian limes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1004 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 3 pounds and a tolerance of 10 per-

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

cent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 3 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed fruit may be permitted in any package; and,

(2) For packages which contain 3 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1005 *Standard pack.* (a) Fruit shall be fairly uniform in size, and when place packed in crates or cartons, the fruit shall be arranged according to the approved and recognized methods.

(b) All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container may vary more than four-sixteenths of an inch in diameter.

(d) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.1006 *Firm.* "Firm" means that the fruit is not soft or flabby.

§ 51.1007 *Fairly well formed.* "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

§ 51.1008 *Fairly smooth texture.* "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

§ 51.1009 *Stylar end breakdown.* "Stylar end breakdown" is a physiological breakdown starting at the base of the nipple as a grayish tan water-soaked spot. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes darker and usually sinks below the healthy surface, but the area remains firm unless infected with secondary organisms that cause soft decay.

§ 51.1010 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(c) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked) or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(d) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(e) Thorn scratches when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area of one-half inch permitted for light colored concentrated injury;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a lime which has 10 medium to large California red or purple scale attached;

(g) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area, or which affects more than 5 percent of the fruit surface;

(h) Scab which materially affects the shape or texture;

(i) Blanching when more than 25 percent, in the aggregate, of the fruit surface shows a whitish to yellowish green area or areas because of shading, resting on the surface of the ground, or contact with other fruit on the tree. Such areas are not to be confused with limes which are turning yellow due to the ripening process;

(j) Yellow color when plainly visible and caused by the ripening process;

(k) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(l) Buckskin when more unsightly than the maximum discoloration allowed, or the fruit texture is materially affected.

§ 51.1011 *Good green color.* "Good green color" means that the skin of the lime is of a good green color characteristic of the Persian variety.

§ 51.1012 *Fairly firm.* "Fairly firm" means that the fruit is not soft or excessively flabby.

§ 51.1013 *Badly deformed.* "Badly deformed" means that the fruit is seriously misshapen from any cause.

§ 51.1014 *Excessively rough texture.* "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

§ 51.1015 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(c) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked) or depressions which aggregate more than 10 percent of the fruit surface;

(d) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(e) Thorn scratches when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a lime which has a blotch the area of a circle one-half inch in diameter;

(g) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(h) Scab which seriously affects shape or texture;

(i) Blanching when more than 50 percent, in the aggregate, of the fruit surface shows a whitish to yellowish green area or areas because of shading, resting on the surface of the ground, or contact with other fruit on the tree. Such areas are not to be confused with limes which are turning yellow due to the ripening process;

(j) Yellow color when plainly visible and caused by the ripening process;

(k) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected; and,

(l) Buckskin when more unsightly than the maximum discoloration allowed, or the fruit texture is seriously affected.

§ 51.1016 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedure and that good cause exists for not postponing the effective date of these amended standards beyond the date of publication hereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) The amended standards have been recommended by the Persian lime industry which is located exclusively in the State of Florida; (2) the amendments mitigate present requirements in regard to the percentage of U. S. No. 1 limes required in the U. S. Combination grade and provide a combination grade comparable to combination grades established for other commodities; (3) the 1958 packing season for Persian (Tahiti) limes has already begun and it is in the interest of the public and the industry that the standards be placed in effect at the earliest possible date; and, (4) no special preparations for compliance with the standards on the part of the Persian lime industry or of others is required.

The United States Standards for Persian (Tahiti) Limes contained in this subpart shall become effective upon publication in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Persian (Tahiti) Limes which have been in effect since June 15, 1957 (§§ 51.1000 to 51.1016).

Dated: June 17, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4693; Filed, June 19, 1958; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Apricot Order 2, Amdt. 1]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

CONTAINER REGULATION

Findings. 1. On May 3, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2988) regarding proposed limitations on shipments of apricots, pursuant to the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514) regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including proposals set forth in the aforesaid notice which were submitted by the Washington Apricot Marketing Committee, established under the aforesaid marketing agreement and order, it is hereby found that the amended regulation hereinafter set forth is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1958. The Washington Apricot Marketing Committee at its meeting on June 11, 1958, further considered the matter of container regulation; such meeting was held after due notice of such meeting and growers and handlers were given an opportunity to submit views and data concerning such regulation; on the basis of the information presented at such meeting, it was concluded that the marketing of apricots in small containers (12-pound) has adversely affected the marketing of apricots; the recommendation and supporting information for container regulation subsequent to June 23, 1958, and in the manner provided herein, were promptly submitted to the Department after such meeting, and information concerning such recommendation was disseminated among handlers of apricots; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective at the time hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions of paragraph (b) of § 1020.302 (Apricot Order 2; 22 F. R. 4495) are hereby amended, effective on and after June 23, 1958, to read as follows:

(b) *Order.* (1) Beginning at the effective time of this section, no handler shall handle any apricots unless such apricots are in a container or containers meeting the following specifications:

(i) Unlidded wooden boxes with inside dimensions 7 x 11½ by 18 inches: *Provided,* That any such containers shall contain not less than 28 pounds net weight of apricots;

(ii) Lidded wooden boxes with inside dimensions 3¾–4¼ by 10½ by 15 inches: *Provided,* That any such container shall contain not less than 14 pounds net weight of apricots;

(iii) Lidded wooden 4-basket crates with inside dimensions of 4¾ by 16 by 18 inches: *Provided,* That any such container shall contain not less than 20 pounds net weight of apricots;

(iv) Lidded wooden 4-basket crates, specified in subdivision (iii) of this paragraph, to which cleats have been added increasing the smallest dimension: *Provided,* That any such container shall contain not less than 20 pounds net weight of apricots.

(2) Notwithstanding any other provision of this regulation, any individual shipment of apricots which, in the aggregate, does not exceed 150 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph or in § 1020.41 or § 1020.55.

(3) All apricots handled are also subject to all applicable grade, size, quality, maturity, and pack regulations which are in effect pursuant to this part during the effective period of this section.

(4) The terms "handler," "handle," and "apricots" shall have the same meaning as when used in the marketing agreement and order.

Effective time. The provisions of this regulation shall become effective at 12:01 a. m., P. s. t., June 23, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies secs. 906, 1047; 7 U. S. C. 608e–1)

Dated: June 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4692; Filed, June 19, 1958; 8:51 a. m.]

[Apricot Order 3]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 1020.303 *Apricot Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication

thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1958. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until June 11, 1958; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the meeting of said committee on June 11, 1958, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such apricots will begin on or about June 23, 1958, and this section should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 23, 1958, and ending at 12:01 a. m., P. s. t., October 1, 1958, no handler shall handle any apricots unless:

(i) Such apricots grade not less than Washington No. 1;

(ii) Such apricots measure not less than 1⅜ inches in diameter: *Provided,* That apricots of the Blenheim variety and apricots of the Tilton variety when packed in unlidded wooden boxes may measure not less than 1¼ inches: *And provided, further,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement; and

(iii) Such apricots when packed in lidded containers are row-faced.

(2) All apricots handled during the period specified in this section are subject also to all applicable container restrictions which are in effect pursuant to this part during such period.

(3) Notwithstanding any other provisions of this section, any individual shipment of apricots which, in the aggregate, does not exceed 150 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph or in § 1020.41 or § 1020.55.

(4) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; and "diameter" and "Washington No. 1" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Apricots (1953).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4691; Filed, June 19, 1958; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6975]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KANTROWITZ & NEIDITCH, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 691) [Cease and desist order, Kantrowitz & Neiditch, Inc., doing business as Connecticut Furriers of Hartford et al., Hartford, Conn., Docket 6975, May 9, 1958]

In the Matter of Kantrowitz & Neiditch, Inc., a Corporation Doing Business as Connecticut Furriers of Hartford, and Samuel Kantrowitz and Israel Neiditch, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Hartford, Conn., with violating the Fur Products Labeling Act by advertising in newspapers which did not identify the animals producing certain furs or disclose when furs were artifically colored, and which advertised comparative prices not based on the current market values, and by failing to keep adequate records as a basis for such pricing claims; and by failing in other respects to comply with the invoicing and labeling requirements of the act.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Kantrowitz & Neiditch, Inc., a corporation, whether trading under its own name, as Connecticut Furriers of Hartford, or under any other trade name, and its officers; and Samuel Kantrowitz and Israel Neiditch, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

a. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product;

(7) The item number or mark assigned to a fur product.

2. Setting forth on labels affixed to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is mingled with nonrequired information.

3. Falsely or deceptively invoicing fur products by:

a. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

4. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

a. Fails to disclose:

(1) The name or names of the animal or animals which produced the fur or furs contained in the fur products as set forth in the Fur Products Name Guide;

(2) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

5. Makes use of comparative pricing claims in advertisements unless such compared prices are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

6. Makes pricing claims and representations of the types referred to in paragraph 5 above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 9, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4675; Filed, June 19, 1958; 8:47 a. m.]

[Docket 6759]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DELL PUBLISHING CO., INC.

Subpart—*Misbranding or mislabeling:* § 13.1230 *Identity.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 13.1850 *Content;* § 13.1855 *Identity;* § 13.1880 *Old, used, reclaimed, or reused as unused or new.* Subpart—*Using misleading name*—Goods: § 13.2300 *Identity;* § 13.2320 *Old, secondhand, reconstructed or reused as new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dell Publishing Company, Inc., New York, N. Y., Docket 6759, May 17, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a publishing company in New York City with failing to disclose adequately that certain books were abridgments or newly entitled reprints.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Dell Publishing Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling any abridged copy of a book unless one of the following words, "abridged", "abridgement", "condensed" or "condensation", or any other word or phrase stating with equal clarity that said book is abridged appears in clear conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the title or in another position adapted readily to attract the attention of a prospective purchaser;

2. Using or substituting a new title for, or in place of, the original title of the reprinted book unless the original title of the book as previously published appears in clear and conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the title or in another position adapted readily to attract the attention of a prospective purchaser.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Dell Publishing Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 16, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4676; Filed, June 19, 1958; 8:47 a. m.]

[Docket 6554]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GILBERT S. BISHOP AND BISHOP HAIR EXPERTS

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Offices in principal cities; qualifications and abilities; § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gilbert S. Bishop doing business as Bishop Hair Experts, Cincinnati, O., Docket 6554, May 12, 1958]

In the Matter of Gilbert S. Bishop Doing Business as Bishop Hair Experts

This case was heard by a hearing examiner on the complaint of the Commission charging an individual with principal place of business in Cincinnati, O., and operating treatment offices in Pittsburgh, Pa.; Buffalo, N. Y.; and Cincinnati, with advertising falsely in newspapers and by means of advance advertising of traveling representatives who invited the public to call on a certain date at a certain place for diagnosis and advice, that by use of his preparations and treatments excessive hair loss and baldness would be prevented and overcome in almost every case; that hair would be induced to grow upon the heads of all but about five percent of the cases; that fuzz and thin hair would be replaced by thicker and stronger hair; and that dandruff, itching, dryness, and oiliness of the hair and scalp would be permanently eliminated; with representing falsely by use of the designation "trichologist" that he and certain of his employees had been trained in dermatology and the branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair; and with representing falsely that he had "expanded quickly from one office to 14 affiliated offices in North America".

After extensive proceedings, the hearing examiner made his initial decision and order to cease and desist, from which respondent appealed. The Commission denied the appeal, and, on May 12, adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Gilbert S. Bishop, an individual doing business as Bishop Hair Experts, or under any other name, and respondent's agents, representatives and employees, directly or through any corporate or any other device, in connection with the offering for sale, sale or distribution of the various cosmetic or other preparations as set out in the findings herein, or any other preparations for use in the treatment of hair or scalp conditions, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of said preparations, alone or in conjunction with any method or treatment, will:

(a) Prevent or overcome excessive hair loss or baldness unless such representation be expressly limited to cases other than those known as male pattern baldness and unless the advertisement clearly and conspicuously reveals that in the great majority of cases of baldness or excessive hair loss respondent's said preparations are of no value whatever;

(b) Induce hair to grow or will otherwise grow hair unless such representation be expressly limited to cases other than those arising by reason of male pattern baldness, and unless the advertisement clearly and conspicuously reveals that the use of said preparations will not grow hair in the great majority of cases;

(c) Replace fuzz or thin hair with thicker or stronger hair;

(d) Eliminate or cure dandruff, itching, dryness or oiliness of the hair or scalp.

2. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

3. Representing, directly or by implication, that respondent, his agents, representatives or employees have had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair, or are trichologists.

4. Representing, directly or by implication, that respondent owns, controls or operates more than three treatment offices.

By "Final Order," report of compliance was required as follows:

It is ordered, That the respondent, Gilbert S. Bishop, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in the initial decision.

Issued: May 12, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4677; Filed, June 19, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1655]

[79213]

CALIFORNIA

WITHDRAWING RESERVED MINERALS IN PATENTED LANDS WITHIN THE JOSHUA TREE STATE PARK

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described patented lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws, and from lease under the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for the preservation and protection of the scenic and recreational values of the Joshua Tree State Park Project:

SAN BERNARDINO MERIDIAN

T. 7 N., R. 9 W.,
Sec. 22, S½.

The area described contains 320 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 13, 1958.

[F. R. Doc. 58-4671; Filed, June 19, 1958; 8:46 a. m.]

[Public Land Order 1656]

[75066]

IDAHO

REVOKING THE DEPARTMENTAL ORDER OF SEPTEMBER 17, 1906, WHICH WITHDREW LANDS FOR USE OF THE FOREST SERVICE AS RANGER STATIONS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of September 17, 1906, which withdrew the following-described lands within the Priest River Forest Reserve (now the Kaniksu National Forest) for use by the Forest Service, Department of Agriculture, as ranger stations is hereby revoked:

Lot 1 in section 28, T. 60 N., R. 4 W., and a tract of, approximately, 5.30 acres, consisting of a strip of land 12 rods wide, along the east side of lot 1 in section 9, T. 59 N., R. 4 W., Boise Meridian, Idaho.

2. Of the lands described, all have been patented except the strip along the east side of lot 1, which actually contains about 10.5 acres.

3. The lands are located on the south shore line of Priest Lake immediately west of the town site of Coulon, Idaho.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on July 19, 1958 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 18, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 18, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on October 18, 1958.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 13, 1958.

[F. R. Doc. 58-4672; Filed, June 19, 1958; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

CROSS REFERENCE: For a waiver affecting the regulations in § 19.35, see Title 46, Chapter I, Part 154, *infra.*

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 75]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Allentown VOR	ABL-LFR	Direct	2500	T-dn C-d C-n A-dn	300-1 500-1 500-1 800-2	300-1 600-1 600-1½ 800-2	200-½ 600-1½ 600-2 800-2

Procedure turn E side NE crs, 060 Outbnd, 240 Inbnd, 2600′ within 10 mi (conducted E to avoid obstructions W of NE crs).
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 193—2.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 mi, climb to 2500′ on SW crs within 10 mi.
CAUTION: 1600′ terrain on N side NE crs. Do not descend below procedure turn altitude until inbnd on NE crs.
MAJOR CHANGE: Night landing note deleted.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem-Easton; Elev., 392′; Fac. Class, SBMRAZ; Ident., ABL; Procedure No. 1, Amdt. 4; Eff. Date, 19 Jul. 5; Sup. Amdt. No. 3; Dated, 1 Apr. 54

				T-dn C-dn A-dn	400-1 500-1 800-2	400-1 500-1 800-2	400-1 600-1½ 800-2

Procedure turn N side E crs, 079 Outbnd, 259 Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′.
Crs and distance, facility to airport, 236—1.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing LFR, execute right turn, climbing to 3000′ on North crs ITO LFR within 20 miles.
CAUTION: Gradual rising terrain all westerly quadrants.

City, Hilo; Hawaii; Airport Name, General Lyman; Elev., 31′; Fac. Class, SBRAZ; Ident., ITO; Procedure No. 1, Amdt. 10; Eff. Date, 19 Jul. 58; Sup. Amdt. No. 9; Dated, 10 Dec. 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
STL-LFR	Lake "H"	Direct	2000	T-dn	300-1	300-1	200-½
STL-VOR	Lake "H"	Direct	2000	C-dn	500-1	500-1	500-1½
STL-LOM	Lake "H"	Direct	2000	S-dn-6	500-1	500-1	500-1
St. Peters FM	Lake "H"	Direct	2000	A-dn	800-2	800-2	800-2
Barracks Int	Lake "H"	Direct	2100				

Radar transitions to final approach course authorized. Radar terminal area transitions altitudes on radar procedure.
Procedure turn South side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles of Lake "H".
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 058—3.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Lake "H", climb to 1800′ on crs of 058° to LOM or, when directed by ATC, (1) Make right (South) turn, climb to 2600′ on South crs STL-LFR to Barracks Int.; (2) Make left (North) turn, climb to 2000′ direct to STL-VOR.

City, St. Louis; State, Mo.; Airport Name, Lambert Fld.; Elev., 568′; Fac. Class, MHW; Ident., LAQ; Procedure No. 2, Amdt. 1; Eff. Date, 14 Jun. 58; Sup. Amdt No. Orig.; Dated, 14 Jun. 58.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	400-1	400-1	400-1
				C-dn	500-1	500-1	600-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 080 Outbnd, 260 Inbnd, 1500′ within 10 miles.

Minimum altitude over facility on final approach crs, 500′.

Crs and distance, facility to airport, 260—1.8.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing VOR, execute right turn, climbing to 3000′ on R-353 within 20 miles.

CAUTION: Gradual rising terrain all westerly quadrants.

City, Hilo, Hawaii; Airport Name, General Lyman; Elev., 31′; Fac. Class, BVOR; Ident., ITO; Procedure No. 1, Amdt. 5; Eff. Date, 19 Jul. 58; Sup. Amdt. No. 4; Dated, 10 Dec. 55

Myrtle Beach RBN	MYR-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 042 Outbnd, 222 Inbnd, 1200′ within 10 miles.

Minimum altitude over facility on final approach crs, 700′.

Crs and distance, facility to airport, 222—3.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 1200 on R-222 within 20 miles.

City, Myrtle Beach; State, S. C.; Airport Name, Myrtle Beach AFB/Mun.; Elev., 25′; Fac. Class, BVOR; Ident., MYR; Procedure No. 1, Amdt. 3; Eff. Date, 19 Jul. 58 Sup. Amdt. No. 2; Dated, 28 Sept. 57

PROCEDURE CANCELLED, EFFECTIVE 23 MAY 1958.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659′; Fac. Class, VOR; Ident., ADF; Procedure No. 2, Orig.; Eff. Date, 9 Jun. 56

PUB LFR	PUB-VOR	Direct	6600	T-dn*	300-1	300-1	200-½
COS LOM	PUB-VOR	Direct	7000	C-d	600-1	600-1	600-1½
ELL RBn	PUB-VOR	Direct	7500	C-n	600-1	600-2	600-2
HNR RBn	PUB-VOR	Direct	7000	S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Takeoff below 300-1 not authorized on Runways 26 and 35.

Procedure turn S side of crs, 067 Outbnd, 247 Inbnd, 6000′ within 10 miles.

Minimum altitude over facility on final approach crs, 5400′.

Crs and distance, facility to airport, 247—2.4.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, make left climbing turn to 135 mag. hdg., intercept R-161 PUB VOR climbing to 7000′ Outbnd on R-161 within 10 miles.

NOTE: Alternate missed approach when directed by ATC, make left climbing turn, return to PUB VOR, continue climb to 6500′ on R-348 PUB within 15 miles.

City, Pueblo; State, Colo.; Airport Name, Pueblo Memorial; Elev., 4725′; Fac. Class, BVOR; Ident., PUB; Procedure No. 1, Amdt. 4; Eff. Date, 19 Jul. 58; Sup. Amdt. No. 3; Dated, 30 Jun. 57

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
St Louis VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
St Louis LFR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Jerseyville Int	LOM	Direct	2000	S-dn 24	200-½	200-½	200-½
Wood River Int	LOM	257—7.5	1800	A-dn	600-2	600-2	600-2
Wood River Int	NE crs ILS (Final) (to intercept ILS crs 2 mi from LOM).	263—5.7	1800				
Lake "H"	LOM	Direct	1800				
Cora Int	LOM (Final)	Direct	1800				
Academy Int	NE crs ILS (Final)	211—9.6	1900				
Godfrey Int	NE crs ILS (Final)	195—12.3	1900				
Horseshoe Int	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.

Procedure turn N side NE crs, 058 Outbnd, 238 Inbnd, 1900′ within 10 mi.

Minimum altitude at glide slope int inbnd, 1800′.

Altitude of glide slope and distance to approach end of runway at OM, 1782—4.1; at MM, 748—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing LOM, climb to 2000′ on SW crs of ILS to Lake "H" or, as directed by ATC, (1) Make right (North) turn, climb to 2000′ direct to STL-VOR; (2) Make left turn (South), climb to 2600′ direct to Barracks Int.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 568′; Fac. Class, ILS; Ident., STL; Procedure No. ILS-24, Amdt. 16; Eff. Date, 1 Jul. 58; Sup. Amdt. No. 15; Dated, 14 Jun. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
St Louis LFR	Lake "H"	Direct	2000	T-dn	300-1	300-1	200-½
St Louis VOR	Lake "H"	Direct	2000	C-dn	500-1	500-1	500-1½
St Louis LOM	Lake "H"	Direct	2000	S-dn 6	500-1	500-1	500-1
St Peters FM	Lake "H"	Direct	2000	A-dn	800-2	800-2	800-2
Barracks Int	Lake "H"	Direct	2100				
Int R-180 STL-VOR and SW crs ILS	Lake "H"	Direct	2000				
Int R-180 STL-VOR and SW crs ILS	Lake "H" (Final)	Direct	1500				
Howell Int	SW crs ILS (Final)	R-200 Toy	2000				
Int R-229 STL-VOR and SW crs ILS	Lake "H" via ILS SW crs	3000*					

*2000′ after passing R-200 STL-VOR.

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on radar procedure.

Procedure turn S side SW crs, 238 Outbnd, 058 Inbnd, 2000′ within 10 mi of Lake "H".

No glide slope or markers. Alt. over Lake "H", 1500′. Distance from Lake "H" to Rnwy 6, 3.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Lake "H", climb to [illegible] on NE crs ILS to LOM or, when directed by ATC: (1) Make right (South) turn, climb to 2600′ on South crs STL-LFR to Barracks Int; (2) Make left (North) turn, climb to 2000′ direct to STL-VOR.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 568′; Fac. Class, ILS-STL; Ident., MHW-LAQ; Procedure No. ILS-6, Amdt. 6; Eff. Date, 14 Jun 58; Sup. Amdt. No. 5; Dated, 14 Jun. 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 10, 1958.

[F. R. Doc. 58-4556; Filed, June 19, 1958; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER SECURITIES ACT OF 1933

MISCELLANEOUS AMENDMENTS

The Securities and Exchange Commission has adopted certain amendments to § 230.161 (Rule 161) and to Regulation A under the Securities Act of 1933. Rule 161 provides that securities offered in conformity with the rules and regulations under section 3 (b) of the act may continue to be offered in accordance with the rules and regulations in effect at the time the offering commenced, notwithstanding subsequent amendments to such rules and regulations. Regulation A provides an exemption from registration for issues of securities not in excess of $300,000 which are offered in accordance with the terms and conditions of the regulation.

1. Section 230.161 (Rule 161) has been amended to provide that it shall not apply to offerings after January 1, 1959, of securities under Regulation D, which was rescinded July 23, 1956, or under Regulation A as in effect prior to its revision on July 23, 1956. The purpose of the amendment is to require any offerings under the previously existing Regulation A or D to comply with the revised Regulation A if the offering is continued after January 1, 1959. The rule as amended reads as follows:

§ 230.161 *Amendments to rules and regulations governing exemptions.* The rules and regulations governing the exemption of securities under section 3 (b) of the act, as in effect at the time the securities are first bona fide offered to the public in conformity therewith, shall continue to govern the exemption of such securities notwithstanding the subsequent amendment of such rules and regulations. This section shall not apply, however, to any new offering of such securities by an issuer or underwriter after the effective date of any such amendment, nor shall it apply to any offering after January 1, 1959, of securities by an issuer or underwriter pursuant to Regulation D or pursuant to Regulation A as in effect at any time prior to July 23, 1956.

2. Section 230.252 (Rule 252): Paragraphs (c), (d), and (e) of Rule 252 provide that no exemption under Regulation A shall be available for the securities of an issuer under certain circumstances specified therein. Paragraph (f) provides that the above paragraphs shall not apply if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances to deny the exemption. Paragraph (f) has been amended to make it clear that any determination by the Commission under this paragraph shall not prejudice any other action which the Commission may take in any other proceeding or matter with respect to the issuer or any other person. Paragraph (f) as amended reads as follows:

§ 230.252 *Securities exempted.* * * *

(f) Paragraph (c), (d), or (e) of this section shall not apply to the securities of any issuer if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

3. Section 230.254 (Rule 254): A. A minor clarifying amendment to paragraph (b) of Rule 254 has been adopted.

B. Paragraph (d) of Rule 254 of Regulation A specifies certain securities which need not be included in computing the amount of securities which may be offered under that regulation. This paragraph has been amended by adding a provision that where the securities to be offered are interests in an unincorporated real estate syndicate, there need not be included in computing the amount of securities which may be offered, the amount of interests in other unincorporated real estate syndicates affiliated with the issuer. The amendment is in the form of an additional clause added to paragraph (d). The amended paragraphs read as follows:

§ 230.254 *Amount of securities exempted.* * * *

(b) The aggregate offering price of securities which have a determinable market value shall be computed upon the basis of such market value as determined from transactions or quotations on a specified date within 15 days prior to the date of filing the notification, or the offering price to the public, whichever is higher: *Provided,* That the aggregate gross proceeds actually received from the public for the securities offered hereunder shall not exceed the maximum aggregate offering price permitted in the particular case by paragraph (a) of this section.

* * * * *

(d) The following securities need not be included in computing the amount of securities which may be offered under this section:

(1) Unsold securities the offering of which has been withdrawn with the consent of the Commission by amending the pertinent notification to reduce the amount stated therein as proposed to be offered;

(2) Securities acquired or to be acquired, otherwise than for distribution, by a single holder of the majority of the outstanding voting stock of the issuer in connection with a pro rata offering to stockholders;

(3) In the case of an offering by an issuer to its existing security holders on a pro rata basis pursuant to warrants or rights, that portion of the offering made outside of the United States and Canada;

(4) In the case of an offering of interests in an unincorporated theatrical production, interests in any affiliated unincorporated theatrical production; or

(5) In the case of an offering of interests in an unincorporated issuer organized to hold title to, lease, operate or improve specific real property, interests in any affiliated issuer organized to hold title to, lease, operate or improve other specific real property.

4. Section 230.255 (Rule 255) of Regulation A has been amended to provide procedures for the filing of amendments to notifications under Regulation A and for the withdrawal of such notifications. The amendments are in the form of a revision of paragraph (d) of the rule and a new paragraph (e). These paragraphs read as follows:

§ 230.255 *Filing of notification on Form 1-A.* * * *

(d) Any amendment to the notification shall be signed in the same manner as the original notification. Four copies of such amendment shall be filed with the same Regional Office as the original notification at least 10 days prior to any offering of the securities subsequent to the filing of such amendment, or such shorter period as the Commission, in its discretion, may authorize upon a written request for such authorization.

(e) A notification or any exhibit or other document filed as a part thereof may be withdrawn upon application unless the notification is subject to an order under § 230.261 (Rule 261) at the time the application is filed or becomes subject to such an order within 15 days (Saturdays, Sundays and holidays excluded) thereafter: *Provided,* That a notification may not be withdrawn after any of the securities proposed to be offered thereunder have been sold. Any such application shall be signed in the same manner and filed with the same Regional Office as the notification.

5. Section 230.261 (Rule 261), *Suspension of exemption:* The issuance of a suspension order under § 230.261 of Regulation A operates as a bar to the availability of an exemption under that regulation so long as the order remains in effect. Paragraph (e) of the rule heretofore provided in effect that the bar could not be circumvented by withdrawing the notification and later filing a new notification. This paragraph has been rescinded since the adoption of the withdrawal procedure referred to above makes it unnecessary.

6. Section 239.90 *Form 1-A, Notification under Regulation A:*

A. Item 11 (c) of Form 1-A, which is the form prescribed for notifications under Regulation A, requires as an exhibit to the notification, a written statement signed by each underwriter consenting to being named as an underwriter of the securities proposed to be offered. This item has been amended to require the underwriters to include a certification that the information given in the notification and offering circular with respect to underwriters, their directors, officers or partners is accurate and complete and does not omit any required information or any information necessary to make the statements made not misleading. Item 11 (c) as amended reads as follows:

> (c) A written consent and certification, in the form set forth below, signed by each underwriter of the securities proposed to be offered hereunder. All underwriters may, with appropriate modifications, sign the same consent and certification or separate consents and certifications may be signed by any underwriter or group of underwriters. At least one copy of each consent and certification shall be signed manually.
>
> CONSENT AND CERTIFICATION BY UNDERWRITER
>
> 1. The undersigned hereby consents to being named as underwriter in a notification and offering circular filed with the Securities and Exchange Commission by ---------
> -- (Name of issuer)
> pursuant to Regulation A in connection with a proposed offering of ------------------ (Title of securities)
> to the public.
>
> 2. The undersigned hereby certifies that it furnished the statements and information set forth in such notification and offering circular with respect to the undersigned, its directors and officers or partners, that such statements and information are accurate, complete and fully responsive to the requirements of Form 1-A and Schedule I thereto, and do not omit any information required to be stated therein with respect of any of such persons, or necessary to make the statements and information therein with respect to any of them not misleading.
>
> ---------------------- (Underwriter)
>
> By ---------------------- (Principal Officer)
>
> Date --------------------

B. Item 11 of Form 1-A has been further amended by adding thereto a new paragraph (h) which requires as an exhibit to the notification copies of any escrow or similar arrangement relied upon to meet the escrow provisions of Rule 253 (c). Such filing will enable the Commission to determine whether such provisions have been complied with. Paragraph (h) reads as follows:

> (h) Any escrow or other similar arrangement relied upon to meet the requirements of Rule 253 (c).

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, and shall become effective July 11, 1958.

(Sec. 19, 48 Stat. 85 as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JUNE 10, 1958.

[F. R. Doc. 58-4680; Filed, June 19, 1958; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 58-25]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

The Deputy Secretary of Defense in a letter to the Secretary of the Treasury dated May 23, 1958, requested a general waiver of navigation and vessel inspection laws of the United States as follows:

> Each year since 1951, the Secretary of Defense has recommended waiver of the vessel inspection laws of the United States for certain vessels operating in the waters of the Trust Territory. This is to recommend a limited waiver similar to the one recommended last year.
>
> In the interest of national defense it is requested pursuant to the provisions of Public Law 891, 81st Congress, that the requirements of the vessel inspection laws relating to licensed and unlicensed personnel, passengers' quarters, crews' quarters, lifesaving equipment and the number of passengers allowed to be carried on freight vessels be waived for the period July 1, 1958, to June 30, 1959, for vessels which are or will be operated by the Pacific Micronesian Lines, Incorporated, for the Department of the Interior in Trust Territory waters.

Section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note preceding 1), states in part as follows:

> That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. * * *

In a document published in the FEDERAL REGISTER dated October 12, 1957 (22 F. R. 8125), the Secretary of Defense, the Honorable Neil McElroy, delegated to the Deputy Secretary of Defense, the Honorable Donald A. Quarles, full power and authority to act for and in the name of the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The purpose for the following waiver order designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Deputy Secretary of Defense and to publish this waiver in the FEDERAL REGISTER. It is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

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[1] This is also codified as 33 CFR Part 19.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51-1, and published in the Federal Register dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated and shall be in effect to and including June 30, 1959, unless sooner terminated by proper authority, and § 154.35 is revised as follows:

§ 154.35 *Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.* Pursuant to the request of the Deputy Secretary of Defense in a letter dated May 23, 1958, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of the navigation and vessel inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, lifesaving equipment, and the number of passengers allowed to be carried on freight vessels, administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of vessels of the Department of the Interior and now operated by Pacific Micronesian Lines, Inc., or other vessels which may be used as substitutes for such vessels, in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and all the ports of the United States, including its territories and possessions, and foreign ports. This waiver order shall be in effect from July 1, 1958, to and including June 30, 1959, unless sooner terminated by proper authority.

(Sec. 1, 64 Stat. 1120; 46 U. S. C., note prec. 1)

Dated: June 13, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58-4683; Filed, June 19, 1958; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6297]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CREDITS FOR DIVIDENDS AND PARTIALLY TAX-EXEMPT INTEREST RECEIVED BY INDIVIDUALS SUBJECT TO THE ALTERNATIVE TAX

In order to conform certain provisions of the Income Tax Regulations (26 CFR (1954) Part 1) relating to the credits for dividends received by individuals and partially tax-exempt interest received by individuals, issued as Treasury Decision 6161 (21 F. R. 788), approved January 31, 1956, to the decisions in Springs v. United States (D. C., W. D. S. C., 1957) 153 F. Supp. 514; Schultz v. United States (D. C., S. D. Fla., 1957) 156 F. Supp. 811; and Cruickshank v. Riddell (D. C., S. D. Calif. 1957) 58-1 U. S. T. C. 9169, such regulations are hereby amended as follows:

PARAGRAPH 1. Paragraph (a) of § 1.34-1 is amended by striking the last sentence and inserting in lieu thereof the following sentence: "Where the alternative tax on capital gains is imposed under section 1201 (b), the taxable income for such taxable year is the taxable income as defined in section 63, which includes 50 percent of the excess of net long-term capital gain over net short-term capital loss."

PAR. 2. Paragraph (a) of § 1.35-1 is amended by striking the last sentence and inserting in lieu thereof the following sentence: "Where the alternative tax on capital gains is imposed under section 1201 (b), the taxable income for such taxable year is the taxable income as defined in section 63, which includes 50 percent of the excess of net long-term capital gain over net short-term capital loss."

Because this Treasury decision liberalizes the rules with respect to the limitation on the amount of the credits under sections 34 and 35 of the Internal Revenue Code of 1954, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: June 16, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4684; Filed, June 19, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 132]

ARCHEOLOGICAL PERMITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of intention to revise Part 132, Archeological Permits, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of this revision is to eliminate certain steps in procedure which will be issued as instructions to Bureau officers.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed addition, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the Federal Register.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 16, 1958.

Part 132 of Title 25 is revised in its entirety to read as follows:

PART 132—ARCHEOLOGICAL PERMITS

Sec.
132.1 Permits.
132.2 Time limit of permits granted.
132.3 Restoration of land after work completed.
132.4 Lapse of permits.
132.5 Supervision.
132.6 Penalty.
132.7 Antiquities illegally obtained or possessed subject to confiscation.

AUTHORITY: §§ 132.1 to 132.7 issued under sec. 4, 34 Stat. 225; 16 U. S. C. 432. CROSS REFERENCE: 43 CFR Part 3.

§ 132.1 *Permits.* Permits for the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations will be granted by the Secretary of the Interior or his authorized representative to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or their duly authorized agents, on proper application, provided the Indian landowners consent to the proposed explorations. Excavation and exploration activities shall be limited to those persons holding permits or persons under the supervision of permittees. Applications for permits may be filed at the Area Office of the Bureau of Indian Affairs having jurisdiction over the land described in the application.

§ 132.2 *Time limit of permits granted.* No permit will be granted for a period of more than 3 years, but if the work has been diligently prosecuted under the permit, the time may be extended for proper cause upon application. No exclusive permits shall be granted for a larger area than the applicant can reasonably be expected to explore fully and systematically within the time limit named in the permit.

§ 132.3 *Restoration of land after work completed.* Permittees are required to restore the lands on which they have worked to their customary condition to the satisfaction of the Superintendent or Area Director having jurisdiction over land covered by the permit. Failure to do so shall operate to prohibit the reissuance of any permit.

§ 132.4 *Lapse of permits.* Failure to begin work under a permit within six months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void without any order or proceeding by the Secretary of the Interior or his authorized representative.

§ 132.5 *Supervision.* The permit of any person, as well as the work done under such permit, shall be subject to inspection at all times. At the close of each season's work, a report in duplicate by the permittee to the Smithsonian Institution through the Department of the Interior, accompanied by a catalog of the collections and photographs made during the season, is mandatory.

§ 132.6 *Penalty.* Any person or persons appropriating, excavating, injuring or destroying any historic or prehistoric ruin or monument or any object of antiquity on Indian reservations without a permit as prescribed in this Part shall be subject to arrest as provided in the act of June 8, 1906 (34 Stat. 225), and shall, upon conviction, be fined a sum not to exceed $500 or imprisoned for not to exceed 90 days, or suffer both fine and imprisonment, at the discretion of the court.

§ 132.7 *Antiquities illegally obtained or possessed subject to confiscation.* Any antiquities that may have been illegally obtained or that may be illegally in the possession of licensed Indian Traders or others, may be seized wherever found and at any time, by the field officer having the authority to approve the permit and disposed of as the Secretary shall determine, by deposit in the proper national depository or otherwise.

[F. R. Doc. 58-4670; Filed, June 19, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO-231-A10]

Handling of Milk in North Texas Marketing Area

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING ARGEEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area, which was issued on June 2, 1958 (23 F. R. 3930; F. R. Doc. 58-4250), is hereby extended to June 26, 1958. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of this date.

Dated: June 17, 1958.

[SEAL] Roy W. Lennartson,
Deputy Administrator.

[F. R. Doc. 58-4694; Filed, June 19, 1958; 8:51 a. m.]

[7 CFR Part 1023]

[Docket No. AO-295]

Handling of Milk in Des Moines, Iowa, Marketing Area

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING ARGEEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed order and marketing agreement to regulate the handling of milk in the Des Moines, Iowa, marketing area, which was issued May 29, 1958 (23 F. R. 3881) is hereby extended to July 9, 1958.

Dated: June 17, 1958.

[SEAL] Roy W. Lennartson,
Deputy Administrator.

[F. R. Doc. 58-4695; Filed, June 19, 1958; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

Fruit Butters, Fruit Jellies, Fruit Preserves, and Related Products; Definitions and Standards of Identity

NOTICE OF PROPOSALS TO ADOPT DEFINITIONS AND STANDARDS OF IDENTITY FOR ARTIFICIALLY SWEETENED FRUIT JELLIES AND FOR ARTIFICIALLY SWEETENED FRUIT PRESERVES OR JAMS

Notice is hereby given that a petition has been filed by the National Preservers Association, 1346 Connecticut Avenue NW., Washington, D. C., whose members are manufacturers and distributors of fruit jellies and fruit preserves, setting forth proposed definitions and standards of identity for artificially sweetened fruit jellies and artificially sweetened fruit preserves or jams.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), all interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the Federal Register.

It is proposed that the following new sections be added to Part 29:

§ 29.12 *Artificially sweetened fruit jelly; identity; label statement of optional ingredients.* (a) Artificially sweetened fruit jelly is the jelled food made from a fruit juice ingredient as specified in paragraph (b) of this section and an artificial sweetening ingredient as specified in paragraph (c) of this section, with water and a jelling ingredient as specified in paragraph (d) of this section. The quantity of the fruit juice ingredient, calculated as set out in § 29.2 (b), amounts to not less than 55 percent by weight of the finished food. The article is sealed in containers and is so processed by heat, either before or after sealing, as to prevent spoilage. Such food may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, melic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Sodium citrate, potassium citrate, or both, in an amount not exceeding 2 ounces avoirdupois per 100 pounds of the finished jelly.

(4) Sodium hexametaphosphate in an amount not exceeding 2 ounces avoirdupois per 100 pounds of the finished jelly.

(5) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any combination of two or more of these calcium salts, in a quantity necessary with pectin to produce a jelled finished product.

(6) Ascorbic acid, sorbic acid, sodium sorbate, potassium sorbate, sodium propionate, calcium propionate, sodium benzoate, benzoic acid, methyl ester of parahydroxybenzoic acid, propyl ester of parahydroxybenzoic acid, or any combination of two or more of these, in a quantity not to exceed 0.1 percent by weight of the finished food.

(b) The fruit juice ingredient referred to in paragraph (a) of this section is any one, or a combination of two, three, four, or five of the fruit juice ingredients complying with the requirements of § 29.2 (c). No nutritive sweetening ingredient is added, either directly or indirectly, to the fruit juice ingredient used to make artificially sweetened fruit jelly.

(c) The artificial sweetening ingredient referred to in paragraph (a) of this section is saccharin, sodium saccharin, calcium saccharin, sodium cyclamate, potassium cyclamate, calcium cyclamate, or any combination of these.

(d) The jelling ingredient referred to in paragraph (a) of this section is pectin, gum tragacanth, gum karaya, algin (sodium alginate), extract of Irish moss, sodium carboxymethylcellulose, or any combination of two or more of these. The pectin may be standardized with a nutritive sweetening ingredient, but such ingredient shall not amount to more than 44 percent by weight of the standardized pectin. When added, such pectin is used in a quantity sufficient to produce a jelled finish product but not in excess of 3 percent by weight of the finished food.

(e) The name of each artificially sweetened fruit jelly for which a definition and standard of identity is prescribed by this section consists of the words "artificially sweetened" immediately followed by the name as prescribed by § 29.2 (f) and (g) (6) for fruit jelly which corresponds in its fruit juice ingredient to the artificially sweetened article. The words "artificially sweetened" shall be prominently and conspicuously displayed in letters not smaller than the largest letter used in any other word in the name of the food.

(f) (1) The jelling ingredient used shall be named on the label by a statement "---------- added" or "with added ----------," the blank being filled in with the name or names, as the case may be, by which the jelling ingredient used is designated in paragraph (d) of this section.

(2) When the optional ingredient specified in paragraph (a) (1) of this section is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice," but in lieu of the word "spice" in such statement the common name of the spice may be used.

(3) When the optional ingredient specified in paragraph (a) (4) of this section is used, the label shall bear the words "sodium hexametaphosphate added" or "with added sodium hexametaphosphate."

(4) When any optional ingredient listed in paragraph (a) (6) of this section is used, the label shall bear the statement "----------- added as preservative the blank being filled in with the name or names, as the case may be, by which the preservative ingredient used is designated in paragraph (a) (6) of this section.

(g) Wherever the name of the food as specified in paragraph (e) of this section appears on the label of the artificially sweetened fruit jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit source of the fruit juice ingredient used in preparing such jelly may so intervene.

(h) Artificially sweetened fruit jelly shall be labeled in compliance with the regulations prescribing label statements concerning the dietary properties of food purporting to be or represented for special dietary uses as promulgated under authority of section 403 (j) of the Federal Food, Drug, and Cosmetic Act.

§ 29.13 *Artificially sweetened fruit preserves, artificially sweetened fruit jams; identity; label statement of optional ingredients.* (a) Artificially sweetened fruit preserves or artificially sweetened fruit jams are the viscous or semisolid foods, made from a fruit ingredient as specified in paragraph (b) of this section and an artificial sweetening ingredient as specified in paragraph (c) of this section, with water and a jelling ingredient as specified in paragraph (d) of this section. The quantity of the fruit ingredient amounts to not less than 55 percent of weight of the finished food. The article is sealed in containers and is so processed by heat, either before or after sealing, as to prevent spoilage. Such food may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Sodium citrate, potassium citrate, or both, in an amount not exceeding 2 ounces avoirdupois per 100 pounds of the finished preserve or jam.

(4) Sodium hexametaphosphate in an amount not exceeding 2 ounces avoirdupois per 100 pounds of the finished preserve or jam.

(5) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any combination of two or more of these calcium salts, in a quantity necessary, with pectin, to produce a viscous or semisolid finished product.

(6) Ascorbic acid, sorbic acid, sodium sorbate, potassium sorbate, sodium propionate, calcium propinate, sodium benzoate, benzoic acid, methyl ester of parahydroxybenzoic acid, propyl ester of parahydroxybenzoic acid, or any combination of two or more of these, in a quantity not to exceed 0.1 percent by weight of the finished food.

(b) The fruit ingredient referred to in paragraph (a) of this section is any one, or a combination of two, three, four, or five of the fruit ingredients complying with the requirements of § 29.3 (b). No nutritive sweetening ingredient is added, either directly or indirectly, to the fruit ingredient used to make artificially sweetened fruit preserve or artificially sweetened fruit jam.

(c) The artificial sweetening ingredient referred to in paragraph (a) of this section is saccharin, sodium saccharin, calcium saccharin, sodium cyclamate, potassium cyclamate, calcium cyclamate, or any combination of these.

(d) The jelling ingredient referred to in paragraph (a) of this section is pectin, gum tragacanth, gum karaya, algin (sodium alginate), extract of Irish moss, sodium carboxymethylcellulose, or any combination of two or more of these. The pectin may be standardized with a nutritive sweetening ingredient, but such ingredient shall not amount to more than 44 percent by weight of the standardized pectin. When added, such pectin is used in a quantity sufficient to produce a jelled finish product but not in excess of 3 percent by weight of the finished food.

(e) The name of each artificially sweetened fruit preserve or artificially sweetened jam for which a definition and standard of identity is prescribed by this section consists of the words "artificially sweetened" immediately followed by the name as prescribed by § 29.3 (f) and (g) (5) for fruit preserve and jam which corresponds in its fruit ingredient to the artificially sweetened article. The words "artificially sweetened" shall be prominently and conspicuously displayed in letters not smaller than the largest letter used in any other word in the name of the food.

(f) (1) The jelling ingredient used shall be named on the label by a statement "---------- added" or "with added ----------," the blank being filled in with the name or names, as the case may be, by which the jelling ingredient used is designated in paragraph (d) of this section.

(2) When the optional ingredient specified in paragraph (a) (1) of this section is used, the label shall bear the word "spiced," or the statement "spice added" or "with added spice," but in lieu of the word "spice" in such statements the common name of the spice may be used.

(3) When the optional ingredient specified in paragraph (a) (4) of this section is used, the label shall bear the words "sodium hexametaphosphate added" or "with added sodium hexametaphosphate."

(4) When any optional ingredient listed in paragraph (a) (6) of this section is used, the label shall bear the statement "---------- added as preservative," the blank being filled in with the name or names, as the case may be, by which the preservative ingredient used is designated in paragraph (a) (6) of this section.

(g) Wherever the name of the food as specified in paragraph (e) of this section appears on the label of the artificially sweetened fruit preserve or artificially sweetened fruit jam so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve or jam may so intervene.

(h) Artificially sweetened fruit preserve and artificially sweetened fruit jam shall be labeled in compliance with the regulations prescribing label statements concerning the dietary properties of food purporting to be or represented for special dietary uses as promulgated under authority of section 403 (j) of the Federal Food, Drug, and Cosmetic Act.

Dated: June 13, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-4669; Filed, June 19, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 181]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 13, 1958.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 2 W.,
Sec. 30: SE¼.

The area described totals 160.00 acres of public lands.

The lands are located from three to four miles east of U. S. Highway No. 60-70-89 and four miles north of the Town of Wittman. The topography is rough and broken, and is bisected by washes draining south. Two large washes constitute the primary drainage and the east portion of the southeast quarter is subject to flooding, consequently having a heavier textured soil and more perennial type vegetation. The lands are considered as potentially valuable for development to industrial and residential purposes.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m., on July 19, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 18, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on October 18, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws, beginning 10:00 a. m., on July 19, 1958.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements of support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, U. S. Land Office, Bureau of Land Management, P. O. Box 148, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 58-4673; Filed, June 19, 1958; 8:46 a. m.]

WASHINGTON

NOTICE OF TEMPORARY CLOSING OF SPOKANE LAND OFFICE

Notice is hereby given that the Spokane Land Office will be temporarily closed to the public on June 26 and 27, 1958, and no application under the public land laws, including those under the mining and mineral leasing laws, will be received on those dates.

On Monday, June 30, 1958, at 10 a. m., this office will be open to the public at its new location, Room 670, Bon Marche Building, North 214 Wall, Spokane, Washington, and all applications received by mail on June 26 and 27, 1958, will be considered as filed simultaneously at 10 a. m., June 30, 1958.

The mailing address of the Spokane Land Office will be Room 680, Bon Marche Building, Spokane, Washington.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 58-4674; Filed, June 19, 1958; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 4-1695-2B59]

ADVANCE INDUSTRIAL X-RAY LABORATORIES

TEMPORARY ORDER AND ORDER TO SHOW CAUSE

In the matter of Advance Industrial X-Ray Laboratories, a division of Air Frame Inspection, Inc.

Upon the basis of a preliminary investigation it appears that Air Frame Inspection, Inc. (hereinafter referred to as the "licensee") is the holder of License No. 4-1695-2B59 issued by the Atomic Energy Commission under its regulations in 10 CFR Part 30, "Licensing of Byproduct Material;" and that said license authorizes the possession and use of certain byproduct materials by Advance Industrial X-Ray Laboratories, in accordance with the terms and conditions specified in said license and the requirements of the Commission's regulations in 10 CFR; that on or about May 25, 1958, the licensee conducted radiographic inspections with certain iridium 192 radiography cameras at the Santa Susana Mountains Field Laboratory, Rocketdyne Division, North American Aviation, Inc.; that in the course of such activities an iridium 192 source became detached from its camera; that the loss of said source was not discovered by the licensee until on or about May 29, 1958, on which date the source was recovered; and that certain employees of the licensee and others received exposure to radiation during the period from May 25, 1958, to May 29, 1958, inclusive, in excess of the limits specified in 10 CFR Part 20, "Standards for Protection Against Radiation."

It further appears that on July 11, 1957, the Director, Division of Civilian Application, issued to the licensee a notice of alleged violation specifying certain alleged violations of License No. 1-1695-1. By letter dated July 30, 1957, the licensee furnished a statement respecting the alleged violations and the corrective steps taken or to be instituted. The letter of July 30, 1957, acknowledged certain violations of the Commission's regulations and set forth proposed measures to prevent further violations.

In view of the foregoing, it appears that the public health, interest and safety require the omission of a notice of violation in accordance with § 2.201 (b) of the Commission's rules of practice (10 CFR Part 2); and that paragraph "1" of the following order be effective immediately.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Parts 2, 20 and 30, 10 CFR: *It is ordered,* That:

(1) Pending the further order of the Commission or the presiding officer

a. Amendment No. 1 to License No. 4-1695-2B59, is suspended;

b. The licensee shall not utilize byproduct material for radiography unless such use is personally and directly supervised at all times by E. Y. Martindale or J. H. Magner, employees of the licensee or such other employee as may be designated by the licensee and approved by the Commission;

c. The licensee shall observe the procedures set forth in the statement of administrative control and operating instructions referred to in condition 19 of License No. 4-1695-2B59. Deviations from such procedures shall not be authorized by the licensee or any employee of the licensee;

d. Prior to the commencement of any radiography operation, the licensee shall notify the Director, Division of Inspection, San Francisco Operations Office, United States Atomic Energy Commission, 518 17th Street, Oakland 12, California, of the date, place, and nature of such proposed activity. Such notice shall be given in writing or by telephone to said Director forty-eight (48) hours prior to the proposed radiographic operation. If such notice is given in writing, it must be received by the Director at least forty-eight (48) hours prior to conduct of the proposed activity;

(2) The licensee may show cause at a hearing to commence in Los Angeles, California, on July 8, 1958, at 10 o'clock in the forenoon, why License No. 4-1695-2B59 should not be modified or suspended;

(3) The place of the hearing and the presiding officer will be designated in a further order of the Commission;

(4) The issues to be considered at the hearing will include:

(a) Whether the licensee failed to observe the limits on exposure to radiation in 10 CFR Part 20, "Standards for Protection Against Radiation;"

(b) Whether the licensee failed to make surveys as required by § 20.201 of said regulations (10 CFR Part 20);

(c) Whether the licensee failed to comply with the requirements of § 20.206 of said regulations pertaining to the instruction of personnel (10 CFR Part 20);

(d) Whether the licensee failed to observe the requirements of paragraph 19 of License No. 4-1695-2B59, and failed to observe the procedures specified in the "Administrative Control and Operating Instructions" referred to in said paragraph 19:

(e) Whether the licensee has failed to observe other requirements and conditions of its License No. 4-1695-2B59 and of the Atomic Energy Act of 1954, as amended, and regulations of the Commission; and

(f) Whether License No. 4-1695-2B59 should be modified or suspended.

Answers may be filed pursuant to § 2.736 of the rules of practice on or before June 27, 1958. Upon the failure of the licensee to file and serve an answer within the time provided herein or to appear at the hearing, an order may be issued without further notice providing that License No. 4-1695-2B59, as amended, is suspended for a period of sixty (60) days and thereafter until the licensee shall have demonstrated to the Commission that the licensee has so reconstituted its organization and procedures as to assure that the licensee will protect health and minimize danger to life or property.

Signed and dated at Germantown, Md., June 13, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4688; Filed, June 19, 1958; 8:50 a. m.]

[Docket No. 27-12]

AMERICAN ELECTRONICS, INC.

NOTICE OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that an application for a license to provide radioactive waste disposal service has been filed by American Electronics Incorporated, Reed Curtis Nuclear Division, 9459 Jefferson Boulevard, Culver City, California.

The application specifies a maximum possession limit of 10 curies total of any byproduct material having an atomic number from 3-83 inclusive and source material.

The applicant proposes to dispose of the wastes at specific locations in the Pacific Ocean at depths of 1,000 fathoms or greater. The application states that low level liquid wastes will be discharged directly into the ocean and that other wastes will be packaged.

The material will be packaged and stored at Pacific Marine Service, Consolidated Western Steel Corporation, Los Angeles, California.

A copy of the application is available for public inspection in the Atomic Energy Commission Public Document Room at 1717 H Street NW., Washington, D. C.

American Electronics Incorporated, Reed Curtis Nuclear Division, currently possesses Byproduct Material License No. 4-748-4 which permits disposal of packaged AEC licensed material in the Pacific Ocean. A copy of this license is on file in the Public Document Room.

Dated at Germantown, Md., this 13th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4689; Filed, June 19, 1958; 8:50 a. m.]

[Docket No. 27-5]

WALKER TRUCKING CO.

NOTICE OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICE

Please take notice that an application for a license to provide radioactive waste disposal service has been filed by the Walker Trucking Company, 12[illegible] East Street, New Britain, Connecticut. This application supersedes the Walker Trucking Company application dated September 21, 1957.

The application specifies a maximum possession limit of 50.216 curies total of any byproduct and source material.

The applicant proposes to dispose of the waste in the Atlantic Ocean 39°31' N. latitude, 72° W. longitude at depths of 1,000 fathoms or greater. The material will be packaged and stored at the Walker Trucking Company, Brownstone Avenue, Portland, Connecticut.

A copy of the application is available for public inspection in the Atomic Energy Commission Public Document Room at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 13th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4690; Filed, June 19, 1958; 8:50 a. m.]

[Docket No. 50-38]

MARTIN CO.

NOTICE OF ISSUANCE OF AMENDED UTILIZATION FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on May 27, 1958, the Atomic Energy Commission has issued amended Facility License No. CX-7 authorizing The Martin Company to conduct, in addition to the previously authorized Martin Power Reactor experiments, the Engineering, Research and Development Laboratory (ERDL) critical experiments, previously known as the U. S. Army Package Power Reactor critical experiments, at the company's critical experiments facility near Middle River, Maryland. Notice of the proposed action was published in the FEDERAL REGISTER on May 29, 1958, 23 F. R. 3749.

Dated at Germantown, Md., this 12th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4668; Filed, June 19, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8539, G-8788]

SINCLAIR OIL AND GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 16, 1958.

Take notice that Sinclair Oil and Gas Company (Applicant), a Maine corporation having its principal place of business at Tulsa, Oklahoma, has filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No. G-8539: Applicant filed on March 3, 1955, an application for a certificate authorizing the sale to Texas Illinois Natural Gas Pipeline Company of gas produced from the W. W. Goodykoontz and Carrie House leases in the Fairbanks Field, Harris County, Texas. Applicant is the signatory seller party to the gas sale contract with Texas Illinois dated January 24, 1955, which contract is on file with the Commission as Applicant's Gas Rate Schedule No. 50.

Docket No. G-8788: Applicant filed on April 25, 1955, an application for a certificate authorizing the sale to Tennessee Gas Transmission Company of gas produced from the Bender Field, Montgomery County, Texas. Applicant will install and operate lines for gathering gas from its own leases and from the wells of others from whom Applicant will purchase gas. The gas will be delivered to Tennessee through a line connecting Applicant's dehydration and booster plant with Tennessee's main line. Applicant is the signatory seller party to the gas sale contract with Tennessee, dated April 1, 1955, which contract is on file with the Commission as Applicant's Gas Rate Schedule No. 52.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4685; Filed, June 19, 1958; 8:49 a. m.]

[Docket No. G-15269]

HUMBLE OIL AND REFINING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 16, 1958.

Humble Oil and Refining Company (Operator) et al. (Humble), on May 26, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 11, 1958.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 108.

Effective date: July 1, 1958 (effective date is the effective date proposed by Humble).

In support of the proposed redetermined rate increase, Humble states that no affiliation, corporate or otherwise, exists between the parties and thus the contract was negotiated in good faith at arm's-length; that the price redetermination clause was an integral part of Humble's consideration in negotiating the contract to insure that it would receive a just, fair and reasonable rate. Humble states further that the increased price is in line with going contract prices for gas in Railroad Districts 5 and 6 and cites prices of 14.0 cents and 14.4 cents per Mcf being paid by other pipeline purchasers in the area. Humble also states that to deny the increased price would abrogate the contract, enrich Lone Star Gas Company at Humble's expense, and would deprive Humble of valuable contractual rights without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 108 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Humble's FPC Gas Rate Schedule No. 108.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4686; Filed, June 19, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1056]

NEW YORK, ONTARIO AND WESTERN RAILWAY CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 16, 1958.

In the matter of New York, Ontario and Western Railway Co., First Refunding Mtg 4 Percent Gold Bonds due June 1, 1992; File No. 1-1056.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The outstanding amount has been so reduced as to make further dealings on the Exchange inadvisable, and such dealings were suspended on May 19, 1958. The $20,000,000 bonds had an aggregate market value of $175,000 based upon the reported market price of ⅞ on May 6, 1958.

Upon receipt of a request, on or before July 2, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4681; Filed, June 19, 1958; 8:48 a. m.]

TARIFF COMMISSION

[Investigation 32]

MERCURY (QUICKSILVER)

NOTICE OF HEARING

The United States Tariff Commission has ordered that a public hearing in connection with the investigation instituted March 19, 1958, under section 332 of the Tariff Act of 1930, in accordance with a resolution of the Committee on Finance, United States Senate, relating to mercury (quicksilver), be held beginning at 10 a. m., e. d. s. t., on August 5, 1958. The announcement regarding institution of the investigation appeared in the FEDERAL REGISTER (23 F. R. 1976).

Interested parties desiring to appear and to be heard at the hearing should notify the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days before the date of the hearing. The hearing will be held in the Tariff Commission hearing room on the third floor of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Issued: June 16, 1958.

By order of the Commission.

DONN N. BENT,
Secretary.

[F. R. Doc. 58-4682; Filed, June 19, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA GERTRUD BAUMANN-HESS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Gertrud Baumann-Hess, Villa Huba, Chemin des Oisillons, La Rosiaz-Lausanne 12, Switzerland; $179.00 in the Treasury of the United States.

Vesting Order No. 17903; Claim No. 60719.

Executed at Washington, D. C., on June 13, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4687; Filed, June 19, 1958; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34763: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 325), for interested rail carriers. Rates on cement or concrete mix, carloads, and vegetable oils, tank-car loads between points in Texas over interstate routes in part through other states.

Grounds for relief: Intrastate competition.

Tariff: Supplement 61 to Texas-Louisiana Freight Bureau, tariff I. C. C. 865.

FSA No. 34765: *Substituted service—Rail for motor—Between eastern and southwestern points.* Filed by Household Goods Carriers' Bureau, Agent (No. 14), for interested rail and motor carriers. Rates on household goods loaded in highway truck trailers and transported on railroad flat cars in substituted service between (a) Bristol, Va.-Tenn., or Roanoke, Va., on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other, and (b) between Kearny, N. J., or Philadelphia, Pa., on the one hand, and Dallas, Ft. Worth, Houston, San Antonio, Tex., or Oklahoma City, Okla., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 9 to Household Goods Carriers' Bureau, Agent, tariff MF-I. C. C. No. 76.

FSA No. 34766: *Iron and steel scrap—Chicago, Ill., to Calvert, Ky.* Filed by Illinois Freight Association, Agent (IFA No. 13), for interested rail carriers. Rates on iron or steel, scrap or pieces, not copper clad, carloads, as described in the application from Chicago, Ill., to Calvert, Ky.

Grounds for relief: Barge competition.

Tariff: Supplement 68 to Illinois Freight Association tariff I. C. C. 855.

AGGREGATE OF INTERMEDIATES

FSA No. 34764: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 326), for interested rail carriers. Rates on scrap steel, carloads, cement or concrete mix, carloads, and vegetable oils, tank-car loads from Defense, Tex., to specified points in Texas, as to rates on scrap steel, and between points in Texas as to the other commodities.

Grounds for relief: Maintenance of rates between points in Texas not applicable in constructing combination rates from or to points outside that state.

Tariff: Supplement 61 to Texas-Louisiana Freight Bureau, tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4678; Filed, June 19, 1958; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order [illegible]]

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY OF TEXAS

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Missouri-Kansas-Texas Railroad Company of Texas account bridge burned out between Gainesville, Texas, and Wichita Falls, Texas, is unable to transport traffic routed over its line: *It is ordered,* That:

(a) Rerouting traffic: The Missouri-Kansas-Texas Railroad Company of Texas and its connections are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., June 11, 1958.

(g) Expiration date: This order shall expire at 11:59 p. m., June 14, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 11, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-4679; Filed, June 19, 1958; 8:48 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES
1934

VOLUME 23 NUMBER 122

Washington, Saturday, June 21, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10770

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN AMERICAN AIRLINES, INCORPORATED, AND CERTAIN OF ITS EMPLOYEES REPRESENTED BY THE AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

WHEREAS a dispute exists between American Airlines, Incorporated, a carrier, and certain of its employees represented by the Air Line Pilots Association, International, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the American Airlines, Incorporated, or by its employees, in the conditions out of which the dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 19, 1958.

[F. R. Doc. 58-4753; Filed, June 19, 1958; 12:39 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (c) (1) and (d) (1) of § 6.322 are amended as set out below.

§ 6.322 *Veterans Administration.* * * *

(c) *Department of Insurance.* (1) The Chief Insurance Director.

(d) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4730; Filed, June 20, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[C. C. C. Rice Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958 CROP RICE PRICE SUPPORT PROGRAM

Sec.	
421.3326	Administration.
421.3327	Applicability of §§ 421.3326 to 421.3331.
421.3328	Definitions.
421.3329	Compliance requirements.
421.3330	Effect of unknowingly exceeding farm rice acreage allotment; method of determination.
421.3331	Application for review and request for reconsideration.

AUTHORITY: §§ 421.3326 to 421.3331 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62

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FEDERAL REGISTER

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Stat. 1072, secs. 401, 408, 68 Stat. 1054, 68 Stat. 904, sec. 125, 70 Stat. 198; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 1374, 1813.

§ 421.3326 *Administration.* The price support program for rice will be administered by the Commodity Stabilization Service, under the general direction and supervision of the Executive Vice-President, Commodity Credit Corporation, and will be carried out in the field by the State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and County Committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.3327 *Applicability of §§ 421.3326 to 421.3331.* Sections 421.3326 to 421.3331 state the eligibility requirements for producers of rice under the 1958 crop rice price support program with respect to compliance with rice acreage allotments, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.3328 *Definitions.* As used in this subpart, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) "Farm" means a farm as defined in the regulations governing determination of acreage and performance (7 CFR 718.2, 22 F. R. 7418), and any amendments thereto.

(b) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government or any agency thereof.

(c) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(d) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop share lease, contract, or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(e) "Rice acreage allotment" means the rice acreage allotment established for the farm in accordance with the 1958 regulations for establishment of rice acreage allotments (7 CFR 730.910 to 730.936, 22 F. R. 8477), and any amendments thereto.

(f) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding any acreage of (1) nonirrigated rice produced on any farm on which such acreage is three acres or less, (2) sweet, glutenous, or candy rice commonly known as Mochi Gomi, (3) rice grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station, (4) any acreage of rice grown by any Federal or State Wildlife refuge farm where all rice on the farm is produced solely for wildlife feed, or seed for the production of wildlife feed on such wildlife refuge farm, and (5) any acreage planted to rice in excess of the farm rice acreage allotment, or when applicable, the permitted acreage of rice under an acreage reserve agreement or conservation reserve contract under the soil bank program, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for the disposal of excess acreage so that rice cannot be harvested therefrom, as provided in the rice marketing quota regulations for 1958 and subsequent crop years (7 CFR 730.950 to 730.995, 23 F. R. 2897), and any amendments thereto.

(g) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

§ 421.3329 *Compliance requirements.* A producer shall not be eligible for price support on rice produced in 1958 unless the 1958 rice acreage on the farm on which such rice is produced is not in excess of the rice acreage allotment: *Provided,* That if a producer has an interest in the 1958 rice crop produced on any other farm in the same county, he must also be entitled to receive a marketing certificate for each such farm in order to be eligible for price support. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 730.967 (c) (23 F. R. 2897), and any amendments thereto, to such multiple farm producer, he must be entitled to receive a marketing certificate for each such farm, wherever situated, in order for the producer to be eligible for price support on his 1958 crop of rice. Rice produced in violation of a restrictive lease on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for price support.

§ 421.3330 *Effect of unknowingly exceeding farm rice acreage allotment; method of determination.* The rice acreage on a farm shall not be deemed to be in excess of the rice acreage allotment for the purpose of price support unless the operator knowingly exceeded such allotment. If the rice acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraph (a), (b), or (c) of this section that he has not knowingly exceeded his allotment and the determination of the county committee is approved on review by the State committee. The State administrative officer may act in behalf of the State committee with respect to review of determinations under paragraphs (a) and (b) of this section.

(a) *Erroneous notice of acreage allotment.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office the farm operator was officially notified in writing of a rice acreage allotment for the 1958 crop which was larger than the finally-approved acreage allotment, the farm operator or any producer on the farm acting solely on the information contained in the erroneous notice planted an acreage to rice in excess of the finally-approved acreage allotment, and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage as provided in 7 CFR 730.955 (b) (23 F. R. 2897), and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration.

(b) *Erroneous notice of measured acreage.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where: (1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Failure to measure acreage or notify operator.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through no fault of the farm operator or any producer on the farm the rice acreage was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to the final date for the disposition of excess acreage: *Provided,* That the excess acreage was relatively small and the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the rice acreage was in excess of the farm acreage allotment. Nothing in this paragraph shall affect any producer's liability for penalties on excess rice determined under the rice marketing quota regulations for 1958 and subsequent crop years (7 CFR 730.950 to 730.995; 23 F. R. 2897), and any amendments thereto.

§ 421.3331 *Application for review and request for reconsideration.* Any producer who is dissatisfied with any determination with respect to compliance with his rice acreage allotment may, within 15 days after the date of mailing to him Form MQ-24, "Notice of Farm Acreage Allotment and Marketing Quota", or Form MQ-93—Rice, "Notice of Farm Marketing Quota and Farm Marketing Excess of Rice", file a written application for review of such determination by a review committee: *Provided,* That such application for review is based on a determination which the producer has the right to have reviewed under 7 CFR 711.13 (21 F. R. 9365), and any amendments thereto. Unless application for review is made within such 15-day period, such determination shall be final.

Issued this 18th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4727; Filed, June 20, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF UPLAND COTTON

TRANSFER OF FARM ALLOTMENTS IN DESIGNATED COUNTIES WHERE TIMELY PLANTING OR REPLANTING OF SUBSTANTIAL PORTION OF 1958 FARM ALLOTMENTS IS PREVENTED BY FLOOD OR EXCESSIVE RAINFALL

Basis and purpose. The purpose of this amendment is to authorize State committees in designated States to designate counties where timely planting or replanting of a substantial portion of the 1958 farm allotments in such counties is prevented by flood or excessive rainfall and to establish the procedure for transfer of farm allotments in such counties. The amendment is issued pursuant to section 344 (n) of the Agricultural Adjustment Act of 1938, as amended, which was approved June 11, 1958 (Pub. Law 85-456, 85th Cong.).

In order that the transfer of farm allotments may be accomplished prior to the end of the normal planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.917 of the Regulations Pertaining to Acreage Allotments for the 1958 Crop of Upland Cotton (22 F. R. 8137, 8278, 10004; 23 F. R. 102, 129, 335) is amended by addition of a new paragraph (j) at the end thereof which reads as follows:

(j) *Transfer of farm allotments in designated counties affected by flood or excessive rainfall in 1958*—(1) *States having flood or excessive rainfall in 1958.* It is hereby found and determined that flood or excessive rainfall has occurred in 1958 which may have prevented timely planting or replanting of a substantial portion of 1958 farm allotments in one or more counties in each of the following States:

Arkansas.
California.
Louisiana.
Mississippi.
Missouri.
Tennessee.

(2) *Counties affected by flood or excessive rainfall in 1958.* The respective State committees of the States designated in subparagraph (1) of this paragraph shall designate the counties in the State in which flood or excessive rainfall has occurred which prevented timely planting or replanting of a substantial portion of 1958 farm allotments in such counties. A county shall not be designated hereunder unless the State committee estimates that farm allotments on four or more farms in the county cannot be timely planted or replanted in 1958 because of such flood or excessive rainfall. The closing date for approval of transfers by the county committee shall be July 1, 1958.

(3) *Eligibility of farms to which farm allotments are transferred.* The following conditions of eligibility shall be met by the farm to which a farm allotment is transferred:

(i) The farm shall be located in the same county as the farm from which the allotment is transferred or in an adjoining county;

(ii) One or more of the producers on the farm from which the allotment is transferred will be engaged in the production of 1958 crop cotton on the farm to which the allotment is transferred and will share in the proceeds thereof;

(iii) The farm to which the allotment is transferred is not covered by a 1958 acreage reserve contract for cotton.

(4) *County committee approval of applications for transfer of farm allotments.* Upon request of the owner or operator for the transfer of all or a part of the farm allotment for a farm, the county committee shall approve such transfer of farm allotment if it finds that:

(i) The farm from which the allotment is to be transferred, if owned by the Federal Government, does not have a restrictive clause in the lease as executed by the Federal Government agency prohibiting the planting of cotton on the farm;

(ii) All or part of the farm allotment for the farm from which the allotment is to be transferred could not be timely planted or replanted because of flood or excessive rainfall;

(iii) The farm to which the allotment is to be transferred meets all eligibility requirements in subparagraph (3) of this paragraph.

(5) *Acreage history credits.* Any farm allotment transferred hereunder shall, in determining future farm cotton allotment, be regarded as having been planted on the farm from which such transfer was made if cotton was seeded on such farm (or acreage history credit is provided for the farm under section 377 of the act or section 106 (a) or 112 (2) of the Agricultural Act of 1956) in at least one of the years in the three-year farm base period. For the purpose of determining future State and county allotments, transferred acreage, to the extent planted, will be credited to the State and to the county in which such acreage was planted.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 344, 52 Stat. 57, as amended, Pub. Law 85-456; 7 U. S. C. 1344)

Done at Washington, D. C., this 18th day of June 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4729; Filed, June 20, 1958; 8:50 a. m.]

[Amdt. 4]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO PRODUCER AND FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1958 CROP OF RICE

ADMINISTRATIVE AREAS WITHIN STATE

The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, including amendments in Public Law 85-443, which authorize the Secretary to divide any State into two administrative areas, to be designated "producer administrative area" and "farm administrative area".

The counties or parishes in the producer administrative area of Louisiana established by the amendments herein are separated from the counties or parishes in the farm administrative area of such State by a natural barrier which prevents one area from being readily accessible to rice producers producing rice in the other area, and each such area is composed of whole counties or parishes.

Since this provision of law becomes effective for the 1958 and subsequent crops of rice, and since the 1958 crop is currently being planted, it is imperative that producers be informed of producer and farm allotments determined under this provision of law as soon as possible.

Accordingly, it is hereby found that compliance with public notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest and these amendments shall become effective upon the date of their publication in the FEDERAL REGISTER.

1. Section 730.910 (a) is amended by deleting in the second sentence the language "Louisiana," immediately following the language "Illinois," and by adding between the second and third sentences the following new sentences: "The State of Louisiana shall be divided into two administrative areas. The counties or parishes of Morehouse, Ouachita, Caldwell, La Salle, Catahoula, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption and Terrebonne and all counties or parishes within the State east of such counties or parishes shall be included in the "producer administrative area," and the counties or parishes of Union, Lincoln, Jackson, Winn, Grant, Rapides, Avoyelles, Saint Landry, Saint Martin, Iberia and Saint Mary and all counties or parishes within the State west of such counties shall be included in the 'farm administrative area'."

2. Section 730.910 (a) is further amended by adding in the last sentence immediately following the language "In the latter group of States" the following words "and the latter group of counties or parishes in the State of Louisiana referred to in this subparagraph,".

3. Section 730.911 (r) is amended by deleting the word "and" preceding the word "Texas," and adding immediately following the word "Texas" the language ", and the producer administrative area within the State of Louisiana."

4. Section 730.911 (s) is amended by deleting the language "Louisiana," and by deleting the word "and" preceding the words "South Carolina", and adding immediately following the words "South Carolina" the language ", and the farm administrative area within the State of Louisiana".

5. Section 730.911 is further amended by adding at the end thereof the following new paragraph:

(t) "Administrative area" means the group of one or more counties or parishes within a State specifically designated as such for the purpose of establishing rice acreage allotments in the State. In any State in which administrative areas are designated there shall be two such administrative areas, one designated "producer administrative area" in which farm rice acreage allotments shall be established on the basis of past production of rice by producers on the farm and the other designated "farm administrative area" in which farm rice acreage allotments shall be established on the basis of past production of rice on the farm. For purposes of the regulations contained in this subpart in States which have been divided into administrative areas the term "State acreage allotment" shall be deemed to mean the part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area", where applicable.

6. A new § 730.937 is added to read as follows:

§ 730.937 *Redetermination of allotments in producer administrative area of Louisiana.* Notwithstanding the provisions of §§ 730.910 to 730.936, inclusive, farm rice acreage allotments heretofore determined under §§ 730.926 to 730.932 in the group of counties or parishes now designated as producer administrative area shall be redetermined pursuant to the provisions of §§ 730.915 to 730.925, but such redeterminations shall not result in the reduction of any farm allotment heretofore determined. The additional acreage required to provide such minimum allotments shall be in addition to the State acreage allotment. To the extent that a producer has an interest in the 1958 rice acreage on any farm or farms, including any acreage considered as rice acreage under section 106 (a) or 112 (2) of the Soil Bank Act, the producer allotment determined for such producer pursuant to this section shall first be allocated to the farm or farms on which he has such interest.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 363, 377, 52 Stat. 38, 61, 63, as amended, 70 Stat. 206; 72 Stat. 177; 7 U. S. C. 1301, 1353, 1363, 1377)

Issued this 18th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4728; Filed, June 20, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 141]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.441 *Valencia Orange Regulation 141*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 19, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 22, 1958, and ending at 12:01 a. m., P. s. t., June 29, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 20, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4780; Filed, June 20, 1958; 11:17 a. m.]

[Plum Order 6]

Part 936—Fresh Bartlett Pears, Plums, and Elberta Peaches Grown in California

REGULATION BY GRADES AND SIZES

§ 936.588 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the Federal Register (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 22, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Tragedy plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and eight-sixteenth ($1\frac{8}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenth ($1\frac{8}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $8\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] Floyd F. Hedlund,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4764; Filed, June 20, 1958; 9:08 a. m.]

[Plum Order 7]

Part 936—Fresh Bartlett Pears, Plums, and Elberta Peaches Grown in California

REGULATION BY GRADES AND SIZES

§ 936.589 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the Federal Register (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the

crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 22, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Eldorado plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1¹³⁄₁₆) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1¹³⁄₁₆) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4765; Filed, June 20, 1958; 9:08 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.590 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time

intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 22, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Wickson plums unless such plums grade at least U. S. No. 1 with a total tolerance of five (5) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided, further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4766; Filed, June 20, 1958; 9:09 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.591 *Plum Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Red Heart, Red Roy, Nubiana, Standard, and Grand Duke varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated

among handlers of such plums and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 22, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of miscellaneous varieties of plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used herein, "U. S. No. 1" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) §§ 51.1520 to 1537 of this title; 23 F. R. 3509), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4767; Filed, June 20, 1958; 9:09 a. m.]

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.592 *Plum Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 22, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Gaviota plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: ***And provided further,*** That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for

Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4768; Filed, June 20, 1958; 9:09 a. m.]

[Lemon Reg. 744]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.851 *Lemon Regulation 744*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based become available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 18, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 22, 1958, and ending at 12:01 a. m., P. s. t., June 29, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 465,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4769; Filed, June 20, 1958; 9:09 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BROAD CREEK RIVER, DELAWARE

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 is hereby amended by the modification of paragraph (f) (8), governing the operation of the Pennsylvania Railroad Company bridge across Broad Creek River at Laurel, Delaware, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(8) Broad Creek River, Del.; Pennsylvania Railroad Company bridge at Laurel. At least four hours' advance notice required.

[Regs., June 2, 1958, 823.01 (Broad Creek River, Del.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 58-4698; Filed, June 20, 1958; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[No. 32155]

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

REVISION OF REGULATIONS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 13th day of June A. D. 1958.

Having under consideration the matter of accounting regulations prescribed for Class I motor carriers of property pursuant to provisions of part II of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304 and 320); and,

It appearing, that regulations in this part as published in the Code of Federal Regulations, 1949 edition, have been substantially modified, so that it is deemed necessary for proper reference that the regulations as modified and currently in effect be consolidated and published in revised form:

It is ordered, That the said accounting regulations in this part be, and they are hereby, published in the revised form set forth below, and that this order shall be filed with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

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182.4635 Outside auditing expenses.
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182.5200 Operating taxes and licenses.
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AUTHORITY: §§ 182.00 to 182.8900 issued under 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 563, as amended, 564, as amended; 49 U. S. C. 320, 322.

NOTE: In the regulations under this part, the numbers assigned to sections thereof include as a whole number, following the decimal point, the number of the prescribed account. Where references throughout the regulations are to an account, as such, only the account number portion of the section number is used. For example, Account 1000, "Cash," may be mentioned in the instructions or in the text of another account, and will be found as § 182.1000 under balance sheet accounts. Sections devoted to instructions, as distingished from the texts of the prescribed accounts, are numbered serially § 182.01 to § 182.01–28, with the prescribed instruction number following a dash.

§ 182.00 *Order of the Commission.* Each Class I common and contract motor carrier of property, as such carriers are classified in the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, as hereinafter modified and amended and each receiver, trustee, executor, adminstrator, or assignee of any such carrier, is hereby required to comply with said amended system of accounts; and said amended system of accounts is prescribed for use in the keeping and recording of their accounts by such Class I common and contract motor carriers of property; and each such carrier and each and every receiver, trustee, executor, adminstrator, or assignee of such motor carrier is required to keep all accounts in conformity therewith, effective January 1, 1958.

§ 182.00–1 *Definitions.* When used in this system of accounts:

(a) "Accounts" means the accounts prescribed in this system of accounts.

(b) "Actually issued," as applied to securities, means those which have been sold to bona fide purchasers for a valuable consideration (including those issued in exchange for other securities or other property) so that the purchasers secured them free from control by the issuing carrier, also securities issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking and other funds.

(c) "Actually outstanding," as applied to securities issued or assumed by the carrier, means those which have been actually issued and are neither retired nor held by or for the carrier; *Provided, however,* That securities held by trustees of sinking and other funds shall be considered as actually outstanding.

(d) "Addition" means structures, facilities or equipment added to those in service, or the extension or enlargement of existing property, and not taking the place of anything previously existing.

(e) "Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over either a fixed period dependent on the requirements of regulatory bodies, the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

(f) (1) "Affiliated companies" means persons (see paragraph (cc) of this section) that directly, or indirectly through one or more intermediaries, control or are controlled by, or are under common control with the accounting carrier.

(2) "Control" (including the terms "controlling," "controlled by," and "under common control") as used herein, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person (see paragraph (cc) of this section), whether through the ownership of voting securities, by contract or otherwise. If in any instance the existence of control is or may be open to reasonable doubt, the carrier shall report to the Commission all of the material facts pertinent to the possible existence of control.

(g) "Book cost" means the amount at which property is recorded on the books of the carrier without deduction of related reserves.

(h) "Carrier" or "motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle, subject to the Interstate Commerce Act.

(i) "Carrier operating property" means the property which is used (see paragraph (ll) of this section) by the carrier in the conduct of its motor carrier operations or leased to others for such operations, and which has an expectation of life in service of more than one year from date of installation. This includes land, structures, equipment, and facilities necessary for such operations and services incidental thereto.

(j) "Company" means any individual, firm, copartnership, corporation, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof. (See paragraph (cc) of this section.)

(k) "Commission" or "the Commission" means the Interstate Commerce Commission.

(l) "Contingent assets" means a possible source of value to the carrier dependent upon the fulfillment of conditions regarded as uncertain.

(m) "Contingent liabilities" means items which may under certain conditions become obligations of the carrier but which are neither direct nor assumed liabilities at the date of the balance sheet.

(n) "Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing operating property, including the cost of transportation and handling incident thereto.

(o) "Current assets" means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the carrier which are subject to settlement within 1 year from the date of issue or upon demand.

(p) "Current liabilities" means those obligations the amount of which is definitely determined or closely estimated which are either matured or become due within one year from date of issue or assumption, or upon demand.

(q) "Date of retirement", as applied to operating property, means the date at which such property is permanently withdrawn from service.

(r) "Debt expense" means all expense in connection with the issuance and sale of evidences of long-term debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

(s) "Delayed items" means items relating to transactions which occurred before the current calendar year. It includes adjustments of errors in the income, operating revenue, and operating expense accounts of prior years. (See § 182.01-8.)

(t) "Depreciation", as applied to depreciable property, means the loss in service value (see paragraph (ii) of this section) not restored by current maintenance, incurred in connection with the consumption or prospective retirement of property in the course of service from causes against which the carrier is not protected by insurance, which are known to be in current operation. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, changes in the art, inadequacy, changes in demand, and requirements of public authority.

(u) "Discount" as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the securities, plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from the sale.

(v) "Distinct operating unit" means all or any portion of a route or routes covered by a certificate of convenience and necessity or a permit, including motor vehicles and other physical property owned and used in the operation thereof.

(w) "Joint facility" means any owned or leased carrier operating property occupied or operated jointly by the carrier and one or more other carriers by motor, rail, water, air, etc., under an arrangement whereby the costs are borne by the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities.

(x) "Long-term obligations" means obligations having a life of more than one year from date of creation or assumption, all unmatured bonds and receivers' or trustees' certificates, and demand obligations which by mutual agreement will not be paid within one year from date of issue.

(y) "Mileage method," as applied to depreciation of vehicles, means the plan under which the service value is charged to depreciation expenses and credited to depreciation reserves at a fixed rate per mile run.

(z) "Minor items," as applied to carrier operating property (see paragraph (i) of this section), means the associated parts or elements of which units of property (see paragraph (kk) of this section) are composed.

(aa) "Net book cost," when applied to property, means the book cost (see paragraph (g) of this section) less related depreciation and amortization reserves.

(bb) "Nominally issued," as applied to securities issued or assumed by the carrier, means those which have been signed, certified, or otherwise executed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the carrier, but which have not been sold or issued direct to trustees of sinking funds in accordance with contractual requirements.

(cc) "Person" when not otherwise indicated in the context, means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or any other organization, or any receiver or trustee. (See paragraphs (f) and (j) of this section.)

(dd) "Premium," as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face values plus interest or dividends accrued at the date of sale. (See note under Account 2720.)

(ee) "Property retired," as applied to operating property, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been permanently withdrawn from service.

(ff) "Replacing" or "replacement," when not otherwise indicated in the context, means the acquisition, construction, or installation of property in place of property of like purpose retired, together with the removal of the property retired.

(gg) "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to Account 1180, Material and Supplies, or other appropriate account.

(hh) "Service life" means the period between the date when carrier operating property (see paragraph (i) of this section) is placed in service and the date of its retirement. (See paragraph (ee) of this section.)

(ii) "Service value" means the difference between the book cost (see paragraph (g) of this section) and the salvage value (see paragraph (gg) of this section) of carrier operating property.

(jj) "Straight-line method," as applied to depreciation accounting, means the plan under which the service value (see paragraph (ii) of this section) of property is charged to depreciation expenses or other appropriate accounts and credited to the depreciation reserves through equal periodic charges as nearly as may be during its service life.

(kk) "Unit of property," for the purpose of this system of accounts, means any item of carrier property which when retired, with or without replacements by sale, abandonment, disposal or replacement, is accounted for by crediting the book cost (see paragraph (g) of this section) thereof to the operating property account in which it is included, as provided in § 182.01-21.

(ll) "Used," as applied to operating property, means actually and necessarily in current service or ready for and reasonably required to be currently held for future service.

INSTRUCTIONS

§ 182.01 *Instructions.*

§ 182.01-1 *Classification of carriers.* (a) For purposes of the accounting regulations common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I: Carriers having average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more from property motor carrier operations.

Class II: Carriers having average annual gross operating revenues (including interstate and intrastate) of $200,000, but less than $1,000,000, from property motor carrier operations.

Class III: Carriers having average annual gross operating revenues (including interstate and intrastate) of less than $200,000 from property motor carrier operations.

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a property carrier for the three calendar years immediately preceding the effective date of this system of accounts. If, at the end of any subsequent calendar year, the average of a carrier's annual gross operating revenues from motor carrier operations for the last three preceding years is greater than the maximum or less than the minimum for the class in which the carrier has been previously grouped, it shall automatically be grouped in the higher or lower class in which it falls because of such increased or decreased average annual gross operating revenues, and it shall notify the Commission of the change in its status. Any carrier which begins new operations or extends its existing operations subsequent to the effective date of this system of accounts will be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.

(c) Any carrier may, at its option, place itself in a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission.

§ 182.01-2 *Records.* (a) All of the accounts prescribed in this system of accounts shall be kept when applicable and entries recorded by the double entry method. Each account in the general or subsidiary ledgers shall reflect the prescribed account number. Account titles shall clearly indicate the type of items included therein if the exact titles prescribed herein are not used.

(b) Each carrier shall keep its general accounting books, and all other books, records and memoranda which support in any way the entries to such accounting books, and analyses of general ledger account balances, readily accessible so that it can furnish at any time full information as to any account. Moreover, the month, day, year and posting reference shall be shown for each entry in the general ledger and subsidiary records and the entries shall be supported with such detailed information as will provide a ready analysis and verification of the facts recorded therein. All expenditures including the expense accounts of officers and employees shall be definitely supported by vouchers, pay rolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

(c) The books referred to herein include not only books of account in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

(d) Carriers shall not destroy any books, records, memoranda, etc., which support entries to their accounts unless the destruction thereof is specifically provided for in the Regulations to Govern the Preservation of Records of Class I Motor Carriers.

(e) Subdivisions of any account in this system of accounts may be kept, provided that such subdivisions do not impair the integrity of the accounts prescribed. The Commission reserves the right to order any carrier to subdivide any account in this system of accounts. The title of each such subdivision shall clearly indicate the account of which it is a part. When an account is subdivided in the general ledger, an account need not be maintained for the total of the subdivisions. When such subdivisions are carried in subsidiary ledgers, however, the general ledger shall contain the controlling accounts therefor so that a complete general ledger trial balance may be obtained.

§ 182.01-3 *Accounting period.* (a) Each carrier shall keep its books on a calendar year basis and for each month (or 4-week period—see note) all transactions applicable thereto, as nearly as can be ascertained (see § 182.01-9), including full accruals, shall be entered in the books of original entry (cash book, purchase journal, etc.), and posted to the general ledger. A trial balance of the general ledger accounts shall be prepared at the close of each month. At the end of the calendar year, the revenue, expense and other income accounts shall be closed into earned surplus or the noncorporate capital accounts; and balance sheet account balances shall be brought forward to the general ledger for the succeeding year.

(b) The final entries for any month shall be made in the general ledger not later than 60 days after the last day of the month for which the accounts are stated, unless otherwise authorized by the Commission, except that the period within which the final entries for the last month of the calendar year shall be made may be extended to such date in March of the following year as shall not interfere with the preparation and filing of annual reports.

(c) No changes shall be made in the accounts for periods covered by quarterly and annual reports that have been filed with the Commission unless the changes have first been authorized by the Commission.

NOTE: To avoid repetition, wherever the word "month" appears in these instructions, it is intended to include "or 4-week period."

§ 182.01-4 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operation and maintenance expenses, and for other carrier expenses, shall be just, reasonable and necessary to the honest and efficient operation and management of the motor carrier business. Payments or allowances in excess of such just and reasonable charges shall be included in account 7500—Other Deductions.

§ 182.01-5 *Interpretations of prescribed accounting.* (a) The cross-references included in, and notes following, the texts of various instructions and accounts are for the purpose of indicating the applicable provisions of other sections. Such references are not to be construed as comprising a complete list of the instructions relating to a particular subject, since the definitions, the general instructions, and the texts of each account must be given consideration in determining the prescribed accounting.

(b) All questions of doubtful interpretation of the prescribed accounting shall be submitted by responsible accounting officials of the carrier to the Commission for consideration and decision.

§ 182.01-6 *Item lists.* Lists of items appearing in the texts of the several accounts are given for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all items includible in the accounts, but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

§ 182.01-7 *Opening entries.* As of the date that this system of accounts is adopted by the carrier, the accounts prescribed herein shall be opened by appropriately transferring thereto the balances carried in the accounts previously maintained. The carrier is authorized to make such subdivisions, reclassifications, consolidations of or additions to such balances as are necessary to meet the requirements of this system of accounts. (See, however, account 1290.)

§ 182.01-8 *Delayed items.* Delayed items and adjustments, except adjustments pertaining to account 2500—Reserve for Depreciation—Carrier Operating Property, arising during the current year which are applicable to prior accounting periods, shall be included in the same accounts which would have been credited or charged if the item had been taken up or adjusted in the period to which it pertained, except that when the amount of the delayed item is relatively so large that its inclusion in the appropriate account for the current year would seriously distort the revenues, expenses, or other income accounts for the year, the amount of the item shall be included in account 8400—Delayed Income Credits, or account 8600—Delayed Income Charges, as appropriate. The carrier shall prepare and keep in its records a statement showing the full particulars concerning each such item, including the accounts and years that would have been affected had the item not been delayed.

§ 182.01-9 *Unaudited items.* When the amount of any item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the month in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited the necessary adjustments shall be made through the accounts in which the estimate was recorded. The carrier is not required to anticipate small items which would not appreciably affect these accounts.

§ 182.01-10 *Clearing accounts.* (a) Purpose of:

(1) Clearing accounts, designed to facilitate the distribution of certain expenditures which may affect both construction and operations or which may affect transportation and other operations, may be kept when necessary in making the proper distribution of items to the appropriate accounts, as subdivisions of account 1890—Other Deferred Debits, or account 2450—Other Deferred Credits.

(2) Balances in clearing accounts shall be fully cleared not later than the end of the calendar year unless items held therein unquestionably relate to future periods.

(b) Spreading of unusual income, revenue and expense items: When the amount of any unusual item includible in an income, operating revenue, or operating expense account for the current month is relatively so large that its inclusion in the accounts for that period would seriously distort those accounts, it may be included in account 1890—Other Deferred Debits, or account 2450—Other Deferred Credits, as appropriate, and distributed in equal amounts to the accounts for the current and remaining months of the year. No such items shall be spread beyond the accounts of the current year without approval of the Commission.

§ 182.01-11 *Distribution of pay and expenses of employees.* (a) The pay and expenses of officers or employees engaged in activities of a varying nature, such as an officer who may be assigned to supervise transportation and terminal operations, shall be included in the appropriate accounts upon the basis of the actual time devoted to the respective classes of work, except that the pay and expenses of an officer or employee who performs substantially the same variety of duties from day to day may be distributed upon the basis of a study of the time actually devoted by him to those duties during a representative period.

(b) The pay and expenses of officers or employees regularly assigned to specific duties who perform incidental services of a different nature involving small expense shall be included in the expense accounts appropriate for the duties to which such officers or employees are regularly assigned.

(c) When it is necessary to apportion the pay and expenses of officers and employees among accounts or subaccounts, the carrier shall be prepared to describe the basis of such apportionments.

§ 182.01-12 *Maintenance; cost.* (a) The cost of repairs (but not including betterments—see § 182.01-19 (b)) chargeable to the various Operation and Maintenance Expense accounts includes labor employed, materials used, and expenses incurred in all current maintenance, such as:

(1) Inspecting, testing, and reporting on the condition of operating property specifically to determine the need for repairs, minor replacements, rearrangements, and changes.

(2) Testing for, locating, and clearing trouble.

(3) Routine work to prevent trouble, such as general overhauling, removing carbon, grinding valves, adjusting and relining brakes, adjusting shock absorbers, cleaning and adjusting engines, etc.

(4) Replacing minor items of operating property. (See also § 182.01-21 (a).)

(5) Rearranging and changing the location of property not retired.

(6) Restoring the condition of property damaged by wear and tear, storms, breakage, floods, fire, accident, or other casualties. (See also paragraph (b) and § 182.01-22 (f).)

(7) Training employees for repair work.

(8) Inspecting and testing after repairs have been made.

(b) The value of materials recovered and placed in the material and supplies account in connection with repairs to property shall be credited to the same account to which the repair cost was charged, with concurrent debit to account 1180—Material and Supplies.

(c) If employees engaged in transportation or terminal service are also required to make repairs, an equitable proportion of their pay and expenses shall be charged to the account appropriate for the cost of such repairs. (See, however, § 182.01-11.)

(d) If the book cost of any property is carried in account 1280—Undistributed Property, the repairs to such property shall be charged to the accounts provided for repairs to property of the same nature and use, the book cost of which is carried in other operating property accounts. Repairs to property leased from others shall be treated in like manner.

§ 182.01-13 *Current assets.* (a) In the group of accounts designated as Current Assets (accounts 1000 to 1190, inclusive) there shall not be included any item the amount or collectibility of which is not reasonably assured or for which provision has not been made in a reserve. Items of current character but of doubtful value may be carried in these accounts at a nominal value or included in account 1890—Other Deferred Debits, at book cost or nominal value, or written off, as may be appropriate.

(b) Adjustments to accomplish the writing down of items of doubtful value not covered by reserves shall be made through account 4660—Uncollectible Revenues, account 7500—Other Deductions, account 8200—Extraordinary Income Charges, or other appropriate income account.

§ 182.01-14 *Current liabilities; writing off.* Amounts that have been included in the primary accounts for unclaimed wages and other current liabilities or have been represented by outstanding checks or similar instruments for a period of one year or more because of inability to identify or locate the payee or creditor may (in the absence of statutory provision to the contrary) be written off, or, in the case of outstanding and unpresented checks, reinstated in account 1000—Cash, and credited to account 8100—Extraordinary Income Credits. The journal entry shall contain the pertinent facts concerning all the items that have been written off.

§ 182.01-15 *Contingent assets and liabilities.* The balance sheet of a carrier shall clearly state by adequate notes contingent assets or liabilities not reflected in the balance sheet accounts, including any arrears in cumulative dividends, stating the amount per share of each class of stock and in total, and the facts and amounts with respect to any default in principal, interest or sinking fund provisions if not shown in the balance sheet accounts.

§ 182.01-16 *Capital stock.* (a) All transactions relating to the capital stock of the accounting carrier shall be recorded by class of stock. Stocks are of the same class only when they are issued under identical terms as to all of the following: par value, stated value, preferences in the distribution of dividends and assets, voting rights, and conditions under which the stock may be retired. If the capital stock of the carrier is of more than one class, its records shall be so maintained as to record the amount applicable to each class in separate subdivisions of the following accounts:

1140—Subscribers to Capital Stock.
1900—Discount on Capital Stock.
1910—Commission and Expense on Capital Stock.
1920—Reacquired Securities.
1990—Nominally Issued Securities.
2700—Preferred Capital Stock.
2710—Common Capital Stock.
2720—Premiums and Assessments on Capital Stock.
2730—Capital Stock Subscribed.
2900—Unearned Surplus.

(b) Commission and expenses applicable to capital stock issues shall not be deducted from premium on capital stock.

(c) (1) General levies or assessments against stockholders shall be credited to the premium account for the particular class and series of capital stock so assessed, except that assessments with respect to nonpar stock without stated value shall be credited to the capital stock account.

(2) Discounts and expenses on original issues of capital stock may be amortized by charges to account 2900—Unearned Surplus; however, in no event shall net debits exceed the accumulated net credits in unearned surplus with respect to the particular class of stock. Any excess of debits may be retained in account 1900—Discount on Capital Stock, or account 1910—Commission and Expense on Capital Stock, as appropriate, until the stock is reacquired or retired, or the excess debits may be charged to account 2948—Other Debits to Earned Surplus.

(d) When an issue of capital stock, or any part thereof, is reacquired, either by purchase or through donations by stockholders, other than stocks reacquired by provision of a mortgage or decision of a trustee not subject to the control of the carrier that it be retained alive in sinking or other funds, it shall be charged at its par or stated value, or if it is nonpar stock without a stated value, in an amount equal to the proportionate part applicable to such shares of stock of the total amount at which all stock without par or stated value of the same class is carried in the capital stock account; if canceled, to account 2700—Preferred Capital Stock, or account 2710—Common Capital Stock; if not canceled, to account 1920—Reacquired Securities. The difference between the amount at which such reacquired stock is recorded in the foregoing accounts and the amount paid for the stock, including commissions and other expenses incurred in its purchase and also any premiums or discount applicable to its original sale, shall be included in account 2900—Unearned Surplus, *Provided, however,* That the excess of a debit over the balance carried in unearned surplus with respect to the particular class of stock shall be charged to account 2948—Other Debits to Earned Surplus.

(e) When shares of its reacquired capital stock of any class are resold by the carrier, account 1920—Reacquired Securities, shall be credited with the amount at which the shares were debited to that account upon reacquisition. Unless otherwise required by instrument of authority, any difference between the total amount realized from the sale of the stock (less commissions and expenses incident thereto), and the amount credited to account 1920, shall be debited or credited as appropriate to account 2900—Unearned Surplus. (See, however, paragraph (d) of this section.)

§ 182.01-17 *Equipment and long-term obligations.* (a) When evidences of debt, other than unsecured advances payable, that, according to their terms, do not mature within one year from date of issuance, and equipment obligations regardless of maturity, are issued or assumed by the carrier or by a receiver or an operating trustee of the carrier, the face amount of such evidence of debt shall be recorded in the appropriate account included under the group captioned "Equipment and Other Long-Term Obligations", except as otherwise provided in the text of account 2190—Equipment Obligations and Other Debt Due Within One Year.

(b) A separate subdivision shall be maintained in account 1880—Unamortized Debt Discount and Expense, for the excess of discount and debt expense over any premium related to each class of long-term debt issued or assumed by the carrier. (See paragraphs (r), (u), and (dd) of § 182.00-1.)

(c) Corresponding subdivisions shall be maintained in account 2400—Unamortized Premium on Debt, for the excess of the premium over any discount and debt expense related to each class of long-term debt issued or assumed by the carrier.

(d) (1) Each month there shall be credited to each subdivision of account 1880—Unamortized Debt Discount and Expense, the amount applicable to such period under a plan of amortization, the application of which will equitably distribute the balance therein over the life of the security. Amounts thus credited shall be concurrently charged to account 7300—Amortization of Debt Discount and Expense.

(2) Correspondingly, each month there shall be charged to each subdivision of account 2400—Unamortized Premium on Debt, the portion of such credit balance which is applicable to that period. Amounts thus charged shall be concurrently credited to account 7400—Amortization of Premium on Debt—Credit.

(e) Except as provided in paragraph (d) of this section, any balance in account 1880 or account 2400, or subdivisions thereof, shall be carried until the reacquisition of the securities to which it relates. At that time (unless otherwise required by instrument of authority) a portion of the balances in these accounts, or subdivision for the particular class of long-term debt reacquired, shall be transferred to account 8100—Extraordinary Income Credits, or account 8200—Extraordinary Income Charges, as may be appropriate. Such portion shall be based on the relation of the amount of the particular issue of long-term debt reacquired to the total outstanding before the reacquisition. This provision shall also apply to securities held alive in sinking or other funds.

(f) Except for such discount or expense as may be applicable to the construction period, no discount or expense on long-term debt shall be included in any account as a part of the cost of acquiring property or as a part of the cost of operation.

(g) Equipment and other long-term obligations reacquired by the carrier shall be entered in account 1920—Reacquired Securities, at face value. The difference between the face value and the amounts actually paid for the reacquired obligations shall be debited or credited as appropriate to account 8100—Extraordinary Income Credits, or account 8200—Extraordinary Income Charges. Likewise, any unamortized debt discount, expense or premium, applicable to the reacquired obligations, shall be adjusted through account 8100 or account 8200, as appropriate.

(h) When reacquired equipment and other long-term obligations are resold by the carrier, the amount included in account 1920—Reacquired Securities, shall be credited thereto, and any difference between the total amount realized from the sale (less commissions and expenses incident thereto) and the credit to account 1920, shall be included in account 8100 or account 8200, as appropriate, unless otherwise required by instrument of authority.

§ 182.01-18 *Book cost of securities owned.* (a) Securities of others acquired by the carrier shall be recorded in these accounts at cost, including brokerage and registration fees, stock transfer taxes, and similar expenses, at the time of acquisition. Cost does not include any amount paid for accrued interest or dividends, except that amounts of interest included in the purchase price of bonds, which are not payable until maturity or until the bonds are disposed of, shall be included in these accounts as part of the cost (see Note B under account 1160).

(b) The carrier may write down the book cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there is no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded, but a permanent impairment in the value of the securities shall be recognized in the accounts. A reserve may be provided in account 2630—Reserve for Adjustments — Investments and Advances, against declines in the value of securities reflected in accounts 1600—Investments and Advances — Affiliated Companies, and 1650—Other Investments and Advances, by charges to account 8200—Extraordinary Income Charges.

(c) When securities with a fixed maturity date are purchased at a discount (that is when the total cost including brokerage fees, taxes, commissions, etc., is less than par), such discount may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which the interest income is credited. No debits shall be made in respect to discount upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity.

(d) When securities with a fixed maturity date are purchased at a premium (that is when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premiums may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same account in which the interest revenue is recorded.

§ 182.01-19 *Carrier operating property.* (a) (1) Amounts chargeable to the accounts numbered 1200 and 1300, designated as carrier operating property accounts, shall be the actual cost to the carrier of the items properly includible therein, except when acquired as part of a distinct operating unit (see paragraph (f) of this section) including property jointly owned and property operated by the carrier under joint agreements, and shall be exclusive of any cost for intangible items includible in the subdivisions of account 1500—Organization, Franchises and Permits, or account 1550—Other Intangible Property. Also include the cost of such property owned by the carrier but held by agents.

(2) "Cost" shall include direct and indirect labor, materials, including small tools and similar items consumed in construction, transportation charges, contract work, rent of construction facilities and taxes; also such portions of engineering, supervision, purchasing department expenses, law expenditures, premiums for workmen's compensation, injuries and damages and other insurance applicable to the construction period; and other analagous elements entering into the construction or acquisition of property. If property, such as a structure or unit of equipment, including additions thereto, is constructed new or rebuilt by the carrier to increase its capacity or otherwise add to its usefulness for motor carrier service, or if parts are purchased and assembled by the carrier into a unit of equipment, the cost records for construction and assembly shall be maintained in a sufficiently complete manner to show the cost of labor, materials and other expenses incurred in such work.

(b) Betterments of operating property (the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity) shall be included in the property accounts to the extent of the excess cost of such betterments (not including cost of installation and removal of items replaced) over the estimated cost at current prices of new property similar to the items replaced. However, if a unit of property is to be rebuilt or remodeled to an extent that its expectation of service life will be fairly comparable with that of new property, the old property shall be retired as provided in § 182.01-21, and the appropriate property investment account shall be charged with the cost of the rebuilt or remodeled unit, based on the appraised value of the re-used parts, plus the cost of labor and material used in rebuilding or remodeling. The cost of removing old appliances constituting minor items (see paragraph (s) of § 182.00-1), and replacing them with new appliances which do not represent betterments, shall be charged to the appropriate account for operation and maintenance expenses.

(c) (1) Units of property (see paragraph (kk) of § 182.00-1), and additions to and betterments of existing property, having a life in excess of one year and costing more than $200 shall be charged to the appropriate property investment accounts. Units having a life of one year or less or costing not more than $200 may be charged to operating expenses. The carrier shall not parcel expenditures for acquisitions, when made under a general plan, for the purpose of charging them to expense; neither shall it combine unrelated items for the purpose of including their cost in the property investment accounts.

(2) A carrier will be permitted to adopt a limit of less than $200 for charges to the property investment account, providing it files a statement with the Commission showing the amount it proposes to use and makes no subsequent change in the amount except by authority of the Commission.

(d) When operating property is purchased under any plan involving deferred payments, no charges shall be made to the operating property account for interest, insurance, or other expenditures occasioned by such form of payment.

(e) When the consideration given for property is anything other than cash, the cash value of such consideration shall be used, except that where physical property is given in exchange for physical property and no other form of consideration is involved, such property shall be recorded at the net book cost of the property given in exchange. In the journal entry recording such a transaction the actual consideration shall be described with sufficient particularity to identify it. The carrier shall be prepared to furnish to the Commission the particulars of its determination of the cash value of the consideration if other than cash.

(f) (1) When any motor carrier system or portion thereof constituting a distinct operating unit (see paragraph (v) of § 182.00-1) is purchased or otherwise acquired, the book cost of the constituent elements that are includible in account 1200—Carrier Operating Property, or account 1300—Carrier Operating Property Leased to Others, and accruals of depreciation with respect to such property includible in account 2500—Reserve for Depreciation—Carrier Operating Property, shall be entered in those accounts at the amounts reflected on the books of the transferor as of the date the transfer is consummated. Any undistributed portion of the cost of acquisition not includible in accounts provided for other tangible assets acquired or liabilities assumed, shall be included in account 1550—Other Intangible Property, except that if the accounts of the transferor reflect the actual cost of obtaining the operating rights included in the transaction from a regulatory body, including incidental expenses incurred, such cost may be charged to account 1511—Franchises, on the books of the transferee.

(2) If it is determined at the time the above entries are made on the books of the transferee, that the remaining service lives of the units of carrier operating property acquired will exceed or be less than those used by the transferor in computing depreciation rates on the property, and that accruals of depreciation had been excessive or inadequate, the accruals may, upon approval of the proposed accounting by the Commission, be adjusted on the basis of new rates determined from revised estimates which take into consideration the estimated remaining service lives of the property subsequent to acquisition by the transferee. Such adjustments of the depreciation accruals shall be made by concurrently adjusting the undistributed balance of the cost of acquisition included in account 1550.

(3) The journal entries allocating the property acquired by transferee to the operating property and other accounts and setting up the accrued depreciation thereon, should also cover any incidental expenses incurred by the transferee in connection with the transaction. Such expenses are includible in account 1550, except that if the actual cost to the transferor or predecessors in interest of obtaining the operating rights from a regulatory body cannot be determined for inclusion in account 1511 as provided in paragraph (f) (1), the transferee may include in that account its expenses incurred in transferring the rights. Full supporting details showing the purchase price, the principals from whom the property was acquired, and the agents who represented such principals, shall be stated in the journal entries.

(4) In a transaction involving the acquisition of a distinct operating unit the purchaser shall obtain from the transferor or predecessor companies all available records and other evidence (or certified copies thereof) relating to prior acquisitions, construction and improvements of the property acquired.

(g) Records shall be kept so as to reflect separately the cost and date of acquisition of property jointly owned and property operated under a joint agreement.

(h) Except as provided in paragraph (c) of this section, the cost of initial improvements, including the erection of structures on, and of rearrangements, additions and betterments to property leased from others for periods in excess of one year made in the course of preparing the property for motor carrier operations and the cost of any subsequent additions to and betterments of such leased property, not including replacements, shall be charged to account 1270—Improvements to Leasehold Property. Depreciation on such expenditures shall be provided for in the manner set forth in § 182.01-23 (c).

(i) (1) The investment in property used jointly in carrier and noncarrier operations shall be allocated between such operations according to the extent that it is used by each, or it shall be included in the investment account of the operation by which it is principally used and the other operation shall be charged a reasonable rental for its use of the common property.

(2) The carrier shall be prepared to show at any time and to report to the Commission when required, and by accounts, the following:

(i) The book cost of the common property.

(ii) The extent (percentage) to which such property is used in carrier operations and in other operations.

(iii) The basis for allocating the book cost, or method of determining the amount of the rental charge.

(3) If the investment is allocated between the operations, the expenses of operation, maintenance, taxes, depreciation and amortization of the common property shall be allocated and recorded in the appropriate accounts prescribed herein and the allocation of such expenses to carrier operations shall be supported in the same manner as the allocation of the cost of such property.

§ 182.01-20 *Transfer of property.* (a) When property is transferred from account 1200—Carrier Operating Property, or account 1300—Carrier Operating Property Leased to Others, to account 1400—Non-Carrier Property, the book cost of the property shall be charged to account 1400 and the related depreciation reserve on the property shall be transferred from account 2500—Reserve for Depreciation—Carrier Operating Property, to account 2610—Reserve for Depreciation and Amortization—Other Property.

(b) When property is transferred from account 1400—Non-Carrier Property, to account 1200—Carrier Operating Property, or account 1300—Carrier Operating Property Leased to Others, the book cost of the property shall be charged to accounts 1200 or 1300 and the related depreciation on the property shall be transferred from account 2610—Reserve for Depreciation and Amortization—Other Property, to account 2500—Reserve for Depreciation—Carrier Operating Property.

§ 182.01-21 *Retirement of property*—(a) *Carrier operating property.* When carrier operating property ceases to be used in motor carrier operations, it shall be retired and accounted for as follows:

(1) *Property depreciated under "Unit Plan."* (i) When a unit of property (see paragraph (kk) of § 182.00-1) on which depreciation charges have been accrued under the unit plan (see § 182.01-23), is retired from service, the book cost of the property shall be credited to the appropriate property account and concurrently charged to a clearing account classified under account 1890—Other Deferred Debits. The clearing account shall be credited with the value of salvage recovered in case the property is dismantled; the amount received from the sale or trade-in of the retired property; or with the amount of insurance recovered, including amounts provided for in any insurance or other reserve with respect to the retired property when such reserve covers the cause of the retirement; and with the amount of depreciation accrued to date of retirement with a concurrent charge to account 2500—Reserve for Depreciation—Carrier Operating Property.

If the property retired is to be rebuilt in conformity with the provisions of § 182.01-19, the accounting shall be performed as outlined above, except that the appraised value of the parts to be utilized in the rebuilt unit shall be charged to account 1290—Unfinished Construction, with contra credit to the clearing account.

Any balance remaining in the clearing account after the foregoing entries have been made, except as set out in paragraph (b) of this section, shall be transferred to account 5100—Depreciation Adjustment.

(ii) If property included in account 1270—Improvements to Leasehold Property, reverts to the lessor prior to the expiration of its service life, the balance in the clearing account upon retirement shall be transferred to account 8200—Extraordinary Income Charges.

(2) *Property depreciated under "Group Plan."* When a unit of property (see paragraph (kk) of § 182.00-1) on which depreciation charges were accrued under the group plan (see § 182.01-23), is retired from service, the book cost thereof shall be credited to the appropriate property account and concurrently charged, together with the cost of removal, to the depreciation reserve account. Any salvage or insurance recovered, including amounts provided for in any insurance or other reserves with respect to the retired property, when such reserve covers the cause of retirement, or the proceeds, if the property is traded in or sold, shall be credited to the depreciation reserve account. No further entries are required, as under this plan over or under accruals of depreciation are not cleared from the depreciation reserve.

(3) *Minor items.* When the property retired constitutes a minor item (see paragraph (z) of § 182.00-1), the book cost of which has been or will be accounted for by its inclusion in the unit of property of which it is a part when such unit of property is retired, no adjustment of the operating property account or depreciation reserve is required therefor. When a minor item is retired and replaced, with property of like purpose, the entire cost of replacement shall be charged to the account appropriate for the cost of repairs of the property retired, except that if the replacement effects a betterment (see § 182.01-19 (b)), there shall be charged to the property account, the excess cost of the replacement over the estimated cost at current prices of new property similar to the items retired. The cost of labor used in effecting the replacement shall be included in operating expenses.

(4) *Land.* When land is sold, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be adjusted through account 8100—Extraordinary Income Credits, or account 8200—Extraordinary Income Charges, as appropriate. (See § 182.01-19 (e).)

(5) *Distinct operating unit.* When carrier operating property used in transportation operations and the operating rights associated therewith are sold as a distinct operating unit (see paragraph (v) of § 182.00-1), the book cost of the property shall be credited to the appropriate operating property and intangible property accounts and the amounts carried with respect thereto in the depreciation and amortization reserve accounts, estimated if necessary, shall be charged to such reserves (see, however, account 1280 (a)). The difference, if any, between (i) the net amount of such debit and credit items, and (ii) the consideration received for the distinct operating unit, shall be included in account 8100—Extraordinary Income Credits, or account 8200—Extraordinary Income Charges, as appropriate.

(6) *Determination of book cost.* The book cost of operating property retired shall be the amount at which such property is included in the operating property accounts including all items set forth in § 182.01-19. Such costs shall be determined from the carrier's records when this can be done, as in the case of land, structures, revenue automotive equipment, service equipment, furniture, and other items of operating property for which individual cost records are available. When the actual book cost cannot be determined from the records, it shall be estimated. When it is impracticable to determine the book cost of each item due to the relatively large number and/or small cost of such items, the average book costs of all the items, with due allowance for differences in size or character, shall be used as the book cost of the items retired. The latter method may be applied in retirement of such items as tools, furniture, etc.

(b) *Intangible property.* (1) When any long-term leasehold of land or easement, franchise, permit, consent, privilege or patent having a fixed term expires, it shall be retired. The intangible property or other property account shall be credited with the amount charged thereto and account 2600—Reserve for Amortization—Carrier Operating Property, shall be charged with the amount of amortization accruals previously credited thereto in respect to such property. Any difference between the book cost of the item and the amortization accruals shall be charged to account 5151—Amortization of Carrier Operating Property.

(2) When any perpetual leasehold of land or easement, or item of intangible property that is not restricted to a fixed term is relinquished or sold, it shall be retired. Any difference between its book cost and the amortization charges accrued, if relinquished, or between its net book cost (see paragraph (aa) of § 182.00-1) and the proceeds realized, if sold, shall be included in account 8100—Extraordinary Income Credits, or account 8200—Extraordinary Income Charges, as appropriate.

§ 182.01-22 *Insurance.* (a) Provision has been made in accounts 4530—Public Liability and Property Damage, 4540—Workmen's Compensation, and 4550—Cargo Loss and Damage, for recording amounts of premiums paid commercial insurance companies, and charges for the purpose of maintaining self-insurance reserves. Amounts payable by the carrier in settlement of claims under the classes of risks set out in the above accounts, not recoverable from insurance companies or others, shall be charged to the appropriate reserves provided for such risks.

(b) Accounts 4560—Fire, Theft and Collision, and 4570—Other Insurance Expense, have been provided for recording amounts of premiums payable to commercial insurance companies, and charges for maintaining reserves against losses under the risks enumerated therein. Inasmuch as such risks represent losses that may be sustained by the carrier rather than claims against it by others, coverage by commercial insurance or self-insurance reserves is not a mandatory requirement, and if no provision is made for such coverage, losses from fire or collision shall be charged to the appropriate maintenance expense accounts if the property is repaired (see paragraph (f) of this section) or if it is retired from service retirement accounting shall be performed as provided in § 182.01-21.

(c) Reserves created for self-insurance of injuries and damages, workmen's compensation and cargo loss and damage shall be included in account 2680—Injuries, Loss and Damage Reserves. Reserves created for self-insurance of all other risks shall be included in account 2660—Insurance Reserves. Monthly charges to expense accounts for the purpose of creating reserves for self-insurance liability shall be determined currently by the carrier from its best source of information and the rates used may be based on percentage of revenue, mileage of vehicles, amounts of payrolls or other equitable bases. A schedule of the risks covered by each reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

(d) Amounts payable by the carrier in settlement of cargo loss and damage claims and other claims, including those paid by the carrier for which it will be reimbursed wholly or in part by insurance companies, connecting carriers or others, shall, as provided in paragraph (a) of this section, be charged to account 2680—Injuries, Loss and Damage Reserves. Parts of such claims that are payable by insurance companies or others, less any adjustment for salvage recovered, shall when their liability is determined be credited to the reserve.

(e) A freight claim register shall be maintained, showing for each cargo loss and damage claim received, the claim number, date and amount; the waybill or expense bill number and date; name of claimant; kind of commodity; date claim was paid; total amount paid, or date claim was disallowed and reasons; amount of salvage recovered, if any; amounts reimbursed by insurance companies, connecting carriers or others, and the amount absorbed by the carrier. Each claim received shall be entered in the register and should be supported by the complete file of claim papers. However, if the claim papers are retained by insurance companies, connecting carriers or others, the carrier's records should contain an acknowledgement from the party retaining the claim file that the papers are in its possession.

(f) The cost of repairs to owned or leased carrier operating property involved in accidents or damaged by fire or other causes, and of replacing damaged or destroyed property leased from others, shall be charged to the appropriate maintenance expense accounts provided for repairs of such property. When the amounts receivable from insurance companies or others in full or partial reimbursement of such costs, if any, are determined, they shall be credited to the account previously charged, together with the value of salvaged materials recovered.

(g) Insurance premiums paid in advance of their accrual, to commercial insurance companies shall be charged to account 1170—Prepayments, and distributed to the appropriate insurance expense accounts in monthly installments over the period for which the premiums have been paid, except that minor premiums may be charged direct to the insurance expense accounts. If it is anticipated that a dividend or refund will be received on prepaid premiums at the end of the year or other period covered by the insurance, an amount equal to the estimated dividend or refund shall be retained in account 1170 and the balance of the premium shall be charged to expense in monthly installments as set out above. When the dividend or refund is received, it shall be credited to account 1170. Any discrepancy between the estimated dividend or refund and the amount actually received shall be adjusted to the appropriate insurance expense accounts. If insurance premiums are paid on a monthly basis and it is anticipated that a dividend or refund will be received at the end of the year, a part of each monthly payment equal to one-twelfth of the estimated dividend shall be charged to account 1170 and the balance of the payment shall be charged to the insurance expense account. When the actual dividend is received accounting shall be performed as set out above.

NOTE: The amounts of premiums for life insurance on the lives of officers and other employees under which the carrier is the named beneficiary, less portions of such premiums which represent increases in the cash surrender value of the policies, shall be charged to account 7500—Other Deductions. Cash surrender values of such policies shall be included in account 1650—Other Investments and Advances. Premium expense and cash surrender value of insurance on the life of a sole proprietor shall not be included in these accounts.

§ 182.01–23 *Depreciation and amortization.* (a) In order that provision may be made for accruals of depreciation (see paragraph (t) of § 182.00–1) on carrier operating property, the carrier shall establish and maintain adequate depreciation reserves. The straight-line method (see paragraph (jj) of § 182.00–1) of computing depreciation under the unit plan or group plan as set out below, shall be employed, except that the mileage method may be used for automotive equipment in which event the rate per mile shall be applied to the number of miles traveled each month.

(1) "Unit Plan" means the plan under which depreciation charges are computed and the records maintained so that the total amount of depreciation accrued applicable to each unit of property can be determined.

(2) "Group Plan" means the plan under which depreciation charges are accrued on the basis of the sum total of the book cost balances at the close of each month of all property included in each depreciable property account or subdivision thereof, at rates determined from the average of the service lives of all property included therein, and upon the retirement of any such property its full book cost, is charged to the depreciation reserve regardless of whether or not the particular item has attained the average service life. (See § 182.01–21 (a) (2).)

(b) There shall be charged each month to the subdivisions of account 5000—Depreciation Expense, and concurrently credited to the appropriate subdivisions of account 2500—Reserve for Depreciation — Carrier Operating Property, during the service life of depreciable property included in account 1200—Carrier Operating Property, amounts that will approximate the loss in service value (see paragraph (ii) of § 182.00–1) not restored by current maintenance, except that carriers engaged in seasonal operations may apportion the estimated annual depreciation charge over the months in which operations are actually conducted.

(1) Depreciation charges on property included in accounts

1210—Structures.
1220—Revenue Equipment.
1230—Service Cars and Equipment.

shall be computed on the unit plan, and depreciation shall cease when amounts equal to the estimated service value have been credited to the depreciation reserve.

(2) Depreciation charges on property included in accounts

1240—Shop and Garage Equipment.
1250—Furniture and Office Equipment.
1260—Miscellaneous Equipment.

shall be computed under either the unit plan or the group plan. If the group plan is used, composite annual percentage rates shall be determined applicable to the book cost of each class of operating property to be depreciated. These percentage rates shall be based on the estimated service values and service lives of the property, developed by a study of the carrier's experience and other available information. Such percentage rates shall, for each primary account comprised of more than one class of property, produce a charge to depreciation expense for that account equal to the sum of the amounts that would otherwise be chargeable for each of the various classes of property included in the account. In computing monthly charges for depreciation, one-twelfth of the composite annual percentage rate applicable to each primary account shall be applied to the account balances as of the first of the current month.

(c) Depreciation charges on property included in account 1270—Improvements to Leasehold Property, shall be made upon the same basis as for similar depreciable property, includible in other property accounts. (See § 182.01–21.)

(d) Amounts representing the first cost of acquiring long-term leaseholds of land and easements for use in motor carrier operations, included in account 1201—Land and Land Rights; and amounts representing intangible items with fixed terms included in account 1511—Franchises, and account 1541—Patents, may be amortized by means of charges to account 5151—Amortization of Carrier Operating Property, and concurrent credits to account 2600—Reserve for Amortization—Carrier Operating Property. Amortization of costs of acquiring perpetual leaseholds and for intangible items carried in accounts 1501, 1511 and 1541 that are not restricted to fixed terms, and items in account 1550—Other Intangible Property, may also be credited to account 2600 by concurrently debiting account 7500—Other Deductions; or the entire amounts of such items may be written off by means of debits to the proprietorship account or to account 2948—Other Debits to Earned Surplus, and concurrent credits to account 2600.

(e) Depreciation and amortization charges on non-operating property shall be charged to account 6100—Income from Non-Carrier Operations, net; with concurrent credits to account 2610—Reserve for Depreciation and Amortization—Other Property.

NOTE: For instructions with regard to adjustment of depreciation upon retirement of carrier operating property, see § 182.01–21.

§ 182.01–24 *Taxes and licenses.* Taxes and licenses relating to motor carrier operations and property, payable to Federal, State, county, municipal and other taxing authorities, with the exception of certain taxes specifically referred to in the texts of the accounts shall be included as appropriate in the subdivisions provided under account 5200—Operating Taxes and Licenses. These accounts shall be charged each month with the amount of taxes applicable thereto, with concurrent credits to account 2120—Taxes Accrued, or account 1170—Prepayments, as appropriate. When it is not possible to determine the actual amount of taxes, they shall be estimated and adjusted when the actual taxes become known.

§ 182.01–25 *Joint facilities.* (a) Where a joint facility (see § 182.00–1 (w)) operated by others, is used by the reporting carrier under a joint facility arrangement, any amounts paid by the carrier as its share of operation and maintenance costs including rent if the property is leased, or including depreciation, taxes and a return on the investment in the joint facility if the property is owned by the operating carrier, shall be charged to the appropriate joint facility-debit account under equipment maintenance, terminal or administration and general expenses.

(b) Where the reporting carrier operates a joint facility, any amounts received from other carriers using the facility as reimbursement of operation and maintenance costs, including rent if the property is leased, or including depreciation, taxes and a return on the investment in the joint facility if the property is owned by the reporting carrier, shall be credited to the appropriate joint facility-credit account under equipment maintenance, terminal, or administrative and general expenses.

(c) The carrier operating the joint facility shall include a statement of the distribution of the income and expenses of the facility on bills rendered joint users.

§ 182.01-26 *Deduction of reserves.* In stating the balance sheet, reserves shall be shown separately and shall be deducted from the specific assets to which they apply. Reserves not applicable to specific assets shall be shown on the liability side. See form of balance sheet following balance sheet accounts.

§ 182.01-27 *Allocation of expenses between line haul and pickup and delivery.* (a) Class I common carriers which derive an average of 75 percent or more of their revenues from the intercity transportation of general commodities, shall separate expenses between line haul and pickup and delivery as provided in this instruction. Class I motor carriers, other than those specified herein, are not required to comply with provisions of this instruction.

(b) Carriers required to comply with the provisions of this instruction shall separate the amounts includible in the following accounts between those applicable to line haul and those applicable to pickup and delivery:

4130, Repairs and Servicing—Revenue Equipment.
4160, Tires and Tubes—Revenue Equipment.
4230, Drivers and Helpers.
4250, Fuel for Revenue Equipment.
4260, Oil for Revenue Equipment.
4270, Purchased Transportation.
5020, Depreciation of Revenue Equipment.
5210, Gasoline, Other Fuel, and Oil Taxes.
5220, Vehicle License and Registration Fees.

(c) The separation between line haul and pickup and delivery expenses in the accounts listed above shall be made in the following manner:

(1) *Classification of expenses, other than wages of drivers and helpers.* (i) All expenses for vehicles classified (see paragraph (b) of this section) as "line haul" shall be entered in the line haul subdivisions of the accounts, and all the expenses for vehicles classified as "pickup and delivery" shall be entered in the pickup and delivery subdivisions of the accounts.

In no case shall the expenses of a vehicle be split between the two subdivisions of an account.

(ii) For the purpose of separating the expenses each revenue vehicle (truck, tractor or trailer) shall be classified as "line haul" or "pickup and delivery", according to the service in which it is predominantly employed.

Include in the "line haul" classification all revenue vehicles predominantly engaged in the transportation of property in terminal-to-terminal, peddle, and other intercity service. Peddle trips are trips operated out of a local area, consisting of a city or town and contiguous suburban districts, for the purpose of delivering freight to consignees and gathering freight from consignors at points outside such area. The incidental or occasional use in pickup and delivery or local cartage service of vehicles regularly employed in line-haul service would not affect their classification as "line haul".

Include in the "pickup and delivery" classification all revenue vehicles predominantly employed in pickup and delivery service and local cartage service within a local area as defined above. The incidental or occasional use in line-haul service of vehicles regularly employed in pickup and delivery or local cartage service would not affect their classification as "pickup and delivery".

Where a vehicle or fleet of vehicles is used with complete interchangeability in the carrier's regular line-haul and pickup and delivery services, and a separation based on predominant use is not feasible, such vehicle or fleet of vehicles should be classified as "line haul".

Where vehicles assigned to over-night intercity runs are also used more or less regularly during the day in the carrier's general pickup and delivery service, such vehicles should be classified as "line haul".

(2) *Classification of wages of drivers and helpers.* (i) The separation of drivers' and helpers' wages between the "line haul" and "pickup and delivery" subdivisions of account 4230, Drivers and Helpers, shall be made according to the type of service performed by the employee. Thus, if a driver makes a line haul trip, whether terminal-to-terminal, peddle, or other, his wages for the trip shall be charged to the "line haul" subdivision of the account, irrespective of whether the vehicle used for the trip has been classified as "line haul" or "pickup and delivery". Similarly, if a driver is engaged in the carrier's general pickup and delivery service, his wages while so employed shall be charged to the "pickup and delivery" subdivision of the account, irrespective of whether the vehicle used in making the pickups and deliveries has been classified as "pickup and delivery" or "line haul".

(ii) Where a driver making a line-haul trip picks up or delivers all or part of his load at point of origin or destination or points en route, the entire wages of the driver shall be charged to the "line haul" subdivision of account 4230, except that where the driver's compensation for the pickup and delivery work performed is computed separately for payroll purposes it shall be charged to the "pickup and delivery" subdivision.

(iii) Where a driver spends part of the day in making a line-haul trip after which he is assigned to the carrier's general pickup and delivery service, his wages for the line-haul trip shall be charged to the "line haul" subdivision of the account and his wages for the pickup and delivery work performed shall be charged to the "pickup and delivery" subdivision.

(iv) Also, where a driver is employed in either line-haul or pickup and delivery service and, in addition, is regularly assigned for a part of his time to platform work at the carrier's terminal, including the loading or unloading of his own or other vehicles, his wages for the time so employed shall be charged to account 4340, Salaries and Wages, Platform Employees (see § 182.01-11).

(d) Any carrier which finds it impracticable to segregate expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper segregation. Upon receipt of such information carriers will be advised of the procedure to be followed.

§ 182.01-28 *Employees' welfare expenses.* (a) A primary account is prescribed in each of the major groupings of operation and maintenance expense accounts to record expenditures made for employees' welfare. Such expenditures shall include the following classes of items:

(1) Contributions to health and welfare funds, whether under contract arrangements with labor organizations or otherwise.

(2) Premiums on group insurance policies for benefit of employees or their beneficiaries.

(3) Payments to trustees under profit sharing and pension plans for the benefit of employees in active service.

(4) Payments for pensions directly to retired employees or to their beneficiaries when no trust fund exists.

(5) Salaries and expenses incurred in conducting relief, benefit, and general medical departments, including payments to or on behalf of employees other than claims covered by Workmen's Compensation Acts.

(b) Expenses that are directly or naturally assignable to primary accounts under each major grouping shall be distributed to such accounts. Where contributions are applicable to officers or employees who engage in work in more than one department, such expenses shall be apportioned to the appropriate primary accounts in the same ratio as their pay is distributed to primary accounts, or the expenses may be distributed on other equitable basis. Small amounts applicable to time spent on incidental or occasional duties may be included in the primary account appropriate according to the regular duty or the predominate work assignment of the employee.

(c) No charges to the primary employee welfare expense accounts shall be made in anticipation of discretionary payments in the future. The cost of life or other insurance on officers and employees whereunder the carrier is the beneficiary shall be charged to account 7500—Other Deductions. Cash surrender values of such policies shall be carried in account 1650—Other Investments and Advances.

BALANCE SHEET ACCOUNTS

ASSET SIDE

Current Assets

§ 182.1000 *Cash.* This account shall include current funds in the hands of financial officers and agents, cash in transit for which agents have been credited and deposits in banks or trust companies available on demand for general company purposes.

NOTE A: This account shall not be credited with the amount of checks or drafts until they have been transmitted to payees.

NOTE B: Bank overdrafts shall be shown on the balance sheet as a credit balance in this account.

NOTE C: Funds (other than savings accounts) subject to withdrawal restrictions and deposits in closed banks shall not be included in this account. Such funds definitely known to be available within one year shall be included in account 1190—Other Current Assets. Deposits in closed banks, which it is reasonably certain will not be available within one year, shall be included in account 1890—Other Deferred Debits.

§ 182.1020 *Working funds.* This account shall include amounts advanced to officers, agents, employees, and others as petty cash or working funds of a continuing nature from which certain expenditures are to be made and accounted for.

Note: Advances to drivers and others for lodgings, meals and other expenses which are to be accounted for at the end of a trip, etc., if not advanced from a petty cash fund, shall be charged to a subdivision of account 1890—Other Deferred Debits, pending distribution to appropriate expense and other accounts.

§ 182.1040 *Special deposits.* This account shall include the balance of the amounts included in accounts 1041, 1042, and 1043, for short-term deposits.

§ 182.1041 *Interest special deposits.* This account shall include cash and bank credits placed in the hands of fiscal agents or others for the payment of interest on behalf of the carrier. When interest is paid from such deposits, it shall be credited to this account and charged to the appropriate accrued or matured interest account. Payments to trustees or other agents of the holders of bonds or other securities of the interest accrued thereon which operate under the terms of the securities or of mortgages supporting such securities as a release of the paying company from further liability for such interest, shall be charged to the appropriate interest accrual account.

§ 182.1042 *Dividend special deposits.* This account shall include cash and bank credits placed in the hands of fiscal agents or others for the payment of dividends on behalf of the carrier. When dividends are paid from such deposits, they shall be credited to this account and charged to the appropriate dividend account.

§ 182.1043 *Miscellaneous special deposits.* This account shall include bank deposits subject to withdrawal for specific purposes only, and cash and bank credits placed in the hands of fiscal agents or others for special purposes other than the payment of interest or dividends, such as deposits with Federal, State, or municipal authorities, public utilities, or others, as a guaranty for the fulfillment of current obligations. Entries to this account shall specify the purpose for which the deposit is made.

Note A: This account shall not include any assets available for general company purposes.

Note B: Deposits made on the purchase of operating rights, revenue equipment and other equipment, etc., shall be included in account 1890—Other Deferred Debits.

§ 182.1060 *Temporary cash investments.* (a) This account shall include the book cost (see § 182.01-18) of investments such as time drafts and time loans receivable, bankers' acceptances, United States Treasury certificates, marketable securities, and similar investments acquired for the purpose of temporarily investing cash. Any securities included in this account must be of such a nature as to be readily convertible into cash at substantially their book value.

(b) This account shall be subdivided to reflect separately:

(1) Temporary cash investments; affiliated companies.

(2) Temporary cash investments; other.

Note A: Amounts carried in this account as pledged shall be shown separately from amounts unpledged.

Note B: There shall not be included in this account amounts properly includible in accounts 1600—Investments and Advances—Affiliated Companies, or 1650—Other Investments and Advances.

§ 182.1080 *Notes receivable.* (a) This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable, contracts receivable, and similar evidences (except interest coupons) of money receivable on demand or within a time not exceeding one year from date of issue.

(b) This account shall be subdivided to reflect separately:

(1) Notes receivable—officers, stockholders and employees.

(2) Notes receivable—other.

Note A: Notes receivable from affiliated companies shall be included in account 1100—Receivables from Affiliated Companies, or account 1600—Investments and Advances—Affiliated Companies, as appropriate.

Note B: The amount of notes receivable discounted, sold or transferred, unless transferred without recourse, shall be credited to account 2000—Notes Payable.

§ 182.1100 *Receivables from affiliated companies.* (a) This account shall include the total of amounts receivable from affiliated companies (see paragraph (f) of § 182.00-1) which are subject to current settlement (see paragraph (o) of § 182.00-1), such as balances in open accounts for services rendered, material furnished, interline accounts, claims, rent for use of property and similar items; interest and dividends due from affiliated companies; loans and drafts for which affiliated companies are liable, and notes receivable on demand or within a time not exceeding one year from date of issue.

(b) This account shall be subdivided as follows:

1101—Loans and Notes Receivable.
1105—Interest and Dividends Receivable.
1109—Accounts Receivable.

Note A: On the balance sheet, accounts receivable from affiliated companies shall be set off against accounts payable to the same companies.

Note B: No amount representing dividends receivable shall be included in this account unless the dividends have been declared or guaranteed.

Note C: Items which are not subject to current settlement shall be included in account 1600—Investments and Advances—Affiliated Companies.

§ 182.1120 *Accounts receivable; agents, customers, and interline.* This account shall include amounts currently due from customers for transportation and storage charges and for advances to other carriers and warehouses for the account of customers; balances due from other carriers (except affiliated companies) against each of which there is a net debit balance representing interline freight accounts; amounts due from customers and from other carriers as rent for revenue equipment with or without drivers; also the net balances in current accounts due from agents, including drivers, other employees and representatives, charged with the collection or custody of current transportation revenues.

Note A: At the end of each calendar year, for the purposes of the annual report to this Commission, the carrier shall prepare an analysis of the balance in this account, segregating the items included therein to show balances due from customers, from other carriers, and from agents.

Note B: The amounts of accounts receivable discounted, that have been sold or transferred, unless transferred without recourse, shall be credited to account 2050—Accounts Payable.

§ 182.1130 *Accounts receivable; other.* This account shall include amounts due from others (except items provided for in accounts 1100 and 1120) that are subject to current settlement (see paragraph (o) of § 182.00-1) for material and supplies furnished and services rendered, except transportation and storage charges, including use of property, other matured rents, amounts owing by public authorities, amounts of collectible judgments, current accounts with officers and employees, and other accounts and claims upon which responsibility is acknowledged by solvent concerns or individuals.

Note A: Amounts advanced to officers, employees or others as petty cash or working funds shall be included in account 1020—Working Funds; amounts advanced to drivers and other employees for lodgings, meals and similar expenses shall be included in account 1890—Other Deferred Debits, pending distribution to appropriate expense and other accounts.

Note B: At the end of each calendar year, for the purposes of the annual report to this Commission, the carrier shall prepare an analysis of the balance in this account, segregating the items included therein to show balances due from officers, employees and stockholders and balances due from others.

Note C: The amounts of accounts receivable discounted, that have been sold or transferred, unless transferred without recourse, shall be credited to account 2050—Accounts Payable.

§ 182.1140 *Subscribers to capital stock.* (a) This account shall include the balances due from subscribers upon legally enforceable subscriptions to capital stock.

(b) The amount of each subscription shall be charged to this account at the time the subscription is accepted. Concurrently there shall be credited to account 2730—Capital Stock Subscribed, the par or stated value of the stock subscribed or the agreed purchase price in the case of non-par stock without a stated value. Appropriate entries shall likewise be recorded with respect to any discount or premium on par value stocks or non-par value stocks with a stated value.

Note: The records supporting the entries to this account shall be kept so that the corporation can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

§ 182.1160 *Interest and dividends receivable.* This account shall include the amount of current interest accrued on bonds, mortgages, notes, and other commercial paper owned; on loans made; open accounts; bank deposits, etc.; and the amount of dividends receivable on stocks owned. (See § 182.01-13.)

NOTE A: Interest and dividends receivable from affiliated companies shall be included in account 1100—Receivables from Affiliated Companies.

NOTE B: Interest which is not subject to current settlement shall be included in the account in which is carried the principal on which the interest is accrued.

NOTE C: No amount representing dividends receivable shall be included in this account unless they have been declared or guaranteed.

NOTE D: No interest or dividends on securities or obligations issued or assumed by the carrier shall be included in this account.

§ 182.1170 *Prepayments.* (a) This account shall include the amount of expenses paid or incurred in advance of their accrual, the benefits of which are to be realized in subsequent periods. Entries shall be made each month, transferring to the appropriate expense or other account the portion of each prepayment which is applicable to that month.

(b) This account shall be subdivided as follows:

1171—Prepaid Taxes and Licenses.
1172—Prepaid Insurance.
1173—Prepaid Interest.
1174—Prepaid Rents.
1175—Prepaid Stationery and Printed Matter.
1176—Prepaid Tires and Tubes.
1179—Miscellaneous Prepayments.

NOTE A: The cost of tires and tubes for revenue equipment, including taxes, may, at the time of original application to vehicles, be charged either to this account or direct to account 4160—Tires and Tubes—Revenue Equipment, or other appropriate expense account. The value of tires and tubes furnished by the vendor with newly acquired revenue equipment may also be charged to this account. A prorated portion of the cost of tires and tubes charged to this account, based on mileage or other equitable method of apportionment, shall be transferred each month to the appropriate expense account.

NOTE B: The undistributed service value, included in this account, of tires and tubes that are sold or traded in with vehicles, or which are destroyed or otherwise disposed of, shall be credited to this account.

NOTE C: Prepayments of minor items may be charged directly to the appropriate expense or other account.

§ 182.1180 *Material and supplies.* (a) This account shall include the cost, including deposits on oil drums and other containers (less cash or other discounts when they can be determined), of all unapplied materials and supplies used in carrier and noncarrier operations, with the exception of stationery and printed matter (see account 1170), including tools, repair parts, fuel, tires and tubes, etc. The cost shall include all specifically assignable transportation charges incurred in obtaining the delivery of such materials and supplies upon the premises of the carrier including loading and unloading, and at the option of the carrier, it may include a suitable proportion of purchasing and store expenses in which case corresponding credits shall be made to account 4675—Purchasing and Store Expenses. The cost shall also include sales and excise taxes on material purchases, except that sales and excise taxes on gasoline, other motor fuel, and motor oil, which are includible in account 5200—Operating Taxes and Licenses, shall be charged to that account when such material is purchased.

(b) When any materials or supplies, the cost of which has been charged to this account, are issued for use, the amount at which they stand charged herein shall be credited to this account and charged to the appropriate construction, operation and maintenance expense, or other account. Such amount may be based upon the average cost of all items of a given type included in this account at the beginning of the period.

(c) Materials recovered in connection with construction, maintenance, or the retirement of property shall be charged to this account as follows:

(1) Reusable materials shall be included in this account at amounts not to exceed cost, estimated if not known.

(2) Scrap and non-usable materials shall be carried at the estimated salvage value. So far as practicable, the difference between the amounts realized from sale or disposal and the amounts at which the materials are carried in this account shall be adjusted in the depreciation reserves, repair accounts, or other accounts which were credited when the materials were charged to this account.

NOTE A: Interest charged on bills for material and supplies, the payment of which is delayed, shall be charged to account 7100—Interest.

NOTE B: Inventories of materials and supplies shall be taken at intervals of one year or less, and the necessary adjustment shall be made to bring this account into harmony with the actual physical inventory. In effecting this adjustment, differences which may practicably be assigned to important classes of materials shall be equitably distributed among the accounts to which such classes of materials are ordinarily chargeable. Other differences shall be equitably apportioned among the operation and maintenance expense accounts to which materials have been charged since the last inventory. Such differences that cannot be allocated to the operation and maintenance expense accounts shall be included in account 4675—Purchasing and Store Expenses.

NOTE C: The value of tires and tubes, including taxes furnished by the vendor with newly acquired revenue equipment may be included in account 1170 or charged direct to expense.

NOTE D: Credits for cash and other discounts that cannot be applied directly to the cost of materials to which they apply shall be included in account 4675—Purchasing and Store Expenses.

§ 182.1190 *Other current assets.* This account shall include the amount of all current assets (see paragraph (o) of § 182.00-1) not includible in any of the foregoing current asset accounts, including the cost of property purchased for resale, and the estimated value of property acquired in connection with the settlement of cargo loss and damage claims, pending disposition.

Tangible Property

§ 182.1200 *Carrier operating property.* (a) This account shall include the total of the amounts representing the cost (see § 182.01-19) of carrier operating property included in accounts 1201 to 1290, inclusive, owned and used by the carrier in its motor carrier operations, including such property owned by the carrier but held by agents.

(b) Records shall be established to show the description, date of acquisition and cost of each parcel of land, each structure, unit of equipment or other unit of property (see paragraph (kk) of § 182.00-1) included in the subdivisions of this account. The records for property depreciated under the unit plan shall also reflect for each unit the estimated service life, depreciation rate and estimated salvage value so that the balance in account 2500—Reserve for Depreciation—Carrier Operating Property, with respect to each unit can be determined at any time.

§ 182.1201 *Land and land rights.* (a) This account shall include the cost of land used directly in connection with the motor carrier operations of the carrier, including the first cost of acquiring long-term and perpetual leaseholds of land and easements, but not rents payable periodically in consideration of rights so obtained.

(b) The cost of buildings and other improvements (other than public improvements) shall not be included in this account. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are subsequently devoted to carrier operations, the land and improvements shall be separately appraised and the cost allocated to this account and to account 1210—Structures, on the basis of the appraisals. If the improvements are removed or wrecked prior to use of the property in carrier operations, the cost of the improvements to the carrier, together with the cost of removing or wrecking, less salvage recovered, shall be included as part of the cost of the land.

(c) Carriers shall keep their records so as to show separately the cost of each parcel of land or interest therein and the purpose or purposes for which used in motor carrier operations.

ITEMS

Clearing land of brush, trees, and debris (first cost of).
Condemnation proceedings, including court costs and special counsel fees.
Consents and abutting damages, payment for.
Conveyancers' and notaries' fees.
Easements, cost of, and expenses of acquisition.
Fees and commissions to brokers and agents.
Grading.
Land, cost of.
Long-term and perpetual leases, cost of, and expenses incidental to, acquiring, (but not amounts paid as rent).
Leases, voiding, to secure possession of land.
Relocating property of others.
Sidewalks on public streets abutting carrier's property.

Special assessments on the basis of benefits for new roads, new bridges, new pavements, new sewers, and other public improvements (but not any taxes levied to provide for maintenance of such improvements).
Surveys.
Taxes assumed, accrued prior to date of transfer of title.
Title, examining, registering, clearing, insuring and defending against claims relating to period prior to purchase.

NOTE A: When land is acquired in excess of that required for motor carrier operations, or for which there is no definite plan for its use in such service within one year, the cost of such land shall be charged to account 1400—Non-Carrier Property. If land originally charged to that account is later used for motor carrier operations, it shall be transferred to account 1201 at its cost when acquired. (See § 182.01-20.)

NOTE B: Assessments for public improvements upon which payments are deferred shall be charged to this account in full and the unpaid balance carried in account 2360—Other Long Term Obligations. Interest on unpaid balances shall be charged to account 7100—Interest.

NOTE C: Amortization of fixed term interest in land and land rights shall be charged to account 5151—Amortization of Carrier Operating Property, with concurrent credits to account 2600—Reserve for Amortization—Carrier Operating Property.

§ 182.1210 *Structures.* (a) This account shall include the cost in place (see § 182.01-19) of structures used in motor carrier operations for such purposes as general offices, shops, garages, terminals, loading platforms, and the like situated on owned land. This includes buildings or constructions to house, support, or safeguard property or persons, with all appurtenant fixtures permanently attached thereto, and improvements to owned land, and other structures or constructions situated on land the investment in which is included in account 1201—Land and Land Rights.

(b) Carriers shall keep their records so as to show separately the cost of each structure included in this account and the purpose or purposes for which used in motor carrier operations.

Items

Architect's plans.
Ash pits.
Awnings.
Boilers, furnaces, piping, wiring, fixtures and machinery for heating, lighting, signaling, ventilating and plumbing.
Bridges and culverts.
Chimneys.
Commissions and fees to brokers, agents, architects, and others.
Conduits (not to be removed).
Damages to abutting property during construction.
Door checks and door stops.
Drainage and sewerage systems.
Elevators, cranes, hoists, etc., and the machinery for operating them.
Excavation, including shoring, bracing, bridging, refill and disposal of excess excavated material.
Fences and hedges.
Fire protection systems.
Floor covering (permanently attached).
Foundations and piers for machinery constructed as a permanent part of a building or other unit listed herein.
Grading and preparing grounds for buildings, including landscaping of grounds after construction.
Leases, voiding, to secure possession of structures.
Oil pits and drainage systems.
Outside lighting systems.
Painting, first.
Permits and privileges, building.
Platforms, railings, gratings and partitions, when constructed as part of structure.
Power boards for service to a building.
Refrigerating systems.
Retaining walls.
Scales, connected to and forming part of the structure.
Screens.
Sidewalks, pavements and driveways on building grounds.
Sprinkling systems.
Storage facilities constituting part of building.
Storage tanks, underground or attached to structures.
Storm doors and windows.
Structures, cost of.
Subways, areaways, and tunnels, directly connected to and forming part of the structure.
Vaults, constructed as part of the building.
Water supply system for building or general company purposes.
Window shades and ventilators.
Wiring for office equipment if made a part of a structure.

NOTE A: The cost of specially provided foundations not expected to outlast the machinery or apparatus for which they are provided, and the cost of angle irons, castings, etc., installed at the base of an item of equipment shall be charged to the same account as the cost of the machinery or equipment.

NOTE B: When part of a structure is removed in order to build an extension thereto, the accounting therefor shall be in accordance with § 182.01-19 (b).

NOTE C: The cost of structures under construction shall be carried in account 1290—Unfinished Construction, until ready for service.

§ 182.1220 *Revenue equipment.* (a) This account shall include the cost (see § 182.01-19) of all units of revenue freight equipment, the cost of repairs, overhauling, painting, lettering, and the first set of accessory equipment necessary to fit them for service, excluding tires and tubes (see Note A under account 1170—Prepayments). The term "revenue freight equipment" includes body and chassis and all fixtures and appliances inside of or attached to the body or chassis.

(b) If revenue freight equipment is purchased in a condition ready for service, the charge to this account shall include the invoice or contract price (excluding tires and tubes) less fleet and other discounts, if any, plus freight, excise and sales taxes, insurance in transit, unloading costs and other expenses incurred in obtaining delivery of the vehicles upon the premises of the carrier, such as driveaway charges, and the cost of painting and lettering and of any additions or attachments made after delivery, but not interest, insurance or other expenses incurred under any plan of purchase involving deferred payments, or the gain or loss on retirement of equipment given in trade.

(c) This account may also include the cost of spare engines and other major units carried on hand for the purpose of temporarily replacing similar units taken into the shop for overhauling, repairing, or any other reason.

Items

Automobiles (used to transport freight).
Containers and lift vans.
Fifth wheels.
Horses and mules.
Radio communication equipment on revenue vehicles.
Refrigeration units.
Road dollies.
Rigging equipment.
Sanders.
Semi-trailers.
Tractors.
Trailers.
Trucks (freight or hoist).
Truck-tractors.
Wagons.

§ 182.1230 *Service cars and equipment.* This account shall include the cost (see § 182.01-19) of aeroplanes and automobiles used in conducting motor carrier operations, and of automotive vehicles used in keeping revenue vehicles in operation, such as wreckers and trouble wagons for servicing revenue vehicles on the road. This account shall also include the cost of the first set of appliances or accessory equipment, including tires and tubes, necessary to fit such vehicles for service, such as cranes, hoists and other appliances, devices and tools forming the equipment of service cars.

Items

Aeroplanes.
Automobiles.
Emergency repair vehicles and appliances.
Radio communication equipment on service vehicles.
Refueling cars.
Sand and salt cars.
Snow-fighting vehicles and equipment.
Snow plows for use on revenue or service equipment.
Spare units for service vehicles, on hand in shop (optional).
Tow cars, wreckers, and appliances.

§ 182.1240 *Shop and garage equipment.* (a) This account shall include the installed cost (see § 182.01-19) of machinery and equipment, other than office furniture and equipment, used in shops and garages when such machinery and equipment is not an integral part of the housing structure, together with specially provided foundations and settings not expected to outlast the machinery mounted thereon. Records shall be kept so as to show separately the cost of each major item of equipment.

(b) If the carrier has shops or garages at more than one location, the records shall be maintained to reflect the carrier's investment at each location.

Items

Air compressors and hose, gauges and tanks.
Anvils.
Arbor presses.
Battery charging outfits.
Belts, shafts and countershafts.
Boring or reaming machines.
Car washing equipment.
Cranes and hoists (portable).
Creepers.
Drill presses.
Electric equipment.
Engines and boilers.
Forges.
Gasoline and oil pumps and portable tanks.
Greasing racks and pumps.
Grinders.
Jacks.
Lathes.
Lockers.

Machine tools.
Motor driven hand tools.
Motor starters.
Oil reclaiming machines.
Paint sprayers.
Pneumatic tools.
Storage bins and shelving (movable).
Store room equipment (except office furniture and equipment).
Stoves.
Testing apparatus.
Tire changing equipment.
Tool racks.
Vises.
Vulcanizing equipment.
Weighing devices (portable).
Welding apparatus.
Wheel pullers.
Wiring for shop equipment (movable).
Work benches.

NOTE A: The cost of small portable tools and implements of slight value or short life, other than those included in the initial equipment of a shop or garage, shall be charged to account 4180—Other Maintenance Expenses.

NOTE B: The cost of cranes, hoists and other appliances, devices and tools forming the equipment of wreckers, service cars, etc., shall be charged to account 1230—Service Cars and Equipment.

§ 182.1250 *Furniture and office equipment.* (a) This account shall include the installed cost (see § 182.01–19) of furniture and appliances used in general offices, garage, terminal and other offices, when such equipment is not an integral part of the housing structure.

(b) The records shall be maintained to reflect the carrier's investment in furniture and office equipment at each location.

(c) If the carrier operates or owns auxiliary terminal facilities such as restaurants for employees, the cost of owned equipment therein shall be charged to this account and carried under a special subdivision entitled "Furniture and Office Equipment—Special Facilities".

ITEMS

Book cases.
Cash registers.
Chairs, stools and benches.
Clocks.
Communication systems (inter-office and central office two-way radio equipment).
Counters.
Desks.
Equipment in rest, dining, recreation and medical rooms.
Fans, electric.
Filing cabinets.
Fire extinguisher equipment.
Floor coverings (movable).
Heaters and lamps (movable).
Kitchen equipment.
Lighting fixtures (movable).
Lockers.
Loud speaker system.
Office equipment (mechanical).
Partitions and railings (movable).
Restaurant equipment.
Safes (movable).
Show cases and shelves.
Tables and counters.
Teletypewriters.
Time clocks.
Typewriters.
Vacuum cleaners.
Water coolers.
Wiring for office equipment (movable).

NOTE: Small articles of slight value or of short life (see § 182.01–19 (c)) shall be charged to the appropriate expense accounts.

§ 182.1260 *Miscellaneous equipment.* This account shall include the cost (see § 182.01–19) of motor carrier equipment such as miscellaneous wheeled equipment used at terminals and loading platforms in connection with handling traffic, and also drive-away equipment and aeroplanes and pleasure boats used to entertain customers.

ITEMS

Blocks and falls.
Boats (pleasure).
Canvas covers (tarpaulins).
Carts.
Chain hoists.
Cranes (not installed on revenue vehicles).
Dollies (platform).
Fork trucks.
Hamper trucks.
Hand trucks.
Lift trucks.
Mechanical loading devices.
Pallets.
Platform trucks and tractors.
Rollers.
Ropes and cables.
Scales.
Signal equipment.
Signs (electric and portable).
Skidboards.
Tow bars, governors and brake controls (drive-away operations).
Weighing devices.

§ 182.1270 *Improvements to leasehold property.* (a) This account shall include, except as provided in paragraph (b) of this section, the cost to the carrier of initial improvements (including rearrangements, additions, and betterments) to property used in its motor carrier operations and held under lease or through control of the carrier owning the property, and the cost of any subsequent additions to and betterments of such leased or controlled property but not including replacements. Depreciation on such improvements shall be accounted for in the same manner as for other owned depreciable property. (See § 182.01–23 (c).)

(b) When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of $200.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property. (See § 182.01–19 (c).)

NOTE: If the lease agreement provides that structures or other improvements placed on leased property by the lessee shall remain the property of said lessee and may be removed at the expiration of the lease, the investment in such improvements and depreciation accruals thereon shall be transferred to other appropriate accounts at that time.

§ 182.1280 *Undistributed property.* (a) When a carrier purchases or sells any property constituting a distinct operating unit (see paragraph (v) of § 182.00–1) or otherwise finds it necessary because of incomplete financial records to make a general readjustment of operating property records, temporary charges or credits to this account may be made with approval of the Commission, and the distribution of the amounts involved shall be made promptly to the appropriate accounts after authorization by the Commission.

(b) Balances in accounts previously carried representing property owned as of the date this system of accounts is adopted may be carried temporarily in this account. Journal entries distributing such balances to the appropriate property accounts prescribed herein shall be made and filed with the Commission not later than one year after adoption of this system of accounts.

§ 182.1290 *Unfinished construction.* (a) This account shall include the cost of carrier operating property under construction but not ready for service. It shall include all elements of cost as set forth in § 182.01–19.

(b) When the construction of property has been completed, the amount representing its cost, accumulated in this account, shall be transferred to the appropriate other subdivision of account 1200.

NOTE: This account is primarily intended to include only charges for new construction not involving any replacement. If, however, at the beginning of a job involving the replacement or retirement of any operating property, the accounting carrier makes full credits therefor to the appropriate property accounts, the cost of rebuilding property or of installing new property in substitution or replacement, may be carried in this account pending completion of the work. (See also § 182.01–19 (b) and account 1890—Other Deferred Debits.)

§ 182.1300 *Carrier operating property leased to others.* (a) This account shall include the cost (see § 182.01–19) of carrier operating property owned by the carrier but leased to others as part of a distinct operating unit (see paragraph (v) of § 182.00–1) or system for use in motor carrier operations, where the lessee has exclusive possession.

(b) This account shall be subdivided so as to reflect separately the investment in each class of property as provided for under account 1200—Carrier Operating Property.

NOTE: Carrier operating property included in the temporary lease of a distinct operating unit pending sale shall not be transferred to account 1300.

§ 182.1400 *Non-carrier property.* This account shall include the book cost of land, structures and equipment owned by the carrier but used in operations other than motor carrier operations, and not provided for in account 1200—Carrier Operating Property, and account 1300—Carrier Operating Property Leased to Others.

Intangible Property

§ 182.1500 *Organization, franchises, and permits.* This account shall include the balance of the amounts included in accounts 1501 to 1541, inclusive.

§ 182.1501 *Organization.* This account shall include fees paid to State or other governmental authority for the privilege of incorporation, and expenditures incident to organizing the corporation, partnership, or other enterprise, and putting it into readiness to do business.

ITEMS

Fees and expenses for incorporation or forming a partnership.
Fees and expenses for mergers or consolidations.
Office expenses incident to organizing the company.
Stock and minute books and corporate seal.

Note A: This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds or other evidences of debt, or expenses in connection with the authorization, issuance or sale of stock. (See §§ 182.01-16 and 182.01-17 and accounts 1900—Discount on Capital Stock, and 1910—Commission and Expense on Capital Stock.)

Note B: Exclude from this account, and include in account 4630—Law Expenses, the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

Note C: When charges are made to this account for organization expenses incurred in mergers, consolidations, acquisitions or reorganizations, amounts previously included herein on the books of the retiring companies shall not be carried over. If such items represent part of the assets acquired, they shall be included in account 1550—Other Intangible Property. (See § 182.01-19 (f).)

§ 182.1511 *Franchises.* (a) This account shall include amounts actually paid to a State or political subdivision thereof or to other governmental authority in consideration of franchises, permits, consents, or certificates running in perpetuity or for a specified term of more than one year.

(b) This account shall also be charged with expenditures incident to applications for franchises, permits, consents, or certificates if such applications are acted upon favorably by the regulatory body, including fees for legal and auditing services, expenses of witnesses, cost of newspaper and other advertisements, etc., and pay and expenses of employees engaged in preparing exhibits and other data for hearings. (See Note B.)

(c) When a franchise, permit, consent or certificate is acquired by assignment, the charge to this account shall not exceed its actual cost to the original holder thereof as set out in paragraphs (a) and (b) of this section. Payments by the acquiring carrier in excess of the cost to the original holder, together with any expenses incurred by it in effecting the transfer, shall be charged to account 1550—Other Intangible Property. (See however § 182.01-19 (f).)

(d) Accounting for the amortization or write-off of balances carried in this account and for retirement of franchises, permits, consents or certificates that have expired and are not immediately renewed, are sold, or otherwise disposed of, shall be performed as provided in § 182.01-21 (b).

(e) This account shall be subdivided to reflect separately amounts pertaining to:

(1) Perpetual franchises.
(2) Fixed-term franchises.

Note A: Regularly recurring payments made to any political subdivision for the right to conduct motor carrier operations within its boundaries shall be charged to account 5200—Operating Taxes and Licenses.

Note B: If an application for a franchise, permit, consent or certificate is denied, expenditures incident to the application shall be charged to account 8200—Extraordinary Income Charges.

§ 182.1541 *Patents.* (a) This account shall include the cost (see § 182.01-19) of patent rights, licenses, and privileges necessary or valuable to the economical conduct of motor carrier or noncarrier operations, and which have a life of more than one year from the date they become effective.

(b) When any right or license included herein expires or is canceled and is not immediately renewed, is sold, or otherwise disposed of, retirement accounting shall be performed as provided in § 182.01-21 (b).

§ 182.1550 *Other intangible property.* (a) This account shall include any intangibles not provided for elsewhere, including the undistributed portions of the purchase cost of a transportation system or portion thereof, constituting a distinct operating unit (see paragraph (v) of § 182.00-1) not includible in specific accounts provided for assets acquired or liabilities assumed. (See § 182.01-19 (f).)

(b) Accounting for the amortization or write-off of balances carried in this account and for the retirement of franchises, permits, consents or certificates that are sold, relinquished or otherwise disposed of, shall be performed as provided in §§ 182.01-21 and 182.01-23.

Investment Securities and Advances

§ 182.1600 *Investments and advances; affiliated companies.* (a) This account shall include the book cost (see paragraph (g) of § 182.00-1) of the carrier's investments in securities issued or assumed by affiliated companies; notes of affiliated companies maturing later than one year from date of issue; and the amount of advances to and receivables from affiliated companies not subject to current settlement, including accrued interest on such advances when not subject to current settlement. Exclude from this account securities held in special funds or as temporary cash investments. (See paragraph (f) of § 182.00-1, account 1060—Temporary Cash Investments, and § 182.01-18.)

(b) This account shall be subdivided to reflect separately for motor carriers and for others:

(1) Common stocks.
(2) Preferred stocks.
(3) Bonds.
(4) Notes.
(5) Other investments.
(6) Advances.

Note A: Balances in open accounts with affiliated companies which are subject to current settlement shall be included in account 1100—Receivables from Affiliated Companies.

Note B: Securities pledged shall be shown separately from securities unpledged.

Note C: Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

§ 182.1650 *Other investments and advances.* (a) This account shall include the book cost (see paragraph (g) of § 182.00-1) of the carrier's investments in securities issued or assumed by other than affiliated companies; notes of other companies and persons, maturing later than one year from date of issue; the cash surrender values of insurance policies carried on the lives of officers and employees when the carrier is beneficiary of such policies (see account 7500—Other Deductions); advances to other companies and individuals and open accounts receivable not subject to current settlement, including any accrued interest when not subject to current settlement. (See account 1060—Temporary Cash Investments, and § 182.01-18.)

(b) This account shall be subdivided to reflect separately for motor carriers and for others:

(1) Common stocks.
(2) Preferred stocks.
(3) Bonds.
(4) Notes.
(5) Other investments.
(6) Advances.

Note A: Balances in open accounts with other companies and individuals which are subject to current settlement shall be included in accounts receivable.

Note B: Profits and losses resulting from the sale of securities of others shall be included in accounts 8100—Extraordinary Income Credits, and 8200—Extraordinary Income Charges, as appropriate.

Note C: Securities pledged shall be shown separately from securities unpledged.

Note D: Securities borrowed by the carrier and pledged shall not be included in this account. A memorandum record shall be kept.

Special Funds

§ 182.1701 *Sinking funds.* (a) This account shall include the amount of cash or other assets held by trustees or fiscal agents in charge of sinking funds, or by the carrier itself when they are segregated in a distinct fund, for the purpose of redeeming outstanding obligations. (See § 182.01-18.)

(b) A separate subdivision shall be kept for each fund, the title of which shall designate the obligation in support of which the fund was created.

ITEMS

Cash.
Securities of other companies or other assets, at cost except as otherwise provided herein.
Live securities issued or assumed by the carrier, at face value. (For conditions under which such securities may be kept alive, see § 182.01-16 (d).)
Amounts deposited with trustees or other fiscal agents on account of mortgaged property sold, when held for the redemption of securities.
Securities of the carrier issued to trustees without intervening sale, at face value.

Note: Interest and dividends on securities held in this account shall be credited to account 6300—Interest Income, and 6400—Dividend Income, as appropriate.

§ 182.1751 *Depreciation funds.* This account shall include the amount of cash and the cost (see § 182.01-18) of securities of other companies and other assets which have been specifically set aside to provide a fund for the replacement of units of depreciable property.

§ 182.1781 *Miscellaneous special funds.* This account shall include the amount of cash and the cost (see § 182.01-18) of securities of other companies and other assets in insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for purposes not provided for elsewhere, including deposits with state commissions to guarantee continuing payments to the beneficiaries of workmen's compensation claims, and the face value of securities issued or assumed by the carrier which may be held alive in such funds as provided in §§ 182.01-16 and 182.01-17. Also include in this account deposits in lieu of mortgaged property sold and other trust deposits, pending their refund when equivalent property is acquired or pending their transfer under mortgage provisions to account 1701—Sinking Funds. A separate subdivision shall be provided for each fund.

Deferred Debits

§ 182.1880 *Unamortized debt discount and expense.* This account shall include the total of the net debit balances representing the excess of the discount and expense over the premium in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained in respect of each issue of such obligations. (See § 182.01-17.)

§182.1890 *Other deferred debits.* (a) This account shall include all debit balances in suspense accounts that cannot be entirely cleared and disposed of until further information is received; also items of a deferred nature (except items chargeable to account 1170—Prepayments, or account 1880—Unamortized Debt Discount and Expense) which are subsequently to be amortized to the appropriate operation and maintenance expense or other accounts. This includes amounts on deposit with banks which have failed, pending determination of loss; deposits made on equipment purchases; amounts paid for options pending final disposition; expenditures for plans and investigations made for determining the feasibility of projects under contemplation, pending further disposition, deposits, in escrow or otherwise, with regulatory commissions and others, and expenditures for valuations, inventories, and appraisals made in connection with applications for or the contemplated purchase or sale of operating rights and other property. (See § 182.01-19.) If deposits are not recoverable or projects in connection with which preliminary costs were incurred are abandoned, the amounts expended shall be charged to account 8200—Extraordinary Income Charges.

(b) This account may also include losses in service value of property retired for causes for which provision has not been made in the depreciation reserve and losses from retirements which could not reasonably have been foreseen and provided for. (See account 5155—Extraordinary Property Losses.)

(c) This account shall also include other debit items which are subject to amortization by order of the Commission.

(d) This account shall also include the balances in clearing accounts maintained to facilitate the retirement of property (see § 182.01-21 (a)); carry temporarily the cost of operating and maintaining such facilities as office buildings, storehouses, etc., and such overhead costs as it is desirable to apportion to the construction, operating, and other accounts involved. (See § 182.01-10.)

(e) Items of a current nature but of doubtful value may be carried in this account at book cost or nominal value. (See § 182.01-13.)

Miscellaneous Debit Items

§ 182.1900 *Discount on capital stock.* This account shall include the excess of the par or stated value of the stock issued (at the time of original sale of par value stock and nonpar stock with a stated value), plus accrued dividends, if any, over the actual cash value of the consideration received. (See § 182.01-16.)

NOTE: No discount shall be recorded in this account in connection with the exchange of capital stock for items that are includible in account 1550—Other Intangible Property.

§ 182.1910 *Commission and expense on capital stock.* This account shall include all expenses incurred in connection with the issuance and sale of capital stock. (See § 182.01-16.)

ITEMS

Fees and expenses incurred in obtaining permission from regulatory bodies for the issuance of stock and in filing papers of notification thereunder.
Fees paid to promoters.
Listing stock on exchanges.
Preparation and distribution of prospectuses.
Preparation and issuance of certificates of stock.
Soliciting subscriptions for stock, including fees, commissions, advertising and printing.
Taxes paid on stock issues.

§ 182.1920 *Reacquired securities.* This account shall include in subdivisions for each class, the par, stated or proportionate value of capital stock, and the face value of bonds, and other forms of securities which have been actually issued or assumed by the carrier, and reacquired and are neither retired nor properly includible in sinking or other funds.

NOTE A: The accounting for the reacquisition of securities and resales thereof shall be in accordance with §§ 182.01-16 and 182.01-17.

NOTE B: This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE C: In reports to the Commission the balance in this account shall be deducted from the securities accounts on the liability side, thereby extending into the money column the amounts to reflect the actually outstanding securities.

§ 182.1990 *Nominally issued securities.* (a) This account shall include in subdivisions for each class, the face, par or stated value of capital stock, bonds, and other forms of securities which have been nominally but not actually issued by the carrier. (See paragraphs (b) and (bb) of § 182.00-1.)

(b) When nonpar stock without stated value is nominally issued, a memorandum entry shall be made to this account showing the number of shares thus issued.

NOTE A: This account shall be maintained so as to reflect separately securities pledged and unpledged.

NOTE B: In reports to the Commission, the balance in this account shall be deducted from the securities accounts on the liability side, thereby extending into the money column the amounts to reflect the actually outstanding securities.

LIABILITY SIDE

Current Liabilities

§ 182.2000 *Notes payable.* (a) This account shall include the face value of outstanding obligations in the form of notes, drafts, acceptances, and similar evidences of indebtedness which by their terms do not run for a period in excess of 1 year from date of issue, including the face value of notes receivable discounted or sold without releasing the carrier from liability as endorser thereon.

(b) Subdivisions shall be maintained to show separately obligations maturing upon demand and obligations bearing a specified date of maturity.

NOTE A: Notes payable to affiliated companies which are subject to current settlement shall be included in account 2030—Payables to Affiliated Companies. (See also account 2200—Advances Payable—Affiliated Companies.)

NOTE B: Unmatured equipment obligations shall be included in account 2190, Equipment Obligations and Other Debt Due Within One Year, or account 2300, Equipment Obligations, or appropriate.

§ 182.2020 *Matured long-term obligations.* This account shall include the amount (including obligations for premiums) of equipment obligations, long-term obligations and receivers' certificates matured and unpaid without any specific agreement for extension of maturity, including unpresented bonds called for redemption.

§ 182.2030 *Payables to affiliated companies.* (a) This account shall include the total of amounts payable to affiliated companies (see paragraph (f) of § 182.00-1) which are subject to current settlement, such as credit balances in open accounts for services rendered, material furnished, interline account balances, claims, rent for use of property and similar items; interest and dividends payable to affiliated companies; and loans, notes and drafts which are payable to affiliated companies.

(b) This account shall be subdivided as follows:

2031—Loans and Notes Payable.
2035—Interest and Dividends Payable.
2039—Accounts Payable.

NOTE A: On the balance sheet accounts payable to affiliated companies shall be set off against accounts receivable from the same companies.

NOTE B: No amount representing dividends payable shall be included in this account unless they have been declared or guaranteed.

NOTE C: Items which are not subject to current settlement shall be included in account 2200—Advances Payable—Affiliated Companies.

§ 182.2050 *Accounts payable.* (a) This account shall include amounts payable to others (except affiliated companies) that are subject to current settlement, for materials and supplies and services received, including rents payable for the use of revenue vehicles and other property; other matured rents, amounts due to public authorities, amounts of payable judgments, current accounts with officers and employees, the carrier's liability for transportation taxes and sales taxes collected from customers, for deductions from employees' wages for social security and income taxes, and other similar items.

(b) This account shall also include the balances due other carriers (except affiliated companies) in favor of each of which there is a net credit balance representing interline accounts.

(c) This account shall be subdivided as follows:

2051—Accounts Payable—Officers, Stockholders and Employees.
2055—Interline Account Balances
2059—Accounts Payable—Other.

NOTE: Accounts with other carriers representing interline accounts which contain net debit balances shall be included in account 1120—Accounts Receivable—Agents, Customers and Interline.

§ 182.2070 *Wages payable.* This account shall include the amount of wages payable or accrued payrolls. Unclaimed wages shall be transferred to account 2180—Other Current Liabilities. (See § 182.01–14.)

§ 182.2090 *C. o. d.'s unremitted.* (a) This account shall be credited with amounts of c. o. d.'s collected from consignees for shippers on freight delivered.

(b) This account shall be charged when remittances of amounts of c. o. d.'s are made to shippers.

NOTE A: Checks made payable to the shipper received in payment of c. o. d. charges shall not be credited to this account. A memorandum record shall be kept.

NOTE B: Fees for handling c. o. d.'s shall be credited to the same account to which the transportation revenue is credited.

NOTE C: If desired, this account may be credited with amounts concurrently charged to accounts receivable, representing c. o. d.'s collectible by the carrier. Amounts of c. o. d.'s on interline shipments, collectible by other carriers shall not be entered in this account.

§ 182.2100 *Dividends declared.* (a) This account shall include the amount of dividends declared but not paid on any issue of capital stock of the carrier. Dividends shall be credited to this account as of the day upon which they became a liability of the carrier.

(b) A separate subdivision shall be maintained for dividends on each class and series of stock.

NOTE: Dividends declared and payable to affiliated companies shall be included in account 2030—Payables to Affiliated Companies.

§ 182.2120 *Taxes accrued.* (a) This account shall be credited each month with the amount of taxes accrued during the month, with concurrent debits to the appropriate accounts for tax charges. Credits to this account that are based upon estimates shall be adjusted from time to time during the year so that the tax expense accounts may show as nearly as possible, the taxes applicable to each period. Payments of taxes for which accruals have been made shall be debited to this account. Amounts representing prepayment of taxes applicable to subsequent periods shall be included in account 1170—Prepayments.

(b) The records supporting entries to this account shall be kept so that the carrier can furnish information as to the basis for each tax accrual, the kinds of taxes paid, the amount of each and the accounts charged with the tax accruals.

NOTE A: The liability for income taxes of sole proprietors or members of a partnership shall not be included in this account.

NOTE B: The carrier's liability for social security and income taxes deducted from employees' wages for payment to taking bodies shall be included in account 2059—Accounts Payable—Other.

NOTE C: The carrier's liability for Federal or State taxes on transportation charges collectible by motor carriers shall be included in account 2059—Accounts Payable—Other.

§ 182.2150 *Interest accrued.* (a) This account shall be credited each month with the amount of interest accrued during the month but not paid monthly, with concurrent debits to the appropriate accounts for interest charges, on all indebtedness of the carrier except interest which is added to the principal. Payments of interest for which accruals have been made in this account shall be debited hereto.

(b) When interest matures without being paid, it shall be charged to this account and credited to account 2030—Payables to Affiliated Companies, or account 2160—Matured Interest, as appropriate. Payments to trustees or other agents of the holders of bonds or other securities, of the interest accrued thereon, which operate under the terms of the securities (or of mortgages supporting such securities) as a release of the carrier from further liability for such interest, shall be accounted for in the same manner as payments of interest made directly to bondholders.

NOTE: Interest accrued upon any judgment against the carrier shall be credited to the account to which such judgment stands credited.

§ 182.2160 *Matured interest.* This account shall include the amount of matured and unpaid interest on obligations of the accounting carrier whether the cause of the failure to pay the interest is on the part of the creditor or for other reasons, except where such interest is added to the principal of the obligation.

NOTE: Interest payable to affiliated companies shall be included in account 2030—Payables to Affiliated Companies.

§ 182.2180 *Other current liabilities.* This account shall include all current and accrued liabilities not includible in any of the foregoing accounts. This includes unmatured rents accrued, estimated insurance premiums accrued, unclaimed wages, and estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items. (See § 182.01–14.)

Long-term Debt Due Within One Year

§ 182.2190 *Equipment obligations and other debt due within one year.* This account shall include the total amount of bonds, equipment obligations, and other long-term obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

Advances Payable

§ 182.2200 *Advances payable; affiliated companies.* (a) This account shall include the amount of unsecured obligations payable to affiliated companies, whether evidenced by notes or open accounts, which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement. This account shall also include obligations that are payable on demand but which, by mutual agreement or understanding, will not be presented for payment within one year from date of issue.

(b) This account shall be subdivided so as to show for each creditor:

(1) Notes payable.

(2) Open accounts not subject to current settlement.

(3) Interest accrued on amounts included in this account when not subject to current settlement.

NOTE: Amounts of advances from affiliated companies, including open accounts, that are subject to current settlement such as charges for materials and supplies currently furnished, charges for repairs to equipment, etc., shall be included in account 2030—Payables to Affiliated Companies.

§ 182.2250 *Other advances payable.* (a) This account shall include the amount of unsecured advances and other unsecured obligations payable to individuals and companies, other than affiliated companies, whether evidenced by notes or open accounts, which are not subject to current settlement, including interest accrued thereon when such interest is not subject to current settlement. This account shall also include obligations that are payable on demand but which, by mutual agreement, will not be presented for payment within 1 year from date of issue.

(b) This account shall be subdivided so as to show for each creditor:

(1) Notes payable.

(2) Open accounts not subject to current settlement.

(3) Interest accrued on amounts included in this account when not subject to current settlement.

(c) The liability for advances payable to individuals and companies, other than affiliated companies, maturing within one year of the close of the accounting period is includible in account 2190—Equipment Obligations and Other Debt Due Within One Year.

NOTE: Amounts of advances subject to current settlement, such as charges for materials and supplies currently furnished, charges for repairs to equipment, etc., shall be included in account 2050—Accounts Payable.

Equipment and Other Long-Term Obligations

§ 182.2300 *Equipment obligations.* (a) This account shall include the face value of all unmatured long term obligations issued by the carrier and not retired or canceled, for which units of revenue equipment and other automotive equipment have been pledged as security or are held under conditional sales contracts, such as equipment bonds, equipment notes and chattel mortgages; also the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier; and of equipment obligations so issued or assumed, the maturity of which has been extended by specific agreement. The liability for equipment obligations maturing within one year of the close of the accounting period is includible in account 2190—Equipment Obligations and Other Debt Due Within One Year. (See Note A.)

(b) This account shall be kept so as to show the face value of equipment obligations (1) nominally issued, and (2) actually outstanding. (See paragraphs (c) and (bb) of § 182.00–1.)

(c) A separate subdivision shall be maintained for each class of equipment obligation and no issues shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A: Equipment obligations matured and unpaid without specific agreement for extension as to time of payment, including unpresented equipment obligations called for redemption, shall be included in account 2020—Matured Long-Term Obligations.

§ 182.2330 *Bonds.* (a) This account shall include the face value of bonds, other than equipment obligations, issued by the carrier and maturing more than one year from the close of the accounting period; also the face value of such bonds issued by others, the payment of which has been assumed by the carrier. (See account 2190—Equipment Obligations and Other Debt Due Within One Year.)

(b) This account shall be kept so as to show the face value of bonds (1) nominally issued, and (2) actually outstanding. (See paragraphs (c) and (bb) of § 182.00–1.)

(c) A separate subdivision shall be maintained for each class and series of bonds, and no issues shall be considered to be of the same class unless identical as to liability and nature of property covered.

NOTE A: Bonds matured and unpaid without specific agreement for extension as to time of payment, including unpresented bonds called for redemption, shall be included in account 2020—Matured Long-Term Obligations.

§ 182.2360 *Other long-term obligations.* (a) This account shall include all long-term obligations not otherwise provided for which mature more than one year from the close of the accounting period. (See account 2190—Equipment Obligations and Other Debt Due Within One Year.) This covers such items, executed or assumed, as real estate mortgages; assessments for public improvements; serial notes payable over a period of more than 1 year; and other obligations maturing more than 1 year from date of issue.

(b) This account shall also include the face value of certificates of indebtedness issued upon the property of the carrier by receivers acting under the orders of a court.

NOTE A: Separate subdivisions shall be maintained for each class of obligation included herein, and records shall be maintained to show separately for each issue all details as to date of issue, date of maturity, interest dates and rates, security for obligations, etc.

NOTE B: Matured obligations which are unpaid shall be included in account 2020—Matured Long-Term Obligations.

Deferred Credits

§ 182.2400 *Unamortized premium on debt.* This account shall include the total of all credit balances representing the excess of the premium over the discount and expense in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained in respect of each issue of obligations. (See § 182.01–17 (d).)

§ 182.2450 *Other deferred credits.* This account shall include credit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, and other items of a deferred nature (see § 182.01–10), such as estimated liability for overcharge claims, deposits by owner-operators to cover their liability for loss and damage claims, anticipated liability for retroactive wages pending the result of negotiations, and deposits by tenants representing rent for final month of leases.

Reserves

§ 182.2500 *Reserve for depreciation; carrier operating property.* (a) This account shall be credited with the following:

(1) Amounts charged each month to account 5000—Depreciation Expense, or other accounts for currently accruing depreciation (see paragraph (t) of § 182.00–1) of carrier operating property as provided in § 182.01–23.

(2) Amounts which the carrier may charge to account 8600—Delayed Income Charges, or transfer to this account for depreciation accrued but not provided for prior to the adoption of this system of accounts.

(3) The amount of depreciation accrued by vendor or predecessor companies to date of transfer applicable to carrier operating property acquired as part of a distinct operating unit or transportation system, as provided in § 182.01–19 (f).

(4) The amount of depreciation accrued to date of transfer, applicable to property transferred from account 1400—Non-Carrier Property, to account 1200—Carrier Operating Property, or account 1300—Carrier Operating Property Leased to Others.

(b) Charges to this account in connection with carrier operating property retired shall be made in accordance with § 182.01–21. This account shall also be charged with the amount of depreciation accrued to date of transfer applicable to property transferred from accounts 1200—Carrier Operating Property, or 1300—Carrier Operating Property Leased to Others, to account 1400.

(c) This account shall be subdivided as follows:

2510—Reserve for Depreciation—Structures.
2520—Reserve for Depreciation—Revenue Equipment.
2530—Reserve for Depreciation—Service Cars and Equipment.
2540—Reserve for Depreciation—Shop and Garage Equipment.
2550—Reserve for Depreciation—Furniture and Office Equipment.
2560—Reserve for Depreciation—Miscellaneous Equipment.
2570—Reserve for Depreciation—Improvements to Leasehold Property.
2580—Reserve for Depreciation—Undistributed Property.
2590—Reserve for Depreciation—Carrier Operating Property Leased to Others.

§ 182.2600 *Reserve for amortization; carrier operating property.* (a) This account shall be credited with amounts charged to account 5151—Amortization of Carrier Operating Property, or other appropriate account, for amortization of the cost of acquiring leaseholds, franchises, consents, privileges, patents, and other intangible property having a fixed term life. This account shall also be credited with amounts charged to account 7500—Other Deductions, for the amortization of cost of acquiring perpetual leaseholds and of intangible property, which does not have a fixed term life.

(b) When any leasehold, franchise, permit, consent, privilege or patent expires, is sold or relinquished, or is otherwise retired from service, this account shall be charged with the amount previously credited hereto in respect of such property, and retirement accounting shall be performed as provided in § 182.01–21 (b).

(c) This account shall be credited with such amounts as are necessary to reflect, as of the date this system of accounts is adopted, the expired portion of the life of franchises, permits, consents, patent rights, leaseholds, easements, other interest in land, or other intangible property which has a fixed term life, the cost of which is included in operating property accounts 1200 and 1300 and intangible property accounts 1500 and 1550. To the extent that provision has not previously been made the amounts credited to this reserve shall be concurrently debited to account 8600—Delayed Income Charges.

(d) This account shall be maintained in such manner as to show the amount of each separate reserve set out below and the nature of and amounts of debits and credits thereto.

(1) Reserves for amortization; leaseholds.

(2) Reserves for amortization; franchises, permits and patents having a fixed term life.

(3) Reserves for amortization; other intangible property.

NOTE: This account shall be credited with amounts representing items of intangible property written off to the proprietorship account or to account 2948—Other Debits to Earned Surplus. (See § 182.01–23 (d).)

§ 182.2610 *Reserve for depreciation and amortization; other property.* This account shall include amounts provided for depreciation and amortization of properties carried in account 1400—Non-Carrier Property.

§ 182.2630 *Reserve for adjustments; investments and advances.* (a) This account shall be credited with amounts charged to the proprietorship account, account 2946—Other Appropriations of

Earned Surplus, or to account 8200—Extraordinary Income Charges, as appropriate, to provide a reserve for adjustments in the value of investment securities included in account 1600—Investments and Advances—Affiliated Companies, and account 1650—Other Investments and Advances. (See § 182.01-18 (b).)

(b) This account shall be subdivided to reflect:

(1) Reserves for securities of affiliated companies

(2) Reserves for securities of others

Note: In stating the balance sheet these reserves shall be deducted from the specific assets to which they apply.

§ 182.2650 *Reserve for uncollectible accounts.* This account shall be credited each month with amounts reserved for receivables which may become uncollectible, and shall be maintained in such manner as to show the amount of each separate reserve set out below and the amounts of debits and credits thereto:

(a) Reserve for receivables representing carrier operating revenue. Credits to this subdivision shall be concurrently charged to account 4660—Uncollectible Revenues.

(b) Reserve for receivables applicable to revenue from non-carrier operations and property. Credits to this reserve shall be concurrently charged to account 6100—Income from Non-Carrier Operations—Net.

(c) Reserve for uncollectible receivables other than revenues. Credits to this reserve shall be concurrently charged to account 7500—Other Deductions.

§ 182.2660 *Insurance reserves.* (a) This account shall be credited with amounts charged to account 4560—Fire, Theft and Collision, account 4570—Other Insurance Expense, or other appropriate accounts to provide reserves for losses through collision, accident, fire, theft, flood, or other hazards to the carrier's own property or to property leased from others, that are not covered by commercial insurance. (See § 182.01-22 (b), (c) and (f).)

(b) If carrier operating property is destroyed or so badly damaged as to require retirement, and provision has been made in this account for such risks, it shall be charged with the amount of the loss not covered by commercial insurance and additional retirement accounting shall be performed as set out in § 182.01-21 (a).

(c) This account shall be maintained in such manner as to show the amount of each separate reserve and the nature of and amounts of debits and credits thereto.

§ 182.2680 *Injuries, loss and damage reserves.* (a) This account shall be credited with amounts charged to accounts 4530—Public Liability and Property Damage, 4540—Workmen's Compensation, 4550—Cargo Loss and Damage, or other appropriate accounts to provide reserves against claims for deaths of or injuries to employees and others; for damages to property not owned or held under lease by the carrier; and for loss, destruction, damage, or delays to property intrusted to the carrier for transportation or storage, that are not covered by commercial insurance. (See § 182.01-22 (c).)

(b) This account shall be charged with payments of claims for injuries to persons and damage to property of others which are not recoverable from insurance companies or others. (See, however, § 182.01-22 (a) and (d).)

(c) This account shall be maintained in such manner as to show the amount of each separate reserve set out below and the nature of and amounts of debits and credits thereto.

(1) Reserve for personal injuries and property damage claims.

(2) Reserve for workmen's compensation claims.

(3) Reserve for cargo loss and damage claims.

(d) At the close of the accounting period the estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items shall be transferred to account 2180—Other Current Liabilities.

§ 182.2690 *Other reserves.* (a) This account shall include amounts reserved by the carrier for purposes which are not provided for in any of the preceding reserves. There shall be reported hereunder such accounts as sinking fund reserves, contingency reserves and other reserves created by charges to income or surplus.

(b) This account shall be maintained in such manner as to show the amount of each separate reserve and the nature of and amounts of debits and credits thereto.

Capital Stock

§ 182.2700 *Preferred capital stock.*

§ 182.2710 *Common capital stock.* (a) These accounts shall include the par value of stocks with par value; the stated value of nonpar stocks having a stated value; and the cash value of the consideration received, including assessments, or the amount approved by the Commission, for nonpar stocks without stated value, which have been issued to bona fide purchasers and have not been reacquired and canceled; also shares of stock nominally issued (see paragraph (bb) of § 182.00-1), and reacquired shares which have not been canceled. The cash consideration received from the sale of par value stock and of nonpar stock having a stated value in excess of the amount credited to this account, shall be credited to account 2720—Premiums and Assessments on Capital Stock. (See § 182.01-16.)

(b) Separate accounts shall be provided for each class of stock, and the title of each account shall clearly identify the class of stock covered. Issues of stock shall not be considered as of the same class unless identical in all provisions, nor shall there be carried any undivided item in respect of more than one class of stock.

(c) When stock is issued for cash, that fact shall be stated; if for any consideration other than cash, the person to whom it is issued shall be designated and the consideration for which it is issued shall be described with sufficient particularity to identify it. If such issuance is to the treasurer or other agent of the corporation for purpose of sale, that fact and the name of such agent shall be shown; and the agent shall show like details concerning the consideration realized therefor in his account of the disposition thereof, which when accepted by the corporation, shall be preserved as a corporate record.

(d) When capital stock is reacquired and canceled (see § 182.01-16), these accounts shall be charged with the amount at which such stock is carried herein. In the case of nonpar stock without stated value, the amount charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the class and series of stock of which the reacquired shares are a part.

Note A: For each class of stock the records shall show the number of shares nominally issued and actually outstanding. (See paragraphs (c) and (bb) of § 182.00-1.) When nonpar stock without stated value is nominally issued a memorandum entry shall be made showing only the number of shares so issued.

Note B: When nonpar stock without stated value is issued in exchange for par stock, or nonpar stock with stated value, amounts included in account 2720—Premiums and Assessments on Capital Stock, for the retired stock, shall be transferred to the capital stock account as part of the consideration received for the nonpar stock.

Note C: No entries recording changes in the amounts reflected in the carrier's books for capital stock which has been nominally or actually issued shall be made without first submitting the plan of accounting to the Commission for approval. Such plan shall be accompanied by a statement giving complete information with respect to the basis upon which the amounts to be recorded were determined. Entries recording the following changes require approval of the Commission.

(1) Changes in the par or stated value of stock with par or stated value.

(2) Changes in the value of nonpar stock without stated value through the transfer of earned or unearned surplus to the capital stock accounts, and debits to the unearned surplus account resulting from the issuance of stock dividends.

(3) Reduction of the amounts recorded in the capital stock accounts to create surplus or reduce the book value of assets.

§ 182.2720 *Premiums and assessments on capital stock.* (a) This account shall include the excess of the actual cash value of the consideration received (at the time of original sale of par value stock and nonpar stock with a stated value) over the par or stated value of the stock issued, plus accrued dividends, if any; and subsequent assessments against stockholders representing payments required in excess of par or stated value. (See § 182.01-16 (c).)

(b) In case the carrier is permitted by statute and elects, with the approval of the Commission, to distribute all or any part of the net balance of premiums and assessments on capital stock to its stockholders in the form of dividends, the amount thus distributed shall be charged to this account. In no event shall dividends be paid out of premiums and assessments on capital stock without prior approval of the Commission.

(c) Separate subdivisions shall be maintained for premiums and for assessments on each class and series of stock.

(d) When capital stock is reacquired the amount in this account with respect to the shares reacquired shall be debited hereto in accordance with § 182.01-16 (d).

NOTE: No premium shall be recorded in this account in connection with the exchange of capital stock for items that are includible in account 1550—Other Intangible Property.

§ 182.2730 *Capital stock subscribed.* This account shall include the amount of legally enforceable subscriptions to capital stock of the carrier. It shall be credited with the par or stated value, or with the subscription price in the case of stock without par or stated value, exclusive of accrued dividends, if any. Concurrently a debit shall be made to account 1140—Subscribers to Capital Stock, for the agreed purchase price and any discount or premium debited or credited to the appropriate discount or premium account. When properly executed stock certificates have been issued representing the stocks subscribed, this account shall be debited and the appropriate capital stock account credited with the par or stated value of the stock (or the consideration received in the case of non-par stock without a stated value).

Non-Corporate Capital

§ 182.2800 *Sole proprietorship capital.* This account shall include the investment of a sole proprietor in an unincorporated carrier and shall be charged with all withdrawals from the business by the proprietor other than amounts representing salary. (See Note A.) At the end of each calendar year the net income or loss for the year as reflected by the income statement shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are handled through the subdivisions of account 2930—Earned Surplus. (See optional accounting procedure provided in Note B hereunder.)

NOTE A: Amounts designated as salary of the proprietor, representing fair and reasonable compensation for services performed, shall be charged to 4611—Salaries—General Officers, or other appropriate account.

NOTE B: This account may be restricted to the amount considered by the proprietor to be his permanent investment in the business, subject to change only by additional investment on his part or the withdrawal of portions thereof. When this option is taken withdrawals of profits shall be charged to account 2948—Other Debits to Earned Surplus, and the earned surplus accounts shall otherwise be employed as provided in the texts of those accounts.

NOTE C: Income taxes of the proprietor if paid from funds of the carrier shall be charged to this account. (See Note under account 8800—Income Taxes.)

§ 182.2810 *Partnership capital.* This account shall be credited, where the business is conducted by an unincorporated firm, co-partnership or under any style other than that of an incorporated company or sole proprietorship, with the respective amounts paid into the business by the partners therein, and shall be charged with all withdrawals from the business by each partner other than amounts representing salary. (See Note A.) At the end of each calendar year the net income or loss for the year as reflected by the income statement shall be transferred to this account. There shall also be entered in this account such items as in corporate organizations are handled through the subdivisions of account 2930—Earned Surplus. (See optional accounting procedure provided in Note C hereunder.)

NOTE A: Amounts designated as salaries of the partners representing fair and reasonable compensation for services performed, shall be charged to account 4611—Salaries—General Officers, or other appropriate accounts.

NOTE B: Separate accounts shall be kept to show the net equity of each member of the co-partnership and the transactions affecting the interest of each such partner. The total of the balances in such accounts shall be shown as one amount in the balance sheet.

NOTE C: This account may be restricted to the amounts considered by the members of the co-partnership to be their permanent investments in the business, subject to change only by additional investments by the co-partners or the withdrawal of portions thereof. When this option is taken withdrawals of profits shall be charged to account 2948—Other Debits to Earned Surplus, and the earned surplus accounts shall be otherwise employed as provided in the texts of those accounts.

NOTE D: Personal income taxes of the partners, if paid from partnership funds, shall be charged to this account. (See Note under account 8800—Income Taxes.)

Unappropriated Surplus

§ 182.2900 *Unearned surplus.* (a) This account shall include all surplus not classified as earned surplus. It shall include such items as surplus arising from donations by stockholders of cash and other assets or of the carrier's capital stock; surplus arising from the forgiveness of debt of the carrier by its stockholders; surplus recorded upon the reorganization or recapitalization of the carrier; net credits resulting from acquisition or resale of the carrier's capital stock (see § 182.01-16); and amounts that become the property of the carrier as a result of the forfeiture by others of deposits on subscriptions to capital stock and installment plan payments on purchases of stock.

The following credit items may be included in this account only when approved by the Commission: (1) Surplus resulting from the reduction of the par value, stated value or recorded value of the carrier's capital stock, and (2) Surplus resulting from the revaluation of tangible property or intangible property.

(b) (1) This account shall be charged with net debits resulting from the acquisition or resale of the carrier's capital stock (see § 182.01-16 (d) and (e)), and it may be charged with amortization of discount and expense on capital stock; *Provided, however,* That the excess of a debit over the balance carried in this account with respect to the particular class of stock shall be charged to account 2948—Other Debits to Earned Surplus.

(2) The following items may be charged to this account only when approved by the Commission: (1) amounts credited to the capital stock account resulting from the issuance of stock dividends, or to increase the value of nonpar stock without stated value, and (2) amounts transferred to earned surplus, either directly by credits to earned surplus representing gains on transactions in the carrier's own capital stock, or indirectly by charges against unearned surplus representing losses, write-downs, charge-offs, or the distribution of dividends.

(c) This account shall be subdivided to show each source of unearned surplus.

§ 182.2930 *Earned surplus.* (a) This account shall include the balance of the amounts included in accounts 2932 to 2948, inclusive, either debit or credit, of unappropriated surplus arising from earnings. It shall not include surplus properly includible in accounts 2800—Sole Proprietorship Capital, 2810—Partnership Capital, or 2900—Unearned Surplus.

(b) The balances of all earned surplus accounts (2932 to 2948, inclusive) shall be closed to this account at the end of each calendar year.

§ 182.2932 *Credit balance transferred from income.* If the income statement for the current calendar year reflects a net credit balance, it shall be brought forward to this account.

§ 182.2938 *Other credits to earned surplus.* (a) This account shall include the amounts of credits affecting the carrier's earned surplus or deficit and which are not provided for elsewhere.

(b) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

§ 182.2942 *Debit balance transferred from income.* If the income statement for the current calendar year reflects a net debit balance, it shall be brought forward to this account.

§ 182.2944 *Dividend appropriations.* (a) This account shall include amounts of dividends declared out of earned surplus on capital stock actually outstanding.

(b) This account shall be subdivided to show separately the dividends on each class of capital stock. If a dividend is not payable in cash, the consideration shall be described in the entry with sufficient particularity that it may be identified.

NOTE: Dividend charges shall be restricted to actually outstanding stock and this account shall not include charges for dividends on capital stock issued by the carrier and owned by it, unless the stock is held by trustees in sinking or other funds. (See §§ 182.00-1 (c) and 182.01-16 (d).)

§ 182.2946 *Other appropriations of earned surplus.* This account shall include appropriations from earned surplus for sinking funds and other reserves, and allotments of surplus or transfers of definite amounts from earned surplus to reserves under the terms of mortgages, deeds of trust, or contracts, and other appropriations of earned surplus set aside in special reserve accounts.

§ 182.2948 *Other debits to earned surplus.* (a) This account shall include the amounts of debits affecting the carrier's earned surplus or deficit and not provided for elsewhere.

(b) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

§ 182.2990 *Form of balance sheet statement.*

(The order in which the accounts are presented in this form of balance sheet is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to the Commission)

Asset Side

CURRENT ASSETS

1000—Cash			$........
1010—Working funds			--------
1020—Special deposits			--------
1030—Temporary cash investments			--------
(a) Pledged		$....	xxxxxxxx
(b) Unpledged		-----	xxxxxxxx
1100—Notes receivable	$....		
1110—Receivables from affiliated companies	-----		
1120—Accounts receivable—Agents, customers, and interline	-----		
1130—Accounts receivable—Other	-----	-----	
Less: Reserve for uncollectible accounts	-----	-----	--------
1140—Subscribers to capital stock			
1160—Interest and dividends receivable			--------
1170—Prepayments			--------
1180—Material and supplies			--------
1190—Other current assets			--------
Total current assets			--------

TANGIBLE PROPERTY

1200—Carrier operating property	$....	
Less: Reserve for depreciation and amortization	-----	$........
1300—Carrier operating property leased to others	-----	
Less: Reserve for depreciation and amortization	-----	--------
1400—Noncarrier property	-----	
Less: Reserve for depreciation and amortization	-----	--------
Total tangible property		--------

INTANGIBLE PROPERTY

1500—Organization, franchises, and permits	$....	
Less: Reserve for amortization	-----	$........
1550—Other intangible property	-----	
Less: Reserve for amortization	-----	--------
Total intangible property		--------

INVESTMENT SECURITIES AND ADVANCES

1600—Investments and advances—Affiliated companies:			
(a) Pledged	$....		
(b) Unpledged		$....	
Less: Reserve for adjustments		-----	$........
1650—Other investments and advances:			
(a) Pledged			
(b) Unpledged		-----	
Less: Reserve for adjustments		-----	--------
Total investment securities and advances			--------

SPECIAL FUNDS

1701—Sinking funds	$........
1751—Depreciation funds	--------
1781—Miscellaneous special funds	--------
Total special funds	--------

DEFERRED DEBITS

1800—Unamortized debt discount and expense	$........
1850—Other deferred debits	--------
Total deferred debits	--------

Asset Side—Continued

MISCELLANEOUS DEBIT ITEMS

1900—Discount on capital stock		$........
1910—Commission and expense on capital stock		--------
1920—Reacquired securities:		xxxxxxxx
(a) Pledged	$....	xxxxxxxx
(b) Unpledged	-----	xxxxxxxx
1990—Nominally issued securities:		xxxxxxxx
(a) Pledged	-----	xxxxxxxx
(b) Unpledged	-----	xxxxxxxx
Total miscellaneous debits		--------
Total assets		--------
Contingent assets (not included above)	$....	

Liability Side

CURRENT LIABILITIES

2000—Notes payable	$........
2020—Matured long-term obligations	--------
2030—Payables to affiliated companies	--------
2050—Accounts payable	--------
2070—Wages payable	--------
2090—C. O. D.'s unremitted	--------
2100—Dividends declared	--------
2120—Taxes accrued	--------
2150—Interest accrued	--------
2160—Matured interest	--------
2180—Other current liabilities	--------
Total current liabilities (exclusive of long-term debt due within one year)	--------

LONG-TERM DEBT DUE WITHIN ONE YEAR

2190—Equipment obligations and other debt due within one year	$........

ADVANCES PAYABLE

2200—Advances payable—Affiliated companies	$........
2250—Other advances payable	--------
Total advances payable	--------

EQUIPMENT AND OTHER LONG-TERM OBLIGATIONS

2300—Equipment obligations	$....	
Less: Reacquired and nominally issued	-----	$........
2330—Bonds	-----	
Less: Reacquired and nominally issued	-----	--------
2360—Other long-term obligations	-----	
Less: Reacquired and nominally issued	-----	--------
Total equipment and other long-term obligations	-----	--------

DEFERRED CREDITS

2400—Unamortized premium on debt	$....	$........
2450—Other deferred credits	-----	--------
Total deferred credits	-----	--------

RESERVES

2660—Insurance reserves	$........
2680—Injuries, loss, and damage reserves	--------
2690—Other reserves	--------
Total reserves	--------

CAPITAL STOCK

2700—Preferred capital stock	$.....	
Less: reacquired and nominally issued	------	$........
2710—Common capital stock	-----	
Less: reacquired and nominally issued	------	--------
2720—Premiums and assessments on capital stock		--------
2730—Capital stock subscribed		--------
Total capital stock		--------

NONCORPORATE CAPITAL

2800—Sole proprietorship capital	$........
2810—Partnership capital	--------
Total non-corporate capital	--------

UNAPPROPRIATED SURPLUS

2900—Unearned surplus	$........
2930—Earned surplus (deficit in red)	--------
Total unappropriated surplus	--------
Total liabilities	--------
Contingent liabilities (not included above)	$.......

Income Accounts

OPERATING REVENUES

§ 182.3000 *Operating revenues.* This account shall include the total operating revenues, as provided in the primary operating revenue accounts, derived by the carrier from its motor carrier operations.

OPERATING REVENUE ACCOUNTS

3100—Freight Revenue—Intercity—Common Carrier.
3110—Freight Revenue—Intercity—Contract Carrier.
3120—Freight Revenue—Local Cartage.
3130—Intercity Transportation for other Class I and Class II Motor Carriers.
3900—Other Operating Revenue.

§ 182.3100 *Freight revenue; intercity; common carrier.* (a) This account shall include all revenue earned by the carrier from the transportation of property in intercity service, including pick-up and delivery incident thereto, while operating as a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act. This includes:

(1) Revenue upon the basis of single line freight rates, including arbitraries and zone rates.

(2) The carrier's proportion of revenue earned on interline shipments.

(3) Revenue from the transportation of baggage, express, mail and newspapers in freight equipment.

(4) Revenue from substitute intercity service performed for a carrier by railroad, air or water.

(5) Revenue from furnishing line haul vehicles with drivers to another motor carrier, except to a Class II carrier or another Class I carrier (see Note F), for performing any part of its intercity service.

(6) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act.

(7) Revenue from reconsigning, stop and other transit privileges.

(8) Fees for handling c. o. d.'s and other collections of money from consignees in connection with freight shipments.

(9) Revenue from rigging and other accessorial services incident to the transportation of property by the carrier.

(b) This account shall be charged with:

(1) The carrier's proportion of overcharges resulting from the use of erroneous intercity rates, weights, classifications or computations.

(2) Uncollected earnings on intercity freight destroyed in transit and on short and lost freight.

(3) The carrier's proportion of uncollected intercity tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

NOTE A: When a common carrier employs vehicles and services of others on a commission or other basis for hauling loads over its routes in intercity service and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record the freight revenue from such hauls in this account in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be charged to account 4270—Purchased Transportation.

Note B: Amounts payable to others for pick-up and delivery and local transfer of the carrier's intercity freight under arrangements whereby the agreement for the amount payable is based on other than actual division of tariff rates shall be charged to account 4270—Purchased Transportation.

Note C: Divisions of interline tariff charges due other carriers shall be included in account 2030—Payables to Affiliated Companies, or account 2050—Accounts Payable.

Note D: Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act, shall be included in account 3110—Freight Revenue—Intercity—Contract Carrier.

Note E: Revenue from local transfer service and from pick-up and delivery service performed for another carrier shall be included in account 3120—Freight Revenue—Local Cartage.

Note F: Revenue from furnishing line haul vehicles with drivers to a Class II motor carrier or to another Class I motor carrier under a purchased transportation arrangement for performing any part of its intercity service, shall be included in account 3130—Intercity Transportation for Other Class I and Class II Motor Carriers.

Note G: Intercity service for the purpose of accounting and compiling statistical data means transportation performed beyond the limits defined for Local Service (see Note C to account 3120 for definition of Local Service).

Note H: Rigging and other accessorial services as used in paragraph (a) (9) of this section means loading, unloading and placing of shipments of unusual size or weight necessary to effect transportation of the shipment. Revenues and expenses incident to installation, erection or dismantling of machines, structures, etc., shall be included in account 6100—Income from Non-Carrier Operations—Net.

§ 182.3110 *Freight revenue; intercity; contract carrier.* (a) This account shall include all revenue earned by the carrier from the transportation of property in intercity service while operating as a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act. This includes:

(1) Revenue on the basis of contracts or agreements for the transportation of property in intercity service.

(2) Revenue from furnishing line haul vehicles with drivers to another motor carrier, except to a Class II carrier or another Class I carrier (see Note D), for performing any part of its intercity service.

(3) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act.

(b) This account shall be charged with:

(1) Refunds of overcharges resulting from the use of erroneous intercity rates, weights, classifications or computations.

(2) Uncollected earnings on intercity freight destroyed in transit and on short and lost freight.

Note A: When a contract carrier employs vehicles and services of others on a commission or other basis for hauling loads over its routes in intercity service and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record the freight revenue from such hauls in this account in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be charged to account 4270—Purchased Transportation.

Note B: Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act, shall be included in account 3100—Freight Revenue—Intercity—Common Carrier.

Note C: Revenue from pickup and delivery and local transfer service performed for another carrier shall be included in account 3120—Freight Revenue—Local Cartage.

Note D: Revenue from furnishing line haul vehicles with drivers to a Class II motor carrier or to another Class I motor carrier under a purchased transportation arrangement for performing any part of its intercity service, shall be included in account 3130—Intercity Transportation for other Class I and Class II Motor Carriers.

Note E: Intercity service for the purpose of accounting and compiling statistical data means transportation performed beyond the limits defined for Local Service (see Note C to account 3120 for definition of Local Service).

§ 182.3120 *Freight revenue; local cartage.* (a) This account shall include revenue earned by common or contract carriers from the transportation of property in local cartage service, such as:

(1) Revenue from pick-up and delivery and local transfer services performed for carriers by motor vehicle, railroad, air, water and express, and for freight forwarders.

(2) Revenue from other local transfer service.

(3) Fees for handling c. o. d.'s.

(b) This account shall be debited with overcharges resulting from the use of erroneous local rates, weights, classifications or computations and uncollected earnings on freight damaged or destroyed in transit, or short and lost freight.

Note A: Revenue earned by the carrier from pickup and delivery service incident to its transportation of property in intercity service shall be included in accounts 3100 and 3110, as appropriate.

Note B: When a carrier employs vehicles and services of others on a commission or other basis for hauling loads in its local cartage service, and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record the freight revenue from such hauls in this account in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be charged to account 4270—Purchased Transportation.

Note C: Local service, for the purpose of accounting and of compiling statistical data, means transportation performed within a city or town including the suburban area contiguous thereto.

§ 182.3130 *Intercity transportation for other Class I and Class II motor carriers.* This account shall include amounts receivable from other Class I and Class II motor carriers under a purchased transportation arrangement, for performing any portion of their intercity haul such as:

(1) Revenue from furnishing a line haul vehicle with services of driver to another Class I or to a Class II motor carrier under lease or similar arrangement.

(2) Revenue from transporting freight for another Class I or for a Class II motor carrier when such transportation is purchased by the other carrier to complete any portion of its intercity haul.

(3) Revenue from the transportation in intercity service of loaded or empty trailers for another Class I motor carrier or for a Class II motor carrier.

Note A: Revenue received from motor carriers, other than Class I or Class II motor carriers, for similar services shall be included in account 3100—Freight Revenue—Intercity—Common Carrier, or account 3110—Freight Revenue—Intercity—Contract Carrier, as appropriate.

Note B: Revenue received from the lease of revenue vehicles to other carriers without the service of drivers shall be included in account 4279—Equipment Rents—Credit.

§ 182.3900 *Other operating revenues.* This account shall include revenues not provided for in accounts 3100 to 3130, inclusive, derived from the operation of property the investment in which is included in account 1200—Carrier Operating Property, such as:

(a) Advertising matter displayed in or on structures and vehicles.

(b) Commissions for brokerage service.

(c) Commissions for making payroll deductions.

(d) Commissions for collecting freight charges for other carriers.

(e) Garnishment fees.

(f) Lockers, weighing and vending machines and similar devices.

(g) Privilege of operating lunch counters, news stands and soda fountains.

(h) Privilege of installing and operating commercial and coin box telephones.

(i) Operation of lunch rooms, restaurants, etc.

(j) Profit on sales of material and supplies, and on shop work and services to others.

(k) Parking and storage of vehicles.

(l) Snow plow work.

(m) Storage of freight in excess of free time provided in tariffs.

(n) Other miscellaneous revenues incident to motor carrier operations.

OPERATION AND MAINTENANCE EXPENSES

§ 182.4000 *Operation and maintenance expenses.* This account shall include the total of operation and maintenance expenses, as provided in the primary accounts, incurred by the carrier in its motor carrier operations during the period covered by the income account.

§ 182.4100 *Equipment maintenance.*

§ 182.4110 *Supervision.* (a) This account shall include the salaries and bonuses of officers and other employees, such as superintendents and foremen (other than working foremen), engaged in supervising and directing the repairing and servicing of revenue equipment, service equipment and shop and garage property used in motor carrier operations.

(b) This account shall also include the pay and bonuses of inspectors, shop and garage clerks, timekeepers and other administrative employees of the equipment maintenance department.

§ 182.4120 *Office and other expenses.* This account shall include the cost of services and supplies and other expenses incurred in the administration of the equipment maintenance department.

ITEMS

Automobiles, maintenance and operation of.
Books.
Entertainment.
Hotels and meals.
Janitor service.
Postage.
Rents paid for use of typewriters and other office machines.
Stationery and printing.
Subscriptions to newspapers, clipping bureaus, periodicals, trade journals, etc.
Traveling expenses.

§ 182.4130 *Repairs and servicing; revenue equipment.* (a) This account shall include the wages of employees and the cost of parts, material, and supplies, used in repairing and servicing revenue equipment, and amounts paid to public shops and garages for repairing and servicing revenue equipment. (See § 182.01–12.)

(b) This account shall also be charged with the cost of replacing original equipment included in the book cost of revenue vehicles such as fire extinguisher supplies, jacks, lamps, pads, poles, ropes, stakes, tarpaulins, tire chains, etc.

ITEMS

Alcohol and other non-freeze preparations.
Battery men.
Carpenters.
Cleaning supplies and solvents.
Electricians and radio maintenance men.
Grease and lubricants (other than motor oil).
Greasers.
Helpers.
Machinists.
Mechanics.
Metal workers.
Outside repairs and service.
Repair parts, materials and supplies.
Washers and cleaners.
Working foremen.

(c) The cost of repairs to revenue equipment involved in accidents shall be charged to a separate subdivision of this account and accounted for as provided in § 182.01–22 (f).

(d) This account shall be subdivided as follows (see § 182.01–27):

4131—Line Haul Equipment.
4135—Pickup and Delivery Equipment.

NOTE: The cost of operating and maintaining automobiles used by officers and employees, including gasoline, oil, tires and tubes, and repairs, shall be charged to the accounts provided for other personal expenses of such employees.

§ 182.4145 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of equipment maintenance employees in accordance with provisions of § 182.01–28.

§ 182.4160 *Tires and tubes; revenue equipment.* (a) This account shall include the cost, including taxes, of tires and tubes applied to revenue equipment, including tires and tubes on new equipment.

(b) The cost of tires and tubes applied to revenue equipment may be charged directly to this account or included in account 1176—Prepaid Tires and Tubes, and charged off to this account in appropriate monthly installments.

(c) This account shall also be charged with the cost of labor and materials used in repairing and renewing, setting up and mounting tires and tubes on revenue equipment, including the cost of shoes, valves, flaps, sections, recaps, etc.

(d) When a carrier contracts to use tires at a monthly rental based on miles run or some similar method of computing the charge, the cost of such tire service, including abused tires, shall be included in this account.

(e) This account shall be subdivided as follows (see § 182.01–27):

4161—Line Haul Equipment.
4165—Pickup and Delivery Equipment.

NOTE A: The cost of unapplied tires and tubes held in stock, shall be charged to account 1180—Material and Supplies.

NOTE B: The cost of tires and tubes used by service cars and automobiles shall be accounted for as provided in the text of account 4180—Other Maintenance Expenses.

§ 182.4180 *Other maintenance expenses.* This account shall be charged with wages and other expenses, incurred in connection with maintenance of the carrier's revenue equipment, that are not provided for elsewhere, such as:

(a) The pay of operators of service cars and wreckers, shop sweepers and janitors, watchmen and unskilled laborers; also the pay of employees while repairing shop and garage structures, tools, machines, service equipment and furniture and office equipment of the maintenance department.

(b) The cost of heat, light, power and water used in shops and garages.

(c) The cost of materials, supplies and small tools consumed in the operation and maintenance of shops and garages and not directly assignable to other accounts.

(d) The cost of gasoline and oil, tires and tubes, including taxes; vehicle licenses; repairs to service cars, wreckers, etc., used in connection with the operation of shops and garages.

(e) Other expenses such as payments for towing, wrecker and similar services; vehicle inspection fees; cost of removing snow and ice from shop and garage structures and grounds; the cost of ice, drinking water, towels, soap, etc.; and employees' travel and personal expenses not directly chargeable to other accounts in the maintenance group of accounts.

NOTE A: The cost of operating and maintaining automobiles used by officers and employees, including vehicle licenses, gasoline, oil, tires and tubes, and repairs, shall be charged to the accounts provided for other personal expenses of such employees.

NOTE B: The cost of initial improvements (including repairs and rearrangements) in the preparation of purchased buildings or grounds for use by the maintenance department, shall be charged to account 1201—Land and Land Rights, or account 1210—Structures, as appropriate. The accounting for similar expenditures on property leased from others shall be as provided in § 182.01–19 (h).

NOTE C: Amounts recovered from insurance companies or others and amounts provided in account 2660—Insurance Reserves, for damages to buildings, grounds, furniture, machinery, etc., used in the maintenance of revenue equipment shall be accounted for as provided in § 182.01–22 (f).

§ 182.4185 *Operating rents.* (a) This account shall include rental payments for real estate and other property used in motor carrier operations by the Equipment Maintenance Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Equipment Maintenance Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00–1 (v)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Non-Carrier Operations—Net.

§ 182.4191 *Joint garage expense; debit.* This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint shop and garage equipment and facilities. (See §§ 182.00–1 (w) and 182.01–25 (a)).

§ 182.4196 *Joint garage expense; credit.* This account shall include the amounts chargeable to others as their proportion of the costs incurred by the reporting carrier in maintaining and operating joint shop and garage equipment and facilities. (See §§ 182.00–1 (w) and 182.01–25 (b)).

§ 182.4200 *Transportation.*

§ 182.4210 *Supervision.* (a) This account shall include the salaries and bonuses of officers and other employees engaged in supervising and directing transportation.

(b) This account shall also include the pay and bonuses of inspectors, dispatchers, clerks and other administrative employees of the transportation department including operators of two-way radio communication service.

§ 182.4220 *Office and other expenses.* This account shall include the cost of services and supplies, and other expenses incurred in connection with the administrative functions of the transportation department.

ITEMS

Automobiles, maintenance and operation of.
Books.
Drinking water and refrigeration.
Entertainment.
Heat, light, power and water.
Hotels and meals.
Janitor and cleaning supplies.
Membership fees and dues in trade and other associations.
Rents paid for the use of typewriters and other office machines.
Repairs to transportation office furniture, fixtures and equipment.
Stationery and printing.
Subscriptions to newspapers, trade journals, etc.
Traveling expenses.
Towel service.

§ 182.4230 *Drivers and helpers.* (a) This account shall include the wages, bonuses and vacation pay of drivers of revenue equipment, and helpers, engaged in freight transportation service, including wages for time during which they are required to be on duty in readiness for active service.

(b) This account shall be subdivided as follows (see § 182.01-27):

4231—Line Haul Equipment.
4235—Pickup and Delivery Equipment.

§ 182.4245 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of transportation employees in accordance with provisions of § 182.01-28.

§ 182.4250 *Fuel for revenue equipment.* (a) This account shall include the cost of gasoline, other motor fuel, and enriching materials used by revenue equipment. Include in this account transportation charges payable to others on motor fuel.

(b) This account shall be subdivided as follows (see § 182.01-27):

4251—Line Haul Equipment.
4255—Pickup and Delivery Equipment.

NOTE A: Taxes on motor fuel shall be charged to account 5200—Operating Taxes and Licenses, at time of purchase.

NOTE B: Motor fuel used in automobiles and service cars shall be accounted for as provided in account 4180—Other Maintenance Expenses.

§ 182.4260 *Oil for revenue equipment.* (a) This account shall include the cost of motor oils used by revenue equipment. Include in this account transportation charges payable to others on motor oil.

(b) This account shall be subdivided as follows (see § 182.01-27):

4261—Line Haul Equipment.
4265—Pickup and Delivery Equipment.

NOTE A: Taxes on motor oil shall be charged to account 5200—Operating Taxes and Licenses, at time of purchase.

NOTE B: Motor oil used in automobiles and service cars shall be accounted for as provided in account 4180—Other Maintenance Expenses.

§ 182.4270 *Purchased transportation.* This account shall be subdivided as follows.

§ 182.4271 *Equipment rents; intercity; with drivers.* This account shall include amounts payable to others for furnishing revenue vehicles with the services of drivers for the exclusive use and under the control of the reporting carrier in intercity service where the payment includes the wages of drivers.

NOTE: If the arrangement under which vehicles with drivers are furnished to the carrier provides that wages of the drivers shall be paid separately by the reporting carrier and included on its payroll, the wages shall be included in account 4230—Drivers and Helpers, and the balance of the amount payable for the service shall be included in account 4272—Equipment Rents—Intercity—Without Drivers.

§ 182.4272 *Equipment rents; intercity; without drivers.* This account shall include amounts payable to others for furnishing revenue vehicles to the reporting carrier for its exclusive use, and under its control, in intercity service, where the payment does not include drivers' wages.

NOTE A: If, under the arrangement for use of a vehicle, the services of a driver are also included and his wages are to be paid separately by the reporting carrier and included on its payroll, the amounts of wages so paid shall be included in account 4230—Drivers and Helpers.

NOTE B: Amounts payable for rental of revenue equipment included in the lease of a distinct operating unit (see § 182.00-1 (v)), shall be charged to account 5400—Lease of Distinct Operating Unit—Debit.

§ 182.4273 *Other purchased transportation; intercity.* (a) This account shall include payments for the intercity transportation of individual shipments and part-loads, billed by the reporting carrier, in the vehicles of another motor carrier when the hauling carrier retains control of the vehicle and driver.

(b) This account shall also include payments to railroads, water carriers and other motor carriers for the intercity transportation of the reporting carrier's loaded and empty revenue vehicles.

(c) Amounts included in this account shall be segregated as follows:

(1) Payments to motor carriers.

(2) Payments to railroads and water carriers.

§ 182.4275 *Equipment rents; pickup and delivery; with drivers.* This account shall include amounts payable to others for furnishing revenue vehicles with the services of drivers for the exclusive use and under the control of the reporting carrier in pickup and delivery service and other local operations, where the payment includes the wages of the drivers.

NOTE: If the arrangement under which vehicles with drivers are furnished to the carrier provides that wages of the drivers shall be paid separately by the carrier and included on its payroll, the wages shall be included in account 4230—Drivers and Helpers, and the balance of the amount payable for the service in account 4276—Equipment Rents — Pickup and Delivery — Without Drivers.

§ 182.4276 *Equipment rents; pickup and delivery; without drivers.* This account shall include amounts payable to others for furnishing revenue vehicles to the reporting carrier for its exclusive use, and under its control, in pickup and delivery and other local operations, when the payment does not include drivers' wages.

NOTE A: If the arrangement for use of a vehicle covers the services of a driver whose wages are to be paid separately by the reporting carrier and included on its payroll, the amounts of wages so paid shall be included in account 4230—Drivers and Helpers.

NOTE B: Amounts payable for rental of revenue equipment included in the lease of a distinct operating unit (see § 182.00-1 (v)), shall be charged to account 5400—Lease of Distinct Operating Unit—Debit.

§ 182.4277 *Other purchased pickup and delivery.* (a) This account shall include payments to others for picking up and delivering the reporting carrier's intercity freight and performing its local cartage service, when the vehicles so employed are not used exclusively in the carrier's service and are not under its control.

(b) This account shall also include allowances to shippers and consignees for picking up and delivering intercity shipments.

(c) Amounts included in this account shall be segregated as follows:

(1) Payments to motor carriers and others.

(2) Allowances to shippers.

NOTE: This account shall not be charged with payments to another motor carrier for pickup or delivery service where the compensation for such service is based on a division of the through tariff rate.

§ 182.4279 *Equipment rents; credit.* (a) This account shall be credited with rents receivable by the reporting carrier for owned or leased revenue vehicles which are furnished to others without the services of drivers.

(b) This account shall also be credited with rents receivable for owned or leased revenue vehicles furnished to other motor carriers under an arrangement whereby both the vehicle and driver are furnished by the reporting carrier but the wages of the driver are paid separately by the hiring carrier and included on its payroll.

(c) This account shall be subdivided to reflect separately:

(1) Rents receivable for intercity revenue vehicles.

(2) Rents receivable for pickup and delivery revenue vehicles.

NOTE A: Payments receivable from other motor carriers which cover both the rent of an intercity vehicle and wages of the driver shall be credited to account 3130 if the service is furnished to a Class I or Class II motor carrier, and to account 3100 or 3110 if furnished to motor carriers other than Class I or Class II.

NOTE B: Payments receivable from other motor carriers which cover both the rent of a pickup and delivery vehicle and wages of the driver shall be credited to account 3120.

NOTE C: Amounts receivable for rental of revenue vehicles included in the lease to others of a distinct operating unit (see § 182.00-1 (v)), shall be credited to account 5500—Lease of Distinct Operating Unit—Credit.

§ 182.4280 *Other transportation expenses.* This account shall include transportation department expenses that are not provided for elsewhere.

ITEMS

Badges for employees.
Expenses other than wages of deadheading drivers.
Extra labor hired for loading and unloading the carrier's vehicles except at its terminals.
Fines for traffic violations.
Ice and other refrigerants.
Lodging for drivers and miscellaneous transportation employees.
Meals for drivers and miscellaneous transportation employees.
Payments to customers' employees for services after hours.
Pilot cars and drivers, cost of providing.
Plates, vehicle identification (State and others, not renewable periodically).
Repairs to transportation structures, fixtures and equipment.
Tolls—bridge, tunnel, highway and ferry.
Uniforms for drivers.
Wages, materials and tools used in, and amounts paid others for, clearing and sanding roads.
Weighing freight, other than at carrier's terminals.

§ 182.4285 *Operating rents.* (a) This account shall include rental payments for real estate and other property, except revenue equipment, used in motor carrier operations by the Transportation Department not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property, except revenue equipment, of the Transportation Department not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00-1 (b)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Non-Carrier Operations—Net.

NOTE C: Rentals for the use of revenue equipment shall be included in account 4270—Purchased Transportation.

§ 182.4300 *Terminal.*

§ 182.4310 *Supervision.* This account shall include the total of amounts included in accounts 4311 to 4313 inclusive.

§ 182.4311 *Supervisory salaries.* This account shall include the salaries and bonuses of officials and other employees engaged in general supervision of terminal operations.

§ 182.4312 *Salaries and fees; billing and collecting.* This account shall include the pay of cashiers and other employees engaged in rating, billing and manifesting freight shipments and payments to outside organizations for manifesting, rating or collecting freight bills.

§ 182.4313 *Other office employees.* This account shall include the pay of stenographers, typists, telephone operators, information clerks and all other terminal office employees not provided for in accounts 4311 and 4312.

§ 182.4320 *Office and other expenses.* This account shall include the cost of office supplies and other supplies and expenses consumed in connection with the administrative functions of the terminal department.

ITEMS

Automobiles, maintenance and operation of, including taxes on gasoline, oil, tires and tubes.
Books.
Entertainment.
Hotels and meals.
Membership fees and dues in trade and other associations.
Postage.
Rents paid for the use of typewriters and other office machines.
Repairs to terminal office furniture, fixtures and equipment.
Stationery and printing.
Subscriptions to newspapers, trade journals, etc.
Traveling expenses.
Towel service.

§ 182.4340 *Salaries and wages; platform employees.* This account shall include the salaries and wages of platform superintendents, foremen, checkers, loaders, platform truckers, and other employees, including casual labor, engaged in loading, unloading and platform handling of freight at the carrier's terminals. (See § 182.01-11.)

§ 182.4345 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of terminal employees in accordance with provisions of § 182.01-28.

§ 182.4350 *Other terminal employees.* This account shall include the pay of yardmen, watchmen, cleaners, janitors and other miscellaneous terminal employees.

§ 182.4360 *Commission agents.* This account shall include amounts paid to others on a commission or other basis for the solicitation, terminal handling and pickup and delivery of freight at points where the carrier does not operate terminals or participate with other carriers in joint terminal facilities. Include also amounts allowed commission agents for expenses such as advertising, rent, light, heat, power and water, telephone and telegraph service, and items of a similar nature.

NOTE A: Payments for the pickup and delivery of freight by commission agents shall be included in account 4270—Purchased Transportation, if they can be segregated from amounts paid agents for terminal handling, solicitation, and other expenses.

NOTE B: Commissions paid to freight solicitors, other than commission agents as set out in this account, are includible in account 4410—Supervision.

§ 182.4380 *Other terminal expenses.* This account shall include the cost of platform supplies and other expenses incurred in connection with the operation of terminals.

ITEMS

Ash removal.
Cleaning supplies.
Drinking water and refrigerants.
Heating or cooling including supplies.
Janitor service.
Laundry service, including supplies.
Lighting and electric power.
Repairs to terminal structures, platform furniture, fixtures and equipment.
Snow and dust removal.
Sprinkling terminal grounds.
Tools and supplies for terminal use.
Weighing freight at terminals.

§ 182.4385 *Operating rents.* (a) This account shall include rental payments for real estate and other property, used in motor carrier operations by the Terminal Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Terminal Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00-1 (v)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Non-Carrier Operations—Net.

§ 182.4391 *Joint terminal facilities; debit.* This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint terminal equipment and facilities. (See § 182.00-1 (w) and § 182.01-25 (a).)

§ 182.4396 *Joint terminal facilities; credit.* This account shall include the amounts chargeable to others as their proportions of the costs incurred by the reporting carrier in maintaining and operating joint terminal equipment and facilities. (See § 182.00-1 (w) and § 182.01-25 (b).)

§ 182.4400 *Traffic.*

§ 182.4410 *Supervision.* (a) This account shall include the salaries and bonuses of officers, traffic managers and other employees who are directly in charge of the promotion and solicitation of traffic.

(b) This account shall also include the salaries and commissions of employees engaged in the solicitation of traffic, such as salesmen, solicitors and estimators, and commissions and fees paid to outside organizations for the solicitation of traffic with the exception of payments to commission agents (see account 4360); salaries of employees engaged in preparing tariffs, schedules and statistical data, and preparing and distributing advertising matter for the purpose of obtaining traffic; and salaries of other traffic department employees such as stenographers, typists, clerks, etc.

§ 182.4420 *Office and other expenses.* This account shall include all supervisory expenses not provided for elsewhere, including the cost of maintaining and operating automobiles; the carrier's proportion of expenses of traffic associations and membership fees in trade, technical and professional associations; officers and employees' hotel and traveling expenses; postage; and stationery and printing.

§ 182.4430 *Tariffs and schedules.* This account shall include the cost of printing and other expenses, except salaries, incurred in the preparation of tariffs and schedules, including postage and transportation charges. This account shall also include amounts payable to outside agencies for publishing the carrier's tariffs and schedules.

§ 182.4445 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of traffic employees in accordance with provisions of § 182.01-28.

§ 182.4450 *Advertising.* This account shall include expenses, other than salaries, in connection with advertising for the purpose of securing traffic, such as the preparation, printing and distribution of advertising matter and copy, commissions and fees paid outside advertising agents, the cost of advertising space in newspapers and periodicals, expenses incurred in connection with advertising by radio, the cost of operating and maintaining neon and other display signs (permanent or portable) for attracting traffic, bulletin boards, display cards and cases, and photographs; also postage and express charges on advertising matter, cost of bill posting, etc.

§ 182.4480 *Other traffic expenses.* This account shall be charged with traffic department expenses that are not provided for elsewhere.

§ 182.4485 *Operating rents.* (a) This account shall include rental payments for real estate and other property used in motor carrier operations by the Traffic Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Traffic Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00-1 (v)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Non-Carrier Operations—Net.

§ 182.4500 *Insurance and safety.*

§ 182.4510 *Supervision.* This account shall include the salaries or wages, and bonuses, of insurance and safety department employees, and payments to others, as follows:

(a) The salaries of officers and other employees who are engaged in general supervision of the insurance and safety department.

(b) The salaries of employees engaged in handling insurance, safety, and claims.

(c) The salaries of officers and employees of the law department when specifically assigned to and engaged in injury, loss and damage cases, and payments to attorneys, investigators, adjustors, etc., who are not regular employees of the carrier, for services in connection with such cases.

§ 182.4520 *Office and other expenses.* (a) This account shall include all supervisory expenses not provided for elsewhere, including the cost of maintaining and operating automobiles; special costs incurred in procuring insurance, such as brokerage fees (not included in premiums), notarial fees, and insurance inspection service; costs of safety-first and other campaigns among employees or the public for the purpose of preventing accidents, losses and damage; officers' and employees' hotel and other traveling expenses including those of employees of the law department when specifically assigned to and engaged in injury, loss and damage cases; the cost of memberships in trade, technical and professional associations; postage; stationery and printing; rents paid for the use of typewriters and other office machines; and subscriptions to newspapers, trade journals, etc.

(b) Reimbursements from insurance companies or others for expenses charged to this account in connection with injury, loss and damage cases shall be credited to this account.

§ 182.4530 *Public liability and property damage.* (a) This account shall include the net cost (i. e., the amounts of premiums less the amounts of dividends or refunds), of commercial insurance to protect the carrier against liability for deaths of or injuries to persons (other than the carrier's employees), and damages to the property of others (except property intrusted to the carrier for transportation or storage), resulting from the operation of owned and leased vehicles in motor carrier service. (See § 182.01-22 (d).)

(b) This account shall also be charged each month and account 2680—Injuries, Loss and Damage Reserves, shall be credited with amounts sufficient to meet the probable liability under the classes of risks set out in paragraph (a) of this section, not covered by commercial insurance.

§ 182.4540 *Workmen's compensation.* (a) This account shall include the net cost (i. e., the amounts of premiums less the amounts of dividends or refunds) of insurance required to provide for workmen's compensation or similar employee protection in connection with motor carrier operations, whether such insurance is provided by means of premiums payable to governmental agencies or commercial insurance companies. (See § 182.01-22 (d).)

(b) This account shall also be charged each month and account 2680—Injuries, Loss and Damage Reserves, shall be credited, with amounts sufficient to meet the probable liability not covered by outside insurance, on account of claims for injuries to and deaths of employees arising under workmen's compensation and employer's liability acts.

NOTE: Payments to or on behalf of employees, other than claims covered by this account, including accident and death benefits, salaries, fees and expenses of surgeons, doctors, nurses, hospital expenses and medical supplies, etc., shall be accounted for as provided in § 182.01-28.

§ 182.4545 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of insurance and safety department employees in accordance with provisions of § 182.01-28.

§ 182.4550 *Cargo loss and damage.* (a) This account shall include the net cost (i. e., the amounts of premiums less the amounts of dividends or refunds), of commercial insurance to protect the carrier against liability for claims resulting from loss and damage to, or delay of, property intrusted to it for transportation or storage. (See § 182.01-22 (d).)

(b) This account shall also be charged each month and account 2680—Injuries, Loss and Damage Reserves, shall be credited, with amounts sufficient to meet the probable liability for claims under the classes of risks set out in paragraph (a) of this section, that are not covered by commercial insurance.

(c) A freight claim register shall be maintained by all carriers in the form set out in § 182.01-22 (e).

§ 182.4560 *Fire, theft and collision.* (a) This account shall include the net cost (i. e., the amounts of premiums less the amounts of dividends or refunds) of commercial insurance to protect the carrier against loss from fire, theft or collision damage to owned or leased vehicles and for fire insurance on structures, machinery, equipment, etc., used in motor carrier operations. (See § 182.01-22 (f).)

(b) In case a carrier shall carry its own insurance risks, either wholly or in part, for the classes of coverage set out in paragraph (a) above, this account shall be charged each month and account 2660—Insurance Reserves, shall be credited, with an amount sufficient to meet the probable loss not covered by commercial insurance.

(c) If commercial or self-insurance coverage is not maintained by the carrier, losses arising under the classes of risks set out in paragraph (a) of this section shall be accounted for as provided in § 182.01-22 (b) and (f).

§ 182.4570 *Other insurance expense.* (a) This account shall include the net cost (i. e., the amounts of premiums less the amounts of dividends or refunds), of commercial insurance to protect the carrier against loss from boiler; burglar; fidelity; holdup; lightning; plate glass; owners, landlords, and tenants liability; and other risks not elsewhere provided for. (See § 182.01-22.) This account shall also be charged with premiums on performance and similar bonds.

(b) In case a carrier shall carry its own insurance risks, either wholly or in part, for the classes of coverage set out in paragraph (a) above, this account shall be charged each month and account 2660—Insurance Reserves, shall be credited, with an amount sufficient to meet the probable loss not covered by commercial insurance.

(c) If commercial or self-insurance coverage is not maintained by the carrier, losses arising under the classes of risks set out in paragraph (a) of this section shall be accounted for as provided in § 182.01-22 (b) and (f).

§ 182.4580 *Other insurance and safety department expenses.* This account shall be charged with insurance and safety department expenses other than risks or claims that are not provided for elsewhere.

§ 182.4585 *Operating rents.* (a) This account shall include rental payments for real estate and other property, used in motor carrier operations by the Insurance and Safety Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Insurance and Safety Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00-1 (v)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Non-Carrier Operations—Net.

§ 182.4600 *Administrative and general.*

§ 182.4610 *Supervision.* This account shall include the total of amounts included in accounts 4611 to 4613, inclusive.

§ 182.4611 *Salaries; general officers.* (a) This account shall include the salaries, bonuses, and other forms of consideration for services of general officers whose jurisdiction extends over the carrier's entire transportation system, and also fees payable to receivers or trustees appointed by the courts. As here used, the term "general officers" would ordinarily include the following:

Chairman of the Board.
President.
Vice Presidents.
Treasurer.
Comptroller.
General Counsel.
General Secretary.
General Auditor.
General Manager.

The salaries of the officers enumerated above shall be included in this account regardless of the fact that they may also perform duties in connection with the maintenance, transportation, terminal or other functional operations of the carrier, except that the pay of officers in charge of other functions who perform no general administrative duties, shall be charged to the appropriate accounts provided for the pay of supervisory employees in those groups of accounts.

(b) This account shall also include the amounts designated as salaries of sole proprietors, and partners in charge of the administration of non-incorporated motor carriers.

§ 182.4612 *Salaries; revenue accounting.* This account shall include the pay of employees engaged in handling revenue accounting such as, machine operators, sorters, file clerks, cashiers, revision clerks and employees handling interline accounting and credits.

§ 182.4613 *Salaries; other general office employees.* This account shall include the pay of all other general office employees not includible in account 4612, such as office managers, chief accountants, bookkeepers, attorneys, purchasing agents, stenographers, typists, switchboard operators, clerks, janitors, watchmen and other employees attached to the general office.

§ 182.4620 *Office and other expenses.* This account shall include the total of amounts included in accounts 4621 to 4623, inclusive.

§ 182.4621 *Expenses of general officers.* This account shall include expenses incurred for the benefit of motor carrier operations by officers whose salaries are includible in account 4611, such as:

Cost of operation and maintenance of automobiles.
Traveling expenses.
Membership fees and dues in trade and professional organizations.

§ 182.4622 *Expenses of general office employees.* This account shall include traveling and incidental expenses incurred by general office employees whose salaries are includible in accounts 4612 or 4613, such as:

Cost of operation and maintenance of automobiles.
Traveling expenses.
Membership fees and dues in trade and professional organizations.

§ 182.4623 *Other general office expenses.* This account shall include the cost of supplies and expenses incurred in connection with the carrier's general administrative functions.

ITEMS

Books.
Drinking water and refrigeration.
Heat, light, power and water.
Janitor and cleaning supplies.
Postage.
Printed forms for general office use.
Rent for office machines.
Repairs to general office furniture and equipment.
Stationery and office supplies.
Subscriptions to newspapers, clipping bureaus, periodicals, etc.
Towel service.

§ 182.4630 *Law expenses.* This account shall include the cost of operating the carrier's law department, other than salaries of employees, including amounts payable to others for legal services and related expenses not provided for in other operating expense accounts (see account 4510).

ITEMS

Cost of law suits.
Cost of preparing and printing agreements, briefs, reports, etc.
Court costs.
Court fees.
Law books, periodicals and subscriptions to special services.
Law expenses of receivers.
Legal forms, law office supplies, postage and stationery.
Meals because of overtime work.
Payments to outside attorneys.
Premiums on court and other bonds.
Printing.
Tax reports, claims, etc., when handled by legal staff.
Transcripts of testimony, copies of exhibits, etc.
Traveling expenses of outside attorneys, witnesses, etc.
Witness fees.

NOTE A: The pay of the legal staff of the carrier shall be included in account 4611—Salaries—General Officers, 4613—Salaries—Other General Office Employees, or other appropriate accounts.

NOTE B: The pay of law department officers and employees engaged in formal cases before regulatory commissions, in cases to which such a commission is a party, or when specifically assigned to injury and damage cases, shall be charged to account 4670—Regulatory Expenses, account 4510—Supervision, or other appropriate accounts. (See § 182.01-11.)

NOTE C: Law expenses incident to the purchase of operating rights, the acquisition of such rights from Federal or State Commissions or securing from local authorities of franchises or consents with a life of more than 1 year shall be charged to the appropriate subdivision of account 1500—Organization, Franchises, and Permits, or account 1550—Other Intangible Property. Law expenses incident to the issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 1910—Commission and Expense on Capital Stock, as appropriate.

§ 182.4635 *Outside auditing expenses.* This account shall include the cost of auditing and accounting services rendered by individuals or firms other than the carrier's own employees.

NOTE: The fees and expenses paid independent auditors and accountants for preparing financial and other statements incident to the issuance of long-term debt and capital stock, or to the acquisition of operating rights, shall be charged, as appropriate, to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, account 1910—Commission and Expense on Capital Stock, account 1511—Franchises, or account 1550—Other Intangible Property. (See Note B under account 1511.)

§ 182.4640 *Communication service.* This account shall include the cost, including excise taxes, of all communication service payable to outside companies, such as telephone, teletypewriter, telegraph, radio, etc.

§ 182.4645 *Employees' welfare expenses.* This account shall be charged with the costs incurred for the benefit of general office employees in accordance with provisions of § 182.01-28.

§ 182.4650 *Management and supervision fees.* (a) This account shall include the amounts of fees and expenses incurred for services received from others under a service contract or other arrangement providing for the furnishing of general management, supervision, purchasing, financial or other general services.

(b) The records supporting the entries in this account shall be so maintained as to show the respective amounts paid to each provider of the service with respect to each class of service so furnished and the basis upon which the fees are assessed. If the costs incurred in the first instance by the person furnishing the service are apportioned to several recipients thereof, the records of the carrier shall indicate the aggregate cost to the furnishing person and the method of apportionment to the carrier.

(c) This account shall be subdivided to reflect:

(1) Fees and expenses of affiliated companies.

(2) Fees and expenses of other persons (see paragraph (cc) of § 182.00-1).

§ 182.4660 *Uncollectible revenues.* (a) This account shall be charged, and account 1120—Accounts Receivable—Agents, Customers and Interline, shall be credited, with receivables for carrier operating revenues, including interline proportions of revenue due from other carriers, which, after a reasonably diligent effort to collect, have proved impracticable of collection. If accounts which have been so written off are afterwards collected, the amount received shall be credited to this account, *Provided, however,* That such recoveries are from accounts charged off against this account.

(b) Charges to this account may be made monthly on the basis of the estimated average loss of revenue due to uncollectible accounts, in which case the concurrent credit shall be to account 2650—Reserve for Uncollectible Accounts. To the reserve thus established shall be charged such amounts as are determined to be uncollectible, and amounts written off and subsequently collected shall be credited to the reserve. When charges to this account are made by estimate, the estimate shall be adjusted at the end of each calendar year to conform to the experience of the accounting carrier as determined by analysis of its accounts receivable.

NOTE: Losses on receivables for other than carrier operating revenues, and losses on notes or claims receivable, shall be accounted for as provided in item (c) of account 7500—Other Deductions.

§ 182.4670 ***Regulatory expenses.*** **(a) This account shall include expenses incurred by the carrier in connection with formal cases before Federal or State regulatory bodies or cases to which such a body is a party; also include payments made to a regulatory commission for fees or amounts assessed against the carrier for pay and expenses of the regulatory commission, its officers, agents and employees, other than those incurred in securing certificates of convenience and necessity and authority for the issuance of securities. (See Note B.)**

(b) Amounts includible in this account which by approval or direction of the Commission are to be spread over future periods shall be charged to account 1890—Other Deferred Debits, and amortized by charges to this account.

ITEMS

Fees, retainers, and expenses of counsel, solicitors, attorneys, clerks, attendants, witnesses, and others whose services are secured for the defense or prosecution of petitions or complaints presented to regulatory bodies.

The pay of officers and employees specifically assigned to or engaged in the valuation of property owned or used by the carrier, in connection with such cases, and the cost of similar work performed by others.

Amounts assessed by Federal and state regulatory commissions for pay and expenses of their officers, agents, and employees; office and traveling expenses; stationery, printing and engineering supplies; and other expenses and supplies including expenses of officers and employees upon matters covered by this account even though no portion of their pay is assignable hereto.

NOTE A: Expenses incurred for the improvement of service, for additional inspection, or rendering reports which are made necessary by the rules and regulations, or orders, of regulatory bodies, shall be charged to the appropriate operation and maintenance expense accounts.

NOTE B: Expenses incident to securing certificates of convenience and necessity from regulatory bodies shall be charged to the appropriate subdivisions of account 1500—Organization, Franchises and Permits. Expenditures incident to securing authorization for issuance of long-term debt or capital stock shall be charged to account 1880—Unamortized Debt Discount and Expense, account 2400—Unamortized Premium on Debt, or account 1910—Commission and Expense on Capital Stock, as appropriate.

§ 182.4675 ***Purchasing and store expenses.*** (a) This account shall include the cost of operating the carrier's purchasing department including amounts payable to persons, other than officers and employees of the carrier, for technical advice and services incident to the purchase of parts, gasoline, stationery supplies, etc. (See, however, account 4650—Management and Supervision Fees.)

(b) This account shall include credits for cash and other discounts when it is not practicable to apply such discounts directly to the cost of the materials to which they relate.

(c) This account shall include differences arising from inventory adjustments which have not been otherwise apportioned in accordance with Note B under account 1180—Material and Supplies.

NOTE: Suitable proportions of items included in this account may be allocated to the cost of materials and supplies. (See account 1180.)

§ 182.4680 *Other general expenses.* (a) This account shall include all general expenses connected with motor carrier operations not provided for elsewhere, including fees and expenses payable to the carrier's directors or trustees; expenses in connection with publishing and mailing reports and notices to stockholders, etc.; cash overages and shortages, other than defalcation of the carrier's funds; and fees and expenses of filing annual reports and other documents not specifically related to the obtaining of certificates or applications for issuance of securities; and repairs to general office structures and fixtures.

(b) This account shall also include contributions for charitable, social, or community welfare purposes, except contributions to employees' welfare associations (see § 182.01–28), and contributions provided for in account 7500—Other Deductions.

§ 182.4685 *Operating rents.* (a) This account shall include rental payments for real estate and other property, used in motor carrier operations by the Administrative and General Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Administrative and General Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00–1 (v)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Non-Carrier Operations—Net.

§ 182.4691 ***Joint operating expense; debit.*** This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint facilities for general purposes, such as a general office, or when amounts payable cannot be segregated between the functional groups of expense accounts provided in this system of accounts. (See § 182.00–1 (w) and § 182.01–25 (a).)

§ 182.4696 *Joint operating expense; credit.* This account shall include the amounts chargeable to others as their proportions of the costs incurred by the reporting carrier in maintaining and operating joint facilities used for general purposes, such as a general office, or when the amounts receivable cannot be segregated between the functional groups of expense accounts provided in this system of accounts. (See § 182.00–1 (w) and § 182.01–25 (a).)

DEPRECIATION EXPENSE

§ 182.5000 *Depreciation expense.* (a) This account shall include the amount of depreciation charges accruing each month for all classes of depreciable property owned by the carrier and used by it in motor carrier operations or leased to others as part of a distinct operating unit (see paragraph (v) of § 182.00–1), including depreciation of the carrier's improvements to property leased from others. (See § 182.01–23.)

(b) The following subdivisions of this account shall be maintained.

§ 182.5010 *Depreciation of structures.* This account shall include depreciation of structures situated on owned land, including all appurtenant fixtures permanently attached thereto, and of improvements to owned land and other structures or constructions, the investment in which is included in account 1210—Structures.

§ 182.5020 *Depreciation of revenue equipment.* (a) This account shall include depreciation of revenue equipment. (See list of items in account 1220—Revenue Equipment.)

(b) This account shall be subdivided as follows (see § 182.01–27):

5021—Line Haul Equipment.
5025—Pickup and Delivery Equipment.

§ 182.5030 *Depreciation of service cars and equipment.* This account shall include depreciation of automobiles, wreckers, sand and salt cars, tow cars and other service equipment, the investment in which is included in account 1230—Service Cars and Equipment.

§ 182.5040 *Depreciation of shop and garage equipment.* This account shall include depreciation of machinery and equipment, the investment in which is included in account 1240—Shop and Garage Equipment.

§ 182.5050 *Depreciation of furniture and office equipment.* This account shall include depreciation of furniture, office appliances and equipment, the investment in which is included in account 1250—Furniture and Office Equipment.

§ 182.5060 *Depreciation of miscellaneous equipment.* This account shall include depreciation of equipment employed by the carrier in motor carrier operations and not provided for elsewhere, the investment in which is included in account 1260—Miscellaneous Equipment.

§ 182.5070 *Depreciation of improvements to leasehold property.* This account shall include depreciation of improvements to leasehold property installed by the carrier, the investment in which is included in account 1270—Improvements to Leasehold Property.

§ 182.5080 *Depreciation of undistributed property.* This account shall include depreciation of property temporarily included in account 1280—Undistributed Property.

§ 182.5100 *Depreciation adjustment.* This account shall include amounts representing adjustments for over or under accruals of depreciation when carrier operating property, depreciated under the unit plan, is retired from service. (See § 182.01–21 (a).)

AMORTIZATION EXPENSE

§ 182.5150 *Amortization chargeable to operations.* This account shall include the total of the amounts included in accounts 5151 and 5155:

§ 182.5151 *Amortization of carrier operating property.* This account shall be charged, and account 2600—Reserve for Amortization—Carrier Operating Property, shall be credited each month, with amortization charges applicable to amounts representing the cost of acquiring long-term leaseholds of land and easements used in carrier operations carried in account 1201—Land and Land Rights, and to amounts of fixed-term motor carrier franchises, permits, consents, licenses and patent rights carried in account 1500—Organization, Franchises and Permits. This account shall also be charged with the unamortized book cost of such items at the time of retirement. (See § 182.01–21 (b) (1))

NOTE: Amortization charges on the book cost of intangible items that are not restricted to a fixed term, included in account 1500—Organization, Franchises and Permits, and account 1550—Other Intangible Property, shall be charged to account 7500—Other Deductions. (See § 182.01–23 (d).)

§ 182.5155 *Extraordinary property losses.* Losses in service value of property retired because of abandonment or other causes for which provision has not been made in the depreciation or other reserves and losses from retirements that could not reasonably have been foreseen and provided for and which are not covered by commercial or self insurance may be charged off to this account at the time of their occurrence, or such losses may be included in account 1890—Other Deferred Debits, and amortized therefrom by monthly charges to this account. The carrier shall make application to the Commission for permission to make use of this account for the foregoing purposes and in the application it shall give full particulars concerning the property retired, or abandoned, the reason for which it is retired or abandoned, the amounts provided in respect thereto in the depreciation reserves, the amount chargeable to account 1890 and the period over which, in its judgment, such amount should be amortized.

TAXES AND LICENSES

§ 182.5200 *Operating taxes and licenses.* (a) This account shall include the amount of Federal, State, county, municipal and other taxing district taxes, which relate to motor carrier operations and property used therein (except taxes provided for in account 8800—Income Taxes.)

(b) This account shall be charged each month with the amount of taxes applicable thereto, with concurrent credits to account 2120—Taxes Accrued, or account 1170—Prepayments, as appropriate. When it is not possible to determine the actual taxes, they shall be estimated and the applicable portion of the total tax included in this account each month. Taxes included in this account on an estimated basis shall be adjusted when the actual levies become known. Taxes on gasoline, other motor fuel and motor oil, shall be included in this account at the time of purchase.

(c) The records shall be kept so as to show separately for each of the following subdivisions the amount of each class of tax included in this account and the basis on which it is levied, segregated between the amounts levied by the Federal Government, and by State, municipal, and other taxing authorities.

§ 182.5210 *Gasoline, other fuel and oil taxes.* This account shall include all taxes on motor fuel and motor oil consumed by vehicles in motor carrier operations during the current accounting period, and shall be segregated as follows (see § 182.01–27):

5211—Line Haul Equipment.
5215—Pickup and Delivery Equipment.

NOTE: Taxes on gasoline and oil used in service equipment and automobiles shall be included in the accounts charged with other expenses of such vehicles.

§ 182.5220 *Vehicle license and registration fees.* This account shall include the cost of all taxes, licenses and fees assessed for the privilege of operating revenue vehicles over the highways, such as registration fees, license plate fees, mileage taxes, gross receipts taxes, gross weight taxes, ton-mile taxes, port of entry fees, permits for overload and oversize (when absorbed by the carrier), certificates of title fees, vehicle qualification fees and similar items, and shall be segregated as follows (see § 182.01–27):

5221—Line Haul Equipment.
5225—Pickup and Delivery Equipment.

NOTE: Licenses and registration fees for service equipment and automobiles shall be included in the accounts charged with other expenses of such vehicles.

§ 182.5230 *Real estate and personal property taxes.* This account shall include the amount of taxes based on the value of real estate and personal property.

§ 182.5240 *Social security taxes.* This account shall include the carrier's proportion of social security, unemployment, and old-age benefit taxes payable to the Federal and State governments.

§ 182.5250 *Other taxes.* This account shall include all other operating taxes, licenses, and fees not specifically provided for in accounts 5210 to 5240, inclusive.

ITEMS

Capital Stock taxes.
City licenses and permits.
Corporation taxes (for privilege of doing business as a corporation).
Gross receipts taxes not provided for elsewhere.
Occupancy taxes.
Permits to haul liquor, etc. (except overload or oversize).
Sales taxes paid by carrier as vendor.
Stock transfer taxes.
All other taxes, licenses or fees not otherwise provided for.

NOTE A: Taxes on property leased from others for use in motor carrier operations, when the lessee is obligated under the terms of the lease to pay such taxes in addition to stipulated rent, shall be included in these accounts.

NOTE B: All sales and excise taxes not provided for in these accounts shall be included in the account charged with the cost of the material, equipment or services to which the taxes apply.

NOTE C: The following other taxes and fees shall not be charged to this account:

1. Fees for filing annual reports and other documents not specifically related to certificates or applications for issuance of securities shall be charged to account 4680—Other General Expenses.

2. Special assessments for street or other improvements, and fees or charges, sometimes called taxes, such as water taxes, and charges for street sprinkling and sidewalk repairs, which are payments for some specific services rendered by municipal or other taxing bodies, shall be charged to the appropriate property investment accounts or operation and maintenance expense accounts. (See Note B under account 1201—Land and Land Rights.)

3. Taxes on property, the investment in which is included in account 1400—Non-Carrier Property, and other taxes incident to non-carrier operations, shall be charged to account 6100—Income from Non-Carrier Operations—Net.

4. Taxes on property leased to others as part of a distinct operating unit shall be charged to the account to which the rent revenue is credited. (See account 5500—Lease of Distinct Operating Unit—Credit.)

5. Taxes paid on original issues of capital stock shall be included in account 1910—Commission and Expense on Capital Stock.

6. The cost of state and other identification plates, for which a small charge is made to cover cost of manufacture, shall be included in account 4280—Other Transportation Expenses.

LEASE OF DISTINCT OPERATING UNIT

§ 182.5400 *Lease of distinct operating unit; debit.* This account shall include amounts payable for rent of property constituting a distinct operating unit (see paragraph (v) of § 182.00–1) or system leased from others for use in motor carrier operations when the carrier has exclusive possession.

§ 182.5500 *Lease of distinct operating unit; credit.* (a) This account shall include amounts receivable for rent of property constituting a distinct operating unit (see paragraph (v) of § 182.00–1) leased by the carriers to others for use in motor carrier operations, when the lessee has exclusive possession.

(b) This account shall be charged with all expenses assumed by the lessor in connection with the property leased, and shall be subdivided to show separately for each such lease, the following:

(1) Rent revenue.
(2) Expenses.
(3) Taxes.
(4) Uncollectible rents.

NOTE: Accruals of depreciation on carrier operating property leased to others as part of a distinct operating unit shall be credited to account 2500—Reserve for Depreciation—Carrier Operating Property Leased to Others.

OTHER ORDINARY INCOME

§ 182.6100 *Income from non-carrier operations; net.* (a) This account shall include the revenues from and expenses incurred by the carrier in business activities that are not connected with its motor carrier operations, the investment in which is carried in account 1400—Non-Carrier Property.

(b) This account shall be subdivided to reflect separately:

(1) Revenues derived from noncarrier operations.

(2) Expenses incurred in noncarrier operations.

NOTE A: The expenses referred to in the text of this account include all elements of cost incurred in noncarrier operations, including depreciation and amortization of noncarrier property, rents, taxes (other than income taxes), insurance, etc.

NOTE B: Uncollectible income from noncarrier operations shall be included in this account. (See also account 7500—Other Deductions.)

NOTE C: Each carrier may adopt its own classification of revenues and expenses for this account. The classification shall be such, however, as to permit ready analysis.

§ 182.6300 *Interest income.* (a) This account shall include interest accruing to the accounting carrier upon securities of other companies and Federal, State, or municipal governments, on loans, notes, and advances; special deposits and all other interest bearing assets. Interest accrued shall not be credited to this account unless its payment is reasonably assured; in other cases, credits to this account shall be based upon the interest actually collected.

(b) This account shall be kept so as to show separately the interest income from each investment and from each affiliated company.

§ 182.6400 *Dividend income.* (a) This account shall include income derived by the accounting carrier from the dividends on stock of other companies held by it. Accruals of guaranteed dividends may be included in this account if the payment is reasonably assured.

(b) This account shall be kept so as to show separately the dividend income from each investment and from each affiliated company.

§ 182.6500 *Other non-operating income.* This account shall include all income accrued to the accounting carrier in accordance with the terms of any contract by which the carrier is entitled to participate in the profits from the operations of others, and all other non-operating income not provided for in any of the foregoing accounts.

NOTE: "Profits from the operations of others" does not include any dividends on stock. Income from dividends shall be credited to account 6400—Dividend Income.

DEDUCTIONS FROM ORDINARY INCOME

§ 182.7100 *Interest.* (a) This account shall include all interest accrued on interest bearing obligations issued or assumed by the accounting carrier; also interest accrued on debentures and on receivers' certificates. This account shall not include interest on securities held by the accounting carrier in its treasury, in sinking or other special funds, or pledged as collateral.

(b) This account shall be kept so as to show the interest expense (accrual) on each of the following:

(1) Advances.
(2) Bonds.
(3) Equipment obligations.
(4) Other long-term obligations.
(5) Current obligations.
(6) Matured long-term obligations.

§ 182.7300 *Amortization of debt discount and expense.* This account shall be charged each month with the applicable proportion of the unamortized discount and expense on outstanding long-term debt. This proportion shall be determined according to a rule, the uniform application of which during the interval between the issuance and maturity of any debt will completely amortize the discount at which such debt was issued and the debt expense connected therewith. Amounts charged to this account shall be concurrently credited to account 1880—Unamortized Debt Discount and Expense. (See § 182.01-17.)

§ 182.7400 *Amortization of premium on debt; credit.* This account shall be credited each month with the applicable proportion of the premium at which outstanding long-term debt was issued. This proportion shall be determined according to a rule the uniform application of which during the interval between the issuance and the maturity of any debt will completely amortize the premium at which such debt was issued. Amounts credited to this account shall be concurrently charged to account 2400—Unamortized Premium on Debt. (See § 182.01-17.)

§ 182.7500 *Other deductions.* This account shall include all deductions from gross income not provided for in any of the foregoing accounts, such as:

(a) Unsecured accruals on obligations arising under contracts whereby the accounting carrier has guaranteed the annual or more frequent periodic payment of money or performance of other obligation on the part of another corporation or person and because of the default of such other corporation or person, the liability of the accounting carrier has become actual.

(b) Losses resulting from the operations of others, whenever, in accordance with the terms of any contract, the accounting carrier is bound to contribute toward reimbursement of such losses.

(c) Losses on receivables, notes or claims, that are not includible in account 4660—Uncollectible Revenues, or account 6100—Income from Non-Carrier Operations—Net.

(d) Amortization charges on the book cost of property included in account 1500—Organization, Franchises and Permits, and 1550—Other Intangible Property, which is not restricted to a fixed term, and other items among the carrier's assets. (See § 182.01-23 (d).)

(e) Contributions for charitable, social, or community welfare purposes that do not have a direct or intimate relationship to the protection of the property, development of the business or welfare of the carrier's employees. (See § 182.01-28, and account 4680—Other General Expenses.)

(f) Penalties and fines for violations of law except for violations of traffic regulations which are provided for in account 4280—Other Transportation Expenses.

(g) The excess of premiums for life insurance carried on the lives of officers and employees over the increase in the cash surrender value of the policies, when the carrier is the beneficiary. (See note under § 182.01-22.)

(h) Other deductions from gross income.

EXTRAORDINARY INCOME

§ 182.8100 *Extraordinary income credits.* This account shall include the amounts of income credits applicable to the current period from activities other than those usual and ordinary activities of the carrier that are provided for in accounts 3000 to 7500, inclusive.

ITEMS

1. Profit derived from the retirement of tangible and intangible property. (See § 182.01-21.)
2. Profit derived from the sale of securities of others.
3. Forfeiture of amounts deposited with the carrier, under options or otherwise, for the purchase or lease of property, or for other purposes.
4. Profit derived from the reacquisition and resale of the carrier's securities other than capital stock. (See § 182.01-17.)
5. Current liabilities written off. (See § 182.01-14.)
6. Extraordinary income credits not provided for elsewhere.

§ 182.8200 *Extraordinary income charges.* This account shall include the amounts properly chargeable against income during the current period occasioned otherwise than by those usual and ordinary activities of the carrier that are provided for in accounts 3000 to 7500, inclusive.

ITEMS

1. Losses on the retirement of tangible and intangible property. (See § 182.01-21.)
2. Losses resulting from the sale of securities of others, including any provision made for declines in value not provided for elsewhere. (See § 182.01-18.)
3. Forfeitures of amounts deposited by the carrier, under options or otherwise, for the purchase or lease of property or for other purposes.
4. Debits representing the difference between the cost of debt obligations reacquired and the amount chargeable to account 1920—Reacquired Securities. (See § 182.01-17.)
5. Adjustment and cancellation of balance sheet accounts representing assets other than uncollectible revenues, receivables for services rendered, and materials and supplies furnished.
6. Inventory, appraisal, hearing and other expenses incident to the contemplated acquisition, sale, or lease of a distinct operating unit (see paragraph (v) of § 182.00-1) or other property, when the projects are abandoned. (See account 1890—Other Deferred Debits.)
7. Losses of funds due to bank failures.
8. Appropriations of income for reserves and other purposes.
9. Extraordinary income charges not provided for elsewhere.

§ 182.8400 *Delayed income credits.* (a) This account shall include the amounts other than minor items (see § 182.01-8), of nonrecurring delayed credits to income applicable to prior years.

(b) Subdivisions of this account shall be so maintained that each delayed item will be classified by years and in accordance with the account that would have been credited had the item been accounted for in the period to which it pertains.

§ 182.8600 *Delayed income charges.* (a) This account shall include the amounts, other than minor items (see § 182.01-8), of nonrecurring delayed charges to income applicable to prior years.

(b) Subdivisions of this account shall be so maintained that each delayed item will be classified by years and in accordance with the account that would have been debited had the item been accounted for in the period to which it pertains.

INCOME TAXES

§ 182.8800 *Income taxes.* (a) This account shall be charged each month with its proportion of the estimated amounts of Federal, State or other income taxes payable on the net annual income or profits of a corporation or unincorporated business.

(b) This account shall be subdivided as follows:

8810—Federal Income Taxes.
8820—State Income Taxes.
8830—Other Income Taxes.

NOTE: Personal income taxes of sole proprietors and members of partnerships shall not be charged to this account; if paid from funds of the business, the amounts thereof shall be charged to account 2800—sole proprietorship capital, or account 2810—partnership capital, as appropriate.

§ 182.8900 *Form of income statement.*

(The order in which the accounts are presented in this Form of Income Statement is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to the Commission.)

I. CARRIER OPERATING INCOME

Revenues:	
3000. Operating Revenues	------
Expenses:	
4000. Operation and Maintenance Expenses	------
5000. Depreciation Expense	------
5100. Depreciation Adjustment	------
5150. Amortization Chargeable to Operations	------
5200. Operating Taxes and Licenses	------
Total Expenses	------
Net Operating Revenue	------
5400. Lease of Distinct Operating Unit—Debit	------
5500. Lease of Distinct Operating Unit—Credit	------
Net Carrier Operating Income	------

II. OTHER ORDINARY INCOME

6100. Income from Non-Carrier Operations—Net	------
6300. Interest Income	------
6400. Dividend Income	------
6500. Other Non-Operating Income	------
Total Other Ordinary Income	------
Gross Ordinary Income	------

III. DEDUCTIONS FROM ORDINARY INCOME

7100. Interest	------
7300. Amortization of Debt Discount and Expense	------
7400. Amortization of Premium on Debt—Credit	------
7500. Other Deductions	------
Total Deductions from Ordinary Income	------
Net Ordinary Income	------

IV. EXTRAORDINARY INCOME

8100. Extraordinary Income Credits	------
8200. Extraordinary Income Charges	------
8400. Delayed Income Credits	------
8600. Delayed Income Charges	------
Total Extraordinary Income	------
Net Income Before Income Taxes	------
8800. Income Taxes	------
Net Income (or Loss)	------

[F. R. Doc. 58-4754; Filed, June 20, 1958; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Procedures, Rules of Practice, and Orders

[Docket 6953]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NEDERLANDSCHE WEVERIJ, N. V., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Nederlandsche Weverij, N. V., et al., New York, N. Y., Docket 6953, May 20, 1958]

In the Matter of Nederlandsche Weverij, N. V., a Corporation, and Gerard V. Korda and Sam Sherman, Individually and as Copartners Trading as Gerard V. Korda Co., and Kordin, Inc., a Corporation, and Gerard V. Korda and John Filbert, Individually and as Officers of Said Kordin, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Dutch manufacturer and its American agents, with place of business in New York City, with violating the Wool Products Labeling Act by tagging as "100 percent Cashmere", fabrics which contained substantial amounts of fibers other than Cashmere; by misrepresenting such products on invoices and shipping memoranda; and by failing to comply in other respects with the labeling requirements of the act.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Nederlandsche Weverij, N. V., a corporation, and its officers, and respondents Gerard V. Korda and Sam Sherman, individually, and respondent Kordin, Inc., a corporation, and its officers, and respondent Gerard V. Korda, individually and as an officer of said Kordin, Inc., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, or transportation or distribution in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, of fabrics or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

(1) Falsely or deceptively stamping, tagging, labeling, or otherwise falsely identifying such products as to the character or amount of the constituent fibers contained therein;

(2) Failing to securely affix to or place on each such product a stamp, tag, or label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Nederlandsche Weverij, N. V., a corporation, and its officers, and respondents Gerard V. Korda and Sam Sherman, individually, and respondent Kordin, Inc., a corporation, and its officers, and respondent Gerard V. Korda, individually and as an officer of said Kordin, Inc., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale or distribution of fabrics or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

Misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof, in sales invoices, shipping memoranda, or in any other manner.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent John Filbert.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered that respondents Nederlandsche Weverij, N. V., a corporation, and Gerard V. Korda and Sam Sherman, individually, and Kordin, Inc., a corporation, and Gerard V. Korda, individually and as an officer of said Kordin, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 20, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4702; Filed, June 20, 1958; 8:46 a. m.]

[Docket 6870]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RIPLEY MANUFACTURING CORP.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* Retailer as wholesaler, jobber or factory distributor; § 13.110 *Indorsements, approval, or awards;* § 13.155 *Prices:* Comparative; retail or selling as wholesale, jobbing, factory distributors', etc., or discounted. Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Ripley Manufacturing Corporation, New York, N. Y., Docket 6870, May 21, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a large retail clothing chain, with principal office in New York City and owning numerous subsidiary corporations operating retail clothing stores in various States, with representing falsely in advertising in newspapers and by radio that it manufactured all the merchandise sold in its stores and sold it at prices substantially below those charged by other retailers; that it was a wholesaler and sold to the public at wholesale prices; and that its clothing was rated the best buy in America by "America's top consumer group", purportedly based on a report by Consumers Union.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 21 the decision of the Commission.

The decision of the Commission is as follows:

It is ordered, That respondent, Ripley Manufacturing Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of clothing, shoes and haberdashery, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondent manufactures all of the merchandise sold in its stores;
2. That respondent sells all merchandise at prices below the prices charged for the same or comparable merchandise by other retailers;
3. That the purchasing public will realize a saving on any article purchased from respondent unless respondent sells such articles below the price charged for the same or comparable articles by other manufacturing-chain-retailers in the same trade territories;
4. That respondent is a wholesaler or conducts a wholesale business in addition to its retail business;
5. That Consumers Union, or any other organization, has determined certain facts or expressed particular opinions about respondent's merchandise unless, in fact, such is the case, and then only to the extent of such expression or determination.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent Ripley Manufacturing Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4703; Filed, June 20, 1958; 8:46 a. m.]

[Docket 5769]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FEDERAL-MOGUL CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a) § 13.715 *Charges and price differenti*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Inte prets or applies sec. 2, 38 Stat. 730, amended; 15 U. S. C. 13) [Cease and de order, Federal-Mogul Corporation, Detr Mich., Docket 5769, May 20, 1958]

This proceeding was heard by a hea ing examiner on the complaint of t Commission charging a manufacture Detroit, Mich., with discriminating price in violation of section 2 (a) of t Clayton Act by selling its automoti products and supplies at higher and le favorable prices to numerous small bu nessmen than to various larger pu chasers competing with them and wi purchasers from its competitors.

Following acceptance of an agreeme containing a consent order, the hearin examiner made his initial decision an order to cease and desist which becam on May 20 the decision of the Commi sion.

The order to cease and desist is follows:

It is ordered, That the responden Federal-Mogul-Bower Bearings, Inc., corporation, formerly known as Federal Mogul Corporation, and said respondent's officers, representatives, agents, an employees, directly or through any co porate or other device, in connection wi the sale to the jobbing trade for replacement purposes of automotive replacement parts, principally consisting sleeve type bearings, roller bearings, ba bearings, oil seals, and other relate items in commerce, as "commerce" defined in the Clayton Act, do forthwi cease and desist from discriminating the price of such products of like gra and quality:

1. By selling to any one purchaser net prices higher than the net price charged to any other purchaser who, fact, competes with the purchaser pa ing the higher price in the resale an distribution of respondent's products.

It is further ordered, That the ter "purchaser" as used in this order sha include any purchaser buying direct or indirectly from respondent by mean of group buying or any related devic but shall not be construed in this proceeding to include original equipmen manufacturers purchasing automotiv parts from respondent for replacemen use or sale.

By "Decision of the Commission", re port of compliance was required follows:

It is ordered, That the responden herein shall, within sixty (60) days afte service upon it of this order, file with th Commission a report in writing settin forth in detail the manner and form which it has complied with the order cease and desist.

Issued: May 20, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4704; Filed, June 20, 195 8:46 a. m.]

[Docket 6996]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ISRAELSON-LEVY, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Secs. 2-5, 54 Stat. 1128-1130; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 68-68 (c), 69f) [Cease and desist order, Israelson-Levy, Inc., et al., New York, N. Y., Docket 6996, May 20, 1958]

In the Matter of Israelson-Levy, Inc., a Corporation, and Charles Israelson and Mildred Israelson, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in New York City with violating both the Wool Products Labeling Act and the Fur Products Labeling Act by labeling as "100 percent wool", coats which contained substantial amounts of other fibers, and by failing to identify on labels the name of the animal producing the fur from which certain coat linings were made or to reveal that the fur was dyed.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Israelson-Levy, Inc., a corporation, and its officers, and Charles Israelson and Mildred Israelson, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act, of coats or other "wool products" as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous, loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Israelson-Levy, Inc., a corporation, and its officers, and Charles Israelson and Mildred Israelson, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the manufacture, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name or other identification issued and registered by the Commission of one or more persons who manufactured such product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 20, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4705; Filed, June 20, 1958; 8:47 a. m.]

Subchapter B—Trade Practice Conference Rules

[File No. 21-425]

PART 193—SLIDE FASTENER INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 21, 1958.

Statement by the Commission. Trade practice rules for the Slide Fastener Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure. Such rules constitute a revision and extension of, and supersede, the trade practice rules for this industry as promulgated by the Commission on July 18, 1950.

The industry for which these rules are established is composed of persons, firms, corporations and organizations engaged in the manufacture, assembly, sale, or distribution of slide fasteners (commonly called "zippers"), or component parts thereof, including stringers, fastener chains, sliders, pulls, bottom and top stops, and separating end components, whether of metal, plastic, or other material.

The rules are directed to the maintenance of free and fair competition in the industry and to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings to revise and extend the trade practice rules for this industry as promulgated July 18, 1950, were instituted by the Commission on application of the Committee on Trade Practices for the industry. Proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in New York City on April 17, 1958, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. **These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.**

Sec.	
193.0	Definitions.
193.1	Prohibited discrimination.
193.2	Prohibited forms of trade restraints (unlawful price fixing, etc.).
193.3	Prohibited sales below cost.
193.4	Exclusive deals.
193.5	Coercing purchase of one product as a prerequisite to the purchase of other products.
193.6	Consignment distribution.
193.7	Unfair threats of infringement suits.
193.8	Inducing breach of contract.
193.9	Substitution of products.
193.10	False invoicing.
193.11	Commercial bribery.
193.12	Enticing away employees of competitors.
193.13	Defamation of competitors or false disparagement of their products.
193.14	Procurement of competitors' confidential information by unfair means and wrongful use thereof.
193.15	Deceptive use and imitation of trade or corporate names, trade-marks, etc.
193.16	Misrepresentation as to origin and disclosure of foreign origin.
193.17	Deception as to used materials.
193.18	Deception as to length.
193.19	Misrepresentation in general.
193.201	Industry committee.

AUTHORITY: §§ 193.0 to 193.201 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 193.0 *Definitions.* **For the purpose of this part, the following definitions apply:**

(a) "Member of the industry" (or "industry member"), shall mean any person, firm, corporation or organization engaged in the manufacture, assembly, or distribution and marketing of industry products.

(b) "Industry product," shall mean a slide fastener (commonly called "zipper"), as the term slide fastener is hereinafter defined, or any component part or parts thereof, including stringers, fastener chains, sliders, pulls, bottom and top stops, and separating end components.

(c) "Slide fastener," shall mean a pair of fastener stringers, each having a series of cooperating fastener elements, portions, or scoops arranged along their adjacent longitudinal edges, or a continuous portion arranged along the longitudinal edge of one stringer which interlocks with a continuous portion along the longitudinal edge of the opposite stringer, with a slider mounted thereon for opening and closing the fastener, and with or without end stops to limit the movement thereof.

§ 193.1 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

NOTE: Purchases by U. S. Government: In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.)

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE 1: *Cost justification to be based on net savings in cost of manufacture, sale or delivery.* Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

NOTE 2: *Credit or refund for returned goods.* In determining whether a price differential based on cost savings under the above proviso is warranted there shall be taken into account any portion of the goods involved which are returned by the customer-purchaser to the seller for credit or refund. See also Note 2 under paragraph (a) of this section.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use,[2] and when,

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of such customer's purchases during the period and fails to grant a discount of the same percentage to all other customers during such period.

Example 2. An industry member sells goods to one or more of his customers at a higher price than he charges other custom-es for like merchandise. It is immaterial whether the goods sold at the lower price are classified by the industry member as "seconds," "secondary line," "rejects," or are otherwise represented by the industry member as inferior, if the goods are in fact of like grade and quality as the goods sold at the higher price.

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[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

[2] See also note under subparagraph (1) of paragraph (a) of this section.

Example 9. Terms of 2 percent 10 days are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

Example 4. An industry member sells goods to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference solely on the fact that the goods sold at the lower price bear the private brand name of customers.

Example 5. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

Note: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

Note 1: Industry members giving allowances for advertising or sales promotion must, in addition to according same to all competing customers on proportionally equal terms, exercise precaution and diligence in seeing that all such allowances are used by the customers for such purpose. Customers receiving such allowances must not use same for any other purpose.

When an allowance is made ostensibly for advertising or sales promotion of products and is not in fact used for that purpose the practice may constitute a price discrimination. In such case, the party giving the allowance may violate paragraph (a) of this section and the party receiving same may violate paragraph (g) of this section.

Note 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing by contracting to furnish or furnishing, or by contributing to the furnishing of, any service or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

Note 1: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (g) of this section.

Note 2: Among the practices inhibited by paragraph (e) of this section is that of an industry member according to one or more customers the privilege of returning for credit or refund any or all of the goods purchased by them and failing to accord the same privilege to another or other competing customers on proportionally equal terms. In this connection see also Note 2 under cost justification proviso, paragraph (a) (2) of this section.

(f) *Clarification of requirements for supplying of marketing services, facilities or allowances.* The following is presented for the purpose of clarifying the requirements of paragraphs (d) and (e) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

(1) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, or facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternate type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member: *And provided further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(2) Explanatory analysis: In other words, one but not the only, method of complying with paragraphs (d) and (e) of this section is as follows:

The industry member may offer, simultaneously, to each competing resale customer, the same kind of

1. Promotional service, or
2. Facility, or
3. Allowance,

The value of which must be equal to a uniform percentage of dollar volume:

1. Of the sales or purchases by each customer of the industry member's products,
2. Computed for an identical, specified period of time.

However, if the same kind is not usable and suitable under reasonable terms and conditions to all such customers, and is offered to one, the others must be offered an alternate type of:

1. Promotional service, or
2. Facility, or
3. Allowance, and

The alternate type must be:

1. Of equivalent measurable cost, and
2. Usable by the customer and suitable with respect to his facilities and character of business; and

All such customers must be promptly informed of:

(a) The kind,
(b) The amount, and
(c) Terms and conditions of the offer.

Also: When the offer is conditioned upon something reciprocal to be furnished by the customer, the member

1. Must require of all customers the same proportionate reciprocity (equality of ratio as to the measurable cost of that supplied by the customer to that supplied by the member);
2. Must take every reasonable precaution to see that what he pays or furnishes is used in accordance with the terms of his offer; and
3. Must cease furnishing or paying it to the customer when the industry member knows, or has reason to believe, it is not so used.

(g) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (g) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraph (2), (4) or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing where there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: Section 193.1 is based on the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act, as amended, to which reference is made in the note to subparagraph (5) of paragraph (a) of this section and in Note 1 under paragraph (e) of this section, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

[Rule 1]

§ 193.2 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 2]

§ 193.3 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of obsolescent goods; (3) made under judicial process; or (4) made in bona fied discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 3]

§ 193.4 *Exclusive deals.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 4]

§ 193.5 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 5]

§ 193.6 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels or distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 6]

§ 193.7 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trademarks among customers or prospective customers of competitors, not made in good faith but for the purpose and with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 7]

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[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

§ 193.8 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of their contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 8]

§ 193.9 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 9]

§ 193.10 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 10]

§ 193.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products imported, manufactured, or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 193.12 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales-contact personnel of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting such persons from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting injury on such competitor. [Rule 12]

§ 193.13 *Defamation of competitors or false disparagement of their products.* (a) The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice.

(b) Likewise, the demonstration of obsolete models of a competitor's product as and for current models, and the deliberate tampering with, damaging, or destroying of competitors' products so as to disparage the products in the eyes of customers or prospective customers, is an unfair trade practice.

(c) Nothing in paragraphs (a) and (b) of this section shall be construed as preventing the full, fair, and nondeceptive comparison, by demonstration or otherwise, of competitors' products with the product of another industry member before public officials or other purchasers or prospective purchasers. [Rule 13]

§ 193.14 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 14]

§ 193.15 *Deceptive use and imitation of trade or corporate names, trademarks, etc.* It is an unfair trade practice for any member of the industry to use any trade name, corporate name, trademark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any material respect. [Rule 15]

§ 193.16 *Misrepresentation as to origin and disclosure of foreign origin.* (a) It is an unfair trade practice to misrepresent the place of origin, production, assembly, or manufacture of industry products or their components.

(b) It is an unfair trade practice to offer for sale, sell, or distribute any industry product manufactured or produced in a foreign country, or any industry product containing a substantial or material part or parts manufactured or produced in a foreign country, without affirmatively and clearly disclosing thereon, or in immediate conjunction therewith, by a truthful and nondeceptive mark, stamp, brand, or label, the country of origin of such product or part, where failure to so disclose the country of origin has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any material respect. [Rule 16]

§ 193.17 *Deception as to used materials.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent any industry product, or any component thereof, as being new when such is not true in fact.

(b) In the marketing of used, reclaimed, or second-hand industry products or, industry products containing used, reclaimed, or second-hand parts, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure, by stamp or mark, or by tag or label attached to the product, of the fact that such industry products or components thereof are not new but are used, reclaimed, or second-hand, as the case may be, such failure or refusal to make disclosure having the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public. [Rule 17]

§ 193.18 *Deception as to length.* (a) It is an unfair trade practice to misrepresent the length of any industry product, or to sell, offer for sale, or distribute industry products under any circumstance or condition having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public concerning the length or measure of any such product.

(b) In order to avoid and prevent deception in the sale of industry products, the linear measure of each industry product should be indicated clearly and nondeceptively on the package or other container of the product, or on a label, stamp, or tag securely affixed thereto: *Provided, however,* That with respect to industry products of the same length put up for the industrial or manufacturing trade and not for individual retail sale to consumer-purchasers, disclosure of the linear measure of such industry products may be made on the box or other container in which such industry products are packaged for shipment to the industrial user, or on a label, stamp, or tag securely affixed thereto: *And provided further,* That the linear measure so indicated shall be the true length of the metal or plastic fastener elements and the stops and separating units, if any, when the slide fastener is closed, subject, however, to unavoidable variations in manufacture not to exceed ap-

plicable length of tolerances provided for in Federal Specification V-F-106, dated February 1, 1949. [Rule 18]

§ 193.19 *Misrepresentation in general.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any advertising matter, guarantee, warranty, trade promotional literature, mark, brand, label, or other representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the grade, quality, length, weight, size, use, colorfastness, material, composition, construction, fabrication, manufacture, distribution, origin, or price or terms of sale, of any industry product or any component part thereof, or with respect to the character, extent, or type of the business of any industry member, or which has the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public in any other material respect. [Rule 19]

§ 193.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Issued: June 18, 1958.

Promulgated by the Federal Trade Commission June 21, 1958.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4707; Filed, June 20, 1958; 8:47 a. m.]

[File No. 21-434]

PART 210—COMMERCIAL AND INDUSTRIAL FLOOR AND VACUUM MACHINERY INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 21, 1958.

Statement by the Commission. Trade practice rules for the Commercial and Industrial Floor and Vacuum Machinery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the Floor Machinery Industry promulgated by the Commission on March 21, 1952, and supersede the 1952 rules.

The industry for which these rules are established is composed of persons, firms, corporations and organizations engaged in the manufacture, sale or distribution of commercial and industrial power driven machines for wet or dry cleaning, polishing, resurfacing, or maintenance of floors, floor coverings and other surfaces, and parts, accessories and attachments for such machines. Among the products included are commercial and industrial power driven floor polishers, sanders and scrubbers, rug shampoo machines, mopping machines, and vacuum cleaners, including vacuum cleaners designed for removing liquids and/or dirt from containers of all kinds.

The rules are directed to the prevention and elimination of various unfair trade practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of these rules were instituted upon application of the Floor and Vacuum Machinery Manufacturers Association. After due consideration of proposals received, proposed rules for the Industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., on May 9, 1958, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

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AUTHORITY: §§ 210.0 to 210.201 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 1 U. S. C. 45.

§ 210.0 *Definitions*—(a) *Industry members.* Persons, firms, corporations and organizations engaged in the manufacture, sale or distribution of industry products as hereinafter defined.

(b) *Industry products.* Commercial and industrial power driven machines for wet or dry cleaning, polishing, resurfacing, or maintenance of floors, floor coverings and other surfaces, and parts, accessories, and attachments for such machines. Among the products included are commercial and industrial power driven floor polishers, sanders and scrubbers, rug shampoo machines, mopping machines, and vacuum cleaners, including vacuum cleaners designed for removing liquids and/or dirt from containers of all kinds.

§ 210.1 *Misrepresentation and deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the type, kind, grade, quality, size, weight, capacity, durability, serviceability, construction, manufacture, or distribution of any industry products, or concerning any parts, accessories, or attachments for such products; or

(b) With respect to the terms or conditions of sale, rental, or distribution of such products and parts, accessories, and attachments therefor; or

(c) With respect to the types and kinds of cleaning and maintenance work that such products, and attachments and accessories, will perform, or the rate of speed at which they will perform such work; or

(d) With respect to the average or customary savings or reduction in time, labor, or money expenditures resulting from the use of such products, or the average or customary earnings or profits derived from the sale, distribution, or operation of such products; or

(e) Which in any other material respect has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 1]

§ 210.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer of industry products, or that he is the owner or operator of a factory manufacturing them, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 2]

§ 210.3 *Deception through failure to differentiate between wholesale and retail transactions.* Where industry products are sold at wholesale and at retail in the same establishment, it is an unfair trade practice to misrepresent, directly or indirectly, either type of business as being the other type of business. [Rule 3]

§ 210.4 *Misrepresentation as to installment sales contracts, their terms, conditions, etc.* It is an unfair trade practice to make or publish or cause to be made or published, directly or indirectly, through advertising or otherwise, any statement or representation concerning installment sales contracts to be used in the sale of industry products which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers with respect to the terms or conditions of such contracts, the down payment required, the number, amount and dates of installments to be paid, the rate of interest or the financing cost to be charged, or in any other material respect. [Rule 4]

§ 210.5 *Deceptive "Salesmen Wanted" advertisements.* In connection with the promotion of the sale of industry products, it is an unfair trade practice for any member of the industry to use, or cause to be used, any advertisement, offer, statement or other form of representation which directly or by implication, is false, misleading, or deceptive concerning:

(a) The salary, commission, income, earnings, or other remuneration which agents, canvassers, solicitors, or sale representatives receive or may receive; or

(b) Any conditions or contingencies affecting such remuneration or the opportunities therefor. [Rule 5]

§ 210.6 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 6]

§ 210.7 *Deception as to rebuilt or second-hand products.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent, any industry product as being new when such is not the fact.

(b) In the marketing of industry products which are second-hand or rebuilt, or which contain second-hand or rebuilt parts, it is an unfair trade practice to fail to make full and nondeceptive disclosure, by a conspicuous tag or label firmly attached to the products, and in all advertising and promotional literature relating thereto, of the fact:

(1) That such products are second-hand, rebuilt, or contain rebuilt or second-hand parts, as the case may be; and

(2) That the rebuilding was done by other than the original manufacturer, when such is the case;

when the failure to make such disclosure has the capacity and tendency or effect of misleading purchasers or prospective purchasers of such products. [Rule 7]

§ 210.8 *Misuse of terms "Close-Outs," "Discontinued Lines, "Special" Bargains," etc.* It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent regular lines of industry products as "Close-Outs," "Discontinued Lines," "Special Bargains," or by words or representations of similar import, when such are not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 8]

§ 210.9 *Substitution of products.* It is an unfair trade practice for any industry member, in the course of or in connection with the sale or distribution of industry products, to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 9]

§ 210.10 *Deceptive use and imitation of trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any member of the industry:

(a) To imitate, or cause to be imitated, or directly or indirectly promote the imitation of, the trade-marks, trade names, or other exclusively owned symbols or marks of identification of competitors in a manner having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the buying public; or

(b) To use any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any material respect. [Rule 10]

§ 210.11 *False invoicing.* It is an unfair trade practice for members of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or omissions therefrom have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 11]

§ 210.12 *Deceptive pricing.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for an industry member:

(a) To represent or imply that the price at which he is offering to sell any such products is a special or bargain price therefor, or is a saving to the buyer when compared with the usual price of the product, when such is not the fact; or

(b) To put into the hands of a customer of such industry member any instrumentality for representing or implying that the price at which the customer is reselling such products is a special or bargain price therefor, or is a saving to the buyer when compared with the usual price of the products, when such is not the fact. [Rule 12]

§ 210.13 *Use of word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free" will not be regarded as compliance.

[Rule 13]

§ 210.14 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that any industry product is "guaranteed" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligation of the guarantor.

(b) It is also an unfair trade practice to use, or cause to be used, any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 14]

§ 210.15 *Use of lottery schemes, etc.* It is an unfair trade practice to sell, distribute, or promote the sale or distribution of any industry product by means of a game of chance, gift enterprise, or lottery scheme. [Rule 15]

§ 210.16 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 16]

§ 210.17 *Coercing purchase of one product as a prerequisite to the purchase of other products.* It is an unfair trade practice to require, by coercion or by any other means, the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade. [Rule 17]

§ 210.18 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of obsolescent goods; (2) made under judicial process; or (3) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 18]

§ 210.19 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of the goods of competitors, their credit terms, values, policies, services, the nature or form of the business conducted, or in any other material respect, is an unfair trade practice. [Rule 19]

§ 210.20 *Procurement of competitors' confidential information by unfair methods and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 20]

§ 210.21 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose condemned in this section. [Rule 21]

§ 210.22 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 22]

§ 210.23 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 23]

§ 210.24 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 24]

§ 210.25 *Unlawful interference with competitors' purchases or sales.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his raw materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 25]

§ 210.26 *Prohibited forms of trade restraints.*[1] It is an unfair trade practice, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more industry members, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 26]

§ 210.27 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, upon the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 27]

§ 210.28 *Prohibited discrimination*[2] (a) *Prohibited discriminatory prices, rebates, refunds, discounts, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchasers involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (f) of this section.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example 3. Terms of 2 percent 10 days are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

Example 4. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

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[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia, or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (f) of this section.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (f) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: Section 210.28 is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act as amended, which reads as follows, is in amplification of the note to subparagraph (5) of paragraph (a) of this section and of the note to paragraph (e) of this section. "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

[Rule 28]

§ 210.29 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the foregoing sections of this part.

§ 210.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Issued: June 18, 1958.

Promulgated by the Federal Trade Commission June 21, 1958.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4706; Filed, June 20, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

CHLORTETRACYCLINE SEED

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended by adding thereto the following new sections:

1. Part 141c is amended by adding the following new section:

§ 141c.241 *Chlortetracycline seed*—(a) *Potency.* Accurately weigh approximately 10 grams of the sample and place in a blending jar containing 500 milliliters of 0.01 *N* HCl. Blend for 5 minutes. Using an aliquot of the liquid, make the proper estimated dilutions in *M* monopotassium phosphate buffer, pH 4.5, shake well, and proceed as directed in § 141c.201 (a) (8). Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

2. Part 146c is amended by adding the following new section:

§ 146c.241 *Chlortetracycline seed*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline seed is dehulled millet seed containing chlortetracycline. It contains 0.5 milligram of chlortetracycline per gram. Its moisture content is not more than 10 percent. The chlortetracycline used conforms to the requirements prescribed therefor by § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5), or to the requirements prescribed by § 146c.205 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a well closed container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of chlortetracycline in each gram of the batch.

(iii) The statement "For oral veterinary use only."

(iv) The statement "Expiration date ________," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chlortetracycline used in making such batch was completed, the number of milligrams in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The chlortetracycline used in making the batch: Potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One container for each 5,000 containers in the batch, but in no case less than five or more than 12 immediate containers. Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time the containers are being filled that the quantities filled during the intervals are approximately equal.

(ii) The chlortetracycline used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(4) The results referred to in subparagraph (2) (ii) of this paragraph and the sample referred to in subparagraph (3) (ii) of this paragraph are not required if such results or sample has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the new antibiotic drug, chlortetracycline seed.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: June 17, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4711; Filed, June 20, 1958; 8:48 a. m.]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

BACITRACIN- (OR ZINC BACITRACIN-) NEOMYCIN-POLYMYXIN POWDER TOPICAL

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for certification of bacitracin and bacitracin-containing drugs (21 CFR Parts 141e, 146e) are amended as indicated below:

1. Part 141e is amended by adding the following new section:

§ 141e.430 *Bacitracin-neomycin-polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.401 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Zinc bacatricin content.* Proceed as directed in § 141e.418 (a). Its content of zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.410 (b) (1). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Polymyxin B content.* Proceed as directed in § 141b.112 (b) (1) of this chapter. Its content of polymyxin B is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *Microorganism count*—(1) *Culture media.* (i) Prepare nutrient agar as described in § 141a.1 (b) (1) of this chapter, for the test for bacteria.

(ii) For the test for molds and yeasts, use ingredients that conform to the standards prescribed by the U. S. P. or N. F., and prepare Sabouraud's dextrose agar as follows:

Dextrose	40 grams.
Peptone	10 grams.
Agar	15 grams.
Distilled water, q. s.	1,000 milliliters.

pH 5.6 to 5.7 after sterilization.

In lieu of preparing the media from the individual ingredients as described, a dehydrated mixture may be used that, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified in this subdivision are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(2) *Conduct of test for bacteria.* Weigh each of five immediate containers. Transfer aseptically an aliquot (approximately 1.0 gram) from each of the weighed containers to each of five sterile flasks containing 200 milliliters of sterile distilled water. Reweigh the containers to determine weight of sample taken. Shake the flasks thoroughly to dissolve the powder. Filter the solution from three of the flasks through each of three sterile membrane bacteriological hydrosol assay filters having a porosity of 0.45μ and a diameter of approximately 47 millimeters. Rinse each filter three times by passing 100 milliliters of sterile distilled water through the filter for each rinsing to remove traces of antibiotic.

After washing, place the filter pads (filtering side up) on the surface of each of three agar plates containing nutrient agar as described in subparagraph (1) (i) of this paragraph. Incubate the plates for 5 days at 32° C. Count the number of colonies appearing on each filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(3) *Conduct of test for molds and yeasts.* Proceed as directed in subparagraph (2) of this paragraph (using the remaining two flasks), except use the agar medium as described in subparagraph (1) (ii) of this paragraph, and incubate at 25° C. for 5 days. Count the number of colonies appearing on each filter pad and calculate therefrom the number of viable microorganisms per gram of powder. The microorganism count of the sample is satisfactory if the average number of viable microorganisms per gram is not more than 10.

2. Part 146e is amended by adding the following new section:

§ 146e.430 *Bacitracin-neomycin-polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin-polymyxin powder topical and zinc bacitracin-neomycin-polymyxin powder topical are bacitracin or zinc bacitracin, neomycin, and polymyxin B, with or without suitable and harmless diluents, preservatives, and lubricants, and with or without hyaluronidase, chymotrypsin, and polyvinylpyrrolidone. Each gram contains not less than 200 units of bacitracin or zinc bacitracin, not less than 1,600 units of polymyxin B, and not less than 3.5 milligrams of neomycin. It contains not more than an average of 10 microorganisms per gram. Its moisture content is not more than 7.0 percent. The bacitracin used conforms to the standards prescribed therefor by § 146e.401 (a), except § 146e.401 (a) (2) and (4). The zinc bacitracin used conforms to the standards prescribed by § 146e.418 (a). The neomycin used conforms to the standards prescribed therefor by § 146e.410 (a) (2). The polymyxin B used conforms to the standards prescribed therefor by § 146b.107 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin or zinc bacitracin, the number of units of polymyxin B, and the number of milligrams of neomycin per gram of powder in the immediate container.

(iii) If the batch contains, in addition to the antibiotic, one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each other ingredient per gram of the batch.

(iv) The statement "Expiration date ------------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) If it contains a preservative, the name and quantity of each such ingredient.

(vi) The statement "not sterile".

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(4) On the label or labeling, if it contains, in addition to the antibiotic, one or more other active ingredients specified in paragraph (a) of this section, after hte name "bacitracin-neomycin-polymyxin powder topical" or "zinc bacitracin-neomycin-polymyxin powder topical," wherever such name appears, the words "with -----------," in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest essays of the bacitracin or zinc bacitracin, neomycin, and polymyxin used in making such batch were completed, the number of units of bacitracin or zinc bacitracin and polymyxin B, and the number of milligrams of neomycin in each immediate container, the date on which the latest assays of the drugs comprising such batch were completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch: The number of units of bacitracin or zinc bacitracin, the number of units of polymyxin, and the number of milligrams of neomycin, a microorganism count, and moisture.

(ii) The bacitracin or zinc bacitracin used in making the batch: Potency, toxicity, moisture, pH, and zinc content if it is zinc bacitracin.

(iii) The neomycin used in making the batch: Potency, toxicity, moisture, and pH.

(iv) The polymyxin B used in making the batch: Potency and toxicity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch: For all tests except microorganism count, one immediate container for each 5,000 immediate containers in the batch, but in no case less than seven immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For microorganism testing: Five immediate containers.

(iii) The bacitracin or zinc bacitracin used in making the batch: Six packages, containing approximately equal portions of not less than 0.5 gram.

(iv) The neomycin used in making the batch: Five packages containing approximately equal portions of not less than 0.5 gram.

(v) The polymyxin B used in making the batch: Five packages containing approximately equal portions of not less than 0.5 gram.

(vi) In case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 5 grams.

(4) The results referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph and the samples referred to in subparagraph (3) (iii), (iv), (v), and (vi) of this paragraph are not required if such results or samples have been previously submitted.

e. *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $6.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3), (iii), (iv), (v), and (vi) of this section; $10.00 for all containers submitted in accordance with paragraph (d) (3) (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the new antibiotic drugs covered by this order.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: June 17, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-4699; Filed, June 20, 1958; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter M—Miscellaneous

PART 142—RELEASE AND AUTHENTICATION OF COPIES OF OFFICIAL RECORDS

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments have been made to this part:

1. The last sentence of § 142.1 has been revised to include codification of the act. Section 142.1, as revised, reads as follows:

§ 142.1 *Purpose and authority.* The purpose of this part is to provide the policies and procedures within the Department of Defense, exclusive of the three military departments, governing (a) the release of copies of official records which may be made available to persons properly concerned, and (b) the authentication under the seal of the Department of Defense of copies of official records, as required. These instructions are consistent with section 506 (a) of the Federal Records Act of 1950, the Administrative Procedures Act, 60 Stat. 238, 5 U. S. C. 1002, and section 1733 of Title 28 of the United States Code.

2. The reference to Executive Order 10290 has bene deleted from § 142.4 (d) and Executive Order 10501 substituted in lieu thereof. Section 142.4 (d), as revised, reads as follows:

§ 142.4 *Exemptions and conditions.* * * *

(d) *Classified security information.* Classified security information shall be released only when permitted under the provisions of Executive Order 10501 and appropriate agency security regulations or when approved by the head of the agency or his designated representative.

3. Sections 142.6 and 142.7 have been amended by deleting the words "Director of Administration" wherever they appear and substituting in lieu thereof the words "Administrative Assistant, Office of the Secretary of Defense". Sections 142.6 and 142.7, as revised, read as follows:

§ 142.6 *Responsibilities.* The Administrative Assistant, Office of the Secretary of Defense, is responsible for controlling the release of and releasing, when appropriate, copies of official records pursuant to the provisions of this part. He is also responsible for authenticating copies of official records, when necessary.

§ 142.7 *Authentication.* The Administrative Assistant, Office of the Secretary of Defense, is hereby designated as the custodian of the Department of Defense seal. Only the Administrative Assistant, Office of the Secretary of Defense, or his designee acting in his behalf, are authorized to attest to the authenticity of official records under the Department of Defense seal.

(R. S. 161; 5 U. S. C. 22)

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 58-4714; Filed, June 20, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is amending the notice of a proposed amendment to the regulations governing the inspection of poultry and poultry products (7 CFR Part 81) which was published in the FEDERAL REGISTER on May 16, 1958 (23 F. R. 3335). This action is being taken pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.).

The proposed amendment set forth herein would establish the procedure for approving the use of compounds in official poultry processing establishments operating under the Poultry Products Inspection Act.

All persons who desire to submit written data, views or arguments in connection with this proposed amendment should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, not later than 30 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Change § 81.52 *Use of compounds* to read as follows:

§ 81.52 *Use of compounds.* Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar materials which will not contaminate or deleteriously affect the poultry and poultry products and which have been approved by the Administrator may be used in an official establishment. The use of such compounds shall be in a manner satisfactory to the Administrator. Such compounds shall be approved for the purpose of the Poultry Products Inspection Act only, and in accordance with the following procedure:

(a) The manufacturer of the compound shall submit to the Administrator the following data:

(1) The formula of the compound listing the percentage of each ingredient by weight; and

(2) A certification that the compound as it is proposed to be used in the official establishment will not deleteriously affect the poultry and poultry products. The certification shall include the conditions under which the particular compound is said to be satisfactory for use and the precautions necessary, if any, in the use of such compound for the

purpose intended in poultry processing establishments.

(b) As a prerequisite for approval, any compound which is required to be registered under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act shall be registered and comply with the provisions of that act. A copy (photostatic or other reproduction) of the registration shall be submitted with the application for approval of the particular compound to the Administrator.

(c) A small sample of the compound (4 to 6 ounces) shall be submitted with the request for approval of its use in poultry processing establishments.

(d) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration.

(e) The Inspection Service is authorized to draw samples of compounds used in official plants and make analyses of such compounds to determine if the compound conforms to that originally approved and if it is satisfactory for use in official establishments. Whenever the Administrator determines that a compound might have a deleterious or contaminating effect on poultry or poultry products, the approval of the particular compound in question shall be revoked and said compound shall not be used in official establishments.

(f) Compounds which have been approved prior to the effective date of this section will not require re-approval on the basis of the procedure set forth in this section, but will be subject to the other provisions set forth in this section.

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

Issued at Washington, D. C., this 18th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4726; Filed, June 20, 1958; 8:50 a. m.]

[7 CFR Parts 1011, 1016]

[Docket No. AO-299]

MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreements and orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas, which was issued May 28, 1958 (23 F. R. 3818), is hereby extended to July 3, 1958.

Dated: June 18, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4725; Filed, June 20, 1958; 8:50 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12248, 12249; FCC 58M-646]

ST. ANTHONY TELEVISION CORP. AND WTVJ, INC.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of St. Anthony Television Corporation, Houma, Louisiana, Docket No. 12248, File No. BPCT-2328; WTVJ, Inc., Houma, Louisiana, Docket No. 12249, File No. BPCT-2354; for construction permit for a new television broadcast station (Channel 11).

The Hearing Examiner has under consideration a joint motion made orally this date by counsel for each of the above applicants requesting that the pre-hearing conference scheduled to begin at 10:00 a. m., this morning, June 17, 1958, be continued to Wednesday, June 25, 1958 and that the date for the exchange of exhibits be continued from June 25, 1958 to July 8, 1958.

This oral motion was made after it was ascertained that the reporter scheduled for the hearing conference was unable to attend at the hour specified. Commission counsel was present at the time the motion was made and has no objection to the granting of the same.

The orderly conduct of Commission business requires immediate action on the motion to continue and good cause for the requested continuance having been shown;

It is ordered, This the 17th day of June 1958, that the motion for continuance of the pre-hearing conference is granted and the pre-hearing conference is continued from June 17, 1958 to June 25, 1958 and the date for the exchange of exhibits is continued from June 25, 1958 to July 8, 1958.

Released: June 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4717; Filed, June 20, 1958; 8:49 a. m.]

[Docket Nos. 12315, 12316; FCC [illegible]]

SHEFFIELD BROADCASTING CO.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

The Hearing Examiner having under consideration the "Motion For Continuance" filed on June 16, 1958, on behalf of Iralee W. Benns, tr/as Sheffield Broadcasting Company, Sheffield, Alabama, requesting that the date for the exchange of exhibits constituting the direct case of the parties be extended from June 2[illegible], 1958 to July 8, 1958, and that the date for the pre-hearing conference be extended from July 8 to July 23, 1958;

It appearing that good cause exists why said "Motion For Continuance" should be granted and there is no opposition thereto;

It further appearing that counsel for all parties have consented to a waiver of § 1.43 of the Commission's rules;

It is therefore ordered, This 17th day of June 1958, that the "Motion For Continuance" herein be, and the same is hereby, granted; and said exchange of exhibits shall be on July 8, 1958, and the pre-hearing conference shall be held on July 23, 1958, at 10 o'clock a. m., in the Commissioner's offices, Washington, D. C.

Released: June 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4718; Filed, June 20, 1958; 8:49 a. m.]

[Docket Nos. 12390, 12391; FCC 58M-[illegible]]

KWG BROADCASTING CO. AND VALLEY BROADCASTERS, INC.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of KWG Broadcasting Company, Stockton, California, Docket No. 12390, File No. BPH-[illegible]; Valley Broadcasters, Inc., Stockton, California, Docket No. 12391, File No. BPH-2354; for construction permits.

The Hearing Examiner having under consideration a request[1] by counsel for KWG Broadcasting Company for continuance of prehearing conference without date pending the final determination of the rulemaking proceeding which looks toward the allocation of Channel 273 to Stockton, California;

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[1] Counsel for KWG mailed a copy of a written motion to counsel for applicant Valley and the Broadcast Bureau, the latter having been received by Mail and Files on June 9, 1958. Apparently no copies were sent for filing, and the document can therefore not be considered filed. The Hearing Examiner learned about it quite by accident and then ascertained from counsel that they had no objection to the request. The unfiled motion has been treated as an oral request in this order.

It appearing that other counsel have no objection to the grant of the request;

It is ordered, This 13th day of June 1958, that the request is granted, and the prehearing conference now scheduled for June 16, 1958, is continued without date.

Released: June 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4720; Filed, June 20, 1958; 8:49 a. m.]

[Docket No. 12440; FCC 58M-631]

MACOMB BROADCASTING CO. (WKAI)

ORDER CONTINUING PRE-HEARING CONFERENCE AND HEARING

In re application of the Macomb Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 12440, File No. BP-11239; for construction permit.

The Hearing Examiner having under consideration a petition filed by counsel for applicant The Macomb Broadcasting Company on June 12, 1958, for continuance of the prehearing conference now scheduled for June 18, 1958, to July 18, 1958, and of the hearing now scheduled for July 28, 1958, to a date to be set;

It appearing that it is planned to consummate, on June 30, an assignment of license for Station WKAI from The Macomb Broadcasting Company to WKAI Broadcasting Company, as permitted by the Commission on June 11, 1958 (File No. BAL-3046); that amendment of the application with respect to the legal, financial, and other qualifications of the new licensee, which would be substituted as the applicant, will be sought; and that accordingly no useful purpose would be served by holding the prehearing conference and hearing as now scheduled; and

It further appearing, that counsel for respondent WIZZ and the Broadcast Bureau have no objection to the requested continuance;

It is ordered, This 13th day of June 1958, that the petition is granted, and the prehearing conference is continued from June 18 to Friday, July 18, 1958, and the hearing now scheduled for July 28, 1958 is continued to a date to be set.

Released: June 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4721; Filed, June 20, 1958; 8:50 a. m.]

[Docket Nos. 12475, 12476; FCC 58M-633]

MOUNTAIN STATE BROADCASTING CO., INC. AND RADIO MID-POM, INC.

ORDER SCHEDULING HEARING

In re applications of Mountain State Broadcasting Company, Inc., Middleport-Pomeroy, Ohio, Docket No. 12475, File No. BP-1223; Radio Mid-Pom, Inc., Middleport-Pomeroy, Ohio, Docket No. 12476, File No. BP-11682; for construction permits.

It is ordered, This 13th day of June 1958, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 26, 1958, in Washington, D. C.

Released: June 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4722; Filed, June 20, 1958; 8:50 a. m.]

[Docket Nos. 12477-12480; FCC 58M-634]

MONOCACY BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of the Monocacy Broadcasting Company, Gettysburg, Pennsylvania, Docket No. 12477, File No. BP-11325; Times and News Publishing Company (WGET), Gettysburg, Pennsylvania, Docket No. 12478, File No. BP-11683; the Price Broadcasters, Inc., Frederick, Maryland, Docket No. 12479, File No. BP-11759; Dan Weinberg and John J. Keel, d/b as Frederick County Broadcasting Company, Middletown, Maryland, Docket No. 12480, File No. BP-11889; for construction permits.

It is ordered, This 13th day of June 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1958, in Washington, D. C.

Released: June 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4723; Filed, June 20, 1958; 8:50 a. m.]

[Docket No. 12370; FCC 58M-642]

WILLARD MOBLEY

ORDER CONTINUING HEARING

In the matter of Willard Mobley, P. O. Box 266, Aransas Pass, Texas, Docket No. 12370; Order to show cause why there should not be revoked the license for Radio Station WE-3796 aboard the vessel "Charles Schreiner".

The Hearing Examiner having under consideration a motion filed on June 16, 1958, by the Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on June 24, 1958, be continued indefinitely;

It appearing that the public interest requires an early consideration of such motion and good cause has been shown for the grant thereof;

It is ordered, This 17th day of June 1958, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to a time and place to be specified in a subsequent order.

Released: June 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4719; Filed, June 20, 1958; 8:49 a. m.]

[Docket Nos. 12481, 12482; FCC 58M-632]

FARMINGTON BROADCASTING CO. AND FOUR CORNERS BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417; for construction permits for new television broadcast stations.

It is ordered, This 13th day of June 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 26, 1958, in Washington, D. C.

Released: June 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4724; Filed, June 20, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3362]

BUTTE HIGHLANDS MINING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 17, 1958.

In the matter of Butte Highlands Mining Company Common Stock, File No. 1-3362.

Spokane Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The company will no longer furnish financial reports to the Exchange, by reason of financial disability. Less than $100 worth of the stock has been traded in the past 5 months on the Exchange.

Upon receipt of a request, on or before July 3, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly

the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4709; Filed, June 20, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 4]

PROSPECTING PERMITS

REDELEGATION OF AUTHORITY

Order 1, as amended, is further amended to add a new paragraph under the heading Functions Relating to Lands and Minerals, to read as follows:

SEC. 2.16 *Mineral leases and permits.*

* * *

(c) The approval of nonexclusive prospecting permits on tribal and allotted lands, issued on approved forms, including those with a preferential right to lease not more than 40 acres, provided the royalty rates have been approved by the Commissioner of Indian Affairs.

JAMES E. SAYERS,
Acting Area Director.

Approved: June 17, 1958.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 58-4700; Filed, June 20, 1958; 8:45 a. m.]

Bureau of Land Management

[C-022206]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 13, 1958.

The Bureau of Reclamation of the Department of the Interior has filed an Application, Colorado 022206, for withdrawal of the lands described below, from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for reclamation purposes in connection with the Collbran Project, for location of the Southside Canal.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 10 S., R. 94 W.
  Sec. 16, S½NE¼, E½NW¼, and NE¼SE¼.

The above areas aggregate 200 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-4710; Filed, June 20, 1958; 8:48 a. m.]

[C-021956]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 13, 1958.

The Bureau of Reclamation of the Department of the Interior has filed an Application, Colorado 021956, for withdrawal of the lands described below, from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for reclamation purposes in connection with the Curecanti Unit, Colorado River Storage Project.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 49 N., R. 2 W.,
  Sec. 22, N½SW¼;
  Sec. 23, NE¼SW¼ and N½SE¼;
  Sec. 24, NE¼SE¼ and S½SE¼;
  Sec. 27, E½SE¼;
  Sec. 30, lots 3 and 4;
  Sec. 32, NW¼NE¼;
  Sec. 33, N½NE¼ and NE¼NW¼;
  Sec. 34, NE¼NE¼ and NW¼NW¼.
T. 48 N., R. 3 W.,
  Sec. 1, lot 4;
  Sec. 2, lots 6 to 10, inclusive, 19, 22, 31, and 33;
  Sec. 3, lots 1, 5, 8, and 10, and N½SE¼;
  Sec. 7, lot 1;
  Sec. 18, lots 2, 3, and 4.
T. 49 N., R. 3 W.,
  Sec. 22, SE¼SE¼;
  Sec. 25, S½SE¼;
  Sec. 26, S½SW¼ and SW¼SE¼;
  Sec. 35, S½SE¼;
  Sec. 36, SE¼SW¼.
T. 48 N., R. 4 W.,
  Sec. 11, N½NE¼.
T. 49 N., R. 4 W.,
  Sec. 9, W½SW¼;
  Sec. 16, W½NW¼;
  Sec. 23, W½NW¼ and SW¼SW¼.
T. 48 N., R. 6 W.,
  Sec. 11, lots 1 and 2;
  Sec. 12, lot 4.
T. 49 N., R. 6 W.,
  Sec. 7, lot 4, SE¼SW¼ and SW¼SE¼;
  Sec. 19, lots 1 to 4, inclusive, and E½ and E½W½;
  Sec. 29, W½W½;
  Sec. 30, lots 1 to 4, inclusive, and E½ and E½W½;
  Sec. 31, lots 11 to 14, inclusive, and N½NE¼, SE¼NE¼, and NE¼NW¼;
  Sec. 32, lots 1 to 3, inclusive, 6 to 12, inclusive, and N½.
T. 48 N., R. 7 W.,
  Sec. 1, lots 13 and 14, and SW¼SE¼.
T. 49 N., R. 7 W.,
  Sec. 12, N½SW¼;
  Sec. 13, lots 1, 2, 6 to 11, inclusive, and 13 to 16, inclusive, and NW¼, NW¼SW¼, and S½SW¼;
  Sec. 14, SE¼NE¼ and E½SE¼;
  Sec. 23, E½NE¼ and NE¼SE¼;
  Sec. 24, lots 1 to 16, inclusive, and W½;
  Sec. 25, lots 1 to 4, inclusive, and lot

The above areas aggregate 7,[illegible] acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F. R. Doc. 58-4701; Filed, June 20, 19 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-87]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on May 29, 1958, the Atomic Energy Commission has issued Construction Permit No. CPCX-12 to Westinghouse Electric Corporation authorizing construction of a critical experiment facility near Waltz Mill in Westmoreland County, Pennsylvania. The notice of proposed action was published in the FEDERAL REGISTER May 30, 1958, 23 F. R. 3793.

Dated at Germantown, Md., this day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4697; Filed, June 20, 19 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9214]

NEW YORK-SAN FRANCISCO NONSTOP CA

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938,

amended, that a hearing in the above-entitled proceeding is assigned to be held on July 30, 1958 at 10:00 a. m. (local time) in the U. S. Customs Courtroom, U. S. Appraisers Building, Sanson and Washington Streets, San Francisco, California, for the purpose of hearing civic witnesses, before Examiner Walter W. Bryan, and is to be adjourned for a further hearing involving the carriers' presentations on September 9, 1958 at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., June 18, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4716; Filed, June 20, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1362 etc.]

SUPERIOR OIL CO. ET AL.

ORDER FIXING DATE OF HEARING

JUNE 17, 1958.

In the matters of The Superior Oil Company, Docket No. G-13632; The Texas Company, Docket No. G-14210; The Pure Oil Company, Docket No. G-14236; West Texas Gathering Company, Docket No. G-14302; El Paso Natural Gas Company, Docket No. G-14305; J. C. Barnes, Operator, et al., Docket No. G-14334; Texas Pacific Coal and Oil Company, Docket No. G-14335; Pan American Petroleum Corporation, Operator, Docket No. G-14336; Shell Oil Company, Docket No. G-14348; United States Smelting, Refining and Mining Company, Docket No. G-14349; Amerada Petroleum Corporation, Docket No. G-14406; Cities Service Oil Company, Docket No. G-14437; Westbrook-Thompson Holding Corporation, Docket No. G-14461; Humble Oil & Refining Company, Operator, Docket No. G-14603; Gulf Oil Corporation, Docket No. G-14837; Continental Oil Company, Docket No. G-14843; Hudson & Hudson, Inc., et al., Docket No. G-15093.

On January 21, 1958, West Texas Gathering Company (West Texas), filed in Docket No. G-14302, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso), for resale for ultimate public consumption, subject to the jurisdiction of the Commission, all as more fully represented in the application.

West Texas proposes to sell approximately 190,000 Mcf daily to El Paso, pursuant to a sales contract dated January [illegible], 1958, by and between El Paso and West Texas. West Texas will purchase all of its gas supply under gas purchase contracts entered into with various producers in Emperor and South Kermit Fields, Texas. West Texas will take such gas at the wellheads of each producer and transport same through its field pipeline system to El Paso at the latter's proposed Keystone-Emperor Purification and Dehydration Plant.

On January 21, 1958, El Paso filed in Docket No. G-14305 an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain facilities in Winkler County, Texas, in order to receive, process and transport approximately 190,000 Mcf daily of natural gas to be purchased from West Texas for resale for ultimate public consumption, subject to the jurisdiction of the Commission, all as more fully represented in the application. As indicated above, West Texas will purchase such gas to be sold to El Paso from certain producers in the Emperor and South Kermit Fields in Winkler County, Texas. The following facilities are proposed to be constructed and operated by El Paso:

(1) A natural gas purification and dehydration plant to be known as the Keystone-Emperor Purification and Dehydration Plant, to be located in the NE/4 of Section 1, PSL Survey, Block B-3, in Winkler County, with an installed capacity of approximately 210,000 Mcf daily.

(2) Approximately 0.3 mile of 20-inch O. D. pipeline to extend from a point of connection with El Paso's existing 14-inch and 18-inch O. D. loop pipeline from its existing Keystone Field Plant, to the aforesaid proposed plant in (1) above.

(3) Necessary metering facilities to be used in connection with the above facilities.

The estimated total initial cost of El Paso's above facilities is $1,844,000, which cost will be financed from its current working funds and/or by short-term bank loans as required.

The respective applicants listed in the table below filed related applications on the dates shown for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to West Texas, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications.

Docket No.; Applicant; and Date of Filing

G-13632; The Superior Oil Company; October 31, 1957.

G-14210; The Texas Company; January 9, 1958.

G-14236; The Pure Oil Company; January 13, 1958.

G-14334; J. C. Barnes, Operator, et al.; January 27, 1958.

G-14335; Texas Pacific Coal and Oil Company; January 27, 1958.

G-14336; Pan American Petroleum Corp., Operator; January 27, 1958.

G-14348; Shell Oil Company; January 29, 1958.

G-14349; United States Smelting, Refining and Mining Company; January 29, 1958.

G-14406; Amerada Petroleum Corporation; February 5, 1958.

G-14437; Cities Service Oil Company; February 7, 1958.

G-15093; Hudson & Hudson, Inc., et al.; May 9, 1958.

G-14461; Westbrook-Thompson Holding Corp.; February 10, 1958.

G-14603; Humble Oil & Refining Company, Operator; March 6, 1958.

G-14837; Gulf Oil Corporation [1]; April 7, 1958.

G-14843; Continental Oil Company; April 7, 1958.

Concurrently with their certificate applications, all but two of the aforementioned producers (Cities Service and Continental), filed their respective gas sales contracts as initial rate schedules. The contract between West Texas and each producer contains substantially similar terms and provisions. Except for one producer,[2] each producer is the sole signatory to its respective contract with West Texas.

Facilities of West Texas consist of existing field lines. In addition, West Texas will install approximately 11.4 miles of 20-inch O. D. lateral supply pipeline, looping its existing 8⅝-inch lateral supply pipeline, and extending from the Emperor Field to El Paso's above proposed Keystone-Emperor Plant.

Proposed deliveries to El Paso by West Texas will commence upon receipt of the authorizations sought herein and completion of El Paso's facilities.

The Commission finds: Good cause exists for setting the hearing in these related matters upon less than fifteen days notice and for shortening the period provided by the rules of practice and procedure for filing protests or petitions to intervene.[3]

The Commission orders:

(A) This order shall constitute notice of the foregoing applications which are on file with the Commission and open to public inspection.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 27, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June

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[1] As supplemented on April 30, 1958.

[2] J. C. Barnes, Operator (Docket No. G-14334) filed on his own behalf and as operator on behalf of C. V. Lyman, J. C. Barnes, Jr., Russell J. Ramsland, Jane B. Ramsland, Walter F. Wynn and Shirley B. Wynn, all of whom are signatory sellers with J. C. Barnes to the sales contract involved therein.

[3] On May 28 and June 3, 1958, respectively, West Texas and El Paso filed several petitions for an order consolidating and disposing of these proceedings prior to July 1, 1958, citing potential loss of gas supply as the reason for urgency.

25, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4712; Filed, June 20, 1958; 8:48 a. m.]

[Docket No. G-1368 etc.]

CONTINENTAL OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 17, 1958.

In the matters of Continental Oil Company, Docket No. G-13680; Magnolia Petroleum Company, Operator, Docket No. G-13827; Newmont Oil Company, Docket No. G-13948; Tennessee Gas Transmission Company, Docket No. G-14562.

Take notice that on February 25, 1958, Tennessee Gas Transmission Company (Tennessee) filed in Docket No. G-14562 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 21.01 miles of 16-inch and 2.10 miles of 12-inch pipeline extending into the Gulf of Mexico off the coast of Louisiana, in order to purchase and receive natural gas produced in Vermilion Block 46 and East Cameron Block 64 Fields, Vermilion and Cameron Parishes, Louisiana, by Magnolia Petroleum Company, Operator (Magnolia), Continental Oil Company (Continental), and Newmont Oil Company (Newmont), all as more fully set forth in Tennessee's application, which is on file with the Commission and open to public inspection.

The 21.01 miles of 12-inch pipeline will extend from a connection with an existing pipeline of Tennessee near White Lake, Vermilion Parish, to a point in the Block 46 Field, Vermilion Parish. The 2.10 miles of 12-inch pipeline will extend from a connection with Tennessee's existing 16-inch line No. 507 F-200 in the East Cameron Block 63 Field, Cameron Parish, to a point in the East Cameron Block 64 Field, Cameron Parish. The estimated total initial cost of the above proposed facilities is $2,868,700, which cost will be financed from the general funds of the company.

The following related producer applications have been filed covering the above proposed sales of natural gas to Tennessee:

Applicant; Docket No.; Date Filed; and Contract Date

Continental; G-13680; November 8, 1957; September 9, 1957, as amended December 9, 1957.

Magnolia; G-13827; November 29, 1957; September 16, 1957, as amended November 9, 1957.

Newmont; G-13948; December 13, 1957; September 16, 1957, as amended November 22, 1957.

Magnolia and Continental are each signatory co-seller parties to the other's contract with Tennessee, and both are signatory co-seller parties to Newmont's contract with Tennessee. Magnolia is the Operator of the producing properties, but is filing only on its own behalf.

The Producers' facilities consist of customary lease equipment. Proposed deliveries will be made at the wellhead and will commence upon receipt of authorizations and completion of the facilities proposed herein by Tennessee.

Each of the contracts provides for an initial rate of 22.7 cents per Mcf at 15.025 psia, including reimbursement for the Louisiana gathering and severance taxes. This rate is the same as the rate proposed in the CATCO case (Docket Nos. G-11024, et al.).

Each of the Producers has agreed, by letter, to accept a certificate of public convenience and necessity identical with that issued to Continental Oil Company in Docket No. G-11024, et al., authorizing its proposed sale to Tennessee, with the specific agreement that if, as the result of the appeal in Docket Nos. G-11024, et al., (Nos. 12401 and 12403 in the United States Court of Appeals for the Third Circuit), the proceedings in Docket Nos. G-11024, et al., should be reopened, then the respective Docket Nos. G-13680, G-13827, and G-13948, herein, shall be reopened and shall be consolidated with Docket Nos. G-11024, et al., for further proceedings.

The aforesaid Producers' certificate applications and letter agreements are all on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or of the Commission's rules of practic procedure. Under the procedure her provided for, unless otherwise advi it will be unnecessary for Applicants appear or be represented at the hear

Protests or petitions to intervene be filed with the Federal Power Commi sion, Washington 25, D. C., in accorda with the rules of practice and procedu (18 CFR 1.8 or 1.10) on or before J 8, 1958. Failure of any party to appe at and participate in the hearing sh be construed as waiver of and concu rence in omission herein of the inte mediate decision procedure in ca where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4713; Filed, June 20, 19 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR REL

JUNE 18, 195

Protests to the granting of an app cation must be prepared in accordan with Rule 40 of the general rules of pra tice (49 CFR 1.40) and filed within days from the date of publication of th notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34767: *Brick from the so to Illinois territory.* Filed by O. South, Jr., Agent (SFA No. A3678), f interested rail carriers. Rates on br and related articles, carloads from b points and points grouped therewith, taking same rates in states in the Sou also Helena, Ark., to base points a points grouped therewith as taking sa rates in Illinois, Indiana, Iowa, M souri, and Wisconsin, included in Illin territory.

Grounds for relief: Short-line dista formula grouping and maintenance rates from points on short or relief li

Tariff: Supplement 16 to Illin Freight Association tariff I. C. C. 899.

FSA No. 34768: *Substituted servi Motor-rail—Motor rates, N. Y., N. & H. R. R.* Filed by The New York, N Haven and Hartford Railroad Compa Agent (No. 208), for interested carri Rates on freight, loaded in semi-trail and empty semi-trailers, transported railroad flat cars between Boston, Ma and Providence, R. I., on the one ha and Harlem River, on the other.

Grounds for relief: Motor truck co petition.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretar

[F. R. Doc. 58-4708; Filed, June 20, 1 8:47 a. m.]

FEDERAL REGISTER

VOLUME 23 NUMBER 123

Washington, Tuesday, June 24, 1958

UNIVERSITY OF MICHIGAN
JUN 25 1958
MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10771

AMENDMENT OF EXECUTIVE ORDER NO. 10534,[1] RELATING TO THE SUPERVISION AND DIRECTION OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Executive Order No. 10534 of June 10, 1954 (19 F. R. 3413), entitled "Providing for the supervision and direction of the Saint Lawrence Seaway Development Corporation," is amended to read as follows:

By virtue of the authority vested in me by section 1 of the act of May 13, 1954, 68 Stat. 93 (33 U. S. C. 981), and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Saint Lawrence Seaway Development Corporation (hereinafter referred to as the Corporation) shall be subject to the direction and supervision of the Secretary of Defense: *Provided*, that direction and supervision of the Corporation by the Secretary of Defense under this section shall be limited to those functions of the Corporation which directly and exclusively concern the construction of the Saint Lawrence River navigation project, as authorized by subsection (a) of section 3 of the act of May 13, 1954, 68 Stat. 93 (33 U. S. C. 983 (a)), and shall terminate upon the completion of the construction so authorized.

SEC. 2. (a) Except as otherwise provided in section 1 of this order, the Secretary of Commerce shall exercise the direction and supervision, with respect to the Corporation, provided for in the said section 1 of the act of May 13, 1954.

(b) Direction and supervision of the Corporation by the Secretary of Commerce under subsection (a) of this section shall extend, but shall not be limited, to: (1) the general policies of the Corporation, (2) the operation and maintenance of the Saint Lawrence Seaway, (3) the provision of services and facilities necessary in the operation and maintenance of the Seaway, and (4) the rules for the measurement of vessels and cargoes and the rates of charges or tolls to be levied for the use of the Seaway.

SEC. 3. The Department of Commerce shall assist the Corporation in encouraging the development of traffic and maximum utilization of the Seaway, subject to the principles set forth in section 12 (b) of the said act of May 13, 1954.

SEC. 4. The Secretary of Defense and the Secretary of Commerce shall keep each other fully and currently informed on those matters, including prospective actions, within their respective areas of responsibility under sections 1 and 2 of this order which affect the responsibility of the other thereunder.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 20, 1958.

[F. R. Doc. 58-4817; Filed, June 23, 1958; 9:43 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[C. C. C. Wheat Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT PRICE SUPPORT PROGRAM

Sec.
421.3026 Administration.
421.3027 Applicability of §§ 421.3026 through 421.3031.
421.3028 Definitions.
421.3029 Compliance requirements.
421.3030 Effect of unknowingly exceeding farm wheat acreage allotment; method of determination.
421.3031 Application for review and request for reconsideration.

AUTHORITY: §§ 421.3026 to 421.3031 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054, 68 Stat. 904, sec. 125, 70 Stat. 198; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 1374.

§ 421.3026 *Administration*. The price support program for wheat will be administered by the Commodity Stabilization Service, under the general direction and supervision of the Executive Vice-President, Commodity Credit Corporation, and will be carried out in the field by the State and County Agricultural

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[1] 19 F. R. 3413; 3 CFR, 1954 Supp., p. 60.

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(As of January 1, 1958)

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Title 49, Parts 71–90 ($0.55)

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Stabilization and Conservation Committees (hereinafter referred to as State and county committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.3027 *Applicability of §§ 421.3026 through 421.3031.* Sections 421.3026 through 421.3031 state the eligibility requirements for producers of wheat under the 1958 crop wheat price support program with respect to compliance with wheat acreage allotments, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.3028 *Definitions.* As used in this subpart, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) "Farm" means a farm as defined in the regulations governing determination of acreage and performance (7 CFR 718.2; 22 F. R. 7418), and any amendments thereto.

(b) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government or any agency thereof.

(c) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(d) "Producer" means any person engaged in the production of wheat as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop share lease, contract, or agreement; and a landlord leasing to share tenants.

(e) "Wheat acreage allotment" means the wheat acreage allotment established for the farm in accordance with the regulations pertaining to Farm Acreage Allotments for the 1958 Crop of Wheat (7 CFR 728.810 to 728.827; 22 F. R. 2337), April 9, 1957, and any amendments thereto.

(f) "Wheat acreage" means any acreage planted to wheat, and any acreage of volunteer wheat which reaches maturity, excluding any acreage (1) of a wheat mixture in wheat-mixture counties, or of a mixture of other grains and wheat in non-wheat-mixture counties which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (2) of wheat cover crop; (3) of wheat grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station; (4) of wheat grown by any Federal or State wildlife refuge farm where all of the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm; (5) in case of a delayed notice of excess acreage of wheat, of unharvested wheat plowed or disced under within 15 days after such notice has been mailed to the operator of the farm; and (6) of unharvested wheat seeded in excess of the allotment which is completely destroyed by some cause beyond the control of the operator (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county, as prescribed in 7 CFR 728.855, Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850 to 728.895; 23 F. R. 2549) and any amendments thereto, or (ii) within 15 days after a delayed notice of the acreage of wheat is mailed to the operator of the farm. Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat and poulard wheat.

(g) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm wheat acreage allotment.

(h) "Wheat mixture" means a mixture of wheat and other small grains which (1) when seeded, contained less than 50 percent of wheat by weight, and (2) when harvested, produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity. The seeding of any acreage of flax, Austrian winter peas, rough peas, and vetch with wheat or a mixture of wheat and other small grains will disqualify this acreage from the classification of wheat mixture. Volunteer infestations of flax, Austrian winter peas, rough peas or vetch will not change the classification of a crop otherwise qualifying as a wheat mixture. Such volunteer flax, vetch and peas shall be excluded in determining the percentage of wheat and other small grains in a mixture.

(i) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is, while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county as prescribed in 7 CFR 728.855, Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850, to 728.895; 23 F. R. 2549) and any amendments thereto.

(j) "Commercial wheat-producing area" means the area designated by the Secretary of Agriculture as the commercial wheat-producing area for the 1958–1959 marketing year. Such designation appears in 7 CFR 728.804; 22 F. R. 2906.

(k) "States outside the commercial wheat-producing area" means those States designated by the Secretary of Agriculture as being outside the commercial wheat-producing area for the 1958–1959 marketing year. Such designation appears in 7 CFR 728.805; 22 F. R. 2906.

§ 421.3029 *Compliance requirements*—(a) *Commercial wheat-producing area.* A producer shall not be eligible for price support on wheat produced in 1958 on a farm in the commercial wheat-producing area unless the 1958 wheat acreage on the farm on which such wheat is produced is not in excess of the wheat acreage allotment: *Provided,* That if a producer has an interest in the 1958 wheat crop produced on any other farm in the same county, he must also be entitled to receive a marketing certificate for each such farm in order to be eligible for price support. Where a producer is engaged in the production of wheat in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 728.867 (c), Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850 to 728.895; 23 F. R. 2549), and any amendments thereto, to such multiple farm producer, he must be entitled to receive a marketing certificate for each such farm wherever situated, in order for the producer to be eligible for price support on his 1958 crop of wheat. Wheat produced in violation of a restrictive lease on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for price support. No wheat produced on any farm which receives an increased allotment under the provisions of Public Law 85–390, applicable in Modoc and Siskiyou

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the parent corporation either

INTRODUCTION

Sec.
20.2038-1 Revocable transfers.

Counties, California, shall be eligible for price support.

(b) *States outside the commercial wheat-producing area.* Any producer in States outside of the commercial wheat-producing area shall be eligible for price support without regard to wheat acreage allotments in accordance with other regulations issued by Commodity Credit Corporation governing eligibility for price support. However, wheat produced in violation of a restrictive lease on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for price support.

§ 421.3030 *Effect of unknowingly exceeding farm wheat acreage allotment; method of determination.* The wheat acreage on a farm shall not be deemed to be in excess of the wheat acreage allotment for the purpose of price support unless the operator knowingly exceeded such allotment. If the wheat acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraphs (a), (b), or (c) of this section that he has not knowingly exceeded his allotment and the determination of the county committee is approved on review by the State committee. The State administrative officer may act in behalf of the State committee with respect to review of determinations under paragraphs (a) and (b) of this section.

(a) *Erroneous notice of acreage allotment.* The wheat acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office the farm operator was officially notified in writing of a wheat acreage allotment for the 1958 crop which was larger than the finally-approved acreage allotment, the farm operator or any producer on the farm, acting solely on the information contained in the erroneous notice, planted an acreage to wheat in excess of the finally-approved acreage allotment, and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to wheat on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage as provided in 7 CFR 728.855, Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850 to 728.895; 23 F. R. 2549) and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of wheat customarily planted; and all other pertinent facts should be taken into consideration.

(b) *Erroneous notice of measured acreage.* The wheat acreage allotment for the farm will not be considered to be knowingly exceeded in any case where (1) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Failure to measure acreage or notify operator.* The wheat acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through no fault of the farm operator or any producer on the farm, the wheat acreage was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to the final date for the disposition of excess acreage: *Provided,* That the excess acreage was relatively small and the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the wheat acreage was in excess of the farm acreage allotment. Nothing in this paragraph shall affect any producer's liability for penalties on excess wheat determined under the Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years (7 CFR 728.850 to 728.895; 23 F. R. 2549), and any amendments thereto.

§ 421.3031 *Application for review and request for reconsideration.* Any producer who is dissatisfied with any determination with respect to compliance with his wheat acreage allotment may, within 15 days after the date of mailing to him Form MQ-24, "Notice of Farm Acreage Allotment and Marketing Quota", or Form MQ-93—Wheat, "Notice of Farm Marketing Quota and Farm Marketing Excess of Wheat", file a written application for review of such determination by a review committee: *Provided,* That such application for review is based on a determination which the producer has the right to have reviewed under 7 CFR 711.13, Marketing Quota Review Regulations as issued by the Secretary of Agriculture (7 CFR Part 711; 21 F. R. 9365), and amendments thereto. Unless application for review is made within such 15-day period, such determination shall be final.

Issued this 18th day of June 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-4748; Filed, June 23, 1958; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

PART 81—REGULATIONS RELATING TO ESTATE TAX

SUPERSEDURE OF PART

CROSS REFERENCE: For supersedure of this part, see Title 26 (1954), Chapter I, Part 20, *infra.*

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6298]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PURCHASE OF STOCK

On March 29, 1958, notice of proposed rule making regarding an amendment to the regulations under section 334 (b) (2) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (23 F. R. 2104). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendment set forth below is hereby adopted:

Section 1.334-1 (c) of the Income Tax Regulations (26 CFR Part 1) is amended by striking subparagraph (3) and inserting in lieu thereof the following:

(3) (i) Except as provided in subdivision (ii) of this subparagraph, in the case of a series of purchases of stock, the two-year period specified in section 334 (b) (2) (A) shall begin on the day following the earliest date which is the end of a period of twelve months or less within which the amount of stock required by section 334 (b) (2) (B) was acquired. For example, assume that 20 percent of the stock of corporation A is purchased on each of the following dates: April 1, 1956, June 30, 1956, September 30, 1956, December 31, 1956, and June 1, 1957. The two-year period shall begin on January 1, 1957. However, if the first purchase of 20 percent of the stock occurs on November 1, 1955 (instead of April 1, 1956), then the two-year period shall begin on June 2, 1957.

(ii) If a plan of liquidation is adopted on or before December 24, 1958, subdivision (i) of this subparagraph shall not apply and the rule of subdivision (iii) of this subparagraph shall apply unless the parent corporation elects to have the rule of subdivision (i) of this subparagraph apply. Such election shall be made by the parent corporation either in a statement attached to its return (filed within the time prescribed for filing, including any extensions of time) for the taxable year within which such plan is adopted, or in a statement filed on or before September 22, 1958, with the district director with whom such corporation's return for such taxable year was filed. The election, once made, shall be irrevocable.

(iii) The rule referred to in subdivision (ii) of this subparagraph is as follows:

(*a*) In the case of a series of purchases of stock, the two-year period specified in section 334 (b) (2) (A) shall begin on the day following the date of the last such purchase if the amount of stock specified in section 334 (b) (2) (B) is purchased during the preceding twelve months.

(*b*) Application of the rule prescribed in (*a*) of this subdivision may be illustrated by the following example:

Example. Twenty percent of the stock of corporation A is purchased on each of the following dates: April 1, 1954, June 30, 1954, September 30, 1954, December 31, 1954, and April 1, 1955. Although 80 percent of the stock of corporation A had been purchased as of December 31, 1954, the date of the last transaction of the series of transactions described in section 334 (b) (2) (B) is April 1, 1955, and therefore the two-year period shall begin on April 2, 1955.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: June 18, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4715; Filed, June 23, 1958; 8:45 a. m.]

[T. D. 6296]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 301—PROCEDURE AND ADMINISTRATION

On October 16, 1956, notice of proposed rule making regarding (1) the Estate Tax Regulations (26 CFR Part 20) under chapter 11 of subtitle B of the Internal Revenue Code of 1954 and under certain sections of subtitle F of the Internal Revenue Code of 1954, and (2) amendments to conform the Regulations on Procedure and Administration (26 CFR Part 301) to section 2 of the Act of August 6, 1956 (Public Law 1011, 84th Cong., 70 Stat. 1075), was published in the FEDERAL REGISTER (21 F. R. 7850). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted. Except as specifically provided otherwise, such regulations are applicable to estates of decedents dying after August 16, 1954:

PARAGRAPH 1. The following Estate Tax Regulations are hereby prescribed under Chapter 11 of Subtitle B of the Internal Revenue Code of 1954 and under certain sections of Subtitle F of the Internal Revenue Code of 1954:

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AUTHORITY: §§ 20.0-1 to 20.7404 issued under sec. 7805, I. R. C. 1954; 68A Stat. 917; 26 U. S. C. 7805.

INTRODUCTION

§ 20.0-1 *Introduction*—(a) *In general.* The regulations in this part are designated "Estate Tax Regulations". The regulations in this part pertain to (1) the Federal estate tax imposed by chapter 11 of subtitle B of the Internal Revenue Code on the transfer of estates of decedents dying after August 16, 1954, and (2) certain related administrative provisions of subtitle F of the Code. It should be noted that the application of many of the provisions of the regulations in this part may be affected by the provisions of an applicable death tax convention with a foreign country. Unless otherwise indicated, references in the regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, and references to a section or other provision of law are references to a section or other provision of the Internal Revenue Code of 1954, as amended. Unless otherwise provided, the Estate Tax Regulations are applicable to the estates of decedents dying after August 16, 1954, and supersede the regulations contained in Part 81, Subchapter B, Chapter I, Title 26, Code of Federal Regulations (1939) (Regulations 105, Estate Tax), as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F. R. 5167, Aug. 17, 1954).

(b) *Scope of regulations*—(1) *Estates of citizens or residents.* Subchapter A of chapter 11 of the Code pertains to the taxation of the estate of a person who was a citizen or a resident of the United States at the time of his death. The term "resident" means a decedent who, at the time of his death, had his domicile in the United States. The term "United States", as used in the Estate Tax Regulations, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia (see section 7701 (a) (9)). A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal. The regulations pursuant to subchapter A are set forth in §§ 20.2001-1 to 20.2056 (e)-3.

(2) *Estates of nonresidents not citizens.* Subchapter B of chapter 11 of the Code pertains to the taxation of the estate of a person who was a nonresident not a citizen of the United States at the time of his death. A "nonresident" is a decedent who, at the time of his death, had his domicile outside the United States under the principles set forth in subparagraph (1) of this paragraph. (See, however, section 2202 with respect to missionaries in foreign service.) The regulations pursuant to subchapter B are set forth in §§ 20.2101-1 to 20.2106-2.

(3) *Miscellaneous substantive provisions.* Subchapter C of chapter 11 of the Code contains a number of miscellaneous substantive provisions. The regulations pursuant to subchapter C are set forth in §§ 20.2201-1 to 20.2207-1.

(4) *Procedure and administrative provisions.* Subtitle F of the Internal Revenue Code contains some sections

which are applicable to the Federal estate tax. The regulations pursuant to those sections are set forth in §§ 20.6001-1 to 20.7101-1. Such regulations do not purport to be all the regulations on procedure and administration which are pertinent to estate tax matters. For the remainder of the regulations on procedure and administration which are pertinent to estate tax matters, see Part 301 of this chapter.

(c) *Arrangement and numbering.* Each section of this part (except this section and § 20.0-2) is preceded by the section or subsection of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since—

(1) The sections of the regulations in this part are printed in larger type;

(2) The sections of the regulations in this part are preceded by a section symbol and the part number, arabic number 20 followed by a decimal point (§ 20.); and

(3) The sections of the Code are preceded by "Sec.". Each section of the regulations setting forth law or regulations is designated by a number composed of the part number followed by a decimal point (20.) and the number of the corresponding provision of the Internal Revenue Code. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. Thus, the section of the regulations setting forth section 2012 of the Internal Revenue Code is designated § 20.2012 and the regulations pertaining to section 2012 are designated § 20.2012-1.

§ 20.0-2 *General description of tax*—(a) *Nature of tax.* The Federal estate tax is neither a property tax nor an inheritance tax. It is a tax imposed upon the transfer of the entire taxable estate and not upon any particular legacy, devise, or distributive share. Escheat of a decedent's property to the State for lack of heirs is a transfer which causes the property to be included in the decedent's gross estate.

(b) *Method of determining tax; estate of citizen or resident*—(1) *In general.* Subparagraphs (2) to (5) of this paragraph contain a general description of the method to be used in determining the Federal estate tax imposed upon the transfer of the estate of a decedent who was a citizen or resident of the United States at the time of his death.

(2) *Gross estate.* The first step in determining the tax is to ascertain the total value of the decedent's gross estate. The value of the gross estate includes the value of all property (except real property situated outside of the United States) to the extent of the interest therein of the decedent at the time of his death. However, the gross estate also may include property in which the decedent did not have an interest at the time of his death. A decedent's gross estate for Federal estate tax purposes may therefore be very different from the same decedent's estate for local probate purposes. Examples of items which may be included in a decedent's gross estate and not in his probate estate are the following: certain property transferred by the decedent during his lifetime without adequate consideration; property held jointly by the decedent and others; property over which the decedent had a general power of appointment; proceeds of certain policies of insurance on the decedent's life; annuities; and dower or curtesy of a surviving spouse or a statutory estate in lieu thereof. For a detailed explanation of the method of ascertaining the value of the gross estate, see sections 2031 through 2044, and the regulations thereunder.

(3) *Taxable estate.* The second step in determining the tax is to ascertain the value of the decedent's taxable estate. The value of the taxable estate is determined by subtracting from the value of the gross estate the authorized exemption and deductions. Under various conditions and limitations, deductions are allowable for expenses, indebtedness, taxes, losses, charitable transfers, and transfers to a surviving spouse. For a detailed explanation of the method of ascertaining the value of the taxable estate, see sections 2051 through 2056, and the regulations thereunder.

(4) *Gross estate tax.* The third step is the determination of the gross estate tax. This is accomplished by the application of certain rates to the value of the decedent's taxable estate. In this connection, see section 2001 and the regulations thereunder.

(5) *Net estate tax payable.* The final step is the determination of the net estate tax payable. This is done by subtracting from the gross estate tax the authorized credits against tax. Under certain conditions and limitations, credits are allowable for the following (computed in the order stated below):

(i) State death taxes paid in connection with the decedent's estate (section 2011);

(ii) Gift taxes paid on inter-vivos transfers by the decedent of property included in his gross estate (section 2012);

(iii) Foreign death taxes paid in connection with the decedent's estate (section 2014); and

(iv) Federal estate taxes paid on transfers of property to the decedent (section 2013).

Sections 2015 and 2016 contain certain further rules for the application of the credits for State and foreign death taxes. For a detailed explanation of the credits against tax, see sections 2011 through 2016, and the regulations thereunder.

(c) *Method of determining tax; estate of nonresident not a citizen.* In general, the method to be used in determining the Federal estate tax imposed upon the transfer of an estate of a decedent who was a nonresident not a citizen of the United States is similar to that described in paragraph (b) of this section with respect to the estate of a citizen or resident. Briefly stated, the steps are as follows: first, ascertain the value of that part of the decedent's "entire gross estate" which at the time of his death was situated in the United States (see §§ 20.2103-1 and 20.2104-1; second, determine the value of the taxable estate by subtracting from the value of that part of the "entire gross estate" which was situated in the United States at the time of the decedent's death the amount of the allowable deductions (see § 20.2106-1); third, compute the gross estate tax on the taxable estate, using the rates set forth in section 2001 (see § 20.2101-1); and fourth, subtract from the gross estate tax the total amount of any allowable credits in order to arrive at the net estate tax payable (see § 20.2102-1).

ESTATES OF CITIZENS OR RESIDENTS

TAX IMPOSED

§ 20.2001 *Statutory provisions; rate of tax.*

SEC. 2001. *Rate of tax.* A tax computed in accordance with the following table is hereby imposed on the transfer of the taxable estate, determined as provided in section 2051, of every decedent, citizen or resident of the United States dying after the date of enactment of this title:

If the taxable estate is—	*The tax shall be—*
Not over $5,000	3 percent of the taxable estate.
Over $5,000 but not over $10,000	$150, plus 7 percent of excess over $5,000.
Over $10,000 but not over $20,000	$500, plus 11 percent of excess over $10,000.
Over $20,000 but not over $30,000	$1,600, plus 14 percent of excess over $20,000.
Over $30,000 but not over $40,000	$3,000, plus 18 percent of excess over $30,000.
Over $40,000 but not over $50,000	$4,800, plus 22 percent of excess over $40,000.
Over $50,000 but not over $60,000	$7,000, plus 25 percent of excess over $50,000.
Over $60,000 but not over $100,000	$9,500, plus 28 percent of excess over $60,000.
Over $100,000 but not over $250,000	$20,700, plus 30 percent of excess over $100,000.
Over $250,000 but not over $500,000	$65,700, plus 32 percent of excess over $250,000.
Over $500,000 but not over $750,000	$145,700, plus 35 percent of excess over $500,000.
Over $750,000 but not over $1,000,000	$233,200, plus 37 percent of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$325,700, plus 39 percent of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000	$423,200, plus 42 percent of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$528,200, plus 45 percent of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000	$753,200, plus 49 percent of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000	$998,200, plus 53 percent of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000	$1,263,200, plus 56 percent of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,543,200, plus 59 percent of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,838,200, plus 63 percent of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000	$2,468,200, plus 67 percent of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000	$3,138,200, plus 70 percent of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000	$3,838,200, plus 73 percent of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000	$4,568,200, plus 76 percent of excess over $8,000,000.
Over $10,000,000	$6,088,200, plus 77 percent of excess over $10,000,000.

§ 20.2001-1 *Rate of tax.* (a) The gross estate tax is computed by the application of progressively graduated rates to the value of the decedent's taxable estate in accordance with the following table:

TABLE FOR COMPUTATION OF GROSS ESTATE TAX

(A) Taxable estate equal to or more than—	(B) Taxable estate less than—	(C) Tax on amount in column (A)	(D) Rate of tax on excess over amount in column (A)
			Percent
----------	$5,000	----------	3
$5,000	10,000	$150	7
10,000	20,000	500	11
20,000	30,000	1,600	14
30,000	40,000	3,000	18
40,000	50,000	4,800	22
50,000	60,000	7,000	25
60,000	100,000	9,500	28
100,000	250,000	20,700	30
250,000	500,000	65,700	32
500,000	750,000	145,700	35
750,000	1,000,000	233,200	37
1,000,000	1,250,000	325,700	39
1,250,000	1,500,000	423,200	42
1,500,000	2,000,000	528,200	45
2,000,000	2,500,000	753,200	49
2,500,000	3,000,000	998,200	53
3,000,000	3,500,000	1,263,200	56
3,500,000	4,000,000	1,543,200	59
4,000,000	5,000,000	1,838,200	63
5,000,000	6,000,000	2,468,200	67
6,000,000	7,000,000	3,138,200	70
7,000,000	8,000,000	3,838,200	73
8,000,000	10,000,000	4,568,200	76
10,000,000	----------	6,088,200	77

(b) The application of the table may be illustrated by the following example:

Example. The decedent died January 1, 1955, having a gross estate of $600,000. The exemption and authorized deductions amount to $75,000, thus leaving a taxable estate of $525,000. Reference to the table discloses that the specified amount in column (A) nearest to and less than the value of the decedent's taxable estate is $500,000. The tax upon this amount, as indicated in column (C), is $145,700. The amount by which the taxable estate exceeds the same specified amount is $25,000. The tax upon this amount, computed at the rate of 35 percent indicated in column (D), is $8,750. Thus, the total gross estate tax upon a taxable estate of $525,000 is $154,450. From this amount, the credits authorized by sections 2011 through 2014 are subtracted in order to determine the net estate tax payable.

§ 20.2002 *Statutory provisions; liability for payment.*

SEC. 2002. *Liability for payment.* The tax imposed by this chapter shall be paid by the executor.

§ 20.2002-1 *Liability for payment of tax.* The Federal estate tax imposed both with respect to the estates of citizens or residents and with respect to estates of nonresidents not citizens is payable by the executor or administrator of the decedent's estate. This duty applies to the entire tax, regardless of the fact that the gross estate consists in part of property which does not come within the possession of the executor or administrator. If there is no executor or administrator appointed, qualified and acting in the United States, any person in actual or constructive possession of any property of the decedent is required to pay the entire tax to the extent of the value of the property in his possession. See section 2203, defining the term "executor". The personal liability of the executor or such other person is described in section 3467 of the Revised Statutes (31 U. S. C. 192) as follows:

> Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid.

As used in said section, the word "debt" includes a beneficiary's distributive share of an estate. Thus, if the executor pays a debt due by the decedent's estate or distributes any portion of the estate before all the estate tax is paid, he is personally liable, to the extent of the payment or distribution, for so much of the estate tax as remains due and unpaid. In addition, section 6324 (a) (2) provides that if the estate tax is not paid when due, then the spouse, transferee, trustee (except the trustee of an employee's trust which meets the requirements of section 401 (a)), surviving tenant, person in possession of the property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, who receives, or has on the date of the decedent's death, property included in the gross estate under sections 2034 through 2042, is personally liable for the tax to the extent of the value, at the time of the decedent's death, of such property. See also the following related sections of the Internal Revenue Code: Section 2204, discharge of executor from personal liability; section 2205, reimbursement out of estate; sections 2206 and 2207, liability of life insurance beneficiaries and recipients of property over which decedent had power of appointment; sections 6321 through 6325, concerning liens for taxes; and section 6901 (a) (1), concerning the liabilities of transferees and fiduciaries.

CREDITS AGAINST TAX

§ 20.2011 *Statutory provisions; credit for State death taxes.*

SEC. 2011. *Credit for State death taxes*—(a) *In general.* The tax imposed by section 2001 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, or any possession of the United States, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent).

(b) *Amount of credit.* The credit allowed by this section shall not exceed the appropriate amount stated in the following table:

If the taxable estate is—	*The maximum tax credit shall be—*
Not over $90,000	8/10ths of 1 percent of the amount by which the taxable estate exceeds $40,000.
Over $90,000 but not over $140,000	$400 plus 1.6 percent of the excess over $90,000.
Over $140,000 but not over $240,000	$1,200 plus 2.4 percent of the excess over $140,000.
Over $240,000 but not over $440,000	$3,600 plus 3.2 percent of the excess over $240,000.
Over $440,000 but not over $640,000	$10,000 plus 4 percent of the excess over $440,000.
Over $640,000 but not over $840,000	$18,000 plus 4.8 percent of the excess over $640,000.
Over $840,000 but not over $1,040,000	$27,600 plus 5.6 percent of the excess over $840,000.
Over $1,040,000 but not over $1,540,000	$38,800 plus 6.4 percent of the excess over $1,040,000.
Over $1,540,000 but not over $2,040,000	$70,800 plus 7.2 percent of the excess over $1,540,000.
Over $2,040,000 but not over $2,540,000	$106,800 plus 8 percent of the excess over $2,040,000.
Over $2,540,000 but not over $3,040,000	$146,800 plus 8.8 percent of the excess over $2,540,000.
Over $3,040,000 but not over $3,540,000	$190,800 plus 9.6 percent of the excess over $3,040,000.
Over $3,540,000 but not over $4,040,000	$238,800 plus 10.4 percent of the excess over $3,540,000.
Over $4,040,000 but not over $5,040,000	$290,800 plus 11.2 percent of the excess over $4,040,000.
Over $5,040,000 but not over $6,040,000	$402,800 plus 12 percent of the excess over $5,040,000.
Over $6,040,000 but not over $7,040,000	$522,800 plus 12.8 percent of the excess over $6,040,000.
Over $7,040,000 but not over $8,040,000	$650,800 plus 13.6 percent of the excess over $7,040,000.
Over $8,040,000 but not over $9,040,000	$786,800 plus 14.4 percent of the excess over $8,040,000.
Over $9,040,000 but not over $10,040,000	$930,800 plus 15.2 percent of the excess over $9,040,000.
Over $10,040,000	$1,082,800 plus 16 percent of the excess over $10,040,000.

(c) *Period of limitations on credit.* The credit allowed by this section shall include only such taxes as were actually paid and credit therefor claimed within 4 years after the filing of the return required by section 6018, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213 (a), then within such 4-year period or before the expiration of 60 days after the decision of the Tax Court becomes final.

(2) If, under section 6161, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such 4-year period or before the

date of the expiration of the period of the extension.

Refund based on the credit may (despite the provisions of sections 6511 and 6512) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

(d) *Basic estate tax.* The basic estate tax and the estate tax imposed by the Revenue Act of 1926 shall be 125 percent of the amount determined to be the maximum credit provided by subsection (b). The additional estate tax shall be the difference between the tax imposed by section 2001 or 2101 and the basic estate tax.

(e) *Limitation in cases involving deduction under section 2053 (d).* In any case where a deduction is allowed under section 2053 (d) for an estate, succession, legacy, or inheritance tax imposed upon a transfer for public, charitable, or religious uses described in section 2055 or 2106 (a) (2), the allowance of the credit under this section shall be subject to the following conditions and limitations:

(1) The taxes described in subsection (a) shall not include any estate, succession, legacy, or inheritance tax for which a deduction is allowed under section 2053 (d).

(2) The credit shall not exceed the lesser of—

(A) The amount stated in subsection (b) on a taxable estate determined by allowing the deduction authorized by section 2053 (d), or

(B) That proportion of the amount stated in subsection (b) on a taxable estate determined without regard to the deduction authorized by section 2053 (d) as (i) the amount of the taxes described in subsection (a), as limited by the provisions of paragraph (1) of this subsection, bears to (ii) the amount of the taxes described in subsection (a) before applying the limitation contained in paragraph (1) of this subsection.

(3) If the amount determined under subparagraph (B) of paragraph (2) is less than the amount determined under subparagraph (A) of that paragraph, then for purposes of subsection (d) such lesser amount shall be the maximum credit provided by subsection (b).

[Sec. 2011 as amended by sec. 3, Act of Feb. 20, 1956 (Pub. Law 414, 84th Cong., 70 Stat. 24)]

§ 20.2011-1 *Credit for State death taxes*—(a) *In general.* A credit is allowed under section 2011 against the Federal estate tax for estate, inheritance, legacy or succession taxes actually paid to any State, Territory, or possession of the United States, or the District of Columbia (hereafter referred to as "State death taxes"). The credit, however is allowed only for State death taxes paid (1) with respect to property included in the decedent's gross estate, and (2) with respect to the decedent's estate. The amount of the credit is subject to the limitation described in paragraph (b) of this section. It is subject to further limitations described in § 20.2011-2 if a deduction is allowed under section 2053 (d) for State death taxes paid with respect to a charitable gift.

(b) *Amount of credit.* (1) If the decedent's taxable estate does not exceed $40,000, the credit for State death taxes is zero. If the decedent's taxable estate does not exceed $40,000, the credit for State death taxes is limited to an amount computed in accordance with the following table:

TABLE FOR COMPUTATION OF MAXIMUM CREDIT FOR STATE DEATH TAXES

(A) Taxable estate equal to or more than—	(B) Taxable estate less than—	(C) Credit on amount in column (A)	(D) Rates of credit on excess over amount in column (A)
			Percent
$40,000	$90,000	----------	0.8
90,000	140,000	$400	1.6
140,000	240,000	1,200	2.4
240,000	440,000	3,600	3.2
440,000	640,000	10,000	4.0
640,000	840,000	18,000	4.8
840,000	1,040,000	27,600	5.6
1,040,000	1,540,000	38,800	6.4
1,540,000	2,040,000	70,800	7.2
2,040,000	2,540,000	106,800	8.0
2,540,000	3,040,000	146,800	8.8
3,040,000	3,540,000	190,800	9.6
3,540,000	4,040,000	238,800	10.4
4,040,000	5,040,000	290,800	11.2
5,040,000	6,040,000	402,800	12.0
6,040,000	7,040,000	522,800	12.8
7,040,000	8,040,000	650,800	13.6
8,040,000	9,040,000	786,800	14.4
9,040,000	10,040,000	930,800	15.2
10,040,000	----------	1,082,800	16.0

(2) Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. (i) The decedent died January 1, 1955, leaving a taxable estate of $150,000. On January 1, 1956, inheritance taxes totaling $2,500 were actually paid to a State with respect to property included in the decedent's gross estate. Reference to the table discloses that the specified amount in column (A) nearest to but less than the value of the decedent's taxable estate is $140,000. The maximum credit in respect of this amount, as indicated in column (C), is $1,200. The amount by which the taxable estate exceeds the same specified amount is $10,000. The maximum credit in respect of this amount, computed at the rate of 2.4 percent indicated in column (D), is $240. Thus, the maximum credit in respect of the decedent's taxable estate of $150,000 is $1,440, even though $2,500 in inheritance taxes was actually paid to the State.

(ii) If, in subdivision (i) of this example, the amount actually paid to the State was $950, the credit for State death taxes would be limited to $950. If, in subdivision (i) of this example, the decedent's taxable estate was $35,000, no credit for State death taxes would be allowed.

(c) *Miscellaneous limitations and conditions to credit*—(1) *Period of limitations.* The credit for State death taxes is limited under section 2011 (c) to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the estate tax return for the decedent's estate. If, however, a petition has been filed with The Tax Court of the United States for the redetermination of a deficiency within the time prescribed in section 6213 (a), the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return or within 60 days after the decision of The Tax Court becomes final, whichever period is the last to expire. Similarly, if an extension of time has been granted under section 6161 for payment of the tax shown on the return, or of a deficiency, the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return, or before the date of expiration of the period of the extension, whichever period is last to expire. See section 2015 for the applicable period of limitations for credit for State death taxes on reversionary or remainder interests if an election is made under section 6163 (a) to postpone payment of the estate tax attributable to reversionary or remainder interests. If a claim for refund based on the credit for State death taxes is filed within the applicable period described in this subparagraph, a refund may be made despite the general limitation provisions of sections 6511 and 6512. Any refund based on the credit described in this section shall be made without interest.

(2) *Submission of evidence.* Before the credit for State death taxes is allowed, evidence that such taxes have been paid must be submitted to the district director. The district director may require the submission of a certificate from the proper officer of the taxing State, Territory, or possession of the United States, or the District of Columbia, showing: (i) The total amount of tax imposed (before adding interest and penalties and before allowing discount); (ii) the amount of any discount allowed; (iii) the amount of any penalties and interest imposed or charged; (iv) the total amount actually paid in cash; and (v) the date or dates of payment. If the amount of these taxes has been redetermined, the amount finally determined should be stated. The required evidence should be filed with the return, but if that is not convenient or possible, then it should be submitted as soon thereafter as practicable. The district director may require the submission of such additional proof as is deemed necessary to establish the right to the credit. For example, he may require the submission of a certificate of the proper officer of the taxing jurisdiction showing (vi) whether a claim for refund of any part of the State death tax is pending and (vii) whether a refund of any part thereof has been authorized, and if a refund has been made, its date and amount, and a description of the property or interest in respect of which the refund was made. The district director may also require an itemized list of the property in respect of which State death taxes were imposed certified by the officer having custody of the records pertaining to those taxes. In addition, he may require the executor to submit a written statement (containing a declaration that it is made under penalties of perjury) stating whether, to his knowledge, any person has instituted litigation or taken an appeal (or contemplates doing so), the final determination of which may affect the amount of those taxes. See section 2016 concerning the redetermination of the estate tax if State death taxes claimed as credit are refunded.

(d) *Definition of "basic estate tax".* Section 2011 (d) provides definitions of the terms "basic estate tax" and "additional estate tax", used in the Internal Revenue Code of 1939, and "estate tax imposed by the Revenue Act of 1926", for the purpose of supplying a means of computing State death taxes under local statutes using those terms, and for use in determining the exemption provided for in section 2201 for estates of certain members of the Armed Forces. See section 2011 (e) (3) for a modification of these definitions if a deduction is allowed under section 2053 (d) for State death taxes paid with respect to a charitable gift.

§ 20.2011-2 *Limitation on credit if a deduction is allowed under section 2053 (d).* If a deduction is allowed under section 2053 (d) for State death taxes paid with respect to a charitable gift, the credit for State death taxes is subject to special limitations. Under these limitations, the credit cannot exceed the least of the following:

(a) The amount of State death taxes paid other than those for which a deduction is allowed under section 2053 (d);

(b) The amount indicated in section 2011 (b) to be the maximum credit allowable with respect to the decedent's taxable estate; or

(c) An amount, A, which bears the same ratio to B (the amount which would be the maximum credit allowable under section 2011 (b) if the deduction under section 2053 (d) were not allowed in computing the decedent's taxable estate) as C (the amount of State death taxes paid other than those for which a deduction is allowed under section 2053 (d)) bears to D (the total amount of State death taxes paid). For the purpose of this computation, in determining what the decedent's taxable estate would be if the deduction under section 2053 (d) were not allowed, adjustment must be made for the decrease in the deduction for charitable gifts under section 2055 or 2106 (a) (2) (for estates of nonresidents not citizens) by reason of any increase in Federal estate tax which would be charged against the charitable gifts.

The application of this section may be illustrated by the following example:

Example. The decedent died January 1, 1955, leaving a gross estate of $925,000. Expenses, indebtedness, etc., amounted to $25,000. The decedent bequeathed $400,000 to his son with the direction that the son bear the State death taxes on the bequest. The residuary estate was left to a charitable organization. Except as noted above, all Federal and State death taxes were payable out of the residuary estate. The State imposed death taxes of $60,000 on the son's bequest and death taxes of $75,000 on the bequest to charity. The decedent's taxable estate (determined without regard to the limitation imposed by section 2011 (e) (2) (B)) is computed as follows:

Gross estate				$925,000.00
Expenses, indebtedness, etc			$25,000.00	
Exemption			60,000.00	
Deduction under section 2053 (d)			75,000.00	
Charitable deduction:				
Gross estate		$925,000.00		
Expenses, etc	$25,000.00			
Bequest to son	400,000.00			
State death tax paid from residue	75,000.00			
Federal estate tax paid from residue	122,916.67	622,916.67	302,083.33	462,083.33
Taxable estate				462,916.67

If the deduction under section 2053 (d) were not allowed, the decedent's taxable estate would be computed as follows:

Gross estate				$925,000.00
Expenses, indebtedness, etc			$25,000.00	
Exemption			60,000.00	
Charitable deduction:				
Gross estate		$925,000.00		
Expenses, etc	$25,000.00			
Bequest to son	400,000.00			
State death tax paid from residue	75,000.00			
Federal estate tax paid from residue	155,000.00	655,000.00	270,000.00	355,000.00
Taxable estate				570,000.00

On a taxable estate of $570,000, the maximum credit allowable under section 2011 (b) would be $15,200. Under these facts, the credit for State death taxes is determined as follows:

(1) Amount of State death taxes paid other than those for which a deduction is allowed under section 2053 (d) ($135,000—$75,000)	$60,000.00
(2) Amount indicated in section 2011 (b) to be the maximum credit allowable with respect to the decedent's taxable estate of $462,916.67	10,916.67
(3) Amount determined by use of the ratio described in paragraph (c) above $\left(\frac{\$60{,}000}{\$135{,}000} \times \$15{,}200\right)$	6,755.56
(4) Credit for State death taxes (least of subparagraphs (1) through (3) above)	6,755.56

§ 20.2012 *Statutory provisions; credit for gift tax.*

SEC. 2012. *Credit for gift tax*—(a) *In general.* If a tax on a gift has been paid under chapter 12 (sec. 2501 and following), or under corresponding provisions of prior laws, and thereafter on the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for purposes of this chapter, then there shall be credited against the tax imposed by section 2001 the amount of the tax paid on a gift under chapter 12, or under corresponding provisions of prior laws, with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit shall not exceed an amount which bears the same ratio to the tax imposed by section 2001 (after deducting from such tax the credit for State death taxes provided by section 2011) as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate bears to the value of the entire gross estate reduced by the aggregate amount of the charitable and marital deductions allowed under sections 2055, 2056, and 2106 (a) (2).

(b) In applying, with respect to any gift, the ratio stated in subsection (a), the value at the time of the gift or at the time of the death, referred to in such ratio, shall be reduced—

(1) By such amount as will properly reflect the amount of such gift which was excluded in determining (for purposes of section 2503 (a)), or of corresponding provisions of prior laws, the total amount of gifts made during the year in which the gift was made;

(2) If a deduction with respect to such gift is allowed under section 2056 (a) (relating to marital deduction)—then by an amount which bears the same ratio to such value (reduced as provided in paragraph (1) of this subsection) as the aggregate amount of the marital deductions allowed under section 2056 (a) bears to the aggregate amount of such marital deductions computed without regard to subsection (c) thereof; and

(3) If a deduction with respect to such gift is allowed under sections 2055 or 2106 (a) (2) (relating to charitable deduction)—then by the amount of such value, reduced as provided in paragraph (1) of this subsection.

(c) Where the decedent was the donor of the gift but, under the provisions of section 2513, or corresponding provisions of prior laws, the gift was considered as made one-half by his spouse—

(1) The term "the amount of the tax paid on a gift under chapter 12", as used in subsection (a), includes the amounts paid with respect to each half of such gift, the amount paid with respect to each being computed in the manner provided in subsection (d); and

(2) In applying, with respect to such gift, the ratio stated in subsection (a), the value at the time of the gift or at the time of the death, referred to in such ratio, includes such value with respect to each half of such gift, each such value being reduced as provided in paragraph (1) of subsection (b).

(d) (1) For purposes of subsection (a), the amount of tax paid on a gift under chapter 12, or under corresponding provisions of prior laws, with respect to any gift shall be an amount which bears the same ratio to the total tax paid for the year in which the gift was made as the amount of such gift bears to the total amount of taxable gifts (computed without deduction of the specific exemption) for such year.

(2) For purposes of paragraph (1), the "amount of such gift" shall be the amount included with respect to such gift in determining (for the purposes of section 2503 (a), or of corresponding provisions of prior laws) the total amount of gifts made during such year, reduced by the amount of any deduction allowed with respect to such gift under section 2522, or under corresponding provisions of prior laws (relating to charitable deduction), or under section 2523 (relating to marital deduction).

§ 20.2012-1 *Credit for gift tax*—(a) *In general.* A credit is allowed under section 2012 against the Federal estate tax for gift tax paid under chapter 12 of the Internal Revenue Code, or corresponding provisions of prior law, on a gift by the decedent of property subsequently included in the decedent's gross estate. The credit is allowable even though the gift tax is paid after the decedent's death and the amount of the gift tax is deductible from the gross estate as a debt of the decedent.

(b) *Limitations on credit.* The credit for gift tax is limited to the smaller of the following amounts:

(1) The amount of gift tax paid on the gift, computed as set forth in paragraph (c) of this section, or

(2) The amount of the estate tax attributable to the inclusion of the gift in the gross estate, computed as set forth in paragraph (d) of this section.

When more than one gift is included in the gross estate, a separate computation of the two limitations on the credit is to be made for each gift.

(c) *"First limitation".* The amount of the gift tax paid on the gift is the "first limitation". Thus, if only one gift was made during a certain calendar year, and the gift is wholly included in the decedent's gross estate for the purpose of the estate tax, the credit with respect to the gift is limited to the amount of the gift tax paid for that calendar year. On the other hand, if more than one gift was made during a certain calendar year, the credit with respect to any such gift which is included in the decedent's gross estate is limited under section 2012 (d) to an amount, A, which bears the same ratio to B (the total gift tax paid for that calendar year) as C (the "amount of the gift", computed as described below) bears to D (the total taxable gifts for the year, computed without deduction of the gift tax specific exemption). Stated algebraically, the "first limitation" (A) equals

$$\frac{\text{"Amount of the gift" (C)}}{\text{Total taxable gifts, plus specific exemption allowed (D)}} \times \text{Total gift tax paid (B).}$$

For purposes of the ratio stated above, the "amount of the gift" referred to as factor "C" is the value of the gift reduced by any portion excluded or deducted under sections 2503 (b) (annual exclusion), 2522 (charitable deduction), or 2523 (marital deduction) of the Internal Revenue Code or corresponding provisions of prior law. In making the computations described in this paragraph, the values to be used are those finally determined for the purpose of the gift tax, irrespective of the values determined for the purpose of the estate tax. A similar computation is made in case only a portion of any gift is included in the decedent's gross estate. The application of this paragraph may be illustrated by the following example:

Example. The donor made gifts during the calendar year 1955 on which a gift tax was determined as shown below:

Gift of property to son on February 1		$13,000
Gift of property to wife on May 1		86,000
Gift of property to charitable organization on May 15		10,000
Total gifts		109,000
Less exclusions ($3,000 for each gift)		9,000
Total included amount of gifts		100,000
Marital deduction (for gift to wife)	$43,000	
Charitable deduction	7,000	
Specific exemption ($30,000 less $20,000 used in prior years)	10,000	
Total deductions		60,000
Taxable gifts		40,000
Total gift tax paid for calendar year 1955		3,600

The donor's gift to his wife was made in contemplation of death and was thereafter included in his gross estate. Under the "first limitation", the credit with respect to that gift cannot exceed

$$\frac{\text{\$86,000}-\text{\$3,000}-\text{\$43,000 (gift to wife, less annual exclusion and marital deduction)}}{\text{\$40,000}+\text{\$10,000 (taxable gifts, plus specific exemption allowed)}} \times \text{\$3,600 (total gift tax paid)} = \text{\$2,880.}$$

(d) *"Second limitation".* (1) The amount of the estate tax attributable to the inclusion of the gift in the gross estate is the "second limitation". Thus, the credit with respect to any gift of property included in the gross estate is limited to an amount, E, which bears the same ratio to F (the gross estate tax, reduced by any credit for State death taxes under section 2011) as G (the "value of the gift", computed as described in [illegible] entire gross estate, reduced by the total deductions allowed under sections 2055 or 2106 (a) (2) (charitable deduction) and 2056 (marital deduction)). Stated algebraically, the "second limitation" (E) equals

$$\frac{\text{"Value of the gift" (G)}}{\text{Value of gross estate, less marital and charitable deductions (H)}} \times \text{Gross estate tax, less credit for State death taxes (F).}$$

(2) For purposes of the ratio stated in subparagraph (1) of this paragraph, the "value of the gift" referred to as factor "G" is the value of the property transferred by gift and included in the gross estate, as determined for the purpose of the gift tax or for the purpose of the estate tax, whichever is lower, and adjusted as follows:

(i) The appropriate value is reduced by all or a portion of any annual exclusion allowed for gift tax purposes under section 2503 (b) of the Internal Revenue Code or corresponding provisions of prior law. If the gift tax value is lower than the estate tax value, it is reduced by the entire amount of the exclusion. If the estate tax value is lower than the gift tax value, it is reduced by an amount which bears the same ratio to the estate tax value as the annual exclusion bears to the total value of the property as determined for gift tax purposes. To illustrate: In 1955, a donor, in contemplation of death, transferred certain property to his five children which was valued at $300,000 for the purpose of the gift tax. Thereafter, the same property was included in his gross estate at a value of $270,000. In computing his gift tax, the donor was allowed annual exclusions totalling $15,000. The reduction provided for in this subdivision is

$$\frac{\text{\$15,000 (annual exclusions allowed)}}{\text{\$300,000 (value of transferred property for the purpose of the gift tax)}} \times \text{\$270,000 (value of transferred property for the purpose of the estate tax)} = \text{\$13,500.}$$

(ii) The appropriate value is further reduced if any portion of the value of the property is allowed as a marital deduction under section 2056 or as a charitable deduction under section 2055 or section 2106 (a) (2) (for estates of nonresidents not citizens). The amount of the reduction is an amount which bears the same ratio to the value determined under subdivision (i) of this subparagraph as the portion of the property allowed as a marital deduction or as a charitable deduction bears to the total value of the property as determined for the purpose of the estate tax. Thus, if a gift is made solely to the decedent's surviving spouse and is subsequently included in the decedent's gross estate as having been made in contemplation of death, but a marital deduction is allowed under section 2056 for the full value of the gift, no credit for gift tax on the gift will be allowed since the reduction under this subdivision together with the reduction under subdivision (i) of this subparagraph will have the effect of reducing the factor "G" of the ratio in subparagraph (1) of this paragraph to zero. However, if by reason of the limitation on the aggregate marital deduction to 50 percent of the value of the adjusted gross estate (see section 2056 (c)) the aggregate marital deduction allowed is less than the aggregate marital deduction computed without regard to that limitation, then the reduction under this subdivision is an amount, I, which bears the same ratio to J (the value determined in subdivision (i) of this subparagraph) as K (the aggregate marital deduction allowed) bears to L (the aggregate marital deduction computed without regard to the 50 percent limitation). For an illustration, see subparagraph (3) of this paragraph.

(3) The application of this paragraph may be illustrated by the following example:

Example. (1) In 1955, a donor, in contemplation of death, transferred certain property to his wife which was valued, for the purpose of the gift tax, at $86,000. In computing his gift tax the donor was allowed an annual exclusion of $3,000. In 1956, the donor died leaving a gross estate of $350,000. Expenses, indebtedness, etc., amounted to $50,000. The gross estate included the property transferred by the decedent to his wife in 1955. This property was valued, for the purpose of the estate tax, at $100,000 and was property for which a marital deduction may be taken. The decedent was survived by his wife to whom he left the major part of his estate. The estate was allowed an aggregate marital deduction of $150,000. The amount of the marital deduction computed without regard to the 50 percent limitation in section 2056 (c) would have been $250,000. The gross estate tax was $17,900, and the credit for State death taxes was $400.

(ii) Factor "G" of the ratio which is used in computing the "second limitation" is computed as follows (see paragraph (d) (2) of § 20.2012-1):

Value of gift to wife for the purpose of the gift tax or for the purpose of the estate tax, whichever is lower	$86,000
Less: Portion of annual exclusion allowed in determining the gift tax (see § 20.2012-1 (d) (2) (i))	3,000
Net value	83,000
Less: Portion of the net value allowed as a marital deduction under section 2056 (see § 20.2012-1 (d) (2) (ii))	------
$\frac{\text{\$150,000 (aggregate marital deduction allowed for the purpose of the estate tax)}}{\text{\$250,000 (aggregate marital deduction computed without regard to the limitation stated in section 2056 (c))}} \times$ (\$86,000 − \$3,000) (value of gift to wife for the purpose of the gift tax or for the purpose of the estate tax, whichever is lower, less portion of annual exclusion allowed in determining the gift tax (see § 20.2012-1 (d) (2) (i))	49,800
Factor "G" of the ratio	33,200

(iii) Under the "second limitation", the credit for gift tax on the donor's gift to his wife cannot exceed (see § 20.2012-1 (d) (1)).

$$\frac{\text{\$33,200 (factor ``G'' of the ratio; see subdivision (ii) of this example)}}{\text{\$350,000} - \text{\$150,000 (value of gross estate, less marital deduction allowed)}} \times (\text{\$17,900} - \text{\$400}) \text{ (gross estate tax, less credit for State death taxes)} = \text{\$2,905.}$$

The lesser of the "first limitation" as computed in paragraph (c) of this section and the "second limitation" as computed in this paragraph is the credit for gift tax.

(e) *Credit for "split gifts"*. If a decedent made a gift of property which is thereafter included in his gross estate, and, under the provisions of section 2513 of the Internal Revenue Code of 1954 or section 1000 (f) of the Internal Revenue Code of 1939, the gift was considered as made one-half by the decedent and one-half by his spouse, credit against the estate tax is allowed for the gift tax paid with respect to both halves of the gift. The "first limitation" is to be separately computed with respect to each half of the gift in accordance with the principles stated in paragraph (c) of this section. The "second limitation" is to be computed with respect to the entire gift in accordance with the principles stated in paragraph (d) of this section. To illustrate: A donor, in contemplation of death, transferred property valued at $106,000 to his son on January 1, 1955, and he and his wife consented that the gift should be considered as made one-half by him and one-half by her. The property was thereafter included in the donor's gross estate. Under the "first limitation", the amount of the gift tax of the donor paid with respect to the one-half of the gift considered as made by him is determined to be $11,250, and the amount of the gift tax of his wife paid with respect to the one-half of the gift considered as made by her is determined to be $1,200. Under the "second limitation", the amount of the estate tax attributable to the property is determined to be $28,914. Therefore, the credit for gift tax allowed is $12,450 ($11,250 plus $1,200).

§ 20.2013 *Statutory provisions; credit for tax on prior transfers.*

SEC. 2013. *Credit for tax on prior transfers*—(a) *General rule.* The tax imposed by section 2001 shall be credited with all or a part of the amount of the Federal estate tax paid with respect to the transfer of property (including property passing as a result of the exercise or non-exercise of a power of appointment) to the decedent by or from a person (herein designated as a "transferor") who died within 10 years before, or within 2 years after, the decedent's death. If the transferor died within 2 years of the death of the decedent, the credit shall be the amount determined under subsections (b) and (c). If the transferor predeceased the decedent by more than 2 years, the credit shall be the following percentage of the amount so determined—

(1) 80 percent, if within the third or fourth years preceding the decedent's death;

(2) 60 percent, if within the fifth or sixth years preceding the decedent's death;

(3) 40 percent, if within the seventh or eighth years preceding the decedent's death; and

(4) 20 percent, if within the ninth or tenth years preceding the decedent's death.

(b) *Computation of credit.* Subject to the limitation prescribed in subsection (c), the credit provided by this section shall be an amount which bears the same ratio to the estate tax paid (adjusted as indicated hereinafter) with respect to the estate of the transferor as the value of the property transferred bears to the taxable estate of the transferor (determined for purposes of the estate tax) decreased by any death taxes paid with respect to such estate and increased by the exemption provided for by section 2052 or section 2106 (a) (3), or the corresponding provisions of prior laws, in determining the taxable estate of the transferor for the purposes of the estate tax. For purposes of the preceding sentence, the estate tax paid shall be the Federal estate tax paid increased by any credits allowed against such estate tax under section 2012, or corresponding provisions of prior laws, on account of gift tax, and for any credits allowed against such estate tax under this section on account of prior transfers where the transferor acquired property from a person who died within 10 years before the death of the decedent.

(c) *Limitation on credit*—(1) *In general.* The credit provided in this section shall not exceed the amount by which—

(A) The estate tax imposed by section 2001 or section 2101 (after deducting the credits for State death taxes, gift tax, and foreign death taxes provided for in sections 2011, 2012, and 2014) computed without regard to this section, exceeds

(B) Such tax computed by excluding from the decedent's gross estate the value of such property transferred and, if applicable, by making the adjustment hereinafter indicated.

If any deduction is otherwise allowable under section 2055 or section 2106 (a) (2) (relating to charitable deduction) then, for the purpose of the computation indicated in subparagraph (B), the amount of such deduction shall be reduced by that part of such deduction which the value of such property transferred bears to the decedent's entire gross estate reduced by the deductions allowed under sections 2053 and 2054, or section 2106 (a) (1) (relating to deduction for expenses, losses, etc.). For purposes of this section, the value of such property transferred shall be the value as provided for in subsection (d) of this section.

(2) *Two or more transferors.* If the credit provided in this section relates to property received from 2 or more transferors, the limitation provided in paragraph (1) of this subsection shall be computed by aggregating the value of the property so transferred to the decedent. The aggregate limitation so determined shall be apportioned in accordance with the value of the property transferred to the decedent by each transferor.

(d) *Valuation of property transferred.* The value of property transferred to the decedent shall be the value used for the purpose of determining the Federal estate tax liability of the estate of the transferor but—

(1) There shall be taken into account the effect of the tax imposed by section 2001 or 2101, or any estate, succession, legacy, or inheritance tax, on the net value to the decedent of such property;

(2) Where such property is encumbered in any manner, or where the decedent incurs any obligation imposed by the transferor with respect to such property, such encumbrance or obligation shall be taken into account in the same manner as if the amount of a gift to the decedent of such property was being determined; and

(3) If the decedent was the spouse of the transferor at the time of the transferor's death, the net value of the property transferred to the decedent shall be reduced by the amount allowed under section 2056 (relating to marital deductions), or the corresponding provision of prior law, as a deduction from the gross estate of the transferor.

(e) *Property defined.* For purposes of this section, the term "property" includes any beneficial interest in property, including a general power of appointment (as defined in section 2041).

§ 20.2013-1 *Credit for tax on prior transfers*—(a) *In general.* A credit is allowed under section 2013 against the Federal estate tax imposed on the present decedent's estate for Federal estate tax paid on the transfer of property to the present decedent from a transferor who died within ten years before, or within two years after, the present decedent's death. See § 20.2013-5 for definition of the terms "property" and "transfer". There is no requirement that the transferred property be identified in the estate of the present decedent or that the property be in existence at the time of the decedent's death. It is sufficient that the transfer of the property was subjected to Federal estate tax in the estate of the transferor and that the transferor died within the prescribed period of time. The executor must submit such proof as may be requested by the district director in order to establish the right of the estate to the credit.

(b) *Limitations on credit.* The credit for tax on prior transfers is limited to the smaller of the following amounts:

(1) The amount of the Federal estate tax attributable to the transferred property in the transferor's estate, computed as set forth in § 20.2013-2; or

(2) The amount of the Federal estate tax attributable to the transferred property in the decedent's estate, computed as set forth in § 20.2013-3.

Rules for valuing property for purposes of the credit are contained in § 20.2013-4.

(c) *Percentage reduction.* If the transferor died within the two years before, or within the two years after, the present decedent's death, the credit is the smaller of the two limitations described in paragraph (b) of this section. If the transferor predeceased the present decedent by more than two years, the credit is a certain percentage of the smaller of the two limitations described in paragraph (b) of this section, determined as follows:

(1) 80 percent, if the transferor died within the third or fourth years preceding the present decedent's death;

(2) 60 percent, if the transferor died within the fifth or sixth years preceding the present decedent's death;

(3) 40 percent, if the transferor died within the seventh or eighth years preceding the present decedent's death; and

(4) 20 percent, if the transferor died within the ninth or tenth years preceding the present decedent's death.

The word "within" as used in this paragraph means "during". Therefore, if a death occurs on the second anniversary of another death, the first death is considered to have occurred within the two years before the second death. If the credit for tax on prior transfers relates to property received from two or more transferors, the provisions of this paragraph are to be applied separately with respect to the property received from each transferor. See paragraph (d) of example (2) in § 20.2013-6.

(d) *Examples.* For illustrations of the application of this section, see examples (1) and (2) set forth in § 20.2013-6.

§ 20.2013-2 *"First limitation".* (a) The amount of the Federal estate tax attributable to the transferred property in the transferor's estate is the "first limitation." Thus, the credit is limited to an amount, A, which bears the same ratio to B (the "transferor's adjusted Federal estate tax", computed as described in paragraph (b) of this section) as C (the value of the property transferred (see § 20.2013-4)) bears to D (the "transferor's adjusted taxable estate", computed as described in paragraph (c) of this section). Stated algebraically, the "first limitation" (A) equals

$$\frac{\text{Value of transferred property (C)}}{\text{"Transferor's adjusted taxable estate" (D)}} \times \text{"Transferor's adjusted Federal estate tax" (B)}.$$

(b) For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted Federal estate tax" referred to as factor "B" is the amount of the Federal estate tax paid with respect to the transferor's estate plus:

(1) Any credit allowed the transferor's estate for gift tax under section 2012, or the corresponding provisions of prior law; and

(2) Any credit allowed the transferor's estate, under section 2013, for tax on prior transfers, but only if the transferor acquired property from a person who died within 10 years before the death of the present decedent.

(c) For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted taxable estate" referred to as factor "D" is the amount of the transferor's taxable estate (or net estate) decreased by the amount of any "death taxes" paid with respect to his gross estate and increased by the amount of the exemption allowed in computing his taxable estate (or net estate). The amount of the transferor's taxable estate (or net estate) is determined in accordance with the provisions of § 20.2051-1 (or the corresponding provisions of prior regulations). The term "death taxes" means the Federal estate tax plus all other estate, inheritance, legacy, succession, or similar death taxes imposed by and paid to any taxing authority, whether within or without the United States. However, only the net amount of such taxes paid is taken into consideration. The amount of the exemption depends upon the citizenship and residence of the transferor at the time of his death. If he was a citizen or resident of the United States, the exemption is the $60,000 authorized by section 2052 (or the corresponding provisions of prior law). If he was not a citizen or resident of the United States, the exemption is the $2,000 authorized by section 2106 (a) (3) (or the corresponding provisions of prior law), or such larger amount as may have been allowed as an exemption pursuant to the prorated exemption provisions of an applicable death tax convention.

(d) If the credit for tax on prior transfers relates to property received from two or more transferors, the provisions of this section are to be applied separately with respect to the property received from each transferor. See paragraph (b) of example (2) in § 20.2013-6.

(e) For illustrations of the application of this section, see examples (1) and (2) set forth in § 20.2013-6.

§ 20.2013-3 *"Second limitation".* (a) The amount of the Federal estate tax attributable to the transferred property in the present decedent's estate is the "second limitation." Thus, the credit is limited to the difference between—

(1) The net estate tax payable (see paragraph (b) (5) of § 20.0-2) with respect to the present decedent's estate, determined without regard to any credit for tax on prior transfers under section 2013 or any credit for foreign death taxes claimed under the provisions of a death tax convention, and

(2) The net estate tax determined as provided in paragraph (1) of this section, but computed by subtracting from the present decedent's gross estate the value of the property transferred (see § 20.2013-4), and by making only the adjustment indicated in paragraph (b) of this section if a charitable deduction is allowable to the estate of the present decedent.

(b) If a charitable deduction is allowable to the estate of the present decedent under the provisions of section 2055 or section 2106 (a) (2) (for estates of nonresidents not citizens), for purposes of determining the tax described in paragraph (a) (2) of this section, the charitable deduction otherwise allowable is reduced by an amount, E, which bears the same ratio to F (the charitable deduction otherwise allowable) as G (the value of the transferred property (see § 20.2013-4)) bears to H (the value of the present decedent's gross estate reduced by the amount of the deductions for expenses, indebtedness, taxes, losses, etc., allowed under the provisions of sections 2053 and 2054 or section 2106 (a) (1) (for estates of nonresidents not citizens)). See paragraph (c) (2) of example (1) and paragraph (c) (2) of example (2) in § 20.2013-6.

(c) If the credit for tax on prior transfers relates to property received from two or more transferors, the property received from all transferors is aggregated in determining the limitation on credit under this section (the "second limitation"). However, the limitation so determined is apportioned to the property received from each transferor in the ratio that the property received from each transferor bears to the total property received from all transferors. See paragraph (c) of example (2) in § 20.2013-6.

(d) For illustrations of the application of this section, see examples (1) and (2) set forth in § 20.2013-6.

§ 20.2013-4 *Valuation of property transferred.* (a) For purposes of section 2013 and §§ 20.2013-1 to 20.2013-6, the value of the property transferred to the decedent is the value at which such property was included in the transferor's gross estate for the purpose of the Federal estate tax (see sections 2031, 2032, and the regulations thereunder) reduced as indicated in paragraph (b) of this section. If the decedent received a life estate or remainder or other limited interest in property included in the transferor's gross estate, the value of the interest is determined as of the date of the transferor's death on the basis of recognized valuation principles (see especially § 20.2031-7). The application of this paragraph may be illustrated by the following examples:

Example (1). A died on January 1, 1953, leaving Blackacre to B. The property was included in A's gross estate at a value of $100,000. On January 1, 1955, B sold Blackacre to C for $150,000. B died on February 1, 1955. For purposes of computing the credit against the tax imposed on B's estate, the value of the property transferred to B is $100,000.

Example (2). A died on January 1, 1953, leaving Blackacre to B for life and, upon B's death, remainder to C. At the time of A's death, B was 56 years of age. The property was included in A's gross estate at a value of $100,000. The part of that value attributable to the life estate is $44,688 (see paragraph (c) of § 20.2031-7), and the part of that value attributable to the remainder is $55,312 (see paragraph (d) of § 20.2031-7). B died on January 1, 1955, and C died on January 1, 1956. For purposes of computing the credit against the tax imposed on B's estate, the value of the property transferred to B is $44,688. For purposes of computing the credit against the tax imposed on C's estate, the value of the property transferred to C is $55,312.

(b) In arriving at the value of the property transferred to the decedent, the value at which the property was included in the transferor's gross estate (see paragraph (a) of this section) is reduced as follows:

(1) By the amount of the Federal estate tax and any other estate, inheritance, legacy, or succession taxes which were payable out of the property transferred to the decedent or which were payable by the decedent in connection with the property transferred to him. For example, if under the transferor's will or local law all death taxes are to be paid out of other property with the result that the decedent receives a bequest free and clear of all death taxes, no reduction is to be made under this subparagraph;

(2) By the amount of any martial deduction allowed the transferor's estate under section 2056 (or under section 812 (e) of the Internal Revenue Code of 1939) if the decedent was the spouse of the transferor at the time of the transferor's death; and

(3) (i) By the amount of any encumbrance on the property or by the amount of any obligation imposed by the transferor and incurred by the decedent with respect to the property, to the extent such charges would be taken into account if the amount of a gift to the decedent of such property were being determined.

(ii) For purposes of this subparagraph, an obligation imposed by the transferor and incurred by the decedent with respect to the property includes a bequest, etc., in lieu of the interest of the surviving spouse under community property laws, unless the interest was, immediately prior to the transferor's death, a mere expectancy. (As to the circumstances under which the interest of a surviving spouse is regarded as a mere expectancy, see the provisions of paragraph (d) of § 20.2056 (c)-2 which are equally applicable here.) However, an obligation imposed by the transferor and incurred by the decedent with respect to the property does not include a bequest, devise, or other transfer in lieu of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the transferor's property or estate.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). The transferor devised to the decedent real estate subject to a mortgage. The value of the property transferred to the decedent does not include the amount of the mortgage. If, however, the transferor by his will directs the executor to pay off the mortgage, such payment constitutes an additional amount transferred to the decedent.

Example (2). The transferor bequeathed certain property to the decedent with a direction that the decedent pay $1,000 to X. The value of the property transferred to the decedent is the value of the property reduced by $1,000.

Example (3). The transferor bequeathed certain property to his wife, the decedent, in lieu of her interest in property held by them as community property under the law of the State of their residence. The wife elected to relinquish her community property interest and to take the bequest. The value of the property transferred to the decedent is the value of the property reduced by the value of the community property interest relinquished by the wife.

Example (4). The transferor bequeathed to the decedent his entire residuary estate, out of which certain claims were to be satisfied. The entire distributable income of the transferor's estate (during the period of its administration) was applied toward the satisfaction of these claims and the remaining portion of the claims was satisfied by the decedent out of his own funds. Thus, the decedent received a larger sum upon settlement of the transferor's estate than he was actually bequeathed. The value of the property transferred to the decedent is the value at which such property was included in the transferor's gross estate, reduced by the amount of the estate income and the decedent's own funds paid out in satisfaction of the claims.

§ 20.2013-5 *"Property" and "transfer" defined.* (a) For purposes of section 2013 and §§ 20.2013-1 to 20.2013-6, the term "property" means any beneficial interest in property, including a general power of appointment (as defined in section 2041) over property. Thus, the term does not include an interest in property consisting merely of a bare legal title, such as that of a trustee. Nor does the term include a power of appointment over property which is not a general power of appointment (as defined in section 2041). Examples of property, as described in this paragraph, are annuities, life estates, estates for terms of years, vested or contingent remainders and other future interests.

(b) In order to obtain the credit for tax on prior transfers, there must be a transfer of property described in paragraph (a) of this section by or from the transferor to the decedent. The term "transfer" of property by or from a transferor means any passing of property or an interest in property under circumstances which were such that the property or interest was included in the gross estate of the transferor. In this connection, if the decedent receives property as a result of the exercise or nonexercise of a power of appointment, the donee of the power (and not the creator) is deemed to be the transferor of the property if the property subject to the power is includible in the donee's gross estate under section 2041 (relating to powers of appointment). Thus, notwithstanding the designation by local law of the capacity in which the decedent takes, property received from the transferor includes interests in property held by or devolving upon the decedent: (1) As spouse under dower or curtesy laws or laws creating an estate in lieu of dower or curtesy; (2) as surviving tenant of a tenancy by the entirety or joint tenancy with survivorship rights; (3) as beneficiary of the proceeds of life insurance; (4) as survivor under an annuity contract; (5) as donee (possessor) of a general power of appointment (as defined in section 2041); (6) as appointee under the exercise of a general power of appointment (as defined in section 2041); or (7) as remainderman under the release or nonexercise of a power of appointment by reason of which the property is included in the gross estate of the donee of the power under section 2041.

(c) The application of this section may be illustrated by the following example:

Example. A devises Blackacre to B, as trustee, with directions to pay the income therefrom to C, his son, for life. Upon C's death, Blackacre is to be sold. C is given a general testamentary power, to appoint one-third of the proceeds, and a testamentary power, which is not a general power, to appoint the remaining two-thirds of the proceeds, to such of the issue of his sister D as he should choose. D has a daughter, E, and a son, F. Upon his death, C exercised his general power by appointing one-third of the proceeds to D and his special power by appointing two-thirds of the proceeds to E. Since B's interest in Blackacre as a trustee is not a beneficial interest, no part of it is "property" for purpose of the credit in B's estate. On the other hand, C's life estate and his testamentary power over the one-third interest in the remainder constitute "property" received from A for purpose of the credit in C's estate. Likewise, D's one-third interest in the remainder received through the exercise of C's general power of appointment is "property" received from C for purpose of the credit in D's estate. No credit is allowed E's estate for the property, which passed to her from C since the property was not included in C's gross estate. On the other hand, no credit is allowed in E's estate for property passing to her from A since her interest was not susceptible of valuation at the time of A's death (see § 20.2013-4).

§ 20.2013-6 *Examples.* The application of §§ 20.2013-1 to 20.2013-5 may be further illustrated by the following examples:

Example (1). (a) A died December 1, 1953, leaving a gross estate of $1,000,000. Expenses, indebtedness, etc., amounted to $90,000. A bequeathed $200,000 to B, his wife, $100,000 of which qualifies for the marital deduction. B died November 1, 1954, leaving a gross estate of $500,000. Expenses, indebtedness, etc., amounted to $40,000. B bequeathed $150,000 to charity. A and B were both citizens of the United States. The estates of A and B both paid State death taxes equal to the maximum credit allowable for State death taxes. Death taxes were not a charge on the bequest to B.

(b) "First limitation" on credit for B's estate (§ 20.2013-2):

A's gross estate		$1,000,000.00
Expenses, indebtedness, etc		90,000.00
A's adjusted gross estate		910,000.00
Marital deduction	$100,000.00	
Exemption	60,000.00	160,000.00
A's taxable estate		750,000.00
A's gross estate tax		233,200.00
Credit for State death taxes		23,280.00
A's net estate tax payable		209,920.00

"First limitation" = $209,920.00 (§ 20.2013-2 (b)) ×

$$\frac{\$200{,}000.00-\$100{,}000.00\ (\S\ 20.2013\text{-}4)}{\$750{,}000.00-\$209{,}920.00-\$23{,}280.00+\$60{,}000.00\ (\S\ 20.2013\text{-}2\ (c))} \text{ ---------- } 36{,}393.90$$

(c) "Second limitation" on credit for B's estate (§ 20.2013-3):

(1) B's net estate tax payable as described in § 20.2013-3 (a) (1) (previously taxed transfer included):

B's gross estate		$500,000.00
Expenses, indebtedness, etc	$40,000.00	
Charitable deduction	150,000.00	
Exemption	60,000.00	250,000.00
B's taxable estate		250,000.00
B's gross estate tax		65,700.00
Credit for State death taxes		3,920.00
B's net estate tax payable		61,780.00

(2) B's net estate tax payable as described in § 20.2013-3 (a) (2) (previously taxed transfer excluded):

B's gross estate		$400,000.00
Expenses, indebtedness, etc	$40,000.00	
Charitable deduction (§ 20.2013-3 (b)) = $150,000.00 − ($150,000.00 × $\left(\frac{\$200{,}000.00-\$100{,}000.00}{\$500{,}000.00-\$40{,}000.00}\right)$	117,391.30	
Exemption	60,000.00	217,391.30
B's taxable estate		182,608.70
B's gross estate tax		45,482.61
Credit for State death taxes		2,221.61
B's net estate tax payable		43,260.00

(3) "Second limitation":

Subparagraph (1)	$61,780.00	
Less: Subparagraph (2)	43,260.00	18,520.00

(d) Credit of B's estate for tax on prior transfers (§ 20.2013-1 (c)):

Credit for tax on prior transfers = $18,520.00 (lower of paragraphs (b) and (c)) × 100 percent (percentage to be taken into account under § 20.2013-1 (c))	$18,520.00

Example (2). (a) The facts are the same as those contained in example (1) of this paragraph with the following additions. C died December 1, 1950, leaving a gross estate of $250,000. Expenses, indebtedness, etc., amounted to $50,000. C bequeathed $50,000 to B. C was a citizen of the United States. His estate paid State death taxes equal to the maximum credit allowable for State death taxes. Death taxes were not a charge on the bequest to B.

(b) "First limitation" on credit for B's estate (§ 20.2013-2 (d))—

(1) With respect to the property received from A:

"First limitation" = $36,393.90 (this computation is identical with the one contained in paragraph (b) of example (1) of this section).

(2) With respect to the property received from C:

C's gross estate		$250,000.00
Expenses, indebtedness, etc	$50,000.00	
Exemption	60,000.00	110,000.00
C's taxable estate		140,000.00
C's gross estate tax		32,700.00
Credit for State death taxes		1,200.00
C's net estate tax payable		31,500.00

"First limitation" = $31,500.00 (§ 20.2013-2 (b)) ×

$$\frac{\$50{,}000.00\ (\S\ 20.2013\text{-}4)}{\$140{,}000.00-\$31{,}500.00-\$1{,}200.00+\$60{,}000.00\ (\S\ 20.2013\text{-}2\ (c))} \text{ ---------- } 9{,}414.23$$

(c) "Second limitation" on credit for B's estate (§ 20.2013-3 (c)):

(1) B's net estate tax payable as described in § 20.2013-3 (a) (1) (previously taxed transfers included) = $61,780.00 (this computation is identical with the one contained in paragraph (c) (1) of example (1) of this section).

(2) B's net estate tax payable as described in § 20.2013-3 (a) (2) (previously taxed transfers excluded):

B's gross estate		$350,000.00
Expenses, indebtedness, etc	$40,000.00	
Charitable deduction (§ 20.2013-3 (b)) = $150,000.00 − $\left(\$150{,}000.00 \times \frac{\$200{,}000.00-\$100{,}000.00+\$50{,}000.00}{\$500{,}000.00-\$40{,}000.00}\right)$	101,086.96	
Exemption	60,000.00	201,086.96
B's taxable estate		148,913.04
B's gross estate tax		35,373.91
Credit for State death taxes		1,413.91
B's net estate tax payable		33,960.00

(3) "Second limitation":

Subparagraph (1)	$61,780.00	
Less: Subparagraph (2)	33,960.00	27,820.00

(4) Apportionment of "second limitation" on credit:

Transfer from A (§ 20.2013-4)	100,000.00
Transfer from C (§ 20.2013-4)	50,000.00
Total	150,000.00
Portion of "second limitation" attributable to transfer from A ($\frac{100}{150}$ of $27,820.00)	18,546.67
Portion of "second limitation" attributable to transfer from C ($\frac{50}{150}$ of $27,820.00)	9,273.33

(d) Credit of B's estate for tax on prior transfers (§ 20.2013–1 (c)):

Credit for tax on transfer from A=

$18,546.67 (lower of "first limitation" computed in paragraph (b) (1) and "second limitation" apportioned to A's transfer in paragraph (c) (4)) × 100 percent (percentage to be taken into account under § 20.2013–1 (c))	$18,546.67

Credit for tax on transfer from C=

$9,273.33 (lower of "first limitation" computed in paragraph (b) (2) and "second limitation" apportioned to B's transfer in paragraph (c) (4)) × 80 percent (percentage to be taken into account under § 20.2013–1 (c))	7,418.66
Total credit for tax on prior transfers	25,965.33

§ 20.2014 *Statutory provisions; credit for foreign death taxes.*

SEC. 2014. *Credit for foreign death taxes*—(a) *In general.* The tax imposed by section 2001 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any foreign country in respect of any property situated within such foreign country and included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). If the decedent at the time of his death was not a citizen of the United States, credit shall not be allowed under this section unless the foreign country of which such decedent was a citizen or subject, in imposing such taxes, allows a similar credit in the case of a citizen of the United States resident in such country. The determination of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States.

(b) *Limitations on credit.* The credit provided in this section with respect to such taxes paid to any foreign country—

(1) Shall not, with respect to any such tax, exceed an amount which bears the same ratio to the amount of such tax actually paid to such foreign country as the value of property which is—

(A) Situated within such foreign country,
(B) Subjected to such tax, and
(C) Included in the gross estate

bears to the value of all property subjected to such tax; and

(2) Shall not, with respect to all such taxes, exceed an amount which bears the same ratio to the tax imposed by section 2001 (after deducting from such tax the credits provided by sections 2011 and 2012) as the value of property which is—

(A) Situated within such foreign country,
(B) Subjected to the taxes of such foreign country, and
(C) Included in the gross estate

bears to the value of the entire gross estate reduced by the aggregate amount of the deductions allowed under sections 2055 and 2056.

(c) *Valuation of property.* (1) The values referred to in the ratio stated in subsection (b) (1) are the values determined for purposes of the tax imposed by such foreign country.

(2) The values referred to in the ratio stated in subsection (b) (2) are the values determined under this chapter; but, in applying such ratio, the value of any property described in subparagraphs (A), (B), and (C) thereof shall be reduced by such amount as will properly reflect, in accordance with regulations prescribed by the Secretary or his delegate, the deductions allowed in respect of such property under sections 2055 and 2056 (relating to charitable and marital deductions).

(d) *Proof of credit.* The credit provided in this section shall be allowed only if the taxpayer establishes to the satisfaction of the Secretary or his delegate—

(1) The amount of taxes actually paid to the foreign country,

(2) The amount and date of each payment thereof,

(3) The description and value of the property in respect of which such taxes are imposed, and

(4) All other information necessary for the verification and computation of the credit.

(e) *Period of limitation.* The credit provided in this section shall be allowed only for such taxes as were actually paid and credit therefor claimed within 4 years after the filing of the return required by section 6018, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213 (a), then within such 4-year period or before the expiration of 60 days after the decision of the Tax Court becomes final.

(2) If, under section 6161, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such 4-year period or before the date of the expiration of the period of the extension.

Refund based on such credit may (despite the provisions of sections 6511 and 6512) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

§ 20.2014–1 *Credit for foreign death taxes*—(a) *In general.* (1) A credit is allowed under section 2014 against the Federal estate tax for any estate, inheritance, legacy, or succession taxes actually paid to any foreign country (hereinafter referred to as "foreign death taxes"). The credit is allowed only for foreign death taxes paid (i) with respect to property situated within the country to which the tax is paid, (ii) with respect to property included in the decedent's gross estate, and (iii) with respect to the decedent's estate. The credit is allowable to the estate of a decedent who was a citizen of the United States at the time of his death. The credit is also allowable to the estate of a decedent who was a resident but not a citizen of the United States at the time of his death if the country of which the decedent was a national, in imposing death taxes, allows a similar credit to the estates of citizens of the United States resident in that country. See paragraph (b) (1) of § 20.0–1 for definition of the term "resident". The credit is not allowable to the estate of a decedent who was neither a citizen nor a resident of the United States at the time of his death. The credit is allowable not only for death taxes paid to foreign countries which are states in the international sense, but also for death taxes paid to possessions or political subdivisions of foreign states. No credit is allowable for interest or penalties paid in connection with foreign death taxes.

(2) In addition to the credit for foreign death taxes under section 2014, similar credits are allowed under death tax conventions with certain foreign countries. If credits against the Federal estate tax are allowable under section 2014, or under section 2014 and one or more death tax conventions, for death taxes paid to more than one country, the credits are combined and the aggregate amount is credited against the Federal estate tax, subject to the limitation provided for in paragraph (c) of § 20.2014–4. For application of the credit in cases involving a death tax convention, see § 20.2014–4.

(3) No credit is allowable under section 2014 in connection with property situated outside of the foreign country imposing the tax for which credit is claimed. However, such a credit may be allowable under certain death tax conventions. In the case of a tax imposed by a political subdivision of a foreign country, credit for such tax shall be allowed with respect to property having a situs in that foreign country, even though, under the principles described in this subparagraph, such property has a situs in a political subdivision different from the one imposing the tax. Whether or not particular property of a decedent is situated in the foreign country imposing the tax is determined in accordance with the same principles that would be applied in determining whether or not similar property of a nonresident decedent not a citizen of the United States is situated within the United States for Federal estate tax purposes. See §§ 20.2104–1 and 20.2105–1. For example, under § 20.2104–1, a bond for the payment of money is not within the United States unless it is physically located in the United States. Accordingly, a bond is deemed situated in the foreign country imposing the tax only if it is physically located in that country. Similarly, under § 20.2104–1, shares of stock are deemed to be situated in the United States only if issued by a domestic (United States) corporation. Thus, a share of corporate stock is regarded as situated in the foreign country imposing the tax only if the issuing corporation is incorporated in that country. Further, under § 20.2105–1, moneys deposited with any person carrying on the banking business by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at the time of death are not deemed situated in the United States. Therefore, an account with a foreign bank in the country imposing the tax is not considered to be situated in that country under corresponding circumstances.

(b) *Limitations on credit.* The credit for foreign death taxes is limited to the smaller of the following amounts:

(1) The amount of a particular foreign death tax attributable to property situated in the country imposing the tax and included in the decedent's gross estate for Federal estate tax purposes, computed as set forth in § 20.2014–2; or

(2) The amount of the Federal estate tax attributable to particular property situated in a foreign country, subjected to foreign death tax in that country, and included in the decedent's gross estate for Federal estate tax purposes, computed as set forth in § 20.2014–3.

§ 20.2014–2 *"First limitation".* (a) The amount of a particular foreign death tax attributable to property situated in the country imposing the tax and included in the decedent's gross estate for Federal estate tax purposes is the "first limitation." Thus, the credit for any foreign death tax is limited to an amount, A, which bears the same ratio to B (the amount of the foreign death tax credit without allowance of the credit, if any, for Federal estate tax) as C (the value of the property situated in the country imposing the foreign death tax, subjected to the foreign death tax, and included in the gross estate) bears to D (the value of all property subjected to the foreign death tax). Stated algebraically, the "first limitation" (A) equals

$$\frac{\text{Value of property in foreign country subjected to foreign death tax and included in gross estate (C)}}{\text{Value of all property subjected to foreign death tax (D)}} \times \text{Amount of foreign death tax (B)}.$$

The values used in this proportion are the values determined for the purpose of the foreign death tax. The amount of the foreign death tax for which credit is allowable must be converted into United States money. The application of this paragraph may be illustrated by the following example:

Example. At the time of his death, the decedent, a citizen of the United States, owned real property in Country X valued at $80,000 and stock in Y Corporation (a corporation organized under the laws of Country X) valued at $80,000. Decedent left by will $50,000 of the real property and $20,000 of the Y Corporation stock to his surviving spouse. He left the rest of the real property and Y Corporation stock to his son. The real property was not included in his gross estate (see section 2031). There is no death tax convention in existence between the United States and Country X. Under the laws of Country X, the inheritance taxes are computed as follows:

Inheritance tax of surviving spouse:	
Value of real property in Country X	$50,000
Value of stock in Corporation Y	20,000
Total value	70,000
Tax (16 percent rate)	11,200
Inheritance tax of son:	
Value of real property in Country X	30,000
Value of stock in Y Corporation	60,000
Total value	90,000
Tax (16 percent rate)	14,400

The "first limitation" on the credit for foreign death taxes is:

$$\frac{\$20{,}000+\$60{,}000 \text{ (factor C of the ratio stated at § 20.2014–2 (a))}}{\$70{,}000+\$90{,}000 \text{ (factor D of the ratio stated at § 20.2014–2 (a))}} \times$$

$$(\$11{,}200+\$14{,}400) \text{ (factor B of the ratio stated at § 20.2014–2 (a))} = \$12{,}800.$$

(b) If a foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate, or if a foreign country and a political subdivision or possession thereof each imposes a death tax, a "first limitation" is to be computed separately for each tax or rate and the results added in order to determine the total "first limitation." The application of this paragraph may be illustrated by the following example:

Example. The facts are the same as those contained in the example set forth in paragraph (a) of this section, except that the tax of the surviving spouse was computed at a 10 percent rate and amounted to $7,000, and the tax of the son was computed at a 20 percent rate and amounted to $18,000. In this case, the "first limitation" on the credit for foreign death taxes is computed as follows:

"First limitation" with respect to inheritance tax of surviving spouse:

$$\frac{\$20{,}000 \text{ (factor C of the ratio stated at § 20.2014–2 (a))}}{\$70{,}000 \text{ (factor D of the ratio stated at § 20.2014–2 (a))}} \times$$

$$\$7{,}000 \text{ (factor B of the ratio stated at § 20.2014–2 (a))} = \$2{,}000.$$

"First limitation" with respect to inheritance tax of son:

$$\frac{\$60{,}000 \text{ (factor C of the ratio stated at § 20.2014–2 (a))}}{\$90{,}000 \text{ (factor D of the ratio stated at § 20.2014–2 (a))}} \times$$

$$\$18{,}000 \text{ (factor B of the ratio stated at § 20.2014–2 (a))} = \$12{,}000.$$

Total "first limitation" on the credit for foreign death taxes	14,000

§ 20.2014–3 *"Second limitation".* (a) The amount of the Federal estate tax attributable to particular property situated in a foreign country, subjected to foreign death tax in that country, and included in the decedent's gross estate for Federal estate tax purposes is the "second limitation." Thus, the credit is limited to an amount, E, which bears the same ratio to F (the gross Federal estate tax, reduced by any credit for State death taxes under section 2011 and by any credit for gift tax under section 2012) as G (the "adjusted value of the property situated in the foreign country, subjected to foreign death tax, and included in the gross estate", computed as described in paragraph (b) of this section) bears to H (the value of the entire gross estate, reduced by the total amount of the deductions allowed under sections 2055 (charitable deduction) and 2056 (marital deduction)). Stated algebraically, the "second limitation" (E) equals

$$\frac{\text{"Adjusted value of the property situated in the foreign country, subjected to foreign death taxes, and included in the gross estate" (G)}}{\text{Value of entire gross estate, less charitable and marital deductions (H)}} \times$$

$$\text{Gross Federal estate tax, less credits for State death taxes and gift tax (F)}$$

The values used in this proportion are the values determined for the purpose of the Federal estate tax.

(b) Adjustment is required to factor "G" of the ratio stated in paragraph (a) of this section if a charitable deduction under section 2055 or a marital deduction under section 2056 is allowed with respect to the foreign property. In such case, factor "G" is the value of the property situated in the foreign country, subjected to foreign death tax, and included in the gross estate reduced as follows:

(1) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to any part of the foreign property specifically bequeathed, devised, or otherwise specifically passing to a charitable organization or to the decedent's spouse, the value of the foreign property is reduced by the amount of the charitable deduction or marital deduction allowed with respect to such specific transfer. See example (1) of paragraph (c) of this section.

(2) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to a bequest, devise, or other transfer of an interest in a group of assets including both the foreign property and other property, the value of the foreign property is reduced by an amount, I, which bears the same ratio to J (the amount of the charitable deduction or marital deduction allowed with respect to such transfer of an interest in a group of assets) as K (the value of the foreign property included in the group of assets) bears to L (the value of the entire group of assets). As used in this subparagraph, the term "group of assets" has reference to those assets which, under applicable law, are chargeable with the charitable or marital transfer. See example (2) of paragraph (c) of this section.

Any reduction described in subparagraphs (1) or (2) of this paragraph on account of the marital deduction must proportionately take into account the 50 percent limitation on the aggregate amount of the marital deduction contained in section 2056 (c), if applicable. See example (3) of paragraph (c) of this section.

(c) The application of paragraphs (a) and (b) of this section may be illustrated by the following examples. In each case, the computations relate to the amount of credit under section 2014 without regard to the amount of credit which may be allowable under an applicable death tax convention.

Example (1). (i) Decedent, a citizen and resident of the United States at the time of his death, left a gross estate of $1,000,000 which includes: shares of stock issued by a United States corporation, valued at $750,000; bonds issued by the government of Country X physically located in the United States, valued at $50,000; and shares of stock issued by a Country X corporation, valued at $200,000. Expenses, indebtedness, etc., amounted to

$60,000. Decedent specifically bequeathed $40,000 of the stock issued by the Country X corporation to a United States charity and left the residue of his estate, in equal shares, to his son and daughter. The gross Federal estate tax is $266,500 and the credit for State death taxes is $27,600. Under the situs rules referred to in paragraph (a) (3) of § 20.2014-1, the shares of stock issued by the Country X corporation comprise the only property deemed to be situated in Country X.

(ii) The "second limitation" on the credit for foreign death taxes is:

$$\frac{\$200{,}000-\$40{,}000 \text{ (factor G of the ratio stated at § 20.2014-3 (a); see also § 20.2014-3 (b) (1))}}{\$1{,}000{,}000-\$40{,}000 \text{ (factor H of the ratio stated at § 20.2014-3 (a))}} \times (\$266{,}500-\$27{,}600) \text{ (factor F of the ratio stated at § 20.2014-3 (a))} = \$39{,}816.67.$$

The lesser of this amount and the amount of the "first limitation" (computed under § 20.2014-2) is the credit for foreign death taxes.

Example (2). (i) Decedent, a citizen and resident of the United States at the time of his death, left a gross estate of $1,000,000 which includes: shares of stock issued by a United States corporation, valued at $650,000; shares of stock issued by a Country X corporation, valued at $200,000; and life insurance, in the amount of $150,000, payable to a son. Expenses, indebtedness, etc., amounted to $40,000. The decedent made a specific bequest of $25,000 of the Country X corporation stock to Charity A and a general bequest of $100,000 to Charity B. The residue of his estate was left to his daughter. The gross Federal estate tax is $242,450 and the credit for State death taxes is $24,480. Under these facts and applicable law, neither the stock of the Country X corporation specifically bequeathed to Charity A nor the insurance payable to the son could be charged with satisfying the bequest to Charity B. Therefore, the "group of assets" which could be so charged is limited to stock of the Country X corporation valued at $175,000 and stock of the United States corporation valued at $650,000.

(ii) Factor "G" of the ratio which is used in determining the "second limitation" is computed as follows:

Value of property situated in Country X		$200,000.00
Less:		
Reduction described in § 20.2014-3 (b) (1)	$25,000.00	
Reduction described in § 20.2014-3 (b) (2) = $\frac{\$175{,}000 \text{ (factor K of the ratio stated at § 20.2014-3 (b) (2))}}{\$175{,}000+\$650{,}000 \text{ (factor L of the ratio stated at § 20.2014-3 (b) (2))}} \times \$100{,}000$ (factor J of the ratio stated at § 20.2014-3 (b) (2)) =	21,212.12	
		46,212.12
Factor "G" of the ratio		153,787.88

(iii) In this case, the "second limitation" on the credit for foreign death taxes is:

$$\frac{\$153{,}787.88 \text{ (factor G of the ratio stated at § 20.2014-3 (a); see also subdivision (ii) above)}}{\$1{,}000{,}000-\$125{,}000 \text{ (factor H of the ratio stated at § 20.2014-3 (a))}} \times (\$242{,}450-\$24{,}480) \text{ (factor F of the ratio stated at § 20.2014-3 (a))} = \$38{,}309.88.$$

Example (3). (i) Decedent, a citizen and resident of the United States at the time of his death, left a gross estate of $850,000 which includes: shares of stock issued by United States corporations, valued at $440,000; real estate located in the United States, valued at $110,000; and shares of stock issued by Country X corporations, valued at $300,000. Expenses, indebtedness, etc., amounted to $50,000. Decedent devised $40,000 in real estate to a United States charity. In addition, he bequeathed to his wife $200,000 in United States stocks and $300,000 in Country X stocks. The residue of his estate passed to his children. The gross Federal estate tax is $81,700 and the credit for State death taxes is $5,520.

(ii) Decedent's adjusted gross estate is $800,000 (i. e., $850,000, gross estate less $50,000, expenses, indebtedness, etc.). The aggregate marital deduction allowed to his estate is limited by section 2056 (c) to one-half of this amount, or $400,000. Factor "G" of the ratio which is used in determining the "second limitation" is computed as follows:

Value of property situated in Country X		$300,000
Less: Reduction described in § 20.2014-3 (b) (1) determined as follows (see also end of § 20.2014-3 (b))—		
Total amount of bequests which qualify for the marital deduction:		
Specific bequest of Country X stock	$300,000	
Specific bequest of United States stock	200,000	
	500,000	
Limitation on aggregate marital deduction under section 2056 (c)	400,000	
Part of specific bequest of Country X stock with respect to which the marital deduction is allowed—$\left(\frac{\$400{,}000}{\$500{,}000} \times \$300{,}000\right)$		240,000
Factor "G" of the ratio		60,000

(iii) Thus, the "second limitation" on the credit for foreign death taxes is

$$\frac{\$60{,}000 \text{ (factor G of the ratio stated at § 20.2014-3 (a); see also subdivision (ii) above)}}{\$850{,}000-\$40{,}000-\$400{,}000 \text{ (factor H of the ratio stated at § 20.2014-3 (a))}} \times (\$81{,}700-\$5{,}520) \text{ (factor F of the ratio stated at § 20.2014-3 (a))} = \$11{,}148.29.$$

(d) If the foreign country imposes more than one kind of death tax or imposes taxes at different rates upon the several shares of an estate, or if the foreign country and a political subdivision or possession thereof each imposes a death tax, the "second limitation" is still computed by applying the ratio set forth in paragraph (a) of this section. Factor "G" of the ratio is determined by taking into consideration the combined value of the foreign property which is subjected to each different tax or different rate. The combined value, however, cannot exceed the value at which such property was included in the gross estate for Federal estate tax purposes. Thus, if Country X imposes a tax on the inheritance of a surviving spouse at a 10-percent rate and on the inheritance of a son at a 20-percent rate, the combined value of their inheritances is taken into consideration in determining factor "G" of the ratio, which is then used in computing the "second limitation." However, the "first limitation" is computed as provided in paragraph (b) of § 20.2014-2. The lesser of the "first limitation" and the "second limitation" is the credit for foreign death taxes.

§ 20.2014-4 *Application of credit in cases involving a death tax convention*—(a) *In general.* (1) If credit for a particular foreign death tax is authorized by a death tax convention, there is allowed either the credit provided for by the convention or the credit provided for by section 2014, whichever is the more beneficial to the estate. The application of this paragraph may be illustrated by the following example:

Example. (i) Decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a gross estate of $1,000,000 which includes: shares of stock issued by a Country X corporation, valued at $400,000; bonds issued by a Country X corporation physically located in the United States, valued at $350,000; and real estate located in the United States, valued at $250,000. Expenses, indebtedness, etc., amounted to $50,000. Decedent left his entire estate to his son. There is in effect a death tax convention between the United States and Country X which provides for allowance of credit by the United States for succession duties imposed by the national government of Country X. The gross Federal estate tax is $307,200 and the credit for State death taxes is $33,760. Country X imposed a net succession duty on the stocks and bonds of $180,000. Under the situs rules described in paragraph (a) (3) of § 20.2014-1, the shares of stock comprise the only property deemed to be situated in Country X. Under the convention, both the stocks and the bonds are deemed to be situated in Country X.

(ii) (*a*) The credit authorized by the convention for death taxes imposed by Country X is computed as follows:

(*1*) Country X tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$750{,}000}{\$750{,}000} \times \$180{,}000\right)$	$180,0[illegible]
(*2*) Federal estate tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$750{,}000}{\$1{,}000{,}000} \times \$273{,}440\right)$	205,0[illegible]
(*3*) Credit (subdivision (*1*) or (*2*), whichever is less)	180,0[illegible]

(*b*) The credit authorized by section 2014 for death taxes imposed by Country X is computed as follows:

(*1*) "First limitation" computed under § 20.2014-2 $\left(\frac{\$400{,}000}{\$750{,}000} \times \$180{,}000\right)$	$96,0[illegible]

(*2*) "Second limitation" computed under § 20.2014-3 $\left(\frac{\$400{,}000}{\$1{,}000{,}000}\times \$273{,}440\right)$ ------ $109,376

(*3*) Credit (subdivision (*1*) or (*2*), whichever is less) ---------- 96,000

(iii) On the basis of the facts contained in this example, the credit of $180,000 authorized by the convention is the more beneficial to the estate.

(2) It should be noted that the greater of the treaty credit and the statutory credit is not necessarily the more beneficial to the estate. Such is the situation, for example, in those cases which involve both a foreign death tax credit and a credit under section 2013 for tax on prior transfers. The reason is that the amount of the credit for tax on prior transfers may differ depending upon whether the credit for foreign death tax is taken under the treaty or under the statute. Therefore, under certain circumstances, the advantage of taking the greater of the treaty credit and the statutory credit may be more than offset by a resultant smaller credit for tax on prior transfers. The solution is to compute the net estate tax payable first on the assumption that the treaty credit will be taken and then on the assumption that the statutory credit will be taken. Such computations will indicate whether the treaty credit or the statutory credit is in fact the more beneficial to the estate.

(b) *Taxes imposed by both a foreign country and a political subdivision thereof.* If a foreign death tax is imposed by both a foreign country with which the United States has entered into a death tax convention and one of its possessions or political subdivisions, there is allowed either the credit provided for by the convention or the credit provided for by section 2014, whichever is the more beneficial to the estate. Thus, if a portion of the estate of a United States citizen is situated in X (a country with which the United States has entered into a death tax convention providing for allowance of credit by the United States for death tax imposed by the national government of X) and is subjected to death taxes imposed by both the national government of X and the government of Y, a province of X, there is allowed either a credit for the national death tax computed under the convention or a credit for the combined national and provincial death taxes computed under section 2014, whichever is the more beneficial to the estate. It should be noted that, unless the convention provides otherwise, credit may not be claimed separately under the convention for the national tax and under section 2014 for the provincial tax. The application of this paragraph is illustrated in greater detail in the following example:

Example. (1) Decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a gross estate of $225,000 which includes: bonds issued by a United States corporation physically located in Y, a province of Country X, valued at $100,000; bonds issued by a Country X corporation physically located in the United States, valued at $75,000; and shares of stock issued by a Country X corporation, valued at $50,000. Expenses, indebtedness, etc., amounted to $10,000. Decedent left his entire estate to his son. There is in effect a death duty convention between the United States and Country X which provides for allowance of credit by the United States for succession duties imposed by the national government of Country X. The gross Federal estate tax is $55,200 and the credit for State death taxes is $3,000. Country X imposed a net succession duty on the Country X stock and the Country X bonds of $18,000. Province Y imposed a net succession duty on the United States bonds of $16,000. Under the situs rules described in paragraph (a) (3) of § 20.2014-1, the United States bonds and the Country X stock are deemed to be situated in Country X. Under the convention, the Country X bonds and the Country X stock are deemed to be situated in Country X.

(2) (i) The credit authorized by the convention for death taxes imposed by Country X is computed as follows:

(*a*) Country X tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$125{,}000}{\$125{,}000}\times \$18{,}000\right)$ -------- $18,000

(*b*) Federal estate tax attributable to property situated in Country X and subjected to tax by both countries $\left(\frac{\$125{,}000}{\$225{,}000}\times \$52{,}200\right)$ -------- 29,000

(*c*) Credit (subdivision (*a*) or (*b*), whichever is less) ---------- 18,000

(ii) The credit authorized by section 2014 for death taxes imposed by Country X (which includes death taxes imposed by Province Y according to § 20.2014-1 (a) (1)) is computed as follows:

(*a*) "First limitation" with respect to tax imposed by national government of Country X computed under § 20.2014-2 (b) $\left(\frac{\$50{,}000}{\$125{,}000}\times \$18{,}000\right)$ --------- $7,200

(*b*) "First limitation" with respect to tax imposed by Province Y computed under § 20.2014-2 (b) $\left(\frac{\$100{,}000}{\$100{,}000}\times \$16{,}000\right)$ --------- 16,000

(*c*) Total "first limitation" -------- 23,200

(*d*) "Second limitation" computed under § 20.2014-3 (d) $\left(\frac{\$150{,}000}{\$225{,}000}\times \$52{,}200\right)$ --------- 34,800

(*e*) Credit (subdivision (*c*) or (*d*), whichever is less) ------------ 23,200

(3) On the basis of the facts contained in this example, the credit of $23,200 authorized by section 2014 is the more beneficial to the estate.

(c) *Taxes imposed by two foreign countries with respect to the same property.* It is stated as a general rule in paragraph (a) (2) of § 20.2014-1 that if credits against the Federal estate tax are allowable under section 2014, or under section 2014 and one or more death tax conventions, for death taxes paid to more than one country, the credits are combined and the aggregate amount is credited against the Federal estate tax. This rule may result in credit being allowed for taxes imposed by two different countries upon the same item of property. If such is the case, the total amount of the credits with respect to such property is limited to the amount of the Federal estate tax attributable to the property, determined in accordance with the rules prescribed for computing the "second limitation" set forth in § 20.2014-3. The application of this section may be illustrated by the following example:

Example. The decedent, a citizen of the United States and a domiciliary of Country X at the time of his death, left a taxable estate which included bonds issued by Country X corporations, physically located in Country Z. Each of the three countries involved imposed death taxes on the Country X bonds. Assume that under the provisions of a treaty between the United States and Country X, the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country X on the Country X bonds in the maximum amount of $20,000. Assume, also, that under the provisions of section 2014, the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country Z on the Country X bonds in the maximum amount of $10,000. Finally, assume that the Federal estate tax attributable to the Country X bonds is $25,000. Under such circumstances, the credit allowed the estate with respect to the Country X bonds would be limited to $25,000.

§ 20.2014-5 *Proof of credit.* (a) If the foreign death tax has not been determined and paid by the time the Federal estate tax return required by section 6018 is filed, credit may be claimed on the return in an estimated amount. However, before credit for the foreign death tax is finally allowed, satisfactory evidence, such as a statement by an authorized official of each country, possession or political subdivision thereof imposing the tax, must be submitted on Form 706CE certifying: (1) The full amount of the tax (exclusive of any interest or penalties), as computed before allowance of any credit, remission, or relief; (2) the amount of any credit, allowance, remission, or relief, and other pertinent information, including the nature of the allowance and a description of the property to which it pertains; (3) the net foreign death tax payable after any such allowance; (4) the date on which the death tax was paid, or if not all paid at one time, the date and amount of each partial payment; and (5) a list of the property situated in the foreign country and subjected to its tax, showing a description and the value of the property. Satisfactory evidence must also be submitted showing that no refund of the death tax is pending and none is authorized or, if any refund is pending or has been authorized, its amount and other pertinent information. See also section 2016 and § 20.2016-1 for requirements if foreign death taxes claimed as a credit are subsequently recovered.

(b) The following information must also be submitted whenever applicable:

(1) If any of the property subjected to the foreign death tax was situated outside of the country imposing the tax, the description of each item of such property and its value.

(2) If more than one inheritance or succession is involved with respect to which credit is claimed, or if the foreign country, possession or political subdivision thereof imposes more than one kind of death tax, or if both the foreign country and a possession or political subdivision thereof each imposes a death tax, a separate computa-

tion with respect to each inheritance or succession tax.

(c) In addition to the information required under paragraphs (a) and (b) of this section, the district director may require the submission of any further proof deemed necessary to establish the right to the credit.

§ 20.2014–6 *Period of limitations on credit.* The credit for foreign death taxes under section 2014 is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the estate tax return for the decedent's estate. If, however, a petition has been filed with The Tax Court of the United States for the redetermination of a deficiency within the time prescribed in section 6213 (a), the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return, or before the expiration of 60 days after the decision of the Tax Court becomes final, whichever period is the last to expire. Similarly, if an extension of time has been granted under section 6161 for payment of the tax shown on the return, or of a deficiency, the credit is limited to those taxes which were actually paid and for which a credit was claimed within four years after the filing of the return, or before the date of the expiration of the period of the extension, whichever period is the last to expire. See section 2015 for the applicable period of limitations for credit for foreign death taxes on reversionary or remainder interests if an election is made under section 6163 (a) to postpone payment of the estate tax attributable to reversionary or remainder interests. If a claim for refund based on the credit for foreign death taxes is filed within the applicable period described in this section, a refund may be made despite the general limitation provisions of sections 6511 and 6512. Any refund based on the credit for foreign death taxes shall be made without interest.

§ 20.2015 *Statutory provisions; credit for death taxes on remainders.*

SEC. 2015. *Credit for death taxes on remainders.* Where an election is made under section 6163 (a) to postpone payment of the tax imposed by section 2001 or 2101, such part of any estate, inheritance, legacy, or succession taxes allowable as a credit under section 2011 or 2014, as is attributable to a reversionary or remainder interest may be allowed as a credit against the tax attributable to such interest, subject to the limitations on the amount of the credit contained in such sections, if such part is paid, and credit therefor claimed, at any time before the expiration of 60 days after the termination of the precedent interest or interests in the property.

§ 20.2015–1 *Credit for death taxes on remainders.* (a) If the executor of an estate elects under section 6163 (a) to postpone the time for payment of any portion of the Federal estate tax attributable to a reversionary or remainder interest in property, credit is allowed under sections 2011 and 2014 against such portion of the Federal estate tax for State death taxes and foreign death taxes attributable to the reversionary or remainder interest if such State death taxes or foreign death taxes are paid and if credit therefor is claimed either—

(1) Within the time provided for in sections 2011 and 2014, or

(2) Within 60 days after the termination of the preceding interest or interests in the property.

The allowance of credit, however, is subject to the other limitations contained in sections 2011 and 2014.

(b) In applying the rule stated in paragraph (a) of this section, credit for State death taxes or foreign death taxes paid within the time provided in sections 2011 and 2014 is applied first to the portion of the Federal estate tax payment of which is not postponed, and any excess is applied to the balance of the Federal estate tax. However, credit for State death taxes or foreign death taxes not paid within the time provided in section 2011 or 2014 is allowable only against the portion of the Federal estate tax attributable to the reversionary or remainder interest, and only for State or foreign death taxes attributable to that interest. If a State death tax or a foreign death tax is imposed upon both a reversionary or remainder interest and upon other property, without a definite apportionment of the tax, the amount of the tax deemed attributable to the reversionary or remainder interest is an amount which bears the same ratio to the total tax as the value of the reversionary or remainder interest bears to the value of the entire property with respect to which the tax was imposed. In applying this ratio, adjustments consistent with those required under paragraph (c) of § 20.6163–1 must be made.

(c) The application of this section may be illustrated by the following examples:

Example (1). One-third of the Federal estate tax was attributable to a remainder interest in real property located in State Y, and two-thirds of the Federal estate tax was attributable to other property located in State X. The payment of the tax attributable to the remainder interest was postponed under the provisions of section 6163 (a). The maximum credit allowable for State death taxes under the provisions of section 2011 is $12,000. Therefore, of the maximum credit allowable, $4,000 is attributable to the remainder interest and $8,000 is attributable to the other property. Within the 4-year period provided for in section 2011, inheritance tax in the amount of $9,000 was paid to State X in connection with the other property. With respect to this $9,000, $8,000 (the maximum amount allowable) is allowed as a credit against the Federal estate tax attributable to the other property, and $1,000 is allowed as a credit against the postponed tax. After the expiration of the 4-year period but before expiration of 60 days after termination of the life estate or other precedent interest, inheritance tax in the amount of $5,000 was paid to State Y in connection with the remainder interest. As the maximum credit allowable with respect to the remainder interest is $4,000 and $1,000 has already been allowed as a credit, an additional $3,000 will be credited against the Federal estate tax attributable to the remainder interest.

Example (2). The facts are the same as in example (1), except that within the 4-year period inheritance tax in the amount of $2,500 was paid to State Y with respect to the remainder interest and inheritance tax in the amount of $7,500 was paid to State X with respect to the other property. The amount of $8,000 is allowed as a credit against the Federal estate tax attributable to the other property and the amount of $2,000 is allowed as a credit against the postponed tax. After the expiration of the 4-year period but before the expiration of 60 days after the termination of the life estate or other precedent interest, the estate pays additional inheritance taxes of $5,000 to State Y in connection with the remainder interest. Thus, additional credit will be allowed in the amount of $2,000 ($4,000, maximum credit allowable, less $2,000, credit previously allowed) against the Federal estate tax attributable to the remainder interest.

Example (3). The facts are the same as in example (2), except that no payment was made to State Y within the 4-year period. The amount of $7,500 is allowed as a credit against the Federal estate tax attributable to the other property. After termination of the life interest additional credit will be allowed in the amount of $4,000 against the Federal estate tax attributable to the remainder interest. Since the payment of $5,000 was made to State Y following the expiration of the 4-year period, no part of the payment may be allowed as a credit against the Federal estate tax attributable to the other property.

§ 20.2016 *Statutory provisions; recovery of taxes claimed as credit.*

SEC. 2016. *Recovery of taxes claimed as credit.* If any tax claimed as a credit under section 2011 or 2014 is recovered from any foreign country, any State, any Territory or possession of the United States, or the District of Columbia, the executor, or any other person or persons recovering such amount, shall give notice of such recovery to the Secretary or his delegate at such time and in such manner as may be required by regulations prescribed by him, and the Secretary or his delegate shall (despite the provisions of section 6501) redetermine the amount of the tax under this chapter and the amount, if any, of the tax due on such redetermination, shall be paid by the executor or such person or persons, as the case may be, on notice and demand. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the executor of tax claimed as a credit under section 2014, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country on such refund.

§ 20.2016–1 *Recovery of death taxes claimed as credit.* In accordance with the provisions of section 2016, the executor (or any other person) receiving a refund of any State death taxes or foreign death taxes claimed as a credit under section 2011 or section 2014 shall notify the district director of the refund within 30 days of its receipt. The notice shall contain the following information:

(a) The name of the decedent;

(b) The date of the decedent's death;

(c) The property with respect to which the refund was made;

(d) The amount of the refund, exclusive of interest;

(e) The date of the refund; and

(f) The name and address of the person receiving the refund.

If the refund was in connection with foreign death taxes claimed as a credit under section 2014, the notice shall also contain a statement showing the amount of interest, if any, paid by the foreign country on the refund. Finally, the person filing the notice shall furnish the district director such additional information as he may request. Any Federal estate tax found to be due by reason of the refund is payable by the person or persons receiving it, upon notice and demand, even though the refund is received after the expiration of the period of limitations set forth in section 6501 (see section 6501 (c) (5)). If the tax found to be due results from a refund of foreign death tax claimed as a credit under section 2014, such tax shall not bear interest for any period before the receipt of the refund, except to the extent that interest was paid by the foreign country on the refund.

GROSS ESTATE

§ 20.2031 *Statutory provisions; definition of gross estate.*

SEC. 2031. *Definition of gross estate*—(a) *General.* The value of the gross estate of the decedent shall be determined by including to the extent provided for in this part, the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States.

(b) *Valuation of unlisted stock and securities.* In the case of stock and securities of a corporation the value of which, by reason of their not being listed on an exchange and by reason of the absence of sales thereof, cannot be determined with reference to bid and asked prices or with reference to sales prices, the value thereof shall be determined by taking into consideration, in addition to all other factors, the value of stock or securities of corporations engaged in the same or a similar line of business which are listed on an exchange.

§ 20.2031–1 *Definition of gross estate; valuation of property*—(a) *Definition of gross estate.* The value of the gross estate of a decedent who was a citizen or resident of the United States at the time of his death is the total value of the interests described in sections 2033 through 2044, other than real property situated outside of the United States (as defined in paragraph (b) (1) (i) of § 20.0–1) valued as described in §§ 20.2031–1 to 20.2031–9 and § 20.2032–1. The contents of sections 2033 through 2044 are, in general, as follows:

(1) Sections 2033 and 2034 are concerned mainly with interests in property passing through the decedent's probate estate. Section 2033 includes in the decedent's gross estate any interest that the decedent had in property at the time of his death. Section 2034 provides that any interest of the decedent's surviving spouse in the decedent's property, such as dower or curtesy, does not prevent the inclusion of such property in the decedent's gross estate.

(2) Sections 2035 through 2038 deal with interests in property transferred by the decedent during his life under such circumstances as to bring the interests within the decedent's gross estate. Section 2035 includes in the decedent's gross estate property transferred in contemplation of death, even though the decedent had no interest in, or control over, the property at the time of his death. Section 2036 provides for the inclusion of transferred property with respect to which the decedent retained the income or the power to designate who shall enjoy the income. Section 2037 includes in the decedent's gross estate certain transfers under which the beneficial enjoyment of the property could be obtained only by surviving the decedent. Section 2038 provides for the inclusion of transferred property if the decedent had at the time of his death the power to change the beneficial enjoyment of the property. It should be noted that there is considerable overlap in the application of sections 2036 through 2038 with respect to reserved powers, so that transferred property may be includible in the decedent's gross estate in varying degrees under more than one of those sections.

(3) Sections 2039 through 2042 deal with special kinds of property and powers. Sections 2039 and 2040 concern annuities and jointly held property, respectively. Section 2041 deals with powers held by the decedent over the beneficial enjoyment of property not originating with the decedent. Section 2042 concerns insurance under policies on the life of the decedent.

(4) Section 2043 concerns the sufficiency of consideration for transfers made by the decedent during his life. This has a bearing on the amount to be included in the decedent's gross estate under sections 2035 through 2038, and 2041. Section 2044 deals with retroactivity.

(b) *Valuation of property in general.* The value of every item of property includible in a decedent's gross estate under sections 2031 through 2044 is its fair market value at the time of the decedent's death, except that if the executor elects the alternate valuation method under section 2032, it is the fair market value thereof at the date, and with the adjustments, prescribed in that section. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. The fair market value of a particular item of property includible in the decedent's gross estate is not to be determined by a forced sale price. The value is generally to be determined by ascertaining as a basis the fair market value as of the applicable valuation date of each unit of the property. For example, in the case of shares of stock or bonds, such unit of property is generally a share of stock or a bond. Livestock, farm machinery, harvested and growing crops must generally be itemized and the value of each item separately returned. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value as of the applicable valuation date. All relevant facts and elements of value as of the applicable valuation date shall be considered in every case. See §§ 20.2031–2 to 20.2031–8 for further information concerning the valuation of particular kinds of property.

§ 20.2031–2 *Valuation of stocks and bonds*—(a) *In general.* The value of stocks and bonds is the fair market value per share or bond on the applicable valuation date.

(b) *Based on selling prices.* If there is a market for stocks or bonds, on a stock exchange, in an over-the-counter market, or otherwise, the mean between the highest and lowest quoted selling prices on the valuation date is the fair market value per share or bond. If there were no sales on the valuation date, but there were sales on dates within a reasonable period both before and after the valuation date, the fair market value is determined by taking a weighted average of the means between the highest and lowest sales on the nearest date before and the nearest date after the valuation date. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the valuation date. For example, assume that sales of stock nearest the valuation date (Friday, June 15) occurred two trading days before (Wednesday, June 13) and three trading days after (Wednesday, June 20) and that on these days the mean sale prices per share were $10 and $15, respectively. The price of $12 is taken as representing the fair market value of a share of the stock as of the valuation date $\left(\frac{(3\times10)+(2\times15)}{5}\right)$. If, instead, the mean sale prices per share on June 13 and June 20 were $15 and $10, respectively, the price of $13 is taken as representing the fair market value $\left(\frac{(3\times15)+(2\times10)}{5}\right)$. As a further example, assume that the decedent died on Sunday, October 7, and that Saturday and Sunday were not trading days. If sales of stock occurred on Friday, October 5, at mean sale prices per share of $20 and on Monday, October 8, at mean sale prices per share of $23, then the fair market value per share of stock as of the valuation date is $21.50. If stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed. In valuing listed securities, the executor should be careful to consult accurate records to obtain values as of the applicable valuation date. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from officers of the issuing companies, copies of the letters furnishing such quotations or evidence of sale should be attached to the return.

(c) *Based on bid and asked prices.* If the provisions of paragraph (b) of this section are inapplicable because actual sales are not available during a reasonable period beginning before and ending after the valuation date, the fair market value may be determined by taking the mean between the bona fide bid and asked prices on the valuation date, or if none, by taking a weighted average of the means between the bona fide bid and asked prices on the nearest trading date before and the nearest trading date after the valuation date, if both such nearest dates are within a reasonable period. The average is to be deter-

mined in the manner described in paragraph (b) of this section.

(d) *Based on incomplete selling prices or bid and asked prices.* If the provisions of paragraphs (b) and (c) of this section are inapplicable because no actual sale prices or bona fide bid and asked prices are available on a date within a reasonable period before the valuation date, but such prices are available on a date within a reasonable period after the valuation date, or vice versa, then the mean between the highest and lowest available sale prices or bid and asked prices may be taken as the value.

(e) *Where selling prices or bid and asked prices do not reflect fair market value.* If it is established that the value of any bond or share of stock determined on the basis of selling or bid and asked prices as provided under paragraphs (b), (c), and (d) of this section does not reflect the fair market value thereof, then some reasonable modification of that basis or other relevant facts and elements of value are considered in determining the fair market value. Where sales at or near the date of death are few or of a sporadic nature, such sales alone may not indicate fair market value. In certain exceptional cases, the size of the block of stock to be valued in relation to the number of shares changing hands in sales may be relevant in determining whether selling prices reflect the fair market value of the block of stock to be valued. If the executor can show that the block of stock to be valued is so large in relation to the actual sales on the existing market that it could not be liquidated in a reasonable time without depressing the market, the price at which the block could be sold as such outside the usual market, as through an underwriter, may be a more accurate indication of value than market quotations. Complete data in support of any allowance claimed due to the size of the block of stock being valued shall be submitted with the return. On the other hand, if the block of stock to be valued represents a controlling interest, either actual or effective, in a going business, the price at which other lots change hands may have little relation to its true value.

(f) *Where selling prices or bid and asked prices are unavailable.* If the provisions of paragraphs (b), (c), and (d) of this section are inapplicable because actual sale prices and bona fide bid and asked prices are lacking, then the fair market value is to be determined by taking the following factors into consideration:

(1) In the case of corporate or other bonds, the soundness of the security, the interest yield, the date of maturity, and other relevant factors; and

(2) In the case of shares of stock, the company's net worth, prospective earning power and dividend-paying capacity, and other relevant factors.

Some of the "other relevant factors" referred to in subparagraphs (1) and (2) of this paragraph are: the good will of the business; the economic outlook in the particular industry; the company's position in the industry and its management; the degree of control of the business represented by the block of stock to be valued; and the values of securities of corporations engaged in the same or similar lines of business which are listed on a stock exchange. However, the weight to be accorded such comparisons or any other evidentiary factors considered in the determination of a value depends upon the facts of each case. Complete financial and other data upon which the valuation is based should be submitted with the return, including copies of reports of any examinations of the company made by accountants, engineers, or any technical experts as of or near the applicable valuation date.

(g) *Pledged securities.* The full value of securities pledged to secure an indebtedness of the decedent is included in the gross estate. If the decedent had a trading account with a broker, all securities belonging to the decedent and held by the broker at the date of death must be included at their fair market value as of the applicable valuation date. Securities purchased on margin for the decedent's account and held by a broker must also be returned at their fair market value as of the applicable valuation date. The amount of the decedent's indebtedness to a broker or other person with whom securities were pledged is allowed as a deduction from the gross estate in accordance with the provisions of § 20.2053-1 or § 20.2106-1 (for estates of nonresidents not citizens).

(h) *Securities subject to an option or contract to purchase.* Another person may hold an option or a contract to purchase securities owned by a decedent at the time of his death. The effect, if any, that is given to the option or contract price in determining the value of the securities for estate tax purposes depends upon the circumstances of the particular case. Little weight will be accorded a price contained in an option or contract under which the decedent is free to dispose of the underlying securities at any price he chooses during his lifetime. Such is the effect, for example, of an agreement on the part of a shareholder to purchase whatever shares of stock the decedent may own at the time of his death. Even if the decedent is not free to dispose of the underlying securities at other than the option or contract price, such price will be disregarded in determining the value of the securities unless it is determined under the circumstances of the particular case that the agreement represents a bona fide business arrangement and not a device to pass the decedent's shares to the natural objects of his bounty for less than an adequate and full consideration in money or money's worth.

(i) *Stock sold "ex-dividend."* In any case where a dividend is declared on a share of stock before the decedent's death but payable to stockholders of record on a date after his death and the stock is selling "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the stock as of the date of the decedent's death.

§ 20.2031-3 *Valuation of interests in businesses.* The fair market value of any interest of a decedent in a business, whether a partnership or a proprietorship, is the net amount which a willing purchaser, whether an individual or a corporation, would pay for the interest to a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. The net value is determined on the basis of all relevant factors including—

(a) A fair appraisal as of the applicable valuation date of all the assets of the business, tangible and intangible, including good will;

(b) The demonstrated earning capacity of the business; and

(c) The other factors set forth in paragraphs (f) and (h) of § 20.2031-2 relating to the valuation of corporate stock, to the extent applicable.

Special attention should be given to determining an adequate value of the good will of the business in all cases in which the decedent has not agreed, for an adequate and full consideration in money or money's worth, that his interest passes at his death to, for example, his surviving partner or partners. Complete financial and other data upon which the valuation is based should be submitted with the return, including copies of reports of examinations of the business made by accountants, engineers, or any technical experts as of or near the applicable valuation date.

§ 20.2031-4 *Valuation of notes.* The fair market value of notes, secured or unsecured, is presumed to be the amount of unpaid principal, plus interest accrued to the date of death, unless the executor establishes that the value is lower or that the notes are worthless. However, items of interest shall be separately stated on the estate tax return. If not returned at face value, plus accrued interest, satisfactory evidence must be submitted that the note is worth less than the unpaid amount (because of the interest rate, date of maturity, or other cause), or that the note is uncollectible, either in whole or in part (by reason of the insolvency of the party or parties liable, or for other cause), and that any property pledged or mortgaged as security is insufficient to satisfy the obligation.

§ 20.2031-5 *Valuation of cash on hand or on deposit.* The amount of cash belonging to the decedent at the date of his death, whether in his possession or in the possession of another, or deposited with a bank, is included in the decedent's gross estate. If bank checks outstanding at the time of the decedent's death and given in discharge of bona fide legal obligations of the decedent incurred for an adequate and full consideration in money or money's worth are subsequently honored by the bank and charged to the decedent's account, the balance remaining in the account may be returned, but only if the obligations are not claimed as deductions from the gross estate.

§ 20.2031-6 *Valuation of household and personal effects*—(a) *General rule.* The fair market value of the decedent's household and personal effects is the price which a willing buyer would pay to a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. A room by room itemization of household and personal effects is desirable. All the articles should be named specifically, except that a number of articles contained in the same room, none of which has a value in excess of $100, may be grouped. A separate value should be given for each article named. In lieu of an itemized list, the executor may furnish a written statement, containing a declaration that it is made under penalties of perjury, setting forth the aggregate value as appraised by a competent appraiser or appraisers of recognized standing and ability, or by a dealer or dealers in the class of personalty involved.

(b) *Special rule in cases involving a substantial amount of valuable articles.* Notwithstanding the provisions of paragraph (a) of this section, if there are included among the household and personal effects articles having marked artistic or intrinsic value of a total value in excess of $3,000 (e. g., jewelry, furs, silverware, paintings, etchings, engravings, antiques, books, statuary, vases, oriental rugs, coin or stamp collections), the appraisal of an expert or experts, under oath, shall be filed with the return. The appraisal shall be accompanied by a written statement of the executor containing a declaration that it is made under the penalties of perjury as to the completeness of the itemized list of such property and as to the disinterested character and the qualifications of the appraiser or appraisers.

(c) *Disposition of household effects prior to investigation.* If it is desired to effect distribution or sale of any portion of the household or personal effects of the decedent in advance of an investigation by an officer of the Internal Revenue Service, information to that effect shall be given to the district director. The statement to the district director shall be accompanied by an appraisal of such property, under oath, and by a written statement of the executor, containing a declaration that it is made under the penalties of perjury, regarding the completeness of the list of such property and the qualifications of the appraiser, as heretofore described. If a personal inspection by an officer of the Internal Revenue Service is not deemed necessary, the executor will be so advised. This procedure is designed to facilitate disposition of such property and to obviate future expense and inconvenience to the estate by affording the district director an opportunity to make an investigation should one be deemed necessary prior to sale or distribution.

(d) *Additional rules if an appraisal involved.* If, pursuant to paragraphs (a), (b), and (c) of this section, expert appraisers are employed, care should be taken to see that they are reputable and of recognized competency to appraise the particular class of property involved. In the appraisal, books in sets by standard authors should be listed in separate groups. In listing paintings having artistic value, the size, subject, and artist's name should be stated. In the case of oriental rugs, the size, make, and general condition should be given. Sets of silverware should be listed in separate groups. Groups or individual pieces of silverware should be weighed and the weights given in troy ounces. In arriving at the value of silverware, the appraisers should take into consideration its antiquity, utility, desirability, condition, and obsolescence.

§ 20.2031-7 *Valuation of annuities, life estates, terms for years, remainders and reversions*—(a) *In general.* (1) The fair market value of annuities, life estates, terms for years, remainders and reversions is their present value, determined under this section, except in the case of annuities under contracts issued by companies regularly engaged in their sale. The valuation of such commercial annuity contracts, and of insurance policies on the lives of persons other than the decedent, is determined under § 20.2031-8. (See § 20.2042-1 with respect to insurance policies on the decedent's life.)

(2) The present value of an annuity, life estate, remainder or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of Table I in paragraph (f) of this section. The present value of an annuity, term for years, remainder or reversion dependent on a term certain is computed by the use of Table II in paragraph (f) of this section. If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see paragraph (e) of this section. For purposes of the computations described in this section, the age of a person is to be taken as the age of that person at his nearest birthday.

(b) *Annuities*—(1) *Payable annually at end of year.* If an annuity is payable annually at the end of each year during the life of an individual (as, for example, if the first payment is due one year after decedent's death), the amount payable annually is multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. If the annuity is payable annually at the end of each year for a definite number of years, the amount payable annually is multiplied by the figure in column 2 of Table II opposite the number of years in column 1 representing the duration of the annuity. The application of this subparagraph may be illustrated by the following examples:

Example (1). The decedent received, under the terms of his father's will an annuity of $10,000 a year payable annually for the life of his elder brother. At the time he died, an annual payment had just been made. The brother at the decedent's death was 40 years 8 months old. By reference to Table I, the figure in column 2 opposite 41 years, the number nearest to the brother's actual age, is found to be 17.6853. The present value of the annuity at the date of the decedent's death is, therefore, $176,853 ($10,000 × 17.6853).

Example (2). The decedent was entitled to receive an annuity of $10,000 a year payable annually throughout a term certain. At the time he died, an annual payment had just been made and five more annual payments were still to be made. By reference to Table II, it is found that the figure in column 2 opposite 5 years is 4.5151. The present value of the annuity is, therefore, $45,151 ($10,000 × 4.5151).

(2) *Payable at the end of semiannual, quarterly, monthly, or weekly periods.* If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual (as for example if the first payment is due one month after the decedent's death), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

1.0087 for semiannual payments,
1.0130 for quarterly payments,
1.0159 for monthly payments,
1.0171 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years, the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table II opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this subparagraph may be illustrated by the following example:

Example. The facts are the same as those contained in example (1) set forth in subparagraph (1) of this paragraph, except that the annuity is payable semiannually. The aggregate annual amount, $10,000, is multiplied by the factor 17.6853, and the product multiplied by 1.0087. The present value of the annuity at the date of the decedent's death is, therefore, $178,391.62 ($10,000 × 17.6853 × 1.0087).

(3) *Payable at the beginning of annual, semiannual, quarterly, monthly, or weekly periods.* (i) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as, for example, if the first payment is to be made immediately after the decedent's death), the value of the annuity is the sum of (*a*) the first payment plus (*b*) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in subparagraph (1) or (2) of this paragraph. The application of this subdivision may be illustrated by the following example:

Example. The decedent was entitled to receive an annuity of $50 a month during the life of another. The decedent died on a day the payment was due. At the date of the decedent's death, the person whose life measures the duration of the annuity was 50 years of age. The value of the annuity at the date of the decedent's death is $50 plus the product of $50 × 12 × 14.8486 (see Table I) × 1.0159 (see subparagraph (2) of this paragraph), or $9,100.82.

(ii) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in Table II multiplied by whichever of the following factors is appropriate:

1.0350 for annual payments,
1.0262 for semiannual payments,
1.0218 for quarterly payments,
1.0189 for monthly payments,
1.0177 for weekly payments.

The application of this subdivision may be illustrated by the following example:

Example. The decedent was the beneficiary of an annuity of $50 a month. On the day a payment was due, the decedent died. There were 300 payments to be made, including the payment due. The value of the annuity as of the date of decedent's death is the product of $50 × 12 × 16.4815 (see Table II) × 1.0189, or $10,075.80.

(c) *Life estates and terms for years.* If the interest to be valued is the right of a person for his life, or for the life of another person, to receive the income of certain property or to use nonincome-producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of Table I opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use nonincome-producing property for a term of years, column 3 of Table II is used. The application of this paragraph may be illustrated by the following example:

Example. The decedent or his estate was entitled to receive the income from a fund of $50,000 during the life of his elder brother. Upon the brother's death, the remainder is to go to X. The brother was 31 years 5 months old at the time of decedent's death. By reference to Table I, the figure in column 3 opposite 31 years is found to be 0.71068. The present value of decedent's interest is, therefore, $35,534 ($50,000 × 0.71068).

(d) *Remainders or reversionary interests.* If a decedent had, at the time of his death, a remainder or a reversionary interest in property to take effect after an estate for the life of another, the present value of his interest is obtained by multiplying the value of the property by the figure in column 4 of Table I opposite the number of years nearest to the actual age of the person whose life measures the preceding estate. If the remainder or reversion is to take effect at the end of a term for years, column 4 of Table II is used. The application of this paragraph may be illustrated by the following example:

Example. The decedent was entitled to receive certain property worth $50,000 upon the death of his elder brother, to whom the income was bequeathed for life. At the time of the decedent's death, the elder brother was 31 years 5 months old. By reference to Table I, the figure in column 4 opposite 31 years is found to be 0.28932. The present value of the remainder interest at the date of decedent's death is, therefore, $14,466 ($50,000 × 0.28932).

(e) *Actuarial computations by the Internal Revenue Service.* If the valuation of the interest involved is dependent upon the continuation or the termination of more than one life or upon a term certain concurrent with one or more lives, a special factor must be used. The factor is to be computed upon the basis of the Makehamized mortality table appearing as Table 38 of United States Life Tables and Actuarial Tables 1939–1941, published by the United States Department of Commerce, Bureau of Census, and interest at the rate of 3½ percent a year, compounded annually. Many such factors may be found in, or readily computed with the use of the tables contained in, a pamphlet entitled "Actuarial Values for Estate and Gift Tax." This pamphlet may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. However, if a special factor is required in the case of an actual decedent, the Commissioner will furnish the factor to the executor upon request. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

(f) The following tables shall be used in the application of the provisions of this section:

TABLE I

TABLE, SINGLE LIFE, 3½ PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	23.9685	0.83890	0.16110
1	24.9035	.87162	.12838
2	24.8920	.87122	.12878
3	24.8246	.86886	.13114
4	24.7378	.86582	.13418
5	24.6392	.86237	.13763
6	24.5326	.85864	.14136
7	24.4188	.85466	.14534
8	24.2982	.85044	.14956
9	24.1713	.84600	.15400
10	24.0387	.84135	.15865
11	23.9008	.83653	.16347
12	23.7600	.83160	.16840
13	23.6161	.82656	.17344
14	23.4693	.82143	.17857
15	23.3194	.81618	.18382
16	23.1665	.81083	.18917
17	23.0103	.80536	.19464
18	22.8511	.79979	.20021
19	22.6870	.79404	.20596
20	22.5179	.78813	.21187
21	22.3438	.78203	.21797
22	22.1646	.77576	.22424
23	21.9801	.76930	.23070
24	21.7902	.76266	.23734
25	21.5950	.75582	.24418
26	21.3942	.74880	.25120
27	21.1878	.74157	.25843
28	20.9759	.73416	.26584
29	20.7581	.72653	.27347
30	20.5345	.71871	.28129
31	20.3052	.71068	.28932
32	20.0699	.70245	.29755
33	19.8288	.69401	.30599
34	19.5816	.68536	.31464
35	19.3285	.67650	.32350
36	19.0695	.66743	.33257
37	18.8044	.65815	.34185
38	18.5334	.64867	.35133
39	18.2566	.63898	.36102
40	17.9738	.62908	.37092
41	17.6853	.61899	.38101
42	17.3911	.60869	.39131
43	17.0913	.59820	.40180
44	16.7860	.58751	.41249
45	16.4754	.57664	.42336
46	16.1596	.56559	.43441
47	15.8388	.55436	.44564
48	15.5133	.54297	.45703
49	15.1831	.53141	.46859
50	14.8486	.51970	.48030
51	14.5101	.50785	.49215
52	14.1678	.49587	.50413

TABLE I—Continued

TABLE, SINGLE LIFE, 3½ PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST—continued

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
53	13.8221	0.48377	[illegible]
54	13.4734	.47157	[illegible]
55	13.1218	.45926	[illegible]
56	12.7679	.44688	[illegible]
57	12.4120	.43442	[illegible]
58	12.0746	.42191	[illegible]
59	11.6960	.40936	[illegible]
60	11.3369	.39679	[illegible]
61	10.9776	.38422	[illegible]
62	10.6186	.37165	[illegible]
63	10.2604	.35911	[illegible]
64	9.9036	.34663	[illegible]
65	9.5486	.33420	[illegible]
66	9.1960	.32186	[illegible]
67	8.8464	.30962	[illegible]
68	8.5001	.29750	[illegible]
69	8.1578	.28552	[illegible]
70	7.8200	.27370	[illegible]
71	7.4871	.26205	[illegible]
72	7.1597	.25059	[illegible]
73	6.8382	.23934	[illegible]
74	6.5231	.22831	[illegible]
75	6.2148	.21752	[illegible]
76	5.9137	.20698	[illegible]
77	5.6201	.19670	[illegible]
78	5.3345	.18671	[illegible]
79	5.0572	.17700	[illegible]
80	4.7884	.16759	[illegible]
81	4.5283	.15849	[illegible]
82	4.2771	.14970	[illegible]
83	4.0351	.14123	[illegible]
84	3.8023	.13308	[illegible]
85	3.5789	.12526	[illegible]
86	3.3648	.11777	[illegible]
87	3.1601	.11060	[illegible]
88	2.9648	.10377	[illegible]
89	2.7788	.09726	[illegible]
90	2.6019	.09107	[illegible]
91	2.4342	.08520	[illegible]
92	2.2754	.07964	[illegible]
93	2.1254	.07439	[illegible]
94	1.9839	.06944	[illegible]
95	1.8507	.06477	[illegible]
96	1.7256	.06040	[illegible]
97	1.6082	.05629	[illegible]
98	1.4982	.05244	[illegible]
99	1.3949	.04882	[illegible]
100	1.2973	.04541	[illegible]
101	1.2033	.04212	[illegible]
102	1.1078	.03877	[illegible]
103	.9973	.03491	[illegible]
104	.8318	.02911	[illegible]
105	.4831	.01691	[illegible]

TABLE II

TABLE SHOWING THE PRESENT WORTH AT 3½ PERCENT OF AN ANNUITY FOR A TERM CERTAIN, OF AN INCOME INTEREST FOR A TERM CERTAIN, AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN

(1) Number of years	(2) Annuity	(3) Term certain	(4) Remainder
1	0.9662	0.033816	[illegible]
2	1.8997	.066489	[illegible]
3	2.8016	.098057	[illegible]
4	3.6731	.128558	[illegible]
5	4.5151	.158027	[illegible]
6	5.3286	.186499	[illegible]
7	6.1145	.214009	[illegible]
8	6.8740	.240588	[illegible]
9	7.6077	.266269	[illegible]
10	8.3166	.291081	[illegible]
11	9.0016	.315054	[illegible]
12	9.6633	.338217	[illegible]
13	10.3027	.360596	[illegible]
14	10.9205	.382218	[illegible]
15	11.5174	.403109	[illegible]
16	12.0941	.423294	[illegible]
17	12.6513	.442796	[illegible]
18	13.1897	.461639	[illegible]
19	13.7098	.479844	[illegible]
20	14.2124	.497434	[illegible]
21	14.6980	.514429	[illegible]
22	15.1671	.530849	[illegible]
23	15.6204	.546714	[illegible]
24	16.0584	.562043	[illegible]
25	16.4815	.576853	[illegible]
26	16.8904	.591162	[illegible]
27	17.2854	.604988	[illegible]
28	17.6670	.618346	[illegible]
29	18.0358	.631252	[illegible]
30	18.3920	.643722	[illegible]

§ 20.2031–8 *Valuation of certain life insurance and annuity contracts.* (a) The value of a contract for the payment of an annuity, or an insurance policy on the life of a person other than the decedent, issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of comparable contracts. An annuity payable under a combination annuity contract and life insurance policy on the decedent's life (e. g., a "retirement income" policy with death benefit) under which there was no insurance element at the time of the decedent's death (see paragraph (d) of § 20.2039–1) is treated like a contract for the payment of an annuity for purposes of this section.

(b) As valuation of an insurance policy through sale of comparable contracts is not readily ascertainable when, at the date of the decedent's death, the contract has been in force for some time and further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the decedent's death the proportionate part of the gross premium last paid before the date of the decedent's death which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such an approximation is not reasonably close to the full value of the contract, this method may not be used.

(c) The application of this section may be illustrated by the following examples. In each case involving an insurance contract, it is assumed that there are no accrued dividends or outstanding indebtedness on the contract.

Example (1). X purchased from a life insurance company a joint and survivor annuity contract under the terms of which X was to receive payments of $1,200 annually for his life and, upon X's death, his wife was to receive payments of $1,200 annually for her life. Five years after such purchase, when his wife was 50 years of age, X died. The value of the annuity contract at the date of X's death is the amount which the company would charge for an annuity providing for the payment of $1,200 annually for the life of a female 50 years of age.

Example (2). Y died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was one on which no further payments were to be made to the company (e. g., a single premium policy or a paid-up policy). The value of the insurance policy at the date of Y's death is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (3). Z died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was an ordinary life policy issued nine years and four months prior to Z's death and at a time when Z's wife was 35 years of age. The gross annual premium is $2,811 and the decedent died four months after the last premium due date. The value of the insurance policy at the date of Z's death is computed as follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One-third of such increase (Z having died four months following the last preceding premium due date) is	$545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of Z's death	13,510.33
Two-thirds of gross premium (⅔ × $2,811)	1,874.00
Value of the insurance policy	15,384.33

§ 20.2031–9 *Valuation of other property.* The valuation of any property not specifically described in §§ 20.2031–2 to 20.2031–8 is made in accordance with the general principles set forth in § 20.2031–1. For example, a future interest in property not subject to valuation in accordance with the actuarial principles set forth in § 20.2031–7 is to be valued in accordance with the general principles set forth in § 20.2031–1.

§ 20.2032 *Statutory provisions; alternate valuation.*

SEC. 2032. *Alternate valuation*—(a) *General.* The value of the gross estate may be determined, if the executor so elects, by valuing all the property included in the gross estate as follows:

(1) In the case of property distributed, sold, exchanged, or otherwise disposed of, within 1 year after the decedent's death such property shall be valued as of the date of distribution, sale, exchange, or other disposition.

(2) In the case of property not distributed, sold, exchanged, or otherwise disposed of, within 1 year after the decedent's death such property shall be valued as of the date 1 year after the decedent's death.

(3) Any interest or estate which is affected by mere lapse of time shall be included at its value as of the time of death (instead of the later date) with adjustment for any difference in its value as of the later date not due to mere lapse of time.

(b) *Special rules.* No deduction under this chapter of any item shall be allowed if allowance for such item is in effect given by the alternate valuation provided by this section. Wherever in any other subsection or section of this chapter reference is made to the value of property at the time of the decedent's death, such reference shall be deemed to refer to the value of such property used in determining the value of the gross estate. In case of an election made by the executor under this section, then—

(1) For purposes of the charitable deduction under section 2055 or 2106 (a) (2), any bequest, legacy, devise, or transfer enumerated therein, and

(2) For the purpose of the marital deduction under section 2056, any interest in property passing to the surviving spouse,

shall be valued as of the date of the decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date 1 year after the decedent's death (substituting, in the case of property distributed by the executor or trustee, or sold, exchanged, or otherwise disposed of, during such 1-year period, the date thereof).

(c) *Time of election.* The election provided for in this section shall be exercised by the executor on his return if filed within the time prescribed by law or before the expiration of any extension of time granted pursuant to law for the filing of the return.

§ 20.2032–1 *Alternate valuation*—(a) *In general.* In general, section 2032 provides for the valuation of a decedent's gross estate at a date other than the date of the decedent's death. More specifically, if an executor elects the alternate valuation method under section 2032, the property included in the decedent's gross estate on the date of his death is valued as of whichever of the following dates is applicable:

(1) Any property distributed, sold, exchanged, or otherwise disposed of within one year after the decedent's death is valued as of the date on which it is first distributed, sold, exchanged, or otherwise disposed of;

(2) Any property not distributed, sold, exchanged, or otherwise disposed of within one year after the decedent's death is valued as of the date one year after the date of the decedent's death;

(3) Any property, interest, or estate which is affected by mere lapse of time is valued as of the date of the decedent's death, but adjusted for any difference in its value not due to mere lapse of time as of the date one year after the decedent's death, or as of the date of its distribution, sale, exchange, or other disposition, whichever date first occurs.

(b) *Method and effect of election.* (1) While it is the purpose of section 2032 to permit a reduction in the amount of tax that would otherwise be payable if the gross estate has suffered a shrinkage in its aggregate value in the year following the decedent's death, the alternate valuation method is not automatic but must be elected. Furthermore, the alternate valuation method may be elected whether or not there has been a shrinkage in the aggregate value of the estate. However, the election is not effective for any purpose unless the value of the gross estate at the time of the decedent's death exceeded $60,000, so that an estate tax return is required to be filed under section 6018.

(2) If the alternate valuation method under section 2032 is to be used, section 2032 (c) requires that the executor must so elect on the estate tax return required under section 6018, filed within 15 months from the date of the decedent's death or within the period of any extension of time granted by the district director under section 6081. In no case may the election be exercised, or a previous election changed, after the expiration of such time. If the election is made, it applies to all the property included in the gross estate, and cannot be applied to only a portion of the property.

(c) *Meaning of "distributed, sold, exchanged, or otherwise disposed of".* (1) The phrase "distributed, sold, exchanged, or otherwise disposed of" comprehends all possible ways by which property ceases to form a part of the gross estate. For example, money on hand at the date of the decedent's death which is thereafter used in the payment of funeral expenses, or which is thereafter invested, falls within the term "otherwise disposed of." The term also includes the surrender of a stock certificate for corporate assets in complete or partial liquidation of a corporation pursuant to section 331. The term does not, however, extend to transactions which are mere changes in form. Thus, it does not include a transfer of assets to a corporation in exchange for its stock in a transaction with respect to which no gain or loss would be recognizable for income tax purposes under section 351. Nor does it include an exchange of stock or securities in a corporation for stock or securities in the same corporation or another corporation in a transaction, such as a merger, recapitalization, reorganization or other transaction described in section 368 (a) or 355, with respect to which no gain or loss is recognizable for income tax purposes under section 354 or 355.

(2) Property may be "distributed" either by the executor, or by a trustee of property included in the gross estate under sections 2035 through 2038, or section 2041. Property is considered as "distributed" upon the first to occur of the following:

(i) The entry of an order or decree of distribution, if the order or decree subsequently becomes final;

(ii) The segregation or separation of the property from the estate or trust so that it becomes unqualifiedly subject to the demand or disposition of the distributee; or

(iii) The actual paying over or delivery of the property to the distributee.

(3) Property may be "sold, exchanged, or otherwise disposed of" by: (i) The executor; (ii) a trustee or other donee to whom the decedent during his lifetime transferred property included in his gross estate under sections 2035 through 2038, or section 2041; (iii) an heir or devisee to whom title to property passes directly under local law; (iv) a surviving joint tenant or tenant by the entirety; or (v) any other person. If a binding contract for the sale, exchange, or other disposition of property is entered into, the property is considered as sold, exchanged, or otherwise disposed of on the effective date of the contract, unless the contract is not subsequently carried out substantially in accordance with its terms. The effective date of a contract is normally the date it is entered into (and not the date it is consummated, or the date legal title to the property passes) unless the contract specifies a different effective date.

(d) *"Included property" and "excluded property".* If the executor elects the alternate valuation method under section 2032, all property interests existing at the date of decedent's death which form a part of his gross estate as determined under sections 2033 through 2044 are valued in accordance with the provisions of this section. Such property interests are hereinafter referred to in this section as "included property". Furthermore, such property interests remain "included property" for the purpose of valuing the gross estate under the alternate valuation method even though they change in form during the alternate valuation period by being actually received, or disposed of, in whole or in part, by the estate. On the other hand, property earned or accrued (whether received or not) after the date of the decedent's death and during the alternate valuation period with respect to any property interest existing at the date of the decedent's death, which does not represent a form of "included property" itself or the receipt of "included property", is excluded in valuing the gross estate under the alternate valuation method. Such property is hereinafter referred to in this section as "excluded property". Illustrations of "included property" and "excluded property" are contained in the subparagraphs (1) to (4) of this paragraph:

(1) *Interest-bearing obligations.* Interest-bearing obligations, such as bonds or notes, may comprise two elements of "included property" at the date of the decedent's death, namely, (i) the principal of the obligation itself, and (ii) interest accrued to the date of death. Each of these elements is to be separately valued as of the applicable valuation date. Interest accrued after the date of death and before the subsequent valuation date constitutes "excluded property". However, any part payment of principal made between the date of death and the subsequent valuation date, or any advance payment of interest for a period after the subsequent valuation date made during the alternate valuation period which has the effect of reducing the value of the principal obligation as of the subsequent valuation date, will be included in the gross estate, and valued as of the date of such payment.

(2) *Leased property.* The principles set forth in subparagraph (1) of this paragraph with respect to interest-bearing obligations also apply to leased realty or personalty which is included in the gross estate and with respect to which an obligation to pay rent has been reserved. Both the realty or personalty itself and the rents accrued to the date of death constitute "included property", and each is to be separately valued as of the applicable valuation date. Any rent accrued after the date of death and before the subsequent valuation date is "excluded property". Similarly, the principle applicable with respect to interest paid in advance is equally applicable with respect to advance payments of rent.

(3) *Noninterest-bearing obligations.* In the case of noninterest-bearing obligations sold at a discount, such as savings bonds, the principal obligation and the discount amortized to the date of death are property interests existing at the date of death and constitute "included property". The obligation itself is to be valued at the subsequent valuation date without regard to any further increase in value due to amortized discount. The additional discount amortized after death and during the alternate valuation period is the equivalent of interest accruing during that period and is, therefore, not to be included in the gross estate under the alternate valuation method.

(4) *Stock of a corporation.* Shares of stock in a corporation and dividends declared to stockholders of record on or before the date of the decedent's death and not collected at the date of death constitute "included property" of the estate. On the other hand, ordinary dividends out of earnings and profits (whether in cash, shares of the corporation, or other property) declared to stockholders of record after the date of the decedent's death are "excluded property" and are not to be valued under the alternate valuation method. If, however, dividends are declared to stockholders of record after the date of the decedent's death with the effect that the shares of stock at the subsequent valuation date do not reasonably represent the same "included property" of the gross estate as existed at the date of the decedent's death, the dividends are "included property", except to the extent that they are out of earnings of the corporation after the date of the decedent's death. For example, if a corporation makes a distribution in partial liquidation to stockholders of record during the alternate valuation period which is not accompanied by a surrender of a stock certificate for cancellation, the amount of the distribution received on stock included in the gross estate is itself "included property", except to the extent that the distribution was out of earnings and profits since the date of the decedent's death. Similarly, if a corporation, in which the decedent owned a substantial interest and which possessed at the date of the decedent's death accumulated earnings and profits equal to its paid-in capital, distributed all of its accumulated earnings and profits as a cash dividend to shareholders of record during the alternate valuation period, the amount of the dividends received on stock includible in the gross estate will be included in the gross estate under the alternate valuation method. Likewise, a stock dividend distributed under such circumstances is "included property".

(e) *Illustrations of "included property" and "excluded property".* The application of paragraph (d) of this section may be further illustrated by the following example in which it is assumed that the decedent died on January 1, 1955:

Description	Subsequent valuation date	Alternate value	Value at date of death
Bond, par value $1,000, bearing interest at 4 percent payable quarterly on Feb. 1, May 1, Aug. 1, and Nov. 1. Bond distributed to legatee on Mar. 1, 1955	Mar. 1, 1955	$1,000.00	[illegible]
Interest coupon of $10 attached to bond and not cashed at date of death although due and payable Nov. 1, 1954. Cashed by executor on Feb. 1, 1955	Feb. 1, 1955	10.00	[illegible]
Interest accrued from Nov. 1, 1954, to Jan. 1, 1955, collected on Feb. 1, 1955	Feb. 1, 1955	6.67	[illegible]
Real estate, not disposed of within year following death. Rent of $300 due at the end of each quarter, Feb. 1, May 1, Aug. 1, and Nov. 1	Jan. 1, 1956	11,000.00	[illegible]
Rent due for quarter ending Nov. 1, 1954, but not collected until Feb. 1, 1955	Feb. 1, 1955	300.00	[illegible]
Rent accrued for November and December 1954, collected on Feb. 1, 1955	Feb. 1, 1955	200.00	[illegible]
Common stock, X Corporation, 500 shares, not disposed of within year following decedent's death	Jan. 1, 1956	47,500.00	[illegible]
Dividend of $2 per share declared Dec. 10, 1954, and paid on Jan. 10, 1955, to holders of record on Dec. 30, 1954	Jan. 10, 1955	1,000.00	[illegible]

(f) *Mere lapse of time.* In order to eliminate changes in value due only to mere lapse of time, section 2032 (a) (3) provides that any interest or estate "affected by mere lapse of time" is included in a decedent's gross estate under the alternate valuation method at its value as of the date of the decedent's death, but with adjustment for any difference in its value as of the subsequent valuation date not due to mere lapse of time. Properties, interests, or estates which are "affected by mere lapse of time" include patents, estates for the life of a person other than the decedent, remainders, reversions, and other like properties, interests, or estates. The phrase "affected by mere lapse of time" has no reference to obligations for the payment of money, whether or not interest-bearing, the value of which changes with the passing of time. However, such an obligation, like any other property, may become affected by lapse of time when made the subject of a bequest or transfer which itself is creative of an interest or estate so affected. The application of this paragraph is illustrated in subparagraphs (1) and (2) of this paragraph:

(1) *Life estates, remainders, and similar interests.* The values of life estates, remainders, and similar interests are to be obtained by applying the methods prescribed in § 20.2031-7, using (i) the age of each person, the duration of whose life may affect the value of the interest, as of the date of the decedent's death, and (ii) the value of the property as of the alternate date. For example, assume that the decedent or his estate was entitled to receive property upon the death of his elder brother who was entitled to receive the income therefrom for life. At the date of the decedent's death, the property was worth $50,000 and the elder brother was 31 years old. The value of the decedent's remainder interest at the date of his death would, as explained in § 20.2031-7 (d), be $14,466 ($50,000 x 0.28932). If, because of economic conditions, the property declined in value and was worth only $40,000 one year after the date of the decedent's death, the value of the remainder interest as of the alternate date would be $11,572.80 ($40,000 x 0.28932).

(2) *Patents.* To illustrate the alternate valuation of a patent, assume that the decedent owned a patent which, on the date of the decedent's death, had an unexpired term of ten years and a value of $78,000. Six months after the date of the decedent's death, the patent was sold, because of lapse of time and other causes, for $60,000. The alternate value thereof would be obtained by dividing $60,000 by 0.95 (ratio of the remaining life of the patent at the alternate date to the remaining life of the patent at the date of the decedent's death), and would, therefore, be $63,157.89.

(g) *Effect of election on deductions.* If the executor elects the alternate valuation method under section 2032, any deduction for administration expenses under section 2053 (b) (pertaining to property not subject to claims) or losses under section 2054 (or section 2106 (a) (1), relating to estates of nonresidents not citizens) is allowed only to the extent that it is not otherwise in effect allowed in determining the value of the gross estate. Furthermore, the amount of any charitable deduction under section 2055 (or section 2106 (a) (2), relating to the estates of nonresidents not citizens) or the amount of any marital deduction under section 2056 is determined by the value of the property with respect to which the deduction is allowed as of the date of the decedent's death, adjusted, however, for any difference in its value as of the date one year after death, or as of the date of its distribution, sale, exchange, or other disposition, whichever first occurs. However, no such adjustment may take into account any difference in value due to lapse of time or to the occurrence or nonoccurence of a contingency.

§ 20.2033 *Statutory provisions; property in which the decedent had an interest.*

Sec. 2033. *Property in which the decedent had an interest.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of the interest therein of the decedent at the time of his death.

§ 20.2033-1 *Property in which the decedent had an interest—*(a) *In general.* The gross estate of a decedent who was a citizen or resident of the United States at the time of his death includes under section 2033 the value of all property, whether real or personal, tangible or intangible, and wherever situated, beneficially owned by the decedent at the time of his death, except real property situated outside of the United States. Real property situated in the United States is included whether it came into the possession and control of the executor or administrator or passed directly to heirs or devisees. Various statutory provisions which exempt bonds, notes, bills, and certificates of indebtedness of the Federal Government or its agencies and the interest thereon from taxation are generally not applicable to the estate tax, since such tax is an excise tax on the transfer of property at death and is not a tax on the property transferred.

(b) *Miscellaneous examples.* A cemetery lot owned by the decedent is part of his gross estate, but its value is limited to the salable value of that part of the lot which is not designed for the interment of the decedent and the members of his family. Property subject to homestead or other exemptions under local law is included in the gross estate. Notes or other claims held by the decedent are likewise included even though they are cancelled by the decedent's will. Interest and rents accrued at the date of the decedent's death constitute a part of the gross estate. Similarly, dividends which are payable to the decedent or his estate by reason of the fact that on or before the date of the decedent's death he was a stockholder of record (but which have not been collected at death) constitute a part of the gross estate.

§ 20.2034 *Statutory provisions; dower or curtesy interests.*

Sec. 2034. *Dower or curtesy interests.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower or curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy.

§ 20.2034-1 *Dower or curtesy interests.* A decedent's gross estate includes under section 2034 any interest in property of the decedent's surviving spouse existing at the time of the decedent's death as dower or curtesy, or any interest created by statute in lieu thereof (although such other interest may differ in character from dower or curtesy). Thus, the full value of property is included in the decedent's gross estate, without deduction of such an interest of the surviving husband or wife, and without regard to when the right to such an interest arose.

§ 20.2035 *Statutory provisions; transactions in contemplation of death.*

Sec. 2035. *Transactions in contemplation of death—*(a) *General rule.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, in contemplation of his death.

(b) *Application of general rule.* If the decedent within a period of 3 years ending with the date of his death (except in case of a bona fide sale for an adequate and full consideration in money or money's worth) transferred an interest in property, relinquished a power, or exercised or released a general power of appointment, such transfer, relinquishment, exercise, or release shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this section and sections 2038 and 2041 (relating to revocable transfers and powers of appointment); but no such transfer, relinquishment, exercise, or release made before such 3-year period shall be treated as having been made in contemplation of death.

§ 20.2035-1 *Transactions in contemplation of death—*(a) *In general.* A decedent's gross estate includes under section 2035 the value of any interest in property transferred by a decedent in contemplation of death within 3 years before his death, except to the extent that the transfer was for a full and adequate consideration in money or money's worth (see § 20.2043-1). With the exception noted in the preceding sentence, the decedent's gross estate includes as a transfer in contemplation of death the value of any interest in property transferred within 3 years before the decedent's death, unless the transfer is shown not to have been made in contemplation of death. The result is not affected by the fact that at the time of the transfer the decedent parted absolutely and immediately with his enjoyment of and title to the property.

(b) *Application of other sections.* If a decedent transfers an interest in property or relinquishes a power in contemplation of death, the decedent's gross estate includes the property subject to the interest or power to the extent that it would be included under section 2036, 2037, or 2038 if the decedent had retained the interest or power until his death. If a decedent exercises or releases a general power of appointment in contemplation of death, the property subject to the power is included in the decedent's gross estate to the extent provided in section 2041 and the regulations thereunder.

(c) *Definition.* The phrase "in contemplation of death", as used in this section, does not have reference to that general expectation of death such as all persons entertain. On the other hand, its meaning is not restricted to an apprehension that death is imminent or near. A transfer "in contemplation of death" is a disposition of property prompted by the thought of death (although it need not be solely so prompted). A transfer is prompted by the thought of death if (1) made with the purpose of avoiding death taxes, (2) made as a substitute for a testamentary disposition of the property, or (3) made for any other motive associated with death. The bodily and mental condition of the decedent and all other attendant facts and circumstances are to be scrutinized in order to determine whether or not such thought prompted the disposition.

(d) *Presumptions.* Any transfer of an interest in property, relinquishment of a power, or exercise or release of a general power of appointment by a decedent within a period of 3 years ending with the date of his death is deemed to have been made "in contemplation of death", unless shown to the contrary. No transfer, relinquishment, exercise, or release made by a decedent more than 3 years before his death is treated as having been made "in contemplation of death".

(e) *Valuation.* The value of an interest in transferred property includible in a decedent's gross estate under this section is the value of the interest as of the applicable valuation date. In this connection, see sections 2031, 2032, and the regulations thereunder. However, if the transferee has made improvements or additions to the property, any resulting enhancement in the value of the property is not considered in ascertaining the value of the gross estate. Similarly, neither income received subsequent to the transfer nor property purchased with such income is considered.

§ 20.2036 *Statutory provisions; transfers with retained life estate.*

SEC. 2036. *Transfers with retained life estate*—(a) *General rule.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death—

(1) The possession or enjoyment of, or the right to the income from, the property, or

(2) The right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom.

(b) *Limitation on application of general rule.* This section shall not apply to a transfer made before March 4, 1931; nor to a transfer made after March 3, 1931, and before June 7, 1932, unless the property transferred would have been includible in the decedent's gross estate by reason of the amendatory language of the joint resolution of March 3, 1931 (46 Stat. 1516).

§ 20.2036–1 *Transfers with retained life estate*—(a) *In general.* A decedent's gross estate includes under section 2036 the value of any interest in property transferred by the decedent after March 3, 1931, whether in trust or otherwise, except to the extent that the transfer was for an adequate and full consideration in money or money's worth (see § 20.2043–1), if the decedent retained or reserved (1) for his life, or (2) for any period not ascertainable without reference to his death (if the transfer was made after June 6, 1932), or (3) for any period which does not in fact end before his death—

(i) The use, possession, right to the income, or other enjoyment of the transferred property, or

(ii) The right, either alone or in conjunction with any other person or persons, to designate the person or persons who shall possess or enjoy the transferred property or its income.

If the decedent retained or reserved an interest or right with respect to all of the property transferred by him, the amount to be included in his gross estate under section 2036 is the value of the entire property, less only the value of any outstanding income interest which is not subject to the decedent's interest or right and which is actually being enjoyed by another person at the time of the decedent's death. If the decedent retained or reserved an interest or right with respect to a part only of the property transferred by him, the amount to be included in his gross estate under section 2036 is only a corresponding proportion of the amount described in the preceding sentence. An interest or right is treated as having been retained or reserved if at the time of the transfer there was an understanding, express or implied, that the interest or right would later be conferred.

(b) *Meaning of terms.* (1) A reservation by the decedent "for any period not ascertainable without reference to his death" may be illustrated by the following examples:

(i) A decedent reserved the right to receive the income from transferred property in quarterly payments, with the proviso that no part of the income between the last quarterly payment and the date of the decedent's death was to be received by the decedent or his estate; and

(ii) A decedent reserved the right to receive the income from transferred property after the death of another person who was in fact enjoying the income at the time of the decedent's death. In such a case, the amount to be included
in the decedent's gross estate under
section does not include the value of
outstanding income interest of the
person. It may be noted that if the
person predeceased the decedent,
reservation by the decedent may be
sidered to be either for his life, or for
period which does not in fact end
his death.

(2) The "use, possession, right to
income, or other enjoyment of the
ferred property" is considered as
been retained by or reserved to the
cedent to the extent that the use,
session, right to the income, or
enjoyment is to be applied toward
discharge of a legal obligation of the
cedent, or otherwise for his
benefit. The term "legal obligation"
cludes a legal obligation to support
dependent during the
lifetime.

(3) The phrase "right * * * to
nate the person or persons who
possess or enjoy the transferred
or the income therefrom" includes
reserved power to designate the
or persons to receive the income
the transferred property, or to
enjoy nonincome-producing
during the decedent's life or during
other period described in paragraph
of this section. With respect to
power, it is immaterial (i) whether
power was exercisable alone or only
conjunction with another person
persons, whether or not having an
verse interest; (ii) in what capacity
power was exercisable by the
or by another person or persons in
junction with the decedent; and
whether the exercise of the power
subject to a contingency beyond the
cedent's control which did not occur
fore his death (e. g., the death of
person during the decedent's lifetime
The phrase, however, does not include
power over the transferred property
self which does not affect the
of the income received or earned
the decedent's life. (See, however,
tion 2038 for the inclusion of property
the gross estate on account of such
power.) Nor does the phrase apply
a power held solely by a person
than the decedent. But, for
if the decedent reserved the
power to remove or discharge a
at any time and appoint himself
trustee, the decedent is considered
having the powers of the trustee.

§ 20.2037 *Statutory provisions;*
fers taking effect at death.

SEC. 2037. *Transfers taking effect*
death—(a) *General rule.* The value of
gross estate shall include the value of
property (except real property situated
side of the United States) to the extent
any interest therein of which the
has at any time after September 7,
made a transfer (except in case of a
fide sale for an adequate and full
tion in money or money's worth), by
or otherwise, if—

(1) Possession or enjoyment of the
erty can, through ownership of such
be obtained only by surviving the
and

(2) The decedent has retained a
ary interest in the property (but in the
of a transfer made before October 8,
only if such reversionary interest

the express terms of the instrument of transfer), and the value of such reversionary interest immediately before the death of the decedent exceeds 5 percent of the value of such property.

(b) *Special rules.* For purposes of this section, the term "reversionary interest" includes a possibility that property transferred by the decedent—

(1) May return to him or his estate, or

(2) May be subject to a power of disposition by him,

but such term does not include a possibility that the income alone from such property may return to him or become subject to a power of disposition by him. The value of a reversionary interest immediately before the death of the decedent shall be determined (without regard to the fact of the decedent's death) by usual methods of valuation, including the use of tables of mortality and actuarial principles, under regulations prescribed by the Secretary or his delegate. In determining the value of a possibility that property may be subject to a power of disposition by the decedent, such possibility shall be valued as if it were a possibility that such property may return to the decedent or his estate. Notwithstanding the foregoing, an interest so transferred shall not be included in the decedent's gross estate under this section if possession or enjoyment of the property could have been obtained by any beneficiary during the decedent's life through the exercise of a general power of appointment (as defined in section 2041) which in fact was exercisable immediately before the decedent's death.

§ 20.2037–1 *Transfers taking effect at death*—(a) *In general.* A decedent's gross estate includes under section 2037 the value of any interest in property transferred by the decedent after September 7, 1916, whether in trust or otherwise, except to the extent that the transfer was for an adequate and full consideration in money or money's worth (see § 20.2043–1), if—

(1) Possession or enjoyment of the property could, through ownership of the interest, have been obtained only by surviving the decedent,

(2) The decedent had retained a possibility (hereinafter referred to as a "reversionary interest") that the property, other than the income alone, would return to the decedent or his estate or would be subject to a power of disposition by him, and

(3) The value of the reversionary interest immediately before the decedent's death exceeded 5 percent of the value of the entire property.

However, if the transfer was made before October 8, 1949, section 2037 is applicable only if the reversionary interest arose by the express terms of the instrument of transfer and not by operation of law (see paragraph (f) of this section). See also paragraph (g) of this section with respect to transfers made between November 11, 1935, and January 29, 1940. The provisions of section 2037 do not apply to transfers made before September 8, 1916.

(b) *Condition of survivorship.* As indicated in paragraph (a) of this section, the value of an interest in transferred property is not included in a decedent's gross estate under section 2037 unless possession or enjoyment of the property could, through ownership of such interest, have been obtained only by surviving the decedent. Thus, property is not included in the decedent's gross estate if, immediately before the decedent's death, possession or enjoyment of the property could have been obtained by any beneficiary either by surviving the decedent or through the occurrence of some other event such as the expiration of a term of years. However, if a consideration of the terms and circumstances of the transfer as a whole indicates that the "other event" is unreal and if the death of the decedent does, in fact, occur before the "other event", the beneficiary will be considered able to possess or enjoy the property only by surviving the decedent. Notwithstanding the foregoing, an interest in transferred property is not includible in a decedent's gross estate under section 2037 if possession or enjoyment of the property could have been obtained by any beneficiary during the decedent's life through the exercise of a general power of appointment (as defined in section 2041) which in fact was exercisable immediately before the decedent's death. See examples (5) and (6) in paragraph (e) of this section.

(c) *Retention of reversionary interest.* (1) As indicated in paragraph (a) of this section, the value of an interest in transferred property is not included in a decedent's gross estate under section 2037 unless the decedent had retained a reversionary interest in the property, and the value of the reversionary interest immediately before the death of the decedent exceeded 5 percent of the value of the property.

(2) For purposes of section 2037, the term "reversionary interest" includes a possibility that property transferred by the decedent may return to him or his estate and a possibility that property transferred by the decedent may become subject to a power of disposition by him. The term is not used in a technical sense, but has reference to any reserved right under which the transferred property shall or may be returned to the grantor. Thus, it encompasses an interest arising either by the express terms of the instrument of transfer or by operation of law. (See, however, paragraph (f) of this section with respect to transfers made before October 8, 1949.) The term "reversionary interest" does not include rights to income only, such as the right to receive the income from a trust after the death of another person. (However, see section 2036 for the inclusion of property in the gross estate on account of such rights.) Nor does the term "reversionary interest" include the possibility that the decedent during his lifetime might have received back an interest in transferred property by inheritance through the estate of another person. Similarly, a statutory right of a spouse to receive a portion of whatever estate a decedent may leave at the time of his death is not a "reversionary interest".

(3) For purposes of this section, the value of the decedent's reversionary interest is computed as of the moment immediately before his death, without regard to whether or not the executor elects the alternate valuation method under section 2032 and without regard to the fact of the decedent's death. The value is ascertained in accordance with recognized valuation principles for determining the value for estate tax purposes of future or conditional interests in property. (See §§ 20.2031–1, 20.2031–7, and 20.2031–9.) For example, if the decedent's reversionary interest was subject to an outstanding life estate in his wife, his interest is valued according to the actuarial rules set forth in § 20.2031–7. On the other hand, if the decedent's reversionary interest was contingent on the death of his wife without issue surviving and if it cannot be shown that his wife is incapable of having issue (so that his interest is not subject to valuation according to the actuarial rules in § 20.2031–7), his interest is valued according to the general rules set forth in § 20.2031–1. A possibility that the decedent may be able to dispose of property under certain conditions is considered to have the same value as a right of the decedent to the return of the property under those same conditions.

(4) In order to determine whether or not the decedent retained a reversionary interest in transferred property of a value in excess of 5 percent, the value of the reversionary interest is compared with the value of the transferred property, including interests therein which are not dependent upon survivorship of the decedent. For example, assume that the decedent, A, transferred property in trust with the income payable to B for life and with the remainder payable to C if A predeceases B, but with the property to revert to A if B predeceases A. Assume further that A does, in fact, predecease B. The value of A's reversionary interest immediately before his death is compared with the value of the trust corpus, without deduction of the value of B's outstanding life estate. If, in the above example, A had retained a reversionary interest in one-half only of the trust corpus, the value of his reversionary interest would be compared with the value of one-half of the trust corpus, again without deduction of any part of the value of B's outstanding life estate.

(d) *Transfers partly taking effect at death.* If separate interests in property are transferred to one or more beneficiaries, paragraphs (a) to (c) of this section are to be separately applied with respect to each interest. For example, assume that the decedent transferred an interest in Blackacre to A which could be possessed or enjoyed only by surviving the decedent, and that the decedent transferred an interest in Blackacre to B which could be possessed or enjoyed only on the occurrence of some event unrelated to the decedent's death. Assume further that the decedent retained a reversionary interest in Blackacre of a value in excess of 5 percent. Only the value of the interest transferred to A is includible in the decedent's gross estate. Similar results would obtain if possession or enjoyment of the entire property could have been obtained only by surviving the decedent, but the decedent had retained a reversionary interest in a part only of such property.

(e) *Examples.* The provisions of paragraphs (a) to (d) of this section may be further illustrated by the following examples. It is assumed that the transfers were made on or after October 8, 1949; for the significance of this date, see paragraphs (f) and (g) of this section:

Example (1). The decedent transferred property in trust with the income payable to his wife for life and, at her death, remainder to the decedent's then surviving children, or if none, to the decedent or his estate. Since each beneficiary can possess or enjoy the property without surviving the decedent, no part of the property is includible in the decedent's gross estate under section 2037, regardless of the value of the decedent's reversionary interest. (However, see section 2033 for inclusion of the value of the reversionary interest in the decedent's gross estate.)

Example (2). The decedent transferred property in trust with the income to be accumulated for the decedent's life, and at his death, principal and accumulated income to be paid to the decedent's then surviving issue, or, if none, to A or A's estate. Since the decedent retained no reversionary interest in the property, no part of the property is includible in the decedent's gross estate, even though possession or enjoyment of the property could be obtained by the issue only by surviving the decedent.

Example (3). The decedent transferred property in trust with the income payable to his wife for life and with the remainder payable to the decedent or, if he is not living at his wife's death, to his daughter or her estate. The daughter cannot obtain possession or enjoyment of the property without surviving the decedent. Therefore, if the decedent's reversionary interest immediately before his death exceeded 5 percent of the value of the property, the value of the property, less the value of the wife's outstanding life estate, is includible in the decedent's gross estate.

Example (4). The decedent transferred property in trust with the income payable to his wife for life and with the remainder payable to his son or, if the son is not living at the wife's death, to the decedent or, if the decedent is not then living, to X or X's estate. Assume that the decedent was survived by his wife, his son, and X. Only X cannot obtain possession or enjoyment of the property without surviving the decedent. Therefore, if the decedent's reversionary interest immediately before his death exceeded 5 percent of the value of the property, the value of X's remainder interest (with reference to the time immediately after the decedent's death) is includible in the decedent's gross estate.

Example (5). The decedent transferred property in trust with the income to be accumulated for a period of 20 years or until the decedent's prior death, at which time the principal and accumulated income was to be paid to the decedent's son if then surviving. Assume that the decedent does, in fact, die before the expiration of the 20-year period. If, at the time of the transfer, the decedent was 30 years of age, in good health, etc., the son will be considered able to possess or enjoy the property without surviving the decedent. If, on the other hand, the decedent was 70 years of age at the time of the transfer, the son will not be considered able to possess or enjoy the property without surviving the decedent. In this latter case, if the value of the decedent's reversionary interest (arising by operation of law) immediately before his death exceeded 5 percent of the value of the property, the value of the property is includible in the decedent's gross estate.

Example (6). The decedent transferred property in trust with the income to be accumulated for his life and, at his death, the principal and accumulated income to be paid to the decedent's then surviving children. The decedent's wife was given the unrestricted power to alter, amend, or revoke the trust. Assume that the wife survived the decedent but did not, in fact, exercise her power during the decedent's lifetime. Since possession or enjoyment of the property could have been obtained by the wife during the decedent's lifetime under the exercise of a general power of appointment, which was, in fact, exercisable immediately before the decedent's death, no part of the property is includible in the decedent's gross estate.

(f) *Transfers made before October 8, 1949.* (1) Notwithstanding any provisions to the contrary contained in paragraphs (a) to (e) of this section, the value of an interest in property transferred by a decedent before October 8, 1949, is included in his gross estate under section 2037 only if the decedent's reversionary interest arose by the express terms of the instrument and not by operation of law. For example, assume that the decedent, on January 1, 1947, transferred property in trust with the income payable to his wife for the decedent's life and, at his death, remainder to his then surviving descendants. Since no provision was made for the contingency that no descendants of the decedent might survive him, a reversion to the decedent's estate existed by operation of law. The descendants cannot obtain possession or enjoyment of the property without surviving the decedent. However, since the decedent's reversionary interest arose by operation of law, no part of the property is includible in th decedent's gross estate under section 2037. If, in the above example, the transfer had been made on or after October 8, 1949, and if the decedent's reversionary interest immediately before his death exceeded 5 percent of the value of the property, the value of the property would be includible in the decedent's gross estate.

(2) The decedent's reversionary interest will be considered to have arisen by the express terms of the instrument of transfer and not by operation of law if the instrument contains an express disposition which affirmatively creates the reversionary interest, even though the terms of the disposition do not refer to the decedent or his estate, as such. For example, where the disposition is, in its terms, to the next of kin of the decedent and such a disposition, under applicable local law, constitutes a reversionary interest in the decedent's estate, the decedent's reversionary interest will be considered to have arisen by the express terms of the instrument of transfer and not by operation of law.

(g) *Transfers made after November 11, 1935, and before January 29, 1940.* The provisions of paragraphs (a) to (f) of this section are fully applicable to transfers made after November 11, 1935 (the date on which the Supreme Court decided Helvering v. St. Louis Union Trust Co. (296 U. S. 39) and Becker v. St. Louis Union Trust Co. (296 U. S. 48)), and before January 29, 1940 (the date on which the Supreme Court decided Helvering v. Hallock and companion cases (309 U. S. 106)), except that the value of an interest in property transferred between these dates is not included in a decedent's gross estate under section 2037 if—

(1) The Commissioner, whose determination shall be final, determines that the transfer is classifiable with the transfers involved in the St. Louis Union Trust Co. cases, rather than with the transfer involved in the case of Klein v. United States (283 U. S. 231), previously decided by the Supreme Court, and

(2) The transfer shall have been finally treated for all gift tax purposes both as to the calendar year of the transfer and as to subsequent calendar years, as a gift in an amount measured by the value of the property undiminished by reason of a provision in the instrument of transfer by which the property, in whole or in part, is to revert to the decedent should he survive the donee or another person, or the reversion is conditioned upon some other contingency terminable by the decedent's death.

§ 20.2038 *Statutory provisions; revocable transfers.*

SEC. 2038. *Revocable transfers*—(a) *In general.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States)—

(1) *Transfers after June 22, 1936.* To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death.

(2) *Transfers on or before June 22, 1936.* To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death. Except in the case of transfers made after June 22, 1936, no interest of the decedent of which he has made a transfer shall be included the gross estate under paragraph (1) unless it is includible under this paragraph.

(b) *Date of existence of power.* For purposes of this section, the power to alter, amend, revoke, or terminate shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice even though the alteration, amendment, revocation, or termination takes effect only the expiration of a stated period after the exercise of the power, whether or not on before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose, if the notice has not been given the power has not been exercised on or before the date of his death, such notice shall considered to have been given, or the power exercised, on the date of his death.

§ 20.2038-1 *Revocable transfers*—(a) *In general.* A decedent's gross estate includes under section 2038 the value of any interest in property transferred by the decedent, whether in trust or otherwise, if the enjoyment of the interest was subject at the date of the decedent's death to any change through the exercise of a power by the decedent to alter, amend, revoke, or terminate, or if the decedent relinquished such a power in contemplation of death. However, section 2038 does not apply—

(1) To the extent that the transfer was for an adequate and full consideration in money or money's worth (see § 20.2043-1);

(2) If the decedent's power could be exercised only with the consent of all parties having an interest (vested or contingent) in the transferred property, and if the power adds nothing to the rights of the parties under local law; or

(3) To a power held solely by a person other than the decedent. But, for example, if the decedent had the unrestricted power to remove or discharge a trustee at any time and appoint himself trustee, the decedent is considered as having the powers of the trustee. However, this result would not follow if he only had the power to appoint himself trustee under limited conditions which did not exist at the time of his death. (See last two sentences of paragraph (b) of this section.)

Except as provided in this paragraph, it is immaterial in what capacity the power was exercisable by the decedent or by another person or persons in conjunction with the decedent; whether the power was exercisable alone or only in conjunction with another person or persons, whether or not having an adverse interest (unless the transfer was made before June 2, 1924; see paragraph (d) of this section); and at what time or from what source the decedent acquired his power (unless the transfer was made before June 23, 1936; see paragraph (c) of this section). Section 2038 is applicable to any power affecting the time or manner of enjoyment of property or its income, even though the identity of the beneficiary is not affected. For example, section 2038 is applicable to a power reserved by the grantor of a trust to accumulate income or distribute it to A, and to distribute corpus to A, even though the remainder is vested in A or his estate, and no other person has any beneficial interest in the trust. However, only the value of an interest in property subject to a power to which section 2038 applies is included in the decedent's gross estate under section 2038.

(b) *Date of existence of power.* A power to alter, amend, revoke, or terminate will be considered to have existed at the date of the decedent's death even though the exercise of the power was subject to a precedent giving of notice or even though the alteration, amendment, revocation, or termination would have taken effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice had been given or the power had been exercised. In determining the value of the gross estate in such cases, the full value of the property transferred subject to the power is discounted for the period required to elapse between the date of the decedent's death and the date upon which the alteration, amendment, revocation, or termination could take effect. In this connection, see especially § 20.2031-7. However, section 2038 is not applicable to a power the exercise of which was subject to a contingency beyond the decedent's control which did not occur before his death (e. g., the death of another person during the decedent's life). See, however, section 2036 (a) (2) for the inclusion of property in the decedent's gross estate on account of such a power.

(c) *Transfers made before June 23, 1936.* Notwithstanding anything to the contrary in paragraphs (a) and (b) of this section, the value of an interest in property transferred by a decedent before June 23, 1936, is not included in his gross estate under section 2038 unless the power to alter, amend, revoke, or terminate was reserved at the time of the transfer. For purposes of this paragraph, the phrase "reserved at the time of the transfer" has reference to a power (arising either by the express terms of the instrument of transfer or by operation of law) to which the transfer was subject when made and which continued to the date of the decedent's death (see paragraph (b) of this section) to be exercisable by the decedent alone or by the decedent in conjunction with any other person or persons. The phrase also has reference to any understanding, express or implied, had in connection with the making of the transfer that the power would later be created or conferred.

(d) *Transfers made before June 2, 1924.* Notwithstanding anything to the contrary in paragraphs (a) to (c) of this section, if an interest in property was transferred by a decedent before the enactment of the Revenue Act of 1924 (June 2, 1924, 4:01 p. m., eastern standard time), and if a power reserved by the decedent to alter, amend, revoke, or terminate was exercisable by the decedent only in conjunction with a person having a substantial adverse interest in the transferred property, or in conjunction with several persons some or all of whom held such an adverse interest, there is included in the decedent's gross estate only the value of any interest or interests held by a person or persons not required to join in the exercise of the power plus the value of any insubstantial adverse interest or interests of a person or persons required to join in the exercise of the power.

(e) *Powers relinquished in contemplation of death*—(1) *In general.* If a power to alter, amend, revoke, or terminate would have resulted in the inclusion of an interest in property in a decedent's gross estate under section 2038 if it had been held until the decedent's death, the relinquishment of the power in contemplation of the decedent's death within 3 years before his death results in the inclusion of the same interest in property in the decedent's gross estate, except to the extent that the power was relinquished for an adequate and full consideration in money or money's worth (see § 20.2043-1). For the meaning of the phrase "in contemplation of death", see paragraph (c) of § 20.2035-1.

(2) *Transfers before June 23, 1936.* In the case of a transfer made before June 23, 1936, section 2038 applies only to a relinquishment made by the decedent. However, in the case of a transfer made after June 22, 1936, section 2038 also applies to a relinquishment made by a person or persons holding the power in conjunction with the decedent, if the relinquishment was made in contemplation of the decedent's death and had the effect of extinguishing the power.

§ 20.2039 *Statutory provisions; annuities.*

SEC. 2039. *Annuities*—(a) *General.* The gross estate shall include the value of an annuity or other payment receivable by any beneficiary by reason of surviving the decedent under any form of contract or agreement entered into after March 3, 1931 (other than as insurance under policies on the life of the decedent), if, under such contract or agreement, an annuity or other payment was payable to the decedent, or the decedent possessed the right to receive such annuity or payment, either alone or in conjunction with another for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death.

(b) *Amount includible.* Subsection (a) shall apply to only such part of the value of the annuity or other payment receivable under such contract or agreement as is proportionate to that part of the purchase price therefor contributed by the decedent. For purposes of this section, any contribution by the decedent's employer or former employer to the purchase price of such contract or agreement (whether or not to an employee's trust or fund forming part of a pension, annuity, retirement, bonus or profit sharing plan) shall be considered to be contributed by the decedent if made by reason of his employment.

(c) *Exemption of annuities under certain trusts and plans.* Notwithstanding the provisions of this section or of any provision of law, there shall be excluded from the gross estate the value of an annuity or other payment receivable by any beneficiary (other than the executor) under—

(1) An employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of section 401 (a); or

(2) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of decedent's separation from employment (by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of section 401 (a) (3).

If such amounts payable after the death of the decedent under a plan described in paragraph (1) or (2) are attributable to any extent to payments or contributions made by the decedent, no exclusion shall be allowed for that part of the value of such amounts in the proportion that the total payments or contributions made by the decedent bears to the total payments or contributions made. For purposes of this subsection, contributions or payments made by the decedent's employer or former employer under a trust or plan described in this subsection shall not be considered to be contributed by the decedent. This subsection shall apply to all decedents dying after December 31, 1953.

§ 20.2039–1 *Annuities*—(a) *In general.* A decedent's gross estate includes under section 2039 (a) and (b) the value of an annuity or other payment receivable by any beneficiary by reason of surviving the decedent under certain agreements or plans to the extent that the value of the annuity or other payment is attributable to contributions made by the decedent or his employer. Section 2039 (a) and (b), however, has no application to an amount which constitutes the proceeds of insurance under a policy on the decedent's life. Paragraph (b) of this section describes the agreements or plans to which section 2039 (a) and (b) applies; paragraph (c) of this section provides rules for determining the amount includible in the decedent's gross estate; and paragraph (d) of this section distinguishes proceeds of life insurance. The fact that an annuity or other payment is not includible in a decedent's gross estate under section 2039 (a) and (b) does not mean that it is not includible under some other section of part III of subchapter A of chapter 11. However, see section 2039 (c) and § 20.2039–2 for rules relating to the exclusion from a decedent's gross estate of annuities and other payments under certain "qualified plans".

(b) *Agreements or plans to which section 2039 (a) and (b) applies.* (1) Section 2039 (a) and (b) applies to the value of an annuity or other payment receivable by any beneficiary under any form of contract or agreement entered into after March 3, 1931, under which—

(i) An annuity or other payment was payable to the decedent, either alone or in conjunction with another person or persons, for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death, or

(ii) The decedent possessed, for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death, the right to receive such an annuity or other payment, either alone or in conjunction with another person or persons.

The term "annuity or other payment" as used with respect to both the decedent and the beneficiary has reference to one or more payments extending over any period of time. The payments may be equal or unequal, conditional or unconditional, periodic or sporadic. The term "contract or agreement" includes any arrangement, understanding or plan, or any combination of arrangements, understandings or plans arising by reason of the decedent's employment. An annuity or other payment "was payable" to the decedent if, at the time of his death, the decedent was in fact receiving an annuity or other payment, whether or not he had an enforceable right to have payments continued. The decedent "possessed the right to receive" an annuity or other payment if, immediately before his death, the decedent had an enforceable right to receive payments at some time in the future, whether or not, at the time of his death, he had a present right to receive payments. In connection with the preceding sentence, the decedent will be regarded as having had "an enforceable right to receive payments at some time in the future" so long as he had complied with his obligations under the contract or agreement up to the time of his death. For the meaning of the phrase "for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death", see section 2036 and § 20.2036–1.

(2) The application of this paragraph is illustrated and more fully explained in the following examples. In each example: (i) It is assumed that all transactions occurred after March 3, 1931, and (ii) the amount stated to be includible in the decedent's gross estate is determined in accordance with the provisions of paragraph (c) of this section.

Example (1). The decedent purchased an annuity contract under the terms of which the issuing company agreed to pay an annuity to the decedent for his life and, upon his death, to pay a specified lump sum to his designated beneficiary. The decedent was drawing his annuity at the time of his death. The amount of the lump sum payment to the beneficiary is includible in the decedent's gross estate under section 2039 (a) and (b).

Example (2). Pursuant to a retirement plan, the employer made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide the employee's wife, upon his death after retirement, with a similar annuity for life. The benefits under the plan were completely forfeitable during the employee's life, but upon his death after retirement, the benefits to the wife were forfeitable only upon her remarriage. The employee had no right to originally designate or to ever change the employer's designation of the surviving beneficiary. The retirement plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee died at age 61 after the employer started payment of his annuity as described above. The value of the wife's annuity is includible in the decedent's gross estate under section 2039 (a) and (b). Includibility in this case is based on the fact that the annuity to the decedent "was payable" at the time of his death. The fact that the decedent's annuity was forfeitable is of no consequence since, at the time of his death, he was in fact receiving payments under the plan. Nor is it important that the decedent had no right to choose the surviving beneficiary. The element of forfeitability in the wife's annuity may be taken into account only with respect to the valuation of the annuity in the decedent's gross estate.

Example (3). Pursuant to a retirement plan, the employer made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity of $100 per month for life, and which was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life. The plan also provided that (a) upon the employee's separation from service before retirement, he would have a nonforfeitable right to receive a reduced annuity starting at age 60, and (b) upon the employee's death before retirement, a lump sum payment representing the amount of the employer's contributions credited to the employee's account would be paid to the designated beneficiary. The plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee died at age 49 and that the designated beneficiary was paid the specified lump sum payment. Such amount is includible in the decedent's gross estate under section 2039 (a) and (b). Since, immediately before his death, the employee had an enforceable right to receive an annuity commencing at age 60, he is considered to have "possessed the right to receive" an annuity as that term is used in section 2039 (a). If, in this example, the employee would not be entitled to any benefits in the event of his separation from service before retirement for any reason other than death, the result would be the same so long as the decedent had complied with his obligations under the contract up to the time of his death. In such case, he is considered to have had, immediately before his death, an enforceable right to receive an annuity commencing at age 60.

Example (4). Pursuant to a retirement plan, the employer made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life. The plan provided, however, that no benefits were payable in the event of the employee's death before retirement. The retirement plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee died at age 59 but that the employer nevertheless started payment of an annuity in a slightly reduced amount to the designated beneficiary. The value of the annuity is not includible in the decedent's gross estate under section 2039 (a) and (b). Since the employee died before reaching the retirement age, the employer was under no obligation to pay the annuity to the employee's designated beneficiary. Therefore, the annuity was not paid under a "contract or agreement" as that term is used in section 2039 (a). If, however, it can be established that the employer has consistently paid an annuity under such circumstances, the annuity will be considered as having been paid under a "contract or agreement".

Example (5). The employer made contributions to a retirement fund which were credited to the employee's individual account. Under the plan, the employee was to receive one-half the amount credited to his account upon his retirement at age 60, and his designated beneficiary was to receive the other one-half upon the employee's death after retirement. If the employee should die before reaching the retirement age, the entire amount credited to his account at such time was to be paid to the designated beneficiary. The retirement plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the employee received one-half the amount credited to his account upon reaching the retirement age and that he died shortly thereafter. Since the employee received all that he was entitled to receive under the plan before his death, no amount was payable to him for his life or for any period not ascertainable without reference to his death, or for any period which did not in fact end before his death. Thus, the amount of the payment to the designated beneficiary is not includible in the decedent's gross estate under section 2039 (a) and (b). If, in this example, the employee died before reaching the retirement age, the amount of the payment to the designated beneficiary would be includible in the decedent's gross estate under section 2039 (a) and (b). In this latter case, the decedent possessed the right to receive a lump sum payment for a period which did not in fact end before his death.

Example (6). The employer made contributions to two different funds set up under two different plans. One plan was to provide the employee, upon his retirement at age 60, with an annuity for life, and the other plan was to provide the employee's designated beneficiary, upon the employee's death, with a similar annuity for life. Each plan was established at a different time and each plan was administered separately in every respect. Neither plan at any time met the requirements of section 401 (a) (relating to qualified plans). The value of the designated beneficiary's annuity is includible in the employee's gross estate. All rights and benefits accruing to an employee and to others by reason of the employment (except rights and benefits accruing under certain plans meeting the requirements of section 401 (a) (see § 20.2039-2)) are considered together in determining whether or not section 2039 (a) and (b) applies. The scope of section 2039 (a) and (b) cannot be limited by indirection.

(c) *Amount includible in the gross estate.* The amount to be included in a decedent's gross estate under section 2039 (a) and (b) is an amount which bears the same ratio to the value at the decedent's death of the annuity or other payment receivable by the beneficiary as the contribution made by the decedent, or made by his employer (or former employer) for any reason connected with his employment, to the cost of the contract or agreement bears to its total cost. In applying this ratio, the value at the decedent's death of the annuity or other payment is determined in accordance with the rules set forth in §§ 20.2031-1, 20.2031-7, 20.2031-8, and 20.2031-9. The application of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1945, the decedent and his wife each contributed $15,000 to the purchase price of an annuity contract under the terms of which the issuing company agreed to pay an annuity to the decedent and his wife for their joint lives and to continue the annuity to the survivor for his life. Assume that the value of the survivor's annuity at the decedent's death (computed under § 20.2031-8) is $20,000. Since the decedent contributed one-half of the cost of the contract, the amount to be included in his gross estate under section 2039 (a) and (b) is $10,000.

Example (2). Under the terms of an employment contract entered into on January 1, 1945, the employer and the employee made contributions to a fund which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life. The retirement fund at no time formed part of a plan meeting the requirements of section 401 (a) (relating to qualified plans). Assume that the employer and the employee each contributed $5,000 to the retirement fund. Assume, further, that the employee died after retirement at which time the value of the survivor's annuity was $8,000. Since the employer's contributions were made by reason of the decedent's employment, the amount to be included in his gross estate under section 2039 (a) and (b) is the entire $8,000. If, in the above example, only the employer made contributions to the fund, the amount to be included in the gross estate would still be $8,000.

(d) *Insurance under policies on the life of the decedent.* If an annuity or other payment receivable by a beneficiary under a contract or agreement is in substance the proceeds of insurance under a policy on the life of the decedent, section 2039 (a) and (b) does not apply. For the extent to which such an annuity or other payment is includible in a decedent's gross estate, see section 2042 and § 20.2042-1. A combination annuity contract and life insurance policy on the decedent's life (e. g., a "retirement income" policy with death benefits) which matured during the decedent's lifetime so that there was no longer an insurance element under the contract at the time of the decedent's death is subject to the provisions of section 2039 (a) and (b). On the other hand, the treatment of a combination annuity contract and life insurance policy on the decedent's life which did not mature during the decedent's lifetime depends upon the nature of the contract at the time of the decedent's death. The nature of the contract is generally determined by the relation of the reserve value of the policy to the value of the death benefit at the time of the decedent's death. If the decedent dies before the reserve value equals the death benefit, there is still an insurance element under the contract. The contract is therefore considered, for estate tax purposes, to be an insurance policy subject to the provisions of section 2042. However, if the decedent dies after the reserve value equals the death benefit, there is no longer an insurance element under the contract. The contract is therefore considered to be a contract for an annuity or other payment subject to the provisions of section 2039 (a) and (b) or some other section of part III of subchapter A of chapter 11. Notwithstanding the relation of the reserve value to the value of the death benefit, a contract under which the death benefit could never exceed the total premiums paid, plus interest, contains no insurance element.

Example. Pursuant to a retirement plan established January 1, 1945, the employer purchased a contract from an insurance company which was to provide the employee, upon his retirment at age 65, with an annuity of $100 per month for life, and which was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life. The contract further provided that if the employee should die before reaching the retirement age, a lump sum payment of $20,000 would be paid to his designated beneficiary in lieu of the annuity described above. The plan at no time met the requirements of section 401 (a) (relating to qualified plans). Assume that the reserve value of the contract at the retirement age would be $20,000. If the employee died after reaching the retirement age, the death benefit to the designated beneficiary would constitute an annuity, the value of which would be includible in the employee's gross estate under section 2039 (a) and (b). If, on the other hand, the employee died before reaching his retirement age, the death benefit to the designated beneficiary would constitute insurance under a policy on the life of the decedent since the reserve value would be less than the death benefit. Accordingly, its includibility would depend upon section 2042 and § 20.2042-1.

§ 20.2039-2 *Annuities under "qualified plans"*—(a) *In general.* Section 2039 (c) excludes from a decedent's gross estate the value of an annuity or other payment receivable under certain "qualified plans" to the extent provided in paragraph (c) of this section. Section 2039 (c) applies to estates of all persons dying after December 31, 1953.

(b) *Plans to which section 2039 (c) applies.* Section 2039 (c) excludes from a decedent's gross estate, to the extent provided in paragraph (c) of this section, the value of an annuity or other payment receivable by any beneficiary (except the value of an annuity or other payment receivable by or for the benefit of the decedent's estate) under—

(1) An employee's trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of the earlier termination of the plan, met the requirements of section 401 (a), or

(2) A retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan which, at the time of decedent's separation from employment (by death or otherwise), or at the time of the earlier termination of the plan, met the requirements of section 401 (a) (3) through (6).

For the meaning of the term "annuity or other payment", see paragraph (b) of § 20.2039-1. For the meaning of the phrase "receivable by or for the benefit of the decedent's estate", see paragraph (b) of § 20.2042-1. The application of this paragraph may be illustrated by the following examples in each of which it is assumed that the amount stated to be excludable from the decedent's gross estate is determined in accordance with paragraph (c) of this section:

Example (1). Pursuant to a pension plan, the employer made contributions to a trust which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide his wife, upon the employee's death after retirement, with a similar annuity for life. At the time of the employee's retirement, the pension trust formed part of a plan meeting the requirements of section 401 (a). Assume that the employee died at age 61 after the trustee started payment of his annuity as described above. Since the wife's annuity was receivable under a qualified pension plan, no part of the value of such annuity is includible in the decedent's gross estate by reason of the provisions of section 2039 (c). If, in this example, the employer provided other benefits under nonqualified plans, the result would be the same since the exclusion under section 2039 (c) is confined to the benefits provided for under the qualified plan.

Example (2). Pursuant to a profit-sharing plan, the employer made contributions to a trust which were allocated to the employee's individual account. Under the plan, the employee would, upon his retirement at age 60, receive a distribution of the entire amount credited to his account. If he should die before reaching the retirement age, the amount credited to his account would be distributed to his designated beneficiary. Assume that the employee died before reaching the retirement age and that at such time the plan met the requirements of section 401 (a). Since the designated beneficiary's lump sum payment was receivable under a qualified profit-sharing plan, no part of such lump sum payment is includible in the decedent's gross estate by reason of the provisions of section 2039 (c).

Example (3). Pursuant to a pension plan, the employer made contributions to a trust which were used by the trustee to purchase a contract from an insurance company for the benefit of an employee. The contract was to provide the employee, upon his retirement at age 65, with an annuity of $100 per month for life, and was to provide his designated beneficiary, upon the employee's death after retirement, with a similar annuity for life.

The contract further provided that if the employee should die before reaching the retirement age, a lump sum payment equal to the greater of (a) $10,000 or (b) the reserve value of the policy would be paid to his designated beneficiary in lieu of the annuity described above. Assume that the employee died before reaching the retirement age and that at such time the plan met the requirements of section 401 (a). Since the designated beneficiary's lump sum payment was receivable under a qualified pension plan, no part of such lump sum payment is includible in the decedent's gross estate by reason of the provisions of section 2039 (c). It should be noted that for purposes of the exclusion under section 2039 (c), it is immaterial whether or not such lump sum payment constitutes the proceeds of life insurance under the principles set forth in paragraph (d) of § 20.2039-1.

Example (4). Pursuant to a profit-sharing plan, the employer made contributions to a trust which were allocated to the employee's individual account. Under the plan, the employee would, upon his retirement at age 60, be given the option to have the amount credited to his account (a) paid to him in a lump sum, (b) used to purchase a joint and survivor annuity for him and his designated beneficiary, or (c) left with the trustee under an arrangement whereby interest would be paid to him for his lifetime with the principal to be paid, at his death, to his designated beneficiary. The plan further provided that, if the third method of settlement were selected, the employee would retain the right to have the principal paid to himself in a lump sum up to the time of his death. At the time of the employee's retirement, the profit-sharing plan met the requirements of section 401 (a). Assume that the employee, upon reaching his retirement age, elected to have the amount credited to his account left with the trustee under the interest arrangement. Assume, further, that the employee did not exercise his right to have such amount paid to him before his death. Under such circumstances, the employee is considered as having constructively received the amount credited to his account upon his retirement. Thus, such amount is not considered as receivable by the designated beneficiary under the profit-sharing plan and the exclusion of section 2039 (c) is not applicable.

(c) *Amount excludable from the gross estate.* (1) The amount to be excluded from a decedent's gross estate under section 2039 (c) is an amount which bears the same ratio to the value at the decedent's death of the annuity or other payment receivable by the beneficiary as the employer's contribution (or a contribution made on his behalf) to the plan on the employee's account bears to the total contributions to the plan on the employee's account. In applying this ratio, the value at the decedent's death of the annuity or other payment is determined in accordance with the rules set forth in §§ 20.2031-1, 20.2031-7, 20.2031-8, and 20.2031-9.

(2) In certain cases, the employer's contribution (or a contribution made on his behalf) to a plan on the employee's account and thus the total contributions to the plan on the employee's account cannot be readily ascertained. In order to apply the ratio stated in subparagraph (1) of this paragraph in such a case, the method outlined in the following two sentences must be used unless a more precise method is presented. In such a case, the total contributions to the plan on the employee's account is the value of any annuity or other payment payable to the decedent and his survivor computed as of the time the decedent's rights first mature (or as of the time the survivor's rights first mature if the decedent's rights never mature) and computed in accordance with the rules set forth in §§ 20.2031-1, 20.2031-7, 20.2031-8, and 20.2031-9. By subtracting from such value the amount of the employee's contribution to the plan, the amount of the employer's contribution to the plan on the employee's account may be obtained. The application of this paragraph may be illustrated by the following example:

Example. Pursuant to a pension plan, the employer and the employee contributed to a trust which was to provide the employee, upon his retirement at age 60, with an annuity for life, and which was to provide his wife, upon the employee's death after retirement, with a similar annuity for life. At the time of the employee's retirement, the pension trust formed part of a plan meeting the requirements of section 401 (a). Assume the following: (i) that the employer's contributions to the fund were not credited to the accounts of individual employees; (ii) that the value of the employee's annuity and his wife's annuity computed as of the time of the decedent's retirement, was $40,000; (iii) that the employee contributed $10,000 to the plan; and (iv) that the value at the decedent's death of the wife's annuity was $16,000. On the basis of these facts, the total contributions to the fund on the employee's account are presumed to be $40,000 and the employer's contribution to the plan on the employee's account is presumed to be $30,000 ($40,000 less $10,000). Since the wife's annuity was receivable under a qualified pension plan, that part of the value of such annuity which is attributable to the employer's contributions $\left(\frac{\$30,000}{\$40,000}\times\$16,000, \text{ or } \$12,000\right)$ is excludable from the decedent's gross estate by reason of the provisions of section 2039 (c). Compare this result with the results reached in the examples set forth in paragraph (b) of this section in which all contributions to the plans were made by the employer.

§ 20.2040 *Statutory provisions; joint interests.*

SEC. 2040. *Joint interests.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States) to the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided,* That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further,* That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants.

§ 20.2040-1 *Joint interests*—(a) *In general.* A decedent's gross estate includes under section 2040 the value of property held jointly at the time of the decedent's death by the decedent and another person or persons with right of survivorship, as follows:

(1) To the extent that the property was acquired by the decedent and the other joint owner or owners by gift, devise, bequest, or inheritance, the decedent's fractional share of the property is included.

(2) In all other cases, the entire value of the property is included except such part of the entire value as is attributable to the amount of the consideration in money or money's worth furnished by the other joint owner or owners. See § 20.2043-1 with respect to adequacy of consideration. Such part of the entire value is that portion of the entire value of the property at the decedents death (or at the alternate valuation date described in section 2032 which the consideration in money or money's worth furnished by the other joint owner or owners bears to the total cost of acquisition and capital additions. In determining the consideration furnished by the other joint owner or owners, there is taken into account only that portion of such consideration which is shown not to be attributable to money or other property acquired by the other joint owner or owners from the decedent for less than a full and adequate consideration in money or money's worth.

The entire value of jointly held property is included in a decedent's gross estate unless the executor submits facts sufficient to show that property was not acquired entirely with consideration furnished by the decedent, or was acquired by the decedent and the other joint owner or owners by gift, bequest, devise, or inheritance.

(b) *Meaning of "property held jointly".* Section 2040 specifically covers property held jointly by the decedent and any other person (or persons), property held by the decedent and spouse as tenants by the entirety, and a deposit of money, or a bond or other instrument, in the name of the decedent and any other person and payable to either or the survivor. The section applies to all classes of property, whether real or personal, and regardless of when the joint interests were created. Furthermore, it makes no difference that the survivor takes the entire interest in the property by right of survivorship and that no interest therein forms a part of the decedent's estate for purposes of administration. The section has no application to property held by the decedent and any other person (or persons) as tenants in common.

(c) *Examples.* The application of this section may be explained in the following examples in each of which it is assumed that the other joint owner or owners survived the decedent:

(1) If the decedent furnished the entire purchase price of the jointly held property, the value of the entire property is included in his gross estate;

(2) If the decedent furnished a part only of the purchase price, only a corresponding portion of the value of the property is so included;

(3) If the decedent furnished no part of the purchase price, no part of the value of the property is so included;

(4) If the decedent, before the acquisition of the property by himself and the other joint owner, gave the latter a sum of money or other property which thereafter became the other joint owner's entire contribution to the purchase price, then the value of the entire property is so included, notwithstanding the fact that the other property may have appreciated in value due to market conditions between the time of the gift and the time of the acquisition of the jointly held property;

(5) If the decedent, before the acquisition of the property by himself and the other joint owner, transferred to the latter for less than an adequate and full consideration in money or money's worth other income-producing property, the income from which belonged to and became the other joint owner's entire contribution to the purchase price, then the value of the jointly held property less that portion attributable to the income which the other joint owner did furnish is included in the decedent's gross estate;

(6) If the property originally belonged to the other joint owner and the decedent purchased his interest from the other joint owner, only that portion of the value of the property attributable to the consideration paid by the decedent is included;

(7) If the decedent and his spouse acquired the property by will or gift as tenants by the entirety, one-half of the value of the property is included in the decedent's gross estate; and

(8) If the decedent and his two brothers acquired the property by will or gift as joint tenants, one-third of the value of the property is so included.

§ 20.2041 *Statutory provisions; powers of appointment.*

SEC. 2041. *Powers of appointment*—(a) *In general.* The value of the gross estate shall include the value of all property (except real property situated outside of the United States)—

(1) *Powers of appointment created on or before October 21, 1942.* To the extent of any property with respect to which a general power of appointment created on or before October 21, 1942, is exercised by the decedent—

(A) By will, or

(B) By a disposition which is of such nature that if it were a transfer of property owned by the decedent, such property would be includible in the decedent's gross estate under sections 2035 to 2038, inclusive;

but the failure to exercise such a power or the complete release of such a power shall not be deemed an exercise thereof. If a general power of appointment created on or before October 21, 1942, has been partially released so that it is no longer a general power of appointment, the exercise of such power shall not be deemed to be the exercise of a general power of appointment if—

(i) Such partial release occurred before November 1, 1951, or

(ii) The donee of such power was under a legal disability to release such power on October 21, 1942, and such partial release occurred not later than 6 months after the termination of such legal disability.

(2) *Powers created after October 21, 1942.* To the extent of any property with respect to which the decedent has at the time of his death a general power of appointment created after October 21, 1942, or with respect to which the decedent has at any time exercised or released such a power of appointment by a disposition which is of such nature that if it were a transfer of property owned by the decedent, such property would be includible in the decedent's gross estate under sections 2035 to 2038, inclusive. A disclaimer or renunciation of such a power of appointment shall not be deemed a release of such power. For purposes of this paragraph (2), the power of appointment shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the exercise of the power takes effect only on the expiration of a stated period after its exercise, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised.

(3) *Creation of another power in certain cases.* To the extent of any property with respect to which the decedent—

(A) By will, or

(B) By a disposition which is of such nature that if it were a transfer of property owned by the decedent such property would be includible in the decedent's gross estate under section 2035, 2036, or 2037,

exercises a power of appointment created after October 21, 1942, by creating another power of appointment which under the applicable local law can be validly exercised so as to postpone the vesting of any estate or interest in such property, or suspend the absolute ownership or power of alienation of such property, for a period ascertainable without regard to the date of the creation of the first power.

(b) *Definitions.* For purposes of subsection (a)—

(1) *General power of appointment.* The term "general power of appointment" means a power which is exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate; except that—

(A) A power to consume, invade, or appropriate property for the benefit of the decedent which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the decedent shall not be deemed a general power of appointment.

(B) A power of appointment created on or before October 21, 1942, which is exercisable by the decedent only in conjunction with another person shall not be deemed a general power of appointment.

(C) In the case of a power of appointment created after October 21, 1942, which is exercisable by the decedent only in conjunction with another person—

(i) If the power is not exercisable by the decedent except in conjunction with the creator of the power—such power shall not be deemed a general power of appointment.

(ii) If the power is not exercisable by the decedent except in conjunction with a person having a substantial interest in the property, subject to the power, which is adverse to exercise of the power in favor of the decedent—such power shall not be deemed a general power of appointment. For the purposes of this clause a person who, after the death of the decedent, may be possessed of a power of appointment (with respect to the property subject to the decedent's power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the decedent's power.

(iii) If (after the application of clauses (i) and (ii)) the power is a general power of appointment and is exercisable in favor of such other person—such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the decedent) in favor of whom such power is exercisable.

For purposes of clauses (ii) and (iii), a power shall be deemed to be exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors, or the creditors of his estate.

(2) *Lapse of power.* The lapse of a power of appointment created after October 21, 1942, during the life of the individual possessing the power shall be considered a release of such power. The preceding sentence shall apply with respect to the lapse of powers during any calendar year only to the extent that the property, which could have been appointed by exercise of such lapsed powers, exceeded in value, at the time of such lapse, the greater of the following amounts:

(A) $5,000, or

(B) 5 percent of the aggregate value, at the time of such lapse, of the assets out of which, or the proceeds of which, the exercise of the lapsed powers could have been satisfied.

(3) *Date of creation of power.* For purposes of this section, a power of appointment created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

§ 20.2041-1 *Powers of appointment; in general*—(a) *Introduction.* A decedent's gross estate includes under section 2041 the value of property in respect of which the decedent possessed, exercised, or released certain powers of appointment. This section contains rules of general application; § 20.2041-2 contains rules specifically applicable to general powers of appointment created on or before October 21, 1942; and § 20.2041-3 sets forth specific rules applicable to powers of appointment created after October 21, 1942.

(b) *Definition of "power of appointment"*—(1) *In general.* The term "power of appointment" includes all powers which are in substance and effect powers of appointment regardless of the nomenclature used in creating the power and regardless of local property law connotations. For example, if a trust instrument provides that the beneficiary may appropriate or consume the principal of the trust, the power to consume or appropriate is a power of appointment. Similarly, a power given to a decedent to affect the beneficial enjoyment of trust property or its income by altering, amending, or revoking the trust instrument or terminating the trust is a power of appointment. If the community property laws of a State confer upon the wife a power of testamentary disposition over property in which she does not have a vested interest she is considered as having a power of appointment. A power in a donee to remove or discharge a trustee and appoint himself may be a power of appointment. For example, if under the terms of a trust instrument, the trustee or his successor has the power to appoint the principal of the trust for the benefit of individuals including himself, and the decedent has the unrestricted power to remove or discharge the trustee at any time and appoint any other person including himself, the decedent is considered as having a power of appointment. However, the decedent is not considered to have a power of appointment if he only had the power to appoint a successor, including himself, under limited conditions which did not exist at the time of his death, without an accompanying unrestricted power of removal. Similarly, a power to amend only the administrative provisions of a trust instrument, which cannot substantially affect the beneficial enjoyment of the trust property or income, is not a power of appointment. The mere power of management, investment, custody of assets, or the power to allocate receipts and disbursements as between income and principal, exercisable in a fiduciary capacity, whereby the holder has no power to enlarge or shift any of the beneficial interests therein except as an incidental consequence of the discharge of such fiduciary duties is not a power of appointment. Further, the right in a beneficiary of a trust to assent to a periodic accounting, thereby relieving the trustee from further accountability, is not a power of appointment if the right of assent does not consist of any power or right to enlarge or shift the beneficial interest of any beneficiary therein.

(2) *Relation to other sections.* For purposes of §§ 20.2041-1 to 20.2041-3, the term "power of appointment" does not include powers reserved by the decedent to himself within the concept of sections 2036 through 2038. (See §§ 20.2036-1 to 20.2038-1.) No provision of section 2041 or of §§ 20.2041-1 to 20.2041-3 is to be construed as in any way limiting the application of any other section of the Internal Revenue Code or of these regulations. The power of the owner of a property interest already possessed by him to dispose of his interest, and nothing more, is not a power of appointment, and the interest is includible in his gross estate to the extent it would be includible under section 2033 or some other provision of part III of subchapter A of chapter 11. For example, if a trust created by S provides for payment of the income to A for life with power in A to appoint the remainder by will and, in default of such appointment for payment of the income to A's widow, W, for her life and for payment of the remainder to A's estate, the value of A's interest in the remainder is includible in his gross estate under section 2033 regardless of its includibility under section 2041.

(3) *Powers over a portion of property.* If a power of appointment exists as to part of an entire group of assets or only over a limited interest in property, section 2041 applies only to such part or interest. For example, if a trust created by S provides for the payment of income to A for life, then to W for life, with power in A to appoint the remainder by will and in default of appointment for payment of the remainder to B or his estate, and if A dies before W, section 2041 applies only to the value of the remainder interest excluding W's life estate. If A dies after W, section 2041 would apply to the value of the entire property. If the power were only over one-half the remainder interest, section 2041 would apply only to one-half the value of the amounts described above.

(c) *Definition of "general power of appointment"*—(1) *In general.* The term "general power of appointment" as defined in section 2041 (b) (1) means any power of appointment exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, except (i) joint powers, to the extent provided in §§ 20.2041-2 and 20.2041-3, and (ii) certain powers limited by an ascertainable standard, to the extent provided in subparagraph (2) of this paragraph. A power of appointment exercisable to meet the estate tax, or any other taxes, debts, or charges which are enforceable against the estate, is included within the meaning of a power of appointment exercisable in favor of the decedent's estate, his creditors, or the creditors of his estate. A power of appointment exercisable for the purpose of discharging a legal obligation of the decedent or for his pecuniary benefit is considered a power of appointment exercisable in favor of the decedent or his creditors. However, for purposes of §§ 20.2041-1 to 20.2041-3, a power of appointment not otherwise considered to be a general power of appointment is not treated as a general power of appointment merely by reason of the fact that an appointee may, in fact, be a creditor of the decedent or his estate. A power of appointment is not a general power if by its terms it is either—

(*a*) Exercisable only in favor of one or more designated persons or classes other than the decedent or his creditors, or the decedent's estate or the creditors of his estate, or

(*b*) Expressly not exercisable in favor of the decedent or his creditors, or the decedent's estate or the creditors of his estate.

A decedent may have two powers under the same instrument, one of which is a general power of appointment and the other of which is not. For example, a beneficiary may have a power to withdraw trust corpus during his life, and a testamentary power to appoint the corpus among his descendants. The testamentary power is not a general power of appointment.

(2) *Powers limited by an ascertainable standard.* A power to consume, invade, or appropriate income or corpus, or both, for the benefit of the decedent which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the decedent is, by reason of section 2041 (b) (1) (A), not a general power of appointment. A power is limited by such a standard if the extent of the holder's duty to exercise and not to exercise the power is reasonably measurable in terms of his needs for health, education, or support (or any combination of them). As used in this subparagraph, the words "support" and "maintenance" are synonymous and their meaning is not limited to the bare necessities of life. A power to use property for the comfort, welfare, or happiness of the holder of the power is not limited by the requisite standard. Examples of powers which are limited by the requisite standard are powers exercisable for the holder's "support," "support in reasonable comfort," "maintenance in health and reasonable comfort," "support in his accustomed manner of living," "education, including college and professional education," "health," and "medical, dental, hospital and nursing expenses and expenses of invalidism." In determining whether a power is limited by an ascertainable standard, it is immaterial whether the beneficiary is required to exhaust his other income before the power can be exercised.

(3) *Certain powers under wills of decedents dying between January 1 and April 2, 1948.* Section 210 of the Technical Changes Act of 1953 provides that if a decedent died after December 31, 1947, but before April 3, 1948, certain property interests described therein may, if the decedent's surviving spouse so elects, be accorded special treatment in the determination of the marital deduction to be allowed the decedent's estate under the provisions of section 812 (e) of the Internal Revenue Code of 1939. See § 81.47a (h) of Regulations 105 (26 CFR (1939) 81.47a (h)). The section further provides that property affected by the election shall, for the purpose of inclusion in the surviving spouse's gross estate, be considered property with respect to which she has a general power of appointment. Therefore, notwithstanding any other provision of law or of §§ 20.2041-1 to 20.2041-3, if the present decedent (in her capacity as surviving spouse of a prior decedent) has made an election under section 210 of the Technical Changes Act of 1953, the property which was the subject of the election shall be considered as property with respect to which the present decedent has a general power of appointment created after October 21, 1942, exercisable by deed or will, to the extent it was treated as an interest passing to the surviving spouse and not passing to any other person for the purpose of the marital deduction in the prior decedent's estate.

(d) *Definition of "exercise".* Whether a power of appointment is in fact exercised may depend upon local law. For example, the residuary clause of a will may be considered under local law as an exercise of a testamentary power of appointment in the absence of evidence of a contrary intention drawn from the whole of the testator's will. However, regardless of local law, a power of appointment is considered as exercised for purposes of section 2041 even though the exercise is in favor of the taker in default of appointment, and irrespective of whether the appointed interest and the interest in default of appointment are identical or whether the appointee renounces any right to take under the appointment. A power of appointment is also considered as exercised even though the disposition cannot take effect until the occurrence of an event after the exercise takes place, if the exercise is irrevocable and, as of the time of the exercise, the condition was not impossible of occurrence. For example, if property is left in trust to A for life, with a power in B to appoint the remainder by will, and B dies before A, exercising his power by appointing the remainder to C if C survives A, B is considered to have exercised his power if C is living at B's death. On the other hand, a testamentary power of appointment is not considered as exercised if it is exercised subject to the occurrence during the decedent's life of an express or implied condition which did not in fact occur. Thus, if in the preceding example, C dies before B, B's power of appointment would not be considered to have been exercised. Similarly, if a trust provides for income to A for life, remainder as A appoints by will, and A appoints a life estate in the property to B and does not otherwise exercise his power, but B dies before A, A's power is not considered to have been exercised.

(e) *Time of creation of power.* A power of appointment created by will is, in general, considered as created on the date of the testator's death. However, section 2041 (b) (3) provides that a power of appointment created by a will executed on or before October 21, 1942, is considered a power created on or before that date if the testator dies before July 1, 1949, without having republished the will, by codicil or otherwise, after October 21, 1942. Whether or not a power of appointment created by an intervivos instrument executed on or before October 21, 1942, is considered a power created on or before that date depends upon the facts and circumstances of the particular case. For example, assume that A created a revocable trust before October 21, 1942, providing for payment of income to B for life with remainder as B shall appoint by will. If A dies after October 21, 1942, without having exercised his power of revocation, B's power of appointment is considered a power created after October 21, 1942. On the other hand, assume that C created an irrevocable intervivos trust before October 21, 1942, naming T as trustee and providing for payment of income to D for life with remainder to E. Assume further that T was given the power to pay corpus to D and the power to appoint a successor trustee. If T resigns after October 21, 1942, and appoints D as successor trustee, D is considered to have a power of appointment created before October 21, 1942. As another example, assume that F created an irrevocable intervivos trust before Octber 21, 1942, providing for payment of income to G for life with remainder as G shall appoint by will, but in default of appointment income to H for life with remainder as H shall appoint by will. If G dies after October 21, 1942, without having exercised his power of appointment, H's power of appointment is considered a power created before October 21, 1942, even though it was only a contingent interest until G's death. If, in this last example, G had exercised his power of appointment by creating a similar power in I, I's power of appointment would be considered a power created after October 21, 1942. A power of appointment is not considered as created after October 21, 1942, merely because the power is not exercisable or the identity of its holders is not ascertainable until after that date.

§ 20.2041-2 *Powers of appointment created on or before October 21, 1942*—(a) *In general.* Property subject to a general power of appointment created on or before October 21, 1942, is includible in the gross estate of the holder of the power under section 2041 only if he exercised the power under specified circumstances. Section 2041 (a) (1) requires that there be included in the gross estate of a decedent the value of property subject to such a power only if the power is exercised by the decedent either (1) by will, or (2) by a disposition which is of such nature that if it were a transfer of property owned by the decedent, the property would be includible in the decedent's gross estate under section 2035 (relating to transfers in contemplation of death), 2036 (relating to transfers with retained life estate), 2037 (relating to transfers taking effect at death), or 2038 (relating to revocable transfers). See paragraphs (b), (c), and (d) of § 20.2041-1 for the definition of various terms used in this section.

(b) *Joint powers created on or before October 21, 1942.* Section 2041 (b) (1) (B) provides that a power created on or before October 21, 1942, which at the time of the exercise is not exercisable by the decedent except in conjunction with another person, is not deemed a general power of appointment.

(c) *Exercise during life.* The circumstances under which section 2041 applies to the exercise other than by will of a general power of appointment created on or before October 21, 1942, are set forth in paragraph (a) of this section. In this connection, the rules of sections 2035 through 2038 which are to be applied are those in effect on the date of the decedent's death which are applicable to transfers made on the date when the exercise of the power occurred. Those rules are to be applied in determining the extent to which and the conditions under which a disposition is considered a transfer of property. The application of this paragraph may be illustrated by the following examples:

Example (1). A decedent in 1951 exercised a general power of appointment created in 1940, reserving no interest in or power over the property subject to the general power. The decedent died in 1956. Since the exercise was not made within three years before the decedent's death, no part of the property is includible in his gross estate. See section 2035 (b), relating to transfers in contemplation of death.

Example (2). S created a trust in 1930 to pay the income to A for life, remainder as B appoints by an instrument filed with the trustee during B's lifetime, and in default of appointment remainder to C. B exercised the power in 1955 by directing that after A's death the income be paid to himself for life with remainder to C. If B dies after A, the entire value of the trust property would be included in B's gross estate, since such a disposition if it were a transfer of property owned by B would cause the property to be included in his gross estate under section 2036 (a) (1). If B dies before A, the value of the trust property less the value of A's life estate would be included in B's gross estate for the same reason.

Example (3). S created a trust in 1940 to pay the income to A for life, remainder as A appoints by an instrument filed with the trustee during A's lifetime. A exercised the power in 1955, five years before his death, reserving the right of revocation. The exercise, if not revoked before death, will cause the property subject to the power to be included in A's gross estate under section 2041 (a) (1), since such a disposition if it were a transfer of property owned by A would cause the property to be included in his gross estate under section 2038. However, if the exercise were completely revoked, so that A died still possessed of the power, the property would not be included in A's gross estate for the reason that the power will not be treated as having been exercised.

Example (4). A decedent exercised a general power of appointment created in 1940 by making a disposition in trust under which possession or enjoyment of the property subject to the exercise could be obtained only by surviving the decedent and under which the decedent retained a reversionary interest in the property of a value of more than five percent. The exercise will cause the property subject to the power to be included in the decedent's gross estate, since such a disposition if it were a transfer of property owned by the decedent would cause the property to be included in his gross estate under section 2037.

(d) *Release or lapse.* A failure to exercise a general power of appointment created on or before October 21, 1942, or a complete release of such a power is not considered to be an exercise of a general power of appointment. The phrase "a complete release" means a release of all powers over all or a portion of the property subject to a power of appointment, as distinguished from the reduction of a power of appointment to a lesser power. Thus, if the decedent completely relinquished all powers over one-half of the property subject to a power of appointment, the power is completely released as to that one-half. If at or before the time a power of appointment is relinquished, the holder of the power exercises the power in such a manner or to such an extent that the relinquishment results in the reduction, enlargement, or shift in a beneficial interest in property, the relinquishment will be considered to be an exercise and not a release of the power. For example, assume that A created a trust in 1940 providing for payment of the income to B for life and, upon B's death, remainder to C. Assume further that B was given the unlimited power to amend the trust instrument during his lifetime. If B amended the trust in 1948 by providing that upon his death the remainder was to be paid to D, and if he further amended the trust in 1950 by deleting his power to amend the trust, such relinquishment will be considered an exercise and not a release of a general power of appointment. On the other hand, if the 1948 amendment became ineffective before or at the time of the 1950 amendment, or if B in 1948 merely amended the trust by changing the purely ministerial powers of the trustee, his relinquishment of the power in 1950 will be considered as a release of a power of appointment.

(e) *Partial release.* If a general power of appointment created on or before October 21, 1942, is partially released so that it is not thereafter a general power of appointment, a subsequent exercise of the partially released power is not an exercise of a general power of appointment if the partial release occurs before whichever is the later of the following dates:

(1) November 1, 1951, or

(2) If the decedent was under a legal disability to release the power on October 21, 1942, the day after the expiration of 6 months following the termination of such legal disability.

However, if a general power created on or before October 21, 1942, is partially released on or after the later of these dates, a subsequent exercise of the power will cause the property subject to the power to be included in the holder's gross estate, if the exercise is such that if it were a disposition of property owned by the decedent it would cause the property to be included in his gross estate. The legal disability referred to in this paragraph is determined under local law and may include the disability of an insane person, a minor, or an unborn child. The fact that the type of general power of appointment possessed by the decedent actually was not generally releasable under the local law does not place the decedent under a legal disability within the meaning of this paragraph. In general, however, it is assumed that all general powers of appointment are releasable, unless the local law on the subject is to the contrary, and it is presumed that the method employed to release the power is effective, unless it is not in accordance with the local law relating specifically to releases or, in the absence of such local law, is not in accordance with the local law relating to similar transactions.

(f) *Partial exercise.* If a general power of appointment created on or before October 21, 1942, is exercised only as to a portion of the property subject to the power, section 2041 is applicable only to the value of that portion. For example, if a decedent had a general power of appointment exercisable by will created on or before October 21, 1942, over a trust fund valued at $200,000 at the date of his death, and if the decedent exercised his power either to the extent of directing the distribution of one-half of the trust property to B or of directing the payment of $100,000 to B, the trust property would be includible in the decedent's gross estate only to the extent of $100,000.

§ 20.2041–3 *Powers of appointment created after October 21, 1942*—(a) *In general.* (1) Property subject to a power of appointment created after October 21, 1942, is includible in the gross estate of the holder of the power under varying conditions depending on whether the power is (i) general in nature, (ii) possessed at death, or (iii) exercised or released. See paragraphs (b), (c), and (d) of § 20.2041–1 for the definition of various terms used in this section. See paragraph (c) of this section for the rules applicable to determine the extent to which joint powers created after October 21, 1942, are to be treated as general powers of appointment.

(2) If the power is a general power of appointment, the value of an interest in property subject to such a power is includible in a decedent's gross estate under section 2041 (a) (2) if either—

(i) The decedent has the power at the time of his death (and the interest exists at the time of his death), or

(ii) The decedent exercised or released the power, or the power lapsed, under the circumstances and to the extent described in paragraph (d) of this section.

(3) If the power is not a general power of appointment, the value of property subject to the power is includible in the holder's gross estate under section 2041 (a) (3) only if it is exercised to create a further power under certain circumstances (see paragraph (e) of this section).

(b) *Existence of power at death.* For purposes of section 2041 (a) (2), a power of appointment is considered to exist on the date of a decedent's death even though the exercise of the power is subject to the precedent giving of notice, or even though the exercise of the power takes effect only on the expiration of a stated period after its exercise, whether or not on or before the decedent's death notice has been given or the power has been exercised. However, a power which by its terms is exercisable only upon the occurrence during the decedent's lifetime of an event or a contingency which did not in fact take place or occur during such time is not a power in existence on the date of the decedent's death. For example, if a decedent was given a general power of appointment exercisable only after he reached a certain age, only if he survived another person, or only if he died without descendants, the power would not be in existence on the date of the decedent's death if the condition precedent to its exercise had not occurred.

(c) *Joint powers created after October 21, 1942.* The treatment of a power of appointment created after October 21, 1942, which is exercisable only in conjunction with another person is governed by section 2041 (b) (1) (C), which provides as follows:

(1) Such a power is not considered a general power of appointment if it is not exercisable by the decedent except with the consent or joinder of the creator of the power.

(2) Such power is not considered a general power of appointment if it is not exercisable by the decedent except with the consent or joinder of a person having a substantial interest in the property subject to the power which is adverse to the exercise of the power in favor of the decedent, his estate, his creditors, or the creditors of his estate. An interest adverse to the exercise of a power is considered as substantial if its value in relation to the total value of the property subject to the power is not insignificant. For this purpose, the interest is to be valued in accordance with the actuarial principles set forth in § 20.2031–7 or, if it is not susceptible to valuation under those provisions, in accordance with the general principles set forth in § 20.2031–1. A taker in default of appointment under a power has an interest which is adverse to an exercise of the power. A coholder of the power has no adverse interest merely because of his joint possession of the power nor merely because he is a permissible appointee under a power. However, a coholder of a power is considered as having an adverse interest where he may possess the power after the decedent's death and may exercise it at that time in favor of himself, his estate, his creditors, or the creditors of his estate. Thus, for example, if X, Y, and Z held a power jointly to appoint among a group of persons which includes themselves and if on the death of X the power will pass to Y and Z jointly, then Y and Z are considered to have interests adverse to the exercise of the power in favor of X. Similarly, if on Y's death the power will pass to Z, Z is considered to have an interest adverse to the exercise of the power in favor of Y. The application of this subparagraph may be further illustrated by the following additional examples in each of which it is assumed that the value of the interest in question is substantial:

Example (1). The decedent and R were trustees of a trust under the terms of which the income was to be paid to the decedent for life and then to M for life, and the remainder was to be paid to R. The trustees had power to distribute corpus to the decedent. Since R's interest was substantially adverse to an exercise of the power in favor of the decedent the latter did not have a general power of appointment. If M and the decedent were the trustees, M's interest would likewise have been adverse.

Example (2). The decedent and L were trustees of a trust under the terms of which the income was to be paid to L for life and then to M for life, and the remainder was to be paid to the decedent. The trustees had power to distribute corpus to the decedent during L's life. Since L's interest was adverse to an exercise of the power in favor of the decedent, the decedent did not have a general power of appointment. If the decedent and M were the trustees, M's interest would likewise have been adverse.

Example (3). The decedent and L were trustees of a trust under the terms of which the income was to be paid to L for life. The trustees could designate whether corpus was to be distributed to the decedent or to A after L's death. L's interest was not adverse to an exercise of the power in favor of the decedent, and the decedent therefore had a general power of appointment.

(3) A power which is exercisable only in conjunction with another person, and which after application of the rules set forth in subparagraphs (1) and (2) of this paragraph constitutes a general power of appointment, will be treated as though the holders of the power who are permissible appointees of the property were joint owners of property subject to the power. The decedent, under this rule, will be treated as possessed of a general power of appointment over an aliquot share of the property to be determined with reference to the number of joint holders, including the decedent, who (or whose estates or creditors) are permissible appointees. Thus, for example, if X, Y, and Z hold an unlimited power jointly to appoint among a group

of persons, including themselves, but on the death of X the power does not pass to Y and Z jointly, then Y and Z are not considered to have interests adverse to the exercise of the power in favor of X. In this case X is considered to possess a general power of appointment as to one-third of the property subject to the power.

(d) *Releases, lapses, and disclaimers of general powers of appointment.* (1) Property subject to a general power of appointment created after October 21, 1942, is includible in the gross estate of a decedent under section 2041 (a) (2) even though he does not have the power at the date of his death, if during his life he exercised or released the power under circumstances such that, if the property subject to the power had been owned and transferred by the decedent, the property would be includible in the decedent's gross estate under section 2035, 2036, 2037, or 2038. Further, section 2041 (b) (2) provides that the lapse of a power of appointment is considered to be a release of the power to the extent set forth in subparagraph (3) of this paragraph. A release of a power of appointment need not be formal or express in character. The principles set forth in § 20.2041-2 for determining the application of the pertinent provisions of sections 2035 through 2038 to a particular exercise of a power of appointment are applicable for purposes of determining whether or not an exercise or release of a power of appointment created after October 21, 1942, causes the property to be included in a decedent's gross estate under section 2041 (a) (2). If a general power of appointment created after October 21, 1942, is partially released, a subsequent exercise or release of the power under circumstances described in the first sentence of this subparagraph, or its possession at death will nevertheless cause the property subject to the power to be included in the gross estate of the holder of the power.

(2) Section 2041 (a) (2) is not applicable to the complete release of a general power of appointment created after October 21, 1942, whether exercisable during life or by will, if the release was not made in contemplation of death within the meaning of section 2035, and if after the release the holder of the power retained no interest in or control over the property subject to the power which would cause the property to be included in his gross estate under sections 2036 through 2038 if the property had been transferred by the holder.

(3) The failure to exercise a power of appointment created after October 21, 1942, within a specified time, so that the power lapses, constitutes a release of the power. However, section 2041 (b) (2) provides that such a lapse of a power of appointment during any calendar year during the decedent's life is treated as a release for purposes of inclusion of property in the gross estate under section 2041 (a) (2) only to the extent that the property which could have been appointed by exercise of the lapsed power exceeds the greater of (i) $5,000 or (ii) 5 percent of the aggregate value, at the time of the lapse, of the assets out of which, or the proceeds of which, the exercise of the lapsed power could have been satisfied. For example, assume that A transferred $200,000 worth of securities in trust providing for payment of income to B for life with remainder to B's issue. Assume further that B was given a noncumulative right to withdraw $10,000 a year from the principal of the trust fund (which neither increased nor decreased in value prior to B's death). In such case, the failure of B to exercise his right of withdrawal will not result in estate tax with respect to the power to withdraw $10,000 which lapses each year before the year of B's death. At B's death there will be included in his gross estate the $10,000 which he was entitled to withdraw for the year in which his death occurs less any amount which he may have taken during that year. However, if in the above example B had possessed the right to withdraw $15,000 of the principal annually, the failure to exercise such power in any year will be considered a release of the power to the extent of the excess of the amount subject to withdrawal over 5 percent of the trust fund (in this example, $5,000, assuming that the trust fund is worth $200,000 at the time of the lapse). Since each lapse is treated as though B had exercised dominion over the trust property by making a transfer of principal reserving the income therefrom for his life, the value of the trust property (but only to the extent of the excess of the amount subject to withdrawal over 5 percent of the trust fund) is includible in B's gross estate (unless before B's death he has disposed of his right to the income under circumstances to which sections 2035 through 2038 would not be applicable). The extent to which the value of the trust property is included in the decedent's gross estate is determined as provided in subparagraph (4) of this paragraph.

(4) The purpose of section 2041 (b) (2) is to provide a determination, as of the date of the lapse of the power, of the proportion of the property over which the power lapsed which is an exempt disposition for estate tax purposes and the proportion which, if the other requirements of sections 2035 through 2038 are satisfied, will be considered as a taxable disposition. Once the taxable proportion of any disposition at the date of lapse has been determined, the valuation of that proportion as of the date of the decedent's death (or, if the executor has elected the alternate valuation method under section 2032, the value as of the date therein provided), is to be ascertained in accordance with the principles which are applicable to the valuation of transfers of property by the decedent under the corresponding provisions of sections 2035 through 2038. For example, if the life beneficiary of a trust had a right exercisable only during one calendar year to draw down $50,000 from the corpus of a trust, which he did not exercise, and if at the end of the year the corpus was worth $800,000, the taxable portion over which the power lapsed is $10,000 (the excess of $50,000 over 5 percent of the corpus), or 1/80 of the total value. On the decedent's death, if the total value of the corpus of the trust (excluding income accumulated after the lapse of the power) on the applicable valuation date was $1,200,000, $15,000 (1/80 of $1,200,000) would be includible in the decedent's gross estate. However, if the total value was then $600,000, only $7,500 (1/80 of $600,000) would be includible.

(5) If the failure to exercise a power, such as a right of withdrawal, occurs in more than a single year, the proportion of the property over which the power lapsed which is treated as a taxable disposition will be determined separately for each such year. The aggregate of the taxable proportions for all such years, valued in accordance with the above principles, will be includible in the gross estate by reason of the lapse. The includible amount, however, shall not exceed the aggregate value of the assets out of which, or the proceeds of which, the exercise of the power could have been satisfied, valued as of the date of the decedent's death (or, if the executor has elected the alternate valuation method under section 2032, the value as of the date therein provided).

(6) A disclaimer or renunciation of a general power of appointment is not considered to be a release of the power. The disclaimer or renunciation must be unequivocal and effective under local law. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. There can be no disclaimer or renunciation of a power after its acceptance. In any case where a power is purported to be disclaimed or renounced as to only a portion of the property subject to the power, the determination as to whether or not there has been a complete and unqualified refusal to accept the rights to which one is entitled will depend on all the facts and circumstances of the particular case, taking into account the recognition and effectiveness of such a disclaimer under local law. Such rights refer to the incidents of the power and not to other interests of the decedent in the property. If effective under local law, the power may be disclaimed or renounced without disclaiming or renouncing such other interests. In the absence of facts to the contrary, the failure to renounce or disclaim within a reasonable time after learning of its existence will be presumed to constitute an acceptance of the power.

(e) *Successive powers.* (1) Property subject to a power of appointment created after October 21, 1942, which is not a general power, is includible in the gross estate of the holder of the power under section 2041 (a) (3) if the power is exercised, and if both of the following conditions are met:

(i) If the exercise is (*a*) by will, or (*b*) by a disposition which is of such nature that if it were a transfer of property owned by the decedent, the property would be includible in the decedent's gross estate under sections 2035 through 2037; and

(ii) If the power is exercised by creating another power of appointment which, under the terms of the instruments creating and exercising the first power and under applicable local law, can be validly exercised so as to (*a*) postpone the vesting of any estate or interest in the property for a period ascertainable without regard to the date of the creation of the first power, or (*b*) (if the applicable rule against perpetuities is stated in terms of suspension of ownership or of the power of alienation, rather than of vesting) suspend the absolute ownership or the power of alienation of the property for a period ascertainable without regard to the date of the creation of the first power.

(2) For purposes of the application of section 2041 (a) (3), the value of the property subject to the second power of appointment is considered to be its value unreduced by any precedent or subsequent interest which is not subject to the second power. Thus, if a decedent has a power to appoint by will $100,000 to a group of persons consisting of his children and grandchildren and exercises the power by making an outright appointment of $75,000 and by giving one appointee a power to appoint $25,000, no more than $25,000 will be includible in the decedent's gross estate under section 2041 (a) (3). If, however, the decedent appoints the income from the entire fund to a beneficiary for life with power in the beneficiary to appoint the remainder by will, the entire $100,000 will be includible in the decedent's gross estate under section 2041 (a) (3) if the exercise of the second power can validly postpone the vesting of any estate or interest in the property or can suspend the absolute ownership or power of alienation of the property for a period ascertainable without regard to the date of the creation of the first power.

(f) *Examples.* The application of this section may be further illustrated by the following examples, in each of which it is assumed, unless otherwise stated, that S has transferred property in trust after October 21, 1942, with the remainder payable to R at L's death, and that neither L nor R has any interest in or power over the enjoyment of the trust property except as is indicated separately in each example:

Example (1). Income is directed to be paid to L during his lifetime at the end of each year, if living. L has an unrestricted power during his lifetime to cause the income to be distributed to any other person, but no power to cause it to be accumulated. At L's death, no part of the trust property is includible in L's gross estate since L had a power to dispose of only his income interest, a right otherwise possessed by him.

Example (2). Income is directed to be accumulated during L's life but L has a noncumulative power to distribute $10,000 of each year's income to himself. Unless L's power is limited by an ascertainable standard (relating to his health, etc.), as defined in paragraph (c) (2) of § 20.2041-1, he has a general power of appointment over $10,000 of each year's income, the lapse of which may cause a portion of any income not distributed to be included in his gross estate under section 2041. See subparagraphs (3), (4), and (5) of paragraph (d) of this section. Thus, if the trust income during the year amounts to $20,000, L's failure to distribute any of the income to himself constitutes a lapse as to $5,000 (i. e., the amount by which $10,000 exceeds $5,000). If L's power were cumulative (i. e., if the power did not lapse at the end of each year but lapsed only by reason of L's death), the total accumulations which L chose not to distribute to himself immediately before his death would be includible in his gross estate under section 2041.

Example (3). L is entitled to all the income during his lifetime and has an unrestricted power to cause corpus to be distributed to himself. L had a general power of appointment over the corpus of the trust, and the entire corpus as of the time of his death is includible in his gross estate under section 2041.

Example (4). Income was payable to L during his lifetime. R has an unrestricted power to cause corpus to be distributed to L. R dies before L. In such case, R has only a power to dispose of his remainder interest, the value of which is includible in his gross estate under section 2033, and nothing in addition would be includible under section 2041. If in this example R's remainder were contingent on his surviving L, nothing would be includible in his gross estate under either section 2033 or 2041. While R would have a power of appointment, it would not be a general power.

Example (5). Income was payable to L during his lifetime. R has an unrestricted power to cause corpus to be distributed to himself. R dies before L. While the value of R's remainder interest is includible in his gross estate under section 2033, R also has a general power of appointment over the entire trust corpus. Under such circumstances, the entire value of the trust corpus is includible in R's gross estate under section 2041.

§ 20.2042 *Statutory provisions; proceeds of life insurance.*

SEC. 2042. *Proceeds of life insurance.* The value of the gross estate shall include the value of all property—

(1) *Receivable by the executor.* To the extent of the amount receivable by the executor as insurance under policies on the life of the decedent.

(2) *Receivable by other beneficiaries.* To the extent of the amount receivable by all other beneficiaries as insurance under policies on the life of the decedent with respect to which the decedent possessed at his death any of the incidents of ownership, exercisable either alone or in conjunction with any other person. For purposes of the preceding sentence, the term "incident of ownership" includes a reversionary interest (whether arising by the express terms of the policy or other instrument or by operation of law) only if the value of such reversionary interest exceeded 5 percent of the value of the policy immediately before the death of the decedent. As used in this paragraph, the term "reversionary interest" includes a possibility that the policy, or the proceeds of the policy, may return to the decedent or his estate, or may be subject to a power of disposition by him. The value of a reversionary interest at any time shall be determined (without regard to the fact of the decedent's death) by usual methods of valuation, including the use of tables of mortality and actuarial principles, pursuant to regulations prescribed by the Secretary or his delegate. In determining the value of a possibility that the policy or proceeds thereof may be subject to a power of disposition by the decedent, such possibility shall be valued as if it were a possibility that such policy or proceeds may return to the decedent or his estate.

§ 20.2042-1 *Proceeds of life insurance*—(a) *In general.* (1) Section 2042 provides for the inclusion in a decedent's gross estate of the proceeds of insurance on the decedent's life (i) receivable by or for the benefit of the estate (see paragraph (b) of this section), and (ii) receivable by other beneficiaries (see paragraph (c) of this section). The term "insurance" refers to life insurance of every description, including death benefits paid by fraternal beneficial societies operating under the lodge system.

(2) Proceeds of life insurance which are not includible in the gross estate under section 2042 may, depending upon the facts of the particular case, be includible under some other section of part III of subchapter A of chapter 11. For example, if the decedent possessed incidents of ownership in an insurance policy on his life but gratuitously transferred all rights in the policy in contemplation of death, the proceeds would be includible under section 2035. Section 2042 has no application to the inclusion in the gross estate of the value of rights in an insurance policy on the life of a person other than the decedent, or the value of rights in a combination annuity contract and life insurance policy on the decedent's life (i. e., a "retirement income" policy with death benefit or an "endowment" policy) under which there was no insurance element at the time of the decedent's death (see paragraph (d) of § 20.2039-1).

(3) The amount to be included in the gross estate under section 2042 is the full amount receivable under the policy. If the proceeds of the policy are made payable to a beneficiary in the form of an annuity for life or for a term of years, the amount to be included in the gross estate is the one sum payable at death under an option which could have been exercised either by the insured or by the beneficiary, or if no option was granted, the sum used by the insurance company in determining the amount of the annuity.

(b) *Receivable by or for the benefit of the estate.* (1) Section 2042 requires the inclusion in the gross estate of the proceeds of insurance on the decedent's life receivable by the executor or administrator, or payable to the decedent's estate. It makes no difference whether or not the estate is specifically named as the beneficiary under the terms of the policy. Thus, if under the terms of an insurance policy the proceeds are receivable by another beneficiary but are subject to an obligation, legally binding upon the other beneficiary, to pay taxes, debts, or other charges enforceable against the estate, then the amount of such proceeds required for the payment in full (to the extent of the beneficiary's obligation) of such taxes, debts, or other charges is includible in the gross estate. Similarly, if the decedent purchased an insurance policy in favor of another person or a corporation as collateral security for a loan or other accommodation, its proceeds are considered to be receivable for the benefit of the estate. The amount of the loan outstanding at the date of the decedent's death, with interest accrued to that date, will be deductible in determining the taxable estate. See § 20.2053-4.

(2) If the proceeds of an insurance policy made payable to the decedent's estate are community assets under the

local community property law and, as a result, one-half of the proceeds belongs to the decedent's spouse, then only one-half of the proceeds is considered to be receivable by or for the benefit of the decedent's estate.

(c) *Receivable by other beneficiaries.* (1) Section 2042 requires the inclusion in the gross estate of the proceeds of insurance on the decedent's life not receivable by or for the benefit of the estate if the decedent possessed at the date of his death any of the incidents of ownership in the policy, exercisable either alone or in conjunction with any other person. However, if the decedent did not possess any of such incidents of ownership at the time of his death nor transfer them in contemplation of death, no part of the proceeds would be includible in his gross estate under section 2042. Thus, if the decedent owned a policy of insurance on his life and, 4 years before his death, irrevocably assigned his entire interest in the policy to his wife retaining no reversionary interest therein (see subparagraph (3) of this paragraph), the proceeds of the policy would not be includible in his gross estate under section 2042.

(2) For purposes of this paragraph, the term "incidents of ownership" is not limited in its meaning to ownership of the policy in the technical legal sense. Generally speaking, the term has reference to the right of the insured or his estate to the economic benefits of the policy. Thus, it includes the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke an assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy, etc. Similarly, the term includes a power to change the beneficiary reserved to a corporation of which the decedent is sole stockholder.

(3) The term "incidents of ownership" also includes a reversionary interest in the policy or its proceeds, whether arising by the express terms of the policy or other instrument or by operation of law, but only if the value of the reversionary interest immediately before the death of the decedent exceeded 5 percent of the value of the policy. As used in this subparagraph, the term "reversionary interest" includes a possibility that the policy or its proceeds may return to the decedent or his estate and a possibility that the policy or its proceeds may become subject to a power of disposition by him. In order to determine whether or not the value of a reversionary interest immediately before the death of the decedent exceeded 5 percent of the value of the policy, the principles contained in paragraph (c) (3) and (4) of § 20.2037-1, insofar as applicable, shall be followed under this subparagraph. In that connection, there must be specifically taken into consideration any incidents of ownership held by others immediately before the decedent's death which would affect the value of the reversionary interest. For example, the decedent would not be considered to have a reversionary interest in the policy of a value in excess of 5 percent if the power to obtain the cash surrender value existed in some other person immediately before the decedent's death and was exercisable by such other person alone and in all events. The terms "reversionary interest" and "incidents of ownership" do not include the possibility that the decedent might receive a policy or its proceeds by inheritance through the estate of another person, or as a surviving spouse under a statutory right of election or a similar right.

(4) A decedent is considered to have an "incident of ownership" in an insurance policy on his life held in trust if, under the terms of the policy, the decedent (either alone or in conjunction with another person or persons) has the power (as trustee or otherwise) to change the beneficial ownership in the policy or its proceeds, or the time or manner of enjoyment thereof, even though the decedent has no beneficial interest in the trust. Moreover, assuming the decedent created the trust, such a power may result in the inclusion in the decedent's gross estate under section 2036 or 2038 of other property transferred by the decedent to the trust if, for example, the decedent has the power to surrender the insurance policy and if the income otherwise used to pay premiums on the policy would become currently payable to a beneficiary of the trust in the event that the policy were surrendered.

(5) As an additional step in determining whether or not a decedent possessed any incidents of ownership in a policy or any part of a policy, regard must be given to the effect of the State or other applicable law upon the terms of the policy. For example, assume that the decedent purchased a policy of insurance on his life with funds held by him and his surviving wife as community property, designating their son as beneficiary but retaining the right to surrender the policy. Under the local law, the proceeds upon surrender would have inured to the marital community. Assuming that the policy is not surrendered and that the son receives the proceeds on the decedent's death, the wife's transfer of her one-half interest in the policy was not considered absolute before the decedent's death. Upon the wife's prior death, one-half of the value of the policy would have been included in her gross estate. Under these circumstances, the power of surrender possessed by the decedent as agent for his wife with respect to one-half of the policy is not, for purposes of this section, an "incident of ownership", and the decedent is, therefore, deemed to possess an incident of ownership in only one-half of the policy.

§ 20.2043 *Statutory provisions; transfers for insufficient consideration.*

SEC. 2043. *Transfers for insufficient consideration*—(a) *In general.* If any one of the transfers, trusts, interests, rights, or powers enumerated and described in sections 2035 to 2038, inclusive, and section 2041 is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

(b) *Marital rights not treated as consideration.* For purposes of this chapter, a relinquishment or promised relinquishment of dower or curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

§ 20.2043-1 *Transfers for insufficient consideration*—(a) *In general.* The transfers, trusts, interests, rights or powers enumerated and described in sections 2035 through 2038 and section 2041 are not subject to the Federal estate tax if made, created, exercised, or relinquished in a transaction which constituted a bona fide sale for an adequate and full consideration in money or money's worth. To constitute a bona fide sale for an adequate and full consideration in money or money's worth, the transfer must have been made in good faith, and the price must have been an adequate and full equivalent reducible to a money value. If the price was less than such a consideration, only the excess of the fair market value of the property (as of the applicable valuation date) over the price received by the decedent is included in ascertaining the value of his gross estate.

(b) *Marital rights and support obligations.* For purposes of chapter 11, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, is not to any extent a consideration in "money or money's worth."

§ 20.2044 *Statutory provisions; prior interests.*

SEC. 2044. *Prior interests.* Except as otherwise specifically provided therein, sections 2034 to 2042, inclusive, shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whenever made, created, arising, existing, exercised, or relinquished.

§ 20.2044-1 *Applicability to pre-existing transfers or interests.* Sections 2034 through 2042 are applicable regardless of when the interests and events referred to in those sections were created or took place, except as otherwise provided in those sections and the regulations thereunder.

TAXABLE ESTATE

§ 20.2051 *Statutory provisions; definition of taxable estate.*

SEC. 2051. *Definition of taxable estate.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the exemption and deductions provided for in this part.

§ 20.2051-1 *Definition of taxable estate.* The taxable estate of a decedent who was a citizen or resident (see paragraph (b) (1) (i) of § 20.0-1) of the United States at the time of his death is determined by subtracting the total amount of the deductions authorized by sections 2052 through 2056 from the total amount which must be included in the gross estate under sections 2031 through 2044. These deductions are in general as follows:

(1) An exemption of $60,000 (section 2052);

(2) Funeral and administration expenses and claims against the estate (including certain taxes and charitable pledges) (section 2053);

(3) Losses from casualty or theft during the administration of the estate (section 2054);

(4) Charitable transfers (section 2055); and

(5) The marital deduction (section 2056).

See section 2106 and the regulations thereunder for the computation of the taxable estate of a decedent who was not a citizen or resident of the United States. See also § 1.642 (g)-1 of this chapter concerning the disallowance for income tax purposes of certain deductions allowed for estate tax purposes.

§ 20.2052 *Statutory provisions; exemption.*

SEC. 2052. *Exemption.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an exemption of $60,000.

§ 20.2052-1 *Exemption.* An exemption of $60,000 is allowed as a deduction under section 2052 from the gross estate of a decedent who was a citizen or resident of the United States at the time of his death. For the amount of the exemption allowed as a deduction from the gross estate of a decedent who was a nonresident not a citizen of the United States, see paragraph (a) (3) of § 20.2106-1.

§ 20.2053 *Statutory provisions; expenses, indebtedness, and taxes.*

SEC. 2053. *Expenses, indebtedness, and taxes*—(a) *General rule.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate such amounts—

(1) For funeral expenses,

(2) For administration expenses,

(3) For claims against the estate, and

(4) For unpaid mortgages on, or any indebtedness in respect of, property where the value of the decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate,

as are allowable by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered.

(b) *Other administration expenses.* Subject to the limitations in paragraph (1) of subsection (c), there shall be deducted in determining the taxable estate amounts representing expenses incurred in administering property not subject to claims which is included in the gross estate to the same extent such amounts would be allowable as a deduction under subsection (a) if such property were subject to claims, and such amounts are paid before the expiration of the period of limitation for assessment provided in section 6501.

(c) *Limitations*—(1) *Limitations applicable to subsections (a) and (b)*—(A) *Consideration for claims.* The deduction allowed by this section in the case of claims against the estate, unpaid mortgages, or any indebtedness shall, when founded on a promise or agreement, be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth; except that in any case in which any such claim is founded on a promise or agreement of the decedent to make a contribution or gift to or for the use of any donee described in section 2055 for the purposes specified therein, the deduction for such claims shall not be so limited, but shall be limited to the extent that it would be allowable as a deduction under section 2055 if such promise or agreement constituted a bequest.

(B) *Certain taxes.* Any income taxes on income received after the death of the decedent, or property taxes not accrued before his death, or any estate, succession, legacy, or inheritance taxes, shall not be deductible under this section.

(2) *Limitations applicable only to subsection (a).* In the case of the amounts described in subsection (a), there shall be disallowed the amount by which the deductions specified therein exceed the value, at the time of the decedent's death, of property subject to claims, except to the extent that such deductions represent amounts paid before the date prescribed for the filing of the estate tax return. For purposes of this section, the term "property subject to claims" means property includible in the gross estate of the decedent which, or the avails of which, would under the applicable law, bear the burden of the payment of such deductions in the final adjustment and settlement of the estate, except that the value of the property shall be reduced by the amount of the deduction under section 2054 attributable to such property.

(d) *Certain State death taxes*—(1) *General rule.* Notwithstanding the provisions of subsection (c) (1) (B) of this section, for purposes of the tax imposed by section 2001 the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary or his delegate) of any estate, succession, legacy or inheritance tax imposed by a State or Territory or the District of Columbia, or any possession of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055 or 2106 (a) (2). The election shall be exercised in accordance with regulations prescribed by the Secretary or his delegate.

(2) *Condition for allowance of deduction.* No deduction shall be allowed under paragraph (1) for a State death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided for in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106 (a) (2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106 (a) (2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106 (a) (2) are required to pay.

(3) *Effect of deduction on credit for State death taxes.* See section 2011 (e) for the effect of a deduction taken under this subsection on the credit for State death taxes.

(e) *Marital rights.* For provisions that relinquishment of marital rights shall not be deemed a consideration "in money or money's worth," see section 2043 (b).

[Sec. 2053 as amended by sec. 2, Act of Feb. 20, 1956 (Pub. Law 414, 84th Cong., 70 Stat. 23)]

§ 20.2053-1 *Deductions for expenses, indebtedness, and taxes; in general*—(a) *General rule.* In determining the taxable estate of a decedent who was a citizen or resident of the United States at the time of his death, there are allowed as deductions under section 2053 (a) and (b) amounts falling within the following two categories (subject to the limitations contained in this section and in §§ 20.2053-2 through 20.2053-9):

(1) *First category.* Amounts which are payable out of property subject to claims and which are allowable by the law of the jurisdiction, whether within or without the United States, under which the estate is being administered for—

(i) Funeral expenses;

(ii) Administration expenses;

(iii) Claims against the estate (including taxes to the extent set forth in § 20.2053-6 and charitable pledges to the extent set forth in § 20.2053-5); and

(iv) Unpaid mortgages on, or any indebtedness in respect of, property, the value of the decedent's interest in which is included in the value of the gross estate undiminished by the mortgage or indebtedness.

As used in this subparagraph, the phrase "allowable by the law of the jurisdiction" means allowable by the law governing the administration of decedents' estates. The phrase has no reference to amounts allowable as deductions under a law which imposes a State death tax. See further §§ 20.2053-2 through 20.2053-7.

(2) *Second category.* Amounts representing expenses incurred in administering property which is included in the gross estate but which is not subject to claims and which—

(i) Would be allowed as deductions in the first category if the property being administered were subject to claims; and

(ii) Were paid before the expiration of the period of limitation for assessment provided in section 6501.

See further § 20.2053-8.

(b) *Provisions applicable to both categories*—(1) *In general.* If the item is not one of those described in paragraph (a) of this section, it is not deductible merely because payment is allowed by the local law. If the amount which may be expended for the particular purpose is limited by the local law no deduction in excess of that limitation is permissible.

(2) *Effect of court decree.* The decision of a local court as to the amount and allowability under local law of a claim or administration expense will ordinarily be accepted if the court passes upon the facts upon which deductibility depends. If the court does not pass upon those facts, its decree will, of course, not be followed. For example, if the question before the court is whether a claim should be allowed, the decree allowing it will ordinarily be accepted as establishing the validity and amount of the claim. However, the decree will not necessarily

be accepted even though it purports to decide the facts upon which deductibility depends. It must appear that the court actually passed upon the merits of the claim. This will be presumed in all cases of an active and genuine contest. If the result reached appears to be unreasonable, this is some evidence that there was not such a contest, but it may be rebutted by proof to the contrary. If the decree was rendered by consent, it will be accepted, provided the consent was a bona fide recognition of the validity of the claim (and not a mere cloak for a gift) and was accepted by the court as satisfactory evidence upon the merits. It will be presumed that the consent was of this character, and was so accepted, if given by all parties having an interest adverse to the claimant. The decree will not be accepted if it is at variance with the law of the State; as, for example, an allowance made to an executor in excess of that prescribed by statute. On the other hand, a deduction for the amount of a bona fide indebtedness of the decedent, or of a reasonable expense of administration, will not be denied because no court decree has been entered if the amount would be allowable under local law.

(3) *Estimated amounts.* An item may be entered on the return for deduction though its exact amount is not then known, provided it is ascertainable with reasonable certainty, and will be paid. No deduction may be taken upon the basis of a vague or uncertain estimate. If the amount of a liability was not ascertainable at the time of final audit of the return by the district director and, as a consequence, it was not allowed as a deduction in the audit, and subsequently the amount of the liability is ascertained, relief may be sought by a petition to the Tax Court or a claim for refund as provided by sections 6213 (a) and 6511, respectively.

(c) *Provision applicable to first category only.* Deductions of the first category (described in paragraph (a) (1) of this section) are limited under section 2053 (a) to amounts which would be properly allowable out of property subject to claims by the law of the jurisdiction under which the decedent's estate is being administered. Further, the total allowable amount of deductions of the first category is limited by section 2053 (c) (2) to the sum of—

(1) The value of property included in the decedent's gross estate and subject to claims, plus

(2) Amounts paid, out of property not subject to claims against the decedent's estate, within 15 months after the decedent's death (the period within which the estate tax return must be filed under section 6075), or within any extension of time for filing the return granted under section 6081.

The term "property subject to claims" is defined in section 2053 (c) (2) as meaning the property includible in the gross estate which, or the avails of which, under the applicable law, would bear the burden of the payment of these deductions in the final adjustment and settlement of the decedent's estate. However, for the purposes of this definition, the value of property subject to claims is first reduced by the amount of any deduction allowed under section 2054 for any losses from casualty or theft incurred during the settlement of the estate attributable to such property. The application of this paragraph may be illustrated by the following examples:

Example (1). The only item in the gross estate is real property valued at $250,000 which the decedent and his surviving spouse held as tenants by the entirety. Under the local law this real property is not subject to claims. Funeral expenses of $1,200 and debts of the decedent in the amount of $1,500 are allowable under local law. Before the prescribed date for filing the estate tax return, the surviving spouse paid the funeral expenses and $1,000 of the debts. The remaining $500 of the debts was paid by her after the prescribed date for filing the return. The total amount allowable as deductions under section 2053 is limited to $2,200, the amount paid prior to the prescribed date for filing the return.

Example (2). The only two items in the gross estate were a bank deposit of $20,000 and insurance in the amount of $150,000. The insurance was payable to the decedent's surviving spouse and under local law was not subject to claims. Funeral expenses of $1,000 and debts in the amount of $29,000 were allowable under local law. A son was executor of the estate and before the prescribed date for filing the estate tax return he paid the funeral expenses and $9,000 of the debts, using therefor $5,000 of the bank deposit and $5,000 supplied by the surviving spouse. After the prescribed date for filing the return, the executor paid the remaining $20,000 of the debts, using for that purpose the $15,000 left in the bank account plus an additional $5,000 supplied by the surviving spouse. The total amount allowable as deductions under section 2053 is limited to $25,000 ($20,000 of property subject to claims plus the $5,000 additional amount which, before the prescribed date for filing the return, was paid out of property not subject to claims).

(d) *Disallowance of double deductions.* See section 642 (g) and § 1.642 (g)–1 with respect to the disallowance for income tax purposes of certain deductions unless the right to take such deductions for estate tax purposes is waived.

§ 20.2053–2 *Deduction for funeral expenses.* Such amounts for funeral expenses are allowed as deductions from a decedent's gross estate as (a) are actually expended, (b) would be properly allowable out of property subject to claims under the laws of the local jurisdiction, and (c) satisfy the requirements of paragraph (c) of § 20.2053–1. A reasonable expenditure for a tombstone, monument, or mausoleum, or for a burial lot, either for the decedent or his family, including a reasonable expenditure for its future care, may be deducted under this heading, provided such an expenditure is allowable by the local law. Included in funeral expenses is the cost of transportation of the person bringing the body to the place of burial.

§ 20.2053–3 *Deduction for expenses of administering estate*—(a) *In general.* The amounts deductible from a decedent's gross estate as "administration expenses" of the first category (see paragraphs (a) and (c) of § 20.2053–1) are limited to such expenses as are actually and necessarily incurred in the administration of the decedent's estate; that is, in the collection of assets, payment of debts, and distribution of property to the persons entitled to it. The expenses contemplated in the law are such only as attend the settlement of an estate and the transfer of the property of the estate to individual beneficiaries or to a trustee, whether the trustee is the executor or some other person. Expenditures not essential to the proper settlement of the estate, but incurred for the individual benefit of the heirs, legatees, or devisees, may not be taken as deductions. Administration expenses include (1) executor's commissions; (2) attorney's fees; and (3) miscellaneous expenses. Each of these classes is considered separately in paragraphs (b) through (d) of this section.

(b) *Executor's commissions.* (1) The executor or administrator, in filing the estate tax return, may deduct his commissions in such an amount as has actually been paid, or in an amount which at the time of filing the estate tax return may reasonably be expected to be paid, but no deduction may be taken if no commissions are to be collected. If the amount of the commissions has not been fixed by decree of the proper court, the deduction will be allowed on the final audit of the return, to the extent that all three of the following conditions are satisfied:

(i) The district director is reasonably satisfied that the commissions claimed will be paid;

(ii) The amount claimed as a deduction is within the amount allowable by the laws of the jurisdiction in which the estate is being administered; and

(iii) It is in accordance with the usually accepted practice in the jurisdiction to allow such an amount in estates of similar size and character.

If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require. If the deduction is allowed in advance of payment and payment is thereafter waived, it shall be the duty of the executor to notify the district director and to pay the resulting tax, together with interest.

(2) A bequest or devise to the executor in lieu of commissions is not deductible. If, however, the decedent fixed by his will the compensation payable to the executor for services to be rendered in the administration of the estate, deduction may be taken to the extent that the amount so fixed does not exceed the compensation allowable by the local law or practice.

(3) Except to the extent that a trustee is in fact performing services with respect to property subject to claims which would normally be performed by an executor, amounts paid as trustees' commissions do not constitute expenses of administration under the first category, and are only deductible as expenses of the second category to the extent provided in § 20.2053–8.

(c) *Attorney's fees.* (1) The executor or administrator, in filing the estate tax return, may deduct such an amount of attorney's fees as has actually been paid, or an amount which at the time of filing may reasonably be expected to be paid.

If on the final audit of a return the fees claimed have not been awarded by the proper court and paid, the deduction will, nevertheless, be allowed, if the district director is reasonably satisfied that the amount claimed will be paid and that it does not exceed a reasonable remuneration for the services rendered, taking into account the size and character of the estate and the local law and practice. If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require.

(2) A deduction for attorneys' fees incurred in contesting an asserted deficiency or in prosecuting a claim for refund should be claimed at the time the deficiency is contested or the refund claim is prosecuted. A deduction for reasonable attorneys' fees actually paid in contesting an asserted deficiency or in prosecuting a claim for refund will be allowed even though the deduction, as such, was not claimed in the estate tax return or in the claim for refund. A deduction for these fees shall not be denied, and the sufficiency of a claim for refund shall not be questioned, solely by reason of the fact that the amount of the fees to be paid was not established at the time that the right to the deducion was claimed.

(3) Attorneys' fees incurred by beneficiaries incident to litigation as to their respective interests do not constitute a proper deduction, inasmuch as expenses of this character are incurred on behalf of the beneficiaries personally and are not administration expenses.

(d) *Miscellaneous administration expenses.* Miscellaneous administration expenses include such expenses as court costs, surrogates' fees, accountants' fees, appraisers' fees, clerk hire, etc. Expenses necessarily incurred in preserving and distributing the estate are deductible, including the cost of storing or maintaining property of the estate, if it is impossible to effect immediate distribution to the beneficiaries. Expenses for preserving and caring for the property may not include outlays for additions or improvements; nor will such expenses be allowed for a longer period than the executor is reasonably required to retain the property. A brokerage fee for selling property of the estate is deductible if the sale is necessary in order to (1) pay the decedent's debts, the expenses of administration, or taxes, (2) preserve the estate, or (3) effect distribution. Other expenses attending the sale are deductible, such as the fees of an auctioneer if it is reasonably necessary to employ one.

§ 20.2053–4 *Deduction for claims against the estate; in general.* The amounts that may be deducted as claims against a decedent's estate are such only as represent personal obligations of the decedent existing at the time of his death, whether or not then matured, and interest thereon which had accrued at the time of death. Only interest accrued at the date of the decedent's death is allowable even though the executor elects the alternate valuation method under section 2032. Only claims enforceable against the decedent's estate may be deducted. Except as otherwise provided in § 20.2053–5 with respect to pledges or subscriptions, section 2053 (c) (1) (A) provides that the allowance of a deduction for a claim founded upon a promise or agreement is limited to the extent that the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. See § 20.2043–1. Liabilities imposed by law or arising out of torts are deductible.

§ 20.2053–5 *Deductions for charitable, etc., pledges or subscriptions.* A pledge or a subscription, evidenced by a promissory note or otherwise, even though enforceable against the estate, is deductible only to the extent that—

(a) Liability therefor was contracted bona fide and for an adequate and full consideration in cash or its equivalent, or

(b) It would have constituted an allowable deduction under section 2055 (relating to charitable, etc., deductions) if it had been a bequest.

§ 20.2053–6 *Deduction for taxes*—(a) *In general.* Taxes are deductible in computing a decedent's gross estate only as claims against the estate (except to the extent that excise taxes may be allowable as administration expenses), and only to the extent not disallowed by section 2053 (c) (1) (B) (see the remaining paragraphs of this section). However, see § 20.2053–9 with respect to the deduction allowed for certain State death taxes on charitable, etc., transfers.

(b) *Property taxes.* Property taxes are not deductible unless they accrued before the decedent's death. However, they are not deductible merely because they have accrued in an accounting sense. Property taxes in order to be deductible must be an enforceable obligation of the decedent at the time of his death.

(c) *Death taxes.* No estate, succession, legacy or inheritance tax payable by reason of the decedent's death is deductible, except as provided in § 20.2053–9 with respect to certain State death taxes on charitable, etc., transfers. However, see sections 2011 and 2014 and the regulations thereunder with respect to credits for death taxes.

(d) *Gift taxes.* Unpaid gift taxes on gifts made by a decedent before his death are deductible. If a gift is considered as made one-half by the decedent and one-half by his spouse under section 2513, the entire amount of the gift tax, unpaid at the decedent's death, attributable to a gift in fact made by the decedent is deductible. No portion of the tax attributable to a gift in fact made by the decedent's spouse is deductible except to the extent that the obligation is enforced against the decedent's estate and his estate has no effective right of contribution against his spouse. (See section 2012 and § 20.2012–1 with respect to credit for gift taxes paid upon gifts of property included in a decedent's gross estate.)

(e) *Excise taxes.* Excise taxes incurred in selling property of a decedent's estate are deductible as an expense of administration if the sale is ncessary in order to (1) pay the decedent's debts, expenses of administration, or taxes, (2) preserve the estate, or (3) effect distribution. Excise taxes incurred in distributing property of the estate in kind are also deductible.

(f) *Income taxes.* Unpaid income taxes are deductible if they are on income properly includible in an income tax return of the decedent for a period before his death. Taxes on income received after the decedent's death are not deductible. If income received by a decedent during his lifetime is included in a joint income tax return filed by the decedent and his spouse, or by the decedent's estate and his surviving spouse, the portion of the joint liability for the period covered by the return for which a deduction will be allowed is the amount for which the decedent's estate would be liable under local law, as between the decedent and his spouse, after enforcement of any effective right of reimbursement or contribution. In the absence of evidence to the contrary, the deductible amount is presumed to be an amount bearing the same ratio to the total joint tax liability for the period covered by the return that the amount of income tax for which the decedent would have been liable if he had filed a separate return for that period bears to the total of the amounts for which the decedent and his spouse would have been liable if they had both filed separate returns for that period. Thus, in the absence of evidence to the contrary, the deductible amount equals

$$\frac{\text{Decedent's separate tax}}{\text{Both separate taxes}} \times \text{Joint tax.}$$

However, the deduction cannot in any event exceed the lesser of—

(1) The decedent's liability for the period (as determined in this paragraph) reduced by the amounts already contributed by the decedent toward payment of the joint liability, or

(2) If there is an enforceable agreement between the decedent and his spouse or between the executor and the spouse relative to the payment of the joint liability, the amount which pursuant to the agreement is to be contributed by the estate toward payment of the joint liability.

If the decedent's estate and his surviving spouse are entitled to a refund on account of an overpayment of a joint income tax liability, the overpayment is an asset includible in the decedent's gross estate under section 2033 in the amount to which the estate would be entitled under local law, as between the estate and the surviving spouse. In the absence of evidence to the contrary, the includible amount is presumed to be the amount by which the decedent's contributions toward payment of the joint tax exceeds his liability determined in accordance with the principles set forth in this paragraph (other than subparagraph (1) of this paragraph).

§ 20.2053–7 *Deduction for unpaid mortgages.* A deduction is allowed from a decedent's gross estate of the full unpaid amount of a mortgage upon, or of any other indebtedness in respect of, any property of the gross estate, including interest which had accrued thereon to the date of death, provided the value of the property, undiminished by the amount of the mortgage or indebtedness, e estate in kind

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is included in the value of the gross estate. If the decedent's estate is liable for the amount of the mortgage or indebtedness, the full value of the property subject to the mortgage or indebtedness must be included as part of the value of the gross estate; the amount of the mortgage or indebtedness being in such case allowed as a deduction. But if the decedent's estate is not so liable, only the value of the equity of redemption (or the value of the property, less the mortgage or indebtedness) need be returned as part of the value of the gross estate. In no case may the deduction on account of the mortgage or indebtedness exceed the liability therefor contracted bona fide and for an adequate and full consideration in money or money's worth. See § 20.2043-1. Only interest accrued to the date of the decedent's death is allowable even though the alternate valuation method under section 2032 is selected. Inasmuch as real property outside of the United States does not form a part of the gross estate, no deduction may be taken of any mortgage thereon or any other indebtedness in respect thereof.

§ 20.2053-8 *Deduction for expenses in administering property not subject to claims.* (a) Expenses incurred in administering property included in a decedent's gross estate but not subject to claims fall within the second category of deductions set forth in § 20.2053-1, and may be allowed as deductions if they—

(1) Would be allowed as deductions in the first category if the property being administered were subject to claims; and

(2) Were paid before the expiration of the period of limitation for assessment provided in section 6501.

Usually, these expenses are incurred in connection with the administration of a trust established by a decedent during his lifetime. They may also be incurred in connection with the collection of other assets or the transfer or clearance of title to other property included in a decedent's gross estate for estate tax purposes but not included in his probate estate.

(b) These expenses may be allowed as deductions only to the extent that they would be allowed as deductions under the first category if the property were subject to claims. See § 20.2053-3. The only expenses in administering property not subject to claims which are allowed as deductions are those occasioned by the decedent's death and incurred in settling the decedent's interest in the property or vesting good title to the property in the beneficiaries. Expenses not coming within the description in the preceding sentence but incurred on behalf of the transferees are not deductible.

(c) The principles set forth in paragraphs (b), (c), and (d) of § 20.2053-3 (relating to the allowance of executor's commissions, attorney's fees, and miscellaneous administration expenses of the first category) are applied in determining the extent to which trustee's commissions, attorney's and accountant's fees, and miscellaneous administration expenses are allowed in connection with the administration of property not subject to claims.

(d) The application of this section may be illustrated by the following examples:

Example (1). In 1940, the decedent made an irrevocable transfer of property to the X Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent for the duration of his life and, upon his death, distribute the corpus of the trust among designated beneficiaries. The property was included in the decedent's gross estate under the provisions of section 2036. Three months after the date of death, the trustee distributed the trust corpus among the beneficiaries, except for $6,000 which it withheld. The amount withheld represented $5,000 which it retained as trustee's commissions in connection with the termination of the trust and $1,000 which it had paid to an attorney for representing it in connection with the termination. Both the trustee's commissions and the attorney's fees were allowable under the law of the jurisdiction in which the trust was being administered, were reasonable in amount, and were in accord with local custom. Under these circumstances, the estate is allowed a deduction of $6,000.

Example (2). In 1945, the decedent made an irrevocable transfer of property to Y Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent during his life. If the decedent's wife survived him, the trust was to continue for the duration of her life, with Y Trust Company and the decedent's son as co-trustees, and with income payable to the decedent's wife for the duration of her life. Upon the death of both the decedent and his wife, the corpus is to be distributed among designated remaindermen. The decedent was survived by his wife. The property was included in the decedent's gross estate under the provisions of section 2036. In accordance with local custom, the trustee made an accounting to the court as of the date of the decedent's death. Following the death of the decedent, a controversy arose among the remaindermen as to their respective rights under the instrument of transfer, and a suit was brought in court to which the trustee was made a party. As a part of the accounting, the court approved the following expenses which the trustee had paid within 3 years following the date of death: $10,000, trustee's commissions; $5,000, accountant's fees; $25,000, attorney's fees; and $2,500, representing fees paid to the guardian of a remainderman who was a minor. The trustee's commissions and accountant's fees were for services in connection with the usual issues involved in a trust accounting as also were one-half of the attorney's and guardian's fees. The remainder of the attorney's and guardian's fees were for services performed in connection with the suit brought by the remaindermen. The amount allowed as a deduction is the $28,750 ($10,000, trustee's commissions; $5,000, accountant's fees; $12,500, attorney's fees; and $1,250, guardian's fees) incurred as expenses in connection with the usual issues involved in a trust accounting. The remaining expenses are not allowed as deductions since they were incurred on behalf of the transferees.

Example (3). Decedent in 1950 made an irrevocable transfer of property to the Z Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent's wife for the duration of her life. If the decedent survived his wife the trust corpus was to be returned to him but if he did not survive her, then upon the death of the wife, the trust corpus was to be distributed among their children. The decedent predeceased his wife and the transferred property, less the value of the wife's outstanding life estate, was included in his gross estate under the provisions of section 2037 since his reversionary interest therein immediately before his death was in excess of 5 percent of the value of the property. At the wife's request, the court ordered the trustee to render an accounting of the trust property as of the date of the decedent's death. No deduction will be allowed the decedent's estate for any of the expenses incurred in connection with the trust accounting, since the expenses were incurred on behalf of the wife.

Example (4). If, in the preceding example, the decedent died without other property and no executor or administrator of his estate was appointed, so that it was necessary for the trustee to prepare an estate tax return and participate in its audit, or if the trustee required accounting proceedings for its own protection in accordance with local custom, trustees', attorneys', and guardians' fees in connection with the estate tax or accounting proceedings would be deductible to the same extent that they would be deductible if the property were subject to claims. Deductions incurred under similar circumstances by a surviving joint tenant or the recipient of life insurance proceeds would also be deductible.

§ 20.2053-9 *Deduction for certain State death taxes*—(a) *General rule.* A deductiton is allowed a decedent's estate under section 2053 (d) for the amount of any estate, succession, legacy, or inheritance tax imposed by a State, Territory, the District of Columbia, or any possession of the United States upon a transfer by the decedent for charitable, etc., uses described in section 2055 or 2106 (a) (2) (relating to the estates of nonresidents not citizens), but only if (1) the conditions stated in paragraph (b) of this section are met, and (2) an election is made in accordance with the provisions of paragraph (c) of this section. See section 2011 (e) and § 20.2011-2 for the effect which the allowance of this deduction has upon the credit for State death taxes.

(b) *Condition for allowance of deduction.* (1) The deduction is not allowed unless either—

(i) The entire decrease in the Federal estate tax, resulting from the allowance of the deduction inures solely to the benefit of a charitable, etc., transferee described in section 2055 or 2106 (a) (2), or

(ii) The Federal estate tax is equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate.

For allowance of the credit, it is sufficient if either of these conditions is satisfied. Thus, in a case where the entire decrease in Federal estate tax inures to the benefit of a charitable transferee, the deduction is allowable even though the Federal estate tax is not equitably apportioned among all the transferees of property included in the decedent's gross estate. Similarly, if the Federal estate tax is equitably apportioned among all the transferees of property included in the decedent's gross estate, the deduction is allowable even though a noncharitable transferee receives some benefit from the allowance of the deduction.

(2) For purposes of this paragraph, the Federal estate tax is considered to be equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate only if each transferee's share of the tax is based upon the net amount of his bequest subjected to the tax (taking into account any exemptions, credits, or deductions allowed by chapter 11). See examples (2) through (5) of paragraph (e) of this section.

(c) *Exercise of election.* The election to take a deduction for a State death tax imposed upon a transfer for charitable, etc., uses shall be exercised by the executor by the filing of a written notification to that effect with the district director of internal revenue in whose district the estate tax return for the decedent's estate was filed. The notification shall be filed before the expiration of the period of limitation for assessment provided in section 6501 (usually 3 years from the last day for filing the return). The election may be revoked by the executor by the filing of a written notification to that effect with the district director at any time before the expiration of such period.

(d) *Amount of State death tax imposed upon a transfer.* If a State death tax is imposed upon the transfer of the decedent's entire estate and not upon the transfer of a particular share thereof, the State death tax imposed upon a transfer for charitable, etc., uses is deemed to be an amount, E, which bears the same ratio to F (the amount of the State death tax imposed with respect to the transfer of the entire estate) as G (the value of the charitable, etc., transfer, reduced as provided in the next sentence) bears to H (the total value of the properties, interests, and benefits subjected to the State death tax received by all persons interested in the estate, reduced as provided in the last sentence of this paragraph). In arriving at amount G of the ratio, the value of the charitable, etc., transfer is reduced by the amount of any deduction or exclusion allowed with respect to such property in determining the amount of the State death tax. In arriving at amount H of the ratio, the total value of the properties, interests, and benefits subjected to State death tax received by all persons interested in the estate is reduced by the amount of all deductions and exclusions allowed in determining the amount of the State death tax on account of the nature of a beneficiary or a beneficiary's relationship to the decedent.

(e) *Examples.* The application of this section may be illustrated by the following examples:

***Example (1).* The decedent's gross estate was valued at $200,000. He bequeathed $90,000 to a nephew, $10,000 to Charity A, and the remainder of his estate to Charity B. State inheritance tax in the amount of $13,500 was imposed upon the bequest to the nephew, $1,500 upon the bequest to Charity A, and $15,000 upon the bequest to Charity B. Under the will and local law, each legatee is required to pay the State inheritance tax on his bequest, and the Federal estate tax is to be paid out of the residuary estate. Since the entire burden of** paying the Federal estate tax falls on Charity B, it follows that the decrease in the Federal estate tax resulting from the allowance of deductions for State death taxes in the amounts of $1,500 and $15,000 would inure solely for the benefit of Charity B. Therefore, deductions of $1,500 and $15,000 are allowable under section 2053 (d). If, in this example, the State death taxes as well as the Federal estate tax were to be paid out of the residuary estate, the result would be the same.

Example (2). The decedent's gross estate was valued at $350,000. Expenses, indebtedness, etc., amounted to $50,000. The entire estate was bequeathed in equal shares to a son, a daughter, and Charity C. State inheritance tax in the amount of $2,000 was imposed upon the bequest to the son, $2,000 upon the bequest to the daughter, and $5,000 upon the bequest to Charity C. Under the will and local law, each legatee is required to pay his own State inheritance tax and his proportionate share of the Federal estate tax determined by taking into consideration the net amount of his bequest subjected to the tax. Since each legatee's share of the Federal estate tax is based upon the net amount of his bequest subjected to the tax (note that the deductions under sections 2053 (d) and 2055 will have the effect of reducing Charity C's proportionate share of the tax), the tax is considered to be equitably apportioned. Thus, a deduction of $5,000 is allowable under section 2053 (d). This deduction together with a deduction of $95,000 under section 2055 (charitable deduction) will mean that none of Charity C's bequest is subjected to Federal estate tax. Hence, the son and the daughter will bear the entire estate tax.

Example (3). The decedent bequeathed his property in equal shares, after payment of all expenses, to a son, a daughter, and a charity. State inheritance tax of $2,000 was imposed upon the bequest to the son, $2,000 upon the bequest to the daughter, and $15,000 upon the bequest to the charity. Under the will and local law, each beneficiary pays the State inheritance tax on his bequest and the Federal estate tax is to be paid out of the estate as an administration expense. If the deduction for State death tax on the charitable bequest is allowed in this case, some portion of the decrease in the Federal estate tax would inure to the benefit of the son and the daughter. The Federal estate tax is not considered to be equitably apportioned in this case since each legatee's share of the Federal estate tax is not based upon the net amount of his bequest subjected to the tax (note that the deductions under sections 2053 (d) and 2055 will not have the effect of reducing the charity's proportionate share of the tax). Inasmuch as some of the decrease in the Federal estate tax payable would inure to the benefit of the son and the daughter, and inasmuch as there is no equitable apportionment of the tax, no deduction is allowable under section 2053 (d).

Example (4). The decedent bequeathed his entire residuary estate in trust to pay the income to X for life with remainder to charity. The State imposed inheritance taxes of $2,000 upon the bequest to X and $10,000 upon the bequest to charity. Under the will and local law, all State and Federal taxes are payable out of the residuary estate and therefore they would reduce the amount which would become the corpus of the trust. If the deduction for the State death tax on the charitable bequest is allowed in this case, some portion of the decrease in the Federal estate tax would inure to the benefit of X since the allowance of the deduction would increase the size of the corpus from which X is to receive the income for life. Also, the Federal estate tax is not considered to be equitably apportioned in this case since each legatee's share of the Federal estate tax is not based upon the net amount of his bequest subjected to the tax (note that the deductions under sections 2053 (d) and 2055 will not have the effect of reducing the charity's proportionate share of the tax). Inasmuch as some of the decrease in the Federal estate tax payable would inure to the benefit of X, and inasmuch as there is no equitable apportionment of the tax, no deduction is allowable under section 2053 (d).

Example (5). The decedent's gross estate was valued at $750,000. Expenses, indebtedness, etc., amounted to $50,000. The decedent bequeathed $350,000 of his estate to his surviving spouse and the remainder of his estate equally to his son and Charity D. State inheritance tax in the amount of $7,000 was imposed upon the bequest to the surviving spouse, $26,250 upon the bequest to the son, and $26,250 upon the bequest to Charity D. The will was silent concerning the payment of taxes. In such a case, the local law provides that each legatee shall pay his own State inheritance tax. The local law further provides for an apportionment of the Federal estate tax among the legatees of the estate. Under the apportionment provisions, the surviving spouse is not required to bear any part of the Federal estate tax with respect to her $350,000 bequest. It should be noted, however, that the marital deduction allowed to the decedent's estate by reason of the bequest to the surviving spouse is limited to $343,000 ($350,000 bequest less $7,000 State inheritance tax payable by the surviving spouse). Thus, the bequest to the surviving spouse is subjected to the Federal estate tax in the net amount of $7,000. If the deduction for State death tax on the charitable bequest is allowed in this case, some portion of the decrease in the Federal estate tax would inure to the benefit of the son. The Federal estate tax is not considered to be equitably apportioned in this case since each legatee's share of the Federal estate tax is not based upon the net amount of his bequest subjected to the tax (note that the surviving spouse is to pay no tax). Inasmuch as some of the decrease in the Federal estate tax payable would inure to the benefit of the son, and inasmuch as there is no equitable apportionment of the tax, no deduction is allowable under section 2053 (d).

§ 20.2054 *Statutory provisions; losses.*

SEC. 2054. *Losses.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate losses incurred during the settlement of estates arising from fires, storms, shipwrecks, or other casualties, or from theft, when such losses are not compensated for by insurance or otherwise.

§ 20.2054–1 *Deduction for losses from casualties or theft.* A deduction is allowed for losses incurred during the settlement of the estate arising from fires, storms, shipwrecks, or other casualties, or from theft, if the losses are not compensated for by insurance or otherwise. If the loss is partly compensated for, the excess of the loss over the compensation may be deducted. Losses which are not of the nature described are not deductible. In order to be deductible a loss must occur during the settlement of the estate. If a loss with respect to an asset occurs after its distribution to the distributee it may not be deducted. Notwithstanding the foregoing, no deduction is allowed under this section if the estate has waived its right to take such a deduction pursuant to the provisions of section 642 (g) in order to permit its allowance for income tax purposes. See further § 1.642 (g)–1.

§ 20.2055 *Statutory provisions; transfers for public, charitable, and religious uses.*

Sec. 2055. *Transfers for public, charitable, and religious uses*—(a) *In general.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the amount of all bequests, legacies, devises, or transfers (including the interest which falls into any such bequest, legacy, devise, or transfer as a result of an irrevocable diclaimer of a bequest, legacy, devise, transfer, or power, if the disclaimer is made before the date prescribed for the filing of the estate tax return)—

(1) To or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) To or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation; or

(4) To or for the use of any veterans' organization incorporated by act of Congress, or of its departments or local chapters or posts, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

For purposes of this subsection, the complete termination before the date prescribed for the filing of the estate tax return of a power to consume, invade, or appropriate property for the benefit of an individual before such power has been exercised by reason of the death of such individual or for any other reason shall be considered and deemed to be an irrevocable disclaimer with the same full force and effect as though he had filed such irrevocable disclaimer.

(b) *Powers of appointment*—(1) *General rule.* Property includible in the decedent's gross estate under section 2041 (relating to powers of appointment) received by a donee described in this section shall, for purposes of this section, be considered a bequest of such decedent.

(2) *Special rule for certain bequests subject to power of appointment.* For purposes of this section, in the case of a bequest in trust, if the surviving spouse of the decedent is entitled for life to all of the net income from the trust and such surviving spouse has a power of appointment over the corpus of such trust exercisable by will in favor of, among others, organizations described in subsection (a) (2), such bequest in trust, reduced by the value of the life estate, shall, to the extent such power is exercised in favor of such organizations, be deemed a transfer to such organizations by the decedent if—

(A) No part of the corpus of such trust is distributed to a beneficiary during the life of the surviving spouse;

(B) Such surviving spouse was over 80 years of age at the date of the decedent's death;

(C) Such surviving spouse by affidavit executed within one year after the death of the decedent specifies the organizations described in subsection (a) (2) in favor of which he intends to exercise the power of appointment and indicates the amount or proportion each such organization is to receive; and

(D) The power of appointment is exercised in favor of such organizations and in the amounts or proportions specified in the affidavit required under subparagraph (C).

The affidavit referred to in subparagraph (C) shall be attached to the estate tax return of the decedent and shall constitute a sufficient basis for the allowance of the deduction under this paragraph in the first instance subject to a later disallowance of the deduction if the conditions herein specified are not complied with.

(c) *Death taxes payable out of bequests.* If the tax imposed by section 2001, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this section, then the amount deductible under this section shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes.

(d) *Limitation on deduction.* The amount of the deduction under this section for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(e) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this section, see sections 504 and 681.

(f) *Other cross references.* (1) For option as to time for valuation for purpose of deduction under this section, see section 2032.

(2) For exemption of bequests to or for benefit of Library of Congress, see section 5 of the Act of March 3, 1925, as amended (56 Stat. 765; 2 U. S. C. 161).

(3) For construction of bequests for benefit of the library of the Post Office Department as bequests to or for the use of the United States, see section 2 of the Act of August 8, 1946 (60 Stat. 924; 5 U. S. C. 393).

(4) For exemption of bequests for benefit of Office of Naval Records and Library, Navy Department, see section 2 of the Act of March 4, 1937 (50 Stat. 25; 5 U. S. C. 419b).

(5) For exemption of bequests to or for benefit of National Park Service, see section 5 of the Act of July 10, 1935 (49 Stat. 478; 16 U. S. C. 19c).

(6) For construction of devises or bequests accepted by the Secretary of State under the Foreign Service Act of 1946 as devises or bequests to or for the use of the United States, see section 1021 (e) of that Act (60 Stat. 1032; 22 U. S. C. 809).

(7) For construction of gifts or bequests of money accepted by the Attorney General for credit to "Commissary Funds, Federal Prisons" as gifts or bequests to or for the use of the United States, see section 2 of the Act of May 15, 1952, 66 Stat. 73, as amended by the Act of July 9, 1952, 66 Stat. 479 (31 U. S. C. 725s–4).

(8) For payment of tax on bequests of United States obligations to the United States, see section 24 of the Second Liberty Bond Act, as amended (59 Stat. 48, § 4; 31 U. S. C. 757e).

(9) For construction of bequests for benefit of or use in connection with the Naval Academy as bequests to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U. S. C. 1115b).

(10) For exemption of bequests for benefit of Naval Academy Museum, see section 4 of the Act of March 26, 1938 (52 Stat. 119; 34 U. S. C. 1119).

(11) For exemption of bequests received by National Archives Trust Fund Board, see section 7 of the National Archives Trust Fund Board Act (55 Stat. 582; 44 U. S. C. 300gg).

[Sec. 2055 as amended by sec. 1, Act of Aug. 6, 1956 (Pub. Law 1011, 84th Cong., 70 Stat. 1075)]

§ 20.2055–1 ***Deduction for transfers for public, charitable, and religious uses; in general***—(a) *General rule.* A deduction is allowed under section 2055 (a) from the gross estate of a decedent who was a citizen or resident of the United States at the time of his death for the value of property included in the decedent's gross estate and transferred by the decedent during his lifetime or by will—

(1) To or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) To or for the use of any corporation or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), if no part of the net earnings of the corporation or association inures to the benefit of any private stockholder or individual (other than as a legitimate object of such purposes), and no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, if the transferred property is to be used exclusively for religious, charitable, scientific, literary, or educational purposes (or for the prevention of cruelty to children or animals), and if no substantial part of the activities of such transferee is carrying on propaganda, or otherwise attempting, to influence legislation; or

(4) To or for the use of any veterans' organzation incorporated by act of Congress, or of any of its departments, local chapters, or posts, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

The deduction is not limited, in the case of estates of citizens or residents of the United States, to transfers to domestic corporations or associations, or to trustees for use within the United States. Nor is the deduction subject to percentage limitations such as are applicable to the charitable deduction under the income tax. However, sections 503 (c) and 681 (b) (5) provide that no deduction is allowed for transfers to organizations or trusts described in subparagraphs (2) and (3) of this paragraph which have engaged in certain "prohibited transactions" (see § 20.2055–4).

(b) *Powers of appointment*—(1) *General rule.* A deduction is allowable under section 2055 (b) for the value of property passing to or for the use of a transferee described in paragraph (a) of this section by the exercise, failure to exercise, release or lapse of a power of appointment by reason of which the property is includible in the decedent's gross estate under section 2041.

(2) *Certain bequests subject to power of appointment.* For the allowance of

a deduction in the case of a bequest in trust where the decedent's surviving spouse (i) was over 80 years of age at the date of decedent's death, (ii) was entitled for life to all of the net income from the trust, and (iii) had a power of appointment over the corpus of the trust exercisable by will in favor of, among others, a charitable organization, see section 2055 (b) (2). See also section 6503 (e) for suspension of the period of limitations for assessment or collection of any deficiency attributable to the allowance of the deduction.

(c) *Submission of evidence.* In establishing the right of the estate to the deduction authorized by section 2055, the executor should submit the following with the return:

(1) A copy of any instrument in writing by which the decedent made a transfer of property in his lifetime the value of which is required by statute to be included in his gross estate, for which a deduction under section 2055 is claimed. If the instrument is of record the copy should be certified, and if not of record, the copy should be verified.

(2) A written statement by the executor containing a declaration that it is made under penalties of perjury and stating whether any action has been instituted to construe or to contest the decedent's will or any provision thereof affecting the charitable deduction claimed and whether, according to his information and belief, any such action is designed or contemplated.

The executor shall also submit such other documents or evidence as may be requested by the district director.

§ 20.2055–2 *Transfers not exclusively for charitable purposes*—(a) *Remainders and similar interests.* If a trust is created or property is transferred for both a charitable and a private purpose, deduction may be taken of the value of the charitable beneficial interest only insofar as that interest is presently ascertainable, and hence severable from the noncharitable interest. The present value of a remainder or other deferred payment to be made for a charitable purpose is to be determined in accordance with the rules stated in § 20.2031–7. Thus, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay the principal to a charitable organization, the present value of the remainder is deductible. To determine the present value of such remainder use the appropriate factor from column 4 of Table I or Table II of § 20.2031–7, whichever is applicable. If the interest transferred is such that its value is to be determined by a special computation (see paragraph (e) of § 20.2031–7), a request for a specific factor, accompanied by a statement of the date of birth of each person the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments, may be submitted by the executor to the Commissioner who may, if conditions permit, supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in the applicable paragraph of § 20.2031–7.

(b) *Transfers subject to a condition or a power.* If, as of the date of a decedent's death, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to or is vested in charity at the time of a decedent's death and the estate or interest would be defeated by the performance of some act or the happening of some event, the occurrence of which appeared to have been highly improbable at the time of the decedent's death, the deduction is allowable. If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. The deduction is not allowed in the case of a transfer in trust conveying to charity a present interest in income if by reason of all the conditions and circumstances surrounding the transfer it appears that the charity may not receive the beneficial enjoyment of the interest. For example, assume that assets placed in trust by the decedent consist of stock in a corporation the fiscal policies of which are controlled by the decedent and his family, that the trustees and remaindermen are likewise members of the decedent's family, and that the governing instrument contains no adequate guarantee of the requisite income to the charitable organization. Under such circumstances, no deduction will be allowed. Similarly, if the trustees are not members of the decedent's family but have no power to sell or otherwise dispose of the closely held stock, or otherwise insure the requisite enjoyment of income to the charitable organization, no deduction will be allowed.

(c) *Disclaimers.* The amount of a bequest, devise, or transfer, for which a deduction is allowable under section 2055, includes an interest which falls into the bequest, devise, or transfer as a result of either—

(1) A disclaimer of a bequest, devise, transfer, or power, if (i) the disclaimer is made within 15 months after the decedent's death (the period of time within which the estate tax return must be filed under section 6075) or within any extension of time for filing the return granted pursuant to section 6081, and (ii) the disclaimer is irrevocable at the time the deduction is allowed, or

(2) The complete termination of a power to consume, invade, or appropriate property for the benefit of an individual (whether the termination occurs by reason of the death of the individual, or otherwise) if the termination occurs (i) within the period described in subparagraph (1) (i) of this paragraph, and (ii) before the power has been exercised.

Ordinarily, a disclaimer made by a person not under any legal disability will be considered irrevocable when filed with the probate court. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. Thus, if a beneficiary uses these rights for his own purposes, as by receiving a consideration for his formal disclaimer, he has not refused the rights to which he was entitled. There can be no disclaimer after an acceptance of these rights, expressly or impliedly. The disclaimer of a power is to be distinguished from the release or exercise of a power. The release or exercise of a power by the donee of the power in favor of a person or object described in paragraph (a) of § 20.2055–1 does not result in any deduction under section 2055 in the estate of the donor of a power (but see paragraph (b) (1) of § 20.2055–1 with respect to the donee's estate).

(d) *Payments in compromise.* If a charitable organization assigns or surrenders a part of a transfer to it pursuant to a compromise agreement in settlement of a controversy, the amount so assigned or surrendered is not deductible as a transfer to that charitable organization.

§ 20.2055–3 *Death taxes payable out of charitable transfers.* (a) If under the terms of the will or other governing instrument, the law of the jurisdiction under which the estate is administered, or the law of the jurisdiction imposing the particular tax, the Federal estate tax, or any estate, succession, legacy, or inheritance tax is payable in whole or in part out of any property the transfer of which would otherwise be allowable as a deduction under section 2055, section 2055 (c) provides that the sum deductible is the amount of the transferred property reduced by the amount of the tax. Section 2055 (c) in effect provides that the deduction is based on the amount actually available for charitable uses, that is, the amount of the fund remaining after the payment of all death taxes. Thus, if $50,000 is bequeathed for a charitable purpose and is subjected to a State inheritance tax of $5,000, payable out of the $50,000, the amount deductible is $45,000. If a life estate is bequeathed to an individual with remainder over to a charitable organization, and by the local law the inheritance tax upon the life estate is paid out of the corpus with the result that the charitable organization will be entitled to receive only the amount of the fund less the tax, the deduction is limited to the present value, as of the date of the testator's death, of the remainder of the fund so reduced. If a testator bequeaths his residuary estate, or a portion of it, to charity, and his will contains a direction that certain inheritance taxes, otherwise payable from legacies upon which they were imposed, shall be payable out of the residuary estate, the deduction may not exceed the bequest to charity thus reduced pursuant to the direction of the will. If a residuary estate, or a portion of it, is bequested to charity, and by the local law the Federal estate tax is payable out of the residuary estate, the deduction may not exceed that portion of the residuary estate bequeathed to charity as reduced by the Federal estate tax. The return should fully disclose the computation of the amount to be deducted. If the amount to be deducted is dependent upon the amount of any death tax which has not been paid before the filing of the return, there should be submitted with the return a computation of that tax.

(b) It should be noted that if the Federal estate tax is payable out of a charitable transfer so that the amount of the transfer otherwise passing to charity is reduced by the amount of the tax, the resultant decrease in the amount passing to charity will further reduce the allowable deduction. In such a case, the amount of the charitable deduction can be obtained only by a series of trial-and-error computations, or by a formula. If, in addition, interdependent State and Federal taxes are involved, the computation becomes highly complicated. Examples of methods of computation of the charitable deduction and the marital deduction (with which similar problems are encountered) in various situations are contained in supplemental instructions to the estate tax return.

(c) For the allowance of a deduction to a decedent's estate for certain State death taxes imposed upon charitable transfers, see section 2053 (d) and § 20.2053-9.

§ 20.2055-4 *Disallowance of charitable, etc., deductions because of "prohibited transactions".* (a) Sections 503 (e) and 681 (b) (5) provide that no deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent during his lifetime or by will for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) is allowed if (1) the transfer is made in trust, and, for income tax purposes for the taxable year of the trust in which the transfer is made, the deduction otherwise allowable to the trust under section 642 (c) is limited by section 681 (b) (1) by reason of the trust having engaged in a prohibited transaction described in section 681 (b) (2), or (2) the transfer is made to a corporation, community chest, fund or foundation which, for its taxable year in which the transfer is made, is not exempt from income tax under section 501 (a) by reason of having engaged in a prohibited transaction described in section 503 (c).

(b) For purposes of section 681 (b) (5) and section 503 (e), the term "transfer" includes any gift, contribution, bequest, devise, legacy, or other disposition. In applying such sections for estate tax purposes, a transfer, whether made during the decedent's lifetime or by will, is considered as having been made at the moment of the decedent's death.

(c) The income tax regulations contain the rules for the determination of the taxable year of the trust for which the deduction under section 642 (c) is limited by section 681 (b) and for the determination of the taxable year of the organization for which an exemption is denied under section 503 (a). Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner of Internal Revenue that it has engaged in a prohibited transaction. However, if the trust or organization during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the charitable or other purposes by reason of which it is entitled to a deduction or exemption, and the transaction involves a substantial part of the income or corpus, then the deduction of the trust under section 642 (c) for such taxable year is limited by section 681 (b), or exemption of the organization for such taxable year is denied under section 503 (a), whether or not the organization has previously received notification by the Commissioner of Internal Revenue that it is engaged in a prohibited transaction. In certain cases, the limitation of sections 681 or 503 may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in the income tax regulations under sections 681 and 503. In cases in which prior notification by the Commissioner of Internal Revenue is not required in order to limit the deduction of the trust under section 681 (b) or to deny exemption of the organization under section 503, the deduction otherwise allowable under section 2055 is not disallowed in respect of transfers made during the same taxable year of the trust or organization in which a prohibited transaction occurred or in a prior taxable year unless the decedent or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the decedent's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

§ 20.2056 (a) *Statutory provisions; bequests, etc., to surviving spouse; allowance of marital deduction.*

SEC. 2056. *Bequests, etc., to surviving spouse*—(a) *Allowance of marital deduction.* For purposes of the tax imposed by section 2001, the value of the taxable estate shall, except as limited by subsections (b), (c), and (d), be determined by deducting from the value of the gross estate an amount equal to the value of any interest in property which passes or has passed from the decedent to his surviving spouse, but only to the extent that such interest is included in determining the value of the gross estate.

§ 20.2056 (a)-1 *Marital deduction; in general.* (a) A deduction is allowed under section 2056 from the gross estate of a decedent who was a citizen or resident of the United States at the time of his death for the value of any property interest which passed from the decedent to his surviving spouse, if the interest is a "deductible interest" as defined in § 20.2056 (a)-2, and if the total of such interests does not exceed the percentage limitation set forth in §§ 20.2056 (c)-1 and 20.2056 (c)-2. This deduction is referred to as the "marital deduction". The marital deduction is generally not available if the decedent's gross estate consists exclusively of property held by the decedent and his surviving spouse as community property under the law of any State, Territory, or possession of the United States, or any foreign country. See § 20.2056 (c)-2. Except as otherwise provided by a death tax convention with a foreign country, the marital deduction is not allowed in the case of an estate of a nonresident who was not a citizen of the United States at the time of his death. However, if the decedent was a citizen or resident, his estate is not deprived of the right to the marital deduction by reason of the fact that his surviving spouse was neither a resident nor a citizen. For convenience, the surviving spouse is generally referred to in the feminine gender, but if the decedent was a woman the reference is to her surviving husband. Sections 20.2056 (b)-1 through 20.2056 (b)-6 contain miscellaneous rules for determining the amount of "deductible interests"; §§ 20.2056 (c)-1 and 20.2056 (c)-2 provide a percentage limitation on the allowable amount of the marital deduction; § 20.2056 (d)-1 states special rules concerning disclaimers of interests in property; and §§ 20.2056 (e)-1 through 20.2056 (e)-3 define various terms used in the aforementioned sections.

(b) In order to obtain the marital deduction with respect to any property interest, the executor must establish the following facts:

(1) That the decedent was survived by his spouse (see paragraph (e) of § 20.2056 (e)-2);

(2) That the property interest passed from the decedent to his spouse (see §§ 20.2056 (b)-5, 20.2056 (b)-6, 20.2056 (d)-1, and 20.2056 (e)-1 through 20.2056 (e)-3);

(3) That the property interest is a "deductible interest" (see § 20.2056 (a)-2);

(4) The value of the property interest (see § 20.2056 (b)-4; and

(5) The value of the decedent's "adjusted gross estate" (see §§ 20.2056 (c)-1 and 20.2056 (c)-2).

The executor must submit such proof as is necessary to establish these facts, including any evidence requested by the district director.

§ 20.2056 (a)-2 *Marital deduction; "deductible interests" and "nondeductible interests".* (a) Property interests which passed from a decedent to his surviving spouse fall within two general categories: (1) Those with respect to which the marital deduction is authorized, and (2) those with respect to which the marital deduction is not authorized. These categories are referred to in this section and other sections of the regulations under section 2056 as "deductible interests" and "nondeductible interests", respectively (see paragraph (b) of this section). Subject to the percentage limitation set forth in §§ 20.2056 (c)-1 and 20.2056 (c)-2, the marital deduction is equal in amount to the aggregate value of the "deductible interests".

(b) An interest passing to a decedent's surviving spouse is a "deductible inter-

est" if it does not fall within one of the following categories of "nondeductible interests":

(1) Any property interest which passed from the decedent to his surviving spouse is a "nondeductible interest" to the extent it is not included in the decedent's gross estate.

(2) If a deduction is allowed under section 2053 (relating to deductions for expenses and indebtedness) by reason of the passing of a property interest from the decedent to his surviving spouse, such interest is, to the extent of the deduction under section 2053, a "nondeductible interest". Thus, a property interest which passed from the decedent to his surviving spouse in satisfaction of a deductible claim of the spouse against the estate is, to the extent of the claim, a "nondeductible interest" (see § 20.2056 (b)-4). Similarly, amounts deducted under section 2053 (a) (2) for commissions allowed to the surviving spouse as executor are "nondeductible interests". As to the valuation, for the purpose of the marital deduction, of any property interest which passed from the decedent to his surviving spouse subject to a mortgage or other encumbrance, see § 20.2056 (b)-4.

(3) If during settlement of the estate a loss deductible under section 2054 occurs with respect to a property interest, then that interest is, to the extent of the deductible loss, a "nondeductible interest" for the purpose of the marital deduction.

(4) A property interest passing to a decedent's surviving spouse which is a "terminable interest", as defined in § 20.2056 (b)-1, is a "nondeductible interest" to the extent specified in that section.

§ 20.2056 (b) ***Statutory provisions; bequests, etc., to surviving spouse; limitation in the case of life estate or other terminable interest.***

SEC. 2056. *Bequests, etc., to surviving spouse.* * * *

(b) *Limitation in the case of life estate or other terminable interest*—(1) *General rule.* Where, on the lapse of time, on the occurrence of an event or contingency, or on the failure of an event or contingency to occur, an interest passing to the surviving spouse will terminate or fail, no deduction shall be allowed under this section with respect to such interest—

(A) If an interest in such property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such surviving spouse (or the estate of such spouse); and

(B) If by reason of such passing such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse;

and no deduction shall be allowed with respect to such interest (even if such deduction is not disallowed under subparagraphs (A) and (B))—

(C) If such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust.

For purposes of this paragraph, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

(2) *Interest in unidentified assets.* Where the assets (included in the decedent's gross estate) out of which, or the proceeds of which, an interest passing to the surviving spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets passed from the decedent to such spouse, then the value of such interest passing to such spouse shall, for purposes of subsection (a), be reduced by the aggregate value of such particular assets.

(3) *Interest of spouse conditional on survival for limited period.* For purposes of this subsection, an interest passing to the surviving spouse shall not be considered as an interest which will terminate or fail on the death of such spouse if—

(A) Such death will cause a termination or failure of such interest only if it occurs within a period not exceeding 6 months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such event; and

(B) Such termination or failure does not in fact occur.

(4) *Valuation of interest passing to surviving spouse.* In determining for purposes of subsection (a) the value of any interest in property passing to the surviving spouse for which a deduction is allowed by this section—

(A) There shall be taken into account the effect which the tax imposed by section 2001, or any estate, succession, legacy, or inheritance tax, has on the net value to the surviving spouse of such interest; and

(B) Where such interest or property is encumbered in any manner, or where the surviving spouse incurs any obligation imposed by the decedent with respect to the passing of such interest, such encumbrance or obligation shall be taken into account in the same manner as if the amount of a gift to such spouse of such interest were being determined.

(5) *Life estate with power of appointment in surviving spouse.* In the case of an interest in property passing from the decedent, if his surviving spouse is entitled for life to all the income from the entire interest, or all the income from a specific portion thereof, payable annually or at more frequent intervals, with power in the surviving spouse to appoint the entire interest, or such specific portion (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the interest, or such specific portion, to any person other than the surviving spouse—

(A) The interest or such portion thereof so passing shall, for purposes of subsection (a), be considered as passing to the surviving spouse, and

(B) No part of the interest so passing shall, for purposes of paragraph (1) (A), be considered as passing to any person other than the surviving spouse.

This paragraph shall apply only if such power in the surviving spouse to appoint the entire interest, or such specific portion thereof, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

(6) *Life insurance or annuity payments with power of appointment in surviving spouse.* In the case of an interest in property passing from the decedent consisting of proceeds under a life insurance, endowment, or annuity contract, if under the terms of the contract such proceeds are payable in installments or are held by the insurer subject to an agreement to pay interest thereon (whether the proceeds, on the termination of any interest payments, are payable in a lump sum or in annual or more frequent installments), and such installment or interest payments are payable annually or at more frequent intervals, commencing not later than 13 months after the decedent's death, and all amounts, or a specific portion of all such amounts, payable during the life of the surviving spouse are payable only to such spouse, and such spouse has the power to appoint all amounts, or such specific portion, payable under such contract (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), with no power in any other person to appoint such amounts to any person other than the surviving spouse—

(A) Such amounts shall, for purposes of subsection (a), be considered as passing to the surviving spouse, and

(B) No part of such amounts shall, for purposes of paragraph (1) (A), be considered as passing to any person other than the surviving spouse.

This paragraph shall apply only if, under the terms of the contract, such power in the surviving spouse to appoint such amounts, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

§ 20.2056 (b)-1 *Marital deduction; limitation in case of life estate or other "terminable interest"*—(a) *In general.* Section 2056 (b) provides that no marital deduction is allowed with respect to certain property interests, referred to generally as "terminable interests", passing from a decedent to his surviving spouse. The phrase "terminable interest" is defined in paragraph (b) of this section. However, the fact that an interest in property passing to a decedent's surviving spouse is a "terminable interest" makes it nondeductible only (1) under the circumstances described in paragraph (c) of this section, and (2) if it does not come within one of the exceptions referred to in paragraph (d) of this section.

(b) *"Terminable interests".* A "terminable interest" in property is an interest which will terminate or fail on the lapse of time or on the occurrence or the failure to occur of some contingency. Life estates, terms for years, annuities, patents, and copyrights are therefore terminable interests. However, a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity or a term for years, is not a terminable interest.

(c) *Nondeductible terminable interests.* (1) A property interest which constitutes a terminable interest, as defined in paragraph (b) of this section, is nondeductible if—

(i) Another interest in the same property passed from the decedent to some other person for less than an adequate and full consideration in money or money's worth, and

(ii) By reason of its passing, the other person or his heirs or assigns may possess or enjoy any part of the property after the termination or failure of the spouse's interest.

(2) Even though a property interest which constitutes a terminable interest is not nondeductible by reason of the rules stated in subparagraph (1) of this

paragraph, such an interest is nondeductible if—

(i) The decedent has directed his executor or a trustee to acquire such an interest for the decedent's surviving spouse (see further paragraph (f) of this section), or

(ii) Such an interest passing to the decedent's surviving spouse may be satisfied out of a group of assets which includes a nondeductible interest (see further § 20.2056 (b)-2). In this case, however, full nondeductibility may not result.

(d) *Exceptions.* A property interest passing to a decedent's surviving spouse is deductible (if it is not otherwise disqualified under § 20.2056 (a)-2) even though it is a terminable interest, and even though an interest therein passed from the decedent to another person, if it is a terminable interest only because—

(1) It is conditioned on the spouse's surviving for a limited period, in the manner described in § 20.2056 (b)-3;

(2) It is a right to income for life with a general power of appointment, meeting the requirements set forth in § 20.2056 (b)-5; or

(3) It consists of life insurance or annuity payments held by the insurer with a general power of appointment in the spouse, meeting the requirements set forth in § 20.2056 (b)-6.

(e) *Miscellaneous principles.* (1) In determining whether an interest passed from the decedent to some other person, it is immaterial whether interests in the same property passed to the decedent's spouse and another person at the same time, or under the same instrument.

(2) In determining whether an interest in the same property passed from the decedent both to his surviving spouse and to some other person, a distinction is to be drawn between "property", as such term is used in section 2056, and an "interest in property". The term "property" refers to the underlying property in which various interests exist; each such interest is not for this purpose to be considered as "property".

(3) Whether or not an interest is nondeductible because it is a terminable interest is to be determined by reference to the property interests which actually passed from the decedent. Subsequent conversions of the property are immaterial for this purpose. Thus, where a decedent bequeathed his estate to his wife for life with remainder to his children, the interest which passed to his wife is a nondeductible interest, even though the wife agrees with the children to take a fractional share of the estate in fee in lieu of the life interest in the whole, or sells the life estate for cash, or acquires the remainder interest of the children either by purchase or gift.

(4) The terms "passed from the decedent", "passed from the decedent to his surviving spouse", and "passed from the decedent to a person other than his surviving spouse" are defined in §§ 20.2056 (e)-1 through 20.2056 (e)-3.

(f) *Direction to acquire a terminable interest.* No marital deduction is allowed with respect to a property interest which a decedent directs his executor or a trustee to convert after his death into a terminable interest for his surviving spouse. The marital deduction is not allowed even though no interest in the property subject to the terminable interest passes to another person and even though the interest would otherwise come within the exceptions described in §§ 20.2056 (b)-5 and 20.2056 (b)-6 (relating to life estates and life insurance and annuity payments with powers of appointment). However, a general investment power, authorizing investments in both terminable interests and other property, is not a direction to invest in a terminable interest.

(g) *Examples.* The application of this section may be illustrated by the following examples, in each of which it is assumed that the property interest which passed from the decedent to a person other than his surviving spouse did not pass for an adequate and full consideration in money or money's worth:

Example (1). H (the decedent) devised real property to W (his surviving wife) for life, with remainder to A and his heirs. The interest which passed from H to W is a nondeductible interest since it will terminate upon her death and A (or his heirs or assigns) will thereafter possess or enjoy the property.

Example (2). H bequeathed the residue of his estate in trust for the benefit of W and A. The trust income is to be paid to W for life, and upon her death the corpus is to be distributed to A or his issue. However, if A should die without issue, leaving W surviving, the corpus is then to be distributed to W. The interest which passed from H to W is a nondeductible interest since it will terminate in the event of her death if A or his issue survive, and A or his issue will thereafter possess or enjoy the property.

Example (3). H during his lifetime purchased an annuity contract providing for payments to himself for life and then to W for life if she should survive him. Upon the death of the survivor of H and W, the excess, if any, of the cost of the contract over the annuity payments theretofore made was to be refunded to A. The interest which passed from H to W is a nondeductible interest since A may possess or enjoy a part of the property following the termination of the interest of W. If, however, the contract provided for no refund upon the death of the survivor of H and W, or provided that any refund was to go to the estate of the survivor, then the interest which passed from H to W is (to the extent it is included in H's gross estate) a deductible interest.

Example (4). H, in contemplation of death, transferred a residence to A for life with remainder to W provided W survives A, but if W predeceases A, the property is to pass to B and his heirs. If it is assumed that H died during A's lifetime, and the value of the residence was included in determining the value of his gross estate, the interest which passed from H to W is a nondeductible interest since it will terminate if W predeceases A and the property will thereafter be possessed or enjoyed by B (or his heirs or assigns). This result is not affected by B's assignment of his interest during H's lifetime, whether made in favor of W or another person, since the term "assigns" (as used in section 2056 (b) (1) (B)) includes such an assignee. However, if it is assumed that A predeceased H, the interest of B in the property was extinguished, and, viewed as of the time of the subsequent death of H, the interest which passed from him to W is the entire interest in the property and, therefore, a deductible interest.

Example (5). H transferred real property to A by gift, reserving the right to the rentals of the property for a term of 20 years. H died within the 20-year term, bequeathing the right to the remaining rentals to a trust for the benefit of W. The terms of the trust satisfy the five conditions stated in § 20.2056 (b)-5, so that the property interest which passed in trust is considered to have passed from H to W. However, the interest is a nondeductible interest since it will terminate upon the expiration of the term and A will thereafter possess or enjoy the property.

Example (6). H bequeathed a patent to W and A as tenants in common. In this case, the interest of W will terminate upon the expiration of the term of the patent, but possession or enjoyment of the property by A must necessarily cease at the same time. Therefore, since A's possession or enjoyment cannot outlast the termination of W's interest, the latter is a deductible interest.

Example (7). A decedent bequeathed $100,000 to his wife, subject to a direction to his executor to use the bequest for the purchase of an annuity for the wife. The bequest is a nondeductible interest.

Example (8). Assume that pursuant to local law an allowance for support is payable to the decedent's surviving spouse during the period of the administration of the decedent's estate, but that upon her death or remarriage during such period her right to any further allowance will terminate. Assume further that the surviving spouse is sole beneficiary of the decedent's estate. Under such circumstances, the allowance constitutes a deductible interest since any part of the allowance not receivable by the surviving spouse during her lifetime will pass to her estate under the terms of the decedent's will. If, in this example, the decedent bequeathed only one-third of his residuary estate to his surviving spouse, then two-thirds of the allowance for support would constitute a nondeductible terminable interest.

§ 20.2056 (b)-2 *Marital deduction; interest in unidentified assets.* (a) Section 2056 (b) (2) provides that if an interest passing to a decedent's surviving spouse may be satisfied out of assets (or their proceeds) which include a particular asset that would be a nondeductible interest if it passed from the decedent to his spouse, the value of the interest passing to the spouse is reduced, for the purpose of the marital deduction, by the value of the particular asset.

(b) In order for section 2056 (b) (2) to apply, two circumstances must coexist, as follows:

(1) The property interest which passed from the decedent to his surviving spouse must be payable out of a group of assets included in the gross estate. Examples of property interests payable out of a group of assets are a general legacy, a bequest of the residue of the decedent's estate or of a portion of the residue, and a right to a share of the corpus of a trust upon its termination.

(2) The group of assets out of which the property interest is payable must include one or more particular assets which, if passing specifically to the surviving spouse, would be nondeductible interests. Therefore, section 2056 (b) (2) is not applicable merely because the group of assets includes a terminable interest, but would only be applicable if the terminable interest were nondeductible under the provisions of § 20.2056 (b)-1.

(c) If both of the circumstances set forth in paragraph (b) of this section are present, the property interest payable

out of the group of assets is (except as to any excess of its value over the aggregate value of the particular asset or assets which would not be deductible if passing specifically to the surviving spouse) a nondeductible interest.

(d) The application of this section may be illustrated by the following example:

Example. **A decedent bequeathed one-third of the residue of his estate to his wife. The property passing under the decedent's will included a right to the rentals of an office building for a term of years, reserved by the decedent under a deed of the building by way of gift to his son. The decedent did not make a specific bequest of the right to such rentals. Such right, if passing specifically to the wife, would be a nondeductible interest (see example (5) of paragraph (g) of § 20.2056 (b)–1). It is assumed that the value of the bequest of one-third of the residue of the estate to the wife was $85,000, and that the right to the rentals was included in the gross estate at a value of $60,000. If the decedent's executor had the right under the decedent's will or local law to assign the entire lease in satisfaction of the bequest, the bequest is a nondeductible interest to the extent of $60,000. If the executor could only assign a one-third interest in the lease in satisfaction of the bequest, the bequest is a nondeductible interest to the extent of $20,000. If the decedent's will provided that his wife's bequest could not be satisfied with a nondeductible interest, the entire bequest is a deductible interest. If, in this example, the asset in question had been foreign real estate not included in the decedent's gross estate, the results would be the same.**

§ 20.2056 (b)–3 *Marital deduction; interest of spouse conditioned on survival for limited period*—(a) *In general.* Generally, no marital deduction is allowable if the interest passing to the surviving spouse is a terminable interest as defined in paragraph (b) of § 20.2056 (b)–1. However, section 2056 (b) (3) provides an exception to this rule so as to allow a deduction if (1) the only condition under which it will terminate is the death of the surviving spouse within 6 months after the decedent's death, or her death as a result of a common disaster which also resulted in the decedent's death, and (2) the condition does not in fact occur.

(b) *Six months' survival.* If the only condition which will cause the interest taken by the surviving spouse to terminate is the death of the surviving spouse and the condition is of such nature that it can occur only within 6 months following the decedent's death, the exception provided by section 2056 (b) (3) will apply, provided the condition does not in fact occur. However, if the condition (unless it relates to death as a result of a common disaster) is one which may occur either within the 6-month period or thereafter, the exception provided by section 2056 (b) (3) will not apply.

(c) *Common disaster.* If a property interest passed from the decedent to his surviving spouse subject to the condition that she does not die as a result of a common disaster which also resulted in the decedent's death, the exception provided by section 2056 (b) (3) will not be applied in the final audit of the return if there is still a possibility that the surviving spouse may be deprived of the property interest by operation of the common disaster provision as given effect by the local law.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A decedent bequeathed his entire estate to his spouse on condition that she survive him by 6 months. In the event his spouse failed to survive him by 6 months, his estate was to go to his niece and her heirs. The decedent was survived by his spouse. It will be observed that, as of the time of the decedent's death, it was possible that the niece would, by reason of the interest which passed to her from the decedent, possess or enjoy the estate after the termination of the interest which passed to the spouse. Hence, under the general rule set forth in § 20.2056 (b)–1, the interest which passed to the spouse would be regarded as a nondeductible interest. If the surviving spouse in fact died within 6 months after the decedent's death, that general rule is to be applied, and the interest which passed to the spouse is a nondeductible interest. However, if the spouse in fact survived the decedent by 6 months, thus extinguishing the interest of the niece, the case comes within the exception provided by section 2056 (b) (3), and the interest which passed to the spouse is a deductible interest. (It is assumed for the purpose of this example that no other factor which would cause the interest to be nondeductible is present.)

Example (2). The facts are the same as in example (1) except that the will provided that the estate was to go to the niece either in case the decedent and his spouse should both die as a result of a common disaster, or in case the spouse should fail to survive the decedent by 3 months. It is assumed that the decedent was survived by his spouse. In this example, the interest which passed from the decedent to his surviving spouse is to be regarded as a nondeductible interest if the surviving spouse in fact died either within 3 months after the decedent's death or as a result of a common disaster which also resulted in the decedent's death. However, if the spouse in fact survived the decedent by 3 months, and did not thereafter die as a result of a common disaster which also resulted in the decedent's death, the exception provided under section 2056 (b) (3) will apply and the interest will be deductible.

Example (3). The facts are the same as in example (1) except that the will provided that the estate was to go to the niece if the decedent and his spouse should both die as a result of a common disaster and if the spouse failed to survive the decedent by 3 months. If the spouse in fact survived the decedent by 3 months, the interest of the niece is extinguished, and the interest passing to the spouse is a deductible interest.

Example (4). A decedent devised and bequeathed his residuary estate to his wife if she was living on the date of distribution of his estate. The devise and bequest is a nondeductible interest even though distribution took place within 6 months after the decedent's death and the surviving spouse in fact survived the date of distribution.

§ 20.2056 (b)–4 *Marital deduction; valuation of interest passing to surviving spouse*—(a) *In general.* The value, for the purpose of the marital deduction, of any deductible interest which passed from the decedent to his surviving spouse is to be determined as of the date of the decedent's death, except that if the executor elects the alternate valuation method under section 2032 the valuation is to be determined as of the date of the decedent's death but with the adjustment described in paragraph (a) (3) of § 20.2032–1. The marital deduction may be taken only with respect to the value of any deductible interest which passed from the decedent to his surviving spouse, the same principles are applicable as if the amount of a gift to the spouse were being determined. In determining the value of the interest in property passing to the spouse account must be taken of the effect of any material limitations upon her right to income from the property. An example of a case in which this rule may be applied is a bequest of property in trust for the benefit of the decedent's spouse but the income from the property from the date of the decedent's death until distribution of the property to the trustee is to be used to pay expenses incurred in the administration of the estate.

(b) *Property interest subject to an encumbrance or obligation.* If a property interest passed from the decedent to his surviving spouse subject to a mortgage or other encumbrance, or if an obligation is imposed upon the surviving spouse by the decedent in connection with the passing of a property interest, the value of the property interest is to be reduced by the amount of the mortgage, other encumbrance, or obligation. However, if under the terms of the decedent's will or under local law the executor is required to discharge, out of other assets of the decedent's estate, a mortgage or other encumbrance on property passing from the decedent to his surviving spouse, or is required to reimburse the surviving spouse for the amount of the mortgage or other encumbrance, the payment or reimbursement constitutes an additional interest passing to the surviving spouse. The passing of a property interest subject to the imposition of an obligation by the decedent does not include a bequest, devise, or transfer in lieu of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate. The passing of a property interest subject to the imposition of an obligation by the decedent does, however, include a bequest, etc., in lieu of the interest of his surviving spouse under community property laws unless such interest was, immediately prior to the decedent's death, a mere expectancy. (As to the circumstances under which the interest of the surviving spouse is regarded as a mere expectancy, see § 20.2056 (c)–2.) The following examples are illustrative of property interests which passed from the decedent to his surviving spouse subject to the imposition of an obligation by the decedent:

Example (1). A decedent devised a residence valued at $25,000 to his wife, with a direction that she pay $5,000 to his sister. For the purpose of the marital deduction, the value of the property interest passing to the wife is only $20,000.

Example (2). A decedent devised real property to his wife in satisfaction of a debt owing to her. The debt is a deductible claim under section 2053. Since the wife is obligated to relinquish the claim as a condition to acceptance of the devise, the value of the devise is, for the purpose of the marital deduction, to be reduced by the amount of the claim.

Example (3). A decedent bequeathed certain securities to his wife in lieu of her interest in property held by them as community property under the law of the State of their residence. The wife elected to relinquish her community property interest and to take the bequest. For the purpose of the marital deduction, the value of the bequest is to be reduced by the value of the community property interest relinquished by the wife.

(c) *Effect of death taxes.* (1) In the determination of the value of any property interest which passed from the decedent to his surviving spouse, there must be taken into account the effect which the Federal estate tax, or any estate, succession, legacy, or inheritance tax, has upon the net value to the surviving spouse of the property interest.

(2) For example, assume that the only bequest to the surviving spouse is $100,000 and the spouse is required to pay a State inheritance tax in the amount of $1,500. If no other death taxes affect the net value of the bequest, the value, for the purpose of the marital deduction, is $98,500.

(3) As another example, assume that a decedent devised real property to his wife having a value for Federal estate tax purposes of $100,000 and also bequeathed to her a nondeductible interest for life under a trust. The State of residence valued the real property at $90,000 and the life interest at $30,000, and imposed an inheritance tax (at graduated rates) of $4,800 with respect to the two interests. If it is assumed that the inheritance tax on the devise is required to be paid by the wife, the amount of tax to be ascribed to the devise is

$$\frac{90,000}{120,000} \times \$4,800 = \$3,600.$$

Accordingly, if no other death taxes affect the net value of the bequest, the value, for the purpose of the marital deduction, is $100,000 less $3,600, or $96,400.

(4) If the decedent bequeaths his residuary estate, or a portion of it, to his surviving spouse, and his will contains a direction that all death taxes shall be payable out of the residuary estate, the value of the bequest, for the purpose of the marital deduction, is based upon the amount of the residue as reduced pursuant to such direction, if the residuary estate, or a portion of it, is bequeathed to the surviving spouse, and by the local law the Federal estate tax is payable out of the residuary estate, the value of the bequest, for the purpose of the marital deduction, may not exceed its value as reduced by the Federal estate tax. Methods of computing the deduction, under such circumstances, are set forth in supplemental instructions to the estate tax return.

(d) *Remainder interests.* If the income from property is made payable to another individual for life, or for a term of years, with remainder absolutely to the surviving spouse or to her estate, the marital deduction is based upon the present value of the remainder. The present value of the remainder is to be determined in accordance with the rules stated in § 20.2031–7. For example, if the surviving spouse is to receive $50,000 upon the death of a person aged 31 years, the present value of the remainder is $14,466. If the remainder is such that its value is to be determined by a special computation (see paragraph (e) of § 20.2031–7), a request for a specific factor may be submitted to the Commissioner. The request should be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and copies of the relevant instruments. The Commissioner may, if conditions permit, supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in the applicable paragraphs of § 20.2031–7.

§ 20.2056 (b)–5 *Marital deduction; life estate with power of appointment in surviving spouse*—(a) *In general.* Section 2056 (b) (5) provides that if an interest in property passes from the decedent to his surviving spouse (whether or not in trust) and the spouse is entitled for life to all the income from the entire interest or all the income from a specific portion of the entire interest, with a power in her to appoint the entire interest or the specific portion, the interest which passes to her is a deductible interest, to the extent that it satisfies all five of the conditions set forth below (see paragraph (b) of this section if one or more of the conditions is satisfied as to only a portion of the interest):

(1) The surviving spouse must be entitled for life to all of the income from the entire interest or a specific portion of the entire interest, or to a specific portion of all the income from the entire interest.

(2) The income payable to the surviving spouse must be payable annually or at more frequent intervals.

(3) The surviving spouse must have the power to appoint the entire interest or the specific portion to either herself or her estate.

(4) The power in the surviving spouse must be exercisable by her alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The entire interest or the specific portion must not be subject to a power in any other person to appoint any part to any person other than the surviving spouse.

(b) *Specific portion; deductible amount.* If either the right to income or the power of appointment passing to the surviving spouse pertains only to a specific portion of a property interest passing from the decedent, the marital deduction is allowed only to the extent that the rights in the surviving spouse meet all of the five conditions described in paragraph (a) of this section. While the rights over the income and the power must coexist as to the same interest in property, it is not necessary that the rights over the income or the power as to such interest be in the same proportion. However, if the rights over income meeting the required conditions set forth in paragraph (a) (1) and (2) of this section extend over a smaller share of the property interest than the share with respect to which the power of appointment requirements set forth in paragraph (a) (3) through (5) of this section are satisfied, the deductible interest is limited to the smaller share. Correspondingly, if a power of appointment meeting all the requirements extends to a smaller portion of the property interest than the portion over which the income rights pertain, the deductible interest cannot exceed the value of the portion to which such power of appointment applies. Thus, if the decedent leaves to his surviving spouse the right to receive annually all of the income from a particular property interest and a power of appointment meeting the specifications prescribed in paragraph (a) (3) through (5) of this section as to only one-half of the property interest, then only one-half of the property interest is treated as a deductible interest. Correspondingly, if the income interest of the spouse satisfying the requirements extends to only one-fourth of the property interest and a testamentary power of appointment satisfying the requirements extends to all of the property interest, then only one-fourth of the interest in the spouse qualifies as a deductible interest. Further, if the surviving spouse has no right to income from a specific portion of a property interest but a testamentary power of appointment which meets the necessary conditions over the entire interest, then none of the interest qualifies for the deduction. In addition, if, from the time of the decedent's death, the surviving spouse has a power of appointment meeting all of the required conditions over three-fourths of the entire property interest and the prescribed income rights over the entire interest, but with a power in another person to appoint one-half of the entire interest, the value of the interest in the surviving spouse over only one-half of the property interest will qualify as a deductible interest.

(c) *Definition of "specific portion".* A partial interest in property is not treated as a specific portion of the entire interest unless the rights of the surviving spouse in income and as to the power constitute a fractional or percentile share of a property interest so that such interest or share in the surviving spouse reflects its proportionate share of the increment or decline in the whole of the property interest to which the income rights and the power relate. Thus, if the right of the spouse to income and the power extent to one-half or a specified percentage of the property, or the equivalent, the interest is considered as a specific portion. On the other hand, if the annual income of the spouse is limited to a specific sum, or if she has a power to appoint only a specific sum out of a larger fund, the interest is not a deductible interest. Even though the rights in the surviving spouse may not be expressed in terms of a definite fraction or percentage, a deduction may be allowable if it is shown that the effect of local law is to give the spouse rights which are identical to those she would have acquired if the size of the share had been expressed in terms of a definite fraction or percentage. The following examples illustrate the application of this and the preceding paragraphs of this section:

Example (1). The decedent transferred to a trustee 500 identical shares of X Company stock. He provided that during the lifetime of the surviving spouse the trustee should pay her annually one-half of the trust income or $6,000, whichever is the larger. The spouse was also given a general power of appointment, exercisable by her last will over the sum of $160,000 or over three-fourths of the trust corpus, whichever should be of larger value. Since there is no certainty that the trust income will not vary from year to year, for purposes of paragraphs (a) and (b) of this section, an annual payment of a specified sum, such as the $6,000 provided for in this case, is not considered as representing the income from a definite fraction or a specific portion of the entire interest if that were the extent of the spouse's interest. However, since the spouse is to receive annually at least one-half of the trust income, she will, for purposes of paragraphs (a) and (b) of this section, be considered as receiving all of the income from one-half of the entire interest in the stock. Inasmuch as there is no certainty that the value of the stock will be the same on the date of the surviving spouse's death as it was on the date of the decedent's death, for purposes of paragraphs (a) and (b) of this section, a specified sum, such as the $160,000 provided for in this case, is not considered to be a definite fraction of the entire interest. However, since the surviving spouse has a general power of appointment over at least three-fourths of the trust corpus, she is considered as having a general power of appointment over three-fourths of the entire interest in the stock.

Example (2). The decedent bequeathed to a trustee an office building and 250 identical shares of Y Company stock. He provided that during the lifetime of the surviving spouse the trustee should pay her annually three-fourths of the trust income. The spouse was given a general power of appointment, exercisable by will, over the office building and 100 shares of the stock. By the terms of the decedent's will the spouse is given all the income from a definite fraction of the entire interest in the office building and in the stock. She also has a general power of appointment over the entire interest in the office building. However, since the amount of property represented by a single share of stock would be altered if the corporation split its stock, issued stock dividends, made a distribution of capital, etc., a power to appoint 100 shares at the time of the surviving spouse's death is not the same necessarily as a power to appoint $^{100}/_{250}$ of the entire interest which the 250 shares represented on the date of the decedent's death. If it is shown in this case that the effect of local law is to give the spouse a general power to appoint not only the 100 shares designated by the decedent but also $^{100}/_{250}$ of any shares or amounts which are distributed by the corporation and included in the corpus, the requirements of this paragraph will be satisfied and the surviving spouse will be considered as having a general power to appoint $^{100}/_{250}$ of the entire interest in the 250 shares.

(d) *Definition of "entire interest"*. Since a marital deduction is allowed for each qualifying separate interest in property passing from the decedent to his surviving spouse (subject to the percentage limitation contained in §§ 20.2056 (c)-1 and 20.2056 (c)-2 concerning the aggregate amount of the deductions), for purposes of paragraphs (a) and (b) of this section, each property interest with respect to which the surviving spouse received some rights is considered separately in determining whether her rights extend to the entire interest or to a specific portion of the entire interest. A property interest which consists of several identical units of property (such as a block of 250 shares of stock, whether the ownership is evidenced by one or several certificates) is considered one property interest, unless certain of the units are to be segregated and accorded different treatment, in which case each segregated group of items is considered a separate property interest. The bequest of a specified sum of money constitutes the bequest of a separate property interest if immediately following distribution by the executor and thenceforth it, and the investments made with it, must be so segregated or accounted for as to permit its identification as a separate item of property. The application of this paragraph may be illustrated by the following examples:

Example (1). The decedent transferred to a trustee three adjoining farms, Blackacre, Whiteacre, and Greenacre. His will provided that during the lifetime of the surviving spouse the trustee should pay her all of the income from the trust. Upon her death, all of Blackacre, a one-half interest in Whiteacre, and a one-third interest in Greenacre were to be distributed to the person or persons appointed by her in her will. The surviving spouse is considered as being entitled to all of the income from the entire interest in Blackacre, all of the income from the entire interest in Whiteacre, and all of the income from the entire interest in Greenacre. She also is considered as having a power of appointment over the entire interest in Blackacre, over one-half of the entire interest in Whiteacre, and over one-third of the entire interest in Greenacre.

Example (2). The decedent bequeathed $250,000 to C, as trustee. C is to invest the money and pay all of the income from the investments to W, the decedent's surviving spouse, annually. W was given a general power, exercisable by will, to appoint one-half of the corpus of the trust. Here, immediately following distribution by the executor, the $250,000 will be sufficiently segregated to permit its identification as a separate item, and the $250,000 will constitute an entire property interest. Therefore, W has a right to income and a power of appointment such that one-half of the entire interest is a deductible interest.

Example (3). The decedent bequeathed 100 shares of Z Corporation stock to D, as trustee. W, the decedent's surviving spouse, is to receive all of the income of the trust annually and is given a general power, exercisable by will, to appoint out of the trust corpus the sum of $25,000. In this case the $25,000 is not, immediately following distribution, sufficiently segregated to permit its identification as a separate item of property in which the surviving spouse has the entire interest. Therefore, the $25,000 does not constitute the entire interest in a property for the purpose of paragraphs (a) and (b) of this section.

(e) *Application of local law*. In determining whether or not the conditions set forth in paragraph (a) (1) through (5) of this section are satisfied by the instrument of transfer, regard is to be had to the applicable provisions of the law of the jurisdiction under which the interest passes and, if the transfer is in trust, the applicable provisions of the law governing the administration of the trust. For example, silence of a trust instrument as to the frequency of payment will not be regarded as a failure to satisfy the condition set forth in paragraph (a) (2) of this section that must be payable to the surviving annually or more frequently unless applicable law permits payment to made less frequently than annually. The principles outlined in this paragraph paragraphs (f) and (g) of this which are applied in determining whether transfers in trust meet conditions are equally applicable in certaining whether, in the case of interests not in trust, the surviving spouse has the equivalent in rights over income over the property.

(f) *Right to income*. (1) If an interest is transferred in trust, the surviving spouse is "entitled for life to all of income from the entire interest or specific portion of the entire interest," for the purpose of the condition set forth in paragraph (a) (1) of this section, the effect of the trust is to give her stantially that degree of beneficial joyment of the trust property during life which the principles of the law trusts accord to a person who is unqualifiedly designated as the life beneficiary of a trust. Such degree of enjoyment given only if it was the decedent's tention, as manifested by the terms the trust instrument and the surrounding circumstances, that the trust should produce for the surviving spouse during her life such an income, or that the spouse should have such use of the trust property as is consistent with the value of the trust corpus and with its preservation. The designation of the spouse as sole income beneficiary for life of the entire interest or a specific portion the entire interest will be sufficient qualify the trust unless the terms of the trust and the surrounding circumstances considered as a whole evidence an intention to deprive the spouse of the requisite degree of enjoyment. In determining whether a trust evidences that intention, the treatment required or permitted with respect to individual items must be considered in relation to the entire system provided for the administration of the trust.

(2) If the over-all effect of a trust to give to the surviving spouse such enforceable rights as will preserve to her the requisite degree of enjoyment, it immaterial whether that result effected by rules specifically stated the trust instrument, or, in their absence, by the rules for the management of the trust property and the allocation of receipts and expenditures supplied by the State law. For example, a provision the trust instrument for amortization of bond premium by appropriate periodic charges to interest will not disqualify the interest passing in trust even though there is no State law specifically authorizing amortization, or there is a State law denying amortization which is applicable only in the absence of such provision in the trust instrument.

(3) In the case of a trust, the rules be applied by the trustee in allocation receipts and expenses between income and corpus must be considered in relation to the nature and expected productivity of the assets passing in trust, the nature and frequency of occurrence the expected receipts, and any provisions as to change in the form of invest

ments. If it is evident from the nature of the trust assets and the rules provided for management of the trust that the allocation to income of such receipts as rents, ordinary cash dividends, and interest will give to the spouse the substantial enjoyment during life required by the statute, provisions that such receipts as stock dividends and proceeds from the conversion of trust assets shall be treated as corpus will not disqualify the interest passing in trust. Similarly, provision for a depletion charge against income in the case of trust assets which are subject to depletion will not disqualify the interest passing in trust, unless the effect is to deprive the spouse of the requisite beneficial enjoyment. The same principle is applicable in the case of depreciation, trustees' commissions, and other charges.

(4) Provisions granting administrative powers to the trustee will not have the effect of disqualifying an interest passing in trust unless the grant of powers evidences the intention to deprive the surviving spouse of the beneficial enjoyment required by the statute. Such an intention will not be considered to exist if the entire terms of the instrument are such that the local courts will impose reasonable limitations upon the exercise of the powers. Among the powers which if subject to reasonable limitations will not disqualify the interest passing in trust are the power to determine the allocation or apportionment of receipts and disbursements between income and corpus, the power to apply the income or corpus for the benefit of the spouse, and the power to retain the assets passing to the trust. For example, a power to retain trust assets which consist substantially of unproductive property will not disqualify the interest if the applicable rules for the administration of the trust require, or permit the spouse to require, that the trustee either make the property productive or convert it within a reasonable time. Nor will such a power disqualify the interest if the applicable rules for administration of the trust require the trustee to use the degree of judgment and care in the exercise of the power which a prudent man would use if he were owner of the trust assets. Further, a power to retain a residence or other property for the personal use of the spouse will not disqualify the interest passing in trust.

(5) An interest passing in trust will not satisfy the condition set forth in paragraph (a) (1) of this section that the surviving spouse be entitled to all the income if the primary purpose of the trust is to safeguard property without providing the spouse with the required beneficial enjoyment. Such trusts include not only trusts which expressly provide for the accumulation of the income but also trusts which indirectly accomplish a similar purpose. For example, assume that the corpus of a trust consists substantially of property which is not likely to be income producing during the life of the surviving spouse and that the spouse cannot compel the trustee to convert or otherwise deal with the property as described in subparagraph (4) of this paragraph. An interest passing to such a trust will not qualify unless the applicable rules for the administration require, or permit the spouse to require, that the trustee provide the required beneficial enjoyment, such as by payments to the spouse out of other assets of the trust.

(6) If a trust is created during the decedent's life, it is immaterial whether or not the interest passing in trust satisfied the conditions set forth in paragraph (a) (1) through (5) of this section prior to the decedent's death. If a trust may be terminated during the life of the surviving spouse, under her exercise of a power of appointment or by distribution of the corpus to her, the interest passing in trust satisfies the condition set forth in paragraph (a) (1) of this section (that the spouse be entitled to all the income) if she (i) is entitled to the income until the trust terminates, or (ii) has the right, exercisable in all events, to have the corpus distributed to her at any time during her life.

(7) An interest passing in trust fails to satisfy the condition set forth in paragraph (a) (1) of this section, that the spouse be entitled to all the income, to the extent that the income is required to be accumulated in whole or in part or may be accumulated in the discretion of any person other than the surviving spouse; to the extent that the consent of any person other than the surviving spouse is required as a condition precedent to distribution of the income; or to the extent that any person other than the surviving spouse has the power to alter the terms of the trust so as to deprive her of her right to the income. An interest passing in trust will not fail to satisfy the condition that the spouse be entitled to all the income merely because its terms provide that the right of the surviving spouse to the income shall not be subject to assignment, alienation, pledge, attachment or claims of creditors.

(8) In the case of an interest passing in trust, the terms "entitled for life" and "payable annually or at more frequent intervals," as used in the conditions set forth in paragraph (a) (1) and (2) of this section, require that under the terms of the trust the income referred to must be currently (at least annually; see paragraph (e) of this section) distributable to the spouse or that she must have such command over the income that it is virtually hers. Thus, the conditions in paragraph (a) (1) and (2) of this section are satisfied in this respect if, under the terms of the trust instrument, the spouse has the right exercisable annually (or more frequently) to require distribution to herself of the trust income, and otherwise the trust income is to be accumulated and added to corpus. Similarly, as respects the income for the period between the last distribution date and the date of the spouse's death, it is sufficient if that income is subject to the spouse's power to appoint. Thus, if the trust instrument provides that income accrued or undistributed on the date of the spouse's death is to be disposed of as if it had been received after her death, and if the spouse has a power of appointment over the trust corpus, the power necessarily extends to the undistributed income.

(9) An interest is not to be regarded as failing to satisfy the conditions set forth in paragraph (a) (1) and (2) of this section (that the spouse be entitled to all the income and that it be payable annually or more frequently) merely because the spouse is not entitled to the income from estate assets for the period before distribution of those assets by the executor, unless the executor is, by the decedent's will, authorized or directed to delay distribution beyond the period reasonably required for administration of the decedent's estate. As to the valuation of the property interest passing to the spouse in trust where the right to income is expressly postponed, see § 20.2056 (b)–4.

(g) *Power of appointment in surviving spouse.* (1) The conditions set forth in paragraph (a) (3) and (4) of this section, that is, that the surviving spouse must have a power of appointment exercisable in favor of herself or her estate and exercisable alone and in all events, are not met unless the power of the surviving spouse to appoint the entire interest or a specific portion of it falls within one of the following categories:

(i) A power so to appoint fully exercisable in her own favor at any time following the decedent's death (as, for example, an unlimited power to invade); or

(ii) A power so to appoint exercisable in favor of her estate. Such a power, if exercisable during life, must be fully exercisable at any time during life, or, if exercisable by will, must be fully exercisable irrespective of the time of her death (subject in either case to the provisions of § 20.2053 (b)–3, relating to interests conditioned on survival for a limited period); or

(iii) A combination of the powers described under subparagraphs (i) and (ii) of this subparagraph. For example, the surviving spouse may, until she attains the age of 50 years, have a power to appoint to herself and thereafter have a power to appoint to her estate. However, the condition that the spouse's power must be exercisable in all events is not satisfied unless irrespective of when the surviving spouse may die the entire interest or a specific portion of it will at the time of her death be subject to one power or the other (subject to the exception in § 20.2053 (b)–3, relating to interests contingent on survival for a limited period).

(2) The power of the surviving spouse must be a power to appoint the entire interest or a specific portion of it as unqualified owner (and free of the trust if a trust is involved, or free of the joint tenancy if a joint tenancy is involved) or to appoint the entire interest or a specific portion of it as a part of her estate (and free of the trust if a trust is involved), that is, in effect, to dispose of it to whomsoever she pleases. Thus, if the decedent devised property to a son and the surviving spouse as joint tenants with right of survivorship and under local law the surviving spouse has a power of severance exercisable without consent

of the other joint tenant, and by exercising this power could acquire a one-half interest in the property as a tenant in common, her power of severance will satisfy the condition set forth in paragraph (a) (3) of this section that she have a power of appointment in favor of herself or her estate. However, if the surviving spouse entered into a binding agreement with the decedent to exercise the power only in favor of their issue, that condition is not met. An interest passing in trust will not be regarded as failing to satisfy the condition merely because takers in default of the surviving spouse's exercise of the power are designated by the decedent. The decedent may provide that, in default of exercise of the power, the trust shall continue for an additional period.

(3) A power is not considered to be a power exercisable by a surviving spouse alone and in all events as required by paragraph (a) (4) of this section if the exercise of the power in the surviving spouse to appoint the entire interest or a specific portion of it to herself or to her estate requires the joinder or consent of any other person. The power is not "exercisable in all events", if it can be terminated during the life of the surviving spouse by any event other than her complete exercise or release of it. Further, a power is not "exercisable in all events" if it may be exercised for a limited purpose only. For example, a power which is not exercisable in the event of the spouse's remarriage is not exercisable in all events. Likewise, if there are any restrictions, either by the terms of the instrument or under applicable local law, on the exercise of a power to consume property (whether or not held in trust) for the benefit of the spouse, the power is not exercisable in all events. Thus, if a power of invasion is exercisable only for the spouse's support, or only for her limited use, the power is not exercisable in all events. In order for a power of invasion to be exercisable in all events, the surviving spouse must have the unrestricted power exercisable at any time during her life to use all or any part of the property subject to the power, and to dispose of it in any manner, including the power to dispose of it by gift (whether or not she has power to dispose of it by will).

(4) The power in the surviving spouse is exercisable in all events only if it exists immediately following the decedent's death. For example, if the power given to the surviving spouse is exercisable during life, but cannot be effectively exercised before distribution of the assets by the executor, the power is not exercisable in all events. Similarly, if the power is exercisable by will, but cannot be effectively exercised in the event the surviving spouse dies before distribution of the assets by the executor, the power is not exercisable in all events. However, an interest will not be disqualified by the mere fact that, in the event the power is exercised during administration of the estate, distribution of the property to the appointee will be delayed for the period of administration. If the power is in existence at all times following the decedent's death, limitations of a formal nature will not disqualify an interest. Examples of formal limitations on a power exercisable during life are requirements that an exercise must be in a particular form, that it must be filed with a trustee during the spouse's life, that reasonable notice must be given, or that reasonable intervals must elapse between successive partial exercises. Examples of formal limitations on a power exercisable by will are that it must be exercised by a will executed by the surviving spouse after the decedent's death or that exercise must be by specific reference to the power.

(5) If the surviving spouse has the requisite power to appoint to herself or her estate, it is immaterial that she also has one or more lesser powers. Thus, if she has a testamentary power to appoint to her estate, she may also have a limited power of withdrawal or of appointment during her life. Similarly, if she has an unlimited power of withdrawal, she may have a limited testamentary power.

(h) *Requirement of survival for a limited period.* A power of appointment in the surviving spouse will not be treated as failing to meet the requirements of paragraph (a) (3) of this section even though the power may terminate, if the only conditions which would cause the termination are those described in paragraph (a) of § 20.2056 (b)-3, and if those conditions do not in fact occur. Thus, the entire interest or a specific portion of it will not be disqualified by reason of the fact that the exercise of the power in the spouse is subject to a condition of survivorship described in § 20.2056 (b)-3 if the terms of the condition, that is, the survivorship of the surviving spouse, or the failure to die in a common disaster, are fulfilled.

(j) *Existence of a power in another.* Paragraph (a) (5) of this section provides that a transfer described in paragraph (a) is nondeductible to the extent that the decedent created a power in the trustee or in any other person to appoint a part of the interest to any person other than the surviving spouse. However, only powers in other persons which are in opposition to that of the surviving spouse will cause a portion of the interest to fail to satisfy the condition set forth in paragraph (a) (5) of this section. Thus, a power in a trustee to distribute corpus to or for the benefit of a surviving spouse will not disqualify the trust. Similarly, a power to distribute corpus to the spouse for the support of minor children will not disqualify the trust if she is legally obligated to support such children. The application of this paragraph may be illustrated by the following examples:

Example (1). Assume that a decedent created a trust, designating his surviving spouse as income beneficiary for life with an unrestricted power in the spouse to appoint the corpus during her life. The decedent further provided that in the event the surviving spouse should die without having exercised the power, the trust should continue for the life of his son with a power in the son to appoint the corpus. Since the power in the son could become exercisable only after the death of the surviving spouse, the interest is not regarded as failing to satisfy the condition set forth in paragraph (a) (5) of this section.

Example (2). Assume that the decedent created a trust, designating his surviving spouse as income beneficiary for life and as donee of a power to appoint by will the entire corpus. The decedent further provided that the trustee could distribute 30 percent of the corpus to the decedent's son when he reached the age of 35 years. Since the trustee has a power to appoint 30 percent of the entire interest for the benefit of a person other than the surviving spouse, only 70 percent of the interest placed in trust satisfied the condition set forth in paragraph (a) (5) of this section. If, in this case, the surviving spouse had a power, exercisable by her will, to appoint only one-half of the corpus as it was constituted at the time of her death, it should be noted that only 35 percent of the interest placed in the trust would satisfy the condition set forth in paragraph (a) (3) of this section.

§ 20.2056 (b)-6 *Marital deduction; life insurance or annuity payments with power of appointment in surviving spouse*—(a) *In general.* Section 2056 (b) (6) provides that an interest in property passing from a decedent to his surviving spouse, which consists of proceeds held by an insurer under the terms of a life insurance, endowment, or annuity contract, is a "deductible interest" to the extent that it satisfied all five of the following conditions (see paragraph (b) of this section if one or more of the conditions is satisfied as to only a portion of the proceeds):

(1) The proceeds, or a specific portion of the proceeds, must be held by the insurer subject to an agreement either to pay the entire proceeds or a specific portion thereof in installments, or to pay interest thereon, and all or a specific portion of the installments or interest payable during the life of the surviving spouse must be payable only to her.

(2) The installments or interest payable to the surviving spouse must be payable annually, or more frequently, commencing not later than 13 months after the decedent's death.

(3) The surviving spouse must have the power to appoint all or a specific portion of the amounts so held by the insurer to either herself or her estate.

(4) The power in the surviving spouse must be exercisable by her alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The amounts or the specific portion of the amounts payable under such contract must not be subject to a power in any other person to appoint any part thereof to any person other than the surviving spouse.

(b) *Specific portion; deductible interest.* If the right to receive interest or installment payments or the power of appointment passing to the surviving spouse pertains only to a specific portion of the proceeds held by the insurer, the marital deduction is allowed only to the extent that the rights of the surviving spouse in the specific portion meet the five conditions described in paragraph (a) of this section. While the rights to interest, or to receive payment in installments, and the power must coexist as to the proceeds of the same contract, it is not necessary that the rights to each be in the same proportion. If the rights to interest meeting the required conditions set forth in paragraph (a) (1) and (2) of this section extend over a smaller share of the proceeds than the share with respect to which the power of appointment requirements set forth in paragraph (a) (3) through (5) of this section are satisfied, the deductible interest is limited to the smaller share. Similarly, if the portion of the proceeds payable in installments is a smaller portion of the proceeds than the portion to which the power of appointment meeting such requirements relates, the deduction is limited to the smaller portion. In addition, if a power of appointment meeting all the requirements extends to a smaller portion of the proceeds than the portion over which the interest or installment rights pertain, the deductible interest cannot exceed the value of the portion to which such power of appointment applies. Thus, if the contract provides that the insurer is to retain the entire proceeds and pay all of the interest thereon annually to the surviving spouse and if the surviving spouse has a power of appointment meeting the specifications prescribed in paragraph (a) (3) through (5) of this section, as to only one-half of the proceeds held, then only one-half of the proceeds may be treated as a deductible interest. Correspondingly, if the rights of the spouse to receive installment payments or interest satisfying the requirements extend to only one-fourth of the proceeds and a testamentary power of appointment satisfying the requirements of paragraph (a) (3) through (5) of this section extends to all of the proceeds, then only one-fourth of the proceeds qualifies as a deductible interest. Further, if the surviving spouse has no right to installment payments (or interest) over any portion of the proceeds but a testamentary power of appointment which meets the necessary conditions over the entire remaining proceeds, then none of the proceeds qualifies for the deduction. In addition, if, from the time of the decedent's death, the surviving spouse has a power of appointment meeting all of the required conditions over three-fourths of the proceeds and the right to receive interest from the entire proceeds, but with a power in another person to appoint one-half of the entire proceeds, the value of the interest in the surviving spouse over only one-half of the proceeds will qualify as a deductible interest.

(c) *Applicable principles.* (1) The principles set forth in paragraph (c) of § 20.2056 (b)-5 for determining what constitutes a "specific portion of the entire interest" for the purpose of section 2056 (b) (5) are applicable in determining what constitutes a "specific portion of all such amounts" for the purpose of section 2056 (b) (6). However, the interest in the proceeds passing to the surviving spouse will not be disqualified by the fact that the installment payments or interest to which the spouse is entitled or the amount of the proceeds over which the power of appointment is exercisable may be expressed in terms of a specific sum rather than a fraction or a percentage of the proceeds provided it is shown that such sums are a definite or fixed percentage or fraction of the total proceeds.

(2) The provisions of paragraph (a) of this section are applicable with respect to a property interest which passed from the decedent in the form of proceeds of a policy of insurance upon the decedent's life, a policy of insurance upon the life of a person who predeceased the decedent, a matured endowment policy, or an annuity contract, but only in case the proceeds are to be held by the insurer. With respect to proceeds under any such contract which are to be held by a trustee, with power of appointment in the surviving spouse, see § 20.2056 (b)-5. As to the treatment of proceeds not meeting the requirements of § 20.2056 (b)-5 or of this section, see § 20.2056 (a)-2.

(3) In the case of a contract under which payments by the insurer commenced during the decedent's life, it is immaterial whether or not the conditions in subparagraphs (1) through (5) of paragraph (a) of this section were satisfied prior to the decedent's death.

(d) *Payments of installments or interest.* The conditions in subparagraphs (1) and (2) of paragraph (a) of this section relative to the payments of installments or interest to the surviving spouse are satisfied if, under the terms of the contract, the spouse has the right exercisable annually (or more frequently) to require distribution to herself of installments of the proceeds or a specific portion thereof, as the case may be, and otherwise such proceeds or interest are to be accumulated and held by the insurer pursuant to the terms of the contract. A contract which otherwise requires the insurer to make annual or more frequent payments to the surviving spouse following the decedent's death, will not be disqualified merely because the surviving spouse must comply with certain formalities in order to obtain the first payment. For example, the contract may satisfy the conditions in subparagraphs (1) and (2) of paragraph (a) of this section even though it requires the surviving spouse to furnish proof of death before the first payment is made. The condition in paragraph (a) (1) of this section is satisfied where interest on the proceeds or a specific portion thereof is payable, annually or more frequently, for a term, or until the occurrence of a specified event, following which the proceeds or a specific portion thereof are to be paid in annual or more frequent installments.

(e) *Powers of appointment.* (1) In determining whether the terms of the contract satisfy the conditions in subparagraph (3), (4), or (5) of paragraph (a) of this section relating to a power of appointment in the surviving spouse or any other person, the principles stated in § 20.2056 (b)-5 are applicable. As stated in § 20.2056 (b)-5, the surviving spouse's power to appoint is "exercisable in all events" only if it is in existence immediately following the decedent's death, subject, however, to the operation of § 20.2056 (b)-3 relating to interests conditioned on survival for a limited period.

(2) For examples of formal limitations on the power which will not disqualify the contract, see paragraph (g) (4) of § 20.2056 (b)-5. If the power is exercisable from the moment of the decedent's death, the contract is not disqualified merely because the insurer may require proof of the decedent's death as a condition to making payment to the appointee. If the submission of proof of the decedent's death is a condition to the exercise of the power, the power will not be considered "exercisable in all events" unless in the event the surviving spouse had died immediately following the decedent, her power to appoint would have been considered to exist at the time of her death, within the meaning of section 2041 (a) (2). See paragraph (b) of § 20.2041-3.

(3) It is sufficient for the purposes of the condition in paragraph (a) (3) of this section that the surviving spouse have the power to appoint amounts held by the insurer to herself or her estate if the surviving spouse has the unqualified power, exercisable in favor of herself or her estate, to appoint amounts held by the insurer which are payable after her death. Such power to appoint need not extend to installments or interest which will be paid to the spouse during her life. Further, the power to appoint need not be a power to require payment in a single sum. For example, if the proceeds of a policy are payable in installments, and if the surviving spouse has the power to direct that all installments payable after her death be paid to her estate, she has the requisite power.

(4) It is not necessary that the phrase "power to appoint" be used in the contract. For example, the condition in paragraph (a) (3) of this section that the surviving spouse have the power to appoint amounts held by the insurer to herself or her estate is satisfied by terms of a contract which give the surviving spouse a right which is, in substance and effect, a power to appoint to herself or her estate, such as a right to withdraw the amount remaining in the fund held by the insurer, or a right to direct that any amount held by the insurer under the contract at her death shall be paid to her estate.

§ 20.2056 (c) *Statutory provisions; bequests, etc., to surviving spouse; limitation on aggregate of deductions.*

SEC. 2056. *Bequests, etc., to surviving spouse.* * * *

(c) *Limitation on aggregate of deductions*—(1) *General rule.* The aggregate amount of the deductions allowed under this section (computed without regard to this subsection) shall not exceed 50 percent of the value of the adjusted gross estate, as defined in paragraph (2).

(2) *Computation of adjusted gross estate*—(A) *General rule.* Except as provided in subparagraph (B) of this paragraph, the adjusted gross estate shall, for purposes of subsection (c) (1), be computed by subtracting from the entire value of the gross estate the aggregate amount of the deductions allowed by sections 2053 and 2054.

(B) *Special rule in cases involving community property.* If the decedent and his surviving spouse at any time, held property as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, then the

adjusted gross estate shall, for purposes of subsection (c) (1), be determined by subtracting from the entire value of the gross estate the sum of—

(i) The value of property which is at the time of the death of the decedent held as such community property; and

(ii) The value of property transferred by the decedent during his life, if at the time of such transfer the property was held as such community property; and

(iii) The amount receivable as insurance under policies on the life of the decedent, to the extent purchased with premiums or other consideration paid out of property held as such community property; and

(iv) An amount which bears the same ratio to the aggregate of the deductions allowed under sections 2053 and 2054 which the value of the property included in the gross estate, diminished by the amount subtracted under clauses (i), (ii), and (iii) of this subparagraph, bears to the entire value of the gross estate.

For purposes of clauses (i), (ii), and (iii), community property (except property which is considered as community property solely by reason of the provisions of subparagraph (C) of this paragraph) shall be considered as not "held as such community property" as of any moment of time, if, in case of the death of the decedent at such moment, such property (and not merely one-half thereof) would be or would have been includible in determining the value of his gross estate without regard to the provisions of section 402 (b) of the Revenue Act of 1942. The amount to be subtracted under clauses (i), (ii), or (iii) shall not exceed the value of the interest in the property described therein which is included in determining the value of the gross estate.

(C) *Community property-conversion into separate property*—(i) *After December 31, 1941.* If after December 31, 1941, property held as such community property (unless considered by reason of subparagraph (B) of this paragraph as not so held) was by the decedent and the surviving spouse converted, by one transaction or a series of transactions, into separate property of the decedent and his spouse (including any form of coownership by them), the separate property so acquired by the decedent and any property acquired at any time by the decedent in exchange therefor (by one exchange or a series of exchanges) shall, for the purposes of clauses (i), (ii), and (iii) of subparagraph (B), be considered as "held as such community property."

(ii) *Limitation.* Where the value (at the time of such conversion) of the separate property so acquired by the decedent exceeded the value (at such time) of the separate property so acquired by the decedent's spouse, the rule in clause (i) shall be applied only with respect to the same portion of such separate property of the decedent as the portion which the value (as of such time) of such separate property so acquired by the decedent's spouse is of the value (as of such time) of the separate property so acquired by the decedent.

§ 20.2056 (c)-1 *Marital deduction; limitation on aggregate of deductions; in general*—(a) *In general.* The allowable marital deduction is limited to the smaller of the following amounts:

(1) The aggregate value of the "deductible interests" which passed from the decedent to his surviving spouse (see paragraph (a) of § 20.2056 (a)-2).

(2) Fifty percent of the value of the decedent's "adjusted gross estate."

(b) *Adjusted gross estate.* The "adjusted gross estate" is the entire value of the decedent's gross estate less the aggregate amount of the deductions allowed for expenses, indebtedness, taxes, and losses under sections 2053 and 2054, unless the decedent and his spouse at any time held any property as community property (see § 20.2056 (c)-2). In determining the adjusted gross estate, the gross estate is not reduced by the exemption allowable under section 2052, or by the amount of any charitable deduction allowable under section 2055.

Example. The value of a decedent's gross estate is $200,000 and the aggregate amount of the deductions allowed by sections 2053 and 2054 for expenses, debts, taxes and losses is $30,000. (It is assumed for the purpose of this example that the decedent and his spouse never held any property as community property.) The decedent left $10,000 to a charitable organization for which a deduction is allowable under section 2055, and left the balance of his estate to his surviving spouse. The value of the adjusted gross estate is, therefore, $200,000 less $30,000, or $170,000. It is assumed that the aggregate value of the deductible interests which passed from the decedent to his surviving spouse is $100,000. The allowable marital deduction is limited to $85,000 (50 percent of the value of the adjusted gross estate).

§ 20.2056 (c)-2 *Marital deduction in cases involving community property.* (a) If the decedent and his surviving spouse at any time held property as "community property," as defined in this section, the "adjusted gross estate" referred to in § 20.2056 (c)-1 is the entire value of the gross estate less the sum of the following values and amounts:

(1) The value of any property included in the gross estate which was at the time of the decedent's death held by him and his surviving spouse as "community property," as defined in this section.

(2) The value of property (to the extent included in the gross estate) transferred by the decedent during his life if at the time of such transfer the property was held by him and his surviving spouse as "community property," as defined in this section.

(3) The amount (to the extent included in the gross estate) receivable as insurance under policies upon the life of the decedent, to the extent purchased with premiums or other consideration paid out of property then held by him and his surviving spouse as "community property," as defined in this section;

(4) An amount which bears the same ratio to the aggregate amount of the deductions for expenses, indebtedness, taxes and losses allowed by sections 2053 and 2054 as the value of the gross estate, reduced by the aggregate amount subtracted under subparagraphs (1), (2), and (3) of this paragraph, bears to the entire value of the gross estate. The amount to be subtracted under this subparagraph is

$$\frac{\text{Gross estate, less community property}}{\text{Entire gross estate}} \times \text{Deductions for expenses, indebtedness, taxes, and losses.}$$

(b) If a policy of insurance upon the life of the decedent was purchased partly with property held by him and his surviving spouse as "community property" as defined in this section, and partly with other property, the amount receivable under the policy is considered, for the purpose of paragraph (a) (3) of this section, to have been purchased with such "community property" in the proportion that the payments made with such "community property" bear to the total amount paid.

(c) In determining the "adjusted gross estate" under this section, property held by the decedent and his surviving spouse as "community property", at the time of the death of the decedent (for the purpose of paragraph (a) (1) of this section), at the time of the transfer (for the purpose of paragraph (a) (2) of this section), or at the time of the payment of insurance premiums or other consideration (for the purpose of paragraph (a) (3) of this section), is considered to include—

(1) Any property held by them at such time as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, except property in which the surviving spouse had at such time merely an expectant interest.

(2) Separate property acquired by the decedent as a result of a "conversion" after December 31, 1941, of property held by him and his surviving spouse as community property under the law of any State, Territory, or possession of the United States, or of any foreign country (except such property in which the surviving spouse had at the time of the "conversion" merely an expectant interest), into their separate property, subject to the limitation with respect to value contained in paragraph (h) of this section.

(3) Property acquired by the decedent in exchange (by one exchange or a series of exchanges) for separate property acquired as set forth under subparagraph (2) of this paragraph.

The burden of establishing the extent to which separate property of the decedent was acquired other than as described in subparagraphs (2) and (3) of this section rests upon the executor.

(d) The surviving spouse is regarded as having merely an expectant interest in property held as community property under the law of any State, Territory, or possession of the United States, or of any foreign country (1) at the time of the decedent's death, if the entire value of such property (and not merely one-half of it) is includible in the decedent's gross estate, or (2) at the time of any transfer, payment of insurance premiums or other consideration, or "conversion', if, in case of the death of the decedent at such time, the entire value of the property involved in the transfer, payment, or "conversion" (and not merely one-half of it) would have been so includible without regard to the provisions of section 402 (b) of the Revenue Act of 1942 (56 Stat. 942).

(e) The characteristics of property which acquired a noncommunity instead of a community status by reason of a agreement (whether antenuptial or postnuptial) are such that section 2056 (c) (2) (C) classifies the property as community property of the decedent and his surviving spouse in the computation of the "adjusted gross estate". In distinguishing property which thus acquired a noncommunity status from property which acquired such a status solely by operation of the applicable property law, section 2056 (c) (2) (C) refers to the former category of property as "separate property" acquired as a result of a "conversion" of "property held as such community property". As used in section 2056 (c) (2) (C), the phrase "property held as such community property" is used to denote the body of property comprehended within the community property system; the term "separate property" includes any noncommunity property (whether held in joint tenancy, tenancy by the entirety, tenancy in common, or otherwise); and the term "conversion" includes any transaction or agreement which transforms property from a community status into a noncommunity status.

(f) The separate property which section 2056 (c) (2) (C) classifies as community property is not limited to that which was in existence at the time of the conversion. The following are illustrative of the scope of section 2056 (c) (2) (C): (1) A partition of community property between husband and wife, in which a portion of such property became the separate property of each, is a conversion of such property; (2) a transfer of community property into some other form of coownership, such as a joint tenancy, is a conversion of such property; (3) an agreement (whether made before or after marriage) that future earnings and gains which would otherwise be community property shall be shared by the spouses as separate property effects a conversion of such earnings and gains; and (4) a change in the form of ownership of property which causes the future rentals therefrom, which would otherwise have been acquired as community property, to be acquired as separate property effects a conversion of the rentals.

(g) The rules of section 2056 (c) (2) (C) are applicable, however, only if the conversion took place after December 31, 1941, and only to the extent stated in this section.

(h) If the value of the separate property acquired by the decedent as a result of a conversion did not exceed the value of the separate property thus acquired by the surviving spouse, the entire separate property thus acquired by the decedent is to be considered, for the purpose of this section, as held by him and his surviving spouse as community property. If the value (at the time of the conversion) of the separate property so acquired by the decedent exceeded the value (at that time) of the separate property so acquired by the spouse, only a part of the separate property so acquired by the decedent (and only the same fractional part of property acquired by him in exchange for such separate property) is to be considered, for the purposes of this section, as held by him and his surviving spouse as community property. The part of such separate property (or property acquired in exchange therefor) which is considered as so held is the same proportion of it which the value (at the time of the conversion) of the separate property so acquired by the spouse is of the value (at that time) of the separate property so acquired by the decedent.

(j) The application of this section may be illustrated by the following examples:

Example (1). The value of a decedent's gross estate is $300,000, of which $200,000 represents his separate property and $100,000 represents his one-half interest in community property. The decedent's separate property was inherited from his father. The deductions allowed under sections 2053 and 2054 total $45,000. The adjusted gross estate is computed as follows:

Value of gross estate	$300,000
Reduction under paragraph (a) (1)	100,000
Reduction under paragraph (a) (4) $\left(\frac{\$200,000}{\$300,000}\times\$45,000\right)$	30,000
Total reduction	130,000
Adjusted gross estate	170,000

The marital deduction will be $85,000 (one-half the value of the adjusted gross estate) in case the aggregate value of the deductible interests which passed from the decedent to his surviving spouse equals or exceeds that amount.

Example (2). The facts are the same as in example (1) except that the decedent's separate property was not inherited from his father, but was acquired under the following transaction: On November 1, 1942, the decedent and his surviving spouse partitioned certain community property then having a value of $224,000. A portion of such property, then having a value of $160,000, was converted into the decedent's separate property, and the remaining portion then having a value of $64,000, was converted into his spouse's separate property. The portion of the separate property so acquired by the decedent which is considered as held as community property at the time of his death is represented by that proportion of $200,000 (the value, at the time of death, of such separate property) which $64,000 (the value, at the time of the conversion, of the separate property so acquired by his spouse) bears to $160,000 (the value, at the time of the conversion, of the separate property so acquired by the decedent), which proportion equals $80,000. The adjusted gross estate is computed as follows:

Value of gross estate	$300,000
Reduction under paragraph (a) (1) ($100,000 + $80,000)	180,000
Reduction under paragraph (a) (4) $\left(\frac{\$120,000}{\$300,000}\times\$45,000\right)$	18,000
Total reduction	198,000
Adjusted gross estate	102,000

The marital reduction will be $51,000 (one-half the value of the adjusted gross estate) in case the aggregate value of the deductible interests which passed from the decedent to his surviving spouse equals or exceeds that amount.

§ 20.2056 (d) *Statutory provisions; bequests, etc., to surviving spouse; disclaimers.*

SEC. 2056. *Bequests, etc., to surviving spouse.* * * *

(d) *Disclaimers*—(1) *By surviving spouse.* If under this section an interest would, in the absence of a disclaimer by the surviving spouse, be considered as passing from the decedent to such spouse, and if a disclaimer of such interest is made by such spouse, then such interest shall, for the purposes of this section, be considered as passing to the person or persons entitled to receive such interest as a result of the disclaimer.

(2) *By any other person.* If under this section an interest would, in the absence of a disclaimer by any person other than the surviving spouse, be considered as passing from the decedent to such person, and if a disclaimer of such interest is made by such person and as a result of such disclaimer the surviving spouse is entitled to receive such interest, then such interest shall, for purposes of this section, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

§ 20.2056 (d)-1 *Marital deduction; effect of disclaimers*—(a) *By a surviving spouse.* If a decedent's surviving spouse makes a disclaimer of any property interest which would otherwise be considered as having passed from the decedent to her, the disclaimed interest is to be considered as having passed from the decedent to the person or persons entitled to receive the interest as a result of the disclaimer. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. It is, therefore, necessary to distinguish between the surviving spouse's disclaimer of a property interest and her acceptance and subsequent disposal of a property interest. For example, if proceeds of insurance are payable to the surviving spouse and she refuses them so that they consequently pass to an alternate beneficiary designated by the decedent, the proceeds are considered as having passed from the decedent to the alternate beneficiary. On the other hand, if the surviving spouse directs the insurance company to hold the proceeds at interest during her life and, upon her death, to pay the principal sum to another person designated by her, thus effecting a transfer of a remainder interest, the proceeds are considered as having passed from the decedent to his spouse. See paragraph (c) of § 20.2056 (e)-2 with respect to a spouse's exercise or failure to exercise a right to take against a decedent's will.

(b) *By a person other than a surviving spouse.* It is unnecessary to distinguish, for the purpose of the marital deduction, between a disclaimer by a person other than the surviving spouse and a transfer by such person. If the surviving spouse becomes entitled to receive an interest in property from the decedent as a result of a disclaimer made by some other person, the interest is, nevertheless, considered as having passed from the decedent, not to the surviving spouse, but to the person who made the disclaimer, as though the disclaimer had not been made. If, as a result of a disclaimer made by a person other than the surviving spouse, a property interest passes to the surviving spouse under circumstances which meet the conditions set forth in

§ 20.2056 (b)–5 (relating to a life estate with a power of appointment), the rule stated in the preceding sentence applies, not only with respect to the portion of the interest which beneficially vests in the surviving spouse, but also with respect to the portion over which she acquires a power to appoint. The rule applies also in the case of proceeds under a life insurance, endowment, or annuity contract, which, as a result of a disclaimer made by a person other than the surviving spouse, are held by the insurer subject to the conditions set forth in § 20.2056 (b)–6.

§ 20.2056 (e) *Statutory provisions; bequests, etc., to surviving spouse; definition.*

SEC. 2056. *Bequests, etc., to surviving spouse.* * * *

(e) *Definition.* For purposes of this section, an interest in property shall be considered as passing from the decedent to any person if and only if—

(1) Such interest is bequeathed or devised to such person by the decedent;

(2) Such interest is inherited by such person from the decedent;

(3) Such interest is the dower or curtesy interest (or statutory interest in lieu thereof) of such person as surviving spouse of the decedent;

(4) Such interest has been transferred to such person by the decedent at any time;

(5) Such interest was, at the time of the decedent's death, held by such person and the decedent (or by them and any other person) in joint ownership with right of survivorship;

(6) The decedent had a power (either alone or in conjunction with any person) to appoint such interest and if he appoints or has appointed such interest to such person, or if such person takes such interest in default on the release or nonexercise of such power; or

(7) Such interest consists of proceeds of insurance on the life of the decedent receivable by such person.

Except as provided in paragraph (5) or (6) of subsection (b), where at the time of the decedent's death it is not possible to ascertain the particular person or persons to whom an interest in property may pass from the decedent, such interest shall, for purposes of subparagraphs (A) and (B) of subsection (b) (1), be considered as passing from the decedent to a person other than the surviving spouse.

§ 20.2056 (e)–1 *Marital deduction; definition of "passed from the decedent".* (a) The following rules are applicable in determining the person to whom any property interest "passed from the decedent":

(1) Property interests devolving upon any person (or persons) as surviving co-owner with the decedent under any form of joint ownership under which the right of survivorship existed are considered as having passed from the decedent to such person (or persons).

(2) Property interests at any time subject to the decedent's power to appoint (whether alone or in conjunction with any person) are considered as having passed from the decedent to the appointee under his exercise of the power, or, in case of the lapse, release or nonexercise of the power, as having passed from the decedent to the taker in default of exercise.

(3) The dower or curtesy interest (or statutory interest in lieu thereof) of the decedent's surviving spouse is considered as having passed from the decedent to his spouse.

(4) The proceeds of insurance upon the life of the decedent are considered as having passed from the decedent to the person who, at the time of the decedent's death, was entitled to receive the proceeds.

(5) Any property interest transferred during life, bequeathed or devised by the decedent, or inherited from the decedent, is considered as having passed to the person to whom he transferred, bequeathed, or devised the interest, or to the person who inherited the interest from him.

(6) The survivor's interest in an annuity or other payment described in section 2039 (see §§ 20.2039–1 and 20.2039–2) is considered as having passed from the decedent to the survivor only to the extent that the value of such interest is included in the decedent's gross estate under that section. If only a portion of the entire annuity or other payment is included in the decedent's gross estate and the annuity or other payment is payable to more than one beneficiary, then the value of the interest considered to have passed to each beneficiary is that portion of the amount payable to each beneficiary that the amount of the annuity or other payment included in the decedent's gross estate bears to the total value of the annuity or other payment payable to all beneficiaries.

(b) If before the decedent's death the decedent's surviving spouse had merely an expectant interest in property held by her and the decedent under community property laws, that interest is considered as having passed from the decedent to the spouse. As to the circumstances under which the interest of the surviving spouse under community property laws is regarded as merely expectant, see paragraph (d) of § 20.2056 (c)–2.

§ 20.2056 (e)–2 *Marital deduction; definition of "passed from the decedent to his surviving spouse"*—(a) *In general.* In general, the definition stated in § 20.2056 (e)–1 is applicable in determining the property interests which "passed from the decedent to his surviving spouse". Special rules are provided, however, for the following:

(1) In the case of certain interests with income for life to the surviving spouse with power of appointment in her (see § 20.2056 (b)–5);

(2) In the case of proceeds held by the insurer under a life insurance, endowment, or annuity contract with power of appointment in the surviving spouse (see § 20.2056 (b)–6);

(3) In case of the disclaimer of an interest by the surviving spouse or by any other person (see § 20.2056 (d)–1);

(4) In case of an election by the surviving spouse (see paragraph (c) of this section); and

(5) In case of a controversy involving the decedent's will, see paragraph (d) of this section.

A property interest is considered as passing to the surviving spouse only if it passed to her as beneficial owner, except to the extent otherwise provided in §§ 20.2056 (b)–5 and 20.2056 (b)–6 in the case of certain life estates and insurance and annuity contracts with powers of appointment. For this purpose, where a property interest passed from the decedent in trust, such interest is considered to have passed from him to his surviving spouse to the extent of her beneficial interest therein. The deduction may not be taken with respect to a property interest which passed to such spouse merely as trustee, or subject to a binding agreement by the spouse to dispose of the interest in favor of a third person. An allowance or award paid to a surviving spouse pursuant to local law for her support during the administration of the decedent's estate constitutes a property interest passing from the decedent to his surviving spouse. In determining whether or not such an interest is deductible, however, see generally the terminable interest rules of § 20.2056 (b)–1 and especially example (8) of paragraph (g) of that section.

(b) *Examples.* The following illustrate the provisions of paragraph (a) of this section:

(1) A property interest bequeathed in trust by H (the decedent) is considered as having passed from him to W (his surviving spouse)—

(i) If the trust income is payable to W for life and upon her death the corpus is distributable to her executors or administrators;

(ii) If W is entitled to the trust income for a term of years following which the corpus is to be paid to W or her estate;

(iii) If the trust income is to be accumulated for a term of years or for W's life and the augmented fund paid to W or her estate; or

(iv) If the terms of the transfer satisfy the requirements of § 20.2056 (b)–5.

(2) If H devised property—

(i) To A for life with remainder absolutely to W or her estate, the remainder interest is considered to have passed from H to W;

(ii) To W for life with remainder to her estate, the entire property is considered as having passed from H to W; or

(iii) Under conditions which satisfy the provisions of § 20.2056 (b)–5, the entire property is considered as having passed from H to W.

(3) Proceeds of insurance upon the life of H are considered as having passed from H to W if the terms of the contract—

(i) Meet the requirements of § 20.2056 (b)–6;

(ii) Provide that the proceeds are payable to W in a lum sum;

(iii) Provide that the proceeds are payable in installments to W for life and after her death any remaining installments are payable to her estate;

(iv) Provide that interest on the proceeds is payable to W for life and upon her death the principal amount is payable to her estate; or

(v) Provide that the proceeds are payable to a trustee under an arrangement whereby the requirements of section 2056 (b) (5) are satisfied.

(c) *Effect of election by surviving spouse.* This paragraph contains rules applicable if the surviving spouse may elect between a property interest offered to her under the decedent's will or other instrument and a property interest to which she is otherwise entitled (such as dower, a right in the decedent's estate, or her interest under community property laws) of which adverse disposition was attempted by the decedent under the will or other instrument. If the surviving spouse elects to take against the will or other instrument, then the property interests offered thereunder are not considered as having "passed from the decedent to his surviving spouse" and the dower or other property interest retained by her is considered as having so passed (if it otherwise so qualifies under this section). If the surviving spouse elects to take under the will or other instrument; then the dower or other property interest relinquished by her is not considered as having "passed from the decedent to his surviving spouse" (irrespective of whether it otherwise comes within the definition stated in paragraph (a) of this section) and the interest taken under the will or other instrument is considered as having so passed (if it otherwise so qualifies). As to the valuation of the property interest taken under the will or other instrument, see paragraph (b) of § 20.2056 (b)-4.

(d) *Will contests.* (1) If as a result of a controversy involving the decedent's will, or involving any bequest or devise thereunder, his surviving spouse assigns or surrenders a property interest in settlement of the controversy, the interest so assigned or surrendered is not considered as having "passed from the decedent to his surviving spouse."

(2) If as a result of the controversy involving the decedent's will, or involving any bequest or devise thereunder, a property interest is assigned or surrendered to the surviving spouse, the interest so acquired will be regarded as having "passed from the decedent to his surviving spouse" only if the assignment or surrender was a bona fide recognition of enforceable rights of the surviving spouse in the decedent's estate. Such a bona fide recognition will be presumed where the assignment or surrender was pursuant to a decision of a local court upon the merits in an adversary proceeding following a genuine and active contest. However, such a decree will be accepted only to the extent that the court passed upon the facts upon which deductibility of the property interests depends. If the assignment or surrender was pursuant to a decree rendered by consent, or pursuant to an agreement not to contest the will or not to probate the will, it will not necessarily be accepted as a bona fide evaluation of the rights of the spouse.

(e) *Survivorship.* If the order of deaths of the decedent and his spouse cannot be established by proof, a presumption (whether supplied by local law, the decedent's will, or otherwise) that the decedent was survived by his spouse will be recognized as satisfying paragraph (b) (1) of § 20.2056 (a)-1, but only to the extent that it has the effect of giving to the spouse an interest in property includible in her gross estate under part III of subchapter A of chapter 11. Under these circumstances, if an estate tax return is required to be filed for the estate of the decedent's spouse, the marital deduction will not be allowed in the final audit of the estate tax return of the decedent's estate with respect to any property interest which has not been finally determined to be includible in the gross estate of his spouse.

§ 20.2056 (e)-3 *Marital deduction; definition of "passed from the decedent to a person other than his surviving spouse".* The expression "passed from the decedent to a person other than his surviving spouse" refers to any property interest which, under the definition stated in § 20.2056 (e)-1 is considered as having "passed from the decedent" and which under the rules referred to in § 20.2056 (e)-2 is not considered as having "passed from the decedent to his surviving spouse." Interests which passed to a person other than the surviving spouse include interests so passing under the decedent's exercise, release, or nonexercise of a nontaxable power to appoint. It is immaterial whether the property interest which passed from the decedent to a person other than his surviving spouse is included in the decedent's gross estate. The term "person other than his surviving spouse" includes the possible unascertained takers of a property interest, as, for example, the members of a class to be ascertained in the future. As another example, assume that the decedent created a power of appointment over a property interest, which does not come within the purview of § 20.2056 (b)-5 or § 20.2056 (b)-6. In such a case, the term "person other than his surviving spouse" refers to the possible appointees and possible takers in default (other than the spouse) of such property interest. Whether or not there is a possibility that the "person other than his surviving spouse" (or the heirs or assigns of such person) may possess or enjoy the property following termination or failure of the interest therein which passed from the decedent to his surviving spouse is to be determined as of the time of the decedent's death.

ESTATES OF NONRESIDENTS NOT CITIZENS

§ 20.2101 *Statutory provisions; tax imposed.*

SEC. 2101. *Tax imposed*—(a) *In general.* A tax computed in accordance with the table contained in section 2001 is hereby imposed on the transfer of the taxable estate, determined as provided in section 2106, of every decedent nonresident not a citizen of the United States dying after the date of enactment of this title.

(b) *Property held by alien property custodian.* For taxes in connection with property or interests transferred to or vested in the Alien Property Custodian, see section 36 of the Trading With the Enemy Act, as added by the act of August 8, 1946 (60 Stat. 929; 50 U. S. C. App. 36).

§ 20.2101-1 *Estates of nonresidents not citizens; tax imposed.* Section 2101 imposes a tax on the transfer of the taxable estate of a nonresident who was not a citizen of the United States at the time of his death. The tax is computed at the same rates as the tax which is imposed on the transfer of the taxable estate of a citizen or resident of the United States. See section 2001. For a general description of the method to be used in determining the net estate tax payable in the case of an estate of a nonresident not a citizen, see paragraph (c) of § 20.0-2. For the meanings of the terms "resident", "nonresident," and "United States," see paragraph (b) (1) and (2) of § 20.0-1. For the presumption applying to the residence of missionaries, see section 2202. For the liability of the executor for payment of the tax, see section 2002.

§ 20.2102 *Statutory provisions; credits against tax.*

SEC. 2102. *Credits against tax.* The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2011 to 2013, inclusive (relating to State death taxes, gift tax, and tax on prior transfers).

§ 20.2102-1 *Estates of nonresidents not citizens; credits against tax.* In arriving at the net estate tax payable with respect to the transfer of an estate of a nonresident who was not a citizen of the United States at the time of his death, the following credits are subtracted from the tax imposed by section 2101:

(a) The State death tax credit under section 2011;

(b) The gift tax credit under section 2012; and

(c) The credit for tax on prior transfers under section 2013.

The amount of each of these credits is determined in the same manner as that prescribed for its determination in the estates of citizens and residents of the United States. See §§ 20.2011-1 through 20.2013-6. The provisions of sections 2015 and 2016, relating respectively to the credit for death taxes on remainders and the recovery of taxes claimed as a credit, are applicable with respect to the credit for State death taxes in the case of the estates of nonresidents not citizens. However, the credit for foreign death taxes under section 2014 is not allowed.

§ 20.2103 *Statutory provisions; definition of gross estate.*

SEC. 2103. *Definition of gross estate.* For the purpose of the tax imposed by section 2101, the value of the gross estate of every decedent nonresident not a citizen of the United States shall be that part of his gross estate (determined as provided in section 2031) which at the time of his death is situated in the United States.

§ 20.2103-1 *Estates of nonresidents not citizens; "entire gross estate."* The "entire gross estate" wherever situated of a nonresident who was not a citizen of the United States at the time of his death is made up in the same way as the "gross estate" of a citizen or resident of the United States. See §§ 20.2031-1 through 20.2044-1. As in the case of a citizen or resident of the United States, it does not include real property situated outside the United States. However, in the case of a nonresident not a citizen, only that part of the entire gross estate which is situated in the United States is included in his taxable estate. In fact, property situated outside the United States need not be disclosed on the return unless certain deductions are claimed or information is specifically requested. See §§ 20.2106-1 and 20.2106-2. For a description of property considered to be situated in the United States, see § 20.2104-1. For a description of property considered to be situated outside the United States, see § 20.2105-1.

-§ 20.2104 *Statutory provisions; property within the United States.*

SEC. 2104. *Property within the United States*—(a) *Stock in corporation.* For purposes of this subchapter shares of stock owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States only if issued by a domestic corporation.

(b) *Revocable transfers and transfers in contemplation of death.* For purposes of this subchapter, any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of sections 2035 to 2038, inclusive, shall be deemed to be situated in the United States, if so situated either at the time of the transfer or at the time of the decedent's death.

§ 20.2104-1 *Estates of nonresidents not citizens; property within the United States*—(a) *In general.* Property of a nonresident who was not a citizen of the United States at the time of his death is considered to be situated in the United States if it is—

(1) Real property located in the United States.

(2) Tangible personal property located in the United States, except certain works of art on loan for exhibition (see paragraph (b) of § 20.2105-1).

(3) Written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is physically located in the United States, except obligations of the United States (but not its instrumentalities) issued before March 1, 1941, if the decedent was not engaged in business in the United States at the time of his death.

(4) Except as specifically provided otherwise in this section or in § 20.2105-1, intangible personal property the written evidence of which is not treated as being the property itself, if it is issued by or enforceable against a resident of the United States or a domestic corporation or governmental unit.

(5) Shares of stock issued by a domestic corporation, regardless of the location of the certificates.

(6) Moneys deposited in the United States by or for the decedent with any person carrying on the banking business, if the decedent was engaged in business in the United States at the time of his death.

(b) *Transfers.* Property of which the decedent has made a transfer taxable under sections 2035 through 2038 is deemed to be situated in the United States if it is determined, under the provisions of paragraph (a) of this section, to be so situated either at the time of the transfer or at the time of the decedent's death. See §§ 20.2035-1 through 20.2038-1.

(c) *Death tax convention.* It should be noted that the situs rules described in this section may be modified for various purposes under the provisions of an applicable death tax convention with a foreign country.

§ 20.2105 *Statutory provisions; property without the United States.*

SEC. 2105. *Property without the United States*—(a) *Proceeds of life insurance.* For purposes of this subchapter, the amount receivable as insurance on the life of a nonresident not a citizen of the United States shall not be deemed property within the United States.

(b) *Bank deposits.* For purposes of this subchapter, any moneys deposited with any person carrying on the banking business, by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at the time of his death shall not be deemed property within the United States.

(c) *Works of art on loan for exhibition.* For purposes of this subchapter, works of art owned by a nonresident not a citizen of the United States shall not be deemed property within the United States if such works of art are—

(1) Imported into the United States solely for exhibition purposes,

(2) Loaned for such purposes, to a public gallery or museum, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and

(3) At the time of the death of the owner, on exhibition, or en route to or from exhibition, in such a public gallery or museum.

§ 20.2105-1 *Estates of nonresidents not citizens; property without the United States.* Property of a nonresident who was not a citizen of the United States at the time of his death is considered to be situated outside the United States if it is—

(a) Tangible personal property located outside the United States.

(b) Works of art owned by the decedent if they were—

(1) Imported into the United States solely for exhibition purposes,

(2) Loaned for those purposes to a public gallery or museum, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and

(3) At the time of the death of the owner, on exhibition, or en route to or from exhibition, in such a public gallery or museum.

(c) Written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is not physically located in the United States.

(d) Obligations of the United States issued before March 1, 1941, even though physically located in the United States, if the decedent was not engaged in business in the United States at the time of his death.

(e) Except as specifically provided otherwise in this section or in § 20.2104-1, intangible personal property the written evidence of which is not treated as being the property itself, if it is not issued by or enforceable against a resident of the United States or a domestic corporation or governmental unit.

(f) Shares of stock issued by a corporation which is not a domestic corporation, regardless of the location of the certificates.

(g) Amounts receivable as insurance on the decedent's life.

(h) Moneys deposited in the United States by or for the decedent with any person carrying on the banking business, if the decedent was not engaged in business in the United States at the time of his death.

§ 20.2106 *Statutory provisions; taxable estate.*

SEC. 2106. *Taxable estate*—(a) *Definition of taxable estate.* For purposes of the tax imposed by section 2101, the value of the taxable estate of every decedent nonresident not a citizen of the United States shall be determined by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) *Expenses, losses, indebtedness, and taxes.* That proportion of the deductions specified in sections 2053 and 2054 (other than the deductions described in the following sentence) which the value of such part bears to the value of his entire gross estate, wherever situated. Any deduction allowable under section 2053 in the case of a claim against the estate which was founded on a promise or agreement but was not contracted for an adequate and full consideration in money or money's worth shall be allowable under this paragraph to the extent that it would be allowable as a deduction under paragraph (2) if such promise or agreement constituted a bequest.

(2) *Transfers for public, charitable, and religious uses*—(A) *In general.* The amount of all bequests, legacies, devises, or transfers (including the interest which falls into any such bequest, legacy, devise, or transfer as a result of an irrevocable disclaimer of a bequest, legacy, devise, transfer, or power, if the disclaimer is made before the date prescribed for the filing of the estate tax return)—

(i) To or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(ii) To or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or

(iii) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation.

(B) *Powers of appointment.* Property includible in the decedent's gross estate under section 2041 (relating to powers of appointment) received by a donee described in this paragraph shall, for purposes of this paragraph, be considered a bequest of such decedent.

(C) *Death taxes payable out of bequests.* If the tax imposed by section 2101, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes.

(D) *Limitation on deduction.* The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(E) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 504 and 681.

(F) *Other cross references.* (1) For option as to time for valuation for purpose of deduction under this paragraph, see section 2032.

(2) For exemption of bequests to or for benefit of Library of Congress, see section 5 of the act of March 3, 1925, as amended (56 Stat. 765; 2 U. S. C. 161).

(3) For construction of bequests for benefit of the library of the Post Office Department as bequests to or for the use of the United States, see section 2 of the act of August 8, 1946 (60 Stat. 924; 5 U. S. C. 393).

(4) For exemption of bequests for benefit of Office of Naval Records and Library, Navy Department, see section 2 of the act of March 4, 1937 (50 Stat. 25; 5 U. S. C. 419b).

(5) For exemption of bequests to or for benefit of National Park Service, see section 5 of the act of July 10, 1935 (49 Stat. 478; 16 U. S. C. 19c).

(6) For construction of devises or bequests accepted by the Secretary of State under the Foreign Service Act of 1946 as devises or bequests to or for the use of the United States, see section 1021 (e) of that act (60 Stat. 1032; 22 U. S. C. 809).

(7) For construction of gifts or bequests of money accepted by the Attorney General for credit to "Commissary Funds, Federal Prisons" as gifts or bequests to or for the use of the United States, see section 2 of the act of May 15, 1952, 66 Stat. 73, as amended by the act of July 9, 1952, 66 Stat. 479 (31 U. S. C. 725s-4).

(8) For payment of tax on bequests of United States obligations to the United States, see section 24 of the Second Liberty Bond Act, as amended (59 Stat. 48, § 4; 31 U. S. C. 757e).

(9) For construction of bequests for benefit of or use in connection with the Naval Academy as bequests to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U. S. C. 1115b).

(10) For exemption of bequests for benefit of Naval Academy Museum, see section 4 of the Act of March 26, 1938 (52 Stat. 119; 34 U. S. C. 1119).

(11) For exemption of bequests received by National Archives Trust Fund Board, see section 7 of the National Archives Trust Fund Board Act (55 Stat. 582; 44 U. S. C. 300gg).

(3) *Exemption.* An exemption of $2,000.

(b) *Condition of allowance of deductions.* No deduction shall be allowed under paragraphs (1) and (2) of subsection (a) in the case of a nonresident not a citizen of the United States unless the executor includes in the return required to be filed under section 6018 the value at the time of his death of that part of the gross estate of such nonresident not situated in the United States.

(c) *United States bonds.* For purposes of section 2103, the value of the gross estate (determined as provided in section 2031) of a decedent who was not engaged in business in the United States at the time of his death—

(1) Shall not include obligations issued by the United States before March 1, 1941; and

(2) Shall include obligations issued by the United States on or after March 1, 1941.

§ 20.2106-1 *Estates of nonresidents not citizens; taxable estate; deductions in general.* (a) Section 2106 (a) provides that the taxable estate of a nonresident who was not a citizen of the United States at the time of his death is determined by subtracting from the value of that part of his gross estate which, at the time of his death, is situated in the United States the total amount of the following deductions:

(1) The deductions allowed in the case of estates of decedents who were citizens or residents of the United States under sections 2053 and 2054 (see §§ 20.2053-1 through 20.2053-9 and § 20.2054-1) for expenses, indebtedness and taxes, and for losses, to the extent provided in § 20.2106-2.

(2) A deduction computed in the same manner as the one allowed under section 2055 (see §§ 20.2055-1 through 20.2055-4) for charitable, etc., transfers, except—

(i) That the deduction is allowed only for transfers to corporations and associations created or organized in the United States, and to trustees for use within the United States, and

(ii) That the provisions contained in paragraph (c) (2) of § 20.2055-2 relating to termination of a power to consume are not applicable.

(3) An exemption of $2,000, unless a death tax convention provides for another amount, such as a prorated part of the exemption allowed in the case of estates of citizens and residents of the United States under section 2052.

(b) Section 2106 (b) provides that no deduction is allowed under paragraph (a) (1) or (2) of this section unless the executor discloses in the estate tax return the value of that part of the gross estate not situated in the United States. See § 20.2105-1. Such part must be valued as of the date of the decedent's death, or if the alternate valuation method under section 2032 is elected, as of the applicable valuation date. No marital deduction under section 2056 is allowed.

(c) In connection with the provisions of section 2106 (c), see paragraph (a) (3) of § 20.2104-1 and paragraph (d) of § 20.2105-1.

§ 20.2106-2 *Estates of nonresidents not citizens; deductions for expenses, losses, etc.* (a) In computing the taxable estate of a nonresident who was not a citizen of the United States at the time of his death, deductions are allowed under sections 2053 and 2054 for expenses, indebtedness and taxes, and for losses, to the following extent:

(1) A pledge or subscription is deductible if it is an enforceable claim against the estate and if it would constitute an allowable deduction under paragraph (a) (2) of § 20.2106-1, relating to charitable, etc., transfers, if it had been a bequest.

(2) That proportion of other deductions under sections 2053 and 2054 is allowed which the value of that part of the decedent's gross estate situated in the United States at the time of his death bears to the value of the decedent's entire gross estate wherever situated. It is immaterial whether the amounts to be deducted were incurred or expended within or without the United States.

No deduction is allowed under this paragraph unless the value of the decedent's entire gross estate is disclosed in the estate tax return. See paragraph (b) of § 20.2106-1.

(b) In order that the Internal Revenue Service may properly pass upon the items claimed as deductions, the executor should submit a certified copy of the schedule of liabilities, claims against the estate, and expenses of administration filed under any applicable foreign death duty act. If no such schedule was filed, the executor should submit a certified copy of the schedule of these liabilities, claims and expenses filed with the foreign court in which administration was had. If the items of deduction allowable under section 2106 (a) (1) were not included in either such schedule, or if no such schedules were filed, then there should be submitted a written statement of the foreign executor containing a declaration that it is made under the penalties of perjury setting forth the facts relied upon as entitling the estate to the benefit of the particular deduction or deductions.

(c) The application of this section and of § 20.2106-1 may be illustrated by the following example:

Example. The decedent was a nonresident, not a citizen of the United States at the time of his death. His gross estate, wherever situated, amounts to $1,000,000, of which $200,000 (or 20 percent) represents the value of the property having its situs within the United States. The funeral expenses, administration expenses, and claims against the estate aggregate $150,000, and there are charitable bequests, for use within the United States, amounting to $25,000. The decedent's taxable estate is determined as follows:

That part of the entire gross estate situated in the United States		$200,000
Deductions for expenses and claims (20 percent of $150,000)	$30,000	
Charitable deduction	25,000	
Exemption	2,000	
		57,000
Taxable estate		143,000

For the manner of computing the tax on the taxable estate, see § 20.2001-2.

Miscellaneous

§ 20.2201 *Statutory provisions; members of the Armed Forces dying during an induction period.*

Sec. 2201. *Members of the Armed Forces dying during an induction period.* The additional estate tax as defined in section 2011 (d) shall not apply to the transfer of the taxable estate of a citizen or resident of the United States dying during an induction period (as defined in sec. 112 (c) (5)), while in active service as a member of the Armed Forces of the United States, if such decedent—

(1) Was killed in action while serving in a combat zone, as determined under section 112 (c); or

(2) Died as a result of wounds, disease, or injury suffered, while serving in a combat zone (as determined under section 112 (c)), and while in line of duty, by reason of a hazard to which he was subjected as an incident of such service.

§ 20.2201-1 *Members of the Armed Forces dying during an induction period.* (a) The additional estate tax as defined in section 2011 (d) does not apply to the transfer of the taxable estate of a citizen or resident of the United States dying during an induction period as defined in section 112 (c) (5) (see paragraph (b) of this section) and while in active service as a member of the Armed Forces of the United States, if the decedent—

(1) Was killed in action while serving in a combat zone, as determined under section 112 (c) (2) and (3) (see paragraph (c) of this section), or

(2) Died as a result of wounds, disease, or injury suffered while serving in such a combat zone and while in line of duty, by reason of a hazard to which he was subject as an incident of such service.

(b) Section 112 (c) (5) defines the term "induction period" as meaning any period during which individuals are liable for induction, for reasons other than prior deferment, for training and service in the Armed Forces of the United States.

(c) Section 112 (c) (2) and (3) provides that service is performed in a combat zone only—

(1) If it is performed in an area which the President of the United States has designated by Executive order for purposes of section 112 (c) as an area in which the Armed Forces of the United States are, or have, engaged in combat, and

(2) If it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive order as the date of termination of combatant activities in such zone.

(d) If the official record of the branch of the Armed Forces of which the decedent was a member at the time of his death states that the decedent was killed in action while serving in a combat zone, or that death resulted from wounds or injuries received or disease contracted while in line of duty in a combat zone, this fact shall, in the absence of evidence establishing to the contrary, be presumed to be established for the purposes of the exemption. Moreover, wounds, injuries or disease suffered while in line of duty will be considered to have been caused by a hazard to which the decedent was subjected as an incident of service as a member of the Armed Forces, unless the hazard which caused the wounds, injuries, or disease was clearly unrelated to such service.

(e) A person was in active service as a member of the Armed Forces of the United States if he was at the time of his death actually serving in such forces. A member of the Armed Forces in active service in a combat zone who thereafter becomes a prisoner of war or missing in action, and occupies such status at death or when the wounds, disease, or injury resulting in death were incurred, is considered for purposes of this section as serving in a combat zone.

(f) The exemption from tax granted by section 2201 does not apply to the basic estate tax as defined in section 2011 (d).

§ 20.2202 *Statutory provisions; missionaries in foreign service.*

SEC. 2202. *Missionaries in foreign service.* Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, Alaska, or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service.

§ 20.2202-1 *Missionaries in foreign service.* Section 2202 provides that a duly commissioned missionary, dying while in foreign missionary service under a board of foreign missions of a religious denomination in the United States, is presumed to have retained a United States residence (see paragraph (b) (1) of § 20.0-1) held at the time of his commission and departure for foreign service, in the absence of relevant facts other than his intention to remain permanently in such foreign service.

§ 20.2203 *Statutory provisions; definition of executor.*

SEC. 2203. *Definition of executor.* The term "executor" wherever it is used in this title in connection with the estate tax imposed by this chapter means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.

§ 20.2203-1 *Definition of executor.* The term "executor" means the executor or administrator of the decedent's estate. However, if there is no executor or administrator appointed, qualified and acting within the United States, the term means any person in actual or constructive possession of any property of the decedent. The term "person in actual or constructive possession of any property of the decedent" includes, among others, the decedent's agents and representatives; safe-deposit companies, warehouse companies, and other custodians of property in this country; brokers holding, as collateral, securities belonging to the decedent; and debtors of the decedent in this country.

§ 20.2204 *Statutory provisions; discharge of executor from personal liability.*

SEC. 2204. *Discharge of executor from personal liability.* If the executor makes written application to the Secretary or his delegate for determination of the amount of the tax and discharge from personal liability therefor, the Secretary or his delegate (as soon as possible, and in any event within 1 year after the making of such application, or, if the application is made before the return is filed, then within 1 year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 6501) shall notify the executor of the amount of the tax. The executor, on payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

§ 20.2204-1 *Discharge of executor from personal liability.* The executor of a decedent's estate may make written application to the district director for the district in which the estate tax return is filed for a determination of the Federal estate tax and discharge from personal liability therefor. Within one year after receipt of the application, or if the application is made before the return is filed then within one year after the return is filed, the executor will be notified of the amount of the tax and, upon payment thereof, he will be discharged from personal liability for any deficiency in the tax thereafter found to be due. If no such notification is received, the executor is discharged at the end of such one year period from personal liability for any deficiency thereafter found to be due.

§ 20.2205 *Statutory provisions; reimbursement out of estate.*

SEC. 2205. *Reimbursement out of estate.* If the tax or any part thereof is paid by, or collected out of, that part of the estate passing to or in the possession of any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this chapter that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution.

§ 20.2205-1 *Reimbursement out of estate.* If any portion of the tax is paid by or collected out of that part of the estate passing to, or in the possession of, any person other than the duly qualified executor or administrator, that person may be entitled to reimbursement, either out of the undistributed estate or by contribution from other beneficiaries whose shares or interests in the estate would have been reduced had the tax been paid before distribution of the estate, or whose shares or interests are subject either to an equal or prior liability for the payment of taxes, debts, or other charges against the estate. For specific provisions giving the executor the right to reimbursement from life insurance beneficiaries and from recipients of property over which the decedent had a power of appointment, see sections 2206 and 2207. These provisions, however, are not designed to curtail the right of the district director to collect the tax from any person, or out of any property, liable for its payment. The district director cannot be required to apportion the tax among the persons liable nor to enforce any right of reimbursement or contribution.

§ 20.2206 *Statutory provisions; liability of life insurance beneficiaries.*

Sec. 2206. *Liability of life insurance beneficiaries.* Unless the decedent directs otherwise in his will, if any part of the gross estate on which tax has been paid consists of proceeds of policies of insurance on the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds of such policies bear to the sum of the taxable estate and the amount of the exemption allowed in computing the taxable estate, determined under section 2051. If there is more than one such beneficiary, the executor shall be entitled to recover from such beneficiaries in the same ratio. In the case of such proceeds receivable by the surviving spouse of the decedent for which a deduction is allowed under section 2056 (relating to marital deduction), this section shall not apply to such proceeds except as to the amount thereof in excess of the aggregate amount of the marital deductions allowed under such section.

§ 20.2206–1 *Liability of life insurance beneficiaries.* With respect to the right of the district director to collect the tax without regard to the provisions of section 2206, see § 20.2205–1.

§ 20.2207 *Statutory provisions; liability of recipient of property over which decedent had power of appointment.*

Sec. 2207. *Liability of recipient of property over which decedent had power of appointment.* Unless the decedent directs otherwise in his will, if any part of the gross estate on which the tax has been paid consists of the value of property included in the gross estate under section 2041, the executor shall be entitled to recover from the person receiving such property by reason of the exercise, nonexercise, or release of a power of appointment such portion of the total tax paid as the value of such property bears to the sum of the taxable estate and the amount of the exemption allowed in computing the taxable estate, determined under section 2052, or section 2106 (a), as the case may be. If there is more than one such person, the executor shall be entitled to recover from such persons in the same ratio. In the case of such property received by the surviving spouse of the decedent for which a deduction is allowed under section 2056 (relating to marital deduction), this section shall not apply to such property except as to the value thereof reduced by an amount equal to the excess of the aggregate amount of the marital deductions allowed under section 2056 over the amount of proceeds of insurance upon the life of the decedent receivable by the surviving spouse for which proceeds a marital deduction is allowed under such section.

§ 20.2207–1 *Liability of recipient of property over which decedent had power of appointment.* With respect to the right of the district director to collect the tax without regard to the provisions of section 2207, see § 20.2205–1.

PROCEDURE AND ADMINISTRATION

§ 20.6001 *Statutory provisions; notice or regulations requiring records, statements, and special returns.*

Sec. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 20.6001–1 *Persons required to keep records and render statements.* (a) It is the duty of the executor to keep such complete and detailed records of the affairs of the estate for which he acts as will enable the district director to determine accurately the amount of the estate tax liability. All documents and vouchers used in preparing the estate tax return (§ 20.6018–1) shall be retained by the executor so as to be available for inspection whenever required.

(b) In addition to filing a preliminary notice (see § 20.6036–1) and an estate tax return (see § 20.6018–1), the executor shall furnish such supplemental data as may be necessary to establish the correct estate tax. It is therefore the duty of the executor (1) to furnish, upon request, copies of any documents in his possession (or on file in any court having jurisdiction over the estate) relating to the estate, appraisal lists of any items included in the gross estate, copies of balance sheets or other financial statements obtainable by him relating to the value of stock, and any other information obtainable by him that may be found necessary in the determination of the tax, and (2) to render any written statement, containing a declaration that it is made under penalties of perjury, of facts within his knowledge which the district director may require for the purpose of determining whether a tax liability exists and, if so, the extent thereof. Failure to comply with such a request will render the executor liable to penalties (see section 7269), and proceedings may be instituted in the proper court of the United States to secure compliance therewith (see section 7604).

(c) Persons having possession or control of any records or documents containing or supposed to contain any information concerning the estate, or having knowledge of or information about any fact or facts which have a material bearing upon the liability, or the extent of liability, of the estate for the estate tax, shall, upon request of the district director, make disclosure thereof. Failure on the part of any person to comply with such request will render him liable to penalties (section 7269), and compliance with the request may be enforced in the proper court of the United States (section 7604).

(d) Upon notification from the Internal Revenue Service, a corporation (organized or created in the United States) or its transfer agent is required to furnish the following information pertaining to stocks or bonds registered in the name of a nonresident decedent (regardless of citizenship): (1) The name of the decedent as registered; (2) the date of the decedent's death; (3) the decedent's residence and his place of death; (4) the names and addresses of executors, attorneys, or other representatives of the estate, within and without the United States; and (5) a description of the securities, the number of shares or bonds and the par values thereof.

§ 20.6011 *Statutory provisions; general requirement of return, statement, or list.*

Sec. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

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(c) *Income, estate, and gift taxes.* For requirement that returns of income, estate, and gift taxes be made whether or not there is tax liability, see sections 6012 to 6019, inclusive.

§ 20.6011–1 *General requirement of return, statement, or list*—(a) *General rule.* Every person made liable for any tax imposed by subtitle B of the Code shall make such returns or statements as are required by the regulations in this part. The return or statement shall include therein the information required by the applicable regulations or forms.

(b) *Use of prescribed forms.* Copies of the forms prescribed by §§ 20.6018–1 and 20.6036–1 may be obtained from district directors. The fact that an executor has not been furnished with copies of these forms will not excuse him from filing a preliminary notice or making a return. Application for a form shall be made to the district director in ample time for the executor to have the form prepared, verified, and filed with the district director on or before the date prescribed for the filing thereof (see §§ 20.6071–1 and 20.6075–1). The executor shall carefully prepare the preliminary notice and the return so as to set forth fully and clearly the data called for therein. A preliminary notice or a return which has not been so prepared will not be accepted as meeting the requirements of §§ 20.6018–1 through 20.6018–4 and § 20.6036–1.

§ 20.6018 *Statutory provisions; estate tax returns.*

Sec. 6018. *Estate tax returns*—(a) *Returns by executor*—(1) *Citizens or residents.* In all cases where the gross estate at the death of a citizen or resident exceeds $60,000, the executor shall make a return with respect to the estate tax imposed by subtitle B.

(2) *Nonresidents not citizens of the United States.* In the case of the estate of every nonresident not a citizen of the United States if that part of the gross estate which is situated in the United States exceeds $2,000, the executor shall make a return with respect to the estate tax imposed by subtitle B.

(b) *Returns by beneficiaries.* If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein. Upon notice from the Secretary or his delegate such person shall in like manner make a return as to such part of the gross estate.

§ 20.6018–1 *Returns*—(a) *Estates of citizens or residents.* A return must be filed on Form 706 for the estate of every citizen or resident of the United States whose gross estate exceeded $60,000 in value on the date of his death. The value of the gross estate at the date of death governs with respect to the filing of the return regardless of whether the value of the gross estate is, at the executor's election, finally determined as of a date subsequent to the date of death pursuant to the provisions of section 2032. Duplicate copies of the return are not required to be filed. For the contents of the return, see § 20.6018-3.

(b) *Estates of nonresidents not citizens.* A return must be filed on Form 706 or 706NA for the estate of every nonresident not a citizen if the value of the part of the gross estate situated in the United States exceeded $2,000 on the date of his death. Under certain conditions the return may be made only on Form 706. See the instructions on Form 706NA for circumstances under which that form may not be used. Duplicate copies of the return are not required to be filed. For the contents of the return, see § 20.6018-3.

(c) *Place for filing.* See § 20.6091-1 for the place where the return shall be filed.

(d) *Time for filing.* See § 20.6075-1 for the time for filing the return.

§ 20.6018-2 *Returns; person required to file return.* It is required that the duly qualified executor or administrator shall file the return. If there is more than one executor or administrator, the return must be made jointly by all. If there is no executor or administrator appointed, qualified and acting within the United States, every person in actual or constructive possession of any property of the decedent situated in the United States is constituted an executor for purposes of the tax (see § 20.2203-1), and is required to make and file a return. If in any case the executor is unable to make a complete return as to any part of the gross estate, he is required to give all the information he has as to such property, including a full description, and the name of every person holding a legal or beneficial interest in the property. If the executor is unable to make a return as to any property, every person holding a legal or beneficial interest therein shall, upon notice from the district director, make a return as to that part of the gross estate. For delinquency penalty for failure to file return, see section 6651 and § 301.6651-1 of this chapter (Regulations on Procedure and Administration). For criminal penalties for failure to file a return and filing a false or fraudulent return, see sections 7203, 7206, 7207, and 7269.

§ 20.6018-3 *Returns; contents of returns*—(a) *Citizens or residents.* The return of an estate of a decedent who was a citizen or resident of the United States at the time of his death must contain an itemized inventory by schedule of the property constituting the gross estate and lists of the deductions under the proper schedules. The return shall set forth (1) the value of the gross estate (see §§ 20.2031-1 through 20.2044-1), (2) the deduction claimed (see §§ 20.2052-1 through 20.2056 (e)-3), (3) the taxable estate (see § 20.2051-1), and (4) the gross estate tax, reduced by any credits (see §§ 20.2011-1 through 20.2014-6) against the tax. In listing upon the return the property constituting the gross estate (other than household and personal effects for which see § 20.2031-6), the description of it shall be such that the property may be readily identified for the purpose of verifying the value placed on it by the executor.

(b) *Nonresidents not citizens.* The return of an estate of a decedent who was not a citizen or resident of the United States at the time of his death must contain the following information: (1) An itemized list of that part of the gross estate situated in the United States (see § 20.2104-1), (2) an itemized list of any deductions claimed (see §§ 20.2106-1 and 20.2106-2), (3) the amount of the taxable estate (see § 20.2106-1), and (4) the gross estate tax, reduced by any credits (see § 20.2102-1) against the tax. For the disallowance of certain deductions if the return does not disclose that part of the gross estate not situated in the United States, see §§ 20.2106-1 and 20.2106-2.

(c) *Provisions applicable to returns described in paragraphs (a) and (b) of this section.* (1) A legal description shall be given of each parcel of real estate, and, if located in a city, the name of the street and number, its area, and, if improved, a short statement of the character of the improvements.

(2) A description of bonds shall include the number held, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number if there is more than one issue, and the principal exchange upon which listed, or the principal business office of the obligor, if unlisted. A description of stocks shall include number of shares, whether common or preferred, and, if preferred, what issue, par value, quotation at which returned, exact name of corporation, and, if the stock is unlisted, the location of the principal business office and State in which incorporated and the date of incorporation, or if the stock is listed, the principal exchange upon which sold. A description of notes shall include name of maker, date on which given, date of maturity, amount of principal, amount of principal unpaid, rate of interest and whether simple or compound, date to which interest has been paid and amount of unpaid interest. A description of the seller's interest in land contracts shall include name of buyer, date of contract, description of property, sale price, initial payment, amounts of installment payments, unpaid balance of principal and accrued interest, interest rate and date prior to decedent's death to which interest had been paid.

(3) A description of bank accounts shall disclose the name and address of depository, amount on deposit, whether a checking, savings, or a time-deposit account, rate of interest, if any payable, amount of interest accrued and payable, and serial number. A description of life insurance shall give the name of the insurer, number of policy, name of the beneficiary, and the amount of the proceeds.

(4) In describing an annuity, the name and address of the grantor of the annuity shall be given, or, if the annuity is payable out of a trust or other funds, such a description as will fully identify it. If the annuity is payable for a term of years, the duration of the term and the date on which it began shall be given, and if payable for the life of a person other than the decedent, the date of birth of such person shall be stated. If the executor has not included in the gross estate the full value of an annuity or other payment described in section 2039, he shall nevertheless fully describe the annuity and state its total purchase price and the amount of the contribution made by each person (including the decedent's employer) toward the purchase price. If the executor believes that any part of the annuity or other payment is excludable from the gross estate under the provisions of section 2039, or for any other reason, he shall state in the return the reason for his belief.

(5) Judgments should be described by giving the title of the cause and the name of the court in which rendered, date of judgment, name and address of the judgment debtor, amount of judgment, and rate of interest to which subject, and by stating whether any payments have been made thereon, and, if so, when and in what amounts.

(6) If, pursuant to section 2032, the executor elects to have the estate valued at a date or dates subsequent to the time of the decedent's death, there must be set forth on the return: (i) An itemized description of all property included in the gross estate on the date of the decedent's death, together with the value of each item as of that date; (ii) an itemized disclosure of all distributions, sales, exchanges, and other dispositions of any property during the 1-year period after the date of the decedent's death, together with the dates thereof; and (iii) the value of each item of property in accordance with the provisions of section 2032 (see § 20.2032-1). Interest and rents accrued at the date of the decedent's death and dividends declared to stockholders of record on or before the date of the decedent's death and not collected at that date are to be shown separately. (See also paragraph (e) of § 20.6018-4 with respect to documents required to be filed with the return.)

(7) All transfers made by the decedent within 3 years before the date of his death of a value of $1,000 or more and all transfers (other than outright transfers not in trust) made by the decedent at any time during his life of a value of $5,000 or more, except bona fide sales for an adequate and full consideration in money or money's worth, must be disclosed in the return, whether or not the executor regards the transfers as subject to the tax. If the executor believes that such a transfer is not subject to the tax, a brief statement of the pertinent facts shall be made.

§ 20.6018-4 *Returns; documents to accompany the return.* (a) A certified copy of the will, if the decedent died testate, must be submitted with the return, together with copies of such other documents as are required in Form 706 and in the applicable sections of these regulations. There may also be filed copies of any documents which the executor may desire to submit in explanation of the return.

(b) In the case of an estate of a nonresident citizen, the executor shall also file the following documents with the return: (1) A copy of any inventory of property and schedule of liabilities, claims against the estate and expenses of administration filed with the foreign court of probate jurisdiction, certified by a proper official of the court; and (2) a copy of any return filed under any applicable foreign inheritance, estate, legacy, or succession tax act, certified by a proper official of the foreign tax department.

(c) In the case of an estate of a nonresident not a citizen, the executor must also file with the return, but only if deductions are claimed, a copy of the inventory of property filed under the foreign death duty act; or, if no such inventory was filed, a certified copy of the inventory filed with the foreign court of probate jurisdiction.

(d) For every policy of life insurance listed on the return, the executor must procure a statement, on Form 712, by the company issuing the policy and file it with the return.

(e) If, pursuant to section 2032, the executor elects to have the estate valued at a date or dates subsequent to the time of the decedent's death, the executor shall file with the return evidence in support of any statements made by him in the return as to distributions, sales, exchanges, or other dispositions of property during the 1-year period which followed the decedent's death. If the court having jurisdiction over the estate makes an order or decree of distribution during that period, a certified copy thereof must be submitted as part of the evidence. The district director may require the submission of such additional evidence as is deemed necessary.

(f) In any case where a transfer, by trust or otherwise, was made by a written instrument, a copy thereof shall be filed with the return if (1) the property is included in the gross estate, or (2) the executor pursuant to the provisions of paragraph (c) (7) of § 20.6018-3 has made a disclosure of the transfer on the return but has not included its value in the gross estate in the belief that it is not so includible. If the written instrument is of public record, the copy shall be certified, or if it is not of record, the copy shall be verified. If the decedent was a nonresident not a citizen at the time of his death, the copy may be either certified or verified.

(g) If the executor contends that the value of property transferred by the decedent within a period of three years ending with the date of the decedent's death should not be included in the gross estate because he considers that the transfer was not made in contemplation of death, he shall file with the return (1) a copy of the death certificate, and (2) a statement, containing a declaration that it is made under the penalties of perjury, of all the material facts and circumstances, including those directly or indirectly indicating the decedent's motive in making the transfer and his mental and physical condition at that time. However, this data need not be furnished with respect to transfers of less than $1,000 in value unless requested by the district director.

§ 20.6036 *Statutory provisions; notice of qualification as executor or receiver.*

SEC. 6036. *Notice of qualification as executor or receiver.* Every receiver, trustee in bankruptcy, assignee for benefit of creditors, or other like fiduciary, and every executor (as defined in section 2203), shall give notice of his qualification as such to the Secretary or his delegate in such manner and at such time as may be required by regulations of the Secretary or his delegate. The Secretary or his delegate may by regulation provide such exemptions from the requirements of this section as the Secretary or his delegate deems proper.

§ 20.6036-1 *Notice of qualification as executor*—(a) *Preliminary notice.* A preliminary notice is required to be filed on Form 704 in the case of every citizen or resident of the United States whose gross estate exceeded $60,000 in value at the date of death, and on Form 705 in the case of every nonresident who is not a citizen if that part of his gross estate which was situated in the United States (see § 20.2104-1) exceeded $2,000 in value at the date of death. The value of the gross estate at the date of death governs with respect to the filing of the notice regardless of whether the value of the gross estate is, at the executor's election, finally determined as of a date subsequent to the date of death pursuant to the provisions of section 2032. If there is doubt as to whether the gross estate exceeds $60,000 or $2,000, as the case may be, the notice shall be filed as a matter of precaution in order to avoid the possibility of penalties attaching. The primary purpose of the notice is to advise the Internal Revenue Service of the existence of taxable estates, and filing shall not be delayed beyond the period provided for in § 20.6071-1 merely because of uncertainty as to the exact value of the assets. The estimate of the gross estate called for by the notice shall be the best approximation of value which can be made within the time allowed. Duplicate copies of the preliminary notice are not required to be filed. For criminal penalties for failure to file a notice and filing a false or fraudulent notice, see sections 7203, 7207, and 7269. See § 20.6091-1 for the place for filing the notice. See § 20.6071-1 for the time for filing the notice.

(b) *Persons required to file.* In the case of an estate of a citizen or resident of the United States the preliminary notice must be filed by the duly qualified executor or administrator, or if none qualifies within two months after the decedent's death, by every person in actual or constructive possession of any property of the decedent at or after the time of the decedent's death. The signature of one executor or administrator on the preliminary notice is sufficient. In the case of a nonresident not a citizen, the notice must be filed by every duly qualified executor or administrator within the United States, or if none qualifies within two months after the decedent's death, by every person in actual or constructive possession of any property of the decedent at or after the time of the decedent's death.

§ 20.6071 *Statutory provisions; time for filing returns and other documents.*

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

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§ 20.6071-1 *Time for filing of preliminary notice.* If a duly qualified executor or administrator of the estate of a decedent who was a resident or a citizen of the United States qualifies within two months after a decedent's death, or if a duly qualified executor or administrator of the estate of a nonresident not a citizen qualifies within the United States within two months after the decedent's death, the preliminary notice required by § 20.6036-1 must be filed within two months after his qualification. If no such executor or administrator qualifies within that period, the preliminary notice must be filed within two months of the decedent's death.

§ 20.6075 *Statutory provisions; time for filing estate tax return.*

SEC. 6075. *Time for filing estate and gift tax returns*—(a) *Estate tax returns.* Returns made under section 6018 (a) (relating to estate taxes) shall be filed within 15 months after the date of the decedent's death.

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§ 20.6075-1 *Returns; time for filing estate tax return.* The estate tax return required by section 6018 must be filed on or before the due date. The due date is the date on or before which the return is required to be filed in accordance with the provisions of section 6075 (a) or the last day of the period covered by an extension of time granted by the district director as provided in § 20.6081-1. Unless an extension of time for filing has been granted, the due date is the day of the fifteenth calendar month after the decedent's death numerically corresponding to the day of the calendar month on which death occurred, except that, if there is no numerically corresponding day in such fifteenth month, the last day of the fifteenth month is the due date. For example, if the decedent died on August 31, 1955, the due date is November 30, 1956. When the due date falls on Saturday, Sunday, or a legal holiday, the due date for filing the return is the next succeeding day which is not Saturday, Sunday, or a legal holiday. For definition of a legal holiday, see section 7503 and § 301.7503-1 of this chapter (Regulations on Procedure and Administration). As to additions to the tax in the case of failure to file the return within the prescribed time, see section 6651 and § 301.6651-1 of this chapter (Regulations on Procedure and Administration). For rules with respect to the right to elect to have the property valued as of a date or dates subsequent to the decedent's death, see § 20.2032–1, and section 7502 and § 301.7502–1 of this chapter (Regulations on Procedure and Administration).

§ 20.6081 *Statutory provisions; extension of time for filing returns.*

Sec. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

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(c) *Postponement by reason of war.* For time for performing certain acts postponed by reason of war, see section 7508.

§ 20.6081–1 *Extension of time for filing the return.* (a) In case it is impossible or impracticable for the executor to file a reasonably complete return within 15 months from the date of death, the district director may, upon a showing of good and sufficient cause, grant a reasonable extension of time for filing the return required by section 6018. Unless the executor is abroad, the extension may not be for more than six months from the date for filing provided by section 6075 (a). Therefore, unless the executor is abroad, the due date for filing the return under any extension granted by a district director may not be later than 21 months from the date of the decedent's death. The extension may, of course, be for a lesser period of time.

(b) The application for an extension of time for filing the return shall be addressed to the district director for the district in which the return is to be filed, and must contain a full recital of the causes for the delay. It must be made before the expiration of the time within which the return otherwise must be filed. It shall, where possible, be made sufficiently early to permit the district director to consider the matter and reply before what otherwise would be the due date of the return.

(c) A return as complete as possible must be filed before the expiration of the extension period granted. The return thus filed will be the return required by section 6018 (a) and any tax shown thereon will be the "amount determined by the executor as the tax" referred to in section 6161 (a) (2), or the "amount shown as the tax by the taxpayer upon his return" referred to in section 6211 (a) (1) (A). The return cannot be amended after the expiration of the extension period although supplemental information may subsequently be filed that may result in a finally determined tax different from the amount shown as the tax by the executor on the return. An extension of time for filing the return does not operate to extend the time for payment of the tax. See § 20.6151–1 for the time for payment of the tax, and §§ 20.6161–1 and 20.6163–1 for extensions of time for payment of the tax.

§ 20.6091 *Statutory provisions; place for filing returns or other documents.*

Sec. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

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(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

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§ 20.6091–1 *Place for filing returns or other documents.* If the decedent was a resident of the United States, the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 must be filed with the district director in whose district the decedent had his domicile at the time of death. If the decedent was a nonresident (whether a citizen or not a citizen), the notice and the return must be filed with the office of the Director of International Operations, Internal Revenue Service, Washington 25, D. C., or with such other office as the Commissioner may designate.

§ 20.6151 *Statutory provisions; time and place for paying tax shown on returns.*

Sec. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

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(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

§ 20.6151–1 *Time and place for paying tax shown on the return*—(a) *General rule.* The tax shown on the estate tax return is to be paid at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return). For provisions relating to the time and place for filing the return, see §§ 20.6075–1 and 20.6091–1. For the duty of the executor to pay the tax, see § 20.2002–1.

(b) *Extension of time for paying*—(1) *In general.* For general provisions relating to extension of time for paying the tax, see § 20.6161–1.

(2) *Reversionary or remainder interests.* For provisions relating to extension of time for payment of estate tax on the value of a reversionary or remainder interest in property, see § 20.6163–1.

(c) *Payment with obligations of the United States.* Treasury bonds of certain issues which were owned by the decedent at the time of his death or which were treated as part of his gross estate under the rules contained in § 306.28 of Treasury Department Circular No. 300, Revised (31 CFR Part 306), may be redeemed at par plus accrued interest for the purpose of payment of the estate tax, as provided in said section. Whether bonds of particular issues may be redeemed for this purpose will depend on the terms of the offering circulars cited on the face of the bonds. A current list of eligible issues may be obtained from any Federal reserve bank or branch, or from the Bureau of Public Debt, Washington, D. C. See section 6312 and §§ 301.6312–1 and 301.6312–2 of this chapter (Regulations on Procedure and Administration) for provisions relating to the payment of taxes with United States Treasury obligations.

(d) *Receipt for payment.* For provisions relating to duplicate receipts for payment of the tax, see § 20.6314–1.

§ 20.6161 *Statutory provisions; extension of time for paying tax.*

Sec. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

(2) *Estate tax.* If the Secretary or his delegate finds that the payment on the due date of any part of the amount determined by the executor as the tax imposed by chapter 11 would result in undue hardship to the estate, he may extend the time for payment for a reasonable period not in excess of 10 years from the date fixed for payment of the tax.

(b) *Amount determined as deficiency.* Under regulations prescribed by the Secretary or his delegate, the Secretary or his delegate may extend, to the extent provided below, the time for payment of the amount determined as a deficiency:

* * * * *

(2) In the case of a tax imposed by chapter 11, for a period not to exceed 4 years from the date otherwise fixed for payment of the deficiency.

An extension under this subsection may be granted only where it is shown to the satisfaction of the Secretary or his delegate that the payment of a deficiency upon the date fixed for the payment thereof will result in undue hardship to the taxpayer in the case of a tax imposed by chapter 1, to the estate in the case of a tax imposed by chapter 11, or to the donor in the case of a tax imposed by chapter 12. No extension shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

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, see § 20.6163-1.

61-2 *Extension of time for pay-*
iency in tax. (a) In any case in
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ment, on the date prescribed therefor, of any part of a deficiency would impose undue hardship upon the estate, he may extend the time for payment for a period or periods not to exceed one year for any one period and for all periods not to exceed four years from the date prescribed for payment thereof.

(b) The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the estate. It must appear that a substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making payment of the deficiency at the date prescribed therefor. If a market exists, a sale of property at the current market price is not ordinarily considered as resulting in an undue hardship. No extension will be granted if the deficiency is due to negligence or intentional disregard of rules and regulations or to fraud with intent to evade the tax.

(c) An application for such an extension must be in writing and must contain, or be supported by, information in a written statement declaring that it is made under penalties of perjury showing the undue hardship that would result to the estate if the extension were refused. The application, with the supporting information, must be filed with the district director. When received, it will be examined, and, if possible, within thirty days will be denied, granted, or tentatively granted subject to certain conditions of which the executor will be notified. The district director will not consider an application for such an extension unless it is applied for on or before the date prescribed for payment of the deficiency, as shown by the notice and demand from the district director. If the executor desires to obtain an additional extension, it must be applied for on or before the date of the expiration of the previous extension. The granting of the extension of time for paying the deficiency is discretionary with the district director.

(d) The amount of the deficiency for which an extension is granted, with the additions thereto, shall be paid on or before the expiration of the period of extension without the necessity of notice and demand from the district director.

(e) The granting of an extension of time for paying the deficiency will not operate to prevent the running of interest. See section 6601. An extension of time to pay the deficiency may extend the period within which State and foreign death taxes allowed as a credit under sections 2011 and 2014 are required to be paid and the credit therefor claimed. See paragraph (c) of § 20.2011-1 and § 20.2014-6.

(f) For provisions requiring the furnishing of security for the payment of the deficiency for which an extension is granted, see § 20.6165-1.

§ 20.6163 *Statutory provisions; extention of time for payment of estate tax on value of reversionary or remainder interest in property.*

SEC. 6163. *Extension of time for payment of estate tax on value of reversionary or remainder interest in property*—(a) *Extension permitted.* If the value of a reversionary or remainder interest in property is included under chapter 11 in the value of the gross estate, the payment of the part of the tax under chapter 11 attributable to such interest may, at the election of the executor, be postponed until 6 months after the termination of the precedent interest or interests in the property, under such regulations as the Secretary or his delegate may prescribe.

(b) *Cross references*—(1) *Interest.* For provisions requiring the payment of interest for the period of such extension, see section 6601 (b).

(2) *Security.* For authority of the Secretary or his delegate to require security in the case of such extension, see section 6165.

§ 20.6163-1 *Extension of time for payment of estate tax on value of reversionary or remainder interest in property.* (a) In case there is included in the gross estate a reversionary or remainder interest in property, the payment of the part of the tax attributable to that interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property. This provision is limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and does not extend to cases in which the decedent creates future interests by his own testamentary act.

(b) Notice of the exercise of the election to postpone the payment of the tax attributable to a reversionary or remainder interest should be filed with the district director before the date prescribed for payment of the tax. The notice of election may be made in the form of a letter addressed to the district director. There shall be filed with the notice of election a certified copy of the will or other instrument under which the reversionary or remainder interest was created, or a copy verified by the executor if the instrument is not filed of record. The district director may require the submission of such additional proof as he deems necessary to disclose the complete facts. If the duration of the precedent interest is dependent upon the life of any person, the notice of election must show the date of birth of that person.

(c) If the decedent's gross estate consists of both a reversionary or remainder interest in property and other property, the tax attributable to the reversionary or remainder interest, within the meaning of this section, is an amount which bears the same ratio to the total tax as the value of the reversionary or remainder interest (reduced as provided in the following sentence) bears to the entire gross estate (reduced as provided in the last sentence of this paragraph). In applying this ratio, the value of the reversionary or remainder interest is reduced by (1) the amount of claims, mortgages, and indebtedness which is a lien upon such interest; (2) losses in respect of such interest during the settlement of the estate which are deductible under the provisions of section 2054 or section 2106 (a) (1); (3) any amount deductible in respect of such interest under section 2055 or 2106 (a) (2) for charitable, etc., transfers; and (4) the portion of the marital deduction allowed under the provisions of section 2056 on account of bequests, etc., of such interests to the decedent's surviving spouse. Likewise, in applying the ratio, the value of the gross estate is reduced by such deductions having similar relationship to the items comprising the gross estate.

(d) For provisions requiring the payment of interest for the period of the extension, see section 6601 (b). For provisions requiring the furnishing of security for the payment of the tax for which the extension is granted, see paragraph (b) of § 20.6165–1. For provisions concerning the time within which credit for State and foreign death taxes on such a reversionary or remainder interest may be taken, see section 2015 and the regulations thereunder.

§ 20.6165 *Statutory provisions; bonds where time to pay tax or deficiency has been extended.*

SEC. 6165. *Bonds where time to pay tax or deficiency has been extended.* In the event the Secretary or his delegate grants any extension of time within which to pay any tax or any deficiency therein, the Secretary or his delegate may require the taxpayer to furnish a bond in such amount (not exceeding double the amount with respect to which the extension is granted) conditioned upon the payment of the amount extended in accordance with the terms of such extension.

§ 20.6165–1 *Bonds where time to pay tax or deficiency has been extended*—(a) *Extensions under section 6161 of time to pay tax or deficiency.* If an extension of time for payment of tax or deficiency is granted under section 6161, the district director may, if he deems it necessary, require the executor to furnish a bond for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. However, such bond shall not exceed double the amount with respect to which the extension is granted. For other provisions relating to bonds required where extensions of time to pay estate taxes or deficiencies are granted under section 6161, see the regulations under sections 6165 and 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

(b) *Extensions under section 6163 of time to pay estate tax attributable to reversionary or remainder interests.* As a prerequisite to the postponement of the payment of the tax attributable to a reversionary or remainder interest as provided in § 20.6163–1, a bond must be furnished in an amount which is double the amount of the tax and interest for the estimated duration of the precedent interest, conditioned upon the payment of the tax and interest accrued thereon within six months after the termination of the precedent interest. If after the acceptance of a bond it is determined that the amount of the tax attributable to the reversionary or remainder interest was understated in the bond, a new bond or a supplemental bond may be required, or the tax, to the extent of the understatement, may be collected. The bond must be conditioned upon the principal or surety promptly notifying the district director when the precedent interest terminates and upon the principal or surety notifying the district director during the month of September of each year as to the continuance of the precedent interest, if the duration of the precedent interest is dependent upon the life or lives of any person or persons, or is otherwise indefinite. For other provisions relating to bonds where an extension of time has been granted for paying the tax, see the regulations under sections 6165 and 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

§ 20.6314 *Statutory provisions; receipt for taxes.*

SEC. 6314. *Receipt for taxes*—(a) *General rule.* The Secretary or his delegate shall, upon request, give receipts for all sums collected by him, excepting only when the same are in payment for stamps sold and delivered; but no receipt shall be issued in lieu of a stamp representing a tax.

(b) *Duplicate receipts for payment of estate taxes.* The Secretary or his delegate shall, upon request, give to the person paying the tax under chapter 11 (relating to the estate tax) duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

(c) *Cross references.* * * *

(2) For receipt of discharge of executor from personal liability, see section 2204.

§ 20.6314–1 *Duplicate receipts for payment of estate taxes.* The district director will, upon request, give to the person paying the tax duplicate receipts, either of which will be sufficient evidence of such payment and entitle the executor to be credited with the amount by any court having jurisdiction to audit or settle his accounts.

§ 20.6321 *Statutory provisions; lien for taxes.*

SEC. 6321. *Lien for taxes.* If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, additional amount, addition to tax, or assessable penalty, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, belonging to such person.

§ 20.6321–1 *Lien for taxes.* For regulations concerning the lien for taxes, see § 301.6321–1 of this chapter (Regulations on Procedure and Administration).

§ 20.6322 *Statutory provisions; period of lien.*

SEC. 6322. *Period of lien.* Unless another date is specifically fixed by law, the lien imposed by section 6321 shall arise at the time the assessment is made and shall continue until the liability for the amount so assessed is satisfied or becomes unenforceable by reason of lapse of time.

§ 20.6323 *Statutory provisions; validity against mortgagees, pledgees, purchasers, and judgment creditors.*

SEC. 6323. *Validity against mortgagees, pledgees, purchasers, and judgment creditors*—(a) *Invalidity of lien without notice.* Except as otherwise provided in subsection (c), the lien imposed by section 6321 shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the Secretary or his delegate—

(1) *Under State or territorial laws.* In the office designated by the law of the State or Territory in which the property subject to the lien is situated, whenever the State or Territory has by law designated an office within the State or Territory for the filing of such notice; or

(2) *With clerk of district court.* In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated, whenever the State or Territory has not by law designated an office within the State or Territory for the filing of such notice; or

(3) *With clerk of district court for District of Columbia.* In the office of the clerk of the United States District Court for the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

(b) *Form of notice.* If the notice filed pursuant to subsection (a) (1) is in such form as would be valid if filed with the clerk of the United States district court pursuant to subsection (a) (2), such notice shall be valid notwithstanding any law of the State or Territory regarding the form or content of a notice of lien.

(c) *Exception in case of securities*—(1) *Exception.* Even though notice of a lien provided in section 6321 has been filed in the manner prescribed in subsection (a) of this section, the lien shall not be valid with respect to a security, as defined in paragraph (2) of this subsection, as against any mortgagee, pledgee, or purchaser of such security, for an adequate and full consideration in money or money's worth, if at the time of such mortgage, pledge, or purchase such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien.

(2) *Definition of security.* As used in this subsection, the term "security" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(d) *Disclosure of amount of outstanding lien.* If a notice of lien has been filed under subsection (a), the Secretary or his delegate is authorized to provide by rules or regulations the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by the lien may be disclosed.

§ 20.6323–1 *Validity against mortgagees, pledgees, purchasers, and judgment creditors.* For regulations concerning the validity of liens against mortgagees, pledgees, purchasers, and judgment creditors, see § 301.6323–1 of this chapter (Regulations on Procedure and Administration).

§ 20.6324 *Statutory provisions; special liens for estate and gift taxes.*

SEC. 6324. *Special liens for estate and gift taxes*—(a) *Liens for estate tax.* Except as otherwise provided in subsection (c) (relating to transfers of securities)—

(1) *Upon gross estate.* Unless the estate tax imposed by chapter 11 is sooner paid in full, it shall be a lien for 10 years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien.

(2) *Liability of transferees and others.* If the estate tax imposed by chapter 11 is not paid when due, then the spouse, transferee,

trustee (except the trustee of an employee's trust which meets the requirements of section 401 (a)), surviving tenant, person in possession of the property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, who receives, or has on the date of the decedent's death, property included in the gross estate under sections 2034 to 2042, inclusive, to the extent of the value, at the time of the decedent's death, of such property, shall be personally liable for such tax. Any part of such property transferred by (or transferred by a transferee of) such spouse, transferee, trustee, surviving tenant, person in possession of property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, to a bona fide purchaser, mortgagee, or pledgee, for an adequate and full consideration in money or money's worth shall be divested of the lien provided in paragraph (1) and a like lien shall then attach to all the property of such spouse, transferee, trustee, surviving tenant, person in possession, beneficiary, or transferee of any such person, except any part transferred to a bona fide purchaser, mortgagee, or pledgee for an adequate and full consideration in money or money's worth.

(3) *Continuance after discharge of executor.* The provisions of section 2204 (relating to discharge of executor from personal liability) shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless such part of the gross estate (or any interest therein) has been transferred to a bona fide purchaser, mortgagee, or pledgee for an adequate and full consideration in money, or money's worth, in which case such part (or such interest) shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser, mortgagee, or pledgee by the heirs, legatees, devisees, or distributees.

* * * * *

(c) *Exception in case of securities.* The lien imposed by subsection (a) or (b) shall not be valid with respect to a security, as defined in section 6323 (c) (2), as against any mortgagee, pledgee, or purchaser of any such security, for an adequate and full consideration in money or money's worth, if at the time of such mortgage, pledge, or purchase such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien.

§ 20.6324–1 *Special lien for estate tax.* For regulations concerning the special lien for the estate tax, see § 301.6324–1 of this chapter (Regulations on Procedure and Administration).

§ 20.6325 *Statutory provisions; release of lien or partial discharge of property.*

SEC. 6325. *Release of lien or partial discharge of property*—(a) *Release of lien.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of release of any lien imposed with respect to any internal revenue tax if—

(1) *Liability satisfied or unenforceable.* The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied, has become legally unenforceable, or, in the case of the estate tax imposed by chapter 11 or the gift tax imposed by chapter 12, has been fully satisfied or provided for; or

(2) *Bond accepted.* There is furnished to the Secretary or his delegate and accepted by him a bond that is conditioned upon the payment of the amount assessed, together with all interest in respect thereof, within the time prescribed by law (including any extension of such time), and that is in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified by such rules or regulations.

(b) *Partial discharge of property*—(1) *Property double the amount of the liability.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to any lien imposed under this chapter if the Secretary or his delegate finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the unsatisfied liability secured by such lien and the amount of all other liens upon such property which have priority to such lien.

(2) *Part payment or interest of United States valueless.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if—

(A) There is paid over to the Secretary or his delegate in part satisfaction of the liability secured by the lien an amount determined by the Secretary or his delegate, which shall not be less than the value, as determined by the Secretary or his delegate, of the interest of the United States in the part to be so discharged, or

(B) The Secretary or his delegate determines at any time that the interest of the United States in the part to be so discharged has no value.

In determining the value of the interest of the United States in the part to be so discharged, the Secretary or his delegate shall give consideration to the fair market value of such part and to such liens thereon as have priority to the lien of the United States.

(c) *Effect of certificate of release or partial discharge.* A certificate of release or of partial discharge issued under this section shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

(d) *Cross references.* (1) For single bond complying with the requirements of both subsection (a) (2) and section 6165, see section 7102.

(2) For other provisions relating to bonds, see generally chapter 73.

(3) For provisions relating to suits to enforce lien, see section 7403.

(4) For provisions relating to suits to clear title to realty, see section 7424.

§ 20.6325–1 *Release of lien or partial discharge of property; transfer certificates in nonresident estates.* (a) A transfer certificate is a certificate permitting the transfer of property of a nonresident decedent without liability. Except as provided in paragraph (b) of this section, no domestic corporation or its transfer agent should transfer stock registered in the name of a non-resident decedent (regardless of citizenship) except such shares which have been submitted for transfer by a duly qualified executor or administrator who has been appointed and is acting in the United States, without first requiring a transfer certificate covering all of the decedent's stock of the corporation and showing that the transfer may be made without liabilty. Corporations, transfer agents of domestic corporations, transfer agents of foreign corporations (except as to shares held in the name of a nonresident decedent not a citizen of the United States), banks, trust companies, or other custodians in actual or constructive possession of property, of such a decedent can insure avoidance of liability for taxes and penalties only by demanding and receiving transfer certificates before transfer of property of nonresident decedents.

(b) A transfer certificate is not required in the case of a nonresident decedent not a citizen of the United States if, as of the date of the decedent's death, the total value of his gross estate situated in the United States is not in excess of $2,000. In this connection, a corporation, transfer agent, bank, trust company or other custodian will not incur liability for a transfer of the decedent's property if the corporation or other person, having no information to the contrary, first receives from the executor or other responsible person, who may be reasonably regarded as in possession of the pertinent facts, a statement that the total value, as of the date of the decedent's death, of that part of his gross estate situated in the United States is not in excess of $2,000. Also, a transfer certificate is not required for bonds owned by a nonresident decedent who was not a citizen of the United States at the time of his death if it is shown that the bonds were not physically situated in the United States at the time of his death.

(c) A transfer certificate will be issued by the district director when he is satisfied that the tax imposed upon the estate, if any, has been fully discharged or provided for. The tax will be considered fully discharged for purposes of the issuance of a transfer certificate only when investigation has been completed and payment of the tax, including any deficiency finally determined, has been made. If the tax liability has not been fully discharged, transfer certificates may be issued permitting the transfer of particular items of property without liability upon the filing with the district director of such security as he may require. No transfer certificate is required in an estate of a resident decedent. Further, in the case of an estate of a nonresident decedent (regardless of citizenship) a transfer certificate is not required with respect to property which is being administered by an executor or administrator appointed, qualified, and acting within the United States. For additional regulations under section 6325, see § 301.6325–1 of this chapter (Regulations on Procedure and Administration).

§ 20.6601 *Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.*

SEC. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax*—(a) *General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at the rate of 6 percent per annum shall be paid for the period from such last date to the date paid.

(b) *Extensions of time for payment of estate tax.* If the time for payment of an amount of tax imposed by chapter 11 is extended as provided in section 6161 (a) (2) or if postponement of the payment of an amount of such tax is permitted by section 6163 (a), interest shall be paid at the rate of 4 percent, in lieu of 6 percent as provided in subsection (a).

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§ 20.6601-1 *Interest on underpayment, nonpayment, or extensions of time for payment, of tax.* For regulations concerning interest on underpayments, etc., see § 301.6601-1 of this chapter (Regulatons on Procedure and Administration).

§ 20.7101 *Statutory provisions; form of bonds.*

SEC. 7101. *Form of bonds.* Whenever, pursuant to the provisions of this title (other than sections 7485 and 6803 (a) (1)), or rules or regulations prescribed under authority of this title, a person is required to furnish a bond or security—

(1) *General rule.* Such bond or security shall be in such form and with such surety or sureties as may be prescribed by regulations issued by the Secretary or his delegate.

(2) *United States bonds and notes in lieu of surety bonds.* The person required to furnish such bond or security may, in lieu thereof, deposit bonds or notes of the United States as provided in 6 U. S. C. 15.

§ 20.7101-1 *Form of bonds.* See paragraph (b) of § 20.6165-1 for the form of the bond required in any case in which the payment of the tax attributable to a reversionary or remainder interest has been postponed under the provisions of § 20.6163-1. For further provisions relating to bonds, see § 20.6165-1 and the regulations under sections 6165 and 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

§ 20.7404 *Statutory provisions; authority to bring civil action for estate taxes.*

SEC. 7404. *Authority to bring civil action for estate taxes.* If the estate tax imposed by chapter 11 is not paid on or before the due date thereof, the Secretary or his delegate shall proceed to collect the tax under the provisions of general law; or appropriate proceedings in the name of the United States may be commenced in any court of the United States having jurisdiction to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order of the court, to be paid under its direction to the person entitled thereto. This section insofar as it applies to the collection of a deficiency shall be subject to the provisions of sections 6213 and 6601.

PAR. 2. Section 301.6503 (e) of the Regulations on Procedure and Administration (26 CFR Part 301) is amended:

(A) By redesignating such section as § 301.6503 (f).

(B) By redesignating subsection (e) of section 6503, set forth therein, as subsection (f).

(C) By adding at the end of the section a historical note reading:

[Sec. 6503 (f) as redesignated by sec. 2, Act of Aug. 6, 1956 (Pub. Law 1011, 84th Cong., 70 Stat. 1075)]

PAR. 3. There is inserted after § 301.6503 (d)-1 the following new sections:

§ 301.6503 (e) *Statutory provisions; suspension of running of period of limitation; certain powers of appointment.*

SEC. 6503. *Suspension of running of period of limitation.* * * *

(e) *Certain powers of appointment.* The running of the period of limitations for assessment or collection of any tax imposed by chapter 11 shall be suspended in respect of the estate of a decedent claiming a deduction under section 2055 (b) (2) until 30 days after the expiration of the period for assessment or collection of the tax imposed by chapter 11 on the estate of the surviving spouse.

[Sec. 6503 (e) as added by sec. 2, Act of Aug. 6, 1956 (Pub. Law 1011, 84th Cong., 70 Stat. 1075)]

§ 301.6503 (e)-1 *Suspension of running of period of limitation; certain powers of appointment.* Where the estate of a decedent is allowed an estate tax charitable deduction under the provisions of section 2055 (b) (2) (with respect to property over which the decedent's surviving spouse was given a power of appointment exercisable in favor of charitable organizations) subject to the later disallowance of the deduction if all conditions set forth in section 2055 (b) (2) are not complied with, the running of the period of limitation for assessment or collection of any estate tax imposed on the decedent's estate is suspended until 30 days after the expiration of the period for assessment or collection of the estate tax imposed on the estate of the decedent's surviving spouse.

[SEAL] RUSSELL O. HARRINGTON,
Commissioner of Internal Revenue.

Approved: June 16, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4658; Filed, June 23, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

REVOCATION OF INTERPRETATION WITH RESPECT TO LABELING OF INSECTICIDES CONTAINING BENZENE HEXACHLORIDE AND INTERPRETATION WITH RESPECT TO LABELING OF INSECTICIDES CONTAINING DDT

Since the issuance of Interpretation 14 with respect to labeling of insecticides containing benzene hexachloride (7 CFR 362.112) and Interpretation 16, as amended, with respect to labeling of insecticides containing DDT (7 CFR 362.114), various changes in the production, use, and requirements as to the use, of benzene hexachloride and DDT have rendered these interpretations obsolete. At the time these interpretations were issued benzene hexachloride and DDT were comparatively new insecticides, and there was some uncertainty as to the labeling requirements for them. The industry has now had considerable experience in the production and marketing of these insecticides and it is felt that interpretations with respect to their labeling are no longer needed. Therefore, pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135-135k), Interpretation 14 with respect to the labeling of insecticides containing benzene hexachloride and Interpretation 16, as amended, with respect to labeling of insecticides containing DDT are revoked effective upon publication of this document in the FEDERAL REGISTER.

(Sec. 6, 61 Stat. 168; 7 U. S. C. 135d)

Done at Washington, D. C., this 19th day of June 1958.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 58-4747; Filed, June 23, 1958; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1959-60 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1959 CROP OF WHEAT

The amendments herein have been determined in conformity with the provisions of section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose of this document is to announce the corrected figure of the total acreage apportioned in the State of North Carolina and changes in the county reserve for appeals and corrections for the counties of Gove and Russell in the State of Kansas and Cape May County, New Jersey, which were originally published in the FEDERAL REGISTER on May 29, 1958 (23 F. R. 3691). The 1959 farm wheat acreage allotments in the three counties named above have been determined on the basis of the amended county reserve for appeals and corrections contained herein. Accordingly, it is hereby found that compliance with the public notice, procedure and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary and contrary to the public interest and the amendments herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

Section 728.907 is amended by changing the total acreage apportioned in the State of North Carolina to 296,356 acres and by changing the county reserve for appeals and corrections for the following three counties to read as follows:

	Acres
Gove County, Kansas	298
Russell County, Kansas	370
Cape May County, New Jersey	38

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 334, 52 Stat. 54; 7 U. S. C. 1334)

Done at Washington, D. C., this 18th day of June 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4751; Filed, June 23, 1958; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS, QUOTAS AND QUOTA DEFICITS FOR 1958; MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1958 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1958. This regulation also establishes pursuant to section 207 of the act the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1958 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended, and to give effect to the revised determination.

The purpose of this action, also, is to further amend § 811.4 (23 F. R. 2785, 3252, 3512, 3654) to determine and prorate deficits in the quotas for Hawaii and Puerto Rico for sugar to be marketed in the continental United States in 1958 as established in § 811.2, as amended herein. It also adds a new § 811.5 for the purpose of prorating to other foreign countries, other than Cuba and the Republic of the Philippines, the quantity by which the quotas for Peru and Costa Rica exceed the import limitations established for them in § 811.9 (22 F. R. 10732).

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area alloted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the welfare of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237), §§ 811.1, 811.2, 811.3 and 811.4 of Sugar Regulation 811 (22 F. R. 10732; 23 F. R. 2785, 3252, 3512, 3654) are amended and a new § 811.5 is added to read as hereinafter set forth.

1. Section 811.1 is amended to read:

§ 811.1 *Sugar requirements, 1958.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1958 is hereby determined to be 9,000,000 short tons, raw value.

2. Section 811.2 is amended to read:

§ 811.2 *Quotas for domestic areas.* (a) For the calendar year 1958 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quota	Direct-consumption limit
Domestic beet sugar	1,953,952	No limit
Mainland cane sugar	601,250	No limit
Hawaii	1,090,496	30,700
Puerto Rico	1,140,253	133,064
Virgin Islands	15,549	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

3. Section 811.3 is amended to read:

§ 811.3 *Quotas for foreign countries.* For the calendar year 1958, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quota (1)	Direct-consumption limit (2)
Republic of the Philippines	980,000	59,920
Cuba	3,001,295	375,000
Peru	78,207	9,560
Dominican Republic	61,657	8,523
Mexico	44,409	15,481
Nicaragua	11,731	10,208
Haiti	6,179	6,179
Netherlands	3,453	3,453
China	3,386	3,386
Panama	3,386	3,386
Costa Rica	3,381	3,381
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guina	84	84
Hong Kong	3	3
All other countries	0	0

4. Section 811.4 is amended to read:

§ 811.4 *Determination and proration of area deficits and adjusted quotas*—(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1958, Hawaii and Puerto Rico will be unable by 325,496 and 325,253 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 98,749 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	75,513	2,029,465
Mainland cane sugar	23,236	624,486
Hawaii	0	1,090,496
Puerto Rico	0	1,140,253
Virgin Islands	0	15,549

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 552,000 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas

able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in par. (b) of this section
Domestic beet sugar	198,093	2,227,558
Mainland cane sugar	60,955	685,441
Hawaii	0	1,090,496
Puerto Rico	0	1,140,253
Virgin Islands	0	15,549
Cuba	202,952	3,294,247

5. Section 811.5 is added to read:

§ 811.5 *Proration of portions of quotas established in § 811.3 in excess of the limitations on importations established in § 811.9.* It is hereby determined that for the calendar year 1958 Peru and Costa Rica will be unable by 22,619 and 2,258 short tons, raw value, respectively, to fill their quotas as established in § 811.3 because of the import limitations established in § 811.9 for countries which are not members of the International Sugar Agreement. Accordingly, the quantity by which Peru and Costa Rica will be unable to fill their quotas, amounting to 24,877 short tons, raw value, is hereby prorated to other foreign countries, other than Cuba and the Republic of the Philippines, on the basis of their respective quotas as established in § 811.3. Thereupon, the following quotas shall be in effect, such quotas consisting of the quantities prorated in this paragraph, in addition to the quotas established in § 811.3:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein	Direct-consumption limits
Dominican Republic	11,310	72,967	8,523
Mexico	8,146	52,555	15,481
Nicaragua	2,152	13,883	10,208
Haiti	1,134	7,313	7,313
Netherlands	633	4,086	4,086
China	621	4,007	4,007
Panama	621	4,007	4,007
Canada	116	747	747
United Kingdom	95	611	611
Belgium	33	215	215
British Guiana	15	99	99
Hong Kong	1	4	4
All other	0	0	0

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. We are entering the period of heavy seasonal demand for sugar. Inventories of refiners and importers on the first of June were below those of the same date in 1957 and indications are that consumer inventories are moderate. The pressure to sell and ship sugar has diminished now that the harvesting season in the Caribbean Area is nearing completion. The market situation as reflected by the wholesale price of sugar in New York continues strong.

In view of these facts the total of sugar quotas is increased 100,000 tons to 9,000,000 short tons, raw value.

Quotas. The quotas established in §§ 811.2 and 811.3 were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedures for determining the others.

Deficits in the quotas for Hawaii and Puerto Rico are determined in § 811.4 (a) on the basis of the quotas for these areas as herein established in § 811.2, and the expectation that the total supply of sugar available for marketing in the continental United States from Hawaii will not exceed 765,000 short tons, raw value, and from Puerto Rico will not exceed 815,000 tons.

The Virgin Islands will not have a sufficient supply of sugar to participate in filling any part of the deficits herein determined. Accordingly, deficits of 325,496 and 325,253 short tons, raw value, in the mainland quotas for Hawaii and Puerto Rico, respectively, are hereby determined, and pursuant to section 204 (a) of the act, 98,749 tons are prorated to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in § 811.2 and 552,000 tons are prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 98,749 tons.

Pursuant to section 411 of the act the Secretary is authorized to issue such regulations as may be necessary to carry out Article 7 of the International Sugar Agreement. Accordingly, limitations on the 1958 imports of sugar from Peru of 55,588 tons and from Costa Rica of 1,123 tons were established in § 811.9 (22 F. R. 10732). The quotas established in § 811.3 exceed such limitations by 22,619 tons for Peru and 2,258 tons for Costa Rica. The total of such quantities amounting to 24,877 tons, is hereby prorated to other foreign countries, other than Cuba and the Republic of the Philippines, on the basis of the respective quotas as established in § 811.3, pursuant to section 204 (b) of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 18th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4750; Filed, June 23, 1958; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6972]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ALUMINUM COOKING UTENSIL CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.105 *Individual's special selection or situation;* § 13.170 *Qualities or properties of product or service;* § 13.2 *Scientific or other relevant facts;* § 13.2 *Unique nature or advantages.* Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1575 *Comparative data or merits;* § 13.1663 *Individual's special selection or situation;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts;* § 13.1770 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Aluminum Cooking Utensil Co., Inc., New Kensington, Pa., Docket 6972, May 21, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the manufacturer in New Kensington, Pa., of "Wear-Ever" aluminum cooking utensils, designed to employ the so-called "waterless" method of cooking, selling its products chiefly by representatives who gave demonstrations before groups of purchasers, with misrepresenting the health benefits obtained by cooking with its utensils and their superiority over competitive products, and that potential customers were selected by its advertising department to receive a special gift, among other things.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 21 the decision of the Commission.

The order to cease and desist, as modified by the Commission, is as follows:

It is ordered, That respondent Wear-Ever Aluminum, Inc., a corporation, formerly The Aluminum Cooking Utensil Company, Inc., and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cooking utensils made of aluminum, or any other product of substantially similar composition, design, construction, or purpose, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the use of respondent's utensils and the "waterless" method of cooking will promote or is conducive to better health when compared to other modern cooking utensils, namely, other utensils employing the "waterless" method of cooking and those utensils known as pressure cookers and as steamers. However, nothing contained herein shall prevent respondent from representing that more vitamins and minerals are retained in food cooked in their utensils and using the "waterless" method of cooking than when cooked in other utensils requiring substantially larger quantities of water.

(b) That the use of respondent's utensils and the "waterless" method of cooking will promote or is conducive to better health except in the cases of persons who are deficient in the food elements which may be lost, damaged or destroyed in other cooking methods or might be on the borderline.

(c) That the "waterless" method of cooking is peculiar to the use of respondent's products.

(d) That the "waterless" method of cooking can only be accomplished in aluminum utensils.

(e) That less food is required to satisfy hunger when prepared in respondent's utensils using the "waterless" method of cooking than when otherwise prepared.

(f) That the magnesium in food is "Nature's Laxative" and if it is boiled out of food, laxatives must be purchased at the drug store.

(g) That potential customers have been selected by the advertising department of Wear-Ever cookware to receive a special gift, unless such is the fact.

2. Furnishing means or instrumentalities to others by and through which they may mislead and deceive the public respecting the matters set forth in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered That respondent, Wear-Ever Aluminum, Inc., a corporation, formerly The Aluminum Cooking Utensil Company, Inc., shall, within sixty (60) days after service upon it of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in the aforesaid initial decision as modified.

Issued: May 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-4742; Filed, June 23, 1958; 8:47 a. m.]

[Docket 7038]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONWIDE CLOTHIERS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Nationwide Clothiers, Inc. (New York, N. Y.), et al., Docket 7038, May 21, 1958]

In the Matter of Nationwide Clothiers, Inc., a Corporation, A. B. Joffe Company, Inc., a Corporation, and Albert B. Joffe and Julius Blankstein, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of men's and boys' clothing, operating a national chain of some 30 retail stores and with main offices in Brooklyn and New York City, with violating the Wool Products Labeling Act by labeling as "100 Percent All Wool", men's sport coats which contained a substantial percentage of non-wool fibers, by failing in other respects to comply with the labeling requirements of the act, and by making fictitious pricing claims for their garments in newspaper advertising.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Nationwide Clothiers, Inc., a corporation, and its officers, and A. B. Joffe Company, Inc., a corporation, and its officers, and Albert B. Joffe and Julius Blankstein, individually, and as officers of the aforementioned corporate respondents, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

3. Using abbreviated words or terms descriptive of fiber content on stamps, tags, labels or other means of identification attached to said wool products;

4. Failing to separately set forth on the required stamp, tag, label or other means of identification, the character and amount of the constituent fibers contained in the interlinings of said wool products;

5. Failing to attach a stamp, tag or label or other mark of identification containing the information required under section 4 (a) (2) of the Wool Products Labeling Act on each unit of multiple-piece garments.

It is further ordered, That respondents Nationwide Clothiers, Inc., a corporation, and its officers, and A. B. Joffe Company, Inc., a corporation, and its officers, and Albert B. Joffe and Julius Blankstein, individually, and as officers of the aforementioned corporate respondents, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of men's or boys' clothing or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that certain amounts are the regular or usual retail price of their clothing, or other merchandise, when such amounts are in excess of the price at which the respondents have regularly or usually sold said clothing, or other merchandise, through their various retail stores.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents named in the caption hereof shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-4743; Filed, June 23, 1958; 8:47 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Reg. 39]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES; EXTENSION OF EFFECTIVE DATE

Pursuant to the provisions of 29 CFR Part 4, Subpart A (Child Labor Regulation No. 1), the designation of the States enumerated in § 4.21 of 29 CFR Part 4, as States in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), is hereby extended and shall

be effective from July 1, 1958, until June 30, 1959, unless amended or revoked prior to such date.

(Secs. 3, 11, 52 Stat. 1060, as amended, 1066, as amended; 29 U. S. C. 203, 211)

Signed at Washington, D. C., this 18th day of June 1958.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 58-4741; Filed, June 23, 1958; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 77]

PART 1613—REGISTRATION PROCEDURES

ACCOMPLISHMENT OF REGISTRATION

The Selective Service Regulations are hereby amended as follows:

1. Paragraphs (c) and (d) of § 1613.11 are amended to read as follows:

§ 1613.11 *Interview of the registrant.* * * *

(c) The registrar shall ask the registrant for the information necessary to complete the entries in items 1 to 12, inclusive, of the Registration Card (SSS Form No. 1), and shall enter such information in the proper items of the card. The registrar shall make certain that the registrant fully understands what information is required and if any information given by the registrant is not clear the registrar shall carefully explain to the registrant what information is required and request that it be furnished clearly and correctly.

(d) After the registrar has completed the entries in items 1 to 12, inclusive, on the Registration Card (SSS Form No. 1), and before it is signed by the registrant, the registrar shall complete from information obtained by observation and from statements of the registrant the entries in item 13, Description of Registrant.

2. Section 1613.12 is amended to read as follows:

§ 1613.12 *Instructions concerning completion of registration card.* (a) The registrar shall take extreme care that the place of residence of the registrant is correctly entered in item 2 of the Registration Card (SSS Form No. 1). The local board having jurisdiction over the place of residence entered in item 2 of the Registration Card (SSS Form No. 1) shall always have jurisdiction over the registrant, unless otherwise directed by the Director of Selective Service. The registrar shall require the registrant to give sufficient information as to the location of the place of his residence to establish such place within the jurisdiction of a local board. The registrant shall not be permitted to give a place of residence outside of the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone. In describing his place of residence, the registrant shall give the street number thereof, when used, and in every case he shall give the name of the town, township, village, or city, and the county and State in which it is located. No R. F. D. route number shall be sufficient unless it is supplemented by more particular information showing where the place of residence is located on the R. F. D. route. The registrant shall be permitted to determine what place he desires to give as his residence when he is not located in the same place all of the time.

(b) The registrar shall enter the mailing address of the registrant in item 5 of the Registration Card (SSS Form No. 1) only when it is not the same as the place of residence entered in item 2. It should be made clear to the registrant that he should give as his mailing address an address normally regarded by him as a permanent address at which he would expect to receive important communications. The registrar shall advise the registrant that a correct mailing address is most important because it is the address to which all notices to the registrant will be sent, and that he must advise his local board each time there is a change in his mailing address.

(c) The registrar, in entering the date of birth of the registrant in item 3 of the Registration Card (SSS Form No. 1), shall use the name of the month or an abbreviation thereof. No numerical designation for the month shall be used.

3. Paragraph (a) of § 1613.14 is amended to read as follows:

§ 1613.14 *Certification by registrar.* (a) After the Registration Card (SSS Form No. 1) is signed, the registrar shall note, in the space provided therefor, the registrant's answers which he believes to be incorrect or false, if any. If he does not believe any of the registrant's answers to be incorrect or false, he shall write the word "None" in such space. It is the duty of the registrar to report on the Registration Card (SSS Form No. 1) any answers of the registrant be believes to be incorrect or false.

4. Paragraph (b) of § 1613.41 is amended to read as follows:

§ 1613.41 *Manner of registration of inmate of institution.* * * *

(b) In filling out the Registration Card (SSS Form No. 1), the superintendent, warden, or other designated person, acting in his capacity as registrar, shall be careful not to indicate that the inmate was registered in an institution or by an official thereof. If the inmate does not have a permanent place of residence or an address where he intends to be or where he can be located, the address of the local board of the area in which the institution is located shall be entered in item 2 of the Registration Card (SSS Form No. 1). Under no circumstances shall the address of the institution be given as the place of residence or as the mailing address of the inmate who is being registered.

5. Section 1613.42 is amended to read as follows:

§ 1613.42 *Checking place of residence.* When a Registration Card (SSS Form No. 1) is received or completed at the office of a local board, the local board shall carefully check the place of residence of the registrant as indicated in item 2 of his Registration Card (SSS Form No. 1) to determine whether or not the place of residence is within the area of the local board. The local board shall retain those cards indicating a place of residence within the area of the local board, and dispose of other cards as provided in § 1613.43.

6. Section 1613.43 is amended to read as follows:

§ 1613.43 *Disposition of registration card of registrant whose place of residence is not within local board area.* (a) If the local board finds that the place of residence of the registrant as shown in item 2 of his Registration Card (SSS Form No. 1) is not within its area but is within its State it shall immediately mail the Registration Card (SSS Form No. 1) of such registrant to the local board having jurisdiction of the place of residence if it is absolutely sure which local board has jurisdiction. If the local board has any doubt as to which other local board has jurisdiction or if the place of residence is not within its State, it shall mail such card to the State Director of Selective Service.

(b) If the place of residence shown in item 2 of any Registration Card (SSS Form No. 1) is outside the several States of the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, and the Canal Zone, the local board in whose area the registrant registered shall retain such card.

(c) Upon receiving the Registration Card (SSS Form No. 1) of any registrant, each State Director of Selective Service shall:

(1) If the place of residence of the registrant as shown in item 2 of his Registration Card (SSS Form No. 1) is within his State, mail any such card to the local board that has jurisdiction over the place of residence; or

(2) If the place of residence of the registrant as shown in item 2 of his Registration Card (SSS Form No. 1) is outside of his State, mail any such card to the State Director of Selective Service having jurisdiction over the place of residence shown in item 2 of such card.

(d) If the place of residence cannot be identified and located within a particular local board area from the information contained in items 2 and 5 of the Registration Card (SSS Form No. 1), the Director of Selective Service shall designate a local board, which may be either the local board in whose area the registrant registered or any local board in the county in which the place of residence is located, and the Registration Card (SSS Form No. 1) shall be retained by or forwarded to the local board so designated.

7. Section 1613.44 is amended to read as follows:

§ 1613.44 *Person registered more than once.* If a registrant registers more than once and gives different places of residence in item 2 of his Registration Card (SSS Form No. 1), each local board having jurisdiction of the area in which each place of residence is located shall put a selective service number on the Registration Card (SSS Form No. 1). Except for a local board which may cancel the registration under the provisions of Part 1619 of this chapter, the registrant shall be subject to the jurisdiction of each local board having a Registration Card (SSS Form No. 1) for such registrant.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948; 3 CFR, 1948 Supp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JUNE 19, 1958.

[F. R. Doc. 58-4757; Filed, June 23, 1958; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 26—AIRMAIL

PART 37—PREPAYMENT AND REFUNDS

PART 48—UNDELIVERABLE MAIL

PART 56—SPECIAL DELIVERY

PART 57—SPECIAL HANDLING

MISCELLANEOUS AMENDMENTS

1. Effective July 1, 1958, § 26.4 *Payment of postage* is amended to read as follows:

§ 26.4 *Payment of postage.* Postage on airmail may be paid by adhesive postage stamps, stamped cards or envelopes, meter stamps, or permit imprints.

NOTE: The corresponding Postal Manual section is 136.4.

(R. S. 161, 396, as amended; sec. 2, 43 Stat. 805, sec. 1, 72 Stat. 83; 5 U. S. C. 22, 369, 39 U. S. C. 272a, 462)

2. Effective July 1, 1958, § 37.1 *Prepayment of postage required* is amended to read as follows:

§ 37.1 *Postage payment*—(a) *Prepayment required.* Postage on all mail must be fully prepaid at the time of mailing, with the following exceptions:

(1) Business reply mail, see § 21.2 (c).

(2) Federal Government and free mail, see Part 27 of this chapter.

(3) Certain mail for the blind, see Part 28 of this chapter.

(4) Mail sent by members of the Armed Forces, see § 21.5 of this chapter.

(5) Letters and printed matter carried or delivered by vessels not regularly employed in carrying mail, see § 21.6 of this chapter.

(6) Keys and identification devices returned to owners, see § 24.2 of this chapter.

(b) *Insufficient prepayment.* (1) When mail of any class, including that for which special service is indicated, is received at either the office of mailing or the office of address without any postage or without sufficient postage it shall be:

(i) Marked to show the total deficiency of postage and fees plus a short-paid charge of 5 cents.

(ii) Dispatched promptly to the addressee by means of the regular or special service indicated.

(iii) Delivered to addressee upon payment of the charges marked on the mail.

As an exception, when quantity mailings of ten or more pieces are received at the office of mailing without any postage or without sufficient postage, the mailer shall be notified, without charge, preferably by telephone, in order that the postage charges may be adjusted before the mail is dispatched.

(2) When the addressee refuses to pay the deficient postage and 5 cent short-paid charge, and when the mail is undeliverable for any other reason, it shall be handled as follows:

(i) First-class mail, including airmail, bearing a return address shall be returned to the sender and delivered upon payment by him of the deficient postage and a short-paid charge of 5 cents.

(ii) Mail other than first class bearing a return address shall be returned to the sender and delivered upon payment by him of the total of the deficient postage, the forwarding postage, the return postage, and a short-paid charge of 5 cents.

(iii) All mail which does not bear a return address shall be disposed of in accordance with § 48.6 of this chapter.

NOTE: The corresponding Postal Manual section is 147.1.

(R. S. 161, 396, as amended, 3896; sec. 1, 72 Stat. 83; 5 U. S. C. 22, 369, 39 U. S. C. 271, 272a)

3. In § 48.8 *Dead mail* (23 F. R. 2735) amend paragraph (b) (2) by striking out "5 cents" in subdivision (ii) thereof and inserting, in lieu thereof, "10-cents".

NOTE: The corresponding Postal Manual section is 158.822b.

(R. S. 161, 396, as amended; sec. 12, 65 Stat. 676, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

4. Effective July 1, 1958, § 56.2 *Payment for special delivery* is amended by rescinding paragraph (d) thereof.

NOTE: The corresponding Postal Manual section is 166.24.

(R. S. 161, 396, as amended; sec. 1, 72 Stat. 83; 5 U. S. C. 22, 369, 39 U. S. C. 272a)

5. Effective July 1, 1958, § 57.5 *Insufficient postage* is hereby rescinded.

NOTE: The corresponding Postal Manual section is 167.5

(R. S. 161, 396, as amended; sec. 204, 62 Stat. 1262, as amended, sec. 1, 72 Stat. 83; 5 U. S. C. 22, 369, 39 U. S. C. 272a, 292a)

Dated: June 20, 1958.

[SEAL] HERBERT B. WARBURTON,
General Counsel.

Sections 26.4, 37.1, 48.8, 56.2, and 57.5 of Title 39, Code of Federal Regulations, as amended by the foregoing are hereby adopted as the regulations of the Post Office Department, effective July 1, 1958.

ARTHUR E. SUMMERFIELD,
Postmaster General.

[F. R. Doc. 58-4789; Filed, June 23, 1958; 8:53 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

PAINT, VARNISH, AND RELATED PRODUCTS INDUSTRY

This matter is before me for decision on the exceptions which have been filed to my proposed decision of the prevailing minimum wage for the paint, varnish, and related products industry as published in the FEDERAL REGISTER (23 F. R. 2254).

The National Paint, Varnish and Lacquer Association excepts to the proposal to determine a prevailing minimum wage on an industry-wide basis on the ground that two determinations should be made, one for the part of the industry located in certain Southern States, and the other for the remainder of the industry. The American Federation of Labor and Congress of Industrial Organizations, on the other hand, expresses agreement with the proposal that, on the basis of all of the evidence, an industry-wide determination is appropriate here.

Most of the facts on which the Association now relies, and the conclusion it bases on them, were fully considered in the proposed decision. The result such decision reached was based on substantial and uncontroverted evidence of extensive competition between the several geographic portions of the industry including particularly extensive competition between its Southern portion and the remainder of it, as well as on the authority and analysis of the statutory purpose in Mitchell v. Covington Mills, 229 F. 2d 506 (C. A., D. C.), certiorari denied, 351 U. S. 934.

The Association now suggests that the plants in the Southern area have a competitive burden of additional freight expense in their competition with the remainder of the industry, because they must import their raw materials. The evidence establishes, however, that whatever its costs, the Southern portion does compete, and successfully, for Government contracts with the remainder of the industry both within and outside the Southern area.

The Association attacks the evidentiary support for the finding of inter-area competition on the ground that the data were gathered during a period when lower minimum wages prevailed among the Southern plants than in the remainder of the industry. The fact that the evidence was gathered during such a period does not adversely affect the probative value of the uncontroverted evidence which shows substantial participation in the bids and awards by all other areas on invitations requiring delivery in the South. This alone would be sufficient to negate any contention that the Southern States form an economically isolated area of competition.

The Association also excepts to the finding of inter-area competition for Government contracts, because the evidence supporting it is expressed in terms of numbers of bids and awards on contracts exceeding $10,000 rather than their dollar value. The issue here requires determination of the extent of competition in the local and inter-area categories, but contrary to the Association's suggestion, its dollar value is not the sole or exclusive criterion appropriate to such determination. The absolute and relative numbers of the competitive acts of bid and award in each category bear directly on the fact of competition and its geographic characteristics, as well as do the absolute and relative numbers of dollars involved.

The speculation that dollar evaluation of the inter-area bids and awards might in some wise affect the conclusion of inter-area competition, opened an avenue for cross-examination or rebuttal which the Association and other parties were free to explore at the hearing. They did not do so, nor did they object to the bid and award evidence, and they have not even now tendered any evidence of the naked possibility which they suggest may be probative.

The Acme Wire Company, among other things, manufactures varnishes and enamels for electrical insulating purposes for its own use, and also for sale to others. It objects to the part of the definition which applies the determinations to industrial product finishes on the ground that in the event it receives a Government contract application of the determination to employees of its varnish manufacturing department will pose it problems concerning the pay of its other employees to whom this determination will have no application. As the manufacture of such products in part of this industry, it must be included in this determination, and that this one company manufactures such products in a separate department is not germane on the questioned propriety of their inclusion.

The Atlantic Varnish and Paint Company protests that the prevailing minimum wage mentioned in the proposed determination is too high, because conformity with it would reduce that company's net profits. The Sampson Paint and Color Company speculates that its profits might remain larger through adherence to its present wage scales even if it becomes necessary to forego Government contracts. The American Federation of Labor and Congress of Industrial Organizations, on the other hand, reiterates its view, expressed at the hearing, that the prevailing minimum wage, as of the time of the wage survey, is $1.55, five cents more than the one proposed for determination. None of these contentions that the proposal is too low or too high presents fact or reason not fully considered in the proposed determination, and each is rejected on the basis of the facts and reasons there stated.

Finally, the American Federation of Labor and Congress of Industrial Organizations renews its prior contention, considered in the proposed decision that it does not reflect certain minimum wage increases which occurred between the date of the wage survey and the date of the hearing. The proof of certain individual plant minimum wage increases at the hearing was not sufficiently extensive to show as to the industry as a whole that increased minimums were prevailing, and the proof of upward movement in average hourly earnings, standing alone, does not measure the change, if any, which occurred in minimum wages in the industry.

Accordingly, upon the findings and conclusions and the reasons therefor stated herein and in the Notice of Proposed Decision in Determination of Prevailing Minimum Wages filed in these proceedings, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), § 202.41 of Title 41, Code of Federal Regulations, is hereby amended to read as follows:

§ 202.41 *Paint, varnish, and related products industry*—(a) *Definition.* The The paint, varnish, and related products industry is defined as that industry which manufactures or furnishes any of the following products: Inorganic pigments or colors either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers and enamels (including industrial product finishes); filler, putty, and top dressings; paint and varnish removers; furniture and floor wax; and artists' oil and water colors.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the paint, varnish, and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.50 an hour arrived at either on a time or piece rate basis.

(c) *Sub-minimum wages authorized.* Probationary employees may be employed at wages not less than $1.40 an hour, arrived at either on a time or incentive basis, for a period not to exceed 480 hours. A probationary employee, for the purpose of this section, is defined as an inexperienced new employee who has less than 480 hours experience in the plant in which he is employed.

(d) *Effect on other obligations.* Nothing in this section shall affect any other obligation for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective, and the minimum wages herein established shall apply as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after July 24, 1958.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 19th day of June 1958.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 58-4762; Filed, June 23, 1958; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1657]

[Fairbanks 013530]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Bureau of Land Management as an administrative site:

ESTER DOME

A parcel of land situated on Ester Dome lying approximately 15 miles northwest of Fairbanks, Alaska, more particularly described as follows:

Beginning at a point from which the bench mark on Ester Dome bears N. 54°15′ W., 4.5 chains thence

North, 8.0 chains;
West, 8.0 chains;
South, 8.0 chains;
East, 8.0 chains to the point of beginning.

The tract described contains 6.4 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 17, 1958.

[F. R. Doc. 58-4737; Filed, June 23, 1958; 8:46 a. m.]

[Public Land Order 1658]

[Wyoming 058362]

WYOMING

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE AS PICNIC GROUNDS, CAMPGROUNDS AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands within the Medicine Bow National Forest in Wyoming are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for use as picnic grounds, campgrounds, and recreation areas:

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

Barber Lake Picnic Ground

T. 16 N., R. 78 W.,
  Sec. 29, W½NE¼SE¼ and E½NW¼SE¼.
  The areas described aggregate 40 acres.

Brooklyn Lake Recreation Area

T. 16 N., R. 79 W.,
  Sec. 10, NE¼;
  Sec. 11, SW¼NW¼NW¼ and W½SW¼NW¼.
  The areas described aggregate 190 acres.

Lake Marie Picnic Ground

T. 16 N., R. 80 W.,
  Sec. 24, SE¼SE¼, SE¼NW¼SE¼, and E½SW¼SE¼;
  Sec. 25, NW¼NE¼NE¼ and NE¼NW¼NE¼.
  The areas described aggregate 90 acres.

Lewis Lake Campground

T. 16 N., R. 79 W.,
  Sec. 17, S½NW¼NW¼ and N½SW¼NW¼.
  The areas described aggregate 40 acres.

Libby Creek Picnic Ground

T. 16 N., R. 78 W.,
  Sec. 28, NW¼SW¼SE¼, S½SW¼SE¼; SW¼SE¼SE¼, SE¼SW¼, and E½SW¼SW¼;
  Sec. 33, NW¼NE¼NE¼, N½NW¼NE¼, and NE¼NE¼NW¼.
  The areas described aggregate 140 acres.

Mirror Lake Picnic Ground

T. 16 N., R. 79 W.,
  Sec. 19, lots 2, 3, and 4, SW¼SE¼NW¼, and W½NE¼SW¼.
T. 16 N., R. 80 W.,
  Sec. 24, SE¼SE¼NE¼ and NE¼SE¼.
  The areas described aggregate 193.55 acres.

Nash Fork Picnic Ground

T. 16 N., R. 79 W.,
  Sec. 13, W½SW¼SE¼ and E½SE¼SW¼.
  The areas described aggregate 40 acres.

North Fork Trailer Campground

T. 16 N., R. 78 W.,
  Sec. 28, SE¼SW¼NE¼, NW¼NE¼SE¼, and E½NW¼SE¼.
  The areas described aggregate 40 acres.

Silver Lake Campground

T. 16 N., R. 80 W.,
  Sec. 34, E½SE¼NE¼ and NE¼NE¼SE¼;
  Sec. 35, W½SE¼NW¼, SW¼NW¼, and N½NW¼SE¼.
  The areas described aggregate 110 acres.

Upper Nash Fork Campground

T. 16 N., R. 79 W.,
  Sec. 14, S½NW¼NE¼ and N½SW¼NE¼.
  The areas described aggregate 40 acres.

The public lands withdrawn by this order total 923.55 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 17, 1958.

[F. R. Doc. 58-4738; Filed, June 23, 1958; 8:46 a. m.]

[Public Land Order 1659]

COLORADO

RESERVING LANDS IN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS A RECREATION AREA, AND AS GUARD AND RANGER STATIONS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Pike and White River National Forests in Colorado, are hereby withdrawn from all forms of appropriation under the public-land laws including the mining, but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture as indicated:

[Colorado 012768]

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Eleven-Mile Canyon Recreation Area

T. 12 S., R. 71 W.,
  Sec. 31, lots 3 and 5, NW¼NE¼, S½NE¼NE¼, N½SW¼NE¼, and NE¼SW¼.
T. 13 S., R. 72 W.,
  Sec. 1, lots 5, 10, 11, 14, and 15, NW¼SW¼NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
  Sec. 2, S½S½SE¼;
  Sec. 10, lots 7 and 8;
  Sec. 11, lot 1, N½NE¼NE¼, NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, SE¼NW¼, N½NE¼SW¼, SW¼NE¼SW¼, and NW¼SW¼;
  Sec. 12, N½NW¼NW¼;
  Sec. 15, lot 1, E½NE¼, NW¼, and NW¼SW¼;
  Sec. 16, lots 1, 2, 3, 4, and 5, NW¼NE¼, NW¼SE¼, NE¼SW¼, and S½NW¼SW¼;
  Sec. 17, lot 15;
  Sec. 20, lots 7, 8, and 12, NE¼NE¼, E½NW¼NE¼, W½SE¼NE¼, SW¼NE¼, NW¼SE¼, and E½SW¼.
  The areas described aggregate 1,953.18 acres.

[Colorado 016666]

WHITE RIVER NATIONAL FOREST

Lost Creek Ranger Station

T. 1 N., R. 90 W.,
  Sec. 14, lot 8, NW¼NW¼SW¼, S½NW¼SW¼, N½SW¼SW¼, and SW¼NE¼SW¼;
  Sec. 15, NE¼SE¼ and N½SE¼SE¼.

Derby Mesa Guard Station

T. 2 S., R. 86 W.,
  Sec. 11, lots 6, 7, and 8, N½SE¼SW¼ and N½S½SE¼.

Sweetwater Guard Station

T. 3 S., R. 87 W.,
  Sec. 9, SE¼SE¼.

Minturn Ranger Station

T. 5 S., R. 81 W.,
  Sec. 36, lots 15, 16, 17, and 18.

Cattle Creek Guard Station

T. 7 S., R. 86 W.,
  Sec. 8, S½NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼ (unsurveyed).

Cayton Guard Station

T. 8 S., R. 91 W.,
  Sec. 33, lots 3, 8, and 9.
T. 9 S., R. 91 W.,
  Sec. 4, lots 1 and 2.

Woody Creek Guard Station

T. 9 S., R. 84 W.,
  Sec. 19, S½SW¼ and SW¼SE¼ (unsurveyed);
  Sec. 30, N½NE¼NW¼ and N½NW¼NE¼ (unsurveyed).

Conundrum Guard Station

T. 12 S., R. 85 W.,
  Sec. 9, S½SE¼SE¼ (unsurveyed);
  Sec. 16, NE¼NE¼ (unsurveyed).
  The areas described aggregate 838.59 acres.

The total area described in this order is approximately 2,792 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 17, 1958.

[F. R. Doc. 58-4739; Filed, June 23, 1958; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

KARLUK DISTRICT; CURTAILMENT OF FISHERY

Basis and purpose: On the basis of a more intense and more effective fishery on stocks of Karluk River salmon than originally anticipated, it has been determined that further curtailment of the fishery is necessary to assure the seeding of spawning grounds to perpetuate the runs.

Therefore, effective immediately on publication in the FEDERAL REGISTER, paragraph (a) of § 108.5 is amended to read as follows:

(a) *Karluk district:* From 6 a. m. June 2 to 6 p. m. August 13, and from 6 a. m. September 5 to 6 p. m. September 20: *Provided,* That effective only through December 31, 1958 fishing is prohibited from June 21 to 6 a. m. July 7: *Provided further,* That fishing is prohibited (1) from 6 p. m. June 20 to 6 a. m. July 7 in the Uyak section, and (2) from 6 p. m. August 1 to 6 a. m. September 5 in the Inner Karluk section.

Since immediate action is necessary, notice and public procedure in this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director,
Bureau of Commerical Fisheries.

JUNE 20, 1958.

[F. R. Doc. 58-4803; Filed, June 20, 1958; 4:18 p. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 192, 193, 196]

[Ex Parte No. MC-40]

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

EXTENSION OF TIME TO FILE STATEMENTS

In the matter of extending date for filing statements in response to proposals to amend certain of the motor carrier safety regulations.

Upon consideration of the record in the above-entitled proceeding, and request of the American Trucking Associations, Inc., and Truck-Trailer Manufacturers Association, Inc., for an extension of time within which to file statements in response to orders and notices of rule making, dated February 13, March 14, April 22, May 2, and May 9, 1958; and good cause appearing therefor;

It is ordered, That the time within which said statements may be filed, be, and it is hereby, extended to October 1, 1958.

Dated at Washington, D. C., this 17th day of June A. D. 1958.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4647; Filed, June 23, 1958; 8:49 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Parts 26, 37, 48, 56, 57]

MATTER MAILED WITHOUT PREPAYMENT OF POSTAGE

NOTICE OF PROPOSED RULE MAKING

Public Law 85-371, approved April 9, 1958 (72 Stat. 83), among other things, requires the Postmaster General to prescribe by regulation the conditions for delivery to the addressee, return to the sender, or other disposition, of matter mailed without prepayment of the postage required by law to be paid, or without prepayment of the full amount of postage required, and the charges to be collected on delivery for any matter mailed without prepayment of any lawfully required postage or without prepayment of the full amount of the required postage. The law also permits the Postmaster General to prescribe the fee charged for return of dead mail.

The Department proposes to adopt the amendments to §§ 26.4, 37.1, 48.2, 56.2, and 57.5, set forth herein,[1] on a temporary basis effective July 1, 1958.

These proposed amendments to Title 39, Code of Federal Regulations, relate to a proprietary function of Government and are therefore exempt from the rule making requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements in this case so that postal patrons may have an opportunity to present written views concerning the proposed regulations. Consideration will be given the proposed amendments in the light of such written views as may be submitted. Comments may be transmitted to Mr. Edwin A. Riley, Director, Postal Services Division, Bureau of Operations, Washington 25, D. C., at any time prior to August 1, 1958.

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4788; Filed, June 23, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 5]

CERTAIN OFFICIALS, UMATILLA SUBAGENCY

DELEGATION OF AUTHORITY

The headnote for Part 2 of Portland Area Office Redelegation Order 1, as amended, is revised to read as follows: "Part 2—Authority of Superintendents, School Superintendent, Project Engineer, and Assistant Superintendent, Umatilla Subagency".

GLENN L. EMMONS,
Commissioner.

JUNE 18, 1958.

[F. R. Doc. 58-4736; Filed, June 23, 1958; 8:46 a. m.]

Bureau of Land Management

[Group 314, Arizona]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

JUNE 16, 1958.

1. Pursuant to authority delegated by BLM Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, notice is given that the plats of survey accepted December 26, 1957, of T. 30 N., R. 19 W., and T. 30 N., R. 20 W., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after date of this notice.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 30 N., R. 19 W.,
  Sec. 18, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 19, Lots 1, 2, 3, 4, E½W½, E½, (All);
  Sec. 20, (All);
  Sec. 28, (All);
  Sec. 33, (All);
  Sec. 34, (All);
  Sec. 35, (All).
T. 30 N., R. 20 W.,
  Sec. 1, Lots 1, 2, 3, 4, S½N½, S½, (All);
  Sec. 12, (All).

Within the above described areas are 5,751.68 acres.

Available data indicates that the lands in T. 30 N., R. 19 W., are rolling and the soil is sand and gravel. The lands in Sec. 1, T. 30 N., R. 20 W., is partly rolling and the balance is high rolling, and the soils are partly volcanic and partly sandy and gravel and gypsum. The land in Sec. 12, T. 30 N., R. 20 W., is low rolling with gravel and sand soil.

All of the lands in T. 30 N., R. 19 W., were withdrawn by the Secretary of the Interior January 31, 1903, under Second Form, Act June 17, 1902, for the Colorado River Project; and on April 25, 1930, they were temporarily withdrawn by Executive Order 5339 for a national monument. The lands in T. 30 N., R. 20 W., were temporarily withdrawn on April 25, 1930, by Executive Order 5339 for a national monument.

In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

THOS. F. BRITT,
Manager.

[F. R. Doc. 58-4740; Filed, June 23, 1958; 8:46 a. m.]

[Classification 6]

ANCHORAGE ALASKA LAND DISTRICT

SMALL TRACT CLASSIFICATION; REVOCATION

Effective June 26, 1958, Federal Register Document 48-10875, appearing in the issue for December 15, 1948, is revoked as to the following described public lands:

UPPER FIRELAKE AREA

T. 15 N., R. 1 W., Seward Meridian,
  Section 30: Lot 4, Lot 5 except the SW¼SW¼ the S½N½NE¼ and the N½S½NE¼ thereof.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4761; Filed, June 23, 1958; 8:51 a. m.]

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[1] See Title 39, Chapter I, Parts 26, 37, 48, 56 and 57, *supra*.

DEPARTMENT OF COMMERCE

Federal Maritime Board

AIR AGENCY, INC., ET AL.

NOTICE TO SHOW CAUSE WHY CERTAIN FREIGHT FORWARDER REGISTRATIONS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., the 9th day of June, 1958, the Board entered the following order:

Whereas, the registrants named in the Appendix below are registered pursuant to Federal Maritime Board General Order 72 (46 CFR Part 244), and

Whereas, registered letters sent to the first nine of these registrants have been returned by the post office as undeliverable, and the Board is unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas, the other named registrants have failed to respond to registered letters in violation of General Order 72:

Now, therefore, it is ordered, That the named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated, and

It is further ordered, That failure of any registrant to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and that the Secretary notify the registrant of such cancellation by letter to be sent by registered mail to its last known address; and

It is further ordered, That a copy of this order be sent by registered mail to each of the named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

APPENDIX

Name; Reg. No. and Date Issued

Air Agency, Inc.; 1238; 1-24-51.
Fernando Alvaredo; 1037; 8-18-50.
Carr Brothers, Inc.; 401; 7-13-50.
Champion Forwarding Corp.; 1490; 5-5-52.
Chamberlin Steamship Co., Ltd.; 541; 7-18-50.
Caribe Export Company (E. L. Regalado, dba); 2040; 8-27-56.
Annette M. Hersch; 2044; 9-11-56.
Henry Lauterbach Company (Betty Castaing, dba); 483; 9-29-54.
Pan American Marine Corp.; 119; 6-29-50.
Alvin J. Aple; 2145; 5-17-57.
Cas-Mar Shipping Co.; 1612; 4-16-53.
D. B. Dearborn & Company; 431; 7-13-50.
Hugh A. Duffy; 1769; 8-13-54.
Lama Consolidated Services (Lorenzo C. Maura, dba); 1876; 5-10-55.

Dated: June 18, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-4734; Filed, June 23, 1958; 8:45 a. m.]

MEMBER LINES OF PACIFIC/STRAITS CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 5680-C, between the member lines of the Pacific/Straits Conference and Compagnie de Transports Oceaniques, covers the admission of that company to associate membership in said conference. As an associate member, Compagnie de Transports Oceaniques will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will be permitted to participate in conference contracts with shippers; but will have no vote on conference affairs.

(2) Agreement No. 5680-D, between the member lines of the Pacific/Straits Conference and the carriers comprising the Ellerman and Bucknall Associated Lines joint service, covers the admission of that joint service to associate membership in said conference. As an associate member, Ellerman and Bucknall Associated Lines will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will be permitted to participate in conference contracts with shippers; but will have no vote on conference affairs.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 18, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-4735; Filed, June 23, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

SISKIYOU NATIONAL FOREST

REMOVAL OF TRESPASSING GOATS

Whereas a number of goats are trespassing and grazing on land in Sec. 19, T. 40 S., R. 12 W., W. M., Chetco District, Siskiyou National Forest, in Curry County, State of Oregon; and

Whereas these goats are consuming planted trees and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of sec. 19, T. 40 S., R. 12 W., W. M., Chetco District, Siskiyou National Forest:

Temporary closure from livestock grazing. (a) Section 19, T. 40 S., R. 12 W., W. M., Chetco District, Siskiyou National Forest, is hereby closed for the period July 1, 1958, to October 31, 1958, to the grazing of goats.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all goats found trespassing or grazing in violation of this order.

(c) Fifteen days' notice of intention to dispose of such goats shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Siskiyou National Forest is located.

Done at Washington, D. C., this 19th day of June 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 58-4770; Filed, June 23, 1958; 8:52 a. m.]

Office of the Secretary

INDIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Indiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Benton.
Blackford.
Boone.
Carroll.
Case.
Clay.
Clinton.
Daviess.
Delaware.
Fountain.
Fulton.
Gibson.
Grant.
Greene.
Hamilton.
Hendricks.
Howard.
Huntington.
Jasper.
Jay.
Knox.
Madison.
Marion.
Miami.
Montgomery.
Morgan.
Newton.
Owen.
Parke.
Pike.
Posey.
Putnam.
Randolph.
Sullivan.
Tippecanoe.
Tipton.
Vermillion.
Vigo.
Wabash.
Warren.
Wells.
White.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 19th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4771; Filed, June 23, 1958; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-107]

S. A. INNOCENTE MANGILI ADRIATICA, INC. (S. A. I. M. A.)

NOTICE OF FILING OF APPLICATION FOR FACILITY EXPORT LICENSE

Please take notice that S. A. Innocente Mangili Adriatica, Incorporated, 47 Water Street, New York 4, New York, has submitted an application dated May 28, 1958, for a license to export a 50 kilowatt solution-type research reactor to Politecnico Di Milano, Milano, Italy.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of the Italian Republic, the Commission may issue a facility export license authorizing the export of the reactor to Milano, Italy.

In its review of applications sought solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

Dated at Germantown, Md., this 17th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4731; Filed, June 23, 1958; 8:45 a. m.]

[Docket Nos. F-44, 50-53]

AEROJET-GENERAL NUCLEONICS

NOTICE OF AMENDMENT TO CONSTRUCTION PERMIT NO. CPRR-13

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to Construction Permit No. CPRR-13. The amendment extends the latest completion date for AGN reactors Serial Nos. 114 through 120 inclusive to January 1, 1959. In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see the application for amendment at the Commission's Public Document Room, 1717 H Street N.W., Washington, D. C.

Dated at Germantown, Md., this 17th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Docket Nos. F-44, 50-53]

AEROJET-GENERAL NUCLEONICS

[Construction Permit No. CPRR-13; Amdt. 1]

AMENDMENT TO CONSTRUCTION PERMIT

Condition 1 of CPRR-13 is hereby amended in the following respects:

The latest completion date for AGN reactors Serial Nos. 114 through 120 inclusive is January 1, 1959.

Date of issuance: June 17, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-4732; Filed, June 23, 1958; 8:45 a. m.]

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no requests for formal hearing having been filed following filing of the notice of proposed action with the Federal Register Division the Atomic Energy Commission has this date issued Facility License No. CX-11 authorizing Westinghouse Electric Corporation to possess and operate a critical experiment facility designed to operate at power levels up to 100 watts at the Westinghouse Reactor Evaluation Center located near Waltz Mill in Westmoreland County, Pennsylvania. The notice of proposed action was published in the FEDERAL REGISTER on May 30, 1958, 23 F. R. 3793.

Dated at Germantown, Md., this 17th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4733; Filed, June 23, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9181]

ALLEGHENY AIRLINES, INC. AND MOHAWK AIRLINES, INC.; ERIE-DETROIT INVESTIGATION

NOTICE OF HEARING

In the matter of an investigation as to the need for the alteration, amendment, modification, or suspension of portions of the certificates of Allegheny Airlines, Inc., and Mohawk Airlines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205 (a), 401 (h), and 1002 of said Act and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held commencing July 7, 1958, at 10:00 a. m., e. d. s. t., in Conference Room A, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C., before Examiner William F. Cusick. Upon completion of the Washington, D. C., session, the hearing will reconvene, for the purpose of hearing civic witnesses, in Erie, Pennsylvania, on July 16, 1958, at 10:00 a. m., e. d. s. t., in Federal Court Room B, U. S. Court House Building, 6th and State Streets.

Without limiting the precise scope of the issues particular attention will be directed to the following:

1. Whether the certificates of Allegheny Airlines, Inc., and Mohawk Airlines, Inc., or either of them, should be altered, amended, modified, or suspended insofar as the certificate of Allegheny authorizes it to engage in air transportation over that part of segment 7 of its route No. 97 between Erie, Pennsylvania, and Detroit, Michigan, and insofar as the certificate of Mohawk authorizes it to engage in air transportation over segment 7 of route No. 94 between the coterminals Buffalo and Niagara Falls, New York; Erie, Pennsylvania, and Detroit, Michigan.

For further details regarding this proceeding, interested parties are referred to the prehearing conference report, orders, notices, and documents on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this proceeding must file with the Board on or before July 7, 1958, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D. C., June 18, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4763; Filed, June 23, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13764 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 18, 1958.

In the matters of Pan American Petroleum Corporation, Docket No. G-13764; New Mexico Western Oil and Gas Company, Docket No. G-14255; The Cooperative Refinery Association, Docket No. G-14411.

Take notice that each of the above-designated parties, hereinafter referred to as Applicant, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the respective applications which are on file with the Commission and open to public inspection. Each Applicant has also submitted the related rate filing.

Applicants will produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No. G-13764: Pan American Petroleum Corporation (Applicant), a Delaware corporation having its principal place of business at Tulsa, Oklahoma, filed on November 19, 1957, an application for a certificate authorizing the sale to Panhandle Eastern Pipe Line Company (Panhandle Eastern) of its 50 percent interest in gas produced from the Rinehart Unit located in the Kismet Field, Seward County, Kansas. Pan American is a signatory seller party to a ratification agreement with Panhandle Eastern ratifying a basic contract dated November 19, 1953, as amended, between United Carbon Company, Inc., Columbian Fuel Corporation, and United Producing Company, Inc. (sellers), and Panhandle Eastern (buyer). The ratification agreement, dated July 15, 1957, together with the basic contract and amendments thereto, has been tendered for filing with the Commission as Applicant's Gas Rate Schedule No. 212, and supplements Nos. 1, 2 and 3 thereto.

Docket No. 14255: New Mexico Western Oil and Gas Company (subsidiary of El Paso Natural Gas Company) filed on January 15, 1958, an application for a certificate authorizing the sale of its interest in the gas produced from the Huerfano Unit in the Ballard (Pictured Cliffs) Field, San Juan and Rio Arriba Counties, New Mexico, to be sold pursuant to a basic gas sales contract dated September 11, 1957, and two amendatory agreements dated September 20, 1957, and September 27, 1957, which add additional acreage to the basic contract. Production is limited to horizons down to and including the Dakota Formation. El Paso, purchaser and Unit Operator, commenced taking gas from the subject unit on November 17, 1955, pursuant to a lease sale agreement dated July 22, 1954, which agreement was amended to postpone the closing date and cancelled on February 25, 1957, on which date El Paso acquired a controlling interest in the stock of Applicant. Applicant is the signatory seller party to the basic contract and supplements thereto referred to above, and has tendered them for filing with the Commission as Applicant's Gas Rate Schedule No. 1 and 2 thereto.

Docket No. G-14411: The Cooperative Refinery Association filed on February 6, 1958, an application for a certificate authorizing the sale to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska), of its share of gas produced from the Masoner-McCoy Unit located in the Hugoton Field, Finney County, Kansas. Applicant is the signatory seller party to a sales contract with Kansas-Nebraska dated July 19, 1955, which contract has been tendered for filing with the Commission as Applicant's Gas Rate Schedule No. 2.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1958 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 9, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4758; Filed, June 23, 1958; 8:50 a. m.]

[Docket No. G-14124 etc.]

UNION PRODUCING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 18, 1958.

In the matters of Union Producing Company, Docket No. G-14124; Lawrence E. Elliot and Edna M. Elliot,[1] Docket No. G-14378; Sinclair Oil & Gas Company,[2] Docket No. G-14628; Northern Natural Gas Producing Company, Docket No. G-14637; El Paso Natural Gas Products Company,[3] Docket No. G-14645; The Superior Oil Company,[4] Docket No. G-14674; Bachus Oil Company (Operator) et al.,[5] Docket No. G-14677; Durl Fluharty and B. C. Williamson d/b/a Fluharty & Williamson,[6] Docket No. G-14702; Gulf Oil Corporation,[7] Docket No. G-14741; Pan American Petroleum Corporation,[8] Docket No. G-14783; Sohio Petroleum Company,[9] Docket No. G-14814; Texas Pacific Coal & Oil Company,[10] Docket No. G-14848; Texas Pacific Coal & Oil Company,[10] Docket No. G-14849; Secure Trust,[11] Docket No. G-14882; Estate of Lyda Bunker Hunt, Deceased,[11] Docket No. 14883; H. L. Hunt,[11] Docket No. G-14884.

Take notice that each of the above applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Location of Field, and Buyer

G-14124; Deer Island Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company.

G-14378; Blinebry & Tubbs Fields, Lea County, New Mexico; El Paso Natural Gas Company.

G-14628; Rosston Field (Madison Area) Beaver County, Oklahoma; Northern Natural Gas Company.

G-14637; Hockett Field, Meade County, Kansas; Northern Natural Gas Company.

G-14645; San Juan Basin, San Juan County, New Mexico; El Paso Natural Gas Company.

G-14674; Mocane Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

G-14677; Driftwood Field, Barber County, Kansas; Cities Service Gas Company.

G-14702; Union District, Ritchie County, West Virginia; Equitable Gas Company.

G-14741; Maxie-Pistol Ridge Field, Forrest, Lamar & Pearl Counties, Miss.; United Gas Pipe Line Company.

G-14783; Sonora Field, Sutton County, Texas; Pioneer Gathering System, Inc.

G-14814; Greenwood-Waskom Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

G-14848; San Juan Basin, San Juan County, New Mexico; El Paso Natural Gas Company.

G-14849; San Juan Basin, San Juan County, New Mexico; El Paso Natural Gas Company.

G-14882; Oberlin Field, Allen Parish, Louisiana; Texas Gas Transmission Corporation.

G-14884; Oberlin Field, Allen Parish, Louisiana; Texas Gas Transmission Corporation.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 24, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commis-

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See footnotes at end of document.

sion, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure is cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

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[1] Lawrence E. Elliot and Edna M. Elliot, non-operators, are filing for their combined 12.5 percent working interest in the Lockhart A-35 Unit and are the only signatory seller parties to the gas sales contract dated February 2, 1957. Production is limited to the Tubb and Blinebry Formations.

[2] Sinclair Oil & Gas Company, non-operator, is filing for its working interest in the W. A. Lonker "D" Unit and is the only signatory seller party to the gas sales contract dated December 31, 1957. Production is limited to horizons above the base of the Mississippian Formation.

[3] Application covers a proposed sale of natural gas pursuant to a basic gas sales contract dated December 30, 1957, and an amendatory agreement, adding additional acreage thereto, dated February 1, 1958. Production is limited to horizons below base of the Mesaverde Formation, down to and including base of the Haspah (Gallup) Formation.

[4] Production is limited to horizons below base of the Mississippian Formation.

[5] Bachus Oil Company (Operator), a partnership comprised of Dave Bachus and Joseph H. Bachus, is filing for itself and on behalf of the following non-operators: Prime Drilling Company, James J. O'Connor, Katherine Farris, L. A. Farris, Jr., Marjorie Anthony and William G. Anthony. All above-named individuals are signatory seller parties to the gas sales contract dated January 13, 1958.

[6] Application covers a proposed sale of natural gas pursuant to a gas sales contract dated February 24, 1958, to which contract Durl Fluharty and B. C. Williamson are both signatory seller parties. In addition, Icy M. Snider and H. W. Snider are also signatory seller parties to the subject gas sales contract, however, the application does not indicate whether or not it covers the interests of Icy M. Snider and H. W. Snider.

[7] Production is limited to horizons between surface and base of the Tuscaloosa Formation.

[8] Production is limited to horizons above base of the Canyon Sand.

[9] Sohio Petroleum Company, non-operator, is filing for its working interest in the Ultima Thule Unit and is the only signatory seller party to the gas sales contract dated January 27, 1958. Application states that Lyons and Logan, Operator of said unit, commenced service on April 23, 1957, pursuant to authorization issued to C. H. Lyons, Sr., Operator, et al., in Docket No. G-12145.

[10] Texas Pacific Coal & Oil Company, non-operator, is filing for its working interest in the following wells: The Texas Company-Texas Pacific Well (Docket No. G-14848); El Paso-Texas Pacific Pool Unit No. 1 Well and Frank A. Schultz's State of Mexico Unit Well No. 8-16 (Docket No. G-14849). Applicant is the only signatory seller party to two separate gas sales contracts each dated March 21, 1957. The contract related to the sale of gas from The Texas Company-Texas Pacific Well limits production to the Mesaverde Formation and the contract covering the El Paso and Frank A. Schultz wells limits production to depths down to and including the Pictured Cliffs Formation.

[11] Docket Nos. G-14882 (Secure Trust), G-14883 (Estate of Lyda Bunker Hunt, Deceased) and G-14884 (H. L. Hunt) cover proposed sales of natural gas produced from Applicants' interests in two gas units to be sold pursuant to a ratification agreement dated March 11, 1958, of a basic contract dated April 8, 1957, between Bel Oil Corporation, et al., sellers, and Texas Gas, buyer. The three above-named Applicants and Texas Gas are signatory parties to the subject ratification agreement. Bel Oil Corporation, Operator, et al., filed in pending Docket No. G-12421 for authorization covering the sale of gas under the basic contract. The basic contract limits production to horizons between surface and depth of 10,500 feet.

[F. R. Doc. 58-4759; Filed, June 23, 1958; 8:50 a. m.]

[Docket No. G-15304]

WARREN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 18, 1958.

Warren Petroleum Corporation (Operator), (Warren) on May 9, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 1, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Warren's FPC Gas Rate Schedule No. 28.

Effective date: June 19, 1958 (effective date is the effective date proposed by Warren.)

In support of the proposed favored-nation rate increase, Warren quotes the contract favored-nation provision therefor and states that the last price for which Phillips has filed for its Lee Plant is 10.8054 cents per Mcf, and that the gas from Phillips' Lee Plant and Warren's Monument Plant are essentially similar in that both plants deliver wet, sour gas requiring dehydration and sulfur removal; that delivery pressure, measurement standards and heating values are essentially the same but that Warren's Monument Plant delivers about six times as much gas as Phillips' Lee Plant. Warren further states that interstate and intrastate sales of pipeline quality gas are now being made in the Permian Basin at 16 cents per Mcf and that considering the differences in delivery conditions and quality, a price of 12 cents per Mcf for Warren's gas is justified. Warren also refers to cost studies submitted as support for its present 8.5 cents per Mcf price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed chang and that Supplement No. 5 to Warren's FPC Gas Rate Schedule No. 28 be sus pended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Warren's FPC Gas Rate Schedule No. 28.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 9, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4760; Filed, June 23, 1958; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24NY-4442, 24NY-4438]

SHINBONE ALLEY CO. AND CAREER CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 18, 1958.

In the matter of Peter Lawrence as "Shinbone Alley Company", File No. 24NY-4442; James Preston and Charles Olsen as "The Career Company", File No. 24NY-4438.

I. Peter Lawrence as "Shinbone Alley Company" of 40 East 49th Street, New York 17, N. Y.; and James Preston and Charles Olsen as "The Career Company" of 19 West 74th Street, New York 23, N. Y.; each filed with the Commission a notification on Form 1-A and an offering circular relating to a proposed public offering of securities for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of said Regulation A have not been complied with in that:

(1) Each issuer has failed to file on Form 2-A reports of sales as required by Rule 260 and has ignored requests by the Commission's staff for such reports; and

(2) Each issuer has failed to file a revised offering circular as required by Rule 256 (e) and has ignored requests by the Commission's staff for such revised offering circulars.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and hereby is, temporarily suspended in each instance.

Notice is hereby given, that any person having any interest in either of the above matters may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission the order shall become permanent as to the matter for which no hearing is requested or ordered on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4744; Filed, June 23, 1958; 8:48 a. m.]

[File No. 24SF-1838]

GOLD CROWN MINING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 18, 1958.

I. Gold Crown Mining Corporation, a Nevada corporation, filed with the Commission on November 12, 1953, a notification and offering circular relating to a proposed offering of 40,000 shares of its $1 par value common stock at $5.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. An exemption under Regulation A is not available pursuant to Rule 223 (a) (6) in that the underwriter and the secretary-treasurer of the issuer have been convicted of violating the California Corporate Securities Law.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, particularly with respect to the failure to disclose that the issuer offered and sold its securities to certain persons including its officers and directors at prices below the price set forth in the offering circular.

C. The offering would operate as a fraud and deceit upon purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that Gold Crown Mining Corporation and any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and the notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4745; Filed, June 23, 1958; 8:48 a. m.]

[File No. 70-3710]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE BY HOLDING COMPANY OF ITS SHORT-TERM NOTES TO BANKS

JUNE 17, 1958.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, ("act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Columbia proposes to issue its unsecured promissory notes in an aggregate amount not to exceed $50,000,000. The notes will be issued pursuant to loan agreements with a group of commercial banks. The names of the banks and their maximum participations under the loan agreements are as follows:

Guaranty Trust Company of New York, New York City	$17,070,000
Chemical Corn Exchange Bank, New York City	$5,500,000
Mellon National Bank and Trust Co., Pittsburgh, Pa	5,500,000
Bankers Trust Company, New York City	3,000,000
The First National City Bank of New York, New York City	4,300,000
Irving Trust Company, New York City	2,850,000
The Hanover Bank, New York City	2,850,000
J. P. Morgan & Co., Inc., New York City	1,850,000
Manufacturers Trust Company, New York City	1,850,000
Peoples First National Bank & Trust Co., Pittsburgh, Pa	990,000
Brown Brothers, Harriman & Company, New York City	1,000,000
Fidelity Trust Company, Pittsburgh, Pa	990,000
The Ohio National Bank of Columbus, Columbus, Ohio	480,000
The Union National Bank of Pittsburgh, Pittsburgh, Pa	600,000
The Charleston National Bank, Charleston, W. Va	480,000
The Kanawha Valley Bank, Charleston, W. Va	400,000
The First Huntington National Bank, Huntington, W. Va	200,000
First City National Bank of Binghamton, Binghamton, N. Y	90,000
	50,000,000

Notes will be issued and will mature in accordance with the following schedule:

$16,500,000 on or before July 16, 1958, maturing February 26, 1959;

$16,500,000 on or before August 14, 1958, maturing March 26, 1959; and

$17,000,000 on or before September 16, 1958, maturing April 29, 1959.

The notes to be issued will be apportioned among all banks in accordance with the participation of each in the total credit and will bear interest at the rate of 3½ percent per annum, the prime rate at the time the agreements were negotiated.

Notes may be prepaid in whole or in part in order of maturity, without penalty on ten days' notice, except that prepayments cannot be made with funds borrowed from banks at a lower interest rate.

Columbia will advance the money obtained from said bank borrowings to six of its wholly-owned subsidiaries to finance their purchases of inventory gas, as set out in the joint application-declaration of Columbia and said subsidiaries, File No. 70-3698 (Holding Company Act Release No. 13776). Funds for the repayment of the bank loans will become available to Columbia as its said subsidiaries repay the advances with revenues from the sale of gas withdrawn from storage.

No other regulatory commission has jurisdiction over the proposed transactions.

The total fees and expenses of Columbia in connection herewith are estimated at $400.

Notice is further given that any interested person may, not later than July 2, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of

his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration as filed or as amended may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may
appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4746; Filed, June 23,
8:48 a. m.]

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FEDERAL REGISTER

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JUN 26 1958
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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[Amdt. 1]

PART 472—WOOL

SUBPART—1957 PAYMENT PROGRAM FOR SHORN WOOL AND UNSHORN LAMBS (PULLED WOOL)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1957 Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 22 F. R. 593, are amended as follows:

1. In § 472.805, the letter "(a)" is inserted immediately after the heading thereof, and at the end of said section the following new paragraph (b) is added:

(b) The national average price received by producers for shorn wool marketed during the 1957 marketing year was 53.7 cents a pound, grease basis, which is 8.3 cents a pound below the incentive price of 62 cents. Therefore, the rate of incentive payment for the 1957 marketing year is 15.5 percent.

2. In § 472.811, the letter "(a)" is inserted immediately after the heading thereof, and at the end of said section the following new paragraph (b) is added:

(b) The rate of payment on unshorn lambs sold during the 1957 marketing year is 33 cents per hundredweight of live animals based on a difference of 8.3 cents a pound between the incentive price of 62 cents and the national average price of 53.7 cents a pound received by producers for shorn wool during the 1957 marketing year (§ 472.805 (b)).

3. Section 472.822 is deleted and the following is substituted therefor:

§ 472.822 *Deductions for promotion.* A deduction will be made from each shorn wool payment at the rate of 1 cent per pound of wool, grease basis, and from each unshorn lamb payment at the rate of 5 cents per hundredweight of live animals, as announced in the Department's press release issued September 12, 1957. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 20th day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President, CCC, and Administrator, CSS.

[F. R. Doc. 58-4812; Filed, June 24, 1958; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.34, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1958

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter called the "act"), for the purpose of allotting the 1958 sugar quota for the Domestic Beet Sugar Area. The basis and purpose of the order are more fully explained below.

Effective date. Allotments established by this order are larger than the allotments established in S. R. 814.34. To afford adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 210–899 ($2.50)

Title 21 ($0.70)

Title 49, Parts 71–90 ($0.55)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 6 ($1.50); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26, 1957 Added Pocket Parts: Parts 1–79 ($0.25), Parts 80–169 ($0.25), Parts 170–182 ($0.20); Title 26 (1954), Parts 1–19, Rev. Jan. 1, 1958 ($3.00), Parts 20–221, Rev. Jan. 1, 1958 ($2.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Parts 800–1099 ($0.65), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Titles 44–45, 1957 Added Pocket Part ($0.35); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

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things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on January 25, 1958 (23 F. R. 514) of a public hearing to be held at Scottsdale, Arizona, in the Hotel Valley Ho, on February 5, 1958, at 9:00 a. m., m. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary findings of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1958 quota for the Domestic Beet Sugar Area for the calendar year 1958, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee, and (c) substituting final data for estimates of such data and, (4) to provide for (a) transfer of allotments and (b) applicability of certain marketings to allotments. The hearing was held at the time and place specified in the notice and testimony was given with respect to all issues referred to in the hearing notice.

Based upon the record of the hearing and pursuant to the applicable rules of practice and procedure, the Administrator, Commodity Stabilization Service, United States Department of Agriculture, on May 17, 1958, filed a recommended decision and proposed order with respect to the allotment of the 1958 sugar quota for the Domestic Beet Sugar Area with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. Notice of such filing and opportunity to file exceptions thereto (23 F. R. 3357) was given to all interested persons in the manner provided in the rules of practice and procedure.

In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in 1958 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 7).

All three factors specified in the provision of the law quoted above have been considered by the formula on which this allotment of the 1958 Domestic Beet Sugar Area quota is based (R. 17). The formula follows the proposal made in the record and as recommended to the Government by an industry task force (R. Ex. 7) except for minor differences set forth below.

The allotment method as recommended by the Task Force determined allotments in hundredweight of refined sugar without making provision for determining allotments in short tons, raw value, and would determine allotments of any quota by the full application of the formula (R. Ex. 7). The Government witness proposed that a percentage distribution of the allotments should be determined in conjunction with the allotment method and that such percentage distribution, to be changed only when final data are substituted for estimated data, be applied to the quota to be allotted to determine allotments in short tons, raw value (R. 10). The testimony in this regard leaves some uncertainty regarding the quota level to be used in determining the percentage distribution. Such uncertainty is significant to the extent that the percentage distribution of allotments would differ slightly if based on different quotas, and because the quota for the area is subject to change prior to issuance of an order based on this proceeding. The method herein adopted provides for the determination of allotments in short tons, raw value, as required by the act, and provides for full application of the formula in determining allotments of any quota. This method avoids the necessity of first computing allotments in hundredweight or deriving a percentage distribution of allotments and results in final 1958 allotments unaffected by the quota level of a previous action.

Production of sugar from 1957-crop sugar beets, exclusive of known quantities to which proportionate shares did not pertain, is the most up-to-date measure of the "processings" factor available to represent the operations for a full year for each processor. A weighting of 75 percent to the processing factor in determining base allotments appears consistent with the importance of this factor under 1958 circumstances when sugar beet acreages are, and have been for several years, subject to limitations (R. 17). Measuring and weighting the factor in this way appears appropriate when considered in conjunction with the allotment method herein adopted and the provisions applicable to 1958.

The factor "past marketings" when measured by the 1953–57 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted, which are applicable to 1958, contributes to an orderly rate of change in marketing patterns (R. 18). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past.

The allotment method adopted herein for giving consideration to the "Ability to market" factor recognizes that ability is partially reflected in the other two factors, and additional consideration is appropriately given by adjusting base allotments to reflect January 1, 1958, inventory imbalances as set forth in detail in the findings (R. 19).

The allotment method as set forth in the findings recognizes the "hardship" provision of section 205 (a) of the act by providing for an alternative measure of processings to be used for any processor whose most recent crop was smaller than 85 percent of the preceding crop, adjusted for industry-wide change. Furthermore, the method provides that any processor subject to such "hardship" shall be exempted from adjustments applicable to base allotments that would otherwise result from inventory imbalances. A further provision would limit any processor's adjustment for inventory imbalance to 10 percent of his base allotment (R. 15, 17). These provisions are not expected to be applicable under 1958 circumstances (R. 17; Ex. 8) and no direct objection or exception was taken to them.

One processor urged that additional consideration be given the hardship provision of the act. He proposed that if any processor's marketings for one of the five years used in determining average marketings was less than 50 percent of such average, only the four years of largest marketings should be used in determining his average marketings (R. 41; Brief of National Sugar Manufacturing Co.). Another processor objected to the formula contending that a 75 percent weighting of processings would encourage over-production, that past marketings should never be weighted as low as 25 percent and favored giving a weighting of 25 percent to processings and 75 percent to past marketings. That processor also suggested that the Secretary set aside 100,000 bags to be used in the case of hardships (Brief of Franklin County Sugar Co.). In no case were the above modifications of the allotment method, as proposed in the hearing, supported by other testimony and in no case was it convincingly demonstrated that such proposed modification would provide more fair, efficient and equitable allotments in 1958.

All findings and conclusions dealing with issues not discussed above are based on single proposals in the record from which there were no dissents.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1958 Domestic Beet Sugar processors will have available for marketing from 1957-crop sugar beets about 1,660,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1958-crop beets, will result in a supply of sugar available for marketing in 1958 sufficiently in excess of the anticipated 1958 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1958 Domestic Beet Sugar Area quota for consumption within the continental United States is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) Processings of sugar from 1957-crop sugar beets, by each processor, exclusive of known quantities of sugar produced from sugar beets to which proportionate shares did not pertain is a fair, efficient and equitable measure of processings of sugar from the 1957-crop of sugar beets to which proportionate shares pertained.

(4) To assure a fair, efficient and equitable distribution of the 1958 Domestic Beet Sugar Area quota for consumption within the continental United States, the three factors specified in section 205 (a) of the act shall be given consideration and allotments determined as follows, based on data in the hearing record and final data of which official notice will be taken:

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(i) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1957-crop sugar beets, exclusive of known quantities of sugar produced from non-proportionate share beets, or the alternative measure provided for herein, expressed as a percentage of the total of such processings for all processors, and weighted by 75 percent: *Provided*, That in recognition of the "hardship" provision in section 205 (a) of the act, an alternative measure derived as follows shall be used for any processor when the quantity so derived exceeds such processor's actual 1957-crop processings: (Processor's 1956-crop processings) × (Industry total 1957-crop processings ÷ Industry total 1956-crop processings) × 85 percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1957-crop processings.

(ii) The factor past marketings shall be measured by each processor's average annual marketings within his allotment for the years 1953 through 1957, expressed as a percentage of the total of the measure for all processors, and weighted by 25 percent.

(iii) The total of the percentages resulting from (i) and (ii), above, for each processor shall be multiplied by the Domestic Beet Sugar Area quota, in short tons, raw value, to determine his base allotment, in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a) (iii), above, for January 1, 1958, inventory imbalances to the extent and as determined below: *Provided, however*, That any processor subject to the "hardship" provision of (4) (a) (i), above, shall be exempted from any such adjustment, that data pertinent to any such processor shall be excluded from the computations for determining adjustments, and that the adjustment applicable to any other processor shall not exceed 10 percent of his base allotment.

(i) Compute, in terms of hundredweight of refined sugar, the "plus" or "minus" January 1, 1958 inventory imbalance for each processor, by algebraically subtracting from his January 1, 1958 effective inventory his January 1, 1953–57 average effective inventory adjusted proportionately so that the total of such adjusted inventories of all processors subject to adjustments are equal to the total January 1, 1958 effective inventories of all such processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (i), shall be the quantity that such imbalance exceeds 10 percent of his adjusted January 1, 1953–57 average effective inventory and such excess multiplied by 25 percent.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (ii), among such processors on the basis of their "minus" inventory imbalances.

(iv) The adjustments determined pursuant to (ii) and (iii), representing hundredweight of refined sugar, shall be multiplied by the factor 0.0535 to express such adjustments in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a) (iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b) (iv). Such quantities when divided by 0.0535 express allotments in the equivalent hundredweight of refined sugar.

(5) The quantities of sugar and the percentages referred to in paragraph (4), above, based on data involving estimates for 1957 processings, 1957 marketings, and January 1, 1958, inventories, which shall be used to establish allotments pending availability and substitution of final data for such estimates, are set forth in the following table, applied to the Domestic Beet Sugar Area quota of 2,184,484 short tons, raw value.

Processors	Processings of sugar from 1957 crop beets		Average marketings within allotments 1953–57		Base allotments		January 1 effective inventories hundredweight refined			Adjustments to base allotments		Processor allotments short tons raw value (col. 6+ or − col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2× 0.75+ col. 4×0.25)	Short tons raw value (col. 5× quota)	1958	1953–57 average adjusted to col. 7 total	1958 inventory imbalances (col. 7− col. 8)	Hundredweight refined [1]	Short tons raw value (col. 10 ×0.0535)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	5,400,000	13.1036	4,595,333	13.1191	13.1075	286,331	3,947,349	3,822,638	+124,711	0	0	286,331
American Crystal Sugar Co.	5,349,414	12.9809	4,912,058	14.0232	13.2414	289,256	4,261,411	4,777,166	−515,755	−35,230	−1,885	287,371
Buckeye Sugars, Inc.	191,185	.4639	158,397	.4522	.4610	10,070	147,197	141,078	+6,119	0	0	10,070
Franklin County Sugar Co.	205,200	.4979	180,819	.5162	.5025	10,977	120,984	106,488	+14,496	+962	+51	11,028
Great Western Sugar Co., The	10,138,369	24.6017	8,363,645	23.8771	24.4205	533,462	7,953,936	7,847,401	+106,535	0	0	533,462
Holly Sugar Corp.	6,600,000	16.0155	5,637,224	16.0936	16.0350	350,282	5,194,461	5,269,772	−75,311	−5,144	−275	350,007
Layton Sugar Co.	231,235	.5611	144,699	.4131	.5241	11,449	207,522	137,308	+70,214	+14,121	+755	12,204
Menominee Sugar Co.	245,462	.5956	221,336	.6319	.6047	13,210	114,656	72,966	+41,690	+8,598	+460	13,670
Michigan Sugar Co.	1,360,311	3.3009	1,186,636	3.3877	3.3226	72,582	982,196	980,584	+1,612	0	0	72,582
Monitor Sugar Div. of Robert Gage Coal Co.	618,649	1.5012	552,893	1.5784	1.5205	33,215	425,583	453,220	−27,637	−1,888	−101	33,114
National Sugar Mfg. Co., The	126,375	.3067	90,796	.2592	.2948	6,440	94,660	68,844	+25,816	+4,733	+253	6,693
Northern Ohio Sugar Co.	567,296	1.3766	408,463	1.1661	1.3240	28,922	339,454	225,908	+113,546	+22,739	+1,217	30,139
Spreckels Sugar Co.	4,648,319	11.2796	3,727,486	10.6415	11.1201	242,917	3,175,863	2,872,414	+303,449	+4,052	+217	243,134
Union Sugar Div., Consolidated Foods Corp.	1,521,638	3.6924	1,406,263	4.0147	3.7730	82,421	1,147,688	1,303,747	−156,059	−10,660	−570	81,851
Utah-Idaho Sugar Co.	4,006,621	9.7224	3,441,822	9.8260	9.7483	212,950	3,042,854	3,076,280	−33,426	−2,283	−122	212,828
Total	41,210,074	100.0000	35,027,870	100.0000	100.0000	2,184,484	31,155,814	31,155,814	±808,188	±55,205	±2,953	2,184,484

[1] Determined as follows: Plus (+) adjustments = (Extent (+) quantity in col. 9 exceeds 10 percent of col. 8) × (25 percent); minus (−) adjustments = the total of (+) adjustments in col. 10, amounting to 55,205 hundredweight prorated to processors on the basis of (−) quantities in col. 9.

(6) The order shall be revised without further notice or hearing for the purpose of (a) substituting final data for estimated data on 1957-crop production, 1957 marketings and January 1, 1958, inventories used in measuring the factors when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Director of the Sugar Division of such release becomes a part of the official records of the Department, (c) allotting any area deficits which increase the 1958 Domestic Beet Sugar Area quota for consumption within the continental United States and (d) revising allotments to give effect to any change in the quota for the area due to action pursuant to sections 201 and 202 (a) of the act. In making revisions to give effect to quota changes indicated under (c) and (d), above, allotments shall be computed in the same manner as is provided for in this order.

(7) Official notice will be taken of (a) final data for 1957-crop processings, 1957 marketings and January 1, 1958, inventories that become a part of the official records of the Department, (b) any written notice to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the 1958 Domestic Beet Sugar Area quota.

(8) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(9) Under the circumstances prevailing in 1958, allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of any 1958 Domestic Beet Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that § 814.34 be amended to read as follows:

§ 814.34 *Allotment of the 1958 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1958 Domestic Beet Sugar Area quota for consumption within the continental United States of 2,184,484 short tons, raw value, is hereby allotted to the extent shown in this section, to the following processors in the amounts which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	286,331	5,351,981
American Crystal Sugar Co.	287,371	5,371,421
Buckeye Sugars, Inc.	10,070	188,224
Franklin County Sugar Co.	11,028	206,131
Great Western Sugar Co., The	533,462	9,971,252
Holly Sugar Corp.	350,007	6,542,187
Layton Sugar Co.	12,204	228,112
Menominee Sugar Co.	13,670	255,514
Michigan Sugar Co.	72,582	1,356,673
Monitor Sugar Div., Robt. Gage Coal Co.	33,114	618,953
National Sugar Manufacturing Co., The	6,693	125,103
Northern Ohio Sugar Co.	30,139	563,346
Spreckels Sugar Co.	243,134	4,544,561
Union Sugar Div., of Consolidated Foods Corp.	81,851	1,529,925
Utah-Idaho Sugar Co.	212,828	3,978,094
Any other person	0	0
Total	2,184,484	40,831,477

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets and molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F. R. 1943).

(d) *Delegation.* The Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions heretofore made, to give effect to (1) the substitution of final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Domestic Beet Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 18th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4749; Filed, June 24, 1958; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATES OF ASSESSMENT FOR 1958–59 SEASON

On June 5, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 3930) regarding the expenses and the fixing of the rates of assessment for the 1958–59 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.212 *Expenses and rates of assessment for the 1958–59 season*—(a) *Expenses.* The expenses likely to be incurred by the Control Committee, during the 1958–59 season beginning March 1, 1958, and ending February 28, 1959, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $23,077.78;

(2) Early varieties of plums, $17,628.90;

(3) Late varieties of plums, $21,042.73; and

(4) Elberta peaches, $20,595.59.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 1 cent ($0.01) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 1 cent ($0.01) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 1 cent ($0.01) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk, and

(4) 4½ mills ($0.0045) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

(c) It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1958–59 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 25, 1958, with shipments of Bartlett pears following on or about July 15, 1958; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4782; Filed, June 24, 1958; 8:47 a. m.]

PART 937—NECTARINES GROWN IN CALIFORNIA

ORDER REGULATING HANDLING

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937.0 Findings and determinations.

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AUTHORITY: §§ 937.0 to 937.71 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interpret or apply sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e-1.

§ 937.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure, as amended, effective thereunder (Part 900 of this chapter), a public hearing was held at Fresno, California, March 19–21, 1958, upon a proposed marketing agreement and a proposed marketing order regulating the handling of nectarines grown in California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of nectarines grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of nectarines grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of nectarines grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). As soon as practical after such effective time it will be necessary to establish the Nectarine Administrative Committee, the agency charged with administration of the program. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. The shipment of nectarines is already in progress, and for all practical purposes the entire crop is shipped by mid-September. Hehce, for the program to be of maximum benefit during the 1958–59 shipping season the order should be made effective as soon as practicable. The provisions of the order are well known to handlers of nectarines since the public hearing in connection with the order was completed March 21, 1958, and the recommended decision and the final decision were published in the FEDERAL REGISTER on May 6, 1958 (23 F. R. 3007), and May 28, 1958 (23 F. R. 3666), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of nectarines takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of nectarines grown in California, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the nectarines covered by this order) who, during the period beginning March 1, 1957, and ending February 28, 1958, both dates inclusive, handled not less than 50 percent of the volume of nectarines covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (March 1, 1957, through February 28, 1958) were engaged, within the production area specified in this order, in the production of nectarines for market; such producers having also produced for market at least two-thirds of the volume of nectarines represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of nectarines grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 937.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 937.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 937.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 937.4 *Production area.* "Production area" means the State of California.

§ 937.5 *Nectarines.* "Nectarines" means all varieties of Prunus Amygdalus Nectarina, commonly called nectarines, grown in the production area.

§ 937.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of nectarines.

§ 937.7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on March 1 of one year and ending on the last day of February of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ 937.8 *Committee.* "Committee" means the Nectarine Administrative Committee established pursuant to § 937.20.

§ 937.9 *Grower.* "Grower" is synonymous with producer and means any person who produces nectarines for the fresh market and who has a proprietary interest therein.

§ 937.10 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting nectarines owned by another person) who handles nectarines.

§ 937.11 *Handle.* "Handle" and ship are synonymous and mean to sell, consign, deliver, or transport nectarines, or to cause nectarines to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided,* That the term handle shall not include the sale of nectarines on the tree, the transportation within the production area of nectarines from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such nectarines to such packing facility for such preparation.

§ 937.12 *District.* "District" means the applicable one of the following described subdivisions of the production area or such other subdivision as may be prescribed pursuant to § 937.31:

(a) "District 1" shall include the counties of Fresno and Madera.

(b) "District 2" shall include the counties of Tulare and Kings.

(c) "District 3" shall include the counties of Merced and Stanislaus.

(d) "District 4" shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.

(e) "District 5" shall include the balance of the production area.

§ 937.13 *Pack.* "Pack" means the specific arrangement, size, weight, count, or grade of a quantity of nectarines in a particular type and size of container, or any combination thereof.

§ 937.14 *Container.* "Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of nectarines.

§ 937.15 *Marketing season.* "Marketing season" means the period beginning on May 1 and ending on November 30 of any year.

ADMINISTRATIVE BODY

§ 937.20 *Establishment and membership.* There is hereby established a Nectarine Administrative Committee consisting of eight members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. The members and their alternates shall be growers or employees of growers. Three of the members and their respective alternates shall be producers of nectarines in District 1. Two of the members and their respective alternates shall be producers of nectarines in District 2. One of the members and his alternate shall be producers of nectarines in District 3; one member and his alternate shall be producers of nectarines in District 4; and one member and his alternate shall be producers of nectarines in District 5.

§ 937.21 *Term of office.* The term of office of each member and alternate member of the committee shall be for one year beginning March 1 and ending on the last day of February. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 937.22 *Nomination*—(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § 937.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of the growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned. Such procedure shall include the subdivision of multiple member districts into election districts designed to provide equitable distribution of representation.

(2) Only growers who are present at such nomination meetings, or represented at such meetings by duly authorized employees, may participate in the nomination and election of nominees for members and their alternates. Each such grower, including employees of such grower, shall be entitled to cast but one vote for one nominee for member and one vote for one nominee for alternate member in the district or election district in which he produces nectarines.

(3) A particular grower, including employees of such grower, shall be eligible for membership as principal or alternate to fill only one position on the committee.

§ 937.23 *Selection.* From the nominations made pursuant to § 937.22, or from other qualified persons, the Secretary shall select the eight members of the committee and an alternate for each such member.

§ 937.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 937.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 937.20.

§ 937.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 937.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 937.22 and 937.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 937.20.

§ 937.27 *Alternate members.* An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district to serve in such member's place and stead.

§ 937.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 937.31 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to nectarines;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request;

(k) To investigate compliance with the provisions of this part;

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in nectarine production within the districts and the production area.

§ 937.32 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of the majority of those present: *Provided,* That any action of the committee to recommend regulations pursuant to §§ 937.50 to 937.55 shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 937.33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $5.00 per day or portion thereof spent in performing such duties: *Provided,* That the committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 937.34 *Annual report.* The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

§ 937.37 *Shippers' Advisory Committee.* (a) A Shippers' Advisory Committee, consisting of five members, who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members and alternate members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve in such capacities during the marketing season subsequent to such election. Such meeting shall be supervised by the Nectarine Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers.

(c) The Shippers' Advisory Committee may attend each meeting of the Nectarine Administrative Committee held to consider recommendations with respect to regulations of shipments pursuant to the provisions of this subpart. The Shippers' Advisory Committee may advise the committee on matters relating to such recommendations, but shall have no vote with such committee in any matter. Members of the Shippers' Advisory Committee shall serve without compensation but may be reimbursed for expenses necessarily incurred in attendance of meetings of the Nectarine Administrative Committee.

EXPENSES AND ASSESSMENTS

§ 937.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in § 937.41.

§ 937.41 *Assessments.* (a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each person who first handles nectarines during such period shall pay to the committee, upon demand, assessments on all nectarines so handled. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all nectarines handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 937.42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 937.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of nectarines. The expense of such projects shall be paid from funds collected pursuant to § 937.41.

REGULATIONS

§ 937.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 937.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of nectarines within the production area;

(2) The expected general quality and size of nectarines in the production area and in other areas;

(3) The expected demand conditions for nectarines in different market outlets;

(4) The expected shipments of nectarines produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of nectarines; and

(8) The type of regulations expected to be recommended during the marketing season.

§ 937.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of nectarines in the manner provided in § 937.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for nectarines during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 937.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of nectarines whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of nectarines grown in the production area;

(2) Limit the shipment of nectarines by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of nectarines.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 937.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 937.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of nectarines in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 937.54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 937.41, 937.52, 937.53, and 937.55, and the regulations issued thereunder, handle nectarines (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 937.41, 937.52, 937.53, or 937.55, the handling of nectarines (1) to designated market areas within the State of California; or (2) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 937.45), or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretry, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent nectarines handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle nectarines pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the nectarines will not be used for any purpose not authorized by this section.

§ 937.55 *Inspection and certification.* (a) Whenever the handling of any variety of nectarines is regulated pursuant to § 937.52 or § 937.53, each handler who handles nectarines shall, prior thereto, cause such nectarines to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirments of such regulation: *Provided,* That inspection and certification shall not be required for nectarines which previously have been so inspected and certified if such prior inspection was performed within such period as may be established pursuant to paragraph (b) of this section. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such nectarines. The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided,* That all shipments made under such waiver shall comply with all regulations in effect.

(b) The committee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(c) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 937.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of nectarines as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the nectarines received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 937.61 *Compliance.* Except as provided in this part, no person shall handle nectarines, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle nectarines except in conformity with the provisions of this part and the regulations issued under this part.

§ 937.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 937.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 937.64.

§ 937.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided,* That such majority has, during the current marketing season, produced more than 50 percent of the volume of the nectarines which were produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of March subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum within the period beginning December 1, 1960, and ending February 1, 1961, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum within the same 2-month period of every second fiscal period thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 937.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 937.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuof any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 937.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 937.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 937.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 937.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 937.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D. C., this 20th day of June 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4811; Filed, June 24, 1958; 8:54 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES AND FIXING OF THE RATE OF ASSESSMENT FOR THE 1958–59 FISCAL YEAR

Notice was published in the June 6, 1958, daily issue of the FEDERAL REGISTER (23 F. R. 3969) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal year (April 1, 1958, through March 31, 1959) under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 969.206 *Expenses and rate of assessment for the 1958–59 fiscal year*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the said fiscal year beginning April 1, 1958, and ending March 31, 1959, will amount to $9,153.00.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles avocados shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at four cents ($0.04) per bushel, or equivalent quality of avocados handled by such handler during the 1958–59 fiscal year.

(c) Terms used in said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(d) The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4781; Filed, June 24, 1958; 8:47 a. m.]

PART 1001—LIMES GROWN IN FLORIDA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1958–59 FISCAL YEAR

Notice was published in the June 6, 1958, issue of the FEDERAL REGISTER (23 F. R. 3970), that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1958–59 fiscal year under the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee established pursuant to the aforesaid amended marketing agreement and order, it is hereby found and determined that:

§ 1001.205 *Expenses and rate of assessment for the 1958–59 fiscal year*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning April 1, 1958, and ending March 31, 1959, will amount to $8,953.00.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles limes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at four cents ($0.04) per bushel, or equivalent quantity of limes handled by such handler during the 1958–59 fiscal year.

(c) Terms used in the said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(d) The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 19, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4783; Filed, June 24, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1660]

[1773279]

MINNESOTA

REVOKING EXECUTIVE ORDER NO. 8173 OF JUNE 15, 1939, ESTABLISHING TALCOT LAKE MIGRATORY WATERFOWL REFUGE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8173 of June 15, 1939, which reserved the following-described nonpublic lands for use of the Department of Agriculture as the Talcot

Lake Migratory Waterfowl Refuge, redesignated the Talcot Lake National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 105 N., R. 38 W.,
  Sec. 17, SW¼ and W½W½NW¼SE¼;
  Sec. 18, part of SE¼;
  Sec. 19, lots 2 to 5, inclusive, N½NE¼, and N½NW¼;
  Sec. 20, part of NE¼NW¼, W½NW¼, SE¼NW¼, and NW¼SW¼;

and a part of Talcot Lake, all of which area of land and water is bounded by the following-described lines:

Beginning at the corner of secs. 18 and 19, T. 105 N., R. 38 W., and secs. 13 and 24, T. 105 N., R., 39 W., in the line between Murray and Cottonwood Counties;

Thence between secs. 18 and 19, T. 105 N., R. 38 W.,

East, to the east one-sixteenth corner of said sections;

Thence in sec. 18,

N. 27° E., 16.00 chains;
West, 14.80 chains;
North, 25.76 chains, to the center line;
East, with center line to the one-quarter corner of secs. 17 and 18;

Thence in sec. 17,

East, with center line to the northeast corner of the W½W½NW¼SE¼;
South, to the southeast corner of the W½W½NW¼SE¼;
West, to the center south one-sixteenth corner;

South, with center line to the one-quarter corner of secs. 17 and 20;

Thence in sec. 20,

South, with center line, 13.64 chains;
West, 10.00 chains;
South, 5.00 chains;
East, 10.00 chains, to the center line;
South, with center line to the center one-quarter corner;
West, with center line, to the center west one-sixteenth corner;
South, to the southwest one-sixteenth corner;
West, to the south one-sixteenth corner of secs. 19 and 20;

Thence in sec. 19,

West, with the south one-sixteenth line to the meander corner on the east shore of Talcot Lake;
West, with the south one-sixteenth line in Talcot Lake to the theoretical south one-sixteenth corner of sec. 19, T. 105 N., R. 38 W., and sec. 24, T. 105 N., R. 39 W., in the line between Murray and Cottonwood Counties;

Thence between said secs. 19 and 24,

North, to the point of beginning.

The areas described aggregate 804.71 acres.

The lands have been conveyed to the State of Minnesota.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 18, 1958.

[F. R. Doc. 58-4774; Filed, June 24, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-425]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; PROVISIONAL CERTIFICATION AND OPERATION OF MULTI-ENGINE TURBINE-POWERED TRANSPORT AIRPLANES FOR WHICH TYPE CERTIFICATES HAVE NOT BEEN ISSUED

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of June 1958.

The aviation industry of the United States has been engaged for several years in a concentrated program of design, development, and construction of turbine-powered transports. Several hundred of these transports have been ordered by United States' air carriers at a cost of nearly two billion dollars. One airplane of this type has already been flown by the manufacturer for several hundred hours in an extremely varied and rigorous flight test program. Other types are in various stages of design, construction and flight testing by their manufacturers.

Air carriers have expressed the desire to operate these airplanes prior to final completion of the type certification programs. The air carriers have indicated in particular that they desire to conduct crew training and obtain as much experience as possible in ground handling, maintenance, and flight of these new airplanes prior to their introduction into commercial service.

Although certain limited operations of this nature have been permitted by the Administrator in the past, he has advised the Board that he considers his authority under Part 1 of the Civil Air Regulations inadequate for him to authorize the operations presently contemplated by the air carriers. The Board is of the opinion, however, that such operations by air carriers intending ultimately to use the airplanes in air carrier service will be in the public interest and should be permitted and encouraged prior to completion of type certification procedures, provided that such operations can be conducted safely. This will afford technical personnel of the air carriers, the Civil Aeronautics Administration, the Civil Aeronautics Board, and others an excellent opportunity to become familiar with the new equipment before it is used in air transportation.

The airplanes under consideration are being built to comply with the requirements of the Civil Air Regulations applicable to transport category airplanes. However, manufacturers of several of these types of airplanes have not yet demonstrated full compliance with the standards established in these regulations for the issuance of type certificates.

Normally, during the development of a new type airplane, the manufacturer applies to the Administrator for an experimental certificate. The Administrator thereafter issues such a certificate in accordance with Part 1 of the Civil Air Regulations if he finds that the airplane may be safely test flown by the manufacturer to show compliance with the Civil Air Regulations for the issuance of a type certificate. The Administrator prescribes appropriate operating restrictions, including the prohibition of carrying persons or property for compensation or hire. It is the policy of the CAA during this certification process to do everything possible to encourage legitimate experimentation leading to improvements in airplanes whenever this may be done without endangering persons and property not involved in the experimentation. In the present situation, turbine-powered transports have been issued experimental certificates in order that flight test programs may be completed. Historically, however, and in keeping with the intent of section 603 (a) (1) and (c) of the Civil Aeronautics Act of 1938, as amended, operations conducted in airplanes so certificated have been limited for the most part to flight test work and related purposes.

It is the practice of manufacturers to initiate production of airplanes of a new type while they are accomplishing the type certification program. Thus, many airplanes may be completed prior to the issuance of the type certificate; the number produced by various manufacturers will, of course, vary with orders on hand and anticipated demand for the airplanes.

In this period, however, the manufacturner is actively pursuing type certification of his airplane. Among other things he submits such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the requirements of Part 4b. In addition, it is the CAA policy that the manufacturers' test pilots certify that the airplanes have been flown at least in all maneuvers necessary for proof of compliance with the flight requirements of Part 4b and Special Civil Air Regulation No. SR-422.

The Board considered that air carriers should be able to utilize those airplanes which are pending type and airworthiness certification under provisional certification to permit essential crew training and service tests, and to gain other useful information concerning, for example, fuel management, dispatching, and traffic control procedures, prior to in air transportation, subject, of course, to appropriate limitations.

Accordingly, the Bureau of Safety, on April 22, 1958 circulated to interested persons Civil Air Regulations Draft Release No. 58-9, "Special Regulations to Provide for Provisional Certification and Operation of Multiengine Turbine-Powered Transport Airplanes for Which Type Certificates Have Not Been Issued." In this proposal the Bureau of Safety described in some detail the problems associated with such operations and some of the objectives which could be achieved. It was pointed out that much useful technical information could be obtained and in addition the introduction of jets into service in the U. S. could be expedited on a sound and efficient basis. This proposal set forth various procedures and limitations covering three aspects of the problem: Provisional type certification, provisional airworthiness certification, and operational rules. A detailed explanation of each of these provisions is contained in Draft Release 58-9.

The response to this draft release from all persons who would be affected by its provisions was uniformly favorable. There were recommendations, however, for amendment to specific provisions, the most significant of which are discussed below:

Representatives of operators of executive transports recommended that the provisions of the proposed regulation should be made applicable not only to air carriers but to operators of executive transports, advising that there was equal need for provisional certification of these aircraft and that any other action would be arbitrary and discriminatory. The Board's proposal applying to certificated air carriers only was prompted by the need for full assurance that new design aircraft in air transportation have as much service experience as possible before entering such service, consistent with statutory requirements to insure the highest degree of safety in air transportation. It was considered that this approach to type and airworthiness certification should be pioneered by the air carriers in which the public interest was greatest; however, the Board considers these recommendations to be well taken and will consider appropriate extensions of this special regulation.

The Administrator of Civil Aeronautics stated that the provisions of section I (b) (2), which would require the Administrator to predict that a type certificate for a particular airplane would be issued not later than 6 months from the date application was made for a provisional type certificate, presented administrative difficulties without a commensurate contribution to the safety of operations. The Board concurs in this opinion, and is not including this provision in this regulation. The CAA, as well as the manufacturers and air carriers, also indicated that the provisions of section I (d) concerning duration were not wholly clear and should be amended. The Board intends that the privileges of this regulation shall be of limited duration only in order to achieve the objectives stated in this rule, namely, to permit air carriers to use new turbine transports in training and other operations only if it has been shown that the normal certification requirements are close to being met. The 6 months' duration period was selected, therefore, to insure that only airplanes which were in the latter stages of type certification would be eligible for provisional certification and operation. Since this will not be an issue for some time, the Board will consider this problem on its merits should experience under this regulation indicate that revision of the duration requirements with respect to reissuance or renewal is in the public interest. The proposed 30-day grace period for the duration of a provisional type certificate after the issuance of a transport category type certificate is being extended to 60 days to provide the air carriers with sufficient time to return the provisionally certificated airplanes to the manufacturers for modifications should such be necessary as the result of type certification tests. In order to clarify this requirement further, a proviso has been added to insure that should a transport category type certificate be issued, for example, 5 months after the issuance of a provisional type certificate, the applicant will still have 60 days to return airplanes to the factory as necessary. Similar revisions have been made to the duration of the provisional airworthiness certificates in order to insure consistency.

The Aircraft Industries Association, in commenting on Draft Release 58-9, indicated that it considered an amendment to Part 1 of the Civil Air Regulations would be a more appropriate method for authorizing the proposed operations. The Board is aware of other problems connected with the operation of airplanes holding experimental certificates and will give attention to them in separate rule making. AIA, however, also commented on certain of the specific provisions of the proposed regulation, particularly as those provisions affected the manufacturers of jet transports. Concern was expressed that the requirement of section I (b) might require the submission of the kind of report not currently required by the Civil Air Regulations. The Board intends, however, that the manufacturer will be required to report only to the extent that he is currently required under the provisions of § 4b.16 of Part 4b of the Civil Air Regulations and that this will not be an additional requirement.

The Board has given careful consideration to the air carriers' recommendations pursuant to Draft Release 58-9 that the operation rules in Section III be modified to permit the carriage of cargo and mail in the provisionally certificated jet transports. The Board wishes to reiterate the statement of the Bureau of Safety in Draft Release 58-9 that it does not consider that at this time these transports should be operated in air transportation; i. e., carrying persons, cargo, or mail for compensation or hire. After the Board has had opportunity to evaluate experience gained under this regulation, further consideration will be given to the limited carriage of cargo and mail if such is determined to be in the public interest. The Board anticipates that interested carriers, after they have established and operated their crew training and familiarization programs, may petition the Board for special authority to conduct cargo and mail operations. The Board would expect that carriers make a clear showing that such operations would advance the safety objectives of this regulation and would not be based solely on economic considerations.

In Draft Release 58-9 the Bureau of Safety solicited specific comment on a recommendation that provisionally certificated airplanes be equipped with flight recorders. Comment received indicated that a requirement for a flight recorder of a type designed to meet the requirements of presently effective operating rules would be extremely burdensome. At least one major potential operator of the provisionally certificated airplanes has informed the Board that installation provisions for a NACA VGH recorder and a recorder designed to meet the requirements of the operating rules will be accomplished on the first airplane to be delivered. At this time, however, such operator is not certain whether either type of recorder will be delivered in time for installation on the airplane at the initiation of operations under this special regulation. Every effort is promised, however, to have them installed as soon as possible; other carriers also are in the same position. In view of this situation and the fact that extensive plans have been made for the installation in these transports of NACA recorders in a cooperative effort among aircraft manufacturers, air carriers, and the NACA, the Board will not require by regulation the installation of flight recorders in provisionally certificated airplanes. The Board urges both the manufacturers and air carriers, however, to make every effort to install flight recorders at the earliest opportunity in order that valuable technical data can be obtained with respect to the operation of these airplanes and that operating experience of the flight recorders themselves may be obtained also.

The Air Line Pilots Association recommended that the minimum flight time required for issuance of both the provisional type certificate and related airworthiness certificate should be increased. While the Board recognizes the validity of the general proposition that more flight time might be desirable, it considers that the minimums contained in the proposed regulations are adequate to insure a satisfactory level of safety for the type of operation authorized.

The Flight Engineers' International Association recommended that special certification standards be established for flight engineers who will be affected by this regulation. Specifically, FEIA requested that the regulation require that flight engineers demonstrate to the Administrator a complete and absolute knowledge of the aircraft, its accessories and systems, and that this information be added to the flight engineer certificate. The air carrier is charged by this regulation with the responsibility for conducting appropriate training and maintaining adequate records. The Board is of the opinion, therefore, that the provisions of section III (e) adequately provide for the training of the crew members who will engage in operations under this regulation.

Interested persons have been afforded an opportunity to participate in the making of this regulation (23 F. R. 2843), and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective June 20, 1958.

Contrary provisions of the Civil Air Regulations notwithstanding, a turbine-powered transport airplane for which the issuance of a transport category type certificate is pending shall be eligible for provisional certification and operation in accordance with the provisions of this special regulation.

SECTION I. *Provisional type certificate*—(a) *Applicant.* (1) Any U. S. manufacturer of a turbine-powered airplane may apply for the issuance of a provisional type certificate provided that he has applied to the Administrator for the issuance of a transport category type certificate for such airplane. The application for a provisional type certificate shall be made in a manner prescribed by the Administrator.

(2) The applicant shall be a manufacturer who has previously received a type certificate for at least one airplane in the transport category and has a currently effective production certificate for that type.

(b) *Requirements for issuance.* The Administrator shall issue a provisional type certificate for an airplane for which application is made in accordance with paragraph (a) of this section when the conditions of subparagraphs (1) through (8) of this paragraph are met.

(1) The applicant shall submit the report of flight tests required by § 4b.16 of Part 4b of the Civil Air Regulations and the Civil Aeronautics Administration's official flight test program with respect to the issuance of the type certificate shall be in progress.

(2) The applicant shall certify that, to the best of his knowledge, the airplane for which provisional type certification is sought has been designed and constructed in accordance with those airworthiness requirements applicable to the issuance of the type certificate for that airplane.

(3) An airplane conforming with the type for which a type certificate has been applied shall have been flown at least 100 hours by the applicant under the provisions of an experimental certificate issued in accordance with the provisions of Part 1 of the Civil Air Regulations.

(4) The applicant shall have flown the airplane in all maneuvers necessary to show compliance with those flight requirements applicable to the issuance of the type certificate.

(5) The applicant shall have prepared a provisional airplane flight manual containing all the limitations, information, and procedures as are required for the issuance of the type certificate for that airplane: *Provided,* That where all limitations, information, and procedures have not been established, the applicant shall establish appropriate restrictions on the operation of the airplane.

(6) The applicant shall state that the airplane is considered safe for operation for the purposes set forth herein when conducted in accordance with the provisional airplane flight manual prescribed in subparagraph (5) of this paragraph.

(7) The applicant shall establish special inspections and maintenance instructions which are considered necessary to insure continued airworthiness of the airplane.

(8) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the provisional airplane flight manual prescribed in subparagraph (5) of this paragraph and maintained in accordance with the inspections and maintenance instructions prescribed in subparagraph (7) of this paragraph.

(c) *Transferability.* A provisional type certificate issued under this special regulation shall not be transferable.

(d) *Duration.* A provisional type certificate shall remain in effect for 6 months or until the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board: *Provided,* That a provisional type certificate which would terminate prior to 6 months after issuance due to the issuance of a transport category type certificate may remain in effect for an additional 60 days.

SEC. II. *Provisional airworthiness certificate*—(a) *Applicant.* The holder of a provisional type certificate or a certificated U. S. air carrier authorized to conduct operations by section III of this regulation may apply for the issuance of a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued in accordance with the provisions of section I of this special regulation. The application for a provisional airworthiness certificate shall be made in a manner prescribed by the Administrator.

(b) *Requirements for issuance.* (1) An applicant for a provisional airworthiness certificate for an airplane for which a provisional type certificate has been issued shall be issued such provisional airworthiness certificate upon presentation of a statement of conformity by the manufacturer that such airplane conforms to the provisional type certificate.

(2) The airplane shall have been manufactured under a quality control system established in anticipation of, and intended to be used as a basis for, the production certificate to be issued to cover that airplane.

(3) The airplane shall have been flown at least 5 hours by the manufacturer and found by him to be in safe operating condition.

(4) The airplane shall be furnished with a provisional airplane flight manual as required by subparagraph (b) (5) of section I of this special regulation.

(5) The Administrator shall find, on the basis of the provisions contained in this special regulation, that the airplane has no feature, characteristic, or condition which renders it unsafe when operated in accordance with the provisional airplane flight manual prescribed in subparagraph (b) (5) of section I of this special regulation and maintained in accordance with the inspections and maintenance instruction prescribed in subparagraph (b) (7) of section I of this special regulation.

(6) The words "provisional airworthiness" shall be displayed on the exterior of the airplane near each entrance to the cabin or cockpit of the airplane with letters not less than 2 inches in height.

(c) *Transferability.* A provisional airworthiness certificate issued under this special regulation shall be transferable only to an air carrier authorized to conduct operations by section III of this regulation.

(d) *Duration.* A provisional airworthiness certificate shall remain in effect for 6 months, or until the airplane is issued a transport category type certificate, whichever occurs first, unless sooner superseded, revoked, or otherwise terminated by the Administrator or the Board: *Provided,* That provisional airworthiness certificates which would terminate prior to 6 months after issuance due to the issuance of a transport category type certificate may remain in effect for an additional 60 days.

SEC. III. *Operation rules.* An air carrier holding an air carrier operating certificate issued by the Administrator in accordance with Part 40, 41, or 42 of the Civil Air Regulations may operate turbine-powered transport category airplanes certificated in accordance with Sections I and II of this special regulation in accordance with the following operating rules:

(a) An air carrier may conduct flights for the purpose of crew training, service testing, and simulated air carrier operations not in air transportation, or as otherwise specifically authorized by the Board.

(b) Operations which are conducted for the purposes delineated in the definition of "flight test" in § 60.60 of Part 60 of the Civil Air Regulations shall be conducted in accordance with § 60.24.

(c) The airplane shall be operated in accordance with the limitations, information, and procedures prescribed in the provisional airplane flight manual prepared in accordance with subparagraph (b) (5) of section I of this special regulation.

(d) An air carrier shall establish procedures for the use and guidance of flight and ground operations personnel in the conduct of its operations. Specific procedures shall be established for operations from airports where the runways may require a take-off or approach over populated areas. These procedures shall be approved by the Administrator.

(e) In addition to crew members, only those persons listed in § 40.356 (c) of Part 40 shall be carried in operations conducted under this special regulation.

(f) Each air carrier shall insure that each flight crew member possesses adequate knowledge of, and familiarity with, the airplane and the procedures to be used by him.

(g) Each air carrier shall maintain current records for each flight crew member. These records shall contain such information as is necessary to show that the crew member is properly trained and qualified to perform his assigned duties.

(h) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency of each flight crew member and such certification shall become a part of the flight crew member's record.

(i) Airplanes operated under this special regulation shall be maintained in accordance with applicable Civil Air Regulations, including any special inspections and maintenance instructions prescribed by the manufacturer or the Administrator.

(j) A log of flights conducted under this special regulation, and accurate and complete records of the inspections made, shall be kept by each air carrier and made available to the manufacturer and the Administrator.

(k) No airplane issued a provisional airworthiness certificate under this special regulation shall be operated if the manufacturer or the Administrator determines that a change in design, construction, or operation is necessary to insure safe operation until such change is made. (See also § 1.24 of Part 1 of the Civil Air Regulations.)

(l) The provisional airworthiness certificate shall be prominently displayed in the airplane at all times.

(m) Operations under this special regulation shall be restricted to the United States, its territories, and possessions, unless otherwise authorized by the Board.

This Special Civil Air Regulation shall terminate in 3 years unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 59 U. S. C. 425. Interpret or apply secs. 601, 603, 605, 608, 609, 52 Stat. 1007, 1009, 1010, 1011, as amended; 49 U. S. C. 551, 553, 555, 558, 559)

By the Civil Aeronautics Board.

[SEAL] MARVIN BERGSMAN,
Acting Secretary.

[F. R. Doc. 58-4814; Filed, June 24, 1958; 8:55 a. m.]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

EXPERIMENTAL CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of June 1958.

The Board has been asked to resolve a problem pertaining to the indoctrination by a manufacturer of its flight crews on aircraft possessing an experimental certificate and being submitted to the Civil Aeronautics Administration for type certification. The Board considers that the provisions of § 1.73 of Part 1 of the Civil Air Regulations are relevant to the problem. This section reads as follows:

§ 1.73 *Experimental certificates.* Experimental certificates are issued for amateur-built aircraft and for aircraft which are to be used for experiment, for exhibition, for air racing, and to show compliance with the regulations in this subchapter for the issuance of type certificates and related purposes.

Recently the Administrator of Civil Aeronautics established new policies regarding the conditions on the use of aircraft possessing experimental certificates. The new policies are contained in Flight Operations and Airworthiness Memorandum No. 52 issued on April 17, 1958. In studying these policies in the light of the petition on hand, the Board finds that a clarification of one of the provisions of § 1.73 is advisable.

The specific point for clarification is whether or not § 1.73 can be construed to include crew training as one of the operations permitted under the conditions of an experimental certificate issued "* * * to show compliance with the regulations in this subchapter for the issuance of type certificates and related purposes."

It is quite obvious that the showing of compliance with the regulations applicable to the issuance of a type certificate almost invariably requires flight testing by the manufacturer's personnel. Unless adequate personnel are first trained on the aircraft submitted for type certification, showing of compliance may be impossible. The Board considers, therefore, that the pertinent provision of § 1.73 is intended to permit training of the manufacturer's personnel on an aircraft possessing an experimental certificate for the purpose of complying with regulations applicable to the type certification of the aircraft. A question might arise as to whether or not such training should include personnel who although not involved directly in the flight tests prior to type certification of the aircraft, nevertheless would later conduct flight tests on production aircraft to show conformity of such aircraft with the relevant type design. The Board considers that the intent of § 1.73 is also to include the latter flight tests because their purpose is to permit the issuance of airworthiness certificates and these are directly related to the issuance of type certificates.

The Board is aware of other problems which may require re-evaluation of the provisions of § 1.73. These are being studied separately. In the meantime, because of the need for immediate action on the petition received, the Board makes the following interpretation based on the foregoing considerations:

INTERPRETATION

The Board interprets and construes § 1.73 of Part 1 of the Civil Air Regulations as permitting the training by the manufacturer of its flight crews in an aircraft possessing an experimental certificate issued for the purpose of showing compliance with the regulations for the issuance of type certificates and airworthiness certificates.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] MARVIN BERGSMAN,
Acting Secretary.

[F. R. Doc. 58-4815; Filed, June 24, 1958; 8:55 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 409—PROCEDURES FOR HANDLING PROPOSALS INVOLVING THE UTILIZATION AND ALLOCATION OF AIRSPACE

This new part pertains to the initiation of proposals having to do with the use and allocation of airspace and establishes procedures to be followed in the processing of such proposals.

Inasmuch as this new part provides regulations which are procedural in nature, compliance with section 4 of the Administrative Procedure Act is not necessary and not required. Therefore, this part is adopted to become effective upon publication in the FEDERAL REGISTER.

Subpart A—Introduction

Sec.
409.1 Basis and purpose.
409.2 Definition of terms.

Subpart B—Organization

409.11 Delegation of authority to Assistant Administrator for Airspace.

Subpart C—Rule-Making Process

409.21 Request for airspace allocation.
409.22 Processing of proposals.
409.23 Disposition of proposals.

AUTHORITY: §§ 409.1 to 409.23 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 302, 601, 52 Stat. 985, 1007, as amended; 49 U. S. C. 425, 551.

SUBPART A—INTRODUCTION

§ 409.1 *Basis and purpose.* (a) The basis for this part is sections 205, 302, 601 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 985, 1007; 49 U. S. C. 425, 452, 551), and Part 60 of this title.

(b) The purpose of this part is to prescribe methods and procedures for handling proposals involving the utilization and allocation of airspace where the Administrator is authorized by statute or regulation to take action with respect thereto. Such cases include establishment, modification or recision of civil airways, restricted areas, control zones and areas, flight test areas, high altitude routes, high density airports (or zones), and those airport traffic patterns proposed to be adopted by the Administrator.

§ 409.2 *Definition of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "Airspace Division" shall mean a component of the Air Coordinating Committee established by Executive Order No. 10655, dated January 28, 1956.

SUBPART B—ORGANIZATION

§ 409.11 *Delegation of authority to Assistant Administrator for Airspace.* The Assistant Administrator for Airspace advises and assists the Administrator in all matters pertaining to the utilization of airspace. In rule-making proceedings under the Administrative Procedure Act affecting the use and allocation of airspace (see § 409.1 (b)), the Assistant Administrator for Airspace has authority to make all preliminary and interim determinations. The Administrator will make final determinations affecting the use and allocation of airspace and adopt and promulgate rules growing out of such determinations.

SUBPART C—RULE-MAKING PROCESS

§ 409.21 *Request for airspace allocation.* Any person may file a proposal affecting the utilization or allocation of airspace with the Regional Administrator of the CAA having cognizance over the geographical area embracing the airspace which is proposed to be specially used or allocated.

§ 409.22 *Processing of proposals.* (a) The Regional Administrator, on receipt of a proposal, will refer such proposal to the Regional Subcommittee of the Airspace Division. The Regional Subcommittee will promptly advise persons appearing to have an interest in the proposal that it has been filed and that the Subcommittee will receive comments and opinions with respect thereto.

(b) The Regional Administrator, or his designee, as Chairman of the Regional Subcommittee of the Airspace Division, will assure that proper consideration is given to all comments received. Upon completion of consideration by the Regional Subcommittee of the proposal, the Secretary of the Regional Subcommittee will prepare a report of the proceedings and will forward such report to the Secretary of the Airspace Division. This report will include the proposal and as complete an account and documentation as is necessary to express the views of all persons commenting on such proposal.

(c) The Secretary of the Airspace Division will circulate among all members and associate members of the Airspace Division and other interested parties, as appropriate, the report of the Chairman of the Regional Subcommittee, soliciting any comments which they desire to make with respect thereto. Such comments, together with the report of the Chairman of the Regional Subcommittee, will be forwarded to the Assistant Administrator for Airspace.

§ 409.23 *Disposition of proposals.* (a) If there is no substantial disagreement with the proposal, and it is consistent with the national interest, the Assistant Administrator for Airspace will take the necessary legal steps to give effect to the proposal.

(b) If there is substantial disagreement with the proposal, the Assistant Administrator for Airspace may use any one or a combination of the following:

(1) Ask the Airspace Division to convene and further consider the matter with a view to resolving such disagreement in the national interest; or

(2) After taking into account the record before him, publish a notice of proposed rule-making in order that an opportunity may be afforded interested parties to submit their written comments with reference to the proposed rule; or

(3) If he decides that it is in the national interest to hold a public hearing on the proposal, fix a time and place for such hearing at which all interested persons will be given an opportunity personally to express their views on the proposed rule.

(c) After a consideration of all the views expressed by written comment or by testimony presented at a hearing, the Assistant Administrator for Airspace will recommend to the Administrator the adoption of a rule or such other action as, in his determination, is consistent with the national interest.

(d) When the Administrator decides upon a final rule, it will be published in the FEDERAL REGISTER with an appropriate effective date.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 58-4773; Filed, June 24, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-23]

Subchapter C—Uninspected Vessels

PART 25—REQUIREMENTS

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

LIFE PRESERVERS AND BUOYANT VESTS

Notices regarding proposed changes in the navigation and vessel inspection regulations, as well as withdrawal of certain manufacturers' approvals, were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council.

This document is the seventh of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains the final actions taken with respect to Item XII of the Agenda and that portion of Item XIII respecting kapok life preservers and fibrous glass life preservers. The first document, identified as CGFR 58-8 (23 F. R. 2604), contained miscellaneous amendments to inspection requirements to implement the Act of May 10, 1956, as amended (46 U. S. C. 390–390g), which were based on Item III of the Agenda. The second document, identified as CGFR 58-17 (23 F. R. 3376), contained the requirements governing private aids to navigation on the outer Continental Shelf and waters under the jurisdiction of the United States, which were based on Item I of the Agenda. The third document, identified as CGFR 58-18 (23 F. R. 3447), contained new requirements regarding radar observers and miscellaneous changes respecting renewal of merchant mariner's licenses, which were based on Item IV of the Agenda. Actions with respect to the other items are being processed and have not been published in the FEDERAL REGISTER. The fourth document, identified as CGFR 58-9, contains miscellaneous amendments and requirements respecting dangerous cargoes, which were based on Items XIV, XV, and XVI of the Agenda. The fifth document, identified as CGFR 58-10, contains miscellaneous amendments and requirements respecting vessel inspection, which were based on Items V, VI, VII, IX, XI, and XVII of the Agenda. The sixth document contains miscellaneous amendments respecting lights for barges towed on the Gulf Intracoastal Waterway or western rivers, which were based on Item II of the Agenda.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised in Item XII—Specification for Buoyant Vests of Unicellular Plastic Foam for Use on Motorboats of Classes A, 1, and 2 Not Carrying Passengers for Hire (46 CFR 160.052). This item, as revised, is adopted and included in this document. With respect to the revisions of specification requirements for kapok life preservers and fibrous glass life preservers (46 CFR 160.002, 160.005) in Item XIII of the Agenda, all the comments received were considered. Therefore, with minor changes in Tables 160.002-4 (c) (2) and 160.005-4 (c) (2), they are adopted and included in this document.

The changes in the proposals for the specification for buoyant vests of unicellular plastic foam in Item XII of the Agenda, were made in 46 CFR 160.0[illegible] (d) and (e) respecting tie tapes and straps, dee rings and snap hooks; 160.052-5, regarding the construction of Type I vests; 160.052-7 (a), regarding inspections and tests; and 160.052-8 (a), regarding marking.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-15, dated January 3, 1955 (20 F. R. 840), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER, except for the changes in 46 CFR 160.002-1 to 160.002-7, inclusive, and 160.005-1 to 160.005-7, inclusive, shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

PART 25—REQUIREMENTS

SUBPART 25.25—LIFE PRESERVERS AND OTHER LIFESAVING EQUIPMENT

Section 25.25-5 (g) is amended to read as follows:

§ 25.25-5 *General provisions.* * * *

(g) All buoyant vests shall be of an approved type constructed in accordance with Subpart 160.047 or 160.052 of Subchapter Q (Specifications) of this chapter.

(R. S. 4405, as amended, 4462, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U. S. C. 375, 416, 526e, 526p)

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.002—LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

1. The title for this subpart is amended to read as set forth above.

2. Section 160.002-1 (a) is amended to read as follows:

§ 160.002-1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) Military specifications:

MIL-C-300—Cloth, Cotton, Drill, Fully Shrunk.
MIL-W-530—Webbing, Textile, Cotton, General Purpose Natural or in Colors.
MIL-T-3530—Treatment, Mildew-Resistant for Thread and Twine.
MIL-F-10400—Film, Flexible, Vinyl.

(2) Federal specifications:

V-T-276—Thread, Cotton.
CCC-T-191b—Textile Test Methods.
DDD-S-751—Stitches; Seams; and Stitching.

(3) Coast Guard specification:

164.003—Kapok, Processed.

3. Section 160.002-2 (a) is amended to read as follows:

§ 160.002-2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A—Adult:
  Model 3—Adult, 24 ounces kapok.
Type B—Child:
  Model 5—Child, 16 ounces kapok.

4. Section 160.002–3 is amended to read as follows:

§ 160.002–3 *Materials*—(a) *Kapok*. The kapok shall be all new material complying with Subpart 164.003 of this subchapter and shall be properly processed.

(b) *Envelope*. The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N. Y., or Scarlet Munsell 7.5 Red 6/10. The drill shall be evenly dyed, and the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191b, Methods 5610, 5630, 5650, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (j) of this section. The finished goods shall contain not more than 2 percent residual sizing or other non-fibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 72 in the warp and 54 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of specification MIL–C–300 for Type II, Class A drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(c) *Tunnel strip*. The tunnel strip shall be made of cotton drill conforming to the requirements for the envelope cover.

(d) *Pad covering*. The covering for the kapok pad inserts shall be flexible vinyl film not less than 0.006 inch in thickness meeting the requirements of specification MIL–F–10400 for Type I, Class 1, film. Type II, Class 1 film not less than 0.008 inch in thickness will also be acceptable.

(e) *Tie tapes and drawstrings*. The tie tapes at the neck and the lower drawstrings shall be made of 1¼-inch cotton tape weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tie tapes and drawstrings shall be treated with a mildew-inhibitor of the type specified in paragraph (j) of this section.

(f) *Body strap*. The body strap shall be made of one-inch cotton webbing having a minimum breaking strength of 400 pounds. One-inch cotton webbing meeting the requirements of specification MIL–W–530 for Type IIb webbing is acceptable. The complete body strap assembly shall have a minimum breaking strength of 360 pounds. The body strap shall be treated with a mildew-inhibitor of the type specified in paragraph (j) of this section.

(g) *Dee rings and snap hook*. The dee rings and snap hook shall be of brass, bronze, or stainless steel, and of the approximate size indicated by Dwg. F–49–6–1, Sheet 1. The snap hook spring shall be phosphor bronze or other suitable corrosion-resistant material. Dee ring ends shall be welded to form a continuous ring. The webbing opening of the snap hook shall be a continuous ring.

(h) *Reinforcing tape* The reinforcing tape shall be made of ¾-inch cotton tape weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of 120 pounds, and shall be treated with a mildew-inhibitor of the type specified in paragraph (j) of this section.

(i) *Thread*. The thread shall be Type IB, No. 20 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276, and shall be treated with a Class I (Copper–8) or Class II (G–4) mildew-inhibitor as specified in specification MIL–T–3530.

(j) *Mildew-inhibitor*. The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1.00 percent of the dry weight of the finished goods.

5. Section 160.002–4 is amended by deleting paragraphs (i) and (j), by renumbering the present paragraph (k) to be (i), and by amending paragraphs (b) and (c) to read as follows:

§ 160.002–4 *Construction*. * * *

(b) *Envelope*. The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. F–49–6–1, Sheet 1, for adult size, and Dwg. F–49–6–5, Sheet 1, for child size, joined by seams and stitching as shown on the drawing. A drawstring tunnel shall be formed by stitching a strip of the tunnel strip material as shown on the drawing. The ends of the tunnel strip shall be tucked under the reinforcing tape stitched around the end openings so there is no direct access to the pads from the outside. Three pockets shall be formed for insertion of the kapok pads. The two front pads shall be removable from the envelope when portions of the lower longitudinal seam are opened, and the back pad shall be removable when a portion of one armhole seam is opened.

(c) *Pad inserts*—(1) *Forming, sealing, and distribution of kapok*. The buoyant pad inserts shall be formed from two pieces of film cut to the patterns shown by Dwg. No. F–49–6–1, Sheet 2, for adult size, and Dwg. No. F–49–6–5, Sheet 2, for child size, which shall be heat-sealed tight. The heat-sealed pad seams shall show an adhesion of not less than 8 pounds when one inch strips cut across and perpendicular to the seams are pulled apart at a rate of separation of the clamping jaws of the test machine of 12 inches per minute. The pad inserts shall be filled with kapok distributed as follows:

TABLE 160.002–4 (c) (1)—DISTRIBUTION OF KAPOK IN PAD INSERTS

	Model 3 (minimum)	Model 5 (minimum)
Front pad (2):		
Lower section	5.25 oz. each	3.50 oz. each.
Upper section	3.75 oz. each	2.50 oz. each.
Back Pad	6.00 oz.	4.00 oz.
Total	24.00 oz.	16.00 oz.

(2) *Displacement of pad inserts*. The volume of the finished individual heat-sealed buoyant pad inserts shall be such as to provide buoyancy as set forth in the following table when tested in accordance with the method set forth in § 160.002–5 (d), except that the period of submergence shall be only long enough to determine the displacement of the pads:

TABLE 160.002–4 (c) (2)—VOLUME DISPLACEMENT OF SEALED PADS

	Model 3	Model 5
Front pads	12½ lbs. each ± ¾ lb.	6½ lbs. each ± ½ lb.
Back pads	8 lbs. each ± ½ lb.	4½ lbs. each ± ½ lb.

6. Section 160.002–5 is amended by revising paragraphs (d) and (e) to read as follows:

§ 160.002–5 *Sampling, tests, and inspections*. * * *

(d) *Buoyancy test*. Remove the buoyant pad inserts from the life preserver and cut three slits in the film on both sides of both the upper and lower sections of the front pads and three slits on both sides of the back pad. The slits shall be not less than 2 inches in length and spaced not less than 2 inches apart. Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket may be weighed while it is completely under water. In order to measure the actual buoyancy provided by the pads, the underwater weight of the empty basket should exceed the buoyancy of the pads; to obtain the buoyancy of the pads, proceed as follows:

(1) Weigh the empty wire basket under water.

(2) Place the pads inside the basket, and submerge it so that the top of the basket is at least 2 inches below the surface of the water. Allow the pads to remain submerged for 48 hours. The tank shall be locked or sealed during this 48-hour submergence period. It is important that after the pads have once been submerged they shall remain submerged for the duration of the test, and at no time during the course of the test shall they be removed from the tank or otherwise exposed to air.

(3) After the 48-hour submergence period unlock or unseal the tank and weigh the wire basket with the pads inside while both are still under water.

(4) The buoyancy is computed as (1) minus (3).

(e) *Buoyancy required*. The buoyant pad inserts from Model 3 adult life preservers shall provide not less than 25 pounds buoyancy in fresh water, and the pads from Model 5 child life preservers shall provide not less than 16½ pounds buoyancy.

7. Section 160.002–7 (a) is amended to read as follows:

§ 160.002–7 *Procedure for approval*—(a) *General.* Life preservers for use on merchant vessels or motorboats are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with §§ 160.002–4 (c) (2) and 160.002–5 (d). A copy of the marine inspector's report, together with a fourth specimen life preserver and one set of pad inserts selected from those already manufactured, will be forwarded to the Commandant for examination, and if satisfactory an official approval number will be assigned to the manufacturer for the model life preserver submitted.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4482, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR 1952 Supp.)

SUBPART 160.005—LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE), MODELS 52 AND 56

1. The title for this subpart is amended to read as set forth above.

2. Section 160.005–1 (a) is amended to read as follows:

§ 160.005–1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) Federal specifications:

V–T–276—Thread, Cotton.
CCC–T–191b—Textile Test Methods.
DDD–S–751—Stitches; Seams; and Stitching.

(2) Military specifications:

MIL–C–300—Cloth, Cotton, Drill, Fully Shrunk.
MIL–W–530—Webbing, Textile, Cotton, General Purpose Natural or in Colors.
MIL–B–2766—Batt, Fibrous Glass, Lifesaving Equipment.
MIL–T–3530—Treatment, Mildew-Resistant for Thread and Twine.
MIL–F–10400—Film, Flexible, Vinyl.

3. Section 160.005–2 (a) is amended to read as follows:

§ 160.005–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A—Adult:
  Model 52—Adult, 46 ounces fibrous glass.
Type B—Child:
  Model 56—Child, 30 ounces fibrous glass.

4. Section 160.005–3 is amended to read as follows:

§ 160.005–3 *Materials* — (a) *Fibrous glass.* The fibrous glass shall be all new material complying with the requirements of Specification MIL–B–2766.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N. Y., or Scarlet Munsell 7.5 Red 6/10. The drill shall be evenly dyed, and the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191b, Methods 5610, 5630, 5650, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (j) of this section. The finished goods shall contain not more than 2 percent residual sizing or other nonfibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 72 in the warp and 54 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of specification MIL–C–300 for Type II, Class A drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(c) *Tunnel strip.* The tunnel strip shall be made of cotton drill conforming to the requirements for the envelope cover.

(d) *Pad covering.* The covering for the fibrous glass pad inserts shall be flexible vinyl film not less than 0.006 inch in thickness meeting the requirements of specification MIL–F–10400 for Type I, Class 1, film. Type II, Class 1 film not less than 0.008 inch in thickness will also be acceptable.

(e) *Tie tapes and drawstrings.* The tie tapes at the neck and the lower drawstrings shall be made of 1¼-inch cotton tape weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tie tapes and drawstrings shall be treated with a mildew-inhibitor of the type specified in paragraph (j) of this section.

(f) *Body strap.* The body strap shall be made of one-inch cotton webbing having a minimum breaking strength of 400 pounds. One-inch cotton webbing meeting the requirements of specification MIL–W–530 for Type IIb webbing is acceptable. The complete body strap assembly shall have a minimum breaking strength of 360 pounds. The body strap shall be treated with a mildew-inhibitor of the type specified in graph (j) of this section.

(g) *Dee rings and snap hook.* dee rings and snap hook shall be bronze, or stainless steel, and of the proximate size indicated by Dwg. 160.005–1, Sheet 1. The snap spring shall be phosphor bronze or suitable corrosion-resistant Dee ring ends shall be welded to form continuous ring. The webbing of the snap hook shall be a ring.

(h) *Reinforcing tape.* The reinforcing tape shall be made of ¾-inch tape weighing not less than 0.18 per linear yard and having a breaking strength of 120 pounds, shall be treated with a mildew-inhibitor of the type specified in paragraph of this section.

(i) *Thread.* The thread shall be IB, No. 20, 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276, and shall be treated with a Class I (Copper–8) or Class (G–4) mildew-inhibitor as specified specification MIL–T–3530.

(j) *Mildew-inhibitor.* The mildew-inhibitor shall be dihydroxydichloro phenylmethane, known commercially Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1.00 percent of the dry weight of the finished goods.

5. Section 160.005–4 is amended by deleting paragraphs (i) and (j), by renumbering paragraph (k) to (i), and by revising paragraphs (b) and (c) to as follows:

§ 160.005–4 *Construction.* * * *

(b) *Envelope.* The envelope shall of not more than two pieces, one for either side, cut to the pattern on Dwg. No. 160.005–1, Sheet 1, for size, and Sheet 4, for child size, by seams and stitching as shown on drawing. A drawstring tunnel shall formed by stitching a strip of the strip material as shown by the drawing. The ends of the tunnel strip shall tucked under the reinforcing tape stitched around the end openings so there is direct access to the pads from the outside. Three pockets shall be formed insertion of the pads. The two front pads shall be removable from the envelope when portions of the lower longitudinal seam are opened, and the back pad shall be removable when a portion of one armhole seam is opened.

(c) *Pad inserts*—(1) *Forming, sealing, and distribution of fibrous glass.* The buoyant pad inserts shall be formed from two pieces of film cut to the patterns shown by Dwg. No. 160.005–1, Sheet 3, for adult size, and Sheet 5, for child size, which shall be heat-sealed tight. The heat-sealed pad seams shall show an adhesion of not less than 8 pounds when 1-inch strips cut across and perpendicular to the seams are pulled apart at a rate of separation of the clamping jaws of the test machine of 12 inches per minute. The pad inserts shall be filled with fibrous glass distributed as follows:

TABLE 160.005-4 (c) (1)—DISTRIBUTION OF FIBROUS GLASS IN PAD INSERTS

	Model 52 (minimum)	Model 56 (minimum)
Front pad (2):		
Lower section	10.00 oz. each	6.50 oz. each.
Upper section	7.25 oz. each	4.75 oz. each.
Back pad	11.50 oz	7.50 oz.
Total	46.00 oz	30.00 oz.

(2) *Displacement of pad inserts.* The volume of the finished individual heat-sealed buoyant pad inserts shall be such as to provide buoyancy as set forth in the following table when tested in accordance with the method set forth in § 160.005-5 (d), except that the period of submergence shall be only long enough to determine the displacement of the pads:

TABLE 160.005-4 (c) (2)—VOLUME DISPLACEMENT OF SEALED PADS

	Model 52	Model 56
Front pads	12½ lbs. each ± ¾ lb.	6½ lbs. each ± ½ lb.
Back pads	8 lbs. each ± ½ lb.	4½ lbs. each ± ½ lb.

6. Section 160.005-5 is amended by revising paragraphs (d) and (e) to read as follows:

§ 160.005-5 *Sampling, tests, and inspections.* * * *

(d) *Buoyancy test.* Remove the buoyant pad inserts from the life preserver and cut three slits in the film on both sides of both the upper and lower sections of the front pads and three slits on both sides of the back pad. The slits shall be not less than 2 inches in length and spaced not less than 2 inches apart. Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket may be weighed while it is completely under water. In order to measure the actual buoyancy provided by the pads, the underwater weight of the empty basket should exceed the buoyancy of the pads. To obtain the buoyancy of the pads, proceed as follows:

(1) Weigh the empty wire basket under water.

(2) Place the pads inside the basket, and submerge it so that the top of the basket is at least 2 inches below the surface of the water. Allow the pads to remain submerged for 48 hours. The tank shall be locked or sealed during this 48-hour submergence period. It is important that after the pads have once been submerged they shall remain submerged for the duration of the test, and at no time during the course of the test shall they be removed from the tank or otherwise exposed to air.

(3) After the 48-hour submergence period unlock or unseal the tank and weigh the wire basket with the pads inside while both are still under water.

(4) The buoyancy is computed as (1) minus (3).

(e) *Buoyancy required.* The buoyant pad inserts from Model 52 adult life preservers shall provide not less than 25 pounds buoyancy in fresh water, and the pads from Model 56 child life preservers shall provide not less than 16½ pounds buoyancy.

7. Section 160.005-7 (a) is amended to read as follows:

§ 160.005-7 *Procedure for approval*—(a) *General.* Life preservers for use on merchant vessels or motorboats are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with §§ 160.005-4 (c) (2) and 160.005-5 (d). A copy of the marine inspector's report, together with a fourth, specimen life preserver and one set of pad inserts selected from those already manufactured, will be forwarded to the Commandant for examination, and, if satisfactory an official approval number will be assigned to the manufacturer for the model life preserver submitted.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4482, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.052—SPECIFICATION FOR BUOYANT VESTS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD, FOR MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

1. Part 160 is amended by adding a new Subpart 160.052, consisting of §§ 160.052-1 to 160.052-9, inclusive, which read as follows:

Sec.
160.052-1 Applicable specifications and plans.
160.052-2 Types and models.
160.052-3 Materials—Type I vests.
160.052-4 Materials—Type II vests.
160.052-5 Construction—Type I vests.
160.052-6 Construction—Type II vests.
160.052-7 Inspections and tests—Types I and II vests.
160.052-8 Marking—Types I and II vests.
160.052-9 Procedure for approval—Types I and II vests.

AUTHORITY: §§ 160.052-1 to 160.052-9 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U. S. C. 526e, 526p.

§ 160.052-1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date buoyant vests are manufactured, form a part of this subpart:

(1) Federal specifications:

V-T-276—Thread, Cotton.
CCC-T-191b—Textile Test Methods.
DDD-S-751—Stitches; Seams; and Stitching.

(2) Military specifications:

MIL-W-530—Webbing, Textile, Cotton, General Purpose Natural or in Colors.
MIL-P-15280—Plastic Foam, Unicellular, Buoyant, Sheet and Molded Shape.

(b) *Plans.* The following plans, of the issue in effect on the date buoyant vests are manufactured, form a part of this subpart:

DWG. No. 160.052-1:
  Sheet 1—Cutting Pattern and General Arrangement, Model AP.
  Sheet 2—Cutting Pattern and General Arrangement, Model CPM.
  Sheet 3—Cutting Pattern and General Arrangement, Model CPS.
  Sheet 4—Insert Patterns.

(c) *Copies on file.* Copies of the specifications and plans referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard plans may be obtained upon request from the Commandant, United States Coast Guard, Washington 25, D. C. The Federal specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D. C. The Military specifications may be obtained from the Commanding Officer, Naval Supply Depot, Scotia 2, N. Y.

§ 160.052-2 *Types and models.* (a) Buoyant vests specified by this subpart shall be of the following types and models:

(1) Type I—Standard:

Model AP—Adult.
Model CPM—Child, Medium (For children weighing approximately 45 to 90 pounds).
Model CPS—Child, Small (For children weighing less than approximately 50 pounds).

(2) Type II—Non-standard:

Model [1]—Adult.
Model [1]—Child, Medium (For children weighing approximately 45 to 90 pounds).
Model [1]—Child, Small (For children weighing less than approximately 50 pounds).

§ 160.052-3 *Materials—Type I vests*—(a) *General.* The requirements for materials specified in this section are minimum requirements, and consideration will be given to the use of alternate materials in lieu of those specified. Detailed technical data and samples of all proposed alternate materials shall be submitted for approval prior to being incorporated in the finished product.

(b) *Unicellular plastic foam.* The unicellular plastic foam shall be all new material complying with the requirements of specification MIL-P-15280 for Type IA foam, and for each lot of plastic foam used the vest manufacturer shall obtain from the manufacturer of the foam a certification that it complies with these requirements.

(c) *Envelope.* The buoyant vest envelope, or cover, shall be made from 39-

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[1] Model designations for Type II, Non-standard vests to be assigned by individual manufacturers.

inch, 2.85 cotton jeans cloth, with a thread count of approximately 96 x 64. The finished goods shall weigh not less than 4.2 ounces per square yard, shall have thread count of not less than 94 x 60, and shall have a breaking strength of not less than 85 pounds in the warp and 50 pounds in the filling. Other cotton fabrics having a weight and breaking strength not less than the above will be acceptable. There are no restrictions as to color, but the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal specification CCC-T-191b, Methods 5610, 5630, 5650, and 5660.

(d) *Tie tapes and straps.* The tie tapes and body strap loops for both adult and child sizes shall be ¾-inch cotton webbing meeting the requirements of specification MIL-W-530 for Type I webbing. The body straps for adult size vests shall be 1-inch Type IIa webbing, and the body straps for child size vests shall be ¾-inch Type IIa webbing.

(e) *Dee rings and snap hooks.* The dee rings and snap hooks shall be of a size consistent with the webbing on which they are used and shall be of corrosion-resistant material or protected against corrosion by a corrosion-resistant plating.

(f) *Thread.* The thread shall be Type IB, No. 20, 4-ply cotton thread conforming to the requirements of Federal specification V-T-276.

§ 160.052-4 *Materials—Type II vests*—(a) *General.* All materials used in non-standard Type II buoyant vests shall be at least equivalent to those specified in § 160.052-3 for standard Type I vests.

§ 160.052-5 *Construction—Type I vests*—(a) *General.* This specification covers buoyant vests which essentially consist of a fabric envelope in which are enclosed inserts of buoyant material arranged and distributed so as to provide the flotation characteristics and buoyancy required to hold the wearer in an upright or slightly backward position with head and face out of water. The buoyant vests are also fitted with straps and hardware to provide for proper adjustment and close and comfortable fit to the bodies of various size wearers.

(b) *Envelope.* The envelope or cover shall be made of three pieces. Two pieces of fabric shall be cut to the pattern shown on Dwg. No. 160.052-1, Sheet 1, for adult size, and Sheets 2 and 3 for child sizes, and joined together with a third piece which forms a 2-inch finished gusset strip all around. Reinforcing strips of the same material as the envelope shall be stitched to the inside of the front piece of the envelope in way of the strap attachments as shown by the drawings.

(c) *Buoyant inserts.* The unicellular plastic foam buoyant inserts shall be cut and formed as shown on Dwg. No. 160.052-1, Sheet 4.

(d) *Tie tapes, straps, and hardware.* The tie tapes, straps, and hardware shall be arranged as shown on the drawings and attached to the envelope with the seams and stitching indicated.

(e) *Stitching.* All stitching shall be short lock stitch conforming to Stitch Type 301 of Federal Specification DDD-S-751, and there shall be not less than 7 nor more than 9 stitches to the inch.

(f) *Pockets.* Pockets are not required on buoyant vests, but may be placed on them if desired, provided they do not interfere with the adjustment or fit of the vest.

(g) *Workmanship.* Buoyant vests shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.052-6 *Construction—Type II vests*—(a) *General.* Construction methods used in non-standard Type II buoyant vests shall be at least equivalent to those specified in § 160.052-5 for standard Type I vests. Type II vests shall also meet the additional requirements specified below.

(b) *Sizes.* Type II vests shall be constructed in sizes which correspond to those specified in § 160.052-2 for Type I vests, i. e., adult size, child's medium, and child's small.

(c) *Volume of buoyant material.* Adult size Type II vests shall contain not less than 500 cubic inches of plastic foam buoyant material; child's medium size not less than 350 cubic inches; and child's small size not less than 225 cubic inches.

(d) *Arrangement of buoyant material.* The buoyant material in Type II vests shall be located and arranged so as to hold the wearer in an upright or backward position with head and face out of water. They shall show no tendency to turn a wearer face downward in the water, and at least 70 percent of the total buoyant material in any Type II vest shall be located in the front of the vest.

(e) *Adjustment, fit, and donning.* Type II vests shall be capable of being readily and easily adjusted to fit the range of wearers for which designed, and donning time by uninitiated persons shall compare favorably with that of standard Type I vests.

§ 160.052-7 *Inspections and tests—Types I and II vests*—(a) *General.* Buoyant vests are not inspected at regularly scheduled factory inspections; however, the Commander of the Coast Guard District may detail a marine inspector at any time to visit any place where buoyant vests are manufactured to observe reduction methods and to conduct any inspections or tests which may be deemed advisable. The marine inspector shall be admitted to any place in the factory where work is done on buoyant vests or component materials, and samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Manufacturer's inspections and tests.* Manufacturers of approved buoyant vests shall maintain quality control of the materials used, manufacturing methods, workmanship, and the finished product so as to meet the requirements of this specification, and shall make full inspections and tests of representative samples from each lot to maintain the quality of their product. At least one sample vest from each lot shall be tested for buoyancy by the manufacturer in accordance with the procedure set forth in § 160.052-7 (e). The records of such buoyancy tests shall be kept on file by the manufacturer and shall be made available to the Coast Guard marine inspector upon demand.

(c) *Lot size.* A lot shall consist of not more than 500 buoyant vests of the same type and model. Lots shall be numbered serially by the manufacturer, and if at any time during the manufacture of a lot, any change or modification in materials or production methods is made, a new lot shall be started.

(d) *Test facilities.* The manufacturer shall provide a suitable place and shall have on hand the necessary apparatus for conducting buoyancy tests in compliance with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such a manner as to preclude disturbance of buoyant vests undergoing tests or change in water level.

(e) *Buoyancy*—(1) *Buoyancy test method.* Remove the buoyant inserts from the vests. Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket can be weighed while it is completely under water. In order to measure the actual buoyancy provided by the inserts, the underwater weight of the empty basket should exceed the buoyancy of the inserts. To obtain the buoyancy of the inserts, proceed as follows:

(i) Weigh the empty wire basket under water.

(ii) Place the inserts inside the basket and submerge it so that the top of the basket is at least 2 inches below the surface of the water. Allow the inserts to remain submerged for 24 hours. The tank shall be locked or sealed during this 24-hour submergence period. It is important that after the inserts have once been submerged they shall remain submerged for the duration of the test, and at no time during the course of the test shall they be removed from the tank or otherwise exposed to air.

(iii) After the 24-hour submergence period, unlock or unseal the tank and weigh the wire basket with the inserts inside while both are still under water.

(iv) The buoyancy is computed as (i) minus (iii).

(2) *Buoyancy required.* The buoyant inserts from adult size buoyant vests shall provide not less than 15½ pounds buoyancy in fresh water; the inserts from child's medium size vests shall provide not less than 11 pounds buoyancy; and the inserts from child's small size vests shall provide not less than 7 pounds buoyancy.

(f) *Additional tests for Type II vests.* For Type II vests additional tests such as tests to determine performance in the water, extended service tests to determine suitability of materials, tests to determine comparative donning time and ease of adjustment, and such other tests as may be necessary to determine equivalence to the standard Type I vests may be required prior to approval. The costs of such additional tests will be payable by the manufacturer.

§ 160.052-8 *Marking—Types I and II vests*—(a) *General.* Each buoyant vest shall be marked with a rectangular cloth tag attached to the envelope by stitching along all edges of the tag. The following information shall be plainly printed in waterproof ink on each tag:

TYPE (I OR II)
BUOYANT VEST
MODEL ------
ADULT (OR CHILD)

Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.
U. S. COAST GUARD APPROVAL NO. ------
Lot No. ------
This vest is filled with unicellular plastic foam, which repeated wettings will not injure. When vest is wet, hang up and dry thoroughly.

(Name and Address of Manufacturer)

(b) *Additional marking for child size vests.* For child's medium size buoyant vests, the following additional wording shall be included on the marking tag: "For Children Weighing approximately 45 to 90 pounds." For child's small size buoyant vests, the following additional wording shall be included on the marking tag: "For Children Weighing less than approximately 50 pounds."

(c) *Waterproofness of marking tags.* Marking tags for buoyant vests shall be sufficiently waterproof so that after 48 hours submergence in water, they will withstand rubbing by hand with moderate pressure while wet without the printed matter becoming illegible.

§ 160.052-9 *Procedure for approval—Types I and II vests*—(a) *General.* Buoyant vests for use on motorboats are approved only by the Commandant, U. S. Coast Guard, Washington 25, D. C. Each model vest is considered separately. Application for approval and correspondence pertaining to this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Approval of Type I vests.* Upon receipt of an application for approval of standard Type I vests, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select from not less than ten buoyant vests already manufactured not less than three of each model for examination and test for compliance with the requirements of this specification. A copy of the marine inspector's report, together with a fourth specimen vest and one set of buoyant inserts selected from those already manufactured, will be forwarded to the Commandant, and if satisfactory, an official approval number will be assigned to the manufacturer for the Type I vests submitted.

(c) *Approval of Type II vests.* Upon receipt of an application for approval of nonstandard Type II vests, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select three sample vests of each model and one set of buoyant inserts for each model for which approval is desired. The sample vests and inserts will be forwarded to the Commandant, together with a copy of the marine inspector's report. At the time the pre-approval samples are selected, the manufacturer shall also submit to the marine inspector four prints each of fully-dimensioned, full scale drawings showing all details of construction of the sample vests submitted, and four copies of a bill of material showing all materials used in the construction of the vests. After examination of the samples, drawings, and other material submitted, the manufacturer will be advised of any changes or corrections considered necessary. The manufacturer will also be informed of the tests that will be required, any additional samples or other material required, and the estimated cost of the tests. Upon payment by the manufacturer of the estimated costs of the tests, the tests will be authorized. If the results of the tests are satisfactory, an official approval number will be assigned to the manufacturer for the Type II vests submitted.

Dated: June 18, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-4797; Filed, June 24, 1958; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[9th Gen. Rev. of Export Regs., Amdt. 2[1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 383—ADMINISTRATIVE REVIEWS AND APPEALS

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States,* paragraph (b) *United States Import Certificate,* subparagraph (6) *Lost or destroyed import certificates* is amended to read as follows:

(6) *Lost, destroyed, or unused import certificates*—(i) *Lost or destroyed Import Certificates.* Where an Import Certificate is lost or destroyed, a duplicate copy of such Import Certificate may be obtained by the person in the United States who executed the original Import Certificate by submitting to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., or any field office of the Department of Commerce listed in subparagraph (2) of this paragraph, a new set of Forms FC-826 in accordance with the provisions of subparagraph (1) of this paragraph and accompanied by a letter certifying:

(a) That the original Import Certificate No. ------ (if known) dated ----------, issued to (name and address of U. S. importer) for importation from (foreign exporter's name and address) has been lost or destroyed:

(b) The circumstances under which it was lost or destroyed; and

(c) If the original Import Certificate is found, the applicant agrees to return the original or duplicate Import Certificate to the Department of Commerce.

(ii) *Unused Import Certificates.* Where the transaction will not be completed and the Import Certificate will not be used, the Import Certificate shall be returned for cancellation to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C.

2. Section 372.6 *License applications for in-transit shipments,* paragraph (b) *Applicability of special provisions* is amended by deleting the phrase "§ 373.69 of this chapter with respect to Hong Kong Import License, Delivery Verification, and Landing Certificate."

3. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery* is amended to read as follows:

§ 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*—(a) *Scope*—(1) *General.*[2] [3] The provisions of this section shall apply to shipments for which a validated license is required covering the following commodities proposed for export or exported to the following countries:

(i) *Commodities.* The commodities subject to the provisions of paragraph (d) of this section, "Submission of Import Certificate," are those commodities on the Positive List of Commodities (§ 399.1 of this chapter) that are identified by the symbol "A" in the column headed "Commodity Lists." All commodities on the Positive List of Commodities are subject to the provisions of paragraph (g) of this section, "Submission of Delivery Verification."

(ii) *Countries.* Austria, Belgian Congo, Belgium, Denmark, France (including the Saar territory), Federal Republic of Germany, Western Sectors of

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[1] This amendment was published in Current Export Bulletin 801, dated June 5, 1958 and Current Export Bulletin 802, dated June 12, 1958.

[2] Submission of an Import Certificate does not relieve the parties to the transaction from compliance with the reexportation provisions. (See § 372.12 of this chapter.)

[3] In certain exceptional instances, an Import Certificate may be required for transactions not involving an exportation from the United States under a validated license. (See § 368.1 (b) (8) of this chapter.)

Berlin, Greece, Hong Kong (see paragraph (c) of this section), Italy (including the area of Trieste under Italian civil administration), Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, and United Kingdom.

The provisions of this section do not apply to the overseas territories of the countries listed above unless such territories are specifically included in the list.

(2) *Exemptions.* The provisions of paragraph (d) of this section shall not apply to: (i) A shipment or application for export license covering a shipment under a project license (see Part 374 of this chapter); (ii) an application for license to export commodities classified in a single entry on the Positive List the total value of which, as shown on the export order, is less than $500, except where a multiple transactions Import Certificate is filed in accordance with paragraph (d) (2) of this section; (iii) an application for license to export a commodity to a foreign government or government agency when such government or government agency actually placed the order with the applicant and will take delivery of the exportation when it is received in the importing country; or (iv) a shipment made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, to a member agency in the foreign country.

NOTE: For definition of "government agency", see § 373.65 (a) (2) (iv).

(b) *Definitions.* As used in this section, the terms "Import Certificate," "Delivery Verification," "Hong Kong Import License" or "Landing Certificate," refer to the documents issued by governments of countries listed in paragraph (a) (1) of this section to importers in such countries, and are the equivalent documents to the Import Certificate (Form FC-826) and Delivery Verification (Form FC-908) issued to United States importers (see § 368.1 of this chapter). These documents contain an undertaking by the government issuing the Import Certificate or the Delivery Verification to exercise legal control over the disposition of the commodities covered. This control is in addition to the conditions and restrictions placed on the exportation by the Bureau of Foreign Commerce. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an Import Certificate or Delivery Verification.

(c) *Special provisions for Hong Kong.* With regard to exports to Hong Kong, wherever the term Import Certificate appears in this section, it shall be construed as meaning the duplicate copy of the Hong Kong Import License (Form 3) issued by the Hong Kong authorities containing one of the following stamped endorsements which shall bear the signature of an official of the Hong Kong Government:

(1) For consumption in Hong Kong. Diversion en route prohibited. Re-export not permitted except under special license and subject in addition to general or specific concurrence of government of supplying country concerned.

(2) For re-export to ------------------------
(Approved destination)
Diversion en route prohibited. To be delivered by shipping or airline company concerned to Govt-designated godown. Overside delivery not permitted. Release from godown subject to approval of export license.

(3) For consumption in Hong Kong or re-export to approved destinations. Diversion en route prohibited. Re-export subject to issue of export license.

Wherever the term Delivery Verification appears in this section, it shall be construed as meaning the Hong Kong Delivery Verification (C&I Form 229) or the Hong Kong Landing Certificate (C&I Form 42). The latter form (C&I Form 42) is acceptable only where the Hong Kong Government does not issue its Delivery Verification Form (C&I Form 229). (See § 372.2 (g) for delivery verification requirements.)

(d) *Submission of Import Certificate*—(1) *Single transaction Import Certificates.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section the original Import Certificate,[4] bearing the official authentication of the government authorities in the importing country, issued to the named importer or his agent and covering the commodity or commodities described in the export license application.

NOTE: As indicated in this paragraph, the original Import Certificate[4] shall be attached to the license application. A reproduced copy (photostat or other type) of the Import Certificate will not be accepted by the Bureau of Foreign Commerce.

(ii) Where the single transaction Import Certificate covers commodities for which more than one export license application is submitted, the original Import Certificate[4] shall be attached to the first such application. On each subsequent application the following certification shall be inserted in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the (------------------------------------
(Name of country)
Import Certificate) or (Hong Kong Import License) No. -------, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate. This Import Certificate was submitted in support of Application No. ------------------------------------
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(BFC case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached and Schedule B numbers and processing codes shown on that application)

NOTE: Whenever possible, the Bureau of Foreign Commerce case number should be indicated on the certification set forth in this paragraph since failure to supply the Bureau of Foreign Commerce case number may result in delay in processing the license application.

(2) *Multiple transactions Import Certificates.* Exporters may submit to the Bureau of Foreign Commerce an original Import Certificate,[4] if issued by a foreign government, covering all proposed exportations of a commodity or commodities, regardless of value (including commodities based on export orders amounting to less than $500), for a specific period or if no specific period is shown, for a specific quantity or value. The applicant shall attach to the first license application covered by the multiple transactions Import Certificate, the original Import Certificate,[4] bearing the official authentication of governmental authorities in the importing country. On each subsequent application for export license submitted against the multiple transactions Import Certificate, one of the following certifications (depending on whether a quantity is shown on the Import Certificate) signed by the applicant, shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the (------------------ Import Certif-
(Name of country)
icate) or (Hong Kong Import License) No. -------, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate. This Import Certificate was submitted in support of application No. --------------
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(BFC case no. or if BFC case no. is unknown the Applicant's reference no., date of submission of the application to which the Import Certificate or Hong Kong Import License was attached and Schedule B Nos. and Processing Codes shown on that application)

or (if no quantity is shown on the certificate):

I (We) certify that this application is supported by the multiple transactions (------------------ Import Certificate) or
(Name of country)
(Hong Kong Import License) No. ------, which was submitted in support of application No. ------------------------------------
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(BFC case no. or if BFC case no. is unknown the applicant's reference no., date of submission of the application to which the Import Certificate or Import License was attached, and Schedule B Nos. and processing codes shown on that application)

(3) *Requirements applicable to both single and multiple transactions Import Certificates*—(i) *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Positive List units shall be converted into Positive List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation.

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[4] For Hong Kong, see § 373.2 (c).

(ii) *Purchase order.* The Import Certificate may cover more than one purchase order and may be concerned with several commodities, including commodities for which an Import Certificate is not required under paragraph (a) (1) (i) of this section; however, the Import Certificate shall relate only to purchase orders placed by a single importer located in a single foreign country with a single United States exporter.

(iii) *Parties named on the certificate.* The Import Certificate may be accepted from either the ultimate consignee or the purchaser if they are different parties located in the same country. If the ultimate consignee and the purchaser are not located in the same country, an Import Certificate, an ultimate consignee statement, or other applicable equivalent document is required from the party located in the country of ultimate destination. The United States exporter named in the Import Certificate must appear as applicant, supplier, or order party on the United States license application.

(iv) *Validity period.* An Import Certificate submitted to the Bureau of Foreign Commerce after its expiration date will be returned to the applicant for amendment or submission of a new Import Certificate. The expiration date of an Import Certificate in no way affects the validity period for which an export license is granted.

(v) *Applicant's responsibility for full disclosure.* In submitting an Import Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the Import Certificate. In accordance with the provisions of § 368.1 of this chapter, the applicant also shall, by means of supplementary statements from the importer or any other party to the transaction, notify the Bureau of Foreign Commerce of any change that is brought to his notice subsequent to the date the Import Certificate is issued.

(4) *Import Certificate as a factor in licensing.* (i) The Bureau of Foreign Commerce reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which a foreign government has issued an Import Certificate.

(ii) Generally commodities licensed by the Bureau of Foreign Commerce on the basis of dollar value will not be licensed in excess of the dollar value shown on the Import Certificate and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Import Certificate.

(iii) The Bureau of Foreign Commerce will not seek, or undertake to give consideration to recommendations from a foreign government as to which United States exporter's license application should be approved. An Import Certificate will be used by the Bureau of Foreign Commerce as only one of the considerations upon which licensing action will be based, since quotas, end uses, and other considerations remain important factors in export licensing.

(e) *Return of Import Certificate.* (1) The United States exporter may be requested by his foreign importer to return an unused or partially used Import Certificate. In such case, the United States exporter shall forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted application for export, or an appeal.

(2) Failure on the part of the United States exporter to comply with his foreign importer's request will result in the importer's inability to fulfill his obligations to his government and may result in the foreign importer being denied further Import Certificates. This action obviously would prevent the United States exporter's participation in further export transactions with such foreign importer. In addition, the foreign importer may be subjected to other penalties for his failure to return the Import Certificate.

(3) The Bureau of Foreign Commerce will not return an Import Certificate to the United States exporter where the total quantity shown on the Import Certificate has been shipped or is covered by an outstanding export license(s) except as indicated in this subparagraph. In order to comply with a foreign importer's request for the return of an unused or partially used Import Certificate, an Import Certificate on file in the Bureau of Foreign Commerce will be returned to the exporter in accordance with the procedures described below:

(i) Where an Import Certificate covers a quantity in excess of the export license applications submitted against it, or does not specify the quantity covered, the Bureau of Foreign Commerce will retain the Import Certificate until such time as the exporter requests return thereof. When requesting return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, Bureau of Foreign Commerce case numbers to which the Import Certificate applies, Import Certificate number, and statement that such Import Certificate will not be used in connection with a new or resubmitted application for export. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(ii) The Bureau of Foreign Commerce will automatically return the applicable Import Certificate to the United States exporter (applicant) whenever an application for export covers the same type and amount of the commodity as that shown on the Import Certificate but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce. In some cases the Import Certificate covering an application rejected by the Bureau of Foreign Commerce for other than quota reasons will be returned directly to the government which issued the certificate. In such cases the applicant will be notified of this action. In any event, the government issuing the Import Certificate will be notified if the export application which it covers is rejected.

(iii) In instances where the United States exporter does not intend to ship the total quantity of commodities for which a license has been issued and desires the return of the Import Certificate, he should submit his request in writing for return of the Import Certificate, together with a request for cancellation or amendment of the unexpired license to show the quantity which he intends to ship. (See § 380.2 of this chapter.) In such cases the exporter shall submit the amendment form, Form IT– or FC–763 (in addition to the letter request), as provided by the regular amendment procedure. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(f) *Requests for amendments.*[6] A new or appropriately amended Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Import Certificate previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted Import Certificate, the amendment request shall include the following certification:

> I (We) certify that this request for amendment of export license No. ______, if granted, will not exceed the total quantity authorized under the (______________________________
> (Name of country)
> Import Certificate) or (Hong Kong Import License) No. ______.

(g) *Submission of Delivery Verification*—(1) *Notification of requirement.* (i) The licensee may be requested by the Bureau of Foreign Commerce to submit a Delivery Verification with respect to any commodities exported under a validated license to a country listed in paragraph (a) of this section, including commodities not subject to paragraph (d) of this section and exemptions and exceptions granted under the provisions of paragraphs (a) (2) and (j) of this section. Where a Delivery Verification is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form FC–863." In addition, Form FC–863, Notification of Delivery Verification Requirement, will be attached to the license. Where a Form FC–863 is attached to a license forwarded by the Bureau of Foreign Commerce to an agent or freight forwarder of the licensee, it shall be the responsibility of such agent or freight forwarder to notify the licensee that a Delivery Verification is required.

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[6] Section 380.2 of this chapter contains other provisions applicable to amendments of applications covered by an Import Certificate.

(ii) The requirement that a Delivery Verification be submitted for a particular export transaction is cancelled automatically if subsequent to the issuance of a license, the commodity is deleted from the Positive List, or the symbol "A" in the Commodity Lists column is removed from the commodity listing on the Positive List.

(2) *Submission to the Bureau of Foreign Commerce.* When notified to do so by the Bureau of Foreign Commerce, any person issued licenses covering shipments within the scope of this section shall: (i) Transmit to the foreign importer a written request for delivery verification at the time of making each shipment under the license, (whenever possible, this request shall be submitted together with the related Bill of Lading or Air Waybill); (ii) obtain from the named importer a Delivery Verification which has been issued to the importer by his government covering the commodities described on the particular export license, or so much thereof (when complete shipment against the license will not be made) as the licensee will have shipped; and (iii) send the original copy of the Delivery Verification to the Bureau of Foreign Commerce within a reasonable time after clearance of the last exportation made under the license. If a Delivery Verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license, the licensee shall obtain a Delivery Verification for each partial shipment and retain it in his files until all Delivery Verifications respecting shipments against the license have been received by him. The licensee shall then send the original copies of all such Delivery Verifications to the Bureau of Foreign Commerce in one parcel.

(3) *Inability to obtain a Delivery Verification.* If an exporter is unable to obtain the required Delivery Verification from his importer, he shall promptly notify the Bureau of Foreign Commerce, and upon request, make available to the Bureau of Foreign Commerce all information and records, including correspondence regarding his attempt to obtain the Delivery Verification.

NOTE 1. *Delivery Verifications.* It is the policy of the Bureau of Foreign Commerce to require Delivery Verifications on a selective basis where Import Certificates are required. Also, Delivery Verifications may be required relative to export licenses issued for exportation to any of the countries participating in the Import Certificate/Delivery Verification procedure, even though the licensed commodities are not subject to § 373.2 (d), or are commodities for which exemptions and exceptions have been granted under the IC/DV procedure.

NOTE 2. *Translation requirements.* See § 373.2 (d) (3) (i).

(h) *Effective dates.* Whenever the scope of this section is extended by adding commodities or countries to those described in paragraph (a) of this section, such changes shall become effective 45 days from the time such new commodities or countries are added.

(i) *Relationship to ultimate consignee statements.* The requirement for submission of consignee/purchaser statements specified in § 373.65 shall not be applicable wherever Import Certificates are submitted pursuant to the requirements of this section.

(j) *Request for exception.* An applicant for an export license subject to the requirement for an Import Certificate in accordance with the provisions of paragraph (d) of this section may request an exception to this requirement.

(1) *Grounds for exception.* An exception will not be granted where such exception will be contrary to the objectives of the United States export control program. Otherwise, favorable consideration of the request for exception generally will be given where the requirement for an Import Certificate:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e. g., the commodities will be held in a foreign trade zone or bonded warehouse for subsequent distribution in one or more countries); or,

(ii) Cannot be complied with because the foreign country refuses to issue an Import Certificate and such refusal constitutes discrimination against the United States exporter; or,

(iii) Is not applicable to the transaction (e. g., the commodities will not be imported for consumption into the named country of destination).

(2) *Types of request.* (i) A request for exception may involve either a single transaction or multiple transactions. The single transaction exception relates to a single export order and, if granted, will cover the application or applications which the exporter submits to ship the single export order. The multiple transactions exception, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted. For example, a multiple transactions request submitted on April 1, 1958 may cover all applications for shipment to the ultimate consignee filed on or before June 30, 1959, unless an earlier termination date is requested.

(ii) A multiple transaction request for exception will be considered by the Bureau of Foreign Commerce only where the reason necessitating the request is continuing in nature.

(3) *When to submit request.* The request for exception shall be submitted together with the application to which it relates. Where the request for exception relates to more than one application, the request shall be submitted together with the first application to which it relates.

(4) *How to submit request.* Each request for exception shall be by letter, in duplicate, addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The request shall be accompanied by a statement from the ultimate consignee and purchaser in accordance with § 373.65, unless such statement is already on file in the Bureau of Foreign Commerce. As a minimum, the letter of request shall include:

(i) The type of request, i. e., whether for a single transaction or multiple transactions (see subparagraph (2) of this paragraph).

(ii) A full explanation of the reason or reasons for requesting the exception.

(iii) Whether the exporter has previously submitted to the Bureau of Foreign Commerce any Import Certificate issued in the name of the importer.

(iv) Whether a statement from the ultimate consignee and purchaser, in accordance with § 373.65, is on file with the Bureau of Foreign Commerce.

(v) Name and address of the ultimate consignee. If the commodities will be exported to a foreign trade zone or bonded warehouse, include the location of the foreign trade zone or bonded warehouse.

(vi) Name and address of the purchaser, if different than the ultimate consignee.

(vii) If a multiple transactions exception is requested (see subparagraph (2) of this paragraph) and the exporter wishes the exception period to expire before June 30 of the next year, state the requested date of expiration.

(5) *Action by Bureau of Foreign Commerce*—(i) *Single transaction request.* For a single transaction request the Bureau of Foreign Commerce will act on the request for exception together with the application for export license with which the request for exception was submitted. In those cases where the related application is approved, the issuance of the export license will serve also as an automatic notice to the exporter that the exception is approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Bureau of Foreign Commerce will advise the exporter by letter.

(ii) *Multiple transactions request.* Where the request involves multiple transactions, the Bureau of Foreign Commerce will advise the exporter by letter of the action taken on the request for exception. The letter will contain any conditions or restrictions which the Bureau of Foreign Commerce finds necessary as a condition to approval of the request for exception. In addition, a written acceptance of these conditions will be required from the parties to the transaction.

(6) *Submission of additional applications.* Any additional application for export license which is subject to an approved request for exception to the Import Certificate requirement shall contain the following certification in the "Additional Information" item of the application, or on an attachment to the application:

I (We) certify that the circumstances shown in the original request for exception to submission of an Import Certificate or Hong Kong Import License also exists with respect to this application. The request for

exception was submitted in support of application No.------------------------------
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(BFC case No. or if BFC case No. is unknown, the Applicant's reference No., date of submission of the application to which the request for exception was attached, and Schedule B Nos. and Processing Codes shown on that application)

(7) *Relationship to reexportation.* The granting of an exception to submission of an Import Certificate in no way relieves the applicant or any other party to the transaction from obtaining reexportation authorization from the Bureau of Foreign Commerce when so required by this subchapter.

4. Section 373.40 *Iron and steel* is amended by revoking paragraph (c) *Rerolling rails, Schedule B No. 60095,* and paragraph (d) *Relaying rails and other used rails, except for scrap and for rerolling, Schedule B No. 60530.*

5. Section 373.65 *Ultimate consignee and purchaser statements,* paragraph (a) (2) *Exemptions* is amended by deleting the phrase "a Hong Kong Import License as provided in § 373.69" in subdivision (i).

6. Section 373.69 *Hong Kong* is revoked.

7. Section 373.81 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is revoked.

8. Section 379.4 *Authentication of declaration,* paragraph (d) *Additional information required for in-transit goods,* subparagraph (3) is amended to read as follows:

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number; and shall be entered in item 4 of the declaration. If the commodities are transported by other than air, the Schedule S number[8] shall be entered also on the declaration.

9. Section 380.2 *Amendments or alterations of licenses,* paragraph (j) *Licenses covered by an Import Certificate, a Swiss Blue Import Certificate, a Hong Kong Import License, or a Yugoslav End-Use Certificate* is amended by deleting the phrase "a Hong Kong Import License" in the heading, and the phrase "the Hong Kong Import License procedure (§ 373.69 of this chapter)" in the section.

10. Section 382.51 *Supplement 1; Table of denial and probation orders currently in effect,* paragraph (b) *Table of denial and probation orders* is amended in the following respects:

a. The following entries are added to the list:

Name and Address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Alfa Electric Co. Ltd., Chancery House, 53-64 Chancery Lane, London, W. C. 2, England.	5-21-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Zemanek & Co., Ltd., which see.)	21 F. R. 3609, 5-25-56.
Bordin, Emilio F., Genferstrasse 24, Zurich, Switzerland.	4- 3-58	4-3-59 (on probation 4-4-59—duration).[1]	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 2283, 4-8-58.
Depoorter, Paul, dba Fortior, De Smet de Nayerlaan 12, Ostend, Belgium.	3-17-58	Duration	do	23 F. R. 1860, 3-20-58.
Eigler, Georg, Liliengasse 1, Vienna 1, Austria.	12-17-57	Until further notice	do	23 F. R. 2232, 4-4-58.
Felix, Mario, dba Internationale Transporte, Paradiesstrasse 9, Zurich, Switzerland.	5-19-58	Duration	do	23 F. R. 3549, 5-22-58.
Fortior, De Smet de Nayerlaan 12, Ostend, Belgium.	3-17-58	do	do	23 F. R. 1860, 3-20-58.
Industrie-Warenverkehr, Liliengasse 1, Vienna 1, Austria.	12-17-57	Until further notice	do	23 F. R. 2232, 4-4-58.
Internationale Transporte, Paradiesstrasse 9, Zurich, Switzerland.	5-19-58	Duration	do	23 F. R. 3549, 5-22-58.
Li, Hsiu Kuang (alias S. K. Lai) 50 Queen's Road Central, Hong Kong, and Room 604, Fukoku Bldg., Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do	do	21 F. R. 775-777, 2-3-56.
Oleine S. A., Genferstrasse 24, Zurich, Switzerland.	4- 3-58	4-3-59 (on probation 4-4-59—duration).[1]	do	23 F. R. 2283, 4-8-58.
Rei, Shu Ko (alias S. K. Lai), 50 Queen's Road Central, Hong Kong, and Room 604, Fukoku Bldg., Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	Duration	do	21 F. R. 775-777, 2-3-56.
Rudy-Patrick Seed Co., 1212 West 8th St., Station A, Kansas City 1, Mo.	4-15-58	5-15-58 (on probation 5-16-58 to 4-15-59).[1]	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 2541, 4-17-58.
Schulthess, Johannes, 69 Stampfenbachstrasse, Zurich, Switzerland.	3- 1-57	10-1-59 (on probation 10-2-59—duration).[1]	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to K. Burgi-Tobler & Co., which see.)	22 F. R. 1343, 3-5-57.
Soc. Generale d'Entreprises, Maritimes "Sogemar" S. A., 14 Rue du Margrave, Antwerp, Belgium.	5-15-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 3417, 5-20-58.
Sogemar, S. A., 14 Rue du Margrave, Antwerp, Belgium.	5-15-58	do	do	23 F. R. 3417, 5-20-58.
Steuerungstechnik und Messgerate, G. M. B. H., Wahringerstrasse 12, Vienna IX, Austria.	5-8-58	do	do	23 F. R. 3158, 5-13-58.
Universal Leaf Tobacco Co., Inc., 201 S. Third St., Richmond, Va.	(3-11-58)	(On probation 3-11-58 to 9-11-58.)[1]		23 F. R. 1765, 3-14-58.
Van Doorn & Co., N. V., Van Doorn, B. A., Rederijstraat 3, Rotterdam, Netherlands.	5-5-58	8-18-58 (on probation 8-19-58 to 5-5-59).[1]	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 3072, 5-8-58.
Vantol, J. H., Ltd., Norfolk House, Laurence Pountney Hill, Cannon Street, London, E. C. 4, England.	5-5-58	7-4-58 (on probation 7-5-58 to 5-5-59).[1]	do	23 F. R. 3072, 5-8-58.
Wijsman, Johan Hendrik, Rederijstraat 3, Rotterdam, Netherlands.	5-5-58	11-3-58 (on probation 11-4-58 to 5-5-59).[1]	do	23 F. R. 3072, 5-8-58.
Zee, Mohan, Post Office Box 666, Hong Kong.	5-5-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Suspension for 18 months or as long as Treasury Dept. designated national, whichever longer.)	23 F. R. 3156, 5-13-58.

[1] Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

b. The following entry is deleted from the list:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Koenig, Karl, 6 Romerstrasse, Munich 23, Germany.	2-21-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1153, 2-27-57.

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[8] Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, obtainable without charge from the Bureau of the Census, Department of Commerce, Washington 25, D. C.

11. Part 383—Appeals is amended to read as follows:

PART 383—ADMINISTRATIVE REVIEWS AND APPEALS

§ 383.1 *General provisions*—(a) *Purpose.* This part sets forth the procedures applicable to: (1) The consideration of requests for administrative review by the Bureau of Foreign Commerce of protested regulations and actions of the Bureau of Foreign Commerce, and (2) appeals to the Appeals Board for the Department of Commerce.

(b) *Definitions.* For purposes of this part:

(1) "Regulation" means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in a Current Export Bulletin which is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action including a return without action of a license application, taken by the Bureau of Foreign Commerce or by a duly authorized employee thereof under a regulation with respect to a particular person.

(3) "Administrative review" means a request for relief, as provided in § 383.2, from the provisions of a regulation or an administrative action of the Bureau.

(4) "Appeal" means a request for relief, as provided in § 383.3, from the provision of a regulation or of an administrative action, and includes a request for relief from a decision issued by the Bureau of Foreign Commerce upon a request for administrative review.

(5) "Petitioner" means a person filing a request for an administrative review.

(6) "Appellant" means a person filing an appeal.

(c) *Grounds for requesting administrative review and appeal.* (1) Any person may request an administrative review as provided in § 383.2 or may appeal to the Appeals Board for the Department of Commerce as provided in § 383.3, as appropriate, from any regulation, order (excluding denial or probationary orders[7]), or other administrative action taken by the Department of Commerce under the Export Control Law or delegated authority relating thereto, where such regulation, order, or other administrative action works an exceptional and unreasonable hardship upon him, or improperly discriminates against him.

(2) However, problems of an over-all nature, affecting exporters as a group, will not be considered within this procedure, but may be referred to Commodity Advisory Panels and Commodity Advisory Committees as provided in § 384.1 of this chapter.

§ 383.2 *Administrative review*—(a) *Scope.* The Bureau of Foreign Commerce will consider a request, submitted in accordance with the provisions of this section for an administrative review of any Bureau of Foreign Commerce regulation or administrative action (other than a denial or probationary order[7]) as specified in § 383.1 (c).

(b) *Submission of request for administrative review*—(1) *Request for administrative review must be in writing.* A request for administrative review and accompanying material shall be filed in duplicate, unless otherwise indicated below. If the submission of two copies of all accompanying documents or exhibits would place an undue burden on the petitioner, waiver of this rule may be requested at the time the request is filed. A request for administrative review shall be in letter form.

(2) *Information to be contained in requests for administrative review.* A request for administrative review shall clearly state (i) the provisions of the regulation or the administrative action which is protested, (ii) the grounds for the request, and (iii) the relief requested by the petitioner. The various grounds for the request shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) *Additional requirements for specified requests for administrative review.* In addition to the above-described letter, the following papers shall be included with requests of the kinds described in this subparagraph.

(i) Request for administrative review of rejection of license application shall include (*a*) the Notification of Rejection (Form IT– or FC–204A), (*b*) a new original copy of the rejected license application (Form FC–419) and (*c*) an acknowledgment card (Form FC–116) showing the old case number.

(ii) Request for administrative review of a multiple commodity or a multiple consignee application disallowed in part shall include (*a*) a complete new application covering only the rejected items, and (*b*) the appropriate Acknowledgment Card (Form FC–116) showing the old case number.

(iii) Request for administrative review of rejection of request for extension of license or other amendment shall include (*a*) the license unless it has been previously surrendered to the Department of Commerce or a Collector of Customs, and (*b*) the Request for and Notice of Amendment Action (Form IT–763).

(iv) Request for administrative review of denial of request to transfer an export license shall include (*a*) letter of request for transfer from the transferor and transferee, (*b*) the original license unless the license is on file with the Bureau of Foreign Commerce or has been surrendered to a Collector of Customs, and (*c*) the Request for and Notice of Amendment Action (Form IT–763) if this form was submitted to the Bureau of Foreign Commerce.

(c) *When and where to file a request for administrative review.* A request for administrative review shall be filed not later than 45 days after the publication date of a regulation, or the date of notification of administrative action. A request for administrative review shall be filed with and addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., Ref: "Administrative Review."

(d) *Decisions.* A request for relief may be granted or denied, in whole or in part. If the decision in an administrative review of a licensing action is favorable to the petitioner, the license or amendment will be granted in answer to the petition. Decisions on other types of administrative reviews will be furnished to the petitioner in writing. If the decision is unfavorable, he may appeal to the Appeals Board in accordance with the provision of § 383.3.

§ 383.3 *Appeals*—(a) *Establishment and scope of Appeals Board.* (1) The Appeals Board for the Department of Commerce has been established as an impartial body in the Office of the Secretary to consider appeals and render final decisions thereon. The Board consists of a Chairman and two members.

(2) Any person may appeal to the Appeals Board, upon the grounds indicated in § 383.1 (c), in accordance with the following provisions of this section.

(b) *Preparation of appeals*—(1) *General requirements.* (i) an appeal shall be clearly marked "Ref: Appeals Board for the Department of Commerce" and shall be in letter form. The appeal letter shall be prepared in accordance with § 383.2 (b) and shall be accompanied by the same information and documents specified therein.

(ii) Where an appeal is filed from a decision on an administrative review, the appellant may request Bureau of Foreign Commerce, in writing, to transmit to the Appeals Board the documentation originally submitted to Bureau of Foreign Commerce in accordance with § 383.2 (b) as the required initial documentation.

(2) *Request for oral presentation.* A request for an oral presentation before the Appeals Board, as provided in paragraph (d) (3) of this section, must be in writing and should be included with the appeal.

(c) *When and where to file appeals*—(1) *When to file.* Appeals, other than appeals from denial or probationary orders,[8] may be filed with the Appeals Board by means of a written notice filed not later than 45 days after the appellant received notice from the Bureau of Foreign Commerce of any regulation or administrative action.[9] Appellant may also appeal from undue delay in acting on appellant's license application.

(2) *Where to file.* All appeals shall be addressed to the Appeals Board for the Department of Commerce, Department of Commerce, Washington 25, D. C.

(d) *Consideration of appeals*—(1) *Initial referral to the Bureau of Foreign Commerce.* Customarily, any appeal which has not already been considered under administrative review (see § 383.2) is initially referred by the Appeals Board to the Bureau of Foreign Commerce. After appropriate action, the Bureau will submit its recommendation for the consideration of the Board.

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[7] See §§ 382.4, 382.11, 382.13, and 382.15 of this chapter for the appeals procedure regarding denials of export privileges.

[8] See §§ 382.4, 382.11, 382.13, and 382.15 of this chapter for the appeals procedure regarding denials of export privileges.

[9] A rejection of an export license application on the ground that the proposed exportation is contrary to the national interest may be appealed.

(2) *Referral by the Bureau of Foreign Commerce.* Where unusual circumstances warrant, the Bureau of Foreign Commerce may, on its own initiative, request the Appeals Board to consider an application for an export license at the Appeals level. In such case the Appeals Board will so notify the appellant.

(3) *Oral presentations.* In a case where the appellant so requests or the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D. C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation unless waived by appellant. Such presentation will be heard informally; generally, no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. An appellant need not be represented by counsel unless he so wishes.

(4) *Records.* Records concerning an appeal may be made available for inspection and copying by persons properly concerned, upon written application. Such application shall be addressed to the Appeals Board for the Department of Commerce, Department of Commerce, Washington 25, D. C., and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purposes for which it is sought.

(e) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part or dismissed at the request of the appellant. The decision on an appeal signed by the Chairman of the Appeals Board will be communicated to the appellant in writing.

This amendment shall become effective as of June 5, 1958, except that the provisions of Parts 4 and 7 shall become effective as of June 12, 1958.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

The provisions of Part 383 set forth in this amendment relating to appeals to the Appeals Board for the Department of Commerce are hereby adopted as the rules of the Appeals Board for the Department of Commerce.

FREDERIC W. OLMSTEAD,
Chairman,
Appeals Board.

[F. R. Doc. 58-4752; Filed, June 24, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12269; FCC 58-599]

[Rules Amdt. 34-6, 35-5]

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

DEFERRED CREDITS

1. The Western Union Telegraph Company, by letter dated August 6, 1956, requested the Commission to amend Part 35 of its rules and regulations (Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers): (A) To delete paragraph (a) (14) of § 35.41-7 *Maintenance expenses,* or clarify its intent so as to exclude private wire service installations, and (B) to include in § 35.31-2 *Basis of credits to operating-revenue accounts,* a provision which would permit the amortization over appropriate periods, of revenue items considered to be both so large and so infrequent that their inclusion in the revenue accounts in total as they accrue would seriously distort annual operating revenues. Section 35.41-7 (a) (14), presently requires that the costs of installation, equipment changes, and similar services for which the carrier is reimbursed in whole or in part, or for which a charge is made by the carrier, shall be charged to maintenance expenses. There is no provision in Part 35 permitting the spreading of revenue items beyond the months of the current calendar year.

2. The Commission on December 11, 1957, adopted a notice of proposed rule making which was published in the FEDERAL REGISTER on December 19, 1957 (22 F. R. 10227) in accordance with section 4 (a) of the Administrative Procedure Act. This notice proposed that § 35.41-7 (a) (14) of Part 35 of the Commission's rules be deleted and § 35.31-2 (a) be amended by the addition of certain new text which would meet the main objectives outlined in Western Union's request. In addition, it was proposed to similarly amend Part 34, Uniform System of Accounts for Radiotelegraph Carriers, since it is generally parallel to Part 35, by the deletion of § 34.41-5 (a) (11) and by the addition of certain new text to § 34.31-2 (a). The notice further provided that comments on the proposal would be received through January 20, 1958 and that twenty additional days would be allowed for filing of comments and briefs in reply to the original comments.

3. The time for filing comments and briefs in reply thereto on the above-mentioned proposed rule making has expired and the only comments received were from The Western Union Telegraph Company and RCA Communications, Inc.

4. Western Union, in its comments on the proposed amendments to Part 35, endorsed the proposed deletion of § 35.41-7 (a) (14), which would thereby provide for capitalization in the plant accounts of costs of installation even though the carrier is reimbursed therefor in whole or in part by lump-sum initial charge. Western Union also endorsed, in general, the proposed amendment to § 35.31-2 (a), which would provide for the spreading to future accounting periods of large amounts billed to customers for installation charges. The Carrier, however, expressed its opposition to the provision that application to and approval by the Commission must be obtained in each instance in which it desires to amortize installation charges to the revenue accounts beyond the end of the current calendar year.

5. Western Union, in support of its position, contends that the monthly charges for the use of equipment over the period of its use by the customer have been lowered because of the payment of the initial installation charge, and also by the diminution of the rate base for the particular leased item by the amount of the installation charge. As a result, the Carrier contends that in order to equalize the total revenues over the period of the lease, this advance payment made by the customer should, in theory, be amortized to revenue over the period of the contract. However, as a practical matter, Western Union recognizes that it may not be necessary to maintain the mass of detail which would be required to amortize every minor installation charge over the period of the lease to which it applies. On the other hand, Western Union objects to submitting the full circumstances with respect to each major installation which it wishes to amortize. Furthermore, in any year the first, second or third installation charge of $25,000 (see next paragraph) may not be distortive, but the aggregate of all such credits may become distortive.

6. Western Union has suggested that the proposed amendment to § 35.31-2 (a) should be modified to require all individual installation charges in excess of $25,000 to be amortized without further authorization from the Commission; that, where the installation is covered by a long-term contract, such amortization would be over a reasonable period not in excess of the contract period; and that, where such amount over $25,000 is not covered by a specific-term contract, such amount be amortized over a period not to exceed five years.

7. RCA Communications, Inc., commenting on the proposed rule making, favors the amendment of § 34.31-2 (a) to require the amortization, upon approval of the Commission, of large revenue items which would seriously distort annual operating revenues. However, RCAC opposes the proposed deletion of § 34.41-5 (a) (11) of the Commission's Rules. RCAC recommends that the carriers be granted the option of either following the proposed procedure of capitalizing installation costs for which a charge is made to the customer, or of following the presently prescribed procedure of expensing such costs, with an additional proviso in the latter instance that the

charges must be minor in nature, and further that each carrier maintains a consistent policy in this regard. RCAC contends that since its installation costs are not comparable in size with those for Western Union's private wire systems, it would appear more appropriate to follow the present practice of treating them as expenses.

8. RCAC's proposal would be inconsistent with the generally accepted theory that all plant accounts should reflect the cost of plant in place. It is recognized that such practices were permitted in the past as an exception to the general rule. However, it is believed that it would be undersirable to permit the carriers the option of either capitalizing or expensing installation costs and that a consistent policy of capitalizing all installation costs should now be followed by all carriers.

9. The Commission has given further consideration to the statements in its notice of proposed rule making to the effect that if all installation costs are capitalized as a part of the cost of plant in place, reasonable matching of expenses and revenues will result without amortization of installation charge revenues except when they are relatively large and recur in such large amounts infrequently and at irregular intervals. The Commission has also considered Western Union's objections to being required to obtain Commission authority before amortizing any installation charge revenue items beyond the end of the current calendar year. There have been discussions with Western Union (the only telegraph carrier having a considerable volume of installation charge transactions) as to the feasibility of establishing a routine practice of subjecting to amortization all or a large part of its installation charges. The Commission believes that in theory all installation charges should be subjected to amortization. It believes, however, that small amounts may be excepted without material effect upon results. Accordingly, the accounting rules will be revised so as to require a greater degree of amortization than was contemplated in the notice of proposed rule making but amortization will still not be required for the mass of small amounts. Furthermore, the rules as revised will not require express Commission authority for any amortization of installation charge revenues.

10. Our notice of proposed rule making made no mention of what account should be used for any installation charge revenues subjected to amortization over the future. It is believed that account 2399, "Other deferred credits," will serve satisfactorily. Cross references are being added to account 2399 in both Parts 34 and 35 of our rules and to §§ 34.10–12 and 35.10–12, the instruction paragraphs for deferred credits, so that there will be uniformity of application and no misunderstanding in this regard.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 34 and 35 of the Commission's rules and regulations in principle as proposed, but with some modification in degree of application of the principle;

It is ordered, That under authority contained in sections 4 (i) and 220 (a) of the Communications Act of 1934, as amended, Part 34, Uniform System of Accounts for Radiotelegraph Carriers, and Part 35, Uniform System of Accounts for Wire-telegraph and Ocean-cable Carriers of the Commission's rules and regulations are hereby amended as set forth below.

It is further ordered, That the amendments ordered herein be effective January 1, 1959.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U. S. C. 220.)

Adopted: June 18, 1958.

Released: June 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In § 34.10–12, insert at end of the instruction the words "(See also § 34.31–2 (d).)" This section will then read as follows:

§ 34.10–12 *Deferred credits.* Deferred credits are amounts representing (a) credit items held in suspense pending determination of their actual status and (b) obligations (e. g., unamortized premium on debt) that have been incurred but are applicable to future operations or income. (See also § 34.31–2 (d).)

2. In paragraph (a) of § 34.2399, insert at end of item within the parenthesis "and 34.31–2 (d)". Paragraph (a) will then read as follows:

§ 34.2399 *Other deferred credits.* (a) This account shall include the amount of deferred credits not provided for elsewhere. (See also §§ 34.03–15 and 34.31–2 (d).)

3. In § 34.31–2 *Basis of credits to operating revenue accounts* add a new paragraph (d) as follows:

(d) Credits to the operating-revenue accounts shall be made when the amounts are received or when they become receivable, whichever date is the earlier: *Provided, however*, That amounts exceeding $100 charged to a customer for each separate installation and like amounts classifiable under paragraph (b) (2) of this section shall be credited initially to account 2399, "Other deferred credits," and distributed to appropriate operating-revenue accounts in equal monthly amounts over the estimated life in place of the related plant.

4. Delete the text of subparagraph (11) of paragraph (a) of § 34.41–5 *Maintenance expenses* and substitute the word "[Reserved]".

5. In § 35.10–12, insert at end of the instruction the words "(See also § 35.31–2 (c).)" This section will then read as follows:

§ 35.10–12 *Deferred credits.* Deferred credits are amounts representing (a) credit items held in suspense pending determination of their actual status and (b) obligations (e. g., unamortized premium on debt) that have been incurred but are applicable to future operations or income. (See also § 35.31–2 (c).)

6. In paragraph (a) of § 35.2399, insert at end of item within the parenthesis the words "and 35.31–2 (c)". Paragraph (a) will then read as follows:

§ 35.2399 *Other deferred credits.* (a) This account shall include the amount of deferred credits not provided for elsewhere. (See also §§ 35.03–15 and 35.31–2 (c).)

7. In § 35.31–2 *Basis of credits to the operating revenue accounts* add a new paragraph (c) as follows:

(c) Credits to the operating-revenue accounts shall be made when the amounts are received or when they become receivable, whichever date is the earlier: *Provided, however*, That amounts exceeding $100 charged to a customer for each separate installation and like amounts classifiable under paragraph (b) (2) of this section shall be credited initially to account 2399, "Other deferred credits," and distributed to the appropriate operating-revenue accounts in equal monthly amounts over the estimated life in place of the related plant.

8. Delete in its entirety subparagraph (14) of paragraph (a) of § 35.41–7 *Maintenance expenses.*

[F. R. Doc. 58–4804; Filed, June 24, 1958; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

PART 111—PRINCE WILLIAM SOUND AREA

MISCELLANEOUS AMENDMENTS

Basis and purpose. The following changes and announcements are made to announce the registrations of units of gear in Bristol Bay in compliance with the requirements of § 104.9 (c); to correct an error in description of closed waters in § 104.34 (b); and to provide for adequate regulation of the personal use fishery in Prince William Sound by creation of § 111.92.

1. In compliance with § 104.9 (c), announcement is made that registrations of units of gear by districts in Bristol Bay, as of 6 p. m. June 20, 1958, are as follows:

	Units
Naknek-Kvichak	825
Nushagak	271
Egegik	113
Ugashik	70

2. Section 104.34 is amended in paragraph (b) by deleting "Northwest" and substituting in lieu thereof "Northeast".

3. A new section is created in Part 111 to read as follows:

§ 111.92 *Gear restriction, salmon.* Personal use fishing with gill net, seine or trap is prohibited prior to opening of the commercial season.

Since certain of the seasons affected are either imminent or already underway, notice and public procedure on these amendments are not in the public interest. They shall, therefore, become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director.
Bureau of Commercial Fisheries.

JUNE 23, 1958.

[F. R. Doc. 58-4851; Filed, June 23, 1958; 3:13 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN BROCCOLI[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Broccoli (7 CFR Part 52) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the third issued by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than January 15, 1959.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.631 Product description.
52.632 Styles.
52.633 Grades.

FACTORS OF QUALITY

52.634 Ascertaining the grade.
52.635 Ascertaining the rating for the factors which are scored.
52.636 Color.
52.637 Uniformity of size.
52.638 Defects.
52.639 Character.

DEFINITIONS AND METHODS OF ANALYSES

52.640 Percent, by weight, of head material, loose leaves and loose pieces of leaves in chopped broccoli.

LOT INSPECTION AND CERTIFICATION

52.641 Ascertaining the grade of a lot.

SCORE SHEET

52.642 Score sheet for frozen broccoli.

AUTHORITY: §§ 52.631 to 52.642 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.631 *Product description.* "Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant by trimming, washing, blanching, sorting, and properly draining and is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 53.632 *Styles of frozen broccoli*—(a) *General.* For the purpose of determining percent, by weight, of head material and leaf material in the styles of cut and chopped broccoli:

(1) "Head material" consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud clusters are attached to the main stem;

(2) "Leaf material" means a leaf or any portion thereof whether or not attached to a portion of a spear.

(b) *Style I.* "Spears" or "Stalks" means frozen broccoli consisting of the head and adjoining portions of the stem, with or without attached leaves, and such spears or stalks may be cut longitudinally. The length of the unit is not less than 3 inches or not more than 6 inches.

(c) *Style II.* "Short spears" or "Florets" means frozen broccoli consisting of the head and adjoining portions of the stem, with or without attached leaves and such short spears or florets may be cut longitudinally. The length of the unit is less than 3 inches but not less than 1 inch.

(d) *Style III.* "Cuts" means frozen broccoli consisting of spears or stalks which have been cut into portions ¾ inch or more but not more than 2 inches in length. This style contains not less than 35 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(e) *Style IV.* "Chopped" means frozen broccoli consisting of spears or stalks which have been cut into portions less than ¾ inch in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(f) *Style V.* "Pieces" means frozen broccoli consisting of any cut or chopped portions of spears or stalks and does not meet the foregoing definition for "Cuts" or "Chopped." This style consists of pieces not in excess of 2 inches in length and may or may not contain head material or leaf material.

§ 52.633 *Grades of frozen broccoli.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen broccoli spears, short spears, cuts, and chopped that possess similar varietal characteristics; that possess a good color; that is reasonably uniform in size; that is practically free from defects; that possess a good character; that possess a good flavor and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 85 points: *Provided,* That frozen broccoli spears, short spears, cuts, and chopped may be only fairly uniform in size if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen broccoli of any style that possess similar varietal characteristics; that possess a reasonably good color; that is reasonably uniform in size; that is reasonably free from defects; that possess a reasonably good character; that possess a fairly good flavor; and that for those factors which are rated in this subpart, the total score is not less than 70 points: *Provided,* That frozen broccoli may fail to meet the requirements of fairly uniform in size if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen broccoli of any style that fails to meet the requirements of "U. S. Grade B" or "U. S. Extra Standard."

FACTORS OF QUALITY

§ 52.634 *Ascertaining the grade.* (a) The grade of frozen broccoli may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Uniformity of Size	15
Defects	30
Character	35
Total score	100

(c) The scores for the factors of color, uniformity of size, defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of character with respect to tenderness and flavor is determined after thawing and after the product is cooked.

(d) "Good flavor" means that the product has a good, normal, characteristic flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product after cooking may be lacking in good, normal, flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

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[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. (Or with applicable state laws and regulations.)

§ 52.635 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.636 *Color*—(a) *(A) classification.* Frozen broccoli that possesses a good color may be given a score of 17 to 20 points. "Pieces" that score 17 to 20 points shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the frozen broccoli possesses a bright, characteristic green color which may include lighter colored areas typical of young and tender broccoli that does not materially affect the appearance of the product.

(b) *(B) classification.* If the frozen broccoli possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen broccoli that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Extra Standard" regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen broccoli possesses a characteristic green color which may be variable but is not off color.

(c) *(SStd.) classification.* Frozen broccoli that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.637 *Uniformity of size*—(a) *General.* "Diameter" of a spear or stalk, whether or not cut longitudinally, means the greatest crosswise dimension measured 1 inch above the lowest portion of the main stem of the spear or stalk at approximate right angles to the length.

(b) *(A) classification.* Frozen broccoli that is reasonably uniform in size may be given a score of 13 to 15 points. "Pieces" that score 13 to 15 points shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a partial limiting rule). "Reasonably uniform in size" has the following meanings with respect to the following styles:

(1) *Spears.* (i) The length of the longest unit does not exceed the length of the shortest unit by more than 2 inches;

(ii) In the 90 percent, by count, of the units with the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 1 inch;

(iii) The diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than 1 inch;

(iv) And in the 90 percent, by count, of the units which have the most uniform diameters, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* The weight of the largest unit is not more than 3 times the weight of the smallest unit.

(3) *Cuts.* Not more than 10 percent, by weight, of the units may be ½ inch or less in length and the appearance of the product is not materially affected by variation in size.

(4) *Chopped.* Not more than 5 percent, by weight, of the units are ¾ inch or more in length.

(5) *Pieces.* The variation in size of the individual units does not materially affect the appearance of the product.

(c) *(B) classification.* If the frozen broccoli is fairly uniform in size a score of 10 to 12 points may be given. "Fairly uniform in size" has the following meaning with respect to the following styles:

(1) *Spears.* (i) In the 90 percent, by count, of the units with the most uniform lengths, the length of the longest unit does not exceed the length of the shortest unit by more than 2 inches;

(ii) In the 90 percent, by count, of the units with the most uniform diameters, the diameter of the unit with the greatest diameter does not exceed the diameter of the unit with the smallest diameter by more than ¾ inch.

(2) *Short spears.* The weight of the largest unit is not more than 4 times the weight of the smallest unit.

(3) *Cuts.* Not more than 20 percent, by weight, of the units may be ½ inch or less in length and that the appearance of the product is not materially affected by variation in size.

(4) *Chopped.* Not more than 10 percent, by weight, of the units may be ¾ inch or more in length.

(5) *Pieces.* The variation in size of the individual units does not seriously effect the appearance of the product.

(d) *(SStd.) classification.* Frozen broccoli that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a partial limiting rule).

§ 52.638 *Defects*—(a) *General.* The factor of defects refers to the degree of trimming and to the degree of freedom from grit or silt, harmless extraneous vegetable material, detached fragments, and from units that are damaged or seriously damaged.

(1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Harmless extraneous vegetable material" means vegetable substances other than broccoli, such as weeds and grass and any portions thereof, that are harmless.

(3) "Loose leaves" and "loose pieces of leaves" means leaves or pieces of leaves not attached to a unit.

(4) "Detached fragments" means any detached portions of spears or stalks including bud clusters, shattered material, portions of stems without bud clusters regardless of size or length, and portions of stems with bud clusters which portions are 2 inches or less in the greatest straight dimension with respect to spears and 1 inch or less in the greatest straight dimension with respect to short spears.

(5) "Well trimmed" means that the appearance of the spear or short spear is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves, or by poor cutting of the stem of the spear.

(6) "Reasonably well trimmed" means that the appearance of the spear or short spear is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves, or by poor cutting of the stem of the spear.

(7) "Poorly trimmed" means that the appearance of the spear or short spear is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves, or by poor cutting of the stem of the spear.

(8) "Damaged" means damage by discoloration, mechanical injury, hollow stems, pithy stems, or by other means to the extent that the appearance or eating quality of the unit is materially affected.

(9) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Frozen broccoli that is practically free from defects may be given a score of 25 to 30 points. "Pieces" that score 25 to 30 points shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a partial limiting rule). "Practically free from defects" means that there may be present no grit or silt that affects the appearance or eating quality of the product; not more than 1 piece of harmless extraneous vegetable material for each 30 ounces of net weight; and in addition to the foregoing has the following meanings with respect to the following styles of frozen broccoli:

(1) *Spears; short spears.* (i) The presence of loose leaves, loose pieces of leaves and detached fragments does not materially affect the appearance of the product;

(ii) Not more than 20 percent, by count, of the units may be reasonably well trimmed, including not more than 5 percent, by count, of all the units or one unit, whichever is greater, may be poorly trimmed;

(iii) Not more than 10 percent, by count, of the units may be damaged including not more than 5 percent, by count, of all the units that may be seriously damaged. One unit in a container is permitted to be damaged or seriously damaged; *Provided,* That the total number of such damaged or seriously damaged units in all of the containers comprising the sample is within the percentage permitted for such defects.

(iv) The presence of harmless extraneous vegetable material, loose leaves, loose pieces of leaves, detached fragments, reasonably well trimmed units, poorly trimmed units, and units that are damaged or seriously damaged, does not materially affect the appearance or eating quality of the product.

(2) *Cuts.* (i) Not more than 6 percent, by weight, of the units may be damaged, including not more than 3 percent, by weight, that may be seriously damaged.

(ii) The presence of harmless extraneous vegetable material, damaged units or seriously damaged units does not materially affect the appearance or eating quality of the product.

(3) *Chopped.* (i) Not more than 4 percent, by weight, of the units may be damaged, including not more than 2 percent, by weight, of the units that may be seriously damaged.

(ii) The presence of harmless extraneous vegetable material, damaged units or seriously damaged units does not materially affect the appearance or eating quality of the product.

(4) *Pieces.* (i) The presence of harmless extraneous vegetable material, damaged units or seriously damaged units does not materially affect the appearance or eating quality of the product.

(c) (*B*) *classification.* Frozen broccoli of any style that is reasonably free from defects may be given a score of 21 to 24 points. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that a trace of grit or silt may be present that does not materially affect the appearance or eating quality of the product; for each 30 ounces of net weight there may be present not more than 2 pieces of harmless extraneous vegetable material; and in addition to the foregoing has the following meanings with respect to the following styles of frozen broccoli;

(1) *Spears; short spears.* (i) The presence of detached fragments, loose leaves and loose pieces of leaves does not seriously affect the appearance of the product;

(ii) Not more than 20 percent, by count, may be poorly trimmed;

(iii) Not more than 20 percent, by count, may be damaged including not more than 10 percent, by count, that may be seriously damaged; One unit in a container is permitted to be damaged or seriously damaged; *Provided,* That the total number of such damaged or seriously damaged units in all of the containers comprising the sample is within the percentage permitted for such defects.

(iv) The presence of harmless extraneous vegetable material, detached fragments, loose leaves and loose pieces of leaves, poorly trimmed units, and units that are damaged or seriously damaged does not seriously affect the appearance or eating quality of the product;

(2) *Cuts.* (i) Not more than 12 percent, by weight of the units may be damaged, including not more than 6 percent, by weight, of the units that may be seriously damaged;

(ii) The presence of harmless extraneous vegetable material, damaged units or seriously damaged units does not seriously affect the appearance or eating quality of the product.

(3) *Chopped.* (i) Not more than 8 percent, by weight of the units may be damaged, including not more than 4 percent, by weight, of the units that may be seriously damaged.

(ii) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product.

(4) *Pieces.* (i) The presence of harmless extraneous vegetable material, damaged units, or seriously damaged units does not seriously affect the appearance or eating quality of the product.

(d) (*SStd.*) *classification.* Frozen broccoli that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points. Frozen broccoli that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.639 *Character*—(a) *General.* The factor of character refers to the degree of development, to the degree of tenderness and freedom from fiber.

(1) "Well developed" means that the branching bud clusters of the unit form a practically compact head, that the individual buds in the bud clusters are all practically closed, and that the immediate stems supporting the individual buds in the bud clusters show no more than slight elongation.

(2) "Reasonably well developed" means that the branching bud clusters of the unit may be spread or spreading; that the individual buds in the bud clusters may have reached a moderate stage of enlargement but practically none of the buds are in the flowered or open stage; and that the immediate stems supporting the individual buds in the bud clusters may be moderately elongated.

(b) (*A*) *classification.* Frozen broccoli that possess a good character may be given a score of 30 to 35 points. "Pieces" that score 30 to 35 points shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a partial limiting rule). "Good character" has the following meanings with respect to the following styles:

(1) *Spears; short spears.* The units are tender and not less than 80 percent, by count, of the units are well developed and the remainder are reasonably well developed;

(2) *Cuts.* The units are tender and free from fiber and the buds and bud clusters are at least reasonably well developed.

(3) *Chopped; pieces.* The broccoli is tender and free from fiber and the buds and bud clusters which may be present are at least reasonably well developed.

(c) (*B*) *classification.* Frozen broccoli that possesses a reasonably good character may be given a score of 25 to 29 points. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

(1) *Spears; short spears.* The units are reasonably tender and not more than 10 percent, by count, of the units may possess tough fiber and not more than 10 percent, by count, may fail to meet the requirements for reasonably well developed;

(2) *Cuts.* Not more than 10 percent, by weight, of the units may possess tough fiber and not more than 5 percent, by weight, of the units may show buds or bud clusters which fail to meet the requirements for reasonably well developed;

(3) *Chopped; pieces.* The broccoli is reasonably tender and practically free from fiber and the presence of flowered buds or bud clusters does not materially affect the appearance or eating quality of the product.

(d) (*SStd.*) *classification.* Frozen broccoli that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points. Frozen broccoli that falls into this classification shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSES

§ 52.640 *Percent, by weight, of head material, loose leaves and loose pieces of leaves in chopped broccoli.* (a) Frozen broccoli shall be tested by the following method to determine the percent, by weight, of head material, loose leaves and loose pieces of leaves.

(1) Equipment needed:

(i) 250 ml beaker.

(ii) Gram scale, or other suitable scale graduated to 0.1 ounce.

(iii) Laboratory tweezers, scalpel or any other instrument suitable for separating the stem material, leaf material, and head material.

(iv) Flat grading tray.

(2) Method:

(i) Mix sample to be tested thoroughly.

(ii) Weigh approximately 100 grams or 3 ounces of sample in a previously tared 250 ml beaker.

(iii) Spread contents of beaker out on a flat grading tray.

(iv) Separate the stem material from the head and leaf material and weigh the stem material and record.

(v) Separate the leaf material from the head material and weigh each separately and record.

(vi) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.

(vii) The weight of the leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

(viii) The percent, by weight, of leaf material and head material is determined by averaging the weight of the head material and leaf material separately from all the containers comprising the samples; provided, no single container contains less than 15 percent, by weight of head material, or more than 30 percent, by weight, of leaf material.

LOT INSPECTION AND CERTIFICATION

§ 52.641 *Ascertaining the grade of a lot.* The grade of a lot of frozen broccoli covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.642 *Score sheet for frozen broccoli.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Style	
Count (of stalks)	
Head material (percent, by weight)	
Leaf material (percent, by weight)	

Factors	Score points			
Color	20	(A)	17-20	
		(B)	[2] 14-16	
		(SStd.)	[1] 0-13	
Uniformity of size	15	(A)	13-15	
		(B)	10-12	
		(SStd.)	[2] 0-9	
Defects	30	(A)	25-30	
		(B)	[1] 21-24	
		(SStd.)	[1] 0-20	
Character	35	(A)	30-35	
		(B)	[2] 25-29	
		(SStd.)	[1] 0-24	
Total score	100			

Flavor and odor	
Grade	

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: June 20, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 58-4784; Filed, June 24, 1958; 8:47 a. m.]

[7 CFR Part 1000]

[Docket No. AO-266-A1]

HANDLING OF MILK IN CHATTANOOGA, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chattanooga, Tennessee, on December 3 and 4, 1957, pursuant to notice thereof issued on October 24, 1957 (22 F. R. 8539).

A recommended decision on certain issues on the record was issued by the Deputy Administrator, Agricultural Marketing Service, on January 31, 1958 (23 F. R. 755), and a final decision by the Assistant Secretary on February 20, 1958 (23 F. R. 1173). Among the issues listed in the recommended decision and final decision were two issues which were deferred for a later decision on the record.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 21, 1958 (23 F. R. 3596), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision on these two issues, which recommended decision contained notice of the opportunity to file written exceptions thereto.

These issues are as follows:

7. Classification of sour cream.
8. Classification of transfers of packaged fluid milk products from a plant subject to another order and transfers between pool plants.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

7. *Classification of sour cream.* Disposition of sour cream should be classified as a Class I milk disposition.

Since the effective date of the order, disposition of sour cream has been accounted for as Class II milk. Sweet cream and mixtures of sweet cream with milk or skim milk have been accounted for as Class I milk.

The health ordinance in Chattanooga requires that sour cream be produced from Grade A milk. One Chattanooga handler manufactures sour cream from producer milk. Some handlers who claimed in their testimony that sour cream made from non-Grade A milk is entering the marketing area could not supply any specific instance where this was happening.

It is concluded that the proper classification for disposition of sour cream in this market is Class I milk. In order to obviate any uncertainty as to the application of the order to this matter the product sour cream should be specified in the "fluid milk product" definition.

8. *Classification of packaged fluid milk products from other order plants and transfers between pool plants.* The milk accounting procedure under the order should be modified to accommodate procurement of certain packaged fluid milk products by a handler from a plant regulated under the Knoxville order. The sales of such items by the Chattanooga plant should not be counted in the supply-demand computation.

A handler proposed that packaged fluid milk products obtained by a Chattanooga order plant from a plant regulated under another order should be allocated to Class I disposition of the same items by the Chattanooga plant before assignment of producer milk to Class I disposition. This would relieve the handler from paying Chattanooga producers for these particular Class I sales. It was proposed that this type of accounting for receipts of packaged milk would apply only when such milk was classified as Class I milk under the other order, was disposed of as Class I milk from the Chattanooga plant in the same form as received, and the same type of product was not processed and packaged in the Chattanooga plant. It was suggested that the purpose of the handler could also be accomplished by excluding such packaged receipts from the definition of "other source milk".

The proponent handler now has general Class I disposition in the Chattanooga market, all of which is processed and packaged in his pool plant under the Knoxville order. The handler does not have a Chattanooga pool plant, but contemplates establishing a pool plant under the order which would receive milk from producers to cover needs for sales of whole milk. In the case of cream, skim milk, flavored milk, flavored milk drinks, and buttermilk, such products would continue to be processed and packaged in his Knoxville plant and transferred to the Chattanooga plant for distribution therefrom. The described operation thus contemplates a partial continuance of the present dependence of the handler on Knoxville producers for a supply of milk, including reserve, specifically to cover the sales of the named fluid milk products in Chattanooga.

The present system of accounting for milk under the order gives producer milk prior claim to Class I sales. This is accomplished by assigning milk from nonproducer sources (other source milk) to the Class II utilization in the handler's plant to the extent possible. Any other source milk in excess of Class II utilization is assigned to Class I disposition. Other source milk which originates from a plant under another order and which is classified there as Class I milk is assigned separately to utilization in the Chattanooga pool plant after the assignment of any other source milk from plants not under any Federal order regulation or other source milk from a Federal order plant where it has not been classified as Class I. This accounting procedure accommodates a handler who wishes to obtain supplemental milk from another Federal order market when his own producer supply is not sufficient to cover Class I needs. The proposal of the handler contemplates a different situation, in that the source of certain products would depend on the type of plant operation rather than availability of producer milk.

Under the terms of the Knoxville order, all disposition by a Knoxville plant of packaged fluid milk products is Class I milk for which the plant is obligated to pay Knoxville producers. If the disposition is, in fact, a transfer to a Chattanooga plant which makes final disposition thereof to consumers, then the same items become Class I disposition under the Chattanooga order also.

The allocation provisions of the Chattanooga order should be modified so that Class I disposition by a Chattanooga handler of packaged items, in the categories named by the proponent handler, which were received from a Knoxville pool plant, will be set aside prior to the other steps in the allocation procedure. Because of the need to safeguard Chattanooga producers against assignment of their milk to any Class II use of route returns, breakage, etc., which might result from the handling of these items, the credit to the handler should be based on the lesser of the quantity of receipts or sales in the case of each packaged item.

This particular provision for allocation of receipts of packaged items would apply to cream (sweet or sour), skim milk, flavored milk, flavored milk drinks, and buttermilk, received from a Knoxville pool plant and disposed of from the Chattanooga plant in the same packages; and would apply only for each of such items in months when the handler does not process and package the same product in his Chattanooga pool plant. If a product is processed and packaged in the Chattanooga pool plant, receipts of the same product in whatever form from nonpool plants should be subject to the usual allocation procedure which would assure the prior claim of Chattanooga producers to Class I disposition in that form of product. This is reasonable inasmuch as in these circumstances Chattanooga producers would normally be the source of supply for a substantial part of such disposition and also for reserve requirements associated therewith.

The packaged milk products which might be transferred from the Knoxville plant are part of the supply-demand computation under the Knoxville order. Such sales are not now part of the Chattanooga order supply-demand computation and should continue to be excluded.

Because of the changes in the allocation language, conforming changes should be made in the language with respect to administrative expense so that it will continue to apply to that other source milk from unregulated sources which is allocated to Class I disposition of pool plants.

No proposals were made at the hearing to change the classification of milk transferred between pool plants.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Chattanooga, Tennessee, marketing area", and "Order amending the order regulating the handling of milk in the Chattanooga, Tennesse, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the atached order which will be published with this decision.

Determination of representative period. The month of May 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Chattanooga, Tennessee, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 19th day of June 1958.

DON PAARLBERG,
Assistant Secretary.

Order [1] Amending the order regulating handling of milk in the Chattanooga, Tennessee, Marketing Area

§ 1000.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1000.12, "*Fluid milk product*", and insert instead the following:

§ 1000.12 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, yogurt, cream (sweet or sour) or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream and ice milk mix and aerated cream).

2. Delete § 1000.45 and substitute therefor a new § 1000.45 as follows:

§ 1000.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) Subtract from the pounds of skim milk in Class I milk disposed of as cream (sweet or sour), skim milk, flavored milk, flavored milk and skim milk drinks, and buttermilk, all in consumer-packaged form on routes, the pounds of such skim milk received during the month in the same product and same packages from a plant fully regulated pursuant to Order No. 88 (Part 988 of this chapter) regulating the handling of milk in the Knoxville marketing area: *Provided*, That this subparagraph shall not apply to any item received if the same product is processed and packaged in the pool plant.

(2) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1000.41 (b),

(3) Subtract from the pounds of skim milk remaining in Class II milk the skim milk received as other source milk not in the form of fluid milk products: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk received in the form of fluid milk products and not subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(5) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk which was not subtracted pursuant to subparagraph (1) of this paragraph and which is subject to the Class I pricing provisions of another order issued pursuant to the act; *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(6) Subtract from the pounds of skim milk remaining in Class II milk the skim milk contained in inventories of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk.

(7) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1000.43 (a),

(8) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph.

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

3. Delete § 1000.51 (a) (3) and substitute therefor the following:

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding that Class I milk subtracted pursuant to § 1000.45 (a) (1) and (b)), disposed of from all pool plants for the first and second preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

4. Delete § 1000.70 and substitute therefor a new § 1000.70 as follows:

§ 1000.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1000.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments on location differential allowance required pursuant to the proviso of § 1000.53;

(b) Add the amounts computed in subparagraphs (1), (2) and (3) of this paragraph;

(1) Multiply the rate of compensatory payment determined pursuant to § 1000.54 by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (3) and (b),

(2) Multiply the rate of compensatory payment determined pursuant to § 1000.54 at the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (4) and (b),

(3) Multiply the rate of compensatory payment determined pursuant to § 1000.54 at the nearest plant(s) from which an equivalent amount of other source milk was received by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (6) and (b), which is in excess of the sum of: (i) The quantity for which a payment must be computed pursuant to paragraph (d) of this section, and (ii) the quantity subtracted from Class II milk pursuant to § 1000.45 (a) (5) and (b) in the preceding month;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1000.45 (a) (9) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1000.45 (a) (7) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a), (6) and (b) for the current month, whichever is less, respectively.

5. In the proviso of § 1000.53, delete the phrase "§ 1000.45 (a) (1) through (4)" and substitute therefor "§ 1000.45 (a) (1) through (6)".

6. Delete § 1000.86 and substitute the following:

§ 1000.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his pool plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1000.45 (a) (3) and (4) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

[F. R. Doc. 58–4785; Filed, June 24, 195
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 64]

[Docket No. 12495; FCC 58–600]

DOMESTIC TELEGRAPH SPEED OF SERVIC STUDIES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of propose rule making in the above-entitled matter.

2. A proposed amendment of § 1.4 and subpart B of Part 64 of the Commission's rules and regulations is annexe hereto which contains revisions in rul and regulations governing domestic telegraph speed of service studies that appear desirable because of changes in Th Western Union Telegraph Company operating procedures and in its maintenance of records. It also appears desirable to increase the number of cities which speed of service studies are conducted.

3. The proposed amended rules, whi will replace the present text of §§ 64.2 through 64.283, are issued under the authority of the Communications Act 1934, as amended, and sections 4 (i), 2 and 218 thereof in particular.

4. Any interested party who is of th opinion that the proposed amendme should not be adopted, or should not adopted in the manner set forth here may file with the Commission, on or b

fore August 1, 1958, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 15 days of the last day for filing said original comments or briefs. No additional comments may be filed unless specifically requested by the Commission or authorized by it. Before taking action in the matter, the Commission will consider all such comments that are presented; and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 1.486 of Part 1 (Rules relating to Practice and Procedure) to read as follows:

§ 1.486 *Reports regarding domestic telegraph speed of service.* The Western Union Telegraph Company shall furnish monthly reports under Subpart B of Part 64 of this chapter in regard to origin to destination speed of service on F. C. C. Form 338-B[1] (June 1958), and additional speed of service reports prepared by the telegraph company of originating and relay messages, together with copies of instructions issued by the company to its field offices in accordance with Part 64 of this chapter.

2. Amend Subpart B of Part 64 of the rules by deleting the present text of §§ 64.201 through 64.283 and inserting the following:

SUBPART B—DOMESTIC TELEGRAPH SPEED OF SERVICE STUDIES

DEFINITIONS

§ 64.201 *Origin to destination speed of service.* The time interval between the time of filing, adjusted for time zone differences, and the time of delivery by telephone, by tieline or by messenger.

§ 64.202 *Time filed.* Except in the case of multiple address messages, the time a message is first accepted at an office for transmission. In the case of messages filed or corrected over the telephone, the time the transaction with the sender is completed shall be the time filed. In the case of messages filed over a tieline, the time the message is acknowledged shall be the time filed. In the case of messages received in an office by messenger, the time the messenger returns to the office from the pickup run shall be the time filed. In the case of messages filed at the counter, the time the transaction with the sender is completed shall be the time filed. In the case of multiple address messages where individual copies of the message are not filed, the time filed shall be no later than the time duplicating and addressing, prior to transmission, is completed.

§ 64.203 *Time delivered.* The time delivery of a telegram is completed to the addressee (or to a person authorized to receive the telegram for the addressee), except that the time of delivery by telefax tieline shall be as described in paragraphs (a) to (f) of this section.

(a) For speed of service purposes the first attempt to deliver a telegram shall be considered to be the time of delivery.

(b) When delivery is made by telephone, the time delivered is the time reading of a telegram is completed, or the time the first attempt to deliver is made.

(c) When delivery is made by manual teleprinter tieline or by tieline switching equipment, the time delivered is the time transmission of a telegram is completed, or the time of the first attempt to deliver.

(d) When delivery is made by telefax tieline, the time delivered or time of first attempt is two minutes later than the time a facsimile transmitter is connected to the customer's line for transmission of the message.

(e) When delivery is made by tieline directly connected to a line transmitter at a reperforator office, the time delivered is the time the reperforated tape for a message has completely passed through the line transmitter.

(f) When delivery is made by messenger, the time delivered, or the time of the first attempt to deliver, for each message on the route shall be the time routed out plus one-half the interval from the time routed out to the time returned.

§ 64.204 *First attempt.* In the case of telephone delivery, the time the addressee's telephone is reported to be busy or not answered, or reported out of order, or the addressee or someone authorized to accept the message is not available to receive the message. In the case of tieline delivery, the time of first attempt is the time transmission is attempted but could not be made because the addressee did not answer or, having answered, requested later transmission. Two minutes later than such time is the time of first attempt for facsimile tieline messages. In the case of messenger delivery, business messages returned to the office undelivered for any reason when first routed out are "first attempts." The time of the first attempt to deliver shall be the time routed out plus one-half of the interval from the time routed out to the time returned. In all such cases there shall be noted on the message the "first attempt" time and the reason for non-delivery. If unsuccessful attempts to deliver by one method result in transfer to another method for delivery, the messages shall not be tallied in the second method, but shall be tallied as a first attempt in the original method in those cases when it is practicable to do so. Messages delayed in delivery due to special instructions of the sender or addressee shall be excluded from tally as provided in § 64.224.

§ 64.205 *Tieline.* A direct circuit connecting a telegraph company's office with a customer's office by teleprinter or telefax for the purpose of accepting and delivering telegrams.

§ 64.210 *Identifying wire numbers.* A serial number assigned, usually beginning each day with the number 1, to messages sent over each channel each day at office of origin. If the identifying wire number is omitted in manual retransmission, the wire number assigned for retransmission shall be used in lieu thereof.

§ 64.212 *Messenger route.* A continuous trip of a messenger for the physical delivery or pickup of telegrams entered on a Route Call Record.

§ 64.213 *Business route.* Any messenger route whose due-out time is controlled by a business message.

§ 64.214 *Time routed out.* The time a messenger is dispatched on route.

§ 64.215 *Time returned.* The time a messenger returns to the office after completing a route.

GENERAL PROVISIONS

§ 64.221 *Instructions for the conduct of domestic telegraph origin to destination speed of service studies and the submission of reports thereof.* (a) The Western Union Telegraph Company shall conduct monthly Origin to Destination speed of service studies in accordance with the provisions of §§ 64.201 to 64.295 in the following seventy-five cities: Akron, Ohio; Albany, N. Y.; Atlanta,[1] Ga.; Baltimore, Md.; Birmingham, Ala.; Boston,[1] Mass.; Bridgeport, Conn.; Buffalo, N. Y.; Charlotte, N. C.; Chattanooga, Tenn.; Chicago, Ill.; Cincinnati,[1] Ohio; Cleveland, Ohio; Columbus, Ohio; Dallas,[1] Tex.; Dayton, Ohio; Denver, Colo.; Des Moines, Iowa; Detroit,[1] Mich.; Elizabeth, N. J.; El Paso, Tex.; Ft. Wayne, Ind.; Ft. Worth, Tex.; Grand Rapids, Mich.; Hartford, Conn.; Houston, Tex.; Indianapolis, Ind.; Jacksonville, Fla.; Kansas City,[1] Mo.; Knoxville, Tenn.; Long Beach, Calif.; Los Angeles,[1] Calif.; Louisville, Ky.; Memphis, Tenn.; Miami, Fla.; Milwaukee, Wis.; Minneapolis,[1] Minn.; Nashville, Tenn.; Newark, N. J.; New Haven, Conn.; New Orleans,[1] La.; New York, N. Y.; Norfolk, Va.; Oakland,[1] Calif.; Oklahoma City, Okla.; Omaha, Nebr.; Passaic, N. J.; Peoria, Ill.; Philadelphia,[1] Pa.; Phoenix, Ariz.; Pittsburgh, Pa.; Portland,[1] Oreg.; Providence, R. I.; Richmond,[1] Va.; Rochester, N. Y.; Rockford, Ill.; St. Louis,[1] Mo.; St. Paul, Minn.; Sacramento, Calif.; Salt Lake City, Utah; San Antonio, Tex.; San Diego, Calif.; San Francisco, Calif.; San Jose, Calif.; Seattle, Wash.; Spokane, Wash.; Springfield, Mass.; Syracuse,[1] N. Y.; Tampa, Fla.; Toledo, Ohio; Tulsa, Okla.; Washington, D. C.; Wichita, Kans.; Wilmington, Del.; Worcester, Mass.

(b) Reports thereof in quadruplicate shall be filed with the Commission not

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[1] Filed as part of original document.

[1] Reperforator offices.

later than the twenty-fifth day of each succeeding month in accordance with § 1.486 of this chapter.

§ 64.223 ***Types of messages to be tallied.*** **Of the messages selected as hereinafter provided, the following shall be tallied by time intervals on speed of service tally sheets: Domestic Full Rate including Government and CAK, Domestic Full Rate Money Order, and CND.**

§ 64.224 ***Exclusion of messages from tally.*** **Messages, other than those specified in § 64.223, shall not be tallied. These messages include among others: Service, Wire, Press, International (INTL), messages originating in Canada, Mexico, and other "domestic" points outside the continental United States, Day Letter, Night Letter, Deadhead, messages sent over Morse circuits and commission agency circuits for delivery, confirmation copies of messages previously delivered, and messages delayed in delivery due to special instructions of the sender or addressee.**

§ 64.225 *Hours to be included.* Speed of service studies shall be made on messages delivered between the hours of 9:00 a. m. and 6:00 p. m., local time, Monday through Friday except as hereinafter provided.

§ 64.226 *Tallies; when made.* Speed of service tallies shall be made after 7:00 p. m. of the day of transmission but not later than the day following transmission, except as follows:

(a) Any tally thus scheduled to be made on a holiday or a Saturday may be postponed until the following business day.

(b) Any tally of messages delivered by tieline direct from line transmitters which must be observed at the time of transmission to the customer.

§ 64.227 *Suspension of tallying.* (a) Speed of service tallies shall not be taken with respect to messages handled on the following holidays: New Year's, Washington's Birthday, Memorial Day (May 30), Independence Day, Labor Day, Thanksgiving and Christmas; and on the last business day preceding each of these holidays.

(b) In the event of a serious and unusual communication emergency such as that caused by flood, earthquake, strike by respondent's employees, or fire, tallying may be suspended.

§ 64.228 *Company instructions to offices making studies.* Two copies of all general instructions (and of any amendments thereto) issued to field offices for the purpose of complying with § 1.486 of this chapter and §§ 64.201 to 64.295 shall be filed with the Commission upon issuance.

§ 64.229 *Summary reports.* The results of tallies of speed of service shall be summarized monthly on F. C. C. Form 338-B, Monthly Summary of Origin to Destination Speed of Service, as revised. A statement of any dates during the month on which speed of service tallies were suspended at any city (pursuant to § 64.227), together with the reasons, and explanations for any abnormal service, shall be placed on the back of the form.

ORIGIN TO DESTINATION SPEED OF SERVICE; GENERAL PROCEDURE

§ 64.241 *Volume of messages to be tallied.* At each city studied there shall be sampled for each method of delivery (telephone, tieline, and messenger) for each of the days of the period prescribed in § 64.225 one-half of one percent of the 24-hour daily average load of messages delivered by that method, but not less than a minimum of 15 messages per day per delivery method. For a given city if one-half of one percent of the daily average load of messages during the period prescribed in § 64.225 for all methods of delivery combined is less than 45 messages per day, then the minimum number of messages to be sampled per day shall be 15 messages delivered by telephone, 15 messages delivered by tieline, and 15 messages delivered by messenger.

§ 64.242 *Computation of daily load for each delivery method.* The 24-hour daily average delivered message load shall be determined quarterly for each method of delivery (telephone, tieline, and messenger) on the basis of messages delivered during March, June, September and December on all days, Monday through Friday, required to be studied. All company operated offices in each city delivering messages shall be included.

§ 64.243 *Selection of offices for tallying.* (a) Sampling for origin to destination speed of service in each method shall be limited to those offices in each city which deliver an average of 50 or more messages daily by telephone or by tieline, or deliver by messenger an average of 50 or more messages daily on business routes: *Provided, however,* That if none of the offices in a city deliver 50 or more messages daily in a particular method of delivery, then each such office shall be considered as delivering an average of 50 messages per day in that method and as qualifying under this section for tallying.

(b) The office and delivery methods to be sampled each day shall be determined as follows:

(1) A set of cards shall be prepared which includes one or more cards for each delivery method in each office in the city, except for the exclusions covered by paragraph (a) of this section. For each method in each office there shall be one card for each 100 messages of delivered load and one card for any excess of 50 or more. Where the average delivered load is between 50 and 100 messages per day, one card shall be prepared. The cards for the tieline method, in addition to identifying the office, shall also identify whether the delivery is by manual teleprinter tielines, tieline switching, tielines directly connected to line transmitters, or telefax, and these cards when drawn shall be sampled as described in this section and § 64.271.

(2) Where the volume of traffic for a given delivery method in a city calls for preparation of 3 cards or less, the preparation of such cards will not be required. In such cases if more than one delivery office is involved, the number of tallies at each such delivery office be in the same ratio as its load to the total delivery load.

(3) The cards shall be separated in separate decks, one for each meth of delivery. The number of cards t be drawn each day for a method o delivery shall be determined by dividin the required daily number of tallies b 5 and rounding off to the nearest whol number.

(4) The deck of cards for a delivery method shall be thoroughly shuffled fac down followed by a cut of the deck. Th required number of cards for the delivery method shall be drawn from the top o the deck. The shuffling and drawin shall be done after 7:00 p. m. on the da of transmission.

(5) For each card drawn from th deck for a method of delivery, 5 messages shall be tallied. In the case o the deck of tieline cards, for each car drawn 5 messages shall be tallied for th office and for the specific tieline metho listed on the card (manual teleprint tielines, tieline switching, tielines directl connected to line transmitters, or telefa tieline). If the required daily sampl for a method of delivery (telephone, a tieline methods combined, or messenger is one more than an even multiple o five, 6 instead of 5 messages shall b tallied at the office designated for th first card drawn. If the required sampl is two more than a multiple of five, instead of 5 messages shall be drawn fo each of the first two cards drawn. If th required sample is 1 or 2 less than a even multiple of five, 4 messages instea of five shall be tallied for the first o each of the first two cards drawn.

(6) At reperforator offices having ti lines directly connected to line transmitters, cards when drawn shall apply t the next observation period betwee 9:00 a. m. and 6:00 p. m., local tim owing to the necessity for observing du ing transmission.

§ 64.244 *Selection of messages f tallying.* (a) The selection of individu messages to be tallied from the deliver message file of any method at any off shall be determined from the identifyi wire number as follows:

(1) A set of ten cards shall be pr pared, each card bearing one of the dig 0 to 9.

(2) Then ten cards shall be thorough shuffled face down followed by a cut the deck. The digit appearing on t top card after completion of the cut sh determine selection of the messages to tallied. Messages in the files deliver between 9:00 a. m. and 6:00 p. m., loc time, on which the identifying wire nu ber ends in the digit selected shall withdrawn for tallying until the quo for the day has been obtained.

(b) Offices using more than 2 co partments for the separate filing of me sages delivered by telephone, by telef or by manual teleprinter shall sel compartments or groups of messag from the files for each method in the fo lowing manner:

(1) Each compartment designation the file cabinets, containing messages d livered, shall be entered on a card. T covers filing alphabetically by name—

or by customer call letters, in number sequence, in delivered time order or by concentrator units. Where large groups of messages have in the past been filed without subdivision, subdivisions of such groups shall be made. Each subdivision shall be entered on a card so that there will be a representative number of cards for the number of messages in such groups.

(2) The entire set of cards shall be thoroughly shuffled face down and the deck cut, the compartment designation appearing on the top card after completion of the cut shall determine the groups of messages from which tallies will be made. If additional groups are required in order to tally the required quota of messages, one or more additional cards shall be drawn and used in the order of their appearance in the pack from the top down.

(3) Individual messages of the types named in § 64.223 shall be withdrawn from the selected group or groups of compartments for tallying by selecting those whose identifying wire number ends in the digit drawn.

(c) Offices using not more than 2 compartments for the separate filing of messages delivered by telephone, by telefax or by manual teleprinter shall select individual messages from the files for each method in the following manner:

(1) Where delivered messages are filed alphabetically, a card for each letter of the alphabet shall be prepared. The set of cards shall be shuffled face down and the deck cut. The top card shall be drawn after completion of the cut. The file shall be searched beginning with the letter of the alphabet drawn for individual messages of the types named in § 64.223 whose identifying wire number ends in the digit drawn. If, after complete search of the file for messages delivered between 9:00 a. m. and 6:00 p. m., local time, the quota for tallying is not obtained, the succeeding card or cards shall be used as described in paragraph (b) (2) of this section.

(2) Where delivered messages are filed in sent number sequence or in delivered time order or route records are filed in route out or return time order, a set of 9 cards shall be prepared, each card bearing one of the hours 9 a. m. to 10 a. m. through 5 p. m. to 6 p. m. The set of cards shall be shuffled face down and the deck cut. The top card shall be drawn after completion of the cut. The file shall be searched beginning with the hour drawn for individual messages whose identifying wire number ends in the digit drawn. If, after complete search of the file for messages delivered between 9:00 a. m. and 6:00 p. m., local time, the quota for tallying is not obtained, the succeeding hours shall be used.

(d) Offices delivering messages by messenger shall select individual messages of the types named in § 64.223 from business route records in accordance with paragraphs (a) and (c) (2) of this section.

(e) Offices filing delivered messages in any other manner than those indicated herein shall arrange their files to meet these requirements of sampling.

ORIGIN TO DESTINATION SPEED OF SERVICE; MESSAGES DELIVERED BY TELEPHONE

§ 64.261 *Selection and tally.* (a) Offices and messages selected for tallying each day in any city shall be determined in accordance with §§ 64.241 to 64.244.

(b) Each message of the type described in § 64.223 which was delivered by telephone between the hours of 9:00 a. m. and 6:00 p. m., local time, shall be tallied, unless previously dispatched for physical delivery by messenger or by mail.

(c) The interval of time to be tallied for each message selected shall be from the time filed to the time delivered or to the time of the first attempt (See §§ 64.203 and 64.204).

ORIGIN TO DESTINATION SPEED OF SERVICE, MESSAGES DELIVERED BY TIELINE

§ 64.271 *Selection and tally.* (a) For messages delivered by telefax and manual teleprinter tielines, offices and messages selected for tallying each day in any city shall be determined in accordance with §§ 64.241 to 64.244.

(b) For messages delivered by tieline switching equipment, the following method for selection of messages to be tallied shall be used:

(1) Each roll of monitor tape, on which are recorded copies of messages delivered by tieline switching equipment shall be designated with a separate number.

(2) A number card shall be prepared for each numbered roll of monitor tape. The entire set of cards, representing an equal number of monitor rolls, shall be thoroughly shuffled face down daily and the deck cut. The required number of cards shall be withdrawn from the top of the deck after completion of the cut to determine the monitor roll or rolls from which tallies will be made. These cards shall be withdrawn and used in the order of their appearance in the pack from the top down.

(3) A digit shall be selected, as outlined in § 64.244 (a).

(4) Each message of the types named in § 64.223 in the selected monitor tape rolls transmitted between 9:00 a. m. and 6:00 p. m., local time, on which the identifying wire number ends in the digit selected shall be tallied, until the quota is obtained.

(c) For messages delivered by tieline direct from line transmitters, the following tally routine shall be used:

(1) The name or designation of each outgoing line transmitter directly connected to a tieline shall be entered on a list of consecutively numbered cards. The designation of these channels on the list cards shall be arranged so as to facilitate examination of the line transmitters.

(2) Each line transmitter at reperforator relay offices used in the delivery of telegrams directly to tieline customers shall be observed. Where a single tieline is associated with one line transmitter only, the first message of the types named in § 64.223 which it is possible to tally by time interval shall be tallied. Where several tielines are associated with one line transmitter, a total number of messages equal to the number of tielines in the group shall be tallied. Thereafter, the tally clerk shall move to the next tieline or group of tielines, observations continuing until the required number of messages has been tallied. If, after observing any tieline or group of tielines for a period of two minutes without tally the clerk shall move to the next line transmitter concerned. If, after all listed tielines have been examined, an insufficient number of messages have been tallied, observations shall be continued starting with the first tieline observed that day. The last tieline examined on one observation shall be the first tieline examined on the next observation drawn.

(3) If it is not necessary to observe messages continuously between 9:00 a. m. and 6:00 p. m., local time, to secure the required number of tallies, the hours during which tallies are made shall be staggered from day-to-day so that each hour of the interval from 9:00 a. m. to 6:00 p. m., will be sampled as often as every other hour of that interval.

(d) The interval of time to be tallied for each message selected shall be from the time filed to the time delivered or to the time of the first attempt (see §§ 64.203 and 64.204).

ORIGIN TO DESTINATION SPEED OF SERVICE; MESSAGES DELIVERED BY MESSENGER

§ 64.281 *Route record data.* At all offices in the cities enumerated in § 64.221 where tallies are required to be made, the following shall be entered on route records: (a) The identifying wire number of each business message; (b) the time filed, including the time zone, for each domestic full-rate business message except for confirmation copies of business messages previously delivered; (c) the time a messenger is dispatched on each route carrying business messages, and (d) the time of return from the route.

§ 64.282 *Selection and tally.* (a) Offices and messages selected for tallying each day in any city shall be determined in accordance with §§ 64.241 to 64.244.

(b) Each business message of the type described in § 64.223 which was delivered by messenger between the hours of 9:00 a. m. and 6:00 p. m., local time, shall be tallied, except that messages delivered by telephone and subsequently dispatched for physical delivery by messenger need not be tallied.

(c) The interval of time to be tallied for each message selected shall be from the time filed to the time delivered or to the time of the first attempt (see §§ 64.203 and 64.204).

ORIGIN TO DESTINATION SPEED OF SERVICE; SUMMARY

§ 64.291 *Origin to destination speed of service reports.* Reports of Origin to Destination speed of service sampling at each city designated in § 64.221 shall be summarized for all cities studied showing separately for each delivery method, telephone, tieline and messenger, the number of messages tallied, average speed of service in minutes, the percent delivered in the stated number of minutes, a weighted average summary for the 75 cities and the weighting factors for each city. The weighting factor for each method of delivery for each city shall be that proportion of the total delivered load in that method and city to the total delivered load in the same method for the 75 cities.

§ 64.295 *Additional speed of service reports required.* (a) The Western Union Telegraph Company shall file with the Commission, not later than the 25th day of each succeeding month, reports in quadruplicate of the following speed of service studies as made for its supervisory purposes:

(1) *Originating messages.* A measurement at each of the 75 cities of the average interval from time filed to time sent into the reperforator or trunk system and the percent within 25 minutes.

(2) *Relay messages.* A measurement at each of the reperforator offices of the interval from (i) the digit time to the time the message passes through the line transmitter at the first reperforator office, and (ii) the digit time to the time the message passes through the line transmitter at the second reperforator office. Each of these two reports shall show the average speed of service in minutes and the percent completed within 10 minutes at the first reperforator office and the percent completed within 15 minutes at the second reperforator office.

(b) Two copies of all general instructions (and of any amendments thereto) issued to the field offices for the preparation of the studies required by this section shall be filed with the Commission upon issuance.

[F. R. Doc. 58-4805; Filed, June 24, 1958; 8:53 a. m.]

[47 CFR Part 66]

[Docket No. 12496; FCC 58-601]

Applications Relating to Consolidation, Acquisition, or Control of Telephone Companies

NOTICE OF PROPOSED RULE-MAKING

1. Notice is hereby given of the proposed rule making in the above matter.

2. Section 221 (a) of the act and Part 66 of the Commission's rules provide that a public hearing shall be held in all cases with respect to each application filed thereunder where a request for such hearing is made by a telephone company, an association of telephone companies, a State Commission or local governmental authority. Additionally, Part 66 provides that a public hearing shall be held in such other cases as the Commission may determine.

3. The purpose of this proceeding is to amend Part 66:

(a) To specify a longer period of time, following the posting of notice by the applicant, as required by § 66.13 (a), during which time interested parties may submit comments, protests, or requests that public hearings be held with respect to such applications,

(b) To require that requests for public hearing be filed with the Commission within forty (40) days from the date upon which applicant first posts public notice concerning the filing of the application, as required by § 66.13 (a),

(c) To require that any person requesting a public hearing shall accompany such request with a statement as to why the proposed transaction will not be of advantage to the persons to whom service is to be rendered, or will not be in the public interest.

4. The proposed rules, authority for which is contained in sections 4 (i) and 221 of the Communications Act of 1934, as amended, are set forth below.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before August 1, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing original comments or briefs. The Commission will consider all such comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 19, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 66.13 (a) (5) is amended to read as follows:

(5) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be forty (40) days from the date of first posting of the notice.

2. Section 66.15 is amended to read as follows:

§ 66.15 *Procedure.* A public hearing is held with respect to such applications where a request therefor is made by a telephone company, an association of telephone companies, a State Commission or local governmental authority, or in such other cases as the Commission may determine. Requests for public hearing must be filed within forty (40) days from the date that the applicant first posts public notice of the filing of the application as required by § 66.13. Any such requests for public hearing should include a statement of reasons as to why the proposed transaction will not be of advantage to the persons to whom service is to be rendered or will not be in the public interest. Where a public hearing is to be held, reasonable notice thereof is given by the Commission to the Governor of each State in which the physical property affected, or any part thereof, is situated, and to the State Commission having jurisdiction over the telephone companies and to such other parties as the Commission may deem advisable.

[F. R. Doc. 58-4806; Filed, June 24, 1958; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 139]

[No. 10122]

Standard Time Zone Boundaries

NOTICE OF PROPOSED RULE MAKING

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of June A. D. 1958.

Upon further consideration of the record in the above-entitled proceeding and consideration of the petitions of the cities of Lexington, Richmond, Winchester, Owenton, Carrollton, Berea, Carlisle, Paris, Lancaster, Frankfort, Somerset, Flemingsburg, Irvine, Lawrenceburg, Cynthiana, Morehead, London, Nicholasville, Grayson, West Liberty, and Brooksville, and the Chambers of Commerce of Lexington, Berea, and Morehead, respectively, of the State of Kentucky, and petition filed by Eastern Air Lines, Inc., for extension of the Eastern Standard Time Zone so as to include additional portions of Kentucky, and it appearing that the changes in Kentucky proposed might require a change in the adjacent area of Tennessee; and of a separate petition of the City of Lexington for an order temporarily extending the limits of the United States Eastern Standard Time Zone as requested in the original petitions, pending the outcome of this reopened proceeding, and good cause appearing therefor:

It is ordered, That the said proceeding be, and it is hereby, reopened for further hearing, on the question of whether the orders of the Commission, dated October 24, 1918, and thereafter, defining the boundary line between the United States Standard Eastern and Central Time Zones, and restated in the order of the Commission, dated May 19, 1928, and further modified by the orders of August 14, 1936, August 25, 1947, and August 8, 1949, and August 17, 1949, should be so modified that the areas in Kentucky and Tennessee described below, or any of the remainder of the States of Kentucky or Tennessee now in the United States Standard Central Zone shall be embraced in the United States Standard Eastern Zone.

It is further ordered, That the petition of the City of Lexington for a temporary order be, and it is hereby, denied, for the reason that these appears to be no authority in the Standard Time Act for such an order under the circumstances.

And it is further ordered, That this proceeding be assigned for further hearing at the Federal Building, Lexington, Ky., on July 21, 1958, at 9:00 a. m., United States Standard Central Time (equivalent to 10:00 a. m., Central Daylight Time or Eastern Standard Time), before Thomas E. Pyne, Hearing Examiner, and at such further places and dates as may be determined by the presiding Examiner; and that copies of this order and notice be served upon the petitioners, the Governors and Public Service Commissions of the States named, and the railroads, bus lines, and air lines engaged in interstate commerce, located in whole or in part in the States named; and that notice be given to the general public by depositing a copy of this order and notice in the office of the Secretary of the Commission for public inspection, and by filing copies of the said order and notice with the Director, Federal Register Division.

By the Commision, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. Code 1003), notice is hereby given of the tentative proposal to modify the outstanding orders in the above-entitled proceeding so as to redefine the limits of the United States Standard Eastern and Central Time Zones, under authority of the Standard Time Act, 40 Stat. 450–451; 41 Stat. 1446; 42 Stat. 1434, as amended; 15 U. S. C. 261–265.

By order issued with the original report in this proceeding, 51 I. C. C. 273, (1918); as modified by order issued with the thirteenth supplemental report, 122 I. C. C. 122, (1927); as restated by the order issued with the sixteenth supplemental report, 142 I. C. C. 279, (1928); and as further modified by the orders issued with the twenty-first, twenty-third, twenty-fourth, twenty-seventh, and thirty-first supplemental reports, 218 I. C. C. 221, (1936); 222 I. C. C. 85, (1937); 246 I. C. C. 72, (1941); 269 I. C. C. 57, (1947); and 276 I. C. C. 128, (1949); the boundary between the eastern and central zones was defined so as to run from the southwest corner of the State of Ohio easterly along the thread of the Ohio River to the line of the Chesapeake & Ohio Railway between Cincinnati, Ohio, and Covington, Ky.; thence southerly and southeasterly immediately south of and parallel with the line of that road to Catlettsburg, Ky. thence southerly immediately west of and parallel with the Big Sandy division of that road to the northern boundary of Lawrence County, Ky.; thence westerly and southerly along the west lines of Lawrence, Johnson, and Floyd Counties and the south line of Pike County to the boundary line between Kentucky and Virginia; thence southwesterly along that State boundary line to the east line of Harlan County, Ky.; thence northwesterly and southwesterly along the east and north lines of Harlan County and westerly along the north lines of Bell, Knox, Whitley, and McCreary Counties, Ky., to the line of the Cincinnati, New Orleans & Texas Pacific Railway (Southern Railway system); thence southerly just east of and parallel with that road to the north line of Rhea County, Tenn.; and thence southeasterly and southwesterly along the north and west lines of Rhea County and west line of Hamilton County, Tenn., to the boundary between Tennessee and Georgia.

By the 1927 order in this proceeding, Cincinnati, Ohio, and Covington and Newport, Ky., were embraced in the eastern zone, along with points served by the line of the Chesapeake & Ohio along the south bank of the Ohio River between Covington and Catlettsburg, Ky., and in the eastern part of the State. In 1947, when the eastern zone was extended to include the Knoxville area in Tennessee a few counties in southeastern Kentucky were also added. As a result, Bell, Floyd, Harlan, Johnson, Knox, Lawrence, Martin, Pike, and Whitley Counties, Ky., are now entirely in the eastern zone, and the northeastern corner of Kenton County, Ky., the northern and eastern edges of Campbell and Greenup Counties, Ky., the eastern edges of Pendleton and Boyd Counties, Ky., the northern edges of Bracken, Mason, and Lewis Counties, Ky., and the eastern half of McCreary County, Ky., are in the eastern zone.

In the 1941 proceeding and again in 1947 proposals were before the Commission seeking the extension of the eastern zone to embrace a larger portion of eastern and central Kentucky, but they were denied because of the difficulties encountered and the lack of adequate support in the record for such a substantial change in the time zones.

Petitions have been filed on behalf of the cities of Lexington, Richmond, Winchester, Owenton, Carrollton, Berea, Carlisle, Paris, Lancaster, Frankfort, Somerset, Flemingsburg, Irvine, Lawrenceburg, Cynthiana, Morehead, London, Nicholasville, Grayson, West Liberty and Brooksville, Ky., and of the Lexington, Berea, and Morehead chambers of commerce, which seek a further extension of the eastern zone so as to embrace all of the 9 Kentucky counties now partly included and 45 additional counties in the eastern and central parts of Kentucky. A petition has also been filed by the City of Lexington for an order temporarily extending the eastern time zone so as to include the additional portions of Kentucky covered by the original petitions. Petitioner points out that many of the petitioning cities are now on central daylight-saving time, equivalent to eastern standard time, and that a State law, effective June 19, 1958, makes it mandatory that all Kentucky cities observe the standard time as designated by the Interstate Commerce Commission. It is the desire of petitioner that the proposed change be made effective before that date, so as to make it unnecessary for these cities to return to central standard time, pending the outcome of this proceeding.

Upon consideration of the petitions, Division 3 of the Commission has reopened the proceeding for further hearing; but has denied the petition for a temporary order.

The petitioners generally allege that the existing time-zone boundary is irregular and unrealistic, and has created a pocket of the central time zone in eastern Kentucky almost surrounded by the eastern zone; that business and industry of the area have been inconvenienced and handicapped by the existing boundary and that recent industrial and commercial growth has increased the importance of the difficulties because of time differences, particularly during the summer months when eastern daylight-saving time is observed at many important markets and distributing centers in the East and North; that most of the Kentucky cities in the central zone have been observing daylight-saving time during the summer months, and many of them did not turn their clocks back last fall, but have adopted the faster standard permanently. Petitioners further urge that the proposed extension of the eastern zone would better serve the commerce of the area as a whole and the other purposes of the Standard Time Act, and would reduce the existing confusion and inconvenience of the public.

It has also come to the Commission's attention that certain of the Kentucky counties which are only partly included in the eastern zone and certain adjacent counties which have never been included in the eastern zone under the orders entered in this proceeding, have been observing the eastern standard since, or shortly after, the 1927 order which extended the eastern zone to include Cincinnati, Ohio, Covington, Newport and Ashland, Ky., and other points in northern and eastern Kentucky. Officials and other residents of these counties claim that they understood they were actually in the eastern zone as defined by the Commission and urge their inclusion in any extension of the eastern zone as a result of this proceeding.

Based on the averments of the petitions, considered in the light of the record, particularly the hearings of 1927, 1941, and 1947, a proposed modification of the boundary line between the eastern and central time zones has been prepared and is shown below. The effect of such a line would be to transfer into the eastern zone the rest of the 9 Kentucky counties now partly in the eastern zone and 44 additional Kentucky counties, the westernmost of which are Gallatin, Owen, Franklin, Anderson, Mercer, Boyle, Lincoln and Pulaski Counties. The portion of Carroll County, Ky., east of the Kentucky River would also be embraced in the eastern zone. If the changes in Kentucky are made, they would appear to require the extension of the eastern zone in the adjacent area of Tennessee, namely, the inclusion in the eastern zone of all of Scott, Morgan, and Roane Counties, Tenn., now only partly in the eastern zone. Some railroad operating exceptions could be eliminated, but additional exceptions would be required. It is to be understood that the line shown below is strictly a proposal, set out for the convenience of the interested public, and is in no sense a final determination of the issues raised by the petitions.

The flood of correspondence from the area involved and the adjacent areas has indicated widespread public interest in the questions raised. In order to facilitate the participation of interests who might find it difficult or impossible to attend the hearing, and to expedite the hearing, provision is hereby made for the receipt of writen statements. Anyone wishing to make representations in favor of or against the changes proposed may do so through the submission of written data, views, or arguments. The original signed in ink and two copies of such submission should be filed with the Commission on or before July 15, 1958, and will be accorded such weight as is justified in the light of the entire record.

The proceeding is set for hearing in the Federal Building, Lexington, Ky., on July 21, 1958, at 9:00 a. m. United States standard central time (equivalent to 10:00 a. m. central daylight time or eastern standard time), before Thomas E. Pyne, Hearing Examiner.

The issue is confined to the question of whether the limits of the United States Standard Eastern Time Zone should be moved westward to include the areas in Kentucky and Tennessee described below, or any of the remainder of the States of Kentucky or Tennessee now in the Central Zone.

Attention is directed to the provisions of the Standard Time Act, 15 U. S. Code 261–265, which contemplate four time zones for the United States proper and specifically designates the standard of time to be observed within those zones with respect to the matters specified in that act. There is no provision for daylight-saving time in that act, nor is there any requirement of general observance nor any provision which would prevent the local adoption of daylight time. The authority of the Commission is confined to the determination of the limits of the zones. Evidence in support of a change in the law cannot be admitted.

It is expected that all interested persons who participate will cooperate to the end that a fair and complete presentation of the relevant facts may be made as briefly and as expeditiously as possible. To avoid duplication of testimony and assure a complete record, groups with the same or similar views are urged to select a representative for their presentation. Merely cumulative testimony will not be permitted. Written statements may be received at the hearing, provided they are supported by a competent witness who can vouch for their truth and accuracy. The proposed modification of the boundary line contained in Appendix A does not restrict the issues to that proposal, and any person may propose or support any other change in the line within the scope of the reopened proceeding, or may oppose any change in the existing line.

The railroads serving the area will be expected to check the proposed line and the operating exceptions shown below and to furnish for the record information concerning the existing junction points and division points in the area and other information as to their operations sufficient to assist the Commission in redefining the limits of the zones, should that become necessary, with due regard for the safety of operation and convenience of the public.

A copy of this notice shall be served upon the petitioners and upon the Governors and Public Service Commissions of the States of Kentucky and Tennessee and upon the railroads, bus lines and air lines engaged in interstate commerce, located in whole or in part in the States named. Notice to the general public shall be given by depositing a copy in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Federal Register Division.

Section 139.3 *Boundary line between eastern and central zones* proposed to be amended as follows:

Paragraphs (b), (c), and (d) are to be amended to read as follows:

(b) *Indiana-Ohio.* From the northeast corner of the State of Indiana southerly along the eastern boundary of Indiana and the western boundary of the State of Ohio to the Ohio River.

(c) *Kentucky.* From the southwest corner of the State of Ohio westerly and southerly along the thread of the Ohio River to the mouth of the Kentucky River; thence southerly along the thread of the Kentucky River to the north line of Franklin County; thence westerly along the north line of Franklin County to the northwest corner of that county; and thence in a generally southerly direction along the west or south lines of Franklin, Anderson, Mercer, Boyle, Lincoln, Pulaski, and McCreary Counties to the boundary between the States of Kentucky and Tennessee.

(d) *Tennessee.* From the southwest corner of McCreary County, Ky., westerly along the northern boundary of the State of Tennessee to the west line of Scott County, Tenn.; thence in a generally southerly direction along the west line of Scott County, the north and west lines of Morgan County and the north line of Roane County to the north line of Rhea County; thence northwesterly along the north line of Rhea County; and thence southwesterly along the west lines of Rhea and Hamilton Counties to the boundary between the States of Tennessee and Georgia.

Paragraph (g) *Operating exceptions* so far as it provides exceptions for lines of the railroads in Kentucky and Tennessee, is amended by canceling certain existing exceptions and continuing others as indicated, and by providing additional exceptions as follows:

(1) *Lines east of boundary excepted from eastern zone.* Exceptions canceled:

Railroad	From—	To—
Louisville & Nashville	Line of Knox County, Ky.	Northern limits of Corbin, Ky.
Southern	Northern limits of Chattanooga, Tenn.	North line of Rhea County, Tenn.

Exceptions continued or added: Those portions of the lines of railroad below named, located east of the zone boundary line above described, shall, for operating purposes only, be excepted from the United States standard eastern time zone and included within the United States standard central time zone, viz:

Railroad	From—	To—
Chesapeake & Ohio and Louisville & Nashville.	West line of Franklin County, Ky. (east of Hatton (Gath), Ky.).	North yard limits of Lexington, Ky.
Louisville & Nashville	Kentucky River (west of Worthville, Ky.).	Latonia, Ky.
Do	West line of Boyle County, Ky. (east of Gravel Switch, Ky.)	Lancaster, Ky., and north yard limits of Stinks, Ky.
Louisville & Nashville (formerly Nashville, Chattanooga & St. Louis).	West line of Hamilton County, Tenn (west of Hooker, Ga.).	Western limits of Chattanooga, Tenn.
Southern	Western limits of Chattanooga, Tenn	Georgia-Alabama State line (southwest of Sulphur Springs, Ga.).
Do	West line of Anderson County, Ky. (west of Avenstoke, Ky.).	North yard limits of Lexington, Ky., and S. J. Tower (north of Danville, Ky.)
Tennessee Central	North line of Roane County, Tenn. (west of Rockwood, Tenn.).	Emory Gap, Tenn.

(2) *Lines west of boundary included in eastern zone.* Exceptions canceled:

Railroad	From—	To—
Chesapeake & Ohio	Line of Johnson County, Ky.	Carver, Ky.
Do	Line of Pike County, Ky.	Dunham, Ky.
Louisville & Nashville	Line of Knox County, Ky.	Manchester and Herron, Ky.
Nashville, Chattanooga & St. Louis (now Louisville & Nashville).	Tennessee-Georgia State line (north of Graysville, Ga.).	Eastern limits of Chattanooga, Tenn.

NOTE: No additional exceptions of lines west of the zone boundary line appear to be necessary: The foregoing provisions as to operating exceptions apply only to lines which run into Kentucky or Tennessee. The existing exceptions of lines north of the Ohio River or south of the southern boundary of Tennessee will not be disturbed.

[F. R. Doc. 58–4755; Filed, June 24, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 157]

CERTAIN FOREIGN PASSPORTS

VALIDITY

Under the provisions of section 212 (a) (26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Austria (Reisepass only), Bolivia, Brazil, Canada, Ceylon, Chile, Colombia, Cuba, Dominican Republic, Ethiopia, Germany (Reisepass only), Greece (issued in Greece only), Guatemala, Honduras, Iceland, India, Ireland, Israel, Mexico, Monaco, The Netherlands, Pakistan, Portugal, Spain, Switzerland, and United Kingdom.

This notice supersedes Public Notice 150 of April 13, 1957 (22 F. R. 2540).

RODERIC L. O'CONNOR,
Administrator,
Bureau of Security
and Consular Affairs.

JUNE 11, 1958.

[F. R. Doc. 58-4777; Filed, June 24, 1958; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 58-24]

WITHDRAWAL OF APPROVALS OF MODELS 2 AND 6 KAPOK LIFE PRESERVERS AND MODELS 51 AND 55 FIBROUS GLASS LIFE PRESERVERS

Tests of kapok life preserves have indicated that gasoline and light oils have a detrimental effect on the buoyancy of models 2 and 6 kapok life preservers which do not have a protective inner bag of vinyl film. Tests of fibrous glass life preservers have indicated that gasoline and light oils have a detrimental effect on the buoyancy of models 51 and 55 life preservers which do not have a protective inner bag of vinyl film covering the pads inserts.

A notice of proposed withdrawal of approvals of models 2 and 6 kapok life preservers and models 51 and 55 fibrous glass life preservers was published in the FEDERAL REGISTER of February 12, 1958 (23 F. R. 909), in conjunction with a notice of proposed rule making to revise the specifications respecting the manufacture of kapok life preservers and fibrous glass life preservers. In accordance with this notice the Merchant Marine Council held a public hearing at Washington, D. C., on March 18, 1958. With respect to those models of life preservers now in service, the tests conducted indicated that no corrective action would be necessary at this time because of the excess buoyancy provided in these models. However, further studies are being made and if corrective action is considered necessary, the marine industry will be notified by means of a Naviagation and Vessel Inspection Circular.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1956 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-15, dated January 3, 1955 (20 F. R. 840), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to prescribe requirements with respect to safety equipment in accordance with the statutes cited with the specifications designated 46 CFR 160.002 and 160.005:

It is ordered, That all approvals for models 2 and 6 kapok life preservers granted under the specification designated 46 CFR Subpart 160.002 and all approvals for models 51 and 55 fibrous glass life preservers granted under the specification designated 46 CFR Subpart 160.005 are withdrawn, effective on the ninety-first day after the date of publication of this document in the FEDERAL REGISTER: *Provided,* That any such life preservers manufactured prior to this date may be placed in service and/or continued in service so long as in good and serviceable condition.

Dated: June 18, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-4798; Filed, June 24, 1958; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 182]

[Classification 62]

ARIZONA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling approximately 68.6 acres in Yavapai County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 1 W.,
  Sec. 31: E½SE¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to June 16, 1958, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. I. ROWLAND,
State Supervisor.

JUNE 17, 1958.

[F. R. Doc. 58-4775; Filed, June 24, 1958; 8:45 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 27, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 49 N., R. 1 W.,
  Sec. 19, Lot 1.
T. 48 N., R. 2 W.,
  Sec. 5, Lot 2.
T. 49 N., R. 2 W.,
  Sec. 13, N½NE¼NE¼, SW¼NE¼NE¼ and W½SE¼NE¼;
  Sec. 21, NE¼SE¼;
  Sec. 23, NW¼SW¼;
  Sec. 24, SE¼NE¼ and SE¼SW¼;
  Sec. 25, N½NW¼;
  Sec. 27, E½NE¼ and W½SE¼;
  Sec. 28, S½SW¼;
  Sec. 31, Lots 1 and 3, NE¼NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼;
  Sec. 32, W½SW¼;
  Sec. 33, NW¼NW¼.
T. 48 N., R. 3 W.,
  Sec. 1, Lot 3;
  Sec. 2, Lots 11, 20, 21, 29, 30 and 32;
  Sec. 3, Lots 2, 3, 4, 6 and 7;
  Sec. 7, Lots 2 to 4 incl., and E½SW¼;
  Sec. 11, Lots 2, 3, 4, 8, 9, 12, 13 and 15;
  Sec. 14, Lot 2;

Sec. 18, Lot 1, E½W½, W½SE¼ and SE¼SE¼;
Sec. 19, E½E½;
Sec. 29, W½W½;
Sec. 30, NE¼NE¼.
T. 49 N., R. 3 W.,
Sec. 25, SW¼SW¼ and E½SW¼;
Sec. 26, E½SE¼;
Sec. 35, N½NE¼, E½NW¼, SW¼NW¼ and S½SW¼;
Sec. 36, N½NE¼, NW¼NW¼, N½S½, SW¼SW¼ and SW¼SE¼.
T. 48 N., R. 4 W.,
Sec. 3, Lot 3;
Sec. 5, Lot 15.
T. 49 N., R. 4 W.,
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NE¼, NW¼NE¼NW¼, S½NE¼NW¼, W½NW¼, SE¼NW¼, E½SW¼, W½SE¼ and NE¼SE¼;
Sec. 16, W½SW¼;
Sec. 29, SE¼NE¼.

The above areas aggregate 4248.88 acres.

E. G. NIELSEN,
Acting Commissioner.

[73909]

JUNE 19, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly. Except for national forest lands in T. 49 N., R. 4 W., the lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-4776; Filed, June 24, 1958; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9220]

AMERICAN AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the unrealistic schedules filed and published by American Airlines, Inc.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on June 25, 1958, is postponed until July 16, 1958, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., June 20, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4816; Filed, June 24, 1958; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in Stearns County, Minnesota, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 20th day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4813; Filed, June 24, 1958; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF APPLICATION

Notice is hereby given of the application of American President Lines, Ltd., pursuant to section 605 (c) of the Merchant Marine Act, 1936, as amended, for amendment of the service description of its Round-the-World Westbound Service so as to authorize permissive calls by its Combination Vessels at Acapulco, Mexico.

Parties having an interest in said application may file with the Secretary, Federal Maritime Board, Washington 25, D. C., in writing, in triplicate, by close of business on July 10, 1958, any objections thereto, and after said date the Federal Maritime Board will take such action with respect to the application and any objections thereto as may be deemed appropriate.

Dated: June 20, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-4793; Filed, June 24, 1958; 8:50 a. m.]

[Docket No. S-73]

WATERMAN STEAMSHIP CORP.

AMENDED NOTICE OF HEARING

The notices published in the FEDERAL REGISTER on June 4 and August 21, 1957, concerning a public hearing to be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Waterman Steamship Corporation, for an operating-differential subsidy agreement, are hereby amended to delete the paragraphs relating to the domestic services in connection with which the section 805 (a) permission was requested, and to substitute in lieu thereof the following paragraphs. In all other respects the notices of June 4 and August 21, 1957 remain unchanged.

An issue of the proceeding will be whether the Board should grant the written permissions sought under
805 (a) of the act to permit the
cant's wholly owned subsidiary, Wa
man Steamship Corporation of
Rico, to operate in the domestic
between U. S. Gulf ports east of and
cluding New Orleans, Louisiana,
ports in Puerto Rico; to permit an
ate, Pan-Atlantic Steamship Corpo
tion, to operate in the domestic servi
(1) between U. S. Atlantic ports
ports in Puerto Rico, (2) between U.
Atlantic ports, (3) between U. S. G
ports, and (4) between U. S. Atl
ports and U. S. Gulf ports; to
Beauregard, Inc., a wholly owned
iary, to continue to charter the
"Beauregard" to Pan-Atlantic Ste
ship Corporation for operation (1) in
U. S. Atlantic/U. S. Gulf trade and
(b) U. S. Atlantic/Puerto Rico tra
and for Waterman Steamship Corpo
tion to continue to charter (2) the S
"Claiborne" and "Monarch of the Se
to Waterman Steamship Corporation
Puerto Rico for operation in the U.
Gulf/Puerto Rico trade and (3) the S
"Bienville", "Raphael Semmes", "
land", "Azalea City" and "Gateway C
to Pan-Atlantic Steamship Corporat
for operation in the U. S. Atlantic/U.
Gulf coastwise trade and/or U. S. Atla
tic Puerto Rico trade.

The purpose of the hearing under
tion 805 (a) of the act is to receive
dence relevant to whether the Applic
and/or its affiliates and subsidiar
named above, or predecessors in inter
were in bona fide operation as comm
carriers by water in the domestic int
coastal or coastwise services as describ
above in 1935 over the routes for wh
application is made and have so op
ated since that time, except as to int
ruptions of service over which the
plicant, its affiliates and subsidiaries,
predecessors in interest, had no cont
and if not whether the granting of
applications (a) will result in unf
competition to any person, firm or c
poration operating exclusively in
coastwise or intercoastal service or
would be prejudicial to the objects
policy of the act.

The hearing will be before an Exa
iner, at a time and place to be
nounced, in accordance with the Fede
Maritime Board's rules of practice
procedure and a recommended decis
will be issued.

All persons (including individu
corporations, associations, firms, par
nerships, and public bodies) desiring
intervene in the proceeding are request
to notify the Secretary of the Fede
Maritime Board by close of business
July 10, 1958, and should promptly
petitions for leave to intervene in
cordance with said rules of practice
procedure.

Dated: June 20, 1958.

By order of the Federal Mariti
Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-4794; Filed, June 24, 19
8:50 a. m.]

Fern-Ville Far East Lines and Compagnie de Transports Oceaniques

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 17-A, between the member lines of the Far East Conference, supplements the approved Agreement of that Conference—No. 17, as amended, to provide that Fern-Ville Far East Lines and Compagnie de Transports Oceaniques shall collect no freight in excess of freight paid at the rate of $36.00 per 2,240 pounds or 40 cubic feet on shipments carried by them for Otis, McAllister & Company under their contract for the sale of approximately 3,000 tons of corrugated steel sheets to National Marketing Corporation of the Republic of the Philippines, and that said lines shall be released from their obligation under the conference agreement to collect the full tariff rate on such shipments.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 20, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-4795; Filed, June 24, 1958; 8:51 a. m.]

Ward Garcia, S. A. and Waterman Steamship Corporation of Puerto Rico

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8313, between Ward Garcia, S. A., and Waterman Steamship Corporation of Puerto Rico, covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New Orleans, Louisiana.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 20, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-4796; Filed, June 24, 1958; 8:51 a. m.]

Office of the Secretary

WILLIAM E. HOTALING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 21, 1957, 22 F. R. 10473.

A. Deletions: None.
B. Additions:
Sinclair Oil Company.
Niagara Mohawk Power and Light.
One William Street Fund.

This statement is made as of June 10, 1958.

WILLIAM E. HOTALING.

JUNE 12, 1958.

[F. R. Doc. 58-4786; Filed, June 24, 1958; 8:48 a. m.]

LAWRENCE H. ZAHN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 3, 1957, 22 F. R. 88; June 20, 1957, 22 F. R. 4369; December 12, 1957, 22 F. R. 9979.

A. Deletions: No change.
B. Additions: Western Union Telegraph Company.

This statement is made as of June 3, 1958.

LAWRENCE H. ZAHN.

JUNE 3, 1958.

[F. R. Doc. 58-4787; Filed, June 24, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11835; FCC 58-579]

TOWN AND COUNTRY RADIO, INC.

ORDER REMANDING PROCEEDING FOR FURTHER HEARING ON STATED ISSUES

In re application of Town and Country Radio, Inc., Rockford, Illinois; Docket No. 11835, File No. BP-10484; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1958;

The Commission having under consideration (1) a petition to reopen the record herein filed March 21, 1958, by Plough Broadcasting Company, Inc.; (2) an opposition thereto filed April 3, 1958, by Town and Country Radio, Inc.; (3) a reply filed April 10, 1958, by the Chief of the Commission's Broadcast Bureau; (4) a reply to (2) and (3) filed April 14, 1958, by Plough Broadcasting Company, Inc.;[1] and (5) an answer to (4) filed April 25, 1958, by Town and Country Radio, Inc.;[2]

It appearing, that subsequent to the hearing in this proceeding, Hearing Examiner H. Gifford Irion issued an Initial Decision (released April 15, 1957) and, after further hearing, a supplement thereto (released December 3, 1957); that, thereafter, exceptions were filed and oral argument was scheduled before the Commission en banc for April 21, 1958; and that, subsequently, pursuant to request of Plough Broadcasting Company, Inc., oral argument was postponed without date pending Commission consideration of the subject petition to reopen the record; and

It further appearing, that Plough Broadcasting Company, Inc., on the basis of recently discovered facts, requests reopening of the record to inquire into the financial ability of John R. Livingston, the President, director and 48 percent stockholder of the applicant, to meet his commitment to advance $8,000 to applicant corporation and the basic character qualifications of Mr. Livingston to own and operate a standard broadcast station based upon a letter of February 18, 1958, addressed to the Commission from a W. L. Murray, a 25 percent stockholder in a corporation which is the licensee of standard broadcast station KCLN in Clinton, Iowa; and

It further appearing, that a review of the petition under consideration shows the basis for petitioner's request as being the allegations that Mr. Livingston has not accurately shown his present financial status, including the borrowing of substantial sums of money; that Mr. Livingston prematurely exercised control over the affairs of Station KCLN prior to obtaining Commission approval of the sale of Station KCLN to Mr. Livingston and his associates; and that Mr. Livingston has operated Station KCLN in such a manner as to reflect upon his qualifications to be a broadcast licensee in Rockford, Illinois; and

It further appearing that a substantial conflict of facts bearing upon financial and character qualifications has been shown, resolution of which can be obtained only through further hearing thereon;

Accordingly, it is ordered, That the petition to reopen the record, filed by Plough Broadcasting Company, Inc. on March 21, 1958, is granted to the extent set forth below; that the above-entitled proceeding is remanded to the Hearing Examiner, who presided at this hearing, with instructions to reopen the record for further hearing on the issues hereinafter specified; and that after procedural steps appropriate to the further proceeding herein have been taken, the Hearing Examiner shall issue a further supplemental Initial Decision; and

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[1] By order of April 22, 1958, the Commission accepted the filing of this untimely pleading.

[2] The filing of this additional pleading was permitted by order of Motion's Commissioner released May 12, 1958.

It is further ordered, That the further hearing be held upon the following issues:

1. To determine whether John R. Livingston, a 48 percent stockholder in the applicant, Town and Country, exercised control and dictated the policies of Station KCLN, prior to consent by the Commission to the assignment, in violation of section 310 (b) of the Communications Act of 1934, as amended.
2. To inquire further into the financial qualifications of Town and Country on the premise that John R. Livingston may not now be able to meet his financial commitments amounting to $8.000.
3. To determine on the basis of the foregoing whether facts exist which indicate that John R. Livingston and Town and Country Radio, Inc. do not possess the necessary basic character and other qualifications to be a licensee of this Commission.

Both the burden of proof and the burden of proceeding with the introduction of evidence upon the foregoing issues are placed upon Plough Broadcasting Company, Inc.[3]

Released: June 19, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4807; Filed, June 24, 1958; 8:53 a. m.]

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[3] This is not to be construed as relieving the applicant of the burden it ultimately has of proving its own qualifications to the extent that they have been placed in issue by previous orders herein.

[Docket No. 11982 etc.; FCC 58-580]

ENTERPRISE BROADCASTING CO. ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of Enterprise Broadcasting Co., Fresno, California; Docket No. 11982, File No. BP-10319; Air Waves, Incorporated (KONG), Visalia, California; Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California; Docket No. 11984, File No. BP-10735; for construction permits.

1. The Commission has before it for its consideration (1) a petition to reopen the record and for enlargement of issues filed by Enterprise Broadcasting Co. (Enterprise) January 30, 1958; (2) opposition to petition to enlarge and reopen record filed February 10, 1958, by Radio Dinuba Company (Dinuba); (3) reply to petition to enlarge filed February 12, 1958, by the Broadcast Bureau; and (4) reply to Radio Dinuba's opposition and comments with respect to Broadcast Bureau's reply thereto filed February 19, 1958, by Enterprise.

2. This proceeding involves three applicats: Enterprise Broadcasting Co. (Enterprise), Fresno, California; Air Waves, Incorporated (KONG), Visalia, California; and Radio Dinuba Company (KRDU), Dinuba, California. Enterprise seeks a new standard broadcast facility; Dinuba and Air Waves seek improvement of existing facilities. The applications of Enterprise and Air Waves are not mutually exclusive, and both may be granted. The application of Dinuba is mutually exclusive with the applications of Enterprise and Air Waves.

3. To understand the basis of the relief sought in the instant petition of Enterprise, it will be helpful to set forth some of the history of this proceeding. On January 13, 1958, Air Waves filed a motion before the Chief Hearing Examiner to dismiss its application. In connection therewith, Air Waves submitted two agreements, each dated January 8, 1958, made by and between Air Waves and Dinuba, one of which provides for the payment of the sum of $4,609.41 by Dinuba to Air Waves for the latter's expenses in prosecuting its application, $2,000 of which is payable only in the event the Commission dismisses Air Waves' application and the balance ($2,609.41) is payable on condition the Commission grants the application of Dinuba. The other agreement provides for the employment of Mr. Harry Layman (president and sole stockholder of Air Waves) by Dinuba as their local sales representative in the Visalia area for a period of four years, provided that Dinuba obtains a grant of its instant application. In addition, said agreement provides for the payment of a commission to Mr. Layman of 30 percent of all sales made in Visalia by Layman or Dinuba excepting sales of broadcast time to three named business establishments.

4. On January 23, 1958, oral argument on said motion to dismiss was held before the Chief Hearing Examiner. The Broadcast Bureau argued that it should be dismissed with prejudice; otherwise the motion was unopposed. On January 27, 1958, the Chief Hearing Examiner, by formal order, denied the motion and retained Air Waves' application in hearing status.[1] In his order the Chief Hearing Examiner pointed out that there had been no formal showing as to actual expenditures made in the prosecution of Air Waves' application, as required by the provisions of § 1.312 (c) of the Commission's rules.[2] The Chief He Examiner therefore took the pos that the Broadcast Bureau could " velop upon the record all of the facts a circumstances surrounding" the agre ments of January 8, 1958. Also, on Ja uary 27, 1958, the Hearing Examin independently of the above mentio order of the Chief Hearing Examiner, re ceived into evidence certain testimo with respect to the agreements of Ja uary 8, 1958, to the extent that Dinuba' principals were examined by the Broad cast Bureau and Enterprise, whereupo the record was closed. Air Waves d not appear at this hearing.

5. On January 30, 1958, Enterpris filed its instant petition to reopen th record and enlarge the issues, basing i allegations on the matters and thin developed at the hearing of January 8, 1958. Its petition for enlargement in cludes five distinct issues, some of whi contain sub-issues. The subject matt of its request concerns the aforemen tioned agreements of January 8, 195 made by and between Air Waves an Dinuba. It is contended that a reason able interpretation of these agreeme gives rise to the following pertinent are of inquiry: (1) whether or not sai agreements create an interest within th meaning of § 3.35 of the Commission' rules;[3] and (2) whether Stations KON (Air Waves) and KRDU (Dinuba) se thereby to control competition betwee themselves adverse to the public interest.

6. In support of its petition to enlarge, Enterprise alleges that the agreement o January 8, 1958 between Air Waves an Dinuba relating to the employment o Mr. Layman will insure Dinuba's non participation in the Visalia service are In this connection, Enterprise ma reference to the record (Tr. 252) where at in response to cross-examination b counsel for Enterprise, Mr. Hofer, presi dent of Dinuba, testified that the tota compensation which Mr. Layman, presi dent of Air Waves, may expect to reali under the 30 percent commission provi sion would amount to approximately $25.00 to $30.00 per year. Such a provi sion, Enterprise urges, demonstrates tha the real purpose of said agreement is t insure Air Waves (KONG) that Dinub (KRDU) will not compete in the Visali market which presently is the territor of KONG. Enterprise further contend that Air Waves has an interest in Dinu ba's application by reason of the provi sion of the agreement which expressl conditions the payment by Dinuba t Air Waves of the sum of $2,609.41 upo the grant of Dinuba's application. Th nature of this interest, it is contended, i such as to raise an issue with respect t a possible violation of § 3.35 of the Co

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[1] Air Waves did not appeal from the Examiner's ruling, consequently the Commission has had no opportunity to pass upon the propriety of the Chief Hearing Examiner's ruling.

[2] Section 1.312 (c) provides, inter alia, tha a motion to dismiss an application witho prejudice after it has been designated f hearing must be accompanied by an affida as to whether or not consideration has bee promised to or received by petitioner i which case the affidavit shall set forth in fu detail all facts relevant thereto.

[3] This is the so-called duopoly rule.

sion's rules. In support of the latter contention, Enterprise points out that the engineering evidence of record discloses a substantial overlap of the 2.0 mv/m contours of Dinuba (KRDU) and Air Waves (KONG) and an overlap of Dinuba's nighttime interference-free coverage contour with that of Air Waves is almost "25 percent of the area served by Dinuba at night". Lastly, Enterprise alleges upon information and belief that Dinuba has entered into a sales agreement with one John M. Banks for broadcast time for resale and since Dinuba has failed to file the information relating to said agreement, it is alleged that Dinuba has violated § 1.342 (c) of the Commission's rules.

7. The Broadcast Bureau opposes in part Enterprise's petition for enlargement. The Bureau takes the position that ordinarily evidence relevant to Enterprise's proposed issues with respect to the agreements of January 8, 1958, properly could be received under the general issue provided in § 1.363 (c)[4] of the Commission's rules and regulations but since Air Waves is still a party to the within proceeding the Bureau proposes an issue as follows: "To determine the purpose of and reasons for the arrangements under the two agreements executed January 8, 1958, between the principals of Radio Dinuba Company (KRDU) and Air Waves, Incorporated (KONG) looking toward the dismissal of the application of Air Waves, Incorporated (KONG) and to determine in the light of the evidence adduced with respect thereto whether a grant to KRDU would be in the public interest."

8. The Broadcast Bureau opposes any enlargement of issues with respect to the existence of a contract relating to the sale of broadcast time to "time brokers" for resale to which Dinuba allegedly is a party.

9. Enterprise, in its comments to the Bureau's reply pleading, states that it is satisfied with the issue proposed by the Bureau, but insists that a further issue should be added with respect to the above mentioned "time broker" contract.

10. Dinuba opposes the petition for enlargement. In support of its opposition, Dinuba in substance alleges that: (1) Enterprise failed to oppose Air Waves' motion before the Chief Hearing Examiner to dismiss its application and should, therefore, be precluded from seeking an enlargement of issues relating to the facts and circumstances surrounding the January 8, 1958, agreements between Dinuba and Air Waves; (2) the engineering data upon which Enterprise relies in support of its petition for enlargement of issues has been on file for a considerable period of time prior to the filing of the within petition, thus rendering said petition untimely; and (3) Dinuba categorically denies that it is a party to any contract for sale of broadcast time to "time brokers" for resale.

11. We see no merit in Dinuba's contention that Enterprise is somehow estopped to petition for enlargement of issues at this time because of its failure to oppose Air Waves' motion to dismiss its application filed January 13, 1958, before the Chief Hearing Examiner. That motion, having been denied, is, in legal contemplation, a nullity insofar as Enterprise's rights are concerned. Moreover, we are in agreement with the view expressed by the Broadcast Bureau that had Air Waves' motion to dismiss been granted, evidence relevant to Enterprise's proposed issues as regards the agreements of January 8, 1958, properly could be received under the general issue provided in § 1.363 (c) of the Commission's rules and regulations.

12. In addition, contrary to the contentions of Dinuba, we find Enterprise's petition to be timely filed. The fact that the engineering data upon which Enterprise relies in partial support of its petition has been on file for a considerable period of time does not make said petition belated or stale. We think a fair evaluation of the record supports the conclusion that petitioner could not reasonably have been expected to discover the alleged relevance between the engineering data and the agreements of January 8, 1958, which forms the substance of its petition, prior to the hearing of January 27, 1958. The filing of the petition on January 30, 1958, is a clear demonstration of diligence on the part of petitioner.

13. Although reasonable minds might differ with respect to the construction to be placed on the agreements of January 8, 1958, between Dinuba and Air Waves, we are of the view that petitioner has alleged facts sufficiently probative to warrant an evidentiary hearing into the intentions of the parties thereto, as well as the practical effect thereof, insofar as the same may bear upon the public interest generally and, in particular, § 3.35 of the Commission's rules and regulations.

14. Lastly, we are in agreement with the contentions of Dinuba and the Broadcast Bureau that petitioner has failed to allege any facts or circumstances which would warrant inquiry into the question of whether or not Dinuba is a party to any contract relating to the sale of broadcast time to "time brokers" for resale.

In view of the foregoing: *It is ordered*, This 18th day of June 1958, that the petition for enlargement of issues with respect to the agreements of January 8, 1958, made by and between Radio Dinuba Company (KRDU) and Air Waves, Incorporated (KONG) is granted and in all other respects said petition is denied.

It is further ordered, That the issues in the above-entitled proceeding are enlarged by the addition of the following issue: "To determine the purpose of and reasons for the arrangements under the two agreements executed January 8, 1958, between the principals of Radio Dinuba Company (KRDU) and Air Waves, Incorporated (KONG) looking toward the dismissal of the application of Air Waves, Incorporated (KONG) and to determine in the light of the evidence adduced with respect thereto whether a grant to KRDU would be in the public interest."

Released: June 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4808; Filed, June 24, 1958; 8:53 a. m.]

[Docket No. 12365; FCC 58M-657]

WILLARD MOBLEY

ORDER CONTINUING HEARING

In the matter of Willard Mobley, P. O. Box 266, Aransas Pass, Texas; Docket No. 12365; order to Show Cause Why There Should Not Be Revoked the License for Radio Station WB-8053 Aboard the Vessel "Frances S."

The Hearing Examiner having under consideration a motion filed on June 16, 1958, by the Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on June 23, 1958, at 2:00 p. m., be continued indefinitely; and

It appearing, that the public interest requires an early consideration of such motion and good cause has been shown for the grant thereof;

It is ordered, This 19th day of June 1958, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to a time and place to be specified in a subsequent order.

Released: June 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4809; Filed June 24, 1958; 8:54 a. m.]

[Mexican List No. 210]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

MAY 17, 1958.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

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[4] Section 1.363 (c) provides: "(c) In all cases arising under paragraphs (a) and (b) of this section, the hearing examiner will consider in the initial decision the issue of whether a grant of the remaining application or applications to be prosecuted would be in the public interest in the light of the arrangement whereunder the parties effected a consolidation of their respective interests or the competing applications were either dismissed or amended and removed from hearing."

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		620 kilocycles				
XECK (change in frequency from 1340 kc.).	Durango, Durango	1000 w D/100 w N.	ND	U	IV	Nov. 17, 1958
		970 kilocycles				
XEDF (correction in time of operation).	Mexico, D. F.	5 kw D/1 kw N.	DA-N	U	III	May 17, 1958
		1010 kilocycles				
XEPB (new)	Hermosillo, Sonora	250 w D	ND	D	II	Nov. 17, 1958
		1260 kilocycles				
XEXR (new)	Ciudad Valles, San Luis Potosi.	1000 w D	ND	D	III	Do.
		1320 kilocycles				
XETN (new)	Tuxtepec, Oaxaca	1000 w D/100 w N.	ND	U	IV	Do.
		1340 kilocycles				
XECK (delete assignment—see 620 kc.).	Durango, Durango	1000 w D/250 w N.	ND	U	IV	
		1480 kilocycles				
XENS (new)	Navojoa, Sonora	1000 w	DA-N	U	III	Do.
		1520 kilocycles				
XETH (new)	Huimanguillo, Tabasco	1000 w D/100 w N.	ND	U	II	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS
Secretary.

[F. R. Doc. 58-4810; Filed, June 24, 1958; 8:54 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-102]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of a notice of proposed action with the Federal Register Division the Atomic Energy Commission has this date issued License No. XR-21 to American Machine & Foundry Company authorizing the export of a 1,000 kilowatt pool-type research reactor to Commissariat a L'Energie Atomique, Israel. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on May 3, 1958, 23 F. R. 2990.

Dated at Germantown, Md., this 12th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-4772; Filed, June 24, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13210, etc.]

GEORGE JACKSON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 19, 1958.

In the matters of George Jackson, Docket No. G-13210; Crescent Oil & Gas Corporation, Operator, et al.,[1] Docket No. G-13818; United Producing Company, Inc., Operator, et al.,[2] Docket No. G-14162; The Texas Company,[3] Docket No. G-14241; Sinclair Oil & Gas Company,[4] Docket No. G-14350; Aztec Oil & Gas Company,[5] Docket Nos. G-14453 and G-14547; Skelly Oil Company,[6] Docket No. G-14513; Skelly Oil Company,[7] Docket No. G-14549; Aztec Oil & Gas Company,[8] Docket No. G-14563; Arkansas Louisiana Gas Company, Docket No. G-14659.

Take notice that each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of nautral gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No.; Location of Field; Buyer

G-13210; Union District, Preston County, West, Virginia; Cumberland and Allegheny Gas Company.

G-13818; Waskom Field, Panola County, Texas; Texas Eastern Transmission Corporation.

G-14162; Mocane Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

G-14241; Rhodes, Langlie-Mattix and Dollarhide Fields, Lea County, New Mexico; El Paso Natural Gas Company.

G-14350; Eunice Pool, Lea County, New Mexico; El Paso Natural Gas Company.

G-14453, G-14547; Blanco (Mesaverde) Field, San Juan County, New Mexico; El Paso Natural Gas Company.

G-14513; Pictured Cliffs Field, Rio Arriba County, New Mexico; El Paso Natural Gas Company.

G-14549; San Juan Basin, La Plata County, Colorado; Pacific Northwest Pipeline Corporation.

G-14563; Aztec (Pictured Cliffs) Fiel Juan County, New Mexico; El Paso Gas Company.

G-14659; Jordan and Jernigan "A" Bethany Field, Panola County, Texas; Gas Pipe Line Company.

These matters should be heard on consolidated record and disposed of promptly as possible under the applica rules and regulations and to that

Take further notice that, pursuant the authority contained in and subje to the jurisdiction conferred upon Federal Power Commission by section 7 and 15 of the Natural Gas Act, and Commission's rules of practice and procedure, a hearing will be held on July 1958, at 9:30 a. m., e. d. s. t., in a hear room of the Federal Power Commiss 441 G Street NW., Washington, D. C concerning the matters involved in the issues presented by such applic tions: *Provided, however,* That the Co mission may, after a noncont hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the proced herein provided for, unless otherwi advised it will be unnecessary for Applicants to appear or be represented at th hearing.

Protests or petitions to intervene ma be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1958. Failure of any party t appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in case where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary,

See footnotes at end of document.

[1] Application covers proposed sale of ga pursuant to five separate ratification agreements dated August 9, 12, 21, 25, and 2 1957, of a basic contract dated July 16, 19 as amended, between Crescent Oil and Ga Corporation, Seller, and Texas Eastern Buyer. By the above-mentioned ratification agreements, W. E. Mitchell, Jr., J. I. Roberts A. L. Roquemore, Jr., Gilbert M. Turner and W. M. Bill Horner and Max Clark, respectively added additional acreages to and extended the H. F. Edgar Unit (previously dedicated t the basic contract) and became signatory parties to said basic contract by ratification

[2] Application covers proposed sale of ga pursuant to a ratification agreement date February 15, 1957, of a basic contract date March 14, 1956, as amended, between United Producing Company, Inc., Seller, and Colorado Interstate, Buyer. The subject ratification agreement amends the basic contract by adding additional acreage dedicated b R. E. Smith who is a signatory party to the ratification agreement which has also been signed by the purchaser.

[3] Application covers a proposed sale of natural gas pursuant to five amendatory agreements dated September 3, 1954, November 1 1954, August 23, 1955, December 18, 1956, and November 18, 1957, which add additional acreages to a basic contract dated November 7, 1953, as amended. Applicant was authorized in Docket No. G-4616 covering the sa of gas under the basic contract. Amendatory agreement dated December 18, 1956, limited production to depths down to and including the Queen Formation and amendatory agreement dated November 18, 1957, limited production to horizons above the base of the Drinkard Formation.

[4] Application covers a proposed sale of natural gas pursuant to an amendatory agreement dated November 1, 1957, which adds additional acreage to a basic contract dated March 31, 1958, as amended.

[5] Aztec Oil & Gas Company, non-operatory, is filing for its 12.5 percent and 6.12584 percent working interest in the Snyder No. 1 (Docket No. G-14547) and the Federal No. 1 (Docket No. G-14453) Units, respectively, production from which is proposed to be sold pursuant to two amendatory agreements dated December 2, 1957, and January 31, 1958, which add additional acreages to a basic contract dated February 2, 1951, as amended. Aztec received authorization in Docket No. G-7241 covering the sale of gas under the basic contract. Production is limited to the Mesaverde Formation.

[6] Application covers a proposed sale of natural gas pursuant to an amendatory agreement dated February 3, 1958, which adds additional acreage to a basic contract dated March 9, 1953, as amended. Applicant received authorization in Docket No. G-5317 covering the sale of gas under the basic contract. Production is limited to depths down to and including the Pictured Cliffs Formation.

[7] Skelly Oil Company, nonoperator, is filing for its 12.5 percent interest in the Ignacio 33-8 Unit, production from which is proposed to be sold to Pacific Northwest (Purchaser and Operator of subject unit) pursuant to an amendatory agreement dated February 6, 1958, which adds additional acreage to a basic contract dated March 21, 1956. Skelly received authorization in Docket No. G-10995 covering sale under the basic contract. Amendatory agreement limits production to the Mesaverde Formation.

[8] Aztec Oil & Gas Company, nonoperator, is filing for its 25.54620 percent working interest in the State Unit "U" No. 1, production from which is proposed to be sold pursuant to an amendatory agreement dated January 31, 1958, which adds additional acreage to a basic contract dated July 17, 1953, as amended. Aztec received authorization in Docket No. G-7241 covering the sale of gas under the basic contract. Production is limited to depths down to and including the Pictured Cliffs Formation.

Amendment filed May 15, 1958 supplementing original application to include dedication of additional acreage under supplemental agreement dated April 10, 1958 to basic sales contract.

[F. R. Doc. 58-4790; Filed, June 24, 1958; 8.49 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 343]

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR FRESH OR PERISHABLE FOODS FOR CIVIL AERONAUTICS ADMINISTRATION COMMISSARIES ON WAKE AND CANTON ISLANDS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called "the act", authority is hereby delegated to the Secretary of Commerce to negotiate without advertising under section 302 (c) (8) of the act contracts for the procurement of fresh or perishable foods for the Civil Aeronautics Administration commissaries on Wake and Canton Islands.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304, 305, and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority contained herein may be redelegated to any official of the Department of Commerce.

4. This delegation is effective as of the date hereof, and shall not be extended beyond December 31, 1959.

Dated: June 17, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-4799; Filed, June 24, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 222]

MOTOR CARRIER APPLICATIONS

JUNE 20, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2998 (Sub No. 21), filed June 12, 1958. Applicant: WOLVERINE EXPRESS, INCORPORATED, 701 Erie, Muskegon, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Consumers Power Company plant in Port Sheldon Township, Ottawa County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Muskegon, Mich., and Benton Harbor, Mich., over U. S. Highway 31. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

HEARING: July 17, 1958, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 26396 (Sub No. 3) REPUBLICATION, filed April 1, 1957, published page 6306 issue of August 7, 1957. Applicant: STAR TRANSFER COMPANY, a Corporation, 1024 Second Avenue, North Billings, Mont. Applicant's attorney: Joseph F. Meglen, 2822 Third Avenue North, Billings, Mont. The following are excerpts from the Report and Order of the Commission, Division 1, entered in the subject proceeding and served June 18, 1958. By application filed April 1, 1957, Star Transfer Company, a corporation, of Billings, Mont., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of liquid chemical fertilizer and fertilizer compound, in bulk, in tank vehicles, and dry fertilizer and dry fertilizer compound, in bags and in packages, in truckload lots, from Pocatello, Idaho, and points within 25 miles thereof, to points in Big Horn, Blaine, Broadwater, Carbon, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Liberty, McCone, Meagher, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties, Mont., over irregular routes. In our opinion a need has been demonstrated for motor carrier service in the transportation of liquid fertilizer and liquid fertilizer compound in bulk, in tank vehicles, from Don only to Shelby, Billings, Hardin, and Hysham, Mont. We also believe that authority should be granted to transport dry fertilizer and dry fertilizer compound, in bags and in packages, from Don to points in Big Horn, Carbon, Fergus, Garfield, Golden Valley, Jefferson, Judith Basin, Musselshell, Petroleum, Rosebud, Sheridan, Stillwater, Sweet Grass, Treasure, Wheatland and Yellowstone Counties, Mont. Applicant contends that the board erred in finding dry bulk fertilizer beyond the scope of the application and in failing to analyze the evidence pertaining to this commodity. The application seeks authority to transport liquid chemical fertilizer and fertilizer compound, in bulk, in tank vehicles, and dry fertilizer and dry fertilizer compound, in bags and in packages, in truckload lots. As seen, a need has been amply demonstrated for the transportation of dry bulk fertilizer, and while we conclude that such authority should be granted, embracing the counties previously enumerated in which dry bulk fertilizer is sold and would be sold if motor common carrier transportation were available, we agree with the board that dry bulk fertilizer is beyond the scope of the application. Opposing carriers which were present at the hearing do not appear to have been prejudiced by the introduction of evidence relating to the need for motor transportation of this commodity, but other members of the public who relied upon notice of the application as published in the FEDERAL REGISTER may have an interest which has been prejudiced by the lack of proper notice. Interested persons are, of course, entitled to rely upon the authenticity and accuracy of matters published in the FEDERAL REGISTER. In the circumstances, authority to transport dry fertilizer in bulk will be granted but the application will be republished in a manner to cover dry fertilizer in bulk and the

issuance of the certificate granted herein will be withheld until the elapse of 30 days from the date of such republication during which period any proper party in interest may file a protest and petition for further hearing. We find that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of liquid chemical fertilizer and liquid fertilizer compound, in bulk, in tank vehicles, from Don, Idaho, to Shelby, Billings, Hardin, and Hysham, Mont.; (2) of dry fertilizer and dry fertilizer compound, in bags and in packages, from Don, Idaho, to points in Big Horn, Carbon, Fergus, Garfield, Golden Valley, Jefferson, Judith Basin, Musselshell, Petroleum, Rosebud, Sheridan, Stillwater, Sweet Grass, Treasure, Wheatland, and Yellowstone Counties, Mont.; and (3) of dry fertilizer, in bulk, from Don, Idaho, to points in Sheridan, Daniels, Yellowstone, Stillwater, Big Horn, Wheatland, Golden Valley, Rosebud, Treasure, and Carbon Counties, Mont.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that an appropriate certificate should be granted after the elapse of 30 days from the date of this republication in the Federal Register of this application as now in effect amended to cover dry fertilizer, in bulk and that in all other respects the application should be denied.

No. MC 28439 (Sub No. 86), filed June 5, 1958. Applicant: DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, except truck tractors, with or without equipment attached thereto, *trailers*, other than those designed to be drawn by passenger automobiles, and *tools, parts* and *other equipment* designed for use in connection with, and moving in combination loads with tractors, between Burlington, Iowa, and points in the United States and Alaska; and *commodities* named above, when moving as show equipment and displays, returning to Burlington, Iowa, from points in the United States and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 29, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 28439 (Sub No. 87), filed June 9, 1958. Applicant: DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (not including truck tractors) with or without attachments; *tractor attachments;* and *loading equipment*, between points in Bergen and Passaic Counties, N. J., on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 31, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 28439 (Sub No. 88), filed June 9, 1958. Applicant: DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, agricultural machinery, tractors* (other than truck tractors), *incidental machinery attachments and parts*, and *trailers* (other than those designed to be drawn by passenger automobiles), between Racine, Wis., Burlington and Bettendorf, Iowa, Rockford and Rock Island, Ill., and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Maryland, Delaware, New Jersey, New York, Virginia, the District of Columbia, West Virginia, and North Carolina. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 30, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 29886 (Sub No. 117), filed May 21, 1958. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (other than truck-tractors) *with or without attachments*, (2) when moving with such tractors (a) *parts thereof* and (b) *incidental machinery*, and (3) *trailers* designed for the transportation of the tractors described in (1) above, between Churubusco, Ind., on the one hand, and, on the other, points in the United States, except those in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations throughout the United States.

Note: Applicant states that it is authorized by Certificate No. MC 29886 (Sub No. 85) to transport crawler tractors, set up, with loading or grading attachments, and parts thereof, when transported in the same vehicle with such commodities, from Churubusco, Ind., to the destinations sought here. Applicant states it has pending before the Commission an application in MC 29886 (Sub No. 114) for authority to operate as a common motor carrier of two wheel trailers designed for the transportation of crawler-type tractors, partly or completely assembled, when transported in the same vehicle with crawler tractors, from Churubusco, Ind., to points in the United States, except those in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, over irregular routes. Applicant states there is only one shipper of the involved commodities in Churubusco, Ind. Applicant further states it does not desire duplicating authority and that if this application is granted, it will request cancellation of its certificate in No. MC 29986 (Sub No. 85) and of any authority it may receive in its MC 29886 (Sub No. 114).

HEARING: July 28, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 29886 (Sub No. 118), filed May 26, 1958. Applicant: DALLAS & MAVIS FORWARDING CO. INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, except truck tractors, with or without equipment attached thereto, *trailers*, other than those designed to be drawn by passenger automobiles, *tools, parts* and *other equipment* designed for use in connection with moving in combination loads with tractors, between Burlington, Iowa, and points in the United States and Alaska; and *commodities* named above when moving as show equipment and displays, on return to Burlington, Iowa, from points in the United States and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 29, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 61624 (Sub No. 4) (AMENDMENT), filed April 10, 1958, published issue June 5, 1958. Applicant: KIRBY & KIRBY, INC., 1052 Spruce Street, Trenton, N. J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *A mixture of corn syrup and invert sugar*, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N. J., over applicant's authorized regular and alternate routes, serving no intermediate points, but serving junction New Jersey Highway 73 (formerly New Jersey Highway S–41) and U. S. Highway 130 for joinder purposes only. Applicant is authorized to conduct operations in Connecticut, Delaware, New Jersey, New York, Pennsylvania, and West Virginia.

Note: Previous publication referred to the commodity as "A mixture of 25 percent corn syrup and 75 percent invert sugar". The supporting shipper now advises that this percentage may vary according to the commodity being processed.

HEARING: Remains as assigned July 15, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Isadore Freidson.

No. MC 64932 (Sub No. 242), filed May 22, 1958. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent muriatic acid*, in bulk, in tank vehicles, from Niles, Mich., to Chicago, Ill. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: July 28, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73 or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 67916 (Sub No. 3) (CLARIFICATION), published at Page 4129 issue of June 11, 1958, FEDERAL REGISTER, PETITION dated April 24, 1958, FOR REOPENING RECONSIDERATION AND MODIFICATION OF ORDERS DATED MAY 18, 1948 and JULY 31, 1951, THE NEW YORK CENTRAL RAILROAD COMPANY (COMMON CARRIER APPLICATION) 466 Lexington Avenue, New York, N. Y. Petitioner's attorneys: Herbert Burstein and Kenneth H. Lundmark, 466 Lexington Avenue, New York 17, N. Y. That portion of the above referred-to publication, as set forth in applicant's petition, and appearing on Page 4130, namely, "wherefore petitioner seeks reopening and modification of the aforesaid orders so as to enable it to provide substituted-motor-for-rail service *from* any restrictive key-point conditions at Anderson, Lafayette, Greensburg and Terre Haute, Ind.", is clarified and interpreted to mean: "wherefore, petitioner seeks reopening and modification of the aforesaid orders so as to enable it to provide substituted-motor-for-rail service *free* from any restrictive key-point conditions at Anderson, Lafayette, Greensburg, and Terre Haute, Ind.". (Italicizing provided.)

No. MC 76177 (Sub No. 264), filed June 6, 1958. Applicant: BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methyl vinyl pyridine*, in bulk, in tank vehicles, between Pace, Fla., and Pasadena (Houston), Tex. Applicant is authorized to conduct regular route operations in Alabama and Georgia, and irregular route operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89778 and subs thereunder. Common control, and Section 210, dual operations, may be involved.

HEARING: July 25, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 83539 (Sub No. 33), filed June 3, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *road building and/or earth moving equipment*, (2) *lumber and mining machinery and equipment*, (3) *tractors* (other than conventional truck tractors designed for highway operations), with loading, excavation and lifting attachments, (4) *commodities*, the loading, unloading or transportation of which, because of size, weight or shape require use of special equipment, special rigging, special handling or special attachments, and (5) *parts* of commodities described in (1) through (4) above, between New Philadelphia, Ohio, and points in the commercial zone of New Philadelphia, Ohio, on the one hand, and, on the other, points in the United States and Alaska. Applicant is authorized to conduct operations in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas Wisconsin, North Dakota, South Dakota, Missouri, Nebraska, Colorado, Nevada, Pennsylvania, Montana, Tennessee, Ohio, Minnesota, Michigan, New Jersey, New York, Wyoming, and Utah.

HEARING: August 1, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William A. Tyers.

No. MC 89975 (Sub No. 1), filed June 10, 1958. Applicant: MARTIN LUTHER REHMEYER, Hungerford, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Empty tin cans*, on pallets, from Baltimore, Md., to Hungerford, Pa., over U. S. Highway 111, serving no intermediate points; and (2) *Empty boxes, boxes on wheels*, and *empty pallets*, from Hungerford, Pa., to Baltimore, Md., over U. S. Highway 111, serving no intermediate points. Application is authorized to conduct operations in Maryland, Pennsylvania, and the District of Columbia.

NOTE: Applicant is authorized to transport Empty tin cans, in cartons and boxes, over the route described in (1) above.

HEARING: July 29, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 92983 (Sub No. 293), filed June 6, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda* and *caustic potash*, in bulk, in tank vehicles, from points in Marshall County, Ky., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Tennessee, and Ohio. Applicant is authorized to conduct operations in Illinois, Nebraska, Iowa, Wisconsin, Missouri, Indiana, Kansas, Minnesota, Arkansas, Ohio, Kentucky, North Carolina, South Carolina, Florida, Louisiana, Tennessee, Michigan, Texas, New York, South Dakota, Pennsylvania, Connecticut, Massachusetts, Georgia, Mississippi, Alabama, and Oklahoma.

HEARING: July 17, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 92983 (Sub No. 294), filed June 16, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, from Groton, Conn., to points in Illinois, Indiana, Iowa, and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 18, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 295), filed June 16, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats* and *oils* (other than petroleum and petroleum products), between points in Indiana, Kansas, Kentucky, Missouri, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: August 1, 1958, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner David Waters.

No. MC 109689 (Sub No. 43) and MC 109689 (Sub No. 44), REPUBLICATIONS filed January 18, 1957, published page 914, issue of February 13, 1957. Applicant: W. S. HATCH CO., a corporation, 643 South 100 West, Woods Cross, Utah. Applicant's attorneys: Marr, Wilkins, Cannon and Boyle, Continental Bank Building, Salt Lake City, Utah. The following are excerpts from the Report and Order of the Commission, Division 1, entered in the subject proceeding and served June 18, 1958. These applications were separately heard and were the subject of separate reports and recommended orders by the examiner. Since they involve related issues, they will be disposed of here in a single report. By applications filed January 18, 1957, and January 22, 1957, respectively, as amended, W. S. Hatch Co., a corporation of Woods Cross, Utah, seeks certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fertilizer solutions, and of acids and chemicals, in bulk, in tank vehicles except those petroleum chemicals listed in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, as follows: from Pocatello, Idaho, and points within 25 miles thereof, to points in Montana, Wyoming, Colorado, Utah, and Nevada in the title proceeding; and from points in Wyoming to points in Colorado, Utah, and Idaho in the sub-title proceeding. The consignee supporting the portion of the recommended authority in the sub-title proceeding to which exceptions are taken plans to purchase from 5,000 to 8,000 tons of dry or molten sulphur yearly for transportation from Worland, Powell, Neiber, and Manderson, Wyo. (points in Washakie, Big Horn, and Park Counties, Wyo.,) to a plant at Mexican Hat, San Juan County, Utah, which was expected to be complete before September 1957, for use in the manufacture of sulphuric acid. It will require about a truckload of sulphur every two days, and whether the sulphur to be used is dry or molten will depend partially upon its supplier but primarily upon its own needs. In this respect, it is more than likely that consignee will require molten sulphur as there is a greater possibility of loss in the handling of dry sulphur. It has been advised that the Wyoming sulphur in question is a by-product in the purification of petroleum. While we are of the opinion that a need for motor transportation of sulphur has been clearly established, we are unable to determine on the basis of the present record whether or not sulphur is a petroleum product or one of the commodities—fertilizer solutions, acids, or chemicals—listed in the application. Rather than seek specific authority to transport sulphur, applicant chose to describe the commodities it seeks authority to transport in terms which may or may not include sulphur. Opposing carriers which were present at the hearing do not appear to have been prejudiced by the introduction of evidence relating to the need for motor transportation of sulphur, but other members of the public who relied upon notice of the application as published in the FEDERAL REGISTER may have an interest which has been prejudiced by the lack of proper notice. Interested persons are, of course, entitled to rely upon the authenticity and accuracy of matters published in the FEDERAL REGISTER. In the circumstances, we shall republish in the FEDERAL REGISTER a statement of this application showing that sulphur covered thereby and shall withhold the issuance of a certificate herein until the elapse of 30 days from the date of such republication, during which period any proper party in interest may file a petition for further hearing. We find the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in No. MC-109689 (Sub No. 43), of fertilizer solutions and phosphoric acid, in bulk, in tank vehicles, from Don, Idaho, to Hysham, Mont., and, in No. MC-109689 (Sub No. 44), (1) of sulphur, in bulk, in tank vehicles, from points in Big Horn, Washakie, and Park counties, Wyo., to points in San Juan County, Utah, and (2) of soda ash, in bulk, in tank vehicles, from Westvaco, Sweetwater County, Wyo., (a) to points in Salt Lake and Wasatch Counties, Utah, (b) to points in Power, Shoshone, and Bonneville Counties, Idaho, and (c) to points in Lake, Garfield, La Plata, and Montrose Counties, Colo. We further find that applicant is fit, willing, and able properly to perform the service described in the preceding findings and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that an appropriate certificate in No. MC-109689 (Sub No. 43) should be issued; that an appropriate certificate in No. MC-109689 (Sub No. 44) should be issued after the elapse of 30 days from the date of this republication in the FEDERAL REGISTER of this application, and that the application in all other respects should be denied.

NOTE: This republication, and the delay as to the issuance of a certificate pertains only to the proceeding in No. MC 109689 (Sub No. 44).

No. MC 112861 (Sub No. 18), filed May 9, 1958. Applicant: W. H. WOOTEN AND J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Avenue, Memphis 6, Tenn. Applicant's attorney: Louis I. Dailey, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined in Appendix XIII of Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, in bulk, in tank vehicles, from East St. Louis, Ill., and points in Illinois within 15 miles thereof to points in Tennessee on and west of U. S. Highways 31 and 31-W, those in Mississippi on and north of U. S. Highway 80, and those in Arkansas on and east of U. S. Highway 167 from the Louisiana-Arkansas State line to Little Rock, and on and east of U. S. Highway 65 from Little Rock to the Arkansas-Missouri State line, including Little Rock and points within 10 miles thereof. Applicant is authorized to conduct operations in Arkansas, Kentucky, Tennessee, Mississippi, Alabama, Missouri, Illinois, Iowa, and Indiana.

HEARING: July 21, 1958, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 114019 (Sub No. 19), filed June 18, 1958. Applicant: THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles F. Riddle, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials* and *supplies* used in the manufacture of foodstuffs, from points in Illinois to points in Adams County, Pa., and those in Monroe, Orleans, and Wayne Counties, N. Y. Applicant is authorized to conduct contract carrier operations under Permit No. MC 9685 and sub-numbers thereunder in Tennessee, Ohio, Indiana, Kentucky, Pennsylvania, Wisconsin, New York, Michigan, Missouri, Iowa, West Virginia, Virginia, Maryland, Massachusetts, Minnesota, New Jersey, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212 (c) in MC 9685 (Sub No. 58), to determine whether applicant's status is that of a contract or common carrier.

HEARING: July 15, 1958, at the Office of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 116459 (Sub No. 3), filed May 12, 1958. Applicant: ASPHALT HAULERS, INC., Airport Road, P. O. Box [illegible], Chattanooga 11, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: In bulk, in tank vehicles, (1) *asphalt and asphalt products*, from Knoxville, Tenn., and points within [illegible] miles thereof, to points in Kentucky, Virginia, North Carolina, South Carolina, Georgia, and Alabama, (2) *residual fuel oils*, from points in Hamilton and Knox Counties, Tenn., to points in Kentucky, Virginia, North Carolina, South Carolina, Georgia, and Alabama, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

HEARING: July 14, 1958, at the Kentucky Hotel, Louisville, Ky., before Examiner Mack Myers.

No. MC 117392 (Sub No. 1), filed May 16, 1958. Applicant: FRANK W. EDMANDS, INC., 16 Woodbury Avenue, Saugus, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, from Cambridge, Mass., to Middlebury, Vt. Applicant holds contract carrier authority in Permit No. MC 89726. Section 210, dual operations, may be involved.

HEARING: July 25, 1958, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 189, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

MOTOR CARRIERS OF PASSENGERS

No. MC 1510 (Sub No. 60), filed June 12, 1958. Applicant: SOUTHWESTERN GREYHOUND LINES, INC., 210 East Ninth Street, Fort Worth, Tex. Applicant's attorney: William M. Brown, [illegible] Electric Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, newspapers, express, mail and/or baggage of passengers* in the same vehicle with passengers, (1) EXTEND OPERATIONS: between Tulsa, Okla., and Okmulgee, Okla., from Tulsa over U. S. Highway [illegible] to junction Oklahoma Highways 67 and 138 at or near Glenpool, Okla., thence over Oklahoma Highway 138 to junction new Highway near Preston, Okla. (to be designated U. S. Highway 75), and thence over said relocated Highway to Okmulgee, and return over the same route, serving no intermediate or off-route points, (2) DISCONTINUE OPERATIONS: between Sapulpa, Okla., and Preston, Okla., over U. S. Highway 75, a portion of its regular route authorized in No. MC 1510 between Sapulpa, Okla., and Dallas, Tex., serving all intermediate points.

NOTE: The discontinuance of route No. (2) above is contingent upon the granting of Route No. 1 above. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: July 28, 1958, at the Mayo Hotel, Tulsa, Okla., before Joint Board No. 88.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 28892 (Sub No. 2), filed June 12, 1958. Applicant: J. D. POTEET AND V. D. POTEET, a partnership, doing business as POTEET TRANSFER CO., Morrilton, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Morrilton, Ark., and Little Rock, Ark. over U. S. Highways 64 and 65; and *household goods, cotton, used farm equipment* and *farm products*, over U. S. Highway 67 from Arkansas-Texas Line to Arkansas-Missouri Line; U. S. Highway 70 from Little Rock to Arkansas-Tennessee Line; U. S. Highway 65 from Arkansas-Louisiana Line to Arkansas-Missouri Line; U. S. Highway 64 from Conway to Russellville, Ark.; State Highways 7 and 22 from Russellville to Fort Smith, Ark.; U. S. Highway 71 from Fort Smith to Arkansas-Missouri Line; U. S. Highway 167-Little Rock to Arkansas-Louisiana Line; State Highway 115 from Thornton to El Dorado, Ark.; State Highway 3 from Camden to Magnolia, Ark., serving all points.

NOTE: Applicant seeks a Certificate of Public Convenience and Necessity in lieu of, and authorizing continuance of, interstate operations conducted under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, Docket No. MC 28892 (Sub No. 1), supported by Arkansas Corporation Commission intrastate certificate on file with this Commission. Applicant states if and when a Certificate of Public Convenience and Necessity is granted to it, it is agreeable to the cancellation of its proviso filing in Docket No. MC 28892 (Sub 1). Applicant presently holds no authority from this Commission.

No. MC 39976 (Sub No. 8), filed June 9, 1958. Applicant: RAYMOND D. GIBBS, doing business as DAN GIBBS AND SON, 409 Beach Lane Drive NW., New Philadelphia, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, such as brick, sewer pipe, coping, and related products, from points in Tuscarawas County, Ohio, and Palmyra, in Portage County, Ohio, to points in the upper peninsula of Michigan, and *damaged, defective, refused or rejected clay products*, and *empty returned pallets*, and *empty containers or other such incidental facilities* (not specified) used in transporting clay products on return. Applicant in Permits No. MC 39976 (Sub No. 1) and (Sub No. 3), is authorized to transport similar commodities in Illinois, Indiana, the lower peninsula of Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 39976 (Sub No. 7).

No. MC 42487 (Sub No. 368), filed June 9, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Donald A. Schafer, Public Service Building, Portland 4, Oreg., and Ron E. Poelman, 431 Burgess Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, liquid petroleum products, in bulk, in tank vehicles, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Vantage, Wash., and Eltopia, Wash., from Vantage over Washington Highway 7-C to junction Washington Highway 11-G, thence over Washington Highway 11-G to Eltopia, and return over the same route, serving intermediate and off-route points presently authorized applicant in Certificate No. MC 42487 (Sub No. 163) which specifies, for general commodities with the above exceptions, that service is authorized to and from points in Grant, Lincoln, Franklin, Adams, and Benton Counties, Wash., as intermediate and off-route points in connection with carrier's authorized regular route operations. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states, under its Certificate No. MC 42487 (Sub No. 163) it is already authorized to serve all points on the requested route, and that the requested route is for use as a connecting route between applicant's regular routes over U. S. Highway 10 between Seattle and Spokane, Wash., and U. S. Highway 395 between Pasco and Spokane, Wash.

No. MC 66562 (Sub No. 1424), filed June 3, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Portland, Maine, and Lewiston, Maine, from Portland over Maine Highway 100 to junction U. S. Highway 202, thence over U. S. Highway 202 to Lewiston, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the proposed route will be an extension of applicant's existing operation under Certificate in No. MC 66562 (Sub No. 1371).

No. MC 66562 (Sub No. 1425), filed June 3, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Boston, Mass., and Lawrence, Mass., from Boston over city streets to Cambridge, Mass., thence over U. S. Highway 1 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to Lawrence, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 86687 (Sub No. 48), filed June 16, 1958. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, Seaboard Air Line Railroad Building, Norfolk 10, Va. Applicant's attorney: Richard A. Hollander, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, between Savannah, Ga., and Omaha, Ga., from Savannah over U. S. Highway 80 to junction U. S. Highway 280, thence over U. S. Highway 280 to junction Georgia Highway 23 at Reidsville, Ga. (also from junction U. S. Highway 280 and Georgia Highway 292 near Collins, Ga., over Georgia Highway 292 to Collins, Ga., thence over Georgia Highway 23 to junction U. S. Highway 280 at Reidsville, Ga.) thence over U. S. Highway 280 to Richland, Ga., thence over Georgia Highway 27 to Lumpkin, Ga., thence over U. S. Highway 27 to Louvale, Ga., and thence over unnumbered highway to Omaha, and return over the same route, serving all intermediate points which are stations on the rail line of the Seaboard Air Line Railroad Company and the off-route points of Ellabelle, Manassas, Collins, Ohoopee, and Helena, Ga. Applicant is authorized to conduct operations in North Carolina, Florida, South Carolina, Virginia, and Georgia.

NOTE: Applicant states that it presently is authorized at Sheet 4 of its certificate in No. MC 86687 (Sub No. 37) to operate as a motor service over the route which is the subject of this application. The purpose of this proceeding is to broaden the list of commodities which may be carried over that route.

No. MC 107128 (Sub No. 15), filed June 11, 1958. Applicant: FAST

FREIGHT, INC., 2612 West Morris Street, Indianapolis 21, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty pallets*, from points in Wisconsin and Cincinnati, Ohio, to Dunkirk, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 107128 (Sub No. 10).

No. MC 108461 (Sub No. 68), filed June 9, 1958. Applicant: WHITFIELD TRANSPORTATION, INC., 240 West Amador, Las Cruces, N. Mex. Applicant's representative: J. P. Rose, P. O. Box 5345, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *admixes*, in bulk, in hopper-type vehicles, from El Paso, Tex., to Cortez, Colo. Applicant is authorized to conduct operations in Texas, New Mexico, Utah, Colorado, Arizona, and California.

No. MC 108727 (Sub No. 2), filed June 9, 1958. Applicant: FRED C. ROTH, 6615 Orchard Avenue, Parma, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard drums*, from Wyandotte, Mich., to points in Ohio and Indiana; and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return. Applicant is authorized to transport empty wooden barrels and kegs and steel and plywood drums from Toledo, Ohio, to Erie, Pa., Ligonier, Ind. and points in the lower peninsula of Michigan, and cooperage stock between Toledo, Ohio and Wyandotte, Mich.

NOTE: A proceeding has been instituted under section 212 (c), No. MC 108727 Sub No. 1, to determine whether applicant's status is that of a contract or common carrier.

No. MC 116111 (Sub No. 4), filed June 9, 1958. Applicant: CHARLES S. REAVIS, doing busines as NORTH KANSAS CITY TOW SERVICE, 1042 Fayette, North Kansas City, Mo. Applicant's attorney: William Harrison Norton, 205 Pioneer Building, Armour at Swift, North Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular, routes, transporting: *Wrecked, disabled, or repossessed motor vehicles*, by use of wrecker equipment only, and *replacement vehicles for wrecked or disabled motor vehicles*, in secondary movements, in truckaway service, between points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Arkansas and Illinois. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and Oklahoma.

No. MC 117401, filed May 19, 1958. Applicant: HANSEN BROS. ELEVATOR CO., a Corporation, 104 East Railroad Street, Storm Lake, Iowa. Applicant's attorney: E. A. Hutchison, 420 Security Bank Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pebble lime*, in bulk, from the site of The Cutler-Magner Company's lime manufacturing plants at Duluth, Minn., and/or Superior, Wis., to points in Iowa, Nebraska, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

No. MC 117448, filed June 12, 1958. Applicant: WARREN C. SCOTT, R. D. No. 1, Sinclairville, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, (1) from points in Chautauqua, Cittaraugus, and Niagara Counties, N. Y., to Union City, Warren, York, Reading, Erie, Pittsburgh, and Philadelphia, Pa., Alliance, Cleveland, and Akron, Ohio, and Detroit, Mich.; and (2) from points in Cameron, Potter, and Clarion Counties, Pa., to ports of entry on the boundary between the United States and Canada at Buffalo and Niagara Falls, N. Y., Alliance, Cleveland, and Akron, Ohio, and Detroit, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 148) (CORRECTION), filed May 20, 1958, published issue June 5, 1958, at page 3959. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. In connection Route 1.3, lines 3 and 4 stating *"proposed route has not been applied for."* This phrase was in error, and should be disregarded.

PETITION

No. MC 37975, PETITION FOR REINSTATEMENT OF CERTIFICATE, dated June 11, 1958. Petitioner: ROBERT A. SMITH, Pocomoke City, Md. Petitioner's representative: W. J. Vaughan, Olney, Md. Robert A. Smith, petitioner, was granted a Certificate of Public Convenience and Necessity dated February 16, 1950 authorizing operations as a common carrier over regular and irregular routes, transporting specified commodities from, to and between specified points in Maryland, Pennsylvania, New York, Delaware, Virginia, the District of Columbia, New Jersey, Rhode Island, Massachusetts, and Connecticut. By order of this Commission dated April 13, 1955, the said Certificate was revoked. Petitioner states that on, before, and after the date his certificate was revoked, he was physically unable to render a continuous operation and he was incapable of conducting his affairs for a long period of time. Wherefore, petitioner prays, that in the light of his inability to operate, the Commission restore his certificate to an active status.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 427 (Sub No. 2). Respondent: GEORGE NEDDERSEN, doing business as NEDDERSEN TRANSIT, North Minneapolis, Minn. The above-numbered proceeding was instituted on the Commission's own initiative, on February 11, 1958, to determine the carrier's status pertaining to the contract carrier authority issued on or before August 22, 1957. It has now been determined that the carrier's operations are those of a contract carrier and an order which becomes effective July 21, 1958, will discontinue the proceeding.

No. MC 3368 (Sub No. 6). Applicant: R. F. HALE, doing business as HALE TRANSFER & STORAGE, Oskaloosa, Iowa. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 19, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 14458 (Sub No. 2). Applicant: JAMES L. KEENAN, doing business as KEENAN BROTHERS, Steubenville, Ohio. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 16, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 16503 (Sub No. 5). Applicant: JOHN L. GUEX, Shawano, Wis. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 17, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 18267 (Sub No. 7). Applicant: TEXAS-LOUISIANA EXPRESS, INC., Fort Worth, Tex. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 13, 1958, the carrier requested dismissal of the application, and an order was entered June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 23299 (Sub No. 1). Applicant: PACKAGE DELIVERY COMPANY, INC., Sioux Falls, S. Dak. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 21, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 28294 (Sub No. 1). Applicant: ERNEST MORIN, Claremont, N. H. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 30, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 41133 (Sub No. 1). Applicant: KEITH FULTON & SONS, INC., Cambridge, Mass. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 8, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 55555 (Sub No. 1). Applicant: FRANK FERRARO, doing business as FRANK FERRARO TRUCKING CO., Paterson, N. J. Carrier filed as application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 2, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 75566 (Sub No. 4). Applicant: SHERIDAN & DUNCAN, INC., New York, N. Y. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 1, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 101362 (Sub No. 1). Applicant: GUS FRASK, EDWARD J. RZONCA AND WALTER VOYTUS, doing business as G. E. & W. TRUCKING CO., Woodside, L. I., N. Y. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 1, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 103085 (Sub No. 2). Applicant: THOMAS H. COLLINGS, doing business as WESTERLY AUTO TRUCKING SERVICE, Westerly, R. I. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 19, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 108504 (Sub No. 1). Applicant: CARL H. SCHAFFER, Payson, Ill. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22 1957. On April 28, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 108727 (Sub No. 1). Applicant: FRED C. ROTH, Parma, Ohio. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 21, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 108732 (Sub No. 6). Respondent: DAVID KRAFT, doing business as KRAFT MOTOR TRANSPORTATION, Harrison, N. J. The above-numbered proceeding was instituted on the Commission's own initiative, on February 17, 1958, to determine the carrier's status pertaining to the contract carrier authority issued on or before August 22, 1957. It has now been determined that the carrier's operations are those of a contract carrier and an order which becomes effective July 21, 1958, will discontinue the proceeding.

No. MC 109470 (Sub No. 2). Applicant: JOSEPH A. CONRAD, doing business as CONRAD TRANSFER COMPANY, Terre Haute, Ind. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 17, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 109890 (Sub No. 1). Applicant: HARRY SMOLOWITZ AND MORRIS SMOLOWITZ, doing business as SMOLOWITZ BROS., Brooklyn, N. Y. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 30, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 110468 (Sub No. 2). Applicant: JOSEPH HERR, doing business as HERR TRUCKING COMPANY, Fremont, Ohio. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 16, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 110760 (Sub. No. 3). Applicant: DAVIS LAMBERT, doing business as LAMBERT & HOOD, Mt. Carmel, Ill. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 10, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

No. MC 114545 (Sub No. 1). Applicant: HARRY HAYDEN, Beach, N. D. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 5, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 115668 (Sub No. 1), Applicant: WARREN G. HARDING, Kendallville, Ind. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On May 7, 1958, the carrier requested dismissal of the application, and an order was entered on June 4, 1958, effective July 21, 1958, dismissing the application and discontinuing the proceeding.

No. MC 116127 (Sub No. 2). Applicant: GEORGE D. CYRUS, INC., Iola, Kans. Carrier filed an application, under section 212 (c) of the Interstate Commerce Act, for a determination of its status pertaining to contract carrier authority issued on or before August 22, 1957. On April 17, 1958, the carrier requested dismissal of the application, and an order was entered on June 3, 1958, effective July 15, 1958, dismissing the application and discontinuing the proceeding.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 54430 (Sub No. 8), filed June 13, 1958. Applicant: MARCELL'S MOTOR EXPRESS, INC., 947 Shelburne Road, South Burlington, Vt. Applicant's attorney: Drew L. Carrway, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, 1. From White River Junction, Vt., over U. S. Highway 4 to Rutland, Vt., and return. 1. (a) from White River Junction over U. S. Highway 4 to Fair Haven, Vt., thence over Vermont Highway 22A to junction Vermont Highway 237 or junction Vermont Highway 140, thence over Vermont Highway 273 or Vermont Highway 140 to Poultney, Vt., thence over Vermont Highway 30 to Manchester Center, Vt., thence over U. S. Highway 7 to Bennington, Vt., and return over U. S. Highway 7 from Bennington, Vt., to Rutland, Vt., thence over U. S. Highway 4 to White River Junction, Vt. 2. From White River Junction, Vt., over Vermont Highway 14 to junction with U. S. Highway 302, thence over U. S. Highway 302 to Montpelier, Vt., and return (also from Montpelier over Vermont Highway 12 to junction with Vermont Highway 107, thence over Vermont Highway 107 to junction with Vermont Highway 14; also from Montpelier over Vermont Highway 12 to junction with Vermont Highway 12A, thence over Vermont Highway 12A via Roxbury to junction with Vermont Highway 12; also from Montpelier over U. S. Highway 302 to East Barre, thence over Vermont Highway 110 to junction with Vermont Highway 14 at South Royalton, Vt.) 2. (a) from White River Junction, Vt., over Vermont Highway 14 to junction with U. S. Highway 302, thence over U. S. Highway 302 to junction with U. S. Highway 2, thence over U. S. Highway 2 to Middlesex, Vt., thence over Vermont Highway 100 to Warren, Vt., thence from Warren, Vt., over Vermont Highway 100 to junction with Vermont Highway 100B, thence over Vermont Highway 100B to Waterbury, Vt., thence over Vermont Highway 100 to North Hyde Park, Vt., thence over Vermont Highway 100C to Johnson, Vt., thence over Vermont Highway 15 to Cambridge, Vt., thence over Vermont Highway 104 to Fairfax, Vt., and return. 2. (b) From Fairfax, Vt., over Vermont Highway 104 to junction with Vermont Highway 15, thence over Vermont Highway 15 to Jeffersonville, Vt., thence over Vermont Highway 108 to Enosburg Falls, Vt., thence over Vermont Highway 105 to East Richford, Vt., and return. 2. (c) from East Berkshire, Vt., over Vermont Highway 118 to Montgomery Center, Vt., and return. 2. (d) from East Richford, Vt., over Vermont Highway 105 to St. Albans, Vt., and return. (Also, from junction Vermont Highway 105 with Vermont Highway 120, over Vermont Highway 120 to Franklin, Vt., thence over Vermont Highway 104B to Swanton, Vt., thence over U. S. Highway 7 to St. Albans, Vt., and return.) 2. (e) from St. Albans, Vt., over U. S. Highway 7 to Burlington, Vt., thence over Vermont Highway 15 to Essex Junction, Vt., thence over Vermont Highway 2A to junction with U. S. Highway 2, thence over U. S. Highway 2 to junction with U. S. Highway 302, thence over U. S. Highway 302 to junction with Vermont Highway 14, thence over Vermont Highway 14 to White River Junction, Vt., and return. 2. (f) from White River Junction, Vt., over Vermont Highway 14 to junction with U. S. Highway 302, thence over U. S. Highway 302 to junction U. S. Highway 2, thence over U. S. Highway 2 to Burlington, Vt., thence over U. S. Highway 7 to Rutland, Vt., thence over U. S. Highway 4 to White River Junction, Vt. 2. (g) from White River Junction, Vt., over Vermont Highway 14 to East Montpelier, Vt., thence over Vermont Highway 12 to Hardwick, Vt. (also from Hardwick, Vt., over Vermont Highway 15 to Wolcott, Vt., and return, and also from Hardwick, Vt., over Vermont Highway 12B to Craftsbury, Vt., and return), thence from Hardwick, Vt., over Vermont Highway 15 to West Danville, Vt. (also from Hardwick, Vt., over Vermont Highway 15 to junction with Vermont Highway 12 thence over Vermont Highway 12 to Greensboro Bend, Vt., and return), thence from West Danville, Vt., over U. S. Highway 2 to East Montpelier, Vt. (also from junction of U. S. Highway 2 and unnumbered highway at or near Marshfield, Vt., thence over unnumbered highway to Cabet, Vt., and return), thence from East Montpelier, Vt., over Vermont Highway 14 to White River Junction, Vt. 2. (h) from Montpelier, Vt., over U. S. Highway 2 to St. Johnsbury, Vt., thence over U. S. Highway 5 to Derby, Vt. (also, from Derby, Vt., over U. S. Highway 5 to Derby Line, Vt., and return), thence over Vermont Highway 105 to Bloomfield, Vt., thence over Vermont Highway 102 to Canaan, Vt., and return. (Also, return over Vermont Highway 102 to junction with U. S. Highway 2, thence over U. S. Highway 2 to St. Johnsbury, Vt.) (Also, from St. Johnsbury, Vt., over U. S. Highway 5 to White River Junction, Vt., and return.) Also, from Newport, Vt., over Vermont Highway 105 to North Troy, Vt., and return.) 2. (i) from White River Junction, Vt., over Vermont Highway 14 to junction with Vermont Highway 107, thence over Vermont Highway 107 to junction with Vermont Highway 100, thence over Vermont Highway 100 to Pittsfield, Vt., thence over Vermont Highway 100 to Granville, Vt., and return. 3. From White River Junction, Vt., over U. S. Highway 5 to St. Johnsbury, Vt., and return. (Also, from Wells River, Vt., over U. S. Highway 302 to Groton, Vt., and return.) (Also, from Bradford, Vt., over Vermont Highway 25 to Waits River, Vt., and return.) 3. (a) from White River Junction, Vt., over U. S. Highway 5 to Brattleboro, Vt., and return. (Also, from junction of Vermont Highway 11 and U. S. Highway 5 over Vermont Highway 11 to Springfield, Vt., and return.)

Service is proposed to all intermediate points on all the above-described routes. Applicant is authorized to conduct regular route operations in New Jersey, New York, and Vermont, and irregular route operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. This application is directly related to Docket No. MC-F 6932, published in the June 18, 1958, issue of the FEDERAL REGISTER.

NOTE: Applicant has pending in MC-F 6932 application to acquire all intrastate and registered interstate operating authority of Hathorn's Transportation Co., Inc. Inasmuch as applicant operates in several States and would not be able to perform operations under a registered intrastate certificate, if the authority sought in MC-F 6932 is granted, applicant has filed the instant application for the purpose of requesting a
certificate of public convenience
essity to cover the intrastate operat
thority of Harthorn's Transportat
Inc. which is registered with this C
sion in Docket No. MC 97732 under the
visions of the second proviso of
(a) of the Interstate Commerce Act.

APPLICATIONS UNDER SECTIONS 5
210a (b)

The following applications are
erned by the Interstate Commerce
mission's special rules governing
of filing of applications by motor
of property or passengers under
5 (a) and 210a (b) of the Inte
Commerce Act and certain other
cedural matters with respect
(49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6717 (CAROL
FREIGHT CARRIERS CORP.—
CHASE—MARION FREIGHT L
INC.), published in the October 18,
issue of the FEDERAL REGISTER on
8209. Application filed June 12,
temporary authority under section
(b).

No. MC-F 6913 (HUSMANN & RO
FREIGHT LINES, INC.—MERC
SCHIEN TRUCK LINES, INC.),
lished in the June 5, 1958, issue of
FEDERAL REGISTER on page 3959.
ment filed June 13, 1958, to show
of GUY ROPER, 14 Bridle Lane,
wood 22, Mo., and W. H. HUSMA
Whitfield Lane, Clayton 24, Mo.,
parties in control of HUSMA
ROPER FREIGHT LINES, INC.

No. MC-F 6932, (correction),
lished in the June 18, 1958, issue of
FEDERAL REGISTER on page 4399.
vendor's name should have been
as HATHORN'S TRANSPORTAT
CO., INC. (EDMUND J. HAUS,
CEIVER).

No. MC-F 6936. Authority sought
purchase by LOVELACE TRUCK
ICE, INC., 425 North Second
Terre Haute, Ind., of a portion
operating rights of McLAREN T
LINES, INC., 2 Ohio Street, Terre
Ind., and for acquisition by M. F.
MEYER, also of Terre Haute, of
of such rights through the purch
Applicants' attorney: Ferdinand
1019 Chamber of Commerce Bui
Indianapolis 4, Ind. Operating
sought to be transferred: *General*
modities, with certain exceptions
ing household goods and commodities
bulk, as a *common carrier* over a
route between Indianapolis, Ind.,
Terre Haute, Ind., serving no inte
diate and certain off-route points;
alternate route for operating
ience only. Vendee is authorized
operate as a *common carrier* in Ind
Illinois, and Missouri. Application
not been filed for temporary autho
under section 210a (b).

No. MC-F 6937. Authority sought
purchase by DICK D. SPERRY,
Street, Charles City, Iowa, of a por
of the operating rights of CO
CARTAGE CO., 1208 South Main
Charles City, Iowa. Applicants'
ney: Erwin Larson, Ellis Block,
City, Iowa. Operating rights sough
be transferred: *Household goods*,

[illegible] by the Commission, as a *common carrier* over irregular routes, between [illegible], Iowa, and points within 20 miles [illegible], on the one hand, and, on the other, points in Illinois, Wisconsin, and Minnesota. Vendee is authorized to operate as a *contract carrier* in Iowa and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6938. Authority sought for control by MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago 29, Ill., of SERVICE TRANSFER & STORAGE, INC., 222 East Washington Street, Springfield, Ill., and for acquisition by MILTON D. RATNER, also of Chicago, of control of SERVICE TRANSFER & STORAGE, INC., through the acquisition by MIDWEST TRANSFER COMPANY OF ILLINOIS. Applicants' attorneys: Clarence D. Todd or Charles W. Singer, both of 1825 Jefferson Place NW., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between specified points in Wisconsin, between Minneapolis, Minn., and La Crosse, Wis., between La Crosse, Wis., and Chicago, Ill., and between Prairie du Chien, Wis., and Chicago Ill., serving certain intermediate and off-route points; *general commodities*, except loose bulk commodities, livestock, Class A and B explosives, matches, currency, bullion, articles of virtu, and commodities exceeding ordinary loading facilities, between junction U. S. Highways 12 and 18, and junction U. S. Highway 18 and Wisconsin Highway [illegible], between junction U. S. Highway 18 and Wisconsin Highway 19 and junction Wisconsin Highway 19 and U. S. Highway [illegible], and between Chicago, Ill., and [illegible], Wis. (for the operation of [illegible] equipment only), serving certain intermediate and off-route points; *class A and B explosives* as classified in the Commission's Rules and Regulations governing the Transportation of Explosives and Other Dangerous Articles, between Rockford, Ill., and Camp McCoy, Wis., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, Mounds View Township, Ramsey County, Minn.; *household goods* as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Minnesota, South Dakota, Illinois, Ohio, Michigan, and Indiana, and between points in Minnesota, on the one hand, and, on the other, points in Illinois and Michigan. MIDWEST TRANSFER COMPANY OF ILLINOIS is authorized to operate as a *contract carrier* in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Kentucky, Wisconsin, Missouri, New York, Iowa, Maryland, New Jersey, West Virginia, Nebraska, and Minnesota. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6939. Authority sought for purchase by EDWARD M. RUDE CARRIER CORP., R. F. D. No. 1, Falling Waters, W. Va., of the operating rights and property of SEEGER BROS., Hillside Avenue, Kenvil, N. J., and for acquisition by EDWARD M. RUDE, also of Falling Waters, of control of such rights and property through the purchase. Applicants' attorney: Kenneth J. McAuliffe, 233 Broadway, New York 7, N. Y. Operating rights sought to be transferred: *Explosives, blasting supplies, chemicals*, and *military ordnance*, as a *contract carrier* over a regular route between Kenvil, N. J., and Aberdeen, Md., serving no intermediate points; *class A and B explosives and similar dangerous articles, empty containers*, and *rejected shipments* of such commodities, over irregular routes, between Kenvil, N. J., and points within five miles of Kenvil, on the one hand, and, on the other, points in Connecticut east of U. S. Highway 5, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Delaware, those in Maryland west of U. S. Highway 522 and east of Chesapeake Bay and the Susquehanna River, Virginia, those in West Virginia other than those on and east of U. S. Highway 522, and the District of Columbia; *explosives and similar dangerous articles*, between Kenvil, N. J., and points within five miles of Kenvil, on the one hand, and, on the other, points in Pennsylvania and New York, and certain points in Connecticut, Maryland, and West Virginia; *empty containers* for the commodities specified immediately above, from Bridgeport and Simsbury, Conn., and Port Ewen, N. Y., to Kenvil, N. J., and points within five miles of Kenvil; *class A and B explosives and similar dangerous articles*, and *empty containers*, between Port Ewen, N. Y., and points within five miles of Port Ewen, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, and those in New Jersey, except Kenvil and points within five miles of Kenvil. Vendee is authorized to operate as a *contract carrier* in New Jersey, Pennsylvania, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, Ohio, Kentucky, Tennessee, North Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6940. Authority sought for control by T. RUCKER GINN, 202 Clark Street, Covington, Ga., of ATLANTA-UNION POINT TRUCKING CO., INC., Box 237, Greensboro, Ga. Applicant's representatives: T. Rucker Ginn, 202 Clark Street, Covington, Ga., and D. C. Hemrick, Jr., Attorney, 504 Whitehead Building, Atlanta, Ga. Operating rights sought to be controlled: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of *general commodities* as a *common carrier*, over a regular route between Greensboro and Sparta, Ga., via Siloam and White Plains (State Highway No. 15). T. RUCKER GINN, doing business as MEADORS FREIGHT LINE, is authorized to operate as a *common carrier* and also under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the State of Georgia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6941. Authority sought for control and merger by GREAT SOUTHERN TRUCKING COMPANY, 2050 Kings Road, Jacksonville, Fla., of the operating rights and property of HUNT TRUCK LINES, INCORPORATED, 708 Whiting Street, P. O. Box 2309, Tampa 1, Fla., and for acquisition by RYDER SYSTEM, INC., JAR CORPORATION, JAR NO. 2 CORPORATION, J. A. RYDER and R. N. REEDY, all of 3401 Main Highway, Miami 33, Fla., of control of such rights and property through the transaction. Applicants' attorneys: Arthur H. Bernstein, Ryder System, Inc., P. O. Box 771, Coconut Grove Station, 3401 Main Avenue, Miami, Fla., and James M. Verner and William O. Turney, both of 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Tampa, Fla., and Lake Placid, Fla., between Tampa, Fla., and Lake Wales, Fla., between Lakeland, Fla., and Brewster, Fla., between Plant City, Fla., and Mulberry, Fla., between Lakeland, Fla., and Bartow, Fla., between Auburndale, Fla., and Dundee, Fla., between Winter Haven, Fla., and Fort Meade, Fla., between Brewster, Fla., and Frostproof, Fla., between junction Florida Highway 79 and unnumbered highway and junction unnumbered highway and Florida Highway 8, and between Haines City, Fla., and Lake Placid, Fla., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between certain points in Florida. GREAT SOUTHERN TRUCKING COMPANY is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Tennessee, North Carolina, Virginia, and South Carolina. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4791; Filed, June 24, 1958; 8:49 a. m.]

[Notice 41]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 20, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-200 (Deviation No. 7), **RISS & COMPANY, INC.**, 15 West 10th Street, Kansas City, Mo., filed June 12, 1958. Attorney for said carrier, Ivan E. Moody, 15 West 10th Street, Kansas City, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike and access routes to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over the following pertinent route: from Dallas over Texas Highway 114 to Grapevine, Tex., thence over Texas Highway 121 to Fort Worth.

No. MC-32562 (Deviation No. 2), **POINT EXPRESS, INC.**, P. O. Box 10007, Station C, Charleston, W. Va., filed June 16, 1958. Attorney for said carrier, George E. White, P. O. Box 10007, Station C, Charleston, W. Va. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Charleston, W. Va., and Cincinnati, Ohio, as follows: from junction U. S. Highways 60 and 35 at Charleston, over U. S. Highway 35 to junction U. S. Highway 50 at Chillicothe, Ohio, thence over U. S. Highway 50 to junction U. S. Highway 52 at Cincinnati and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Charleston, W. Va., and Cincinnati, Ohio over the following pertinent route: from Charleston over U. S. Highway 60 to Huntington, W. Va., and thence over U. S. Highway 52 to Cincinnati.

No. MC-72444 (Deviation No. 3), **AKRON-CHICAGO TRANSPORTATION COMPANY, INC.**, 1016 Triplett Boulevard, Akron 16, Ohio, filed June 13, 1958. Attorney for said carrier, Charles R. Iden, 2200 First National Tower, Akron 8, Ohio. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Findlay, Ohio, and Wapakoneta, Ohio, as follows: from Findlay over U. S. Highway 25 to Wapakoneta and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Findlay, Ohio, and Wapakoneta, Ohio, over the following pertinent route: from Findlay over U. S. Highway 25 to Beaver Dam, Ohio, thence over U. S. Highway 30N to Delphos, Ohio, thence over U. S. Highway 30S to Lima, Ohio, and thence over U. S. Highway 25 to Wapakoneta.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4792; Filed, June 24, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 27-76]

GREAT BEAR LAKE URANIUM MINES, LTD.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 18, 1958.

I. Great Bear Lake Uranium Mines, Ltd. (issuer), a Canadian corporation with its principal place of business at 403 Kerr Block, Regina, Saskatchewan, Canada, filed with the Commission on December 20, 1954, under its prior corporate name, Jackpot Uranium Mines Limited, a notification and offering circular, and subsequently filed amendments thereto, relating to an offering of 300,000 shares of no par value common stock at $1.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder.

II. The Commission has reasonable cause to believe that Regulation D is unavailable pursuant to Rule 501 (c) (2) in that the issuer and an affiliate, Albert Hartley, are subject to a temporary injunction and restraining order issued by the Supreme Court of the State of New York, County of Erie on April 18, 1958, enjoining, among other things, their activities in connection with the purchase and sale of securities.

III. It is ordered, Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the place for said hearing will be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuB
Secret

[F. R. Doc. 58-4779; Filed, June 8:46 a. m.]

SAINT LAWRENCE SEAWA DEVELOPMENT CORPORATIO

MEASUREMENT OF VESSELS AND C AND RATES OF CHARGES OR TOLLS

NOTICE OF HEARING

Pursuant to section 12 (a), Public 358, 83d Congress, approved May 13, (68 Stat. 92, 33 U. S. C. sec. 988) is hereby given that the Administ of the Saint Lawrence Seaway Dev ment Corporation (hereinafter ref to as the Corporation) will condu hearing on the proposed rules for measurement of vessels and car the proposed rates of charges or be levied by the Corporation and Saint Lawrence Seaway Authority Canada (hereinafter referred to Authority) for the use of the Lawrence Seaway. The hearing held in the Interior Auditorium, C Streets NW., Washington, D. C., ginning 10:00 a. m. August 6, 1958. hearing will be held from 10:00 a. 12:30 p. m. and from 2:00 p. m. p. m. each day until concluded.

The Administrator has received report of the Corporation's Tolls Co mittee (see 23 F. R. 897) and copies it may be obtained upon application the Corporation at its offices, 811 mont Avenue NW., Washington 25, D.

The question to be determined extent to which the recommend contained in the report of the tion's Tolls Committee should the substance of the agreement the Corporation and the Authority respect to the rules for the measu of vessels and rates of charges or be levied for the use of the Saint rence Seaway which it is contem will become the subject of an tional agreement between the States and Canada.

All persons desiring to appear present evidence at the above hearing shall submit to the Counsel of the Corporation on or July 25, 1958, the name of each tive witness and a summary (in 10 legible copies) setting forth substance of the evidence both oral written that each witness propos present. The inclusion of an of the time required for the oral tation of evidence at the hearing greatly facilitate the scheduling of nesses.

The hearing will be conducted cordance with Rules for the Condu Hearing which will be published the date of the hearing.

[SEAL] LEWIS G. CASTLE,
Administrat

[F. R. Doc 58-4778; Filed, June 24, 8:46 a. m.]

JUN 27 1958
MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 23 NUMBER 125

Washington, Thursday, June 26, 1958

TITLE 3—THE PRESIDENT

PROCLAMATION 3247

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1958

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our government of the people, by the people, and for the people is cherished by all American citizens; and

WHEREAS this government is guaranteed by the Constitution of the United States of America, signed at Philadelphia on September 17, 1787, and secured by the travail, stamina and wisdom of American patriots; and

WHEREAS it is ever imperative that all our citizens, both native-born and naturalized, understand the significance of this great document so that they may give life and meaning to its principles; and

WHEREAS by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution and in recognition of all our citizens who have come of age and all who have been naturalized during the year; and

WHEREAS by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week, a time for study and observance of the acts which resulted in the formation of the Constitution; and

WHEREAS the aforesaid resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and Constitution Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1958; and I urge Federal, State, and local officials, as well as all religious, civic, educational and other organizations, to arrange for appropriate ceremonies on Citizenship Day to strengthen a better understanding of our rights and our responsibilities as citizens of the United States.

I also designate the period beginning September 17 and ending September 23, 1958, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places, so that they may manifest their gratitude for that historic week in September 1787 during which our Constitution was signed, delivered to the Continental Congress, and made known to the people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of June in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4901; Filed, June 24, 1958; 1:12 p. m.]

PROCLAMATION 3248

IMMIGRATION QUOTA—UNITED ARAB REPUBLIC

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 202 (a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State,

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the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 (a) of that act, and to report to the President the quota of each quota area so determined; and

WHEREAS the United Arab Republic was on February 25, 1958, recognized *de jure* by the United States; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of that act; and have fixed, in accordance therewith, an immigration quota for the United Arab Republic as hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
90	United Arab Republic	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 2980 of June 30, 1952, entitled "Immigration Quotas", is amended by the abolishment of the immigration quotas established for Egypt and Syria and by the addition of the immigration quota for the United Arab Republic as established by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of June in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4902; Filed, June 24, 1958; 1:12 p.m.]

RULES AND REGULATIONS

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 11]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS

SUBPART I—DESIGNATED POSITIVE CONTROL ROUTE SEGMENTS

VOR CIVIL AIRWAY; LOS ANGELES, CALIF., TO NEW YORK, N. Y.

The VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) is being shifted between the Los Angeles and Goffs, Calif., omnirange stations effective July 3, 1958, to read: "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 123° and the Long Beach omnirange 287° radials; Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; Goffs, Calif., omnirange station;" due to relocation and commissioning of omnirange facilities (see FEDERAL REGISTER dated June 12, 1957). Thus, the above portion of VOR civil airway No. 1512 utilized as describing a Positive Control Route Segment in Subpart I of Part 601, 23 F. R. 3917, June 5, 1958, must also be amended to indicate the above shift of the airway. To accomplish this, the Positive Control Route Segment established as being VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) is amended effective July 15, 1958, to begin at the Ontario, California omnirange station via Hector, California, omnirange station, to Goffs, California, omnirange station with the remaining being as published. After July 3, 1958, there will not be any positive control route segment between the Daggett, Calif., omnirange station and the Goffs, Calif., omnirange station.

Inasmuch as immediate action is necessary for the protection of air traffic operating in this area, the Administrator finds that compliance with the notice, procedures, and effective date procedures of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest and therefore is not required.

Subpart I of Part 601 is amended as follows:

The VOR civil airway No. 1512 in § 601.8001 is amended by changing all before "Goffs, Calif., omnirange station" to read as follows:

§ 601.8001 *General.* * * *

VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.) (See § 600.6612 of this chapter). From the Ontario, Calif., omnirange station via the Hector, Calif., omnirange station; Goffs, Calif., omnirange station; * * *

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 15, 1958.

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 20, 1958.

[F. R. Doc. 58-4818; Filed, June 25, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-10]

MISCELLANEOUS VESSEL INSPECTION AMENDMENTS

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270). Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the fifth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains the final actions taken with respect to Items V, VI, VII, XI, and XVII, and portions in Item IX. The first document, identified as CGFR 58-8 (23 F. R. 2604), contained miscellaneous amendments to inspection requirements to implement the act of May 10, 1956, as amended (46 U. S. C. 390-390g), which were based on Item III of the Agenda. The second document, identified as CGFR 58-17 (23 F. R. 3376-3384), contained the requirements governing private aids to navigation on the outer Continental Shelf and waters under the jurisdiction of the United States, which were based on Item I of the Agenda. The third document, identified as CGFR 58-18 (23 F. R. 3447, 3448), contained new requirements regarding radar observers and miscellaneous changes respecting renewal of merchant mariner's licenses, which were based on Item IV of the Agenda. The fourth document, identified as CGFR 58-9, contains miscellaneous amendments and requirements respecting dangerous cargoes, which were based on Items XIV, XV, and XVI of the Agenda.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. The following items considered at the public hearing held March 18, 1958, as revised, are adopted and included in this document:

Item V—Load Lines: Basic Minimum Freeboards for Vessels; and Variances for Steam Colliers, Barges, and Self-Propelled Barges (46 CFR Parts 43, 44, 45)

Item VI—Rules and Regulations for Tank Vessels; Miscellaneous Amendments (46 CFR 32.50, 33.05, 38.01)

Item VII—Electrical Engineering Regulations; Miscellaneous Amendments (46 CFR Parts 110-113, 32.45, 35.30)

Item XI—Deep Sea Sounding Devices for Passenger, Tank, Cargo, and Miscellaneous Vessels and Public Nautical School Ships (46 CFR 32.15, 77.27, 96.27, 167.40)

Item XVII—Equivalents Allowed for Vessels Loading Grain (46 CFR Part 144).

Portions of the following item considered at the public hearing held March 18, 1958, as revised, are adopted and included in this document:

Item IX—Fire Precautions for Passenger, Tank, Cargo, and Miscellaneous Vessels (46 CFR 32.60, 72.03, 72.05, 72.10, 76.10, 92.05, 92.10, 95.10)

The proposals in Item V of the Agenda, regarding load lines, were modified on the basis of some of the information received. Changes were made in 46 CFR 44.01-5 (b), and 44.05-25 (e). The proposal designated 46 CFR 44.01-13 was not adopted. In addition, amendments to 46 CFR 43.01-40 and 45.01-30 (a) were adopted. These changes clarify the regulations with respect to assigning authority.

The proposals in Item VI of the Agenda with respect to the remote manual shut down for engine driving cargo pump on tank barges and for materials used in construction of lifeboats were modified on the basis of some of the comments received. Changes were made in 46 CFR 32.50-35 and 33.05-35.

The proposals in Item VII of the Agenda, respecting the Electrical Engineering Regulations, were modified after consideration of the information received. The class designations of insulation materials in 46 CFR 111.05-30 were revised to agree with the latest changes to section 12 of AIEE No. 45 standards. The suggestion that a warning should be added to the footnotes in certain tables since the temperature rise allowance is based only on consideration of insulation was accepted and changes were made in 46 CFR Tables 111.10-30 (a1), (a2), 111.25-10 (a1), (a2). With respect to the other proposals, changes were made in 46 CFR 111.35-1 (d), regarding switchboard construction; 111.35-15 (b), regarding equipment for direct-current switchboards, and equipment for alternating-current switchboards; 111.40-1 (g), regarding overcurrent protection of and number of overcurrent devices on one panel board; 111.45-15, regarding heater circuits; 111.50-5 (c), regarding ventilation systems; 111.50-20, regarding interrupting rating of fuses and circuit breakers; 111.60-26, regarding shore connection boxes; and 111.70-90, regarding lighting on tank vessels. The general requirements for emergency lighting and power system in 46 CFR Table 112.05-1 (a) was modified to permit manual starting for small vessels. The provisions of 46 CFR 112.05-5 (c), regarding emergency source of power, were made applicable to all vessels contracted for on or after October 1, 1958. With respect to requirements for emergency diesel-engine driven generator sets, the proposals in 46 CFR 112.50-1 were revised. With respect to electric cables, "mineral insulated metal sheathing" cable was added to 46 CFR 113.10-5 (b), 113.15-5 (b), 113.20-5 (c), 113.25-15 (d) (1), 113.50-25 (a), and 113.70-5 (b). With respect to rudder angle indicator systems, changes were made in 46 CFR 113.40-5 (a) so that these requirements will agree with 46 CFR 57.25-35 (c).

The proposals in Item IX of the Agenda, respecting fire precautions other than those pertaining to fire detecting, extinguishing equipment and portable fire extinguishers, have been considered and actions thereon are included in this document. With respect to segregation of spaces containing the emergency source of electric power in 46 CFR 32.60-45, 72.03-20, 92.05-15, and 112.05-5 (c), these provisions will become effective on and after October 1, 1958 for all vessels contracted for after that date. With respect to the requirements for stairways, ladders, and elevators, changes were made in 46 CFR 72.05-20 and 92.10-25 (b). The major changes increased the maximum angle of inclination for types 2 and 3 stairways used by crews to 50 degrees and type 4 stairway used by crews to 55 degrees, while permitting curved, spiral or winding stairways when it is considered by the Commandant as equivalent with respect to safety and dimensions to the stairways described in the regulations.

The proposals in Item XI of the Agenda, regarding deep sea sounding devices, are accepted without change.

The proposals in Item XVII of the Agenda, regarding equivalents allowed for vessels loading grain, are accepted with minor changes made in 46 CFR 144.40-10 (a), which deal with construction of feeders and bin bulkheads.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-9, dated August 3, 1954 (19 F. R. 5915), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER unless otherwise specifically provided in the text of the regulations:

Subchapter D—Tank Vessels

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.15—NAVIGATION EQUIPMENT

Section 32.15-10 is amended to read as follows:

§ 32.15-10 *Sounding machines—T/OCL.* All tankships of 500 gross tons and over shall be equipped with an efficient mechanical or electronic deep-sea sounding apparatus, in addition to the ordinary deep-sea hand lead. The mechanical or electronic deep-sea sounding apparatus above required shall be installed, kept in working order, and ready for immediate use: *Provided*, That tank vessels of less than 1,500 gross tons navigating the Great Lakes exclusively need not be equipped with deep-sea sounding apparatus as required by this section.

SUBPART 32.45—ELECTRICAL INSTALLATIONS

Section 32.45-1 (h) is amended to read as follows:

§ 32.45-1 *Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1955—TB/ALL.* * * *

(h) *Cargo pump room handling Grade A, B, C, or D liquid cargo.* (1) Lighting in cargo pump rooms handling Grade A, B, C, or D liquid cargo shall be accomplished either through permanently fixed glass lenses fitted in the bulkhead and/or overhead, or by the use of explosion-proof fixtures, except that explosion-proof fixtures may be installed only under certain conditions. For detail requirements see § 111.70–10 (c) of Subchapter J (Electrical Engineering) of this chapter.

(2) Through runs of electric cable, regardless of how they may be protected, are prohibited.

SUBPART 32.50—PUMPS, PIPING, AND HOSE FOR CARGO HANDLING

Subpart 32.50 is amended by adding at the end thereof a new section reading as follows:

§ 32.50–35 *Remote manual shut-down for internal combustion engine driving cargo pump on tank barges—B/ALL.* (a) Any tank barge which is equipped with an internal combustion engine on the weather deck shall be provided with a minimum of one remote manual shut-down station, conspicuously marked, and located at the midpoint of the barge, or 100 feet from the engine, whichever is the more practical. The remote quick acting manual shut-down shall be installed on the engine so as to provide a quick and effective means of stopping the engine, such as by cutting off the intake air.

(b) This regulation shall become effective October 1, 1958, with respect to the initial installation of internal combustion engines on tank barges, and shall become effective July 1, 1960, with respect to existing installations of internal combustion engines on tank barges.

SUBPART 32.60—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER JULY 1, 1951

Subpart 32.60 is amended by adding a new section to the end thereof, which reads as follows:

§ 32.60–45 *Segregation of spaces containing the emergency source of electric power—TB/ALL.* (a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

Section 33.05–35 is amended to read as follows:

§ 33.05–35 *Wooden lifeboats prohibited on tank vessels—TB/ALL.* Lifeboats installed on tank vessels after September 1, 1943, shall be constructed of metal or other material approved by the Commandant. Internals, such as buoyancy tanks, water tanks, and provision and equipment lockers may be constructed of suitable materials other than metal which have been approved by the Commandant.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 35—OPERATIONS

SUBPART 35.30—GENERAL SAFETY RULES

Section 35.30–30 is amended to read as follows:

§ 35.30–30 *Portable electrical equipment—TB/ALL.* Illumination may be obtained in any compartment by the use of approved explosion-proof, self-contained, battery-fed lamps. Otherwise, no portable electrical equipment of any type shall be used in bulk cargo tanks, fuel oil tanks, cargo pump rooms, or enclosed spaces immediately above or adjacent to bulk cargo tanks unless all the following conditions are met:

(a) The compartment itself is gas-free;

(b) The compartments adjacent and the compartments diagonally adjacent are either (1) gas-free, (2) inerted, (3) filled with water, (4) contain Grade E liquid and are closed and secured, or (5) are spaces in which inflammable vapors and gases normally are not expected to accumulate; and

(c) All other compartments of the vessel in which inflammable vapors and gases may normally be expected to accumulate are closed and secured.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 2, 54 Stat. 1028, sec. 3, 68 Stat. 675; 46 U. S. C. 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 38—LIQUEFIED INFLAMMABLE GASES

SUBPART 38.01—GENERAL

Section 38.01–5 is amended to read as follows:

§ 38.01–5 *Certificate of inspection—TB/ALL.* The certificate of inspection shall be endorsed for the carriage of liquefied inflammable gases as follows:

> Inspected and approved for the carriage of liquefied inflammable gases having vapor pressures not exceeding ______ pounds per square inch gage at 115° F.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter E—Load Lines

PART 43—FOREIGN OR COASTWISE VOYAGE

SUBPART 43.01—ADMINISTRATION

Section 43.01–40 is amended to read as follows:

§ 43.01–40 *Assignment and certification; assigning authority.* (a) As provided in the Load Line Acts approved March 2, 1929, and August 27, 1935, the American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel to which the act applies has been performed in accordance with this part, and is authorized to issue a load line certificate, certifying to the correctness of the marks under its own hand and seal. As provided in the aforesaid acts, the Commandant, U. S. Coast Guard, may, at the request of a shipowner, appoint any other recognized classification society which he may approve, as the load line assigning authority. The American Bureau of Shipping, or other approved load line assigning agency is authorized to renew from time to time by endorsement a load line certificate. Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one copy, together with a summary of the data used to determine the load line, will be forwarded to the Commandant, U. S. Coast Guard, Washington 25, D. C. In addition, effective January 1, 1948, each new vessel, when receiving its first load line certificate, shall be furnished a copy of the load line survey report which shall be retained on board to be available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(b) As referred to in this subchapter, the term "assigning authority" or "American Bureau of Shipping" shall refer either to that society or to such other society as may have been specifically approved by the Commandant as a load line assigning authority for the vessel concerned.

(c) The scale of maximum fees payable to the assigning authority for this service is contained in § 43.40–5.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

SUBPART 43.15—LOAD LINES FOR STEAMERS

Section 43.15–97 (a) is amended by revising Table 43.15–97 (a) to read as follows:

§ 43.15–97 *Freeboard table for steamers.* (a) * * *

TABLE 43.15–97 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
80	8.0	200	23.1
90	9.0	210	24.8
100	10.0	220	26.6
110	11.0	230	28.5
120	12.0	240	30.3
130	13.0	250	32.3
140	14.2	260	34.4
150	15.5	270	36.5
160	16.9	280	38.7
170	18.3	290	41.0
180	19.8	300	43.4
190	21.4	310	45.9

TABLE 43.15–97 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS—Continued

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
320	48. 4	670	145. 9
330	51. 0	680	148. 1
340	53. 7	690	150. 2
350	56. 5	700	152. 3
360	59. 4	710	154. 4
370	62. 4	720	156. 4
380	65. 4	730	158. 5
390	68. 4	740	160. 5
400	71. 5	750	162. 5
410	74. 6	760	164. 4
420	77. 8	770	166. 3
430	80. 9	780	168. 2
440	84. 0	790	170. 1
450	87. 1	800	172. 0
460	90. 2	810	173. 8
470	93. 3	820	175. 6
480	96. 3	830	177. 4
490	99. 3	840	179. 2
500	102. 3	850	180. 9
510	105. 2	860	182. 6
520	108. 1	870	184. 3
530	110. 9	880	186. 0
540	113. 7	890	187. 7
550	116. 4	900	189. 3
560	119. 1	910	190. 9
570	121. 8	920	192. 5
580	124. 4	930	194. 1
590	127. 0	940	195. 7
600	129. 5	950	197. 3
610	132. 0	960	198. 9
620	134. 4	970	200. 4
630	136. 8	980	201. 9
640	139. 1	990	203. 4
650	141. 4	1,000	204. 9
660	143. 7	(1)	(1)

[1] Vessels above 1,000 feet are to be dealt with by the administration.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

SUBPART 43.30—LOAD LINES FOR TANKERS

Section 43.30–70 (a) is amended by revising Table 43.30–70 (a) to read as follows:

§ 43.30–70 *Freeboard table for tankers.* (a) * * *

TABLE 43.30–70 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR TANKERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
190	21. 5	610	110. 3
200	23. 1	620	112. 2
210	24. 7	630	114. 0
220	26. 3	640	115. 8
230	28. 0	650	117. 6
240	29. 7	660	119. 3
250	31. 5	670	121. 0
260	33. 3	680	122. 6
270	35. 2	690	124. 2
280	37. 1	700	125. 8
290	39. 1	710	127. 3
300	41. 1	720	128. 8
310	43. 1	730	130. 3
320	45. 1	740	131. 8
330	47. 1	750	133. 2
340	49. 2	760	134. 6
350	51. 3	770	135. 9
360	53. 5	780	137. 2
370	55. 7	790	138. 5
380	57. 9	800	139. 8
390	60. 2	810	141. 1
400	62. 5	820	142. 3
410	64. 9	830	143. 5
420	67. 4	840	144. 7
430	69. 9	850	145. 8
440	72. 5	860	146. 9
450	75. 1	870	148. 0
460	77. 7	880	149. 1
470	80. 2	890	150. 1
480	82. 7	900	151. 1
490	85. 1	910	152. 1
500	87. 5	920	153. 1
510	89. 8	930	154. 1
520	92. 1	940	155. 1
530	94. 3	950	156. 1
540	96. 5	960	157. 1
550	98. 6	970	158. 0
560	100. 7	980	158. 9
570	102. 7	990	159. 8
580	104. 6	1,000	160. 7
590	106. 5	(1)	(1)
600	108. 4		

[1] Vessels above 1,000 feet are to be dealt with by the administration.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

The title for Part 44 is amended to read as set forth above.

SUBPART 44.01—ADMINISTRATION

1. Section 44.01–1 (a) is amended to read as follows:

§ 44.01–1 *Establishment of regulations for special service.* (a) Pursuant to the Coastwise Load Line Act, 1935, as amended (49 Stat. 888, 1543; 46 U. S. C. 88–88g), the Commandant, U. S. Coast Guard, under the direction and supervision of the Secretary of Treasury, is vested with discretion to vary the load line marks from those established by the International Load Line Treaty, 1930, on steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States, the following regulations in this part, applicable to steam colliers, barges, and self-propelled barges are hereby established. Such variance for tugs is not permitted.

2. Section 44.01–5 (b) is amended to read as follows:

§ 44.01–5 *Administration; special service.* * * *

(b) Application for the assignment of load lines under this part for the types of vessels described in § 44.01–1 shall be made in writing to the American Bureau of Shipping unless another society has been specifically approved by the Commandant as a load line assigning authority. In the latter case applicaton shall be made to the society so approved. Applications shall state the following information:

(1) Name of vessel and official number.

(2) Type of vessel (steam collier, barge, or self-propelled barge).

(3) Date keel was laid.

(4) Normal sea speed of vessel.

(5) Limits of voyage for which approval is requested.

(6) Normal maximum distance off shore in course of voyage.

(7) Length of voyage in days and nautical miles.

(8) Statement of weather conditions to be expected.

(9) Cargo to be carried.

(10) Whether vessel is to be operated manned or unmanned.

3. Section 44.01–10 (a) is amended to read as follows:

§ 44.01–10 *Approval by Commandant, U. S. Coast Guard, of special service.* (a) Subject to the conditions contained in this part, the Commandant, U. S. Coast Guard, has determined that load lines at variance from the position fixed by the International Load Line Treaty, 1930, but not above the actual line of safety, may be assigned steam colliers, barges, or self-propelled barges (separately by class) for certain specifically limited coastwise voyages between ports of the continental United States or between islands of a group over which the United States has jurisdiction.

4. Subpart 44.01 is amended by inserting two new sections to follow after § 44.01–10, which read as follows:

§ 44.01–11 *Assignment and marking load lines; special service.* (a) The assignment and marking of special service load lines and certifications thereof shall be in accordance with this part to the satisfaction of the American Bureau of Shipping. The load line certificate shall define the voyage limits and seasonal restrictions governing the validity of the load lines.

§ 44.01–12 *Voyage limits; special service.* (a) Special service load lines may be assigned for operation not more than a specified limited distance offshore which shall not exceed 20 nautical miles. The offshore distance shall be measured from the coastline except where a line of inland waters has been otherwise established.

(b) For continental United States ports, special service load lines may be issued for operation between but not to exceed the extreme port limits specified below, or for operation between intermediate ports within the extreme limits specified:

(1) Central and Northern Atlantic Coast—From Norfolk, Virginia, to Eastport, Maine.

(2) Southeast Atlantic Coast—From Key West, Florida, to Jacksonville, Florida, except that the special service load line shall not be valid for manned vessels during the hurricane season, i. e., July 1st to November 15th, both dates inclusive.

(3) Gulf of Mexico Coast—From the mouth of the Rio Grande River, Texas, to Key West, Florida, except that the special service load line shall not be valid for manned vessels during the hurricane season, i. e., July 1st to November 15th, both dates inclusive.

(4) Pacific Coast—From San Francisco, California, to San Diego, California.

(c) Assignment of special service load lines for voyage limits between the islands of a group over which the United States has jurisdiction shall be made only upon authorization by the Commandant, U. S. Coast Guard, after submittal to him of the information called for by § 44.01–5 (b).

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

SUBPART 44.05—RULES OF ASSIGNMENT; SPECIAL SERVICE

1. Section 44.05–5 is amended to read as follows:

§ 44.05–5 *Definitions.* (a) A steam collier is a vessel mechanically propelled, and specially designed for the carriage of coal in bulk.

(b) A towed barge is a vessel without sufficient means for self-propulsion and which requires to be towed.

(c) A self-propelled barge is a vessel mechanically propelled of the type specially designed for use in limited coastwise and Great Lakes service and capable of transiting interconnecting canals.

2. Section 44.05–20 is amended to read as follows:

§ 44.05–20 *Conditions of assignment*—(a) *Steam colliers.* The conditions of assignment for steam colliers shall be in accordance with the requirements of Part 43 of this subchapter and also with the supplementary requirements of §§ 43.30–1 to 43.30–70 of this subchapter in cases where a tanker freeboard is assigned, except that in the case of steam colliers constructed with bulwarks, the freeing port may be of a practically continuous slot type, located as low as possible, the clear area of the slot to be not less than 20 percent of the superficial area of the unpierced bulwarks. If, due to sheer, or other conditions, the assigning authority considers that extra local provision should be made for freeing decks of water, the slots are to be located so as to have maximum efficacy.

(b) *Towed barges.* The conditions of assignment for towed cargo barges where the cargo is carried under deck shall be in accordance with §§ 45.10–5 to 45.10–100 of this subchapter. In the case of tank barges and cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1 to 45.20–70 of this subchapter. In the case of cargo barges of the open type, assignment will be limited to barges in unmanned operation and the construction of the vessel must be such as to satisfy the assigning authority that no unusual hazards will be experienced.

(c) *Self-propelled barges.* The conditions of assignment for self-propelled cargo barges carrying cargo under decks shall be in accordance with the provisions of §§ 45.10–5 to 45.10–100 of this subchapter. In the case of self-propelled tank barges and self-propelled cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1 to 45.20–70 of this subchapter.

3. Section 44.05–25 is amended to read as follows:

§ 44.05–25 *Freeboards*—(a) *General.* When the assigning authority is satisfied that the requirements of this part as applicable to the type of vessel under consideration are complied with the freeboards will be computed as described in this section.

(b) *Steam colliers.* Steam colliers that have constructional features similar to those of a tanker which afford extra invulnerability against the sea may be assigned a reduction of freeboard from that determined under §§ 43.15–1 to 43.15–97 of this subchapter. The amount of such reduction shall be determined by the assigning authority, in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the supplementary conditions of assignment laid down for these ships, but without regard to the degree of subdivision provided. The freeboard assigned to such a vessel shall in no case be less than would be assigned the vessel as a tanker, as determined by §§ 43.30–1 to 43.30–70 of this subchapter.

(c) *Towed cargo barges with cargo under deck.* The freeboard is to be computed under §§ 45.15–1 to 45.15–97 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(d) *Towed cargo barges with cargo only on deck.* The freeboard for barges of this type is to be computed in accordance with the requirements of §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be the same as determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(e) *Towed cargo barges of the open type.* The load line shall be placed where, in the judgment of the assigning authority, the draft will be such that no unusual hazard will be experienced. In general, drafts assigned will be such that the barge will remain afloat with a reasonable freeboard after flooding of the net available open space.

(f) *Towed tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(g) *Self-propelled cargo barges.* The freeboard is to be computed under §§ 45.15–1 to 45.20–15 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(h) *Self-propelled tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1 to 45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1 to 43.15–97 of this subchapter.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

SUBPART 45.01—ADMINISTRATION

Section 45.01–30 (a) is amended to read as follows:

§ 45.01–30 *Assignment and certification of load lines; assigning authority.* (a) As provided in the Coastwise Load Line Act, 1935, the American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel to which the act applies has been performed in accordance with this part, and is authorized to issue a load line certificate, certifying to the correctness of the marks under its own hand and seal. As provided in the aforesaid act, the Commandant, U. S. Coast Guard may, at the request of a shipowner, appoint any other recognized classification society which he may approve, as the load line assigning authority. The American Bureau of Shipping, or other approved load line assigning agency, is authorized to renew from time to time by endorsement a load line certificate. Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one copy, together with a summary of the data used to determine the load line, will be forwarded to the Commandant, U. S. Coast Guard, Washington, D. C. In addition, effective January 1, 1948, each new vessel, when receiving its first load line certificate, shall be furnished a copy of the load line survey report which shall be retained on board to be available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

Subchapter H—Passenger Vessels

PART 72—CONSTRUCTION AND ARRANGEMENT

SUBPART 72.03—GENERAL FIRE PROTECTION

Subpart 72.03 is amended by adding a new section to the end thereof, which reads as follows:

§ 72.03–20 *Segregation of spaces containing the emergency source of electric power.* (a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10, will be considered as meeting the requirements of this paragraph.

SUBPART 72.05—STRUCTURAL FIRE PROTECTION

1. Section 72.05–20 is amended to read as follows:

§ 72.05–20 *Stairways, ladders, and elevators.* (a) (1) Except as further noted, the provisions of this section apply to all vessels.

(2) For vessels contracted for prior to January 1, 1959, existing construction, arrangements, and materials may be maintained, and minor repairs and alterations may be made to the same standards as the original construction. Major repairs or changes should meet the requirements for new construction insofar as is reasonable and practicable.

(3) For small vessels, special consideration for relief may be given where it is shown to be unreasonable or impracticable to meet the detailed requirements for stairway size, slope, dimensioning, and landing area.

(4) Stairways, ladders, and elevators within main machinery spaces or cargo holds are not covered by the general provisions of this section, but shall meet the requirements of paragraph (b) of this section.

(b) Stairways, ladders, and elevators within main machinery spaces and cargo holds shall meet the following requirements:

(1) All stairways, ladders, and elevators shall be of steel.

(c) Deck penetrations shall meet the following requirements:

(1) Where a continuous vertical deck penetration for a stairway or elevator exceeds one deck, the integrity of all decks involved shall be assured by enclosure bulkheads and decks meeting the applicable requirements of § 72.05–10 (d) thru (g), and by doors at all levels meeting the requirements of § 72.05–25 (b) (9).

(2) Where only two decks are served by a stairway or elevator, the integrity of the deck involved may be assured as noted in the preceding paragraph. Alternately, the integrity may be maintained at one level only by means of bulkheads and by doors meeting the requirements of § 72.05–25 (b) (9). If the latter method is used, it should be noted that the integrity of a deck is involved, and accordingly, the bulkhead classifications should be selected from Tables 72.05–10 (f) or 72.05–10 (g), the spaces above or below being assumed to extend to the bulkheads and doors.

(3) Stairways or elevators to a balcony within a space need not be enclosed, provided the stairway or elevator serves only the space and the balcony within the space.

(d) For the purpose of this section, stairways are identified as follows:

Type 1—Main Vertical Zone enclosed stair towers.

Type 2—Enclosed stairways other than Type 1.

Type 3—Interior stairways not enclosed.

Type 4—Exterior stairways or exterior inclined ladders.

(e) Each Main Vertical Zone shall be served by at least one Type 1 stairway, so that independent of adjoining Main Vertical Zones, escape may be effected from any accommodation space or any other space where persons may be normally quartered or employed, to ALL other decks having any such spaces within the same Main Vertical Zone without coming out of the stair tower enclosure. Each Type 1 stairway shall give access to the Embarkation Deck or, if the Embarkation Deck does not extend to the portion of the vessel in question, to at least one weather deck from which convenient communication to the Embarkation Deck is provided by means of Type 4 stairways. In cases where a Type 1 stairway is accessible from two Main Vertical Zones, it may be considered as the required Type 1 stairway for both zones provided all boundaries of the stairway meet Main Vertical Zone requirements.

(f) Insofar as is reasonable and practicable, Types 1 and 2 stairways, and all elevator enclosures, should not give direct access to accommodations or other enclosed spaces in which a fire may originate.

(g) The furnishings for Types 1 and 2 stairways, and all elevator enclosures, shall be as set forth in § 72.05–55 (c).

(h) In general, curved, spiral, or winding stairways will not be permitted. Relaxation from this requirement may be permitted, provided, in the opinion of the Commandant, the proposed stairway is equivalent with respect to safety and dimensions to the stairways covered by this section.

(i) For all types of stairways, the stairs, platforms, and landings shall be of sufficient strength to sustain a load of 100 pounds per square foot with a factor of safety of 4 based on the ultimate strength.

(j) The stringers, treads, and all platforms and landings of all Types 1, 2, and 3 stairways shall be of solid steel construction. Risers shall be of approved incombustible material. Type 4 stairways shall be of either steel or aluminum construction, and risers need not be fitted.

(k) For all types of stairways, handrails shall be fitted on both sides of the stairs. For stairways in excess of 66 inches in width, additional center handrails shall be provided. All handrails shall be fitted at a vertical height above the tread at its nosing of between 33 and 36 inches.

(l) For all types of stairways, the stair width shall be clear, of all obstructions other than the handrails.

(m) Handrails and trim for all Types 1, 2, and 3 stairways shall be of approved "incombustible materials."

(n) For all types of stairways, there shall be no variation in the width of the stairs, the depth of the tread, or the height of the risers in any flight. Where variation in height of riser or depth of tread in different flights is necessary, such variations shall be minimized.

(o) For all types of stairways, the sum of the riser height and tread depth shall be at least 17 inches and not more than 18 inches. Type 1, 2, and 3 stairways having treads less than 10 inches in depth shall have a nosing of one inch or other means to provide additional room on the tread.

(p) All stairways shall be dimensioned in accordance with Table 72.05–20 (p), depending upon the type of stairway and the number of persons served.

TABLE 72.05–20 (p)

Type of stairway	Primary use	Maximum angle of inclination (degrees)	Minimum stair tread width, in inches, based upon number of persons served by the stairway						
			Number of persons						
			1-10	11-20	21-30	31-40	41-50	51-60	Over
1	Passenger or crew	40	28	30	32	34	36	40	[illegible]
2 or 3	Passenger	40	28	30	32	34	36	38	[illegible]
2 or 3	Crew	50	28	30	30	30	30	30	[illegible]
4	Passenger or embarkation route.	45	28	30	30	30	30	30	[illegible]
4	Crew	55	24	24	24	24	24	24	[illegible]

(1) The maximum angle of inclination from the horizontal for any stairway shall be as given in Table 72.05–20 (p).

(2) For all types of stairways, the minimum width shall be determined on a deck-by-deck basis. Except as further noted, on any particular deck, only those persons on that deck using the stairway are involved in the width determination. However, once a minimum required width has been established at any one level, that width may not be reduced at any subsequent deck level in the direction of normal escape. This does not prohibit the use of stair widths exceeding the required minimum for any particular flight or flights.

(3) The various spaces shall be considered to have the number of persons in them as follows:

(i) Passenger staterooms—designed capacity.

(ii) Crew staterooms—two-thirds designed capacity.

(iii) Theaters, dining halls, and similar spaces having fixed seating—maximum seating capacity.

(iv) Lounges, club rooms, etc.—1 person for every 20 square feet of deck area.

(v) Working spaces—normal operating capacity.

(4) Type 1 stairways shall be dimensioned on a deck-by-deck basis as described in the previous subparagraphs. In determining the number of persons using a Type 1 stairway, all persons within the Main Vertical Zone or Zones in question are assumed to be using Type 1 stairways. No consideration is given to any Type 2 or 3 stairways that may be available. If more than one Type 1 stairway serves a particular Main Vertical Zone, the persons shall be distributed between the stairways dependent upon the arrangements, and the stairways shall be dimensioned accordingly. If in the normal operation of the vessel, a Type 1 stairway is intended for a greater number of persons than given by the foregoing, the larger number shall be used.

(5) Types 2, 3, and 4 stairways shall be dimensioned on a deck-by-deck basis as described in this paragraph. In determining the number of persons using the stairways, the normal operation of the vessel shall be the determining factor. In this respect, if any particular stairway forms part of a normal debarkation route, the number of persons using the stairway for that purpose shall be considered.

(q) All types of stairways designed with a broken flight between any two decks shall conform to the additional requirements of this paragraph.

(1) Any interruption of the slope or change of direction of the stairway shall be accomplished by means of an intermediate landing of rectangular or nearly rectangular shape based on the actual dimensions of the stairs landing thereon.

(2) Each set of stairs of a broken flight shall be dimensioned independently, and shall conform to the minimum stair widths given in Table 72.05–20 (p).

(r) Landings for stairways shall be provided in accordance with the applicable requirements of this paragraph.

(1) For all types of stairways, at the top and bottom of each flight of stairs, there shall be a clear landing having an area at least equal to the square of the actual stair tread width.

(2) For Type 1 stairways, there shall be provided within the enclosure at each deck level a landing having a minimum clear area in square feet, exclusive of the stairs, equal to 1.2 times the number of persons from that deck using the stairway.

(3) Where an aisle around a stairway is required due to the relationship of the flights, such aisle shall have a clear width at all points at least equal to the actual stair tread width.

(s) The total clear width of doors to stairways shall be as set forth in Table 72.05–20 (s), and shall meet all of the other applicable requirements of this paragraph.

TABLE 72.05–20 (s)

Type of stairway	Primary use	Minimum clear opening, in inches, of doors to stairways based on number of persons served by doors					
		Number of persons (*N*)					
		1–10	11–20	21–30	31–40	41–50	Over 50
1	Passenger or crew	28	30	32	34	36	0.75*N*[1]
2 or 3	Passenger	28	30	32	34	36	36
2 or 3	Crew	28	30	30	30	30	30

[1] Obtain clear opening in inches by multiplying the number of persons served (*N*) by 0.75.

(1) The dimensioning of doors shall be based on the same fundamentals as described in paragraphs (p) (2) through (5) of this section for stairways. However, the number of people involved for a particular door shall be determined from the arrangements, each door being calculated independent of any other doors to the stairway at the same level.

(2) In no case shall a clear door width be less than 28 inches.

(3) On the Embarkation Deck, each Type 1 stairway shall provide at least 44 inches of exit door width to each side of the vessel. Exit may be provided directly to the weather or indirectly by passageways and/or corridors which lead to the weather.

2. Section 72.05–25 is amended by revising paragraph (b) (9) by adding a subdivision (iv), which reads as follows:

§ 72.05–25 *Doors, other than watertight.* * * *

(b) * * *

(9) * * *

(iv) For additional requirements for stairway doors, see § 72.05–20 (s).

SUBPART 72.10—MEANS OF ESCAPE

Section 72.10–5 is amended by adding new paragraphs (b) and (c), which reads as follows:

§ 72.10–5 *Two means of escape.* * * *

(b) Elevators shall not be considered as one of the required means of escape.

(c) Stairways serving only a space and a balcony to a space shall not be considered as one of the required means of escape.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.10—FIRE MAIN SYSTEM, DETAILS

Section 76.10–10 (c) and (j) (3) are amended to read as follows:

§ 76.10–10 *Fire hydrants and hose.* * * *

(c) On vessels over 1,000 gross tons there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided. Suitable adaptors also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines.

* * * * *

(j) * * *

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be of approved type. New installations and replacements after June 27, 1957, shall be constructed in accordance with Subpart 162.027 of Subchapter Q (Specifications) of this chapter. The detachable applicator shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4470, as amended, 4471, as amended, 4477, as amended, 4479, as amended, 4483, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

SUBPART 77.27—SOUNDING EQUIPMENT

Section 77.27–1 is amended to read as follows:

§ 77.27–1 *When required.* (a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over, except paddle wheel vessels, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

(R. S. 4405, as amended, 4462 as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 526p, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 92—CONSTRUCTION AND ARRANGEMENT

SUBPART 92.05—STRUCTURAL FIRE PROTECTION

Subpart 92.05 is amended by adding a new section thereto reading as follows:

§ 92.05–15 *Segregation of spaces containing the emergency source of electric power.* (a) The provisions of this section shall apply to all vessels contracted for on or after October 1, 1958.

(b) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

SUBPART 92.10—MEANS OF ESCAPE

Section 92.10–25 is amended by adding a new paragraph (b), which reads as follows:

§ 92.10–25 *Stairway size.* * * *

(b) Vessels contracted for on or after January 1, 1959, shall meet the requirements of this paragraph. Special consideration for relief may be given in the case of small vessels if it is shown to be unreasonable or impracticable to meet the requirements.

(1) All interior stairways, other than those within the machinery spaces or

cargo holds, shall have a minimum width of 28 inches. The angle of inclination with the horizontal of such stairways shall not exceed 50 degrees.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 367, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.10—FIRE MAIN SYSTEM, DETAILS

Section 95.10–10 is amended by revising paragraph (c) and paragraph (i) (3) to read as follows:

§ 95.10–10 ***Fire hydrants and hose.*** * * *

(c) On vessels over 1,000 gross tons there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided. Suitable adaptors also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines.

(i) * * *

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be of approved type. New installations and replacements after June 27, 1957, shall be constructed in accordance with subpart 162.027 of subchapter Q (Specifications) of this chapter. The detachable applicator shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

SUBPART 96.27—SOUNDING EQUIPMENT

Section 96.27 (a) is amended to read as follows:

§ 96.27–1 *When required.* (a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over, except paddle wheel vessels, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 526p, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter J—Electrical Engineering

PART 110—GENERAL PROVISIONS

SUBPART 110.15—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

1. Section 110.15–15 (b) (1) is amended by revising Table 110.15–15 (b) (1) to read as follows:

§ 110.15–15 *Cable terms.* * * *

(b) *Cable designations.* (1) * * *

TABLE 110.15–15 (b) (1)—LIGHTING AND POWER, INTERIOR COMMUNICATION, AND TELEPHONE CABLE SYMBOLS

Column 1	Column 2	Column 3	Column 4	Column 5
Symbol designating cable type	Symbol designating type of insulation	Symbol designating type of outer covering	Symbol designating type of armor	Symbol designating wire size for light and power cable or number of conductors for interior communication or number of pairs of conductors for telephone cable
S=single conductor, light and power. D=double conductor, light and power. T=triple conductor, light and power. F=four conductor, light and power. IC=interior communication. TT=twisted pair, telephone. TTC=twisted pair, inter-cabin telephone.	R=rubber. V=varnished-cambric. AV=asbestos-varnished-cambric. T=thermoplastic-asbestos or thermoplastic-glass-asbestos.	A=armored only. L=leaded and armored. I=impervious sheathed and armored. S=reinforced sheathed and armored.	None=steel. A=aluminum B=bronze.	Wire size in nearest 1,000 circular mils or number of conductors or number of pairs of conductors.

2. Section 110.15–35 is amended by adding a new paragraph (l), reading as follows:

§ 110.15–35 *Control equipment terms.* * * *

(l) *Temperature compensated overload relay.* A temperature compensated overload relay is an overload relay which functions at any current in excess of a predetermined value essentially independent of ambient temperature.

3. Section 110.15–190 (a) is amended by adding a new subparagraph (4), reading as follows:

§ 110.15–190 *Vessel.* (a) * * *

(4) *Barge.* Where the term "barge" is used in this subchapter, it shall be considered to include all non-self-propelled vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

SUBPART 111.05—GENERAL REQUIREMENTS

Section 111.05–30 is amended to read as follows:

§ 111.05–30 *Insulation materials*—(a) *Class designation.* Insulation material referred to in this subchapter is designated by class as described in this section.

(b) *Class O insulation.* Materials or combinations of materials such as cotton, silk, and paper without impregnation.[1] Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 90° C.

(c) *Class A insulation.* Materials or combinations of materials such as cotton, silk, and paper when suitably impregnated [1] or coated or when immersed in a dielectric liquid such as oil. Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 105° C.[2]

(d) *Class B insulation.* Materials or combinations of materials such as mica, glass fiber, asbestos, etc., with suitable bonding substances. Other materials or combinations of materials, not necessarily inorganic, may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 130° C.[2]

(e) *Class C insulation.* Insulation that consists entirely of mica, porcelain,[3] glass, quartz, and similar inorganic materials. Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at temperatures over 220° C.

(f) *Class H insulation.* Materials or combinations of materials such as silicone elastomer, mica, glass fiber, asbestos, etc., with suitable bonding substances such as appropriate silicone resins. Other materials or combinations of materials may be included in this class if by experience or accepted tests they can be shown to be capable of operation at 180° C.[1]

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[1] Insulation is considered to be "impregnated" when a suitable substance provides a bond between components of the structure and also a degree of filling and surface coverage sufficient to give adequate performance under the extremes of temperature, surface contamination (moisture, dirt, etc.), and mechanical stress expected in service. The impregnant must not flow or deteriorate enough at operating temperature so as to seriously affect performance in service.

[2] The electrical and mechanical properties of the insulation must not be impaired by the prolonged application of the limiting insulation temperature permitted for the specific insulation class. The word "impaired" is here used in the sense of causing any change which could disqualify the insulating material for continuously performing its intended function whether creepage spacing, mechanical support, or dielectric barrier action.

[3] Porcelain should not be used for lamp sockets, switches, receptacles, fuse blocks, etc., where the material is rigidly fastened by machine screws or the equivalent.

SUBPART 111.10—GENERATORS

Section 111.10–30 (a) is amended by adding a footnote 1 to the title of Table 111.10–30 (a1), and by adding a new footnote 2 to the heading of Table 111.10–30 (a2), which read as follows:

§ 111.10–30 *Temperature limitations.* (a) * * *

TABLE 111.10–30 (a1)—LIMITS OF TEMPERATURE RISES FOR DIRECT-CURRENT GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE [1]

[1] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine such as bearings, etc.

* * * * *

TABLE 111.10–30 (a2)—LIMITS OF TEMPERATURE RISES FOR ALTERNATING-CURRENT GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE [1] [2]

[2] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine such as bearings, etc.

SUBPART 111.20—TRANSFORMERS

Section 111.20–5 (a) is amended to read as follows:

§ 111.20–5 *Temperature rise.* (a) The temperature rise, based on an ambient temperature of 40° C., shall not exceed the following:

Class A insulation: 55° C.
Class B insulation: 80° C.
Class H insulation: 150° C.

SUBPART 111.25—MOTORS

Section 111.25–10 (a) is amended by adding a footnote 1 to the title of Table 111.25–10 (a1), and by adding a footnote 2 to the title of Table 111.25–10 (a2), which read as follows:

§ 111.25–10 *Temperature limitations.* (a) * * *

TABLE 111.25–10 (a1)—LIMITS OF TEMPERATURE RISES FOR DIRECT-CURRENT MOTORS [1]

[1] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine, such as bearings, etc.

* * * * *

TABLE 111.25–10 (a2)—LIMITS OF TEMPERATURE RISES FOR ALTERNATING-CURRENT MOTORS [1] [2]

[2] The limiting observable temperature rise for Class H insulation is 40° C. higher than the value given for Class B insulation. Special consideration shall be given to other parts of the machine, such as bearings, etc.

SUBPART 111.35—SWITCHBOARDS AND PROPULSION CONTROLS

1. Section 111.35–1 is amended by revising paragraphs (d), (h), and (j), to read as follows:

§ 111.35–1 *General requirements.* * * *

(d) *Switchboard construction.* Panels should be made of impregnated ebony asbestos, laminated phenolic material, or the equivalent. They may be made of metal if the live parts mounted thereon are properly insulated. The supporting framework for all panels is to be of rigid construction. No wood should be used in the construction of switchboards except that a hardwood or nonconducting hand rail should be provided for the protection of personnel from live parts.

* * * * *

(h) *Nameplates.* Nameplates shall be provided for each piece of apparatus to indicate clearly its service. Nameplates for feeders and branch circuits shall include the circuit designation, description of the load served, and the rating or setting of the overcurrent protective device.

* * * * *

(j) *Grounding of instruments, relays, meters, and instrument transformers.* Metal cases of instruments, relays, meters, and instrument transformers and the secondary windings of instrument transformers located on switchboards shall be grounded.

2. Section 111.35–15 is amended by revising paragraphs (b) (1), (b) (7), (c) (1), and (c) (6) to read as follows:

§ 111.35–15 *Ship's service generator and distribution switchboards.* * * *

(b) *Equipment for direct-current switchboard.* * * *

(1) An unfused generator switch or links which will completely disconnect the generator and its circuit breaker from the bus, except when the generator circuit breaker is of the draw-out type.

* * * * *

(7) Adequate means for ground detection for power and lighting systems. For 3-wire generators see subparagraph (2) of this paragraph. Where the distribution system is isolated electrically into several parts by motor-generator sets or transformers, ground detection shall be provided for each part of the distribution system at the ship's service switchboard. Where ground lamps are supplied for ground detection, a normally closed spring-return-to-normal switch shall be provided in the ground connection. Ground detector lamps shall be either clear (not inside frosted) medium base unobstructed lamps of a rating not less than 25 watts operating at approximately one-half voltage in the absence of grounds, or lamps of a size, type, and rating approved by the Commandant as equally effective.

(c) *Equipment for alternating-current switchboards.* * * *

(1) An unfused generator switch or links which will completely disconnect the generator and its circuit breaker from the bus, except when the generator circuit breaker is of the draw-out type.

* * * * *

(6) An indicating watt-meter for each generator arranged for parallel operation.

3. Section 111.35–30 (a) is amended to read as follows:

§ 111.35–30 *Tests for switchboards and propulsion controls.* (a) Switchboards and propulsion control apparatus shall be capable of meeting the test requirements of section 35, American Bureau of Shipping Rules for the Classification and Construction of Steel Vessels.

SUBPART 111.40—DISTRIBUTION PANELBOARDS (SWITCHBOARD AND PANELBOARD TYPES)

Section 111.40–1 (g) is amended to read as follows:

§ 111.40–1 *General requirements.* * * *

(g) *Overcurrent protection of and number of overcurrent devices on one panelboard.* Not more than 60 overcurrent devices of a lighting or appliance branch circuit panelboard shall be installed in any one cabinet. Panelboards supplying lighting and appliance branch circuits and panelboards having switching devices rated at 50 amperes or less shall have overcurrent protection not in excess of 200 amperes.

SUBPART 111.45—MOTOR CIRCUITS AND CONTROLLERS

§ 111.45–5 *Motor overcurrent protection.* * * *

1. Section 111.45–5 (c) is amended to read as follows:

(c) *Continuous duty motors, one horsepower or less, manually started.* Any motor of one horsepower or less which is portable, is manually started, and is within sight from the starter location, shall be considered as protected against overcurrent by the overcurrent device protecting the conductors of the branch circuit. This branch circuit overcurrent device shall not be larger than that specified by Table 111.45–20 (b3), except that any such motor may be used at 125 volts or less on a branch circuit protected at 20 amperes. Any such motor which is out of sight from the starter location and any such motor which is not portable, shall be protected as specified in paragraph (d) of this section for automatically started motors.

2. Section 111.45–10 *Remote-control, electrical interlock, and indicator circuits* is corrected in paragraph (e) by changing the phrase "source or potential" to "source of potential" in the first sentence.

3. Section 111.45–15 is amended to read as follows:

§ 111.45–15 *Heater circuits.* (a) Where motors or controllers or both are fitted with electric heaters located inside the enclosures and energized from a separate circuit, the heater circuits shall be disconnected in the same manner as required for control, interlock, and generator circuits in § 111.45–10 (e) (2).

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[1] See footnote on previous page.

4. Section 111.45-20 (b) is amended by revising Table 111.45-20 (b3) to read as follows:

§ 111.45-20 *Motor-branch-circuit overcurrent protection.*
(b) *Rating or setting for individual motors.* * * *

TABLE 111.45-20 (b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS

Full-load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amperes)[1]		Maximum allowable rating or setting of branch circuit protective devices (amperes)[2]							
	1-conductor			2-conductor			3-conductor					With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting		With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Auto-transformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both not more than 30 amperes)		With code letters B to E, inclusive: Squirrel cage and synchronous, auto-transformer, starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both more than 30 amperes)		With code letter A: All motors. Without code letters: Direct-current and wound rotor motors	
	R	VC	AVC	R	VC	AVC	R	VC	AVC	Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)
[4] 1	14	12	14	14	12	14	14	12	14	[5] 2	[5] 1.25	15	15	15	15	15	15	15	15
[4] 2	14	12	14	14	12	14	14	12	14	[5] 3	[5] 2.50	15	15	15	15	15	15	15	15
[4] 3	14	12	14	14	12	14	14	12	14	[5] 4	[5] 3.75	15	15	15	15	15	15	15	15
[4] 4	14	12	14	14	12	14	14	12	14	[5] 6	[5] 5.040	15	15	15	15	15	15	15	15
[4] 5	14	12	14	14	12	14	14	12	14	[5] 8	[5] 6.25	15	15	15	15	15	15	15	15
[4] 6	14	12	14	14	12	14	14	12	14	[5] 8	[5] 7.50	20	15	15	15	15	15	15	15
7	14	12	14	14	12	14	14	12	14	[5] 10	[5] 8.75	25	20	20	15	15	15	15	15
8	14	12	14	14	12	14	14	12	14	[5] 10	[5] 10.00	25	20	20	20	20	20	15	15
9	14	12	14	14	12	14	14	12	14	[5] 12	[5] 11.25	30	30	25	20	20	20	15	15
10	14	12	14	14	12	14	14	12	14	[5] 15	[5] 12.50	30	30	25	20	20	20	15	15
11	14	12	14	14	12	14	14	12	14	[5] 15	[5] 13.75	35	30	30	30	25	30	20	[illegible]
12	14	12	14	14	12	14	14	12	14	15	15.00	40	30	30	30	25	30	20	[illegible]
13	12	12	14	12	12	14	12	12	14	20	16.25	40	40	35	30	30	30	20	[illegible]
14	12	12	14	12	12	14	12	12	12	20	17.50	45	40	35	30	30	30	25	[illegible]
15	12	12	14	12	12	14	12	12	12	20	18.75	45	40	40	30	30	30	25	[illegible]
16	12	12	14	12	12	12	12	12	12	20	20.00	50	40	40	40	35	40	25	[illegible]
17	12	12	12	13	12	12	10	12	12	25	21.25	60	50	45	40	35	40	30	[illegible]
18	12	12	12	10	12	12	10	12	12	25	22.50	60	50	45	40	40	40	30	[illegible]
19	12	12	12	10	12	12	10	10	12	25	23.75	60	50	50	40	40	40	30	[illegible]
20	10	12	12	10	12	12	10	10	12	25	25.00	60	50	50	40	40	40	30	[illegible]
22	10	12	12	10	10	12	10	10	10	30	27.50	70	70	60	50	45	50	35	[illegible]
24	10	12	12	10	10	12	8	10	10	30	30.00	80	70	60	50	50	50	40	[illegible]
26	10	10	12	8	10	10	8	10	10	35	32.50	80	70	70	70	60	70	40	[illegible]
28	8	10	12	8	10	10	8	8	10	35	35.00	90	70	70	70	60	70	45	[illegible]
30	8	10	10	8	10	10	8	8	10	40	37.50	90	100	80	70	60	70	45	[illegible]
32	8	10	10	8	10	10	7	8	8	40	40.00	100	100	80	70	70	70	50	[illegible]
34	8	10	10	7	8	10	7	8	8	45	42.50	110	100	90	70	70	70	60	[illegible]
36	8	10	10	7	8	10	6	8	8	45	45.00	110	100	90	100	80	100	60	[illegible]
38	7	10	10	7	8	8	6	7	8	50	47.50	125	100	100	100	80	100	60	[illegible]
40	7	8	10	6	8	8	5	7	8	50	50.00	125	100	100	100	80	100	60	[illegible]
42	7	8	10	6	8	8	5	6	7	50	52.50	125	125	110	100	90	100	70	[illegible]
44	6	8	8	6	8	8	5	6	7	60	55.00	125	125	110	100	90	100	70	[illegible]
46	6	8	8	5	7	8	4	6	6	60	57.50	150	125	125	100	100	100	70	[illegible]
48	6	8	8	5	7	8	4	6	6	60	60.00	150	125	125	100	100	100	80	[illegible]
50	6	8	8	5	7	7	4	5	6	60	62.50	150	125	125	100	100	100	80	[illegible]
52	5	8	8	4	6	7	4	5	6	70	65.00	175	150	150	125	110	125	80	[illegible]
54	5	7	8	4	6	7	3	5	5	70	67.50	175	150	150	125	110	125	90	[illegible]
56	5	7	8	4	6	7	3	5	5	70	70.00	175	150	150	125	125	125	90	[illegible]
58	4	7	8	4	6	6	3	4	5	70	72.50	175	150	150	125	125	125	90	[illegible]
60	4	6	7	3	5	6	3	4	5	80	75.00	200	150	150	125	125	125	90	[illegible]
62	4	6	7	3	5	6	2	4	5	80	77.50	200	175	175	125	125	125	100	[illegible]
64	4	6	7	3	5	6	2	4	4	80	80.00	200	175	175	150	150	150	100	[illegible]
66	4	6	6	3	5	5	2	3	4	80	82.50	200	175	175	150	150	150	100	[illegible]
68	4	6	6	3	5	5	2	3	4	90	85.00	225	175	175	150	150	150	110	[illegible]
70	3	5	6	2	4	5	1	3	4	90	87.50	225	175	175	150	150	150	110	[illegible]
72	3	5	6	2	4	6	1	3	3	90	90.00	225	200	200	150	150	150	110	[illegible]
74	3	5	6	2	4	5	1	2	3	100	92.50	225	200	200	150	150	150	125	[illegible]
76	3	5	6	2	4	5	1	2	3	100	95.00	250	200	200	175	175	175	125	[illegible]
78	3	5	5	1	3	4	1	2	3	100	97.50	250	200	200	175	175	175	125	[illegible]
80	2	4	5	1	3	4	0	2	3	100	100.00	250	200	200	175	175	175	125	[illegible]
82	2	4	5	1	3	4	0	2	2	110	102.5	250	225	225	175	175	175	125	[illegible]
84	2	4	5	1	3	4	0	2	2	110	105.0	250	225	225	175	175	175	150	[illegible]
86	2	4	5	1	3	4	0	1	2	110	107.5	300	225	225	175	175	175	150	[illegible]
88	2	4	5	1	3	3	0	1	2	110	110.0	300	225	225	200	200	200	150	[illegible]
90	2	4	4	0	2	3	0	1	2	110	112.5	300	225	225	200	200	200	150	[illegible]
92	2	3	4	0	2	3	00	1	2	125	115.0	300	250	250	200	200	200	150	[illegible]
94	1	3	4	0	2	3	00	1	2	125	117.5	300	250	250	200	200	200	150	[illegible]
96	1	3	4	0	2	3	00	1	1	125	120.0	300	250	250	200	200	200	150	[illegible]
98	1	3	4	0	2	3	00	1	1	125	122.5	300	250	250	200	200	200	150	[illegible]
100	1	3	4	0	2	2	00	0	1	125	125.0	300	250	250	200	200	200	150	[illegible]
105	1	3	3	00	1	2	000	0	1	150	131.5	350	300	300	225	225	225	175	175
110	0	2	3	00	1	2	000	0	0	150	137.5	350	300	300	225	225	225	175	175
115	0	2	3	00	1	1	000	00	0	150	144.0	350	300	300	250	250	250	175	175
120	0	2	2	000	0	1	4/0	00	0	150	150.0	400	300	300	250	250	250	200	[illegible]
125	00	1	2	000	0	1	4/0	00	0	175	156.5	400	350	350	250	250	250	200	[illegible]
130	00	1	2	000	0	1	4/0	00	00	175	162.5	400	350	350	300	300	300	200	[illegible]

See footnotes at end of table.

TABLE 111.45-20 (b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS—Continued

Full-load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amperes) [1]		Maximum allowable rating or setting of branch circuit protective devices (amperes) [2]							
	1-conductor			2-conductor			3-conductor					With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting		With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Autotransformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both not more than 30 amperes)		With code letters B to E, inclusive: Squirrel cage and synchronous, autotransformer, starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both more than 30 amperes)		With code letter A: All motors. Without code letters: Direct-current and wound rotor motors	
	R	VC	AVC	R	VC	AVC	R	VC	AVC	Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)	Fuses	Circuit breakers (non-adjustable trip)
135	00	1	2	4/0	0	0	4/0	000	00	175	169.0	450	350	350	300	300	300	225	225
140	00	1	1	4/0	00	0	250	000	00	175	175.0	450	350	350	300	300	300	225	225
145	000	0	1	4/0	00	0	250	000	00	200	181.5	450	400	400	300	300	300	225	225
150	000	0	1	4/0	00	0	300	000	000	200	187.5	450	400	400	300	300	300	225	225
155	000	0	1	4/0	00	00	300	4/0	000	200	194.0	500	400	400	350	350	350	250	250
160	000	0	0	250	000	00	300	4/0	000	200	200.0	500	400	400	350	350	350	250	250
165	000	0	0	250	000	00	300	4/0	000	225	206	500	500	450	350	350	350	250	250
170	4/0	00	0	250	000	00	350	4/0	4/0	225	213	500	500	450	350	350	350	300	300
175	4/0	00	0	300	000	000	350	250	4/0	225	219	600	500	450	350	350	350	300	300
180	4/0	00	0	300	4/0	000	350	250	4/0	225	225	600	500	450	400	400	400	300	300
185	4/0	00	00	300	4/0	000	350	250	4/0	250	231	600	500	500	400	400	400	300	300
190	4/0	00	00	300	4/0	000	400	250	4/0	250	238	600	500	500	400	400	400	300	300
195	250	000	00	350	4/0	000	400	300	250	250	244	600	500	500	400	400	400	300	300
200	250	000	00	350	4/0	4/0	450	300	250	250	250	600	500	500	400	400	400	300	300
210	250	000	00	350	250	4/0	450	300	250	250	263	----------	600	600	500	450	500	350	350
220	300	4/0	000	400	250	4/0	500	350	300	300	275	----------	600	600	500	450	500	350	350
230	300	4/0	000	450	300	250	550	350	300	300	288	----------	600	600	500	500	500	350	350
240	300	4/0	000	450	300	250	550	400	350	300	300	----------	600	600	500	500	500	400	400
250	350	250	4/0	500	300	250	600	400	350	300	313	----------	----------	----------	500	500	500	400	400
260	350	250	4/0	500	350	300	650	450	350	350	325	----------	----------	----------	600	600	600	400	400
270	350	250	4/0	550	350	300	650	450	400	350	338	----------	----------	----------	600	600	600	450	500
280	400	250	250	600	350	300	------	500	400	350	350	----------	----------	----------	600	600	600	450	500
290	400	300	250	600	400	350	------	500	450	350	363	----------	----------	----------	600	600	600	450	500
300	450	300	250	650	400	350	------	550	450	400	375	----------	----------	----------	600	600	600	450	500
320	500	350	300	------	450	400	------	600	500	400	406	----------	----------	----------	----------	----------	----------	500	600
340	550	350	300	------	500	450	------	650	550	450	425	----------	----------	----------	----------	----------	----------	600	600
360	600	400	350	------	550	450	------	------	600	450	450	----------	----------	----------	----------	----------	----------	600	600
380	650	450	350	------	600	500	------	------	650	500	475	----------	----------	----------	----------	----------	----------	600	600
400	700	450	400	------	650	550	------	------	------	500	500	----------	----------	----------	----------	----------	----------	600	600
420	750	500	450	------	------	600	------	------	------	600	525	----------	----------	----------	----------	----------	----------	----------	----------
440	800	550	450	------	------	650	------	------	------	600	550	----------	----------	----------	----------	----------	----------	----------	----------
460	850	600	500	------	------	------	------	------	------	600	575	----------	----------	----------	----------	----------	----------	----------	----------
480	950	650	550	------	------	------	------	------	------	600	600	----------	----------	----------	----------	----------	----------	----------	----------
500	1,000	650	550	------	------	------	------	------	------	----------	625	----------	----------	----------	----------	----------	----------	----------	----------

[1] Values may be modified as permitted by § 111.45-5.

[2] Values may be modified as permitted by § 111.45-20.

[3] High-reactance squirrel cage motors are those designed to limit the starting current by means of deep-slot secondaries or double-wound secondaries and are generally started on full voltage.

[4] For the grouping of small motors under the protection of a single set of fuses, see § 111.45-20 (c).

[5] For running protection of motors of 1 horsepower or less, see § 111.45-5 (c).

5. Section 111.45-40 (a) is amended to read as follows:

§ 111.45-40 *Group control panels*—(a) *General.* The provisions in this section are in addition to and amendatory of the other provisions of this subpart and are applicable to two or more motor controllers grouped into a motor control center and supplied by a common feeder. The provisions of this paragraph are not applicable to the controllers for two or more motors driving several parts of a single machine or piece of apparatus when the controllers are grouped or installed in a single enclosure.

SUBPART 111.50—DISTRIBUTION AND CIRCUIT LOADS

1. Section 111.50-5 (c) is amended to read as follows:

§ 111.50-5 *Ship's service power circuits.* * * *

(c) *Ventilation systems.* Cargo ventilation fans, machinery spaces ventilation fans, and accommodation ventilation fans shall, if practicable, be supplied by separate feeders. All electrical ventilation systems shall be provided with remote control means for stopping the motors in case of fire or other emergency. For the machinery space ventilation, there shall be provided a control located in the passageway leading to, but outside of, the space. For all other ventilation systems there shall be provided two emergency stop stations. One of these stations shall be in the wheelhouse, fire control room, the inside passageway near the wheelhouse door, or in an accessible position in the passageway leading to, but outside of, the space ventilated. The second emergency stop station shall be located as distant as practicable from the other, except that the ventilation circuit breakers at the main ship's service switchboard may be considered as the second station provided all are grouped together and are conspicuously marked "In Case of Fire Trip To Stop Ventilation." The means provided for stopping ventilation fans from the main ship's service switchboard shall not interfere with power to other circuits. The remote emergency stop stations shall be protected by enclosures with glass paneled doors on the front of which shall be marked "In Case of Fire Break Glass and Operate Switch to Stop Ventilation." Each control switch shall have the "stop" position clearly identified and shall be provided with a nameplate identifying the system with which it is associated. This remote control system shall be of the undervoltage protection type and so arranged that damage to the master switch or cable will automatically stop the fans. For automatic shutdown of mechanical

ventilation in spaces protected by a carbon dioxide fire extinguishing system, see Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(1) The requirements of this paragraph shall not be construed to include a closed ventilation system for a motor or generator, diffuser fans for refrigerated spaces, room circulating fans, or exhaust fans for private toilets of an electrical rating comparable to that of room circulating fans.

2. Section 111.50–15 (a) (4) is amended to read as follows:

§ 111.50–15 ***Light branch circuits and lighting requirements***—(a) *General requirements, branch circuits.* * * *

(4) ***Signaling lamp circuit.*** **A separate branch circuit shall be provided to supply the signaling lamp(s) required by Subpart 113.60 of Part 113 of this subchapter. The branch circuit shall be supplied either from the emergency lighting panel required by subparagraph (d) (2) or from the final emergency source of emergency lighting and power as provided for in § 112.15–5 (h) of this subchapter, or from a source as approved in the case of vessels not fitted with an emergency lighting and power system.**

3. Section 111.50–20 is amended by revising Table 111.50–20 (a) in paragraph (a) and paragraph (c) (2) to read as follows:

§ 111.50–20 ***Circuit loads and demand factors***—(a) ***General.*** * * *

TABLE 111.50–20 (a)—DEMAND LOADS

Type of circuit	Demand load
Generator cables	125 percent of continuous generator rating.
Switchboard bus-tie, except ship's service to emergency switchboard bus-tie.	75 percent of generating capacity of the larger switchboard.
Emergency switchboard bus-tie.	125 percent of continuous rating of emergency generator.
Feeder supplying two or more motors.	125 percent of the rating of the largest motor plus 100 percent of the sum of the ratings of all other motors supplied and including 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.[1]
Feeder supplying two or more cargo winch motors arranged for the "Burtoning" method of cargo handling.	125 percent of the rating of the largest motor plus 35 percent of the sum of the ratings of all other motors supplied.[1]
Feeder supplying two or more 'tween deck cargo winch motors, cargo elevator motors, or cargo cranes.	125 percent of the rating of the largest motor plus 50 percent of the sum of the ratings of all other motors supplied.
Galley equipment feeder.	100 percent of either the first 50 KW or one-half the connected load, whichever is the larger, plus 65 percent of the remaining connected load, plus 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.
Lighting feeder	100 percent of the connected load plus the average active circuit load for the spare switches or circuit breakers on the distribution panels.
Grounded neutral of a dual voltage feeder.	100 percent of the capacity of the ungrounded conductors when grounded neutral is not protected by a circuit breaker overcurrent trip, or not less than 50 percent of the capacity of the ungrounded conductors when the grounded neutral is protected by a circuit breaker overcurrent trip.

[1] Where a large number of motors are supplied from one feeder and the charactor of the load is such that not all motors will be operated simultaneously, a smaller demand load may be approved.

* * * * *

(c) *Lighting branch circuits.* * * *

(2) *Maximum load.* The connected load on a lighting branch circuit shall not exceed 880 watts, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet unless the design of the fixture precludes the possibility of installing lamps of a higher wattage than those originally installed. Circuits supplying electric discharge type lamp shall be computed on the basis of ballast input current. Receptacle outlets provided for the convenience of passengers or crew to which no ship's service apparatus, such as room fans, desk lamps, table lamps, etc. will be connected, need not be counted as a connected load.

SUBPART 111.55—OVERCURRENT PROTECTION

1. Section 111.55–1 is amended by revising paragraphs (b) (8) and (g) (2) to read as follows:

§ 111.55–1 *Installation of overcurrent protective devices.* * * *

(b) *Overcurrent protection of conductors.* * * *

(8) *Lighting branch circuits.* Lighting branch circuits shall be protected against overcurrent either by fuses rated at not more than 10 amperes or by circuit breakers rated or set at not more than 15 amperes, except that 20-ampere lighting branch circuits complying with the provisions of § 111.50–20 (c) (3) may be protected by overcurrent devices rated or set at not more than 20 amperes, and 30-ampere lighting branch circuits complying with the provisions of § 111.50–20 (c) (4) may be protected by overcurrent devices rated or set at not more than 30 amperes, and low voltage lighting branch circuits may be protected in accordance with § 111.50–20 (e).

* * * * *

(g) *Protection of ship's service generators.* * * *

(2) *Generator circuits for parallel operation.* Each direct-current generator arranged for parallel operation shall be provided with a reverse current device. Each alternating-current generator arranged for parallel operation shall be provided with a reverse power relay.

2. Section 111.55–10 (c) is amended to read as follows:

§ 111.55–10 *Enclosures of overcurrent protective devices.* * * *

(c) *Disconnection of fuses and thermal cutouts.* Disconnecting means shall be provided on the supply side of and adjacent to all cartridge fuses or thermal cutouts so that each individual circuit containing fuses or thermal cutouts can be independently disconnected from the source of electrical energy except as indicated in this paragraph.

3. Section 111.55–20 (a) is amended to read as follows:

§ 111.55–20 *Interrupting rating of fuses and circuit breakers*—(a) *General.* Any circuit breaker or fuse installed at a point in the circuit where the maximum possible short-circuit current exceeds its interrupting rating shall be backed up by either, a circuit breaker of adequate interrupting rating with an instantaneous trip setting not more than 90 percent of the interrupting rating of the device protected, or by a suitable current limiting fuse. The back-up breaker or fuse nearest the source of power shall have an interrupting rating not less than the maximum short-circuit current available at the point where it is installed.

(1) *Current limiting fuses.* If a fuse is used as a back-up device, its selection and application shall be governed by the following design parameters:

(i) The maximum fuse rating shall be selected which will give adequate protection, on fault currents, to the device it backs up. In no case shall the device being backed up be called upon to interrupt fault currents in excess of 90 percent of its interrupting rating.

(ii) Fault currents cleared by the device backed up shall not cause damage or any change in the time-current characteristics of the current limiting fuse.

(iii) Fuses should be so applied that single phase operation of any three-phase connected motor will be precluded.

(2) *Fused circuit breakers.* Fused circuit breakers with fuses connected to the load side may be used for back-up service provided the fuses and circuit breakers are of coordinated design so that arc restrike in the circuit breaker cannot occur when a fuse blows.

SUBPART 111.60—WIRING METHODS AND MATERIALS

1. Section 111.60–1 is amended by revising paragraph (b) (1) (ii) and paragraph (d) (5) to read as follows:

§ 111.60–1 *Electric cable.* * * *

(b) *Construction.* * * *

(1) *Classes of cables.* * * *

(ii) Interior communication and telephone cable;

* * * * *

(d) *Cable applications.* * * *

(5) *Interior communication and telephone cable.* Cable for interior communication apparatus operating on potentials not exceeding 300 volts shall be either interior communication cable, telephone cable, or power and lighting cable of the types described in this subpart.

2. Section 111.60–5 (b) is amended by revising footnote 2 in Table 111.60–5 (b) (referred to in the seventh column) to read as follows:

§ 111.60–5 *Portable electric cord and fixture wire.* * * *

Application, portable cords. * * *

TABLE 111.60-5 (b)—PORTABLE CORDS

[1] The temperature limit indicated applies only to the individual conductors where the cord is employed within an appliance. The temperature limit on the jacket of Type HS rubber-jacketed heater cord and Type AFS or AFSJ rubber-jacketed heat-resistant cord is limited to 75° C. The temperature limit on the jacket of Type HSJ rubber-jacketed heater cord is limited to 60° C. unless the jacket is marked by means of indent printing or indelible-ink printing at intervals of two feet or less with the value "75° C."

3. Section 111.60-20 is amended by revising the text of paragraph (b) (but not the Table 111.60-20 (b)), and paragraph (e) to read as follows:

§ 111.60-20 *Outlet boxes.* * * *

(b) *Size.* Outlet boxes shall have an internal depth of at least 1½ inches, except that when an outlet box is incorporated in a fixture the depth may be decreased to not less than 1 inch provided the outlet box volume is not less than 20 cubic inches. The free space within an outlet box for each conductor, not counting fixture wires, shall be not less than that given in Table 111.60-20 (b). Table 111.60-20 (b) applies where no fitting or devices, such as cable clamps, hickeys, switches or receptacles are contained in the box. Where one or more such devices are contained in the box, each such device shall count as one conductor. Each conductor terminated in the box is counted as one conductor.

* * * * *

(e) *Penetration of walls.* Holes in the walls of watertight outlet boxes for the purpose of providing means for the attachment of parts on the exterior or interior thereof, or for securing the cover and the like, shall not penetrate the total thickness of the box wall.

4. Subpart 111.60 is amended by inserting a new section to follow § 111.60-25, reading as follows:

§ 111.60-26 *Shore connection boxes.* (a) Shore connection boxes shall be of ample size to accommodate the connections of the portable and fixed cables, and shall be of watertight construction when installed in damp or wet locations.

(b) Shore connection boxes for installation in corrosive locations shall not be constructed of sheet metal unless the conditions of § 111.60-25 (b) (4) (i), (ii), or (iii) are met.

(c) The minimum spacing between live parts and between live parts and ground in shore connection boxes shall meet the requirements of Table 111.35-5 (d). Means other than friction between parts shall be provided to prevent cable lugs from rotating.

(d) Shore connection boxes shall be arranged for bottom entrance of portable cable and shall provide a protected enclosure while in use.

5. Section 111.60-35 (g) (6) is amended to read as follows:

§ 111.60-35 *Lighting fixtures.* * * *

(g) *Special provisions for electric-discharge-lamp fixtures.* * * *

(6) Electric discharge lamps having a length exceeding 40 inches shall be provided with supplementary supporting clamps or other means to prevent drop-out due to vibration.

SUBPART 111.70—SPECIAL REQUIREMENTS FOR TANK VESSELS

1. Section 111.70-10 is amended by revising paragraphs (b) (4), (c) (1), and (c) (3), to read as follows:

§ 111.70-10 *Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.* * * *

(b) *General.* * * *

(4) *Portable equipment.* Illumination may be obtained in any compartment by the use of approved explosion-proof, self-contained, battery-fed lamps. Otherwise, no portable electrical equipment of any type shall be used in bulk cargo tanks, fuel oil tanks, cargo pump rooms, or enclosed spaces immediately above or adjacent to bulk cargo tanks unless all the following conditions are met:

(i) The compartment itself is gas-free;

(ii) The compartments adjacent and diagonally adjacent are either (*a*) gas-free, (*b*) inerted, (*c*) filled with water, (*d*) contain Grade E liquid and are closed and secured, or (*e*) are spaces in which inflammable vapors and gases normally are not expected to accumulate; and

(iii) All other compartments of the vessel in which inflammable vapors and gases normally may be expected to accumulate are closed and secured.

* * * * *

(c) *Installation requirements on tank vessels handling Grade A, B, C, or D liquid cargo.* * * *

(1) *Lighting of cargo pump rooms.* (i) Except as otherwise permitted by subdivision (ii) of this subparagraph, cargo pump rooms shall be lighted through permanently fixed glass lenses fitted in the bulkhead and/or overhead. Each fixed glass lens shall be of rugged construction and arranged to maintain the watertight and gastight integrity of the structure. The fixed glass lens may form a part of a lighting fixture provided that all of the following conditions are complied with: (*a*) No means of access to the interior of the fixture from the pump room is provided; (*b*) The fixture is vented to the engine room or a similar non-hazardous area; (*c*) The fixture is wired from outside the pump room; and (*d*) The maximum observable temperature on the pump room surface of the glass lens based on an ambient temperature of 40° C. shall not exceed 180° C.

(ii) Where the location of a cargo pump room does not permit the lighting arrangement of subdivision (i) of this subparagraph, or where the lighting arrangement of subdivision (i) of this subparagraph, if used, would not provide the required illumination, approved explosion-proof lighting fixtures may be installed. Specific approval by the Commandant is required for the installation of approved explosion-proof lights, associated wiring and accessories.

* * * * *

(3) *Cable.* Through runs of electric cable, regardless of how they may be protected, are prohibited in cargo pump rooms. In any enclosed space immediately above or adjacent to cargo tanks other than cargo pump rooms, through runs of electric cable are permitted.

2. Section 111.70-90 is amended by revising paragraphs (a) (11) and (b) (3) to read as follows:

§ 111.70-90 *Special requirements for tank vessels constructed prior to November 19, 1955—TB/ALL*—(a) *General installation requirement for tank vessels construction or conversion of which was started on or after November 10, 1936, but prior to November 19, 1955.* * * *

(11) *Portable equipment.* When the vessel is not gas free, no portable electrical equipment shall be used in the cargo or fuel oil tanks, the cargo pump rooms or any enclosed space immediately above or adjacent to the bulk cargo tanks, except as permitted by § 111.70-10 (b) (4).

* * * * *

(b) *Cargo pump rooms and enclosed spaces of tank vessels constructed on or after July 1, 1951, but prior to November 19, 1955.* * * *

(3) *Lighting.* Lighting of pump rooms or the enclosed spaces immediately above the bulk cargo tanks shall be effected by means of approved explosion-proof or magazine type lighting fixtures. When the vessel is not gas free no portable lighting equipment shall be used except as permitted by § 111.70-10 (b) (4).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

SUBPART 112.05—GENERAL REQUIREMENTS

1. Section 112.05–1 (a) is amended by revising Table 112.05–1 (a) to read as follows:

§ 112.05–1 *Source of power.* (a) * * *

TABLE 112.05–1 (a)

Size of vessel and service	Type of types of emergency source of power	Period of operation and minimum capacity of emergency source of power
Passenger vessels over 65 feet in length		
Ocean and Coastwise, 1,600 g. t. and over, and any passenger vessel, regardless of tonnage or service, where electric power-operated water-tight doors are required.	Storage battery with automatic transfer gear for temporary source, and supplemented by diesel generator with automatic starting and transfer gear for final source.	½ hour. 36 hours.
Ocean and Coastwise, over 15 g. t. but less than 1,600 g. t.[1]	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	36 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, 100 g. t. and over, but less than 1,600 g. t.	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	8 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, over 15 g. t. but less than 100 g. t.[1]	Storage battery or diesel generator with automatic or manual operation.[2]	8 hours or twice the time of run, whichever is the smaller.
Cargo and miscellaneous self-propelled vessels and tank ships; barges with sleeping accommodations for more than 6 persons[3]		
All waters, 1,600 g. t. and over	Storage battery or diesel generator, automatic or manual operation.	12 hours.
All waters, 300 g. t. and over, but less than 1,600 g. t.	Storage battery or diesel generator, automatic or manual operation, or approved relay-controlled battery-operated lanterns.	12 hours or twice the time of run, whichever is the smaller.[4]

[1] See also § 112.05–15.

[2] See also §§ 112.35–1 and 112.35–5.

[3] Applicable to barges contracted for on or after November 19, 1958.

[4] Minimum period of operation of relay-controlled, battery-operated lanterns may be less than 12 hours but not less than 6 hours.

2. Section 112.05–5 is amended by adding a new paragraph (c), reading as follows:

§ 112.05–5 *Emergency source of supply.* * * *

(c) (1) The provisions of this paragraph shall apply to all vessels contracted for on or after October 1, 1958.

(2) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least one hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

(3) Cable runs from the emergency switchboard supplying vital services in case of a casualty to the ship's service generating plant shall be located so as not to be damaged as a result of the casualty to the ship's service generating plant.

3. Section 112.05–10 (b) is amended to read as follows:

§ 112.05–10 *Emergency lights.* * * *

(b) Emergency lights for the illumination of boats and embarkation decks, lifeboat launching gear, wheelhouse, chart room, and navigating instruments need not be continuously lighted and, except as provided otherwise in this paragraph, shall be controlled by switches located in the wheelhouse.

(1) On "island type" vessels, such as tankers and Great Lakes' bulk freighters, lighting for illumination of lifeboats, launching gear and embarkation areas remote from the wheelhouse island may be controlled from a central location within the island involved in lieu of from the wheelhouse.

SUBPART 112.35—OPERATION OF A MANUALLY CONTROLLED EMERGENCY SYSTEM HAVING A STORAGE BATTERY OR A DIESEL-ENGINE-DRIVEN GENERATOR AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

Section 112.35–5 (a) is amended to read as follows:

§ 112.35–5 *Means for starting.* (a) The starting means shall be located in the wheelhouse or so as to be under the control of the chief engineer.

SUBPART 112.50—EMERGENCY DIESEL-ENGINE-DRIVEN GENERATOR SETS

Section 112.50–1 is amended to read as follows:

§ 112.50–1 *General requirements.* (a) The diesel engine of the generator set shall be complete with all accessories necessary for operation and protection of the engine, shall have a self-contained cooling system of size to assure continuous engine operation using 100° F. air, and the fuel used shall have a flash point of not less than 110° F. The room in which the set is located shall be provided with suitable intake and exhaust ducts to supply adequate cooling air. The diesel engine as installed shall be without starting aid except that a thermostatically controlled electric water jacket heater, connected to the final emergency bus, may be employed. The diesel engine as installed shall be capable of carrying its full rated load within 20 seconds after cranking is initiated with the intake air, room ambient, and starting battery all at a temperature of 32° F. The diesel engine shall be electric starting unless otherwise approved, and the starting battery shall be of sufficient capacity to provide six consecutive cycles of cranking, each cycle to consist of approximately one-half minute of cranking at a speed recommended by manufacturer followed by approximately one minute of battery rest, with the intake air, room ambient, and starting battery at a temperature of 32° F. At the end of the sixth cycle of cranking, the battery voltage shall be not less than 50 percent of nominal voltage. The diesel-engine-driven generator set shall lubricate and operate satisfactorily when permanently inclined to an angle of 22½ degrees athwartship and 10 degrees fore and aft, and shall be arranged so that it will not spill oil under a vessel roll of 30 degrees each side of the vertical. Units depending on forced lubrication shall be provided with an audible alarm device to sound on loss of oil pressure while running.

(b) Hydraulic means of starting the diesel engine will be considered equally acceptable to the electric means described in paragraph (a) provided all the following conditions are met:

(1) The hydraulic cranking device shall be a self-contained system which will provide the required cranking forces and engine starting RPM as recommended by engine manufacturer.

(2) Electrically operated means shall automatically provide and maintain the stored hydraulic pressure within the predetermined pressure limits.

(3) The means of automatically maintaining the hydraulic system within the predetermined pressure limits shall be energized from the final emergency bus.

(4) Means shall be provided to manually recharge the hydraulic system.

(5) Charging of the hydraulic cranking system shall not create an absence of hydraulic power for engine starting at any time.

(6) The capacity of the hydraulic cranking system shall provide not less than 6 cranking cycles. Each cranking cycle shall provide the necessary number of revolutions at the required RPM to permit the diesel engine to meet the requirements of carrying its full rated load within twenty seconds after cranking is initiated with intake air, room ambient temperature and hydraulic cranking system at 32° F.

(7) Capacity of the hydraulic cranking system sufficient for three starts under conditions of subparagraph (6) of this paragraph shall be held in reserve and arranged so that the operation of a single control by one person will isolate the discharged or initially used part

of the system and permit the reserve capacity to be employed.

SUBPART 112.55—STORAGE BATTERY INSTALLATION

1. Section 112.55–1 (a) is amended to read as follows:

§ 112.55–1 *General requirements.* (a) Storage batteries for emergency lighting and power systems, including starting batteries for emergency diesel-engine driven generator sets, shall be of a design and construction proven successful in merchant marine service, and capable of withstanding the roll and pitch of a vessel and exposure to salt air. Positive plates of lead-acid batteries shall be at least 0.25 inch thick, and the specific gravity of the electrolyte when fully charged shall be 1.210 to 1.220, both inclusive, at 25° C., except that thin positive plate construction (0.080 inch thick minimum) may be used for engine cranking batteries. The fully charged specific gravity of the electrolyte of lead-acid engine cranking batteries shall not exceed 1.260 at 25° C. for high watering space type batteries or 1.285 at 25° C. for normal watering space type batteries.

2. Section 112.55–10 (a) is amended to read as follows:

§ 112.55–10 *Storage battery requirements.* (a) Storage battery installations for emergency lighting and power, including starting batteries for emergency diesel-engine driven generator sets, shall include the necessary apparatus automatically to maintain the battery in a fully charged condition. At all times when the ship's service source of supply is available, the battery shall be furnished a continuous trickle charge, except that after a battery discharge, the battery shall be automatically charged at a higher rate until the battery voltage increases to a predetermined point. Charging operations shall not create an absence of battery power at any time. Instruments to show the rate of charge shall be provided.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4488, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

SUBPART 113.10—AUTOMATIC FIRE DETECTING AND ALARM SYSTEMS

Section 113.10–5 is amended by revising paragraphs (a) and (b) to read as follows:

§ 113.10–5 *General requirements.* (a) Fire alarm annunciators, power supply, fire detectors, test stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Part 161 of Subchapter Q (Specifications) of this chapter.

(b) All electric cables installed in conjunction with fire detecting and alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

SUBPART 113.15—MANUAL FIRE ALARM SYSTEMS

Section 113.15–5 is amended by revising paragraphs (a) and (b) to read as follows:

§ 113.15–5 *General requirements.* (a) Manual fire alarm annunciator, power supply, manual stations, and vibrating bells shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1959, shall meet the requirements of Subpart 161.002 of Part 161 of Subchapter Q (Specifications) of this chapter.

(b) All electric cables installed in conjunction with manual fire alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

SUBPART 113.20—AUTOMATIC SPRINKLER SYSTEMS

Section 113.20–5 (c) is amended to read as follows:

§ 113.20–5 *General requirements.* * * *

(c) All electric cable employed in a sprinkler alarm system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

SUBPART 113.25—GENERAL ALARM SYSTEMS

1. Section 113.25–1 is amended by revising paragraph (c) and adding a new paragraph (d), reading as follows:

§ 113.25–1 *Application.* * * *

(c) The provisions of § 113.25–30 shall apply to all barges of 300 gross tons and over contracted for on or after November 19, 1958, with sleeping accommodations for more than 6 persons.

(d) The provisions of § 113.25–90 shall apply to all manned vessels of over 100 gross tons, except barges, scows, and similar vessels, contracted for prior to November 19, 1952.

2. Section 113.25–10 is amended to read as follows:

§ 113.25–10 *General requirements*—(a) *Power supply.* (1) The power supply for the general alarm system shall be a storage battery located above the bulkhead deck or above the freeboard deck, whichever is the higher, and in a protected area outside the machinery casing.

(2) The nominal potential of the general alarm system shall be not less than 6 volts and not more than 120 volts.

(3) The general alarm system supply shall be one of the following types;

(i) One storage battery, used for no other purpose, in combination with an automatic charging panel that will maintain the battery in a fully charged condition at all times except immediately following a discharge. The storage battery shall have sufficient capacity to supply the general alarm system continuously for a period of at least 8 hours without being recharged;

(ii) Duplicate storage batteries, used for no other purpose, and so connected, in combination with a manual two-position transfer switch (having no OFF position), that one battery will be charged while the other battery is available for furnishing power to the system. Each of the two storage batteries shall have sufficient capacity to supply the general alarm system continuously for a period of at least 4 hours without being recharged;

(iii) A circuit connected to the temporary emergency bus of an emergency switchboard as provided for by § 112.15–1 (l) of this subchapter; or

(iv) A circuit from an interior communication switchboard, the interior communication switchboard being supplied by duplicate storage batteries so connected, in combination with a manual two-position transfer switch (having no OFF position), that one battery will be charged while the other battery is available for furnishing power to the switchboard. The interior communication batteries shall each be of sufficient capacity to supply without recharging the general alarm system continuously for a period of 4 hours and to supply all other connected loads at maximum expected demand for a period of at least 8 hours.

(4) When the general alarm system is the only load supplied by the general alarm system battery or batteries, the battery or batteries shall be protected against overcurrent by enclosed fused switches or circuit breakers, having provisions for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized tampering with the fuses. The fused switch or circuit breaker shall be located outside of, but adjacent to, the battery room or battery locker, and the capacity of the fuses or circuit breaker shall be not less than 200 percent of the connected load.

(5) When the general alarm system is supplied from an emergency or interior communication switchboard, the fused switch or circuit breaker supplying the general alarm system shall have provisions for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized tampering with the fuses.

(b) *Distribution of general alarm system feeders and branch circuits.* (1) A feeder distribution panel shall be provided to divide the system into the required number or zone feeders. The distribution panel shall afford overcurrent protection for each zone feeder, but no disconnect switches shall be provided. The distribution panel shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher, and outside the machinery casing.

(2) At least one feeder shall be provided for each vertical fire zone in which general alarm bells are located.

(3) One or more branch circuit distribution panels shall be provided for each zone feeder with at least one fused branch circuit for each deck level. The distribution panels shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher, in the zone served, and no disconnect

switches shall be provided for the branch circuits.

(4) No more than five general alarm bells shall be connected to one branch circuit, and a branch circuit shall not supply bells on more than one deck level.

(5) On vessels not divided into fire zones by main vertical fire bulkheads, the vessel shall be divided into vertical zones not exceeding 150 feet in length and a general alarm feeder provided for each such zone in which general alarm bells are required.

(6) On vessels where accommodation spaces are located only at the extremities of the vessels, other arrangements of feeders and branch circuits will be considered.

(c) *Location of general alarm bells.* (1) General alarm bells shall be so distributed throughout passengers' and crew's quarters in such number and in such a manner as to obtain in each room with the door closed either:

(i) A sound level of not less than 75 decibels; or

(ii) A sound level of 20 decibels above the ground noise level existing when the vessel is underway in moderate weather, whichever is the high.

(2) General alarm bells shall be so distributed throughout public spaces, work spaces, and machinery spaces in such number and in such a manner as to warn all occupants in an emergency.

3. Section 113.25–15 (d) (1) is amended to read as follows:

§ 113.25–15 *Detail requirements.* * * *
(d) *Electric cable and distribution fittings.* (1) All cable installed in conjunction with general alarm systems shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

4. Subpart 113.25 is amended by adding a new section to follow § 113.25–25, which reads as follows:

§ 113.25–30 *General alarm system for barges of 300 gross tons and over with sleeping accommodations for more than 6 persons.* (a) Barges of 300 gross tons and over with sleeping accommodations for more than 6 persons shall be provided with a suitable alarm bell installation.

SUBPART 113.30—SOUND POWERED TELEPHONE AND VOICE TUBE SYSTEMS

Section 113.30–1 (a) is amended to read as follows:

§ 113.30–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.30–90, shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.30–90.

SUBPART 113.35—ENGINE ORDER TELEGRAPH SYSTEMS

1. Section 113.35–1 (a) is amended to read as follows:

§ 113.35–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.35–90, shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.35–90.

2. Section 113.35–50 is amended to read as follows:

§ 113.35–50 *Electric engine order telegraph system, operation.* (a) Where more than one transmitter, located in the wheelhouse, the wings of the navigating bridge, and/or the top of the wheelhouse, operate a common indicator in the engine room, either the transmitters shall operate in synchronism in accordance with paragraph (b) of this section, or the transmitters shall operate under the control of a transmitter transfer control in accordance with paragraph (c) of this section.

(b) All transmitter handles and pointers and all reply pointers shall operate in synchronism. Where the transmitters are mechanically interlocked to effect synchronous operation, the requirements of § 113.35–30 (a) shall be met.

(c) All transmitters shall operate under the control of a transmitter transfer control so that movement of any one transmitter handle automatically connects that instrument electrically to the engine room indicator and simultaneously disconnects electrically all other transmitters. The reply pointers of all transmitters shall operate in synchronism at all times.

SUBPART 113.40—RUDDER ANGLE INDICATOR SYSTEMS

1. Section 113.40–1 (a) is amended to read as follows:

§ 113.40–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.40–90 shall apply to all self-propelled vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.40–90.

2. Section 113.40–5 (a) is amended to read as follows:

§ 113.40–5 *General requirements.* (a) Vessels of 5,000 gross tons or over, or vessels of any tonnage certificated to carry 250 passengers or more, shall be provided with a system, either electrical or mechanical, for indicating in the wheelhouse the position of the rudder. When non-follow-up steering control is installed at the after steering station, a separate rudder angle indicator system shall be installed for that station. See Part 57 of Subchapter F (Marine Engineering) of this chapter.

3. Section 113.40–10 (e) is amended to read as follows:

§ 113.40–10 *Detail requirements.* * * *
(e) The electric rudder angle indicator system shall comply with the applicable requirements of §§ 113.35–40 and 113.35–45 (a) to (d), inclusive.

SUBPART 113.50—EMERGENCY LOUD SPEAKER SYSTEMS

Section 113.50–25 is amended to read as follows:

§ 113.50–25 *Type of cable and equipment enclosures.* (a) All cable used in connection with the system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(b) All junction or connection boxes employed in the distribution system shall be of watertight construction.

SUBPART 113.55—NAVIGATION LIGHTS

Section 113.55–25 (a) is amended to read as follows:

§ 113.55–25 *Navigation light indicator panel.* (a) Self-propelled vessels of 1,600 gross tons and over shall be provided with a navigation light indicator panel located in the wheelhouse to control electric side, masthead, range, and stern lights. The panel shall provide visible and audible indications of the failure of any of the above named navigation lights.

SUBPART 113.70—SMOKE DETECTOR SYSTEMS

Section 113.70–5 is amended to read as follows:

§ 113.70–5 *General requirements.* (a) The smoke detector control unit shall be of a type approved by the Commandant. Systems installed on vessels contracted for on or after November 19, 1952, shall meet the requirements of Subpart 161.002 of Part 161 of Subchapter Q (Specifications) of this chapter.

(b) All electric cable installed in conjunction with the smoke detector system shall be either leaded and armored, impervious sheathed and armored or mineral insulated metal sheathed.

(c) Cable runs between the smoke detector control unit and the supply switchboard shall be as direct as possible and shall avoid staterooms, lockers, and other enclosed spaces where the cable could be damaged by a localized fire or by other causes.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, [illegible] 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. [illegible] 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. [illegible] as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, [illegible] [illegible] 395, 363, 369, 367, 1333, 463a, 50 U. S. C. [illegible] E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter M—Bulk Grain Cargoes

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

SUBPART 144.10—GENERAL REQUIREMENTS

1. Section 144.10–10 is amended to read as follows:

§ 144.10–10 *Application to vessels.* (a) The regulations in this part apply to every passenger vessel and every cargo vessel of 500 gross tons or over loading loose grain in bulk within the limits defined in § 144.01–1 (a) for an international voyage (excepting on the Great Lakes).

(b) The regulations in this part apply to every United States passenger vessel and every United States cargo vessel of 500 gross tons or over carrying loose grain in bulk as cargo on an international voyage (excepting on the Great Lakes)

2. Section 144.10–90 is amended by adding a new paragraph (b), reading as follows:

§ 144.10–90 *Equivalents.* * * *

(b) In any case where it is shown to the satisfaction of the Commandant that the use of specified loading and stowage requirements in this part are unreasonable or impracticable, the Commandant may permit the use of equivalent loading and stowage requirements in lieu of those described in this part to such extent and upon such conditions as will insure to his satisfaction a degree of safety consistent with the minimum standards set forth in Subparts 144.10 to 144.30, inclusive.

3. Subpart 144.10 is amended by adding a new section at the end thereof, reading as follows:

§ 144.10–95 *Responsibility of owner or master.* (a) Nothing in the regulations in this part shall be deemed to relieve the owner or master of a ship from taking all necessary and reasonable precautions to prevent grain from shifting.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

4. Part 144 is amended by adding a new Subpart 144.40, reading as follows:

Subpart 144.40—Equivalents Allowed for Construction of Feeders and Bin Bulkheads, and Stowage of Loose or Heavy Grain in Bulk

Sec.

144.40–1 Application.
144.40–5 Conditions of acceptance.
144.40–10 Construction of feeders and bin bulkheads.
144.40–20 Holds, compartments or bins partly filled with grain in bulk.
144.40–30 Holds or compartments entirely filled with grain in bulk.
144.40–40 Location of stowage for heavy grain in bulk.
144.40–50 Countries utilizing these equivalents.

AUTHORITY: §§ 144.40–1 to 144.40–50 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 144.40–1 *Application.* (a) It has been shown to the satisfaction of the Commandant that a degree of safety consistent with the minimum standards set forth in this part will be obtained when United States vessels, and when foreign vessels loading in United States ports, comply with the equivalents in this subpart for §§ 144.10–70 (c) and (d), 144.20–10 (a) and (c), 144.20–20 (a) and (c), and 144.20–40.

§ 144.40–5 *Conditions of acceptance.* (a) It is a condition of the Commandant's acceptance of these equivalents that the owners shall furnish the Commandant with plans and stability data, including the following related information:

(1) A capacity plan, including grain capacities and centers.

(2) Fuel and water consumption per day and maximum anticipated voyage duration in days.

(3) Stability data for the least favorable condition with a full cargo of grain in bulk, including:

(i) Details of the type of grain, weight and distribution of cargo, including arrangement of bins and/or feeders and the quantity of bagged grain in each hold or space;

(ii) Details of other weights (e. g. ballast, bunkers, fresh water, stores, etc.); and

(iii) Draft and metacentric height, with allowance for slack tanks.

(b) If, upon examination of these data, the Commandant is satisfied as to the adequacy of the vessel's stability for the proposed service, he will issue a letter certifying what equivalent provisions have been accepted for that particular vessel.

(c) Applicability of these alternative arrangements is also subject to the provisions that:

(1) All bulk grain is well trimmed up between the beams and in the wings, and the spaces between them are completely filled.

(2) Grain bags and other materials used in the construction of bins, feeders, etc., are of suitable quality, and good workmanship is employed in the construction.

(d) The requirements in §§ 144.40–10, 144.40–20, 144.40–30 shall apply to "heavy" and "light" grain except that §§ 144.40–20 and 144.40–30 shall not apply to linseed in bulk.

§ 144.40–10 *Construction of feeders and bin bulkheads.*[1] (a) Feeders or bin bulkheads may be constructed of bagged grain: *Provided,* That:

(1) The bags are tightly stowed and interlocked.

(2) Whenever practicable the bags are so stowed as to engage firmly with the ship's sides, bulkheads, and other convenient structures. Where this is not possible the bagged bulkheads are to be not less than 11 feet (mean) in thickness and stepped.

(3) Transverse bagged bulkheads not in way of hatchways or forming feeders but supporting grain on one side only are not less than 11 feet (mean) thickness and stepped.

(b) Under this arrangement bins shall be constructed by filling the wings of a 'tween deck with bagged grain or other suitable cargo to a breadth of not less than 25 percent of the beam of the ship on each side and regulating the size of the bin by the construction of transverse bagged bulkheads. In any bin so constructed longitudinal bulkheads or shifting boards in line with the keel shall not be required.

(c) In place of bagged grain, as required under these equivalent arrangements, cased, baled or other suitable cargo may be used provided it is equally strongly supported and made grain tight with strong separation cloths.

§ 144.40–20 *Holds, compartments or bins partly filled with grain in bulk.*[2] (a) In any hold or compartment which is partly filled with loose grain in bulk, the hold or compartment shall be divided by a properly constructed longitudinal bulkhead or shifting boards, clear of the hatchway in line with the keel, and extending for the full depth of the compartment. The grain in bulk shall be leveled and topped off with bagged grain or other suitable cargo extending to a height of not less than 4 feet above the top of the grain in bulk and supported on suitable platforms laid over the whole surface of the grain in bulk except that in the space beneath the hatchway and extending to the sides of the compartment, 5 feet of bagged grain shall be required.

(b) The fitting of a longitudinal bulkhead or shifting boards in a lower hold shall not be required if the grain in bulk does not exceed one-third of the capacity of the hold, or in the case of a hold containing a shaft or other similar tunnel, one-half the capacity of the hold.

(c) Not more than two holds or compartments shall be partly filled with grain in bulk; but other holds or compartments may be partly filled with grain in bulk provided they are filled up to the deckhead with bagged grain or other suitable cargo.

§ 144.40–30 *Holds or compartments entirely filled with grain in bulk.*[3] (a) Every hold or compartment which is entirely filled with loose grain in bulk shall be divided by a longitudinal bulkhead, or shifting boards clear of the hatchway, in line with the keel, which shall be properly constructed, secured and fitted grain tight with proper fittings between the beams. In holds such shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 feet, whichever is the greater. In compartments in tween decks and superstructures they shall extend from deck to deck. In addition, either:

(1) The bulk grain beneath the hatchway shall be trimmed in the form of a saucer or pit hard up to the deckhead beyond the hatchway. It shall also be topped off with bagged grain or other suitable cargo extending to a height in the center of the saucer or pit of not less than 6 feet above the top of the grain in bulk (measured below the deck line) and supported on tarpaulins or strong separation cloths. The bagged grain or other suitable cargo shall be stowed tightly against the deck, the longitudinal bulkheads, the hatch beams and side and end coamings; or

(2) The hold or compartment shall be fed by a feeder constructed in accordance with § 144.40–10 or in accordance with § 144.10–70, and having a capacity of not less than 5 percent or more than 10 percent of the quantity of grain carried in the compartment which it feeds. Consideration of stability information may make it necessary to level off the surface of the bulk grain in large feeders and to overstow it with two tiers of bagged grain.

(b) When grain in bulk is loaded in a deep tank, the arrangements described in the last sentence of § 144.20–20 (c) shall apply.

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[1] Equivalent to § 144.10–70 (c) and (d).

[2] Equivalent to § 144.20–10 (a) and (c).

[3] Equivalent to § 144.20–20 (a) and (c).

§ 144.40–40 *Location of stowage for heavy grain in bulk.*[4] (a) Heavy grain in bulk shall not be carried above deck except in the manner specified in § 144.20–40 except that feeders and bins may be constructed of bagged grain and the capacity of any bin may exceed 8,000 cubic feet.

§ 144.40–50 *Countries utilizing these equivalents.* The equivalents authorized by this subpart are being invoked in the ports of the following countries:

Argentina.
Uruguay.

Subchapter R—Nautical Schools

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

SUBPART 167.40—CERTAIN EQUIPMENT REQUIREMENTS

Section 167.40–20 is amended to read as follows:

§ 167.40–20 *Deep-sea sounding apparatus.* Nautical school ships shall be equipped with an efficient mechanical or electronic deep-sea sounding apparatus in addition to the ordinary deep-sea hand lead. The mechanical or electronic deep-sea sounding apparatus required shall be installed, kept in working order, and ready for immediate use.

(R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4431, as amended, 4433, as amended, 4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, 1545, 54 Stat. 163–167, 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 406–409, 411, 412, 239, 363, 367, 463a, 481, 489, 526–526t, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: June 20, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Gaurd,
Acting Commandant.

[F. R. Doc. 58–4845; Filed, June 25, 1958; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) is added to § 6.114 as set out below.

§ 6.114 *Department of Health, Education, and Welfare.* * * *

(d) *Social Security Administration.* (1) Fifteen positions required in connection with the 1960 White House Conference on Children and Youth, as follows: Twelve professional positions in fields concerned directly with child life and three administrative positions requiring broad knowledge of, or experience with, professional and lay groups participating in programs relating to child life. Employment under this provision shall not extend beyond June 30, 1961.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–4868; Filed, June 25, 1958; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (4) and (10) and (p) (1) of § 6.302 are revoked, and paragraphs (a) (5) and (i) (3) are amended as set out below.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* * * *

(5) Two Confidential Assistants and four Private Secretaries to the Secretary.

* * * * *

(i) *Bureau of International Organization Affairs.* * * *

(3) One Private Secretary to each Deputy Assistant Secretary (2 positions).

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58–4867; Filed, June 25, 1958; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Dry Edible Beans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1958 crop of dry edible beans. The 1958 C. C. C. Grain Price Support Bulletin 1 (23 F. R. 2663), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1958 is supplemented as follows:

Sec.
421.3176 Purpose.
421.3177 Availability of price support.
421.3178 Eligible beans.
421.3179 Warehouse receipts.
421.3180 Determination of quantity.
421.3181 Determination of quality.
421.3182 Credit for loss or damage.
421.3183 Maturity of loans.
421.3184 Packaging and Warehouse charges.
421.3185 Support rates.
421.3186 Storage in transit.
Sec.
421.3187 Delivery of beans under purchase agreements.
421.3188 Settlement.

AUTHORITY: §§ 421.3176 to 421.3188 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 715c; 7 U. S. C. 1447, 1421.

§ 421.3176 *Purpose.* Sections 421.3176 to 421.3188 prescribe additional specific regulations which, together with the general regulations contained in the 1958 C. C. C. Grain Price Support Bulletin 1 (§§ 421.3001 to 421.3020) apply to loans and purchase agreements under the 1958-Crop Dry Edible Bean Price Support Program.

§ 421.3177 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative marketing associations of producers.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in all States of the continental United States, except that farm-storage loans will not be available in areas where the State committee determines the beans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support must be made at the office of the county committee which keeps the farm-program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located unless the State committee designates some other county ASC office.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1959, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing eligible beans in 1958 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on beans harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on beans produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

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[4] Equivalent to § 144.20–40.

(f) *Cooperative associations.* A cooperative marketing association which satisfies the requirements of this paragraph shall be deemed an eligible producer and shall be eligible for warehouse-storage loans and purchase agreements on eligible beans as defined in § 421.3178: *Provided,* That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own beans only in those States where the issuance and pledge of such warehouse receipts are valid under State law. To be eligible for price support, the association must meet the following requirements:

(1) The association must be a producer-owned and producer-controlled cooperative marketing association of producers which operates in good faith as a cooperative marketing association of producers under the control of its producer members.

(2) All beans delivered to the association by producer members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer members.

(3) The major part of all the beans marketed by the association must be produced by producer-members, and the major part of beans of a class which is eligible for price support and which is marketed by the association, must be eligible beans produced by members who are eligible producers.

(4) The association must have authority to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.

(5) The association must maintain a record by grade of the quantities of beans of each class eligible for price support acquired by or delivered to the association from each source, and the record must also show the disposition of such beans. Records must be maintained separately for eligible and ineligible beans of such class.

(6) The association shall distribute the proceeds from the disposition of all eligible beans solely to the eligible producers who delivered such beans to the association and only on a basis which results in the proceeds being distributed proportionately to such producers according to the quantity and quality of the eligible beans delivered by each eligible producer. This provision shall not be construed to prohibit the association from establishing separate pools based on grades, classes, qualities of the beans or time of acquisition or time of disposition of the beans.

(7) Beans held by the association must be made available for inspection by CCC at all reasonable times so long as the association has beans under price support and the books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1964.

(8) Notwithstanding the requirement of subparagraph (1) of this paragraph that the association shall consist of producers, a cooperative marketing association, which includes in its membership other cooperative marketing associations composed of producer members, shall be eligible for price support if its member associations meet the requirements for price support under this paragraph, except that the requirement in subparagraph (4) of this paragraph shall be deemed to be satisfied if such member associations have the right to deliver beans of its producer members to the association applying for price support and to authorize such association to sell the beans, to obtain a loan on the security of the beans and to give a lien thereon. The association applying for price support shall: (i) in its charter, by-laws, marketing contracts or by other legal means require that its member associations meet such requirements for price support; (ii) certify to CCC that its member associations are in fact eligible for price support under such requirements; and (iii) except for the requirement that it consist of producers, otherwise qualify for price support under this paragraph.

(9) Determinations with respect to the eligibility of cooperative marketing associations of producers pursuant to this section shall be made by the Executive Vice President, CCC.

§ 421.3178 *Eligible beans.* At the time the beans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The beans must have been produced in the continental United States in 1958 by an eligible producer.

(b) (1) The beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producers who delivered the beans to the association or to member associations meeting the requirements of § 421.3177 (f) and must always have been in them or in them and former producers whom they succeeded before the beans were harvested. Any producer or association in doubt as to whether the requirements of this subparagraph have been fulfilled should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the beans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Dark Red Kidney, Light Red Kidney, Western Red Kidney, Large Lima and Baby Lima.

(d) The beans must not contain mercurial compounds or other substances poisonous to man or animals.

(e) Beans placed under warehouse-storage loan or delivered under a purchase agreement must grade U. S. Choice Handpicked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2.

(f) (1) Beans placed under farm-storage loan must meet the requirements set forth in paragraph (e) of this section for warehouse-storage loans and purchase agreements, or must be beans (hereinafter referred to as "thresher run" beans) which have not been commercially cleaned; which contain not in excess of 18 percent moisture; which after deduction of foreign material, contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans; which are not musty, moldy, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality; and which do not have any commercially objectionable odor.

(2) If offered as security for a farm-storage loan, beans must have been stored in the storage structure for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

§ 421.3179 *Warehouse receipts.* Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or to be delivered under a purchase agreement must meet the following requirements:

(a) Except as provided in paragraph (f) of this section, warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse for which a CCC Form 28, "Bean Storage Agreement", is in effect and which is approved by CCC for price support purposes. The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the beans are insured in accordance with CCC Form 28, "Bean Storage Agreement", and if such insurance was not effective as of the date of deposit of the beans in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the beans are in the warehouse and undamaged. The insurance on commingled beans

must be obtained by the warehouseman. Insurance on beans with respect to which the warehouseman does not guarantee quantity and quality (hereinafter called identity-preserved beans) must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight of beans, the class and the grade or all grading factors used in the determination of the quality of the beans.

(d) In the case of "identity-preserved" beans, the warehouse receipt shall show the lot number and number of bags in the lot, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent of the charges indicated in § 421.3184 (b).

(f) If the receipt is issued for beans of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own beans is not valid under State law and the warehouseman elects to deliver beans to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

§ 421.3180 ***Determination of quantity—*(a) *When loans are made—*(1) *Farm-storage or "identity-preserved" warehouse-stored beans.* (i) At the time the loan is made, the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where the quantity is determined by measurement, 2.1 cubic feet shall constitute 100 pounds.**

(ii) In the case of bagged beans grading U. S. No. 2 or better, loans shall be made on the net weight of the lot or on a quantity determined by multiplying the number of bags by 100 pounds, whichever is the smaller. In the case of other eligible beans, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans, shall be beans free from dockage and other defects as defined in the United States Standards for Beans.

(iii) If the beans are stored in bags, a deduction of ¾ pound per bag shall be made from the gross weight of bagged beans, except where the net weight is shown on the warehouse receipt.

(2) *Commingled warehouse-storage beans.* The quantity on which a loan shall be made shall be the net weight of beans shown on the warehouse receipt or supplemental certificate.

(b) *At time of delivery or acquisition—*(1) *Delivery from other than an approved warehouse or delivery or acquisition as identity-preserved in an approved warehouse.* The net weight of beans delivered to CCC from other than an approved warehouse, or delivered to or acquired by CCC in an approved warehouse as "identity-preserved" beans shall be determined by weighing the beans. In the case of bagged beans, if all the beans in the lot are not weighed, the net weight shall be determined by multiplying the average net weight of the bags weighed (but not less than 10 percent of the bags in the lot) by the total number of bags in the lot. The producer will be credited with the net weight delivered or acquired or with a quantity determined by multiplying the number of bags in the lot by 100 pounds, whichever quantity is less.

(2) *Delivery or acquisition in an approved warehouse of beans covered by a commingled warehouse receipt.* The net weight of beans delivered to or acquired by CCC in an approved warehouse where the warehouseman guarantees the quality and quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 421.3181 *Determination of quality.* (a) The class, grade, and all quality factors shall be determined in accordance with the United States Standards for Beans.

(b) Where quality is guaranteed by the warehouseman, the class and grade of beans placed under loan or acquired or delivered under a loan or purchase agreement shall be that shown on the warehouse receipt.

(c) The class and grade of beans placed under farm-storage loan or identity-preserved warehouse-storage loan shall be determined from an official (Federal or Federal-State) lot inspection certificate, or from an official sample inspection certificate based on a sample drawn by a representative of the county committee. The State committee may require that any such inspection certificates issued prior to the date of the loan application shall be on the basis of a sample drawn within a specified time prior to the date of the loan application. Notwithstanding the foregoing provisions of this paragraph, in the case of loans on thresher-run beans the quality of the beans may be determined by the State ASC office where the Grain Division, Commodity Stabilization Service, authorizes such determination.

(d) Except where quality is guaranteed by the warehouseman as provided in paragraph (b) of this section, the class and grade of beans delivered or acquired under a farm-storage or identity-preserved warehouse-storage loan or a purchase agreement shall be determined from an official lot inspection certificate dated not earlier than 15 days prior to the applicable maturity date for loans and submitted by the producer in accordance with the settlement provisions of this subpart.

(e) Inspection fees incurred in connection with the making of warehouse-storage loans and with the acquisition of beans by CCC will be for the account of the producer. Inspection fees incurred by the county committee in connection with the making of farm-storage loans will be for the account of CCC.

§ 421.3182 *Credit for loss or destruction.* The amount to be credited to the producer for loss or destruction assumed by CCC, in accordance with § 421.3015, shall be determined by multiplying the number of hundredweight of sound beans, lost or destroyed, by the support rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 421.3183 *Maturity of loans.* Loans mature on demand but not later than February 28, 1959, in the case of beans produced in the States of Michigan, New York, and Pennsylvania, and not later than April 30, 1959, in the case of beans produced in all other States.

§ 421.3184 *Packaging and warehouse charges—*(a) *Packaging.* Unless otherwise approved by CCC, beans placed under a warehouse-storage loan must be packed 100 pounds net in new bags made of 36-inch, 10.4 ounce "A" or "B" quality common jute or heavier weight jute, or provision must have been made for such packaging by the producer. Bag seams must be as strong as the full strength of the cloth. Bags must be marked to show the commodity name and class, the net weight when packed; and the name and address of the packer. Beans delivered under a farm-storage loan or purchase agreement must also meet the packaging requirements set forth in this paragraph.

(b) *Warehouse charges.* Storage, bagging, cleaning, inspection fees and all other charges, except receiving and loading out charges in the warehouse in which the beans are acquired by CCC, accruing through February 28, 1959, in the case of beans produced in the States of Michigan, New York and Pennsylvania, and through April 30, 1959, in the case of beans produced in all other States, shall be paid by the producer prior to the time that the beans are placed under warehouse-storage loan or delivered under a purchase agreement, or shall be paid from the loan or purchase proceeds. Such charges include the cost of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unpiling, turning, repiling, or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse storage charges (not in excess of those approved for the 1958 crop under CCC Form 28, "Bean Storage

Agreement") accruing after April 30, 1959 (February 28, 1959, for beans produced in Michigan, New York, and Pennsylvania), which are delivered to or acquired by CCC.

§ 421.3185 *Support rates.* (a) The loan rate for eligible beans shall be the applicable support rate shown in paragraph (b) of this section, for the class, grade, and county where produced; however, if the beans have been moved by truck to approved storage in a higher loan rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the loan rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(b) The support rates per 100 pounds net weight established for dry edible beans are as follows:

Class and Area	*Rate per 100 lbs. U. S. No. 1*[1]
Pinto:	
Area I. All counties in New Mexico except McKinley, Rio Arriba, San Juan, Taos and Valencia	$5.97
Area II. All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, counties of Goshen, Laramie and Platte	5.87
Area III. Counties of McKinley and Valencia in New Mexico	5.77
Area IV. All counties in Arizona, California, South Dakota and Utah. In Colorado, all counties not in Area II. In Wyoming, all counties except Goshen, Laramie, and Platte. In New Mexico, counties of Rio Arriba, San Juan and Taos	5.67
Area V. Washington	5.37
Area VI. All other States and counties	5.47
Great Northern:	
Area I. Minnesota, Nebraska, North Dakota. In Colorado, all counties east of 106 degrees longitude. In Wyoming, counties of Goshen, Laramie, and Platte	6.57
Area II. South Dakota, and all counties in Wyoming, except Goshen, Laramie and Platte	6.37
Area III. All counties in Montana, Malheur County in Oregon, and counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, Twin Falls in Idaho	6.17
Area IV. All other States and counties	6.07
Pea and Medium White:	
Area I. Michigan, Minnesota, Maine, New York and Wisconsin	$6.92
Area II. All other States	6.42
Small White and Flat Small White	6.80
Dark Red Kidney	7.98
Light Red Kidney	7.98
Western Red Kidney	7.98
Pink	6.60
Small Red:	
Area I. Idaho and Colorado	6.75
Area II. Washington	6.65
Area III. All other States	6.70
Large Lima	9.55
Baby Lima	4.80

§ 421.3186 *Storage in transit.* (a) Reimbursement will be made by CCC to producers or warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "inline" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in CCC Form 28, "Bean Storage Agreement", in effect with CCC for the 1958 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of Form CCC 28, "Bean Storage Agreement".

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the appropriate CSS Commodity Office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 421.3187 *Delivery of beans under purchase agreement*—(a) *Commingled storage in approved warehouses.* In the case of eligible beans stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of beans he elects to sell to CCC.

(b) *Other than commingled storage in approved warehouses.* In the case of beans stored in other than approved warehouse storage, or stored identity-preserved in approved warehouse storage the county committee will, on or after the loan maturity date, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery. The producer shall, at his expense, furnish to the county committee at the time of delivery official lot inspection and weight certificates dated subsequent to February 15, 1959, for beans produced in Michigan, New York and Pennsylvania, and subsequent to April 15, 1959, for beans produced in all other States: *Provided, however,* That if at the time of delivery to CCC, a commingled warehouse receipt covering the beans delivered, agreed to by the producer and warehouseman is issued by an approved warehouse, inspection and weight certificates will not be required.

(c) *Storage after maturity date.* The producer may be required to retain beans stored in other than approved warehouse storage, for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of beans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the beans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the beans are going out of condition or are in danger of going out of condition and that the beans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the beans to be of an eligible grade, settlement, when delivery is completed, shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered, but not in excess of the quantity specified on the Purchase Agreement.

§ 421.3188 *Settlement.* The settlement value of the beans delivered or acquired under a loan or delivered under purchase agreement shall be determined as set forth in this section.

(a) *Applicable support rate.* Settlement of loans and purchase agreements shall be made at the support rate for the county in which the beans are produced except as follows:

(1) In the case of farm-storage loans, settlement shall be made at the support rate for the county where the beans are delivered if the beans have been delivered to such county by truck and such county

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[1] Premium for U. S. C. H. P. and U. S. Extra No. 1, 10 cents except that premium for U. S. C. H. P. on pea beans is 25 cents. Discount for U. S. No. 2, 25 cents. Loan rate for thresher-run beans—U. S. No. 1 less $2, except in Michigan and New York, where the loan rate shall be U. S. No. 1 less $3. Quantity on thresher-run beans is the net weight of sound whole beans.

has a higher support rate than the county where the beans were produced.

(2) In the case of warehouse-storage loans, both identity-preserved and commingled, (i) if the warehouse is located off the railroad, settlement will be made with the producer at the support rate for the county to which the warehouseman guarantees delivery for loading if such support rate is higher than the support rate for the county where the beans were produced, and (ii) if the beans are acquired in storage in an approved warehouse in a county having a higher support rate than the county where the beans were produced and movement to such warehouse was made by truck, settlement will be made at the support rate for the county in which acquisition is made by CCC.

(3) In the case of beans delivered under purchase agreement from other than approved warehouse storage, the provisions of subparagraph (1) of this paragraph shall be applicable. In the case of beans delivered under purchase agreement in an approved warehouse, the provisions of subparagraph (2) of this paragraph shall be applicable.

(b) *Applicable support rate for class and grade*—(1) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable county support rate for the class and grade of beans shown on the warehouse receipt and accompanying documents for the quantity shown thereon.

(2) *Farm-storage and identity-preserved warehouse-storage loans.* (i) In the case of eligible beans delivered to CCC from farm-storage or acquired by CCC in identity-preserved warehouse-storage under the loan program, settlement will be made at the applicable county support rate for the class and grade of the total quantity of beans delivered. The producer shall, at his expense, furnish to the county committee official lot inspection and weight certificates dated subsequent to February 15, 1959, for beans produced in Michigan, New York and Pennsylvania, and subsequent to April 15, 1959, for beans produced in all other States. On farm-storage loans such certificates shall be furnished at the time of delivery of the beans. On identity-preserved warehouse-storage loans such certificates shall be furnished within 10 days after the applicable maturity date. In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer. However, notwithstanding the foregoing provisions of this subdivision, if at the time of delivery to or acquisition by CCC, a commingled warehouse receipt covering the beans delivered or acquired, agreed to by the producer and warehouseman, is issued by an approved warehouse, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable county support rate for the class and grade of the beans shown on the commingled warehouse receipt and accompanying documents for the quantity shown thereon.

(ii) In the case of beans delivered under a farm-storage loan or acquired by CCC under an identity-preserved warehouse storage loan which are of a grade for which no support rate has been established, the settlement value shall be computed at the support rate established for the class and grade placed under loan, less the difference, if any, at the time the inspection and weight certificates, or the commingled receipt, are delivered to the county committee, between the market price for the class and grade placed under loan and the market price of the beans delivered or acquired as determined by CCC: *Provided, however,* That in the case of thresher-run beans which, when delivered are not of a grade for which a support rate has been established, the settlement value shall be the support rate for beans of the same class grading U. S. No. 2, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC: *Provided, further,* That if any such beans are sold by CCC in order to determine the market price for purposes of settlement, the settlement value shall not be less than such sales price. If upon delivery, the beans contain mercurial compounds or other substances poisonous to man or animals, such beans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product shall not be consumed by man or animals, and the settlement value shall be the same as the sales price. If CCC is unable to sell such beans for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(iii) Any amount determined to be due CCC or the producer in settlement for difference in quantity or quality of an identity-preserved warehouse storage loan shall be paid as provided in § 421.3018 (a) (2) and (3).

(3) *Purchase agreements.* Eligible beans delivered to CCC under a purchase agreement will be purchased at the applicable support rate for the class and grade of beans delivered.

(i) *Commingled storage in approved warehouses.* Beans stored commingled in approved warehouses will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents.

(ii) *Other than commingled storage in approved warehouses.* Beans stored identity-preserved in an approved warehouse and beans delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors shown on the official lot inspection and weight certificates and agreed to by the producer on Commodity Purchase Form 4 or 4A whichever is applicable: *Provided, however,* That if upon delivery, the beans contain mercurial compounds or other substances poisonous to man or animals, and such beans are inadvertently accepted by CCC, the beans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product shall not be consumed by man or animals, and the settlement value shall be the sales price: *Provided further,* That if CCC is unable to sell such beans for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(c) *Determination of quantity for settlement purposes.* The quantity of beans on which settlement will be made shall be determined in accordance with § 421.3180 (b).

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on beans under loan or purchase agreement stored in a warehouse under the Bean Storage Agreement, the producer shall, upon delivery of the beans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Bean Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Method of payment under purchase agreement settlements.* When delivery of beans under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4 or 4A, whichever is applicable, to whom payment of the proceeds shall be made.

Issued this 20th day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4885; Filed, June 25, 1958; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

REVISED SALABLE AND SURPLUS PERCENTAGES

Pursuant to the provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended, regulating the handling of almonds grown in California (7 CFR 909; and 23 F. R. 903), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), notice of a proposal to change the salable percentage from 75 percent to 76 percent and the surplus percentage from 25 percent to 24 percent, applicable to almonds received by handlers during the crop year beginning July 1, 1957, was published in the FEDERAL REGISTER on June 4, 1958 (23 F. R. 3862). The said notice provided that written data, views, or arguments filed by June 14, 1958, would be considered prior to issuance of a final order establishing the revised percentages. No such communications were filed during the time provided.

The proposal to so change the almond salable and surplus percentages was based on estimates and recommendations of the Almond Control Board, which body administers the almond marketing agreement and order program, and other information available to the Department.

After consideration of all relevant information available, it is hereby found that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requirements for the crop year 1957–58, and that to establish the revised salable and surpus percentages set forth below will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That § 909.207 *Revised salable and surplus percentages for almonds during the crop year beginning July 1, 1957,* which was published in the Federal Register of February 7, 1958 (23 F. R. 823) be amended by deleting therefrom the terms "75 percent and 25 percent, respectively," and inserting in lieu thereof the terms "76 percent and 24 percent, respectively."

It is hereby found that good cause exists for making this order effective upon publication in the Federal Register rather than 30 days or any lesser period thereafter for the reasons that (1) the effect of this action is to relieve restrictions upon handlers, and (2) compliance with the changed percentages herein established will require no special preparation on the part of handlers or other persons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958, to become effective upon publication in the Federal Register.

[SEAL] S. R. Smith,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58–4884; Filed, June 25, 1958; 8:57 a. m.]

[Plum Order 11]

Part 936—Fresh Bartlett Pears, Plums, and Elberta Peaches Grown in California

REGULATION BY GRADES AND SIZES

§ 936.593 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Burbank plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have

the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4876; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.594 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship any package or container of Duarte plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1$\frac{13}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1$\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwith-

standing that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4877; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.595 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Becky Smith plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph.

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds ($66\frac{2}{3}$) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom

end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4878; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.596 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Mariposa plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such under-shipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56

plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.) sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4879; Filed, June 25, 1958; 8:55 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.597 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph.

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack"

shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4880; Filed, June 25, 1958; 8:56 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.598 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Elephant Heart plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is au-

thorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4881; Filed, June 25, 1958; 8:56 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.599 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 17, 1958.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1958, and ending at 12:01 a. m., P. s. t., November 1, 1958, no shipper shall ship from any shipping point during any day any package or container of Sugar plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth (1$\frac{10}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth (1$\frac{10}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and eight-sixteenth (1$\frac{8}{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenth (1$\frac{8}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 8½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any ship-

ping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title; 23 F. R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4882; Filed, June 25, 1958; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

REVIEW AND ADJUSTMENT OF WIDOWS' DEPENDENCY AND INDEMNITY COMPENSATION

Correction

In F. R. Document 58–4656, appearing in the issue for Thursday, June 19, 1958, at page 4411, make the following change: In § 4.495 (d) (2), the date "December 31, 1958" should read "December 31, 1956".

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR CARRIERS

MISCELLANEOUS AMENDMENTS

In Part 96 Air Carriers, make the following changes:

a. In §§ 96.1 (d) (3), 96.2 (c), 96.3 (a) (1), 96.3 (c), 96.4 (a), and 96.4 (d), change the title "Regional Transportation Manager" to "Distribution and Traffic Manager."

b. In § 96.1 *Carriers' responsibilities* amend paragraphs (e) and (f) to read as follows:

(e) *For preparing schedules.* Schedules must be prepared north to south and east to west, with flights arranged in chronological order left to right. A brief explanatory letter or cover sheet must accompany proposed new schedules. Copies of changes to existing schedules must be filed with the Post Office Department not less than 10 days prior to the effective date. Three copies must be filed with the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D. C. Three copies must be filed with the Assistant Controller, Bureau of Finance, Post Office Department, Washington 25, D. C. One copy must be filed with the Distribution and Traffic Manager, Post Office Department, in each region concerned. The date of filing will be the date of receipt in the office of the Assistant Postmaster General, Bureau of Tranportation, Washington 25, D. C. A copy of the schedule of all Alaskan routes must also be furnished the Distribution and Traffic Manager, Post Office Department, Seattle, Washington. The Assistant Postmaster General, Bureau of Transportation, will determine which trips are to be designated for the transportation of mail and will notify the carrier accordingly.

(f) *For answering correspondence.* Air carriers must answer promptly all correspondence from officials of the Post Office Department. Correspondence concerning the operations of the airmail service (except that which is initiated by and directed to the Department at Washington, D. C., and postal inspectors) must be channeled through the Distribution and Traffic Manager, Post Office Department, having jurisdiction of the region or route involved. Correspondence concerning the operation of the Alaska airmail service must be channeled through the Distribution and Traffic Manager, Post Office Department, Seattle, Washington.

c. In § 96.3 *Handling of mail* amend paragraph (b) to read as follows:

(b) *Direct transfer between planes.* Carriers must make transfers according to routing authorized on original Forms 2729, 2733 or 2734. Form 2733, Interline Air Mail Record, must be carried with the related mail from point of dispatch to point of transfer and delivered with the mail to the receiving carrier. When actual mail does not agree with listing on Form 2733, the delivering carrier must prepare Form 2734, Air Mail Exception Record, listing actual mail transferred by online destination of receiving carrier. The delivering carrier is responsible for determining that mail tendered is accurately recorded on transfer documents, Form 2733 or 2734, and verified by receiving carrier. All transfers are based on normal operations and under normal conditions, should be made as authorized. If the arriving carrier is off schedule, it is the responsibility of that carrier to determine whether the intended connection can be made. If, because of his late operation the intended trip cannot be connected, the arriving carrier should obtain new routing instructions from local postal personnel and tranfer mail accordingly. The delivering carrier will complete Form 2734 and deliver the mail to an alternate carrier, or to a postal representative, as instructed. After acceptance of transferred mail, if the trip of the receiving carrier to which the mail was routed (1) is delayed more than one hour, (2) is cancelled, or (3) for any other reason cannot provide the ordered service, the receiving carrier is responsible for securing new routing instructions and for transferring the mail as required. Carriers must accept mail tendered them by transfer, unless the mail is not properly listed on transfer forms or the mail is not routed for delivery or transfer at a point on their routes. To facilitate transfers, carriers are responsible for concluding mutually agreeable local arrangements regarding the point of exchange between carriers. These arrangements are subject to approval by the Distribution and Traffic Manager to assure that they are adequate for postal needs.

d. In § 96.4 *Reports* amend paragraph (b) (6) to read as follows:

(6) The carrier must submit POD Form 2702 promptly to the designated Distribution and Traffic Manager, Post Office Department. In any event the form must be submitted within 14 days after the completion of a trip. The original and triplicate copy of Form 2702 for Alaskan routes must be forwarded to the Distribution and Traffic Manager, Post Office Department, Seattle, Washington.

e. In § 96.5 *Submission of claims* amend paragraph (a) (1) by deleting the following sentence therefrom: "Carriers should requisition POD Forms 2734 from the Regional Transportation Manager of the region in which the headquarters or supply center of the carrier is located."

NOTE: The corresponding Postal Manual Part is Part 531.

(R. S. 161, 396, as amended; sec. 405, 52 Stat. 994, as amended; 5 U. S. C. 22, 369, 49 U. S. C. [illegible])

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4839; Filed, June 25, 1958; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 2004]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

On page 2352 of the FEDERAL REGISTER of April 10, 1958, there was published a notice of proposed rule making, relating to permits for construction in advance of approval of a right-of-way, which would clarify applicants' authority to occupy and use the lands involved and which would provide a method of payment for the permitted use and occupancy. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments or suggestions were submitted within the 30-day period. The proposed regulations are hereby adopted without change and are set forth below.

FRED A. SEATON,
Secretary of the Interior.

JUNE 20, 1958.

Paragraph (a) of § 244.8 and paragraphs (d) and (e) of § 244.21 are revised to read as follows:

§ 244.8 *Commencement of construction work in advance of approval of right-of-way; trespass.* (a) Permission to commence construction work over and through lands under the jurisdiction of the Department of the Interior or of its agencies and to use and occupy such lands in advance of the approval of a right-of-way may be granted by the manager upon a satisfactory showing of the necessity for such action and upon a determination, after the request for permission has been cleared by all interested agencies of the Department, that such action is compatible with the public interest. Requests for such advance authority need not meet the formal requirements of §§ 244.3 to 244.5 and may be filed with the agency having supervision of the land involved, in which case a duplicate request must be filed in the office specified in § 244.3.

§ 244.21 *Payment required; exceptions; default; revision of charges.* * * *

(d) (1) There shall be remitted to the Bureau of Land Management with the application, or with the request for advance permission (see § 244.8), the amount provided as the rental for a calendar year or fraction thereof.

(2) Where the application is for a reservoir, dam, well, or plant sites, etc., the sum of five dollars ($5), the minimum charge specified for such cases, shall be remitted to the Bureau of Land Management with the application or the request for advance permission.

(e) The holder of the right-of-way or permit for advance construction, use, and occupancy thereafter shall pay, on or before the first day of each calendar year, the rental charges for that calendar year in accordance with paragraphs (a) and (b) of this section. If the rental charge is not paid when due, and such default shall continue for thirty days after the first day of January, action may be taken to cancel the right-of-way or permit. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the authorized officer.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

[F. R. Doc. 58-4844; Filed, June 25, 1958; 8:50 a. m.]

Appendix—Public Land Orders

[Public Land Order 1661]

[78862]

IDAHO

POWER SITE RESTORATION NO. 543; REVOKING THE EXECUTIVE ORDER OF APRIL 6, 1917, CREATING POWER SITE RESERVE NO. 588; RESTORING CERTAIN LANDS WITHDRAWN IN POWER PROJECT NO. 912

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 6, 1917, withdrawing all portions of the following-described lands lying within 50 feet of the center line of the right-of-way shown on maps filed on December 12, 1916, as part of the application Coeur d'Alene 010458 for an electric transmission line as Power Site Reserve No. 588, is hereby revoked:

BOISE MERIDIAN

T. 47 N., R. 4 E.,
  Sec. 3, SW¼NE¼, E½NW¼, W½SE¼, and SE¼SE¼.
T. 49 N., R. 5 E.,
  Sec. 30, NW¼NW¼.

The area described contains approximately 17 acres.

2. Pursuant to DA-508 Idaho, of the Federal Power Commission, issued March 14, 1958, the following-described lands, withdrawn pursuant to application for license in Project No. 912, are hereby opened, subject to any existing valid rights and the requirements of applicable law, to filing of applications, selections and locations in accordance with the following, subject, however, to the provisions of section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended and subject to the prior right of the licensee and its successors to use the lands for purposes of power development to the extent shown upon the map designated as "Exhibit K, Sheet 2 of 3" entitled "Public Utilities Consolidated Corp., Reservoir, Dam and Conduit, Section 3, T. 47 N., R. 4 E., Boise Meridian, Shoshone County, Idaho," and filed in the office of the Federal Power Commission on July 10, 1928:

BOISE MERIDIAN

T. 47 N., R. 4 E.,
  Sec. 3, Lot 2, the unpatented portion of lot 3, and SW¼NE¼, NE¼SW¼, NW¼SE¼, and SE¼NW¼.

The areas described aggregate approximately 200 acres.

3. The lands are located along Placer Creek, a tributary to the South Fork Coeur d'Alene River, about one mile south of the town of Wallace, Idaho. The topography is characterized by very steep mountainsides sloping away from the narrow stream channel of Placer Creek. The vegetative cover is mainly dense brush.

4. No application for the lands described in paragraph 2 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on July 26, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 25, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on October 25, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The restored lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, and the stipulation pertaining to the prior rights of the project licensee and its successors, referred to in paragraph 2 of this order, beginning at 10:00 a. m. on October 25, 1958.

7. With respect to the S½SE¼ of Section 3, T. 47 N., R. 4 E., and the NW¼ NW¼ Section 30, T. 49 N., R. 5 E., the Federal Power Commission on April 17, 1922, issued its general determination that where lands of the United States had heretofore been or thereafter were reserved or classified as power sites, solely because such lands were either occupied by power transmission lines or their occupancy and use for such purposes had been applied for or authorized under appropriate laws of the United States, that the value of such lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public-land laws subject to the reservation of Section 24 of the Federal Power Act. The lands, therefore, will continue open to application and appropriation under the public land laws but without reference to the provisions of Section 24 of the Federal Power Act.

8. The lands described in paragraph 2 shall be subject until 10:00 a. m. on September 20, 1958, to application by the State of Idaho under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

9. Persons claiming veterans preference rights must enclose, with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 20, 1958.

[F. R. Doc. 58-4819; Filed, June 25, 1958; 8:45 a. m.]

[Public Land Order 1662]

[Nevada 043795]

NEVADA

WITHDRAWING LANDS FOR USE OF ATOMIC ENERGY COMMISSION IN CONNECTION WITH NEVADA TEST SITE, ADDITIONAL TO THOSE WITHDRAWN BY PUBLIC LAND ORDER NO. 805 OF FEBRUARY 12, 1952

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Atomic Energy Commission in connection with the Nevada Test Site:

Beginning at a point that has coordinates—

Northing, 911,551 32;
Easting, 714,867.37;
Latitude 37°15'07.268'' N.,
Longitude 115°55'42.268'' W.,

which is the northeast corner of the present Atomic Energy Commission Proving Ground as withdrawn by Public Land Order No. 805, thence

N. 0°32'47'' W., 2 miles to the intersection of a line bearing west of the point for a corner of Tps. 7 and 8 S., Rs. 55 and 56 E.;
East, 10 miles along line for Tps. 7 and 8 S.;
South, 6 miles to intersection of the 2d Standard Parallel South and Rs. 55 and 56 E.
West, 10 miles along said Parallel to east boundary of Public Land Order No. 805
N. 0°32'47'' W., 4 miles along said boundary to point of beginning.

The above described tract will embrace the following lands, if and when surveyed:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 54 E.,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36 inclusive.
T. 8 S., R. 55 E.

The area described contains approximately 38,400 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 20, 1958.

[F. R. Doc. 58-4820; Filed, June 25, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 160]

LOAN PROCEDURES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1119, 1121), it is proposed to adopt the regulations set forth below as a revision of Part 160—Loan Procedures. The purpose of this revision is to clarify the meaning of several sections of the regulations, to include fishery marketing cooperatives as qualified loan applicants, to delete the provision allowing a person using a fishing vessel or fishing gear under his control on a lease or share basis to be a qualified applicant for financial assistance, and to specify additional purposes for which applications for financial assistance cannot be considered.

The regulations proposed to be revised related to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior, that, wherever practicable, the rule making provisions of the act be observed voluntarily. Accordingly, prior to the final adoption of the regulations set forth below in tentative form, consideration will be given to any comments, suggestions, or objections relating thereto which are submitted in writing to the Director, Bureau of Commercial Fisheries, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 20, 1958.

ROGER ERNST,
Assistant Secretary of the Interior.

Sec.	
160.1	Definition of terms.
160.2	Purposes of loan fund.
160.3	Interpretation of loan authorization.
160.4	Qualified loan applicants.
160.5	Basic limitations.
160.6	Applications.
160.7	Processing of loan applications.
160.8	Approval of loans.
160.9	Interest.
160.10	Maturity.
160.11	Security.
160.12	Books, records, and reports.
160.13	Penalties on default.

AUTHORITY: §§ 160.1 to 160.13 issued under sec. 4, 70 Stat. 1121.

§ 160.1 *Definitions of terms.* For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* Administrator of the Small Business Administration or his authorized representative.

(c) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(d) *State.* Any State, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 160.2 *Purposes of loan fund.* The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956 is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 160.3 *Interpretation of loan authorization.* The terms used in the act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the catching of fish and shellfish for commercial purposes.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient, or discarded items of a similar nature, or the purchase or construction of a fishing vessel to operate the same type of fishing gear as a comparable vessel which has been lost, destroyed or abandoned or has become obsolete or inefficient. Any vessel lost, destroyed or abandoned more than two years prior to the date of receipt of the application shall not be considered eligible for replacement.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 160.4 *Qualified loan applicants.* (a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if such person;

(1) Owns a commercial fishing vessel of United States registry (if registration is required) used directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) Owns any type of commercial fishing gear used directly in the catching of fish or shellfish;

(3) Owns any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological or other skills useful in conducting such research.

(4) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing existing preferred mortgages or secured loans on fishing gear and vessels, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(3) Paying creditors for debts previously incurred, except for marshalling and liquidating the indebtedness of the applicant to existing lien holders in those instances where the Secretary deems such action to be desirable in carrying out the purpose of the Act.

(4) (i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose or (iii) liquidating a mortgage given for such purpose less than two years prior to the date of receipt of the application.

(5) Replacement of fishing gear or vessels where the applicant or applicants owned less than a 20 percent interest in said fishing gear or vessel to be replaced or owned less than 20 percent interest in a corporation owning said fishing gear or vessel: *Provided,* That applications for a replacement loan by an eligible applicant cannot be considered unless and until the remaining owners or shareholders shall agree in writing that they will not apply for a replacement loan on the same fishing gear or vessel.

(6) Repair of fishing gear or vessels where such fishing gear or vessels are not offered as collateral for the loan by the applicant.

(7) Financing new business ventures involving fishing operations.

§ 160.5 *Basic limitations.* Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, managment, affiliates or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided,* That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 160.6 *Application.* Any person desiring financial assistance from the fisheries loan fund shall make application to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on a loan application form furnished by that Service except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 167.7 *Processing of loan applications.* If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

§ 160.8 *Approval of loans.* Loan agreements shall be executed on a form approved by the Secretary. The Secretary will evidence his approval of the loan by issuing a loan authorization covering the terms and conditions for making the loan. Such loan authorization shall be referred to the Administrator who will direct the closing of the loan with the applicant in the field and render services involving the collection of repayments and such other loan servicing functions as may be required. Any modification of the terms of a loan agreement following its execution must be agreed to in writing by the borrower and the Secretary.

§ 160.9 *Interest.* The rate of interest on all loans which may be granted is fixed at five per cent per annum.

§ 160.10 *Maturity.* The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of ten years.

§ 160.11 *Security.* Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 160.12 *Books, records, and reports.* The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. Disbursements on a loan made under this part shall be made only upon the agreement of the loan applicant to maintain proper books of account and to submit such periodic reports as may be required by the Secretary during the period of the loan. During such period, the books and records of the loan applicant shall be made available at all reasonable times for inspection by the Secretary.

§ 160.13 *Penalties on default.* Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of and withdraw any funds advanced to the borrower and remaining under his control.

[F. R. Doc. 58-4843; Filed, June 25, 1958; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR RED PIMIENTO PEPPERS FOR PROCESSING[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Red Pimiento Peppers for Processing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than July 15, 1958.

The proposed standards are as follows:

GRADES

Sec.
51.2900 U. S. No. 1.
51.2901 U. S. No. 2.

CULLS

51.2902 Culls.

DEFINITIONS

51.2903 Well colored.
51.2904 Fairly well colored.
51.2905 Well shaped.
51.2906 Fairly well shaped.
51.2907 Length.
51.2908 Diameter.
51.2909 Firm.
51.2910 Sunscald.
51.2911 Damage.
51.2912 Serious damage.

AUTHORITY: §§ 51.2900 to 51.2912 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2900 *U. S. No. 1.* "U. S. No. 1" consists of pimiento peppers which are well colored, well shaped, firm, free from decay, mold, insects, sunscald, holes or cracks penetrating through the wall, and from damage by any other means.

(a) Unless otherwise specified, the minimum diameter of each pepper shall be 2¼ inches.

§ 51.2901 *U. S. No. 2.* "U. S. No. 2" consist of pimiento peppers which are fairly well colored, fairly well shaped, and which are free from decay, mold, insects, holes, or cracks penetrating through the wall, and from serious damage by any other means.

(a) Unless otherwise specified, the minimum diameter of each pepper shall be 1¾ inches.

CULLS

§ 51.2902 *Culls.* Pimiento peppers which fail to meet the requirements of either of the foregoing grades shall b designated as "culls".

DEFINITIONS

§ 51.2903 *Well colored.* "Well colored" means that the outer surface of the pepper has good color characteristic of a well ripened pimiento pepper with at least a tinge of red on the inside of the wall: *Provided,* That not more than 1 percent of the surface may have a different color if such color can be removed with the skin in the normal mechanical peeling operation, leaving good characteristic colored flesh beneath.

§ 51.2904 *Fairly well colored.* "Fairly well colored" means that 90 percent or more of the outer surface of the pepper has color characteristic of a fairly well ripened pimiento pepper.

§ 51.2905 *Well shaped.* "Well shaped" means that the pepper has a shape characteristic of a pimiento pepper, and that it is free from distinct grooves or depressions, and that its length is at least four-fifths of its diameter.

§ 51.2906 *Fairly well shaped.* "Fairly well shaped" means that the pepper is not badly curved or deeply grooved, and that its length is at least two-thirds of its diameter.

§ 51.2907 *Length.* "Length" means the greatest dimension of the pepper measured from the base next to the stem to the apex or blossom end.

§ 51.2908 *Diameter.* "Diameter" means the greatest dimension of the pepper measured at right angles to a line running from the stem to the apex or blossom end.

§ 51.2909 *Firm.* "Firm" means that the pepper is not more than slightly wrinkled due to loss of moisture.

§ 51.2910 *Sunscald.* "Sunscald" means toughened, dried, shrunken or discolored areas in the wall of the pepper caused by excessive exposure to the sun.

§ 51.2911 *Damage.* "Damage" means any defect which materially affects the processing or edible quality of the pepper and which cannot be removed in the normal mechanical peeling operation. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cracks which are healed with calloused dark brown or black scar tissue; and.

(b) Sunburn which materially discolors the flesh beneath the peel.

§ 51.2912 *Serious damage.* "Serious damage" means any defect which seriously affects the processing or edible quality of the pepper, or which when removed will cause a loss of 20 percent or more of the area of the pepper.

Dated: June 23, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4841; Filed, June 25, 1958; 8:49 a. m.]

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 966]

[Docket No. AO-257-A4]

HANDLING OF MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Monroe, Louisiana, on March 4-6, 1958, pursuant to notice thereof issued on February 7, 1958 (23 F. R. 911).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 10, 1958 (23 F. R. 4317), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Monroe, Louisiana, on March 4-6, 1958, pursuant to notice thereof which was issued February 7, 1958 (23 F. R. 911).

The material issues on the record of the hearing related to:

1. Extension of the marketing area.
2. Revision of order provisions with respect to the classification of milk.
3. The level of class prices in the present and proposed extended marketing area.
4. Establishment of location adjustments from the nearer of the city halls at Shreveport and Monroe, Louisiana, and the revision of the present rate of adjustment.
5. Changes in the assignment and transfer of bases.
6. A revision of the computation of the value of producer milk when a handler has other source milk allocated to Class I in the same month that associated producer milk is assigned to such handler.

Findings and conclusions. The following findings and conclusions on Issue No. 3 with respect to the level of class prices in the present marketing area are based on evidence presented at the hearing and the record thereof. Expedited action is necessary on this issue in order to effectuate, at the earliest date, the recommendations herein.

Action is being deferred on all other issues until a later date. The findings and conclusions on Issue No. 3 are as follows:

3. The Class I price through June 30, 1960, should be the basic formula price for the preceding month plus $2.00 for the months of March through June and plus $2.40 for all other months.

Producers proposed that the Class I differentials should be $2.20 per hundredweight during each of the months of March through June and $2.60 for all other months. The order, since its effective date of April 1, 1955, has and currently does provide a Class I differential of $2.00 for the March-June period. During the July through February periods of 1956-57 and 1957-58, however, as a result of amendments, a Class I differential of $2.40 applied. The order presently provides a differential of $2.20 for the July-February period. A $2.20 differential was in effect for these months during 1955-56.

Production in this marketing area is increasing, annually, at about the same rate as increases in Class I sales. During the latter part of 1957 and the first part of 1958, however, Class I sales were increasing as compared to a year earlier. Production in early 1958 was less than the corresponding period of 1957. But, on an annual basis it is found that receipts of producer milk represented about 98 percent of the total Class I utilization for both of the years 1956 and 1957.

The period of October through February, each year, has been the time when producer milk receipts were shortest in relation to Class I needs. During the October-February 1955-56 period, receipts of producer milk were only 82.5 percent of the market's Class I needs; 94.5 percent during the same period of 1956-57 and only 85 percent during the 1957-58 October through February period. These data do not show any marked changes in the supply and Class I utilization of producer milk.

As in previous years it is necessary to import large quantities of other source milk to meet demand for fluid milk products in this marketing area. Such importations in 1956 and 1957 represented approximately 15 percent and 17 percent, respectively, of the total annual receipts of producer milk. Importations in the form of fluid milk and cream represented about one-quarter to one-third of the total quantities of other source milk received by handlers during the two-year period 1956-57. Handlers brought in slightly more than 16 million pounds of other source milk in 1956 and nearly 19 million pounds during 1957. Of these amounts 14 percent and 24 percent, respectively, was allocated each year to Class I.

Fluid milk and cream are imported into this area from New Orleans, North Texas, Ozarks, and Chicago marketing areas. Under present marketing conditions it is advisable to maintain the Class I prices at the level of the past two years so as to continue the flow of milk from these marketing areas to the Shreveport market. The Class I price is reasonably aligned with the markets that furnish supplemental supplies.

Local production conditions, as well as current supply conditions noted above, rule out any reduction in Class I prices at this time. Total receipts of producer milk have undoubtedly been unfavorably influenced by several factors during 1957, which may well continue through 1958. These factors are heavy culling of dairy cows resulting from favorable beef prices and from an extensive Bang's disease eradication program which demands herds free of the disease by the close of 1959. Approximately one-half of the herds in this market have not as yet participated in this program. Currently 15 percent of the milk supply is received from farms in bulk tanks, but it is expected that as much as 40 percent may be received by December 1958. Additional supplies must be attracted from outside the area or from newly established dairy farmers.

The proposal by producers, that the Class I differential should be $2.60 for the months of July through February and $2.20 all other months was evidently based on the supposition that such prices would attract new dairy farms. No evidence, however, was presented that such a price would stimulate new production much more than present prices are likely to. Rather such a price might unduly influence sources of supply in other marketing areas to associate themselves temporarily with the Shreveport marketing area and thus create unstable marketing conditions. It is concluded on the basis of the facts of this record that the Class I differentials, should be continued for a limited period at the same level as the past two years. The proposal for differentials of $2.60 for the months of July-February and $2.20 for all other months is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be further amended by the attached order which will be published with this decision.

Determination of representative period. The month of April, 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Shreveport, Louisiana, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 20th day of June 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Shreveport, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Shreveport, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

Delete § 966.51 (a) and substitute the following:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months March, April, May and June, and plus $2.40 for all other months; and

[F. R. Doc. 58-4883; Filed, June 25, 1958; 8:57 a. m.]

[7 CFR Part 967]

[Docket No. AO-170-A11]

HANDLING OF MILK IN SOUTH BEND-LA PORTE-ELKHART, INDIANA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the marketing agreement and order to regulate the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area, which was issued June 6, 1958 (23 F. R. [illegible]; F. R. Doc. 58-4430), is hereby extended to June 28, 1958. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on June 28, 1958.

Dated: June 20, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4842; Filed, June 25, 1958; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. I]

[Economic Regs. Draft Release 95]

OPERATIONS PERMITTED BY FOREIGN AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

JUNE 20, 1958.

Notice is hereby given that the Civil Aeronautics Board has under consideration the issuance of an interpretive rule on whether foreign air carriers holding foreign air carrier permits issued pursuant to seciton 402 of the Civil Aeronautics Act may take on traffic at one United States point named in such permit and disembark it at another United States point named in such permit if the traffic originates at or is destined to a point outside the United States and is in continuous transit, by means of connections with another carrier or carriers, from or to the foreign point.

Interested persons may participate in the interpretive rule through submission of written data, views or arguments pertaining thereto, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matters in communications received on or before August 7, 1958 will be considered by the Board before it makes its ruling. The issuance of the rule is proposed under authority of sections 1 (21), 205, 401, 402, and 501 of the Civil Aeronautics Act of 1938, as amended (52 Stat, 977, 984, [illegible], 991, 1005, 49 U. S. C. 401 (21), 425, [illegible], 482, 521) and under section 6 (b) of the Air Commerce Act of 1926, as amended (42 Stat. 572, 52 Stat. 1028, 49 U. S. C. 176 (b)).

The legal problem involved had its immediate origin in recent requests to the Board for interpretive rulings made by Qantas Empire Airways Limited and others in connection with the Qantas operations (C. A. B. Docket No. [illegible], available for inspection in the Board's offices at Washington, D. C.). Without limiting the presentation of any interested person or the scope of the Board's consideration of the issues inherent in this matter, the Board states its desire for written comment and argument in the following general areas:

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Whether the provisions of section 6 (b) of the Air Commerce Act of 1926, as amended, which specify that foreign civil aircraft "shall not take on at any point within the United States, persons, property, or mail carried for compensation or hire and destined for another point within the United States", preclude a foreign civil aircraft from taking on commercial traffic at one United States point and discharging it at another United States point when (a) such traffic is in continuous transit, by means of connections with a carrier or carriers other than the operator of such aircraft, from or to a point outside the United States, and (b) both United States points are points named in a permit issued to the operator of the aircraft pursuant to section 402 of the Civil Aeronautics Act and the permit states that the holder is authorized to engage in foreign air transportation between the points named therein.

2. Whether the carriage of common traffic or mail by a foreign air carrier constitutes "foreign air transportation" within the meaning of the Civil Aeronautics Act when such traffic or mail is (a) taken on by that carrier at a point within the United States, (b) discharged by that carrier at another point within the United States, and (c) in continuous transit, by means of connections with another carrier or carriers, from or to a point outside the United States.

3. If the answer to the question posed in paragraph 2 is in the affirmative, whether such foreign air transportation lawfully may be authorized to be carried by a foreign air carrier pursuant to the provisions of section 402 of the Civil Aeronautics Act.

4. Whether, and to what extent, the questions posed in paragraphs 1, 2 and 3 are affected by (a) the Chicago Convention (Convention on International Civil Aviation, 61 Stat. 1180) or other international agreement, (b) the particular manner of designating points in foreign air carrier permits, such as terminal points, co-terminal points, etc.

By the Civil Aeronautics Board.

[SEAL] MARVIN BERGSMAN,
Acting Secretary.

[F. R. Doc. 58-4870; Filed, June 25, 1958; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 179-2]

TRANSFER OF FUNCTIONS WITHIN THE BUREAU OF THE MINT

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, I hereby transfer, effective August 1, 1958, all of the functions of the Superintendent and of the Assayer of the United States Mint at San Francisco, California, to the Director of the Mint, to be exercised by him through such officers and employees of the Bureau of the Mint and at such Mint institution or institutions as he shall designate.

Dated: June 19, 1958.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-4846; Filed, June 25, 1958; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8955]

AEROLINEAS PERUANAS, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Aerolineas Peruanas, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit to engage in foreign air transportation in scheduled and nonscheduled operations with respect to mail, persons, and property (a) between a point or points in Peru and the terminal point Miami, Florida, via intermediate points; and (b) between a point or points in Peru and the terminal point Los Angeles, California, via intermediate points.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 26, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4871; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. SA-333]

ACCIDENT OCCURRING NEAR BRUNSWICK, MD.

NOTICE OF HEARING

In the matter of investigation of collision accident involving aircraft of United States Registry N 7410 and Military T-33, which occurred near Brunswick, Maryland, May 20, 1958.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, June 30, 1958, at 9:30 a. m. (local time) in the Main Auditorium, Department of Commerce, Washington, D. C.

Dated at Washington, D. C., June 19, 1958.

[SEAL] REID C. TAIT,
Presiding Officer.

[F. R. Doc. 58-4872; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. 9183]

CAPITAL AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted pursuant to Order No. E-12563 to determine whether General Rule 17 (A) of the tariff rules of Capital Airlines, Inc., contained in Local and Joint Passenger Rules Tariff No. PR-3, CAB No. 27, issued by M. F. Redfern, Agent, in effect on December 29, 1951, was unlawful.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 2, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4873; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. 9333]

STEWART AIR SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Stewart Air Service Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on June 24, 1958, is postponed until July 7, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4874; Filed, June 25, 1958; 8:54 a. m.]

[Docket No. 9399]

MACHINE TICKETING RULE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of Board investigations in Order Nos. E-12397 and E-12562.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 8, 1958, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4875; Filed, June 25, 1958; 8:54 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

ARKANSAS

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, and Executive Order 10737, dated October 29, 1957 (18 F. R. 407; 22 F. R. 8799), by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855-1855g), as amended, and in furtherance of a declaration by the President in his letter to me dated May 15, 1958, reading in part as follows:

> I hereby determine the damage in the various areas of Arkansas adversely affected by recent heavy rainstorms and floods to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following counties in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 15, 1958:

Arkansas.
Ashley.
Bradley.
Calhoun.
Chicot.
Cleveland.
Columbia.
Crittenden.
Cross.
Desha.
Drew.
Hempstead.
Hot Spring.
Howard.
Independence.
Jefferson.
Lee.
Lincoln.
Logan.
Miller.
Monroe.
Nevada.
Ouachita.
Perry.
Phillips.
St. Francis.
Sevier.
Union.
Woodruff.

Dated: June 12, 1958.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58-4824; Filed, June 25, 1958; 8:46 a. m.]

LOUISIANA

NOTICE OF MAJOR DISASTER

Pursuant to the authority vested in me by the President under Executive Order 10427, dated January 16, 1953, and Executive Order 10737, dated October 29, 1957 (18 F. R. 407; 22 F. R. 8799), by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U. S. C. 1855-1855g), as amended, and in furtherance of a declaration by the President in his letter to me dated May 20, 1958, reading in part as follows:

> I hereby determine the damage in the various areas of Louisiana adversely affected by recent floods to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following Parishes in the State of Louisiana to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 20, 1958:

Avoyelles.
Bossier.
Caddo.
Caldwell.
Catahoula.
Concordia.
Franklin.
Grant.
La Salle.
Morehouse.
Natchitoches.
Ouachita.
Rapides.
Red River.
Union.
West Carroll

Dated: June 12, 1958.

[SEAL] LEO A. HOEGH,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 58-4825; Filed, June 25, 1958; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SF-93680]

CALIFORNIA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS; CORRECTION

JUNE 20, 1958.

In Federal Register Document 50-3739, published on pages 3409 and 3410 in the issue for Tuesday, May 20, 1958, the following changes in land descriptions should be made:

1. In paragraph 1, under T. 3 N., R. 26 E.: Sec. 4, change description to read, Lots 6, 7, 8, 9, 10, SW¼NE¼, S½NW¼, SE¼;

2. In paragraph 1, under T. 2 N., R. 27 E.: Sec. 30, change description to read, Lots 1, 2, NW¼NW¼;

3. In paragraph 1, under T. 3 N., R. 27 E.:

Sec. 18, change description to read, Lots 1, 2, 3, 4, 5, 6, S½NW¼, SW¼, NW¼SE¼, SE¼SE¼;

Sec. 33, change description to read, Lots 1, 2, 3, 4, SW¼NE¼, SE¼NW¼, W½NW¼, SW¼, W½SE¼, SE¼SE¼;

4. In paragraph 4, delete:

T. 6 N., R. 24 E.,
Sec. 3, Lot 1, 2;
Sec. 14, SW¼SE¼;
Sec. 23, NW¼NE¼.

HARRY M. MIWA,
Southern Field Group,
Acting Officer-in-Charge,
Los Angeles.

[F. R. Doc. 58-4822; Filed, June 25, 1958; 8:45 a. m.]

[Classification 95]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby revoke Small Tract Classification Order No. 95, dated October 2, 1953, as to the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 60 E.,
Sec. 23, SE¼NW¼NE¼, S½NE¼NE¼, SW¼NE¼, N½SE¼NE¼;
Sec. 24, S½NW¼NW¼.

Containing 110 acres.

W. REED ROBERTS,
Acting State Supervisor.

JUNE 17, 1958.

[F. R. Doc. 58-4823; Filed, June 25, 1958; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8227 etc.; FCC 58M-650]

UNION BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 8227, File No. BP-5893; W. Frank Short & Austin E. Harkins, d/b as The Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Lion Broadcasting Co., Inc., Dover, New Jersey, Docket No. 12415, File No. BP-11215; for construction permits.

The Hearing Examiner having under consideration a petition for leave to amend application filed June 13, 1958, on behalf of The Alkima Broadcasting Company, together with the amendment therein referred to, and the agreements and statements of counsel for the parties as shown by the transcript record of the prehearing conference held on this date; and

It appearing from the petition that the amendment proposes a change in the requested facilities from 1510 kilocycles, 1 kilowatt power, daytime only, to 1260 kilocycles, with power of 500 watts, daytime only, utilizing a directional antenna, as well as changes in the transmitter location and in the applicant's financial showing; and

It further appearing that counsel for all participants stated that there are no objections to the acceptance of the amendment, and that such action will conduce to the orderly dispatch of the Commission's business; and

It further appearing that the petition's request that the application as amended be granted forthwith must be dismissed as contrary to the Commission's rules and practice, particularly in that the application must be removed from hearing as provided in §§ 1.354 (g) and 1.363 (a), of the Commission's rules; and

It further appearing that the designated hearing date of July 14, 1958 created a conflict in this Hearing Examiner's schedule with a hearing previously scheduled in another proceeding, and that a continuance of this hearing is required;

Now therefore, it is ordered, This 19th day of June 1958, that the petition for leave to amend application is granted, that the amendment as described therein is accepted, that petitioner's application is removed from the hearing docket, and that the applications of Union Broadcasting Company and Lion Broadcasting Co., Inc. are retained in hearing status; and

It is further ordered, That the hearing in this proceeding now scheduled to be commenced on July 14, 1958, is continued to a date to be fixed by subsequent order.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4855; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12167; FCC 58M-664]

CAPITOL BROADCASTING CO. (WJTV)

ORDER CONTINUING HEARING

Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communications Act of 1934, as amended; in re modification of construction permit.

Upon oral request made by counsel for Capitol Broadcasting Company (WJTV) on the record of a hearing conference held this date in the above-entitled matter, and with the concurrence of all other parties: *It is ordered,* This 20th day of June 1958, that further hearing procedures herein are suspended until such time as one or more counsel shall move that further hearing be held.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4856; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12364; FCC 58M-660]

WESTSHORE SHRIMP CO.

ORDER CONTINUING HEARING

In the matter of Westshore Shrimp Company, 102 Constant Street, Tampa, Florida, Docket No. 12364; Order to Show Cause why there should not be revoked the license for Radio Station WH-7089 aboard the vessel "Miss Annie T".

The Hearing Examiner having under consideration a motion filed on June 18, 1958, by the Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on June 23, 1958, at 10:00 a. m., be continued indefinitely; and

It appearing, that the public interest requires an early consideration of such motion and good cause has been shown for the grant thereof;

It is ordered, This 20th day of June 1958, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to a time and place to be specified in a subsequent order.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4857; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12410; FCC 58M-658]

BRIDGEPORT BROADCASTING CO. (WICC)

ORDER CONTINUING HEARING

In re application of The Bridgeport Broadcasting Company (WICC), Bridgeport, Connecticut, Docket No. 12410, File No. BP-10707; for construction permit.

Pursuant to agreements reached at the pre-hearing conference held June 19, 1958, the evidentiary hearing in the above-entitled proceeding presently scheduled to begin on July 18, 1958, is now rescheduled to begin on July 28, 1958.

It is so ordered, This the 19th day of June 1958.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4858; Filed, June 25, 1958; 8:52 a. m.]

[Docket Nos. 12475, 12476; FCC 58M-661]

MOUNTAIN STATE BROADCASTING CO., INC., AND RADIO MID-POM, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Mountain State Broadcasting Company, Inc., Middleport-Pomeroy, Ohio, Docket No. 12475, File No. BP-11223; Radio Mid-Pom, Inc., Middleport-Pomeroy, Ohio, Docket No. 12476, File No. BP-11682; for construction permits.

It is ordered, This 20th day of June 1958, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a. m., September 8, 1958, in the Commission's offices in Washington, D. C.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4859; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12486]

MICHAEL ALAN KAUFMAN

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of Michael Alan Kaufman, Sherman Oaks, California, Docket No. 12486; suspension of Amateur Radio Operator License.

The Commission having under consideration the request of Michael Alan Kaufman, 3733 Meadville Drive, Sherman Oaks, California, for a hearing in the above-entitled matter;

It appearing, that the said Michael Alan Kaufman, acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's Orders of May 28 and June 4, 1958, which suspended his General Class Amateur Radio Operator License for the period of time ending August 5, 1962; and

It appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, said licensee is entitled to a hearing in the matter, and that upon the filing of a timely written application therefor, the Commission's Suspension Order is held in abeyance until the conclusion of proceedings in the said hearing;

It is ordered, This 20th day of June 1958, under authority contained in section 303 (m) (2) of the Communications Act of 1934, as amended, and section 0.292 (f) of the Commission's rules, that the matter of the suspension of the General Class Amateur Radio Operator License of Michael Alan Kaufman be designated for hearing before a Commission Examiner, at a time and place later to be specified, upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension;
2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this order be transmitted by Certified Mail—Return Receipt Requested, to Mr. Michael Alan Kaufman, 3733 Meadville Drive, Sherman Oaks, California, and to his attorney of records, Mr. Sidney Dorfman, 9012 West Olympic Boulevard, Beverly Hills, California.

Released: June 20, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4860; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12487; FCC 58-588]

WILA, INC. (WILA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WILA, Incorporated (WILA), Danville, Virginia, Docket

No. 12487, File No. BMP-7592; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1958;

The Commission having under consideration the above-captioned application of WILA, Incorporated, for a construction permit to increase the authorized power of Station WILA, Danville, Virginia, from 500 watts to one kilowatt and to operate on the presently assigned frequency of 1580 kilocycles, daytime only;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically and financially qualified to operate Station WILA as proposed but that the Mecklenburg Broadcasting Corporation, licensee of Station WHEE, Martinsville, Virginia, filed a pleading on January 24, 1958, stating, in substance, that S. L. Goodman, president and majority stockholder of the applicant corporation, has abused the Commission's processes through a course of action by applying for construction permits for new stations in Rocky Mount, Franklin, Danville and Bassett, Virginia, specifying one frequency; that upon the filing by other applicants of conflicting applications specifying the same frequency, Goodman would amend each of his applications to specify a different frequency; that upon receiving a construction permit authorizing the use of the second frequency requested, Goodman would file applications for modifications of his construction permits to specify the frequency he had originally requested, thereby making it impossible for the competing applicant to receive a grant of its application without the necessity of a hearing proceeding; that Goodman's purpose in applying for modifications of his construction permits was to obstruct the disposition of other applications and to secure local radio monopolies for himself; that one Robert R. Murray, Jr., of Danville, Virginia, has stated, in an affidavit dated November 23, 1957, that Goodman had told Murray of his having prepared an application for a new station at Vinton, Virginia, which he would cause to be filed for the purpose of "blocking" the application of Radio Franklin, Incorporated, for a new station at Rocky Mount, Virginia; that one Charles M. McCraw, in an affidavit dated July 8, 1957, has stated that Goodman, together with Harry W. Pritchett, Jr., and Richard A. Bendall, presently stockholders in the applicant, WILA, Incorporated, improperly compelled McCraw to accept $7,500 for his interest in a now defunct corporation, the Danville Broadcasting Corporation, which at the time was applicant for a new station at Danville and proposed an operation in conflict with the instant application (at a time when both proposals specified a frequency of 970 kilocycles); that Goodman has engaged in "trafficking" in FCC licenses and has made misrepresentations to the Commission by securing permits, thereafter assigning the permits to corporations in which he is the sole stockholder with the representation that the ownership will remain the same, after which he has divested himself of all or a substantial portion of the stock; that Goodman has misrepresented his intentions to the Commission by stating in each original application that he will be general manager of the proposed station, after which he has employed someone else to manage the stations; and that a decree of the Court of Chancery in Murfreesboro, Tennessee, issued January 24, 1939, voiding a conveyance of property by Goodman to a dummy corporation in an attempt to defeat a seller's lien reflects adversely on Goodman's character; and

It further appearing, that on February 21, 1958, Goodman filed a response to the Mecklenburg Broadcasting Corporation's pleading of January 24, 1958, and stated that he is fully prepared to proceed to hearing on charges repeatedly made against him which have either been considered and disposed of by the Commission or abandoned by other opposing interests; that his purpose in requesting modification of construction permits to specify frequencies for which he was the original applicant was not to obstruct the disposition of other applications but to improve facilities for which he had been granted construction permits; that he denies that his efforts to improve his facilities were an abuse of the Commission's processes; that he did not cause to be filed an application for a new station at Vinton to "block" favorable action on the application of Radio Franklin, Incorporated, had not prepared such an application but did discuss the matter of filing an application for a station at Vinton with Robert R. Murray, Jr., when he made it clear that such an application would have to be filed in good faith by a party who would construct and operate the station; that Charles M. McCraw's statement that he was forced to accept $7,500 representing a net profit of $2,500 "scarcely inspires credence in" McCraw's statement; that he has neither engaged in nor intends to engage in trafficking in licenses; that he has assigned construction permits granted in his individual name to corporate entities to achieve the benefits of incorporation; that he has transferred stock in corporate licensees to others to identify more closely the ownership with local residents and to enable station personnel to participate in ownership; and that each step taken with respect to ownership of stations in which he has interests has either had prior approval of the Commission or has been promptly reported to the Commission; that he made no misrepresentation to the Commission when he stated that he would be general manager of each station applied for; that he has employed managers of each station who are directly responsible to him and that he has at all times remained personally responsible for the operation of each station; that he had vigorously denied various allegations made in the bill of complaint filed in 1939 in the Court of Chancery of Tennessee and that no one except he sustained any damage as a result of the suit; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated April 9, 1958, of the aforementioned charges and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that, in a reply dated May 4, 1958, to the Commission's letter, S. L. Goodman, on behalf of the applicant, referred to his pleadings previously filed and addressed to the matters raised by the Mecklenburg Broadcasting Corporation; stated that he is prepared to present evidence at a hearing in response to issues relating to said matters; and renewed the request first made by pleading filed February 21, 1958, that the Commission grant the instant application notwithstanding the pendancy of further proceedings concerning the questions sought to be raised by the Mecklenburg Broadcasting Corporation; and

It further appearing, that, by letter of May 5, 1958, the Mecklenburg Broadcasting Corporation expressed a desire to participate in a hearing; and

It further appearing, that, in a pleading filed February 28, 1958, the Mecklenburg Broadcasting Corporation requested that the Commission disregard Goodman's response filed on February 21, 1958, on the ground that the response was not filed within the ten-day period prescribed by § 1.13 of the Commission's rules; but that § 1.361 (c) of the Commission's rules provides that the limitation on pleadings and time for filing pleadings provided for in § 1.13 shall not be applicable to any objections duly filed to applications for instruments of authorization before Commission action thereon and, therefore, the Mecklenburg Broadcasting Corporation's request must be denied; and

It further appearing, that questions obtain as to whether the actions alleged to have been taken by S. L. Goodman constitute obstruction of the disposition of other applications, "trafficking" in licenses and misrepresentation to the Commission and whether, therefore, S. L. Goodman, president and majority stockholder of WILA, Incorporated, possesses the requisite character qualifications to be a party to a Commission licensee; and

It further appearing, that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether S. L. Goodman has abused the Commission's processes by filing applications for the purpose of impeding, obstructing or delaying the disposition of any other applications.
2. To determine whether S. L. Goodman, president and majority stockholder of WILA, Incorporated, possesses the requisite character qualifications to be a party to a Commission licensee.
3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Mecklenburg Broadcasting Corporation is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be [illegible], the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the above described request of WILA, Incorporated for an immediate grant of the instant application is denied.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4861; Filed, June 25, 1958; 8:52 a. m.]

[Docket Nos. 12488, 12489; FCC 58-589]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC. AND WJMJ BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1958;

The Commission having under consideration the above-captioned applications of The Young People's Church of the Air, Inc., and the WJMJ Broadcasting Corporation for construction permits for new Class B FM broadcast stations to operate on 104.5 megacycles, Channel No. 283, in Philadelphia, Pennsylvania;

It appearing that both of the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 7, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that both applicants replied, indicating that they would appear at a hearing on their applications; and

It further appearing that the Commission, after consideration of the above is of the opinion that a hearing on these applications is necessary; and

It further appearing that The Young People's Church of the Air, Inc., proposes an RCA, Type No. BTF-5B, 5-kw transmitter which has not been type accepted by the Commission; and

It further appearing that the WJMJ Broadcasting Corporation proposes an RCA, Type No. BTF-5B, 5-kw transmitter which has not been type accepted by the Commission; and

It further appearing that the WJMJ Broadcasting Corporation proposes to mount the FM antenna on one of the towers of the WJMJ directional antenna system;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 (c) of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of The Young People's Church of the Air, Inc., the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That in the event of a grant of the application of the WJMJ Broadcasting Corporation the construction permit shall contain a condition requiring the submission of sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter.

It is further ordered, That in the event of a grant of the application of the WJMJ Broadcasting Corporation the construction permit shall contain a condition requiring that Station WJMJ shall receive permission from the Commission to determine power of WJMJ by the indirect method and maintain the directional antenna system as closely as possible to values appearing in the license during installation of the FM antenna, and upon completion of the installation to submit sufficient data to the Commission to show that the directional antenna pattern remains substantially unchanged, and to submit Forms 302 for WJMJ if there is any change in the antenna or common point resistance.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4862; Filed, June 25, 1958; 8:52 a. m.]

[Docket No. 12490; FCC 58-591]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

PROPOSED ALLOCATION TO WINSTON-SALEM, N. C.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Winston-Salem, N. C.		298

3. The purpose of the proposed amendment is to make Channel 298 available for assignment in Winston-Salem, North Carolina, as requested in an application, File No. BPH-2429, submitted by Winsonett, Inc., which proposes to establish an FM broadcast station in Winston-Salem to operate on Channel 298.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c),)d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 18, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4863; Filed, June 25, 1958; 8:53 a. m.]

[Docket Nos. 12493, 12494; FCC 58-594]

VETERANS BROADCASTING CO. INC., AND CAPITAL CITIES TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Veterans Broadcasting Company, Inc., Vail Mills, New York, Docket No. 12493, File No. BPCT-2397; Capital Cities Television Corporation, Vail Mills, New York, Docket No. 12494, File No. BPCT-2435; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of June 1958;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Vail Mills, New York; and

It appearing, that these applications are mutually exclusive in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications were mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto and the replies to the above letters, the Commission finds that Veterans Broadcasting Company, Inc., and Capital Cities Television Corporation are legally, financially, technically, and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Veterans Broadcasting Company, Inc. and Capital Cities Television Corporation, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Veterans Broadcasting Company, Inc. and Capital Cities Television Corporation, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4866; Filed, June 25, 1958; 8:53 a. m.]

[Docket No. 12491; FCC 58-592]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

PROPOSED ALLOCATION TO GAINESVILLE AND SHERMAN, TEX.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Gainesville, Tex		233
Sherman, Tex	236	246

3. The purpose of the proposed amendment is to make Channel 233 available for assignment in Gainesville, Texas, as requested in a petition dated June 2, 1958, submitted by the Gainesville Broadcasting Company, Inc., licensee of standard broadcast Station KGAF.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before July 18, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4864; Filed, June 25, 1958; 8:53 a. m.]

[Docket No. 12492; FCC 58-593]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

PROPOSED ALLOCATION TO SAN DIEGO, CALIF.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
San Diego, Calif		293

3. The purpose of the proposed amendment is to make Channel 293 available for assignment in San Diego, California, as requested in a petition dated May [illegible], 1958, submitted by Barbary Coast Records, Inc., which proposes to file an application for a new FM broadcast station in San Diego for operation on this channel.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be

adopted in the form set forth herein, may file with the Commission on or before July 18, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commisison's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 18, 1958.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4865; Filed, June 25, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6828]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JUNE 20, 1958.

Take notice that on June 11, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by El Paso Electric Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the State of New Mexico with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of (A) $6,500,000, principal amount of the First Mortgage Bonds ("New Bonds") __ percent Series (B) $3,000,000, principal amount of __ percent Debentures ("New Debentures") and (C) $4,000,000, face amount of Unsecured Promissory Notes. The New Bonds, to be dated as of July 1, 1958, and to be due July 1, 1988, are to be issued pursuant to an Indenture of Mortgage of Applicant dated October 1, 1946, to State Street Trust Company (now Second Bank-State Street Trust Company), Trustee, as heretofore supplemented and as to be further supplemented by a Fifth Supplemental Indenture to be dated as of July 1, 1958. The New Debentures, to be dated July 1, 1958, and to be due July 1, 1978, will be issued pursuant to the provisions of an Indenture to be dated as of July 1, 1958, with El Paso National Bank as Trustee, providing for a sinking fund designed to retire 50 percent of the Debentures prior to maturity. The Unsecured Promissory Notes will be payable to such bank or banks from which Applicant may borrow funds, up to but not exceeding $4,000,000 at any one time outstanding, for periods not exceeding 12 months from the date of original issue or renewal thereof, such notes issued originally or upon renewal from time to time to have maturity dates not later than December 31, 1959. Said Notes will bear interest at the rate per annum not in excess of ¼ of 1 percent over the prime rate in effect in New York City at the time of borrowing or renewal. Applicant on July 15, 1958, proposes to invite bids for the purchase of the aforesaid New Bonds and New Debentures. The aforesaid securities are to be sold by Applicant for the purpose of obtaining funds to refund Applicant's outstanding $6,500,000, principal amount of First Mortgage Bonds, 4¾ percent Series due 1987; to pay Applicant's bank loans (amounting to $800,000, face amount at April 30, 1958); and to reimburse Applicant's Treasury for construction expenditures heretofore made and to finance additional construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 9th day of July 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4826; Filed, June 25, 1958; 8:46 a. m.]

[Docket No. E-6829]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

JUNE 20, 1958.

Take notice that on June 12, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Company ("Applicant"), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $9,000,000 principal amount of First Mortgage Bonds __ percent Series of 1958 ("New Bonds"). Applicant proposes to issue the aforesaid $9,000,000 of New Bonds __ percent Series dated on August 1, 1958, to mature August 1, 1988, under and pursuant to an Indenture of Mortgage dated July 1, 1936, to First Trust Company of Saint Paul and Louis S. Headley, Trustees as supplemented, including a proposed Twenty-second Supplemental Indenture to be dated August 1, 1958, which will set forth the items of the proposed issue. Applicant proposes to sell the $9,000,000 of New Bonds under competitive bidding. Applicant proposes to use the proceeds from the sale of the aforesaid New Bonds to repay temporary bank loans incurred for financing of its construction program and to provide funds for the costs of such construction program to be incurred during the remainder of 1958 and during 1959.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 7, 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4827; Filed, June 25, 1958; 8:46 a. m.]

[Docket No. E-6830]

IDAHO POWER CO.

NOTICE OF APPLICATION

JUNE 20, 1958.

Take notice that on June 13, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of 350,000 shares of $10 par value Common Stock. Applicant proposes to issue the aforesaid 350,000 shares of Common Stock, par value $10, on or after July 21, 1958, and is presently engaged in negotiations with prospective underwriters for the proposed sale. With respect to the issuance and sale of the aforesaid Common Stock, Applicant reqests an exemption from section 34.1a of the regulations under the Federal Power Act, requiring competitive bidding. Applicant proposes to use the proceeds from the sale of Common Stock to obtain permanent capital for repayment in part of the principal amount of short-term bank loans now outstanding, heretofore made by Applicant for its interim financing of the cost of construction, extension and improvement of operating facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 9th day of July 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4828; Filed, June 25, 1958; 8:46 a. m.]

[Docket No. G-1142 etc.]

UNITED GAS PIPE LINE CO.

ORDER REOPENING PROCEEDINGS

JUNE 20, 1958.

In the matters of United Gas Pipe Line Company, Docket Nos. G-1142, G-2019, et al.

Upon appeal by Mississippi River Fuel Corporation (Mississippi), a purchaser of natural gas from United Gas Pipe Line Company (United), the Court of Appeals for the District of Columbia Circuit on July 8, 1957, although it affirmed in all other respects, vacated the Commission's order issued herein on November 8, 1955, and remanded the case to the Commission for further proceedings and determination as to the "factual justification for the price increases paid by United to Union."[1] The order of November 8, 1955, affirmed the Presiding Examiner's findings and conclusions in his decision in United Gas Pipe Line Company, Docket Nos. G–1142, G–2019 et al., with respect to, among other things, the allowance in the cost of service of United for gas purchased the full prices paid by United to Union Producing Company (Union), an affiliate.[2]

In its opinion of July 8, 1957, as amended by order of September 19, 1957, the Court stated (252 F. 2d 622–623):

> In this situation there are several important factors not ordinarily present. The United-Union prices were not arm's-length transactions. From time to time these prices between the two affiliates were increased. At least part of the increase authorized by the Commission in United's prices to Mississippi arose from these increases in United's payments to Union. If the United-Union increases were bona fide increases in costs incurred by Union in acquiring gas, that would be one thing; but, if they were merely a device for siphoning potential profits from one affiliate to another, for transferring amounts from an advantage to customers to an advantage for stockholders, that is another thing * * *. A mere comparison of such prices with prevailing prices would not sufficiently justify the transactions.
>
> The Commission's order in the case at bar was issued shortly before the opinion of this court in City of Detroit, Michigan v. Federal Power Commission * * *. We rejected this use of the field price, because the Commission record did not show that such an allowance was reasonably necessary to serve any stated ends of the Natural Gas Act. A 100 per cent affiliate stands in the same position as does the integrated producing "arm" of a pipe-line company. Under the doctrine of the City of Detroit case United could not, on the record as it is now before us, use as costs the fair field price of gas produced by its affiliate, Union; a reconsideration by the Commission under the principles laid down in that case would be necessary.
>
> But United did not seek to use fair field prices; it used contract prices fixed in contracts with its affiliate, and measured the reasonableness of those contract prices by the fair field prices. From time to time the affiliated contractors increased the prices applicable to sales between them. We think the Commission could no more test the reasonableness of interaffiliate prices by the use of fair field prices (without more) than it could allow as costs the fair field prices (without more). To be included in United's costs, increases in the interaffiliate prices must have some factual economic justification * * *. The same course of reasoning which we followed in the City of Detroit case is applicable here. Therefore we think the Commission must at least inquire into the factual justification for the price increases paid by United to Union. By this we mean that to include the increased prices in the costs of United the Commission must at least determine that the increases were justified by reason of Union's costs or by reason of some other stated end of the Natural Gas Act; the Commission must ascertain that they were not mere bookkeeping or intracorporate-system adjustments. We must remand the case for that inquiry. We do not hold that a full-blown inquiry into the rates of Union is necessary. Subsequent developments in the proceeding may or may not indicate such a necessity.

Upon consideration of the foregoing, we deem it necesary to reopen the proceedings in Docket Nos. G–1142, G–2019, et al., for the specific and limited purpose of providing United an opportunity to introduce evidence as to the "factual economic justification", if any there be, for the test period 1952, as adjusted, for the inclusion in its cost of service to be used for the purpose of pricing its sales to Mississippi River Fuel Corporation of payments to Union in excess of the initial contract prices. Other parties to the proceeding, of course, should have the right to participate in such reopened proceedings, including the right to offer evidence material to the issue involved in the limited reopening; but the burden of proof is and shall remain upon United.

The Commission orders:

(A) The proceedings in Docket Nos. G–1142, G–2019, et al., are hereby reopened for the limited purposes hereinbefore specified; and the proceedings are hereby remanded to the Presiding Examiner for such further hearing.

(B) The further proceedings in Docket Nos. G–1142, G–2019, et al. be held commencing on July 14, 1958, at 10:00 a. m., e. d. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–4829; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G–15310]

WARREN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 20, 1958.

Warren Petroleum Corporation (Operator) (Warren), on June 12, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 11, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30. Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 43.

Effective date: July 13, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Warren states that the gas quality and delivery conditions for gas from its four plants is more favorable to El Paso Natural Gas Company than from Phillips Petroleum Company's (Phillips) Lee Plant. It states that the gas from Phillips' plants is sour and saturated with water vapor whereas Warren's gas is dehydrated and processed for sulfur removal; Warren's gas is compressed through three stages of compression and delivered variously at 650 psig from its South Fullerton and Waddell Plants to 830 psig at its Denton Plant whereas Phillips' Lee Plant gas is compressed two stages and delivered at 200 psig and is only compressed one stage at Phillips' other plants; Warren's delivery volumes are the same or as much as six times greater; the heating value of Warren's gas (1036–1044 B. t. u.) is slightly less than Phillips Lee Plant gas (1050 B. t. u.), but Warren's contract minimum heat content is 1000 B. t. u. versus Phillips' minimum heat content of 950 B. t. u.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30, and Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 43, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30, and Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 43.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 8, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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[1] Mississippi River Fuel Corp. v. Federal Power Comm., 252 F. 2d 622, certiorari denied 355 U. S. 904.

[2] The Presiding Examiner's decision in these matters was rendered after further hearings pursuant to FPC Opinion No. 277 and accompanying order of November 2, 1954, wherein the Commission approved the settlement agreed to by the parties except Mississippi. Tyler Gas Service Company, City of Tyler, Tex., and Mobile Gas Service Corporation accepted the settlement subject to the outcome of then pending but since decided litigation: See Tyler Gas Service Co., et al., v. Federal Power Comm., — F. 2d —, cert. denied, — U. S. —; United Gas Pipe Line Co. v. Mobile Gas Service Corp., et al., 350 U. S. 332.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting as to suspension of Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 30).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4830; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15311]

WARREN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 20, 1958.

Warren Petroleum Corporation (Warren) on June 12, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 11, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 42. Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 45.

Effective date: July 13, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increases, Warren states that the gas quality and delivery conditions for gas from its four plants is more favorable to El Paso Natural Gas Company than from Phillips Petroleum Company's (Phillips) Lee Plant. It states that the gas from Phillips' plants is sour and saturated with water vapor whereas Warren's gas is dehydrated and processed for sulfur removal; Warren's gas is compressed through three stages of compression and delivered variously at 650 psig from its South Fullerton and Waddell Plants to 830 psig at its Denton Plant whereas Phillips' Lee Plant gas is compressed two stages and delivered at 200 psig and is only compressed one stage at Phillips' other plants; Warren's delivery volumes are the same or as much as six times greater; the heating value of Warren's gas (1036-1044 B. t. u.) is slightly less than Phillips' Lee Plant gas (1050 B. t. u.), but Warren's contract minimum heat content is 1000 B. t. u. versus Phillips' minimum heat content of 950 B. t. u.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 42, and Supplement No. 3 to Warren's FPC Gas Rate Schdule No. 45, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 9 to Warren's FPC Gas Rate Schedule No. 42, and Supplement No. 3 to Warren's FPC Gas Rate Schedule No. 45.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until November 9, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4831; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15312]

HUSKY OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Husky Oil Company (Husky) on May 26, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 22, 1958.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 2 to Husky's FPC Gas Rate Schedule No. 3.

Effective date: July 1, 1958 (effective date is the effective date proposed by Husky).

In support of the proposed favored-nation rate increase, Husky submits a copy of a letter from El Paso Natural Gas Company (El Paso) notifying Husky that effective January 1, 1958, El Paso had commenced the purchase of gas-well gas delivered at the wellhead in the Permian Basin area at a rate of 1 cent per Mcf higher than it paid for such gas before that date and that, consequently, under the favored-nation provision of the contract, El Paso would increase its purchase price to El Paso to 10½ cents per Mcf dependent upon Commission action. In addition, Husky quotes the favored-nation provision of the contract and states that the proposed rate is just, reasonable and proper; that the contract resulted from good faith arm's-length bargaining, and the increase is necessary to offset increased production costs. Husky further states that the increase would furnish an incentive for further exploration and denial thereof would constitute the taking of its property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Husky's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Husky's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4832; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15313]

UNION OIL COMPANY OF CALIFORNIA

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Union Oil Company of California (Union Oil) on May 28, 1958, tendered for

filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 16.
Effective date: June 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed two-step periodic rate increase, Union Oil states that the contract resulted from arm's-length negotiations; that the entire pricing provision of the contract represents the negotiated price for the gas, and that periodic price increase provisions are economically beneficial to the buyer. Union Oil also states that the amount of the increase is minimal (68 cents per day), and is less than the inflationary forces existing and does not exceed current field prices for similar gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 16 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 16.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use therof deferred until November 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4833; Filed, June 25, 1958; 8:47 a. m.]

[Docket No. G-15314]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Phillips Petroleum Company (Operator) et al. (Phillips), on May 29, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 27, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 256.
Effective date: July 1, 1958 (Effective date is the effective date proposed by Phillips).

In support of the proposed favored-nation rate increase, Phillips submits a copy of a letter from El Paso Natural Gas Company notifying Phillips that the Commission had permitted certain increased rates for gas purchased by it in the Permian Basin to go into effect subject to refund January 10, 1958, and that such increases were 15.05 percent higher than those in effect immediately prior to that date. Phillips states that even after the increase the proposed price will be below that which is just and reasonable; that the new rate will not result in an excessive return to Phillips and will do no more than reduce the deficiency in Phillips' jurisdictional revenues.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 256 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 256.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting.)

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4834; Filed, June 25, 1958; 8:48 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-14006.

[Docket No. G-15315]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Phillips Petroleum Company (Phillips) on May 29, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 27, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 66.
Effective date: July 1, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed favored-nation rate increase, Phillips submits a copy of a letter from El Paso Natural Gas Company notifying Phillips that the Commission had permitted certain increased rates for gas purchased by it in the Permian Basin to go into effect subject to refund January 10, 1958, and that such increases were 15.5 percent higher than those in effect immediately prior to that date. Phillips states that even after the increase the proposed price will be below that which is just and reasonable; that the new rate will not result in an excessive return to Phillips and will do no more than reduce the deficiency in Phillips' jurisdictional revenues.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 66 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. [illegible].

---

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-14007.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4835; Filed, June 25, 1958; 8:48 a. m.]

[Docket No. G-15316]

BARRON KIDD AND C. R. SMITH

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JUNE 20, 1958.

Barron Kidd and C. R. Smith (Kidd and Smith) on May 29, 1958, tendered for filing a proposed change in their presently effective rate schedule[1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 29, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 8 to Kidd and Smith's FPC Gas Rate Schedule No. 1.

Effective date: July 1, 1958 (effective date is the effective date proposed by Kidd and Smith).

In support of the proposed redetermined rate increase, Kidd and Smith have submitted a copy of a letter to them from Texas Illinois Natural Gas Pipeline Company stating that the parties have determined that a fair and reasonable price for the subject gas for the five-year period commencing January 1, 1958, is 14.5 cents per Mcf, and have further determined that there shall be no tax reimbursement unless the Texas occupation tax rate exceeds 7 percent. To this the producers have agreed. In addition, Kidd and Smith state that their gas is highly corrosive, thereby necessitating periodic replacement of facilities and the increase is necessary to help meet increasing material and labor costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Kidd and Smith's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Kidd and Smith's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4836; Filed, June 25, 1958; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 344]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF 15 ACRES OF PERPETUAL EASEMENT AT NAVAL INDUSTRIAL RESERVE AIRCRAFT PLANT, KANSAS CITY, MO.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), (herein referred to as the "Act"), authority is hereby delegated to the Secretary of Defense to dispose of approximately 15 acres of perpetual easement, comprising a portion of the right-of-way for the Government's 115 KV transmission line serving the Naval Industrial Reserve Aircraft Plant, Kansas City, Missouri, by negotiated sale or otherwise; on such terms as may be advantageous to the United States: *Provided,* That in the event of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the Act and regulations of General Services Administration issued pursuant thereto; however, since the easement is in an area to be flooded by the construction of a dam by the Shawnee Mission Park District, it has been determined that screening of the property with other Federal agencies would serve no useful purpose. Therefore, the easement is determined to be surplus property.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

4. This delegation shall be effective as of the date hereof.

Dated: June 19, 1958.

FRANKLIN FLOETE,
Administrator.

[F. R. Doc. 58-4837; Filed, June 25, 1958; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-III-1 (22 F. R. 6603) is hereby amended by deleting section II in its entirety and substituting the following in lieu thereof:

II. The authority delegated in section IB may not be redelegated.

Dated: May 27, 1958.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F. R. Doc. 58-4840; Filed, June 25, 1958; 8:49 a. m.]

TARIFF COMMISSION

[List No. D-7-17]

CERTAIN EXPANSION BRACELETS AND PARTS THEREOF

PUBLIC NOTICE OF DISMISSAL OF COMPLAINTS

JUNE 23, 1958.

After preliminary inquiry in accordance with § 203.3 of its rules of practice and procedure (19 CFR 203.3), the United States Tariff Commission, on the 18th day of June 1958 dismissed the two complaints filed under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) by Speidel Corporation, 70 Ship Street, Providence, Rhode Island, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain expansion bracelets and parts thereof. Notice of the receipt of these complaints was published in 21 F. R. 8473.

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-12766.

The principal reason for the dismissal of the complaints is that while the prayer in the complaints was for the total exclusion from entry into the United States of foreign articles made in accordance with United States patents because the effect or tendency of such imports is to destroy, substantially injure, or prevent the establishment of, domestic industries producing expansible bracelets of construction and design covered by the claims of such United States patents, Speidel, since the filing of the complaints, has entered into extensive licensing arrangements with major importers of allegedly offending bracelets.

Section 337 is not an extension of the patent laws and its purpose is not to protect patent rights as such. The complaints set forth that the domestic-manufacturer licensees are not granted licenses to import, and pray for the exclusion from entry of all bracelets which infringe complainant's patents in order that the public will not "lose an important domestic industry developed by private capital" whose economic justification was based on the protection of the patents. Complainant's action in granting import privileges to several of the large importers charged in the complaints as violating section 337 indicates that complainant is not so much concerned with the protection from injurious import competition of domestic industries that owe their existence to the patents involved as he is with royalties, whether the royalties come from domestic producers or from importers.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-4869; Filed, June 25, 1958; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALICE FLORA GRETE HIRSCHBERG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alice Flora Grete Hirschberg, Stanford Hall Fl. 19, Grantham Street—Potts Point, Sydney, Australia; $62.60 in the Treasury of the United States.

Wolfgang Wagner, 10 Brach Road, Edgecliff, Sydney, Australia; $20.87 in the Treasury of the United States.

Ruth Lili Klemencic, nee Wagner, Wien III, Reisnerstr. 20/7, Austria; $20.87 in the Treasury of the United States.

Hannah Wagner, 10 Brach Road, Edgecliff, Sydney, Australia; $20.87 in the Treasury of the United States.
Claim No. 60297.
Vesting Order No. 17705.

Executed at Washington, D. C., on June 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4800; Filed, June 24, 1958; 8:52 a. m.]

H. MEINDERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

H. Meinders, Bilthoven, The Netherlands; $262.82 in the Treasury of the United States; Claim No. 61428.
Vesting Order No. 17947.

Executed at Washington, D. C., on June 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4801; Filed, June 24, 1958; 8:52 a. m.]

MARIA PURR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Purr, Parsau No. 25 via Vorsfelde, Germany; Claim No. 61497; $574.17 in the Treasury of the United States.
Vesting Order No. 14262

Executed at Washington, D. C., on June 17, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4802; Filed, June 24, 1958; 8:52 a. m.]

CUSTODIAN TRUST CO., LTD.

NOTICE OF INTENTION TO RETURN
PROPERTY

Pursuant to section 32 (f) of
Trading With the Enemy Act,
amended, notice is hereby given of
tion to return, on or after 30 days
the date of publication hereof, the
lowing property, subject to any
or decrease resulting from the
istration thereof prior to return,
after adequate provision for taxes
conservatory expenses:

Claimant, Claim No., Property, and

Custodian Trust Company, Ltd., 179
Street, Charlottetown, Prince Edward
Canada; Claim No. 60910; $25.25 in the
ury of the United States.
Vesting Order No. 18121.

Executed at Washington, D. C.,
June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4847; Filed, June 25,
8:51 a. m.]

HILDE PERLS HOLLAENDER

NOTICE OF INTENTION TO RETURN
VESTED PROPERTY

Pursuant to section 32 (f) of the
ing With the Enemy Act, as
notice is hereby given of intention
turn, on or after 30 days from the
of publication hereof, the
property, subject to any increase or
crease resulting from the administrati
thereof prior to return, and after
quate provision for taxes and
tory expenses:

Claimant, Claim No., Property, and

Mrs. Hilde Perls Hollaender, 4 Rue
Dickens, Paris (16e), France; Claim
64092; $322.93 in the Treasury of the
States.
Vesting Order No. 9693.

Executed at Washington, D. C.,
June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4848; Filed, June 25,
8:51 a. m.]

YAYOI IWAMOTO

NOTICE OF INTENTION TO RETURN
PROPERTY

Pursuant to section 32 (f) of
Trading With the Enemy Act,
amended, notice is hereby given of
tion to return, on or after 30 days
the date of publication hereof, the
lowing property, subject to any
or decrease resulting from the
istration thereof prior to return,

after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Yayoi Iwamoto, nee Nakashima, Seishoji, Taimei Mura, Tamana Gun, Kumamoto Ken, Japan; Claim No. 60248; $2,536.67 in the Treasury of the United States.

Vesting Order No. 6736.

Executed at Washington, D. C., on June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4849; Filed, June 25, 1958; 8:51 a. m.]

SOCIETE LUMINELEC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Luminelec, 11, rue St. Lazare, Paris, France; Claim No. 29407; An undivided one-half interest in the property described in Vesting Order No. 666 (January 18, 1943) relating to United States Letters Patent No. 2,161,790.

Vesting Order No. 666.

Executed at Washington, D. C., on June 20, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-4850; Filed, June 25, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 23, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34769: *Fine coal—Southwestern mines to Hallam, Nebr.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7311), for interested rail carriers. Rates on fine coal, carloads, as described in the application from specified points in named groups in Arkansas, Kansas, Missouri, and Oklahoma to Hallam, Nebr.

Grounds for relief: Competition of natural gas and fuel oil.

Tariff: Supplement 29 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4270.

FSA No. 34770: *Crude petrolatum—Southwestern points to Eastern points.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7313), for interested rail carriers. Rates on crude petrolatum, suitable only for mixing, blending and/or refining, tank-car loads from specified points in Kansas, Louisiana, Missouri, Oklahoma, and Texas to Gardner-Heywood, Mass., and Matawan, N. J.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 143 to Southwestern Lines Freight tariff I. C. C. 4150.

FSA No. 34771: *Barley—Fort Worth, Tex., to Port Arthur, Tex.* Filed by The Texas-Louisiana Freight Bureau, Agent (No. 327), for and on behalf of the Texas and New Orleans Railroad Company. Rates on barley, carloads from Fort Worth, Tex., to Port Arthur, Tex., for export.

Grounds for relief: Port competition and equalization.

Tariff: Supplement 33 to Texas-Louisiana Freight Bureau tariff I. C. C. 878.

FSA No. 34772: *Substituted service—Rail for motor, Erie, R. R.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 89), for interested carriers. Rates on freight of various kinds, loaded in highway trailers and transported on railroad flat cars in substituted service between Chicago, Ill., or Hammond, Ind., on the one hand, and Jersey City, N. J., on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. No. A-148.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4838; Filed, June 25, 1958; 8:48 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 126

Washington, Friday, June 27, 1958

UNIVERSITY OF MICHIGAN
JUN 30 1958
MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[C. C. C. Corn Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP CORN PRICE SUPPORT PROGRAM

Sec.
421.3126 Administration.
421.3127 Applicability of §§ 421.3126 to 421.3133.
421.3128 Definitions.
421.3129 Determination of corn acreage.
421.3130 Notice of excess acreage and final date for disposal of excess acreage.
421.3131 Compliance requirements.
421.3132 Effect of unknowingly exceeding farm corn acreage allotment; method of determination.
421.3133 Appeals.

AUTHORITY: §§ 421.3126 to 421.3133 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 401, 408, 63 Stat. 1054, 68 Stat. 904; sec. 308, 70 Stat. 206, 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 7 U. S. C. 1374.

§ 421.3126 *Administration.* The price support program for corn will be administered by the Commodity Stabilization Service, under the general direction and supervision of the Executive Vice-President, Commodity Credit Corporation, and will be carried out in the field by the State and county Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and county committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.3127 *Applicability of §§ 421.3126 to 421.3133.* Sections 421.3126 to 421.3133 state the eligibility requirements for producers of corn under the 1958 crop corn price support program with respect to compliance with corn acreage allotments, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.3128 *Definitions.* As used in this subpart, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) "Farm" means a farm as defined in regulations governing determination of acreage and performance (7 CFR 718.2, 22 F. R. 7418) and any amendments thereto.

(b) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(c) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(d) "Producer" means any person engaged in the production of corn as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop-share lease contract; or agreement; and a landlord leasing to share tenants.

(e) "Corn acreage allotment" means the corn acreage allotment established for the farm in accordance with the regulations pertaining to farm acreage allotments for the 1958 crop (22 F. R. 8803, November 1, 1957), and any amendments thereto.

(f) "Commercial corn-producing area" means the area designated by the Secretary of Agriculture pursuant to section 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended. The designation of the commercial corn-producing area for 1958 appears in 7 CFR 721.901 (22 F. R. 8058 under date of October 10, 1957).

(g) "Corn acreage" means, for 1958, the number of acres of land on which field corn, including sweet corn planted for feed or silage, is planted alone or interplanted with other crops, excluding: (1) The acreage planted to corn in excess of the allotment or, where applicable, the permitted acreage under an acreage reserve agreement or conservation reserve contract, if the county com-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 210–899 ($2.50)

Title 21 ($0.70)

Title 49, Parts 71–90 ($0.55)

Previously announced: Title 3, 1957 Supp. ($0.40); Titles 4–5 ($1.00); Title 6 ($1.50); Title 7, Parts 1–209 ($2.25), Parts 900–959 ($1.00); Title 8, Rev. Jan. 1, 1958 ($3.25); Title 9 ($0.75); Titles 10–13 ($1.00); Title 14, Parts 1–39 ($0.50), Parts 40–399 ($0.40), Part 400 to end ($1.50); Title 16 ($1.75); Title 17 ($0.65); Title 18 ($0.50); Title 19 ($0.70); Title 20 ($1.00); Titles 22–23, Rev. Jan. 1, 1958 ($4.25); Title 24 ($1.00); Title 25, Rev. Jan. 1, 1958 ($4.50); Title 26, 1957 Added Pocket Parts: Parts 1–79 ($0.25), Parts 80–169 ($0.25), Parts 170–182 ($0.20); Title 26 (1954), Parts 1–19, Rev. Jan. 1, 1958 ($3.00), Parts 20–221, Rev. Jan. 1, 1958 ($2.25); Titles 28–29 ($1.50); Titles 30–31 ($1.50); Title 32, Parts 1–399 ($1.25), Parts 400–699 ($1.75), Parts 700–799 ($0.60), Parts 800–1099 ($0.65), Part 1100 to end ($0.50); Title 33 ($1.50); Titles 35–37 ($1.00); Title 38 ($0.40); Title 39 ($0.60); Titles 40–42 ($1.00); Title 43 ($0.70); Titles 44–45, 1957 Added Pocket Part ($0.35); Title 46, Parts 1–145 ($0.75), Parts 146–149, Rev. Jan. 1, 1958 ($5.50); Title 49, Parts 1–70 ($0.70), Parts 91–164, Rev. Jan. 1, 1958 ($5.00), Part 165 to end ($0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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mittee or its authorized representative finds, on the basis of a producers' request for redetermination of the corn acreage that the product from such excess acreage has been plowed or disced under, or destroyed by causes beyond his control, on or before the final date for adjusting such acreage; (2) any acreage planted to corn for wildlife feed on a Federal or State Fish and Wildlife Service Farm under a written contract which was or will be entered into with such fish and wildlife service prior to planting and which is, prior to planting, approved by the county and State committees provided such acreage is not harvested; and (3) acreage sown to field corn and incorporated into the soil as an approved green manure or cover crop practice under the agricultural conservation program or the soil bank conservation program. The acreage planted to sweet corn shall not be considered as planted for feed or silage if the county committee determines that the sweet corn was planted for harvest as sweet corn but the ears therefrom could not be marketed as sweet corn for human consumption because of adverse weather or other conditions over which the producer has no control.

(h) "Excess corn acreage" means the corn acreage determined for the farm which is in excess of the farm corn acreage allotment.

§ 421.3129 *Determination of corn acreage.* (a) The corn acreage shall be measured by the county committee's authorized representative(s). Notwithstanding the foregoing, the corn acreage will be estimated rather than measured where the operator or his representative indicates in writing on Form CSS-578 that he will not apply for price support and that the other producer(s) interested in the corn crop on the farm will not apply for price support. The above measurements or estimates shall be made without cost to the operator or producers.

(b) In the event that corn acreage is estimated, it shall be measured, if the operator or one of the other interested producers, or a representative of either, subsequently indicates in writing he intends to apply for price support and pays the cost of measurement. In this event, it shall be the sole responsibility of the interested producer to assure that the acreage is adjusted to the corn acreage allotment by August 1, 1958.

(c) The corn acreage determined for any farm and shown on Form CSS-590, original or revised, which was mailed to the operator of the farm under paragraph (a) of § 421.3130, shall be considered the corn acreage on such farm, unless the operator or his representative notified the county office on or before the applicable date for disposal of excess acreage of his intentions to adjust such acreage to the farm allotment and pays the estimated cost of checking the adjusted acreage in accordance with the regulations governing determination of acreage and performance (7 CFR Part 718, 22 F. R. 7418) and any amendments thereto.

§ 421.3130 *Notice of excess acreage and final date for disposal of excess acreage.* (a) If measurement of the corn acreage establishes that the acreage on such farm is in excess of the corn acreage allotment, the operator shall be mailed a written notice on Form CSS-590 showing the measured acreage and August 1, 1958, as the final date for adjusting planted acreage, except that if the notice is not mailed at least 15 days prior to August 1, 1958, the period during which the excess corn acreage may be adjusted to the corn acreage allotment shall be extended until 15 days from the date the notice is mailed. This 15-day exception provision is not applicable to farms where the corn acreage was first estimated and later measured.

(b) The corn from the excess acreage may be disposed of either by plowing or discing, or by destruction beyond the control of the operator.

(c) If the producer on the farm is unable, because of conditions beyond his control, to dispose of the excess acreage within the time limit prescribed on the notice, a request for additional time may be filed in writing at the county office by any producer on the farm who has an interest in the crop. In order to be considered, the request for additional time must be filed prior to the expiration of the final date for disposition of the excess as shown on the notice. The reason the producer on the farm is unable to dispose of the excess acreage within the prescribed time limit shall be set forth in the request for additional time. If the county committee or the county office manager determines from the facts available, that the producer is unable to dispose of the excess acreage within the prescribed time, because of conditions beyond his control, the county committee or county office manager may grant an extension of such time sufficient to afford a fair and reasonable opportunity for such disposal: *Provided,* That such extended period shall not exceed 15 days from the time limit prescribed in the notice from which relief is sought. If an extension is granted, the operator shall be mailed a revised notice on Form CSS-590 showing the extended disposition date. If a request for an extension is denied, the county office manager shall notify the operator by letter of the denial.

(d) If the producer is unable to dispose of the excess corn acreage because of conditions beyond his control, and the producer failed to apply for an extension by the county committee prior to the disposal date referred to in paragraph (a) or (c) of this section, a request for additional time may be filed in writing at the county office for consideration by the State committee, by any producer on the farm who has an interest in the crop. In order to be considered, he must file the request in writing and show the reason he was unable to comply with the expiration date of which he was notified. If the State committee, or State administrative officer, on behalf of the State committee, determines that the producer was unable, because of conditions beyond his control, to dispose of the excess acreage within the time limit, the county office may be authorized to extend the expiration date. Upon receipt of such authorization, the county committee or county office manager shall extend the previous date for disposition to provide the producer a reasonable opportunity to dispose of the excess acreage. If any extension of time is granted pursuant to this paragraph, the farm operator shall be mailed a revised notice on Form CSS-590 showing the extended disposition date. If a request for an extension is denied, the county office manager shall notify the operator by letter of the denial.

(e) Notwithstanding the provisions of paragraphs (c) and (d) of this section, in no case shall a disposition date be later than the time the harvesting of corn begins on the farm, except where it may be necessary to issue a delayed notice in accordance with paragraph (a) of this section.

§ 421.3131 *Compliance requirements*—(a) *Commercial corn-producing area.* A producer shall be eligible for price support on corn produced in 1958 on a farm in the commercial corn-producing area, if the county committee determines that the 1958-crop corn acreage on such farm is not in excess of the corn acreage allotment established under the provisions of 7 CFR 721.910 to 721.923. Corn produced in violation of restrictive lease on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for price support.

(b) *Outside of the commercial corn-producing area.* Any producer outside of the commercial corn-producing area shall be eligible for price support at the applicable rate for the respective county. However, corn produced in violation of a restrictive lease on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for price support.

§ 421.3132 *Effect of unknowingly exceeding farm corn acreage allotment; method of determination.* The corn acreage on a farm shall not be deemed to be in excess of the corn acreage allotment for the purpose of price support unless the operator knowingly exceeded such allotment. If the corn acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the county committee, in accordance with paragraph (a), (b), or (c) of this section, that he has not knowingly exceeded his allotment and the determination of the county committee is approved on review by the State committee. The State administrative officer may act in behalf of the State committee with respect to review of determinations under paragraphs (a) and (b) of this section.

(a) *Erroneous notice of acreage allotment.* The corn acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office, the farm operator was officially notified in writing of a corn acreage allotment for the 1958 crop which was larger than the finally-approved acreage allotment, the farm operator or any producer on the farm, acting solely on the information contained in the erroneous notice, planted an acreage to corn in excess of the finally-approved acreage allotment, and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to corn on the farm is adjusted to the allotment contained in the erroneous notice as provided in § 421.3130, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of corn customarily planted; and all other pertinent facts should be taken into consideration.

(b) *Erroneous notice of measured acreage.* The corn acreage allotment for the farm will not be considered to be knowingly exceeded in any case where: (1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the allotment crop acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Failure to measure acreage or notify operator.* The corn acreage allotment for the farm will not be considered to be knowingly exceeded in any case where, through no fault of the farm operator or any producer on the farm, the corn acreage was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to the final date for the disposition of excess acreage: *Provided,* That the excess acreage was relatively small and the farm operator establishes, that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the corn acreage was in excess of the farm acreage allotment.

§ 421.3133 *Appeals.* Any producer who is dissatisfied with any determination of the county committee respecting his compliance or eligibility may, within 15 days after notification to him of such determination by the county committee, appeal to the State committee in writing. Such appeal should contain all the facts constituting the basis of his claim that the county committee determination is improper.

Issued this 23d day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4895; Filed, June 26, 1958; 8:47 a. m.]

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Doc. 58-4653, appearing at page 4401 of the issue for Thursday, June 19, 1958, the following changes should be made in § 421.3236 (a) (3) (iv):

In the second proviso, "men" should read "man" both places.

In the third proviso, "much" should read "such".

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 9]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program, 22 F. R. 6397, as amended and supplemented, are hereby further amended as follows:

1. Section 485.310 (c) is amended to read as follows:

(c) *Effect of failure to dispose of excess acreage.* Failure to dispose of excess acreage as required in paragraph (b) of this section shall constitute a violation of the agreement. In addition, if the producer knowingly and willfully harvests such excess acreage he shall be subject to the civil penalty as provided in section 123 of the act and in the regulations contained in Subpart—Violations Procedure of this part.

2. Subparagraphs (1) and (2) of § 485.313 (i) are amended to read as follows:

(1) If the permitted acreage of soil bank base crops is zero, the producer shall not be entitled to any compensation under the agreement if he fails to dispose of all acreages planted to soil bank base crops except that this provision shall not apply to a producer (other than the operator) who did not cause, aid in, or benefit from the failure to dispose of such acreage. Even though one or more producers under an Acreage Reserve Agreement fall within the foregoing exception, the total compensation payable under the agreement shall in any event be reduced by an amount equal to the number of acres not disposed of multiplied by the rate of compensation per acre for the commodity, and such producers shall be entitled to share therein on a fair and equitable basis.

(2) If the permitted acreage of soil bank base crops is more than zero, the producer shall not be entitled to any compensation under the agreement if the final acreage of soil bank base crops exceeds the permitted acreage of such crops by more than one acre or three percent, whichever is larger, except that this provision shall not apply to a producer (other than the operator) who did not cause, aid in, or benefit from the failure to dispose of such acreage. Even though one or more producers under an Acreage Reserve Agreement fall within the foregoing exception, the total compensation payable under the agreement shall in any event be reduced by an amount equal to the number of acres by which the final acreage of soil bank base crops exceeds the permitted acreage of such crops multiplied by the rate of compensation per acre for the commodity, and such producers shall be entitled to share therein on a fair and equitable basis.

3. Section 485.315 (a) is amended by striking "§ 485.313 (h)" therein and substituting therefor "§ 485.313 (i)".

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 23d day of June 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4894; Filed, June 26, 1958; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

MISCELLANEOUS AMENDMENTS AND INTERPRETATIONS

Basis and purpose. The purpose of the following amendments and interpretations is to clarify the regulations pertaining to marketing quotas under the Agricultural Adjustment Act of 1938, as amended, for the 1954, 1955, 1956, 1957, and 1958 and subsequent crops of wheat.

Under the regulations for the 1954 crop, penalties are required to be remitted by the producer not later than 60 calendar days after the date on which the threshing of wheat is normally substantially completed in the county in which the farm is situated or January 31, 1955, whichever is later: *Provided,* That the penalty on the farm marketing excess delivered to the Secretary need not be remitted: *And provided further,* That the penalty with respect to the farm marketing excess stored in accordance with the regulations need not be remitted until the time and to the extent of any depletion of the stored wheat. An amendment to the regulations also provides that in the case of a late notice on Form MQ-93—Wheat the producer may deliver excess wheat to the Secretary within 30 days from the date of the mailing of such notice. These provisions are interpreted as permitting wheat stored in accordance with the regulations to be delivered to the Secretary after the expiration of such 60-day period or January 31, 1955 whichever is later, or such 30-day period if applicable, but as not permitting wheat not so stored to be delivered after such periods in satisfaction of the penalty.

The regulations for all crops mentioned above provide that the delivery of wheat for the purpose of avoiding the penalty shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose in accordance with instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. The instructions of the Deputy Administrator since December 4, 1953, have provided that Form MQ-99—Wheat shall be used for such purpose and such form contains a covenant that the wheat is free from all liens and encumbrances. The provisions of the regulations with respect to delivery to the Secretary are therefore interpreted as requiring the delivery of wheat free and clear of all liens and encumbrances including any lien or charge for storage and no wheat will be accepted by the Secretary in satisfaction of the penalty that is not free and clear of all encumbrances.

Paragraph 5 of Public Law 74, 77th Congress, amending the Agricultural Adjustment Act of 1938 (7 U. S. C. 1340 (5)), provides that the penalty upon wheat stored shall be paid by the producer at the time and to the extent of any depletion in the amount of the commodity so stored except depletion resulting from some cause beyond the control of the producer, and section 372 (a) and (b) of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1372 (a) (b)), provides that the penalty with respect to the marketing by sale of wheat if the sale is to any person within the United States shall be collected by the buyer and that such penalty shall be remitted to the Secretary by the person liable for the penalty except that if any other person is liable for the collection of the penalty such other person shall remit the penalty. The regulations also provide that when the storage requirements are met by depositing warehouse receipts in escrow the receipts shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way shall be liable for such charges. In order to give effect to the foregoing statutory provisions the regulations are amended to require any buyer at a sale of wheat which has the effect of depleting wheat stored in accordance with the regulations, including a sale for storage charges, to collect and remit the penalty to the Secretary.

The large 1958 crop of wheat is about to be harvested and it is anticipated that questions concerning the matters covered by these amendments and interpretations will arise as a result of such harvest and it is imperative that the rights and duties of producers, warehousemen and buyers be clarified as soon as possible. It is therefore found that notice and public procedure are impractical, unnecessary and contrary to the public interest and that the following amendments and interpretations should become effective immediately upon publication in the FEDERAL REGISTER.

1. Section 728.478 (19 F. R. 207) is amended by adding a new paragraph (e) as follows:

(e) *Collection by buyer at a sale which depletes stored wheat.* Any buyer within the United States who purchases wheat at a sale which has the effect of depleting stored excess wheat, including a sale for storage charges, shall collect the penalty due from the producer under § 728.482 (g) and remit the amount of the penalty to the treasurer of the county committee within 15 days after such purchase in the manner provided in § 728.479. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

2. Section 728.483 (19 F. R. 209) is amended by adding a new paragraph (c) as follows:

(c) *Interpretations.* No wheat may be delivered to the Secretary for the purpose of avoiding any penalty on the farm marketing excess for any farm with respect to the 1954 crop after the expiration of the 60-day period provided in § 728.477 (b), as amended, or January 31, 1955, whichever is later, or the expiration of the time limit set forth in § 728.498, if applicable, unless such wheat has been stored in accordance with the provisions of § 728.482 and has not gone out of condition through any fault of the producer. Any wheat so delivered to the Secretary shall be free and clear of all encumbrances and particularly no such wheat shall be accepted if it is subject to storage charges or liens of any kind. Conveyance of the wheat to the Secretary shall be made by the execution and delivery of Form MQ-99—Wheat.

3. Section 728.578 (20 F. R. 1627) is amended by adding a new paragraph (e) as follows:

(e) *Collection by buyer at a sale which depletes stored wheat.* Any buyer within the United States who purchases wheat at a sale which has the effect of depleting stored excess wheat, including a sale for storage charges, shall collect the penalty due from the producer under § 728.582 (g), and remit the amount of the penalty to the treasurer of the county committee within 15 days after such purchase in the manner provided in § 728.579. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

4. Section 728.583 (20 F. R. 1629, 2973, 3579) is amended by adding a new paragraph (d) as follows:

(d) *Interpretation.* Any wheat delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess of the 1955 crop for any farm shall be free and clear of all encumbrances and particularly no wheat shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the wheat to the Secretary shall be made by the execution and delivery of Form MQ-99—Wheat.

5. Section 728.679 (20 F. R. 9484) is amended by adding a new paragraph (e) as follows:

(e) *Collection by buyer at a sale which depletes stored wheat.* Any buyer within the United States who purchases wheat at a sale which has the effect of depleting stored excess wheat, including a sale for storage charges, shall collect the penalty due from the producer under § 728.683 (g), and remit the amount of the penalty to the treasurer of the county committee within 15 days after such purchase in the manner provided in § 728.680. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

6. Section 728.684 (20 F. R. 9486; 21 F. R. 3866) is amended by adding a new paragraph (d) as follows:

(d) *Interpretation.* Any wheat delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess of the 1956 crop for any farm shall be free and clear of all encumbrances and particularly no wheat shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the wheat to the Secretary shall be made by the execution and delivery of Form MQ-99—Wheat.

7. Section 728.779 (22 F. R. 1366) is amended by adding a new paragraph (e) as follows:

(e) *Collection by buyer at a sale which depletes stored wheat.* Any buyer within the United States who purchases wheat at a sale which has the effect of depleting stored excess wheat, including a sale for storage charges, shall collect the penalty due from the producer under § 728.783 (g), and remit the amount of the penalty to the treasurer of the county committee within 15 days after such purchase in the manner provided in § 728.780. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

8. Section 728.784 (22 F. R. 1368) is amended by adding a new paragraph (d) as follows:

(d) *Interpretation.* Any wheat delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess of the 1957 crop for any farm shall be free and clear of all encumbrances and particularly no wheat shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the wheat to the Secretary shall be made by the execution and delivery of Form MQ-99—Wheat.

9. Section 728.875 (23 F. R. 2560) is amended by adding a new paragraph (e) as follows:

(e) *Collection by buyer at a sale which depletes stored wheat.* Any buyer within the United States who purchases wheat at a sale which has the effect of depleting stored excess wheat, including a sale for storage charges, shall collect the penalty due from the producer under

§ 728.879 (g) and remit the amount of the penalty to the treasurer of the county committee within 15 days after such purchase in the manner provided in § 728.876. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

10. Section 728.880 (23 F. R. 2563) is amended by adding a new paragraph (d) as follows:

(d) *Interpretation.* Any wheat delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess of the 1958 crop for any farm shall be free and clear of all encumbrances and particularly no wheat shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the wheat to the Secretary shall be made by the execution and delivery of Form MQ-99—Wheat.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 372, 52 Stat. 65, 55 Stat. 203; 7 U. S. C. 1340, 1372)

Issued this 23d day of June, 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-4896; Filed, June 26, 1958; 8:47 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—ACCESS TO RESTRICTED DATA

MISCELLANEOUS AMENDMENTS

The following amendments are designed to reflect a change in the administration of the Commission's access permit program. Responsibility for administering the program has been delegated to the Operations Offices listed in Appendix B.

Because the proposed amendment does not effect any substantial change in the Commission's requirements relating to the application for and issuance of access permits, and in view of its procedural nature, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary and that good cause exists why the amendments should be made effective without the customary period of prior notice.

Effective July 1, 1958, Part 25 is amended in the following respects:

1. Amend § 25.5 to read:

§ 25.5 *Communications.* All communications concerning the regulations in this part, and applications filed under them, should be addressed to the Commission Operations Office listed in Appendix B of this part responsible for the geographical area in which (a) the applicant's principal place of business is located, or (b) the principal place where the applicant will use the restricted data is located.

2. Amend § 25.11 (a) to read:

§ 25.11 *Applications.* (a) Any person desiring access to restricted data pursuant to this part should submit an application (Form AEC 378), in triplicate, for an access permit to the Commission Operations Office, listed in Appendix B to this part, responsible for the area in which (1) the applicant's principal place of business is located, or (2) the principal place where the applicant will use the restricted data is located.

NOTE: Where an individual desires access to restricted data for use in the performance of his duties as an employee, the application for an access permit should be filed by his employer.

3. Amend § 25.14 by deleting "Part and substituting therefor "Parts 2 an 9" and adding the following: "Acce permits, applications and document submitted in connection with applica tions for access permits will be mad available for inspection at the Opera tions Office which administers the per mit. Copies of access permits will al be made available for inspection in th Public Document Room, located at 171 H Street NW., Washington, D. C."

4. Add the following Appendix B:

APPENDIX B

Commission's Operations Offices	*Geographical Areas of Responsibility*
Albuquerque Operations Office, U. S. Atomic Energy Commission, P. O. Box 5400, Albuquerque, N. Mex.	Arizona, Kansas, New Mexico, Oklahom and Texas.
Chicago Operations Office, U. S. Atomic Energy Commission, P. O. Box 59, Lemont, Ill.	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.
Hanford Operations Office, U. S. Atomic Energy Commission, P. O. Box 550, Richland, Wash.	Alaska, Oregon, and Washington.
Idaho Operations Office, U. S. Atomic Energy Commission, P. O. Box 1221, Idaho Falls, Idaho.	Colorado, Idaho, Montana, Utah, and Wyoming.
New York Operations Office, U. S. Atomic Energy Commission, 70 Columbus, Ave., New York 23, N. Y.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.
Oak Ridge Operations Office, U. S. Atomic Energy Commission, P. O. Box E., Oak Ridge, Tenn.	Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Puerto Rico, Tennessee, Virginia, and West Virginia.
San Francisco Operations Office, U. S. Atomic Energy Commission, 518 17th St., Oakland 12, Calif.	California, Hawaii, Nevada, and U. S. Pacific Territories.
Savannah River Operations Office, U. S. Atomic Energy Commission, P. O. Box A, Aiken, S. C.	Alabama, Florida, Georgia, North Carolina, Panama Canal Zone, South Carolina, and Virgin Islands.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201)

Dated at Germantown, Md., this 16th day of June 1958.

For the Atomic Energy Commission.

R. W. COOK,
Deputy General Manager.

[F. R. Doc. 58-4886; Filed, June 26, 1958; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 8]

PART 507—AIRWORTHINESS DIRECTIVES

MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains the Airworthiness Directives amended or issued during May 1958. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Civil Aeronautics Administration mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10 (a) is amended as follows:

1. 58-6-2 Hartzell HC-82XF 8833-0 (88-inch diameter) propellers as it appeared in 23 F. R. 2569 is amended by changing the applicability statement to read as follows: "Applies to all Hartzell HC-82XF/8833-0 (86 to 88 inch diameter) propellers, serial numbers between T-913 and T-2891 except T-2564, T-2569, T-2594, T-2595, T-2609, T-2648, T-2703 and T-2716."

2. 58-4-1 Douglas DC-3 series as it appeared in 23 F. R. 1719 is amended by changing the applicability statement to read as follows: "Applies to all DC-3 series aircraft which have an "Airstair" type cabin door installation."

3. The following new airworthiness directives are added:

58-9-1 BELL. Applies to Bell Model 47J helicopters. Compliance required prior to next flight.

(1) All 47-110-401-13 main rotor blades known to have hit an object, or to have contacted the universal joint cover on the tail boom causing an indentation over ¼ inch deep in the universal joint cover, must be removed from service for further detail inspection, and repair if necessary. Such internal inspections and repairs are to be made by the blade manufacturer.

(2) Visually inspect the stainless steel leading edge of the -13 blades for cracks and remove cracked blades. No field repairs are authorized. Cracked blades are to be returned to the blade manufacturer for detail inspection and repair.

(3) Remove all 47-110-401-9 main rotor blades. These blades must be reworked to the -13 configuration prior to return to service.

(CAA telegraphic instructions of April 28, 1958, covered this subject.)

58-9-2 HARTZELL. Applies to HC-82XF-1 and -1A Propellers Installed on Cessna 180 Aircraft. Compliance required as outlined below.

There have been several reported instances of the piston guide rod P/N A-811 used in jack assembly B-804 breaking at the point where it is pinned to the A-96A fork. Failure of a guide rod will allow the particular blade to become uncontrollable. In view of the possible serious consequences resulting from vibration and the loss of control of the propeller, the following steps must be taken:

(1) Inspection within 25 hours. If item (2) will not be complied with within 25 hours of operation, remove fork pin P/N A-822 and slide the pitch change fork P/N A-96 sufficiently to completely expose the hole in push rod P/N A-811 used in jack assembly B-804. Visually inspect the exposed rod for cracks. If a crack is found, the rod should be removed from the propeller and replaced.

(2) Replacement. Prior to September 1, 1958, replace jack assembly B-804 with jack assembly B-828.

(Hartzell Service Bulletin No. 39 dated January 16, 1957, covers this same subject, and Hartzell Service Bulletin No. 47 also applies.)

58-9-3 VICKERS. Applies to All Viscount 700 Series Aircraft. Compliance required not later than December 31, 1958.

In order to give the flight crew immediate warning of an unacceptable drop in oil pressure on any engine, installation is required of an oil pressure warning means for each engine or a master warning means for all engines with provision for isolating the individual warning means from the master warning means, as provided for in Civil Air Regulations, Part 4b, paragraph 4b.604 (1). Vickers Modification Bulletin No. D2270 covers this subject and is considered to describe an acceptable method of compliance. Capital Airlines Modification No. ME-A-58-84 is also considered to describe an acceptable method of compliance. Modifications made in any other way should be submitted to the Civil Aeronautics Administration for engineering evaluation and approval.

58-9-4 VICKERS. Applies to All Viscount 700 Series Aircraft. Compliance required as indicated.

As a result of two failures and several cases of cracking experienced in service with the trunnions attaching the nose retraction jack to the oleo leg, it has been found necessary to limit the maximum life of the various parts forming the attachments of the retraction jack.

Vickers-Armstrongs has issued the following requirements which the British Air Registration Board considers mandatory.

Periodic inspection of parts is no longer required. The following parts must be limited to maximum lives as detailed below:

A. Retraction Cylinder (Jack) to Oleo Strut Attachment.

(1) Pre Modification D.2235

	Flights
Trunnion 74426-25 and 60926-525	300
Bolt 70126-137	1, 000

(2) Modification D.2235 Standard

Trunnion 70126-651	15, 000
Bolt 74426-23	20, 000
Pin 60926-529	4, 000

(3) Modification D.2265 Standard

The maximum safe life for all parts will be determined as a result of fatigue tests now in progress.

B. Retraction Cylinder (Jack) to Structure Attachment.

	Flights
Trunnion 70126-97	20, 000
Bolt 70126-187	20, 000
Pin 70026-25	20, 000

The CAA concurs with this action and considers compliance therewith mandatory.

(Vickers Viscount 700 series Preliminary Technical Leaflet No. 161, Issue 4, covers this subject.)

This supersedes AD 58-2-4.

58-10-1 CONVAIR. Applies to All Convair 240 and 340 and to Convair 440 Serial Nos. 312 Through 502. Compliance required as follows: Model 440 not later than December 31, 1958, Model 340 not later than December 31, 1959, and Model 240 not later than July 1, 1960.

In-flight fire experience and fire tests on the Convair engine nacelle has shown the need for further improvement in detecting fires originating in zones 1 and 2. Additional continuous type detector coverage was provided in production CV 440 aircraft for the zone 1 bellmouth and zone 2 chimney areas. Because of false warnings the original system was rendered inoperative by Convair Service Air Gram No. 173 and an improvement program was initiated. This program has now been completed and a revised system developed with functional reliability proven by test under laboratory and service conditions.

To improve and reactivate the continuous type fire detector system installation on CV 440 aircraft and to provide equivalent coverage for CV 240 and 340 aircraft, the following must be accomplished:

(1) The existing continuous type fire detector system in each nacelle of CV 440 aircraft must be modified to incorporate improved detector elements and assemblies, including connectors, control box cannon plugs and mounting provisions. Upon accomplishment the continuous detector system must be made operative. (CV 440 aircraft Serial 503 and up incorporate these changes and the detector system must be maintained operative.)

(2) Additional fire detector coverage consisting of a continuous type system or equivalent, must be installed in each nacelle zone 1 bellmouth and zone 2 chimney areas of CV 240 and 340 aircraft. The Airplane Flight Manual must be revised to include a description of system operation and the required emergency procedures.

(Convair Service Bulletin No. 440-41 covers an acceptable method of accomplishing these modifications to the CV 440. Convair Service Information will be published for this installation in the CV 240 and 340 aircraft at a sufficiently advanced date to permit accomplishment by the required date.)

58-10-2 PIPER. Applies to All Model PA-22, PA-20, PA-19, PA-18, PA-16, PA-14, PA-12, J5, AE-1, and HE-1 Series Aircraft.

Service experience indicates that continual operation on rough water has caused fatigue failures in the wing lift-strut fork, P/N 14481-00.

All lift-strut forks, P/N 14481-00, must be removed, cleaned, and magnetically inspected on seaplanes having 500 hours or more of service. The inspection must be repeated every 500 hours. These precautionary inspections are not required for landplanes. Forks with crack indications are to be replaced. All forks must be replaced with new forks at 1,000 hours on seaplanes and at 2,000 hours on landplanes.

All forks removed should be destroyed or permanently marked in a manner that will assure retirement from service.

(Piper Service Bulletin No. 157A covers the same subject.)

This supersedes AD 57-20-3.

58-10-3 UNIVERSAL (TEMCO). Applies to all Universal Aircraft Industries (Temco) Model GC-1A and 1B Aircraft With Adel Precision Products Corporation Landing Gears With Forged Aluminum Torque Knees. (This AD is issued to clarify, add a 100-hour periodic inspection, and supersede AD 57-13-7.) Compliance required as indicated.

Failures have been reported of the stop ring brazed to the inner piston strut. Failures resulted in the piston sliding out of the strut and the torque knees assuming a straight position. This overextension of the strut precludes gear retraction into the wheel well.

(1) Within the next 100 hours operation, unless already accomplished, a suitable external stop or some other equivalent means should be provided which will function as a safety measure in case of failure of the internal stop ring.

At the time of installation of the external stop, or within the next 100 hours operation if not already accomplished, the Adel strut assembly stop ring is to be examined for condition and rejected if the stop ring is loose or shows signs of separation at the braze. After reassembly, the external stop must be installed so that there exists a clearance of $\frac{1}{32}$" to $\frac{1}{8}$" between the face of the stop and side of the strut cylinder with the gear fully extended. In the event there is insufficient clearance, the external stop must be reworked until the proper clearance is obtained.

(2) At each subsequent 100 hours operation, the clearance is to be rechecked with the strut fully extended. If there is no clearance between the external safety stop and the strut cylinder, it will be necessary to disassemble the strut and examine the internal stop ring for indications of failure. If failure of the stop ring is apparent, the inner cylinder assembly, Adel P/N 16084, must be replaced or suitably reworked.

(Universal Aircraft Industries Customer Service Maintenance Bulletin No. 34 with Revision No. 1 covers this same subject.)

This supersedes AD 57-13-7.

58-10-4 VERTOL. Applies to All Model 42 Series and 44 Series Helicopters. Compliance required at 100 hours and every 100 hours thereafter.

Fatigue failures of the 22D1073-4 jaw clutch driven and 22D1137-4 jaw clutch driver couplings have been found during inspection periods on military aircraft. Failure of the teeth of these couplings can preclude successful reengagement of the clutch, thereby disconnecting the rotor drive system from the engine. To prevent failures of this nature both the aforementioned driver and driven couplings must be replaced with new couplings every 100 hours. All couplings removed should be destroyed or permanently marked in a manner that will assure retirement from service.

(Vertol's telegraphic messages to operators dated 4/18/58 and 4/24/58 cover this same subject.)

58-10-5 VICKERS. Applies to All Viscount 700 Series Aircraft Fitted with D.1521 (Structural Provision for All-Weather Radar). Compliance required as indicated.

Vickers-Armstrongs is conducting water-tank tests in conjunction with its engineering development program. These tests have indicated that cracks may ultimately occur in the front pressure bulkhead at Station 24. Vickers-Armstrongs recommends the following inspection which the British Air Registration Board considers mandatory. The CAA concurs with this action and considers compliance mandatory.

(1) After the completion of 8,000 flights, and at each subsequent 630 flying hours, inspect the front pressure bulkhead for the possible presence of cracks.

(2) If cracks are found the bulkhead is considered serviceable provided (a) each crack is less than 3 inches in length and (b) there is not more than one crack contained in any one panel bounded by reinforcing or edge members.

(3) Bulkheads found cracked but serviceable in accordance with item (2), should be inspected within every 135 hours to check any progression of cracks.

(4) If cracks are found which are outside the limitations of item (2), reinforcing plates should be added to the bulkhead, prior to any further pressurized flights, in accordance with Vickers Modification D.2558 (b).

(5) Inspections are no longer required when the bulkhead reinforcement is incorporated.

(Vickers-Armstrongs PTL No. 185 and Modification Bulletin No. 2558 cover the same subject.)

58–10–6 VICKERS. Applies to All Viscount 700 Series Aircraft. Compliance required as soon as possible but not later than July 31, 1958.

A case has occurred during production on the Viscount 700 series aircraft, of the fracturing of the cranked operating lever (P/N N.69195) of the flap selector switch, Type D.7406. Investigation has established that the fracture is the result of excessive case-hardening of the mild steel lever (P/N N.69195) such that the lever became brittle. The hardened mild steel lever (P/N N.69195) must be replaced by a mild steel lever (P/N N.69195/1) which is identified by a blue spot on the outside face of the lever crank which is visible when positioned in the throttle pedestal.

Vickers-Armstrongs Aircraft Ltd. PTL No. 188 and Modification Bulletin No. D.2673 cover the same subject. This Modification is considered mandatory by the British Air Registration Board. The CAA concurs and considers compliance mandatory.

58–10–7 VICKERS. Applies to All Viscount 700 Series Aircraft. Compliance required as indicated.

Cases have been reported of a variation in the clearances between the aileron lock arms and their associated locking levers on different aircraft when the control locks are disengaged. Vickers-Armstrongs has issued the following corrective measures which the British Air Registration Board considers mandatory:

(1) As soon as possible, but not later than August 1, 1958, all aircraft should be inspected to determine that a nominal clearance of 0.15 inch is provided at the inboard and outboard aileron control lock assemblies.

(2) If the clearances are less than 0.10 inch, the locking levers can be filed to a maximum of 0.10 inch to obtain the required clearance of not less than 0.15 inch.

(3) If the clearances are between 0.10 and 0.15 inch, the filing of the locking levers to obtain the required clearance of not less than 0.15 inch, can be deferred until the next major check or next removal of the ailerons, whichever occurs sooner.

The CAA concurs with this action and considers compliance therewith mandatory. (Vickers-Armstrongs PTL No. 173 and Modification No. D2491 cover this subject.)

58–10–8 VICKERS. Applies to All Viscount 700 Series Aircraft Equipped With 14 Inch Stroke Landing Gear Oleos. Compliance required by July 31, 1958.

Failures have occurred in the main chassis retraction jack bolts, Vickers P/N 74450–341, which are located in the inner nacelle, port and starboard, due to over-tightening of the nut, Vickers P/N 74450–85.

In order to preclude these failures, a nut of improved design, Vickers P/N 74450–423 must be installed to replace the old nut, Vickers P/N 74450–85. The British Air Registration Board considers this mandatory.

The CAA concurs with this action and considers compliance therewith mandatory. (Vickers-Armstrong Modification No. D2278 covers this subject.)

58–10–9 VICKERS. Applies to All Viscount 700 Series Aircraft Equipped With 14 Inch Stroke Landing Gear Oleos. Compliance required as indicated.

On aircraft equipped with 14 inch stroke oleos, cases of circumferential cracks have occurred in the main oleo cylinder, P/N 74450–3. The cracks were at the radius, where the cylinder intersects with the 30 degree taper and 2⅜ inches above the torsion link lugs, either side of the fore and aft center line. Vickers-Armstrongs has issued the following corrective measures which the British Air Registration Board considers mandatory.

(1) On aircraft which have reached a total of 1,000 flying hours and each subsequent 200 landings, the oleos should be visually inspected for cracks around the cylinder circumference. If cracks are suspected, the area should be checked with dye penetrant or approved equivalent.

(2) Where cracks are confirmed, the part is considered serviceable subject to a daily visual inspection, providing the combined total length of cracks does not exceed 3 inches and individual cracks do not exceed 1½ inch each in length.

(3) Where combined total length of cracks exceeds 3 inches but is not greater than 5 inches, and length of individual cracks not greater than 2½ inches, cracks must be blended out before next flight and area re-protected with seaplane varnish or approved equivalent. Maximum depth of blending or crack must not exceed 0.050 inch. The part is then considered serviceable subject to a check by dye penetrant or approved equivalent every 135 hours.

(4) If length or depth of cracks exceed limits quoted in item (3), the part is no longer considered serviceable and must either be replaced or have side plates added on either side of the cylinder body in accordance with Modification D.2627 Part (a).

This can be applied to oleo cylinders where the combined total length of cracks does not exceed 6 inches and individual cracks do not exceed 3 inches and where the cylinder wall thickness after blending is not less than 0.085 inch. The wall thickness should be determined by direct measurement.

(5) After embodiment of Modification D.2627 Part (a), the above inspections may be discontinued.

The CAA concurs with this action and considers compliance therewith mandatory.

(Vickers-Armstrongs PTL No. 191 and Modification D.2627 cover this subject.)

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 20, 1958.

[F. R. Doc. 58–4889; Filed, June 26, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

CHANGES IN FEES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507 (b) (5), 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146.8) are amended by changing § 146.8 (b) to read as follows:

§ 146.8 *Fees.* * * *

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations of this chapter, including those published hereafter, is the fee prescribed in the section relating specifically to such drug plus an additional 10 percent of whatever that fee may be, except that, in case of a supplemental request submitted pursuant to the provisions of § 146.18, the fee shall be $3.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth are necessary to provide, equip, and maintain an adequate certification service for antibiotic and antibiotic-containing drugs.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

Dated: June 20, 1958.

[SEAL] GEO. P. LARRICK,
Commisioner of Food and Drugs.

[F. R. Doc. 58–4905; Filed, June 26, 1958; 8:49 a. m.]

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

CHANGES IN FEES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (Sec. 506, 55 Stat. 851; 21 U. S. C. 356), and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of batches of drugs composed wholly or partly of insulin (21 CFR 164.10; 22 F. R. 4721) are amended by changing § 164.10 (b) (7) to read as follows:

§ 164.10 *Fees.* * * *

(b) * * *

(7) $11.00 for each package in the sample of the finished batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the change in fee charges is necessary to provide, equip, and maintain an adequate certification service for drugs composed wholly or partly of insulin.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interprets or applies sec. 506, 55 Stat. 851; 21 U. S. C. 371)

Dated: June 20, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58–4904; Filed, June 26, 1958; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdts. 30 and 32]

MISCELLANEOUS AMENDMENTS

The following Amendments Nos. 30 and 32 are made to this subchapter. Amendment No. 31A was published as an amendment to § 12.102 (22 F. R. 1922).

NOTE 1: Since the authority to use Clause (1), section 2304 (a) of Title 10, U. S. C., has been made applicable to negotiated procurements for more than $1,000, but not more than $2,500 (see § 3.201–2 (b) (5)), policies and procedures in §§ 1.307–1 (c), 3.600, 3.602, 3.603, 7.102, 12.803 (a), 14.103–4, 16.201–2, and 16.303–2, currently applicable to small purchases which do not exceed $1,000, have been amended to reduce administrative burden with respect to purchases within the $1,000 to $2,500 range. Amendments to these sections appear below in their proper sequence.

NOTE 2: In view of the fact that Part 82, of Subchapter G, Title 32, which was published at 22 F. R. 815, provides coverage on advance payments, progress payments, and other types of contract financing, Subpart E of Part 3 of this Subchapter A on advance payments has been deleted by this Amendment No. 30, and appropriate cross-references to Part 82, Subchapter G, have been inserted in §§ 1.307, 2.201, 2.406, 2.409, 3.302, and 3.500. Amendments to these sections appear below in their proper sequence.

PART 1—GENERAL PROVISIONS

SUBPART C—GENERAL POLICIES

1. Section 1.306–6 has been modified to relax the requirement for complete information in cases where such information is not known at the time of award and to set forth procedures for advising the contractor in such cases. Section 1.306–6, as revised, reads as follows:

§ 1.306 *Transportation costs.* * * *

§ 1.306–6 *Consignment and marking instructions.* Complete consignment and marking instructions, to the extent that they are known at the time the contract is awarded, shall be included in contracts to assist in insuring that supplies will be delivered to proper destinations without delay. However, in those cases where complete consignment information is not initially known, additional instructions to the contractor shall be furnished as soon as they are determined. Consignment instructions may be limited to the mail address of the consignee, in contracts which provide for delivery f. o. b. origin and shipment on Government bills of lading: *Provided,* The contract instructions state that "Shipments other than mail shall be consigned as indicated on the Government bill of lading furnished to the contractor." Attention shall be given to the fact that receiving activities may have different consignment points for the various transportation media, or even for particular carriers within a media depending on the weight, shape, size or nature of the shipment involved.

2. Section 1.307 (b) has been amended as explained in Note 2 above. Section 1.307 now reads as follows:

§ 1.307 *Responsible prospective contractor.* Prior to the award of any contract for supplies or services, the contracting officer shall make an affirmative determination that the prospective contractor is responsible. Affiliated concerns (see § 2.201 (c) (xvii)) shall be considered as separate entities in determining whether any one of them is a responsible prospective contractor (but see Subpart G, of this part, with respect to status as a small business concern). This determination shall be in writing for all contracts (except those of $2,500 or less, utilities contracts, and orders under existing contracts), and may be included in a duplicate signed copy of the Statement and Certificate of Award (Standard Form 1036) or in any other document required for the contract file, or may be separately prepared. In any case, such written determination signed by the contracting officer shall be retained in the contract file. A responsible contractor is one which meets all of the requirements set forth below:

(a) Is a manufacturer, construction contractor, or regular dealer, if the contract or order calls for supplies (see § 1.201–9);

(b) Has adequate financial resources, or ability to secure such resources (see Part 82, Subpart B, of this title, Defense Contract Financing Regulations, AR 715–6, NAVEXOS P–1006 (see NPD 31–001), AFR 173–133, 17 December 1956);

(c) Has the necessary experience, organization, and technical qualifications, and has or can acquire the necessary facilities (including probable subcontractor arrangements) to perform the proposed contract (where a bidder is proposing to use the facilities of an affiliate or of a concern other than the bidder, all existing business arrangements, whether firm or contingent, for the use of such facilities shall be considered in determining the ability of such bidder to comply with the required delivery or performance schedule);

(d) Is able to comply with the required delivery or performance schedule, taking into consideration all existing business commitments (contractors who are seriously delinquent in current contract performance, when the number of contracts and the extent of delinquencies of each are considered, shall, in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill this requirement (d));

(e) Has a satisfactory record of performance, integrity, judgement, and skills; and

(f) Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Where it is considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition or for other reasons, prospective contractors may be required to submit affidavits concerning any of the requirements enumerated in (a) through (f) above, and company ownership and control (but see § 2.201 (c) (xvii)).

3. Section 1.307–1 (c) has been amended as explained in Note 1 above. Section 1.307–1, as revised, reads as follows:

§ 1.307–1 *Pre-award survey.* (a) A pre-award survey is a qualification check to determine that the prospective contractor is responsible. Such a survey need not cover all of the requirements of § 1.307 above but may be limited to those requirements concerning which information available to the contracting officer is insufficient to support a determination or requires verification or further analysis. Preferably the survey should be made by technical and financial specialists in the appropriate fields, and may include an "on the spot" check of the facilities of the prospective contractor. Surveys shall be made promptly so as to avoid delays in making awards.

(b) Except as provided in paragraph (c) of this section, the contracting officer shall request a pre-award survey in each procurement unless he has sufficient information to enable him to determine that the prospective contractor meets all the applicable requirements of § 1.307.

(c) Generally, a pre-award survey will not be required when:

(1) The purchase is to be made under a Federal Supply Schedule;

(2) The purchase is to be made under an existing indefinite delivery type contract;

(3) The supplies are off-the-shelf items to be obtained from a regular dealer or manufacturer; or

(4) The dollar amount of the procurement is not sufficient to justify the cost of a pre-award survey, unless the contracting officer has reason to believe that the prospective contractor may not be responsible. For example, a pre-award survey will not normally be required in the case of purchases not exceeding $2,500, where the simplified small purchase procedures prescribed in Part 3, Subpart F, of this chapter are used.

SUBPART F—DEBARRED, INELIGIBLE, AND SUSPENDED BIDDERS

Section 1.609 has been revised and a new § 1.610 added to provide for establishment and maintenance of consolidated lists of debarred, ineligible, and suspended bidders outside the United States, its Territories and possessions. Section 1.609, as revised, and new § 1.610 read as follows:

§ 1.609 *Procurement outside the United States.* In regard to procurement outside the United States, its Territories and possessions, the principles and procedures set forth in the foregoing provisions of Subpart F of this part, will be applied by overseas commanders whenever possible, and as modified by the following provisions, with due consideration to laws or customs of the foreign countries in which such lists are to be applicable.

§ 1.609–1 *Responsibilities and area coverage.* The Commander-in-Chief, United States European Command, the Commander-in-Chief, Pacific, and the Commander-in-Chief, Caribbean, or the Commanders of a component command which each of these unified commanders may designate, will establish and maintain a consolidated list of offshore suppliers to whom contracts will not be awarded and from whom bids or proposals will not be solicited. The CINCEUR consolidated list will include names in the North Atlantic and Mediterranean areas including all of Europe, North Africa and the Middle East. The CINCPAC consolidated list will include names in the Far East and Pacific Ocean areas excluding United States Territories and possessions. The CINCARIB consolidated list will include names in Central and South America (excluding Territories and possessions. All other overseas commanders will utilize and contribute to such list as appropriate to their geographical location or areas in which they award contracts. Lists shall not be established or maintained except as provided above.

§ 1.609–2 *Information contained on overseas lists.* The lists shall show as a minimum the following information:

(a) The names and addresses of those firms or individuals to whom contracts shall not be awarded and from whom bids or proposals will not be solicited. (Names will be set forth in alphabetical order with appropriate cross reference where more than one name is involved in a single action and where a parent firm or individual in one country is known to control subsidiaries, branches or agencies in the same or other countries.);

(b) The basis or authority for each action;

(c) The extent of restrictions imposed;

(d) The termination date for each debarred listing; and

(e) The originating activity, component or agency.

§ 1.609–3 *Protection of lists.* The lists and all correspondence relative thereto shall be protected to prevent inspection of contents by personnel who are not required to have access to such information. The lists shall be marked "For Official Use Only".

§ 1.609–4 *Maintenance and distribution of lists.* The lists shall be kept current by issuance of notices of additions or deletions and by periodic reprinting. Copies of the list shall be distributed to contracting officers as the unified commanders and their component commanders direct. CINCEUR, CINCPAC, and CINCARIB will exchange lists directly. Copies will also be furnished to the Assistant Secretary of Defense (Supply & Logistics), the Assistant Secretary of Defense (International Security Affairs), the Assistant Secretary of the Army (Logistics) (Assistant Judge Advocate General), the Chief of Naval Material (Code M22), and the Commander, Air Material Command (MCPI).

§ 1.609–5 *Sample of list.* The lists will be prepared in accordance with the format shown in § 1.608.

§ 1.609–6 *Basis of addition of firms and individuals on lists.* In addition to the names of offshore firms or individuals which may be included on the lists as falling into the categories outlined in § 1.602, the names of firms or individuals abroad shall be included on the list in the following additional categories:

(a) Those who are "designated nationals" under the Foreign Assets Control Regulations;

(b) Those found by the Assistant Secretary of Defense (ISA) or his authorized representative to have engaged in improper East-West trade activity;

(c) Those found by the Assistant Secretary of Defense (ISA) or his authorized representative to be ineligible because they do not meet the political or security criteria;

(d) Those found by a United States Diplomatic Mission or a Country Team (consisting of members of the United States Diplomatic Mission in the country or countries in which the firms or individuals are located) to be ineligible because they do not meet the labor-political criteria; and

(e) Those who for other causes of a serious and compelling nature are so designated by the unified commander.

§ 1.609–7 *Treatment to be accorded firms or individuals in debarred or ineligible status.* The provisions of § 1.603 will be complied with, if applicable. In addition, contracts will not be awarded to, nor shall bids or proposals be solicited from, or furnished to firms or individuals abroad which come into the categories (a) through (e) of § 1.609–6. With respect to (a) of § 1.609–6, an exception may be made by the Secretary of the Treasury only. With respect to (b), (c), and (d) of § 1.609–6, an exception may be made by the Assistant Secretary of Defense (ISA) or his authorized representative.

§ 1.609–8 *Causes and conditions under which unified commanders may place names on the consolidated list.* CINCEUR, CINCPAC, and CINCARIB, or their designated component commanders are respectively authorized to place on the list names of firms or individuals doing business within the areas for which they are responsible, for any of the causes and under the conditions set forth in §§ 1.609–6 and 1.609–7. Overseas commanders or unified commanders overseas other than CINCEUR, CINCPAC, and CINCARIB are similarly authorized to designate firms or individuals in their command areas and will promptly notify either CINCEUR, CINCPAC, or CINCARIB, who will add the names to their consolidated lists. In these cases the information contained in § 1.609–2 will be furnished. The listing shall operate to deny contracts to such firms or individuals throughout the Department of Defense.

§ 1.609–9 *Liaison with United States diplomatic missions.* The Chief of the United States Diplomatic Mission, or such attache or other officer as he directs, in the country where the firm or individual concerned is located, will be notified of actions contemplated under the foregoing sections which may have important political significance. In such cases of contemplated action against a branch or subsidiary firm or agency in one or more countries, the Chief of the United States Diplomatic Mission in each country, including that in which the parent or principal is located, will be notified.

§ 1.610 *Use of overseas lists within continental United States.* Due to the length of the lists, the numerous revisions and distances involved, as well as the infrequent contracting by continental United States offices with offshore suppliers, the CINCEUR, CINCPAC, and CINCARIB consolidated lists of ineligible, debarred and suspended bidders will not be distributed to contracting officers in the United States. However, no contracts will be awarded by contracting officers in the United States, its Territories or possessions, to offshore suppliers without ascertaining that the names of the firms or individuals involved do not appear on the overseas consolidated lists. These lists will be held for reference in each of the Military Departments and will be utilized in accordance with procedures established by each of the Departments.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

Section 2.201 (c) (14) has been amended in accordance with Note 2 above. Section 2.201 (c) (14), as amended, reads as follows:

§ 2.201 *Preparation of forms.* * * *
(c) *Schedule.* * * *

(14) Any authorized special provisions relating to such matters as progress payments (see § 82.57 of this title, Defense Contract Financing Regulations, AR 715–6, NAVEXOS P–1006 (see NPD 31–001), AFR 173–133, 17 December 1956), patent licenses, liquidated damages, profit limitations, etc.

SUBPART D—OPENING OF BIDS AND AWARDS OF CONTRACTS

Sections 2.406–1 and 2.409 have been amended in accordance with Note 2 above. Sections 2.406–1 and 2.409, as revised, read as follows:

§ 2.406 *Award.* * * *

§ 2.406–1 *Responsible bidder.* A "responsible bidder" is a bidder who satisfies the requirements of § 1.307. (See also Part 82, Subpart B, Defense Contract Financing Regulations, AR 715–6, NAVEXOS P–1006 (see NPD 31–001), AFR 173–133, 17 December 1956.)

§ 2.409 *Advance payments.* Pursuant to the First War Powers Act and Executive Order No. 10210, provisions for advance payments may be made after award of contracts resulting from formal advertising. The provisions for advance payment shall comply with Part 82, Subpart D, of this title, Defense Contract Financing Regulations, AR 715–6, NAVEXOS P–1006 (see NPD 31–001), AFR 173–133, 17 December 1956.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

Section 3.109 has been revised to provide a greater degree of protection for the data submitted by an offeror whose offer is accepted and to provide that, if data submitted with a proposal is desired by the Government for other than evaluation purposes, such data shall be specified to be delivered under the contract. Section 3.109, as revised reads as follows:

§ 3.109 *Restrictions on disclosure of data in proposals.* (a) Requests for proposals may require the offeror to submit data with its proposal which may include a design or plan for accomplishing the objectives of the procurement. Such data may include information which the offeror does not want disclosed to the public or used by the Government for any purpose other than evaluation of the proposals. Offerors shall mark each sheet of data which they so wish to restrict with the legend set forth below:

> This data furnished in response to RFP No. ------, shall not be disclosed outside the Government or be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal: *Provided*, That if a contract is awarded to this offeror as a result of or in connection with the submission of such data, the Government shall have the right to duplicate, use, or disclose this data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in such data if it is obtained from another source.

Contracting officers shall not refuse to consider any proposal merely because data submitted with that proposal is so marked. Data so marked shall be used only to evaluate proposals and shall not be disclosed outside the Government without the written permission of the offeror except under the conditions provided in the legend. If it is desired to duplicate, use, or disclose the data of the offeror to which the contract is awarded, for purposes other than to evaluate the proposal, the contract should so provide in accordance with § 9.202–6 of this chapter. See § 9.201 for a description of "data" and Part 9, Subpart B in general, for the policy, instructions and contract clauses with respect to the acquisition and use of data.

(b) The provisions of paragraph (a) of this section do not apply to procurements by formal advertising.

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

Sections 3.219–4 (c) and 3.219–5 have been revised to provide for awards on the set-aside portion of labor surplus area procurements at the highest unit price of the non-set-aside portion. This action conforms the policy for surplus labor area set-asides to that previously adopted for small business set-asides. Since this policy has previously been disseminated by an informal directive from Assistant Secretary of Defense (Supply and Logistics), this change is effective immediately.

Sections 3.219–4 (c) and 3.219–5, as amended, read as follows:

§ 3.219 *Negotiation of set-asides for labor surplus areas.* * * *

§ 3.219–4 *Method of negotiation.* (a) Negotiation for set-asides shall be conducted with small business concerns prior to negotiation with other firms in such labor surplus areas. Within each such group, negotiation shall begin with the bidder or offeror which submitted the lowest responsive bid or proposal in connection with the procurement of the quantities not set aside.

(b) If procurement of the entire set-aside cannot be effected by the procedure set forth in paragraph (a) of this section, the unplaced portion of the set-aside may be procured in the most appropriate manner.

(c) In conducting negotiations for the set-aside portion, only the unit price of the contracts awarded on the non-set-aside portion may be disclosed.

§ 3.219–5 *Limitation on contract price.* (a) When the procurement of the non-set-aside portion has resulted in one contract only, or in multiple awards all at the same price, any awards for the set-aside portion shall be made at the unit price of the non-set-aside portion.

(b) When the procurement of the non-set-aside portion has resulted in multiple awards at different unit prices, any awards for the set-aside portion shall be made at the highest unit price of the non-set-aside portion.

SUBPART C—CIRCUMSTANCES PERMITTING NEGOTIATION

Section 3.302 has been amended in accordance with Note 2 above. Section 3.302, as revised, reads as follows:

§ 3.302 *Determinations and findings by the Secretary of a Department.* * * *

(g) the determination required with respect to advance payments under any negotiated contract. (See Part 82, Subpart D of this title, Defense Contract Financing Regulations, AR 715–6, NAVEXOS P–1006 (see NPD 31–001), AFR 173–133, 17 December 1956.)

SUBPART E—ADVANCE PAYMENTS

Sections 3.500 to 3.506 have been deleted and Subpart E has been revised in accordance with Note 2 above. Section 3.500, as revised, reads as follows:

§ 3.500 *Policy and procedures governing advance payments.* For policy and procedures governing Advance Payments see Part 82 of this title, Defense Contract Financing Regulations AR 715–6, NAVEXOS P–1006 (see NPD 31–001), AFR 173–133, 17 December 1956.

SUBPART F—SMALL PURCHASES

Sections 3.600, 3.602 and 3.603 have been amended in accordance with Note 1, above. Sections 3.600, 3.602 and 3.603, as revised, read as follows:

§ 3.600 *Scope of Subpart.* This subpart deals with the purchase of supplies and services (other than personal) when the aggregate amount involved in any one transaction does not exceed $2,500. Such purchases shall be termed "small purchases." This Subpart is not applicable to supplies or services required to be procured in accordance with Parts 4 and 5 of this chapter, nor to any procurement initially estimated to exceed $2,500 even though awards under such procurement do not exceed $2,500.

§ 3.602 *Policy.* (a) All small purchases shall be accomplished by negotiation.

(b) Any one of the purchase methods set forth in this Subpart, which is determined to be most suitable to the immediate requirement and which will accomplish the procurement in the most efficient and economical manner shall be utilized.

(c) In arriving at the aggregate amount involved in any one transaction, there must be included all supplies and services which would properly be grouped together in a single transaction, and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. Requirements aggregating more than $2,500 shall not be broken down into several purchases which are less than $2,500 merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under this Subpart.

(d) In soliciting quotations, related items (such as small hardware items, spare parts for vehicles, or office supplies, etc.) may be included on one purchase order and the lowest aggregate quotation rather than the lowest quotation on each item may be accepted. Suppliers shall be advised of this award procedure when quotations are requested.

§ 3.603 *Competition.* Reasonable solicitation of quotations from qualified sources of supply shall be secured in order to assure that the procurement is made to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers or the number of suppliers in the local trade area, whichever is less. Where the prices are considered to be reasonable, small purchases not exceeding $100 may be accomplished without securing competition, but such purchases shall be distributed equitably over a period of time among qualified suppliers. Solicitation of quotations will generally be effected orally. Written solicitation should be used only in such circumstances as where (a) the suppliers are located outside the local area, (b) special specifications are involved, (c) a large number of items are included in a single proposed procurement, or (d) obtaining oral quotations is not considered economical. Notification to unsuccessful suppliers is not required.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART H—PROCUREMENT OF CERTAIN UTILITY SERVICES BY USE OF GENERAL SERVICES ADMINISTRATION AREA CONTRACTS

Section 5.804 has been modified to reflect the revised GSA policy whereby the Gratuities clause in § 7.104–16 will be included in all GSA area contracts. Section 5.804, as revised, reads as follows:

§ 5.804 *Ordering under area contracts.* When utility services are procured under GSA area contracts, the method of ordering prescribed in the appropriate GSA Public Utility Schedule shall be used. The form prescribed for ordering may be modified to satisfy fiscal and administrative requirements of the Military Department concerned, and to contain such additional contract provisions as may be necessary, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034. Where GSA area contracts do not contain the Gratuities clause (§ 7.104–16 of this chapter) the clause shall be included in the order form.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 6—FOREIGN PURCHASES

1. Subpart C, Duties and Customs, has been redesignated as Subpart F; Subparts A, B and C have been rewritten to codify DoD Directives 4105.31 and 4105.36, reflect current legislation and Executive Order 10582 relating to foreign purchases, accommodate the revised Buy American Act clause, revise the list of excepted articles, materials, and supplies, and provide temporary coverage to the application of the Buy American Act to construction contracts. Subparts A, B and C, as revised, read as follows:

SUBPART A—BUY AMERICAN ACT—SUPPLY AND SERVICE CONTRACTS

Sec.
6.100 Scope of subpart.
6.101 Definitions.
6.102 Statutory requirements.
6.103 Exceptions.
6.103–1 Use outside the United States.
6.103–2 Nonavailability in the United States.
6.103–3 Unreasonable cost or inconsistency with the public interest.
6.103–4 Scrap.
6.104 Procedures.
6.104–1 Applicability.
6.104–2 Solicitation of bids and proposals.
6.104–3 Certificate.
6.104–4 Evaluation of bids and proposals.
6.104–5 Contract clause.
6.105 List of excepted articles, materials, and supplies.

SUBPART B—BUY AMERICAN ACT—CONSTRUCTION CONTRACTS

6.201 Statutory prohibitions.
6.202 Prohibitions of Buy American Act.
6.203 Applicability of Buy American Act.
6.203–1 Geographical application.
6.203–2 Nonavailability of supplies or materials.
6.204 Authority to grant exceptions to Buy American Act.
6.205 Supplies excepted from Buy American Act.
6.206 Violation of Buy American Act provision in construction contracts.
6.207 Supplies and materials for ultimate use in the construction, alteration, or repair of any public building or public work.

SUBPART C—APPROPRIATION ACT—RESTRICTIONS ON PROCUREMENT OF FOREIGN SUPPLIES

6.300 Scope of subpart.
6.301 Definition.
6.302 Restriction.
6.303 Exceptions.
6.304 Procedures.
Sec.
6.304–1 Procurement of food, clothing, spun silk yarn for cartridge cloth, or items containing mohair or cotton.
6.304–2 Procurement of items containing wool (except mohair).
6.305 Contract clause.

AUTHORITY: §§ 6.100 to 6.305 issued under R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202.

SUBPART A—BUY AMERICAN ACT—SUPPLY AND SERVICE CONTRACTS

§ 6.100 *Scope of Subpart.* This Subpart implements the Buy American Act (41 U. S. C. 10a-d) and the policies set forth in Executive Order 10582, dated 17 December 1954, with respect to supply and service contracts.

§ 6.101 *Definitions.* As used in this Subpart, the following terms have the meanings set forth below.

(a) "End products" means articles, materials, and supplies, which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts.

(b) "Components" means those articles, materials, and supplies, which are directly incorporated in end products.

(c) "United States" means the States, the District of Columbia, Hawaii, Alaska, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, Guam, and any other areas subject to the complete sovereignty of the United States.

(d) "Domestic source end product" means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50% of the cost of all its components. A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind (1) determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (2) as to which the Secretary concerned has determined that it would be inconsistent with the public interest to apply the restrictions of the act.

(e) "Foreign end product" means an end product other than a domestic source end product.

(f) "Foreign bid" means a bid or offered price for a foreign end product, including transportation to destination and duty (whether or not a duty free entry certificate may be issued).

(g) "Domestic bid" means a bid or offered price for a domestic source end product, including transportation to destination and any applicable duty (whether or not a duty free entry certificate may be issued).

§ 6.102 *Statutory requirements.* Except as provided in § 6.103, the Buy American Act requires that in the procurement of supplies and services, only domestic source end products shall be acquired for public use. In determining whether an end product is a domestic source end product, only the end product and its components shall be considered.

§ 6.103 *Exceptions.*

§ 6.103–1 *Use outside the United States.* The restrictions of the Buy American Act do not apply to articles, materials, or supplies for use outside the United States.

§ 6.103–2 *Nonavailability in the United States.* The Buy American Act does not apply to articles, materials, or supplies of a class or kind which the Government has determined are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. See § 6.105.

§ 6.103–3 *Unreasonable cost or inconsistency with the public interest.* The restrictions of the Buy American Act do not apply when it is determined by the Secretary concerned that the cost of a domestic source end product would be unreasonable or that its acquisition would be inconsistent with the public interest. Such determinations shall be made in accordance with § 6.104–4.

§ 6.103–4 *Scrap.* Scrap generated in, collected in, and prepared for processing in the United States shall be considered as of domestic origin.

§ 6.104 *Procedures.*

§ 6.104–1 *Applicability.* The following procedures apply to all contracts involving the procurement of supplies except contracts exclusively for articles, materials, or supplies, for use outside the United States.

§ 6.104–2 *Solicitation of bids and proposals.* Invitations for Bids and Requests for Proposals shall state that specific information as to articles, materials, and supplies excepted from the Buy American Act (see § 6.105) is available to prospective contractors upon request.

§ 6.104–3 *Certificate.* Invitations for Bids and Requests for Proposals shall require that each bid or proposal include a certificate substantially as follows:

Buy American Certificate

The bidder or offeror hereby certifies that each end product, except the end products excluded below, is a domestic source end product (as defined in the contract clause entitled Buy American Act); and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

Excluded items: ______________________

____
(Bidder or offeror)

§ 6.104–4 *Evaluation of bids and proposals.* (a) In accordance with the Buy American Act, the Secretaries of the Departments have determined that where the following procedures result in the acquisition of foreign end products, the cost of domestic source end products would be unreasonable. (See § 6.103–3.)

(b) Bids and proposals shall be evaluated so as to give preference to domestic bids. For purposes of evaluation, a factor of 6 percent of each foreign bid shall be added to that foreign bid and award shall be made to the low acceptable bidder, except as provided in paragraph (c) of this section. When more than one end product is offered in response to an Invitation for Bids or Request for Proposals, the 6 percent factor shall be applied on an item-by-item basis, except that the factor may be applied to any group of items as to which the Invitation for Bids or Requests for Proposals provides that award may be made on a lot basis.

(c) Notwithstanding that the low acceptable bid as to any item or lot under (b) above is a foreign bid, proposed awards shall be submitted, in accordance with Departmental procedures, to the Secretary concerned for decision if:

(1) The sum of any low acceptable domestic bids (see § 6.101 (g)), each of which exceeds the low acceptable foreign bid plus 6 percent (determined in accordance with paragraph (b) of this section), from any single small business concern (see § 1.701 of this chapter) exceeds $10,000;

(2) The sum of any low acceptable domestic bids (see § 6.101 (g)), each of which exceeds the low acceptable foreign bid plus 6 percent (determined in accordance with paragraph (b) of this section), from any single bidder or offeror who will perform substantially in a labor surplus area (see § 1.302–4 of this chapter) exceeds $25,000;

(3) Rejection of the foreign bid is considered necessary to protect essential national security interests, such as maintenance of a mobilization base; or

(4) Rejection of any bid or proposal for other reasons of the national interest is considered necessary.

(d) Cases within paragraph (c) (3) or (4) of this section will, prior to final action, be referred by the Secretary concerned to the Assistant Secretary of Defense (Supply and Logistics).

§ 6.104–5 *Contract clause.* The clause set forth below shall be inserted in all contracts for supplies and, when applicable, in contracts for services; except that it need not be inserted in contracts exclusively for articles, materials, or supplies for use outside the United States.

Buy American Act

(a) In acquiring end products, the Buy American Act (41 U. S. Code 10 a-d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "end products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) a "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a) (iii) (B), components of foreign origin of the same type or kind as the products referred to in (b) (ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) which are for use outside the United States;

(ii) which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) as to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) as to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

§ 6.105 *List of excepted articles, materials, and supplies.* Pursuant to the Buy American Act and §§ 6.103–2 and 6.103–3, the Secretaries have determined that the articles, materials, and supplies listed below may be acquired for public use without regard to country of origin, except as provided in Subpart D of this part. Additional determinations pursuant to § 6.103–2 covering individual procurements may be made in accordance with Departmental procedures.

Acetylene, black.
Agar, bulk.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the U. S. and for which domestic editions are not available.
Brazil nuts.
Cadmium, ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat in shredded, desiccated or similarly prepared form.
Coffee, raw or green bean.
Copra.
Cork, wood or bark and waste.
Damar gum.
Diamonds, industrial.
Emetine, bulk.
Ergot, crude.
Fiber, coir, abaca, and agave.
Goat and kid skins.
Graphite, natural, crystalline, crucible grade.
Hog bristles for brushes.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root
Jute and jute burlaps.
Kaurigum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum, vitae, mahogany, and teak.
Menthol, natural, bulk.
Mercury.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green; plain (unpitted) and stuffed, bulk.
Opium, crude.
Petroleum, crude, and petroleum fuels.
Platinum and platinum group metals, refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Shellac
Silk, unmanufactured.
Sperm oil.
Spices and herbs
Talc, block, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Tin, in bars, blocks, and pigs.
Vanilla beans.
Wax, carnauba.

SUBPART B—BUY AMERICAN ACT—CONSTRUCTION CONTRACTS

§ 6.201 *Statutory prohibitions.* Each Department, in connection with construction work, shall comply with the provisions of the Buy American Act (41 U. S. C. 10a-d).

§ 6.202 *Prohibitions of Buy American Act.* The Buy American Act prohibits, within terms of its applicability and subject to the authority to grant certain exceptions (set forth in §§ 6.203 and 6.204 respectively), the use in connection with the performance of any contract for the construction, alteration, or repair of any public building or public work, of (i) unmanufactured supplies unless mined or produced in the United States, and (ii) manufactured supplies unless manufactured in the United States, substantially all from supplies mined, produced, or manufactured in the United States.

§ 6.203 *Applicability of Buy American Act.*

§ 6.203–1 *Geographical application.* The Buy American Act applies to construction work on public buildings or public works within the United States only. As used in the Buy American Act and in this subpart, the term "United States" means the States, the District of Columbia, Hawaii, Alaska, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, Guam, and any other areas subject to the complete sovereignty of the United States.

§ 6.203–2 *Nonavailabilty of supplies or materials.* The Buy American Act does not apply (i) to supplies which are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (ii) to such materials, from which the supplies to be used are

manufactured, as are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, except that this does not permit delivery of supplies manufactured outside the United States if such supplies are manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. This § 6.203–2 shall be applied and used only in accordance with procedures prescribed by each respective Department.

§ 6.204 *Authority to grant exceptions to Buy American Act.* The Secretary concerned is authorized by the Buy American Act to grant exceptions thereto when application of the Buy American Act in connection with construction or repair work, would be impracticable or would unreasonably increase the cost: *Provided,* That, in the case of supplies to be used in construction or repair work, any exception granted under this section shall be noted in the specifications and a public record made of the supporting findings.

§ 6.205 *Supplies excepted from Buy American Act.* The Secretaries have administratively determined, in accordance with the provisions of § 6.203–2, that the following supplies may be procured or used without regard to the country of origin:

(a) The articles, materials, and supplies listed in § 6.207; and

(b) Articles, materials, and supplies manufactured in the United States notwithstanding the fact that foreign articles, materials, or supplies are used in such manufacture: *Provided,* That such articles, materials, or supplies are listed in § 6.207.

§ 6.206 *Violation of Buy American Act provision in construction contracts.* The Secretary concerned, upon finding that in the performance of a construction contract there has been a failure to comply with the Buy American Act provision, shall make public his findings (including therein the name of the contractor obligated under such contract) and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractors, materialmen, or suppliers with which such contractor is associated or affiliated, within a period of 3 years after such finding is made public (see Part 1, Subpart F, of this chapter).

§ 6.207 *Supplies and materials for ultimate use in the construction, alteration, or repair of any public building or public work.*

Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chalk, English.
Chrome ore or chromite.
Cobalt, in cathodes, rondelles, or other primary forms.
Cork, wood or bark and waste.
Damar gum.
Graphite, natural, crystalline, crucible grade.
Jute and jute burlaps.
Kaurigum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Mercury.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Rubber, crude and latex.
Shellac.
Tin, in bars, blocks, and pigs.

SUBPART C—APPROPRIATION ACT RESTRICTIONS ON PROCUREMENT OF FOREIGN SUPPLIES

§ 6.300 *Scope of subpart.* This subpart implements the customary Defense Appropriation Act restriction on the availability of appropriated funds for the procurement of any article of food, clothing, cotton, wool, or spun silk yarn for cartridge cloth, as it has recurred in Defense Appropriation Acts for several years. However, reference should be made to the current Department of Defense Appropriation Act as a check on the current applicability of this Part. Nothing herein shall affect the applicability of the Buy American Act (see Subparts A and B of this part).

§6.301 *Definition.* As used in this subpart in a geographical sense, the term "United States" means the United States, its Territories, its possessions, and Puerto Rico.

§ 6.302 *Restriction.* Except as provided in § 6.303, there shall not be procured supplies consisting in whole or in part of any food, clothing, cotton, wool, or spun silk yarn for cartridge cloth, which have not been grown or produced in the United States; but this does not restrict the procurement of cotton or wool reprocessed or reused in the United States or of foods manufactured or processed in the United States.

§ 6.303 *Exceptions.* The restriction of § 6.302 does not apply to the following:

(a) Procurements outside the United States in support of combat operations.

(b) Procurements by vessels in foreign waters.

(c) Emergency procurements or procurements of perishable foods by establishments located outside the States, the District of Columbia, Hawaii, and Alaska, for the personnel attached thereto.

(d) Procurements of supplies listed in § 6.105.

(e) Small purchases in amounts not exceeding $5,000. For the purposes of this exception, a small purchase in an amount not exceeding $5,000 shall mean a procurement action involving a total dollar amount not in excess of $5,000, as distinguished from a single line item.

(f) Procurement of end items incidentally incorporating food, cotton, or wool, of which the estimated value is not more than 10 percent of the total price of the end item, provided that the estimated value does not exceed $10,000 or 3 percent of the total price of the end item, whichever is greater.

(g) Any articles of food or clothing or any form of cotton, spun silk yarn for cartridge cloth, or wool, as to which the Secretary concerned has determined that a satisfactory quality and sufficient quan-
tity grown or produced in the Unit
States cannot be procured as and wh
needed at United States market prices.

§ 6.304 *Procedures.*

§ 6.304–1 *Procurement of food, clo
ing, spun silk yarn for cartridge cloth,
items containing mohair or cotton.*
general, food, clothing (not covered
§ 6.304–2), spun silk yarn for cartrid
cloth, or any form of mohair or cotto
will be procured only if grown, repro
essed, reused, or produced in the Unit
States. However, if the contracting o
cer finds that prices for such domes
supplies are unreasonable, he may ref
the matter to the Secretary concerned
determination with respect to § 6.303 (g
in accordance with Department pro
cedures.

§ 6.304–2 *Procurement of items con
taining wool (except mohair).* (a) Th
Secretaries have determined that to t
extent that application of the procedur
in this § 6.304–2 results in the procur
ment of any articles of wool (excep
mohair) not grown, reprocessed, reuse
or produced in the United States, a sati
factory quality and sufficient quantity
such articles grown, reprocessed, reuse
or produced in the United States cann
be procured as and when needed
United States market prices.

(b) Bids and proposals for supplies
which wool is a part will be solicited
the following alternative bases:

(1) Manufactured in the United Stat
from domestic wool;

(2) Manufactured in the United Stat
from foreign wool; and

(3) Manufactured in the United Stat
from a blend of (__ per cent) domes
wool and (__ per cent) foreign wool.

(c) Each Invitation for Bids and R
quests for Proposals for supplies of wh
wool is a component part will contain t
following additional clause:

Domestic Wool Preference

(a) It is Congressional policy that, in
partment of Defense procurements, pref
ence shall be given to wool grown, repro
essed, reused, or produced in the Unit
States, its Territories, its possessions,
Puerto Rico, to the extent that articles co
taining such wool can be procured as
when needed at United States market pric

(b) If, on the date of opening of bids
evaluation of proposals, the average mar
price of domestic wool of usable grades
reported by grade and type in the four la
of the Department of Agriculture "Mar
News" immediately preceding the date of
opening or evaluation of proposals) is
more than 10 percent above the average
the prices (for usable grades and typ
which reflect the current incentive p
established by the Secretary of Agricult
award will be made only on bids or propos
offering domestically produced articles
which the wool component is 100 perc
domestic wool, provided that such bids
proposals are considered reasonable
otherwise acceptable.

(c) If, on the date of opening of bids
evaluation of proposals, the average mar
price of domestic wool of usable grades
reported by grade and type in the four la
of the Department of Agriculture "Mar
News" immediately preceding the date of
opening or evaluation of proposals) is m
than 10 per cent above the average of
prices (for usable grades and types) wh
reflect the current incentive price, or to

extent that the Government's requirement cannot be filled by awards based on paragraph (b) hereof, there will be added to each bid or proposal offering articles of which the wool component is 100 per cent foreign wool an evaluation factor of $______ per yard or per item, and there will be added to each bid or proposal offering articles of which the wool component is a blend of domestic and foreign wool that part of the evaluation factor which is in direct proportion to the percentage of foreign wool to be used, and award will be made to the low acceptable bidder.

(d) For the purposes of (b) and (c) above, the average market price of domestic wool of usable grades shall be the average market price of the representative types and grades set forth in § 6.304–2 (f) within that one of the categories therein set forth which includes wool which would meet the specifications, and the average of the prices which reflect the current incentive price established by the Secretary of Agriculture shall be the average of the prices set forth in § 6.304–2 (f) for that category.

(e) While bids or proposals offering articles using foreign wool may be considered and evaluated, as stated above, all stages of manufacturing of wool (whether foreign or domestic) must be performed in the United States, its Territories, its possessions, or Puerto Rico, as required by the contract clause entitled "Preference for Certain Domestic Commodities." This requirement is satisfied as to wool noils, reprocessed or reused wool if the reprocessing (i. e., garnetting or combing) and ensuing manufacture is performed in the United States, its Territories, possessions, or Puerto Rico.

(f) The Secretary has determined that, to the extent that any foreign wool is used under an award made pursuant to paragraph (e) hereof, a satisfactory quality and sufficient quantity of domestic wool cannot be procured as and when needed at United States market prices.

The evaluation factor will be computed in accordance with paragraph (f) of this section, and the amount of the factor will be inserted in place of the blank in paragraph (c) of the above clause.

(d) If, on the date of opening of bids or evaluation of proposals, the average market price of domestic wool of usable grades is not more than 10 percent above the average of the prices of representative types and grades of domestic wools in the wool category which includes the wool required by the specifications (see paragraph (f) of this section), which prices reflect the current incentive price as established by the Secretary of Agriculture, and if reasonable bids or proposals have been received for the advertised quantity offering 100 percent domestic wools, the contract will be awarded for domestically produced articles using 100 percent domestic wools and the procedure set forth in paragraphs (e) and (f) of this section will be disregarded.

(e) In the evaluation of bids and proposals under this subpart, an evaluation factor computed in accordance with paragraph (f) of this section will be added to that portion of the offered price which represents foreign wool to be furnished or used in performance of the contract, and award will be made accordingly. In the event that tie bids or proposals result from such evaluation, award will be made to the offeror proposing to furnish or use the most domestic wool.

(f) The evaluation factor to be used under paragraph (e) of this section will be 10 percent of the average of the following prices of representative types and grades of domestic wools within that one of the following categories which includes the wool required by the specifications. (The following prices reflect the current incentive price of 62 cents per pound grease basis converted to grade and type clean basis.)

REPRESENTATIVE TYPE AND GRADE

GROUP 1—GRADES 60'S AND FINER

Category 1—Staple, Average and Good French Combing (worsted type)

	Price, clean basis (per pound)
The average of the following grades:	
Territory original bag wool, average and good French combing, 64's and finer	$1.7748
Graded territory and Texas wool, staple and good French combing, one-half blood, 60's/62's	1.6946
Graded Fleece Wool:	
Staple and good French combing, 64's and finer	1.7862
Staple and good French combing, one-half blood, 60's/62's	1.6259

Category 2—Short, Average and Good French Combing and Clothing (woolen type)

The average of the following grades:	
Territory original bag wool, short, French combing and clothing, fine (64's, not to exceed 15 percent of 60's/62's)	1.5801
Graded territory and Texas wool, average and good French combing, one-half blood, 60's/62's	1.6145
Graded Fleece Wool:	
Average and good French combing, 64's and finer	1.7061
Average and good French combing, one-half blood, 60's/62's	1.5343

GROUP 2—GRADES 50'S–60'S

Category 3—Staple and Good French Combing (worsted)

The average of the following grades:	
Graded territory and Texas wools:	
Staple and good French combing, three-eighths blood, 56's/58's	1.4656
Staple and good French combing, 50's/48's, one-quarter blood	1.3397
Graded Fleece Wool:	
Staple and good French combing, three-eighths blood, 56's/58's	1.3626
Staple and good French combing, 50's/48's, one-quarter blood	1.2710

Category 4—Average French Combing (woolen type)

The average of the following grades:	
Graded Territory and Texas Wool:	
Average French combing, three-eighths blood, 56's/58's	1.3053
Average French combing, 50's/48's, one-quarter blood	1.2023
Graded Fleece Wool:	
Average French combing, three-eighths blood, 56's/58's	1.2137
Average French combing, 50's/48's, one-quarter blood	1.0878

GROUP 3—GRADES BELOW 50'S

Categroy 5—Staple and Good French

The average of the following grades:	
Graded Fleece Wool:	
Low one-quarter blood, 46's, 4 inches or more in length	1.1565
Common and braid, 44's/36's, 5 inches or more in length	1.0763

§ 6.305 *Contract clause.* In accordance with the requirements of § 6.302, the clause set forth below shall be inserted in all contracts for supplies, and when applicable, in contracts for services.

Preference for Certain Domestic Commodities

The Contractor agrees that there will be delivered under this contract only such articles of food, clothing, cotton, spun silk yarn for cartridge cloth, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) as have been grown, reprocessed, reused or produced in the United States, its Territories, its possessions, or Puerto Rico: *Provided,* That this clause shall have no effect to the extent that the Secretary has determined as to any such articles that a satisfactory quality and sufficient quantity cannot be procured as and when needed at United States market prices: *Provided further,* That nothing herein shall preclude the delivery of foods under this contract which have been manufactured or processed in the United States, its Territories, its possessions, or Puerto Rico.

SUBPART D—PURCHASES FROM SOVIET-CONTROLLED AREAS

Section 6.402 (b) (1) has been corrected to change the words "military Department procedures" to read "departmental procedures". Section 6.402, as revised, reads as follows:

§ 6.402 *Exceptions.* (a) Exceptions from the general policy will be made only pursuant to (b) below. Moreover, such exceptions shall be made only in unusual situations, such as cases of emergency or where supplies are not available from any other source and a substitute supply is not acceptable.

(b) Supplies, other than those covered by §§ 6.401–3, 6.401–4, or 6.401–5, originating from sources within Soviet-controlled areas (see § 6.401–2) may be procured only when:

(1) The purchase is for $2,500 or less and the contracting officer determines there is a need for an exception in accordance with Departmental procedures; or

(2) The purchase is for more than $2,500 and an exception is approved by the Secretary.

A copy of the document authorizing any exception pursuant to paragraph (b) (2) of this section shall be transmitted to the Assistant Secretary of Defense (International Security Affairs).

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Section 7.102 has been amended in accordance with Note 1 above. Section 7.102, as revised, reads as follows:

§ 7.102 *Applicability.* As used throughout this subpart, the term "fixed-price supply contract" shall mean any contract (a) entered into either by formal advertising or by negotiation, other than (1) purchase orders (but see §7.104–15 and 7.104–16), (2) letter contracts, (3) preliminary notices of award, and (4) amendments or supplemental agree-

ments to contracts or purchase orders, which do not effect new procurement; (b) at a fixed price (with or without provision for price redetermination, escalation or other form of price revision as covered in §3.403 of this chapter); and (c) for supplies other than (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, (2) experimental, developmental, or research work, or (3) facilities to be provided by the Government under a "Facilities Contract" as defined in Part 13 of this chapter.

2. The subject caption in § 7.103–2 has been revised as follows: "§ 7.103–2 *Changes*", and the "Disposition of Inventory Resulting from Changes" clause has been deleted.

3. A paragraph has been added to § 7.103–7. Section 7.103–7, as revised, reads as follows:

§ 7.103–7 *Payments.*

Payments

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

In contracts for the furnishing of transportation and accessorial services there will be substituted for the word "proper" above, the words "properly certified."

4. As a result of changes to Part 6 by this Amendment No. 30, §§ 7.103.14, 7.104–3, 7.104–13, 7.203–14, 7.204–3 and 7.204–13 have been revised; the instructions in §§ 7.106–1 and 7.106–2 and the Price Escalation clause for nonstandard steel items (§ 7.106–2) have been revised to permit use of the clause in advertised as well as negotiated fixed-price supply contracts. The affected sections, as revised, read as follows:

§ 7.103 *Required clauses.* * * *

§ 7.103–14 [Reserved.]

§ 7.104 *Clauses to be used when applicable.*

§ 7.104–3 *Buy American Act.* In accordance with the requirements of § 6.104–5 of this chapter, insert the clause set forth therein.

§ 7.104–13 *Preference for certain domestic commodities.* In accordance with the requirements of § 6.305 of this chapter, insert the clause set forth therein.

§ 7.106 *Price escalation clauses (established prices).*

§ 7.106–1 *Escalation clause for basic steel, aluminum, brass, bronze or copper mill products.* The following price escalation clause is authorized for use in advertised or negotiated fixed-price supply contracts for basic steel, aluminum, brass, bronze or copper mill products, such as sheets, plates and bars, when an established price exists for the particular supply being procured. The percentage figure to be used in paragraph (d) (3) of the clause shall not exceed 10 percent.

* * * * *

§ 7.106–2 *Escalation clause for nonstandard steel items.* The following price escalation clause is authorized for use in advertised or in negotiated fixed-price supply contracts when:

(a) The contractor is a steel producer and actually manufactures the standard steel mill item referred to in paragraph (d) of the clause; and

(b) The items being procured are nonstandard steel items made wholly or in major part of standard steel mill items.

When this clause is included in invitations for bids, Note (8) is inapplicable and shall be omitted. Invitations for bids or requests for proposals shall instruct bidders or offerors, as appropriate, to complete all blanks in accordance with the applicable notes.

Price Escalation

(a) The Contractor represents that the unit prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (i) the Contractor's rates of pay for labor employed by it, or (ii) the prices which the Contractor charges its manufacturing shops for the steel required in the performance of this contract.

(b) Each contract unit price shall be subject to revision, pursuant to the provisions of this clause, to reflect changes in the cost of labor and steel. For the purpose of any such price revision, the proportion of the contract unit price attributable to costs of labor not otherwise included in the price of the steel item identified in paragraph (d) below shall be ------ percent, and the proportion of the contract unit price attributable to the cost of steel shall be ------ percent. [See Note (1).]

(c) For the purposes of this paragraph, the term "labor index" shall mean the average straight time hourly earnings of the Contractor's employees in the ---------- shop of the Contractor's ---------- plant [see Note (2)] for any particular month. The word "month" as used herein means "calendar month"; *provided*, however, that if the Contractor's accounting period does not coincide with the calendar month, then such accounting period shall be used throughout the clause in lieu of "month." Unless otherwise specified in this contract, the labor index shall be computed by dividing the total straight time earnings of the Contractor's employees in the particular shop identified above for any given month by the total number of straight time hours worked by such employees in that month. Any revision in a contract unit price to reflect changes in the cost of labor shall be computed solely by reference to the "base labor index," which shall be the average of the labor indices for the three months consisting of the month of ----------, 19--, [see Note (3)] the month immediately preceding and the month immediately following, and to the "current labor index," which shall be the average of the labor indices for the month in which delivery of supplies is required to be made in accordance with the terms of this contract and the month preceding.

(d) Any revision in a contract unit price to reflect changes in the cost of steel shall be computed solely by reference to the "base steel index," which shall be the Contractor's established or published price to the public [see Note (8)] including all applicable extras of $------ per ------ [see Note (4)] for ---------- [see Note (5)] on ------, 19-- [see Note (6)] and the "current steel index," which shall be the Contractor's established or published price to the public [see Note (8)] of said item including all applicable extras in effect ------ days [see Note (7)] prior to the first day of the month in which delivery of supplies is required to be made in accordance with the terms of the contract.

(e) Each contract unit price shall be revised for each month in which, by the terms of this contract, delivery of supplies is required to be made, and such revised contract unit price shall apply to the deliveries of those quantities of supplies required to be made in that month regardless of when actual delivery be made of said quantities of supplies. Each revised contract unit price for any month shall be computed by adding together the following three amounts: (i) the amount (representing the adjusted cost of labor) obtained by multiplying ------ percent of the contract unit price by a fraction, the numerator of which shall be the current labor index and the denominator of which shall be the base labor index; (ii) the amount (representing the adjusted cost of steel) obtained by multiplying ------ percent of the contract unit price by a fraction, the numerator of which shall be the current steel index and the denominator of which shall be the base steel index; and (iii) the amount equal to ------ percent of the original contract unit price (representing that portion of such unit price which relates neither to the cost of labor nor to the cost of steel and which is therefore not subject to revision); [see Note (1)]: *Provided, however*, That any revised contraet unit price made pursuant to the provisions of this clause shall in no event exceed 110 percent of the original contract unit price. All computations shall be made to the nearest one-hundredth of one cent.

(f) Pending revisions of the contract unit prices, if any, to be made pursuant to this clause, the Contractor shall be paid the contract unit prices for deliveries made. Within thirty days after the final delivery of supplies, or within such further period of time as may be authorized by the Contracting Officer, the Contractor shall furnish a statement setting forth and certifying the correctness of (i) the average straight time hourly earnings of the Contractor's employees in the shop of the Contractor identified in paragraph (c) above which earnings are relevant to the computations of the "base labor index" and the "current labor index," and (ii) the Contractor's established or published prices to the public [see Note (8)] including all applicable extras, for like quantities of the item identified in paragraph (d) above, which prices are relevant to the computation of the "base steel index" and the "current steel index." Upon request of the Contracting Officer or his duly authorized representative, the Contractor shall make available its records used in the computation of the labor indices. After the receipt of such certificate by the Contracting Officer, the revised contract unit prices shall be computed in accordance with the provisions of this clause, and this contract shall be amended accordingly.

(g) In the event of any total or partial termination of any item of this contract for the convenience of the Government, the month in which notice of such termination is received by the Contractor, if prior to the month in which delivery is required by this contract, shall be considered the month in which delivery of such terminated or partially terminated item is required for the purpose of determining the current labor and materials indices under paragraphs (c) and (d) hereof: *Provided, however*, That as to the quantity of such item which is not terminated for convenience, the month in which delivery is required by this contract shall continue to apply for determining said indices. In the case of termination of any tion for default on the part of the Contractor, any price revision shall be limited to the quantity of each item which has been delivered by the Contractor and accepted by the Government prior to receipt by the Contractor of notice of termination for default.

(h) As used in this clause the phrase "the month in which delivery of supplies is required to be made in accordance with the terms of this contract" shall mean any month in which under the terms of this contract a specific quantity of units of the supplies called for by this contract is required to be delivered: *Provided, however,* That in case the failure of the Contractor to make delivery of such quantity shall have arisen out of causes beyond the control and without the fault or negligence of the Contractor, within the meaning of paragraph (c) of the clause of this contract entitled "Default," the quantity not delivered shall be required to be delivered as promptly as possible after the cessation of the cause of such failure, and the delivery schedule set forth in this contract shall be amended accordingly.

(i) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

Notes

(1) Bidder insert the same percentage figures for the corresponding blanks in paragraphs (b) and in (e) (i) and (ii). In paragraph (e) (iii), bidder insert the percentage representing the difference between the sum of the percentages inserted in paragraph (b) and 100 percent.

(2) Bidder identify the shop and plant in which the standard steel mill item identified in paragraph (d) will be finally fabricated or processed into the contract item.

(3) Bidder insert the month of bid opening, or the month in which the Contractor submitted its proposal if this is a negotiated contract.

(4) Bidder insert the unit price and unit of measure of the standard steel mill item used by the Contractor in the manufacture of the contract item.

(5) Bidder identify the standard steel mill item used by the Contractor in the manufacture of the contract item.

(6) Bidder insert the date set for bid opening, or the date of the Contractor's quotation if this is a negotiated contract.

(7) Bidder insert the number of days which represents the Contractor's best estimate of the period of time required for processing the standard steel mill item in the shop identified in paragraph (c).

(8) In negotiated procurements of nonstandard steel items, when there is no established or published price to the public, or when it is not desirable to use such price, this paragraph may refer to another appropriate price basis, such as an established interplant price.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

§ 7.203–14 [*Reserved.*]

§ 7.203–16 *Eight-Hour Law of 1912—Overtime compensation.* Insert the contract clause set forth in § 12.303–1 of this chapter. Note the introductory provision required by § 12.303–2 of this chapter in the case of contracts with a State or political subdivision thereof.

§ 7.204 *Clauses to be used when applicable.*

§ 7.204–3 *Buy American Act.* In accordance with the requirements of § 6.104–5 of this chapter, insert the clause set forth therein.

§ 7.204–13 *Preference for certain domestic commodities.* In accordance with the requirements of § 6.305 of this chapter, insert the clause set forth therein.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 9—PATENTS, DATA, AND COPYRIGHTS

SUBPART B—DATA AND COPYRIGHTS

Section 9.202–6 has been revised to provide a greater degree of protection for the data submitted by an offeror whose offer is accepted, and to provide that if data submitted with a proposal is desired by the Government, for other than evaluation purposes, such data shall be specified to be delivered under the contract. Section 9.202–6, as revised, reads as follows:

§ 9.202–6 *Data furnished in support of a request for proposal.* When an offeror has sumitted data in response to a request for a proposal and it is proposed to award the contract to such offeror, the contracting officer shall ascertain whether it is desired to acquire rights to use all or part of the data furnished with the proposal. If it is desired to acquire such rights, the contracting officer shall determine in accordance with § 9.201 whether such data is operational, design, or proprietary in nature, and shall negotiate with the offeror in accordance with the policy prescribed in § 9.202 for the acquisition and use of such data. If the offeror agrees to furnish such data as a part of the delivery under the contract, the appropriate clause of § 9.203 shall be inserted in the contract, and the Schedule shall identify the data to be covered by such clause.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 12—LABOR

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Section 12.803 (a) has been revised in accordance with Note 1 above. Section 12.803, as revised, reads as follows:

§ 12.803 *Applicability.* The nondiscrimination requirements are applicable to contracts and first-tier subcontracts as herein provided.

(a) The clause set forth in § 12.802 shall be included in all contracts involving the employment of labor, except:

(1) The clause shall not be included in—

(i) Contracts to be performed outside the United States where no recruitment of workers within the United States is involved;

(ii) Contracts to meet special requirements or emergencies, if recommended by the President's Committee on Government Contracts (see § 12.804); and

(iii) Purchase orders on Standard Form 44.

(2) The clause shall be modified in—

(i) Purchase orders for $2,500 or less which are not within the above exceptions, by deleting the last sentence of paragraph (a) and all of paragraph (b);

(ii) Contracts for $5,000 or less, other than purchase orders for $2,500 or less, by deleting the last sentence of paragraph (a) when in the judgment of the contracting officer administration of the posting requirement of a clause is impracticable. For example, contracts for off-the-shelf items and contracts requiring delivery of supplies or performance of services within 60 days from the date of the contract.

(b) Notwithstanding paragraph (b) of the clause, a contractor is not required to insert any nondiscrimination clause in subcontracts of the kind described in paragraph (a) (1) (i) and (ii) of this section.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 14—INSPECTION AND ACCEPTANCE

SUBPART A—INSPECTION

The title of § 14.103–4 has been revised in accordance with Note 1 above, as follows: "§ 14.103–4 *Inspection of small purchases ($2,500 or less).*"

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 16—PROCUREMENT FORMS

SUBPART B—FORMS FOR NEGOTIATED PROCUREMENT

Section 16.201 *Request for quotation (DD Form 747).*

§ 16.201–2 *Conditions for use.* DD Form 747 is authorized for use when it appears reasonably certain that the procurement will be consummated by (a) a fixed-price type contract involving extensive negotiation or, (b) a cost-reimbursement type contract. Standard Form 36 (Continuation Sheet), DD Forms 351–1 (Schedule) or 1155c (Continuation Sheet) may be used as required. The form is intended primarily for negotiated procurements in excess of $2,500; however, it may be used for negotiated procurements of $2,500 or less (including purchase orders) when written solicitations of quotations are used (see § 3.603 of this chapter).

SUBPART C—PURCHASE AND DELIVERY ORDER FORMS

Section 16.303–2 (a) and (c) have been amended in accordance with Note 1 above. Section 16.303–2, as revised, reads as follows:

§ 16.303–2 *Conditions for use.* * * *

(b) *Use as a purchase order of not more than $1,000.* DD Form 1155 shall be used for all purchases of not more than $1,000 negotiated in accordance with Part 3 of this subchapter A: *Provided:*

(1) The procurement is unclassified; and

(2) Only the contract clauses set forth on the back of DD Form 1155 are to be used; if additional clauses covering the subject matter of any clause set forth in this subchapter (other than the clause set forth in § 6.403) are to be used, the procurement shall be effected by use of

some other form authorized by this subchapter or Departmental procedures.

(c) *Use for negotiated purchases of not more than $2,500.* (1) DD Forms 1155 and 1155s may be used for all negotiated purchases of not more than $2,500: *Provided:*

(i) The procurement is unclassified;

(ii) The public voucher feature of DD Form 1155 is not utilized in a procurement of more than $1,000; and

(iii) Only the contract clauses set forth on the back of DD Form 1155 and on DD Form 1155s are to be used; if additional clauses covering the subject matter of any clause set forth in this subchapter (other than the clause set forth in § 6.403) are to be used, the procurement shall be effected by use of some other form authorized by this subchapter or Departmental procedures.

(2) When DD Form 1155s is used, the contracting officer shall request contractor acceptance thereon if:

(i) The written acceptance of the contractor is necessary for the obligation of funds in accordance with Section 1311, Public Law 663, 83d Congress (31 U. S. C. 200). (When the purchase is for not more than $1,000 or is negotiated pursuant to 10 U. S. C. 2304 (a) (2) or (9), section 1311 does not require a written acceptance.); or

(ii) It is deemed to be in the best interest of the Government to consummate a binding contract between the parties before the contractor undertakes performance.

SUBPART D—SPECIAL CONTRACT AND ORDER FORMS

A cross reference in the agreement in § 16.505–2 (b) has been corrected from "§ 16.505–1 (c)" to read "§ 16.505–2 (c)," as follows:

§ 16.505 *Novation agreements.*

* * * * *

§ 16.505–2 *Agreement to recognize a successor in interest.* * * *

Agreement

This Agreement, entered into as of ----------, 19--, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferor"); the XYZ Corporation [formerly known as the LMN Corporation], a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferee") and the United States of America (hereinafter referred to as the "Government").

Witnesseth:

Whereas, the Government, represented by various Contracting Officers of the Department of the ----------, has entered into certain contracts, letter contracts and purchase orders with the Transferor, [namely: ----------] or [as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;] and the term "the contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts and purchase orders, including amendments and change orders thereto, heretofore made between the Government, represented by various Contracting Officers of the Department of the ----------, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including amendments and change orders thereto hereafter made between the Government and the Transferee;

Whereas, as of ----------, 19--, the Transferor assigned, conveyed and transferred to the Transferee all the assets of the Transferor by virtue of a [term descriptive of the legal transaction involved] between the Transferor and the Transferee;

Whereas, the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

Whereas, by virtue of said assignment, conveyance and transfer, the Transferee has assumed all the duties, obligations and liabilities of the Transferor under the Contracts;

Whereas, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

Whereas, there has been filed with the Government evidence of said assignment, conveyance or transfer [add if desired, "in the form of a certified copy of the list of the documents required by § 16.505–2 (c), below"];

SUBPART H—MISCELLANEOUS FORMS

Section 16.814 has been added covering use of DD Forms 1071 and 1072, approved 1 February 1958. Section 16.814 reads as follows:

§ 16.814 *Experience data forms.*

§ 16.814–1 *Architect-engineer experience data (DD Form 1071).* This form is designed to assure the uniform submission of experience and organizational data by architect-engineer firms and shall be used in lieu of any corresponding Departmental form.

§ 16.814–2 *Construction contractor experience data (DD Form 1072).* This form is designed to assure the uniform submission of experience and organizational data by construction contractors and shall be used in lieu of any corresponding Departmental form.

(R. S. 161, sec. 2202, 70A Stat. 120; 5 U. S. C. 22, 10 U. S. C. 2202)

PART 30—APPENDIX TO ARMED SERVICES PROCUREMENT REGULATION

Section 401.1 (a) of § 30.2 and section 307.1 (b) of § 30.3 have been revised to clarify the policy with respect to the marking of accessory and auxiliary items of plant equipment. Section 202 (b) of § 30.3 has been revised to achieve consistency with the policy expressed in § 30.2 which encourages single property administration at each industrial facility. Amended portions of §§ 30.2 and 30.3 read as follows:

§ 30.2 *Appendix B—Manual for control of Government property in possession of contractors.*

* * * * *

401 *Identification and commodity classification; marking.* * * *

401.1 *Identification.* * * *

(a) *Extent of identification.*

(i) As a general rule, all Government material shall be identified as Government property except in those cases where—

(A) No materials of the same type at the same location are owned by the contractor, his employees, or other contracting agencies.

(B) Adequate physical control is maintained over tool-crib items, guard force items, protective clothing and other items issued for use by individuals in the performance of their work under the contract.

(C) Property is of bulk type or by its general nature of packing or handling precludes adequate marking, as may be determined by the property administrator.

(D) Where property is commingled, as authorized by paragraph 206 hereof.

(ii) Government-owned special tooling shall be marked with the designation of the Military Department responsible for funding and control of such tooling, as follows: Army—"USA", Navy—"USN", and Air Force—"USAF", unless it is determined that such marking will damage the special tooling or is otherwise impracticable. Marking and identification procedures may be expanded by the Department having cognizance over the tooling to include end item reference, drawing number, and such other information as may be desired in a given case.

(iii) Unless already marked in accordance with these instructions, all Government-owned plant equipment, including industrial reserve plant equipment, shall be marked by the contractor with an identification number, except when the size of the equipment or the nature of the material from which it is made makes it impracticable or except when the equipment is accessory or auxiliary equipment which is attached to or otherwise a part of an item of plant equipment and is required for its normal operation (see § 302, 304.3 (a)). When for the above reasons an item of plant equipment cannot be marked with an identification number, it will be assigned an identification number for record purposes, which number shall be shown on the plant equipment property record. Once an identification number has been affixed to an item of plant equipment, the identification will be permanent and will not be changed so long as the equipment remains under the control of the same Military Department (but see (iv) below).

§ 30.3 *Appendix C—Manual for control of Government property in possession of nonprofit research and development contractors.*

* * * * *

202 *Designation of property administrator.*

(a) A property administrator shall be designated for each Government contract involving Government property. In appropriate cases, the contract administrator may be assigned the additional duty of property administrator.

(b) It is Department of Defense Policy to encourage single property administration at each industrial facility. Consequently, when a contractor is engaged in the performance of contracts for more than one procuring activity, a single property administrator shall be designated for all contracts if mutually agreeable to the procuring activities concerned.

(c) Assistant property administrators for specific contracts may be appointed in accordance with the procedures of each Department.

(d) Property administrators may be civilian or military personnel.

(e) The property administrator will not be required by virtue of his duty as property administrator to post a bond.

* * * * *

307 *Identification and commodity classification—marking.* * * *

307.1 *Identification.* * * *

(b) *Plant equipment.* Unless already so marked, Government-furnished equipment and plant equipment acquired by the contractor, title to which vests in the Government, shall be marked by the contractor with an identification number to be furnished by the Government, except when

(i) the size or nature of a particular item makes marking impracticable, in which case such item shall be assigned an identification number for record purposes, which number shall be shown in the plant equipment property record; or

(ii) the equipment is accessory or auxiliary and attached to or otherwise a part of an item of plant equipment and is required for its normal operation, in which case such item shall be entered and described on the record of the equipment to which it is attached or of which it is otherwise a part.

G. C. BANNERMAN,
Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 58-4887; Filed, June 26, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-216]

PART 103—RABBIT INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 27, 1958.

Statement by the Commission. Trade practice rules for the Rabbit Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of, and supersede, the trade practice rules for the Rabbit and Cavy Breeders' Industry as promulgated by the Commission on April 30, 1934.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of any or all types, breeds, varieties, or strains of live domestic rabbits or cavies.

The rules are directed to the prevention and elimination of various unfair trade practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings leading to the establishment of these rules were instituted upon application of the American Rabbit Breeders Association, Inc., during the course of which proposed rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments respecting the rules as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., on April 7, 1958, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Following such hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
103.0 The industry and its products defined.
103.1 Misrepresentation of products.
103.2 Misrepresentation concerning prolificacy, growth, disease-resistance, development of superior meat, fur, or hair, etc.
103.3 Misrepresenting industry products as meeting requirements of a standard or specification.
103.4 Misrepresentation as to character of business.
103.5 Misrepresentation concerning purchase of offspring of rabbits or cavies, etc.
103.6 Bait advertising.
103.7 Defamation of competitors or false disparagement of their products.
103.8 Prohibited discrimination.
103.9 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 103.0 to 103.9 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 103.0 *The industry and its products defined.* (a) Products of the industry covered by the rules in this part include all types, breeds, varieties, or strains of live domestic rabbits or cavies.

(b) Members of the industry are persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of any such products.

§ 103.1 *Misrepresentation of products.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make or publish, or cause to be made or published, any statement or representation (whether in the form of advertisement, trade promotional literature, mark, stamp, brand, label, depiction, photograph, illustration, radio or television broadcast, or otherwise) which, directly or by implication, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers concerning:

(a) The grade, quality, quantity, age, price, value, pedigree, registration, origin, weight, health, strength, growth, livability, size, productivity, breeding, raising, or desirability, of any industry product; or

(b) The hair of any industry product, the growth, use, grade, or value thereof, or the market for such hair; or

(c) The delivery or purported delivery dates or other terms or conditions of delivery or sale of any industry product; or

(d) The experience needed, or purported gross sales, income, profits, or opportunities, in connection with the breeding, raising, or marketing of any industry product; or

(e) Any other material matter relating to the breeding, raising, or marketing of such product. [Rule 1]

§ 103.2 *Misrepresentation concerning prolificacy, growth, disease-resistance, development of superior meat, fur, or hair, etc.* It is an unfair trade practice for any industry member to represent, directly or by implication, through advertising or otherwise, that any rabbits or cavies, or breeds, or varieties, or strains thereof, are more prolific or grow faster, are more disease-resistant, or develop a higher quality of meat, fur, or hair, than is in fact the case. [Rule 2]

§ 103.3 *Misrepresenting industry products as meeting requirements of a standard or specification.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice, directly or indirectly, to represent:

(a) That an industry product meets the requirements of a standard or specification, or any quality rating or designation provided for by a standard or specification, when such is not the fact; or

(b) That an industry product meets the requirements of a standard or specification, or any quality rating or designation provided for by a standard or specification, without a clear and adequate identification of such standard or specification and disclosure as to whether same is an official, industry, or private standard or specification, made in immediate conjunction with the representation; or

(c) That an industry product meets the requirements of a standard or specification which is not applicable to industry products, or which has been rescinded or superseded and no clear and adequate disclosure of such fact is made in immediate conjunction with the representation; or to make reference to any standard or specification, or any quality rating, grade, or designation provided for by any standard or specification, in such a manner, or under such circumstances as to mislead purchasers or prospective purchasers as to the kind, grade, or quality of any product of the industry. [Rule 3]

§ 103.4 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member to represent, directly or by implication, in his advertising or otherwise, that he is a raiser or breeder of industry products or that he had actually raised or bred particular industry products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 4]

§ 103.5 *Misrepresentation concerning purchase of offspring of rabbits or cavies, etc.* It is an unfair trade practice for any industry member to represent, directly or by implication, through advertising or otherwise, that (a) he will buy back the offspring of the rabbits or cavies sold by him, when such is not the fact, or (b) that he will buy back such offspring at any price or prices in excess of those he actually will pay for the rabbit or cavy young of stock purchased from him. [Rule 5]

§ 103.6 *Bait advertising.* It is an unfair trade practice for an industry member to offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered.

NOTE: In determining whether there has been a violation of this section, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among acts or practices which will be considered in making that determination are the following:

(a) The creation, through the initial offer or advertisement, of a false impression of the grade, quality, value, size, or origin of the product offered, or in other material respect.

(b) The disparagement, by acts or words, of the product offered.

(c) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter.

(d) The failure to have available a quantity of the advertised product sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this section.

[Rule 6]

§ 103.7 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice:

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage a competitor's products, business methods, selling prices, values, credit terms, policies, or services. [Rule 7]

§ 103.8 *Prohibited discrimination*—[1] (a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any industry member engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of this proviso. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low, price of a competitor.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (e) of this section.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note following paragraph (e) of this section.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: This paragraph is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacturing, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and

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[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

NOTE: This section is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

Subsection (b) of section 2 of the Clayton Act, as amended, to which reference is made in the note to subparagraph (5) of paragraph (a) of this section and in the note to paragraph (d) of this section reads as follows:

"Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

[Rule 8]

§ 103.9 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 9]

Issued: June 24, 1958.

Promulgated by the Federal Trade Commission June 27, 1958.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4903; Filed, June 26, 1958; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter F—Enrollment

PART 45—PREPARATION OF A ROLL FOR THE DISTRIBUTION OF THE JUDGMENT AWARDED THE OTOE AND MISSOURIA TRIBE

Sec.
45.1 Definitions.
45.2 Purpose.
45.3 Eligibility for enrollment.
45.4 Application forms.
45.5 Filing applications.
45.6 Burden of proof.
45.7 Action by the Director.
45.8 Appeals.
45.9 Action by the Secretary.
45.10 Preparation and approval of roll.
45.11 Director's certificate.
45.12 Special instructions.

AUTHORITY: §§ 45.1 to 45.12 issued under sec. 5, Pub. Law 85-395; 72 Stat. 106.

§ 45.1 *Definitions.* As used in this part:

(a) "Tribe" means "Otoe and Missouria Tribe of Indians."

(b) "Secretary" means "Secretary of the Interior."

(c) "Director" means "Area Director, Anadarko Area Office".

(d) "Commissioner" means "Commissioner of Indian Affairs".

(e) "Allotment rolls" means "Allotment rolls of the Otoe and Missouria Tribe approved December 7, 1899, June 1, 1906, and January 17, 1907".

§ 45.2 *Purpose.* The regulations in this part are to govern the compilation of a roll of persons of the blood of the Otoe and Missouria Tribe who were living on May 9, 1958, which roll shall be used for the distribution of the judgment awarded the Otoe and Missouria Tribe by the Indian Claims Commission.

§ 45.3 *Eligibility for enrollment.* Each person of Otoe and Missouria blood whose name appears on the allotment rolls of the Tribe approved December 7, 1899, June 1, 1906, and January 17, 1907, and who was living on May 9, 1958, and each descendant living on May 9, 1958, of allottees of Otoe and Missouria blood whose names appear on any one of the allotment rolls, regardless of whether such allottees are living or deceased, may, within six months after the date of the act (on or before November 9, 1958), submit an application for enrollment.

§ 45.4 *Application forms.* Application forms may be obtained from the Director or from members of the Tribal Council.

§ 45.5 *Filing applications.* Each adult person who believes he meets the requirements for enrollment may, within six months after the date of the act (on or before November 9, 1958), submit to the Area Director, Bureau of Indian Affairs, Federal Building, Anadarko, Oklahoma, an application for enrollment to share in the distribution of the Otoe and Missouria Judgment Funds. Applications for minors, mentally incompetent persons, members of the Armed Services stationed outside the Continental United States, or persons who have died since the date of the act, may be filed by the parent, recognized guardian, next of kin, next friend, spouse, executor or administrator of estate, or other person having custody or care of them within six months after the date of the act (on or before November 9, 1958). Each application shall contain, among other information:

(a) The name and address of applicant, and if application is filed on behalf of a minor, mentally incompetent person, a member of the Armed Services stationed outside the Continental United States, or a person who has died since May 9, 1958, the name and address of the person filing the application for such individual and a statement of his relationship to the applicant.

(b) Identification of the allotment roll on which the name of applicant or applicant's ancestor appears and his or her roll number.

(c) In the case of a descendant of an allottee, the name of the allottee through whom right of enrollment is claimed.

(d) The relationship of applicant to ancestor on the roll.

(e) Present address of ancestor, if living.

§ 45.6 *Burden of proof.* The burden of proof rests upon the applicant to establish that he or she is of the blood of the tribe, that his or her name appears on one of the allotment rolls, or that he or she is a descendant of a person of the blood of the tribe whose name appears on one of the allotment rolls.

§ 45.7 *Action by the Director.* The Director shall consider each application and upon determination of the eligibility of the applicant, notify each person in writing of his decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the determination is adverse, notice of such decision shall be sent to applicant by registered mail, return receipt requested, together with the reasons therefor and of the right of appeal to the Secretary.

§ 45.8 *Appeals.* Appeals must be addressed to the Secretary and filed with the Director within 30 days from the receipt of the notice of rejection. The appellant may submit with his appeal any supporting evidence not previously furnished. When upon review of the evidence submitted by appellant, the Director is satisfied that he or she has established his or her right to enrollment, appellant shall be so notified and his or her name entered upon the roll. If the Director determines appellant ineligible, he shall forward the appeal, together with the completed record and his recommendation thereon, to the Commissioner for transmittal to the Secretary.

§ 45.9 *Action by the Secretary.* The decision of the Secretary on an appeal shall be final and conclusive and the appellant shall be given written notice of the decision. The Director is authorized to enter on the roll the name of any person whose appeal has been granted when so directed by the Secretary.

§ 45.10 *Preparation and approval of roll.* Upon completion of action on all applications and upon notice from the Secretary that all appeals have been determined, the Director shall prepare a roll consisting of the names of those persons determined to be eligible to share in the Otoe and Missouria Judgment Funds. The roll shall contain for each person a roll number, application number, name, sex, address, and in the remarks column, date of allotment roll and number or if a descendant, the name, allotment roll and allotment number of ancestor through whom enrollee has established his right to eligibility. The roll shall be submitted to the Secretary or his authorized representative for approval.

§ 45.11 *Director's certificate.* The Director shall affix his certificate to the roll

certifying that the roll, to the best of his knowledge and belief contains only the names of those persons who were determined to meet the requirements for enrollment provided by law.

§ 45.12 *Special instructions.* To facilitate the work of the Director the Commissioner may issue special instructions not inconsistent with the regulations in this part.

The procedure for general notice of proposed rule making is dispensed with because the time limit set forth in the act for filing applications for enrollment would be seriously curtailed, which is contrary to the public interest.

HATFIELD CHILSON,
Acting Secretary of the Interior.

JUNE 20, 1958.

[F. R. Doc. 58-4891; Filed, June 26, 1958; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

PART 28—FOR THE BLIND

PART 48—UNDELIVERABLE MAIL

MISCELLANEOUS AMENDMENTS

a. In § 22.1 *Second-class rates* amend paragraph (b) (1) by deleting subdivision (iii) thereof and redesignating (iv) as (iii).

NOTE: The corresponding Postal Manual section is 132.121c.

b. In § 22.2 *Qualifications for second-class privileges* amend paragraph (b) (3) to read as follows:

(3) *Preparation.* Publications must be formed of printed sheets. They may not be produced by stencil, mimeograph, or hectograph process or in imitation of typewriting.

NOTE: The corresponding Postal Manual section is 132.223.

c. In § 22.4 *What may be mailed at the second-class rates* amend paragraph (h) (1) to read as follows, effective July 1, 1958:

(1) *Enclosures.* Bills, receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may be prepared in the following ways:

(i) Printed or written.

(ii) Printed on cards and envelopes, including business replies.

(iii) Arranged to include coin receptacles.

(iv) Arranged as combination forms for two or more second-class publications issued by the same publisher.

NOTE: The corresponding Postal Manual section is 132.481.

(R. S. 161, 396, as amended; sec. 14, 20 Stat. 359, as amended, sec. 1, 25 Stat. 1, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 226, 249)

d. In § 28.1 *Rates* amend the table by making the following change in the column headed "Kind of matter", effective July 1, 1958:

Under "Reading matter for the blind" add the following new item:

Books, or pages thereof, in raised characters, whether prepared by hand or printed, which contain no advertisements, when furnished by any person to a blind person without cost to such blind person.

NOTE: The corresponding Postal Manual section is 138.1.

e. In § 28.3 *Classification* amend paragraph (b) (1) to read as follows, effective July 1, 1958:

(1) The following may be mailed free of postage when they contain no advertising:

(i) Books, pamphlets, and other material published in raised characters or in the form of sound reproduction records or other matter when sent unsealed by public institutions for the blind, or by public libraries as a loan to blind readers or when returned by the readers to such institutions or libraries, and

(ii) Books or pages thereof in raised characters, whether prepared by hand or printed, when furnished by any person to a blind person without cost to such blind person.

On the address side of each parcel must appear the name and address of the sender in the upper left corner and the word "Free" over the words "Reading Matter for the Blind or Sound Reproduction Records for the Blind" in the upper right corner. No special authorization is required. Weight is limited to 15 pounds for each package.

NOTE: The corresponding Postal Manual section is 138.321.

(R. S. 161, 396, as amended; ch. 1612, 33 Stat. 313, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 331)

f. In § 48.2 *Treatment by classes* amend the parenthetical phrase in paragraph (h) by changing "15 cents" to "25 cents", effective July 1, 1958.

NOTE: The corresponding Postal Manual section is 158.28.

(R. S. 161, 396, as amended; sec. 1, 46 Stat. 264, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 261)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-4900; Filed, June 26, 1958; 8:46 a. m.]

PART 111—POSTAL UNION MAIL

RATES ON MATTER FOR THE BLIND

The proposed amendments to § 111.2 published in the FEDERAL REGISTER of May 9, 1958, at 23 F. R. 3103 are hereby adopted as regulations of the Post Office Department, without change, effective July 1, 1958, as set forth below.

[SEAL] HERBERT B. WARBURTON,
General Counsel.

In § 111.2 *Specific categories* amend paragraph (e) to read as follows:

(e) *Matter for the blind*—(1) *Rates.* Surface rates for matter for the blind are the same as those prescribed for such matter in the domestic mails (See Part 28 of this chapter). For airmail rates see country items in § 111.1 (a).

(2) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(3) *Dimensions.* See paragraph (d) (3) of this section.

(4) *Description.* The matter acceptable in the domestic mails under the provisions of Part 28 of this chapter is generally acceptable to other countries as "matter for the blind," provided it does not exceed the international size and weight limits. Plates and special paper for embossing blind literature are accepted under the conditions applicable to the category of "reproducers for sound reproduction records and appliances for the blind" at the one cent per pound rate. Other items in that category, and matter for the blind exceeding the prescribed international size or weight limits, must be mailed as parcel post or under some other international mail classification.

(5) *Preparation and marking.* Matter for the blind must be mailed in unsealed envelopes or wrappers. The words "matter for the blind," or the markings prescribed in Part 28 of this chapter must be placed on the address side. The word "free" must appear in the upper right corner of articles which are acceptable free of postage.

NOTE: The corresponding Postal Manual section is 221.25.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[F. R. Doc. 58-4899; Filed, June 26, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 960]

[Docket No. AO-253-A3]

MILK IN AKRON-STARK COUNTY, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER.. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Canton, Ohio, on April 15–16, 1958, pursuant to notice thereof which was issued March 24, 1958 (23 F. R. 2039).

The material issues of record related to:

1. Pool plant qualifications;
2. Location adjustments;
3. The price for Class I milk;
4. Classification of low fat fluid products and of inventories;
5. Diversion, allocation, and compensatory payment provisions applicable should producers fail or refuse to deliver milk to handlers;
6. Advance payments; and
7. Use of equivalent prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant requirements.* Provision should be made for pricing and pooling receipts of milk at supply plants from which a significant portion of such receipts are delivered to distributing plants serving the marketing area.

The Akron-Stark County order now prices and pools only the farm milk supply of plants from which fluid milk of approved quality is distributed on routes in the marketing area; receipts of plants located outside the marketing area with limited distribution in the area are exempted. No provision is included to price or pool receipts of supply plants. Handlers proposed that receipts of such plants be pooled on a basis similar to that in the order for the nearby Cleveland market and, with certain exceptions, be priced at any given location at the same level as under the Cleveland order.

There is very substantial competition for procurement of milk between the Akron-Stark County and Cleveland markets. Producer milk is shipped to Cleveland plants from farms in 16 of the 17 Ohio counties from which producers supply Akron-Stark County plants. This area represents a substantial part of the area from which milk is delivered directly from producers' farms to plants bottling milk for the Cleveland market. Only part of the Cleveland supply, however, is delivered to such plants, the remainder being received at 16 supply plants. Four of these are located within the Akron-Stark County procurement area, the others are further west in Ohio, Indiana and Michigan. Prior to July 1957 when a plant with substantial receipts of direct shipped milk formerly priced under the Akron-Stark County order became a Cleveland pool plant slightly more than half of the Cleveland supply was received at supply plants; the proportion of direct shipped milk is now approximately 57 percent. The total Cleveland milk supply is now approximately three times that of the Akron-Stark County market, so that direct shipped receipts at Cleveland are approximately 1.75 times the volume of the Akron-Stark County supply.

In view of this competition for procurement and similar substantial competition for sales between Akron-Stark County handlers and Cleveland handlers, Class I prices of the two orders are in fixed alignment, and combined receipts and sales of the two markets are used in adjusting the Class I price for supply-demand relationships.

Under these circumstances, other order provisions should not serve to distort the relationship recognized in the Class I price alignment. Lack of order provisions for pooling receipts of supply plants confines the Akron-Stark County milkshed to the area from which producers can deliver their milk directly to the market. Akron-Stark County handlers cannot compete with Cleveland handlers for milk supplies from other areas which could supply either market. The supply received at distribution plants may not reflect production responses to the Class I price of the market in the same way that such responses are reflected in the Cleveland milk supply. It is concluded that should a supply plant serve the Akron-Stark County market on essentially the same basis as required for pool qualification in the Cleveland order, the farm milk supply of such plant should be priced and pooled.

Under these provisions a supply plant achieves pool status any month in which 30 percent or more of its dairy farm supply of milk is moved to distribution plants, and retains such status for such consecutive succeeding months that the volume shipped averages 30 percent. Shipments in excess of the minimum in one month may thus serve to qualify the plant in a succeeding month. Plants which deliver 10 percent or more of their supply each month of the normally short supply period of August through January, and 30 percent or more for the entire 6-month period, may continue pool status without shipments in the ensuing February–July period. Upon shipment of 10 percent each successive month of August through January, the next qualifying period for continuing status, such a previously qualified plant will continue in the pool, but must have again shipped 30 percent or more for the six-month period to retain continuing status. A provision of the Cleveland order for aggregate performance of multiple plants owned by the same handler need not be included in the Akron-Stark County order. No specific need for it was shown.

It was also proposed that in order for distribution plants to qualify for pool status, such plants should distribute 50 percent or more of their receipts from dairy farmers and supply plants on routes, either within or without the area. The record, however, does not show need for such a provision in this market. There is no indication that any presently regulated plants have distributed less than half their receipts on routes even though plants have heretofore been fully regulated without regard to the percentage of their farm milk supply disposed of on routes.

2. *Location adjustments.* Location adjustments to handlers and producers identical in amount with those provided under the Cleveland order should be provided with respect to milk received at pool plants located more than 40 miles from the nearest of Akron, Canton or Cleveland.

For the supply plant provisions adopted elsewhere in this decision to have any effect in expansion of the milkshed area, provision must be included for location differentials which recognize costs of transportation of milk from distant plants. It was proposed that such differentials be identical in amount with those provided in the Cleveland order at any given point, so that, in combination with proposed equalization of the Class I price, class prices of the two orders at any given point would be identical.

The Cleveland order, however, provides location adjustments at all points 40 miles or more from the Public Square in Cleveland. Much of the Akron-Stark County marketing area is more than 40 miles distant from Cleveland. It was proposed that no location adjustment apply in the marketing area or within 10 miles of any point in the area. It is concluded that no location adjustment should apply at any plant within 40 miles of the nearest of Cleveland, Akron or Canton. Akron and Canton are the two largest population centers of the marketing area. Four Cleveland supply plants are located within 40 miles of the nearer of these cities, but more than 40 miles from Cleveland. Such plants or others similarly situated should not receive a location adjustment under the Akron-Stark County order should they qualify for pool status under that order.

Outside the 40-mile limit, application of adjustments on the basis of mileage from Cleveland and use of Cleveland rates will give appropriate adjustments under the Akron-Stark County order in the areas from which supplies are most likely to be attracted to the market. Handlers will receive credit with respect to milk classified as Class I or Class II (under the revised classification provided herein Class II milk will be that used to produce cottage cheese and will be priced at 30 cents per hundredweight above milk for other manufacturing uses). Since interhandler movements of milk may be classified under the order by agreement between the handlers involved, credit on such milk should be limited to 105 percent of the volume required for Class I or II use by the transferee plant in excess of the direct receipts at such plant. In addition where there are movements from more than one plant, location adjustment should be first assigned to the plant with lowest rates of adjustment so that producers do not pay transportation costs on unnecessary movements of milk. Such provisions recognize that movements cannot be limited to the exact volume required for Class I and Class II use, but do not provide opportunity for credit on movement intended for Class III use.

The location adjustments to producers should apply to all deliveries of milk by the producer except for the months when payments are made on the quota plan of the order, when adjustments should be deducted with respect to eligible (within quota) milk only. These are the volumes for which such producers will share in marketwide utilization of milk in the higher classes.

3. *Class I price.* The Akron-Stark County Class I price should be the same as the Cleveland Class I price.

The Akron-Stark County price for Class I milk is presently 5 cents less than that of the Cleveland order. Handlers proposed deletion of this 5 cent differential as one of a group of interdependent proposals to bring closer alignment of the two orders. Producers proposed that the annual level of the Class I price be increased 37.5 cents and that the present seasonal changes in price be eliminated.

Fixed alignment of the Akron-Stark County Class I price with that of Cleveland was based upon the extensive competition in procurement and sales between dealers regulated under the two orders. Such competition continues and has intensified. Changes in the seasonality of the Akron-Stark County price cannot be made on the basis of this record without destroying price alignment with the Cleveland market. Neither can a change in the annual level of the amount proposed by producers who recognize the necessity for maintenance of alignment by suggesting that these proposals become effective upon adoption of similar prices in Cleveland. The provisions of the orders are such that Akron-Stark County producers and handlers participate in Cleveland hearings with respect to the Class I prices to be effective under both orders. Decision with respect to seasonality and the general level of prices should not be made on the basis of a hearing at which prices for the entire area were not open for consideration. Consideration of the Class I price should therefore be restricted to the relationship of the Akron-Stark County price to the Cleveland price.

Within the past year the volume of milk priced under the Cleveland order that is distributed in the Akron-Stark County area has increased substantially. Through increased distribution in the Cleveland area, a handler with a large volume of distribution in both areas became subject to the Cleveland order. The full Cleveland price, without location adjustment, applies at this handler's plant adjoining the city of Akron. Other Cleveland handlers have substantial sales of milk in the Akron-Stark County area.

In view of the increased volume of Cleveland milk distributed in the area and the opportunity provided through supply plants for closer alignment of competition in procurement it is concluded that the 5 cent differential in Class I prices should now be eliminated and that the Akron-Stark County Class I price should be the same as the Class I price of the Cleveland order.

4. *Classification.* No change should be made in the products named as Class I utilization. Specific provision should be made for classification and accounting for inventories of fluid milk products. Three classes of milk should be established to conform to the pricing provisions which now price separately that Class II milk used to produce cottage cheese.

The Akron-Stark County order now classifies as Class I milk disposition for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, cream and cream mixtures. It was proposed that skim milk, buttermilk, flavored milk drinks and concentrated milk be deleted from the list. The sole basis advanced for this proposal was the extent to which dry milk solids are available to the public without price regulation of the order. Such products may to some extent compete for consumer acceptance with the low fat fluid products now priced as Class I milk. Health authorities, however, require the fluid products to conform to the same standards of sanitation as fluid milk. Producers should not be expected to furnish inspected milk for such products at manufacturing milk prices. The proposal to delete them from Class I milk should be denied.

No specific classification is presently provided for inventories of fluid milk products. Testimony was offered at the hearing that specific provisions should be made for classifying such inventories in the lowest class of use, subject to a further charge if required for Class I use in the following month. Such inventories must enter into the accounting for current receipts and utilization. Uniformity of costs to handlers and simplicity of accounting are achieved if so far as possible Class I utilization each month is assigned to current receipts of producer milk. Classification of month-end inventories of fluid products at the lowest class of use with correlated allocation of opening inventories in series beginning with the lowest class provides a means of achieving this. Should the opening inventory be allocated to Class I use, provisions are included to equalize prices with that which would apply to current receipts of producer or other source milk as applicable. In order that Class I utilization may first be assigned to current receipts of producer milk, provisions for reclassification of nonfluid milk products are deleted and the other source milk definition is broadened to include any such products reprocessed or reconverted.

The order presently prices that Class II milk used to produce cottage cheese at a price 30 cents higher than other Class II milk. Location adjustments will apply to such milk, but not other Class II milk (new Class III). The application of location adjustments and allocation provisions will be clarified if a separate Class (Class II) is provided for the milk used to produce cottage cheese. Other uses now in Class II will be classified as Class III milk. This is provided as a conforming change.

5. *Diversion, allocation and compensatory payment provisions.* Certain handlers proposed that the sections of the order which (1) allocate producer milk and other source milk to the classes of use in a handler's plant, and (2) impose compensatory payments, become inoperative for any period in which producers or their cooperative fail or refuse to deliver milk to a handler in the market. These handlers also advocated that dairy farmers whose milk is withheld from the market by a cooperative association because of a demand for higher prices than those specified in the order should not retain producer status through diversion to nonpool plants for the account of the cooperative association.

When a handler has both producer milk and other source milk in his plant the order presently assigns the Class I sales for the month first to receipts from producers and other pool plants. The order requires a compensatory payment at the difference between the Class I and Class II (new Class III) prices with respect to other source milk not priced under any other order that is allocated to Class I when total producer receipts are 110 percent or more Class I sales for the market. Milk diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association retains its pool status as producer milk.

The pincipal testimony with respect to these proposals related to circumstances prevailing in January 1958, when, as a consequence of failure of handlers and the principal cooperative association in the Akron portion of the marketing area to agree on terms of delivery, no milk of member producers of this association was received by most Akron handlers for approximately the first 20 days of the month. Handlers claim that under such circumstances the allocation and compensatory payment provisions exact monetary penalties from them.

During January a total of 7.5 million pounds of other source milk was imported by Akron-Stark County handlers, of which 6.6 million pounds (88 percent) was from federally regulated sources. Approximately 58 percent of the total other source milk (4.4 million pounds) was allocated to Class I milk, 25 percent to cottage cheese manufacture and 17 percent to other Class II uses.

It is clear from the record evidence that of the imports from federally regulated sources no more than the 4.4 million pounds allocated to Class I milk under the Akron-Stark County order could have been priced as Class I milk under the originating orders. Handlers fail to cite specific data with respect to compensatory payments on milk from unregulated sources. Official notice is hereby taken that data released monthly by the market administrator show that for January 1958 the total charge for compensatory payments was less than for either September 1957 or November 1957, but somewhat in excess of other recent months. Under the circumstances prevailing in the Akron-Stark County area in January 1958 it is evident that no substantial monetary penalties accrued to handlers through order provisions. Any extraordinary procurement costs must have resulted from transportation costs on milk classified in a lower class in the market of origin and allocated to Class II milk under this order or in handling charges with respect to imported milk.

The proposed suspension of the effectiveness of the allocation provisions of the order would leave no provision for determining the classification of producer receipts for pricing purposes. The function of the allocation provisions is to determine the quantities of milk in each class to be charged the handler for current receipts of producer milk when he has receipts of both producer milk and other source milk. No evidence was offered with respect to the basis to be used for this determination should circumstances arise under which the proposal, if adopted, would become effective. In recognition of this problem proponents attempted to offer as a modification a substitute proposal beyond the scope of the hearing notice.

The proposal that failure or refusal of producers or cooperatives to deliver milk to a handler in the market be the determinative factor as to whether order provisions are applicable would require difficult administrative decisions. Producers term the interruption of deliveries in January a lockout, handlers term it a strike. The facts supporting these diverse positions illustrate the difficulty of establishing in the order properly limited conditions under which these provisions would become inoperative. This difficulty is inherent with respect to all three proposals.

The supply plant provisions included elsewhere in this decision will provide opportunity to qualify additional volumes of producer milk from a supply plant on the basis of current-month shipment of 30 percent or more of such plant's farm milk supply. There is thus opportunity for supplies brought in during periods of interrupted deliveries of direct shipped milk to be exempt from the provisions applicable to other source milk.

The proposal to deny pool status to milk delivered for the account of a cooperative because of a demand for prices above the minimums specified in the order would have its principal effect upon distribution of returns among producers. No producer support was offered for this proposal.

There is, however, one aspect of diverted milk which it appears administratively feasible to recognize in the order. In computation of the level of market supply that determines whether compensatory payments apply, milk diverted to nonpool plants for the account of a cooperative association should be included only if the association furnishes evidence that such milk was offered to handlers at order prices. Under normal circumstances such diversion does not take place unless market supplies are in excess of the 110 percent level specified in the order. Inclusion of such milk in the computation upon a showing that it was available to handlers at order prices will prevent handlers from refusing milk as a means of avoiding compensatory payments. Such payments are designed to remove the competitive advantage there is in using other source milk supplies instead of pool milk. The provision included will prevent the use of unnecessary diversion as a means of extending the function of compensatory payments beyond their intended purpose. Other than this change it is concluded that no action should be taken on the basis of this record with respect to order modification in periods of interrupted deliveries.

6. *Advance payments.* Provision should be made to require minimum advance payment on written request of a producer or a cooperative association which collects payment for milk of its members. The minimum advance required should be the value of milk delivered during the first fifteen days of the month at the 3.5 percent Class III price of the preceding month. Such advance payments should be made on or before the last day of the month to a producer, or on or before the 27th day of the month to a cooperative association.

Monthly payments, on or before the 18th day of the month following delivery, are now required under the order. It has been the custom of handlers to advance reasonable sums to producers upon request. A cooperative association which now collects under the terms of the order payments for milk delivered by its members, also makes advances upon request of such members and has so far received from handlers upon request monies required for this purpose. This association proposed that the order require minimum advance payments if requested as insurance against the contingency that a handler might refuse to continue the present voluntary basis. No opposition was offered to the proposal provided proper safeguard were included to prevent advance payments exceeding the total payment for the month.

The provisions adopted limit the producers entitled to advance payments on request to those who have not discontinued delivery to the handler by date of payment. This, together with the rate of payment, provides ample insurance against requiring excess payments. Payments required to a cooperative association are limited to associations which collect payment for members, and to the volume of milk delivered by members specified in the request for advance. The limitation of continued delivery need not apply in this case as the total payment to be collected will in all cases exceed the required advance. It is concluded that the order should include these provisions.

7. *Use of equivalent prices.* An "equivalent prices" provision should be included in this order. Various price quotations are used in the provisions of this order, such as, the prices reported paid by the twelve midwest condenseries, the price of butter on the Chicago market and the price of nonfat dry milk in the Chicago area. These prices are an integral part of the order and are necessary for the order to function properly. Plants formerly included in the midwestern condenseries series have ceased operations. Other price quotations have become unavailable with little, if any, advance notice. Provisions have been incorporated into orders to meet emergency conditions when price quotations may not be available to the market administrator. In the event price quotations are not available, the Secretary would determine a price equivalent to the price quotation specified in the order. Some provision of this type is necessary to meet emergency conditions when the time available would not be sufficient to permit the procedure required for order amendments.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, and are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The following order amending the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10 73d Congress, as amended, and as

reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 960.2 *Secretary.* **"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.**

§ 960.3 *Marketing area.* **"Akron-Stark County, Ohio, marketing area", hereinafter referred to as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County; Stark County, except Paris and Sugar Creek Townships; Franklin, Ravenna, Brimfield and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; Smith Township in Mahoning County, except Great Lot 35 thereof; Knox Township in Columbiana County; and Sections 1, 2, 3, 10, 11 and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio.**

§ 960.4 *Handler.* **"Handler" means any person (a) in his capacity as the operator of a pool plant, (b) in his capacity as the operator of a nonpool plant where milk is processed and packaged for distribution on a route(s) in the marketing area, and (c) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a plant for the account of such cooperative association.**

§ 960.5 *Pool plant.* **"Pool plant" means (a) any plant at which milk is packaged and distributed as Class I milk on a route in the marketing area except:**

(1) A plant specified in § 960.80 (a), (b) or (c); and

(2) A plant operated by a producer-handler.

(b) Any plant having the approval of the appropriate health authority of the marketing area:

(1) During the month in which it delivers to pool plant(s) described in paragraph (a) of this section an amount equal to 30 percent of its dairy farm supply of milk and, unless written notice to the contrary is received by the market administrator before the first day of the month, for such consecutive succeeding months as the 30 percent average is maintained.

(2) Following a period of August through January during which such plant has delivered to pool plant(s) described in paragraph (a) of this section, 10 percent or more of its total dairy farm supply during each month and 30 percent or more of such suply during the entire August–January period, unless written notice of intention to withdraw is received by the market administrator on or before the first day of the month, in which case such plant shall be a nonpool plant until it again qualifies pursuant to subparagraph (1) of this paragraph:

(i) During the months of February through July, regardless of shipments; and

(ii) During each successive month of August through January for which it delivers 10 percent or more of its total dairy farm supply to pool plant(s) described in paragraph (a) of this section.

§ 960.6 *Nonpool plant.* "Nonpool plant" means a plant other than a plant operated by a producer-handler, during such months as it is not a pool plant.

§ 960.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly designated as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at the pool plant from which diverted by a handler or at an identical location if diverted by a cooperative association.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk or butterfat contained in or represented by (a) receipts during the month of products named in § 960.41 (a) except (1) producer milk, and (2) receipts from other pool plants; and (b) other milk products from any source, including those produced at the plant, which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 960.10 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk from producers or from other sources; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or store) of Class I milk to a wholesale or retail stop(s).

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 960.15 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is not in excess of such producer's daily average quota computed pursuant to § 960.56 multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant, the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 960.56.

§ 960.16 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is in excess of eligible milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 960.56.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments of this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 960.74, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses (except those incurred under § 960.75) necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to § 960.70, § 960.72, § 960.74, § 960.75 or § 960.76;

(g) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate;

(1) On or before the 5th day of each month the minimum class prices for the preceding month for milk of 3.5 percent butterfat content, as computed pursuant to §§ 960.50, 960.51 and 960.52, and the butterfat differentials, computed pursuant to § 960.52.

(2) On or before the 13th day of each month the uniform price(s) for the preceding month, computed pursuant to § 960.61, or §§ 960.62 and 960.63 as applicable, and the butterfat differential for the preceding month computed pursuant to § 960.64.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation of this subpart as does not reveal confidential information.

(k) On or before the 13th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producers receipts of such handler.

(l) Provide notice, for each producer for whom a daily average quota is computed pursuant to § 960.56, on or before the first day of the month first stated in § 960.63 to: (1) Such producers, (2) cooperative associations for such producers who are its members, and (3) handlers for such producers from whom they received milk.

REPORTS, RECORDS AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month, each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (c), shall, with respect to milk or milk products which were received at a pool plant by such handler during the preceding month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from producers, and, for the months specified in § 960.63 the aggregate quantities of eligible milk;

(b) The quantities of butterfat and skim milk contained in or used to produce receipts of milk products specified in § 960.41 (a) from other pool plants;

(c) The quantities of butterfat and skim milk contained in or used to produce receipts of other source milk;

(d) The utilization of all butterfat and skim milk the receipt of which is required to be reported pursuant to this section;

(e) The pounds of butterfat and skim milk contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the use of milk as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler, and each handler who does not operate a pool plant, shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant(s) at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, and for the months specified in § 960.63, the pounds of eligible milk and of ineligible milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, (3) the nature and amount of each deduction or charge made by the handler, and (4) the number of days, if less than the entire month, for which milk was received from such producers.

§ 960.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.74, 960.75, and 960.76.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler which is required to be reported pursuant to § 960.30 shall be classified pursuant to §§ 960.41 to 960.44.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, and cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) or (b) of this section; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in cream frozen; (4) in shrinkage of producer milk up to 2 percent of receipts from producers; (5) in shrinkage of other source milk; and (6) in inventories of products specified in paragraph (a) (1) of this section on hand at the end of the month.

§ 960.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

§ 960.43 *Responsibility of handlers.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I utilization unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified otherwise.

§ 960.44 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk, skim milk or cream shall be Class I utilization unless utilization in another class is indicated by the operators of both plants in their reports submitted pursuant to § 960.30: *Provided,* That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class in the pool plant(s) of the transferee handler after allocating other source milk in such plant(s) in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 960.80 or to a nonpool plant shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the operator of the pool plant in his report submitted pursuant to § 960.30.

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of the utilization claimed.

(3) If the above conditions are met, the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim milk and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I utilization after allocating skim milk and butterfat in milk received from dairy farmers whom the market administrator determines constitute the regular source of milk for Class I uses at such plant, in series beginning with Class I utilization.

(c) Skim milk and butterfat transferred in the form of milk, skim milk, or cream to a producer-handler shall be classified as Class I utilization.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of butterfat.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class III utilization the pounds of butterfat shrinkage allowed pursuant to § 960.41 (c) (4);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in Class III milk, Class II milk and Class I milk, in series beginning with Class III, the pounds of butterfat contained in inventory of products specified in § 960.41 (a) (1) on hand at the beginning of the month;

(f) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 960.44 (a); and

(g) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section.

(h) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 960.47 *Allocation of skim milk.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 960.46.

MINIMUM PRICES

§ 960.50 *Class I milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I milk shall be the Class I price as determined pursuant to § 975.61 of this chapter.

§ 960.51 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class II milk shall be the higher of the prices computed by the market administrator pursuant to § 960.52 (a) or (b) plus 30 cents.

§ 960.52 *Class III milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class III milk shall be the higher of the prices computed by the market administrator pursuant to paragraph (a) or (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A 92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average, as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 960.50, 960.51 and 960.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II and Class III milk.* Multiply by 1.15, and divide the result by 10.

§ 960.54 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received at a pool plant located 40 miles or more, by the shortest highway distance from the nearest of the Public Square in Cleveland, Ohio, the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, as determined by the market administrator, and classified as Class I or Class II milk, there shall be deducted:

(a) 13 cents per hundredweight, if such distance from the Public Square in Cleveland, Ohio, is more than 40 miles but not more than 60 miles; and

(b) 20 cents per hundredweight, if such distance from the Public Square in Cleveland, Ohio, is more than 60 miles but not more than 74 miles, and 2 cents per hundredweight additional for each 14 miles or fraction thereof in excess of 74 miles.

(c) For the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, transfers between pool plants shall be assigned to Class I and Class II milk in a volume not in excess of that by which Class I and Class II milk at the transferee plant exceeds receipts of producer milk at such plant, such assignment to transferor pool plants to be made in such sequence as will result in computation of the least total location adjustment.

§ 960.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 960.56 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 960.57 the market administrator shall determine quotas for producers as follows: During each of the months specified in § 960.63 the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period.

§ 960.57 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant(s), and by any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall be a sum of money computed by the market administrator as follows:

(a) Multiply by the applicable class prices, adjusted pursuant to §§ 960.53 and 960.54, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 960.46 and 960.47;

(b) Add an amount computed by multiplying any excess utilization classified pursuant to § 960.46 (h) and § 960.47 by the applicable class prices; and

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 960.46 (e) and the corresponding step of § 960.47, or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month.

§ 960.61 *Computation of uniform price.* For each month (except those specified in § 960.63) the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to pool plants at which no location adjustments are applicable as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 960.72 (b);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.76;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.64 multiplied by 10;

(f) Add the aggregate value of all allowable producer location adjustments pursuant to § 960.65;

(g) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(h) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Computation of ineligible milk price.* For the months specified in § 960.63, the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk by the price for Class III milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjusting to the nearest cent.

§ 960.63 *Computation of eligible milk price.* For each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content received from producers at a pool plant by:

(a) Subtracting the value of ineligible milk obtained in § 960.62 (a) from the aggregate value of milk computed pursuant to § 960.61 (a) to (f) and adjusting by an amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 960.64 *Producer butterfat differential.* In making payments pursuant to § 960.70, the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 960.53, weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest tenth of a cent.

§ 960.65 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 960.70, a handler may deduct with respect to eligible milk received from producers during the months specified in § 960.63 and with respect to all milk received from producers during the other months, at a pool plant located 40 miles or more, by the shortest highway distance from the nearest of the Public Square in Cleveland, Ohio, the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, as determined by the market administrator:

(a) More than 40 miles but not more than 60 miles from the Public Square in Cleveland, Ohio, an amount not to exceed 13 cents per hundredweight; and

(b) More than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, an amount not to exceed 20 cents per hundredweight, and 2 cents per hundredweight additional for each additional 14 miles or fraction thereof.

§ 960.66 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to §§ 960.46 and 960.47 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the month computed pursuant to § 960.61 or §§ 960.62 and 960.63, as applicable; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.74 and 960.75.

PAYMENTS

§ 960.70 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 960.61 or §§ 960.62 and 960.63 adjusted by the butterfat and location differentials pursuant to §§ 960.64 and 960.65, and less any proper deductions authorized by the producer, including advance payments made pursuant to paragraph (c) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 960.73 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Upon written request filed with him on or before the 15th day of the month by a producer, or by a cooperative association which collects payments pursuant to paragraph (b) of this section, each handler shall make advance payment as follows:

(1) On or before the last day of the month, to each such producer who has not discontinued delivery of milk to such handler, an amount not less than the value of milk received from such producer during the first 15 days of such month computed at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling;

(2) On or before the 27th day of the month, to the cooperative association, with respect to milk received during the first 15 days of the month from certified members specified in the request for advance payment, an amount not less than the aggregate value of such milk at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.76 and out of which he shall make all payments pursuant to §§ 960.73 and 960.76.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay all producers pursuant to § 960.70 such handler shall pay the difference between the two amounts.

(b) If during the preceding month total receipts of producer milk (exclusive of milk diverted from the pool plant of another handler to a nonpool plant for the account of a cooperative association unless written evidence is furnished the market administrator that such milk was offered for delivery to a pool plant at class prices of the order) was 110 percent or more of the total Class I milk at pool plants, an amount equal to the difference between the values (at test and location) at the Class I price and Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 960.46 (b) and the corresponding step of § 960.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 960.46 (e) and the corresponding step of § 960.47 which is in excess of the sum of:

(i) The quantity for which a payment is computed pursuant to § 960.60 (c), and

(ii) The quantity subtracted from Class III pursuant to § 960.46 (e) in the month preceding.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month less any unpaid obligations of the handler to the market administrator pursuant to §§ 960.72, 960.74, 960.75 (a), and 960.76 (a): *Provided,* That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this section, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 960.22 (d), each handler shall pay the market administrator on or before the 16th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), and (b) all other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding portion of § 960.47.

§ 960.75 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler for the amount of any loss sustained by him because of any improper claim on the part of the association, and a certification that the association has an unterminated membership contract with each producer, which contract authorizes the claimed deduction. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted within 16 days after the end of the month.

§ 960.76 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 960.43 resulting in monies due (a) the market administrator from such handler or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section the class prices, the appropriate uniform price, the butterfat differential, the rate of administrative assessment pursuant to § 960.74, and the rate of marketing service deduction pursuant to § 960.75 which were applicable in the month for which the original calculation of amounts due were made shall be used.

§ 960.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 960.80 *Handler exemption.* A handler operating any plant specified below shall be exempted with respect to the milk received of such plant during the month from all provisions of this subpart except §§ 960.31, 960.32 and 960.33:

(a) A plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area;

(b) A plant at which the Secretary finds is subject during the month to another Federal order; or

(c) A plant at which no milk approved by the health authorities of any community of the marketing area for consumption as fluid milk is received from dairy farmers and from which disposition of Class I milk in the marketing area is permitted only in portions of the marketing area for which no health authority exercises jurisdiction with respect to approval of milk for fluid consumption.

§ 960.81 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.91 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.93 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribtuion, such excess shall

be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4914; Filed, June 26, 1958; 8:51 a. m.]

[7 CFR Part 966]

[Docket No. AO-257-A4]

HANDLING OF MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Shreveport, Louisiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

***Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Monroe, Louisiana, on March 4-6, 1958, pursuant to notice thereof which was issued February 7, 1958 (23 F. R. 911).**

The material issues on the record of the hearing relate to:

1. Extension of the marketing area.

2. Revision of order provisions with respect to the classification of milk.

3. The level of class prices in the present and proposed extended marketing area.

4. Establishment of location adjustments from the nearer of the city halls at Shreveport and Monroe, Louisiana, and the revision of the present rate of adjustment.

5. Changes in the assignment and transfer of bases.

6. A revision of the computation of the value of producer milk when a handler has other source milk allocated to Class I in the same month that associated producer milk is assigned to such handler.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Shreveport, Louisiana, marketing area should be expanded to include all the territory in Claiborne, Lincoln, Morehouse, Ouachita, and Union Parishes, and redesignated as the Northern Louisiana marketing area.

Three proposals were made with respect to expanding the marketing area. In addition to the area herein recommended producers proposed the inclusion of Caldwell, Madison, Richland and West Carroll Parishes; handlers proposed (1) the inclusion of Franklin Parish, and (2) Natchitoches Parish, the city of Leesville and the military installation at Camp Polk in Vernon Parish.

The recommended area includes the principal sales areas of those distributors in and around Monroe who compete with presently regulated Shreveport handlers. The cities of Haynesville and Homer in Claiborne parish are presently a part of the marketing area. A regulated handler at Haynesville and a handler operating an approved plant at El Dorado, Arkansas, compete with each other in the distribution of fluid milk products throughout Claiborne parish as well as these two cities. These handlers and those located in Ouachita Parish also compete for the supply of producer milk in Claiborne Parish. The trade situation in Union Parish is similar to that in Claiborne except that the centers of population are smaller. It is in the remaining three—Lincoln, Ouachita, and Morehouse—of the five parishes herein recommended in the expansion of the marketing area where the trade between the regulated distributors located in Shreveport and Monroe is the most extensive. Located within these three parishes are five milk distributors procuring milk from approximately 200 producers. One of these distributors located in Monroe is currently regulated by the order. Sales distribution of all five of these handlers is interwoven in the additional five parishes recommended herein to be added. Two regulated handlers located in Shreveport distribute fluid milk products in Monroe and the territory between the two cities. Such sales represent approximately 10 percent of their business. Approximately 10 percent of the fluid milk business of a Monroe handler is distributed in the present Shreveport area.

The handling of milk under the present Shreveport order and in the new territory recommended is closely related, as previously demonstrated. The health regulations applicable to milk sold in these markets are the same. Hence, it is concluded that expansion of the Shreveport area should be limited to the parishes herein recommended. These parises embrace most of the trade territory of the group of competing distributors operating therein. It is this inter-relationship of the trade, that determines and justifies the extension of the Shreveport marketing area, herein recommended. Such extension may be said to be essential to the maintenance of stability and orderly marketing in the market for producer milk.

The inclusion of Natchitoches Parish and parts of Vernon Parish has been an issue in two previous decisions (19 F. R. 887 and 21 F. R. 3967). In both decisions the conclusion was to reject the addition of this territory as a part of the marketing area. These decisions found that the supply of producer milk was not adequate on a year-round basis for the Class I needs of the existing marketing area; presently regulated handlers apparently are able to compete successfully with milk distributors in these parishes as well as in the larger territory of central and southeastern Louisiana; and finally such a proposal would bring under regulation handlers with sources of supply and points of distribution primarily associated with other markets. For these reasons, and the fact that this record adds no new evidence in support of the proposal, it is concluded that this territory should not be included in the marketing area.

The evidence does not justify the inclusion of the parishes of Caldwell, Franklin, Madison, Richland and West Carroll. The excluded parishes are essentially rural in character and the distribution therein represents fringe area sales to the Northern Louisiana (Shreveport-Monroe) area as proposed in this decision. It is not necessary or feasible to include in a marketing area all of the territory where a regulated handler competes for retail and wholesale outlets.

Two distributors operating in these parishes have a minor portion of their sales in the area herein recommended. Whether the volume of such sales would be great enough to make them subject to the regulation is not clear. One of these distributors proposed the inclusion of Franklin parish for protection against competition with unregulated distributors. While he is a major distributor in Franklin parish, having approximately 80 percent of the sales, his testimony showed that nearly half of his business is in localities that were not proposed for the marketing area. No sales are made in these parishes from fluid milk plants located in the present marketing area. Distribution in these five excluded parishes is a minor portion of the sales of a presently regulated fluid milk plant located in Monroe and of another plant located in Monroe which would be regulated by the inclusion of the area herein recommended. Thus the exclusion of these parishes would not unduly restrict sales or the procurement of producer milk by regulated handlers.

The provisions of the order modified, as recommended herein, are appropriate and economically sound for the regulation of the handling of milk both for the present marketing area and for the additional territory. The expanded market territory, however, should be redesignated the Northern Louisiana marketing area.

2. The order provisions affecting the classification of milk should be revised.

Two proposals were made with respect to the classification of milk. One proposal would merely clarify the order language. The other proposal would increase the daily amount of skim milk permitted to be accounted for as dumped and classified as Class II, from 1,500 pounds to 2,500 pounds, or 7 percent of skim milk received in producer milk, whichever is greater. The present and proposed provisions require that the market administrator be given at least 24 hours' notice of the handlers' intention to make such disposition of skim milk.

The evidence is that handlers move excess skim milk to manufacturing plants or dispose of it as livestock feed whenever it is possible to do so. The producers' association has full supply contracts with several handlers and assists other handlers in obtaining supplies of milk when the market is in short supply. Under these market conditions and where the order requires that handlers must account for dumped skim milk as a Class II disposition and notify the market administrator in advance of such dumping of skim milk there is no need to place a quantitative limitation. It is therefore recommended that the order language with respect to classification be revised for clarification and also to eliminate the present limitation on the amounts of skim milk that may be dumped during the months of April, May and June, and accounted for as Class II disposition.

3. The class prices for milk in the present marketing area should apply to the extended area. Action with respect to class prices in the present marketing area was taken in a separate decision issued June 10, 1958.

Producers proposed that a higher Class I price—15 cents per hundredweight above Shreveport—should apply to milk received from producers at fluid milk plants located in the parishes of Ouachita and Morehouse. A handler also recommended that the differential in these two parishes should be 20 cents above Shreveport.

The procurement of supplies and sales of fluid milk products under the present Shreveport order and in the additional area recommended is closely related. The relationship of the supply of producer milk to Class I sales in the new territory is approximately the same as in the present marketing area. The utilization of producer milk in Class I, in the present area, averages over 90 percent. The same high Class I utilization has been experienced in the additional territory.

Until the summer of 1957, Class I prices and blend prices to producers in the Ouachita-Morehouse area have been 15-20 cents per hundredweight higher than prices under the order. Such was also the case before April 1955 when the order was first made effective. But, marketing conditions in the whole Northern Louisiana marketing area, as recommended herein, are not static. A handler, presently regulated by the order, located in Ouachita Parish started distributing milk in the rural areas of the present marketing area in April 1955. Since that time distribution has increased and includes the metropolitan area of the city of Shreveport. Likewise two handlers located in Shreveport have gradually extended their sales territory eastward to include Ouachita Parish, where the cities of West Monroe and Monroe are located. The fact that the location differential for the regulated plant in Ouachita Parish is nineteen and a quarter cents less than the price of producer milk delivered to fluid milk plants in Shreveport resulted in a lowering of class prices and prices to dairy farmers by handlers in this general area.

But under existing market conditions, previously stated in this decision (i. e. intramarket trade competition, common areas of procurement and similar supply-demand relations) the Class I price structure in the new territory should be the same as that in the present marketing area.

4. In the expanded marketing area location adjustments should apply to milk received from producers at fluid milk plants located more than 50 miles from either the city hall in Minden or Monroe, Louisiana, whichever is closer. The rate at such plants should be 12 cents less than the announced price and less an additional 1 cent for each additional 10 miles or fraction thereof for fluid milk plants located beyond 60 miles.

The recommended differential provision would result in the same Class I price at all plants within the expanded marketing area. The provisions of the order presently provide location adjustments beyond a 40-mile radius of the city hall in Shreveport. The rate is 1.75 cents for each 10 miles or fraction thereof that the fluid milk plant is located from the Shreveport city hall. Two plants currently regulated under the order have location differentials of 12.25 cents and 19.25 cents. Producers proposed at the hearing that the location adjustments should not apply to milk received from producers at fluid milk plants located within 75 miles of the city hall at either Shreveport or Monroe and that the rate should be reduced to 1 cent for each 10 miles distance from the city hall. But, this proposal would extend uniform Class I prices to possible plant locations far beyond the borders of the expanded area. Evidence supports uniform prices within the area, but not for locations at substantially greater distances from central area points.

Hence, it is recommended that location adjustments should apply only to milk received at fluid milk plants more than 50 miles from either the city hall in Minden or Monroe. These cities would serve as convenient locations in the expanded area from which to determine zones for location differentials. Milk produced closer than 50 miles can be readily transported directly from producers' farms to distributing plants in the principal consuming communities in the marketing area as recommended herein. Therefore, the need for location differentials at plants within the marketing area is not justified under present marketing conditions. A higher rate for relatively short distances is justified as compared with long-distance movements of milk. The record evidence substantiates a differential of 12 cents per hundredweight hauling cost within the radius of 50 to 60 miles of the recommended basing points and 1 cent for each additional 10 miles beyond 60 miles. The producers' association procures and hauls supplemental supplies of bulk milk from nonfluid milk plants to effect full supply contracts that it has with some handlers. The proposed location adjustment rate represents the actual cost of hauling such milk by the cooperative in fulfilling their contracts with handlers. There was no opposition to the use of this rate, but it was supported by a handler witness. The location differential for existing approved plants located outside the marketing area will be approximately the same as under the present order provisions. In paying producers, the applicable location differential should be the same as the Class I price differential to handlers. This is as the order presently provides.

5. The base plan rules should be revised.

In the order provisions defining distributing and supply plants certain requirements are set forth which determine that such plants are primarily associated with this marketing area. Therefore, dairy farmers who become producers under the order as a result of a plant becoming a fluid milk plant by meeting the required distributing or supply plant qualifications or by the extension of the marketing area should be assigned bases. Accordingly, the order language has been revised to provide assignment of bases to dairy farmers who become producers under such circumstances.

The intent of the order is to provide a means of determining a base for each producer in accordance with the actual receipts of milk at fluid milk plants during the base-forming period. To accomplish this intent under conditions where bases are transferred, the total base should be determined by adding together the milk deliveries of the transferee and transferor during the base-forming period and dividing this total by the number of days from the first day milk was received from either producer during the base-forming period to the last day of such period but not less than 90. This proposed revision of the base rules conforms with the practices currently in effect in this market as a result of administrative decision.

6. No change should be made in the computation of the value of producer milk.

Producers requested a review of the computation of the value of producer milk when a handler has other source milk allocated to Class I in the same month that associated producer milk is assigned to such handler. Producers failed to offer a specific proposal to amend the order in respect to the problem cited.

The record evidence is that handlers are not displacing producer milk in their Class I utilization with receipts of bulk milk from other sources. It is not intended that associated producer milk affect the handlers cost of milk. The associated producer provisions merely provide a sharing of returns among producers and associated producers. There was no showing that the present allocation provisions of the order failed to insure that producer milk receives the highest utilization possible, since any receipts of other source milk is subtracted first from the Class II utilization of the fluid milk plant. Under these circumstances additional safeguards to protect the interests of producers permanently associated with the market are not justified by the evidence.

The entire order is redrafted to incorporate conforming provisions to accommodate the changes recommended herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Shreveport, Louisiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

§ 966.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 966.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 966.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 966.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 966.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 966.6 *Northern Louisiana, Marketing Area.* "Northern Louisiana, Marketing Area," hereinafter called the "marketing area," means all territory within the boundaries of the Parishes of Bossier, Caddo, Claiborne, Desoto, Lincoln, Morehouse, Ouachita, Red River, Union, and Webster, all in the State of Louisiana.

§ 966.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to an average of more than 1,500 pounds per day or not less than 4 percent of the Grade A milk and skim milk received from producers and other plants is disposed of during the month through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 966.8 *Supply plant.* "Supply plant" means any plant from which "Grade A" milk or skim milk is received during the month at a distributing plant:

(a) In any of the months of March through June; and

(b) On ten or more days or in an amount equal to a daily average of not less than 8,300 pounds in any of the months of July through February.

§ 966.9 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 966.10 *Approved plant.* "Approved plant" means (a) a fluid milk plant and (b) any milk processing or packaging plant from which Class I milk is disposed of through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets located in the marketing area.

§ 966.11 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant.

§ 966.12 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade "A" inspection requirements for milk for fluid consumption which milk is (a), received at a fluid milk plant or (b) diverted for the account of a handler from such plant during the month to a nonfluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted: *And provided further,* That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the Act.

§ 966.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and received at the fluid milk plant directly from producers or diverted pursuant to § 966.12.

§ 966.13a *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at a fluid milk plant or diverted from it by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(b) Delivered milk for not less than 60 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 966.13b *Associated producer milk.* "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a nonfluid milk plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1): *Provided,* That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 966.32 (c).

§ 966.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 966.41 (a) (1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 966.41 (b) (1) and (6) from any source (including those produced at the plant) which are reprocessed or converted to another product during the month.

§ 966.15 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 966.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from dairy farmers or producers.

§ 966.17 *Base-forming period.* "Base-forming period" means the months of September through December.

§ 966.18 *Base-operating period.* "Base-operating period" means the months of February through July.

§ 966.19 *Base milk.* "Base milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 966.80.

§ 966.20 *Excess milk.* "Excess milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.

§ 966.21 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 966.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 966.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 966.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 966.94 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 966.93 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties);

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 966.30 to 966.32, or payments pursuant to §§ 966.90 to 966.95, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 966.51 (a) and the Class I butterfat differential pursuant to § 966.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 966.51 (b) and the Class II butterfat differential pursuant to § 966.52 (b), both for the preceding month;

(2) On or before the 10th day of each month, the uniform price(s) computed pursuant to § 966.72 or § 966.73 as applicable, and the butterfat differential computed pursuant to § 966.91.

(k) Mail to each handler at his last known address a statement showing for such handler;

(1) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler;

(2) On or before the 12th day after the end of the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(3) On or before the 10th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant § 966.90 (f): *Provided*, That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

REPORTS, RECORDS AND FACILITIES

§ 966.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer and, for the months of the base-operating period, the quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 966.41 (a) (1) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 966.41 (a) on hand at the beginning and end of the month;

(e) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 966.31 *Payroll reports.* On or before the 20th day of each month, each handler, except a producer-handler shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show:

(a) The name and address of each producer;

(b) The total pounds and the average butterfat test of milk received from such producer;

(c) The number of days, if less than the entire month, for which milk was received from such producer; and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(d) The rate and net amount of payment to each producer; and

(e) The nature and amount of any deductions or charges involved in such payments.

§ 966.32 *Other reports.* (a) Each producer-handler and each handler operating a nonfluid milk plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonfluid milk plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and name of the plant to which such milk is to be diverted; and

(c) Each associated producer shall submit to the market administrator on or before the 3d day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in Class II products pursuant to § 966.41 (b) on or before the 12th day of the month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to this paragraph.

§ 966.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat from any source;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers or cooperative association and disbursements of money so deducted.

§ 966.34 *Retention of records.* All books and records required this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act, or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 966.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 966.30 shall be classified by the market administrator pursuant to the provisions of §§ 966.41 to 966.46.

§ 966.41 *Classes of utilization.* Subject to the conditions set forth in §§ 966.43 and 966.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk and drinks, cream, cultured sour cream, and any mixture of cream and milk or skim milk except that classified pursuant to paragraph (b) (2) and (5) of this section; (2) used to produce concentrated fluid milk; and (3) not specially accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, evaporated milk, condensed milk and milk products packaged in hermetically sealed containers or any other product not specified in paragraph (a) (1) of this section;

(2) Disposed of and used for livestock feed or skim milk dumped during April, May and June: *Provided*, That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month;

(4) In shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in receipts from producers and other source milk;

(5) Disposed of to commercial bakeries or food product manufacturing plants (other than nonfluid milk plants) which do not dispose of milk for fluid consumption; and

(6) In frozen cream.

§ 966.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of a handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 966.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 966.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 966.41 (a) (1), to the fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 966.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 966.46 (a) (2) and (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 966.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims Class II utilization in a product specified in § 966.41 (b);

(2) The operator of such nonfluid milk plant maintains adequate books and records showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 966.41 (a) (1) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk or cream so transferred or diverted.

§ 966.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids content of such product together with all of the water originally associated with such solids content.

§ 966.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 966.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 966.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 966.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 966.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 966.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 966.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 966.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed, pursuant to paragraphs (a), (b), and (c) of this section rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 966.51 *Class prices.* Subject to the provisions of §§ 966.52 and 966.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months of March, April, May and June, and plus $2.40 for all other months; and

(b) *Class II milk price.* The minimum price shall be the price computed pursuant to § 966.50 (c) for the months of March, April, May and June and the higher of the prices computed pursuant to § 966.50 (b) or (c) for all other months, rounded in each case to the nearest one-tenth cent.

§ 966.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 966.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 966.53 *Location adjustment to handlers.* For milk received from producers at a fluid milk plant located more than 50 but not more than 60 miles by shortest hard surfaced highway distance, as determined by the market administrator, from either the City Hall in Minden or Monroe, Louisiana, whichever is closer and which is classified as Class I, the prices determined pursuant to § 966.51 (a) shall be reduced 12 cents and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 60 miles.

§ 966.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices, or for any other purpose, is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to such required price.

APPLICATION OF PROVISIONS

§ 966.60 *Producer-handler.* Sections 966.40 to 966.46, 966.50 to 966.53, 966.70 to 966.72, 966.80 to 966.82, and 966.90 to 966.96 shall not apply to producer-handler.

§ 966.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a nonfluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Northern Louisiana marketing area (i) through retail or wholesale outlets (other than distributing plants) during the month, or (ii) to distributing plant(s) in each of the preceding months of September through December, and (2) such plant would be subject to the classification and the pricing provision of such other order.

(b) The operator of such approved plant shall with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 966.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 966.70 *Net obligation to handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together resulting amounts:

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 966.46 (a) (6) and (b) by the applicable class price;

(c) Add an amount computed as follows;

(1) Determine the pounds, if any, that the skim milk or butterfat in inventory subtracted from Class I milk pursuant to § 966.46 (a) (3) and (b) is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and

(2) Multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

§ 966.71 *Computation of aggregate value used to determine uniform prices.* For each month, the market administrator shall compute for each handler who operates a fluid milk plant an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add to the amount computed pursuant to § 966.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) multiplied by the Class II price;

(b) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk and associated producer milk;

(c) Add an amount equal to the total deductions to be made pursuant to § 966.92; and

(d) Add the amount represented by any deductions made for eliminating a fraction of a cent in computing the uniform price(s) for such handler for the preceding month.

§ 966.72 *Computation of uniform prices.* For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of producer milk received by, and associated producer milk assigned to, such handler. The result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

§ 966.73 *Computation of the uniform prices for base milk and for excess milk.* For each of the months of the base-operating period, the market administrator shall compute for each handler a uniform price for base milk and for excess milk as follows:

(a) Compute the value, subject to the conditions set forth in paragraph (b) of this section, of excess milk received by such handler by multiplying the quantity of such milk by the Class II price;

(b) Compute the value of base milk received by such handler by subtracting the value obtained pursuant to paragraph (a) of this section from the value obtained pursuant to § 966.71: *Provided*, That if such resulting value is greater than the amount computed by multiplying the hundredweight of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent the excess price shall not exceed the base price. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(c) Divide the value obtained pursuant to paragraph (b) of this section by the hundredweight of base milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for base milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana; and

(d) Add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section to the value obtained pursuant to paragraph (a) of this section and divide by the hundredweight of excess milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content at a fluid milk plant, located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

DETERMINATION OF BASE

§ 966.80 *Computation of daily average base for each producer.* The daily average base for each producer shall be an amount calculated by the market administrator as follows: Divide the total pounds of milk received by the handler(s) from such producer during the base-forming period by the number of day's production a producer delivered during the base-forming period, but not less than 90.

§ 966.81 *Computation of base.* The base of each producer to be applied during the base-operating period shall be a quantity of milk calculated by multiplying the daily base of such producer by the number of days for which such producer's milk was received by such handler during the month.

§ 966.82 *Base rules.* The following rules shall apply for the establishment and transfer of bases:

(a) The base shall be assigned to the producer for whose account milk is received by a handler during the base-forming period and to each person for whose account producer milk was delivered to a plant that did not qualify as a fluid milk plant during each month of the base-forming period but which qualifies as a fluid milk plant during any of the months of February through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a fluid milk plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the baseholder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base-forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base-forming period to the last day of December inclusive but not less than 90 days.

§ 966.83 *Announcement of established bases.* On or before the 25th day after the end of the base-forming period, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 966.90 *Payments to producers.* Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month which is not in the base-operating period for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 966.72 subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively, plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 966.93 and (3) proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of the base-operating period for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, adjustments for errors made in previous payments to such producer, marketing service deductions pursuant to § 966.93 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 966.73 for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 966.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively;

(d) On or before the 11th and 25th days of each month, in lieu of the payment pursuant to paragraphs (a) and (b) and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b) and (c) or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(f) On or before the 12th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to § 966.72 or § 966.73, as applicable, and the Class II price determined pursuant to § 966.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 15th day after the end of the month, make appropriate payment to each associated producer, such payments to be verified pursuant to § 966.32 (c) (2).

§ 966.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 966.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 966.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 966.92 *Location differentials.* In making payment to producers and cooperative association pursuant to § 966.90 a handler may deduct, with respect to producer and associated producer milk received at or assigned to a fluid milk plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the nearer of the city halls in Minden or Monroe, Louisiana, the amount per hundredweight applicable to such plant pursuant to § 966.53.

§ 966.93 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 966.90 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 966.31.

§ 966.94 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 966.46 (a) (2) and (b); (b) producer milk including such handler's own production; (c) Class I milk distributed during the month on routes (including routes operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant other than a plant as defined under § 966.61; and (d) associated producer milk.

§ 966.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 966.96 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money;

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler and said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 966.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 966.101.

§ 966.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 966.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 966.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 966.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 966.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4915; Filed, June 26, 1958; 8:51 a. m.]

Agricultural Research Service

[7 CFR Part 301]

JAPANESE BEETLE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and sections 103 and 106 of the Federal Plant Pest Act (Title I, Pub. Law 85-36, 71 Stat. 32, 33), is considering amending notice of quarantine No. 48 relating to the Japanese beetle and the regulations supplemental to said quarantine (7 CFR 301.48, 301.48-1 et seq., as amended, 23 F. R. 3371) to read as follows:

QUARANTINE

Sec	
301.48	Notice of quarantine.

REGULATIONS

301.48-1	Definitions.
301.48-2	Designation of regulated area.
301.48-3	Japanese beetles; conditions of movement.
301.48-4	Other regulated articles; conditions of movement.
301.48-5	Use of certificates or limited permits with shipments.
301.48-6	Protecting certified articles.
301.48-7	Conditions governing the issuance of certificates and limited permits.
301.48-8	Assembly of articles for inspection.
301.48-9	Cancellation of certificates or limited permits.
301.48-10	Inspection and disposal.
301.48-11	Nonliability of Department.

AUTHORITY: §§ 301.48 to 301.48-11 issued under sec. 9, 37 Stat. 318, secs. 103, 106, Title I, Pub. Law 85-36, 71 Stat. 32, 33; 7 U. S. C. 162, 150bb, 150ee. Interpret or apply sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161.

QUARANTINE

§ 301.48 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act

(Title I, Pub. Law 85–36, 71 Stat. 32, 33, 7 U. S. C. 150bb, 150ee) and sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended, 7 U. S. C. 161, 162), and after the public hearings required thereunder, the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, have been quarantined to prevent the spread of the Japanese beetle, a dangerous insect notoriously injurious to cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and said States are hereby continued to be quarantined and regulations are hereinafter prescribed (§§ 301.48–1 to 301.48–11) governing the movement of the Japanese beetle and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from any quarantined State into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: (a) Soil, humus, compost, and decomposed manure; (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; (c) grass sod; (d) plant crowns or roots for propagation; (e) true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; and (f) other farm products and trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever, not covered by paragraphs (a) through (e) of this section, when it is determined in accordance with the regulations that they present a hazard of spread of Japanese beetles. However, the requirements of this quarantine and other regulations with respect to such products, articles, and means of conveyance are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulation, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of Japanese beetles, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of Japanese beetles and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of Japanese beetles within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, and means of conveyance to which the regulations apply, making it safe to modify by making less stringent the requirements contained in the regulations, except § 301.48–3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portions thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas. Under the Federal Plant Pest Act, no person shall knowingly move any Japanese beetles into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such beetles so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.48–1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (Popillia japonica Newm.), in any living stage of development.

(b) *Infestation.* The presence of the Japanese beetle.

(c) *Regulated area.* Any quarantined State, or any county, other minor civil division, or part thereof, in such a State, designated in administrative instructions under § 301.48–2 as a regulated area.

(d) *Regulated articles.* Japanese beetles, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the Japanese beetle quarantine (§ 301.48) and the regulations in §§ 301.48–1 to 301.48–11.

(e) *"Moved" ("movement," "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(f) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing, or for treatment.

(i) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(j) *Administrative instructions.* Published documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(k) *Inspector.* An inspector of the United States Department of Agriculture.

(l) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.48–2 *Designation of regulated areas.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the quarantined States, or counties, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such States or civil divisions, and parts thereof, as regulated areas. Any area so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures, if necessary, have been practiced for a sufficient length of time to eradicate the Japanese beetle therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such area as a regulated area.

§ 301.48–3 *Japanese beetles; conditions of movement.* Live Japanese beetles shall not be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such beetles so moving shall not be accepted unless such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the beetles when they are so moved.

§ 301.48–4 *Other regulated articles; conditions of movement*—(a) *Designated articles.* Unless exempted by administrative instructions, the following may be moved from any regulated area into or through any point outside of the regulated areas only if accompanied by a valid certificate or limited permit issued in compliance with § 301.48–7 and if the applicable requirements of §§ 301.48–5 and 301.48–6 are also met: Soil, humus, compost, and decomposed manure; forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; grass sod; plant crowns or roots for propagation; true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvester or uncured. However, regulated articles of kinds within this paragraph which originate outside of the regulated areas and are moving through or are being reshipped from a regulated area may be moved from such regulated area into or through any point outside of the regulated areas without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated areas in a manner satisfactory to an inspector and do not present a hazard of spread of the Japanese beetle. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated areas.

(b) Articles determined to present hazards. When it has been determined by an inspector that, due to contamination with Japanese beetles, a hazard of spread of the beetle is presented by any farm products, trucks, wagons, railway cars, aircraft, boats, other means of conveyance, or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or § 301.48-3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from any regulated area into or through any point outside of the regulated areas only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are moved under limited permit, or both, as required by the inspector to prevent the spread of infestation.

§ 301.48-5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.48-4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.48-6 *Protecting certified articles.* Subsequent to certification as provided in § 301.48-7, regulated articles must be loaded, handled, and shipped, under such protection and safeguards against infestation as are required by the inspector to prevent the spread of infestation.

§ 301.48-7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.48-4 (a) under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated to destroy infestation under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.48-4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector to prevent the spread of infestation.

§ 301.48-8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.48-4 shall make application to an inspector for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.48-9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the Japanese beetle.

§ 301.48-10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any charac whatsoever carried thereby, upon pro able cause to believe that such means conveyance, product, or article is i fested or infected by or contains a plant pest or is moving subject to a regulations under the Plant Pest Act that such person or means or conveyan is carrying any plant pest subject to th act, and to stop and inspect, without warrant, any means of conveyance moving, upon probable cause to belie it is carrying any product or article pr hibited or restricted movement under t Plant Quarantine Act or any quaranti or order thereunder. Such inspector i authorized to seize, destroy, or otherwi dispose of, or require disposal of, prod ucts, articles, means of conveyance, a plant pests in accordance with sectio 105 of the Federal Plant Pest Act a section 10 of the Plant Quarantine A

§ 301.48-11 *Nonliability of Depar ment.* The United States Department o Agriculture disclaims liability for a cost incident to inspection or treatme required under the provisions in th subpart, other than for the services o the inspector.

This amendment would authorize th Director of the Plant Pest Control Di sion to designate the regulated areas a otherwise would conform the quaranti and regulations more closely to the pa tern of other quarantines and regula tions under the act. The regulated are to be so designated would be those no regulated under 7 CFR 301.48-2, 23 F. 3371. Administrative instructions wou also be promulgated to provide certai exemptions from specified requiremen (7 CFR 301.48a, post).

A number of changes are proposed the articles to be regulated in the noti of quarantine in order more specificall to designate the items requiring regula tion. Also, there has been included a item to cover other farm product means of transportation, and any oth undesignated products or articles th may be found infested and likely t spread the Japanese beetle to nonregu lated areas. A proposed revision o § 301.48-4 (b) specifies the manner i which the regulations shall apply t items in the latter category. It is the in tention to substitute such procedures f those now outlined in § 301.48-4 (a) (2 under which the summer quarantine o fruits and vegetables is operated.

All persons who desire to submit wri ten data, views, or arguments in conne tion with this matter should file th same with the Director of the Plant Pe Control Division, Agricultural Researc Service, United States Department o Agriculture, Washington 25, D. C., withi 30 days after the date of the publicati of this notice in the FEDERAL REGIST

Done at Washington, D. C., this day of June 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-4916; Filed, June 26,
8:51 a. m.]

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES; JAPANESE BEETLE

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Director of the Plant Pest Control Division, pursuant to the authority to be conferred by a proposed amendment of the Japanese Beetle Quarantine (7 CFR 301.48)[1] under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 106 of the Federal Plant Pest Act (7 U. S. C. 150ee), is considering the revision of administrative instructions exempting certain articles from regulations supplemental to said quarantine, to read as follows:

§ 301.48a *Administrative instructions exempting certain articles from specified requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.48–4 (a) under the conditions set forth hereinafter:

(a) Humus, compost, and decomposed manure, when dehydrated, ground, pulverized, or compressed.

(b) True bulbs, corms, and tubers (other than dahlia tubers), when dormant, except for storage growth, and when free from soil.

(c) Single dahlia tubers or small dahlia root-divisions when free from stems, cavities, and soil. (Dahlia tubers, other than single tubers or small root-divisions meeting these conditions, are not exempted and must comply with § 301.48–4 (a).)

(d) Plants when growing exclusively in Osmunda fiber or chipped or shredded bark.

(e) Trailing arbutus or Mayflower (Epigaea repens), when free from soil.

(f) Moss, clubmoss, and ground-pine or running-pine, when free from soil.

(g) Soil-free aquatic plants.

(h) Soil-free sweetpotato draws.

(i) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the Japanese beetle.

The proposed administrative instructions would exempt the specified articles from the requirements of the cited regulations supplemental to the Japanese beetle quarantine.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended sec. 106 71 Stat. 33; 7 U. S. C. 161, 162, 150ee; 7 CFR 301.48)

Done at Washington, D. C., this 24th day of June 1958.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 58–4918; Filed, June 26, 1958; 8:52 a. m.]

[9 CFR Part 92]

IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Agricultural Research Service, pursuant to sections 6, 7, 8, and 10 of the Act of Congress approved August 30, 1890, as amended (21 U. S. C. 102–105) and section 2 of the Act of Congress approved February 2, 1903, as amended (21 U. S. C. 111) proposes to amend, in the following respects, the regulations governing the importation of certain animals and poultry and certain animal and poultry products, contained in Part 92 of Title 9 of the Code of Federal Regulations, as amended.

It is proposed to: 1. Amend § 92.1 by adding a new paragraph (r) to read:

(r) *Brucellosis-certified areas.* Areas in Canada in which the percentage of cattle affected with brucellosis has been officially determined by the Canadian Government not to exceed one percent and the percentage of herds in which brucellosis is present has been similarly determined not to exceed five percent.

2. Amend § 92.19 to read as follows:

§ 92.19 *Animals from Canada; declaration to accompany animals offered for importation.* For all cattle, sheep, goats, swine, horses, and poultry offered for importation from Canada, there shall be presented to the collector of customs at the time of entry two copies of a statemen signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

3. Amend § 92.20 by deleting paragraph (e), and changing paragraph (c) to read as follows:

§ 92.20 *Cattle from Canada*— * * *

(c) *Brucellosis test or vaccination certificates.* Importations from Canada of cattle six months or older, except steers and all cattle for immediate slaughter, shall be in compliance with the following conditions and requirements:

(1) Cattle from herds designated as brucellosis-free listed herds by the Canadian Government or cattle from herds not known to be affected in brucellosis-certified areas in Canada, except as provided in subparagraph (2) or (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that the cattle offered for entry have been tested for brucellosis with negative results within 30 days preceding their offer for entry. If one or more reactors or suspects are disclosed in such a herd as a result of a brucellosis test at any time, cattle from such herd shall not be imported into the United States unless after such test the cattle offered for entry, and the herd, have been tested and such cattle are accompanied by a certificate in accordance with subparagraph (3) of this paragraph or the herd has reached full status as a brucellosis-free listed herd under Canadian regulations.

(2) Cattle of the beef breeds raised under range conditions in the western provinces of Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be such range cattle of the beef breeds and that they have been tested for brucellosis with negative results within 30 days preceding their offer for entry.

(3) All other cattle from Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing:

(i) That all cattle in the herd or herds from which the animals originate except steers, other cattle under six months of age, and official vaccinates under 30 months of age, have been tested for brucellosis with negative results not more than three months preceding the offer for entry;

(ii) That the cattle offered for entry, except the natural increase, were included in the herd or herds of origin at the time of said herd tests; and

(iii) That the cattle offered for entry, except steers, and other cattle under six months of age and official vaccinates under 30 months of age at the time of their offer for entry, have been tested for brucellosis with negative results within 30 days preceding their offer for entry in addition to and at least 15 days after the herd test specified in subdivision (i) of this subparagraph.

(4) Bulls and female cattle under 30 months of age need not meet the requirements of subparagraph (1), (2), or (3) of this paragraph, provided they are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they were officially vaccinated against brucellosis as calves between the ages of four through eight months for dairy breeds or four months through the day they become eleven months for beef breeds and provided, except for cattle of the beef breeds raised under range conditions in the western provinces of Canada, such animals originate in a herd not known to contain any animals affected with brucellosis. The certificate accompanying such officially-vaccinated cattle shall comply with paragraph (d) of this section except that it shall show, in lieu of the date and place of testing, the date of vaccination and shall also show the age of the animal at the time of vaccination.

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[1] See F. R. Document 58–4916, *supra*.

4. Amend § 92.22 by changing paragraph (a) to read as follows:

§ 92.22 *Swine from Canada*—(a) ***For purposes other than immediate slaughter.*** Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said swine have been inspected on the premises of origin immediately before the date of movement therefrom and found to be free of evidence of communicable disease and that, as far as it has been possible to determine, they were not exposed to any such disease during the preceding 60 days; in addition; the certificate shall show that no hog cholera or swine plague has existed on the premises of origin or on adjoining premises for such 60 days.

5. Amend § 92.25 to read as follows:

§ 92.25 *Special provisions*—(a) ***In-bond shipments from Canada.*** Cattle, sheep, goats, swine, horses, and poultry from Canada transported in bond through the United States for immediate export shall be inspected at the border port of entry and shall otherwise meet the requirements of this Part in the same manner as similar animals destined to points in the United States, except that the Director of Division may permit their inspection at some other point when he finds that such action may be taken without endangering the livestock, or poultry of the United States.

(b) *Exhibition animals.* (1) Animals, including poultry, from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized exposition in Canada and have not been in that country more than 30 days are eligible for return to the United States within 10 days from the close of such fair or exposition without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed in accordance with the export regulations in Part 91 of this chapter at the time of entry into Canada, and it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and in any case if they are found by the inspector to be free of communicable disease and exposure thereto.

(2) Ruminants, swine, horses, and poultry from the United States used for rodeo, circus, or stage exhibitions in Canada are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed within the preceding three months, in accordance with the export regulations in Part 91 of this chapter for entry into Canada, and if it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and in any case if they are found by the inspector to be free of communicable disease and exposure thereto.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director of the Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before July 27, 1958.

Done at Washington, D. C., this 23d day of June 1958.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 58-4917; Filed, June 26, 1958; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 323]

[Docket No. 32451]

UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

NOTICE OF PROPOSED RULE MAKING

JUNE 16, 1958.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that the Commission has under consideration the matter of modifying the provisions of the Uniform System of Accounts for Maritime Carriers as they relate to the balance sheet classification of certain assets and liabilities, as more particularly explained in the attachments to this notice.

Any interested person may on or before July 25, 1958, file with the Commission's Secretary written views or suggestions to be considered in this connection, and may request oral argument thereon. After consideration of responses so received and giving effect to such further changes as may be found necessary because of them, the modifications will be ordered pursuant to provisions of sec. 313 of the Interstate Commerce Act (24 Stat. 383, as amended, 54 Stat. 946; 49 U. S. C. 12, 916; to interpret or apply sec. 313, 54 Stat. 944; 49 U. S. C. 913).

[SEAL] HAROLD D. MCCOY,
Secretary.

(1) In § 323.199 *Other current assets,* cancel the number, title, and text of this account and substitute the following provisions in lieu thereof:

§ 323.190 *Other current assets.* This account is provided for balance sheet purposes and shall be subdivided as set forth in accounts 191 to 199, both inclusive.

§ 323.191 *Prepaid current insurance.* This account shall include the unexpired amount of insurance premiums prepaid, or recorded as a liability in advance of payment, but only to the extent that such premiums apply to the period within one year of the date of the balance sheet and are properly chargeable within that period to account 200, "Unter nated voyage expense," or to o accounts appropriate for insurance expense. This account shall be subdivid to show separately prepayments on th several classes of insurance.

§ 323.192 *Other prepaid current expenses.* This account shall include th amount of prepaid current expense such as interest, taxes, rentals, advertising, charter hire, and similar expense n otherwise specifically provided for, bu only to the extent that such prepayments apply to the period within on year from the date of the balance shee and are properly chargeable within tha period to account 200, "Unterminate voyage expense," or to other account appropriate for such expenses. Mino items may be charged directly to th appropriate expense accounts.

§ 323.199 *All other current asse* This account shall include the amount o assets of a current nature not includib in any of the foregoing current a accounts. Subsidiary accounts shall b maintained so as to show separately eac class of such other current assets.

(2) Insert in its proper numerica order the following new and addition "other assets" account:

§ 323.370 *Maritime Administratio allowance for obsolete vessels.* This account shall include the gross amount allowed by the Administration for obsolete vessels traded in, except where the obsolete vessel is retained under Use Agreement, in which case this account is debited with the net trade-i allowance. Credit this account and debit account 359, "Construction work i progress," with the amount of progres payments on new construction made b the Administration for the account o the purchaser (operator).

(3) In § 323.376 *Unexpired Insurance,* cancel the title and text of thi account and substitute the following i lieu thereof:

§ 323.376 *Unexpired long-term insurance.* This account shall include th amount of unexpired insurance premiums prepaid or recorded as a liabilit in advance of payment, but only to th extent that such premiums apply to period more than one year following th date of the balance sheet. The proportions of the same premium payment properly chargeable to expenses prior t such period are provided for in accoun 191, "Prepaid current insurance." Thi account shall be subdivided to sho separately prepayments on the sever classes of insurance.

(4) In § 323.389 *Other deferre charges and prepaid expenses,* cancel th title and text of this account and substitute the following in lieu thereof:

§ 323.389 *Deferred prepayments an other deferred charges.* This accoun shall include the amount of prepaid expenses such as interest, taxes, rental advertising, charter hire, and simila expenses not otherwise specifically provided for in accounts 380, 384, 385, an 386, but only to the extent that suc prepayments apply to a period more tha one year following the date of the balance sheet. The proportions of the prepayments and other deferred charges in this account, properly chargeable to expenses prior to such period, are provided for in account 192, "Other prepaid current expenses." Minor items and nominal payments covering such expenses may be charged directly to the appropriate expense accounts even though they relate to periods in excess of one year.

(5) In § 323.0-20 *Balance sheet statement*, (1) change the reference to Account 199, "Other current assets," where it appears under the caption, "Current assets," to read Account 190, "Other current assets"; and (2) transfer the reference to Account 495 "Advance ticket sales and deposits," from where it appears following the caption, "Total current liabilities," to its proper numerical order immediately following Account 489, "Miscellaneous reserves for unrecorded liabilities."

[F. R. Doc. 58-4897; Filed, June 26, 1958; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 114]

ALASKA

ANCHORAGE LAND DISTRICT

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totaling 306.82 acres in the Anchorage Land District, Alaska, as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, U. S. C. 682a), as amended, as follows:

ANCHORAGE AREA

FIRE LAKE UNIT

For Lease and Sale for Residence or Business Sites

T. 15 N., R. 1 W., Seward Meridian, Section 30: Lots 89, 90, 94, 100, 101, 103

Comprising 6 tracts totaling 12.59 acres.

For Lease and Sale for Residence Sites

T. 15 N., R. 1 W., Seward Meridian, Section 30: Lots 67, 68, 79, 80, 91, 92 93, 102, 106, E½NW¼SW¼, NE¼SW¼SW¼.

T. 15 N., R. 2 W., Seward Meridian, Section 25:

Lots 7-14, inclusive,
Lots 23-38, inclusive,
Lots 47-62, inclusive,
Lots 79-94, inclusive,
Lots 111-150, inclusive.

Comprising 117 tracts totaling 294.23 acres.

Aggregating 123 tracts containing 306.82 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The Fire Lake Unit is located approximately 17 miles northeast of Anchorage, Alaska, on the Glenn Highway. It lies in the general Chugiak Area which extends along the Glenn Highway between Eagle River on the south and Peters Creek on the north. The land included in this classification lies between the upper and lower Fire Lakes and, with the exception of one lot, lies on the west side of the Glenn Highway.

The topography of the land, having been modified and reformed by glacial action, is varied and consists of a rolling terrain. The soil mantel is shallow and overlies sand and gravel deposits. None of the lots being offered contain lake frontage, however, a number have excellent views of the lakes. Vegetative cover consists mainly of heavy stands of second-growth birch; however, white spruce, aspen, and willow are interspersed. Most of the lots will require extensive clearing and some leveling to prepare suitable building sites.

Access to the lots, at the present time, consists only of the Glenn Highway. Seven lots have frontage on the Glenn Highway. Those that do not front on the highway do not have access at this time. Easements are provided herein to facilitate eventual access to each lot. Electricity is available to the area as is telephone service. The Post Office operates a Rural Free Delivery route along the Glenn Highway. Elementary school facilities are available at Chugiak and high school facilities are available at Anchorage. School buses operate along the highway. A shopping center exists at Eagle River, approximately three miles southwest along the highway. Other commercial services and facilities are available at nearby highway locations or in Anchorage.

4. The individual tracts vary in size from 1.07 acres to 3.35 acres and, other than those fronting the highway, are approximately square lots containing about 2.50 acres. A plat of survey showing the location of each tract can be secured for $1.00 from the Cadastral Engineering Office, Bureau of Land Management, Hawver Building, Anchorage, Alaska, or by mail through Post Office Box 480. Brochures which describe the area and contain sketch maps of the platting can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised value of the tracts varies from $260 to $900 per tract as shown below. Rights-of-way, 50 feet in width, for street and road purposes and for public utilities, will be reserved as shown below. All minerals in the lands will be reserved to the United States.

FIRE LAKE SMALL TRACT AREA

APPRAISAL SCHEDULE

Residence or Business Sites

T. 15 N., R. 1 W., S. M., Section 30:

Lot No.	Acreage	50′ road easements	M. E. A. 20′	Advance rental 3 years	Appraised price
89	1.11	N, W	X	$81.00	$540.00
90	3.35	E, N	X	135.00	900.00
94	2.20	W	X	90.00	600.00
100	1.07	N, E	X	72.00	480.00
101	2.48	N, W	X	96.00	640.00
103	2.38	S, W, E	X	105.00	700.00

Residence Sites

T. 15 N., R. 1 W., S. M., Section 30:

Lot No.	Acreage	50′ road easements	M. E. A. 20′	Advance rental 3 years	Appraised price
67	3.33	N, E, W		$72.00	$480.00
68	3.32	S, E, W		72.00	480.00
79	3.32	N, E, W		72.00	480.00
80	3.32	S, E, W		72.00	480.00
NW¼NE¼NW¼SW¼	2.50	N, W		63.00	420.00
NE¼NE¼NW¼SW¼	2.50	N, E		63.00	420.00
SW¼NE¼NW¼SW¼	2.50	W, S		63.00	420.00
SE¼NE¼NW¼SW¼	2.50	E, S		63.00	420.00
NW¼SE¼NW¼SW¼	2.50	N, W		63.00	420.00
NE¼SE¼NW¼SW¼	2.50	N, E		63.00	420.00
SW¼SE¼NW¼SW¼	2.50	W, S		63.00	420.00
SE¼SE¼NW¼SW¼	2.50	E, S		63.00	420.00
91	2.50	N, W		72.00	480.00
92	3.32	N, E, W		60.00	400.00
93	3.32	S, E, W		69.00	460.00
102	3.32	N, E, W		75.00	500.00
NE¼NE¼SW¼SW¼	2.50	N, E		66.00	440.00
NW¼NE¼SW¼SW¼	2.50	N, W		66.00	440.00
SW¼NE¼SW¼SW¼	2.50	W, S		69.00	460.00
SE¼NE¼SW¼SW¼	2.50	E, S		69.00	460.00
106 [1]	1.47	W, N		54.00	360.00

[1] Covered by application from person entitled to preference under 43 CFR 257.5 (a).

FIRE LAKE SMALL TRACT AREA—Continued

APPRAISAL SCHEDULE—continued

Residence Sites—Continued

T 15 N., R. 2 W., S. M., Section 25:

Lot No.	Acreage	50′ road easements	Power transmission line 75′	Advance rental 3 yrs.	Appraised price
7	2.18	N, E		$51.00	$340.00
8	2.50	N, W		54.00	360.00
9	2.50	N, E		54.00	360.00
10	2.50	N, W		54.00	360.00
11	2.50	N, E		54.00	360.00
12	2.50	N, W		54.00	360.00
13	2.50	N, E		54.00	360.00
14	2.50	N, W		54.00	360.00
23	2.50	W, S		54.00	360.00
24	2.50	E, S		54.00	360.00
25	2.50	W, S		54.00	360.00
26	2.50	E, S		54.00	360.00
27	2.50	W, S		54.00	360.00
28	2.50	E, S		54.00	360.00
29	2.50	W, S		54.00	360.00
30	2.21	E, S		39.00	260.00
31	2.21	N, E		39.00	260.00
32	2.50	N, W		39.00	260.00
33	2.50	N, E		45.00	300.00
34	2.50	N, W		54.00	360.00
35	2.50	N, E		54.00	360.00
36	2.50	N, W		54.00	360.00
37	2.50	N, E		45.00	300.00
38	2.50	N, W		45.00	300.00
47	2.50	S, W		54.00	360.00
48	2.50	S, E		54.00	360.00
49	2.50	S, W		54.00	360.00
50	2.50	S, E		54.00	360.00
51	2.50	S, W		54.00	360.00
52	2.50	S, E		39.00	260.00
53	2.50	S, W		39.00	260.00
54	2.23	S, E		39.00	260.00
55	2.23	N, E		54.00	360.00
56	2.50	N, W		45.00	300.00
57	2.50	N, E		39.00	260.00
58	2.50	N, W		39.00	260.00
59	2.50	N, E		54.00	360.00
60	2.50	N, W		54.00	360.00
61	2.50	N, E		54.00	360.00
62	2.50	N, W		54.00	360.00
79	2.50	S, W		54.00	360.00
80	2.50	S, E		54.00	360.00
81	2.50	S, W		54.00	360.00
82	2.50	S, E		54.00	360.00
83	2.50	S, W		54.00	360.00
84	2.50	S, E		45.00	300.00
85	2.50	S, W		54.00	360.00
86	2.24	S, E		54.00	360.00
87	2.26	N, E		54.00	360.00
88	2.50	N, W		54.00	360.00
89	2.50	N, E		54.00	360.00
90	2.50	N, W		54.00	360.00
91	2.50	N, E		54.00	360.00
92	2.50	N, W		54.00	360.00
93	2.50	N, E		54.00	360.00
94	2.50	N, W		54.00	360.00
111	2.50	S, W		54.00	360.00
112	2.50	S, E		54.00	360.00
113	2.50	S, W		54.00	360.00
114	2.50	S, E		54.00	360.00
115	2.50	S, W		54.00	360.00
116	2.50	S, E		54.00	360.00
117	2.50	S, W		54.00	360.00
118	2.27	S, E	X	54.00	360.00
119	2.28	N, E	X	45.00	300.00
120	2.50	N, W	X	54.00	360.00
121	2.50	N, E		54.00	360.00
122	2.50	N, W		54.00	360.00
123	2.50	N, E		54.00	360.00
124	2.50	N, W		54.00	360.00
125	2.50	N, E		54.00	360.00
126	2.50	N, W		39.00	260.00
127	2.50	S, W		54.00	360.00
128	2.50	S, E		54.00	360.00
129	2.50	S, W		54.00	360.00
130	2.50	S, E		54.00	360.00
131	2.50	S, W		54.00	360.00
132	2.50	S, E	X	54.00	360.00
133	2.50	S, W	X	54.00	360.00
134	2.29	S, E		54.00	360.00
135	2.30	N, E		54.00	360.00
136	2.50	N, W	X	45.00	300.00
137	2.50	N, E	X	54.00	360.00
138	2.50	N, W		54.00	360.00
139	2.50	N, E		54.00	360.00
140	2.50	N, W		54.00	360.00
141	2.50	N, E		54.00	360.00
142	2.50	N, W		54.00	360.00
143	2.50	S, W		54.00	360.00
144	2.50	S, E		54.00	360.00
145	2.50	S, W		54.00	360.00
146	2.50	S, E		54.00	360.00
147	2.50	S, W	X	54.00	360.00
148	2.50	S, E	X	54.00	360.00
149	2.50	S, W		45.00	300.00
150	2.31	S, E		54.00	360.00

5. Leases will be issued for a term three years and will contain an optio to purchase in accordance with 43 C 257.13. Lessees who comply with t general terms and conditions of the leases will be permitted to purchase the tracts at the prices listed above providing that during the period of their lea they either (a) construct the improvements specified in Paragraph 7 or (b file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases wi be renewable at the discretion of the Bureau of Land Management and th renewal lease will be subject to su terms and conditions as are deeme necessary in the light of the circumstances and the regulations existing a the time of renewal. However, a lea will not be renewable unless failure t construct the required improvements i justified under the circumstances an nonrenewal would work an extrem hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Ac are not qualified to secure a tract in thi opening unless they can make a showin satisfactory to the Bureau of Land Management that the acquisition of anothe tract is warranted in the circumstance

7. Improvements referred to in paragraph 5 above must conform with healt sanitation, and construction requirements of local ordinances and must, i addition, meet the following minimu standards. The house must be of soun construction, be built of attractive materials, contain at least one door and on window, be firmly attached to a permanent foundation, and be finished suitabl for occupancy. Adequate sanitary facilities must be provided and consist o either indoor plumbing, chemical toile or outhouse. Provision must be mad for the disposal of garbage. If classifie as a Residence Site the house must b suitable for year-around residence b being properly insulated and contain minimum of 192 square feet, outsid dimensions.

The lease will be issued for a period o three years, at the appropriate annua rental listed above, which for a Residence Site is calculated as being a su equal to 1/20th of the appraised valu for each of the three lease years. However, $10.00 will be the minimum annua rental charged. Rental on land classified for a Business Site is based on a percentage of the gross income as specified on Lease Form 4–776, provided, however, the minimum rental will be $20.0 per tract per year or 1/20th of the appraised price, whichever is higher. The payment of three years rental in advanc is required. In the case of a Busines Site, this advance rental will be the minimum rental for each of three years a explained above, subject to upward adjustment as determined by the volum of gross income derived.

8. Beginning at 10:00 a. m. on July 1, 1958, the lands will be open for filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such

preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Anchorage Land Office, 131 5th Avenue, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on July 24, 1958. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4-776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on October 22, 1958, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4-776.

During the 21 day period extending between 10:00 a. m. on October 2, 1958 and October 23, 1958, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on October 23, 1958 to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4-776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental for Residence Sites is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of three years under lease, however, the minimum rental will be $10.00 per tract per year. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-4821; Filed, June 26, 1958; 8:45 a. m.]

Bureau of Reclamation

NORTH PLATTE PROJECT, NEBRASKA

ORDER OF REVOCATION

JULY 9, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of May 3, 1904, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 53 W.,
  Sec. 35, N½NE¼NE¼, NW¼NE¼ and NE¼NW¼.

The above area aggregates 100 acres.

E. G. NIELSEN,
Acting Commissioner.

[76255]

JUNE 20, 1958.

I concur.

The lands are included in an allowed homestead entry.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-4892; Filed, June 26, 1958; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ISTHMIAN LINES, INC.

NOTICE OF ANNUAL REVIEW OF BAREBOAT CHARTER

Notice is hereby given of annual review of bareboat charter covering the "Wellesley Victory" (Charterer, Isthmian Lines, Inc.) to be made as of July 13, 1958.

Any interested person may state his position in writing, in triplicate, regarding the continuance or discontinuance of said charter with the grounds and data relied upon in support of his position, and a written request, in triplicate, for a hearing in the premises may be filed with the Secretary, Federal Maritime Board, Washington 25, D. C., by the close of business on July 7, 1958.

Dated: June 24, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-4890; Filed, June 26, 1958; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 212]

INCREASED FREIGHT RATES, 1958

ORDER ADVANCING HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 23d day of June A. D. 1958.

Upon consideration of petition filed by respondents, dated May 27, 1958, and formal reply of the National Coal Association, letter replies of the Public Utilities Commissioner of Oregon, Association of American Wood Pulp Importers, Gulf Port interests, Philadelphia, Pa., interests, and Florida Citrus Commission, et al., and telegraphic reply of Insulation Institute, and good cause appearing therefor;

It is ordered, That the hearing in this proceeding heretofore set for July 21, 1958, be and it is hereby, advanced to July 14, 1958, at the offices of the Commission in Washington, D. C., beginning at 9 a. m., United States standard time, or 10 a. m., daylight saving time;

It is further ordered, That on or before July 7, 1958, in order that appropriate arrangements may be made for the hearing, the parties shall advise the Commission and opposing counsel which witness or witnesses submitting rebuttal verified statements they desire to cross-examine, and an estimate of the time required for such cross-examination;

It is further ordered, That this proceeding be, and it is hereby, assigned for oral argument before the Commission at its offices in Washington, D. C., beginning at 9 a. m., United States standard time, or 10 a. m., daylight saving time, July 21, 1958;

And it is further ordered, That memorandum briefs, in lieu of, or supplemental to, oral argument may be filed on or before August 4, 1958; an original and 29 copies to be furnished to the Commission, 25 copies to be furnished to Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D. C., for respondents, one additional copy to each of the regional offices of the Commission, and a copy to any other interested party upon request addressed to the counsel filing such brief.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4898; Filed, June 26, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5463 et al.]

PACIFIC NORTHWEST LOCAL AIR SERVICE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding, now assigned for July 16, 1958, is postponed to July 30, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 23, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4908; Filed, June 26, 1958; 8:49 a. m.]

[Docket No. 9663]

WONG AVIATION LTD.

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 30, 1958, at 10:00 a. m., e. d. s. t., in Room 1064, Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., June 24, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4909; Filed, June 26, 1958; 8:50 a. m.]

[Docket No. 8258 et al.]

INTRA-AREA CARGO CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 23, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 24, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4910; Filed, June 26, 1958; 8:50 a. m.]

[Docket No. 7038 et al.]

SOUTHEASTERN AREA LOCAL SERVICE CASE (IMPROVED SERVICE TO HUNTSVILLE AND ANNISTON, ALA.; EGLIN AIR FORCE BASE AND MELBOURNE, FLA.)

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 16, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 24, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4911; Filed, June 26, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Gen. Order 95]

ASSIGNMENT OF FUNCTIONS UNDER THE TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 1958

By virtue of and pursuant to the authority vested in me by R. S. 161 (5 U. S. C. 22); the Temporary Unemployment Compensation Act of 1958 (Act of June 4, 1958, 72 Stat. 171); and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), Assistant Secretary Brown or, if he so designates, the Director of the Bureau of Employment Security, under his general direction and control, is hereby authorized to perform all the functions vested in the Secretary of Labor by the Temporary Unemployment Compensation Act of 1958, except the promulgation and interpretation of regulations, and the entering into of agreements.

This order shall become effective immediately.

Signed at Washington, D. C., this 24th day of June 1958.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 58-4912; Filed, June 26, 1958; 8:50 a. m.]

ASSIGNMENT OF FUNCTIONS UNDER THE TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 1958

By virtue of and pursuant to the authority vested in me by the Secretary of Labor in General Order No. 95 on June 24, 1958, the Director of the Bureau of Employment Security, subject to my general direction and control, is hereby authorized to perform all functions assigned to me by the Secretary of Labor in said general order.

Signed at Washington, D. C., this 24th day of June 1958.

NEWELL BROWN,
Assistant Secretary of Labor.

[F. R. Doc. 58-4913; Filed, June 26, 1958; 8:50 a. m.]

II begins on page 4823

PART I

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 23 NUMBER 127

Washington, Saturday, June 28, 1958

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Wheat Distress Loan Program Bulletin 1]

PART 473—SPECIAL PRICE SUPPORT PROGRAM

SUBPART—1958 CROP WHEAT DISTRESS LOAN PROGRAM

A price support program has been announced for the 1958 crop of wheat and the applicable regulations (23 F. R. 2663 and 3485) have been issued by the Commodity Credit Corporation. This bulletin contains the regulations applicable to the 1958 Crop Wheat Distress Loan Program through which, as an adjunct to the price support program, recourse loans on wheat are made available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to in this bulletin as CCC and CSS, respectively). This program is designed to assist producers in holding their wheat until they can qualify for nonrecourse loans under the price support program.

Sec.
473.401 Administration.
473.402 Availability of loans.
473.403 Disbursement of loans.
473.404 Eligible producer.
473.405 Eligible wheat.
473.406 Storage.
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473.411 Set-offs.
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473.413 Release of wheat; transfer of producer's interest.
473.414 Safeguarding of the wheat.
473.415 Insurance.
473.416 Losses in quantity or quality.
473.417 Personal liability.
473.418 Loan rates.
473.419 Maturity.
473.420 Settlement.
473.421 Foreclosure.

AUTHORITY: §§ 473.401 to 473.421 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

This issue includes two parts bound together. Part II contains miscellaneous amendments respecting dangerous cargoes, Title 46, Chapter I.

§ 473.401 *Administration.* The program to which this subpart applies will be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all such documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 473.402 *Availability of loans*—(a) *Approved forms.* Loans will be evidenced by promissory notes and loan agreements and secured by chattel mortgages.

(b) *Area.* Distress loans are authorized on wheat (1) stored on the ground, or (2) stored in temporary facilities in areas in any State where the State Committee determines that conditions are such that the wheat can be so stored temporarily. In areas where it is not feasible to store wheat on the ground the State Committee may authorize distress loans on wheat stored in temporary facilities only.

(c) *Where to apply.* Application for a distress loan should be made at the office of the county committee which keeps the farm program records for the farm.

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(d) *When to apply.* Loans will be available from the date the program is announced for the area by the State Committee. The final date of availability of loans shall be 30 calendar days after the date the program is announced for the area, or 30 calendar days after the producer completed harvest of the wheat tendered for loan, whichever is later, and the applicable loan documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability of loans. The applicable loan documents are the Producer's Note and Supplemental Loan Agreement, the Supplemental Loan Agreement—Distress Loans, and the Commodity Chattel Mortgage. It shall be the responsibility of the producer to ascertain from the county office whether the program has been announced for the area and the date that the program was announced.

§ 473.403 *Disbursement of loans.* Disbursement of loans will be made to producers by county offices by means of sight drafts drawn on CCC. No disbursements shall be made later than 15 days after the final date of availability of loans unless authorized by the Executive Vice President, CCC. The drawing of a sight draft shall constitute disbursement. Disbursement of the loan proceeds shall not be made unless the wheat is in existence and in good condition. If the wheat was not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 473.404 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof, producing wheat in 1958 as landowner, landlord, tenant, or sharecropper: *Provided,* That a producer shall not be an eligible producer unless he is in compliance with the requirements for eligibility for price support prescribed in §§ 421.3026 to 421.3031 of this chapter, and any amendments thereto. Two or more eligible producers may obtain a joint loan on eligible wheat harvested by them and stored commingled. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine he is not eligible for a distress loan. Executors, administrators, trustees or receivers who represent an eligible producer or his estate may qualify for a loan: *Provided,* That the loan documents executed by them are legally valid.

§ 473.405 *Eligible wheat.* The conditions of eligibility for wheat shall be the same as under the 1958-crop wheat price support program (§ 421.3038 of this chapter), as amended, except that there shall be no requirement for storing wheat for a specified period prior to inspection.

§ 473.406 *Storage.* (a) Temporary storage facilities shall be facilities which in the opinion of the county committee, are suitable for the temporary storage of wheat.

(b) Wheat piled on the ground shall be protected from animals and shall be piled on ground which will afford maximum protection from water damage.

§ 473.407 *Determination of quantity.* (a) The quantity of wheat placed under loan will be estimated, but measurements, threshing records, and other guides shall be used to the extent that they are practicable or available.

(b) The quantity of any wheat delivered to CCC shall be determined by weight. In determining the quantity of sacked wheat by weight, a deduction of three-fourths of a pound for each sack shall be made.

§ 473.408 *Determination of quantity.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection: *Provided,* That determinations with respect to sanitation requirements shall be made in accordance with instructions issued by CCC.

§ 473.409 *Liens.* If there are any liens or encumbrances on the wheat waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds.

§ 473.410 *Service charges.* The producer shall pay a service charge of 1 cent per bushel on the number of bushels of wheat placed under a distress loan, or $3.00 whichever is greater. Such service charge shall be collected from the proceeds of the loan at the time the loan is disbursed. State committees, however, are authorized to require prepayment of $3.00 of the service charge at the time a producer applies for a loan. If, on or before the maturity date of the note, the producer obtains a nonrecourse price support loan on the wheat under the 1958 wheat price support program, he shall pay an additional service charge of 1 cent per bushel if placed under farm-storage loan, and ½ cent per bushel if placed under warehouse-storage loan, on any number of bushels by which the quantity of wheat placed under the regular loan exceeds the quantity placed under the distress loan. No refunds of service charges will be made.

§ 473.411 *Set-offs.* Set-offs shall be made against the proceeds of the distress loan in accordance with the provisions of § 421.3010 of this chapter.

§ 473.412 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of the loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default and (b) where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 473.413 *Release of wheat; transfer of producer's interest.* A producer may at any time obtain release of the wheat under loan by paying to the holder of the note the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county office shall arrange for the release of the chattel mortgage. The producer shall not transfer either his remaining interest in or his right to redeem the wheat mortgaged as security for a distress loan nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the wheat must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the wheat from the premises when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers, at the office of the county committee.

§ 473.414 *Safeguarding of the wheat.* The producer obtaining a distress loan shall take whatever action is practicable to keep the wheat in good condition, and in the event of damage to the commodity, he shall immediately notify the county office in writing of such damage.

§ 473.415 *Insurance.* CCC will not require the producer to insure the commodity placed under loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest.

§ 473.416 *Losses in quantity or quality.* CCC will not assume losses in the quantity or quality of the wheat occurring for any reason.

§ 473.417 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him, may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable not only for the amount of the loan (including interest) but also for any resulting expense incurred by any holder of the note. A producer shall be personally liable for any damage resulting from tendering to CCC wheat containing mercurial compounds or other substances poisonous to man or animals which are inadvertently accepted by CCC.

§ 473.418 *Loan rates.* Loans will be made under this program at 80 percent of the basic county support rate established for the wheat under the 1958-crop wheat price support program.

§ 473.419 *Maturity.* Loans will mature 90 days from the date of the note, or March 31, 1959, whichever is earlier, or earlier on demand.

§ 473.420 *Settlement*—(a) *Producer who obtains a price support loan.* If on or before maturity, the producer places the wheat in approved farm-storage or in an approved warehouse, he may obtain a price support loan at the full support rate. The price support loan will be made at the full support rate on the basis of the quantity and quality of eligible wheat which has been placed in an approved storage structure. When the price support loan is made, the principal of the distress wheat loan, plus interest at the rate specified in § 473.412 from the date of disbursement of the distress loan to the date of disbursement of the price support loan, shall be repaid to CCC either in cash or out of the proceeds of the price support loan.

(b) *Producer who does not obtain a price support loan.* The producer shall, upon maturity, repay his distress loan in cash or deliver the wheat to CCC as set forth in paragraphs (c) and (d) respectively of this section unless: (1) He places the wheat in approved farm storage or approved warehouse storage on or before maturity; (2) the wheat is eligible for a price support loan under §§ 421.3036 to 421.3045 of this chapter; and (3) the producer obtains a price support loan under the provisions of such sections.

(c) *Repayment of distress loan.* Repayments made in satisfaction of distress loans shall be made in cash and shall include the amount of the principal due on the loan plus interest at the rate specified in § 473.412.

(d) *Delivery to CCC.* If the producer desires to deliver the wheat he should, prior to maturity, give the county office notice in writing of his intention to do so. Delivery of the wheat to CCC shall be made in accordance with instructions issued by the county office. When the wheat is delivered to CCC under the distress loan, credit shall be given to the producer for the quantity and quality of wheat actually delivered, at the market price at the time and place of delivery as determined by CCC: *Provided, however,* That if such wheat is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the ASC County office subject to set-off in accordance with § 473.411. If the amount of such credit is less than the amount due on the principal of the loan plus interest, the amount of the deficiency plus interest thereon shall be paid to CCC. Any payment which would be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(e) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

§ 473.421 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note is authorized to remove the wheat from storage; and also to sell, assign, transfer, and deliver the wheat or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder may determine, at public or private sale, either by separate contract or after pooling it with other lots of wheat similarly held. Any such disposition may similarly be effected without removing the wheat from storage. The wheat may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the wheat. If the wheat is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled wheat as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers and not unduly impair the market for the current crop of wheat even though part or all of such pooled wheat is disposed of under such policies at prices less than the current domestic price for such wheat. Any sum due the producer from the sale of the wheat or from an insurance indemnity paid on the wheat, or any ratable share resulting from the liquidation of a pool, after deducting the amount of the note, interest, and charges, shall be payable only to the producer without right of assignment by him. If the wheat removed by CCC from storage is sold at less than the amount due on the loan including interest and charges, the producer shall pay to CCC the difference between the amount due on the loan and the sales proceeds of the wheat. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC, or any other agency of the United States. The term "charges," as used in this section, means all fees, costs and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing of the wheat, and otherwise protecting the interest in the mortgaged wheat of any holder of the note or the producer, including foreclosure costs.

Issued this 24th day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4974; Filed, June 27, 1958; 8:55 a. m.]

[C. C. C. Mobile Drier Bulletin]

PART 474—FARM-STORAGE FACILITIES

SUBPART—PROGRAM TO FINANCE THE PURCHASE OF MOBILE DRYING EQUIPMENT FOR FARM COMMODITIES

This bulletin states the requirements with respect to the Program to Finance the Purchase of Drying Equipment for Farm Commodities formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). This bulletin supersedes the 1957 Mobile Drier Bulletin 1, 22 F. R. 4315, as amended. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President.

Sec.

474.761 Administration.
474.762 Availability of loans.
474.763 Loans made by CCC.
474.764 Eligible borrowers.
474.765 Eligible equipment.
474.766 Terms and conditions of loan.
474.767 Disbursement of loans.
474.768 Service charges.
474.769 Sale or conveyance of security.

AUTHORITY: §§ 474.761 to 474.769 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U. S. C. 714b, 714c.

§ 474.761 *Administration.* This program will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by State and county Agricultural Stabilization and Conservation Committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this subpart or amendments or supplements to this subpart. Employees of county ASC committees shall execute instruments in accordance with delegations of authority published in 21 F. R. 2957.

§ 474.762 *Availability of loans*—(a) *Area.* Loans will be available in any State of the continental United States.

(b) *Time.* Loan applications may be submitted pursuant to this bulletin beginning with the date of publication hereof and continuing until termination of the program.

(c) *Applications for loans.* Any application for a loan shall be submitted to the county committee which will be responsible for obtaining appropriate review. Approved forms and documents will be made available through the offices of county committees. Disbursements of loans will be made by drafts drawn on CCC by the county office.

§ 474.763 *Loans made by CCC.* All loans under this program will be direct loans by Commodity Credit Corporation, except that a loan may be made by an approved lending agency if requested by the borrower upon specific approval of the Executive Vice President, Commodity Credit Corporation, or the Deputy Administrator for Operations, CSS. An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage equipment loans, on the form prescribed by CCC.

§ 474.764 *Eligible borrowers.* Loans for the purchase of eligible equipment will be made to eligible borrowers. An eligible borrower shall be a person, who (a) is a tenant, share-landlord, or landowner-operator who produces one or more of the eligible commodities listed in § 474.765 and (b) has facilities for the storage of one or more of such eligible commodities suitable for adaptation to artificial drying and needs such eligible equipment in connection with the utilization of such facilities. The term "person" means an individual, partnership, corporation, or other legal entity. If two or more eligible borrowers join together in the purchase of eligible equipment, they shall be liable jointly and severally with respect to the loan.

§ 474.765 *Eligible equipment.* (a) Loans will be made only for the purchase of eligible equipment. Eligible equipment shall be new mobile drying equipment (such as air-circulators, ventilators, tunnels and power-fans, or any combination thereof, and mechanical dryers of a mobile type), which will be used in connection with the conditioning of corn, oats, barley, grain sorghums, wheat, rye, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, cottonseed, hayseed, pasture seeds, and winter cover crop seeds produced by the borrower.

(b) Loans will not be available (1) for the refinancing, repair, remodeling or maintenance of existing eligible equipment, or (2) for the purchase of secondhand equipment, or (3) for the use in connection with the conditioning of commodities which the borrower intends to purchase, or condition or store for others, provided, however, that a producer who is determined to require a heated air dryer to dry his own grain is permitted to use such dryer to dry the grain of his neighboring producers, or (4) where it appears that the equipment may be attached to, or become a part of, or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, drying or processing plants.

§ 474.766 *Terms and conditions of loan*—(a) *Term of loan.* The maximum term of the loan will be for a period of approximately three years, except that the term of an individual loan may be extended and reextended for terms of not to exceed one year each if the county committee determines in writing that the borrower is unable to meet the current payment when due because of catastrophic loss of crops or other comparable conditions beyond the control of the borrower. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. The loan will be secured by a chattel mortgage on the equipment for which the loan is made, or by other security instrument approved by CCC. The equipment shall be free and clear of all other liens and encumbrances. The cost of recording or filing of all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed, the loan commitment shall become null and void in four months after its date unless extended in writing by the county committee on or before its expiration date.

(b) *Amount of loan.* (1) The maximum amount of any loan shall not exceed the maximum amount authorized by the State committee and in no event shall exceed seventy-five percent of the delivered and assembled out-of-pocket cost paid by the borrower for the equipment for which the loan is made. The borrower shall be required to furnish receipted bills showing the cost of the equipment for which the loan is made and amount of down-payment, before the loan is disbursed.

(2) County committees may approve loan applications, issue loan commitments and make disbursement of loans, without prior approval of the State committee, except as specifically provided herein, of any amount not in excess of $5,000. Applications for mobile drying equipment loans in the amount of $5,000 or over shall be submitted through the State committee to the Deputy Administrator for Operations, CSS, for review and approval prior to the issuance of a commitment.

(c) *Repayment of loan.* (1) Payment will be due annually in equal payments beginning on the first anniversary date of the disbursement of the loan, and a like payment plus interest shall be due on each anniversary date thereafter until the principal, together with interest thereon, has been paid in full. Unless an extension is granted, in writing, failure to pay any installment by the twelfth month after such date or extension shall mature all installments then unpaid, and the entire unpaid amount of the note, without demand, notice, or other action shall become immediately due and payable.

(2) Upon breach by the maker of the note of any covenants or agreements on his part to be performed under this subpart, or under the chattel mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the equipment for which the loan is made is used in connection with any commercial operation including but not limited to elevator, warehouse, drying, or processing plants during the life of the loan, the CCC holder, at its option, may declare the entire indebtedness immediately due and payable. Any unpaid amount on a delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, utilizing CCC funds when the loan is held by a lending agency, or utilizing any funds available to the Department when the loan is held by CCC. Any payments for storage of commodities in farm storage structures under a price support or reseal program due from Commodity Credit Corporation to a borrower shall be applied (i) to any delinquent amount(s), and, (ii) to the borrower's mobile drying equipment loan installment which is due and payable when the storage payment is due, and (iii) to any extended installment(s), each including interest. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committee shall be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage.

(d) *Insurance.* The borrower shall be required to maintain insurance for the life of the loan and for the face value of the loan with coverage for fire and other hazards common to the area for such equipment as determined necessary by the county committee. The insurance policy shall contain a loss payable clause in favor of the holder of the note and CCC, as their interests may appear, and the cost shall be borne by the borrower. If any insurance it not in effect at any time during the life of the loan, or extension thereof, the loan shall be called immediately.

§ 474.767 *Disbursement of loans.* Loans will be disbursed to borrowers directly by CCC by means of sight drafts issued by county ASC offices, or by an approved lending agency when a loan by a lending agency is specifically authorized.

§ 474.768 *Service charges.* A service charge of $5.00 or one percent of the amount of the loan, whichever is greater, shall be paid by the borrower at the time the application is made. If the loan is rejected or is not completed, the minimum fee of $5.00 shall be retained by the county committee and the balance returned to the applicant.

§ 474.769 *Sale or conveyance of security.* When a borrower desires to sell or convey the equipment for which the loan is made without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to mobile drying equipment located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 24th day of June 1958.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-4975; Filed, June 27, 1958;
8:55 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE NAVY

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (e), and paragraph (e) (1) of § 6.106 are amended as set out below.

§ 6.106 *Department of the Navy.* * * *

(e) *U. S. Naval Research Laboratory, Washington, D. C., and U. S. Navy Electronics Laboratory, San Diego, California.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed ten positions at the U. S. Naval Research Laboratory and six positions at the U. S. Navy Electronics Laboratory at any one time. Employment under this provision will not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R. S. 1753, sec. 2, 22 Stat. 403, as amende
5 U. S. C. 631, 633)

UNITED STATES CIVIL SERV-
ICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-4944; Filed, June 27, 19
8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketin Service (Standards, Inspection and Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 28—COTTON CLASSING, TESTING, AN STANDARDS

INCREASES IN PRICES FOR COTTON STANDAR

Pursuant to authority contained in th United States Cotton Standards Act, a amended (42 Stat. 1517; 7 U. S. C. 51 e seq.), § 28.123 of the regulations unde the United States Cotton Standards Ac (7 CFR 28.123) is hereby amended t read as follows, effective July 1, 1958:

§ 28.123 *Costs of practical forms of cotton standards.* The cost of practica forms of the cotton standards of th United States shall be as follows:

	Domestic shipments f. o. b. Washington	Shipments delivered outside the Continental United States
Grade standards	*Dollars each box*	
American Upland:		
12-sample official boxes (Universal Standards)	12.00	14.00
6-sample guide boxes	7.00	8.00
American Egyptian: 6-sample official boxes	12.00	14.00
Sea Island: 12-sample official boxes	12.00	14.00
Tentative Standards for Preparation of American Upland Long-Staple Cotton		
6-sample boxes	7.00	8.00
Standards for length of staple	*Dollars each length*	
American Upland (prepared in one pound rolls for each length)	2.50	3.00
American Egyptian (prepared in one pound rolls for each length)	2.50	3.00
Sea Island (prepared in one pound rolls for each length)	2.50	3.00

The amendment reflects increases in the prices of all practical forms (boxes) of cotton standards. These increases have become necessary to more nearly cover the costs of preparing and distributing the standards.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost including, but not limited to increased salaries to Federal employees required by recent legislation (Public Law 462, 85th Congress, 2d Session, approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61)

Done at Washington, D. C., this 25th day of June 1958, to become effective July 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4973; Filed, June 27, 1958; 8:55 a. m.]

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)[1]

FEES FOR INSPECTION AND CERTIFICATION

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.) for the provision of a service for the inspection and certification of the class, quality and condition of agricultural products, including the assessment and collection of fees to cover the cost of such service, §§ 51.37 and 51.45 (d) of the regulations governing the inspection and certification of fresh fruits, vegetables and other products (7 CFR §§ 51.1 to 51.67) are hereby amended by deleting the same and inserting in lieu thereof the following:

§ 51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: (1) For an inspection covering quality and condition, $12.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $8.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be $24.00; (2) For an inspection covering condition-only, $10.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $7.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be $20.00; (3) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided,* That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be $15.00 for each lot of the customary carload size for such products in the area from which shipped: *Provided,* That the fee shall be adjusted on an approximately proportional basis to determine the fee for any size lot which is smaller or larger than a carload of the customary size based either on number of pounds or number of containers: *And provided further,* That the minimum fee shall be $10.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.50 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $4.50 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection shall be $2.25 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.45 *Schedule of fees.* * * *

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be $15.00 for each lot of the customary carload size for such products in the area from which shipped: *Provided,* That the fee shall be adjusted on an approximately proportional basis to determine the fee for any size lot which is smaller or larger than a carload of the customary size based either on number of pounds or number of containers: *And provided further,* That the minimum fee shall be $10.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for farmers' stock peanuts (unshelled) shall be $1.50 per ton.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see Section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost including, but not limited to increased salaries to Federal employees required by recent legislation (Public Law 462, 85th Congress, 2d Session, approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: June 24, 1958, to become effective July 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 58-4971; Filed, June 27, 1958; 8:54 a. m.]

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1622, 1624), and delegation of the authority of the Secretary of Agriculture (19 F. R. 74; 19 F. R. 35) the following changes are made in the provisions prescribing fees for Federal meat grading service in 7 CFR 53.35a, as amended.

1. Section 53.35a (a) is amended to read as follows:

(a) The hourly rate for grading service shall be $6.00 per hour with a minimum charge of $3.00, and double said amounts for service on legal holidays.

2. Section 53.35a (b) is amended to read as follows:

(b) Fees for grading performed on a weekly contract basis shall be $240.00 per calendar week (less any allowable credits), to cover up to 40 hours of weekly grading service.

3. Section 53.35a (e) is amended to read as follows:

(e) The following fees are prescribed for each investigation, other than the first one, necessary to determine the acceptability of an inspection system at any nonfederally inspected plant preparing products for which application for grading service is made. A fee at the grading service is made. A fee at the rate of $6.00 per hour shall be charged for time actually spent by an authorized official in making such investigation and in traveling to the particular plant from the place at which he receives the assignment to perform such work and in traveling back to such place or to another place equally distant from such plant. In addition there shall be charged a transportation fee not to exceed eight cents per mile for such travel plus any per diem at the rate of $12 per day or portion thereof paid to such official in accordance with applicable regulations of the Department of Agriculture. In no case shall the total fees for any such investigations be less than $15.

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[1] Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than June 29, 1958 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost, including, but not limited to increased salaries to Federal employees, required by recent legislation (Public Law 462, 85th Congress, 2d Session, approved June 20, 1958); (3) it is imperative that the increase in fees become effective as soon as practicable; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

This amendment shall become effective at 12:01 a. m., June 29, 1958, with respect to all Federal meat grading service thereafter rendered including service under weekly grading contracts whether theretofore or thereafter made.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U. S. C. 1622, 1624)

Done at Washington, D. C., June 25, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-4965; Filed, June 27, 1958; 8:53 a. m.]

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

The regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 54) are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment increases the charges for grading and inspection services. The increases are necessary by virtue of recent legislation which raised the salary of Federal employees and because of job reclassifications authorized by the U. S. Civil Service Commission. The amendment also changes the application for inspection service by removing the terms and conditions thereof from the form and inserting them in the regulations proper, under the portion dealing with fees and charges. This conforms with the provisions of regulations governing the voluntary egg and poultry inspection and grading programs. This change will not currently affect any person since there are no applicants receiving service under the original form of application.

It is hereby found that it would be impracticable, unnecessary, and contrary to public interest to give preliminary notice and engage in public rule making procedures with respect to this amendment or delay the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The costs of performing the service are increased and the Agricultural Marketing Act of 1946, requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof; (2) the facts upon which the determinations with respect to charges necessary to cover increased costs are not available to the industry, but are peculiarly within the knowledge of the Department; and (3) the change will not affect any person since there are no applicants receiving service under the form of application prior to this amendment; and (4) additional time is not required to comply with this amendment.

The amendment hereinafter set forth is promulgated to become effective July 1, 1958.

The amendment is as follows:

1. Delete the definition "Act" in § 54.1 *Definitions*, and substitute in lieu thereof the following:

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), or any other act of Congress conferring like authority.

2. Change paragraph (b) of § 54.101 by deleting the figure "$4.00" and inserting therefor the figure "$5.00."

3. Change paragraph (c) of § 54.101 to read as follows:

(c) If an applicant requests that any grading service be performed on a holiday or a nonwork day or at a time other than during the grader's normal working hours, he shall be charged for such service at the rate of $6.00 per hour.

4. Delete the second sentence of § 54.102.

5. Change § 54.103 *Domestic rabbits grading fees.* For each grading of any lot of domestic rabbits, whether live or ready-to-cook, the following fees shall be applicable:

	Fee
For 500 pounds or less	([1])
For 501 to 1,500 pounds, inclusive	$3.60
For 1,501 to 3,000 pounds, inclusive	4.80
For 3,001 to 6,000 pounds, inclusive	6.75
For 6,001 to 10,000 pounds, inclusive	10.25
For 10,001 to 15,000 pounds, inclusive	14.00
For 15,001 to 20,000 pounds, inclusive	17.00
For each additional 5,000 pounds, or fraction thereof, in excess of 20,000 pounds	3.00

[1] Based on time required.

6. Change § 54.104 by deleting the figure "$4.00" and inserting therefor the figure "$5.00."

7. Change § 54.107 to read as follows:

§ 54.107 *Inspection on a resident inspection basis*—(a) *Charges.* The charges for inspection of domestic rabbits and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the inspection service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. The billing shall be made on the last day of the month for which billing is made on an estimated cost basis, with adjustments between estimated costs and actual costs being made on the bill for the following month. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covering the period or periods during which the inspection service may be rendered. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of $125.00 for the combined initial and final survey (required to be made with respect to an official plant pursuant to the regulations in this part) made of the designated plant and its premises prior to the performance, by AMS of the inspection service.

(2) Charges for each survey in addition to those provided in subparagraph (1) of this paragraph, if any, made at the request of the applicant, or determined by AMS to be necessary, to be computed on the basis (i) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (ii) a charge of $5.00 per hour for the time consumed at the plant in making the survey: *Provided*, That the minimum charge shall be for six (6) hours.

(3) A charge of (i) $154.00 per 40-hour work week for each inspector assigned to the designated plant by AMS for the inspection of dressed domestic rabbits at the time of evisceration; (ii) $154.00 per 40-hour work week for each inspector assigned to the designated plant by AMS for the inspection of canning or other processing of domestic rabbit products: *Provided*, That with respect to each inspector who is employed by AMS on a "when actually employed" basis, such charges shall be computed on the appropriate hourly basis: *Provided, further*, That no charge shall be made for any inspector during any period of leave approved by AMS for such inspector.

(4) A charge of $4.65 per hour for each hour of overtime work performed by each inspector assigned to any type of operation described in subparagraph (3) of this paragraph: *Provided*, That any unscheduled overtime work performed by an inspector on a day when no work is scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration.

(5) A night differential charge of $0.385 per hour for inspectors performing inspection of dressed domestic rabbits at the time of evisceration and $0.385 for inspectors performing inspection of canning or other processing of domestic rabbit food products for each hour of any regularly scheduled work between the hours of 6:00 p. m. and 6:00 a. m.

(6) A charge of $7.70 per hour for inspectors performing inspection of domestic rabbits at the time of evisceration and $7.70 per hour for inspectors performing inspection of canning or other processing of domestic rabbit food products for each hour of such work performed on a designated holiday: *Provided*, That the charge shall be for a minimum of two hours.

(7) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant but whose travel headquarters is not at the designated plant, such charge to cover the period during which each such inspector is assigned to the designated plant, and travel to and from the designated plant in connection with such assignment.

(8) A charge of $250.00 to cover the average cost of travel per diem and movement of household goods of an inspector and his dependents whose travel headquarters is changed, when the assignment is made for the purpose of (i) installation of service, or (ii) when an additional inspector is assigned to the plant to handle increased workload: *Provided*, That no charge shall be made when the assignment of an inspector is made at the sole discretion of AMS to replace an inspector who has resigned, retired, died, or otherwise become unable to perform the inspection work, or if his services are no longer required in the plant due to a decrease in the volume of work or the cancellation of the inspection service by the applicant, or for other administrative reasons.

(9) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant and whose travel headquarters is at the designated plant, if at the request of the designated plant, such inspector is reassigned temporarily to another official plant, such charge to cover the period during which each such inspector is reassigned to the other plant, and the travel to and from the designated plant in connection with such reassignment.

(10) A minimum charge of $25.00 for each calendar month after inspection is inaugurated in the designated plant.

(11) The charges and credits specified in subparagraphs (3), (4), (5), (6), (7), (8), (9), (10), and (12) of this paragraph shall be billed at the end of each calendar month. The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in subparagraph (3) of this paragraph. Overtime and night differential charges (when applicable) shall be billed at the rates specified in subparagraphs (4) and (5) of this paragraph.

(12) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(13) A charge equal to the actual amounts reimbursed to the Agricultural Research Service by AMS, plus twenty-five (25) percent of such amounts to cover administrative overhead of AMS, when inspectors of the Meat Inspection Branch, Agricultural Research Service, are assigned to the designated plant for inspection of canning or processing of domestic rabbit food products. The charges provided for in this subparagraph are in lieu of the charges specified in subparagraphs (3) to (9) and subparagraph (11) of this paragraph. Payment for the full cost of the inspection service rendered to the applicant shall be made by the applicant to AMS not later than fifteen (15) days from the date of billing. A charge will be made by AMS in the amount of one (1) percent per month or fraction thereof of any amounts remaining unpaid after 30 days from the date of billing.

(b) *Other provisions.* (1) The applicant shall furnish such stenographic and clerical assistance as may be necessary in typing certificates, official reports and handling correspondence in connection with the inspection service.

(2) Inspectors will be provided by AMS to perform the inspection service. AMS, may, from time to time, assign to the designated plant such additional inspectors as it deems necessary in order to perform the inspection service, or decrease the number of inspectors when fewer inspectors are needed to perform such service.

(3) Whenever operations at the designated plant are discontinued during a period or periods, any inspector (assigned by AMS to the designated plant) may perform such other services as may be deemed appropriate, and are approved by the area supervisor.

(4) The inspection service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the regulations in this part; (iv) upon one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service, or if the applicant fails to comply with the terms and conditions of this section.

8. Change § 54.281 to read as follows:

§ 54.281 *Application for inspection of domestic rabbits and edible products thereof for condition and wholesomeness.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof for condition and wholesomeness at the following designated plant:

Name of plant ----------------------------
Street address ----------------------------
City and State ----------------------------

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator). This application is made for inspection services to be performed on a resident inspection basis pursuant to § 54.107 and such other provisions of the aforesaid regulations which are applicable.

(Applicant) [1]
By ----------------------------

(Street)
------------ ------------
(City) (State)

(Date)

Application granted:

(Date)

(Title)

[1] No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

9. Change § 54.282 to read as follows:

§ 54.282 *Application for inspection of canning and processing of domestic rabbits in plants operating under Federal meat inspection service.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof for condition and wholesomeness at the following designated plant:

Name of plant ----------------------------
Street address ----------------------------
City and State ----------------------------

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator). This application is made for inspection service to be performed on a resident inspection basis pursuant to subparagraphs (1), (2), (10), (12), and (13) of paragraph (a) and paragraph (b) of § 54.107, and such other provisions of the aforesaid regulations which are applicable.

(Applicant) [1]
By ----------------------------
(Title)

(Street)
------------ ------------
(City) (State)

(Date)

Application granted:

(Date)

(Title)

[1] No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

(60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 25th day of June 1958.

[SEAL] **Roy W. Lennartson,**
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4972; Filed, June 27, 1958; 8:55 a. m.]

Part 55—Grading and Inspection of Egg Products

MISCELLANEOUS AMENDMENTS

The regulations governing the grading and inspection of egg products (7 CFR Part 55) are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment increases the charges for grading and inspection services. The increases are necessary by virtue of recent legislation which raised the salary of Federal employees and because of job reclassifications authorized by the U. S. Civil Service Commission.

It is herby found that it would be impracticable, unnecessary, and contrary to public interest to give preliminary notice and engage in public rule making procedures with respect to this amendment or delay the effective date of the amendment until thirty (30) days after publication in the Federal Register for the reasons that: (1) The costs of performing the service are increased and the Agricultural Marketing Act of 1946 requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof; (2) the facts upon which the determinations with respect to charges necessary to cover increased costs are not available to the industry, but are peculiarly within the knowledge of the Department; and (3) additional time is not required to comply with this amendment.

The amendment hereinafter set forth is promulgated to become effective July 1, 1958.

The amendment is as follows:

1. Change paragraph (b) in § 55.61 by deleting the figure "$4.00" and inserting therefor the figure "$5.00."

2. Change paragraph (c) of § 55.61 to read as follows:

(c) If an applicant requests that any grading service be performed on a holiday or a nonwork day, or at a time other than during the grader's normal working hours, he shall be charged for such services at the rate of $6.00 per hour.

3. Change paragraph (a) of § 55.65 to read as follows:

(a) *Frozen eggs*—(1) *Inspection for condition only.*

	Fee
For 15 packages or less	$2.40
For 16 to 50 packages, inclusive	3.60
For each additional 100 packages, or fraction thereof, in excess of 50 packages	1.20
When each individual package in any lot is inspected for condition only, the fee for each package inspected shall be	.25

(2) *Inspection for condition and sampling for laboratory anaylsis.*

For 50 packages or less	$5.00
For 51 to 100 packages, inclusive	6.00
For each additional 100 packages, or fraction thereof, in excess of 100 packages	1.25

4. Change § 55.67 by deleting the figure "$4.00" and substituting therefor "$5.00."

5. Change paragraph (a) (3) of § 55.68 to read as follows:

(3) A charge of $5.00 per hour, plus actual cost to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section, such as, but not limited to, surveys in addition to the initial and final surveys.

6. Change paragraph (a) (9) of § 55.68 by deleting the table of charges set forth therein and substituting the following:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where application is in effect and no product is handled	$25.00
1 to 100,000 pounds	40.00
100,001 to 200,000 pounds	55.00
200,001 to 300,000 pounds	65.00
300,001 to 400,000 pounds	75.00
400,001 to 500,000 pounds	85.00
For each additional 100,000 pounds, or fraction thereof, in excess of 500,000 pounds	[1] 5.00

[1] The maximum charge shall not exceed $175.00.

7. Change paragraph (a) (10) of § 55.68 to read as follows:

(10) A charge equal to 7 percent of the overtime salary paid by AMS to each grader.

(60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 25th day of June 1958.

[SEAL] **Roy W. Lennartson,**
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4960; Filed, June 27, 1958; 8:52 a. m.]

Part 56—Grading and Inspection of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs

MISCELLANEOUS AMENDMENTS

The regulations governing the grading and inspection of shell eggs and United States standards, grades, and weight classes for shell eggs (7 CFR Part 56), are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment increases the charges for grading and inspection services. The increases are necessary by virtue of recent legislation which raised the salary of Federal employees and because of job reclassifications authorized by the U. S. Civil Service Commission.

It is hereby found that it would be impracticable, unnecessary, and contrary to public interest to give preliminary notice and engage in public rule making procedures with respect to this amendment or delay the effective date of the amendment until thirty (30) days after publication in the Federal Register for the reasons that: (1) The costs of performing the service are increased and the Agricultural Marketing Act of 1946 requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof; (2) the facts upon which the determinations with respect to charges necessary to cover increased costs are not available to the industry, but are peculiarly within the knowledge of the Department; and (3) additional time is not required to comply with this amendment.

The amendment hereinafter set forth is promulgated to become effective July 1, 1958.

The amendment is as follows:

1. Change paragraph (b) of § 56.46 by deleting the figure "$4.00" and inserting therefor the figure "$5.00".

2. Change paragraph (c) of § 56.46 to read as follows:

(c) If an applicant requires that any grading service be performed on a holiday or a nonwork day or at a time other than during the grader's normal working hours, he shall be charged for such service at the rate of $6.00 per hour.

3. Change § 56.50 by deleting the table of charges and inserting in lieu thereof the following:

For 10 cases or less	[1]
For 11 to 25 cases, inclusive	$3.00
For 26 to 50 cases, inclusive	4.50
For 51 to 100 cases, inclusive	6.75
For 101 to 200 cases, inclusive	10.25
For 201 to 300 cases, inclusive	14.00
For 301 to 400 cases, inclusive	16.25
For 401 to 500 cases, inclusive	19.00
For 501 to 600 cases, inclusive	21.00
For each additional 35 cases, or fraction thereof, in excess of 600 cases	1.25

[1] Fee based on time required.

4. Change § 56.51 by deleting the figure "$4.00" and inserting therefor the figure "$5.00".

5. Change paragraph (a) (3) of § 56.52 to read as follows:

(3) A charge of $5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to, surveys in addition to the initial and final survey.

6. Change paragraph (a) (9) of § 56.52 by deleting the table of charges and insert the following:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where application is in effect and no product is handled	$25.00
1 to 1,000 cases	35.00
For each additional 1,000 cases, or fraction thereof, in excess of 1,000 cases	[1] 5.00

[1] The maximum charge shall not exceed $150.00.

7. Change paragraph (a) (10) of § 56.52 to read as follows:

(10) A charge equal to 7 percent of the overtime salary paid by AMS to each grader.

(60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 25th day of June 1958.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4961; Filed, June 27, 1958; 8:53 a. m.]

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

INCREASES IN FEES FOR LICENSES AND GRADE CERTIFICATES

Pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U. S. C. 1621 et seq.), §§ 61.43, 61.44, and 61.45 of the regulations for cottonseed sold or offered for sale for crushing purposes (7 CFR 61.43, 61.44, and 61.45) are hereby amended as follows, effective July 1, 1958:

§ 61.43 *Fee for sampler's license.* For the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be $7.50, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be $5.00.

§ 61.44 *Fee for chemist's license.* For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be $100.00, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be $30.00.

3. In § 61.45, the words "25 cents" are deleted and the words "30 cents" substituted therefor.

The amendments reflect increases in the following fees: (1) Initial issuance and renewal of licenses for cottonseed samplers; (2) initial issuance of licenses for cottonseed chemists; and (3) the fee paid to the Agricultural Marketing Service by licensed chemists for each cottonseed grade certificate issued. These increases have become necessary to more nearly cover the costs of administering and supervising the cottonseed sampling and grading program.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than July 1, 1958 (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost including, but not limited to increased salaries to Federal employees, required by recent legislation (Pub. Law 462, 85th Cong. 2d Session, approved June 20, 1958); (3) it is imperative that the increase in fees become effective with the commencement of the new fiscal year; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Done at Washington, D. C., this 25th day of June 1958 to become effective July 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4968; Filed, June 27, 1958; 8:54 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

The regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment increases the charges for grading and inspection services. The increases are necessary by virtue of recent legislation which raised the salary of Federal employees and because of job reclassification directed by the U. S. Civil Service Commission.

It is hereby found that it would be impracticable, unnecessary and contrary to public interest to give preliminary notice and engage in public rule making procedures with respect to this amendment or delay the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The costs of performing the service are increased and the Agricultural Marketing Act of 1946, requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof; (2) The facts upon which the determinations with respect to charges necessary to cover increased costs are not available to the industry, but are peculiarly within the knowledge of the Department; (3) other changes in the regulations are of a minor nature and are relieving restrictions; and (4) additional time is not required to comply with this amendment.

The amendment hereinafter set forth is promulgated to become effective July 1, 1958.

The amendment is as follows:

1. Add the following sentence to paragraph (b) of § 70.91: "Notwithstanding the foregoing, the name and address of the firm may be shown on the label which bears the grade mark in lieu of the plant number: *Provided,* That the plant number appears on the giblet wrapper that is packed with the carcass."

2. Change paragraph (b) of § 70.131 by deleting the figure "$4.00" that appears therein and substituting in lieu thereof the figure "$5.00".

3. Change paragraph (c) of § 70.131 to read as follows:

(c) If an applicant requires that any grading service be performed on a holiday or nonwork day or at a time other than during the grader's normal working hours, he shall be charged for such service at the rate of $6.00 per hour.

4. Change § 70.133 to read as follows:

§ 70.133 *Poultry grading fees.* For each grading for class, quality, or condition of any lot of poultry, whether live, dressed or ready-to-cook, the following fees shall be applicable, except in instances where more than one lot of product is involved in a single grading for contract acceptance of product to be delivered to an individual receiver, the charge for examining these lots in excess of one may be based on the time required at the rate specified in § 70.131 (b) or (c), whichever is applicable:

For 500 pounds or less	([1])
For 501 to 1,500 pounds, inclusive	$3.60
For 1,501 to 3,000 pounds, inclusive	4.80
For 3,001 to 6,000 pounds, inclusive	6.75
For 6,001 to 10,000 pounds, inclusive	10.25
For 10,001 to 15,000 pounds, inclusive	14.00
For 15,001 to 20,000 pounds, inclusive	17.00
For each additional 5,000 pounds, or fraction thereof, in excess of 20,000 pounds	3.00

[1] Fee based on time required.

Determination of quantity (weight test) shall be charged for at the rate of $5.00 per hour.

5. Change § 70.134 by deleting the figure "$4.00" and inserting in lieu thereof the figure "$5.00", and add the following sentence: "Inspection service performed on a holiday or nonwork day shall be charged for at the rate of $6.00 per hour."

6. Change paragraph (a) (1) of § 70.138 by deleting the referenced subparagraph "(10)" and inserting in lieu thereof "(3)".

7. Change paragraph (a) (3) of § 70.138 to read as follows:

(3) A charge of $5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to, surveys in addition to the initial and final surveys.

8. Change paragraph (a) (9) of § 70.138 to read as follows:

(9) An administrative service charge based on the aggregate weight of the total monthly volume of all poultry handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where an approved application is in effect and no product is handled	$25.00
1 to 100,000 pounds	40.00
100,001 to 200,000 pounds	55.00
200,001 to 300,000 pounds	65.00
300,001 to 400,000 pounds	75.00
400,001 to 500,000 pounds	85.00
For each additional 100,000 pounds, or fraction thereof, in excess of 500,000 pounds	[1] 5.00

[1] The maximum charge shall not exceed $175.00.

9. Change paragraph (a) (10) of § 70.138 to read as follows:

(10) A charge equal to 7 percent of the overtime salary paid by AMS to each grader.

10. Change paragraph (a) (3) of § 70.141 by deleting the figures "$142.00" and "$124.00" and inserting therefor the figure "$154.00."

11. Change paragraph (a) (4) of § 70.141 by deleting the figure "$4.25" and inserting therefor the figure "$4.65."

12. Change paragraph (a) (5) in § 70.141 by deleting the figures "$0.355" and "$0.31" and inserting therefor the figure "$0.385."

13. Change paragraph (a) (6) of § 70.141 by deleting the figures "$6.60" and "$5.60" and inserting therefor the figure "$7.70."

14. Change the last sentence of § 70.381 to read as follows: "When the grade mark is applied to an individual carcass which is not individually packaged and labeled, the information with respect to the class of the poultry shall be included in the same label which bears the grade mark and the plant number or the firm name and address shall also be included on the label which bears the grade mark: *Provided*, That if the plant number does not appear on such label, it shall be shown on the giblet wrapper and packed with the carcass".

(60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 25th day of June 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4966; Filed, June 27, 1958; 8:54 a. m.]

Subchapter D—Regulations Under the Poultry Products Inspection Act

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

INSTALLATION OF SERVICE

The regulations governing the inspection of poultry and poultry products (7 CFR Part 81) are amended as hereinafter set forth pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.).

The amendment sets forth a policy and procedure statement with respect to the installation of inspection service during the voluntary period for receiving service under the Poultry Products Inspection Act.

It is hereby found that it would be impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedures with respect to this amendment or to delay the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) This amendment is a statement of policy and procedure with respect to the installation of service during the permissive phase of the program under the act; (2) the amendment does not impose an obligation on any person; (3) additional time is not required to comply with this amendment; and (4) it is important that the industry be promptly informed with respect thereto.

The amendment is as follows:

1. Delete the period at the end of paragraph (h) of § 81.14 and insert a colon and the following language: "*Provided, however,* That during 1958 final determination as to installation of service will be held in abeyance with respect to any establishment currently denied, or suspended from, the benefits of poultry or poultry products inspection service under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621 et seq.) or where proceedings have been instituted against it for denial of such inspection service under said Act until after the expiration of any such denial or suspension, or the final determination of any such proceeding or January 1, 1959, whichever is earlier."

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

Issued this 25th day of June 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4958; Filed, June 27, 1958; 8:52 a. m.]

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

MISCELLANEOUS AMENDMENTS

The regulations governing the inspection of poultry and poultry products (7 CFR Part 81) are amended as hereinafter set forth pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.).

The amendment increases the hourly rate for overtime inspection costs from $5.00 to $5.40 and makes other minor changes in the inspection program.

It is hereby found that it would be impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedures with respect to this amendment or delay the effective date of the amendment until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) recently enacted legislation increases salaries of Federal employees resulting in increased costs for performing inspection service and the cost of overtime inspection is required by the Poultry Products Inspection Act to be paid for by applicants for such service; (2) the facts upon which the determinations with respect to charges necessary to cover overtime and holiday inspection costs are not available to the industry, but are peculiarly within the knowledge of the Department; (3) other changes in the regulations are of a minor nature and are relieving restrictions; and (4) additional time is not required to comply with this amendment.

The amendment is as follows:

1. Change § 81.14 (a) (2) to read as follows:

(2) Four copies of drawings or blueprints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, be properly drawn to scale, and shall consist of floor plans and a plot plan.

2. Change paragraph (c) (2) of § 81.92 to read as follows:

(2) Kerosene, fuel oil or used crank case oil, or

3. Add the following sentence to § 81.98: "The charges for such frivolous appeal shall be at the rate of $5.40 per hour for the time required to make the appeal inspection."

4. Change paragraph (b) of § 81.118 to read as follows:

(b) Each export certificate shall be issued in quadruplicate; the original and duplicate shall be delivered to the shipper who requested such certificate, and the duplicate shall be delivered by him to the agent of the railroad or other carrier transporting such product from the United States otherwise than by water, or to the Chief Officer of the vessel on which the export shipment is made. The triplicate copy of such export certificate shall be filed in the office of the Area Supervisor serving the area in which such export certificate was issued. The quadruplicate copy shall be retained by the inspector for filing. The inspector issuing an export certificate is authorized to furnish additional copies of such certificate upon the request of an interested party.

5. Add the following sentence to paragraph (a) of § 81.121: "Any inspector is authorized to issue a poultry inspection certificate with respect to any poultry product inspected by him."

6. Change paragraph (b) of § 81.121 to read as follows:

(b) The original and one copy of each poultry inspection certificate shall be issued to the applicant who requested such certificate, one copy shall be forwarded to the Area Supervisor, and one copy shall be retained by the inspector for filing. The inspector who issues any inspection certificate is authorized to furnish an additional copy of such certificate upon the request of an interested party.

7. Delete the words "same label" in the third sentence in § 81.129 and insert in lieu thereof the words "labeling material."

8. Change paragraph (a) (6) of § 81.130 to read as follows:

(6) The plant number of the official establishment in which the product was inspected, either within the official inspection mark or clearly visible and in close proximity elsewhere on the exterior of the container, or in the case of canned product, the plant number may be embossed on the lid of each can. In the case of nontransparent consumer packages such as cartons, the plant num-

ber may be legibly printed thereon or it may be shown on an insert label placed on top of the product within the package. In the case of transparent wrappers, the plant number may be shown on an insert label and so placed under the transparent covering that it will be clearly visible and legible.

9. Delete "$5.00" in § 81.170 and insert in lieu thereof "$5.40."

10. Change "$5.00" wherever it appears in § 81.171 to read $5.40".

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

Issued this 25th day of June 1958, to become effective on July 1, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-4967; Filed, June 27, 1958; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 900—GENERAL REGULATIONS

SUBPART—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended, and as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and by Executive Order No. 10199, Dec. 22, 1950 (15 F. R. 9217), the Rules of Practice and Procedure governing proceedings to formulate marketing agreements and marketing orders are hereby amended as follows:

1. Delete § 900.2 (e) and insert in lieu thereof the following:

(e) The term "Deputy Administrator" means any Deputy Administrator of the Agricultural Marketing Service of the Department or any officer or employee of the Department to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated to act in his stead.

2. Delete § 900.12 (c) and insert in lieu thereof the following:

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision the Deputy Administrator shall give notice thereof, and opportunity to file exceptions thereto by publication in the FEDERAL REGISTER. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the Deputy Administrator's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement or marketing order.

3. Delete § 900.14 (e) and insert in lieu thereof the following:

(e) *Notice of issuance.* After issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given by publication in the FEDERAL REGISTER. (7 U. S. C. 610 (c).)

(Sec. 10, 48 Stat. 37, as amended; 7 U. S. C. 610)

Done at Washington, D. C., this 24th day of June 1958, to be effective on and after publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4959; Filed, June 27, 1958; 8:52 a. m.]

[Valencia Orange Reg. 142]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.442 *Valencia Orange Regulation 142*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 26, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 29, 1958, and ending at 12:01 a. m., P. s. t., July 6, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 27, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5022; Filed, June 27, 1958; 11:13 a. m.]

[Lemon Reg. 745]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.852 *Lemon Regulation 745*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 29, 1958, and ending at 12:01 a. m., P. s. t., July 6, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 26, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-5002; Filed, June 27, 1958; 9:24 a. m.]

PART 966—MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

ORDER AMENDING ORDER

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Shreveport, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1958.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 10, 1958, and the decision of the Assistant Secretary containing all amendment provisions of this order issued June 20, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Delete § 966.51 (a) and substitute the following:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months March, April, May and June, and plus $2.40 for all other months; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of June 1958, to be effective on and after the 1st day of July 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-4976; Filed, June 27, 1958; 8:52 a. m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

§ 1017.303 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017) regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section for 30 days or any other period beyond the date specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted

by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order*. During the period from July 1, 1958, through June 30, 1959:

(1) Except as otherwise provided in this section, no handler may handle onions of the yellow or brown varieties unless such onions are of a size 2 inches in diameter, or larger (including, but not being limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size), including the tolerances for size as specified in the United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title);

(2) Each handler may make one shipment of less than one ton per day without regard to the inspection requirements of this part; and

(3) Yellow or brown varieties of onions may be handled for the following purposes without regard to the regulatory, assessment and inspection requirements of this part: (i) Export; (ii) relief or charity; (iii) livestock feed; or (iv) planting.

(4) Except as otherwise provided in this section, terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017). The term diameter shall have the same meaning as set forth for such term in the United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title); and terms "medium," "jumbo," and "large" shall each have the following meanings: (i) "Medium" means, and relates to, onions that are within a diameter range of 2 inches to 3⅛ inches; and (ii) "jumbo" and "large" each mean, and relate to, onions that are 3 inches, or larger, in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 25, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-4963; Filed, June 27, 1958; 8:53 a. m.]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

CONTAINER EXEMPTION

On May 3, 1958, notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 2988) regarding the establishment of a container exemption procedure pursuant to the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514) regulating the handling of apricots grown in designated counties in Washington, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Washington Apricot Marketing Committee (established pursuant to the said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the establishment of such procedure is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Therefore, establishment of such procedure in the rules and regulations of the said committee is hereby approved as follows:

§ 1020.110 *Container exemption.* Whenever container limitations are effective pursuant to § 1020.52, a handler may make test shipments of apricots in experimental containers, approved by the committee, subject to the following:

(a) Test shipments shall be made only in connection with a container research project, or projects, being conducted by or in cooperation with the Washington Apricot Marketing Committee.

(b) The handler shall first make application to, and receive a permit from, the Washington Apricot Marketing Committee on a form of the committee to handle each experimental container proposed to be used by the handler for test shipments. Such application shall contain the following information:

(1) Name and address of the applicant and date of application;

(2) Description of the container, including size, weight, inside dimensions, and type of pack;

(3) Quantity of such containers proposed to be shipped.

(c) Approval of the application shall be evidenced by the issuance to the applicant by the committee of a permit which shall authorize the handling of apricots in such quantity of experimental containers as the committee may approve.

(d) With respect to each test shipment of apricots handled in experimental containers, the handler shall, prior to such handling, advise the committee as to (1) the number and type of the container or containers in the test shipment, (2) identification of the carrier, (3) name and address of the receiver, and (4) expected time of arrival at destination.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) and good cause exists for making the provisions hereof effective not later than the date of such publication, in that (1) shipments of apricots will begin on or about June 23, 1958, and such shipments will be subject to container limitations prescribed pursuant to Apricot Order 2, as amended; (2) establishment of the procedure set forth herein is necessary to effectuate container research as it provides a method whereby containers other than those prescribed pursuant to said Apricot Order 2 may be tested under commercial shipping conditions; (3) the apricot shipping season will end about mid-September, hence, such procedure should be made effective as near the beginning of such season as possible to provide the maximum opportunity during such season for the conduct of container research; (4) handlers of apricots have been advised of the proposed establishment of the said procedure; (5) it is necessary, in order to effectuate the declared policy of the act to make the provisions hereof effective at the time hereinafter set forth; and (6) the procedure hereby established will not require any preparation which cannot be completed by the effective time hereof.

Terms used herein shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 24, 1958, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4934; Filed, June 27, 1958; 8:48 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—CONTROL OF SOURCE MATERIAL

ELIMINATION OF PROHIBITION ON CERTAIN USES OF URANIUM

The regulations in Part 40, "Control of Source Material", 10 CFR, contain a provision that unless justified by exceptional circumstances, licenses will not be issued for transfers of uranium for use in the manufacture of or for incorporation in ceramic products, glass products, or photographic film, negatives and prints (§§ 40.28 and 40.61). This restriction on the use of uranium was promulgated as a means of conserving the supply of uranium for essential uses.

At the present time the supply of uranium is such that it is no longer deemed necessary or appropriate to continue this restriction in effect.

Inasmuch as this amendment is intended to relieve from, rather than to impose, restrictions under regulations currently in effect, the AEC has found that general notice of proposed rule making and public procedures thereon are unnecessary and that good cause exists why this amendment should be made effective without the customary period of notice.

Part 40 is amended in the following respects:

1. Section 40.28 *Licenses to transfer uranium for certain uses* is deleted.

2. Section 40.61 *Schedule II: Prohibited uses of uranium (see § 40.28)* is deleted.

Dated at Germantown, Md., this 19th day of June 1958.

For the Atomic Energy Commission.

R. W. Cook,
Deputy General Manager.

[F. R. Doc. 58-4945; Filed, June 27, 1958; 8:50 a. m.]

Part 112—HARDTACK Nuclear Test Series, 1958

MISCELLANEOUS AMENDMENTS

On June 26, 1958, the Atomic Energy Commission issued public notice of the danger area to be established July 25, 1958, in connection with the forthcoming phase of the HARDTACK nuclear test series to be conducted in the area surrounding Johnston Island. The efficient and early completion of this test series, the initial phase of which is currently in progress at the Eniwetok Proving Ground in the Marshall Islands, is of major importance to the defense of the United States and of the free world.

To avoid any unnecessary delay or interruption of this test activity, and to protect the health and safety of the public, the Atomic Energy Commission is issuing the following amendments to Part 112, which amendments will be effective until the HARDTACK test series is completed.

In view of the relationship of these tests to the national defense, the potential hazard to the health and safety of individuals who enter the danger area, and the early starting date of the tests, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following amendments are published as a document subject to codification, to be effective upon filing with the Federal Register.

1. Section 112.3 is amended as follows:

§ 112.3 *Definitions:* As used in this part:

(a) "Danger area" means the following:

(1) That area established, effective April 5, 1958, encompasing the Bikini and Eniwetok Atolls, Marshall Islands and which is bounded by a line joining the following geographic coordinates:

18°30′ N., 156°00′ E.
18°30′ N., 170°00 E.
11°30′ N., 170°00 E.
11°30′ N., 166°16′ E.
10°15′ N., 166°16′ E.
10°15′ N., 156°00′ E.

(2) That area established, effective July 25, 1958, encompassing Johnston Island and which is a circle of 400 nautical miles radius centered at the following geographic coordinates: longitude 169° 31′00″ West and latitude 16°45′00″ North.

(b) "HARDTACK test series" means that series of nuclear tests conducted and to be conducted by the Atomic Energy Commission and the Department of Defense at the Eniwetok Proving Ground and at Johnston Island, within the danger areas as defined in paragraph (a) of this section, which tests began in April 1958 and will end at an announced time during the calendar year 1958.

2. Section 112.4 is amended as follows:

§ 112.4 *Prohibition.* No United States citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter or remain in either of the defined danger areas (§ 112.3 (a)) during the continuation of the HARDTACK test series, except with the express approval of appropriate officials of the Atomic Energy Commission or the Department of Defense.

3. The part head of this part is hereby amended to read as set forth above.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201. Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U. S. C. 2012, 2013, 2121. For the purposes of sec. 223, 68 Stat. 958; 42 U. S. C. 2273, § 112.4 issued under sec. 1611, 68 Stat. 949, 42 U. S. C. 2201 (1))

Dated at Germantown, Md., this 25th day of June 1958.

For the Atomic Energy Commission.

K. E. Fields,
General Manager.

[F. R. Doc. 58-4983; Filed, June 26, 1958; 2:00 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11959; FCC 58-603 (Corrected)]

[Rules Amdt. 2-22]

Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

REALLOCATION OF CERTAIN FIXED, LAND MOBILE, AND MARITIME MOBILE BANDS

1. On April 3, 1957, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter which was released on April 9, 1957, and published in the Federal Register of April 16, 1957 (22 F. R. 2583). A correction to the Notice adding footnote designators to certain specified frequency bands was released on April 11, 1957, and published in the Federal Register of April 26, 1957 (22 F. R. 2956). The First Memorandum Report and Order in this Docket, which applied only to the land transportation and maritime mobile services in the 152–162 Mc band, was adopted by the Commission on April 9, 1958, and published in the Federal Register on April 15, 1958 (23 F. R. 2424). A corrected copy of the Order was published in the Federal Register on April 19, 1958 (23 F. R. 2601). The Second Memorandum Report and Order in this Docket, which implemented "split channel" proposals for the public safety radio service in the 150.8–162 Mc and 450–460 Mc bands for the remaining services in the 150.8–162 Mc band, was adopted by the Commission on May 8, 1958, and published in the Federal Register on May 17, 1958 (23 F. R. 3351).

2. This Order is intended to dispose of the remaining proposals in Docket 11959 except as noted below. The exceptions will be dealt with at a later date. It should be noted that, in the amendments set forth below now being effected in Part 2 of the Commission's rules, listing of the frequency bands 455–456 Mc, 460–461 Mc, 462.525–463.225 and 465.275–466.475 Mc is merely to reflect the present frequency allocation and is not to be construed as finalization of the Commission's outstanding proposals in Docket 11959 to reallocate the frequency bands 455–456 Mc and 460–461 Mc to the domestic public service, and the bands 462.525–463.225 and 465.275–466.475 Mc to the industrial service. Additionally no action is being taken at this time with respect to the proposal to reallocate the 26.96–27.23 Mc amateur band to citizens radio service. Other portions of the proposal, involving reallocation of the frequency bands indicated in the attached appendix from the citizens radio service to the industrial radio services are being finalized by this Order and by a companion proceeding (Docket 11991).

3. As explained in the Second Memorandum Report and Order in this docket, band edge frequencies will henceforth be indicated in column 7 of the Part 2 table of frequency allocations for each kind of service or station shown in column 11 for the land mobile service above 50 Mc, in lieu of indicating specific assignable frequencies in column 10 of the table. Thus, provision for the assignment to the land mobile service of both evenly spaced "split channel" frequencies for regular operation and randomly spaced frequencies for narrow band developmental operation above 50 Mc under certain conditions will be inherent in the table.

4. Comments opposing the Commission's proposal to reallocate most of the 460–470 Mc band from the Citizens Radio Service to the Industrial Radio Services were received from the Vocaline Company of America, Kaar Engineering Corporation, and Mr. W. I. Abbott. The comments of the Vocaline Company and Mr. Abbott claim that the proposed "unrealistic" technical standards will "kill off" the Citizens Radio Service. Inasmuch as the substance of these comments is fully discussed in the appropriate companion Order (Docket 11991) of the same date, duplicate or further discussion of the issues involved herein appears unnecessary. It is emphasized that the 460–461 Mc, 462.525–463.225 Mc, and 465.275–466.475 Mc portions of the present 460–470 Mc Citizens Radio band will probably be reallocated at a later date even though the attached appendix reflects no concurrent change in the allocation of these portions of the band to the Citizens Radio Service. Based on considerations discussed in the above mentioned Order in Docket 11991, the Citizens Radio Service will be permitted to share with the Industrial Radio Service, at least for the time being, the 463.225–464.725 Mc band and the 466.475–467.475 Mc portion of the 466.475–470 Mc band.

5. The First Memorandum Report and Order in this docket changed the lower

limit of the maritime mobile band 161.85–162 Mc to 161.825 Mc thus providing a 50 kc channel at 161.85 Mc for assignment to coast stations. Footnote NG35 allocates the band 161.40–161.85 Mc to fixed stations only in Puerto Rico and the Virgin Islands. Therefore, the frequency 161.85 Mc is unavailable, as proposed, for assignment to the Maritime Mobile Service in Puerto Rico and the Virgin Islands as indicated by new footnote NG56 shown below.

6. At the present time remote pickup stations in Puerto Rico may use frequencies in the band 159.48–160.02 Mc on a shared basis with the Railroad Radio Service. Rules proposed in Docket 11992 would expand the new Motor Carrier Radio Service into this band thereby making impractical the continued sharing of the band by remote pickup broadcast stations in Puerto Rico. Therefore, it was proposed in said Docket 11992 and in this docket to delete the above mentioned sharing arrangement and substitute therefor the provision for the use of the frequency band 160.86–161.40 Mc by remote pickup stations in Puerto Rico and the Virgin Islands on a shared basis with the Railroad Radio Service (Land Transportation Radio Services). No comment was received with respect to this proposal and it is hereby adopted.

7. The Commission's Notice in this docket proposed that frequencies made assignable by reducing channel spacing from 60 to 30 kc in the 152.24–152.48 Mc and 157.45–157.74 Mc bands be assigned exclusively to the Industrial Radio Service for use outside standard metropolitan areas of 50,000 or more population. No comment was received with respect to this proposal and it is hereby adopted.

8. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered and, pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended,

9. *It is ordered*, That Remote Pickup stations in Puerto Rico authorized as of August 1, 1958, to operate in the frequency band 159.48–160.0 Mc may continue to operate in this band until their current licenses expire. No new Remote Pickup stations will be authorized to use this band in Puerto Rico but, in lieu thereof, applicants for such stations in Puerto Rico and the Virgin Islands may be assigned frequencies in the 160.86–161.40 Mc band on a shared basis with the Land Transportation Radio Service;

10. *It is further ordered*, That effective August 1, 1958, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; general rules and regulations, is hereby amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: June 18, 1958.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In the table of frequency allocations, § 2.104 (a) (5), change the entries in the bands shown below between 152.24 and 173.4 Mc and between 450 and 470 mc in columns 7 through 11 to read as follows:

Band Mc 7	Service 8	Class of station 9	Frequency 10	Nature of services of stations 11
152.24–152.48 (NG1) (NG22) (NG57)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
157.45–157.74 (NG1) (NG22) (NG57)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
173.2–173.4 (NG1)	a. Fixed. b. Land mobile.	a. Base. b. Fixed. c. Land mobile.		INDUSTRIAL.
450–451 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		a. Remote pickup broadcast base; b. Remote pickup broadcast mobile.
451–452 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
452–453 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
454–455 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
455–456 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		a. Remote pickup broadcast base; b. Remote pickup broadcast mobile.
456–457 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL
457–458 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		LAND TRANSPORTATION.
459–460 (NG1) (NG22)	Land mobile.	a. Base. b. Land mobile.		DOMESTIC PUBLIC.
460–461 (NG1)	Land mobile.	a. Base. b. Land mobile.		CITIZENS.
461–462.525 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL.
462.525–463.225 (NG1)	Land mobile.	a. Base. b. Land mobile.		CITIZENS.
463.225–464.725 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL CITIZENS.
464.725–466.475 (NG1)	Land mobile.	a. Base. b. Land mobile.		CITIZENS.
466.475–470 (NG1)	Land mobile.	a. Base. b. Land mobile.		INDUSTRIAL CITIZENS (NG58).

2. Amend footnote NG40 to read as follows:

NG40 The frequency band 160.86–161.40 Mc is available for assignment to remote pickup base and remote pickup mobile stations in Puerto Rico and the Virgin Islands only, on a shared basis with the Land Transportation Radio Service.

3. Add new footnotes NG56, NG57, and NG58 to read as follows:

NG56 The frequency 161.85 Mc is not available for assignment to the Maritime Mobile Service in Puerto Rico or the Virgin Islands.

NG57 Frequencies 152.30, 152.36, 152.42, 157.56, 157.62 and 157.68 Mc may be assigned exclusively to the Industrial Radio Service outside standard metropolitan areas of 50,000 or more population.

NG58 Citizens Radio Service operations may be authorized only in the 466.475–467.475 Mc portion of this band.

[F. R. Doc. 58–4853; Filed, June 27, 1958; 8:45 a. m.]

[Docket No. 12169]

PART 11—INDUSTRIAL RADIO SERVICES

CHANGES IN AVAILABILITY OF FREQUENCIES

In the matter of amendments of Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 42–50 Mc band, to effect changes in the 25–50 Mc and 150.8–152 Mc bands, and to effect other changes relating to the use of frequencies in the 25-50 Mc band.

The Commission having under consideration the First Report and Order in the above-entitled matter (FCC 57-1393) adopted December 18, 1957; and

It appearing that, by virtue of the above First Report and Order, Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's rules were amended in the respects described and set forth therein; and

It further appearing that, although the formal codification of the rules-changes for Part 2 were appended to the said First Report and Order, such codification for Parts 6, 7, 8, 9, 10, 11, and 16 was to be accomplished by subsequent order of the Commission; and

It further appearing that, the Commission has this day adopted a First Report and Order in Docket No. 11991 which amends Part 11 in many respects; and

It further appearing that, for its own convenience and for the convenience of persons eligible or licensed under Part 11, the aforementioned codification for Part 11 is accomplished in full to the said First Report and Order in Docket No. 11991, and that no beneficial purpose would be served by its repetition in the instant proceeding;

It is ordered, This 18th day of June, 1958, and pursuant to section 0.341 of the Commission's rules, that, to the extent that the above First Report and Order in Docket No. 11991 are directed to the codification of the rules-changes for Part 11 heretofore adopted herein, it is hereby incorporated by reference, as if fully set forth herein.[1]

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: June 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4854; Filed, June 27, 1958; 8:45 a. m.]

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[1] See F. R. Document 58-4852, *infra.*

[Docket No. 11991; FCC 58-602]

[Rules Amdt. 11-15]

PART 11—INDUSTRIAL RADIO SERVICES

CHANGES IN AVAILABILITY OF FREQUENCIES

In the matter of amendment of Part 11, rules governing the Industrial Radio Services, to delete, modify and create Services, and to effect changes in the availability of frequencies.

Background and Nature of Proceeding

1. This proceeding was instituted by a Notice of Proposed Rule Making of April 3, 1957 (FCC 57-356—released April 9, 1957). The Notice provided for an original-comment date of June 10, 1957, and a reply-comment date of June 20, 1957. In subsequent Orders the Commission extended these dates and ultimately provided for an original-comment date of October 10, 1957, and a reply-comment date of November 12, 1957. Approximately 150 original and reply comments of all descriptions have been received in this proceeding. These comments, which range in length and scope from detailed, exhibit-supported documents of 100 pages or more to simple, one-page, supporting letters, have been carefully read and analysed by the Commission, and have been of incalculable assistance to the Commission in the disposition of the issues involved in this proceeding.[1]

2. For purposes of bringing the total picture of this Report and Order into sharper focus, a summary of some of the major accomplishments or rule changes hereinafter effected is here set forth. In brief, this Report and Order:

a. Reallocates 6.550 megacycles of space in the 460–470 Mc band from the Citizens Radio Service to the Industrial Radio Services.

b. Retains 2.450 megacycles of space in the 460–470 Mc band for the Citizens Radio Service. Of this space, 1.900 megacycles is earmarked for possible reallocation at a later date. Pending future developments, Class B Citizens Stations are extended the right to operate within a 4.950 Mc portion of the band centered approximately on 465 Mc.

c. Provides for the regular assignment of all Industrial frequencies in the 450–470 Mc band; reduces channel spacing in the latter band and in the 27.23–27.28 and 162–174 Mc bands; apportions and reapportions frequencies among the several subservices comprising the Industrial Radio Services.

d. Establishes a Manufacturers Radio Service.

e. Retains the Special Industrial Radio Service in substantially modified form.

f. Combines the Low Power Industrial Radio Service, elements of the Special Industrial Radio Service and elements of the Citizens Radio Service into a new Business Radio Service.

g. Establishes a Telephone Maintenance Radio Service with eligibility for communications common carriers engaged in construction, maintenance or repair activities.

Reallocation of 460–470 Mc Frequencies

3. The Commission's Notice herein proposed that the 461–464.725 and 465.275–470 Mc segments of the 460–470 Mc band be reallocated from the Citizens Radio Service to the Industrial Radio Services. The most vigorous opposition to this proposal has been registered by Vocaline Company of America, Inc., a manufacturer of radio transceivers for Class B Citizens use.[2] Among its principal contentions can be listed the following: That, legitimately, the present proceeding should confine itself to an implementation of the Commission's Report and Order of September 19, 1956, in Docket No. 11253;[3] that Docket No. 11253, wherein new technical standards were adopted for the 25–50 and 50–1000 Mc bands, involved only the 152–162 Mc band insofar as actual channel-splitting is concerned; that Part 19 (Citizens Radio Service) was not involved in Docket No. 11253; that any reallocation of frequencies among the several services at this time would constitute a prejudgment of the issues and matters involved in Docket No. 11997[4]—the only proper forum for actions of the magnitude and importance here contemplated; that, in this connection, any reallocation of frequencies must be based upon comparative considerations developed by acceptable methods of proof and that a fair, equitable and efficient reallocation is precluded by the "piece-meal, ex parte, and summary" nature of the instant proceeding; that in proposing to reduce the Citizens allocation from 10 Mc to 0.55 Mc[5] and the permissible bandwidth of Class B stations from 4.65 Mc to 0.45 Mc, the Citizens Radio Service—particularly the Class B segment thereof—would be destroyed; and that nothing has transpired which warrants deviation from the original concept of the Citizens Radio Service contained in the Commission's Report of Proposed Allocation from 25,000 Kilocycles to 30,000,000 Kilocycles (January 15, 1945). Consistent with the foregoing, Vocaline urges that the proposals involved be abandoned. Alter-

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[1] The frequency allocation determinations arrived at herein should not be construed as being dispositive of allocation proposals on questions contained in or presented by other outstanding rule making proceedings.

[2] Under the present Citizens rules, Class B stations are permitted to occupy up to 4.65 Mc of space centered on the frequency 465 Mc. Such stations are limited in power to 10 watts input to the final radio frequency stage, and they are afforded no interference-protection from other Class B stations or from Class A stations operating in any portion of the 460–470 Mc band. Vocaline presently manufactures two type-approved models of radio transceivers, each of which is said to sell at under $100.00 per unit. Vocaline states that it has thus far sold in excess of 20,000 of the above units and that it is currently selling them at a rate of 2,000 per month. The principal market for these transceivers has been with small businesses, civic organizations, sportsmen, etc. having small-area communication requirements. Vocaline represents that it could modify its models so as to limit emission to plus or minus 1.5 Mc from the frequency 465 Mc with only a moderate increase in consumer-cost. It further states that equipment capable of meeting the emission limits (plus or minus 0.225 Mc) proposed in Docket No. 11994 would require a crystal controlled design; the increase in consumer-cost necessitated by such a modification is not specified—other than that it would be "substantial".

[3] FCC 56-901—adopted September 19 and released September 24, 1956.

[4] Statutory Inquiry into the Allocation of Frequencies to the Various Non-Governmental Services in the Radio Spectrum between 25 mcs and 890 mcs.

[5] Dockets 11959 and 11995 propose the reallocation of the 460–461 segment of the 460–470 Mc band from the Citizens Radio Service to the Domestic Public Radio Services.

natively it suggests that a segment of the 460–470 Mc band at least 3 Mc wide[6] should be allocated solely for the use of Class B Citizens stations, or that at least 3 Mc (and preferably 6 Mc) of the present 420–450 Mc Amateur band be reallocated for such use.

4. Vocaline and others, in this and other companion proceedings,[7] particularly object to the Commission's departure from its 1945 concept of the Citizens Radio Service, under which the frequency band 460–470 Mc was made available for Class A and Class B stations in that service. In part, the service was established with a view to providing for the requirements of individuals and of industrial and commercial enterprises for private, short distance radiocommunications. The development of the service, however, clearly establishes that the primary need and demand of Class A Citizens users has not been for such short distance communications; rather, more and more commercial and industrial enterprises—for whose activities adequate provision has not previously been made elsewhere in the Commission's rules—have turned to the Citizens Service in an effort to meet their long-range, mobile, and point-to-point communication needs. Of approximately 140,000 transmitters currently authorized in the Citizens Radio Service, nearly half are estimated to be operated under Class A authorization and devoted to the above uses, while less than 15 percent or approximately 21,000 transmitters are estimated to be operated under Class B authorization.

5. The above-mentioned original (1945) concept of the Citizens Radio Service and the allocation of 10 Mc of space thereto were principally derived from (a) the then existing state of the radio art and the capabilities of the equipment then available; (b) the comparative needs, as they were then known, of the variety of persons and activities sought to be accommodated; and (c) the Commission's estimate of future growth within the services provided for. The actual growth and expansion of the various services in the intervening thirteen years, and the additional demand on every side for more radiocommunication channels, could not have been foreseen but are now too well known to need to be detailed here. In the Safety and Special Radio Services alone, authorizations now exceed 400,000, and these authorizations represent in excess of 1,200,000 transmitters. In comparison to the 36,000 authorizations, representing 140,000 transmitters, in the Citizens Radio Service there are in the Special Industrial Radio Service, alone, some 6,000 licensees operating in excess of 115,000 transmitters. It was one of the purposes of this proceeding to arrive at a more equitable division of frequency space between services, in the light of this proven use. It is recognized that much of the growth and expansion of the various services can be attributed to the enormous improvement which has been made in the performance capabilities of transmitters and receiving equipment—improvement that has opened the door to more efficient utilization of available spectrum space. Improved equipment-design has not been confined to the lower frequency (such as the 25-50 and 152-162Mc) bands, although it has progressed in that order. Equipment capable of reliable performance—occupying bandwidths of less than 50 kc—is readily available for use in the 450–470 Mc region, and is available for use by prospective licensees in the other services herein considered as well as in the Citizens Radio Service.

6. Notwithstanding that improved equipment-design has made reductions in seperations possible between presently-assignable frequencies in many of the Commission's frequency bands—and has consequently enabled an approximate doubling of frequencies in such bands—the immediate and anticipated demands of existing eligibles and other persons for whom more adequate provisions must be made ensures that no surplus of desirable spectrum space is likely to result, even in the 450–470 Mc range. Indeed, it was these immediate and anticipated demands which dictated that the Commission turn to the Citizens band as a source of frequencies for other (and possibly more protected) services. While the distinction between Class A Citizens radio stations and stations in the Business or Manufacturers Radio Services (hereinafter established) may appear one of name only, there clearly exists a difference in operating authority as well as in eligibility for license in the respective services and hence in the protection afforded a licensee operating in that service. In view of the action taken elsewhere herein with respect to the conditions under which Class B Citizens Radio stations may continue to be operated, the transfer of frequencies in the 460–470 Mc range from the Citizens Radio Service to the Industrial Services would appear to have a little if any practical effect on the operating privileges of Class B stations. The Commission realizes that with the transfer of frequencies between services, higher station powers will be permitted in the frequency range 462–468 Mc where severe limitations were previously placed on the power of Class A stations for the protection of Class B station operation. The Commission is firmly convinced, however, that such higher powered operations by other stations in that range must be accepted by the Class B stations since it believes that the frequency spectrum is too valuable a resource to reserve a portion nearly 6 Mc in extent for the relatively inefficient Class B use only.

7. Vocaline seems to contend that the Commission is here limited to an implementation of the decisions arrived at in Docket No. 11253. Although an important purpose of this proceeding is to effect such implementation, the Commission's primary purposes have been to take additional steps in the matters of creating additional frequency-channels for assignment in the Industrial services and of expanding eligibility for the benefit of large numbers of industrial and commercial enterprises. It is also contended that the issues joined herein by Vocaline should more properly be determined in the general inquiry in Docket No. 11997. With this latter proceeding, of course, the Commission did not intend to freeze or otherwise impede other proceedings dealing with individual services and allocations; on the contrary, it was specifically stated in the Notice in Docket No. 11997 that such proceedings would continue on an ad hoc basis. Vocaline urges (in effect) that frequency allocations must be arrived at on a comparative basis and that the instant "ex parte" proceedings precludes comparative consideration of the needs of Class B users. This argument is difficult to understand, particularly, in light of the fact that parties were not prohibited from including in their comments facts and data addressed to the question of comparative need—and certainly Vocaline's comments are replete with such information.

8. The substantive problems pointed up by the Vocaline comment and outlined above are not easily resolved. Although present trends of demand tend to support a view that virtually all Class B usage must eventually submit to the space-requirements of higher-priority applicants—particularly those in the Industrial services—a number of considerations would seem to warrant a relaxing of the proposals along lines more agreeable to Class B users. Prime among these considerations is the practical fact that, although a trend toward greater-coverage equipment in the band has been definitely established, the full consequences of the trend are not likely to be felt for several years. In this connection the Commission takes note of the facts that present loading in the band has not yet reached what might be termed the serious stage, and that a lower loading-rate can be expected by virtue of the large numbers of additional 25–50 and 150–172 Mc frequencies to which higher-priority users have and will have access. Not unrelated to the foregoing point is the consideration that substantial advantage can accrue to the Commission and its users by delaying commitment of all the 460–470 Mc space until the over-all picture of needs and demands in the various Industrial services has adjusted itself in light of the new frequency-complements being established for such services. Further warrant for such a delay is afforded by proposals[8]—such as one by Aeronautical Radio, Inc.—that other needs be accommodated in the 450-470 Mc range. In arriving at what might be termed a compromise with respect to the various factors pertinent hereto, the Commission has given considerable weight to certain facts accented by Vocaline. Thus, the Commission is impressed with the remarkable rate of purchase of Class B units now available and the fact that many users have apparently found it economically more sound to pur-

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[6] Vocaline's total Citizens allocation would consist of the 463.25–466.75 segment.

[7] Docket Nos. 11959 and 11994.

[8] In addition to the ARINC petition discussed in paragraph 8 and certain expressed needs in the Citizens and Industrial Radio Services, the Commission has received other proposals for disposition of space in this band.

chase less expensive equipment of small-area capabilities than to pay the premium for equipment of greater range.

9. Based upon the foregoing considerations, the Commission makes the following disposition of its proposals for the 460–470 Mc band:

a. A total of 6.550 megacycles (as opposed to the proposed 8.450 megacycles) is reallocated for use in the Industrial services. These 6.550 megacycles are comprised of the 461–462.525, 463.225–464.725 and 466.475–470 portions of the band.

b. As proposed, a total of 0.550 megacycles (consisting of the 464.725–465.275 Mc portion) of the band is being retained for use in the Citizens Radio Service.

c. With respect to a total of 1.900 megacycles (consisting of the 462.525–463.225 and 465.275–466.475 portions) of the band, the Commission is withholding a final determination at this time. Pending greater crystallization of the expressed and anticipated[8] needs for fixed and mobile operations in the frequency range 460–470 Mc, these 1.9 megacycles will continue to be allocated to the Citizens Radio Service for use therein. Until further disposition is made of this space, no licensee on the frequencies involved will be required to vacate as a direct result of actions taken herein. With respect to the 1.9 megacycles, it should be noted that there is an approximate 4-megacycle span between the two blocks of frequencies. This spacing will permit the Commission to provide as many as fourteen pairs of frequencies for duplex operation and an additional ten frequencies for simplex-only operation, and will thus allow the Commission consideration flexibility in the eventual disposition of the space involved.

d. In connection with all of the foregoing, Class B Citizens stations will be permitted, at least for the time being, to operate within the 462.525–467.475 portion of the band subject to no interference-protection from other Class B stations, from Class A Citizens stations operating in any portion of the 460–470 Mc band, or from any station authorized to use a frequency in the 460–470 Mc band in the Industrial Radio Services. To lessen the probability of harmful interference being cuased by Class B stations, their permissible power is being reduced to 5 watts input to the final radio frequency stage. This reduction will have only limited practical effect upon existing users and manufacturers since virtually all Class B equipment being sold or used at the present time already conforms to the new requirement. Manufacturers of Class B equipment are cautioned that the range of occupancy provided for by this Report and Order cannot be guaranteed on a permanent basis and that future developments may require a reduction to the limits originally proposed in this proceeding. Meanwhile, it may be possible for such manufacturers to design equipment capable of meeting these limits at prices attractive to the market.

Reallocation of Taxicab Split-Channels

10. The Commission's Notice proposed that the split-channels between the present 60 kc channels in the 152.24–152.48 and 157.45–157.74 Mc Land Transportation blocks be made exclusively available in the Industrial Radio Services outside Standard Metropolitan Areas of 50,000 or more population. No opposition to this proposal has been filed in this proceeding and it is hereby adopted.

Channel-Splitting—27.23–27.28 and 162–174 Mc

11. The Notice proposed that the channel spacing in those portions of the 27.23–27.28 and 162–174 Mc bands which are presently available to the Industrial Radio Services should be reduced to 10 kc and 25 kc, respectively. The proposals with respect to these two bands find general support in the comments and they are hereby adopted.

Channel-Splitting and Regularization in the 450–470 Mc Band

12. Heretofore, operation in the Industrial Radio Services on present channels in the 450–460 Mc band has been on a developmental basis only. The Commission proposed that all future operation in the Industrial services on frequencies in the 450–460 Mc band and frequencies in the 460–470 Mc band being reallocated from the Citizens Radio Service be on a regular basis. The Commission further proposed that channel spacing for all Industrial frequencies in the 450–470 Mc band be reduced to 50 kc. Except as heretofore noted with respect to the Vocaline comments the proposals are generally supported by the comments filed herein. The Commission finds that a finalization of the foregoing proposals would be in the public interest and the proposals are hereby adopted. Technical standards covering bandwidth of emission, frequency stability and modulation limiters are already contained in the rules for the 450–470 Mc band. Electronic Industries Association (EIA) suggests that the requirement for audio low-pass filters now applicable to the 25–50 and 150–162 Mc ranges should be extended to the 450–470 Mc band. The Commission believes that this point is well taken and this feature is being incorporated into the rules. EIA also recommends that the maximum transmitter swing for frequency modulation in the 450–470 Mc range should be reduced to plus-or-minus 10 kc. This recommendation is not adopted by the Commission at this time for the reason that the present limitation of plus-or-minus 15 kc, with an authorized bandwidth of 40 kc, should adequately satisfy the requirements for adjacent channel operation.

13. EIA contends that all 450–470 Mc frequencies in the land mobile services should be made available in such services for secondary Operational Fixed purposes. The Commission believes, however, that the provision made for such Operational Fixed purposes in the Tables adopted herein is all that should be made at this time. Because these frequencies are primarily intended to serve mobile requirements, the Commission is of the view that the trend of mobile-loading should be more fully developed before taking action as broad as that called for by EIA.

Denial of Certain Proposals

14. In this proceeding the Commission has received a large number of proposals which are (a) beyond the scope of this proceeding; (b) irrelevant to this proceeding; (c) already the subject matter of a pending proceeding; (d) being disposed of in one of the related Dockets 11959, 11990 and 11992–95; (e) more appropriately the subject matter of a new and independent proceeding; (f) unwarranted in light of actions taken herein with respect to related subject matter; (g) of insufficient importance to warrant the delay which would be occasioned by their extended consideration at this time; or (h) of insufficient merit to sustain a finding of public interest, convenience and necessity. Among such proposals, which must be denied for one or more of the foregoing reasons, are the following:

a. A proposal by EIA that at least one 2-watt (maximum output) frequency be allocated to each radio service in each of the bands 25–50, 152–174 and 450–470 Mc for base and mobile use.

b. A proposal by EIA that there be no restrictions as to the type of intelligence that may be transmitted on communication systems in the Industrial services.

c. A proposal by Radio Corporation of America that the split channels in a number of segments in the 152–174 Mc band be allocated for control, signalling and telemetering purposes on an Operational Fixed basis.

d. A proposal by EIA (joined in by General Electric Company) that the Commission specify maximum power in terms of "output power" instead of "input power to the final radio frequency stage".

e. A proposal by Dowell Incorporated (joined in by others) that some of the frequencies in the 88–108 Mc band presently allocated for FM Broadcasting be made available in the Industrial services.

f. A proposal by the American Medical Association that protected frequencies be made available to physicians for day-to-day use to receive and answer emergency calls, for undergraduate and postgraduate medical training, and for use in disaster or medical emergencies.

g. A proposal by the American Hospital Association that one protected frequency below 50 Mc and at least two protected frequencies in the 150 or 450 Mc ranges be made available for use by hospitals and hospital associations.

h. A joint proposal by Hawaiian Sugar Planters' Association and Pineapple Growers Associations of Hawaii that Special Industrial licensees in Hawaii be relieved from mandatorily complying with the narrow-band technical standards until September of 1966, and that the effective dates of the Report and Order in Docket No. 11253 and the instant Report and Order be held in abeyance until after the completion of the proceeding in Docket No. 11997 to the extent that Hawaii is concerned.

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[8] See footnote on p. 4785.

i. A proposal by Aeronautical Radio, Inc., that action in the instant proceeding be deferred until after the Commission disposes of a petition which ARINC intends to file in the matter of establishing an Aviation Terminal Mobile Radio Service.[9]

j. A proposal by United States Independent Telephone Association that an REA telephone cooperative and an REA electric cooperative be permitted to jointly use a single mobile radio system.

Power—Petroleum—Forest Products—152–174 Mc.

15. Inter alia, the Notice proposed that the Power Radio Service receive the seven secondary splits between its present 152–162 Mc frequencies and the three secondary splits between the present 173.225–173.375 Mc Motion Picture-Relay Press frequencies except in the states of Texas, Oklahoma, Louisiana, Arkansas, Washington and Oregon; under the Notice the Petroleum Radio Service would receive the ten splits in the first four states and the Forest Products Radio Service would receive them in the last two states. NCUR resists the foregoing in several particulars. First, it contends that the three 173 Mc splits would be of little value in the Power service because of their proximity to Television Channel 7 and because of the coordination problem inherent in their interspersion among frequencies presently available to other services. In lieu of these frequencies NCUR would prefer the secondary frequencies 153.74 and 158.28 Mc and the tertiary frequency 158.295. With respect to the proposal to deprive Power of the seven splits mentioned above in the six states listed, NCUR states that the proposal reflects the heavy requirements of the Petroleum and Forest Products services in the areas involved, but does not provide corresponding relief in densely populated areas where Power has its heaviest requirement. API is unimpressed with the proposal to give it the ten splits in the states of Texas, Oklahoma, Louisiana and Arkansas; its lack of enthusiasm is generated by a contention that early utilization of the frequencies would be precluded by the wide dispersal of Power systems on regular frequencies throughout the four-state area and the lack of narrow-band equipment in use at present. Forest Industries Radio Communications (Forest Industries) acknowledges that the access to the above ten frequencies would be of great value in the two states but urges with respect to the seven Power splits that the sharing be in all six states, and that with respect to the three 173 Mc splits that Forest Products be given access to them also in California north of the 38th Parallel. Both API and Forest Industries register bids for the 158.31–158.44 Mc secondary channels proposed by the Notice for the Business Radio Service.

16. The Notice also proposed that Petroleum and Forest Products receive (on a shared basis with the proposed Manufacturers Radio Service) the splits between their present frequencies in the 153 Mc range and the frequency 158.28 Mc which lies between the Power frequency 158.25 Mc and the Forest Products-Petroleum frequency 158.31 Mc. Additionally, it was proposed that Petroleum and Forest Products share the Taxicab splits in the 152 and 157 Mc ranges, the splits to be available only outside Standard Metropolitan Areas of 50,000 or more population. API's criticism of the Taxicab splits parallels its criticism of the Power splits, and Forest Industries also doubts their utility for similar reasons.

17. We consider first the NCUR contentions. By virtue of other action herein, the tertiary frequency 158.295 is being withheld from the frequency tables. The frequency 153.74 Mc is the band edge frequency between the Industrial and Public Safety allocations; its disposition was not proposed in this proceeding, and it would be inappropriate to allocate it here without further study of all of the considerations involved. Accordingly, NCUR's request with respect to the three 173 Mc splits reduces itself to an offer to trade the three frequencies for the frequency 158.28 Mc. We think that NCUR has underestimated the utility of the three 173 Mc frequencies and it occurs to us that judicious assignment of these frequencies could free other more desirable frequencies for use in areas where the Motion Picture-Relay Press use of the 173 Mc frequencies is relatively heavy. For this reason and for the further reason that the Manufacturers Radio Service hereinafter established has a greater need for the frequency sought, the NCUR request is denied. The Commission feels that with the low-band frequencies made available to it in this proceeding and in the recent proceeding in Docket No. 12169, the Power service has been treated in equitable fashion. The Commission does not dispute that the Power service can experience a frequency shortage in the more heavily populated cities; however, this condition will undoubtedly occur with respect to many other of the Commission's services, and it presents a situation which can probably never be solved to the complete satisfaction of everyone.

18. For reasons advanced by Forest Industries and for the further reason that the action will result in complete sharing by Forest Products and Petroleum of all their frequencies above 40 Mc, the Commission is making the seven Power splits and the three 173 Mc splits available to both Forest Products and Petroleum in each of the above six states. The Forest Industries request for access to the 173 Mc splits in California north of the 38th Parallel is denied because of the nearness of that Parallel to the San Fransciso standard metropolitan area and because of the administrative inconvenience that would result from a grant of the request. The Commission has examined its proposal with respect to the Taxicab splits in the light of the comments received and has concluded that because they would afford only limited utility in the Forest Products and Petroleum services, greater efficiency in their use would be promoted by making them available in the new Business Radio Service. This action finds additional justification in two other considerations: First, because the Business service is bearing the brunt of the reduction in the amount of 460–470 Mc space being reallocated from the Citizens service, it is logical to provide a measure of compensation in the form of additional frequencies from other parts of the spectrum. Second, the "expense" of this action to Petroleum and Forest Products interests is negligible by virtue of their eligibility in the Business service where, from a practical standpoint, they can effect as high a degree of utility as would have been probable were the frequencies to be made available as proposed. As in the case of the Power service the Commission feels that its actions herein and in Docket No. 12169 provides the Forest Products and Petroleum services with a fair and equitable share of the total frequencies available, notwithstanding the contentions that all of the frequencies are not immediately usable.

Power—Petroleum—Forest Products—27.23–27.28 and 450–470 Mc.

19. The Notice proposed that the Power, Petroleum and Forest Products services have access to all of the 27.23–27.28 Mc frequencies; no opposition to this proposal is contained in the comments, and it is hereby adopted.

20. With respect to the disposition of 450–470 Mc frequencies the Notice proposed that Forest Products and Petroleum share six pairs of 450 Mc frequencies and that present Power users have exclusive access to five pairs of 450 Mc frequencies. Additionally it was proposed that five pairs of 450 Mc frequencies be made exclusively available to communications common carriers for repair and maintenance activities, and that a large number of 450–470 Mc frequencies be made available to the Business Radio Service. Forest Industries appears to be satisfied with the proposed allocation for Forest Products, and acknowledges that the multiple-eligibility contemplated by the Commission can be of great benefit to the services when applied to the UHF portion of the spectrum. API is sharply critical of the proposed distribution and challenges the allocation of 450–470 Mc frequencies for the Domestic Public Radio Services envisioned by Dockets 11959 and 11995. API contends that the Petroleum Service needs at least 15 pairs of 450–470 Mc frequencies, and advocates that all of the 450–470 Mc frequencies proposed for Business—including those designated as base or mobile only—be made available to "operational fixed stations in the Petroleum Radio Service on a shared basis with other services for use only in the tideland and marginal sea areas within the territorial limits of continental United States." NCUR contends that present Power users should be given the access to the five pairs of 450 Mc frequencies proposed for communications common carriers and that the repair and maintenance needs of the latter group should be accommodated from the 450–

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[9] The petition was filed by ARINC on October 18, 1957. The above disposition of the ARINC comment filed in this proceeding is entirely without prejudice to a consideration of the foregoing petition.

470 Mc frequencies proposed for the Domestic Public Radio Services.

21. To the extend that the API and NCUR requests pertain to mobile operation, they cannot be justified or supported on the basis of past or anticipated usage of 450–470 Mc frequencies. And even if the future Power-Petroleum demands for assignment exceed those anticipated by the Commission, the Commission is confident that such demands can be readily accommodated in the Business service. In connection with the foregoing and by virtue of other actions taken herein, the Commission finds it necessary to make a departure from its original proposal. The Notice proposed a combining of the Special Industrial Radio Service into a new Business Radio Service. Because of the large number of 460–470 Mc frequencies being proposed for the new service, it was felt that three pairs of the available 450–460 Mc frequencies would be a fair and equitable share for such service. Elsewhere herein, the Commission has provided for a retention of the Special Industrial service in modified form and with a frequency complement independent of that of the Business service. The Commission has included within such complement the three pairs of 450–460 Mc frequencies originally proposed for Business, but has concluded that an additional pair for the retained service in the same general range is necessary and appropriate. Because the number of 460–470 Mc frequencies in the Business service has been sharply reduced from what was proposed, the Commission has determined that the most equitable procedure is to supply Special Industrial's fourth pair from the six pairs which were proposed for Forest Products-Petroleum. Of the nineteen 450–460 Mc frequencies available, the final distribution will be as follows: Four pairs for Special Industrial, and five each for communications common carriers, Power, and Petroleum-Forest Products. This distribution appears to be fair and equitable, particularly when it is remembered that the geographical separation between Forest Products and Petroleum usage tends to a practical effect of exclusivity insofar as either is concerned.

22. To the extent that the API and NCUR comments challenge the 450–470 Mc provision for the Domestic Public Radio Services they cannot appropriately be considered in this proceeding. The contention that the repair and maintenance requirements of communications common carriers should not be accommodated in the Industrial service on Industrial frequencies is rejected for the reason that the repair and maintenance activities in question are essentially industrial-type operations distinguishable from those of existing Industrial users in no major respects. With respect to the API plea for additional operational fixed frequencies in the tideland and marginal sea areas it should be observed that the frequency bands involved are intended primarily for mobile operation. Again, Petroleum's right of access to the Business frequencies made available herein for operational fixed use should satisfy the needs of the Petroleum service for some time to come.

Power Radio Service—Telephone Maintenance Radio Service

23. The Notice proposed to delete the word "primarily" in each of subparagraphs (1), (2) and (3) of § 11.251 (a) on the theory that anyone even partially engaged in activities contemplated by the section should have access to Power frequencies. In part by comments of NCUR, we are persuaded that the present wording of the section in this regard should be left unchanged.

24. It was proposed in the Notice that communications common carriers having a need for radio facilities in connection with construction and maintenance activities be provided for in the Industrial services. The Commission's rationale with respect to this proposal is well known and is adverted to in the Notice; this rationale is not controverted nor even seriously challenged by the comments filed herein. The Notice proposed that the above need be satisfied by providing for the communications common carriers a limited eligibility in the Power Radio Service. In part, the Commission's reluctance to establish a separate Industrial service for the communications common carriers was based upon the limited number of frequencies which the Commission contemplated making available to them. Thus, the Notice proposed that the above carriers be given only five pairs of frequencies—on an exclusive basis—in the 450 Mc band. As is generally known, however, the Commission's First Report and Order in Docket No. 12169 reserved for the carriers (should their eligibility be provided for in this proceeding) two frequencies in the 25-50 Mc band and two frequencies in the 150.8-152 Mc band.[10] In the Commission's view the needs of the carriers are such as to justify not only the four latter frequincies but also the ten contemplated by the Notice. With the total number of frequencies thus provided for the carriers, a separate service for them is now more than warranted, and such service—to be known as the "Telephone Maintenance Radio Service"—is herein provided for. In view of this action, the proposal in the Notice that the "Power Radio Service" be retitled the "Utilities Radio Service" is abandoned.

25. Both NCUR and American Telephone and Telegraph Company object to an interspersing of the 450 Mc frequencies respectively proposed for present Power eligibles and communications common carriers. This interspersing of frequencies was occasioned by the Commission's desire to give the carriers exclusive frequencies ab initio by awarding them the split-channels derived from reducing the separations between the frequencies proposed for the Power users. Because both parties are in essential agreement on the point the Commission sees no substantial reason why they cannot be accommodated; accordingly, appropriate revision of the frequency tables has been made.

26. United States Independent Telephone Association (USITA) has offered suggestions as to the wording of the eligibility rule for the new service. USITA's intentions are that there be excluded from eligibility community antenna operations, cooperative associations such as those presently contemplated by Part 11, and persons whose communications common carrier service is limited to telegraph or to wireless facilities. The Commission's proposal did not contemplate that the first two of the above groups would be eligible and the provision in question has been reworded to preclude such an interpretation. With respect to those communications common carriers whose service is entirely by wireless facilities, it is believed that ther needs can and should be accommodated in the Business Service, and they are being excluded from the eligibility provision. To the extent, however, that such a carrier also serves the public with wireline facilities, it will be fully eligible in the new service.

27. In a petition filed on July 1, 1953 by the Rural Electrification Administration, it was requested that an "electrical" licensee in the Power Radio Service which has an operating agreement to construct, repair or maintain telephone facilities, be permitted to use its radiocommunications system (under certain conditions) in connection with activities of the above nature. It appears to the Commission that the total demand for such permission is not so great as to warrant, at this time, the rules changes contemplated. Accordingly, the above petition is being denied without prejudice to its being refiled should such demand substantially increase.

Motion Picture and Relay Press Radio Services

28. In its Notice the Commission stated its belief that the existing and anticipated loading in these services justifies neither the making available therein of the split-channels in the 152–162, 162–174 or 450–460 Mc bands, nor continuing the access in these services to the 450–460 Mc frequencies which they have heretofore shared with the other Industrial Radio Services. It proposed, however, that both of the above new services be permitted to share in the use of the old and new channels in the 27.23–27.28 Mc band.

29. The Commission received no comment from any Motion Picture licensee or organization. The Commission, however, has reviewed the above proposal as it affects the Motion Picture service, and has concluded that it must be supplemented in light of the action (FCC 57–1016—adopted September 19, 1957) which resulted in the reallocation of Motion Picture's four 49 Mc frequencies to Government use. Accordingly, the Commission is adding to the Motion Picture table the split-channels 152.90, 152.96 and 153.02, which lie adjacent to present Motion Picture frequencies.

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[10] The latter two frequencies are 151.955 and 151.985 Mc. In the proceeding in Docket No. 12169, American Telephone and Telegraph Company requested that the frequency 151.955 be exchanged for a split-channel four or five Mc removed to permit duplex operation. The Commission believes that the foregoing purpose can be served by substituting the frequency 158.34 Mc for the above 151.955 Mc.

30. American Newspaper Publishers Association Subcommittee on Mobile Radio (ANPA) attacks the Commission's proposal to the extent that it applies to the Relay Press service. Calling the Commission's judgment with respect to usage in this service premature, ANPA particularly attacks what it terms a substitution of 27 Mc frequencies for the 450 Mc frequencies heretofore available; in this connection it calls attention to the outstanding proposal in Docket No. 12169 to limit the availability of 25–50 Mc frequencies to persons having wide-area communications requirements, and contends that only a few newspapers would be able to qualify for the use of the above 27 Mc frequencies. Aside from the fact that the above wide-area proposal has not yet been finalized, it was never intended that it apply to the 27 Mc frequencies in question. Accordingly, even if the wide-area proposal is ultimately enacted, Relay Press users could still be authorized on 27 Mc frequencies without the special showing.

31. Despite ANPA's protests, the Commission cannot conclude that existing or anticipated usage justifies the allocation of exclusive 450 Mc frequencies for the Relay Press service. In view thereof, Relay Press users must satisfy whatever needs cannot be met by the use of 27 Mc or 173 Mc frequencies by taking advantage of their eligibility in the new Business Radio Service. If, as ANPA forecasts, Relay Press usage materially increases in the coming months, a reexamination of their allocation will be in order.

Manufacturers Radio Service

32. In its Notice, the Commission acknowledged the special need by manufacturing plants for reliable radiocommunications circuits in connection with production control, security activities and localized materials-handling, and proposed the creation of a new Manufacturers Radio Service. It was further proposed that stations in the new service use no more than 30 watts plate power input, and that antennas be limited in height to the highest of either fifty feet above ground level or twenty feet above the top of any building within five hundred feet. With respect to frequencies the Notice proposed that the new service have exclusive access to ten frequency-pairs in the 460–470 Mc band and a shared access (with the Petroleum and Forest Products services) to a total of fifteen primary and secondary channels in the 152–162 Mc band. Fixed stations of all classes would be barred by the proposal. Stations would be permitted to transmit communications only in connection with plant security, production control and "materials-handling which constitutes an immediate part of the manufacturing process, as contrasted to the collection of raw or semi-processed materials from other sources or the distribution or delivery of the finished products."

33. The comments contain only limited opposition to the general proposal to establish a Manufacturers Radio Service, and this opposition is primarily grounded in contentions that it would be unduly discriminatory to provide measures of protection for one group of present eligibles in the Special Industrial Radio Service while simultaneously relegating all other groups to the relatively unprotected Business Radio Service. With the retention of a modified Special Industrial service herein provided for, it is believed that most of the foregoing opposition is dissolved; in any event, the protesting parties have not overcome the basic premise that manufacturing plants have great need for reliable circuits for the communictions purposes contemplated.

34. A number of parties contend that the proposed power and antenna height limitations are unduly restrictive and take no account of the needs of plants which extend over large areas or which have unusually high noise potential. The above limitations were proposed, in part, with a view to ensuring that the use of a particular frequency by one licensee in a predominately-manufacturing area would not seriously impair its utility to another company in a nearby area. Upon reconsideration of the limitations in the light of the comments received, it is believed that the power limitation should be increased to 60 watts and that the antenna restrictions should be eliminated entirely. The effect of the latter action is to place the Manufacturers Service in the same position as the other of the Commission's Industrial services.

35. The Commission detects no significant or specific opposition to the proposal to allocate ten pairs of 460–470 Mc frequencies to the Manufacturers service and this proposal is adopted. API and Forest Industries resist the proposal that the new service share with Petroleum and Forest Products in the use of a number of 152–162 Mc frequencies. Neither party, however, has been able to successfully refute the considerations which led the Commission to propose the shared use. The Commission is confident that with sincere cooperation among the three services involved, mutual use of the above frequencies can be effected without serious interference consequences. Such interference as is encountered will be more than justified by the high degree of efficiency that the mutual use will promote.

36. United States Steel Corporation contends that the new service should have access to a number of frequencies in the 35–47 Mc band. In the Commission's view, however, to allocate "long-range" frequencies to a service whose basic need is for "short-range" communications would be totally inconsistent and unjustified. Again, the Commission points out that the new Business service—in which manufacturers will be eligible—will have a large number of the above "long-range" frequencies. In connection with the foregoing the Commission has not overlooked the fact that a number of manufacturers will have to vacate their present frequencies as a result of this proceeding and other proceedings heretofore mentioned. Their situation in this respect is not unique, since many other users are similarly affected. To ease the burden of the required frequency shifts, the Commission has hereinafter established what it feels will be adequate and equitable amortization provisions.

37. EIA contends that provision should be made in the Manufacturers service for operational fixed stations, particularly in the microwave regions. The Commission currently has pending a proceeding (Docket No. 11866) wherein the possibility of permitting the use of private microwave systems by manufacturers is a prime issue, and the Commission feels that the outcome of that proceeding should be awaited before a fixed allocation to the Manufacturers service is considered. Meanwhile, manufacturers having fixed requirements will have access to frequencies in the range 27.235–27.275 Mc; additionally, they will be permitted to use mobile-only frequencies in the range 460–470 Mc for control stations which are integrated into Mobile Relay Systems.

38. General Electric Company feels that manufacturers should be encouraged to use three-watt-input equipment for in-plant dispatching, but fears that they will have no incentive to apply for such systems in the Business service because no protection will be provided for them therein. Accordingly, General Electric would reserve at least two low-power frequencies in the Business service for the exclusive use of manufacturers. In light of the Commission's experience in administering the present Low Power Industrial Radio Service—where many manufacturers are currently licensed—the Commission concludes that General Electric's fears are with little foundation. In any event, the Commission has no intention or disposition to earmark any of the Business frequencies for particular categories of users, since to do so would be to destroy one of the basic concepts of the new service.

39. In its comments, United States Steel Corporation refers to that part of the proposed new rules which would prohibit the use of a system in the Manufacturers service in connection with the "collection of raw or semi-processed materials from other sources or the distribution or delivery of the finished products" (see the first paragraph under the above heading), and contends that such a prohibition could be interpreted as precluding the use of radio in connection with the movement of materials stored in locations outside the immediate yard area of the plant or the movement of finished products from the production line to other points before final shipment. The creation of the Manufacturers Radio Service was primarily dictated by the needs of manufacturers for in-plant communications. Consequently, the above prohibition was designed to confine the licensee's communications relating to materials-handling to those where the materials in question are in the immediate control of the licensee and are immediately needed in the manufacturing process; materials of this type would almost always be in or near the manufacturer's area. However, the Commission foresees that numerous problems of interpretation could arise as a result of the proposed wording, and that their case-by-case determination could seriously delay our

administrative processes. Accordingly, the Commission is modifying the rule in question along the lines suggested by United States Steel, and will permit licensees to use their systems in connection with all phases of materials-handling short of the retail distribution of the manufacturer's products to individual consumers.

Requests for Mining Radio Service

40. In this proceeding, a large number of comments—filed by mining companies and associations of mining companies—call for the establishment of a Mining Radio Service. These comments were primarily stimulated by the Commission's proposal to delete the Special Industrial Radio Service and to thereby dilute, to some degree, the protection that the mining industry currently enjoys as an eligible category in that service. In subsequent paragraphs hereof the Commission orders a retention of the Special Industrial service; in connection with this retention the Commission has eliminated a number of activities from eligibility in the service and has thereby made possible a higher degree of interference-protection than the service has heretofore enjoyed. Consequently, whatever justification may have existed for the establishment of a Mining Radio Service had the Commission finalized the proposal to delete the Special Industrial service, it is clear that none presently exists. In connection with the foregoing it can be pointed out that the use of radio by the mining industry—by virtue of such industry's primary concentration in remote and sparsely settled regions where other Special Industrial eligibles are, for the most part, absent—is highly compatible with usage by such other eligibles. In view of the above, the requests for a Mining Radio Service are denied.

Special Industrial Radio Service vs. Business Radio Service

41. For reasons set forth therein the Commission's Notice proposed the deletion of the Special Industrial Radio Service and the absorption of its licensees into a new service to be known as the Business Radio Service. With respect to the bare proposal to create the Business Radio Service, no significant opposition has been received. However, to the extent that the Commission's proposal involves the deletion of the Special Industrial service, it has been vigorously resisted. In addition to the opposition registered by the mining industry, protests have come from the petroleum industry and from licensees presently in the Special Industrial service and associations of such licensees. Among the associations filing extensive comments on the point were the Special Industrial Radio Service Association (SIRSA) and the Petroleum Equipment Suppliers Association (PESA). The consensus of all the comments relevant to the foregoing problem is that (a) the Business service should be established; (b) the Special Industrial service should be retained with a removal of many of the operating restrictions presently obtaining; (c) in connection with the foregoing, the eligibility provisions of the Special Industrial service should be revised with a view to eliminating the access to the service by many persons not having long-range communications requirements and not having significant safety problems; and (d) the frequency complement of the Special Industrial service should be increased.

42. The Commission has studied the above comments in the particular light of the indisputable need of business generally for mobile radio facilities, of present usage and requirements within the Special Industrial service, and of the administrative difficulties it has experienced with respect to the latter service and has concluded that, at least temporarily, the above consensus should prevail. Accordingly, the Commission is here establishing a Business Radio Service and is retaining the Special Industrial Radio Service in modified form. The modifications which have been effected are readily apparent from the new rules which are appended hereto and they will not be dwelled upon to any great extent. The following principal points, however, should be noted:

(a) In addition to eliminating from eligibility certain "sub-activities" of an over-all category of activities, the Commission has, in a number of cases, eliminated the entire category. With respect to all the persons affected, it is felt that they can readily meet their communications requirements within the new Business service.

(b) For the same reason, those persons (such as electrical and plumbing contractors) who were "grandfathered" by the 1955 revision of the Special Industrial rules are also barred from further access to the Special Industrial service.

(c) Because a new service tailored to their most pressing requirements has been established for them, and because they will also be eligible in the Business service, manufacturers have been excluded by the new rules.

(d) With respect to all persons eliminated, a five-year amortization period has been established. Although a longer amortization period would be more attractive in the eyes of the persons displaced, the administrative difficulties and the inconvenience to the service as a whole which would result precludes such longer period.

(e) The Standard Metropolitan Area restrictions in the present rules have been eliminated.

(f) The present power limitations and the right of access to frequencies in the medium and high frequency-ranges have been retained for the Special Industrial service.

(g) Although this Report and Order speaks of a "retention" of the Special Industrial service, the Subpart K set forth below is regarded by the Commission as an entirely new set of rules. Thus, although similarities in language may exist in the old and the new rules, interpretations and policies effected under the old rules will not be binding upon the Commission with respect to the new ones. In administering these new rules a fundamental principle must be that the purposes here are to reduce the number of activities eligible in the service, to ease to the greatest extent possible the administrative burden of processing what might be called "gray" applications, i. e., those which partly—but not completely—fell within old classifications, and to provide a higher quality service for the remaining eligibles.

43. The creation of the Business service and the retention of the Special Industrial service having been decided upon, the principal problem still remaining relates to the distribution of frequencies between the two services. Among the considerations which have been weighed by the Commission in arriving at this distribution are the following:

(a) As a result of recent actions involving the ionospheric scatter problem, the Special Industrial service has lost four exclusive and eight shared frequencies in the 49 Mc range. Because a majority of the licensees on these frequencies will continue to be eligible in the Special Industrial service such available space as will permit the most economical frequency-shifts should be provided for them.

(b) Although existing loading within the Special Industrial service justifies a general supplementing of existing frequencies, the needs of business generally for frequencies in the 25–50, 152–174 and 450–470 Mc bands cannot be overlooked.

(c) Because of the lack of formal coordination facilities in the Business service, the interspersion of frequencies between the two services should be avoided to the greatest extent possible. Based upon its determinations with respect to the foregoing considerations, the Commission has made such distribution as it feels will promote the greatest and, at the same time, most equitable utilization of the total number of frequencies available. In making this distribution the Commission has to the maximum extent possible attempted to provide space which will permit economical frequency changes for those systems which will be displaced because of the "scatter" allocations and the changes adopted herein.

44. In the bands above and below the 450–470 Mc range, the Commission feels that, except for the frequencies 27.39, 27.43, 27.47, 35.90 and 35.94 Mc, Special Industrial should be permitted to retain all frequencies presently allocated to it. Additionally, and for purposes of (a) compensating the service for its recent losses in the 49 Mc range and (b) increasing its frequency complement beyond what formerly obtained, the Commission believes that Special Industrial should have (a) the seven split-channels in the 47 Mc range reallocated to the Industrial services in Docket No. 12169; (b) the three remaining split-channels between Special Industrial's present frequencies in the 43.02–43.18 Mc block;[11] (c) the three split-channels between its present frequencies in the 35.74–35.86 Mc block; (d) the frequency 158.40 Mc proposed by the Notice for use in the combined service; (e) four of sixteen 151 Mc frequencies reserved for Business by

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[11] The frequency 43.16 Mc was made available by Docket No. 12169 for communications common carriers.

Docket No. 12169; and (f) a shared access to the three split-channels in the 152.87–153.05 Mc block. The Special Industrial service presently has five 40 kc channels (commencing with 27.31 and ending with 27.47 Mc) in the 27.29–27.53 Mc range. As indicated above, the Commission is depriving this service of the last three of these frequencies; to replace them, and to preserve block allocations in this range, the Commission is awarding Special Industrial the split-channels 27.29, 27.33, and 27.37 Mc. Finally, where Special Industrial previously enjoyed a shared access to ten frequency-pairs in the 450–460 Mc range, it will now have exclusive access to four pairs in such range.

45. It will be noted in the Subpart K set forth below that certain frequencies are identified as being available for "permanent", "itinerant" or "general" use. The "permanent" frequencies will be exclusively available for stations which are to be restricted in operation to a specified permanent area for which frequency coordination has been accomplished. The "itinerant" frequencies will be assigned only to stations to be used in itinerant operations, which require that the station be moved from time to time to various temporary communication areas. The "general" frequencies will be available to either of the above types of stations. In providing exclusive frequencies for both "permanent" and "itinerant" types of stations, it is the Commission's purpose to make possible for a station of either type an operation free of co-channel interference from stations of the opposite type. A similar system has been established for the Business service (see Subpart L set forth below).

46. For low-power purposes, Business will receive all five frequencies heretofore available to the Low Power Industrial Radio Service. In addition, and also subject to a three-watt power limitation, the low-power complement will receive the split-channels 27.53 and 154.60 Mc and ten of the 460–470 Mc frequencies being reallocated from the Citizens Radio Service.

47. The "non-low-power" complement of Business frequencies is to be composed as follows:

(a) It will receive a total of fifteen channels (regular and split) in the 35 Mc range.[12]

(b) It will receive the six regular and split channels commencing with 27.39 Mc and ending with 27.49 Mc, the split channel 154.54 Mc, the two split channels on either side of the low-power frequency 42.98 Mc, and twelve of the sixteen 151 Mc frequencies reserved for the combined service by Docket No. 12169.

(c) It will receive all of the 460–470 frequencies not heretofore reserved for other services.

(d) It will receive the six Taxicab split-channels in the 152 and 157 Mc ranges, the splits to be available only outside Standard Metropolitan Areas of 50,000 or more population.

(e) It will have access to the 27.23–27.28 Mc frequencies, the 72–76 Mc frequencies, the hydrological frequencies and the microwave frequencies on the same bases and conditions as will obtain for the Special Industrial service.

48. The eligibility provisions specified in the Notice for the Business service are adopted substantially as proposed with the addition of a paragraph eliminating any doubt as to the eligibility of hospitals, clinics, hospital associations and medical associations. A number of parties contend that eligibility in the new service should be limited to those persons having eligibility in no other service. Such a limitation would not only unduly burden our administrative processes but would also destroy a prime purpose of the Business service, namely, to provide other services with a source of supplementing their available frequencies.

49. A large number of commenting parties resist the Commission's proposal to limit input power in the Business service to 180 watts. Virtually all of these comments are from licensees and user groups in the Special Industrial service and, as heretofore indicated, the above limitation will not apply in that service. With the broad eligibility provisions of the Business rules, the Commission anticipates that it will be called upon to load frequencies in unprecedented proportions. To permit such loading and to otherwise promote the most efficient and equitable use of the available frequencies, the Commission feels that the 180 watt restriction must be finalized as proposed.

50. Many comments contend that the 1.6–6.0 Mc frequencies should be made available to the Business service; again, however, most of these were on behalf of Special Industrial licensees—who will continue to have access to most of such frequencies. In the Commission's view, the existing and potential loading of these frequencies by higher-priority users precludes their availability in the Business service.

51. With respect to Business usage of 25–50 Mc frequencies, one party contended that it should not be permitted in Standard Metropolitan Areas except upon a special showing; alternatively he suggested that each Business applicant for a 25–50 Mc frequency certify that higher orders of frequencies would not be adequate for the operation proposed. To a large extent, the first alternative is already within the scope of a remaining issue in Docket No. 12169. The second alternative would greatly increase the processing time for applications for the principal reason that many applications would have to be returned where the applicant inadvertently did not comply with the requirement. In any event, the certification would amount to no more than a statement that the applicant was complying with § 11.8 (b) of the rules—a section with which he is already expected to comply.

52. One party contends that two-frequency operation on frequencies above 450 Mc should not be permitted in the Business Radio Service except upon special showings of need therefor. The general justification for two-frequency operation in the band involved was established a number of years ago; in the Commission's view such justification can be carried over to the Business service. The same party also contends that "more" frequencies above 450 Mc should be made available for Mobile Relay stations. From this party's arguments the Commission concludes that he is under the impression that a Mobile Relay station is an Operational Fixed station. By definition, however, a Mobile Relay station is a Base Station in the mobile service; accordingly, all of Business' Base Station frequencies above 450 Mc are available for Mobile Relay purposes.

53. Kaar Engineering Corporation (Kaar) and others make a number of points with respect to the Commission's low-power frequencies. Some of these points, dealing with availability of secondary frequencies and coordination of assignments, are expressly or impliedly disposed of in other portions of this Report and Order. Kaar also contends that if the Commission combines the Low Power Industrial service into the new Business service, the incentive to try to get by on low power will be destroyed, and applicants will tend to specify maximum power even though the areas to be served are relatively small. In connection with the foregoing, Kaar would also require applicants to make special showings of need where higher powers are specified. If the Commission's past experience in administering the Low Power service can be used as a basis, no significant change in the tendency to use low-power frequencies is likely to occur. In the past, people have been guided to the Low Power service because they were able to satisfy their communications requirements with low-power equipment costing less than the high-power equipment available for the other services. The low-power frequencies are still available and, in fact, their number has been increased; additionally, the same money-saving opportunities are present, and the Commission anticipates no slackening in the demand for low-power authorizations despite the fact that the Low Power service will no longer separately exist.

54. Halliburton Oil Well Cementing Company has no objection to the transfer of the Low Power service to the Business service so long as the same operating rules and technical standards for the frequencies involved are retained. In the foregoing connection Halliburton also believes that low-power stations should be classified as mobile stations, but that they should be permitted to be operated as base stations with antennas not exceeding twenty-five feet. The rules proposed in the Notice for the low-power frequencies differ from the old rules in only two major or significant respects: First, stations could only be used as mobile stations; second, antennas would not be limited to twenty-five feet. With respect to mobile stations, the Commission believes that antenna restrictions are inappropriate. In the first place, because they are mobile stations, an inherent restriction is present in the great majority of situations. However, there are some situations—such as where the station is to be in-

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[12] The frequency 35.16 Mc was made available by Docket No. 12169 for communications common carriers.

stalled on a crane, aircraft or similar equipment—where the station could not function were it limited to twenty-five feet between the transmitter and the antenna. It is operating requirements such as these that the Commission is trying to accommodate. Upon consideration of Halliburton's other point, however, the Commission believes that there is substantial merit. Accordingly, it is revising the section in question to permit low-power stations to be located at fixed locations for indefinite periods of time, provided that the distance between the control point and the center of the radiating portion of the antenna involved does not exceed twenty-five feet.

55. By virtue of actions in Docket No. 12169, the frequencies 35.06, 35.10, 35.14 and 35.18 Mc were withdrawn from those available in the Maritime Mobile services and the Power Radio Service, and the frequencies 35.70 and 35.98 Mc were withdrawn from those available in the Automobile Emergency service. Because these frequencies will, with the effective date of this Report and Order, be available in the Business Radio Service, all licensees on such frequencies on such effective date will be considered as licensees in the Business Radio Service, and will be subject to all rules and regulations of the new service when the amortization privileges afforded by the above Docket No. 12169 have expired.

New Format

56. It will be noted from the attached Appendices that the format for the frequency tables appearing in the Special Industrial, Business, Manufacturers, and Telephone Maintenance Radio Services differs from what has previously uniformly obtained in the Industrial services. It is the Commission's intention to ultimately apply this same format to the tables appearing in the other Subparts of the Industrial services.

Availability of Split Channels

57. Pursuant to the First Report and Order in Docket No. 12169,[13] Industrial split-channels in the 35–36 and 42–50 Mc bands became available for assignment on April 1, 1958. The same document channelized the 150.8–152 Mc band on a 30 kc basis and provided for their availability, also on April 1, 1958. As proposed in the Notice and supported by the comments herein, all Industrial split-channels in the 27.23–27.28 and 450–470 Mc bands will become available on the effective date of this Report and Order. Because there is no basis for distinction as against other split-channels in the 25–50 Mc range, the split-channels in the 27.28–27.54 Mc range awarded herein to the Special Industrial and Business Services will also become available on the above effective date. The sole remaining question with respect to the availability of split-channels relates to those in the 152–174 Mc band.

58. In the Notice, the Commission proposed that secondary frequencies[14] and tertiary frequencies[15] become available on November 1, 1963, but that earlier assignments could be made upon specified showings by the applicant. It was also proposed that frequencies offset by less than 15 kc from those listed as available be assigned on the same basis and showing as tertiary frequencies when the application is also accompanied by an adequate showing of need for such irregular assignment. The proposed 1963 availability-date was, of course, geared to the date prescribed by Docket No. 11253 for mandatory-compliance with the narrow-band technical standards established for the band in that proceeding. However, there presently exist a number of factors which impress the Commission with the propriety of making the frequencies immediately available, i. e., on the effective date of this Report and Order. First, the recent scatter reallocation has resulted in a loss of a large number of prime Industrial frequencies; although this loss is most directly felt by the Special Industrial and Business Services, the accompanying readjustment of frequencies has tended to spread the total impact over all of the Industrial Services. Second, the percentages of narrow-band equipment already in use and currently being manufactured and sold greatly exceeds those originally anticipated by the Commission. These percentages are, of course, higher for the lower bands than for the higher bands, and this circumstance may tend to decrease the total demand for a short period of time for the 152–174 Mc split-channels because of the increased appeal of the lower-band split-channels. Third, Docket No. 12295 (see 58–78—adopted January 22 and released January 23, 1958) has reopened the question as to the dates by which compliance with the new technical standards must be effected. Of course, whatever dates evolve in the latter proceeding with respect to compliance will apply in the Industrial Services. Finally, and this is a factor upon which the Commission particularly relies, it is the general impression of many licensees operating in the Industrial Service that a large percentage of the adjacent-channel interference problems can be avoided by proper coordination procedures. As a result of this action in making the 152–174 Mc split-channels immediately available, the total interference-potential will be at a higher level in the coming months. The Commission believes, however, that increased cooperation among licensees, voluntary acceleration in equipment-changeover schedules, and intelligent counsel by equipment sellers will hold the interference within livable limits.

Assignment Policies

59. The general policy which has heretofore obtained with respect to the assignment of Industrial frequencies has been contained in § 11.8 (a) of the Industrial rules. In brief, this policy recites that frequencies are available on a shared basis only and that applicants and licensees must cooperate in their selection and use. Although they have not been specifically contemplated by the foregoing rule or policy, frequency advisory committees for most services have been in existence for some time, and many applicants and licensees have utilized them to the extent of effecting the coordination required by the above § 11.8 (a). Consistent therewith, in proposing for the above § 11.8 amendments which appeared to be appropriate in light of the modified channel spacing, the Commission not only offered more definite and detailed procedures with respect to effecting coordination in the selection of frequencies, but also proposed an alternative procedure whereby the applicant could work through a representative advisory committee and secure a frequency recommendation for submission to the Commission. More specifically, the Commission's proposal would retain the basic, mandatory-cooperation features of the rule, but would require (in all services except the Business Radio Service) that applicants for frequencies not previously authorized to them give evidence of frequency coordination by (a) submitting a notarized statement that all licensees within 75 miles of the proposed station and not more than 60 kc removed from the requested frequency had been notified of the applicant's intention, and a report showing the probable interference to such stations, or (b) submitting an advisory recommendation from a frequency advisory committee organized in such a manner as to be representative of all persons eligible in the service involved in the area purported to be served by such committee.

60. As is generally known, Part 10 of the Commission's rules have contained provision for frequency advisory committees for a number of years, and it was a purpose of the proposal to effect between the two Parts a higher degree of consistency than has heretofore prevailed with respect to such committees. A large number of parties have expressed themselves on the proposal and their views have been considered in the Commission's decision to establish the alternative coordination procedure essentially as proposed. It is anticipated that our rules requiring cooperation in the use of assigned frequencies will provide the basis for effective cooperation whether on an individual basis or collectively within the framework of a committee.

61. NCUR and API would require that an existing licensee follow the coordination procedures of the rules where he proposes to add stations on the frequency, particularly where the operating area of the applicant would be thereby extended. In the Commission's view it is fundamental that an existing licensee

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[13] FCC 57–1393—adopted December 18 and released December 20, 1957.

[14] In the 152–162 Mc block, secondary frequencies are those removed by 30 kc from presently-available frequencies; in the 162–174 Mc block, the separation is 25 kc.

[15] In the 152–162 Mc block, tertiary frequencies are those removed by 15 kc from presently-available frequencies; there are no tertiary frequencies in the 162–174 Mc block.

proposing to add stations in the same general area should be spared the burden of the coordinating requirements. However, the NCUR–API position has considerable merit where the additional stations are to be located in areas substantially removed from the existing area of operation, and, in such a situation, the applicant would be expected to coordinate.

62. A large number of parties have suggested that the coordinating procedures be made mandatory in the Business Radio Service and in the Special Industrial Radio Service should the latter service be retained. This point is well taken with respect to the Special Industrial Service and the procedures will be required therein. Because of the extreme lack of homogeneity in the new Business Service, however, and because of the anticipated frequency-loading therein, it is not considered practicable to apply the procedures to the latter service. Accordingly, except where the frequency requested is immediately adjacent to a frequency available in another service, licensees in the Business Service will be bound only by the general requirements pertaining to the use of frequencies.

63. In framing the proposed § 11.8 (a) the accent was upon its applicability to primary frequencies, and the figures of 60 kc and 75 miles were arrived at on the theory that until November 1, 1958 (under Docket No. 11253), applicants could be assigned such frequencies even though they specified broad-band equipment, and that adjacent-primary users should be protected to the extent of steering new applicants where possible to frequencies that were not adjacent to any other primary within the 75-mile radius. However, the Commission has restudied the matter in the light of (a) the proximity of the November 1, 1958, date and the possibility that an earlier date might evolve from the proceedings in Docket No. 12295; (b) the large percentage of narrow-band sets already in use; and (c) the fact that, as a practical matter, virtually all of the users in the interval will specify narrow-band equipment. On the basis of this restudy the Commission concludes that the advantage which would accrue in the matter of affording adjacent primary users a greater measure of protection would be more than overcome by the disadvantage of imposing upon new applicants the additional and resultant burden. Accordingly, the figure of 60 kc in the proposed § 11.8 (a) is being reduced to 30 kc, and the figure of 75 miles is being reduced—with respect to adjacent frequencies within 30 kc—to 35 miles. In light of the foregoing, except in those situations listed in § 11.8 (a) (1) set forth below, all applicants in the Industrial Services must coordinate the requested frequency to a distance of 35 miles in the case of adjacent-channel stations, and 75 miles in the case of co-channel stations.

64. By virtue of the Commission's previous action in making all split-channels in the 152–174 Mc band immediately available, the procedures specified in the new § 11.8 (a) apply to all frequencies listed in the new tables. In this connection it should be noted that the Commission has not listed the tertiary frequencies proposed in the Notice. With respect to these tertiary frequencies, and all other "offset" frequencies above 152 Mc, the Commission has provided for their availability upon comprehensive showings specified in a new § 11.8 (i).

65. The Commission's Notice proposed that certain band-edge frequencies in the 154 and 173 Mc ranges be available in the Business Service for narrow-band, developmental operation. With little practical deviation from the proposal, these frequencies will be carried in a new § 11.8 (j), and they will be available in any of the Industrial Services.

66. The only significant point remaining with respect to the proposed changes to § 11.8 is the one wherein the Commission proposed that the use of any frequency could be restricted as to hours of operation. A number of comments in opposition to this proposal have been received from persons whose businesses operate on a round-the-clock basis. The proposal in question was dictated solely by the fact that, in the use of some frequencies—such as Government frequencies and medium and high frequencies—additional operating restrictions are sometimes prerequisite because of other operations on or near the frequency requested. In view thereof, the proposal is adopted.

67. With the changes outlined or referred to above and with other editorial changes, the proposed amendments to § 11.8 are adopted, and all comments inconsistent therewith are denied.

Pending Petitions

68. Considered herein in connection with the disposition of the instant proceeding were the following petitions: Petition of Administrator of the Rural Electrification Administration, filed on July 1, 1953; Petition of Allen B. Du Mont Laboratories, Inc., filed on September 19, 1956; Petition of Special Industrial Radio Service Association (152–162 Mc), filed on November 7, 1956; Petition of Special Industrial Radio Service Association (450–460 Mc), filed on November 7, 1956; Petition of National Committee for Utilities Radio, filed on November 15, 1956; Petition of Kaar Engineering Corporation, filed on December 14, 1956; Petition of Central Committee on Radio Facilities of the American Petroleum Institute, filed on January 2, 1957; Petition of Central Committee on Radio Facilities of the American Petroleum Institute, filed on January 9, 1957; Petition of Forest Industries Radio Communications, filed on January 23, 1957; Joint-Petition of National Ready Mixed Concrete Association and National Sand and Gravel Association, filed on March 6, 1957; Petition of Forest Industries Radio Communications, filed on March 11, 1957; and Petition of Petroleum Equipment Suppliers Association, filed on October 3, 1957.

Equipment Amortization

69. As a result of actions herein, frequencies upon which some licensees are currently operating will no longer be available in the services involved. In the Special Industrial service, there is the additional problem that a number of present licensees will no longer be eligible in the service and will also be required to change frequencies. To allow all persons required to change frequencies by this Report and Order to amortize their equipment investments, the Commission is providing that no one will be required to shift prior to June 15, 1963. The foregoing, of course, is separate and apart from the frequency-shifts required by the recent actions reallocating the 49.51–50.00 Mc band for scatter purposes. In the Special Industrial service, however, the following exemplifying situation should be noted: Licensee X will no longer be eligible in the service. He is currently operating on the frequency 49.98 Mc. By virtue of prior proceedings, he must vacate this frequency by December 31, 1959 or at the expiration of his current license term (whichever is later); both of the dates, of course, will occur prior to June 15, 1963. Because he is allowed in Special Industrial until the latter date, he may, if he chooses, make an intermediate shift to another Special Industrial frequency at the time he vacates the frequency 49.98 Mc. Any authorization issued under this option will be limited in duration to June 15, 1963.

Codification of Rules—Changes in Docket No. 12169

70. In the Ordering Clause of the Report and Order in Docket No. 12169 (See FCC 57–1393—adopted December 18 and released December 20, 1957), it was ordered that the formal codification of the changes effected by the Report and Order would be accomplished by subsequent order of the Commission. For its own convenience, and for the convenience of persons eligible or licensed under Part 11, the above codification is accomplished as set forth below.

Requests for Oral Argument

71. The comments contain a number of requests, in one form or another, for the right to appear before the Commission to present oral argument in support of the positions advanced. Good cause for such oral argument not having been established the requests therefor are denied.

Conclusion and Order

72. Upon consideration of all of the comments filed herein and of all other matters relevant in this proceeding, the Commission concludes that the amendments outlined above and reflected in the amendments set forth below will materially serve the public interest, convenience and necessity. The authority for such amendments is set forth in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

73. In view of the foregoing: *It is ordered,* This 18th day of June 1958 that effective August 1, 1958, Part 11 of the Commission's rules is hereby amended in the manners set forth below. *It is further ordered,* That all requests advanced herein for oral argument are denied; and that the petitions identified in paragraph 68 hereof are granted to the extent that such action is consistent

with other actions herein taken, and in all other respects are denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Section 11.8 of the rules is amended in the following particulars:

1. Amend 11.8 (a) to read as follows:

§ 11.8 *Policy governing the assignment of frequencies.* (a) The frequencies which normally may be assigned to stations in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All licensees of stations in these services shall cooperate in the use of the frequencies assigned in order to minimize interference, and thereby obtain the most effective use of the authorized facilities. Each frequency or band of frequencies listed in this part is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions as are contained in these rules or in the station authorization. Except for applications listed in subparagraph (1) of this paragraph, each application requesting assignment of a frequency shall be accompanied by evidence of frequency coordination in the form set forth in either subparagraph (2) or (3) of this paragraph.

(1) The following applications need not be accompanied by evidence of frequency coordination:

(i) Any application requesting a frequency which is already authorized to the applicant for use in the area concerned.

(ii) Any application requesting a Federal Government frequency.

(iii) Any application requesting a frequency allocated primarily for Industrial, Scientific and Medical purposes.

(iv) Any application requesting a frequency in the 72–76 Mc band.

(v) Any application requesting a frequency below 25 Mc.

(vi) Any application requesting a frequency above 470 Mc.

(vii) Any application requesting a freqency assignment on a developmental basis only.

(viii) Any application in the Business Radio Service, where the frequency requested and both immediately adjacent frequencies are available for assignment in that service.

(ix) Any application in the Special Industrial or Business Radio Services specifying an itinerant operation only.

(2) Frequency coordination where required by the provisions of this section may be accomplished by the submission of a report, based on a field study, indicating the degree of probable interference to existing stations operating in the same area. The report shall consider all stations operating on the requested frequency within 75 miles of the proposed station, and all stations operating on any adjacent frequency within 30 kilocycles of the requested frequency and within 35 miles of the proposed station. Further, the applicant shall submit a statement under oath that all existing licensees within the frequency and mileage limits contained herein have been notified of the applicant's intention to request the particular frequency.

(3) In lieu of the report and statement described in subparagraph (2) of this paragraph, the applicant may submit a statement from a frequency advisory committee recommending the specific frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. In addition to the selection of specific frequencies, committee recommandations may appropriately include comments on other technical factors such as power, antenna height and characteristics which may serve to mitigate any contemplated interference situation. The functions of such committees must be purely advisory in character to the applicant and the Commission, and their recommendations cannot be considered as binding upon either the applicant or the Commission.

2. Amend 11.8 by the addition of the following new paragraphs (i) and (j):

(i) In the frequency range above 150 Mc the Commission may make assignments which are offset from the frequencies set forth in this part in those cases where it can be shown that all suitable listed frequencies are in use in the area concerned, or that for technical reasons a developmental program requires such offset assignment. In either event offset assignments will be made only if the results of an engineering study of each request indicates that the proposed operation can be accomplished without increasing the interference potential, as compared to that which would obtain if a listed frequency were used under the same conditions, and provided, that such offset assignment will not reduce the maximum potential frequency utilization in the area involved. Depending upon the degree of offset and other technical characteristics of the application the Commission may authorize the proposed operation on a developmental basis only.

(j) The bands of frequencies listed in this paragraph are available for assignment to any station in the Industrial Radio Services for narrow-band emission only under the terms of a developmental grant, provided, that the sum of the bandwidth occupied by the modulation and that required for frequency tolerance shall not exceed the limits of the frequency bands indicated. The bands of frequencies available for such assignment are as follows:

Mc
154.4600–154.4675
173.2000–173.2075
173.2075–173.2125
173.3875–173.3925
173.3925–173.4000

B. Subpart C—Technical Standards, is amended in the following particulars:

1. Amend paragraph (d) of § 11.105 to read as follows:

(d) Each transmitter which is operated on a frequency in the ranges 25–50 Mc, 150–174 Mc, or 450–470 Mc and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter: *Provided, however,* That (except for transmitters operating in the range 150.8–152 Mc) this requirement shall not apply until November 1, 1963, to transmitters first authorized or installed prior to November 1, 1958, or to transmitters which are operationally integrated with existing radiocommunication systems which were authorized prior to November 1, 1958. The audio low-pass filter required by the foregoing shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (e) of this section.

2. Amend paragraph (e) of § 11.105 to read as follows:

(e) At audio frequencies between 3 kc and 15 kc, the low-pass filter required by paragraph (d) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

3. Delete paragraph (f) and (g) of § 11.105.

C. Subpart F—Power Radio Service, is amended in the following particulars:

1. Amend the table of frequencies appearing in § 11.252 (a) to read as follows:

Mc	*Mc*	*Mc*	*Mc*
37.46	47.80	48.12	48.44
37.50	47.82	48.14	48.46
37.54	47.84	48.16	48.48
37.58	47.86	48.18	48.50
37.62	47.88	48.20	48.52
37.66	47.90	48.22	48.54
37.70	47.92	48.24	153.41
37.74	47.94	48.26	153.47
37.78	47.96	48.28	153.53
37.82	47.98	48.30	153.59
37.86	48.00	48.32	153.65
47.70	48.02	48.34	153.71
47.72	48.04	48.36	158.13
47.74	48.06	48.38	158.19
47.76	48.08	48.40	158.25
47.78	48.10	48.42	

2. Amend paragraph (b) of § 11.252 to read as follows:

(b) The following frequencies are available for assignment to Base and Mobile Stations in the Power Radio Service except in the States of Texas, Oklahoma, Louisiana, Arkansas, Washington and Oregon:

Mc	*Mc*
153.44	158.16
153.50	158.22
153.56	173.25
153.62	173.30
153.68	173.35

3. Amend paragraph (a) of § 11.254 to read as follows:

§ 11.254 *Frequencies available for Base, Mobile and Operational Fixed Stations.* (a) The following frequency pairs are available for assignment to stations in the Power Radio Service only in accordance with paragraph (b) of this section:

Frequency pairs

Base and mobile *Mc*	*Mobile only* *Mc*
451.05	456.05
451.10	456.10
451.15	456.15
451.20	456.20
451.25	456.25

4. Amend the introduction and subparagraph (1) to paragraph (b) of § 11.254 to read as follows:

(b) The frequencies listed in paragraph (a) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to Fixed Relay and Control Stations. Not more than one pair of frequencies will be assigned for use by the stations of any single mobile service and radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use.

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations in the mobile service operating on these frequencies in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

5. Delete the text of paragraphs (c) and (d) of § 11.254 and substitute the following new paragraphs (c), (d), and (e):

(c) The following frequencies are available for assignment to Base, Mobile, or Operational Fixed Stations in the Power Radio Service on a shared basis with stations in certain other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc, and limited to the use of transmitters having not more than 30 watts plate power input to the final radio frequency stage:

Frequencies (Mc)

27.235
27.245
27.255
27.265
27.275

(d) Notwithstanding the provisions of § 11.103, stations authorized to be operated on the frequencies listed in paragraph (c) of this section may be authorized to utilize any type of emission which occupies a bandwidth not greater than 8 kc.

(e) Stations authorized to be operated on the frequencies listed in paragraph (c) of this section may also be authorized to be operated by self-actuating or other mechanical or electrical means not under the direct control of any individual: *Provided, however,* That, whenever such unattended and uncontrolled operation is authorized, adequate means shall be provided to prevent the transmission of a carrier wave except when modulated for the purpose of transmitting authorized communications or signals.

D. Subpart G—Petroleum Radio Service, is amended in the following particulars:

1. Amend the table of frequencies appearing in § 11.302 (a) to read as follows:

Mc	*Mc*
25.02	25.30
25.06	33.18
25.10	33.22
25.14	33.26
25.18	33.30
25.22	33.34
25.26	33.38

2. Amend the table of frequencies appearing in § 11.302 (b) to read as follows:

Mc	*Mc*	*Mc*	*Mc*
30.66	48.86	49.26	153.26
30.70	48.88	49.28	153.29
30.74	48.90	49.30	153.32
30.78	48.92	49.32	153.35
30.82	48.94	49.34	153.38
48.56	48.96	49.36	[1] 153.44
48.58	48.98	49.38	[1] 153.50
48.60	49.00	49.40	[1] 153.56
48.62	49.02	49.42	[1] 153.62
48.64	49.04	49.44	[1] 153.68
48.66	49.06	49.46	[1] 158.16
48.68	49.08	49.48	[1] 158.22
48.70	49.10	49.50	158.28
48.72	49.12	153.05	158.31
48.74	49.14	153.08	158.37
48.76	49.16	153.11	158.43
48.78	49.18	153.14	[1] 173.25
48.80	49.20	153.17	[1] 173.30
48.82	49.22	153.20	[1] 173.35
48.84	49.24	153.23	

[1] Available for assignment only in States of Texas, Oklahoma, Louisiana, Arkansas, Washington and Oregon.

3. Amend paragraph (a) of § 11.304 to read as follows:

§ 11.304 *Frequencies available for Base, Mobile and Operational Fixed Stations.* (a) The following frequency pairs are available for assignment to stations in the Petroleum Radio Service on a shared basis with stations in certain other radio services in accordance with paragraph (b) of this section:

Frequency Pairs

Base and Mobile *(Mc)*	*Mobile only* *(Mc)*
451.55	456.55
451.60	456.60
451.65	456.65
451.70	456.70
451.75	456.75

4. Amend the introduction and subparagraph (1) to paragraph (b) of § 11.304 to read as follows:

(b) The frequencies listed in paragraph (a) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to Fixed Relay and Control Stations. Not more than one pair of frequencies will ordinarily be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject, however, to the following additional restrictions and limitations on assignment and use.

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations in the mobile service operating on these frequencies in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

5. Delete the text of paragraphs (c) and (d) of § 11.304 and substitute the following new paragraphs (c), (d) and (e):

(c) The following frequencies are available for assignment to Base, Mobile, or Operational Fixed Stations in the Petroleum Radio Service (on a shared basis with stations in certain other services), subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc, and limited to the use of transmitters having not more than 30 watts plate power input to the final radio frequency stage:

Frequencies (Mc)

27.235
27.245
27.255
27.265
27.275

(d) Notwithstanding the provisions of § 11.103, stations authorized to be operated on the frequencies listed in paragraph (c) of this section may be authorized to transmit thereon any type of emission which occupies a bandwidth not greater than 8 kc.

(e) Stations authorized to be operated on the frequencies listed in paragraph (c) of this section may also be authorized to be operated thereon by self-actuating or other electrical or mechanical means not under the direct control of any individual: *Provided, however,* That whenever such unattended and uncontrolled operation is authorized, adequate means shall be provided to prevent the transmission of a carrier wave except when modulated for the purpose of transmitting authorized communications or signals.

E. Subpart H—Forest Products Radio Service, is amended in the following particulars:

1. Amend the table of frequencies appearing in § 11.352 (a) to read as follows:

Mc
29.73
29.77

2. Amend the table of frequencies appearing in § 11.352 (b) to read as follows:

Mc	*Mc*	*Mc*	*Mc*
48.56	48.94	49.32	153.32
48.58	48.96	49.34	153.35
48.60	48.98	49.36	153.38
48.62	49.00	49.38	[1] 153.44
48.64	49.02	49.40	[1] 153.50
48.66	49.04	49.42	[1] 153.56
48.68	49.06	49.44	[1] 153.62
48.70	49.08	49.46	[1] 153.68
48.72	49.10	49.48	[1] 158.16
48.74	49.12	49.50	[1] 158.22
48.76	49.14	153.05	158.28
48.78	49.16	153.08	158.31
48.80	49.18	153.11	158.37
48.82	49.20	153.14	158.43
48.84	49.22	153.17	[1] 173.25
48.86	49.24	153.20	[1] 173.30
48.88	49.26	153.23	[1] 173.35
48.90	49.28	153.26	
48.92	49.30	153.29	

[1] Available for assignment only in States of Texas, Oklahoma, Louisiana, Arkansas, Washington and Oregon.

3. Amend paragraph (a) of § 11.354 to read as follows:

§ 11.354 *Frequencies available for Base, Mobile and Operational Fixed Stations.* (a) The following frequency pairs are available for assignment to stations in the Forest Products Radio Service on a shared basis with certain other radio services in accordance with paragraph (b) of this section:

Frequency Pairs

Base and Mobile (*Mc*)	*Mobile only* (*Mc*)
451.55	456.55
451.60	456.60
451.65	456.65
451.70	456.70
451.75	456.75

4. Amend the introduction and subparagraph (1) to paragraph (b) of § 11.354 to read as follows:

(b) The frequencies listed in paragraph (a) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to Fixed Relay and Control Stations. Not more than one pair of frequencies will ordinarily be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use.

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations in the mobile service operating on these frequencies in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

5. Delete the text of paragraphs (c) and (d) of § 11.354 and substitute the following new paragraphs (c), (d) and (e):

(c) The following frequencies are available for assignment to Base, Mobile, or Operational Fixed Stations in the Forest Products Radio Service (on a shared basis with stations in certain other services), subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc, and limited to the use of transmitters having not more than 30 watts plate power input to the final radio frequency stage:

Frequencies (*Mc*)
27.235
27.245
27.255
27.265
27.275

(d) Notwithstanding the provisions of § 11.103, stations authorized to be operated on the frequencies listed in paragraph (c) of this section may be authorized to transmit thereon any type of emission which occupies a bandwidth not greater than 8 kc.

(e) Stations authorized to be operated on the frequencies listed in paragraph (c) of this section may also be authorized to be operated by self-actuating or other electrical or mechanical means not under the direct control of any individual: *Provided, however,* That, whenever such unattended and uncontrolled operation is authorized, adequate means shall be provided to prevent the transmission of a carrier wave except when modulated for the purpose of transmitting authorized communications or signals.

F. Subpart I—Motion Picture Radio Service, is amended in the following particulars:

1. Amend the table of frequencies appearing in § 11.402 (a) to read as follows:

Mc	*Mc*
152.87	153.02
152.90	173.225
152.93	173.275
152.96	173.325
152.99	173.375

2. Delete the text of paragraphs (a), (b), (c) and (d) of § 11.404 and substitute the following:

§ 11.404 *Frequencies available for Base, Mobile and Operational Fixed Stations.* (a) The following frequencies are available for assignment to Base, Mobile, or Operational Fixed Stations in the Motion Picture Radio Service (on a shared basis with stations in certain other services), subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc, and limited to the use of transmitters having not more than 30 watts plate power input to the final radio frequency stage:

Frequencies (*Mc*)
27.235
27.245
27.255
27.265
27.275

(b) Notwithstanding the provisions of § 11.103, stations authorized to be operated on the frequencies listed in paragraph (a) of this section may be authorized to transmit thereon any type of emission which occupies a bandwidth not greater than 8 kc.

(c) Stations authorized to be operated on the frequencies listed in paragraph (a) of this section may also be authorized to be operated thereon by self-actuating or other electrical or mechanical means not under the direct control of any individual: *Provided, however,* That whenever such unattended and uncontrolled operation is authorized, adequate means shall be provided to prevent the transmission of a carrier wave except when modulated for the purpose of transmitting authorized communications or signals.

G. Subpart J—Relay Press Radio Service, is amended in the following particulars:

1. Delete the text of paragraphs (a), (b), (c) and (d) of § 11.454 and substitute the following:

§ 11.454 *Frequencies available for Base, Mobile and Operational Fixed Stations.* (a) The following frequencies are available for assignment to Base, Mobile, or Operational Fixed Stations in the Relay Press Radio Service (on a shared basis with stations in certain other services), subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc, and limited to the use of transmitters having not more than 30 watts plate power input to the final radio frequency stage:

Frequencies (*Mc*)
27.235
27.245
27.255
27.265
27.275

(b) Notwithstanding the provisions of § 11.103, stations authorized to be operated on the frequencies listed in paragraph (a) of this section may be authorized to transmit thereon any type of emission which occupies a bandwidth not greater than 8 kc.

(c) Stations authorized to be operated on the frequencies listed in paragraph (a) of this section may also be authorized to be operated thereon by self-actuating or other electrical or mechanical means not under the direct control of any individual: *Provided, however,* That whenever such unattended and uncontrolled operation is authorized, adequate means shall be provided to prevent the transmission of a carrier wave except when modulated for the purpose of transmitting authorized communications or signals.

H. Delete the present index references, titles and texts of Subpart K, Special Industrial Radio Service, and substitute the following new index references, titles and texts:

SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

Sec.
11.501 Eligibility.
11.502 Availability and use of service.
11.503 Station limitations.
11.504 Frequencies available.
11.505 Ineligible licensees.
11.506 Unlisted frequencies.

AUTHORITY: §§ 11.501 to 11.506 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 11.501 *Eligibility.* The following persons are eligible to hold authorizations to operate radio stations in the Special Industrial Radio Service:

(a) Persons regularly engaged in the operation of farms or ranches or similar land installations for the quantity production of crops or plants, vines or trees (excluding forestry operations), or for the keeping, grazing or feeding of livestock for animal products, animal increase or value enhancement.

(b) Persons operating a commercial business regularly engaged in the construction of roads, bridges, sewers, pipelines, airfields, water, oil, gas or power production, collection or distribution systems and other engineering projects normally classified as heavy construction activities.

(c) Persons regularly engaged in the operation of mines for the recovery of solid fuels, minerals or metals from the earth or the sea, including the exploration for and development of mining properties.

(d) Persons operating a commercial business regularly rendering certain specialized services essential either to industrial operations or public health. Eligibility for these specialized services is limited to the following:

(1) Plowing, soil conditioning, seeding, fertilizing, or harvesting for agricultural or forestry activities.

(2) The spraying or dusting of insecticides, herbacides or fungicides in areas other than enclosed structures.

(3) Livestock breeding service.

(4) Maintaining, patroling and repairing of gas or liquid transmission pipelines, tank cars, water or waste disposal wells, industrial storage tanks, or distribution systems of public utilities.

(5) Acidizing, cementing, logging, perforating, or shooting activities, and services of a similar nature incident to the drilling of new oil or gas wells, or the maintenance of production from established wells.

(6) Supplying of chemicals, mud, tools, pipe and other unique materials or equipment to the petroleum production industry as the primary activity of the applicant: *Provided,* That the delivery, installation or application of these materials require on the part of the supplier the use of specially fitted conveyances and unusual skills.

(7) The delivery of ice or fuel to the consumer in solid, liquid or gaseous form for heating, lighting, refrigerating or power generation purposes, by means other than pipelines or railroads.

(8) The delivering and pouring of ready-mixed concrete or hot asphalt mix.

(e) A subsidiary corporation proposing to furnish a non-profit communications service to its parent corporation or another subsidiary of the same parent where the party to be served is engaged in one of the activities set forth above.

§ 11.502 *Availability and use of service.* (a) The initial application from a person claiming eligibility in this service must be accompanied by a statement in detail sufficient to indicate clearly such eligibility.

(b) Authorizations to operate stations in this service are available only to the extent and for the purposes set forth in this subpart and the operation of all stations licensed hereunder shall be strictly confined to those activities on which the eligibility was established, except for transmissions relating to an immediate emergency involving the safety of life or property. Communications relating to any of the following shall not be transmitted by any station licensed in the Special Industrial Radio Service:

(1) Sales reports, or the dispatch of salesmen;

(2) Payrolls, accounts or inventory control;

(3) Any message relating to the retail delivery of any item or product, except where such retail delivery is specifically included in the eligibility provisions of this subpart; or

(4) Any message where the time element is not of immediate importance.

(c) Persons engaging in activities some of which are eligible under this subpart and some of which are not, and desiring to use radio in connection with both types should apply for authorization in the Business Radio Service.

§ 11.503 *Station limitations.* (a) Mobile relay stations will not be authorized in the Special Industrial Radio Service within the continental limits of the United States, except when such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 Mc: *Provided, however,* That this restriction shall not apply to the continued licensing of mobile relay systems authorized prior to November 1, 1955.

(b) Fixed stations will be licensed in the Special Industrial Radio Services only on a limited basis and extensive licensing of point to point systems must await further development of the Commission's microwave program. Request for point to point facilities, which will be considered on a case by case basis, should clearly establish either of the following:

(1) That the requested fixed stations are required to provide communications between isolated establishments with no other means of communication or from such establishments to points at which other communication facilities are available, or that all fixed stations operate in the frequency range 27.235 through 27.255 Mc.

(2) That the use of a control or fixed relay link is necessary for the operation of a remotely located base station and the fixed stations concerned are used exclusively as integral parts of a mobile service system.

(c) Base or mobile stations being utilized in itinerant operations at various temporary locations and not associated with a permanent service area will be authorized only on frequencies indicated for itinerant use or for general use.

§ 11.504 *Frequencies available.* (a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to stations in the Special Industrial Radio Service together with the class of station(s) to which they are normally assigned, a general reference terminology and the specific assignment limitations, which are developed in paragraph (b) of this section:

Frequency or band	Class of station(s)	General reference	Limitations
Kc			
2292	Base or mobile	General use	10
2398	do	do	10
4637.5	do	do	10
Mc			
27.235	Base, mobile or fixed	ISM General use	2, 8
27.245	do	do	2, 8
27.255	do	do	2, 8
27.265	do	do	2, 8
27.275	do	do	2, 8
27.29	Base or mobile	General use	
27.31	do	do	
27.33	do	do	
27.35	do	do	
27.37	do	do	
30.58	do	Permanent use	11
30.62	do	do	11
35.74	do	do	11
35.76	do	do	11
35.78	do	do	11
35.80	do	do	11
35.82	do	do	11
35.84	do	do	11
35.86	do	do	11
40.68	Operational fixed	Hydrological	4, 5
43.02	Base or mobile	General use	
43.04	do	Itinerant use	12
43.06	do	General use	
43.08	do	do	
43.10	do	do	
43.12	do	do	
43.14	do	do	
43.18	do	Permanent use	11
47.44	do	do	11
47.48	do	do	11
47.52	do	do	11
47.56	do	do	11
47.60	do	do	11
47.64	do	do	11
47.68	do	do	11

Frequency or band	Class of station(s)	General reference	Limitations
Mc			
72.02	Operational fixed	72 Mc fixed	3
72.06	do	do	3
72.10	do	do	3
72.14	do	do	3
72.18	do	do	3
72.22	do	do	3
72.26	do	do	3
72.30	do	do	3
72.34	do	do	3
72.38	do	do	3
72.42	do	do	3
72.46	do	do	3
72.50	do	do	3
72.54	do	do	3
72.58	do	do	3
72.62	do	do	3
72.66	do	do	3
72.70	do	do	3
72.74	do	do	3
72.78	do	do	3
72.82	do	do	3
72.86	do	do	3
72.90	do	do	3
72.94	do	do	3
72.98	do	do	3
73.02	do	do	3
73.06	do	do	3
73.10	do	do	3
73.14	do	do	3
73.18	do	do	3
73.22	do	do	3
73.26	do	do	3
73.30	do	do	3
73.34	do	do	3
73.38	do	do	3
73.42	do	do	3
73.46	do	do	3
73.50	do	do	3
73.54	do	do	3
73.58	do	do	3
73.62	do	do	3
73.66	do	do	3
73.70	do	do	3
73.74	do	do	3
73.78	do	do	3
73.82	do	do	3
73.86	do	do	3
73.90	do	do	3
73.94	do	do	3
73.98	do	do	3
74.02	do	do	3
74.06	do	do	3
74.10	do	do	3
74.14	do	do	3
74.18	do	do	3
74.22	do	do	3
74.26	do	do	3
74.30	do	do	3
74.34	do	do	3
74.38	do	do	3
74.42	do	do	3
74.46	do	do	3
74.50	do	do	3
74.54	do	do	3
74.58	do	do	3
75.42	do	do	3
75.46	do	do	3
75.50	do	do	3
75.54	do	do	3
75.58	do	do	3
75.62	do	do	3
75.66	do	do	3
75.70	do	do	3
75.74	do	do	3
75.78	do	do	3
75.82	do	do	3
75.86	do	do	3
75. [illegible]	do	do	3
75. [illegible]	do	do	3
[illegible]	do	do	3
Mc			
151.505	Base or mobile	Itinerant use	12
151.535	do	Permanent use	11
151.565	do	do	11
151.595	do	do	11
152.87	do	General use	13
152.90	do	Permanent use	11, 13
152.93	do	do	11, 13
152.96	do	do	11, 13
152.99	do	do	11, 13
153.02	do	do	11, 13
154.49	do	do	11
158.40	do	Itinerant use	12
169.425	Operational fixed	Hydrological	4
169.475	do	do	4
169.525	do	do	4
169.575	do	do	4
170.225	do	do	4
170.275	do	do	4
170.325	do	do	4
170.375	do	do	4
171.025	do	do	4
171.075	do	do	4
171.125	do	do	4
171.175	do	do	4
171.825	do	do	4
171.875	do	do	4
171.925	do	do	4
171.975	do	do	4
406.050	do	do	4, 6
406.150	do	do	4, 6
406.250	do	do	4, 6
406.350	do	do	4, 6
406.450	do	do	4, 6
406.550	do	do	4, 6
406.650	do	do	4, 6
406.750	do	do	4, 6
451.80	Base or mobile	Itinerant use	9, 12
451.85	do	Permanent use	9, 11
451.90	do	do	9, 11
451.95	do	do	9, 11
456.80	Mobile	Itinerant use	7, 9, 12
456.85	do	Permanent use	7, 9, 11
456.90	do	do	7, 9, 11
456.95	do	do	7, 9, 11
952-960	Operational fixed	Microwave fixed	1
1850-1990	do	do	1
2110-2200	do	do	1
2450-2500	Base, Mobile, Fixed	2450 Mc ISM	1, 2
2500-2700	Operational fixed	Microwave fixed	1
6425-6575	Base or mobile	Microwave mobile	1
6575-6875	Operational fixed	Microwave fixed	1
10550-10700	do	do	1
11700-12200	Base or mobile	Microwave mobile	1
12200-12700	Operational fixed	Microwave fixed	1
13200-13225	do	do	1
16000-18000	do	do	1, 2
20000-30000	do	do	1

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical devices.

(3) Use of this frequency is subject to the condition that no harmful interference will be caused to the reception of television channels 4 or 5. Assignments will be made only in accordance with the criteria set forth in § 11.8.

(4) This frequency will be assigned only for the specific purpose of transmitting hydrological or meteorological data. The use of this frequency is subject to the condition that harmful interference will not be caused to Federal Government stations, and further, that the hydrological or meteorological data being handled is made available to interested governmental agencies. Other rule provisions of this part notwithstanding, an operational fixed station operat-

ing on this frequency shall not engage in communications with any station in the mobile service unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations on this frequency should communicate with the Commission for instructions concerning the procedure to be followed in filing formal application.

(5) Use of this frequency is limited to stations located in the States of Pennsylvania and West Virginia only and is subject to no protection from interference due to the operation of industrial, scientific or medical devices on this frequency.

(6) This frequency is intended for use primarily by fixed relay stations.

(7) This frequency will not be assigned to base stations.

(8) Other rule provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kilocycles, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum plate power input of 30 watts to the final radio frequency stage.

(9) This frequency is available for assignment on a secondary basis to fixed relay or control stations which operate as integral parts of a radio circuit over which messages are sent to or received from a mobile station without interruption for manual relaying, provided that such operation causes no harmful interference to base or mobile stations, and further provided, that this frequency will not be assigned for such control or relay operation in any instance where its use will be in a radio circuit which involves more than two automatic retransmissions in each direction on mobile service frequencies.

(10) Frequencies below 25 Mc will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 Mc will not meet the operational requirements of the applicant. This frequency is available for assignment in many areas; however, in individual cases such assignment may be impracticable due to conflicting frequency use authorized to stations in other services by this and other countries. In such cases a substitute frequency, if found to be available, may be assigned from the following bands 1605–1750, 2107–2170, 2194–2495, 2505–2850, 3155–3400 or 4438–4650 kc. Since such assignments are in certain instances subject to additional technical and operational limitations, it is necessary that each application also include precise information concerning transmitter output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation.

(11) This frequency will be assigned only to stations which are restricted in operation to a specified permanent area for which frequency coordination has been accomplished.

(12) This frequency will be assigned only to stations used in itinerant operations, which require that the station be transferred from time to time to various temporary communication areas.

(13) This frequency is shared with the Motion Picture Radio Service.

§ 11.505 *Ineligible licensees.* Persons presently ineligible in this service, but properly authorized to operate herein prior to June 15, 1958, may continue to operate under appropriate authorization until June 15, 1963; provided, however, that frequency modification will be required if the radio system is operating on any frequency, the availability of which will not extend until June 15, 1963. During the five-year period all affected authorizations will be eligible for appropriate renewals and any modification which does not constitute an assignment of license to a new licensee.

§ 11.506 *Unlisted frequencies.* (a) Radio systems authorized to operate in the band 49.6–50.0 Mc previously available to this service may continue to operate until the expiration of the existing licenses or until December 31, 1959, whichever is later. Where a single system involves licenses with different expiration dates, the date of the last expiring license will be considered the system expiration date and all authorization expiring prior to that date may be extended to, but not beyond, the date of the last expiring license.

(b) Radio systems authorized to operate on the frequencies 49.54 or 49.58 Mc, or other unlisted frequencies, may continue to operate on these frequencies under appropriate authorization until April 1, 1963.

(c) The fact that an authorized radio system is affected by the provisions of paragraph (a) or (b) of this section shall not be considered as a bar to modification, assignment or transfer of the authorization.

I. Delete the present index references, titles and text of Subpart L, Low Power Industrial Radio Service, and substitute the following new index references, titles and texts:

SUBPART L—BUSINESS RADIO SERVICE

Sec.
11.551 Eligibility.
11.552 Availability and use of service.
11.553 Station limitations.
11.554 Frequencies available.

AUTHORITY: §§ 11.551 to 11.554 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 11.551 *Eligibility.* The following persons when engaged in lawful activities are eligible to hold authorizations to operate radio stations in the Business Radio Service:

(a) Any person engaged in a commercial activity.

(b) Educational or philanthropic institutions.

(c) Clergymen or ecclesiastical institutions.

(d) Hospitals, clinics and medical associations.

(e) A subsidiary corporation proposing to furnish a nonprofit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in one of the activities set forth above.

§ 11.552 *Availability and use of service.* (a) The Business Radio Service is available to the extent indicated in the eligibility provisions of this subpart and is intended for use by those eligibles without restriction as to the types of messages transmitted as long as they are necessary to the accomplishment of the business activity concerned; provided however, that all stations licensed in this service must accord first priority for the use of the frequency concerned to any station transmitting communications resulting from an actual emergency involving immediate danger to life or property.

(b) Each application for an authorization in the Business Radio Service shall be complete in itself including any necessary showings or attachments and without cross reference to information previously filed. Applications for modification of an existing station must show in precise detail all particulars of the desired operation; repeating in exact accordance those particulars of the outstanding authorization not being affected by the modification and including new entries in the appropriate items to reflect the changes desired.

(c) Pursuant to the provisions of § 11.8, frequencies authorized to stations in the Business Radio Service can be used only on a shared and cooperative basis. Any licensee in this service must expect operations in the same area by other licensees on the same frequency, and must cooperate fully in the joint use of the assigned frequency. In areas of extreme frequency congestion, the Commission may require monitoring of the assigned frequency before transmitting.

(d) In any area where the shared use of frequencies in the Business Radio Service results in an uneven distribution of the total communications load between the available frequencies, the Commission will consider applications for appropriate frequency change.

§ 11.553 *Station limitations.* (a) Mobile relay stations will not be authorized in the Business Radio Service within the continental limits of the United States, except when such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 Mc.

(b) Fixed stations will be licensed in the Business Radio Service only on a limited basis and extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Request for point-to-point facilities, which will be considered on a case-by-case basis, should clearly establish either of the following:

(1) That the requested fixed stations are required to provide communications between isolated establishments with no other means of communication or from such establishments to points at which other communication facilities are available, or that all fixed stations operate in

the frequency range 27.235 through 27.255 Mc.

(2) That the use of a control or fixed relay link is necessary for the operation of a remotely located base station and the fixed stations concerned are used exclusively as an integral part of a mobile service system.

(c) Base or mobile stations being utilized in itinerant operations at various temporary locations and not associated with a permanent service area will be authorized only on frequencies indicated for itinerant use or for general use.

§ 11.554 *Frequencies available.* (a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to stations in the Business Radio Service together with the class of station(s) to which they are normally assigned, a general reference terminology and the specific assignment limitations, which are developed in paragraph (b) of this section:

Frequency or band	Class of station(s)	General reference	Limitations
Mc			
27.235	Base, mobile or fixed	ISM general use	2, 8
27.245	do	do	2, 8
27.255	do	do	2, 8
27.265	do	do	2, 8
27.275	do	do	2, 8
27.39	Base or mobile	General use	
27.41	do	do	
27.43	do	Permanent use	10, 11
27.45	do	do	10, 11
27.47	do	do	10, 11
27.49	do	Itinerant use	10, 12
27.51	Mobile	Low power general use	13
27.53	do	do	13
33.14	do	do	13, 14
35.02	do	do	13, 14
35.04	Base or mobile	Itinerant use	10, 12
35.06	do	Permanent use	10, 11
35.08	do	do	10, 11
35.10	do	do	10, 11
35.12	do	do	10, 11
35.14	do	do	10, 11
35.18	do	do	10, 11
35.70	do	do	11
35.72	do	do	11
35.88	do	do	10, 11
35.90	do	do	10, 11
35.92	do	do	10, 11
35.94	do	General use	
35.96	do	do	
35.98	do	do	
40.68	Operational fixed	Hydrological	4, 5
42.96	Base or mobile	Permanent use	10, 11
42.98	Mobile	Low Power general use	13, 14
43.00	Base or mobile	Permanent use	10, 11
72.02	Operational fixed	72 Mc fixed	3
72.06	do	do	3
72.10	do	do	3
72.14	do	do	3
72.18	do	do	3
72.22	do	do	3
72.26	do	do	3
72.30	do	do	3
72.34	do	do	3
72.38	do	do	3
72.42	do	do	3
72.46	do	do	3
72.50	do	do	3
72.54	do	do	3
72.58	do	do	3
72.62	do	do	3
72.66	do	do	3
72.70	do	do	3
72.74	do	do	3
72.78	do	do	3
72.82	do	do	3
72.86	do	do	3
72.90	do	do	3
72.94	do	do	3
72.98	do	do	3
73.02	do	do	3
73.06	do	do	3
73.10	do	do	3
73.14	Operational fixed	72 Mc fixed	3
73.18	do	do	3
73.22	do	do	3
73.26	do	do	3
73.30	do	do	3
73.34	do	do	3
73.38	do	do	3
73.42	do	do	3
73.46	do	do	3
73.50	do	do	3
73.54	do	do	3
73.58	do	do	3
73.62	do	do	3
73.66	do	do	3
73.70	do	do	3
73.74	do	do	3
73.78	do	do	3
73.82	do	do	3
73.86	do	do	3
73.90	do	do	3
73.94	do	do	3
73.98	do	do	3
74.02	do	do	3
74.06	do	do	3
74.10	do	do	3
74.14	do	do	3
74.18	do	do	3
74.22	do	do	3
74.26	do	do	3
74.30	do	do	3
74.34	do	do	3
74.38	do	do	3
74.42	do	do	3
74.46	do	do	3
74.50	do	do	3
74.54	do	do	3
74.58	do	do	3
75.42	do	do	3
75.46	do	do	3
75.50	do	do	3
75.54	do	do	3
75.58	do	do	3
75.62	do	do	3
75.66	do	do	3
75.70	do	do	3
75.74	do	do	3
75.78	do	do	3
75.82	do	do	3
75.86	do	do	3
75.90	do	do	3
75.94	do	do	3
75.98	do	do	3
151.625	Base or mobile	Itinerant use	10, 12
151.655	do	Permanent use	10, 11
151.685	do	do	10, 11
151.715	do	do	10, 11
151.745	do	do	10, 11
151.775	do	do	10, 11
151.805	do	do	10, 11
151.835	do	do	10, 11
151.865	do	do	10, 11
151.895	do	do	10, 11
151.925	do	General use	
151.955	do	do	
152.300	do	Permanent use	15
152.360	do	do	15
152.420	do	do	15
154.540	do	do	10, 11
154.570	Mobile	Low Power general use	13, 14
154.600	do	do	13, 14
157.560	Base or Mobile	Permanent use	15
157.620	do	do	15
157.680	do	do	15
169.425	Operational fixed	Hydrological	4
169.475	do	do	4
169.525	do	do	4
169.575	do	do	4
170. [illegible]	do	do	4
170. [illegible]	do	do	4
170. [illegible]	do	do	4

Frequency or band	Class of station(s)	General reference	Limitations
Mc			
170.375	Operational fixed	Hydrological	4
171.025	do	do	4
171.075	do	do	4
171.125	do	do	4
171.175	do	do	4
171.825	do	do	4
171.875	do	do	4
171.925	do	do	4
171.975	do	do	4
406.050	do	do	4, 6
406.150	do	do	4, 6
406.250	do	do	4, 6
406.350	do	do	4, 6
406.450	do	do	4, 6
406.550	do	do	4, 6
406.650	do	do	4, 6
406.750	do	do	4, 6
461.05	Base or Mobile	Permanent use	10, 11
461.10	do	do	10, 11
461.15	do	do	10, 11
461.20	do	do	10, 11
461.25	do	do	10, 11
461.30	do	do	10, 11
461.35	do	do	10, 11
461.40	do	do	10, 11
461.45	do	do	10, 11
461.50	do	do	10, 11
461.55	do	do	10, 11
461.60	do	do	10, 11
461.65	do	do	10, 11
461.70	do	do	10, 11
461.75	do	do	10, 11
461.80	do	do	10, 11
461.85	do	do	10, 11
461.90	do	do	10, 11
461.95	do	do	10, 11
462.00	do	do	10, 11
463.25	do	do	10, 11, 16
463.30	do	do	10, 11, 16
463.35	do	do	10, 11, 16
463.40	do	do	10, 11, 16
463.45	do	do	10, 11, 16
463.50	do	do	10, 11, 16
463.55	do	do	10, 11, 16
463.60	do	do	10, 11, 16
463.65	do	do	10, 11, 16
463.70	do	do	10, 11, 16
463.75	do	do	10, 11, 16
463.80	do	do	10, 11, 16
463.85	do	do	10, 11, 16
463.90	do	do	10, 11, 16
463.95	do	do	10, 11, 16
464.00	do	do	10, 11, 16
464.05	do	do	10, 11, 16
464.10	do	do	10, 11, 16
464.15	do	do	10, 11, 16
464.20	do	do	10, 11, 16
464.25	do	do	9, 11, 16, 17
464.30	do	do	9, 11, 16, 17
464.35	do	do	9, 11, 16, 17
464.40	do	do	9, 11, 16, 17
464.45	do	do	9, 11, 16, 17
464.50	do	Itinerant use	12, 16, 17
464.55	do	do	12, 16, 17
464.60	do	General use	16, 17
464.65	do	do	16, 17
464.70	do	do	16, 17
466.50	Mobile	Low power general use	13, 16
466.55	do	do	13, 16
466.60	do	do	13, 16
466.65	do	do	13, 16
466.70	do	do	13, 16
466.75	do	do	13, 16
466.80	do	do	13, 16
466.85	do	do	13, 16
466.90	do	do	13, 16
466.95	do	do	13, 16
Mc			
467.00	Mobile	Permanent use	7, 9, 11, 16, 17
467.05	do	do	7, 9, 11, 16, 17
467.10	do	do	7, 9, 11, 16, 17
467.15	do	do	7, 9, 11, 16, 17
467.20	do	do	7, 9, 11, 16, 17
467.25	do	Itinerant use	7, 12, 16, 17
467.30	do	do	7, 12, 16, 17
467.35	do	General use	7, 16, 17
467.40	do	do	7, 16, 17
467.45	do	do	7, 16, 17
468.00	do	Permanent use	7, 10, 11
468.05	do	do	7, 10, 11
468.10	do	do	7, 10, 11
468.15	do	do	7, 10, 11
468.20	do	do	7, 10, 11
468.25	do	do	7, 10, 11
468.30	do	do	7, 10, 11
468.35	do	do	7, 10, 11
468.40	do	do	7, 10, 11
468.45	do	do	7, 10, 11
468.50	do	do	7, 10, 11
468.55	do	do	7, 10, 11
468.60	do	do	7, 10, 11
468.65	do	do	7, 10, 11
468.70	do	do	7, 10, 11
468.75	do	do	7, 10, 11
468.80	do	do	7, 10, 11
468.85	do	do	7, 10, 11
468.90	do	do	7, 10, 11
468.95	do	do	7, 10, 11
469.00	do	do	7, 10, 11
469.05	do	do	7, 10, 11
469.10	do	do	7, 10, 11
469.15	do	do	7, 10, 11
469.20	do	do	7, 10, 11
469.25	do	do	7, 10, 11
469.30	do	do	7, 10, 11
469.35	do	do	7, 10, 11
469.40	do	do	7, 10, 11
469.45	do	do	7, 10, 11
469.50	do	do	7, 10, 11
469.55	do	do	7, 10, 11
469.60	do	do	7, 10, 11
469.65	do	do	7, 10, 11
469.70	do	do	7, 10, 11
469.75	do	do	7, 10, 11
469.80	do	do	7, 10, 11
469.85	do	do	7, 10, 11
469.90	do	do	7, 10, 11
469.95	do	do	7, 10, 11
952-960	Operational fixed	Microwave fixed	1
1850-1990	do	do	1
2110-2200	do	do	1
2450-2500	Base, mobile, fixed	2450 Mc ISM	1, 2
2500-2700	Operational fixed	Microwave fixed	1
6425-6575	Base or mobile	Microwave mobile	1
6575-6875	Operational fixed	Microwave fixed	1
10550-10700	do	do	1
11700-12200	Base or mobile	Microwave mobile	1
12200-12700	Operational fixed	Microwave fixed	1
13200-13225	do	do	1, 2
16000-18000	do	do	1, 2
26000-30000	do	do	1

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical devices.

(3) Use of this frequency is subject to the condition that no harmful interfer-

ence will be caused to the reception of television channels 4 or 5. Assignments will be made only in accordance with the criteria set forth in § 11.8.

(4) This frequency will be assigned only for the specific purpose of transmitting hydrological or meteorological data. The use of this frequency is subject to the condition that harmful interference will not be caused to Federal Government stations, and further, that the hydrological or meteorological data being handled is made available to interested governmental agencies. Other rule provisions of this part notwithstanding, an operational fixed station operating on this frequency shall not engage in communications with any station in the mobile service unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations on this frequency should communicate with the Commission for instructions concerning the procedure to be followed in filing formal application.

(5) Use of this frequency is limited to stations located in the States of Pennsylvania and West Virginia only and is subject to no protection from interference due to the operation of industrial, scientific or medical devices on this frequency.

(6) This frequency is intended for use primarily by fixed relay stations.

(7) This frequency will not be assigned to base stations.

(8) Other rule provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kilocycles, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum plate power input of 30 watts to the final radio frequency stage.

(9) This frequency is available for assignment on a secondary basis to fixed relay or control stations which operate as integral parts of a radio circuit over which messages are sent to or received from a mobile station without interruption for manual relaying, provided that such operation causes no harmful interference to base or mobile stations, and further provided, that this frequency will not be assigned for such control or relay operation in any instance where its use will be in a radio circuit which involves more than two automatic retransmissions in each direction on mobile service frequencies.

(10) Operation on this frequency is limited to a maximum plate power input of 180 watts to the final radio frequency stage.

(11) This frequency will be assigned only to stations which are restricted in operation to a specified permanent area.

(12) This frequency will be assigned only to stations used in itinerant operations, which require that the station be transferred from time to time to various temporary communication areas.

(13) This frequency is limited to a maximum plate input power to the final radio frequency stage of 3 watts and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

(14) This frequency may not be used aboard aircraft.

(15) This frequency is shared with the Taxicab Radio Service and is available for assignment in this service only to stations which are used exclusively in areas outside of Standard Metropolitan Areas of 50,000 or more population. All operations on this frequency are subject to the condition that no harmful interference is caused to the Taxicab Radio Service.

(16) This frequency is shared with the Citizens Radio Service for use in that service with a maximum plate input power to the final radio frequency stage of 5 watts.

(17) Operation on this frequency is limited to a maximum plate power input of 60 watts to the final radio frequency stage.

J. Add new index references, titles and texts for Subpart O—Manufacturers Radio Service.

SUBPART O—MANUFACTURERS RADIO SERVICE

Sec.

11.726 Definition
11.727 Eligibility
11.728 Availability and use of service
11.729 Station limitations
11.730 Frequencies available

AUTHORITY: §§ 11.726 to 11.730 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 11.726 *Definition.* For the purpose of this subpart, manufacturing activities are defined as the activities directly involved in the mechanical or chemical transformation of organic or inorganic substances into new products within establishments usually described as plants, factories, shipyards, or mills and which employ, in that process, power-driven machines and materials-handling equipment. Establishments engaged in assembling components of manufactured products in plants, factories, shipyards or mills are also engaged in manufacturing activities if the new product is neither a new structure nor other fixed improvement. Establishments primarily engaged in the wholesale or retail trade, or in service activities, even though they fabricate or assemble any or all of the products or commodities handled, shall not be considered to be engaged in manufacturing activities.

§ 11.727 *Eligibility.* (a) Persons directly engaged in manufacturing activities, as that term is defined in § 11.726, are eligible to hold authorizations to operate radio stations in the Manufacturers Radio Service.

(b) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent corporation is eligible in the Manufacturers Radio Service, if the parent corporation or the other subsidiary is engaged in a manufacturing activity as defined in § 11.726.

§ 11.728 *Availability and use of service.* (a) The initial application from a person claiming eligibility in the Manufacturers Radio Service must be accompanied by a statement in detail sufficient to indicate clearly such eligibility.

(b) Authorizations to operate stations in this service are available to persons establishing eligibility under the provisions of this subpart; however, except for transmissions relating to an immediate emergency involving the safety of life or property, such authorized stations may be used only for the transmission of communications incident to plant, security, production control or materials handling, other than the retail distribution of the manufacturer's products.

§ 11.729 *Station limitations.* (a) Mobile relay stations will not be authorized in the Manufacturers Radio Service within the continental limits of the United States, except when such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 Mc.

(b) No Base Station will be authorized in this service for operation at unspecified or temporary locations, or for operation at a location other than one within the boundaries of a plant, factory, shipyard, mill or other manufacturing area occupied and controlled by the applicant: *Provided, however,* That when it is shown that location within the boundaries of such manufacturing area is impracticable, the Commission may authorize a location immediately adjacent thereto.

(c) Authorizations for fixed stations in this service will be limited to those used for control stations, which operate as an integral part of a mobile relay system, and to those operating in the frequency range 27.235 through 27.275 Mc.

(d) No station in this service will be authorized to operate with a plate power imput to the final radio frequency stage in excess of 60 watts.

§ 11.730 *Frequencies available.* (a) The following tabulation indicates the frequencies available for assignment to stations in the Manufacturers Radio Service together with the class of station(s) to which they are normally assigned and the specific assignment limitations, which are developed in paragraph (b) of this section:

Frequency	Class of station(s)	Limitations
Mc		
27.235	Base, mobile or fixed	2, 3
27.245	do	2, 3
27.255	do	2, 3
27.265	do	2, 3
27.275	do	2, 3
153.05	Base or mobile	1
153.0[illegible]	do	1
153.11	do	1
153.14	do	1
153.17	do	1
[illegible]	do	1
[illegible]	do	1
[illegible]	do	1
[illegible]	do	1
[illegible]	do	1
153.35	do	1
[illegible]	do	1
[illegible]	do	1
[illegible].31	do	1
[illegible]	do	
462.05	do	------
462.10	do	------
462.15	do	------
462.20	do	------
462.25	do	------
462.30	do	------
462.35	do	------
462.40	do	------
462.45	do	------
462.50	do	------
467.50	Mobile	4
467.55	do	4
467.60	do	4
467.65	do	4
467.70	do	4
467.75	do	4
467.80	do	4
467.85	do	4
467.90	do	4
467.[illegible]	do	4

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section:

(1) This frequency is shared with the Petroleum Radio Service and the Forest Products Radio Service.

(2) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical devices.

(3) Other rule provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kilocycles, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum plate power input of 30 watts to the final radio frequency stage.

(4) This frequency will not be assigned to base stations.

K. Add new index references, titles and texts for Subpart P—Telephone Maintenance Radio Service.

SUBPART P—TELEPHONE MAINTENANCE RADIO SERVICE

Sec.
11.751 Eligibility.
11.752 Availability and use of service.
11.753 Station limitations.
11.754 Frequencies available.

AUTHORITY: §§ 11.751 to 11.754 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 11.751 *Eligibility.* The following persons are eligible to hold authorizations in the Telephone Maintenance Radio Service:

(a) Communications common carriers primarily engaged in rendering a wire-line or wire-line and radio communications service to the public for hire.

(b) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in the activity set forth above.

§ 11.752 *Availability and use of service.* (a) The initial application from a person claiming eligibility in this service must be accompanied by a statement in detail sufficient to indicate clearly such eligibility.

(b) Except for transmissions relating to an immediate emergency endangering life or property, stations in this service may be used only for the transmission of communications, incident to the technical or engineering aspects of construction, repair, maintenance or efficient operation of communications common carrier rights-of-way, plant facilities or customer stations.

(c) The facilities authorized in this service shall not be used for administrative or other non-technical business activities of the licensee, nor for the transmission of any common carrier or public correspondence communication.

§ 11.753 *Station limitations.* (a) Mobile relay stations will not be authorized in the Telephone Maintenance Radio Service within the continental limits of the United States, except when such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 Mc.

(b) Authorizations for fixed stations in this service will be limited to those used for control or fixed relay links necessary for the operation of a remotely located base station and to those operating in the frequency range 27.235 through 27.275 Mc.

§ 11.754 *Frequencies available.* (a) The following tabulation indicates the frequencies available for assignment to stations in the Telephone Maintenance Radio Service together with the class of station(s) to which they are normally assigned and the specific assignment limitations, which are developed in paragraph (b) of this section:

Frequency	Class of station(s)	Limitations
Mc		
27.235	Base, mobile or fixed	2, 3
27.245	do	2, 3
27.255	do	2, 3
27.265	do	2, 3
27.275	do	2, 3
35.16	Base or mobile	------
43.16	Mobile	4
151.985	Base or mobile	------
158.34	Mobile	4
451.30	Base or mobile	1
451.35	do	1
451.40	do	1
451.45	do	1
451.50	do	1
456.30	Mobile	1, 4
456.35	do	1, 4
456.40	do	1, 4
456.45	do	1, 4
456.50	do	1, 4

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section:

(1) This frequency is available for assignment on a secondary basis to fixed relay or control stations which operate as integral parts of a radio circuit over which messages are sent to or received from a mobile station without interruption for manual relaying, provided that such operation causes no harmful interference to base or mobile stations, and further provided, that this frequency will not be assigned for such control or relay operation in any instance where its use will be in a radio circuit which involves more than two automatic retransmissions in each direction on mobile service frequencies.

(2) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical devices.

(3) Other rule provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kilocycles, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum plate power input of 30 watts to the final radio frequency stage.

(4) This frequency will not be assigned to base stations.

[F. R. Doc. 58-4852; Filed, June 27, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-464]

PART 34—NURSERY INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 28, 1958.

Statement by the Commission. Amended trade practice rules for the Nursery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the Nursery Industry promulgated by the Commission on June 27, 1956, and supersede the 1956 rules.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of all types of trees, small fruit plants, shrubs, vines, ornamentals, herbaceous annuals, biennials and perennials, bulbs, corms, rhizomes, and tubers which are offered for sale or sold to the general public. Included are products propagated sexually or asexually and whether grown in a commercial nursery or collected from the wild state. Such products are customarily used for outdoor planting. Not included are florists' or greenhouse plants solely for inside culture or use and annual vegetable plants. Likewise, gladiolus bulbs and corms are excluded inasmuch as they are covered by trade practice rules promulgated January 17, 1952.

The rules are directed to the prevention and elimination of various unfair trade practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings to amend and extend the 1956 trade practice rules for this industry were instituted pursuant to industry application. Two sessions of the industry trade practice conference were held, the first in Chicago, Illinois, on February 27, 1958, and the second in New York, New York, on March 10, 1958, at which proposals for amendment of the rules were fully discussed. After due consideration of such proposals, proposed amended rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., on June 16, 1958, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Following such hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
34.0 Definitions.
34.1 Deception (general).
34.2 Deception through use of names.
34.3 Substitution of products.
34.4 Size and grade designations.
34.5 Deception as to blooming, fruiting, or growing ability.
34.6 Misrepresenting products as conforming to standard, etc.
34.7 False claims of membership, deceptive use of seals, etc.
Sec.
34.8 Plants collected from the wild state.
34.9 Misrepresentation as to character of business.
34.10 Deceptive guarantees.
34.11 Deceptive "salesmen wanted" advertisements.
34.12 Misrepresentation with respect to collection of accounts.
34.13 Deception as to origin or source of industry products.
34.14 Exclusive deals.
34.15 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.
34.16 Deceptive pricing.
34.17 Enticing away employees of competitors.
34.18 Use of the word "free".
34.19 Use of lottery schemes.
34.20 Defamation of competitors or false disparagement of their products.
34.21 Prohibited forms of trade restraints (unlawful price fixing, etc.)
34.22 Prohibited discrimination.
34.23 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 34.0 to 34.23 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 34.0 *Definitions*—(a) *Industry products.* As used in this part, the term "industry products" includes all types of trees, small fruit plants, shrubs, vines, ornamentals, herbaceous annuals, biennials and perennials, bulbs, corms, rhizomes, and tubers which are offered for sale or sold to the general public. Included are products propagated sexually or asexually and whether grown in a commercial nursery or collected from the wild state. Such products are customarily used for outdoor planting. Not included are florists' or greenhouse plants solely for inside culture or use and annual vegetable plants. Likewise, gladiolus bulbs and corms are excluded inasmuch as they are covered by trade practice rules promulgated January 17, 1952.

(b) *Industry members.* Any person, firm, corporation, or organization engaged in the sale, offering for sale, or distribution in commerce of industry products, as defined above.

(c) *Lining-out stock.* Includes all plant material coming from propagating houses, beds, or frames, and young material such as seedlings rooted or unrooted cuttings, grafts or layers, of suitable size to transplant either in the nursery row or in containers for "growing on."

(d) *Nursery-grown stock.* Plants propagated and grown under cultivation, or plants transplanted from the wild and grown under cultivation for at least one full growing season.

§ 34.1 *Deception (general).* (a) It is an unfair trade practice to sell, offer for sale, or distribute industry products by any method, or under any circumstance or condition, which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

(b) The inhibitions of this section shall apply to every type of advertisement or method of representation whether in newspaper, periodical, sales catalog, circular, by tag, label or insignia, by radio or television, by sales representatives, or otherwise.

(c) Among practices inhibited by the foregoing are direct or indirect representations:

(1) That plants have been propagated by grafting or bud selection methods when such is not the fact.

(2) That industry products are healthy, will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not the fact.

(3) That plants will bloom the year round, or will bear an extraordinary number of blooms of unusual size or quality, when such is not the fact.

(4) That an industry product is a new variety, when in fact it is a standard variety to which the industry member has given a new name.

(5) That an industry product cannot be purchased through usual retail outlets, or that there are limited stocks available, when such is not the fact.

(6) That industry products offered for sale will be delivered in time for the next (or any specified) seasonal planting when the industry member is aware of factors which make such delivery improbable.

(7) That the appearance of an industry product as to size, color, contour, foliage, bloom, fruit or other physical characteristic is normal or usual when the appearance so represented is in fact abnormal or unusual.

(8) That the root system of any plant is larger in depth or diameter than that which actually exists, whether accomplished by excessive packaging material, or excessive balling, or other deceptive or misleading practice.

(9) That bulblets are bulbs.

(10) That an industry product is a rare or unusual item when such is not the fact. [Rule 1]

§ 34.2 *Deception through use of names.* (a) In the sale, offering for sale, or distribution of an industry product, it is an unfair trade practice for any industry member to use a name for such product which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to its true identity.

(b) Subject to the foregoing:

(1) When an industry product has a generally recognized and well-established common name, it is proper to use such name as a designation therefor, either alone or in conjunction with the correct botanical name of the product.

(2) When an industry product has a generally recognized and well-established common name, it is an unfair trade practice for an industry member to adopt and use a new name for the product unless such new name is immediately accompanied by the generally recognized and well-established common name, or by the correct botanical name, or by a description of the nature and properties of the product which is of sufficient detail to prevent confusion and

deception of purchasers or prospective purchasers as to the true identity of the product.

(3) When an industry product does not have a generally recognized and well-established common name, and a name other than the correct botanical name of the product is applied thereto, such other name shall be immediately accompanied by either the correct botanical name of the product, or a description of the nature and properties of the product which is of sufficient detail as to prevent confusion and deception of purchasers and prospective purchasers as to the true identity of the product.

NOTE: *Industry recommendation.* The industry recommends that in administering this rule the Commission give consideration to the use of plant names listed in horticultural works such as Hortus Second, 1941, L. H. Bailey; Manual of Cultivated Plants, Rev. Ed. 1949, L. H. Bailey; Standard Cyclopedia of Horticulture, 2d Ed. 1925 (with reissues), L. H. Bailey; Check List of Native and Naturalized Trees of the United States, U. S. D. A. Agricultural Handbook 41, 1953, E. L. Little; Manual of Cultivated Trees and Shrubs Hardy in North America, 2d Ed. 1940, A. Rehder; Native Woody Plants of the United States, U. S. D. A. Misc. Publication 303, 1938, W. R. Van Dersal; Standardized Plant Names, 2d Ed. American Joint Committee on Horticultural Nomenclature, 1942; and to plant-name listings of well-recognized, nonprofit horticultural societies and organizations, such as the American Rose Society.

[Rule 2]

§ 34.3 *Substitution of products.* With respect to industry products offered for sale by an industry member, it is an unfair trade practice for any member of the industry:

(a) To ship or deliver industry products which do not conform to representations made prior to securing the order or to specifications upon which the sale is consummated, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery, where such practice has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To falsely represent the reason for making a substitution: *Provided, however,* That nothing in this section is intended to inhibit the shipment of products different from those ordered, prior to obtaining the purchaser's consent to such substitution, when the order is received by the industry member near the close of the planting season for the products ordered and the substitution involved relates but to a product or products the total price of which is comparatively small, and when:

(1) At the commencement of the planting season for the products ordered the industry member had a supply of such products sufficient to meet normal and reasonably expected orders therefor, and such supply has been exhausted; and

(2) The products substituted are of similar variety and of equal or greater value to those ordered by the purchaser and no additional charge is made therefor; and

(3) Notice of the substitution, with adequate identification of the substituted item or items, and with commitment of the industry member to refund any purchase price received for the substituted products if such products are not acceptable to the purchaser and to compensate the purchaser for any expense involved in the return of the substituted products if refund is conditioned on the return thereof, is given the purchaser at the time of his receipt of such products;

And provided further, That nothing in this section is to be construed as sanctioning the dissemination of an advertisement of an industry product or products or the personal solicitation of orders therefor unless at the time of such dissemination or solicitation the industry member has a supply of such product or products sufficient to meet normal and reasonably expected orders therefor. [Rule 3]

§ 34.4 *Size and grade designations.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for an industry member to use any term, designation, number, letter, mark or symbol, as a size or grade designation for any industry product in a manner or under any circumstance having the capacity and tendency or effect of deceiving purchasers or prospective purchasers with respect to the actual size or grade of such products.

(b) Under this section industry members offering lining-out stock for sale shall specify conspicously and accurately the size and age of such stock when failure to do so has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

(c) Nothing in this section is to be construed as inhibiting the designation of the size or grade of an industry product by use of a size or grade designation for which a standard has been established which is generally recognized in the industry when the identity of such standard is conjunctively disclosed, the product qualifies for the designation under such standard, and no deception of purchasers or prospective purchasers results in the use of such designation.

NOTE: It is the consensus of the industry that the grade and size standard set forth in American Standard For Nursery Stock, as revised April 15, 1956, and approved by American Standards Association, Inc., is generally recognized in the industry, and that use of the size and grade designations therein set forth, in accordance with the requirements of the standard for the designations, in the marketing of industry products to which such standard relates, will prevent deception and confusion of purchasers and prospective purchasers of such products.

[Rule 4]

§ 34.5 *Deception as to blooming, fruiting, or growing ability.* In the sale, offering for sale, or distribtuion of industry products, it is an unfair trade practice for any industry member to deceive purchasers or prospective purchasers as to the ability of such products:

(a) To bloom, flower, or fruit within a specified period of time; or

(b) To produce crops within a specified period of time, or to give multiple crops each year, or to produce crops in unfavorable climatic regions; or

(c) To bear fruit through self-pollinization; or

(d) To grow, flourish, and survive irrespective of the climatic conditions, the care exercised in or after planting, or the soil characteristics of the locality in which they are to be planted.

NOTE 1: Under this section, when flower bulbs are of such immaturity as not reasonably to be expected to bloom and flower the first season of their planting, such fact shall be clearly and conspicuously disclosed in all advertisements and sales promotional literature relating to such products: *Provided, however,* That such disclosure need not be made when sales are confined to nurseries and commercial growers for their use as planting stock.

NOTE 2: Under this section, in order to avoid deception of purchasers and prospective purchasers thereof, when rose bushes have been used in a greenhouse for the commercial production of cut flowers, they shall be tagged or labeled so as to clearly, adequately and conspicuously disclose such fact, and such tags and labels shall be so attached thereto as to remain thereon until consummation of consumer sale. A similar disclosure shall be made in all advertising and sales promotional literature relating to such produtcs. And when, by reason of such previous greenhouse use or their condition at the time of removal therefrom or their handling during or subsequent thereto, there is probability that such rose bushes will not satisfactorily thrive and produce flowers when replanted outdoors, or will satisfactorily thrive and produce flowers outdoors only if given special treatment and attention during and after their replanting, such fact shall also be clearly, conspicuously and nondeceptively disclosed in close conjunction with, and in the same manner as, the aforesaid required disclosure that such products have been used in a greenhouse for the commercial production of cut flowers.

[Rule 5]

§ 34.6 *Misrepresenting products as conforming to standard, etc.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise:

(a) That any product of the industry conforms to the requirements of any standard recognized in or applicable to the industry, when such is not the fact; or

(b) That an industry product conforms to the requirements of any standard when (1) no such standard exists, or (2) no disclosure of the identity of the standard is made, or (3) when the product does not in fact conform to the requirements of the identified standard.

NOTE: Among the types of misrepresentation inhibited by this section is the practice of claiming that an industry product has been approved by a governmental authority or private agency, when in fact the product has not been so approved.

[Rule 6]

§ 34.7 *False claims of membership, deceptive use of seals, etc.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(a) To represent or claim falsely that he is a member of any association or other organization; or

(b) To use the seal or other insignia of any association or organization without the authorization of such association or organization; or

(c) To use any seal or insignia which is of such form or design, or contains such wording as to simulate the seals or insignia which are issued by an association or organization for use by its members—

when such representation, claim, or use has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect. [Rule 7]

§ 34.8 *Plants collected from the wild state.* It is an unfair trade practice to sell, offer for sale, or distribute industry products collected from the wild state without disclosing that they were collected from the wild state: *Provided, however,* That if collected plants are grown in the nursery row for at least one growing season before being marketed, such disclosure is not required. [Rule 8]

§ 34.9 *Misrepresentation as to character of business.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to represent or imply that he is a grower or propagator of such products or any portion thereof, or that he has any other experience or qualification either relating to the growing or propagation of such products or which enables him to be of assistance to purchasers or prospective purchasers in the selection by them of the kinds or types of products or the placement thereof when such is not the fact, or in any other manner to misrepresent the character, nature, or extent of his business.

NOTE: Among practices subject to the inhibitions of this section are representations by an industry member to the effect that he is a landscape achitect when his training, experience, and knowledge do not qualify him for such representation.

(b) It is also an unfair trade practice for an industry member to use the word "guild", "club", "association", "council", "society", "foundation", or any other word of similar import or meaning, as part of a trade name, or otherwise, in such a manner or under such circumstances as to indicate or imply that his business is other than a commercial enterprise operated for profit, unless such be true in fact, or so as to deceive purchasers or prospective purchasers in any other material respect. [Rule 9]

§ 34.10 *Deceptive guarantees.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that a nursery product is "guaranteed" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligations of the guarantor.

(b) It is also an unfair trade practice to use or cause to be used any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder. [Rule 10]

§ 34.11 *Deceptive "salesmen wanted" advertisements.* In connection with the promotion or the sale of industry products, it is an unfair trade practice for an industry member to use or cause to be used any advertisement which, directly or by implication, is false, misleading, or deceptive concerning:

(a) The salary, commission, income, earnings, or other form of remuneration which agents, canvassers, solicitors, sales representatives, or sales-contact personnel may expect to receive; or

(b) The opportunities to become a local manager, district supervisor, field representative, or to start in an established nursery or landscape business; or

(c) Any form of inducement which leads the prospective salesman to believe he will be employed as anything other than a commission agent. [Rule 11]

§ 34.12 *Misrepresentation with respect to collection of accounts.* It is an unfair trade practice for an industry member to use collection letters, notices, forms, or other communications purporting to emanate from his "legal department," when in fact he does not maintain a legal department for the collection of accounts; or to use the names of fictitious or nonexisting collection agencies, or to represent that collection offices set up by him are independent, bona fide collection agencies, or to use simulated legal forms or other intimidating, threatening or deceptive methods to induce payment. [Rule 12]

§ 34.13 *Deception as to origin or source of industry products.* (a) It is an unfair trade practice to sell, offer for sale, or advertise an industry product under any representation which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the origin or source of such product (e. g., by use of the term "Holland" to describe bulbs which were grown in the U. S. A.): *Provided, however,* That when a plant has an accepted common name which incorporates a geographical term and such term has lost its geographical significance as so used, the mere use of such common name does not constitute a misrepresentation as to source or origin (e. g., "Colorado Blue Spruce," "Arizona Cypress," "Black Hills Spruce," "California Privet," "Japanese Barberry," etc.).

(b) It is also an unfair trade practice to advertise, sell, or offer for sale an industry product of foreign origin without adequate and nondeceptive disclosure of the name of the foreign country from which it came, where the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers. [Rule 13]

§ 34.14 *Exclusive deals.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the goods of a competitor or competitors of the seller, where the effect of such sale or contract for sale, or such condition, agreement, or understanding may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 14]

§ 34.15 *Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 15]

§ 34.16 *Deceptive pricing.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that the price of an industry product has been reduced from a price which, in fact, is a fictitious price; or that the price is a wholesale, introductory, or special price, when it is in fact the regular selling price of the product; or that the regular price of a product is higher than is actually the fact; or otherwise to represent falsely or deceptively the past or current price of an industry product.

(b) It is also an unfair trade practice to make a comparison, in advertising or otherwise, between the price of an industry product offered for sale and the price of a comparable industry product obtainable from competitive sources, unless the comparison is made in the same grade and size of product and in the same general market area, or unless the differences in grade, size, and market area are clearly stated. [Rule 16]

§ 34.17 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales-contact personnel of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition; provided, that nothing in this section shall be construed as prohibiting such persons from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting injury on such competitor. [Rule 17]

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[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

§ 34.18 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 18]

§ 34.19 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products, or as an inducement thereto, by any method which involves a lottery or scheme of chance, and the sale or distribution of industry products by any method or plan which involves a lottery or scheme of chance, are unfair trade practices. [Rule 19]

§ 34.20 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services. [Rule 20]

§ 34.21 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [2] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 21]

§ 34.22 *Prohibited discrimination* [1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use.

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor. (See paragraphs (c) and (d) of this section.)

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

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[1] See footnote on p. 4806.

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by U. S. Government; applicability of Robinson-Patman Antidiscrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.) [Rule 22]

§ 34.23 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 23]

Issued: June 25, 1958.

Promulgated by the Federal Trade Commission June 28, 1958.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4935; Filed, June 27, 1958; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[9th Gen. Rev. of Export Regs., Amdt. P. L. 1 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Comm lists
	Carbon or graphite products (natural and artificial):					
54809	Graphite greases and lubricants, petroleum base (formerly 548098) (2).[17]	Lb.	PETR 1	25	RO	A
64010	Copper ores, concentrates, matte, and other unrefined copper (copper content) (formerly 640100).[16]	Content lb.	NONF	500	RO	A C
65455	Nickel ore, concentrates, and matte (formerly 654501).[1]	Lb.	NONF	500	RO	A
65460	Nickel metal in ingots, bars, rods, and other crude forms, and scrap, except spent nickel catalyst (see § 399.2, Interpretations 10 and 12) (formerly 654502) (1).[1, 13]	Lb.	NONF	100	RO	A C
65460	Nickel alloy metal scrap. (Specify percentage of each alloying element, or the recognized standard commercial brand or trade name.) (See § 399.2, Interpretations 10 and 12.) (Formerly 654502.) (2).[1, 13]	Lb.	NONF	100	RO	A C
65460	Nickel alloy metals in ingots, bars, rods, and other crude forms. (Report nickel-silver in 64400-64490.) (Formerly 654502.) (3).[1, 13]	Lb.	NONF	100	RO	A C
65465	Nickel and nickel alloy metal sheets, plates, and strip. (Report nickel-silver in 64400-64490.) (Formerly 654504.)[13]	Lb.	NONF 16	100	RO	A
65470	Nickel-chrome electric resistance wire, except insulated. (Report insulated wire in 70972-70995.) (Formerly 654508.)[13]	Lb.	NONF	100	RO	A
65475	Nickel catalysts (formerly 619950).[13]	Lb.	NONF 12	100	RO	
65480	Nickel and nickel alloys in semifabricated forms, n. e. c. (Specify by name and nickel content.) (Report cupro-nickel wire in 64571.) (Formerly 654519.)[13]	Lb.	NONF 16	100	RO	A C
66429	Nickel-bearing cobalt scrap metal (include alloy steel scrap containing 5 percent or more cobalt by weight). (Specify percentage of each alloying element, or the recognized standard commercial brand or trade name.) (See § 399.2, Interpretations 10 and 12.) (Formerly 664526.) (3)[13]	Lb.	MINL 5	None	RO	A
66429	Other cobalt-bearing scrap metal (include alloy steel scrap containing 5 percent or more cobalt by weight). (See § 399.2, Interpretations 10 and 12.) (Formerly 664526.) (4)[13]	Lb.	MINL 5	None	RO	A
66449	Molybdenum ores and concentrates (molybdenum content) (formerly 664550).[16]	Content lb.	MINL 8	500	RO	A B
	Welding sets, n. e. c., and parts:					
70106	3-phase resistance welding sets (formerly 701032).[6]	No.	ELME 4	None	R	
70108	Parts specially fabricated for 3-phase type resistance welding sets (formerly 709998).[6]	....	ELME 4	100	R	
	Electronic equipment, n. e. c., and parts:					
	Electron tubes and parts:					
70840	Electron tubes, n. e. c., except rectifier bulbs for automotive battery chargers. (Specify type numbers and quantity of each type.) (Formerly 707830.) (4)[18]	No.	RARA 51	50	RO	A
	Electrical apparatus, n. e. c., and parts, n. e. c.:					
70999	Parts, n. e. c., specially fabricated for belt-type electrostatic generators (Van de Graaff machines) (formerly 709998). (2)[1]	....	ELME 1	500	RO	A C
	Construction and maintenance equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
72245	Parts and accessories, n. e. c., specially fabricated for off-the-road haulers (trucks), having front and rear axle drive. (1)[14, 21]	....	CONS 1	500	RO	[illegible]
72245	Parts and accessories, n. e. c., specially fabricated for other off-the-road haulers (trucks, wagons and trailers) and chassis therefor included on the Positive List under Schedule B No. 72227. (Specify rated axle capacity of haulers for which parts are intended.) (Formerly 722045.) (1)[16, 21]	....	CONS 1	500	R	[illegible]
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c.:					
77588	Drum filters, vapor-tight, and specially fabricated parts, n. e. c. (formerly 775049). (6)[18]	....	GIEQ	500	RO	A
91972	Nuclear radiation detection and measuring instruments, n. e. c., except student-type and metal-leaf-type electroscopes; and specially fabricated parts and accessories, n. e. c. (Report electron tubes in 70824-70840; and handling equipment in 91980.) (Formerly 707550, 766995, and 919080.) (1, 2 and 3)[1, 13]	....	SATE 2	100	RO	A C

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[1] This amendment was published in Current Export Bulletin 801, dated June 5, 1958.

[1] The GLV dollar-value limit is increased.

[6] The symbol "A" is deleted in the column headed "Commodity Lists," indicating that the commodity
longer subject to the IC/DV procedure (see § 373.2).

[13] The symbol "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may
exported to Group O destinations under General License GLV within the $500 value limit provisions (see § 371.

[14] The destination control is changed from R to RO, effective June 12, 1958.

[16] The commodity description is revised without substantive change.

[17] The unit of quantity is changed.

[18] The commodity coverage is decreased.

[21] Two entries are substituted for an entry presently on the Positive List under this Schedule B number.

2. With respect to entries on the Positive List classified under the following Schedule B numbers, the symbol "B" is deleted in the column head "Commodity Lists":

54091
54730
54740
54780
54809
57227
59645
59900
61995
62290
64120
64130
64400
65460
66407
66409
66411
66429
66467
66475
66510
66520
66530
66540
70840 (third entry only)
70856
70879
70999
77588
91495
91920
91966
91972
91976
91980

This amendment shall become effective as of June 5, 1958, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group O destinations as a result of changes set forth in Part 1 of this amendment, which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to June 12, 1958, may be exported under the previous general license provisions up to and including July 5, 1958. Any such shipment not laden aboard the exporting carrier on or before July 5, 1958, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-4906; Filed, June 27, 1958; 8:45 a. m.]

[9th Gen. Rev. of Export Regs., Amdt. P. L. 2[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
72205	Motor scrapers, dig-carry-haul type, front and rear driver, over 10 cubic yards struck capacity (formerly 722012).	No.	CONS 1	None	RO	----------
72210	Motor graders, self-propelled, front and rear drive, 100 brake horsepower and over (formerly 722015).[1]	No.	CONS 1	None	RO	A
	Construction and maintenance equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
72245	Logging equipment, wheel-type, front and rear driver, 100 brake horsepower and over, and specially fabricated parts and accessories, n. e. c. (formerly 722045).[1]	----------	CONS 1	500	RO	A
72245	Parts and accessories, n. e. c., specially fabricated for motor graders and scrapers included on the Positive List under Schedule B Nos. 72210 and 72205 respectively (formerly 722045).[1]	----------	CONS 1	500	RO	A
	Materials handling equipment and parts:					
72510	Internal-combustion engine powered industrial trucks or tractors, front and rear drive, 70 to 100 brake horsepower. (Specify brake horsepower) (formerly 725005).	No.	CONS 1	None	R	----------
72540	Parts, accessories, and attachments, n. e. c., specially fabricated for industrial trucks and wheel-type tractors included on the Positive List under Schedule B No. 72511, for which validated license is required to R country destinations only (formerly 725050).	----------	CONS 1	500	R	----------

[1] On and after July 28, 1958 an import certificate will be required in support of a license application covering exports of these commodities to the countries specified in § 373.2.

This part of the amendment shall become effective as of June 19, 1958, except as otherwise indicated in the footnote.

2. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Off-the-road haulers (report tractors separately under appropriate Schedule B number):					
72227	Off-the-road haulers, front and rear drive, including electric all wheel drive (formerly 722027). (1)[16]	No.	CONS 1	None	RO	A
	Construction and maintenance equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
72245	Parts and accessories, n. e. c., specially fabricated for off-the-road haulers, front and rear drive (including electric all wheel drive) (formerly 722045). (1)[4, 16]	----------	CONS 1	500	RO	A E
	Materials handling equipment and parts:					
72511	Internal-combustion engine powered industrial trucks or tractors, front and rear drive, 100 brake horsepower and over. (Specify brake horsepower.) (Report straddle carriers in 72507.) (Formerly 725005.)[3, 16]	No.	CONS 1	None	RO	A
72540	Parts, accessories, and attachments, n. e. c., specially fabricated for industrial trucks and wheel-type tractors included on the Positive List under Schedule B Nos. 72511 and 72520 for which validated license is required to both R and O destinations (formerly 725050).[16]	----------	CONS 1	500	RO	A

[3] The related commodity group number of the processing code is changed (see § 372.5 (f)).

[4] The symbol "A" is added in the column headed "Commodity Lists," indicating that on and after July 28, 1958, an Import Certificate will be required in support of a license application covering exportation of these commodities to the countries specified in § 373.2.

[16] The commodity description is revised without substantive change.

This part of the amendment shall become effective as of June 12, 1958, except as otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in part 1 above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., June 19, 1958, may be exported under the previous general license provisions up to and including July 12, 1958. Any such shipment not laden aboard the exporting carrier on or before July 12, 1958, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-4907; Filed, June 27, 1958; 8:45 a. m.]

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[1] This amendment was published in Current Export Bulletin 802, dated June 12, 1958.

TITLE 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

PART 401—ADMISSION AND OUT-PATIENT TREATMENT

MODIFICATION OF RATES

1. Section 401.15 (b) is hereby amended to read as follows:

(b) Where a responsible nonprofit organization undertakes to pay for the hospitalization of its members or for the medical care of dependents of members of the uniformed services pursuant to section 201 of the Dependents' Medical Care Act (37 U. S. C. 411), the Superintendent, with the approval of the Surgeon General of the Public Health Service, may, without regard to the schedule set forth in § 401.6, enter into a contract with such organization to establish a rate which will take into consideration administrative economies in the operation of the hospital resulting

from such undertaking provided that such rate shall not in any event be less than 95 percent of the rate applicable to full-pay patients in accordance with § 401.7.

2. The above amendment shall be effective upon publication, it having been determined that notice and public procedure thereon are unnecessary and that an early effective date will expedite the payment of bills for hospital services furnished dependents of members of the uniformed services under Title II of the Dependents' Medical Care Act, Public Law 569, 84th Congress.

(R. S. 2038, as amended, sec. 1, 33 Stat. 1190, as amended, sec. 1, 37 Stat. 172, as amended, 59 Stat. 366, as amended; 32 D. C. Code 317, 318, 318a, 319)

Dated: June 13, 1958.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: June 24, 1958.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-4943; Filed, June 27, 1958; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1663]

[New Mexico 023844]

NEW MEXICO

WITHDRAWING LANDS IN NATIONAL FORESTS FOR USE OF FOREST SERVICE FOR RESEARCH PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34–36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests designated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604), and reserved for use of the Forest Service, Department of Agriculture, for research purposes:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Pine Flat Experimental Area

T. 9 N., R. 6 E.,
  Sec. 7, SW¼SE¼;
  Sec. 18, NE¼.

The areas described aggregate 200 acres.

CARSON NATIONAL FOREST

No Agua Experimental Range

T. 29 N., R. 9 E.,
  Sec. 32, N½;
  Sec. 33, N½.

The areas described aggregate 640 acres.

Cebolla Mesa Experimental Range

T. 28 N., R. 12 E.,
  Sec. 28, NW¼;
  Sec. 29, E½NW¼, NE¼, and NW¼SE¼.

The areas described aggregate 440 acres.

LINCOLN NATIONAL FOREST

Cloudcroft Experimental Forest

T. 16 S., R. 11 E.,
  Sec. 1, S½SE¼;
  Sec. 12.
T. 15 S., R. 12 E.,
  Sec. 25, S½, SE¼;
  Sec. 36.
T. 16 S., R. 12 E.,
  Sec. 7, lot 4;
  Sec. 16.

The areas described aggregate 2,120 acres.

The total areas described aggregate 3,400 acres.

This order shall be subject to existing withdrawals for power site purposes so far as they affect any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 23, 1958.

[F. R. Doc. 58-4921; Filed, June 27, 1958; 8:45 a. m.]

[Public Land Order 1664]

[Fairbanks 014487]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Department of the Air Force for military purposes:

GRANITE MOUNTAIN AREA

TRACT "A"

Beginning at a point from which U. S. C. and G. S. Monument "Granite", bears North 400 feet, thence

  West, 350 feet;
  North, 1,000 feet;
  East, 700 feet;
  South, 1,000 feet;
  West, 350 feet to the point of beginning.

The tract described contains approximately 16.07 acres.

TRACT "C"

Beginning at a point from which U. S. C. and G. S. Monument "Granite", bears N. 48°37' E., approximately 8,920 feet, thence

  S. 01°03'30" E., 6,000 feet;
  S. 88°56'30" W., 1,500 feet;
  N. 01°03'30" W., 6,000 feet;
  N. 88°56'30" E., 1,500 feet to the point of beginning.

The tract described contains approximately 206.61 acres.

TRACT "E"

Beginning at a point from which U. S and G. S. Monument "Granite", bears S. 51' W., 141 feet, N. 29°29' E., 4,700 feet, 850 feet and North, 400 feet, thence

  S. 15° W., 200 feet;
  N. 75° W., 200 feet;
  N. 15° E., 200 feet;
  S. 75° E., 200 feet to the point of beginni

The tract described contains approxima 0.91 acres.

The Department of the Interior tains jurisdiction over the managem of the surface and subsurface resourc including mineral resources, of the lan No disposal of such resources will made except under applicable public la laws with the concurrence of the Depar ment of the Air Force, and, where nece sary, only after appropriate modificati of the provisions of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 23, 1958.

[F. R. Doc. 58-4922; Filed, June 27, 19 8:45 a. m.]

[Public Land Order 1665]

[Anchorage 014664]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER 903 OF JULY 3, 1953, WHICH RESERV CERTAIN PUBLIC LANDS AS AIR NAVIGATI SITE WITHDRAWAL NO. 261

By virtue of the authority vested in President and pursuant to Executive der No. 10355 of May 26, 1952, and secti 4 of the Act of May 24, 1928 (45 Stat. 49 U. S. C. 214), it is ordered as follow

Public Land Order No. 903 of July 1953, so far as it reserved the followi described public lands in Alaska for of the Civil Aeronautics Administrati Department of Commerce, as Air Navig tion Site Withdrawal No. 261, is here revoked:

Beginning at a point 300 feet south of shore line of Monti Bay on Meridian 139° W., from which U. S. L. M. No. 179, latitu 59°32'51" N., longitude 139°43'50" W., b N. 51°46'30" E., 1167.2 feet, thence by me and bounds:

  South, 4,405.5 feet to parallel 59°32' N.,
  West, 2,640.0 feet along parallel 59°32' N.
  North, 4,000.0 feet, approximately, to sh line of Monti Bay,
  Northeasterly, 2,900.0 feet, approximat along shore line of Monti Bay to Meridi 139°44' W.,
  South 300.0 feet to point of beginning.

The tract described contains appro mately 266 acres.

The lands are within the Tongass N tional Forest and shall be open, subje to any valid existing rights and the r quirements of applicable law, to such a plications, selections, and locations as a permitted on national forest lands eff tive at 10:00 a. m. on July 29, 1958.

Certain of the lands contain improv ments, including towers and buildin which have been erected by the C Aeronautics Administration, and whi it proposes to remove within the ensui five years. Any sale, entry or locati upon such lands, or use or disposal ther of, shall be subject to the right of t

United States, its officers, agents or employees, to maintain, repair, operate, improve or remove such improvements, and to enter upon the lands at any time or times for such purposes, and the United States shall retain all right, title and interest in and to such improvements until they have been removed or abandoned in place.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 23, 1958.

[F. R. Doc. 58-4923; Filed, June 27, 1958; 8:46 a. m.]

[Public Land Order 1666]

COLORADO AND IDAHO

RESERVING LANDS WITHIN WHITE RIVER AND PIKE NATIONAL FORESTS, COLORADO, AND PAYETTE NATIONAL FOREST, IDAHO, FOR USE OF FOREST SERVICE AS RECREATION AREAS; ADDING LANDS TO THOSE WITHDRAWN BY PUBLIC LAND ORDER NO. 1374 OF DECEMBER 20, 1956, AND PARTIALLY REVOKING THAT ORDER

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands within the national forests named, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining, but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for recreation areas, as indicated:

COLORADO

Colorado 012689

SIXTH PRINCIPAL MERIDIAN

WHITE RIVER NATIONAL FOREST

Heart Lake Recreation Area

T. 3 S., R. 88 W. (unsurveyed),
  Sec. 19, SW¼SW¼NW¼, W½NW¼SW¼, and SW¼SW¼;
  Sec. 30, NW¼, and NW¼SW¼.
T. 3 S., R. 89 W.,
  Sec. 24, S½S½NE¼, E½NE¼SW¼, SW¼NE¼SW¼, SW¼SW¼SW¼, E½SW¼SW¼, SE¼SW¼, and SE¼;
  Sec. 25, NE¼, NW¼, and N½SE¼;
  Sec. 26, E½E½NE¼.
  The areas described aggregate 1,010 acres.

PIKE NATIONAL FOREST

Buffalo Creek Recreation Area

T. 8 S., R. 70 W.,
  Sec. 6, W½SW¼;
  Sec. 19, N½NE¼, and N½N½NW¼;
  Sec. 20, NW¼NW¼.
T. 8 S., R. 71 W.,
  Sec. 1, SE¼SW¼, SW¼SE¼, and E½SE¼;
  Sec. 11, S½S½NE¼, S½SE¼NW¼, S½NW¼SW¼, SW¼SW¼, E½SW¼, NW¼NW¼SE¼;
  Sec. 12, N½NE¼NE¼, NE¼NW¼NW¼, and W½SE¼NW¼NW¼;
  Sec. 14, NW¼NW¼, and SE¼NW¼;
  Sec. 15, E½NE¼, SE¼SW¼, and SE¼;
  Sec. 16, E½SW¼NW¼, SE¼NW¼, E½NW¼SW¼, SW¼SW¼;
  Sec. 17, S½N½SW¼, N½S½SW¼, S½NW¼SE¼, N½SW¼SE¼, SE¼SE¼;
  Sec. 18, S½NE¼SE¼, N½NW¼SE¼, and N½SE¼SE¼;
  Sec. 20, E½SW¼SE¼;
  Sec. 21, S½N½NE¼, N½S½NE¼, S½SW¼NE¼, N½NW¼, E½SE¼NW¼, E½NE¼SW¼, SW¼NE¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼, and W½NW¼SE¼;
  Sec. 22, N½NE¼, N½S½NE¼, SE¼SE¼NE¼, NE¼NW¼, and N½S½NW¼;
  Sec. 23, N½N½, E½SE¼NE¼, SW¼NW¼, N½SW¼, and SE¼SW¼;
  Sec. 24, N½NE¼NE¼, NE¼NW¼NE¼, W½W½NE¼, and S½NW¼;
  Sec. 29, E½NW¼NE¼, SW¼NE¼, and W½SE¼.
  The areas described aggregate 2,485.36 acres.

IDAHO

Idaho 05280

(Addition to Lands Withdrawn by Public Land Order No. 1374)

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Hard Butte Lakes Recreation Area

T. 22 N., R. 2 E.,
  Sec. 9, E½NE¼NE¼.

The area described contains 20 acres.

The total area withdrawn by this order is 3,515.36 acres.

2. Public Land Order No. 1374 of December 20, 1956, withdrawing lands for use of the Forest Service, Department of Agriculture, is hereby revoked so far as it affects the following-described lands:

T. 22 N., R. 2 E.,
  Sec. 10, E½NE¼NE¼.
  The area described contains 20 acres.

3. Beginning at 10:00 a. m. on July 30, 1958, the lands released from withdrawal by paragraph 2 of this order shall be open, subject to valid existing rights and the requirements of applicable law, to such applications, selections and locations as may be made on national forest lands.

4. The withdrawals made by this order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 24, 1958.

[F. R. Doc. 58-4924; Filed, June 27, 1958; 8:46 a. m.]

[Public Land Order 1667]

[Fairbanks 09919]

ALASKA

WITHDRAWING LANDS FOR NATIONAL PARK PURPOSES; REVOKING EXECUTIVE ORDERS NOS. 3617 OF JANUARY 13, 1922 AND 3800 OF MARCH 2, 1923

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands comprising a portion of Mount McKinley National Park, Alaska, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved as administrative sites and for the protection and preservation of scenic and recreational areas:

FAIRBANKS MERIDIAN

(a) Mt. McKinley National Park Area.

T. 14 S., R. 6 W. (Unsurveyed),
  Sec. 18, that portion west of the Nenana River.
T. 13 S., R. 7 W. (Unsurveyed),
  Sec. 31, S½;
  Sec. 32;
  Secs. 33 and 34, those portions west of the Nenana River.
T. 14 S., R. 7 W. (Partly Unsurveyed),
  Secs. 4, 5, 6, 7, 8, 9, 14, and 15;
  Secs. 3, 10, 11, 12, and 13, those portions west of the Nenana River.
T. 14 S., R. 8 W. (Unsurveyed),
  Secs. 1, 2, 11, and 12.
  The areas described aggregate approximately 10,900 acres.

(b) An area one half mile in width on each side of the centerline of the Mount McKinley National Park Highway between:

The intersection of the highway with the west boundary of unsurveyed secs. 2 and 11, T. 14 S., R. 8 W., and mile 10.0;
  Mile 13.5 and Mile 29.0;
  Mile 30.5 and Mile 42.0;
  Mile 43.5 and Mile 45.5;
  Mile 46.5 and Mile 52.0;
  Mile 54.5 and Mile 65.0;
  Mile 67.0 and Mile 81.5.

(c) An area one mile in width on each side of the centerline of the Mount McKinley National Park Highway between:
  Mile 10.0 and Mile 13.5 (Savage River Area);
  Mile 29.0 and Mile 30.5 (Toklanika River Area);
  Mile 42.0 and Mile 43.5 (Rust Fork Toklat River Area);
  Mile 45.5 and Mile 46.5 (Polychrome Pass Area);
  Mile 52.0 and Mile 54.5 (Toklat River Area);
  Mile 52.0 and Mile 54.5 (Toklat River Area);
  Mile 65.0 and Mile 67.0 (Camp Eielson Area).

(d) Beginning at Mile 81.5 thence
  North to the north boundary line of Mount McKinley National Park:
  West, 4.0 miles along the north boundary line;
  South, 5.5 miles;
  East, 3.8 miles;
  Northerly, to the point of beginning.
  The areas described aggregate approximately 70,150 acres.

The total area withdrawn by this order is approximately 81,050 acres.

2. Executive Orders Nos. 3617 of January 13, 1922 and 3800 of March 2, 1923, reserving lands in T. 14 S., Rs. 7 and 8 W., for use in connection with the administration of the Mount McKinley National Park, are hereby revoked.

3. This order shall be subject to the withdrawals made for railroad purposes by Executive Orders No. 3946 of January 21, 1924 and No. 5125 of May 23, 1929, so far as these orders affect the lands in T. 14 S., R. 7 W.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 24, 1958.

[F. R. Doc. 58-4925; Filed, June 27, 1958; 8:46 a. m.]

[Public Land Order 1668]

[Fairbanks 014221]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for administration, conveyance or other disposition in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130) as amended by the act of August 30, 1957 (71 Stat. 510):

TAYLOR HIGHWAY AREA

1. Beginning at the southeast corner of the bridge crossing Logging Cabin Creek on the Taylor Highway located approximately 63°48′15″ N. Latitude and 142°14′ W. Longitude, thence

N. 1°00′ E., 5 chains to point of beginning, thence
N. 45° W., 10 chains;
S. 45° W., 5 chains;
S. 45° E., 10 Chains;
N. 45° E., 5 chains to point of beginning.

The tract described contains approximately 5 acres.

2. Beginning at the center of the bridge crossing King Solomon Creek on the Taylor Highway located approximately 64°30′ N. Latitude and 141°12′ W. Longitude, thence

East, 4 chains;
South, 6 chains;
West, 4 chains to center of the highway;
North, 6 chains following center of highway and to point of beginning.

The tract described contains 2.4 acres.

3. Beginning at a point on the centerline of the Taylor Highway approximate Latitude 64°41′30″ N., Longitude 141°18′30″ W., from which the junction of Marion Creek and American Creek bears N. 45° E., 96 chains, thence

N. 52° W., 4 chains;
S. 38° W., 5 chains;
S. 52° E., 4 chains;
N. 38° E., 5 chains following center of highway to Corner No. 1 and point of beginning.

The tract described contains approximately 2 acres.

The areas described total in the aggregate 9.4 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 24, 1958.

[F. R. Doc. 58-4926; Filed, June 27, 1958; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[5th Rev. S. O. 95, Amdt. 7]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23rd day of June A. D. 1958.

Upon further consideration of the visions of Fifth Revised Service Order 95 (18 F. R. 473, 3732, 7642; 19 F. R. 20 F. R. 4688; 21 F. R. 4814; 22 F. R. and good cause appearing therefor:

It is ordered, That: Section 95.95 *pointment of Refrigerator Car Agent* Fifth Revised Service Order No. 95, and it is hereby, amended by substitu the following paragraph (d) for graph (d) thereof:

(d) This order, as amended, shall pire at 11:59 p. m., June 30, 1959, otherwise modified, changed, suspend or annulled by order of this Commiss

It is further ordered, That this ment shall become effective at p. m., June 30, 1958; that a copy of order and direction be served upon Association of American Railroads, Service Division, as Agent of the roads subscribing to the car service per diem agreement under the terms that agreement; and that notice of order be given to the general public depositing a copy in the office of the retary of the Commission at Washingt D. C., and by filing it with the Direct Federal Register Division.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. 12. Interprets or applies secs. 1, 15, 24 S 379, as amended, 384, as amended; 49 U. S. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary

[F. R. Doc. 58-4939; Filed, June 27, 1
8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1022]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF RESERVE FUND

Consideration is being given to the following proposals submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 122 (7 CFR Part 1022; 22 F. R. 3835) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that the establishment of a reserve fund not to exceed the amount of $10,000.00 from excess assessments is appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and (2) That any excess assessment funds from the fiscal period ending March 31, 1958, and subsequent fiscal periods shall be placed in said reserve fund until the said amount is accumulated.

The establishment of such a reserve is authorized under § 1022.42 of the aforesaid marketing agreement and order. The financial audit of the committee for the fiscal period ending March 31, 1958, shows excess assessments for such period of $1,476.27.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid propos should file the same with the Direct Fruit and Vegetable Division, Agric tural Marketing Service, United Sta Department of Agriculture, Room South Building, Washington 25, D. not later than the 10th day after publication of this notice in the FEDE REGISTER.

Terms used in the marketing agre ment and order shall, when used here have the same meaning as is given to th respective term in said marketing agre ment and order.

Dated: June 25, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-4964; Filed, June 27, 19
8:53 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 9376, etc.]

RIDDLE AIRLINES, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of Riddle Airlines, Inc., Docket No. 9376; Slick Airways, Inc., Docket No. 9414; Aaxico Airlines, Inc., Docket No. 9439; The Flying Tiger Line, Inc., Docket No. 9530.

Oral argument ordered by the Board in the above-entitled matter in Order No. E-12684, dated June 23, 1958, is hereby assigned to be held on July 9, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Proponents and opponents will be allotted two hours each to be divided as they agree. Such persons should notify the Chief Examiner on or before July 1, 1958, of their time allotments.

Dated at Washington, D. C., June 24, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4955; Filed, June 27, 1958; 8:52 a. m.]

[Docket No. 9217 et al.]

STATES-ALASKA AIR SERVICES

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted pursuant to Order No. E-12113.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 28, 1958, at 10:00 a. m., e. d. s. t., in Room 1509, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., June 25, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-4956; Filed, June 27, 1958; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

NOTICE OF ISSUANCE OF UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to Facility License No. R-38 authorizing General Dynamics Corporation to perform the experiments described as the "Transient Reactivity Compensation Experiments" in the application filed under Docket No. 50-89 in the Corporation's facility located at Torrey Pines Mesa, California. The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed additional experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

A condition of License R-38 provides that the experiments described in the application as the "Transient Reactivity Compensation Experiments" may not be conducted unless and until approval is granted by the Commission after it has reviewed and evaluated the results obtained from conducting the experiments described in the application as the "Steady-state Reactivity Compensation Experiments." General Dynamics Corporation, by letters dated May 23, 1958, and May 27, 1958 has provided the results obtained from the "Steady-state Reactivity Compensation Experiments." The Commission has reviewed and evaluated these results and concluded that the experiments described in the application as the "Transient Reactivity Compensation Experiments" may be conducted without presenting undue hazard to the health and safety of the public.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of this license amendment. For further details see (1) the application submitted by General Dynamics Corporation, and amendments thereto, and (2) a hazards analysis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C. Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. R-38, Amdt. 1]

AMENDMENT OF UTILIZATION FACILITY LICENSE

A condition of License R-38 which covers General Dynamics Corporation's TRIGA facility located at Torrey Pines Mesa, California provides that the experiments described as the "Transient Reactivity Compensation Experiments" in the application for license filed under Docket No. 50-89 may not be conducted in the facility unless and until approval is granted by the Commission after it has reviewed and evaluated the results obtained from conducting the experiments described in the application as the "Steady-state Reactivity Compensation Experiments." General Dynamics Corporation, by letters dated May 23, 1958, and May 27, 1958, has provided the results obtained from the "Steady-state Reactivity Compensation Experiments." The Commission has reviewed and evaluated the results and concluded that the "Transient Reactivity Compensation Experiments" can be conducted by the applicant in its facility described in License R-38 without presenting undue hazard to the health and safety of the public and that operation of the facility for the conduct of the experiments will not be inimical to the common defense and security.

Paragraph 2.A. of License No. R-38 is hereby amended to read as follows:

> Pursuant to Section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess and operate the facility as a utilization facility and to conduct therein the experiments described in the application dated November 16, 1957 and amendments thereto dated December 9, 1957, February 12, 1958, May 23, 1958 and May 27, 1958, in accordance with the procedures described therein.

Paragraphs 3.A. and 3.B. are hereby deleted and paragraphs 3.C. and 3.D. are renumbered accordingly.

Dated: June 23, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-4920; Filed, June 27, 1958; 8:45 a. m.]

MATERIALS, SERVICES, AND INFORMATION FOR CIVIL APPLICATION

DISTRIBUTION OF DEPLETED URANIUM

This notice concerns the Commission's policy for the distribution and sale of depleted uranium (i. e. uranium containing less than the approximately 0.0071 weight fraction of uranium-235 which occurs in nature).

1. The Commission has available and will sell depleted uranium as uranium hexafluoride. All domestic sales will be subject to the Commission's licensing requirements as set forth in the regulations in Title 10, Chapter I, Code of Federal Regulations.

2. The following schedule of charges has been established for depleted uranium sold by the Commission:

BASE CHARGES FOR DEPLETED URANIUM FURNISHED BY AEC AS UF_6, F. O. B. PADUCAH, KENTUCKY

Assay weight fraction U-235	Charge per kg. U	Assay weight fraction U-235	Charge per kg. U
0.0036 and lower	$5.00	0.0058	$24.75
0.0040	8.15	0.0060	26.90
0.0050	16.65	0.0062	29.00
0.0052	18.65	0.0064	31.25
0.0054	20.65	0.0066	33.50
0.0056	22.65	0.0068	35.75
		0.0070	38.15

a. Charges for material of intermediate assay will be determined by linear interpolation between the nearest stated assays.

b. Purchasers not specifying a desired assay will be sold depleted uranium as-saying 0.0022 (±0.0002) weight fraction U-235 at $5.00 per kg. U as UF_6.

c. The Commission's prices for sale of depleted uranium are subject to change. However, it is the intention of the Commission to keep its prices as stable as possible.

3. The charges and terms herein apply also to sale of depleted uranium to friendly foreign nations. Distribution of depleted uranium abroad will be subject to applicable provisions of law and regulations and appropriate safeguards against diversion to non-peaceful uses.

4. Additional information including specifications may be obtained from the United States Atomic Energy Commission, Office of Industrial Development, Washington 25, D. C.

Dated at Germantown, Md., this 19th day of June 1958.

For the Atomic Energy Commission.

R. W. COOK,
Deputy General Manager.

[F. R. Doc. 58-4946; Filed, June 27, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MISSISSIPPI

NOTICE OF PROPOSED WITHDRAWAL

JUNE 24, 1958.

The Office of the Assistant Secretary, Department of Agriculture, Washington 25, D. C., has filed an application for the withdrawal from location and entry, under the United States Mining Laws, for use of the Forest Service, subject to valid existing rights, the land hereafter described.

The land is within the De Soto National Forest and the Harrison Experimental Forest, Mississippi, and is needed for research purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

ST. STEPHENS MERIDIAN, MISSISSIPPI

T. 5 S., R. 11 W.,
Sec. 1, NE¼NW¼.

The area described contains 40 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-4927; Filed, June 27, 1958; 8:47 a. m.]

Bureau of Reclamation

[Public Announcement 28]

COLUMBIA BASIN PROJECT, WASHINGTON; SOUTH COLUMBIA BASIN IRRIGATION DISTRICT

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

LANDS COVERED

JUNE 13, 1958.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p. m., July 1, 1958.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566).

(a) *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

Irrig. block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
3	2	151.5	123.2	....	27.3	95.9	28.3	$2,687.70
	3	137.7	97.5	....	44.1	53.4	40.2	2,167.20
	8	129.2	71.5	....	55.6	15.9	57.7	2,083.80
	9	161.2	106.0	....	12.4	93.6	55.2	2,138.70
	19	138.4	90.9	....	2.8	88.1	47.5	2,077.75
	20	159.4	108.0	....	3.3	104.7	51.4	1,820.50
	22	193.0	139.3	....	1.6	137.7	53.7	2,284.25
	25	168.2	139.9	....	43.7	96.2	28.3	2,352.70
	28	196.2	133.7	....	....	133.7	62.5	2,282.75
	29	179.7	110.8	....	0.9	109.9	68.9	1,984.90
	31	114.8	101.6	....	74.5	27.1	13.2	2,000.30
	32	130.3	122.2	....	59.0	63.2	8.1	1,778.50
	33	120.6	108.5	....	61.2	47.3	12.1	1,715.20
	34	212.5	159.0	....	31.9	127.1	53.5	2,432.50

(b) *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the South Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1958 irrigation season, such farm units may be offered for sale under the provisions of this announcement.

The official plat of Irrigation Block 3 is on file in the office of the County Auditor of Walla Walla County in Walla Walla, Washington, and copies are available in the offices of the Bureau of Reclamation at Ephrata, Washin and Boise, Idaho.

SEC. 2. *Limit of acreage which be purchased.* The lands covered this announcement have been div into farm units. Each of the farm represents the acreage which, in opinion of the Regional Director, Re 1, Bureau of Reclamation, will su an average size family at a suitable of living. The law provides that no unit shall be sold to, and no contr sell a farm unit shall be entered with any person who, or a member whose family, has theretofore purch or entered into a contract to purc a farm unit under the Columbia Project Act or then owns a farm within the Columbia Basin Project, cept those whose farm units have acquired by the United States for change purposes. A family is de as comprising husband or wife, or together with their children under years of age, or all of such children both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* for a prior preference given applic for exchange under the provisions of act of August 13, 1953 (67 Stat. who are hereinafter called "excha applicants," preference right to purch the farm units described above will given to veterans (and in some cases their husbands or wives or guardians minor children) who submit applica tions during a 45-day period begin at 2:00 p. m., July 1, 1958, and end at 2:00 p. m., August 15, 1958, and at the time of making application, are one of the following five classes:

(a) Persons, including those under years of age, who have served in Army, Navy, Marine Corps, Air Force, Coast Guard of the United States for a period of at least ninety (90) days at time between September 16, 1940, the official termination of the Ko conflict, and who have been honora discharged.

(b) Persons, including those under years of age, who have served in Army, Navy, Marine Corps, Air Force Coast Guard of the United States du the period prescribed in subsection (a this section, regardless of length of ice, and who have been discharged account of wounds received or disab incurred during such period in the of duty or, subsequent to a regular charge, have been furnished hospital tion or awarded compensation by Government on account of such wo or disability.

(c) The spouse of any person in eith of the first two classes listed in this tion, if the spouse has the consent of person to exercise his or her prefer right and submits written proof of consent with the application. (See section 7 (d) of this announcement garding the provision that a marri woman must be head of a family.)

(d) The surviving spouse of any pers in either of the first two classes listed this section or, in the case of the de or marriage of such spouse, the min or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section or, in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) *Capital.* To qualify for farms listed in section 1, applicants must either (1) possess assets amounting to at least $8,500 in excess of liabilities, of which at least $5,000 must be in cash; or (2) possess at least $7,500 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates.

Assets must consist of cash and property readily convertible into cash or property such as livestock or farm machinery and equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm. When considering farm machinery, the Board and the Project Manager will credit only that equipment which is adapted for use on the Columbia Basin Project. No value will be allowed for a passenger car or household goods. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion can be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate.

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's total net worth.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

(a) Be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) In addition to the limitations in section 2, not own outright, or control under a contract to purchase, more than 10 acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

(c) Not previously have purchased a full-time farm from the United States under provisions of the Reclamation Law, excepting therefrom actions under the act of August 13, 1953.

(d) Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

(e) If a married woman or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications except those received from qualified exchange applicants prior to 2:00 p. m., August 15, 1958, which shall be given prior preference, will be classified for priority purposes as follows:

(a) *First Priority Group.* All complete applications filed prior to 2:00 p. m., August 15, 1958, by applicants who claim veterans preference. Such applications will be treated as simultaneously filed.

(b) *Second Priority Group.* All complete applications filed prior to 2:00 p. m., August 15, 1958, by applicants who do not claim veterans preference. Such applications will be treated as simultaneously filed.

(c) *Third Group.* All complete applications filed after 2:00 p. m., August 15, 1958. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

Sec. 10. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9 (a) of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

Sec. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

Sec. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

Sec. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

Sec. 14. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

Purchase of Selected Unit

Sec. 15. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 1 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the Earnest Money Agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before February 1, 1959, or within 6 months of the Earnest Money Agreement, whichever is later, and possesses the minimum capital assets required under subsection 6 (d), (2) pays the irrigation charges assessed by the irrigation district or estimated for the first full irrigation season of the development period following the date of the contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the other requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 6 (d), the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the project area, a current financial statement, and, where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to April 1 of any year during the development period, a deposit will be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain among others, the following principal provisions:

(a) *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

(b) *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

(c) *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

(d) *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence:

(1) Within one year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence.

(2) Before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

(e) *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the Project, whether as lessee or as owner or both.

(f) *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 15 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

(g) *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs and assigns, will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

(h) *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* In Irrigation Block 3, some construction activities will be continuing and the system will be tested during the irrigation season of 1958. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1959 for Irrigation Block 3.

During the development period, water rental charges will average an estimated $6 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the

Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the irrigation district will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges*—(a) *Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the Project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

(b) *Construction charges.* The contract between the United States and the South Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180, as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 58-4928; Filed, June 27, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11982—11984; FCC 58M-675]

ENTERPRISE BROADCASTING CO.

ORDER REOPENING RECORD AND SCHEDULING FURTHER PRE-HEARING CONFERENCE

In reapplication of Enterprise Broadcasting Co., Fresno, California, Docket No. 11982, File No. BP-10319; Air Waves, Incorporated (KONG), Visalia, California, Docket No. 11983, File No. BP-10432; Radio Dinuba Company (KRDU), Dinuba, California, Docket No. 11984, File No. BP-10735; for construction permits.

The Hearing Examiner having under consideration in the above-entitled matter (1) a memorandum opinion and order (FCC 58-580 59628) released June 19, 1958 which, among other things, added an issue to this proceeding, and (2) oral requests from the parties that a prehearing conference be held to determine the future course of the proceeding; and

It appearing that the terms of the Memorandum Opinion and Order can only be carried out by further hearing procedures,

It is ordered, This 24th day of June 1958, that the record in the above-entitled matter is reopened and that a further prehearing conference in this matter will be held commencing at 9:00 a. m. on June 30, 1958, in the Commission's offices in Washington, D. C.

Released: June 24, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4947; Filed, June 27, 1958; 8:51 a. m.]

[Docket No. 12031; FCC 58M-677]

BIRCH BAY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of George A. Wilson & L. N. Ostrander d/b as Birch Bay Broadcasting Company, Blaine, Washington, Docket No. 12031, File No. BP-10848; for construction permit.

By agreement of the parties: *It is ordered,* This 24th day of June 1958, that the exchange of exhibits in the above-entitled case is continued from June 25 to June 30, 1958;

It is further ordered, That the prehearing conference presently scheduled for July 1, 1958, is continued to July 9, 1958; and

It is further ordered, That the hearing presently scheduled to begin on July 10, 1958, is hereby continued to July 17, 1958, in the offices of the Commission, Washington, D. C.

Released: June 25, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4948; Filed, June 27, 1958; 8:51 a. m.]

[Docket Nos. 12310-12312; FCC 58M-668]

ENTERTAINMENT SERVICE, INC., ET AL.

ORDER CONTINUING FURTHER PRE-HEARING CONFERENCE AND HEARING

In re applications of Entertainment Service, Inc., Solvay, New York, Docket No. 12310, File No. BP-10988; Joseph A. Marturano and Philip S. Marturano d/b as Rome Community Broadcasting Company, Rome, New York, Docket 12311, File No. BP-11262; James McKechnie, North Syracuse, New York, Docket No. 12312, File No. BP-11320; construction permits.

The Hearing Examiner having under consideration a motion filed on June 1958, by counsel for James A. McKechnie, one of the applicants, requesting that the schedule of dates for exchange of direct affirmative case, further prehearing conference, and commencement of hearing previously fixed be extended; and,

It appearing that counsel for the other parties, including the Broadcast Bureau, have informally agreed to the requested changes, and good cause has also been shown for the grant of the motion;

It is ordered, This 20th day of June 1958, that the motion be and the same is hereby granted; and, accordingly, the date for exchange of direct affirmative case is extended to July 3, 1958, the further prehearing conference is continued to July 14, 1958, and commencement of the hearing is continued to July 22, 1958, at 10 o'clock a. m., in Washington, D. C.

Released: June 23, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4949; Filed, June 27, 1958; 8:51 a. m.]

[Docket No. 12375; FCC 58M-674]

JOSEPH ELDRIDGE

ORDER CONTINUING HEARING

In the matter of Joseph Eldridge, Main Street, Buzzards Bay, Massachusetts, order to show cause why there should not be revoked the License for Radio Station WC-9954 aboard the vessel "Striper".

The Hearing Examiner having under consideration a motion to continue proceedings, filed on June 18, 1958, by the Chief, Safety and Special Radio Services Bureau;

It appearing that respondent was at sea for a considerable period of time prior to May 30, 1958, and has disclaimed actual receipt of the hearing order until that time; and

It further appearing that the Bureau has dispatched a letter to the respondent requesting certain pertinent information in connection with the order to show cause; and

It further appearing that under the circumstances the continuance is justified;

It is ordered, This 24th day of June 1958, that the hearing now scheduled to commence on June 26, 1958, is continued indefinitely.

Released: June 24, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4950; Filed, June 27, 1958; 8:51 a. m.]

[Docket No. 12487; FCC 58M-669]

WILA, Inc. (WILA)

ORDER SCHEDULING HEARING

In re application of WILA, Incorporated (WILA), Danville, Virginia, Docket No. 12487, File No. BMP-7592, for modification of construction permit.

It is ordered, This 19th day of June 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1958, in Washington, D. C.

Released: June 24, 1958.

Federal Communications
Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-4951; Filed, June 27, 1958; 8:51 a. m.]

[Docket Nos. 12488, 12489; FCC 58M-666]

Young People's Church of the Air, Inc., and WJMJ Broadcasting Corp.

ORDER SCHEDULING HEARING

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

It is ordered, This 19th day of June 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 2, 1958, in Washington, D. C.

Released: June 23, 1958.

Federal Communications
Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-4952; Filed, June 27, 1958; 8:51 a. m.]

[Docket Nos. 12488, 12489; FCC 58M-678]

Young People's Church of the Air, Inc., and WJMJ Broadcasting Co.

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 24th day of June 1958, that all parties, or their attorneys, are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., July 17, 1958.

Released: June 25, 1958.

Federal Communications
Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-4953; Filed, June 27, 1958; 8:51 a. m.]

[Docket No. 12493, 12494; FCC 58M-667]

Veterans Broadcasting Co. Inc., and Capital Cities Television Corp.

ORDER SCHEDULING HEARING

In re applications of Veterans Broadcasting Company, Inc., Vail Mills, New York, Docket No. 12493, File No. BPCT-2397; Capital Cities Television Corporation, Vail Mills, New York, Docket No. 12494, File No. BPCT-2435; for construction permits for new television broadcast stations (Channel 10).

It is ordered, This 19th day of June 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1958, in Washington, D. C.

Released: June 23, 1958.

Federal Communications
Commission,
[SEAL] Mary Jane Morris,
Secretary.

[F. R. Doc. 58-4954; Filed, June 27, 1958; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1975]

Idaho Power Co.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

June 24, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Idaho Power Company, of Boise, Idaho, licensee for Project No. 1975 situated on Snake River for amendment of its license for the project. Licensee requests that the license be amended to include in the project a 138-kilovolt transmission line, now constructed, extending from the Bliss Plant to the King Substation in Section 11, T. 7 S., R. 13 E., Boise Meridian.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 31, 1958. The application is on file with the Commission for public inspection.

[SEAL] Michael J. Farrell,
Acting Secretary.

[F. R. Doc. 58-4940; Filed, June 27, 1958; 8:50 a. m.]

[Project No. 1971]

Idaho Power Co.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

June 25, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Idaho Power Company, Boise, Idaho, licensee for Project No. 1971 for amendment of its license for the project to include the following proposed transmission lines:

(a) A 230 kv double circuit steel tower line about 100 miles in length extending from the Brownlee Hydroelectric Plant to Boise Bench substation near Boise, Idaho.

(b) A 230 kv single circuit wood tower line about 43 miles in length extending from Brownlee Hydroelectric Plant to Quartz Substation near Baker, Oregon.

(c) A 230 kv double circuit steel tower line extending from the Oxbow power plant approximately 20.5 miles in a northerly direction to the Pallette Junction in the Imnaha River valley, thence easterly approximately 8 miles to the proposed Hells Canyon Hydroelectric development.

(d) A 230 kv single circuit transmission line extending approximately 45.2 miles in a northerly direction from Pallette Junction in Wallowa County, Oregon, to a point on the Idaho bank of the Snake River approximately one mile upstream from the confluence of the Imnaha and Snake Rivers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 25, 1958. The application is on file with the Commission for public inspection.

[SEAL] Michael J. Farrell,
Acting Secretary.

[F. R. Doc. 58-4941; Filed, June 27, 1958; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 345]

Regional Commissioner, Region 3

ADDITION TO DELEGATION OF AUTHORITY

In addition and as an extension to the authorities contained in Delegation of Authority No. 328, dated February 17, 1958, the Regional Commissioner, Region 3, is authorized to exercise the following specific authority:

To execute Declarations of Taking to be filed in the pending Condemnation Proceeding for the acquisition of the site for the Washington International Airport at Chantilly, Virginia.

This authority may not be redelegated.

Dated: June 23, 1958.

Franklin Floete,
Administrator.

[F. R. Doc. 58-4929; Filed, June 27, 1958; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM; DEMONSTRATION GRANT PROGRAM; AND URBAN PLANNING GRANT PROGRAM

A. The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F. R. 428–429, Jan. 19, 1955), as amended (20 F. R. 4275, June 17, 1955; 21 F. R. 1468, March 7, 1956; 21 F. R. 3038, May 5, 1956; 21 F. R. 5385, July 18, 1956; 21 F. R. 5471, July 20, 1956; 22 F. R. 2887, April 24, 1957; 22 F. R. 4105, June 11, 1957; 23 F. R. 1202, Feb. 26, 1958; and 23 F. R. 1611–1612, March 6, 1958), is hereby further amended in the following respects:

1. In subparagraph 1 (d) (2), by deleting existing subparagraph 1 (d) (2) and substituting in lieu thereof the following: "Approve applications for authorization to proceed with survey and planning activities with other than Federal funds;".

2. In subparagraph 5 (b), by deleting existing subparagraph 5 (b) and substituting in lieu thereof the following: "Execute or issue authorizations to proceed with other than Federal funds;".

3. In paragraphs 1, 2, 5, and 6, by deleting after "Regional Administrator", the first time it appears in each such paragraph, the phrase "(except the Regional Administrator, Region VII (Puerto Rico))".

B. The delegation of authority to the Regional Administrator, Region VII (Puerto Rico), with respect to the slum clearance and urban renewal program, published at 23 F. R. 1611, March 6, 1958, is hereby revoked.

Effective as of the 28th day of June 1958.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 58–4936; Filed, June 27, 1958; 8:49 a. m.]

PANAMA CANAL

PROCLAMATION FOR OBSERVANCE OF CENTENNIAL OF BIRTH OF GEORGE WASHINGTON GOETHALS

Whereas June 29, 1958, marks the 100th anniversary of the birth in Brooklyn, New York, of Major General George Washington Goethals; and

Whereas General Goethals gave more than 43 years of distinguished public service to his country as a soldier, engineer and civilian administrator; and

Whereas General Goethals was the guiding genius behind the construction of the Panama Canal, one of the greatest engineering feats of all time and a waterway which today holds the key to the continuance of the rapid industrial gains of the whole Hemisphere; and

Whereas the present-day Canal organization bears the imprint of his administrative genius, having been formed over 50 years ago into a compact, loyal organization of men and women of many nationalities, languages, and abilities to build the Canal and upon completion of the task having been transformed without interruption into a smooth and efficient operating force which has performed its duties for 44 years in a highly successful manner; and

Whereas on January 29, 1914, President Woodrow Wilson named General Goethals the first Governor of the Panama Canal Zone;

Now, therefore, I, W. E. Potter, Governor of the Canal Zone, do hereby proclaim Sunday, June 29, 1958, a day to be observed as the Centennial of the birth of George Washington Goethals; and urge all residents of the Canal Zone to join in this observance with the full realization of the great contributions to our nation's welfare by General Goethals; and do call upon public and private organizations in the Canal Zone to take appropriate recognition of this centennial of the birth of the former Zonian widely known, and remembered, as "The Colonel."

In testimony whereof I have hereunto set my hand and caused the seal of the Canal Zone to be affixed at Balboa Heights, Canal Zone, this 20th day of June 1958.

[SEAL] W. E. POTTER,
Governor.

By the Governor:

F. G. DUNSMOOR,
Acting Executive Secretary.

[F. R. Doc. 58–5006; Filed, June 27, 1958; 10:34 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 25, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34773: *Soda ash—Saltville, Va., to Charleston and Belle, W. Va., groups.* Filed by O. E. Schultz, Agent (ER No. 2447), for interested rail carriers. Rates on soda ash, in bulk, carloads, as described in the application from Saltville, Va., to Belle, Charleston, Dock, Elk, Institute, Nitro, South Charleston, and Ruffner, W. Va.

Grounds for relief: Market competition with Barberton, Ohio.

Tariff: Supplement 245 to Agent R. B. LeGrande's tariff I. C. C. 253.

FSA No. 34774: *Substituted service—Rail for motor, C. R. I. & P. R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 109), for interested carriers. Rates on property loaded in truckload and less-truckload qua in highway trailers and transported railroad flat cars in substituted rail ice between Burr Oak, Ill., and Grove, Minn., on the one hand, Armourdale, Kans., Council Bluffs, Des Moines, Iowa, on the other, or originating at or destined to poin motor carriers beyond the named

Grounds for relief: Motor truck petition.

Tariff: Supplement 78 to Middle Motor Freight Bureau, Agent, MF–I. C. C. 223.

FSA No. 34775: *Phosphate rock Florida mines to southern points.* by O. W. South, Jr., Agent (SFA A3685), for interested rail car Rates on phosphate rock, carloads, described in the application from Fla., and other Florida mines to spec points in North Carolina and Virginia.

Grounds for relief: Short-line tance formula.

Tariff: Supplement 97 to South Freight Association tariff I. C. C. 1514.

FSA No. 34776: *Fine coal—Mines Southern Railway to Savannah,* Filed by Southern Railway Comp (No. 134–A), for itself and other ested rail carriers. Rates on fine carloads from mines in Alabama, tucky, Tennessee, and Virginia on Southern Railway Company and short-line connections to Savannah, on the Southern Railway.

Grounds for relief: Natural gas petition.

Tariffs: Supplement 48 to Southe Railway Company I. C. C. A–11166. Sup plement 45 to Southern Railway Com pany I. C. C. A–11352.

FSA No. 34777: *Anthracite coal briquettes to Harlem River, N. Y.,* Filed by The Erie Railroad Company Agent (No. 4), for interested rail carrier Rates on anthracite coal and anthraci briquettes, carloads from mines on the Erie Railroad and its short-line conne tion in Pennsylvania to Harlem Rive N. Y., and five other points in New Yo in the Harlem Area on the N. Y. N. & H. Railroad.

Grounds for relief: Market compe tion with other coal producing points the considered destinations.

Tariff: Supplement 20 to Erie Railro Company tariff I. C. C. D–1493.

FSA No. 34778: *Phosphate rock—Florida mines to Port Maitland, Ont.* Fil by O. W. South, Jr., Agent (SFA A3684), for interested rail carri Rates on crude phosphate rock, carloa from specified points in Florida to Po Maitland, Ont., Canada.

Grounds for relief: Rail-water competition.

Tariff: Supplement 97 to Southe Freight Association, Agent, tariff I. C. No. 1514.

FSA No. 34779: *T. O. F. C. service—Class rates from and to points on the Pennsylvania Railroad in official territory.* Filed by The Pennsylvania Railroad Company, Agent (No. TT–8), interested rail carriers. Rates on property, moving on class rates, loaded trailers and transported on railroad cars between specified points in Ne Jersey and Pennsylvania, on the and specified points in Indiana, Michigan, and Ohio, on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 3 to Pennsylvania Railroad Company's tariff I. C. C. 3579. Supplement 10 to Trunk Line Territory Tariff Bureau tariff I. C. C. A-1109.

FSA No. 34780: *Liquefied petroleum gas between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3686), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads between points in southern territory, Ohio River crossings, and border points.

Grounds for relief: Short-line distance formula, grouping, and special rate treatment for relief lines.

FSA No. 34781: *Liquefied petroleum gas—Southwestern points to the south.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7320), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from points in southwestern territory described in the application to points in southern territory described in the application.

Grounds for relief: Competition with producers in the New Orleans-Baton Rouge, La., group to points in southern territory.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4938; Filed, June 27, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3711]

MARIE L. HARRISON

NOTICE OF APPLICATION FOR APPROVAL OF SECURITY ACQUISITION

JUNE 20, 1958.

Notice is hereby given that Marie L. Harrison of Villanova, Pennsylvania, has filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act"), seeking approval of the following transaction:

On September 27, 1956, the applicant, being then the owner of 1,700 shares of common stock of Chesapeake Utilities Corporation ("Chesapeake"), purchased 500 additional shares, raising her aggregate holdings above 5 percent of the voting stock of said company. Chesapeake is a public-utility holding company with three substantially wholly-owned gas utility subsidiaries, The Dover Gas Company, Sussex Gas Company and Citizens Gas Corporation. At the time of such acquisition Chesapeake was exempt as a holding company pursuant to Rule 9 promulgated under the act. The acquisition by applicant of over 5 percent of the voting stock of Chesapeake made her a direct affiliate of Chesapeake and an indirect affiliate of said subsidiaries, as defined in section 2 (a) (11) (A) of the act, and an order of approval of such acquisition, pursuant to sections 9 (a) (2) and 10 of the act was required, notwithstanding the fact that Chesapeake is exempt as a holding company.

Applicant requests approval of the aforesaid transaction, whereby she became an affiliate of Chesapeake, stating that the Chesapeake system is an integrated gas utility system, and that her acquisition of the equity securities of Chesapeake increases the investment therein of the management group of which she is a member.

Applicant states that the fees and expenses incurred in connection herewith have been minimal.

Notice is further given that any interested person, may, not later than July 7, 1958, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4930; Filed, June 27, 1958; 8:47 a. m.]

[File No. 812-1154]

FIDUCIARY MUTUAL INVESTING CO., INC.

NOTICE OF FILING FOR ORDER PERMITTING REDUCED PUBLIC OFFERING PRICES ON PURCHASES OF COMPANY SHARES BY TAX-EXEMPT ORGANIZATIONS

JUNE 20, 1958.

Notice is hereby given that Fiduciary Mutual Investing Company, Inc. ("Fund"), a registered open-end diversified investment company, has filed an amended application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of shares of the Fund to certain tax-exempt organizations at a reduced sales load.

The regular public offering price of the shares of the fund is equal to their net asset value plus a sales charge of approximately the following percentages of the offering prices:

Amount	*Sales commission (percent)*
Up to $10,000	7½
$10,000 to $25,000	6¼
$25,000 to $50,000	5
$50,000 to $100,000	3¾
Over $100,000	2½

The Fund desires to accept subscriptions at a reduced sales load from charitable, religious, educational and similar organizations exempt from taxation under section 501 (c) (3) of the Internal Revenue Code and employees' trusts exempt from taxation under section 401 of the Internal Revenue Code, by computing the sales charge upon each additional purchase by such groups based on the quantity discount applicable to the amount then being purchased plus the amount paid for shares previously purchased less the net asset value of shares redeemed.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits registered investment companies from selling their redeemable securities to any person, other than a dealer or principal underwriter, at a price less than the current public offering price described in the prospectus. The offering of shares of the company to purchasers exempt from sections 501 (c) (3) and 401 of the Internal Revenue Code on the basis herein proposed, may involve an offering of its shares below the normal offering price, in contravention of the provisions of section 22 (d) of the act. Accordingly, the Fund has filed the instant application for an order of the Commission exempting the offering of Fund shares to the above-mentioned organizations from said provisions of the act.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

The Fund states that such an exemption would not affect the net asset value received by the Fund for its shares, and would appear appropriate in that charitable, religious, educational and other non-profit organizations are in common acceptance favored in their relations and transactions with others and thus enjoy tax exemptions and usually receive special treatment in their trade transactions. The Fund also states that such an exemption would also appear appropriate in view of the purposes and objectives of employees' trusts, which also receive tax exemptions, where created or organized in the United States and forming part of a stock bonus, pension, or profit sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file at the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than July 7, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest and the reasons for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4931; Filed, June 27, 1958; 8:48 a. m.]

[File Nos. 812-1161, 812-1162]

COLONIAL FUND, INC., AND BOND INVESTMENT TRUST OF AMERICA

NOTICE OF FILING OF APPLICATIONS FOR EXEMPTIONS OF PURCHASES OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JUNE 23, 1958.

In the matter of the Colonial Fund, Inc., File No. 812-1161; the Bond Investment Trust of America, File No. 812-1162.

Notice is hereby given that The Colonial Fund, Inc. ("Colonial") and The Bond Investment Trust of America ("Bond"), each registered under the Investment Company Act of 1940 ("act") as an open-end diversified management investment company, have filed separate applications pursuant to section 10 (f) of the act for an order exempting from the provisions thereof the proposed purchase by Colonial and Bond of not to exceed $400,000 and $150,000 principal amount, respectively, of the -- percent Secured Bonds (Eleventh Series) due 1978 of the High Authority of the European Coal and Steel Community ("Authority").

Authority is a legal entity established by Treaty of April 18, 1951, among Belgium, France, the Federal Republic of Germany, Italy, Luxembourg and the Netherlands. By the Treaty, which is to remain in effect for 50 years and which entered into force on July 23, 1952, following ratification by their respective legislatures, the six member countries created a community of supranational character to which they ceded sovereign powers in the coal and steel sectors of their economies. On June 5, 1958, Authority filed with the Securities and Exchange Commission a registration statement under the Securities Act of 1933 covering $25,000,000 principal amount of -- percent Secured Bonds (Eleventh Series) due 1978 which are expected to be publicly offered on or about June 25, 1958 by underwriting groups including The First Boston Corporation. Colonial states that Kidder, Peabody & Co. and Estabrook & Co. may also be among the group of underwriters.

James H. Orr is a director of The First Boston Corporation and Colonial and he is also a trustee of Bond. Stedman Buttrick is a director of Colonial and a partner of Estabrook & Co. Jean B. Webster is a limited partner in Colonial's investment adviser, Colonial Management Associates, and a limited partner of Kidder, Peabody & Co.

Applicants have represented that the proposed purchases were approved by the boards of directors or trustees and have been recommended by their investment advisers, Colonial Management Associates. The purchases are to be made at the public offering price and will be made from any of the underwriters or members of the selling groups except that both Colonial and Bond will not purchase from The First Boston Corporation. Colonial will, in addition, not purchase from Kidder, Peabody & Co. and Estabrook & Co.

If Applicants were to purchase the amounts proposed, such acquisitions would represent 1.6 percent of the total offering to be acquired by Colonial and 0.6 percent to be acquired by Bond and, assuming a price of 100 percent, the purchases would represent an investment of approximately 1 percent and 3.0 percent of the total assets of Colonial and Bond, respectively. The proposed purchases are stated to be consistent with each of Applicants' investment policies as filed with the Commission.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. By reason of the affiliations as stated above, the proposed purchases are prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisitions of securities are consistent with the protection of investors.

Notice is further given that any interested person may, not later than July 5, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matters and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the applications may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4932; Filed, June 27, 1958; 8:48 a. m.]

[File No. 1-367]

L. S. STARRETT CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 23, 1958.

In the matter of the L. S. Starrett Company, common stock; File No. 1-367.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock is listed on the New York Stock Exchange. No activity therein exists on the Boston Stock Exchange. The issuer desires to save the expense of the dual listing.

Upon receipt of a request, on or before July 8, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-4933; Filed, June 27, 1958; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

OSCAR F. RENZ

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Sold all stock of Reardon Company.

Sold all stock of General Contract Corporation.

Closed out account with Beaumont Savings and Loan Association.

Closed out account with Public Service Savings and Loan Association.

This amends statement previously published in the FEDERAL REGISTER January 3, 1958 (23 F. R. 79).

Dated: June 11, 1958.

OSCAR F. RENZ.

[F. R. Doc. 58-4937; Filed, June 27, 1958; 8:49 a. m.]

PART II

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 23 NUMBER 127

Washington, Saturday, June 28, 1958

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Miscellaneous Amendments Respecting Dangerous Cargoes

This Part II of the FEDERAL REGISTER issue dated June 28, 1958, contains miscellaneous amendments respecting dangerous cargoes, issued by the United States Coast Guard.

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-9]

MISCELLANEOUS AMENDMENTS RESPECTING DANGEROUS CARGOES

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270). Pursuant to these notices a public hearing was held on March 18, 1958, by the Merchant Marine Council at Washington, D. C.

This document is the fourth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains the final actions taken with respect to Items XIV, XV, and XVI of the Agenda. The first document, identified as CGFR 58–8 (23 F. R. 2604), contained miscellaneous amendments to inspection requirements to implement the act of May 10, 1956, as amended (46 U. S. C. 390–390g), which were based on Item III of the Agenda. The second document, identified as CGFR 58–17 (23 F. R. 3376–3384), contained the requirements governing private aids to navigation on the outer Continental Shelf and waters under the jurisdiction of the United States, which were based on Item I of the Agenda. The third document, identified as CGFR 58–18 (23 F. R. 3347, 3348), contained new requirements regarding radar observers and miscellaneous changes respecting renewal of merchant mariner's licenses, which were based on Item IV of the Agenda.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received, certain proposed regulations were revised. The following items considered at the public hearing held March 18, 1958, as revised, are adopted and included in this document:

Item XIV—Detailed Regulations Governing the Transportation of Military Explosives on Board Vessels (46 CFR 146.29–1 to 146.29–100).

Item XV—Dangerous Cargo Regulations: Miscellaneous Amendments (46 CFR 146.02, 146.03, 146.04, 146.05, 146.06, 146.08, 146.09, 146.20, 146.21, 146.22, 146.23, 146.24, 146.25, 146.27, 147.05).

Item XVI—Inspection and Certification of Cargo and Miscellaneous Vessels Transporting Certain Dangerous Cargoes in Bulk (46 CFR 24.05, 30.01, 31.01, 70.05, 90.05, 91.20, 91.25, 98.01–98.25, 110.05, 146.22, 146.23, 146.24, 175.05).

The proposals in Item XIV of the Agenda, regarding "Detailed Regulations Governing the Transportation of Military Explosives on Board Vessels," were modified on the basis of some of the information received. Changes were made in 46 CFR 146.29–11 (a), subparagraphs (1), (3), 146.29–11 (b), subparagraphs (29), (33), (49), 146.29–11 (c), 146.29–13 (a), 146.29–19 (b), 146.29–25 (c), (2), (n), (o), (p), 146.29–27, 146.29–35 (a), (d), (f), 146.29–41, 146.29–41 (g) (4), (j), 146.29–59, 146.29–63 (g), 146.29–73 (a), 146.29–89 (b), 146.29–97, Chart B, and in 146.29–100, the "Description" of Class I ammunition, the "Handling" of Class IX–C, Class X–B, X–C, X–D, X–E, XI–A, XI–B, XI–C, and XI–D, the "ICC marking" for Class X–C, X–D, X–E, the "ICC Class" for Class XI–C and XI–D, and the "Hazard" respecting Class XI–C.

The regulations in 46 CFR 146.29–1 to 146.29–100, inclusive (Item XIV), are of primary interest to the various agencies within the Department of Defense and these revised regulations have been worked out with the assistance and cooperation of these agencies who have approved or concurred in them. In addition, the Bureau of Explosives and the National Cargo Bureau have registered no objections to the revised regulations. These regulations provide for the shipment of certain new types of military missile fuels and oxidizers. The other changes in these regulations are either of a clarifying nature or editorial in scope to bring them up to date.

The proposals in Item XV of the Agenda, regarding "Miscellaneous Amendments to Dangerous Cargo Regulations," were modified as a result of some of the information received. Changes were made in 46 CFR 146.06–8, 146.06–9 (d), 146.06–19, 146.20–35 (b), and 147.05–100. Numerous comments were received regarding the proposed regulations in 46 CFR 146.07–1 to 146.07–40 concerning "Railroad Vehicles, Highway Vehicles, Vans, or Portable Containers Loaded With Explosives or Other Dangerous Articles and Transported on Board Ocean Vessels." Several informal conferences have been held with interested parties regarding these proposed regulations and on the basis of these conferences and comments the regulations have been rewritten.

The provisions of R. S. 4472, as amended (46 U. S. C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practicable. The provisions in 46 CFR 146.02–18 and 146.02–19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Order No. 34 has made changes in the ICC Regulations with respect to the definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certifications which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Parts 146 and 147, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council public hearing held on March 18, 1958.

Since the amendments in this document to 46 CFR Part 146 (other than 146.29–1 to 146.29–100, 146.22–35, 146.2–35, 146.23–50, 146.24–80, and 146.24–8) and 147 are interpretations of law, revised requirements to agree with existing ICC Regulations, relaxations of previous requirements, or are editorial in nature, it is hereby found that compliance with the Administrative Procedure Act respecting effective date requirements of regulations is unnecessary.

The proposals in Item XVI of the Agenda regarding "Inspection and Certification of Cargo and Miscellaneous Vessels Transporting Certain Dangerous Cargoes in Bulk" were modified as a result of information received. The amendments based on Item XVI will transfer current requirements respecting construction and arrangement of tanks and the handling of cargoes in bulk governing the transportation of elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, and anhydrous ammonia from 46 CFR 146.22–35, 146.23–35, 146.23–50, 146.24–8 and 146.24–85 to a new part designated 46 CFR Part 98 in Subchapter I (Cargo and Miscellaneous Vessels), and appropriate cross references are inserted as 46 CFR 31.01–1 (e), 91.20–20 (a) (5), and 91.25–37. The major changes in the proposals deal with the effective date for the inspection and certification of vessels which will be required, as well as to permit tank barges inspected and certificated in accordance with Subchapter D (Tank Vessels) of this chapter to carry the dangerous cargoes specifically noted. Those provisions which require inspection and certification of vessels shall be in effect on and after January 1, 1959, for new construction and on and after January 1, 1960, for existing vessels. Vessels in existence on January 1, 1959, and vessels contracted for prior to January 1, 1959, which may carry in bulk any of these dangerous cargoes shall meet the applicable requirements of Subchapter I (Cargo and Miscellaneous Vessels) or Subchapter D (Tank Vessels) as is reasonable and practicable in the opinion of the Officer in Charge, Marine Inspection, to qualify for certification. In this respect the Officer in Charge, Marine Inspection, may grant departures from specific requirements if in his opinion the circumstances warrant such departures. However, the Officer in Charge, Marine Inspection, in any case shall satisfy himself that the vessel and its equipment are in good condition and satisfactory for the purposes intended.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective on and after date of publication of this document in the FEDERAL REGISTER, unless otherwise specifically provided in the text of the regulations:

Subchapter C—Uninspected Vessels

PART 24—UNINSPECTED VESSELS

SUBPART 24.05—APPLICATION

Section 24.05-1 is amended by revising Table 24.05-1 to read as follows:

§ 24.05-1 *Vessels subject to the requirements of this subchapter.* (a) * * *

TABLE 24.05-1 (a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2 3 4] or Subchapter T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2 5 6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None, except if required by 46 CFR Part 146.[5]	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges and inland barges when required by 46 CFR Part 146,[5] except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

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[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p)

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

SUBPART 30.01—ADMINISTRATION

Section 30.01-5 (d) is amended by revising Table 30.01-5 (d) to read as follows:

§ 30.01-5 *Application of regulations—TB/ALL.* * * *

(d) * * *

TABLE 30.01-5 (d)

Method of propulsion	Size or other limitations[1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations[6]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels[2 3 4] or Subchapter T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels[2 3 6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None, except if required by 46 CFR Part 146.[5]	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges and inland barges when required by 46 CFR Part 146,[5] except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

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[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 391a, 416. Interprets or applies sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 31—INSPECTION AND CERTIFICATION

SUBPART 31.01—GENERAL

Section 31.01-1 is amended by adding a new paragraph (e), reading as follows:

§ 31.01-1 *Inspections required—TB/ALL.* * * *

(e) For inspection and tests of tanks containing certain dangerous cargoes in bulk, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter H—Passenger Vessels

PART 70—GENERAL PROVISIONS

SUBPART 70.05—APPLICATION

1. Section 70.05-1 (a) is amended by revising Table 70.05-1 (a) to read as follows:

§ 70.05-1 *Vessels subject to the requirements of this subchapter.* (a) * * *

TABLE 70.05-1 (a)

Method of propulsion	Size or other limitations[1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations[1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels[2 3 4] or Subchapter T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 6]	Vessels subject to provisions of Subchapter C—Uninspected Vessels[2 3 6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None, except if required by 46 CFR Part 146.[5]	None.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

TABLE 70.05-1 (a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2 3 4] or Subchapter T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2 5]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Non-self-propelled...	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges and inland barges when required by 46 CFR Part 146,[5] except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

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[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 6 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 195 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152, 153; 46 U. S. C. 404, 369, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 90—GENERAL PROVISIONS

SUBPART 90.05—APPLICATION

Section 90.05-1 (a) is amended by revising Table 90.05-1 (a) to read as follows:

§ 90.05-1 *Vessels subject to requirements of this subchapter.* (a) * * *

TABLE 90.05-1 (a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2 3 4] or Subchapter T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2 5 6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam..............	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.

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[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchaptor R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 195 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

TABLE 90.05-1 (a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2 3 4] or Subchapter T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 6]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2 3 6]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[8]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None, except if required by 46 CFR Part 146.[5]	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges and inland barges when required by 46 CFR Part 146,[5] except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

[8] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 6, Stat. 675; 46 U. S. C. 404, 367, 526p, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

SUBPART 91.20—INITIAL INSPECTION

Section 91.20–20 (a) is amended by adding a new subparagraph (5), reading as follows:

§ 91.20–20 *Specific tests and inspections.* (a) * * *

(5) For inspection and tests of tanks containing certain dangerous cargoes in bulk, see Part 98 of this subchapter.

SUBPART 91.25—INSPECTION FOR CERTIFICATION

Subpart 91.25 is amended by adding a new § 91.25–37 to follow after § 91.25–35, reading as follows:

§ 91.25–37 *Tanks containing dangerous cargoes.* (a) For inspection and tests of tanks containing certain dangerous cargoes in bulk, see Part 98 of this subchapter.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

Subchapter I is amended by adding a new Part 98, reading as follows:

Subpart 98.01—Application

Sec.
98.01–1 General.
98.01–5 Effective date.

Subpart 98.05—Elemental Phosphorous in Water in Bulk

98.05–1 General.
98.05–5 Types of cargo tanks.
98.05–10 Venting.
98.05–15 Installation.
98.05–20 Openings in tanks.
98.05–25 Outage.
98.05–30 Cargo discharging.

Sec.
98.05–35 Cargo temperature.
98.05–40 Heating coils.
98.05–45 Void flooding.
98.05–50 General requirements.
98.05–55 Electrical bonding.
98.05–60 Tests and inspections.

Subpart 98.10—Sulfuric Acid in Bulk

98.10–1 General.
98.10–5 How acid may be carried.
98.10–10 Gravity type cargo tanks.
98.10–15 Pressure-vessel type cargo tanks.
98.10–20 Installation.
98.10–25 Openings in tanks.
98.10–30 Cargo piping.
98.10–35 Outage.
98.10–40 Lining.
98.10–45 General requirements.
98.10–50 Tests and inspections.

Subpart 98.15—Hydrochloric Acid in Bulk

98.15–1 General.
98.15–5 How acid may be carried.
98.15–10 Gravity type cargo tanks.
98.15–15 Pressure-vessel type cargo tanks.
98.15–20 Installation.
98.15–25 Openings in tanks.
98.15–30 Cargo piping.
98.15–35 Outage.
98.15–40 Lining.
98.15–45 General requirements.
98.15–50 Tests and inspections.

Subpart 98.20—Liquid Chlorine in Bulk

Sec.
98.20-1 General.
98.20-5 How liquid chlorine may be carried.
98.20-10 Design and construction of cargo tanks.
98.20-15 Markings.
98.20-20 Installation of cargo tanks.
98.20-25 Cargo tanks on barges.
98.20-30 Valves, fittings, and accessories.
98.20-35 Filling and discharge pipes.
98.20-40 Cargo piping.
98.20-45 Safety relief valves.
98.20-50 Filling density.
98.20-55 Venting.
98.20-60 Filling and discharge operation.
98.20-65 Cargo hose.
98.20-70 Special operating requirements.
98.20-75 Tests and inspections.
98.20-80 Stores on board.

Subpart 98.25—Anhydrous Ammonia in Bulk

98.25-1 General.
98.25-5 How anhydrous ammonia may be carried.
98.25-10 Design and construction of cargo tanks.
98.25-15 Markings.
98.25-20 Installation of cargo tanks.
98.25-25 Cargo tank barges.
98.25-30 Lagging.
98.25-35 Refrigerated systems.
98.25-40 Valves, fittings, and accessories.
98.25-45 Liquid level gaging device.
98.25-50 Filling and discharge pipes.
98.25-55 Cargo piping.
98.25-60 Safety relief valves.
98.25-65 Filling density.
98.25-70 Venting.
98.25-75 Ventilation.
98.25-80 Cargo hose.
98.25-85 Electrical bonding.
98.25-90 Special operating requirements.
98.25-95 Tests and inspections.

AUTHORITY: §§ 98.01-1 to 98.25-95 issued under R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

SUBPART 98.01—APPLICATION

§ 98.01-1 *General.* (a) The provisions of this part shall apply to all vessels which carry in bulk any of the dangerous cargoes specifically noted in this part.

§ 98.01-5 *Effective date.* (a) The provisions in this part which require inspection and certification of vessels shall be in effect on and after January 1, 1959, for new construction and on and after January 1, 1960, for existing vessels. Vessels in existence on January 1, 1959, and vessels contracted for prior to January 1, 1959, which may carry in bulk any of the dangerous cargoes specifically noted in this part shall meet the applicable requirements of this subchapter or Subchapter D (Tank Vessels) of this chapter, as is reasonable and practicable in the opinion of the Officer in Charge, Marine Inspection, to qualify for certification. In this respect the Officer in Charge, Marine Inspection, may grant departures from specific requirements of this chapter if in his opinion the circumstances warrant such departures. In any case the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel and its equipment are in good condition and satisfactory for the purposes intended.

(b) The other provisions of this part shall be in effect on and after July 1, 1958.

SUBPART 98.05—ELEMENTAL PHOSPHORUS IN WATER IN BULK

§ 98.05-1 *General.* (a) Elemental phosphorus, white or yellow, in water may be carried in bulk only in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying elemental phosphorus in water in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter, as applicable.

§ 98.05-5 *Types of cargo tanks.* (a) Tanks in which the vessel's structure forms a part thereof may be employed, provided void spaces are located surrounding the tanks on the sides and bottom.

(b) Tanks independent of the hull either cylindrical or of rectangular design may be employed. The plating of such tanks shall be not less than $\frac{5}{16}$ inch thick.

(c) The tanks shall be designed and tested to a head of 8 feet above the tank top or the highest level the lading may rise, whichever is the greater.

(d) When a water displacement method of discharge is used, pressure-vessel type cargo tanks, designed and tested in accordance with Subchapter F (Marine Engineering) of this chapter shall be employed. Such tanks shall be designed for the maximum pressure to which they may be subjected when water pressure is used to discharge the cargo.

§ 98.05-10 *Venting.* (a) Each cargo tank shall be fitted with an approved pressure-vacuum relief valve set to discharge at a pressure not exceeding 2 pounds per square inch. The discharge therefrom shall lead overboard above the waterline. When pressure vessel type tanks are used, each tank shall be fitted with a relief valve of suitable size.

§ 98.05-15 *Installation.* (a) Adequate clearance shall be provided for the inspection and maintenance of independent cargo tanks, or such tanks shall be made movable.

§ 98.05-20 *Openings in tanks.* (a) Openings in tanks are prohibited below deck except for access openings used for inspection and maintenance of tanks. Manholes or access trunks shall be of not less than 20 inches diameter. Openings shall be fitted with bolted cover plates and gaskets resistant to the attack of phosphorus pent oxide.

§ 98.05-25 *Outage.* (a) Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent. When pressure vessel type tanks are used outage need not be provided.

§ 98.05-30 *Cargo discharging.* (a) Pumps shall be employed in the discharge of cargo except when pressure vessel type tanks are used, water displacement method may be employed. The use of compressed air to discharge cargo is prohibited.

§ 98.05-35 *Cargo temperature.* (a) Cargo shall be loaded at a temperature not exceeding 140° F., and then cooled until the water above the cargo has a temperature not exceeding 105° F. prior to the movement of the vessel. Upon presentation of satisfactory proof that procedures followed will provide adequate safety in transportation and handling, the Commandant may authorize movement of the vessel following cooling of the water above the cargo to a temperature not exceeding 115° F.

§ 98.05-40 *Heating coils.* (a) Coils in which steam or hot water is circulated to heat the cargo so that it may be pumped shall be located outside the cargo tanks.

§ 98.05-45 *Void flooding.* (a) A fixed ballast piping system (including a power driven pump of ample capacity), or other means acceptable to the Commandant shall be installed so that any void space surrounding the fixed tanks may be flooded.

§ 98.05-50 *General requirements.* (a) All enclosed compartments containing independent cargo tanks and machinery spaces containing cargo pumps for handling liquid phosphorus shall be provided with effective means of ventilation.

(b) Cargo piping shall be of steel or wrought iron. Flanges and pipe fittings shall be of steel or malleable iron. Valves shall be of steel or bronze.

(c) Cargo lines shall be traced with steam piping and secured thereto by lagging to prevent solidification of cargo during transfer operations.

(d) A water hose shall be connected ready for immediate use and any spillage of phosphorus shall be immediately washed down.

(e) At least two fresh air masks or self-contained oxygen breathing apparatus shall be stowed on board the vessel at all times for use of personnel entering the tanks or adjacent spaces.

(f) Authorization from the Commandant (OPL) shall be obtained to transport lading other than phosphorus in the cargo tanks or to have on board any other cargo when phosphorus is laden in the tanks.

(g) Mechanical ventilation of sufficient capacity to insure a change of air every three minutes shall be provided during the inspection and maintenance of the cargo tanks.

(h) During the time elemental phosphorus is laden in the tanks, the barge shall be under constant surveillance. A towing vessel engaged in transporting such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock or other terminal and then only if such facility is provided with watchman or guard service.

(i) The Interstate Commerce Commission standard "Dangerous" placard shall be displayed in four locations on the barge when elemental phosphorus is laden in the tanks. A placard shall be posted approximately amid ships on each side facing outboard, and a placard shall be posted at each end of the barge at about the end of the tanks facing outboard. After unloading and before a tank or tanks are cleaned, the placard shall be reversed to show the "Dangerous—Empty" legend.

§ 98.05–55 *Electrical bonding.* (a) Independent cargo tanks shall be electrically grounded to the hull. The barge shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 98.05–60 *Tests and inspections.* (a) Each gravity tank shall be tested before being put into service as prescribed in § 98.05–5 (c).

(b) Tanks shall be retested as prescribed in § 98.05–5 eight years after being placed into service and at each four-year interval thereafter, as well as before being returned to service after extensive repairs.

SUBPART 98.10—SULFURIC ACID IN BULK

§ 98.10–1 *General.* (a) Sulfuric acid or spent sulfuric acid may be carried in bulk only in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying sulfuric acid or spent sulfuric acid in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter, as applicable.

§ 98.10–5 *How acid may be carried.* (a) Sulfuric acid of concentration of 77.5 percent (1.7019 specific gravity) (59.8° Baume) or greater concentrations with or without an inhibitor, provided the corrosive effect on steel measured at 100° F. is not greater than that of 66° Baume commercial sulfuric acid, may be transported in unlined gravity type cargo tanks or unlined pressure-vessel type cargo tanks.

(b) Sulfuric acid of concentration of 65.25 percent (1.559 specific gravity) (52° Baume) or greater concentrations, provided the corrosive effect on steel measured at 100° F. is not greater than that of 52° Baume commercial sulfuric acid, may be transported in unlined pressure-vessel type cargo tanks independent of the vessel's structure.

(c) Sulfuric acid of concentration not to exceed 65.25 percent (1.559 specific gravity) (52° Baume) may be transported in gravity type cargo tanks or pressure-vessel type cargo tanks which are lined with lead or other equally suitable acid-resistant material acceptable to the Commandant.

(d) Sulfuric acid of concentration not to exceed 51 percent (1.408 specific gravity) (42° Baume) and spent sulfuric acid resulting from the use of sulfuric acid in industrial processes may be transported in gravity type cargo tanks which are lined with rubber or other equally suitable acid-resistant material acceptable to the Commandant.

§ 98.10–10 *Gravity type cargo tanks.* (a) Gravity type cargo tanks shall be designed and tested to meet the rules of the American Bureau of Shipping for a head of water at least 8 feet above the tank top or the highest level the lading may rise, whichever is the greater. The plate thickness of any part of the tank shall not be less than ⅜ inch. Such tanks may form an integral part of the ship's structure, or may be independent of the ship's structure, or form a part thereof.

(b) Gravity type tanks shall be vented to atmosphere. A vent shall be fitted having a cross-sectional area of not less than that of the filling line unless an ullage opening is provided having a cross-sectional area at least equal to that of the filling line. The minimum size of a cargo tank vent shall be not less than 2½ inches. The outlet end of the vent shall terminate above the weather deck, clear of all obstructions and away from any source of flame. The vent shall terminate in a gooseneck bend and shall be fitted with a single flame screen of at least 30 x 30 mesh; or two screens of at least 20 x 20 mesh, not less than 1 inch nor more than 1½ inches apart. The flame screens shall be corrosion-resistant wire. No shut-off valve or frangible disc shall be fitted in the vent lines.

(c) Compressed air shall not be used to discharge cargo from gravity type cargo tanks.

§ 98.10–15 *Pressure-vessel type cargo tanks.* (a) Pressure-vessel type tanks shall be independent of the vessel's structure and shall be designed for the maximum pressure to which they may be subjected when compressed air is used to discharge the cargo, but in no case shall the design pressure be less than 50 pounds per square inch.

(b) Pressure-vessel type cargo tanks shall be designed as Class II or Class III unfired arc-welded cylindrical pressure vessels, inspected and tested as required by Subchapter F (Marine Engineering) of this chapter.

(c) Tanks designed, inspected, and tested as required by Interstate Commerce Commission Specification 103A, 103A–W, 103B, or 103B–W will be accepted as pressure-vessel type cargo tanks, provided the maximum pressure to which the tanks may be subjected does not exceed 30 pounds per square inch, and provided that prior to installing such tanks on a barge or cargo vessel, the owner shall furnish the Commandant with a copy of the inspection report certifying that the tanks and appurtenances comply with Interstate Commerce Commission specifications.

(d) When compressed air is used to discharge the cargo, the tank shall be fitted with a vent led to atmosphere in which shall be installed a rupture disc. The rupture disc shall be designed to burst at a pressure not exceeding the design pressure of the tank. An auxiliary vent to relieve the pressure or vacuum in the tank during filling or discharge of the cargo may be led from the vent line between the tank and the rupture disc. A shut-off valve may be fitted in the auxiliary vent.

(e) Except as otherwise specified in this section, the vents shall conform to the requirements of § 98.10–10 (b).

§ 98.10–20 *Installation.* (a) Adequate clearance shall be provided for the inspection and maintenance of independent cargo tanks, or such tanks shall be made movable.

§ 98.10–25 *Openings in tanks.* (a) Openings in tanks are prohibited below deck, except for access openings used for inspection and maintenance of tanks, or unless otherwise specifically approved by the Commandant. Openings shall be fitted with bolted cover plates and acid-resistant gaskets.

§ 98.10–30 *Cargo piping.* (a) Where special arrangements are approved by the Commandant to permit a pump suction to be led from the bottom of the tank, the filling and discharge lines shall be fitted with shut-off valves located above the weather deck or operable therefrom.

§ 98.10–35 *Outage.* (a) Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent.

§ 98.10–40 *Lining.* (a) The interior surfaces of cargo tanks shall be made smooth, welds chipped or ground smooth, and the surfaces thoroughly cleaned before the lining is applied. All interior surfaces of the tanks shall be maintained free from scale, oxidation, moisture and all foreign matter during the lining process.

(b) The material used for lining or coating the tanks shall be resistive to attack by the sulfuric acid to be carried; homogeneous, nonporous, and imperforate when applied; and not less elastic than the metal of the tank proper. It shall be of substantially uniform thickness, not less than 5/32 inch for lead lining, and not less than 3/16 inch for rubber lining. The lining shall be directly bonded to the tank plating, or attached by other satisfactory means acceptable to the Commandant.

(c) Rubber lining shall be scarfed at the joints to overlap at least 1½ inches, and the faying surfaces shall be beveled to an angle of approximately 45° with vulcanizing being done in place.

(d) Cargo piping, including valves, fittings, and flanges, when subject to the corrosive attack of the acid, shall be lined or coated with corrosion-resistant material. Vent piping, including flanges and fittings, shall be similarly lined or coated at least to the height of the frangible disc, if such is installed.

§ 98.10–45 *General requirements.* (a) All enclosed compartments containing sulfuric acid cargo tanks and all machinery spaces containing cargo pumps for handling sulfuric acid shall be fitted with effective means of ventilation.

(b) Cargo pumps, piping, valves, fittings, and flanges used in the handling of sulfuric acid cargo shall be made of material resistive to attack by the sulfuric acid to be carried, or shall be suitably protected against such corrosive attack.

(c) A separator shall be fitted in compressed air lines to the tank when air pressure is used to discharge the cargo.

(d) The use of naked lights and artificial lights, other than electric lights or portable battery lights, is prohibited during the filling and discharge operations. Smoking is prohibited and the master or officer in charge of the vessel shall post "No Smoking" signs during filling and discharging operations. All tools used in the loading or unloading operations shall be of the nonsparking type. Fire or other naked lights shall not be applied to any tank for the purpose of liquefying congealed sulfuric acid. Heating coils will only be permitted as a means of liquefying frozen or congealed sulfuric acid.

(e) A water hose shall be connected ready for immediate use and any leakage or spillage of acid shall be immediately washed down.

(f) Tanks approved for the transportation of sulfuric acid in bulk shall not be used for the transportation of any other commodity, except upon authorization by the Commandant (OPL).

§ 98.10–50 *Tests and inspections.* (a) Each gravity type cargo tank shall be tested before being put into service as prescribed in § 98.10–10 (a).

(b) Unlined gravity type cargo tanks shall be retested as prescribed in § 98.10–10 (a) eight years after being placed into service and at each four year interval thereafter, as well as before being returned to service after extensive repairs.

(c) Unlined pressure-vessel type cargo tanks shall be subjected to a hydrostatic pressure of one and one-half times the design pressure at any time the marine inspector considers such hydrostatic tests necessary to determine the condition of the tanks.

(d) Each cargo tank shall be subjected to an internal examination at least once in every four years. Where the lining of a cargo tank has deteriorated in service or is not in place, the marine inspector may require such tank to be subjected to the prescribed hydrostatic test if deemed necessary to determine the condition of the tank.

SUBPART 98.15—HYDROCHLORIC ACID IN BULK

§ 98.15–1 *General.* (a) Hydrochloric acid may be carried in bulk in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying hydrochloric acid in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter as applicable.

§ 98.15–5 *How acid may be carried.* (a) Hydrochloric acid shall be carried in gravity or pressure type cargo tanks which are independent of the vessel's structure provided such tanks are lined with rubber or other equally suitable material acceptable to the Commandant.

§ 98.15–10 *Gravity type cargo tanks.* (a) Gravity type cargo tanks shall be designed and tested to meet the rules of the American Bureau of Shipping for a head of water at least 8 feet above the tank top or the highest level the lading may rise, whichever is the greater. The plate thickness of any part of the tank shall not be less than $\frac{3}{8}$ inch. Such tanks shall be independent of the vessel's structure.

(b) Gravity type tanks shall be vented to atmosphere. A vent shall be fitted having a cross-sectional area of not less than that of the filling line unless an ullage opening is provided having a cross-sectional area at least equal to that of the filling line. The minimum size of a cargo tank vent shall not be less than $2\frac{1}{2}$ inches. The outlet end of the vent shall terminate above the weather deck, clear of all obstructions and away from any source of flame. The vent shall terminate in a gooseneck bend and shall be fitted with a single flame screen of at least 30 x 30 mesh; or two screens of at least 20 x 20 mesh, not less than 1 inch nor more than $1\frac{1}{2}$ inches apart. The flame screens shall be of corrosion-resistant wire. No shut-off valve or frangible disc shall be fitted in the vent lines.

(c) Compressed air shall not be used to discharge cargo from gravity type cargo tanks.

§ 98.15–15 *Pressure-vessel type cargo tanks.* (a) Pressure-vessel type cargo tanks shall be independent of the vessel's structure and shall be designed for the maximum pressure to which they may be subjected when compressed air is used to discharge the cargo, but in no case shall the design pressure be less than 50 pounds per square inch.

(b) Pressure-vessel type cargo tanks shall be designed as Class II or Class III unfired arc-welded cylindrical pressure vessels, inspected and tested as required by Subchapter F (Marine Engineering) of this chapter.

(c) Tanks designed, inspected and tested as required by Interstate Commerce Commission Specification 103B or 103B–W will be accepted as pressure-vessel type cargo tanks: *Provided,* That the maximum pressure to which the tanks may be subjected does not exceed 30 pounds per square inch, and: *Provided further,* That prior to installing such tanks on a barge or cargo vessel, the owner shall furnish the Commandant with a copy of the inspection report certifying that the tanks and appurtenances comply with Interstate Commerce Commission specifications.

(d) When compressed air is used to discharge the cargo, the tank shall be fitted with a vent led to atmosphere in which shall be installed a rupture disc. The rupture disc shall be designed to burst at a pressure not exceeding the design pressure of the tank. An auxiliary vent to relieve the pressure or vacuum in the tank during filling or discharge of the cargo may be led from the vent line between the tank and the rupture disc. A shut-off valve may be fitted in the auxiliary vent.

(e) Except as otherwise specified in this section, the vent shall conform to the requirements of § 98.15–10 (b).

§ 98.15–20 *Installation.* (a) Adequate clearance shall be provided for the inspection and maintenance of the tanks, or such tanks shall be made movable.

§ 98.15–25 *Openings in tanks.* (a) Openings in tanks are prohibited below deck, except for access openings used for inspection and maintenance of tanks, or unless otherwise specifically approved by the Commandant. Openings shall be fitted with bolted cover plates and acid-resistant gaskets.

§ 98.15–30 *Cargo piping.* (a) Where special arrangements are approved by the Commandant to permit a pump suction to be led from the bottom of the tank, the filling and discharge lines shall be fitted with shut-off valves located above the weather deck or operable therefrom.

§ 98.15–35 *Outage.* (a) Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent.

§ 98.15–40 *Lining.* (a) The interior surfaces of cargo tanks shall be made smooth, welds chipped or ground smooth, and the surfaces thoroughly cleaned before the lining is applied. All interior surfaces of the tanks shall be maintained free from scale, oxidation, moisture and all foreign matter during the lining process.

(b) The rubber or other approved lining material shall be resistive to attack by hydrochloric acid; homogeneous, nonporous, and imperforate when applied; and not less elastic than the metal of the tank proper. It shall be of substantially uniform thickness, not less than $\frac{1}{4}$ inch for rubber lining. The lining shall be directly bonded to the tank plating, or attached by other satisfactory means acceptable to the Commandant.

(c) Rubber lining shall be scarfed at the joints to overlap at least $1\frac{1}{2}$ inches, and the faying surfaces shall be beveled to an angle of approximately 45 degrees with vulcanizing being done in place.

(d) Cargo piping, including valves, fittings, and flanges, when subject to the corrosive attack of the acid, shall be rubber-lined or coated with other corrosion-resistant material. Vent piping, including flanges and fittings, shall be similarly lined or coated at least to the height of the frangible disc if such is installed.

§ 98.15–45 *General requirements.* (a) All enclosed compartments containing hydrochloric acid cargo tanks and all machinery spaces containing cargo pumps for handling hydrochloric acid shall be fitted with effective means of ventilation.

(b) Cargo pumps, piping, valves, fittings, and flanges used in the handling of hydrochloric acid cargo shall be made of material resistive to attack by hydrochloric acid, or shall be suitably protected against such corrosive attack.

(c) A separator shall be fitted in compressed air lines to the tank when air pressure is used to discharge the cargo.

(d) The use of naked lights and artificial lights, other than electric lights or portable battery lights, is prohibited during the filling and discharging operations. Smoking is prohibited and the master or officer in charge of the vessel shall post "No Smoking" signs during filling and discharging operations. All [illegible] used in the loading or unloading operations shall be of the nonsparking type.

(e) A water hose shall be connected ready for immediate use and any leakage or spillage of acid shall be immediately washed down.

(f) Tanks approved for the transportation of hydrochloric acid shall not be used for the transportation of any other commodity, except upon authorization by the Commandant (OPL).

(g) Spent hydrochloric acid or hydrochloric acid adulterated by other chemicals, inhibitors, oils, solvents, water, etc., shall not be transported in bulk cargo tanks except upon authorization by the Commandant (OPL).

§ 98.15–50 *Tests and inspections.* (a) Each gravity type cargo tank shall be tested before being placed into service as prescribed in § 98.15–10 (a).

(b) Each cargo tank shall be subjected to an internal examination at least once in every four years. Where the lining of the cargo tank has deteriorated in service or is not in place, the marine inspector may require such tank to be subjected to the prescribed hydrostatic test if deemed necessary to determine the condition of the tanks.

SUBPART 98.20—LIQUID CHLORINE IN BULK

§ 98.20–1 *General.* (a) Liquid chlorine may be carried in bulk in steel tank barges or steel cargo barges in accordance with the provisions of this subpart.

(b) Any barge carrying liquid chlorine in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter, as applicable.

§ 98.20–5 *How liquid chlorine may be carried.* (a) Liquid chlorine shall be carried in unfired pressure vessel type tanks independent of the structure of the vessel.

§ 98.20–10 *Design and construction of cargo tanks.* (a) The cargo tanks shall meet the requirements of Class I arc-welded unfired pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) Tanks shall be designed for a pressure of not less than 300 pounds per square inch. For the maximum allowable pressure of tanks in service see § 98.20–75 (c).

(c) Each tank shall be provided with 15 x 18-inch or 18-inch minimum diameter manhole, fitted with a cover located above the maximum liquid level and as close as possible to the top of the tank.

§ 98.20–15 *Markings.* (a) Upon satisfactory completion of tests and inspection, the following markings at least ⅜ inch high shall be stamped into a noncorrodible plate permanently attached to the tank by welding.

(Name and address of fabricator)

------------ p. s. i. ---------------- p. s. i.
(Design pressure) (Shop test pressure)

(Inspector's number, initials and CG symbol)

(Manufacturer's serial number)

------------------ ------ U. S. gallons
(Date of manufacture) (Water capacity)

(b) In addition to the markings required to be stamped on the tank, the legend "chlorine" shall be conspicuously and legibly marked upon the dome or upper portion of the tank in letters at least 4 inches high.

(c) All tank inlet and outlet connections, except safety relief valves shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of noncorrodible material may be attached to the valves.

(d) All tank markings shall be permanently and legibly stamped in a readily visible position.

§ 98.20–20 *Installation of cargo tanks.* (a) Independent tanks shall be arranged in the barge so as to provide a minimum clearance of not less than 24 inches from the barge side and not less than 15 inches from the barge bottom. Where more than one tank is installed in a barge, the distance between such tanks shall not be less than 15 inches, unless otherwise approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of barge structure and the tanks.

(b) The design shall show the manner in which the tanks are to be installed, supported, and secured on board the barge and shall be approved prior to the installation. Tanks shall be supported in steel saddles and securely anchored in place. No appendages shall be welded to the tanks after they have been stress-relieved unless authorized by the Commandant.

(c) Tanks may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weather tightness of the deck, except that barges operating on protected inland waters may have tanks located in the holds of hopper type barges without water-tightness of the deck being maintained. All tanks shall be installed with the manhole opening and fittings located above the weather deck.

(d) The hold or holds in which tanks are located "under deck" shall be provided with mechanical ventilation of sufficient capacity to assure a change of air every 3 minutes.

§ 98.20–25 *Cargo tanks on barges.* (a) Sides of tank barges shall be fitted with suitable guards as added precaution against the cargo tanks being damaged as a result of collision.

§ 98.20–30 *Valves, fittings, and accessories.* (a) All valves, flanges, fittings and accessory equipment shall be of a type suitable for use with chlorine and shall be made of forged steel, cast steel, or nonferrous metal corrosion resistant to chlorine in either the gas or liquid phase. Valves, flanges and fittings shall be of the square or round tongue and groove type or of raised face, American Standard Association 300-pound standard minimum, fitted with sheet lead or other suitable gasket material. Welding fittings shall be used wherever possible, and the number of pipe joints held to a minimum. Screwed joints in cargo lines and vapor lines are prohibited in sizes above 1 inch.

(b) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, and safety relief valves, which shall be grouped in the smallest practicable space and shall be protected against mechanical damage by a suitable protective metal housing. Other openings in tanks are prohibited. A drain connection shall be provided from the protective housing and led overboard just above deepest load line.

(c) All liquid and vapor connections to the tanks, except safety relief valves, shall have manually operated shut-off valves located as close to the tank as practicable.

(d) Excess flow valves, where required by this subpart, shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings, and appurtenances, protected by excess flow valves shall have a greater capacity than the rated flow of the excess flow valve.

(e) Liquid level gaging devices of any type are prohibited on chlorine tanks.

(f) A pressure gage shall be attached to the vapor shut-off valve or vapor line so as to indicate the pressure in the tank at all times during loading and unloading.

(g) Excess flow valves shall be located on the inside of the tank. Back pressure check valves may be located on the inside of the tank or on the outside where the piping enters the tank. When installed on the outside, installation shall be in such a manner that any undue strain will not cause breakage between the tank and the back pressure check valve.

(h) Excess flow valves may be designed with a bypass, not to exceed No. 60 drill size opening, to allow for equalization of pressure.

§ 98.20–35 *Filling and discharge pipes.* (a) Filling connections shall be provided with one of the following:

(1) Combination back pressure check valve and excess flow valve;

(2) One double or two single back pressure check valves; or

(3) A positive shut-off valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.

(b) All other liquid and vapor connections to tanks, except filling connections and safety relief valves, shall be equipped with automatic excess flow valves.

§ 98.20–40 *Cargo piping.* (a) Piping shall be of seamless drawn black steel of a thickness of not less than schedule 80.

(b) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings. Where necessary, provision shall be made for expansion and contraction of piping by

means of seamless steel pipe expansion bends. Slip-type expansion joints are prohibited.

(c) In multiple tank installations the tanks shall not be interconnected by piping or manifolds. More than one cargo tank may be filled or discharged at a time, provided each tank is filled from or discharged to shore tanks through separate lines.

§ 98.20-45 ***Safety relief valves.*** **(a) Each tank shall be fitted with one or more approved safety relief valves, designed, constructed, and flow tested for capacity in conformance with Subpart 162.018 in Subchapter Q (Specifications) of this chapter. The safety valve requirements in this section are based on unlagged tanks. On lagged tanks, the Commandant will give special consideration to safety valves proposed to be used.**

(b) Each safety relief valve shall be set to pop at a pressure not in excess of the maximum allowable pressure of the tank and shall be vapor tight at a pressure of not less than 80 percent of the maximum allowable pressure.

(c) The safety relief valve(s) shall have a relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when the safety relief valve(s) are blowing.

(d) The minimum rates of discharge of safety relief valves used on unlagged tanks shall be not less than determined by the following formula:

$$Q=53.526A^{0.82} \qquad (1)$$

where:

Q = minimum required rate of discharge, in cubic feet per minute, of standard air at 120 percent of the maximum set pressure of the safety relief valve. Discharge measured at 60° F. and atmospheric pressure (14.7 p. s. i. a.).

A = total external surface area of the tank, in square feet. $\pi(D\times U)$, for cylindrical tank with hemispherical heads. $\pi D(U+0.3D)$, for cylindrical tank with spherically dished or semi-ellipsoidal heads. πD^2, for spherical tank.

D = outside diameter of the tank, in feet.

U = external overall length of the tank, in feet.

(e) Safety relief valve(s) shall be attached to the tank near the highest point of the vapor space. Shut-off valves shall not be installed between the tanks and the safety relief valve(s).

(f) Each safety relief valve shall be tested in the presence of an inspector before or after mounting prior to being placed in service. The test shall prove that the safety valve will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank. (For periodic tests see § 98.20-75 (c).)

§ 98.20-50 ***Filling density.*** **(a) The filling density, or the percent ratio of the liquefied gas that may be loaded into the tank to the weight of water the tank will hold at 60° F., shall not exceed 125 percent.**

§ 98.20-55 ***Venting.*** **(a) Cargo tanks of tank barges shall have the safety relief valve outlets connected to individual or common risers which shall extend to a reasonable height above the deck, or,** the safety relief valve escape may be led to a common discharge header. Where the escape of vapors from the venting system may interfere with towing operations or the operation of the barge in inland waters would be a hazard to installations extending above deck, an installation acceptable to the Commandant may be used. This arrangement shall be such as to minimize the hazard of escaping vapors.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header as provided in Table 98.20-55 (b).

TABLE 98.20-55 (b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number cargo tanks:	*Percent total valve discharge*
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) Return bends and restrictive pipe fittings are prohibited. Vents and headers shall be so installed as to prevent stresses on safety relief valve mountings.

(d) When vent discharge risers are installed, they shall be so located as to provide protection against physical damage and be fitted with loose raincaps.

(e) Suitable provision shall be made for draining the vent escape piping if liquid can collect therein.

§ 98.20-60 *Filling and discharge operation.* (a) The maximum amount of liquid chlorine that may be loaded into the cargo tanks shall be determined by weight and shall not exceed the filling density specified in § 98.20-50. Any chlorine vapors vented during the filling operation shall be disregarded when calculating the maximum amount of chlorine to be loaded into the cargo tanks.

(b) Prior to the start of filling operations, care shall be exercised to insure that the cargo tank(s) is empty and free from foreign matter. After all pipe connections and fittings are made tight, the cargo tank(s) shall be evacuated to at least 20 inches of mercury.

(c) The chlorine shall be loaded through a direct pipe line from the shore tank that is mounted on scales so that an amount of chlorine predetermined by weight is loaded into the cargo tank(s) on board the barge.

(d) After the filling operation is completed the vapor above the liquid chlorine in the cargo tank shall be analyzed to determine the percentage of gaseous chlorine in the vapor space. If it should contain less than 80 percent chlorine, vapors shall be withdrawn through the vent or vapor line until the vapor content in the cargo tanks show at least 80 percent chlorine.

(e) After filling connections are removed, upon completion of the loading of a cargo tank, all connections at the tank shall be tested for leakage of chlorine by the aqua ammonia method.

(f) The chlorine in the cargo tanks shall be discharged by the pressure differential method. Where the vapor pressure of the chlorine is not sufficient to force the liquid out of the tank, compressed air may be used to secure the sired rate of discharge, provided the is oil-free and thoroughly dried by pa ing it over activated aluminum oxi silica gel, or other acceptably drying agent. The compressed air system shal contain a relief valve arranged and s so that the air pressure in the cargo tan cannot exceed 70 percent of the allowable pressure of the tank.

(g) After completion of the filling discharge operations, the excess liqui chlorine in the cargo piping shall be re moved. The filling and discharge piping shall be disconnected at the cargo tanks except during filling and discharge oper ations. After disconnecting the cargo piping, both ends of the line shall be closed and all inlet and outlet valves on the tank shall be plugged or fitted with blind flanges.

(h) Plans showing alternate methods of filling and discharging the lading may be submitted for approval.

§ 98.20-65 *Cargo hose.* (a) Cargo hose fabricated of Schedule 80 seamless black steel pipe, or corrosion resistant metallic pipe not subject to deterioration by chlorine, having metallic flexible joints, or other types of flexible metallic hose acceptable to the Commandant, shall be fitted to the liquid or vapor lines during filling and discharging of the cargo tanks.

(b) Cargo hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tanks.

(c) Before being placed in service, each new cargo hose, with all necessary fittings attached, shall be hydrostatically tested by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected in service. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

§ 98.20-70 *Special operating requirements.* (a) Repairs involving welding or burning shall not be undertaken on the tanks or piping while chlorine in either liquid or vapor state is present in the system.

(b) During the time chlorine is laden in the tanks the barge shall be under constant surveillance. A towing vessel engaged in towing such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock, or other terminal, and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman or guard service shall be provided by said consignor or consignee.

(c) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when chlorine is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall also be posted on each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and be protected from being readily damaged or obscured. After unloading and before a tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous—Empty" legend.

(d) At least two units of self-contained oxygen breathing apparatus shall be carried on board the barge at all times. One unit shall be stowed forward of the cargo tanks and one unit aft of the cargo tanks.

(e) Unless authorized by the Commandant (OPL), no other kind of cargo except liquid caustic soda shall be on board a barge at the same time that chlorine in liquid or vapor state is present in a cargo tank. Chlorine tanks shall not be installed within caustic soda tanks.

(f) Authorization from the Commandant (OPL) shall be obtained to transport lading other than chlorine in tanks of this service.

§ 98.20–75 *Tests and inspections.* (a) Each cargo tank shall be subjected to an internal and external examination biennially.

(b) Each cargo tank shall be subjected to hydrostatic test biennially of one and one-half times the maximum allowable pressure as determined by the safety relief valve setting.

(c) When periodic inspection indicates that a cargo tank has deteriorated in service, the maximum allowable pressure shall be recalculated, using the minimum thickness found by actual measurement. The recalculated maximum allowable pressure shall be not less than 275 pounds per square inch; otherwise, the cargo tanks shall be withdrawn from service.

(d) The safety relief valves shall be popped in the presence of an inspector by use of water, compressed air, or inert compressed gas at the time of the biennial inspection, or at such time as may be required by the inspector to determine the accuracy of adjustment; and, if necessary, such valves shall be repaired and reset.

§ 98.20–80 *Stores on board.* (a) The following substances shall not be used as stores on board barges transporting chlorine in bulk: Hydrogen, methane, liquefied petroleum gases, coal gas, acetylene, ammonia, turpentine, compounds containing metallic powders, finely divided metals or finely divided organic materials.

SUBPART 98.25—ANHYDROUS AMMONIA IN BULK

§ 98.25–1 *General.* (a) Anhydrous ammonia may be carried in bulk in cargo barges, tank barges, or cargo vessels in accordance with the provisions of this subpart.

(b) Any vessel carrying anhydrous ammonia in bulk shall be inspected and certificated in accordance with the provisions of this subchapter or Subchapter D (Tank Vessels) of this chapter as applicable.

§ 98.25–5 *How anhydrous ammonia may be carried.* (a) Anhydrous ammonia shall be carried in unfired pressure vessel type tanks independent of the structure of the vessel, except as provided otherwise in this subpart.

§ 98.25–10 *Design and construction of cargo tanks.* (a) The cargo tanks shall meet the requirements for Class I or Class II arc-welded unfired pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) Unlagged cargo tanks subject to atmospheric temperatures shall be designed for a pressure of not less than 250 pounds per square inch gage.

(c) Where unrefrigerated cargo tanks are lagged as required by §§ 98.25–30 and 98.25–60, the tanks shall be designed for a pressure of not less than 215 pounds per square inch gage.

(d) Refrigerated cargo tanks, in which the temperature of the liquid ammonia is maintained below the normal atmospheric temperatures, shall be designed for a pressure of not less than the vapor pressure corresponding to the temperature of the liquid at which the system is to be maintained, plus 25 pounds per square inch gage, but in no instance shall the design pressure be less than 90 pounds per square inch.

(e) Each tank shall be provided with not less than a 15″ x 18″ diameter manhole, fitted with a cover located above the maximum liquid level and as close as possible to the top of the tank. Where access trunks are fitted to tanks, the diameter of the trunks shall be not less than 30 inches.

§ 98.25–15 *Markings.* (a) Upon satisfactory completion of tests and inspection, the following marking, at least ⅜ inch high, shall be stamped into a noncorrodible nameplate permanently attached to the tank by means of welding.

(Name and address of fabricator)

---------------- p. s. i. ---------------- p. s. i.

(Design pressure) (Shop test pressure)

(Manufacturer's serial number)

------------------------------ U. S. gallons

(Water capacity)

(Date of manufacture)

(b) In addition to the markings required to be stamped on the tank, the legend, "Anhydrous Ammonia" shall be conspicuously and legibly marked upon the dome or upper portion of the tank in letters at least 4 inches high.

(c) All tank inlet and outlet connections, except safety relief valves, liquid level gaging devices, and pressure gages shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of noncorrosive material may be attached to valves.

(d) All tank markings shall be permanently and legibly stamped in a readily visible position. If the tanks are lagged, the markings attached to the tank proper shall be duplicated on a corrosion resistant plate secured to the outside jacket of the lagging.

§ 98.25–20 *Installation of cargo tanks.* (a) Independent tanks shall be arranged in the barge or vessel so as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom. Where more than one tank is installed in a vessel, the distance between such tanks shall be not less than 15 inches, unless otherwise approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of the vessel's structure and the tanks.

(b) The design shall show the manner in which the tanks are to be installed, supported, and secured in the barge or vessel and shall be approved prior to installation. Tanks shall be supported in steel saddles and securely anchored in place. If the tanks are required to be stress-relieved no appendages shall be welded to the tanks after they have been stress-relieved unless authorized by the Commandant.

(c) Tanks may be located in dry cargo holds or in liquid cargo tanks or may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weathertightness of the deck, except that vessels operating on protected inland waters may have tanks located in the holds of hopper type barges without the watertightness of the deck being maintained. All tanks shall be installed with the manhole opening and fittings located above the weather deck.

(d) The anhydrous ammonia tanks may be installed in the bulk liquid cargo tanks provided the liquid surrounding the enclosed anhydrous ammonia tanks complies with the following chemical and physical properties:

(1) Boiling point above 125° F. at atmospheric pressure.

(2) Inert to ammonia at 100° F. at atmospheric pressure.

(3) Noncorrosive in the liquid and vapor phase to the ammonia tanks and piping.

§ 98.25–25 *Cargo tank barges.* (a) Tanks having a cargo capacity of not more than 60,000 gallons may form part of the structure of a barge where adequate provision is made to prevent damage to tanks in the event of collision or grounding.

(b) Sides of tank barges shall be fitted with suitable guards as an added precaution against the cargo tanks being damaged as a result of collision.

§ 98.25–30 *Lagging.* (a) Lagged tanks shall be covered with an incombustible insulation material of a thickness to provide a thermal conductance of not more than 0.075 B. t. u. per square foot per degree F. differential in temperature per hour. The insulating material shall be of an approved type complying with the requirements of Subpart 164.009 of Subchapter Q (Specifications) of this chapter, and shall be given a vapor proof coating with fire retardant material acceptable to the Commandant. Tanks exposed to the weather shall have the insulation and vapor proof coating covered with a removable sheet metal jacket of not less than 0.083 inch thickness and flashed around all openings so as to be weather tight. Materials other than sheet metal may be used to cover the insulation and vapor proof coating when specifically authorized by the Commandant.

(b) Where unlagged tanks are installed in insulated holds or insulated 'tween deck spaces, such tanks shall be considered lagged provided the thermal conductance of the insulation is not less than that required by paragraph (a) of this section.

§ 98.25–35 *Refrigerated systems.* (a) Where refrigerated systems are installed to maintain the temperature of the liquid below atmospheric, at least two complete refrigeration plants automatically regulated by pressure variations within the tanks shall be provided, each to be complete with the necessary auxiliaries for proper operation. The capacity of each refrigeration compressor shall be sufficient to maintain the vapor pressure in the tanks during the peak atmospheric temperature conditions below the pressure for which the tanks are designed.

(b) An alternate arrangement may consist of three compressors, any two of which shall be capable of maintaining the vapor pressure in the tanks during peak atmospheric temperature conditions below the pressure for which the tanks are designed, the third compressor acting as a stand-by unit.

(c) Refrigerated tanks shall be insulated in conformance with the requirements of § 98.25–30.

§ 98.25–40 *Valves, fittings, and accessories.* (a) All valves, flanges, fittings, and accessory equipment shall be of a type suitable for use with anhydrous ammonia and shall be made of steel, or Grade A malleable iron conforming to the requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter. Valves shall be fitted with noncorrosive material suitable for ammonia service. Valves, flanges, and pipe fittings shall be of the square or round tongue and groove type or raised-face American Standard Association 300-pound standard minimum fitted with suitable soft gasket material. Welded fittings shall be used wherever possible, and the number of pipe joints shall be held to a minimum. Screwed joints are not permitted for pipe diameters exceeding two inches. Nonferrous materials, such as copper, copper alloys, and aluminum alloys shall not be used in the construction of valves, fittings, or accessory equipment. Brazed joints are prohibited.

(b) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, and shall be provided with suitable access for convenient operation. Connections to tanks installed below the weather deck shall be made to a trunk or dome extending above the weather deck. Tanks installed on hopper barges shall have all pipe connections attached to the top of the tanks. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this part, are prohibited.

(c) All connections to the tanks, except safety devices and liquid level gaging devices, shall have manually operated shut-off valves located as close to the tank as possible.

(d) Excess flow valves where required by this section shall close automatically at the rated flow of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances, protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve.

(e) Liquid level gaging devices which are so constructed that outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(f) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(g) Excess flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equalization of pressure.

(h) Prior to disconnecting shore lines, the pressure in the liquid and vapor lines shall be relieved through suitable valves installed at the loading header.

(i) Relief valves shall be fitted in liquid lines which may be subject to excessive pressure caused by liquid full condition, and the escape from the relief valves shall be piped to the venting system.

(j) The pressure gage shall be located at the highest practical point. The thermometer well shall terminate in the liquid space and be attached to the shell by welding with the end of the fitting being provided with a gas-tight screwed plug or bolted cover.

§ 98.25–45 *Liquid level gaging device.* (a) Each tank shall be fitted with a liquid level gaging device of suitable design to indicate the maximum level to which the tank may be filled with liquid at temperatures between 20° F. and 130° F.

(b) Liquid level gaging devices shall be of the following types: magnetic, rotary tube, slip tube, fixed tube, automatic float, or other types acceptable to the Commandant.

(c) Gaging devices that require bleeding of the product to the atmosphere, such as rotary tube, fixed tube, and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve.

(d) Gaging devices shall have a design pressure of at least 250 pounds per square inch.

(e) Gage glasses of the columnar type are prohibited.

§ 98.25–50 *Filling and discharge pipes.* (a) Filling connections shall be provided with one of the following:

(1) Combination back pressure check valve and excess flow valve;

(2) One double or two single back pressure check valves; or

(3) A positive shut-off valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.

(b) All other liquid and vapor connections to tanks, except filling connections, safety relief valves, and liquid level gaging devices and pressure gages described in § 98.25–40 (e) and (f) shall be equipped with automatic excess flow valves; or in lieu thereof, may be with quick closing internal stop valv which, except during filling and di charge operations, shall remain clos The control mechanism for such valv shall be provided with a secondary r mote control of a type acceptable to th Commandant.

(c) The excess flow, internal stop back pressure check valves shall be l cated on the inside of the tank or outsid where the piping enters the tank. In th latter case, installation shall be made such a manner that any undue strain w not cause breakage between the tank an the excess flow or internal stop valve.

(d) Where the filling and discharg are made through a common nozzle the tank, and the connection is fitt with a quick-closing internal stop valv as permitted in paragraph (b) of this se tion, the back pressure check valve excess flow valve is not required, pro vided, however, a positive shut-off valv is installed in conjunction with the inter nal stop valve.

(e) On tanks installed in barges oper ating on protected inland waters the suc tion may be taken from the bottom of th tank provided requirements as follow are met:

(1) A manually operated shut-off valv is attached to the outlet nozzle and remotely operated internal stop valve fitted inside the tank.

(2) The remotely controlled valve shal be operable from control stations locate at each end of the barge so that th remotely controlled valve on any tan can be closed from either station.

§ 98.25–55 *Cargo piping.* (a) Piping shall be of seamless drawn black steel o thickness not less than Schedule 40. I case of piping on the discharge side the liquid pumps or vapor compressor the design shall be for a pressure of n less than the pump or compressor reli valve setting; or if the piping is not fitt with relief valves, the design pressur shall not be less than the total discharg head of the pump or compressor.

(b) Where necessary, provision sha be made for expansion and contractio of piping by means of seamless steel pip expansion bends. Special consideratio will be given for packless type expansio joints. Slip type expansion joints ar prohibited. Piping shall be provide with adequate support to take the weigh of the piping off the valves and fittings.

§ 98.25–60 *Safety relief valves.* (a) Each tank shall be fitted with two o more approved safety relief valves, designed, constructed and flow-tested fo capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(b) Each safety relief valve shall star to discharge at a pressure not in exce of the design pressure of the tank.

(c) The safety relief valves shall hav a combined relieving capacity sufficien to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when all the safety relief valves are blowing.

(d) (1) The minimum rates of discharge of safety relief valves for uninsulated tanks shall be not less than that determined by the following formula:

$$Q=21.633A^{0.82} \qquad (1)$$

where:

Q=minimum required rate of discharge, in cubic feet per minute of standard air at 120 percent of the maximum set pressure of the safety relief valve. Discharge measured at 60° F. and atmospheric pressure (14.7 p. s. i. a.).
A=total external surface area of the tank, in square feet.
$=\pi(D \times U)$ for cylindrical tanks with hemispherical heads.
$=\pi D(U+0.3D)$ for cylindrical tanks with spherically dished or semi-ellipsoidal heads.
$=\pi D^2$ for spherical tanks.
D=outside diameter of the tanks, in feet.
U=external overall length of the tank, in feet.

(2) The minimum rate of discharge of safety relief valves for lagged tanks insulated in conformance with § 98.25–30 need only be 50 percent of the capacity required for uninsulated tanks.

(e) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shut-off valves shall not be installed between the tanks and the safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking 3-way valves so arranged at all times as to permit at any position of the 3-way valve, an unrestricted flow of vapors through at least one port. When two safety relief valves are mounted in parallel on both the upper outlets of the 3-way valve, the arrangement shall be such as to permit at least one safety relief valve to be operative at all times.

(f) Each safety valve shall be tested in the presence of an inspector at the site of installation before or after mounting prior to being placed in service. The tests shall prove that the safety relief valve will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank.

§ 98.25–65 *Filling density.* (a) The filling density, or the percent ratio of the liquefied gas that may be loaded in the tank to the weight of the water the tank will hold at 60° F., shall not exceed 56 percent for unlagged tanks and 58 percent for lagged or refrigerated tanks.

§ 98.25–70 *Venting.* (a) Except as provided in paragraph (b) of this section, each safety valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point at least 10 feet above the weather deck or the top of any tank or house located above the weather deck.

(b) Safety valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a reasonable height above the deck. Where the escape of vapors from the venting system may interfere with towing operations, the installation shall be acceptable to the Commandant and the arrangement shall be such as to minimize the hazard of escaping vapors. Arrangements specially provided for venting cargo tanks forming part of the hull on unmanned barges will be given special consideration by the Commandant.

(c) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header as provided in Table 98.25–70 (c).

TABLE 98.25–70 (c)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks:	*Percent of total valve discharge*
1 or 2	100
3	90
4	80
5	70
6 or more	60

(d) In addition to the requirement specified in paragraph (c) of this section, the size of the branch vents or vent headers shall be such that the back pressure in relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(e) Return bends and restrictive pipe fittings are prohibited. Vents and headers shall be so installed as to prevent stresses on safety relief valve mountings.

(f) When vent discharge risers are installed, they shall be so located as to provide protection against physical damage and be fitted with loose raincaps.

(g) No shut-off valve shall be fitted in the venting system between the safety relief valve and the vent outlets. Suitable provision shall be made for draining the venting system if liquid can collect therein.

§ 98.25–75 *Ventilation.* (a) All enclosed spaces containing cargo tanks fitted with bottom outlet connections shall be provided with mechanical ventilation of sufficient capacity to assure a change of air every 3 minutes. Where cargo tanks are fitted with top outlet connections, the enclosed spaces containing such tanks shall be fitted with efficient natural or mechanical ventilation.

(b) Enclosed compartments in which machinery such as cargo pumps or vapor compressors are located shall be adequately ventilated.

§ 98.25–80 *Cargo hose.* (a) Cargo hose fabricated of seamless steel pipe with swivel joints, wire braided armored rubber or other hose material acceptable to the Commandant, shall be fitted to the liquid or vapor lines during filling and discharging of the cargo tanks.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(d) Before being placed in service, each new cargo hose, with all necessary fittings attached, shall be hydrostatically tested by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected in service. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

§ 98.25–85 *Electrical bonding.* (a) Each cargo tank shall be electrically grounded to the hull. The cargo barge or vessel shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 98.25–90 *Special operating requirements.* (a) Repairs involving the use of welding or burning equipment shall not be undertaken on the anhydrous ammonia barge while liquid or vapor is present in the tanks, except in an emergency involving the safety of the barge.

(b) During the time anhydrous ammonia is laden in the tanks the barge or vessel shall be under constant surveillance. A vessel engaged in towing such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock, or other terminal and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman or guard service shall be provided by said consignor or consignee.

(c) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when anhydrous ammonia is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall be posted at each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and be protected from becoming readily damaged or obscured. After unloading and before the tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous—Empty" legend.

(d) Authorization from the Commandant (OPL) shall be obtained to transport lading other than anhydrous ammonia in the cargo tanks.

(e) Sufficient hose stations shall be installed with adequate water supply so that if leakage of anhydrous ammonia occurs the vapors may be removed by use of a stream of water.

(f) At least two ammonia gas masks, one stowed forward of the cargo tanks and one stowed aft of the cargo tanks shall be carried on board the vessel at all times.

§ 98.25–95 *Tests and inspections.* (a) Each cargo tank shall be subjected to an internal examination at least once in each 8 calendar years. Each lagged tank shall be subjected to an external inspection at least once in each 8 calendar years by having the jacket and lagging removed. An external examination of unlagged tanks and the visible parts of lagged tanks shall be made at each biennial inspection.

(b) A hydrostatic test of 1½ times the allowable pressure as determined by the safety relief valve setting shall be made at any time that the inspector considers such hydrostatic test necessary to determine the condition of the tank. If the jacket and lagging are not removed during the hydrostatic tests prescribed in this paragraph, the tank shall hold the hydrostatic test pressure for at least 20 minutes without a pressure drop.

(c) The safety relief valves shall be popped in the presence of a marine inspector by either liquid, gas or vapor pressure at least once every four years to determine the accuracy of adjustment and, if necessary, shall be reset.

Subchapter J—Electrical Engineering

PART 110—GENERAL PROVISIONS

SUBPART 110.05—APPLICATION

Section 110.05–1 (a) is amended by revising Table 110.05–1 (a) to read as follows:

§ 110.05–1 *Vessels subject to the requirements of this subchapter.* (a) * * *

TABLE 110.05–1 (a)

Method of propulsion	Size or other limitations[1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations[1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels[3]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels[2,3,4] or Subchapter T—Small Passenger Vessels[2,3,4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2,5]	Vessels subject to prov sions of Subchapter C—Uninspected Vessels
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 4, and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers or an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None, except if required by 46 CFR Part 146.[5]	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges and inland barges when required by 46 CFR Part 146,[5] except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

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[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interprets or applies R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 383, 369, 367, 1333, 463a, 390b, 50 U. S. C. 198. E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—GENERAL REGULATIONS

1. Section 146.02-12 is amended by changing paragraph (a) to read as follows:

§ 146.02-12 *Inspection of cargo.* (a) On all vessels, other than barges and magazine vessels storing explosives, an inspection of cargoes of explosives or other dangerous articles or substances shall be ordered by the master of the vessel during a voyage to insure that such cargo is carried with safety and that no damage caused by shifting cargo, spontaneous heating, leaking or sifting of containers or from other causes has been sustained since loading and stowage. On such vessels that have dangerous cargo stowed on board for a period exceeding twenty-four (24) hours temperature readings shall be taken at proper intervals and such temperatures recorded and retained for one year as a record for each voyage. When any cargo is discovered to be in a dangerous condition from leakage, sifting, heating, wetting or other causes, such condition shall be corrected in such manner as the judgment of the master may dictate. All unusual circumstances divulged during inspection of dangerous cargo and any action taken as a result thereof shall be a subject for log entry.

* * * * *

2. Section 146.02-22 is amended by changing paragraph (a) to read as follows:

§ 146.02-22 *Preservation of records.* (a) Where the regulations in this part require the preparation of shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports and any other papers or records, it shall be the duty of the owner of the vessel to preserve such records or copies thereof in his office or place of business in the United States for a period of one year. Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operating of such vessels shall be subject to the same requirement for preservation of records as are imposed upon owners of vessels by this section and in such cases the owners shall not be required to preserve such records.

* * * * *

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DEFINITIONS OF WORDS AND TERMS CONTAINED WITHIN THE REGULATIONS IN THIS SUBCHAPTER

Section 146.03-31 is amended to read as follows:

§ 146.03-31 *STC and NRC.* The term "STC" means "single trip container" that must not be reused for shipment of dangerous articles unless approved by the Interstate Commerce Commission. The term "NRC" means "nonreusable container" that must not be reused for shipment of dangerous articles.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

Section 146.04-5 is amended by adding, changing or canceling certain items as follows:

§ 146.04-5 *List of explosives and other dangerous articles and combustible liquids.*

Article	Classed as—	Label required [1]
Items Added		
* * *	* * *	* * *
Actuating cartridges, explosive, fire extinguisher or valve	Expl. C	
* * *	* * *	* * *
Carbon dioxide gas, liquefied (mining device)	Noninf. G	Green gas.
* * *	* * *	* * *
Dimethylhexane dihydroperoxide, dry	Inf. S	Yellow.
Dimethylhexane dihydroperoxide, wet (with at least 30 percent of water by weight).	Inf. S	Yellow.
* * *	* * *	* * *
Methyl bromide and chlorpicrin mixture, liquid (see: Methyl bromide, liquid).	Pois. B	Poison.
* * *	* * *	* * *
Peroxides, organic, solution, liquid, N. O. S. (see: Peroxides, organic, liquid, N. O. S.).	Oxy. M	Yellow.
* * *	* * *	* * *
Pyroforic solutions (see: Pyroforic fuel)	Inf. L	Red.
* * *	* * *	* * *
Items Changed		
* * *		
Smokeless powder for cannon or small arms (see: "Propellant explosives, Class A").		
* * *		
Canceled		
Bone, chipped (heat treated)	Haz	
Camphor (crude, refined or synthetic)	Haz	
Cork, granulated	Haz	
Cork, ground	Haz	
Fiberboard scrap (*when dry, clean and free from oil*) (see: "Paper scrap").	Haz	
Fire extinguisher actuating cartridges	Expl. C	
Fish oils	Haz	
Lead type dross	No restrictions	
Manganese dioxide	Haz	
*Resin	Haz	
Shellac, raw	Haz	
Stick lac (see: "Shellac, raw")	Haz	

[1] Unless otherwise exempt by the provisions of the detailed regulations.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELING AND SHIPPING PAPERS

1. Section 146.05-12 is amended by changing paragraph (c) to read as follows:

§ 146.05-12 *Originating shipping order, transfer shipping paper.* * * *

(c) A shipper or his authorized agent or representative shall not tender to an initial carrier vessel partial deliveries of a shipment of explosives or other dangerous articles or substances and combustible liquids, except under cover of a delivery paper (known as a delivery receipt or dock receipt) which paper shall show all the information as required for an originating shipping order in paragraph (f) of this section. Delivery receipts covering either full or partial deliveries shall be furnished at least in duplicate and after acknowledgment, one copy shall be retained for one year by the vessel operator. Unit deliveries of the same substance requiring more than eight (8) hours of normal continuous operation to effect complete delivery shall not be construed to be partial deliveries.

2. Section 146.05-13 is amended by changing paragraph (e) to read as follows:

§ 146.05-13 *Originating export shipping paper.* * * *

(e) A shipper or his authorized agent or representative shall not offer to an initial carrier vessel partial deliveries of a shipment of explosives or other dangerous articles except under cover of a dock receipt or other partial delivery receipt, which receipt shall show all the information as required for the originating shipping order. Delivery receipts covering such shipments shall be furnished in duplicate and after acknowledgment one copy shall be retained for one year by the vessel operator. Separate delivery receipts shall accompany each partial delivery.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—VESSEL'S REQUIREMENTS, RE: ACCEPTANCE, HANDLING, STOWAGE, ETC.

1. Section 146.06–8 is amended to read as follows:

§ 146.06–8 *Handling on board vessels.* Explosives or other dangerous articles or substances shall be handled on board vessels in conformity with the provisions of the detailed regulations preceding each table of the various classifications and provisions set forth for the particular substances as shown in the tables: *Provided, however,* That railroad vehicles, highway vehicles, vans, or portable containers loaded with any permitted explosives or other dangerous articles or substances to be transported on board a vessel constructed or converted as a trainship, trailership, containership, or combination thereof shall be handled on board the vessel in accordance with the provisions of Subpart 146.07. Highway or railroad vehicles loaded with permitted explosives or other dangerous articles or substances shall be handled on ferry vessels in accordance with the provisions of Subpart 146.08.

2. Section 146.06–9 is amended by changing paragraphs (c), (d), and (e) to read as follows:

§ 146.06–9 *Stowage on board vessels.* * * *

(c) Explosives of different classes or characteristics shall not be stowed together in the same compartment or magazine except as indicated in the chart in § 146.20–90, and the detailed regulations shown in §§ 146.20–1 to 146.20–300. Explosives and other dangerous articles or substances shall not be stowed together in the same hold or compartment except as indicated in the detailed regulations preceding each table of the various classifications and the provisions set forth for the particular substances as shown in the tables.

(d) The provisions of this section shall not apply to railroad vehicles, highway vehicles, vans or portable containers in which are loaded any permitted explosives or other dangerous articles, which are provided for in Subpart 146.07.

(e) The provisions of this section shall not apply to railroad and highway vehicles in which are loaded any permitted explosives or other dangerous articles in compliance with the I. C. C. regulations governing such loading, or combustible liquids when loaded in compliance with the regulations in this part, when carried on board a ferry vessel in accordance with the provisions of Subpart 146.08.

3. Section 146.06–12 is amended to read as follows:

§ 146.06–12 *Dangerous cargo manifest or list required.* All cargo vessels transporting or storing explosives or other dangerous articles or substances as cargo shall have on board during the period of transportation or storage a manifest or list upon which is correctly described every article as defined by the regulations in this part. Passenger vessels shall in addition show every article of combustible liquids in outside containers that is on board the vessel as cargo. This record may be referred to as "Dangerous Cargo Manifest" or "Dangerous Cargo List".

4. Section 146.06–16 *Completeness of manifest or list* is deleted.

5. Section 146.06–18 is amended to read as follows:

§ 146.06–18 *Record copy of manifest or list.* Owners, charterers or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo, shall retain ashore for one year a copy of the dangerous cargo manifest or list and shall produce said manifest or list in accordance with the provisions of § 146.02–22.

6. Section 146.06–19 is amended to read as follows:

§ 146.06–19 *Cargo stowage plan or cargo stowage list.* Vessel owners, charterers or agents shall cause to be prepared a cargo stowage plan or cargo stowage list covering each ocean going voyage of any domestic cargo vessel transporting explosives or other dangerous articles or substances and of any domestic passenger vessel transporting such explosives or other dangerous articles or substances or combustible liquids in outside containers. The cargo stowage plan or cargo stowage list shall show in all necessary detail the exact location of the stowage of such explosives, articles or substances. The descriptive name thereof, as given in the commodity list in § 146.04–5, shall be the name used to identify these explosives or other dangerous articles or substances. Trade names, marks or other designations shall not be used to identify the dangerous cargo shown upon the stowage plan or list. When articles defined by the regulations in this part as dangerous are stowed in a compartment in which other cargo not of a dangerous nature is stowed, such other cargo that is stowed nearest adjacent to the dangerous articles of cargo shall be accurately described and identified on the stowage plan or list. The serial numbers of railroad vehicles, highway vehicles, vans or portable containers containing no danderous cargo shall be considered sufficient identification in the case of vessels covered by Subpart 146.07. One copy of the stowage plan or list shall be retained ashore for one year and shall be produced in accordance with the provisions of § 146.02–22.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—RAILROAD VEHICLES, HIGHWAY VEHICLES, VANS OR PORTABLE CONTAINERS LOADED WITH EXPLOSIVES OR OTHER DANGEROUS ARTICLES AND TRANSPORTED ON BOARD OCEAN VESSELS

1. The title for this subpart is amended to read as set forth above.

2. This subpart, consisting of §§ 146.07–1 to 146.07–8, inclusive, is canceled and a new Subpart 146.07 is added to read as follows:

Sec.
146.07–1 Applicability and definitions.
146.07–5 Permitted shipments.
146.07–10 Tank containers.
146.07–15 Acceptance on board vessels.
146.07–20 Certification.
146.07–25 Marking and placarding.
146.07–30 Inspection.
146.07–35 Exemption of railroad and highway vehicles, vans or portable containers from detailed handling or stowage requirements.
146.07–40 Stowage on board vessels.

AUTHORITY: §§ 146.07–1 to 146.07–40 issued under R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 146.07–1 *Applicability and definitions.* (a) The regulations in this subpart apply to railroad vehicles, highway vehicles, vans and portable containers in which are loaded any permitted explosives or other dangerous articles or substances, as defined in this part, when transported, carried or conveyed on board a vessel constructed or converted as a trainship, trailership or containership, or combination thereof. The regulations in this subpart do not apply to railroad or highway vehicles loaded with explosives or other dangerous articles or substances transported on board a railroad car ferry or highway vehicle ferry, or carfloat, or to vans, portable containers or portable tanks carried as cargo on dry cargo vessels.

(b) For purposes of the regulations in this subpart the following definitions apply:

(1) A railroad vehicle is a cargo carrying body or tank permanently attached to an underframe and wheels (box car, tank car, etc.) which is loaded, stowed and discharged as a unit.

(2) A highway vehicle is a cargo carrying body or tank permanently attached to the chassis and wheels which is loaded, stowed and discharged as a unit.

(3) A van is a cargo carrying body other than a tank container which is designed and constructed to be removed from a chassis and wheels for water transportation. It is loaded and discharged by a "lift on-lift off" method.

(4) A portable container is a cargo carrying unit other than a "van" which is designed to be loaded or discharged by a "lift on-lift off" method. Portable containers shall be ICC specification portable containers (ICC–51, ICC–60) and/or shall be approved by the Commandant, United States Coast Guard.

(5) A trainship is a vessel other than a railroad car ferry or carfloat designed to transport railroad vehicles.

(6) A trailership is a vessel other than a highway vehicle ferry or carfloat designed to transport highway vehicles.

(f) A containership is a vessel designed to transport vans or portable containers.

§ 146.07-5 *Permitted shipments.* (a) Railroad vehicles, highway vehicles, vans or portable containers in which are loaded any permitted explosives or other dangerous articles or substances may be transported, carried or conveyed on board a trainship, trailership, or containership, or combination thereof, provided there is compliance with the regulations in this subpart.

(b) Railroad vehicles, highway vehicles, vans or portable containers in which are loaded explosives or other dangerous articles or substances or combustible liquids shall not be transported, carried or conveyed on board passenger vessels unless such items are specifically permitted by the regulations in this part to be transported, carried or conveyed on board passenger vessels, and provided there is compliance with the regulations in this subpart.

(c) Containers and packages of explosives, inflammable (flammable) liquids, inflammable (flammable) solids, oxidizing materials, corrosive liquids, compressed gases, poisons, and hazardous articles shall be so braced and secured in accordance with Interstate Commerce Commission Regulations (49 CFR Parts 71-78) for the vehicle concerned as to prevent movement within the railroad vehicle, highway vehicle, van or portable container in which they are being transported. Containers having valves or other fittings must have the valves or fittings protected and be so loaded that there will be a minimum likelihood of damage thereto during transportation. Containers marked with stowage instructions such as "This side up" or "This end up" shall be so stowed.

(d) Railroad vehicles, highway vehicles, vans and portable containers equipped with refrigerating or heating equipment using an inflammable (flammable) liquid or gas as fuel, and having such fuel in the fuel tank shall be transported only "On deck". Such equipment may be operated on board the vessel when the "On deck" stowage is provided. Vehicles stowed "On deck" may be refueled under supervision of an officer of the vessel who shall ensure that adequate safety precautions are observed. If the equipment is secured, and the fuel tank completely drained, the railroad vehicle, highway vehicle, van or portable container may be stowed in accordance with the requirements of this subpart.

(e) All of that portion of the lading of any railroad vehicle, highway vehicle, van, or portable container which consists of explosives or other dangerous articles shall be contained entirely within its body or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such railroad vehicle, highway vehicle, van, or portable container has a tailboard or tailgate, it shall be closed and secured in place during such transportation.

§ 146.07-10 *Tank containers.* (a) Railroad or highway vehicles to which is attached a tank containing any explosives or other dangerous articles or substances shall not be offered or accepted for transportation on board any vessel specifically covered by the regulations in this subpart unless such articles or substances are permitted by the regulations in this part to be carried on board a vessel, and provided there is compliance with the regulations in this subpart.

(b) This section does not apply to tank containers removed from the vehicle chassis or underframe. Such containers shall be considered portable containers, and the materials, design, construction and method of handling shall be approved by the Commandant of the United States Coast Guard.

(c) Railroad or highway vehicles to which is attached a tank, or portable tank containers, which previously contained a substance defined as dangerous by the regulations in this part, shall be transported in accordance with § 146.27-100.

§ 146.07-15 *Acceptance on board vessels.* (a) The master, owner, charterer, agent or other person in charge of the vessel shall require the shipper or his agent, or the delivering carrier, or the driver of the vehicle to furnish a copy of the shipper's shipping order, shipping paper, bill of lading, manifest or other memorandum, or a waybill prepared from information furnished in the shipper's shipping order bearing the certification required by § 146.07-20 before accepting any railroad or highway vehicles, vans or portable containers in which are loaded explosives or other dangerous articles or substances. This shipping paper shall have entered upon it the proper and definite name of the commodity or commodities contained therein according to § 146.04-5, the total quantity by weight or volume, the prescribed label when required for the outside container of such article, the name and addresses of the consignor and consignee, and the identification number of the vehicle, van or portable container. In lieu of the consignee's name shipping marks may be used. The Dangerous Cargo Manifest or List (§ 146.06-12) shall be compiled from this information.

(b) The master or other person in charge of the vessel shall assign an officer of the vessel to supervise the acceptance and stowage of railroad or highway vehicles, vans or portable containers containing permitted explosives or other dangerous articles or substances. This officer shall examine the vehicles or containers for signs of leaking, damage to the container, or sifting of contents. For tanks he shall examine dome covers to ascertain if they are fitted securely; check valves, piping and the tanks for leakage or excess residue of lading. Any vehicle or container found to be damaged, leaking or sifting, or having excess residue of lading adhering thereto shall not be accepted for transportation.

§ 146.07-20 *Certification.* The shipping order or other memorandum furnished by the shipper, agent or delivering carrier shall bear the following certificate of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described, packed and marked, and in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and Commandant of the United States Coast Guard.

§ 146.07-25 *Marking and placarding.* Railroad vehicles, highway vehicles, vans or portable containers in which are loaded explosives or other dangerous articles in any amount shall be marked with the "Explosives", "Dangerous", "Poison Gas", or "Radioactive Material" placard as described in the Interstate Commerce Commission regulations pertaining to each means of transportation, and shall carry an identification number.

§ 146.07-30 *Inspection.* Railroad vehicles, highway vehicles, vans or portable containers containing explosives or other dangerous articles or substances destined for transportation by vessel may be opened by a duly authorized representative of the Coast Guard for inspection to determine compliance with regulations applicable to such shipments.

§ 146.07-35 *Exemption of railroad and highway vehicles, vans or portable containers from detailed handling or stowage requirements.* (a) Detailed regulations governing handling and stowage of permitted explosives, inflammable (flammable) liquids, inflammable (flammable) solids, oxidizing materials, corrosive liquids, compressed gases or poisons on board vessels do not apply to such substances loaded in railroad or highway vehicles, vans or portable containers provided such substances remain within the vehicle, van or portable container, and are certified in accordance with § 146.07-20. Permit requirements for explosives (§ 146.20-85, 146.20-87) and ammonium nitrate (§ 146.22-30) are applicable.

(b) Detailed regulations governing handling and stowage of hazardous articles or combustible liquids on board vessels do not apply to such articles or substances loaded in railroad or highway vehicles, vans or portable containers, provided such articles or substances are certified on the shipping paper as being properly described by name, and as being packed, marked and in proper condition for transportation according to the regulations in this part.

§ 146.07-40 *Stowage on board vessels.* Railroad or highway vehicles, vans or portable containers in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked and labeled in accordance with Interstate Commerce Commission regulations, or hazardous articles which are described, packed, and marked in accordance with the regulations in this part, shall when taken on board the vessel be stowed in accordance with the following provisions:

(a) *Explosives.* Plans and specifications for highway vehicles, vans and portable containers proposed to be used for transportation of explosives, for which a permit is required by §§ 146.20-85 and 146.20-87, shall be specifically approved by the Commandant of the Coast Guard. Vehicles or other containers loaded with permitted explosives are not required to be given magazine stowage provided the vehicles or containers form a complete magazine. Such vehicles, vans, or portable containers may be stowed "Under deck" and away from all sources of heat, and not overstowed. No vehicle, van or container containing any other dangerous articles that require a placard by this subpart shall be stowed within a distance of 100 feet or unless separated by two continuous permanent decks or bulkheads from vehicles, vans or containers loaded with Class A or Class B explosives. Blasting caps or other detonators in any quantity shall not be transported in the same vehicle, van or portable container with any other explosives. In addition to the usual securing means provided, vehicles or containers loaded with explosives shall be anchored by an additional securing means satisfactory to the United States Coast Guard and the master of the vessel so as to completely secure the entire unit to prevent any movement of the body thereof.

(b) *Other dangerous articles.* Vehicles, vans or portable containers loaded with any other permitted dangerous article shall be stowed on board the vessel in accordance with the stowages required in the tables for the substances within the vehicles. Such stowages are not feasible in each instance for railroad or highway vehicles, vans, or portable containers stowed below deck on vessels; and, for the purpose of adopting these stowages to the conditions incident to transportation of railroad and highway vehicles, vans, and portable containers in this method of transportation, a conversion table is shown in paragraph (c) of this section. Permitted stowages as shown in Tables A through K for the substances loaded within the vehicles may be converted in accordance with this conversion table. When so converted the stowage in columns 2 and 3 may be utilized in lieu of the stowage indicated under column 1.

(c) *Conversion table of stowage.*

(1)	(2)	(3)
Substances required by the tables forming part of these regulations to be stowed as follows:	May be stowed in the following locations when contained in railroad vehicles or highway vehicles:	Trailer vans or containers when stacked:
On deck in open	Weather deck	Weather deck.
On deck protected	Weather deck or first deck below	Weather deck or top stowed.
On deck under cover	Weather deck or first deck below	Weather deck or top stowed.
Tween decks readily accessible	Weather deck or first deck below	Weather deck or top stowed.
Tween decks	Any deck	Any deck.
Cargo hatch trunkway	Any deck	Any deck.
Under deck	Any deck	Any deck.
Under deck but not overstowed	Any deck	Any deck.
Under deck away from heat	Any deck but at least 35 feet from heat bulkhead.	Any deck but at least 35 feet from heat bulkhead.

(d) *Compatibility of other dangerous articles.* No vehicle, van or portable container loaded with dangerous articles requiring a placard under this subpart shall be stowed adjacent to a placarded vehicle, van or container loaded with other dangerous articles deemed to be incompatible by this part, in either a fore, aft, athwartship or vertical direction unless separated by an intervening steel deck or bulkhead.

SUBPART—RAILROAD OR HIGHWAY VEHICLES LOADED WITH DANGEROUS SUBSTANCES AND TRANSPORTED ON BOARD VESSELS

This subpart, consisting of §§ 146.08–1 to 146.08–11, inclusive, is canceled and a new Subpart 146.08 is added to read as follows:

Sec.
146.08–1 Prohibited articles.
146.08–5 Permitted articles.
146.08–10 Tank containers.
146.08–15 Acceptance of railroad vehicles on board ferry vessels.
146.08–20 Acceptance of highway vehicles on board ferry vessels.
146.08–25 Empty tank containers.
146.08–30 Exemption of railroad and highway vehicles from detailed handling or stowage requirements.
146.08–35 Stowage of railroad or highway vehicles.
146.08–40 Control of highway vehicle.
146.08–45 Private passenger type motor vehicles (automobiles).
146.08–50 Cylinders laden in highway vehicles.
146.08–55 Vehicles having refrigerating or heating equipment.

AUTHORITY: §§ 146.08–1 to 146.08–55 issued under R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 146.08–1 *Prohibited articles.* Railroad or highway vehicles in which are loaded any explosives prohibited by subsection 3 of R. S. 4472, as amended (46 U. S. C. 170), or any other explosive or other dangerous article or substances and combustible liquids not permitted by the regulations in this part shall not be accepted, transported, carried or conveyed on board any railroad car ferry or highway vehicle ferry.

§ 146.08–5 *Permitted articles.* (a) Railroad or highway vehicles in which are loaded any permitted explosives or other dangerous articles or substances as defined in this subchapter may be transported, carried or conveyed on board a railroad car ferry or highway vehicle ferry provided there is compliance with the provisions of this subpart.

(b) Railroad or highway vehicles loaded with explosives or other dangerous articles or substances, and combustible liquids shall not be transported, carried or conveyed on board a passenger ferry vessel unless such explosives or other dangerous articles or substances, and combustible liquids are specifically permitted by the regulations in this part to be transported, carried or conveyed on board such vessels and provided there is compliance with the provisions of this subpart.

§ 146.08–10 *Tank containers.* A railroad or highway vehicle to which is attached a tank containing any explosives or other dangerous articles or substances as defined in this subchapter shall not be offered, transported, carried or conveyed on board any passenger ferry vessel unless such explosives or other dangerous articles or substances are specifically permitted by the regulations in this part to be transported, carried or conveyed on board such vessel and provided there is compliance with the provisions of this part.

§ 146.08–15 *Acceptance of railroad vehicles on board ferry vessels.* (a) The master, owner, charterer, agent or other person in charge of the vessel shall require the shipper or his agent or the delivering carrier to furnish a copy of the shipper's shipping order or a waybill prepared from information furnished in the shipper's shipping order before accepting any railroad vehicles in which are loaded explosives or other dangerous articles or substances as defined by the regulations in this part. This shipping paper shall have entered upon it the amounts and the true shipping name of the contents of the vehicle, and the names of the consignor and the consignee. In lieu of the consignee's name, shipping marks may be substituted. A transfer shipping paper shall show sufficient information to identify the preceding shipping paper.

(b) The master or other person in charge of the vessel shall assign an officer of the vessel to supervise the acceptance and stowage of railroad vehicles containing explosives or other dangerous articles or substances and combustible liquids which are permitted by the regulations in this part to be transported on board a vessel. This officer shall examine all railroad vehicles for signs of leaking or sifting of contents. For tanks, he shall examine dome covers to ascertain they are fitted securely in place; check the valves, piping, and the tank for leakage; check the tank for any excess residue of lading adhering thereto. Any vehicles found to be leaking or which show sifting of contents or having excess residue of lading adhering thereto shall not be accepted for transportation.

§ 146.08–20 *Acceptance of highway vehicles on board ferry vessels.* (a) The vessel owner, master, or officer in charge of accepting highway vehicles on board a vessel shall require the operator of the vehicle to present a shipping paper which describes the lading of the vehicle in accordance with the provisions of paragraph (c) of this section.

(b) The owner or master of a vessel shall assign an officer of the vessel or other competent person to supervise the acceptance and stowage of highway vehicles containing explosives or other dangerous articles or substances and combustible liquids that are permitted by the regulations in this part to be transported on board a vessel.

(c) Highway vehicle carrier's statement: The person in charge of a highway vehicle loaded with permitted explosives or other dangerous articles or substances and combustible liquids that it is desired to transport on board a vessel shall deliver to the master, his representative or other person in charge a shipping paper or true copy thereof describing the articles of lading within the vehicle. The information given shall include at least all of the following:

(1) Date.

(2) Name of highway vehicle owner.

(3) Name of operator of vehicle.

(4) Identification of vehicle (by mark or number or registration if a motor vehicle).

(5) Description of explosives or other dangerous articles and combustible liquids laden in the vehicle. This description shall be in accordance with the terms used in the regulations in this part and shall state the approximate weight or quantity of the dangerous articles within the vehicle and the shipping name of the dangerous substances in accordance with the commodity list herein.

(6) Such shipping paper shall bear the following certification over the written or stamped facsimile signature of the vehicle owner or his agent:

"This is to certify that the above statement accurately describes the articles within this vehicle in accordance with the information furnished by the shipper thereof, and to the best of my knowledge there are no articles within this vehicle that are not permitted to be transported on board the vessel utilized in accordance with regulations of the Commandant of the Coast Guard."

§ 146.08–25 *Empty tank containers.* For conditions governing transportation of empty tanks, forming a part of railroad or highway vehicles and which recently contained a substance defined as dangerous by the regulations in this part, see § 146.27–100.

§ 146.08–30 *Exemption of railroad and highway vehicles from detailed handling or stowage requirements.* (a) Detailed regulations governing handling and stowage of permitted explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases or poisons on board vessels do not apply to such substances loaded in railroad and highway vehicles, provided such substances remain within the vehicle and are certified as being in proper condition for transportation according to the regulations of the Interstate Commerce Commission in effect at the time of shipment.

(b) Detailed regulations governing handling and stowage of hazardous articles or combustible liquids on board ferry vessels do not apply to such articles or substances loaded in railroad or highway vehicles, provided such articles or substances are properly described by name and packed and marked and in proper condition for transportation according to the regulations in this part.

§ 146.08–35 *Stowage of railroad or highway vehicles.* (a) Highway vehicles in which are loaded any permitted explosives or other dangerous articles or combustible liquids which are certified by the vehicle operator in accordance with the provisions of this subpart shall when taken on board a ferry vessel be stowed in accordance with the provisions for "Ferry stowage (AA)" as shown in § 146.03–34 (k). Highway vehicles containing carbon dioxide, solid, either as cargo or as a refrigerant shall be stowed in a well-ventilated location.

(b) Railroad vehicles in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked, and labeled in accordance with the ICC regulations, or hazardous articles packed, marked, and labeled in accordance with the regulations in this part may be stowed in any location on the car deck away from heat on board a railroad car ferry operating as a cargo vessel. Railroad vehicles containing carbon dioxide, solid, either as cargo or as a refrigerant, shall be stowed in a well-ventilated location.

(c) Railroad vehicles in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked, and labeled in accordance with the ICC regulations, or combustible liquids or hazardous articles certified on the shipping papers as being described, packed, marked, and labeled as required by the regulations in this part shall be stowed in a location on the car deck in accordance with the provisions of "Ferry stowage (BB)" on board a railroad car ferry operating as a passenger vessel. (See § 146.03–34 (l).) Railroad vehicles containing carbon dioxide, solid, either as cargo or as a refrigerant, shall be stowed in a well-ventilated location.

§ 146.08–40 *Control of highway vehicle.* (a) The operator or person in charge of a highway vehicle containing any of the permitted dangerous articles as defined by the regulations in this part, when entering upon or while being transported upon any vessel, shall observe the following rules:

(1) Deliver to the vessel's representative the vehicle carrier's statement covering the lading of the vehicle as required by § 146.08–20.

(2) Drive the vehicle to the location indicated by the vessel's representative.

(3) Securely set the brakes of the vehicle to prevent movement.

(4) Shut off the motor and do not restart same until the vessel has completed its voyage and docked.

(5) Cut off all vehicle lights and do not relight same until the vessel has completed its voyage and docked.

(6) Remain with the vehicle.

(7) Make no repairs or adjustments to the vehicle while on board the vessel.

(8) Observe any instructions given by the vessel's representative during the voyage, or during "drive on" or "drive off" operations.

(b) Smoking by any person within the vehicle is prohibited.

§ 146.08–45 *Private passenger type motor vehicles (automobiles).* Such vehicles shall not be offered or accepted for transportation on board passenger-carrying ferries while having within the automobile any permitted explosives (except permitted fireworks or small arms ammunitions) unless complying with all the provisions of the regulations in this part regarding such substances. Such automobiles shall not have within the vehicle any other dangerous articles or substances or combustible liquid as defined in the regulations in this part when being transported for hire except in compliance with the regulations in this part: *Provided, however,* That such vehicles are exempt from the provisions of the regulations in this part with respect to descriptions, descriptive name, packing, marking, labeling, and certification when having in the vehicle any permitted fireworks or small arms ammunition or any other dangerous articles or substances or any combustible liquid in tightly closed containers, provided such substances are not being carried by the automobile for hire. Such vehicles, their owners or operators shall, when entering upon and while being transported and when leaving a vessel, conform with all of the provisions of the regulations shown in the table in § 146.27–100 applying to the transportation of such vehicles.

§ 146.08–50 *Cylinders laden in highway vehicles.* Cylinders of compressed gas of the type required by the regulations in this part to have valve protection cap fitted in place on the cylinder may be transported on board ferry vessels without having the valve protection cap in place when said cylinders are laden in highway vehicles and are not removed from the vehicles while on board the vessel.

§ 146.08–55 *Vehicles having refrigerating or heating equipment.* (a) Vehicles, fitted with refrigerating or heating equipment using an inflammable liquid or gas or diesel oil as fuel, may be accepted for transportation, and such refrigerating or heating equipment may be operated while the vehicle is on board a vessel, provided the installation conforms with the following requirements:

(1) The installation is rigidly mounted and free of any movement other than normal vibration of operation.

(2) A shut-off control, easily accessible, is fitted to the fuel and electrical supply of refrigerating or heating equipment.

(3) The fuel storage tank, the fuel lines and the carburetor or other device shall be tight and show no signs of leakage.

(b) Refrigerating or heating equipment not fitted with automatic starting and stopping devices shall, if the vehicle operator desires the equipment to operate while on board the vessel, be started before the vehicle is taken on board. It may continue in operation while the vehicle is on the vessel, but if for any cause the motor ceases to operate it shall not be restarted until after the vehicle leaves the vessel.

(c) Vessels on voyages exceeding thirty (30) minutes duration shall provide a stowage for vehicles having refrigerating or heating equipment operated by internal combustion engines as will permit ready diffusion of exhaust gases to the open air. Passenger vehicles shall not be stowed in a position adjacent to vehicles operating internal combustion motors as would expose the occupants thereof to excessive concentrations of exhaust fumes from such motors.

(d) The master or person in charge of a vessel may, when he deems it necessary for any cause, require the vehicle operator to stop the operation of refrigerating or heating equipment attached to a vehicle while on board the vessel.

SUBPART—CARGO HANDLING AND STOWAGE DEVICES, U. S. COAST GUARD CONTAINER SPECIFICATIONS

1. Section 146.09-2 (b) is amended by adding subparagraph (5) to read as follows:

§ 146.09-2 *Magazines, construction of.* * * *

(b) * * *

(5) If the bulkheads forming the sides of a magazine are to be constructed directly against the ship's side and battens are fitted, then 5/16'' plywood may be used, provided the plywood is fastened to furring strips of not less than 1'' x 3'', spaced not more than 18'' apart, and securely fastened vertically to the battens.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

1. Section 146.20-11 is amended by changing paragraph (w) to read as follows:

§ 146.20-11 *Class C explosives.* * * *

(w) Actuating cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

2. Section 146.20-23 is amended by changing paragraph (a) (1) to read as follows:

§ 146.20-23 *Stowage of explosives in magazines adjacent to other dangerous articles.* (a) * * *

(1) Dynamite, commercial boosters and other non-priming, non-initiating types of explosives which are compatible with dynamite may be stowed in a magazine located in the same hold or compartment with nitro carbo nitrate or in holds or compartments adjacent to nitro carbo nitrate.

3. Section 146.20-29 is amended by adding a new paragraph (d) to read as follows:

§ 146.20-29 *Preparation of magazines, decks, hatches and holds before handling explosives.* * * *

(d) Any deck loads over which explosives must be passed shall be limited in height to that of the hatch coaming, bulwark or three feet, whichever is greater.

4. Section 146.20-35 is amended by changing paragraphs (b), (c), and (e) to read as follows:

§ 146.20-35 *Handling explosives.* * * *

(b) Packaged Class A explosives shall be loaded and discharged from a vessel by hand, by using a regulation chute and mattress or by means of a mechanical hoist, pallet, skipboard, tray or pieplate, fitted with cargo net or sideboards. The maximum load handled in a pallet skipboard, tray or pieplate shall not exceed 2,400 pounds plus 10 percent. Rope net slings with pallet, skipboard, pieplate or similar base shall be so loaded that when lifted a minimum displacement of items shall occur and the cargo net shall completely encompass the load except on its topside. Not more than one third of the vertical dimension of any package shall extend above the sideboard of the tray. Drafts of explosives shall be hoisted and lowered carefully and only deposited or lowered on to a mattress.

(c) Blasting caps, detonating fuzes, fulminate of mercury and other initiating or priming explosives as defined in this subpart shall be considered as constituting a distinct class of dangerous explosives and they shall be handled with extreme care. A chute and mattress shall not be used when loading or discharging this class of explosives.

* * * * *

(e) Transfer trucks equipped with mechanical means of propulsion shall not be used when handling any high explosives, low explosives, black powder or propellant explosives on board a vessel.

5. Section 146.20-45 is amended by deleting the present wording and rewording the text as follows:

§ 146.20-45 *Smoking.* (a) Smoking is prohibited on or near any vessel loading or unloading explosives at a waterfront facility. Smoking areas may be designated by the Coast Guard officer having jurisdiction provided such areas are located at a safe distance from the vessel. "No smoking" signs shall be posted during operations of handling, loading or unloading such cargo. At least one "No Smoking" sign shall be located on the pier at a reasonable distance from the vessel when such handling, loading or unloading is taking place.

(b) Smoking is prohibited on or near any vessel handling, loading or unloading explosives at an explosives anchorage, except the Coast Guard officer having jurisdiction may, with concurrence of the master or person in charge of the vessel, designate a compartment as a smoking area. "No smoking" signs shall be posted conspicuously outside the entrance to this compartment and in other parts of the vessel during the loading or unloading operations.

6. Section 146.20-90 is amended by changing footnote 4 in the chart (referred to in column 18) to read as follows:

§ 146.20-90 *Stowage and storage chart of explosives and other dangerous articles.* * * *

STOWAGE AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

* * * * *

[4] Nitro carbo nitrate may be stowed in the same hold or compartment with a magazine containing dynamite, commercial boosters and other non-priming, non-initiating types of explosives that are compatible with dynamite.

7. Section 146.20-200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows:

§ 146.20-200 *Table B—Classification: Class B; less dangerous explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Propellant explosives, Class B.	Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class B, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant for rockets, jet thrust units, or other devices. Black powder is not classified as a propellant explosive. (See: Black powder, § 146.20-100.) Propellant explosives as prepared for shipment that are sensitive to detonation are Class A explosives. (See: Propellant explosives, Class A, § 146.20-100.) Each outside container must be plainly marked: "Propellant Explosives, Class B."	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not over 150 lb gr wt. Bundles of metal kegs (ICC-13) roped, wrapped in burlap, canvas or similar materials, securely sewed and roped, not over 100 lb. net wt. Tight metal containers, not over 200 lb. gr. wt. Tight wooden boxes with tight inside metal cases, not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 15B, 15C) with ICC approved inside containers, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12H, 23F, 23H) with ICC approved inside containers, not over 65 lb. gr. wt. Authorized only for grains not less than 1 inch in diameter or 3 inches in length if tightly packed and protectively coated: Wooden boxes (ICC-14, 15A, 16A) not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
* * *	* * *	* * *	* * *	* * *	* * *	* * *

8. Section 146.20-300 *Table C—Classification: Class C, relatively safe explosives* is amended as follows:

§ 146.20-300 *Table C—Classification: Class C; relatively safe explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Actuating cartridges, explosive, fire extinguisher or valve.	*Used to actuate the valves on remotely controlled fire extinguishers.* Do not stow in the same compartment with inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container must be plainly marked "Actuating Cartridges, Explosive, Fire Extinguisher—Handle Carefully" or "Actuating Cartridges, Explosive, Valve—Handle Carefully".	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.
* * *	* * *	* * *	* * *	* * *	* * *	* * *

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

1. Section 146.21-65 is amended by changing paragraph (c) to include the following as subparagraph (28a):

§ 146.21-65 *Limited quantity shipments.* * * *
(c) * * *
(28a) Pyroforic solutions.

2. Section 146.21-100 *Table D—Classification: Inflammable liquids* is amended as follows:

§ 146.21-100 *Table D—Classification: Inflammable liquids*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
*						
Acetaldehyde (*ethyl aldehyde*).	*A clear, volatile liquid with a pungent fruity odor. Will evaporate rapidly.* *Vapors when mixed with air are explosive over a very wide range of about 4% to 57%.* *Flashpoint about −17° F. Boiling point 70° F.* *Miscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetone	*A clear, colorless, liquid having a pleasant odor somewhat similar to wood alcohol.* *Vapors are 2 times heavier than air and when mixed with air are explosive over a range of 2% to 13% in air.* *Sustained inhalation of vapors in unventilated compartments is dangerous.* *Flashpoint about 4° F.* *Boiling point 133° F.* *Miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Acetone oils (When possessing a flashpoint at or below 80° F.)	*Oily residuum obtained as a by-product in the distillation of acetone.* *Flashpoint variable but usually low.*	Red.				
Acrylonitrile	*Flashpoint about 32° F.* *Boiling point 172° F.*	Red.				
* * *	* * *	* * *	* * *	* * *	* * *	* * *

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Alcohol or alcohol, N. O. S. (When possessing a flashpoint at or below 80° F.)	*General: These alcohols are colorless, volatile liquids about 80% as heavy as water and possessing a characteristic odor. Their vapors are heavier than air, and will form explosive mixtures over varying ranges of percentages with air.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments. Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-6J) WIC ICC-2S not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Alcohol, butyl		Red.				
Alcohol, denatured		Red.				
Alcohol, ethyl		Red.				
Alcohol, propyl		Red.				
Alcohol, tertiary		Red.				
Alcohol, wood (methanol)		Red.				
Butyl alcohol		Red.				
Cologne spirits (alcohol)		Red.				
Columbian spirits (*wood alcohol*).		Red.				
Extracts, liquid flavoring		Red.				
Isopropanol		Red.				
Methanol (*methyl alcohol*) (*methyl hydrate*).		Red.				
Rum, denatured (When possessing a flashpoint at or below 80° F.)		Red.				
	• • •	• • •	• • •	• • •	• • •	• • •

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Allyl bromide	*Colorless heavy liquid having a pungent odor. Insoluble in water. Does not evaporate readily.* *Fumes somewhat irritating to eyes and tissue.* *Flashpoint below 80° F.*	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Amyl acetate (when possessing a flashpoint at or below 80° F.)	*Colorless liquid, pear or banana like odor.* *Flashpoint from 70 to 90° F.* *Immiscible with water.*	Red.				
Amyl chloride	*A liquid having a straw to deep purple color.* *Flashpoint 34° F.* *Immiscible with water.* *Vapors are 3.67 times heavier than air and form an explosive mixture with a lower range of 1.4% in air.*	Red.				
* * *	* * *	* * *	* * *	* * *	* * *	* * *

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Amyl nitrite	*Yellowish, transparent volatile unstable liquid having fragrant fruity odor.* *Decomposes on exposure to air, light or water.* *Vapors are orange color.* *Boiling point, 206° F.* *Immiscible with water.* Keep cool. Stow well away from all sources of heat.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums: (ICC-42B, 42C) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Antifreeze compounds, liquid. (When possessing a flashpoint at or below 80° F.)	*Products added to the cooling systems (radiators) of automobiles, tractors, and to other mechanical systems to lower the freezing point of water.* *Among the common antifreezes are alcohol, glycerin, mixtures of both, and ethylene glycol.* *Flashpoint variable.* *Hazard similar to alcohol.* *Miscible with water.*	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC. (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC. not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Antifreeze preparations, proprietary, liquid. (When possessing a flashpoint at or below 80° F.)		Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzene (benzol) Benzol (benzene).	*A clear, colorless liquid of aromatic odor, distilled from coal tar.* *Flashpoint about −12° F.* *Boiling point 174° F.* *Will freeze solid slightly above the freezing point of water. Therefore, will flash below its own freezing point.* *Immiscible with water.* *Vapors are 2.77 times heavier than air and form an explosive mixture within a range of 1.5% to 7% in air.* *Vapors are poisonous and suffocating.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lbs. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
Benzine Coal tar light oil. Petroleum ether. Petroleum naphtha. Naphtha. (When possessing a flashpoint at or below 80° F.)	*A mixture of several of the lighter constituents of petroleum.* *Flashpoint about 5° F.* *Boiling point 104° to 128° F.* *Immiscible with water.* *Vapors are 4 to 5 times heavier than air and form an explosive mixture within a range of 2% to 5% in air.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Box toe gum (when possessing a flashpoint at or below 80° F.).	*A liquid cement-like solution of variable formulae used in the manufacture of shoes. It may consist of nitrocellulose, shellac, or rosin dissolved in a volatile solvent.* *Flashpoint variable, depending upon the solvent used.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accdssible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Butyl acetate (when possessing a flashpoint at or below 80° F.).	*Colorless limpid liquid with fruity odor* *Flashpoint variable.* *Vapors heavier than air.* *Immiscible with water.* *Lighter than water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.	**Stowage:** "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	**Ferry stowage (AA)** Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	**Ferry stowage (BB).** Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Butyraldehyde	Colorless liquid. Flashpoint 20° F. Boiling point 169° F. Vapors about 2½ times heavier than air. Immiscible with water.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lbs. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cement, leather (When possessing a flashpoint at or below 80° F.)	*These cements are chemical compounds of various ingredients such as: Asphalt with petroleum distillate: cellulose nitrate in acetone bituminous asphalt and mineral oil: raw rubber solution and gasoline: etc., all possessing similar characteristics and hazards.* *Vapors highly inflammable and explosive when mixed in correct proportions with air.* *Sustained inhalation of vapors in unventilated compartments is dangerous.*	Red.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or dums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22B, 22A, 22B) not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Cement, container, liquid		Red.				
Cement, linoleum		Red.				
Cement, liquid, N. O. S.		Red.				
Cement pyroxylin		Red.				
Cement, roofing, liquid		Red.				
Cement, rubber (When possessing a flashpoint at or below 80° F.)		Red.				
Cement, tile		Red.				
Cement, wallboard		Red.				
Coating solution		Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cigar and cigarette lighter fluid.	A mixture of several of the lighter constituents of petroleum. Flashpoint variable depending on mixture used, but less than 80° F. Immiscible with water.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorised only for export shipments: Steel barrels or drums (ICC-17X) not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorised only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Coal tar distillate Coal tar oil. (When possessing a flashpoint at or below 80° F.)	*Distillates of coal tar. The lighter distillates are highly inflammable and will consist of benzene, toluene and xylene.* *Properties and hazards similar to "Coal tar naphtha," which see below.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B. 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G), not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Coal tar naphtha Naphtha solvent. (When possessing a flashpoint at or below 80° F. but not less than 20° F.)	*Mixtures of small amounts of benzene and toluene with xylene. The crude is a dark straw colored liquid and the refined is a water white liquid.* *Flashpoint ranges between 60° F. and 77° F.* *Mixtures of vapor in air are explosive over a range of 1.3% to 8%.* *Vapors are heavier than air.* *Vapors are poisonous and suffocating.* *Immiscible with water.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Collodion	*Solution of tetranitrocellulose in ether, alcohol or other solvent.* *Pale yellow liquid.* *Flashpoint approximately 0° F.* *Immiscible with water.* Keep cool.	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside container: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning, liquid.	*May consist of volatile inflammable solvents having low flashpoints.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Carbon remover, liquid		Red.				
Cleaning fluid or liquid		Red.				
Compounds, type-cleaning, liquid.		Red.				
Compounds, vulcanising, liquid.		Red.				
Eradicators, paint or grease, liquid. (When possessing a flashpoint at or below 80° F.)		Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid. (When possessing a flashpoint at or below 80° F.)	*Compounds which through solvent or detergent action remove old paint from surfaces.* *Exceptionally slow-drying thinners used with pyroxylin base lacquer or enamels to retard speed of drying.* *Clear liquid solvents and dilutents for the reduction of primers, surfacers, and enamels to proper working consistencies.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8½ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E), WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8½ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Compounds, enamel		Red.				
Lacquer removing, reducing and thinning compounds.		Red.				
Paint, lacquer and varnish removing, reducing or thinning compounds.		Red.				
Varnish remover or reducer.		Red.				
Varnish thinning compounds. (When possessing a flashpoint at or below 80° F.)		Red.				
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, tree or weed killing, liquid.	*Flashpoint variable*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes; (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Crotonaldehyde	*This material is in the form of a clear and almost colorless liquid, having a vapor extremely irritating to the eyes, nose and throat. Easily detected odor.* *Flashpoint about 55° F.* *Vapors about 2½ times heavier than air.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B), not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Crude oil, petroleum (when possessing a flashpoint at or below 80° F.).	*Crude petroleum in its natural state or which has been subject only to natural weathering or settling and not blended with any other product.* *A heavy, oily liquid, having color varying from green to almost black. It usually has a disagreeable odor, and varies in inflammability according to percentage of more volatile ingredients.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cyclohexane	*A clear, volatile liquid having a pungent odor.* *Flashpoint below 80° F.* *Forms inflammable or explosive mixtures with air.* *Immiscible with water.* Stow well away from all sources of heat.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Cyclopentane	*Colorless liquid having organic odor.* *Moderately volatile.* *Flashpoint below 80° F.* *Forms inflammable and explosive mixture with air.* *Immiscible with water.* Stow well away from all sources of heat.	Red.				
Cyclopentane, methyl	*Colorless liquid having organic odor.* *Moderately volatile.* *Flashpoint below 80° F.* *Forms inflammable or explosive mixtures with air.* *Immiscible with water.* Stow well away from all sources of heat.	Red.				
Diethylamine	*Clear, colorless liquid.* *Flashpoint below 0° F.* *Miscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
Dimethyl sulfide	*A clear, volatile liquid having an offensive disagreeable odor.* *Will evolve sulfur dioxide gas in a fire.* *Boils at approximately 97° F.* *Immiscible with water.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dimethylamine aqueous solution.	*An aqueous solution of an inflammable gas having a fishy, ammoniacal odor.* *Flashpoint of 25% solution 32° F.* *Boiling point 45° F.*	Red	Stowage: "On deck protected." "On deck under cover." Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B. 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B. 42C) not over 110 gal cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard Boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
Monomethylamine aqueous solution.	Properties similar to above	Red.				
Trimethylamine aqueous solution.	Properties similar to above	Red.				
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. A unit substance or a compound classified as an inflammable liquid in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines, or cosmetics. In quantity exceeding 1 pint or 16 ounces by weight, in glass or earthenware containers, or 1 quart or 32 ounces by weight in inside metal containers. The following substances shall not be shipped under this designation: Acrolein. Carbon bisulfide (disulfide). Ethyl chloride. Ethyl trichlorosilane. Ethylene oxide. Inflammable liquids (flammable liquids) which are also corrosive liquids or oxidizing materials under these regulations. Lithium aluminum hydride (ethereal). Nickel carbonyl. Pentaborane. Spirits of nitroglycerin in excess of 1 percent by weight. Trichlorosilane. Zinc ethyl. Ethylene imine, inhibited. Zirconium, metallic, solutions or mixtures thereof, liquid. Amyl mercaptan. Butyl mercaptan. Ethyl mercaptan. Aliphatic mercaptan mixtures. Isopropyl mercaptan. Propyl mercaptan. Vinyl trichlorosilane.	------------	Red------------	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible-" Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12A, 12B) not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes, WIMC (ICC-12E) not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12A, 12B) not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)------------ Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC, (ICC-12A, 12B) not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal cap. Fiberboard boxes, WIMC (ICC-12E) not over 110 lb. gr. wt.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ether	*Colorless, volatile liquid, pleasant aromatic odor.* *Suffocating and poisonous.* *The vapor of ether mixed with air is explosive over a very wide range of 1.8% to 48%.* *Vapor is 2.5 times heavier than air and will ignite at a considerable distance from the source of leakage.* *Flashpoint −49° F.* *Boiling point about 95° F.* *Immiscible with water.* Keep cool.	Red.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. NOTE: Total number of one or both type packages shall not exceed ten (10) on any voyage.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. NOTE: Total number of one or both type packages shall not exceed ten (10) on any voyage.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. NOTE: Total number of one or both type packages shall not exceed ten (10) on any voyage.
Ether, ethyl (sulfuric)	*Characteristic properties and cautions similar to "Ether," see above.*	Red.				
Ethyl methyl ether	*Characteristic properties and cautions similar to "Ether," see above.*	Red.				
Ethyl acetate	*Colorless, volatile liquid having a characteristic fruity odor.* *Vapors are 3 times heavier than air and form an explosive mixture within a range of 2½% to 11% in air.* *Flashpoint at or about 24° F.* *Boiling point 170° F.* *Immiscible with water.* Keep cool.	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. **Tank cars complying with ICC regulations.**	Not permitted.	Not permitted.	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl formate	*Colorless inflammable liquid.* *Vapors when mixed with air are explosive over a range of 3.5% to 16.5%, and are about 2½ times heavier than air.* *Flashpoint about 10° F.* *Boiling point 130° F.* *Soluble in water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Ethyl methyl ketone. Methyl ethyl ketone. Methyl vinyl ketone, inhibited. NOTE: Methyl vinyl ketone, inhibited, in a glass or metal container not over 4 fluid ounces each, packed in a strong wooden or fiberboard box, is exempt from specification packaging, marking other than name of contents, and labeling requirements.	*Colorless liquid, acetone-like odor.* *Sustained inhalation of vapors in unventilated compartments is dangerous.* *Vapors are about 2½ times heavier than air and form an explosive mixture within a range of 2% to 12% in air.* *Flashpoint approximately 30° F.* *Miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Ethyl nitrate (*nitric ether*).	*Colorless, inflammable liquid, pleasant odor and sweet taste.* *Vapors are more than 3 times heavier than air and will form an explosive mixture with a lower limit of 3.8% in air.* *Sustained inhalation of vapors in unventilated compartments is dangerous.* *Flashpoint approximately 50° F.* *Immiscible with water.*					

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl nitrite (*Nitrous ether*).	*Yellowish liquid, aromatic odor.* *Exceedingly volatile.* *Vapors are about 3 times heavier than air and form an explosive mixture within a range of 3% to 50% in air.* *Flashpoint about −31° F.* *Boiling point 61.5° F.* *Spontaneously decomposes at 194° F.* *Immiscible with water.* Keep cool. Stow well away from all sources of heat.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 5C, 5G, 5M) not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
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Ethylene dichloride Dichlorethylene.	*Colorless, oily liquid, pleasant chloroform-like color.* *Anesthetic: vapors in low concentrations will be suffocating.* *Vapors are 3½ times heavier than air and form an explosive mixture within a range of 6% to 16% in air.* *Flashpoint 70° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC. not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal cap Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Gas drips, hydrocarbon	*Liquid condensate of gas* *Has odor of illuminating gas.* *Flashpoint variable but usually low.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat."	NOTE: Shall not be accepted for transportation on board passenger vessels or passenger-carrying ferry vessels except such fuel as is contained within the fuel tanks of motor vehicles for use as a source of motive power for their own propulsion on and off the vessel, or for auxiliary equipment when such motor vehicles are being transported on board such vessels.		
Gasoline Permitted shipping names for export only: Essence. Gazoline. Motor fuel. Motor spirit. Petrol. Benzine. Gazolina. Nafta.	*Derivative of crude petroleum* *Vapor is 3 to 4 times heavier than air and when mixed with air is explosive over a range of 1.4% to 6%.* *Flashpoint less than 0° F.* *Immiscible with water and will float on surface.*	Red.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.			

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Heptane	*Colorless, volatile liquid having organic odor.* *Forms inflammable or explosive mixtures with air.* *Flashpoint about 25° F.* *Boiling point about 208° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Hexane	*Colorless, extremely volatile liquid having organic odor.* *Forms inflammable or explosive mixtures with air.* *Flashpoint below 0° F.* *Boiling point about 156° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted;

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Inflammable liquids, N. O. S. Flammable liquids, N. O. S.	*May be any liquid classifying as an inflammable liquid in accordance with the definitions contained in these regulations, provided such inflammable liquid is not otherwise specified by name in these regulations.* *Flashpoint variable, may be less than 0° F.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes. WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. (See note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers. (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with flash point exceeding 20° F. Wooden barrels or kegs, (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with flash point exceeding 20° F. Wooden barrels or kegs, (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each (ICC-37P) NRC, not over 5 gal. cap. for liquids with flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars compliyng with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ink (when possessing a flashpoint at or below 80° F.).	*A fluid or viscous material containing coloring matter in solution or suspension.* *Flashpoint variable.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for ink with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for ink with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for ink with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for ink with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Insecticide, liquid (*vermin exterminator*) (when possessing a flashpoint at or below 80° F.). NOTE: Insecticides having a flashpoint at or below 20° F. shall not be offered for transportation or be transported on board passenger-carrying vessels.	*Insecticides frequently contain petroleum or coal tar distillates or other inflammable liquids.* *Flashpoint variable.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC—5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC—17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers. Steel barrels or drums: (ICC-5, 5A, 5B. 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B. 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC. not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Isooctane	*Clear, colorless, slightly volatile liquid having an organic odor.* *Vapors much heavier than air.* *Flashpoint below 20° F.* *Immiscible with water.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Isooctene	*Clear, colorless liquid having an organic odor.* *Vapors heavier than air.* *Flashpoint below 20° F.* *Immiscible with water.*	Red.				
Isopentane	*Clear, colorless, very volatile liquid having an organic odor.* *Vapors heavier than air.* *Flashpoint below −60° F.* *Boiling point about 81° F.* *Immiscible with water.*	Red.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Isoprene	*Clear, colorless, very volatile liquid having an organic odor.* *Vapors form inflammable or explosive mixture with air.* *Flashpoint below −0° F.* *Boiling point about 95° F.* *Immiscible with water.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Isopropyl acetate	*Colorless, aromatic liquid.* *Slightly miscible with water.* *Flashpoint 36° F.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Lacquer base or lacquer chips, plastic (wet with alcohol or solvent). Wet with at least 20% by weight of alcohol or solvent with a flashpoint not lower than 30° F. (When possessing a flashpoint at or below 80° F.)	*Lacquer chips are composed of nitrocellulose incorporated with a plasticizer and pigments. They are the film-forming part of lacquer which remains after the solvents or thinners have evaporated.* *Involved in fire will give off nitrous fumes which are deep orange in color and extremely poisonous.* *Flashpoint is variable depending upon the solvent used to wet the chips.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb, gr. wt. (ICC-12E) WIMC not over 110 lb. gr .wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C, 6J) not over 450 lb. gr. wt. (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb, gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl acetate	*A clear, colorless, volatile liquid with fragrant odor.* *Vapors are 2½ times heavier than air and form an explosive mixture within a range of 4% to 14% in air.* *Flashpoint about 20° F.* *Boiling point about 132° F.* *Slightly miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes, (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums, (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Methyl acetone	*A water-white, anhydrous liquid consisting of acetone with methanol.* *Flashpoint variable, may be as low as 4° F.* *Miscible with water.*	Red.				
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Methyl formate	*Colorless liquid, agreeable odor.* *Vapor pressure 18 lbs. at 100° F.* *Vapors 2 times heavier than air and form an explosive mixture within a range of 4½% to 25% in air.* *Sustained inhalation of vapors in an unventilated compartment is dangerous.* *Flashpoint −25° F.* *Boiling point 88° F.* *Slightly miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl iso-propenyl ketone, inhibited.	*Nearly colorless, inflammable liquid, with a pleasant odor and sweet taste.* *Sustained inhalation of vapors in unventilated spaces is dangerous.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal cap (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl methacrylate monomer.	*A water white liquid of low viscosity.* *Flashpoint about 55° F.* May polymerize spontaneously without addition of an inhibitor.	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipment: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipment: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Motor fuel, N. O. S. (when possessing a flashpoint at or below 80° F.)	*Any fuel for internal combustion motors not otherwise specified by name in these regulations.* *Vapors when mixed with air may be explosive over a wide range.* *Flashpoint variable.* *May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted. NOTE: Shall not be accepted for transportation on board passenger vessels or passenger-carrying ferry vessels except such fuel as is contained within the fuel tanks of motor vehicles for use as a source of motive power for their own propulsion on and off the vessel, or for auxiliary equipment when such motor vehicles are being transported on board such vessels.	Not permitted.	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Neohexane	*Clear, water-white, rather volatile liquid.* *Vapors form inflammable or explosive mixtures with air.* *Flashpoint below 0° F.* *Immiscible with water.* *Boiling point about 120° F.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Oil: Oil, N. O. S. Petroleum oil. Petroleum oil, N. O. S. (When possessing a flashpoint at or below 80° F. but not less than 20° F.) NOTE: For these liquids when possessing a flashpoint at or below 20° F., see "Petroleum distillate."	*May include any oil product derived from crude petroleum, except oils properly described by name within these regulations.* *Flashpoint variable.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) STC, not over gal. cap. for liquid having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5G, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) STC, not over 5 gal. cap. for liquid having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) STC, not over 5 gal. cap. for liquid having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) STC, not over 5 gal. cap. for liquid having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb, gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid.	*Flashpoint variable* *May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E), STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flashpoint exceeding 20° F. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E), WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flashpoint exceeding 20° F. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flashpoint exceeding 20° F. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flashpoint exceeding 20° F. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Aluminum liquid (or paint).		Red.				
Bronze liquid (or paint)		Red.				
Driers, paint, varnish, enamel, etc.		Red.				
Enamel		Red.				
Furniture or wood stain, liquid.		Red.				
Gold paint		Red.				
Lacquer		Red.				
Lacquer base liquid		Red.				
Leather bleach		Red.				
Leather dressing		Red.				
Mortar stain, liquid		Red.				
Paint driers, liquid		Red.				
Shellac		Red.				
Shellac, liquid		Red.				
Stain		Red.				
Varnish		Red.				
Varnish driers		Red.				
Wood filler		Red.				
Wood stains, liquid		Red.				
(When possessing a flashpoint at or below 80° F.) When the flashpoint of a liquid shipped under this descriptive name is 20° F. or below, the bill of lading or other shipping paper shall bear the following certification: "*This liquid possesses a flashpoint of 20° F. or less.*" When the flashpoint is above 20° F. and not more than 80° F. the following certification shall appear hereon: "*This liquid possesses a flashpoint of above 20° F. but not more than 80° F.*"						
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pentane	*A clear colorless, volatile liquid obtained from petroleum.* *Vapors when mixed with air are explosive over a range of approximately 1.4% to 8.0% in air.* *Flashpoint below 0° F.* *Boiling point 86° F. to 104° F.* *Immiscible with water.* Keep cool.	Red –	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments of petroleum distillate or naphtha distillate: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
Pentane methyl	*A clear, colorless, volatile liquid having an organic odor.* *Vapors form inflammable or explosive mixtures with air.* *Flashpoint below 0° F.* *Boiling point about 135° F.* *Immiscible with water.* Keep cool.	Red.				
Petroleum distillate Naphtha distillate. (When possessing a flashpoint at or below 80° F.)	*Any petroleum distillate not otherwise named in these regulations that is not used as motor fuel for internal combustion engines.* *Flashpoint variable.* *Vapors when mixed with air are explosive over a wide range.* *Immiscible with water.*	Red.				
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Polishes, metal, stove, furniture and wood, liquid. (When possessing a flashpoint at or below 80° F.)	*Liquid preparations used to remove film from surfaces and restore and protect polish and finish of such surface.* *Flashpoint variable.* *May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E,) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal .cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs. WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. for liquids having a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Compounds, polishing, liquid.		Red.				
Furniture polish		Red.				
Metal polish, liquid		Red.				
Stove polish, liquid		Red.				
Wood polish, liquid (When possessing a flashpoint at or below 80° F.)		Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Propylene oxide	*Colorless liquid, ethereal odor.* *Explosive range: 2 to 22% in air.* *Flashpoint below 0° F.* *Miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 1 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Pyridine (When possessing a flashpoint at or below 80° F.).	*A slightly yellow or colorless liquid having a penetrating and offensive odor.* *Vapors are 2.75 times heavier than air and form an explosive mixture within a range of 1.8 to 12.4% in air.* *Vapors are poisonous and suffocating.* *Flashpoint 68° F.* *Miscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC: (ICC-12A, 12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyroforic fuel Pyroforic solutions.	*Highly inflammable.* *Takes fire on contact with air.* Keep cool.	Red	Stowage: "On deck protected." Outside containers: Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Resin solution (when possessing a flashpoint at or below 80° F.).	*Resin dissolved in a volatile solvent.* *Flashpoint variable, depending upon the solvent used.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 30 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 30 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIC not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37A, 37B) STC not over 5 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C, 42F) not over 110 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC not over 65 lb. gr. wt. Fiber or plywood drums: (ICC-21A, 21B 22A, 22B) WIC not over 1 gal. cap. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums: (ICC-17X) STC not over 55 gal. cap. Wooden boxes: (ICC-15X) WIMC not over 10 gal. cap.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Road asphalt or tar, liquid. ***Asphalt cut-back.*** **Tar, liquid.** **(When possessing a flashpoint at or below 80° F.)** **(See §146.27-100 for transportation of asphalt or road tar in highway tank vehicles.)**	*Substance prepared by the fluxing of asphalt with petroleum distillate.* *Pungent, penetrating odor.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC, (ICC-15X) not over 10 gal. cap. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC not over 110 lbs. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, BC) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. (ICC-42F) not over 55 gal. cap Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lbs. gr. wt.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium methylate, alcohol mixture. (When possessing a flashpoint at or below 80° F.)	*Sodium methylate dissolved in alcohol.* *Flash point variable.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC; not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Solvents, N. O. S. (When possessing a flashpoint at or below 80° F.)	*Inflammable, volatile liquids used for solvents, other than those solvents specified by name in these regulations.* *May be extremely volatile liquids and if so, vapors in air will form explosive mixtures.* *Vapors may be poisonous and suffocating.* *Flashpoint variable.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A 19A, 19B) not over 10 gal, total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) nor over 65 lb. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. for liquids with a flash point exceeding 20° F. Aluminum barrels or drums (ICC-42B 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 21B, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.
Plastic solvent, N. O. S.		Red.				
Pyroxylin solution		Red.				
Pyroxylin solvent, N. O. S. (When possessing a flashpoint at or below 80° F.)		Red.				
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Toluol (*Toluene.*)	*Colorless volatile liquid.* *Benzene-like odor, distillate from coal tar.* *Vapors are 3 times heavier than air and form an explosive mixture within a range of 1½% to 7% in air.* *Vapors are poisonous and suffocating.* *Flashpoint 45° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC not over 10 gal. cap.
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Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Turpentine substitutes (When possessing a flashpoint at or below 80° F.)	*Special fractions of petroleum oils (usually with a boiling point of 260° to 390° F.) used in the place of turpentine as a paint thinner, etc.* *Flashpoint variable.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B. 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments of turpentine substitutes: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments of turpentine substitutes: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.
Vinyl acetate, inhibited.	*Clear, colorless liquid having a pungent odor.* *Soluble in most organic solvents.* *Flashpoint about 30° F.* *Immiscible with water.*	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Vinylidene chloride, inhibited.	*Clear, colorless to straw-colored, rather volatile liquid having a penetrating odor.* *Flashpoint below 20° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap. Fiberboard boxes, WIC (ICC-12A, 12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Wet nitrocellulose colloided, granular or flake (must contain at least 20%, by weight of alcohol or a solvent with flashpoint not lower than 30° F.).	*Formed by the nitration of cotton by treatment with a mixture of nitric and sulfuric acids.* *Involved in a fire will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous.* *Flashpoint variable, not less than 30° F.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M) not over 450 lb. gr. wt. (ICC-6A, 6B, 6C, 6J) not over 450 lb. gr. wt (ICC-17C, 17E, 17H) STC, not over 450 lb. gr. wt., (ICC-37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Wet nitrocellulose (must contain at least 30% by weight of alcohol or a solvent with a flashpoint not lower than 30° F.).		Red.				
Wet nitrostarch (must contain at least 30% by weight of alcohol or a solvent with flashpoint not lower than 30° F.). Shipping containers on above shall have marked thereon the gross, tare, and net weight of the package.	*Formed by the nitration of starch. Characteristics and hazards similar to those of "Nitrocellulose, wet with an inflammable liquid," which see above.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red.				

Table D—Classification: Inflammable liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Xylol (Xylene.) (When possessing a flashpoint at or below 80° F.)	*Coal tar distillate. Colorless liquid having a characteristic odor.* *Vapors are 4 times heavier than air and will form an explosive mixture in air.* *Vapors are poisonous and suffocating.* *Flashpoint 73° F. or above.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pts. cap. each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-17H, 37A) WIC of glass, not over 9 pints capacity each. (ICC-37P) NRC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes: (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WMIC (ICC-15X) not over 10 gal. cap.
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(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

1. Section 146.22-15 is amended by changing (a) to read as follows:

§ 146.22-15 *Mixed stowage of oxidizing materials.* * * *

(a) These substances shall not be stowed in the same compartment or hold in which explosives are stowed except nitro carbo nitrate may be stowed in the same hold or compartment with magazines containing dynamite, commercial boosters, and/or other non-priming, non-initiating types of explosives that are compatible with dynamite.

2. Section 146.22-35 is amended by deleting the present text (revised requirements transferred to 46 CFR 98.05) and inserting the following in lieu thereof:

§ 146.22-35 *Elemental phosphorus in water in bulk.* (a) Elemental phosphorus, white or yellow, in water may be carried in bulk only in inspected and certificated cargo barges, tank barges, or cargo vessels. For applicable requirements, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

3. Section 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

§ 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine. Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	*White powder.* *Decomposed by moisture.* *If exposed to excessive heat, or to the rays of the sun, it may decompose spontaneously evolving vapor with sufficient pressure to rupture container.* *The vapors from ruptured containers have been known to ignite spontaneously.* *When exposed it gives off pungent vapors (chlorine) that are corrosive.* *May destroy textiles.* Do not stow in the same compartment with corrosive liquids (white label) nor with turpentine. Stow well away from foodstuffs, living quarters, and all sources of artificial heat. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck, but not overstowed." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight. Inside metal containers not over 7½ lb. cap. each are authorized for material in tablet form only.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight. Inside metal containers not over 7½ lb. cap. each are authorized for material in tablet form only.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight. Inside metal containers not over 7½ lb. cap. each are authorized for material in tablet form only.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight. Inside metal containers not over 7½ lb. cap. each are authorized for material in tablet form only.
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Caprylyl peroxide solution.	*Straw-colored liquid with sharp odor.* *Burns extremely rapidly when ignited, even by external flame.* *Decomposes suddenly at about 194° F.* *Immiscible with water.* Do not stow with explosives, combustible materials, or acids. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 1 gal. cap. Authorized only for material which will not react dangerously with, or cause decomposition of polyethylene: Steel barrels or drums: (ICC-5B,6J, 37A) STC, WIC (ICC-2S polyethylene) not over 15 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Following barrels and drums authorized for materials which will not react dangerously with the drum's metal, or be decomposed by contact with it: Steel barrels or drums: (ICC-17C, 17E) STC, not over 15 gal. cap. Aluminum drums: (ICC-42B) not over 15 gal. cap.	Not permitted.	Not permitted.	Not permitted.
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorate and borate mixtures. Chlorate and magnesium chloride mixtures. NOTE: Such mixtures containing 28% or less chlorate and no other hazardous additives are not subject to the regulations in this part.	*Mixtures of chlorates and borates or magnesium chloride in varying proportions containing no other hazardous additives.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Mixtures containing 50% or more chlorate may be accepted in: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 50 gal. cap. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIMC, not over 25 lb. net wt. Fiber or plywood drums: (ICC-21A, 21B, 22A, 22B) WIMC ICC-2F, not over 220 lb. gr. wt. Mixtures containing more than 28% chlorate but less than 50% may also be accepted in: Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIL, not over 600 lb. net wt. Wooden boxes: (ICC-15A, 15B) WIL, not over 250 lb. gr. wt. Fiberboard boxes, WIC, not over 4 lb. net wt. each; gr. wt. of box not over 65 lb. Fiber or plywood drums: (ICC-21A, 21B, 22A) not over 220 lb. gr. wt. Multiwall paper bags: (ICC-44C, 44D) not over 50 lb. net wt.	Not permitted	Not permitted	Not permitted.
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Dimethylhexane dihydroperoxide, dry.	*Finely divided white powder.* *Inflammable and burns steadily when ignited.* *Will decompose at elevated temperatures.* Keep cool and dry. Do not stow with combustible materials, explosives or acids.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes: (ICC-15A, 15B) WIC, not over 50 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 50 lb. net wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes: (ICC-15A, 15B) WIC, not over 50 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 50 lb. net wt.	Ferry stowage (AA) Outside containers: Wooden boxes: (ICC-15A, 15B) WIC, not over 50 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 50 lb. net wt.	Ferry stowage (BB). Outside containers: Wooden boxes: (ICC-15A, 15B) WIC, not over 50 lb. net wt. Fiberboard boxes: (ICC-12B) WIC, not over 50 lb. net wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dimethylhexane dihydroperoxide, wet (*wet with at least 30 percent of water by weight*). Shipping containers must have marked thereon the gross and tare weights and the net weight of the contents.	*Finely divided white powder in water.* *Inflammable when dry.* Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes: (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.
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Nitro carbo nitrate	*Composed principally of ammonium nitrate.* *Involved in a fire will greatly intensify the burning of all combustible material and under conditions of exposure to high temperatures (above 400° F.) rapid decomposition and ignition may occur. Will burn with explosive violence.* *Soluble in water.* Stow separate from all combustible material, explosives (except dynamite, commercial boosters, and/or other non-priming, non-initiating types of explosives which are compatible with dynamite may be stowed in a magazine located in the same hold or compartment) or acids and away from chlorates.	No label required.				
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Peroxides, organic, liquid, N. O. S. Peroxides, organic, solution, liquid, N. O. S.	*Combustible liquids, usually colorless, with sharp penetrating odor. Readily ignitable and burn with acceleration. Immiscible with water.* Do not stow with combustible materials, explosives or acids.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 1 gal. cap. Authorized only for material which will not react dangerously with, or cause decomposition of polyethylene: Steel barrels or drums (ICC-5B, 6J, 37A) STC, WIC (ICC-2S polyethylene) not over 15 gal. cap. Steel drums: (ICC-37P) NRC, not over 5 gal. cap. **Following barrels and drums authorized for materials which will not react dangerously with the drum's metal, or be decomposed by contact with it:** **Steel barrels or drums: (ICC-17C, 17E) STC, not over 15 gal. cap.** **Aluminum drums: (ICC-42B) not over 15 gal. cap.**	Not permitted	Not permitted	Not permitted.
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Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phosphorus, white or yellow, in water. Shipping containers shall have marked thereon the gross, tare, and net weight of the package. NOTE: For bulk shipments, see subchapter I (cargo and miscellaneous vessels) of this chapter.	*Almost colorless or yellowish semitransparent mass becoming somewhat darker or white and waxy in appearance with aging.* *Melting point 110° F.* *Fumes are poisonous and possess a strong garlic-like odor.* *White or yellow phosphorus will ignite spontaneously in air.* *In event of breakage, do not handle this substance with bare hands.* Protect from freezing. Do not stow with explosives, inflammable liquids (red label), corrosive liquids (white label), nor with nitrates, chlorates, or permanganates. Stow away from living quarters and foodstuffs. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers—*When packed in water:* Steel barrels or drums: (ICC-5A, 6A, 6B) not over 30 gal. cap Wooden boxes: (ICC-15A, 15B) with hermetically sealed metal cans or metal linings, not over 250 lb. gr. wt. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
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Sodium nitrite	*A yellowish-white salt somewhat moist in appearance.* *It is an oxidizing material which while containing less oxygen than the nitrates, is more readily decomposed, and therefore generally more active.* *When mixed with organic matter, it is more readily ignited than a corresponding mixture of sodium nitrate.* *Sodium nitrite if mixed with ammonium salts decomposes spontaneously and may cause fires.* *Absorbs moisture.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Do not stow with ammonium nitrate. Stow away from all combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 425 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 425 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 425 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 425 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Multi-wall paper bags: (ICC-44C) WIL, not over 100 lb. net wt.
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Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198: E. O. 10402, 17 F. R. 991 3 CFR, (R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

1. Section 146.23-35 is amended by deleting the present text (revised requirements transferred to § 98.10) and by inserting the following in lieu thereof:

§ 146.23-35 ***Sulfuric acid in bulk.*** **(a) Sulfuric acid or spent sulfuric acid may be carried in bulk only in inspected and certificated cargo barges, tank barges, or cargo vessels.** For applicable requirements, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

2. Section 146.23-50 is amended by deleting the present text (revised requirements transferred to § 98.15) and by inserting the following in lieu thereof:

§ 146.23-50 ***Hydrochloric acid in bulk.*** **(a) Hydrochloric acid may be carried in bulk only in inspected and certificated cargo barges, tank barges, or cargo vessels. For applicable requirements, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.**

interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 991 3 CFR, (R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

1. Section 146.23-35 is amended by deleting the present text (revised requirements transferred to § 98.10) and by inserting the following in lieu thereof:

§ 146.23-35 ***Sulfuric acid in bulk.*** **(a) Sulfuric acid or spent sulfuric acid may be carried in bulk only in inspected and certificated cargo barges, tank barges, or cargo vessels. For applicable requirements, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.**

2. Section 146.23-50 is amended by deleting the present text (revised requirements transferred to § 98.15) and by inserting the following in lieu thereof:

§ 146.23-50 ***Hydrochloric acid in bulk.*** **(a) Hydrochloric acid may be carried in bulk only in inspected and certificated cargo barges, tank barges, or cargo vessels. For applicable requirements, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.**

3. Section 146.23-100 ***Table F—Classification: Corrosive liquids*** **is amended as follows:**

§ 146.23-100 ***Table F—Classification: Corrosive liquids***

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acids, liquids, N. O. S.	*Any acid not otherwise specified by name herein which qualifies under the definition contained in these regulations as a corrosive liquid.* Protect from sparks and open flame. Keep cool.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC-1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC-1D) not over 6½ gal. cap. For export only (ICC-1X) not over 6 gal. cap. Carboys, lead, metal jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in plywood boxes, drums or wooden boxes (ICC-1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC-5A, 5C, 5M) not over 110 gal. cap. (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5H) lead lined, not over 110 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Alkaline battery fluid	*Usually colorless, odorless, liquids.* *Neither volatile nor combustible.* *Hazardous in contact with certain textiles and metals.*	White	Stowage: "On deck protected," "On deck under cover." "On deck in open." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene. not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or dums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.
Alkaline caustic liquids, N. O. S.	*Liquid used in alkaline storage batteries.* For characteristics and hazards see "Alkaline corrosive, liquids, N. O. S.	White.				
Alkaline, corrosive liquids, N. O. S.	*May be any alkaline corrosive liquid properly described as such in accordance with the definition for a corrosive liquid and not otherwise specified by name in these regulations.* *Particularly hazardous in contact with organic substances and textiles.* *Miscible with water.* These materials in inside containers of not more than 8 fluid ounces capacity each, packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labelling requirements.	White.				
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Antimony pentachloride, solution.	See "Antimony pentachloride."	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC-1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC-1D) not over 6½ gal. cap. For export only (ICC-1X) not over 6 gal. cap. Carboys, lead, metal jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in plywood boxes, drums or wooden boxes (ICC-1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC-5A, 5C, 5M) not over 110 gal. cap. (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5H) lead lined, not over 110 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzoyl chloride	*A clear, colorless liquid which even at ordinary temperatures gives off a vapor very irritating to the eyes, nose, and throat.* *Decomposes on contact with water liberating fumes which are irritating to the mucous membrane and in sufficient quantities will be suffocating.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed: glass (ICC-1D) not over 6½ gal. cap. Carboys in kegs; glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed; glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. Unstabilized benzoyl chloride when anhydrous and free from impurities such as iron may be shipped in: Nickel drums (ICC-5K) not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzyl chloride	*A colorless liquid possessing a rather unpleasant odor and vapors which are very irritating to the eyes, nose, and throat.* *Combustible. Flash point 140° F.* *Immiscible with water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed; glass (ICC-1D) not over 6½ gal. cap. Carboys in kegs; glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed; glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Benzyl chloride must be stabilized when packed in unlined containers. Steel drums, lead-lined (ICC-5H) not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. Benzyl chloride must be stabilized when loaded in unlined tanks. Unstabilized benzyl chloride when anhydrous and free from impurities such as iron may be shipped in: Nickel drums (ICC-5K) not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Boiler compound, liquid.	*Usually clear, colorless, odorless liquid.* *Generally contains caustic alkali in varying proportions.* *May be corrosive to wool textiles and some metals.* *May cause painful burns to the skin and tissue.* *Miscible with water.*	White	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) or not over 110 gal. cap. (ICC–5C) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. (ICC–6J) WIC ICC–28, polyethylene, not over 55 gal. cap. (ICC–37P) NRC, not over 5 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Portable tanks: (ICC–60) not over 8,000 lb. gr. wt. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–5C) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. (ICC–6J) WIC ICC–28, polyethylene, not over 55 gal. cap. (ICC–37P) NRC, not over 5 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber lined (ICC–5D) not over 110 gal. cap. Metal drums, lead lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Portable tanks: (ICC–60) not over 8,000 lb. gr. wt. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–5C) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. (ICC–6J) WIC ICC–28, polyethylene, not over 55 gal. cap. (ICC–37P) NRC, not over 5 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Portable tanks: (ICC–60) not over 8,000 lb. gr. wt. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 65 lb. gr. wt	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F), not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–5C) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. (ICC–6J) WIC ICC–2S, polyethylene, not over 55 gal. cap. (ICC–37P) NRC, not over 5 gal. cap. Metal drums (ICC–17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Portable tanks: (ICC–60) not over 8,000 lb. gr. wt. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Caustic potash, liquid Potassium hydroxide solution. Caustic soda, liquid. Sodium hydroxide solution.	*Odorless, corrosive liquids* *Will attack flesh and destroy organic material.* Stow well away from other corrosive liquids (white label). Do not stow over cargo of an organic nature.	White	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Tank cars complying with ICC regulations. In tank barges, see section covering barges in these regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass; (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only."	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Motor truck vehicles having cargo tanks marked "For Caustic Soda, Liquid, Only", or "For Caustic Potash, Liquid, Only."	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums: (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Tank cars complying with ICC regulations. Motor truck vehicles having cargo tanks marked "For Caustic Soda, Liquid, Only", or "For Caustic Potash, Liquid, Only."
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chromic acid solution....	*A solution of chromic acid.* *Has a strong caustic effect upon the skin.* Observe containers carefully for signs of leakage and reject any which are found leaking. Do not stow with other acids (white label), inflammable liquids (red label), glycerin or any combustible material. Observe special requirements for stowage on board vessels also transporting explosives.	White..............	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass, (ICC-1D) not over 6½ gal cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal cap. Carboys, in plywood drums, ploy-ethylene (ICC-1F) not over 13 gal cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA).................. Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (CC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A 19A) WIC, not over 200 lb gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning liquid. Compounds, iron or steel rust preventing or removing. Compounds, lacquer, paint or varnish removing liquid. Compounds, vulcanizing, liquid.	*Any compounds under these descriptive names that classify in accordance with the definitions given in these regulations as a corrosive liquid.*	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drum (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Corrosive liquid, N. O. S.	*Any liquid not otherwise specified by name in this chart which qualifies as a corrosive liquid according to the definition contained in these regulations.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed. glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal.cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC—5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr wt. (See Note in columns 5, 6, and 7.)	Not permitted	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC—5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.
				NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.		
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cupriethylene-diamine solution.	*A dark purple liquid with odor resembling ammonia.* *Dissolves cellulose products such as cotton, wood, etc.* *Not very corrosive to most metals.* *In event of leakage drench with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F,) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 6 5lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. When packed in accordance with ICC requirements for the particular substance and separated and cushioned by incombustible absorbent material when the characteristics of the substance so require. See §146.23-30 for limited quantity shipments.	*A unit substance or a compound classified as a corrosive liquid in accordance with the definition contained herein, when prepared, packed, and offered to the trade as drugs, chemicals, medicines or cosmetics.*	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B, WIC, not over 6 lb. gr. wt. (See note in column 5, 6, and 7.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal barrels or drums: (ICC-17H, 37A, 37B) STC, lined, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A), asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Electrolyte (acid) or corrosive battery fluid. NOTE: Electrolyte (acid) must not be over 47% strength (39° Baumé).	*Electrolyte acid is a term commonly applied to dilute sulfuric acid used in electric storage batteries.* *This acid generates heat when mixed with water.* *Will char organic material.* *Miscible with water.* Do not stow with combustible materials. Observe closely for signs of leakage and reject packages which are leaking or show signs of having leaked.	White	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D, 1E) not over 6½ gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC ICC-2S poly ethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B, 12C) WIC, not over 65 lb. gr. wt. Plywood drums (ICC-22A, 22B) WIC of glass not over 1 gal. cap. Portable tanks, lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D, 1E) not over 6½ gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC ICC-2S polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Plywood drums (ICC-22A, 22B) WIC of glass not over 1 gal. cap.	Ferry stowage (AA) Outside containers: Carboys, boxed (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D, 1E) not over 6½ gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Plywood drums (ICC-22A, 22B) WIC of glass not over 1 gal. cap.	Ferry stowage (BB). Outside containers: Carboys, boxed, (ICC-1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC-1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC-1D, 1E) not over 6½ gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. For export shipment only Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC-31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC-5H) lead-lined, not over 110 gal. cap. (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B, 12C) WIC, not over 65 lb. gr. wt. Plywood drums (ICC-22A, 22B) WIC of glass not over 1 gal. cap. Portable tanks, lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Formic acid **Formic acid, solution.**	*A colorless liquid with a pungent irritating odor.* *It is combustible and will give off vapors which may form explosive mixtures in air.* *In concentrated form it is dangerously caustic to the skin.* *Solidifies at 45° F.* *Miscible with water.*	White	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-28 polyethylene) not over 55 gal. cap. Metal drums (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars complying with ICC regulations stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-28 polyethylene) not over 55 gal. cap. Metal drums (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-28 polyethylene) not over 55 gal. cap. Metal drums (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Carboys, polyethylene, in wooden boxes, plywood boxes or drums or metal crates: (ICC-1F, 1G, 1H) not over 13 gal. cap. Steel barrels or drums: (ICC-5C, 5) not over 110 gal. cap. (ICC-17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums (ICC-6J) WIC (ICC-28 polyethylene) not over 55 gal. cap. Metal drums (ICC-37P) NRC, not over 5 gal cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) latex rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B, WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars complying with ICC regulations stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hexamethylene diamine solution.	*A colorless solution.* *Miscible with water.*	White.	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F) STC, not over 55 gal cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-6J) WIC ICC-28, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Metal drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydriodic acid	*A clear, colorless or pale yellow fuming liquid.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *It is corrosive but will not cause fire.* *Miscible with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums(ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC not over 65 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. Steel barrels or drums: (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined not over 5 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrobromic acid	*A corrosive, fuming liquid varying from colorless to slightly yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Is corrosive but will not cause fire.* *Miscible with water.* Shall not be accepted in metal drums.	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Fiberboard boxes (ICC-12A) WIC, not over 65 lb. gr. wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Metal drums (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Tank cars complying with ICC regulations. For hydrobromic acid greater than 49% strength but not over 63% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only; not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Fiberboard boxes (ICC-12A) WIC, not over 65 lb. net wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Metal drums (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Fiberboard boxes (ICC-12A) WIC, not over 65 lb. net wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Metal drums (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. For hydrobromic acid not over 49% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap. Fiberboard boxes (ICC-12A) WIC, not over 65 lb. net wt. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Metal drums (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Tank cars complying with ICC regulations. For hydrobromic acid greater than 49% strength but not over 63% strength: Carboys, polyethylene, in plywood drums (ICC-1F) not over 13 gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrochloric (muriatic) acid. NOTE: For bulk shipments, see Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.	*A corrosive, fuming liquid, varying from colorless to yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Will damage or destroy many articles by contact but does not cause fire.* *Will dissolve tin, iron, and steel with evolution of hydrogen gas.* *Noninflammable.* *Miscible with water.* Shall not be accepted in unlined metal drums. Do not stow with sulfuric acid, nitric acid or chlorates. Do not stow over other cargo.	White.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap. Steel barrels or drums: (ICC-5D) rubber-lined not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC-2S) polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC ICC-2T not over 200 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Authorized for hydrochloric acid mixtures and compounds, cleaning, liquid (containing not over 28% hydrochloric (muriatic)) acid: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars complying with ICC regulations. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: **Metal barrels or drums; (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.** **(See Note in columns 5, 6, and 7.)**	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap. Steel barrels or drums: (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC-2S) polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb gr. wt. Wooden box (ICC-16A) WIC ICC-2T not over 200 lb. gr. wt. Authorized for hydrochloric acid mixtures and compounds, cleaning, liquid (containing not over 28% hydrochloric (muriatic)) acid: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Ferry stowage (AA). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap. Steel barrels or drums: (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC-2S) polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC ICC-2T not over 200 lb. gr. wt. Motor truck vehicles having cargo tanks. Authorized for hydrochloric acid mixtures and compounds, cleaning, liquid (containing not over 28% hydrochloric (muriatic)) acid: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, polyethylene, wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 15 gal. cap. Steel barrels or drums: (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC-2S) polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC ICC-2T not over 200 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Authorized for hydrochloric acid mixtures and compounds, cleaning, liquid (containing not over 28% hydrochloric (muriatic)) acid: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars complying with ICC regulations. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC-17H, 37A, 37B) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.
Hydrochloric acid mixtures. NOTE: When hydrochloric acid contains oils or solvents it must not be shipped in rubber-lined containers.	See "Hydrochloric acid".	White.				
Hydrochloric (muriatic) acid solution, inhibited.	See "Hydrochloric (muriatic) acid".	White.				
Compounds, cleaning, liquid (containing hydrochloric (muriatic) acid).	See "Hydrochloric (muriatic) acid." Hydrochloric acid of not over 20% strength, and other corrosive liquids containing not over 20% hydrochloric acid, in inside containers not more than 8 fluid ounces capacity each, packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labeling requirements.	White.				

NOTE: Hydrochloric acid of not over 20% strength by weight (13.25° Baume) may also be accepted in: Wooden barrels or kegs (ICC-10A) asphalt lined not over 50 gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluoric acid	*A colorless, volatile, fuming corrosive, liquid with a pungent irritating, odor, used primarily for etching glass.* *Dissolves glass and certain metals.* *Produces painful burn when allowed to contact flesh.* *Gives off fumes which are irritating in contact with mucous membrane and caustic in their effects.* *Miscible with water.* Observe special requirements for stowage on board vessels also transporting explosives. Keep cool.	White	Stowage: "On deck protected." Outside containers: Hydrofluoric acid not over 70% strength: Steel barrels or drums (ICC-6J) WIC (ICC-28 polyethylene drum) not over 55 gal. cap. Carboys, polyethylene, in plywood boxes, drums or wooden boxes (ICC-1F, 1G) not over 13 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC-ICC-2T, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 1 lb. cap. each, not over 65 lb. gr. wt. Hydrofluoric acid not less than 60% or more than 80% strength: Steel barrels or drums (ICC-5A) not over 55 gal. cap. Hydrofluoric acid not over 65% strength: Rubber drums (ICC-43A) not over 30 gal. cap. Hydrofluoric acid not over 62% strength: Metal barrels or drums, lined (ICC-5D) not over 55 gal. cap. Hydrofluoric acid not over 80% strength: Tank cars complying with ICC regulations. Hydrofluoric acid solutions and concentrations of 60% up to 65%, when shipped in unlined steel containers or metal tank cars, must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65% concentration.	Not permitted	Not permitted	Not permitted.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluosilicic acid (must be packed in accordance with ICC requirements).	*A clear, colorless fuming liquid.* *It has a strong corrosive action on steel, lead, and glass.* *It is caustic to the skin and will inflict severe burns.* *Irritating to mucous membrane.* *Miscible with water.* Do not use paint in the vicinity of hydrofluosilicic acid.	White	Stowage: "On deck protected." Outside containers: Wooden barrels or kegs: (ICC-10A) lined with asphalt or other material of equal efficiency, resistant to hydrofluosilicic acid, not over 50 gal. cap. (ICC-11A, 11B) WIC of natural rubber or ceresine. Outside containers not over 200 lb. net wt. Wooden boxes, WIC of natural rubber or ceresine or other material of equal efficiency resistant to hydrofluosilicic acid (ICC-15A, 15B, 15C, 16A, 19A), not over 200 lb. gr. wt. Tank cars complying with ICC regulations. Hydrofluosilicic acid of not over 40% strength may also be accepted in: Steel barrels or drums, rubber-lined (ICC-5D), not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Hydrofluosilicic acid containing no free hydrofluoric acid or other ingredient which will attack glass may also be accepted in: Carboys, boxed, glass only (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass only (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Authorized only for hydrofluosilicic acid not exceeding 32% strength: Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Metal drums (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal .cap. Metal drums (ICC-37P) NRC, not over 5 gal. cap.	Not permitted	Not permitted	Not permitted.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium aluminate, liquid.	*Hazardous in contact with organic substances and textiles.* Sodium aluminate, liquid, in inside containers of not more than 8 fluid ounces capacity each packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labeling requirements.	White	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC-1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC-1D) not over 6½ gal. cap. (ICC-1X) not over 6 gal. cap. for export. Carboys, lead, metal jacketed: (ICC-28) not over 15 gal. cap Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC-1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC-5, 5A, 5C, 5M) not over 110 gal. cap. (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5H) lead lined, not over 110 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums: (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC-1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC-5, 5A, 5C) not over 110 gal. cap. (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5H) lead lined, not over 110 gal. cap. (ICC-5M) monel, not over 55 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-2S polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums: (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC-1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC-5, 5A, 5C) not over 110 gal. cap. (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5H) lead lined, not over 110 gal. cap. (ICC-5M) monel, not over 55 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums: (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, glass, in boxes, kegs or plywood drums: (ICC-1A, 1B, 1C, 1E) not over 13 gal. cap. (ICC-1D) not over 6½ gal. cap. (ICC-1X) not over 6 gal. cap. Carboys, lead, metal jacketed: (ICC-28) not over 15 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes: (ICC-1F, 1G) not over 15 gal. cap. Metal barrels or drums: (ICC-5, 5A, 5C, 5M) not over 110 gal. cap. (ICC-5D) rubber lined, not over 110 gal. cap. (ICC-5H) lead lined, not over 110 gal. cap. (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. (ICC-17H, 37A, 37B) STC, lined, not over 5 gal. cap. (ICC-6J) WIC ICC-28 polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums: (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks: (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium chlorite solution (not exceeding 40% sodium chlorite).	*A colorless, odorless liquid* *Oxidizing agent.* *Miscible with water.* *If allowed to dry in contact with organic material fire may result.* *In event of spillage flush with large quantities of water.* Observe containers carefully for signs of leakage, and reject any which are found leaking. Do not stow with organic materials, inflammable liquids (red label), or explosives.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethyene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC 2S polyethylene) not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC ICC-2T, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC-28 polyethylene) not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC ICC-2T, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal.cap.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC-2S polyethylene) not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC ICC-2T, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Motor truck vehicles having cargo tanks. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, polyethylene in wooden boxes, plywood drums or boxes or metal crates: (ICC-1F, 1G, 1H) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. (ICC-5B, 6J, 37A) WIC (ICC-28 polyethylene) not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Wooden box (ICC-16A) WIC ICC-2T, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. Motor truck vehicles having cargo tanks. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfuric acid (oil of vitriol). NOTE: For bulk shipments, see subchapter I (Cargo and Miscellaneous Vessels) of this chapter.	*Strongly corrosive, dense, oily liquid; colorless to dark brown, depending on purity.* *Ordinary commercial (not pure) acid dissolves all metals, including platinum.* *Concentrated (65%) acid attacks most metals slowly.* *Dilute acid dissolves metals more rapidly, particularly if heated.* *Sulfuric acid rapidly disintegrates wood, textiles and organic materials in general and is extremely corrosive to flesh, producing serious and slow-healing wounds.* *Miscible with water in all proportions with evolution of heat.* Stow well away from organic materials. Observe containers for any signs of leakage and reject any which are found leaking. In event of spillage, flush with large quantities of water. Do not accept for transportation if packed in the same container with any other substance. Must not be transported on any vessel carrying Class A or Class B explosives. Observe special requirements for stowage on board vessels which are also transporting Class C explosives. Sulfuric acid solutions of not over 25% concentrations, in inside containers of not more than 8 fluid ounces capacity each, packed and cushioned as specified by ICC regulations are exempt from specification packaging, marking other than name of contents, and labelling requirements.	White	Stowage: "On deck protected." "On deck under cover." "Under deck" (Steel drums containing sulfuric acid only). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap. Fiberboard boxes (ICC-12A) WIC, not over 65 lb. gr. wt. For sulfuric acid of concentrations of not less than 100% and not more than 115% (approximate): ("Under deck" stowage not permitted.) Metal barrels or drums (ICC-5C) not over 55 gal. cap. For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 95% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. Metal drums (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Carboys, polyethylene, in wooden boxes, plywood drums or boxes or metal crates (ICC-1F, 1G, 1H) not over 13 gal. cap. Wooden box (ICC-16A) WIC ICC-2T, not over 200 lb. gr. wt.	Stowage: "On deck protected." Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap. Fiberboard boxes (ICC-12A) WIC, not over 65 lb. gr. wt. For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap.	Ferry stowage (AA) Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap. Fiberboard boxes (ICC-12A) WIC, not xver 65 lb. gr. wt. For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 95% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. Metal drums (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Carboys, polyethylene, in wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 13 gal. cap. Wooden box (ICC-16A) WIC ICC-2T, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC-31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Plywood drums (ICC-22A, 22B) WIC of glass or earthenware, not over 1 gal. cap. Fiberboard boxes (ICC-12A) WIC, not over 65 lb. gr. wt. For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 95% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. Metal drums (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. Carboys, polyethylene, in wooden boxes, plywood drums or boxes, or metal crates (ICC-1F, 1G, 1H) not over 13 gal. cap. Wooden box (ICC-16A) WIC ICC-2T, not over 200 lb. gr. wt.
Sulfuric acid, fuming (oleum) (Nordhausen) (not permitted to be stowed "under deck").		White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfuric acid (oil of vitriol)—Continued Sulfuric acid, fuming (oleum) (Nordhausen) (not permitted to be stowed "under deck")—Continued			Outside containers—Continued For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-28 polyethylene) not over 55 gal. cap. For sulfuric acid of concentrations 65.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Outside containers—Continued For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316, or 347, authorized only for sulfuric acid of 93 percent or greater strength. For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-28 polyethylene) not over 55 gal. cap. For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap.	Outside containers—Continued For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap.	Outside containers—Continued For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5C) stainless steel, Types 304, 316 or 347, authorized only for sulfuric acid of 93 percent or greater strength. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid concentrations not over 76%: Steel barrels or drums: (ICC-6J) WIC (ICC-2S polyethylene) not over 55 gal. cap. For sulfuric acid of concentrations 65.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations. For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.
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Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Water treatment compound, liquid.	*Usually a white syrupy liquid.* *May be alkaline and corrosive.* *May be corrosive to textiles and some metals.* *May cause painful burns to the skin and tissue.* *Soluble in water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-17H, 37A, 37B) STC, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-17H, 37A, 37B) STC, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-17H, 37A, 37B) STC, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A) not over 110 gal. cap. (ICC-5C) not over 110 gal. cap. (ICC-17H, 37A, 37B) STC, not over 55 gal. cap. (ICC-6J) WIC ICC-2S, polyethylene, not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Metal drums (ICC-17C, 17E, 17F) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12A, 12B), WIC, not over 65 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

1. Section 146.24-80 is amended by deleting the present text (revised requirements transferred to Subpart 98.20) and by inserting the following in lieu thereof:

§ 146.24-80 *Liquid chlorine in bulk.* (a) Liquid chlorine may be carried in bulk only in inspected and certificated steel tank barges or steel cargo barges. For applicable requirements, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

2. Section 146.24-85 is amended by deleting the present text (revised requirements transferred to § 98.25) and by inserting the following in lieu thereof:

§ 146.24-85 *Anhydrous ammonia in bulk.* (a) Anhydrous ammonia may be carried in bulk only in inspected and certificated cargo barges, tank barges, or cargo vessels. For applicable requirements, see Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

3. Section 146.24-100 *Table G—Classification: Compressed gases* is amended as follows:

§ 146.24-100 *Table G—Classification: Compressed gases*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Anhydrous ammonia Ammonia, anhydrous. NOTE: For bulk shipments, see Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.	*Noninflammable gas* *Toxic and suffocating even in small quantities (less than 1%). Pungent odor gives warning of dangerous quantities in air.* *Lighter than air.* *Weakly inflammable and explosive with about 16 to 27% in air, when involved in a fire at a temperature about 1,100° F.* *Pressure about 315 lb. per square inch at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Tank motor vehicle complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected," or "On deck under cover." Portable tanks (ICC-51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicle complying with ICC motor carrier regulations.	Ferry stowage (BB). Containers: Cylinders. Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A500X). Tank motor vehicle complying with ICC motor carrier regulations. Portable tanks (ICC-51) not over 8,000 lb. gr. wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Carbon dioxide	*Noninflammable gas* *Will cause suffocation if breathed in excessive quantities.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected" or "On deck under cover." Special tank containers (approval required). Portable tanks (ICC-51) not over 8,000 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations.	Ferry stowage (BB). Containers. Cylinders. Tank cars complying with ICC regulations. Tank motor vehicles complying with ICC motor carrier regulations. Portable tanks (ICC-51) not over 8,000 lb. gr. wt.
Carbon dioxide, liquefied	*Odorless.* *Heavier than air.* *Pressure usually about 2,280 lb. per square inch at 130° F.* Do not stow with cyanides.					
Carbon dioxide gas, liquefied (mining device).	*Carbon dioxide mining devices consist of a long, small diameter cylinder charged with carbon dioxide.* *In actual use heat is applied to the unit by means of a cartridge containing a low explosive.* Hazards same as for "Carbon dioxide".	Green gas				
• • •	• • •	• • •	• • •	• •	• • •	• • •

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorine NOTE. For bulk shipments, see Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.	*Noninflammable gas* *Poisonous: pungent odor; gives warning of dangerous quantities in air.* *Even in small quantities has a choking, smothering effect and is very injurious to membranes and tissues.* *Much heavier than air.* *May cause combustion of acetylene, turpentine, and finely divided organic material.* *Pressure about 210 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars complying with ICC regulations. Tanks (ICC-106A500, 106A-500X).	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Methyl mercaptan	*Inflammable liquid or gas with a strong offensive odor.* *Boiling point 45.7° F* *Vapor pressure 24.5 lb. per sq. in. at 68° F.* *Heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Portable tanks (ICC-51) not over 8,000 lb. gr. wt. Tank cars complying with ICC regulations	Not permitted	Not permitted	Not permitted.
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(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

1. Section 146.25–45 is amended by deleting paragraphs (e) and (f), as follows:

§ 146.25–45 *Limitation on all stowage.* * * *

(e) [Reserved.]

(f) [Reserved.]

2. Section 146.25–55 is amended by changing paragraph (a) to read as follows:

§ 146.25–55 *Exemptions for poisons, Class B.* (a) Poisonous liquids, Class B, as defined in this subpart except those enumerated in subparagraph (3) of this paragraph, packaged in tightly closed inside containers, securely cushioned to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(1) In glass or earthenware containers not over 1 quart capacity each, or in metal containers not over 1 gallon capacity each, packed in strong outside wooden boxes or barrels.

(2) In glass or earthenware containers not over 1 pint capacity each, or in metal containers not over 1 quart capacity each, packed in strong outside fiberboard boxes.

(3) The exemption provisions of this section do not apply to the following:

a. Aniline oil.

b. 4Chloro-o-toluidine hydrochloride.

c. Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

d. Hexaethyl tetraphosphate and hexaethyl tetraphosphate mixtures containing more than 25 percent hexaethyl tetraphosphate by weight.

e. Hydrocyanic acid solutions.

f. Methyl bromide.

g. Methyl bromide and chlorpicrin mixture, liquid.

h. Methyl parathion and methyl parathion mixtures containing more than 25 percent methyl parathion by weight.

i. Motor fuel anti-knock compound.

j. Parathion and parathion mixtures containing more than 25 percent parathion by weight.

k. Phenyldichlorarsine.

l. Tetraethyl dithio pyrophosphate and tetraethyl dithio pyrophosphate mixtures containing more than 25 percent tetraethyl dithio pyrophosphate by weight.

m. Tetraethyl lead.

n. Tetraethyl pyrophosphate and tetraethyl pyrophosphate mixtures containing more than 25 percent tetraethyl pyrophosphate by weight.

o. Thiophosgene.

3. Section 146.25-200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

§ 146.25-200 *Table H—Classification: Class B; less dangerous poisons*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetone cyanhydrin	*A clear, colorless to pale yellow liquid.* *May decompose into acetone and hydrogen cyanide if not stabilized.* *Very soluble in water.* Protect from direct rays of the sun and all sources of artificial heat. Stow away from living quarters and food stuff.	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations). Fiber drums: (ICC-21B) WIC, not over 200 lb net wt.	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Alcohol, allyl Allyl alcohol.	*A clear, colorless liquid having an unpleasant, irritating odor somewhat resembling mustard oil.* *Violent effect on the eyes.* *Inflammable with a flashpoint about 70° F.* *Mixed in certain proportions with air, its vapors are explosive.* *Immiscible with water.* Protect from direct rays of the sun and all sources of artificial heat. Stow away from living quarters and food stuff.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Not permitted	Not permitted	Not permitted.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Aldrin mixtures, liquid, with more than 60% aldrin. **Aldrin mixtures**, liquid, containing 60% or less of aldrin and no other material classed as dangerous in this part are not subject to the regulations of Subpart 146.25.	*Poisonous liquid mixtures* *May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap, and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap.	Stowage: "On deck in open." "On deck under cover " "Tween decks " "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.: authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net. wt. (ICC-11A, 11B) WIC, not over 200 lb gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap.	**Ferry stowage (AA)** **Outside containers:** Carboys in wooden boxes, plywood drums, or plywood boxes: **(ICC-1A) glass, not over 13 gal.** cap. **(ICC-1D, 1E) glass, not over** 7 gal. cap. **(ICC-1F, 1G) polyethylene, not** over 15 gal. cap. **Steel barrels or drums:** **(ICC-5, 5A, 5B, 5C) not over 55 gal. cap.** (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. **(ICC-37B) STC, not over 10 gal. cap.** **(ICC-37A, 37B) STC, not over 5 gal. cap.: authorized for pastes only.** (ICC-37P) NRC, not over 5 gal. cap. **Wooden barrels or kegs:** **(ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.** **(ICC-11A, 11B) WIC, not over 200 lb. gr. wt.** **Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.** **Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.** **Cylinders as prescribed for any compressed gas except acetylene.** **Authorized only for viscous mixtures or those which may become partially solid:** **Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap.**	**Ferry stowage (BB).** **Outside containers** **Carboys in wooden boxes, plywood drums, or plywood boxes:** **(ICC-1A) glass, not over 13 gal. cap.** **(ICC-1D, 1E) glass, not over 7** gal. cap. **(ICC-1F, 1G) polyethylene, not** over 15 gal. cap. **Steel barrels or drums:** **(ICC-5, 5A, 5B, 5C) not over 55 gal. cap.** (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. **(ICC-37B) STC, not over 10 gal. cap.** **(ICC-37A, 37B) STC, not over 5 gal. cap.: authorized for pastes only.** (ICC-37P) NRC, not over 5 gal. cap. **Wooden barrels or kegs:** **(ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.** **(ICC-11A, 11B) WIC, not over 200 lb. gr. wt.** **Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.** **Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.** **Cylinders as prescribed for any compressed gas except acetylene.** Tank cars complying with ICC regulations. **Authorized only for viscous mixtures or those which may become partially solid:** **Steel barrels or drums (ICC-6A 6B, 6C) not over 55 gal. cap.**
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenic acid, liquid	*A concentrated, aqueous solution.* *Has considerable corrosive effect on iron and steel.* *Will contaminate foodstuffs.* *Miscible with water.* Stow away from living quarters. Do not stow with corrosive liquids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in wooden boxes, plywood drums, or plywood boxes (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in wooden boxes, plywood drums, or plywood boxes (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in wooden boxes, plywood drums, or plywood boxes (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in wooden boxes, plywood drums, or plywood boxes (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenic chloride (arsenous), liquid. Arsenic trichloride, liquid.	*Fuming colorless oily liquid*. *Caustic and corrosive.* *Do not breathe fumes.* *Will contaminate foodstuffs.* Stow away from living quarters. Do not stow with corrosive liquids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 5 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC 42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 5 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 5 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	**Ferry stowage (BB).** Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 5 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenical compounds or mixtures, N. O. S. liquid.	*These substances are in the form of liquids or liquid paste.* *Poisonous if taken internally.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
Arsenical dip, liquid (sheep dip).	*A liquid compound containing arsenic.* *Poisonous.* *Miscible with water.* Stow away from foodstuffs.	Poison.				
Arsenous and mercuric iodide solution, liquid.	*Solutions of arsenous iodide and mercuric iodide in water.* *Also known as "Donovan's solution."* *Poisonous if taken internally.* Stow away from foodstuffs and living quarters.	Poison.				
Bordeaux arsenites, liquid.	*Poisonous when taken into the digestive canal as by contaminated food or in the form of vapors through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison.				
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Carbolic acid (phenol) liquid. **Phenol, liquid (liquid tar acid containing over 50% benzophenol).**	*Dark, viscous liquid having a distinctive odor.* *Will attack and burn skin and flesh.* *Poisonous by absorption through the skin and through the digestive organs.* *Soluble in water.* Stow away from foodstuffs and living quarters.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A, 1C) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A, 1C) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (complying with ICC regulations).
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, tree or weed killing, liquid.	Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes: (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. Tank cars complying with ICC regulations. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dinitrobenzol, liquid	*Colorless to pale yellow liquid* *Flashpoint variable depending on solvent, may be low.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines or cosmetics, N. O. S. (liquid). See § 146.25-55 regarding "Exemptions for poisons, Class B" for limited quantity shipments.	*A unit substance or a compound classified as a less dangerous poison, Class B, in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines or cosmetics.* Stow away from living quarters, and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage. "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 60 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	**Ferry stowage (BB).** **Outside containers:** Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Insecticide, liquid	*Generally contains more or less of some highly poisonous substance, often an arsenic compound.* *Do not breath air containing vapors of this substance.* *Do not allow in contact with the skin.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: ICC-5, 5A, 5B, 5C) not over 55 cap. gal. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Mercuric iodide, solution.	*Colorless to yellow-colored liquid.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl bromide, liquid (*bromomethane*).	*Colorless, transparent, volatile liquid. Chloroform-like odor.* *Noninflammable* *Exists as gas under usual temperatures. Liquid form has boiling point of 40° F.* Stow away from living quarters and foodstuffs Do not stow with acids (white label) Keep cool	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Tank cars complying with ICC regulations. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Ferry stowage (AA) Outside containers. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Metal spheres (ICC-4D300, 4D500) in strong boxes or crates. Tank cars complying with ICC regulations. Authorized only for mixtures containing not over 40% by weight of methyl bromide: Metal barrels or drums: (ICC-17C) STC, not over 5 gal. cap.
Methyl bromide and chlorpicrin mixtures, liquid.	See: Methyl bromide, liquid	Poison.				
Methyl bromide and ethylene dibromide mixtures, liquid.	See: Methyl bromide, liquid	Poison.				
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nicotine hydrochloride	*White deliquescent crystals*	Poison	Stowage: "On deck in open."	Stowage: "On deck in open."	Ferry stowage (AA) Outside containers:	Ferry stowage (BB). Outside containers:

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nicotine hydrochloride	*White deliquescent crystals.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37B) STC, not over 10 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
Nicotine, liquid	*Water-white oily liquid turning dark brown or black with age.* *Volatile at ordinary temperature.* *Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.				
Nicotine sulfate, liquid	*Colorless solution having odor resembling tobacco.* *Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.				
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***Table H—Classification: Class B; less dangerous poisons*—Continued**

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrobenzol, liquid (*oil of mirbane*).	*A heavy, oily liquid, yellow or brownish color, having the odor of bitter almonds.* *Ignites at a temperature of about 200° F. Gives off inflammable vapor.* *Is in the form of bright yellow crystals below a temperature of about 48° F.* *The vapors given off by this liquid are poisonous when inhaled.* *Is a powerful narcotic poison when induced into the digestive organs.* *May also be poisonous by absorption into the skin.* *Will contaminate foodstuffs.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums. (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.	Not permitted	Not permitted	Not permitted.
Nitrochlorbenzene, ortho, liquid.	*A heavy, oily, yellow liquid* *Immiscible with water.* Hazards and precautions similar to "Nitrobenzol" above.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrochlorbenzene, meta or para, solid.	*Pale yellow crystalline mass.* *Dangerous if taken internally, or in the form of vapors through the respiratory organs.* *Do not breathe air laden with the dust of these substances.* *Do not allow excessive contact with the skin* *Insoluble in water.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17H, 37A, 37B) STC, not over 375 lb. gr. wt. When material is fused solid 880 lb. gr. wt. authorized. (ICC-17E) STC, not over 55 gal. cap. Authorized for nitrochlorbenzene, meta or para, solid. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. For paranitraniline, solid only, not over 385 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. For nitrochlorbenzene para and paranitraniline, 400 lb. gr. wt. allowed. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars complying with ICC regulations.	Not permitted.	Not permitted.	Not permitted.
Paranitraniline (paranitroaniline) solid.	*Yellow crystalline powder.* *Very slightly soluble in water.* Protect from direct rays of sun and any sources of artificial heat. Keep cool and dry.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitroxylol	*Colorless or yellow liquid or crystals, becoming reddish brown upon exposure.* Stow away from living quarters and foodstuffs. Protect from direct rays of sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb net wt. Cylinders as prescribed for any compressed gas except acetylene Tank cars complying with ICC regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry Stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.
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Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Poisonous liquids, N.O.S.	*May be any liquid classifying as a Less Dangerous Poison, Class B, in accordance with the definitions contained in these regulations, provided such liquid is not otherwise specified by name in these regulations.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool and well away from all sources of artificial heat.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations. (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Carboys in wooden boxes, plywood drums, or plywood boxes: (ICC-1A) glass, not over 13 gal. cap. (ICC-1D, 1E) glass, not over 7 gal. cap. (ICC-1F, 1G) polyethylene, not over 15 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37A, 37B) STC, not over 5 gal. cap.; authorized for pastes only. (ICC-37P) NRC, not over 5 gal. cap. Aluminum drums: (ICC-42B, 42C, 42D, 42E) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums: (ICC-21B) WIC, not over 200 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars complying with ICC regulations.

NOTE: Poisonous liquids, N. O. S., must be packed in specification containrs of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

4. Section 146.25-400 *Table H—Classification: Class D; radioactive materials* is amended to read as follows:

§ 146.25-400 *Table H—Classification: Class D; radioactive materials*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Radioactive materials groups I and II. Cesium 137. Cobalt 60. Gold 198. Iridium 192. Radioactive materials N. O. S.	Group I: Radioactive materials that emit gamma rays only or both gamma and electrically charged corpuscular rays. Group II: Radioactive materials that emit neutrons and either or both gamma and electrically charged corpuscular rays. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials group I or group II: Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.
Radioactive materials group III. Radioactive materials, N. O. S.	Group III: Radioactive materials that emit electrically charged corpuscular rays only, i. e., alpha or beta etc., or any other radioactive material that is so shielded that the gamma radiation at the surface of the package does not exceed 10 milliroentgens per 24 hours at any time during transportation. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials, group III: Blue.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Authorized for not more than 2,700 millicuries Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Authorized for not more than 2,700 millicuries: Wooden boxes: (ICC-15A, 15B, 19A, 19B) WIC. Fiberboard boxes: (ICC-12B) WIC. Fiber drums: (ICC-21A, 21B) WIC. Metal barrels or drums: (ICC-6A, 6B, 6C). (ICC-17C, 17H) STC. Authorized for not more than 300 curies: Metal encased, lead or uranium metal-shielded containers (ICC-55). Must be equipped with a seal. Other approved containers. Packaging and shielding requirements of this subpart Must be complied with.

Table H—Classification: Class D; radioactive materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Radioactive materials as as described under § 146.25-25 (a) and (b).	Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles or bombs Observe instructions and safety precautions as set forth in this subpart.	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck." Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck." Outside containers: Strong outside containers with or without inside container meeting the applicable requirements of § 146.25-25.	Ferry stowage (AA) Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.	Ferry stowage (BB). Outside containers. Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.
Radioactive materials as described under § 146.-25-25 (c).	Do not stow with explosives, flammable liquids compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs. Observe instructions and safety precautions as set forth in this subpart.	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck." Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.	Not permitted	Not permitted	Not permitted.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

1. Section 146.27-100 *Table K—Classification: Hazardous articles* is amended as follows:

(a) Delete the following items and all wording pertaining thereto in columns 1, 2, 3, 4, 5, 6 and 7:

(i) Bone, chipped (*heat treated*).
(ii) Camphor (*Crude, refined or synthetic*).
(iii) Cork, granulated.
(iv) Cork, ground.
(v) Fish oils.
(vi) *Lead-type dross.*
(vii) Manganese dioxide.
(viii) Shellac, raw.
(ix) Stick lac.

2. Section 146.27-100 *Table K—Classification: Hazardous articles* is further amended as follows:

Table K—Classification: Hazardous articles

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Automobiles, motorcycles, tractors, or other self-propelled vehicles, *new or used, when offered for transportation without boxing or crating and containing gasoline, or other motor fuel within the fuel tank.*	*Motor vehicles when offered for transportation as cargo or "passenger's baggage" on inland or domestic voyages and driven on and off the vessel by a member of the crew or agent of the vessel; or when offered as in ferry service and driven on and/or off the vessel by the owner or operator of the vehicle.* Gasoline tanks must be drained before loading vehicles destined for ocean-going voyages. No marking required.	No label required.	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." "Under deck." (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open" or "On deck protected", or if the vessel is provided with a compartment fitted with an overhead sprinkler system, inert gas or steam smothering system in any of the following locations such compartments may be utilized. "On deck under cover." "Tween decks." "Under deck."	Ferry stowage: In the vehicle gangways.	Ferry stowage: "On deck in open" or "On deck protected", or in the covered vehicle gangways on board car ferries having an overhead sprinkler system in such places.
NOTE 1: This does not include motor vehicles having on board dangerous articles as lading. For regulations governing transportation of such vehicles, see §§ 146.08-1 to 146.08-55, inclusive. NOTE 2: Automobiles, motorcycles, tractors, or other self-propelled vehicles, new or used, with or without boxing or crating and containing no gasoline or other motor fuel within the motor or fuel tank may be accepted for transportation on any type vessel without restriction, provided no dangerous articles other than those enumerated below are packed within the crate or vehicle: (a) Two one-pint metal containers of retouching enamel, either hermetically sealed or closed with a secure friction cap. (b) One tire repair kit containing a tube of cement of not more than 4 fluid ounces capacity, completely enclosed in an outer metal or fiber board container. (c) One charged electric storage battery in position within the battery holder, provided the terminals are disconnected and protected against short circuit, or if shipped outside the holder, then secured to prevent any movement of same. If a battery is packed within a boxed or crated vehicle, "This side up" marking shall be required on the outside of the shipping box or crate. (d) Such brake fluid as is actually contained within the brake mechanism. (e) Motor vehicles shipped by, for or to the Departments of the Army, Navy or Air Force may also contain one gallon of electrolyte (acid) or corrosive battery fluid in an approved inside container, tightly and securely closed, packed in a strong outside container and cushioned therein on all sides with incombustible material in sufficient quantity to completely absorb the fluid contents in event of breakage. The outside container must be so blocked, braced or stayed within the vehicle or crate that it cannot change position during transit.				NOTE: The person driving a motor vehicle on board a vessel shall observe the following rules: (1) Drive the vehicle to the location indicated by the vessel's representative. (2) Securely set the brakes of the vehicle to prevent movement. (3) Shut off the motor and do not restart same until the vessel has completed its voyage and docked. (4) Shut off all vehicle lights and do not relight same until the vessel has completed its voyage. (5) Make no repairs or adjustments to the vehicle while on board the vessel. (6) Observe any instructions given by the vessel's representative during drive-on or drive-off operations. Smoking by any person within the vehicle, while on board the vessel, is prohibited.		
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Table K—Classification: Hazardous articles—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cotton batting Cotton batting dross. Cotton wadding. Cotton seed hull fiber or shavings, pulp or in cut linters.	*A product of cotton used principally for upholstery. Very susceptible to fire from sparks and also subject to spontaneous heating and possible ignition when wet or in contact with animal or vegetable oil or grease.* Cotton batting, cotton batting dross and cotton wadding when packed in wooden, fiberboard or metal containers are not subject to the regulations in this part.	No label required.	Stowage: "Tween decks." "Under deck." Outside containers: Bales—which shall be covered with bagging on at least three-fourths of their surface including both ends of the bale. Wooden barrels or boxes Burlap bags compressed reasonably tight. NOTE: Shall not be accepted for transportation unless securely baled or in tight containers. Reject wet or oil-stained bales. Observe same conditions of stowage with other dangerous articles as required for "Cotton."	Stowage: "Tween decks." "Under deck." Outside containers: Bales—which shall be covered with bagging on at least three-fourths of their surface including both ends of the bale. Wooden barrels or boxes. Burlap bags compressed reasonably tight. NOTE: Shall not be accepted for transportation unless securely baled or in tight containers. Reject wet or oil-stained bales. Observe same conditions of stowage with other dangerous articles as required for "Cotton."	Ferry stowage (AA) Outside containers: Bales—which shall be covered with bagging on at least three-fourths of their surface including both ends of the bale. Wooden barrels or boxes. Burlap bags compressed reasonably tight.	Ferry stowage (BB): Outside containers: Bales—which shall be covered with bagging on at least three-fourths of their surface including both ends of the bale. Wooden barrels or boxes. Burlap bags compressed reasonably tight.
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Exothermic ferrochrome Exothermic ferromanganese. Exothermic silicon-chrome.	*Gray or brown colored, hard, brittle solid. Mechanical, coherent mixture of the two metals with small amounts of oxidizers and bonding agents.* *Produces no hazardous conditions in contact with water.* *When heated to temperatures of 662° F. (350° C.) will burn briskly at a bright red heat and is difficult to extinguish with water or steam smothering system.* Outside containers shall be marked "Exothermic ferrochrome", "Exothermic ferromanganese", or "Exothermic silicon-chrome", as the case may be.	No label required.	Stowage: "On deck protected." Outside containers: Steel barrels or drums or cans, not over 750 lb. net wt., with or without slatted crates.	Stowage: "On deck protected." Outside containers: Steel barrels or drums or cans, not over 750 lb. net wt., with or without slatted crates.	Ferry stowage (AA). Outside containers: Steel barrels or drums or cans, not over 750 lb. net wt., with or without slatted crates.	Ferry stowage (BB). Outside containers: Steel barrels or drums or cans, not over 750 lb. net wt., with or without slatted crates.
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Table K—Classification: Hazardous articles—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Paper scrap Paper waste *(When dry, clean and free from oil.)*	*Scrap paper of all descriptions.* *The hazard of this type of cargo lies in its susceptibility to fire from open flame or sparks.* Do not stow in any compartment with corrosive liquids (white label) or oxidizing materials (yellow label). No marking required.	No label required.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Tight bales. Unbaled consignments shall not be accepted.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Tight bales. Unbaled consignments shall not be accepted.	**Ferry stowage (AA)** Outside containers: Tight bales. Unbaled consignments shall not be accepted.	**Ferry stowage (BB).** Outside containers: Tight bales. Unbaled consignments shall no be accepted.
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Rosin (*Colophony*)	*Any of various solid or semisolid organic substances.* *Chiefly of vegetable origin.* *Rosin is a term applied to the hard resin, commonly amber colored, left after distilling off the volatile oil of turpentine.* *Insoluble in water.* *Readily combustible.* Outside containers shall be marked either "Resin" or "Hazardous article."	No label required.	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes. Fiberboard boxes. Fiber drums. Burlap bags, paper lined, not over 100 lbs. net wt. (at least 7½ oz. burlap with waterproofed paper lining). Multiwall paper bags, 6 ply (not over 100 lbs. net wt.) 4 ply (not over 50 lbs. net wt.); CFC. Rule 40–4 ply paper bags (not over 100 lbs. net wt.)	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes. Fiberboard boxes. Fiber drums. Burlap bags, paper lined, not over 100 lbs. net wt. (at least 7½ oz. burlap with waterproofed paper lining). Multiwall paper bags, 6 ply (not over 100 lbs. net wt.) 4 ply (not over 50 lbs. net wt.): CFC. Rule 40–4 ply paper bags (not over 100 lbs. net wt.)	Ferry stowage (AA) Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes. Fiberboard boxes. Fiber drums. Burlap bags, paper lined, not over 100 lbs. net wt. (at least 7½ oz. burlap with waterproofed paper lining). Multiwall paper bags, 6 ply (not over 100 lbs. net wt.) 4 ply (not over 50 lbs. net wt.): CFC. Rule 40–4 ply paper bags (not over 100 lbs. net wt.)	Ferry stowage (BB). Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes. Fiberboard boxes. Fiber drums. Burlap bags, paper lined, not over 100 lbs. net wt. (at least 7½ oz. burlap with waterproofed paper lining). Multiwall paper bags, 6 ply (not over 100 lbs. net wt.) 4 ply (not over 50 lbs. net wt.): CFC. Rule 40–4 ply paper bags (not over 100 lbs. net wt.)
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Table K—Classification: Hazardous articles—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfur. Flowers of sulfur. Sulfur flower. Brimstone.	*A mineral substance in the form of hard lumps or amorphous powder.* *Insoluble in water.* *Crude sulfur in bulk is dangerously inflammable and readily fusible by heat. Will ignite by friction. When burning gives off sulfur dioxide, a suffocating gas.* *Sulfur dust given off in loading crude sulfur in proper proportions with air forms an explosive mixture and may be ignited by static electricity, open flame or spark.* Do not stow sulfur with carbon, charcoal, lampblack, fats, oils, chlorates, phosphates, phosphorus, or other carriers of oxygen. In the presence of carbon, charcoal, lampblack, and other carbonaceous substances, fats and oils may produce spontaneous heating and ignition; while with chlorates, phosphates, phosphorus and other oxygen carriers it may produce explosive mixtures. Outside barrels, boxes or bags shall be marked with the shipping name of the product as shown herein or "Hazardous Article."	No label required.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Tight siftproof barrels and boxes. Siftproof multiwall paper bags. Siftproof paperlined burlap bags. Tight siftproof railroad freight cars. Bulk. (See Note in columns 5, 6, and 7).	Stowage: "On deck under cover." "Tween decks." Outside containers: Tight siftproof barrels and boxes. Siftproof multiwall paper bags. Siftproof paperlined burlap bags.	Ferry stowage (AA). Outside containers: Tight siftproof barrels and boxes. Siftproof multiwall paper bags. Siftproof paperlined burlap bags. Vehicles loaded with sulfur in bulk may be transported provided the loading shows no sign of sifting of the sulfur.	Ferry stowage (BB). Outside containers: Tight siftproof barrels and boxes. Siftproof multiwall paper bags. Siftproof paperlined burlap bags. Tight siftproof railroad freight cars. Vehicles loaded with sulfur in bulk may be transported provided the loading shows no sign of sifting of the sulfur.
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NOTE: In the loading, handling and unloading of sulfur in bulk the following conditions shall be complied with:

(a) When sulfur in bulk is loaded in a deep hold with general cargo in the tween deck hold above the sulfur a dust proof wooden bulkhead enclosure shall be built in the hatchways from the over deck of the lower hold to the weather deck forming a tight enclosure to prevent sulfur dust entering the tween decks during loading.

(b) Holds shall be cleaned of all debris.

(c) Ceiling shall be made tight to prevent sulfur dust finding its way into the bilges; any chinking necessary in the way of tank tops or bilges shall be with non-combustible material.

(d) In order to minimize the movement of fine sulfur dust, cowl ventilators serving the hold into which sulfur is being loaded or discharged shall be blanked off to prevent circulation of air.

(e) "No Smoking" signs shall be conspicuously displayed, and the officer in charge shall ensure that they are observed.

(f) An oxygen breathing apparatus, or proper gas mask, shall be made readily available.

(g) A fire hose, preferably supplied with fresh water from a shore supply source, shall be available at each hatch through which sulfur is being worked.

(h) Upon completion of loading, the sulfur shall be leveled off and the sulfur dust deposited during the process of loading, being extremely inflammable, shall be cared for by sweeping or washing it down. This applies to the decks and to the overhead structure within the holds.

(j) After unloading, all residue of sulfur or sulfur dust shall be thoroughly cleaned out of cargo holds before loading other cargo therein.

(k) When sulfur is loaded by metal chute method, provision shall be made for proper grounding of the chute, using flexible cable to prevent static discharge.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART—DETAILED REGULATIONS GOVERNING THE TRANSPORTATION OF MILITARY EXPLOSIVES AND HAZARDOUS MUNITIONS ON BOARD VESSELS

1. The title for this subpart is amended to read as set forth above.

2. This subpart, consisting of §§ 146.29-1 to 146.29-100, inclusive, is amended to read as follows:

Sec.
146.29-1 Effective date.
146.29-3 Scope.
146.29-5 Regulations not applicable.
146.29-7 Port security regulations.
146.29-9 Import shipments.
146.29-11 Definitions and abbreviations.
146.29-13 Permit for handling military explosives.
146.29-15 Authority to load, handle or discharge; facilities and use.
146.29-17 Prohibited explosives.
146.29-19 Explosives loading supervisory detail.
146.29-21 Personnel identification.
146.29-23 Ship's officer present.
146.29-25 Fires and fire protection.
146.29-27 Fire hose.
146.29-29 Smoking.
146.29-31 Liquor or drugs.
146.29-33 Cargo working gear and equipment.
146.29-35 Lights, tools, and portable equipment.
146.29-37 Handling drafts of lumber.
146.29-39 Handling and slinging of explosives.
146.29-41 Weight per draft.
146.29-43 Requirement for the opening of hatches.
146.29-45 Loading or unloading military explosives and other cargo.
146.29-47 Packing and marking.
146.29-49 Stowage on board barges.
146.29-51 Stowage on board vessels.
146.29-53 Stowage of military explosives in hold containing coal.
146.29-55 Stowage of military explosives in holds containing household or personal effects and/or mail as cargo.
146.29-57 "On deck" stowage.
146.29-59 Stowage adjacent to other dangerous articles.
146.29-61 Stowage with nondangerous cargo in the same hold.
146.29-63 Stowage and dunnaging of ammunition and containers of explosives in bulk.
146.29-65 Damaged or leaking containers of explosives.
146.29-67 Defective ammunition.
146.29-69 Recoopering damaged packages.
146.29-71 Constructing magazines.
146.29-73 Preparation of magazines, decks, hatches and holds for handling military explosives.
146.29-75 Location of magazines and ammunition stowage.
146.29-77 Allocation of stowage.
146.29-79 Types of stowage.
146.29-81 Magazine Stowage A.
146.29-83 Ammunition stowage.
146.29-85 Chemical ammunition stowage.
146.29-87 Special stowage.
146.29-89 Portable magazine stowage.
146.29-91 Pyrotechnic stowage.
146.29-93 Stowage of blasting caps, detonators, primer detonators, etc.
146.29-95 Ventilation of magazine.
146.29-97 Statements of characteristic properties and hazards.
146.29-99 Explosives admixture charts.
146.29-100 Classification, handling and stowage chart.

AUTHORITY: §§ 146.29-1 to 146.29-100 issued under R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 146.29-1 *Effective date.* The regulations in this subpart will become effective on and after July 1, 1958.

§ 146.29-3 *Scope.* (a) The provisions of the regulations contained in this subpart apply to the transportation of military explosives, as cargo, on board all vessels that are subject to the regulations in this part. (See § 146.02-2.)

(b) Commercial shipments of explosives shall be tendered and transported in compliance with the applicable provisions of the regulations contained in the other subparts of this part.

(c) Where reference is made to other dangerous articles in this subpart, the regulations contained in §§ 146.02-1 to 146.27-100, inclusive, are applicable except as noted in § 146.29-5.

§ 146.29-5 *Regulations not applicable.* Sections 146.02-11, 146.02-21, 146.03-3, 146.06-9, 146.06-19, 146.09-1 to 146.09-6, inclusive, 146.10-6 (b), 146.20-15 to

146.20–51, inclusive, 146.20–85, 146.20–87, 146.20–90, 146.20–100 to 146.20–300, inclusive, 146.23–10 (d), 146.23–25 (a), (b) and (c); 146.24–55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "chemical ammunition containing Class 'B' poisons, liquids or gases," and "chemical ammunition containing Class 'C' liquids, gases or solids" appearing in §§ 146.25–100, 146.25–200, and 146.25–300; 146.27–5 to 146.27–20, inclusive, and 146.27–100 are hereby declared inapplicable to the transportation of military explosives.

§ 146.29–7 *Port security regulations.* The applicable provisions of 33 CFR Parts 6, and 121 to 126, inclusive, shall, unless specifically authorized to the contrary by any provision of this subpart, be complied with by vessels, masters, agents, or charterers thereof and by all persons engaged in handling, loading, stowing or unloading explosives.

§ 146.29–9 *Import shipments.* Import shipments of military explosives shall be made in accordance with the provisions of the regulations in this subpart.

§ 146.29–11 *Definitions and abbreviations.* For the purpose of the regulations in this subpart, certain words, phrases, and abbreviations are defined as follows:

(a) *Military explosives.* Military explosives for the purpose of this subpart consist of all Interstate Commerce Commission's Classes A, B, and C explosives and hazardous munitions as defined below shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States. However, this definition shall not include those explosives shipped by, for, or to the Corps of Engineers, Department of the Army, for use in river and harbor works or other works under permits issued by that Agency, in which case the regulations in this part pertaining to commercial explosives shall apply. Military explosives are divided into three classes, as follows:

(1) *Ammunition.* Ammunition consists of all types of shells, projectiles, cartridges, grenades, bombs, mines, torpedoes, torpedo warheads, propellant powder charges, pyrotechnics, rockets, missiles, special weapons, chemical, smoke or incendiary ammunition, or other "made up" explosive devices that are utilized by the armed forces in the prosecution of a war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder, and low explosives or smokeless powder in accordance with the definitions in §§ 146.20–1, 146.20–7, and 146.20–9, when such substances are shipped in containers other than containers such as shells, bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, fuzes, detonators, caps, primers, and similar "made up" ammunition devices.

(3) *Hazardous munitions.* Hazardous munitions for the purpose of these regulations are those dangerous articles used as oxidizers or fuels for missile propulsive systems. Such fuels and oxidizers as are listed in Tables XI–C and XI–D will be stowed and handled in accordance with these tables. For the purpose of these regulations these items shall be construed as "hazardous munitions" as defined above and not as "other dangerous articles" as noted in § 146.29–59.

(b) *Related terms*—(1) *Complete round.* A complete round of "cannon ammunition", "artillery ammunition" or "gun ammunition" includes ammunition used in cannon or gun of caliber .75 in. and above. It includes complete round with components. The complete round comprises all of the components necessary to fire the cannon or gun once. These components are, in general, the projectile (fuzed or unfuzed), the propellent charge and the primer. Depending upon both the type of propellent charge and the method of loading of components into the cannon, complete rounds of "cannon ammunition", "artillery ammunition" or "gun ammunition" are described as fixed, semi-fixed or separate loading ammunition.

(2) *Fixed ammunition.* Fixed ammunition describes "cannon ammunition", "artillery ammunition" or "gun ammunition" of the type comprising a cartridge case with primer, a propellent charge and a projectile (fuzed or unfuzed) all of these components being assembled as a unit for one firing.

(3) *Semi-fixed ammunition (Army).* Complete rounds composed of a projectile (fuzed) and a cartridge case with a primer and propellent charge which is in a cloth bag or bags of small size. The base of the projectile fits free in the neck of the cartridge case and may be readily detached from the cartridge case. The round is loaded into the cannon with the projectile assembled to the cartridge case and is handled similarly to fixed ammunition in loading. It may be packed with the projectile disassembled from the cartridge case containing the propellent. The projectile is usually assembled loosely in the cartridge case and is packed in the same individual container.

(4) *Semi-fixed ammunition (Navy).* Semi-fixed ammunition is ammunition in which the primer and the propellent charge are firmly secured in the cartridge case with the projectile separate from the cartridge case. The propellent charge is loaded loosely in the cartridge case, differing in this respect from that of the Army which is loaded in a bag. The end of the cartridge case is sealed with a prepared plug or disc which is fired with the powder and is usually shipped stowed in a metal tank. The projectile is shipped separate. The U. S. Army may refer to this ammunition as separate loading ammunition.

(5) *Separate loading ammunition.* Complete rounds in which the separate components—projectile, propellent charge and primer—are loaded into the cannon or gun separately are known as "separate loading ammunition". Although the propellent charge may be in one section, it is usually divided into parts with each part assembled in a bag packed in outside shipping containers which may be of wood, fiber or metal.

(6) *Definitions of other dangerous articles.* For definitions of:

(i) Inflammable liquids, see §
(ii) Inflammable solids and
materials, see § 146.22–1.
(iii) Corrosive liquids, see § 14
(iv) Compressed gases, see § 14
(v) Poisons, Class A, see § 14
Class B, see § 146.25–10; Class C
§ 146.25–15; Class D, see § 146.
(vi) Combustible liquids, see § 14
(vii) Hazardous articles, see § 14
(7) *Cargo hold.* A cargo hold
space allotted entirely to the carri
cargo and is bounded by permanent
bulkheads, decks and the shell
vessel; the deck openings being pro
with means of effectively closing the
against the weather, and in the
superimposed holds, effectively
off each hold.
(8) *Tween deck hold.* A tween
hold is a space located between
weather deck and the lower hold.
(9) *Hatch.* An opening in the
deck and all decks below in the
vertical plane through which cargo
is passed. This term is also used in
regulations in this subpart to
the entire series of holds served thr
one weather deck hatch.
(10) *Compartment.* A compart
is any space formed by permanent
bulkheads and the ship's side and
The limits of a compartment are
mined by the integrity of the bulkh
shell or decks forming its bound
Access openings fitted with doors,
covers (steel or wood) or bolted
are accepted as preserving the integ
of deck, bulkhead or shell.
(11) *Shelter deck space.* A
deck space is a space available for
situated above the uppermost
continuous deck (main deck) and
deck next above. Normally this
contains no permanent watertight
verse bulkheads except at its for
and aft extremities.
(12) *Adjacent hold; hold adjacent*
Any hold which has as one of its
aries a permanent steel bulkhead
is common, either partially or in its
tirety, to another hold shall be
"adjacent hold" or "hold adjacent" to
focal hold. This shall not be constr
as meaning a hold above or a hold
said hold nor shall it include a hold
is situated diagonally from said
and has only a corner as a com
boundary.
(13) *The hold above.* "The
above" shall be a hold immediately
another hold having its deck, either
tially or in its entirety, common to
overhead of the hold below.
(14) *Any hold above.* "Any
above" shall mean any hold that is
tially or entirely in the same
plane over another hold even
there may be a hold or holds interv
(15) *The hold below.* "The
below" shall be a hold immediately
another hold having its overhead,
partially or in its entirety, common to
deck of the hold above.
(16) *Any hold below.* "Any
below" shall mean any hold that is
tially or entirely in the same
plane under another hold even
there may be a hold or holds interv

(17) *Cargo net.* A cargo net is a net made of fiber or wire rope and used as a means of handling loose or package cargo to and from the hold of a vessel.

(18) *Tray.* A tray is any flat group of boards securely fastened to bearers in order to provide a level surface for the handling of cargo. Trays are given various names, those applied in some ports differing from those in other ports, according to (i) shape, (ii) method of securing to cargo handling gear, or (iii) use or lack of sideboards in conjunction with the tray.

(19) *Skipboard.* A skipboard is the term generally applied to a rectangular or square tray without sideboards.

(20) *Pieplate.* A pieplate is the term generally applied to a round, oval or hexagonal tray without sideboards.

(21) *Pallet.* A pallet is a tray so designed as to be picked up by a fork truck or similar cargo handling equipment. Pallets are not usually equipped with sideboards.

(22) *Palletized unit.* Individual packages or unpackaged items stowed in a compact mass upon a pallet or skids and banded together and to the pallet or skids by metal straps to form a unit consisting of pallet and packages.

(23) *Dunnage.* Lumber of not less than 1-inch commercial thickness laid over tank tops, decks or against bulkheads, frames, plating, ladders, etc., or used for filling up voids, or fitted around the cargo for the purpose of preventing damage during transportation.

(24) *Type "A" dunnage floor.* A type "A" dunnage floor shall be constructed of two layers of commercial 1-inch dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt, the top course being laid crosswise to the lower course, or of a single layer of 2-inch lumber of widths not less than 8 inches fitted as close as possible edge to edge, and butt to butt.

(25) *Type "B" dunnage floor.* A type "B" dunnage floor shall be constructed of one layer of commercial 1-inch thick dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt.

(26) *Partition bulkhead.* A partition bulkhead is a temporary bulkhead constructed of commercial 1-inch lumber of widths not less than 4 inches, secured alternately on both sides of the uprights and spaced not more than 6 inches apart. The uprights are at least 2'' x 4'' size, spaced not more than 30 inches apart.

(27) *Division bulkhead.* (i) When part of a compartment or hold is utilized for the stowage of military explosives, the remaining portion of such compartment or hold may be utilized for the stowage of general cargo provided a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of military explosives from the general cargo. The scantlings and construction of such bulkheads shall be as follows: For tween deck compartments or holds construction shall be of commercial 2-inch boarding, secured on 4'' x 6'' uprights spaced not to exceed 30 inches center to center. For lower holds construction shall be of commercial 2-inch boarding secured on 6'' x 6'' uprights, spaced not more than 24 inches center to center. Random widths of boarding may be used. The boarding shall be close fitted edge to edge and butt to butt to form a smooth surface facing the explosive stowage. Nails shall not protrude beyond the surface of the boarding.

(ii) See § 146.29-81 (e) for construction of a partition bulkhead within a Class "A" magazine measuring more than 40 feet in any direction.

(iii) When general cargo is to be stowed adjacent to the exterior of the Class "A" magazine see § 146.29-61 (b).

(28) *Shoring.* Shoring is a method of securing cargo against movement sidewise or downward. In this subpart it describes the use of timbers fitted vertically or at an angle to the side of the stowage. It may also describe the use of timber to support a stowage from moving downward.

(29) *Tomming.* Tomming is a method of securing cargo against displacement of movement upwardly.

(30) *Tween deck height.* (i) For the purpose of load calculations the height of a tween deck is ascertained by measuring the distance from the heel of the overhead deck beam to the heel of the underdeck beam. (The thickness of the plating forming the deck is not deducted from the height.)

(ii) For height of a tween-deck affected by the sheer of a deck measure as above at both the forward and after ends of the hold and divide the sum of these heights by two.

(31) *Permitted explosives.* Permitted explosives as used in § 146.29-100 shall mean explosives that have compatibility in accordance with the admixture charts in § 146.29-99.

(32) *Overstow.* The term "overstow" as used in these regulations shall mean to stow directly over.

(33) *Detonating fuzes.* (i) Detonating fuzes, Class A are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all asembled in a heavy steel envelope. They may also contain a small amount of radioactive component.

(ii) Detonating fuzes, Class C are those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers.

(34) *Ammunition for cannon.* Ammunition for cannon is fixed, semi-fixed or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(35) *Ammunition for cannon with projectiles.* Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectiles, or shell, fuzed or unfuzed.

(36) *Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, and catapult charges exceeding 2 inches in diameter.* Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, and catapult charges exceeding 2 inches in diameter, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(37) *Explosive projectiles.* Explosive projectiles are shells, projectiles, guided missiles with war heads, war heads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars or other firing or launching devices.

(38) *Grenades.* Grenades, hand or rifle, are small metal or other containers designed to be thrown by hand or projected from a rifle. They are filled with an explosive or a liquid, gas or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge.

(39) *Explosive bombs.* Explosive bombs are metal or other containers filled with explosives. They are used in warfare and include aeroplane bombs and depth bombs.

(40) *Explosive mines.* Explosive mines are metal containers filled with a high explosive.

(41) *Explosive torpedoes.* Explosive torpedoes, such as are used in warfare, are metal devices containing a means of propulsion and a quantity of high explosives.

(42) *Rocket ammunition.* Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar.

(43) *Ammunition for small arms with explosive bullets or explosive projectiles.* Ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles is fixed ammunition to be used in machine guns or similar fire arms and consists of a metallic cartridge case, the primer and the propelling charge, with explosive bullet or explosive projectile with or without detonating fuze, the component parts necessary for one firing being all in one assembly.

(44) *Small-arms ammunition.* Small-arms ammunition is fixed ammunition consisting of a metallic composition or paper cartridge case, a primer, and a propelling charge, with or without bullet, shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives, and is further limited to the following:

(i) Ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or to the shoulder.

(ii) Ammunition of caliber less than .75 designed to be fired from machine guns.

(iii) Blank cartridges including canopy remover cartridges, starter cartridges, and seat ejector cartridges, contaitning not more than 250 grains of propellant powder.

(45) *Chemical ammunition.* Chemical ammunition used in warfare is all kinds of explosive chemical projectiles, shells, bombs, grenades, etc., loaded with toxic, tear, or other gas, smoke or incendiary agent, also such miscellaneous apparatus as cloud-gas cylinders, smoke generators, etc., that may be utilized to project chemicals.

(46) *Boosters, bursters and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents.

(47) *Jet thrust units (jato), explosive (Class A), or igniters jet thrust (jato), explosive (Class A).* Jet thrust units (jato), explosive (Class A), are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles and to drive moving targets for practice firing. Igniters, jet thrust (jato), explosive (Class A), are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units. Under certain conditions the burning composition may explode.

(48) *Propellant explosives, Class A.* Propellant explosives, Class A, are solid chemicals or solid chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets, or other devices. Any propellant explosive is Class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant contained shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation.

(49) *Propellant explosives, Class B.* Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Any propellant explosive is Class B which fails to detonate in five trials when tested in the packages in which it is offered for shipment. (See (48) for test.) Propellant explosives, Class B, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification.

(50) *Jet thrust units (jato), Class B.* Jet thrust units (jato), Class B are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

(i) Igniters, jet thrust (jato), Class B, are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

(ii) Starter cartridges, jet engine, consist of plastic and/or rubber cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small plastic compartment that encloses an electric squib, small amounts of black powder, and smokeless powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

(51) *Special fireworks.* Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles or incendiary bombs and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

(52) *Percussion fuzes, combination fuzes, and time fuzes.* Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes".

(53) *Tracer fuzes and tracers.* Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of projectiles at night.

(54) *Cartridge bags, empty, with* *powder igniters.* Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto igniter composed of black powder.

(55) *Igniters.* Igniters consist of board, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

(56) *Primers.* Primers are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles. For small-arms ammunition the primers are "small-arms primers" or "percussion caps".

(57) *On deck.* "On deck" means that that article may be stowed on the open weather deck of the vessel.

(c) *Abbreviations.*

AA	Antiaircraft.
AAC	Antiaircraft common.
AACom	Antiaircraft common.
AC	Aircraft cannon.
AC	Hydrocyanic acid.
A. C. E. I. S.	Aircraft emergency identification signals.
A. D. F.	Auxiliary detonating fuze.
AIC	Ammunition identification code (Army).
ALN	Ammunition lot number.
Amm	Ammunition.
Ammo	Ammunition.
AP	Armor-piercing.
APC	Armor-piercing capped.
APT	Armor-piercing tracer.
ASSEM	Assembled.
AT	Anti-tank.
Aux	Auxiliary.
Aux Det	Auxiliary detonating fuze.
BBC	Brombenzylcyanide (tear gas).
BC	Bursting charge.
BD	Base detonating.
BDF	Base detonating fuze.
BL and P	Blind loaded and plugged.
BL and T	Blind loaded and tracer.
BP	Black powder.
BUORD	Bureau of Ordnance.
BUR CHG	Bursting charge.
CAL	Caliber.
CCIP	Case combination ignition primer.
CHG	Charge.
CG	Phosgene.
CK	Cyanogen chloride.
CL	Chlorine.
Cml-C	Chemical Corps.
CNS	Chloracetophenone solution (tear gas).
COM	Common.
Comp A	RDX-War Explosive.
Comp B	RDX-TNT Explosive.
Comp C	Plastic type RDX explosive.
Cor. L.	Corrosive Liquid.
CPI	Case percussion igniter.
CPP	Case precussion primer.
CT-TNT	Case TNT.
D	Explosive "D" (ammonium picrate).
DA	Diphenylchlor arsine.
DC	Depth charge.
DDR	Dummy drill.
DEMO	Demolition.
DM	Adamsite (sneeze gas).
DNT	Dinitrotoluene.
DP	Diphosgene.
EX	Experimental.
EXP	Expellant or explosive.
EXP "D"	Explosive "D".
F	Fuze.
FC	Full charge.
FFAR	Folding fin aircraft rocket.
FFFG	Fine fine fine grain (black powder).

FFG	Fine fine grain (black powder).
FG	Fine grain (black powder).
F. G.	Flammable compressed gas.
F. L.	Flammable liquid.
FNH	Flashless, nonhygroscopic.
FP	Flashless pellets.
FRAG	Fragmentation.
FM	FM smoke mix (titanium tetrachloride).
FS	FS smoke mix (sulfur trioxide).
F. S.	Flammable solid.
GB	Isopropyl methylphosphonofluoridate nerve gas).
GP	General purpose.
H	Mustard gas.
HBX	RDX-TNT-AL type explosive.
HC	High capacity.
HC	Hexachlorethane mixture (smoke).
HD	Distilled mustard.
HE	High explosive.
HEAT	High explosive anti-tank.
HEI	High explosive incendiary.
HEIT	High explosive incendiary tracer.
HET	High explosive tracer.
HPAG	High performance air to ground (rocket).
HN	Nitrogen mustard gas.
HVAR	High velocity aircraft rocket.
ICC	Interstate Commerce Commission.
ILLUM	Illuminating.
IM	Thickened gasoline.
IN	Inert.
INCEND	Incendiary.
L	Lewisite.
LC	Light case.
LE	Low explosive.
L and F	Loaded and fuzed.
L and P	Loaded and plugged.
M	Model (Army).
Maj Cal	Major caliber.
MCBD	Major caliber base detonating.
MG	Magnesium.
MK	Mark.
MM	Millimeter.
MIN CAL	Minor caliber.
Mod	Modification.
MTF	Mechanical time fuze.
NC	Nitrocellulose.
NF	Nose fuze.
NH	Non-hygroscopic.
Nonf. G	Nonflammable compressed gas.
NP	Thickened gasoline.
O/H	Overhauled.
ORD	Ordnance.
Oxy M.	Oxidizing material.
PD	Point detonating.
PDF	Point detonating fuze.
PENT	Pentolite.
PERC	Percussion.
Pois. A	Poison gas or liquid, Class A.
Pois. B	Poison liquid or solid, Class B.
Pois. C	Tear gas, Class C.
Pois. D	Radioactive material, Class D.
PRAC	Practice.
PRI	Primer.
PROJ	Projectile.
PS	Chlorpicrin.
PT	Thickened fuel.
PWP	Plasticized white phosphorus.
RD	Round.
RDX	Cyclotrimethylenetrinitramine (cyclonite).
SA	Small arms.
SAP	Semi-armor piercing.
SCAR	Sub-caliber aircraft rocket.
SEIS	Ship's emergency identification signals.
SF	Semi-fixed.
SP	Smokeless powder.
SQ	Super quick.
T	Tentative model designation.
TET	Tetryl (trinitrophenylmethyl nitramine).
TF	Time fuze.
TH	Thermate or Thermite.
TNT	Trinitrotoluene.
TPX	Torpex.
VT	Variable time (Proximity) (VT).
w	with.
w/o	without.
WP	White phosphorous.

§ 146.29–13 *Permit for handling military explosives.* (a) Shipments of military explosives and military lethal chemicals except small arms ammunition without explosive bullets shall not be laden on nor discharged from any vessel at any port or place in the United States, its territories or possessions (not including the Panama Canal Zone) until authorization has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander of the U. S. Coast Guard, Captain of the Port, or other officer designated by the District Commander.

(b) Before a permit is issued authorizing the loading or discharging of military explosives or military lethal chemicals in accordance with paragraph (a) of this section, the permittee shall file a written application for a permit authorizing the loading or discharging. When filed, the application for loading shall be accompanied by a preliminary manifest of all explosives or other dangerous articles comprising the cargo of the vessel together with a preliminary cargo stowage plan showing the proposed stowage of all such cargo. Changes in final stowage from that shown in the preliminary cargo stowage plan may be made upon approval of the issuing officer.

§ 146.29–15 *Authority to load, handle or discharge; facilities and use.* (a) Military explosives, except small arms without explosive bullets, shall not be handled, stowed, stored, loaded on, or discharged from a vessel except at one of the following:

(1) Explosives anchorages; areas upon the navigable waters that are designated explosives anchorages under the applicable provisions of 33 CFR Part 202 (Anchorage Regulations) within which a vessel may anchor or moor to handle, stow, store, load, or discharge explosives as cargo.

(2) Waterfront facilities approved by the Captain of the Port or District Commander as explosives loading piers to which a vessel may moor to handle, stow, store, load, or discharge military explosives as cargo.

(3) Waterfront facilities approved by the Captain of the Port or District Commander as ammunition loading piers to which a vessel may moor to handle, stow, store, load, or discharge ammunition as cargo except the following classes: II–A, IX–A, IX–B, IX–C, X–A, X–B, X–C, X–D, XI–A, XI–B, XI–C and XI–D.

(4) The Captain of the Port or District Commander may designate a temporary location for a specific loading of Classes XI–A, XI–B, XI–C and XI–D ammunition.

(b) A vessel, subject to the regulations in this part, may load or discharge military explosives at any Army or Navy depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy, or Army, provided a permit authorizing such loading has been granted by the Captain of the Port. (See §§ 146.29–19, and 146.29–21.)

(c) In an emergency arising by reason of military necessity or casualty, a vessel may upon authorization by a Captain of the Port, load or discharge military explosives in any location authorized by said Captain of the Port.

§ 146.29–17 *Prohibited explosives.* (a) Explosives prohibited by subsection 3 of R. S. 4472, as amended (46 U. S. C. 170) (fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives) shall not be accepted by any vessel.

(b) A passenger vessel shall not accept any Class A or Class B military explosives for transportation as cargo.

§ 146.29–19 *Explosives loading supervisory detail.* (a) There may be assigned to every vessel, subject to the regulations in this part, loading, handling, or discharging military explosives at an explosives anchorage or waterfront facility as may be approved by the Captain of the Port or the District Commander for the loading or unloading of military explosives, a Coast Guard detail to supervise such loading, handling or discharging. The owners, agents, charterers, masters or persons in charge of the vessel and all persons engaged in the handling, loading and stowage of the military explosives shall obey all orders, oral or written, that are given by the person in charge of such assigned detail.

(b) A vessel, subject to the regulations in this part, loading, handling, or discharging military explosives except small arms ammunition without explosive bullets at a Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy or Army shall apply to the Captain of the Port for a permit for such loading, handling or discharging. A Coast Guard detail may be assigned to such a vessel unless the Commanding Officer of such Navy or Army facility declines the detail.

§ 146.29–21 *Personnel identification.* The provisions of this section shall apply to vessels loading, handling or discharging military explosives in accordance with the provisions of § 146.29–19 (a).

(a) No person shall enter upon a vessel loading, handling, or discharging military explosives unless such person first identifies himself to the satisfaction of the Coast Guard detail.

(b) Every person who is permitted to enter into a magazine or a hold or compartment of a vessel wherein military explosives are being handled or stowed shall provide the Coast Guard representative with his name and address and the name and address of the firm employing him, furnishing satisfactory identification to substantiate such information.

(c) A person who, for any reason, is requested to leave a vessel loading, handling or discharging military explosives by the person in charge of the Coast Guard detail shall immediately obey the request and not return until permission is granted.

§ 146.29–23 *Ship's officer present.* (a) During the entire operation involving the building of a magazine, the preparation of holds, and the actual handling and stowage of military explosives, it shall be the responsibility of the master of the vessel to assign a deck officer of the vessel who shall be in constant attendance. It shall be these officers' responsibility to see that the provisions of the regulations in this part insofar as such provisions apply to the vessel, are complied with.

(b) It shall be these officers' further responsibility at the end of the work shift to see that all means of access to the partially loaded holds are closed off in such a manner as to provide the maximum safety and protection for the explosives stowed within the hold.

§ 146.29–25 *Fires and fire protection.* (a) No unnecessary fire shall be permitted on a dock, lighter, or vessel while loading, handling, or discharging military explosives.

(b) Every fire deemed necessary must be properly safeguarded and for the entire period of cargo transfer shall be in constant charge of a competent person assigned for that purpose by the master or by the person in charge of the vessel or by the person in charge of the dock.

(c) (1) Every vessel engaged in the handling and transfer of military explosives and equipped with means for power, heating, cooking, or lighting involving use of smoke pipes or stacks shall have such smoke pipes and/or stacks protected by spark screens. For the purpose of screening smoke pipes, vessels shall be divided into two categories. Large or ocean vessels shall have their main smoke pipes protected by screens of not larger than ½-inch mesh and small or inland vessels and small or auxiliary smoke pipes on large vessels by screens not larger than ¼-inch mesh.

(2) Insofar as practicable, unless the barge, lighter, etc. is loading or discharging military explosives to or from the vessel, barges, lighters, towboats, and other types of vessels shall not come alongside a vessel handling, stowing, storing, loading, discharging or transporting military explosives opposite the area where hatches serving a hold containing explosives are open. (See § 146.29–73 (f).)

(3) This paragraph is not applicable to vessels transiting main channels contiguous to explosives loading facilities or anchorages.

(4) Vessels loading or unloading Class I ammunition at waterfront facilities not designated by the Captain of the Port as explosives loading piers do not require screening of smoke pipes and/or stacks.

(d) Welding or cutting operations involving the use of open flames or arc shall not be undertaken on a vessel having military explosives on board as cargo, except in case of an emergency affecting the security of a vessel, or for the purpose of welding pad eyes, angle bars or other devices to the deck for securing deck cargo. Such welding or cutting shall be done only on special permission of the Captain of the Port, and then only in the presence of an officer of the Coast Guard detail and in conformity with said officer's instructions.

(e) The cleaning of fireside of boilers shall not be undertaken on a vessel while at an explosives or ammunition loading facility or anchorage except upon express permission of the Captain of the Port.

(f) All tubes and uptakes of the vessel must be thoroughly swept or blown and reasonably free of soot prior to the arrival of the vessel at an explosives or ammunition loading facility or anchorage. A vessel at an explosives ammunition loading facility or anchorage shall not blow tubes or uptakes except upon permission of the Captain of the Port and then the operation shall be under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(g) Bunkering of a vessel shall not be done while the vessel is at an explosives loading or ammunition loading waterfront facility. When at an anchorage, an explosives laden vessel may engage in bunkering operations provided explosives are not being loaded, handled, or discharged, and all holds in which explosives are stowed are secured.

(h) A vessel at an explosives or ammunition loading facility or anchorage shall not transfer fuel oil between its own fuel oil storage tanks or from its storage tanks to the settling tank, except under the close supervision of a licensed engineer who shall be in constant attendance until the operation is completed.

(j) The transfer of lubricating oils and cleaning oils, either from containers on board the vessel or by pipeline or hose shall be prohibited at an explosives or ammunition loading facility. However, the transfer on board the vessel of galley fuel oil may be authorized by the Captain of the Port when the galley stove is cold, or when the vessel is equipped with an overflow system which returns surplus fuel oil from the galley tanks back into the main storage tanks provided such transfer is under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(k) The fueling of powered lifeboats or units of the vessel's machinery shall not be done while the vessel is at an explosives or ammunition loading facility.

(l) Boiler room and engine room bilges must be clean and free of oil or unnecessary residue before the vessel proceeds to an explosives or ammunition loading facility or anchorage, and it is further required that the bilges be maintained in this condition during the entire time the vessel is moored at the explosives or ammunition loading facility or anchorage. Attention is invited to the provisions of the Oil Pollution Act, 1924 and the Refuse Act, 1899, which prohibit the discharge of oil into the navigable waters of the United States. The term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse.

(m) On every vessel located at an explosives loading facility or anchorage or ammunition loading facility no work shall be undertaken on the main propulsion machinery, auxiliaries or boilers that will render inoperative fire pumps, electric power or propulsion of the vessel without express authority of the Captain of the Port. When the repairs authorized make inoperative the main propulsion unit an auxiliary tug shall stand by.

(n) (1) Every self-propelled vessel having on board military explosives shall at all times maintain means of propulsion. When not under way, such a vessel shall have available on deck, fore and aft, hawsers capable of being used for emergency towing. The eye of such hawser shall be clear of the chock with messenger attached and ready to run and the ship's end shall be stopped off on the bitts to permit reasonable scope of hawser for towing. A heaving line made up and secured to the rail by rope yarn shall be bent to the messenger. Fire axes shall be kept conveniently at hand, fore and aft, to be used on the ship or passed to the dock for cutting mooring lines in case of an emergency.

(2) Nonself-propelled vessels having on board military explosives when moored or anchored shall have at least one tug for each facility or area at which they are moored or anchored.

(o) Every vessel loading or unloading military explosives shall display at its masthead by day a red flag at least 15 square feet in area or at least 10 feet above the upper deck if the vessel has no mast, and at night, while fast to a dock, a red light in the position specified for the flag.

(p) Any device, such as a radio, radar, etc. capable of radiating electromagnetic energy shall be de-energized by opening the main switches thereto, and these switches shall be tagged to warn personnel against reenergizing the circuits whenever the vessel is at an explosives or ammunition handling facility, at an explosive anchorage with a barge or other type of vessel containing explosives alongside, or when a hatch containing explosives is uncovered.

§ 146.29–27 *Fire hose.* (a) During the handling, loading, or unloading of military explosives the vessel shall "run out" or otherwise make ready for quick use a minimum of two lines of hose on the weather deck, one fore and one aft. These hoses shall be of sufficient length so that one or the other can reach all areas of the weather deck. The fire hose valves controlling these lines shall remain "cracked open" (except in freezing weather) so casual observation may indicate that water is available.

(b) Additional fire lines shall be "run out" or otherwise made ready at each hold or compartment working or con-handling military explosives when the hatch serving the hold is open. These lines shall be of sufficient length to reach all portions of the hold or compartment.

§ 146.29–29 *Smoking.* (a) Smoking is prohibited on or near any vessel handling, loading or unloading military explosives at an explosives or ammunition loading pier. Smoking areas may be designated upon approval by the Captain of the Port provided such areas are located at a safe distance from the vessel. "No Smoking" warning signs shall be posted during operations of handling, loading or unloading such cargo. At least one such "No Smoking" sign shall be located on the pier at a reasonable distance from the vessel when such handling, loading, or unloading is taking place at a pier.

(b) Smoking is prohibited on or near any vessel handling, loading, or unloading explosives at an explosives anchorage, except the Captain of the Port may, with the concurrence of the master or person in charge of the vessel, designate a compartment as a smoking area. This compartment will be fitted with installed electric lighting devices without open flame. "No Smoking" warning signs shall be posted conspicuously in other parts of the vessel during operations of handling, loading, or unloading.

§ 146.29–31 *Liquor or drugs.* No person who, in the judgment of the master, person in charge of the vessel, or the officer in charge of the Coast Guard detail, is considered as being under the influence of intoxicating liquor or of drugs shall be permitted on board a vessel while operations involving the handling, loading, unloading, or transportation of explosives are being carried on, except if the person under the influence of intoxicating liquor or drugs is a bona fide member of the crew of the vessel involved, he may at the discretion of the Officer-in-Charge of the Coast Guard detail board the vessel: *Provided,* That the master or person in charge of the vessel will accept custody and full responsibility for said person: *And provided further,* That this person shall not be permitted to perform any work on the vessel while under the influence of intoxicating liquor or drugs.

§ 146.29–33 *Cargo working gear and equipment.* (a) Before military explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel is required to ascertain by examination the adequacy, the condition and working order of all working equipment including slings, crates, baskets, boxes, chutes, mattresses, and tackle.

(b) Any and all equipment, which in the judgment of the master or other person in charge of the vessel is not adequate or in safe working condition shall be rejected by him and he shall prohibit its use and shall take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedore's or other contractor's equipment.

(d) The Captain of the Port or his representative may prohibit the use of any cargo working gear or equipment, including stevedore equipment, which he deems unsafe.

§ 146.29–35 *Lights, tools, and portable equipment.* (a) No artificial lights except electric lights, electric lamps, or electric floodlights shall be used while loading or unloading military explosives. Such light fixtures shall not be used unless protected against accidental breakage by metal guards. Portable electric lights shall be fitted with stout guards protecting the bulb. Wires of such lights shall be sound and show no evidence of liability to short circuit. When deemed necessary by the military service concerned with the shipment of the explosives due to the possible presence of explosive dust or vapors in the hold of the ship being worked, all electrical equipment and light fixtures used therein shall be of a type approved for the hazardous location as defined in the National Electric Code. This equipment shall be grounded and continuity of the grounding system assured by the applicable methods prescribed in the National Electric Code.

(b) Portable lights shall be so installed as to prevent any part of the light or its cable from coming in contact with the deck or the cargo. A hanging portable light shall not be suspended from its cord but shall be fitted with a gantline so installed that no strain is carried by the light cable. No portable light shall be taken into a hold or compartment in which the stowage of ammunition or explosives has been completed without prior approval by the Captain of the Port or his representative. A portable light that is permitted in a hold under these circumstances shall be so guarded and protected that neither the light nor the light cord shall be in bearing with any metal part of the vessel or with any of the ammunition or explosives, or the containers thereof.

(c) Flashlights of a non-spark type shall be provided by the vessel owner, agent or its master or other person in charge of the vessel, for personnel required to enter holds in which explosives are stowed.

(d) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading, unloading or handling military explosives shall not be permitted to carry on their persons firearms, matches, flame producing devices, knives, bale hooks, metallic tools except as provided in paragraph (e) of this section or personal packages of any description, except the prohibition against knives shall not apply to the seaman's knife in possession of a member of the crew of the vessel, provided such crew member is not actually working the explosives or ammunition. Lunch boxes, pails, thermos bottles, other food containers or personal packages of any description shall not be brought on board a vessel unless such items have been examined and passed by the Coast Guard detail. Food containers that are passed on board the vessel shall not be stored in the hold in which explosives are being worked nor shall their contents be eaten in such hold. Persons engaged in handling and stowage of military explosives shall not wear shoes or boots shod or strengthened with iron nail or other spark producing metal unless such footwear is covered with rubber, leather, or other nonsparking material.

(e) The Captain of the Port may authorize the use of pinch bars of metal or wood, in "breaking out" or stowing unfuzed bombs, large caliber separate loading shells, and packages of ammunition shipped in heavy unit weight containers. He may also permit the use of saws and hammers that are actually powered by the hand or hand and arm, in the hold of a vessel when necessary in fitting dunnage or constructing a partition or a division bulkhead or installing protection required for the stowage of military explosives. The Captain of the Port may authorize spark proof electrically powered or pneumatic saws or hammers, but they shall not be used in any compartment containing military explosives.

(f) All electric wiring in holds in which explosives are to be stowed shall be inspected prior to the loading of explosives into the hold. The electrical circuits which terminate in holds in which explosives are to be stowed shall be deenergized by removing their fuses or inactivating their circuit breakers at the main panel prior to loading and these circuits shall remain deenergized while explosives are within the hold. The main panel shall be tagged to warn personnel against reenergizing these circuits.

§ 146.29–37 *Handling drafts of lumber.* All lumber in excess of 3 feet in length shall be handled into or out of the holds of vessels loading, unloading or containing military explosives or ammunition by use of a double sling. Small pieces of lumber used in chocking and dunnaging shall be handled in trays with sideboards. Cargo nets may also be used provided they are lined with canvas or similar fabric. Dunnage shall not be lowered directly onto stowages of ammunition or explosives. Landing mats or timbers shall be laid to receive such drafts.

§ 146.29–39 *Handling and slinging of explosives.* (a) All military explosives or chemical warfare agents in bulk shall be handled carefully. Packages and other containers shall not be dropped, dragged, tumbled, walked, slid over each other or over the deck or otherwise subjected to shock except that heavy containers of military explosives equipped with pulling bar assemblies and skids may be positioned in the holds of vessels by using the pulling bar assemblies to maneuver the containers for short distances at slow speed. Packages and

other containers shall not be rolled unless roling is specificaly premitted by the provisions governing handling as set forth in § 146.29–100.

(b) In transferring military explosives between pier facilities and vessels or from vessel to vessel, or within the hold of a vessel the items may be handled by hand, power operated mechanical hoist or power operated conveyor approved by the Captain of the Port, power operated cargo lift truck, hand truck or nonpowered (gravity) roller conveyor (hand controlled); or unless specifically prohibited by the regulations in this subpart, a specification chute and mattress may be used. (Refer to §§ 146.09–11 and 146.09–12 for specifications of chute and mattress.)

(c) Military explosives shall be hoisted and lowered carefully onto a mattress or other shock absorbing material. The Captain of the Port may authorize omission of a mattress when its use is unnecessary due to use of pallets or other special gear except when Classes III, VI, VIII and IX–C are being handled, loaded or unloaded.

(d) The Captain of the Port may permit the use of cargo-handling vehicles or equipment powered by internal combustion engines on docks, wharves or piers for the handling of military explosives under such conditions as he may prescribe. Such type vehicles or equipment shall not be used within a hatch of a vessel having military explosives in any hold within said hatch. Electric or battery powered vehicles or equipment of explosion-proof or spark-proof type may be used to handle military explosives on docks, wharves, piers or in the holds of vessels under such conditions as the Captain of the Port may prescribe. All power-operated cargo-handling vehicles or equipment shall at all times be maintained in safe mechanical, electrical and operating condition. The use of cargo-handling vehicles or equipment may be suspended or prohibited by the Captain of the Port or his representative when he considers such use inimical to safety.

(e) When handling, loading or unloading by mechanical means, all military explosives shall be handled in the type equipment specified for the various classes of explosives in § 146.29–100. Military explosives shall be arranged on trays so that no portion of the military explosives or containers overhangs the tray. For trays provided with sideboards, military explosives or containers shall not extend above the sideboards to a height exceeding one-third of the vertical dimension of the item as stowed on the tray. Rope net slings with pieplates, pallet, skipboard or similar base shall be so loaded that when lifted a minimum displacement of items shall occur and the cargo net shall completely encompass the entire load except on its topside.

(f) The mesh of a cargo net shall be of such size as will prevent any item or container of military explosives in the draft from passing through the mesh under any possible circumstances.

(g) Drafts shall not be raised or stopped in lowering by sudden application of power or brake. Drafts shall not be unloaded by tripping or freeing one side of the net, tray, or pallet and tumbling the ammunition or explosives out of the gear. All drafts, beams, shackles, bridles, slings, hooks, etc. shall be hand freed before the winch takes control. Slings shall not be disengaged by hand unhooking and then dragged from under draft by means of winch. Handles or beckets on ammunition packages shall not be used for slinging purposes.

(h) Blasting caps, detonators, primer-detonators, fulminate of mercury and initiating or priming explosives as defined in the regulations in this part shall be considered as constituting a distinct class of dangerous explosives, and because of the hazard involved they shall be handled with extreme care.

(j) "Cant" or barrel hooks shall not be used for raising or lowering a barrel, drum, depth bomb, depth charge or other container of military explosives. Metal bale hooks shall not be used in handling packages of explosives.

(k) Combination woven rope and wire slings are not permitted for use in handling explosives. A sling that is formed by use of an open hook shall not be used in hoisting or lowering a draft of military explosives.

(l) Wire rope or wire rope assemblies including splices or fittings thereof, used in handling military explosives shall be kept bare to permit ready inspection of its safe working condition. Mechanical type endings may be used in lieu of hand splices provided such endings have a minimum breaking strength equal to the catalog strength of wire rope from which it is made.

(m) Bombs shall not be handled by attaching ship's cargo gear to the lifting lug or suspension lugs.

§ 146.29–41 *Weight per draft.* To eliminate excessive drift, slings will be as short as practicable when handling military ammunition or explosives. The maximum permitted weight per draft of all classes of military explosives shall be as follows for a 5 ton boom. The weights per draft may be increased proportionately for booms of greater capacity. In all instances the allowance shall remain as 10 percent. For example, in paragraph (d) (2) of this section, the maximum weight of drafts consisting of one or more palletized units of Class V or VII military explosives shall not exceed 4,400 pounds when using a five ton boom; however, if a ten ton boom is used the weight of the draft may be increased to 8,800 pounds (8,000 pounds plus 10 percent of same).

(a) *Class I.* (1) When handled by pallet, skipboard, or tray fitted with cargo net or sideboards shall not exceed 3,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(b) *Classes IIA, IIB, IIC, IID, IIE, IIF, IIG, IIH, IIJ, IVA, IVB, IXA, IXB.* (1) When handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(c) *Classes III, VI.* (1) When handled by tray fitted with sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(d) *Classes V, VII.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single shells weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

(e) *Class VIII.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 2,400 pounds plus 10 percent.

(3) The maximum permitted weight for lift of a portable magazine containing Class VIII ammunition shall not exceed 2,400 pounds plus 10 percent.

(f) *Class IX–C.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) The maximum permitted weight for purpose of lift of a portable magazine containing IX–C explosives shall not exceed 2,400 pounds plus 10 percent.

(g) *Classes X–A, X–B, X–C, X–D, X–E.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) When handling bombs, more than one to a draft, by sling method or in palletized units, the draft shall not exceed 4,000 pounds plus 10 percent.

(3) Table of limiting loads applicable when handling bombs by sling method:

Weight of individual bomb or cluster:	*Maximum limits in units per 1 draft*
1 pound to 250 pounds plus 10 percent per unit	8
276 to 500 pounds plus 10 percent per unit	8
551 to 1,000 pounds plus 10 percent per unit	4
1,101 to 2,000 pounds plus 10 percent per unit	2
Over 2,200 pounds	1

(4) Single items or assembled units (other than palletized), designed to be handled as a unit, may be loaded regardless of weight provided the cargo handling gear is of a design capable of handling a working load at least 50 percent additional to the actual weight of the item or unit comprising the draft, and provided further the integrity of the cargo handling gear is unimpaired.

(h) Classes *XI–A, XI–B, XI–C, XI–D.* (1) When handled by trays, skipboards, pallets or pieplates fitted with cargo nets or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single bombs or other unit containers weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

(j) A tray with a top and so constructed that it may be considered equivalent to a palletized unit may, sub-the approval of the Captain of the Port, be permitted a maximum weight per draft of 4,000 pounds plus 10 percent. This top may be constructed of other material than the tray, provided it serves to make the tray an integral unit.

§ 146.29-43 *Requirement for the opening of hatches*—(a) *Vessels at explosives loading piers or at ammunition loading piers.* (1) A weather deck hatch through which ammunition or explosives are being worked shall have sufficient hatch covers and hatch beams removed across the entire width of the hatch so that the resulting opening, measured parallel to the side of the vessel, is at least equal to twice the longest axis of the largest draft being loaded.

(2) Strongbacks or hatch beams left in place shall be firmly secured by hatch batten or other approved means.

(b) *Vessels at explosives anchorages.* A weather deck hatch through which ammunition or explosives are being worked shall have all hatch covers and all hatch beams removed unless otherwise authorized by the Captain of the Port.

(c) *Vessels at explosives anchorages having a magazine constructed in the square of a weather deck hatch.* Sufficient hatch covers and hatch beams shall be removed from the weather deck hatch to expose the entire magazine.

(d) *General requirements.* (1) During the working of ammunition and explosives to or from the deep holds, the 'tween-deck hatch openings shall at all times be equal to, if not greater than, the weather deck hatch openings.

(2) The use of open hooks in removing or replacing hatch beams or hatch strongbacks is prohibited. Closed hooks, shackles or T bars shall be used in this operation.

§ 146.29-45 *Loading or unloading military explosives and other cargo.* (a) Military explosives shall not be loaded or unloaded in a hatch at the same time that other cargo is being worked in any of the holds serviced through said hatch.

(b) Military explosives shall not be loaded or unloaded from the same hatch from both sides of the ship simultaneously, unless the hatch is fitted with cargo handling gear located at both the forward and after ends of the hatch. A vessel so equipped may also use both sets of cargo handling gear simultaneously from the same side of the vessel.

(c) When military explosives are stowed in a hold below one in which any cargo is being worked the 'tween-deck hatch dividing the two holds will have all of its covers securely in place.

(d) Military explosives may be loaded in a hold before or after other cargo, provided that all precautions are taken to assure full protection to the explosives against the hazard of articles being dropped from the cargo sling. When possible hatches should be partially covered to assure such protection.

(e) Cargo drafts being loaded or unloaded shall not be handled over explosives or other dangerous articles that are stowed "On deck".

(f) Any deck loads over which military explosives must be passed shall be limited in height to that of the hatch coaming, bulwark, or three feet, whichever is greater.

§ 146.29-47 *Packing and marking.* Military explosives shall not be offered to vessels or accepted by vessels subject to the regulations in this part unless they are in proper condition for transportation and are packed, marked, labeled, described, certified and otherwise acceptable in accordance with the applicable provisions of the regulations in this part.

§ 146.29-49 *Stowage on board barges.* (a) Barges subject to the regulations in this part, engaged in the transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes, and rivers, including the explosives anchorages on the navigable waters, shall conform to the applicable provisions of §§ 146.10-1 to 146.10-50, inclusive. Ammunition or explosives in bulk, in combustible outside packages, stowed "On deck in open" shall after loading and during transportation be covered by fire resistant and/or flame proof tarpaulins securely lashed in place.

(b) Notwithstanding the requirements of this subpart relative to the stowage of detonators, blasting caps and fuzes, Class VIII, such articles may be stowed "On deck" on Class AA and Class AB barges with other ammunition or explosives in bulk stowed thereon, provided a sandbag barrier of at least 2 feet in thickness intervenes between the ammunition or explosives in bulk and the detonators, blasting caps or fuzes. When both are stowed "On deck" the height of this barrier shall be at least equal to the height of the stowage of the detonators, blasting caps or fuzes, or the ammunition or explosives in bulk, whichever is highest. The barrier shall either completely surround the detonators, blasting caps or fuzes or extend across the width of the barge. With this type of barrier no additional separation is required. For Class AC barges, the stowage of detonators, blasting caps or fuzes, Class VIII, shall, when no permanent steel bulkhead intervenes, be separated from the stowage of ammunition or explosives in bulk by a distance of 40 feet; with a permanent steel bulkhead intervening, detonators, blasting caps or fuzes shall be separated from the stowage of explosives in bulk by a distance of 25 feet and from the stowage of ammunition by a distance of 10 feet. If, under deck, a 2-foot sandbag barrier is utilized to intervene between the stowage of ammunition or explosives in bulk, it shall be considered as though a permanent steel bulkhead or deck intervenes. Notwithstanding the provisions of § 146.10-50, Class CA and Class CB barges may transport ammunition on deck.

§ 146.29-51 *Stowage on board vessels.* (a) All articles of cargo classified as military explosives by the regulations in this subpart shall be stowed on board a vessel in conformity with the provisions of the regulations in this subpart.

(b) Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the explosives and hazardous munitions admixture charts, § 146.29-99, the classification, handling and stowage chart § 146.29-100 and other applicable specific provisions of this subpart.

(c) Specifications governing construction and location of magazines and lockers and the preparation of cargo compartments to be used in the stowage of military ammunition are detailed in §§ 146.29-71 to 146.29-95, inclusive.

§ 146.29-53 *Stowage of military explosives in holds containing coal.* Unless expressly authorized by the Commandant of the Coast Guard military explosives shall not be stowed in a hold containing coal as cargo nor in any hold above, below or adjacent to one containing coal.

§ 146.29-55 *Stowage of military explosives in holds containing household or personal effects and/or mail as cargo.* Unless expressly authorized by the Commandant of the Coast Guard, military explosives shall not be stowed in a hold containing household or personal effects and/or mail as cargo, nor in the hold above or below the hold containing any of these items. However, this requirement shall not apply to vessels having on board military explosives of the Class I category only.

§ 146.29-57 *"On deck" stowage.* (a) Articles classified as military explosives, the stowage of which is permitted "On deck" by the regulations in this subpart shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads, as part boundaries and effectively closing in the cargo by fitting angle bar closing means, secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted, provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashing or other equally efficient means.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Military explosives stowed "On deck" shall not be stowed within a distance of 20 feet of an incinerator, the topside terminus of an ash hoist or a coal or oil fire galley or bake shop. For vessels fitted with electrically operated galleys and bake shops, the military explosives stowed on deck may be stowed not closer than 10 feet of such galleys and bake shop provided no incinerator or topside terminus ash hoist is within a distance of 20 feet of such stowage.

§ 146.29-59 *Stowage adjacent to other dangerous articles.* As noted in § 146.29-11, missile and rocket fuels or oxidizers listed in Classes XI-C and XI-D of § 146.29-100 are excluded from the provisions of this section, and compatibility will be in accordance with the chart in § 146.29-99.

(a) ***Flammable liquids.*** (1) Military explosives shall not be stowed in the same hold, nor in any hold below, any hold above or a hold adjacent to one in which flammable liquids are stowed. Military vehicles including ducks, buffaloes, alligators and similar amphibious types of craft, referred to in this subpart as "vehicles" or "military vehicles", using a flammable liquid as fuel may be stowed in holds adjacent to a hold in which military explosives are stowed provided the fuel is confined to the vehicle's tank and is not in excess of approximately 75 percent of the capacity of the fuel tank.

(2) Military vehicles, landing craft and small boats using flammable liquid as fuel and having the fuel confined to the vehicle's or boat's tank and not in excess of approximately 75 percent of the capacity of said tank may be stowed "On deck" over a hold in which military explosives are stowed: *Provided,* That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and that such stowage is not made over the square of the hatch, except that amphibious type vehicles, landing craft or boats having fuel tanks installed within a tight hull may be stowed over the square of a hatch.

(3) Flammable liquids as cargo shall not be stowed "On deck" immediately above a hold in which military explosives are stowed. The applicable provisions of §§ 146.21-1 to 146.21-100, inclusive, shall be observed in the stowage of flammable liquids "On deck".

(b) *Flammable solids or oxidizing materials.* (1) Military explosives shall not be stowed in the same hold nor in any hold above or below or a hold adjacent to one in which flammable solids or oxidizing materials are stowed except as specifically authorized by the provisions of § 146.29-100.

(2) Flammable solids or oxidizing materials may be stowed "On deck" over a hold in which military explosives are stowed: *Provided,* That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And provided further,* That such stowage is not made over the square of the hatch.

(c) *Corrosive liquids.* (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which corrosive liquids are stowed except as specifically authorized by the provisions of § 146.29-100. Corrosive liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided,* That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And further provided,* That such stowage is not made over the square of the hatch.

(2) The substances listed below shall not be transported on board a vessel which is carrying in excess of 100 tons of ammunition or explosives:

Acid sludge.
Bromine.
Chloracetyl chloride.
Dimethyl sulfate.
Hydrofluoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Phosphorus oxychloride.
Phosphorus tribromide.
Phosphorus trichloride.
Spent acid (sulfuric or mixed).
Sulfur chloride.

(d) *Military vehicles with electrolyte.* Notwithstanding the provisions of §§ 146.23-1 to 146.23-100, electrolyte of not over 47 percent strength (39° Baumé) may be accepted for transportation and be stowed on board vessels carrying military explosives under the following conditions of packing:

(1) In glass or earthenware containers, not exceeding 160 ounces capacity (one imperial gallon) in fiberboard cartons of a size to permit cushioning with an incombustible, absorbent material of a sufficient amount to absorb the contents of the container in event of breakage. The outside container shall consist of a wooden box (ICC 15A, 16B or Army Specification) in which 1, 2, 3, or 4 fiberboard cartons may be packed. The outside containers shall carry the white (acid) label. No military ammunition shall be included within this package.

(2) Electrolyte packed in accordance with provisions set forth in subparagraph (1) of this paragraph may be stowed:

(i) "On deck in open" including deck areas over holds containing military explosives.

(ii) "Tween-deck" or "Under deck" in holds adjacent to or in any hold below a hold containing military explosives.

(3) Electrolyte, when packed in accordance with the provisions of subparagraph (1) of this paragraph, may be accepted for transportation when securely fastened within or on a military vehicle or other military equipment whether such vehicle or equipment is shipped crated, boxed, or without crating or boxing. Such military vehicles or military equipment, when shipped crated or boxed, may be accepted for transportation when the container of electrolyte is securely fastened on the inside of the shipping crate or box containing the vehicle or military equipment. When so shipped, the overall crate or box shall carry the white (acid) label and shall be marked "This side up" and "Inside packages comply with prescribed specifications."

(4) Electrolyte packed in accordance with the provisions of subparagraph (1) of this paragraph when offered for transportation under the conditions set forth in subparagraph (3) of this paragraph, may be stowed as follows:

(i) "On deck in open", including deck areas over holds containing military explosives;

(ii) "Tween-deck" or "Under deck" in holds adjacent, any hold below or any hold above holds containing military explosives; or,

(iii) In the same hold containing Class I, IV-B, V, VII, X-A, X-B, X-C, or X-D provided the stowage of military vehicles and the stowage of ammunition are separated by a division bulkhead or a 2-inch dunnage floor.

(5) Military vehicles (crated or uncrated) containing an electrolyte storage battery shall not be stowed in the same hold over military explosives stowed therein. Such vehicles may be stowed in the same hold under or alongside of military explosives stowed therein: *Provided,* That all the applicable provisions of this section are observed: *And provided further,* That the vehicles are processed, the fuel tank drained dry, the battery terminal leads disconnected, taped and protected against short circuit.

(6) Military vehicles or military equipment as used in this section includes naval vehicles or naval equipment.

(e) *Flammable compressed gases.* (1) Military explosives shall not be stowed in the same hold nor in any hold below, any hold above or a hold adjacent to one in which flammable compressed gases are stowed.

(2) Flammable compressed gases shall not be stowed "On deck" over a hold in which any Class II-A, II-B, II-C, II-D, II-E, II-G, V, VI, VII, VIII, IX-A, IX-B, IX-C, X-A, X-B, X-C, X-D, XI-A, XI-B, or XI-C is stowed.

(3) Flammable compressed gases may be stowed "On deck" over a hold in which Class I, II-F, II-J, III, IV-A, or IV-B is stowed: *Provided,* That, the weather deck is tight and the cargo hatch is fitted with a tight raised coaming, and such stowage is accomplished by means of skids at least 6 inches in height off the deck or a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib. Other applicable provisions of §§ 146.24-1 to 146.24-100, inclusive, shall be observed. Stowage may be over the square of the hatch.

(f) *Non-flammable compressed gases.* Ammunition of the following Classes I, II-G, IV-A, IV-B, V, and VII may be stowed in the same hold or compartment with non-flammable compressed gases provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead. This mixed stowage is not permitted for the following non-flammable gases: Boron trifluoride, chlorine, oxygen and sulphur dioxide.

(g) *Poisons*—(1) *Class "A".* Classes I and II-F ammunition may be stowed in the same hold or compartment with Class "A" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(2) *Class "B".* Ammunition of the following classes, I, II-F, IV-A, IV-B, V, VII, XI-A, and XI-B may be stowed in the same hold or compartment with class "B" poisons: *Provided,* That the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(3) *Class "C" (tear gas).* Ammunition of the following classes I, II-F, II-G, IV-A, IV-B, V, VII, XI-A, and XI-B may be stowed in the same hold or compartment with Class "C" poisons: *Provided,* That the two stowages are sep-

[illegible] by a type "A" dunnage floor or a division bulkhead. Class II–B may also be stowed in the same hold with Class "C" poisons: *Provided*, That the two stowages are separated by a type "A" dunnage floor or a division bulkhead: *And provided further*, That the Class II–B ammunition is given top stowage.

(g) *Class "D" (radioactive material)*. Military explosives shall not be stowed in the same hold in which Class "D" poisons are stowed.

(h) *Hazardous articles*. Military explosives shall not be stowed in the same hold or in the hold below, the hold above or a hold adjacent to one in which hazardous articles are stowed.

(j) *Combustible liquids*. (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which combustible liquids are stowed.

(2) Combustible liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur. *And provided further*, That such stowage is not made over the square of a hatch.

(k) *"On deck" stowage*. When containers of flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gases, poisons, combustible liquids or hazardous articles are stowed "On deck", such containers shall not be stowed within 12 inches of any steam pipe fitted on deck.

§ 146.29–61 *Stowage with nondangerous cargo in the same hold*. (a) Military explosives that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, military vehicles (uncrated), and similar types of cargo shall, when stowed in the same hold with military explosives be so isolated or dunnaged or secured as to prevent damage to military explosives or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

(b) When nondangerous cargo is to be stowed adjacent to the exterior of a magazine, wooden cargo battens of not less than commercial 2'' x 4'' size spaced not more than 12 inches, center to center, shall be fitted horizontally to the uprights forming the frame of the magazine.

§ 146.29–63 *Stowage and dunnaging of ammunition and containers of explosives in bulk*. (a) Military explosives shall be so stowed and dunnaged as to prevent damage to the cargo or the vessel from shifting cargo caused by forces incident to the voyage of the vessel. Nothing within this paragraph shall be construed as requiring the entire interior of the cargo compartment to be covered with dunnage.

(b) Containers of military explosives marked, "This side up" or otherwise marked directing their stowage shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs or other filling openings "up". Each tier shall be floored off.

(d) Metal containers of smokeless powder in bulk or metal tanks or other containers of propellant charges having closure means which protrude beyond the chime or the surface of the container shall be so dunnaged as to prevent damage occurring to such closures.

(e) The uppermost tier of military explosives shall be so secured to the mutual satisfaction of the Captain of the Port and the Master of the vessel by tomming, bracing, strapping, top stowing with permissible cargo of sufficient unit weight and quantity or other effective means that no displacement can occur either upwardly or laterally.

(f) Military explosives shall be so stowed that they or the containers are not liable to be pierced by the dunnaging or crushed by superimposed weight.

(g) Containers of military explosives shall not be "cant" stowed. They shall be stowed in full bearing on dunnage or both end and center bearing on dunnage. Broken stowage may at the turn of the bilge, be dunnaged out with cordwood or otherwise so cribbed as to provide maximum bearing attainable for the container to be stowed in the tier above. Broken stowage in other locations in the hold may be compensated for by cribbing out or by the insertion of sufficient dunnage to provide proper bearing for packages in the tier above.

(h) Fixed or semi-fixed ammunition in fiber containers, crated or uncrated, may be stowed on its base or on its side. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(j) Separate-loading shells, boxed, crated, unboxed, or uncrated may be stowed on their bases or on their sides except as otherwise provided for Army WP filled ammunition in the stowage requirements for Class II–D ammunition, § 146.29–100.

(k) When tween-deck holds of cargo vessels are utilized for the stowage of military explosives, the maximum permissible deck load for such tween decks shall not be in excess of 45 pounds per square foot of tween-deck space for each foot of tween-deck height, except where the deck and hatch structure of ships have been specially designed or reinforced for the carriage of heavy loads the Captain of the Port may permit loading in accordance with these schedules of increased intensity of loading when they are furnished by the master or operator.

§ 146.29–65 *Damaged or leaking containers of explosives*. (a) Any container of explosives or chemical warfare agents showing evidence of failure, leaking of a liquid ingredient or inability to retain its contents shall not be accepted for transportation, storage, or stowage on board any vessel.

(b) Any container of an explosive when offered for transportation, storage, or stowage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substances. In case of doubt the container shall be refused.

§ 146.29–67 *Defective ammunition*. Ammunition found to be defective while being unloaded from a barge, freight car, or other vehicle, shall not be placed on board a vessel. If found to be defective while on board the vessel, it shall, if at all possible, be removed from the vessel to an isolated location as quickly as possible.

§ 146.29–69 *Recoopering damaged packages*. Defective packages shall not be recoopered in the hold of a vessel. Such packages shall not be recoopered elsewhere on board the vessel except upon conditions authorized by the Captain of the Port. Replacing bomb shipping bands, loose covers, nose plugs or strapping containers is not classed as recoopering.

§ 146.29–71 *Constructing magazines*. (a) All work in connection with the construction of a magazine, or other conditioning of holds, decks, or hatches shall be completed before the actual loading of military explosives is undertaken except as provided in §§ 146.29–35 (e) and 146.29–81 (b). Magazine construction or other conditioning of a hold in which military explosives are not actually being loaded or which do not contain any military explosives is permitted.

(b) Sizes of material used for the construction of a magazine or other conditioning of holds, decks, or hatches, as set forth in the regulations in this subpart, are minimum. Increased sizes may be used, if desired. Nails shall not protrude beyond the surface of the lumber or other material authorized.

§ 146.29–73 *Preparation of magazines, decks, hatches and holds for handling military explosives*. (a) All magazines and holds shall be cleared of all rubbish and discarded dunnage and be swept, hosed down or cleaned by such other efficient method that will insure the compartment to be broom clean and free of any residue from cargo before commencing to load any military explosives. Bilges shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways, and hatches over or through which military explosives must be passed or handled in loading or unloading shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches or cargo ports opening into a compartment in which military explosives are stowed shall be kept closed at all times except during the operation of loading or unloading of the compartments or during periods of short stoppages such as lunch breaks or while shifting of barges or railway vehicles. During the period of such stoppages the hold shall be protected as prescribed by the Captain of the Port. When a hatch is closed wooden hatch covers shall be covered with tarpaulins.

(d) No debris of any description which creates a fire hazard or a hazardous condition for persons engaged in the explosives handling operation shall be permitted to stand on the weather deck of a vessel while military explosives are being worked.

(e) (1) Hatch beams and hatch covers shall, where possible, be stowed on the opposite side of the hatch from that over which the military explosives are being worked. If this is impossible, they may be stowed on the working side of the hatch.

(2) Hatch beams shall be stowed or secured in a manner that will prevent them from rolling, rocking, turning or sliding.

(3) Hatch covers shall be so stowed as to form as level a platform as possible.

(f) During the time a hatch is open and military explosives are being worked or stowed, the vessel's officer on duty supervising the handling of explosives shall warn the masters of other vessels coming alongside and the operator of any dock equipment (capable of producing sparks) to stay clear of the area adjacent to open hatches as far as practicable.

§ 146.29–75 *Location of magazines and ammunition stowage.* (a) A cool location being an important factor, magazines shall be built and military explosives stowed in an authorized location in accordance with the following factors in the order listed. The Captain of the Port may authorize in his discretion a modification of the below established location priorities when circumstances so justify:

(1) A tween-deck hold, preferably a lower tween-deck.

(2) A lower hold.

(3) In the square of a hatch.

(4) A shelter deck in a location as far removed from uptakes or engine casing as possible.

(5) A forecastle, poop or permanent deck house provided the space is ventilated and does not contain any "In use" crew accommodations, nor vessel stores, and can be closed off from traffic while at sea.

(6) "On deck" stowage.

(7) Insulated spaces normally comprising refrigerator spaces may be used for the stowage of all classes of military explosives, except chemical ammunition: *Provided,* That all regulations relative to stowage of explosives with other dangerous articles of cargo are observed and the spaces may be ventilated sufficiently to provide a temperature consistent with the temperature of other holds of the vessel. When such spaces are fully ceiled, the entire compartment will be considered as a magazine, however, any pipes within the compartment shall be protected by horizontal cargo battens of a size not less than commercial 2″ x 4″, spaced not more than 12 inches apart, center to center and secured to 4″ x 6″ uprights spaced not more than 36 inches apart. Refrigerator spaces, the floors of which are lined with lead, shall not be used as a stowage for picric acid in bulk or ammonium picrate.

(b) When it is necessary to construct a magazine or to stow ammunition adjacent to the engine room, boiler room or coal bunker bulkheads, or the engine or boiler room uptakes or casings, the following provisions shall be complied with:

(1) A tight wooden temporary bulkhead shall be constructed at least one foot off the permanent bulkheads, uptakes or casings with the smooth side facing the stowage of the explosives or ammunition.

(2) When the permanent bulkhead is smooth on the cargo side, construction shall be of commercial 2-inch boarding secured to uprights of 4″ x 6″ size spaced not more than 30 inches apart in the tween or shelter deck, or 6″ x 6″ size spaced not more than 24 inches apart in the lower hold. Uprights shall not be stepped directly onto a metal deck or overhead. A 2″ x 6″ bearer to carry the upright shall be laid on the metal deck, and a 2″ x 6″ header shall be fitted against the underside of the overhead deck to receive the top of uprights. Top of uprights fitted against overhead deck beams may be wedged direct to the beam with 2″ x 4″ spacers fitted between. Suitable horizontal stringers shall be fitted between temporary and permanent bulkhead at the top and bottom, as well as intermediate stringers spaced a maximum of 5 feet. Uprights shall be securely fastened to horizontal stringers or horizontally braced at the top, bottom and center.

(3) When the permanent bulkhead stiffeners are on the cargo side, suitable uprights of not less than 2″ x 4″ may be installed against the permanent vertical stiffeners to give the required 12 inches off the bulkhead. If the permanent stiffeners are over 30 inches apart, center to center, 2½-inch boarding shall be used. Uprights shall be stepped and braced as required by the provisions of subparagraph (2) of this paragraph. Bulkhead stiffeners that do not extend the full depth of the cargo space shall not be used for this purpose.

(4) Other methods of construction using steel or wooden uprights, bolted to plates or lugs welded to deck beams, decks, or tank tops may be used provided the strength is equivalent to that obtained by the foregoing methods of construction.

(c) Stowage provided for military explosives shall be dry and except for deep tanks well ventilated.

(d) Ammunition as cargo shall not be stowed within a distance of 10 feet of a vessel's radio shack, receiving or transmitting apparatus, radio antenna or antenna lead-in. The same restriction applies to radar equipment.

§ 146.29–77 *Allocation of stowage.* Military explosives that are tendered to a vessel for transportation as cargo shall be stowed on board the vessel utilizing the type of stowage authorized for the particular ammunition or explosives in bulk by the provisions of § 146.29–100.

§ 146.29–79 *Types of stowage.* The types of stowage prescribed for military explosives are described as follows:

(a) Magazine stowage A.

(b) Ammunition stowage.

(c) Chemical ammunition stowage.

(d) Special stowage.

(e) Portable magazine stowage.

(f) Pyrotechnic stowage.

(g) Stowage of blasting caps, detonators, primer detonators, etc.

§ 146.29–81 *Magazine Stowage A.* The following shall be observed in the construction of a magazine required for "Magazine A" type of stowage:

(a) Magazines may be constructed of steel or wood.

(b) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of ¾ inch. This lining may be installed during the progress of the stowage. Metal stanchions within the magazine shall be boxed with wood of a thickness of not less than ¾ inch. Bulkhead stiffeners or other structural members extending into the stowage spaces shall not be protected by dunnaging but shall be completely boarded over. When bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial 1-inch thick dunnaging shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are ceiled, it shall be necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial 1-inch lumber of widths not less than 4 inches, fitted as close as possible, edge to edge and butt to butt.

(c) Magazines constructed of wood shall have the bulkheads forming the sides and ends constructed of commercial 1-inch lumber, of ¾-inch tongue and groove sheathing, or of ¾-inch plywood, secured to uprights of at least a 3″ x 4″ size, spaced not more than 18 inches apart and secured at top, bottom and center with horizontal bracing. Uprights shall not be stepped directly onto a metal deck. A 2″ x 4″ bearer to carry the uprights shall be laid upon the metal deck. A 2″ x 4″ header shall be fitted against the underside of an overhead deck to receive the top of uprights. Top of uprights fitted against channel beams may be wedged directly to the beam with 2″ x 4″ spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boardings shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior [illegible] of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾ inch secured in place with nails or screws. When screws are used for fastening, the screwheads shall be countersunk below the surface of the wood. The floor of the magazine shall conform to the provisions of paragraph (b) of this section. The door of the magazine shall be of substantial construction, fitted reasonably tight into its jamb. The door may be secured in place by the use of extension battens and wedges.

(d) A magazine constructed in accordance with the provisions of paragraphs (b) and (c) of this section, in which it is proposed to stow containers of explosives within 12 inches of the overdeck beams, or hatch coaming, shall have such deck beams and coaming sheathed with wood similar to that required for metal stanchions, posts or other obstructions by the provisions of paragraph (c) of this section.

(e) When a Class A magazine measures more than 40 feet in any direction, a partition bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such partition bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boardings may be spaced not more than 6 inches apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised that nail points do not protrude beyond the surface of the boarding.

(f) A magazine constructed in accordance with the provisions of paragraphs (b) and (e) of this section shall comply with the provisions of § 146.29–75 (c).

§ 146.29–83 *Ammunition stowage.* Military explosives that are authorized to be given ammunition stowage by the provisions of § 146.29–100 shall be stowed in a location selected in accordance with the provisions of § 146.29–75. Dunnage shall be laid over metal decks or tank tops, except that dunnage is not required when decks or tank tops are coated with mastic, magnesite, or other equivalent material, and when palletized units are used and the pallets are constructed of wood. Dunnaging shall be fitted to protect packages or articles or military explosives from damage. Nothing within this paragraph shall be construed as requiring the entire interior of the cargo compartment to be covered with dunnage.

§ 146.29–85 *Chemical ammunition stowage.* Chemical ammunition or chemical agents in bulk that are authorized to be given chemical ammunition stowage by the provisions of § 146.29–100 shall be stowed under the following conditions:

(a) Shall be afforded the same protection as required for ammunition stowage.

(b) Stowage shall preferably be in a deep tank or a lower hold.

(c) When stowed in a deep tank, pump suctions shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(d) When stowed in a lower hold or other compartment, the hatch covers, ventilators and pump's suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off the pump's suction shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(e) When the quantity of chemical ammunition or chemical agents in bulk exceeds the capacity of deep tanks and lower holds, other holds may be used, preference being given to other lower holds or to a tween-deck hold directly over a lower hold in which such substances are stowed.

(f) Chemical ammunition or containers of chemical agents in bulk stowed in a tween-deck hold shall not be stowed within 8 feet of the side of the vessel.

(g) When the quantity of chemical ammunition to be stowed on board the vessel does not justify the use of a deep tank or lower hold, a suitable tween-deck space may be selected and the ammunition stowed in a portable magazine especially constructed to prevent any leakage from the ammunition escaping outside of the magazine. Such portable magazine shall be located at least 8 feet from the ship's side.

(h) Before entering a deep tank, lower hold or other compartment containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred, the operation of removing the ammunition or chemical agent shall be conducted by skilled personnel, preferably representatives of the appropriate Army Technical Service (Chemical Corps or Ordnance Corps) or Navy Department.

§ 146.29–87 *Special stowage.* Special stowage may be on deck protected from the elements, in a deck house, mast house, mast locker or in a vacant stateroom: *Provided,* That such a location conforms to the distance separation rule applicable to the item so stowed and adjacent military ammunition: *And provided further,* That the space is ventilated and does not contain any vessel stores or machinery or equipment used during the navigation of the vessel and can be closed off from traffic while at sea. Dunnage shall be fitted to protect packages from damage by contacting any metal parts of the ship.

§ 146.29–89 *Portable magazine stowage.* Military explosives authorized to be given portable magazine stowage by the provisions of § 146.29–100 shall be stowed under the following conditions:

(a) Shall be located in a hold or on deck in accordance with the provisions of § 146.29–100 for the particular class of military explosive stowed therein.

(b) Portable magazines shall be constructed watertight of wood, or of metal lined with wood ¾-inch minimum thickness, and not more than 100 cu. ft. +10% (gross) of explosives shall be stowed therein.

(c) All inner surfaces of the magazine shall be smooth and free of nails, screws, or other projections.

(d) When constructed of wood the scantlings shall not be less than those required for a type "A" magazine in § 146.29–79, and a strong, close fitting hinged cover or door with an effective means of securing shall be provided.

(e) When constructed of metal, the minimum thickness of the metal shall be not less than ⅛-inch sheet, or formed material.

(f) Ammunition or containers of ammunition or explosives in bulk when stowed in a portable magazine shall be so stowed and secured that no displacement can occur either upwardly or laterally.

(g) When stowed on deck the magazine shall be protected from the direct rays of the sun. Runners, bearers, skids, or other suitable means shall be provided to elevate it a minimum of 4 inches from the deck. Pad eyes, ring bolts, or other suitable means shall be provided for lashing the magazines and they shall be so lashed, chocked or braced as to prevent movement in any direction.

(h) Portable magazines shall carry the legend "Inflammable—Keep Lights and Fire Away", or "Flammable—Keep Lights and Fire Away."

§ 146.29–91 *Pyrotechnic stowage.* (a) Pyrotechnic ammunition shall be afforded ammunition stowage or special stowage in a location away from heat and so protected as to insure no moisture contacting the packages. This class of ammunition shall not be stowed in a hold or compartment with any other military explosives, except as permitted by the admixture charts (§ 146.29–99). Pyrotechnics shall not be overstowed with other cargo.

(b) For limited quantities of pyrotechnic ammunition an alternate stowage may be utilized consisting of stowing in metal lockers or portable magazines so located as to conform with the provisions of paragraph (a) of this section as regards other explosives, over-stowage, heat, and moisture.

§ 146.29–93 *Stowage of blasting caps, detonators, primer detonators, etc.* Stowage of Classes III, VI and VIII type ammunition shall conform to the provisions of §§ 146.29–99 and 146.29–100, and to the following requirements:

(a) Class VIII ammunition, when stowed on board the same vessel with Classes II, IV, V, or VII military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction.

(b) Class VIII ammunition, when stowed on board the same vessel with Classes IX, X, or XI military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall be not less than 40 feet in any direction.

(c) Class VIII ammunition shall not be stowed within 8 feet of the vessel's side.

(d) When Class VIII ammunition is stowed over tween-deck hatch covers, and military explosives are stowed in a hold below, a single layer of commercial 2-inch lumber is required over the tween-deck hatch cover to form the floor of the magazine. Under these conditions, wooden hatch covers may be considered an integral part of the permanent steel deck and the separation requirements of paragraphs (a) (1) and (b) (1) of this section shall apply.

(e) When Class III or VI ammunition is stowed with Class VIII ammunition the provisions governing the stowage and separations of Class VIII shall apply.

(f) When a portable magazine is used for detonator stowage, such magazine may be stowed in the square of a weather deck hatch.

(g) Upon approval by the Captain of the Port, a portable magazine containing Class VIII ammunition may be stowed in an isolated cabin or steel deck house secure from aircraft machine-gun fire and not subject to casual contact by persons on board the vessel.

§ 146.29–95 ***Ventilation of magazine.*** **A magazine that is not fitted with ventilating ducts to the atmosphere shall be ventilated by omitting the top course of boarding on the sides of the magazine to provide a clear space at least 1 inch and not more than 6 inches below the lower flange or toe of the deck beam within the compartment or hold in which the magazine is constructed. Ventilators of systems feeding directly into a magazine or a hold in which military explosives are stowed shall be covered with a double layer of wire screen of not less than ⅛-inch mesh at the weather end of the cowl. This screen shall be attached securely in place in such a manner as to insure a positive closure.**

§ 146.29–97 *Statements of characteristic properties and hazards.* (a) In § 146.29–100 there are statements in italics setting forth certain characteristics and hazards of the substances or articles listed therein. It is not intended, nor shall it be assumed, that these statements set forth all of the characteristic properties or hazards of the particular substance or article and such statements as are shown are informative only.

(b) For the purpose of the regulations in this subpart Army Class XII explosives are treated as follows:

(1) Ammonium nitrate is classified as an oxidizing material.

(2) Dinitrotoluene (DNT) is classified as a high explosive Class IX.

(3) Wet nitrocellulose wet with 20 percent of water is classified as a flammable solid.

(4) Wet nitrocellulose wet with 30 percent of alcohol or flammable solvent is classified as a flammable liquid.

§ 146.29–99 *Explosives admixture charts.* (a) Chart A of this section indicates the compatibility of the various classes of ammunition described in § 146.29–100. Chart B of this section indicates the compatibility within the class of items of Classes XI–C and XI–D.

(b) A shaded block at an intersection of horizontal and vertical columns in Chart A indicates that the particular class of military explosives shown by the heading of the horizontal column to the left must NOT be stowed in the same hold or compartment with the particular class of military explosives indicated by the heading of the vertical column at the top of the chart. A shaded block at the intersection of horizontal and vertical columns in Chart B indicates that that particular item shown by the heading of the horizontal column to the left must NOT be stowed "On deck" together unless separated by the superstructure, or in the same hold or compartment with the item indicated by the heading of the vertical column at the top of the chart. For specific provisions of stowage, and items included in each class, refer to § 146.29–100.

(c) In the charts the letters refer to the following notes:

NOTE A: Class II–F may be stowed in the same lower hold or tween-deck hold with Classes II–C, II–E, II–G, and III provided the Class II–F ammunition is bottom stowed and provided further that no other class of explosive or ammunition is stowed in the hold or tank below.

NOTE B: Class II–F may be stowed in the same deep tank, lower hold or tween-deck hold with Classes IV–A, IV–B, V, VII: *Provided,* That the Class II–F ammunition is bottom stowed: *And provided further,* That no other class of explosives or ammunition is stowed in the hold or tank below.

NOTE C: Propellant charges Class II–B for separate loading artillery shell filled with Class XI–A or XI–B chemical may be stowed together in the same hold or compartment: *Provided,* That the propellant charges are "top stowed", the two items being separated by a type "A" dunnage floor. When so stowed the propellant charges shall not be overstowed with any other cargo.

NOTE D: Class II–J TH incendiary filled ammunition shall be stowed only in a deep tank or lower hold, and in all cases, bottom stowed, except that a limited quantity shipment not in excess of 500 lbs. net TH content may be stowed on deck in a special magazine constructed of material as set forth in § 146.29–81 (c) and provided such magazine has an insulation of sand at least 1 foot thick on the bottom. This magazine shall be so mounted that there is at least 1 foot void between its bottom and the deck on which it is mounted, and its preferred location is aft. There shall be one charged fire hose in the immediate vicinity of this magazine when this class ammunition is stowed therein. There shall be only one such stowage per vessel and that stowage shall not be over living quarters or hatches in which military explosives, other dangerous articles, or ship's stores are stowed below.

NOTE E: Class V (unfuzed and no fuzes packed in container) and Class VII (unfuzed and no fuzes packed in container) may be stowed with Class X–A.

NOTE F: See Chart B for compatibility of items within this class.

NOTE G: May be stowed together if separate stowage is not available.

CHART A—COMPATIBILITY CHART FOR VARIOUS CLASSES OF EXPLOSIVES

● Shall NOT be stowed together ☐ May be stowed together A Check note for proper stowage

I.C.C. class		Class	I	II-A	II-B	II-C	II-D	II-E	II-F	II-G	II-H	II-J	III	IV-A	IV-B	V	VI	VII	VIII	IX-A	IX-B	IX-C	X-A	X-B	X-C	X-D	X-E	XI-A	XI-B	XI-C	XI-D	Class
C	Small-arms ammunition w/o explosive bullets, mechanical time fuze w/o booster and like items	I	☐	☐	☐	☐	☐	☐	☐	☐	●	D	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	●	●	●	●	☐	☐	●	●	I
A or B	Bulk propellants, such as ballistite, cordite, FNH, NH, and NC powder	II-A	☐	☐	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	●	●	●	●	●	●	●	●	●	●	●	II-A
B	Smokeless powder propellants, "Made-up bag charges" in outside shipping containers	II-B	☐	☐	☐	●	●	●	●	●	●	●	●	☐	☐	☐	●	☐	●	☐	●	●	●	●	●	●	●	C	C	●	●	II-B
B or C	Pyrotechnics (fireworks)	II-C	☐	●	●	☐	●	☐	A	●	●	D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-C
Var.	Chemical ammunition—WP or PWP filled (solid)	II-D	☐	●	●	●	☐	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-D
Var.	Chemical ammunition—HC filled (solid)	II-E	☐	●	●	☐	☐	☐	A	☐	●	●	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-E
Var.	Chemical ammunition—FS or FM filled smoke (liquid)	II-F	☐	●	●	A	●	A	☐	A	●	●	A	B	B	B	●	B	●	●	●	●	●	●	●	●	●	☐	☐	●	●	II-F
Var.	Chemical ammunition—IM, NP, or PT filled, incendiary composition (oil gel)	II-G	☐	●	●	●	●	☐	A	☐	●	D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	☐	●	●	II-G
None	Chemical ammunition—water activated	II-H	●	●	●	●	●	●	●	●	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-H
Var.	Chemical ammunition—TH filled incendiary composition (solid)	II-J	D	●	●	D	●	●	●	D	●	☐	●	D	D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-J
B or C	Fuzes, PD w/o booster; fuzes AT mine (nonchemical) w/o booster; fuzes, bomb tail w/o booster; fuzes, tracer; primers; primer detonators, etc	III	☐	●	●	●	●	☐	A	●	●	●	☐	☐	☐	☐	☐	●	☐	●	●	●	●	●	●	●	●	●	●	●	●	III
B	Fixed ammunition w/o explosive projectiles (shell) and like items	IV-A	☐	●	☐	●	●	●	B	●	●	D	☐	☐	☐	☐	☐	☐	●	●	●	●	●	●	☐	●	●	●	☐	●	●	IV-A
A	Fixed and semifixed ammunition with explosive loaded projectile (shell)	IV-B	☐	●	☐	●	●	●	B	●	●	D	☐	☐	☐	☐	☐	☐	●	●	●	●	●	●	☐	●	●	●	☐	●	●	IV-B
A	Separate loading shells filled with explosive "D"	V	☐	●	☐	●	●	●	B	●	●	●	☐	☐	☐	☐	☐	☐	●	●	●	●	E	●	●	●	●	●	☐	●	●	V
A	BD fuzes; PD fuzes with booster; bomb fuzes with booster; rocket fuzes with booster; and like items	VI	☐	●	●	●	●	●	●	●	●	●	☐	☐	☐	☐	☐	●	☐	●	●	●	●	●	●	●	●	●	●	●	●	VI
A	Separate loading shells filled with HE other than explosive "D"	VII	☐	●	☐	●	●	●	B	●	●	●	●	☐	☐	☐	●	☐	●	●	●	●	E	●	☐	●	●	●	☐	●	●	VII
A or C	Blasting caps; detonators; AT mine fuzes (chemical); etc	VIII	☐	●	●	●	●	●	●	●	●	●	☐	●	●	●	☐	●	☐	●	●	●	●	●	●	●	●	●	●	●	●	VIII
A or B	Explosives in bulk, such as black powder, smokeless powder for small arms, etc	IX-A	☐	☐	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	●	●	●	●	●	●	●	●	●	●	●	IX-A
A	High explosives, such as dynamite, TNT, demolition blocks, etc	IX-B	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	●	☐	●	●	●	●	●	●	●	●	IX-B
A	Initiating and priming explosives in bulk	IX-C	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	●	●	●	●	●	●	●	●	●	IX-C
A	Explosive bombs, mines, torpedoes, etc	X-A	☐	●	●	●	●	●	●	●	●	●	●	●	●	E	●	E	●	●	☐	●	☐	☐	●	●	●	●	●	●	●	X-A
A	Explosive bombs, mines, etc. packed with fuze in integral package	X-B	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	☐	●	●	●	●	●	●	●	X-B
A	Guided missiles with solid propellant motors, HE warhead	X-C	●	●	●	●	●	●	●	●	●	●	●	☐	☐	●	●	☐	●	●	●	●	●	●	☐	●	●	●	●	●	●	X-C
A	Guided missiles with liquid propellant motors, HE warhead	X-D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	●	●	●	●	●	X-D
A	Guided missiles with liquid auxiliary power units, solid propellant motors, HE warhead	X-E	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	●	●	●	●	X-E
A or Fob. A	Chemical ammunition—lethal	XI-A	☐	●	C	●	●	●	☐	☐	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	☐	☐	●	●	XI-A
A or Fob. C	Chemical ammunition—nonlethal	XI-B	☐	●	C	●	●	●	☐	☐	●	●	●	☐	☐	☐	●	☐	●	●	●	●	●	●	●	●	●	☐	☐	●	●	XI-B
Var.	Fuels in containers for missile and rocket engines	XI-C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	F	●	XI-C
Var.	Oxidizers in containers for missile and rocket engines	XI-D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	F	XI-D

CHART B—COMPATABILITY CHART FOR VARIOUS ITEMS WITHIN CLASS XI-C AND CLASS XI-D

Legend: ●● Shall NOT be stowed together ☐☐ May be stowed together G Check note for proper stowage

	Nomenclature	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z	aa	
a	Acids; i. e., nitric sulfuric; fuming red nitric; fuming white nitric; etc	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	a
b	Liquid hydrogen	●●	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	b
c	Liquid fluorine	●●	●●	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	c
d	Liquid oxygen	●●	●●	●●	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	d
e	Liquid nitrogen tetroxide	●●	●●	●●	●●	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	e
f	Anhydrous ammonia	●●	●●	●●	●●	●●	☐☐	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	f
g	Diborane; pentaborane	●●	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	g
h	Aluminum borohydrides	●●	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	h
i	Diethylene glycol dinitrate, liquid	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	i
j	Nitroglycerine, liquid	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	j
k	Hydrogen peroxide	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	k
l	Hydrazine; hydrazine hydrate	●●	●●	●●	●●	●●	☐☐	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	l
m	Dimethyl hydrazine, unsymmetrical	●●	●●	●●	●●	●●	☐☐	●●	●●	●●	●●	●●	☐☐	☐☐	●●	G	G	G	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	m
n	Alcohol-ethyl, methyl, furfuryl	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	G	☐☐	G	G	G	●●	G	G	●●	●●	●●	●●	●●	n
o	Gasoline (AVGAS)	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	G	G	☐☐	☐☐	G	G	G	●●	G	G	●●	●●	●●	●●	●●	o
p	Heptane; kerosene; octane	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	G	☐☐	☐☐	☐☐	G	G	G	●●	G	G	●●	●●	●●	●●	●●	p
q	Pentane	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	G	G	G	G	☐☐	☐☐	☐☐	●●	☐☐	☐☐	●●	●●	●●	●●	●●	q
r	Analine	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	G	G	G	☐☐	☐☐	☐☐	●●	☐☐	☐☐	●●	●●	●●	●●	●●	r
s	Monoethylaniline	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	G	G	G	☐☐	☐☐	☐☐	●●	☐☐	☐☐	●●	●●	●●	●●	●●	s
t	Nitromethane, tetranitromethane	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	●●	●●	●●	●●	●●	●●	●●	t
u	Diethylene triamine	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	G	G	G	☐☐	☐☐	☐☐	●●	☐☐	●●	●●	●●	●●	●●	●●	u
v	Acetonitrile (methyl cyanide)	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	G	G	G	☐☐	☐☐	☐☐	●●	●●	☐☐	●●	●●	●●	●●	●●	v
w	Potassium cuprocyanide	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	●●	●●	●●	●●	w
x	Sodium pemanganate, solid	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	x
y	Calcium permanganate, solid	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	☐☐	●●	●●	y
z	Lithium, metallic	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	●●	z
aa	Metals, powdered	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	☐☐	aa

§ 146.29–100 *Classification, handling and stowage chart*

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
I **Small-arms ammunition w/o explosive bullets mechanical time fuze w/o booster and like items.**	**Small-arms ammunition is a variety of fixed ammunition** and includes blank ammunition and shotgun shells designed to be fired from a pistol, revolver, rifle, shotgun, or similar weapon held by the hand, or by the hand and shoulder, or machine guns of caliber less than .75, or blank remover cartridges for pilot seat ejectors and canopy removing catapults, and consists of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear-gas material, tracer components or incendiary compositions or mixtures, but not including bullets loaded with high explosives. (For small arms ammunition with explosive bullets or projectiles see Class IV-B.) Other items of ammunition or component parts of ammunition having similar hazard characteristics to small-arms ammunition are also included in this class. Includes but is not limited to: Cartridges: Aircraft engine starter. Armor piercing. Armor piercing incendiary. Armor piercing incendiary tracer. Ball. Blank. Carbine. Catapult, aircraft ejection seat. Exactor. High pressure test. Ignition. Incendiary. Initiator. Powder actuated tool, shipped separately. Remover, aircraft canopy. Rifle grenade. Slick marker (MK1). Tear gas. Thruster. Tracer. Catapult w/cartridge: Aircraft ejection seat. Chemical delay pencil. Detonating cord. Empty cartridge case, primed. Firing device w/o detonator. Fuse, blasting cap. Grenade projection adapter and similar inert devices when packed with blank small-arms cartridge. Grenades, empty primed. Igniter, torpedo. Mechanical time fuze w/o booster. Powder actuated tool w/cartridge packed in the same outside box. Primer, lock combination. Primer, lock electric. Primer, small-arms. Primers, percussion cap (such as used in small-arms ammunition). Remover w/cartridge, aircraft canopy, M1. Shell, shotgun. Small-arms ammunition w/o explosive bullets. T cutter (MK2). NOTE: The U. S. Army and Navy definitions of small-arms is based on tactical considerations. The Coast Guard definition shall take precedence in all cases involving transportation, handling, and stowage as cargo on board merchant vessels which are subject to the regulations in this part. Small arms ammunition without explosive bullets does not require a permit. See § 146.29–13 and § 146.29–15.	"Cannon primers" "Combination primers." "Cordeau detonant." "Empty cartridge case, primed." "Explosive cable cutters." "Explosive rivets" "Fuse lighters" "Grenades, empty, primed." "Igniter." "Percussion caps." "Percussion fuze." "Safety fuse." "Small-arms ammunition." "Small-arms ammunition, tear gas cartridge." "Small-arms primers." "Time fuze (mechanical w/o booster)."	C C C C C C C C C C C C C C C C	The principal hazard in connection with the stowage of this class of ammunition is its involvement in fire from outside source. Under such conditions the presence of this type of ammunition will not contribute excessively to the fire. Fire may be controlled and extinguished by flooding or spraying with large amounts of water. Missiles from burning ammunition will not be projected with any considerable velocity. Fire fighting personnel should take normal precautions and not expose themselves unnecessarily.	Any compartment or hold. May be stowed in any hold above, any hold below, or a hold adjacent to one in which flammable liquids, flammable solids or oxidizing materials, flammable compressed gases, hazardous articles or combustible liquids are stowed. Provisions of § 146.29–59 (Stowage adjacent to other dangerous articles) shall be complied with unless specifically exempted by the above paragraph. May be overstowed.	**1. Observe marking on package to be certain that no small-arms ammunition with explosive bullets is included.** **2. Do not subject packages to rough handling.** **3. Maximum weight per draft shall not exceed 3,000 lbs. plus 10%.** **4. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.** **5. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.** **6. The limiting weights noted above are for a 5-ton boom.** See § 146.29–41.

board merchant vessels which are subject to the regulations in this part. Small arms ammunition without explosive bullets does not require a permit. See § 146.29-13 and § 146.29-15.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-A **Bulk propellants such as: Ballistite, Cordite, FNH, NH, and NC powders.**	Smokeless powder for cannon in bulk. Rocket propellants in bulk. Includes but is not limited to: Ballistite (bulk) for any purpose in large grains, sheets, or masses. Cordite. FNH powder. NC powder (SPD). NH powder (SPDN). SPCA powder. SPCG powder.	"Propellant explosives, Class A." "Propellant explosives, Class B."	A B	Loose powder may be ignited by spark, friction, or intense heat. Powder dust is especially hazardous. Burns rapidly with excessive heat. Burning powder in ships hold may explode, producing structural damage and missiles. May become unsafe if subjected to high temperatures. If involved in a fire, immediately apply water freely and in quantity.	*Ammunition stowage* Shall not be overstowed with any other kind of cargo except bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. When Class I ammunition is stowed in the same hold or magazine with this Class the two stowages must be separated by a partition bulkhead or type "A" dunnage floor. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyor shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge. 8. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
II-B **Smokeless powder propellants.** **"Made-up bag charges" in outside shipping containers.**	Smokeless powder propellant charges (made-up charges) in cloth powder bags with igniter attached and with or without its primer and packed in outside metal or fiber-pack containers. Includes but is not limited to: Cartridge starter, jet engine. Charge, propelling for rod, earth blast driven. Propellant charges for separate loading ammunition such as: 6", 8", 12", 14", 16", 155mm, 240mm, 280mm.	"Propellant explosives, Class B." "Starter cartridge, jet engine."	B B	Loose powder may be ignited by spark friction, or intense heat. Powder dust is especially hazardous. Burns rapidly with excessive heat. Burning powder in ship's hold may explode producing structural damage and missiles. May become unsafe if subjected to high temperatures. If involved in a fire, immediately apply water freely and in quantity.	*Ammunition stowage* Shall not be overstowed with any other kind of cargo except bomb-fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. When Class I ammunition is stowed in the same hold or magazine with this class the two stowages must be separated by a partition bulkhead of type "A" dunnage floor. Propellant charges, of this class, for separate loading artillery shell, filled with Class XI-A or XI-B chemical may be stowed together in the same hold or compartment provided the propellant charges are "top-stowed," the two items being separated by a type "A" dunnage floor. When so stowed the propellant charges shall not be overstowed with any other cargo. For stowage adjacent to other dangerous articles see section 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyors shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge. 8. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-O Pyrotechnics (fireworks).	Fireworks are all manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Includes but is not limited to: Blue sump. Bomb, target identification. Cartridge igniter, turbo jet engine. Delay electric igniters. Depth charge markers, day. Destroyer, document, No. 3. Firecrackers, except M80. Fire starter. Fireworks—bombs. Fireworks—shell. Flares of all types, such as: Aircraft. Airport. Bombardment. Float. High altitude parachute. Parachute. Parachute trip. Tow target. Trip. Flash cartridge 72 grains or under. Flash reducer (non black powder). Flash sheets (ltd. packing, ICC). Float lights. Fuse igniters. Fuse lighters. Fusee, warning, railroad. Igniters, M1 and M2. Illuminating grenades. Metal powders (ltd. packing ICC). Photographic flash powder (ltd. packing ICC). Pull wire fuse lighter. Pyrotechnic mixture, 72 grains or under. Quick match. Roman candles. Salutes. Signals: Aircraft float light. Day distress aircraft. Distress hand smoke. Double star. Drift day (bronze powder, inert). Drift night (red phosphorous). Emergency identification: smoke, star submarine. Ground cluster. Ground high burst ranging. Ground parachute smoke. Ground parachute star. Highway. Miniature practice bomb. Pistol rocket: Comet shower, smoke star. Single star. Submarine float. Simulator: Boobytrap, flash, illuminating, whistling, 72 grains or under. Hand grenade, M116. Smoke pots w/o oil. Squibs of all kinds. Tear gas pot fuse. Torpedo signalling, railway. Tracers. Very signal lights.	"Common fireworks." "Electric squibs" "Fuse igniters" "Fuse lighters" "Igniter" "Railway fusee" "Railway torpedoes" "Safety squibs" "Special fireworks"	C C C C C C B C B	The principal hazard is involvement in a fire. Some pyrotechnics may ignite spontaneously if exposed to moisture or high temperatures, but under these conditions most types tend to become less sensitive and more difficult to ignite. Aircraft flares and high burst ranging ground signals involved in a fire may explode. Most other types burn with intense heat and without serious explosion. If involved in a fire immediately apply water freely and in quantity. Steam or fog is also effective but less so than water. Fire fighting personnel should work from behind barriers and not expose themselves unnecessarily.	*Ammunition stowage, deep tank stowage or pyrotechnic locker* Shall be stowed away from heat and in a dry location, protected against moisture contacting the stowage. Shall not be overstowed with any other kind of cargo May be stowed in the same deep tank, lower hold or tween-deck hold with II-F provided the Class II-F ammunition is bottom stowed and provided that no other class of explosives or ammunition is stowed in the hold below such stowage. May be stowed in the same deep tank or lower hold as Class II-J provided the II-J ammunition is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drag, drop, tumble, walk or otherwise subject packages to shock. 3. Do not load during excessive rainy weather, unless complete protection against moisture coming in contact with the package is provided. 4. Do not use chute in loading or unloading. 5. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 7. Packages or containers shall be stowed in the position indicated by their marking. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-D Chemical ammunition. WP or PWP filled (solid).	All chemical ammunition, including fixed, semi-fixed and separate loading, filled with WP or PWP (white phosphorus) when assembled or packed with or w/o their ignition elements, bursting charges, fuzes or propellants. WP or PWP shipped in bulk in drums, barrels, or other authorized shipping containers shall be classified as a flammable solid. WP or PWP when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including projectiles, bombs, and rocket heads, w/o ignition elements, bursting charges or fuzes), may be handled and stowed either as a flammable solid or as chemical ammunition Class II-D. Includes but is not limited to: Bombs, aircraft, WP or PWP filled. British Calling Cards. Fire leaves. Grenades, hand, WP or PWP filled. Grenades, rifle, WP or PWP filled. Igniters, phosphorus filled. Projectiles (shells) WP or PWP filled packed w/ or w/o propellants. Rockets Heads, WP or PWP filled. Rockets, assembled w/motors, WP or PWP filled. NOTE: The U. S. Army and Navy, when shipping ammunition filled with white phosphorus, mark such ammunition and the containers thereof with the word "smoke" and the symbol WP or PWP. The ammunition is also marked with one yellow band.	"Ammunition for cannon with explosive projectile." "Ammunition for cannon with smoke projectile." "Explosive bomb" "Explosive projectile." "Igniter" "Special fireworks" Shipping name of item when shipped as flammable solid.	A A A A C B F. S.	The principal characteristic of white phosphorus is that of spontaneously igniting upon exposure to air, burning with an intensely hot flame, and giving off large volumes of white smoke. The fumes are highly discomforting. Burning phosphorus gives off phosphorus oxide which is toxic upon sustained exposure thereto. Phosphorus is intensely poisonous when taken internally. It becomes liquid at 111° F. Leakage which sometimes occurs, usually gives warning by smoke. Ammunition fitted with fuzes and boosters, if involved in a fire will usually explode with noderate violence thus tending to spread the fire rapidly. Apply water freely and in quantity to control spread of fire. Steam or fog is also effective but less so than water. It is necessary to keep the loose WP or PWP completely covered with water to prevent reignition. Organic material contaminated with WP or PWP such as dunnage in the holds of vessels, must be removed and disposed of by burning. Otherwise after drying out, these substances are likely to reignite. Rockets, WP filled, assembled with motor and involved in a fire will present an additional hazard due to the propulsive nature of the rocket. Loose phosphorus in contact with skin tissue will adhere causing painful burns and continue to consume skin tissue until removed. A solution of copper sulphate is effective in counteracting this action. Use rubber protective gloves, boots, aprons, and gas masks to provide effective protection.	*Ammunition stowage, chemical ammunition stowage, or deep tank stowage.* It is important to stow in locations not subject to temperatures above 100° F. When shipments of Army ammunition cannot be so stowed the following shall be complied with: WP or PWP filled items of ammunition shall be stowed in a nose up position unless other requirements are specified by the Army. The position of the nose end of the item of ammunition is marked on the outside package or container. Drums or other authorized ICC or Chemical Corps specification containers filled with WP or PWP may be stowed in the same hold or compartment with chemical ammunition Class II-D. For stowage adjacent to other dangerous articles see § 146.29-59. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or projectiles (shells) for leakage and reject any showing such signs. 5. Packages or containers shall be stowed in the position indicated by their marking. 6. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with WP or PWP. (See table Limiting Loads, Class X-A.) 12. Drums of WP or PWP shall not be handled by attaching hooks to the chime of the drums. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-E Chemical ammunition. HC filled (solid).	All chemical ammunition including fixed, semi-fixed and separate loading, filled with HC (Hexachlorethane, a smoke mixture) when assembled or packed w/ or w/o their ignition elements, bursting charges, ejection charges, fuzes or propellants. HC mixture shipped in bulk in drums, barrels or other authorized shipping containers shall be classified as an oxidizing material. HC mixture when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including shells and bombs w/o ignition elements, bursting charges or fuzes) may be handled and stowed either as an oxidizing material or as chemical ammunition Class II-E. Includes but is not limited to: Bombs, aircraft, smoke, HC filled. Bombs, floating, smoke, HC filled. Bombs, smoke identification, HC filled. Float, smoke, HC filled. Grenades, hand, HC filled. Grenades, signal, HC filled. Grenades, colored smoke, HC filled. Pots, smoke, HC filled. Shells, artillery, smoke, HC filled. Shells, mortar, smoke, HC filled. NOTE: The U. S. Army and Navy, when shipping ammunition filled with HC smoke or colored smoke, mark such ammunition HC smoke or colored smoke and mark the ammunition with one yellow band.	"Ammunition for cannon with smoke projectile." "Explosive bomb" "Explosive projectile." "Special fireworks" Shipping name of item when shipped as oxidizing material.	A A A B Oxy. M.	HC (hexachlorethane mixture) is subject to spontaneous ignition through the action of moisture on the HC mixture. Once started, the temperature rises quickly and may be sufficient to cause adjacent containers of HC to ignite. The reaction once started is self-supporting and requires no oxygen. Water can be applied freely to prevent spread of fire. The use of Foamite, CO_2 or fog is less effective. Personnel fighting fire involving HC articles of ammunition especially when stowed in the hold of a vessel, should avoid working in dense smoke if not wearing rescue breathing apparatus or gas masks. As there will probably be an oxygen deficiency in dense smoke, self-contained breathing apparatus should always be used in preference to gas masks.	*Ammunition stowage, chemical ammunition stowage, or deep tank stowage* It is important to stow in locations not subject to temperatures above 100° F. and protected from moisture. Stowage shall be accessible from cargo hatch or other access means to the hold or compartment. Drums or other authorized ICC or Chemical Corps specification containers filled with HC may be stowed in the same hold or compartment with chemical ammunition Class II-E. May be stowed in the same deep tank, lower hold or tween-deck hold with Class II-F provided the Class II-F ammunition is bottom stowed and provided further that no other class of military explosives is stowed in the hold or tank below. For stowage adjacent to other dangerous articles see § 146.29-59. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or projectiles (shells) for leakage and reject any showing such signs. 5. Packages or containers shall be stowed in the position indicated by their markings. 6. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with HC mixture. (See table of Limiting Loads, Class X-A.) 12. Drums of HC mixture shall not be handled by attaching hooks to the chime of the drums. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-F Chemical ammunition. FS or FM smoke filled (liquid).	All chemical ammunition including fixed, semi-fixed and separate loading filled with smoke, FS (sulfur trioxide in chlorsulfonic acid) or FM (titanium tetrachloride) when assembled or packed with or w/o their bursting charges, fuzes, or propellants. FS or FM shipped in drums, barrels, cylinders or other authorized containers shall be classified as a corrosive liquid. FS or FM when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including shells, rocket heads, w/o bursting charges or fuzes) may be handled and stowed either as corrosive liquid or as a chemical ammunition Class II-F. Includes but is not limited to: Grenades, frangible, smoke FS or FM filled. Grenades, smoke, FS or FM filled. Rockets, FS or FM filled. Shell, artillery, FS or FM filled. Shell, mortar, FS or FM filled. Spotting charges, FS filled. NOTE: The U. S. Army and Navy, when shipping ammunition filled with FS or FM smoke, mark such ammunition and the containers thereof with the word "Smoke" and the symbol FS or FM. The ammunition is also marked with one yellow band,	"Ammunition for cannon with smoke projectile." "Explosive projectile." "Rocket ammunition with smoke projectile." Shipping name of item when shipped as corrosive liquid.	A A A Cor. L.	FS (sulfur trioxide in chlorsulfonic acid) and FM (titanium tetrachloride) are liquids which fume badly when hot. They react violently with small amounts of water and form a dense white smoke upon release to the atmosphere. FS is highly corrosive both as a liquid and as a smoke. FM is corrosive in liquid only, but its smoke is very irritating. Leakage of FS or FM should be washed off immediately with large volumes of water. Personnel working in a confined space where high concentrations of FS or FM smoke exists should use rubber protective gloves, boots, aprons and gas masks for effective protection.	*Ammunition stowage, chemical ammunition stowage, or deep tank stowage* It is important to stow away from heat and to protect from moisture. May be stowed in the same deep tank, lower hold or tween-deck hold with Classes II-C, II-E, II-G, and III provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in the hold or tank below. May be stowed in the same deep tank, lower hold or tween-deck hold with Classes IV-A, IV-B, V, and VII provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in the hold or tank below. Drums or other authorized ICC or Chemical Corps specification containers filled with FS or FM may be stowed in the same hold or compartment with chemical ammunition Class II-F. Shall not be stowed over other types of ammunition. For stowage adjacent to other dangerous articles see § 146.29-59. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	**1. Handle by hand or mechanical means.** 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Observe packages or projectiles (shells) for leakage and reject any showing such signs. 4. Containers or projectiles shall be stowed in the position indicated by their marking. 5. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 7. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 8. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 10. Drums of FS or FM shall not be handled by hooks attached to the chime of the drums. 11. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-G Chemical ammunition. Incendiary composition, IM, PT or NP filled (oil gel).	Chemical ammunition filled with IM, PT or NP (thickened fuels) when assembled or packed with or w/o ignition elements, bursting charges or fuzes. IM, PT or NP shipped in drums, barrels or other authorized shipping containers shall be classified as a flammable solid. IM, PT or NP when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including bombs w/o ignition elements, bursting charges or fuzes) may be handled and stowed either as a flammable solid or as chemical ammunition Class II-G. Includes but is not limited to: Bombs. Bombs, cluster incendiary. Frangible grenades. NOTE: The U. S. Army and Navy, when shipping ammunition filled with these incendiary compositions, mark such ammunition or containers thereof with the Chemical Corps symbol of the filler and one purple band.	"Explosive bomb" "Grenade, hand" "Special fireworks" Shipping name of item when shipped as flammable solid.	A A B F. S.	The principal hazard of IM, PT or NP filled items is involvement in a fire. They burn rapidly with intense heat. Extinguishment of fires is best accomplished by means of water fog. Fog foam or a foam steam (mechanical or chemical) is likewise effective. CO_2 should not be used unless the fire is small and in its incipient stage. In holds of a vessel large volumes of water are recommended as a cooling agent provided such may be employed without "floating off" burning gel. The vapors from heated napalm are toxic and rescue breathing apparatus should be worn while working in noticeable concentrations. Clusters of incendiary bombs in this category may contain a certain percentage of bombs having a high explosive charge capable of causing fragments which could be dangerous to fire-fighting personnel. Incendiaries of this type may contain ignition components of WP adding an additional hazard.	*Ammunition stowage, chemical ammunition stowage, or deep tank stowage* Shall not be stowed within 10 feet of a heat bulkhead. May be stowed in the same deep tank, lower hold or tween deck hold with Class II-F provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in the hold or tank below. May be stowed in a deep tank or lower hold with Class II-J incendiary ammunition provided the Class II-J is bottom stowed. For stowage adjacent to other dangerous articles, see § 146.29-59. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages, containers or bombs to shock. 3. Do not use chute in loading or unloading. 4. Observe packages, containers or bombs for failure or inability to retain contents and reject any showing such signs. 5. Packages, or containers shall be stowed in the position indicated by their marking. 6. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets or pieplates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with IM, PT or NP. (See table of Limiting Loads, Class X-A.). 12. Drums of IM, PT, or NP shall not be handled by attaching hooks to the chime of the drums. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
II-H Chemical ammunition. Water activated.	Chemical ammunition filled with sodium, calcium carbide, calcium phosphide, lithium hydride, with or w/o explosive components. Includes but is not limited to: Beacons, NEA. Can, false target. Depth charge markers, night. Grenades, sodium filled. Igniters, sodium filled. Pots, torpedo torch. Shell, false target.	There are no provisions in the current ICC regulations for the marking of this class of ammunition.	....	On contact with moisture, metallic sodium or lithium hydride will liberate large quantities of hydrogen gas thus producing an explosive hazard. The reaction of metallic sodium with water is sufficiently violent to cause ignition of the liberated hydrogen. Fumes from burning sodium are caustic. On contact with moisture, calcium carbide or calcium phosphide will liberate phosphine and acetylene gases. The phosphine is toxic but extremely unstable, ignites spontaneously and at the same time ignites the acetylene gas. Fires involving these items cannot be extinguished by water, carbon dioxide or foam. Smothering with an inert substance such as dry sand or dry soda ash offers effective control. Jettisoning should not be accomplished in a port or roadstead as the floats will continue to burn until filler is consumed jeopardizing other vessels and piers.	*Special stowage* On deck in a portable magazine, in a deck house or other location readily accessible for jettisoning. Stowage shall be waterproof. Shall not be stowed with any other class of military explosives or any other dangerous articles.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not load during excessive rainy weather unless complete protection against moisture coming in contact with the package is provided. 5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 7. Remove damaged container and residue of powder to a safe location. 8. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets or pieplates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

foam.
Smothering with an inert substance such as dry sand or dry soda ash offers effective control.
Jettisoning should not be accomplished in a port or roadstead as the floats will continue to burn until filler is consumed jeopardizing other vessels and piers.

11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%.
12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-J Chemical ammunition. TH incendiary composition filled (solid).	All chemical ammunition filled with incendiary composition TH (thermite, thermate or thermate magnesium) with or w/o fuze or explosive element. Includes but is not limited to: Bombs, incendiary cluster. Grenades, thermate. Incendiary safe destroyers. Thermite burning charges. Thermite charges under water. Thermite igniters. Thermite units 10 lbs. NOTE: The U. S. Army and Navy, when shipping ammunition filled with these incendiary compositions, mark such ammunition or containers thereof with the Chemical Corps symbol of the filler and with one purple band.	"Explosive bomb" "Grenade, hand" "Igniter" "Special fireworks"	A A C B	The principal hazard of TH filled items is involvement in a fire. They burn rapidly with intense heat and usually form large quantities of molten iron. The presence of a small explosive charge in some TH items forms an additional hazard in case of a fire. Carbon dioxide and carbon tetrachloride extinguishers should not be used to combat fires involving TH because the reaction of carbon tetrachloride with molten metal produces toxic gases and that of carbon dioxide on magnesium may produce an explosion. In the hold of a vessel large volumes of water are recommended as an extinguishing agent. Fire fighters should work from behind barriers when possible.	*Deep tank stowage or ammunition stowage* Shall be stowed only in a deep tank or lower hold, and in all cases bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59. For limited quantity shipments not in excess of 500 lbs. net TH content, see § 146.29-99 (b), NOTE D.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or containers for evidence of failure or inability to retain contents and reject any showing such signs. 5. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skipboards, pallets or pieplates are not permitted. 7. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate, fitted with cargo net or sideboards shall not exceed 4,000 lbs. plus 10%. 8. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 10. Wire rope slings are permitted when handling unboxed bombs or containers filled with TH. (See table of Limiting Loads, Class X-A.) 11. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
III Fuzes, PD w/o boosters; fuzes, AT mine, non-chemical, w/o boosters; fuzes, bomb tail, w/o boosters; fuzes, tracer; primer detonators; primers, etc.	Point fuzes w/o boosters for projectiles and rockets; antitank mine fuzes (non-chemical) w/o booster; bomb tail fuzes w/o boosters; primer detonators, cannon primers, other than lock primers, when packed in separate shipping containers. Includes but is not limited to: Case combination primer. Case electric primer. Case percussion ignition primer. Case percussion primer. Combination electric and percussion primer. Detonating fuzes, Class C, made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonates in a shipping container. Fuze, anti-tank, mine (non-chemical) w/o booster. Fuze, base percussion. Fuze, bomb tail, w/o booster. Fuze, PD w/o booster. Fuze, percussion. Fuze, MTSQ w/o booster. Fuze, tracer. Fuze, TSQ w/o booster. Igniter, Jato, such as M151. Igniter for rockets, i. e. M12, M18, M20. Magazine, extension primers. Mines practice with spotting charge and/or fuze. Percussion primers other than lock. Primer, detonators, fuze, bomb, various delays.	"Cannon primers" "Combination fuzes." "Combination primers." "Detonating fuzes, Class C." "Igniter, jet thrust" "Percussion caps" "Percussion fuzes" "Time fuzes" "Tracer fuzes"	C C C C B C C C C	The amount of explosives in single items of this class varies from 30 to 500 grains. It is likely they will explode progressively. Structural damage caused by the pressures generated would probably be limited to the immediate vicinity. Missiles are light and usually fall within 300 feet. These types of ammunition are loaded with explosives that are sensitive to shock and friction. Shock and fire are the principal hazards to this type of ammunition. If involved in a fire, fire fighting personnel should take normal precautions and not expose themselves unnecessarily. Fire may be controlled and extinguished by flooding or spraying with large amounts of water.	*Ammunition stowage, special stowage, or portable magazine which may be stowed in a hold or on deck* This class of ammunition shall not be overstowed with any other cargo or ammunition except Classes VI and VIII. May be stowed in the same lower hold or tween-deck hold with Class II-F provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the hold below or the deep tank directly below. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity roller conveyors not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous cargo. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IV-A **Fixed ammunition without explosive projectile (shell) and like items.**	Fixed ammunition with solid projectile, blind loaded projectile, empty projectile or without projectile—(the explosive components consisting of the primer and powder charges in a cartridge case); cartridge cases primed and containing powder charges; practice grenades; practice and target rockets. Includes but is not limited to: Ammunition for cannon: Blank. Blind loaded and plugged (BL & P). Blind loaded with tracer (BL & T). Empty projectile. Solid projectile. Without projectile. Ammunition, armor piercing, shot (w/o HE). Cartridges, blank, saluting. Cartridges, semi-fixed for Navy type guns: 5''/38, 5''/51, 5''/54, 6''/47. Cartridges, semi-fixed 4.7'' (Army w/o projectile). Charges: Catapult (other than aircraft personnel). Grenade, hand, practice. Jato (ICC Class B). Rocket—target. Rocket motors (w/o rocket heads). Rocket, packed with but not assembled to inert rocket heads. Rocket, practice, assembled with inert head.	"Ammunition for cannon with empty projectile. "Ammunition for cannon with inert-loaded projectile." "Ammunition for cannon with solid projectile." "Ammunition for cannon w/o projectile." "Jet thrust units (JATO) Class B." "Special fireworks"..	B B B B B B	The principal hazard associated with this class of ammunition is its involvement in a fire. Pressures which would cause serious structural damage are not usually generated. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire-fighting personnel should take appropriate precautions and not expose themselves.	*Ammunition stowage* Boxed and crated ammunition may be overstowed with nondangerous cargo and permitted explosives. Tanked ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. May be stowed in the same deep tank, lower hold or tweendeck hold with Class II-F ammunition provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the hold or the tank below. May be stowed in the same deep tank or lower hold with Class II-J ammunition provided the Class II-J is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized. 5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 6. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 8. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
IV-B **Fixed and semifixed ammunition with explosive loaded projectile or shell.**	Fixed and semifixed ammunition, packed as complete rounds (including artillery, mortar and gun ammunition) grenades and rockets, when assembled with explosive projectiles or bursting charge. Small-arms ammunition with explosive bullets or projectiles. Includes but is not limited to: Anti-personnel mine, M2 and M3. Artillery ammunition of calibers 0.75'' to 5'' inclusive, with explosive, illuminating or incendiary projectiles. Grenades, hand, defensive. Grenades, hand, defensive, TNT filled, fuzed or unfuzed. Grenades, hand, fragmentation. Grenades, rifle, AT. Grenades, rifle, HE filled. Gun ammunition of calibers 0.75'' to 5'' inclusive, with explosive, illuminating or incendiary projectiles. Mortar ammunition (explosive or illuminating). Rockets, with explosive heads packed in the same container with, but not assembled to motors. Rockets, 2.36'' A. T. (Bazooka). Rockets, 2.75'' FFAR, assembled or unassembled. Rockets, 3.5'' HEAT. Small-arms ammunition with explosive bullets.	"Ammunition for cannon with explosive projectile." "Ammunition for cannon with incendiary projectile." "Ammunition for small arms with explosive bullets." "Ammunition for small arms with explosive projectile." "Hand grenades"... "Rifle grenades".... "Rocket ammunition with explosive projectile." "Rocket ammunition with illuminating projectile."	A A A A A A A A	Articles in this class present a severe fire hazard and usually explode progressively, only a few boxes at a time, many explosions of individual rounds being of a very low order. Pressure which would cause serious structural damage is not usually generated. Most missiles would fall within 600 feet. If involved in a fire it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire fighting personnel should take appropriate precautions and not expose themselves unnecessarily.	*Ammunition stowage* Boxed and crated ammunition may be overstowed with nondangerous cargo and permitted explosives. Tanked ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. May be stowed in the same deep tank, lower hold or tween-deck hold with Class II-F ammunition provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the hold or tank below. May be stowed in the same deep tank or lower hold with Class II-J ammunition provided the Class II-J is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized. 5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 6. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 8. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
V	Separate loading shells of all calibers filled with explo-	"Explosive projec-	A	If involved in a fire will	*Ammunition stowage*	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
V Separate loading shells filled with explosive "D".	Separate loading shells of all calibers filled with explosive "D", fuzed or unfuzed: and shells filled with explosives "D", fuzed or unfuzed, not assembled to or packed with cartridge cases. Explosive "D" is used as a bursting charge for all projectiles which must withstand severe stresses and shocks before detonating: such as armor-piercing projectiles. Includes but is not limited to: Armor piercing shells. Deck piercing shells. NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fuzed shells with false ogives will be crated. Point fuzed shells without false ogives will have grommets and eyebolt lifting plugs. Base fuzed shells with relatively fragile parts such as false ogives, steel, caps and windshields will be crated. Base fuzed shells without false ogives will not be crated but will have grommets. All Navy 6" through 16" separate loading projectiles are explosive "D" loaded.	"Explosive projectile".	A	If involved in a fire will very likely detonate as a result of exposure to heat. These shells usually explode one at a time and in practically all cases with low order explosion. There is no certainty that en masse explosion will not occur. Most missiles will fall within 1,200 feet.	*Ammunition stowage* This ammunition, boxed, unboxed, or palletized units thereof, may be overstowed. Care must be taken not to damage rotating bands of shells that are not in containers. May be stowed in the same deep tank, lower hold or tween deck hold with Class II-F ammunition provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the same hold below or in the tank below. Class V when unfuzed and no fuzes packed in container may be stowed with Class X-A. For stowage adjacent to other dangerous articles see § 146.29-59.	**1. Handle by hand or mechanical means.** 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles (shells) shal not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet. 6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Shell tongs or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 9. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single shells weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed so as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
VI BD fuzes Bomb fuzes with boosters. PD fuzes with boosters. Rocket fuzes with boosters.	Base detonating fuzes (for all calibers) and PD fuzes with boosters; bomb and rocket fuzes with boosters; auxiliary booster assembled to or packed with the fuze; depth charge pistol with detonator and with or without booster assembled to or packed with pistol. (For boosters, auxiliary boosters, bursters, etc., having no initiating or priming elements and packed independently, see Class X-A). Includes but is not limited to: Adapter booster, with detonator. Auxiliary booster, with detonator. Boosters. Burster, with detonator. Depth charge pistol, with detonator and with or without booster. Detonating fuzes, Class A. Fuze: Auxiliary detonating. Base detonating (for all calibers). Bomb nose. Bomb tail with booster. Hydrostatic bomb. Hydrostatic bomb tail. Point detonating with booster. Rocket. Fuzes with boosters assembled thereto. Mine, anti-personnel, non-metallic, M14. Mine firing mechanism, C-1.	"Detonating fuzes, Class A".	A	The amount of explosives in single items does not usually exceed one-half pound. It is likely they would explode progressively. Structural damage caused by the pressure generated would probably be limited to the immediate vicinity. Missiles are light and usually fall within 600 feet. These types of ammunition are loaded with explosives that are sensitive to shock and heat. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire-fighting personnel shall take appropriate precautions and not expose themselves unnecessarily.	*Ammunition stowage, special stowage, or portable magazine, which may be stowed in a hold or on deck* This class of ammunition shall not be overstowed with any other cargo or military explosives except Classes III and VIII. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity roller conveyors not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous cargo. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock-absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletised units shall not exceed 4,000 lbs. plus 10 %. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
VII Separate loading shells with other than explosive "D".	Separate loading shell of all calibers, fuzed or unfuzed, except those loaded with explosive "D"; and loaded shell except those loaded with explosive "D", fuzed or unfuzed, not assembled to or packed with cartridge cases; fuzed cluster fragmentation bombs, rocket heads fuzed or unfuzed and less than 200 lbs. gross weight, anti-tank mines, packed with fuzes in same container or box. Includes but is not limited to: Anti-tank mines, packed with fuzes in same container or box. Cluster, fragmentation bomb (with individual bombs fuzed but without cluster fuzed). High explosive anti-tank shell. High explosive shell. Rocket heads fuzed or unfuzed and under 200 lbs. not assembled to or shipped with rocket motors. Wafers of fragmentation bombs (with individual bombs fuzed). NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fuzed shell with false ogives will be crated. Point fuzed shell without false ogives will have grommets and eyebolt lifting plugs. Base fuzed shell with relatively fragile parts such as false ogives, steel caps, and windshields will be crated. Base fuzed shells without false ogives will not be crated but will have grommets to protect rotating bands.	"Explosive bomb" "Explosive mine" "Explosive projectile".		The principal hazard in transportation will be involvement in fire from sources other than the ammunition itself. Shells or bombs in this class may explode progressively but very likely en masse. Most missiles will fall within 1,800 feet and detonation will result in severe structural damage increasing in severity and range in relation to the amount of high explosives involved.	*Ammunition stowage* This ammunition boxed, unboxed, or palletized units thereof, may be overstowed. Care must be taken not to damage rotating bands of unboxed shells. This class of ammunition when unfuzed and no fuzes packed in container may be stowed with Class X-A. For stowage adjacent to other dangerous articles see §146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles (shells) shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet. 6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Shell tongs or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 9. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pipeplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single shells weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
VIII AT mine fuzes (chemical), etc. Blasting caps. Detonators.	Blasting caps of all types; detonators; grenade fuzes, detonating type; fuzes, anti-tank mine (chemical). Includes but is not limited to: Blasting caps. Blasting caps with safety fuze. Destructor, explosive, M10 and MK2 Mod O. Detonating grenade fuzes. Detonators, all types. Detonators, torpedo. Electric blasting caps. Fuzes, AT mine (chemical). Percussion elements (Army). Primers, electric. Priming assembly for demolition outfit MK104.	"Blasting caps" "Blasting caps with safety fuze." "Boosters (explosive)". "Detonating fuzes, Class A". "Electric blasting caps". "Precussion caps" "Percussion fuzes" "Time fuzes"	(*) (*) A A (*) C C C *Class A (more than 1000). Class C (1000 or less).	The two primary hazards in the transportation of these devices are shock and involvement in fire. A collateral hazard is the effect of the detonating of these articles upon other explosives or ammunition stowed in proximity to such articles. All of this class ammunition in a unit stowage may explode at one time, but as the total amount of explosives involved is limited structural damage would not tend to be great. Light missiles having limited range would be formed.	*Magazine stowage "A", special stowage, or portable magazine, which may be stowed in a hold or on deck.* The location of magazines is restricted to a hold or compartment in which no other explosives or ammunition (except Classes I, III, and VI) are stowed. Shall not be stowed within 8 feet of the vessel's side. This class of ammunition shall not be overstowed with any other cargo. For detail of stowage see § 146.29-93. For stowage with other dangerous articles see § 146.29-59.	Ammunition of Class VIII constitutes a distinct class of ammunition when not assembled in projectiles, bombs, or other ammunition. These types of ammunition are loaded with explosives that are sensitive to shock. The handling and stowage provisions of these regulations give consideration to the probable effect accidental detonation of these devices may have upon other ammunition or explosives stowed within the vessel. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity roller conveyors are not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous articles. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 1,000 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 2,400 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. **13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 2,400 lbs. plus 10%.** **14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.**

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IX-A	Black powder in bulk, ballistite for small-arms, smoke-	"Black powder"	A	Group IX-A explosives con-	*Magazine storage "A"*	1. Handle by hand or mechanical means.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IX-A Explosives in bulk such as: Black powder. Smokeless powder for small-arms, etc.	Black powder in bulk, ballistite for small-arms, smokeless powder for small-arms, black blasting powder, flash powder and powder having similar hazard characteristics to those named: Includes but is not limited to: Ballistite for small-arms. Black blasting powder. Black fuze powder. Black pellet powder. Black powder. Black powder and magnesium mixtures. Black powder, unglazed. Black rifle powder. Black shell powder. Bull's eye powder #2. Cannon powder. Charges, Lyle gun. Charges, saluting. Charges, spotting, black powder, M1A1, M3, M4. Depth charge impulse charges. E. C. blank fire powder. Empty powder bags with black powder igniters. FF black powder. Firecracker, M80. FFFG black powder. Flash cartridges over 72 grains. Flash powder sheets inner unit over 2 ounces. Flash reducer (black powder with potassium sulfate). Flash sheets in bulk. Flashlight powder in bulk. High vel #65. Igniter pads. IMR #1185. IMR #4166. IMR #4676. Low blasting explosives. Pistol powder #5. Pyrotechnic mixture, in excess of 72 grains. Rifle powder. Simulator: Boobytrap, flash, illuminating, whistling, in excess of 72 grains. Boobytrap, whistling, M114. Gunflash, M110. Projectile, air burst. Projectile, ground burst M115. Smoke puff charge. Smokeless powder for small-arms. Sodium nitrate black powder. Spherehexagonal black powder. Sporting powder. Sulfurless black powder. Torpedo impulse charges.	"Black powder" "Empty powder bags with black powder igniters." "High explosives" "Low explosives". "Propellant explosives, Class A". "Propellant explosives, Class B".	A C A A A B	Group IX-A explosives constitute a group having relatively similar hazard characteristics which principally consists of being very susceptible to ignition by spark or friction. They burn with explosive violence and under even slight confinement are likely to explode en masse. They are adversely affected by high temperature. Powder dust is especially hazardous.	*Magazine storage "A"* When Class I ammunition is stowed in the same hold or magazine with this Class the two stowages must be separated by a partition bulkhead or type "A" dunnage floor. Shall not be overstowed with any other kind of cargo. For stowage with other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyor not authorized. 8. Drums and kegs shall be stowed on end with bungs up. Metal cans shall be stowed with filling openings up. Packages or containers shall be stowed in the position indicated by their markings. 9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 10. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 11. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IX-B						
High explosives such as: Demolition blocks, etc. Dynamite. TNT.	High explosives in bulk, items of high explosive such as shaped charges for demolition or other purposes, and powder in bulk, possessing the characteristics of being likely to detonate en masse. Includes but is not limited to: Amatex. Amatol. Ammonite. Ammonium picrate. Ammonol. Anchor charges. Aqueous snakes. A. S. A. pellets. Atlas amodyn. Balls of cellulose nitrate. Baranol. Beehive charges. Blasting gelatin. British beehive. C. E. pellet. Charge, demolition, block. Charge, demolition, chain. Chlorate explosives, dry. Chlorate propellants. Clams, M3. Composition "A," etc. Composition "B," "B2," etc. Composition "C," "C2," etc. Cratering charges. Cyclonite, RDX. Cyclotol. Demolition blocks. Depth bomb explosives. Dinitrotoluene. (DNT) Dynamite. Ednatol. Explosive "D." (Ammonium picrate.) Explosive gelatin. 808 plastic. Gelatin dynamite. Gelignite. General wade. Grenite. Guncotton. HBX. Haleite. Hayrick charges. Hercomite. Heogen. Limpet. Minol. Negative cotton. Nitrocellulose, dry. Nitroguanidine, dry. Nitrostarch, dry. Nitrourea. Nobel's ammonal (704B). Nobel's explosives (808). PEP 1, 2, and 3. Pentolite. Picrates, dry. Picric acid, dry or wet. Plastic explosives. PTX, 1 and 2. RDX. Reddy Fox. Seachest demolition blocks. Shaped charges. Shellite. Snake demolition explosive charges. Supplementary charges. Tetryl. Tetrytol. TNT. TNX. Torpex.	"High explosives"...	A	High explosives in bulk, and demolition blocks have relatively similar hazard characteristics. They may be considered stable in stowage. Can be ignited by spark or friction and detonated by shock. When ignited will burn vigorously. Bulk shipments in amounts likely to be found on board vessels would, if ignited be very likely to detonate.	*Ammunition stowage* Shall not be stowed in the same hold or compartment with other permitted ammunition, or explosives, unless the two are separated by a partition bulkhead or a Type "A" dunnage floor. Shall not be overstowed with any other kind of cargo. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier. Military dynamite when transported on a commercial vessel simultaneously with commercial dynamite, and no other military explosives are on board, shall be shipped under those requirements set forth for the shipment of commercial dynamite.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble or walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up loose powder. 7. Remove damaged containers and residue of powder to a safe location. 8. Gravity roller conveyors not authorized. 9. Packages or containers shall be stowed in the position indicated by their markings. 10. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 11. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 12. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 14. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 15. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IX-B—Con. High explosives such as: Demolition blocks, etc. Dynamite. TNT. Continued.	High explosives in bulk, etc.—Continued Includes but is not limited to: Tridite. Trilite. Trimonite. Trinitroaniline. Trinitrobenzene. Trinitrocresol. Trinitrophenylmethylnitramine. Trinitroresorcinol. Trinitronal. Trinitrotoluene. Trinitroxylene. Trinitroxylol. Triton blocks. Trojan powder. Urea nitrate, dry or wet.					
IX-C Initiating and priming explosives in bulk.	Initiating and priming explosives when shipped in bulk. Includes but is not limited to: Glazodnitrophenol (DDNP, DINOL). Guanyl-nitrosamino-guanilidene-hydrazine. Guanyl-nitrosamino-guanyl-tetrazene. Lead azide. Lead styphnate. Lead trinitroresorcinate. Mercury fulminate. Nitro mannite. Nitrosoguanidine. Pentaerythrite tetranitrate. PETN. Tetrazene. NOTE: Bulk priming or initiating explosives in dry condition are not permitted to be transported on board vessels.	"Initiating explosive"	A	Bulk initiating and priming explosives constitute a distinct class of explosives. They are extremely sensitive to shock. The only permitted packing for transportation in bulk consists of a sift proof cotton duck, rubber or rubberized cloth bag in a metal barrel or drum or wooden barrel or keg and wet with 20 to 40% of water or water alcohol mixture. Mercury fulminate and lead azide also have 3" of sawdust saturated with water between the bag and the outer container.	*Magazine stowage "A", special stowage or portable magazine stowage.* Shall not be stowed in the same magazine with other ammunition or explosives. When tiering containers of explosives of this class in a magazine, have each tier floored off with a type "A" dunnage floor. The location of a magazine is restricted to a hold or compartment in which no other military ammunition (except Class I) is stowed. Shall not be stowed within 8 feet of vessel's side. This class of ammunition shall not be overstowed with any other cargo. For stowage adjacent to other dangerous articles see §146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not roll barrels on their bilges. 5. Gravity roller conveyer not authorized. 6. Barrels or drums contain 20 to 40% water or water alcohol mixture. 7. Observe barrels, drums or containers for evidence of leakage or inability to retain contents and reject any showing such signs. 8. In event a container is damaged immediately stop operations and carefully remove damaged container to a safe location. 9. Drums and kegs shall be stowed on end with bungs up. Containers shall be stowed in the position indicated by their markings. 10. Trays with sideboards shall be used when handling by mechanical means. 11. Containers shall not be stacked on a tray to a height above its sideboards. 12. The maximum permitted weight per draft when handled by tray fitted with sideboards shall not exceed 1,000 lbs. plus 10%. 13. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-A Explosive bombs, mines, torpedoes, etc.	Bombs, bomb clusters, mines, depth charges, warheads (all unfuzed), rocket heads (fuzed or unfuzed and without motors 200 lbs. or more gross weight); projector charges (unfuzed and without motors) torpedo bangalore (unfuzed); and other unfuzed ammunition filled with relatively large amounts of HE; all possessing a similar hazard characteristic of en masse detonation. Includes but is not limited to: Activator—without detonator. Bombs: Armor-piercing. Demolition. Depth. Depth charge. Fragmentation. G. P. Photoflash. S. A. P. Shallow water depth. Boosters—without detonators. Boosters, adapter—without detonators. Burster—without detonator. Jato units, Class A. Jet thrust units (Jato), Class A. Mines: Aerial. Aircraft. Anti-personnel (unfuzed). Anti-personnel fragmentation (unfuzed). Anti-tank (unfuzed). Anti-tank non-metallic (unfuzed). Grenade. High explosive. Land. Projector charges. Rocket heads (fuzed or unfuzed and without motors 200 lbs. or more gross weight). Torpedo bangalore. Torpedo warheads.	"Booster (explosive)." "Burster (explosive)." "Explosive bombs" "Explosive mines" "Explosive projectiles." "Explosive torpedoes." "Jet thrust units (JATO) Class A."	A A A A A A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of their tendency to detonate en masse if involved in a fire or subjected to shock. Detonation will result in severe structural damage, increasing in severity and range in relation to the amount of high explosives involved. All high explosive loaded items in this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impacts, though not sufficiently severe to rupture them has occasionally resulted in partial or complete detonation, and such kind of ammunition is said to possess "container-dent sensitivity." A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact apparently causes instantaneous explosive action. But whatever may be the actual mechanics of this phenomenon, the kinds of impacts known to have caused explosion of these items include such impacts as dropping on or striking against a rounded corner, similar to a hatch coaming, impact of one bomb against another, or being struck by handling and transportation equipment In placing or removing dunnage, an accidental or misdirected blow from a sledge hammer, pinch bar or other hand tool may cause such explosions. The impact need not be violent. A short drop of only 2 feet caused a low order detonation of a depth bomb. Warheads, depth bombs, depth charges, Naval mines, and like items are in the "Container-dent sensitivity" category. All of the foregoing also apply in substantial effect to containers of this class of ammunition that are not thin walled.	*Ammunition stowage* Items in this class having thin container walls and said to possess "container-dent sensitivity" shall not be tiered one layer op top of another unless they are boxed crated or dunnaged in such a manner that they are properly protected to withstand the superimposed weight. Items having thin walls and possessing "container-dent sensitivity" may be overstowed only with very light cargo such as bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. Items of this class having thick walled containers may be tiered one layer on top of another provided they are so stowed, dunnaged, blocked and/or braced as to prevent movement that is likely to damage the ammunition, the vessel or other cargo. Shall not be overstowed with inert permitted cargo having lesser bearing surface or greater unit weight than any item stowed below. Class X-A items shall not be stowed in the same hold or compartment with permitted military explosives other than this class or Class X-B separated by a partition bulkhead or a type "A" dunnage floor. Except for wooden barrels or boxes and fiberboard containers, no flammable or combustible material as cargo shall be stowed in a hold or compartment in which this class of ammunition is stowed. When photoflash bombs are stowed with any other military explosive, including items of this class the two stowages must be separated by a partition bulkhead or a type "A" dunnage floor. For stowage adjacent to other dangerous articles see § 146.29 59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventer or save-all. 5. Bombs, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. 6. Unboxed or uncrated warheads, depth bombs, depth charges, or other thin walled items shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. Depth charges and rocket heads that are not boxed or crated shall be loaded by use of pallet, skipboard or tray fitted with cargo net or sideboards. 9. Bombs, except depth bombs, may be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 10. Depth bombs shall be loaded only by using pallet, skipboard, or tray fitted with cargo net or sideboards. (See § 146.29-39.) 11. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 12. Single slings made up in multiple assembly with spreader may be used in handling bombs that do not exceed 1,101 pounds each. Two-legged slings shall be used in handling bombs of more than 1,101 pounds each. *Table of Limiting Loads* (Applicable when handling bombs by sling method) Weight of individual bomb or cluster: — *Maximum units in one draft* 1 lb. to 250 lbs.[1] — 8 276 lbs. to 500 lbs.[1] — 6 551 lbs. to 1,000 lbs.[1] — 4 1,101 lbs. to 2,000 lbs.[1] — 2 Over 2,200 lbs. — 1 [1] A tolerance of 10% per unit is allowed. (For example, a bomb weighing 550 lbs. may be considered as coming within the 500 lb. group.) 13. Naval mines, uncrated and fitted with lifting eye shall be loaded by using wire rope and shackle. 14. Naval mines, uncrated and not fitted with lifting eye may be loaded by use of wire rope slings or trays fitted with sideboards. 15. The following items when boxed or crated shall be loaded by the use of pallet, skipboard or tray fitted with cargo net or sideboards, photoflash bombs, antitank mines, antipersonnel mines, naval mines, warheads, depth charges, torpedo bangalore, projector charges and rocket heads. 16. Warheads, crated in such a manner that the nose lifting ring is exposed may be loaded by means of said ring. 17. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pie-plate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 18. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 19. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 20. The limiting weights noted above are for a 5-ton boom. See § 1[illegible]29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-B Explosive bombs, mines, torpedoes, etc., packed with fuzes in integral package. (Fuzes will not detonate item with which packaged nor adjacent packages.)	Bombs, bomb clusters, mines, depth charges warheads (all unfuzed), projector charges (unfuzed and without motors), torpedo bangalore (unfuzed), and other unfuzed ammunition filled with relatively large amounts of HE; all possessing a similar hazard characteristic of en masse detonation. The fuze is packed integral with the item, but the fuze will not detonate the item with which packaged nor adjacent packages. Includes but is not limited to: Bombs: Armor-piercing. Demolition. Depth. Depth charge. Fragmentation. G. P. Photoflash. S. A. P. Shallow water depth. Mines: Aerial. Aircraft. Anti-personnel (unfuzed). Anti-personnel fragmentation (unfuzed). Anti-tank (unfuzed). Anti-tank non-metallic (unfuzed). Grenade. High explosive. Land. Projector charges. Torpedo bangalore. Torpedo warheads.	"Explosive bombs". "Explosive mines". "Explosive projectiles." "Explosive torpedoes."	A A A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of their tendency to detonate en masse if involved in a fire or subjected to shock. Detonation will result in severe structural damage, increasing in severity and range in relation to the amount of high explosives involved. All high explosive loaded items in this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impacts, though not sufficiently severe to rupture them has occasionally resulted in partial or complete detonation, and such kind of ammunition is said to possess "container-dent sensitivity." A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact apparently causes instantaneous explosive action. But whatever may be the actual mechanics of this phenomenon, the kinds of impacts known to have caused explosion of these items include such impacts as dropping on or striking against a rounded corner, similar to a hatch coaming, impact of one bomb against another, or being struck by handling and transportation equipment. In placing or removing dunnage, an accidental or misdirected blow from a sledge hammer, pinch bar or other hand tool may cause such explosions. The impact need not be violent. A short drop of only 2 feet caused a low order detonation of a depth bomb. Warheads, depth bombs, depth charges, Naval mines, and like items are in the "Container-dent sensitivity" category. All of the foregoing also apply in substantial effect to containers of this class of ammunition that are not thin walled.	*Ammunition stowage* Items in this class having thin container walls and said to possess "container-dent sensitivity" shall not be tiered one layer on top of another unless they are boxed, crated or dunnaged in such a manner that they are properly protected to withstand the superimposed weight. Items having thin walls and possessing "container-dent sensitivity" may be overstowed only with very light cargo such as bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. Items of this class having thick walled containers may be tiered one layer on top of another provided they are so stowed, dunnaged, blocked and/or braced as to prevent movement that is likely to damage the ammunition, the vessel or other cargo. Shall not be overstowed with inert permitted cargo having lesser bearing surface or greater unit weight than any item stowed below. Class X-B items shall not be stowed in the same hold or compartment with permitted military explosives other than this class or Class X-A unless the two are separated by a partition bulkhead or a type "A" dunnage floor. Except for wooden barrels or boxes and fiberboard containers no flammable or combustible material as cargo or containers of same shall be stowed in a hold in which this class of ammunition is stowed. When photoflash bombs are stowed with any other military explosive, including items of this class, the two stowages must be separated by a partition bulkhead or a type "A" dunnage floor. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventor or save-all. 5. Bombs, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surface or conveyors are relatively level and free from projections. 6. Unboxed or uncrated warheads, depth bombs, depth charges, or other thin walled items shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. Depth charges and rocket heads that are not boxed or crated shall be loaded by use of pallet, skipboard or tray fitted with cargo net or sideboards. 9. Bombs, except depth bombs, may be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 10. Depth bombs shall be loaded only by using pallet, skipboard, or tray fitted with cargo net or sideboards. (See § 146.29-39.) 11. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 12. Single slings made up in multiple assembly with spreader may be used in handling bombs that do not exceed 1,101 pounds each. Two legged slings shall be used in handling bombs of more than 1,101 pounds each. (See table of Limiting Loads, Class X-A). 13. Naval mines, uncrated and fitted with lifting eye shall be loaded by using wire rope and shackle. 14. Naval mines, uncrated and not fitted with lifting eye may be loaded by use of wire rope slings or trays fitted with sideboards. 15. The following items when boxed or crated shall be loaded by the use of pallet, skipboard or tray fitted with cargo net or sideboards; photoflash bombs, antitank mines, antipersonnel mines, naval mines, warheads, depth charges, torpedo bangalore, projector charges and rocket heads. 16. Warheads, crated in such a manner that the nose lifting ring is exposed may be loaded by means of said ring. 17. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 18. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 19. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 20. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-C Guided missiles, solid propellant motors, packed with HE warheads.	Completely assembled missiles or rockets with solid fuel motors.	"Rocket ammunition with explosive projectiles."	A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of (1) their tendency to detonate en masse if involved in a fire or subjected to shock, and (2) the combustibility and toxicity of the fuel if involved in a fire. All high explosive loaded items of this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impact, though not sufficiently severe to rupture them may result in a partial or complete detonation. A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact causes instantaneous explosive action. These kinds of impacts are, striking against a rounded corner similar to a hatch coaming, impact of one missile against another, or being struck by handling or transportation equipment. Toxicity by inhalation of fumes is increased when fuels are ignited as the intensity of poisonous fumes is increased. Care should be exercised to minimize the exposure of personnel to the toxic effects of these mixtures and to prevent damage to the container with resulting leakage or spillage.	Class X-C items shall not be stowed in the same hold or compartment with permitted military explosives other than this class or Classes IV-A, IV-B, and VII unless the two are separated by a partition bulkhead or a type "A" dunnage floor. Except for wooden boxes or barrels and fiberboard containers, no flammable or combustible material shall be stowed in a hold or compartment in which this class of ammunition is stowed. Shall not be overstowed with any other kind of cargo. May be stowed on deck protected, except on the square of a hatch. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventor or save-all. 5. Missiles, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. 6. Unboxed or uncrated missiles shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. May be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 9. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 10. Single slings made up in multiple assembly with spreader may be used in handling missiles that do not exceed 1,101 pounds each. Two legged slings shall be used in handling missiles of more than 1,101 pounds each. (See table of Limiting Loads, Class X-A). 11. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-D Guided missiles, liquid propellant motors, packed with HE warheads.	Completely assembled missiles or rockets with liquid fuel motors.	"Rocket ammunition with explosive projectiles."	A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of (1) their tendency to detonate en masse if involved in a fire or subjected to shock, and (2) the combustibility and toxicity of the fuel if involved in a fire. All high explosive loaded items of this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impact, though not sufficiently severe to rupture them may result in a partial or complete detonation. A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact causes instantaneous explosive action. These kinds of impacts are, striking against a rounded corner, similar to a hatch coaming, impact of one missile against another, or being struck by handling or transportation equipment. Toxicity by inhalation of fumes is increased when fuels are ignited as the intensity of poisonous fumes is increased. Care should be exercised to minimize the exposure of personnel to the toxic effects of these mixtures and to prevent damage to the container with resulting leakage or spillage.	Class X-D items shall not be stowed in the same hold or compartment with other military explosives, other dangerous cargo, or regulated items. Shall be stowed only in a lower hold, or "On deck protected," not on the square of a hatch. Shall not be overstowed. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier. Must be stowed so that superstructure intervenes between it and other items that require "On deck" stowage. Preferred "On deck" stowage is aft.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventor or save-all. 5. Missiles, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. 6. Unboxed or uncrated missiles shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. May be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 9. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 10. Single slings made up in multiple assembly with spreader may be used in handling missiles that do not exceed 1,101 pounds each. Two legged slings shall be used in handling missiles of more than 1,101 pounds each. (See table of Limiting Loads, Class X-A). 11. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-E Guided missiles, with liquid auxiliary power units, solid propellant motors, with HE warheads.	Completely assembled missiles or rockets with solid propellant motors and liquid auxiliary power units.	"Rocket ammunition with explosive projectiles."	A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of (1) their tendency to detonate en masse if involved in a fire or subjected to shock, and (2) the combustibility and toxicity of the fuel if involved in a fire. All high explosive loaded items of this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impact, though not sufficiently severe to rupture them may result in a partial or complete detonation. A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact causes instantaneous explosive action. These kinds of impacts are, striking against a rounded corner similar to a hatch coaming, impact of one missile against another, or being struck by handling or transportation equipment. Toxicity by inhalation of fumes is increased when fuels are ignited as the intensity of poisonous fumes is increased. Care should be exercised to minimize the exposure of personnel to the toxic effects of these mixtures and to prevent damage to the container with resulting leakage or spillage.	Shall be stowed "On deck protected" only, not on square of hatch. Shall not be overstowed with any kind of cargo. Shall not be loaded at an ammunition loading pier. Must be stowed so that superstructure intervenes between it and other items that require "On deck" stowage. Preferred "On deck" stowage is aft.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, shipboard, or tray, or as a preventor or save-all. 5. Missiles, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. 6. Unboxed or uncrated missiles shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. May be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 9. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 10. Single slings made up in multiple assembly with spreader may be used in handling missiles that do not exceed 1,101 pounds each. Two legged slings shall be used in handling missiles of more than 1,101 pounds each. (See table of Limiting Loads, Class X-A). 11. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
XI-A Chemical ammunition, lethal.	Chemical ammunition filled with lethal gases such as mustard gas (H), lewisite gas (L), nerve gas (GB), BW agents, phosgene gas (CG), hydrocyanic acid (AC), nitrogen mustard gas (HN), diphosgene (DP), chlorpicrin gas (PS), cyanogen chloride (CK) when shipped assembled with or without their ignition elements, bursting charges or fuzes. When these substances are shipped in drums, barrels, cylinders or other authorized containers they shall be classified Class A, Poison Gas. When these substances are shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including shells, bombs and rockets without ignition elements, bursting charges or fuzes) they may be handled and stowed either as Class A poison gas or chemical ammunition Class XI-A. Includes but is not limited to the following items when filled with any of the above agents: Ammunition for guns with gas projectile (shell). Bombs, chemical. Bombs, clusters, chemical. Frangible grenade. Hand grenade. Howitzer shell. Land mine. Livens projector shell. Mortar shell. Rockets, chemical. Separate loading projectile. NOTE: The U. S. Army Chemical Corps or U. S. Navy, when shipping chemical ammunition, mark such ammunition and the containers thereof, in general, as follows: (a) By the use of color bands painted upon the ammunition the containers thereof; by letter symbol to indicate the particular kind of chemical therein and the word "Gas" stenciled upon the ammunition of the containers thereof. (b) Persistent gases are marked with two (2) green bands. Nonpersistent gases with one (1) green band. (c) The word "Gas" will be stenciled upon shells and upon the outside container of shells, grenades, bombs, candles, etc., the stenciling to be of the same color as the designating band. (d) The bodies of all ammunition containing gas will be painted gray.	"Ammunition for cannon with gas projectile."	A	This type of ammunition or bulk shipments of these substances in containers other than ammunition, represents a particular and special hazard. Minute quantities of either liquid or vapor can cause serious burns and death. The liquid or vapor will contaminate everything with which it comes in contact, cause serious and painful burns to exposed portions of the body and the eyes, and attack the respiratory system usually with fatal results. Nerve gas is highly toxic, quick acting nerve poison. It can be absorbed through any body surface including the respiratory tract, skin, eyes, and gastro-intestinal tract. The rapidity of action of nerve gas and absence of identifying symptoms may incapacitate a person so rapidly that he may be unable to take individual protective measures.	*Chemical ammunition stowage, special stowage, or portable magazine* Bulk shipments of chemical agents in ICC cylinders, tanks or Chemical Corps specification containers of integrity equal to ICC containers may be stowed in a shelter deck space or in a deck house suitable for such stowage. Chemical ammunition (explosive) shall be stowed in a deep tank, lower hold or between deck, and such stowage shall be effectively sealed off to prevent the escape of any leakage which may take place. (See § 146.29-85.) Drums or other authorized ICC or Chemical Corps specification containers filled with Class A poison gas may be stowed in the same hold or compartment with chemical ammunition Class XI-A. For stowage adjacent to other dangerous articles see § 146.29-59. May be loaded at a temporary location authorized by the Captain of the Port for the specific loading. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	When possible and the amount of such ammunition or containers of these chemical substances warrants, the loading and stowage of chemical ammunition or chemical agents for such should be supervised by a representative of the appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. 6. Packages or containers shall be stowed in the position indicated by their markings. When not so marked, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered. 7. No packages shall be "cant" stowed. 8. Dunnage shall be applied to the sides, ends and tops of the boxes before bracing is applied. 9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 10. Cargo nets without trays, skipboards, pallets or pieplates are not permitted. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with this class of chemical warfare material. 12. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Single bombs or other unit containers weighing in excess of 2,200 lbs. must be loaded or unloaded one at a time. 14. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 15. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 16. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
		"Explosive bomb"	A			
		"Explosive projectile."	A			
		"Explosive mine"	A			
		"Hand grenade"	A			
		"Rifle grenade"	A			
		"Rocket ammunition with gas projectile."	A			
		Shipping name of item when shipped as Class A poison.	Pois. A			

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
XI-B Chemical ammunition, nonlethal.	Chemical ammunition filled with non-lethal gases such as Chloracetophenone gas (CN), Chloracetophenone solution (CNB) or (CNS), Brombenzylcyanide (BBC) and Adamsite (DM) when shipped assembled with or without their ignition elements, bursting charges or fuzes. When these substances are shipped in drums, barrels, cylinders or other authorized containers, they shall be classified as tear gasses or irritating substances, Class C—poisons. When these substances are shipped in authorized ICC specification containers or Chemical Corps containers of integrity equal to ICC containers (including shells, bombs and rockets, without ignition elements, bursting charges or fuzes) they may be handled and stowed either as Class C—poisons or as chemical ammunition Class XI-B. Includes but is not limited to the following items when filled with any of the above agents: Ammunition for cannon with gas projectile (shell). Bombs, aircraft. Bombs, aircraft cluster. CN capsules. Gas identification sets. Grenades, hand. Grenades, frangible, hand. Grenades, rifle. Rockets. Shell, Livens projector. Shell, mortar. Tear gas candles. Tear gas pots. NOTE: The U. S. Army and Navy when shipping harassing gas ammunition, mark such ammunition and the containers thereof with the word "gas" and Chemical Corps symbol of the gas with one red band.	"Ammunition for cannon with gas projectile." "Explosive bomb" "Explosive projectile." "Hand grenade" "Rifle grenade" "Tear gas candle" "Tear gas grenade" "Rocket ammunition with gas projectile." Shipping name of item when shipped as Class C poison.	A A A A A Pois. C Pois. C A Pois. C	Fire and intolerable vapors. The fire hazard of some of these items is similar to that of smokeless powder. The vapors are rarely lethal as concentrations far below the lethal range are intolerable. Gas mask provides complete protection.	*Chemical ammunition stowage, special stowage, or portable magazine* It is important to stow in locations not subject to temperatures above 100° F. Stowage shall be accessible from cargo hatch or other access means to the hold or compartment. Drums or other authorized ICC or Chemical Corps specification containers filled with Class C poison gas may be stowed in the same hold or compartment with chemical ammunition, Class XI-B. For stowage adjacent to other dangerous articles see § 146.29-59. May be loaded at a temporary location authorized by the Captain of the Port for the specific loading. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	When possible and the amount of such ammunition or containers of these chemical substances warrants, the loading and stowage of chemical ammunition or chemical agents for such should be supervised by a representative of the appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. 6. Packages or containers shall be stowed in the position indicated by their markings. When not so marked, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered. 7. No packages shall be "cant" stowed. 8. Dunnage shall be applied to the sides, ends and tops of the boxes before bracing is applied. 9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 10. Cargo nets without trays, skipboards, pallets or pieplates are not permitted. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with this class of chemical warfare material. 12. The maximum permitted weight per draft when handled by tray, skipboard, pallet or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Single bombs or other unit containers weighing in excess of 2,200 lbs. must be loaded or unloaded one at a time. 14. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 15. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 16. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
XI-O Fuels in containers for guided missiles and rockets.	Missile fuels are usually non-corrosive, highly combustible mixtures, shipped in drums of aluminum or glass containers, used as fuels for guided missiles or rockets. Includes but is not limited to: Acetonitrile (methyl cyanide). Aluminum borohydride. Anhydrous ammonia. Aniline. Diborane. Diethylene triamine. Diethylene glycol dinitrate, liquid. Dimethyl hydrazine, unsymmetrical. Ethyl alcohol. Furfuryl alcohol. Gasoline (AVGAS). Heptane. Hydrazine. Hydrazine hydrate. Kerosene. Liquid fluorine. Liquid hydrogen. Methyl alcohol. Monoethylaniline. Nitroglycerine, liquid. Nitromethane. Octane. Pentaborane. Pentane. Potassium cuprocyanide. Tetranitromethane.	Shipping name of item.	F. G. F. L. F. S. Oxy. M. Nonf. G. Pois. B	The principal hazard is its involvement in a fire since all of the fuels are highly combustible and toxic and under certain conditions will explode. Aniline-furfuryl alcohol mixtures are toxic through inhalation of the fumes or vapors, ingestion, and absorption through the skin. Toxicity by inhalation of fumes is increased when fuels are ignited as the intensity of poisonous fumes is increased. Care should be exercised to minimize the exposure of personnel to the toxic effects of these mixtures and to prevent damage to the containers with resulting leakage or spillage.	This class will *not* be stowed with any corrosive liquid (acids, etc.), oxidizing agents, or explosives. For stowage adjacent to other dangerous articles see § 146.29-59. May be stowed "On deck" and protected from direct rays of the sun and inclement weather, or may be stowed in a deep tank and such stowage shall be effectively sealed off to prevent the escape of any leakage which may take place. Pertinent parts of § 146.29-85 apply. Compatibility of items within this class shall be in accordance with § 146.29-99, Chart B. Must be stowed so that superstructure intervenes between it and other items that require "On deck" stowage. This requirement also applies to non-compatible items within this class. Preferred "On deck" stowage is aft. Drums may be tiered 2-high by use of metal dunnage of aluminum.	When possible, and the amount of substance warrants, the loading and stowage of fuels should be supervised by a representative of the appropriate Army technical service (Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means using extreme care against damage to the container resulting in leakage or spillage. 2. Do not drop, drag, tumble, walk or otherwise subject packages or drums to shock. Drums will *not* be rolled. 3. Packages shall be stowed in the position indicated by their markings; drums and kegs shall be stowed on end with bung holes up. 4. Do not use chute in loading or unloading. 5. Observe packages or drums for leakage or spillage and for odor of aniline or alcohol in the case of aniline-furfuryl alcohol shipments. If no odor is present and no evidence of leakage is present, the shipment is assumed to be in safe working condition and the cargo can be handled by personnel wearing the usual type of leather gloves and safety shoes. No other type of protective clothing will be required; however, in this operation as well as all other operations involving aniline-furfuryl alcohol mixtures, treadle type of deluge shower and a container of approximately 5% solution of acetic acid or strong vinegar must be available. 6. In the event of damage to a container resulting in leakage or spillage, stop operations, clear area of all personnel, render first-aid to personnel affected and spray copious amount of water on area affected. Decontamination must be handled with a minimum delay by personnel trained in this procedure and equipped with protective clothing and self-contained breathing apparatus. 7. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 8. Cargo nets without trays, skipboards, pallets or pieplates are not permitted. 9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 10. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
XI-D Oxidizers in containers for guided missiles and rockets.	Oxidizers for use with guided missiles and rockets are non-flammable liquids; however, they are strong oxidizers and if allowed to come in contact with readily organic materials or metallic powders, may cause spontaneous combustion. They are highly toxic producing poisonous vapors and fumes and capable of producing severe burns or death if improperly handled. Fuming nitric acid vigorously attacks most metals, particularly iron and steel. Includes but is not limited to: Compressed gas, oxygen. Hydrogen peroxide. Liquid nitrogen tetroxide. Liquid oxygen. Mixed acid (nitric-sulfuric). Red nitric acid, fuming. White nitric acid, fuming.	Shipping name of item.	Cor. L. Nonf. G. Oxy. M.	The principal hazards arise from the combustibility of organic materials when in contact with acids and the toxicity of fumes and vapors produced. The oxides of nitrogen, referred to as "nitrous fumes" if inhaled in appreciable quantities, may cause severe damage to respiratory and pulmonary tissues and, under certain conditions, may result in death. Color of the fumes is *not* an index to their toxicity. *All* nitric acid fumes are dangerous. Contact with the skin results in severe burns and may result in permanent scars or deformity. Contact with the eyes may cause blindness. Red Fuming Nitric Acid (RFNA) is not flammable in itself and cannot be detonated, but the combustibility of all organic material is greatly increased in contact with this acid. This acid is very hygroscopic (completely soluble), and its introduction *INTO* water will cause rapid evolution of heat with spattering of the acid. RFNA vigorously attacks most metals, particularly iron and steel. Nitric acid will react with salt water to liberate chlorine and other poisonous gases. Winterized water fire extinguishers containing salt as a freezing point depressant, should not be used to fight fires involving nitric acid. The use of large quantities of water, as a spray rather than a stream, to dilute the acid and extinguish the fire, is effective. Fire extinguishers of a suitable type should be provided wherever this acid is handled or stowed.	This class will *not* be stowed with any inflammable liquid fuels, metallic powders, or explosives. For stowage adjacent to other dangerous articles see § 146.29-59. May be stowed "On deck" and protected from direct rays of the sun and inclement weather, or may be stowed in a deep tank and such stowage shall be effectively sealed off to prevent the escape of any leakage which may take place. Pertinent parts of § 146.29-85 apply. Compatibility of items within this class shall be in accordance with § 146.29-99, Chart B. Must be stowed so that superstructure intervenes between it and other items that require "On deck" stowage. This requirement also applies to non-compatible items within this class. Preferred "On deck" stowage is aft. Drums may be tiered 2-high by use of metal dunnage of aluminum.	When possible, and the amount of substance warrants, the loading and stowage of oxidizers and acids should be supervised by a representative of the appropriate Army technical service (Chemical Corps or Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means using extreme care against damage to the container resulting in leakage or spillage. 2. Do not drop, drag, tumble, walk, or otherwise subject packages or drums to shock. Drums will not be rolled. 3. Packages shall be stowed in the position indicated by their markings; drums and kegs shall be stowed on end with bung holes up. 4. Do not use chute in loading or unloading. 5. Visually inspect packages or drums for evidence of spillage or leakage and for odor of nitrous dioxide fumes in the case of fuming nitric acid shipments. If no odor is detected and no fumes are visible, the shipment is assumed to be in safe working condition and the cargo can be handled by personnel wearing gloves and aprons of acid-resistant material, safety shoes and eye goggles. No other type of protective clothing will be required; however, two complete sets of acid-resistant protective clothing, including a self-contained breathing apparatus, of an approved type, must always be immediately available for emergency use. In this operation, as well as all other operations involving fuming nitric acid, treadle type of deluge showers and a container of approximately 5% solution of acetic acid or strong vinegar must be available. 6. In the event of damage to a container resulting in leakage, spillage or fumes, stop operations, clear area of all personnel, render first-aid to personnel affected and spray copious amount of water on area affected. Decontamination must be handled with a minimum delay by personnel trained in this procedure and equipped with approved type of protective clothing and self-contained breathing apparatus. Damaged containers will be removed only by such personnel. 7. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays fitted with fixed or removable sides are authorized. 8. Cargo nets without trays, skipboards, pallets or pieplates are not permitted. 9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 10. The maximum permitted weight per draft, when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

SHIPS' STORES AND SUPPLIES OF A DANGEROUS NATURE

1. Section 147.05-100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is amended as follows:

(a) Delete the item "Liquefied petroleum gas—non-liquefied petroleum gas" in column 1 and all text pertaining thereto in columns 2 through 7 (including footnote 1 referred to in columns 4 through 7).

2. Section 147.05-100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is further amended as follows:

boom. See § 146.29-41.

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

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2. Section 147.05–100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is further amended as follows:

§ 147.05–100 *Table S—Classification: Ships' stores and supplies of a dangerous nature*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Fuel for heating, cooking, lighting. Alcohol, solid or fluid		No label required	Alcohol, solid or fluid, permitted. Containers of solidified alcohol shall be properly secured on a fixed base. Fluid alcohol burners where wet priming is used shall have catch pan not less than ¾" deep secured inside the frame of the stove or the metal protection under the stove flanged up ¾" to form a pan.	Alcohol, solid or fluid, permitted Containers of solidified alcohol shall be properly secured on a fixed base. Fluid alcohol burners where wet priming is used shall have a catch pan not less than ¾" deep secured inside the frame of the stove or the metal protection under the stove flanged up ¾" to form a pan.	Alcohol, solid, permitted Alcohol, fluid, not permitted Containers of solidified alcohol shall be properly secured on a fixed base.	Alcohol, solid, permitted. Alcohol, fluid, not permitted. Containers of solidified alcohol shall be properly secured on a fixed base.
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Hydrogen	*Inflammable gas.* *Inflammable and explosive with about 4% to 75% in air.* *Excessive quantities in an enclosed space may cause suffocation.* *Lighter than air.*	Red gas	Cylinders shall conform to ICC requirements and shall be fitted with a valve protection cap. Stowage: "On deck", protected from damage and the direct rays of the sun by a strong well-ventilated cage. Not more than 3 cylinders of hydrogen shall be carried as ships' stores and supplies.	Cylinders shall conform to ICC requirements and shall be fitted with a valve protection cap. Stowage: "On deck", protected from damage and the direct rays of the sun by a strong well-ventilated cage. Not more than 3 cylinders of hydrogen shall be carried as ships' stores and supplies.	Not permitted	Not permitted.
Liquefied or non-liquefied petroleum gas.	*Inflammable gas* *Components include propane, propylene, butane, butylene, and butadiene.* *Vapors from most petroleum gases are heavier than air and will form an explosive mixture with air over varying ranges.*	Red gas	Cylinders shall conform to ICC requirements and shall be fitted with a valve protection cap. Stowage: "On deck", protected from damage and the direct rays of the sun by a strong well-ventilated cage. Not more than 3 cylinders of liquefied or non-liquefied petroleum gas shall be carried as ships' stores and supplies.	Cylinders shall conform to ICC requirements and shall be fitted with a valve protection cap. Stowage: "On deck", protected from damage and the direct rays of the sun by a strong well-ventilated cage. Not more than 3 cylinders of liquefied or non-liquefied petroleum gas shall be carried as ships' stores and supplies.	Not permitted	Not permitted.
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Oxygen	Cylinders shall conform to ICC requirements and shall be fitted with a valve protection cap. *Oxygen is a strong supporter of combustion and greatly accelerates fire.* *Oxygen under pressure may cause grease, oil and other readily combustible and finely divided substances to ignite.* *Colorless, odorless and tasteless.* *Slightly heavier than air.* *Oil or other lubricants shall not be used on a valve or other fitting connecting to cylinders.*	Green gas	Stowage: In a cool ventilated location selected and supervised by the chief engineer with the knowledge and approval of the master. (Protected from temperatures exceeding 100° F.) Stow upright, secured in a rack, with valveprotection cap in place on cylinder. Cylinders shall be stowed in rack at all times, except when actually in use. Quantity limitations: Cargo vessels shall not have on board as ships' stores more than 3,000 cu. ft. of oxygen at any time.	Stowage: In a cool ventilated location selected and supervised by the chief engineer with the knowledge and approval of the master. (Protected from temperatures exceeding 100° F.) Stow upright, secured in a rack, with valve protection cap in place on cylinder. Cylinders shall be stowed in rack at all times, except when actually in use. Quantity limitations: Passenger vessels navigating inland or coastwise waters shall not have on board as ships' stores more than 1,500 cu. ft. of oxygen at any time. Passenger vessels going foreign or intercoastal shall not have on board more than 3,000 cu. ft. of oxygen at any time.	Not permitted	Stowage: In a cool ventilated location selected and supervised by the chief engineer with the knowledge and approval of the master. (Protected from temperatures exceeding 100° F.) Stow upright, secured in a rack, with valve protection cap in place on cylinder. Quantity limitations: R. R. car ferries shall not have on board as ships' stores more than 1,500 cu. ft. of oxygen at any time.
* * *	* * *	* * *	* * *	* * *	* * *	* * *

Subchapter T—Small Passenger Vessels (Not More Than 65 Feet in Length)

PART 175—GENERAL PROVISIONS

SUBPART 175.05—APPLICATION

Section 175.05–1 (a) is amended by revising Table 175.05–1 (a) to read as follows:

§ 175.05–1 *Vessels subject to the requirements of this subchapter.* (a) * * *

TABLE 175.05–1 (a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2 3 4] or Subchapter T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subj sions of Su Uninspected
Column 1	Column 2	Column 3	Column 4	Column 5	Colum
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels covered by and 5.[8]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All vessels covered by and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels covered by and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels covered by and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None, except if required by 46 CFR Part 146.[5]	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[5]	All barges gers except t by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges and inland barges when required by 46 CFR Part 146,[5] except those covered by columns 3 and 4.	All barges gers except t by column 4.

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[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), shall be and certificated as a condition precedent to being permitted to carry such when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of national Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May (sec. 1, 70 Stat. 151; 46 U. S. C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet

[9] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and laneous Vessels) of this chapter, where the principal purpose or use of the not for the carriage of liquid cargo, may be granted a permit to carry a limited of inflammable or combustible liquid cargo in bulk. The portion of the vessel the carriage of the inflammable or combustible liquid cargo shall meet the ments of Subchapter D (Tank Vessels) in addition to the requirements of H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chap

(Sec. 3, 70 Stat. 152, 153; 46 U. S. C. 390b)

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Acting Commanda

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